

ORDER OF THE
CHRISTIAN COUNTY COMMISSION
OZARK, MISSOURI

DATE ISSUED: September 5, 2019

SUBJECT: CASE NUMBER 2019-0179

TEXT:

B. Diane Scott and Johnna Fischer petition the Christian County Commission to rezone a 4.06 +/- acre tract of land from A-1 (Agricultural District) to RR-1 (Rural Residence District) along with an adjoining 2 +/- acre tract of land in order to lawfully permit land use compatible with surrounding parcels and be reflected as such on the Christian County Zoning Map at Lot 3, Timber Crest Estates, Ozark, Missouri, located within Parcel 11-0.7-36-0-0-38.004. The combined acreage is legally described as follows:

DESCRIPTION

All of Lot 3 of "TIMBER RIDGE ESTATES", a subdivision recorded in Book 6 at Page 691 in the Christian County Recorder's Office; AND part of the South Half of the Southwest Quarter of the Southeast Quarter (S1/2 SW1/4 SE1/4) and part of the South Half of the Southeast Quarter of the Southeast Quarter (S1/2 SE1/4 SE1/4), all in Section 36, Township 27N, Range 21W, Christian County, Missouri, described as beginning at the Southwest corner of said South Half of the Southeast Quarter of the Southeast Quarter; thence along the South line of said South Half of the Southwest Quarter of the Southeast Quarter N87°12'05"W 137.37 feet; thence N01°57'36"E 665.85 feet to the North line of said South Half of the Southwest Quarter of the Southeast Quarter; thence along said North line S87°14'22"E 137.37 feet to the Northwest corner of said South Half of the Southeast Quarter of the Southeast Quarter; thence S86°15'20"E 8.50 feet; thence S00°52'14"E 323.70 feet; thence S01°51'53"W 308.88 feet; thence N86°53'02"W 25.00 feet; thence S01° 57'36"W 34.00 feet to the point of beginning. Subject to all right-of-ways, easements, and restrictions of record.

The Christian County Planning and Zoning Commission did, during public hearing on August 19, 2019 review this request and hear public comment. They subsequently issued a recommendation for approval of this request 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 Bilyeu, seconded by Commissioner Robertson, by a unanimous vote to approve this request to become effective upon the approval of a replat to Lot 3 of Timber Crest Estates which combines the adjoining 2 acres into Lot 3 within 90 days of the issuance of this Order.

Done this 5th day of September, 2019, at 10:30 a.m.

CHRISTIAN COUNTY COMMISSION

absent
Ralph Phillips
Presiding Commissioner

Yes _____
Dated: _____

[Signature]
Mike Robertson
Commissioner, Eastern District

Yes
Dated: 09.05.2019

[Signature]
Hosea Bilyeu
Commissioner, Western District

Yes
Dated: 9-5-2019

ATTEST:

Kay Brown
Kay Brown
County Clerk

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Christian County Planning & Zoning Commission Staff Report & Recommendation to the County Commission

DATE: September 5, 2019

CASE NUMBER: 2019-0179

APPLICANTS: Johnna Fischer / B Diane Scott

LOCATION: 115 Timber Crest Rd., Ozark, MO.

REQUEST: Change zoning classification from A-1 Agriculture District to RR-1 Rural Residence District

CURRENT ZONING: A-1 Agricultural District

CURRENT LAND USE: Vacant residential lot.

SURROUNDING ZONING: North: C-1 South: A-R
East: RR-1 West: A-1

SURROUNDING LAND USES: Low density residential and agriculture uses

ATTACHMENTS:

1. Application
2. Site Maps
3. Photos of Site

PROJECT DESCRIPTION:

The applicant proposes the change in zoning classification for a total of 6.05 +/- acres of land to R-1 in order that the zoning will be similar to the other parcels found in this platted subdivision. The area to be rezoned is comprised of Lot 3 of Timber Ridge Estates which is currently 4.06 +/- acres along with 2 +/- acres of adjoining acreage to be rezoned.

The combined and rezoned resulting acreage would then allow for lot 3 to be replatted into two lots.

