

**PLANNING AND ZONING MEETING**  
**117 E. BROADWAY**  
**ASHLAND, MO. 65010**  
**TUESDAY, DECEMBER 12, 2017**  
**AMENDED**

**PUBLIC HEARING:**

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

**1. Public Hearing for the Rezoning of property of 409 A & B Redbud Ln. for Westhoff Rentals, LLC from R-1, Density Residential to C-G, General Commercial.**

Public Questions/Comments:

Dave Westhoff, property owner of 409 Redbud. He stated this property is residential, everything around it is general commercial. He commented that Redbud to Ash St. is all rental properties, which is consistent with the area. He stated the long term City Comprehensive Plan was done 10 years ago, and we need to take that into consideration. He asked that the commissioners look at this info. He stated South Henry Clay Blvd. 10 yrs ago was only a few businesses, and now there are 18 businesses. Mr. Westhoff gave a handout to the commissioners of signatures from residents/owners in the area approving the rezoning. He stated just because it will be zoned commercial, doesn't mean just anything can go in there, but it has to be permitted by the city.

**PUBLIC HEARING:**

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

**1. Public Hearing for the Rezoning of property of 205 S. Main St. for South County Church of Christ from R-1, Density Residential to O-1, Office District.**

Public Questions/Comments:

Cecil Payne, said he was here on behalf of South County Church of Christ to clarify and answer any questions. Mr. Payne read a letter/speech to commissioners. He stated the City Comprehensive Plan was not a final, determining plan for decisions; it is general in nature. Jim Green, treasurer for South County Church of Christ. Mr. Green said that unlike many small churches, they have no debt and have money in the bank that has to go to non-profit organizations. He stated he had two points. First, that their building used to be RV storage, so it has been used for storage in the past. Second, due to the church's non-profit status, the city did not receive any taxes. If it changed to Office District the city will benefit. He stated they do not have the church members to sustain their church, so they need to sell the building. Roy Williams, 308 S. Main. Mr. Williams stated he would like to see their street stay residential. He said he likes being in a residential area and wants it to stay that way. Charlotte Beuselinck, 305 S. Main. Mrs. Beuselinck stated they also prefer residential and want it to stay that way. She commented that two business on Main St. have a Conditional Use and

will revert back to Residential. She stated Mr. Williams just built a beautiful new home and wants the area to stay as it is.

Chris Lohmann, 301 Salinda Dr. He stated he owns a forest management company. He stated he is the potential new owner. He said he has 4 employees, and they are busting at the seams, so he wants an office area and a place to store equipment.

Paul Beuselinck, 305 S. Main. Mr. Beuselinck stood and stated he wanted to speak as a citizen and not as a P & Z Commissioner. He stated he and his wife have the last remaining original residential home in Ashland. He said they have lived there for 37 years and spent a lot of time and money to retain an original home for Ashland. He spoke on investments in a neighborhood; those people who have invested in their home will find their investment is worth less when surrounding properties are rezoned. He stated he would rather see newer homes being built on the empty lots in his neighborhood. He also commented on the City Comprehensive Plan, that is outdated. He stated it has been reviewed in the last 5 years, but only for traffic. He stated this is the only document the city has for long term city planning.

Jim Green, stood and spoke again. He stated if the building does not sell, and is zoned residential, that is a question to ponder. He said no one would live in this metal building. He said they have church dissolution paperwork from the State of MO. He said they are not trying to develop the property, they don't have long to exist as a non-profit organization and then we are done. He stated the building has been improved, and anyone living there would have an expensive problem trying to get rid of it.

John Dugan, stated he lives outside the city, but he had 3 points for the commissioners to consider. #1. Consider planning for growth. He stated Henry Clay Blvd., Main St., Liberty Ln., Route M & Route DD, that we need to consider these as a model for increased traffic areas. #2. Consider increases local business opportunities. He stated in both cases tonight, people are talking about increasing revenue for the city. He commented that at the last meeting it seemed like the commissioners were shutting the door on increasing revenue. #3. Consider the main traffic corridors will become commercial or other uses. He stated he is a historian, but he thinks commissioners need to look at the whole picture.

