PLANNING & ZONING MEETING

ASHLAND, MO 65010
TUESDAY AUGUST 9, 2022
ASHLAND MUNICIPAL CENTER COMMUNITY ROOM

AGENDA

Call the Regular Meeting to Order at 7:00 PM.

Approval of the Agenda for August 9, 2022.

Approval of the Previous Minutes of June 14, 2022.

Public Hearing

Amend Chapter 9, Planning and Zoning, of the Code of City of Ashland, adding Article VI Home Occupation

Public Comments:

Old Business:

New Business:

1. Taco Bell Site Plan
2. Article VI Home Occupation

Discussion/Reports:

If you are unable to attend, please call Ashland City Hall at 573-657-2091 or e-mail lmartin@ashlandmo.us

Leslie Martin
Administrative Assistant

Posted August 5, 2022 @ 10:00 a.m.

PLANNING AND ZONING MEETING
ASHLAND, MO. 65010
TUESDAY, JUNE 14, 2022
DRAFT NOT APPROVED BY BOARD

1. REGULAR MEETING:

Chairman Sapp called the meeting to order June 14 , 2022 at 7:00 p.m. Commissioners in attendance were Jeff Sapp, Luke Baker, Cynthia Wills, Jerrod Bryan, and Scott Dooley
Commissioners absent: Cory Bergthold and Nicki Rinehart

City Staff Present: Building Inspector Darin Ratermann, City Engineer John Conway, Administrative Assistant Leslie Martin and Alderman Liaison Rick Lewis

Guests: Fred Carrez, Engineering Surveys & Services, Jamie Jeffries, All State Consultants, and Mike Frese

2. Approval of Agenda:

Chairman Sapp called for a motion to approve the June 14 , 2022 agenda.
Commissioner Wills made a motion to approve the June 14 , 2022 agenda, seconded by Commissioner Dooley. Motion carried.

3. Approval of Previous Minutes:

Chairman Sapp called for a motion to approve the previous minutes dated May 10, 2022. Motion made by Commissioner Wills to approve the previous minutes as presented dated May 10, 2022, seconded by Commissioner Baker. Motion carried.

4. Public Comments:

Mike Frese 5775 Charlotte Dr. stated he thinks it is important to state the reason why Commissioners vote no on an agenda item.

5. OLD BUSINESS:

6. NEW BUSINESS:

A. East Ashland Plaza Replat of Lots 10 and 11 - Darin, Building Inspector, gave the staff report. Commissioner Bryan asked if there is a reason that the detetnion basin was not moved to lot 10

to help to push the road through. Jamie Jeffries, All State Consultants, stated that the conversation had taken place but it was several years ago and it hasn't been brought back up. Motion made by Commissioner Wills and seconded by Commissioner Dooley. Roll call vote was taken; Commissioner Baker-yes, Commissioner Wills-yes, Commissioner Dooley-no, Commissioner Bryan-yes. Motion carried.

B. Ranken Plat 2- Motion made by Commissioner Baker and seconded by Commissioner Wills. Darin Ratermann, Building Inspector, gave the staff report. Commissioner Bryan asked if the presented egress was enough for this site. Fred Carrez, Engineering Surveys & Services stated that it was enough egress to meet code. Roll call vote was taken; Commissioner Baker-yes, Commissioner Wills-no, Commissioner Dooley-no, Commissioner Bryan-no. Motion fails. Commissioner Wills made a motion to revisit seconded by Commissioner Baker. Commissioner Wills asked for clarification on if there would be access to lot 2B. Darin Ratermann, Building Inspector, stated there would be access to that lot but at this time there is nothing slated to go in there. Commissioner Wills made a motion to approve and seconded by Commissioner Baker. Roll call vote was taken; Commissioner Baker-yes, Commissioner Dooley-no, Commissioner Wills-yes, Commissioner Bryan-no, Commissioner Sapp-yes. Motion carried.

7. DISCUSSION:

8. Mayor's Report:
None

9. City Administrator's Report:
None

10. Building Department's Report:
None

11. Alderman Liaison's Report:
None

12. Commissioners' Report:
Commissioner Bryan - None
Commissioner Bergthold - Absent
Commissioner Wills - None
Commissioner Sapp - None
Commissioner Dooley - Requesting to get paper copies of the P&Z Packets
Commissioner Rinehart - Absent
Commissioner Baker - None

Chairman Sapp called for a motion to adjourn the June 14, 2022, Planning and Zoning Meeting. Commissioner Bryan made a motion to adjourn the June 14, 2022, Planning and Zoning Meeting seconded by Commissioner Baker. Motion carried. Meeting adjourned at 7:27pm.

