

PLANNING AND ZONING MEETING
109 E. BROADWAY
ASHLAND, MO. 65010
TUESDAY, JUNE 12, 2012
7:00 P.M.
573-657-2091

PUBLIC HEARING:

The Planning and Zoning Commission will be holding a Public Hearing to seek comments on Amendments to Chapter 9.

PZ 12-01: Amendment to Chapter 9- Transfer of Property. An ordinance amending Chapter 9, *Planning and Zoning* to add Section 9.417 "Transfer of Property" prohibiting property owners from transferring property without providing buyers with information regarding the ownership and maintenance of the infrastructure serving the property.

PZ 12-02: Amendment to Chapter 9- Fences and Walls. An ordinance amending Chapter 9, *Planning and Zoning* to add Section 9.340 "Fences and Walls" establishing specific regulations for the construction of fences and walls within the City.

AGENDA:

1. Call to Order:
2. Approval of the Agenda 6-12-2012. Action _____
3. Approval of the Previous Minutes, held 5-8-2012. Action _____
4. New Business:

A). PZ 12-01: Amendment to Chapter 9- Transfer of Property.

An ordinance amending Chapter 9, *Planning and Zoning* to add Section 9.417 "Transfer of Property" prohibiting property owners from transferring property without providing buyers with information regarding the ownership and maintenance of the infrastructure serving the property.

1st Motion _____ 2nd Motion _____
Action _____

B). PZ 12-02: Amendment to Chapter 9- Fences and Walls.

An ordinance amending Chapter 9, *Planning and Zoning* to add Section 9.340 "Fences and Walls" establishing specific regulations for the construction of fences and walls within the City.

1st Motion _____ 2nd Motion _____
Action _____

C). CU 12-01: 503 E. Broadway-Martin Office & Res.

A request for conditional use approval to allow two apartment dwellings within the CG (Commercial General) zoning district.

1st Motion _____ 2nd Motion _____

Action _____

D). SPR 12-02: 503 E. Broadway-Martin Office & Res.

A request for site plan approval for a 1,640 sq ft office building with associated parking and infrastructure. The proposed building will be two stories in height with two apartment dwellings on the second floor.

1st Motion _____ 2nd Motion _____

Action _____

5. Old Business:

6. Discussion:

A). Dedication and acceptance of infrastructure.

B). Downtown Business District

7. Mayor's Report:

8. City Administrator's Report:

9. Community Development Director's Report:

10. Commissioners' Report:

11. Guest Comments:

If you are unable to attend. Please call Ashland City Hall at 573-657-2091 or email me at treasurer@ashlandmo.us

Jessica L. Wenger

PLANNING AND ZONING MEETING
109 E. BROADWAY
ASHLAND, MO. 65010
MAY 8, 2012
7:00 P.M.
573-657-2091

REGULAR MEETING:

Chairman Anderson called the meeting to order Tuesday, May 8, 2012 at 7:00 p.m. at 109 E. Broadway, Ashland, Missouri. Commissioners in attendance were James Branson, Gene Rhorer, Rick Sage, Josh Lindsey and Jeff Anderson. Commissioner Tony Taggart was absent.

Also present City Administrator Kelly Anderson, Community Development Director Charles Senzee and Jessica Wenger.

Chairman Anderson called for a motion to approve the May 8, 2012 agenda. Commissioner Branson made a motion to approve the May 8, 2012 agenda and seconded by Commissioner Sage. Motion carried.

Chairman Anderson called for a motion to approve the previous minutes dated April 10, 2012. Motion was made by Commissioner Branson to approve the previous minutes dated April 10, 2012. Seconded by Commissioner Lindsey. Motion carried unanimously.

NEW BUSINESS:

Community Development Director Charles Senzee informed the Planning and Zoning Commissioners about Ashland Business District. That will come forth to the Board. What that will entail and the regulations to the District.

OLD BUSINESS:

None

DISCUSSION:

A). Dedication and acceptance of infrastructure.

Brad Williams, Alicia Koetting, Ben and Katie Spears and Tiffany Nash, Ashland residents living on Redwood was present to understand and clarify the dedication and acceptance of the infrastructure and how does it affect them as residents of a street that hasn't been accepted. After a lengthy discussion about the dedication and acceptance of the infrastructure the commissioners decided to wait until the core sample results are returned and punch lists are done to go forward. Commissioners don't want to hurt the residents that they are trying to protect. Commissioners decided to have further discussion at the June Planning and Zoning Meeting.

MAYOR'S REPORT:

None

CITY ADMINISTRATOR'S REPORT:

None

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT:

Community Development Director Charles Senzee informed the Commissioners of two (2) upcoming ordinances.

GUEST COMMENTS:

None

COMMISSIONERS' COMMENTS:

Commissioner Sage- Martha Crump Parking

Chairman Anderson called for a motion to adjourn the meeting. Motion was made by Commissioner Rhorer to adjourn the May 8, 2012 meeting. Seconded by Commissioner Lindsey. Motion carried.

Minutes prepared by Jessica L. Wenger, City Treasurer/Deputy City Clerk

NOTICE OF PROPOSED CHANGES TO THE ASHLAND CITY CODE OF ORDINANCES

NOTICE IS HEREBY GIVEN that the City of Ashland proposes to adopt the following ordinance:

AN ORDINANCE OF THE CITY OF ASHLAND, MISSOURI, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 9, PLANNING AND ZONING TO ADD SECTION 9.417 "TRANSFER OF PROPERTY" PROHIBITING PROPERTY OWNERS FROM TRANSFERING PROPERTY WITHOUT PROVIDING BUYERS WITH INFORMATION REGARDING THE OWNERSHIP AND MAINTENANCE OF THE INFRASTRUCTURE SERVING THE PROPERTY, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

A Public Hearing will be held on the ordinance by the Planning and Zoning Commission on **Tuesday, June 12th, 2012, at 7:00 P.M.** in Ashland City Hall, 109 E. Broadway, Ashland, Missouri or as soon thereafter as possible. This hearing may be continued from time to time as found necessary. At the hearing, interested parties may appear and be heard with respect to the proposed changes to the City Code of Ordinances. Copies of the proposed changes are available for review and/or copying at City Hall and may be inspected by the public during normal business hours.

Publish Date: May 23, 2012



NOTICE OF PROPOSED CHANGES TO THE ASHLAND CITY CODE OF ORDINANCES

NOTICE IS HEREBY GIVEN that the City of Ashland proposes to adopt the following ordinance:

AN ORDINANCE OF THE CITY OF ASHLAND, MISSOURI, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 9, PLANNING AND ZONING TO ADD SECTION 9.340 "FENCES AND WALLS" ESTABLISHING SPECIFIC REGULATIONS FOR THE CONSTRUCTION OF FENCES AND WALLS, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

A Public Hearing will be held on the ordinance by the Planning and Zoning Commission on **Tuesday, June 12th, 2012, at 7:00 P.M.** in Ashland City Hall, 109 E. Broadway, Ashland, Missouri or as soon thereafter as possible. This hearing may be continued from time to time as found necessary. At the hearing, interested parties may appear and be heard with respect to the proposed changes to the City Code of Ordinances. Copies of the proposed changes are available for review and/or copying at City Hall and may be inspected by the public during normal business hours.

