

AGENDA

CITY OF CENTRALIA, MISSOURI

Planning and Zoning Commission

Thursday, November 7, 2013

7:00 P.M.

City Hall Council Chambers

- I. ROLL CALL
- II. Approval of Minutes of Previous Meeting
- III. Considering Final Plat of Southwest Country Estates Plat 3
 - A. Recommendation to Board of Aldermen
- IV. Revisions to Subdivision Ordinance
- V. As May Arise
- VI. Adjourn

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MEMORANDUM

From: Lynn P. Behrns
To: Planning & Zoning Commission Members
Date: November 7, 2013

Enclosed is the agenda for the next meeting of the Planning and Zoning Commission on Thursday, November 7, 2013 at 7:00 p.m. If you are unable to attend, please call me as soon as possible.

Item II. Previous minutes for the last meeting are enclosed.

Item III. The owners of the Southwest Country Estates property have completed construction of street pavement, curbs and gutters, stormsewer, and sanitary sewers for the fourteen lots along the cul-de-sac to be known as Kelli Court. The Water Department has also completed construction of all of the water lines and taps for those lots. The layout for these lots substantially duplicates that of the Southwest Country Estates preliminary plat, and will constitute Plat 3 of the total development. All of the improvements have been constructed according to the approved Improvement Plan, except for the buried electric and communications lines (which are the responsibility of the Electric Department and others) and the sidewalks (which are to be constructed as the lots are individually sold and houses constructed). As in the past, the sidewalks will be guaranteed by a Letter of Credit from the developer's bank. (In this case we are asking for an updated Letter of Credit, which will consolidate the guarantee for these lots and about 15 others in Phases 1 and 2 that remain unbuilt.) I have delivered the form for the updated Letter of Credit to Boyd Harris and expect it to be executed and returned soon. Under the continuing agreement from Phase 1 and Phase 2, Mr. Harris and the other owners have been setting aside \$500 per lot in escrow to pay for the planned pavement of Columbia St. Most of the money escrowed from Phase 1 has already been applied to pavement of Columbia to the south side of the former Usherwood house. A pdf of the final plat is attached to this email for your review. I suggest that you approve it during this meeting and that you recommend to the Board of Aldermen that they accept the plat, rights-of-way, and improvements by ordinance, upon receipt of the Letter of Credit. Once this is done and the plat recorded, the developers will execute a conveyance of the sanitary sewer improvements and the City will accept those be a separate ordinance.

Item IV. I have prepared a draft of an updated version of the Subdivision Chapter from the City Code. I am in the process of reviewing the suggested changes with Don Bormann, and anticipate that a more polished draft will be ready for distribution at the Commission meeting. The changes can then be discussed in detail at the subsequent meeting. After the first of the year, we will be able to advertise for a public hearing and incorporate public comments into a final version that would go on to Board of Aldermen.

Meeting of the Planning and Zoning Commission for Thursday, May 16, 2013.

The meeting was called to order by Chairman Patt Olsen at 7:00 p.m. Present were Guy Lee, LeeAllen Smith, Dale Hughes, Mayor Grenke, Don Bormann, James Lee, and Mark Mustain. Also attending were Lynn Behrns James Smith.

Those present recited the Pledge of Allegiance.

Smith moved approval of the minutes of September 24, 2013 and notes from the Public Hearings for May 9, 2013. Hughes seconded the motion. The question was called. All members present voted "aye". There were no "nay" votes, and the motion carried.

Behrns presented a draft ordinance which would allow lumber yards to be a permitted use in the B-2 (Highway Business) Zone District. Presently, they are allowed in M-1 (Industrial) Zone District, but not specifically in the list of B-2 uses. Staff has been working with LaCrosse Lumber to relocate to property zoned B-2 on the north side of Highway 22. Behrns said that LaCrosse is presently in the B-1 (Downtown Business) Zone District, as historically been other such business. He and Bormann have looked at the ordinances in other cities and found that lumber yards are usually treated as conventional commercial uses. Staff is requesting that the Code be changed as described. Behrns reported that no comments were made at the Public Hearing on May 9 and no verbal or written comments have been received to date.

Commission members briefly discussed the measure. Smith then moved that the Planning and Zoning Commission recommend to the Board of Aldermen that the proposed ordinance adding "lumber yards" to the list of permitted uses in the B-2 (Highway Business) Zone District be adopted. Bormann seconded the motion.

