

PLANNING AND ZONING COMMISSION

October 22, 2012

The Planning and Zoning Commission, City of Kearney, Missouri, met in special session at 6:30 P.M., October 22, 2012 at Kearney Fire Station at 201 East 6th Street with Kathy Whipple presiding. Members present were Eric Shumate, Kent Porter, Darren Hiley, Dan Holt and Kim Murphy. Heath Courtney was absent from the meeting. Staff members present were David Pavlich, Chad Coffelt, Shirley Zimmerman and Mayor Dane.

Kathy Whipple opened the meeting with the Pledge of Allegiance.

OLD BUSINESS

SHOPPES AT KEARNEY-RESUBMITTAL OF PRELIMINARY PLAT Staff received a resubmitted application with additional information from Tim Harris, Star Acquisitions, for a preliminary plat proposing a 37 acre commercial development at the Southeast corner of 92 Highway and Interstate 35. The project would include construction of a 55,000 square foot grocery store, gas station/convenience store, pharmacy, three restaurants, a hotel and three additional retail buildings. The project also includes a new road to provide access, a roundabout and several tracts to be owned and maintained by a Community Improvement District (CID).

Staff said in regard to stormwater the developer's engineer has been working diligently with the City's engineer on revisions to the stormwater plan. The preliminary plat has been revised to show additional detention areas. Larkin has indicated that conceptually the plan meets the required criteria.

Staff said in regard to access and roadway improvements the preliminary plat has been revised to include the proposed medians along 92 Highway. A traffic queue exhibit has been submitted which shows how traffic will queue at various intersections after the development is built and in 2030. It also shows where southbound left turn lane at the new Regency intersection begins, being toward the South of the car wash site.

Staff presented a letter from Joel Elmore to be entered into the minutes.

My name is Joel Elmore; Shirley and I live at 807 Regency just south of the car wash.

I believe the only idea that may have been proposed that has a chance of working is a single turn a bout at 92 HWY & Platte Clay Way.

Solutions that a single turn a bout would solve: (Given: No left turn allowed from the Regency north into Shoppes at Kearney)

For Emergency vehicles:

Time saved not having to navigate a busy intersection.

For the residents that live on Regency:

Even though it would be a slight inconvenience having to turn right and use the turn a bout to circle back to the shopping center it would be a lot safer.

Without the left turn there wouldn't any possibility of a backup in front of Lot 1.

Due to the right only; people that didn't live on Regency would be less likely to use northbound Regency as a short cut.

I believe that getting into my driveway would be a lot easier because the traffic would only be significantly higher in one direction instead of both directions.

People could still exit south on to Regency reducing traffic at 92 HWY & Platte Clay way.

For the car wash:

Traffic wouldn't be blocked from getting into their business from the southbound lanes.

For out of Towner's:

They could exit the same way they entered.

(Note: This alone would relieve a great deal of traffic that would otherwise be forced to exit via Regency.)

For existing businesses along 92:

Sonic traffic issues would be eased if not eliminated.

Would also help with anticipated future traffic increases due to northbound development.

Given: A sidewalk circling the inside of the turn a bout; this would make it a lot safer for pedestrian to cross the street.

Thank for your considerations.

Joel Elmore

Staff said in regard to berms and fencing the preliminary plat has been updated to better show berming along the South and East. It will be reviewed in more detail as part of the site plan review.

Staff said the City's engineers Terry Parsons and Bill Cunningham from Larkin and Sabin Yanez from Cook, Flatt, Strobel are here to answer questions.

Mayor Dane said he wanted to clarify a couple questions from the last meeting. He said in regard to the community center/aquatic center, it will be built with no additional tax increases. He said the School District has offered land West of the current Junior High to build the center. He said the money to build the center will come from CID money generated by the Shoppes at Kearney.

Mayor Dane said in regard to traffic existing to the South—we will extend the street to 19th Street when it is needed. He said it isn't needed until five years after build out. He said the shopping center will take at least four years to build out. He said the Highway 33 bond expires in 2020. We would divert the half cent sales tax over to the extension of the outer road. He said the tax generates \$500,000 a year. He said the cost may be about three million but bonds could pay in a few years, even if it were more expensive.

Ron Cowger, Akin Gordon Cowger, said they are requesting preliminary plat approval for 37 acres in C zoning district. He said the existing FEMA study doesn't show it in the 100 year floodplain. He said the proposed flood zone does show it in there. He said they have talked to AMEC from Nashville, who worked on the study. They say conservatism was built into the study. They have never seen water over the roadway.

SHOPPES AT KEARNEY-RESUBMITTAL OF PRELIMINARY PLAT Mr.