Publish Date: May 23, 2012





Planning & Zoning Commission Report

DATE: June 7, 2012

TO: Members of the Planning and Zoning Commission

FROM: Charles Senzee, Community Development Director

SUBJECT: PZ 12-01: Amendment to Chapter 9 – Transfer of Ownership

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 create Section 9.417 "Transfer of Property" prohibiting property owners from transferring property without providing buyers with information regarding the ownership and maintenance of the infrastructure serving the property. This proposed amendment was advertised on May 23rd in the Boone County Journal. A draft ordinance has been attached to this report for consideration.

Background

At the Planning and Zoning Commissions regularly scheduled meeting on 4/10/12 a lengthy discussion took place regarding infrastructure dedication and acceptance. The bulk of this discussion focused upon the importance of notifying prospective home-buyers of whether the infrastructure supporting their home purchase had been accepted by the City. A variety of notification tactics were explored including possible amendments to the City's code. The Commission decided to continue the discussion at their May 8th meeting and requested that staff prepare some draft code language regarding this issue. In response to this request staff prepared the following code language:

Section 9.417. Transfer of Property

Property within the corporate boundaries of the City of Ashland shall not be transferred until a written statement is provided to the buyer from the seller which provides specific information regarding the current ownership and maintenance of all infrastructures which would serve the property to be transferred.

For the purposes of this section the term "infrastructure" shall be defined as: the fundamental facilities and systems serving a country, city, or area. Infrastructure includes but is not limited to; potable water system, sanitary sewer system, storm water system, street and road system, electric power system, natural gas system, street and area lighting system, and traffic devices.

The intended purpose of this code language is to make a seller's failure to inform prospective buyers of the status of the infrastructure a violation of City code. If this language is adopted the City will also notify local title companies and realtors to ensure that they are aware of the new regulation. This will inform title companies and realtors to include infrastructure acceptance within their due diligence research procedures in order to advise prospective buyers of the situation. A seller's failure to adhere to the requirements of this section means that they have illegally transferred the property in violation of an established City ordinance. This could be used as an "out" by the buyer should they prove unsatisfied with the home purchase and wish to take civil action against the seller.

After reviewing the proposed language at their May 8th meeting the Planning and Zoning Commission requested that staff prepare it as a draft ordinance for formal consideration at the June 12th meeting.

Planning and Zoning Action Needed

City staff requests that the Planning and Zoning Commission review and recommend approval of the proposed code amendment to the City's Board of Aldermen.

AN ORDINANCE OF THE CITY OF ASHLAND, MISSOURI, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 9, PLANNING AND ZONING TO ADD SECTION 9.417 "TRANSFER OF PROPERTY" PROHIBITING PROPERTY OWNERS FROM TRANSFERRING PROPERTY WITHOUT PROVIDING BUYERS WITH INFORMATION REGARDING THE OWNERSHIP AND MAINTENANCE OF THE INFRASTRUCTURE SERVING THE PROPERTY, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Staff has determined that the proposed code amendment is necessary to help ensure that prospective home buyers are informed of the infrastructure status prior to purchasing a home; 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 June 12, 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 9.417 *Transfer of Property*:

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 shall be amended to add Section 9.417. *Transfer of Property*.

SECTION 2. CODE LANGUAGE. Section 9.417 shall read as follows:

9.417 Transfer of Property

Property within the corporate boundaries of the City of Ashland shall not be transferred until a written statement is provided to the buyer from the seller which provides specific information regarding the current ownership and maintenance of all infrastructures which would serve the property to be transferred.

For the purposes of this section the term "infrastructure" shall be defined as: the fundamental facilities and systems serving a country, city, or area. Infrastructure includes but is not limited to; potable water system, sanitary sewer system, storm water system, street and road system, electric power system, natural gas system, street and area lighting system, and traffic devices

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:

Darla Sapp, City Clerk

DRAFT



Planning & Zoning Commission Report

DATE: June 7, 2012

TO: Members of the Planning and Zoning Commission

FROM: Charles Senzee, Community Development Director

SUBJECT: PZ 12-02: Amendment to Chapter 9 – Fences and Walls

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 create Section 9.340 "Fences and Walls" establishing specific regulations for the construction of fences and walls within the City. This proposed amendment was advertised on May 23rd in the Boone County Journal. A draft ordinance has been attached to this report for consideration.

Background

Currently the City has no regulations regarding the construction of fences and walls. In 2010 Community Development staff determined that the creation of fence and wall regulations would benefit the City. The addition of such regulations would ensure that all new fences and walls within the City would be safely constructed and designed to preserve the aesthetic appeal of the property while still providing property owners an opportunity to preserve their privacy. However, this issue was shelved due to staff workload and the presence of more pressing concerns.

Over the past year the subject of fences and walls has again come up many times during staff discussions regarding storm water. The construction of fences and walls within utility and storm water easements leads to a variety of negative consequences such as slowing emergency repairs, limiting the work area available for utility work crews, and even compromising the designed function of the easements. After extensive deliberation staff agreed that a fence code should be submitted to the Planning and Zoning Commission for consideration.

The day before the advertisement for this amendment ran in the paper the City experienced first-hand one of the negative consequences of not having a fence code when a Public Works employee fell into an open manhole. The tight work space created by a residential fence and a shed within a utility easement created cramped working conditions which directly contributed to this accident.

Proposed Code

The full text of the proposed code amendment has been included as Exhibit A of the attached ordinance. Some highlights of this code include:

- Specific definitions for fences and walls.
- Permits required for construction.
- Specific regulations for agricultural, residential, and commercial fences and walls.
- Fences over 4' in height prohibited within residential front yards.
- Finished side of all fences must face out.
- Fences generally prohibited within recorded easements.

Planning and Zoning Action Needed

City staff requests that the Planning and Zoning Commission review and recommend approval of the proposed code amendment to the City's Board of Aldermen.

AN ORDINANCE OF THE CITY OF ASHLAND, MISSOURI, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 9, PLANNING AND ZONING TO ADD SECTION 9.340 "FENCES AND WALLS" ESTABLISHING SPECIFIC REGULATIONS FOR THE CONSTRUCTION OF FENCES AND WALLS, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS, the City Staff has determined that the proposed code amendment is necessary to ensure that fences and walls in the City are safely constructed, preserve the aesthetic quality of Ashland's neighborhoods, and do not encroach upon recorded easements; 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 June 12, 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 9.340 *Fences and Walls*:

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 shall be amended to add Section 9.340, *Fences and Walls*.

SECTION 2. CODE LANGUAGE. The Board of Aldermen hereby adopts the attached Section 9.340, *Fences and Walls* to be marked as Exhibit "A".

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:

Darla Sapp, City Clerk

DRAFT

EXHIBIT A

9.340. Fences and Walls:

Any fence or wall erected within the City shall meet professionally accepted building standards and the regulations cited below.

