

Notice of Meeting & Tentative Agenda



City of Jefferson Planning and Zoning Commission

Thursday, August 13, 2015 ~ 5:15 P.M.

City Council Chambers, John G. Christy Municipal Building, 320 East McCarty Street

Enter through Main Lobby

All interested parties will be given a chance to be heard.

TENTATIVE AGENDA

1. **Call to Order and Introductions**
2. **Procedural Matters**
 - Determination of quorum and designation of voting alternates
 - Call for cases
 - Receive and review requests for continuance
 - Receive requests for reordering the agenda
 - Format of hearing
 - List of exhibits
3. **Adoption of Agenda (as printed or reordered)**
4. **Approval of Regular Minutes of July 9, 2015**
5. **Communications Received**
6. **New Business/Public Hearings**

Case No. P15009 – Zoning Code Text Amendments. (Continued from July 9, 2015) Staff initiated proposal to amend the text of Chapter 35, Zoning, including sections 35-58 Driveway Standards and 35-59 Fence Standards. The complete text of the amendment is available for review at the Department of Planning and Protective Services, 320 E. McCarty Street, or may be viewed at the Planning and Zoning Commission webpage at: www.jeffersoncitymo.gov.
7. **Other Business**
 - A. **Scheduled Reports**
 - Environmental Quality Commission
 - B. **Public Involvement Plan for Small Area Staff Initiated Rezoning**
8. **Adjourn**

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Please call (573) 634-6410 with questions regarding agenda items.

MINUTES

JEFFERSON CITY PLANNING AND ZONING COMMISSION

July 9, 2015

5:15 p.m.

COMMISSION MEMBERS PRESENT

Bunnie Trickey Cotten

Jack Deeken

Dean Dutoi

Chris Jordan, Vice Chairman

Michael Lester

Dale Vaughan

Chris Yarnell

Erin Wiseman, Alternate

ATTENDANCE RECORD

10 of 11

10 of 11

6 of 11

9 of 11

10 of 11

10 of 11

9 of 11

1 of 2

COMMISSION MEMBERS ABSENT

Bob George

David Nunn

Ron Fitzwater, Alternate

8 of 11

8 of 11

6 of 11

EX-OFFICIO MEMBERS PRESENT

Carlos Graham, City Council Liaison

STAFF PRESENT

Janice McMillan, Director of Planning & Protective Services

Eric Barron, Senior Planner

Bryan Wolford, Associate City Counselor

Anne Stratman, Administrative Assistant

1. Call to Order and Introduction of Members, Ex-officio Members and Staff

The Vice Chairman, six regular members and one alternate were present. A quorum was present.

2. Procedural Matters and Procedures Explained

Mr. Barron explained the procedures for the meeting. The following documents were entered as exhibits. Mr. Barron advised that copies of the exhibits are available through the City Clerk or the Department of Planning and Protective Services:

The City Code of the City of Jefferson, as amended:

Comprehensive Plan and Land Use Map

Copies of applications under consideration

A list of property owners to whom notices were sent

Affidavit of publication of the public notice in the newspaper

Rules of Procedure, Planning & Zoning Commission

Mr. Barron submitted the following items for the record:

Staff reports

Minutes of proceedings

Copies of drawings, plans, and/or renderings under consideration

Letters or memoranda from staff

Materials submitted by the public or applicants pertaining to the cases under consideration

Designation of Voting Alternates

The Vice Chairman announced that all regular members and Alternate Ms. Wiseman were eligible to vote.

3. Adoption of Agenda

Mr. Dutoi moved and Ms. Cotten seconded to adopt the agenda as amended. The motion passed 7-0 with the following votes:

Aye: Cotten, Deeken, Dutoi, Lester, Vaughan, Yarnell, Wiseman

4. Approval of Minutes from the Regular Meeting of June 11, 2015

Ms. Cotten moved and Mr. Lester seconded to approve the minutes of the Regular Meeting of June 11, 2015 as written. The motion passed 7-0 with the following votes:

Aye: Cotten, Deeken, Dutoi, Lester, Vaughan, Yarnell, Wiseman

5. Communications Received

Correspondence was received for Case No. P15007.

