

PLANNING AND ZONING COMMISSION MINUTES
JUNE 27, 2023

The Planning and Zoning Commission met Tuesday, June 27, 2023, at 5:30 p.m. in the Council Chambers in City Hall, 18 East 4th Street, Fulton, Missouri. Chair Joan Berry-Morris called the meeting to order at 5:30 p.m. Roll call was noted by the City Clerk, and the members present were: Lewis Beaty, Joan Berry-Morris, Michael Eibel, Les Hudson, Ron Oldani, and Jeremy Washington. Brooke Bartlett and Ken McSwain were absent. Also present were Steve Myers, Mayor; Alan Combs, Councilmember; Kyle Bruemmer, City Engineer; Kathie Ratliff, City Clerk; and visitors Gail Pautz, Alice Richmond, Lavore Richmond, Kenneth Vaughn, Minerva Vaughn, Cindy Vann, Janea Danuser, John Pautz, and Beth Snyder.

COMMENTS FROM VISITORS:

There were no comments from visitors at this meeting.

APPROVAL OF MINUTES:

Motion was offered by Commissioner Hudson and seconded by Commissioner Oldani to approve the May 23, 2023, minutes as presented.

Motion carried with six members of the Commission voting in favor, and two (Bartlett, McSwain) absent.

PUBLIC HEARING:

Chair Morris declared the hearing open at 5:32 p.m.

Chair Morris said the hearing was being held to determine if the tract of land located at 1801 Business 54 South, containing 18 Acres, running west from Business 54 South to Rice Road in Fulton, Missouri, should be rezoned from the current zoning of R-1, Residential to R-3, Residential.

Chair Morris gave the first call for anyone to speak in favor of the zoning change.

Janea Danuser, 500 E. 3rd, as a representative of businesses in the City and the Chamber, she expressed gratitude for more housing units.

Morris gave the second call for anyone to speak in favor of the zoning change.

Renee Tyler, 1403 Kingswood Dr., spoke as a citizen and talked about the difficulties with trying to find a home in which to live in Fulton. She feels that this would be a good way to increase the number of available houses and help people stay in the area.

Morris gave the third and final call for anyone to speak in favor of the zoning change.

No one responded.

Morris gave the first call for anyone to speak in opposition of the proposed zoning change.

Cindy Vann, 1306 Parkridge Dr., said she appreciates the need for affordable housing, but she is concerned about the increased volume of traffic on Business 54 resulting from the additional homes. She questioned exactly what kind of homes this zoning would permit and what changes this may bring to this area, speaking of concern with past break-ins.

Morris gave the second call for anyone to speak in opposition of the proposed zoning change.

Ken Vaughn, 1824 Rice Rd., stated that he owns half of the lake on this property. He spoke of worry and concern about people becoming injured and what liabilities he may face. He echoed previous statements about traffic as well as crime.

Morris gave the third call for anyone to speak in opposition of the proposed zoning change.

John Pautz, 12706 Myers, Grandview, has property that adjoins the zoning area. He is concerned about the increased traffic and the amount of apartments that will be constructed. He responded that he is not opposed to affordable housing but would prefer more information.

Morris gave the final call for anyone to speak in opposition of the proposed zoning change.

There being no further speakers, Morris closed the hearing at 5:44 p.m.

1801 BUSINESS 54 SOUTH ZONING CHANGE DISCUSSION AND RECOMMENDATION

Chair Morris put the zoning change request, 1801 Business 54 South, to the commission for discussion.

Commissioner Eibel asked City Engineer Kyle Bruemmer for his insight into the project. Engineer Bruemmer reviewed the plan of service. He stated that from his understanding the company intends for each unit to be a triplex built with 3D printing technology.

Chair Morris asked Engineer Bruemmer about the traffic concerns on Business 54. He stated that as far as volume, traffic studies would have to be done by MoDOT since that's not a city street.

Commissioner Washington asked if anyone knew the data for available rental houses in Fulton. According to Chair Morris, CMCA (Central Missouri Community Action) has been working on a housing study. She went on to comment that she feels that finding housing for a non-wealthy working family can be difficult.

Silence followed the discussion as the commission deliberated.

Motion was made by Les Hudson and Seconded by Michael Eibel to approve the zoning change and recommend passage by Council.

Roll call vote of members of the commission was as follows: Lewis Beaty, NO; Michael Eibel, YES; Les Hudson, YES; Joan Berry Morris, YES; Ron Oldani, YES; and Jeremy Washington, NO.

Motion passed with four members of the Commission voting in favor, two members opposed, and two members (Bartlett, McSwain) absent.

OTHER BUSINESS:

There was none.

ADJOURNMENT:

Motion to adjourn was offered by Commissioner Oldani and seconded by Commissioner Hudson, and the meeting adjourned at 5:59 p.m.

Respectfully submitted,



Kathie Ratliff
City Clerk

Clerk Note: Following the meeting, the Clerk reached out to the City Counsel, Tom Riley, for clarification regarding the vote result regarding the question of needing a majority vote to pass the motion forward. This is the legal review and advice provided:

Having reviewed the City Charter, Code, Zoning Statutes, and caselaw

I think the P&Z's vote constitutes a recommendation to the city council so the council can move ahead with its meeting. There is nothing in the Code, Charter, or Statutes that says that the P&Z can only make a recommendation if a majority of the entire commission votes in favor. There is also nothing specific about what constitutes a quorum or a majority vote in these situations. So, relying on general municipal or corporate law, the commission has the requisite number of members (at least 7), a majority of the commission (at least 5 of the 8) would constitute a quorum, and the majority of members present at a valid meeting with a quorum constitutes the action/recommendation of the commission. Here, that's what you have.

Thomas K. Riley
Riley Stingley Brazas P.C.