

Please Note: The Council Meeting will be conducted at Rolla City Hall but physical participation will be limited per CDC guidelines. Citizens are encouraged to watch the proceedings live on Fidelity Cable Channel 16 or through the Fidelity YouTube link at <https://www.youtube.com/channel/UCffrfbYSOqtuhOAVkCCyieA>

COUNCIL PRAYER
Ministerial Alliance

AGENDA OF THE ROLLA CITY COUNCIL
Monday, June 20th, 2022; 6:30 P.M.
City Hall Council Chambers
901 North Elm Street

PRESIDING: MAYOR LOUIS J. MAGDITS, IV

COUNCIL ROLL: MORIAH RENAUD, TERRY HIGGINS, MEGAN JOHNSON, NATHAN CHIRBAN, LISTER B. FLORENCE, JR., MATTHEW FRIDLEY, JAIED HALL, ROBERT KESSINGER, CAROLYN BOLIN, STANLEY MAYBERRY, VICTORIA STEEN, AND TINA BALCH

PLEDGE OF ALLEGIANCE
Councilman Stanley Mayberry

I. PUBLIC HEARINGS –

- A. **Public Hearing and 1st Reading** Enhanced Enterprise Zone Property Tax Abatement – Fairfield Inn by Marriott. (City Administrator John Butz)
- B. **Public Hearing and 1st Reading** to authorize the vacation of the remainder of Spring Street, north of 13th Street; a portion of 13th Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and bishop Ave and 13th Street and University Dr. (City Planner Tom Coots)
- C. **Public Hearing and 1st Reading** to authorize the vacation of the remainder of State Street north of 11th Street. (City Planner Tom Coots)
- D. **Public Hearing and 1st Reading** to allow the rezoning of 1306 Hwy 72 East from the C-1, Neighborhood Commercial district to the C-2, General Retail district ZON22-02 (City Planner Tom Coots)
- E. **Public Hearing** to solicit input on the proposed text amendment in Chapter 42 of City Code pertaining to homeless shelters and related issues. (City Planner Tom Coots)

II. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS – None

III. OLD BUSINESS –

- A. **Ordinance** allowing the rezoning of 1898 Old Saint James Rd from C-3, Highway Commercial district to the M-1, Light Manufacturing district. (City Planner Tom Coots) **Final Reading**

IV. NEW BUSINESS

- A. **Ordinance** authorizing the agreement with Archer-Elgin Engineering for Professional Services and authorizing Task Order Number 1. (Public Works Director Steve Hargis) **First Reading**
- B. **Ordinance** authorizing a Minor Subdivision Final Plat to reorganize two residential lots into one lot.

Wolfe's Corner: SUB22-05 (City Planner Tom Coots) **First Reading**

- C. **Ordinance** authorizing a Minor Subdivision Final Plat to combine six lots into one lot and vacate utility easements. University Fraternity Subdivision NO. 3: SUB22-06 (City Planner Tom Coots) **First Reading**

V. **CLAIMS and/or FISCAL TRANSACTIONS**

VI. **CITIZEN COMMUNICATION**

- A. Tara Peters – Candidate for Missouri State Representative District 122

VII. **MAYOR/CITY COUNCIL COMMENTS**

- A. 20 Year Anniversary Celebration of The Centre June 20-26th (Mayor Magdits and Centre Recreation Director Marci Fairbanks)

VIII. **COMMENTS FOR THE GOOD OF THE ORDER**

IX. **CLOSED SESSION** –

X. **ADJOURNMENT** -

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: John Butz, City Administrator

ACTION REQUESTED: Public Hearing/ 1st Reading

ITEM/SUBJECT: Enhanced Enterprise Zone Property Tax Abatement – Fairfield Inn by Marriott

BUDGET APPROPRIATION: NA

DATE: June 20th, 2022

COMMENTARY:

In 2009 the City of Rolla became the 79th out of now 135 cities and counties to adopt an Enhanced Enterprise Zone (EEZ) through the MO Dept. of Economic Development. The EEZ program provides real property tax abatement to selected industry (business clusters by NAICS code). The minimum tax abatement is 50% for 10 years with enhanced benefits based on employment, wages and investment.

Resolution NO. 1705 was adopted in December 2009 and lays out the conditions of EEZ benefits. EEZ, once adopted, is not discretionary meaning a qualifying industry should get the abatement as long as the program is active. The Fairfield Inn by Marriott is the first applicant under NAICS Code 72 (“Accommodation except food and drinking places”). EEZ is primarily used in manufacturing, wholesale, warehousing and professional services (i.e. Hartmann).

While there is no clear regulation by MO DED that a public hearing and formal action is required for each participating project they do encourage same as well as adoption of an Agreement that lays out the benefits and conditions of same including the “jobs requirement” (15 FTE).

Notices of the public hearing have been posted and mailed to the affected taxing jurisdictions. The City received one call on the pending project but received no voiced opposition/objection.

Recommendation: First Reading

I.A.1

**NOTICE OF PUBLIC HEARING
RELATING TO ENHANCED ENTERPRISE ZONE TAX ABATEMENT**

The City Council of the City of Rolla, Missouri, will hold a public hearing at 6:30 p.m., Monday, June 20, 2022 at City Hall, 901 N. Elm Street, Rolla, Missouri 65401. The public hearing will concern proposed tax abatement under Sections 135.950 *et seq.* of the Revised Statutes of Missouri (the "EEZ Law") for property located at 1670 Old Wire Outer Road in the City. The owner of this property has completed a project that qualifies for tax abatement under the EEZ Law and City Resolution No. 1705. The purpose of the hearing will be to confirm the qualification of the property and review the proposed grant of tax abatement.

All interested parties are invited to submit comments to the City Council prior to the date of the public hearing concerning the project, including the proposed tax abatement, and to appear at the public hearing and provide comments. All interested parties and all political subdivisions shall have the opportunity to be heard on all matters concerning the project and the proposed tax abatement.

In addition, you are welcome to contact John Butz, City Administrator, City of Rolla at (573) 426-6948 regarding any questions.

[City of Rolla Letterhead]
[Notice to be sent at least 20 days, but not more than 30 days before the public hearing]

May 27, 2022

VIA CERTIFIED MAIL

To: Taxing Districts Listed
on the Attached Sheet

Re: Notice of Public Hearing for Enhanced Enterprise Zone Tax Abatement (1670 Old Wire Outer Road)

Ladies and Gentlemen:

The City Council of the City of Rolla, Missouri, will hold a public hearing at 6:30 p.m., Monday, June 20, 2022 at City Hall, 901 N. Elm Street, Rolla, Missouri 65401. The public hearing will concern proposed tax abatement under Sections 135.950 *et seq.* of the Revised Statutes of Missouri (the "EEZ Law") for property located at 1670 Old Wire Outer Road in the City. The owner of this property has completed a project that qualifies for tax abatement under the EEZ Law and City Resolution No. 1705. The purpose of the hearing will be to confirm the qualification of the property and review the proposed grant of tax abatement.

Pursuant to the EEZ Law, the City must notify the affected taxing districts of the public hearing regarding the proposed Project and real property tax abatement.

All interested parties are invited to submit comments to the City Council prior to the date of the public hearing concerning the project, including the proposed tax abatement, and to appear at the public hearing and provide comments. All interested parties and all political subdivisions shall have the opportunity to be heard on all matters concerning the project and the proposed tax abatement.

In addition, you are welcome to contact John Butz, City Administrator, City of Rolla at (573) 426-6948 regarding any questions.

Very truly yours,

CITY OF ROLLA, MISSOURI

I.A.3

TAXING DISTRICTS

State of Missouri

Attn: Gerald Robinson
Department of Revenue – Excise Tax Unit
Harry S. Truman State Office Building
301 West High Street, Room 320
Jefferson City, Missouri 65101

Rolla Public School District

Attn: Mr. Craig Hounsom
Superintendent of Schools
500 Forum Drive
Rolla, Missouri 65401

Phelps County

Attn: Presiding Commissioner
200 N. Main Street
Rolla, Missouri 65401

Phelps County Board for the Developmentally Disabled

Attn: Brenda Rocoberto, Executive Director
1501 E. 10th Street, Suite C
Rolla, Missouri 65401

Rolla Public Library

Attn: Rebecca Buckley, Library Director
900 Pine Street
Rolla, Missouri 65401

ORDINANCE NO. _____

AN ORDINANCE APPROVING AN ENHANCED ENTERPRISE ZONE PROJECT AND AUTHORIZING THE CITY OF ROLLA, MISSOURI TO ENTER INTO AN ENHANCED ENTERPRISE ZONE AGREEMENT WITH KRIS HOTEL LLC

WHEREAS, Kris Hotel LLC (the “Property Owner”) has completed the construction of a hotel (the “Project”) at 1670 Old Wire Outer Road in the City (the “Project Site”); and

WHEREAS, the Project Site is located in the Rolla Enhanced Enterprise Zone and, in accordance with Sections 135.950 et seq. of the Revised Statutes of Missouri (the “EEZ Law”) and Resolution No. 1705 of the City (the “Rolla Enhanced Enterprise Zone Abatement Policy”), the Project is eligible for partial real property tax abatement; and

WHEREAS, on June 20th, 2022, the City Council held a duly-noticed public hearing to confirm the qualification of the Project under the Rolla Enhanced Enterprise Zone Abatement Policy and to garner public input regarding the proposed partial real property tax abatement, as required by the EEZ Law; and

WHEREAS, the City desires enter into an Enhanced Enterprise Zone Agreement with the Property Owner, in substantially the form of **Exhibit A** attached hereto (the “EEZ Agreement”), setting forth the terms upon which partial real property tax abatement will be provided;

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

Section 1. Approval of the Project. The City hereby approves the Project and hereby finds that, subject to the terms of this Agreement, it is eligible for partial real property tax abatement in accordance with the EEZ Law and the Rolla Enhanced Enterprise Zone Abatement Policy.

Section 2. Approval and Execution of EEZ Agreement. The City is hereby authorized to enter into the EEZ Agreement in substantially the form presented to and approved by the City Council and attached to this Ordinance, with such changes therein as shall be approved by the officials of the City executing the same, such officials’ signatures thereon being conclusive evidence of their approval thereof. The Mayor is hereby authorized to execute the EEZ Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk is hereby authorized to attest to and affix the seal of the City to the EEZ Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 3. Further Authority. The City shall, and the officials, agents and employees of the City are hereby authorized to, take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the EEZ Agreement.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 5th DAY OF JULY, 2022.

I.A.5

APPROVED:

[SEAL]

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

EXHIBIT A

ENHANCED ENTERPRISE ZONE AGREEMENT

(On file in the office of the City Clerk)

EXHIBIT A

ENHANCED ENTERPRISE ZONE AGREEMENT

(On file in the office of the City Clerk)

ENHANCED ENTERPRISE ZONE AGREEMENT

THIS ENHANCED ENTERPRISE ZONE AGREEMENT (this “*Agreement*”) is entered into this ___ day of _____, 2022, by and between the **CITY OF ROLLA, MISSOURI**, an incorporated city and political subdivision of the State of Missouri (the “*City*”) and **KRIS HOTEL LLC**, a Minnesota limited liability company (the “*Property Owner*”).

RECITALS:

A. The Property Owner owns and seeks to improve the real property located at 1670 Old Wire Outer Road in the City (the “*Project Site*” and including the improvements existing and to be made thereon, the “*Project*”).

B. The Project is currently and is expected to continue to be used by the Property Owner for hotel use (NAICS Code 721110).

C. The Project Site is located in the Rolla Enhanced Enterprise Zone and, in accordance with Sections 135.950 *et seq.* of the Revised Statutes of Missouri (the “*EEZ Law*”) and Resolution No. 1705 of the City (the “*Rolla Enhanced Enterprise Zone Abatement Policy*”), the Project is eligible for partial real property tax abatement.

D. On _____, 2022, the City Council adopted Ordinance No. _____, authorizing the execution of this Agreement, which sets forth the terms upon which partial real property tax abatement will be available for the Project.

NOW, THEREFORE, in consideration of the premises and the mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

Section 1. Incorporation of the Abatement Policy. The terms of the Rolla Enhanced Enterprise Zone Abatement Policy are hereby incorporated into this Agreement.

Section 2. Approval of Project. The City hereby approves the Project and agrees that, subject to the terms of this Agreement, it is eligible for partial real property tax abatement in accordance with the EEZ Law and the Rolla Enhanced Enterprise Zone Abatement Policy. The Property Owner acknowledges that any change in use of the Project from the uses described in the recitals to this Agreement may result in termination of the partial real property tax abatement provided by this Agreement if such uses are not eligible for tax abatement under the EEZ Law or the Rolla Enhanced Enterprise Zone Abatement Policy. The Property Owner will promptly provide the City with written notice of any change in use of the Project.

