Open Citizen Comment Procedure

1) Public Hearings – Any citizen is allowed to ask questions and/or make comments during any public hearing scheduled for a particular issue.

2) “Citizen Communication” – Public comment can be provided on any item on the agenda or on issues affecting the City not on the agenda. Public comments should generally be limited to 3-5 minutes. Citizens are encouraged (but not required) to contact City Administration one week prior to the meeting, preferably in writing, to be placed on the agenda. Doing so provides Council an opportunity to give consideration to the issue/comment.

Rolla City Council Meeting
Monday, June 20, 2016
901 North Elm Street
City Hall Council Chambers
6:30 P.M.

COUNCIL PRAYER
Ministerial Alliance

PLEDGE OF ALLEGIANCE
Councilman Matthew Crowell

I. PUBLIC HEARINGS
A) Ordinance Approving the Rezoning of Lot 1 Country Hills Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Rolla Residential, LLC) – (Community Development Director John Petersen) – First Reading

B) Ordinance Annexing Two Tracts Located at the Intersection of 100 Lovers Lane & County Road 3000 & Zone the Property to R-3 (Multi-Family District) Zoning (Ismail) - (Community Development Director John Petersen) – First Reading

II. SPECIAL PRESENTATIONS
A) Celebration of Nations (Mr. Richie Myers)

III. OLD BUSINESS
None.

IV. NEW BUSINESS
A) Ordinance Approving the Resubdivision of KDs Gardens Subdivision No. 2 (KD's Gardens) (Community Development Director John Petersen) – First Reading (Final Reading Requested)

B) Ordinance Vacating State Street Right-of-Way Between the North Right-of-Way of 11th St, & the South Right-of-Way of Miner Circle (Missouri S&T) (Community Development Director John Petersen) – First Reading

C) Ordinance Re-adopting Public Officials Personal Financial Disclosure Ordinance - (City Administrator John Butz) – First Reading

D) Motion Authorizing the Closing of Rolla Street from 6th to 7th Streets on Sept. 24, 2016 from 10 a.m. to 7 p.m. – (Public Works Director Steve Hargis) – Motion
V. CLAIMS and/or FISCAL TRANSACTIONS
None.

VI. MAYOR/CITY COUNCIL COMMENTS

VII. CITIZEN COMMUNICATION
A) Open Citizen Communication

VIII. COMMENTS FOR THE GOOD OF THE ORDER

IX. CLOSED SESSION
None.

X. ADJOURNMENT
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development
ACTION REQUESTED: First Reading

ITEM/SUBJECT: An Ordinance to approve the re-zoning of Lot 1 Country Hills Subdivision, from C-3 (Highway Commercial District) zoning to R-3 (Multi-Family District) zoning (Rolla Residential, LLC)

DATE: 6-20-2016

GENERAL INFORMATION:

CASE #: 5-9-2016

APPLICANT/STATUS OF APPLICANT: The subject property, Lot 1 of the Country Hills Subdivision, is owned by Rolla Residential, LLC C/O Henley Montgomery, and is subject to the terms and conditions as specified in the attached Application for Rezoning of Real Estate and the General Warranty Deed reflecting ownership of said property and signed on behalf of the applicant (Rolla Residential, LLC,) email address: HMontgomery@AmericareUSA.Net. Phone: (573) 471-1113. Mr. Montgomery listed his address as 214 North Scott Street Sikeston, MO. 63801.

CURRENT ZONING/LAND USE: The subject property is zoned C-3 (Highway Commercial District) zoning which does not permit new residential development. The site is undeveloped consisting of a total of 18.60 acres. The highest and best use of this property is multi-family residential given the adjoining multi-family units nearby.

LOCATION OF RE-ZONING: The proposed multi-family housing district consist of a 18.60 acres site located at the intersection of Forum Drive and 2101 Old St. James Road in north central Rolla. The Assessor’s Account Number (4057) for this development, which can also be used to identify the location of a given property. See the attached map and legal description.

ENGINEER OF RECORD: Neal Slattery, Staff Engineer, Americare Senior Living, 915 East Ash Street, Columbia, MO 65201. Phone: (573) 442-5188. E-mail: nslattery@Americare.net.

SURROUNDING ZONING/LAND USE:

North ---M-2 – Heavy manufacturing / vacant
South ---R-1 – C-3 / Single-family, and commercial
East --- R-3/ Senior living facility
West ---R-3/ Multi-family / residential PUD (North Brook)

PROJECT DESCRIPTION: The proposed project consists of two components that will be combined into one project. The first component, the A.I.F (Assisted Living Facility), will consist
of a single story building with a building footprint of 19,253 sq. ft. The ALF will have a total of 24 dwelling units during phase one and 42 after full build-out –Phase 2. There will be a total 33,626 sq. ft. of building space for the entire project, which includes the ALF, 4 duplexes, 2 triplexes and a club house for use by residents. The 18.60 acres site has enough capacity to meet all required elements such as open space, building lot coverage, setbacks, etc. Parking space required by code has been met or exceeded – a total of 37 spaces were required, while the developers provided 59 spaces for use under the code.

