

**PLANNING COMMISSION**  
**APRIL 8, 1998**

A Special Meeting of the Lexington Planning Commission was held Wednesday, April 8, 1998 at 12:00 P.M. at the Lexington Municipal Building, 406 E. 7<sup>th</sup> Street. Commissioners present were Chairman William Grant, Vice Chairman Mark Yung, Steve Smith, Bill Pepper, Margaret Nielsen, William Grant, Darlene Teetor, Charlene West. City Officials present were Assistant City Manager Joe Pepplitsch, City Attorney Willard Weinhold, Chief Building Inspector Thomas Nelson, and Administrative Assistant Shirley Lewis. Citizens present were Don Price, Bruce Smith, and John Knappe.

**CALL TO ORDER:** The meeting was called to order by Chairman William Grant.

**ROLE OF COMMISSION AND PROCEDURAL PROCESSES:** Chairman Grant began the meeting by stating that this special meeting is not a public hearing. This meeting is only for the Planning Commission Members, but they may ask questions of anyone in the audience. He further stated that the Commission was probably remiss by not making a recommendation on the Zoning Request by Mr. Don Price, and he feels that the Planning Commission is here for making recommendations.

**REZONING ISSUE ADDRESSED ON APRIL 1, 1998 - DON PRICE:** Planning Commission Member Darlene Teetor questioned Mr. Don Price as to how long he has owned the property he wants to rezone. Mr. Bruce Smith spoke on behalf of Mr. Price, and stated that the sale of the property is contingent upon getting the reclassification and subdivision approval.

Planning Commission Vice Chairman Mark Yung questioned City Attorney Willard Weinhold as to when they make their recommendation, and that is denied by vote, does that not automatically mean the opposite of that recommendation. City Attorney Willard Weinhold stated that that was correct. The purpose of the Planning Commission is to provide guidance to the City Council, and provide not only a recommendation, but reasons for that recommendation. Chairman Grant explained that they had a motion for approval, and it died for lack of 2<sup>nd</sup>. The Commission then had a motion for denial, and that lost, so there was no recommendation. If the motion for denial had been approved, then the zoning

would have been denied. But where they denied the motion for denial, they essentially made no recommendation whatsoever. City Attorney Weinhold stated unless you have a motion that passes one way or another, you really don't have a recommendation.

Planning Commission Member Mark Yung informed the Commission that he would like to make a change in the minutes from the April 1, 1998 meeting. When he made the recommendation to deny, he stated that he based that decision on safety reasons. He would like that inserted in the minutes.

Chairman Grant informed the Planning Commission, that he spoke with a School Board Member earlier that morning, and he said that the School Board has not made, or appointed anyone, to speak for them at the last Planning Commission Meeting. Mr. Grant can't answer for the superintendent of schools, as to whether Mr. Shimmel was asked to come and speak on their behalf, but Mr. Grant does know that Mr. Shimmel did not represent the School Board.

Planning Commission Member Steve Smith asked Mr. Don Price what their occupancy rate is in his trailer park. Mr. Price stated that he is currently 100% full. Mr. Smith then asked what is the occupancy rate for Prairie View trailer park is. Chief Building Inspector Thomas Nelson stated that they're in the process of getting out of renting trailers at that lot. They only want to rent the lots, and have the renters bring in their own trailers. It is about 25% full right now. Mr. Smith stated that he is trying to get a grasp on what the occupancy rate in trailer homes is in Lexington. Mr. Nelson also stated that Stahla Mobile home park has about three empty lots right now. Hitch 'N Rail is currently full. Lauby's is also full.

Discussion was also made about Jamel Road and Spruce Street. It was discussed by the Commission as to who would be responsible in maintaining the Streets. Currently the property owners in that area are responsible for maintaining Jamel and Spruce Street. Mr. Smith inquired as to whether the plan of the subdivision to include Spruce Street as an open street to make a loop. Mr. Smith and Mr. Price

presented a plat to show the Commission Members how they have it laid out.

Mr. John Knapple addressed the Planning Commission by stating that that he is a property owner, and when you own a piece of property, you should be able to do what you want with it, but he guesses that isn't true anymore. He further stated that affordable housing isn't really relevant with what is being done here. He also doesn't feel that Morton School can handle the influx of children. He wants the Commission to know that he purchased his property knowing that that property in question would be zoned R-3. He did not buy with the understanding that it would become a mobile home complex. He thinks the existing zoning should continue and take precedence.

Assistant City Manager Joe Pepplichtsch requested that each Commission Member state how they saw the issue, and for the Commission as a whole, make a recommendation. Vice Chairman Mark Yung stated that he would make a recommendation to deny based on safety, which is his primary concern. He can't see changing that property to R-4 and having good access to the property. His second concern is changing it from an R-3 to an R-4. We have the zoning already set up and it's hard to tell somebody to buy in that neighborhood, and then all of a sudden change it.

Mr. Steve Smith feels he is against rezoning this property for two reasons. First, he feels there is a good mix of zoning in that area right now. He thinks that changing the property to R-4 would put the property out-of-balance. Second, he has a wife that teaches at Morton, and he can see where the schools are coming from. Their classes are already overcrowded, and this would do nothing but compound that.

Mrs. Charlene West stated that she is for the rezoning. She got out the Comprehensive Manuals and looked at the what the future land use was, and there is nothing to separate modular from multi-family. Rezoning to provide for this type of housing is in the

plan. According the procedural manual, on the basis of decision making, we are not to zone for people. They aren't to suppose to consider personal issues. She would like to look ahead to subdivisions, but to base her decision, she shouldn't be looking at those at the moment. Right now, this is just a zoning issue.

Margaret Nielsen would vote for rezoning, because she feels there is a need for this type of housing in Lexington. The school will have to deal with the children that come to it, no matter where they are located. That is not a consideration for the Planning Commission.

Bill Pepper sees no need to not approve. He also feels that there is a need for people to be able to buy a little bit smaller lot, own that property, and put their own property on it, whether it be a modular home, a stick built home on site, or a mobile home that was brought in and placed there, within all the rules and regulations of the City. As far as future growth of the City, they have problems north. We have flood plains. In the last comprehensive plan, they need to create some growth south, and he feels this would help create growth. It would not create any more safety problems, or road access, or anything else, changing from an R-3 (multi-family) to an R-4. He also feels the schools will have to contend with their own problems, and that it is probably time that the city started considering a second site for a school, because hopefully development is going to continue in that area. If there is a motion, he will be in favor of approving the application.

Darlene Teetor agrees with Bill, Margaret, and Charlene, at this point. She believes there is a need for that type of housing, something on a smaller scale, so if she were to vote, she would vote for the R-4.

Chairman Bill Grant also feels that there is a need for this type of housing. He feels the schools stand on their own. They are looking at rezoning land only. The concerns he would have when a subdivision request comes is that it adheres to all provisions in a subdivision, and they also get some kind of a recommendation from fire and rescue, and police, on

their thoughts on access. He also thinks that they need to see that Spruce and Elm are open with full street usage.

Mr. Bill Pepper moved to make a recommendation to the City Council to approve the rezoning request submitted for their consideration on April 1, 1998. Margaret Nielsen seconded the motion. Roll call. Voting "aye" were Pepper, Nielsen, Grant, Teetor, West. Voting "nay" were Smith, Yung. Motion carried.

Chairman Grant advised that Mr. Don Price take this to the City Council Meeting April 14, 1998. Once again, this is only a recommendation to the City Council.

**ADJOURNMENT:**

There being no further business to come before the Planning Commission, Chairman Grant declared the meeting adjourned.

Respectfully submitted,

Shirley Lewis  
Administrative Assistant