Section 3. Construction of Project. The City and the Property Owner acknowledge the Project was completed in accordance with all zoning and building permits issued by the City during calendar year 2021 and that tax abatement pursuant to **Section 4** may be initiated. The City and the Property also acknowledge that more than \$5 million was invested in the Project. For purposes of this Agreement, the incremental assessed value of the Project Site and the Project over the calendar year 2021 assessed value of the Project Site (**\$113,510**) shall be deemed attributable to the “*Abated Improvements*.”

Section 4. Real Property Abatement.

(a) The Project shall receive partial abatement from ad valorem real property taxation beginning with calendar year 2022 and, unless terminated on an earlier date as provided herein, ending with calendar year 2031 (the "Abatement Term"). During the Abatement Term, tax abatement shall apply to the the following abatement terms, subject to qualification under the Rolla Enhanced Enterprise Zone Abatement Policy and certification under **Section 5**, will apply:

Qualification Requirements	Available Abatement
2 new full-time jobs and \$100,000+ investment	50% abatement for 10 years
15+ new full-time jobs	10% additional abatement
\$5 million capital investment	5% additional abatement
TOTAL	65% abatement for 10 years

During the Abatement Term, the applicable percentage of the ad valorem real property taxes that would otherwise be due on the Abated Improvements made to the Project Site will be abated. The Property Owner shall be responsible for providing the Assessor with any information requested by the Assessor to determine which improvements on the Project Site are Abated Improvements.

(b) The tax abatement described in this Section shall not apply to special assessments and shall not serve to reduce or eliminate any other licenses or fees owing to the City or any other taxing jurisdiction with respect to the Project.

Section 5. Jobs Requirement.

(a) The Property Owner hereby represents that it currently does and will continue, throughout the Abatement Term, to employ at least 15 persons on a full-time basis. Each year, no later than July 31 of each year, beginning July 31, 2023 and ending July 31, 2031, the Property Owner shall submit an annual certification in substantially the form of **Exhibit B** to the City of its average number of full-time employees. The City shall immediately notify the Assessor if the certified number of full-time employees is less than 15 and what the applicable abatement percentage under **Section 4** should be for such year. If the Assessor receives no notice from the City by October 1, the Assessor may assume that the Property Owner has qualified for the maximum abatement under **Section 4**.

(b) If the Property Owner fails to provide the aforementioned annual certification, the City Manager may direct the Assessor to suspend the tax abatement until such time as the City receives the required written certification.

Section 6. Compliance with Laws. The Property Owner agrees to obtain (or cause its tenants to obtain) any and all permits, licenses and other governmental approvals required by the applicable rules, regulations, codes and ordinances of the City and to otherwise comply with such rules, regulations, codes and ordinances in connection with the construction and maintenance of the Project. None of the provisions of this Agreement shall be construed as relieving the Property Owner or its tenants of any obligations to comply with any applicable ordinances of the City or laws and regulations of the State of Missouri and the United States of America.

Section 7. Defaults and Remedies. If the Property Owner breaches any covenant or fails to perform any obligation hereunder for a period of 30 days following written notice to the Property Owner of such failure, the City may, in its sole discretion, terminate this Agreement. Upon termination of this Agreement, the Project shall be subject to full taxes as provided by Missouri law.

Section 8. Indemnification. The Property Owner agrees to indemnify and defend the City and its respective governing body members, officials, agents and employees (the “*Indemnified Parties*”) and to insure that the Indemnified Parties are held harmless from and against all claims, demands, costs, liabilities, damages or expenses, including reasonable attorneys’ fees, by or on behalf of any person, firm or corporation arising from the conduct or management of, or from any work or thing done in, on or about, the Project during the term of this Agreement; provided, however, that these indemnification obligations shall not apply to any claims, demands, costs, liabilities, damages or expenses caused by or resulting from the gross negligence or willful misconduct of any of the Indemnified Parties. This obligation to indemnify the Indemnified Parties shall survive the termination of this Agreement for any reason.

Section 9. Limitations on Liability. No member, official, employee or agent of the City shall be personally liable to the Property Owner. Neither the City nor any other person shall have pecuniary liability to the Property Owner for failure of the Property Owner to receive the abatement contemplated by this Agreement.

Section 10. Federal Work Authorization. Simultaneously with the execution of this Agreement and annually on or before December 31 of each year of the Abatement Term, the Property Owner shall, pursuant to the provisions of Sections 285.525 through 285.555 of the Revised Statutes of Missouri, by sworn affidavit in substantially the form attached hereto as **Exhibit C** and provision of documentation, affirm its or one of its subsidiaries enrollment and participation in a federal work authorization program with respect to its employees and state that it does not knowingly employ any person who is an unauthorized alien.

Section 11. Payment to City Costs. The Property Owner also agrees to pay all costs of the City in connection with the City’s enforcement of this Agreement, including reasonable attorneys’ fees.

Section 12. Notices. A notice, demand or other communication under this Agreement by either party to the other shall be sufficiently given or delivered if it is dispatched by facsimile transmission, or by registered or certified mail, postage prepaid, return receipt requested, or delivered personally,

(a) If to the City:

City of Rolla
901 North Elm Street
Rolla, Missouri 65401
Attn: City Manager

(b) If to the Property Owner:

Kris Hotel LLC
1507 Martin Springs Drive
Rolla, Missouri 65401
Attention: Mehul Patel

or at such other address with respect to either such party as that party may, from time to time, designate in writing and forward to the other as provided in this Section.

Section 13. Assignment. The Property Owner may not assign this Agreement or any portion thereof, either voluntarily or by operation of law, without the City Manager's prior written consent, unless such assignment is to an entity controlled by or under common control with the Property Owner or as part of a collateral assignment in connection with the financing or refinancing of the Project.

Section 14. Anti-Discrimination Against Israel Act. Pursuant to Section 34.600 of the Revised Statutes of Missouri, the Property Owner certifies it is not currently engaged in and shall not, for the duration of this Agreement, engage in a boycott of goods or services from (a) the State of Israel, (b) companies doing business in or with the State of Israel or authorized by, licensed by, or organized under the laws of the State of Israel, or (c) persons or entities doing business in the State of Israel.

Section 15. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Missouri. Any action arising out of, or concerning, this Agreement shall be brought only in the Circuit Court of Phelps County, Missouri. All parties to this Agreement consent to the jurisdiction and venue of that court.

Section 16. Execution in Counterparts. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the City and the Property Owner have caused this Agreement to be executed in their respective hands and upon their behalf.

CITY OF ROLLA, MISSOURI

By: _____
Mayor

[SEAL]

ATTEST:

By: _____
City Clerk

KRIS HOTEL LLC

By: _____
Name: _____
Title: _____

EXHIBIT A
LEGAL DESCRIPTION OF PROJECT SITE

EXHIBIT B

FORM OF ANNUAL JOBS CERTIFICATION

[Date]

City of Rolla
901 North Elm Street
Rolla, Missouri 65401
Attn: City Manager

Re: 1670 Old Wire Outer Road EEZ Annual Report

Dear City Manager:

Pursuant to Section 5 of the Enhanced Enterprise Zone Agreement, Kris Hotel LLC hereby certifies that it employed an average of ____ full-time employees from January 1, 20__ to June 30, 20__. Documentation of employment will be provided upon request.

Sincerely,

EXHIBIT C

AFFIDAVIT OF COMPLIANCE WITH SECTION 285.525 R.S.MO., ET SEQ.

STATE OF MISSOURI)
) SS
COUNTY OF PHELPS)

I, the undersigned, am over the age of 18 years and have personal knowledge of the matters stated herein.

I am a duly authorized officer of Kris Hotels LLC (the "Property Owner"), which is an affiliate of Kris Hotel LLC (the "Property Owner"). I am authorized by the Property Owner to attest to the matters set forth herein.

I hereby affirm the Property Owner's enrollment and participation in a "federal work authorization program" as defined in Section 285.525 of the Revised Statutes of Missouri, as amended.

The Property Owner does not knowingly employ any person who is an "unauthorized alien" as defined in Section 285.525 of the Revised Statutes of Missouri, as amended.

Further Affiant Sayeth Not.

KRIS HOTEL LLC

By: _____
Name: _____
Title: _____

Subscribed and sworn to before me this _____ day of _____, 2022.

Notary Public

My commission expires on: _____

RESOLUTION NO. 1705

A RESOLUTION ESTABLISHING THE ELIGIBLE ENHANCED ENTERPRISE BUSINESSES FOR THE ROLLA ENHANCED ENTERPRISE ZONE AND REDUCING THE AD VALOREM TAX ON ELIGIBLE PROJECTS WITHIN THE DESIGNATED ENHANCED ENTERPRISE ZONE, IN ACCORDANCE WITH CHAPTER 135, RSMo. AND SUBSEQUENT AMENDMENTS.

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

WHEREAS the City Council of the City of Rolla wishes to reduce the ad valorem tax for qualified projects within the Enhanced Enterprise Zone of the City of Rolla; and

WHEREAS the City of Rolla duly held a public hearing to consider the formation of the Enhanced Enterprise Zone, zone boundary, and the ad valorem tax abatement rate for certain projects on October 13, 2009, in Rolla, Missouri;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rolla, Missouri as follows:

That the following industries, when locating or expanding within the Enhanced Enterprise Zone, to be known as the Rolla Enhanced Enterprise Zone, so designated by the State of Missouri, will be considered eligible for a reduction in ad valorem taxes, per criteria stated below and pursuant to Chapter 135, RSMo and subsequent amendments:

Qualifying Industries by NAICS Code:

- 22—Utilities
- 23—Construction
- 31-33—Manufacturing
- 42—Wholesale
- 48-49—Transportation and Warehousing
- 51—Information
- 54—Professional, Scientific and Technical Services
- 55—Management of Companies and Enterprises
- 56—Administrative and Support and Waste Management and Remediation Services
- 71—Arts, Entertainment and Recreation, excluding gaming operations
- 72—Accommodation except Food and Drinking places
- 81—Other services except Religious organizations

1705

I.A.17

19705

By Section 348.015(14) of the RSMo:
Value-added agricultural products
By Section 135.950 (9)(b) of the RSMO: (9)

"Enhanced business enterprise", an industry or one of a cluster of industries that is either:
(a) Identified by the department as critical to the state's economic security and growth; or

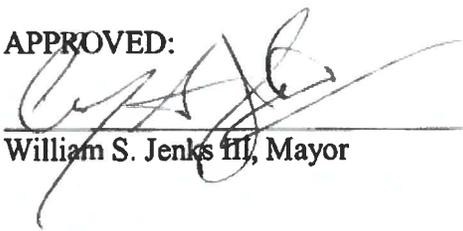
(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

BE IT FURTHER RESOLVED, that any business enterprise within the above itemized NAICS codes, located within the proposed zone and meeting requirements of Chapter 135 RSMo. as amended, will receive a minimum of 50 percent reduction of real ad valorem tax abatement on new improvements, or more based on private investment, job creation and paid wages as attached in Exhibit A for a minimum of 10 years, or longer based on private investment, job creation and paid wages as attached in Exhibit A.

BE IT FURTHER RESOLVED that this reduction applies to all ad valorem taxes by all political subdivisions within the City of Rolla, Missouri.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 21ST DAY OF DECEMBER 2009.

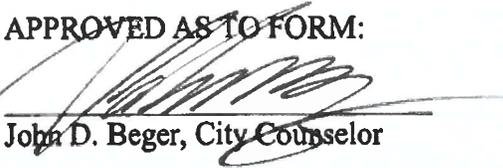
APPROVED:


William S. Jenks III, Mayor

ATTEST:


Carol L. Daniels, City Clerk

APPROVED AS TO FORM:


John D. Beger, City Counselor

19705

I.A.18

19705

EXHIBIT A: ROLLA ENHANCED ENTERPRISE ZONE BENEFIT LEVEL OPTIONS

QUALIFICATION REQUIREMENTS	ABATEMENT LEVEL/TERM
Minimum Requirements – As determined by DED 2 new FT employees and \$100K minimum investment	50% abatement for 10 years
ADDITIONAL ABATEMENT INCREMENTAL BENEFITS	
New Jobs	
5 + New FT employees	5 % additional abatement
15 + New FT employees	10 % additional abatement
25 + New FT employees	15 % additional abatement
50 + New FT employees	25% additional abatement
100+ New FT employees	25% additional abatement + 5 years
250+ New FT employees	25% additional abatement + 10 years
Average Payroll	
Average new payroll at 100% of County Average	0% additional abatement
Average new payroll at 110% of County Average	5% additional abatement
Average new payroll at 120% of County Average	10% additional abatement
Average new payroll at 130% of County Average	10% additional abatement + 5 years
Investment	
Capital Investment exceeding \$5 million	5 % additional abatement
Capital Investment exceeding \$10 million	10 % additional abatement
Capital Investment exceeding \$25 million	15 % additional abatement
Capital Investment exceeding \$50 million	15% additional abatement + 5 years
Capital Investment exceeding \$75 million	15% additional abatement + 10 years

NOTE: A project can combine any of the additional abatement benefits not to exceed 80% for 20 years.

