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MINUTES
Public Hearing
City Rezoning Project
City of Kimberling City, Missouri
June 1, 2021

Called to order 6:00 pm by Mayor Robert E. Fritz
This meeting is being held with a virtual option

<https://us02web.zoom.us/j/84914653510?pwd=Y1I1eDdGMVdlUmpYWUQvaHFoRHlOQT09>

Meeting ID: 849 1465 3510
Passcode: 392019

Acknowledgement of quorum:

Aldermen Virgil Moore: Present
Alderwoman Michele Stump: Present
Alderman Christian Martin: Present
Alderman Daniel Jacobs: Present

Also Present:

Planning & Zoning Commission Members: Jason Hulliung, Steve Babbit, John Heise, Gary Fultz, Bob McConnell

Brandon Jenson (SMCOG), Jerry Harman (City Administrator), Randy Reed (Public Works Manager), Craig Alexander (Police Chief), Sara Fennema (Deputy City Clerk), Laura Cather (City Clerk), Larry Brown (City Treasurer), and 59 citizens

City of Kimberling City Rezoning Project

Chapter 400- Zoning and Subdivision Code- Revised Ordinance, Maps, Tables

Brandon Jenson with the Southwest Missouri Council of Governments (SMCOG) presented the proposed Chapter 400 Zoning and Subdivision Codes. Mr. Jenson gave information on the changes being made to the code and defined the existing and proposed new zoning districts.

Public Comments and Presentations:

Citizens addressing the Planning & Zoning Commission and Board of Aldermen:

Marcel Glynn 10 Woodland Court
Jim Podwinski 9 Woodland Court
David Bauer 62 & 65 Marina Way
Andy Murphy 32 Woodland Ave
Dave Anderson 26 Northwoods Drive

Mark Newsom 12 Woodland Court
Terry Gooch 9 Woodland Ave
Leona Baughman 30 Woodland Ave
Krista Johnson Boat Owner POK Resort
Elaine Kamykowski 7 Skyline Drive



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(Glynn) Commented that she is very unhappy with the changes being proposed. She contacted the Stone County Assessor's office to inquire about property tax increases, and voiced concerns over raising property taxes if parcels are zoned commercial instead of residential. She also said she had spoken to a real estate lender who stated it would not be possible to give a residential loan, to a property zoned as commercial use.

(Newsom) What would happen to homeowners whose parcels are being rezoned to commercial from residential if their home had more than 60% damage, would they then need to conform to city code and build commercial buildings instead of residential?

City Clerk Cather informed the citizens that if a homeowner wanted their home to remain residential, and not conform to the new regulations they could apply for a variance through Planning & Zoning to leave the construction non-conforming.

Planning & Zoning Chair Hulliung commented that Planning & Zoning will be looking into nonconformities, and the 60% rebuild regulation before the final version of the ordinance comes up for first reading.

(Newsom) Commented that he is worried about the shared parking portion of the ordinance. He does not want to see another situation like the Kimberling City Shopping Center that has shared parking and has not been maintained.

(Podwinski) What happens if a home is damaged, and the variance is not approved to build the home back the way it was?

Mr. Hulliung informed the citizens that if a variance is denied, the new construction would have to conform to city regulations. However, both the Planning & Zoning Commission, and the Board of Aldermen will review the requests and do what is best for the citizens and the city as a whole.

(Gooch) Asked what would be allowable within commercial property that might change the value of his home?

(Bauer) Commented that he wants to see the city grow, and in order to do that things need to change. The proposal is a good one, and if a citizen's home is damaged a residential property could be rebuilt.

A citizen (in the audience) asked about setbacks for the C1 Neighborhood Commercial District.



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Mr. Jenson responded that the setbacks within the C1 district does require that 60% of the front façade to be 5 feet off the street. A variance can be applied for to have larger setbacks or nonconforming structures.

Mayor Fritz commented that the zoning ordinances have not been changed since the 70's and the reason for this meeting is to get citizen comments.

