

PLANNING AND ZONING COMMISSION

March 9, 2009

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M. March 9, 2009 at Kearney City Hall with Kathy Whipple presiding. Members present were Darren Hiley, Kent Porter, Kim Murphy and Dan Holt. Heath Courtney and Doyle Riley were absent. Staff members present were David Pavlich, Chad Coffelt, Shirley Zimmerman and Mayor Dane.

Kathy Whipple opened the meeting with the Pledge of Allegiance.

CONSENT AGENDA

➤ Minutes of February 9, 2009 meeting

A motion was made by Dan Holt and seconded by Kent Porter to approve the Consent Agenda as presented. The motion carried unanimously.

A motion was made by Kim Murphy and seconded by Dan Holt to amend the agenda to allow Mayor Dane to speak to the Planning and Zoning Commission. The motion carried unanimously.

MAYOR DANE

Businesses Hiring Mayor Dane said he drove past National Marketing Resources today and saw the large banner they had up advertising that they are hiring. He said with the hard economic times for both residents and businesses he would like to allow them to put the banner up at I-35 and 92 Highway.

Mayor Dane said the worst thing that could come from this would be to have fifteen more wanting to do the same. He said the best thing is to match up unemployed residents with jobs.

Mayor Dane said in the next couple weeks we would be working on a banner to put up that would advertise businesses hiring. We would develop a web site and have it on the banner. They could then go to the web site and see who was hiring. This would help the businesses as well as those unemployed.

Building permit fees Mayor Dane said construction is the life blood of this community. He said in the next couple weeks or so he would be coming back with ideas to help spur construction growth in the community.

Mayor Dane said he had a meeting with bankers, architects, builders, real estate brokers, etc. recently. He said there was a discussion about offering up to twenty five free residential building permits for homes to be built in 2009. They would have to get bids from local businesses.

Building permit fees Mayor Dane said they couldn't pull but two permits at a time and the building would be contingent upon following the City check list. They would have time frames for the various phases of the home and be required to build it in 2009.

Mayor Dane said they would be required to get bids from local businesses for any services available in the community. He said this should help stimulate building as well as give the local businesses a chance to compete.

Mayor Dane said he would like feed back from the Commissioners by April 1st. He said we will take everyone's suggestions and then get back together to finalize the plans.

Kim Murphy asked how many empty homes we have in the community now. Mayor Dane said the number of unoccupied new homes and number of empty units is the lowest it has been in years.

Mayor Dane said he would like to have a program to offer new people buying a home in Kearney up to \$6,000 for moving expenses. He said he would be asking each bank to donate \$1,000 and the real estate broker who sold the home to donate \$1,000.

Mayor Dane said he is considering renting the LED billboard sign at the Paseo Bridge for six months. He said it would be to market Kearney with our schools, amphitheater, parks, trails, etc. He said a business may pay \$300 a month to advertise their business on the billboard.

Mayor Dane said we will be reworking our web sites so they can be utilized to market all facets of our community.

Darren Hiley asked if the builders would have to come in and apply for these permits. Mayor Dane said they would go through the normal process of pulling a building permit.

Kathy Whipple asked where the money from these building permits would normally go. Mayor Dane said it goes into the General Fund.

Kent Porter said Plattsburg is doing a similar thing but they offer the builder \$10,000. He said he understood that they have to buy everything locally unless it's unavailable. Mayor Dane said we are checking with our City Attorney but we believe you can't require them to buy locally regardless of the cost.

Kent Porter asked if we would restrict this to local builders. Mayor Dane said we hope to limit it by only allowing them to pull two permits at a time. We want to try and use the local builders as much as possible.

Facility School Bond Issue Mayor Dane said he believes it is imperative that we as a community pass the No Increase Bond Issue. He said we must keep upgrading our facilities if we want to stay competitive.

Facility School Bond Issue Mayor Dane said the surrounding communities have upgraded their athletic facilities and those are the things people see when looking at schools in a community. He said if they can go to the next town and have state of the art facilities they are going to go there.

Mayor Dane said we need to see positive things happening in our community and then people will want to move here.

PUBLIC HEARINGS

HIDDEN VALLEY FUNERAL HOME-“P” REZONING/CUP IN COMMERCIAL DIST.

