



Planning & Zoning  
Meeting Agenda-September 21, 2016  
5:30 pm

Council Chambers  
Municipal Building  
200 S. Osage Avenue

1. Call to Order
2. Public Hearing
3. Roll Call
4. Approval of Meeting Minutes
5. Old Business
6. New Business
  - Zoning Code Changes
7. Miscellaneous Items
8. Adjourn

**APPLICATION FOR AN  
SPECIAL USE PERMIT**

Sedalia City Planning & Zoning Commission  
200 S. Osage Avenue  
Sedalia, Missouri 65301

**DO NOT WRITE IN THIS SPACE**

Date of Public Hearing	
Date Submitted	<u>8-31-16</u>
Date Advertised	
Date of Mailing	
Checked By	
Receipt No.	
Commission Action	
Council Action	

1. Applicant's Name Sylvia G. Thompson Charitable Trust Check Rvd'd 9-1-16
2. Applicant's Address P.O. Box 1546, 906 Thompson Blvd, Sedalia MO 65302-1546
3. Telephone Number (Home) \_\_\_\_\_ (Business) 660-826-4800
4. Legal Description of property with street address or location:  
850 Lamm Drive (legal description attached)

5. Area of subject property, square feet and/or acres 3.37 acres
6. Present use of subject property hay field
7. Desired use of subject property 4 story hotel
8. What is the present use of the adjoining properties? North Tractor Supply and Holiday Inn  
South hay field East Lowes West Hobby Lobby
9. Time schedule for development Sale closing on October 15, construction to begin as soon as possible
10. Is property in a flood plain district? If yes, please indicate applicable FEMA Map applicable zone No Has base flood elevation been established? \_\_\_\_\_  
If yes, please explain how such elevation was determined. \_\_\_\_\_

11. Public Utilities available at site: Sewer City of Sedalia " at \_\_\_\_\_  
Lamm Dr & Leroy Vandyke Water Sedalia Water Dept.
- <sup>a</sup>  
<sup>t</sup> 9th St. ROW
- Natural Gas Empire " at 9th St. ROW Electric KCPL
- <sup>a</sup>  
<sup>t</sup> South of site

12. Exhibits furnished  
Sylvia G. Thompson Charitable Trust
13. by [Signature] Trustee P.O. Box 1546, Sedalia MO 65302-1546  
Signature of Applicant Address of Applicant

14. Relationship of applicant to property: Owner  Agent
15. Other \_\_\_\_\_ (Explain)

# EXHIBIT A

## 3.37 ACRE TRACT

BEGINNING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 45 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, PETTIS COUNTY, MISSOURI; THENCE SOUTH  $04^{\circ}12'13''$  WEST, ALONG THE RANGE LINE, 593.45 FEET; THENCE LEAVING SAID RANGE LINE, SOUTH  $64^{\circ}54'40''$  EAST, 450.70 FEET; THENCE NORTH  $25^{\circ}05'20''$  EAST, 65.0 FEET; THENCE SOUTH  $64^{\circ}54'40''$  EAST, 125.0 FEET; THENCE SOUTH  $25^{\circ}05'20''$  WEST, 270.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH  $64^{\circ}54'40''$  EAST, 445.41 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF LAMM DRIVE; THENCE SOUTH  $25^{\circ}05'20''$  WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND THE PROLONGATION OF SAID LINE, 300.0 FEET; THENCE NORTH  $64^{\circ}54'40''$  WEST, 445.41 FEET; THENCE NORTH  $25^{\circ}05'20''$  EAST, 330.0 FEET TO THE POINT OF BEGINNING.



