

# City of Ozark Missouri

## Department of Planning & Zoning



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**May 26, 2009**

The regular meeting of the Ozark Planning and Zoning Commission was called to order by Chairman, Chuck Branch, at 7:01 p.m.

**Members Present:** Gary Graham, Darrell McGuire, Darby Bunch, Kenny Washam, Lynn Vest and Chuck Branch

**Members Absent:** Charlie Powell and Matt Bedinghaus

**Staff Members Present:** Steve Childers, City Administrator  
Chris Snyder, Board of Alderman  
Valerie Carr, Planning & Zoning Technician

### **Unfinished Business:**

- I. **Approval of Minutes** for the April 27, 2009 Planning & Zoning meeting.

Motion to approve by Lynn Vest  
Second by Darby Bunch

**The motion to approve passed unanimously by show of hands.**

### **NEW BUSINESS:**

- A. **VACATION of Final Plat  
Hoovers Mill  
Existing Zoning: R-1C (Single Family-Lot 10,000 sf)**

Chairman Chuck Branch introduced this item and asked if there where any comments from staff?

City Administrator Steve Childers explained that the request to Vacate Hoover's Mill was a unique situation and suggested by the city's legal council (Dave Collignon) due to the fact that this subdivisions infrastructure has been installed and significant changes and relocation would be necessary for the newly proposed PUD for Hoover's Mill. The City attorney recommended that since it was necessary to move the existing infrastructure the

City should not own the infrastructure, but let the developers be the owner and complete all the work needed to correct the infrastructure to meet the new plans. The City will inspect all work completed according to the current City ordinances, codes and regulations.

City Administrator Steve Childers went on to explain the applicants are aware that they will be required to also obtain a traffic study and complete stormwater analysis to see how the new plan will impact the subdivision and surrounding properties.

Commissioner Darrell McGuire asked if by vacating this Final Plat, the City of Ozark would be obligated to reimburse the utility companies for any of their infrastructure?

City Administrator Steve Childers replied that we would not be obligated to the utility companies and that is why Empire Electric Company and Missouri Gas Energy were asking for blanket easements of the entire subdivision to be recorded along with the vacation.

Commissioner Darrell McGuire addressed Chairman Chuck Branch and stated that he wanted to bring up for discussion the issue he had about the Cities PUD ordinance and asked if he should bring it up now or wait for item "B" to address his concerns?

Chairman Chuck Branch answered that he should wait and discuss his concerns when we review item "B".

Commissioner Darrell McGuire asked that if the vacation of the Final Plat took place, would that automatically rezone the property to PUD?

City Administrator Steve Childers replied that the property will not be rezoned automatically by vacating the Final Plat. The property would remain zoned the original R-1C (Single Family Min. Lot 10,000) until they have rezoned it requiring the approval of both the Planning & Zoning Commission and Board of Alderman. Steve also added that Jared Rasmussen from Olsson & Associates was present and asked if he might have any comments?

Jared Rasmussen approached the commission and stated that Steve Childers had pretty much covered everything that he could think of in regards to the Vacation of the Final Plat. Jared then asked if this item went on to the next meeting of the Board of Alderman (June 1, 2009 @ 7:00 p.m.)?

City Administrator Steve Childers responded "yes", as long as a recommendation of the commission is made.

Chairman Chuck Branch asked if there were any other comments?

Lester King approached the commission and explained that he and his wife live on the end of 14<sup>th</sup> Street and own the property to the West of Hoover's Mill. Mr. King went on to explain that when it rains the water runs over the cul-de-sac at the West end of West Millpond Drive and onto his property where it has washed out his foot bridge and has caused lots of erosion. Mr. King also added that when the Hoover's Mill development came through the city process, he was promised that there would be a replacement fence put up when all infrastructure was completed. This has not happened and Mr. King also gave pictures to Valerie Carr the Planning & Zoning Technician to keep with the information of this subdivision.

City Administrator Steve Childers explained that the engineer would be looking at Hoover's Mill now and with the new requested changes and seeing what has been working and what hasn't, as far as infrastructure is concerned.

Lester King stated that he was told that there would be no development until he was satisfied.

City Administrator Steve Childers expressed that he did not know who would have promised something like that. Steve also added that all of the stormwater guidelines and requirements have changed since the original Final Plat and that the new requirements will have to be met, redone, and inspected.

Commissioner Darby Bunch stated that he felt that the cul-de-sac at the end of West Millpond should not be curbless. He added that may be the problem.

Betty King approached the commission to point out on the original Final Plat of Hoover's Mill where the water runs over the road through lots 38-40 onto their property.

