

Fair Grove Planning and Zoning Open Meeting

81 S. Orchard
Fair Grove, MO
June 2, 2025

Oath of Office – John Hayes, Dennis Roe, Travis Lee

Roll call taken by Chairman John Hayes.

Dennis Roe PRESENT, Ben McMains PRESENT, Travis Lee PRESENT, Darrin Moyers PRESENT, Shawn McCormick PRESENT, Paul Foreman PRESENT, Kelly Petty PRESENT

Meeting called to order at 6:30 PM

PUBLIC PORTION – Public may speak on any item on this agenda.

1. Approve Planning and Zoning minutes from May 5, 2025 Public Hearing and Open Meeting:

Motion by McMains to approve May 5, 2025 Public Hearing and Open Meeting minutes. Second McCormick

Discussion: None

Roe AYE, McMains AYE, Lee AYE, Moyers AYE, McCormick AYE, Foreman AYE, Petty AYE, Hayes AYE

2. Discuss Rezone of 121 and 139 West Saddle Club, Fair Grove, MO – Tiffany Hill, Legacy Early Learning Academy.

Discussion:

Hill - I own the property next to Legacy. So its two parcels, we want to turn the house in to the Christian School. The land that goes behind it and to the side, we want to turn into some sort of like a Rutledge Wilson Farms type of thing. We're going to call it Legacy Tails and Trails. It's going to be an education opportunity for the families to come in and work with animals. The kiddos that are in the Christian School now will take care of them and do a community garden. The core animals, like a goat would be in the center. There's a pond back there, you can't see any of this from the road. We would keep the core animals in the center. That's kind of the plan. It would be similar to Gardener's. We would like to do different activities. If we had a milk cow, we wouldn't keep it full time, but we would bring it in for a month at a time. That keeps people coming. You come one time and pet a goat or a sheep or whatever and then they never come back. One month maybe goats and pajamas. One month we might do, where you watch a movie with the farm animals. Pulls them into the city. That's our plan, that's kind of what we want to do. I want to get the community involved. Instead of me just going out and purchasing everything, I would like to get the Bee hive guy and he would maintain it. We might eventually do something to where you can bring dogs and drop them off and the kids can take care of them. I wanted the community to come in and help us and give us some ideas. What questions do you have for me?

Hayes – On the meeting agenda request form, a switch of zoning from residential to commercial. What is the thought process there, because in my thought process it would be detrimental to you.

Hill – That's just what they suggested for us to do. I think to move the Christian School over there, would it not need to be commercial. Or if we charge people to come in, would it not need to be commercial?

Hayes – No, our zoning codes, based on the way that they are set up, daycares and schools, police, fire, etc. several other organizations are all listed under residential R-1.

Hill – That's listed as commercial and always has been listed under commercial.

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Hayes – The lot is showing residential right now.

McCormick – I thought it was too.

Hayes – I'm looking at the wrong lot then. I apologize

Hill – It's 163 and 165. It's two lots for that, 163 and 165.

McCormick – Those are commercial then? 121 and 139 are currently residential?

Hill – Yes.

Hayes – These two here, but the house is here?

Roe – Which lot is the house on?

Hill – 135

Hayes 139?

Hill – Or 139 sorry.

Hayes – So it's this one.

Hill – The two car garage is there.

Roe – Oh and then that's on separate properties.

Hill – I think maybe at some point. I don't know, that's just how it was sold to us. I had a guy come and was going to put it all together, but. I'm just waiting.

Hayes – You have 209? These two obviously.

Hill – No, 209 is George. We're 163 and 165 and then I own 139 and 121.

Hayes – Ok

Hill – So this is commercial.

Hayes – Ok

Hill – It used to be two buildings and that's why it was registered with two different addresses.

Hayes – We've got this as one lot and it is commercial.

Hill – Could we still do it if it was residential? Would it fall under different laws as far as animals are concerned?

