

**CITY OF ASHLAND  
109 EAST BROADWAY  
BOARD OF ALDERMEN AGENDA  
TUESDAY, NOVEMBER 20, 2012  
7:00 P.M.**

Invocation

Pledge of Allegiance

Roll Call

**CONSENT**

1. Consideration of the 11-20-12 agenda: **Action:** \_\_\_\_\_
2. Consideration of the 11-06-12 minutes: **Action:** \_\_\_\_\_
3. Bills to be paid: **Action:** \_\_\_\_\_

**APPEARANCES**

4. Charles Senzee, Community Development Director, monthly report
5. Anyone wishing to appear before the Board

**APPOINTMENTS**

6. None

**COUNCIL BILLS**

7. None

**ORDINANCES**

8. Council Bill No. 2012-019, an ordinance to change the zoning of a parcel of land from R-2 (Two Family Residential) to C-G (General Commercial) for Andy Jahnsen. First Reading by title only. **Action:** \_\_\_\_\_
9. Council Bill No. 2012-020, an ordinance approving the final minor plat for Green Pastures Subdivision dated September 17, 2012. First Reading by title only. **Action:** \_\_\_\_\_
10. Council Bill No. 2012-021, an ordinance of the City of Ashland, Missouri, amending the City's Code of Ordinances, Chapter 9, Planning and Zoning to amend Section 9.298 "Lot Size Transition Calculation" so that the specific uses and average lot sizes of adjacent residential subdivisions are considered, providing for conflicts, severability, and an effective date. First Reading by title only. **Action:** \_\_\_\_\_
11. Council Bill No. 2012-022, an ordinance to approve the six month budget revision for fiscal year 2012-2013. First Reading by title only. **Action:** \_\_\_\_\_

## RESOLUTIONS

12. None

## OTHER

13. None

## REPORTS

14. Mayor's Report

15. City Administrator's Report

16. City Attorney's Report

17. Board of Alderperson's Report

18. Vote on closed meeting pursuant to Chapter 610.021 (1) possible litigation

19. Vote to adjourn meeting

If you would like to add an item on the agenda, please do so in writing 7 days prior to the meeting date.

The City of Ashland wants to make certain our meeting is accessible to all citizens. If you require any accommodations (signing, interpreter, translator, etc.) that we do not normally have at our meetings, please let Darla Sapp, City Clerk know of your needs. (if possible 48 hours in advance of the meeting.)

The City of Ashland Board of Aldermen may have a study session, or special meeting or hold a closed meeting pursuant to Chapter 610.021 (1) thru 610.021 (21).

Posted: 11-16-2012

City Hall and Web site [www.ashlandmo.us](http://www.ashlandmo.us)

NOVEMBER 06, 2012  
BOARD OF ALDERMEN MINUTES  
7:00 P.M.  
DRAFT MINUTES NOT APPROVED BY BOARD

Mayor Jackson called the regular meeting to order on November 06, 2012 at 7:00 p.m. at Ashland City Hall, 109 East Broadway.

Alderman Wyatt gave the invocation.

Mayor Jackson led in the pledge of allegiance.

Mayor Jackson called the roll.

Ward One: David Thomas-absent, Gene Rhorer-here

Ward Two: Randy Wyatt-here, Mike Calvert-here

Ward Three: Matt Uhrig-here, Charles Calvin Crandall-here

Staff Present: Kelly Henderson, City Administrator, David Bandre, City Attorney and Darla Sapp, City Clerk

Mayor Jackson presented the agenda of November 06, 2012 for consideration. Alderman Wyatt made motion and seconded by Alderman Calvert to approve the agenda as presented. Mayor Jackson reported we need to add Rob Conaway with CM Archer Group for an update on Main Street Project under 4.A. Appearances. Mayor Jackson called for the vote with the amendment. Mayor Jackson called for the vote. Motion carried.

Mayor Jackson presented the minutes of October 16, 2012 for consideration. Alderman Wyatt made motion and seconded by Alderman Rhorer to approve the minutes as presented. Mayor Jackson called for corrections or changes. Being none he called for the vote. Motion carried.

Mayor Jackson presented the bills to be paid for consideration. Alderman Wyatt made motion and seconded by Alderman Calvert to approve the bills as presented. Mayor Jackson called for questions or comments. The Board asked various questions. Mayor Jackson called for the vote. Motion carried.

Mike McCubbin discussed the preliminary engineering report from CM Archer Group for Southwood Courts Subdivision Drainage Improvements with the Board. They discussed the proposed options. Mike McCubbin suggested this be piped through his property and be placed into the Salinda pumping station to use as a collection area for the storm water then slowly released into a field. He asked the Board to consider this. Kelly Henderson reported the engineering firm was asked to look at this and give us alternatives. It is not a detailed report to the size of pipe and what rate of water release. Kelly Henderson reported Keystone Subdivision development detention basin has not being accepted.

There was discussion of sending this back to CM Archer to re-evaluate the overall storm water issue in this area.

Mayor Jackson reported this preliminary report has not been presented and explained to the Board by the engineer. He suggested Kelly work with Jeff Meadows on this project and the need to re-evaluate the storm water issue in this area.

Robert Conaway from CM Archer Group gave an update on the Main Street/Ash Street Project to the Board. He reported to the Board that the paving should be completed tomorrow. He informed the Board two sections of the asphalt have not been approved by MoDot for payment since they do not meet their specifications. He stated it is at a remove and replace status per MoDot standards. He stated the testing results on the third section have not been completed. Mr. Conaway reported he would be working with the contractors and MoDot in getting this resolved. The Board discussed this project and the issues at length. They discussed the inconvenience to the Wren's daycare in having to redo this. The Board discussed filing a grievance with MoDot on this contractor.

Mayor Jackson asked if anyone in the audience wished to appear before the Board.

