

**PLANNING AND ZONING COMMISSION  
AGENDA  
TUESDAY, NOVEMBER 26, 2019  
7:00 P.M.**

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. APPROVAL OF MINUTES**
  - 1. Planning & Zoning Meeting – October 22, 2019**
- 4. 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**
- 5. PUBLIC PARTICIPATION-SPEAKER CARDS**
- 6. NEW BUSINESS:**
  - 1. PZ2019-14: Consideration of the Conditional Use Permit for 415 W. St. Louis Street for “AirBnB” vacation rental. Trudy Nickelson, applicant.**
- 7. OLD BUSINESS:**
  - 1. Subdivision regulations update**
- 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  
OCTOBER 22, 2019**

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The Planning and Zoning Commission Meeting was called to order by Chairman Bruns at 7:00 P.M. on October 22, 2019, at Pacific City Hall, 300 Hoven Drive, Pacific, Missouri.

The roll call was taken with the following results:

**PRESENT**

Chairman Bruns  
Commissioner Chlebowski  
Commissioner Miles  
Commissioner Koelling  
Commissioner Graham  
Commissioner Bates

**ABSENT**

Alderman Rahn  
Commissioner Eversmeyer  
Commissioner Brocato

City Administrator Roth and Rae Cowsert were also in attendance.

**APPROVAL OF MINUTES**

**A. Planning & Zoning Meeting – September 24, 2019**

A motion was made by Commissioner Bates and seconded by Commissioner Miles to approve the minutes. A voice vote was taken and the motion was approved 5-0 as Commissioner Chlebowski abstained from voting as he was just appointed to the Commission.

**PUBLIC HEARINGS:**

None

**SPEAKER CARDS**

None

Chairman Bruns welcomed Commissioner Nick Chlebowski back to the Board.

**NEW BUSINESS:**

**1. Site Plan Review, Lot 2B Route 66 Business Parkway**

Chairman Bruns introduced the first article of business and asked if it was posted. Administrator Roth stated it was not posted. He stated Planning and Zoning and Board of Aldermen recommended the Planned Unit Development process be removed and reviewed by the staff. Administrator Roth stated he now has this site plan which does not meet the City requirements. The building does not front Route 66 Business Parkway. He informed the Commission of the issues with the project which is why it is back to the Commission: 1. a metal building is being proposed with the south and rear walls being metal with side of building facing Osage; 2. To access loading docks trucks would have to stage on the street; 3. Landscaping does not meet the code; 4. GEO tech report is needed on driveway entrance. Commissioner Chlebowski asked to hear from the applicant.

Joe Bosse, 308 Noonan Drive, Pacific, MO. Mr. Bosse started by talking about the requirement for curbs around the parking lot. He stated the building next to this only has curbs on part of the parking lot and this building will be the same way. He stated there is already a tree line as a buffer from other properties. He feels the landscaping requirement is very excessive.

Commissioner Chlebowski asked why the building is not facing forward. Mr. Bosse stated this is the only way to meet the parking requirements and to have access to loading docks. Chairman Bruns stated she feels the building should face forward due to the code. Commissioner Chlebowski asked what color it is going to be. Mr. Bosse stated it will be the same color as the other building. Commissioner Bates feels the parking would be drastically reduced if the building were turned. He stated Mr. Bosse has cleaned up that area and would like to see the jobs brought to the area. Mr. Bosse said you take one step at a time and lead by example. Commissioner Chlebowski said he is all for development but wants it to be done right. Chairman Bruns stated Planning and Zoning approved Dollar General for a metal building but the Board of Aldermen said no and required a block building. Commissioner Koelling asked if the police and fire department have been notified. Administrator Roth stated Ken Prichard of the Fire Department has no concerns about the project. Commissioner Chlebowski stated the issue is people coming into town seeing a metal building. Chairman Bruns asked Administrator Roth if the Commission is supposed to vote on this. Administrator Roth stated there would need to be a recommendation sent to the Board of Aldermen. He also stated his concern is about the screening on the south wall which will be facing Osage. Mr. Bosse stated he would work with Administrator Roth to determine where the trees need to be placed. Commissioner Chlebowski asked what a GEO report was. Administrator Roth explained it is a report for the compaction of the ground. Mr. Bosse said he knows the property better than anyone and said it is all rock. Chairman Bruns asked Administrator Roth about any concerns for the staging of trucks on the street. He stated he has minor concerns but there is not hardly any traffic on this street.

A motion was made by Commissioner Bates and seconded by Commissioner Chlebowski to approve the application as presented with the following conditions: 1) Mr. Bosse works with Administrator Roth in regard to landscaping, 2) No GEO tech report required, 3) Curb to match adjacent building, 4) Metal siding approved. A vote was taken with the following results: Ayes, Commissioner Graham, Commissioner Bates, Commissioner Chlebowski, Commissioner Miles, Commissioner Koelling; Nays, Chairman Bruns. The motion was approved 5-1 and will be presented to the Board of Aldermen on November 5.

