



# Christian County Commission

100 West Church St, Room 100  
Ozark, MO 65721

<http://ChristianCountyMO.iqm2.com>

July Term

~ Minutes ~

Monday, July 6, 2015

8:55 AM

The Christian County Courthouse

## I. Convene

The meeting was called to order at 8:55 AM by Presiding Commissioner Ray Weter

Attendee Name	Title	Status	Arrived
Ray Weter	Presiding Commissioner	Present	8:55 AM
Bill Barnett	Western Commissioner	Present	8:55 AM
Sue Ann Childers	Eastern Commissioner	Present	8:55 AM
Mary Argiso	Assistant	Present	8:55 AM
Cheryl Mitchell	Assistant	Present	
Julia Maples	Administrative Assistant	Present	

## II. Agenda

### **Motion/Vote - 8:55 AM Christian County Commission**

Discussion - Approve Commissioners Agenda

The meeting was attended by Commission Secretary Julia Maples, Petitioners Reid Roberts, Kelly Roberts, Edward Flatness, Citizens; Denton Hicks, Linda Keeth, Clarence Brown, Jeannie Brown, Jamin Brown, Kyler Losh, Kasey Kosh, Ron St. Clair, Jimmy Richardson, George (Russ) Heavin Kenneth Rantz, Faye Rantz, Bill Davis, Reporter from Headliner Newspaper, Chadwick Rural Fire Dept. VP John Derby, Chadwick Rural Fire Dept. Treasurer Ann Derby, C.C.R.D. driver Danny Hursh, County Surveyor Loyd Todd, and C.C.A.D. Kasha Driskill.

The Commission met to approve today's agenda for Monday, July 6th, 2015.

Also added to the agenda an emergency road flood meeting at 3pm today.

Presiding Commissioner Weter entertained a motion for approval.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sue Ann Childers, Eastern Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Sue Ann Childers
<b>ABSENT:</b>	Bill Barnett

### **Motion/Vote - 8:56 AM Kay Brown-County Clerk**

Minutes & Financials Approval - Approve Minutes & Financials

The meeting was attended by Commission Secretary Julia Maples, Petitioners Reid Roberts, Kelly Roberts, Edward Flatness, Citizens; Denton Hicks, Linda Keeth, Clarence Brown, Jeannie Brown, Jamin Brown, Kyler Losh, Kasey Kosh, Ron St. Clair, Jimmy

Richardson, George (Russ) Heavin Kenneth Rantz, Faye Rantz, Bill Davis, Reporter from Headliner Newspaper, Chadwick Rural Fire Dept. VP John Derby, Chadwick Rural Fire Dept. Treasurer Ann Derby, C.C.R.D. driver Danny Hursh, County Surveyor Loyd Todd, and C.C.A.D. Kasha Driskill.

The Commission met to approve any minutes and financials.

There were no minutes or financials for approval.

**Motion/Vote - 9:00 AM Reid Roberts-Citizen**

Discussion - Petition to Vacate Fairview Road

The meeting was attended by Commission Secretary Julia Maples, Petitioners Reid Roberts, Kelly Roberts, Edward Flatness, Citizens; Denton Hicks, Linda Keeth, Clarence Brown, Jeannie Brown, Jamin Brown, Kyler Losh, Kasey Kosh, Ron St. Clair, Jimmy Richardson, George (Russ) Heavin Kenneth Rantz, Faye Rantz, Bill Davis, Reporter from Headliner Newspaper, Chadwick Rural Fire Dept. VP John Derby, Chadwick Rural Fire Dept. Treasurer Ann Derby, C.C.R.D. driver Danny Hursh, County Surveyor Loyd Todd, and C.C.A.D. Kasha Driskill, Miranda Beadles Highway Engineer, and Richard Teague CI Supervisor.

The Commission met with Citizen Reid & Kelly Roberts regarding the Petition to Vacate Fairview Rd.

Meeting began with Ms. Kelly Roberts addressing certain issues pertaining to Fairview Rd., and why it needs to vacate.

1. The road has become useless and is no longer necessary as a primary means of travel for the property owners in the area, and also Christian County's cost for continued maintenance & repair of the County's road portion.
2. The road has been used illegally by trespassers for example: dumping trash, Deer poaching, animal remains that are creating a health hazard, shooting range, drunkards, also had to dispose of meth labs and needles on property.

Pictures were given to the Commissioners regarding the lands surroundings as evidence.

Mr. Roberts noted that the road is being used illegally and is creating a burden to the police and public.

Discussion amongst the attendees were voiced, as well as the Petitioners Attorney.

There were some concerns regarding fire and ambulance emergency access and access to the cemetery. Mr. Roberts said he will consider options that will not effect emergency access and cemetery. Commissioner Childers said we need to get the police and fire departments involved.

Commissioner Weter entertained a motion to reconsider a meeting in October of 2015.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sue Ann Childers, Eastern Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Bill Barnett, Sue Ann Childers

**Motion/Vote - 10:00 AM Todd Wiesehan-Planning & Development Administrator**  
Rezoning Application - Alan Global-Jerry Nichols Rezoning of Hwy NN & Southernview Road

The meeting was attended by Commission Secretary Cheryl , Mr. Todd Wiesehan Planning & Development Administrator, Highway Engineer Miranda Beadles, Citizens; Gerald Cox, Gary & Ingrid Fehr, Jerome & Carla Nichols, Architect Randy Hone and Architect Joan Hand.

The Commission met with Mr. Todd Wiesehan Planning & Development Administrator regarding Alan Global & Jerry Nichols rezoning of Hwy NN & Southernview Rd.

Meeting began with presentation from Mr. Wiesehan.

The rezoning of the three acre land parcel # 4-0.7-36-0-0-7 will change from A-1 zone to O-2 zone for the purpose of subdividing the parcel into three 1 acre tracts. No official site plan has been submitted at this time .He also discussed as noted:

1. Project description 2. Background and site history 3. Site Plan 4. Land use plan 5. Compatibility 6. Connectivity 7. Building design 8. Point of Access 9. Utility Services 10. Stormwater impact 11. Groundwater impact 12. Floodplain or Sinkhole impacts 13. Traffic impact 14. Access management 15. The Planning & Zoning Commission voted unanimously to recommend approval of this change to the County Commission.

There were concerns voiced by neighboring residents at the meeting mainly about possible stormwater impacts to their properties. Mr. Nichols stated that he can include in his plans the storm water drainage and a run off that will allow the water where it is supposed to go.