Jeff Anderson informed the Board that he was at the meeting on behalf of the Planning and Zoning Commission about a comment that was made by one of the Board of Aldermen on the proposed downtown district. He stated the statement made in the paper was unfair and ill informed. He stated they are not trying to hold anything up. He stated they had a special work session to work on this and will continue to work on this and make a recommendation to the Board. The matter was discussed at length between the Board members and Jeff Anderson and Tony Taggart of the Planning and Zoning Commission. They agreed to work together and serve the community.

Mayor Jackson presented Ordinance No. 930 for consideration. Alderman Wyatt made motion and seconded by Alderman Crandall to take up Ordinance No. 930, an ordinance annexing and establishing zoning of 7.08 acres, more or less for John W. and Genette D. Sappington into the City limits of Ashland. Mayor Jackson called for questions or comments. Alderman Calvert questioned the advantage of annexing this into the City limits. Alderman Wyatt explained that part of this property is inside the city limits and part is in the county and they plan to build on it and it would be easier if it is all in one jurisdiction. Mayor Jackson called for the vote. Alderman Wyatt-aye, Alderman Crandall-aye, Alderman Uhrig-aye, Alderman Calvert-aye, Alderman Rhorer-aye, Alderman Thomas-absent. Motion Carried.

#### Mayor Jackson's Report:

Mayor Jackson updated the Board on several upcoming events and encouraged the Board to attend if possible. He reported the appreciation dinner will be December 15 at 5:00 p.m. at Copper Kettle. He informed the Board that he would not be in attendance at the November 20 meeting and asked about the attendance of the rest of the Board since it is

the week of Thanksgiving. Alderman Calvert reported he would not be attendance either. The rest of the Board said they would be in town and would be able to attend.

**City Administrator's Report:**

Kelly Henderson asked for comments and thoughts from the presentation given by Chad Sayre, Allstate Consultant and Steve Goehl from D.A. Davis on the wastewater treatment system. Alderman Crandall stated he felt the presentation was great but the financial advisor presentation left him with more questions. The Board discussed that Steve Goehl laid out the possible financing options to the Board. It was reported that the interest rates are low and that private financing seems to be the best option at this time but we would start the process for other funding options. It was discussed the Board had no option to move forward with the wastewater treatment improvements due to permitting and violations with DNR. The Board discussed holding educational meetings and notices to inform the citizens of this project. Kelly Henderson asked for authorization from the Board to proceed with signing the following necessary documents to move forward with the wastewater treatment project and financing.

Alderman Crandall made motion and seconded by Alderman Uhrig to authorize Mr. Henderson to sign a revised engineering contract with Allstate, to proceed and sign gap funding, and gap pre-funding applications and documents, PER to joint committees (funding agencies), and to sign all SRF documents and all other documents pertaining to the wastewater plant. Mayor Jackson called for the vote. Alderman Calvert-aye, Alderman Wyatt-aye, Alderman Rhorer-aye, Alderman Crandall-aye, Alderman Uhrig-aye, Alderman Thomas-absent. Motion Carried.

Mr. Henderson reported they saw a demo on the sewer camera this afternoon. He informed the Board on the pricing for the used backhoes and found excessive hours and prices from \$20,000 to \$40,000 dollars. He stated they found that Tri-State had a state bid on lease/purchase a new backhoe for \$15,850 for 7 years with \$35,000 upfront money. Mayor Jackson stated we would wait until next meeting to vote on this. The Board questioned if we had the funding to lease this equipment. The Board asked that they see what account the lease was going to come out and how it would affect the budget since it was not a line item in the budget. Mr. Henderson asked the Board for follow up on accepting older subdivisions developments; Middleton, part of Setter's Knoll, Keystone and Lakeview. They decided this needed to be a line item on the agenda and voted on due to the outlaying issues with each subdivision. Kelly Henderson reported that fences have been installed on Caspian Circle but the concrete ditch still needs to be installed in the detention basin. He reported that Pacer storm water improvements have been completed. He informed the Board that storm water projects slated for next season being 808 Silverado, 502 W. Broadway and Jameson Drive. He updated the Board on the application for the grant for safe routes to school has been submitted. He reported the six month budget revision should be presented at the next meeting and the reserves are holding steady. Mr. Henderson reported we received another letter of warning from DNR on our lagoon and Chad would like approval and authorize a letter of formal direction to

proceed with wastewater system and asking for an extension period. The Board was in agreement to this.

**Board of Aldermen's Report:**

David Bandre reported he has worked on the proposed agreement (with City as fiscal agent) with the Learning Garden since it looks like the grant has been successful. He updated the Board on not having any success in getting a bond schedule for the city police department. David Bandre, City Attorney reminded the Board that the Southern Boone Economic Development Council is not a city entity it is a private organization.

**Board of Aldermen Report:**

Aldermen Rhorer presented photographs of the house on Meadowmere that burnt and still in violation. He stated they are still getting complaints on this. He stated they need to get some resolution to this.

Alderman Uhrig reported the Southern Boone County Economic Development Council had a fund raiser golf tournament and it was catered by Mr. Wyatt. He stated they do not have their final numbers of the event yet. He stated that he would have the treasurer's report and minutes from the meetings for the next council meeting.

Alderman Crandall suggested instead of having an appreciation dinner for ourselves we have one for the less fortunate next year.

Mayor Jackson called for a motion to go into closed session. Kelly Henderson, City Administrator reported it was not needed since the city attorney was not present.

Alderman Wyatt made motion and seconded by Alderman Calvert to adjourn the meeting. Mayor Jackson called for the vote. Motion carried.

