

NOTICE OF OPEN MEETING
AGENDA
PLANNING AND ZONING COMMISSION
City of Moberly
City Council Chambers – Moberly City Hall
101 West Reed Street
March 27, 2023
6:00 PM

Date/ time posted

I. Roll Call

II. Approval of Agenda

III. Approval of Minutes

1. Approval of the February 27, 2023 Planning and Zoning meeting minutes.

IV. Public Hearing Items

2. Notice of Public Hearing for a zoning change application submitted by Devin Snodgrass on behalf of Robert Haug from an R-2 (1&2 Family Residential District) to An R-3 (Multi-family Dwelling District) for property located at 900 N. Moulton St.

3. Notice of Public Hearing for a site plan review submitted by Devin Snodgrass on behalf of Robert Haug to build a Tri-Plex Apartment building located at 900 N. Moulton St.

4. Notice of Public Hearing for a text amendment application submitted by City of Moberly in Article III, Section 118 on permitted use of Shipping Containers

5. Notice of Public Hearing for a text amendment application submitted by City of Moberly in Article III, Section 46-118 on Shooting Range.

V. Other Business

VI. Adjournment

The public is invited to attend the Planning and Zoning and Work Session meetings. Representatives of the news media may obtain copies of this notice by contacting the City Clerk. If a special accommodation is needed as addressed by the Americans with Disabilities Act, please contact the City Clerk twenty-four (24) hours in advance of the meeting.

MINUTES OF PUBLIC HEARING
February 27, 2023
6:00 P.M.

The Planning and Zoning Commission for the City of Moberly met on Monday, February 27, 2023 at 6:00 p.m. in the Council Chambers of City Hall. The meeting was called to order by Chairperson, Sam Tadrus.

Members Present: **Bob Riley**
 Gary Duncan
 Sam Tadrus
 Don Burton
 Connie Asbury
 Austin Kyser
 Howard Miedler
 Lorna Miles

Members Absent: **Rich Duley**
 Jerry Jeffrey
 Lisa Vanderburg

City Staff Attending: **Aaron Decker, Building Inspector**
 Carla Beal, Administrative Assistant

Visitors: **Ivan Thomas**
 Shane Thomas
 Jeff Bryson
 Jesse Schroder

A roll call was taken, and eight (8) members of the Commission were present, with three (3) members absent.

Sam Tadrus asked if everyone had reviewed the February 27, 2023 agenda. Connie Asbury made a motion to approve the agenda. Howard Miedler seconded the motion. Agenda was approved.

Sam Tadrus asked if everyone had reviewed the January 30, 2023 minutes. There were no changes.

Sam Tadrus read the second item on the agenda; a for a text amendment application submitted by City of Moberly in Article III, Section 118 on permitted use of Storage Containers.

Sam asked if there was anyone present to answer questions on this item. Aaron Decker took the mic and explained that there had been several people inquiring about using storage container for storage at their residence. Bob Riley stated he thought we should use a different term as a storage container could be a rubber maid contain. He suggested they be referred to as shipping containers. Lorna Miles asked would they be placed on a concrete base. Aaron stated on blocks or ties or skids. Sam Tadrus stated he did not feel sitting on blocks would like very nice. There was a brief discussion.

Sam asked if there was anyone in the audience with questions, there being none, Bob Riley made a motion to take it back to staff for clarification. Austin Kyser seconded the motion. The motion was approved.

Sam Tadrus read the third item on the agenda; a text amendment application submitted by City of Moberly in Article III, Section 46-118 on Shooting Range. Sam asked if there was anyone present to answer questions on this item. Aaron Decker took the mic and explained this would be all inclusive in M-1 only for outdoors range. Austin Kyser stated he did not feel outdoor shooting ranges should be allowed within the City limits. Don Burton stated he thinks we would need to check with the Bureau of Alcohol, Tobacco, Firearms and Explosives. There was a brief discussion.

Sam asked if there was anyone in the audience with questions, there being none, Bob Riley made a motion to take it back to staff for clarification. Lorna Miles seconded the motion. Austin Kyser abstained. The motion was approved.

Sam read the fourth item on the agenda; a text amendment application submitted by City of Moberly in Article III, Section 46-138 on Age Restrictions for Manufactured Homes. Aaron Decker stated several of the Mobile Home Parks had change ownership recently and the new owners proposed the 10-year-old limit on mobile homes being brought into a park was limiting the trailers they could bring in. The mobile home park owners propose that the age be moved to 25 years old and have the City review and inspect them. There was a brief discussion.

Sam asked if there was anyone in the audience that would like to speak on this. Shane Thomas came to the podium and explained he remodels older trailers and resells them. He stated he would bring them up to code requirements. Austin Kyser asked if the date would be updated on the trailer. Shane explained the date was on the frame of the trailer and HUD can produce documents to show the updates. Jeff Bryson stated he thinks 25 years is excessive. There was more discussion.

Sam asked if there was anyone in the audience with questions, there being none, Austin Kyser made a motion to take it back to staff for clarification. Bob Riley seconded the motion. The motion was approved.

Sam read the fifth item on the agenda; a text amendment application submitted by City of Moberly in Article II, Section 46-82 on Manufactured Home Park Residential District. Sam asked if there was anyone present to answer questions on this item. Aaron Decker took the mic and explained that in the 2021 code adoption Tiny Homes were referenced. Aaron stated they could be allowed in a mobile home park. Lorna asked if they would be

allowed in R-1 and R-2 districts. Aaron stated no because of the size limits. Shane Thomas stated he thought they should only be in RV parks. There was a brief discussion.

Sam asked if there was anyone in the audience with questions, there being none, Austin Kyser made a motion to approved this request. Lorna Miles seconded the motion. The motion was approved.

Sam read the sixth item on the agenda; a text amendment application submitted by City of Moberly in Article III, Section 118 on Short Term Housing Rentals. Sam asked if there was anyone present to answer questions on this item. Aaron Decker took the mic and explained the City is short of housing due to the loss of the Moberly Inn. Austin stated he did not think it was right to allow it in R-2 district and not allow in R-1 district. There was a brief discussion.

