

PLANNING AND ZONING COMMISSION

April 9, 2012

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., April 9, 2012 at Kearney City Hall with Kathy Whipple presiding. Members present were Dan Holt, Darren Hiley, Eric Shumate, Kent Porter, Heath Courtney and Kim Murphy. Staff members present were David Pavlich, Chad Coffelt and Shirley Zimmerman.

Kathy Whipple opened the meeting with the Pledge of Allegiance.

CONSENT AGENDA

➤ Minutes of the March 12, 2012 meeting

Due to the minutes not being in the agenda packet, a motion was made by Kim Murphy and seconded by Dan Holt to table the Consent Agenda until the next meeting. The motion carried unanimously.

NEW BUSINESS

NORTH POINT DEVELOPMENT Staff said North Point Development wants to familiarize the Planning and Zoning Commission with their Urgent Care Facility project so they can make changes if necessary. They are on a short time table and have requested a special meeting on April 30, 2012.

Patricia Jensen, White Goss, Bowers law firm, said she is representing North Point Development. She said they want to file the applications on Thursday for the April 30th meeting and pull permits by the middle of May. They want to complete the project by August 1, 2012.

Ms. Jensen said this property is located to the North of McDonald's and Shell Station. She said they will have three applications. One will be to rezone the 2.5 acres from Industrial to Commercial zoning. The second application will be for the Preliminary Plat and site plan development. The third application will be for the Final Plat.

Ms. Jensen said this will be done in two phases. Phase 1 will be physician offices and Phase 2 will be the Urgent Care Facility and areas for other programs.

Ms. Jensen said they had met with City Staff and the Mayor about the project. They agreed to the special meeting April 30th and Board of Aldermen on May 7, 2012.

Chad Meyer, NorthPoint Development, presented proposed drawings of the buildings, roadways, etc. He said there will be an entrance on the South that will be only an ingress entrance. He said everyone will leave to the North onto Washington Street. He said that entrance will be

NORTH POINT DEVELOPMENT the primary entrance. There will be a traffic circle at that entrance. He said they will be building a small bridge or box culvert at that entrance.

Doug Belchley, AECOM, said the exterior will be canyon stone with hardy lap siding. He said it will be colored to look like cedar. He said there will be a stone material at the base of the building. There will be a beacon on top of the building that will be lit. He said the structure will face I-35.

Kim Murphy said he thought there was no access to the site from 92 Highway. He said people will still try to go out that way. Chad Meyer said it will be designed to not allow traffic to turn right to go out of the property on the South end.

Heath Courtney asked why they were down zoning. Mr. Meyer said medical is not allowed in Industrial Zoning.

Dan Holt said the bridge will need a DNR permit and they don't usually move that fast. He said we already have problems down stream from this project so we don't want to add to that issue. He asked where the water from the parking lot would go. Mr. Meyer said they are aware of the DNR permit and have been talking to them. He said the water from the parking lot would be going into the outdoor area of the property which would act as a detention.

Darren Hiley asked if they would be land locking the remaining piece of this property. Mr. Meyer said they would have to give access to that.

Kent Porter said when we did the McDonald's and Shell Station project we agreed that there wouldn't be access to this property from 92 Highway. He said vehicles park along the curb between the two businesses now and it barely leaves enough room for cars to leave the station. He said the roundabout will not work like it's designed. He said we are just creating a smaller version of Pilot. He said we closed that street and there is no street access to this property from the South.

Kathy Whipple said the pavement in that area is not maintained now. She said this area is used as a parking lot for customers of the two businesses. She asked if there will be signage. Mr. Meyer said this won't be the primary access to the property.

Kent Porter said the deal with McDonalds and Shell was that their deal only worked if the street was removed. There isn't enough room for a public city street.

Kim Murphy said he believes this will be a good development in the community but we need to come up with a solution for the South entrance.

Kent Porter said you can't force anyone to go back around the round about to head to the North if they really want to access the exit to the South. People come and go from the Casey's Store the wrong way every day.

NORTH POINT DEVELOPMENT Eric Shumate asked if they think they can get everything done in this short of a time frame. Mr. Meyer said they believe they can get all this done.

PUBLIC HEARINGS

BART BURNHAM-REZONING COUNTY TO R-R RESIDENTIAL Staff presented an application from Bart Burnham to rezone approximately seven acres, located at 13303 State Route 33, from County Agricultural to the City's R-R Rural Residential zoning classification. The rezoning will accommodate submittal of a building permit for an accessory garage to house cars he restores.

Staff presented a Staff Report dated March 12, 2012 and recommended approval.

Kim Murphy asked what kind of cars he restores. He said old GM products and mainly trucks.

The floor was opened to the public.

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

A motion was made by Heath Courtney and seconded by Kim Murphy to recommend to the Board of Aldermen to approve the application from Bart Burnham to rezone approximately seven acres, located at 13303 State Route 33, from County Agricultural to the City's R-R Rural Residential zoning classification. The motion carried unanimously.

AMENDMENT ZONING ORDINANCE CONCERNING PARKING OF TRUCKS

Staff presented an amendment to the Zoning Order prohibiting parking on lawn areas and prohibiting storage of commercial vehicles on properties used for residential purposes.

Staff said we have many residences in the City that are actually zoned commercial. This proposes to remove the R-districts. The intent of the Ordinance is to prohibit parking such vehicles in residential area, whether they be zoned residentially or used residentially.

Dan Holt said this stems from one individual who parks his semi at his house, which is located in a commercial area.

Kent Porter asked who brought this to the attention of Staff to make this decision. Staff said they noticed it while out in the field.

Heath Courtney said this is governed by language and if a warehouse has a bed/kitchen in it then they couldn't park trucks there. We would have to regulate the inside of buildings to enforce the ordinance.

AMENDMENT ZONING ORDINANCE CONCERNING PARKING OF TRUCKS

Kathy Whipple said she didn't think we would be policing the use of buildings that closely.

Darren Hiley asked if you couldn't park in the driveway or in front of your house. This will allow you to park on hard surface.

Eric Shumate asked if you live in R-A like Paddock Drive, can you park your tractor, etc. at your home.

The floor was opened to the public.

Jim Yetter, 1920 Meadow Lane, said he owns a Class A motor Home and he got a letter saying anything over a one ton vehicle couldn't be parked in his driveway. He said his neighbor has a two ton work truck that parks in the street in front of his home all the time.

Dan Holt said utility trucks are exempt from the rule.

Kent Porter said basically this would state that you can't park in the grass anywhere.

Kathy Whipple said anyone living in a commercially zoned area should expect issues that don't occur in residentially zoned areas. She said she didn't believe they should park in the grass but you should allow larger vehicles to be parked there.

The floor was closed to the public.

After much discussion, it was decided to table this until Staff could work on it some more.

A motion was made by Kim Murphy and seconded by Kent Porter to table this until the May meeting. The motion carried unanimously.

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

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