

**PLANNING AND ZONING COMMISSION  
AGENDA  
TUESDAY, JUNE 25, 2019  
7:00 P.M.**

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. APPROVAL OF MINUTES**
  - 1. Planning & Zoning Meeting – May 14, 2019**
- 4. PUBLIC HEARINGS:**
  - 1. PZ2019-09: T. M. Ault’s Subdivision Plat II. A public hearing to consider an application for a final plat for an approximate .42 acre tract of land generally located at the southwest corner of Highway OO (West Park Street) and North Second Street, (Franklin County Parcel #19-1-12.0-1-004-025.000, Lots 1-6 Block 180 T M Aults Addition.) The applicant is requesting approval to divide the parcel into two subdivision lots in the R-1A Single-Family Zoning District. Robert Nicolay, applicant.**
- 5. PUBLIC PARTICIPATION-SPEAKER CARDS**
- 6. NEW BUSINESS:**
  - 1. PZ2019-09: T. M. Ault’s Subdivision Plat II. Consideration of an application for a final plat for an approximate .42 acre tract of land generally located at the southwest corner of Highway OO (West Park Street) and North Second Street, (Franklin County Parcel #19-1-12.0-1-004-025.000, Lots 1-6 Block 180 T M Aults Addition.) Robert Nicolay, applicant.**
  - 2. City Engineer hiring / organizational issues / update on pending code amendments**
- 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**

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**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION  
AT THE PACIFIC CITY HALL, 300 HOVEN DRIVE  
MAY 14, 2019**

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The Planning and Zoning Commission Meeting was called to order by Commissioner Smith at 7:00 P.M. on May 14, 2019, at Pacific City Hall, 300 Hoven Drive, Pacific, Missouri.

The roll call was taken with the following results:

**PRESENT**

Commissioner Smith  
Commissioner Miles  
Commissioner Koelling  
Commissioner Graham  
Commissioner Bates  
Commissioner Eversmeyer  
Commissioner Brocato

**ABSENT**

Chairman Bruns  
Alderman Rahn

Administrator Roth and Kim Barfield were also in attendance. Also in attendance was Attorney Andy Bramman was also in attendance.

**APPROVAL OF MINUTES**

**A. Planning & Zoning Meeting – April 9, 2019**

A motion was made by Commissioner Miles and seconded by Commissioner Eversmeyer to approve the minutes. A voice vote was taken and the motion was approved 7-0.

**PUBLIC HEARINGS:**

- 1. PZ2019-07: A Public Hearing to consider an application for a Conditional Use Permit to convert a residential structure to commercial use located at 422 E. Osage Street, St. Louis County Parcel ID #30Z310367. Gallagher Mechanical, applicant**

Commissioner Smith opened the public hearing. Commissioner Smith stated the plans are to use the house for offices and a warehouse behind it. The warehouse is not there yet. The property is zoned correctly and is asking for a Conditional Use Permit. Administrator Roth stated the application only

asks for a residential conversion for use of house as an office structure. There being no further comments or questions, the public hearing was closed.

- 2. PZ2019-08: A Public hearing to consider an application for a Conditional Use Permit to conduct outside equipment storage at 227-229 E. Central Street, Franklin County Parcel ID #19-1-12.0-4-004-109.000. Gallagher Mechanical, applicant.**

Commissioner Smith read into record and opened the public hearing. The plans are for this location at E. Central and S. Olive to be used for outside storage of equipment. All the mobile homes which are currently on this site will be removed. There being no further comments or questions, the public hearing was closed.

- 3. PZ2019-06: A Public Hearing to consider proposed Text Amendments to Zoning District Regulations governing Medical Marijuana uses in the City of Pacific.**

Commissioner Smith read into record and opened the public hearing. Administrator Roth presented the staff report. Chief Mansell stated grow houses are his concern.

Adam Raleigh, 303 Twin View Terrace, Ballwin, MO - Mr. Raleigh stated he would have his nights staffed. The normal hours are 8 a.m. to 5 p.m. Mr. Raleigh stated he would have an 8 hour guard on site. He stated he has 18 years of experience working in this industry in Colorado.

Administrator Roth stated if it is permitted in certain zoning districts, the draft regulations of Section 7 would govern these areas.

