

**AGENDA**

**The City of Rolla  
Planning & Zoning Commission  
Rolla City Council Chambers, 901 North Elm Street  
Tuesday, June 14, 2022 at 5:30 PM**

**Commission Members:**

**Chairperson Don Brown, Vice-Chairperson Russell Schmidt, Secretary-Treasurer Robert Anderson, Lister Florence, Jr., Kevin Crider, Janece Martin, Monte Shields, Monty Jordan, Vacant**

- I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, May 10, 2022.
- II. REPORT ON RECENT CITY COUNCIL ACTIONS:** NONE
- III. OLD BUSINESS:** NONE
- IV. NEW BUSINESS:**
- 1. SUB22-05, Wolfe's Corner:** Minor Subdivision to combine two residential lots into one lot in the R-1, Single-family Residential district at 1220 Devonshire Ln.
  - 2. SUB22-06, University Fraternity Subdivision No. 3:** Minor Subdivision to combine six university-owned lots into one lot and vacate certain easements; located in the GI, Government and Institutional district on Fraternity Drive.
- V. PUBLIC HEARING:**
- 1. ZON22-02, Car Mart:** Rezoning (map amendment) from the C-1, Neighborhood Commercial district to the C-2, General Retail district at 1306 Hwy 72 East.
  - 2. VAC22-01, Curators of the University of Missouri:** Vacation of the remainder of Spring Street, north of 13<sup>th</sup> Street; a portion of 13<sup>th</sup> Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and Bishop Ave and 13<sup>th</sup> Street and University Dr.
  - 3. VAC22-02, Curators of the University of Missouri:** Vacation of State Street north of 11<sup>th</sup> Street.
  - 4. TXT22-01, Homeless Shelters and related uses:** Text Amendments to Sections 42.141, Definition; 42.177, R-3 Multi-family district; 42.189, General Retail districts; 42.192, Highway Commercial districts; 42.194, Center-City districts; 42.196, Light Manufacturing districts; 42.223, Reserved; 42.224, Residential Group Homes; 42.225 and 42.226, Reserved.
- VI. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF:** NONE
- VII. CITIZEN COMMENTS:**

**NEXT MEETING DATE:**

**Tuesday, July 12, 2022**

**MINUTES**  
**ROLLA PLANNING AND ZONING COMMISSION MEETING**  
**ROLLA CITY HALL COUNCIL CHAMBERS**  
**TUESDAY, MAY 10, 2022**

**Presiding:** Don Brown, Chairperson

**Commission Members Present:** Robert Anderson, Lister Florence Jr., Janece Martin, Russell Schmidt, Monte Shields, Kevin Crider, Monty Jordan

**Commission Members Absent:** None

**I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, April 12, 2022. **Chairperson Don Brown approved the minutes as printed and distributed.**

**II. REPORT ON RECENT CITY COUNCIL ACTIONS:**

1. **SUB22-03, Bradley Addition:** A Minor Subdivision Final Plat to combine several lots into 3 lots; dedicate rights-of-way for 13<sup>th</sup> Street and Tim Bradley Way; and vacate portions of the rights-of-way of Spring Avenue, 13<sup>th</sup> Street, and an alley between Poole Ave, Spring Ave, 13<sup>th</sup> Street, and University Dr. *Approved by City Council at May 2, 2022 meeting.*
2. **SUB22-04, Replat of Lots 2 and 3 Happy Jack's:** A Minor Subdivision Final Plat to reorganize 2 residential lots. *Approved by City Council at April 18, 2022 meeting.*
3. **SUB22-02, Jordan Subdivision #2:** A Minor Subdivision Final Plat to reorganize 3 commercial lots into 2 lots. *Approved by City Council at April 18, 2022 meeting.*
4. **CUP21-02, Collective Solutions, LLC:** Conditional Use Permit (CUP) to allow a Wireless Communications Facility not permitted by Section 42-400 or 42-401. *Approved with conditions by City Council at April 18, 2022 meeting.*

**III. OLD BUSINESS:**

1. **SUB21-07, Ridgeview Christian Church Plat 1:** A Minor Subdivision Final Plat to combine several lots into one lot and vacate the rights-of-way of Walker Ave and Ridgeview Rd adjacent to the property. **Applicant has withdrawn their request.**

**A motion was made by Russell Schmidt, seconded by Janece Martin, to accept the withdrawal request. A voice vote on the motion showed all in favor.**

#### IV. PUBLIC HEARING:

1. **ZON22-01, Collective Solutions:** A rezoning (map amendment) from the C-3, Highway Commercial district to the M-1, Light Manufacturing district at 1898 Old Saint James Rd.

**Tom Coots** presents the staff report. This request was presented at the last meeting, however, a procedural error was discovered. The request was re-advertised and the public hearing was held again out of an abundance of caution.

**Don Brown** opens the public hearing.

**Zach Buchheit** is a representative for SBA Communications located at 7700 Forsyth Boulevard Suite 1100, St. Louis, MO 63105. He believes this application doesn't comply with the purpose of the Code. He states the purpose of this rezoning is only to allow a different sized cell tower.

**Buchheit** asks if the Commission knew of any other properties with a split zoning on a lease area. **Brown** states there are other properties that have split zoning but are on separate lots. **Buchheit** states he was unsure if the Code allowed for split zoning on a lease area, and asks the Commission if they knew. **Brown** states he is unsure if it is an issue.

**Buchheit** also asks if a land owner can waive the buffer requirement, since he believed this was the City's right. He also mentions that this request could be considered spot zoning. In this case, there would be additional considerations under state law. He also expresses concern regarding the boundary lines for tax and assessment purposes.

**Buchheit** believes this application is a creative way to circumvent the CUP requirements for Cell towers.

Seeing no questions from the audience or commissioners, **Brown** closes the public hearing.

**A motion was made by Russell Schmidt, seconded by Monte Shields, to recommend approval to City Council to rezone the subject property from C-3, Highway Commercial District to the M-1, Light Manufacturing District. A roll call vote on the motion showed the following: Ayes: Anderson, Florence, Martin, Schmidt, Shields, Crider, and Jordan. Nays: None. The motion passes unanimously.**

#### V. NEW BUSINESS:

1. **Site Plan Review:** 602 N Cedar; 407 E 6<sup>th</sup>; and 603 N Walnut for development in the Rolla Arts and Entertainment Overlay District.

**Coots** presents the staff report.

**Lister Florence** asks if the applicant is tied to the site plan submitted. **Coots** states that the applicant would be tied to the submitted site plan, but staff could approve small changes.

**A motion was made by Monte Shields, seconded by Monty Jordan, to approve the subject site plan. A voice vote on the motion showed all in favor.**

**VI. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF: NONE**

**VII. CITIZEN COMMENTS: NONE**

**Meeting adjourned: 5:56 p.m.  
Minutes prepared by: Sarah West**

**NEXT MEETING: Tuesday, June 14, 2022**



Report to:

**Planning and Zoning  
Commission**

Case No.: SUB 22-05

**Meeting Date:** June 14, 2022

**Subject:** Wolfe's Corner: a Minor Subdivision Final Plat to reorganize two residential lots into one lot.

**Background:** The applicant owns two residential lots in the Woodcrest Estates Resubdivision and seeks to construct a pool on the property. However, the existing house is entirely on one lot and the desired pool location is on the other lot. The zoning codes do not allow an accessory structure to be constructed by itself on a lot without a primary structure (house). The lots need to be combined to allow for the proposed pool.

**Application and Notice:**

Applicant/Owner - Carrie Wolfe  
Public Notice - <https://www.rollacity.org/agenda.shtml>  
City Council Date - June 20, 2022

**Property Details:**

Current zoning - R-1, Single-family  
Current use - Residential  
Land area - Lot 1: 0.64 acres

**Public Facilities/Improvements:**

Streets - The subject property has frontage on Devonshire Ln and Stratford Ln, both local streets.  
Sidewalks - No sidewalks are located adjacent to the property.  
Utilities - The subject property should have access to all needed utilities.

**Comprehensive Plan:** The Comprehensive Plan designates the subject property as being appropriate for Low Density residential uses.

**Discussion:** The proposed plat appears to meet all zoning and subdivision requirements.

**Findings:**

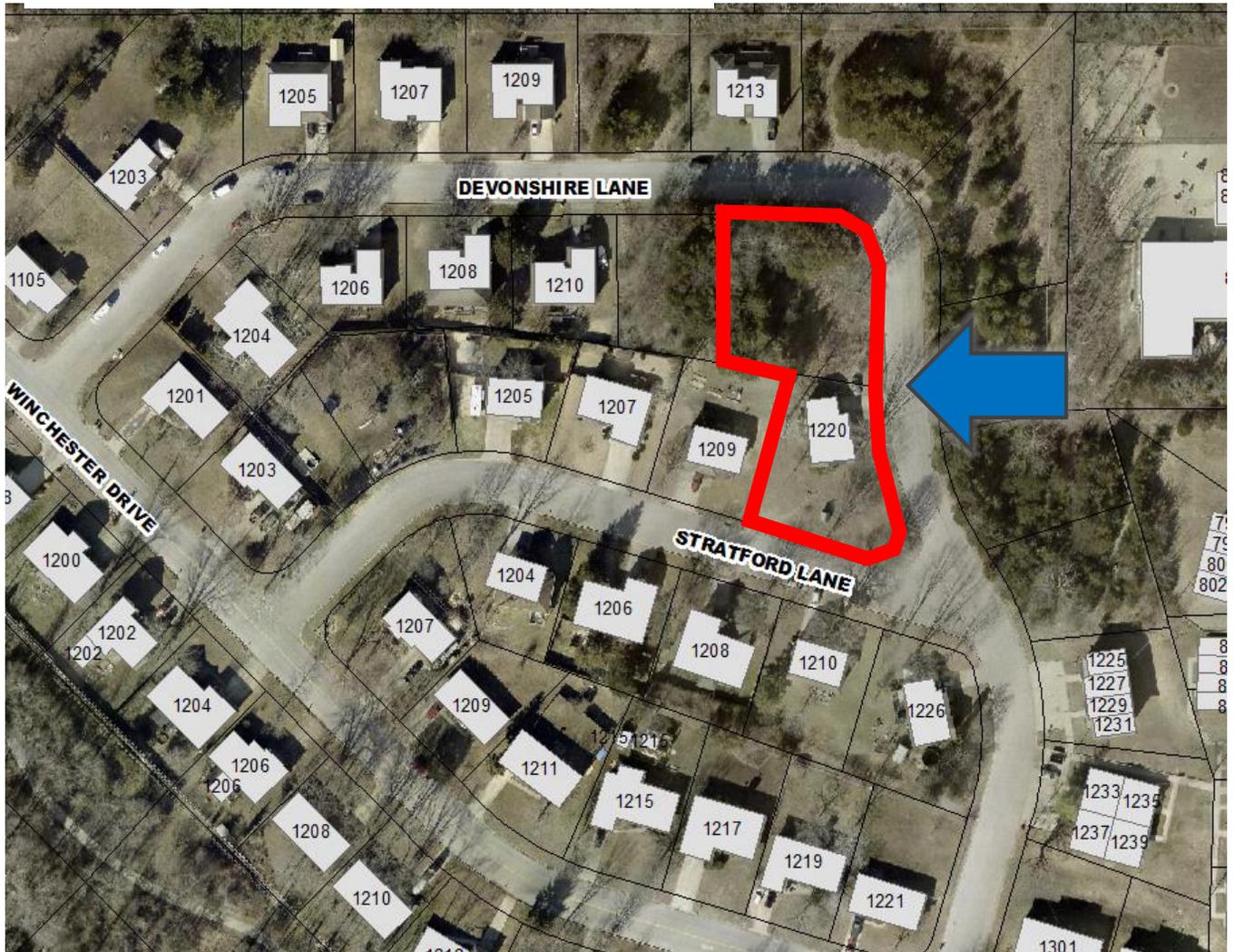
1. The proposed minor subdivision would combine two residential lots.
2. The plat appears to be in compliance with all applicable zoning, subdivision, and other requirements.

**Alternatives:**

1. Find the request meets all applicable requirements and recommend the City Council approve the request.
2. 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.
3. Find that the request does not meet all applicable requirements 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:** Area Map, Application, Plat



**Project Information:**

Case No: SUB22-05  
Location: 1220 Devonshire Lane  
Applicant: Carrie Wolfe  
Request:  
Minor Subdivision to combine two residential  
lots into one lot



**For More Information Contact:**

Tom Coots, City Planner  
tcoots@rollacity.org

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

pd ck #217352



COMMUNITY DEVELOPMENT DEPARTMENT  
901 North Elm St  
Rolla, MO 65401  
P.O. Box 979

573-364-5333 + www.rollacity.org/comdev

### SUBDIVISION APPLICATION

#### Contact Information:

Property Owner:

Carrie Wolfe

Name(s)

1220 Devonshire Ln

Mailing Address

Rolla, MO 65401

City, State, Zip

(573) 202-5076

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

1220 Devonshire Ln

Property Address/Location

R-1 Residential

Property Zoning

2 existing 1 proposed

Number of existing and new lots proposed

WOLF'S CORNER

Name of Subdivision

### APPLICATION CHECKLIST:

Applicant Checks Boxes

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

Completed Application Form

Agent Letter (If Applicable)

Filing Fee - \$300 (Major Subdivision); \$100 (Minor Subdivision/Replat);  
\$350 (Subdivision Variance) + Recording Fee (\$44 or \$69)

Improvement Plans (Final Plats only; 1 paper copy and pdf version)

Plat (5 paper copies and pdf version) or Vacation Exhibit

Letter of Request (Subdivision Variance only)

0
N/A
144
N/A
0
N/A

City Staff Verifies

#### OFFICE USE ONLY:

Case No: SUB 22-05

DRC Meeting Date: 5.17.22

PC Hearing Date: 6.14.22

Submission Date: 5.12.22

Advertise By: \_\_\_\_\_

CC Hearing Date: 6.20.22/7.5.22

**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 Recorders 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.

**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)

*Carrie Wolfe* Carrie Wolfe  
Sign Print

\_\_\_\_\_  
Sign Print

\_\_\_\_\_  
Sign Print

\_\_\_\_\_  
Sign Print

# Final Plat of WOLFE'S CORNER A Consolidation of Lots 27 and 28 WOODCREST ESTATES RESUBDIVISION Rolla, Missouri

**DESCRIPTION**

All of Lots 27 and 28 of WOODCREST ESTATES RESUBDIVISION, Rolla, Missouri, containing 0.64 acre, more or less, per plat of survey J-4455, dated April 14, 2022, by CM Archer Group, P.C.

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

Carrie Wolfe, single, hereby certifies that she is the owner of the property described and shown hereon, which property is located within the subdivision regulation jurisdiction of the City of Rolla, that she has caused this property to be platted as shown hereon and that said property shall be known and designated as "WOLFE'S CORNER." Carrie Wolfe, single, hereby freely adopts this plan of subdivision and dedicates to public use forever all easements shown upon this plat.

Dedicator does further grant to all political subdivisions and public and franchised utility companies providing utility services to the land described on this plat the right to install and maintain electrical, water, telephone, cable television, sanitary sewer, storm sewer, gas and fiber optic lines within and along those places which are designated as utility easements on this plat.