Minutes prepared by Leslie Martin

DRAFT

Community Development

Land Use Staff Report

DATE: August 9, 2022
TO: Planning & Zoning Commission
FROM: Darin Ratermann, Community Development
SUBJECT: Lot 1 East Ashland Plaza (Taco Bell) Site Plan

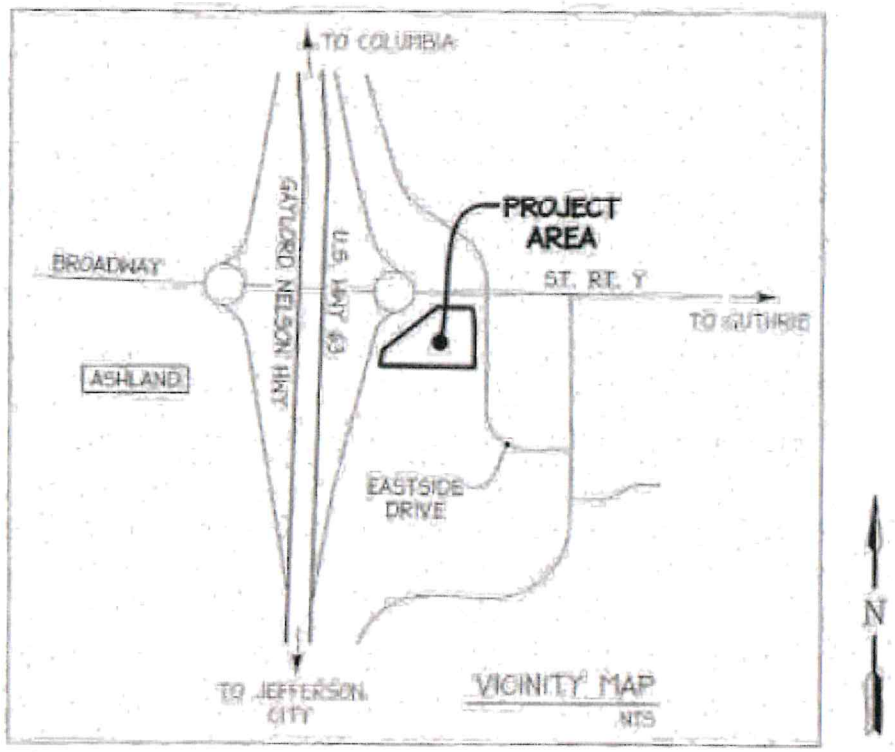
This report is regarding a request for approval from the Planning & Zoning Commission for a commercial site plan for a fast-food establishment. The owner of this property is Greystone Capital Group and the submitting engineering firm is Weihe Engineers Inc. This was reviewed by the City Engineer.