Gerald McKinney stated that as a real estate developer, he is interested in what the guiding principles are regarding business coming into the city. This is to help us understand, as real estate developers, before we come into the city.

### **1. REGULAR MEETING:**

Chairman Wren called the meeting to order Tuesday, December 12, 2017 at 7:00 p.m. at 117 E. Broadway, Ashland, Missouri. Commissioners in attendance were Brad Williamson, Ernie Wren, Greg Batson, Alderman Liaison Jeffrey Sapp, Fred Klippel, Jerrod Bryan, Randy Burhans, Cynthia Wills and Paul Beuselinck. Commissioners absent were Nikki Courtney and James Branson.

Also present were City Administrator Lyn Woolford and Administrative Assistant Megan Young.

### **2. APPROVAL OF THE AGENDA:**

Chairman Wren called for a motion to approve the December 12, 2017 agenda. Commissioner Bryan made a motion to approve the December 12, 2017 agenda. Seconded by Commissioner Klippel. Motion carried unanimously.

### **3. APPROVAL OF THE PREVIOUS MINUTES:**

Chairman Wren called for a motion to approve the previous minutes dated October 10, 2017. Motion made by Commissioner Bryan to approve the previous minutes dated October 10, 2017. Seconded by Commissioner Wills. Commissioner Klippel abstained. Motion carried unanimously.

**4. PUBLIC COMMENTS:** None.

**5. OLD BUSINESS:** None.

### **6. NEW BUSINESS:**

A. Rezoning of 409 A & B Redbud Ln. for Westhoff Rentals, LLC.

Commissioner Beuselinck made a motion to consider for discussion the rezoning of 409 A & B Redbud Ln. for Westhoff Rentals, LLC. Motion seconded by Commissioner Batson. Motion carried unanimously. Commissioner Beuselinck spoke to Mr. Westhoff regarding a comment Mr. Westhoff made in the public hearing on limitations for commercial general. Commissioner Beuselinck stated Mr. Westhoff could tear the building down and rebuild anything, a bar or a restaurant, in the residential neighborhood. Mr. Westhoff said that property is only good right now as a rental property, and he wants it to be consistent for the city.

Commissioner Beuselinck stated when the City Comprehensive Plan was discussed previously, it addressed short and long term planning for commercial development in the city. The city has complied with this even on The Baptist Home and Potterfield property. Now we are in a quandary about a plan that is out of date 9 years. Commissioner Beuselinck stated real estate developers and property owners are investors and we as a commission and city need to take into account the short and long term developments for the city.

Commissioner Wills asked Mr. Westhoff what he planned to do with it if it is rezoned? Mr. Westhoff answered, as a property owner he can run a business out of it (home business), but he wants to rent out the other side of the duplex to a business.

Commissioner Burhans commented that it was significant that no one is here from the neighbors to speak against this.

Commissioner Beuselinck asked Mr. Westhoff if he lived at the address. How can he run a home-based or professional business out of it, if he doesn't live there?

Commissioner Burhans asked if Commissioner Beuselinck was finished could Commissioner Burhans finish his comment to Mr. McKinney? Commissioner Burhans stated it is significant that we do not hear from the people who live adjacent to the properties. Rezoning should be because it was rezoned incorrectly initially or it brings significant improvement to the city.

Commissioner Bryan spoke to the commissioners regarding the growth plan of the city. What we have currently is larger parcels for businesses wanting to start up. Smaller businesses will be stifled. We need to look into the future. Option 1, Rezoning what we have or Option 2, Annexing properties into the city for businesses coming in. Where do we want to see Ashland in 20-30 years? Our hub is downtown Ashland. Do we really want to put all our efforts towards the north, the airport? The Comprehensive Plan does not show any growth.

Commissioner Beuselinck stated there are 2 maps in the Comprehensive Plan, one is for long term. Commissioner Bryan said he looked at both, and a lot of the property has not been considered for annexation. Small companies are not going to be able to afford big properties. Chairman Wren stated he appreciated Commissioner Beuselinck's emphasis in the long term plan, but this is not the 10 commandments. Chairman Wren also agreed with Commissioner Bryan and the other side of that, whether this rezoning is a good fit for that residential area. Chairman Wren stated commercial properties in that area are facing Broadway not Redbud. Redbud is 12-13 feet wide and is not good for commercial businesses. Chairman Wren stated a possible reason for people not speaking out against it, is they are all renters. Chairman Wren stated his concern is whether that street is made for commercial businesses.