DEVELOPMENT HISTORY: Ordinance No. 4164 was adopted by the City Council on September 2, 2014 which resulted in the re-zoning of property from C-3 to R-3 of the subject property pursuant to the provisions of Section 71.012 RSMo.

FINDINGS: The Rolla Planning and Zoning Commission may consider the following factors in their recommendation to approve, approve with conditions or deny the re-zoning request:

1. **Neighborhood character/impact:** The proposed project will not negatively impact the character of the surrounding neighborhood. The area to the south of the subject property is zoned R-1 Single Family and C-3 Highway Commerce and is fully developed with apartment units – mostly four-plex or greater or commercial storage buildings. The property to the west is developed and consists of residential and commercial land use. The property to the east is under development as a residential project home on the corner of White Column Road and Collegiate Drive.

2. **Consistency with the Rolla 2020 Comprehensive Plan Update:** The Future Land Use Map found in the Rolla 2020 Comprehensive Plan Update adopted by City Council in 2006 shows the subject property as being suitable for medium density residential land use. Medium to high density is defined as consisting of no more than 11 to 26 dwelling units per acre.

   The Rolla 2020 Future Land Use Map is not intended to remain static or unchanged over time, but should be revised by the Planning and Zoning Commission and the City Council to reflect changing development trends and growth opportunities if considered desirable. The future land use map and text did address policy regarding the importance of infill development and redevelopment stating: “The City will encourage infill Development on vacant or underutilized parcels where infrastructure and public services are readily available...” The proposed housing project meets this policy guideline.

3. **Adequacy of Utilities & Public Services:** All public utilities and services are available to the subject property to support the development as outlined in this report. The site is clearly located within the service area of the Rolla Fire Department.

4. **Impact on Streets and Parking:** The proposed development will generate additional traffic volume. However, the volume should be less since many residents, particularly in the ALF, rely on vans or buses for transportation. The developer is planning to provide
up to 59 off-street parking spaces for residents and employees. Technically, the project would only require 37 spaces – not 59 as presently required.

5. **Physical Characteristics:** The subject property drains mostly to the south. No part of the property proposed for re-zoning is located within an identified 100-year flood plain. Due to the size of development the developer will be required to provide storm water improvement plan and an erosion control/sediment plan that would apply during construction. The topography over much of the site will complicate development. The developer has prepared a site grading plan.

6. **Suitable for Re-Zoning:** The subject property as described in this report is suitable for re-zoning from C-3 district zoning to R-3 district zoning. Building re-zoning will limit building height to no more than one story.

**PUBLIC COMMENT/ISSUES:** The proposed rezoning was advertised in the RDN on May 21/22, 2016. Notice was sent to adjoining property owners within 185’. A public hearing was held before the Planning and Zoning Commission on June 14, 2016. City Council will conduct its public hearing on June 20, 2016.

**ACTION REQUIRED:** Motion to recommend to the City Council that the proposed re-zoning be approved without condition.

**ATTACHMENTS:**

- Zoning request from applicant
- Zoning map
- Affidavit of publication
APPLICATION FOR REZONING OF REAL ESTATE

Subject to:
Community Development Department
PO Box 970
P.O. Box 634
Rolla, MO 65401
Phone: 573-364-5333
Fax: 573-226-6973

Applicant Name: ROLLA RISER & SONS, LLC.
Address: 2101 Rolla Rd., Rolla, MO 65401
Phone: 573-364-5333
Fax: 573-226-6973

The undersigned hereby state that they are the legal owners or have a financial or contractual interest in the real estate described herein (legal description must be printed below or attached as an exhibit). USE, I, COUNTRY HILLS SUBDIVISION

Current zoning: C-3
Proposed zoning: 2
Current land use: W.D.R.
Proposed land use: 2RD

A check for $764.50, payable to the City of Rolla, Community Development, will be provided when this application is filed.

Signatures of the owner(s) or those parties with financial or contractual interest in the above real estate (All signatures must be notarized)

[Signatures]

DANÁ MOORE
My Commission Expires
April 10, 2020
Scott County
Commission # 12330488

[Notary Public]

I. A. 4.
Request to Rezone all of Lot 1, Country Hills Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Rolla Residential, LLC)
TO: Rolla Daily News

FROM: John Petersen, Community Development Department
DATE: May 18, 2016
FOR PUBLICATION: May 21-22, 2016

Please publish the attached public hearing notice in your May 21-22, 2016 edition of the Rolla Daily News. The proof of publication and invoice should be sent to my attention at the City of Rolla, P.O. Box 979, Rolla, Missouri 65402 in the amount of $62.50 to cover publication costs. If you have questions, please contact me at 426-6970. Thank you.

