

PLANNING AND ZONING COMMISSION

April 7, 2010

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M. April 7, 2010 at Kearney City Hall with Kim Murphy presiding. Members present were Darren Hiley, Dan Holt and Kent Porter. Kathy Whipple, Doyle Riley and Heath Courtney were absent. Staff members present were David Pavlich, Chad Coffelt and Shirley Zimmerman.

Kim Murphy opened the meeting with the Pledge of Allegiance.

THANK YOU Kim Murphy said this would be Dan Holt's last meeting as representative of the Board of Aldermen. He said on behalf of the Planning and Zoning Commission he wanted to thank Mr. Holt for his service and valuable input at meetings.

CONSENT AGENDA

➤ Minutes of March 8, 2010 meeting

A motion was made by Darren Hiley and seconded by Dan Holt to approve the minutes of the March 8, 2010 meeting as presented. The motion carried unanimously.

PUBLIC HEARINGS

AMENDMENT-HORSES IN THE R-R DISTRICT Staff presented a request from Michele Downey, property owner of 1700 Paddock Drive, in the Beverly Park Subdivision, requesting the City consider an ordinance allowing horses in the R-R (Rural Residential) Zoning District.

Staff presented a Staff Report dated April 5, 2010 and recommended approval. Staff said in 2007-2008, the City updated the Zoning Order and Subdivision Regulations and changed the City's R-A (Agricultural) Zoning District to R-R (Rural Residential). The language allowing farm animals was removed.

The Beverly Park Subdivision has covenants and restrictions that would allow farm animals (excluding hogs, fowl, sheep or goats) at a density of up to one per acre. The subdivision was developed with a horse trail easement around the perimeter of the subdivision. The easement was removed by the neighbors several years ago. Covenants and restrictions can't be enforced by the City. The City can only enforce items and uses allowed in the Zoning Order.

The proposed amendment would allow horses, provided that the number of horses is limited to up to one horse per acre of fenced yard area; any related buildings, structures, or yard areas must be set back 100 feet from any residential zoning district other than

AMENDMENT-HORSES IN THE R-R DISTRICT-CONT R-R; and any yard area is fenced and located to the rear of the residential dwelling. Other farm animals are not included.

Neighbors along Paddock Drive were contacted by letter regarding the proposed amendment. Of the twenty neighbors notified, eleven supported the approval, one didn't support the amendment and nine didn't respond.

Kim Murphy asked if proper notification had been posted. Staff said yes.

The floor was opened for public comments.

Michele Downey, 1700 Paddock Drive, said this subdivision was originally designed to allow horses. She said she believes being able to have horses is a value to her property.

Kim Murphy asked if her property was for sale. She said yes.

Dan Holt asked if the purpose to do this is because the house is for sale and did she want to re-instate the trail. Ms. Downey said she does want this because her house is for sale. She said she had no intention to re-instate the trail.

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

Darren Hiley asked what reason the one owner gave for opposing the amendment. Staff said he only said no.

A motion was made by Darren Hiley and seconded by Kent Porter to recommend to the Board of Aldermen to approve the ordinance amending Chapter 405 of the Municipal Code by allowing horses in the R-R (Rural Residential) Zoning District. The motion carried by a vote of three to one with Kim Murphy voting nay.

AMENDMENT – LIVE-WORK UNITS IN THE “P” DISTRICT Staff presented an amendment to the Zoning Order to insert the live-work unit language back into the Planned Zoning District.

Staff said in 2003 the Board of Aldermen approved an ordinance which allowed live-work units in the C-P (Planned Commercial) District. This ordinance did not get codified, so it did not show up in the annual update to the City codes, though it was an approved ordinance and in effect.

In 2007-2008, the City reviewed and approved Ordinance 1101-2008, updating the Zoning Order and Subdivision Regulations. That procedure involves entirely repealing the previous ordinance. Because the live-work unit ordinance wasn't codified, when we updated the Zoning Order and Subdivision Regulations, the live-work language was in effect repealed and removed from the Zoning Order.

AMENDMENT – LIVE-WORK UNITS IN THE “P” DISTRICT-CONT Kim Murphy presented a copy of the amendment and had made some minor changes to make it more readable.

The floor was opened to the public.

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

Kent Porter asked if there was still an apartment above Gino’s Restaurant. Staff said there is. This doesn’t apply to the Downtown CBD. It was originally put in place for Flight of Quail Subdivision, which never did develop. This would be permissible for any CP District. The entrance to Villas of Marimack could have something like this.

Dan Holt said he thought we should remove the term immediate family because a business might like to have an employee live there.

After some discussion, the wording will be changed to the following:

The uses permitted in any Planned District shall be the same as in the corresponding regular district. For example, the uses permitted in “R-P-1” shall be the same uses permitted in “R-1”. However, in appropriate circumstances in the CP – Commercial Planned District, upon the recommendation of the Planning Commission and the specific approval of the Board of Aldermen, the second or higher story in the same building may be used or leased only as a residence. In appropriate circumstances, the buffer yard requirements may be reduced to zero.

A motion was made by Kent Porter and seconded by Dan Holt to recommend to the Board of Aldermen to approve an amendment to the Zoning Order to insert the live-work unit language back into the Planned Zoning District as previously stated. The motion carried unanimously.

INFORMATION & DISCUSSION ITEMS

MONTHLY PERMIT AND CO INFO Staff presented the information for the last month in regard to permits and Certificates of Occupancy. Staff said we have issued eleven of the twenty-five reduced fee permits.

DAN HOLT Dan Holt said it has been a privilege to serve on this Commission as the representative from the Board of Aldermen. He said this Commission does a really good job of checking out projects before approving them. He said this is a thankless job but you have kept the community looking good.

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

APPROVED: _____ **ATTEST:** _____
Kim Murphy, Acting Chair **Darren Hiley, Secretary**

