

P & Z Meeting Minutes
June 1, 2015
7:00 P.M.

Members Present: Kendall Dingus, Bob Blondo, Robert Wilson, Chris Cauble, Chris Souliere, Joe Gallant, David Young. Members Absent: Steve Tallaksen

The minutes from May 11, 2015 were approved with a motion from Robert Wilson and a second by Chris Souliere. All voted aye.

The agenda was approved with an amendment of moving the Village of Wicklow rezone request to last with a motion from Robert Wilson and a second from Chris Cauble. All voted aye.

Visitors

There were no visitors present

Agenda Items

15-6-01 Preliminary Plat, Walnut Creek PH II

Staff Report

Travis Cossey presented the staff report for the preliminary plat request. Mr. Cossey stated that Mr. Johnny Monger is requesting approval of a preliminary plat for the creation of 11 single family lots located in the 800 block of S Main St. The property currently has a single family home, with a shed and shop building located on it. Mr. Monger would like to develop the property as an additional phase of Walnut Creek with access off of Trail Point Dr. The existing home will remain. Staff recommends approval of the request with conditions as stated:

1. As mentioned in the Transportation Section above, the drive off of S. Main St. to the existing home must be abandoned and access to the home provided from the cul-de-sac upon its completion.
2. Storm water detention or fee-in-lieu of detention must be provided for the site. If a fee-in-lieu of detention is not approved then the applicant must make provisions to ensure that the proposed detention is maintained. The basin will either need to be made a part of a lot or included in the HOA of Walnut Creek. If the HOA option is chosen, signed documents must be provided to the City certifying acceptance into the existing HOA.
3. The existing home is currently on City of Nixa electric. At the time of development the current overhead electric must be abandoned and the home hooked up to the underground system that will be provided along the cul-de-sac. This will eliminate the need for an overhead electric system that negatively impacts the proposed lot 11.
4. As designed no single-family lots shall have access to Main St. All lots with frontage along the road must maintain driveway access internal to the subdivision. In accordance

with the subdivision regulations, any lot with frontage on multiple streets must front the lesser traveled road with driveway access limited to the lesser traveled road.

5. Street names and addressing of the phase will be coordinated with Christian County E911. It shall be the applicant's responsibility to provide E911 with all proposed street names to gain approval for their use.
6. The engineer must submit with the construction plans for streets and drainage a planned route for construction equipment and traffic access to the property.
7. Storm water will be transported through concrete ditches or in underground pipes to non-buildable areas that meet the 100-year storm requirements and other requirements of the city's Technical Specs Manual.
8. In accordance with the subdivision regulations, it will be the engineer's responsibility at the end of each phase and prior to signing of the final plat or release of security bonding, to provide the city with a stamped and sealed set of as-builts, as well as, a copy of the construction plans and final plat on disc.
9. Obtaining water and sewer service is the responsibility of the applicant. Any easements or dedication of land necessary to obtain connections meeting the City's adopted connection criteria are also the responsibility of the applicant.
10. Erosion control measures must be implemented during all phases of construction to avoid siltation build-up in drainage areas. This will include hay bale barriers, silt fences or other erosion control measures where needed. If initial erosion control measures are washed out or damaged, it will be the developer's responsibility to replace and improve these efforts. The developer will be responsible for cleaning debris from drainage channels if they become blocked or clogged.
11. All storm water produced by this development must be diverted to detention basins that are sized to handle the 100-year storm and must be constructed in accordance with city specifications.
12. Fire hydrants are required to be located every six hundred feet as well as at the end of all cul-de-sacs throughout the development.
13. Sidewalks are required to be constructed on the side of the street that the water line is placed.
14. When recorded, the final plat must include a 15' utility easement along the rear of all perimeter lots. Also, a 10' utility easement will need to be located between lots as required for the placement of streetlights. The City's electric superintendent will inform the developer where the easements are to be placed prior to recording of the final plat.

Joe Gallant asked why there was not an entry off of Main St. Mr. Cossey stated that there wasn't adequate site distance. David Young asked if the existing house meet the setback requirements. Mr. Cossey stated that it did. Mr. Young asked what the smallest lot was. Mr. Cossey stated that the smallest lot size would be 6500 sq ft.

