



Christian County Commission

100 West Church St, Room 100
Ozark, MO 65721

Meeting: 08/01/24 09:00 AM
Department: County Clerk
Category: Meeting Items
Prepared By: Madi Hires Raines
Initiator: Madi Hires Raines
Sponsors:
DOC ID: 5450

SCHEDULED

MEETING ATTACHMENTS (ID # 5450)

Meeting Attachments

ATTACHMENTS:

- 01 AUGUST 2024 - ORDER NO 08-01-2024-01 - SENATE BILL 756 - PROPERTY TAX RELIEF FOR SENIORS (PDF)
- 01 AUGUST 2024 REZONING HEARING CASE - CASE NO. 2024-0142 (ALEX DIKAREV AND ALLA KOLOMIYETS) (PDF)
- 01 AUGUST 2024 - ORDER NO 8-01-2024-02 (ALEX DIKAREV AND ALLA KOLOMIYETS) (PDF)
- 01 AUGUST 2024 REZONING HEARING CASE - CASE NO. 2024-0161 (DONALD BALLARD AND FRANK PICHLER) (PDF)

**ORDER/ORDINANCE OF THE
CHRISTIAN COUNTY COMMISSION
ORDER NO. 08-01-2024-01**

DATE ISSUED: August 1, 2024

SUBJECT: Senate Bill 756/Property Tax Relief for Seniors

WHEREAS, Governor Parson signed into law Senate Bill No. 756 of the 103rd General Assembly, an act to repeal section 137.1050, RSMo., and to enact in lieu thereof one new section relating to a property tax credit for certain seniors; and

WHEREAS, Senate Bill 756 modifies section 137.1050, of the Missouri revised statutes, which purports to establish and define a tax credit for *ad valorem* real property taxes for eligible seniors in Missouri; and

WHEREAS, pursuant to newly-enacted RSMo. § 137.1050.2, Christian County, Missouri is a Class One County and political subdivision of the state of Missouri and is duly “authorized to impose a property tax;” and

WHEREAS, pursuant to newly-enacted RSMo. § 137.1050.2, the County Commission of Christian County wishes to adopt an Order authorizing a “property tax credit to eligible taxpayers residing in such county in an amount equal to the taxpayer’s eligible credit amount” pursuant to that section; and

WHEREAS, the County Commission of Christian County intends such tax credit to take effect as soon as possible.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COMMISSION OF CHRISTIAN COUNTY, MISSOURI, AS FOLLOWS:

1. That the County Commission of Christian County, Missouri hereby authorizes the tax credit for seniors as contemplated by RSMo. §§ 137.1050, 143.124, and 143.125 to be applied to the taxpayers of Christian County effective as of the 2024 tax year, which year shall be considered the taxpayer’s “initial credit year” under RSMo. § 137.1050.1(1) or as otherwise defined in section 2.e.
2. Definitions—For purposes of this Order, the following terms shall be defined as follows:
 - a. “Eligible credit amount,” means the difference between an eligible taxpayer’s *ad valorem* real property tax liability on such taxpayer’s homestead for a given tax

year, minus the *ad valorem* real property tax liability on such homestead in the eligible taxpayer's initial credit year;

- b. "Eligible taxpayer," means a Missouri resident who:
 - i. Is 62 years of age by midnight December 31 of the application year or older;
 - ii. Is an owner of record of a homestead or has a legal or equitable interest in such property as evidenced by a written instrument; and
 - iii. Is liable for the payment of real property taxes on such homestead;
- c. "Homestead," means real property actually occupied by an eligible taxpayer as the primary residence, which shall not be interpreted to include commercial properties, agricultural properties, or non-residential structures (such as barns, storage facilities, cell phone towers, etc.). An eligible taxpayer shall not claim more than one primary residence.
 - i. Real property shall not qualify as a homestead if:
 - 1. One or more years of delinquent taxes have accrued from a tax liability in prior years on the real property and remain outstanding on the date a taxpayer makes an application under Subsection (5); or
 - 2. 50% or more of the real property is leased to a person, or persons, other than the eligible taxpayer;
 - 3. The real property has been assessed and taxed pursuant to Section 137.082 RSMo in the year that the taxpayer became an eligible taxpayer;
- d. "Property Tax Credit," means the eligible credit amount due to an eligible taxpayer on the current real estate tax liability of an eligible taxpayer's homestead.
- e. "Initial credit year" means, in the case of a taxpayer that meets all requirements to become an "eligible taxpayer" prior to the year in which a credit is authorized pursuant to this Order, the year in which such credit is authorized; For all other taxpayers, the year in which the taxpayer meets all requirements to become an "eligible taxpayer." If in any tax year subsequent to the eligible taxpayer's initial credit year the eligible taxpayer's real property tax liability is lower than such liability in the initial credit year, such tax year shall be considered the eligible taxpayer's initial credit year for all subsequent tax years.

3. Property Tax Credit. An eligible taxpayer is authorized to receive a property tax credit upon the submission and approval of an application by the eligible taxpayer. The Collector shall apply an eligible credit amount when calculating an eligible taxpayer's total annual tax liability on the eligible taxpayer's homestead.
4. Tax Statement. The eligible credit amount shall be noted on the statement of tax due sent to the eligible taxpayer by the Collector.
5. Application. The property tax credit shall be requested by a taxpayer in writing on a form approved by the County Commission.
 - a. Completion. The taxpayer shall complete all sections of the required form before submission to the County on or before the Friday before June 15 of each calendar year. Thereafter, the taxpayer shall submit a renewal application each year. Failure to submit a renewal application shall result in the taxpayer forfeiting any right to the credit.
 - b. Taxpayer Information. The form shall request the following information from the taxpayer:
 - i. Homestead. The physical address of the real property for which an eligible credit amount is claimed.
 - ii. Parcel Identification Number. The county tax parcel identification number for which an eligible credit amount is claimed.
 - iii. Birthdate, Phone, and Email. The day, month and year when each taxpayer was born. Taxpayer shall also be required to submit contact information, including most up-to-date phone number and email and an emergency contact.
 - iv. Age. The taxpayer's current age in years on the date of submission.
 - v. Nature of Property Interest: The taxpayer shall state that either:
 1. The taxpayer is the owner of the record title to the homestead; or,
 2. The type of legal or equitable property interest which the taxpayer has in the homestead.
 - vi. Verification. The taxpayer shall affirm all of the following:
 1. Primary Residence. The taxpayer shall verify that the homestead is currently being used as the taxpayer's primary residence and that the taxpayer is not claiming any other real property in any taxing jurisdiction in the United States of America as a primary

residence.

2. No Taxes Due. The taxpayer shall verify that no delinquent taxes are due on the homestead.
 - vii. Signature. For those taxpayer(s) age 62 or older during the application calendar year, the taxpayer(s) shall print their first and last names and sign and date the form with the current date of the day on which the form is submitted.
 - viii. False Declaration. The form shall state that false statements made therein are punishable pursuant to RSMo. § 575.060.1(1)(b).
- c. Documentation. Any taxpayer submitting such form shall also submit along with the completed form the following required documentation:
 - i. Identification. The taxpayer's currently issued form of identification with a photograph of the taxpayer issued by either the State of Missouri or the United States of America or a birth certificate.
 - ii. Written Instrument Showing Property Interest. If the taxpayer is not listed as the record owner by the assessor in the year in which the taxpayer submits the application, then the taxpayer shall attach a verification from the Recorder of Deeds verifying a legal or equitable interest in the homestead.
6. Processing. The County Clerk, Collector, and Assessor shall make the application created in Subsection (5) available for free to any taxpayer who requests a copy. The County Collector shall receive any completed application submitted by a taxpayer along with any accompanying documentation required under Subsection (5)(c). Such completed applications shall be reviewed to determine if the application is complete and authorizes the taxpayer to receive the credit under Subsection (2) as an eligible taxpayer, which will be presented to the County Commission for final approval.
7. Eligible Taxpayers List: The Clerk shall confer with the Collector annually to create a list of eligible taxpayers on or before August 15th of each year, which states in separate columns:
 - a. The names of eligible taxpayers;
 - b. The property parcel numbers of the homesteads for which the credit is claimed;
 - c. Whether the taxpayer claimed the credit:
 - i. As the owner of record title; or

- ii. Pursuant to a legal or equitable property interest in a written instrument. If the property tax credit is claimed pursuant to a legal or equitable interest in a written instrument and such written instrument includes a term of years, the Clerk shall note the year in which such instrument terminates;
 - d. The year or years in which eligibility was determined; and
 - e. The age of the taxpayer at the time eligibility was determined.
8. Revenue. For the purposes of calculating property tax levies pursuant to RSMo. § 137.073, the total amount of credits authorized pursuant to this section shall be considered tax revenue, as such term is defined in RSMo. § 137.073, actually received.
9. Termination. The property tax credit shall terminate in the tax year following the year in which the eligible taxpayer ceases to be eligible under any requirement herein. Subject to the foregoing, an eligible taxpayer shall cease to be eligible for the property tax credit if either of the following events occurs:
- a. Transfer of Title. If the property tax credit was claimed by a taxpayer as the owner of record title, then a transfer of record title to the homestead shall terminate the taxpayer's eligibility for the property tax credit. If, when calculating a taxpayer's current property tax liability, the Assessor determines that the record title to the homestead has changed from that which is listed in the eligible taxpayers list, as evidenced by a change in the owner's name as listed in the County tax book, the Assessor shall inform the Collector and Clerk of that fact along with the parcel number. The Collector and Clerk shall then remove the listing which corresponds to the reported parcel number from the eligible taxpayers list for the following tax year.
 - b. For Property Interests in a Written Instrument. If property tax credit was claimed pursuant to a legal or equitable property interest in a written instrument and such written instrument included a term of years, then the Collector and Clerk shall remove that listing on the eligible taxpayers list in the tax year which follows the year entered by the Collector and Clerk above.
10. New Construction. If an eligible taxpayer makes new construction and improvements to such eligible taxpayer's homestead, the real property tax liability for the taxpayer's initial credit year shall be increased to reflect the real property tax liability attributable to such new construction and improvements.
11. Annexation. If an eligible taxpayer's homestead is annexed into a taxing jurisdiction to which such eligible taxpayer did not owe real property tax in the eligible taxpayer's initial credit year, then the real property tax liability for the taxpayer's initial credit year

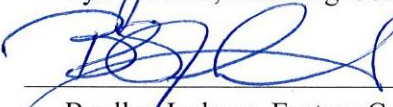
shall be increased to reflect the real property tax liability owed to the annexing taxing jurisdiction.

