

AGENDA

**The City of Rolla
Planning & Zoning Commission
Rolla City Council Chambers, 901 North Elm Street
Tuesday, October 12, 2021 at 5:30 PM**

Commission Members: Chairperson Don Brown, Russell Schmidt, Walter Bowe, Robert Anderson, Lister Florence, Jr, Kevin Crider, Janece Martin, Monte Shields, Steven Shields

- I. **APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, September 14, 2021.

- II. **REPORT ON RECENT CITY COUNCIL ACTIONS:**
 1. **VAC21-01: Alleyway Vacation:** Vacation of a portion of the right-of-way of the alley between Oak Street and Olive Street; and between US 63 and 18th Street; adjacent to 1808 and 1810 N Bishop, 1808 N Oak, and 1809 N Olive. **Approved by City Council at October 4, 2021 meeting.**

- III. **OLD BUSINESS:**
 1. **CUP21-02: Collective Solutions, LLC:** Conditional Use Permit (CUP) to allow a Wireless Communications Facility not permitted by Section 42-400 or 42-401.

- IV. **PUBLIC HEARING:**
 1. **ZON21-06: 438 W Little Oaks Rd:** Rezoning from the C-2, General Retail district to the RMH, Residential Manufactured Home district.
 2. **ZON21-07: 1879 Longview Ln:** Rezoning from the R-R, Rural Residential district to the R-1, Single-family district.
 3. **ZON21-08: RCDC:** Rezoning from the M-2, Heavy Manufacturing district to the C-3, Highway Commercial district.
 4. **ZON21-09: Ozark Rivers Chapter of National Audubon Society:** Rezoning from the R-1, Single-family district to the GI, Government and Institutional district.

- V. **NEW BUSINESS:**
 1. **SUB21-05: Parker Addition:** Minor subdivision to reorganize two platted lots in the R-1, Single-family district.

- VI. **OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF**

- VII. **CITIZEN COMMENTS**

NEXT MEETING DATE:

Tuesday, November 9, 2021

MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY, SEPTEMBER 14th, 2021

- Presiding:** Don Brown, Chairperson
- Commission Members Present:** Walt Bowe, Lister Florence Jr., Russell Schmidt, Monte Shields, Steven Shields
- Commission Members Absent:** Robert Anderson, Janece Martin, Kevin Crider
- City Officials in Attendance:** Tom Coots, *City Planner*, Sarah West, *Administrative Assistant*, Steve Flowers, *Community Development Director*
- I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, August 10th, 2021. **Chairperson Don Brown approved the minutes as printed and distributed.**
- II. REPORT ON RECENT CITY COUNCIL ACTIONS:**
1. **ZON21-04, 101 North Rucker:** Map Amendment (rezoning) from C-1, Neighborhood Business to the C-2, General Retail District. **Approved by City Council at September 7, 2021 meeting.**
 2. **ZON21-05, Self-Storage, Joshua Ratliff:** Map Amendment (rezoning) from R-3, Multi-Family to the C-3, Highway Commercial District. **Approved by City Council at September 7, 2021 meeting.**
 3. **SUB21-06, YCHC Addition:** Minor Subdivision to combine two lots located at 1081 East 18th Street. **Approved by City Council at September 7, 2021 meeting.**
- III. OLD BUSINESS:** NONE
- IV. PUBLIC HEARING:**
1. **VAC21-01, Alleyway Vacation:** A request was made to vacate a portion of the right-of-way of the alley between Oak Street and Olive Street; between US 63 and 18th Street; and adjacent to 1808 and 1810 N Bishop, 1808 N Oak, and 1809 N Olive.
- Tom Coots** presents the staff report. **Schmidt** asks how the vacation will affect the nearby lots. **Coots** explains the applicant owns all the adjacent lots and may resubdivide the lots. The southern area would remain as-is. **Brown** asks for clarification regarding access. **Coots** explains that if the request is approved, the applicant will have the ability to block

the alleyway if desired. **Florence** asks if the applicant owns the property surrounding the alleyway. **Coots** confirms the applicant owns 1808 Oak, 1809 Olive, 1808 Bishop, and 1810 Bishop.

Brown opens the public hearing.

Zhenhong “Tommy” Lin is the applicant. He explains the alleyway is not properly maintained, and is not used often. He also claims it would be a tremendous help to have alley vacated. **Schmidt** comments that the alleyway was used judging by the number of vehicles parked in the alleyway. **Lin** states that vehicles did not go north to Bishop Ave. He estimates very few vehicles used the alley daily. He also states he wished to reduce foot traffic.

Brown asks for any other questions from the commissioners or the audience. Seeing none, he closes the public hearing and entertains a motion.

A motion was made by Monte Shields, seconded by Steven Shields, to recommend approval of the request to vacate the north portion of the alleyway between US 63 and 18th street. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, Schmidt, Monte Shields, and Steven Shields. Nays: None. Absent: Anderson, Martin, and Crider. The motion passes unanimously.

2. CUP21-02, Collective Solutions, LLC: Conditional Use Permit (CUP) to allow a Wireless Communications Facility not permitted by Section 42-400 or 42-401.

Coots presents the staff report. **Brown** asks about fencing. **Coots** confirms that a fence is proposed. The fence is a security fence with screening slats. **Schmidt** asks what the main reason the requested tower needed a Conditional Use Permit (CUP) for. **Coots** states the main reason was because the requested tower was not a concealed or disguised type or a small-cell application. **Brown** asks if before the 2019 code, it was required to have a Conditional Use Permit (CUP) for a cell tower. **Coots** is unsure about the previous requirements, but states he knew of no other Conditional Use Permits (CUP) that have been issued before for a cell tower. **Schmidt** asks if any other cell towers were other concealed type towers. **Coots** states there were cell towers located on water towers, buildings, and one located in a flag pole in Schuman Park. **Brown** asks for an estimate on cell towers similar to the one requested in the City of Rolla. **Coots** estimates that there were roughly six to twelve cell towers similar to the one being requested in the City of Rolla.

Brown opened the public hearing.

Russell Been, located at 340 Marshall Road Valli Park, MO 63088, is a representative for Collective Solutions. He explained the request for a Conditional Use Permit (CUP). He handed out a packet of information for the Commission. **Florence** asks about the replacement for the facility on 420 16th street. **Been** confirms the need for a new location.

Schmidt asks if the old tower will be abandoned. **Been** says his client would relocate to the new tower, but the other tower would remain. Another company owns and operates the other tower. **Schmidt** asks regarding the 90 year lease upon the current cell tower. **Been** states that SBA is responsible for their contract with the city.

Megan Johnson, located at 1601 Broadway Rolla MO 65401, expresses health concerns due to the proposed tower being in close proximity to a school. Also asks why a cell tower is needed in the area.

Terri Higgins, located at 1113 Missouri Avenue Rolla MO 65401, expresses health concerns regarding the proposed tower being in close proximity to a school and also in a residential area. She submitted an email with a link to a website about health issues and cell towers prior to the meeting.

Zach Buchheit, located at 7700 Forsyth Boulevard Suite 1100 St. Louis MO 63105, is a representative for SBA Communications. He explained that he does not believe the request meets several provisions in the city code, including a fall zone setback, submission of various reports, paint scheme, landscaping and screening, and disguising the antennas. He explained that he does not believe the request meets the criteria for approval of a CUP. He explained that his client is not aware of any issues with the cell tower on which the applicants' client are currently located. He handed out some papers and maps for the Commission. **Brown** suggests a lack of communication between SBA and AT&T. **Brown** expresses that there is more risk concerning the fall zone with the current tower than with the one being proposed. **Buchheit** states the current tower met the code requirements at the time it was built.

Florence called Russell Been back to explain the setbacks of the proposed tower. **Been** states that those setbacks could be addressed by the board. He went on to rebut some of the testimony from Mr. Buchheit. **Schmidt** asks if the proposed tower would replace the current system for first responders. **Been** states the proposed tower will be in addition to the current system, and be strictly for first responders. **Schmidt** asks what providers are proposed on the tower. **Been** states that AT&T and Parallel Infrastructures have an agreement to locate on the proposed tower. **Bowe** asks if there is an option to put the updated technology on the pre-existing tower. **Been** states that this would not be possible.

Buchheit asked if he would be allowed to rebut. He reiterated the points about the deficiencies in the application. He said that the city is required to follow its code, even if it is in conflict with any state statutes.

Been asked if he could quickly rebut again. He explained that in fact the state statutes overrule the city codes on some issues and prohibit denial of a request for certain reasons.

Brown closes the public hearing and entertains a motion for a roll call vote.

A motion was made by Bowe, seconded by Schmidt, to recommend tabling the request for a Conditional Use Permit (CUP) to allow a Wireless Communications Facility, to the

next Planning and Zoning meeting on Tuesday, October 12, 2021. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, Schmidt, Monte Shields, and Steven Shields. Nays: None. Absent: Anderson, Martin, and Crider. The motion passes unanimously.

V. NEW BUSINESS: NONE

VII. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF:

VII. CITIZEN COMMENTS: NONE

Meeting adjourned: 6:47 p.m.

Minutes prepared by: Sarah West

NEXT MEETING:

Tuesday, October 12th, 2021



Report to:

**Planning and Zoning
Commission**

Case No.: CUP21-02

Meeting Date: October 12, 2021

Subject: Conditional Use Permit (CUP) to allow a Wireless Communications Facility not permitted by Section 42-400 or 42-401

Background: The applicant seeks to construct a wireless communications tower. The tower is proposed to be 95 feet tall, a monopole design, and have a fenced area for ground equipment. The Wireless Communications Facilities Code was adopted in 2019. The new code provides allowances for “small-cell” technology and disguised facilities. Any other type of wireless communications not excepted requires a Conditional Use Permit, including the more traditional towers such as is proposed.

The Planning and Zoning Commission did hold a public hearing at the September 14 meeting. The Commission voted to continue the discussions to the October 12 meeting. The applicant has provided some updates to their plans and letter of request based on the discussion at the meeting. Legal counsel has been sought to address some of the points raised at the September meeting.

Application and Notice:

Applicant - Russel Been or Collective Solutions, LLC
Owner - Barry Dunnigan of B Dunnigan Tours, LLC
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>
City Council Date - September 20, 2021 – postponed to October 18, 2021

Property Details:

Current zoning - C-2, General Retail
Proposed use - Wireless Communications Tower
Land area - Lease area: About 9,800 sq. ft. of 1.7 acre lot

Public Facilities/Improvements:

Streets - The subject property has frontage on Old St. James Rd, a major arterial road.
Sidewalks - A sidewalk is located adjacent to the property along Old St. James Rd.
Utilities - The property is already served by all needed utilities.

Comprehensive Plan: The Comprehensive Plan indicates that the subject property is appropriate for Industrial uses.

Discussion:

The proposed tower would be located in a predominantly industrial area. The equipment area is proposed to be fenced and screened. The applicant does propose to use a graveled drive to service the tower and equipment. Due to the height, the tower would be visible from a distance.

The following standards for review (paraphrased) apply to Conditional Use Permits. The Commission should find that the standards are met, or could be met with the imposition of conditions of approval.

1. Complies with all applicable provisions of the regulations.
2. No significant impact to traffic and safety.
3. Consistent with neighborhood in scale, intensity, and impact.
4. Adequate utility, drainage, etc. infrastructure proposed/existing.
5. Negative impacts are mitigated.

The CUP does appear to meet the minimum standards, however, the Wireless Communications Facilities Code also does require that the following standards be met:

1. That the design of the Wireless Communications Facilities, including ground layout, maximally reduces visual degradation and otherwise complies with provisions and intent of this Division.
2. That the design is visually compatible with the area, will not distract from the view of the surrounding area, is maximally concealed or blended in with the environment, and will not adversely affect property values.
3. That such conditional use shall not be inconsistent or adversely affect the regular permitted uses in the district in which the same is located.
4. That the proposal fully complies with applicable law including the General Requirements herein; provided that an exception to the General Requirements, other than building or safety code compliance, may be approved upon evidence that compliance is not feasible or is shown to be unreasonable under the specific circumstances shown.