Notice of Public Hearing: Public hearings will be held by the Rolla Planning and Zoning Commission on Tuesday, June 14, 2016 at 5:30 pm in the Rolla City Council Chambers/City Hall, 901 N. Elm Street and by the Rolla City Council on Monday, June 20, 2016, at 6:30 pm in the Rolla Council Chambers at Rolla City Hall. The hearings will be held to consider rezoning of Lot 2, Country Hills Subdivision from C-3 (Highway Commercial District) zoning to R-3 (Multi-Family District) zoning. At the public hearings any person may present evidence regarding the proposed rezoning. Any objections to the request should be filed with the Rolla Community Development Department. For more information, please call 573-426-6970.
ORDINANCE NO. __________

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS: AN ORDINANCE TO APPROVE THE REZONING OF LOT 1, COUNTRY HILLS SUBDIVISION, FROM C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING. (ROLLA RESIDENTIAL, LLC)

WHEREAS, a petition was duly filed with the Community Development Department on May 11, 2016 requesting that the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri, be amended, so as to change the class of the real property hereinafter described; and

WHEREAS, a public notice was duly published on May 21, 2016, in the Rolla Daily News for this rezoning according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, in the City of Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on May 10, 2016, at 5:30 p.m. The Planning and Zoning Commission recommended that City Council approve the rezoning of the subject property as proposed; and

WHEREAS, City Council, during their June 20, 2016 meeting, conducted a public hearing concerning the proposed rezoning to hear the first reading and conduct a public hearing for the attached ordinance; and

WHEREAS, after consideration of all the facts, opinions, and evidence offered to the City Council at the hearing by those citizens favoring said change of zoning and by those citizens opposing said change in zoning, the City Council found that the proposed rezoning would promote public health, safety, morals, and the general welfare of the City of Rolla, Missouri, and would be for the best interest of said City:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

Section 1: That the Basic Zoning Ordinance No. 3414, Chapter 42 of the Code of the City of Rolla, Missouri, which said zoning ordinance adopts zoning regulations, use districts, and a zoning map in accordance with the Comprehensive Plan, is hereby amended by changing the zoning classification of the following property situated within the City of Rolla, Missouri, and described, as follows: Lot 1 of the Country Hills Subdivision from C-3 (Highway Commercial District) zoning to R-3 (Multi-Family District) zoning.

LEGAL DESCRIPTION
(For Rezoning)


Section 2: The developer(s) will install a sanitary sewer system sufficient to serve Lot 1, including any dedicated utility easements.
**Section 3:** That the Site Plan submitted as part of the rezoning petition is hereby adopted under this Ordinance and shall provide guidance concerning the development of Lot 1, Country Hills Subdivision.

**Section 4:** The developer(s) will be required to pay a Land Development Permit Fee and a Storm Water Management Fee if required by the Public Works Director.

**Section 5:** This Ordinance shall be in full force and effect from and after the date of its approval. Building permits may not be issued by the Community Development Department until the plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

________________________
Mayor

ATTEST:

________________________
City Clerk

APPROVED AS TO FORM:

________________________
City Counselor

I. A. 9.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development
ACTION REQUESTED: First Reading

ITEM/SUBJECT: Request to annex two tracts (Tract 2 - .86 acre) and (Tract 3 – 1.16 acre) for a total of 2.02 acres at the intersection of 100 Lovers Lane and County Road 3000 (Account #12128.02 and 12128.03), and zone from NZ (No Zone) to R-3 (Multi Family District) zoning

Ismail

DATE: 6-20-2016

GENERAL INFORMATION

Case # 5-10-16

APPLICANT/STATUS OF APPLICANT  Maher Ismail 2045 Compton Avenue # 203
Corona, CA. 92881 Phone: 951-847-8543, e-mail: Maherins@yahoo.com, address: 100 Lovers Lane, Rolla, MO 65401

CURRENT ZONING/ USE: The subject property is currently outside of Rolla’s corporate limits and therefore is not zoned – although the property is located in Rolla Urban Growth Area. (Please review the attached zoning map). The site is currently the location of 3 new single family units. Multi-family would be the highest and best use for this property because of the potential for high traffic volume, site visibility and the adjoining multi-family development.

PROPOSED USE: The applicant is proposing to rezone the entire property to R-3 (Multi-Family District). Under the Rolla City Code, that this property could sustain a maximum number of 48 units. For example, the site could support for up to 12 four-plex structures.

TRACT SIZE AND LOCATION: The subject property has a total site area is 2.02 acres. The site is located at the northeast corner of Lovers Lane and Soest Road/County Road 3000.

SURROUNDING ZONING:

North--- No Zone / single family home – mostly vacant
South--- NZ / vacant
East --- NZ / vacant
West --- R-1 Single Family and R-3 Multi-Family/ Right-of-way

ZONING HISTORY: There is no recent zoning history for the subject property.

APPLICANTS PROPOSAL: The applicant is requesting approval to annex and zone his property and zone to R-3 Multi-family district.
FINDINGS: The Rolla Planning and Zoning Commission may consider the following factors in their recommendation to approve or approval with conditions or deny the rezoning request.