DATED: \_\_\_\_\_, 2022  
Carrie Wolfe

"DEDICATOR"

STATE OF MISSOURI )  
                                  ) SS.  
COUNTY OF PHELPS )

On this \_\_\_\_ day of \_\_\_\_\_, 2022 before me appeared Carrie Wolfe, single, to me known to be the person described in and who executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid, this \_\_\_\_ day of \_\_\_\_\_, 2022.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

**IMPROVEMENT ACCEPTANCE**

Approved subject to construction of improvements in accordance with development plans on file with the City of Rolla. This plat meets current subdivision codes of the City of Rolla.

\_\_\_\_\_  
Steve Hargis, PE  
Director of Public Works  
Date \_\_\_\_\_

\_\_\_\_\_  
Rodney Bourne, PE  
General Manager  
Rolla Municipal Utilities  
Date \_\_\_\_\_

\_\_\_\_\_  
Floyd Jernigan  
Parks Director  
Date \_\_\_\_\_

**PLANNING & ZONING APPROVAL**

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Don Brown, Chairman  
Planning & Zoning Commission

\_\_\_\_\_  
Steve Flowers  
Interim Community Development Director

**ACKNOWLEDGMENT OF APPROVAL BY CITY COUNCIL**

This is to acknowledge that the City Council of the City of Rolla, Missouri has, by ordinance duly adopted, approved this plat and has authorized the same to be filed for record in the Office of the Recorder of Deeds, Phelps County, Missouri.

\_\_\_\_\_  
Louis J. Magdits IV  
Mayor, City of Rolla  
Date \_\_\_\_\_

Attest:

\_\_\_\_\_  
Lorri Thurman  
City Clerk  
Date \_\_\_\_\_

**NOTES:**

1. Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements which were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, and any other facts which an accurate and current title search may disclose.
2. I declare that to the best of my professional knowledge and belief, this plat and survey meets the current "Missouri Standards for Property Boundary Surveys" (20 CSR 2030-16).
3. Tract is classified Urban (20 CSR 2030-16.040).
4. Date of field work: April 8, 2022
5. Plat represents a survey of lands described at 2020-2162 and 2021-5731.
6. Dimensions shown are measured. For record dimensions, see document(s) noted.
7. Only the record documents noted hereon were provided to or discovered by surveyor. No abstract, current title commitment nor other record title documentation was provided surveyor.
8. There are structures and improvements located on this tract which are not shown hereon.
9. Tract is zoned R-1, Single Family Residential.

**COUNTY & CITY TAX RELEASE**

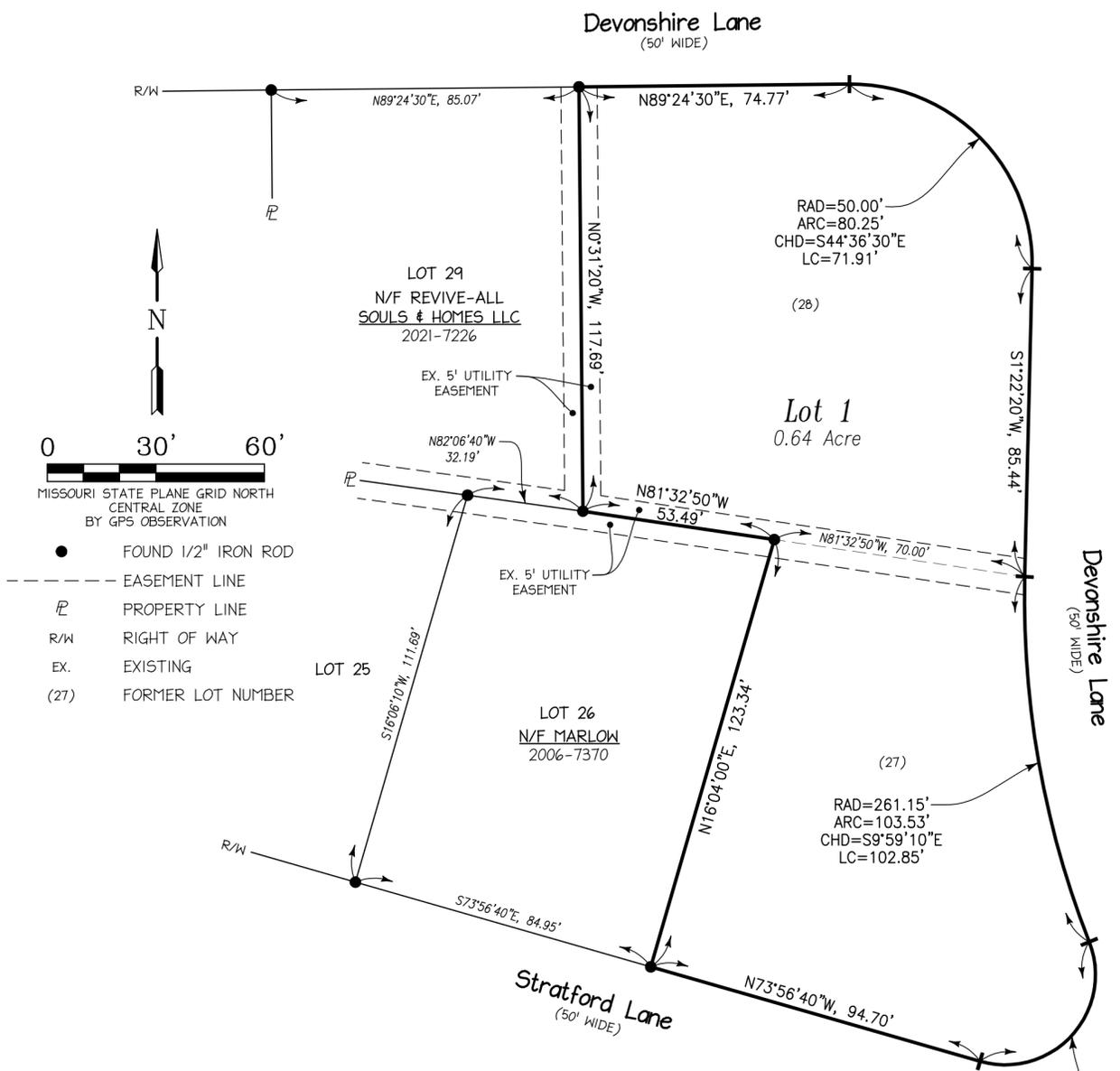
I hereby certify that all property taxes levied by the County of Phelps and the City of Rolla against the real estate described on this plat have been paid in full for 2021 and all prior years.

\_\_\_\_\_  
Faith Ann Barnes  
Collector of Revenue  
Phelps County, Missouri  
Date \_\_\_\_\_

**RECORDER'S CERTIFICATE**

This plat was filed for record in my office on this \_\_\_\_ day of \_\_\_\_\_, 2022. Plat filed at Cabinet \_\_\_\_\_, Number \_\_\_\_\_.

\_\_\_\_\_  
Robin Kordes  
Recorder of Deeds  
Phelps County, Missouri  
Date \_\_\_\_\_



**SPECIAL PLAT RESTRICTION AND RESTRICTIVE COVENANT AS TO THE ISSUANCE OF BUILDING OR CONSTRUCTION PERMITS**

The undersigned owners of the tract of land herein platted do hereby impose upon said property and do hereby make the following restrictive covenant: No construction may be commenced upon the above described property until all necessary building and construction permits have been issued by the City of Rolla, Missouri and that it is understood by the undersigned that no such permits shall be issued for any lots herein platted until the completion of all public improvements appertaining to such lots or until a cash bond equal to the reasonable costs of completing such public improvements has been received and approved by the City of Rolla, Missouri. The above mentioned public improvements shall be completed pursuant to the agreement between the undersigned and the City of Rolla, Missouri for the completion of such improvements as required by this article of the City Code of Rolla, Missouri.

I, SYLVESTER FARRIS FURSE, IV, do hereby certify that this plat was prepared under my supervision from an actual survey of the land herein described prepared by Archer-Elgin Surveying and Engineering, LLC dated April 14, 2022 and signed by Sylvester Furse, L.S. No. 2011017288 and that corner monuments and lot corner pins shown hereon were placed under the personal supervision of Sylvester Furse, L.S. No. 2011017288 in accordance with this article of the City Code of Rolla, Missouri.

		310 East 6th Street Rolla, Missouri 65401 Phone: 573-364-6362 Fax: 573-364-4782 www.archer-elgin.com	
CM Archer Group, P.C. dba: Archer-Elgin Surveying & Engineering, LLC. Corporate Authority: Archer-Elgin Surveying & Engineering, LLC.			
REVISIONS		Final Plat of <b>WOLFE'S CORNER</b> Rolla, Missouri Carrie Wolfe 1220 Devonshire Lane; Rolla, Missouri 65401	
		DRAWN BY MEP	SCALE 1" = 30'
		DATE April 14, 2022	SURVEY NO. <b>J4455</b>



Report to:

**Planning and Zoning  
Commission**

Case No.: SUB 22-06

**Meeting Date:** June 14, 2022

**Subject:** University Fraternity Subdivision No. 3: a Minor Subdivision Final Plat to combine six lots into one lot and vacate utility easements.

**Background:** The University of Missouri owns almost all the properties in the University Fraternity Subdivision No. 2 plat. The university is planning to begin construction of the relocated General Services building. Ordinarily, the university is not subject to approvals from the city, such as for permits, subdivision, or zoning. However, in this case the lots to be used for construction are encumbered by utility easements. The applicant has chosen to combine the lots by platting, as well as vacating the easements.

The easements have never been used for utilities, as they were intended for serving individual lots as they developed. Any additional easements needed for the development are planned to be dedicated at a later time.

**Application and Notice:**

Applicant/Owner - Curators of the University of Missouri  
Public Notice - <https://www.rollacity.org/agenda.shtml>  
City Council Date - June 20, 2022

**Property Details:**

Current zoning - GI, Government and Institutional  
Current use - Recreation and service areas for the university  
Land area - Lot 1: 10.22 acres

**Public Facilities/Improvements:**

Streets - The subject property has frontage on Fraternity Circle and Fraternity Drive, both private streets maintained by the university.  
Sidewalks - No sidewalks are located adjacent to the property.  
Utilities - The subject property should have access to all needed utilities.

**Comprehensive Plan:** The Comprehensive Plan designates the subject property as being appropriate for Public and Institutional uses.

**Discussion:** The proposed plat appears to meet all zoning and subdivision requirements. Approval of the plat would also vacate certain utility easements.

**Findings:**

1. The proposed minor subdivision would combine six lots into one large lot.
2. The easements to be vacated are not needed.
3. The plat appears to be in compliance with all applicable zoning, subdivision, and other requirements.

**Alternatives:**

1. Find the request meets all applicable requirements and recommend the City Council approve the request.
2. 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.
3. Find that the request does not meet all applicable requirements 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:** Area Map, Application, Plat



**Project Information:**

Case No: SUB22-06  
 Location: Fraternity Circle  
 Applicant: Curators of University of Missouri  
 Request:  
 Minor Subdivision to combine six lots into one lot  
 and vacate utility easements



**For More Information Contact:**

Tom Coots, City Planner  
[tcoots@rollacity.org](mailto:tcoots@rollacity.org)

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

pd ck # 218382



COMMUNITY DEVELOPMENT DEPARTMENT  
901 North Elm St  
Rolla, MO 65401  
P.O. Box 979

573-364-5333 + www.rollacity.org/comdev

**SUBDIVISION APPLICATION**

**Contact Information:**

**Property Owner:**  
Missouri S&T

---

Name(s)  
901 Facilities Avenue

---

Mailing Address  
Rolla, MO 65401

---

City, State, Zip  
(573) 341-6368

---

Phone  
garrettja@mst.edu

---

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

\_\_\_\_\_ vacant lots on Fraternity Drive  
 \_\_\_\_\_ Property Address/Location

GI-Missouri S&T Government and Institutional  
 \_\_\_\_\_

Property Zoning  
 \_\_\_\_\_ 6 existing \_\_\_\_\_ 1 proposed

Number of existing and new lots proposed  
 \_\_\_\_\_ UNIVERSITY FRATERNITY SUBDIVISION NO.3

\_\_\_\_\_ Name of Subdivision

**APPLICATION CHECKLIST:**

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

**OFFICE USE ONLY:**

Case No: SUB22-06      DRC Meeting Date: 6.7.22      PC Hearing Date: 6.14.22

Submission Date: 6.10.22      Advertise By: \_\_\_\_\_      CC Hearing Date: 6.20.22 / 7.5.22

**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 Recorders 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.

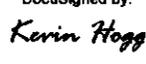
**Vacations** of rights-of-way or easements must include a Vacation Exhibit which shows property lines, buildings, utilities or public infrastructure within 30 feet of the area to be vacated. Property lines and building locations must be based on a survey. Utility locations may be from field observations,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

**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:  
 Kevin Hogg  
E72D7E48D8164EA

\_\_\_\_\_  
Sign Print

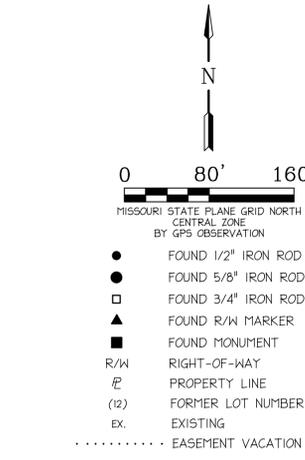
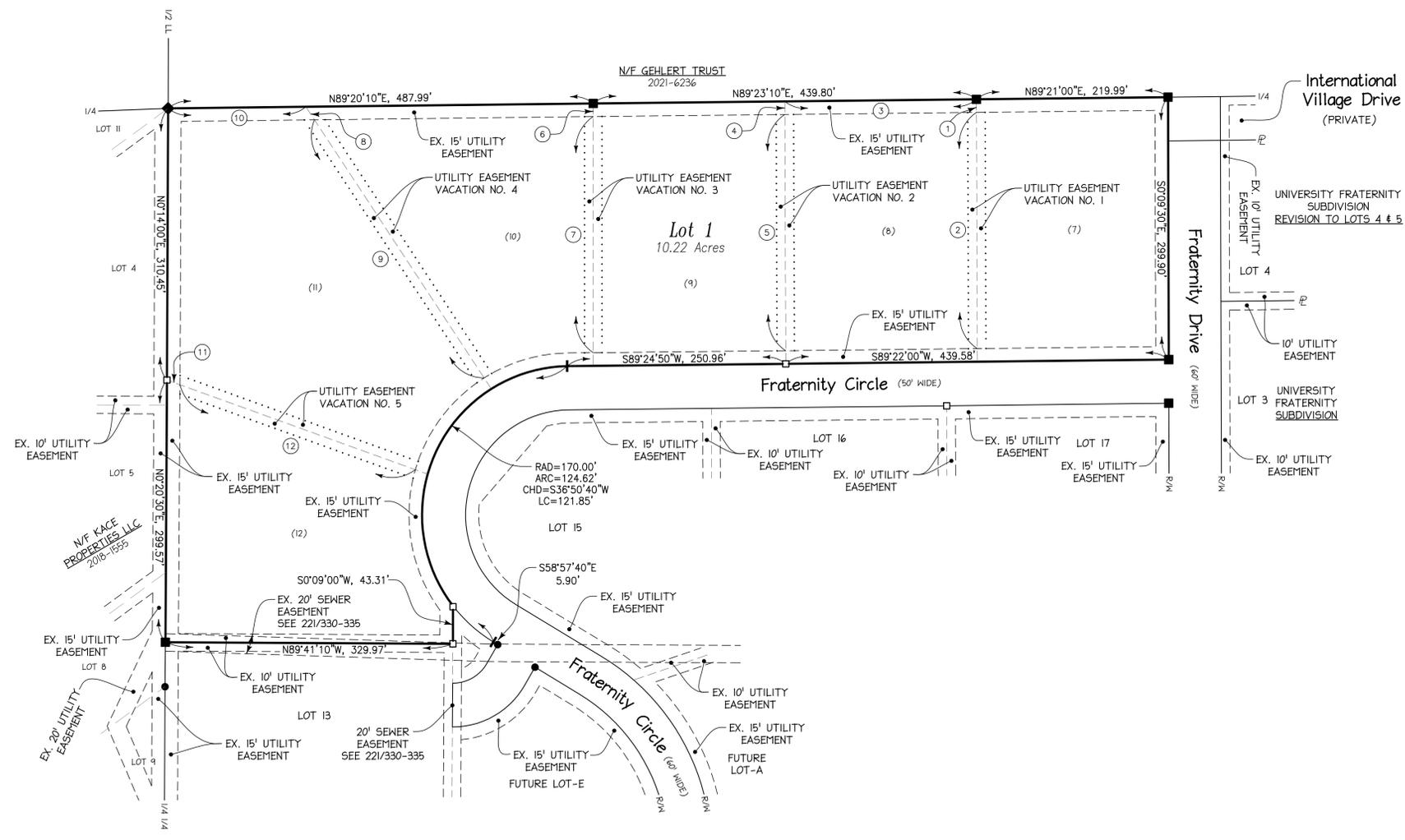
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# Final Plat of UNIVERSITY FRATERNITY SUBDIVISION NO. 3