Darla Sapp, City Clerk

Michael P. Jackson, Mayor

GL ACCT #	VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
----- ACCOUNTS PAYABLE CLAIMS -----					
10-02-2001	United States Treasure	FED/FICA TAX	1,639.48		9126413 11/02/12
10-02-2002	United States Treasure	FED/FICA TAX	2,005.97	3,645.45	9126413 11/02/12
10-02-2014	ANTHONY CONSIGLIO	HSA		76.09	9126415 11/02/12
10-02-2014	JILL SANDERS	HSA		76.09	9126416 11/02/12
10-02-2014	KELLY HENDERSON	HSA		38.05	9126417 11/02/12
10-02-2014	TODD HENDERSON	HSA		76.09	9126418 11/02/12
10-10-5210	BANDRE', HUNT & SNIDER, L.L.C.	CITY ATTORNEY OCTOBER 2012	600.89	1983	11/09/12
10-10-5305	CHARTER COMMUNICATIONS	1/3 CITY HALL INTERNET SER	18.33	1985	11/09/12
10-10-5380	Atkins Pest Control	1/4 CITY HALL PEST CONTROL	6.25	1982	11/09/12
10-10-5380	CULLIGAN WATER	1/4 SERVICE AGREEMENT	8.87	1987	11/09/12
10-10-5380	Data Technologies, Inc.	2013 SUMMIT LICENSE & SUPPORT	2,436.52	1973	11/05/12
10-10-5380	FRANCOTYP-POSTALIA, INC	POSTAGE METER AGREEMENT	28.87	1989	11/09/12
10-10-5380	PITHWIDGET	1/4 CLEANING SERVICES	75.00	1992	11/09/12
10-10-5670	Monarch Industries, Inc.	DEPOSIT SLIPS	89.50	1990	11/09/12
10-11-5130	BO. CO. PLANNING & BUILDING	BUILDING PERMITS OCTOBER 2012	842.33	1969	11/05/12
10-11-5380	Atkins Pest Control	1/4 CITY HALL PEST CONTROL	6.25	1982	11/09/12
10-11-5380	CULLIGAN WATER	1/4 SERVICE AGREEMENT	8.87	1987	11/09/12
10-11-5380	FRANCOTYP-POSTALIA, INC	POSTAGE METER AGREEMENT	28.87	1989	11/09/12
10-11-5380	PITHWIDGET	1/4 CLEANING SERVICES	75.00	1992	11/09/12
10-15-5305	CHARTER COMMUNICATIONS	1/3 CITY HALL INTERNET SER	18.33	1985	11/09/12
10-15-5380	Atkins Pest Control	1/4 CITY HALL PEST CONTROL	6.25	1982	11/09/12
10-15-5380	CULLIGAN WATER	1/4 SERVICE AGREEMENT	8.88	1987	11/09/12
10-15-5380	FRANCOTYP-POSTALIA, INC	POSTAGE METER AGREEMENT	28.88	1989	11/09/12
10-15-5380	PITHWIDGET	1/4 CLEANING SERVICES	75.00	1992	11/09/12
10-15-5425	Warrenton Oil Company	OCTOBER 2012 POLICE FUEL	1,638.09	1993	11/09/12
10-18-5605	SENTINEL LUMBER & HARDWARE	SUPPLIES	11.58	1979	11/05/12
15-16-5450	MO. DEPARTMENT OF REVENUE	AUTOMATED FEE OCTOBER 2012	14.00	1976	11/05/12
15-16-5452	MO. DEPT. OF REVENUE	STATE CLERKS FEE OCTOBER 2012	24.00	1978	11/05/12
15-16-5454	NICOLE GALLOWAY	COUNTY CLERKS FEE OCTOBER 2012	6.00	1974	11/05/12
15-16-5456	MO. DEPARTMENT OF REVENUE	CRIME VICTIMS COMP OCT. 2012	14.26	1977	11/05/12
15-16-5458	BUDGET DIRECTOR	L.E.T. OCTOBER 2012	2.00	1970	11/05/12
20-02-2001	United States Treasure	FED/FICA TAX	210.15		9126413 11/02/12
20-02-2002	United States Treasure	FED/FICA TAX	336.29	546.44	9126413 11/02/12
20-20-5305	AMERENUE	UTILITIES		3,026.25	1981 11/09/12
20-20-5380	COLUMBIA WELDING & MACHINE CO.	OXYGEN RENTAL	29.75	1986	11/09/12
20-20-5410	O'REILLY AUTOMOTIVE STORES, INC	BREAK PADS, OIL	197.78	1991	11/09/12
20-20-5604	WATER & SEWER SUPPLY, INC.	505-507 SPRINGTIME	124.61	1980	11/05/12
20-20-5605	SENTINEL LUMBER & HARDWARE	SUPPLIES	34.45	1979	11/05/12
20-20-5629	Boone Quarries	NORTH MAIN	2,465.09	1984	11/09/12
20-20-5629	Carter Waters	MATERIAL NORTH MAIN STREET	55.82	1971	11/05/12
20-20-5629	CENTRAL CONCRETE COMPANY	NORTH MAIN	894.73	1972	11/05/12
20-20-5629	LINDSEY RENTALS & SALE	POST HOLE DIGGER RENTAL	41.24	1975	11/05/12
20-20-5629	SENTINEL LUMBER & HARDWARE	CAUTION TAPE, SUPPLIES	137.78	1979	11/05/12
45-02-2001	United States Treasure	FED/FICA TAX	798.48		9126413 11/02/12
45-02-2002	United States Treasure	FED/FICA TAX	1,366.26	2,164.74	9126413 11/02/12
45-02-2014	KELLY HENDERSON	HSA		38.04	9126417 11/02/12
45-02-2014	WADE MIDDAGH	HSA		76.09	9126414 11/02/12
45-30-5425	BEE LINE SNACK SHOP	OCTOBER 2012 FUEL	273.33	23553	11/09/12
45-30-5623	Consolidated Public Water	HUNTERS BEND WATER	70.72	23556	11/09/12
45-30-5628	SENTINEL LUMBER & HARDWARE	SUPPLIES	16.09	23549	11/05/12
45-35-5910	CLEAN CUT SERVICES	YARD WASTE FEE	1,345.83	23547	11/05/12

