

City of Ozark Missouri

Department of Planning & Zoning



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June 22, 2009

The regular meeting of the Ozark Planning and Zoning Commission was called to order by Chairman, Chuck Branch, at 7:02 p.m.

Members Present: Gary Graham, Darrell McGuire, Darby Bunch, Kenny Washam, Lynn Vest and Matt Bedinghaus

Members Absent: Charlie Powell and Chairman Chuck Branch

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 May 26, 2009 Planning & Zoning meeting.

Motion to approve by Darrell McGuire
Second by Kenny Washam

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

VISITOR:

- A. Jody Jones approached the commission regarding 1350 & 1352 W. Kirkwood of the Cedar Village Subdivision and explained that he owns a total of eight lots in the subdivision and that the subdivision is currently zoned R-1P (Patio Homes). Jody also pointed out that the Patio Zoning gives no sideyard set back where the property line goes down the center of the lot. Jody added that 1350 & 1352 W. Kirkwood has been unbuildable for over a year and he was asking for help from the City of Ozark as to what could possibly be done with these lots. Jody was unaware of the rock on these lots and explained that when they began to dig they hit rock. Now the rock that sits on these lots is approximately 12 feet and he explained that they tried digging all the way to the garage area of the lot with no luck. The extra digging and hauling off of dirt has cost an extra \$25,000. Jody went on to explain that he was told by the City of Ozark that he would need to submit engineered plans for a retaining wall and after checking into the cost of this, it would cost him approximately

another \$35,000 above the extra \$25,000 already spent. Taking into consideration how construction loans work and the economy now, they would not be able to financially have the funds to complete the project. Jody went on to explain that the only way that he could financially be able to make these two lots buildable would be to rezone multi-family and build two units per lot with the units sharing the floor instead a wall. Doing this would allow them to split the costs over four units instead of two. The second floor of these units would actually be level with the adjacent lots first story.

Commissioner Matt Bedinghaus asked to verify that Jody had stated that these units would be two story opposed to one story?

Jody Jones responded that yes the units that he is proposing would be two story, but that some units already in this subdivision have been walk-out basement units. He also added that the units that he intends on building would be 1,600 square feet per unit top & bottom, for a total 3,200 square feet for the entire structure.

Commissioner Matt Bedinghaus asked if the units would have garages?

Jody Jones replied that the lower level would pull into their own garage, but the upper unit will have parking on the other side of the unit. Jody added that the upper units that will not have garages will have other amenities.

Commissioner Darrell McGuire asked for Jody to verify that as he reads in the packet of information that he had been given that property would be sold as a patio home with one owner on the lower level and one owner on the upper level?

Jody Jones replied that was correct.

City Administrator Steve Childers added that he understood that the property that Jody was talking about was an unfortunate situation and that the subdivision had been platted as R-1P (Patio Homes). Steve expressed that he understood that Mr. Jones would like to rezone the mentioned lots to R-3 (Medium Density) 4 plexes, but spot zoning is not something that the City of Ozark supports. Steve added that even though he does understand that the property in question is situated against commercial development and the topography slopes down and is a issue. Steve asked Jody to show him on the map which 8 units he owned himself.

Jody Jones approached City Administrator Steve Childers and pointed out the properties that he owns in the Cedar Village Subdivision.

City Administrator Steve Childers stated that it would be the challenge of Jody Jones to contact the owner of the subdivision

(Larry Snyder) and obtain approval from him, prior to an application for rezoning would be allowed to come through the process. Steve suggested that he see if the developer of the subdivision would be interested in rezoning all the lots that run along the south end of the subdivision and back up against commercial development. (Lots 1, 2, 3, 4, 55 & 56). Steve also went on to explain that the City has talked about creating a Condominium Ordinance, but at this time anyone who would be interested in creating a Condominium would have to follow the Missouri State Statutes.

Commissioner Lynn Vest asked if the lot was big enough to accommodate what Jody was purposing?

City Administrator Steve Childers responded that it would be the challenge of the builder/owner to make sure that the lot met all the setback requirements, parking requirements, landscaping requirements, etc., based upon the zoning district.

Commissioner Darrell McGuire asked if they had thought about dynamiting the rock?