**Being a Consolidation of Lots 7, 8, 9, 10, 11 and 12  
of UNIVERSITY FRATERNITY SUBDIVISION NO. 2  
Rolla, Phelps County, Missouri**



No.	Bearing	Distance
1	S0°36'50"E	15.00'
2	S0°10'20"E	269.84'
3	S89°23'10"W	219.90'
4	S0°12'50"E	15.00'
5	S0°12'50"E	269.92'
6	S0°00'40"E	15.00'
7	S0°00'40"E	269.81'
8	S33°25'50"E	17.84'
9	S33°25'50"E	353.40'
10	S89°20'10"W	158.20'
11	S70°13'30"E	15.90'
12	S70°13'30"E	286.99'

**SPECIAL PLAT RESTRICTION AND RESTRICTIVE COVENANT AS TO THE ISSUANCE OF BUILDING OR CONSTRUCTION PERMITS**

The undersigned owners of the tract of land herein platted do hereby impose upon said property and do hereby make the following restrictive covenant: No construction may be commenced upon the above described property until all necessary building and construction permits have been issued by the City of Rolla, Missouri and that it is understood by the undersigned that no such permits shall be issued for any lots herein platted until the completion of all public improvements appertaining to such lots or until a cash bond equal to the reasonable costs of completing such public improvements has been received and approved by the City of Rolla, Missouri. The above mentioned public improvements shall be completed pursuant to the agreement between the undersigned and the City of Rolla, Missouri for the completion of such improvements as required by this article of the City Code of Rolla, Missouri.

**NOTES:**

- Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements which were visible at the time of making of this survey, building setback lines, restrictive covenants, subdivision restrictions, zoning or other land-use regulations, and any other facts which an accurate and current title search may disclose.
- I declare that to the best of my professional knowledge and belief, this plat and survey meets the current "Missouri Standards for Property Boundary Surveys" (20 CSR 2030-16).
- Tract is classified Urban (20 CSR 2030-16.040).
- Date of field work: August, 2021
- Plat represents a resurvey of Lots 7, 8, 9, 10, 11 and 12 of UNIVERSITY FRATERNITY SUBDIVISION NO. 2, Rolla, Missouri.
- Dimensions shown are measured. For record dimensions, see document(s) noted.
- Only the record documents noted hereon were provided to or discovered by surveyor. No abstract, current title commitment nor other record title documentation was provided surveyor.
- There may be structures and improvements located on this tract which are not shown hereon.
- Tract is zoned GI, Government and Institutional.

**DESCRIPTION**  
All of Lots 7, 8, 9, 10, 11 and 12 of UNIVERSITY FRATERNITY SUBDIVISION NO. 2, Rolla, Missouri, containing 10.22 acres, more or less, per plat of survey J-4464, dated April 14, 2022, by CM Archer Group, P.C.

**UTILITY EASEMENT VACATION NO. 1**  
A fractional part of Lots 7 and 8 of UNIVERSITY FRATERNITY SUBDIVISION NO. 2, said fractional part lying 10.0 feet on each side of the following described line: Commencing at the Northwest Corner of Lot 7 of said UNIVERSITY FRATERNITY SUBDIVISION NO. 2, thence South 0°10'20" East, 15.00 feet along the West line of said Lot 7 to the South line of an existing 15.0 foot easement, the point of beginning of the hereinafter described line: Thence continuing South 0°10'20" East, 269.84 feet along the aforesaid West line of Lot 7 to the North line of an existing 15.0 foot easement, the ending point of said line. Per plat of survey J-4464, dated April 14, 2022, by CM Archer Group, P.C.

**UTILITY EASEMENT VACATION NO. 2**  
A fractional part of Lots 8 and 9 of UNIVERSITY FRATERNITY SUBDIVISION NO. 2, said fractional part lying 10.0 feet on each side of the following described line: Commencing at the Northwest Corner of Lot 8 of said UNIVERSITY FRATERNITY SUBDIVISION NO. 2, thence South 0°12'50" East, 15.00 feet along the West line of said Lot 8 to the South line of an existing 15.0 foot easement, the point of beginning of the hereinafter described line: Thence continuing South 0°12'50" East, 269.92 feet along the aforesaid West line of Lot 8 to the North line of an existing 15.0 foot easement, the ending point of said line. Per plat of survey J-4464, dated April 14, 2022, by CM Archer Group, P.C.

**UTILITY EASEMENT VACATION NO. 3**  
A fractional part of Lots 9 and 10 of UNIVERSITY FRATERNITY SUBDIVISION NO. 2, said fractional part lying 10.0 feet on each side of the following described line: Commencing at the Northwest Corner of Lot 9 of said UNIVERSITY FRATERNITY SUBDIVISION NO. 2, thence South 0°00'40" East, 15.00 feet along the West line of said Lot 9 to the South line of an existing 15.0 foot easement, the point of beginning of the hereinafter described line: Thence continuing South 0°00'40" East, 269.81 feet along the aforesaid West line of Lot 9 to the North line of an existing 15.0 foot easement, the ending point of said line. Per plat of survey J-4464, dated April 14, 2022, by CM Archer Group, P.C.

**UTILITY EASEMENT VACATION NO. 4**  
A fractional part of Lots 10 and 11 of UNIVERSITY FRATERNITY SUBDIVISION NO. 2, said fractional part lying 10.0 feet on each side of the following described line: Commencing at the Northwest Corner of Lot 10 of said UNIVERSITY FRATERNITY SUBDIVISION NO. 2, thence South 33°25'50" East, 17.84 feet along the westerly line of said Lot 10 to the South line of an existing 15.0 foot easement, the point of beginning of the hereinafter described line: Thence continuing South 33°25'50" East, 353.40 feet along the aforesaid westerly line of Lot 10 to the northwesterly line of an existing 15.0 foot easement, the ending point of said line. Per plat of survey J-4464, dated April 14, 2022, by CM Archer Group, P.C.

**UTILITY EASEMENT VACATION NO. 5**  
A fractional part of Lots 11 and 12 of UNIVERSITY FRATERNITY SUBDIVISION NO. 2, said fractional part lying 10.0 feet on each side of the following described line: Commencing at the Southwest Corner of Lot 11 of said UNIVERSITY FRATERNITY SUBDIVISION NO. 2, thence South 70°13'30" East, 15.90 feet along the southerly line of said Lot 11 to the East line of an existing 15.0 foot easement, the point of beginning of the hereinafter described line: Thence continuing South 70°13'30" East, 268.99 feet along the aforesaid southerly line of Lot 11 to the westerly line of an existing 15.0 foot easement, the ending point of said line. Per plat of survey J-4464, dated April 14, 2022, by CM Archer Group, P.C.

I, SYLVESTER FARRIS FURSE, IV, do hereby certify that this plat was prepared under my supervision from an actual survey of the land herein described prepared by Archer-Elgin Surveying and Engineering LLC, dated April 14, 2022 and signed by Sylvester Furse, L.S. No. 2011017288 and that corner monuments and lot corner pins shown hereon were placed under the personal supervision of Sylvester Furse, L.S. No. 2011017288 in accordance with this article of the City Code of Rolla, Missouri.

**COUNTY & CITY TAX RELEASE**  
I hereby certify that all property taxes levied by the County of Phelps and the City of Rolla against the real estate described on this plat have been paid in full for 2021 and all prior years.

Faith Ann Barnes Date  
Collector of Revenue  
Phelps County, Missouri

**RECORDER'S CERTIFICATE**  
This plat was filed for record in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 2022. Plat filed at Cabinet \_\_\_\_\_, Number \_\_\_\_\_.

Robin Kordes Date  
Recorder of Deeds  
Phelps County, Missouri

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
The Curators of the University of Missouri hereby certifies that it is the owner of the property described and shown hereon, which property is located within the subdivision jurisdiction of the City of Rolla, that they have caused this property to be platted as shown hereon and that said property shall be known and designated as "UNIVERSITY FRATERNITY SUBDIVISION NO. 3." The Curators of the University of Missouri hereby freely adopts this plan of subdivision and dedicates to public use forever all streets, right of ways and easements shown upon this plat.

Dedicator does further grant to all political subdivisions and public and franchised utility companies providing utility services to the land described on this plat the right to install and maintain electrical, water, telephone, cable television, sanitary sewer, storm sewer, gas and fiber optic lines within and along those places which are designated as utility easements and which are designated as streets on this plat.

DATED: \_\_\_\_\_, 2022 The Curators of the University of Missouri  
By: \_\_\_\_\_  
(signature)

Attest: \_\_\_\_\_ (name and title)  
"DEDICATOR"  
(signature)

STATE OF MISSOURI )  
COUNTY OF \_\_\_\_\_ ) SS.  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2022 before me appeared \_\_\_\_\_ to me personally known, who, being by me duly sworn did say: That they are the \_\_\_\_\_ for the Curators of the University of Missouri and that said instrument was signed in their behalf, and acknowledged said instrument to be the free act and deed of said Curators of the University of Missouri.  
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid, the day and year first above written.  
My Commission Expires: \_\_\_\_\_

**IMPROVEMENT ACCEPTANCE**  
Approved subject to construction of improvements in accordance with development plans on file with the City of Rolla. This plat meets current subdivision codes of the City of Rolla.

Steve Hargis, PE Date  
Director of Public Works

Rodney Bourne, PE Date  
General Manager  
Rolla Municipal Utilities

Floyd Jernigan Date  
Parks Director

**PLANNING & ZONING APPROVAL**  
Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Don Brown, Chairman  
Planning & Zoning Commission

Steve Flowers  
Community Development Director

**ACKNOWLEDGMENT OF APPROVAL BY CITY COUNCIL**  
This is to acknowledge that the City Council of the City of Rolla, Missouri has, by ordinance duly adopted, approved this plat and has authorized the same to be filed for record in the Office of the Recorder of Deeds, Phelps County, Missouri.

Louis J. Magdits IV Date  
Mayor, City of Rolla

Attest:  
Lorri Thurman Date  
City Clerk

CM Archer Group, P.C. dba:  
**ARCHER-ELGIN**  
engineering ■ surveying ■ architecture

310 East 6th Street  
Rolla, Missouri 65401  
Phone: 573-364-6362  
Fax: 573-364-4782  
www.archer-elgin.com

Corporate Authority:  
Archer-Elgin Surveying & Engineering, LLC. E: 2011024038, L.S: 2011025471, A:2012014616

REVISIONS	Final Plat
	UNIVERSITY FRATERNITY SUBDIVISION NO. 3
	Rolla, Missouri
	Missouri S & T
DRAWN BY: MEP	SCALE: 1"=40'
CHKD: SFF	DATE: April 14, 2022
	SURVEY NO: J4464



Report to:

**Planning and Zoning  
Commission**

Case No.: ZON22-02

**Meeting Date:** June 14, 2022

**Subject:** Map Amendment (rezoning): 1306 Hwy 72 East from the C-1, Neighborhood Commercial district to the C-2, General Retail district.

**Background:** The applicant intends to lease a portion of the subject property and construct a paved display area for their used car dealership, which is adjacent to the subject property. The car dealership is on property which is zoned C-2, General Retail. The C-2 district allows for a car dealership, however, the area to be leased is on a property which is zoned C-1, Neighborhood Commercial. The C-1 district does not allow for the car dealership use.

**Application and Notice:**

Applicant- Cary Mendenhall of Carmart  
Owner - Jose Lopez of Los Arcos Mexican Food and Tequila Bar, 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 - June 20, 2022

**Property Details:**

Current zoning - C-1, Neighborhood Commercial to the C-2, General Retail  
Current use - Vacant  
Proposed use - Car dealership display area  
Land area - About 3.2 acres

**Public Facilities/Improvements:**

Streets - The subject property has frontage on Hwy 72 East, a Major Arterial road.  
Sidewalks - Sidewalks are located adjacent to the property.  
Utilities - The subject property should have access to all needed public utilities.

**Comprehensive Plan:** The Comprehensive Plan designates the property as being appropriate for Neighborhood and Community Commercial uses.

**Discussion:** The property is adjacent to C-2 zoned property. The vicinity has a mixture of C-1, C-2 and C-3 zones along Hwy 72. Screening and buffering is required for the development adjacent to the residential areas, however, an existing mature tree hedge row should accomplish most of the buffering and screening.