September 9, 2016

NOTIFICATION LETTER

To Whom It May Concern:

This is to notify you that the City of Sedalia Planning and Zoning Commission will be holding a public hearing in the City of Sedalia's Council Chambers of the Municipal Building, 2nd Street & Osage Avenue, Sedalia, Missouri to consider a Special Use Permit for the following described tract of land:

PROPERTY ADDRESS: 850 LAMM DR, SEDALIA, MO

3.37 ACRE TRACT: BEGINNING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 45 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, PETTIS COUNTY, MISSOURI; THENCE SOUTH 04°12'13" WEST, ALONG THE RANGE LINE, 593.45 FEET; THENCE LEAVING SAID RANGE LINE, SOUTH 64°54'40" EAST, 450.70 FEET; THENCE NORTH 25°05'20" EAST, 65.0 FEET; THENCE SOUTH 64°54'40" EAST, 125.0 FEET; THENCE SOUTH 25°05'20" WEST, 270.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 64°54'40" EAST 445.41 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF LAMM DRIVE; THENCE SOUTH 25°05'20" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND THE PROLONGATION OF SAID LINE, 300.0 FEET; THENCE NORTH 64°54'40" WEST, 445.41 FEET; THENCE NORTH 25°05'20" EAST, 330.0 FEET TO THE POINT OF BEGINNING.

PURPOSE OF SPECIAL USE PERMIT: Construction of a hotel in C-3 Commercial zoning exceeding 35 feet in height maximum. This special permit would only be authorized if the following zoning code change is approved concurrently;

Amending Section 64-44 District C-3 Commercial to read:

(7) Hotels, motels, motor hotels, tourist homes; except any hotel which exceeds 35 feet and 2 ½ stories in height shall not exceed 100 feet and shall not exceed 8 stories in height and shall require a special use permit under Section 64-124.

Amending Section 64-124 Uses; public hearing required to read:

(27) Hotels in district C-3 which exceeds 35 feet and 2 ½ stories in height up to 100 feet in height and 8 stories in height.

The public hearing will be held to consider the Special Use permit for the above described information. The hearing will begin at 5:30 pm on Wednesday, September 21, 2016 and any interested persons or property owners are invited to attend. For any additional information regarding this special use permit, please contact the undersigned at the Municipal Building.

Respectfully,

A handwritten signature in black ink, appearing to read "John Simmons".

John Simmons

Director of Community Development  
(660) 827-3000 x127

## ARTICLE V. - SPECIAL USE PERMITS

Sec. 64-124. - Uses; public hearing required.

Any of the uses in this section may be located in any district by special use permit of the city council, after public hearing, and after recommendation of the planning and zoning commission, under such conditions as to operations, site development, parking, signs and time limit, as may be deemed necessary in order that such use will not seriously injure the appropriate use of neighboring property, and will conform to the general intent and purpose of this chapter. Such uses shall comply with the height and area regulations of the district in which they may be located; except that radio, television and microwave towers and drive-in theater screens may exceed the height regulations.

- (1) Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals or fairgrounds;
- (2) Aviation fields or airports, subject to regulations concerning airports;
- (3) Bed and breakfast establishments;
- (4) Cemeteries, mausoleums or crematories for the disposal of the human dead;
- (5) Drive-in theaters;
- (6) Electric substations;
- (7) Golf driving ranges, commercial or illuminated;
- (8) Gun clubs, skeet shoots or target ranges;
- (9) Hospitals for the insane or feeble minded or alcoholics or drug addicts, or penal or correctional institutions;
- (10) Day care centers in district R-1 or R-2;
- (11) Picnic groves and fishing lakes, including minor and incidental concession facilities for patrons only;
- (12) Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials; provided, that no permit shall be issued until and unless the location, site plan and method of operation, including necessary structures, have been submitted to and approved in writing by the council;
- (13) Refuse dumps;
- (14) Reservoirs, wells, towers, filter beds or water supply plants;
- (15) Residential care centers in district R-1 or R-2;

