

City of Ozark Missouri

Department of Planning & Zoning



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May 27, 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, Darrell McGuire and Gary Graham

Members Absent: Charlie Powell, Lynn Vest and Darby Bunch

Staff Members Present: Don Watts, Mayor
Steve Childers, City Administrator
Rick Amos, Board of Alderman
Valerie Carr. Planning & Zoning Technician

Unfinished Business:

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

Motion to approve by Matt Bedinghaus
Second by Gary Graham

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

NEW BUSINESS:

- A. **ZONING AMENDMENT #2008-376**
404 North 2nd Avenue, Ozark, MO
Ingal Trust, Ted Brooks Trustee (Owner)
Existing Zoning: R-1C (Single Family, 10,000 s.f.)
Requested Zoning: C-4 (Central Business)

- B. **Discussion: C-4 Central Business District Boundary**

Chairman Fred Borneman introduced item "A" on the agenda.

Jay Johnson approached the commission and explained that he lived at 406 N. 2nd Avenue and was Ted Brooks' neighbor. Mr. Johnson expressed that his home is in what is referred to as a R-

1C zoning district (residential) and that he would like to know if the commission could discuss item **"B" Discussion: C-4 Central Business District Boundary** on the agenda first because he felt that the boundary line for the C-4 (Central Business District) affected item "A"?

City Administrator Steve Childers and Chairman Fred Borneman replied that they both didn't have any problems with discussing item **"B" Discussion: C-4 Central Business District Boundary** first.

From this point on both items A and B of the agenda are discussed together.

City Administrator Steve Childers stated that the property in question is adjacent to existing C-4 zoned properties, he also added that in the commissioner's packets that they had received were maps that showed our C-4 Central Business District outline taken from the City's Comprehensive Plan and a map showing the zonings that are surrounding the property in question. Steve added that Mr. Johnson lives at 406 N. 2nd Avenue next door to the applicant which is on the east side of the street showing a zoning of R-1C (Single Family, 10,000 s.f.). Steve further added that when the staff looks at these requests, they take measures to make sure we are not spot zoning. Steve explained that staff had put together a list for the commissioner's to look over when making a rezoning decision called "Finding Facts", and asked Planning & Zoning Technician Valerie Carr to hand out this list to the commissioners.

Jay Johnson approached the commission and stated that he was aware that his property is located in the Comprehensive Plan as being in the area designated as C-4 (Central Business District) and that he felt that the City was looking only at the benefit of the business aspect of the downtown area and not protecting the residential downtown area. As this had happened in the past and the downtown area lost a lot of businesses and residential. Mr. Johnson also added that he himself had done a large remodel job of his own home (adding a second story), at which time he had acquired all the necessary permits required by the City and he believed that at that time someone should have informed him that his property was located in the area designated as C-4 in our future plans. Mr. Johnson stated that he had no problems with his neighbor (the applicant) Mr. Brooks, but was worried that if he was to sell the property to someone else, what kind of buffers are in place to protect his property? Mr. Johnson added that the City can't keep up with the sidewalks, parking, etc. in the downtown area now and the City will have no more residential in this area, all you will see is this nice historic area torn down and will be replaced with parking lots and buildings.

Chairman Fred Borneman asked if there was anyone else who would like to speak on this matter?

Ted Brooks (applicant) approached the commission and stated that years ago he had purchased his property 404 North 2nd Avenue knowing that it was in a planned C-4 area and added that his friend Leanne Walker who had done the same just around the corner was a perfect example of a nice business rezoned C-4. Ted further went on to explain that he already had an office in his home and the only changes that needed to be made to bring to code was to add a handicap access, change out the door and add exit signs. Ted went on to express that the neighbor across the street from his property had purchased their house as C-4 to make into a business and because of the stringent requirements for the C-4 area they couldn't afford it and now use it as a rental. Ted added that everything he does is done with class and he takes pride in that and the City knows this about him and nobody would imply differently. Ted added that he had spent lots of money on the survey of this particular lot, which would also help the city and if anybody had any questions he would be more than happy to answer.

Chairman Fred Borneman asked if there was anyone else who would like to speak?

City Administrator Steve Childers added that he was also available for questions.

Commissioner Kenny Washam stated that he questioned whether C-4 was the correct zoning for this property.

City Administrator Steve Childers responded that he felt the C-4 zoning was the appropriate zoning for this property, but that O/L Office Limited would be another zoning option, but the only thing with that zoning is that a business would be the only thing allowed in the residence and it would be more clearly defined as spot zoning. Steve added that a conditional use permit would be another option, but the applicant has chosen the request in front of us tonight.

Commissioner Kenny Washam asked wouldn't C-2 General Commercial fit into this property.

City Administrator Steve Childers responded "No" that C-2 doesn't allow residential & office together. Steve further added that we could rewrite the ordinance(s) and make changes to C-4 to avoid negative impact on the residences.

Jay Johnson stated that the concerns he had, he couldn't find because it was hard to find the answers on the website. Mr.

Johnson also stated that staff couldn't even help him with answers to his questions.

City Administrator Steve Childers asked him if the staff had actually said that they couldn't help him?

Jay Johnson answered that he couldn't find the C-4 on the website. He then made the statement that he would go before City Council and added that he has asked two questions and can't seem to get any answers.