**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:**

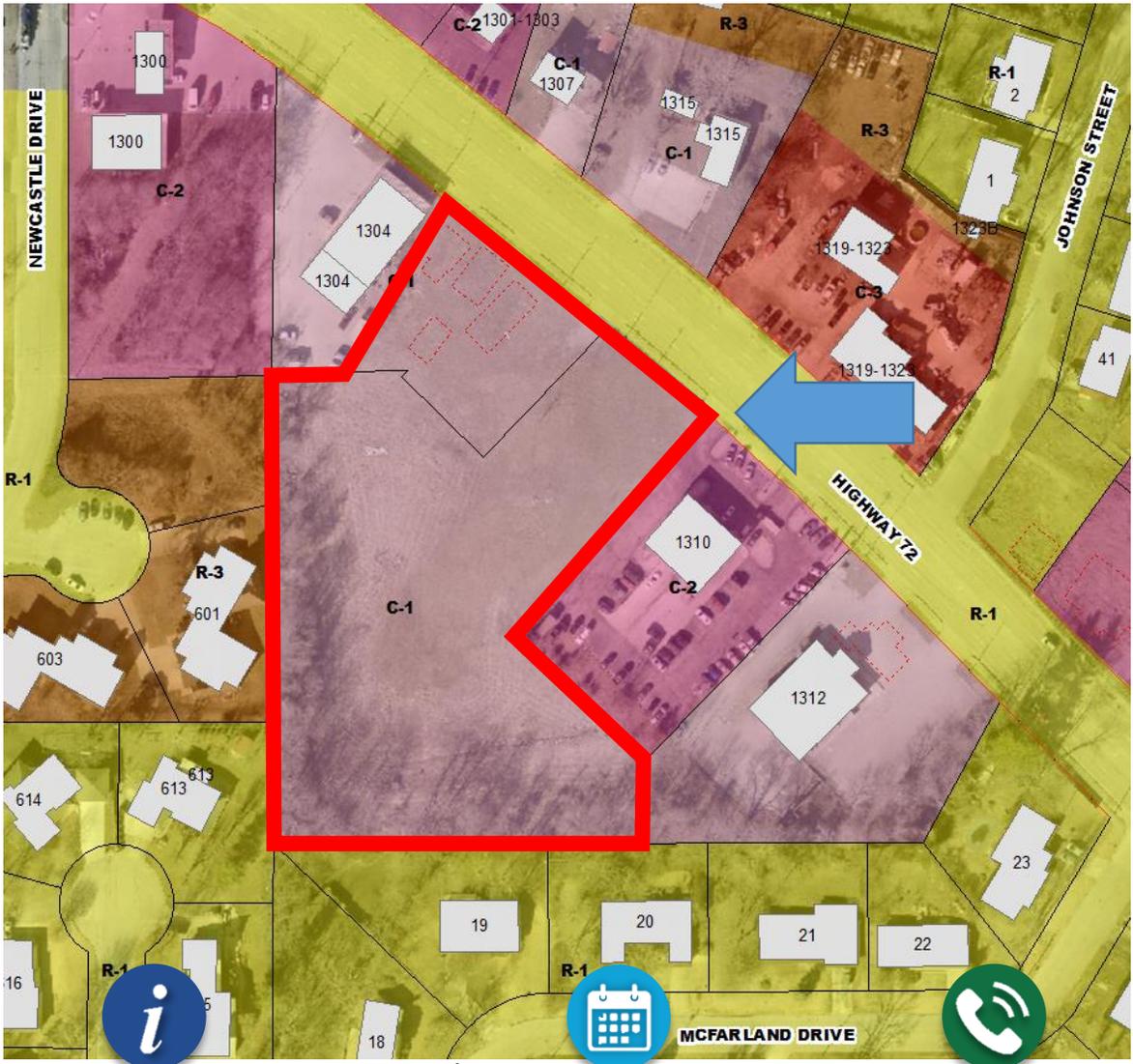
1. The Comprehensive Plan does designate the subject property as being appropriate for Neighborhood and Community Commercial uses.
2. The property is adjacent to property which is zoned C-2, General Retail.
3. The vicinity along Hwy 72 East has a mixture of C-1, C-2, and C-3 commercial zoning.
4. The rezoning would allow for the proposed car dealership display area.

**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: ZON22-02  
 Location: 1306 Hwy 72 East  
 Applicant: Car Mart  
 Request:  
 Rezoning from C-1 to the C-2, General Commercial district.

**Public Hearings:**

Planning and Zoning Commission  
**June 14, 2022**  
**5:30 PM**  
 City Hall: 1<sup>st</sup> Floor  
  
 City Council  
**June 20, 2022**  
**6:30 PM**  
 City Hall: 1<sup>st</sup> Floor

**For More Information Contact:**

Tom Coots, City Planner  
 tcoots@rollacity.org  
  
 (573) 426-6974  
 901 North Elm Street  
 City Hall: 2<sup>nd</sup> 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 of Lot 3 of The Steak Company Subdivision, Rolla, Missouri, AND, a fractional part of the Southeast Quarter of the Southeast Quarter of Section 12, and, a fractional part of the Northeast Quarter of the Northeast Quarter of Section 13, all in Township 37 North, Range 8 West of the 5<sup>th</sup> P.M. described as follows: Beginning at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 13, also being the northwest corner of the aforesaid Lot 3 of The Steak Company Subdivision; thence North 88°58'20" East, 56.02 feet along the North line of said Northeast Quarter of the Northeast Quarter to the southeast corner of a parcel described in Phelps County Deed Records at Document No. 9304604; thence North 31°45' East, 177.50 feet along the easterly line of said Document No. 9304604 parcel to the southwesterly right of way of Missouri Highway 72; thence South 51°48'50" East, 134.08 feet, and, southeasterly, 164.83 feet along the arc of a curve, concave southwesterly with a radius of 2819.93 feet, the chord of which is South 50°08'20" East, 164.80 feet, all along said southwesterly right of way to the northeast corner of the aforesaid Lot 3 of The Steak Company Subdivision; thence South 41°28' West, 258.00 feet, and, South 47°26' East, 157.00 feet, and, South 0°18'40" West, 71.95 feet, all along the easterly line of said Lot 3 to its southeast corner; thence North 89°48'40" West, 326.18 feet along the South line of said Lot 3 to its southwest corner, also being a point on the West line of the aforesaid Northeast Quarter of the Northeast Quarter of Section 13; thence North 0°04' East, 406.98 feet along the West line of said Lot 3 and along said West line of the Northeast Quarter of the Northeast Quarter to the point of beginning. Above described tract contains 3.31 acres, more or less.



pol ck # 217313

# City of ROLLA



COMMUNITY DEVELOPMENT DEPARTMENT  
901 North Elm St  
Rolla, MO 65401  
P.O. Box 979

573-364-5333 + www.rollacity.org/comdev

## LAND USE APPLICATION

**Contact Information:**

**Property Owner:**  
 Name(s) Jose Lopez  
 Mailing Address 1212 B E state Rt 72  
Rolla Mo 65401  
 City, State, Zip  
501-352 7775  
 Phone  
 Email lopezmiranda13@gmail.com

**Agent/Applicant (If Different Than Property Owner):**  
 Name Car Mart (Cary Mendenhall)  
 Mailing Address 24250 state Rt P  
St. James Mo 65559  
 City, State, Zip  
573-261-1580  
 Phone  
 Email mendenhallperformancehorses@gmail.com

**Property/Request Information:**

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

1306 HWY 72 E  
 Property Address/Location

C-1 TO C-2  
 Property Zoning (Current and Proposed)

Car Mart Inventory Display Lot  
 Proposed Development/Project/Amendment

### APPLICATION CHECKLIST:

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

### OFFICE USE ONLY:

Case No: 20N22-09      DRC Meeting Date: 5.17.22      PC Hearing Date: 6.14.22  
 Submission Date: 5.12.22      Advertise By: 5.19.22      CC Hearing Date: 6.20.22 / 7.5.22





Report to:

**Planning and Zoning  
Commission**

Case No.: VAC22-01

**Meeting Date:** June 14, 2022

**Subject:** Vacation of the remainder of Spring Street, north of 13<sup>th</sup> Street; a portion of 13<sup>th</sup> Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and Bishop Ave and 13<sup>th</sup> Street and University Dr.

**Background:** The applicant seeks to vacate the subject streets and alley to allow for the construction of a parking lot. The university has acquired the adjacent properties, except the Dairy Queen. The street adjacent to the Dairy Queen property is not proposed to be vacated at this time, however, the remainder of the street is requested to be vacated.

**Application and Notice:**

Applicant/Owner - Curators of the University of Missouri  
Public Notice - Letters mailed to impacted property owners; Legal ad in the Phelps County Focus;  
<https://www.rollacity.org/agenda.shtml>  
City Council Date - June 20, 2022

**Property Details:**

Land area - Approximately 25,700 sq. ft. to be vacated

**Public Facilities/Improvements:**

Streets - 13<sup>th</sup> Street and Spring Street are local streets.  
Utilities - Various utilities are located in the area to be vacated. A utility easement will be retained if the request is approved.

**Comprehensive Plan:** The Comprehensive Plan does not provide guidance on street vacations. The University Drive relocation and subsequent property acquisitions by the university for their Campus Master Plan have made the streets unneeded.

**Discussion:** The streets are no longer needed for circulation. The utilities are intended to remain at this time within a retained utility easement. If the utilities are relocated or abandoned, the easement could be vacated at a future date. The portion of 13<sup>th</sup> Street adjacent to the Dairy Queen property will remain at this time, as the street provides access to that property.

**Findings:**

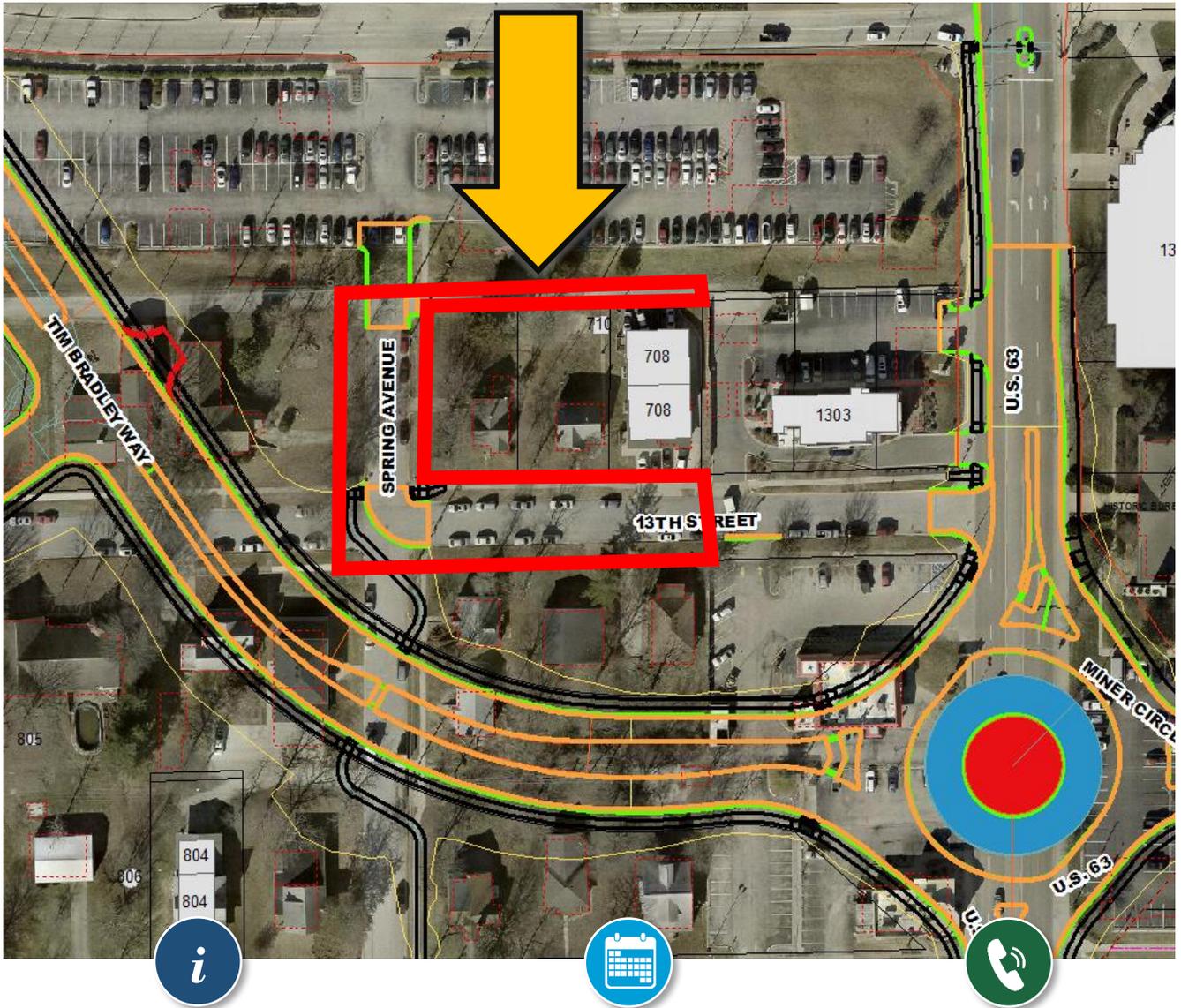
1. Utilities are located in the area requested to be vacated; a utility easement will be retained.
2. No objections to the request were received by any utility companies.
3. The streets and alley are no longer needed for access or circulation.

**Alternatives:**

1. Recommend the City Council approve the request to vacate the streets and alleyway and retain the area as a utility easement.
2. Find that request is not appropriate 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:** Application, Public Notice, Exhibit



**Project Information:**

Case No: VAC22-01  
 Location: Adjacent to 708 E 13<sup>th</sup> Street  
 Applicant: Curators of University of Missouri

Request:  
 Vacation of a portion of the alley between Spring, Bishop, 13<sup>th</sup>, and University Dr; and the remainder of Spring north of 13<sup>th</sup>; and a portion of 13<sup>th</sup> between Spring and Bishop.

**Public Hearings:**

Planning Commission  
**June 14, 2022**  
**5:30 PM**  
 City Hall: 1<sup>st</sup> Floor

City Council  
**June 20, 2022**  
**6:30 PM**  
 City Hall: 1<sup>st</sup> Floor

**For More Information Contact:**

**Tom Coots, City Planner**  
[tcoots@rollacity.org](mailto:tcoots@rollacity.org)

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



**What is a Vacation?**

A vacation is an application to vacate (or remove) all or a portion of a right-of-way adjacent to a property or an easement on a property. The right-of-way or easement must be found to no longer serve any current or future purpose.

**What is a Right-of-Way?**

In the context of a vacation application, a right-of-way refers to the area which has been dedicated to the City – usually for a public street. An easement is a portion of land that has granted the City the right to use a private property for some public purpose – usually for utilities, drainage, or access.

**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 to learn details about the project. You will be given an opportunity to ask questions or make comments regarding the case.

**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 Spring Avenue, and, a fractional part of 13th Street in TOWNSEND ADDITION, Rolla, Missouri, AND, a fractional part of a 12.0 foot wide alley in Block 2 of TOWNSEND ADDITION, Rolla, Missouri more particularly described as follows:

Beginning at the Southeast Corner of Lot 4, Block 2 of said TOWNSEND ADDITION; thence South 88°24'00" West, 128.64 feet, and, South 88°10'30" West, 127.03 feet, all along the South lines of Lots 4, 5 and, Block 2 of said TOWNSEND ADDITION and along the South line of Vacation Ordinance No. 3609 for part of Spring Avenue to the southeast corner of Lot 1, Block 3 of said TOWNSEND ADDITION; thence South 0°26'20" West, 12.00 feet to the northeast corner of Lot 12, Block 3 of said TOWNSEND ADDITION; thence South 0°00'40" East, 120.31 feet along the East line of said Lot 12 to its southeast corner; thence South 0°20'40" East, 60.26 feet to the northeast corner of Lot 2 of SPRING AVENUE ADDITION, Rolla, Missouri; thence North 88°07'10" East, 60.02 feet to the northwest corner of Lot 6, Block 5 of the aforesaid TOWNSEND ADDITION; thence continuing North 88°07'10" East, 70.77 feet, and, North 88°15'50" East, 124.63 feet, all along the North line of said Block 5 to the northeast corner of Lot 4, Block 5 of said TOWNSEND ADDITION; thence North 0°32'10" West, 59.71 feet to the southeast corner of Lot 9 of the aforesaid Block 2 of TOWNSEND ADDITION; thence South 88°18'00" West, 65.00 feet, and, South 88°23'20" West, 64.79 feet, and, South 87°29'10" West, 65.06 feet, all along the South line of said Block 2 to the southwest corner Lot 7, Block 2 of said TOWNSEND ADDITION; thence North 0°08'20" East, 121.30 feet along the West line of said Lot 7 to its northwest corner; thence North 88°17'40" East, 65.10 feet, and, North 88°20'40" East, 65.24 feet, and, North 88°18'50" East, 64.64 feet, all along the North lines of Lots 7, 8 and 9, Block 2 of said TOWNSEND ADDITION to the northeast corner of said Lot 9; thence North 0°18'40" East, 12.00 feet to the point of beginning.





