

**PLANNING AND ZONING COMMISSION
AGENDA
TUESDAY, JANUARY 14, 2020
7:00 P.M.**

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. APPROVAL OF MINUTES**
 - 1. Planning & Zoning Meeting – November 26, 2019**
- 4. PUBLIC HEARINGS:**
 - 1. PZ2019-15: A Public Hearing to consider an application for a Final Plat for property generally located at 2050 Highway N. The applicant is proposing to divide an approximate 23 acre tract into two parcels: Lot 1, approximately 6.02 acres and Lot 2 approximately 16.94 acres. The property is currently zoned R-1B, Single Family Residential. Boo Investments, LLC, applicant**
- 5. PUBLIC PARTICIPATION-SPEAKER CARDS**
- 6. NEW BUSINESS:**
 - 1. PZ2019-15: Consideration of the Final Plat generally located at 2050 Highway N. Boo Investments, LLC, applicant**
- 7. OLD BUSINESS:**
- 8. COMMITTEE REPORTS:**
 - 1. BOARD OF ALDERMEN**
 - 2. BOARD OF ADJUSTMENT**

9. OTHER BUSINESS:

10. ADJOURNMENT

This Meeting is Open To The Public

Note: The Planning and Zoning Commission will consider and act upon these matters listed above and any such others as may be presented at the meeting and determined appropriate for discussion at that time.

**CITY OF PACIFIC
RECORD OF PROCEEDINGS**

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
AT THE PACIFIC CITY HALL, 300 HOVEN DRIVE
NOVEMBER 26, 2019**

The Planning and Zoning Commission Meeting was called to order by Chairman Bruns at 7:00 P.M. on November 26, 2019, at Pacific City Hall, 300 Hoven Drive, Pacific, Missouri.

The roll call was taken with the following results:

PRESENT

Chairman Bruns
Alderman Rahn
Commissioner Chlebowski
Commissioner Graham
Commissioner Eversmeyer
Commissioner Brocato

ABSENT

Commissioner Miles
Commissioner Koelling
Commissioner Bates

Mayor Steve Myers and Kim Barfield were also in attendance.

APPROVAL OF MINUTES

A. Planning & Zoning Meeting – October 22, 2019

A motion was made by Commissioner Eversmeyer and seconded by Commissioner Chlebowski to approve the minutes. A voice vote was taken and the motion was approved 6-0.

Kim Barfield stated to the Commission they needed to elect a new vice chairman due to Jim Smith no longer being on the Commission. Commissioner Brocato nominated Commissioner Eversmeyer and it was seconded by Commissioner Chlebowski. A voice vote was taken and the nomination was approved 6-0. Due to Commissioner Eversmeyer being the secretary prior to this, there needs to be a nomination now for a new secretary. Alderman Rahn nominated Commissioner Chlebowski and it was seconded by Commissioner Graham. A voice vote was taken and the nomination was approved 6-0.

PUBLIC HEARINGS:

1. PZ2019-14: A Public Hearing to consider an application for a Conditional Use Permit

For 415 W. St. Louis Street. The applicant is proposing to operate an “AirBnB” vacation rental at this location, which is currently zoned R-1A, Single Family Residential. Trudy Nickelson, applicant.

Chairman Bruns recused herself from this matter and turned the meeting over to Commissioner Eversmeyer. Commissioner Eversmeyer read the public notice into record and opened the public hearing. He also asked if it was posted and was told yes it had been posted. Mayor Myers presented the staff report for Administrator Roth. He stated the staff recommends approval with the conditions set forth in the staff report. Trudy Nickelson, the applicant, was present and stated there will be an Open House on Sunday, December 1 from 11 a.m. to 4 p.m. She stated everyone is welcome. It was also stated the Fire Department would also have to do an inspection as they set the number for the occupancy load. There being no further comments or questions, the public hearing was closed.

