

# City of Ozark Missouri

## Department of Planning & Zoning



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**March 30, 2009**

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

**Members Present:** Gary Graham, Matt Bedinghaus, Darrell McGuire, Charlie Powell, Darby Bunch, Kenny Washam and Chuck Branch

**Members Absent:** Lynn Vest

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

### **Unfinished Business:**

- I. **Approval of Minutes** for the February 23 2009 Planning & Zoning meeting.

Motion to approve by Darby Bunch  
Second by Matt Bedinghaus

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

### **NEW BUSINESS:**

- A. **REZONING 2009-382**  
**Lot 6D of Town & Country Village Ph. 1**  
**Coryell Enterprises, Inc.-Owner**  
**Current Zoning: R-2 (Two Family)**  
**Requested Zoning: R-4 (Multi Family-High Density)**

Chairman Chuck Branch introduced the item.

City Administrator Steve Childers explained that this request was to rezone the property Lot 6D of Town & Country Village Phase I from its original zoning of R-2 (Two Family) to the requested R-4 (Multi-Family) zoning. Steve expressed that the staff supports this request and that the property is surrounded by multi family zoned property. Staff also will be recommending that when the opportunity that the property does develop, at that time N. 22<sup>nd</sup> Street should be extended through Lot 6D to W. Bingham. Steve added that the River Run PUD where N 22<sup>nd</sup> Street runs through

and comes out onto State Highway 14 and to turn left out of that subdivision is very difficult, but extending through the subject property to W. Bingham will relieve some of that traffic.

Chairman Chuck Branch asked if there was anyone present to represent this item and if they would like to add any comments?

Harold Crawford from Coryell Enterprises approached the commission and stated that he agreed with everything that Steve had mentioned and that Coryell Enterprises had no issues with the extension of the road when they are ready to submit plans to develop the property, but as of right now they are just requesting a rezoning.

Chairman Chuck Branch asked if any of the commissioners had any questions or comments?

Commissioner Charlie Powell commented that he had noticed the extension of the road being something that would need to be addressed in the future plans of development.

Chairman Chuck Branch asked if there was anyone present who would like to comment?

Frank Bebout approached the commission and explained that his property was in the River Run PUD and he wanted to know just how close the new development on Lot6D Town & Country Village will be to his back door?

City Administrator Steve Childers explained that this request right now is for a rezoning of the property and that a site plan for development of the property has not been submitted as of yet. Steve, also went on to explain that the property owner would have to comply with the required property setbacks and buffering between the different zonings.

Commissioner Kenny Washam asked where exactly Mr. Bebout's property was located?

It was pointed out on the property map.

Commissioner Kenny Washam asked for clarification that the road would be something that the City would require?

City Administrator Steve Childers responded that when the opportunity is presented to the City to have the road extended we will require it to be done per our City Of Ozark Design Standards for Public Improvements.

Commissioner Matt Bedinghaus stated that he agreed with the extension of N. 22<sup>nd</sup> Street to W. Bingham when the opportunity presents itself.

Chairman Chuck Branch asked if there were anymore comments?

**Charlie Powell made a motion to approve the Rezoning 2009-382.**

**Second by Darrell McGuire.**

**The approval of the Rezoning 2009-382 was made by roll call vote.**

**Aye: Darrell McGuire, Gary Graham, Matt Bedinghaus, Charlie Powell, Darby Bunch and Kenny Washam**

**Nay: None**

**Commissioner Lynn Vest was absent.**

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**B. PUD - REVISION PHASE I of FRND  
Phase I FRND  
LCRA-Owner  
Current Zoning: PUD (Planned Unit Development)**

Chairman Chuck Branch introduced item "B" and explained that the process for the PUD was a 3 step process and that this step was the preliminary review, where the commission would have discussion and ask for any requirements and/or changes they would like to see come back for a final review. The second step in the process is the final draft which will be a public hearing before the Planning & Zoning Commission and the third step will be before the Board of Alderman with a recommendation from the Planning & Zoning Commission.

City Administrator Steve Childers added that Kevin Lowe the engineer from Olsson & Associates would present to the commission the new and revised Phase I of the Finley River Development. Steve added that the commission would have this opportunity to discuss and request any items that they might want to see changed and/or reviewed to be brought back before them to make a final decision.

Kevin Lowe approached the commission and explained that the site drawing that was present was the revised PUD of the Finley River Development which encompasses approximately 5 ½ acres

from Hall Street to Church Street running parallel with 3<sup>rd</sup> Street as the frontage road. Kevin explained that MoDot has cost shared the redevelopment of Third Street by the year 2012 and had approved just today the proposal of a temporary signal light at Church Street and N. 3<sup>rd</sup> Street.

The developer intends for the development to following the City of Ozarks C-4 (Central Business) building guidelines to stay in conformity with the downtown area and have a center city development feel to it.

Chairman Chuck Branch asked if any of the commissioners had any questions or comments?

Commissioner Kenny Washam asked if they would have off street or on street parking?

Kevin Lowe responded that there would be some on street parking on Church Street and off street parking as reflected on the site plan in the parking lot. Kevin went on to explain that the parking spaces may not meet ordinance, but due to the difference in peak hours of business for the proposed theatre and grocery store and the possible use of the court house using the parking they felt it should be sufficient at this time.

Commissioner Kenny Washam asked about the parking on Church Street that was on the site plan all facing west and how would they get out onto N. 3<sup>rd</sup> Street facing that direction.