Staff presented an application from Fielding Staton, Clear Creek Development, for a C-P District and Conditional Use Permit to construct a 7900 square foot funeral home building at the Southwest corner of 92 Highway and Clear Creek Drive.

The building includes a 1400 square foot chapel, with associated office, restrooms, storage, preparation room and garage. A crematory is not included. Associated improvements will include a parking lot, monument signage, parking lot lighting and landscaped buffer along the South property line.

Staff presented a Staff Report dated March 9, 2009 and recommends approval of the C-P District and Conditional Use Permit development plan dated March 3, 2009, with the following conditions:

1. A crematory is specifically excluded from the project;
2. Revision of the site plan to include the following:
 - a. Identify colors of façade and roof elements on the building elevations;
 - b. 5' sidewalk along all of 92 Highway and Clear Creek Drive;
 - c. Detail graphic of the 6' vinyl privacy fence (almond color);
 - d. Additional landscaping per landscape code;
 - e. Add parking lot separation strips on both sides of parking rows, including the ADA parking areas;
 - f. Identify the “side porch” outside the northwest door, shown on the floor plan;
 - g. Parking lot modifications to increase parking and improve aisle width for circulation;
3. Submittal of revised site plan copies, prior to the Board of Aldermen hearing;
4. Submittal of a building permit prior to construction;
5. Submittal of a permit prior to installation of signage; and
6. Development of the site in compliance with all city codes, conditions, and requirements, and payment of any applicable fees.

Staff said the previously approved development plan for this property consisted of a tire and lube shop, car wash with covered vacuum islands, ATM and area for additional commercial property.

Staff said they do meet the parking requirements but they could increase parking by making the parking spaces nine feet wide instead of ten feet wide. The buffer zone will be the full thirty five

HIDDEN VALLEY FUNERAL HOME-“P” REZONING/CUP IN COMMERCIAL DIST
feet wide in this plan. The previous plan included a roadway in the buffer zone. We are asking them to increase the landscaping.

The floor was opened to the public.

Marsha Clark, daughter of Martha Chaney who owns property across the road on Clear Creek Drive, said her Mom's property is getting closed in due to the changing of the bridge on 92 Highway and commercial development.

Ms. Clark said the sewer lift station at the edge of her property is an eyesore and needs more landscaping around it. She said by changing the bridge they have cut off any chance of an access onto 92 Highway from her property.

Kim Murphy asked where her property is and if it is in the City limits. Staff said her property is East of Clear Creek Drive and South of 92 Highway. Part of it is in the City and part of it is in the County.

Darren Hiley asked if Clear Creek Drive will access back onto 92 Highway after the bridge is completed. Staff said that is correct.

Ms. Clark asked if Clear Creek Drive will be widened at this time. Staff said there are no plans for improvements on Clear Creek Drive at this time.

Ms. Chaney asked if the lift station will remain as it is. Staff said this project has nothing to do with that lift station and it will remain as is.

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

Kim Murphy asked if there would only be two lights in the parking lot. Staff said there is already an existing light at the edge of the property which will remain there.

Kim Murphy said he would like to see the landscaping on the South side of the property be moved to the South side of the fence. He said if they are planted on the South side of the fence they would buffer the fence from the residential. He said he would also like to see more trees and would like to see the additional landscaping be something besides white pines. Mr. Staton said that wouldn't be a problem.

Dan Holt said this would be a lot of concrete and he was concerned if we have high water that it would back up in the parking lot. He wondered about a detention pond. Terry Parsons, Larkin Group, said detention ponds are not for flood plain areas.

Darren Hiley said he was also concerned about storm water drainage. Mr. Parsons said it will be caught in the curb and guttering and then channeled under Clear Creek Drive and into the creek.

Kent Porter said he believes the new bridge will constrict the flow of the creek and cause more back up onto his property on the North side of the bridge. He asked which side of the bridge

HIDDEN VALLEY FUNERAL HOME-“P” REZONING/CUP IN COMMERCIAL DIST

this water will be channeled to. Mr. Parsons said it will run on the South side of the lift station and enter the creek on the South side of the bridge.

