

ORDER OF THE  
CHRISTIAN COUNTY COMMISSION  
OZARK, MISSOURI

DATE ISSUED: March 2, 2020  
SUBJECT: CASE NUMBER 2019-0296

TEXT:

Frank Hilton petitions the Christian County Commission to rezone a 29.95 acre tract of land from A-1 (Agriculture District) to C-2 (General Commercial District) and also a 29.35 acre tract of land from A-1 (Agriculture District) to R-1 (Suburban Residence District) in order to lawfully permit land use compatible with surrounding parcels and be reflected as such on the Christian County Zoning Map at the SE corner of State Highway 14 and State Highway W near Ozark, Missouri, located within Parcel 12-0.9-31-0-0-2.000 which is legally described as follows:

ALL OF THE NORTH HALF (N½) OF LOT TWO (2) OF THE NORTHWEST QUARTER (NW¼); (ALSO KNOWN AS NW¼ NW¼); AND ALL OF THE NORTH HALF (N½) OF LOT ONE (1) OF THE NORTHWEST QUARTER (NW¼); ALL IN SECTION THIRTY-ONE (31), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY (20) WEST. EXCEPT THAT PART TAKEN, USED, OR DEEDED FOR ROAD PURPOSES ACROSS THE NORTH SIDE FOR MISSOURI STATE HIGHWAY "14" AND ACROSS THE WEST SIDE FOR MISSOURI STATE HIGHWAY "W", SUBJECT TO A VARIABLE WIDTH STRIP OF LAND FOR COUNTY ROAD USES DESCRIBED AS FOLLOWS:  
BEGINNING AT AN IRON PIN AT THE SOUTHEAST CORNER OF THE NORTH HALF (N½) OF LOT TWO (2) OF THE NORTHWEST QUARTER (NW¼) OF SECTION THIRTY-ONE (31), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY (20) WEST; THENCE NORTH 87°44'40" WEST, ALONG THE SOUTH LINE OF SAID NORTH HALF (N½) OF LOT TWO (2), 721.35 FEET TO AN IRON PIN ON THE EAST RIGHT-OF-WAY LINE OF MISSOURI STATE HIGHWAY "W"; THENCE NORTH 01°55'35" EAST, ALONG SAID RIGHT-OF-WAY LINE, 40.00 FEET; THENCE SOUTH 86°32'18" EAST, 721.41 FEET TO A POINT ON THE EAST LINE OF SAID NORTH HALF (N½) OF LOT TWO (2) OF THE NORTHWEST QUARTER (NW¼); THENCE SOUTH 67°13'15" EAST 70.49 FEET TO A POINT ON THE SOUTH LINE OF NORTH HALF (N½) OF LOT ONE (1) OF NORTHWEST QUARTER (NW¼) OF SAID SECTION THIRTY-ONE (31); THENCE NORTH 87°59'30" WEST ALONG THE SOUTH LINE OF SAID LOT ONE (1) OF NORTHWEST QUARTER (NW¼), 65.70 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF (N½) OF ABOVE MENTIONED LOT TWO (2) OF NORTHWEST QUARTER (NW¼) TO THE POINT OF BEGINNING; SAID ROAD RIGHT-OF-WAY RECORDED IN BOOK 2016 PAGE 7590 IN CHRISTIAN COUNTY, MISSOURI RECORDER'S OFFICE, ALL BEING IN CHRISTIAN COUNTY, MISSOURI.

The Christian County Planning and Zoning Commission did, during public hearing on February 18, 2020 review this request and hear public comment. Motions to recommend approval of both of these changes passed by a unanimous vote.

Now, therefore, after additional review of this case and having heard additional public comment the Christian County Commission did this day, upon a motion by Commissioner Robertson, seconded by Commissioner Bilyeu, by a unanimous vote to approve this request.

Done this 2nd day of March, 2020, at 10:30 a.m.

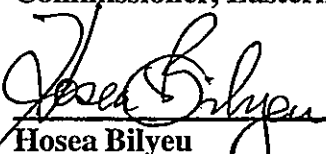
**CHRISTIAN COUNTY COMMISSION**

  
\_\_\_\_\_  
**Ralph Phillips**  
Presiding Commissioner

Yes X  
Dated: 3-2-2020


  
\_\_\_\_\_  
**Mike Robertson**  
Commissioner, Eastern District

Yes   
Dated: 03-02-2020

  
\_\_\_\_\_  
**Hosea Bilyeu**  
Commissioner, Western District

Yes   
Dated: 03-02-2020

**ATTEST:**

  
\_\_\_\_\_  
**Kay Brown**  
County Clerk

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# PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

**Request for Zoning Change**

**HEARING DATE: March 2, 2020**

**CASE NUMBER: 2019-0296**

**APPLICANT: Frank Hilton**

**CURRENT ZONING: A-1 Agricultural**



1106 W. Jackson St., Ozark, MO 65721 (417) 581-7242





# Zoning in the area:



**PROJECT DESCRIPTION:**

The applicant proposes the change in zoning classification for a 59.3 +/- acre parcel so that the northern 29.95 acres would be changed to C-2 and the southern 29.35 acres would become R-1.