Hayes – So that is where I've done a lot of research. It falls under animal control. Inside the city limits there's nothing more than what they call household domesticated. You can have hens and roosters. Saying that, first step is actually going to be going before the Board of Adjustments and getting a conditional variance. And then doing the research and we can send everything over. I had it emailed to Chandra. Basically Greene County health inspector would be involved at

that point and there would be rules and regulations. If you're going to have any animals permanently on the property or overnight, then you have to have someone 21 years or older that has animal husbandry that will take responsibility. The good news is, when I contacted Jeff City, on their licensing and so forth, we're in district 7 in the southwest and their vet called me back. She sent all of the information. There is no licensing that is required if it's just domesticated animals. So if it's goat and that type of thing and you get your variance you don't need a license to do what you're talking about. There's going to be more health restrictions and basically kids with allergies and notifications to parents.

Hill – We already do that stuff.

Hayes – Typical daycare stuff. As long as you're not doing exotics, snakes, alpaca.

Hill – So if we bring an alpaca in, like one of our monthly things?

Hayes – Cannot do it.

Hill – Even if it doesn't spend the night?

Hayes – No, not even temporarily. That would be something to talk to. We'll send the information. They control all of that.

Hill – So I can get that directly from them.

Hayes – Yes, but cart before the horse, you need to do everything in order. You need to get your variance done first.

Petty – Would it not be easier to amend or change one of the ordinances to include a permitted use for a specific type of thing that her new business would fall under?

Roe – Conditional use?

Petty – Yes

Hayes – That's sort of where the sticky wicket is now, reading through the legal and everything else, Planning and Zoning doesn't have the authority for conditional use permit.

McCormick – There is something called Agri-Tourism.

Hayes- Right

McCormick – I wondered if that wouldn't fall under that, but we have nothing in our ordinances.

Hayes – And then the other thing as far as zoning, actually A-1 for agricultural.

Hill – I looked into that and brought that paperwork. Since it's not....

Hayes – It's not 10 acres, so it doesn't even, again it comes back to a variance.

Roe – The recommendation to go to the variance, came from who? Greene County or the state?

Hayes – The variance is, the lady that I talked to, she's with Jeff City. Basically she is the Director for District 7 down here. She is the one that if it's inside the city limits then it has to follow all of our codes. We have exact restrictions in the codes thus the variance.

Roe – Yes we do, for R-1. That's what dictates it to be a variance.

Hayes – It could be a conditional use variance. The problem going back, Kelly, if we change some type of zoning, like what Planning and Zoning would do, then it would open up to anything else. Now we could make that recommendation to make an allotment for animals or a petting zoo type of requirement. There are certain cities that have done that, it's also a mix under R-1 and C-1 too. We could be creating a loop hole for everybody to jump in and put animals everywhere.

Petty – So for her, her business, Legacy is C-1? These two lots that we're talking about is R-1. So if we wanted to change, if we were to put in a new classification under the permitted use for C-1 and that whole area would then be commercial. Would that be a possibility? Then we get into buffer yards and you know all the setbacks and stuff, but she's already got a pretty good start on it, with it being next to the park and I'm not sure what the property east of her does or even the west.

Hill – One is a group of trees and the other is George, and he's got animals.

Hayes – There's two things that could happen at the same time, again if you're getting the variance. Obviously going C-1 on the other two properties. We actually have a form on the city website you can dissolve that property line, so then you're just paying taxes on one property. It's a real straight forward process. That can be happening at the same time, going for the variance and then get the variance for whatever you're talking about. The plan sounds great.

Roe – It does sound great. I'm trying to figure out how to expedite this cause I know in the Aldermen meeting I attended, you're on a pretty aggressive schedule.

Hill – Well, that's how I always roll. It's not the end of the world, but I don't want to open it in the middle of winter.

Hayes – Again, I think you would be fine with where you're talking about putting them. The other thing, it's under, our current code, that any outdoor pens need to be a certain distance away from property. You're going to be restricted on roosters and noise constraints, even with the variance.

Hill – I don't have a problem with coming, like someone calls and says we want to give you a peacock. We'll see if the city lets us have a peacock.

Hayes – The definitions under household pet... Those are in there and it specifically calls out poultry, cows, livestock and things like that.

Hill – So what I hear you saying is now I need to go to a different meeting?

Hayes – That's the Board that's being formed now, for the variance. For the request, if you want to go ahead and do the commercial and join all the lots together, you could do that. You have title on all of those properties, correct?

Hill – So I could join Legacy's property with that? I'm also trying to get Liberty to turn over the electric to Southwest. I'm Southwest on one and Liberty on the other and I'd really like to get rid of Liberty. Southwest said they were on board with it and it would be easier to do if it was all one property.

