

PLANNING AND ZONING COMMISSION

May 10, 2010

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M. May 10, 2010 at Kearney City Hall with Kathy Whipple presiding. Members present were Darren Hiley, Doyle Riley, Kim Murphy, Jenny Hayes and Heath Courtney. Kent Porter was absent. Staff members present were David Pavlich and Shirley Zimmerman.

Kathy Whipple opened the meeting with the Pledge of Allegiance.

WELCOME JENNY HAYES Staff introduced Jenny Hayes as the Board of Aldermen liaison to the Planning and Zoning Commission.

CONSENT AGENDA

➤ Minutes of April 7, 2010 meeting

A motion was made by Darren Hiley and seconded by Heath Courtney to approve the minutes of the April 7, 2010 meeting as presented. The motion carried unanimously.

NEW BUSINESS

PORTER'S SERVICE-SITE PLAN REVISION Staff presented an application from Doug Porter, Porter's Service at 104 South Jefferson, to install a similarly designed roof section on the overhang above the front door as was installed on the building.

Staff presented a Staff Report dated May 10, 2010 and recommended approval. Staff said the color will match that of the new roof.

A motion was made by Kim Murphy and seconded by Heath Courtney to approve the application from Doug Porter, Porter's Service at 104 South Jefferson, to install a similarly designed roof section on the overhang above the front door as was installed on the building contingent upon meeting all Staff comments. The motion carried unanimously.

NORTHLAND BUSINESS CENTER-REPLAT OF LOTS 6 & 7 Staff presented an application from Terry Bush, Kearney Professional Plaza, LLC, proposing to subdivide Lots 6 and 7 of the Northland Business Center into eight lots encompassing the footprint of each building.

Staff said there are currently six buildings on the property, with space for two additional buildings to be constructed at the North end of the property. The balance of the two lots (which include yard and parking areas) will be owned and maintained by the business association. The property is located along the East side of Platte Clay Way, between the Post Office and the Westbrook Care Center.

NORTHLAND BUSINESS CENTER-REPLAT OF LOTS 6 & 7-CONT Staff said a business association will be created to own and maintain the common areas. Staff has reviewed the business association documents, which will be recorded with the final plat.

Staff presented a Staff Report dated May 10, 2010 and recommended approval. Staff said this minor subdivision application doesn't require Board of Aldermen approval.

Kim Murphy asked if they will have to come in for the other two buildings. Staff said yes. The parking lot is already done and the detention is approved.

Heath Courtney asked if our zoning ordinance requires setbacks in commercial districts. He said he just wanted to make sure we are following our policies. Staff said these aren't lots but designated tracts of A, B, C, etc. Staff said the overall site had already been approved but they will look at our ordinances in regard to setbacks, etc.

A motion was made by Kim Murphy and seconded by Doyle Riley to approve the application from Terry Bush, Kearney Professional Plaza, LLC, proposing to subdivide Lots 6 and 7 of the Northland Business Center into eight lots encompassing the footprint of each building contingent upon all Staff comments being met. The motion carried by a vote of four to two with Heath Courtney and Darren Hiley voting nay.

MCDONALD'S BUILDING & PARKING LOT ADDITION-SITE PLAN Staff presented an application from McDonald's, located at 500 West 92 Highway, proposing an approximately 600 square foot building addition, façade changes to update the look of the store and a modification of the existing drive-thru for a second order station.

The façade will be updated to a dryvit surface, in "manor white" and "winter brown" colors. The existing brick base around the building will be utilized and painted to match. New striped awnings will be installed over the windows.

The drive-thru windows on the building will remain the same. The proposed changes will be beneficial by allowing additional stacking of approximately three to four vehicles in the drive-thru, which will improve circulation on the site.

The Kearney Fire and Rescue Protection District requires that knox boxes be located near the main entrances and that address numbers are visible from the road.

Jenny Hayes asked if this will provide additional seating. She was told yes.

Heath Courtney asked if parking was based on the new addition. Staff said yes.

Kathy Whipple asked if we only need two ADA compliant parking spaces. Staff said actually only one space is required.

Kim Murphy said you have to dodge all the pot holes when entering the property and would they be fixed. A spokesperson for McDonald's said they would patch and seal the parking lot and areas within their property boundaries.

MCDONALD'S BUILDING & PARKING LOT ADDITION-SITE PLAN-CONT

Heath Courtney asked if they will continue to have the red box and will there be parking spaces for it. He said people stop right by the box and create traffic problems and they also interfere with the drive-thru lane. A spokesperson for McDonald's said they will continue to have the red box but it will be moved up from the side door. Customers are supposed to park in the regular parking stalls. After some discussion, it was decided that there should be consideration for additional signage and paint striping no parking along where the red box is located.

A motion was made by Kim Murphy and seconded by Darren Hiley to recommend to the Board of Aldermen to approve the application from McDonald's, located at 500 West 92 Highway, proposing an approximately 600 square foot building addition, façade changes to update the look of the store and a modification of the existing drive-thru for a second order station contingent upon meeting all Staff comments, including designating signage and/or paint striping for no parking where the red box is located. The motion carried unanimously.