6. New Business/Public Hearings

Case No. P15007 – 600 Eastland Drive, Rezoning from PUD and RA-2 to C-2. Request filed by ACGroner Properties LLC, property owner, to rezone 0.52 acres from PUD Planned Unit Development to C-2 General Commercial and 0.15 acres from RA-2 High Density Residential to C-2 General Commercial. The property is located at the southwest corner of East Miller Street and Eastland Drive and is described as part of the North half of the Northwest Quarter of Section 21, Township 44 North, Range 11 West, Jefferson City, Missouri.

Mr. Barron described the proposal and explained that the property owner is requesting to rezone the subject property to C-1 Neighborhood Commercial instead of the original request of C-2 General Commercial. He stated that the purpose of the request is to build a 15 foot addition on the rear of the building which is currently being used as an animal hospital/veterinary clinic, and to process the construction permit under administrative review requirements rather than the legislative review requirements of the PUD district. Mr. Barron explained that a C-1 zoning would allow for an animal hospital/veterinary clinic. He stated that correspondence was received from Dr. Alice Groner, property owner, confirming the request to reduce the proposed zoning from C-2 to C-1.

Mr. Bernard Groner, 415 Shagbark Road, spoke on behalf of Dr. Alice Groner, property owner. He explained that Dr. Groner is requesting to rezone the property to C-1 to allow for a proposed building addition.

Mr. Mike Bates, 2500 E. McCarty Street, spoke in favor of this request.

No one spoke in opposition to this request.

Correspondence was received from Susan Tomaja, 612 Woodlander Road.

Mr. Barron gave the Planning Division staff report.

Mr. Lester moved and Mr. Yarnell seconded to recommend approval for the revised request to rezone the property from PUD and RA-2 to C-1 to the City Council. The motion passed 7-0 with the following votes:

Aye: Cotten, Deeken, Dutoi, Lester, Vaughan, Yarnell, Wiseman

Case No. P15008 – 1600 and 1700 Block of Highway 179, Rezoning from PUD to C-2. WITHDRAWN BY STAFF AT THE REQUEST OF THE PROPERTY OWNER. Request filed by City Staff to rezone 80.74 acres from PUD Planned Unit Development to C-2 General Commercial. The property is located on the west side of the intersection of Highway 179 and Mission Drive. The property is described as part of the West half of the Southeast quarter of Section 15, Township 44 North, Range 12 West, Jefferson City, Cole County, Missouri.

Case No. P15009 – Zoning Code Text Amendments. Staff initiated proposal to amend the text of Chapter 35, Zoning, including sections 35-28 Land Use Matrix, 35-58 Driveway Standards and 35-59 Fence Standards. The complete text of the amendment is available for review at the Department of Planning and Protective Services, 320 E. McCarty Street, or may be viewed at the Planning and Zoning Commission webpage at: www.jeffcitymo.org.

RA-1 Multifamily Residential District

Mr. Barron explained that an amendment to the Zoning Code that would limit buildings within the RA-1 district to four units or less, with a conditional use permit required for more than 4 units, is appropriate in order to match the purpose of that district and to provide for more flexibility in the implementation of land use regulations across the City. He stated that Staff conducted a land use survey of the four existing multi-family residential uses in the RA-1 districts across the City. Mr. Barron explained that the four existing properties would be permitted to expand or rebuild buildings on their property without being subject to the conditional use permit process.

