

CITY OF WILLARD
PLANNING & ZONING
OCTOBER 24TH, 2006
7:00 P.M.

Commission members present: Mayor Thomas J. Keltner, Vice Chairmen, Jeff Bowers; Executive Secretary, Lucille Murray; Charles Gugel; and Bradley Dalton. Chairmen Dale Duvall; Jim McKee; and Aldermen Charles Whitehead were not present.

Also in attendance: City Administrator, Fred Gress; City Clerk, Kathy Snyder; Director of Development, Randy Brown; Director of Public Works, Charlie Jones; City Attorney, Ken Reynolds; Aldermen Richard Simpson and Aldermen Bill Caplinger.

Guest present: Lorraine Vernon, B.J. Vernon, Jerry & Delores Jones, J.M. Crighton, Nancy Crighton, Joe Cosby, Joanna & Clint Rigenhagen, Dale & Leota Stafford, Nancy Wescott, Louie Amodeo, Tony Smith, Melissa Smith, Kacie Smith, Samantha Smith, Kathleen Herr, Stan Herr, Stacy Willhoit, Nancy Simpson, Jacci Gamble, Valorie Simpson, and Doyle & Shirley Emerick.

City Attorney Ken Reynolds opened the PUBLIC HEARING TO CONSIDER A PROPOSED TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS, SECTION 5.3.3 FRONT YARD SETBACK FROM 40' OT 35'.

Ken asked if anyone wished to speak in favor or opposition. No one spoke. Ken closed the Public Hearing.

City Attorney Ken Reynolds opened the PUBLIC HEARING TO CONSIDER A PROPOSED TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS FOR PLANNED UNIT DEVELOPMENT DISTRICT. (*Hearing continued from September 26th, 2006*)

Ken asked if anyone wished to speak in favor or opposition.

Joe Cosby: I just wanted to ask the board if everybody's read the proposed Springfield Planned District thing that you're considering to adopt and if everybody's familiar with our current Planned Development and also our M-2, what comes under our M-2. That kind of important cause there is a lot of things that come under M-2 that would come in under this. Is everybody up to speed on all that, right?

Mayor Thomas J. Keltner: I didn't compare the two to be honest.

Joe Cosby: Huh?

Mayor Thomas J. Keltner: I didn't compare the two but I have read the Planned Development District.

Joe Cosby: But everybody's familiar with M-2, all the things that come under M-2. What I wanted to address was our present Planned Development is easy implemented. But when you put M-2 under Planned Development you have to have a tremendous amount of resources. Now you're going to adopt Springfield's. Now Springfield has all kinds of resources. They have a huge Planning and Development Department. They have a permanent Engineering Department with engineers that have input. They have a legal department. They have experts in Public Works. These people all serve on these oversight committees that have to do with Planned Development. Willard doesn't have that. It is really difficult to implement a Planned Development when it comes to heavy industry. I have here the beginning of Springfield's Planned Development 295. If any of you are familiar with this. This was first submitted back in May and it was submitted to the Zoning Commission by the Planning and Development Department. They coordinate all of this. And just this information right here is very complicated. But Fred or Ken could get the final of this cause I think this things been finalized. You're going to find it's about this thick, highly detailed. Any why this is important there is a quarry involved in this. If you all had a copy of that and you could look at it you could see how complicated it is. It's not just for now, we're not worried about, but down the road. If you have let's say, Dowell Chemical wants to put a little plant in Willard and have a Planned Development. We don't have the expertise. We don't have the resources to do that, to take care of that properly. So the only question that I really had is, in adopting this Springfield's, what is the purpose of it and does it benefit the City of Willard? That's the only question I had. What's the purpose of adopting this? I'm addressing the board. Jeff? Somebody?

Vice Chairmen Jeff Bowers: Does anyone care to answer Mr. Cosby's question on that?

Mayor Thomas J. Keltner: Well I think, Joe I think the Planned Unit Developed District takes our Planning and Zoning to the next level. You brought up, what if Dowell wanted to come in, exactly. We need the procedures in place to properly, to make sure a chemical plant or whatever allowed in Willard is properly constructed. The environment is protected, the surrounding neighborhood is protected, and the citizens are protected. And I think that this Planned Developed District takes us to the next level and gives us that protection.

Joe Cosby: But you don't have the resources.

Mayor Thomas J. Keltner: We have to have the resources. We need to protect our citizens.

