

City of Ozark Missouri

Department of Planning & Zoning



P.O. Box 295
Ozark, MO 65721

Phone 417-581-2407
Fax 417-581-0353

February 28, 2008

The regular meeting of the Ozark Planning and Zoning Commission was called to order by Chairman, Fred Borneman, at 7:00 p.m.

Members Present: Fred Borneman, Kenny Washam, Matt Bedinghaus, Gary Graham, Darrell McGuire and Lynn Vest

Members Absent: Darby Bunch and Charlie Powell

Staff Members Present: Don Watts, Mayor
Steve Childers, City Administrator
Valerie Carr, Planning & Zoning Technician

Unfinished Business:

- I. **Approval of Minutes** for the January 28, 2008 Planning & Zoning meeting.

Motion to approve by Lynn Vest
Second by Matt Bedinghaus

The motion to approve passed unanimously by means of verbal vote.

NEW BUSINESS:

- A. **ANNEXATION #2007-372**
4705 N. State Hwy NN, Ozark, MO
Kissee Properties, LLC (John Lambert)-Owner
Requested Zoning: R-3 Multi Family

Chairman Fred Borneman introduced the item.

City Administrator Steve Childers explained that this particular property had been brought to the Planning & Zoning staff for a Administrative Lot Line Adjustment. The request could not be completed until the property was annexed into the city, due to the fact that it would cause the lot in question to be a non conforming lot with the majority being in the County with a portion that would be in the City. So the request is coming before the Planning & Zoning Commission for a recommendation of approval of the annexation with R-3 (Multi-Family, Medium Density) with a

contingency that the property gets a final approval of the Lot Line Adjustment to the North.

Commissioner Kenny Washam asked if we knew what the zoning of the surrounding properties were and where the access to the property was to be located ?

City Administrator Steve Childers replied that the 25 foot ingress/egress easement that runs along the west side of the lot just north of the subject property is the only access to the property. The properties surrounding are zoned R-2 Duplex to the North, Single Family Residential to the West, General Commercial to the South and to the East is State Highway NN.

Commissioner Kenny Washam stated that he had read in our code that the requested R-3 (Multi-Family) zoning could not have its only access onto a local street, but on a road designated as a collector.

City Administrator Steve Childers replied that the staff would have to check the Road Classification Map to verify that Kissee Trails, the access point of the proposed drive is in fact classified a local road. The applicant must also check with MoDot to see if they would in fact allow an ingress/egress onto State Highway NN.

Commissioner Darrell McGuire stated that the property to the south which is zoned C-2 General Commercial has an egress onto State Highway NN and that there may be a distance requirement between driveway entrances.

City Administrator Steve Childers stated that our Design Guidelines would need to be checked for the exact footage requirement for driveway distances.

Chairman Fred Borneman asked if there was anybody present to represent this item ?

Bart Collins approached the commission and said that he had come in behalf of the owner. Mr. Collins explained that the owner Mr. Lambert also owned the lot to the north that has a duplex on it and is zoned in the city.

Chairman Fred Borneman stated that he had a concern about the road and that we needed to verify if Kissee Mills is a local road and the impact that the zoning of R-3 (Multi-Family Medium Density) allowing up to 8 plex's now would have on this particular corner.

City Administrator Steve Childers expressed that the item in question tonight is to whether to annex this property and if the requested density is appropriate for this location.

Chairman Fred Borneman replied that since our new codes had been adopted in December 2007 our R-3 (Multi-Family Medium Density) has gone from a maximum of a 4 plex to a maximum up to a 8 plex. I'm concerned that this is a lot of units for a lot of that size.

Commissioner Kenny Washam stated that he was concerned with the easement going to the local street and feels that we should require a letter from MoDot for access to State Highway NN.

Commissioner Matt Bedinghaus asked if the lot size would meet the R-3 lot requirements?

City Administrator Steve Childers explained that once the Administrative Lot Line Adjustment has been approved the lot will conform. The Administrative Lot Line Adjustment request that they had brought to staff had been denied, unless they annexed into the city.

Commissioner Matt Bedinghaus asked if the lot would have to be approved non-conforming?

City Administrator Steve Childers explained that the commission has the right to approve this item with the contingency of approval and completion of the Lot Line Adjustment, which would make the lot conform to R-3 (Multi-Family Medium Density) lot requirements.

Commissioner Kenny Washam asked that when the Lot Line Adjustment would be completed, would that new portion have to be rezoned from C-2 (General Commercial) to R-3 (Multi-Family Medium Density)?

City Administrator Steve Childers replied that the applicant would in fact have to come back to rezone the section that would be adjusted to the north.

