

**PLANNING AND ZONING MEETING**  
**109 E. BROADWAY**  
**ASHLAND, MO. 65010**  
**TUESDAY, AUGUST 13, 2013**  
**7:00 P.M.**  
**573-657-20191**

**AGENDA**

1. Call Meeting to Order:
2. Approval of the Agenda 8-13-2013. Action \_\_\_\_\_
3. Approval of the Previous Minutes, held 7-9-2013. Action \_\_\_\_\_
4. New Business:  
None
5. Old Business:  
None
6. Discussion:  
**A). Conditional Uses**  
**B). Spot Zoning**
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](mailto:treasurer@ashlandmo.us)

Jessica L. Kendall

**PLANNING AND ZONING MEETING  
109 E. BROADWAY  
ASHLAND, MO. 65010  
TUESDAY, JULY 9, 2013  
7:00 P.M.  
573-657-2091  
DRAFT**

**REGULAR MEETING:**

Chairman Branson called the meeting to order Tuesday, July 9, 2013 at 7:00 p.m. at 109 E. Broadway, Ashland, Missouri. Commissioners in attendance were Gene Rhorer, Brad Williamson, Paul Beuselinck, Marc May and James Branson. Commissioners not in attendance were Rick Sage, Fred Klippel and Josh Lindsey.

Also present was City Treasurer Jessica Kendall.

Chairman Branson called for a motion to approve the July 9, 2013 agenda. Commissioner Beuselinck made a motion to approve the July 9, 2013 agenda and seconded by Commissioner Rhorer. Motion carried unanimously.

Chairman Branson called for a motion to approve the previous minutes dated June 11, 2013. Motion was made by Commissioner Beuselinck to approve the minutes as presented. Seconded by Commissioner Williamson. Motion carried unanimously.

**NEW BUSINESS:**

**A). SP 13-05: Sappington Subdivision.** Minor re-plat proposal to reconfigure two existing residential lots at the end of Sappington Drive into 3 new residential lots.

Gene Basinger, Basinger Surveying was present along with John and Genette Sappington, owners of the property to answer any questions. After a short discussion Commissioner Beuselinck made a motion to approve SP-13-05: Sappington Subdivision. Seconded by Commissioner Rhorer. Chairman Branson called for a vote.

Commissioner Rhorer	aye
Commissioner Williamson	aye
Commissioner May	aye
Commissioner Beuselinck	aye
Commissioner Branson	aye

Motion carried.

**B). SPR 13-01: Mid America Isotopes Expansion.** Proposed addition to the existing Mid-America Isotopes building located at 706 Liberty Lane. This project consists of a building addition, a small retention pond, and some minor changes to the existing parking area.

Christina Luebbert, Luebbert Engineering was present to answer questions. After a short discussion about responses and comments, Commissioner Rhorer made a motion to

recommend the approval of the Mid-America Isotopes Expansion contingent upon the outstanding comments being addressed and approved by our City Engineer and recalculation of the detention basin. Seconded by Commissioner Williamson. Chairman Branson called for a vote.

Commissioner Rhorer	aye
Commissioner Williamson	aye
Commissioner May	aye
Commissioner Beuselinck	aye
Commissioner Branson	aye

Motion carried.

**OLD BUSINESS:**

NONE

**DISCUSSION:**

**A). T.J. Forck-development of lot on North Henry Clay Blvd.**

T.J. Forck was present along with Carl Freiling to discuss the developments access of a lot on North Henry Clay Blvd. After a discussion the commissioners stated that it's a private drive.

**MAYOR'S REPORT:**

NONE

**CITY ADMINISTRATOR'S REPORT:**

NONE

**COMMUNITY DEVELOPMENT DIRECTOR:**

NONE

**COMMISSIONERS' REPORT:**

Commissioner Rhorer updated the Commissioners on the process of city's openings.

**GUEST COMMENTS:**

NONE

Chairman Branson called for a motion to adjourn the July 9, 2013 meeting. Motion was made by Commissioner Beuselinck to adjourn the July 9, 2013 meeting. Seconded by Commissioner May. Motion carried unanimously.

Minutes prepared by Jessica Kendall, City Treasurer/Deputy City Clerk.



# Development Review Application

**I. CONFERENCE** A pre-application conference with the Community Development Director is required before an application will be accepted for review. If you require additional information concerning application procedures, or need to schedule an appointment for a pre-application conference, please contact Charles Senzee at (573) 657-2091.