19705



CITY OF ROLLA ENHANCED ENTERPRISE ZONE

WWW.rollacity.org

Pre-Qualification Application for Local Tax Abatements

Please Type or Print Form:

FEIN: 820909457

MO Tax ID # 25345877

Name of Business/Company: KRIS HOTEL LLC

Address of Proposed Development/Improvements: 1670 OLD WIRE OUTER ROAD. ROLLA, MO 65401

Email & Phone Number: MIKE (MEHUL) chako07@hotmail.com 573-201-3905

County Parcel Number: 71-09-2.0-10-003-001-035.0000 (09618.33)

Facility NAICS Code: 721110

Tax Abatement Applying for:
XX Enhanced Enterprise Zone
Chapter 100 - Industrial Development

Effective Date:
Tax Year Beginning: April 2021
Ending: 2031 OR 2032 ??

Description of project/development:

Marriott Fairfield Inn and Suites Motel Completed and Opened April 2021.

Estimated Completion Date of
construction/expansion:
April 2021

Total Project Cost:
Real Property: 5,102,000
Personal Property: 501,900

Benefits to the City and/or County: (number of jobs created, salaries, benefits, etc.)
Approximatley 15 jobs created for the community. A new branding of the hotel for the community. Marriott is a trusted brand name and provides visitors to Rolla and travelers with an alternative for lodging. Additional sales tax revenue for the community will be derived from visitors staying at the Marriott. Will provide additional sales tax for the City of Rolla and Phelps County, as well as the tourism taxes assessed on room charges.

Corporate Contact (Please Print) Title:
MIKE (MEHUL) PATEL MANAGING MEMBER (573-201-3905)

Address:
1507 MARTIN SPRINGS DR.
ROLLA, MO 65401
City, State, Zip Code

Signature: [Handwritten Signature] Date: 04/21/2022

Under penalty of perjury, I declare that I have examined this application and to the best of my knowledge and belief, the information contained herein is true, correct, and complete.

Mail or email all applications & related inquiries to:
Enhanced Enterprise Zone Board
ATTN: City Administrator John Butz
901 North Elm Street
Rolla, MO 65401
jbutz@rollacity.org

For Staff Use Only
Approved by: [Handwritten Signature]
Title: City Administrator
Date: 4/20/2022
Abatement at 65% for 10 years

Distributed to: [checked] County Assessor, [checked] County Clerk, List any tax districts that request a copy, etc.

January 3, 2018

I.A.20

EXHIBIT A: ROLLA ENHANCED ENTERPRISE ZONE BENEFIT LEVEL OPTIONS

QUALIFICATION REQUIREMENTS	ABATEMENT LEVEL/TERM
Minimum Requirements – As determined by DED 2 new FT employees and \$100K minimum investment	50% abatement for 10 years
ADDITIONAL ABATEMENT INCREMENTAL BENEFITS	
New Jobs	
5 + New FT employees	5 % additional abatement
15 + New FT employees	10 % additional abatement
25 + New FT employees	15 % additional abatement
50 + New FT employees	25% additional abatement
100+ New FT employees	25% additional abatement + 5 years
250+ New FT employees	25% additional abatement + 10 years
Average Payroll	
Average new payroll at 100% of County Average	0% additional abatement
Average new payroll at 110% of County Average	5% additional abatement
Average new payroll at 120% of County Average	10% additional abatement
Average new payroll at 130% of County Average	10% additional abatement + 5 years
Investment	
Capital Investment exceeding \$5 million	5 % additional abatement
Capital Investment exceeding \$10 million	10 % additional abatement
Capital Investment exceeding \$25 million	15 % additional abatement
Capital Investment exceeding \$50 million	15% additional abatement + 5 years
Capital Investment exceeding \$75 million	15% additional abatement + 10 years

NOTE: A project can combine any of the additional abatement benefits not to exceed 80% for 20 years.

Project qualifies for a 65% abatement for 10 years.

*Prof
4/20/2022*

Blank I.A22



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development **ACTION REQUESTED:** Public Hearing/First Reading

SUBJECT: Vacation of the remainder of Spring Street, north of 13th Street; a portion of 13th Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and Bishop Ave and 13th Street and University Dr.

(VAC22-01)

MEETING DATE: June 20, 2022

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>

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.

Property Details:

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

Public Facilities/Improvements:

Streets - 13th 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 13th Street adjacent to the Dairy Queen property will remain at this time, as the street provides access to that property.

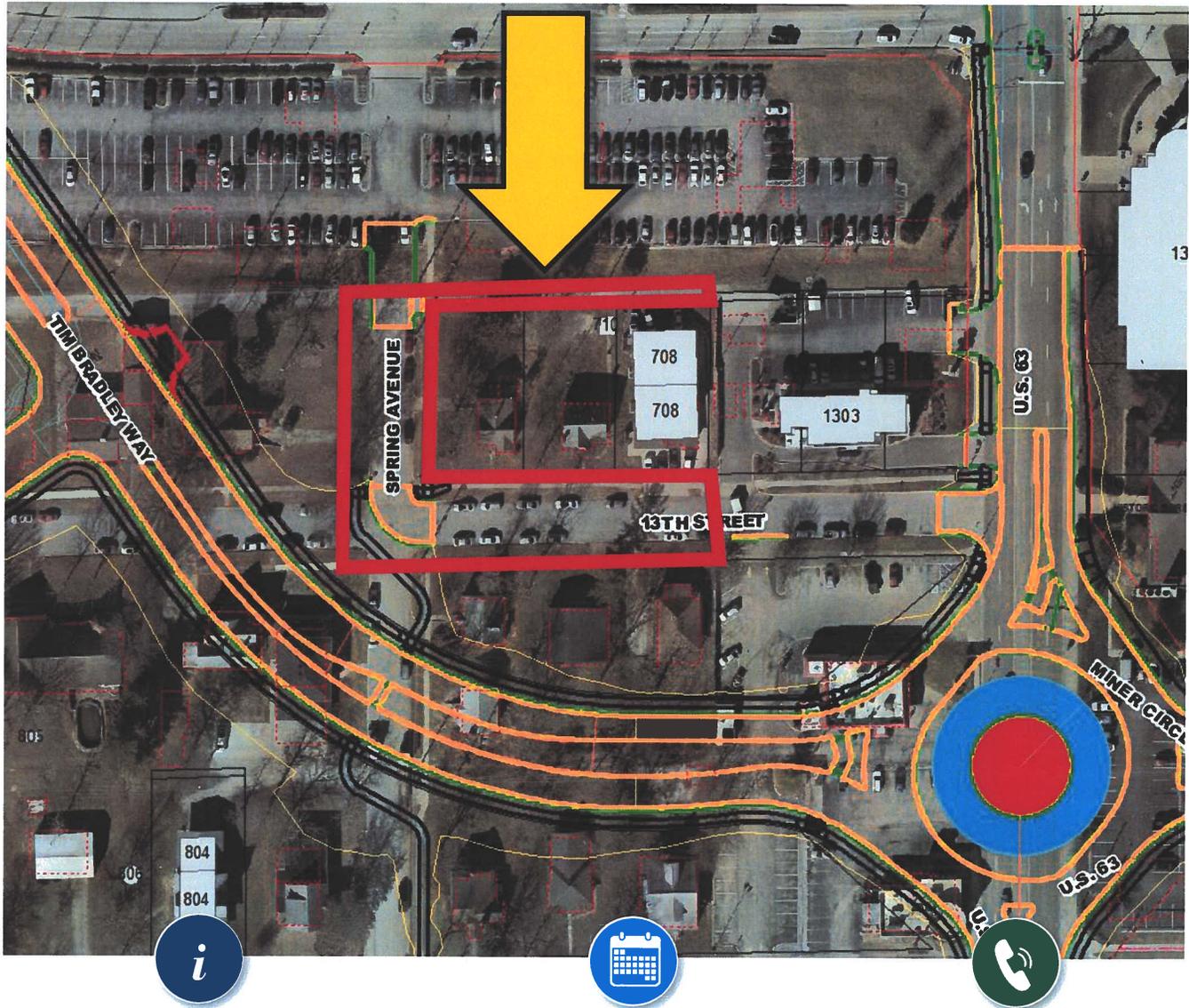
Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a public hearing on June 14, 2022 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coots, City Planner

Attachments: Ordinance; Exhibit; Public Notice Letter

I.B.1



Project Information:	Public Hearings:	For More Information Contact:
<p>Case No: VAC22-01 Location: Adjacent to 708 E 13th Street Applicant: Curators of University of Missouri Request: Vacation of a portion of the alley between Spring, Bishop, 13th, and University Dr; and the remainder of Spring north of 13th; and a portion of 13th between Spring and Bishop.</p>	<p>Planning Commission June 14, 2022 5:30 PM City Hall: 1st Floor</p> <p>City Council June 20, 2022 6:30 PM City Hall: 1st Floor</p>	<p>Tom Coots, City Planner tcoots@rollacity.org</p> <p>(573) 426-6974 901 North Elm Street City Hall: 2nd Floor 8:00 – 5:00 P.M. Monday - Friday</p> <p style="text-align: right;"><i>I. B. 2</i></p>



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.



ORDINANCE NO. _____

AN ORDINANCE APPROVING THE VACATION OF THE REMAINDER OF SPRING STREET, NORTH OF 13TH STREET; A PORTION OF 13TH STREET, BETWEEN SPRING STREET AND BISHOP AVENUE; AND THE REMAINDER OF AN ALLEY BETWEEN SPRING STREET AND BISHOP AVE AND 13TH STREET AND UNIVERSITY DR.

(VAC22-01)

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

SECTION 1: The location of the rights-of-way to be vacated are shown on the attached exhibit.

SECTION 2: The said area to be vacated is more particularly described as follows:

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.

SECTION 3: The area to be vacated as described in this ordinance shall be retained as a utility easement.

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

I.B.4

**PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND
APPROVED BY THE MAYOR THIS 5TH DAY OF JULY, 2022.**

APPROVED:

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor

I.B.5



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



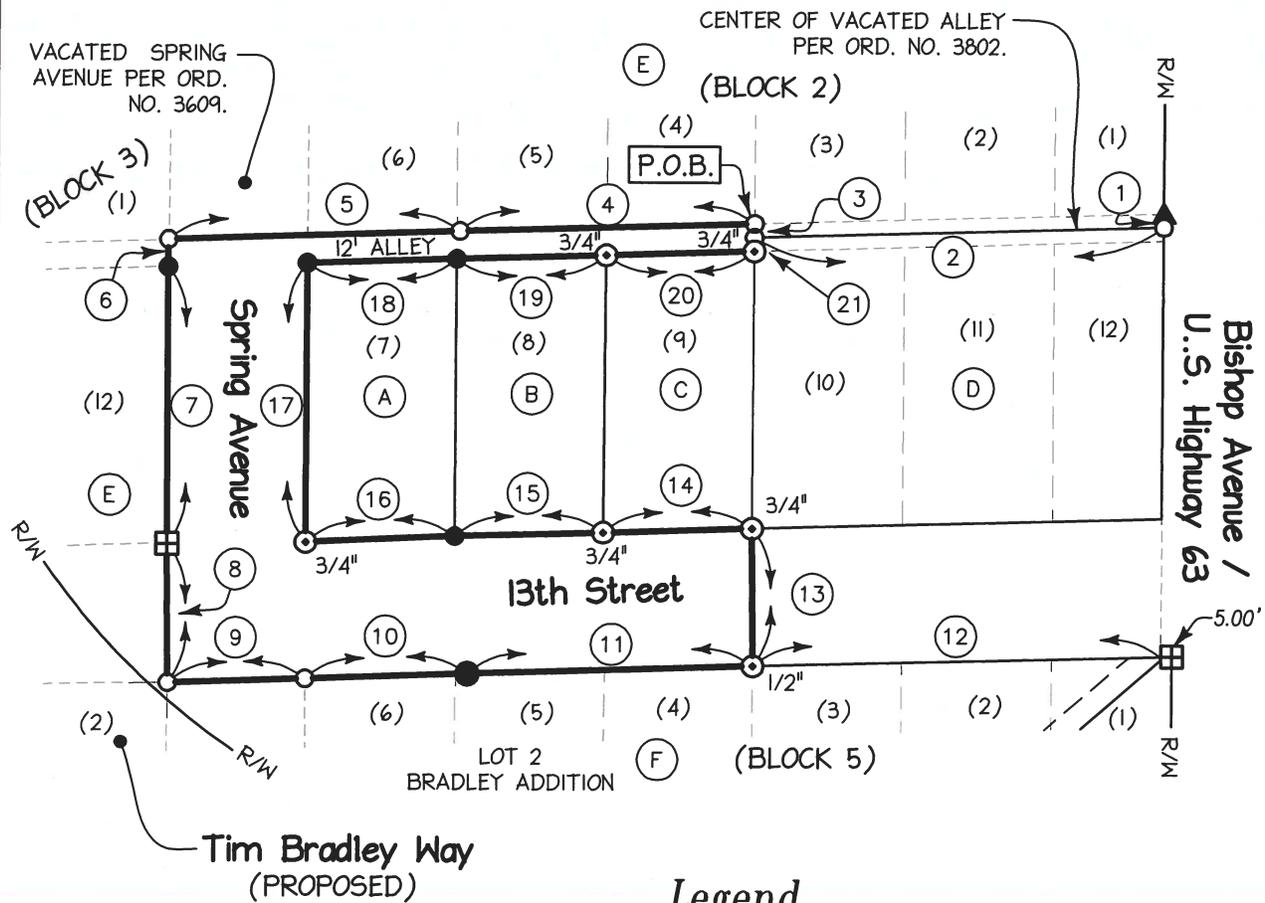
18 MAY 22

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.