Doug Gilberg, 2906 Osenfort, Wildwod, MO – Mr. Gilberg stated it is his understanding in the State of Missouri, it would be allowable to make oils and edible items. This would be part of the manufacturing process. If a person has seen their doctor and has been given a recommendation card, they are only allowed to purchase 4 ounces per month.

Doug Pernikof, 17533 Summit View Place, Wildwood, MO - It is a requirement for the Board to have physicians, pharmacists, and professionals as part of the decision making process. In order for a patient to receive a recommendation card they have to have seen their doctor within the last 30 days.

Regulations are very strict when it comes to the testing and licensing of the dispensaries and the manufacturing facilities. There are inspections every year and testing is a big part of the requirements.

Chief Matt Mansell, 300 Hoven Dr., Pacific, MO – We knew it was coming. Chief Mansell stated he is on the Board of Directors for the Franklin County Drug Task Force. He stated if a person is granted a medical marijuana card they are not allow to purchase a gun. He stated he is more worried about the growing facilities. Chief Mansell also stated the ordinance would have to be revised for possession to

include the card. He stated the City currently has one officer who is a certified Drug Recognition Expert. He stated he would like to welcome these people.

Commissioner Bates stated his main concern is that consumers get safe products.

Private First Class Kerry Cain, 641 Kerrilee Court, Villa Ridge, MO – Mr. Cain stated he is interested in this topic but does not have the knowledge yet of the process. He stated he has been contacted by other people and has people who are interested in investing. Being a disabled veteran, he understands the help this can provide for people suffering from PTSD, depression, and physical pain. He feels this is a big win for the City and will be very profitable.

There being no further comments or questions the public hearing was closed.

### **SPEAKER CARDS**

Included in the public hearing section.

### **NEW BUSINESS:**

1. **PZ2019-07: Consideration of an application for a Conditional Use Permit to convert a residential structure to commercial use located at 422 E. Osage Street. Gallagher Mechanical, applicant**

Commissioner Smith stated he has no interest in this property at all.

Administrator Roth stated currently there is no driveway to the building. There needs to be a minimum of four (4) parking spaces and would also require hard surface on the lot. Mr. Gallagher stated he plans to install four (4) to six (6) parking spots. Administrator Roth stated staff recommends approval.

A motion was made by Commissioner Eversmeyer and seconded by Commissioner Miles with the requirement of meeting minimum parking spots to approve the application. A voice vote was taken with the following results: Ayes, Commissioner Graham, Commissioner Bates, Commissioner Eversmeyer, Commissioner Smith, Commissioner Miles, Commissioner Koelling, Commissioner Brocato; Nays, none. The motion was approved 7-0 and will be presented to the Board of Alderman on May 21, 2019.

2. **PZ2019-08: Consideration of an application for a Conditional Use Permit to conduct outside equipment storage at 227-229 E. Central Street. Gallagher Mechanical, applicant.**

Administrator Roth stated this requires a Conditional Use Permit for storage of equipment and vehicles. It is proposed to be a gravel yard and chain link fence surrounding it. Administrator Roth stated the

code is incomplete in these situations. The property is zoned Industrial. Gravel in back is ok, but is a gray area.

A motion was made by Commissioner Bates and seconded by Commissioner Brocato to approve the application as presented. A voice vote was taken with the following results: Ayes, Commissioner Bates, Commissioner Eversmeyer, Commissioner Smith, Commissioner Miles, Commissioner Koelling, Commissioner Brocato, Commissioner Graham; Nays, none. The motion was approved 7-0 and will be presented to the Board of Aldermen on May 21, 2019.

**3. PZ2019-06: Consideration of proposed Text Amendments to Zoning District regulations governing Medical Marijuana uses in the City of Pacific.**

Commissioner Brocato doesn't feel the distance of 100 feet is far enough. Commissioner Eversmeyer said the 100 feet is in the liquor requirement. Administrator Roth stated the only distance number in the code is for liquor. The state laws are from 0-1000 feet from schools. Commissioner Bates stated he read online it was 300 feet.

