



# City of Waynesville

Preserving the Past - Planning for the Future

100 Tremont Center Waynesville, MO. 65583

---

## Planning & Zoning Commission Meeting

AGENDA

April 13, 2021

5:30pm

1. Call to Order – Establish Quorum

---

---

2. Approval of Minutes – May 12, 2020

---

---

3. Action Items: An Ordinance Amending Chapter 420 of the Municipal Code Regarding Subdivision Requirements

---

---

4. Other Business

---

---

5. Adjourn

---

---



## PLANNING & ZONING COMMISSION MINUTES

May 12, 2020

### In Attendance:

**Commission:** Trudy Dils, Luge Hardman, Yvonne Reeves-Chong, Scott Owens, Doug Beard, Jim Lord

**Absent:** Twyla Cordry, Cecil Davis

**City Staff:** Bruce Harrill, Nathan Carmon, Miriam Jones, John Doyle

**Guests:** Keith Pritchard, Dan Deering, Mike Prater, Jessica Ward, Marianne Ward, Darrell Maurina

1. **Call to Order** – Due to the absence of Twyla Cordry, Jim Lord called the meeting to order at 5:30pm. A quorum was present. Mayor Hardman stated that Twyla Cordry could not make the meeting because her mom is in the hospital in Lebanon. Mayor Hardman stated that Twyla Cordry is in favor of the conditional use permit. Mayor Hardman also stated that Joe Crider expressed his support of the conditional use permit.
2. **Approval of Minutes** – Jim Lord put forth the minutes from the January 14, 2020 meeting for approval. Luge Hardman made a motion to approve minutes. Motion was seconded by Trudy Dils. The motion passed unanimously.
3. **Action Items:**
  - a. **Open Public Hearing for public comment and discussion regarding a Conditional Use application to allow a single chair hair salon in basement to be located in a R-1 Zoned District located at 101 Glen Haven-** Jim Lord opened the Public Hearing for a conditional use permit for 101 Glen Haven at 5:35pm. Marianne Ward of 101 Glen Haven is applying for a conditional use permit. Mrs. Ward stated that she would like to request that they be allowed to open a single chair hair salon in their basement so that her daughter, Jessica Ward may operate a hair salon on a part-time basis from home. Mrs. Ward stated that her daughter dreams of being a hair dresser just like her Aunt Bev in Illinois. Her daughter is a Waynesville High School graduate, has earned her associate's degree from Ozarks Technical Community College and graduated from the Waynesville Career Center's College of Cosmetology. Jessica Ward has Asperger's, which is a form of autism, which makes communication and social skills more difficult. Mrs. Ward stated that the reason they want to open a salon out of their home, instead of having her operate out of a traditional salon, is that they know Jessica will have a limited clientele base. Customers will be mostly friends and family who will park in their driveway, instead of the street. Even for those who park in the street, only one or two cars at most would ever be present. Their neighbors have given their support through the letters that Mrs. Ward submitted with the conditional use permit. The impact on the neighborhood will be minimal, but granting a conditional use permit would be huge, it would make her daughter's dream come true. Jessica Ward is a licensed cosmetologist in the State of Missouri and she would be required to pass a salon inspection and meet all state requirements for operating a salon. Keith Pritchard stated that he was here to speak on behalf of Triple K Inc. which built and developed Glen Haven in 1992. Mr. Pritchard stated that in the declaration of restrictive covenants for the subdivision it states in item 4 that no industrial or commercial activity shall be conducted on the said premises, except that incidental professional or business activities may be conducted in a structure which is occupied for residential purposes but only if the person(s) operating the professional or business activity is/are occupants of the residence and only if the professional or business activity does not result in excessive noise, traffic congestion or other results which are offensive to neighbors. Mr. Pritchard stated that as a developer of the subdivision he is in support of the conditional use permit. Dan Deering resident of Glen Haven stated that he is in full support of the Ward's. He believes traffic won't be a problem however he is concerned about signage. In the subdivision covenant item 8 states no sign of

any kind shall be displayed to the public view on the said premises, except signs of not more than five square feet in area advertising the premises for sale or rent or advertising the name of the person building on the premises. Provided, however that it shall not be a violation of these restrictions to display, during the time of construction of a residence on the said premises, a sign advertising the identity of the builder who is constructing this residence. Marianne Ward stated that the only signage they will have will be a small 2ft by 2ft sign on the window on the door to the basement. Dan Deering stated that as a homeowner he has no objection to this. Mike Prater of 111 Glen Haven stated that when he first heard of the public hearing, he was going to oppose but now hearing the nature of the permit he supports it. He is concerned about the signage as well but trusts that the Ward's would make the right decision with their signage. With no further comments from the public, Jim Lord closed the public hearing at 5:46pm.

- b. Consider approval of Conditional Use permit-** Jim Lord asked a motion from the commission regarding the conditional use permit for a single chair hair salon in basement to be located in a R-1 Zoned District located at 101 Glen Haven. Trudy Dils made a motion to approve the conditional use permit. Yvonne Reeves-Chong seconded the motion. The motion passed unanimously.