On roll call vote, the following members voted aye: Smith, Guy Lee, Olsen, Hughes, Grenke, Mustain, and James Lee.

The following members voted nay: none

The following members abstained: none.

The motion passed.

Behrns then presented a draft ordinance which would rezone property owned by Don Brooks to B-2 (Highway Business) so that he can construct a commercial recreation building. The parcel in question is presently zoned R-2 (Two-family Dwelling) on the west and M-1 (Industrial) on the east. Most of the adjacent property to the south, east, and north is already zoned M-1. At the public hearing on May 9, Brooks was the only person to testify. Behrns said that he had no written comments on the proposal.

Committee members briefly discussed the measure. Bormann moved that the Planning and Zoning Commission recommend to the Board of Aldermen that the proposed ordinance be adopted and all of the west half and the south 40 feet of the east half of Lot 4, Block of the Poage Subdivision be zoned B-2 (Highway Business).

Smith seconded the motion.

On roll call vote, the following members voted aye: Smith, Guy Lee, Olsen, Hughes, Grenke, Mustain, and James Lee.

The following members voted nay: none

The following members abstained: none.

The motion passed.

Behrns then asked the Commissioners to set a minimum distance between the proposed recreation center and the nearest residentially zoned property, school, clinic, hospital, or church, as allowed by the Section 31-27(A)(11) of the Zoning Code for such facilities. He recommended that a minimum distance of "zero" be required because of the present nature of the surrounding uses.

Bormann then moved no minimum distance be required between a commercial recreation center on the property mentioned above and any residentially zoned property, school, clinic, hospital, or church. Hughes seconded the motion.

On roll call vote, the following members voted aye: Smith, Guy Lee, Olsen, Hughes, Grenke, Mustain, and James Lee.

The following members voted nay: none

The following members abstained: none.

The motion passed.

Mustain moved the meeting be adjourned. Hughes seconded the motion.

