

Minutes of the City of Centralia, Missouri Planning and Zoning Commission Meeting of Thursday, April 12, 2018.

The meeting was called to order at 6:00 p.m. by Chairman, LeeAllen Smith presiding.

ROLL CALL – Commissioners Present: LeeAllen Smith (Chair), Don Bagley (Vice-Chair), Mayor Tim Grenke (arrived late), Brian Maenner, Harvey Million (left early), Dale Hughes, Alderman Jim Lee and Street Foreman, Phil Hoffman. Absent: Alderman David Wilkins. Also present were City Administrator Matt Harline, Kati Conyers, Jon Conyers III, Meghan Dawson, Shannon Dawson, Kiersten Dotson, Jackie Stelzer, Russell Stelzer, Del Stuermann, Beverly Moffat, William Bolick, Cyndi Chick, JoAnn Peyton, Dianne Lee, Jennifer Loyd, Lynn Behrns, Don Bormann, Don Rodgers and James Smith of the Centralia Fireside Guard.

Pledge of Allegiance

Chairman Smith led those present in reciting the Pledge of Allegiance.

Minutes

Minutes from the previous meeting (March 22, 2018) were presented to the Commission. **Bagley made a motion to approve the minutes as written. The motion was seconded by Hughes and approved by unanimous voice vote.**

Request for a conditional use permit for an in-home day care center at 919 Mystic Drive

Public Hearing: Smith opened the public hearing for comment at 6:05p.m. Kati Conyers of 919 Mystic Drive (applicant) spoke in favor of the application. She was working with the State to get her unlicensed day care facility licensed. She reported that her neighbors had voiced concerns with her about traffic, noise and resale value of their homes. Ms. Conyers said that Bev Moffat had expressed concerns about traffic. Ms. Conyers stated that the street is currently a dead end but the plan is to continue it west with development. Conyers then described how she would manage the day with the kids being outside 10 -11am in the morning and two hours in the afternoon. As far as resale value that they are not real estate experts but that they recently sold a house right across from a licensed day care and they made \$20,000 on the sale. Conyers stated that they are good conscientious neighbors and would do everything they could to take care of the concerns of the neighbors. Harline asked if they were in the process of getting licensed. Conyers said they were in the process which would allow them up to 10, but she planned to only take 6 – 8 children. Since currently she watches siblings so that would mean maximum of four cars per day. Harline asked if she would be willing to accept a limit of six children in addition to her own. She said that she would be willing to accept that limitation. In answer to Bagley's question she said that there is a six foot privacy fence around her lot. She said that they were trying to meet the mission of the City to promote safe and prosperous lives. Million said that this is really about two additional kids. In answer to a question from Jackie Stelzer of 457 S. Adams, Conyers replied that her hours of operation were Monday through Friday, 7 am to 5:30 pm, with drop off typically from 7 to 9am. Conyers stated that she reminds the parents that are clients to drive safely and respectfully.

Beverly Moffat of 923 Mystic Drive spoke in opposition to the proposal. Moffat stated that Mr. Sapp stated that Mystic Drive would not be built any time soon. Moffat said that regardless of how this goes she feels that she can be good neighbors with the Conyers. Moffat said that she was okay with six, but the State would give her the license to take up to 10. Moffat said that

despite the claim that drop off would be in the morning there was a drop off in the middle of the day recently. Moffat said that she is concerned about resale value. Moffat stated that as the owner of the home at the end of the street where people turned around she worried about traffic and the noise as well. Moffat said that she felt that this was a violation of the covenants for the neighborhood that states on page two that the only uses would be single family home uses. Moffat said that she felt her reasonable expectation was that there would not be a day care on her street.

Jon Conyers 919 Mystic Drive spoke in favor of the proposal. Mr. Conyers said that his wife had always said 6 to 8 kids and that he could not see how traffic that was already there should not be a consideration about approving the proposed day care . Hughes asked what ages would be under care at the house. Ms. Conyers replied that she typically watches 1 to 5 year old children. JoAnn Peyton 901 Mystic Dr asked where the kids would be playing. Ms. Conyers said that there own kids would play in the front yard, but the day care play could be kept in the rear yard. She added that he drop off in the middle of the day was due to a kid that goes to Jack-in-the-Box once a week. Chairman Smith reminded the

William Bolick 907 Mystic Drive spoke in opposition to the proposal. Bostick said that he bought that house he bought it to be in a quiet location and because he was assured that it would only be single-family homes. He said that he has owned three businesses and he did not want to interfere with anyone's attempt to be an entrepreneur but he bought that house to live in a quiet place where he could sit on his front porch. He is retired military and retired federal service and he thinks the proposal could cause friction in the neighborhood.