Presiding Commissioner Weter entertained a motion for approval.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sue Ann Childers, Eastern Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Sue Ann Childers
<b>ABSENT:</b>	Bill Barnett

**Motion/Vote - 11:00 AM Kevin Bright-Citizen**

Hearing - Board of Equalization Hearing 3575 N. Smallin Rd Ozark

The meeting was attended by the Board of Equalization: Presiding Commissioner Ray Weter, Commissioner Sue Ann Childers, Brenda Hobbs, Kyle Estes, Jason Massengale, County Surveyor Loyd Todd, non-voting members County Assessor Danny Gray, County Clerk Kay Brown, Deputy County Clerk Mary Argiso, and Commission Secretary Cheryl Mitchell and Deputy Assessor Garrett Buckley.

The meeting minutes for the Board of Equalization are kept in the minutes for the Board of Equalization.

**Motion/Vote - Terry McCullough-Citizen**

Hearing - Board of Equalization Hearing 1908 S. Redbird Ct. Ozark

The meeting was attended by the Board of Equalization: Presiding Commissioner Ray Weter, Commissioner Sue Ann Childers, Brenda Hobbs, Kyle Estes, Jason Massengale, County Surveyor Loyd Todd, non-voting members County Assessor Danny Gray, County Clerk Kay Brown, Deputy County Clerk Mary Argiso, and Commission Secretary Cheryl Mitchell and Deputy Assessor Garrett Buckley.

The meeting minutes for the Board of Equalization are kept in the minutes for the Board of Equalization.

**Motion/Vote - Steve Johnson-Sequiota Investments Inc.**

Hearing - Board of Equalization Hearing Forest View Lot 118 Saddlebrook

The meeting was attended by the Board of Equalization: Presiding Commissioner Ray Weter, Commissioner Sue Ann Childers, Brenda Hobbs, Kyle Estes, Jason Massengale, County Surveyor Loyd Todd, non-voting members County Assessor Danny Gray, County Clerk Kay Brown, Deputy County Clerk Mary Argiso, and Commission Secretary Cheryl Mitchell and Deputy Assessor Garrett Buckley.

The meeting minutes for the Board of Equalization are kept in the minutes for the Board of Equalization.

**Motion/Vote - Denny Hush-Citizen**

Hearing - Board of Equalization Hearing Ozark Granite

The meeting was cancelled by the property owner.

**Motion/Vote - 3:00 PM**

- Emergency Session

Commissioner Weter entertained a motion to enter into the Emergency Session regarding unanticipated road and bridge repair, and to discuss aspects involved.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ray Weter, Presiding Commissioner
<b>SECONDER:</b>	Sue Ann Childers, Eastern Commissioner
<b>AYES:</b>	Ray Weter, Sue Ann Childers
<b>ABSENT:</b>	Bill Barnett

**Motion/Vote - 3:00 PM     Denny Hush-Citizen**

Hearing - 2333 : Emergency Meeting Requested by Road Engineer Miranda Beadles  
The meeting was attended by Highway Engineer Miranda Beadles, CI Road Supervisor Richard Teague, Commission Secretary Julia Maples , Auditor Lacy Hart and Mr. Spenser Jones with Great River Engineering.

Ms Beadles began discussion stating due to the recent storms the Parch Corn Road has been washed out again for the 3rd time. A temporary fix has been made, however would like to make a permanent fix. Mr. Teague said the culverts has collapsed from the top to bottom and all the gravel was washed away by the second storm. The water crossing in the area is now 60 feet by 15 feet with a heavy flow of water. The debris has caused the initial damage to the road and bridge therefore a permanent fix is needed to prevent future flooding. Commissioner Weter asked Ms. Hart the status of the emergency fund in revenue not yet used? Ms. Hart responded CI & C2 have a sum balance left of approximately \$223,000.00. She noted there's money available in the budget overall. Ms. Maples mentioned we have \$300,000.00 in the Sales Tax Reserve available for an emergency.

Mr. Jones said we could get some funding from MoDot due to the size of the project.

Commissioner Weter noted; on our recent audit we received a very good report with additional revenue, therefore we can use some of that money. Ms. Hart responded the funds would then come out of the general fund. Ms. Beadles suggested that if we use the General Fund account that will keep the Road budget funds separate from this emergency allowing C1 & C2 projects to stay on scheduled projects.

Commissioner Childers asked what needs to be done to clear the area. Ms. Beadles recommended to have Mr. Jones with Great River Engineering to do the bidding. It is estimated the the project be completed by Late November or early December 2015.

Commissioner Weter entertained to issue an order for the Engineer of Record Mr. Jones to begin the preparations in engineering the Parch Corn Road project located between Hunter Rd. & Loveland Dr..

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sue Ann Childers, Eastern Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Sue Ann Childers
<b>ABSENT:</b>	Bill Barnett

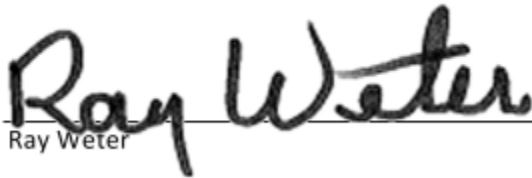
**III. Adjournment**

The meeting was closed at 3:30 PM  
The Commission is adjourned until Thursday, July 9th, 2015.

**Motion/Vote -**  
- Motion to Adjourn

Presiding Commissioner Weter entertained a motion to adjourn.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ray Weter, Presiding Commissioner
<b>SECONDER:</b>	Sue Ann Childers, Eastern Commissioner
<b>AYES:</b>	Ray Weter, Sue Ann Childers
<b>ABSENT:</b>	Bill Barnett



Ray Weter

Presiding Commissioner, Ray Weter



Bill Barnett

Western Commissioner, Bill Barnett



Sue Ann Childers

Sue Ann Childers

Eastern Commissioner, Sue Ann Childers

ORIGIN

PETITION TO VACATE COUNTY ROAD

(RSMO. §228.110.1)

ROAD NAME: Portion of Fairview Road located in Sections 13 and 14 of Township 26, Range 20 in Christian County, Missouri

STATE OF MISSOURI )
) ss. IN THE CHRISTIAN COUNTY COMMISSION
COUNTY OF CHRISTIAN ) 2015

COME NOW the undersigned Petitioners (the "Applicants") and hereby request that the Christian County Commission vacate a certain portion of Fairview Road located in Christian County, Missouri consisting of that portion of Fairview Road from the very northern boundary of Section 13, Township 26, Range 20 to the southeastern boundary of Section 13, Township 26, Range 20, and for their Application to the Christian County Commission, state, allege and aver as follows:

Vacation of Public Road due to uselessness and imposition of unreasonable burden

- 1. The Applicants are residents of the township through which Fairview Road passes and which the proposed portion of Fairview Road is sought to be vacated.
2. The particular section of Fairview Road, which Applicants are respectfully requesting to be vacated, consists of that section of Fairview Road which extends in a generally southeasterly direction from its intersection with the northern boundary of Section 13, Township 26, Range 20, to its intersection with the southeastern boundary of Section 13, Township 26, Range 20 in Christian County, Missouri, and is more particularly described in Exhibit "A" and depicted on the survey marked as Exhibit "B" attached hereto and incorporated herein by reference (the "County Road").
3. The portion of Fairview Road sought to be vacated herein is surrounded by property solely owned by Whitworth Holdings, II, L.P.