KOOKIE RICKEL-MONUMENT SIGN WITH ELECTRONIC READER BOARD

Staff presented an application from Wayne "Kookie" Rickel proposing to install a monument sign that includes an electronic LED display at the new Riviera Tanning Salon at 703 South Jefferson.

Staff presented a Staff Report dated May 10, 2010 and recommended approval. The sign will be six feet tall with a face 48 square feet in size. The applicant has submitted an affidavit acknowledging that the reader board can't display moving animation and that messages must remain for a minimum two second period.

Darren Hiley asked if the sign would go on the concrete pad near the road where the statue is located. He said he didn't want it interfering with the CVS directional signs. Staff said that is correct.

Heath Courtney asked if we shouldn't have had a site plan showing where the sign would be placed. Staff said that was correct and they would ask for it when he submits the sign permit.

A motion was made by Darren Hiley and seconded by Jenny Hayes to approve the application from Wayne "Kookie" Rickel proposing to install a monument sign that includes an electronic LED display at the new Riviera Tanning Salon at 703 South Jefferson contingent upon meeting all Staff comments and presenting a site plan showing it on the concrete slab near the road. The motion carried unanimously.

PAVILION AT KEARNEY AMPHITHEATER Staff presented a building elevation of the proposed pavilion and an aerial map identifying the proposed location on the concrete pad next to the concession stand at the amphitheater. Staff said in recent weeks, the City has had discussions with the Jesse James Festival Committee and Knights of Columbus regarding a proposed L-shaped pavilion for Jesse James Park.

PAVILION AT KEARNEY AMPHITHEATER North Kansas City Beverage Company has, in the past, supported the Jesse James Festival and the Knights with monetary donations toward the annual Jesse James Festival. If the pavilions are constructed, a new funding agreement would be put in place. An annual payment would be given to the City on behalf of the Festival Committee, the Knights of Columbus and North Kansas City Beverage Company toward the lease-purchase payment for the pavilion's construction.

The Park Board, which is responsible for the erection and maintenance of all recreational facilities in the parks, previously endorsed the project. Staff recommends that the Planning and Zoning Commission also endorse the project.

Kathy Whipple asked what the size of the pavilions was. Eric Marshall, Park Director, said they are 51 by 96 feet and 60 by 96 feet. The port-a-potties will be moved to the East.

Kathy Whipple asked if they will have picnic tables. Staff said not at this time. We believe this area will be used by concerts as well as the Jesse James Festival. We also hope to rent the area out to groups, etc.

Darren Hiley asked if it would be lit up inside and would the soffit be enclosed under the roof. Staff said electricity is in the bid packet as an option. The soffit will be enclosed so we don't have issues with birds. We hope to have this done by July 3rd.

Kim Murphy asked if there will be a road to this area. Staff said there is a roadway to the South side of this area that has asphalt millings on it for cars. There is also a surfaced walkway for people to walk on to get to the area.

A motion was made by Kim Murphy and seconded by Darren Hiley to approve placing pavilions on the concrete slabs near the concession stands at Jesse James Park. The motion carried unanimously.

INFORMATION & DISCUSSION ITEMS

SUZANNE MANSELL—CHICKENS IN R-1, SINGLE FAMILY RESIDENTIAL

Staff presented a memo dated May 6, 2010 stating that Suzanne Mansell had asked to address the Planning and Zoning Commission regarding other cities that allow "backyard" or "urban" chickens.

Staff said the City recently became aware of chickens at Ms. Mansell's address. They are kept in a small fenced in area with a coop, similar to a doghouse and kennel. The City issued a code violation letter requesting removal of the chickens, as the R-1 district does not allow the keeping of farm animals. The Missouri State Statutes include chickens in the definition of livestock.

Heath Courtney asked how the City became aware of the chickens. Staff said they drove by the residence and saw the chickens.

SUZANNE MANSELL—CHICKENS IN R-1, SINGLE FAMILY RESIDENTIAL

Suzanne Mansell presented a letter and packet of information in regard to having chickens. She said they have the chickens for the eggs and her daughter's 4-H project. She said she shows them for 4-H and it helps teach her responsibilities.

Kim Murphy said we can't do anything about the current issue but he said he was in favor of amending our ordinances. He said his children had chickens but no roosters when they were young. He said they are quieter than dogs and don't bite. He said he thought they should be limited to four hens.

Jenny Hayes asked how many chickens they currently had. Ms. Mansell said they have five hens and one rooster. She said she had no problem getting rid of the rooster.

Heath Courtney asked if this wouldn't have to go to the Board of Adjustment to make a change. Staff said this isn't something that can go to the Board of Adjustment. We can only change the ordinance if approved by the Board of Aldermen.

Darren Hiley said we have to be careful about allowing chickens and then the next person wants rabbits and the list continues to grow.

A motion was made by Kim Murphy to direct Staff to draft an ordinance to be considered by the Board of Aldermen at a future meeting to allow up to four hens and no roosters in R-1 District. There was no second to the motion.

Ms. Mansell asked what she was to do about her chickens in the mean time. Staff said she will need to remove them from the City at this time.

MONTHLY PERMITS Staff said we have sold the twenty five permits for single family dwellings for \$300. We now are offering permits at \$1000 until July.

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

Approved: _____ **Attest:** _____
Kathy Whipple, Chairperson **Darren Hiley, Secretary**