Jared Dotson 913 Briarwood Drive spoke in favor of the proposal. Dotson said that he as a prent of one of the kids the Conyers watched. Dotson said he had never heard of covenants in the City of Centralia and in fact the police chief had told him that there were none. Dotson said that he worked for the Sherriff in the traffic division and that he understood about traffic. Dotson said it was a street and that maybe the City could help with a "No Outlet" sign, to cut down on the taffic trying to find an outlet to MO HWY 124. Dotson said that there are currently sounds of kids in the neighborhood and that he heard noises from the high school at his house. Dotson added that there was a need for day cares in Centralia. Harline said that it is common, especially in newer subdivisions, have covenants that govern the use of the property in the subdivision. Harline noted that these are not typically enforced by cities and that the City of Centralia does not enforce covenants. Harline said that the covenants would have to be enforced in civil court by the homeowner's association. Harline added that there are uses, like group homes, that have been defined by courts as being single-family uses and that could not be banned by covenants. In answer to a question from the audience Harline replied that the City has a copy of most covenants in newer subdivisions but does not enforce them.

JoAnn Peyton 902 Mystic Drive spoke in opposition to the proposal. Peyton stated that the covenants were filed with the Boone County Recorder of Deeds. Peyton said that on nice days the kids might want to play outside of a fe3nced area on a nice day and she doesn't her property to become liable for kids getting hurt on her property. Peyton said that a majority of the people on the street were retired and although she is not yet retired, she hoped to retire in her house in peace.

Meghan Dawson 201 S Reed Street spoke in favor of the proposal. Dawson said that she feels so blessed to have Kati in her kids' lives because her kids were learning and thriving with Kati. She added that she knew about the resale value issue because she used to own property out by the highway across from a day care. Dawson liked that there were people at home during the

day in the home across the street. Dawson reported that they sold their house at a profit of \$50,000 and the person who purchased the property knew about the day care across the street. She said it was her kid that was being picked up during the middle of the day and that he would graduate soon from his preschool and that would not be an issue much longer. Dawson said she would love to introduce her kids to the people in the neighborhood even door-to-door. Dawson noted that the rec center and park were close to the neighborhood. She said she was getting emotional because she knew that she was able to work and go to night school because she knows her little ones are being taken care of.

Moffat – 923 Mystic Dr. Moffat said that she has no issue with the kids coming there now. But if there would be ten kids that would increase traffic and it does change things and she has concerns about that. Moffat added that Conyers had specifically mentioned eight children.

Jennifer Loyd 906 Mystic Drive. Loyd spoke in opposition to the proposal. Loyd stated that they had bought their house earlier this year. Loyd said that she had four grown children and two grandchildren and she loves kids. Loyd said that if this were a through street she would be in favor of it but it is a nice quiet street and that is why she bought her house there. She says that she is sure that they are lovely people and the families are lovely people but she didn't think that was going to be a through street any time in the near future.

Cyndi Chick 902 Mystic spoke in opposition to the proposal. Chick said that she lives in one of the oldest houses in the neighborhood. Chick said that she had a nine year-old and was very aware how hard it is to find day care. Chick said that she had put up her own no outlet sign and her own children playing sign and her kid played with an eight year-old across the street. Chick said that she felt comfortable with them playing near the street, but not in the street and so she is concerned about added traffic since her kids would be playing outside during pick up time.

Jon Conyers – 919 Mystic Dr. Conyers said that this is the city and it has traffic. Conyers said that if you wanted a place away from traffic you should buy in the country. Conyers said that he was aware that there was a need for day care in Centralia because he had been approached at work in Mexico about finding day care.

Jennifer Loyd – 906 Mystic Dr. Loyd stated that she knew that she wasn't buying her house in the country but they bought it with the expectation it was only single family uses on a dead end road. Loyd said that there was no way the City could assure that there wouldn't be a lot of additional traffic. Loyd and Mr. Conyers exchanged comments about traffic.

Smith closed the public hearing at 6:38 p.m.

Discussion and decision;

Harline read from the Centralia City Code about the Conditional Use Request for in-home day care from Chapter 31-19 B. 4. Harline noted that the property owners had checked and there was no licensed day care within 800 feet. Hoffman said that he had a daycare near him and there would be teenagers on the street at some point. There was a discussion about whether there would be or were teenagers on Mystic.