Attachment: 2015 Fairview Rd Petition (2327 : Petition to Vacate Fairview Road)

4. According to RSMo. Section 228.110.1, a road may be vacated as follows:

**“Any twelve residents of the township or townships through which a road runs may make application for the vacation of any such road or part of the same as useless, and the repairing of the same an unreasonable burden upon the district or districts. The petition shall be publicly read on the first day of the term at which it is presented, and the matter continued without further proceedings until the next term.”**

5. The Applicants specifically request vacation of that portion of Fairview Road described herein and on **Exhibits A and B** attached hereto because the Road has become useless and is no longer necessary as a primary means of travel for the property owners in the area, and as such, Christian County’s continued maintenance and repair of this portion of Fairview Road has become an unreasonable burden upon the County.

6. In addition, the Road has been used by trespassers to dump trash and other pollutants upon the Road and upon the private property of Whitworth Holdings, II, L.P.

7. Furthermore due to the deteriorating condition of the Road it is frequently impassible by regular vehicular traffic as portions of the Road are washed out and have fallen into a state of severe disrepair.

8. Due to the lack of vehicular traffic, its current condition, and the cost of future repairs and maintenance for the County, that portion of Fairview Road sought to be vacated and legally described and depicted in **Exhibits A and B** has become an unreasonable financial burden upon the County, and in accordance with Section 228.110.1 RSMo., Applicants respectfully request that portion of a county road known as Fairview Road as legally described in **Exhibit “A”** be vacated.



WHEREFORE, Applicants request that the Christian County Commission vacate a portion of Fairview Road as described herein and legally described in **Exhibit A** attached hereto, and provide such other relief as necessary and appropriate in the vacation of the same.

**[SIGNATURE PAGE FOLLOWS]**

Applicants Requesting Vacation of that portion of Fairview Road located within Sections 13 and 14 of Township 26, Range 20 in Christian County, Missouri as legally described in Exhibit "A", attached hereto and depicted in the Survey in Exhibit "B" attached hereto:

[SEE EXHIBITS "A" AND "B" ATTACHED HERETO]

PETITIONERS/APPLICANTS ADDRESS TOWNSHIP DATE

1. Zeid Roberts 213 Fairview Rd 26 4-9-15  
 Signature Zeid Roberts  
 65753  
 Sparta MO

Printed Name

3. Kelli Roberts 213 Fairview Rd 26 4-10-15  
 Signature Kelli Roberts  
 Printed Name  
 65753  
 Sparta MO

4. Edward L. Flatness PO BOX 56 SPARTA MO 4-10-15  
 Signature Edward L. Flatness  
 Printed Name  
 65753  
 170 Fairview Rd

Attachment: 2015 Fairview Rd Petition (2327 : Petition to Vacate Fairview Road)

Applicants Requesting Vacation of that portion of Fairview Road located within Sections 13 and 14 of Township 26, Range 20 in Christian County, Missouri as legally described in Exhibit "A", attached hereto and depicted in the Survey in Exhibit "B" attached hereto:

[SEE EXHIBITS "A" AND "B" ATTACHED HERETO]

PETITIONERS/APPLICANTS	ADDRESS	TOWNSHIP	DATE
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Attachment: 2015 Fairview Rd Petition (2327 : Petition to Vacate Fairview Road)

<i>S. Spawt</i> Signature	P.O. Box 262 Spautamo MO 4-9-15	825 Comanche Trl 65753	
Skane Grider Printed Name			

PETITIONERS/APPLICANTS      ADDRESS      TOWNSHIP      DATE

10. Brandi Culbertson      389 Waterwheel Ave Sparta, Mo 65753

Signature

4/19/13

Brandi Culbertson

Printed Name

11. Lisa Frye      372 Hilltop Ave Sparta, Mo 6575

Signature

4/19/13

Lisa Frye

Printed Name

Attachment: 2015 Fairview Rd Petition (2327 : Petition to Vacate Fairview Road)

PETITIONERS/APPLICANTS ADDRESS TOWNSHIP DATE

6. Floyd L. Whitworth 370 Mountainview Rd 260 65753 Sparta, MO 4/20/15  
Signature

Floyd L. Whitworth  
Printed Name

7. Austin Whitworth 370 Mountainview Rd 260 65753 Sparta MO 4/20/15  
Signature

Austin Whitworth  
Printed Name

8. Christine Flatness P.O. Box 56 Sparta, MO 4-27-15  
Signature  
170 Fairview Rd 65753

Christine Flatness  
Printed Name

9. Jessica Closser 820 Fairview Rd, Sparta MO 65753  
Signature

Jessica Closser 5/8/15  
Printed Name

10. Robert Maulenburg 104 Lann Rd Sparta Mo 65753  
Signature

Robert Maulenburg  
Printed Name

11. Mary Jo Maulenburg 104 Lann Rd Sparta Mo 65753  
Signature

Mary Jo Maulenburg  
Printed Name

12. \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Attachment: 2015 Fairview Rd Petition (2327 : Petition to Vacate Fairview Road)

PETITIONERS/APPLICANTS ADDRESS TOWNSHIP DATE

6. Carl Closser 820 Fairview Rd ~~680~~ 6-2-15  
Signature Sparta MO 65753

Carl Closser  
Printed Name

7. Danny G Bohannon 165 Fairview Rd 6-3-15  
Signature Sparta, MO 65753

Danny G Bohannon  
Printed Name

8. Lawrence S Diamond 380 Wintergreen  
PO Box 297 6-7-15  
Signature Sparta MO

Lawrence S Diamond  
Printed Name

9. Jacob Dickerson 380 Winter green Ad. PO box 297 65753  
Signature Sparta mo

Jacob Dickerson  
Printed Name

10. \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

11. \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

12. \_\_\_\_\_  
Signature

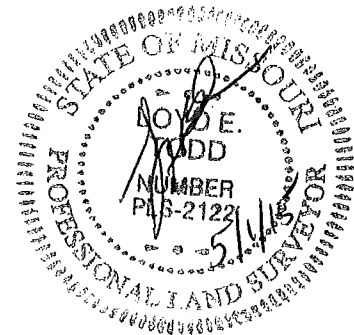
\_\_\_\_\_  
Printed Name

Attachment: 2015 Fairview Rd Petition (2327 : Petition to Vacate Fairview Road)