Cowger said the point of interest is upstream of Regency Drive. He said they acquired a cross section 172 feet North of Regency drive Bridge and have based their study on that. He said they met with Larkin and have done 2, 10, 25, 50 and 100 year storm models. He said they have added additional detention areas that weren't there in the beginning. He said they added detention by the C Store and two smaller ponds on the West side of the Center. He said they will put in a 10 foot by 8 foot culvert under the road.

Mr. Cowger said they will be extending the culvert downstream some and that may help Tim Brannlund. He currently experiences erosion where the North/South drainage way turns to the Southeast. He said they will backfill some of the bank that Mr. Brannlund has lost.

Dustin Elliott, Transystems, said at the last meeting the Board requested a graphic that shows the proposed medians and traffic queues. He said the Exhibit 1 shows full development and Exhibit 2 shows future development out to 2030.

Eric Shumate asked if car averages are peak hour. Mr. Elliott said yes.

Eric Shumate asked if Exhibit #2 anticipates future connection to 19th Street. Mr. Elliott said yes.

Kathy Whipple asked if full build out means just the Shoppes of Kearney or other development. Mr. Elliott said it means just the Shoppes of Kearney.

Darren Hiley asked if there will be a stop sign for Regency Drive at Platte Clay Drive. Mr. Elliott said yes.

Kent Porter asked if the appendage at the South end of the existing Fuel Expresso was part of an existing agreement. John Davis, Star Acquisitions, said it was not in an agreement, but that they believe it would be beneficial to Fuel Expresso.

Kim Murphy said we have had other developments in town where the road projects change and don't work. He said who do we turn to when the intersections don't work. He said in the future we may see more traffic and there would be times when the intersection doesn't work. He said he is worried about the people living on Regency Drive and ones going to the Car Wash and Fuel Expresso.

Dustin Elliott said MoDOT has requested access controls to try and provide access for these areas. He said that is why they did medians and more that one way in and out of the site.

Darren Hiley said u-turns were mentioned and he wondered where they would be. Mr. Elliott said coming out of north side of 92 Highway at the Remax building going west you would be able to make a u-turn at Interstate Auto and go back east. He said you will be

SHOPPES AT KEARNEY-RESUBMITTAL OF PRELIMINARY PLAT able to come out of McDonalds and go left and enter the turn lane and then get on over into Eastbound traffic.

Kim Murphy said he had questions about the outer road extension. Mayor Dane said that will happen. He said he would see to it that there were documents signed committing money to that project.

Sabin Yanez, Cook Flatt Strobel, said they have reviewed the traffic analysis done by Transystems and they are comfortable with it. He said both CFS and MoDOT had similar comments to the July 2012 update that Transystems prepared. He said MoDOT is accepting the proposed access in this project. He said MoDOT started with wanting full medians but they have modeled to Kearney situation and agreed to the proposed plans.

Mr. Yanez said roundabout access was looked at and it can be problematic in front of the project due to ROW acquisition and proximity to the interstate and other driveways. He said the new alignment of Regency drive and Platte Clay Way will help the backup. He said traffic studies are prepared to look at the worst hour in a 24 hour period and at full development of a project.

Mayor Dane said Cook Flatt Strobel is hired to take to the Board of Aldermen a traffic report to look at extra access for properties on the North side of 92 Highway. He said we should have this back in 30 to 45 days.

Darren Hiley said he is concerned about traffic stacking up by the car wash. He wanted to know if it would be feasible if this started happening to put down bars to stop traffic and not block the business. He said maybe signs could be post saying “no blocking of intersection”.

Sabin Yanez said the City can pass ordinances to restrict blocking of intersections and/or use physical features, etc. to improve safety.

Darren Hiley asked what if MoDOT changes their plans. Can we have an audience with them before they make changes. Sabin Yanez said if MoDOT wants to make changes they will communicate with the City.

Darren Hiley asked if the medians on 92 Highway will fit within the current lanes. Dustin Elliott said they will fit within the existing center lane.

Eric Shumate asked if you can come out and immediately make a u-turn. Sabin Yanez said MoDOT will help with the design but the City will need to allow the movement.

Eric Shumate asked if there are traffic thresholds that would help with extending the outer road. Sabin Yanez said there are standards that explain or show how certain streets become too busy. He said the City may want some traffic calming issues on Regency Drive.

SHOPPES AT KEARNEY-RESUBMITTAL OF PRELIMINARY PLAT Kathy Whipple asked what type of calming methods he would recommend. Mr. Yanez said you can use speed tables/bumps, curves in roads or putting sidewalks or bike lanes all tend to slow down traffic.

Mayor Dane said if the need to extend the road to 19th Street develops faster the bonds can be refinanced if they are within three years of pay out.