- (16) Residential schools and/or learning centers;
- (17) Riding stables and tracks;
- (18) Sewage, refuse, garbage disposal plants or sanitary fills;
- (19) Tourist cabins, motels or mobile home courts;
- (20) Wireless communications facilities including cell phone, radio, television and microwave towers per the Uniform Wireless Communications Infrastructure Deployment Act of Missouri (RSMo Sections 67.5090 - 67.5103);
- (21) Buildings and premises for public utility services, or public service corporations, which buildings or uses the council deems reasonably necessary for public convenience or welfare;
- (22) Automobile or trailer sales rooms or yards, other than premises where used vehicles are dismantled;
- (23) Commercial gymnasiums and recreation centers. For all indoor and outdoor sports, meetings and amusements including tennis, indoor and outdoor, miniature golf, billiards (pool), video arcade, basketball, aerobics, volleyball, racquetball, weightlifting, dancing, soccer, boxing, wrestling, swimming, tanning, including minor and incidental concession facilities for patrons only;
- (24) Car cleaning service;
- (25) Commercial ambulance garages and offices.
- (26) Residential or outpatient facilities for the treatment of alcohol and other drug abuse, provided that said facilities shall only be permitted in district C-1, C-2, C-3, M-1 or M-2.

(Code 1969, § 34-18; Code 1982, § 31-18; Ord. No. 7321, § 2, 6-6-1977; Ord. No. 7341, § 6, 8-1-1977; Ord. No. 8006, § 1, 7-16-1984; Ord. No. 8097, § 1, 6-17-1985; Ord. No. 8114, § 1, 8-19-1985; Ord. No. 8128, § 1, 12-2-1985; Ord. No. 8292, § 1, 9-21-1987; Ord. No. 8551, § 1, 11-19-1990; Ord. No. 10285, § 2, 3-16-2015)

Sec. 64-125. - Mobile home park; preliminary development plan required; procedure.

- (a) Construction of a mobile home park within the zoning jurisdiction of the city shall begin only after a special use permit has been granted by the city council, in compliance with this chapter. No such permit shall be granted, however, until a preliminary development plan for the proposed mobile home park has been prepared and submitted by the developer to the planning and zoning commission, and found satisfactory by such commission, and further submitted to the city council with a recommendation for approval.

- (b) Such plan shall be accurately drawn, at a scale acceptable to the public works director, and shall show the following:
- (1) Proposed street and drive pattern;
  - (2) Proposed mobile home spaces and their approximate dimensions;
  - (3) Any existing streets in or abutting the property;
  - (4) Location and size of parking spaces;
  - (5) Location and size of park and playground area;
  - (6) Screening and landscaping;
  - (7) Legal description of the tract;
  - (8) Name of the developer and the firm preparing the plan;
  - (9) North point, scale and date.
- (c) The planning and zoning commission shall, upon submission of three copies of the plan and an application for a special use permit, publish notice and hold a hearing on the proposal, in conformance with this chapter. The decision of the commission to recommend approval or denial of the proposed mobile home park shall be based upon the following criteria:
- (1) The proposed project will be in harmony, in general, with the comprehensive plan of the city;
  - (2) Safe and efficient ingress and egress of vehicular and pedestrian traffic and an adequate level of utility and other services are ensured;
  - (3) A safe and healthful living environment will exist for the occupants of the park.
- (d) Upon hearing and consideration of the project, the planning and zoning commission shall, within reasonable time, submit its recommendation and an endorsed copy of the plans to the city council for final action.
- (e) After 24 months from the date of approval of a special use permit by the city council, if the mobile home park is not improved in accordance with the plans to the extent that utilities, surfaced drives and occupied mobile home spaces exist over at least 20 percent of the area of the approved park, the special use permit shall expire, and further development and additional occupancy of the park shall be prohibited. All mobile homes shall be removed within six months of the date of expiration of a special use permit. The owner or his agent may apply for a new special use permit in the case of expiration or cancellation under procedures set out in this chapter.
- (f) The fee for issuance of the permit shall be as set forth in the city fee schedule.