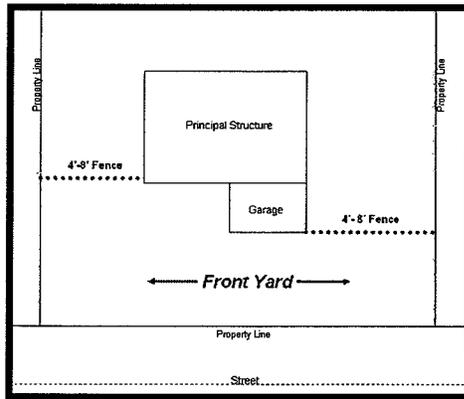
A. *Definitions.* For the purpose of this section the following definitions shall apply.

1. **Fence.** A manmade structure erected for separation, security or privacy purposes through the means of intermittent posts supporting vertical or horizontal members made of wood, metal, vinyl, aluminum, chain link, or barbed wire. While the opacity may vary, the height and location are dictated by the regulations within this section. The term fence shall also include associated gates.
2. **Wall.** A wall may be erected for the same purposes as a fence but shall only include those structures with continuous footers. The main structure of a wall may be constructed of brick, stone or concrete block. The wall construction may be used in combination with decorative veneers of brick, rock, stone, stucco or any other material meeting professionally accepted building standards.

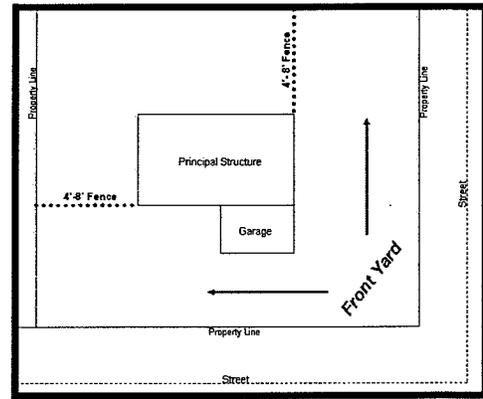
B. *Building permit required.* No fence or wall shall be erected, replaced or receive major repair until a permit has been issued by the City. The Administrative Official, or designee, shall determine on a case-by-case basis if proposed fence or wall repair is considered major. Permit applicants are responsible for any required permit fees which have been established by the City.

C. *Commercial or industrial fences and walls.* Fences or walls may be erected in any commercial or industrial district to provide screening and/or buffering. The fence shall not exceed eight (8) feet above the finished grade. Fences constructed with chain link shall be vinyl clad, either green or black. When other materials are used for fencing, the finished side shall face out. Walls shall be similarly finished on both sides. Barbed wire or similar materials may be used provided the use is limited to a maximum of three strands installed a minimum of six (6) feet above the finished grade.

D. *Residential fences and walls.* In any residential district, no fence or wall shall be erected or project beyond the property line. Fences in side or rear yards shall not exceed eight (8) feet in height. Fences within front yards shall not exceed four (4) feet in height. For the purposes of this section, a front yard is defined as the area between any property lines adjacent to a street and the principal structure as demonstrated in the diagrams below.



Standard Lot



Corner Lot

All residential fences shall be constructed of approved materials listed within this section and shall be erected with the finished side facing out. Barbed wire or similar materials shall not be allowed within any residential district. Undeveloped residential properties may be fenced upon approval of the fence location and material by the Administrative Official or designee.

E. *Agricultural Uses.* Fences associated with approved agricultural uses on properties with agricultural zoning designations are exempt from the requirements of this section and may be installed without permit approval from the City. Barbed wire and similar materials may be used on such fencing so long as it is not immediately adjacent to a public right-of-way. Walls associated with agricultural uses are not exempt from the requirements of this section and must receive permit approval from the City. Fences not associated with approved agricultural uses shall conform to the requirements of this section and shall be considered residential fencing.

F. *Easements.* In addition to the regulations listed above, fences and walls erected over recorded property easements shall be subject to the following:

1. **Water/Sewer Easements.** Walls are prohibited within recorded water and sanitary sewer easements. However, when an area is encumbered by such an easement the owner may construct a fence with permit approval from the City. However, the owner shall understand that the City can require that the fencing be removed at the owner's expense if work within the easement is necessary or if it is determined that the fencing is detrimental to the function of the water or sewer systems. In non-emergency situations the City will try to provide the property owner a reasonable amount of notice to remove the fencing. However, if the owner fails to remove the fencing or if an emergency situation arises the City will remove the fencing and charge the property owner for the expenses. At no time will the City be required to compensate the owner for the cost of fence repair, replacement, or removal.

2. **Storm water Drainage Easements.** In general, fences and walls are prohibited within all recorded storm water drainage easements. However, in situations where unique circumstances may exist the City Administrator or designee shall have the authority to make a case-by-case determination on whether a fence or wall may be installed within a storm water drainage easement.

If the City Administrator or designee determines that a fence or wall may be installed within the easement then the property owner shall understand that the City can require that the fencing be removed at the owner's expense if work within the easement is necessary or if it is determined that the fencing is detrimental to the function of the storm water drainage system. In non-emergency situations the City will try to provide the property owner a reasonable amount of notice to remove the fencing. However, if the owner fails to remove the fencing or if an emergency situation arises the City will remove the fencing and charge the property owner for the expenses. At no time will the City be required to compensate the owner for the cost of fence repair, replacement, or removal.

3. **Other Easements.** Fences and walls may be permitted within other easement types at the discretion of the utility provider or grantee to which the easement is provided. It is the responsibility of the property owner to obtain such permission in writing and provide the City with an original copy at the time of permit application. Failure to provide written permission shall result in the denial of the fence application.

Planning & Zoning Commission Report

DATE: June 8, 2012

TO: Members of the Planning and Zoning Commission

FROM: Charles Senzee, Community Development Director

CC: Chris Sander, A Civil Group

SUBJECT: CU 12-01: Conditional Use – 503 E. Broadway (Martin Office & Res)

The purpose of this report is to provide you with information regarding a request by A Civil Group, representing the property owner Martin Properties, for conditional use approval for two residential apartments within a mixed use structure. Chapter 9, Section 9.240 requires conditional use approval for residential uses within the CG (Commercial General) zoning district. Chapter 9, Section 9.360.1 of the City's adopted Code of Ordinances authorizes the Planning and Zoning Commission to review conditional use requests and make a recommendation to the City's Board of Aldermen.

GENERAL INFORMATION

Parcel Identification. PIN: 24-220-00-01-050.00 01

Parcel Size / Physical Characteristics. The subject property is approximately 10,450 square feet in size and is currently undeveloped.

Zoning Classification. C-G (Commercial General)



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

BACKGROUND / ANALYSIS

Earlier this year the applicant approached City staff with a request to construct a mixed use structure on the subject property. This structure will be a two-story building with 1,640 sq. ft. of office on the ground floor and two residential apartments on the second floor. The applicant was advised that the property's zoning designation of CG (Commercial General) required conditional use approval for all residential uses. A formal application for the conditional use request was submitted on June 7th.