**SUBDIVISION APPLICATION**

**Contact Information:**

**Property Owner:**

Missouri S&T  
 Name(s) \_\_\_\_\_  
 120 GSB, 901 Facilities Ave.  
 Mailing Address \_\_\_\_\_  
 Rolla, MO, 65409  
 City, State, Zip \_\_\_\_\_  
 573-341-4888  
 Phone \_\_\_\_\_  
 bradleyclay@mst.edu  
 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  
 X \_\_\_\_\_ Vacation of ROW/easement

13th St. and Spring Lane  
 Property Address/Location \_\_\_\_\_

ROW \_\_\_\_\_  
 Property Zoning \_\_\_\_\_

N/A N/A  
 Number of existing and new lots proposed \_\_\_\_\_

N/A  
 Name of Subdivision \_\_\_\_\_

**APPLICATION CHECKLIST:**

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

**OFFICE USE ONLY:**

Case No: VAC 22-01      DRC Meeting Date: 6.7.22      PC Hearing Date: 6.14.22  
 Submission Date: 6.10.22      Advertise By: 5.19.22      CC Hearing Date: 6.20.22/7.5.22





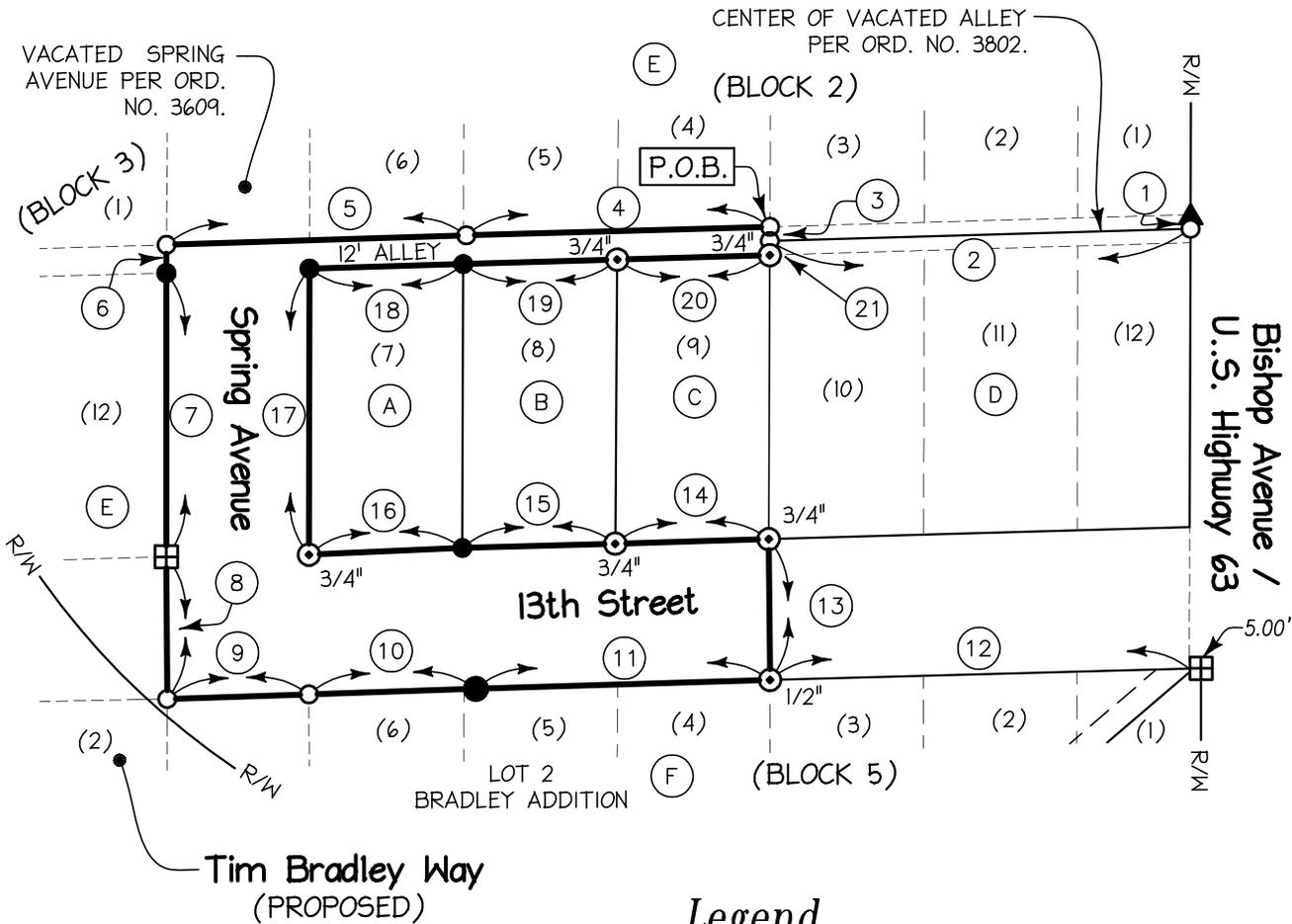
310 East 6th Street, Rolla, Missouri 65401  
Phone: 573-364-6362 Fax: 573-364-4782  
email: archer-elgin@cmarcher.com  
Corporate Authority: LS 2011025471



VACATION DESCRIPTION

A fractional part of Spring Avenue, and, a fractional part of 13th Street in TOWNSEND ADDITION, Rolla, Missouri, AND, a fractional part of a 12.0 foot wide alley in Block 2 of TOWNSEND ADDITION, Rolla, Missouri more particularly described as follows: Beginning at the Southeast Corner of Lot 4, Block 2 of said TOWNSEND ADDITION; thence South 88°24'00" West, 128.64 feet, and, South 88°10'30" West, 127.03 feet, all along the South lines of Lots 4, 5 and, Block 2 of said TOWNSEND ADDITION and along the South line of Vacation Ordinance No. 3609 for part of Spring Avenue to the southeast corner of Lot 1, Block 3 of said TOWNSEND ADDITION; thence South 0°26'20" West, 12.00 feet to the northeast corner of Lot 12, Block 3 of said TOWNSEND ADDITION; thence South 0°00'40" East, 120.31 feet along the East line of said Lot 12 to its southeast corner; thence South 0°20'40" East, 60.26 feet to the northeast corner of Lot 2 of SPRING AVENUE ADDITION, Rolla, Missouri; thence North 88°07'10" East, 60.02 feet to the northwest corner of Lot 6, Block 5 of the aforesaid TOWNSEND ADDITION; thence continuing North 88°07'10" East, 70.77 feet, and, North 88°15'50" East, 124.63 feet, all along the North line of said Block 5 to the northeast corner of Lot 4, Block 5 of said TOWNSEND ADDITION; thence North 0°32'10" West, 59.71 feet to the southeast corner of Lot 9 of the aforesaid Block 2 of TOWNSEND ADDITION; thence South 88°18'00" West, 65.00 feet, and, South 88°23'20" West, 64.79 feet, and, South 87°29'10" West, 65.06 feet, all along the South line of said Block 2 to the southwest corner Lot 7, Block 2 of said TOWNSEND ADDITION; thence North 0°08'20" East, 121.30 feet along the West line of said Lot 7 to its northwest corner; thence North 88°17'40" East, 65.10 feet, and, North 88°20'40" East, 65.24 feet, and, North 88°18'50" East, 64.64 feet, all along the North lines of Lots 7, 8 and 9, Block 2 of said TOWNSEND ADDITION to the northeast corner of said Lot 9; thence North 0°18'40" East, 12.00 feet to the point of beginning.

# TOWNSEND ADDITION



## Legend

- SET 1/2" IRON ROD
- FOUND 1/2" IRON ROD
- FOUND 5/8" IRON ROD
- ⊙ FOUND IRON PIPE (SIZE NOTED)
- ▲ FOUND R/W MARKER
- ⊞ FOUND CHISELED CROSS
- R/W RIGHT OF WAY
- P.O.B. POINT OF BEGINNING
- (1) FORMER LOT NO.



SCALE: 1"=80'

**Exhibit "A"**

Sheet 2 of 3

CM Archer Group, P.C. dba:



CM Archer Group, P.C.: E: 2003023612, LS: 2004017577-D

Archer-Elgin Surveying & Engineering, LLC: E: 2011024038, LS: 2011025471, A-2012014618  
 310 East 6th Street, Rolla, Missouri 65401 Phone: 573-364-6362 Fax: 573-364-4782 www.elginsurvey.com

Vacation Exhibit

Part of 13th Street, Spring Avenue  
 & Adjoining 12' Alley  
 Rolla, Missouri

DATE:	May 18, 2022
DESIGNED BY:	SFF
DRAWN BY:	MEP
PROJECT NO.:	J1456D

**COURSES**

<i>No.</i>	<i>Bearing</i>	<i>Distance</i>
1	S0°10'30"W	4.76'
2	S88°20'10"W	178.25'
3	N0°18'40"E	6.00'
4	S88°24'00"W	128.64'
5	S88°10'30"W	127.03'
6	S0°26'20"W	12.00'
7	S0°00'40"E	120.31'
8	S0°20'40"E	60.26'
9	N88°07'10"E	60.02'
10	N88°07'10"E	70.77'
11	N88°15'50"E	124.63'
12	N88°26'40"E	177.62'
13	N0°32'10"W	59.71'
14	S88°18'00"W	65.00'
15	S88°23'20"W	64.79'
16	S87°29'10"W	65.06'
17	N0°08'20"E	121.30'
18	N88°17'40"E	65.10'
19	N88°20'40"E	65.24'
20	N88°18'50"E	64.64'
21	N0°18'40"E	6.00'

**OWNERS**

- |   |  |
|---|--|
| <p>(A) N/F THE CURATORS OF THE UNIVERSITY OF MISSOURI<br/>2015-0905</p> <p>(B) N/F THE CURATORS OF THE UNIVERSITY OF MISSOURI<br/>2015-0906</p> <p>(C) N/F RYCE TRUST<br/>2017-1520</p> <p>(D) N/F CREMER<br/>363/210<br/>1993-5802</p> | <p>N/F THE CURATORS OF THE UNIVERSITY OF MISSOURI<br/>(E) 2010-2557<br/>2010-2558<br/>2014-2398<br/>2014-5729</p> <p>(F) N/F CITY OF ROLLA<br/>2020-2420<br/>2020-2487<br/>2020-4130<br/>2020-4129<br/>2021-2723</p> |
|---|--|

**Exhibit "A"**

Sheet 3 of 3

CM Archer Group, P.C. dba:



CM Archer Group, P.C.: E: 2003023612, LS: 2004017577-D

Archer-Elgin Surveying & Engineering, LLC: E: 2011024038, LS: 2011025471, A-2012014618  
310 East 6th Street, Rolla, Missouri 65401 Phone: 573-364-6362 Fax: 573-364-4782 www.elginsurvey.com

Vacation Exhibit

Part of 13th Street, Spring Avenue  
& Adjoining 12' Alley  
Rolla, Missouri

DATE: May 18, 2022
DESIGNED BY: SFF
DRAWN BY: MEP
PROJECT NO.: JI456D



Report to:

**Planning and Zoning  
Commission**

Case No.: VAC22-02

**Meeting Date:** June 14, 2022

**Subject:** Vacation of the remainder of State Street north of 11<sup>th</sup> Street

**Background:** The applicant seeks to vacate the remainder of State Street north of 11<sup>th</sup> Street. The university owns all of the property adjacent to the street to be vacated. The university has previously vacated the remainder of State Street. The request is needed to allow for construction of a parking garage and main entryway from Tim Bradley Way.

**Application and Notice:**

Applicant/Owner - Curators of the University of Missouri  
Public Notice - Letters mailed to impacted property owners; Legal ad in the Phelps County Focus;  
<https://www.rollacity.org/agenda.shtml>  
City Council Date - June 20, 2022

**Property Details:**

Land area - Approximately 26,600 sq. ft. to be vacated

**Public Facilities/Improvements:**

Streets - State Street is a local street.  
Utilities - Various utilities are located in the right-of-way, however, all are planned to be removed or become private service lines.

**Comprehensive Plan:** The Comprehensive Plan does not provide guidance on street vacations. The university Campus Master Plan does indicate the need to remove State Street as a public street.

**Discussion:** State Street will not be needed for access or circulation once the new entry to the university is completed. The entry project and parking garage require that State Street be removed. A sidewalk and fire/emergency access will be provided as a part of the project. The university intends to relocate and assume ownership of some utilities that only serve their property.

**Findings:**

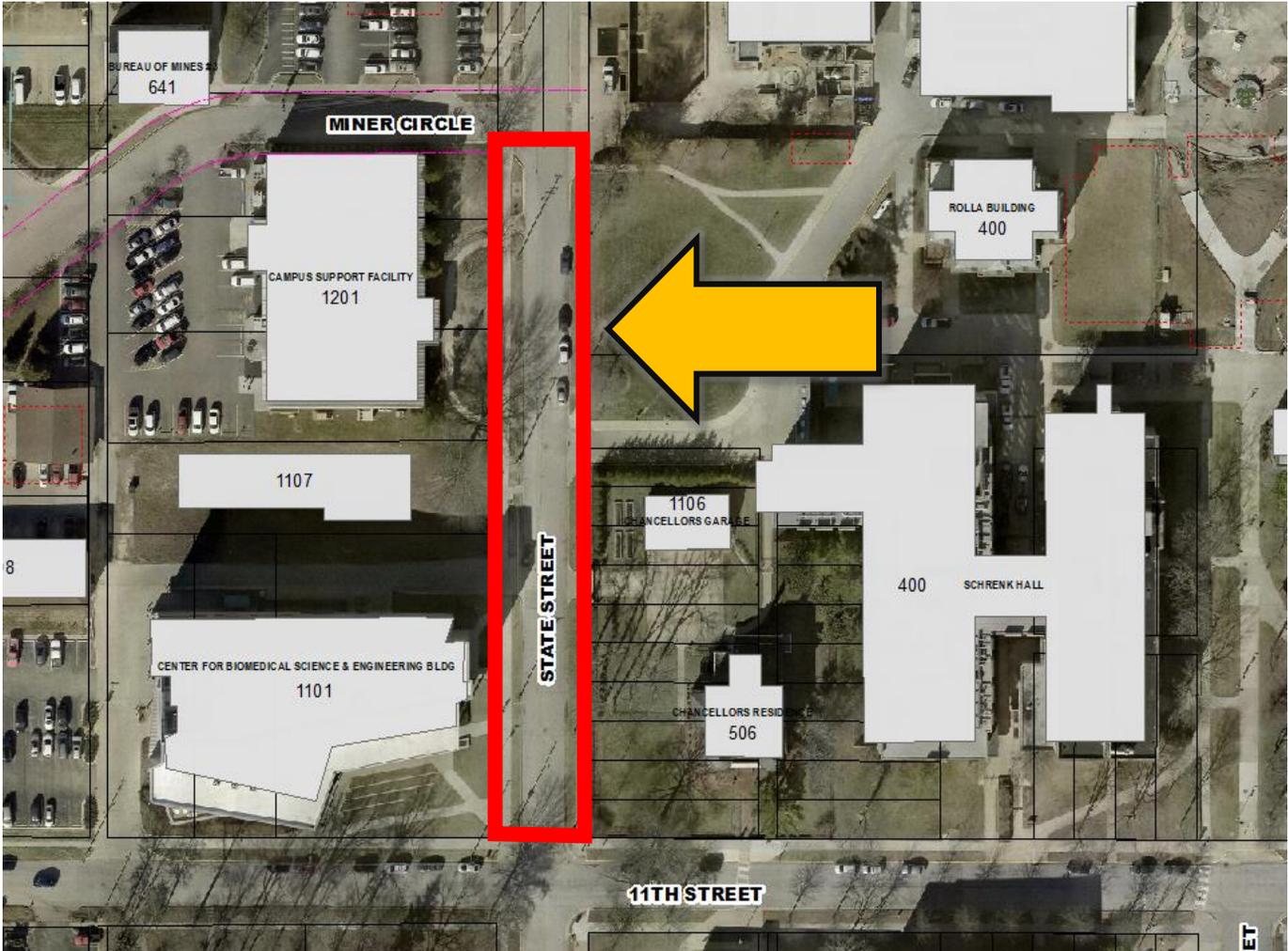
1. Utilities are located in the area requested to be vacated; however, no utility easement would be retained to allow for the utilities to be removed or to become private service lines.
2. No objections to the request were received by any utility companies.
3. State Street will no longer be needed for access and circulation once the university entryway project is completed, however, access for fire/emergency will be retained in the final design.

