

DATE: FEBRUARY 5, 2014

TO: PLANNING & ZONING COMMISSION MEMBERS

FROM: ANDY BURT

RE: PLANNING & ZONING MEETING, FEBRUARY 12, 2014

Please be notified of a meeting of the Planning & Zoning Commission scheduled for 5:30 pm on Wednesday, February 12, 2014 to be held in the Council Chambers of the Municipal Building.

The Commission will be discussing the application for re-zoning of address 412 - 418 W Henry Street, Sedalia, MO.

Enclosed in this packet you will find copies of the minutes from the Planning & Zoning Meeting on January 8, 2014, the re-zoning application, letter from the applicant, drawings/pictures of the Hospice House in question, the Staff Recommendation and also a copy of the policy of the zoning changes.

Thank you.

**City of Sedalia
Planning & Zoning Meeting
Wednesday, February 12, 2014
Council Chambers Municipal Building
5:30 p.m.**

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Meeting Minutes**
- 4. Old Business**
- 5. New Business**
 - Re-zoning 416, 418 & 420 W Henry, Sedalia, MO
- 6. Miscellaneous Items**
- 7. Adjourn**

CITY OF SEDALIA
PLANNING & ZONING COMMISSION
MINUTES JANUARY 8, 2014
COUNCIL CHAMBERS, MUNICIPAL BUILDING

PRESENT:

BILL BECK
GREGORY NEHRING
GEORGE ESSER
JIM NORTON
LAVERA SCHMITT
CONNIE MCLAUGHLIN
DAN ALBERT

ABSENT:

CHRIS PATTON
WILEY WALTER
TERRI MCDERMOTT
ELAINE HORN

STAFF PRESENT:

GARY EDWARDS
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.

Approval of Meeting Minutes:

Without discussion Greg Nehring made a motion, seconded by Connie McLaughlin to approve the meeting minutes from the December 3, 2013 meeting. **The motion carried.**

Old Business:

310 S Harrison St, Sedalia, MO

Andy Burt reported that the Ordinance from 1983 was pulled from the files indicating the location be zoned to an R-1. The Staff recommendation is still the same that the application be approved. Bill Beck made the motion to approve, Greg Nehring seconded the motion. The voting is as follows: B. Beck – YES, D. Albert – NO, C. McLaughlin – NO, L. Schmitt – YES, G. Nehring – YES, G. Esser – NO, J. Norton – NO. With 3-YES and 4-NO this item will go to the City Council on Tuesday, January 21, 2014.

Miscellaneous Items:

John Simmons reported that the 908 Ruth Ann Drive information that was brought forth at the December 4, 2013 meeting has been put on hold. John explained to them there was a petition in the

neighborhood that is strongly opposed to the auto based business being in residential. They asked John to pull their application until further notice and may or may not re-present the issue.

Bill Beck made the motion to adjourn from the regular Planning & Zoning meeting to the Public Hearing. Greg Nehring seconded the motion. **The motion carried.**

The regular Planning & Zoning meeting adjourned at 5:40 pm.

Public Hearing:

The information for the public hearing includes, the manufacturing of armor piercing projectiles.

Mr. Patrick Daly from Sierra Bullets was present to explain the issue. Approximately 10 years ago the United States Government came to Sierra Bullets and asked them to produce a very peculiar type of bullet, Army Piercing Projectile, that was not available in the United States. We have been working on the project for quite some time and at this point we are prepared to manufacture and sell the product. The Alcohol Tobacco and Firearms (ATF) requires Sierra Bullets to procure a Class 10 ATF License, which is titled to manufacture of dangerous devices. The bullet itself is designed to penetrate armor and basically no material considered as hazard or explosives. In order to obtain the Class 10 ATF License, Sierra has to be zoned appropriately.

The City Attorney, Anne Gardner, pointed out at the time of advertised she was under the impression that Sierra Bullets had a Federal Government contract and made that a part of the Zoning Code Amendment and they do not. So the phrase that reads "with a federal or state government contract" will need to be deleted in the final version. This Zoning Ordinance Amendment is specific to the Sierra Bullet situation. Sierra does not have a contract with the Government due to they are not making the ammunition, only the component of ammunition so Sierra Bullets will be the sub-tier contractor. This type of bullet is not available for the public, only the military.