GENERAL INFORMATION

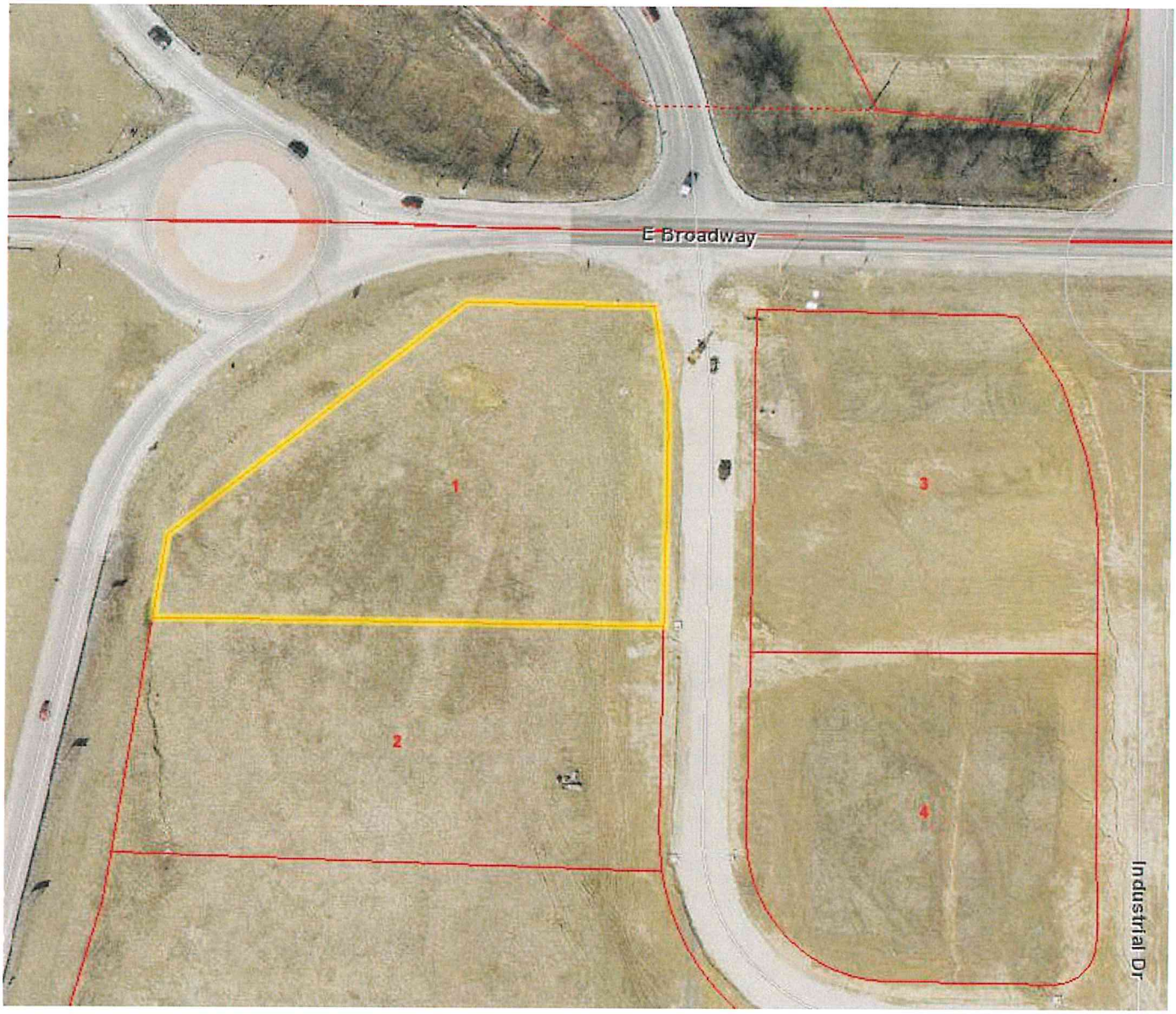
Parcel Information. 24-605-00-01-001.00 01

Parcel Size / Physical Characteristics. The subject site is Lot 1 East Ashland Plaza and is approximately 1.35 acres in size. This property sits East of S Hwy 63 and South of E Broadway/ Route Y.