**Alternatives:**

1. Recommend the City Council approve the request to vacate State Street north of 11<sup>th</sup> Street and retain the area as a utility easement.
2. Find that request is not appropriate 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:** Application, Public Notice, Exhibit



**Project Information:**

Case No: VAC22-02  
 Location: Adjacent to 1101 – 1201 N State Street  
 Applicant: Curators of University of Missouri  
 Request: Vacation of the remainder of State Street north of 11<sup>th</sup> Street

**Public Hearings:**

Planning Commission  
**June 14, 2022**  
**5:30 PM**  
 City Hall: 1<sup>st</sup> Floor  
  
 City Council  
**June 20, 2022**  
**6:30 PM**  
 City Hall: 1<sup>st</sup> Floor

**For More Information Contact:**

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



**What is a Vacation?**

A vacation is an application to vacate (or remove) all or a portion of a right-of-way adjacent to a property or an easement on a property. The right-of-way or easement must be found to no longer serve any current or future purpose.

**What is a Right-of-Way?**

In the context of a vacation application, a right-of-way refers to the area which has been dedicated to the City – usually for a public street. An easement is a portion of land that has granted the City the right to use a private property for some public purpose – usually for utilities, drainage, or access.

**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 to learn details about the project. You will be given an opportunity to ask questions or make comments regarding the case.

**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 State Street lying east of LADD'S ADDITION, Rolla, Missouri; west of E.W. BISHOP'S SECOND ADDITION, Rolla, Missouri; and, north of 11th Street, being more particularly described as follows: Beginning at the Southeast Corner of Lot 1 of said LADD'S ADDITION; thence north along the East line of said LADD'S ADDITION to the South line of a vacated portion of State Street as described in City of Rolla Ordinance No. 3585; thence East along said South line of vacated State Street to the West line of Block 76 of the aforesaid E.W. BISHOP'S SECOND ADDITION; thence south along the West line of Block 76 and along the West line of Block 84 of said E.W. BISHOP'S SECOND ADDITION to the southwest corner of Block 84; thence west to the point of beginning.





COMMUNITY DEVELOPMENT DEPARTMENT  
 901 North Elm St  
 Rolla, MO 65401  
 P.O. Box 979

573-364-5333 + www.rollacity.org/comdev

**SUBDIVISION APPLICATION**

**Contact Information:**

**Property Owner:**  
 Missouri S&T  
 Name(s) \_\_\_\_\_  
 120 GSB, 901 Facilities Ave. \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 Rolla, MO, 65409 \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_  
 573-341-4888 \_\_\_\_\_  
 Phone \_\_\_\_\_  
 bradleyclay@mst.edu \_\_\_\_\_  
 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

\_\_\_\_\_ State St., 11th to Miner Cir.  
 Property Address/Location \_\_\_\_\_

\_\_\_\_\_ ROW \_\_\_\_\_  
 Property Zoning \_\_\_\_\_

\_\_\_\_\_ N/A \_\_\_\_\_ N/A \_\_\_\_\_  
 Number of existing and new lots proposed \_\_\_\_\_

\_\_\_\_\_ N/A \_\_\_\_\_  
 Name of Subdivision \_\_\_\_\_

**APPLICATION CHECKLIST:**

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

**OFFICE USE ONLY:**

Case No: VAC 22-02      DRC Meeting Date: 6.7.22      PC Hearing Date: 6.14.22  
 Submission Date: 6.10.22      Advertise By: 5.19.22      CC Hearing Date: 6.20.22/7.5.22

**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 Recorders 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.

**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:  
*Kevin Hogg* Kevin Hogg

Sign Print

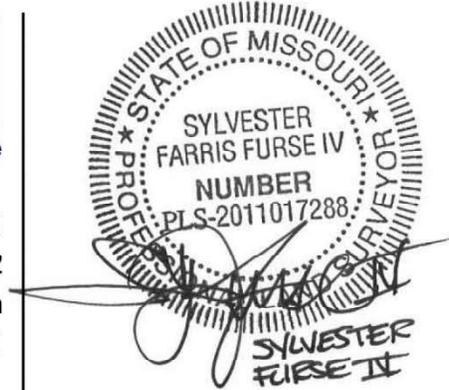
Sign Print

Sign Print

Sign Print



310 East 6th Street, Rolla, Missouri 65401  
Phone: 573-364-6362 Fax: 573-364-4782  
email: archer-elgin@cmarcher.com  
Corporate Authority: LS 2011025471



VACATION DESCRIPTION

A fractional part of State Street lying east of LADD'S ADDITION, Rolla, Missouri; west of E.W. BISHOP'S SECOND ADDITION, Rolla, Missouri; and, north of 11<sup>th</sup> Street, being more particularly described as follows: Beginning at the Southeast Corner of Lot 1 of said LADD'S ADDITION; thence north along the East line of said LADD'S ADDITION to the South line of a vacated portion of State Street as described in City of Rolla Ordinance No. 3585; thence East along said South line of vacated State Street to the West line of Block 76 of the aforesaid E.W. BISHOP'S SECOND ADDITION; thence south along the West line of Block 76 and along the West line of Block 84 of said E.W. BISHOP'S SECOND ADDITION to the southwest corner of Block 84; thence west to the point of beginning.

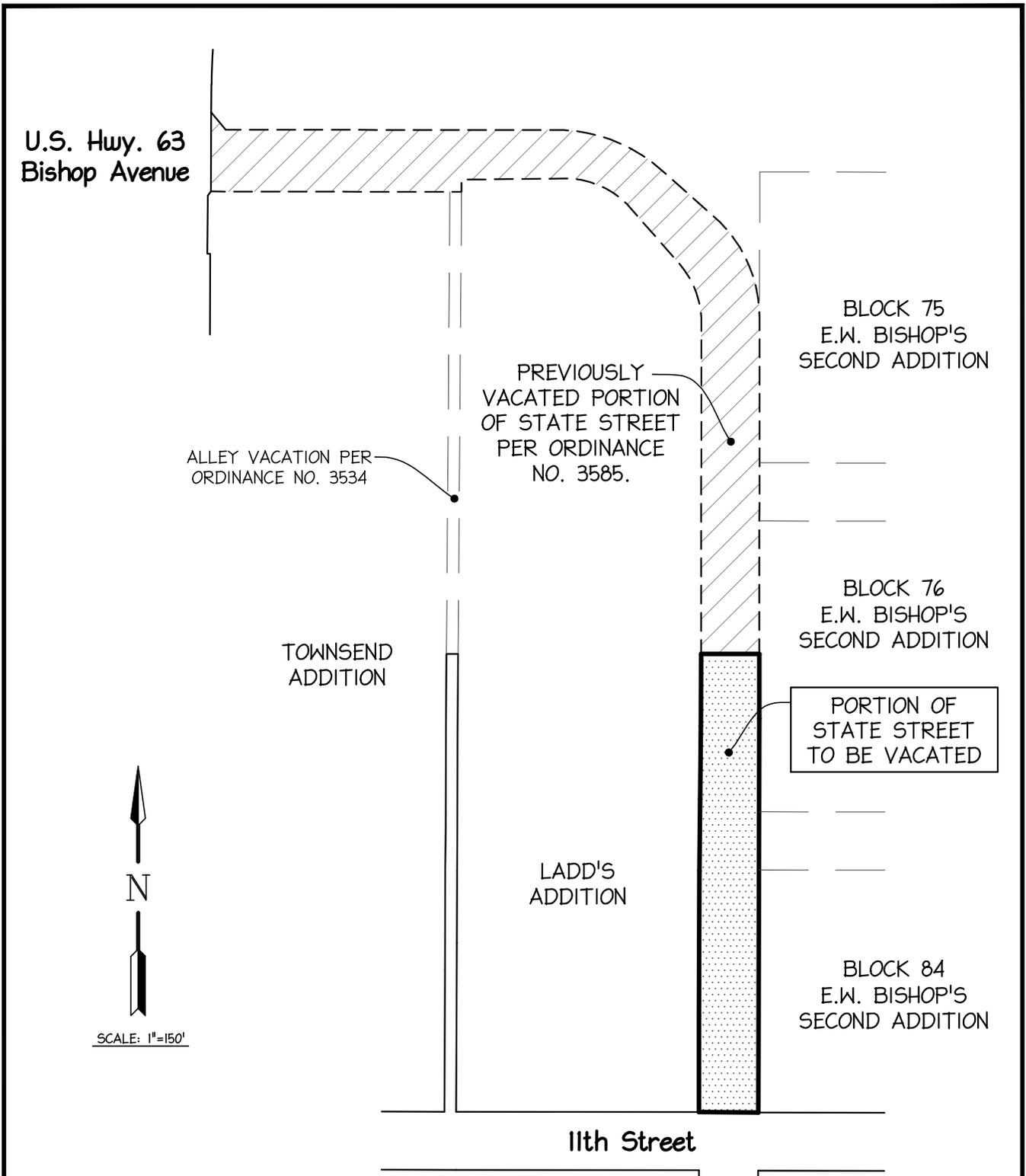


Exhibit "A"

Sheet 2 of 2

<p>CM Archer Group, P.C. dba:  <b>ARCHER-ELGIN</b>          engineering ■ surveying ■ architecture          Corporate Authority:          CM Archer Group, P.C.: E: 2003023612, LS: 2004017577-D          Archer-Elgin Surveying &amp; Engineering, LLC: E: 2011024038, LS: 2011025471, A-2012014618          310 East 6th Street, Rolla, Missouri 65401 ■ Phone: 573-364-6362 Fax: 573-364-4782 ■ www.emarcher.com www.elginsurvey.com</p>	<p>Road Vacation Exhibit</p>	<p>DATE: May 12, 2022</p>
	<p>Part of State Street between LADD'S ADDITION &amp; E.W. BISHOP'S SECOND ADD'N.</p>	<p>DESIGNED BY: SFF</p> <p>DRAWN BY: MEP</p> <p>PROJECT NO.: JI456D</p>



Report to:

**Planning and Zoning  
Commission**

Case No.: TXT22-01

**Meeting Date:** June 14, 2022

**Subject:** Text Amendment: Sections 42.141, Definition; 42.177, R-3 Multi-family district; 42.189, General Retail districts; 42.192, Highway Commercial districts; 42.194, Center-City districts; 42.196, Light Manufacturing districts; 42.223, Reserved; 42.224, Residential Group Homes; 42.225 and 42.226, Reserved pertaining to Homeless Shelters and related uses.

**Background:** The current zoning ordinance does not contemplate homeless shelters or related uses. Rolla does currently have a few organizations what may be considered to be a homeless shelter or a related use. Lacking clear direction on how to regulate the use, staff had difficulty with how to approach the uses.

The text amendment should bring clarity to how to regulate these uses. The text amendment defines the uses, permits the uses in certain zoning district by-right or with approval of a conditional use permit, and imposes some requirements for how the uses operate.

The need for regulations is related to the general increase in homelessness issues in Rolla. While the changes have been brought on by the recent desire for the Rolla Mission to relocate and/or increase their services, review should consider that other organizations may seek to provide such services.

**Application and Notice:**

Applicant - City of Rolla

Public Notice - Legal ad in the Phelps County Focus; <https://www.rollacity.org/agenda.shtml>

City Council Date - (unless decision is continued to the next meeting) June 20, 2022

**Discussion:** Homelessness is an issue that impacts every city and town. Larger cities attract more people and they may be more visible to the public. Larger cities attract more people in general – homeless or not – for the access to services and jobs. Smaller towns and rural areas also have homelessness. Rolla is a regional hub, with access to jobs and services including social services and medical services.

The last census of the homeless population found that there are currently more than 500,000 homeless people in the United States. About 6,500 were located in Missouri. Homeless populations across the country are increasing in recent years. There are roughly 44 homeless people in Phelps County, as of January, 2021.

Currently, there are a few providers of assistance for homeless persons in Phelps County. The Rolla Mission provides many services and some accommodation on-site or by paying for hotel rooms. The Russell House provides shelter for victims of domestic abuse. A few area churches also provide food pantry services and occasional meal services.

Churches provide homelessness assistance in many communities. By law (RLUIPA), churches cannot be prohibited from conducting services which are a part of their faith and religion. It is possible to regulate – like building codes and some requirements – but it is not legal to prohibit or unduly restrict religious practices.

Unless allowed by state law, no city is allowed to prohibit directly or indirectly any use from operating anywhere within a city. For example, Rolla does expressly prohibit gambling establishments, which are already illegal under state statutes. Rolla cannot prohibit homeless shelters from operating anywhere within the city limits. Rolla can restrict where they operate, within reason. Rolla can provide for restrictions and requirements for land uses, within reason to mitigate impacts. Rolla cannot create restrictions such that it is essentially impossible to operate in the city limits.

The proposed text amendment appears to provide for appropriate locations and restrictions for homeless shelters and related uses and meet the requirements of state and Federal law. Discussions can lead to a need to make some alterations, as long as any requirements are not overly restrictive.

**Findings:**

1. The proposed text amendment will regulate homeless shelters and related uses, which are not currently regulated in the zoning codes.
2. The text amendment provides for restrictions and requirements which are intended to mitigate impacts to the surrounding areas and the city as a whole.
3. The homeless population has been demonstrated to cause issues with property damage, arson, public disturbances, drug use, theft, and assaults – however, not all homeless people commit these acts and not all are related to the providers of assistance for homeless persons.