BACKGROUND AND SITE HISTORY:

The parcel associated with this request is Lot 3 of Timber Ridge Estates which was platted in 1998. This lot remains undeveloped. Through the process of creating and adopting an initial zoning map in 2010, this parcel was recognized as vacant and given an A-1 designation. Arguably, it should have received an RR-1 designation, similar to the other lots at that time but the issue did not come to light until recently.

ZONING DISTRICT BEING CONSIDERED:

The applicant is requesting a change in zoning to R-1 Suburban Residence District which is detailed in Article 36 of the County Zoning Regulations.

This Zoning District is typical for platted developments including all other lots in Timber Ridge Estates.

PLANNING/LAND USE ANALYSIS:

Land Use Plan:

The Christian County Generalized Future Land Use Map projects this area to be one of agricultural use with dispersed residences for the foreseeable future.

Compatibility:

Residential parcels serviced by internal road(s) are typical of the surrounding area.

Connectivity:

This change would not significantly impact any vehicular or pedestrian connectivity.

PROJECT/SITE ANALYSIS:

Landscaping and Buffering:

No provisions for landscaping or buffering have been offered or will be required at this time.

Building Design:

No plans for structures have been presented at this time.

Access:

The property has existing access to Timber Ridge Rd.

Utility Services:

Existing on site.

ENVIRONMENTAL ANALYSIS:

Stormwater Impact:

None is anticipated as a result of this change. The amount of undeveloped acreage would allow for normal infiltration of rainwater.

Groundwater Impact:

None anticipated.

Floodplain/Sinkhole Impacts:

No mapped floodplain or sinkhole areas exist on this lot.

TRANSPORTATION ANALYSIS:

Traffic Impact:

No impact is expected as a result of this rezoning.

PUBLIC COMMENT:

At the public hearing before the Planning and Zoning Commission, several owners of property near this location expressed their concern that the applicants' intention is to split Lot 3 into two lots and to create a road which accesses the Scott's property to the west. Their concern is that if this were to happen, it would completely change the neighborhood they bought into and would create an unacceptable traffic dynamic.

STAFF COMMENTS:

With respect to the concerns voiced at the hearing, staff would only remind the Commission that the decision to be made here relates strictly to a change of zoning classification.

Approval of this application will allow for an appropriate zoning designation for this lot which is part of a platted development.

If we assume that the applicant's intention is to request a replat adding the 2+/- acres to Lot 3 and then splitting to create two lots with a means of access leading from the cul-

de-sac, through Lot 3 to the acreage to the west; that separate process is spelled out in the Christian County Subdivision Regulations.

Article 7, Section 6 addresses replatting. The first item listed simply states that "A replat shall follow the same procedures as a final plat." This guidance is found in Section 4.

Section 4. Final Plat Approval

- A. The final plat shall substantially conform to the approved preliminary plat.
- B. The final plat shall be submitted to the Planning and Zoning Department for approval and subsequent recording.
- C. The Administrator may either approve the final plat, require changes in writing, or refer the final plat to the Planning and Zoning Commission. Required changes shall be forwarded to both the developer and surveyor in writing. (See Section 5 for final plat review procedures.)
- D. The developer has the right to appeal the Administrator's decision to the Planning and Zoning Commission. The appeal must be filed thirty (30) days prior to the regular Planning and Zoning Commission hearing.

While this Section gives the Administrator authority to approve final plats and by extension – replats, it also requires that the proposed plat be in substantial conformance to the approved plat. It also grants the Administrator the discretion to refer the final plat to the Planning and Zoning Commission.

In the case of the replat described above; the addition of an easement passing through one of the platted lots is a factor which would cause me to refer the proposed plat to the Planning and Zoning Commission for its review in a public hearing.

The associated staff report for such a request would not endorse the addition of a "road easement" allowing for the development of a County spec road. Staff would not, however, advocate against an ingress/egress easement which simply provides limited access and does not open the door to a new major subdivision utilizing Timber Crest Road for it's access.

RECOMMENDATIONS:

The Planning and Zoning Commission reviewed this application at its August 19, 2019 hearing and accepted public comment on the matter.

The board voted unanimously to recommend an approval of this request to the County Commission.

Staff is recommending that the County Commission approve the request rezoning the described acreage to RR-1 with that approval being conditioned upon the applicants

successfully replatting Lot 3 of Timber Ridge to include the additional 2+/- acres included in the legal description.