SPEAKER CARDS

None

NEW BUSINESS:

- 1. PZ2019-14: Consideration of the Conditional Use Permit for 415 W. St. Louis Street for “AirBnB” vacation rental. Trudy Nickelson, applicant**

Commissioner Chlebowski stated there is not a lot of difference between this and a B & B. He had no complaints on the original Conditional Use Permit.

A motion was made by Commissioner Brocato and seconded by Alderman Rahn to approve the application with the recommendations from staff. A vote was taken with the following results: Ayes, Commissioner Eversmeyer, Alderman Rahn, Commissioner Brocato, Commissioner Graham, Commissioner Chlebowski; Nays, none; Abstain, Chairman Bruns. The motion was approved 5-0 with 1 abstain. This will be presented to the Board of Aldermen on December 3.

OLD BUSINESS

- 1. PZ2018-22: Consideration of the Text Amendment to the Subdivision Ordinance.**

Commissioner Eversmeyer turned the meeting back over to Chairman Bruns. This bill was defeated. The staff will start back on this item early next year.

COMMITTEE REPORTS

A. Board of Aldermen

Alderman Rahn stated to everyone to have a Happy Thanksgiving.

B. Board of Adjustment

Nothing at this time to report.

OTHER BUSINESS

The Commission was invited to the Chamber Christmas to be held on December 11.

The next meeting for Planning and Zoning will be potentially January 14, 2020.

ADJOURNMENT

There being no further discussions, Chairman Bruns asked for a motion to adjourn. A motion was made by Commissioner Brocato and seconded by Alderman Rahn. A voice vote was taken and the meeting was adjourned at 7:26 p.m.

Nick Chlebowski, Secretary

City of Pacific
SUBDIVISION APPLICATION

Date 12-5-19

Fee Receipt No. PZ2019-15

Applicant Name BOO Investments, LLC

Address 103 Metrocom Dr.

City, State, Zip Code Pacific, MO 63069

Phone No. 636.257.4663 x2 Cell 314.799.6480

E-mail ray@gulletcontracting.com / jessica@gulletcontracting.com

Property Owner Name BOO Investments, LLC

Address 103 Metrocom Dr.

City, State, Zip Code Pacific, MO 63069

Phone 636.257.4663 x2 Cell 314.799.6480

Engineer Name or Firm BFA, Inc.

Address 103 Elm Street

City, State, Zip Code Washington, MO 63090

Phone 636.231.4313 Cell _____

Proposed Name of Subdivision Riverbend Heights

Applicant's Signature 

PAID
City of Pacific
DEC 6 2019
350
Building Safety/Planning
Code Enforcement
Animal Control

City of Pacific, MO
Wednesday, February 25, 2015

Chapter 405. Planning and Zoning

Section 405.060. Notice, Hearings, Fees.

[Ord. No. 2327 §1, 3-18-2003; Ord. No. 2834 §2, 6-6-2012]

