

PLANNING AND ZONING COMMISSION

September 13, 2010

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

Kathy Whipple opened the meeting with the Pledge of Allegiance.

CONSENT AGENDA

- Minutes of the July 29, 2010 meeting

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

AMEND AGENDA

A motion was made by Kim Murphy and seconded by Darren Hiley to amend the Agenda by moving the application of Little Dawg Daycare for a Condition Use Permit to the beginning of the meeting. The motion carried unanimously.

LITTLE DAWG DAYCARE-CONDITIONAL USE PERMIT A motion was made by Kim Murphy and Darren Hiley to table the application of Little Dawg Daycare for a Conditional Use Permit for daycare at 408 South Grove until the October 11, 2010 meeting. The motion carried unanimously.

OLD BUSINESS

REMAX BUILDING FACADE CHANGE-CARPORT REMOVAL Staff presented a request from Steve Mills that the condition of the carport removal at 408 West 92 Highway be reconsidered. Removal of the carport was a condition of approval for the site plan approved by Planning and Zoning on July 29th and Board of Aldermen on August 2.

Staff said Ruth Ann Wood had submitted a letter indicating the carport would be removed by September 10, which was honored by the Community Development Department.

Steve Mills said Ruth Ann Woods and Remax aren't against the carport being there on the property. He said there are other carports in town and they haven't been asked to remove them.

REMAX BUILDING FACADE CHANGE-CARPORT REMOVAL-CONT Staff said there has been no building permit issued for this carport and it isn't attached in any way so it is considered a temporary building and can't stay there year around.

Heath Courtney asked if Ruth Ann Wood was the owner of the property and if the Board of Aldermen had approved it being removed. Staff said both of those statements are true.

Jenny Hayes said this could be allowed to be put up and taken down. Mr. Mills said no one had told him it had to move. He said Remax told him he could store it behind their building but it is a lot of work to move it.

Jenny Hayes asked if Ruth Ann Wood had told him about it being removed. He said not in advance.

Kathy Whipple said this is similar to the shaved ice business but it doesn't stay there year around.

Kim Murphy said if these temporary businesses don't come before the Commission, what control do we have. Staff said the temporary building section of the Code says it comes before the Board of Aldermen.

Jenny Hayes said to prevent hindering small temporary businesses from operating she doesn't see any problem with them being handled through the administrative process, if possible.

Heath Courtney asked if temporary businesses have to meet any parking requirements. Staff said there is nothing in regard to parking.

Kim Murphy said quite some time ago it was deemed not necessary to control parking for temporary businesses.

Darren Hiley said if they move it behind the Remax building it will still be visible.

Jenny Hayes said maybe they could put it in the area of the storage buildings.

Staff said they would like to be allowed to sell pumpkins from that spot this year. It was the general consensus of the Commission that it would be fine to stay there and sell pumpkins before removing it.

A motion was made by Heath Courtney and seconded by Kim Murphy to recommend to the Board of Aldermen to not remove the condition of the carport removal from the Remax Office Building Façade application and Staff will work with Mr. Mills on where to store the carport. The motion carried unanimously.

NEW BUSINESS

MID-AMERICA PIPELINE ADDITION-SITE PLAN Staff presented an application from Mid-America Pipeline to construct a 960 square foot addition on the existing front office/storage building, located at 1015 North Jefferson.

Staff said the building will be increased in size from 4,000 square feet to 4,960 square feet. The addition will be metal, matching the material and color of the existing building.

Staff said the Planning and Zoning Commission and Board of Aldermen previously approved a site plan for a larger building addition and parking lot in January 2005. That project was not started. This addition doesn't match the previously approved site plan so submittal of a new plan was required.

Darren Hiley asked if they meet the landscaping requirements. Staff said yes.

Kim Murphy said we can't require a Knox box but it would be really nice if they would follow the recommendation of the Fire Department and install one. Jim Hedrick, contractor, said he was sure they would consider putting one in.

A motion was made by Kim Murphy and seconded by Darren Hiley to recommend to the Board of Aldermen to approve the application from Mid-America Pipeline to construct a 960 square foot addition on the existing front office/storage building, located at 1015 North Jefferson contingent upon meeting all Staff comments. The motion carried unanimously.

INFORMATION & DISCUSSION ITEMS

KENT PORTER Kent Porter said he would like to have some discussion in regard to temporary businesses and the lack of control we have with them.

Darren Hiley said we have them going through City Staff. Staff said there is a temporary structure section, which requires Board of Aldermen review. Staff said those selling local produce, etc., according to State Statutes, aren't required to get a city license.

Heath Courtney said he thought it would also be a good idea to post dates at the site that they are to operate.

Kim Murphy said we need to request that the Board of Aldermen consider more often using the temporary structure section of the Codes and temporary use requirements when possible. It was the general consensus of the Commission to do this.

KIM MURPHY Kim Murphy said it seems like we have the inability to enforce the Sign Ordinance. He said maybe we need to do away with the requirements with the smaller signs.

Mr. Murphy said you aren't suppose to have off premise signs but there are always signs at Pour Boys. Others that come to mind include Pink House Barbeque and Bulldog Storage.

Mr. Murphy said we also have temporary banners that stay up way longer than thirty days.

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

APPROVED: _____ **ATTEST:** _____
Kathy Whipple, Chairperson **Darren Hiley, Secretary**