Hayes – And for tax purposes and everything else as a business, it's easier to maintain one set of books. To do the zoning change for that, which is under Planning and Zoning, we just need a formal request filled out for the zoning change. We have to notify that there's going to be a public hearing and then based on that hearing, which we could do next month.

Hill – Ok, so that's the other thing. The way I understand it, I have to do a public hearing with the aldermen and they were going to check and see if we could do it as one?

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Hayes – And that's....we've been told, the current. We didn't use to, up until a few months ago, now we're told that we have to have two public hearings, one with Planning and Zoning and one with the aldermen. So we would have ours first and based on that meeting, the public meeting the form that we have, then if the planning and zoning commission votes to pass it along or quasi approve it. Then what we do is make a referral to the Board of Aldermen and then it starts again with the Board of Aldermen. They can say thumbs up, thumbs down and they have the public hearing there as well too.

Hill – So the next meeting for you guys is July 7th, correct?

Hayes – Correct, it's the first Monday.

Hill – So I am taking vacation. Do I need someone to come and represent for me.

Hayes – Yes. Just somebody that would answer questions based on why you want to do commercial and you can simply state, I own Legacy, I'm trying to put all the properties together.

Hill – Do I need to bring support like I brought to the Aldermen meeting?

Hayes – I would just bring a more detailed map, like this one you included. Showing the existing, where Legacy is at now and the properties. I wouldn't put high core impact and all that. I would just put the property lines and say this is zoned C-1 already. These are the properties we are looking to go C-1 and then we are basically going to dissolve the property lines.

Hill – That's what I'm doing at the....

Hayes – Yes, the Planning and Zoning meeting in July.

Hill – Ok. What about the variance?

Hayes – The variance. The way that would work is you would make an application to the Board of Adjustments for the variance. They are basically a judicial side of the City. What would happen with that, they would have to have a public meeting for that as well. They would have to post that. The Board of Adjustments is just now being filled. Once it's filled, it will be after the next Aldermen meeting hopefully, knock on wood. They could call an emergency meeting or immediately, elect their board and then they could talk at that point and post it and then 30 days.

Hill – 30 days, not 15?

Hayes – For the public notice it's 15, but most Boards meet on a monthly basis.

Hill – When does the Board of Adjustments meet?

Hayes – There is no Board of Adjustments right now.

Hill – So what happens if you don't get one after this next meeting? Am I just out of luck?

Hayes – It would be pushed out, because the way I understand it, anything that goes to the Board of Adjustments for appeal. And this is my interpretation, you guys chime in. My understanding is that anything that would have to go to the Board of Adjustments for appeal, it would go to our attorneys and basically go through a judicial process. But that is for appeals, they can't hold a public hearing or hold anything. That's why we need an actual Board of Adjustments.

Hill – So I need to recruit members for that?

Hayes – We've got about 11 applications.

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Hill – Where do I find an application for that variance?

Hayes – It would be.....

Scott – In my office.

Hayes – And then on the front page of the Fair Grove page there's actually one for a Property Line change too.

Petty – What specific variance is she requesting?

Hayes – To have above and beyond dogs, cats and a few hens. For the animals.

Roe – For the animals.

Hill – So one is for property lines and one is for animals?

Hayes – Correct, the Board of Adjustments is strictly for a variance. They handle all variances. Planning and Zoning does not handle variances.

McCormick – As far as the rezoning, we can do that? Right?

Hayes – Yes, we just need to file and have a public hearing, which is 14 days. It will come up at the next meeting. We just need to get the ball rolling. Chandra will get you all the paper work on all of that.

Petty – So if we, if you guys were to or if the Board of Aldermen were to redo the actual ordinance to include a definition that would talk about all the different animals types that it would allow, would that make the waiting period and the whole variance request in general, which it sounds like that could take longer than us....

Hayes – It's still going to have to go through two public hearings because it would go from us back to the Aldermen and have a public hearing and all of that there. The other thing that it would do in my opinion, it opens it up to any commercial property owner.

McCormick – Unless she leaves it residential.

Hayes – Even in residential, we have the same restrictions.