12. Confidential Information. Any information submitted on the application form under this section, or any documentation submitted along with the application, which lists the taxpayer's social security number, is personal identifying information and is confidential under Section 7 of the Privacy Act of 1974, Public Law 93-579, 88 Stat 1896 (note to 5 U.S.C. § 522a) and shall not be disclosed except where required by law.
13. Severability. If any section, subsection, paragraph, sentence, clause, phrase or word in this Order, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of any of the remaining portions of this Order, or any part thereof.
14. Authority. Each Christian County elected official shall be authorized and empowered to adopt such rules and procedures as they deem necessary in order to carry out and implement the provisions of this Order and to develop and require such documents, applications and instruments as may be necessary or desirable to permit the application of the tax credits authorized herein, and to carry out, comply with, and perform the requirements of this Order.

By Order of the County Commission of Christian County, Missouri.



Lynn Morris, Presiding Commissioner




Bradley Jackson, Eastern Commissioner



Hosea Bilyeu, Western Commissioner

ATTEST:





Paula Brumfield, County Clerk



Christian County Planning & Zoning Commission Recommendation and Staff Report

DATE: August 1, 2024

CASE NUMBER: 2024-0142

APPLICANTS: Alex Dikarev & Alla Kolomiyets

LOCATION: N 17th St, Ozark

REQUEST: Change zoning classification of this property to C-2 (General Commercial District)

CURRENT ZONING: ~~R-1 (Suburban Residence District)~~

CURRENT LAND USE: Vacant / Wooded

SURROUNDING ZONING: North: City East: R-1
South: City West: City

SURROUNDING LAND USES: Surrounding land uses include wooded tracts directly adjacent with single family residential to the east. Highway 65 lies just to the west. About 700 feet to the north is a large warehouse structure currently housing Creative Audio Distribution and Nail Supply. About 400 feet southwest is a contractor's storage and laydown site. There are 3 single family residential structures in close proximity to the east and southeast.

ATTACHMENTS:

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

PROJECT DESCRIPTION:

The applicant proposes the change in zoning classification for a 1+/- acre tract in the county to C-2 in order that it can be lawfully developed and utilized as a location for a future primary use, which would be acceptable within the C-2 district. A letter of intent was not provided by the applicant.

BACKGROUND AND SITE HISTORY:

The property being considered is lot 1 of the Spring Crest Addition Subdivision, platted in 1979. The lot does not appear to have been developed since platting.

PLANNING/LAND USE ANALYSIS:

Land Use Plan:

Christian County's future land use plan notes this tract as in Tier 1 of the Urban Service Area with the City of Ozark. The City's futures land use map shows this parcel as appropriate for General Office / Commercial uses. Article 47 discusses the Urban Service Area agreement between the county and participating cities. Ozark commented that at this time they wouldn't be able to annex the property but if a permit for development came through, they would want to record a consent to annex on the property.

Compatibility:

The subject parcel is located adjacent to other commercial, residential, and vacant land uses. The Properties surrounding this one that have been annexed into the City are zoned by the City as General Commercial. Its proximity to US Hwy 65 also makes this a good location to transition from the noise and high intensity use of the highway down to a lower intensity land use as you move away from the highway.

Connectivity:

The subject property has direct frontage along N 17th St, which ties through a short stretch of neighborhood road and ties into N 18th street which then empties into Jackson St right by the on/off ramp for US 65. OTO has designated this section roadway as a Collector, and the City of Ozark has designated this road as a Primary Collector.

PROJECT/SITE ANALYSIS:

Landscaping and Buffering:

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

Building Design:

Any new construction would be subject to permitting by the Building Inspections Department and relevant Zoning Regulations.

Access:

The parcel does not have an approach and would need to contact the Ozarks Special Road District for a permit. The property does have a short jog through the neighborhood before emptying out onto N 18th St.

Utility Services:

The site does have access to water through Missouri American Water. Sewer is several hundred feet away. Electricity is available, gas service is unknown.

ENVIRONMENTAL ANALYSIS:

Stormwater Impact:

None at this time. Any proposed development or building permitting would be subject to the county's stormwater and erosion control regulations.

Groundwater Impact:

None anticipated at this time due to rezoning.

Floodplain/Sinkhole Impacts:

No mapped sinkholes or areas of floodplain exist on the parcel.

TRANSPORTATION ANALYSIS:

Traffic Impact:

Future traffic impacts by the continued rezoning of this and other nearby properties to a commercial use could occur. The roadway running from Jackson St to the north of this property has been designated by the Ozarks Transportation Organization (OTO) as a Collector and by the City of Ozark as a Primary Collector. This would Support the intent of our commercial zonings being on Collector or higher designated road, and be on both the Cities and OTO's radar for future growth, development, and improvements.

STAFF COMMENTS:

This change in zoning would allow for all permitted uses in the C-2 district to take place on this parcel. The City of Ozark would receive an Urban Service Area Application at the time of development and have commented that an Irrevocable Consent to Annex would be required on this parcel before development occurred. The USA agreement would also require the development to be done to the City's development standards. It is worth noting that the current zoning for all of the parcels inside city limits surrounding this parcel are zoned commercial. This area is in close proximity to US Hwy 65 and acts as a buffer parcel between the highway and lower intensity uses to the east. OTO and the City's designation of the roadway as a Collector / Primary Collector also support the proposed zoning and potential land uses this property may incur in the future and are in line with the intent of our zoning regulations.

RECOMMENDATIONS:

Approval of this request would be reasonable for this property given OTO and the City of Ozark's roadway designations, surrounding zonings, surrounding land uses, and Ozark's proposed future land use. Its proximity to US Hwy 65 also makes this a good location to transition to lower intensity land uses as we move further east away from the highway.

PUBLIC COMMENT:

There was no public comment for this request

P&Z COMMISSION RECOMMENDATIONS:

On July 15th, 2024, the Planning & Zoning Commission heard the facts of the case as well as provided the opportunity for public input and made a unanimous recommendation of approval for this request.



Scott Hayes
Executive Secretary
Christian County Planning and Zoning Commission



County of Christian
 Planning and Development
 1106 W. Jackson St.
 Ozark, MO 65721

Case Number: 2024-0142
 Date Received: 5-23-24
 Received By: BH
 Fee Paid: 650
 Receipt # 12043 Check # CASH
RZA24-00010

APPLICATION

PROPERTY OWNER / REPRESENTATIVE INFORMATION

Owner's Name Alex Divareu + Alice Kaomijets
 Owner's Address 567 Riverdale Rd Ozark MO
 Phone Number 4174136919 Fax # _____ Email riverdale35@
 Representative's Name Alex Divareu Alice Kaomijets not mail cert
 Representative's Address 567 Riverdale Rd Ozark MO 65721
 Phone Number 4174136919 Fax # _____ Email " "
 Representative's Signature Alice Kaomijets

TYPE OF REQUEST

- | | |
|----------------------------------------------------------------|-----------------------------------------------------------|
| <input checked="" type="checkbox"/> Rezoning <u>R-1 to C-2</u> | <input type="checkbox"/> Amendment to PUD # _____ |
| <input type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Amendment to CUP # _____ | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Vacation (Subdivision, Road etc) |