Sam asked if there was anyone in the audience with questions, there being none, he asked if there was a motion and no one made a motion.

Sam Tadrus asked if there was any other business to discuss at this time, there being none, Gary Duncan made a motion to adjourn. Howard Miedler seconded the motion. The meeting was adjourned.

City of *Moberly!*

Memorandum

To: *Planning and Zoning Commission*

From: *Planning Staff*

Subject: *Zoning Application 900 N Moulton St (Agenda Items 2)*

Meeting: *March 27, 2023*

Public Hearing to consider:

Notice of Public Hearing for a zoning change application submitted by Devin Snodgrass on behalf of Robert Haug from an R-2 (One and Two Family Residential) District to an R-3 (Multifamily) District.

Comments:

The proposed zoning change is not in agreement with the future land use map which has the property identified as R-2 One and Two Family District. However, the surrounding property uses are not in agreement with the Future Land Use map either. This proposed use will be residential along with the future land use for that area and is a compatible use of the land with regards to type of use. The proposed property falls short of the required land (10,000 sq ft for Multifamily) by approximately 250 sq ft. This is similar to other property developments that have occurred in this area of town (Ward 1) previously.

The proposed zoning change will help meet the demands of the comprehensive plan which is to provide some dense residential areas and affordable housing. The intended use of the structure is to provide rental units for the community.

City Staff Review:

After visiting with the property owner, it was determined that this request would be a good fit for the neighborhood and use of the land which has been vacant for some time with little to no interest in development until now. City of Moberly staff agrees with the requested land requirement allowance that is proposed with this application to be able to fit a tri-plex apartment building on the lot. This is a good fit for the neighborhood and development in that area.

Re-zoning application approvals do require additional approval by the City Council for acceptance as an ordinance into the Code of Ordinances in Moberly, MO.

Respectfully Submitted
Aaron Decker

CITY OF MOBERLY, MISSOURI
REZONING APPLICATION

Return Form to:
Zoning Administrator
City of Moberly
101 West Reed Street
Moberly, MO 65270-1551
(660) 263-4420
(660) 263-9398 (fax)

For Office Use Only

Deposit: _____
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT INFORMATION:

Applicant: Devin Snodgrass, Outline & Associates Phone: 660.998.4288
Address: 110 N 5th Street, Moberly, Missouri Zip: 65270
Owner: Robert Haug Phone: 970.673.3196
Address: 1358 Overland Ln, Moberly, Missouri Zip: 65270

PROPERTY INFORMATION:

Street Address or General Location of Property: 900 North Moulton Street
Property is Located In (Legal Description): Burkholder's 1st Addition, All of Lot 1 and S 1/2 (25') of Lot 2, Block 3

Present Zoning R-2 Requested Zoning: R-3 Acreage: 0.22

Present Use of Property: Vacant Lot

Character of the Neighborhood: Residential

SURROUNDING LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Non-Residence Structure</u>	<u>R-2 Two-Family District</u>
South	<u>Franklin Avenue / Vacant Lot</u>	<u>R-2 Two-Family District</u>
East	<u>Vacated Alleyway / Single Family Residence</u>	<u>R-2 Two-Family District</u>
West	<u>Rail Line / City Limits</u>	<u>M-1 Industrial District</u>

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would the proposed change create a small, isolated district unrelated to surrounding districts?
Yes No

If yes, explain: "see attached Conceptual Site Plan & Submittal Letter"

2. Are there substantial reasons why the property cannot be used in accordance with existing zoning?
Yes No

If yes, explain: "see attached Conceptual Site Plan & Submittal Letter"

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Is the proposed change consistent with the goals, objectives and policies set forth in the Comprehensive Plan?

Yes No

2. Is the proposed change consistent with the Future Land Use Map?

Yes No

TRAFFIC CONDITIONS:

1. Identify the street(s) with access to the property: North Moulton Street & Franklin Avenue

2. Identify the classification of those street(s) as Arterial, Collector or Local and each Right-of-Way width:

Street Name	Classification	Right-of-Way Width
<u>North Moulton Street, Local Street, 50 ft ROW</u>		
<u>Franklin Avenue, Local Street, 50ft ROW</u>		

3. Will turning movements caused by the proposed use create an undue traffic hazard?
Yes No

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

- | | | | |
|----|-------------------------------------|-----------|--|
| 1. | Appropriately Sized Lots? | Yes _____ | No <input checked="" type="checkbox"/> |
| 2. | Properly Sized Street Right-of-Way? | Yes _____ | No <input checked="" type="checkbox"/> |
| 3. | Drainage Easements? | Yes _____ | No <input checked="" type="checkbox"/> |
| 4. | Utility Easements: | | |
| | Electricity? | Yes _____ | No <input checked="" type="checkbox"/> |
| | Gas? | Yes _____ | No <input checked="" type="checkbox"/> |
| | Sewers? | Yes _____ | No <input checked="" type="checkbox"/> |
| | Water? | Yes _____ | No <input checked="" type="checkbox"/> |
| 5. | Additional Comments: _____ | | |

UNIQUE CHARACTERISTICS OF PROPERTY AND ADDITIONAL COMMENTS:

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Moberly.
3. Certified list of property owners within:
 - A. 185 feet of the property if the proposed PD is located within the city’s municipal boundaries;
 - B. 1,000 feet of the property if the proposed PD is adjacent to the city’s corporate limits.
4. If the proposed zoning requires a special use permit, the rezoning application shall be accompanied by a special use permit application defining the specifically requested use or list of uses.