1. Neighborhood character/impact: This rezoning will not adversely impact the character of the adjoining district because of the existing mixture of residential land use. This rezoning should aid in the development of Soest Road Corridor and Lovers Lane by attracting new investment to the area that will boost residential growth.

2. Consistency with the 2020 Comprehensive Plan Update: This rezoning is consistent with the Future Land Use Map and the policies of the Rolla 2020 Comprehensive Plan Update that supports the development of residential areas in the Urban Growth Area (UGA) adjacent to Rolla. Development further supports private sector investment to promote revitalization and promote growth in Rolla.

3. Adequacy of utilities & public services: All utilities and services are available to the subject property sufficient to support multi-family development of the type and scale proposed.

4. Impact on streets and parking: Lovers Lane and Soest Road are classified as Collector streets with a capacity of 10,000 ADT. Soest Road has a current ADT of 6640.

5. Physical characteristics: The subject property has no natural features that would adversely impact the proposed project.

6. Suitability for development if rezoned: The subject property is suitable for residential development.

PUBLIC COMMENT / ISSUES: The proposed annexation and zoning was advertised in the RDN on May 21/22, 2016. Property owners within 185’ were notified by mail. To date, several adjoining property owners have responded against the proposed annexation and zoning, although most were not against the annexation of Tract 2 and 3. Planning and Zoning Commission met on June 14, 2016 to consider the annexation and zoning request. The Commission voted unanimously to oppose the annexation and the R-3 (Multi-family District) zoning. The Commission addressed several issues to consider the desirability of supporting this project, such as:

1. The impact of the project on neighborhood character/appearance.
2. The impact of increased housing density allowed under R-3 zoning.
3. The impact of increased traffic volume.

ACTION REQUIRED: Motion to recommend (approval/approval with conditions or denial) of the request to annex and zone property located at 100 Lovers Lane, Tract 2 and 3.

ATTACHMENTS: Zoning area map; Affidavit of publication; Property owners in district
Request to Annex a 2.02 acre tract at 100 Lovers Lane and Zone from NZ (No Zone) to R-3 (Multi-Family District) (Ismail)

Location Map

Area of Interest

Zoning Classification

NZ - No Zone
C-O - Office District
C-1 - Neighborhood Business District
C-2 - General Retail District
C-3 - Highway Commercial District
M-1 - Light Manufacturing
M-2 - Heavy Manufacturing
GI - Government and Institutional
CC - Center City
R-1 - Single Family District
R-2 - Two Family District
R-3 - Multi-Family District
R-R - Rural Residential District
PUD - Planned Unit Development
TO: Rolla Daily News

FROM: John Petersen, Community Development Department
DATE: May 18, 2016
FOR PUBLICATION: May 21-22, 2016

Please publish the attached public hearing notice in your May 21-22, 2016 edition of the Rolla Daily News. The proof of publication and invoice should be sent to my attention at the City of Rolla, P.O. Box 979, Rolla, Missouri 65402 in the amount of $62.50 to cover publication costs. If you have questions, please contact me at 426-6970. Thank you.

Notice of Public Hearing: Public hearings will be held by the Rolla Planning and Zoning Commission on Tuesday, June 14, 2016 at 5:30 pm in the Rolla City Council Chambers/City Hall, 901 N. Elm Street and by the Rolla City Council on Monday, June 20, 2016, at 6:30 pm in the Rolla Council Chambers at Rolla City Hall. The hearings will be held to consider the annexation and zoning of a tract of land located at 100 Lovers Lane from NZ (No Zone) to R-3 (Multi-Family District) zoning. At the public hearing, any person may present evidence regarding the proposed annexation and zoning. Any objections to the request should be filed with the Rolla Community Development Department. For more information, please call 573-426-6970.
ORDINANCE NO. ________

AN ORDINANCE REQUESTING THE ANNEXATION OF A 2.02 ACRE TRACT AT 100 LOVERS LANE AND ZONE THE PROPERTY FROM NZ (NO ZONE) TO R-3 (MULTI-FAMILY DISTRICT) ZONING. (ISMAIL)

WHEREAS, a petition was duly filed with the Community Development Department on May 10, 2016 requesting that the property described above be annexed and zoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri, so as to change the class of the real property hereinafter described; and

WHEREAS, a public notice was duly published on May 22, 2016 in the Rolla Daily News for this annexation and zoning according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, in the City of Rolla, Missouri; and

WHEREAS, the Rolla Planning and Zoning Commission met on May 10, 2016, at 5:30 p.m. and voted to recommend that the City Council deny the annexation and zoning of the subject property as proposed; and

WHEREAS, the City Council, during their June 20, 2016, meeting, conducted a public hearing concerning the proposed annexation and zoning to hear the first reading of the subject ordinance and conduct a public hearing;

WHEREAS, after consideration of all the facts, opinions, and evidence offered to the City Council at the hearing by those citizens favoring said change of zoning and by those citizens opposing said change in zoning, the City Council found that the proposed rezoning would promote public health, safety, morals, and the general welfare of the City of Rolla, Missouri, and would be for the best interest of said City:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