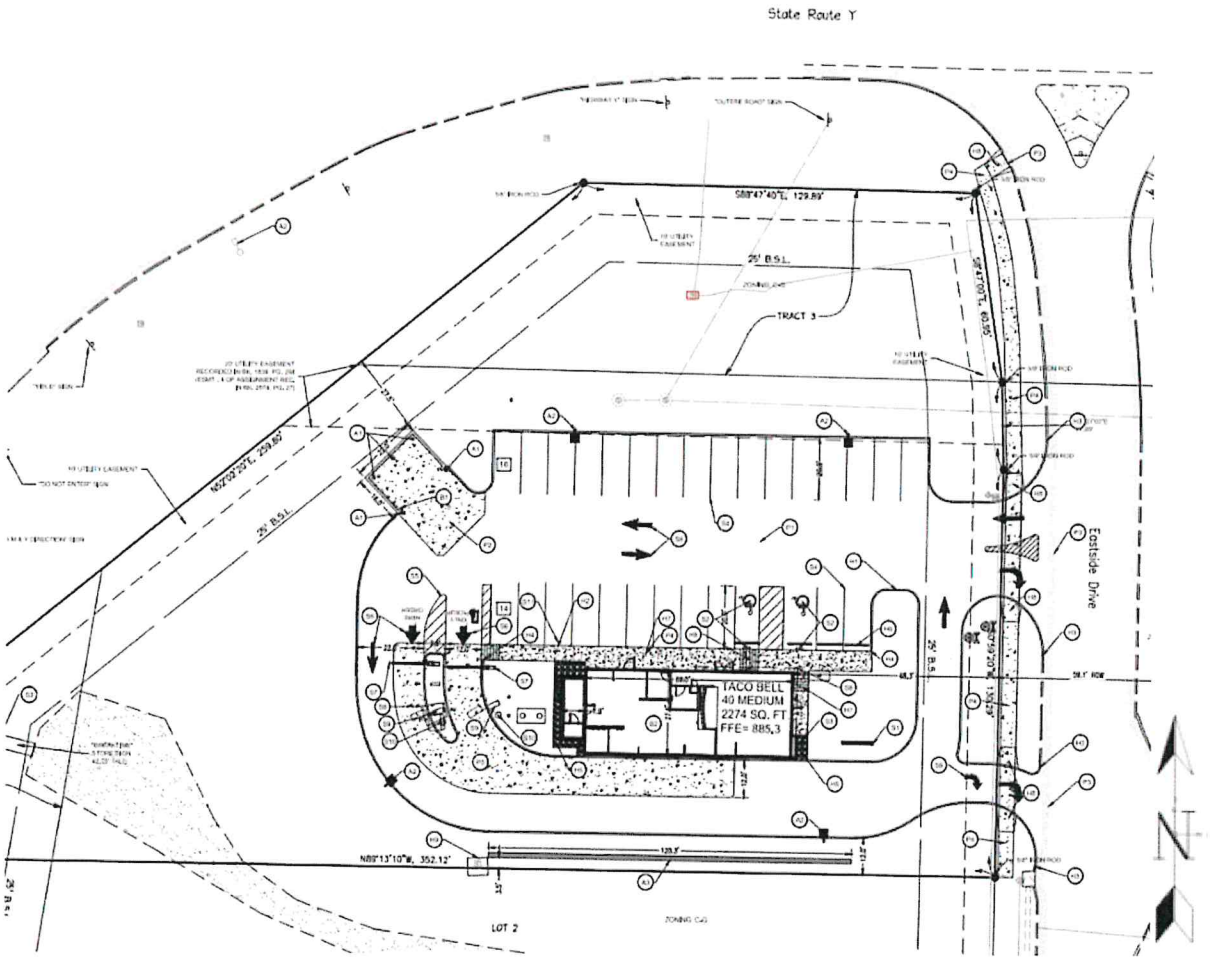
Zoning Classification. C-G (General Commercial).