 Applicant's Signature

02 / 23 / 2023

 Date

Moberly, MO



Legend

- Roads
 - Corporate Limit
 - Parcel
 - Original Lot
 - Stream
 - Subdivision
 - Lots
 - South Ridge Lot Line
 - City Easement
- Zoning
- B-1
 - B-2H
 - B-3
 - B-3(PD)
 - M-1
 - M-P
 - N-1
 - R-1
 - R-1(PD)
 - R-2
 - R-2(PD)
 - R-3
 - R-3(PD)

Notes

Item 2.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

229.7

0

City of *Moberly!*

Memorandum

To: *Planning and Zoning Commission*

From: *Planning Staff*

Subject: *Site Plan Application 900 N Moulton St (Agenda Items 3)*

Meeting: *March 27, 2023*

Public Hearing to consider:

Notice of Public Hearing for a Site Plan application submitted by Devin Snodgrass on behalf of Robert Haug for a tri-plex apartment building located at 900 N Moulton St.

Comments:

In connection to the proposed zoning change to R-3 (Multifamily) District; the proposed site plan was submitted for review to construct an 1800 sq ft building that will be 2 stories and house 3- 900 sq ft units inside of it. This proposed rental property will consist of parking along Moulton St with an allowance for off street pavement in the Right-of-Way space to accommodate the necessary parking spaces. The structure will be a pitched roof with gable ends facing East and West. Sidewalks provided from the doorways to the parking area. Discussion has been started with City Staff about installation of sidewalks along Franklin Ave. This requirement would benefit pedestrian traffic to Morley street while keeping patrons off the narrow streets.

The submission will be compatible with other uses in the area and does not require any additional buffers or screens from adjacent properties. Fire Hydrant located on the corner of Moulton St and Franklin Ave.

City Staff Review:

City Staff agree that the proposed site plan is the best design for the space provided and shall be considered for approval with agreement to include sidewalks along Franklin Ave as part of development.

City staff also reviewed the right of way along Moulton street which is shifted to the east as the railroad is along the west side. This provides an extra wide right of way space along the east which is where the parking lot is desired. City Staff does not see any conflict with allowing the installation of paved surfaces for parking through the right of way space along the east side of Moulton Street.

Site Plan approvals do not require additional approval by the City Council for acceptance in Moberly, MO.

Respectfully Submitted Aaron Decker

CITY OF MOBERLY, MISSOURI
SITE PLAN REVIEW

Return Form To:
Zoning Administrator
City of Moberly
101 West Reed Street
Moberly, MO 65270-1551
(660) 263-4420
(660) 263-9398 (fax)

For Office Use Only
Filing Fee: _____
Deposit: _____
Dated Filed: _____

APPLICANT INFORMATION:

Applicant: Devin Snodgrass, Outline & Associates Phone: 660.998.4288
Address: 110 N 5th Street, Moberly, Missouri Zip: 65270
Owner: Robert Haug Phone: 970.673.3196
Address: 1358 Overland Ln, Moberly, Missouri Zip: 65270

PROPERTY INFORMATION:

Address of Property: 900 North Moulton Street
Legal Description: Burkholder's 1st Addition, All of Lot 1 and S 1/2 (25') of Lot 2, Block 3

Present Zoning Classification: R-2 Acreage: 0.22

Present Use of Property: Vacant Lot

Proposed Use of Property: Zoning Change to R-3 / Tri-Plex Apartment Building

ADJACENT ZONING AND LAND USE:

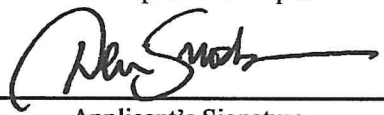
	<u>Land Use</u>	<u>Zoning</u>
North	<u>Non-Residence Structure</u>	<u>R-2</u>
South	<u>Franklin Ave / Vacant Lot</u>	<u>R-2</u>
East	<u>Vacated Alleyway / Single Family</u>	<u>R-2</u>
West	<u>Rail Line / City Limits</u>	<u>M-1</u>

Does the proposed site plan meet the following criteria? If yes, attach a separate sheet explaining why (To be completed by the applicant).	Yes	No
1. Does the proposal conform with the provisions of the City's Zoning regulations?		✓
2. Will the development be compatible with the surrounding area?	✓	
3. Does the proposal conform with the provisions of the City's Subdivision Regulations?	✓	
4. Does the proposal conform to the goals, objectives and policies of the Comprehensive Plan?	✓	
5. Does the proposal conform with the customary engineering standards used in the City?	✓	
6. Are the streets, paths, walkways, and driveways located such that they enhance safety and minimize any adverse traffic impact on the surrounding area?	TBD	
7. Have the proposed buildings, structures, walkways, roads, driveways, open space (if any), and parking lots been located to preserve existing off-site views and create desirable on-site views, conserve natural resources and amenities including prime agricultural land, minimize any adverse flood impact, ensure that proposed structures are located on suitable soils, minimize any adverse environmental impact, and minimize any present or future cost to the City and private providers of utilities in order to adequately provide public utility services to the site.	✓	

9750 Sq Ft
Compared to
10,000 Sq Ft
Required
~ Sidewalks
Needed

ATTACHMENTS REQUIRED:

- A. Site Plan Review Checklist
- B. 10 copies of site plan



Applicant's Signature

02 / 23 / 2023

Date

CITY OF MOBERLY, MISSOURI
SITE PLAN CHECKLIST

Return Form To:
Zoning Administrator
City of Moberly
101 West Reed Street
Moberly, MO 65270-1551
(660) 263-4420
(660) 263-9398 (fax)

For Office Use Only:
Date Filed: _____
Date of Meeting: _____
Filing Fee: _____
Deposit: _____

-
1. Name of Project: 900 N Moulton St
 2. Location of Project: 900 North Moulton Street
 3. Name of Owner: Elevation Solutions, LLC (Mr. Robert Haug)
 4. Name of Person who Prepared the Site Plan: Timothy D Crockett, Crockett Engineering Consultants
 5. Instructions:

The following checklist is to be completed by the Zoning Administrator. The Site Plan shall include the following data, details and supporting information, which are found to be relevant to the proposal. All site plans shall be prepared by an architect or landscape architect registered in the State of Missouri, or by a professional engineer licensed in the State of Missouri. The number of pages submitted will depend on the proposal's size and complexity.