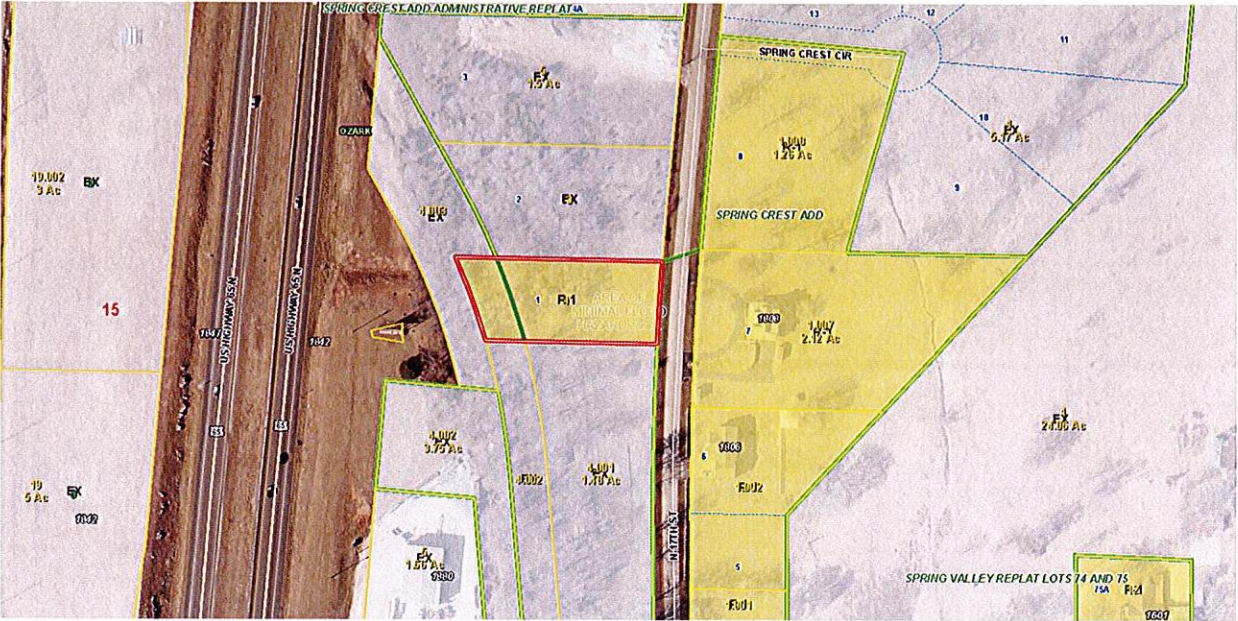
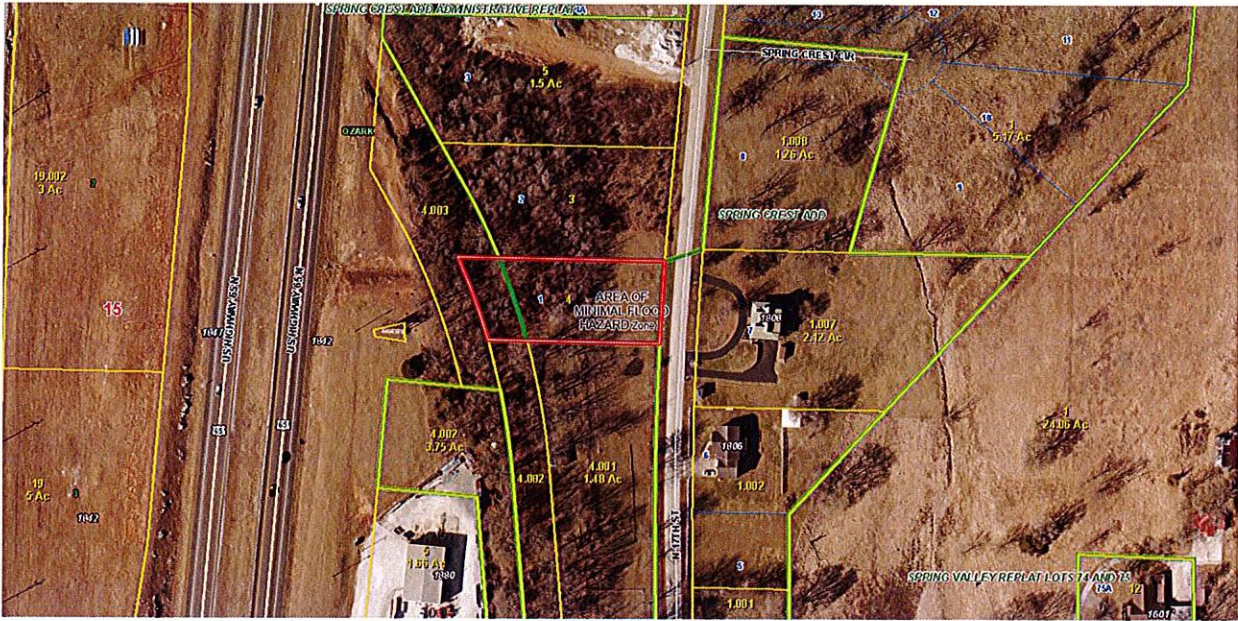
PROPERTY INFORMATION

Parcel Number 11-0.5-15-3-2-4.000 Section 15 Township 27 Range 21
 Address / Location of Property _____
 Acreage Being Considered for Request 1.000 Existing Zoning R-1
 Existing Land Use VACANT
 On-Site Wastewater System NO Public Sewer Provider NO

EXISTING OR PROPOSED WATER SUPPLY

On-Site Well Shared Well
 How many people serviced by Shared Well _____
 Public Provider _____

Maps for Case # 2024-0142





PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

Request for Zoning Change

HEARING DATE: August 1, 2024

CASE NUMBER: 2024-0142

APPLICANT: Alex Dikarev & Alla Kolomiyets

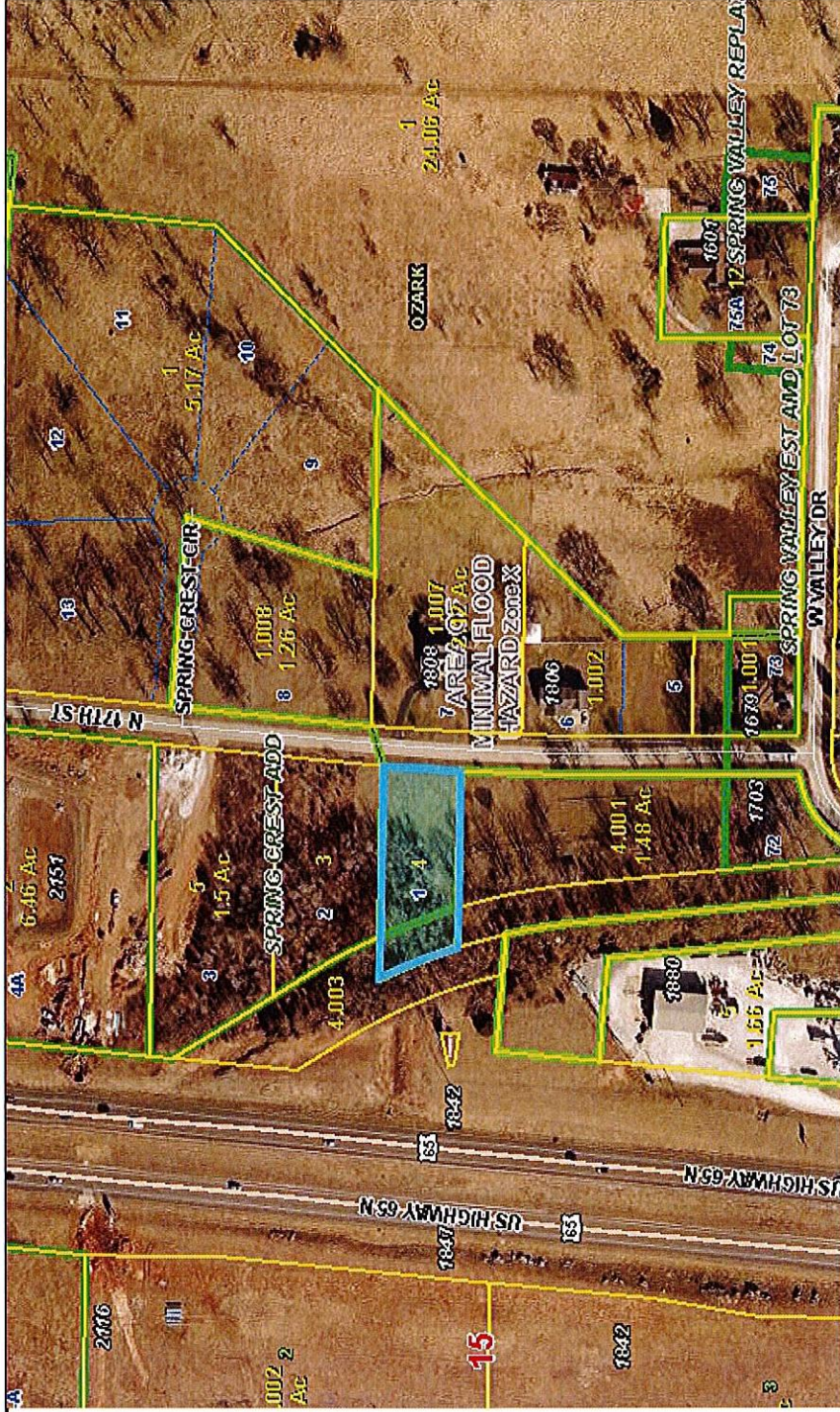
CURRENT ZONING: R-1 (Suburban Residence)

REQUEST: C-2 (General Commercial)