GL ACCT #	VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
45-35-5920	ALLIED WASTE SERVICES #035	OCTOBER 2012	23,353.84	23545	11/05/12
45-40-5311	BOONE ELECTRIC COOPERATIVE	ANGEL LANE SEWER	27.76	23554	11/09/12
45-40-5420	O'REILLY AUTOMOTIVE STORES,INC	SEWER JET SUPPLIES	5.55	23563	11/09/12
45-40-5425	CASEY'S GENERAL STORE, INC.	FUEL OCTOBER 2012	162.55	23546	11/05/12
45-40-5603	TRI-STATE CONSTRUCTION EQUIP.	HIGH PRESSURE HOSE SEWER JET	34.16	23566	11/09/12
45-40-5605	SENTINEL LUMBER & HARDWARE	SUPPLIES	6.08	23549	11/05/12
45-40-5628	O'REILLY AUTOMOTIVE STORES,INC	SPRAY PAINT	10.98	23563	11/09/12
45-40-5640	Mid Missouri Drug Testing	DRUG TESTING TD	28.50	23560	11/09/12
45-45-5425	BEE LINE SNACK SHOP	OCTOBER 2012 FUEL	125.60	23553	11/09/12
45-45-5425	Warrenton Oil Company	OCTOBER 2012 FUEL	108.88	23567	11/09/12
45-45-5600	MISSOURI ONE CALL SYSTEM, INC.	MO ONE LOCATES	94.90	23561	11/09/12
45-45-5603	Lowe's Business Account	SUPPLIES	113.67	23559	11/09/12
45-45-5603	O'REILLY AUTOMOTIVE STORES,INC	JACK STAND	119.98	23563	11/09/12
45-45-5603	SENTINEL LUMBER & HARDWARE	HOLE SAW	41.64	23549	11/05/12
45-45-5625	WATER & SEWER SUPPLY, INC.	SETTER	639.89	23550	11/05/12
45-45-5628	SENTINEL LUMBER & HARDWARE	SUPPLIES SHOVELS	124.33	23549	11/05/12
45-45-5628	WATER & SEWER SUPPLY, INC.	METER SUPPLIES	1,485.34	23550	11/05/12
45-50-5305	CHARTER COMMUNICATIONS	1/3 CITY HALL INTERNET SER	18.33	23555	11/09/12
45-50-5380	Atkins Pest Control	1/4 CITY HALL PEST CONTROL	6.25	23551	11/09/12
45-50-5380	CULLIGAN WATER	1/4 SERVICE AGREEMENT	8.88	23557	11/09/12
45-50-5380	FRANCOTYP-POSTALIA, INC	POSTAGE METER AGREEMENT	28.88	23558	11/09/12
45-50-5380	PITHWIDGET	1/4 CLEANING SERVICES	75.00	23564	11/09/12
45-50-5670	QUILL CORPORATION	CARD READER	9.99	23565	11/09/12
45-50-5670	Witt Print Shop	DOORHANGERS, PW AND UB	269.20	23568	11/09/12
45-55-5210	BANDRE', HUNT & SNIDER, L.L.C.	CITY ATTORNEY OCTOBER 2012	600.88	23552	11/09/12
45-55-5225	Mo. Dept. of Natural Resources	MONTHLY PRIMACY FEE	396.80	23562	11/09/12
45-55-5380	Data Technologies, Inc.	2013 SUMMIT LICENSE & SUPPORT	2,436.51	23548	11/05/12
50-51-5881	Engineering Surveys & Services	MAIN & ASH STREET	1,562.50	1988	11/09/12

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TOTAL ACCOUNTS PAYABLE CHECKS 53,420.24

PAYROLL CHECKS

10	GENERAL	11,527.79
20	STREET	2,057.94
45	UTILITIES	8,244.88

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PAYROLL CHECKS ON 11/02/2012 21,830.61

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TOTAL PAYROLL CHECKS 21,830.61

\*\*\*\* PAID TOTAL \*\*\*\* 75,250.85

\*\*\*\*\* REPORT TOTAL \*\*\*\*\* 75,250.85

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\*\*\*\* City of Ashland \*\*\*\*  
ACCOUNTS PAYABLE ACTIVITY  
CLAIMS FUND SUMMARY

FUND FUND NAME	TOTAL	CHECK#	DATE
GENERAL	21,452.12		
COURT FUND	60.26		
STREET	9,611.88		
UTILITIES	42,564.09		
CAPITAL	1,562.50		

AN ORDINANCE TO CHANGE THE ZONING OF A PARCEL LAND FROM (R-2) TWO FAMILY RESIDENTIAL TO (C-G) GENERAL COMMERCIAL FOR ANDY JAHNSEN

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WHEREAS, Public Notice of such was given as prescribed by Missouri State Statute 89.040, and a public hearing was held on Tuesday, November 13, 2012; and

WHEREAS, the Planning and Zoning Commission has reviewed the pertinent information and received comment from adjacent residents and has unanimously agreed to recommend to the Board of Aldermen to approve the rezoning from (R-2) Two Family Residential to (C-G) General Commercial; and

WHEREAS, the Board of Aldermen of the City of Ashland, Missouri has reviewed the request as submitted and has elected to rezone the property described in Section 1 from (R-2) Two Family Residential to (C-G) General Commercial; and

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ASHLAND, MISSOURI AS FOLLOWS:

Section 1. The zoning is hereby amended from the present (R-2) Two Family Residential to (C-G) General Commercial for the following described property:

The east 107.5 feet of Lot 1 of the recorded Henry Clay Subdivision North. Containing .55 acres in size.