Public Hearing

Mr. Clayton Hines was present to answer any questions.

Irene Feleronis, 822 S Birchwood approached the Commission. She had concerns with the amount of traffic and felt that it would not be safe. Would like the existing home torn down as it didn't match the rest of the homes in the subdivision.

Alma Eisenman, 818 S Birchwood, approached the Commission. She has concerns with the existing home, feels like it is in bad shape and with the current subdivision codes it would not match existing homes.

With no one else wanting to address the Commission, Joe Gallant closed the Public Hearing.

Discussion

Joe Gallant stated that it was not the Planning and Zoning Commissions responsibility or authority to ask Mr. Monger to demolish the house. The only thing the Commission was being tasked with was the Preliminary Plat. Chris Cauble stated that the Commission did not have the authority to enforce the subdivision covenants.

Mr. Cauble asked if the increased traffic could be accommodated. Mr. Cossey stated that the existing infrastructure was adequate to handle the increased traffic.

With no further discussion, Chris Souliere made a motion to approve the request with a second by David Young. All voted aye.

15-6-03 Minor Subdivision and Rezone request, NC (neighborhood commercial) to R-1 (single family) Lot 2, June Beasley trust.

Mr. Cossey presented the staff report for the request. Mr. Cossey stated that this property contains a single family home and a commercial office building. The business is no longer there and the property is for sale. The requested minor subdivision will split the business frontage and building from the single family home to allow for separate sale. Staff recommends approval.

Public Hearing

Joe Gallant asked if anyone was here to speak to the Commission concerning the request. Earl Brown approached the Commission and stated that he was the purchaser for the single family home and was available if there were any questions.

Discussion

Chris Cauble asked if there would be 2 separate votes on the issue. Mr. Cossey stated that yes the Minor Subdivision would need to be voted on first and the rezone.

With no further discussion David Young made a motion to approve the Minor Subdivision with a second by Robert Wilson. All voted aye.

Chris Souliere made a motion to approve the rezoning request with a second by Chris Cauble. All voted aye.

15-6-04 Rezone Request, O(professional office) to R-1(single family) 802 & 804 Northview Dr.

Mr. Cossey presented the staff report for the requests. Mr. Cossey stated that the request was to rezone 2 lots, one with a single family home and the vacant lot next to it, from O (professional office) to R-1 (single family). The 2 lots were rezoned to O in 2008 by request from the previous owner with plans to build an office building complete with parking. The current owner, Mr. Tony Baggett, purchased the property when it went into foreclosure. Due to the cost of improvements to accommodate office development, Mr. Baggett has been unable to find a buyer for the property. He would like to rezone the property to R-1 in order to sell the existing home and the vacant lot for residential use.

Public Hearing

Mr. Bill Lay, 806 Northview, stated that he was in support of the rezoning.

Tony Baggett, owner of the property stated he was available for any questions.

With no one else wanting to address the Commission, Joe Gallant closed the Public Hearing.

Discussion

With no further discussion, Robert Wilson made a motion to approve the request with a second by Chris Souliere. All voted aye.

15-6-02 Rezone Request, GC (general commercial) to R-3 (multi-family) Lot 54, Villages of Wicklow

Mr. Cossey presented the staff report. He stated that the applicant is request a rezoning of the property from GC(general commercial) to R-3(multifamily). The request is to accommodate the construction of a senior multi family living complex. Staff recommends approval with conditions as stated:

The requested rezoning will transition the property from a commercial use to a multi-family residential use. The property is in an area that is currently being utilized as a multi-family living environment. The Villas at Wicklow, located across the street from the property is a multi-family senior living community.

The property is located at the entrance of the Villages at Wicklow, residents of the proposed multi-family area will have direct access to Hwy. CC via Old Castle Rd. without the need to travel through the subdivision to access a major road system.

The property is located on Old Castle Rd. When designed the road was designed as a collector street capable of handling the traffic that will be generated from a multi-family development.

Prior to development of the site a final plat of the area will need to be recorded and a building permit obtained meeting the minimum requirements of the City of Nixa.

Public Hearing

Pat O’Rielly, Developer, gave a brief presentation of the type of facility proposed for this location and history of the Villages of Wicklow.

