

Meeting of the Planning and Zoning Commission for Wednesday, March 25, 2009.

The meeting was called to order by Acting Chairman Adams at about 7:40 p.m. Present were Mayor Becker, Mark Mustain, Don Bormann, Paul Million, Jessica Orsini, Drew Umstattd, and Don Brooks. Also attending were Lynn Behrns, City Attorney Merritt Beck, Darren Adams, David Peavler, Tim Grenke, Boyd Harris, Linda Bormann, and James Smith. Behrns explained that it had been determined that Chairman Lee was not eligible at the moment to serve as a "civilian" member of the Commission. A search of the records had not shown a Vice Chairman to have been elected. As Secretary, Adams was the only serving officer of the Commission.

Orsini moved approval of the minutes of March 4, 2009. Umstattd seconded the motion. The question was called. All members present voted aye, and the motion carried.

Behrns said that his comments contained in his Memorandum of March 25, 2009 constituted his report on Cobblestone Lake Estate Final Plat. The developers still have to pave the first portion of Hampton Drive and to install the adjacent sidewalks. They are prepared to execute the Improvement Agreement for the sidewalks in the form of an irrevocable letter of credit. Because of the wet weather, they have not been able to construct the curb and gutter and pavement for that street, but they do not want to include that in the improvement guarantee. They wish to do this construction and then immediately come to the Board of Aldermen for acceptance of the Final Plat for this phase. In a manner similar to Southwest County Estates, the developers had agreed to pay a fix amount to the City as each lot is sold. The proceeds would be set aside by the City and earmarked for use in future construction of sidewalk, curb and gutter and other improvements to Gano Chance as it runs on the south side of this subdivision. Merritt had reviewed the plat, the Improvement Guarantee, the set-aside contract, various easement dedications, and the draft of the covenants and suggested a few small corrections, which the developers will make. The plat will not show the drainage and pedestrian easements as being dedicated to the public.

Bormann questioned the basis for the per-lot charge. Behrns said that it had come from contractor bids for the curb and gutter to be constructed on Hampton. Bormann said that the City should have also asked for pavement improvements to the north half of Gano Chance, just as we had for Adams Street next to Mystic Ridge. Behrns said that the existing pavement already skews to the north of the dedicated right-of-way and would be close to the curb and gutter line. It was not really possible to design road profiles within knowing how Gano Chance will be developed to the west and south. The addition or subtraction of asphalt could not be ascertained. After talks with the developers, he had agreed that the situation was closer to that which existed for Ann St., than that which was present for the subdivisions platted adjacent to Adams and Columbia Streets. Harris suggested that the City was being inconsistent in not requiring this developer to make the same improvements required of Southwest Country Estates. Behrns replied that the circumstances were different in each instance, and he had applied the requirements of the subdivision code if the conditions seemed too dictated. The Commission engaged in an extended debate. Behrns noted that the motion to approve the preliminary plat for Plat 1 had been worded to not include any paving requirement, only that of future curb and sidewalk. Bormann said he had not understood it that way. The Commission reflected that the standards for improvement requirements should be rewritten to be as explicit and objective as possible.

Orsini then moved to recommend to the Board of Aldermen that they approve the Final Plat of

Cobblestone Lake Estates Plat 1 Subdivision, subject to the submission of the signed easement dedications, improvement guarantee, and improvement payment agreement, and the completion of paving that portion of Hampton Drive within the area of the plat and the temporary turnaround at the east end of the platted segment of Hampton Drive. Mustain seconded the motion.

On roll call vote the following members voted aye: Brooks, Becker, Million, Mustain, Bormann, and Umstattd.

The following members voted nay: none.

The following members abstained: Adams.

The motion carried.

Bormann presented Behrns with language he though might improve the suggested changes to the Zoning Code (signs for conditional use bed and breakfasts) and the Subdivision Code (electronic submission of plats). The Commission members deferred discussion of these items until a future meeting

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

The meeting adjourned at about 8:25 p.m.

Following the meeting, Commission Umstattd submitted his written resignation, which was given to the Mayor.

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