LOCATION MAP



AREA MAP



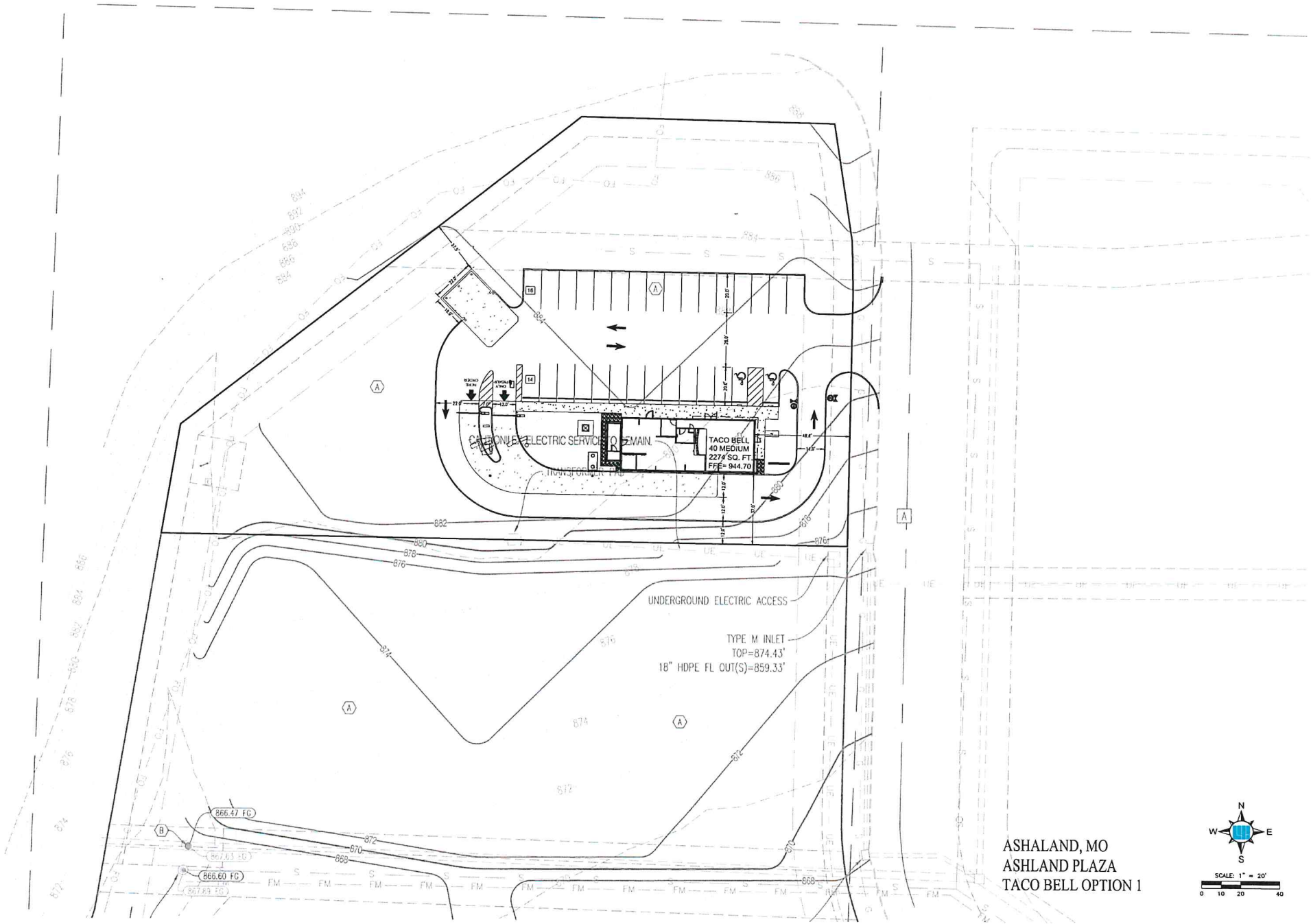
SITE PLAN

ANALYSIS

This site plan is for a 2,274 square foot fast food, sit down/ drive thru, franchise restaurant. When this development was planned, a traffic impact study was done, back in 2008, anticipating this type of business. The egress from the site is designed as a right out only to ease possible congestion, with the Break Time directly across Eastside Drive. There will be a sidewalk running North and South on the East side of the property. A sidewalk along E. Broadway was discussed with MoDot but, was decided against in the interest of pedestrian safety. There will be a retaining wall on the South end of the property presumably to accommodate the existing power transformer.

CITY STAFF OPINION

This will be an additional restaurant helping the community grow. After careful consideration staff recommends approval of the submitted site plan as it has met City Code.



ASHALAND, MO
ASHLAND PLAZA
TACO BELL OPTION 1

IN THE CITY OF ASHLAND, MISSOURI

COUNCIL BILL NO. 2022-023 ORD. NO. _____

AN ORDINANCE REVISING AND AMENDING THE CITY'S ORDINANCES REGARDING HOME OCCUPATIONS.

WHEREAS, the Missouri General Assembly has passed, and Governor Parsons has signed House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's Cities to regulate and control home-based occupations; and

WHEREAS, Under the provisions of HB 1662, the City of Ashland is prohibited from

A. limiting the hours of operation for any home-based business; or

B. prohibiting or requiring any structural modifications as a condition of operating a home-based business; or

C. Prohibiting service by appointment within the home-based business; or

D. Prohibiting any particular occupation as a home-based business; or

E. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building; and

WHEREAS, Under the provisions of HB 1662, if a business qualifies as a "no-impact home-based business" the City is further prohibited from:

A. Limiting the number of employees or customers in the business at any time except to the extent of the fire codes; or

B. Requiring that the business activities occur only within the residence, although the city may prohibit activities that can be viewed from the street; or

C. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license; and

WHEREAS, The language of this Bill has been submitted to the Planning and Zoning Commission, which, after conducting a public hearing on the same which was properly noticed, has recommended that the Board of Aldermen amend the Zoning Code of the City of Ashland as provided herein; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Ashland, as follows:

Section One: Section 9.342 of the Code of the City of Ashland is hereby repealed.

Section Two. There is hereby enacted in Chapter 9 of the Code of the City of Ashland, one new Article, to read as follows:

ARTICLE VI. HOME OCCUPATIONS

Section 9.600 Permitted in Residential Districts, when.

No-Impact Home-based businesses shall be permitted in all residential districts and in accordance subject to the restrictions and limitations of this Chapter. No other business may be operated in a residence at any time. The term 'home occupation' when used in this Code shall be interpreted to mean Home-based Business.