Section 2. The City hereby finds and declares that the property described in Section 1 hereof is at the present particularly suitable for the purposes and uses of (C-G) General Commercial District Zoning and in conformity with the existing uses and value of the immediately surrounding properties.

Section 3. This ordinance shall be in full force and effect from and after its passage.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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Michael P. Jackson, Mayor

Attest:

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Darla Sapp, City Clerk



## **Board of Aldermen Report**

**DATE:** November 15, 2012

**TO:** Members of the Board of Aldermen

**FROM:** Charles Senzee, Community Development Director

**CC:** Andy Jahnsen, Applicant

**SUBJECT:** ZB 12-01: Rezoning Request – S Henry Clay Blvd (Great Reflections)

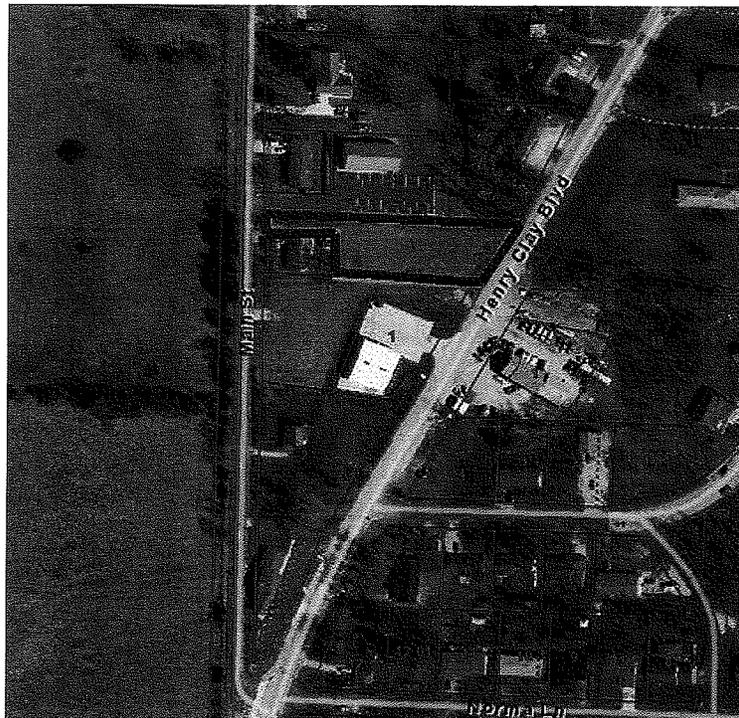
The purpose of this report is to provide you with information regarding a request by Andy Jahnsen, applicant, to rezone undeveloped property on S. Henry Clay Blvd from R-2 (Two Family Residential) to CG (General Commercial).

### **GENERAL INFORMATION**

**Parcel Identification.** PIN: 24-508-00-21-004.00 01

**Parcel Size / Physical Characteristics.** The subject property is approximately .55 acres in size and is currently undeveloped.

**Zoning Classification.** C-G (Commercial General) / R-2 (Two-Family Residential)

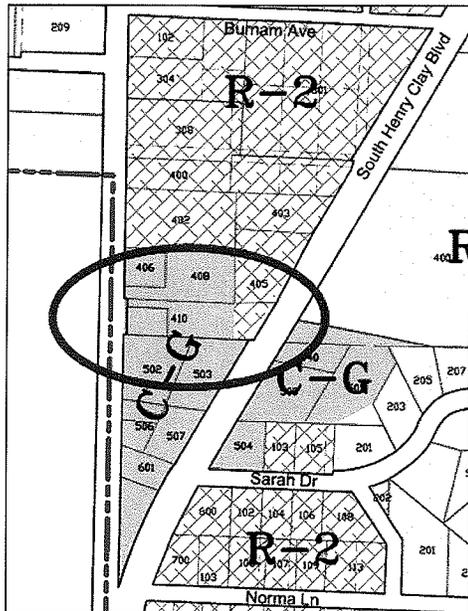


**AERIAL VIEW OF SUBJECT PROPERTY  
APPROXIMATE PROPERTY BOUNDARIES ARE SHOWN IN GREEN**

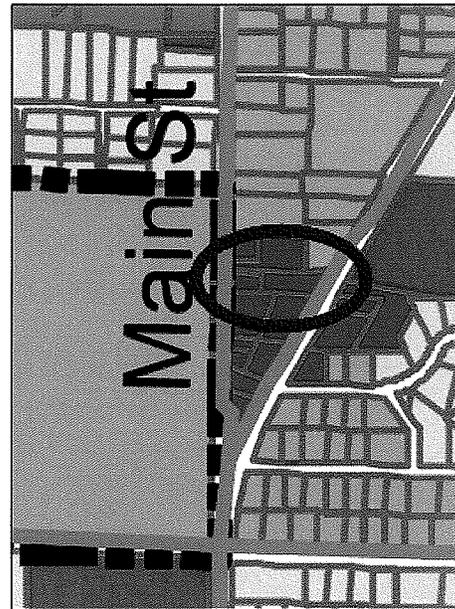
## BACKGROUND

Earlier this year the applicant contacted City staff regarding the possible relocation of the existing Great Reflections salon. The applicant expressed a desire to construct a new building which could house the salon use as well as provide rental space for other commercial and office uses. During these conversations it was determined that the subject property is within two separate zoning districts. The bulk of the property lies within the CG (Commercial General) district while a small eastern portion is within the R-2 (Two-Family Residential) district. This type of split zoning is generally discouraged under modern zoning practices as it makes property development more difficult. However, such situations are not uncommon and are often the result of changes in property lines over time. It appears that the portion which is zoned R-2 was at one point a separate parcel.

Taking into account the increasingly non-residential nature of the surrounding areas it is unlikely that the requested re-zoning will have any impact upon the area. In addition, the Comprehensive Plan adopted by the City in 2009 indicated that the subject property should serve a commercial use. The current zoning and future land use maps are shown below.