A. Site Plan Content Requirements: Does the Site Plan comply with or show the following?

	<u>Yes</u>	<u>No</u>
1. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Name and address of all owners of record of abutting parcels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The location and use of all existing and proposed buildings and structures within the development, including all dimensions of height and floor area, show all exterior entrances and all anticipated future additions and alterations, and typical elevations and building materials.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Civil Yes
Building No*

- | | <u>Yes</u> | <u>No</u> |
|--|------------|-----------|
| 5. The location of all present and proposed public and private ways, driveways, sidewalks, ramps, curbs and fences. Location type and screening details for all waste disposal containers shall also be shown. | _____ | _____ |
| 6. The location of required parking areas including parking stalls, setbacks and loading and service areas. | ✓
_____ | _____ |
| 7. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties. | ✓
_____ | _____ |
| 8. The location, height, size, materials, and design of all proposed signage. | _____ | _____ |
| 9. A landscape plan showing all existing open space, trees forest cover and water sources, and all proposed changes to these features including the size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas. | ✓
_____ | _____ |
| 10. The location of all existing and proposed utility systems including: | | |
| a. Sewer lines and manholes; | ✓
_____ | _____ |
| b. Water lines and fire hydrants; | ✓
_____ | _____ |
| c. Telephone, cable and electrical systems; and | ✓
_____ | _____ |
| d. Storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swells. | ✓
_____ | _____ |
| 11. Plans to prevent the pollution of surface or groundwater, the erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable. | _____ | _____ |
| 12. Existing and proposed topography shown at not more than two-foot contour intervals. All elevation shall refer to United States Geodetic Survey (U.S.G.S.) datum. No building shall be located in the 100-year flood plain. | ✓
_____ | _____ |

Sidewalks Needed along Franklin Ave

NA

Standard BMPs

Yes No

13. Existing and proposed zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.

14. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site. NA

15. A detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas, if required by the Zoning Administrator, to include:

a. The projected number of motor vehicle trips to enter or exit the site, estimated for daily and peak hour traffic level. NA

NA Not Required by Zoning Admin

b. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and

c. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.

B. Design Standards:

1. Does the building rooftop have at least two of the following features: Parapets concealing flat roofs and roof top equipment; overhanging eaves; sloped roofs; and three or more roof slope planes?

2. Are roof mounted equipment, including ventilators and satellite dishes, screened from view (100 percent opacity) or isolated so as to not be visible from ground level of any adjacent public thorough-fare or residentially-zoned area, up to a maximum of 300 feet away and is the appearance of the roof screens coordinated with the building to maintain a unified appearance? NA

3. Are all electrical and mechanical equipment located adjacent to the building and visible from any adjacent public thoroughfare or residentially-zoned area screened from view (100 percent opacity), up to a maximum of 300 feet away and are such screens and enclosures treated as integral elements of the buildings appearance?

	<u>Yes</u>	<u>No</u>
4. Except for meters, electric and telephone service pedestals, transformers, three-phase feeder lines, subtransmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction, are all telephone and cable television lines, electrical services and distribution lines placed underground?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Are all gas meters in any front yards, located within three feet of the building foundation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the form and proportion of buildings consistent or compatible with the scale, form and proportion of existing development in the immediate area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Pedestrian access shall be an integral part of the overall design of each multifamily, commercial, and industrial development.		
a. Does the pedestrian access provide safe and convenient access to and from off-street parking areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the pedestrian access connect with abutting properties and developments so as to create an alternative means of transportation for residents of the city?	<input type="checkbox"/>	<input type="checkbox"/>
c. Are sidewalks at least 5 feet in width provided along all sides of a lot abutting a dedicated public or private street?	<input type="checkbox"/>	<input type="checkbox"/>
d. Is there a continuous internal pedestrian sidewalk provided from the perimeter public sidewalk to the principal customer entrance(s)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Does the internal sidewalk feature landscaping, benches, and other such materials and facilities for no less than 50 percent of its length?	<input type="checkbox"/>	<input type="checkbox"/>
f. Are sidewalks provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting a public parking areas?	<input type="checkbox"/>	<input type="checkbox"/>

TBD with Franklin Sidewalk

Req'd

NA

Doors to Parking
yes

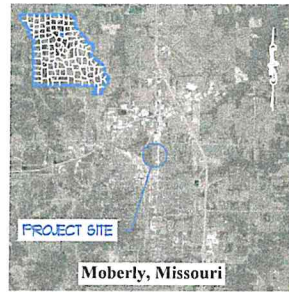
- | | <u>Yes</u> | <u>No</u> |
|--|------------|-----------|
| g. Are sidewalks located at least five feet away from the building facade to provide planting areas for landscaping along the foundation of the building? | ✓ | _____ |
| h. Are internal pedestrian sidewalks distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the sidewalks? | ✓ | _____ |
| 8. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. | | |
| a. Will the buildings have a variation of detail, form, and siting to provide visual interest? | ✓ | _____ |
| b. Are loading docks, trash enclosures, outdoor storage and similar facilities and functions incorporated into the over-all design of the building and the landscaping so that the visual and acoustic impacts of these functions are reduced to as great an extent as possible and are out of view from adjacent properties and public streets? | ✓ | _____ |
| c. Do building facades 100 feet or greater in length incorporate recesses and projections along at least 20 percent of the length of the building facade? | _____ | NA |
| d. Do windows, awnings, and arcades total at least 60 percent of the facade length abutting any public street? | _____ | NA |
| e. Does any building facade 100 feet or greater in length abutting a residential district, have an earth berm of at least six feet in height installed between the building facade and the abutting residential district and is the earth berm landscaped with evergreen trees at intervals of at least 20 feet on center, or in clusters? | _____ | NA |
| 9. Minimum Exterior Building Material Standards: Does a minimum of 50% of each exterior wall consist of one or more of the following materials?: | | |
| a. Masonry: Masonry construction, which includes solid cavity faced or veneered-wall construction, or similar materials. | _____ | _____ |
| b. Glass Walls: Glass walls shall include glass curtain walls or glass block construction. | _____ | _____ |