Section 1: That the Basic Zoning Ordinance No. 3414, Chapter 42 of the Code of the City of Rolla, Missouri, which said zoning ordinance adopts zoning regulations, use districts, and the zoning map in accordance with the Comprehensive Plan, is hereby amended by changing the zoning classification of the following property situated within the City of Rolla, Missouri, and described, as follows, an ordinance to approve the zoning of property located at 100 Lovers Lane, from NZ (No Zone) zoning to R-3 (Multi-Family District) zoning;

Section 2: The undersigned hereinafter requests that the City Council of the City of Rolla, Missouri annex into the corporate limits of Rolla, Missouri, Tract 2 and Tract 3 defined herein as presently unincorporated yet contiguous to the corporate limits of the City of Rolla, Missouri:

TRACT 2 - A FRACTIONAL PART OF THE SOUTH HALF OF LOT 1 OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 7 WEST OF THE 5TH PRINCIPAL MERIDIAN IN PHELPS COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

I. B. G.
COMMENCING AT A \( \frac{1}{2} \)" IP FOUND AT THE SOUTHEAST CORNER OF LOT 1 OF THE NORTHWEST QUARTER OF SAID SECTION 7; THENCE ALONG THE SOUTH LINE OF SAID QUARTER, N 89°10'16" W, A DISTANCE OF 930.87 FEET TO A POINT; THENCE LEAVING SAID SOUTH LINE, N 01°04'30" E, A DISTANCE OF 23.19 FEET TO A \( \frac{3}{4} \)" IRON PIPE FOUND ON THE NORTH RIGHT OF WAY OF PHELPS COUNTY ROAD 3000; THENCE CONTINUING N 01°04'30" E, A DISTANCE OF 187.97 FEET TO A \( \frac{1}{2} \)" IP SET AT THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT; THENCE CONTINUING N 01°04'30" E, A DISTANCE OF 125.64 FEET TO A \( \frac{3}{4} \)" IRON PIPE FOUND; THENCE N 88°55'23" W, A DISTANCE OF 374.44 FEET TO A \( \frac{1}{2} \)" IP SET ON THE EAST RIGHT OF WAY OF LOVERS LANE; THENCE ALONG SAID EAST RIGHT OF WAY, S 00°44'49" W, A DISTANCE OF 75.00 FEET TO A \( \frac{1}{2} \)" IP SET; THENCE LEAVING SAID EAST RIGHT OF WAY, S 88°55'23" E, A DISTANCE OF 189.62 FEET TO A \( \frac{1}{2} \)" IP SET; THENCE S 00°59'09" W A DISTANCE 50.64 FEET TO A \( \frac{1}{2} \)" IP SET; THENCE S 88°55'23" E, A DISTANCE OF 184.36 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 0.86 ACRES MORE OR LESS AND IS SUBJECT TO LOVERS LANE AND ANY OTHER EASEMENTS, RESTRICTION, RESERVATIONS, DECLARATIONS AND COVENANTS OF RECORD OR OTHERWISE, PER SURVEY BY ANDERSON AND ASSOCIATES, CONSULTING ENGINEERS, LLC. SURVEY # AA-2627A.


COMMENCING AT A \( \frac{1}{2} \)" IP FOUND AT THE SOUTHEAST CORNER OF LOT 1 OF THE NORTHWEST QUARTER OF SAID SECTION 7; THENCE ALONG THE SOUTH LINE OF SAID QUARTER, N 89°10'16" W, A DISTANCE OF 930.87 FEET TO A POINT; THENCE LEAVING SAID SOUTH LINE, N 01°04'30" E, A DISTANCE OF 23.19 FEET TO A \( \frac{3}{4} \)" IRON PIPE FOUND ON THE NORTH RIGHT OF WAY OF PHELPS COUNTY ROAD 3000; THENCE CONTINUING N 01°04'30" E, A DISTANCE OF 187.97 FEET TO A \( \frac{1}{2} \)" IP SET; THENCE N 88°55'23" W, A DISTANCE OF 184.36 FEET TO A \( \frac{1}{2} \)" IP SET AT THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT; THENCE S 00°57'19" W, A DISTANCE OF 192.23 FEET TO A \( \frac{1}{2} \)" IP SET ON THE NORTH RIGHT OF WAY OF PHELPS COUNTY ROAD 3000; THENCE ALONG SAID NORTH RIGHT OF WAY, ALONG A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 378.38 FEET, A CHORD BEARING OF S 74°53'37" W, A CHORD LENGTH OF 141.73 FEET, AN ARC LENGTH OF 142.57 FEET TO A \( \frac{1}{2} \)" IP SET; THENCE S 64°15'22" W, A DISTANCE OF 18.09 FEET TO A \( \frac{1}{2} \)" IP SET; THENCE CONTINUING ALONG SAID RIGHT OF WAY WITH A CURVE TO
THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF N 57°29'54" W, A CHORD LENGTH OF 42.52 FEET, AN ARC LENGTH OF 50.83 FEET TO A ½" IP SET ON THE EAST RIGHT OF WAY OF LOVERS LANE; THENCE ALONG THE SAID EAST RIGHT OF WAY, N 00°44'49" E, A DISTANCE OF 268.37 FEET TO A ½" IP SET; THENCE LEAVING SAID EAST RIGHT OF WAY, S 88°55'23" E, A DISTANCE OF 189.62 FEET TO A ½" IP SET; THENCE S 00°55'09" W, A DISTANCE OF 50.64 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 1.16 ACRES MORE OR LESS AND IS SUBJECT TO PHELPS COUNTY ROAD 3000, LOVERS LANE AND ANY OTHER EASEMENTS, RESTRICTIONS, RESERVATIONS, DECLARATIONS AND COVENANTS OF RECORD OR OTHERWISE, PER SURVEY BY ANDERSON AND ASSOCIATES, CONSULTING ENGINEERS, LLC. SURVEY # AA-2627A.

