

PLANNING AND ZONING COMMISSION

August 11, 2008

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M. August 11, 2008 at Kearney City Hall with Kathy Whipple presiding. Members present were Doyle Riley, Darren Hiley, Dan Holt and Kim Murphy. Heath Courtney and Kent Porter were absent. Staff members present were David Pavlich, Chad Coffelt and Shirley Zimmerman.

Kathy Whipple opened the meeting with the Pledge of Allegiance.

OATH OF OFFICE Shirley Zimmerman administered the Oath of Office to Doyle Riley. He will be filling the unexpired term vacated by Carol Calhoun.

CONSENT AGENDA

- Minutes of July 14, 2008 meeting
- J & M Money Express sign

A motion was made by Kim Murphy and seconded by Darren Hiley to approve the Consent Agenda as presented. The motion carried unanimously.

NEW BUSINESS

PORTER RIDGE APARTMENTS-FINAL PLAT Staff presented an application from Gary Couchman, Head Properties, LLC. for a Final Plat of Porter Ridge Apartments, which would subdivide 5.93 acres into seven tracts. Each of the six smaller tracts would include an apartment building, while the remaining tract would include parking, drives, yard and other common areas. A building association would be created for ownership of Tract I.

Staff said the plat was proposed to serve two purposes. The first purpose would be platting of the North two acres, which is currently not platted. The second purpose would be flexibility for the owner in financing the construction of individual buildings and any possible future refinancing. The plat would also allow future sale of individual buildings.

Kim Murphy asked if the first four buildings are completed. Staff said the fourth one is almost completed.

Kim Murphy said when we approved the initial project there was a stipulation that at some point the original apartment buildings would be rehabbed. Mr. Couchman said they are to put new siding on the oldest two buildings before the last two new buildings are constructed.

Darren Hiley said this simply adds the two new buildings and makes each building be on a tract. Staff said that is correct.

PORTER RIDGE APARTMENTS-FINAL PLAT-CONT A motion was made by Kim Murphy and seconded by Darren Hiley to recommend to the Board of Aldermen to approve the application from Gary Couchman, Head Properties, LLC. for a Final Plat of Porter Ridge Apartments, which would subdivide 5.93 acres into seven tracts contingent upon meeting the following Staff comments:

1. Covenants and restrictions are recorded with the final plat;
2. Building Association is created to address common area maintenance;
3. The plat is recorded with one year; and
4. The site is developed in compliance with the previously approved site plan.

The motion carried unanimously with Dan Holt abstaining.

PUBLIC HEARINGS

MARK & DEBORAH GRANTHAM-102 EAST MAJOR-REZONING FROM C TO R-1

Staff presented an application from Mark and Deborah Grantham to rezone a tract at the Northeast corner of North Jefferson and Major Street from C-commercial to R-1 single family residential.

Staff said the property has been vacant for more than ten years. It is small and narrow, making it difficult for a commercial project to meet setbacks, parking and other requirements.

The floor was opened to the public.

There being no comments from the public, the floor was closed.

Kim Murphy said it would be nice to see a house built on that lot rather than it set vacant.

Doyle Riley asked if the lot would have access from the alley. Staff said yes. They can have access from the alley and Major Street but not 33 Highway.

A motion was made by Kim Murphy and seconded by Dan Holt to recommend to the Board of Aldermen to approve the application from Mark and Deborah Grantham to rezone a tract at the Northeast corner of North Jefferson and Major Street from C-commercial to R-1 single family residential. The motion carried unanimously.

SUPER 8 MOTEL-CONDITIONAL USE PERMIT FOR SIGN Staff presented an application from Marvin Shepherd, Shepherd & Shepherd, proposing to increase the height of an existing ground sign at Super 8 Motel located along Platte Clay Way frontage, from six feet tall to sixteen feet tall using a pole. Essentially they would be converting the ground sign into a pole sign.

Staff said according to the Sign Ordinance properties between one and five acres in size can have up to one pole sign having an area not to exceed one hundred square feet and up to two ground signs, each not to exceed thirty-two square feet in area and six feet in height.

SUPER 8 MOTEL-CONDITIONAL USE PERMIT FOR SIGN-CONT The Super 8 Motel property is two acres in size and includes an existing pole sign on the West side of the motel facing I-35 and an existing six feet tall ground sign along Platte Clay Way.

Staff said they can't recommend approval of the conditional use, as the proposed sign does not comply with the spirit and intent of the Zoning Order.

The floor was opened to the public.

There being no comments from the public, the floor was closed.

Kim Murphy asked if they could be permitted to put additional signage on the roof or side of the building. Staff said they could add additional signage to the building.

Mr. Murphy said we worked very hard on the sign ordinance and we need to follow the Code. He said we worked to draft what the community wanted.

Doyle Riley said he agrees. He said it wouldn't be fair to the other businesses on Platte Clay Way to allow the motel to add an additional pole sign. He said we would soon have pole signs all along Platte Clay Way.

Dan Holt said we have worked very hard to keep Platte Clay Way uniform and all the buildings to be very similar. He said this building is in the middle of professional buildings and an additional pole sign would be very obvious.

Kim Murphy asked if this isn't recommended for approval by the Commission would the application die. Staff said it can still go on to the Board of Aldermen.

A motion was made by Kim Murphy and seconded by Doyle Riley to recommend to the Board of Aldermen to deny the application from Marvin Shepherd, Shepherd & Shepherd, proposing to increase the height of an existing round sign at Super 8 Motel located along Platte Clay Way frontage, from six feet tall to sixteen feet tall using a pole. The motion carried unanimously.