VIEW OF EXISTING ZONING MAP



VIEW OF ADOPTED FUTURE LAND USE MAP

## STAFF RECOMMENDATION

After a review of the rezoning request and the existing conditions within the area staff has no objections to the requested C-G zoning designation. This designation will more easily allow for commercial development of the property and is supported by the City's adopted Comprehensive Plan. The City currently provides utility services to the area and the requested re-zoning will not have an impact upon the City's level of service.

## PLANNING AND ZONING ACTION

The Planning and Zoning Commission reviewed the rezoning request at their regularly scheduled meeting on November 13, 2012 and unanimously recommended a C-G zoning designation for the subject property to the City's Board of Aldermen.

AN ORDINANCE APPROVING THE FINAL MINOR PLAT FOR GREEN PASTURES  
SUBDIVISION DATED SEPTEMBER 17, 2012

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WHEREAS, the City has enacted a Subdivision Ordinance; and

WHEREAS, in accordance with the Subdivision Regulations, The Planning and Zoning Commission has recommended the approval of the final minor plat of Green Pastures Subdivision at their meeting on November 13, 2012; and

WHEREAS, the Board of Aldermen accepts the recommendation of the Planning and Zoning Commission.

THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ASHLAND, MISSOURI AS FOLLOWS:

Section 1. The minor subdivision record plat for Green Pastures Subdivision meets the requirements of Chapter 11, Subdivision Regulations, of the City of Ashland Municipal Code and is approved for filing.

Section 2. The legal description of said subdivision is as follows:

A tract of land in the Northwest Quarter of the Northeast Quarter of Section 22, Township 46 North, Range 12 West, Boone County, Missouri, being a portion of the land described by the Deed recorded in Book 2726 of Page 103 and Being more particularly described as follows: Beginning at an iron pin at the Southwest corner of the 3.43 acre Tract of land show by the Survey recorded in Book 1598 at Page 717, said point being located at a record dimension of S 87°57'50" E 58.08 feet and S 00°04'55" E 668.00 feet from the North Quarter corner of said Section 22; Thence South 87°11'16" East, along the South line of said 3.43 acre Tract, a distance of 348.69 feet to an iron pin; Thence South 09°53'36" East a distance of 462.50 feet to an iron pin at the Northeast corner of the Survey recorded in Book 479 at Page 267; Thence North 87°12'13" West, along the North line of said North line of said Survey, a distance of 439.29 feet to an iron pin; Thence North 01°24'03" East, along the East Right-of-way of Old Highway 63, a distance of 451.44 feet to the point of beginning. The above-described tract contains 4.08 acres, more or less.

Section 3. The City Clerk is hereby instructed to have said plat recorded.

Section 4. This ordinance shall be in full force and effect after its passage and approval.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Michael P. Jackson, Mayor

Attest:

\_\_\_\_\_  
Darla Sapp, City Clerk



## **Board of Aldermen Report**

**DATE:** November 15, 2012

**TO:** Members of the Board of Aldermen

**FROM:** Charles Senzee, Community Development Director

**CC:** Carl Freiling, Applicant

**SUBJECT:** SP 12-01: Minor Plat – Green Pastures Subdivision

The purpose of this report is to provide you with information regarding a request by Carl Frieling for final plat approval of a one lot minor plat on the east side of S. Henry Clay Blvd (Old Highway 63). Section 11.150 of the City's adopted Code of Ordinances authorizes the Planning and Zoning Commission to review and recommend approval to the City's Board of Aldermen of plats.

### **GENERAL INFORMATION**

**Parent Parcel Identification.** PIN: 24-504-00-00-002.01 01 (57.6 acres)

**Parcel Size / Physical Characteristics.** The existing 57.6 acres which make up the parent parcel is currently undeveloped. The proposed plat will create a 4.08 acre lot from the larger parent parcel.

**Zoning Classification.** R-1 (Single Family Residential)



**Aerial View of parent parcel.**



Location of proposed lot shown in green.

## **BACKGROUND**

Earlier this year an individual contacted staff about the possibility of constructing a single family home on the subject property. Staff informed this individual that the zoning was designed for such a use but the property would need to be plated prior to obtaining a building permit. This individual has since entered a contract to purchase the property with a condition that the existing owner plat the lot prior to purchase. The proposed plat was submitted by the property owner's agent for review on September 28<sup>th</sup>.

The applicant and prospective buyer are aware that the subject property is not served by the City's water or sewer systems, which do not extend beyond Red Tail Drive. The proposed single-family home will be served by Consolidated Public Water Supply District #1 and will also be required to obtain approval for on-site wastewater treatment from the Boone County Department of Health. All parties have also been informed that they will be required to connect to City services if they are extended to within 100 feet of the property.

The proposed final plat has been reviewed by all appropriate departments and agencies. A list of comments has been provided to the applicant and attached to this report. The applicant is aware that a revised plat which fully satisfies all comments must be submitted prior to review by the City's Board of Aldermen.

## **STAFF RECOMMENDATIONS**

Staff has reviewed the proposed minor plat and recommends approval with the conditions listed below.

Should the Board of Aldermen choose to approve the minor plat request, SP 12-01, in order to create the 1-lot Green Pastures subdivision, staff recommends that this approval be based upon the following conditions of approval:

1. The approval shall be limited to the proposed minor plat dated September 17, 2012, reviewed by the Planning and Zoning Commission on November 13, 2012, and reviewed by the Board of Aldermen on November 20, 2012.
2. All of the above conditions shall be fully and faithfully executed or the approval shall become null and void.

### **Planning and Zoning Action**

The Planning and Zoning Commission reviewed the proposed Green Pastures minor plat at their regularly scheduled meeting on November 13, 2012 and recommended approval to the City's Board of Aldermen with a 4-0 vote with 1 commissioner abstaining.