Commissioner Kenny Washam stated that he would feel more comfortable if the applicant would take this item and clean up some of the issues first and then bring back this request after such time.

Chairman Fred Borneman stated that Darrell McGuire had brought up a good point about the size of the lot being comparable to the R-1A (Single-Family, Min. Lot of 20,000 s.f.) and R-3 (Multi-Family Medium Density) and the comparison between the two

(one single family residence vs. 8 Plex) on a 20,000 square foot lot.

Bart Collins replied that was the way the city's zoning is set up and the lot would be conforming if they did as the city had requested by annexing and the lot line adjustment.

Commissioner Darrell McGuire expressed that he felt the lot was better suited for one dwelling unit opposed to 8 plex due to the fact of its location of State Highway NN.

Bart Collins responded that there was a multi-family development just south of this lot that hasn't had a negative impact on State Highway NN.

Chairman Fred Borneman stated that he felt uncomfortable with the new changes to R-3 (Multi-Family Medium Density) zoning allowing the 8 plex.

Bart Collins commented that he wasn't sure what the roadway classification was on State Highway NN.

City Administrator Steve Childers stated that he would have to check what the right-of-way volume width was for State Highway NN.

City Administrator Steve Childers added that he felt we should have looked at the rezoning of R-3 (Multi-Family Medium Density) closer as far as lot sizes and that we will have to more than likely bring this back for review and approval, but for this item tonight we will have to go by the ordinance in place.

Commissioner Lynn Vest commented that she didn't think there would be enough square footage for the 8 plex, parking and landscaping?

Commissioner Gary Graham stated that since the time of the first denial a couple years back, he doesn't really know what has changed about the lot except access issues and we are now looking at more units which could cause more water run-off issues.

Commissioner Matt Bedinghaus asked if the Planning and Zoning Commission had denied the request in the past.

Chairman Fred Borneman replied that he was not sure if Planning and Zoning had approved or denied the previous request, but that the City Council had denied it.

Commissioner Gary Graham asked what about the drainage issue of the property being in the flood zone.

Bart Collins stated that the drainage on that lot has changed and he has the letter from FEMA regarding this and as far as the 8 plex on this lot, we are in full understanding we will have to be able to meet parking and landscaping and setbacks. Which is why there may not be 8 units, it could very well be five or six, etc.

Commissioner Darrell McGuire stated that could have a bearing on the decision for this item.

Bart Collins said that he could possibly try to do a site plan sketch.

Commissioner Darrell McGuire had stated that maybe we could make a contingency that there be a limit on number of units that can be built on this lot (like 5 max).

City Administrator Steve Childers stated that I understand we may have done that in the past. I feel uneasy taking zoning R-3 (Multi-Family Medium Density) and dictating a magic number for an applicant. Doing this opens the commission up to a liability, without having strong evidence to limit a specific parcel of property to a specific number of units if less than what is allowed by the zoning classification.

Commissioner Darrell McGuire replied that he felt that the commission has a job to look at specific application requests to avoid potential problems and scrutinize an issue, after consideration of the staffs review and list of items, a possible conceptual plan and zoning classification. Darrell then asked that maybe we should request a concept drawing first to base our decision on.

City Administrator Steve Childers expressed that he hoped that there was an understanding that the commission was not trying to prolong the process, but needed to have the best educated information on which to make a decision.

Commissioner Matt Bedinghaus expressed that he still had a problem approving the R-3 (Multi-Family Medium Density) since the lot does not conform to the square footage requirements.

City Administrator Steve Childers recommended that they approve the annexation with the zoning of A-1 (Agriculture) and let the applicant come back after the lot line adjustment has taken place and rezone the entire new lot size and also bring a conceptual sketch to see what would best fit that particular lot.

Commissioner Kenny Washam added that he still had concerns regarding the ingress/egress issue.

City Administrator Steve Childers stated that we would have to take a closer look at the code and the effect of ingress/egress on more than a collector road.

Bart Collins reiterated that he would need to go through the process of lot line adjustment and rezoning and bring a sketch plan.

Chairman Fred Borneman asked if Bart thought that he might be able to bring a few sketches showing the differences between having 5,6 or 8 units on that particular lot.

Bart Collins agreed.

City Administrator Steve Childers asked for a clarification from the commission that the concerns at hand are 1) Particular number of units being placed on that lot size and the impact of such. 2) access onto State Highway NN vs. Kisse Trail. 3.) Making sure to meet all requirements (landscaping, parking, etc.) and fit the square footage.