A motion was made by Commissioner Eversmeyer and seconded by Commissioner Miles to approve the application with the amendment of changing Section 7, C1, to minimum distance of 300 feet. A voice vote was taken with the following results: Ayes, Commissioner Eversmeyer, Commissioner Smith, Commissioner Miles, Commissioner Koelling, Commissioner Brocato, Commissioner Graham, Commissioner Bates; Nays, none. The motion was approved with the amendment 7-0 and will be presented to the Board of Aldermen on May 21, 2019.

**OLD BUSINESS**

None

**COMMITTEE REPORTS**

**A. Board of Aldermen**

Alderman Rahn was not present at the meeting.

**B. Board of Adjustment**

Administrator Roth stated a meeting is scheduled to Wednesday, May 15, 2019 requesting a variance on the setback requirement for property at Highway OO and N. Second St. This is a corner lot which they are needing variance for 25 foot setback on the Highway OO side and also are short on the minimum frontage setback also.

## **OTHER BUSINESS**

Administrator Roth informed Planning and Zoning about a change in the application for Mark Boevingloh. Planning and Zoning did not removed the requirement for the curb and gutters along Highway OO and N. Second Street and the Board of Alderman agreed. It turns out MoDot would not allow the curb and gutter so the Board of Aldermen granted a waiver to him.

Administrator Roth stated there is no business for May 28.

## **ADJOURNMENT**

There being no further discussions, Commissioner Smith asked for a motion to adjourn. A motion was made by Commissioner Koelling and seconded by Commissioner Brocato. A voice vote was taken and the meeting was adjourned at 8:32 p.m.

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**Jerry Eversmeyer, Secretary**





