

Meeting of the Planning and Zoning Commission for Thursday, June 7, 2007.

The meeting was called to order by Chairman Lee at about 7:30 p.m. Present were Tim Grenke, Randy Adams, Don Bobbitt, Drew Umstattd, and Tim Grenke. Also attending were Lynn Behrns, City Attorney Merritt Beck, Darren Adams, Dave Peavler, Boyd Harris, Don Bormann, James Smith, Bill Botkin and others.

Bobbitt moved approval of the minutes of March 29, 2007. Grenke seconded the motion. The question was called. All members present voted aye, and the motion carried.

Behrns introduced a request from Curt Kelly to rezone Lots 1 and 2 of the Country Club Estates Subdivision from R-1 to B-2, so that he might develop this property for commercial purposes. Behrns has advertized in the Centralia Fireside Guard on May 23, 2007 that a Public Hearing would be held at this time and another before the Board of Aldermen on Monday, June 18, 2006. Behrns reported that two citizens had come to City Hall and asked for further information. Both had concerns, but did not express a final opinion. Both said they intend to attend this Commission meeting. Behrns said he had received no other written or verbal comments in support or opposition to the requested.

Lee opened a hearing for public comment on the request.

Kelly explained that he was having difficulty marketing an existing house and the lot adjoining Highway 22 because of concerns about noise and traffic. He is about to start construction of a one-story office building and already has it fully leased. The first building would be 5,800 sq. ft. and appear similar to the Centralia Clinic. He seeks the rezoning to allow for construction of a second office building just to the east, believing that will be a more marketable use of the land. The building would face parking on the east.

Mr. Botkin questioned design and access. He was concerned that customers would park on Country Club Drive near housing. Beck suggested that a zoning change was not sufficient for construction: the covenants of the Country Club Subdivision would preclude a commercial development unless the collective owners agree to amend those covenants. Lee said he had one resident comment to the effect that Kelly's projects are well built, and the residents feels this one would be also.

The Commission engaged in further extended discussion on the matter, addressing the legal uses in B-2 and the suggestion to zone the property B-1 instead of B-2.

Lee closed the hearing

Adams then moved that the Commission recommend to the Board of Aldermen that the request by Curt Kelly to rezone Lots 1 and 2 of the Country Club Subdivision from R-1 (One-family Dwelling) to B-2 (Highway Business) be approved with the strong suggestion that covenants for Country Club Estates be changed in a manner that protects the subdivision's property owners. Bobbitt seconded the motion.

On roll call vote, the following members voted aye: all members present.

The following members voted no:

The following members abstained: none.

The motion passed.

Behrns made a report concerning a possible short extension of Ann Street. Ann runs between the Tidball Trailer Court and the Country Club Estates Subdivision. At its north end, it is extended onward to the dog pound and the old City landfills. Within the boundaries of the City property the street has never been designated as a public right-of-way. Curt Kelly is discussing purchase of a triangular parcel of land from the Country Club adjacent to the northwest corner of his subdivision and the east side of Ann Street extended. The land would presumably be used as a site to construct a garage and shop building for Kelly. The metal building on Ann Street near Highway 22 formerly owned by Mr. Oliver would be dismantled. The purchase would seem to be small enough to come under the lot split procedure. The new parcel would be adjacent to water, sewer, and electric lines. However, it is not adjacent to a street right-of-way. Behrns suggested that the Commission recommend to the Board of Aldermen that they dedicate a portion of this private street to become a public street. If the sale precedes, Behrns would ask Don Bormann to survey out a possible short section of the proposed street with a fifty-foot right of way. No actual improvements to the existing road are required or contemplated.

The matter was discussed by the Commission, with questions from audience members. Concerns were expressed that the property was zoned R-1. This allows for detached garages, but not for commercial uses. A shop for Kelly's construction business might become a commercial use and require rezoning. Behrns said he did not intend to order a survey of the street unless it was in conjunction with a property survey.

