

**PLANNING AND ZONING MEETING  
109 E. BROADWAY  
ASHLAND, MO. 65010  
TUESDAY, SEPTEMBER 13, 2016**

**PUBLIC HEARING:**

The Planning and Zoning Commission held a Public Hearing, and Mayor Rhorer opened the hearing at 7:00 p.m., to seek public comments on:

**1. Proposed Rezoning from I-L, Light Industrial to R-3, High Density Residential District for the Southwoods Commercial Park, Plat 1, Lot 7 & 8 on Commerce Dr., Parcel IDs # 24-508-00-16-007.00 01 & 24-508-00-16-008.00 01.**

**Public Questions/Comments:**

Tim Crockett, Crockett Engineering, here for Mike McCubbin: Mr. Crockett stated the neighbors said this is not appropriate for the neighborhood. Mr. Crockett said the zoning change to residential will be less impactful for neighbors. Mr. Crockett also stated the streets are designed as residential streets. The standards for commercial streets are different. Mr. Crockett said the existing land surrounding this area is residential land use. Mr. Crockett stated the P & Z Commission approved zoning for R-2 southwest of site. Residential uses are appropriate for this area. Industrial uses are not appropriate. Mr. Crockett continued by saying storm water was named as a concern. The City has regulations and standards. The storm water issue has been addressed. Mr. Crockett questioned the decrease to property values. He said we don't think they will drop due to rezoning. Mr. Crockett also said noise is not an issue. We all live in homes and there are noises. Mr. Crockett brought up that crime is going to be out of control. Mr. Crockett said we don't believe that. This is an appropriate use for this area. Mr. Crockett asked to please pass this zoning.

Mike McCubbin, property owner of Lot 7 & 8: Mr. McCubbin started by saying what we want to build is condo style homes just like the Bauer homes across the street. The square footage is going to be similar to that of the Bauer homes and the Sherman Apts. Mayor Rhorer asked Mr. McCubbin how many homes would there be? Mr. McCubbin stated he was not sure. Commissioner Sapp asked if it was a lot less than the 43 units? Mr. McCubbin stated he was asking for the maximum allowed for the acreage. When it gets approved he will submit a site plan. Right now he is asking for R-3 zoning. Mr. McCubbin stated the Sherman property has 6 units, Bauers have 4. It is roughly the same thing. Whatever the maximum is allowed. A member from the audience asked: are all driveways going to be off Commerce Dr.? Mr. McCubbin was not sure until the site plan is submitted. He stated he was not going to be locked into that.

Victor Sapp, property owner of 601 Cobblestone Ct.: Mr. Sapp stated that his lot on Commerce Dr. is  $\frac{3}{4}$  of an acre. He questioned Mr. McCubbin. How do you figure 4 acres? The engineer said 2.4 acres per lot. Commissioner Williamson asked what is the square footage of the homes? Mr. McCubbin stated 1000-1200 sq. feet. Commissioner Williamson asked Mr. McCubbin do you

know how much would the rent be? Mr. McCubbin said no. Mr. Sapp stated the homes will not look like the picture that you are showing. Nobody told us it would be 12 units vs 42 units. Mr. McCubbin stated you can only utilize so much of the surface land. A member of the audience asked: will we be notified of plans? Mr. Sapp said no, once it is re-zoned it is done. Mr. McCubbin said: I build houses. It isn't the 1<sup>st</sup> time I have had opposition. A member of the audience asked: are there more parking spaces per unit? Where is parking on the lot? Mr. McCubbin stated it depends on the setbacks, parking is probably on each unit's lot. A member of the audience asked: are the streets wide enough for parking? Mayor Rhorer said per city code there can be only so many parking spaces per square footage of residence. Parking will be on development itself. Mr. McCubbin stated the more units I can put in, the less land I have for parking. A member of the audience asked: so on each lot you will have only 6 residences. City Administrator Woolford said Mr. McCubbin is not here with a site plan, only a re-zoning.

Judy Collins property owner on Middleton. Ms. Collins stated water gets into my yard. With all the concrete it will run more water into my yard. There was discussion between Mr. McCubbin, Engineer Tim Crockett, Mayor Rhorer and property owner Judy Collins regarding water flow in the creek at Middleton. Wes Bolton spoke about significant improvements with the creek clean out. A member of the audience asked: in the last meeting manhole covers exploding was mentioned on Liberty. Will that be fixed? Wes Bolton stated yes. Mayor Rhorer said it is in the wastewater facility plans to help that. Victor Sapp stated all I hear is baloney. False promises. There is tall grass on his (Mr. McCubbin's) property. He should be issued a summons. Mr. Sapp stated I haven't heard anything that is the truth. Mr. Sapp said Mr. McCubbin doesn't know the rent? Or how big the houses should be? Who would buy something from this? Mr. Sapp stated it is sitting in a commercial site. We have no control when it goes before the Board of Aldermen. A member of the audience stated: the roads on Commerce are already cracking and splitting apart. They cannot be that old. Who fixes that? Mayor Rhorer said we will put it on the capital projects list and will work that list as best we can from year to year.

There was further discussion from the audience regarding the R-3 zoning. A member of the audience asked: when it is R-3 zoning what's to say he can put in 42 units? Mayor Rhorer said that, by law, if he wants to do that, he can. Mayor Rhorer stated once the zoning is approved it is up to the property owner and the city for the permitted uses. Assisted Transportation stated they were opposed and may not renew their lease if he puts in 42 units.

