

P & Z Meeting Minutes

March 7, 2015

7:00 P.M.

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

The minutes from February 1, 2016 were approved with a motion from Chris Cauble and a second motion from Bob Blondo. All voted aye.

The agenda was approved with a motion from Steve Tallaksen and a second from Jack Bickler. All voted aye.

Vistors:

Chris Cauble asked if there was anyone present who would like to speak on a subject not on the agenda. No one was present.

Agenda Items:

16-03-01 Amended Preliminary Plat- Kelby Creek Phase IV

Staff Report:

Travis Cossey presented the staff report on the Amended Preliminary Plat request for Kelby Creek phase IV. Central Bank of the Ozarks has submitted a request for an amendment to the approved preliminary plat for Kelby Creek phase IV. The area in question is a 4.46 acre site located along Kelby Parkway. The original preliminary plat for Kelby Creek identified this area as an R-1 (single-family) zoned area containing a cul-de-sac and seven lots. The current owner is requesting a decrease in density to reduce the lots from seven to one.

Public Hearing:

Chris Cauble opened the public hearing.

Wanda Mclane, 1365 S. Kingscliff Ct., stated she would not like the Preliminary Plat request to be approved due to these concerns: If the number of lots in Kelby Creek decrease the amount of their Property Owners Association dues will increase. The re-plat approval of Phase 4 from 45 lots to 1 lot caused a decrease in annual revenue. This re-plat will cause more decrease, in the amount of \$6,000. Right now the POA fee is \$1,000 per year per lot. The POA will only rise as there are less lots to divide by. She stated 7 homes would generate more revenue for the city versus 1 home. She presented her letter as well as other letters from residents of Kelby Creek that oppose the application.

Steve Tallaken asked if there was a way for the current POA members to pay POA dues based on square foot price.

Wanda McLane answers by stating the bank has 10 votes per lot, with the POA only having 1 per lot. The bank would not be willing to do that.

Everett Isaacs, 1364 S Kingscliff Ct., stated they currently have 70 lots on the Property Owners Association which is a revenue of \$70,000 annually. Which supports the pool, clubhouse, walking trails as well as other things. \$1,000 POA fees is already a stretch. In comparison, Highland Springs POA is \$750 a year. The homes are a much greater value compared to the homes in Kelby Creek which are valued between \$275,000 and \$500,000. If this passes houses will go up for sale in Kelby Creek and maintenance in Kelby Creek will decline.

Lee Vioul, on behalf of Central Bank, spoke about the property being foreclosed 3 years ago. They have been actively marketing this property with only one other potential developer showing interest. Infrastructure cost is too high to make money on the deal, which has driven potential developers away. He suggest, the POA members amend the POA after the plat is approved. He feels this is the best opportunity for the lots in Kelby Creek.

Wanda McLane, stated the 7 lots are being offered at the amount of \$67,500. She paid \$52,000 for her lot and had to put an additional \$30,000 in the infrastructure of the lot for building. She believes all 7 lots could be built on.

Chris Cauble closes public hearing.

Discussion:

Jack Bickler asked Lee Vioul if the 7 lots are undesirable and if the buyer wants to build 1 house.

Lee Vioul answers yes, the 7 lots are not desirable and 1 house would be constructed.

David Young asked when was the approval of the 45 lots to be re-plated to 1 lot.

Wanda McLane answers in 2014.

Joe Gallant stated the board can't control a POA. If it meets zoning and ordinance criteria that's what we need to look at as a commission.

Steve Tallaksen suggests the POA talk with Central Bank about making a deal to sell the property to the POA.

Joe Gallant suggests giving Kelby Creek POA 30 days to talk to Central Bank.

Chris Cauble agrees to table to Preliminary Plat until next month to give the POA a chance to work with the bank. At this point he believes the Preliminary Plat complies with city code.

Steve Tallaksen makes a motion to postpone 16-03-01 Amended Preliminary Plat- Kelby Creek phase IV to April 4, 2016 agenda, with a second from Bob Blondo. 5 voted aye and 1 voted nay.