*Roll
Cast
Service
Planned*

	<u>Yes</u>	<u>No</u>
c. Wood other than exposed plywood paneling.	_____	_____
d. Concrete finish or pre-cast concrete panel (tilt wall) that has exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating.	_____	_____
e. Metal panels with a depth of one inch or more; or a thickness of U.S. Standard 26 gauge or more.	_____	_____

900 N Moulton St

Moberly, Randolph County, Missouri
February 2023



Site Information:

Property Address:	900 North Moulton Street Moberly, Randolph County, Missouri	
Property Owner:	Elevate Solutions, LLC 1358 Overland Ln Moberly, Missouri 65270	
Code in Effect:	IBC 2021, City of Moberly	
Zoning:	Current: R-2, Two-Family Residential District	Proposed Change: R-3, Multifamily Dwelling District
Lot Area:	Current = 0.22 Acres (130ft x 75ft)	
Setbacks:	Front Yard: R-2: 25 feet Side Yard: R-2: 8 feet (15ft Corner) Rear Yard: R-2: 30 feet (20%)	R-3: 25 feet R-3: 7 feet (15ft Corner) R-3: 25ft / 20% Depth
Lot Area Regulations:	R-2 Two-Family = Single Family = 6,000 sf 5,000 sf	R-3 Single Family = 6,000 sf Two-Family = 5,000 sf Multifamily = 10,000 sf or 2,500 sf / Family
Minimum Lot Width:	R-2: Single Family = 60 feet, 75 feet Corner Lots Two-Family = 60 feet, 80 feet Corner Lots Multifamily = 75 feet, 80 feet Corner Lots	R-3: Single Family = 60 feet, 75 feet Corner Lots Two-Family = 60 feet, 80 feet Corner Lots Multifamily = 75 feet, 80 feet Corner Lots
Lot Coverage:	R-2: 40% Max	R-3: 50% Max.
Min. Floor Area:	R-2: 650 sf / Family	R-3: 550 sf / Family
Height Regulations:	R-2: 35 feet	R-3: 35 feet
Proposed Building:	±1,800 sq.ft. Two Story Building (3) 900 sf Units & (1) Garage Unit Slab-on-Grade, Wood Framed, Type 5B, Non-Sprinklered	
Proposed Use & Occupancy:	Triplex Apartment Building (Residential Group R-2)	
Allowable Bldg. Heights & Areas:	2 Stories (40 feet)	7,000 sq.ft. Floor Area
Design Loading:	1 Occupant / 200 sq.ft. = 15 Occupants (5 / unit)	
Exits Required:	1 Exit Required (<50 Oees, <75ft Travel Distance)	
Plumbing Facilities:	Apartment:	WC's = (1) / Dwelling Unit Lav's = (1) / Dwelling Unit Shower = (1) / Dwelling Unit Kitchen Sink = (1) / Dwelling Unit Clothes Washer = (1) / (20) Units
Lot Area Calculations:	Total Lot Area: ± 9,750 sq.ft.	0.22 Acres
	Proposed Building/Str: ± 2,100 sq.ft.	0.05 Acres
	Proposed Paving: ± 605 sq.ft.	0.01 Acres
	Impervious Area: ± 2,705 sq.ft.	0.06 Acres
	Pervious Area: ± 7,045 sq.ft. (72% of Site)	0.16 Acres
Parking:	Required: (2) Spaces / Dwelling Unit	Proposed: (2) Spaces / Dwelling Unit

Site Plan Notes:

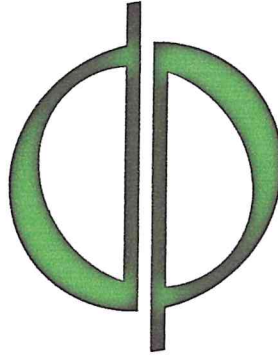
- For reference only, refer to survey (s) filed for record in Randolph County, Missouri prepared by a registered professional land surveyor for all property boundary, easements, utilities, and restrictions. All information shown on this drawing was based off such represented by City of Moberly's Digital Mapping System. All items, whether shown or not, to be field verified, coordinated, and approved by the City of Moberly and/or Utility Provider prior to any work.
- Currently the property consists of a Vacant Lot and slopes from West to East with roughly 8ft in elevation change. No City Street Storm Water Control (Curb/Gutter) is currently adjacent to this property. Streets are aligned with Drainage Ditches and Drive/Street Culverts as shown.
- Streets adjacent to Property do not currently have Sidewalks. Partial Sidewalks do exist in neighborhood however are in disrepair and do not comply with City Standards. It is the intent to not install sidewalks on this property at this time.
- Owner's intent is to install Paved Drive Entrance and sheet drain to adjacent drainage ditch on each side.
- Owner's intent is to have utilize Residential Trash Containers on site behind Proposed Building.
- Owner's intent is to install new Power Supply from adjacent Pole underground to Building as directed by Ameren Missouri and The City of Moberly.
- Any new Gas Service to be coordinated and approved by Ameren Missouri and The City of Moberly.
- Owner's intent is to install new Water Service from adjacent water main as directed by The City of Moberly.
- Owner's intent is to install new Sanitary Sewer Service to adjacent Sewer as directed by The City of Moberly.
- Building to discharge roof drainage at surface in perimeter Landscaping Areas and/or into Rainwater Collection Devices. Proposed New Drive & Parking to drain towards existing Drainage Ditches along Streets.
- Proposed Building to be a Two Story Wood Framed Building with Symmetrical Gable End Roof
- Owner's intent is to install wall-mounted LED Light Fixture(s) to illuminate Drive/Parking/Walk as necessary/required. Proposed Lighting for this project to not have lighting spill to or beyond property lines.