Section 9.610 Definitions

As used in this Chapter, the following terms shall have the meanings provided below:

(A) "Goods", any merchandise, equipment, products, supplies, or materials;

(B) "Home-based business", is a business operating in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

(C) "No-Impact Business" means a home-based business that:

(1) Is engaged in the sale of lawful goods and services; and
(2) Does not cause a substantial increase in traffic through the residential area; and
(3) The activities of the business are not visible from any public street; and
(4) Does not use any equipment that produces noise, light, odor, smoke, gas, or vibrations that can be seen, felt, heard, or smelled by a person of ordinary senses outside of the property where the business is located; and
(5) Does not sell any goods or services for which a health inspection would be required if the business were not located in a residence unless the owner or tenant provides written consent for the Department of Health to inspect the business during normal business hours or at any other time that the business is operating.

Section 9.620 Restrictions And Limitations.

(D) A No-Impact Home-based business must be incidental and subordinate to the principal residential use of the premises and shall not include more than twenty-five percent

(25%) of the floor area of any one (1) floor of a dwelling unit, not including the floor space of any permitted accessory building used by the business. This provision shall not be interpreted as allowing an accessory building, accepted by the usual permitting process for accessory buildings.

(E) The owner or operator of the No-Impact Home-Based Business must be an owner or tenant of the residence and must reside at the residence.

(F) The owner or operator of the No-Impact Home-Based Business may employ others to work in the No-Impact Home-Based Business.

(G) The home occupation may be conducted in an existing detached accessory building that existed at the time this Chapter was adopted. A new accessory building shall not be constructed to house a home occupation.

(H) Outdoor storage of materials or equipment used in the home occupation shall not be permitted.

(I) Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.

(J) One sign, compliant with the sign code provisions for home-based businesses will be allowed. Signs must be properly maintained.

(K) The owner or operator must provide adequate parking for the No-Impact Home-Based Business. Parking for the No-Impact Home-Based Business may include the driveway or garage of the residence or a paved parking area located behind the front plane of the residence. Adequate parking may also include parking on the street so long as:

(1) Parking is limited to the side of the street the No-Impact Home-Based Business is located on, between the lot lines of the residence, if parking at that location is otherwise lawful.

(2) If the owner, operator, family members of the owner or operator, employees, clients, or customers routinely park in other locations on the street(s) adjoining the residence, the business shall not be considered a No-Impact Home-Based Business. For the purposes of this section, the term 'routinely' shall mean more than twice in a given

seven-day period.

(L) The total number of persons in the home, including residents, customers, clients, employees, and all others may not exceed the maximum occupancy of the residence at any time.

Section 9.630 Licenses and Permits.

(1) No permit shall be required to operate a No-Impact Home-Based Business, however, a business operating in a residence shall be presumed not to qualify as a No-Impact Home-Based Business unless the owner or tenant provides an affidavit, on a form approved by the City Clerk stating that the business in question is qualified. No fee shall be charged for the filing of such an affidavit. The affidavit shall contain, at a minimum, the following:

(2) The name of the owner or tenant.

(3) The address of the residence.

(4) The general nature of the business, including whether the business is subject to health inspections. If the business is subject to health inspections the affidavit must have consent for inspections attached.

(5) The maximum occupancy of the residence and a statement that the maximum occupancy will not be exceeded. It shall be the duty of the affiant to obtain this number from the fire department and provide proof of the same with his or her affidavit;

(6) That the business qualifies as a No-Impact Home-Based Business.

(7) A statement that the Affiant is familiar with the provisions of this Chapter and will comply with the same.

(M) No-Impact Home-Based Businesses and other home occupations shall be required to have a business license.

(N) Businesses operated in residence, which do not qualify as a No-Impact Home-Based Business must have a conditional use permit from the Planning and Zoning Commission.

Section 9.640 Penalties

Any person who operates a business in violation of this Article shall, upon conviction, be subject to a fine of not less than $100.00 and up to ninety (90) days in jail or both. Each day

of violation shall be considered a separate offense.

Section Three. All other code sections and ordinances which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section Four. This Ordinance shall be in full force and effect upon final passage and approval.

FIRST READING BY THE BOARD OF ALDERMEN THIS _____ DAY OF _____, 2022.

SECOND READING AND FINAL PASSAGE BY THE BOARD OF ALDERMEN THIS _____ DAY OF _____, 2022

Approved:

_____ Date: _____
Dorise Slinker, Mayor

Attest:

_____
Darla Sapp
City Clerk

Approved as to form:

_____
, City Attorney