McCormick – And you're going to open it up to anyone that wants to bring animals in.

Hayes – We can't delegate by this is a daycare/petting zoo or whatever.

McCormick – That's why I mentioned the Agri-Tourism.

Hayes – We would have to create that zone too.

McCormick – We would have to create that too.

Hayes – And then there's, by creating that zone, there might be tax implications or whatever and then if it's Agri, does that negate having a daycare? Right now daycare can be under R-1 and C-1.

Hill – Ok, that was clear as mud. I'll come to you tomorrow and you can get me what I need.

Scott – Yes

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Hill – So the next time I need to appear is July 7th?

Hayes – Yes, July 7th here.

Hill – No Aldermen between now and then? No Board of Adjustments between now and then or do I go to you guys first?

Hayes – The Aldermen will appoint and elect, vote in the Board of Adjustments.

Hill – Can I go to the Board of Adjustments before?

Hayes – No, there's literally not a person on the Board right now. It's empty, but we can move forward with the rezoning and once the rezoning is done, in my opinion, I think we're fine just doing that. Then at that point, once it's C-1 just like your existing property, then you can fill out that form and go through the steps to make it one plat of land. So it's two things going on at once.

Roe – Actually three if you count the property line adjustment.

Hayes – I was including the property line adjustment as the second step to the C-1.

Roe – Ok.

Petty – So the next Planning and Zoning meeting is July 7th?

Hayes – Yes

Petty – You'll have a public hearing

Hill – So that's when I need to bring my possee? In support?

Hayes – That's just for the rezone. The Aldermen meeting is next week.

Petty – She won't come to us until for a public hearing until the 15th? No it's the 22nd. The second and the fourth. So July 22.

Roe – It would be July 22nd.

Petty – It's the second and the fourth Tuesday. We have to post it after they approve it, after we approve it at Planning and Zoning.

Hayes – Not for the variance. The variance can be done on existing.

Petty – For the public hearing, for us to approve the commercial rezone.

Hayes – Oh yes correct.

Petty – And then it would need to go to Board of Adjustments for a variance, which would not happen any sooner than July 22nd.

Hayes – Yes

Petty – So that's our deadline for Board of Adjustments.

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Hayes – That gives them two weeks to elect their Board and basically go through their mail so to speak. Two weeks from the time that the Board of Adjustments is appointed.

Hill – So I'll be here or somebody will be here on the 7th and the 22nd so far? And then if I need to come back to another meeting, we can have it over there and I'll make pizza.

Hayes – Kelly and Ben can speak more about the Aldermen meeting and that going forward. As far as Planning and Zoning, the 7th and we just need somebody representing to say why you want to change it from R-1 to C-1

Roe – One other question, on the variance, Tiffany would need to specify which animals she's asking to have.

Hayes – Right and what would be temporary like you just mentioned.

Roe – Temporary and permanent. And the max number that you would want.

Hill – If we got offered a turtle and we didn't have a turtle to start with, do you need me to list every animal that might be a possibility from the beginning?

Hayes – I would contact Greene County and this lady first, because now you're getting into. There's a lot of things with turtles as far as bacteria and everything.

Hill – I just pulled that one up. We can't have turtles at the daycare anyway.

Hayes – What I don't know is how they classify it. Whether it's an exotic. Our definition, it's not a household pet.

Hill – Ok, which I probably would have it, that's just the one thing that popped into my head.

McCormick – You will probably have animals that are given to you or donated to you, rescue animals, so if it was me, what I would do, I would think of anything that I would allow on my property. That way, if someone does bring you a giraffe, you know you can't have a giraffe and don't want a giraffe, but anything that you feel like you would take in. I think that's what I would do.

Hayes – Yeah, ask for the variance one time.

Hill – And then if we see 5 years down the road, this is turning into something more, we could always present this again for another variance?

Hayes – If you go beyond a non-exotic animal, like you go into a giraffe. You would have to start over with another variance and you would have to fall under the state licensing. That's a different animal, pun intended.

Hill – Ok

Petty – Also can you reach out to Rutledge Wilson Farm and see how they have theirs written. Do they have the potential to get different animals. What does that wording look like.

Hill – They have to have something somewhere. Are they inside the city limits?

Hayes – I was just asking her. I don't think they are.

Hill – I know they were.

