AGENDA

The City of Rolla
Planning & Zoning Commission
Rolla City Council Chambers, 901 North Elm Street
Tuesday, October 11, 2022 at 5:30 PM

Commission Members:
Chairperson Don Brown, Vice-Chairperson Russell Schmidt, Secretary-Treasurer Robert Anderson, Nathan Chirban, Kevin Crider, Janece Martin, Monte Shields, Monty Jordan, Vacant

I. APPROVE MINUTES: Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, September 13, 2022.

II. REPORT ON RECENT CITY COUNCIL ACTIONS:
   SUB22-07 - Gracie Place 2: A Minor Subdivision to combine lots and create an outlot at 2000 Hwy E

III. OLD BUSINESS: NONE

IV. NEW BUSINESS:
   1. SUB22-08 – Frueh Addition: A Minor Subdivision to combine two residential lots at 3 Lewis Lane.

V. PUBLIC HEARING:
   1. VAC22-03 – Vacation of Alley: Vacation of a portion of the alley between 10th, 11th, Cedar, and Maple Streets.

VI. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF:
   1. Update on Zoning Code Rewrite: Presentation of proposed Sections 400, 500, 600, 700, and 800

VII. CITIZEN COMMENTS:

NEXT MEETING DATE: Tuesday, November 15, 2022
MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY, SEPTEMBER 13, 2022

Presiding: Russell Schmidt, Vice-Chairperson

Commission Members Present: Robert Anderson, Monty Jordan, Janece Martin, Monte Shields, Kevin Crider

Commission Members Absent: Don Brown, Nathan Chirban

I. APPROVE MINUTES: Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, July 12, 2022. Vice-Chairperson Russell Schmidt approved the minutes as printed and distributed.

II. REPORT ON RECENT CITY COUNCIL ACTIONS:

1. ZON22-03, 1702/1704 E 10th Street: A rezoning (map amendment) from the R-3, Multi-family district to the C-O, Commercial Office district.

III. OLD BUSINESS: NONE

IV. NEW BUSINESS:

1. SUB22-07 – Gracie Place 2: A Minor Subdivision to combine lots and create an outlot at 2000 Hwy E.

   Tom Coots presents the staff report.

   A motion was made by Monte Shields, seconded by Robert Anderson, to recommend approval to City Council of Gracie Place 2 subdivision. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, and Shields. Nays: None. The motion passes unanimously.

V. PUBLIC HEARING: NONE

VI. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF:

1. Update on Zoning Code Rewrite: Presentation of proposed Sections 100, 200, and 300.
VII. CITIZEN COMMENTS:

1. A presentation was made by Jaden Gurney to gain input from the Commission for a proposed RV park at Blues Lake.

Meeting adjourned: 6:49 p.m.
Minutes prepared by: Sarah West

NEXT MEETING: Tuesday, October 11, 2022
Meeting Date: October 11, 2022

Subject: Frueh Addition: A Minor Subdivision to combine two residential lots at 3 Lewis Lane.

Background: The applicant has purchased the subject property with the intention of redeveloping the property for a multi-family development. The subject property was previously on the Abandoned Building Registry following several years of being vacant.

Application and Notice:
Applicant/Owner - Robert and Martha Frueh of the Frueh Trust
City Council Date - October 17, 2022

Property Details:
Current zoning - R-3, Multi-family
Current use - Multi-family Residential
Land area - Lot 1: 1.69 acres

Public Facilities/Improvements:
Streets - The subject property has frontage on Bardsley Rd, a major arterial road; and is accessed via Lewis Lane, a private drive.
Sidewalks - Sidewalks are located adjacent to the property.
Utilities - The subject property should have access to all needed utilities, although utilities for adjacent lots do cross the subject property.

Comprehensive Plan: The Comprehensive Plan designates the subject property as being appropriate for Medium/High Density residential uses.