City of Pacific  
SUBDIVISION APPLICATION

Date 6-3-19

Fee Receipt No. \_\_\_\_\_

Applicant  
Name Mark Frankenberg

Address 103 Elm Street

City, State, Zip Code washington, mo 63090

Phone No. 636-231-4309 Cell 636-288-0895

E-mail mfrankenberg@bfaeng.com

Property Owner  
Name Robert Nicolay

Address 423 crescent vista Ln

City, State, Zip Code Pineka, mo 63025

Phone 314-560-6939 Cell \_\_\_\_\_

Engineer  
Name or Firm BFA

Address 103 Elm Street

City, State, Zip Code washington, mo 63090

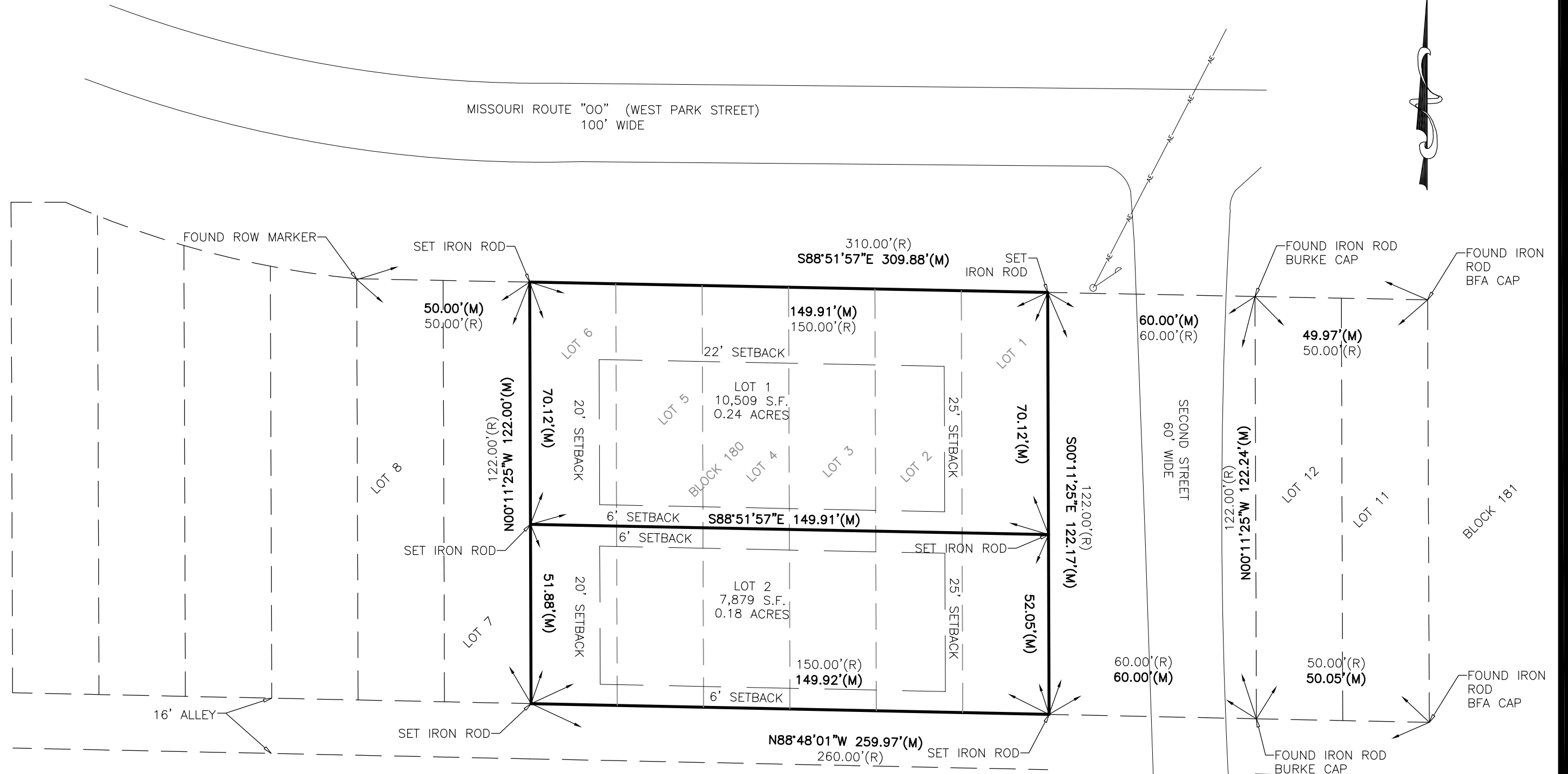
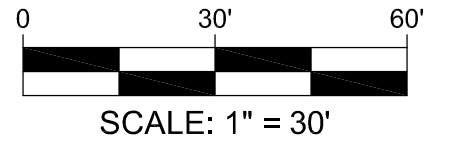
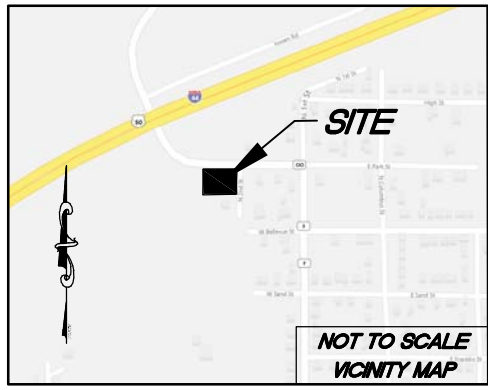
Phone 636-229-4751 Cell \_\_\_\_\_

Proposed Name of Subdivision T.M. Ault's subdivision Plat 11

Applicant's Signature 

# T.M. AULT'S SUBDIVISION PLAT II

A RESUBDIVISION OF LOTS 1, 2, 3, 4, 5, 6 OF BLOCK 180 OF "T.M. AULT'S ADDITION TO THE CITY OF PACIFIC", PART OF NORTHEAST QUARTER IN SECTION 12, TOWNSHIP 43 NORTH, RANGE 2 EAST, OF THE 5TH P.M., CITY OF PACIFIC, FRANKLIN COUNTY, MISSOURI



**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 = Measured outboundary information as per field data obtained by Buescher Frankenberg and Associates on March 11, 2019.  
R = Recorded outboundary information as per "T.M. Ault's Addition to the City of Pacific" recorded on November 20, 1858 in Book A, Page 42 from the Franklin County Recorder of Deeds Office.
3. General Warranty Deed recorded on August 1, 2005 as Document #2005-18181 in the Franklin County Recorder of Deeds Office.
4. Zoning ID - R1-A

**Record Description:**

Lots One (1) Two (2), Three (3), Four (4), Five (5) and Six (6), Block One Hundred Eighty (180) of T.M. AULT'S ADDITION TO THE TOWN (NOW CITY) OF PACIFIC, as per plat of record in Plat Book A, Page 42 in the office of the Recorder of Deeds.

