

PLANNING AND ZONING MEETING
109 E. BROADWAY
ASHLAND, MO. 65010
TUESDAY, JANUARY 8, 2013
7:00 P.M.
573-657-2091

AGENDA

1. Call Meeting to Order:
2. Approval of the Agenda 1-08-2013. Action _____
3. Approval of the Previous Minutes, held 12-11-2012. Action _____
4. New Business:
A). Officer Elections
1st Motion _____ 2nd Motion _____
Action _____

5. Old Business:
None

6. Discussion:
A). Ashland Business District
B). Fence Code

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. Kendall

**PLANNING AND ZONING MEETING
109 E. BROADWAY
ASHLAND, MO. 65010
DECEMBER 11, 2012
7:00 P.M.**

PUBLIC HEARING:

The Public Hearing on **Re-Zoning, ZB 12-02: Red Tail Drive**. A request to rezone three undeveloped lots from CG (General Commercial) to R-1 (Single Family Residential) was called to order by Chairman Anderson at 7:07 p.m. to hear public comments. John Hills, resident at 201 Red Tail Drive, addressed the board regarding the proposed rezoning. He indicated that the request was a "wonderful" opportunity for the Bluegrass South subdivision as R-1 lots are very beneficial to the existing properties. He indicated that it seemed like a "win-win" for the area. No one else in the audience voiced any comments for or against the proposed ordinance.

Chairman Anderson closed the Public Hearing at 7:10 pm.

REGULAR MEETING:

Chairman Anderson called the meeting to order Tuesday, December 11, 2012 at 7:10 p.m. at 109 E. Broadway, Ashland, Missouri. Commissioners in attendance were Gene Rhorer, Brad Williamson, Josh Lindsey, Paul Beuselinck, James Branson, Tony Taggart, and Jeff Anderson. Commissioner Sage was absent.

Also present were City Administrator Kelly Henderson and Community Development Director Charles Senzee.

Chairman Anderson called for a motion to approve the December 11, 2012 agenda with the suggestion that the agenda be amended to add the rezoning request discussed during the public hearing, ZB 12-02, as Item A. Commissioner Beuselinck made a motion to approve the November 13, 2012 agenda with this change, seconded by Commissioner Rhorer.

Motion carried unanimously.

Chairman Anderson called for a motion to approve the previous minutes dated November 13, 2012. Motion was made by Commissioner Branson to approve

the minutes as presented. Seconded by Commissioner Taggart. Motion carried unanimously.

NEW BUSINESS:

A). Re-Zoning, ZB 12-02: Red Tail Drive. A request to rezone three undeveloped lots from CG (General Commercial) to R-1 (Single Family Residential). The City's staff report regarding the request was reviewed by the Commission. Chairman Anderson questioned how the proposed rezoning would affect Ashland's desired commercial development plans. Carl Freiling, representing the applicant, addressed the Commission indicating that there was simply no demand for commercial properties in this area. He stated that when these lots were originally zoned there were fewer commercial property options. A brief discussion was held regarding the lot size and the future development of the subject properties. A motion was made by Commissioner Beuselinck to recommend approval of the rezoning request to the City's Board of Aldermen. Seconded by Commissioner Branson. Motion carried unanimously.

B). Site Plan, SPR 12-05: Eagle Lakes Plat 3. A request for site plan approval for a 19 lot subdivision on Peterson Lane. The City's staff report regarding the request was reviewed by the Commission. Chris Sander, the engineer representing the applicant, introduced himself and offered to answer any questions. A lengthy discussion regarding the proposed street widths and storm water design took place. Carl Frieling, representing the current property owner, spoke regarding the history of the site. Brief conversations were held regarding the "grandfathered" status of the plat configuration and the plans for sidewalk construction. A motion was made by Commissioner Rhorer to approve the proposed site plan with the conditions listed within the staff report. Seconded by Commissioner Williamson. Motion carried unanimously.

C). Site Plan, SPR 12-06: 109 Eastside Drive. A request for site plan approval for a 3,500 sq ft addition to the existing Moser's grocery store. The City's staff report regarding the request was reviewed by the Commission. Staff distributed a revised plan which had been prepared by the applicant's engineer. A lengthy discussion was held regarding the design of the proposed addition and access around the structure. Staff explained that the SPCFPD required a minimum of 20' of clear access for fire equipment, which was not provided on the plans. A number of options for meeting this requirement were discussed. A discussion

regarding the inclusion of a drive-thru on the newly revised plan was held. Staff expressed concerns regarding the location of the drive-thru and possible conflicts with on-site traffic which it could create. The Commission requested that staff prepare two new conditions regarding the outstanding issues. The following conditions were proposed by staff

- The portion of the project north of the proposed addition including; the parking area, drive-thru, traffic lanes, fire access, etc shall be redesigned to meet the requirements of City code. Staff shall review any future revisions to ensure that the plans are satisfactorily revised.
- The property owner shall enter into an agreement with the City to allow for asphaltic concrete to be placed on the existing utility easement to the north. This agreement will require the owner to replace the asphaltic concrete should the City have a need to excavate for repairs, additions, or replacement of the utilities under the hard surfacing.