Joe Cosby: But you don't have the resources to implement M-2 Planned....We have no problem, the board has no problem.... We have in the past had Planned Developments all over the place. Even in the M-1 you wouldn't have any problems but when you come to

M-2 heavy industry that's where you get into, you got to have specialists. It's going to cost the city a ton of money to implement this M-2 Planned Developments.

Mayor Thomas J. Keltner: The citizens are demanding that we do this. They're demanding the protection. They're demanding that dust be monitored. They're demanding that noise and lighting and smell, we have to do this.

Joe Cosby: You don't have the resources.

Mayor Thomas J. Keltner: Well I think we do.

Joe Cosby: You mean, you think you'll have the expertise to do this?

Mayor Thomas J. Keltner: No we are contracting, what was the name of the company Fred that we just....

City Administrator Fred Gress: Marston and Marston.

Mayor Thomas J. Keltner: You want to go...you're more familiar with them than I am.

City Administrator Fred Gress: Yeah, I can. Joe they're good points I'll agree with you. And I'm not arguing with you on this at all but I think Mr. Keltner is right. Zoning started in the early 1900's and it's evolved, it's changed. You used to never have PUD's it was a new thing several years ago, and it's evolved. The PDD has evolved from those and is it somewhat concerning that we don't have twenty (20) people in the Planning Department? We don't have twenty (20) engineers on staff? Sure it is, but for years you have hired an engineer, a City Engineer, you have them under contract. This process, which I will go through a little more in depth later, is nothing different, a little bit different but the same process is used for it as is used for a regular subdivision. Sketch Plan first, Preliminary Plat next, Final Plat next. There is some flexibility built into it because all areas within a proposed PDD don't have to be designed for a final development. They're allowed to separate areas within the PDD and stage them for development.

Joe Cosby: Yeah, I realize that.

City Administrator Fred Gress: Before they can be developed they have to come back through the entire process for that same review again. Now the engineers, he is right, we have signed an agreement with Marston and Marston. They're a company that is specialized in mining and quarry operations. We are anticipating a receipt of a site, of a Sketch Plan from a quarry relatively quick after, if these regulations are put into place. M-2 uses are only part of the picture. If you'll look at....and I don't know for sure, which one is that?

Joe Cosby: You mean the Springfield one?

City Administrator Fred Gress: The Springfield one you referenced to.

Joe Cosby: 295.

City Administrator Fred Gress: If you'll read that, and I know you have.

Joe Cosby: Oh I have. This is the Preliminary.

City Administrator Fred Gress: There are....well actually I handed out the staff review and it's not much thicker than that.

Joe Cosby: Have they got that?

City Administrator Fred Gress: Yeah, they have. If you'll recall there are some M-2 uses in there, but there are also retail uses, no residential proposed but quite a blend of retail options. I mean hotels, to retail outlets, to service centers, to the small quarry area and then under underlining with future warehousing. And then you'll also note that part of that they don't anticipate that the undermining for future vault storage will even start for ten (10) to fifteen (15) years. Well before that starts they have to come back with a final plan. And they go back through the whole process again to get that final plan put into place. Do we have the staff? You're right, yes and no. But you have always, and I believe when you were Mayor I think you hired a City Engineer to provide you the expertise because you knew you didn't have it. Right?

Joe Cosby: Right. But you're going to have....its going to cost the city.....

City Administrator Fred Gress: No, no, no, no, no. Under the current process, if I'm a developer I can in and I want to develop fifty (50) acres. O.k. give us your plans, get your plans. Who do we send them to Joe? We send them to our engineer, they review them. Guess who we send the bill to for that review? The developer, the city's not out the money, not at all. And that's the same process under this PDD.

Joe Cosby: I just think that you're opening up industrial coming in under Planned Development. I mean you got a whole list of chemical companies.....

City Administrator Fred Gress: But understand that this can be used for straight residential development as well. It can be used for mixed residential. It can be used.... this actually replaces what you have.

Joe Cosby: Then the purpose of this is to upgrade.....

City Administrator Fred Gress: The current PUD regulations.

Joe Cosby: That's why we're doing it?

City Administrator Fred Gress: This provides a new approach, a new process. It doesn't eliminate any of the standards or any of the review that currently exist.

Joe Cosby: I was just reading in there where this supersedes all other regulations.

