

PLANNING AND ZONING MEETING
ASHLAND, MO. 65010
TUESDAY, September 14, 2021

1.Public Hearing:

Chairman Sapp called the public hearing to order September 14, 2021 at 6:30 p.m. via Zoom.

Commissioners in attendance were Jerrod Bryan, Cory Bergthold, Cynthia Wills, Ken Bishop, Jeff Sapp, Nicki Rinehart, Scott Dooley

Commissioners absent:

Amendments to Chapter 9 City Code:

Keith Birks 5400 E. Hayes Rd.- Birks stated that the size of the screen is outrageous to this area. He wants to understand why this is being looked at for one development. He questioned why this didn't go through the Board of Adjustment. He stated he feels violated as a resident. He also expressed concerns about only having one way in and out. He stated he objects to this code change.

Caleb Colbert 827 E. Broadway- Colbert stated to the Board not to approve this amendment to the City code. He asked why is this coming forward now? He stated this is not good government planning or good land use policy. He also stated the codes should be accorss the board for everyone.

John Lemberger 4909 E. Woodson Harris- Lemberger questioned if the City of Ashland and Southern Boone Fire actively have a plan if they were to need to attack a fire?

Susan Skinner 5350 E. Log Providence- Skinner asked how did they arrive at 150 feet? She asked the Board to reject this.

Mike Bauer Southern Boone Fire- Bauer answered the question regarding fighting a fire could they fight such fire and he stated the answer is no. He stated they would have to reach out to Columbia or Jefferson City for support. He also stated the amendent to the code could make conflict between City and Fire code.

Public Hearing ended at 6:48pm.

1. REGULAR MEETING:

Chairman Sapp called the meeting to order September 14, 2021 at 7:00 p.m. via zoom.

Commissioners in attendance were Jerrod Bryan, Cory Bergthold, Cynthia Wills, Nicki Rinehart, Scott Dooley, Jeff Sapp, Luke Baker, Ken Bishop

Commissioners absent:

City Staff Present: Lelande Rehard Asst. City Administrator, Leslie Martin Administrative Assistant, Dan VandeVoorde Building Inspector, Rick Lewis Alderman Liaison

Guests: Keith Birk 5400 E. Hayes Rd, Eric Kuhrts 4965 E. Woodson Harris, John Lemberger 4909 E. Woodson Harris, Matt Kohly 4520 E. Log Providence, Caleb Colbert 827 E. Broadway, Columbia, Luci Hess 5027 E. Log Providence, Lori Wallace E. Log Providence, Dee Dokken 804 Again St,

Columbia, Dan Zekor 10151 S. Bartel Ln, Gregg Crane 5300 E. Eagle Ridge Rd, Mike Frese 5775 Charlotte.

2. Approval of Agenda:

Chairman Sapp called for a motion to approve the September 14 , 2021 agenda.

Commissioner Bryan made a motion to approve the September 14, 2021 agenda, seconded by Commissioner Wills. Motion carried.

3. Approval of Previous Minutes:

Chairman Sapp called for a motion to approve the previous minutes dated August 12, 2021. Motion made by Commissioner Dooley to approve the previous minutes as amended dated August 12, 2021, seconded by Commissioner Bergthold. Motion carried.

4. Public Comments:

Keith Birks 5400 E. Hayes Rd- Birks stated the site plan that is being proposed has a number of problematic issues. He also stated his concerns about congestion that will occur. He stated his primary concern is the safety.