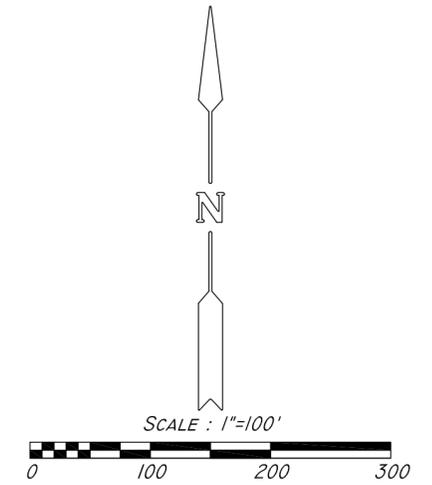
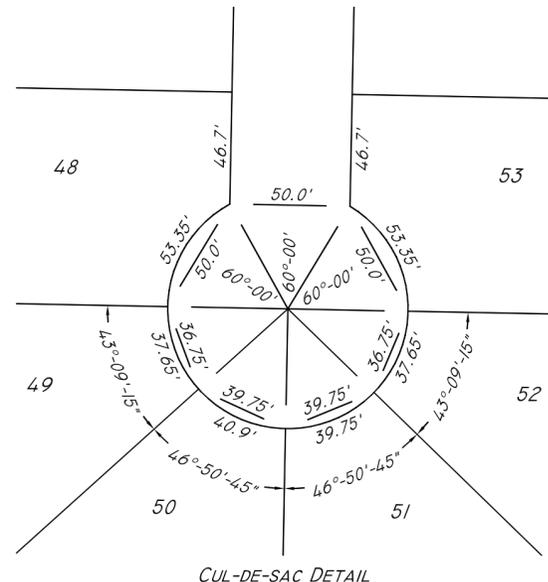
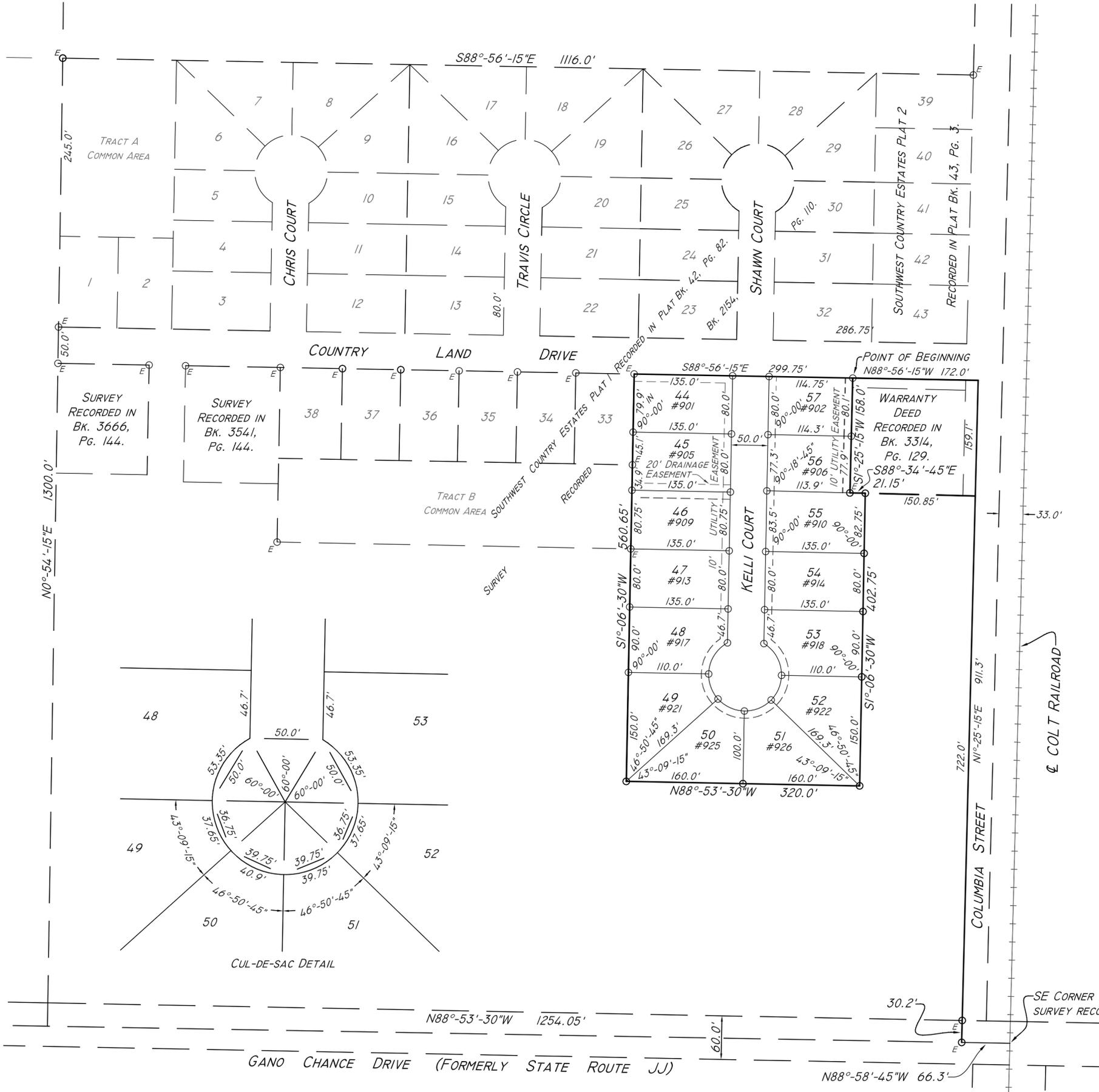
All present aye and the motion was passed.

The meeting adjourned at about 7:07 p.m.

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SOUTHWEST COUNTRY ESTATES, PLAT 3

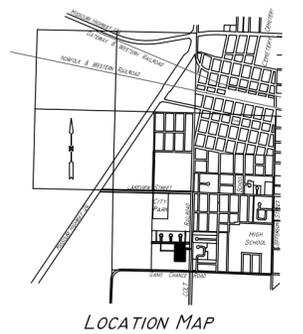
FINAL PLAT
 NOVEMBER 1, 2013



BEARINGS ARE REFERENCED TO GRID NORTH (NAD83) OF THE MISSOURI CENTRAL ZONE BY GPS.