The requested conditional use is associated with the proposed site plan SPR 12-02 which is included on the 6/12 P&Z agenda. Although these applications must be considered separately the actual construction of the proposed apartments is contingent upon the approval of the associated site plan. If this conditional use request is approved, staff recommends that this approval be made contingent upon the approval of the associated site plan. A condition of approval has been added regarding this issue.

The subject property is immediately adjacent to both single family homes and commercial businesses. It is the opinion that mixed use structures like the one proposed serve as an excellent use of downtown space. The proposed residential use will not be injurious to the existing developments or impede the future development of any of the surrounding properties.

STAFF RECOMMENDATIONS

After reviewing the proposed conditional use request staff recommends that the Planning and Zoning Commission look favorably upon the request and recommend it's approval to the City's Board of Aldermen with the conditions listed below.

Should the Planning and Zoning Commission choose to recommend approval of the conditional use request, CU 12-01, to the City's Board of Aldermen in order to allow two residential apartment dwellings within a mixed use structure on a property zoned C-G (Commercial General), staff recommends that this approval be based upon the following conditions:

1. The conditional use approval shall be limited to the two proposed apartments within a mixed use structure as shown on the attached site plan dated June 7, 2012.
2. The applicant shall obtain all necessary building permits and approvals prior to construction of the attached site plan. The applicant shall adhere to all applicable City development and construction requirements.
3. If for any reason the associated site plan SPR 12-02 for 503 Broadway (Martin Office/Res) fails to receive approval from the Planning and Zoning Commission this conditional use approval shall be immediately considered null and void.
4. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

Planning and Zoning Action Needed

City staff requests that the Planning and Zoning Commission review the conditional use request to allow two residential apartments within a mixed use structure on a property zoned C-G (Commercial General) and recommend approval to the City's Board of Aldermen.



Planning & Zoning Commission Report

DATE: June 8, 2012

TO: Members of the Planning and Zoning Commission

FROM: Charles Senzee, Community Development Director

CC: Chris Sander, A Civil Group

SUBJECT: SPR 12-02: Site Plan – 503 E. Broadway (Martin Office & Res)

The purpose of this report is to provide you with information regarding a request by A Civil Group, representing the property owner Martin Properties, for approval of the site construction plans for a proposed two-story office & residential structure. Chapter 9, Section 9.106 of the City's adopted Code of Ordinances authorizes the Planning and Zoning Commission to review and approve all site plans.

GENERAL INFORMATION

Parcel Identification. PIN: 24-220-00-01-050.00 01

Parcel Size / Physical Characteristics. The subject property is approximately 10,450 square feet in size and is currently undeveloped.

Zoning Classification. C-G (Commercial General)



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

BACKGROUND

Earlier this year the applicant approached City staff with a request to construct a mixed use structure on the subject property. This structure will be a two-story building with 1,640 sq. ft. of office on the ground floor and two residential apartments on the second floor. The applicant was advised that site plan approval would be required as well as conditional use approval for the proposed residential apartments. On April 25th the applicant submitted a conceptual plan to City staff for a courtesy review. Staff performed the review and returned comments to the applicant on May 2nd. A formal application and plans were submitted to the City on May 11th. An application for conditional use was submitted to the City on June 7th and is included on the 6/12 P&Z agenda as CU 12-01.

The proposed plans have been reviewed by all appropriate departments and agencies. A list of review comments was provided to the applicant on May 30, 2012. The applicant has since resubmitted a revised site plan and a comment response letter to address staff comments. These documents have been attached to this report. The City has not had time to fully review the revised plans. But it is apparent that the applicant has addressed the majority of the provided comments. However, some minor comments may still need to be addressed after a full review is performed.

Two of the comments need to be brought to the attention of the Planning & Zoning Commission for further discussion:

1. **Shared Driveway and Access Easement.** The applicant has not yet provided a letter from the adjoining property owner regarding the shared driveway and access easement. Staff would like some assurance that this property owner is willing to participate in such an arrangement. The plans indicate that the easement will be recorded prior to construction of the parking lot. Staff has no objections to this so long as the easement is recorded prior to the issuance of a Certificate of Occupancy for the structure. However, it is staff's opinion that a letter from the neighboring property owner should be provided to the City prior to the issuance of a construction permit for the project as this impacts the overall design of the lot. This has been included as a condition of approval.
2. **Storm Water Exemption.** The applicant's letter dated May 10, 2012 requests a variance to the requirements of storm water detention for this site. The applicant's position appears to be that the impervious surface area included in the development is not significant enough to warrant such storm water requirements. Chapter 12, Section 12.510 requires a storm water management plan for any development and improvements like those proposed in this site plan are not included as an approved exemption in Section 12.515. Staff informed the applicant that an exemption from the storm water regulations would need to be specifically obtained either from the Planning and Zoning Commission during the site plan review process or the Board of Adjustment as a standard variance. The applicant has requested that the Planning and Zoning Commission grant this exemption request.

Various discussions have occurred during Board of Aldermen meetings regarding the application of the City's storm water ordinance to small commercial lots. Although it seemed to be the general consensus that some changes are needed to better accommodate small lot developments, no specific amendments have been proposed or adopted addressing this issue. At the request of the City Engineer the applicant has submitted information supporting their request. This information has been attached to this report. Staff is unable to support the requested exemption at this time. However, staff is willing to reconsider this position if the applicant were to provide evidence that all available storm water options have been considered. This evidence should include a report evaluating the cost and feasibility of both typical detention and alternative methods (pervious paving materials, underground storage, rain gardens, etc).

STAFF RECOMMENDATIONS

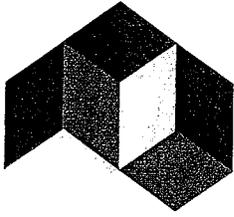
Staff has reviewed the proposed site plan and is unable to recommend approval until the plan has been revised to meet the City's storm water requirements.

Should the Planning and Zoning Commission choose to approve SPR 12-02 for the 503 E. Broadway (Martin Office/Res) site plan, staff recommends that this approval be based upon the following conditions:

1. The approval shall be limited to the revised site plan dated June 7, 2012 and reviewed by the Planning and Zoning Commission on June 12, 2012.
2. Any outstanding items from the May 30, 2012 plan review comments shall be addressed to staffs satisfaction prior to submittal for a Development Construction Permit from the City of Ashland.
3. No site construction activities shall occur prior to the approval of the Conditional Use (CU 12-01) by the City's Board of Aldermen.
4. No site construction activities shall occur until a signed letter from the recorded property owner of the adjacent property to the east is submitted to the City. This letter shall state that this property owner is aware of and willing to participate in the shared driveway and access easement.
5. No site construction activities, including site grading, shall occur prior to the issuance of a Development Construction Permit from the City of Ashland. A Development Construction permit shall not be issued by the City until Conditions #2, #3 and #4 have been satisfied.
6. A copy of the recorded shared driveway and access easement shall be submitted to the City prior to the issuance of a Certificate of Occupancy for the structure.
7. All of the above conditions shall be fully and faithfully executed or the site plan shall become null and void.