- 4. Adjournment –** With nothing further, Jim Lord adjourned the meeting at 5:52 PM. The next meeting of the Planning and Zoning Commission will be June 9, 2020 at 5:30p.m.

**AN ORDINANCE AMENDING CHAPTER 420 OF THE MUNICIPAL CODE  
REGARDING SUBDIVISION REQUIREMENTS;  
FIXING AN EFFECTIVE DATE**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WAYNESVILLE, MO AS FOLLOWS:**

**Section 1.** That Chapter 420, Subdivision Regulations, shall be amended according to "Exhibit A", which is attached to this ordinance.

**Section 2.** All other section of Chapter 420 shall remain in full force and effect.

**Section 3.** This ordinance shall be in full force and effect from the date of its approval and passage.

**PASSED BY THE CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Dr. Jerry Brown, Mayor

ATTEST:

\_\_\_\_\_  
Michele Brown, City Clerk

Requirements for residential and commercial subdivision improvements.

- (a) The following requirements shall apply to residential and commercial subdivisions improvements if the developer elects to have the City construct the infrastructure in the subdivision. For a subdivision to qualify for this agreement between the City and the developer the subdivision must be located within the City limits of Waynesville, Missouri and currently served by all utilities offered by the City including but not limited to:
- a. City Sanitary Sewer
  - b. City Water
  - c. City Electric
  - d. City Natural Gas

(1) Prior to the granting of final approval of a proposed subdivision, the subdivider thereof shall dedicate to the city, or have entered into a written agreement with the city for the ultimate dedication to the city the necessary easements, rights-of-way and improvements installed or to be installed pursuant to the provisions of this article.

(2) After the final plat has been approved and recorded pursuant to the provisions of this article, the subdivider shall be eligible to participate in the City of Waynesville's subdivision improvement program provided for in this article. The subdivision improvement program available under this subsection shall consist of the city's construction of the infrastructure in the subdivision, including streets, curbs, sidewalks, utility and stormwater piping and water retention ponds. In order to participate the subdivider shall notify the community development/building department supervisor in writing that participation is desired and pay an earnest money deposit in the amount of one thousand dollars (\$1,000.00). The subdivider's subdivision will then be placed on a list and any and all subdividers' participation in the program shall be in the same order that the subdivisions are placed on the list.

(3) When the subdivider is notified that the city is ready to proceed with the project, the subdivider shall enter into a written contract of development with the city committing to develop the subdivision in conformity with the City of Waynesville Code including this section and shall also pay the City of Waynesville a sum equal to forty-two dollars and fifty cents (\$42.50) per running front foot along all platted lots in the subdivision on both sides of each proposed street for a total of eighty-five dollars (\$85.00) per foot, which will constitute one-half of the total project cost and which must be paid before the city will be required to commence construction of the improvements. The balance of the sum due, to-wit, eighty-five dollars (\$85.00) per running foot shall be due when the city has completed all improvements in the subdivision less the one thousand dollars (\$1,000.00) earnest money payment. The payment referred to above includes

- a. the water connection fee provided for in the **Code**
- b. the sewer connection fee provided for in the **Code**

but does not include

- a. electrical deposits and fees required by the **Code**
- b. building permits fees provided for in the **Code**
- c. water facility impact fees required by the **Code**
- d. waste water impact fees required by the **Code**

which amounts shall be paid in addition to the said fee. In the case of corner lots the front footage shall be measured along the longest side of the lot which is adjacent to the proposed street.

- (4) In the event the subdivider desires to develop an additional subdivision phase, the requirements and the provisions of subsection (2) shall apply, however, the subdivider shall not be permitted to put the additional subdivision phase on the list unless and until all fees required under subsection (3) have been paid for the previous phase.
- (5) In the event the city is not required to engineer, construct and install all the facilities referred to in subsection (2) because the subdivision is located adjacent to an existing street and/or facilities are already in place in the subdivision that meet the requirements of the standard specifications as adopted by the city council pursuant to the provisions set forth at that time, the fee referred to in subsection (3) shall be adjusted in accordance with the standard charge made for those facilities as approved by the city council.
- (6) Each front foot segment on which facilities are constructed shall be contiguous and must be in the same subdivision or an adjoining extension thereof owned by the same owner if the plat thereof has been approved and recorded as provided in subsection (2).
- (7) In the event construction costs of the facilities referred to in this article will significantly exceed the usual and standard costs of the construction and installation of the facilities, the subdivider shall be responsible for such excess costs per the schedule listed in the City of Waynesville Policy Manual, with the schedule being reviewed and amended from time to time by the city council and as recommended by the public works director and which amount shall be paid prior to the time construction commences.
- (8) In the event the proposed subdivision, development, project or improvement requiring city water and/or sewage utility service(s) is located within the established municipal boundaries prior to the passage of this article, and is situated more than five hundred (500) feet, as measured along the most efficient route as determined by the city from the current location of any city water and/or sewage service(s), then the developer shall be required to participate in the expense of planning, easement procurement, engineering and installation, including labor and material of such utilities attributable to costs involved beyond five hundred (500) feet. In the event the proposed subdivision, development, project or improvement is situated five hundred (500) feet or less from the current location of any city water and/or sewage service(s), then the developer shall not be required to participate in the expenses outlined above.