**Alternatives:**

1. Find the text amendment is needed and recommend the City Council approve the text amendment as presented or with modifications.
2. Find that the proposed text amendment is not needed and recommend that the City Council take no action.
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:** Proposed Text Amendment

## Proposed Homeless Shelter Zoning Code Amendments

(Note: underlined text is proposed new language; struck text is to be removed)

### Sec. 42-141. Definitions.

Words found in the text or tables of this Article shall be interpreted in accordance with the provisions set forth in this Section. Where words have not been defined, the standard dictionary definition shall prevail. The following terms are hereby defined:

Emergency Shelter: A facility, building, or property where temporary housing services are provided to person impacted by an emergency or a natural disaster or for victims of domestic violence and unrelated by family to the provider, at no cost or at a charge that is less than the full cost of providing the services, whether or not other related services are provided at the location.

Overnight Shelter: A facility, building, or property where year-round overnight housing services are provided temporarily (not to exceed 180 consecutive days) to persons impacted by temporary or chronic homelessness and unrelated by family to the provider, at no cost or at a charge that is less than the full cost of providing the services, whether or not other related services are provided at the location. Such use shall not include any of the following:

- (a) Residential group homes;
- (b) Temporary lodging for families of patients, or patients themselves, of state-licensed health facilities within Phelps County;
- (c) University or educational institution residence halls;
- (d) Fraternity or sorority houses;
- (e) State and city licensed nursing homes and day care centers;
- (f) Foster homes licensed under Chapter 210, RSMo;
- (g) Hospitals, mental institutions, residential care facility or institution that is licensed by the State of Missouri under Chapters 197, 198, and 630, RSMo.;
- (h) Emergency shelters related to relocation and are available during or after a fire or natural disaster for a limited duration;
- (i) Facilities for victims of domestic violence
- (j) Food pantries and distribution

Transitional housing: A multi-family residential use intended to provide transitional temporary housing for persons who have been impacted by homelessness, incarceration, or rehabilitation, generally for longer than 30 days and up to six months at any one time for individual residents, intended to enable individuals to transition into permanent housing, and is not classified as a group home.

Soup kitchen: An establishment where meals are provided to a person or persons unrelated by family to the provider at no cost or at a charge that is less than the full cost of providing same and that the provision of such meals is the principal service of the establishment, whether or not additional services are provided. A soup kitchen use may also include temporary overnight housing services are provided to persons impacted by temporary or chronic homelessness and unrelated by family to the provider during times of extreme weather conditions (i.e. overnight freezing conditions, extreme heat, thunderstorm or tornado warnings or watches).

	Proposed Zoning District							
	R-3, Multi- family	C-O, Commercial Office	C-1, Neighborhood Commercial	C-2 General Retail	C-3, Highway Commercial	C-C Center City	M-1, Light Mfg	M-2, Heavy Mfg
Emergency Shelter	P	P	P	P	P	P	P	P
Overnight Shelter	X	X	X	C	P	C	P	P
Transitional Housing	C	X	X	X	X	C	X	X
Soup Kitchen	X	X	X	C	P	P	X	X
<i>P - Permitted by-right</i>	<i>C - Conditional Use</i>		<i>X - Not Permitted</i>					

## DIVISION 5. "R-3" MULTI-FAMILY DISTRICT

### Sec. 42-177. Purpose of the Multi-family District.

The R-3 Multi Family District is intended to support apartment type development at a maximum density of twenty six (26) dwelling units per acre. Developments of this intensity should be established adjacent to and with vehicular access from collector or higher classified streets. Traffic circulation should be designed to minimize the impact on adjoining residential neighborhoods.

### Sec. 42-177.1. Uses Permitted.

1. Uses and conditional uses permitted in any of the foregoing R-1 or R-2 Districts.
2. Boarding, rooming, and lodging houses.
3. Child care centers.
4. Multi-Family dwellings and apartment houses, including efficiency apartments.
5. Private parking areas.
6. Private clubs, lodges, fraternities, sororities, and dormitories.
7. Private schools and academies.
8. Trailers and mobile homes located in the R-3 Multi-Family District at the date this Article is enacted shall not be considered as non-conforming uses.
9. Emergency Shelters

### Sec. 42-177.2. Conditional Uses.

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the R-3 zoning district.

1. Transitional Housing

### Sec. ~~42-177.3~~ ~~42-177.2~~ Area Requirements.

Minimum size of lot:

- Area: 7,500 square feet plus 1,500 square feet for each dwelling unit in excess of two (2) dwelling units.

Maximum Number of Bedrooms Permitted: 8 Bedrooms per unit.

Maximum number of occupants per dwelling unit: Eight (8), except for incorporated fraternities, sororities, and clubs, and emergency shelters.

Lot frontage: 75 feet at front lot line.

Width: 75 feet at building line.

Maximum percentage of lot that may be occupied by buildings:

- All buildings: 40 percent.

Minimum open space per lot:

- Not less than twenty five (25) percent of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, structures, parking areas, driveways, side walk, patio, accessory structures and internal streets. Open space shall contain living ground cover such as grass, plants, shrubs or trees. Decorative landscaping materials, such as rock, bark, and mulch are also permitted.
- No open space shall be required on a lot if existing buildings and structures are replaced with new buildings and structures using the same floor area, provided a building permit for replacement is applied for within one (1) year after the existing buildings are removed. In addition, no open space is required if an existing use expands operations or is established in existing floor area that previously was unfinished or not otherwise available for occupancy.

Maximum height of buildings:

- Four stories and sixty-four feet.

Minimum setback dimensions:

- Front yard: 25 feet from the front lot line.
- Each side yard: 5 feet measured from side lot line.
- Rear yard: 10 feet from the rear property line.

**Sec. ~~42-177.4~~ ~~42-177.3~~ Separation and Access to Buildings.**

All new development on parcels zoned R-3 Multi-Family District shall provide a minimum distance between all residential buildings of twelve (12) feet. All required driveways and parking areas shall be provided with a permanent dust-free paved surface and shall be constructed with curbs and gutters. Driveways shall be a minimum of sixteen (16) feet in width and no parking shall be allowed in the driveways. Driveways and buildings shall be located on the parcel in such a manner as to provide safe and convenient access for solid waste pick-up and emergency vehicles.

**Sec. ~~42-177.5~~ ~~42-177.4~~ Buffer-Yard Requirements.**

Whenever any development in an R-3 Multi-Family District is located adjacent to an R-1 Single Family District, a buffer-yard shall be provided in accordance with Section 42-230.6 and meeting the width and landscaping standards for a "Buffer-Yard A".

**Sec. ~~42-177.6~~ ~~42-177.5~~ Site Plan Required.**

All rezoning requests for R-3 Multi-Family District zoning for parcels one (1) acre in size or greater shall be accompanied by a site plan prepared in accordance with Sec. 42-234.1 (b) of the Planning and Zoning Code.

## **DIVISION 9. "C-2" GENERAL RETAIL DISTRICT**

### **Sec. 42-189. Purpose of the General Retail District.**

This District is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops which depend upon high visibility, generate high traffic volumes or cater to the traveling public. The District is also intended for on-site production of hand crafted items in conjunction with retail sales. No un-screened outside display of merchandise is permitted, except where indicated. Commercial uses permitted in this District are generally required to conduct business activities indoors. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets.

### **Sec. 42-189.1. Uses Permitted.**

- (1) Any use or conditional uses permitted in the foregoing C-I District, including existing single-family and two-family residential uses.
- (2) Any conditional use permitted in the R-R District.
- (3) Athletic clubs.
- (4) Auto repair, body and paint shops, radiator repair.
- (5) Auto laundries or car/truck wash establishments.
- (6) Automobile sales and service, including tire sales, and rental of new or used vehicles (outside display permitted).
- (7) Automobile service stations or garages, including sales of petroleum products.
- (8) Automobile parts and accessory stores, including installation and repair.
- (9) Boat and marine sales and service.
- (10) Bowling alleys.
- (11) Cold storage and self or mini-storage facilities.
- (12) Drive-in, pick-up, and drive-through restaurants.
- (13) Funeral homes, excluding crematoriums.
- (14) Furniture and/or appliance stores (new and used), sales and service, including rentals.
- (15) Heating and air-conditioning sales and service, including customized sheet metal fabrication as an accessory activity.
- (16) Hotels and motels, and hotel apartments.
- (17) Medical equipment and supplies sales and rental.
- (18) Medical Marijuana Dispensary Facility.
- (19) Miniature golf courses and driving ranges.
- (20) Monument sales, retail dealers (outside display permitted).
- (21) Parking garages, commercial.
- (22) Pest control services.
- (23) Pet shops, animal hospitals, clinics and kennels.
- (24) Plumbing shops.
- (25) Printing, publishing, book binding, and photo-processing, including drive-through facilities.
- (26) Produce market, retail (outside display permitted).
- (27) Radio-TV. repair shops.
- (28) Recreation vehicle or mobile home sales or service (outside storage permitted).
- (29) Restaurant, on-site sales and consumption of alcoholic beverages permitted.

- (30) Retail stores and other shops for custom work or making of articles to be sold at retail on the premises.
- (31) Retail establishments which provide supplies and/or services primarily to commercial and industrial customers, such as janitorial services, packaging and shipping service, locksmith services, lithographing and engraving, and blueprinting businesses.
- (32) Recording studios.
- (33) Second hand goods store and pawn shops.
- (34) Second hand or used car sales yard, not including wrecking and repairing (outside display permitted).
- (35) Skating rinks, swimming pools, gymnasiums, commercial.
- (36) Sporting goods sales.
- (37) Store and restaurant fixture sales.
- (38) Taxi and limousine transportation services.
- (39) Reserved. (Ord. 4470, §2)
- (40) Theaters, motion picture and performing arts.
- (41) Tobacco product sales.
- (42) Water, bottled, sales.
- (43) Video game arcades.
- (44) Seasonal businesses; such as fireworks stands, Christmas tree lots, snow cone vendors, and similar outlets that are temporary uses.

**Sec. 42-189.2. Conditional uses that may be permitted by the Planning and Zoning Commission and the City Council in accordance with Section 42-234.**

- (1) Bars, cocktail lounges, and night clubs (including dance halls).
- (2) Billiard or pool halls.
- (3) Convenience stores, with or without gas pumps.
- (4) Package liquor stores.
- (5) Cabinet or carpentry shop.
- (6) Advertising services (sign shop).
- (7) Laboratories, offices and other facilities.
- (8) Medical Marijuana Testing Facility.
- (9) Overnight Shelters.
- (10) Soup Kitchens.

## **DIVISION 10. "C-3" HIGHWAY COMMERCIAL DISTRICT**

### **Sec. 42-192. Purpose of the Highway Commercial District.**

This District is intended for business uses which provide essential commercial services and support activities of community and regional significance that require high visibility and may have higher environmental impacts in terms of noise, dust, glare, etc. which may make them incompatible with office or some retail uses. This District is also intended for businesses that combine wholesale, retail, and light manufacturing (assembly) functions on site. Merchandise may be displayed outside without screening. This District is also intended to function as a transition between industrial development and strictly commercial development.

### **Sec. 42-192.1. Uses Permitted.**

1. Any use or conditional uses permitted in any of the foregoing C 1 or C 2 Districts.
2. Agriculture implements sales and service, agri businesses.
3. Sexually oriented businesses, as defined in Chapter 29 of the Rolla City Code, provided such uses are prohibited within the area circumscribed by a circle which has a radius of seven hundred fifty (750) feet, as measured by a straight line drawn from the lot line of any proposed sexually oriented business, to any residential zoning district, school, park, or church.
4. Auction sales, flea markets and swap meets, permanent location; livestock sales not permitted
5. Archery and firearms ranges, commercial.
6. Battery shops, sales and service.
7. Builder's supply and lumber yards.
8. Bus stations.
9. Bottling plants.
10. Carpet cleaning.
11. Contractor's equipment, sales and service
12. Commercial laundry, dry cleaning, linen and towel or diaper supply service
13. Crematoriums
14. Dairy supply dealers
15. Dry ice storage.
16. Engine and transmission repair and rebuilding.
17. Electrical equipment repairs, sales and parts distribution.
18. Feed stores, no manufacturing or grinding or mixing of feed.
19. Frozen food lockers.
20. Glass and mirror sales.
21. Landscape company, sales and service.
22. Magazine and newspaper, printing and distribution agency.
23. Road machinery, heavy equipment and tools, sales and rental service.
24. Storage warehouses and baggage transfers.
25. Tire repair and recapping
26. Tattoo and/or body piercing parlors, palm reading, and fortune telling establishments.
27. Wholesale operations, sales office/warehouse combination.

**Sec. 42-192.2. Conditional Uses.**

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the C-3 zoning district.

1. Advertising services
2. Bus terminals, maintenance shops
3. Cabinet or carpentry shops
4. Canvas goods shops, tents and awnings, manufacture, sales and rental
5. Concrete batching or transit mix plant (temporary use only)
6. Irrigation sales and services
7. Laboratories, offices and other facilities for research, basic and applied
8. Private utilities
9. Produce markets, wholesale.
10. Medical Marijuana-Infused Products Facility

## DIVISION 11. "CC" CENTER CITY DISTRICT

### **Sec. 42-194. Purpose of the Center City District.**

The CC District is intended to be a mixed-use district that accommodates a variety of residential and commercial uses. It is intended to address the unique character of Rolla's traditional Central Business District, an area that developed early in the City's history, generally encompassing both sides of Rolla and Pine Streets between 6th and 12th Streets, and does not display the features of modern suburban development. This district is designed to support the transition that must occur if the CBD is to experience revitalization.

### **Sec. 42-194.1. Uses Permitted.**

- (1) Any use or conditional uses permitted in the foregoing GI and C-3 Districts, except trailers or mobile homes and overnight shelters.
- (2) Accessory structures and uses, in accordance with Section 42-204.
- (3) Accessory residential uses, either to the rear or above the first floor of a building used for permitted business activities.
- (4) Medical Marijuana Dispensary Facility.

### **Sec. 42-192.2. Conditional Uses.**

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the C-C zoning district.

1. Overnight Shelters
2. Transitional Housing

### **Sec. ~~42.194.3~~ 42-194.2. Area Requirements.**

Minimum size of lot: No minimum

Maximum number of occupants per dwelling unit: Eight (8), except for incorporated fraternities, sororities, and clubs, and overnight shelters.

Lot frontage: No minimum

Width: No minimum.

Maximum percentage of lot that may be occupied by building footprint: 100 percent.

Maximum height of buildings: No maximum

Minimum setback dimensions:

- (a) Front yard: None
- (b) Each side yard: None
- (d) Rear yard: None

Minimum parking requirements: None, except for new construction where sufficient land area exists to allow the provision of adequate parking consistent with the requirements of this Article.

## **DIVISION 12. "M-1" LIGHT MANUFACTURING DISTRICT**

### **Sec. 42-196. Purpose of the Light Manufacturing District**

This District is intended to allow industrial operations and activities that do not create applicable nuisances or hazards. Industrial operations and activities are permitted as long as they do not have an adverse impact on neighboring properties resulting from dust, fumes, noxious odors, glare, vibration, or other atmospheric influence. M-1 light manufacturing activities are generally conducted inside a building, although related outdoor storage and display is permitted.