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

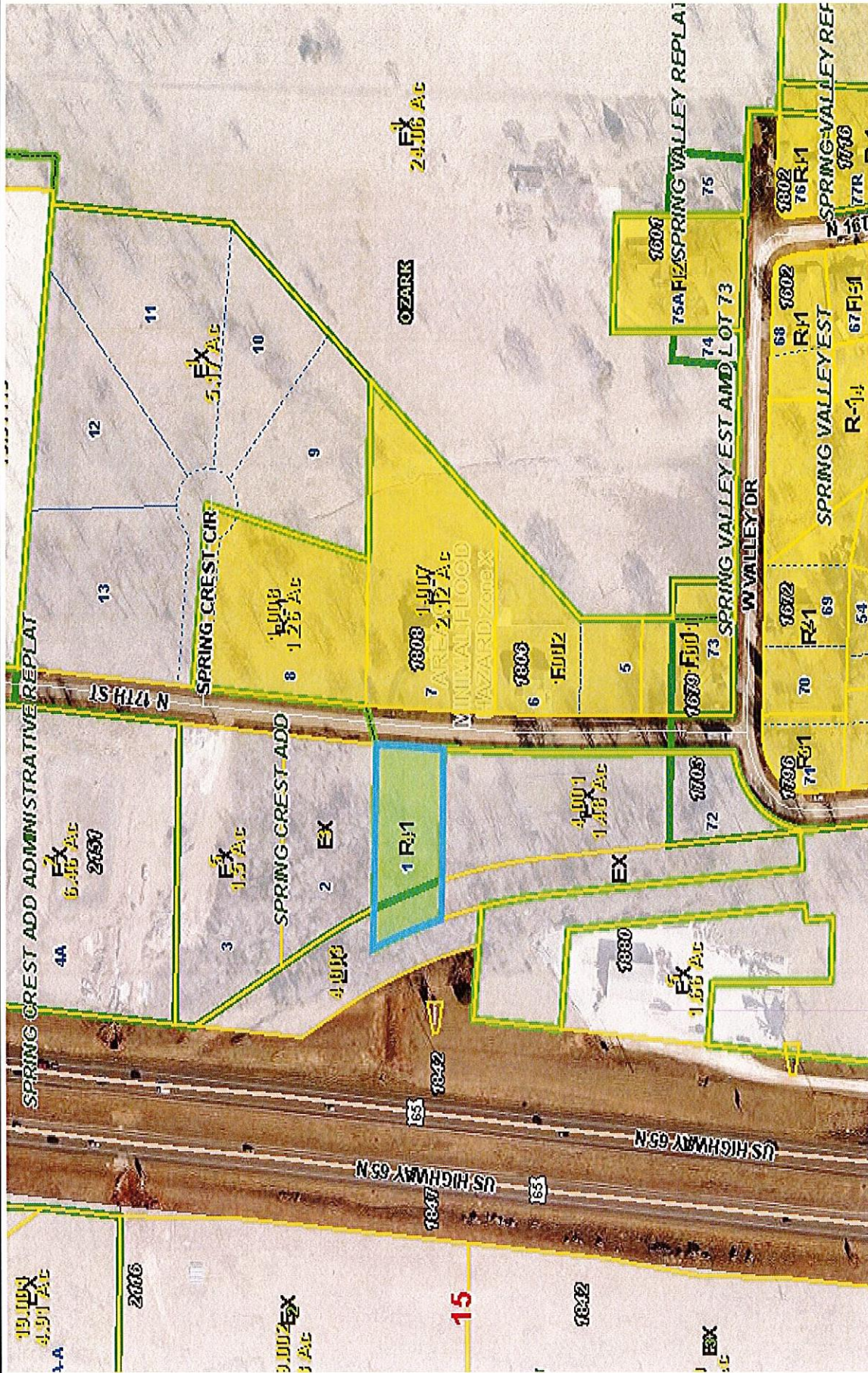
LOCATION: N 17th St, Ozark



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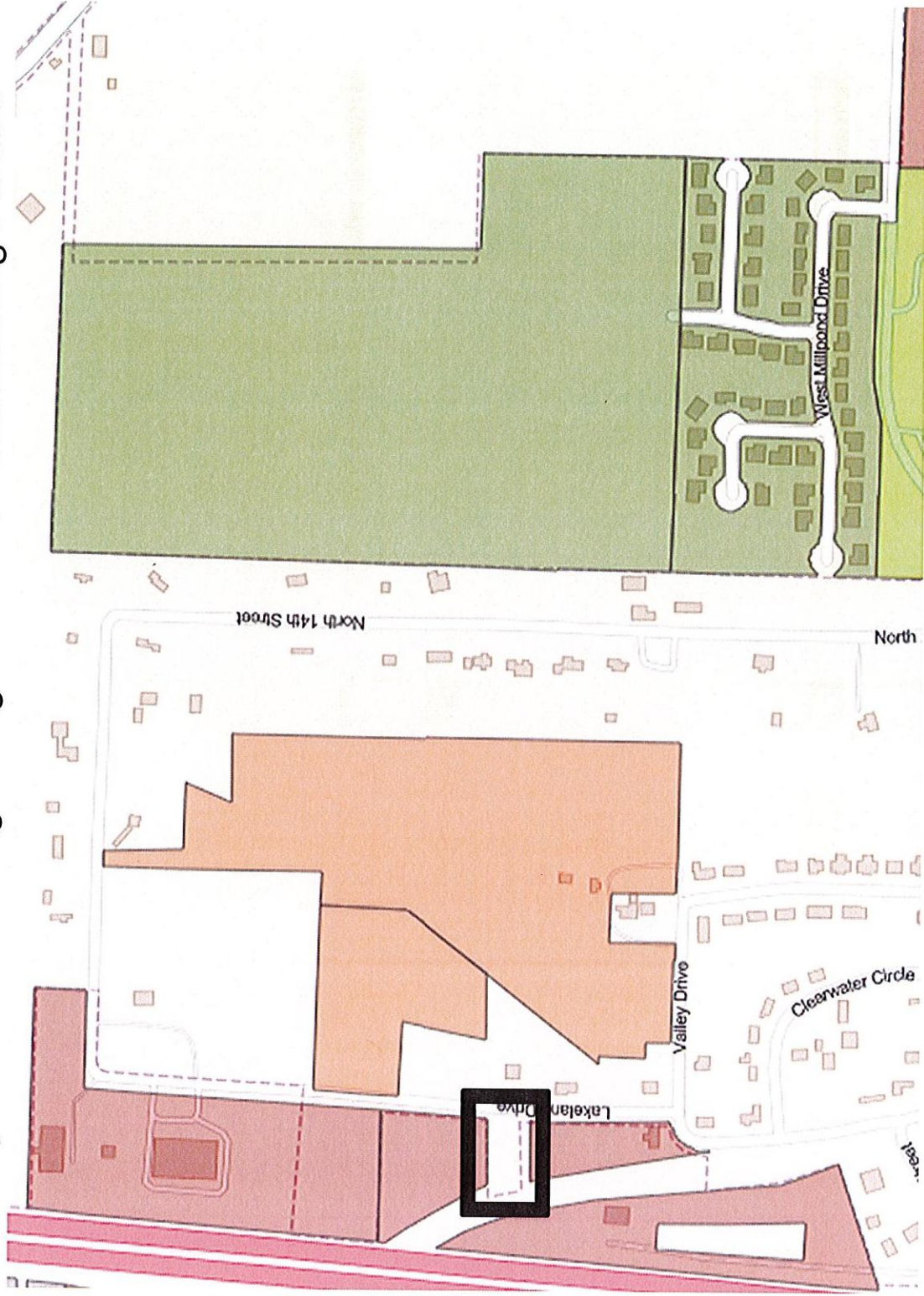


Zoning in the area:



Zoning in the area continued:

City of Ozark Zoning Designations for Surrounding Parcels



Zoning in the area continued:

City of Ozark Future Land Use Designations for Surrounding Parcels



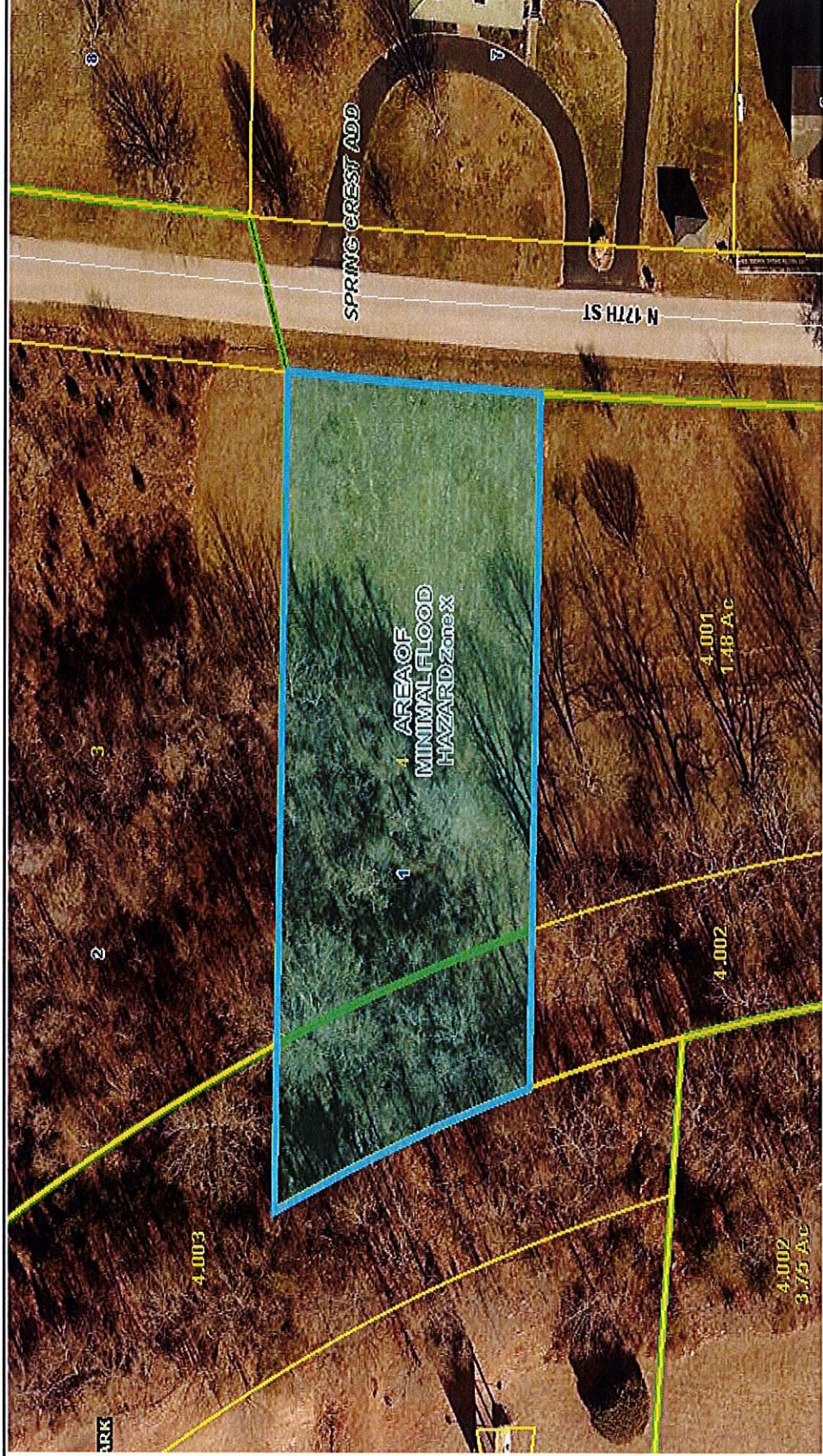
Subject parcel surrounded by a thick black box on the upper left side of the image. The red color indicates commercial for a future land use according to the City of Ozark.

Future Land Use

- | | | | |
|---------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------------------------------------------------|--------------------------|
|  | Mixed Use |  | Commercial |
|  | Agriculture |  | Government/Institutional |
|  | Industrial |  | Residential SF |
|  | Parks/Recreation/Open Space |  | Residential MF |



PROJECT DESCRIPTION: The applicant proposes the change in zoning classification for a 1+/- acre tract in the county to C-2 in order that it can be lawfully developed and utilized as a location for a future primary use, which would be acceptable within the C-2 district. A letter of intent was not provided by the applicant.



BACKGROUND AND SITE HISTORY:

The property being considered is lot 1 of the Spring Crest Addition Subdivision, platted in 1979. The lot does not appear to have been developed since platting.

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Compatibility:

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PROJECT/SITE ANALYSIS:

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Building Design:

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Access:

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Utility Services:

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ENVIRONMENTAL ANALYSIS:

Stormwater Impact:

None anticipated at this time. Any proposed development or building permitting would be subject to the county's stormwater and erosion control regulations.

Groundwater Impact:

None anticipated at this time due to rezoning.

Floodplain/Sinkhole Impacts:

No mapped sinkholes or areas of floodplain exist on the parcel.



TRANSPORTATION ANALYSIS:

Traffic Impact:

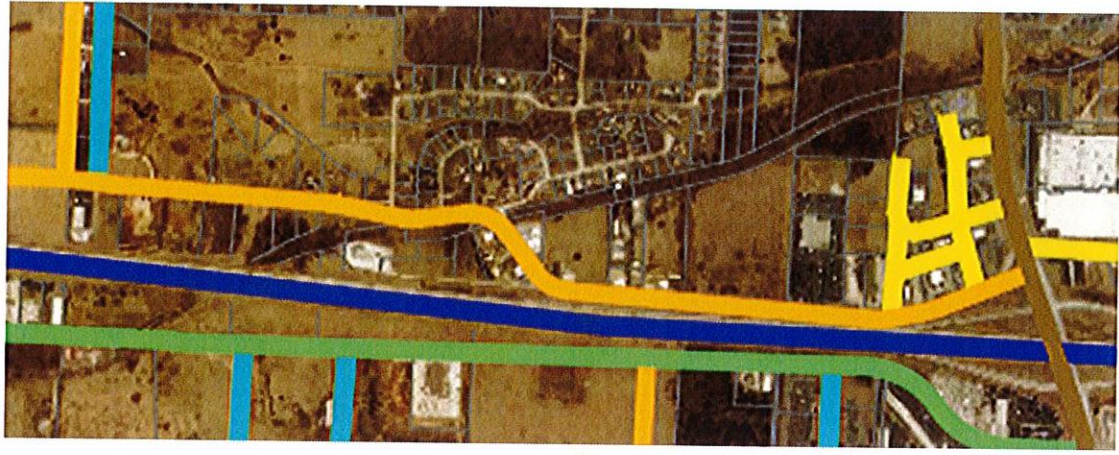
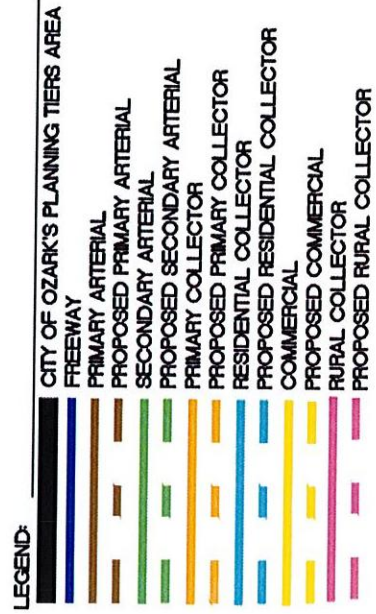
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TRANSPORTATION ANALYSIS CONTINUED:



OTO Major Thoroughfare Plan



City of Ozark Major Thoroughfare plan



STAFF COMMENTS:

This change in zoning would allow for all permitted uses in the C-2 district to take place on this parcel. The City of Ozark would receive an Urban Service Area Application at the time of development and have commented that an Irrevocable Consent to Annex would be required on this parcel before development occurred. The USA agreement would also require the development to be done to the City's development standards. It is worth noting that the current zoning for all of the parcels inside city limits surrounding this parcel are zoned commercial. This area is in close proximity to US Hwy 65 and acts as a buffer parcel between the highway and lower intensity uses to the east. OTO and the City's designation of the roadway as a Collector / Primary Collector also support the proposed zoning and potential land uses this property may incur in the future and are in line with the intent of our zoning regulations.



RECOMMENDATIONS:

A recommendation of approval for this request would be reasonable for this property given OTO and the City of Ozark's roadway designations, surrounding zonings, surrounding land uses, and Ozarks proposed future land use. Its proximity to US Hwy 65 also makes this a good location to transition to lower intensity land uses as we move further east away from the highway.

PUBLIC COMMENT:

There was no public comment for this request

P&Z COMMISSION RECOMMENDATIONS:

On July 15th, 2024, the Planning & Zoning Commission heard the facts of the case as well as provided the opportunity for public input and made a unanimous recommendation of approval for this request.



ORDER OF THE
CHRISTIAN COUNTY COMMISSION
OZARK, MISSOURI

DATE ISSUED: August 1, 2024
SUBJECT: CASE NUMBER 2024-0142

TEXT:

ALEX DIKAREV and ALLA KOLOMIYETS, husband and wife, petition the Christian County Commission to rezone a 1 +/- acre tract of land from R-1 (Suburban Residence District) to C-2 (General Commercial District) in order to lawfully permit land use compatible with surrounding parcels and be reflected as such on the Christian County Zoning Map at N. 17th Street, Ozark, Missouri, located within Parcel 11-0.5-15-3-2-4.000 which is legally described as follows:

ALL OF LOT ONE (1) OF SPRING CREST ADDITION, CHRISTIAN COUNTY, MISSOURI, AND THAT PORTION THAT ADJOINS THE WESTERN BOUNDARY LINE OF LOT ONE (1) DESCRIBED AS FOLLOWS:

THE EASTERLY 50 FEET OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY ST. LOUIS, SAN FRANCISCO RAILWAY COMPANY'S) 100 FOOT WIDE KISSICK TO OZARK, MISSOURI BRANCH LINE RIGHT-OF-WAY, NOW DISCONTINUED, LOCATED UPON, OVER AND ACROSS THE SOUTHWEST QUARTER (SW¹/₄) OF THE SOUTHWEST QUARTER (SW¹/₄) OF SECTION FIFTEEN (15), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY-ONE (21) WEST OF THE 5TH PRINCIPAL MERIDIAN, CHRISTIAN COUNTY, MISSOURI, BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT ONE (1) OF SPRING CREST ADDITION, A SUBDIVISION IN CHRISTIAN COUNTY, MISSOURI AND BOUNDED ON THE SOUTH BY A LINE DRAWN AT RIGHT ANGLES TO SAID 100 FOOT WIDE RIGHT-OF-WAY FROM THE SOUTHERLYMOST CORNER OF LOT SEVENTY-TWO (72) IN SPRING VALLEY ESTATES, A SUBDIVISION IN CHRISTIAN COUNTY, MISSOURI.