## **OLD BUSINESS**

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

Commissioner Chlebowski stated he would like to know what the changes are versus the original ordinance. Administrator Roth stated this process has been on going for about a year now and will probably have another public hearing. He stated the staff will review further and asked them to review as well. Once reviewed a workshop can be held or it can go directly to a public hearing. A motion was made by Commissioner Chlebowski and seconded by Commissioner Bates to send back to staff for further review and remove from agenda. A voice vote was taken and the motion was approved 6-0.

## **COMMITTEE REPORTS**

### **A. Board of Aldermen**

Alderman Rahn was not in attendance.

### **B. Board of Adjustment**

Administrator Roth stated there was a hearing on October 2 asking for a variance on a side setback and this was approved.

## **OTHER BUSINESS**

Commissioner Bates wanted to give the Commission a bit of information. The Company he works for is building a new building and the fees for the permits are in excess of \$200,000.

Commissioner Chlebowski was again welcomed back to the Board.

## **ADJOURNMENT**

There being no further discussions, Chairman Bruns asked for a motion to adjourn. A motion was made by Commissioner Chlebowski and seconded by Commissioner Miles. A voice vote was taken and the meeting was adjourned at 8:06 p.m.

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**Jerry Eversmeyer, Secretary**

NOTICE OF PUBLIC HEARING  
CITY OF PACIFIC  
PLANNING & ZONING COMMISSION

The City of Pacific Planning & Zoning Commission will conduct a public hearing on Tuesday, November 26, 2019, at 7:00 PM, at the Pacific Government Center, 300 Hoven Drive, Pacific, MO 63069, to consider the following:

**PZ 2019-14: 415 W. St. Louis, AirBnB vacation rental, Conditional Use Permit. Trudy Nickelson, applicant.** A public hearing to consider an application for a Conditional Use Permit (CUP) at 415 W. St Louis St., Pacific, MO 63069 (Franklin County Parcel #19-1-12.0-3-003-018.000). 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.

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 regular business hours. 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, at 636-271-0500 ext. 213 or by email at [sroth@pacificmissouri.com](mailto:sroth@pacificmissouri.com)

Receipt #: PZ2019-14

Tax I.D. #: \_\_\_\_\_

**CITY OF PACIFIC  
APPLICATION FOR CONDITIONAL USE PERMIT**

ADDRESS FOR WHICH CONDITIONAL USE PERMIT IS BEING SOUGHT: 415 W. Saint Louis St., Pacific

APPLICATION FEE OF ~~\$350~~ \$1000 PAID.  yes  no

NAME OF APPLICANT: Treedy Nickelson

ADDRESS: 788 Henry Court

ADDRESS: Robertville, Mo 63072

PHONE - HOME: 314-704-4780 PHONE - WORK: \_\_\_\_\_

APPLICANT'S INTEREST IN THE PROPERTY: Seeking approval to have an Airbnb, 2 bed, 2 bath @ 415 W. Saint Louis St, Pacific.

NAME OF LEGAL OWNER: Treedy Nickelson / Designers of Ambiance, LLC

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE - HOME: \_\_\_\_\_ PHONE - WORK: \_\_\_\_\_

PRESENT ZONING DISTRICT: \_\_\_\_\_

PRESENT USE: CUP, Event Center PROPOSED USE: Event Center + "Airbnb"

NAMES AND ADDRESSES OF ALL PROPERTY OWNERS WITHIN A 185 FOOT RADIUS OF THE PROPERTY FOR WHICH THE ZONING CHANGE IS BEING SOUGHT: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



THE FOLLOWING FACTORS JUSTIFY THIS REQUEST: \_\_\_\_\_

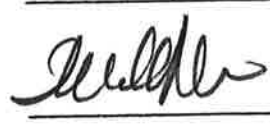
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\_\_\_\_\_

THIS APPLICATION **SHALL NOT BE CONSIDERED COMPLETE UNLESS IT IS ACCOMPANIED BY THE FOLLOWING ITEMS:**

- 1. THE REQUIRED FILING FEE OF \$ 350.00
- 2. A SKETCH PLAN OF THE PROPOSED BUILDING, DEVELOPMENT, OR USE, IF APPLICABLE

*Pleased be advised that the Board of Aldermen has the authority to revoke approval at any time, upon finding that the permitted conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.*

SIGNATURE OF APPLICANT(S): 

SIGNATURE OF LEGAL OWNER(S): 

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. (Ord. No. 2327 §1, 3-18-03)

**SECTION 405.070: VIOLATIONS AND PENALTIES**

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained or any building, structure or land is used in violation of this Title or other regulations made under authority conferred by this Title, the proper local authority of this municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. The regulations shall be enforced by the Zoning Officer and the Building Commissioner who are empowered to cause any building, structure, place or premises to be inspected or examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this Title or other regulations made under authority conferred by this Title.



# Planning & Zoning Commission

## Department of Planning

### Staff Report

**Meeting Date:** November 20, 2019

**Project Type:** Conditional Use Permit

**From:** Steve Roth  
City Administrator / Zoning Officer

**Applicant:** Trudy Nickelson, Designs of Ambiance, LLC.

**Description:** **PZ 2019-14: Designs of Ambiance, LLC, Conditional Use Permit.** A public hearing to consider an application for a Conditional Use Permit (CUP) at 415 W. St Louis St., Pacific, MO 63069 (Franklin County Parcel #19-1-12.0-3-003-018.000). The applicant is proposing to operate a nightly "AirBnB" vacation rental at this location, which is currently zoned R-1A, single family residential. Trudy Nickelson, applicant.