The Wireless Communications Facilities Code also states that “No Conditional Use Permit shall be issued unless the applicant has clearly demonstrated by substantial evidence that placement of Wireless Communications Facilities pursuant to Section 42-400 or Section 42-401 of this Division is not technologically or economically feasible. The City may consider current or emerging industry standards and practices, among other information, in determining feasibility.”

The Wireless Communications Facilities Code also does specifically require a paved access and requires that any tower meet a “fall zone” setback from all property lines, rights-of-way, streets, sidewalks, buildings, and parking areas. The applicant is requesting that these requirements be waived for this application due to the site specific circumstances. Staff is in agreement that the access could be graveled due to the level of anticipated traffic to service the tower if the driveway is paved to the property line.

The “fall zone” setback may be excessive for applying to buildings and parking areas within the subject property. The “fall zone” for this tower would also include buildings and property on an adjacent property and the sidewalk and right-of-way of Old Saint James Rd. No residential structures are located in the “fall zone”. However, all towers are required to be designed and constructed to meet the minimum requirements of the International Building Code. The IBC will require that the tower be designed to withstand a 106 mph wind, as are all commercial buildings and structures within the city.

Information was presented at the September meeting from persons in opposition to the tower. Some opposition included testimony about the negative health impacts of such a tower and the proximity to the elementary school and residential neighborhood. State statutes specifically prohibit municipalities from considering the health impacts of telecommunications towers. Such issues are regulated by the Federal Communications Commission. Any telecommunications facility is required to meet FCC requirements.

Information was also presented that indicated that the city may have the ability to overrule the state or federal statutes. Rolla legal counsel has advised that, in fact, the city cannot operate contrary to the state or federal statutes.

A person in opposition also presented information about various deficiencies the application may have. Most of the presented deficiencies did not pertain to this type of application. However, three issues were raised that could impact the request. First, the “fall zone” setback was shown to not be met. Second, the paved access was shown to not be provided. Third, the plans did not indicate the planned color scheme for the tower. The applicant has submitted a revised elevation to clarify the tower will have an accepted color scheme.

The applicant is asking for a waiver of the “fall zone” setback and driveway paving requirements. The city may be able to approve a Conditional Use Permit to include these waivers because a CUP also includes the ability to review the site plans and impose conditions from the City Council, unlike other types of “small-cell” or “disguised” applications which can be approved at the staff level. Other application types would require approval of a variance for anything the adopted codes does not grant staff to waive.

However, the language of the requirements for approval of a Conditional Use Permit for the tower does seem to permit the request to be denied on the basis of not meeting the minimum code requirements if the applicant cannot demonstrate that compliance is not feasible or is unreasonable under the specific circumstances.

If the Conditional Use Permit is approved, the following conditions are recommended as conditions of approval:

1. The Conditional Use Permit is granted only to allow the proposed tower and fenced area.
2. The gravel access area is permitted, however, the driveway must be paved within the right-of-way to prevent gravel from leaving the property.
3. The reduction in the tower setbacks are permitted, however, the tower must be designed and constructed to meet the minimum building codes.
4. A copy of all required FAA and FCC permits be submitted for the file.
5. Security fencing and systems must be maintained for the duration of the use.

Findings:

1. A Conditional Use Permit is required for the proposed Wireless Communications Tower.
2. The subject property is zoned C-2, General Retail, but is located in an area predominantly zoned and used for industrial uses.
3. Additional standards and requirements for approval must be found to approve the Conditional Use Permit.
4. The applicant is seeking waivers from the minimum standards for such uses for the tower setbacks and for access pavement.

Alternatives:

1. Find that the request meets the standards for approval and recommend the City Council approve the request with the conditions suggested in the staff report.
2. Recommend that the City Council approve the request with additional or modified conditions.
3. Find that the proposed request does not meet the minimum standards for approval and recommend that the City Council deny the request.
4. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by: Tom Coots, City Planner

Attachments: Application, Public Notice Letter, Revised Letter of Request, Revised Site Plan/Elevation



Project Information:

Case No: CUP 21-02
 Location: 1900 Old Saint James Rd
 Applicant: Russell Been of Collective Solutions, LLC

Request:
 CUP to allow a telecommunications tower in the C-3, Highway Commercial district

Public Hearings:

Planning and Zoning Commission
 September 14, 2021
 5:30 PM
 City Hall: 1st Floor

City Council
 September 20, 2021
 6:30 PM
 City Hall: 1st Floor

For More Information Contact:

Tom Coots, City Planner
tcoots@rollacity.org
 (573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday



Who and What is the Planning and Zoning Commission?

The Planning and Zoning Commission is an appointed group of citizens from Rolla who are charged with hearing and deciding land use applications, such as zoning and subdivisions. The Commission takes testimony and makes a recommendation to the City Council.

What is a Conditional Use Permit (CUP)?

A Conditional Use Permit is a request for a special use in a zoning district which requires additional review. The Planning and Zoning Commission may recommend conditions which the applicant must continue to meet for as long they own the property.

What is Zoning?

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

SITUATED IN THE COUNTY OF PHELPS,
STATE OF MISSOURI:

COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF THE MAIN TRACK OF THE ST. LOUIS & SAN FRANCISCO RAILROAD WITH THE EAST AND WEST CENTERLINE OF SECTION ONE (1), IN TOWNSHIP THIRTY-SEVEN (37) NORTH, OF RANGE EIGHT (8) WEST, THENCE SOUTHWESTERLY ALONG THE CENTER LINE OF TRACK, A DISTANCE OF 332 FEET, THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 162 FEET, THENCE DUE EAST A DISTANCE OF 33 FEET AND 4 INCHES FOR A POINT OF BEGINNING, THENCE NORTHEASTERLY PARALLEL TO CENTER LINE OF MAIN TRACK, A DISTANCE OF 466 FEET AND 8 INCHES; THENCE SOUTHWESTERLY PARALLEL TO AFORESAID CENTER LINE MAIN TRACK A DISTANCE OF 700 FEET, THENCE DUE WEST A DISTANCE OF 466 FEET AND 8 INCHES TO THE POINT OF BEGINNING, EXCEPT A STRIP 35 FEET WIDE OFF SOUTH SIDE OF SAID TRACK. EXCEPTING ALL THAT PART CONVEYED TO THE CITY OF ROLLA, MISSOURI VIA WARRANTY DEED DATED DECEMBER 15, 1955, FILED JANUARY 6TH, 1956 IN BOOK 144 AT PAGE 26 OF THE PHELPS COUNTY DEED RECORDS. ALSO EXCEPTING ALL THAT PART CONVEYED TO CHARLES A. BLINNE AND MARY BLINNE, HIS WIFE, VIA WARRANTY DEED DATED SEPTEMBER 14TH, 1955, FILED JULY 24, 1956 IN BOOK 144 AT PAGE 485 OF THE PHELPS COUNTY DEED RECORDS, ALSO EXCEPTING ALL THAT PART CONVEYED TO C, A, BLINNE AND MARY BLINNE, HIS WIFE, VIA WARRANTY DEED DATED DECEMBER 20TH, 1960, FILED MAY 4TH, 1961 IN BOOK 158 AT PAGES 440,441 OF THE PHELPS COUNTY DEED RECORDS.

ALSO EXCEPTING ALL THAT PART CONVEYED TO MARY L. BLINNE, VIA QUIT CLAIM DEED DATED DECEMBER 15, 1980, FILED JUNE 30, 1981, IN BOOK 311, PAGE 41, OF THE PHELPS COUNTY RECORDS.

ALSO EXCEPTING THAT PROPERTY CONVEYED IN THE DEEDS RECORDED IN BOOK 207, PAGE 273, AND BOOK 182, PAGE 428, OF THE PHELPS COUNTY RECORDS.

TAX ID: 71-09-1.0-01-002-001-015.000

BEING THE SAME PROPERTY CONVEYED TO B DUNNIGAN TOURS LLC, GRANTEE, FROM MARY H. OGLE, A SINGLE PERSON, GRANTOR, BY DEED RECORDED 12/31/2018, AS DOCUMENT NO. 2018-5993, OF THE PHELPS COUNTY RECORDS.



LAND USE APPLICATION

Contact Information:

Property Owner:
 B Dunnigan Tours, LLC

Name(s)
 1900 Old St. James Road

Mailing Address
 Rolla, MO 65401

City, State, Zip
 573-202-3949

Phone
 revdiyauto@embarqmail.com

Email

Agent/Applicant (If Different Than Property Owner):

Russell S. Been Collective Solutions, LLC

Name
 340 Marshall Road

Mailing Address
 Valley Park, MO 63088

City, State, Zip
 314-989-9810

Phone
 russ@collectivesolutions.com

Email

Property/Request Information:

Request: _____ Rezoning
 _____ Planned Unit Development
 _____ X _____ Conditional Use Permit
 _____ Annexation
 _____ Text Amendment

1900 Old St. James Road, Rolla, MO

Property Address/Location

C-2

Property Zoning (Current and Proposed)
 95' tall monopole style wireless communications facility with 5' lighting rod and associated ground equipment

Proposed Development/Project/Amendment

APPLICATION CHECKLIST:

Applicant Checks Boxes	<input checked="" type="checkbox"/>	Completed Application Form	<input type="checkbox"/>
	<input type="checkbox"/>	Agent Letter (If Applicable)	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	Filing Fee - \$375 (Rezoning/CUP); \$475 (PUD); \$300 (CUP/PUD Amendment); \$62.50 (Annexation for advertisement)	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	Legal Description (Unplatted and Irregular Lots Only)	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	Site Plan (If Applicable)	<input type="checkbox"/>
	<input type="checkbox"/>	Letter of Request/Project Report (If Applicable)	<input type="checkbox"/>
			City Staff Verifies

OFFICE USE ONLY:

Case No:	DRC Meeting Date:	PC Hearing Date:
Submission Date:	Advertise By:	CC Hearing Date:

I N F O R M A T I O N :

Rezoning (Map Amendments) are *reviewed* to meet the following criteria:

1. Consistency with the intent of the Rolla Comprehensive Plan.
2. Changed or changing conditions in the neighborhood.
3. Compatibility with other properties in the immediate vicinity.
4. Adequacy of utility service and facilities.
5. Impact on vehicular and pedestrian traffic safety.
6. Correction of an error in the application of the zoning regulations.
7. Viability of economic use of the subject property if rezoning is denied.
8. Relevant information received at the public hearing.

PUD's (Planned Unit Developments) are *reviewed* to meet the following goals:

1. Implementation of the Rolla Comprehensive Plan.
2. Efficient use of land to protect/preserve natural features of the land.
3. Harmonious and coherent site and building design to create a sense of place.
4. Direction of development to existing or proposed transportation and utility facilities.

CUP's (Conditional Use Permits) are *reviewed* to meet the following standards:

1. Compliance with zoning district regulations.
2. Impact to traffic or pedestrian safety and mitigation.
3. Not dominating the immediate neighborhood.
4. Provision of adequate parking facilities.
5. Adequacy of utilities and drainage facilities.
6. Compatibility with surrounding vicinity.

Annexation requests must include a *notarized* petition that includes the following statements:

1. That the all property owners or agents have signed the application.
2. That the property is not part of any incorporated municipality and is contiguous to the city of Rolla limits.
3. That the applicants request to be annexed as authorized by RSMo. Section 71.012.

Text Amendment requests must include a letter/report with includes the following:

1. Reasons for amending the codes and demonstrating that the request serves the general welfare and preserves the community interest.
2. Proposed modifications with proposed language in underline and language to be removed in ~~strike through~~.

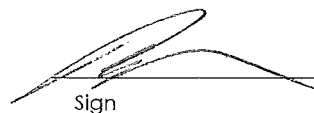
Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Planning Commission hearing, less any costs already incurred.

Property Owner(s):

Applicant/Agent (If Different From Owner)

 Barry Dunnigan, Sole Member
Sign _____ Print _____

 Russell S. Been, Collective Solutions, LLC
Agent for Parallel Infrastructures
Sign _____ Print _____

Sign

Print

Sign

Print



Collective Solutions, LLC

To: Tom Coots
From: Russell S. Been, Collective Solutions, LLC, agent for Parallel Infrastructure
CC: City of Rolla Missouri Planning and Zoning Commission
Date: 9/10/2021 UPDATED 10/6/2021
Re: Conditional Use Permit Application 1900 Old St. James Road, Rolla, MO for a 95' tall monopole style wireless telecommunication facility.