Section 3: That the full voluntary annexation procedure as outlined in RSMo. 71.012 will require a public hearing and the City Council determination that the annexation proposal meets the criteria established under Missouri State Statute RSMo.71.012;

Section 4: That the Survey submitted as part of the annexation and rezoning petition is hereby accepted under this Ordinance and shall provide guidance concerning the development of Tracts 2 and 3;

Section 5: That the developer(s) will be required to pay a Land Development Permit Fee and a Storm Water Management Fee if required by the Public Works Director;

Section 6: That the developer(s) will install a sanitary sewer system along the southern boundaries of Tracts 1 and 3 and that a minimum 10' wide easement suitable to support the construction of a water main sufficient to serve Tracts 1 and 3, as determined by Rolla Municipal Utilities (RMU), including any dedicated utility easements. Water service for Tract 1, when annexed into the City, will be tapped in to the new water main at a location determined by RMU;

Section 7: That the ordinance approving the annexation and zoning of the subject property shall require the developer(s) to obtain all necessary approvals and to construct a water main with the size determined by RMU. In addition, as development occurs, the developer(s) will construct a water main within such easements to provide for future growth. If water service is provided, the subject property comprising all of Tract 1 must be voluntarily annexed and any existing well shall be properly abandoned and reported to the Missouri Department of Natural Resources (MoDNR) and any septic tank eliminated;

Section 8: This Ordinance shall be in full force and effect from and after the date of its approval. Building permits may not be issued by the Community Development Department until the plat has been filed with the Phelps County Recorder of Deeds.

APPROVED:

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development       ACTION REQUESTED: First Reading

ITEM/SUBJECT: Request to recommend to the City Council the Re-subdivision of KD’s Gardens Subdivision No.2 & Parts of Lots 18 & 19, Railroad Addition, by consolidating Former Lots 1 and Lot 2, establishing Lot 3 at 3.68 acres, Rolla, Missouri.

(KDsGardens)

DATE: 6-20-2016

GENERAL INFORMATION:

CASE #: 5-24-16

APPLICANT/STATUS OF APPLICANT: The subject property is owned by Rocco Burrell, 1019 Kingshighway, Suite 1, Rolla MO 65401. P.O. Box 898. Phone number is 573-578-1174.

LOCATION OF SUBDIVISION: The subdivision is located at intersection of Vichy Road and Vienna Road, north of I-44, west of Vichy Road and South of Vienna Road. The Assessor’s Account Number is 6902 and can be used to identify the location of a given property. See the attached map and legal description.

LOTS: The re-subdivision calls for the consolidation of Lots 1 (.32 acre) and 2 (3.36 acres) constituting the KDs Gardens No. 2 Subdivision by establishing a single third lot (Lot 3 at 3.68 acres) which the reason for this action. The property is proposed to be developed for 19 housing units each consisting of 2 bedrooms on Lot 3 along with an existing duplex.

PURPOSE: To complete a lot consolidation to permit the construction of 20 attached, two story units. Current zoning is R-3 (Multi-Family District) zoning and R-2 (Two Family District) zoning.

ENGINEER OF RECORD: Archer-Elgin engineering, Surveying & Architecture LLC. 310 East 6th Street, Rolla, Missouri. Phone # 573-364-6362

PUBLIC COMMENT/ISSUES: No significant issues were raised by the Development Review Committee members at their May 31, 2016 meeting.

COMMISSION REVIEW AND RECOMMENDATION: It is the recommendation of the Planning and Zoning Commission that the City Council should approve the revised subdivision plat as requested by the applicant.

ACTION REQUIRED: Motion to recommend to the City Council the approval, denial, or approval with conditions of the request to eliminate certain Lots 1 and 2 and certain Lot lines.
June 15, 2016

John Petersen, Director
Community Development Department
City of Rolla
PO Box 979
Rolla, Missouri 65401

Greetings:

For the City Council’s review and consideration, please accept this request for a First and Final Reading of the Final Plat of KD’s GARDENS NO. 2. This request is being made on behalf of the owner/developer, Rocco & Susan Burrell Rentals, LLC. The owner was in the process of beginning this project when the need to eliminate the interior lot line was brought to their attention. The owner plans to resume the development of this site upon the approval of the plat.