Ms. Cotten moved and Mr. Dutoi seconded to recommend approval of the proposed text amendment to Chapter 35 Zoning, Section 35-28 Land Use Matrix to the City Council. The motion passed 7-0 with the following votes:

Aye: Cotten, Deeken, Dutoi, Lester, Vaughan, Yarnell, Wiseman

Maximum Driveway Width

Mr. Barron explained that the Zoning Code permits a maximum width for residential driveways of 24 feet. He stated that Staff was approached by a local homebuilder with a request to raise the maximum width in order to allow for a driveway width that would accommodate three car garages. He stated that Staff researched driveway requirements of similar sized cities with the following results: (1) Chesterfield a maximum width of 26 feet, minimum width of 10 feet; (2) Blue Springs a maximum width of 30 feet; (3) Columbia a minimum width of 12 feet, maximum width of 25 feet for a two car garage, and a maximum width of 30 feet for a three car garage; and (4) Springfield a maximum width of 22 feet and a minimum width of 12 feet.

Several Commission members expressed concerns for a 30 foot maximum driveway width.

Ms. Cotten expressed support for a 30 foot maximum driveway width.

Mr. Bates spoke regarding this matter and explained that the approach is the part that has the rise which is referred to as the drive approach. That is the connection from the curb and gutter to the driveway. He stated that the Public Works interpretation has been that this is the minimum standard, where the width is measured, until the driveway reaches the property/right-of-way line.

Mr. Vaughan moved and Mr. Yarnell seconded to table this matter until the August 13, 2015 meeting in order for staff to conduct additional research. The motion passed 6-1 with the following votes:

Aye: Deeken, Dutoi, Lester, Vaughan, Yarnell, Wiseman

Abstain: Cotten

Permitted Fencing Materials

Mr. Barron explained that the Zoning Code currently lists prohibited fencing materials, but does not list which materials are permitted and does not offer staff much guidance when uncommon fencing materials are proposed by property owners. He stated that Staff recommends listing permitted fencing materials within the Code, and adoption of language that allows for a Directors determination when uncommon materials are proposed. Mr. Barron explained that materials proposed to be added to the prohibited list are plywood, rolled plastic, debris, junk, or any other materials not specifically manufactured for permanent fencing. He stated that permitted materials include wood, brick, composite, vinyl, chain link, decorative metal and other materials manufactured for permanent fencing and compatible with the character of the area.

Ms. McMillan requested to table the fence portion of the proposed text amendments to the August 13, 2015 meeting in order to tighten up the definitions on the design standards specifically what constitutes a workmanship like manner.

No one spoke in opposition to the proposed amendments and no correspondence was received.

Mr. Dutoi moved and Mr. Yarnell seconded to table this matter until the August 13, 2015 meeting in order for staff to conduct additional research. The motion passed 7-0 with the following votes:

Aye: Cotten, Deeken, Dutoi, Lester, Vaughan, Yarnell, Wiseman

Case No. P15010 – 1002 Myrtle Avenue, Minor PUD Plan Amendment. Request filed by Jefferson City Day Care Center Inc., property owner, for a minor amendment to the Final PUD Plan to erect a 6' tall chain link fence around the existing parking lot. The property is located at the southwest corner of Myrtle Avenue and Edmonds Street and is described as lots 1-7, lot 25, and part of lots 8-10, 18-24, and 26-28 of Morris and Edmonds Subdivision and part of adjacent vacated right of way, Jefferson City, Missouri.

Mr. Barron described the proposal and explained that the owner of the Jefferson City Daycare Center is requesting to install a 6 foot tall chain link fence around an existing parking area in order to secure the parking lot and eliminate unauthorized access. He stated that fencing allowances in PUD districts are established through the PUD plan for the property, and a minor amendment to the PUD Plan would be necessary to permit the requested fence. Mr. Barron explained that Minor PUD Plan amendments can be approved administratively by staff, however, because this request involves a deviation from normal permitted fence height, staff is forwarding it to the Planning and Zoning Commission for review. He stated that unless there is opposition to the request, the case would not be forwarded to the City Council.

