

PLANNING AND ZONING COMMISSION

April 14, 2014

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., April 15, 2014, at Kearney City Hall with Kathy Whipple presiding. Other members present were Doyle Riley, Eric Shumate, Darren Hiley, Marie Steiner and Dan Holt. Kent Porter 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 February 10, 2014 meeting

A motion was made by Alderman Holt and seconded by Eric Shumate to approve the Consent Agenda as presented. The motion carried unanimously.

PUBLIC HEARINGS

CLEARPATH SENIOR HOLDINGS – REZONING FROM C-P TO R-P-4

Staff presented an application from Clearpath Senior Holdings for a rezoning with concept plan to rezone approximately 5 acres from C-P – General Commercial Planned District to R-P-4 – High Density Residential Planned District. The site is located at the northeast corner of 33 Highway/South Jefferson and Meadowbrook Drive.

The proposed rezoning would allow for future construction of a 39,000 square foot, 46-unit (50 beds) assisted living facility, with associated parking, detention and outside courtyard improvements. With approval Clearpath will move forward with preparation of a final plat, site plan and building permit plans for future review and approval.

Staff said a previous plan called River Meadows Commercial North was approved in 2008 with an extension granted in 2009. That project included a gas station/convenience store, bank with drive-thru and retail buildings. That project never happened.

A traffic study submitted with the River Meadows commercial project in 2008 identified turn lane improvements at 33 Highway and Meadowbrook Drive and an additional entrance proposed along 33 Highway.

A letter prepared by a traffic engineer was submitted with the Clearpath application referencing MoDOT's planned road improvements in the area and indicating traffic generated by this project would be greatly reduced and additional off-site improvements are not required.

CLEARPATH SENIOR HOLDINGS – REZONING FROM C-P TO R-P-4

Staff said MoDOT reviewed the plan and requested that an existing field entrance be removed.

Staff said MoDOT will be doing improvements on 33 Highway and putting in turn lanes at Meadowbrook Drive and 33 Highway which will help with this project.

The floor was opened to the public.

Amber Snider, 2209 Blue Bell Terrace, said she backs up to this project. She said she fears that having a big building behind her house will damage the value of her home for resale.

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

Darren Hiley asked why we would change CP to R-P-4.

Eric Shumate said the R-P-4 uses list assisted living facilities in their description.

Staff said the original plan was for a convenience store, bank and restaurant so this use will be a lot better next to residential property. He said there is a fifty foot strip owned by the HOA between the residence and this property. There will then be a thirty five foot strip for a buffer zone on the property. This will make the driveway to this property eighty five feet from the property line of the residential property.

Ms. Snider asked if they will be removing the trees. Staff said they will be removing the trees in the center of the property but they will be doing landscaping with shrubs and trees.

Doyle Riley said his Dad is in a facility similar to this and he would much rather have this as a neighbor than a convenience store. He said they will maintain their property.

Eric Todd, Clearpath Senior Holdings, said this will have a residential appearance rather than a commercial look. He said they will use a residential siding.

Dan Holt asked if they have to meet the point system for trees. Staff said yes.

Darren Hiley asked if the only entrance will be off Meadowbrook Drive. Staff said that is correct.

A motion was made by Darren Hiley and seconded by Dan Holt to recommend to the Board of Aldermen to approve the application from Clearpath Senior Holdings for a rezoning with concept plan to rezone approximately 5 acres from C-P – General Commercial Planned District to R-P-4 – High Density Residential Planned District contingent upon meeting all Staff comments. The motion carried unanimously.

CMR HOLDINGS-CONDITIONAL USE PERMIT FOR VEHICLE SALES & RENTAL LOT

Kathy Whipple excused herself from the meeting due to a conflict of interest with the next item on the agenda. Staff presented an application from Chris Riley, CMR Holdings, LLC. for a conditional use permit which proposes a vehicle sales or rental lot to be located at the Northwest corner of 33 Highway/Jefferson and Lawrence Street on the pad site of a former car wash.

Staff said the project would include construction of a small 240 square foot (10 x 24 foot) building that includes an office ADA restroom and storage space. The building will be located within the boundary of the parking lot. The building façade will be stucco or siding with a brick or stone veneer wainscoat.

The parking lot will be extended North approximately 50 feet in line with an existing driveway along 33 Highway and which matches the extent of the concrete area on the site in 2008. The parking lot is currently concrete but will be overlaid with an asphalt surface.

Staff said the application form indicates the proposed business would include “Pre-owned automobiles and equipment sales”. Commercial zoning does not allow heavy equipment, such as agricultural and construction equipment as an allowed land use.

Staff said there was no trash enclosure because of the nature of the business the owner would remove the trash from the site.