EXHIBIT “ A ”

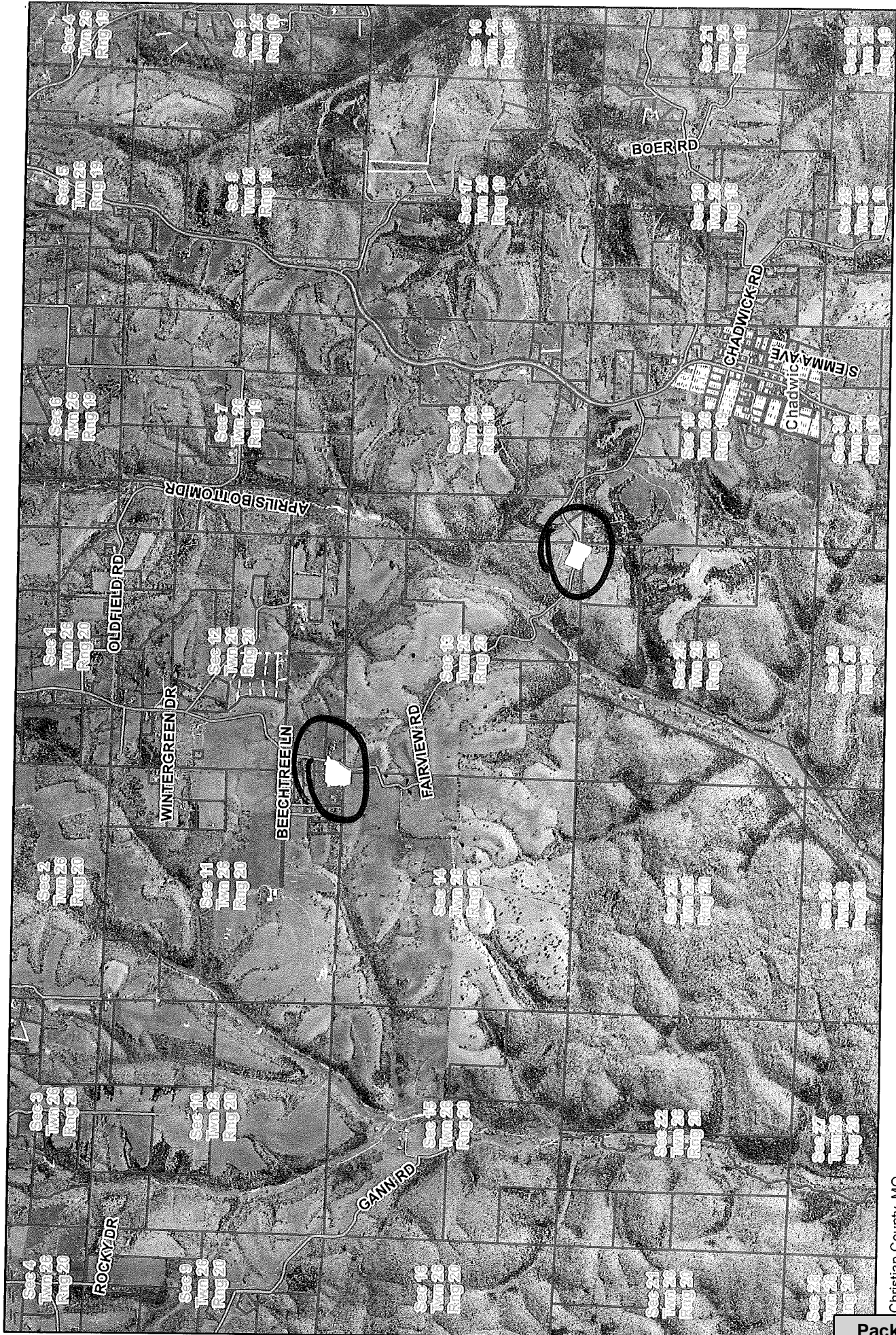
DESCRIPTION

That part of Fairview Road running through **Sections 13 & 14, Township 26N, Range 20W**, Christian County, Missouri, described as follows:  
Beginning at a point 230.67 feet East of the Northwest corner of said Section 13, said point being on the centerline of Fairview Road; thence along said centerline in a generally Southeasterly course to a point 219.95 feet North of the Southeast corner of said Section 13 for an end to said description.



Attachment: 2015 Fairview Rd Petition (2327 : Petition to Vacate Fairview Road)

# exhibit B



This property ownership map is for tax purposes only. It is not intended for legal purposes.

## Christian County Assessor

Attachment: 2015 Fairview Rd Petition (2327 : Petition to Vacate Fairview Road)

Christian County, MO  
Ownership Map  
prepared under the direction  
of the State Tax  
Commission of Missouri  
and the





## PUBLIC NOTICE

The Christian County Commission will hold a public hearing regarding the Petition to Vacate Fairview Road in Christian County. The hearing will be held on Monday July 6, 2015 at 9:00 a.m. in the Christian County Commission Office, 100 W. Church Street, Room 100, Ozark, MO 65721. Anyone wishing to provide comments as to why the Commissioners should not close Fairview Road in Christian County, appear and give statement. For more info call 582-4300 or email: [countycommission@christiancountymo.gov](mailto:countycommission@christiancountymo.gov)

**Cheryl Mitchell-**

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**From:** Jason Ramos <locatorjramos@yahoo.com>  
**Sent:** Wednesday, July 01, 2015 2:11 PM  
**To:** countycommission@christiancountymo.gov  
**Cc:** Jason C. Ramos  
**Subject:** Petition to close Fairview Rd in Christian County.

To whom it may concern,

I am sending this letter to express my concern in the matter of the petition to close Fairview Rd. in Christian County. I live at 119 Everglade Drive which is in close proximity to Fairview Rd. I have both family and friends that I go to visit with often in Chadwick. I travel Fairview road very frequently. The closing of that road will turn my trip of a couple miles into a twenty mile round trip. Also, Fairview Rd is the only alternative route between Chadwick and Oldfield in the event of a road closure on 125 Highway. Fairview Rd. is also an alterative mail route and, I know this because I have been a sub bus driver for Sparta school district, an alternative bus route. I understand the reasons behind The Whitworth Family wanting the road closed but I feel the benefit of and the need for Fairview Rd to stay open far out weigh their reasons. I have lived at 119 Everglade Drive since the late nineties and my wife's family has been at this address since the seventies. I am unable to attend the meeting on this subject because I will be travelling out of state and will not be back by July 6th.