Mr. Mike Bates, Central Missouri Professional Services, 2500 E. McCarty Street, spoke regarding this request. Mr. Bates distributed visuals depicting the location of the proposed fence. He explained that the parking lot is a gathering place for after hour activities that pose safety issues. Mr. Bates stated that the gate will be open during hours of operation.

No one spoke in opposition to this request and no correspondence was received.

Mr. Barron gave the Planning Division staff report.

Mr. Yarnell moved and Mr. Vaughan seconded to approve the Minor PUD Plan Amendment. The motion passed 7-0 with the following votes:

Aye: Cotten, Deeken, Dutoi, Lester, Vaughan, Yarnell, Wiseman

7. Other Business

A. Scheduled Reports

--Environmental Quality Commission

Mr. Lester gave an update on the activities of the Environmental Quality Commission.

B. Election of Officers

Mr. Deeken moved and Ms. Wiseman seconded to nominate Mr. Jordan, Chairman and Mr. Vaughan, Vice Chairman. Mr. Vaughan declined the nomination.

Mr. Deeken amended his motion to nominate Mr. Jordan, Chairman and Mr. Yarnell, Vice Chairman. The motion passed 7-0 with the following votes:

Aye: Cotten, Deeken, Dutoi, Lester, Vaughan, Yarnell, Wiseman

C. Public Involvement Plan for Small Area Staff Initiated Rezonings

Mr. Barron continued this item to the August 13, 2015 meeting.

8. Adjourn. There being no further business, the meeting adjourned at 6:37 p.m.

Respectfully Submitted,

Eric Barron, Assistant Secretary

Jefferson City
Planning & Zoning Commission

August 13, 2015

Case No. P15009

Zoning Text Amendments

- A. Driveway Standards**
- B. Fence Standards**

PLANNING STAFF REPORT
JEFFERSON CITY PLANNING AND ZONING COMMISSION
August 13, 2015

Case No. P15009 – Zoning Code Text Amendments. Staff initiated proposal to amend the text of Chapter 35, Zoning, including sections 35-58 Driveway Standards and 35-59 Fence Standards. The complete text of the amendment is available for review at the Department of Planning and Protective Services, 320 E. McCarty Street, or may be viewed at the Planning and Zoning Commission webpage at: www.jeffcitymo.org.

Proposed Amendments:

1. Apartments in the RA-1 district – *Previously approved by P&Z, on hold pending finalization of other amendments.*
2. Maximum Driveway width – increase from 24 feet to 30 feet for single family and duplex uses.
3. Permitted Fencing materials – list permitted materials, expand list of prohibited materials, strengthen code language requiring repair of unsightly fences.

Apartment Buildings in the RA-1 district

The amendment proposing to establish multi-family buildings with more than 4 units as a conditional use in the RA-1 district was recommended for approval by the Planning and Zoning Commission at the July meeting. It is included on the draft council bill and will be forwarded to the City Council with the other proposed amendments.

Maximum Driveway Width

The Zoning Code permits a maximum width for residential driveways of 24 feet. Staff have been approached by a local homebuilder with a request to raise the maximum width in order to allow for a driveway width that would accommodate three car garages. The maximum width allowance is measured at the right-of-way/street connection, and can be widened once on the property.

Staff have researched driveway requirements of similar sized cities with the following results:

Chesterfield – Maximum width of 26 feet. Minimum width of 10 feet.

Blue Springs – maximum of 30 feet.

Columbia – 12 foot minimum. 25 foot max for 2 car garage, 30 foot max for three car garage.

Springfield – Maximum 22 feet. Minimum 12 feet.

Permitted Fencing Materials

The Zoning Code regulates fences, including height, location and the material the fence is made of. The Zoning Code currently lists prohibited fencing materials, but does not list which materials are permitted and does not offer staff much guidance when uncommon fencing materials are proposed by property owners. Staff recommend listing permitted fencing materials within the Code, and adoption of language that allows for a Directors determination when uncommon materials are proposed. An expansion of the current list of prohibited materials and strengthening of code language relating to maintenance of fences is also recommended.