Should you have questions and need anything further, please do not hesitate to contact our office. We await your instructions.

Sincerely,

Sylvester Furse IV, PLS
ORDINANCE NO. ___________

AN ORDINANCE APPROVING THE RE-SUBDIVISION OF KD's GARDENS, BEING A MINOR SUBDIVISION TO ELIMINATE THE INTERIOR LOT LINES FOR LOTS 1 AND 2 OF THE KD's GARDENS SUBDIVISION No. 2, THEREBY CREATING A THIRD LOT ENCOMPASSING 3.36 ACRES IN TOTAL AREA. (KD's GARDENS NO. 2 SUBDIVISION)

Section 1: That the following legal description applies to this Re-Subdivision of the KD's Gardens No. 2 Subdivision as approved by the Rolla City Council. More specifically, an Ordinance to approve the re-subdivision of KD's Gardens No. 2 Subdivision, being a Minor re-subdivision, to eliminate the interior lot lines for lots 1 and 2 of the KD's Gardens Subdivision No. 2 is hereby approved by the Rolla City Council.

Section 2: That the Lot lines between Lots 1 and 2 of the KD's Gardens No. 2 Subdivision are hereby eliminated, thus establishing a single Lot 3 consisting of 3.68 acres.

Section 3: That Rolla Municipal Utilities (RMU) and the City of Rolla will require the developer(s) to install all required water service for the subdivision as needed adjoining the Vienna Road right-of-way. Development plans for this re-subdivision must be submitted and approved by the City of Rolla and RMU before the plat can be filed at the Phelps County Courthouse.

Section 4: The developer(s) will be required to pay a Land Development Permit fee and a Storm Water Management fee if required by the Public Works Director.

Section 5: The developer(s) will install a sanitary sewer system sufficient to serve this area, including any designated utility easements.

Section 6: That this Ordinance shall be in full force and effect from after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the revised plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

__________________________
Mayor

ATTEST:

__________________________
City Clerk

APPROVED AS TO FORM:

__________________________
City Counselor

IV. A.C.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development

ACTION REQUESTED: First Reading

ITEM/SUBJECT: Request to vacate State Street right-of-way between the North right-of-way of 11th Street and the South right-of-way of Miner Circle, comprising a 444’x60’ parcel and also to vacate the right-of-way from 14th Street West of Pine Street comprising a 493’x60’ parcel to the Missouri University of Science & Technology. The vacated right-of-way shall be maintained as a utility easement. (MS&T)

DATE: 6-20-2016

GENERAL INFORMATION:

CASE #: 5-26-16

APPLICANT/STATUS OF APPLICANT: The subject property is owned by the City of Rolla, Missouri, 65401, 901 North Elm Street, P.O. Box 979, Rolla MO 65402. P.O. Box. Phone number is 573-426-6942. Email is Rollacity.org.

LOCATION: The location of the right-of-way to be vacated is shown on the attached map. The section of 14th Street proposed for vacation is located between Rolla Street and Pine Street and could easily be redefined as more of a driveway than as a City street. The remnants of State Street could also be considered more of a private driveway, having been used by the University over the course of many years to help supply the campus and Havener Center with parking.

PURPOSE: To purpose of this vacation is to reuse public right-of-way to provide better land utilization for parcels that are underused. The vacated street right-of-way will be retained as a utility easement until abandoned or removed. The vacated rights-of-way will help consolidate the land to promote more efficiently use land use and to complete a lot consolidation of public land.

ENGINEER OF RECORD: Mr. Steve Hargis, Engineer, City of Rolla, 901 North Elm Street, Rolla, Missouri 65401.

PUBLIC COMMENT/ISSUES: No significant issues were raised by the Development Review Committee members at their May 31, 2016 meeting.

COMMISSION REVIEW AND RECOMMENDATION: It is the recommendation of the Planning and Zoning Commission that the City Council should approve the vacation of certain right-of-way located on the MS&T campus as requested by the applicant.

ACTION REQUIRED: Motion to recommend to the City Council the approval, denial, or approval with conditions of the request to vacate right-of-way located on MS&T campus.
May 25, 2016

Mr. Steve Hargis, Engineer
City of Rolla
901 North Elm Street
Rolla, Missouri 65401

Mr. Hargis,

Please consider this letter as the university's official request for the City of Rolla to vacate:

- All of State Street, north of 11th Street
- All of 14th Street, west of Pine Street and east of Bishop Avenue

I have attached three diagrams identifying the areas.

Should additional information be required, please let me know.