Sincerely,

Jason Ramos

Attachment: 2015 Fairview Rd PublicNotice&Emails (2327 : Petition to Vacate Fairview Road)

Cheryl Mitchell-

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**From:** Nick and Lee Porter <nickandleeporter@gmail.com>  
**Sent:** Wednesday, June 17, 2015 8:44 AM  
**To:** countycommission@christiancountymo.gov  
**Subject:** Fairview Road/opposing vacating this road

To whom it may concern,

We received a certified letter stating an application is being made to vacate Fairview Rd. We are unable to attend your meeting on July 6th as we will be out of town so please accept this letter in our place.

My husband and I purchased our house at 735 Fairview Rd a little over 1 year ago. One of the major selling points for us was the location and the fact that we could cut through Fairview and be to Chadwick almost as quickly as we could get to Sparta. We had no idea there was a possibility our county road could be shut off. I am a stay at home wife so I am home almost every day, all day long. Fairview is a very heavily traveled road and also used as a cut through for mail services, ups services and fed ex services to name a few.

We had a neighbor stop by to let us know they would be making this application as their land surrounds all sides of the road once past our home. They told us they wanted it shut down due to dumping that gets done on the road. I don't believe vacating the road is the solution to the problem. If dumping is the concern how about we put up some game cameras and catch and prosecute whoever is dumping. I will volunteer the use of our cameras if it means keeping our road open. I will volunteer to help clean anything that may get dumped.

I believe vacating an entire county road that does get quite a bit of use is going a little over board. I think it is uncalled for and would be unwanted by many people. I also think you would be changing the dynamics of our property. We have and had no desire to live on a dead end road or that is the type of property we would have looked for.

Please make your decision with the best interest and consideration of others in mind. Please keep our road open or at least give me a chance to keep it open. If I need a petition please let me know how many signatures it would take to keep our road open. I'm willing to do whatever needs to be done.

Thank you in advance for taking the time to consider what I have said.

Sincerely,  
 Nick and Lee Porter  
 735 Fairview Rd.  
 Sparta, Mo.

Attachment: 2015 Fairview Rd PublicNotice&Emails (2327 : Petition to Vacate Fairview Road)

**Cheryl Mitchell**

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**From:** jkmdmicham <jkmdmicham@hotmail.com>  
**Sent:** Monday, July 06, 2015 8:30 AM  
**To:** cherylmitchell@christiancountymo.gov  
**Subject:** Road Closing

To whom it concerns,

I Melinda Micham am against the Fairview Road being closed.

Thank you,  
Melinda Micham

Melinda Micham  
282 Twins Road  
Sparta MO 65753

Sent from my Verizon Wireless 4G LTE smartphone

Attachment: 2015 Fairview Rd PublicNotice&Emails (2327 : Petition to Vacate Fairview Road)

**Cheryl Mitchell**

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**From:** jkmdmicham <jkmdmicham@hotmail.com>  
**Sent:** Monday, July 06, 2015 8:31 AM  
**To:** cherylmitchell@christiancountymo.gov  
**Subject:** Road Closing

I am against the Fairview Road closing.  
Justin Micham

Sent from my Verizon Wireless 4G LTE smartphone

Attachment: 2015 Fairview Rd PublicNotice&Emails (2327 : Petition to Vacate Fairview Road)

ORDER OF THE  
CHRISTIAN COUNTY COMMISSION  
OZARK, MISSOURI

DATE ISSUED: July 6, 2015  
SUBJECT: CASE NUMBER 2015-0112  
TEXT:

The Christian County Planning & Zoning Commission petitions the Christian County Commission to rezone a three (3) acre +/- tract of land from A-1 (Agricultural District) to O-2 (General Office 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 southeast corner of State Hwy. NN and Southernview Rd., Ozark, MO 65721, Parcel 4-0.7-36-0-0-7 and legally described as follows:

**ALL OF THE WEST HALF (W½) OF THE EAST HALF (E½) OF THE NORTHWEST QUARTER (NW¼) OF THE SOUTHWEST QUARTER (SW¼) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-ONE (21), CHRISTIAN COUNTY, MISSOURI.**

The Christian County Planning and Zoning Commission did, during public hearing on June 16, 2015 vote unanimously to recommend approval of this request.

Now, therefore, the Christian County Commission did this day, upon a motion by Commissioner Childers, seconded by Commissioner Weter, vote unanimously to approve this request with the following action to be undertaken by the applicant in order to remain compliant with the Christian County Subdivision Regulations:

The parcel described herein shall be legally subdivided from its parent parcel and the remaining acreage shall be consolidated with the applicant's adjoining parcel.

Done this 6<sup>th</sup> day of July, 2015, at 10:30 a.m.

CHRISTIAN COUNTY COMMISSION

Ray Weter  
Ray Weter  
Presiding Commissioner

Yes X  
Dated: 7/6/2015

Sue Ann Childers  
Sue Ann Childers  
Commissioner, Eastern District

Yes X  
Dated: 07/06/15

Absent  
Bill Barnett  
Commissioner, Western District

Yes \_\_\_\_\_  
Dated: \_\_\_\_\_

ATTEST:

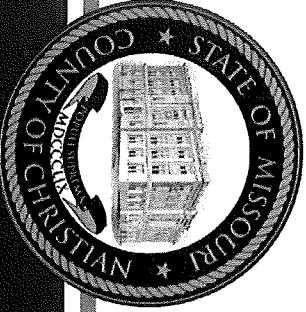
Kay Brown - DC  
Kay Brown  
County Clerk

23385-000\ 383506.doc

Attachment: Court Order # 7-6-15-01 (2328 : Alan Global-Jerry Nichols Rezoning of Hwy NN & Southernview Road)

# PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

Request for Zoning Change  
 HEARING DATE: July 6, 2015  
 CASE NUMBER: 2015-0112  
 APPLICANT: Jerry Nichols  
 CURRENT ZONING: A-1 (Agricultural)