I.B.6

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:
 Corporate Authority:
 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 63401 Phone: 573-364-6362 Fax: 573-364-4782 www.cmarcher.com 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

I.B.7

COURSES

No.	Bearing	Distance
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
2015-0905</p> <p>(B) N/F THE CURATORS OF THE UNIVERSITY OF MISSOURI
2015-0906</p> <p>(C) N/F RYCE TRUST
2017-1520</p> <p>(D) N/F CREMER
363/210
1993-5802</p> | <p>N/F THE CURATORS OF THE UNIVERSITY OF MISSOURI</p> <p>(E) 2010-2557
2010-2558
2014-2398
2014-5729</p> <p>(F) N/F CITY OF ROLLA
2020-2420
2020-2487
2020-4130
2020-4129
2021-2723</p> |
|---|---|

Exhibit "A"

Sheet 3 of 3

CM Archer Group, P.C. dba:



Corporate Authority:

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.cmarcher.com
www.elginsurvey.com

Vacation Exhibit

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

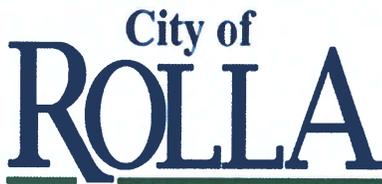
DATE:
May 18, 2022

DESIGNED BY:
SFF

DRAWN BY:
MEP

PROJECT NO.:
JI456D

I.B.8



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development **ACTION REQUESTED:** Public Hearing/First Reading

SUBJECT: Vacation of the remainder of State Street north of 11th Street

(VAC22-02)

MEETING DATE: June 20, 2022

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>

Background: The applicant seeks to vacate the remainder of State Street north of 11th 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.

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.

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a public hearing on June 14, 2022 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coats, City Planner

Attachments: Ordinance; Exhibit; Public Notice Letter

I.C.1

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE VACATION OF THE REMAINDER OF STATE STREET NORTH OF 11TH STREET

(VAC22-02)

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

SECTION 1: The location of the rights-of-way to be vacated are shown on the attached exhibit.

SECTION 2: The said area to be vacated is more particularly described as follows:

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.

SECTION 3: The access for fire and emergency services must be maintained for all facilities that were served by State Street.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 5TH DAY OF JULY, 2022.

APPROVED:

ATTEST:

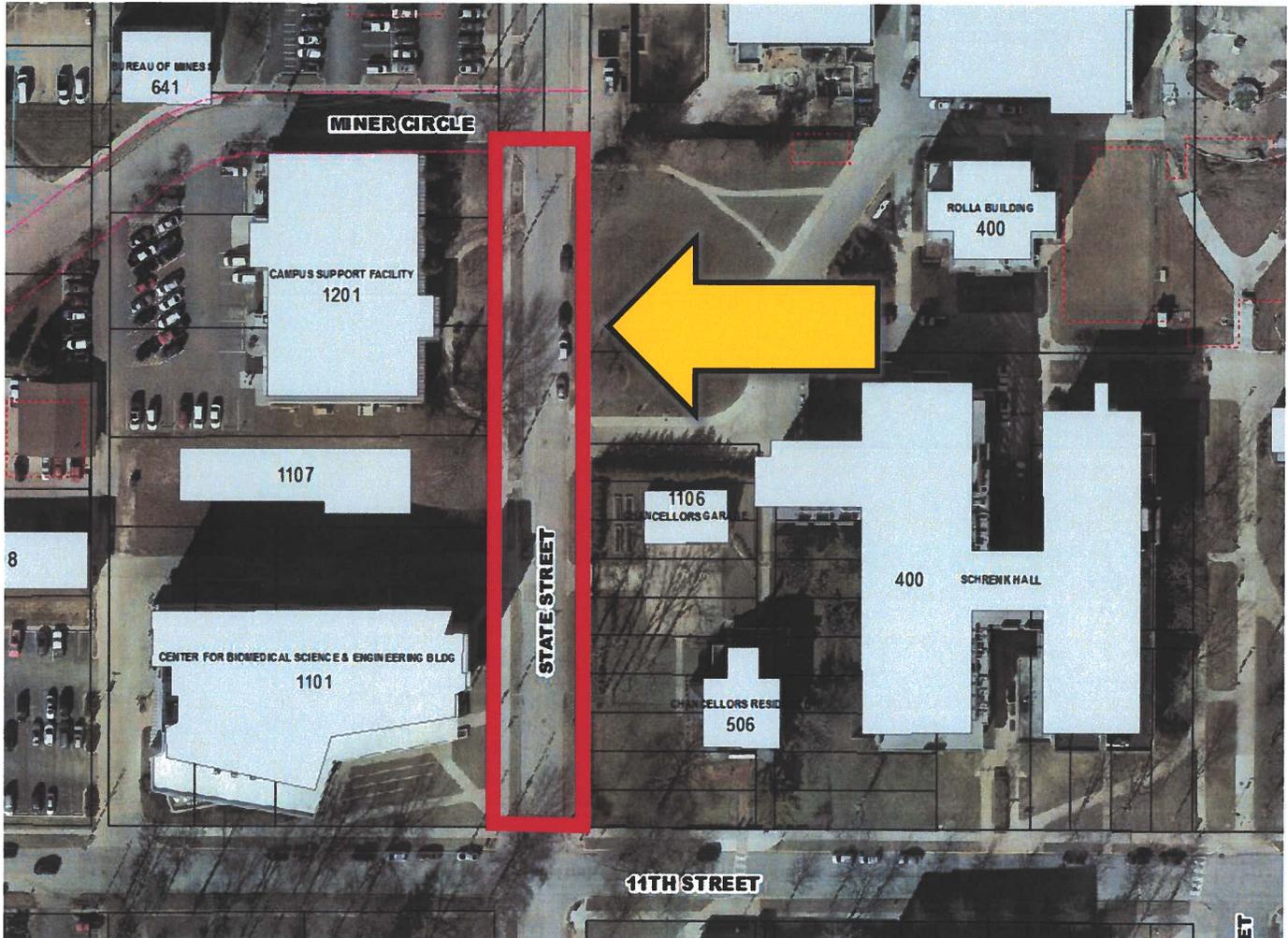
Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor

I.C.2



Project Information:	Public Hearings:	For More Information Contact:
<p>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 11th Street</p>	<p>Planning Commission June 14, 2022 5:30 PM City Hall: 1st Floor</p> <p>City Council June 20, 2022 6:30 PM City Hall: 1st Floor</p>	<p>Tom Coots, City Planner tcoots@rollacity.org</p> <p>(573) 426-6974 901 North Elm Street City Hall: 2nd Floor 8:00 – 5:00 P.M. Monday - Friday</p>

T.C.3



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.



I, C.4



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 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.

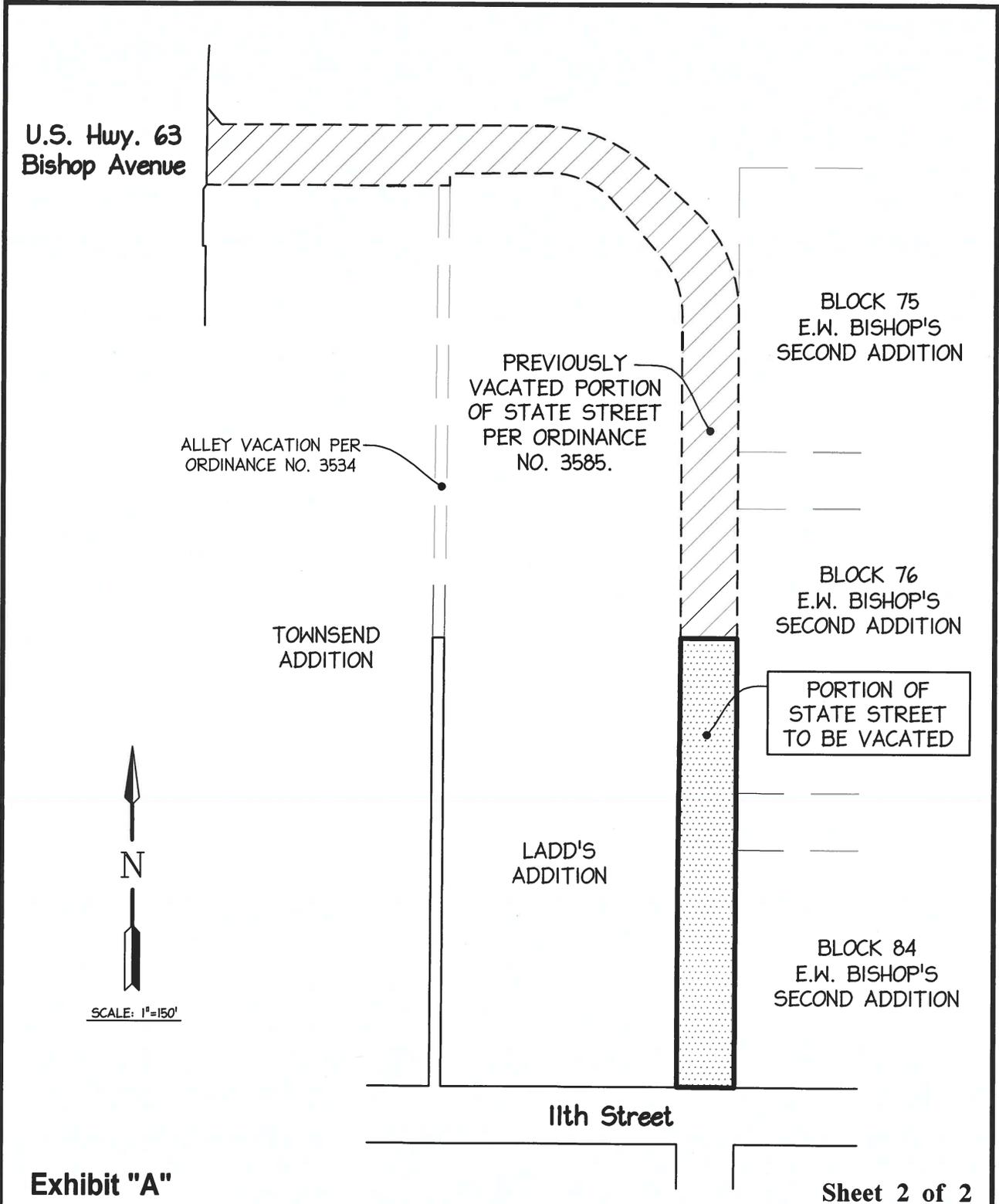


Exhibit "A"

Sheet 2 of 2



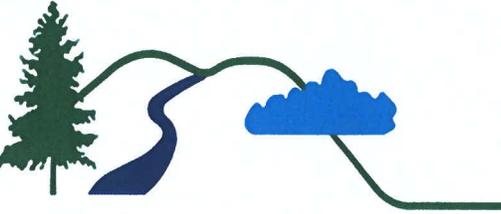
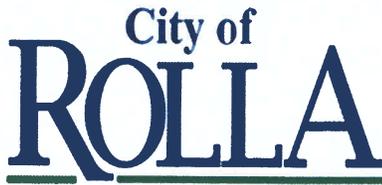
CM Archer Group, P.C. dba:
ARCHER-ELGIN
 engineering ■ surveying ■ architecture
 Corporate Authority:
 CM Archer Group, P.C.: E: 2003023612, LS: 2004017577-D
 Archer-Elgin Surveying & Engineering, LLC: E: 2011024038, LS: 2011025471, A-2012014618
 310 East 6th Street Rolla Missouri 65401 ■ Phone: 573-164-6362 Fax: 573-164-4782 ■ www.cmarcher.com
 www.elginsurvey.com

Road Vacation Exhibit

Part of State Street
 between LADD'S ADDITION &
 E.W. BISHOP'S SECOND ADD'N.

DATE:	May 12, 2022
DESIGNED BY:	SFF
DRAWN BY:	MEP
PROJECT NO.:	J1456D

I.C.6



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Public Hearing/First Reading

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

(ZON22-02)

MEETING DATE: June 20, 2022

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>

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.

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.

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a public hearing on June 14, 2022 and voted 6-0 to recommend the City Council approve the request.