- A. *Notice And Hearings.* Whenever the provisions of this Title require notice and hearing, the following procedures herein shall govern.
1. *Time of publication, content.* It is the responsibility of the Zoning Officer to see that notice, commencing not more than thirty (30) days nor less than fifteen (15) days prior to the hearing date, of the time and place of the hearing is published in a newspaper of general circulation qualified to publish legal notice in the City of Pacific and posted on the official website of the City of Pacific. The notice shall state the date, time and place of the hearing, the name of the person making the application, the specific action requested and a general description of the location of the subject property. When applicable, the notice shall also state where copies of reports, documents, applications, plans or other relevant materials will be accessible for public inspection prior to the hearing. The cost of publication in said newspaper shall be at the applicant's expense.
 2. *Posting notice.* In addition to publishing notice, the Zoning Officer shall post notice, consisting of the same information as required in paragraph (1), in at least two (2) places on the subject property or its immediate vicinity, as well as at the City Hall of the City of Pacific. Notice shall be posted at least fifteen (15) calendar days prior to the public hearing at points nearest to the rights-of-way of any street or roadway abutting such land so as to be clearly visible to the traveling public. The notice, as posted, shall contain a caption in large letters stating the nature of the proposed action.
 3. *Notification of neighboring landowners.* The applicant shall make a good faith effort to mail notice, consisting of the same information as required for publication in paragraph (1), to all landowners of record within one hundred eighty-five (185) feet from each legal boundary of the subject property. This notice shall be sent by certified mail at applicant's expense. The applicant shall provide to the Zoning Officer no less than seven (7) days prior to the public hearing receipts of the certified mailing. The Zoning Officer shall verify the accuracy of the receipts and compliance with the ordinance. Failure to submit receipts on time shall automatically continue the hearing to the next hearing date. The submission of said receipts shall serve proof of the applicant's good faith effort to provide additional notice to the adjacent property owners. In addition to the receipts, the applicant shall provide the Zoning Officer with a map showing the subject property and any neighboring properties affected under this paragraph along with the locator numbers of each property shown. All applicants shall be required to sign a form, attached to the application, that they have read and understand these notification requirements. For any subsequent required public hearings, the applicant shall provide to the Zoning Officer the notification letters properly sealed in an envelope, addressed to the property owners within one hundred eighty-five (185) feet and with the proper postage attached to be sent regular mail. The Zoning Officer shall then review

the envelopes with the list of property owners to verify that applicant has made a good faith attempt to notify said property owners.

4. *Record of proceeding.* The Zoning Officer shall provide for maintaining a record of the hearing and for taking statements, evidence and testimony.
5. *Hearing dates.* The Zoning Officer shall establish and maintain a schedule of hearing dates and corresponding application submittal deadlines.
6. *Minimum notice.* Failure to comply with any additional notice or posting requirements herein which are greater than required by State law shall not be a basis for invalidation of any approval or enactment.

B. Fees.

1. *Establishment.* Upon receipt of the recommendations of the City Administrator and the Zoning Officer, the Board of Aldermen shall annually establish a schedule of fees, charges and deposits and a collection procedure for all matters pertaining to this Chapter. The schedule of fees, charges and deposits shall be filed with the City Clerk and in the office of the Zoning Officer. Until all applicable fees, charges, deposits and expenses (including all advertising costs relating to public hearings) have been paid in full, no action shall be taken on any matter or on any appeal pursuant to this Title.

2. *Schedule.*

Type of Permit	Residential or Non-Profit	Commercial or Industrial
Conditional Use Permit	\$250.00	\$350.00
Variance Request	100.00	100.00
Rezoning Request	250.00 plus 50.00/acre	275.00
Boundary Adjustment	75.00	75.00
Preliminary Plat	100.00 plus 30.00/lot or dwelling, whichever is greater	175.00 plus 100.00/acre
Final Plat	250.00	275.00
Floodplain Development Permit	25.00	50.00
Planned Unit District	250.00***	250.00***

*** plus fees set forth in Subsection below.

Above fees do not include recording fees. Any amount of the user fees above in excess of the actual administrative or other fairly proportioned costs relating to the submission shall be refunded to the applicant upon written application. Any such costs incurred by the City in excess of the fees paid shall be paid by the applicant prior to such final approval.

- C. *Planned Uses — Additional Legal And Planning Review.* Each application for a Planned Unit District shall be submitted for review to the City's staff or consultants. To the extent the City incurs actual costs from such review, the applicant shall bear such reasonable costs. Unless other studies or additional review is contemplated or unless waived by the Board of Aldermen, the applicant shall submit a deposit at the time of application of two thousand dollars (\$2,000.00) to cover such expenses. In the event actual reasonable costs are or are expected to be in excess of this deposit, the Board shall inform applicant of such costs and applicant shall provide payment. Any amount of the deposit not used by the City for review purposes shall be refunded to the applicant. The deposit for review services shall be made by the applicant prior to formal review or processing by the City.