Item 3.



CROCKETT
ENGINEERING CONSULTANTS
1000 W. Nifong Blvd., Bldg. 1
Columbia, Missouri 65203
(573) 447-0292
www.crockettengineering.co
Crockett Engineering Consultant
Missouri Certificate of Authority
#200015101



February 23rd, 2023

Zoning Administrator
City of Moberly
101 West Reed Street
Moberly, Missouri 65270

Re: Submittal Letter for “900 N Moulton St”

Site Plan Checklist Comments & Response:

A. Site Plan Content Requirements: Does Site Plan comply with or show Following?

A.1. Name and Address of the Owner of Record, Developer, and Seal of Engineer, Architect, or Landscape Architect.

Property Owner: Robert Haug
1358 Overland Ln
Moberly, Missouri 65270

Civil Engineer: Tim Crockett, Crockett Engineering Consultants
1000 W. Nifong Blvd., Bldg 1
Columbia, Missouri 65203

Design & Planning Consultant: Devin Snodgrass, Outline & Associates
110 N 5th Street
Moberly, Missouri 65270

A.2. Name and Address of all Owners of Record of Abutting Parcels

Indicated on the Conceptual Site Plan

A.3. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.

Known Property Lines, Easements, and ROW are indicated on the Conceptual Site Plan. Exact Locations are to be verified/established with Survey / Documents of Record.

A.4. The location and use of all existing and proposed buildings and structures within the development, including all dimensions of height and floor area, show all exterior entrances and all anticipated future additions and alterations, and typical elevations and building materials.

Proposed Buildings & Structures along with relative Dimensions, Heights, Areas, and intended Entrances are indicated on the Conceptual Site Plan.

Building Exterior Color Elevations and Renderings to be included in Architectural Documents as part of Permitting Submittal Process.

A.5. The location of all present and proposed public and private driveways, sidewalks, ramps, curbs, and fences. Location Type and screening details for all waste disposal containers shall also be shown.

Proposed Driveways and Sidewalks are indicated on the Conceptual Site Plan.

Residential Waste Disposal Containers are intended to be used and stored out of view.

A.6. The location of required parking areas including parking stalls, setbacks, and loading and service areas.

Proposed Parking and Parking Calculations are indicated on the Conceptual Site Plan.

A.7. The location, height, intensity, and bulb type for all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties.

It is the intent to utilize Wall Mounted Light Fixture(s) on the Proposed Building to illuminate proposed Entrances/Sidewalks/Drives & Parking.

Proposed Exterior Lighting to be included in Architectural Documents as part of the Permitting Submittal Process.

A.8. The location, height, size, materials, and design of proposed signage.

It is the intent to NOT have any exterior signage such as Monuments, Pylons, or Pole Signage for this project.

Exterior Building Signage to be included in Architectural Documents as part of the Permitting Submittal Process

A.9. A landscape plan showing all existing open space, trees, forest cover and water sources, and all proposed changes to these features including the size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas.

It is the intent to construct a Landscape buffer at Perimeter of Building containing Landscape Rock and Shrubs/Bushes/Flowers. Remaining Green Spaces as indicated on the Conceptual Site Plan to consist of Grass & Trees and/or Required Landscaping Drainage Areas consisting of at least 50% living materials.

- A.10. *The location of all existing and proposed utility systems including:*
- a) *sewer lines and manholes*
 - b) *water lines and fire hydrants*
 - c) *telephone, cable and electrical systems*
 - d) *storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swells.*

All known utilities are indicated on the Conceptual Site Plan. Utilities, both Existing and Proposed, are to be Located/Documented/Coordinated and approved with Utility Service Provider and The City of Moberly.

- A.11. *Plans to prevent the pollution of surface or groundwater, the erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.*

Disturbance for Proposed Building, Drive, Sidewalks, and Parking to be less than 1 acre. Proposed Project to not contribute to pollution of water, erosion, run-off, change of water table, or flooding of other properties.

- A.12. *Existing and proposed topography shown at not more than two-foot contour intervals. All elevation shall refer to United States Geodetic Survey (U.S.G.S.) datum. No building shall be located within the 100-year flood plain.*

Topo generated from City of Moberly GIS Mapping data is indicated on Preliminary Development Plan.

No part of this tract lies within the 100-year flood plain as indicated by National Flood Hazard FIRMette 29175C0162C & 29175C0166C effective 05/01/2020.

- A.13. *Existing and proposed zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.*

Adjacent Property Owners, Addresses, and Zoning Classifications are indicated on the Conceptual Site Plan.

- A.14. *Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.*

Indicated on the Conceptual Site Plan.

- A.15. *A detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas, if required by the Zoning Administrator.*

Proposed Project does not intend to affect Traffic Conditions in any way.

A Traffic Study is not intended to be conducted and/or provided for this project unless required by the City of Moberly.

B. Design Standards

General Response: Design Specifics are not established at this time, all information to be included in Architectural and/or Engineering Design Documents as part of the Permitting Submittal Process in which all information has been designed, coordinated, and represented are made available.

B.1. Does the building rooftop have at least two of the following features: Parapets concealing flat roofs and roof top equipment; overhanging eaves; sloped roofs; and three or more roof slope planes?

Proposed Building to a Symmetrical Gable End Roof with Overhangs and a Lean-to Covered Area and to be included in Architectural Documents as part of the Permitting Submittal Process

B.2. Are roof mounted equipment, including ventilators and satellite dishes, screened from view (100 percent opacity) or isolated so as to not be visible from ground level of any adjacent public thorough-fare or residentially zoned area, up to a maximum of 300 feet away and is the appearance of the roof screens coordinated with the building to maintain a unified appearance?

Proposed Building to be free of any Roof Mounted Equipment

B.3. Are all electrical and mechanical equipment located adjacent to the building and visible from any adjacent public thoroughfare or residentially zoned area screened from view (100 percent opacity), up to a maximum of 300 feet away and are such screens and enclosures treated as integral elements of the building's appearance.