Prepared by: Tom Coats, City Planner

Attachments: Public Notice Letter; Ordinance

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ORDINANCE NO. _____

AN ORDINANCE TO APPROVE THE RE-ZONING OF 1306 HWY 72 EAST FROM THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO THE C-2, GENERAL RETAIL DISTRICT

(ZON22-02)

WHEREAS, an application for a rezoning was duly filed with the Community Development Department requesting the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri, so as to change the class of the real property hereinafter described; and

WHEREAS, a public notice was duly published in the Phelps County Focus for this according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on June 14, 2022 and recommended the City Council approve the rezoning of the subject property; and

WHEREAS, the Rolla City Council, during its June 20, 2022 meeting, conducted a public hearing concerning the proposed rezoning to hear the first reading of the attached ordinance;

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

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

SECTION 1: That the Basic Zoning Ordinance No. 3414, Chapter 42 of the Code of the City of Rolla, Missouri which zoning ordinances adopts zoning regulations, use districts, and a zoning map in accordance with the Comprehensive Plan is hereby amended by changing the zoning classification of the following property situated within the City of Rolla, Missouri, from C-1 (Neighborhood Commercial) to C-2 (General Retail) Zoning described as follows:

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 5th 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

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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.

SECTION 2: This Ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 5TH DAY OF JULY, 2022.

APPROVED:

Mayor

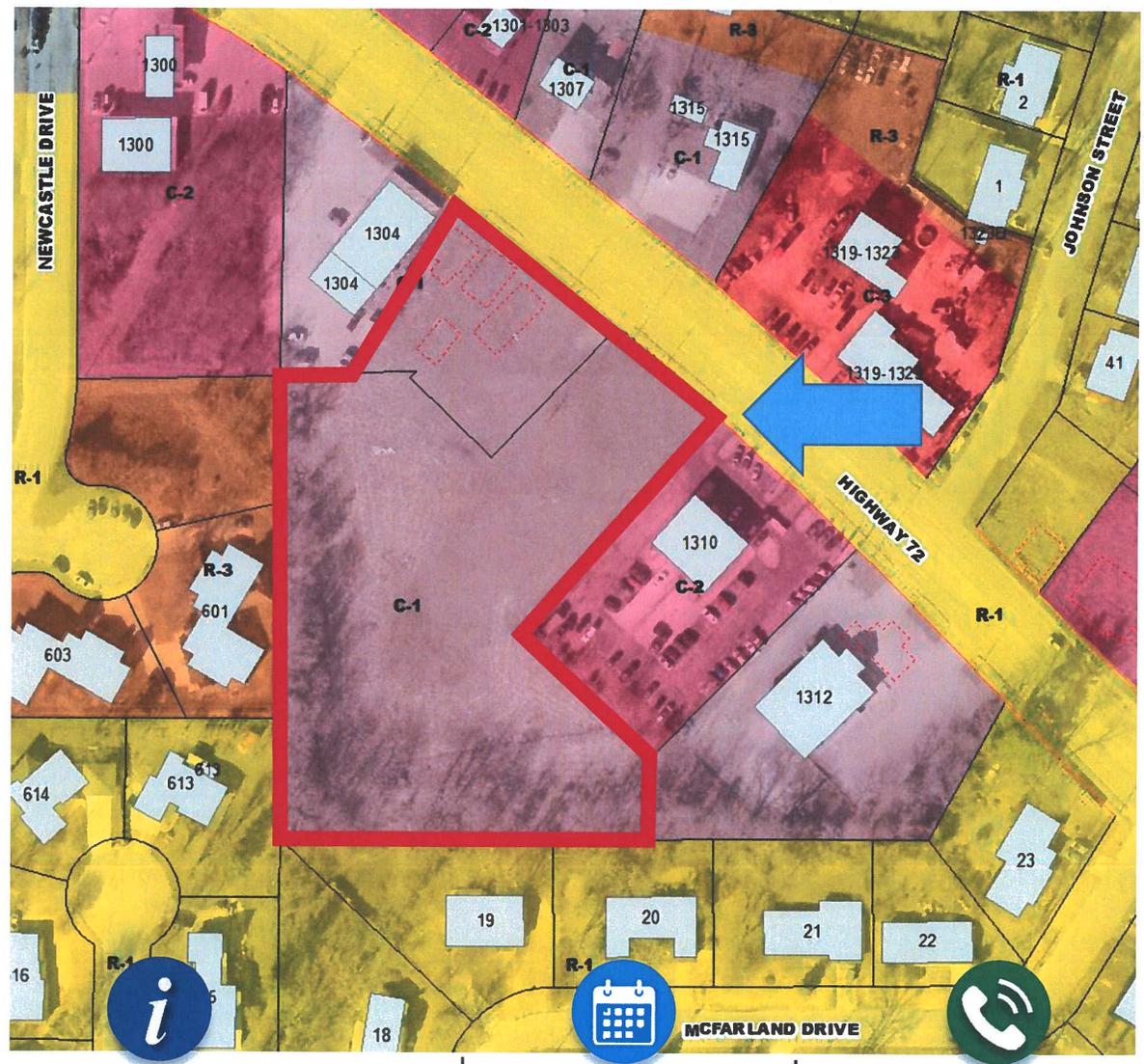
ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

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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: 1st Floor

 City Council
June 20, 2022
6:30 PM
 City Hall: 1st Floor

For More Information Contact:

Tom Coots, City Planner
 tcoots@rollacity.org

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

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FREQUENTLY ASKED QUESTIONS

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?

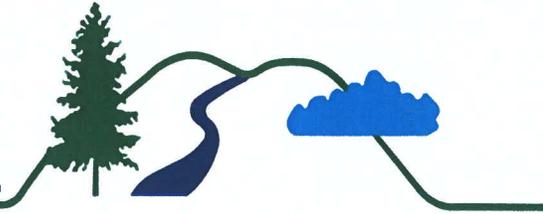
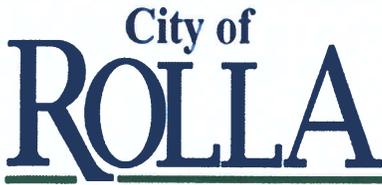
Please contact the Community Development Office if you have any additional questions.

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 5th 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.



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**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Public Hearing

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.

(TXT22-01)

MEETING DATE: June 20, 2022

Application and Notice:

Applicant - City of Rolla

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

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. Consequently City Council authorized the drafting of a text amendment to bring some definition and structure to the issue of homeless shelters.

The proposed text amendment should bring some clarity as 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 desire for clearer regulations is related to the general increase in homelessness and related 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.

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 for the access to social and medical services and employment.

The US Department of HUD in cooperation with the National Alliance to End Homelessness conducts the annual "Point-in-Time Count" of sheltered and unsheltered homeless individuals and families – an attempt to quantify homeless numbers and trends. The count occurs in January but the 2022 Report has not been released. The 2021 Count suggested that there are more than 580,000 homeless people in the United

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States (6,500 located in Missouri on any given day). Homeless populations across the country have increased in recent years. Phelps County had a reported 44 homeless people on the night of Jan. 26, 2021 but the exact number is difficult to ascertain.

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 generally provide homelessness assistance in many communities. By law (RLUIPA), churches cannot be prohibited from conducting activities which are a part of their faith. It is possible to regulate – like building codes and some life-safety 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 (or legal entity) from operating within a city. For example, Rolla does expressly prohibit gambling establishments. While Rolla cannot prohibit homeless shelters from operating within the city limits, the City can restrict where they operate, within reason to mitigate impacts.

The draft text amendment attempts to provide some feasible locations and restrictions for homeless shelters and related uses subject to legal scrutiny. Further alterations/amendments can be made as long as the requirements are not overly restrictive or discriminatory. In the absence of clear land-use regulations City Staff is charged with interpreting the existing Code for application.

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a public hearing on June 14, 2022 and voted 6-0 to recommend that the proposed text amendment as is currently written not be approved by the City Council. No proposed amendments were offered.

Action

City Council can withdraw their application for a text amendment; can direct Staff to prepare an ordinance for final consideration; can amend the proposed text; or can postpone action for further community conversation.

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-1 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;

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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

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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.

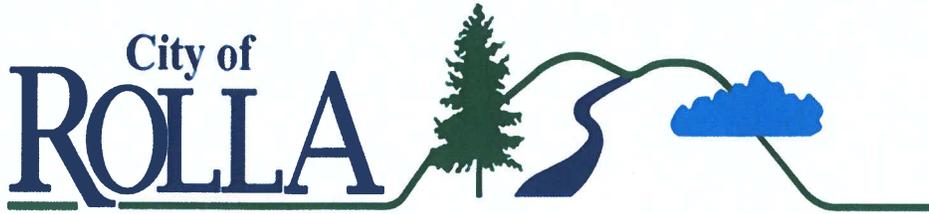
Conditional Use Permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in a particular permit, the property owner may request that the Conditional Use Permit be reviewed by the City Council, which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

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**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Final Reading

SUBJECT: Map Amendment (rezoning): 1898 Old Saint James Rd from the C-3, Highway Commercial district to the M-1, Light Manufacturing district.

(ZON22-01)

MEETING DATE: June 20, 2022

Application and Notice:

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

Background:

The subject property is the lease area for a proposed telecommunications tower on a larger property. The zoning is requested for the lease area only. A Conditional Use Permit was reviewed in 2021 to allow a telecommunications tower on the property. The CUP was denied by the City Council. The CUP was reconsidered and approved by City Council in April 2022. One of the approved conditions was that the applicant seek rezoning of the property to address concerns about the height in the C-3 zoning.

The subject property was rezoned from the M-2 district to the current C-3 district in 2009 to allow for the vehicle repair business on the remainder of the property.

Property Details:

Current zoning - C-3, Highway Commercial to M-1, Light Manufacturing
Current use - Vacant
Proposed use - Telecommunications tower
Land area - About 10,900 sq. ft.

Public Facilities/Improvements:

Streets - The subject property has frontage on Old Saint James Rd, 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 Industrial uses.

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Discussion: The property is adjacent to industrial and commercial zoned properties and uses. The Comprehensive Plan indicates the property is appropriate for industrial uses. The M-1 district does not have a height limit for buildings or structures. The height of a telecommunications tower should not be a concern in the M-1 district. Other issues are still to be resolved before any permits for the proposed telecommunications tower can be permitted.

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a public hearing on May 10, 2022 and voted 7-0 to recommend the City Council approve the request.

Prepared by: Tom Coots, City Planner

Attachments: Public Notice Letter; Ordinance 4677 (CUP); Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE THE RE-ZONING OF 1898 OLD SAINT JAMES RD FROM THE C-3, HIGHWAY COMMERCIAL DISTRICT TO THE M-1, LIGHT MANUFACTURING DISTRICT

(ZON22-01)

WHEREAS, an application for a rezoning was duly filed with the Community Development Department requesting the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri, so as to change the class of the real property hereinafter described; and

WHEREAS, a public notice was duly published in the Phelps County Focus for this according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on May 10, 2022 and recommended the City Council approve the rezoning of the subject property; and

WHEREAS, the Rolla City Council, during its May 16, 2022 meeting, conducted a public hearing concerning the proposed rezoning to hear the first reading of the attached ordinance;

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

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

SECTION 1: That the Basic Zoning Ordinance No. 3414, Chapter 42 of the Code of the City of Rolla, Missouri which zoning ordinances adopts zoning regulations, use districts, and a zoning map in accordance with the Comprehensive Plan is hereby amended by changing the zoning classification of the following property situated within the City of Rolla, Missouri, from C-3 (Highway Commercial) to M-1 (Light Manufacturing) Zoning described as follows:

A LEASED PREMISES BEING PART OF SECTION 1 IN TOWNSHIP 37 NORTH, RANGE 8 WEST IN PHELPS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 WEST; THENCE SOUTH 78 DEGREES 54 MINUTES 10 SECONDS EAST, 902.63 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE

III. A.3

OF OLD ST. JAMES ROAD, SAID POINT BEING THE NORTHWEST CORNER OF SURVEY RECORD BOOK 12 PAGE 130; THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 23 DEGREES 00 MINUTES 40 SECONDS EAST, 63.76 FEET TO THE SOUTHWEST CORNER OF THE PARENT PARCEL DESCRIBED IN DOC#2018-5993 12/31/2018; THENCE LEAVING SAID RIGHT OF WAY LINE, ALONG THE SOUTH LINE OF SAID PARENT PARCEL; NORTH 89 DEGREES 47 MINUTES 30 SECONDS EAST, 21.76 FEET TO THE POINT OF BEGINNING OF SAID LEASE PREMISES; THENCE NORTH 23 DEGREES 00 MINUTES 40 SECONDS EAST, 100.00 FEET TO A POINT; THENCE SOUTH 62 DEGREES 51 MINUTES 12 SECONDS EAST, 200.00 FEET TO THE SAID SOUTH LINE; THENCE SOUTH 89 DEGREES 47 MINUTES 30 SECONDS WEST, 217.06 FEET TO THE POINT OF BEGINNING. CONTAINING 9974 SQUARE FEET OR 0.23 ACRES, MORE OR LESS;

AND A PROPERTY BEING PART OF SECTION 1 IN TOWNSHIP 37 NORTH, RANGE 8 WEST IN PHELPS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 WEST; THENCE SOUTH 78 DEGREES 54 MINUTES 10 SECONDS EAST, 902.63 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE OF OLD ST. JAMES ROAD, SAID POINT BEING THE NORTHWEST CORNER OF SURVEY RECORD BOOK 12 PAGE 130; THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 23 DEGREES 00 MINUTES 40 SECONDS EAST, 127.85 FEET TO THE POINT OF BEGINNING OF UTILITY/ACCESS EASEMENT; THENCE CONTINUING NORTH 23 DEGREES 00 MINUTES 40 SECONDS EAST, 45.94 FEET TO A POINT; THENCE SOUTH 62 DEGREES 51 MINUTES 12 SECONDS EAST, 20.05 FEET TO THE NORTHWEST CORNER OF A LEASED PREMISES; THENCE ALONG THE WEST LINE OF SAID LEASED PREMISES, SOUTH 23 DEGREES 00 MINUTES 40 SECONDS WEST, 44.49 FEET TO A POINT; THENCE LEAVING SAID LEASED PREMISES, NORTH 66 DEGREES 59 MINUTES 20 SECONDS WEST, 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 904 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

SECTION 2: The property is subject to the landscape and buffering provisions of Section 42.230 of the city codes.