City Administrator Steve Childers added that he was not sure as to why the end of the cul-de-sac on West Millpond Drive was not closed in with a curb.

Jared Rasmussen added that he believed it was left open in the past for future expansion.

Commissioner Darby Bunch commented that possibly the cul-de-sac in question could be completed and at the time of expansion the curb could be removed.

Chairman Chuck Branch asked that the requirements of water detention be placed on the item "B" of this meeting and that staff make sure all requirements be met for the same.

**Darby Bunch made a motion to approve the Vacation of the Final Plat of "Hoover's Mill" with the contingency that the blanket easements for Empire District Electric and Missouri Gas Energy be recorded concurrent.**

**Second by Lynn Vest.**

**The motion to approve the Vacation of the Final Plat of Hoovers Mill was made by roll call vote.**

**Aye: Darrell McGuire, Gary Graham, Darby Bunch, Lynn Vest and Kenny Washam**

**Nay: None**

**Commissioner Charlie Powell and Matt Bedinghouse was absent.**

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**B. PUD Preliminary Review  
Hoover's Mill  
Final Platted as R-1C (Single Family 10,000 sf)  
Mipast, LLC – Owner  
Requested Zoning: PUD (Planned Unit Development)**

Chairman Chuck Branch introduced the item and commented that out of the eleven items requested the only item left to be completed is the traffic study.

Jarred Rasmussen approached the commission and explained that he was working on getting a copy of the existing traffic study that had previously been done by CJW at that location at the request of the City of Ozark.

Commissioner Darby Bunch said that he remembered in the past that the City had asked for the traffic study to include the future growth beyond Hoover's Mill, especially since this road is the direct route to the City of Ozarks High School.

Jared Rasmussen stated that he believed the approximate current daily traffic was 40 trips an hour and 140 trips per the peak hours. He also added that he believed the proposed PUD would only increase the traffic about 10%.

Darrell McGuire added that the Planning & Zoning Commission must look at the bigger picture.

Jared Rasmussen added that these roads in question are collector roads.

Commissioner Darrell McGuire stated that we have to take into consideration the road exiting to the North of Hoover's Mill.

Commissioner Darby Bunch agreed and said that he remembers that the developer to the North was going to extend eventually.

Chairman Chuck Branch added that the property to the North of Hoover's Mill is owned by the applicants of this request.

Commissioner Darby Bunch stated that they would just have to wait and see the traffic study.

Commissioner Lynn Vest agreed.

Herschel Chudemelka approached the commission and asked what the density of the new proposed plan was going to be.

Jared Rasmussen explained that the majority of the subdivision would still be single family with 5 lots being changed to multi-family, with none of the multi-family being over 8 per acre. The total number of lots are 55.

Lester King asked which direction the water from the proposed multi-family would flow?

City Administrator Steve Childers responded that the water from the proposed multi-family sites would flow to the South.

Chairman Chuck Branch brought up the fact that the road frontage fence that was going to be required for the subdivision should stop at the curve in the road, due to after going out to the property and observing that the property is heavily wooded from the curve going west along the property line. Chuck also added that out of the 11 items required, the applicant has completed 10 and is working on the traffic study (number 11).

City Administrator Steve Childers added that the commission did a great job identifying what the requirements were from the applicant.

Commissioner Lynn Vest pointed out some discrepancies that she had found in the Planned Unit Development Book for Hoover's Mill:

1. Exhibit 1

Item F Impervious Surface Ratio  
Correct the Impervious Surface Ratio of seventy (70) percent.

2. Exhibit 1  
Item I Maintenance of Common and Open Areas

Delete the statement in the paragraph that states "unless dedicated to the City".

Add the verbiage Lots 56 & 57 shall reflect that a detention easement is part of each lot and shall reflect that the detention easement portion of the lot is unbuildable and shall be maintained by the HOA, unless the HOA becomes null and void, at which time the lot owner will become responsible for maintenance of said detention.

Chairman Chuck Branch added that the above items would definitely need to be corrected.

Commissioner Darrell McGuire added for discussion that he had been to Kansas City the prior weekend and went and looked over a completed PUD in K.C.. Darrell added that he felt that are PUD ordinance is not properly used. He believes that a PUD should not have two uses of the same zoning designation. Darrell went on to use the development "Finley River" across Third Street as an example of a PUD with correct mixed uses of 2 or more (residential, commercial, multi-family). Darrell then referenced that in our ordinance 405.410 Planned Unit Development Regulations "D", the definition/explanation is why a developer would think that it would be fine to choose two of any of the uses on our list of permitted uses. Therefore, he believes that we should look into changing our use list to show items a-f as residential, and the following to remain the same. Darrell went on to express that because of the misinterpretation of the ordinance in its current form, he felt that he may not be able to support this item.