PLANNING AND ZONING ACTION NEEDED

City staff requests that the Planning and Zoning Commission review and approve the proposed site plan with the conditions of approval shown above.



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CIVIL ENGINEERING • PLANNING • SURVEYING

May 10, 2012

Charles Senzee
City of Ashland
109 E. Broadway
Ashland, MO 65010

RE: 503 E. Broadway

Dear Mr. Senzee:

Herewith please find 3 copies of the site plan for the proposed structure on 503 E. Broadway and an application for a conditional use for the inclusion of two apartments on the second story of the building. We are requesting that a variance to the requirements of storm water detention for this site. The total lot area is only 0.24 acres and such is a very minor portion of the total drainage area. The site was previously developed with a single family home and drive, so the addition of impervious surface is insignificant.

Please feel free to contact me at the number below if you have any questions.

Thank you,
A Civil Group

Christopher M. Sander, PE, PLS

3401 Broadway Business Park Court, Suite 105
Columbia, Missouri 65203

PHONE: 573-817-5750 FAX: 573-817-1677 EMAIL: cody@acivilgroup.com





THE CITY OF ASHLAND, MISSOURI

DATE: May 30, 2012
TO: Chris Sander, A Civil Group
FROM: Charles Senzee, Community Development Director
SUBJECT: SPR 12-02: 503 E. Broadway Plan Review Comments

The following comments are based upon a review of the proposed site development plan dated May 9, 2012. The applicant shall respond to all comments in a comment response letter and a revised set of plans shall be submitted to the City. Additional comments may be generated upon submittal of revised plans.

Community Development Comments

Reviewer: Charles Senzee, Community Development Director

1. The proposed site plan shows 1640 sq. ft. of office space on the first floor and two apartment dwellings on the second floor. The property is currently zoned C-G which permits the office use but requires conditional use approval for residential uses. While City staff supports such mixed uses specific conditional use approval must still be obtained from the Planning and Zoning Commission and the Board of Aldermen. Please submit an application packet and fee for the conditional use to City Hall so that this item can be formally included for consideration.
2. Your letter dated May 10th requests that this project be exempted from the City's storm water requirements. City staff does not have the authority to exempt you from these requirements. You have two options to pursue this request:
 - You may request this exemption at the Planning and Zoning Commission meeting as part of the site plan review and approval process. An additional application and fee will not be required. If this request is denied the approval of your site plan may be delayed.
 - You may submit a variance application to the Board of Adjustment. A \$200 fee for variance applications has recently been enacted. However, as your letter was submitted prior to this fee change you may submit a variance application free of charge. Board of Adjustment meetings are schedule on an as-needed basis.
3. The "Utilities" legend shown on Sheet CE1 shows the City of Ashland address as 107 E. Broadway. The City's address is 109 E. Broadway. Please correct.
4. It appears that an existing tree is shown on the plans within the proposed entrance. As it is unlikely that this tree will remain once the entry is installed please label the species and size of the tree and mark it as "to be removed".
5. Staff has no objections to the proposed shared driveway and access easement and will require a copy of that easement prior to the issuance of a Certificate of Occupancy for the structure. However, at this time staff would like a letter from the adjoining property owner indicating that they are aware of the plan for a shared easement and that he/she is willing to support this plan.

109 E. BROADWAY ~ P.O. Box 135 ASHLAND, MO 65010 (573) 657-2091

POLICE DEPT: (573) 657-9062 FAX: (573) 657-7018 WWW.ASHLANDMO.US

6. It appears that the proposed a/c unit locations are in the middle of a 5' sidewalk at the rear of the structure. This is especially concerning as one of these locations is at the end of the proposed handicap loading area which could interfere with the ability of handicap individuals to access the sidewalk. Please relocate either the a/c units or the accessible parking space to avoid any conflicts.
7. The proposed site plan does not include any side walks. The City understands that many of the adjacent properties do not include sidewalks and will not require them to be installed at this time. However, the City requests that the proposed site design accommodate the future construction of sidewalks should the City choose to install them at some later date.
8. Chapter 12, Appendix B-1, Drawing 410.04 allows a maximum approach width of 30 feet. The approach shown on the plans is 47' in width. Please correct.
9. What is the rectangular shape shown within the building footprint? Please label or remove.
10. It does not appear that a dumpster location or enclosure has been depicted on the plans. How will this be addressed?
11. It appears that nearly 91% of the property will be developed as impervious space. It may benefit the overall storm water design to increase the amount of pervious space on the plans. Not only would this have a positive impact upon any storm water calculations but it would also allow the builder or future tenant to install trees, landscaping, or similar aesthetic features which may increase the property's value and appeal. *(Informational, no response required)*
12. Staff appreciates the inclusion of a proposed sign location. The inclusion of this information allows staff to evaluate the proposed sign location in relation to the overall site design and avoid any possible conflicts. Although staff has no objections to the sign location shown on the plans no signage approval or guarantee of location approval is granted with this site plan. Signage review and approval is performed as a separate signage permitting process. *(Informational, no response required)*

City Engineer Comments

Reviewer: C.M. Archer Group

Site Plan

13. Plans should be signed and sealed by a professional engineer registered in the state of Missouri.
14. Confirm the lot numbers for adjacent properties are shown correctly on the site plan. Currently properties are shown as Lot 2.
15. Per City Code section 9.242.6, Indicate the size, flowline, and fluid to be conveyed of the pipe running from the NE corner of the site to the SW corner of the site. Indicate if pipe is privately or publicly maintained. If publicly maintained, show utility easement. If the pipe carries stormwater, provide the capacity of the pipe and show its ability to convey stormwater with the proposed development in addition to any offsite stormwater generated for a 25-year storm event. Time of concentration, runoff coefficients, and storm duration should be calculated in accordance with City Code Chapter 12, Appendix F.
16. Indicate the size, flowline, and material of the culvert under the driveway entrance. Indicate if culvert is new or existing. Confirm culvert can convey stormwater from a 25-year event. Time of

concentration, runoff coefficients, and storm duration should be calculated in accordance with City Code Chapter 12, Appendix F.

17. Indicate water demand and wastewater to be generated for this development.
18. Indicate fire flow protection required and size and location of new water service necessary to serve building. If existing water service line is to be used, indicate as such.
19. Indicate size and location of new sewer lateral required to serve building. If existing is to be used, indicate as such.
20. Show utility easements for all existing utilities on site including sewer main.
21. Show or list on plan building set back lines.
22. Show or label all lines on south side of property including edge of right-of-way, edge of pavement, utility or other easements, etc.
23. A 10-ft utility easement is required adjacent to existing street right-of-way per City Code Chapter 12, Appendix A.
24. Indicate parking area type. City Code Section 9.365.3 requires concrete or asphaltic concrete.
25. The driveway apron shall meet the requirements of City Code Chapter 12, Appendix B, Figure 410.03 for material and thickness from the edge of pavement to the edge of right-of-way.
26. The site plan currently does not show curb and gutter or sidewalks adjacent to Broadway/State Route M. The existing site does not contain curb and gutter or sidewalks, nor do adjacent lots. However, the City may require changes to add curb and gutter and/or sidewalks to this site.