City of Pacific

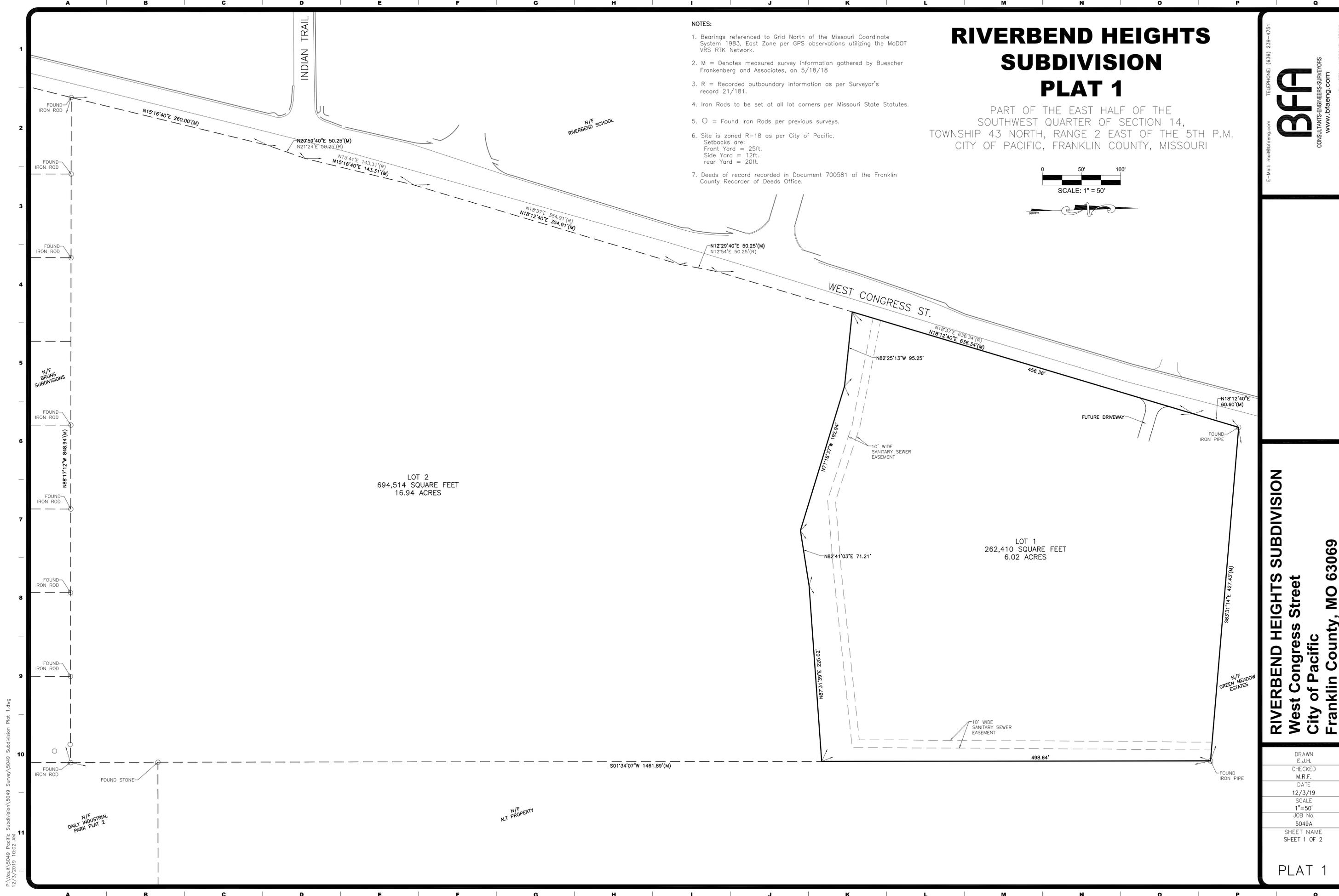
December 21, 2019

The City of Pacific Planning and Zoning Commission will conduct a Public Hearing on January 14, 2020 at 7:00 P.M., in the Board of Aldermen Chambers of the Pacific Government Center located at 300 Hoven Drive, Pacific MO, for the purposes of hearing citizen comment on the following proposal:

PZ 2019-15, Boo Investments, applicant. The applicant is seeking approval of a Final Subdivision Plat for property generally located at 2050 Highway N (Congress St.) Franklin County Parcel ID# 19-6-14.0-0-099-034.000, Pacific MO. The applicant is proposing to divide an approximate 23-acre tract into two parcels: Lot 1, approximately 6.02 acres and Lot 2, approximately 16.94 acres. The property proposed to be subdivided is generally bounded by vacant agricultural land to the east; residential property to the south and north, and institutional property (School and Church uses) to the west. The property is currently zoned R-1B, single family residential.

A copy of the applicant proposal is on file for public inspection at the Office of City Clerk, 300 Hoven Drive, Pacific, MO, during regular business hours. All interested parties shall be given an opportunity to be heard at the public hearing.

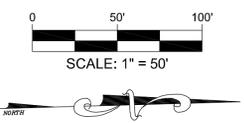
For more information, please contact Steve Roth, City Administrator, at 636-271-0500 ext. 213 or by email at sroth@pacificmissouri.com



- NOTES:
1. Bearings referenced to Grid North of the Missouri Coordinate System 1983, East Zone per GPS observations utilizing the MoDOT VRS RTK Network.
 2. M = Denotes measured survey information gathered by Buescher Frankenberg and Associates, on 5/18/18
 3. R = Recorded outboundary information as per Surveyor's record 21/181.
 4. Iron Rods to be set at all lot corners per Missouri State Statutes.
 5. O = Found Iron Rods per previous surveys.
 6. Site is zoned R-18 as per City of Pacific.
Setbacks are:
Front Yard = 25ft.
Side Yard = 12ft.
rear Yard = 20ft.
 7. Deeds of record recorded in Document 700581 of the Franklin County Recorder of Deeds Office.

RIVERBEND HEIGHTS SUBDIVISION PLAT 1

PART OF THE EAST HALF OF THE
SOUTHWEST QUARTER OF SECTION 14,
TOWNSHIP 43 NORTH, RANGE 2 EAST OF THE 5TH P.M.
CITY OF PACIFIC, FRANKLIN COUNTY, MISSOURI



F:\Vault\5049 Pacific Subdivision\5049 Survey\5049 Subdivision Plat 1.dwg
12/3/2019 10:02 AM

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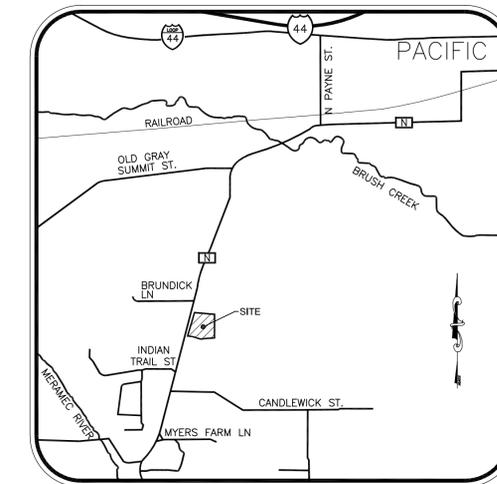
RIVERBEND HEIGHTS SUBDIVISION
West Congress Street
City of Pacific
Franklin County, MO 63069

DRAWN	E.J.H.
CHECKED	M.R.F.
DATE	12/3/19
SCALE	1"=50'
JOB No.	5049A
SHEET NAME	SHEET 1 OF 2

PLAT 1

RIVERBEND HEIGHTS SUBDIVISION PLAT 1

PART OF THE EAST HALF OF THE
SOUTHWEST QUARTER OF SECTION 14,
TOWNSHIP 43 NORTH, RANGE 2 EAST OF THE 5TH P.M.
CITY OF PACIFIC, FRANKLIN COUNTY, MISSOURI