5. OLD BUSINESS:

A. Lakeside Site Plan: Motion made by Commissioner Bryan and seconded by Commissioner Dooley. Dan Vande Voorde, Building Inspector, gave the staff report. Tony St. Romaine, City Administrator, gave an overview report of what is being voted on. Tony gave a report on the concern about the second entrance to the development. He stated this is a county issue and they are aware that it is their issue. Nathan Nickolaus, City Attorney, stated the secondary access is in Appendix D of the Fire code. He stated in 2018 the Fire Board did not adopt Appendix D into their code. Appendix D says the secondary access is within the plot of land. He stated Appendix D is used to use as a guideline and not a fire code. He stated the City doesn't enforce. It is Southern Boone County to comply with the code. Mike Bauer, Southern Boone Fire, stated Appendix D was adopted and is on record. He stated it requires two accesses from the fire station to the development. Commissioner Baker- Asked about the traffic study and the recommendations required to be adopted? Nathan Nickolaus, City Attorney, stated the answer is up to the Board. Tim Crockett, Crockett Engineering, stated the developer is agreeing to the recommendations that are given. He also stated the developer is happy to add recommendations made by the Board as well. Commissioner Baker asked about table 6 in the traffic study and would like more of a visual of what that traffic would look like. Tim Crockett, Crockett Engineering, stated the level of service in Ashland are usually functions at a level D or C. Commissioner Bryan asked about the staging cars in between shows. He asked how is that going to work for the exiting

cars. Where are the ticket sales being managed at? Tim Crockett, Crockett Engineering, stated the shows will be staggered so there should not be a problem with getting out and having traffic issues. He also stated the tickets will be checked rapidly within the development. He stated on the traffic study the time stated is based on worst case scenario. Commissioner Bergthold asked about parking along Log Providence and if there would be enough parking on site. Dan Vande Voorde, Building Inspector, stated that there would be no parking on those roadways. Commissioner Dooley suggested to make a motion to have an extra turn around area. Commissioner Rinehart asked about the lake area and slash park and if people going to be able to swim in the lake. Tim Crockett, Crockett Engineering, stated they would allow people to do so. Commissioner Rinehart asked about the stormwater and if it would be pretreated in that area. Tim Crockett, Crockett Engineering, stated no there is no concern of stormwater in that area. Commissioner Rinehart asked about the request for 150 ft to the screen if there are any FAA requirements to having a structure that high? Dan Vande Voorde, Building Inspector, stated the plans that have been submitted for a 53 ft screen if there is a change then they will have to resubmit a plan. Commissioner Rinehart asked about the fire access and with the fire dept wanting two access and only having one on the plan does the Fire Department want the developer to show both access for the development or are they okay with just the one for this part of the development and then moving forward the developer would have to provide plans showing the second access. Commissioner Bryan asked is the Fire Department wanting continuity to phase one and phase two? Commissioner Wills stated she is in favor for the turn around lane. Also putting no parking signs on the Log Providence Rd ahead of time. Nancy Cooper 5520 E. Hayes Rd stated there would need to be no parking signs on Hayes Rd as well. John Lemberger 4909 E. Woodson Harris asked for clarification on the second access to the development. Tony St. Romaine, City Administrator stated it is the two access into the development not the neighborhood itself. Matt Kohly 4520 E. Log Providence asked about the third-party vehicles as far as Uber and buses and where they would go for drop offs. He also had questions about sewer. Tim Crockett, Crockett Engineering, stated they have not thought about the third party parking at this point. Crockett stated they are in the process of designing the sewer plans. Matt Kohly 4520 E. Log Providence what would need to be done for those third party transportation. Deecee Darrow 10159 S. Bartel Ln. stated after reviewing the Board of Alderman meeting in August the Fire Department has stated that this is not an appropriate place for the development. Mike Frese 5775 Charlotte stated he agrees there should be no parking on E. Log Providence. He also stated from the traffic study it seems like the traffic will be just fine. Eric Kuhrts 4965 E. Woodson Harris stated the Board should be mindful of the traffic situation. He also stated his concerns about putting children at risk. He also stated if the second egress is needed then the plan is not compliant. He suggests to table until all aspects are being met. Dan Zekor 10151 S. Bartel Ln. stated his concerns on the second egress. Lori Wallace E Log Providence asked about the online ticket sales. She also asked is chip and seal a hard surface that is compliant with this plan. Dan Vande Voorde, Building Inspector, stated that chip and seal is an approved paving for this. Caleb Colbert 827 E. Broadway, Columbia, suggests to the Board to not approve this plan tonight because it does not meet FAA requirements. He stated the size of the screen does not comply with the city code. Lelande Rehard, Assistant City Administrator, stated this is contingent with approval from the Board of Alderman to the proposed changes to amendment. Motion made by Commissioner Dooley approve site plan based on turn around area and any amendment