AT&T, in order to improve service and capacity in the Rolla, Missouri area, has contracted with Parallel Infrastructure to construct a 95' tall monopole style wireless communications facility. This facility will include a lighting rod and associated fencing and ground equipment. At the suggestion of the City of Rolla planning department, privacy slats have been added to the fencing.

Applicant would request that in lieu of requiring engineering drawings prior to zoning approval that the board would make such requirements a condition of approval prior to approval of the building permit. Towers will always be designed to meet at least the minimum building code, if not exceed the minimum code.

Strict application of the setbacks would severely interfere with the operation of the existing business. A strict application of the setbacks would put the proposed tower in the center of the driveway of the auto repair business operating on the property. The separated fenced area on the southern property line of the commercially zoned property is the logical place to locate the tower on this property.

In order to construct a new wireless communications facility, even within heavy commercial or manufacturing districts, a Conditional Use Permit is required. In order to be approved, Section 42.234.2 requires the following burden of proof:

1. Does the proposed conditional use comply with all applicable provisions of the applicable District regulations.
A: Yes, the proposed conditional use does comply.
2. The applicant has demonstrated through the provision of a traffic impact study or other acceptable method that the proposed conditional use at the specified location will not adversely affect the safety of the motoring public and pedestrians using the facility and surrounding area from traffic congestion or other hazards.
A: Due to the limited visits required to the site, this tower will not affect traffic or pedestrian traffic.

3. The location and size of the conditional use, the nature and intensity of operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning District regulations or the policies of the Rolla Comprehensive Plan. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls, and fences on the site.
A: The tower will not dominate the area versus the industrial and commercial uses already in use in the area.
 - b. The nature and extent of proposed landscaping and screening on the site.
A: The site will have site proof slats added to the fencing.
 - c. The noise characteristics of the use compared to the typical use in the District and any reduction solutions.
A: The tower will create almost no noise and definitely less than existing surrounding uses.
 - d. The potential glare of vehicles and stationary lights on site and any measures employed to mitigate their impact.
A: The site is unmanned and will have no regular vehicle traffic. The site will not be lit, beyond a small work light that will be utilized only when an emergency outage requires a technician to visit during evening hours.
 - e. Sign location, type, size, and lighting.
A: The site will only have a very small site identification sign on the gate and FAA/FCC required fence signs. As per question d. the only lighting will be a work light utilized during any emergency nighttime visits.
 - f. The impact on or potential interference with any easements, roadways, driveways, rail lines, utilities and storm water management systems. Off-street parking and loading areas will be provided in accordance with the standards set forth in this Article.
A: This site will have no impact on any of the above-mentioned items.
4. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
A: utilities, drainage and other such facilities have been accounted for in the design of this site.
5. The proposed uses where such developments and uses are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential, convenient, or desirable to preserve and promote the public health, safety, and general welfare of the City of Rolla.
A: The addition of coverage and capacity to the existing wireless service is like adding infrastructure. Adding infrastructure where needed is always a good planning practice. By adding the coverage and capacity, this allows for such things as Enhanced 911 and other safety measures. Allows for triangulation location and enhances response times for emergency responders, thus, enhancing and promoting the health safety and general welfare of the City of Rolla.

Section 42-402 of the Rolla Zoning Code requires that no Conditional Use Permit be issued unless the applicant has clearly demonstrated by substantial evidence that placement of Wireless Communications Facilities pursuant to Section 42-400 or Section 42-401 of this Division is not technologically or economically feasible. The City may consider current or emerging industry standards and practices, among other information, in determining feasibility.

A: 42-402.3 the current technology which is being utilized isn't even the most up to date technology and capacity available. As will be explained further at the hearing, since the 1990s when the technology that was taken into consideration when a lot of the facilities in this area were built out, the antenna technology has drastically changed along with the needs placed on wireless facilities. Antennas were 4' to 6' tall, 6" to 8" wide and 1" to 3" deep. The capacity demands were the 1 or 2 people out of 10 that had mobile phones in their cars. Now, the vast majority of

Americans, nearly 97%, own a cell phone, nearly 75% of Americans utilize a smart phone. Compared to the 30% of the population that had cellphones in 1999 when the decade was ending. The capacity and coverage demands on wireless facilities have exponentially increased. The solution to this increased demand was a major redesign of the equipment, antennas and radios, located at the various wireless facilities. The antennas were increased in size and the radios, once located at the base of the towers, were found to be more affective on the top of the tower and now have even been incorporated into the antennas. Where one antenna per sector was suitable, in order to achieve their desired coverage objectives 2, 3 and even 4 antennas are becoming the standard for wireless facilities. In order to achieve their coverage objective in the most technological and economically efficient way possible, a new monopole style facility is required.

Section 42-402.4 require the following 4 conditions exist:

1. That the design of the Wireless Communications Facilities, including ground layout, maximally reduces visual degradation and otherwise complies with provisions and intent of this Division;

A: The proposed site is adjoined on three sides by Heavy Industrial and on the 4th by a service garage for Missouri S&T. This use is very much compatible with the commercial and industrial area in which it is proposed.
2. That the design is visually compatible with the area, will not distract from the view of the surrounding area, is maximally concealed or blended in with the environment, and will not adversely affect property values;

A: The design is very consistent with the surrounding uses. Efforts were made to conceal the ground equipment from view by slatting the fence. In a commercial/industrial area such as we are proposing, increased coverage and capacity of a wireless facility is considered necessary infrastructure. By allowing the tower, coverage and capacity are increased, making the property more desirable and therefore, not only not adversely affecting property values, but increasing the values of those surrounding properties.
3. That such conditional use shall not be inconsistent or adversely affect the regular permitted uses in the district in which the same is located

A: This conditional use is consistent with and will not adversely affect the regular permitted uses of the district or surrounding districts.
4. That the proposal fully complies with applicable law including the General Requirements herein; provided that an exception to the General Requirements, other than building or safety code compliance, may be approved upon evidence that compliance is not feasible or is shown to be unreasonable under the specific circumstances shown.

A: The proposed use complies with all Federal, State and local laws.

NOTE:
THESE PLANS ARE FOR REFERENCE
ONLY AND SUBJECT TO CHANGE.

PLANS PREPARED FOR:
Parallel
INFRASTRUCTURE
15105 JOHN J. DELANEY DRIVE
SUITE D-3
CHARLOTTE, NC 28277

PLANS PREPARED BY:
T²
T-SQUARED
SITE SERVICES
2500 HIGHLAND ROAD, SUITE 201
HERMITAGE, PA 16148
724.308.7855
www.t-sqrd.com

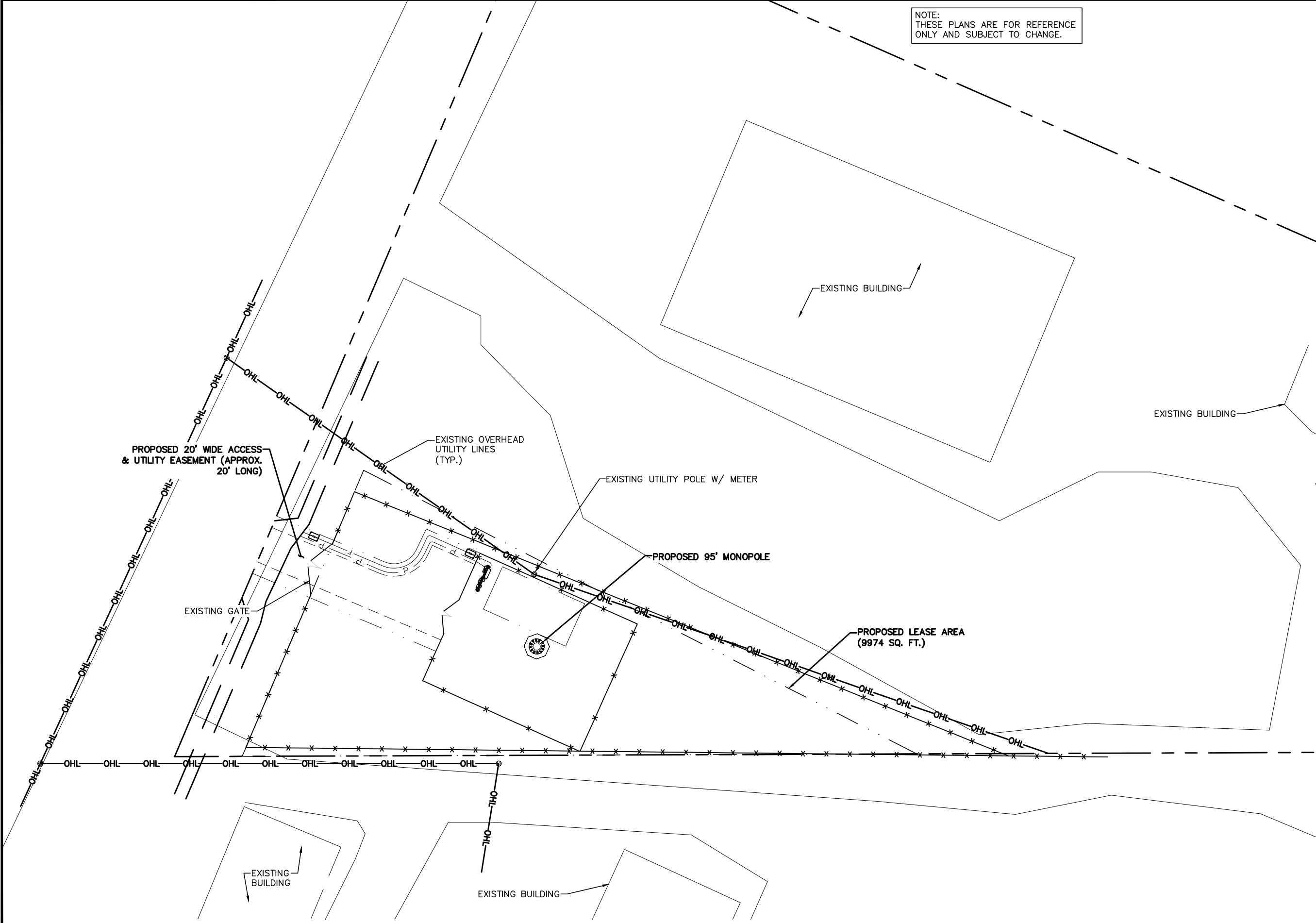
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CONSENT OF PARALLEL INFRASTRUCTURE.