The floor was opened to the public.

Ed Barger, who owns property at 106 West Lawrence, wondered why a fence wouldn't be required on the West side of the site to separate it from residential. He said he thought it could hamper his renting his property to someone with children if a fence didn't separate the commercial from his property.

Ed Barger said he considers drainage to be an issue. He said as more of the area is surfaced the water will run to the West.

Doyle Riley asked how this was zoned. Staff said it was zoned with the idea of multi family in the future.

Darren Hiley said if the applicant develops Lots 2 and 3 in the future he would have to come back to the Planning and Zoning Commission and then a buffer would be developed on the West side of the property.

Mark Pederson, 405 North Clark, asked if he would only be using the original concrete area. Mr. Riley said that is correct.

Mark Pederson said he is very concerned about drainage. He said he has had erosion every since the drainage was done in 2008. He said it is all funneled back into a 24 inch pipe which only increases the flow.

CMR HOLDINGS-CONDITIONAL USE PERMIT FOR VEHICLE SALES & RENTAL LOT Ed Barger said the drainage definitely runs off into the residential area.

John Clayton, owner of Column Apartments, said his initial concern was that this was going to be a place where people could park a vehicle for sale. He said he is glad that it is going to be a business. He said he hoped there would be some restriction on the run off from the property.

Chris Riley said everything from the concrete drains to the North and heads Northwest where the drain from MoDOT enters the property.

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

Darren Hiley said our current ordinance doesn't allow a car lot like was across from McDonalds to operate in the City.

Darren Hiley asked how the drainage had been addressed. Chris Riley said in 2008 when he bought the property he took down the old car wash building and an old barn. He said he built a berm around the property on the North side and put in a tube. He said a lot of the water comes from the Columns where there is no detention control.

Mark Pederson said he would feel better if there was an engineered plan for drainage.

Dan Holt asked Mr. Riley if down the road he would change the development or sell it. Mr. Riley said he had a person who wants to buy the property and build a multi family development. He said he had originally planned to build climate controlled storage but it wouldn't fit the site. He said this building will be built to where it could be removed. He said he has a potential ten year lease with a ten year renewal. He said it is a solid 5 year lease with a second five year renewal.

Dan Holt said if we give them a CUP without sidewalk on 33 years he would like to see it be renewal at end of five years. Mr. Riley said he didn't really like a five year because he has a contract for ten years for the car lot. Mr. Holt asked if he would be alright with a ten year renewal. Mr. Riley said yes.

Darren Hiley said what's done is done in regard to drainage and the current plans don't require additional drainage.

Dan Holt asked if they had to tear up the concrete to get the sewer hooked up. Mr. Riley said only about six feet.

Eric Shumate asked if there would be sidewalk on the entire South side of the site. Staff said yes.

Doyle Riley asked if the CUP would convey onto the next owner in the event it was sold. Staff said they would have to check into that.

CMR HOLDINGS-CONDITIONAL USE PERMIT FOR VEHICLE SALES & RENTAL LOT

A motion was made by Dan Holt and seconded by Doyle Riley to recommend to the Board of Aldermen to approve application from Chris Riley, CMR Holdings, LLC. for a conditional use permit which proposes a vehicle sales or rental lot to be located at the Northwest corner of 33 Highway/Jefferson and Lawrence Street on the pad site of a former car wash for ten years and contingent upon meeting all Staff comments. The motion carried unanimously.

Kathy Whipple returned to the meeting.

INFORMATION AND DISCUSSION ITEMS

MARIE STEINER Staff announced that Marie Steiner would be going to the Board of Aldermen as a new alderman and therefore would not continue on the Planning and Zoning Commission. Staff said we would be looking for a new member.

UPDATES Staff said we will be bringing a Building Code Update to the 2012 Codes really soon. We will also be updating the APWA standards. He said we will also be updating the Comprehensive Plan.

EXTENDING PLATTE CLAY WAY Staff announced that the City is working on a plan to extend Platte Clay Way from the Shoppes at Kearney South to 19th Street. It will run to the West of Paddock Drive. There will also be improvements to 19th Street. This will be financed by money saved by refinancing some current bonds.

Staff said we have also submitted five projects to MARC for federal grant money which will be coming available. They are:

1. Sidewalk from 33 Highway to Marimack Drive on 92 Highway.
2. Trail from front of High School to Southview Elementary
3. Sidewalks to Dogwood Elementary.
4. Bridge connecting North Park to Jesse James Park.
5. Trail connecting from Clark Street to trail in North Park.

Staff said we hope to know something by sometime in June. We hope the sidewalk along 92 Highway will get selected.

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

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