Mr. Westhoff stated if he converted it back to rental residential, the renters can have multiple cars, and that will impact traffic flow also. There was discussion with the commissioners on whether this is a fit for that neighborhood.

Commissioner Williamson stated there is a lot of discussion on this board for rezoning changes. We have to balance with the City Comprehensive Plan. He suggested a Conditional Use would be something to consider for this property. Because of the physical layout of this, it will not generate a lot of traffic, so a Conditional Use could be a good compromise.

Commissioner Burhans asked in regards to Commissioner Williamson's statement on Conditional Use. Is a Conditional Use reasonable?

Mr. Westhoff stated we look to the city for advice, but the city can't tell small businessmen what to do. Mr. Westhoff stated he doesn't have a problem with a Conditional Use, but it creates a lengthy process.

Commissioner Batson stated he was a former city planner for 10 years and we are in a position as a city to have a professional city planner. Ashland has great potential to grow, so we need a professional planner, Regional Planning Commission staff or to hire someone to help guide business owners.

Chairman Wren stated normally there are a lot of factors to consider, the city budget is tight and they are doing the best they can, so how do we address this? He asked Alderman Liaison Sapp for information. Alderman Liaison Sapp stated, as a city, we are not allowed to give advice, but it would be nice to have someone to give guidance.

Chairman Wren asked for a motion on this zoning request. Commissioner Bryan made a motion to approve the rezoning of 409 A & B Redbud Ln. for Westhoff Rentals, LLC. Seconded by Commissioner Beuselinck. Chairman Wren asked for a roll call vote. Commissioner Beuselinck-no, Commissioner Williamson-yes, Commissioner Wills-yes, Commissioner Klippel-no, Commissioner Burhans-yes, **Commissioner Batson-no and Commissioner Bryan-yes**. Chairman Wren stated motion carries with a vote of 4 to 3.

#### B. Rezoning of 205 S. Main St. for South County Church of Christ

Commissioner Klippel made a motion to consider for discussion the rezoning of 205 S. Main St. for South County Church of Christ. Motion seconded by Commissioner Williamson. Motion carried unanimously.

Commissioner Beuselinck stated he had a question for Mr. Green. Commissioner Beuselinck asked if they have tried to re-sell the property? Mr. Green said a realtor gave a price range, but not sure it would be good as a residence. Commissioner Beuselinck stated the building has been

converted, can it be reverted back to a storage/garage? Recently, we have had people interested in smaller homes.

Chairman Wren stated in regards to neighborhood integrity and fit, what he likes about this proposal is the fact the gentleman did not come in asking for Commercial General. Retail traffic is different, but that is not what he's asking for.

Commissioner Beuselinck stated there are other vacant lots. He would like to see owners of those lots, selling lots to build homes. He provided the argument that other homeowners in that neighborhood want it to stay residential. There was further discussion between Commissioner Beuselinck, Chairman Wren and City Administrator Woolford regarding ordinances.

Commissioner Klippel brought up the history of the building, and how it was commercial in the past. He asked when the property was sold to the church, what was it changed to? City Administrator Woolford stated the lot is zoned residential, but a church can go anywhere. Commissioner Wills asked about lights and signs. Chairman Wren answered her questions. No further comments.

Commissioner Klippel made a motion to approve the rezoning of 205 S. Main St. for South County Church of Christ. Seconded by Commissioner Batson. Chairman Wren asked for a roll call vote. Commissioner Beuselinck-no, Commissioner Williamson-no, Commissioner Wills-no, Commissioner Batson-no, Commissioner Bryan-yes, Commissioner Klippel-no, Commissioner Burhans-yes. Chairman Wren stated motion fails with a vote of 5 to 2.