City Administrator Steve Childers also added that the City Council would be making the final decision and would need the commission's most educated recommendation on this item.

Bart Collins added that as long as we meet all requirements for that zoning and are conforming then there shouldn't be any problems.

Commissioner Darrell McGuire stated that he couldn't remember whether there were any height requirements or restrictions and we might want to check on that before this item comes back to the commission.

Commissioner Gary Graham asked if the applicant would be getting a letter from FEMA regarding the fact that this property is in a flood zone?

Bart Collins replied that he in fact did have a letter from FEMA.

City Administrator Steve Childers asked if there would be a LOMR or no rise certificate and added that of course we would check with our stormwater guidelines.

Bart Collins replied that they would be getting a no rise certificate.

City Administrator Steve Childers asked if he would be building 1 foot above the base flood elevation.

Bart Collins replied that they actually had plans to build at 2 feet above plain.

Rick Gardner approached the commission to express his concerns as a local property owner.

Rick Gardner expressed his remembering when this item had been before the commission in the past and explained that he use to live in one of the homes that sits south/west of the property in question and happens to still own that property. Rick asked if there had been a certified mailing to the surrounding property owners?

Planning & Zoning Technician Valerie Carr replied that yes a mailing had been done to the surrounding property owners within 185 feet of the property in question.

Rick Gardner requested to see that list at a later date. Rick also went on to express that he felt that the Hopedale Heights organizer if notified would have been present or even others in that area.

City Administrator Steve Childers asked if the property had been posted?

Rick Gardner replied that it was and that he had pulled off the road and read the posting. But, he added that he didn't receive a letter.

Rick Gardner than expressed that he didn't believe that lot would hold an 8-plex. He added that he was sure a site plan would take care of that issue. He expressed his concern with the water drainage and how bad it already is in that area and adding more development might have even more of a negative impact.

Rick Gardner then asked if the R-2 lot to the North would still conform if they were to take the back 25 feet.

Planning & Zoning Technician Valerie Carr replied that yes it would.

Rick Gardner then stated that he had concerns regarding the traffic, which had been an issue at the prior hearing a couple of years ago. He added that his concerns now with the traffic would be the amount of traffic that would be generated from a zoning of R-3 (Multi-Family Medium Density) and having to go across the duplex lot to the north and the negative impact it may have.

Rick Gardner expressed that he felt R-2 (Two Family) zoning would better fit this lot. Rick added that he also believed that if egress was granted on State Highway NN that it would require a turn lane

Commissioner Gary Graham stated that he was not comfortable with the request as R-3 (Multi-Family Medium Density).

Chairman Fred Borneman expressed that maybe we should go ahead and approve the Annexation with an A-1 (Agriculture) zoning and let the applicant go forward with the Administrative Lot Line Adjustment and Re-Zone later.

Commissioner Matt Bedinghaus motioned to deny this request as Annexation with a zoning of R-3 (Multi-Family Medium Density).

Second by Kenny Washam

The denial of Annexation request #2008-372 was given by roll call vote:

Aye: Gary Graham, Darrell McGuire, Matt Bedinghaus, Fred Borneman, Kenny Washam and Lynn Vest

Nay: none

Commissioner Charlie Powell and Darby Bunch were absent.

The Planning & Zoning Commission then made the recommendation to go ahead and approve the annexation request #2008-372 to be annexed into the City of Ozark with a zoning of A-1 (Agriculture), to give the applicant time to complete the process of a Administrative Lot Line Adjustment and instead of creating a non-conforming lot the applicant then could request a rezoning of the entire lot at one time.

Commissioner Matt Bedinghaus motioned to approve this request as Annexation with a zoning of A-1 (Agriculture).

Second by Kenny Washam

The approval of Annexation request #2008-372 as Annexation with a zoning of A-1 (Agriculture).was given by roll call vote:

Aye: Gary Graham, Darrell McGuire, Matt Bedinghaus, Fred Borneman, Kenny Washam and Lynn Vest

Nay: none

Commissioner Charlie Powell and Darby Bunch were absent.

B. Discussion of the "2008 Comprehensive Plan"

Commissioner Gary Graham motioned to approve the "2008 Comprehensive Plan".

Seconded by Lynn Vest

The approval of the "2008 Comprehensive Plan" was given by roll call vote:

Aye: Gary Graham, Darrell McGuire, Matt Bedinghaus, Fred Borneman, Kenny Washam and Lynn Vest

Nay: none

Commissioner Charlie Powell and Darby Bunch were absent.

Motion to adjourn by Darrell McGuire

Second by Lynn Vest

Meeting Adjourned at 9:19 p.m.