Thank you,

[Signature]

Ted Ruth
Director
Request to Vacate State Street right of way between the North right of way of 11th Street and the South right of way of Miner Circle comprising a 444'x60' parcel and also to Vacate 14th Street West of Pine Street comprising a 493'x60' parcel to the Missouri University of Science & Technology. The vacated right of way shall be maintained as an utility easement. (Missouri S&T)
ORDINANCE NO. ______

AN ORDINANCE APPROVING THE VACATION OF STATE STREET RIGHT-OF-WAY BETWEEN THE NORTH RIGHT-OF-WAY OF 11TH STREET AND THE SOUTH RIGHT-OF-WAY OF MINER CIRCLE, COMPRISING A 444'X60' PARCEL AND ALSO TO VACATE 14TH STREET WEST OF PINE STREET COMPRISING A 493' X 60' PARCEL TO THE MISSOURI UNIVERSITY OF SCIENCE & TECHNOLOGY. THE VACATED RIGHT-OF-WAY SHALL BE RETAINED AS A UTILITY EASEMENT. (MISSOURI S&T)

Section 1: The location of the right-of-way to be vacated is shown on the attached map. The section of 14th Street proposed for vacation is located between Rolla Street and Pine Street and could easily be redefined as more of a driveway than as a City street. The remnants of State Street could also be considered more of a private driveway, having been used by the University over the course of many years to help supply the campus and Havener Center with parking. The vacated right-of-way shall be retained as a permanent utility easement.

Section 2: All utilities are available in the right-of-way proposed to be vacated with this ordinance. The vacated rights-of-way will promote more efficient land use. MS&T will maintain a fire lane along the right-of-way to be vacated.

Section 3: A fire apparatus access road shall be provided and maintained per International Fire Code 2000 Section 502 and 503 for all of State Street, North of 11th Street and all of 14th Street, West of Pine Street and east of Bishop Avenue.

Section 4: That this Ordinance shall be in full force and effect after its passage.


APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

IV.B4.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: John Butz  ACTION REQUESTED: First Reading
                City Administrator

SUBJECT: Consider an Ordinance Re-Adopting Procedure to Disclose Potential
         Conflicts of Interest

BUDGET APPROPRIATION: N/A  DATE: June 20, 2016

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COMMENTARY: The attached ordinance is one that must be adopted at least every
two years or the more stringent State rules for disclosure will apply. The main gist of
this ordinance is the requirement that the City Administrator, Mayor, Finance Director,
and the Utilities General Manager must annually file financial disclosure reports with
the State. If the State rules were followed, all Council members plus the Rolla
Municipal Utilities board would need to file this same report. Additionally, all the
Council members must disclose any financial dealings with the City. Please contact
me should you have any questions. Thank you for your consideration.

Recommendation: First reading of the proposed ordinance.
ORDINANCE NO._________

AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI, REPEALING SECTION 2-237 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND ENACTING A NEW SECTION IN LIEU THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

Section 1: That Section 2-237 of the Code of the City of Rolla, Missouri, relating to procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials is hereby repealed.

Section 2: That there is hereby enacted Section 2-237 of the Code of the City of Rolla, Missouri, as follows:

Section 2-237. Procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials.

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City of Rolla.

The Mayor or any member of the City Council who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the City Council the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

The Mayor, each City Council member, the City Administrator, the City Finance Director, and the General Manager of the Rolla Municipal Utilities shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year.
a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars ($500), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the City of Rolla, Missouri and other than transfers for no consideration to the City of Rolla, Missouri; and

b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had substantial interest, had with the City of Rolla, Missouri, other than payment of any tax, fee or penalty due to the City of Rolla, Missouri, or transaction involving payment for providing utility service to the City of Rolla, Missouri, and other than transfers for no consideration to the City of Rolla, Missouri.

c. The Mayor, the City Administrator, City Finance Director and General Manager of Rolla Municipal Utilities also shall disclose by May 1 for the previous calendar year the following information:

1. The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

2. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

3. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

The reports, in the attached format, shall be filed with the City Clerk and with the State Ethics Commission prior to January 1 of each year. The reports shall be available for public inspection and copying during normal business hours.

IV. C. 3.
The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

a. Each person required to file a financial interest statement appointed to office shall file the statement within thirty days of such appointment or employment;

b. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the City Council may supplement the financial interest statement to report additional interest acquired after December 31 of the covered year until the date of filing of the financial interest statement.

This Ordinance shall be filed with the State Ethics Commission as follows: The City Clerk shall transmit a certified copy of said Ordinance prior to September 15, 2016.

This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the City Council.


APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR

IV. C. 4.
A request has been made from Public House Brewing Company to close the following streets for Oktoberfest on Saturday, September 24, 2016:

Rolla Street from Sixth Street to Seventh Street

The streets will be closed from 10:00 am to 7:00 pm

Staff recommends approval.
Mr. Hargis,

Attached you will find a request to close part of Rolla Street on September 24th from 10am-7pm. This request is for The Public House Brewing Company to host their 6th Annual Oktoberfest. I have spoken to Celebration of Nations and they have assured me that they will not be using that part of Rolla Street for their parade so we will not be in conflict with them.

Lane Brewer  
Cicerone® Program's Certified Beer Server  
St. James Taproom & Garden Manager  
Public House Brewing Company  
St. James, MO 65559  
573-261-3333