Chairman George Esser closed the public hearing and called the Planning and Zoning Meeting back to order at 5:45.

Greg Nehring made the motion to approve the ordinance as amended by Ms. Gardner. Connie McLaughlin seconded the motion. B. Beck – YES, D. Albert – YES, C. McLaughlin – YES, L. Schmitt – YES, G. Nehring – YES, G. Esser – Yes, Jim Norton – YES. **The motion carried.**

John Simmons introduced Dave Knopick, as he is the one that is working on the Comprehensive Plan update. He has been working very diligently and will be bringing you the amended Comprehensive Plan in a few months.

With no other business the Commission adjourned at 5:45 pm.

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

APPLICATION FOR AN
AMENDMENT TO THE ZONING DISTRICT MAP

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

DO NOT WRITE IN THIS SPACE	
Date of Public Hearing	_____
Date Submitted	_____
Date Advertised	_____
Date of Mailing	_____
Checked By	_____
Receipt No.	_____
Commission Action	_____
Council Action	_____

- Applicant's Name NORMA L. Poindexter
- Applicant's Address 1106 Sugar Springs Dr. SW Marietta Ga 30008
- Telephone Number (Home) 770-919-0504 (Business) 404-630-3520
- Present Zoning _____ Requested Zoning _____
- Legal Description of property requested to be rezoned, with street address or location:
412 - 420 West Henry St.
Lots 6, 7, 8, 9, 10 Block 24
- Area of subject property, square feet and/or acres each Lot 50x100 ft
- Present Use of subject property empty lots
- Desired use of subject property HOSPICE HOUSE
- What is the present use of the adjoining properties?
North _____
South land East home family West land
- How can you justify the proposed zoning change? (To answer this question, see Page 1, Item 2)
- Time schedule for development MAY 2014 - SEPT 2014
- Is property in a flood plain district? If yes, please indicate applicable FEMA Map applicable zone N/A
Has base flood elevation been established? _____
If yes, please explain how such elevation was determined. _____
- Public Utilities available at site: Sewer yes --at 412 - 420 W. Henry St
at _____ Water _____
Natural Gas yes --at all lots
at _____ Electric _____
- Exhibits furnished emailed to Ms. Streit
- Norma L. Poindexter 1106 Sugar Springs Dr. SW Marietta Ga. 30008
Signature of Applicant Address of Applicant
- Relationship of applicant to property: Owner Agent
- Other _____
(Explain)

RECEIVED
DEC 09 2013

BY: _____

RECEIVED
DEC 09 2013

December 3, 2013

Sedalia City Planning & Zoning Commission,

I am requesting a rezoning of the property at 412-420 West Henry Street to be developed into a home which cares for Hospice patients who are terminally ill and has been diagnosed to live 30 days or less. The mission of the home will be to provide the patient and the family with a peaceful and serene atmosphere to transition from this earth. The facility will provide an environment that allows the family to be with their loved one day and night with the option to leave and know their loved one is being cared for.

I am registered nurse (RN) with 36 years experience in trauma, emergency, medical, pediatrics, and nursing home experience. I currently live in Marietta, Georgia but was raised in Sedalia and graduated from State fair Community College with an Associate degree in nursing. I am an assistant director in the intensive care unit (ICU) at Grady Health Systems in Atlanta. I have since received my Master's degree in nursing education and currently in a doctorate of nursing practice (DNP) program out of Chatham University, Pennsylvania to graduate in August of 2014. I have other nurses (family members) who will be helping me run this facility.

Hospice House Shalom, its name, will provide the Sedalia community with a much needed facility that will service the whole city. This home will be a stepping stone to help families care for their loved ones in the last days of their lives. Everyone is not able to take their loved ones home and care for them without it interfering with the activities of daily living. The home will be located in an area of town that can provide peace and serenity plus comfort.

Thanks so much for your consideration.