WHEREAS, the Christian County Planning and Zoning Commission did, during public hearing on July 15, 2024, review this request and hear public comment, and;

WHEREAS, 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 Jackson, seconded by Commissioner Bilyeu, by a unanimous vote to approve this request.

IT IS HEREBY ORDERED that the zoning classification for the above described property be changed and reflected on the Christian County Zoning map as C-2 (General Commercial) and thereby subject to all pertinent requirements contained within the Zoning Regulations for Christian County, Missouri.


Done this 1st day of August 2024, at 10:30 a.m.

CHRISTIAN COUNTY COMMISSION




Lynn Morris
Presiding Commissioner

Yes
Dated: 8-1-24



Bradley A. Jackson
Commissioner, Eastern District


Yes
Dated: 8-1-2024



Hosea Bilyeu
Commissioner, Western District

Yes
Dated: 8-1-2024

ATTEST:



Paula Brumfield
County Clerk

23385-000\ 383506.doc





Christian County Planning & Zoning Commission Recommendation Staff Report

DATE: August 1, 2024

CASE NUMBER: 2024-0161

APPLICANTS: Donald Ballard & Frank Pichler

LOCATION: N 14th St, Ozark

REQUEST: Change zoning classification of this property to C-1 (Neighborhood Commercial District)

CURRENT ZONING: R-1 (Suburban Residence District)

CURRENT LAND USE: Vacant

SURROUNDING ZONING: North: R-1 East: City
South: R-1 West: R-1

SURROUNDING LAND USES: Surrounding land uses include a large wooded tract and field to the east, mobile homes and residential structures to the west. To the south is a mobile home with accessory structures and to the north is a single family residential structure.

ATTACHMENTS:

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

PROJECT DESCRIPTION:

The applicant proposes the change in zoning classification for a 2+/- acre tract in the county to C-1 in order that it can be lawfully developed and utilized as a location for a future primary use, which would be acceptable within the C-1 district. A letter of intent indicates the needed rezoning for a small business loan to run a small woodshop and business related storage.

BACKGROUND AND SITE HISTORY:

The property being considered used to have a traditional built single family residential structure on the south and a mobile home on the north. Both have since been demolished and the lot currently sits vacant.

PLANNING/LAND USE ANALYSIS:

Land Use Plan:

Christian County's future land use plan notes this tract as in Tier 1 of the Urban Service Area with the City of Ozark. The City's futures land use map shows this parcel as appropriate for single-family residential. Article 47 discusses the Urban Service Area agreement between the county and participating cities. Although no comment from the City has been received at this time, any proposed commercial development would require a USA Application to be sent to the City before development could occur and it is likely the City would require a consent to annex be recorded and the development built to their standards.

Compatibility:

The subject parcel is located adjacent to other single family residential uses on 3 sides and agricultural land to the east. The property is directly surrounded by R-1 zoning designations and the property to the east is zoned by the City to be 10,000 sqft lots for single family residential development. The City's future land use map designates the property to the east as single family residential development.

Connectivity:

The subject property has direct frontage along N 14th St which winds through neighborhoods until emptying out on Jackson St.

PROJECT/SITE ANALYSIS:

Landscaping and Buffering:

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

Building Design:

Any new construction would be subject to permitting by the Building Inspections Department and relevant Zoning Regulations.

Access:

The parcel has multiple existing approaches along N 14th St. The existing approaches do not appear to meet a commercial standard and would need to be permitted through Ozark Special Road District for improvement. Access would be along 14th street to Jackson St. this stretch of 14th street passes through a primarily residential area and is a bit hilly, curvy, and narrow.

Utility Services:

Public water access is unknown at this site and public sewer is not available. If public water was available, it would be through Missouri American Water. Electricity is available, gas service is unknown.

ENVIRONMENTAL ANALYSIS:

Stormwater Impact:

None at this time. Any proposed development or building permitting would be subject to the county's stormwater and erosion control regulations.

Groundwater Impact:

None anticipated at this time due to rezoning.

Floodplain/Sinkhole Impacts:

No mapped sinkholes or areas of floodplain exist on the parcel.

TRANSPORTATION ANALYSIS:

Traffic Impact:

Future traffic impacts could occur if commercial development continues along 14th street. The C-1 zoning designation calls out in Article 42, Section 1 that the intent is for this zoning district to be "... located along collector or higher classification streets." 14th street is not specifically classified in OTO's Major Thoroughfare Plan. It is classified on the City's plan as a residential collector. This would indicate the intent for this road is to service primarily residential lots and areas going forward.

STAFF COMMENTS:

This change in zoning would allow for all permitted uses in the C-1 district to take place on this parcel. The City of Ozark would receive an Urban Service Area Application at the time of development. There is also an existing parcel just south of this one zoned C-2. It is the only other commercially zoned parcel along 14th street. It was assigned that zoning when the County adopted its current zoning regulations as the garage was already in place at the time. The property contains a single-family residence in addition to a 2-bay garage space utilized by the business.

RECOMMENDATIONS:

Denial of this request would be reasonable given its incompatibility with other current and adjacent residential zonings and uses. Additionally, the primary road for access is a local road and not collector or higher as designated by OTO. While the City does designate this as a residential collector road the intent would be for the road to be residential access. Finally, the City's future land use map for this area designates this particular tract as appropriate for Single Family Residential uses.

PUBLIC COMMENT:

Two residents of the area spoke at the meeting. Concerns revolved around the incompatibility of the proposed zoning and allowed land uses in said zoning district with the existing surrounding zonings and uses.

P&Z COMMISSION RECOMMENDATIONS:

On July 15th, 2024, the planning & zoning commission heard the facts of the case as well as public input and made a unanimous recommendation of denial for this request.



Scott Hayes
Executive Secretary
Christian County Planning and Zoning Commission



County of Christian
 Planning and Development
 1106 W. Jackson St.
 Ozark, MO 65721

Case Number: 2024-0161
 Date Received: 6-13-24
 Received By: BJH
 Fee Paid: 650
 Receipt # 12053 Check # 0434

APPLICATION

BZA24-000011

PROPERTY OWNER / REPRESENTATIVE INFORMATION

Owner's Name Frank Pichler of Bonnie Bellard
 Owner's Address 2108 N. 25th St. Ozark
 Phone Number 4175226495 Fax # _____ Email for.the.hunt@hotmail.com
 Representative's Name _____
 Representative's Address _____
 Phone Number _____ Fax # _____ Email _____
 Representative's Signature _____

TYPE OF REQUEST

- Rezoning OR R-1 to C-1
- Conditional Use Permit (CUP)
- Amendment to CUP # _____
- Planned Unit Development (PUD)
- Amendment to PUD # _____
- Variance
- Appeal
- Vacation (Subdivision, Road etc)

PROPERTY INFORMATION

Parcel Number 11-05-15-3-7-2.000 Section 15 Township 27 Range 21
 Address / Location of Property 2250 2470 N. 14th St. Ozark
 Acreage Being Considered for Request 2 Existing Zoning Residential
 Existing Land Use _____
 On-Site Wastewater System septic Public Sewer Provider _____

EXISTING OR PROPOSED WATER SUPPLY

On-Site Well Shared Well
 How many people serviced by Shared Well _____
 Public Provider _____

Brenna Howard

From: Frank Pichler <for.the.hunt@hotmail.com>
Sent: Thursday, June 13, 2024 9:41 AM
To: Brenna Howard
Subject: Rezoning 2172 N 14th St to C1