A motion was made by Commissioner Beuselinck to approve the proposed site plan with the staff recommendations contained in the staff report and the two newly drafted conditions listed above. Seconded by Commissioner Taggart. Motion carried unanimously.

OLD BUSINESS:

Chairman Anderson requested a copy of Mrs. Ponders letter which was distributed to the Commission during the November meeting.

DISCUSSION:

None

MAYOR'S REPORT:

None

CITY ADMINISTRATOR'S REPORT:

Kelly Henderson, City Administrator, brought it to the Boards attention that MO state statutes do not require the Planning and Zoning Commission to review or approve site plans. Therefore it is possible to amend the City's regulations to allow staff to perform these reviews and free up the Commissioners time to focus on Long-Range Planning issues.

COMMUNITY DEVELOPMENT DIRECTOR:

None

COMMISSIONERS' REPORT:

- Commissioner Anderson apologized for the misunderstanding regarding multiple meetings which took place in November. He distributed a proposed revision to the Commissions by-laws which would formalize the process for dealing with busy agenda months. The possibility of scheduling two meetings a month was discussed among the Commissioners and they requested that staff add this item to January's agenda for further discussion.
- Commissioner Rhorer indicated that he had discussed the possibility of bringing the fence code back to the Planning and Zoning Commission with Mayor Jackson. The Mayor informed Commissioner Rhorer that they could reconsider the fence code if they wished. The Commission took an informal vote on placing this item on their January agenda as a discussion item. This informal vote passed 5-3 and staff was directed to add it to the January meeting agenda.

GUEST COMMENTS:

Chris Sander, a civil engineer, addressed the Commission regarding the current plan review process. He expressed his dissatisfaction with the current process and requested that P&Z and staff work to further streamline the process. Staff explained that such a process already exists and a brief discussion was held regarding the difficulties involved in organizing, processing, and reviewing applications in time for P&Z review.

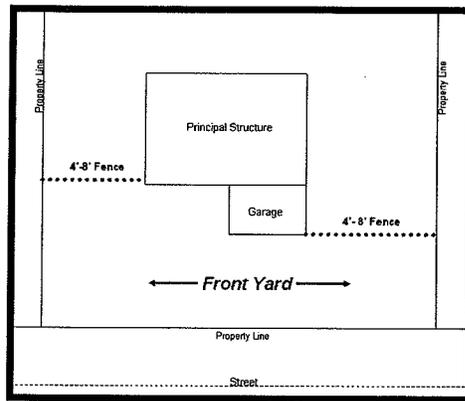
Chairman Anderson called for a motion to adjourn the December 11, 2012 meeting. Motion was made by Commissioner Branson to adjourn the November meeting. Seconded by Commissioner Williamson. Motion carried unanimously.

Minutes prepared by Charles Senzee, Community Development Director.

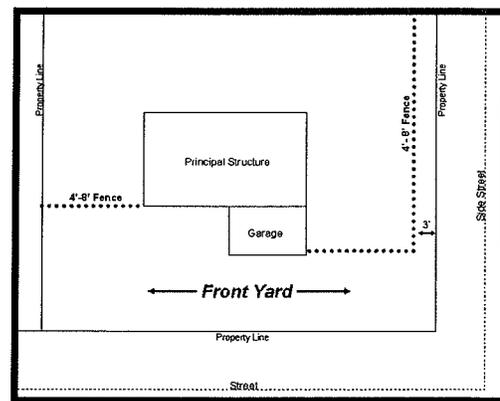
9.340. Fences and Walls:

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. Major repair is defined as the replacement of 60% or more of an existing fence's value, as measured over the entirety of the existing fence length. 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 with the finished side facing 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 a property line adjacent to a street and the primary façade of a principal structure. Corner lot fencing which is located between a property line adjacent to a street and a secondary façade of a principal structure may be up to eight (8) feet in height so long as it is a minimum of three (3) feet from the property line. The diagrams below demonstrate acceptable fence locations for both standard and corner lots.



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/Storm water Easements.** Walls are prohibited within recorded water, sanitary sewer, and storm water 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 temporarily or permanently 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, sewer, or storm water 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. **Other Easements.** The City takes no responsibility for any fence or wall installed over easements not granted to the City.