REVISIONS:	DESCRIPTION	DATE	BY	REV
	ISSUED FOR REVIEW	8.12.21	KE	0
	REVISED ZDs	9.14.21	KE	1
	REVISED ZDs	10.06.21	LW	2

PROJECT INFO:
SITE NAME:
ROLLA
PI # : PIMO632
FA #: 15456793
1900 OLD ST JAMES RD
ROLLA, MO
PROPOSED
95' MONOPOLE TOWER
37.958550° -91.762672°

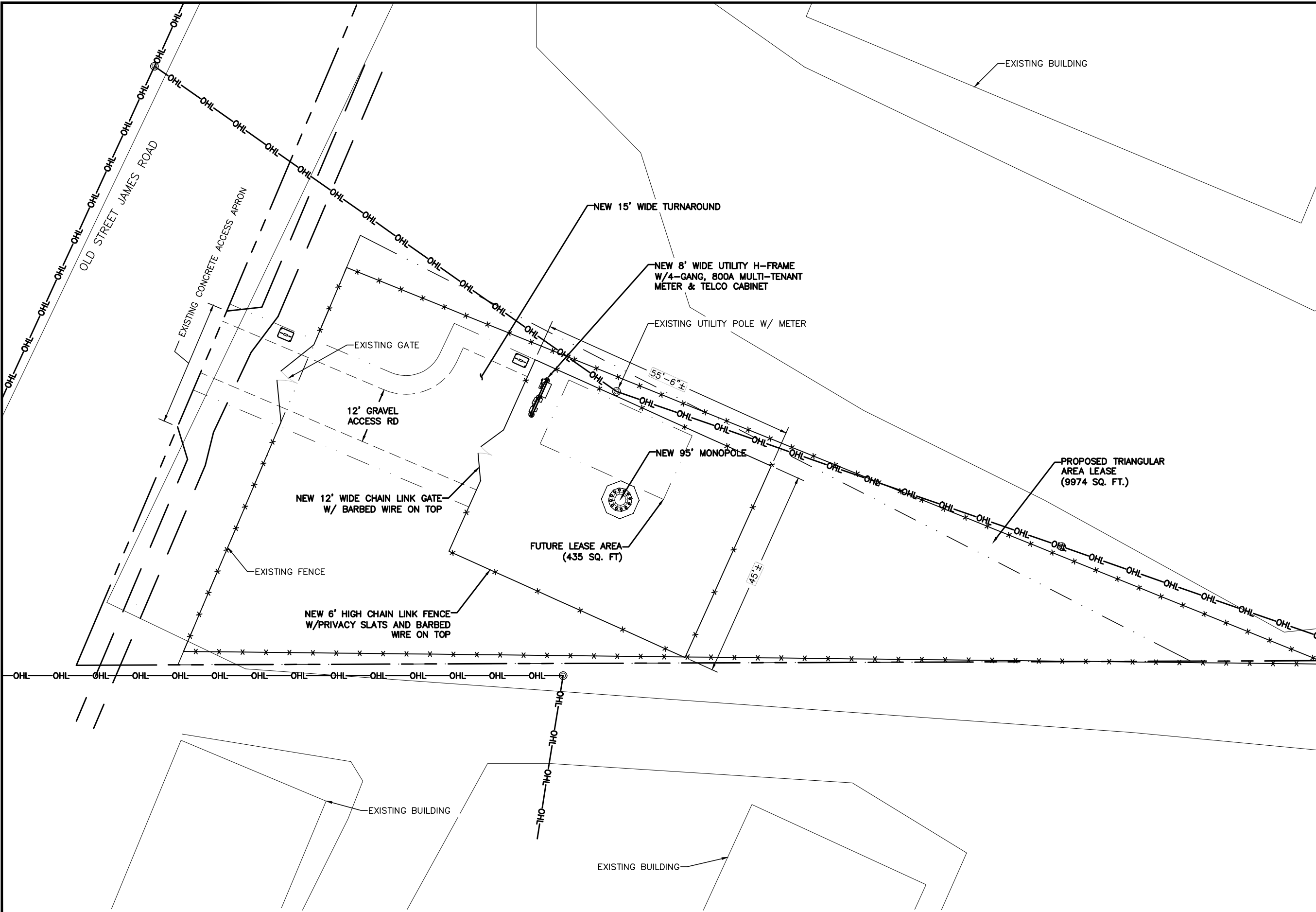
SHEET NUMBER:	REV.:
ZD-1	0
	46299



PLAN VIEW

1"=30'

A



PLANS PREPARED FOR:
Parallel
 INFRASTRUCTURE
 15105 JOHN J. DELANEY DRIVE
 SUITE D-3
 CHARLOTTE, NC 28277

PLANS PREPARED BY:

T-SQUARED
SITE SERVICES
 2500 HIGHLAND ROAD, SUITE 201
 HERMITAGE, PA 16148
 724.308.7855
 www.t-sqrd.com

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REVISIONS:	DESCRIPTION	DATE	BY	REV
	ISSUED FOR REVIEW	8.12.21	KE	0
	REVISED ZDS	9.14.21	KE	1
	REVISED ZDS	10.06.21	LW	2

PROJECT INFO:
 SITE NAME:
 ROLLA
 PI # : PIMO632
 FA #: 15456793
 1900 OLD ST JAMES RD
 ROLLA, MO
 PROPOSED
 95' MONOPOLE TOWER
 37.958550° -91.762672°

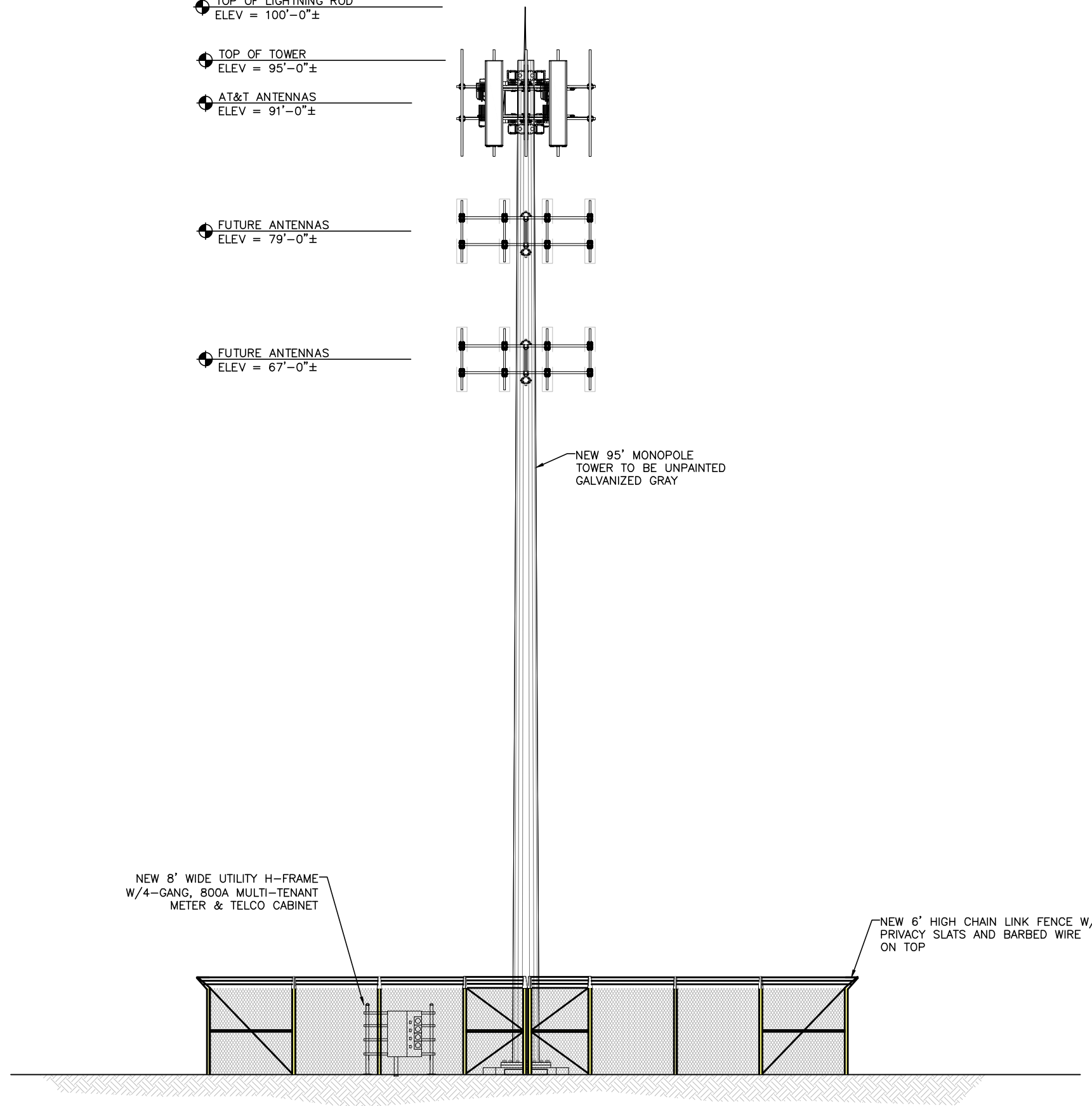
SHEET NUMBER:	REV.:
ZD-2	0
	46299

ENLARGED SITE PLAN

1" = 20'-0"

A

- TOP OF LIGHTNING ROD
ELEV = 100'-0"±
- TOP OF TOWER
ELEV = 95'-0"±
- AT&T ANTENNAS
ELEV = 91'-0"±
- FUTURE ANTENNAS
ELEV = 79'-0"±
- FUTURE ANTENNAS
ELEV = 67'-0"±



NEW 95' MONOPOLE TOWER TO BE UNPAINTED GALVANIZED GRAY

NEW 8' WIDE UTILITY H-FRAME W/4-GANG, 800A MULTI-TENANT METER & TELCO CABINET

NEW 6' HIGH CHAIN LINK FENCE W/ PRIVACY SLATS AND BARBED WIRE ON TOP

ELEVATION

N.T.S.

A

PLANS PREPARED FOR:

Parallel

INFRASTRUCTURE

15105 JOHN J. DELANEY DRIVE
SUITE D-3
CHARLOTTE, NC 28277

PLANS PREPARED BY:

T-SQUARED
SITE SERVICES

2500 HIGHLAND ROAD, SUITE 201
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REVISIONS:	DESCRIPTION	DATE	BY	REV
	ISSUED FOR REVIEW	8.12.21	KE	0
	REVISED ZDs	9.14.21	KE	1
	REVISED ZDs	10.06.21	LW	2

PROJECT INFO

SITE NAME:
ROLLA

PI # : PIMO632

FA #: 15456793

1900 OLD ST JAMES RD
ROLLA, MO

PROPOSED
95' MONOPOLE TOWER

37.958550° -91.762672°

SHEET NUMBER:	REV.:
ZD-3	0
	46299



Report to:

**Planning and Zoning
Commission**

Case No.: ZON21-06

Meeting Date: October 12, 2021

Subject: Map Amendment (rezoning): 438 W Little Oaks Rd from the C-2, General Retail district to the RMH, Residential Manufactured Home district

Background: The applicant is seeking to rezone the property to allow for a planned manufactured home to be placed on the property. The property is currently zoned for commercial uses, but is used residentially with a single-family home. The RMH zoning would allow for an additional manufactured home to be placed on the same property without being subdivided.

Application and Notice:

Applicant/Owner - Joshua and Jasmine Humphrey
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>
City Council Date - October 18, 2021

Property Details:

Current zoning - C-2, General Retail to RMH, Residential Manufactured Home district
Current use - Residential
Proposed use - Residential
Land area - About 1 acre

Public Facilities/Improvements:

Streets - The subject property has frontage on Little Oaks Rd, a collector street.
Sidewalks - No sidewalks are located adjacent to the property. There are no sidewalks in the vicinity. The ordinance does allow for the sidewalk to be waived when the property is developed.
Utilities - The subject property should have access to all needed public utilities. RMU does not currently serve the house with electric service, but RMU does intend to provide service to the proposed manufactured home.

Comprehensive Plan: The Comprehensive Plan designates the property as being appropriate for Community Commercial uses. The adjacent property is designated for medium/high density residential uses.

Discussion: The subject property is located adjacent to an existing mobile home park. The surrounding area is a mixture of residential and commercial uses. The subject property is located adjacent to the corporate limits of the city. The applicant only intends to place one manufactured home on the property at this time. If any additional development is ever proposed, a site plan compliant with the Mobile Home Park regulations must be submitted and approved.

The Commission may choose to rezone only a portion of the property to limit the future ability to further develop the property. The Commission may also choose to recommend a rezoning to the R-1, Single-family district to match the zoning with the current land use. This would allow for the property to be subdivided and allow for an additional single-family house to be constructed, rather than a manufactured home.

Rezoning Approval Criteria:

A rezoning application must be reviewed to ensure that the following criteria are considered:

1. Consistency with the intent of the adopted Comprehensive Plan;
2. Changed or changing conditions in the neighborhood;
3. Compatibility with the uses permitted in the immediate vicinity;
4. Adequacy or availability of utility service and facilities;
5. Impacts on vehicular and pedestrian traffic safety;
6. Correction of an error in the application of this Article;
7. Viability of economic uses of the subject property if the proposed rezoning is denied; and
8. Relevant information submitted at the public hearing.

Findings:

1. The Comprehensive Plan does designate the subject property as being appropriate for Community Commercial uses; however, adjacent property is designated for medium/high density residential.
2. The surrounding area is a mixture of residential and commercial uses.
3. The subject property is adjacent to unincorporated Phelps County and an existing manufactured home park.
4. A site plan review will be required if any additional development is proposed.