### **Sec. 42-196.1 Uses Permitted.**

- (1) All of the uses listed under Section 42-192.1, except for item "1" ("item 1". Any use or conditional uses permitted in any of the foregoing C 1 or C 2 Districts.)
- (2) Advertising services (sign shop)
- (3) Agri-businesses.
- (4) Asphalt storage.
- (5) Blacksmithing.
- (6) Broom manufacturing.
- (7) Builders supply, hardware and lumberyards.
- (8) Bus terminals, maintenance shops.
- (9) Cabinet or carpentry shops.
- (10) Candle manufacturing.
- (11) Canvas goods shops, tents and awnings, manufacture, sales and rental.
- (12) Carpet cleaning.
- (13) Child care centers.
- (14) Clothing, footwear, and leather goods manufacturing.
- (15) Cold storage plants.
- (16) Concrete batching or transit mix plant (temporary use only).
- (17) Construction materials manufacturing and storage.
- (18) Heavy machinery, including diesel engine, repairs.
- (19) Egg storage, candling or processing plants.
- (20) Electronic component manufacture and assembly.
- (21) Food products processing, storage, and distribution (except uses listed under the M-2 District).
- (22) Freight terminals.
- (23) Furniture packing and crating.
- (24) Hatchery, fish or fowl.
- (25) Ice manufacturing.
- (26) Insulation applicator.
- (27) Irrigation sales and service.
- (28) Laboratories, offices and other facilities for research, basic and applied.
- (29) Live stock sales.
- (30) Lumber mills and storage.
- (31) Machine shops.
- (32) Mattress and bedding manufacturer and renovator.
- (33) Magazine and newspaper printing.

- (34) Monument manufacture.
- (35) Motor freight terminals and depots.
- (36) Oil well equipment service, supply and storage.
- (37) Pharmaceutical manufacture.
- (38) Paper products manufacturing.
- (39) Plastic processing and converting.
- (40) Prefabricated house manufacture.
- (41) Printing, publishing, book binding.
- (42) Private utilities.
- (43) Produce markets, wholesale.
- (44) Sash and door manufacturing.
- (45) Seed storage and warehousing.
- (46) Sheet metal workshops.
- (47) Spray painting.
- (48) Store and restaurant fixture manufacturing.
- (49) Storage of baling or rags.
- (50) Textile manufacturing.
- (51) Welding shops, industrial equipment and supply sales.
- (52) Wholesale operations, sales office/warehouse combination.
- (53) Accessory structures and uses, in accordance with Section 42- 204.
- (54) Medical Marijuana Cultivation Facility; Medical Marijuana-Infused Products Facility.
- (55) Overnight Shelters.

**~~Sec. 42-223. Reserved.~~**

**Sec. 42-223 ~~42-224~~. Residential Group Homes - Purpose.**

Residential group homes for eight (8) or fewer unrelated mentally or physically handicapped persons that may include up to two (2) house parents or guardians when:

1. The structure, building, landscaping, fencing, etc. for the residential group home suits the character of the immediate neighborhood.
2. There are no other residential group homes within fifteen hundred (1,500) feet.
3. No sign identifying the residential group home exceeds four (4) square feet in area.
4. Signs may not be illuminated and must be attached to the residential group home.
5. There are no more than two (2) residents per bedroom.

## **Sec. 42-224 Overnight Shelter Uses.**

These Overnight Shelter requirements are intended to help mitigate the impacts of an overnight shelter use. Overnight shelters, in addition to other individuals, may serve individuals who have substance or alcohol use disorders, are in active use of illegal substances, have mental health conditions, or may have been previously incarcerated. Therefore, overnight shelters may have severe impacts to surrounding properties. Such facilities should generally be located such that clients will have access to jobs, counseling, and other resources for assistance. No individual or family shall reside in an overnight shelter for more than 180 consecutive days. A minimum 60 days shall be required between maximum consecutive days. Any Overnight Shelter use must adhere to the following requirements:

1. A written operations plan must be submitted and approved by the Chief of Police and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, intake procedures and tracking outcomes, and an outreach plan for surrounding property owners and residents.
2. A log of each person receiving temporary housing must be kept, including the person's name, last place of residence, and a photo of the person and/or their government issued identification. Such logs are to be submitted to the Rolla Police Department upon request.
3. The operator must conduct a background check on the MO Sex Offender Registry and MO Casenet before any person may reside at the property for more than three (3) days.
4. Any facility providing overnight shelter services must be located a minimum of 1,000 feet from any other property operating an overnight shelter facility.
5. Unless specifically permitted as a family or youth shelter, overnight shelters must be located a minimum of 500 feet from any school, playground, or daycare, as measured from the closest point of the shelter facility to the closest point of such school, playground, or daycare.
6. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.
7. Security cameras are required at a minimum to film any persons using the building entrances, exits and outdoor assembly areas. Such recordings shall be maintained for at least 72 hours and made available for law enforcement if a crime is alleged or committed.
8. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.
9. The operator of such facility must allow City Representatives, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and provide 15 days to bring the operation into compliance (unless a life-safety condition exists in which immediate action is required). If the operator fails to correct the deficiencies, the Community Development Director is authorized to terminate the conditional use permit. The operator may appeal the termination to the City Council.
10. An annual inspection fee of \$500 must be submitted prior to commencing operations and annually thereafter.

**Sec 42-225 Soup Kitchen Uses to 42-226. Reserved.**

These Soup Kitchen Use requirements are intended to help mitigate the impacts of a soup kitchen use. If not properly managed, the use can have severe impacts to surrounding properties. Such facilities should generally be located such that clients will have easy access by transit or walking. Any Soup Kitchen Use use must adhere to the following requirements:

1. A written operations plan must be submitted and approved by the Chief of Police and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, and outreach plan for surrounding property owners and residents.
2. If an outdoor congregation area is provided and such area must be screened from view from adjacent properties and streets if within 25 feet of such property or street.
3. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.
4. Security cameras are required at a minimum to film any persons using the building entrances.
5. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.
6. The operator of such facility must allow the Development Services Director, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and allow 30 days to bring the operation into compliance. If the operator fails to correct the deficiencies, the director is authorized to terminate the conditional use permit. The operator may appeal the termination to the City Council.
7. An annual inspection fee of \$300 must be submitted prior to commencing operations and annually thereafter.

**Sec. 42-226. Transitional Housing Uses.**

Such facilities must be located a minimum of 500 feet from another transitional housing facility located on a separate property.

## **DIVISION 16. CONDITIONAL USE PERMITS (for reference; no proposed text amendments)**

### **Sec. 42-234. Purpose of Conditional Use Permits**

The conditional use permit procedure is designed to provide the Planning and Zoning Commission and the City Council with an opportunity for discretionary review of requests to establish uses or construct structures which may not be specifically allowed in a given zoning district, but may be deemed desirable or in the public interest to locate in that zoning district. The purpose of the review is to determine whether the proposed location of the use or structure is consistent with the overall intent of the zoning district regulations and to permit the imposition of conditions designed to minimize or mitigate potential adverse effects. Conditional Use Permits do not constitute a zoning change and only allow for a designated use, on a specific lot or tract, within the established zoning district. Conditional Use Permits shall not be required within the Planned Unit Development "PUD" District.

### **Sec. 42-234.1. Procedures.**

In order for an applicant, who may be the property owner(s) or any person having a contractual interest in the subject property, to initiate the review process for the approval of a Conditional Use Permit, the applicant or an agent of the applicant must submit a Conditional Use Permit application, a site plan, and the Conditional Use Permit application fee found in the Fee Schedule in Section 42.143.1 of the Rolla Planning and Zoning Code. A public hearing shall be held for such proposals and the Community Development Department shall notify the public of the hearing and proposal according to the prescribed procedures and standards described in Section 42-143 of the Rolla Planning and Zoning Code. The application and site plan shall contain the information described below.

1. The Conditional Use Permit application shall contain the following information:
  1. The names, addresses, signatures, and contact information for both the applicant and, if applicable, the agent of the applicant.
  2. The legal description of the property;
  3. The zoning classification and present use of the property;
  4. A description of the proposed conditional use;
  5. A Site Plan in accordance with this Section;
  6. A statement describing how the proposed conditional use will comply with the applicable standards of this Section; and
  7. A statement describing how the proposed conditional use is to be designed, arranged, and operated will be submitted in order to ensure that future development, which is consistent with District regulations, will not be prevented or made unlikely and that the value, use, and reasonable enjoyment of such property will not be impaired or adversely affected.
2. Site Plan content.
  1. Approximate location of proposed and existing designated uses or buildings and other structures, including adjoining property, as well as parking and open areas shall be indicated for the proposed conditional use and adjacent property;
  2. Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Flood plain areas shall be delineated;
  3. Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping/screening plan;

4. An elevation view of the site showing preliminary building form ( new construction only);
5. Proposed ingress and egress to the site, including right-of-way and pavement width for proposed and existing streets;
6. A plan for the provision of sanitation and drainage facilities;
7. The location, lighting and type of signs and the relationship of signs to traffic control;
8. The location and number of required off-street parking areas; and
9. The location of existing utilities.

**Sec. 42-234.2. Burden of Proof/Standards.**

In presenting any application for a Conditional Use Permit, the burden of proof shall rest with the applicant to clearly establish that the proposed conditional use shall meet the following standards:

1. The proposed conditional use complies with all applicable provisions of the applicable District regulations.
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.
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:
  1. The location, nature and height of buildings, structures, walls, and fences on the site,
  2. The nature and extent of proposed landscaping and screening on the site,
  3. The noise characteristics of the use compared to the typical use in the District and any reduction solutions;
  4. The potential glare of vehicles and stationary lights on site and any measures employed to mitigate their impact;
  5. Sign location, type, size, and lighting, and
  6. 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.
4. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
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.

**Sec. 42-234.3. Public Hearing.**

1. The Planning and Zoning Commission in accordance with the provisions of this Article shall hold a public hearing on the application for a Conditional Use Permit.
2. Subsequent to the public hearing, the Community Development Director shall certify that the application is complete and shall prepare a report to the Planning and Zoning Commission. Upon receipt of said report and after the holding of a Public Hearing, the Commission shall recommend to the City Council approval or denial of the Permit.

**Sec. 42-234.4. Approval or Denial of a Permit by the Planning and Zoning Commission.**

1. In recommending approval of conditional uses, the planning and Zoning Commission shall impose such conditions as it determines necessary. Said conditions shall include but not be limited to the following:
  1. Permitted uses, including maximum floor area;
  2. Performance standards;
  3. Height limitations,
  4. Minimum yard requirements;
  5. Off-street parking and loading requirements;
  6. Sign regulations;
  7. Minimum requirements for Site Plans; and
  8. Time limitations for commencement of construction.
2. Upon denial by the Planning and Zoning Commission of an application for a Conditional Use Permit, the Community Development Director shall notify the applicant of such recommendation. If no appeal is filed, the application shall be deemed denied. No subsequent application for a Conditional Use Permit with reference to the same proposed use shall be filed by any applicant until the expiration of twelve (12) months after the denial.

**Sec. 42-234.5. Appeal of Denial Recommendation.**

Upon the recommendation of denial by the Planning and Zoning Commission of an application, the applicant may file an appeal with the City Council requesting a determination by that body. A Notice of Appeal shall be filed within ten (10) days after the Commission's hearing is concluded. An appeal shall be in writing and shall be filed in duplicate with the City Clerk. The applicant shall have an additional thirty (30) days to file the actual appeal. The appeal shall specifically state how the application, as initially filed or subsequently modified, meets the criteria set forth in these regulations.

**Sec. 42-234.6. Protest of the Commission's Decision.**

A protest against a proposed Conditional Use Permit may be filed in accordance with the provisions of this Article that address protest petitions for zoning cases.

**Sec. 42-234.7. City Council Review.**

In any case, subsequent to proper notification as described above, the City Council may affirm, reverse or modify, in whole or in part, any determination of the Planning and Zoning Commission.

**Sec. 42-234.8. Permit Effective-When.**

The Conditional Use Permit shall become effective upon approval by the City Council. In the event that some additional approval is required by some other governmental authority or agency, the permit request shall not be acted upon until that approval is received.

**Sec. 42-234.9. Final Site Plans.**

Subsequent to the effective date of the Conditional Use Permit, a Final Site Plan shall be submitted for review by the Community Development Director to determine compliance with the specified conditions of the permit. The plan shall contain the minimum requirements established in the conditions governing the permit. No building permits or authorization for improvement or development for any use requested under provisions of this permit shall be issued prior to the effective date of the Final Site Plan. The Final Site Plan shall be retained on file in the office of the Community Development Director.

**Sec. 42-234.10. Procedure to Amend a Conditional Use Permit or Site Plan.**

In order to amend an existing Conditional Use Permit or to amend the Site Plan approved for a Conditional Use Permit, the following procedures shall be executed:

1. To amend a Conditional Use Permit
  1. The property owner or his/her/their agent shall submit a Conditional Use Permit Amendment application to request amendments to such a permit's conditions. The Community Development Director shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing. A report shall be formulated that outlines the findings of such an analysis.
  2. The Community Development Director shall then forward the request and his/her report to the Planning and Zoning Commission. The Commission shall review the proposed amendments and file a report with the City Council in which the Commission shall recommend to grant, deny, or modify the requested condition amendments. If the Commission determines that the requested amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require that a new public hearing on the matter be held. If a new public hearing is ordered for the amendment, the amendment becomes a major amendment and the applicant must pay the major amendment fee listed in Section 42.143.1 of the Rolla Planning and Zoning Code. A public hearing shall be held for such proposals and the Community Development Department shall notify the public of the hearing and proposal according to the prescribed procedures and standards described in Section 42-143 of the Rolla Planning and Zoning Code.
2. To amend the Site Plan:
  1. The property owner or his/her/their agent shall submit a Conditional Use Permit Amendment application and an amended Site Plan in order for such an amended Site Plan to be considered for approval. The Community Development Director shall evaluate the request for consistency in purpose and content with the nature of the

proposal as originally approved by the City Council.

2. If the Community Development Director determines that the proposed amendment to the Site Plan is not in conflict with the Final Site Plan and meets all conditions of the Conditional Use Permit, the Community Development Director may approve said amended Plan. The approved Site Plan shall be retained on file in the office of the Community Development Director.
3. If the Community Development Director determines that the amended Site Plan is not consistent in purpose and content with the Final Site Plan, the Community Development Director shall report this conclusion to the applicant and the Planning and Zoning Commission. In which case, the entire review process for the submittal of Conditional Use Permits shall be conducted for the amendment's approval. If the entire Conditional Use Permit approval process is required for the amendment, the amendment to the site plan becomes a major amendment and the applicant must pay the major amendment fee listed in Section 42.143.1 of the Rolla Planning and Zoning Code. A public hearing shall be held for such proposals and the Community Development Department shall notify the public of the hearing and proposal according to the prescribed procedures and standards described in Section 42-143 of the Rolla Planning and Zoning Code.

**Sec. 42-234.11. Time Limit of Conditional Use Permits.**

Conditional Use Permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in a particular permit, the property owner may request that the Conditional Use Permit be reviewed by the City Council, which may extend it for an unlimited period or for a specified additional period of years.

**Sec. 42-234.12. Failure to Commence Construction.**

Unless otherwise stated in the Conditional Use Permit, substantial work or construction shall commence within one (1) year of the effective date of the permit, unless such time period is extended through appeal to the City Council. If no extension of time is granted the permit shall terminate.