Smith said that he felt that the City should be careful about approving a variance that runs counter to the neighborhood covenants even though he realized the City did not enforce them. Shannon Dawson of 201 S. Reed St, was allowed to speak by Smith and stated that would mean that no one could have a home-based business in that neighborhood if you agree to that interpretation of

the covenants. Million asked to what extent the City gets involved in covenants. Harline said that there are rare cases when the City takes a position on covenants such as in Cobblestone Lake Estates where the City required the covenants to be on file with the Secretary of State so that there was an organization capable of maintaining the lake. Million asked if the City was involved in the drafting of these covenants. Lynn Behrns, 705 Emerald (City Administrator at the time of the subdivisions approval) said that the City rarely gets involved and he did not recall any involvement in these covenants. Million said that his reason for asking was that if the City was not involved in drafting the covenants, they are not a good reason for denying the request. Bagley said that regardless of the covenants that people buy property with certain expectations and that the Commission needs to think about that really hard when considering the proposal. Bagley said that he felt that if people did not think they would have a day care prior to purchasing that would make a difference.

Ms. Conyers said that there had not been problems to date. Million asked if the Conyers had received a copy of the covenants upon purchase and she replied that they did. Ms. Conyers added that they asked their real estate agent if adding a day care would be a problem and the agent told them it would not be. Bagley said that he said he felt that we have zoning so people knew where things were at and that to change that after they moved in would not be fair. A comment from the audience said that they moved to Centralia because it looked like they had zoning as opposed to Fayette. Lee said that he felt very conflicted by the issue. He said that did feel comfortable ignoring the neighborhood covenants. Someone from the audience asked if there was a count of neighbors in favor or opposed and Harline said that that they didn't make that count. A member of the audience asked if they cared that another neighbor was also opposed and Smith said that he didn't feel this was an issue of numbers. Million asked if this was a precedent.

Russell Stelzer 457 Adams was allowed to approach in opposition. Stelzer said that he had received the covenants a little while after he bought his house abstained from a couple of projects on his house because of the covenants.

Harline read the grounds for granting a conditional use from the City Code Section 31-65 C. 11. Million said that if he heard that correctly that we could allow the conditional use with certain restrictions. Harline replied that Million was correct and the Commission could make restrictions. Million said that he did not want to do that, but if the neighborhood could reach a consensus then he could support that. At this point he was inclined to vote against the proposal. He suggested they discuss it amongst themselves and bring back a decision that works. Mr. Conyers spoke again pointing out what he thought were violations of the covenants that were in existence. Smith reminded him that they City did not enforce covenants. Hughes asked if the Commission do impose additional restrictions and Harline said that was correct, but the applicant could withdraw the application if the restrictions were not acceptable. Harline replied to a question from Conyers that even though the State allowed up to ten children, the City could impose a zoning restriction of a smaller number in this case. Harline attempted to explain permitted uses and conditional uses.

Kati Conyers – 919 Mystic spoke again. Conyers said that they did not want to make enemies of their neighbors. Conyers said that they love people and they are nice people. She asked if there was a compromise number. There was a discussion between Conyers and the neighbors present about reaching a compromise. Bolick – 907 Mystic said his problem was the traffic not the kids. Bolick said that if he didn't speak out and a child was run over and killed he couldn't live with

himself and then suggested speed bumps to slow the traffic down. Smith closed the open discussion.

Smith asked if there was a compromise number would that be okay. Harline said that the Commission had that authority. Million said that he wanted the neighborhood to make that decision. Harline said that the Commission made a decision and that was final unless the applicant made a revised application to the P&Z Commission, or appealed to the Board of Alderman

Million made a motion to deny the request. Lee seconded the motion and it was approved unanimously by voice vote. Request denied 7-0

[Grenke arrived and Million left]

Request for a Conditional Use Permit for Self-Service Storage Facility for 212 West Singleton Street

Smith said a public hearing was advertised the City should allow any comments to be made during a public hearing. Smith asked about the applicants and the proposal. Harline said the applicants could not be present and no actual plan had been submitted. Harline said it could be tabled because it would be hard to approve it with so little information. Smith said that he needed to open the public hearing.

Public Hearing: Chairman Smith opened the public hearing at 7:06 p.m. There were no comments made. Smith closed the public hearing at 7:06 p.m.

Hughes asked if they should table it. Harline said tabling it would require advertising. Harline said that there had been no notice given for the first hearing because he had been told by the applicant that they would deliver the notices, but they did not. Harline said that this time the notices went out with the wrong date but were followed by a second notice with the correct date and a sign had been posted on the site each time. There was additional discussion about tabling versus defeating the proposal and allowing them to bring back a second proposal. Maenner asked about public input. Harline said that while they received the four letters in opposition to the previous proposal, he had received no formal opposition although he had been approached in person and received a phone call with some concerns. Harline said there has to be a plan for the Commission to make a decision. Harline said that he would be comfortable with a denial and the applicant could reapply. Lee asked if there was any scenario where the City could avoid advertising. Harline replied that he could not imagine any such scenario. Harline said he told them that they needed to have plans approved by the County at the time of building. Maenner said that until they had a plan before them they had no way to make a decision and so he felt a denial was the best way to go.