**AN ORDINANCE OF THE CITY OF ASHLAND, MISSOURI, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 9, PLANNING AND ZONING TO AMEND SECTION 9.298 "LOT SIZE TRANSITION CALCULATION" SO THAT THE SPECIFIC USES AND AVERAGE LOT SIZES OF ADJACENT RESIDENTIAL SUBDIVISIONS ARE CONSIDERED, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE**

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**WHEREAS**, the City Staff has determined that the existing Section 9.298 is not functioning as intended and should be amended to take the specific uses and average lot sizes of adjacent residential subdivisions into account; and

**WHEREAS**, a Public Hearing on the question of the amendment has been duly held by the Planning and Zoning Commission of the City of Ashland, Missouri on November 13, 2012 and at such hearing, interested parties and citizens for and/or against the proposed amendments were heard; and

**WHEREAS**, the Board of Aldermen has reviewed the ordinance to be known as Chapter 9, Section 9.298 *Lot Size Transition Calculation*:

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ASHLAND, MISSOURI AS FOLLOWS:**

**SECTION 1. AMENDMENT.** Chapter 9; Planning and Zoning, Section 9.298 shall be amended to incorporate language regarding the specific uses and average lot sizes of adjacent residential subdivisions.

**SECTION 2. CODE LANGUAGE.** Section 9.298, *Lot Size Transition Calculation* shall read as follows:

9.298. Lot Size Transition Calculation

The total area of a proposed residential lot abutting an existing residential lot in neighboring subdivision plats shall be no less than the greater of either:

- (2) (1) The minimum lot area square footages called out in 9.295 or:
- (3) (2) Eighty percent (80%) or more of the ~~area of the existing residential lot sharing average lot size within the residential subdivision plat which shares linear~~ footage with the proposed lot.

If 9.298 (2) prevails as the greater, the area of a proposed residential lot sharing linear footage with two or more existing residential lots in separate subdivision plats shall be calculated based on the ~~average area of the existing residential lots sharing linear footage with the proposed lot.~~ subdivision plat with the largest average lot size.

In cases where a street does or will separate a proposed residential lot from an existing residential lot in a neighboring plat, the proposed and existing residential lots shall be considered abutting.

In cases where required open space within a proposed residential lot in a neighboring plat, the proposed and exiting residential lots shall be considered abutting, and the area of open space located between the two lots and within the extended lot lines of the proposed lot may be counted toward the required square footage of the proposed lot.

Those residential developments which abut existing residential uses of a greater intensity (i.e. two-family or multi-family dwellings) shall be considered exempt from this section for any lots which share linear footage with the more intense residential use.

**SECTION 3. SEVERABILITY.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

**SECTION 4. CODIFICATION.** It is the intention of the Board of Aldermen of the City of Ashland, Missouri, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Ashland, Missouri; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

**SECTION 5. CONFLICTS.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and approval.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Michael P. Jackson, Mayor

Attest:

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Darla Sapp, City Clerk



## **Board of Aldermen Report**

**DATE:** November 15, 2012  
**TO:** Members of the Board of Aldermen  
**FROM:** Charles Senzee, Community Development Director  
**SUBJECT:** PZ 12-03: Amendment to Chapter 9 – Lot Size Transition

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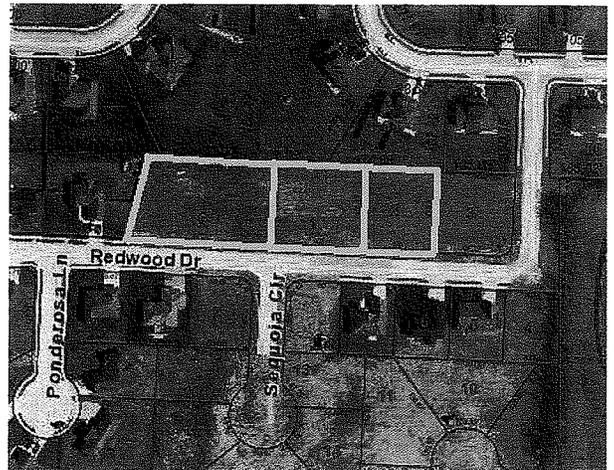
The purpose of this report is to provide you with information regarding a proposed code amendment to Chapter 9, *Planning and Zoning*, of the City's adopted Code of Ordinances. This proposed amendment will amend Section 9.298 "Lot Size Transition" so that specific uses and average lot sizes of adjacent residential subdivisions are considered when applying the section. This proposed amendment was advertised on October 24th in the Boone County Journal.

### **Background**

In July of 2005 the City's minimum 8,000 sq. ft. lot size for R-1 zoned properties became a major discussion topic during the review of the Sunset Meadows preliminary plat. There was a great deal of concern that the small lots within the proposed subdivision would negatively impact the property values of the larger adjacent lots within the West Oaks subdivision. However, the plat was approved as it met the current city code.

In August of 2005 the Planning and Zoning Commission began discussions regarding an increase in the minimum lot size for R-1 properties. Several options were explored including raising the minimum size to 10,000 sq ft or even creating some form of ratio requirement. This discussion eventually led to the Board of Aldermen's Jan. 3, 2006 adoption of Ordinance 2005-032 which created Section 9.298.

On June 20, 2012 Larkin Powers, a local developer, requested a variance from Section 9.298 in order to re-plate 3 lots within the Ashland Keystone subdivision. The lots included within Mr. Powers's variance request are shown in the image to the right. These lots were plated at these sizes in order to comply with Section 9.298 which requires all residential lots to be "Eighty percent (80%) or more of the area of the existing residential lot sharing linear footage with the proposed lot". Mr. Powers felt these three lots were too large and did not match the size of the other lots within the subdivision.