Respectfully,

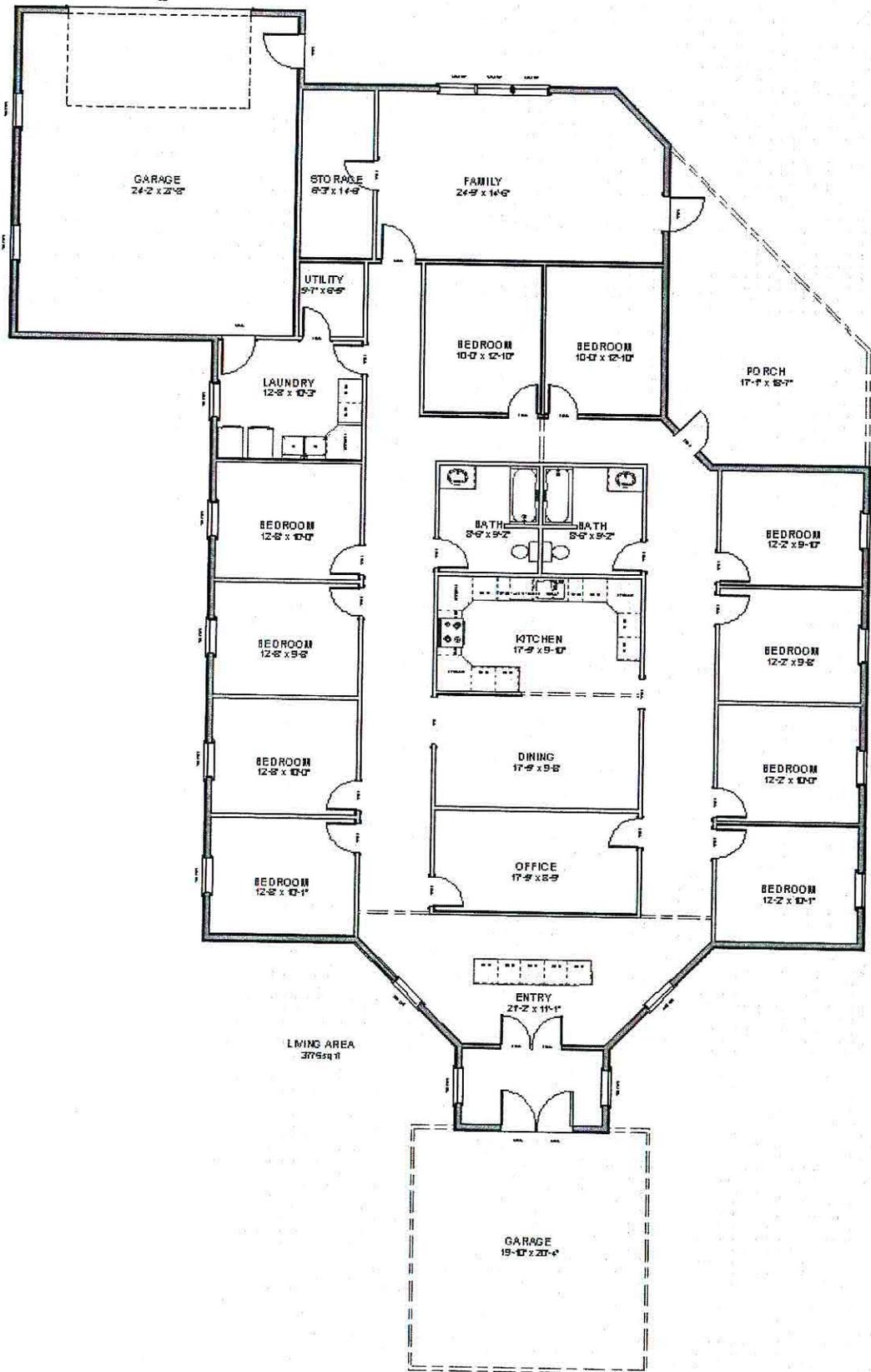
Norma Gravitt-Poindexter MSN RN CCRN

1106 Sugar Springs Dr SW

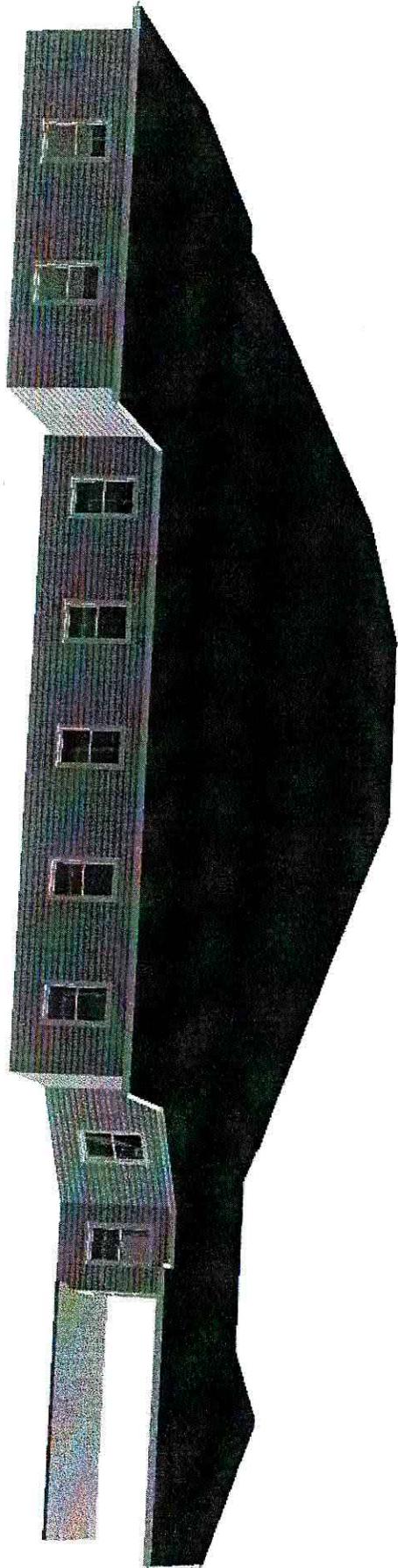
Marietta, Georgia 30008

770-919-0304(H) or 404-630-3520 cell

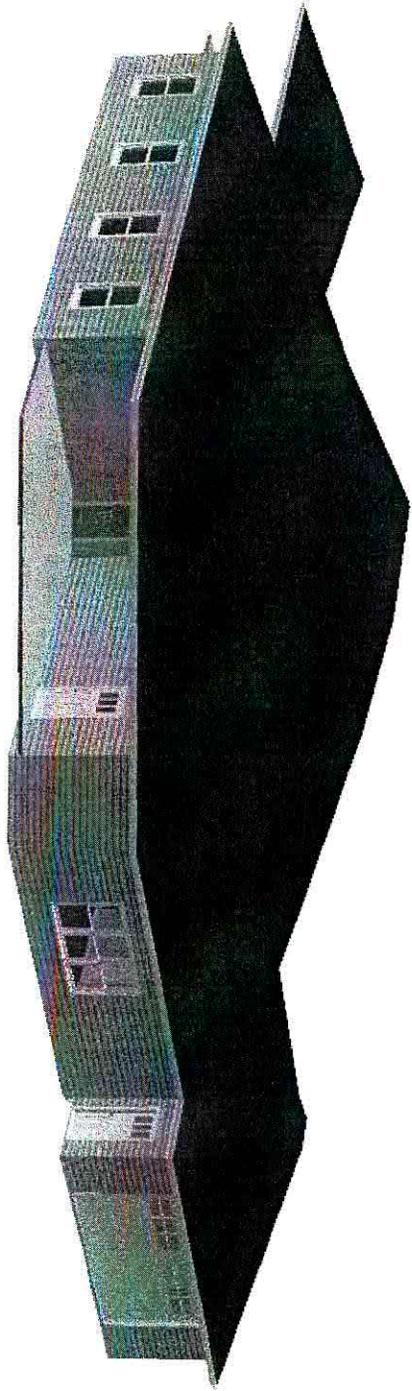
410-420 W. Henry



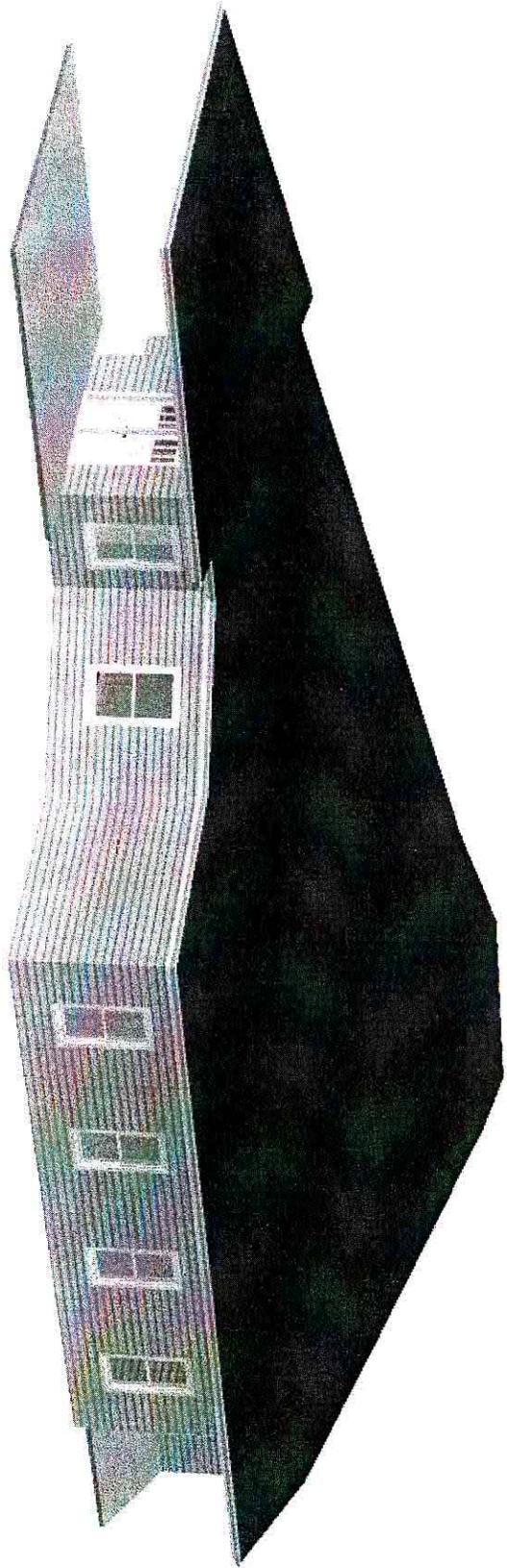
Outside Front



Back Corner



Othe Book Corner





Applicant: Norma L. Poindexter, 1106 Sugar Springs Drive, Marietta, GA 30008

Subject Property Location: 412-420 West Henry Street, Sedalia, MO 65301.

Description of Request: Requesting zoning change from R-1 Single Family Residential to R-3 Apartment House District

Staff Review: I have attached a copy of the policy that has been adopted by the City of Sedalia Planning & Zoning Commission in regards to rezoning applications. The policy states that no proposed zoning amendment will receive favorable recommendation unless:

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories. *This rezoning request would create a R-3 Apartment House District surrounded by R-1 Single Family Residential. Considering the proximity to Lincoln Hubbard this would be an appropriate complementary category, and would be consistent with the current Comprehensive Plan as outlined below in 5.*
2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. *The rezoning of this property would allow for development and productive use of currently empty property.*
3. There is convincing demonstration that all uses permitted under the proposed district classification be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) *The rezoning of this property would allow for development and productive use of currently empty property and is appropriate for the area.*
4. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. *There is no convincing evidence that any use permitted in the proposed change would adversely affect the neighborhood.*
5. The proposed change is in accord with the comprehensive plan and sound planning principles. *The City of Sedalia Comprehensive Plan of 2008 identifies this area for future urban development pattern. Urban Residential development allows for medium and high density residential patterns such as single family, duplex, townhomes, stacked flats, and apartment buildings with a density of 7-10 units per*

acre. The intended and planned future use of this structure would be consistent with the comprehensive plan. The Comprehensive Plan of 2008 also designates this area for Re-Establishment. The goal of Re-Establishment is to gain re-investment in and to re-establish the built environment. Re-Establishment typically occurs in the form of Infill Development.

The adopted policy further outlines a “check list for zoning” that will be used when considering each application for zoning change. The check list is as follows:

1. Is the rezoning request in line with the City Plan and its land use recommendations? *See 5. Above*
2. Would approval of the rezoning request conform to present and future traffic considerations? *Current and future residential traffic would not be a concern.*
3. If there is a need for additional land space to be zoned as requested, should the rezoning be done only in the areas requested or would the public interest be better served if the rezoning were done in other areas of the city? *Future zoning changes for additional land will be addressed in the update to comprehensive plan and zoning regulations.*
4. Would granting of the rezoning request adversely affect property values of adjacent land owners to an unreasonable degree? *It would be a neutral or positive affect on property values.*
5. Could adequate parking space be provided in accordance with the requirements of the zoning district classification into which this rezoning request would be place? *No site plan was submitted to indicate number of parking spaces to be provided. Parking requirements are as follows: One parking space for each two (2) beds and for each two (2) employees and staff doctors. Such parking shall be on the premises.*
6. Would this rezoning request place undue hardships on adjacent land owners, such as noise, odor, dust, lighted display signs, or other nuisances? *No*
7. Would this rezoning request raise legal questions such as spot zoning, violations of precedents, or rule of “reasonableness”? *Spot zoning is defined as a single property or small area that should not be singled out for benefit, usually to the exclusion or detriment of others and that no property should be rezoned out of context with the surrounding zoning and uses. As the property would continue to be used for residential the rezoning to R-3 Apartment House District would be an acceptable complementary category to the surrounding R-1 Single Family Residential and would be consistent with our current comprehensive plan.*
8. Does this rezoning request appear to be “speculative” in nature? *No. Speculative is defined as theoretical rather than practical.*

9. If the rezoning request were granted, would the necessary utilities, such as transportation, rail, truck, air, water, sewer, electricity, telephone, or gas be available to serve the purpose intended? *Yes*
10. Could the Commission suggest other areas for this use which would eliminate the proposed necessity for this rezoning? *Possibly, no research was conducted to determine suitable sites that might be available for this purpose.*

Staff Recommendation:

Staff recommends the application for rezoning be approved contingent upon required parking information be submitted and a site plan showing adequate parking be approved prior to recommendation being submitted to City Council for approval.

Should you have any questions or concerns regarding this advisory or the request described herein, please do not hesitate to call me.

Submitted by: Andrew S. Burt, Chief Building Official
(660) 827-3000 ext. 148



February 5, 2014



CITY OF SEDALIA

Planning and Zoning Commission

The following policy is adopted by the City of Sedalia Planning and Zoning Commission in order to alert the public to the tests which will be applied to rezoning applications and in an effort to minimize time spent by the Commission in consideration of such zoning changes. It is based on clear and unequivocal court guidance as to what is and is not legal.

No proposed zoning amendment will receive favorable recommendation unless;

- 1) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- 2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- 3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- 4) There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- 5) The proposed change is in accord with the comprehensive plan and sound planning principles.

The purpose of Zoning is to promote the health, safety, morals and the general welfare of the community. The Planning and Zoning Commission must bear in mind that the issue before them is "What is best for the people in the community" and never the loss to a particular individual.

Zoning regulations are made in accordance with a comprehensive plan. Such regulations are uniform for each class or kind of buildings throughout each district but may differ from district to district. The regulations are designed to:

- a) Lessen congestion in the streets;
- b) Secure safety-from fire, panic, and other dangers;
- c) Promote health and the general welfare;
- d) Provide adequate light and air;
- e) Avoid undue concentration of population;
- f) Preserve features of historical significance
- g) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- h) Conserve the value of buildings;
- i) Encourage the most appropriate use of land throughout the municipality.

The following "check list for zoning" will be used when considering each application for zoning change:

- 1) Is the rezoning request in line with the City Plan and its land use recommendations?
- 2) Would approval of the rezoning request conform to present and future traffic considerations?

- 3) If there is a need for additional land space-to be zoned as requested, should the rezoning be done only in the areas requested or would the public interest be better served if the rezoning were done-in other areas of the city?
- 4) Would granting of the rezoning request adversely affect property values of adjacent land owners to an unreasonable degree?
- 5) Could adequate parking space be provided in accordance with the requirements of the zoning district classification into which this rezoning request would be placed?
- 6) Would this rezoning request place undue hardships on adjacent land owners, such as noise, odor, dust, lighted display signs, or other nuisances?
- 7) Would this rezoning request raise legal questions such as spot zoning, violation of precedents, or rule of "reasonableness?"
- 8) Does this rezoning request appear to be "speculative" in nature?
- 9) If the rezoning request were granted, would the necessary utilities, such as transportation, rail, truck, air, water, sewer, electricity, telephone, or gas be available to serve the purpose intended?
- 10) Could the Commission suggest other areas for this use which would eliminate the proposed necessity for this rezoning?

The Planning and Zoning Commission is established under Sections 2-583 through 2-593 of the Sedalia City Code. Chapter 64 of the Code covers definitions and implementation of Zoning regulations.