SECTION 3: This Ordinance shall be in full force and effect from and after the date of its passage and approval.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND
APPROVED BY THE MAYOR THIS 20TH DAY OF JUNE, 2022.**

APPROVED:

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor

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Project Information:

Case No: ZON22-01
 Location: 1898 Old Saint James Rd
 Applicant: Collective Solutions, LLC
 Request:
 Rezoning from C-3, Highway Commercial to the M-1, Light Manufacturing district.



Public Hearings:

Planning and Zoning Commission
May 10, 2022
5:30 PM
 City Hall: 1st Floor

 City Council
May 16, 2022
6:30 PM
 City Hall: 1st Floor



For More Information Contact:

Tom Coots, City Planner
 tcoots@rollacity.org

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

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FREQUENTLY ASKED QUESTIONS

Who and What is the Planning and Zoning Commission?

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

What is a Rezoning (Map Amendment)?

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

What is Zoning?

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

How Will This Impact My Property?

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

What If I Have Concerns About the Proposal?

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

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

What If I Cannot Attend the Meeting?

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

What If I Have More Questions?

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

LEGAL DESCRIPTION

A LEASED PREMISES BEING PART OF SECTION 1 IN TOWNSHIP 37 NORTH, RANGE 8 WEST IN PHELPS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 WEST; THENCE SOUTH 78 DEGREES 54 MINUTES 10 SECONDS EAST, 902.63 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE OF OLD ST. JAMES ROAD, SAID POINT BEING THE NORTHWEST CORNER OF SURVEY RECORD BOOK 12 PAGE 130; THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 23 DEGREES 00 MINUTES 40 SECONDS EAST, 63.76 FEET TO THE SOUTHWEST CORNER OF THE PARENT PARCEL DESCRIBED IN DOC#2018-5993 12/31/2018; THENCE LEAVING SAID RIGHT OF WAY LINE, ALONG THE SOUTH LINE OF SAID PARENT PARCEL; NORTH 89 DEGREES 47 MINUTES 30 SECONDS EAST, 21.76 FEET TO THE POINT OF BEGINNING OF SAID LEASE PREMISES; THENCE NORTH 23 DEGREES 00 MINUTES 40 SECONDS EAST, 100.00 FEET TO A POINT; THENCE SOUTH 62 DEGREES 51 MINUTES 12 SECONDS EAST, 200.00 FEET TO THE SAID SOUTH LINE; THENCE SOUTH 89 DEGREES 47 MINUTES 30 SECONDS WEST, 217.06 FEET TO THE POINT OF BEGINNING. CONTAINING 9974 SQUARE FEET OR 0.23 ACRES, MORE OR LESS.

AND A PROPERTY COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 WEST; THENCE SOUTH 78 DEGREES 54 MINUTES 10 SECONDS EAST, 902.63 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE OF OLD ST. JAMES ROAD, SAID POINT BEING THE NORTHWEST CORNER OF SURVEY RECORD BOOK 12 PAGE 130; THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 23 DEGREES 00 MINUTES 40 SECONDS EAST, 127.85 FEET TO THE POINT OF BEGINNING OF UTILITY/ACCESS EASEMENT; THENCE CONTINUING NORTH 23 DEGREES 00 MINUTES 40 SECONDS EAST, 45.94 FEET TO A POINT; THENCE SOUTH 62 DEGREES 51 MINUTES 12 SECONDS EAST, 20.05 FEET TO THE NORTHWEST CORNER OF A LEASED PREMISES; THENCE ALONG THE WEST LINE OF SAID LEASED PREMISES, SOUTH 23 DEGREES 00 MINUTES 40 SECONDS WEST, 44.49 FEET TO A POINT; THENCE LEAVING SAID LEASED PREMISES, NORTH 66 DEGREES 59 MINUTES 20 SECONDS WEST, 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 904 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

III.A.7



PUBLIC NOTICE

ORDINANCE NO. 4677

AN ORDINANCE TO APPROVE FINDINGS OF FACT AND CONCLUSIONS OF LAW ON AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A 95' MONOLITHIC CELL TOWER LOCATED AT 1900 N. OLD SAINT JAMES ROAD AS REQUESTED BY COLLECTIVE SOLUTIONS LLC IN ACCORDANCE WITH CITY CODE SECTION 42-402 AND APPROVE APPLICATION FOR CONDITIONAL USE PERMIT WITH CONDITIONS.

WHEREAS, the City of Rolla, Missouri received a request from Collective Solutions LLC on August 10, 2021 for a Conditional Use Permit for a wireless telecommunications tower ("CUP") located at 1900 N. Old St. James Road; and;

WHEREAS, the appropriate city staff sent the request for the CUP to the Planning Commission for a public hearing which occurred on September 14, 2021 and October 12, 2021; and

WHEREAS, the Planning and Zoning Commission recommended approval to the City Council for the CUP as submitted by Collective Solutions LLC based on the findings required to be made by the Planning and Zoning Commission pursuant to Section 42-402; and

WHEREAS, in accordance with Section 42-402(3) specifically states "Evidence shall be under oath and may be submitted with the application or thereafter or presented during the public hearing by the applicant or others," the City Council held a hearing on October 18, 2021 and continued on to November 1, 2021 where sworn witnesses provided testimony. The City also received some communications from citizens. This information was not considered as evidence; and

WHEREAS, a public hearing was held at the time and place provided by said notice; and

WHEREAS, on December 20, 2021 after due consideration the City Council voted in an 8 to 3 majority to approve Resolution No. 1998 to not approve the Collective Solutions LLC based on the Findings of Fact; and

WHEREAS, after re-consideration of all the facts, opinions, and evidence offered to the City Council at said hearings and following a thorough review of State and federal laws pertaining to the placement of cellular towers and pending appeals filed by Collective Solutions LLC the Council finds that the proposed Conditional Use Permit would promote public health, safety, morals, and the general welfare of the City of Rolla, Missouri, and would be for the best interest of said City subject to conditions;

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

Section 1: The Findings of Fact and Conclusions of Law on an application for a conditional use permit as requested by Collective Solutions LLC to be located at 1900 N. Old St. James Road, attached hereto as Attachment A, be, and hereby are approved and adopted.

Section 2: Following the public hearing and consideration of the evidence and sworn testimony the City Council finds that the Findings as established by Section 42-402(4) are met and therefore the CUP is approved with the following conditions.

- a. The applicant must apply for and be granted a variance from the Board of Adjustment allowing the deviation from the setbacks. The crow's nest appurtenance and appearance of the support structure is granted.

- b. The applicant must apply for and be granted a change in zoning for the property to the M1 zoning classification to comply with tower height restrictions or be granted a variance by the Board of Adjustment to allow a structure in excess of the maximum height in the current C-3 district.
- c. The access driveway including one parking space shall be paved.
- d. A six-foot-high fence slatted screening must be erected around the structure with landscape plan developed (and installed) that must be approved by the Community Development Department. Such screening and landscaping must be maintained for the duration of the use.
- e. A copy of all required FAA and FCC permits must be submitted for the file.

Section 3: The City Council determines that the allowance of a crow's nest appurtenance and lack of a disguised tower structure is reasonable in this application and in this particular location (zoned heavy commercial or manufacturing).

Section 4: This Ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 18th DAY OF APRIL, 2022.

APPROVED:



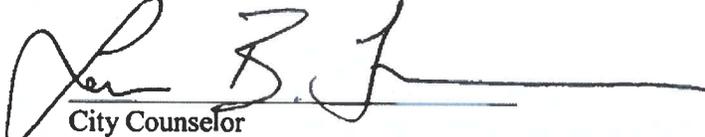
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Counselor

Blank
III. A. 10

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Ordinance 1st Reading

ITEM/SUBJECT: Professional Service Agreement with CM Archer Group P.C. dba Archer-Elgin Engineering

BUDGET APPROPRIATION (IF APPLICABLE)

DATE: 6/20/2022

COMMENTARY: We recently made a Request for Qualifications for consultant services for our Wastewater Division. The anticipated project consist of:

Prepare an engineering report that evaluates alternatives for the replacement of and/or the construction of a redundant force main that serves the Hy Point lift station. This report will be used to secure ARPA funds to construct the improvements.

Staff was authorized to negotiate a contract with Archer-Elgin Engineering for these services. The attached Ordinance would authorize the Mayor to enter into this Agreement for Professional Services and authorizes Task Order Number 1 for the Hy Point Lift Station Engineering Report. The fee for this report is \$34,000.

ITEM NO. IV. A. 1

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT FOR PROFESSIONAL SERVICES AND TASK ORDER NUMBER 1 BETWEEN THE CITY OF ROLLA, MISSOURI AND CM ARCHER GROUP, P.C.

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

Section 1: That the Mayor of the City of Rolla, Missouri is hereby authorized and directed to execute in behalf of the City of Rolla, Missouri a certain Professional Services Agreement and Task Order Number 1 between the City of Rolla, Missouri and CM Archer Group, P.C a copy of said agreement being attached hereto and marked Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 5th DAY OF JULY, 2022.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR

IV.A.2

EXHIBIT A
AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is made as of this _____ day of _____, 2022, between City of Rolla, Missouri, hereinafter referred to as "OWNER", and CM Archer Group, P.C. dba Archer-Elgin Engineering, Surveying and Architecture, hereinafter referred to as "ENGINEER," for engineering services as described in this Agreement.

WHEREAS, OWNER desires to retain ENGINEER, a professional engineering firm, to provide professional engineering, consulting and related services ("Services") on one or more projects in which the OWNER is involved; and

WHEREAS, ENGINEER desires to provide such services on such projects as may be agreed, from time to time, by the parties;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

SECTION I. PROJECT TASK ORDER

- 1.1 This Agreement shall apply to as many projects as OWNER and ENGINEER agree will be performed under the terms and conditions of this Agreement. Each project ENGINEER performs for OWNER hereunder shall be designated by a "Task Order." A sample Task Order is attached to this Agreement and marked as Exhibit "A". No Task Order shall be binding or enforceable unless and until it has been properly executed by both OWNER and ENGINEER. Each properly executed Task Order shall become a separate supplemental agreement to this Agreement.
- 1.2 In resolving potential conflicts between this Agreement and the Task Order pertaining to a specific project, the terms of the Task Order shall control.
- 1.3 ENGINEER will provide the Scope of Services as set forth in Part 2 of each Task Order.

SECTION II. RESPONSIBILITIES OF OWNER

In addition to the responsibilities described in the attached Exhibit B, "CM Archer Group, P.C. dba Archer-Elgin Engineering, Surveying and Architecture Terms and Conditions for Professional Services," paragraph 6, OWNER shall have the responsibilities described in Part 3 of each Task Order.

SECTION III. COMPENSATION

Compensation for ENGINEER’s Services shall be in accordance with Part 5 of each Task Order, and in accordance with paragraph 11 of the attached “CM Archer Group, P.C. dba Archer-Elgin Engineering, Surveying and Architecture Terms and Conditions for Professional Services.”

SECTION IV. PERIODS OF SERVICE

This agreement will be in force for a period of five years from the date executed and renewable annually thereafter. If not action is taken at the end of each one year period, the agreement is automatically extended for another one year period.