16-03-02 Preliminary Plat- Eagle Park

Staff Report:

Travis Cossey presented the staff report for the Preliminary Plat request for Eagle Park. The subject property is a 33.26 acre tract of land located on the Southwest corner of Gregg Rd. and Northview Rd. The property is currently vacant land lying adjacent to Gregg Rd. The property was purchased by the City of Nixa from the Nixa School District for the purpose of construction of a Nixa City Park. After two failed tax ballot issues aimed at funding improvement on the land, the City Council has decided to offer the land for purchase. Mr. Stu Stenger of Stenger Development has made an offer that the City Council has accepted. The offer came with the understanding that the City of Nixa, as the owner, would annex and process a preliminary plat prior to closing. The Preliminary Plat request provides for the addition of 50 single-family lots, 1 multi-family lot and 2 common area lots. The city would be responsible for 50% of infrastructure and the developer is responsible for the other 50%. Travis Cossey states staff recommends the Planning and Zoning Commission forward a resolution of approval to the City Council with conditions of approval as presented in this report.

Travis Cossey addressed the concerns of traffic increase at Northview and Gregg Rd. The city did a 24 hr. traffic count finding that the traffic was well below the capacity of 8,000 per day. Staff also calculated the additional traffic from the proposed development which did not exceed the capacity of the two roads.

Travis Cossey also addressed the stormwater concerns from previous meetings made by residents of the Sleepy Hollow Subdivision. He stated the developer has acknowledged the issue and concerns. The city, as well as the developer, have met with engineers to help create a plan to slow and spread stormwater out in hopes of lessening the stormwater run-off into Sleepy Hollow. They are working together to go above and beyond the minimum stormwater requirements.

Steve Talleksen asked about sidewalks on Gregg Rd. Travis Cossey stated the sidewalks on Gregg Rd. would be part of the development of the R-3 area.

Public Hearing:

Chris Cauble opens the public hearing to anyone in the audience who would like to speak regarding Eagle Park.

Carol Hammond, 1127 W Ichabod Ct., says she has lived in Nixa 25 years and Katrina street is really nothing but a drainage ditch. Can the city and board guarantee her, her house won't flood due to this development? Travis Cossey answers no, we are held to code standards when stormwater engineer designs are made, which prepare for a 100 year storm. The city and developer have met and gone above the code standards in hopes that the stormwater problems will not worsen.

Carol Hammond would like to see some more assurance. She's afraid the stormwater retention release will not sustain the water. She has seen Dogwood Subdivision's retention basin overflow. Travis Cossey stated a retention basin will release at historic levels that is what they are designed to do.

Josh and Abby Thompson, 1144 W Sleepy Hollow Dr., want to know what impact the drainage area next to their house in Sleepy Hollow will have with the new development, will it stay the same or get worse. Travis Cossey answers the city and developer have looked at several ways to lessen the impact to the drainage area. Engineering several pipes for outflow versus one will help spread the water out. There is no way to know how the drainage area will change.

Joe Gallant asked if anyone from Sleepy Hollow has contacted Christian County regarding the stormwater concerns.

Visitor's answer they didn't know about recently but several years ago they had.

Abby Thompson asked how many multi-family properties will be located in the development. Travis Cossey stated 30 have been proposed, but there can be up to 188.

Carolyn Hammond asked about Espy schools being impacted as well as school district taxes. The commissioners informed her we could not answer on behalf of the school district.

Jerry Caywood, 601 N Gregg Rd., wanted to know about 3 retention ponds the developer had discussed at one time. He also asked about sidewalks running in front of his property. Since his property is in the county, how will being surrounded by city limits affect him. Travis Cossey stated he was unaware of the discussion in regards to 3 retention ponds. The city will not be installing sidewalks on Gregg Rd. in front of his property until road improvements are made. The board informed him his property is in the county, thus city ordinances in regards to burning and livestock would not apply to his property.

Chris Cauble closes public hearing.

Discussion:

Joe Gallant is worried about stormwater and encourages Sleepy Hollow residents to contact Christian County. He also asked if we can make the developer install improvements in Sleepy Hollow. Travis Cossey answered no, but he is willing to go above and beyond the minimum requirements to lesson impacts to Sleepy Hollow.

Abby Thompson asked if they could have more time to contact Christian County in regards to stormwater.

Chris Cauble answered no. That suggestion was given at the last meeting. He would still encourage them to contact Christian County even if the preliminary plat gets approved.

David Young made a motion to approve 16-03-02 Preliminary Plat- Eagle Park with a second motion by Bob Blondo. 5 voted aye and 1 voted nay.

Planner's Report:

Travis Cossey asked for the August 1, 2016 meeting to be rescheduled. Everyone agreed to reschedule to Tuesday August 2, 2016 at 7:00 pm.

He also presented a brief overview of subdivision development.

With no further business, David Young made a motion to adjourn with a second by Bob Blondo. Meeting adjourned at 8:55p.m.

P&Z Secretary, Bob Blondo