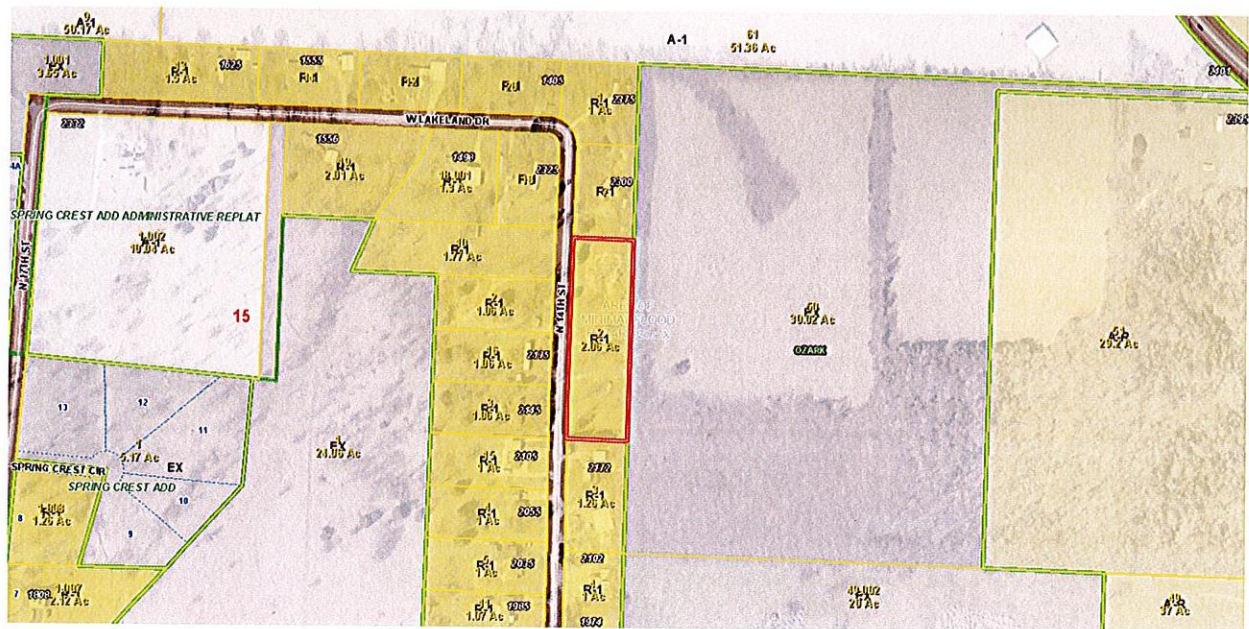
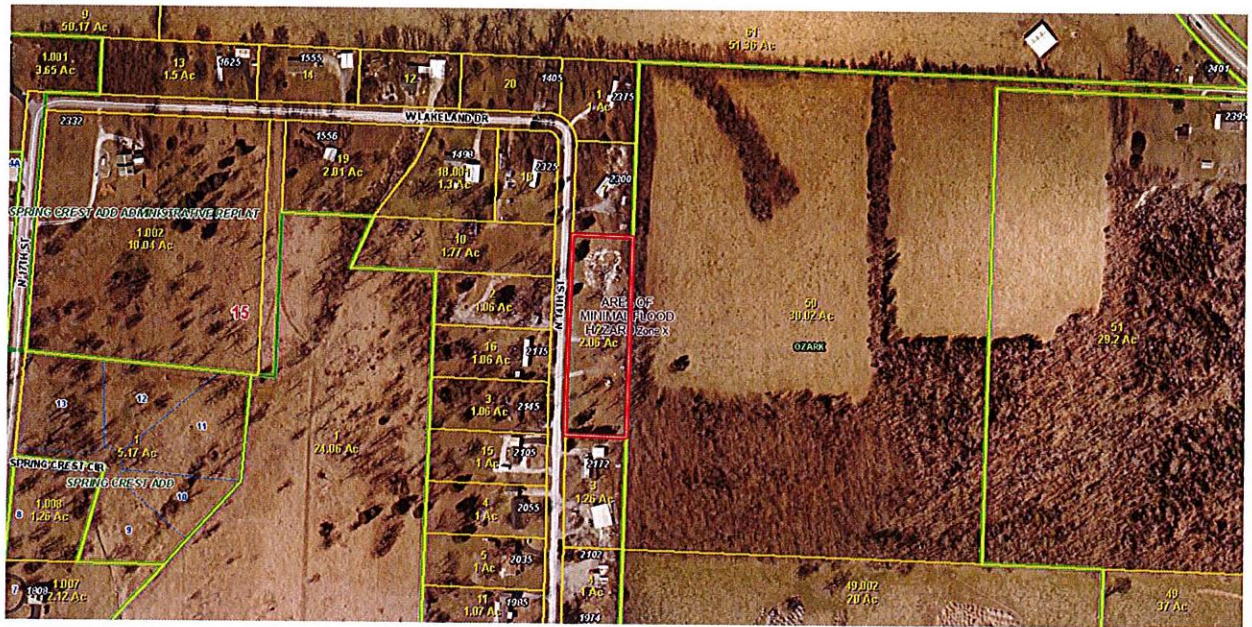
Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are wanting to re zone our property at 2172 N 14th St. In Ozark. This will allow us to obtain a small business loan to build a shop on the property. This shop will be utilized for cabinetry and wood refinishing. The property will also be used for the storage of our equipment. Thank you.

Frank Pichler
Pichler Design Contracting
417-522-6495
for.the.hunt@hotmail.com

Sent via the Samsung Galaxy S21 5G, an AT&T 5G smartphone
Get [Outlook for Android](#)

Maps for Case # 2024-0161





PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

Request for Zoning Change

HEARING DATE: August 1, 2024

CASE NUMBER: 2024-0161

APPLICANT: Donald Ballard & Frank Pichler

CURRENT ZONING: R-1 (Suburban Residence)

REQUEST: C-1 (Neighborhood Commercial)



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



LOCATION: N 14th St, Ozark



Surrounding land uses include a large wooded tract and field to the east, mobile homes and residential structures to the west. To the south is a mobile home with accessory structures and to the north is a single family residential structure.

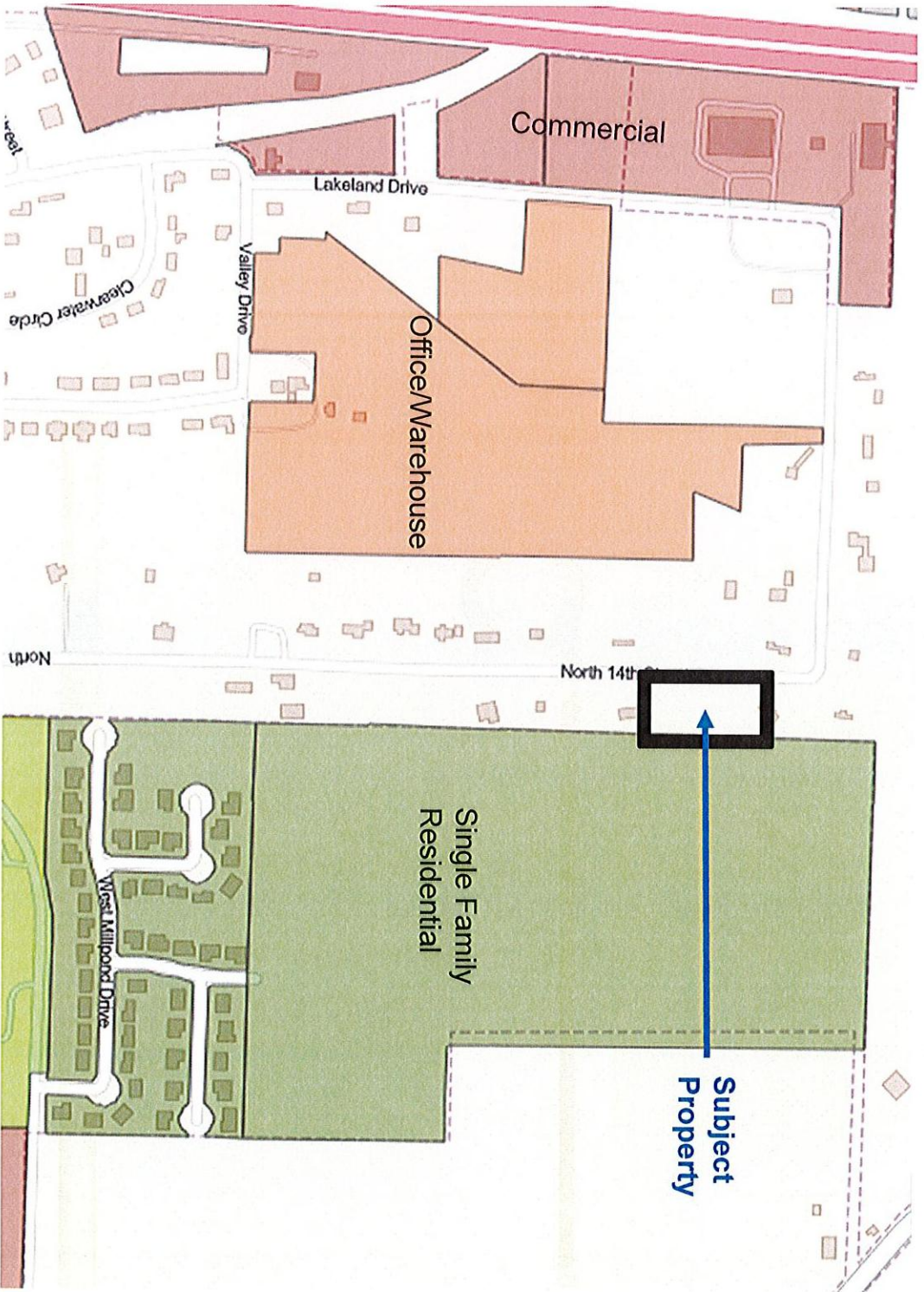


Zoning in the area:



Zoning in the area continued:

City of Ozark Zoning Designations for Surrounding Parcels

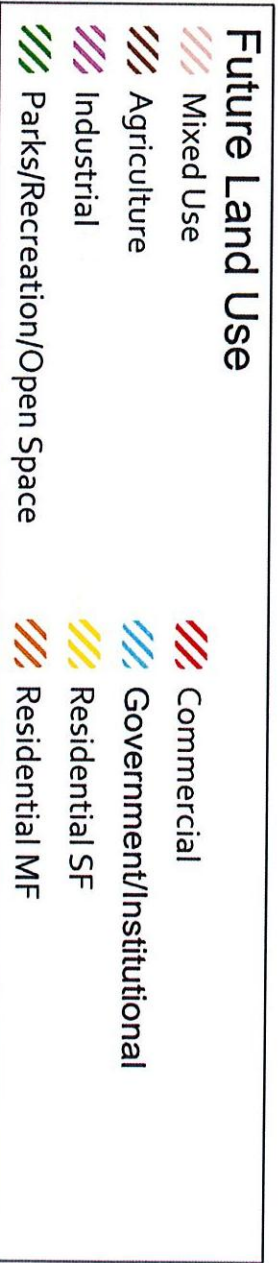


Zoning in the area continued:

City of Ozark Future Land Use Designations for Surrounding Parcels



Subject parcel surrounded by a thick black box on the upper right side of the image. The yellow color indicates Residential Single Family for a future land use according to the City of Ozark.