SECTION V. TERMS AND CONDITIONS OF ENGINEERING SERVICES

The “CM Archer Group, P.C. dba Archer-Elgin Engineering, Surveying and Architecture Terms and Conditions for Professional Services,” which are attached hereto, are incorporated into this Agreement by this reference.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

City of Rolla, Missouri

“OWNER”

SIGNED: _____

BY: Lou Magdits

TITLE: Mayor

ADDRESS: 901 North Elm Street
Rolla, MO 65401

CM ARCHER GROUP, P.C. dba ARCHER-
ELGIN ENGINEERING, SURVEYING AND
ARCHITECTURE
“ENGINEER”

SIGNED: _____

BY: Jeff Medows

TITLE: President

ADDRESS: 310 E. 6th Street
Rolla, MO 65401

IV.A.4

EXHIBIT A
TASK ORDER

This Task Order pertains to an Agreement by and between City of Rolla, Missouri (“OWNER”), and CM Archer Group, P.C. dba Archer-Elgin Engineering, Surveying and Architecture (“ENGINEER”), dated _____, 20____, (“the Agreement”). Engineer shall perform services on the project described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below.

TASK ORDER NUMBER:

PROJECT NAME:

PART 1.0 PROJECT DESCRIPTION:

PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER ON THE PROJECT:

PART 3.0 OWNER’S RESPONSIBILITIES:

PART 4.0 PERIODS OF SERVICE:

PART 5.0 PAYMENTS TO ENGINEER:

PART 6.0 OTHER:

This Task Order is executed this _____ day of _____, 20_____.

City of Rolla, Missouri

CM ARCHER GROUP, P.C. dba ARCHER-
ELGIN ENGINEERING, SURVEYING AND
ARCHITECTURE

“OWNER”

“ENGINEER”

SIGNED _

SIGNED _____

BY _

BY Jeff Medows

TITLE Mayor

TITLE President

Exhibit B
CM Archer Group, P.C.
Terms and Conditions for Professional Services

1. STANDARD OF PERFORMANCE

The standard of care for all professional engineering, consulting and related services performed or furnished by ENGINEER and its employees under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession practicing under the same or similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's services.

2. INSURANCE

ENGINEER agrees to procure and maintain, at its expense, Workers' Compensation insurance as required by statute; Employer's Liability of \$250,000; Automobile Liability insurance of \$1,000,000 combined single limit for bodily injury and property damage covering all vehicles, including hired vehicles, owned and non-owned vehicles; Commercial General Liability insurance of \$1,000,000 combined single limit for personal injury and property damage; and Professional Liability insurance of \$1,000,000 per claim for protection against claims arising out of the performance of services under this Agreement caused by negligent acts, errors, or omissions for which ENGINEER is legally liable. Upon request, OWNER shall be made an additional insured on Commercial General and Automobile Liability insurance policies and certificates of insurance will be furnished to the OWNER. ENGINEER agrees to indemnify OWNER for the claims covered by ENGINEER's insurance.

3. OPINIONS OF PROBABLE COST (COST ESTIMATES)

Any opinions of probable project cost or probable construction cost provided by ENGINEER are made on the basis of information available to ENGINEER and on the basis of ENGINEER's experience and qualifications, and represents its judgment as an experienced and qualified professional engineer. However, since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractor(s)' methods of determining prices, or over competitive bidding or market conditions, ENGINEER does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost ENGINEER prepares.

4. CONSTRUCTION PROCEDURES

ENGINEER's observation or monitoring portions of the work performed under construction contracts shall not relieve the contractor from its responsibility for performing work in accordance with applicable contract documents. ENGINEER shall not control or have charge of, and shall not be responsible for, construction means, methods, techniques, sequences, procedures of construction, health or safety programs or precautions connected with the work and shall not manage, supervise, control or have charge of construction. ENGINEER shall not be responsible for the acts or omissions of the contractor or other parties on the project. ENGINEER shall be entitled to review all construction contract documents and to require that no provisions extend the duties or liabilities of ENGINEER beyond those set forth in this Agreement. OWNER agrees to include ENGINEER as an indemnified party in OWNER's construction contracts for the work, which shall protect ENGINEER to the same degree as OWNER. Further, OWNER agrees that ENGINEER shall be listed as an additional insured under the construction contractor's liability insurance policies.

5. CONTROLLING LAW

This Agreement is to be governed by the law of the state where ENGINEER's services are performed.

6. SERVICES AND INFORMATION

OWNER will provide all criteria and information pertaining to OWNER's requirements for the project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations. OWNER will also provide copies of any OWNER-furnished Standard Details, Standard Specifications, or Standard Bidding Documents which are to be incorporated into the project.

OWNER will furnish the services of soils/geotechnical engineers or other consultants that include reports and appropriate professional recommendations when such services are deemed necessary by ENGINEER. The OWNER agrees to bear full responsibility for the technical accuracy and content of OWNER-furnished documents and services.

In performing professional engineering and related services hereunder, it is understood by OWNER that ENGINEER is not engaged in rendering any type of legal, insurance or accounting services, opinions or advice. Further, it is the OWNER's sole responsibility to obtain the advice of an attorney, insurance counselor or accountant to protect the OWNER's legal and financial interests. To that end, the OWNER agrees that OWNER or the OWNER's representative will examine all studies, reports, sketches, drawings, specifications, proposals and other documents, opinions or advice prepared or provided by ENGINEER, and will obtain the advice of an attorney, insurance counselor or other consultant as the OWNER deems necessary to protect the OWNER's interests before OWNER takes action or forebears to take action based upon or relying upon the services provided by ENGINEER.

7. SUCCESSORS AND ASSIGNS

OWNER and ENGINEER, respectively, bind themselves, their partners, successors, assigns, and legal representatives to the covenants of this Agreement. Neither OWNER nor ENGINEER will assign, sublet, or transfer any interest in this Agreement or claims arising therefrom without the written consent of the other.

8. RE-USE OF DOCUMENTS

All documents, including all reports, drawings, specifications, computer software or other items prepared or furnished by ENGINEER pursuant to this Agreement, are instruments of service with respect to the project. ENGINEER retains ownership of all such documents. OWNER may retain copies of the documents for its information and reference in connection with the project; however, none of the documents are intended or represented to be suitable for reuse by OWNER or others on extensions of the project or on any

other project. Any reuse without written verification or adaptation by ENGINEER for the specific purpose intended will be at OWNER's sole risk and without liability or legal exposure to ENGINEER, and OWNER will defend, indemnify and hold harmless ENGINEER from all claims, damages, losses and expenses, including attorney's fees, arising or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by OWNER and ENGINEER.

9. TERMINATION OF AGREEMENT

OWNER or ENGINEER may terminate the Agreement, in whole or in part, by giving seven (7) days written notice, if the other party substantially fails to fulfill its obligations under the Agreement through no fault of the terminating party. Where the method of payment is "lump sum," or cost reimbursement, the final invoice will include all services and expenses associated with the project up to the effective date of termination. An equitable adjustment shall also be made to provide for termination settlement costs ENGINEER incurs as a result of commitments that had become firm before termination, and for a reasonable profit for services performed.

10. SEVERABILITY

If any provision of this agreement is held invalid or unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term or condition shall not be construed by the other party as a waiver of any subsequent breach of the same provision, term or condition.

11. INVOICES

ENGINEER will submit monthly invoices for services rendered and OWNER will make prompt payments in response to ENGINEER's invoices.

ENGINEER will retain receipts for reimbursable expenses in general accordance with Internal Revenue Service rules pertaining to the support of expenditures for income tax purposes. Receipts will be available for inspection by OWNER's auditors upon request.

If OWNER disputes any items in ENGINEER's invoice for any reason, including the lack of supporting documentation, OWNER may temporarily delete the disputed item and pay the remaining amount of the invoice. OWNER will promptly notify ENGINEER of the dispute and request clarification and/or correction. After any dispute has been settled, ENGINEER will include the disputed item on a subsequent, regularly scheduled invoice, or on a special invoice for the disputed item only.

OWNER recognizes that late payment of invoices results in extra expenses for ENGINEER. ENGINEER retains the right to assess OWNER interest at the rate of one percent (1%) per month, but not to exceed the maximum rate allowed by law, on invoices which are not paid within thirty (30) days from the date of the invoice. In the event undisputed portions of ENGINEER's invoices are not paid when due, ENGINEER also reserves the right, after seven (7) days prior written notice, to suspend the performance of its services under this Agreement until all past due amounts have been paid in full.

12. CHANGES

The parties agree that no change or modification to this Agreement, or any attachments hereto, shall have any force or effect unless the change is reduced to writing, dated, and made part of this Agreement. The execution of the change shall be authorized and signed in the same manner as this Agreement. Adjustments in the period of services and in compensation shall be in accordance with applicable paragraphs and sections of this Agreement. Any proposed fees by ENGINEER are estimates to perform the services required to complete the project as ENGINEER understands it to be defined. For those projects involving conceptual or process development services, activities often are not fully definable in the initial planning. In any event, as the project progresses, the facts developed may dictate a change in the services to be performed, which may alter the scope. ENGINEER will inform OWNER of such situations so that changes in scope and adjustments to the time of performance and compensation can be made as required. If such change, additional services, or suspension of services results in an increase or decrease in the cost of or time required for performance of the services, an equitable adjustment shall be made, and the Agreement modified accordingly.

13. CONTROLLING AGREEMENT

These Terms and Conditions shall take precedence over any inconsistent or contradictory provisions contained in any proposal, contract, purchase order, requisition, notice-to-proceed, or like document.

14. EQUAL EMPLOYMENT AND NONDISCRIMINATION

In connection with the services under this Agreement, ENGINEER agrees to comply with the applicable provisions of federal and state Equal Employment Opportunity for individuals based on color, religion, sex, or national origin, or disabled veteran, recently separated veteran, other protected veteran and armed forces service medal veteran status, disabilities under provisions of executive order 11246, and other employment, statutes and regulations, as stated in Title 41 Part 60 of the Code of Federal Regulations § 60-1.4 (a-f), § 60-300.5 (a-e), § 60-741 (a-e).

15. HAZARDOUS MATERIALS

OWNER represents to ENGINEER that, to the best of its knowledge, no hazardous materials are present at the project site. However, in the event hazardous materials are known to be present, OWNER represents that to the best of its knowledge it has disclosed to ENGINEER the existence of all such hazardous materials, including but not limited to asbestos, PCB's, petroleum, hazardous waste, or radioactive material located at or near the project site, including type, quantity and location of such hazardous materials. It is acknowledged by both parties that ENGINEER's scope of services do not include services related in any way to hazardous materials. In the event ENGINEER or any other party encounters undisclosed hazardous materials, ENGINEER shall have the obligation to notify OWNER and, to the extent required by law or regulation, the appropriate governmental officials, and ENGINEER may, at its option and without liability for delay, consequential or any other damages to OWNER, suspend performance of services on that portion of the project affected by hazardous materials until OWNER: (i) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the hazardous materials; and (ii) warrants that the project site is in full compliance with all applicable laws and regulations. OWNER

acknowledges that ENGINEER is performing professional services for OWNER and that ENGINEER is not and shall not be required to become an "arranger," "operator," "generator," or "transporter" of hazardous materials, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (CERCLA), which are or may be encountered at or near the project site in connection with ENGINEER's services under this Agreement. If ENGINEER's services hereunder cannot be performed because of the existence of hazardous materials, ENGINEER shall be entitled to terminate this Agreement for cause on 30 days written notice. To the fullest extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER, its officers, directors, partners, employees, and subconsultants from and against all costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) caused by, arising out of or resulting from hazardous materials, provided that (i) any such cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property (other than completed Work), including the loss of use resulting therefrom, and (ii) nothing in this paragraph shall obligate OWNER to indemnify any individual or entity from and against the consequences of that individual's or entity's sole negligence or willful misconduct.

16. EXECUTION

This Agreement, including the exhibits and schedules made part hereof, constitute the entire Agreement between ENGINEER and OWNER, supersedes and controls over all prior written or oral understandings. This Agreement may be amended, supplemented or modified only by a written instrument duly executed by the parties.

17. LIMITATION OF LIABILITY

ENGINEER's and its employees' total liability to OWNER for any loss or damage, including but not limited to special and consequential damages arising out of or in connection with the performance of services or any other cause, including ENGINEER's and its employees' professional negligent acts, errors, or omissions, shall not exceed the greater of \$50,000 or the total compensation received by ENGINEER hereunder, except as otherwise provided under this Agreement, and OWNER hereby releases and holds harmless ENGINEER and its employees from any liability above such amount.

18. LITIGATION SUPPORT

In the event ENGINEER is required to respond to a subpoena, government inquiry or other legal process related to the services in connection with a legal or dispute resolution proceeding to which ENGINEER is not a party, OWNER shall reimburse ENGINEER for reasonable costs in responding and compensate ENGINEER at its then standard rates for reasonable time incurred in gathering information and documents and attending depositions, hearings, and trial.