Kent Porter asked if we are requiring any road improvements on Clear Creek Drive. He said we should at least get curb and guttering on the West side of the street. He said we made Albright Estates improve their side of the street on Marguerite.

Staff said they didn't address this at this time because this was already a platted area and Albright Estates wasn't. Staff said they would look at this but we usually address road improvements during the platting process.

Darren Hiley asked when Clear Creek Drive would have access to 92 Highway again. Staff said it should be completed by October 2009 when the bridge is completed. They have a penalty clause if they go over the deadline.

Darren Hiley asked what the time frame was for this project. Staff said they hope to try to have this project completed about the same time as the bridge improvement project. Mr. Hiley said he is concerned about all the construction traffic going through the subdivisions.

Kent Porter said he feels it is important to get the road improvements done now while we have an opportunity.

Dan Holt said there is nothing on the plans for a trash dumpster. Mr. Staton said there will be a dumpster and he will add it to the plans and show details of it. He said it would be something similar to what he did at Classy Chocolate.

Kim Murphy said Mr. Staton always does a really nice job with his projects and he is sure this will be the same.

Kim Murphy asked to add Number 7 to the Staff recommendations requiring a trash receptacle with drawings showing the details and location be added to the site plan. He said he would also like to add to "d" of Staff recommendations to move the landscaping South of the fence and include more than white pines.

A motion was made by Kim Murphy and seconded by Darren Hiley to recommend to the Board of Aldermen to approve the application from Fielding Staton, Clear Creek Development, for a C-P District and Conditional Use Permit to construct a 7900 square foot funeral home building at the Southwest corner of 92 Highway and Clear Creek Drive contingent upon meeting all Staff comments including the additions requested. The motion carried unanimously.

WAYNE & SHEILA RICKEL-PETITION TO VACATE A PORTION OF EAST 7TH ST

Staff presented an application from Wayne and Sheila Rickel to vacate a small section of right-of-way located between two tracts owned by the Rickel's.

Staff said the right-of-way area to be vacated is generally described as the West approximately 100 feet of the un-improved East 7th Street right-of-way that extends West of South Grove Street and terminates approximately 105 feet from the East right-of-way line of 33 Highway. Staff said

WAYNE & SHEILA RICKEL-PETITION TO VACATE A PORTION OF EAST 7TH ST
we will retain a general utility easement across the area being vacated.

Staff presented a Staff Report dated March 9, 2009 and recommended approval.

The floor was opened to the public.

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

A motion was made by Kim Murphy and seconded by Kent Porter to recommend to the Board of Aldermen to approve the application from Wayne and Sheila Rickel to vacate a small section of right-of-way located between two tracts owned by the Rickel's contingent upon meeting all Staff comments. The motion carried unanimously.

NEW BUSINESS

RICKEL BUSINESS CENTER-FINAL PLAT Staff presented an application from Wayne and Sheila Rickel for the Final Plat of Rickel Business Center. This final plat proposes to combine two tracts, an area including the existing CVS and Studio 92 buildings. The plat also includes an adjacent tract to the South, which is the location of the "little white house" at 703 South Jefferson.

Staff presented a Staff Report dated March 9, 2009 and recommended approval.

A motion was made by Kim Murphy and seconded by Kent Porter to recommend to the Board of Aldermen to approve the application of Wayne and Sheila Rickel for the Final Plat of Rickel Business Center. The motion carried unanimously.

RICKEL BUSINESS CENTER/CVS – SITE PLAN Staff presented an application from Wayne Rickel and Paul Miller representing CVS to redevelop the Southeast corner of 92 Highway and South Jefferson, including the current sites of CVS, Studio 92 and 703 South Jefferson.

The house at 703 South Jefferson would be demolished, with the Studio 92 building being relocated to that site. Certification from a structural engineer, verifying the integrity of the building should be required. The building would be expanded to 3052 square feet. The façade would be light tan stucco, with dark tan trim and a brown shingle roof.

CVS proposes to construct a new 13,225 square foot brick store with a drive-thru pharmacy. The existing store would be demolished and replaced with additional parking area.