Letter

27. The May 10, 2012 letter from the developer's engineer indicates that the difference in percent imperviousness and stormwater runoff between pre-developed and post-developed conditions for the site is insignificant. Please provide pre and post-developed stormwater runoff calculations for the site for a 25-year storm event to confirm this statement. Time of concentration, runoff coefficients, and storm duration should be calculated in accordance with City Code Chapter 12, Appendix F.

Southern Boone County Fire Protection District Comments

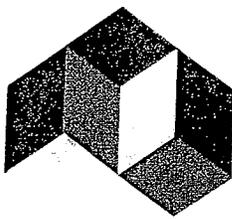
Reviewer: Lieutenant Michael Bauer

28. Mixed occupancy groups such as the type proposed will more than likely require sprinklers because of the residences location above another use group.

MoDOT Comments

Reviewer: John Kuhlman, Senior Traffic Specialist

29. Work to the existing entrance will require a permit from MoDOT. Some of the requirements for a permit are a completed application and detailed plans for the improvements following MoDOT standards for a Type III entrance. Also in this case a copy of the joint use agreement and or easement to confirm shared use of the one entrance for both properties



A CIVIL GROUP

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June 7, 2012

Charles Senzee
City of Ashland
109 E. Broadway
Ashland, MO 65010

RE: 503 E. Broadway

Dear Mr. Senzee,

Herewith please find 6 copies of the revised site plan and supporting documents for the above referenced site. I believe that all of the comments included in your letter dated May 30, 2012 have been addressed with this revision or as identified below. Please consider the following:

1. An application and fee for the request of a conditional use permit will be provided.
2. We prefer to ask the Planning and Zoning to grant the requested variance.
3. The address has been revised
4. The existing tree has been shown to be removed.
5. A letter will be provided as soon as possible.
6. The HC parking has been modified as shown.
7. A note concerning the sidewalk along Broadway has been added.
8. The approach has been revised to show 30' width.
9. The rectangular shape has been removed.
10. We expect that solid waste will be collected at streetside.

13. The hard copies are signed. The digital copy is not.
14. The lot numbers are correct.
15. The pipe information has been added to the revised plan. Please see the attached calculations.
16. The culvert information has been added. Please see the attached calculations.
17. The water and wastewater use has been added to the revised plan.
18. Fire protection will be addressed with building construction plans.
19. The sewer lateral has been shown.
20. The utility easements have been shown.
21. The building setback has been shown.
22. The lines along the south line have been labeled.
23. The easements have been shown.
24. The pavement type has been noted on the plan.

3401 BROADWAY BUSINESS PARK CT. SUITE 105
COLUMBIA, MISSOURI
PHONE: 573-817-5750 FAX: 573-817-1677

25. A note has been added to address the driveway construction.
26. No curb and gutter is proposed.
- 27.
28. The fire protection will be addressed with building plan submittal.
29. A note has been added that a MoDOT permit shall be obtained prior to construction.

Please let me know if you have any further concerns.

Thank You,
A Civil Group, LLC



Christopher M. Sander, PE, PLS

3401 BROADWAY BUSINESS PARK CT, SUITE 105
COLUMBIA, MISSOURI
PHONE: 573-817-5750 FAX: 573-817-1677

STORM DRAINAGE CALCULATIONS

FOR

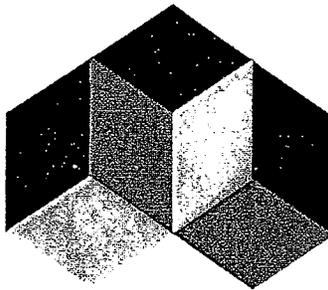
503 E. Broadway

DATE:

June 6, 2012



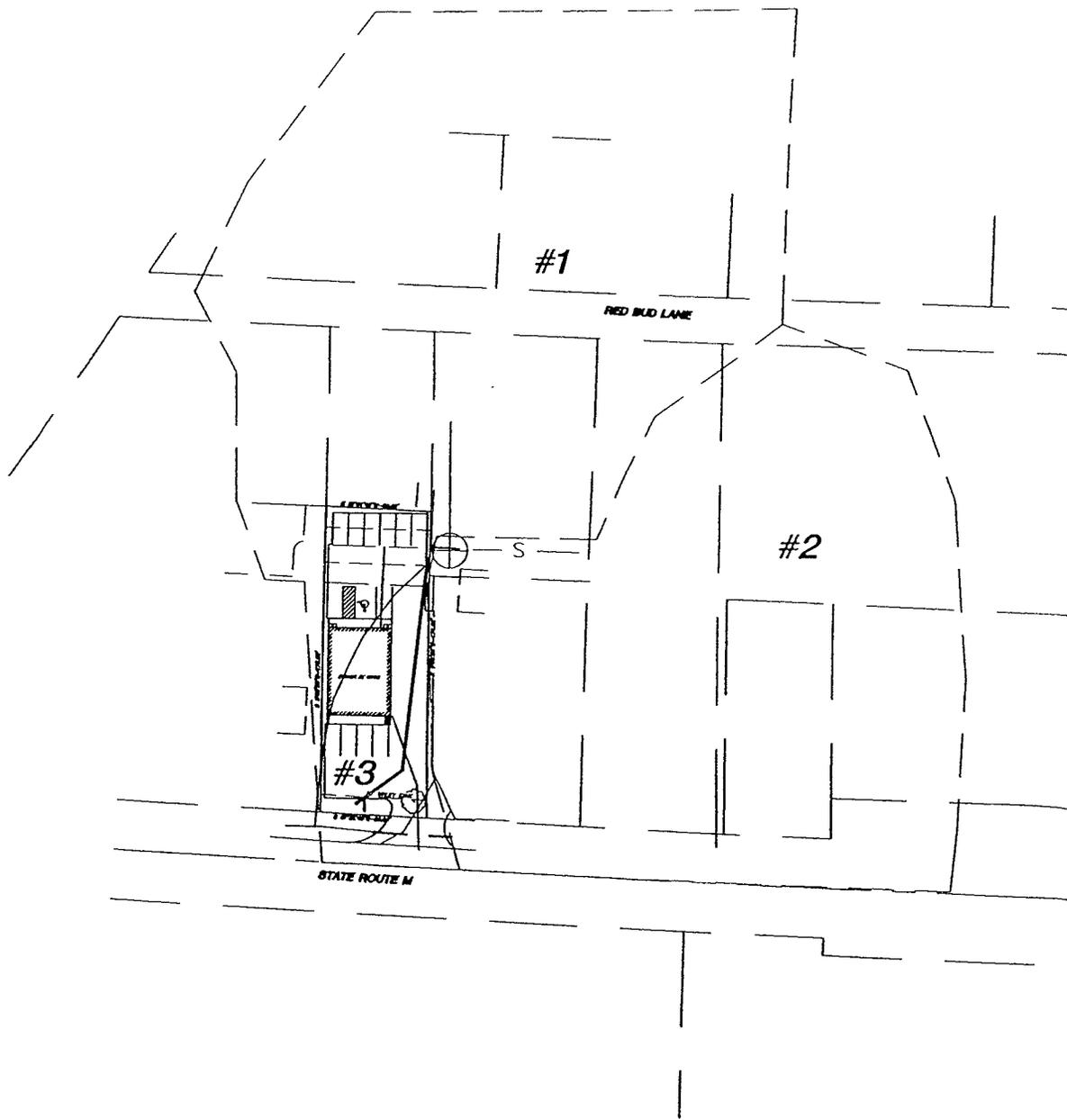
PREPARED BY:



3401 Broadway Business Park Court, Columbia, Missouri 65202
Ph: 573-817-5750, Fx: 573-817-1677

www.acivilgroup.com

"DRAINAGE MAP" 503 BROADWAY



1"=100'

Hydrograph Return Period Recap

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2012 by Autodesk, Inc. v9

Hyd. No.	Hydrograph type (origin)	Inflow hyd(s)	Peak Outflow (cfs)								Hydrograph Description
			1-yr	2-yr	3-yr	5-yr	10-yr	25-yr	50-yr	100-yr	
1	SCS Runoff	----	11.46	14.50	-----	20.70	25.09	29.48	33.87	38.25	Pre-development
2	SCS Runoff	----	11.46	14.50	-----	20.70	25.09	29.48	33.87	38.25	Post Development

Hydrograph Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2012 by Autodesk, Inc. v9

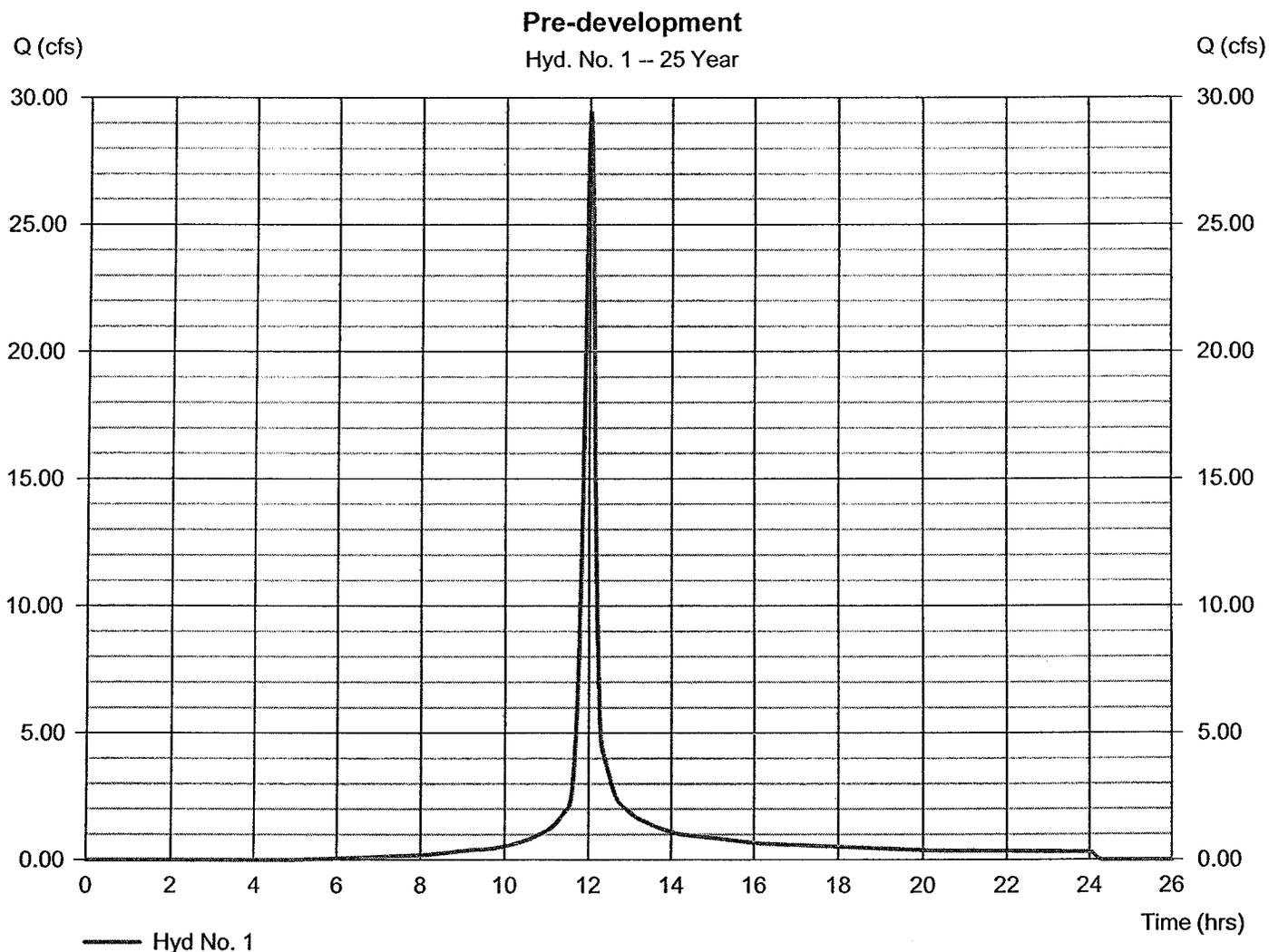
Thursday, 00 7, 2012

Hyd. No. 1

Pre-development

Hydrograph type	= SCS Runoff	Peak discharge	= 29.48 cfs
Storm frequency	= 25 yrs	Time to peak	= 12.02 hrs
Time interval	= 1 min	Hyd. volume	= 76,690 cuft
Drainage area	= 5.100 ac	Curve number	= 85*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= TR55	Time of conc. (Tc)	= 12.10 min
Total precip.	= 5.90 in	Distribution	= Type II
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(5.100 x 85)] / 5.100



TR55 Tc Worksheet

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2012 by Autodesk, Inc. v9

Hyd. No. 1

Pre-development

<u>Description</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>Totals</u>
Sheet Flow				
Manning's n-value	= 0.150	0.011	0.011	
Flow length (ft)	= 100.0	0.0	0.0	
Two-year 24-hr precip. (in)	= 3.50	0.00	0.00	
Land slope (%)	= 2.00	0.00	0.00	
Travel Time (min)	= 9.37	+ 0.00	+ 0.00	= 9.37
Shallow Concentrated Flow				
Flow length (ft)	= 450.00	0.00	0.00	
Watercourse slope (%)	= 3.00	0.00	0.00	
Surface description	= Unpaved	Paved	Paved	
Average velocity (ft/s)	=2.79	0.00	0.00	
Travel Time (min)	= 2.68	+ 0.00	+ 0.00	= 2.68
Channel Flow				
X sectional flow area (sqft)	= 0.00	0.00	0.00	
Wetted perimeter (ft)	= 0.00	0.00	0.00	
Channel slope (%)	= 0.00	0.00	0.00	
Manning's n-value	= 0.015	0.015	0.015	
Velocity (ft/s)	=0.00	0.00	0.00	
Flow length (ft)	{{0}}0.0	0.0	0.0	
Travel Time (min)	= 0.00	+ 0.00	+ 0.00	= 0.00
Total Travel Time, Tc				12.10 min