Alternatives:

1. Find the request meets the criteria for approval and recommend the City Council approve the request for a map amendment (rezoning) of the subject property.
2. Find the request meets the criterial for approval and recommend the City Council approve the request for the east 80 feet of the subject property only; and recommend City Council rezone the remainder of the property to the R-1, Single-family district.
3. Find that the requested RMH, Residential Manufactured Home district zoning is not appropriate and recommend the City Council rezone the entire property to the R-1, Single-family district.
4. Find that the proposed map amendment (rezoning) is not an appropriate use for the property and recommend that the City Council deny the request.
5. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by: Tom Coots, City Planner

Attachments: Public Notice Letter, Application, Letter of Request, Site Plan



Project Information:

Case No: ZON21-06
Location: 438 W Little Oaks Rd
Applicant: Joshua and Jasmine Humphrey
Request:

Rezoning from the C-2, General Retail district to the RMH, Manufactured Home district



Public Hearings:
Planning and Zoning Commission
October 12, 2021
5:30 PM
City Hall: 1st Floor

City Council
October 18, 2021
6:30 PM
City Hall: 1st Floor



For More Information Contact:
Tom Coots, City Planner
tcoots@rollacity.org

(573) 426-6974
901 North Elm Street
City Hall: 2nd Floor
8:00 – 5:00 P.M.
Monday - Friday



Who and What is the Planning and Zoning Commission?

The Planning and Zoning Commission is an appointed group of citizens from Rolla who are charged with hearing and deciding land use applications, such as zoning and subdivisions. The Commission takes testimony and makes a recommendation to the City Council.

What is a Rezoning (Map Amendment)?

A Rezoning is a request to change the zoning of a property from one zoning district to another. Usually a rezoning would allow for a property to be used differently than in the past, or may allow for development or redevelopment.

What is Zoning?

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

All that part of the Southwest Quarter of the Northeast Quarter of Section 23, Township 37 North, Range 8 West of the 5th P.M. described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of the Northeast Quarter of said Section 23; thence North 00°06'50" East, 25.00 feet to the Northerly right of way of West Little Oaks Road; thence South 89°21'29" West, 208.60 feet along said Northerly right of way to the point of beginning; thence continue South 89°21'29" West, 15.00 feet; thence North 00°06'50" East, 208.60 feet; thence North 89°21'29" East, 15.00 feet; thence South 00°06'50" West, 208.60 feet to the point of beginning. Contains 0.07 acres per Survey No. L-865 by Lortz Surveying, LLC

And a fractional part of the Southwest Quarter of the Northeast Quarter of Section 23, Township 37 North, Range 8 West, more particularly described as follows: Beginning at a point 25 feet North of the Southeast corner of the Southwest Quarter of the Northeast Quarter of Sec. 23, Township 37 North, Range 8 West, thence North 208.6 feet; thence West 208.6 feet; thence South 208.6 feet; thence East 208.6 feet to the place of beginning. Containing 1.0 acre, more or less.





LAND USE APPLICATION

Contact Information:

Property Owner:

Name(s) Joshua P Humphrey and Jasmine Humphrey

Mailing Address 438 W Little Oaks Rd

City, State, Zip Rolla, Mo, 65401

Phone 573 205 7819

Email jasmine.jonker@gmail.com

Agent/Applicant (If Different Than Property Owner):

Name _____

Mailing Address _____

City, State, Zip _____

Phone _____

Email _____

Property/Request Information:

- Request: Rezoning
 Planned Unit Development
 Conditional Use Permit
 Annexation
 Text Amendment

438 West Little Oaks Rd, Rolla, Mo, 65401
Property Address/Location

C-2 TO RMH
Property Zoning (Current and Proposed)

Add mobile Home
Proposed Development/Project/Amerrtment

APPLICATION CHECKLIST:

Applicant Checks Boxes	<input checked="" type="checkbox"/>	Completed Application Form	<input type="checkbox"/>	City Staff Verifies
	<input type="checkbox"/>	Agent Letter (If Applicable)	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	Filing Fee - \$375 (Rezoning/CUP); \$475 (PUD); \$300 (CUP/PUD Amendment); \$62.50 (Annexation for advertisement)	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	Legal Description (Unplatted and Irregular Lots Only)	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	Site Plan (If Applicable)	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	Letter of Request/Project Report (If Applicable)	<input type="checkbox"/>	

OFFICE USE ONLY:

Case No: 20N 21-06

DRC Meeting Date: 9.21.21

PC Hearing Date: 10.12.21

Submission Date: 8.18.21

Advertise By: 9.23.21

CC Hearing Date: 10.18.21 / 11.1.21

INFORMATION:

Rezoning (Map Amendments) are *reviewed* to meet the following criteria:

1. Consistency with the intent of the Rolla Comprehensive Plan.
2. Changed or changing conditions in the neighborhood.
3. Compatibility with other properties in the immediate vicinity.
4. Adequacy of utility service and facilities.
5. Impact on vehicular and pedestrian traffic safety.
6. Correction of an error in the application of the zoning regulations.
7. Viability of economic use of the subject property if rezoning is denied.
8. Relevant information received at the public hearing.

PUD's (Planned Unit Developments) are *reviewed* to meet the following goals:

1. Implementation of the Rolla Comprehensive Plan.
2. Efficient use of land to protect/preserve natural features of the land.
3. Harmonious and coherent site and building design to create a sense of place.
4. Direction of development to existing or proposed transportation and utility facilities.

CUP's (Conditional Use Permits) are *reviewed* to meet the following standards:

1. Compliance with zoning district regulations.
2. Impact to traffic or pedestrian safety and mitigation.
3. Not dominating the immediate neighborhood.
4. Provision of adequate parking facilities.
5. Adequacy of utilities and drainage facilities.
6. Compatibility with surrounding vicinity.

Annexation requests must include a *notarized* petition that includes the following statements:

1. That the all property owners or agents have signed the application.
2. That the property is not part of any incorporated municipality and is contiguous to the city of Rolla limits.
3. That the applicants request to be annexed as authorized by RSMo. Section 71.012.

Text Amendment requests must include a letter/report with includes the following:

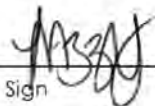
1. Reasons for amending the codes and demonstrating that the request serves the general welfare and preserves the community interest.
2. Proposed modifications with proposed language in underline and language to be removed in ~~strikethrough~~.

Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Planning Commission hearing, less any costs already incurred.

Property Owner(s):

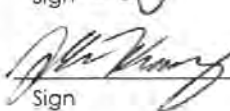
Applicant/Agent (If Different From Owner)


Sign

Jasmine Humphrey.
Print

Sign

Print


Sign

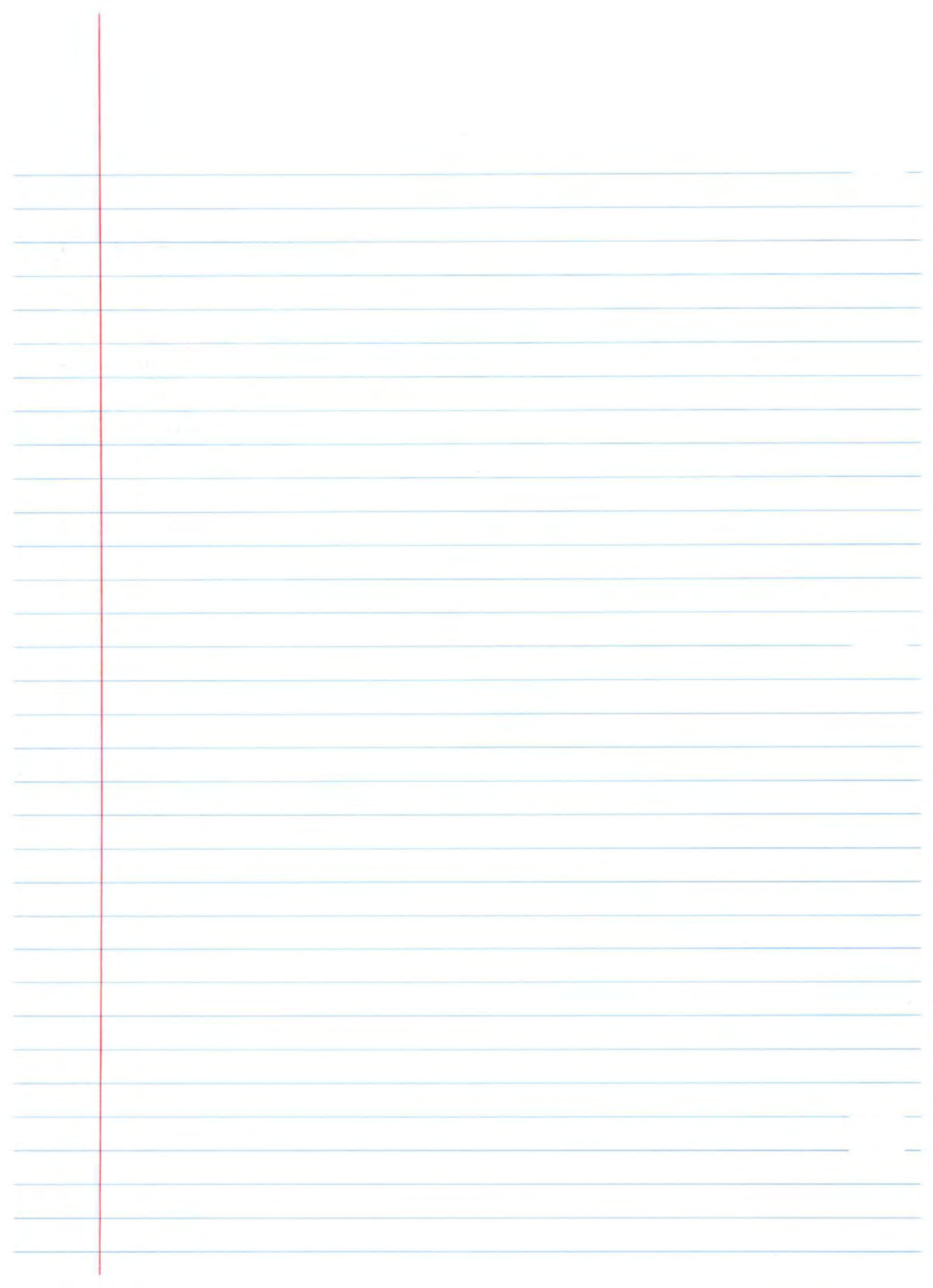
Joshua Humphrey.
Print

Sign

Print

SITE PLAN

Our goal is to place a mobile home on the East side of the creek. (The side closest to the existing mobile home park next door). It will be placed further back of the land away from the Street. We will have an asphalt roadway paired going onto the lot with sufficient space for the natural drainage of the roadway. We will connect City utilities to the mobile home.



VACANT LAND

SHED

VACANT LAND

FENCE

PROPOSED MOBILE HOME

MOBILE HOME PARK

EXISTING HOUSE

80'

DRIVE

STREAM

NEW DRIVE

LITTLE OAKS RD



UNSW CORPORATED
PHELPS COUNTY



Report to:

**Planning and Zoning
Commission**

Case No.: ZON21-07

Meeting Date: October 12, 2021

Subject: Map Amendment (rezoning): 1879 Longview Ln from the R-R, Rural Residential district to the R-1, Single-family district

Background: The applicant is seeking to rezone the property to allow for a proposed minor subdivision to reorganize the platted lots. The applicant has submitted the subdivision. One of the lots was found to not meet the minimum lot size for the R-R district. Rezoning the property to the R-1 district would allow for the minor subdivision to be approved. A single-family house is already located on the property. The subdivision would create a lot that would allow for an additional single-family house.

Application and Notice:

Applicant/Owner - Bryan and Cindy Parker
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>
City Council Date - October 18, 2021

Property Details:

Current zoning - R-R, Rural Residential district to the R-1, Single-family district
Current use - Residential
Proposed use - Residential
Land area - About 1.8 acres (about 77,000 sq. ft.)

Public Facilities/Improvements:

Streets - The subject property has frontage on Longview Ln, a local street; and frontage on Hwy 72, a primary arterial road. One lot will have direct access from Hwy 72 via an existing access point, with approval from MoDOT.
Sidewalks - No sidewalks are located adjacent to the property. There are no sidewalks in the vicinity. The ordinance does allow for the sidewalk to be waived when the property is developed.
Utilities - The subject property should have access to all needed public utilities.