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## **PLANNING / LAND USE ANALYSIS:**

### *Land Use Plan:*

This property is located at the southeast corner of State Hwy 14 and State Hwy 14. Our future land use plan endorses location of commercial and industrial uses near transportation corridors such as this.

Developing the southern portion of the property which is 700 feet from the roadway for dispersed residences is an appropriate transition in land use.

### *Compatibility:*

The portion to be re-zoned as R-1 currently borders a platted residential subdivision.

The portion to be re-zoned as C-2 borders a primary arterial which is populated nearby with other commercial development.



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## **PLANNING / LAND USE ANALYSIS:**

### *Connectivity:*

The Commercial portion has frontage along State Hwy 14.

The portion to be re-zoned R-1 has frontage along State Hwy W as well as along Kings Court.

### *Public Benefits:*

The rezoning of this parcel creates the possibility of additional residential and commercial development in the area.





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## **PROJECT/SITE ANALYSIS:**

### *Landscaping and Buffering:*

No provisions for landscaping or buffering have been offered or will be required at this time. If and when the site is developed, the prescribed residential setbacks found in Article 36 would be applied. Site development for the commercial portion would be required to comply with setbacks and also any distancing requirements associated with specific uses.

### *Building Design:*

No structural design plans have been presented at this time. Any future buildings would be subject to the codes administered by the Building Inspections Department.



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## **PROJECT/SITE ANALYSIS:**

### **Access:**

The site has approximately 2000' of frontage along State Hwy 14 where MODOT would have control over the location and traffic considerations associated with commercial development along that corridor.

The southern portion to be developed for residential purposes will be able to access Kings Court which would minimize any additional residential driveways directly accessing State Hwy W.

### **Utility Services:**

Utilities are not presently available at the site. Any new wells would require the approval of MODNR and any new septic systems would have to be approved by the County Health Department. There also exists a probability that at some point in the future, the City of Ozark may be able to extend access to public utilities for the commercial side.



## **ENVIRONMENTAL ANALYSIS:**

### *Stormwater Impact:*

Commercial development typically requires large areas of added impervious coverage made up of buildings and parking areas. If and when this area is developed, it would be required to follow the requirements found in the Christian County Stormwater and Erosion Control Regulations. This will involve the development of appropriate stormwater management plans.

The residential development would occur on parcels which are at least 3 acres in size. Stormwater management considerations will be addressed in the engineers report associated with the preliminary plat review.

### *Groundwater Impact:*

None is anticipated.



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## **ENVIRONMENTAL ANALYSIS:**

### *Floodplain/Sinkhole Impacts:*

The site contains a large area of mapped flood hazard which crosses the entire property diagonally from the northeast corner to the southwest.

The development of this property would need to take this into consideration to avoid encroachment into the regulated areas.

Currently, the County is required to regulate according to the FIRRM we have in place which was adopted in 2010. Over the last year, our office has been working with FEMA's floodplain mapping contractor on a project which will provide us with a new FIRRM which is based on more precise data and evaluation. While these new maps will not be adopted until early 2021, we already have access to the information and the ability to see what changes to the map will be coming.

In this particular case, the overall area of floodplain will shrink by approximately 50% which would allow much more flexibility as the site is developed.



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## **TRANSPORTATION ANALYSIS:**

### *Traffic Impact:*

A change of zoning to the area proposed for R-1 and subsequent development of the property would likely create only minimal increase in traffic to and from a site which is already served by an internal road. A traffic analysis would be part of the preliminary platting process.

Depending upon the type of development which may occur on the commercial portion, MoDOT may need to work with future developers to assure that traffic considerations are built into those plans.

### *Access Management:*

Any access proposed along either State Hwy falls under the control of MoDOT. Any new driveways accessing Kings Court which is a County maintained road would need to be approved by the Christian County Highway Department.




**STAFF COMMENTS:**

This change will allow for utilization of this land in a way that is in keeping with the County's adopted Development Regulations.

**RECOMMENDATIONS:**

On February 18, 2020 the Planning and Zoning Commission reviewed this request and took public comment on it. Motions to recommend approval for both the R-1 and C-2 changes were passed by a unanimous vote.



**Christian County**  
**Planning & Development**  
**Department**  
*Promoting orderly growth in a united*  
*Christian County*