Jody Jones replied that when they had starting and had dug down to the rock and hauled off the dirt, they were unaware of the situation they where in. Since then they had discussed that option with no success due to the fact that they would 1) have the cost of hauling all the dirt back into the site and 2) the property backs up against an already established commercial area.

Commissioner Gary Graham voiced his opinion that to rezone the above referenced property would be spot zoning and the City of Ozark does not support that practice.

Commissioner Darrell McGuire agreed that we shouldn't set a precedence by rezoning just the above referenced property, but that he didn't see rezoning to (R-3 Multi Family, Medium Density) the full south end of the subdivision that abuts the commercial development a problem.

Jody Jones replied that the lot to his right (lot 56) was owned by Larry Snyder the subdivisions developer.

Commissioner Lynn Vest stated that Mr. Jones would have to work out some agreement with Mr. Larry Snyder the developer of the subdivision to rezone the south portion. (as referenced above)

Jody Jones reassured the commission that he had put a lot of thought and work into this request and felt this was honestly the only way to go forward with his lots and he was aware that he would have to be meet the setbacks and parking requirements for his lots.

City Administrator Steve Childers added that Mr. Jones needed to make sure that he understood being on the corner he would have two front yard setbacks. Steve also added that Jody would need to address the fact that with his property and having different entrances for the separate units, the City has distance requirements for driveways.

Commissioner Lynn Vest asked if the units would have a front and rear entrance for the 2nd floor?

Jody Jones replied that the 2nd floor units would have a front entrance and a rear entrance with a deck that will come all the way down.

Commissioner Gary Graham replied that Mr. Jones would have to come back to the commission with an application requesting a zoning change.

City Administrator Steve Childers stated that he recommends that Mr. Jones approach the developer with the concept of rezoning the south end of the property against the commercial development and the feeling of the Planning & Zoning commission.

Commissioner Kenny Washam stated that he agrees with Steve.

Commissioner Gary Graham stated that he may just want to get a census of how the neighbors may feel about the concept also.

City Administrator said for Jody Jones to see what he could find out.

VISITOR

B.

Gordon Pace the Superintendent of the Ozark School District approached the commission and explained that the School District had met with City on a prior date and that the City Administrator Steve Childers had expressed that the school may want to come before the Planning & Zoning commission to get their opinion on a request that the school may like to bring before the City at a later date. Gordon Pace went on to explain that the school was looking into possibly purchasing the property located at 802 W. Jackson Street, Ozark, Missouri known as Heritage Jeep to be utilized as the new bus barn facility for the Ozark School District. He went on to explain that the current bus barn was located by the Junior High School off of N. 12th Street and due to growth and the need for a larger facility the school had been looking into the Heritage Jeep Dealership. Gordon said that the school's thoughts were that they would be able to utilize the building as offices and the garage as their maintenance shed. Gordon also added that the school would obviously be required to put up fencing and that they would also

want to do the same for safety reasons. Gordon expressed that after talking with Steve Childers, the school understands that the property's current zoning would not allow for this request and that they would need to request a rezoning of the property to an industrial use. He added that the property is known to be in a flood zone area and has known to flood in the past. Gordon explained that they felt with the buses being on wheels, they would have the ability to move them all in the case of such emergency as needed. Gordon stated that their vocational classes would take over their existing bus barn and that would clean up that area that is situated on N. 12th Street and solve the traffic issues that the school currently has with the residents along that street. He also added that they would approximately have 80 buses at the new location and that the school is looking for a central location. Gordon explained to the commission that the school was trying to partner with the city in finding a location that would benefit both and that he wanted their opinions whether they be good or bad.

Commissioner Gary Graham asked if there were any comments?

Commissioner Kenny Washam replied that getting the buses onto Jackson Street would be a challenge and asked how if the school had a plan on doing the same.

Gordon Pace replied that no doubt that would be an issue, but that most of the buses would be turning to the right.

Kevin Patterson from the Ozark School District approached the commission and added that he believed leaving the property onto Jackson Street at 6:30 a.m. wouldn't be an issue that it was the afternoon that would be more of a challenge.

Commissioner Kenny Washam expressed that possibly there could be a turn lane put installed going into the property.

Gordon Pace stated that it was a challenge that would have to be dealt with along with the fact that the zoning of I-1 (Industrial) was not a zoning that was compatible with the downtown district.