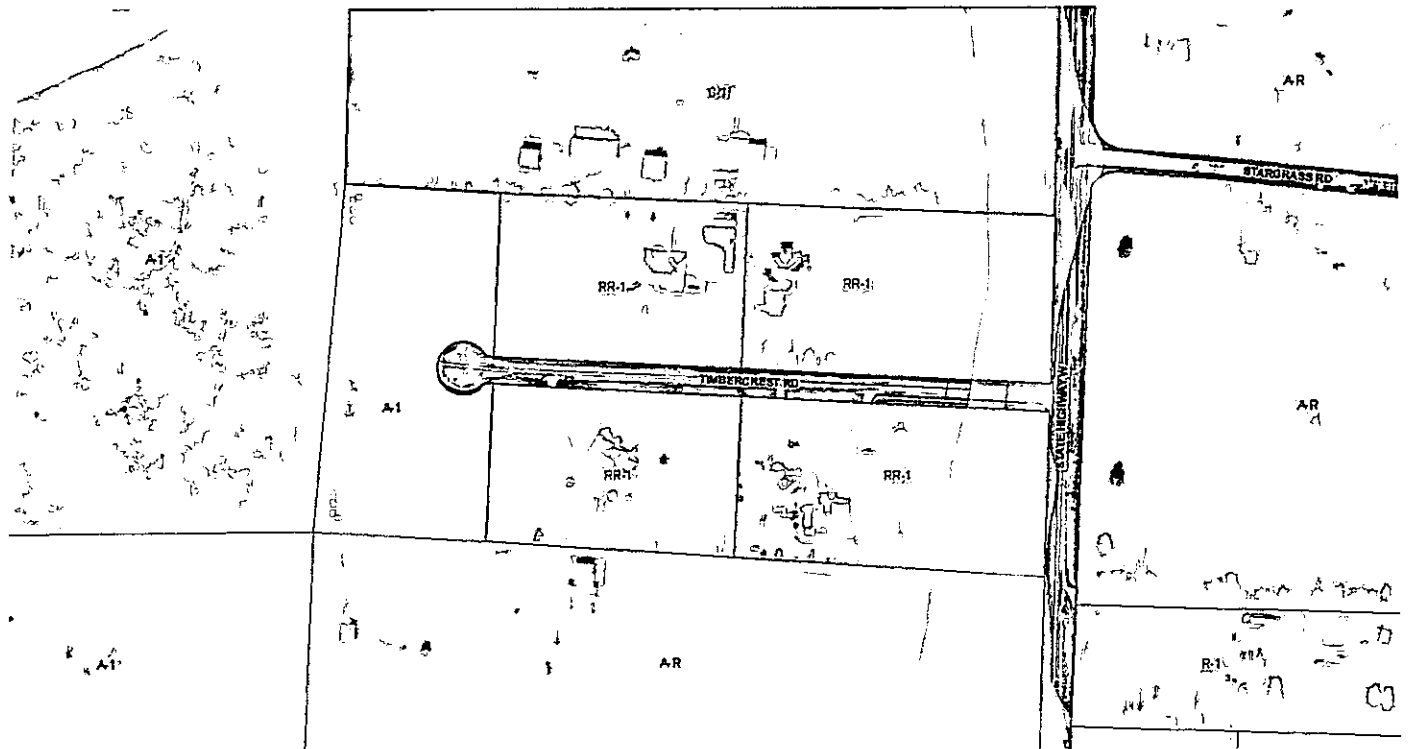
Todd M. Wiesehan,
Executive Secretary
Christian County Planning and Zoning Commission