passed by the Board of Alderman to the amended code change and seconded by Commissioner Bergthold. Chairman Sapp did a roll call vote: Commissioner Wills-yes, Commissioner Rinehart-no, Commissioner Dooley-yes, Commissioner Bishop-no, Commissioner Bergthold-yes, Commissioner Bryan-yes, Commissioner Baker-no. Motion Carried.

6. NEW BUSINESS:

A. Amendments to Chapter 9 City of Ashland Code: Lelande Rehard, Assistant City Administrator, gave staff report on code change. Commissioner Baker asked how the 150 ft was obtained. Nathan Nickolaus, City Attorney, stated there are different kinds of stages it also could be a lesser number if the Board felt appropriate. Commissioner Baker asked is there a problem with the FAA and their regulations with this height. Tony St. Romaine, City Administrator, stated this should not interfere with those zones. Commissioner Bryan stated 150 ft is concerning to him. He stated he feels like this could be a problem. Tony St. Romaine, City Administrator, suggested the Board to recommend a different height. Commissioner Bryan stated he suggests to continue to keep it as the code is currently. Commissioner Bergthold stated he is in favor of having restrictions on the height. Commissioner Bishop stated he thinks the height is too tall. Commissioner Dooley stated the 150 feet does not concern him. Commissioner Rinehart stated she is concerned on amendment just for one development. She suggested instead maybe changing the ordinance to building and structures instead of how it reads currently. Commissioner Wills stated she would support 70 ft. Commissioner Dooley asked what does John Conway, City Civil Engineer, think about the height on this? Lelande Rehard, Assistant City Administrator, stated in our code it allows the amphitheater, but it doesn't really allow the height of structures. John Lemberger 4909 E. Woodson Harris stated he is concerned the City Engineer hasn't been in on the conversation. He asked is this amendment just for the screen or is it for other structures in the development. Tony St. Romaine, City Administrator, stated the way the ordinance is written it is just for the screen this size in a summer amphitheater. He stated lower height could be added to the amendment. John Lemberger asked why are such changes being made for this particular development. Tony St. Romaine stated the developer submitted variances and they have been recused at this point. Dee Dokken 804 Agains St. stated that Three Creeks and Turkey Creek is close to this area and asked if there has been consideration of noise and height? Eric Kurhts 4965 E. Woodson Harris stated Nic Parks has yet to come to the development to speak with the neighbors and their concerns. He stated the screen can be a concern with the traffic on the highway as well. He also asked why is the City going this far for one development. Lucie Hess 5027 E. Log Providence stated the screen is going to be LED and this will be very bright. She also stated concerns with the two screenings and the light pollution it can cause. Gregg Crane 5300 E. Eagle Ridge Rd stated the FAA heights are only applicable this is not true they are the entire COU air zone which include all of Ashland. Caleb Colbert 827 E. Broadway, Columbia, stated it is up to the developer to ask for the request for the variance. Mike Frese 5775 Charlotte stated he is looking at the FAA site and 100 ft seems to be the highest height. Commissioner Bergthold stated he believes that height is for drone flight to what Mike referenced to. Alderman Liaison Rick Lewis stated he is in support of cutting the height to 75 feet. He stated this seems to be less intrusive. Motion made by Commissioner Dooley to approve amendment with the change to 100 ft and seconded by Commissioner Baker. Commissioner Dooley stated a couple of different structures of heights that would show some comparison. He