Don Bormann 800 Jason Court asked from the audience how long would they have to wait to reapply. Harline said it was more an issue about how soon they had to proceed with an appeal. Harline quickly reviewed the City Code for the length of time for an appeal and said that he could not seem to find a deadline for appeal. Bormann noted that since there was no plan any plan would be essentially a new application.

Maenner made a motion to deny the request until a plan of action was presented. Hughes seconded the motion and it was and approved unanimously by voice vote. Request denied 7-0.

Comprehensive Plan Update

Smith said that everyone had received a hard copy of the Plan and everyone had received one, but Hoffman had not had a chance to review his. Smith read from the minutes of the meeting of March 22 and noted that the Commission had discussed having the City Administrator, the Mayor and himself should gather and discuss the document and make suggestions for changes and how to adopt the Plan. Smith suggested making page by page edits is a small group, with a larger discussion after those changes have been made. Grenke said that any other small edits should could mention them.

The full discussion on content should follow. Harline noted that there is a version on line. Harline said that we did not want to print 50 copies of this draft and then another fifty copies of the next draft. Maenner said that he agreed with the idea of small edits followed by discussion on the bigger idea. Smith said that previous minutes should be available for review for about a month before adoption. Harline said that the big ideas are not lost in the typographical errors, but that we should have an additional public hearing at that next meeting. Bormann said that he felt it would take longer. He asked if it had been sent out to the committee participants electronically. Harline said that an additional month would not increase the amount of discussion, but we might add comments from the Planning and Zoning Commission.

Harline reminded the Commission what Ed Siegmund had said about the possibility of adopting it all at once, but that it was vitally important to adopt the main parts like the Future Land Use Plan and the Transportation Plan (Major Roadway Plan) and then follow up with the Sidewalk Plan and other parts. There was additional discussion about how to proceed. Hughes asked if there was value in going through page by page. Harline suggested that in the next week that the Mayor, Chairman and himself go through this document page by page and then send it out to all the members of the committees. There was additional discussion.

Small Cell Tower Downtown

Harline said this was informational only and that in the memo there was a description of the apparatus that they were suggesting. Harline reviewed the recent cell tower proposals that had come to them by Mobilitie that included a steel pole over 100 feet tall near Prenger's and a wooden pole in front of Martinsburg Bank. Sprint is now partnering with this new company (ExteNet) and are looking Hughes asked why not to use the tower near MO HWY 124 and Gano Chance. Harline replied that the new technology did not need the same height, and they were tubes and wires and not the old fashioned towers. Harline added that they were working in Jefferson City to restrict the City's rights for restricting this small cell technology. Because it was being discussed in Jefferson City we chose not to address it in our recently adopted Telecommunication tower ordinance. Harline said that the may have to have them go through the Conditional Use process as specified by our Code. Hughes asked about

the suggested location and Harline said that they were looking over by Oliver Funeral Home. Harline said that he was discussing other options with the company. Harline asked if we could get Sprint phones as part of the deal. Maenner stated that this technology is coming and that his company had been approached by a company to be located on a building he was working on to give students better cell service. Grenke said that he had told the legislature, we want the technology mentioned that we want the technology but we don't want municipal authority restricted. Hughes said that there were changes coming in the area of emergency response radio communication as well. Hoffman asked if they wanted to put these all over town. Harline said they were looking at maybe two and Lee asked why this is not a scale drawing and worried that the actual equipment would be much bigger. Hughes said that the communication equipment on the top of the Fire Station was a small box and an antenna about 2 feet long. Smith asked if there was additional discussion.

As May Arise

Harline said that we need to schedule the next meeting for a plat and annexation. Smith asked when people would be notified about the updated plan. Harline said it would be in time for the next meeting. After a great deal of discussion it was decided that June 7th would be the date of the next meeting. Harline noted that at the meeting of June 7th there would Plat 5 of Southwest Country Estates and an annexation. Bormann at the request of Harline described the land for annexation was where the Romine house had burned and been demolished. With a view of the zoning map the Commison gained a better understanding of the area in question.

Adjourn

Hughes made a motion to adjourn that was seconded by Grenke and approved unanimously by voice vote. The meeting adjourned at 7:45 p.m.