19. UTILITY LOCATION

If underground sampling/testing is to be performed, a local utility locating service shall be contacted to make arrangements for all utilities to determine the location of underground utilities. In addition, OWNER shall notify ENGINEER of the presence and location of any underground utilities located on the OWNER's property which are not the responsibility of private/public utilities. ENGINEER shall take reasonable precautions to avoid damaging underground utilities that are properly marked. The OWNER agrees to waive any claim against ENGINEER and will indemnify and hold ENGINEER harmless from any claim of liability, injury or loss caused by or allegedly caused by ENGINEER's damaging of underground utilities that are not properly marked or are not called to ENGINEER's attention prior to beginning the underground sampling/testing.

TASK ORDER NO. 1

This Task Order pertains to an Agreement by and between City of Rolla, Missouri, (“OWNER”), and CM Archer Group, P.C. dba Archer-Elgin Engineering, Surveying and Architecture (“ENGINEER”), dated _____, 2022 (“the Agreement”). Engineer shall perform services on the project described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below:

TASK ORDER NUMBER: No. 1

PROJECT NAME: Hy Point Force Main Engineering Report

PART 1.0 PROJECT DESCRIPTION:

Prepare Engineering Report that evaluates alternatives for the replacement of and/or the construction of a redundant force main that serves the Hy Point Lift Station.

PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER ON THE PROJECT:

1. Data Acquisition, Evaluation and Design Criteria Development
 - a. Evaluate available water demand data
 - b. Evaluate available sewer flow metering data
 - c. Review existing pump equipment design
 - d. Model existing force main, confirm pump design
 - e. Develop design criteria for new force main alternatives
2. Develop Improvement Alternatives
 - a. Identify possible alignments for new force main and/or redundant I-44/railroad crossing
 - b. Model new alignments and evaluate existing pump performance
 - c. Develop opinions of probable project costs for each alternative
3. Engineering Report
 - a. Prepare draft Engineering Report for City review
 - b. Finalize Engineering Report which addresses any City comments

PART 3.0 OWNER’S RESPONSIBILITIES:

Owner shall furnish the following:

1. Available Utility System Mapping
2. Historic water demand in the Hy Point service area
3. Historic Pump run time data
4. Any historic sewer flow metering data

5. Future growth projections

PART 4.0 PERIODS OF SERVICE:

The above Scope of Services shall be completed within 90 calendar days from date of Task Order execution.

PART 5.0 PAYMENTS TO ENGINEER:

Lump sum fee of \$34,000.00, to be invoiced monthly based upon the percent complete as determined by the engineer. No changes shall be made to this scope of work unless by written amendment signed by both parties.

PART 6.0 ADDITIONAL SERVICES:

1. Additional Services will include additional planning/financing support, environmental assessment, clearances, design services, and any other services not specifically outlined above.

IN WITNESS WHEREOF, the Parties here to have executed, by their dually-authorized officials, this Task Order, on the respective dates indicated above.

City of Rolla, Missouri

CM Archer Group, P.C. dba Archer-Elgin
Engineering, Surveying and Architecture

"OWNER"

"ENGINEER"

BY: _____

BY: _____

NAME: Lou Magdits

NAME: Jeff Medows

TITLE: Mayor

TITLE: President

ADDRESS: 901 North Elm Street
Rolla, MO 65401

ADDRESS: 310 East 6th Street
Rolla, MO 65401



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: First Reading

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

(SUB22-05)

MEETING DATE: June 20, 2022

Application and Notice:

Applicant/Owner - Carrie Wolfe

Public Notice - <https://www.rollacity.org/agenda.shtml>

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.

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.

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a meeting on June 14, 2022 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coots, City Planner

Attachments: Area Map, Plat, Ordinance

IV.B.1

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF WOLFE'S CORNER.

(SUB 22-05)

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

SECTION 1: An ordinance approving the Minor Subdivision Final Plat of Wolfe's Corner, a subdivision in City of Rolla, Phelps County, Missouri through the subdivision process.

SECTION 2: That this ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the plat has been filed with the Phelps County Recorder of Deeds.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 5th DAY OF JULY, 2022.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

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, as shown more or less per plat of survey J-4455, 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. 201107288, and that the plat contains all corrections and amendments and that I am a duly licensed Professional Land Surveyor in personal supervision of the plat. This plat is in accordance with the City Code of Rolla, Missouri.

SPECIAL PLAT RESTRICTION AND RESTRICTIVE COVENANTS 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 the plat of subdivision and construction permits have been issued by the City of Rolla, Missouri and that it is understood by any person who acquires an interest in any of the lots herein platted until the completion of all public improvements appertaining to such lots or until a cash payment is made to the City of Rolla, Missouri, that no public improvements have 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.

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 jurisdiction of the City of Rolla, that she has caused this property to be platted as shown hereon and that she has caused the same to be designated as WOLFE'S CORNER. Carrie Wolfe, single, hereby freely accepts this plat 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 and other utility lines within and along those places which are designated as utility easements on this plat.

DATED: _____, 2022

Carrie Wolfe

DEDICATOR

STATE OF MISSOURI)
COUNTY OF PHELPS) SS

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 my office and attest, 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 Harris, PE Director of Public Works Date _____
Rodney Bourne, PE Rolla Municipal Utilities Date _____
Floyd Jamigan Parks Director Date _____

PLANNING & ZONING APPROVAL

Approved this _____ day of _____, 2022.

Don Brown, Chairman Planning & Zoning Commission
Steve Fivestadt 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 passed and approved the same to be filed for record in the Office of the Recorder of Deeds, Phelps County, Missouri.

Louis J. Magdala IV Mayor, City of Rolla Date _____
Attest: Lept Thurman City Clerk Date _____

CM Archer Group, P.C. dba: ARCHER-ELGIN
Engineering, Surveying & Architecture
310 East 6th Street, Rolla, Missouri 65401
Phone: 636-344-4722
www.archer-elgin.com
Professional Land Surveyor License No. 200903774, A-01011719
Professional Engineer License No. E-010202142, E-010202143, E-010202144, E-010202145, E-010202146, E-010202147, E-010202148, E-010202149, E-010202150, E-010202151, E-010202152, E-010202153, E-010202154, E-010202155, E-010202156, E-010202157, E-010202158, E-010202159, E-010202160, E-010202161, E-010202162, E-010202163, E-010202164, E-010202165, E-010202166, E-010202167, E-010202168, E-010202169, E-010202170, E-010202171, E-010202172, E-010202173, E-010202174, E-010202175, E-010202176, E-010202177, E-010202178, E-010202179, E-010202180, E-010202181, E-010202182, E-010202183, E-010202184, E-010202185, E-010202186, E-010202187, E-010202188, E-010202189, E-010202190, E-010202191, E-010202192, E-010202193, E-010202194, E-010202195, E-010202196, E-010202197, E-010202198, E-010202199, E-010202200, E-010202201, E-010202202, E-010202203, E-010202204, E-010202205, E-010202206, E-010202207, E-010202208, E-010202209, E-010202210, E-010202211, E-010202212, E-010202213, E-010202214, E-010202215, 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E-010202986, E-010202987, E-010202988, E-010202989, E-010202990, E-010202991, E-010202992, E-010202993



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: 2nd Floor
8:00 – 5:00 P.M.
Monday - Friday

10.B.4



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: First Reading

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

(SUB22-06)

MEETING DATE: June 20, 2022

Application and Notice:

Applicant/Owner - Curators of the University of Missouri
Public Notice - <https://www.rollacity.org/agenda.shtml>

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.

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.

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a meeting on June 14, 2022 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coots, City Planner
Attachments: Area Map, Plat, Ordinance

IV.C.)

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF UNIVERSITY FRATERNITY SUBDIVISION NO. 3 AND VACATING CERTAIN EASEMENTS.

(SUB 22-06)

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

SECTION 1: An ordinance approving the Minor Subdivision Final Plat of University Fraternity Subdivision No. 3, a subdivision in City of Rolla, Phelps County, Missouri through the subdivision process.

SECTION 2: The location and legal description of the easements to be vacated are shown on the attached exhibit and described on the plat.

SECTION 3: Said vacation will not take effect until the subject subdivision plat is recorded.

SECTION 4: That this ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the plat has been filed with the Phelps County Recorder of Deeds.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 5TH DAY OF JULY, 2022.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

W.C.2



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



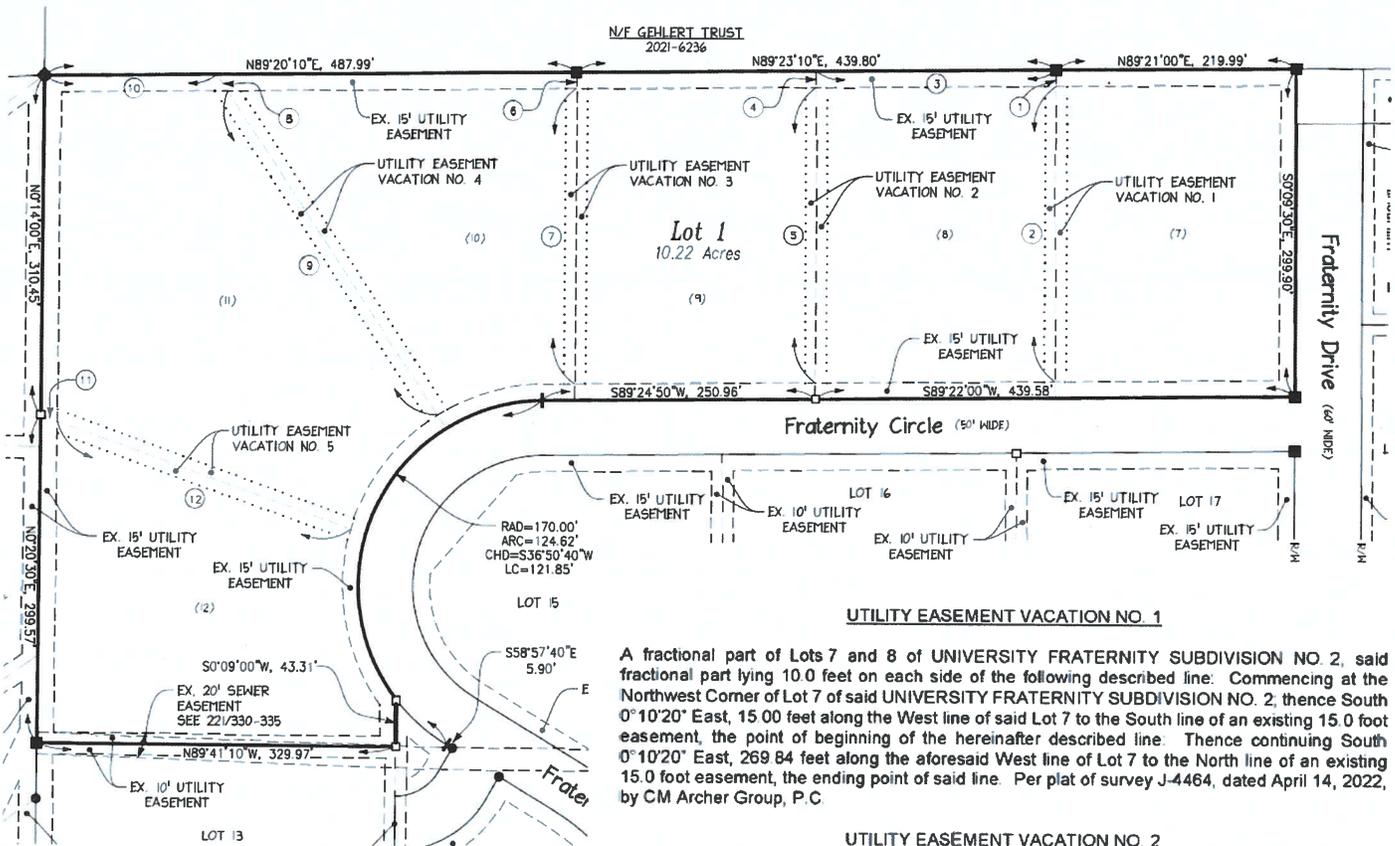
For More Information Contact:

Tom Coots, City Planner
 tcoots@rollacity.org

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

W.C.3

Vacation Exhibit



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, 286.99 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.

W.C.4

Blank

10.C.6

20 Year Anniversary CELEBRATION

June 20–26

Monday

Movement Monday, June 20

- Take a class and receive a ticket. Turn your ticket in to the Member Services Desk to receive a FREE guest pass!

Tuesday

Tasty Tuesday, June 21

- Enjoy a special treat in the lobby!
- 8 a.m.–10 a.m. and 5–7 p.m.

Wednesday

Wear it Wednesday, June 22

- Wear your CENTRE gear to work out!

Thursday

Thrifty Thursday, June 23

- Save 20% on any one regularly price FitShop item.

Friday

FREE Friendly Friday, June 24

- Bring as many guests as you would like to work out all day long!

Saturday and Sunday

June 25 and 26

- Saturday Group Fitness Classes are FREE to non-members.
- Get 20% off day passes all weekend!