202 W. Elm St., Ozark, MO 65721 (417) 581-7242

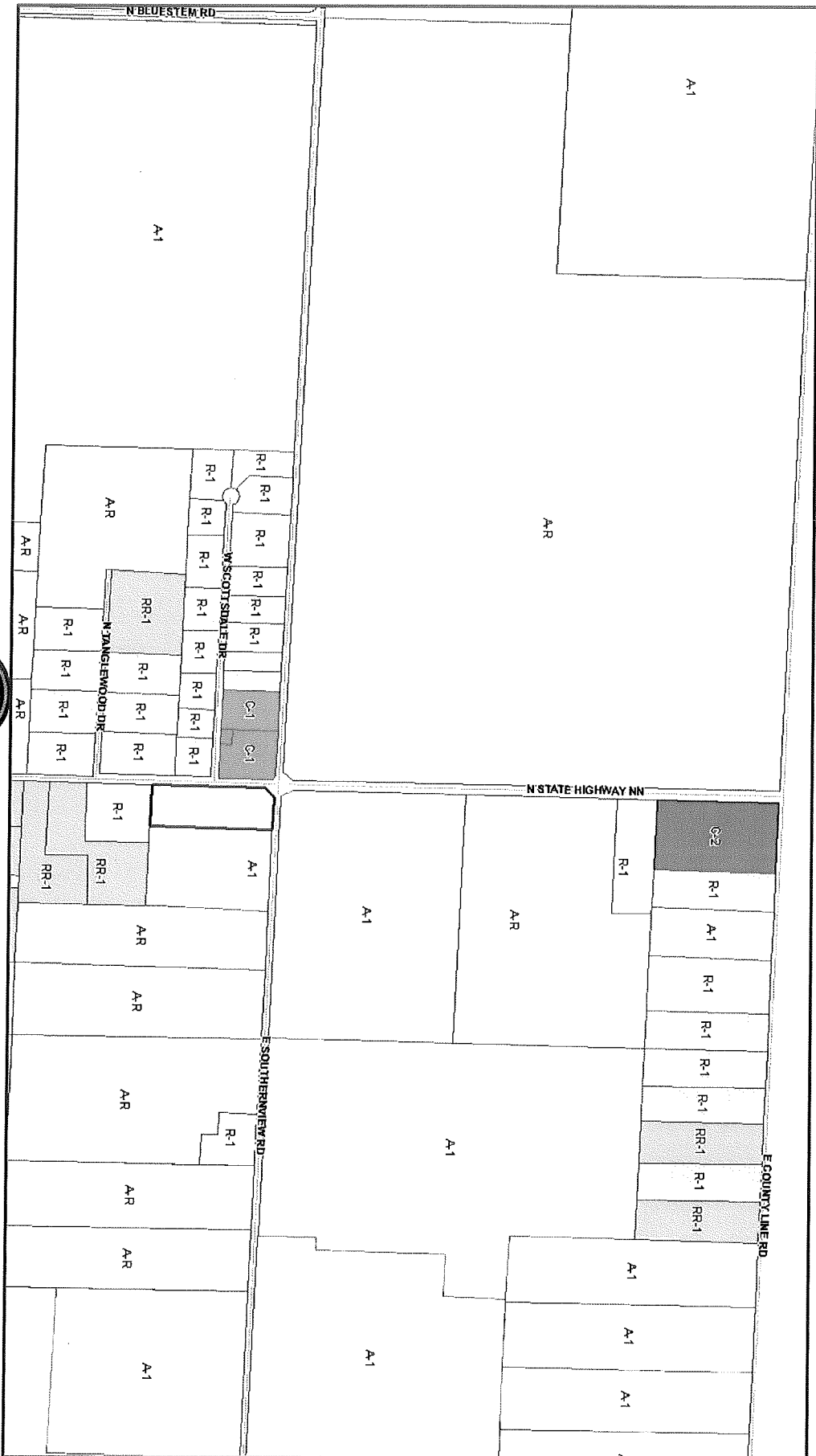


**LOCATION: SE Corner of State Hwy NN & Southernview Rd.**



A mixture of low and medium density residential and larger undeveloped parcels as well as neighborhood commercial property surrounds this parcel.

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

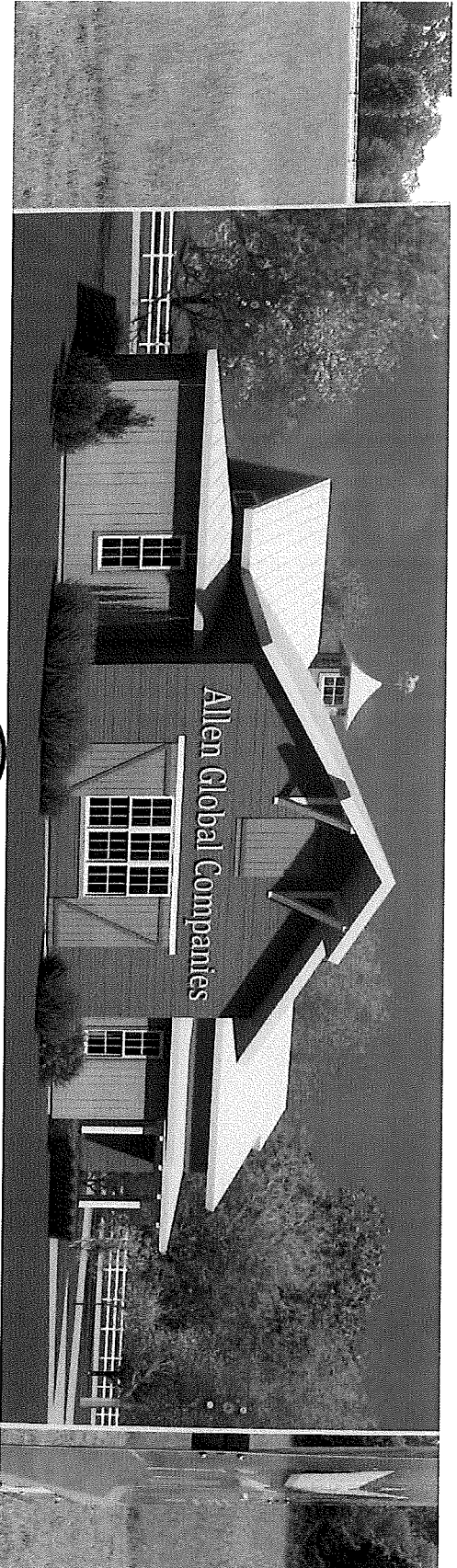


**PROJECT DESCRIPTION:**

The applicant proposes a change in zoning classification for a 3 +/- acre portion of the existing 9.6 +/- acre property from A-1 to O-2 for the purpose of subdividing the parcel into three 1 +/- acre tracts. The remaining portion of the property will be combined with the applicant's neighboring parcel which is the site of his family residence.