Current Prohibited Materials

Cloth, canvas and sheet metal.

Barbed wire, chicken wire and hog wire are only permitted when associated with an agricultural use.

Materials Proposed to be Added to Prohibited List

Plywood, rolled plastic, debris, junk, or any other materials not specifically manufactured for permanent fencing.

Proposed List of Permitted Materials

Wood, brick, composite, vinyl, chain link, decorative metal and other materials manufactured for permanent fencing and compatible with the character of the area.

Staff Recommendation

Staff recommends approval of the proposed Zoning Code amendments.

Form of Motion

Motion for approval of the proposed amendments to the Zoning Code.

BILL NO.

SPONSORED BY COUNCILMAN GRAHAM

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AMENDING SECTIONS OF CHAPTER 35, THE ZONING CODE, PERTAINING TO MULTI-FAMILY USES IN THE RA-1 ZONING DISTRICT, RESIDENTIAL DRIVEWAY WIDTHS AND STANDARDS FOR FENCES.

WHEREAS, It appears that the procedures set forth in the zoning code relating to zoning code text amendments have in all matters been complied with.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF JEFFERSON, MISSOURI, AS FOLLOWS:

Section 1. Exhibit 35-28.(Land Uses Authorized in Zoning Districts) Section 1.Residential Use, A. Household Living, is amended as follows to establish residential buildings with more than 4 units as a conditional use in the RA-1 district:

Exhibit 35-28: Land Uses Authorized in Zoning Districts																	
Use Category	Specific Use Type	Zoning Districts															
		RU	RS-1	RS-2	RS-3	RS-4	RD	RA-1	RA-2	N-O	RC	C-O	C-1	C-2	C-3	M-1	M-2
1. Residential																	
A. Household Living	5. <u>5.</u> Multi-Family (4 or fewer units in building)	-	-	-	-	-	-	<u>P</u>	<u>P</u>	-	-	-	-	-	-	-	-
	6. <u>6.</u> Multi-Family (7 or fewer <u>5 to 7</u> units in building)	-	-	-	-	-	-	<u>P</u> <u>C</u>	P	-	-	-	-	-	-	-	-
	6. <u>7.</u> Multi-Family (8 or more units in building)	-	-	-	-	-	-	<u>P</u> <u>C</u>	P	-	-	-	-	P	-	-	-
	7. <u>8.</u> Bed and Breakfast Home, see "Lodging" for B&B Inn	P	-	-	-	-	-	C	P	-	-	-	-	-	-	-	-
	8. <u>9.</u> Boarding House	-	-	-	-	-	-	-	C	-	-	C	C	-	-	-	-
	9. <u>10.</u> Residential Use in Non-residential Building - Second floor or above	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	-
	10. <u>11.</u> Night Watchman or Caretaker quarters	-	-	-	-	-	-	-	-	-	-	C	C	C	P	P	P

Section 2. Exhibit 35-58C (Driveway Standards) is amended as follows to increase maximum driveway width for One-Family and Two-Family Residential uses from 24 feet to 30 feet, as follows:

Exhibit 35-58C. Driveway Standards.

Land Use	Minimum Private Driveway Setback from Property Line	Minimum Width of Driveway	Maximum Width of Driveway	Minimum Width of Driving Lane ²
One-Family and Two-Family Residential	2 feet	12 feet	24 feet <u>30 feet</u>	n/a
Multi-Family Residential	2 feet	12 feet ¹	24 feet ²	10 feet
Commercial and Non-Residential	5 feet	24 feet ²	40 feet	12 feet
Notes: ¹ One-way traffic. ² Where two-way traffic is designated.				