Clayton Hines, Shaffer and Hines, gave a presentation on the zoning history of the Villages of Wicklow.

Earl Newman, Traffic Engineer, gave a presentation on the Traffic Impact Study that was conducted for this area. One study covered the GC zoning and the other covered the R-3 zoning.

Brent Stevens, Architect, presented the design layout for the proposed facility.

Mike Nichols, 1417 N. Rockingham, stated that he felt the compatibility of the units to the rest of the neighborhood didn’t match. Most of the residents did not know about the development and asked the Commission to table the decision until more residents could be contacted.

Marcelene Middleton, 840 E Rush Ct, asked if they could mark the trees to be taken down with yellow ribbon. She feels like the proposed 3 story building would be an eyesore.

Dan Houser, 802 E King’s Mead Cr, feels like the R-3 zoning is preferable to the existing GC zoning. Does not like the idea of a 3 story building.

Randy Davenport, 836 Donegal Cr, was the first homeowner in the subdivision. Home that Pat O’Reilly built still not sold. Does not like the style and it does not fit with the neighborhood. With the pool next to the proposed facility, loud children would be bothersome.

Deb Mullin, 828 E King’s Mead Cr #3, feels like this project is better than having commercial buildings. Does not agree with the 3 story building that is proposed. Trying to pull out on Old

Castle Rd from the side street is difficult now, concerned about when traffic is increased with the proposed development.

Frank Wagner, 1414 Wicklow Rd, likes progress and supports the development.

Elsa Gray, 1403 N Rich Hill Cr, asked how a nursing home could be considered a residential property since the owner would be making money off of it. Mr. Cossey stated that it was a dwelling for people to live in, not a commercial property. Mrs. Gray would like the request to be tabled until more information could be obtained.

Joyce Brockwell, 1409 N Wicklow Rd, does not like the location of the proposed facility. Has not talked to anyone who is in favor of the development.

Arlene Davidson, 815 E Donegal, just moved to this neighborhood, likes it the way it is. She feels that most people are not aware of the proposed development. Would like it to be postponed. Does not want a nursing home located at the front of this development.

Susan Stowe, 222 Shady Acres, is a local realtor and addressed the concerns of property value. In her experience it will not affect the property value of the neighborhood.

Janet Edie, 1428 N Rockingham, moved to this neighborhood because of the way it looks. She assumed that this area would remain a green area. Is concerned about the increase in traffic. Does not like the proposed 3 story building.

Angela Helsey, 1437 N Rockingham, does not like the proposed 3 story building, is concerned that the Alzheimer care unit being next to the pool and CC would cause a safety issue.

Brad Aldridge, 133 Bradley Ct. Highlandville, is the ex-Director of the Fremont and gave a brief overview of the Fremont as it would relate to the proposed development. He stated that it would be very family friendly and it was not a nursing home. The 3 story building would actually be downhill from the pool and the 3rd story would be on eye level with the pool.

Debbie Nichols, 1417 N Rockingham, felt that because an Alzheimer unit was a skilled unit that it was that same as a nursing home. She felt it was too close to the pool and would be a safety concern. Would like for it to be tabled.

With no one else wanting to address the Commission, Joe Gallant closed the Public Hearing.

Discussion

David Young explained to those present that the only thing the Commission could vote on was the rezone from GC to R-3. They could not get involved with the development aspects as far as what was being proposed.

Chris Cauble stated that the developer went above and beyond with the presentation tonight. Most of the time that is not the case.

Chris Souliere stated that he would rather see it as a multi-family zoned area than commercial.

David Young stated that it would not be beneficial for the P&Z Commission to postpone their decision, since it would just be a recommendation. He suggested that everyone who spoke, please go to the Council meeting to be held on June 15th and ask for postponement then.

Robert Wilson asked what the next step would be if this was approved by Council. Mr. Cossey stated that they would need to apply for building permits for the project.

Mr. Young asked if the residents would be able to address the City Council with their concerns, Mr. Cossey stated that they could.

With no further discussion, Chris Cauble made a motion to approve the request with a second by Chris Souliere. All voted aye.

With no further business, David Young made a motion to adjourn with a second by Chris Cauble. Meeting adjourned.

P&Z Secretary, Bob Blondo