Mr. Hulliung reiterated again that citizen comments were being taken today and the ordinances and zoning changes would not be voted on. All the concerns would be addressed before any vote is considered.

(Podwinski) Can the parcels with homes being rezoned to C1 be changed so that the residential homes can be kept residential? Mrs. Podwinski also asked when SMCOG was hired to start working on the zoning code.

Mr. Jenson stated their firm was hired Mach 2020 to begin the process of looking at the zoning code to see what changes needed to be made to the current code.

Mr. Hulliung commented that a comprehensive plan was completed, and part of the comprehensive plan was zoning changes. Since the City is a member of SMCOG, SMCOG was asked to help with the changes and process. Part of the process is Employee, Board, and citizen input. Mr. Hulliung also stated the meeting tonight is no different then if you were to fill out the survey that was sent out by SMCOG at the beginning of this process.

Mr. Jenson commented that the city came to SMCOG stating the zoning codes are really outdated and we would like help to see how the code can be updated. When a city starts making changes to the zoning code, it prompts changes to the zoning map. SMCOG then asked if the city would like to look at zoning in the city for future development. After the survey was conducted, and SMCOG identified that the citizens wanted a walkable commercial district, it was found that Kimberling Blvd would be the best area for this type of development.

(Baughman) Could someone come in and put in a commercial business next to her home if she sells her empty lot?

Mr. Hulliung verified that her neighboring lots would be changed to R1B not commercial so commercial structures would not be permitted. The main point of the R1B district is to allow more flexibility with building on smaller lot sizes. Right now, the city code requires lots to be 15,000 sq ft before a home can be built. This would allow homes on smaller



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lots. The R1B district also allows for multi housing. The homes are still required to look like single family homes, with the split being on the inside of the structure.

(Baughman) What is the purpose of rezoning the city, is the City trying to get more commercial business, more residential buildings, what is the goal?

Mr. Hulliung commented yes to both of those things. The goal is for Kimberling City to grow by adding more commercial and more residential structures while also giving landowners more flexible use of their property.

(Baughman) If the main throughfare would be on Kimberling Blvd. and sidewalks are required, who would be responsible for the sidewalks?

Mr. Hulliung commented that the sidewalks would be the developer's responsibility. Typically, the developer is responsible for building the sidewalks up to city code and once completed there is usually an agreement (made prior to completion) for the City to take over maintaining the sidewalks.

(Murphy) When will the new zoning code be put into effect?

Mr. Jenson responded that after the changes have been made after this meeting, the revised code will be brought back to Planning & Zoning, and then (if approved) be placed on the next regularly scheduled Board of Aldermen meeting for the first reading.

(Murphy) Will his property be designated to R1B when the zoning changes go into effect, and what is allowable in R1B square footage on the multi family homes, do they have to have completely separate living spaces or can it just be a bedroom/living room with a shared kitchen and bathroom.

Mr. Jenson responded that each unit would be required to have 720 sq. feet (minimum) of living space (for each unit within the building) and must be complete living units with separate kitchen, bathrooms, and living space.

(Murphy) Can mobile homes be placed in Residential areas?

Mr. Hulliung responded that mobile homes are not allowed in Kimberling City. Manufactured homes are allowed, but still must meet City requirements. Mobile homes are only allowed to be within the Mobile home designated district. As of right now, the City does not have a designated mobile home district listed.



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(Murphy) Commented that only certain areas were changed on the zoning map. What is the reasoning behind that?

Mr. Jenson responded that the areas in the city that are being rezoned were determined that R1B, and commercial changes would be better in the specific areas that were being rezoned.

(Murphy) asked if there would be any financial implications for the properties being rezoned.

Mr. Hulliung responded that there were many people here with that same question. The financial issue, and tax assessments would be looked at before the final information is reviewed.

(Murphy) commented that he had spoken to a couple of assessors in the area, and he was told that the taxes would stay pretty much the same as they are unless the value of the property or the type of actual use is changing.

(Johnson) How will the roads be maintained with new roadways with all the new traffic that will come in as new development comes in, and how will the city handle storm water issues as new developments come in?