McCormick – I think they are.

Hill – I was thinking they were, because Springfield actually owns it now I think.

McMains – You could also try to contact, they just put one of these in Buffalo. You could contact them to see.

Hill – I'll check.

Hayes – Back to Shawn's point, list the animals. Horses for example, under our existing code a horse has to have at least 3 acres fenced. So there's all sorts of things that are going on.

Hill – I think probably with what we have that we can participate in with the center is probably more stringent than the City, so I think we'll be ok.

Hayes – If you're sticking with more of the kid friendly pet, bunny rabbits, turtles, dog, cats, miniature horse, whatever, that's fine. Again, Planning and Zoning, I don't know off the top of my head, it's not something I researched other than our current existing code says 3 acres fenced for a horse to run in.

Hill – We're not going to do horses because of the liability.

Hayes – Right. Any other questions, see Chandra. Appreciate you coming in. Thank you. I like the idea.

Roe - I think it's pretty amazing that Fair Grove could have something like this.

Hayes – One of the things for everyone that wasn't there the other night. She hit it on the head, it's a way for parents if they're going to come in and do a communal garden or be involved. It keeps them in our town longer too.

3. Elect Planning and Zoning Chairman, Co-Chair and Secretary for 2025-2026.

Motion by McCormick to elect John Hayes as Chairman of Planning and Zoning Commission for 2025-2026. Second McMains.

Discussion: None

Roe AYE, McMains AYE, Lee AYE, Moyers AYE, McCormick AYE, Foreman AYE, Petty AYE, Hayes AYE

Roe – John, I would like to say that I appreciate you digging into this. When I first read the packet I thought, oh my gosh how are we going to figure this all out. You talked to a number of people.

Hayes – This lady that I found for the state. She's a vet, our District Rep. She was up in Jeff City and called me back immediately and sent over the stuff the same day.

Hayes - Co-Chair. Discussions, thoughts.

Motion by Hayes to elect Roe as Co-Chair of Planning and Zoning Commission for 2025-2026. Second Lee.

Discussion:

Hayes – Do you accept the nomination?

Roe – Yes, I'll accept.

Roe AYE, McMains AYE, Lee AYE, Moyers AYE, McCormick AYE, Foreman AYE, Petty AYE, Hayes AYE

Hayes – Secretary? Currently Mr. Foreman, would you like to continue?

Foreman – So far it's been zero effort.

Hayes – I know it's been a ton of effort.

Foreman – I've done a great job, so.....

Motion by Lee to elect Foreman as Planning and Zoning Secretary. Second McCormick

Discussion: None

Roe AYE, McMains AYE, Lee AYE, Moyers AYE, McCormick AYE, Foreman AYE, Petty AYE, Hayes AYE

4. Discuss verbiage change to restrict all construction to two or less stories/floors above grade (keeping existing 25' max height).

Hayes – Wanted to start the discussion, but we can certainly vote to move it along too. Basically all of our zoning, currently, whether it be R-1, C-1, R-3, R-4, everything is limited, it says 35 feet on the height requirement, which is exactly what most of the towns in the area do have. What I would like to discuss is to add in there, two stories above grade.

Roe – As a max?

Hayes – Keep the 35 feet as a max, but to add verbiage that says 2 stories above grade.

McCormick – What we've come across before, anytime that they want to go over the two stories, they are talking about doing flat roofs and.....

Hayes - Here's the reason why, so I can be very upfront. When the apartments were coming through, all of us were for growth and we all want apartments, but with the code changing now with IECC and the fire code specifically, Springfield is already adopted this. I checked with our inspector, he said he is inspecting to Springfield standards when he's doing new builds. Those apartments being three story, automatically fall under being sprinkled.

Roe – For fire protections.

Hayes – Which means each of those buildings would need somewhere between \$80,000 and \$200,000 of fire protection sprinkler systems, pumps, control panels, everything else. Each of those three buildings. On top of that, here's where I have the real problem and are trying to put this in our verbiage, is that the city is then liable for maintaining pressure to that building. We can't do it at this point. There is just no way.

McCormick – For suppression systems?