PROJECT DESCRIPTION: The applicant proposes the change in zoning classification for a 2+/- acre tract in the county to C-1 in order that it can be lawfully developed and utilized as a location for a future primary use, which would be acceptable within the C-1 district. A letter of intent indicates the needed rezoning for a small business loan to run a small woodshop and business related storage.



BACKGROUND AND SITE HISTORY:

The property being considered used to have a traditional built single family residential structure on the south and a mobile home on the north. Both have since been demolished and the lot currently sits vacant.

PLANNING / LAND USE ANALYSIS:

Land Use Plan:

Christian County's future land use plan notes this tract as in Tier 1 of the Urban Service Area with the City of Ozark. The City's futures land use map shows this parcel as appropriate for Single Family Residential. Article 47 discusses the Urban Service Area agreement between the county and participating cities. Although no comment from the City has been received at this time, any proposed commercial development would require a USA Application to be sent to the City before development could occur and it is likely the City would require a consent to annex be recorded and the development built to their standards.



Compatibility:

The subject parcel is located adjacent to other single family residential uses on 3 sides and agricultural land to the east. The property is directly surrounded by R-1 zoning designations and the property to the east is located within the city limits and zoned for 10,000 sq ft single family residential lots. The City's future land use map designates the property to the east as single family residential development.

Connectivity:

The subject property has direct frontage along N 14th St. which is a residential collector winding through neighborhoods until emptying out on Jackson St.



PROJECT/SITE ANALYSIS:

Landscaping and Buffering:

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

Building Design:

Any new construction would be subject to permitting by the Building Inspections Department and relevant Zoning Regulations.

Access:

The parcel has multiple existing approaches along N 14th St. The existing approaches do not appear to meet a commercial standard and would need to be permitted through Ozark Special Road District for improvement. Access along 14th street comes via passage through a primarily residential area where the existing road is fairly narrow with several curves and hills between it and Jackson St.



Utility Services:

Public water access is unknown at this site and public sewer is not available. If public water was available, it would be through Missouri American Water. Electricity is available, gas service is unknown.



ENVIRONMENTAL ANALYSIS:

Stormwater Impact:

None anticipated at this time. Any proposed development or building permitting would be subject to the county's stormwater and erosion control regulations and maximum lot coverage.

Groundwater Impact:

None anticipated at this time due to rezoning.

Floodplain/Sinkhole Impacts:

No mapped sinkholes or areas of floodplain exist on the parcel.



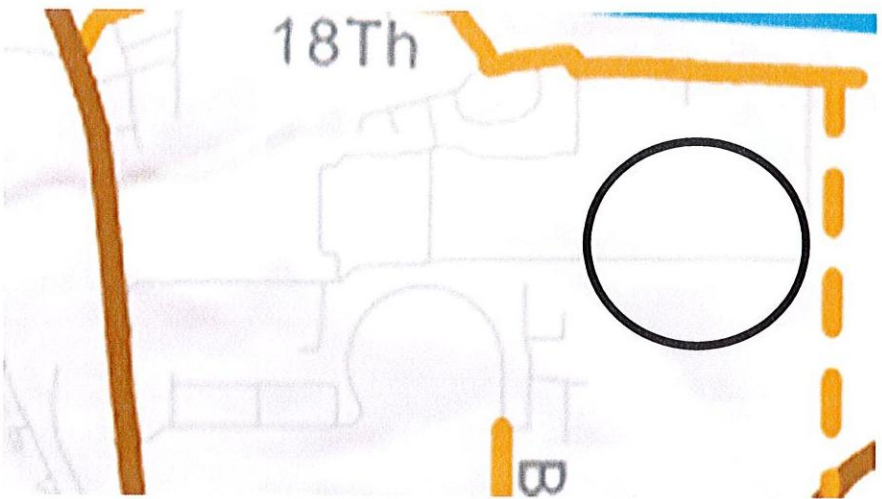
TRANSPORTATION ANALYSIS:

Traffic Impact:

Future traffic impacts could occur if commercial development continues along 14th street. The C-1 zoning designation calls out in Article 42, Section 1 that the intent is for this zoning district to be "... located along collector or higher classification streets." 14th street is not specifically classified in OTO's Major Thoroughfare Plan. It is classified on the City's plan as a residential collector. This would indicate the intent for this road is to service primarily residential lots and areas going forward.



TRANSPORTATION ANALYSIS CONTINUED:

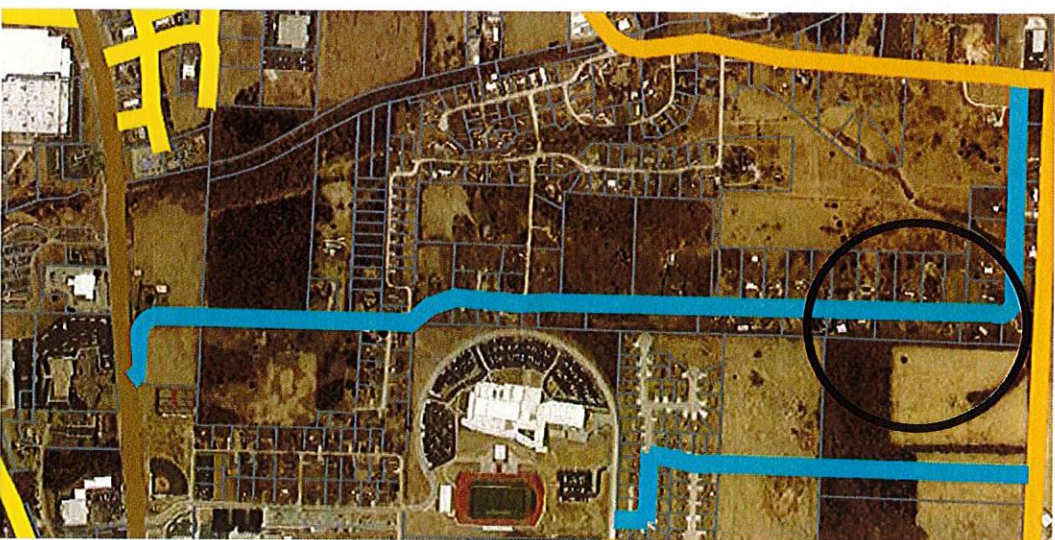


- Existing Roads**
- Freeway
 - Expressway
 - Primary Arterial
 - Secondary Arterial
 - Collector
 - Rural Collector
 - Boulevard
 - Local
- Proposed Roads**
- - - Proposed Expressway
 - - - Proposed Primary Arterial
 - - - Proposed Secondary Arterial
 - - - Proposed Collector
 - - - Proposed Local

OTO Major
Thoroughfare
Plan

LEGEND:

| | |
|--|-------------------------------------|
| | CITY OF OZARK'S PLANNING TIERS AREA |
| | FREEWAY |
| | PRIMARY ARTERIAL |
| | PROPOSED PRIMARY ARTERIAL |
| | SECONDARY ARTERIAL |
| | PROPOSED SECONDARY ARTERIAL |
| | PRIMARY COLLECTOR |
| | PROPOSED PRIMARY COLLECTOR |
| | RESIDENTIAL COLLECTOR |
| | PROPOSED RESIDENTIAL COLLECTOR |
| | COMMERCIAL |
| | PROPOSED COMMERCIAL |
| | RURAL COLLECTOR |
| | PROPOSED RURAL COLLECTOR |



City of Ozark Major
Thoroughfare plan



PUBLIC COMMENT:

Two residents of the area spoke at the meeting. Concerns revolved around the incompatibility of allowable land uses under the proposed zoning with the existing surrounding zonings and uses. The Planning Office also received a letter which the same concern of incompatibility existing and adjoining uses.

STAFF COMMENTS:

This change in zoning would allow for all permitted uses in the C-1 district to take place on this parcel. The City of Ozark would receive an Urban Service Area Application at the time of development. There is also an existing parcel just south of this one zoned C-2. It is the only other commercially zoned parcel along 14th street. It was assigned that zoning when the County adopted its current zoning regulations as the garage was already in place at the time. The property contains a single-family residence in addition to a 2-bay garage space utilized by the business.



RECOMMENDATIONS:

Denial of this request would be reasonable given the incompatibility cited with other existing and adjacent residential zonings and uses. Additionally, the primary road for access is a local road and not collector or higher as designated by OTO.

Additionally, the issue of incompatibility is further supported by City's future land use map designating the area containing this particular tract as appropriate for future Single Family Residential uses.

P&Z COMMISSION RECOMMENDATIONS:

On July 15th, 2024, the Planning & Zoning Commission heard the facts of the case as well as public input. A motion was made and seconded to recommend denial for this request. The motion passed unanimously.