stated to be able to keep room for expansion. Commissioner Baker asked why is this not variance request? He stated he feels 100 feet still seems too high. Commissioner Bryan stated he agrees with Commissioner Baker. Commissioner Bergthold stated he favors a more restricted height either 60 or 75ft. Commissioner Wills made motion to amend the motion to 75ft seconded by Commissioner Bergthold. Commissioner Bryan stated he recommends leaving the code as it is. Commissioner Dooley stated he likes the idea of adding the code to the City because it addresses specific things instead of going with variance requests. Commissioner Bergthold stated he agrees with Commissioner Dooley because having the variances it can get messy. Nathan Nickolaus, City Attorney, stated the process used for variances are used for hardships and not variance such as this. Chairman Sapp did a roll call vote to reduce the height 75 ft. Commissioner Baker-no, Commissioner Bryan-no, Commissioner Bergthold-yes, Commissioner Bishop-no, Commissioner Dooley-yes, Commissioner Rinehart-no, Commissioner Wills-yes. Motion failed. Commissioner Bryan made a motion to amend to code 9.335.3 amend to 60 ft with additional buffer requirement to be included motion was seconded by Commissioner Bergthold. Chairman Sapp did a roll call vote to the amendment reducing to 60ft including setback restrictions. Commissioner Wills- no, Commissioner Rinehart-no, Commissioner Dooley-no, Commissioner Bishop-no, Commissioner Bergthold-yes, Commissioner Bryan-yes, Commissioner Baker-yes. Motion failed. Commissioner Dooley made a motion to amend the motion to 75ft with setbacks requirements motion was seconded by Commissioner Bergthold. Chairman Sapp did a roll call vote to the amendment to reduce to 75ft with setbacks. Commissioner Baker-yes, Commissioner Bryan-no, Commissioner Bergthold-yes, Commissioner Bishop-no, Commissioner Dooley-yes, Commissioner Rinhart-no, Commissioner Wills-yes. Motion passes. Motion to approve the amendment to Chapter 9 at 75 ft with setbacks. Chairman Sapp did a roll call vote: Commissioner Baker-no, Commissioner Bryan-no, Commissioner Bergthold-yes, Commissioner Bishop-no, Commissioner Dooley-yes, Commissioner Rinhart-no, Commissioner Wills-yes. Motion failed.

7. DISCUSSION:

Lelande Rehard, Assistant City Administrator, stated the City is having continuous meetings with the Code writing team and the progress they are making. He also stated the round-a-bout going well. He mentioned the City is working on updating the zoning maps and will be getting those posted as soon as they are done. He also wanted to mention the training resources that are out.

8. Mayor's Report:

None

9. City Administrator's Report:

None

10. Building Department's Report:

Dan Vande Voorde, Building Inspector, stated right now we have 62 new building permits 26-fence permits to date.

11. Alderman Liaison's Report:

None

12. Commissioners' Report:

Commissioner Bryan- asked who is overseeing the traffic and parking in the construction area? He stated that trucks and trailers are struggling with the lanes right now. Lelande Rehard, Assistant City Administrator, stated the round-a-bout is about to flip and their goal is to keep the round-a-bout open and to make more of a buffer to help with congestion. Commissioner Bryan suggest to make the buffer a little further down.

Commissioner Bergthold- None

Commissioner Wills- None

Commissioner Bishop- None

Commissioner Sapp- None

Commissioner Dooley- asked a question with fences- drainage easements. Dan Vande Voorde, Building Inspector, stated we get notified and then send out the permit regulations and applications per each call that comes in.

Commissioner Rinehart- None

Commissioner Baker- None

Chairman Sapp called for a motion to adjourn the September 14, 2021, Planning and Zoning Meeting. Commissioner Bryan made a motion to adjourn the September 14, 2021, Planning and Zoning Meeting seconded by Commissioner Bergthold. Motion carried. Meeting adjourned at 9:13 pm.

Minutes prepared by Leslie Martin