### C. Site Plan for parking at Jose Jalapenos

Commissioner Batson made a motion to open the discussion on the Site Plan for a parking area at Jose Jalapenos. Motion seconded by Commissioner Bryan. Motion carried unanimously.

Brian Harrington, engineer for Jose Jalapeños, had revised drawings to hand out to commissioners. He stated there were 5 comments from the City Engineer review. There was some confusion on the criteria for the lighting and landscaping plan. On the lighting plan, the light pole will be similar to what is already there. The landscaping is not very descriptive, but will buffer the neighborhood.

Commissioner Beuselinck asked if it will have traffic enter/exit off Main St.? Mr. Harrington answered yes.

City Administrator Woolford stated the intent is not to light up the neighborhood, the lighting will be just for safety.

City Administrator Woolford stated the questions of the reviewing engineers have been addressed.

Commissioner Batson asked if it is going to be asphalt? Mr. Harrington stated asphalt or concrete. Commissioner Bryan asked Mr. Woolford about impervious surface calculations in the city ordinance.

Commissioner Batson asked about more landscaping. Mr. Harrington said there would probably be more landscaping, but he didn't want to box in his client.

Commissioner Bryan asked about the vacant portion of the lot? Mr. Harrington stated they tried to maximize space. He said they may come back later and ask for more parking.

Commissioner Klippel made a motion to approve the Site Plan for parking at Jose Jalapenos. Seconded by Commissioner Bryan. Chairman Wren asked for a roll call vote. Commissioner

Beuselinck-yes, Commissioner Williamson-yes, Commissioner Wills-yes, Commissioner Batson-yes, Commissioner Bryan-yes, Commissioner Klippel-yes, Commissioner Burhans-yes. Motion carried unanimously.

**7. DISCUSSION:** None.

**8. CITY ADMINISTRATOR'S REPORT:**

City Administrator Lyn Woolford commented on the City Comprehensive Plan. He stated the city has already contacted the Regional Planning Commission. It will take about a year, so we will be looking to form a discussion committee in 2018. Commissioner Bryan asked about public hearings. Commissioner Beuselinck, who had been involved last time said, yes, there were public hearings, but there was a separate committee to discuss it. He stated it took a full year to discuss and then accept the plan. Chairman Wren asked Mr. Woolford to take to the Board of Aldermen what was discussed about a city planner to help guide businesses. Mr. Woolford stated we are working with Southern Boone Economic Development, but sales taxes were down again last month and that affects city funding. Commissioner Bryan stated we will hold ourselves back in the long run by not accepting new businesses.

Commissioner Williamson asked Mr. Woolford what the city population was at the time of the last Comprehensive Plan review? Mr. Woolford stated approximately 3,400.

Commissioner Beuselinck stated the city has grown. There is a commercial need for tax base, but we accept subdivisions knowing there is no revenue there. Commissioner Bryan brought up parcel sizes being bigger and bigger companies owning the bigger parcels. Mr. Woolford said in order to get commercial revenue, we also have to have a labor force. Commissioner Williamson asked Mr. Woolford how close we were to a population of 5000, since that seems to be the magic number for increasing businesses. Mr. Woolford stated he believed we are already there.

**9. COMMISSIONER'S REPORT:**

Commissioner Beuselinck had no further comments.

Commissioner Wills stated it would be nice to have more requirements for trees and shrubs in the city ordinances.

Commissioner Batson had no further comments.

Commissioner Bryan stated he agreed with Commissioner Wills in regards to lighting and landscaping.

Commissioner Klippel wished everyone a Happy Holidays.

Commissioner Burhans stated he also had no further comments.

Chairman Wren stated he appreciated the public coming out. He asked if Mr. Dugan wanted to speak? Mr. Dugan stated as a residential property owner outside the city limits, he wants to see planned growth not checkerboard growth. Commissioner Beuselinck stated we invited outside property owners to the Comprehensive Plan public hearings at the last review.

Chairman Wren called for a motion to adjourn, December 12, 2017, Planning and Zoning Meeting. Commissioner Batson made a motion to adjourn, December 12, 2017, Planning and Zoning Meeting. Seconded by Commissioner Burhans. Motion carried.

Minutes prepared by Megan Young