The Planning and Zoning Commission held a Public Hearing, and Mayor Rhorer opened the hearing at 7:06 p.m., to seek public comments on:

**1. Proposed Rezoning from I-L, Light Industrial to C-G, General Commercial District for the James E. Guthrie Trust No. 1 on N. Henry Clay Blvd., Parcel IDs # 24-200-00-00-001.00 01 & 24-200-00-02-002.00 01.**

Public Questions/Comments: No public comments.

**REGULAR MEETING:**

Mayor Rhorer called the meeting to order Tuesday, September 13, 2016 at 7:00 p.m. at

109 E. Broadway, Ashland, Missouri. Commissioners in attendance were Brad Williamson, Ernie Wren, Danny Clay, James Branson and Jeffrey Sapp. Commissioners absent were Greg Batson and Nikki Courtney.

Also present were Mayor Gene Rhorer, City Administrator Lyn Woolford and Administrative Assistant Megan Young.

Mayor Rhorer called for a motion to approve the September 13, 2016 agenda. Mr. Woolford asked that the Ponderosa Commercial Park Final Plat Review for Hummingbird Properties, LLC, be tabled until the November P & Z meeting. Commissioner Sapp made a motion to approve the amended September 13, 2016 agenda. Seconded by Commissioner Williamson. Motion carried unanimously.

Mayor Rhorer called for a motion to approve the previous minutes dated August 9, 2016. Commissioner Sapp noted page one needed to be changed to "Chairman Williamson called for a motion". Motion was made by Commissioner Sapp to approve the amended minutes dated August 9, 2016. Seconded by Commissioner Wren. Motion carried unanimously.

#### **NEW BUSINESS:**

1. Proposed Rezoning from I-L, Light Industrial to R-3, High Density Residential District for the Southwoods Commercial Park, Plat 1, Lot 7 & 8 on Commerce Dr., Parcel IDs # 24-508-00-16-007.00 01 & 24-508-00-16-008.00 01. Commissioner Sapp stated he has concerns about this. There was a brief discussion between the commissioners. Commissioner Wren said if we approve this we should be comfortable to accept what he builds. Commissioner Branson made a motion to approve the proposed rezoning to R-3, High Density Residential. Seconded by Commissioner Sapp. Mayor Rhorer called for a vote. Commissioner Sapp – nay, Commissioner Williamson-nay, Commissioner Wren-nay, Commissioner Branson-nay. Motion failed.

2. Proposed Rezoning from I-L, Light Industrial to C-G, General Commercial District for the James E. Guthrie Trust No. 1 on N. Henry Clay Blvd., Parcel IDs # 24-200-00-00-001.00 01 & 24-200-00-02-002.00 01. Commissioner Sapp made a motion to approve the rezoning to C-G, General Commercial. Seconded by Commissioner Wren. Mayor Rhorer asked the commissioners if they had any comments? There was a brief discussion on where the property is and if they already have plans. Commissioner Sapp stated the zoning is current with the area. The only concern is road access and that should be left up to the developer. Motion was carried unanimously.

3. Hummingbird Properties, LLC, Ponderosa Commercial Park Final Plat Review. This was tabled for later review.

4. BFG Properties, LLC, SOBOCO Carwash at 506 S. Main St., Site Plan Review. Chris Sanders from a Civil Group was here to answer questions. This is a good fit for that part of town. City Administrator Woolford said Mr. Sanders is here for the driveway spacing. A variance approval from the Board of Adjustment was received last week for the driveway. It was stated

that people are looking forward to this. Commissioner Branson made a motion to approve the site plan for BFG Properties, LLC. Seconded by Commissioner Williamson. Motion carried unanimously.

5. Bauer Homes, Inc., Lot 106 Bluegrass South Estates Site Plan Review.

Wes Bolton was here to answer question for Bauer Homes, Inc. He stated we meet all city criteria. Scott Vogler from MECO Engineering spoke on behalf of the city. Mr. Vogler stated all plans were reviewed and there were no issues. Commissioner Branson made a motion to approve the site plan for Bauer Homes, Inc. Seconded by Commissioner Sapp. Motion carried unanimously.

**OLD BUSINESS:** None.

**DISCUSSION:** None.

**Mayor's Report:**

Mayor Gene Rhorer had no report.

**City Administrator's Report:**

City Administrator Woolford stated he had two things. The 2012 international building code addendums and additions of sidewalks. The Boone County inspectors are already familiar with the 2012 international building codes. We need a public hearing to adopt these. So we need the commissioners to be thinking about these. There will also need to be a public hearing for additions of sidewalks. All zones will have to add sidewalks, and right now commercial properties are not required to have sidewalks. Mr. Woolford said we need thoughts and comments. Commissioner Sapp thinks this is a wonderful idea. We should schedule the public hearing for the sidewalks next meeting and place the 2012 international building code addendums to the November meeting. Mayor Rhorer asked how much more cost will this make for the builders? Mr. Woolford stated the Boone County inspectors already use the 2012 code. Commissioner Sapp stated it is easier to use one set of rules. Everything is more current. Mr. Woolford said the 2015 international building code would cost builders more. Doug Cooley from Boone County Resource Management suggested not to use 2015. There was a brief discussion on the differences between the 2012 & 2015 codes.

**Guest Comments:** None.

**Commissioners' Report:**

Commissioner Sapp would like to thank Mr. Woolford for providing the 2012 International Code addendums from Boone County Resource Management for the commissioners to review.

Mayor Rhorer called for a motion to adjourn, September 13, 2016, Planning and Zoning Meeting. Commissioner Sapp made a motion to adjourn, September 13, 2016, Planning and Zoning Meeting. Seconded by Commissioner Wren. Motion carried.

Minutes prepared by Megan Young