(Code 1969, § 31-34; Code 1982, § 18-21)

## Sec. 64-44. - District C-3, commercial.

- (a) *Purpose/intent.* The commercial district is intended for the development of commercial services primarily in a suburban or highway commercial context. This district is primarily associated with the commerce corridor and employment areas identified in the Sedalia Master Plan.
- (b) *Use regulations.* In district C-3, commercial, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses:
- (1) Any use permitted in district C-2;
  - (2) Automobile, boat, truck or trailer rooms or yards provided no dismantled vehicles or parts are stored or displayed outside the building;
  - (3) Automobile repair garages; provided, that no repair operations or storage of parts of dismantled vehicles takes place outside the building;
  - (4) Automobile washing; provided, that the plot plan shall be approved by the city council, after report of the public works director relative to adequacy of backup space and other possible conflicts with street traffic and neighboring property;
  - (5) Feed stores;
  - (6) Miniature golf courses; provided, that any floodlights shall be directed away from adjoining residence districts;
  - (7) Motels, motor hotels, tourist homes;
  - (8) Sale of lawn ornaments, ornamental iron, ornamental fences;
  - (9) Plumbing, heating and air conditioning shops; provided, that no equipment or material is stored on the premises in the front or side yards;
  - (10) Pop bottling plants;
  - (11) Rental stores;
  - (12) Sale and maintenance of farm equipment;
  - (13) Storage in bulk of, or warehouse for, such materials as are incidental to sale on the premises or permitted in this subsection (a);
  - (14) Retail sale of LP gas; provided, that installation of all equipment is in compliance with the state LP gas law; and further provided, that no tank used as a container of LP gas shall be located closer than 100 feet to a property line or to an existing dwelling or to a district R-1 to R-3 inclusive;
  - (15) Accessory uses customarily incident to any of the uses in this subsection (a).



For exceptions see section 64-124, pertaining to special use permits; section 64-152, pertaining to nonconforming uses; and division 14 of article VI of chapter 2, pertaining to powers and duties of the board.

(c) *Height and area regulations.* In a district C-3 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows; provided, that buildings erected exclusively for dwelling purposes shall comply with the front, side and rear yard requirements of district R-3.

- (1) *Height.* Same as district C-1.
- (2) *Front yards.* Same as district C-1.
- (3) *Side yards.* Same as district C-1.
- (4) *Rear yards.* Same as district C-1.
- (5) *Width of lot.* Same as district C-1.
- (6) *Lot area per family.* Same as district R-3.
- (7) *Parking regulations.* See section 64-155.

For exceptions see section 64-154, pertaining to height, area and fencing exceptions.

(Code 1969, § 34-14; Code 1982, § 31-14; Ord. No. 10285, § 2, 3-16-2015)

Editor's note— Ord. No. 10285, § 2, adopted March 16, 2015, amended and renumbered former § 64-43 as new § 64-44.

CITY OF SEDALIA  
PLANNING & ZONING COMMISSION  
MINUTES SEPTEMBER 7, 2016  
COUNCIL CHAMBERS, MUNICIPAL BUILDING

PRESENT:

JIM NORTON  
KEVIN WADE  
JEFF LEEMAN  
BRENDA ARDREY  
STEPHEN GALLIHER  
ANN RICHARDSON  
CONNIE MCLAUGHLIN  
GEORGE ESSER  
TERESA MCDERMOTT

ABSENT:

DAN ALBERT  
GREGORY NEHRING

STAFF PRESENT:

ANNE GARDNER  
JOHN SIMMONS  
ANDY BURT  
JILENE STREIT

**PLANNING AND ZONING MEETING**

The Planning and Zoning Meeting was called to order at 5:30 p.m. Roll call was taken, a quorum was present.

Open of the public hearing for rezoning of 420 W 16<sup>th</sup> Street. Jason VanNatta of VanNatta Fabrications was available for the hearing. He presented a presentation regarding his vision of the building and continuing his business. He closed on the building August 24, 2016. It is a 5,000 sq ft building and perfect for his existing business. The building is fully air conditioned & heated. No one outside the building can hear any noise. There is no room outside to store anything and he wouldn't want his products outside anyway. There will be a paint booth and no paint fumes exiting the building. He makes products that are delivered to different states. He would like to get more into make his products and selling locally. He believes this building and his business will be an asset to the neighborhood. They make wall signs, trophies for car shows, etc... Mr. VanNatta said he's been doing business for 13 years.