SITE LOCATION MAP
NOT TO SCALE

DESCRIPTION:

A TRACT OF LAND BEING PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 43 NORTH, RANGE 2 EAST OF THE 5TH P.M. CITY OF PACIFIC, FRANKLIN COUNTY, MISSOURI

SURVEYOR'S CERTIFICATE:

This is to certify to Gullet Contracting LLC that during the month of May, 2018 we executed a Property Boundary Survey and Subdivision Plat on a tract of land being part of the East 1/2 of the Southwest 1/4 of Section 14, Township 43 North, Range 2 East of the 5th P.M., City of Pacific, Franklin County, Missouri.

To the best of my knowledge and belief, this map or plat and the survey on which it is based were made in accordance with the current "Missouri Standards for Property Boundary Surveys" of the Missouri Department of Insurance, Financial Institutions and Professional Registration, Division of Land Survey and meets the accuracy requirement of a "Rural Property" as defined therein.

Mark R. Frankenberg, PLS #2365
State of Missouri
Registered Land Surveyor for
Buescher Frankenberg Associates, Inc
Corporate # 00096

OWNERS CERTIFICATE:

The undersigned owners of a tract of land described in the Surveyor's Certificate and as shown hereon, have caused the same to be surveyed and subdivided in the manner shown on this plat.

The subdivision shall hereafter be known as "Riverbend Heights Subdivision Plat 1".

The streets, sidewalks and right of way of Riverbank Drive and Sandbar Lane are hereby dedicated to the City of Pacific, Missouri, for public use forever.

The utility easements shown on the plat are hereby granted to the City of Pacific, AT&T, Ameren Missouri, Charter Communications and their successors and assigns for installation and maintenance of public utilities. The utility easements shown hereon are also hereby dedicated for the construction and maintenance of sewer laterals leading from the sanitary sewer main to the lot to which it serves.

IN WITNESS WHEREOF, said Ray Gullet and Tyler Ross have caused these presents to be signed by its Presidents on this ____ day of _____, 201____.

BOO Investments, LLC: Ray Gullet

BOO Investments, LLC: Tyler Ross

NOTARY PUBLIC CERTIFICATE:

STATE OF MISSOURI)
COUNTY OF FRANKLIN) SS

On this ____ day of _____, 20____, before me personally appeared

_____, to me known to be the person described in and who executed the foregoing instrument and acknowledged to me that he/she executed said instrument as owner.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Notary Public

CITY OF PACIFIC APPROVAL:

I, _____, City Clerk for the City of Pacific, Missouri, do hereby certify that the plat of "Riverbend Heights Plat 1" was approved by the City Council of Pacific Missouri, by Ordinance No. _____, passed and approved this ____ day of _____, 20____.

IN TESTIMONY WHEREOF, I hereunto set my hand and affixed my official seal, of the City of Pacific, Missouri this _____ day of _____, 20____.

By: _____
City Clerk of Pacific, MO

RECORDER OF DEEDS CERTIFICATE:

STATE OF MISSOURI)
COUNTY OF FRANKLIN)SS

I, Jennifer L Metcalf, Recorder of Deeds, within and for said County and State, do hereby certify that the foregoing instrument of writing was filed for record on

the ____ day of _____, 20__ at _____ o'clock _____, and duly

recorded as Document Number _____ on said date.

IN TESTIMONY WHEREOF, I hereunto set my hand and affixed my official seal, at my office in Union, the date aforesaid.