Maps for Case # 2019-0179

Aerial view



Current zoning in the area



PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

Request for Zoning Change

HEARING DATE: September 5, 2019

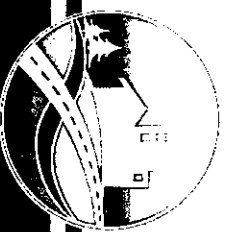
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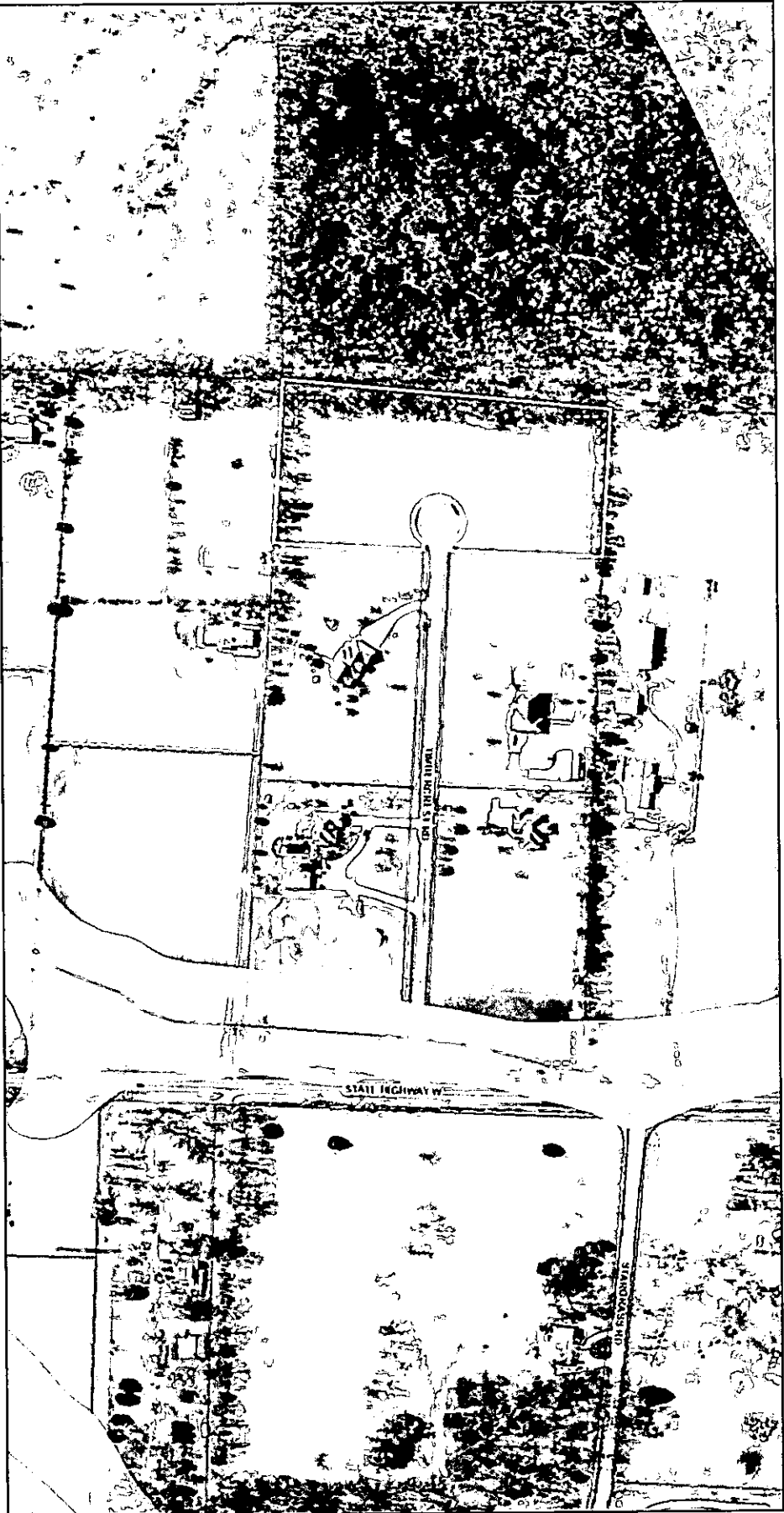
CURRENT ZONING: A-1 Agriculture