Electrical and Mechanical Equipment Locations and any Screening to be included in Architectural Documents as part of the Permitting Submittal Process.

B.4. Except for meters, electric and telephone service pedestals, transformers, three-phase feeder lines, sub transmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction, are all telephone and cable television lines, electrical services and distribution lines placed underground?

It is the intent to have all utilities route Underground where applicable.

B.5. Are all gas meters in any font yards, located within three feet of the building foundation?

Proposed Project does not intend to have Gas Service

B.6. Is the form and proportion buildings consistent or compatible with the scale, form and proportion of existing development in the immediate area?

It is the intent to be compatible with and correspond with those of the area. Exterior Elevations/Renderings to be included in Architectural Documents as part of the Permitting Submittal Process.

7. *Pedestrian access shall be an integral part of the overall design of each multifamily, commercial, and industrial development.*
- a. *Does the pedestrian access provide safe and convenient access to and from off-street parking areas? Pedestrian Access is not available to current Site or intended.*
 - b. *Does the pedestrian access connect with abutting properties and developments so as to create an alternative means of transportation for residents of the city? Much of Existing Adjacent Properties/Streets do not have Sidewalks or are in disrepair/noncompliant.*
 - c. *Are sidewalks at least 5 feet in width provided along all sides of a lot abutting a dedicated public or private street? No Sidewalks are intended for this Project.*
 - d. *Is there a continuous internal pedestrian sidewalk provided from the perimeter public sidewalk to the principal customer entrance(s)? Not applicable for this project.*
 - e. *Does the internal sidewalk feature landscaping, benches, and other such materials and facilities for no less than 50 percent of it's length? Not applicable for this project.*
 - f. *Are sidewalks provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas? No*
 - g. *Are sidewalks located at least five feet away from the building facade to provide planting areas for landscaping along the foundation of the building? Proposing a minimum of 3ft Landscape Buffer between Building and adjacent Sidewalks.*
 - h. *Are internal pedestrian sidewalks distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the sidewalks? Not applicable for this project.*
8. *Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes.*

General Response: It is the intent to comply with applicable requirements of this section. Design Specifics are not established at this time, all information to be included in Architectural and/or Engineering Design Documents as part of the Permitting Submittal Process in which all information has been designed, coordinated, and represented are made available.

9. *Minimum Exterior Building Material Standards: Does a minimum of 50% of each exterior wall consist of one or more of the following materials?*

General Response: It is the intent to comply with applicable requirements of this section. Design Specifics are not established at this time, all information to be included in Architectural and/or Engineering Design Documents as part of the Permitting Submittal Process in which all information has been designed, coordinated, and represented are made available.

Rezoning Application Comments & Response:

Relationship to Existing Zoning Pattern:

Rezoning Application #1.) Would the proposed change create a small, isolated district unrelated to surrounding districts?

Proposed Change would create a R-3 Zone adjacent to City Limits surrounded by R-2 Zoning.

Rezoning Application #2.) Are there substantial reasons why the property cannot be used in accordance with existing zoning?

Proposed Use is not Permitted in Current Zoning of Property (R-2) and is only Permitted in the Proposed Rezoning (R-3)

Impact Statement

Proposed Development will transform the existing property from a Vacant Lot and Wild Vegetation into a well maintained Property consisting of an Architecturally Appealing Apartment Building and Landscape enhancing the Visual Appeal and Security of the Existing Area and Neighborhood.

Proposed Development does not intend to have any impact on current Traffic Conditions in the area nor present any fire hazard.

Proposed Development to enhance an area that is in great need of improvement with hopes to help initiate the improvement of Adjacent Properties of Disrepair or Abandonment.

Please include this response as part of our submittal and in consideration during the review process. Don't hesitate to contact myself or other members of the Design Team if you have any further questions, comments, or concerns. I'd be happy to schedule a meeting as necessary.

Sincerely,



Devin W. Snodgrass
Outline & Associates

PO Box 98
110 North 5th Street
Moberly, Missouri 65270
(660) 998-4288 phone
www.outlinedp.com

CITY OF MOBERLY, MISSOURI
ZONING & SUBDIVISION TEXT AMENDMENT APPLICATION

Return Form to:
Zoning Administrator
City of Moberly
101 West Reed Street
Moberly, MO 65270-1551
(660) 263-4420
(660) 263-9398 (fax)

For Office Use Only:
Filing Fee: _____
Date Advertised: _____
Date Notices Sent _____
Public Hearing Date: _____

APPLICANT INFORMATION:

Applicant: City of Moberly Phone: 660-263-4420
Address: 101 W Reed St. Zip: _____
Owner: _____ Phone: _____
Address: _____ Zip: _____

TEXT AMENDMENT PROPOSED:

Amendment Proposed to (Check One):

City Zoning Regulations _____ City Subdivision Regulations
 Growth Area Subdivision Regulations

Section to Be Amended: Article III Section 118

Present Text: See Use Table

Proposed Text: Add "Storage Containers" to use Table (46-118)
Permitted Use in B-1, ~~B-2~~, B-3, M-1
Include attached use standard description as new section

Reason for Amendment: to regulate & protect Residential properties
with respect to where and when Storage containers can
be located in Moberly.

Attach additional sheets as needed.

IMPACT OF AMENDMENT:

Does the amendment add language to the Regulations?
Does the amendment supplement an existing section?
Does the amendment modify an existing section?
Does the amendment repeal a section?

Yes X No ____
Yes X No ____
Yes X No ____
Yes ____ No X



Applicant's Signature

2-2-23

Date

City of *Moberly!*

Memorandum

To: Planning and Zoning Commission

From: Planning Staff

Subject: Shipping Containers (Agenda Item 4)

Meeting: March 27, 2023

Public Hearing to consider:

Notice of Public Hearing for a text amendment application submitted by City of Moberly in Article III, Section 118 on permitted use of Shipping Containers.