Commissioner Lynn Vest commented that the uses allowable in the I-1 (Industrial) zoning are undesirable for the city's downtown district.

Commissioner Darby Bunch expressed that he agreed that the traffic going to the right might be O.K., but that they would have a good amount of traffic that would have to exit to the West. Darby also added that at 2:00 p.m. it is completely normal to have issues getting across the river at that location. Darby did add that 10th Street would be an option to off set some of the traffic, but again the buses would have to enter into traffic at that location without a

light onto Jackson Street. Darby expressed his concerns that he was very happy that the school was looking for a new location for their bus barn and understood the great need for the same. But, Darby stated that he felt that the property's location is at the start of the city's new downtown area and that the bus barn was not a vision you would want to see at that particular location.

Commissioner Gary Graham expressed that he had concerns with the buses coming in and out of this location and thinks that another property might better suit the bus barn.

Commissioner Matt Bedinghaus stated that he felt that it was a good application of use for this particular property, but that they would need a stop light get the buses in and out.

Commissioner Lynn Vest stated that she felt that it was a perfect set-up as far as the use of the property, but that screening and landscaping would be prohibitive due to the topography of the lot itself.

Commissioner Darby Bunch stated that he was not against the bus barn itself and that a light would have to be utilized at 10th Street somehow to make it safe.

City Administrator Steve Childers added that he knows that this is a difficult issue for the commissioners to express, because the City of course wants to work with the Ozark School District in locating a property that would be the perfect fit for the school. This property currently zoned C-4 (Central Business) would not allow this type of use in our downtown district. The property would have to be rezoned I-1 (Industrial) which could create issues on the long term impact of the City's Downtown District. Steve also added that MoDot would have to approve any changes to Jackson Street and the timing of the traffic lights. The existing traffic issues at this location of course are not the fault of the School District and Steve expressed the City's desire to work with the School District on this issue.

Gordon Pace stated that as of right now the Ozark School District is looking for a suitable property and throwing around ideas.

Commissioner Darrell McGuire asked if the School District had checked about the Dodge Dealership on the North side of town?

Gordon Pace replied that the property was too far away from center of town.

Commissioner Darrell McGuire stated that he thought that with Highway "65" being right there, that it would be easier to run the buses from one end of the town to the other.

Commissioner Matt Bedinghaus added that in regards to the Heritage Jeep property that possibly the School District could purchase the convenience store at the end of NN and Jackson Street and relocate N. 10th Street to the light to make the egress/ingress of the buses much safer.

Gordon Pace stated that the School District would just keep looking for possible property to house the bus barn and/or come up with a new variation for this property.

Kevin Patterson added that they would keep looking.

NEW BUSINESS:

**A. ANNEXATION 2009-384
1745 State Hwy 14 East, Ozark, MO
Vicky F. Green Rev. Trust-Owner
Requested Zoning: R-1C (Single Family, 10,000 sf)**

Commissioner Gary Graham introduced the item referenced for annexation and asked if there was anyone present to represent this request.

Vicky Green approached the commission and explained that her property was approximately 5 acres and that her septic had failed and she came to the City to see about receiving water/sewer services, especially since the City's water & sewer lines run across the North end of her property.

City Administrator Steve Childers stated that the property is compact and contiguous and that the staff supports this request.

Commissioner Gary Graham asked for verification that the property was 5 acres?

Vicky Green replied "Yes".

Commissioner Kenny Washam asked if the R-1C (Single Family Min. Lot of 10,000 sf) zoning was what we would want along Hwy 14?

Vicky Green responded that at this time her current use is her residence and that when she happens to sell the property years down the road it can be rezoned to commercial.

Commissioner Darby Bunch stated that he felt this annexation request was as clean as they come.

Darby Bunch made a motion to approve the request for the Annexation #2009-384 of 1745 State Hwy 14 East, Ozark, Missouri.

Second by Darrell McGuire

The motion to approve the request for the Annexation #2009-384 was made by roll call vote.

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

Nay: None

Commissioner Charlie Powell and Chairman Chuck Branch were absent.

Commission Comments:

None.

Staff Comments:

Date chosen for Planning & Zoning Retreat was August 15, 2009.

**Motion to adjourn meeting given by Darrell McGuire
Second by Lynn Vest**

Meeting Adjourned at 8:05