City Administrator Steve Childers asked what two questions would those be?

Jay Johnson responded: 1) Parking & 2) Keeping vehicles off sidewalk.

City Administrator Steve Childers responded that on street parking is allowed for C-4 zoning and what ever parking they may have available in their drive way. Steve added that as far as keeping people from parking on the sidewalk, you would need to come into City Hall and file a complaint form and we have two code enforcement officers that will take care of that issue.

Jay Johnson added that with today's parking issues in the downtown area, adding mixed uses would increase the demand for additional parking and would just be adding to the already existing problem. Mr. Johnson also added that in his neighborhood the Police Department's parking and speeding has become an issue.

Ted Brooks stated that he has a parking area already in his back yard.

Eddi Groves approached the commission and expressed that she also felt the parking might be an issue. She also added that she wanted to express her concerns in regards to the Police speeding down the adjacent streets, parking their personal vehicles in front of there homes and the need for a four way stop signs in that area. Eddy explained that she had gone before the City Council about this matter before.

Chairman Fred Borneman explained that if she wanted to discuss that specific matter there is a process for complaints and she would need to come into City Hall and complete a complaint form.

Eddi Groves explained that she felt she had already given a verbal complaint and she felt that the city's Planning & Zoning came out and put parking in the area around the Police Dept.

Tom Breedlove added that the Police are the worse offenders of speeding and parking in there immediate area.

Chairman Fred Borneman again explained that a written complaint filed with the City would be the best way to get something done about their issue.

Frank Lorenz approached the commission and explained that he was an owner of a residence and many businesses in the downtown area and that he was sorry for Mr. Johnson, but that he felt Mr. Johnson was fully aware of the C-4 zoned property all around him when he purchased his home. Frank also expressed that Steve and the city staff had worked very long and hard on the City's Comprehensive Plan for over a year with numerous meetings with local business owners and Ozark residents for input on what the public would like to see and where and he felt that the plan was a good one. Frank then added that the C-4 zoning does have requirements to follow on signs, parking and even historic properties.

Ted Brooks added that in closing he felt that the City of Ozark had come a long way with the new Recreation Center and the LCRA Development that will be happening across Third Street that will add to the downtown area. Ted also added that as far as his own residence is concerned the only things that need to be completed to bring it to code for a C-4 zoning is adding handicap accessibility, a new door and exit signs. Ted then went on to state that the business just on the corner from his house (Just A Hair Off The Square) was a good example in that the amount of customer parking they have has not adversely effected his neighborhood at all.

Commissioner Gary Graham expressed that as far as he could see that the parking was the biggest issue.

Jay Johnson added that the city should put protections in mixed use areas for parking. He also added that he didn't want a parking lot next to his home after the property may be sold. Parking assurances of protection will benefit all of us who have residential property still in this part of the downtown area.

Commissioner Kenny Washam asked City Administrator Steve Childers if C-4 is required to have parking spaces?

City Administrator Steve Childers responded that no off street parking lots are required in the C-4 zoning district, they would just have on street parking.

Jay Johnson stated that the downtown area needs new sidewalks and infrastructure and that he understood we required these items

to be installed in newer developments across town and why couldn't the city replace these items here?

City Administrator Steve Childers explained that requiring sidewalks on new developments is something that is still fairly new and that if you want the City to replace the sidewalks and infrastructure downtown you would need to have it addressed to City Council when they prepare their next budget. Steve also added that possibly we could revise the C-4 Zoning District ordinance to require that when any land or building use changes are to be made the owner of the property would be required to replace or repair the sidewalk in front of the residence.

Jay Johnson again expressed his concerns regarding parking.

Fred Borneman asked if there were anymore questions?

Commissioner Kenny Washam replied that O-L (Office Limited) zoning was definitely not an option. Kenny asked if conditional use permit would be the way to go.

City Administrator Steve Childers replied that he didn't feel that it would.

Commissioner Matt Bedinghaus stated that the property is located in the planned C-4 zoning area and C-4 zoned property is across the street from the applicants property.

Commissioner Kenny Washam stated that he felt that the properties downtown should remain residential.

Chairman Fred Borneman expressed that a decision needed to be made.

Commissioner Darrell McGuire stated that this is similar to South Street corridor and the commercial going in around these residential areas, if done in a orderly manner per code, should be fine.

Chairman Fred Borneman stated that the request was to change the property from R-1C to C-4 and asked if there were anymore comments.

Commissioner Darrell McGuire motioned to approve the Zoning Amendment Request #2008-376

Seconded by Matt Bedinghaus

The approval of the Zoning Amendment Request #2008-376 was given by roll call vote:

Aye: Gary Graham, Darrell McGuire, Matt Bedinghaus and Fred Borneman

Nay: Kenny Washam

Commissioner Charlie Powell, Lynn Vest, and Darby Bunch were absent.

City Administrator Steve Childers stated that he does sympathize with the issues brought forth tonight and that the City is working on covering these issues and that we do welcome suggestions.

Chairman Fred Borneman stated that we have already had general discussion on C-4 (Central Business), which was our item "B".

Motion to adjourn meeting given by Kenny Washam

Second by Darrell McGuire

Meeting Adjourned at 8:20