Comments:

The proposed text amendment has come about with increasing inquiries for the use of Shipping Containers as a means of storage in residential and some commercial locations. The attached regulations were drafted to assist in regulating the placement of shipping containers in both districts. The limitation on residential districts is designed to maintain continuity and blight from overtaking a property. The limitations on commercial are more relaxed as this type of storage container is typically a more commercialized structure. Both districts already require permits for structures of this size, however previous codes did not provide any guidelines for the type or placement of them. Also, a section of the definitions is modified to clearly identify them.

City Staff Review:

After searching other communities, we found a draft of some basic regulations that will assist in guiding homeowners and businesses with where and when they can use these structures to provide storage on their properties. Recommendations from Planning and Zoning included to review them further and clarify the types of structures as well as defining their use a bit more. We feel the attached regulations do add clarity and will clean up the previously discussed regulations.

These types of structures will not be allowed in residential neighborhoods unless used as part of a construction site but will have to be removed by final occupancy.

City staff recommend acceptance of the codes proposed as written in the proposed text amendment.

Text Amendment approvals do require additional approval by the City Council for acceptance as an ordinance into the Code of Ordinances in Moberly, MO.

Respectfully Submitted
Aaron Decker

46-3 Definitions:

Shipping Containers: Also known as Conex, Sea-Land, Sea-Train, and Intermodal Containers shall be identified as shipping containers. Any prefabricated metal structure originally designed for the storage and shipping of freight or intermodal transport.

All shipping containers shall meet the following minimum condition requirements and shall be inspected by the Moberly Code Enforcement Office and certified as meeting these requirements within 30 days of placement. Failure of the container to meet this certification will result in enforcement in accordance with the procedures established in Chapter 26 of the Code of Ordinances as a qualified nuisance.

- A. No container shall bear any sign, label, logo or other advertising or identification without such being approved and permitted in accordance with the Moberly sign code.
- B. All containers shall be painted or otherwise decorated in a manner and form consistent with the architectural character of the adjoining building faces and surrounding neighborhood.
- C. All containers shall be securable and always kept secure.
- D. All containers shall be kept structurally sound, free of graffiti, posters, bills, accumulated solid waste, or other blighting or deteriorating impacts.
- E. Temporary Storage Containers (Conex) for the use as construction related storage shall be allowed in conjunction with a building permit approved on the same parcel of land.
- F. Shipping Containers shall be prohibited as storage buildings in all residential neighborhoods unless approved as a construction related project in accordance with the International Building Codes and approved and permitted through the Office of Building Inspectors in Moberly (example: such as a tiny home).

CITY OF MOBERLY, MISSOURI
ZONING & SUBDIVISION TEXT AMENDMENT APPLICATION

Return Form to:

Zoning Administrator
City of Moberly
101 West Reed Street
Moberly, MO 65270-1551
(660) 263-4420
(660) 263-9398 (fax)

For Office Use Only:

Filing Fee: _____
Date Advertised: _____
Date Notices Sent _____
Public Hearing Date: _____

APPLICANT INFORMATION:

Applicant: City of Moberly Phone: 660-263-4420
Address: 101 W Reed St Zip: _____
Owner: _____ Phone: _____
Address: _____ Zip: _____

TEXT AMENDMENT PROPOSED:

Amendment Proposed to (Check One):

City Zoning Regulations _____ City Subdivision Regulations
 Growth Area Subdivision Regulations

Section to Be Amended: Article III Section 46-118

Present Text: "Shooting Range" is listed as conditional use in M-1

Proposed Text: Change "Shooting Range" to "Shooting Range - Outdoor" and identify as conditional use in B-3, M-1
Add "Shooting Range - Indoor" and identify as conditional use in B-2, B-3, and M-1

Reason for Amendment: To encourage growth of business in districts while maintaining review of type of activities for safety of community.

Attach additional sheets as needed.

IMPACT OF AMENDMENT:

Does the amendment add language to the Regulations?

Yes X No

Does the amendment supplement an existing section?

Yes X No

Does the amendment modify an existing section?

Yes X No

Does the amendment repeal a section?

Yes No X


Applicant's Signature

2-2-23
Date

City of *Moberly!*

Memorandum

To: Planning and Zoning Commission

From: Planning Staff

Subject: Shooting Range (Agenda Item 5)

Meeting: March 27, 2023

Public Hearing to consider:

Notice of Public Hearing for a text amendment application submitted by City of Moberly in Article III, Section 46-118 on Shooting Range.

Comments:

Recent development discussions and possible expansions of the businesses associated with Firearms has continued to grow in Moberly, MO. After discussion with Planning and Zoning last month, the following amendments have been recommended as changes to the use table and regulations with respect to Shooting Ranges in Moberly.

Current regulations allow shooting ranges in M-1 district only and do not specify the difference between an indoor and outdoor range.

The proposed text amendment would specify the shooting ranges in the code be identified as Indoor Shooting Ranges. As an indoor Range it has been discussed and proposed that they be listed as a conditional use in M-1 Districts and B-3 Districts. Both of which will allow adequate review and protection of surrounding properties in those districts for this type of indoor business. This also will eliminate the chance of having outdoor shooting ranges within the city limits.

City Staff Review:

The proposed Text amendment is the basic recommendations for expanding the options of locations for indoor shooting ranges in Moberly, MO. It also eliminates the ability to consider an outdoor shooting range within the city limits of Moberly.

City Staff will be working with the City Attorney to propose a clarification in other chapters as well as proposed future legislation that will separate shooting ranges into Firearm classifications and other weapon discharges to allow for archery ranges, Air Rifles ranges, etc which are currently not identified separately. This will eventually create a new classification of weapon discharge that will have a separate use group and permitted zones for growth of businesses. This is still in the works, with the intention that the above legislation will be firearm related shooting ranges.

City staff recommend acceptance of the codes proposed as written as a proposed text amendment.