Ben Yore (developer) of Plaza Core approached the commission to and explained that at that corner of Church Street and 3<sup>rd</sup> Street, MoDot has agreed to install a temporary signal until they can cost share with us by 2012 and the round about at the corner of N. 3<sup>rd</sup> Street and W. Jackson Street has been installed.

Ben also added that the master plan does have a road that will meander through the parking lot from Church Street to Brick Street and there will be shared parking also.

Commissioner Darrell McGuire clarified that there would eventually be a road that will cut across from Church to Brick.

Kevin Lowe pointed out on the site plan that there will be a road that will cut through phase I eventually and carry on through future phases to meet up with Jackson Street.

Ben Yore stated that as of right now they don't control all the property in the FRND area, but hope to in the future.

Kevin Lowe stated that they would possibly be able to plan on the road being there right now if they controlled all of the properties in the FRND.

Chairman Chuck Branch asked if there was going to be multi-level parking in the future?

Ben Yore responded that he felt it would not be necessary.

City Administrator Steve Childers added that this being a PUD, chances are it will be coming back to the commission if changes are requested. Such as purchase of land or new phases and with Phase II the project may warrant a parking deck.

Ben Yore added that he understood all the questions regarding parking, but his business that have committed to this project require having flexibility with parking and both are happy with what is proposed now.

Commissioner Darrell McGuire stated that he felt parking is a issue in the downtown area and he could see where we may need a multi-level parking deck.

City Administrator Steve Childers commented that the parking will evolve over time.

Chairman Chuck Branch stated that additional parking had been promised to the public from the beginning of the FRND and at the end of the day there is no where near enough parking spaces.

Ben Yore responded that he knows that the question is if there will be enough parking spaces? Ben went on to say that he felt that that they had to find a middle ground and at his best gauge the parking should be sufficient for this portion of the proposal.

Kevin Lowe added the market will drive the amount of spaces needed and if a parking deck is something that is what will be required in the future, the City needs to know that at market rates now, it would approximately be \$3,500.00 per space below ground and \$15,000.00 per space above ground.

Chairman Chuck Branch asked if there were anymore questions?

Commissioner Matt Bedinghaus asked how many spaces are required?

Kevin Lowe responded that he thought the City of Ozark's Ordinance asks for 1 space per every 2 seats for the theatre and 1 space per every 250 square feet of retail. Kevin added that the two proposed business will have different peak times.

Commissioner Matt Bedinghaus asked if they could bring something to the commission showing the float times between the businesses peak times?

Mayor Don Watts added that he believed that even though the development will be pedestrian friendly he didn't believe the Courthouse would use the parking provided in this phase as mentioned before, even though they could if wanted or needed.

Commissioner Darby Bunch asked if the commission would be seeing this plan again?

Response was yes.

Ben Yore added that there is over 300 spaces provided right now, not including the off street parking.

Commissioner Darby Bunch asked that when they bring this item back to the commission, if they could bring some data showing the peak times for the proposed businesses.

Response was yes.

Chairman Chuck Branch stated that there were two issues that he needed to address: 1) Retail Street Vendors are something he would like to see being allowed in the FRND. 2) In Section 2 of the PUD regarding 2.01 Use Limitations number 1, will need to reference compliance with the City Ordinance Section 625.

Kevin Lowe stated that there were many things that needed addressed before bringing back to the commission. Such as telephone, electric, stormwater and detention down 3<sup>rd</sup> Street.

City Administrator Steve Childers stated that burying cable is very costly.

Kevin Lowe added that the developer will have to bring the water to the development, which is very costly. Kevin commented that the developer is definitely in for the long haul and making this development successful.

Commissioner Kenny Washam asked if people would be able to walk from point A to point B throughout the development?

Kevin Lowe responded yes, there would be sidewalks and signal lights to tie the downtown district to one another.

Kevin Lowe stated that if any of the commissioners had any comments they wanted addressed in the PUD to give those comments to Valerie Carr, Planning & Zoning Technician.

City Administrator Steve Childers added that it is arguable about how we got where we are regarding the FRND, but we are here now and all the details will be tough sorting through. We will have the TIF and CID that will help the development.

Kevin Lowe stated that he has had developments in other cities go under and that Ozark is probably the only area around with development right now.

Ben Yore stated that the market is tenant driven right now.

City Administrator Steve Childers added that the TIF will work great in the Phase I due to the fact that the TIF is for Commercial properties not residential. When the developer has to come back with changes, they may be Phase I of Phase I, etc..

Kevin Lowe also added that MoDot will cost share the road project but that won't be until 2012.

City Administrator Steve Childers mentioned that MoDot is willing to work with the development on the ingress/egress.

Ben Yore added that people will be able to pull out on 3<sup>rd</sup> Street at the light at Church Street & 3<sup>rd</sup> Street.

Chairman Chuck Branch asked if that light would be a flashing light?

Ben Yore responded that the temporary signal light will be a red, yellow and green signal until MoDot cost shares the remaining plans for 3<sup>rd</sup> Street.

Chairman Chuck Branch thanked the developer and engineer for coming to the meeting tonight and that we would see them back at the Final PUD (public hearing) when they were prepared.

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**Commission Comments:**

None.

**Staff Comments:**

**Discussion of the following:**

- 1. One Residential Zoning District**
- 2. Smaller Lot Sizes**
- 3. A-1 Agriculture in the City Limits/Default Zoning**

**4. Changes to Covenants & Restrictions in Subdivisions not completed.**

Staff will bring more information and/or new drafted ordinances regarding the above.

**Motion to adjourn meeting given by Darby Bunch**

**Second by Kenny Washam**

**Meeting Adjourned at 8:50**