Hydrograph Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2012 by Autodesk, Inc. v9

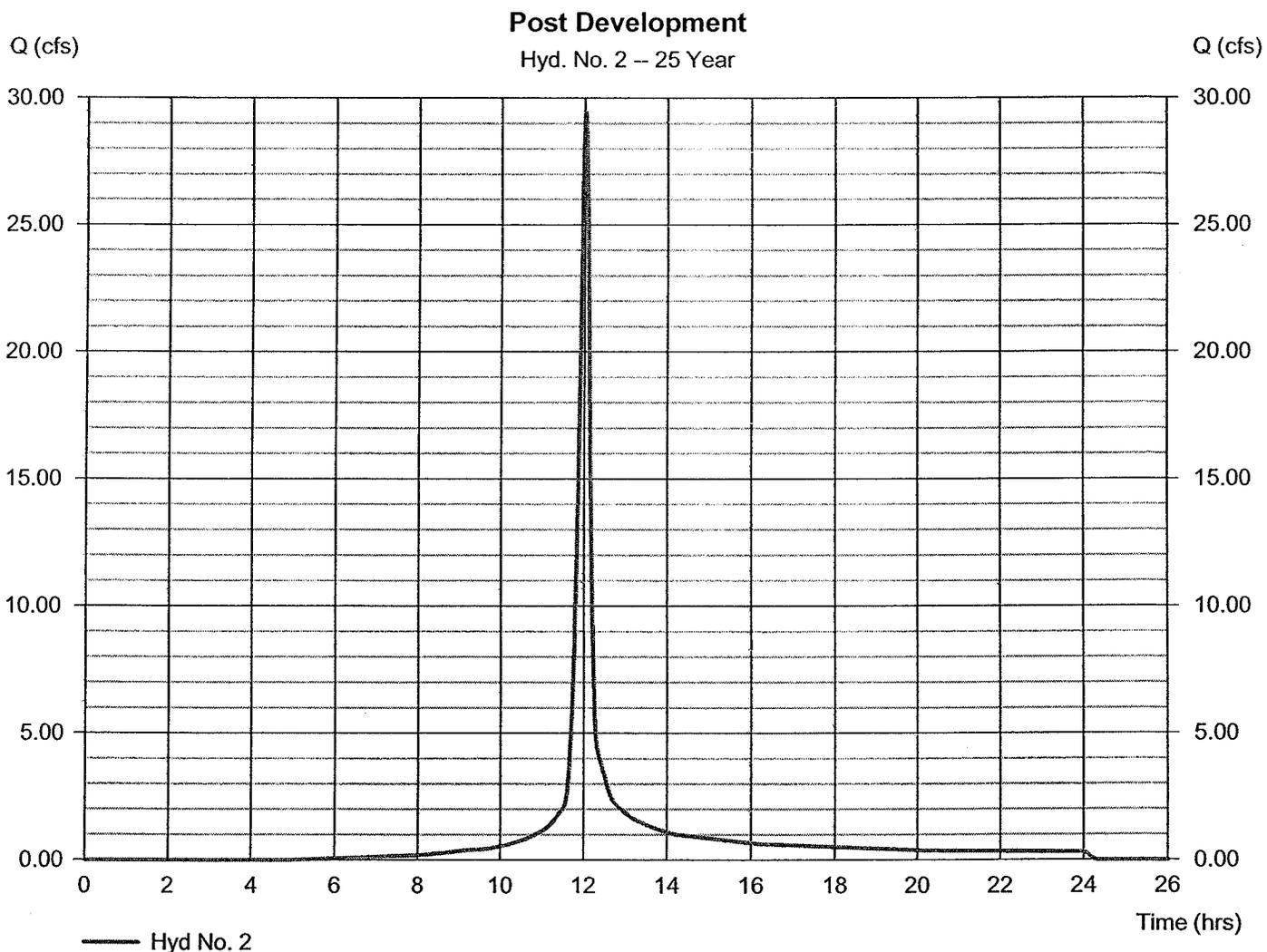
Thursday, 00 7, 2012

Hyd. No. 2

Post Development

Hydrograph type	= SCS Runoff	Peak discharge	= 29.48 cfs
Storm frequency	= 25 yrs	Time to peak	= 12.02 hrs
Time interval	= 1 min	Hyd. volume	= 76,690 cuft
Drainage area	= 5.100 ac	Curve number	= 85*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= TR55	Time of conc. (Tc)	= 12.20 min
Total precip.	= 5.90 in	Distribution	= Type II
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(4.950 x 85) + (0.150 x 98)] / 5.100



TR55 Tc Worksheet

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2012 by Autodesk, Inc. v9

Hyd. No. 2

Post Development

<u>Description</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>Totals</u>
Sheet Flow				
Manning's n-value	= 0.150	0.011	0.011	
Flow length (ft)	= 100.0	0.0	0.0	
Two-year 24-hr precip. (in)	= 3.50	0.00	0.00	
Land slope (%)	= 2.00	0.00	0.00	
Travel Time (min)	= 9.37	+ 0.00	+ 0.00	= 9.37
Shallow Concentrated Flow				
Flow length (ft)	= 350.00	150.00	0.00	
Watercourse slope (%)	= 3.00	3.00	0.00	
Surface description	= Unpaved	Paved	Paved	
Average velocity (ft/s)	=2.79	3.52	0.00	
Travel Time (min)	= 2.09	+ 0.71	+ 0.00	= 2.80
Channel Flow				
X sectional flow area (sqft)	= 0.00	0.00	0.00	
Wetted perimeter (ft)	= 0.00	0.00	0.00	
Channel slope (%)	= 0.00	0.00	0.00	
Manning's n-value	= 0.015	0.015	0.015	
Velocity (ft/s)	=0.00	0.00	0.00	
Flow length (ft)	0.0	0.0	0.0	
Travel Time (min)	= 0.00	+ 0.00	+ 0.00	= 0.00
Total Travel Time, Tc				12.20 min

5/9/12

503 E. BROADWAY

PRE VS POST

MART 12-01

CIVIL

LOT AREA: 10,400 SF

PRE-DEVELOPMENT IC 2600 SF = 25%

POST-DEVELOPMENT IC 9500 SF = 91%

TOTAL WATERSHED TO ROWE M = 222,600 SF

INCREASE IN IMPERVIOUS COVER 6900 SF = 3%

No. 937 811E
Engineer's Computation Pad

STADTLER®