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



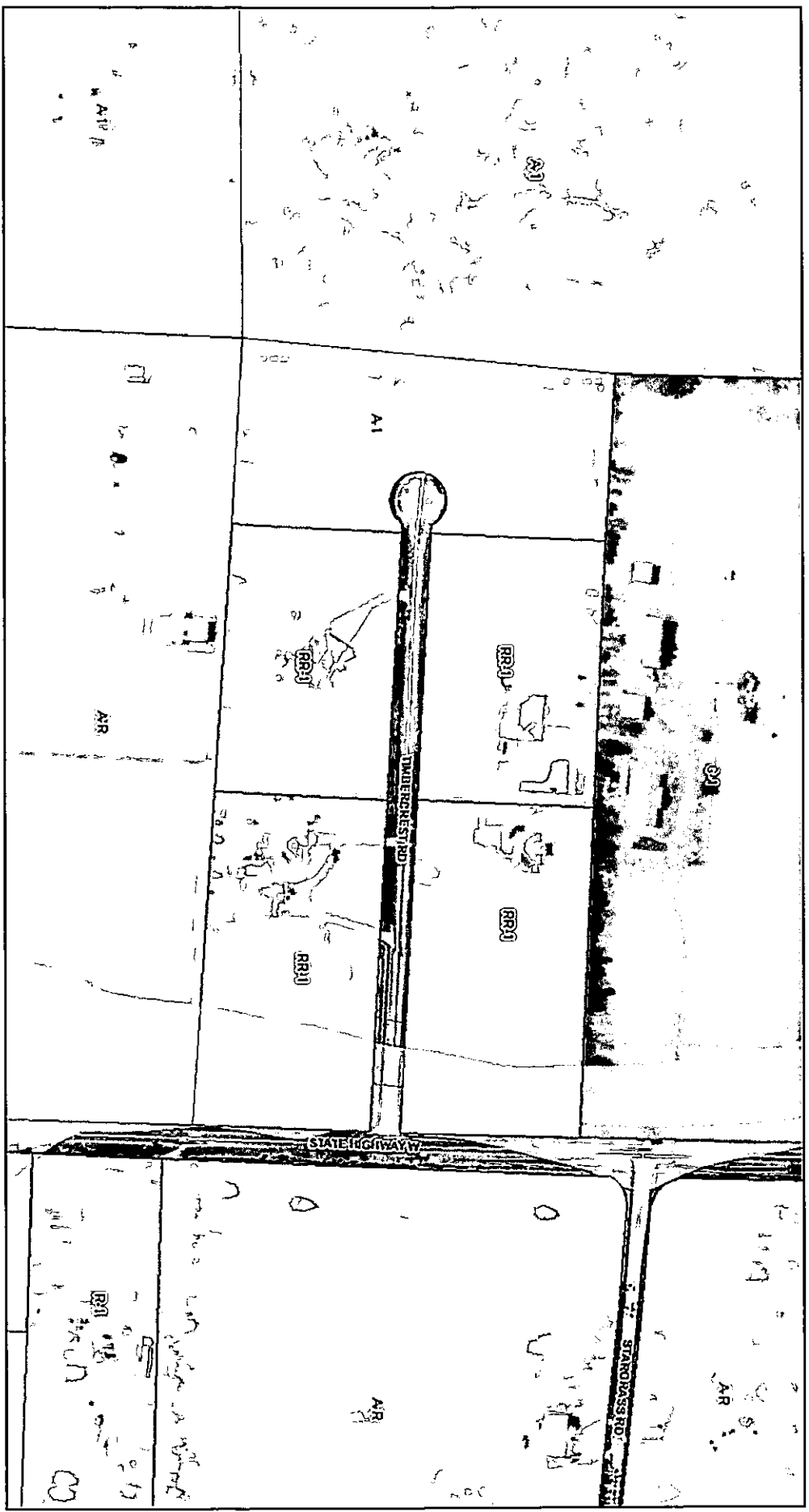
LOCATION: 115 Timber Crest Rd., Ozark, MO



Existing commercial, low density residential, and larger undeveloped agricultural parcels surround this property.