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

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

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

Prepared by: Tom Coots, City Planner
Attachments: Area Map, Application, Plat
Project Information:
Case No: SUB22-08
Location: 3 Lewis Lane
Applicant: Robert Frueh
Request: Minor Subdivision to combine 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
### Contact Information:

**Property Owner:** Frueh Trust  
Name(s):  
11725 County Road 8070  
Mailing Address:  
Rolla, MO 65401  
City, State, Zip: (573) 308-5201  
Phone: rmfrueh@hotmail.com, robfrueh@yahoo.com  
Email:  

**Agent/Applicant (If Different Than Property Owner):**  
Name:  
Mailing Address:  
City, State, Zip:  
Phone:  
Email:  

### Property/Request Information:

**Request:**  
- Sketch Plat
- Major Subdivision
- Minor Subdivision  
- [X] Replat
- Subdivision Variance  
- Vacation of ROW/easement  

3 Lewis Lane  
Property Address/Location: B3, Multi-Family  
Property Zoning:  
2 existing  
1 proposed  
Number of existing and new lots proposed:  
FRUEH ADDITION  
Name of Subdivision:  

### APPLICATION CHECKLIST:

- [ ] Completed Application Form  
- [ ] Agent Letter (If Applicable)  
- [x] Filing Fee: $300 (Major Subdivision); $100 (Minor Subdivision/Replat); $350 (Subdivision Variance) + Recording Fee ($44 or $69)  
- [ ] Improvement Plans (Final Plats only; 1 paper copy and pdf version)  
- [x] Plat (5 paper copies and pdf version) or Vacation Exhibit  
- [ ] Letter of Request (Subdivision Variance only)  

### OFFICE USE ONLY:

- Case No: SUB 22-09  
- DRC Meeting Date: 9.6.22  
- PC Hearing Date: 10.11.22  
- Submission Date: 8.9.22  
- Advertise By: N/A  
- CC Hearing Date: 11.17.22
(Optional) Sketch Plats must include the following information (Section 42-32.1):
1. Proposed subdivision name, contact information for property owner, north arrow, scale, date.
2. Location map, general dimensions of property lines, existing easements, ROW's, buildings, cemeteries, watercourses, flood areas, contours, etc.
3. Name, location, dimensions of existing streets; name, width, classification or proposed streets and alleys.
4. Existing utilities and stormwater management facilities on and adjacent to property.
5. Location, dimensions, and configuration of proposed lots.
6. Location and general layout of proposed water and sewer lines.

Preliminary Plats must include the following information (Section 42-32.2):
1. Legal description and boundary line.
2. Name and location of adjoining existing subdivisions, streets, ROW widths, alleys, property lines, etc.
3. Proposed streets with width, centerline, grade, length; dimensions of easements and alleys, etc.
4. Existing property lines, buildings, and utilities.
5. Arrangement, location, dimensions of proposed lots with area, line bearings, angles, and setbacks.
6. Location, dimensions, and area of land to be dedicated or reserved for common ownership.
7. Contour lines, water courses, ravines, culverts, bridges, ponds, etc.
8. Proposed sewer lines, storm sewer lines, drainage facilities, bridges, etc. and easements

Final Plats must include the following information (Section 42-32.3):
1. Items shown on Preliminary Plat except contours, land features, street grades, and utilities.
2. Plat restrictions and restrictive covenants regarding building permits.
3. Dedication deed or restrictive easements, streets, alleys, parkland, etc.
4. Access limitation and improvement acceptance notes.
5. Planning and Zoning Commission and City Council approval.
6. City and County tax release.
7. Surveyors and Recorders Certificate.

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

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

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

Property Owner(s):  

Applicant/Agent (If Different From Owner)

__________________________
Sign  ______________________
Print  ______________________
Final Plat of
FRUEH ADDITION
Being a Lot Consolidation of Lots 1, 2 and Part of Lewis Lane
Rolla, Phelps County, Missouri

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

Steven Hergis, PE
Director of Public Works

Rodney Bourne, PE
General Manager

Rolta Municipal Utilities

Rolf Jorgenson
Park Director

PLANNING & ZONING APPROVAL
Approved this ___ day of __________ 2022

Don Brown, Chairman
Planning & Zoning Commission

Steve Flowers
Interim Community Development Director

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

Louis J. Magill IV
Mayor, City of Rolla

Submit

Lori Thomas
City Clerk

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

Faith Ann Barnes
Collector of Taxes

Phelps County, Missouri

RECORDERS CERTIFICATE
This plat was filed for record in my office on this ___ day of __________ 2022 Plat filed at Cabinet Number ________

Robin Rohns
Recorder of Deeds
Phelps County, Missouri

SPECIAL PLAT RESTRICTION AND RESTRICTIVE COVENANT
The undersigned owners of the land herein platted do hereby impose upon said property and do hereby make this plat subject to the following restrictive covenants. Said plat shall be subject to the following restrictive covenants:

1. SILVERST FARRIS FURSE, IV, do hereby certify that this plat was filed under my supervision from an actual survey of the land herein described prepared by Architect-Elgin Surveying and Engineering, LLC and accepted by the City of Rolla, Missouri. The above mentioned plat is the only plat of the same subject to the following restrictive covenants inserted in the deed of conveyance executed by the undersigned owners of the land herein described and recorded in the office of the Recorder of Deeds of Phelps County, Missouri

NOTARY PUBLIC
I, ____________________________

The undersigned owners of the land herein platted do hereby impose upon said property and do hereby make this plat subject to the following restrictive covenants. Said plat shall be subject to the following restrictive covenants:

1. SILVERST FARRIS FURSE, IV, do hereby certify that this plat was filed under my supervision from an actual survey of the land herein described prepared by Architect-Elgin Surveying and Engineering, LLC and accepted by the City of Rolla, Missouri. The above mentioned plat is the only plat of the same subject to the following restrictive covenants inserted in the deed of conveyance executed by the undersigned owners of the land herein described and recorded in the office of the Recorder of Deeds of Phelps County, Missouri.
Meeting Date: October 11, 2022

Subject: Vacation of a portion of an alley between 10th, 11th, Cedar, and Maple Streets

Background: The applicants seek to vacate 80 feet of an alley adjacent to their properties. The alley is not built and not used in the area to be vacated. The eastern portion of the alley was previously vacated.

Application and Notice:
- Applicant/Owner - Anne and Scott McClay; and Minh Nhut Nguyen of Wynn Wynn, LLC
- Public Notice - Letters mailed to impacted property owners; Legal ad in the Phelps County Focus; https://www.rollacity.org/agenda.shtml
- City Council Date - October 17, 2022

Property Details:
- Land area - Approximately 1,120 sq. ft. to be vacated

Public Facilities/Improvements:
- Utilities - Communications utilities are located in the alley. An easement will be retained.

Comprehensive Plan: The Comprehensive Plan does not provide guidance on street/alley vacations. Generally, alleys may be vacated where they are found to not be needed for access.

Discussion: With the eastern portion of the alley already having been vacated, and with the subject portion of the alley not being in use, the alley does not seem to have any public use. The area will be maintained as an easement for the existing utilities.

Findings:
1. Utilities are located in the area requested to be vacated; a utility easement will be retained.
2. No objections to the request were received by any utility companies.
3. Alley is not used for access; eastern portion previously vacated.

Alternatives:
1. Recommend the City Council approve the request and retain the area as a utility easement.
2. Find that request is not appropriate recommend that the City Council deny the request.
3. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by: Tom Coots, City Planner
Attachments: Application, Public Notice, Exhibit
SUBDIVISION APPLICATION

Contact Information:
Property Owner: Anne & Scott McClay
Name(s):
Address: 404 E 10th Street
Rolla, MO 65401
City, State, Zip: 573-465-1819
Phone: amne.c.mclay@gmail.com
Email: 

OTHER PROPERTY OWNER
Agent/Applicant (If Different Than Property Owner):
Minh Nhat Nguyen
Name: 410 East 11th Street
Mailing Address: Rolla, MO 65401
City, State, Zip: 314-347-5643
Phone: minhut34@hotmail.com
Email: 

Property/Request Information:
Request: 
Sketch Plat
Major Subdivision
Minor Subdivision
Replat
Subdivision Variance
Vacation of Right of Way/ easement

VACANT ALLEY
BETWEEN 407 E 10TH & 410 E 11TH

Property Address/Location:

Property Zoning:

Number of existing and new lots proposed:

Name of Subdivision:

APPLICATION CHECKLIST:

Completed Application Form
Agent Letter (If Applicable)
Filing Fee - $300 (Major Subdivision); $100 (Minor Subdivision/Replat);
$350 (Subdivision Variance) + Recording Fee ($44 or $69)
Improvement Plans (Final Plats only; 1 paper copy and pdf version)
Plat (5 paper copies and pdf version) or Vacation Exhibit
Letter of Request (Subdivision Variance only)