Conference Date: \_\_\_\_\_ CDD Staff Signature: \_\_\_\_\_

**II. APPLICATION TYPE** Please select the type of application from the options listed below:

- Site Plan Review
- Conditional Use
- Rezoning
- Subdivision Plat
- Subdivision Plat (Minor)

**III. REQUIRED SUBMITTALS WITH COMPLETED APPLICATION** (only provide checked items)

- Property survey
- Notarized letter of authorization from the property owner, if the applicant is not the owner.
- Names and addresses of all owners of record for all real property located within 185' of the property for which the change is requested.
- Advertising & Notification Charges: \$100 (*you will be billed if advertising/notification costs are exceeded*)
- Site Plan / Drawing (5 signed and sealed copies). These 5 plans must be Standard Size D (24"x36"). A reduced 11"x17" copy and a PDF disc are also required. The plan shall include the following information.
  - Title Sheet that may include the survey.
  - Site Plan
  - Paving/grading/drainage plan
  - Utilities sheet (including all existing utilities)
  - Detail sheet(s)
  - Building elevations
  - Sign locations (Sign design shall be approved on a separate permit)
  - Adjacent zoning and land uses
- Soil Survey
- Stormwater Calculations
- Traffic Study
- Preliminary or Final Plat
  - a. Preliminary plats requires (5) 18"x24" or (5) 24"x36" signed and sealed copies for P&Z and Board of Aldermen review. A reduced 11"x17" copy and a PDF disc are also required.
  - b. Final plats require an executed mylar, (5) 18"x24" or (5) 24"x36" signed and sealed copies for P&Z and Board of Aldermen review. A reduced 11"x17" copy and a PDF disc are also required.
- Other: \_\_\_\_\_
- Application Fee: \_\_\_\_\_ (See page 3)

**IV. SUBMITTAL INFORMATION** The undersigned hereby applies to the CITY OF ASHLAND, MISSOURI, for development review as outlined below and in the attached documents:

**1. Physical Address:** \_\_\_\_\_

**Parcel ID #:** \_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_

**Project Name:** \_\_\_\_\_

**2. Applicant / Agent Name (Please Print):** \_\_\_\_\_

Address: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 \_\_\_\_\_ Fax #: \_\_\_\_\_  
 \_\_\_\_\_ E-Mail: \_\_\_\_\_

**3. Current Owner Name (Please Print):** \_\_\_\_\_

Address: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 \_\_\_\_\_ Fax #: \_\_\_\_\_  
 \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Attach a notarized letter of authorization if owner is not the applicant**

**Applicant's Signature:** \_\_\_\_\_

----- **Office Use Only Below This Line** -----

**4. Project Schedule:**

	Date	Notes
Application:	_____	_____
City Staff Review:	_____	_____
Planning & Zoning:	_____	_____
Board of Aldermen 1st Reading:	_____	_____
Board of Aldermen 2nd Reading:	_____	_____
Final Revisions / As-Built Received:	_____	_____

**5. Property Information**

Verified Parcel ID#: \_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_

Subdivision: \_\_\_\_\_

Metes & Bounds: \_\_\_\_\_

Parcel Size: \_\_\_\_\_

Total Square Footage of Existing Structures: \_\_\_\_\_

Current Zoning: \_\_\_\_\_

Future Land Use (Comp Plan): \_\_\_\_\_

Existing Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_



# DEVELOPMENT APPLICATION FEE SCHEDULE

Adopted by Resolution #27 on 5/16/12

<b>ANNEXATIONS (Voluntary)</b>	No Charge
<b>CONDITIONAL USE REVIEW</b>	200
Extension	100
<b>PLANNED DEVELOPMENT</b>	
Preliminary Development Plan	300 */**
Final Development Plan	300 */**
Amendment to Approved Plan	150 */**
<b>REZONING</b>	200 *
<b>SITE PLAN REVIEW</b>	300
Extension	100
<b>SUBDIVISION PLATS</b>	
Minor Plats	200 ***
Major Plats (Preliminary)	200
Major Plats (Final)	300 ***
<b>VARIANCES</b>	
Residential	100 *
Non-Residential	200 *
<b>APPEALS</b>	
Admin. Determination to Board of Adjustment	100 *
P&Z decision to Board of Aldermen	200 *
<b>SERVICES</b>	
Official Zoning Verification	25
Administrative Officials Determination	50
Misc. Letter Requests	25

- \* Plus cost of legal advertisement
- \*\* Plus cost of legal fees
- \*\*\* Plus recording fees

**Applicants: Please note the following:**

1. All fees listed above are non-refundable and are due at the time of submittal.
2. Some projects (including PDs, plats, and site plans) may require review by an engineer hired by the City. Applicants are responsible for reimbursing the City for any engineer review costs associated with their submittals. These costs are not included in the above listed fees and will be billed to the applicant separately.