Hayes – For the fire suppression systems. If the place were to burn down and they had a drizzle of water pressure coming out and the pump failed for example, the City is liable. None of the small towns around us have three story buildings, we don't have any three story buildings right now. I think it's just a good time to put that in the verbiage and that's why I wanted to bring it up to everybody.

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Petty – Have we got the public water supply district's input on this as far as their confidence level of being able to support this at all?

Hayes – Basically, I was told, not with existing equipment.

Petty – Ok.

Hayes – There was a concern of the sewage side of it as well, but the water side, I mean. The three of us out there at Highpoint, basically we went through this. The City Engineer undersized the pump and it took a year and a half to get it fixed and it cost us another couple hundred thousand dollars to get that pump fixed, just to supply four families. I just don't want to see it where now, we've got 80 families out there and we put ourselves in jeopardy with something else, plus aesthetically to me, and this is a personal opinion, but aesthetically to me a three story building in Fair Grove is out of place. I know it's within the limit if they built a flat roof on top, but it's going to really look different at this point.

McCormick – Anything around it would dwarf it.

Hayes – And if they wanted three stories, again by changing the verbiage to two stories above grade, they could do a basement dig out, do a lower floor and then do their three stories. They would still have to do fire suppression at that point, but at least they could still do the full three stories.

Petty – Technically, there is a house that is three stories.

Hayes – Really, above grade?

Moyers - Single residential would fall under that same category.

Roe – Yeah, 35 foot height limit would.

Hayes – Is it three stories?

Roe – Is it above 35 feet?

Petty – It's the Main Street Bell Hotel.

Hayes – They converted the loft? It was an attic at one point, I was told. This code was just written.

Roe – The Banning's house.

McCormick – I guess that would be grandfathered in?

Hayes – Yes, we're not tearing anything down, everything gets grandfathers in. So the verbiage right now says, height, section one says maximum structure height primary and accessory, it says 35 feet.

McCormick – I think for all of those reasons, we should change it.

Hayes – Any discussion against it?

McMains – My only question would be, as Fair Grove grows, once again, I don't want to see it get Nixa/Ozark size. If we're taking this out, how does it hamper us in the future? Then they have to go and get the variance and fight this, like Tiffany is fighting to get a cow put in her back yard. That would be my argument for it. I want to see Fair Grove grow. I don't

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want to see three story apartment buildings right now, because it would be out of place. We are kind of chopping ourselves at the knees for the future.

Hayes – They could do a variance and certainly do that. I don't think there would be any hold up for doing a variance for a third story. My concern is that we don't want to send the wrong message and says it's a free for all as long as we're under 35 feet. The challenge is going to be that if they really wanted three stories, I think a variance would be granted, legally wise. The challenge is still going to be that they have to have a flat roof. The cost involved, that's the main thing and then again do we come back as a city and say we stamped that with the engineer, we're going to supply water to it. The water is my biggest fear.

McMains – I agree with you 100%.

Roe – City doesn't own the water, we know that.

Hayes – Correct.

Roe – That's a separate entity.

Petty – If Fair Grove grew to the point where three story apartments were desired and approved, across the board. I think there are a lot of infrastructure things that will have to have been upgraded up to that point to support it. I think there would be probably several ordinances that would need to be changed to accommodate that level of growth. That we could then review at whatever time. It doesn't mean, no never, it just means not in the current state.

Hayes – The two things I was going to mention is. I was going to actually ask and put on the record. Have aldermen investigate, what would it take to guarantee pressure if something like this happened. Just for the future. So to your point, if something like this was upgraded and we decide to go forward or whatever, then we're not amending everything. We could come back and just on R-4, which is the residential apartment complex. R-4, I don't see that we would ever have to have it on an R-3 or an R-1 especially. It it's an R-4 and somebody wants to put in three story apartments and they're saying, yeah, I don't care about the cost, it's going to be covered and everything else, we could just change R-4 at that point. But at that point, hopefully to your point, we've had a study and everything else is done ok we've got to put a full sized booster pump and a shed out there.

Roe – If we get to that point, Kelly, hopefully we would have a City Administrator overseeing all of this.

Petty – That would be cool.

Roe – That would be very cool.

Petty – What if somebody wants to build a three story house? That's still different than an apartment.