While reviewing Mr. Powers' request staff found that two of the residential lots which back up to Mr. Powers' lots are developed as duplex homes. In this situation Section 9.298 is actually protecting large lot duplex developments from smaller lot single family subdivisions. This appears to contradict the basic intent of the code of protecting residential property values. The third adjacent lot is located on the outside of a street corner and is substantially larger than the other lots within the subdivision. Applying Section 9.298 to this situation

seems strikingly unfair as the adjacent lot's larger size is a by-product of street placement rather than an intentional effort to create a large-lot subdivision. Mr. Powers' variance request forced staff to recognize that Section 9.298 was not functioning as intended. Staff agrees with the basic intent of the section which is to provide appropriate transition between large-lot residential and small lot residential uses. However, staff does not feel the existing code is effective as it only focuses on size and does not take into account: 1) the specific uses on the residential lots or 2) the average size of the lots within a subdivision. Staff supported Mr. Powers' request on the basis that the strict application of Section 9.298 created an unnecessary and undue hardship on the property owner. Although the Board of Adjustment recognized the flaws within the section they determined that a variance was not the correct course of action. They denied the variance request and advised Mr. Powers to request that the City amend the section.

Mr. Powers attended a Board of Aldermen meeting on July 17, 2012 to request that Section 9.298 be amended. The Board of Aldermen discussed the issue and requested that staff work on improving the section to ensure that it performs as expected.

### **Existing Code**

The existing code language is shown below:

#### 9.298. Lot Size Transition Calculation

*The total area of a proposed residential lot abutting an existing residential lot in neighboring plats shall be no less than the greater of either:*

- (2) The minimum lot area square footages called out in 9.295 or;*
- (3) Eighty percent (80%) or more of the area of the existing residential lot sharing linear footage with the proposed lot.*

*If 9.298 (2) prevails as the greater, the area of a proposed residential lot sharing linear footage with two or more existing residential lots shall be calculated based on the average area of the existing residential lots sharing linear footage with the proposed lot.*

*In cases where a street does or will separate a proposed residential lot from an existing residential lot in a neighboring plat, the proposed and existing residential lots shall be considered abutting.*

*In cases where required open space within a proposed residential lot in a neighboring plat, the proposed and existing residential lots shall be considered abutting, and the area of open space located between the two lots and within the extended lot lines of the proposed lot may be counted toward the required square footage of the proposed lot.*

### **Proposed Amendment**

Staff considered a number of different methods on how to correct Section 9.298. The most important goal was to preserve the basic intent of protecting property values through the implementation of an appropriate transition between large-lot residential and small lot residential uses. Basing this transition on residential density seemed like the best approach initially, but was eventually abandoned as it could complicate the issue even further. Replacing the entire section with a vegetative buffer requirement was also considered as it would better protect property values. This was also abandoned as Ashland's current code of ordinances does not include the open space, landscaping, and tree preservation codes which are a vital part of such a strategy. In the end staff determined that the most obvious option of "tweaking" the existing code may actually be the most effective.

The following Section 9.298 has been revised to include staff's proposed changes (shown in red):

9.298. Lot Size Transition Calculation

*The total area of a proposed residential lot abutting an existing residential lot in neighboring subdivision plats shall be no less than the greater of either:*

- (1) The minimum lot area square footages called out in 9.295 or:*
- (2) Eighty percent (80%) or more of the average lot size within the residential subdivision plat which shares linear footage with the proposed lot.*

*If 9.298 (2) prevails as the greater, the area of a proposed residential lot sharing linear footage with two or more existing residential lots in separate subdivision plats shall be calculated based on the subdivision plat with the largest average lot size.*

*In cases where a street does or will separate a proposed residential lot from an existing residential lot in a neighboring plat, the proposed and existing residential lots shall be considered abutting.*

*In cases where required open space within a proposed residential lot in a neighboring plat, the proposed and exiting residential lots shall be considered abutting, and the area of open space located between the two lots and within the extended lot lines of the proposed lot may be counted toward the required square footage of the proposed lot.*

*Those residential developments which abut existing residential uses of a greater intensity (i.e. two-family or multi-family dwellings) shall be considered exempt from this section for any lots which share linear footage with the more intense residential use.*

As you can see, the proposed changes are relatively minor. However, they significantly improve the effectiveness and flexibility of the code by expanding the scope of the calculation beyond adjacent lot size. These changes are designed to take the average lot size of a subdivision and the specific use of the properties into account. The end result is a code which will effectively limit the encroachment of dense subdivisions and protect property values within established single family home subdivisions while also avoiding the adverse effects caused by the original calculation.

## **Planning and Zoning Action**

The Planning and Zoning Commission reviewed the proposed code amendment at their regularly scheduled meeting on November 13<sup>th</sup>, 2012 and unanimously recommended it's approval to the City's Board of Aldermen.

COUNCIL BILL NO. 2012-022

ORDINANCE NO.

AN ORDINANCE TO APPROVE THE SIX MONTH BUDGET REVISION FOR FISCAL  
YEAR 2012-2013

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WHEREAS, the City Administrator and City Treasurer has reviewed the revenue and expenditures for the first six months and has recommended budget amendments;

WHEREAS, The Board of Aldermen of the City of Ashland, Missouri is desirous of amending the budget approved by Ordinance 920; by revising the budget, the same containing estimated revenues and expenses in connection with the operation of the business and affairs of the said City for the current fiscal year, are as contained in the attached "Exhibit A" which is incorporated herein by reference.

THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ASHLAND, MISSOURI AS FOLLOWS:

Section 1. The City budget for fiscal year 2012- 2013 is hereby revised and a copy of the budget revisions, which are attached hereto as Exhibit "A", and by this reference incorporated herein as if more fully and completely set out, is hereby adopted.

Section 2. This ordinance shall be in full force and effect upon final passage and approval.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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Michael P. Jackson, Mayor

Attest:

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Darla Sapp, City Clerk