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#### **Summary**

The applicant has submitted a request for a Conditional Use Permit (CUP), for obtaining the zoning entitlement to conduct a nightly vacation rental operation ("Airbnb") at the subject property. The property is zoned "R-1A", single family residential. Section 400.090 of the zoning ordinance governs the "R-1A" district. A nightly vacation rental and / or bed and breakfast is not specifically identified in this zoning district. "Bed and breakfast home" uses are permitted as Home Occupations (Section 400.170), but subject to a CUP and other requirements.

As the Commission will recall, the applicant previously applied for and was granted a CUP to conduct a small events venue and office operation at this location. The nightly vacation rental use would be in addition to those uses.

Section 405.040.B. of the Pacific Code of Ordinances provides for the review and approval method for Conditional Use Permits. The Commission is required to act on this request by providing a recommendation of approval, approval with conditions, or denial to the Mayor and Board of Aldermen.

#### **Subject Site**

As noted above, the subject site is located on the north side of West St. Louis Street, west of its intersection with South 4<sup>th</sup> Street. This intersection includes stop signs for north-south traffic and is unrestricted for east-west traffic. Sidewalks are located along the front of the property. The property is improved and includes a single-family detached structure. The property is also rectangular in shape. On street parking is provided along West St. Louis Street. Slope of the site is mainly flat and the property is serviced with all necessary utilities. Please find an aerial snapshot of the property below.



**Land Use and Zoning of Surrounding Properties**

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

**Analysis**

Section 405.040.B. provides the standards for which this application is to be reviewed.

- a. Complies with all applicable provisions of this Title. Per the items below taken directly from Section 405.040 B: Conditional Use Permit, there are several items that must be verified prior to meeting the standard.

**The standard to be verified.**

- b. At the specific location will contribute to and promote the community welfare or convenience.

This standard has a degree of subjectivity involved. The use in our staff's judgment is well-suited to the property and serves an emerging market. **This standard has been met.**

- c. Will not cause injury to the value of neighboring property and will not create a nuisance.

The proposed use is residential in nature and is less intense than the special events venue and office use previously authorized. **The standard has been met.**

- d. Is consistent with the Comprehensive Plan and existing zoning district provisions.

The proposed land use is not listed as a permitted or a conditionally permitted land use in the "R-1" district. However, the application for CUP is being review based on section 400.120.C.17., which permits any use, by CUP, deemed appropriate by the Zoning Officer and City Administrator and approved by the Planning & Zoning Commission and Board of Aldermen. **Standard to be verified.**

- e. Will provide, if applicable, off-street parking and loading areas in accordance with the standards contained in this Title.

Off-street parking is provided by the driveway at the structure. Ample on-street parking is available adjacent to and near the property. **The standard has been met.**

- f. Will provide, if applicable, erosion control and on-site storm water detention in accordance with the standards contained in this Title.

The site is improved with a residential structure. No major improvements are proposed by the owner at this time. **Standard has been met.**

- g. Will not substantially increase traffic congestion and noise.

The proposed use is residential in nature and is of similar intensity to nearby residential and mixed uses. **The standard has been met.**

### **Recommendation**

The proposed nightly vacation rental use is less intense than the events venue and office use that were previously authorized. Given the prior authorization, staff researched the Code to determine if the proposed vacation rental use could be permitted administratively. However, given the specific code provisions relating to the Bed and Breakfast home uses (which require CUP authorization), and further lack of any provision authorizing staff to amend a CUP without Commission or Board of Aldermen oversight, the proposed use here is subject to CUP review and approval.

As noted in past discussions, the property is located in a general mixed-use district, with adjacent residential, institutional and nearby commercial uses. The neighborhood is pedestrian friendly and with ample off-street parking spaces. The nightly vacation rental use in staff's judgment is in harmony with the adjacent uses and would be a benefit to the larger neighborhood as a whole.

However, we recommend certain conditions should be set to assure that the use is protective of the nearby properties:

1. Rentals shall be a maximum of fourteen (14) consecutive days in length.
2. Maximum occupancy load (per bedroom) shall be as established by the City's duly adopted Building Codes then in effect.
3. Outside use of the premises shall be limited to no later than 9 p.m. Sunday through Thursday and 10 p.m. on Friday and Saturday.

**Further discussion**

Staff would further recommend that the City work on addressing the question of nightly vacation rentals through an amendment to the Zoning Regulations. The City Attorney and myself have researched this issue to some degree, and the City Attorney has prepared regulations for other communities dealing with this issue. In general, we favor a regulation that would make nightly vacation rentals a permitted use in certain districts, subject to certain terms and conditions. We would also generally favor prohibiting them altogether in certain zoning districts. This discussion is outside of the scope of the CUP application considered here, but should be a discussion item at a future Commission meeting.

Attachments (2):       Application  
                                  Public Hearing notice