OFFICE USE ONLY:
Case No: VAC 22-03
DRC Meeting Date: 9.30.22
PC Hearing Date: 10.11.22
Submission Date: 9.12.22
Advertise By: 9.23.22
CC Hearing Date: 10.17.22/11.7.22
Information:

(Optional) Sketch Plats must include the following information (Section 42-32.1):
1. Proposed subdivision name, contact information for property owner, format, scale, date.
2. Location map, general dimensions of property lines, existing easements, ROW’s, buildings, cemeteries, watercourses, flood areas, contours, etc.
3. Name, location, dimensions of existing streets; name, width, classification or proposed streets and alleys.
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Property Owner(s):

Anne Mcclay
Sign
Print

Minh Wynn
Sign
Print

Mink Wynn
Sign
Print
Project Information:

Case No: VAC22-03
Location: Adjacent to 407 E 10th and 410 E 11th Street
Applicant: Anne and Scott McClay and Mihn Nhut Nguyen
Request: Vacation of a portion of alley between 10th, 11th, Cedar, and Maple Streets

Public Hearings:

Planning Commission
October 11, 2022
5:30 PM
City Hall: 1st Floor

City Council
October 17, 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
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 a 14 foot alley in Block 102 of EASTON ADDITION, Rolla, Missouri being more particularly described as follows: Beginning at the Northeast Corner of Lot 10, Block 102 of said EASTON ADDITION; thence West, 80 feet along the North line of said Lot 10 and along the North line of Lots 8 and 9, Block 102 of EASTON ADDITION; thence North, 14 feet to a point on the South line of Lot 13 of said Block 102 of EASTON ADDITION; thence East, 80 feet along said South line and along the South line of Lots 12 and 11 of said Block 102 of EASTON ADDITION to the southeast corner of said Lot 11; thence South, 14 feet to the point of beginning.
Exhibit "A"

Title: Alley Vacation
Block: 102, EASTON ADDITION
Location: Rolla, Missouri

SCALE: 1" = 30'

Architectural Firms:
CM Archer Group, P.C. dba:
Archer-Elgin Surveying & Engineering, LLC:

Engineering, Surveying, Architecture

Corporate Authority:
www.cmarcher.com

E: 2011024038, LS: 2011025471, A-2012014618
www.elginsurvey.com
Meeting Date: October 11, 2022

Subject: Zoning Code Update: Presentation of proposed Sections 400, 500, 600, 700, and 800

Background: The current zoning code was adopted in 1988. The 1988 code included much language from the previous code, which was adopted in 1978, which also included language from the first code, adopted in the 1940’s. The first code included language that originated in the model codes that were adopted across the country and first written decades earlier.

Since the 1988 code was adopted, there have been many revisions and additions. However, the revisions and additions have created issues with organization, duplication, and conflict with other areas of the code. Some provisions have become unenforceable or are not desired to be enforced. The current code lacks some provisions which may have caused an uneven application of the requirements.

The City Council established the Zoning Code Ad-hoc Committee in February 2022 to review the zoning codes, subdivision codes, and any other land use regulations to make recommendations for changes to the city codes. The ad-hoc committee included members of the Planning and Zoning Commission, Board of Adjustment, City Council, citizen representatives, and city administration. The ad-hoc committee has been meeting since March 2022.

The second half of the proposed changes to the city codes are presented at this time. The public hearing is planned for the November 15 Commission meeting.

Application and Notice:
Applicant - City of Rolla
Public Notice - [https://www.rollacity.org/agenda.shtml](https://www.rollacity.org/agenda.shtml)
City Council Date - To be determined

Discussion:
Section 400 details special uses such as Home Occupations, Adult Uses, Telecommunications, Manufactured Home Parks, Accessory Buildings, etc. The special uses are certain land uses which require additional regulation to mitigate impacts.

Section 500 covers the Subdivision Regulations, including application processes, design requirements, and other related subjects.

Section 600 is reserved for a potential Form-Based Code, which could be discussed in the future.
Section 700 is the Appendix, with the overall definitions and a use table.

Section 800 is reserved for listing the approved land use ordinances.

The Planning and Zoning Commission is asked to begin review of the proposed changes to the zoning and subdivision regulations. The public hearing will be planned for the November 15 Commission meeting.

Prepared by: Tom Coots, City Planner
Attachments: Proposed Sections 400, 500, 600, 700, and 800 of the revised Zoning and Subdivision Regulations