EXCEPTING that part condemned for right-of-way of Interstate Highway #44, In Cause No. 3551 of the Circuit Court of Franklin County, Missouri.

STATE OF MISSOURI )  
COUNTY OF FRANKLIN) SS

This is to certify to Robert Nicolay, that during the month of May, 2019 we executed a Property Boundary Survey on all of Lots 1, 2, 3, 4, 5 & 6 of Block 180 of "T.M. Ault's Addition to the City of Pacific" recorded in Book A, Page 42, being part of the Northeast Quarter of Section 12, 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 "Urban Property" as defined therein.

**CERTIFICATE OF APPROVAL:**

I, \_\_\_\_\_, City Clerk for the City of Pacific, Missouri, do hereby certify that the above plat know as "T.M. Ault's Subdivision Plat II" was approved by the board of Alderman of Pacific, Missouri by ordinance number \_\_\_\_\_ passed and approved on the \_\_\_\_ day of \_\_\_\_\_.

**CERTIFICATE OF OWNERSHIP:**

I, \_\_\_\_\_, hereby certify that I am the owner of the property shown and described hereon, and have caused the same to be surveyed and subdivided in the manner shown on this plat, and I hereby freely adopt this plan of subdivision.

The subdivision shall be known as "T.M. Ault's Subdivision Plat II".

IN WITNESS WHEREOF, we have executed this plat as of

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Robert Nicolay

STATE OF MISSOURI }  
COUNTY OF FRANKLIN} SS

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

My term expires: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

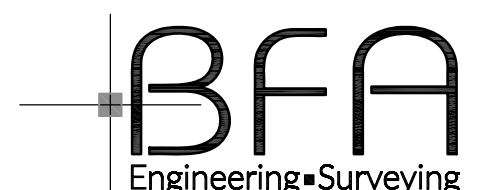
Mark R. Frankenberg,  
PLS #2365  
State of Missouri  
Registered Land Surveyor  
for Buescher Frankenberg  
Associates, Inc  
Corporate #0096

**Robert Nicolay**  
**Second Street**  
**Pacific, Missouri**  
**Franklin County, 63069**

DRAWN	A.M.B.
DATE	05/29/19
JOB No.	5532
SHEET NAME	T.M. AULT'S SUBDIVISION PLAT II

bfaeng.com

TELEPHONE: (636) 239-4751



103 ELM STREET

WASHINGTON, MISSOURI 63090

NOTICE OF PUBLIC HEARING  
CITY OF PACIFIC  
PLANNING & ZONING COMMISSION

The City of Pacific Planning & Zoning Commission will conduct a public hearing on Tuesday, June 25, 2019, at 7:00 PM, at the Pacific Government Center, 300 Hoven Drive, Pacific, MO 63069, to consider the following:

**PZ 2019-09: T. M. Ault's Subdivision Plat II.** A public hearing to consider an application for a final plat for an approximate .42 acre tract of land generally located at the southwest corner of Highway OO (West Park Street) and North Second Street, (Franklin County Parcel #19-1-12.0-1-004-025.000, Lots 1-6 Block 180 T M Aults Addition.) The property is generally bounded by residential properties to the north, south, east and west. The applicant is requesting approval to divide the parcel into two subdivision lots in the R-1A Single-Family Zoning District. Robert Nicolay, applicant.

Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available for review at Pacific City Hall, 300 Hoven Drive during weekdays between the hours of 8:00 a.m. and 5:00 PM. A copy of the application is also available online at [www.pacificmissouri.com](http://www.pacificmissouri.com). For more information, please contact Steve Roth, City Administrator, by telephone at 636-271-0500 ext 213 or by email at [sroth@pacificmissouri.com](mailto:sroth@pacificmissouri.com)





# Planning & Zoning Commission Department of Planning Staff Report

**Meeting Date:** June 25, 2019

**Project Type:** Resubdivision of T.M Ault's Subdivision Plat II

**From:** Anna Hodge  
City Engineer

**Applicant:** Mark Frankenberg, BFA Inc. on behalf of Robert Nicolay, owner

**Description:** **PZ 2018-18: River Bend Heights (Gullet Contracting, LLC)**: A request for approval of a resubdivision of Lots 1, 2, 3, 4, 5 and 6 of block 180 of "T.M. Ault's addition to the City of Pacific". Subject lots are part of the northeast quarter in Section 12, Township 43 North, Range 2 East of the 5<sup>th</sup> principle meridian. Resubdivision would convert lots 1-6 into two new lots to be named Lot 1 and Lot 2 with respective areas of 0.24 and 0.18 acres.