Planning & Zoning Commission Member Fultz responded that roadways would be improved by raising taxes but that would affect everyone in the city, not just the group that is here. The storm water issue is being handled through the building department with each new building that is permitted.

Mayor Fritz addressed the citizens stating the city budget is \$2.4 Million Dollars. That money covers running the entire city, including repairs to the city streets, and correcting storm water issues. People say that they move here because taxes are low. Taxes in the city are the lowest in Stone County at .44 per \$100 valuation. Taxes will have to be raised either way to help sustain the budget. If the City does not raise taxes, what other options are there to bring in revenue? Mayor Fritz is asking for the public's help to get more involved, help the City learn what the community wants, give us ideas of what we can do to be better. Board of Aldermen meetings are the first Tuesday of each month come and be involved. Citizens can keep up with City business by looking online at the City website.

Mr. Hulliung responded that when working within a city, there is a balance between commercial and residential areas. Cities rely on commercial business and people



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coming in because a majority of the city income is sales tax. Having a good commercial and residential balance starts with Planning & Zoning.

(Anderson) Asked if there was a feasibility study done for Kimberling Blvd. to be able to say it can support more commercial district. He also commented that only having 100 people fill out the initial survey was a bad representation of what the citizens want to see just because the information was not readily available.

Mr. Hulliung responded that when the survey first came out, he posted to several groups on Facebook which also helped get the word out. Even with online postings (Facebook and the Website) there were only 100 surveys in total.

Mr. Hulliung responded (to a citizen in the audience) that the city is looking for future city development. There is a lot of property that is developable and could have blended development uses. The city is starting to see more businesses come in, and the hope is to keep bringing both businesses and families to Kimberling City.

(Kamykowski) Wants to make sure that whatever is allowable to build in C1 would benefit the area.

Mr. Jenson responded that the C1 allows emergency service centers, small medical/dental offices, day care centers, public parks, office spaces, art/dance studios, bakeries, banks (the full list is written in the use table available in the revised code).

(Citizen) Wanted to know if a poll could be taken of the people who were at the meeting.

Mr. Jenson responded that he has recorded a lot of information from this meeting, and he sees changes that will need to be made. When the initial survey information was sent out it was open for input for three months, information was placed at Harter House, banks, paper copies were at City Hall, it was posted online and in the newsletter. Unfortunately, this all happened during the pandemic, and it is hard to get citizen involvement during a pandemic.

(Owens) Wants to make sure that more sales taxes will be collected instead of raising property tax.

Alderman Moore wanted to make the citizens aware that property (real estate) tax only brings in about \$140,000 in revenue for the City. That covers roads & streets, wastewater etc. so people should never complain about taxes being high. The City is trying to bring in more business to bring in more sales tax.



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Mr. Hulliung responded to a citizen (in the audience) stating that Planning & Zoning would be doing research on the comments brought to the meeting and making changes to the ordinance and zoning before a recommendation will be given to the Board of Aldermen for approval.

(Shields) Does the Board of Aldermen have the right the approve with a 1st and 2nd reading without taking any public comments into account?

Mr. Hulliung responded yes; the Board of Aldermen does have the right to approve. The Aldermen are elected officials that were voted in by the community to do what is best for the City. The Board will take every comment into account to come up with a Planning & Zoning process that is beneficial for the entire community.

(Shields) How does this come into play with the strategic and comprehensive plan and will it now have to be redone?

Mr. Hulliung responded that a strategic plan was completed for the city. Part of what makes a strategic plan work is to actually do the things that the strategic plan details as issues. If the work is not done, the plan is just paperwork. Part of that plan was updates to the zoning code, updates to the ordinances, look at future developments etc. This administration is working towards making those changes happen.

(Shields) Will there be an option for the City to bring in more reliable internet in the area?

Mr. Hulliung responded that there has been meetings about relief funding and broadband in the area so this is something that hopefully can be addressed in the future.

Meeting Adjourned: 8:04 PM

Attest:

Approved:

Laura Cather, City Clerk

Robert Fritz, Mayor