City Administrator Fred Gress: And that's because when a PDD is approved it actually becomes a separate ordinance in unto itself. Because it is a contract arrangement with a developer, once they identify the potential uses that's it. Even twenty years down the road the original proposed uses or it. They can't change them. The only thing they can do if that area wasn't developed as a final plat, they can come back and develop that as a final plat.

City Attorney Ken Reynolds: It's been five minutes, any additional comments or questions?

Mayor Thomas J. Keltner: I would like to make one other statement. Joe this is just like the old development too, it is with board approval, Board of Aldermen approval.

Melissa Smith: Hi, I'm Melissa Smith. I'm here with probably some similar comments to Joe's but maybe from a little different perspective on it so I would like to go ahead and read my comments on it also. Let me just start with this. It's going to discuss a few of the same things but I will so that I did attend the last Planning and Zoning Meeting and know that it was postponed to get some public input which is the reason I looked into this. And it was made clear that the immediate reason to do this was to accommodate this M-2 zoning in a Planned Development District for Conco to go ahead with this. I do feel from what I've read on these Planned Development Districts they give you the opportunity to provide some positive flexibility and some opportunities for the city, the developer, and the public can benefit from this. But I am a little bit concerned as Joe that Willard is looking at this new phase of community planning and I think some caution needs to be taken. Mr. Mayor when we were working on the blasting ordinance your comment was "that we need to approach some of these issues with baby steps", and I think there might be some questions that should be looked at on this before this is changed on these regulations. As Joe mentioned M-2 zoning does involve other heavy industry, you have salvage yards listed, motor freight, metal industries as well as quarries, he's covered that. I do think that it is important to point out that Willard has a lot of agricultural land on highway locations. We've been at meetings where they have talked about the future development of these. And there is a lot of agricultural land around our schools that could be prime sites of development in the future and that's why you're hearing some concern about M-2 zoning being put into this district. We did mention the fact, or Joe did that the regulation stated that designation of this property shall supersede all existing and prior zoning classifications. And as Mr. Gress pointed out this does mean your establishing a clean slate, the industry and the city, if I'm interpreting this correctly come up with a plan. Hopefully with full public hearings and knowledge. I know Willard has often relied on Springfield's regulations before when you're looking at changes on your books. And Joe mentioned that Springfield has recently finished this Planned Development with Gressmer. I was also going to make the

point about the financial resources, administrative directors, staff, etc. that's been covered. However two other point regarding Springfield. Number one, I talked to a city planner today, in fact he came and talked at a meeting that I did miss. But he said when they were working on this planned developments they will often look at their current ordinances that are on the books when they're working on this Planned Development. Now we all know that when this M-2 zoning was put in on Conco that was done with intent to go back and look at buffers, berms, dust, noise, all these things were going to be discussed and ordinances were going to be put into place. And to my knowledge no more detail has been done on that at this point. I have here a copy of a bufferyard requirement. This is bufferyard C from our current book that requires something like a minimum width of bufferyard shall be forty (40) feet for canopy trees, four (4) understory trees, five (5) evergreen trees, twenty (20) shrubs etc. As an option, a six (6) foot fence, and a three (3) foot earth and berm. Now I know we are to have some faith in our city politicians and our city council on forming this but you will look way beyond these regulations. But the point is that this is the only thing that's on our book right now. Furthermore Springfield has probably ten (10) years, I think he mentioned 1995 maybe when they started some of this and I don't want to quote that date I'm not positive. But they have set precedence with other planned developments. He also indicated that they do hold neighborhood meeting prior to this where the developer outlines this information to the public. He said it's not intended to allow for any changes or to sway there decision but to give the public an opportunity to ask questions, hear from the developer what there plan prior to the public hearing. And I would hope that is something that you will incorporate into your protocol when you're looking at this. I want to remind you that this will be Willard's first attempt at a Planned Development District with a big industry, not a bad industry, a big industry and it's an industry that can have serious and irreversible impacts on the environment. You don't change once a quarry operation starts, it's there. I would hope that the city has contacted other developers about this public hearing tonight. I hope someone talked to the school board and invited them to attend. Personally I feel it should have been done because of the amount of land that is surrounding our schools. And I know they are talking about another elementary school right now. You mentioned that you are doing this because citizens are asking for this. This is the first that we have discussed a Planned Development District. The first I heard of it was at the last meeting. Like I said earlier I'm not against it but this was the first look at a project of this scope and changing these books that will allow other industries to come into our area.

City Attorney Ken Reynolds: Time.....