KEARNEY LAND ACQUISITIONS-REZONING FROM C TO C-P Staff presented an application from John Hart, Kearney Land Acquisitions, to rezone the property at 203 West Washington from C-commercial to C-O- commercial non-retail.

Staff said this application has been submitted in conjunction with a code amendment to modify the spacing requirement for vehicle sales and rental lots and conditional use permit application for a new/use vehicle sales and rental business at the Abby's Frozen Custard at 700 North Country Avenue. Approval of the applications would result in relocation of Hart Family Motors to that location. The current site could not be replaced by another dealership with approval of the rezoning..

Staff said the applicant isn't in attendance but we should go ahead with the public hearings.

KEARNEY LAND ACQUISITIONS-REZONING FROM C TO C-P-CONT The floor was opened to the public.

Staff said they had received a phone call from Roger Clemons, property owner across the street, and he was in favor of this rezoning.

There being no comments from the public, the floor was closed.

Darren Hiley asked if Hart Family Motors' intent is to move to another site. Staff said that is correct.

Keith Piercy said he didn't think it was fair for the Commission to tie the rezoning and code amendment to the CUP application. He said he might want to go ahead with a used car lot on his own.

Darren Hiley said if the code amendment isn't passed there can't be a used car lot at the Piercy property.

A motion was made by Kim Murphy and seconded by Doyle Riley to table the application due to the applicant not being in attendance. The motion carried unanimously.

AMENDMENT-VEHICLE SALES & RENTAL LOT CHANGE Staff presented an amendment to the Zoning Ordinance pertaining to vehicle sales or rental allowed as a Conditional Use to state that "No similar existing use is located on another property within 1,500 feet when both uses are located along or within 150 feet of 92 Highway or 33 Highway."

Staff said the original ordinance was to discourage dealerships from locating downtown and to prevent a conglomeration of dealerships along the entrances to our City. With approval this would allow a proposed dealership to locate in commercial areas such as Centerville area, the corner of Washington Street and Platte Clay Way and behind the library.

The floor was opened to the public.

Jim Thomas, The Armory, said he owns business property across the street from 700 North Country Avenue. He said he has no problem with the new business coming to that location. He said he is glad to see them do some mowing, etc.

Sharon Thomas, The Armory, said they keep their own property looking really nice and she is tired of looking at the weeds at 700 North Country Avenue. She said the detention pond has six foot tall weeds, etc. growing. She said they never did sod all the way to the Kwik Lube property and the trash corral needs work on it.

Ms. Thomas said if John Hart is moving his business there, will he be moving the pile of steel beams that is piled up in the back parking lot of his current business. She said she was also concerned that that building has only one door and would now be having customers going in and out of the building.

AMENDMENT-VEHICLE SALES & RENTAL LOT CHANGE-CONT Keith Piercy, agent for property at 700 North Country Avenue, said he had Richard Middleton redo the detention pond and it is now so steep, etc. that you can't mow the entire bank.

Mr. Piercy said he believes he should be able to go forward with his CUP. He said he didn't know he needed anything further with the detention pond. He said he was given a Certificate of Occupancy for Abby's Frozen Custard so he assumed everything was fine. He said there have never been any water problems there.

Staff said the City submitted the site plans to Larkin Associates and they approved those. The builder should present "As Built" of the detention area for approval by Larkin Associates.

Staff indicated that they spoke with John King of Crossroads Chevrolet, who was not opposed to the proposed amendment.

There being no further comments from the public, the floor was closed.

A motion was made by Kim Murphy and seconded by Darren Hiley to table the application. The motion carried unanimously.

Keith Piercy left the meeting.

RON & WILLA PIERCY-CONDITIONAL USE PERMIT FOR VEHICLES SALES

Staff presented an application from Ron & Willa Piercy, represented by Keith Piercy, for a Conditional Use Permit for vehicles sales or rental in a "C" or "M" District.

Staff said Hart Family Motors proposes to relocate their existing vehicle sales and rental business from 203 West Washington to a one acre tract at the Northwest corner of North Country and Centerville Avenues, which is the location of the former Abby's Frozen Custard. Approval of the amendment is required before a vehicle sales and rental lot can locate to the Abby's site.

Staff said the property owner was notified July 31st that the property needed to be mowed, weeds removed and the trash enclosure repaired and were addressed prior to the meeting. Staff needs confirmation of the modifications to the detention pond by an engineer prior to the application going to the Board of Aldermen.

The floor was opened to the public.

There being no comments from the public, the floor was closed.

A motion was made by Kim Murphy and seconded by Darren Hiley to table the application due to the applicant not being in attendance. The motion carried unanimously.

Darren Hiley asked if we require the stormwater detention to be approved with the building permit. Staff said that, in this case, the as-built should be tied to the Certificate of Occupancy.

This project completion date was during the absence of a Community Development Director and was an oversight issue.

DISCUSSION

GREENFIELD VILLAGE DRIVEWAYS Staff presented a memo dated August 11, 2008 in regard to Greenfield Village Driveways. Staff said the builder of the villas units in Greenfield Village is requesting to modify the driveways from shared driveways to single driveways for the remaining units. Staff said they consider this a minor change because they are the only buildings facing the road.

Kim Murphy asked if the placement of the buildings changes. Staff said there will be two less units now.

ADJOURNMENT There being no further business on the agenda, a motion was made by Kim Murphy and seconded by Doyle Riley to adjourn. The motion carried unanimously.

APPROVED: _____ **ATTEST:** _____
Kathy Whipple, Chairperson **Kim Murphy, Acting Secretary**