

Meeting of the Planning and Zoning Commission for Thursday, March 8, 2007.

The meeting was called to order by Chairman Lee at about 7:30 p.m. Present were Jerry Parmeley, Randy Adams, Don Bobbitt, Ryan Yager, Mark Mustain, and Tim Grenke. Also attending were Lynn Behrns, City Attorney Merritt Beck, Darren Adams, David Peavler, Don Torreyson, and Chad Sayer.

Bobbitt moved approval of the minutes of September 14, 2006. Grenke seconded the motion. The question was called. All members present voted aye, and the motion carried.

Behrns reported that the City had received a petition to annex about 26 acres of property owned by Virginia Gibson. The property is north of Lakeview, west of the City's smaller water tower and east of Highway 124.

Gibson has further requested that the site be partially zoned R-1 (One Family Dwelling District) and partially B-2 (Highway Business District). The land to be annexed is part of a larger parcel, a portion of which is already within the City. Behrns said that the Commission needed to take one action this evening—to make a recommendation to the Board of Aldermen to approve or not approve the annexation. After such a recommendation is made, Behrns said he would have further comments concerning the matter of zoning.

Behrns noted that the site is recommended for annexation in the City's Comprehensive Plan and the City in 1994 attempted to annex the land involuntarily via court and city election. Sayer and Adams said that they were performing the leg-work in getting the property developed for Gibson. Sayer pointed out that public utilities are on or adjacent to the parcel and that good access is provided by Lakeview Street. Toalson/Bicentennial Park and a proposed new school are very near this site. He also said that the request for annexation really hinged on the designation of commercial zoning for the triangular piece of land nearest the intersection of Lakeview and Highway 124.

Bobbitt moved that the Planning and Zoning Commission recommend to the Centralia Board of Aldermen that the land described in Virginia Gibson's petition of March 6, 2007 be annexed to the City of Centralia. Parmeley seconded the motion.

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

The following members voted nay: none.

Adams abstained, citing a conflict of interest.

The motion carried.

Behrns then reported that the Commission will hold a meeting on March 29. At that time there will be a public hearing concerning a conditional use permit for a day care center and a public hearing concerning the zoning of the Gibson property if it is annexed. Behrns said that he will convey the Commission's recommendation to the Board of Aldermen at their regular meeting of March 19. At that meeting there will be a first public hearing dealing with the annexation. Because of timing technicalities there will be a second public hearing with the Board at their traditional year-end meeting on March 28, 29, or 30. Subsequent to the second hearing, no Board action can be taken to annex the property for at least fourteen days. Behrns expects that the Board will not consider an annexation ordinance until their regular meeting on April 16. Because newly-annexed land starts as un-zoned, the Board likes to pass the ordinances zoning such property immediately after passage of the annexation ordinance.

Behrns told the Commission that commercial zoning of a portion of the land was not consistent with the Comprehensive Plan, which shows all of this property to be developed for residential uses. Behrns said that during the development of the plan in 1987, the Commission felt that a major entrance to Centralia uncluttered by strip commercial development would be a unique asset to the community. Mexico, Fulton, Columbia had already lost this opportunity. Testimony in the 1994 annexation case also referred to the intent for residential development in this area.

Behrns read the following passage from the minutes of the meeting where the Commission finalized the text of the Comprehensive Plan:

“Mr. Swank questioned whether the commission was acting properly in indicating that all industrial and commercial zones be towards the north end of town and none along Highway 124. Mr. Everhart stated that this had been examined by the commission with an eye towards trying to encourage a higher level of housing along the corridor toward the south. While a business area had been originally proposed for either the area around Lakeview at Highway 124 or Gano Chance at 124, it was felt that just a cluster of little Shop N’ Gos and service stations was not what was needed. However, should somebody present a plan for a planned business district this would be given much more consideration and the Planning Commission would also remain open to suggestions for industrial development along 124, but would have to take them on a case-by-case basis depending upon the type of development being considered.”

Behrns also suggested commercial zoning at this corner created the pressure of precedent for the other three corners and for the intersection at Gano Chance.

Randy Adams said that this was a “prime location” for commercial development. Sayer said that he understood the Commission’s aversion to strip commercial, but a “cluster” commercial site provided opportunity and access without detriment to the roadside appearance. Such a use could be a buffer between the high-traffic of the intersection and the quiet of the housing development. He noted that as the housing developers, they would also want to protect that portion of their investment.

Behrns asked Sayer and Darren Adams to research whether MoDOT had acquired direct rights of access to Highway 124. He was sure they had for other sites to the north. This would leave access only from Lakeview. It was well that the proposed commercial zone had 600+ feet of frontage, so that the drive entrances could be back from the intersection. Bobbitt said he would not favor any commercial plan that allowed traffic to cut through the corner from Lakeview to Highway 124.

The proposed commercial area was much larger than needed for a gas station or convenience store, even if a large portion needed to be set aside for stormwater retention. Sayer told Behrns that they had examined the list of uses permitted in both B-1 and B-2 zones, and the uses they anticipated would call for B-2. Parmeley spoke to the possibility of a motel. Behrns noted that a hotel was allowed in B-1, but not a motel. But the definitions in the Zoning Code would tend to allow a modern “motel”, like a Red Roof Inn, to be in B-1. Grenke said that some of the B-2 uses worried him. Once the land is zoned, the Board has no further control. He suggested that if a commercial zone fit, that it be B-1. The Commission could later consider changes to B-2 for a portion of the commercial site after the uses are more definitively set.

Some time was spent discussing the structure of the present zoning regulations. Sayer said that the “BP-Planned Business Zone” was not appropriate because it required the site to remain under

common ownership. He cited some other municipalities which appeared to have a form of contract zoning for Planned Business.

Beck read from several sources, saying that the Comprehensive Plan should be regarded as a guide and recommendation. It is to be used in deliberations, but is not legally binding, although the Commission should be able to point to specific reasons if they decide to deviate from it.

Behrns suggested that the site could be used for multifamily, which would also offer a buffer at the intersection. Darren Adams said he would consider that approach.

Most of the Commissioners indicated willingness to consider some commercial development of the corner, but many desired more specifics (although they were told that developer assurances were not guarantees.) The owners could develop restrictive covenants, but those could be changed and would only be enforced by whoever owned the land in the future.

Mustain said that he would like to see limits on vertical signs if the property received commercial zoning. (This would argue for B-1 instead of B-2)

Behrns stated that the Commission would have until March 29 to consider this issue. At that time, there will be a public hearing on the zoning issue and they will make a zoning recommendation to the Board of Aldermen. If the recommendation were not to the liking of the developers, Behrns said that he would believe it proper and fair to allow the owner to withdraw the petition to annex.

Bobbitt 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 9:20 p.m.