Kent Porter asked how about a round a bout at Regency Drive and Platte Clay Way. Sabin Yanez said property acquisition from several property owners would be an issue and there isn't enough area for one without interfering with access to the car wash. Kent Porter said he still has a problem with traffic into the car wash.

Kim Murphy said if Tract A will be fifteen feet deep, will there be a railing or how will it be finished off. Ron Cowger said yes there will be a wall on the west and north sides and along the other detention by the restaurant and pharmacy. He said there will be some type of protection around all of them. He said they will have to have access to get into the large tract to mow. He said they will do some landscaping.

Bill Cunningham said detention areas are hard to make attractive.

Kim Murphy said we aren't approving landscaping for Tract A tonight but will approve that when the site plan comes in for the grocery store.

Eric Shumate said the stormwater where it comes from the west to the east — it shows grading down to the stream. He asked if that was part of the disturbed area in the Corp of Engineers permit. Ron Cowger said yes. He said David Flick, from Terra Tech, was the consultant.

Darren Hiley asked what about truck delivery traffic in and out of the businesses. Dustin Elliott said most of the deliveries will be at off-peak times.

Kathy Whipple said the Platte Clay Way and 92 Highway intersection is odd shaped and she is terrified when a semi makes a right turn onto Regency Drive at the intersection – that they will hit a car at the intersection. Dustin Elliott said there will be more pavement to turn south and northbound will have an additional turn lane. He said a lot of delivery trucks will probably turn in on Star Drive and not come down to Regency Drive.

Eric Shumate asked if there is enough ROW there for turn lanes. Dustin Elliott said they are working on it. There is probably enough for turn lanes but they will need some for sidewalks.

Darren Hiley asked if all the detention basins would be in before completion of project. Staff said that is in Staff comments.

SHOPPES AT KEARNEY-RESUBMITTAL OF PRELIMINARY PLAT Kathy Whipple said this is not a public hearing but people can present questions to the Board. She asked that they please refrain from addressing questions already addressed.

Chuck Davis, Kwik Lube, said the stack up of cars covers at least fifty percent of the frontage to his property. He said he would like a longer southbound left turn lane for Regency Drive, which would also serve as a turn lane for the car wash. He said he has been there twenty five years and wants to be there another twenty five years.

Mr. Davis said he believes a roundabout would be beneficial at the T-intersection and that it would help his business.

Susan Hevalow, 1004 Regency Drive, said with the change of the pipe will it shoot the water on down past the Elmore property and affect other properties downstream. She asked what is the percentage of run off that needs to be contained.

Charles Davis, Kwik Lube, said they had 170 cars on Saturday and 120 cars on Sunday besides the 50 to 60 cars at the lube shop for the weekend. He says now they will have no access with this project.

Joel Elmore, 807 Regency, said the flood levels do go over the road. He said he wants to make sure that it's the 500 year floodplain. He said 806 is the base flood elevation (BFE) at his property. Mr. Elmore said water backs up from the railroad tracks. He said water has been within three inches of his basement. He said he wants to make sure the project does not increase the BFE there.

Tim Brannlund, 800 Regency Drive, asked if the median is in front of Interstate Auto going to be a full closure in the future. He said he didn't see how emergency crews are going to be able to get through that area.

Mayor Dane said MoDOT said it would be a full median from McDonalds to Platte Clay Way. He said we fought to keep it open, but at some time in the future MoDOT will close it.

Ron Cowger said in response to Mrs. Hevalow's concern neither she or Mr. Elmore should see an increase in flow because the detention will match the existing flow. He said when the 400 plus acres to the North develop they could be some problem from that if it isn't handled properly.

Mr. Cowger said he wasn't qualified to make a statement in regard to Mr. Davis's issue. He said Sabin Yanez says it will not work to do a roundabout and it will affect the current businesses.

Mr. Cowger said in regard to Mr. Elmore's concerns they are matching the current flow with their proposed improvements so he should see no change.

SHOPPES AT KEARNEY-RESUBMITTAL OF PRELIMINARY PLAT Darren Hiley asked about the velocity of the water leaving the detention area. Ron Cowger said they will do some armoring along the bank at Brannlund's and they are straightening the flow so it doesn't cause a swirling effect.

A motion was made by Kim Murphy and seconded by Darren Hiley to approve the application with additional information from Tim Harris, Star Acquisitions, for a preliminary plat proposing a 37 acre commercial development at the Southeast corner of 92 Highway and Interstate 35 as presented contingent upon meeting conditions 1-7 of staff comments and that the landscaping plan for the detention areas will be part of site plans. The motion carried by a vote of four to two with Kent Porter and Eric Shumate voting nay.

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

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