BENCHMARK - NORTH RIM MANHOLE B3 LOCATED 5'± SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTRY LAND DRIVE AT THE WEST RIGHT-OF-WAY LINE OF KELLI STREET. ELEVATION = 885.16

LEGEND
 E EXISTING
 ○ IRON PIPE
 ALL MONUMENTS WERE SET BY THIS SURVEY UNLESS SHOWN OTHERWISE.



- NOTES:**
1. KELLI COURT IS 28 FEET FROM BACK OF CURB TO BACK OF CURB.
 2. SIDEWALKS ARE TO BE BUILT ALONG BOTH SIDES OF KELLI COURT.
 3. THE BUILDING SETBACK LINE IS 25 FEET FROM THE STREET RIGHT-OF-WAY LINE, EXCEPT FOR LOTS 49, 50, 51, AND 52, WHERE THE BUILDING SETBACK LINE IS 30 FEET FROM THE STREET RIGHT-OF-WAY LINE.

BORMANN SURVEYING

DONALD E. BORMANN
 REGISTERED LAND SURVEYOR
 LS-2012

DATED THIS _____ DAY OF NOVEMBER, 2013.

SOUTHWEST COUNTRY ESTATES, PLAT 3

FINAL PLAT NOVEMBER 1, 2013

A SUBDIVISION OF A PORTION OF A TRACT OF LAND DESCRIBED BY A WARRANTY DEED RECORDED IN BOOK 2463 AT PAGE 37, A PORTION OF BLOCK M OF J.C. HITTS SUBDIVISION IN SECTION 16, TOWNSHIP 51 NORTH, RANGE 11 WEST, CENTRALIA, MISSOURI, DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHEAST CORNER OF 16-51-11; THENCE WITH THE SOUTH LINE OF 16-51-11, N88°-58'-45"W, 66.3 FEET TO THE WEST RIGHT-OF-WAY LINE OF COLUMBIA STREET AND THE EAST LINE OF A TRACT OF LAND SHOWN BY A SURVEY RECORDED IN BOOK 2154 AT PAGE 110; THENCE WITH SAID LINE, N1°-25'-15"E, 911.3 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF COUNTRY LAND DRIVE; THENCE N88°-56'-15"W, 172.0 FEET TO THE EXTENSION OF THE WEST LINE OF TRACT 2 OF SAID SURVEY, SAID POINT BEING THE POINT OF BEGINNING; THENCE S1°-25'-15"W, 158.0 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 2; THENCE WITH THE SOUTH LINE OF SAID TRACT 2, S88°-34'-45"E, 21.15 FEET; THENCE S1°-06'-30"W, 402.75 FEET; THENCE N88°-53'-30"W, 320.0 FEET; THENCE N1°-06'-30"E, 560.65 FEET TO THE NORTHEAST CORNER OF LOT 33 OF SOUTHWEST COUNTRY ESTATES PLAT 1; THENCE S88°-56'-15"E, 299.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.04 ACRES.

THIS SURVEY MEETS THE MISSOURI MINIMUM STANDARDS FOR BOUNDARY SURVEYS AND THE URBAN ACCURACY STANDARDS THEREOF.

MONUMENTS ARE LOCATED AS SHOWN.

BORMANN SURVEYING

DONALD E. BORMANN
REGISTERED LAND SURVEYOR
LS-2012

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, THIS _____ DAY OF NOVEMBER, 2013.
MY COMMISSION EXPIRES MARCH 18, 2014.

LINDA S. BORMANN
NOTARY PUBLIC - 06437040

KNOW ALL MEN BY THESE PRESENTS THAT COUNTRY LAND, L.L.C., BEING SOLE OWNER OF THE DESCRIBED TRACT, HAS CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN. COUNTRY LAND, L.L.C. AGREES TO COMPLY WITH ALL CURRENT PROVISIONS OF THE SUBDIVISION CODE OF THE CITY OF CENTRALIA.

STREET RIGHT-OF-WAY FOR KELLI COURT IS HEREBY DEDICATED FOR PUBLIC USE FOREVER.

EASEMENTS, OF THE TYPES AND AT THE LOCATIONS SHOWN, ARE HEREBY DEDICATED FOR PUBLIC USE FOREVER. NO TREES, SHRUBS, OR STRUCTURES, INCLUDING FENCES, SHALL BE GROWN, PLACED, CONSTRUCTED, MAINTAINED, OR OTHERWISE PERMITTED WITHIN THE EASEMENTS SHOWN.