Commissioner Lynn Vest stated that she felt that this was a good catch and definitely needs to be changed.

Commissioner Darrell McGuire added that former City Administrator Steve Horton had been the first to bring the ordinance of a PUD to the commission and had defined it as a "small community within a large community."

City Administrator Steve Childers expressed that he felt that our PUD ordinance has been mis-interpreted by everyone including

the Planning & Zoning Commission and he really didn't think that it is the fault of the developer for interpreting it the way it reads. Steve also added that we could go over the PUD and make any changes necessary and possibly corrective adopting a mixed use residential zoning.

Steve also expressed that we shouldn't be scaring Jared Rasmussen from Olsson & Associates into thinking that this discussion will effect the current proposal in question. Steve pointed out that they have been trying to comply with all requested requirements and that it is not appropriate to change the rules now in mid-stream. Steve added that he thinks that we need to make these changes for any future PUD requests.

Commissioner Lynn Vest stated that she thought that we had one similar to this before.

Commissioner Darby Bunch replied that he believed that it was the proposed PUD behind the Wal-mart Store that she was making reference to.

Commissioner Darrell McGuire added that particular PUD would have been better suited for something along the lines of mixed use.

Commissioner Gary Graham stated that he felt at this step in the process of this request for the PUD of Hoover's Mill we should move forward and comeback after the fact and make any changes to the ordinance that we see fit.

Commissioner Darrell McGuire added that maybe we should have a retreat for the Planning & Zoning Commission and go over the ordinances that we think may need changing.

Commissioner Gary Graham stated that he believed that to enforce the changes to the PUD that Darrell is making reference to now against the developer of Hoover's Mill, should have been brought to their attention way before this point in their request.

Chairman Chuck Branch commented that it is not appropriate to deal with this issue now and we should go ahead with a vote on the submitted request.

Commissioner Darby Bunch mentioned that the detention problem definitely should be addressed.

Jared Rasmussen explained that they have to look at the existing detention and comply with the new guidelines.

City Administrator Steve Childers agreed that they would have to meet our new design guidelines and control any erosion.

Darrell McGuire asked if there was any possible way to zone this as mixed use, as we discussed prior?

City Administrator Steve Childers replied "no", due to the fact that such a zoning district doesn't exist as of yet.

Chairman Chuck Branch agreed and stated that there is no zoning district for this yet.

Commissioner Kenny Washam added that we should have a retreat soon.

Commissioner Gary Graham stated that he felt we should move forward with this request.

**Darby Bunch made a motion to approve the request for the Preliminary Planned Unit Development of "Hoover's Mill" with the contingencies as follows:**

**1. Exhibit 1**

**Item F Impervious Surface Ratio**

**Correct the Impervious Surface Ratio of seventy (70) percent.**

**2. Exhibit 1**

**Item I Maintenance of Common and Open Areas**

**Delete the statement in the paragraph that states "unless dedicated to the City".**

**Add the verbiage Lots 56 & 57 shall reflect that a detention easement is part of each lot and shall reflect that the detention easement portion of the lot is unbuildable and shall be maintained by the HOA, unless the HOA becomes null and void, at which time the lot owner will become responsible for maintenance of said detention.**

**3. Traffic Study to be complete and approved before Final Plat.**

**Second by Gary Graham**

**The motion to approve the request for the Preliminary Planned Unit Development of "Hoover's Mill" was made by roll call vote.**

**Aye: Darrell McGuire, Gary Graham, Darby Bunch, Lynn Vest and Kenny Washam**

**Nay: None**

**Commissioner Charlie Powell and Matt Bedinghaus were absent.**

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**Commission Comments:**

Chairman Chuck Branch welcomed the Planning & Zoning liaison from the Board of Alderman "Chris Sneider".

**Staff Comments:**

**Discussion of the following:**

- 1. Review & Discussion of Residential Zoning District R-1D**
- 2. A-1 Agriculture in the City Limits/Default Zoning Discussion.**  
Decision as follows: 20,000 s.f. lot or greater = R-1A Zoning  
19,999 or less lot = R-1B  
14,999 or less lot = R-1C
- 3. Discussion of Changes to OW-Office Warehousing**  
Look into noise, odor & light ordinances.  
Look into definition of enclosed.  
Retail Landscaping w/storefront allowable in OW District and Landscaping Business with outside storage of equipment etc.. in I-1 District.
- 4. Discussion of where to allow landscaping businesses vs. Retail Nursery.**  
See above.

**Motion to adjourn meeting given by Darrell McGuire  
Second by Darby Bunch**

**Meeting Adjourned at 9:05**