Adams then moved that the Commission recommend to the Board of Aldermen that it dedicate a short portion of the City-owned private road which is a northerly extension of Ann Street to be a public road with a right-of-way width of fifty feet. This length of this extension would be not less than sixty feet and would not be dedicated unless necessary to facilitate the lot split of property from the Country Club. Bobbitt seconded the motion. Umstatted said he would abstain because he was on the Board of Directors of the Country Club.

On roll call vote, the following members voted aye: Lee, Adams, Bobbitt, and Grenke.

The following members voted no:

The following members abstained: Umstatted

The motion passed.

Behrns reported a staff request to annex the full right-of-way of Lakeview Street between Adams Street and Highway 124. This would eliminate questions of law enforcement jurisdiction and supervision, if Lakeview were to be widened and improved in this area. It is doubtful that any of the right-of-way came in to the City with the annexation of the Virginia Gibson property. In 1976, the City was given a Quit Claim Deed from the owner of the farm on the south side of Lakeview, which provided the City with an additional forty-foot strip of property. This was intended to give Lakeview a total right-of-way width of 80 feet. Behrns suggested that the deeded property gives the City enough standing to petition itself to annex all of Lakeview from Adams to Highway 124.

Umstatted then moved that the Commission recommend to the Board of Aldermen that the Board petition itself to annex any portion of the Lakeview Street right-of-way between Highway 124 and Adams Street which is not already within the City, and that the City then approve of this annexation. Grenke seconded the motion.

On roll call vote, the following members voted aye: all members present.

The following members voted no:

The following members abstained: none.
The motion passed.

Behrns told the Commission he had received a sketch plat for a proposed subdivision of the property formerly owned by Virginia Gibson. The property is now owned by Mystic Ridge L.L.C., and the new subdivision would be called the Mystic Ridge Subdivision. Comments from Behrns and from the Boone County Planning Department were included with the agenda packet mailed to the Commissioner. The memorandum from Behrns constituted his initial report to the Commission.

The Commission engaged in extended discussion with the developers concerning street layout, drainage, responsibility for improvements. Members decided that one of the proposed streets needed to be in alignment with Doty Street. Another will be moved to a point where its centerline is offset from Tidball by 100 feet. The developers are trying hard to preserve a maple tree. The existing easement for the Northwest Interceptor sewer main is an impediment to the layout. At one point, Commission members considered escrowing funds from the improvements to Lakeview to instead be used toward the east side improvements on Adams. Behrns agreed that construction of the Lakeview improvements are a long time off. No design is pending and development on the south side might not occur for decades. Behrns believes that Adams can be improved and widened as a half street, but not so with Lakeview. Improvements to the east side will have to wait until the Stanton property is developed.

Grenke then moved that the sketch plat for the Mystic Ridge be approved with the special conditions that: (1) the street design be modified slightly to align the one street with Doty and offset another to meeting the City standard of 100 feet between centerlines, (2) that the developers dedicate enough land along Adams street (assumed to be five feet) to assure the west right-of-way line is twenty-five feet from the centerline, (3) that the developers will be responsible for curb and gutter, sidewalk, and street widening on the west half of Adams, and (3) that the developers will ultimately responsible for the curb and gutter and sidewalk along the residential portion of the north side of Lakeview (except for the 208.80 feet adjacent to the City's water tower) and shall escrow funds sufficient to cover such improvements on a pro rata basis as residential lots with the subdivision are sold. Bobbitt seconded the motion.

On roll call vote, the following members voted aye: Grenke, Umstattd, Bobbitt, and Lee.
The following members voted nay: none.
The following members abstained: Adams (citing a possible conflict of interest).
The motion carried.

Behrns told the Commission that improvements are being installed in the proposed Barella Subdivision. When complete, the developer will be submitting a final plat. Behrns also has indication from Roy Waechter that he may be contemplating annexation and development of the two-hundred-plus acres lying north of Fountain Road and the Northwest Sewer Treatment Lagoons.

Adams moved that the meeting adjourn. Grenke seconded the motion. The question was called. Voting aye: all members present. Voting nay: no members. The motion carried.

The meeting adjourned at about 10:05 p.m.

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