Comprehensive Plan: The Comprehensive Plan designates the property as being appropriate for Low Density Residential uses.

Discussion: The proposed zoning would match the zoning of all other developed lots in the vicinity. The R-1 zoning is appropriate for platted lots with access to all utilities. The applicant has submitted a minor subdivision to reorganize the property as well.

The Commission also has the option of recommending rezoning of Lot 2 of the proposed Parker Addition to the R- district, as Lot 1 does meet the minimum requirements for the R-R district.

Rezoning Approval Criteria:

A rezoning application must be reviewed to ensure that the following criteria are considered:

1. Consistency with the intent of the adopted Comprehensive Plan;
2. Changed or changing conditions in the neighborhood;
3. Compatibility with the uses permitted in the immediate vicinity;
4. Adequacy or availability of utility service and facilities;
5. Impacts on vehicular and pedestrian traffic safety;
6. Correction of an error in the application of this Article;
7. Viability of economic uses of the subject property if the proposed rezoning is denied; and
8. Relevant information submitted at the public hearing.

Findings:

1. The Comprehensive Plan does designate the subject property as being appropriate for Low Density Residential uses.
2. A minor subdivision final plat has also been submitted to reorganize the property into two residential lots.
3. The developed lots in the vicinity are zoned R-1.

Alternatives:

1. Find the request meets the criteria for approval and recommend the City Council approve the request for a map amendment (rezoning) of the subject property.
2. Find the request meets the criterial for approval and recommend the City Council approve the request for Lot 2 of the proposed Parker Addition plat only.
3. Find that the proposed map amendment (rezoning) is not an appropriate use for the property and recommend that the City Council deny the request.
4. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by: Tom Coots, City Planner

Attachments: Public Notice Letter, Application



Project Information:

Case No: ZON21-07
 Location: 1879 Longview Lane
 Applicant: Brian and Cindy Parker
 Request:

Rezoning from the R-R, Rural Residential district to the R-1, Single-Family district



Public Hearings:
 Planning and Zoning Commission
 October 12, 2021
 5:30 PM
 City Hall: 1st Floor

 City Council
 October 18, 2021
 6:30 PM
 City Hall: 1st Floor



For More Information Contact:
 Tom Coots, City Planner
 tcoots@rollacity.org

(573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday



Who and What is the Planning and Zoning Commission?

The Planning and Zoning Commission is an appointed group of citizens from Rolla who are charged with hearing and deciding land use applications, such as zoning and subdivisions. The Commission takes testimony and makes a recommendation to the City Council.

What is a Rezoning (Map Amendment)?

A Rezoning is a request to change the zoning of a property from one zoning district to another. Usually a rezoning would allow for a property to be used differently than in the past, or may allow for development or redevelopment.

What is Zoning?

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

Lots 17 and 18, Longview Subdivision, Rolla, Phelps County, Missouri

To be replatted as Lots 1 and 2, Parker Addition, Rolla, Phelps County, Missouri





LAND USE APPLICATION

Contact Information:

Property Owner:

Bryan and Cindy Parker

Name(s)

13925 COUNTY ROAD 8510

Mailing Address

Newburg, MO 65550

City, State, Zip

573-465-0276

Phone

Email

Agent/Applicant (If Different Than Property Owner):

Name

Mailing Address

City, State, Zip

Phone

Email

Property/Request Information:

- Request: Rezoning
 Planned Unit Development
 Conditional Use Permit
 Annexation
 Text Amendment

1879 Longview Lane

Property Address/Location

Current: R-R, Proposed: R-1

Property Zoning (Current and Proposed)

Proposed Development/Project/Amendment

APPLICATION CHECKLIST:

Applicant Checks Boxes

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Completed Application Form

Agent Letter (If Applicable)

Filing Fee - \$375 (Rezoning/CUP); \$475 (PUD); \$300 (CUP/PUD Amendment);
\$62.50 (Annexation for advertisement)

Legal Description (Unplatted and Irregular Lots Only)

Site Plan (If Applicable)

Letter of Request/Project Report (If Applicable)

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

City Staff Verifies

OFFICE USE ONLY:

Case No: 20N 21-07

DRC Meeting Date: 9.21.21

PC Hearing Date: 10.12.21

Submission Date: 9.3.21

Advertise By: 9.23.21

CC Hearing Date: 10.18.21 / 11.1.21

I N F O R M A T I O N :

Rezoning (Map Amendments) are reviewed to meet the following criteria:

1. Consistency with the intent of the Rolla Comprehensive Plan.
2. Changed or changing conditions in the neighborhood.
3. Compatibility with other properties in the immediate vicinity.
4. Adequacy of utility service and facilities.
5. Impact on vehicular and pedestrian traffic safety.
6. Correction of an error in the application of the zoning regulations.
7. Viability of economic use of the subject property if rezoning is denied.
8. Relevant information received at the public hearing.

PUD's (Planned Unit Developments) are reviewed to meet the following goals:

1. Implementation of the Rolla Comprehensive Plan.
2. Efficient use of land to protect/preserve natural features of the land.
3. Harmonious and coherent site and building design to create a sense of place.
4. Direction of development to existing or proposed transportation and utility facilities.

CUP's (Conditional Use Permits) are reviewed to meet the following standards:

1. Compliance with zoning district regulations.
2. Impact to traffic or pedestrian safety and mitigation.
3. Not dominating the immediate neighborhood.
4. Provision of adequate parking facilities.
5. Adequacy of utilities and drainage facilities.
6. Compatibility with surrounding vicinity.

Annexation requests must include a *notarized* petition that includes the following statements:

1. That the all property owners or agents have signed the application.
2. That the property is not part of any incorporated municipality and is contiguous to the city of Rolla limits.
3. That the applicants request to be annexed as authorized by RSMo. Section 71.012.

Text Amendment requests must include a letter/report with includes the following:

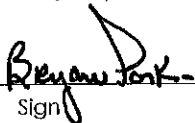
1. Reasons for amending the codes and demonstrating that the request serves the general welfare and preserves the community interest.
2. Proposed modifications with proposed language in underline and language to be removed in ~~strikethrough~~.

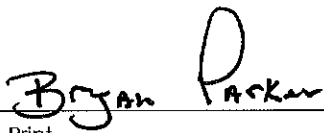
Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Planning Commission hearing, less any costs already incurred.

Property Owner(s):

Applicant/Agent (If Different From Owner)


Sign


Print

Sign

Print

Sign

Print

Sign

Print



Report to:

**Planning and Zoning
Commission**

Case No.: ZON21-08

Meeting Date: October 12, 2021

Subject: Map Amendment (rezoning): Vacant property on Old Hwy 66 west of Hy Point Industrial Park Dr from M-2, Heavy Manufacturing to the C-3, Highway Commercial district

Background: The subject property is owned by the Rolla Community Development Corporation. RCDC owns the undeveloped properties in the Hy Point Industrial park and works to attract new industrial and commercial businesses to the park. RCDC has an interested buyer, but the buyers proposed use would require that the property be rezoned. The property is adjacent to the QuikTrip property, which was also sold by RCDC and rezoned from M-2 to C-3 to allow for a more commercial use.

Application and Notice:

Applicant/Owner - Matt Williams of RCDC, Rolla Community Development Corporation
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>
City Council Date - October 18, 2021

Property Details:

Current zoning - M-2, Heavy Manufacturing to the C-3, Highway Commercial district
Current use - Vacant/undeveloped
Proposed use - Commercial
Land area - About 8 acres

Public Facilities/Improvements:

Streets - The subject property has frontage on Old Hwy 66, an outer road for I-44 and a collector street.
Sidewalks - No sidewalks are located adjacent to the property. There are no sidewalks in the vicinity. The ordinance does allow for the sidewalk to be waived when the property is developed.
Utilities - The subject property should have access to all needed public utilities.

Comprehensive Plan: The Comprehensive Plan designates the property as being appropriate for Industrial uses.

Discussion: The subject property is adjacent to other C-3 zoned property and has visibility from I-44. The actual development of the property may be subject to review by MoDOT for access, traffic study, and the potential need for roadway improvements. The Hy Point Industrial Park Drive and I-44 interchange is already nearing maximum capacity. The property is also adjacent to a RMU community well, which serves the industrial park area and is connected to the system serving the city proper. The state does regulate activities which could impact the water supply.

Although the property is located in the industrial park, the property has been available for sale for many years. The visibility to I-44 does allow for many commercial uses to be viable in addition to the industrial uses.

Rezoning Approval Criteria:

A rezoning application must be reviewed to ensure that the following criteria are considered:

1. Consistency with the intent of the adopted Comprehensive Plan;
2. Changed or changing conditions in the neighborhood;
3. Compatibility with the uses permitted in the immediate vicinity;
4. Adequacy or availability of utility service and facilities;
5. Impacts on vehicular and pedestrian traffic safety;
6. Correction of an error in the application of this Article;
7. Viability of economic uses of the subject property if the proposed rezoning is denied; and
8. Relevant information submitted at the public hearing.

Findings:

1. The Comprehensive Plan does designate the subject property as being appropriate for Industrial uses.
2. The subject property is located adjacent to other properties zoned C-3, Highway Commercial.
3. The visibility to I-44 and frontage on an outer road does make commercial uses viable for the property.
4. Development of the property could be impaired by needs for improvements to roads in the vicinity due to traffic capacity issues.

Alternatives:

1. Find the request meets the criteria for approval and recommend the City Council approve the request for a map amendment (rezoning) of the subject property.
2. Find that the proposed map amendment (rezoning) is not an appropriate use for the property and recommend that the City Council deny the request.
3. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by: Tom Coots, City Planner

Attachments: Public Notice Letter, Application



Project Information:

Case No: ZON21-08
 Location: Old Hwy 66 west of HyPoint Industrial Park Drive
 Applicant: Rolla Community Development Corporation (RCDC)
 Request: Rezoning from the M-2, Heavy Manufacturing district to C-3, Highway Commercial district

Public Hearings:
 Planning and Zoning Commission
 October 12, 2021
 5:30 PM
 City Hall: 1st Floor

 City Council
 October 18, 2021
 6:30 PM
 City Hall: 1st Floor

For More Information Contact:
 Tom Coots, City Planner
 tcoots@rollacity.org

 (573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday



Who and What is the Planning and Zoning Commission?

The Planning and Zoning Commission is an appointed group of citizens from Rolla who are charged with hearing and deciding land use applications, such as zoning and subdivisions. The Commission takes testimony and makes a recommendation to the City Council.

What is a Rezoning (Map Amendment)?

A Rezoning is a request to change the zoning of a property from one zoning district to another. Usually a rezoning would allow for a property to be used differently than in the past, or may allow for development or redevelopment.

What is Zoning?

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

A fractional part of Lot B of QUICKTRIP #7067 ADDITION, Rolla, Missouri more particularly described as follows:

Beginning at the Southwest Corner of Lot B of said QUICKTRIP #7067 ADDITION; thence North 0°15'00" West, 431.57 feet, and, South 88°45'40" East, 203.59 feet, and, North 0°11'20" East, 199.98 feet, and, North 88°43'40" West, 202.32 feet, and, North 0°04'00" West, 83.71 feet, and, North 0°14'20" East, 11.29 feet, and, North 0°17'10" West, 249.78 feet, all along the westerly line of said Lot B; thence South 88°30'20" East, 96.80 feet; thence South 89°38'40" East, 186.86 feet; thence South 87°11'30" East, 56.46 feet to the West right of way of Enterprise Drive; thence South 0°22'50" East, 250.58 feet along said West right of way; thence South 88°46'40" East, 69.88 feet along the end of said Enterprise Drive to the easterly line of the aforesaid Lot B of QUICKTRIP #7067 ADDITION; thence South 0°19'20" East, 38.46 feet, and, South 40°50'00" East, 266.75 feet, all along said easterly line to the northwesterly right of way of U.S. Interstate 44; thence South 31°13'00" West, 168.73 feet, and, South 45°49'00" West, 310.34 feet, and, South 67°20'10" West, 141.36 feet, and, South 66°35'50" West, 157.45 feet, all along said northwesterly right of way to the point of beginning. Above described tract contains 7.82 acres, more or less, per plat of survey J-3999, dated September 10, 2021, by CM Archer Group, P.C.