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## **Summary**

The applicant has submitted a request for plat approval to resubdivide six (6) existing lots into two (2) lots. This property is zoned for R1-A (Single-Family District). Development standards for the "R-1A" district can be found in section 400.090 of the zoning ordinance and under the "analysis" heading below.

Section 410.040.D., of the Pacific Code of Ordinances 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.

## **Subject Site**

The subject site is located to the south of West Park St. on the southern side of I-44 and west of North 2<sup>nd</sup> St. The property is unimproved, rectangular and approximately 0.87 acres.



**Land Use and Zoning of Surrounding Properties**

Direction	Zoning	Land Use
North	"R-1A" Single-Family District	Residential
South	"R-1A" Single-Family District	Residential
East	"R-1A" Single-Family District	Residential
West	"R-1A" Single-Family District	Residential

**Analysis**

The subject site is zoned R1-A (Single-Family District). The plat describes setbacks of 20' from the western boundaries of each Lot, 25' from the eastern boundaries and 6' of from the southern. Lot 1 has a 22' setback from the north while Lot 2 shows 6' of setback. These setbacks are not in agreement with Section 400.090 [Ord. No. 2327 §1, 3-18-2003] as the minimum setback of 10' for side yards is not met.

**Note:** The applicant has previously received variances from the Pacific Board of Adjustment for the following:

- 25-ft corner setback requirement (north frontage of Lot 1 on W. Park / Hwy 00).
- 80-ft frontage requirement for Lots 1 and 2.

Section 400.090 "R1-A" Single-Family District Regulations.

[Ord. No. 2327 §1, 3-18-2003]

**A.** This district is composed of those areas of the City, the principal use of which is and ought to be single-family dwellings on moderately sized lots. The regulations of this district are designed to create and preserve a predominantly urban character reflected in smaller lot sizes and higher densities.

**B. Permitted Use Regulations.** A building or premises shall be used only for the following purposes:

1. Single-family detached dwellings, including modular type.
2. Park, playground or community building owned or operated by a public agency.
3. Public school, either elementary or high, or private school having a curriculum similar to that ordinarily given in a public elementary school or public high school including religious instruction in parochial schools.
4. Church or similar house of worship.

**C. Bulk Regulations.**

<b>Bulk Regulations for Individual Lots</b>		
Minimum Lot Area	Seven thousand five hundred (7,500) square feet	
Minimum Lot Width	Eighty (80) feet	
Maximum Lot Coverage	Thirty percent (30%) of the lot area	
Yard/Setback	Front	Each lot upon which a dwelling is constructed shall have a front yard of not less than twenty-five (25) feet and an additional one (1) foot setback for every two (2) feet of building height over twenty-five (25) feet. When a lot has double frontage, the required front yard shall be provided on both streets.
	Side	On each lot upon which a dwelling is constructed, there shall be a side yard on each side of at least ten (10) feet.
	Rear	Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than twenty (20) feet.
Maximum Height	No more than two (2) stories; up to a maximum height of forty (40) feet, measured from the grade at the front entrance of such building or structure.	
Minimum Floor Area	One thousand (1,000) square feet of floor area, consisting only of those floor areas that intersect the outer walls of the dwelling exclusively above grade.	

**D. Supplemental Regulations.** As set forth in Article III of this Chapter.

**E. Signs.** As set forth in Chapter 425 of this Title.

**Recommendation**

Staff recommends APPROVAL subject to the following conditions:

1. Side yard setbacks to be in compliance with the 10-ft dimensional requirement in the R-1A zoning district.

Attachments: T.M. Ault's Subdivision Plat Drawing, BFA Engineering and Surveying Dwg. 5532 dated 5/29/19