_____, Recorder of Deeds

By _____ Deputy

E-Mail: mark@bfaeng.com TELEPHONE: (636) 239-4751

BFA
CONSULTANTS-ENGINEERS-SURVEYORS
www.bfaeng.com

103 ELM STREET WASHINGTON, MISSOURI 63090

RIVERBEND HEIGHTS SUBDIVISION
West Congress Street
City of Pacific
Franklin County, MO 63069

DRAWN
E.J.H.
CHECKED
M.R.F.
DATE
12/3/19
SCALE
AS NOTED
JOB No.
5049A
SHEET NAME
SHEET 2 OF 2

PLAT 1



Planning & Zoning Commission Department of Planning Staff Report

Meeting Date:

Project Type: Riverbend Heights Subdivision Plat 1

From: Steve Roth
City Administrator

Applicant: Boo Investments LLC

Description: PZ 2019-25 Boo Investments, applicant. The applicant is seeking approval of a Final Subdivision Plat for property generally located at 2050 Highway N (Congress St.) Franklin County Parcel ID# 19-6-14.0-0-099-034.000, Pacific MO. The applicant is proposing to divide an approximate 23-acre tract into two parcels: Lot 1, approximately 6.02 acres and Lot 2, approximately 16.94 acres. The property proposed to be subdivided is generally bounded by vacant agricultural land to the east; residential property to the south and north, and institutional property (School and Church uses) to the west. The property is currently zoned R-1B, single family residential.

Summary

The applicant has submitted a request for plat approval to subdivide an approximate 23-acre tract into two parcels of approximately 17 acres and six (6) acres. This is considered a Minor Subdivision under our Land Subdivision Code. No public improvements are proposed.

Section 410.040.D. provides the review procedure for a final plat. P&Z is required to hold a public hearing and make recommendation to the Mayor and Board of Aldermen. The Mayor and Board are then tasked with making a final decision on the application for final plat.

The applicant previously had received preliminary plat approval for an approximate 53-lot development over the entire 23 acres. That development however did not proceed to the final plat stage.

Subject Site

The subject site is located on Congress Street (formerly Highway N), south of Westlake Subdivision. The property includes one farm house and barn structure but otherwise is unimproved. The terrain is gently rolling and includes a small creek that traverses the property. The property proposed is generally bounded by vacant agricultural land to the east; residential property to the south and north, and institutional property (School and Church uses) to the west. The site does not have immediate access to public water service; City of Pacific water is on the west side of Congress Street and would require either trenching or a bore underneath the roadway to access the property. Sanitary sewer service is available on the northeast section of the property.

Land Use and Zoning of Surrounding Properties

Direction	Zoning	Land Use
North	R-1A	Residential
South	R-1E	Residential
East	NU Non-urban	Agricultural
West	NU and R-1E	Church and School

Analysis

This is a simple Minor Subdivision with no public improvements proposed. It is my understanding that the north 6.02 acre tract is proposed for construction of one Single Family Residential home. It is further my understanding that the south 16.94 acre is not proposed for development at this time.

The applicant has indicated that the south parcel may be proposed for resubdivision at a later date. The applicant has also indicated that the user of the 6.02 acre parcel may request use of a private drinking water well to serve the residential structure. We would recommend that the applicant present this information to the Commission during the hearing. This is also discussed in further detail below.

Based on our understanding of the proposal, the plat is in conformance with the Zoning and Land Subdivision code, with one exception: The plat does not provide easements for utilities or drainage easements per Section 410.075 D. Link: <https://ecode360.com/28945225>

Recommendation

Staff recommends APPROVAL with the following comments:

1. Easements for utilities shall be provided in conformance with Section 410.075.D.1. A minimum 10-ft utility easement shall be provided along all lot lines.
2. Easements along streams. Section 410.075.D.2 requires easements along streams and / or other water courses, to be dedicated and maintained by the subdivision. We have not discussed this issue with the applicant and would intend to provide further information at the meeting.
3. Both lots shall be afforded one driveway access. The location shall be determined as part of the building permit process.
4. The Commission may consider the applicant’s request for use of the private drinking water well, in lieu of public drinking water service. The Commission may forward a recommendation on this question to the Board of Aldermen, which would have the final decision.