LAND USE APPLICATION

Contact Information:

Property Owner: ROLLA COMMUNITY DEVELOPMENT COMP. MATTHEW WILLIAMS PRES.

Name(s) 15435 CR. 7230

Mailing Address ROLLA, MO. 65401

City, State, Zip 573-465-0387

Phone MATTRCDCE.FIDMAIL.COM

Email

Agent/Applicant (If Different Than Property Owner):

Name _____

Mailing Address _____

City, State, Zip _____

Phone _____

Email _____

Property/Request Information:

Request: Rezoning
 Planned Unit Development
 Conditional Use Permit
 Annexation
 Text Amendment

ENTERPRISE DR TRACT B-1
Property Address/Location

M2 TO C3
Property Zoning (Current and Proposed)

GAS STATION, CAR WASH & RESTAURANT
Proposed Development/Project/Amendment

APPLICATION CHECKLIST:

Applicant Checks Boxes	<input checked="" type="checkbox"/>	Completed Application Form	<input type="checkbox"/>	City Staff Verifies
	<input type="checkbox"/>	Agent Letter (If Applicable)	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	Filing Fee - \$375 (Rezoning/CUP); \$475 (PUD); \$300 (CUP/PUD Amendment); \$62.50 (Annexation for advertisement)	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	Legal Description (Unplatted and Irregular Lots Only)	<input type="checkbox"/>	
	<input type="checkbox"/>	Site Plan (If Applicable)	<input type="checkbox"/>	
	<input type="checkbox"/>	Letter of Request/Project Report (If Applicable)	<input type="checkbox"/>	

OFFICE USE ONLY:

Case No: <u>20N21-08</u>	DRC Meeting Date: <u>9.21.21</u>	PC Hearing Date: <u>10.12.21</u>
Submission Date: <u>9.10.21</u>	Advertise By: <u>9.23.21</u>	CC Hearing Date: <u>10.18.21</u> <u>11.1.21</u>

INFORMATION:

Rezoning (Map Amendments) are reviewed to meet the following criteria:

1. Consistency with the intent of the Rolla Comprehensive Plan.
2. Changed or changing conditions in the neighborhood.
3. Compatibility with other properties in the immediate vicinity.
4. Adequacy of utility service and facilities.
5. Impact on vehicular and pedestrian traffic safety.
6. Correction of an error in the application of the zoning regulations.
7. Viability of economic use of the subject property if rezoning is denied.
8. Relevant information received at the public hearing.

PUD's (Planned Unit Developments) are reviewed to meet the following goals:

1. Implementation of the Rolla Comprehensive Plan.
2. Efficient use of land to protect/preserve natural features of the land.
3. Harmonious and coherent site and building design to create a sense of place.
4. Direction of development to existing or proposed transportation and utility facilities.

CUP's (Conditional Use Permits) are reviewed to meet the following standards:

1. Compliance with zoning district regulations.
2. Impact to traffic or pedestrian safety and mitigation.
3. Not dominating the immediate neighborhood.
4. Provision of adequate parking facilities.
5. Adequacy of utilities and drainage facilities.
6. Compatibility with surrounding vicinity.

Annexation requests must include a *notarized* petition that includes the following statements:

1. That the all property owners or agents have signed the application.
2. That the property is not part of any incorporated municipality and is contiguous to the city of Rolla limits.
3. That the applicants request to be annexed as authorized by RSMo. Section 71.012.

Text Amendment requests must include a letter/report with includes the following:

1. Reasons for amending the codes and demonstrating that the request serves the general welfare and preserves the community interest.
2. Proposed modifications with proposed language in underline and language to be removed in ~~striketrough~~.

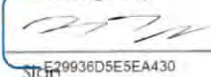
Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Planning Commission hearing, less any costs already incurred.

Property Owner(s):

Applicant/Agent (If Different From Owner)

DocuSigned by:



MATT WILLIAMS

E29936D5E5EA430

Print

RGDC PRESIDENT

Sign

Print

Sign

Print

Sign

Print

October 7, 2021

City of Rolla

Attn: Tom Coots

PO Box 979

Rolla, MO 65401

RE: Zoning Change Request Enterprise Dr. Lot B

Dear Mr. Coots,

In a follow up from our application to rezone the property owned by the Rolla Community Development Corporation located at Enterprise Drive Lot B off of Hwy V in the Rolla Industrial Park, please be advised we are under contract to sell this parcel. Recall the current zoning is M1.

The buyer of this plot of land desires to open a new convenience store, restaurant and potentially a truck wash. Therefore, RCDC requests the downzoning of this parcel of land from M1 to C3.

Sincerely,

DocuSigned by:



248A9AF989054B8
Matthew Z Williams

President of the Rolla Community Development Corporation



Report to:

**Planning and Zoning
Commission**

Case No.: ZON21-09

Meeting Date: October 12, 2021

Subject: Map Amendment (rezoning): 900 Meriwether Ct from the R-1, Single-family district to the GI, Government and Institutional district.

Background: The Ozark Rivers Chapter of the National Audubon Society has operated the subject property for many years. The property is used for wildlife refuge, recreational trails, and education. The group operates as a non-profit and allows the general public to freely access the property. The property is very similar to a public park, but is privately owned and maintained.

The applicant has proposed to construct a pavilion on the property to serve as an outdoor classroom, to host events, and for shelter from the elements. However, with the property being zoned R-1, Single-family, the building permit could not be approved for the pavilion, as the R-1 district does not permit any use similar to how the applicant uses the property. Rezoning to the GI, Government and Institutional district will allow for the pavilion to be permitted and will allow for the property to continue to be used as it has been used.

The area proposed to be rezoned does not include the platted lots in the Sylvan Hills subdivision and a non-contiguous property also owned by the organization. This will allow the organization the flexibility to sell those properties in the future, if desired. A portion of the property is already zoned GI. This property was deeded to the current owner from the city.

Application and Notice:

Applicant/Owner - Conway Hawn of the Ozark Rivers Chapter of the National Audubon Society
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>
City Council Date - October 18, 2021

Property Details:

Current zoning - R-1, Single-family district to the GI, Government and Institutional district
Current use - Recreational
Proposed use - Recreational
Land area - About 57 acres

Public Facilities/Improvements:

Streets - The subject property has frontage on White Columns Dr, a collector street; and is accessed via Meriwether Ct, a local street.
Sidewalks - No sidewalks are located adjacent to the property. There are no sidewalks in the vicinity. The ordinance does allow for the sidewalk to be waived when the property is developed.
Utilities - The subject property should have access to all needed public utilities.

Comprehensive Plan: The Comprehensive Plan designates the property as being appropriate for Semi-public/Church uses.

Discussion: The property is used very similar to a public park. Although the GI district is most commonly utilized for properties which are owned by the city, or the university, Phelps County, or any other level of government, the zoning code also states that the GI zoning is appropriate for “recreational facilities”. GI zoning will help to allow the property owner to provide all forms of public and semi-public uses. The zoning will also prevent private development if the property is sold, unless the property is rezoned again at that time.

Rezoning Approval Criteria:

A rezoning application must be reviewed to ensure that the following criteria are considered:

1. Consistency with the intent of the adopted Comprehensive Plan;
2. Changed or changing conditions in the neighborhood;
3. Compatibility with the uses permitted in the immediate vicinity;
4. Adequacy or availability of utility service and facilities;
5. Impacts on vehicular and pedestrian traffic safety;
6. Correction of an error in the application of this Article;
7. Viability of economic uses of the subject property if the proposed rezoning is denied; and
8. Relevant information submitted at the public hearing.

Findings:

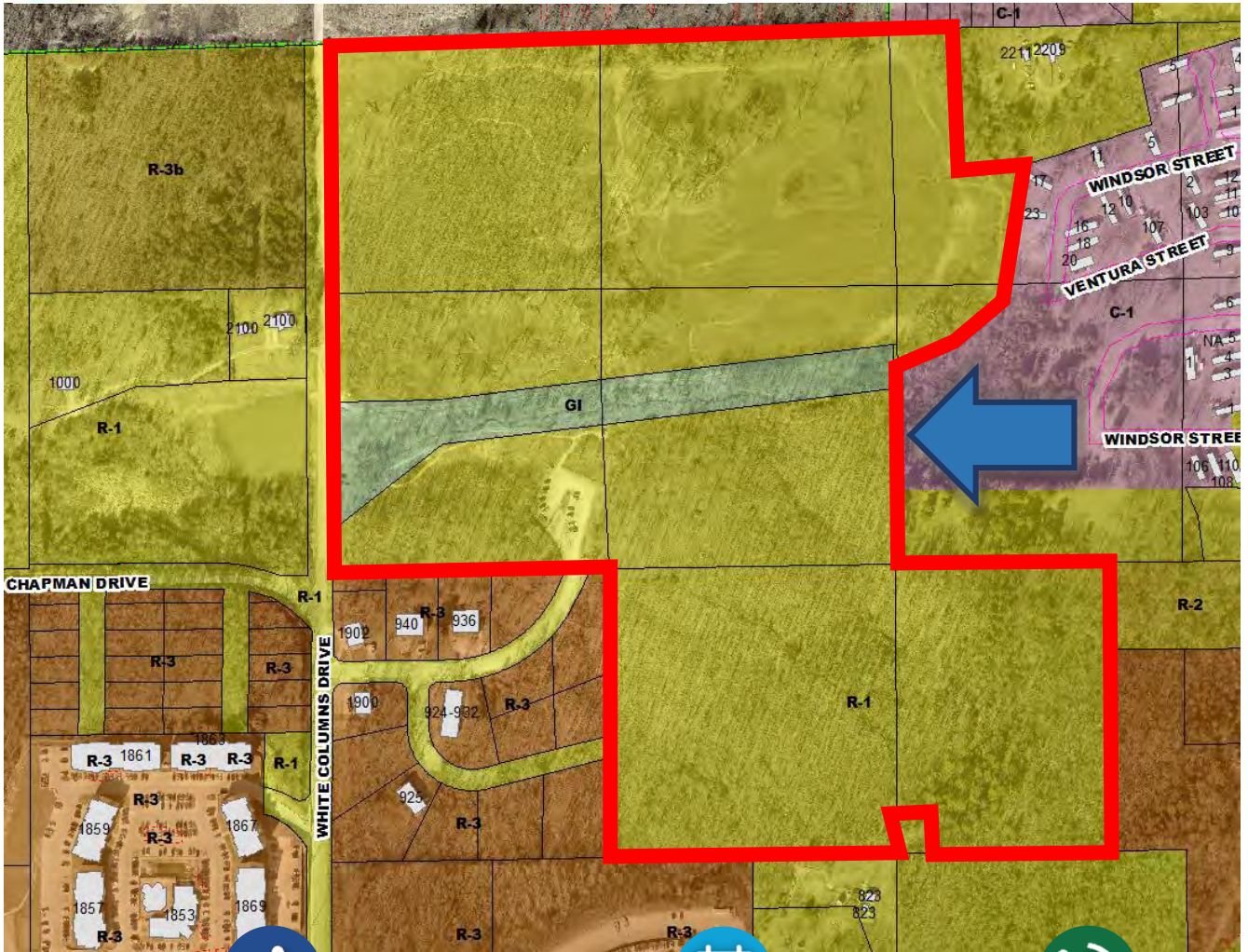
1. The Comprehensive Plan does designate the subject property as being appropriate for Semi-public/Church uses.
2. The property owner operates the property very similar to a public park, with free public access, recreational trails, and educational programs.
3. The GI district is appropriate for recreational facilities if freely open to the public, regardless of ownership.