Hayes – It still has to be sprinkled according to new IECC code. I did them all the time in my past life, before I retired a year and a half ago. What they were doing, they were building stack homes and the garage was the first floor and an entry way and then your two story above it and the inspector said no variances, nothing, it has to be fully sprinkled.

Petty – What if it's in the ground a little bit? I'm not trying to build a three story home.

Roe – Kelly, I've found that there are some exceptions, if it's an integral part of the building you can have an elevator that goes three stories.

Hayes – And if you have an elevator that goes three stories, then there's even more restrictions when it comes to fire safety. So it's like a Pandora's box.

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Moyers – So technically inside the city limits you couldn't even have a two story walk-out, because you would have a three story home. You would be above the 35 foot and have to have a sprinkler system.

Hayes- You could, but like the front façade, typically the walk-outs are on the backside, but it's still considered....

Moyers – It's still three.

Hayes – I know my insurance, I've got a walk-out and they only consider it one story, but if somebody did two story and a walk-out there's like a ton of them right off of 65 down in Springfield, it's considered two stories still.

Moyers – I've built tons of them, but didn't know how it would fall under this.

Roe – That's an interesting comment, because my house has the dormer windows and the roof and supposed to have a bonus room up there and the people that had the house built they didn't do that because they traded that for some other things for a basement. Now I have a walk-out and one floor.

Hayes – Any other discussion?

Roe – Are you going to write up something? How are we going to pursue this on the 35 foot. The limiting it to two story.

Hayes – Yeah, it would be a change of verbiage and I believe we have to write that all up. Right? Do we need to have a public hearing?

Scott – Text amendment and need to have a public hearing.

Hayes – So we would have to write it up, have a public hearing.

McCormick – Aldermen would have to approve it right?

Roe – It would be two public hearings. We would have one and the Aldermen would have one?

Hayes – If it's a text amendment, it wouldn't have to go to the Aldermen, correct?

Scott – Yes, it does. It has to be recommended to them.

Davis – What's the question?

Hayes – A text amendment.

Davis – You'll have a public hearing here and then I believe we have a public hearing at the Aldermen level.

Roe – So we need to start that then.

Hayes – So we'll start that. Can I get a motion to start that procedure.

Motion by McCormick to start the procedure to add the verbiage "two stories above grade" to our current height restriction, leaving the 35 feet intact. Seconded by Foreman.

Roe AYE, McMains AYE, Lee AYE, Moyers AYE, McCormick AYE, Foreman AYE, Petty AYE, Hayes AYE

Hayes – Any other business?

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Roe – The duplex that's on the lot that's not quite large enough. A variance is, has that started yet? Where are we at on that?

Scott – I emailed Evan the variance application. He is supposed to fill it out and bring it in.

Roe – So waiting on him to get it filled out.

Hayes – And that will be another thing for the Board of Adjustments.

McCormick – They're going to be busy.

Hayes – No meetings in ten years and we're going to kick it off.

McMains – Everybody wants one.

Hayes – We're going to send everything to them.

Petty – How has there never been a variance in ten years?

Roe – In the six years that I've been on the Board, I've never dealt with one.

Hayes – I think the variances that have happened, have happened between like neighbors and they signed off on it per our code. The neighbor sign off on it, like a water variance or an easement variance. Even the one we had at the last meeting where he wanted to build the home closer to the one next to it. That would go directly to the Zoning Board.

Petty – One more question. Tiffany has to get sign-off from both neighbors, right?

Hayes – Yes and that's part of our code too. That would be something to make sure she knows too. The neighbors, now she backs to the park so it's typically going to be just those two neighbors that are there and the one on the other side.

Petty – Does she need to have those before we actually rezone?

Hayes – Personally, I would file it with the variance when I'm doing my whole packet.

Petty – The approvals?

Hayes – Because why go through the steps and then, well where's your approvals from your neighbors?

Roe – Makes sense.

Hayes – Anything else?

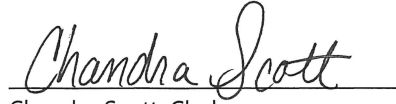
5. Adjournment.

Motion to adjourn meeting by McCormick Second McMains.

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Roe AYE, McMains AYE, Lee AYE, Moyers AYE, McCormick AYE, Foreman AYE, Petty AYE, Hayes AYE

Adjourned at 7:19 pm


Chandra Scott, Clerk