

**Christian County
Planning and Zoning Commission Minutes
November 21, 2011**

Chairman John View called the meeting to order at 7:00 PM. He then asked that everyone stand and recite the Pledge of Allegiance. Chairman John View called for Secretary Allen Bishop to call roll. Everyone was present with the exception of Rick Alling, Cameron Smith, John Torgerson, Bob Hudgins and Gerald Griffin who were excused. Phil Short was unexcused. A quorum was present.

Chairman John View called for a review of the October 17, 2011 minutes. John Uhrig made a motion to approve the minutes. Don Dishon 2nd the motion. The vote was unanimous. The minutes were approved as presented.

No Old Business

Hearings

Chairman John View called for the staff report on Case No. 2011-0185 Bob Nichols and Richard Weathers, proposed re-zoning from R-1 (Suburban Residence) to C-2 (General Commercial), 4381 Selmore Road, Ozark. Todd Wiesehan gave the report. Chairman John View called for the applicant or a representative to come forward and present their case. Larry Jenkins came forward and stated the purpose of the rezoning is to establish a retail shop that would sell canoes and kayaks. Chairman John View called for any comments or questions from anyone in the gallery that is in favor of the proposal. Being none, Chairman John View called for any comments or questions from anyone in the gallery that is opposed to the proposal. Penny Schmidt came forward and stated the proposal affected her property and questioned why the area of re-zoning was so large. Ms. Schmidt also questioned if there was future intent on expanding the retail area of the re-zoning. Todd Wiesehan explained that only one parcel was involved in the proposed re-zoning and the map that Ms. Schmidt had represented the required notification area. Byron Salmon came forward and expressed concern about the entrance to the property because the overpass of Highway 65 is at the crest of a hill and if traffic is coming from the north then it is a blind hill. Chairman John View stated MoDOT would not allow any entrances along Selmore Road that did not have the required site distances. Chairman John View stated that there will be a letter from MoDOT before the permit is issued. Todd Wiesehan stated that was correct. Chairman John View stated that the reason there is not a letter from MoDOT already is that it was thought to be in the Selmore Special Road District but it is MoDOT's right-of-way. Chairman John View called for additional comments or questions from the gallery. Being none, Chairman John View closed the public portion of the hearing and called for any comments or questions from the Commission. John Smith asked why this proposal falls under MoDOT's jurisdiction. Todd Wiesehan stated that at one point in time Selmore Road was old Highway 65 and MoDOT has retained the jurisdiction in agreement with the Selmore Special Road District. Chairman John View stated that Selmore Road is used as an outer road for Highway 65. Discussion was held on MoDOT's right-of-way. Chairman John View called for any additional comments or questions. Being none, Vice-Chairman Maryann Harter made a motion to recommend approval of the re-zoning. Don Dishon 2nd the motion. The vote was unanimous.

New Business

Chairman John View called for a review and possible vote on new and/or revised definitions which will allow for the distinction between junkyards, automobile graveyards and recycling centers. Todd Wiesehan gave the staff report. Chairman John View called for any comments or questions from anyone in the gallery. Petra McCoy came forward and stated that on the farms people keep spare vehicles or tractors for parts and questioned if there was some kind of protection in these cases so they are not in violation. Todd Wiesehan stated that the proposed amendments would not have any effect on these types of situations. Don Dishon stated the amendments only pertain to an M-2 zoning. Todd Wiesehan stated that was correct and with a Conditional Use Permit it may also include an M-1 zoning. Mike Wasson came forward and stated the he did not have a copy in print of the proposed changes. Mr. Wasson was given a copy. Mr. Wasson asked what prompted these amendments. Todd Wiesehan stated the County Commission requested the Planning and Zoning Commission look at the issue. Mr. Wasson asked if anyone in the County was being specifically being targeted. Todd Wiesehan stated that no one was being targeted but there has been a gentleman wanting to open a recycling type business and the regulations do not address this use because it is not a junkyard. Todd Wiesehan stated that because of the difficulty of interpreting the use it was thought to be a good idea to see if there was a better way to handle it. Vice-Chairman Maryann Harter pointed out that the definition of recycling center only mentions scrap metal and the definition of junk mentions plastic, glass, paper and cardboard which all can be recycled. Vice-Chairman Maryann Harter stated the definition for recycling center is narrow and does cut out other items that can be recycled. Todd Wiesehan stated he agreed and asked for suggestions on changing the definitions. Vice-Chairman Maryann Harter suggested that perhaps the two definitions could be combined. Chairman John View explained the two definitions and suggested some items under the junk definition could also be included in the recycling center definition. John Smith explained the difference between a junkyard and a recycling center. Discussion was held on the two different operations. Chairman John View stated that the definitions should be defined stating what is a junkyard as a business and what is a recycling center as a business. Todd Wiesehan stated that the impact on the property should also be looked at. Discussion was held again on the definition of recycling. Bob Estep came forward and stated that he had three boys that had vehicles they wanted to save and he himself had a couple of pick-ups he wants to save because they do not make them anymore. Mr. Estep questioned if that was going to get him in trouble. Petra McCoy came forward and expressed concern about the car crushing part of a recycling center and the noise factor involved. John Dollarhide came forward and asked what the difference was between a graveyard and a junkyard. Mr. Dollarhide stated that Stutesman's doesn't bury anything so he would call that a salvage yard and the recycling center in Nixa had some issues and wondered if the amendment was because of that. Mr. Dollarhide questioned why there was talk about retail versus wholesale. Joe Rozell asked how much a problem there was with the existing definitions. Todd Wiesehan stated the definitions of junkyard and salvage yard have some substantial restrictions like the property has to be zoned M-2 and it also need to be a substantial amount of feet away from any other zoning district so it makes difficult it if there is a lesser business that falls within the definition. Joe Rozell asked how other municipalities handle this issue. Todd Wiesehan stated the City of Springfield has similar regulations and definitions. Joe Rozell expressed concern about defining the definitions so tightly that it could not be enforced. Allen Bishop stated that is difficult to distinguish between the definitions. Joe Rozell stated that he has not heard of any problems with the way the definitions are currently.

Todd Wiesehan stated there is a situation on-going in the County that might have been averted and there was a second business that wanted to open doing a different kind of operation and it was hard to address with the current verbiage. Mike Wasson came forward and stated the request is general and vague and more specifics are needed from the County Commission. Vice-Chairman Maryann Harter asked if any of the County regulations address a recycling center. Todd Wiesehan stated the word 'recycling' is not in the regulations anywhere. Discussion was held on the different aspects of recycling. John Smith stated there was no such thing as a 'small' recycling center. Chairman John View stated he would propose that the definitions be revised again and then brought back before Planning and Zoning Commission. Discussion was held on whether to table or turn down the proposed amendment. Joe Rozell made a motion to turn down the amendment. Robert Snook 2nd the motion. The vote was unanimous.

Chairman John View stated the next thing under New Business was a review and possible vote on considerations for which zoning districts the new and/or revised definitions might be appropriate based on the intensity of land use, compatibility and whether or not conditions should be considered. Chairman John View stated that since the proposed amendment to the definitions was turned down then this issue cannot even be considered.

Chairman John View called for a review of the proposed 2012 meeting schedule. John Smith made a motion to accept the proposed meeting schedule. Don Dishon 2nd the motion. The vote was unanimous.

No Closed Session

Adjournment

Charlie Rogers made a motion to adjourn. A Commissioner 2nd the motion. The meeting adjourned at 8:20 PM.

Todd M. Wiesehan, Administrator
Christian County Planning & Zoning

Allen Bishop, Secretary
Christian County Planning & Zoning Commission