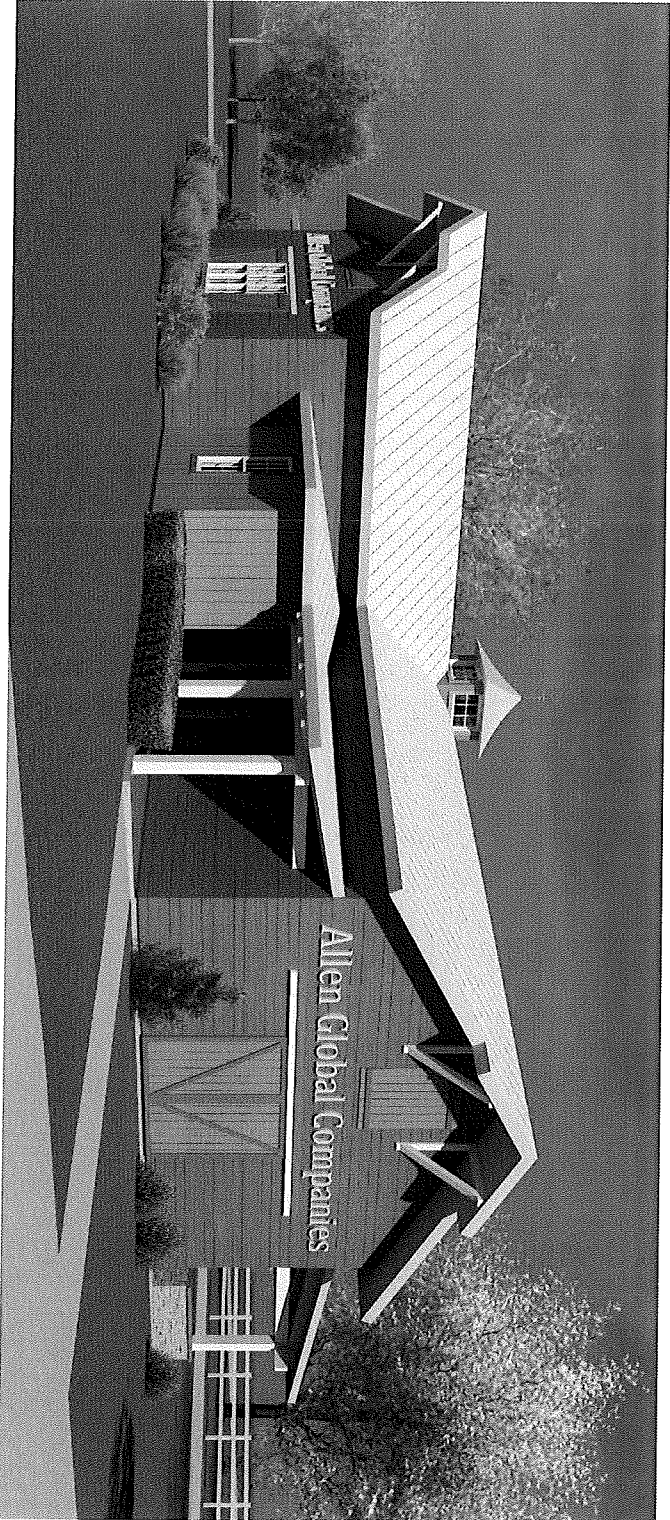
**BACKGROUND AND SITE HISTORY:**

This existing 9.6 +/- acre property is currently vacant/agricultural land.