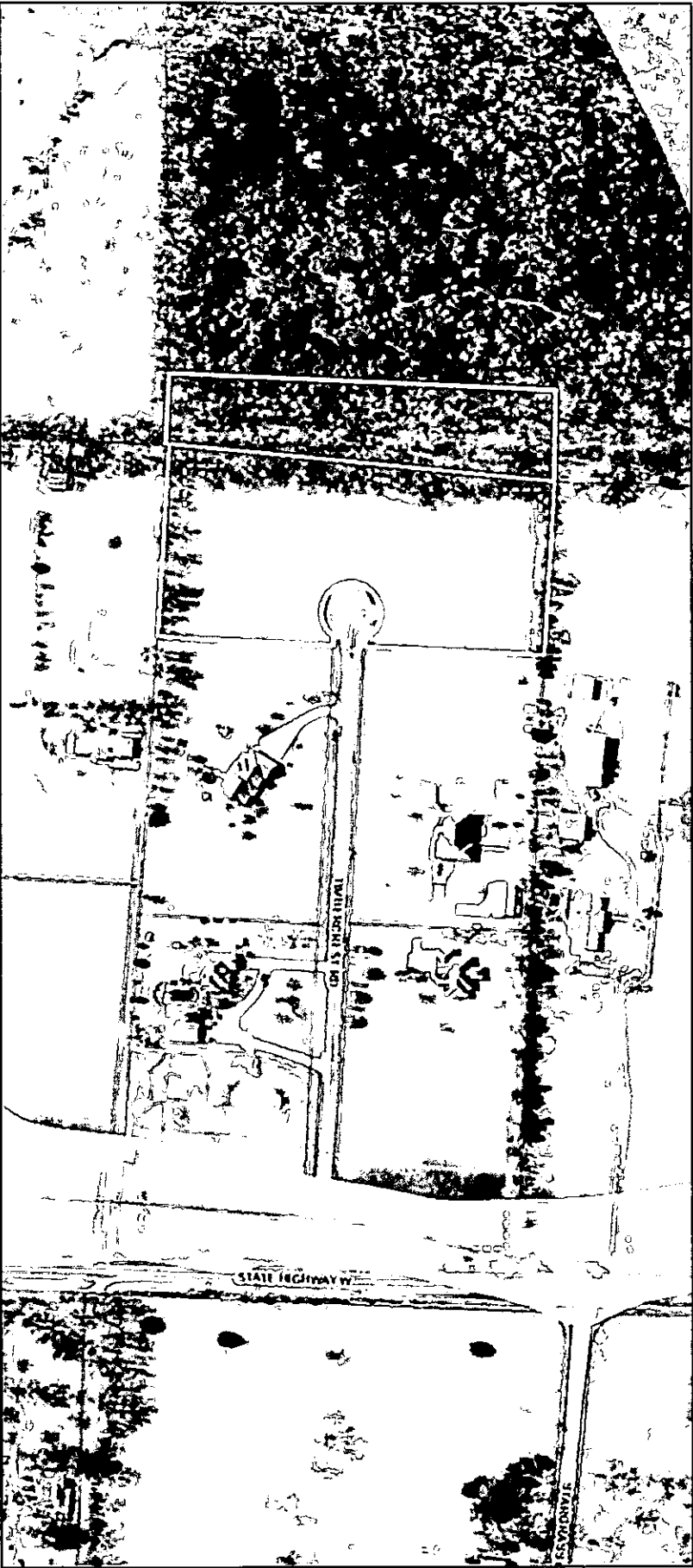


Zoning in the area:



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Compatibility:

Residential parcels serviced by internal road(s) are typical of the surrounding area.

Connectivity:

This change would not significantly impact any vehicular or pedestrian connectivity.



PROJECT/SITE ANALYSIS:

Landscaping and Buffering:

No provisions for landscaping or buffering have been offered or will be required at this time.

Building Design:

No plans for structures have been presented at this time.

Access:

The property has existing access to Timber Ridge Rd.

Utility Services:

It is expected that the site will be served by an on-site well for its water and will require an individual septic system.



ENVIRONMENTAL ANALYSIS:

Stormwater Impact:

None is anticipated as a result of this change. The amount of undeveloped acreage would allow for normal infiltration of rainwater.

Groundwater Impact:

None anticipated.

Floodplain/Sinkhole Impacts:

No known floodplain or sinkhole features are located on the property.

TRANSPORTATION ANALYSIS:

Traffic Impact:

No impact is expected as a result of this rezoning.



PUBLIC COMMENT:

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STAFF COMMENTS:

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Christian County
Planning & Development
Department

*Promoting orderly growth in a unified
Christian County*