Alternatives:

1. Find the request meets the criteria for approval and recommend the City Council approve the request for a map amendment (rezoning) of the subject property.
2. Find that the proposed map amendment (rezoning) is not an appropriate use for the property and recommend that the City Council deny the request.
3. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by: Tom Coots, City Planner

Attachments: Public Notice Letter, Application, Letter of Request



Project Information:

Case No: ZON21-09
 Location: 900 Merriweather Ct
 Applicant: Ozark Rivers Chapter of the National Audubon Society
 Request:
 Rezoning from the R-1, Single-Family district to the GI, Government and Institutional district



Public Hearings:
 Planning and Zoning Commission
 October 12, 2021
 5:30 PM
 City Hall: 1st Floor

 City Council
 October 18, 2021
 6:30 PM
 City Hall: 1st Floor



For More Information Contact:
 Tom Coots, City Planner
 tcoots@rollacity.org

 (573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday



Who and What is the Planning and Zoning Commission?

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What is a Rezoning (Map Amendment)?

A Rezoning is a request to change the zoning of a property from one zoning district to another. Usually a rezoning would allow for a property to be used differently than in the past, or may allow for development or redevelopment.

What is Zoning?

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

All in the N1/2 of Sec. 2, Twp 37 N., Rng. 8 W., Phelps County, Missouri, more particularly described as follows:

All of Lots 6, 7, 10, 11, and 20 in the Railroad Addition to the City of Rolla, Missouri, and;

A portion of Lots 5 and 12, Railroad Addition to the City of Rolla, described as beginning at the Southeast Corner of said Lot 11; thence North 0°4' East, 461.18 feet to a point; thence North 74°06' East, 143.04 feet to a point; thence North 49°13' East, 162.60 feet to a point; thence North 4°44' East, 297.98 feet to a point; thence South 88°45' West, 149.06 feet to a point; thence North 1°15' West, 334.34 feet to a point; thence South 88°45' West, 129.79 feet to the Northeast Corner of said Lot 6, thence to the point of beginning, and;

All of Lot 19, Railroad Addition to the city of Rolla, except that part platted as Kids Garden No 2 and Jordans Pass No 2, and also except that part conveyed to Fidelity Cablevision Inc. of record in Book 1992, Page 1258 being described as a property beginning at the Southwest Corner of Lot 19 in the Railroad Addition to the City of Rolla, Missouri; thence North 0°08' West, 85.0 feet to a point; thence North 89°19'41" East, 80.0 feet to a point; thence South 0°08' West, 85.0 feet to a point; thence to the point of beginning, and;

Except that part conveyed to the City of Rolla, Missouri via Warranty Deed dated June 24, 1983, filed June 30, 1983 of record in Book 323 at page 241.



LAND USE APPLICATION

Contact Information:
 Property Owner: OZARK Rivers Chapter of the National Audubon Society
 Name(s) Conway Hawn / Nancy Jeffers
 Mailing Address P.O. Box 429
 City, State, Zip Rolla, MO 65401
 Phone 417 260-4849 / 573 466-2048
 Email conway@hawnlawoffice.com
rollanancy@gmail.com
 Agent/Applicant (if Different Than Property Owner):

 Name

 Mailing Address

 City, State, Zip

 Phone

 Email

Property/Request Information:
 Request: Rezoning
 Planned Unit Development
 Conditional Use Permit
 Annexation
 Text Amendment
Meriweather Ct., Rolla, MO
 Property Address/Location
R-1 G-1
 Property Zoning (Current and Proposed)
Pavilion
 Proposed Development/Project/Amendment

APPLICATION CHECKLIST:

Applicant Checks Boxes	<input checked="" type="checkbox"/>	Completed Application Form	<input type="checkbox"/>	City Staff Verifies
	<input type="checkbox"/>	Agent Letter (If Applicable)	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	Filing Fee - \$375 (Rezoning/CUP); \$475 (PUD); \$300 (CUP/PUD Amendment); \$62.50 (Annexation for advertisement)	<input type="checkbox"/>	
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	<input type="checkbox"/>	Site Plan (If Applicable)	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	Letter of Request/Project Report (If Applicable)	<input type="checkbox"/>	

OFFICE USE ONLY:
 Case No: 20N21-09 DRC Meeting Date: 9.21.21 PC Hearing Date: 10.12.21
 Submission Date: 9.13.21 Advertise By: 9.23.21 CC Hearing Date: 10.12.21 / 11.1.21

I N F O R M A T I O N :

Rezoning (Map Amendments) are reviewed to meet the following criteria:

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1. Compliance with zoning district regulations.
2. Impact to traffic or pedestrian safety and mitigation.
3. Not dominating the immediate neighborhood.
4. Provision of adequate parking facilities.
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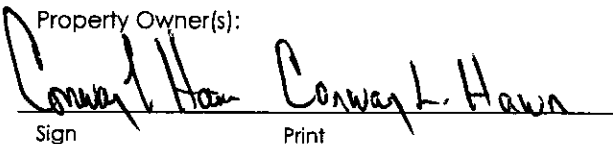
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2. Proposed modifications with proposed language in underline and language to be removed in ~~strikethrough~~.

Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Planning Commission hearing, less any costs already incurred.

Property Owner(s):

Applicant/Agent (If Different From Owner)



Sign

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Ozark Rivers Audubon Chapter and Nature Center

Post Office Box 429 • Rolla, MO 65402

www.OzarkRiversAudubon.org

September 10, 2021

Tom Coats, AICP
City Planner
City of Rolla
Community Development Department
901 North Elm Street
Rolla, MO 65401

Dear Tom,

Enclosed is a Land Use Application requesting rezoning of property located on Meriweather Court and owned by The Ozark Rivers Chapter of the National Audubon Society, a nonprofit organization.

The mission of the Ozark Rivers Chapter is to conserve and restore the Ozarks ecosystem by focusing on birds while emphasizing habitat preservation and restoration through education, conservation, art, public awareness, and advocacy for the benefit of all.

The Chapter leased this land in 2002 for use as a Nature Center open to the public. The Chapter purchased the land in 2013. Long term improvement plans include a nature/education center, a meeting hall, restrooms, storage facility and an outdoor education classroom. We are currently planning to build the outdoor education classroom/pavilion. Upon submitting a permit request, we were advised that the planned location is Zoned R-1. Since we plan to do more improvements, we are requesting that the entire property be rezoned to G-1 as suggested by the City Community Development Department.

If you have questions or need additional information, please do not hesitate to contact me.

Sincerely,

Conway Hawn, President
Ozark Rivers Chapter of the
National Audubon Society
conway@hawnlawoffice.com
417 260-4849

Nancy Jeffers, Treasurer
Ozark Rivers Chapter of the
National Audubon Society
rollanancy@gmail.com
573 466-2048



Report to:

**Planning and Zoning
Commission**

Case No.: SUB 21-05

Meeting Date: October 12, 2021

Subject: Parker Addition: a Minor Subdivision Final Plat to reconfigure two residential lots

Background: The applicant has also submitted a request to rezone the property to the R-1, Single-family district. Lot 2 shown on the proposed plat was found to not meet the minimum lot size requirements for the R-R, Rural Residential district. The plat cannot be approved by City Council unless Lot 2 is rezoned.

Application and Notice:

Applicant/Owner - Bryan and Cindy Parker
Public Notice - <https://www.rollacity.org/agenda.shtml>
City Council Date - October 18, 2021

Property Details:

Current zoning - R-R, Rural Residential (proposed to be rezoned to R-1, Single-family)
Current use - Residential
Proposed use - Residential
Land area - Two lots proposed (1 acre and 0.71 acre)

Public Facilities/Improvements:

Streets - The subject property has frontage on Longview Ln, a local street; and frontage on Hwy 72, a primary arterial road.
Sidewalks - No sidewalks are located adjacent to the property. There are no sidewalks in the vicinity. The ordinance does allow for the sidewalk to be waived when the property is developed.
Utilities - The subject property should have access to all needed public utilities.

Comprehensive Plan: The Comprehensive Plan designates the property as being appropriate for Low Density Residential uses.

Discussion: The proposed plat appears to meet all zoning and subdivision requirements if the rezoning for Lot 2 is approved. Lot 2 will be provided with an easement to have access to the sewer. Lot 1 will have direct access from Hwy 72 via an existing access point, with approval from MoDOT.

Findings:

1. The proposed minor subdivision would reorganize two residential lots.
2. The plat appears to be in compliance with all applicable zoning, subdivision, and other requirements if Lot 2 is rezoned to the R-1 district.

Alternatives:

1. Find the request meets all applicable requirements and recommend the City Council approve the request.
2. Find that the request does not meet all applicable requirements and recommend that the City Council deny the request.
3. Find that the request could meet all applicable requirements with the imposition of reasonable conditions and recommend that the City Council conditionally approve the request.
4. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by: Tom Coots, City Planner

Attachments: Application, Plat

SUBDIVISION APPLICATION

Contact Information:

Property Owner:
 Bryan and Cindy Parker

Name(s)
 13925 COUNTY ROAD 8510

Mailing Address
 Newburg, MO 65550

City, State, Zip
 573-465-0276

Phone

Email

Agent/Applicant (If Different Than Property Owner):

Name

Mailing Address

City, State, Zip

Phone

Email

Property/Request Information:

Request: _____ Sketch Plat
 _____ Major Subdivision
 Minor Subdivision
 _____ Replat
 _____ Subdivision Variance
 _____ Vacation of ROW/easement

1879 Longview Lane

 Property Address/Location

R-R Rural Residential District

Property Zoning
 _____ 2 _____ 2

Number of existing and new lots proposed

PARKER ADDITION

Name of Subdivision

APPLICATION CHECKLIST:

Applicant Checks Boxes	<input checked="" type="checkbox"/>	Completed Application Form	<input type="checkbox"/>	City Staff Verifies
	<input checked="" type="checkbox"/>	Agent Letter (If Applicable)	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	Filing Fee - \$300 (Major Subdivision); \$100 (Minor Subdivision/Replat); \$350 (Subdivision Variance) + Recording Fee (\$44 or \$69)	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	Improvement Plans (Final Plats only; 1 paper copy and pdf version)	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	Plat (5 paper copies and pdf version) or Vacation Exhibit	<input type="checkbox"/>	
	<input type="checkbox"/>	Letter of Request (Subdivision Variance only)	<input type="checkbox"/>	

OFFICE USE ONLY:

Case No: SUB21-05	DRC Meeting Date: 8.3.21	PC Hearing Date: 9.14.21
Submission Date: 7.21.21	Advertise By: /	CC Hearing Date: 9.20.21/10.4.21

INFORMATION:

(Optional) **Sketch Plats** must include the following information (Section 42-32.1):

1. Proposed subdivision name, contact information for property owner, north arrow, scale, date.
2. Location map, general dimensions of property lines, existing easements, ROW's, buildings, cemeteries, watercourses, flood areas, contours, ect.
3. Name, location, dimensions of existing streets; name, width, classification or proposed streets and alleys.
4. Existing utilities and stormwater management facilities on and adjacent to property.
5. Location, dimensions, and configuration of proposed lots.
6. Location and general layout of proposed water and sewer lines.

Preliminary Plats must include the following information (Section 42-32.2):

1. Legal description and boundary line.
2. Name and location of adjoining existing subdivisions, streets, ROW widths, alleys, property lines, ect.
3. Proposed streets with width, centerline, grade, length; dimensions of easements and alleys, ect.
4. Existing property lines, buildings, and utilities.
5. Arrangement, location, dimensions of proposed lots with area, line bearings, angles, and setbacks.
6. Location, dimensions, and area of land to be dedicated or reserved for common ownership.
7. Contour lines, water courses, ravines, culverts, bridges, ponds, ect.
8. Proposed sewer lines, storm sewer lines, drainage facilities, bridges, ect. and easements

Final Plats must include the following information (Section 42-32.3):

1. Items shown on Preliminary Plat except contours, land features, street grades, and utilities.
2. Plat restrictions and restrictive covenants regarding building permits.
3. Dedication deed for easements, streets, alleys, parkland, ect.
4. Access limitation and improvement acceptance notes.
5. Planning and Zoning Commission and City Council approval.
6. City and County tax release.
7. Surveyors and Records Certificate.

Note: A Major Subdivision must include a Preliminary Plat. A Major Subdivision is a subdivision which creates (5) or more lots and/or requires the extension of streets.

Vacations of rights-of-way or easements must include a Vacation Exhibit which shows property lines, buildings, utilities or public infrastructure within 30 feet of the area to be vacated. Property lines and building locations must be based on a survey. Utility locations may be from field observations, GIS, utility companies, and/or field markings.

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