Melissa Smith: O.k. Thank you.

City Attorney Ken Reynolds: Any other additional comments or questions.

Louie Amodeo: My names Louie Amodeo and I wish I were as organized and eloquent as Joe and Melissa are. Being new I don't have the background, the history and information that they have. But I have been up here several times to talk and each time I ask questions and tonight's no different. I have a few questions and over the past year some of those questions have turned into concerns. Because I don't have the full history

I'm going to use an analogy. If I'm a cattle rancher and my cows are getting into my neighbors property destroying their property, breaking down their fences, getting into their well water, and destroying those, and I'm getting calls daily about the damage that my cows are doing to them. It seems like the answer is not for me to go buy more cows but rather to control what I've already got. Put up fences, and support my neighbors in that way. And from where I'm sitting I'm concerned about mine and my neighbors well. Currently we have a quarry that is not being regulated. I wonder where the berms are, where the protection is for our well water, and rather than controlling that it looks like we are opening it up to more M-2 zoning. So that is my question tonight. Where's the protection, where are the citizens benefiting from this, and how does this benefit the town?

City Attorney Ken Reynolds: Any additional comments or questions?
Ken closed the Public Hearing.

Vice Chairmen Jeff Bowers called the meeting to order.

Agenda Amendments/Approval of agenda

Motion made by Mayor Thomas J. Keltner with second by Lucille Murray to approve the agenda. All votes yes. Motion carried.

Minutes 09/26/06

Motion made by Lucille Murray with second by Charles Gugel to approve the minutes of the Regular Meeting on September 26th, 2006. All votes yes. Motion carried.

Citizens Input

Someone in the audience stated that they would like an answer to the last question during the public hearing. Vice Chairmen Jeff Bowers asked City Administrator Fred Gress if he would be going over that issue. Fred stated he was going to attempt it.

Text Amendment to LDR's-Front yard setback 40' to 35'

City Administrator Fred Gress stated that this came about from a Board of Adjustments meeting. A resident wanted to build a porch on the front of their house. The current front yard setback for the current Planned Development District is 35'. Fred stated that the city looked at other area in town, and checked with other communities and it was from 30 feet to 40 feet, and the majority, were less than 40 feet. Fred suggested that 35 feet would be a nice compromise.

Motion made by Mayor Thomas J. Keltner with second by Bradley Dalton to recommend to the Board of Aldermen that the front yard setback in an R-1 District be reduced from 40' to 35'. All votes yes. Motion carried.

Text Amendment to LDR's-Planned Development District

City Administrator Fred Gress discussed proposed PUD District. Fred stated that we now have a group committee to review the Sketch Plan. The School District, Willard Fire District, Empire Electric, and Missouri Gas Energy have been asked to serve on that review process. Great River, the city's engineering firm will also be on this review

process. The fees for this service will be passed onto the developer. The city will not be out any money for the review. Fred discussed the following regulations for PUD: Sketch Plan review where the concepts are put together, reviewed, expanded, reduced, with one thing in mind which is the protection of the citizens of Willard. The philosophy behind the PUD is to add a little more creativity. The developer is required to identify potential uses for each piece of ground that is within the PUD District. Also Fred stated that this proposed PUD would replace the current PUD and the Mixed Use District but it is still the same process.

Motion made by Lucille Murray with second by Jeff Bowers to recommend to the Board of Aldermen that the proposed Planned Unit Development District be approved. All votes yes. Motion carried.

Request Public Hearing for proposed text amendments to the Land Development Regulations-Common Open Space & Common Improvement Regulations, and Lighting/Noise

City Attorney Ken Reynolds stated that in the past subdivisions where developed where typically you have an organization within that subdivision, neighbor association to take care of the common area amendments. The new change will allow the city to address the issue where subdivisions abandon their home owners association and don't participate or contribute money to the home owners association to take care of those common area maintenance issues. Ken stated that the proposed text amendment for lighting and noise came about from some citizens that lived close to the quarry.

Motion made by Mayor Thomas J. Keltner with second by Lucille Murray to set a Public Hearing on November 28th, 2006 for the following proposed text amendments-Common Open Space & Common Improvement Regulations; and Lighting/Noise. All votes yes. Motion carried.

Old Business

None

Motion made by Lucille Murray with second by Charles Gugel to adjourn meeting. All votes yes. Motion carried.

Meeting adjourned.

Kathy Snyder, City Clerk