<b>PLANNING AND ZONING COMMISSION</b>	
<b><i>2013 Applicant's Submittal Deadlines*</i></b>	
<b>Complete Application Packet Submitted to the City**</b>	<b>Meeting Date***</b>
12/9/12	1/8/13
1/14/13	2/12/13
2/11/13	3/12/13
3/11/13	4/9/13
4/15/13	5/14/13
5/12/13	6/11/13
6/9/13	7/9/13
7/15/13	8/13/13
8/12/13	9/10/13
9/9/13	10/8/13
10/14/13	11/12/13
11/11/13	12/10/13

**This calendar provides a general timeframe for submitting development applications for the Planning and Zoning Commission Agenda. This schedule may be altered due to conflicts with scheduled holidays, the number of applications filed at any one time, the types of projects to be reviewed or staff and/or Commission availability.**

\*Depending on the complexity of the application, items which require review by the City Engineer may require additional time which is not reflected upon this schedule.

\*\*Per Missouri State Statute and Ashland City Code legal advertisements must be published a minimum of 15 days in advance of a meeting. This schedule accounts for that required notice while also providing staff adequate time to review the application.

\*\*\*The final drafts of staff reports are due one week prior to the meeting date. Therefore, staff must have all necessary paperwork one week prior to the staff report deadline, essentially two weeks prior to the anticipated meeting date.

"Understanding Spot Zoning," by Robert C. Widner, Esq.

Most planning commissioners have heard the impassioned cry that a particular rezoning decision will constitute an invalid "spot zoning." This allegation typically arises where the community is considering the rezoning of a single lot or small parcel of property held by a single owner and the rezoning will permit land uses not available to the adjacent property.

Because spot zoning often focuses on the single parcel without considering the broader context, that is, the area and land uses surrounding the parcel, it is commonly considered the antithesis of planned zoning. While rezoning decisions that only affect a single parcel or small amount of land are most often the subject of spot zoning claims (as opposed to rezonings of larger areas), a locality can lawfully rezone a single parcel if its action is shown to be consistent with the community's land use policies. As I will discuss shortly, courts look to the community's comprehensive plan, or to other planning studies, in determining whether the rezoning is, in fact, consistent with local land use policies.

Of course, whether a particular rezoning constitutes an unlawful spot zoning depends largely upon the facts surrounding the zoning decision and upon the judicial decisions of each state. However, courts commonly note that the underlying question is whether the zoning decision advances the health, safety, and welfare of the community. A zoning decision that merely provides for individual benefit without a relationship to public benefit cannot be legally supported. Where a particular zoning decision is not supported by a public purpose, the zoning decision is arbitrary and may be subject to invalidation as unlawful spot zoning.

Although courts throughout the nation differ in their specific approaches when reviewing spot zoning claims, the majority consider:

1. the size of the parcel subject to rezoning;
2. the zoning both prior to and after the local government's decision;
3. the existing zoning and use of the adjacent properties;
4. the benefits and detriments to the landowner, neighboring property owners, and the community resulting from the rezoning; and
5. the relationship between the zoning change and the local government's stated land use policies and objectives.

This last factor -- the relationship of the rezoning decision to the community's land use policies and objectives -- is perhaps the most important one. As a result, when a planning commission (or governing body) initially considers a rezoning request it should determine whether the request is consistent with the comprehensive or master plan. Many communities' zoning codes also require a separate planning study that examines the merits of the proposed rezoning. This further ensures that any rezoning is consistent with the community's land use objectives, and not a case of spot zoning. The bottom line is that courts will give considerable weight to evidence that the locality's rezoning decision reflects thoughtful consideration of planning factors.

It should be noted that there is one situation where a rezoning decision that does not conform to the comprehensive plan may nevertheless be upheld. That is where there is evidence showing significant changes in the community since the adoption of the plan that would justify a rezoning of the property. This is especially true where a review of other factors, such as benefit to the community and the size of the rezoned parcel, indicate that the rezoning was not merely intended to confer a benefit to the property owner.