Section 3. Section 35-59.F (Standards for Fences and Walls Used Outside of Required Bufferyards) is hereby amended as follows:

F. Standards for Fences and Walls Used Outside of Required Bufferyards.

1. Standards in All Districts. No fence shall be erected without a permit. At a minimum, unless specified otherwise at the time of development approval, fences and walls erected shall comply with the following:
 - a. Visual Clear Zone: Fences and walls shall comply with the provisions of Section 35-55 Visual Clear Zone.
 - b. Fences and Walls Erected by Public Entities Exception. Fences and walls erected by public entities for public recreational and other public purposes, including but not necessarily being limited to fencing for tennis courts and baseball fields, shall be exempt from the fence height regulations provided that the fence is more than 25 feet from the nearest property line.
 - c. Fences and Walls Erected for Public Utilities Exception. Public Utilities may erect fences and walls up to a maximum of 10 feet in height for public utility sites including but not necessarily limited to water towers, telecommunication towers, and electrical substations, provided that the fence is located 25 feet from the nearest property line. Barbed wire may be used provided the lowest strand of barbed wire shall be located at least six feet above the ground. No concertina wire shall be permitted. Design standards for fences for public utility purposes may be established by the Board of Adjustment when ruling on a conditional use permit.
 - d. Design Standards.
 - (1) Fences shall be constructed in a workmanship-like manner. The property owner shall repair, paint, remove or otherwise attend to any fencing that has become unsightly or a menace to public safety, health or welfare.
 - (2) No more than two different types of fencing material (such as wood and chain link or two types of wood) are permitted. Missing boards, pickets, or posts shall be replaced with material of the same type.
 - (3) Permitted fencing materials shall include wood, brick, composite, vinyl, chain link and decorative metal. Other materials manufactured for permanent fencing and compatible with the character of the area may be approved by the Director.
 - (3) (4) No fence shall be made of, in whole or in part, cloth, canvas, or sheet metal, plywood, rolled plastic, debris, junk, or any other materials not specifically

Drafters Note: Deleted text shown as thus. Inserted text shown as thus

manufactured for permanent fencing. Barbed wire, chicken wire and hog wire is permitted only when associated with a legal nonconforming or permitted agricultural activity or in conformance with Section 35-59.F.3.b below. Concertina wire is prohibited in all districts.

(4) (5) The finished side of the fence shall face outward. Posts and support beams must face in toward the subject property or shall be designed as an integral part of the finished surface.

2. Standards for Fences and Walls in the RU, RC, RS, RA and N-O Districts.

- a. Except as modified by Section 35-55 Visual Clear Zone, fences and walls having a height of four (4) feet or less may be located on any part of the lot.
- b. Except as modified by Section 35-55, Visual Clear Zone, fences and walls having a height of six feet or less may be erected on those parts of a lot that are as far back or farther back from the street than the front plane of the main building.
- c. For through lots (as defined in Section 35-92 and as distinguished from corner lots) fences and walls having a height of six feet or less may extend into the yard area at the rear of the building subject to a minimum 10 foot setback from the right-of-way line or, where houses front said right-of-way, at a setback equal to or greater than houses on adjacent lots, whichever is greater.
- d. ~~Barbed wire, chicken wire and hog wire is permitted only when associated with a legal nonconforming or permitted agricultural activity.~~
- e. ~~Use of concertina wire is prohibited.~~

3. Standards for Fences and Walls in the C and M Districts.

- a. Except as modified by Section 35-55 Visual Clear Zone, fences and walls having a height of four feet or less may be erected on any part of a lot and fences and walls having a height of ten feet or less may be erected on those parts of a lot that are as far back or farther back from the street than the front plane of the main building or the front setback line, whichever is less.
- b. Barbed wire may be used on fences or walls provided the lowest strand of barbed wire shall be located at least six feet above the ground. ~~No concertina wire shall be permitted in these districts.~~

4. Standards for Fences and Walls in the PUD Planned Unit Development District: Height of fences and walls shall be determined under the plan review procedures set forth in Section 35-74.C.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

Passed: _____

Approved: _____

Presiding Officer

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Counselor