Staff presented a Staff Report dated March 9, 2009 and recommended approval with the following conditions:

1. Revisions to the site plan, including:
 - a. Parking lot light pole/fixture detail;
 - b. Removal of the light pole on the east property line of Lot 2;

- c. Add a detail of fencing/railing along the top of the wall along the east property line;
 - d. Monument sign to be reduced to meet the sign requirements;
 - e. Relocation of the Lot 2 ADA parking space to the south end of the parking lot;
 - f. Verification that the site improvements are consistent with the platted property lines;
2. Submittal of revised plan copies, prior to the Board of Aldermen hearing;
 3. Submittal of a demolition permit prior to demolition of the existing CVS building;
 4. Submittal of a demolition permit prior to demolition of the little white house and relocation of the Studio 92 building;
 5. Submittal of a letter from a structural engineer licensed in the State of Missouri, indicating the Studio 92 building is structurally sound;
 6. All site improvements related to the relocation of the Studio 92 building to be completed prior to or concurrently with construction of the new CVS building;
 7. Installation of a Knox box and address numbering, as requested by the Kearney Fire & Rescue Protection District;
 8. Payment of 1% review fee to cover cost of engineering review and site inspection of the proposed drainage facilities;
 9. Submittal of a building permit application prior to construction;
 10. Submittal of a permit prior to installation of signs;
 11. Development of the site in compliance with all city codes, conditions, and requirements.

Kim Murphy said since they will be losing the CVS entrance onto 92 Highway, they should put in curb and gutter along there and add sidewalk to that area. He said he was glad to see that the drive thru would not face any residential area.

Mr. Murphy said Item 7 in the conditions should say that the Knox box and address numbering is required by the Kearney Fire and Rescue Protection District. He said they have an ordinance that requires this.

Darren Hiley asked if people will be able to turn left out onto 92 Highway and how far it is from the beginning of the left turn lane for people westbound on 92 Highway. Staff said they will be able to turn left from that entrance but they weren't sure how far from the left turn lane it would be.

Darren Hiley asked what happened to the left turn lane for traffic turning onto Grove and going to Casey's. Staff said after the widening was done MoDOT didn't require the left turn lane there. They control everything on 92 Highway.

Kent Porter said he didn't understand why the land area of the funeral home project was larger than this property, but wasn't required to do drainage and this project was. Mr. Parsons, Larkin Group, said this area will have pipes running under the concrete and slow down the flow going to the storm water system. This project lies farther up in the water shed area so you try to limit the peak flow. The funeral home project is in a flood plain area and you want to get that water off the property and into the stream as quickly as possible.

RICKEL BUSINESS CENTER/CVS – SITE PLAN Kent Porter asked if the parking is sufficient for the building being moved. Staff said based on square footage they do have enough parking. They will have employees use CVS parking during busy times.

Dan Holt said they must be very careful with the utilities along 33 Highway. He said there were issues there when the widening was done and we had to relocate our water line. Mr. Miller said they are aware of the utilities there and will be very careful.

A motion was made by Kim Murphy and seconded by Darren Hiley to recommend to the Board of Aldermen to approve the application from Wayne Rickel and Paul Miller representing CVS to redevelop the Southeast corner of 92 Highway and South Jefferson, including the current sites of CVS, Studio 92 and 703 South Jefferson contingent upon meeting all Staff Comments and being sure that Item 6 in the Staff comments is being met in regard to the relocation of the Studio 92 building. The motion carried unanimously.

DISCUSSION

KENT PORTER Kent Porter said he is concerned that people Southbound on 33 Highway and wanting to turn left into CVS, get into the turn lane that is for Northbound traffic going left onto 92 Highway. Staff said they will contact MoDOT about the issue, since they control the striping and signage along 33 Highway.

STIMULUS PACKAGE Staff reported that we didn't get anything from the Federal Stimulus Package related to transportation funds allocated by MoDOT and Mid America Regional Council (MARC). There is possible stimulus funding available from an enhancement program.

Additional details about that part of the stimulus package won't be available until later in the month. The project we submitted included a turn lane into Jesse James Park, Mack Porter Park Trail, and improving Washington Street on the West side of 33 Highway.

Dan Holt asked if we knew how much money there would be. Staff said only about \$400,000 in our MoDOT District.

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

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