The developer's cost of the utility extension per linear foot is hereby established at thirty dollars (\$30.00) per linear foot beyond the first five hundred (500) feet for each utility that is required or requested. In the event the improvement is a subdivision, the developer's cost shall be paid at the time the project commences. In the case of any other type of project, the developer's cost shall be paid at the time of building permit issuance. The contact or hook-up point, the route to be used and the point of contact with the developer's property shall be determined at the sole discretion of the city. The city shall also be solely in charge of the planning, engineering and construction of each project. Any project extension is subject to prior approval of the city.

Any proposed subdivision, development, project or improvement requiring city water and/or sewage service(s) as a part of an annexation project that is initiated after June 30, 2021, that is not compact to existing utility service(s), shall be charged on a per-foot basis per each utility as calculated and certified by the public works director for each

specific project. The contact or hook-up point, the route to be used and the point of contact with the developer's property shall be determined at the sole discretion of the city. The city shall also be included during the planning, engineering and construction of each project.

- (b) The following requirements shall apply to all residential and commercial subdivision improvements if the developer elects to construct the infrastructure in the subdivision:
- (1) Developers of residential and commercial subdivisions shall have the option to construct the infrastructure in the subdivision, including streets, curbs, sidewalks, utility and stormwater piping and water retention ponds, at their own expense, in which case the city electrical department will pull all wiring, set all sectional boxes, transformers and make all terminations.
  - (2) The developer shall be responsible for obtaining the services of a registered professional engineer subject to approval by the city, after the engineer demonstrates his experience and expertise by listing projects satisfactorily completed that were of similar size, scope and complexity.
  - (3) The engineer shall prepare plans and specifications for streets, curbs, sidewalks, utility and stormwater piping, which shall conform to all City Code requirements and which must be approved by the city. The developer shall be responsible for submitting plans and specifications to all state and local offices for approval and to obtain all necessary permits.
  - (4) The plans and specifications of the infrastructure including watersheds for stormwater, storm sewers and utilities, shall be designed to accommodate the development of adjacent property, not owned in whole or in part by the developer. The city will only be responsible for material cost differences required for water, sewer and electricity to adequately serve or protect adjacent properties.
  - (5) Any and all contractors proposed to perform work on the project shall be subject to approval of the city after review of at least three (3) references and review of at least three (3) projects of similar size, scope and complexity.
  - (6) Prior to the final city approval of the proposed infrastructure, the developer shall consent in writing to grant the city all improvements to be constructed and/or installed, pursuant to the plans and specifications.
  - (7) The developer will be responsible to supply a performance bond of one hundred (100) percent of the contracted cost for construction and materials, or one hundred (100) percent of the cost of construction based on city subdivision improvement fees, whichever is greater. The developer shall provide the city with lien waivers for all labor, materials and contract expenditures for development before acceptance of the improvements by the city.
  - (8) The developer will be responsible for any defects in materials and workmanship for a 12-month period after the acceptance of the project by the city.

- (9) The work schedule for laborers working on the project shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday, unless a schedule change is otherwise approved by the city. The developer will be responsible for city inspection costs at a rate of thirty dollars (\$30.00) per hour, per inspector, for any work performed outside regular business hours. The regular city business hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.
- (10) The developer shall certify compliance with the Missouri Department of Labor guidelines and shall submit certified timesheets of all employees who are entitled to receive the prevailing wage.
- (11) The city inspection fees shall be paid to the city by the developer before any work has commenced to assure compliance with city construction specifications at a rate as follows:
- a. Water, per lineal foot ..... \$1.00
  - b. Sewer, per lineal foot ..... 1.00
  - c. Electric, per lineal foot ..... 1.00
  - d. Storm, per lineal foot ..... 1.00
  - e. Street, per lineal foot ..... 1.00
  - f. Administration, per lineal foot ..... 2.00
- (12) The developer shall provide the name and contact information of their project manager or representative who is responsible for assuring compliance of city construction specifications at the time inspections fees are paid. All compliance issues will be directed to this representative to be corrected or resolved promptly.
- (13) The developer shall provide a final geotechnical engineering report by a State of Missouri registered professional engineer for streets constructed with excessive fill or in marginal soils. The developer shall also provide certification of compliance of material specifications from suppliers of both concrete and asphalt to assure material quality. The paid invoices for both concrete and asphalt shall be submitted by the developer to the city to certify material volumes.
- (14) The developer will be responsible for all costs associated with concrete testing for the project. The city may request sampling and testing of concrete at the city inspector's discretion but not to exceed three (3) samples per twenty (20) cubic yards of concrete.
- (15) In the event the developer requests and is denied a variance by the public works director, or if any other dispute or disputes should arise, the developer shall have the right to appeal to the code board of appeals.