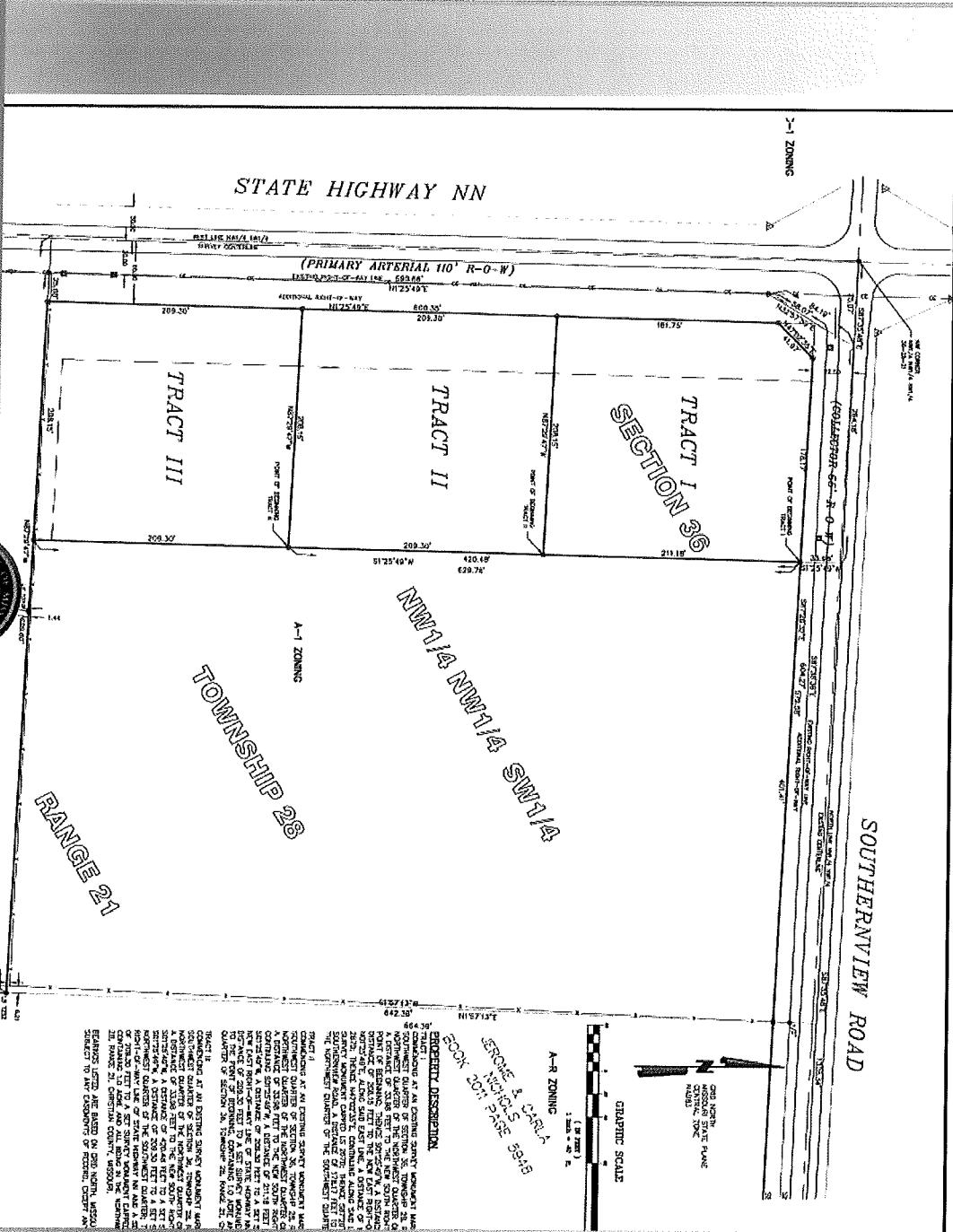


## PROJECT DESCRIPTION cont:

While it is not necessary for the applicant to provide this information as this project is purely a land use decision, these photos are an architect's rendering of the structure Mr. Nichols intends to construct. The building is of a neighborhood scale and seems to portray an aesthetic which is complimentary to the suburban setting.



**SITE PLAN:** This preliminary drawing shows the three acres to be subdivided and rezoned to O-2 General Office.



**PROPERTY DESCRIPTION:**  
 A certain tract of land containing approximately 3.0 acres, more or less, situated in the Northwest Quarter of the Northeast Quarter of Section 1, Township 28 North, Range 21 West, Oklahoma County, Oklahoma, and being more particularly described as follows: ...

**TRACT I:**  
 A certain tract of land containing approximately 1.0 acre, more or less, situated in the Northwest Quarter of the Northeast Quarter of Section 1, Township 28 North, Range 21 West, Oklahoma County, Oklahoma, and being more particularly described as follows: ...

**TRACT II:**  
 A certain tract of land containing approximately 1.0 acre, more or less, situated in the Northwest Quarter of the Northeast Quarter of Section 1, Township 28 North, Range 21 West, Oklahoma County, Oklahoma, and being more particularly described as follows: ...

**TRACT III:**  
 A certain tract of land containing approximately 1.0 acre, more or less, situated in the Northwest Quarter of the Northeast Quarter of Section 1, Township 28 North, Range 21 West, Oklahoma County, Oklahoma, and being more particularly described as follows: ...

## PLANNING/LAND USE ANALYSIS:

### *Land Use Plan:*

The Christian County Generalized Future Land Use Map recognizes future transportation corridors as probable sites for commercial development. The City of Ozark's Future Land Use map designates this parcel as likely being suitable for future commercial or mixed use development.

### *Compatibility:*

The owner has expressed their intention to further subdivide the 3 acres being considered for rezoning into three 1+/- acre parcels. This would occur via Administrative Minor Subdivision.

### *Connectivity:*

The major thoroughfare plan adopted by the Ozarks Transportation Organization and endorsed by the City of Ozark and Christian County identifies Southernview Rd. as a future collector and St. Hwy NN as a primary arterial. The applicant has agreed to dedicate significant right of way, commensurate with those standards. This ROW dedication will enable future improvements to roads in the area. MODOT is supportive of this plan.



## PROJECT/SITE ANALYSIS:

### *Site Plan:*

No official site plan has been submitted at this time. As this is a zoning case, the issue at hand is to approve a change in land use. If and when the site is developed, the plans will be required to meet the site design requirements in the Zoning Regulations, Stormwater and Erosion Control Regulations and also be subject to the codes administered by the Building Inspections Department.

### *Building Design:*

Principal permitted uses in the O-2 District include structures designed as offices or cultural facilities as well as any other principle, accessory, or conditionally approved uses identified in Article 41. The maximum allowable height for any structures in this district is 2 ½ stories.



## ***Access:***

This parcel is bordered on the west side by State Highway Nnand to the north by Southernview Road. The means of ingress and egress are a function of the site plan with final determinations being made by professionals utilizing safety standards applied across Missouri and the United States. While we have not reviewed a formal site plan, it would be expected that all three of the proposed lots would share a common access point. Preliminary discussions with MoDOT have identified that the preferred point of access for this use would come off of Southernview Road. This road is within the Ozark Special Road District which would have authority to grant access and specify the requirements for entrance construction.

## ***Utility Services:***

The site has no access to public sewer or water. Future development will require an individual/shared well and individual septic system(s) approved for wastewater treatment by the Christian County Health Department.





## **ENVIRONMENTAL ANALYSIS:**

### ***Stormwater Impact:***

As development occurs on the site it would need to be in compliance with the County's adopted stormwater regulations. If a detention basin or other infrastructure is required, it would need to be either completed or have its construction financially secured prior to the issuance of any building permits. The County's ability to require stormwater analysis and management related to this land use change would be a benefit to the area.

### ***Groundwater Impact:***

None anticipated.

### ***Floodplain/Sinkhole Impacts:***

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



## TRANSPORTATION ANALYSIS:

### *Traffic Impact:*

Any impact to traffic volume associated with this rezoning and subsequent development of this parcel would be expected to be minimal. This is supported by the fact that retail operations which could be large trip generators are prohibited in this district and also by the the proposed parcel sizes which represents a physical limitation to the capacity of possible visitors.

### *Access Management:*

This parcel is bordered on the west side by State Highway NN. The area to be rezoned would be expected to share one common access point of commercial width. Development of the site would require that details of the access and maintenance be documented as to the individual owners' rights and responsibilities.



**OTHER COMMENTS:**

*Building Regulations:* No comment.

*City of Ozark:* While this parcel is located within tier one of Ozark's Urban Service Area it is not feasible to require connection to utility services. The City is not requesting an irrevocable consent to annex and has expressed no objection to this rezoning proposal.

*MoDOT* The site of this proposed rezoning was evaluated by representatives of MoDOT on 6/17. After further review and discussion about this development, MoDOT will not permit a new access point on Rt NN and recommends that access be obtained from Southernview.

*Public:* At the June 15<sup>th</sup> hearing several neighboring residents voiced concerns about traffic, safety and possible stormwater impacts to neighboring properties.

At the June 16, 2017 hearing the Planning and Zoning Commission voted unanimously to recommend approval of this change to the County Commission.

**STAFF COMMENTS:**

The plan which has been presented by the applicants generally conforms to the requirements and limitations set forth in the Zoning Regulations for Christian County.

**RECOMMENDATIONS:**

Staff recommends approval of this request with the caveat that the lot reconfigurations and ROW dedication would be done.