COUNTRY LAND, L.L.C., A MISSOURI LIMITED LIABILITY COMPANY

BENJAMIN O. HASKELL, MEMBER

THOMAS F. SCHUPP, MEMBER

BOYD L. HARRIS, MEMBER

STATE OF MISSOURI }
COUNTY OF BOONE }SS

ON THIS _____ DAY OF NOVEMBER, 2013, BEFORE ME PERSONALLY APPEARED BENJAMIN O. HASKELL, THOMAS F. SCHUPP, AND BOYD L. HARRIS TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THEY ARE ALL THE MEMBERS OF COUNTRY LAND, L.L.C., A LIMITED LIABILITY COMPANY AND THAT THIS INSTRUMENT WAS EXECUTED BY THEM ON BEHALF OF COUNTRY LAND, L.L.C., BY AUTHORITY OF ITS MEMBERS, AND THEY ACKNOWLEDGED THIS INSTRUMENT TO BE THE FREE ACT AND DEED OF COUNTRY LAND, L.L.C. AND THEMSELVES.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

MY COMMISSION EXPIRES MARCH 18, 2014.

LINDA S. BORMANN
NOTARY PUBLIC - 06437040

THE UNDERSIGNED MORTGAGEE, HNB BANK, BEING THE HOLDER OF PROMISSORY NOTES SECURED BY THE DEED OF TRUST RECORDED IN BOOK 2680 AT PAGE 93 OF THE BOONE COUNTY RECORDS AND BY THE DEED OF TRUST RECORDED IN BOOK 2833 AT PAGE 48 OF THE BOONE COUNTY RECORDS, DOES HEREBY CONSENT AND AGREE TO THE DEDICATION FOR PUBLIC USE OF THE RIGHT-OF-WAY, UTILITY EASEMENTS, AND DRAINAGE EASEMENTS FOR SOUTHWEST COUNTRY ESTATES, PLAT 3 AS SET FORTH ON THIS PLAT BY THE OWNER, COUNTRY LAND, L.L.C., AND HNB BANK DOES HEREBY SUBORDINATE THE SAID DEEDS OF TRUST TO SAID DEDICATIONS. THE UNDERSIGNED FURTHER AGREES TO COMPLY WITH ALL CURRENT PROVISIONS OF THE SUBDIVISION CODE IN REGARDS TO THIS SUBDIVISION.

IN WITNESS WHEREOF, THE SAID HNB BANK HAS CAUSED THESE PRESENTS TO BE SIGNED.

HNB BANK

ATTEST:

GLEN A. BAILEY
REGIONAL PRESIDENT

DAWN EDDINGTON
SECRETARY

STATE OF MISSOURI }
COUNTY OF RALLS }SS

ON THIS _____ DAY OF NOVEMBER, 2013, BEFORE ME PERSONALLY APPEARED GLEN A. BAILEY, TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN, DID SAY THAT HE IS THE REGIONAL PRESIDENT OF HNB BANK, AND THAT THE SEAL AFFIXED TO THIS INSTRUMENT IS THE CORPORATE SEAL OF HNB BANK, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF HNB BANK BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND SAID REGIONAL PRESIDENT ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF HNB BANK.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN SAID COUNTY AND STATE, THE DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES JUNE 16, 2015.

RHONDA LEAKE
NOTARY PUBLIC

APPROVED BY THE CITY OF CENTRALIA PLANNING AND ZONING COMMISSION THIS _____ DAY OF NOVEMBER, 2013.

PATT OLSEN
CHAIRMAN

APPROVED AND ACCEPTED BY THE CITY OF CENTRALIA MAYOR AND BOARD OF ALDERMEN BY ORDINANCE NO. _____ THIS _____ DAY OF NOVEMBER, 2013.

TIM GRENKE
MAYOR

I, HEATHER LOCKETT, CITY CLERK OF CENTRALIA, HEREBY CERTIFY THAT THE FOREGOING PLAT HAS BEEN APPROVED AS SET FORTH ABOVE.

IN WITNESS WHEREOF, I SUBSCRIBE THIS CERTIFICATE AND AFFIX THE OFFICIAL SEAL OF THE CITY OF CENTRALIA ON THIS _____ DAY OF NOVEMBER, 2013.

HEATHER LOCKETT
CITY CLERK