No one available in the audience for opposition.

Public hearing closed at 5:55 pm.

### **Approval of Meeting Minutes:**

Without discussion George Esser made a motion, seconded by Jeff Leeman to approve the meeting minutes from the May 4, 2016 meeting. **The motion carried.**

### **New Business:**

#### **402 W 16<sup>th</sup> Street rezoning**

Chief Building Official, Andy Burt presented the Staff Review. He wants to point out, when you rezone a piece of property it's not necessarily the use that is going to happen right now, it's any use that could happen when you rezone after that. Their use right now may not be very impactful to the neighborhood, it's the uses that could come 20 years from now that would have detrimental impact to that neighborhood. Please keep that in mind. Some of those uses would be: auto repair garages, auto washing, feed store, plumbing, heating & ac shops. Some of those would be detrimental to that area. Few other things, referring to the Comprehensive Plan, that area is targeted for stabilization, which means that they want to keep it as it is. Changing to C-3 would be moving it up to a category that's not intended through our Comprehensive Plan. Speaking for the staff, we don't have a problem with what he is wanting to do and we think it's a good project and good business for the city and just not sure rezoning would be the appropriate step to take long term for that neighborhood. I believe Anne is looking at some other options. Anne stated a few items available for C-3, you can put a hotel there, but that would not be feasible in that area. If the commission is inclined to want to grant the rezone to allow Mr. VanNatta's business than we need to restrict that the other uses cannot occur there. You can grant and limit it to the type of business that Mr. VanNatta has, that will restrict him later than when he expands and wants to sell the building the only C-3 they can have is what you was doing prior.

Mayor Steve Galliher indicated he would like Mr. VanNatta to be able to have his business in this location, and bring business into town and bring tax dollars to the City. We could put the restrictions on it and allow him to have the business in town.

Jeff Leeman wanted to know if the restrictions could be reversed if he decided to sell the building? Anne G. said if he expands so much that he may want part of his operation to remain in this location or could sell to someone that would do the same type of work.

Teresa McDermott wants to know if there can be an option 2? Ann Richard doesn't want to make the restrictions so tight that we can't do anything. He has looked at the Pettis County Ambulance District building that is downtown and would like to move there one day. Without knowing the zoning of the property he doesn't want to assume anything. Having 2 shops in the Sedalia area would be great. Maybe to have 1 building to have the show vehicles & 1 building to do the work out of.

Jeff Leeman wanted to make sure that nothing will be stored outside. Mr. VanNatta said no, and Anne also indicated it's not allowed in C-3 zoning.

Connie McLaughlin wanted to know if there was any C-3 zoning in that area? Anne G. indicated there is C-1 & C-3 within blocks of this location on 16<sup>th</sup> but none in the residential area.

Steve Galliher made the motion that we rezone this property to the C-3 zoning with restrictions.

Anne G. read through the C-3 listing. Brenda Ardrey wanted to be clear that a storage of stuff meant nothing that is chemical based. Anne G. indicated that we could eliminate some of the more uses that would not apply and they would be in the draft of the ordinance that will go to Council.

Jeff wanted to know if he would be opposed if we do the C-3 with restrictions that when you decide to sell that it would go back to the C-1? Just wondering if that would be beneficial for selling? Jason said it didn't matter to him. Mayor Galliher said that if it was rezoned & to reverted back to what it is now, the new owners could re-petition for the zoning. Anne G. said it wouldn't be tied to a time frame, it will change when the property is sold or transferred. That would be part of the motion. Anne G. indicated the re-zoning would be made for what Mr. VanNatta wants to use it for currently and if it's sold or transferred it would go back to re-petition for a zoning change.

Mayor Galliher made the motion. Anne Richardson seconded the motion. All approved. 9-Yes and 0-No.

With no further discussion the public hearing was closed at 6:15 pm.

This item will go to the City Council on September 19, 2016.

With no other business the Commission adjourned at 6:20 pm.

Submitted by:  
Jilene Streit  
George Esser, Chairman  
(Meeting recorded)