

PLANNING AND ZONING COMMISSION

July 14, 2014

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., July 14, 2014, at Kearney City Hall with Darren Hiley presiding. Other members present were Eric Shumate, Kent Porter, Doyle Riley, Chuck Davis and Dan Holt. Staff members present were David Pavlich, Shirley Zimmerman and Chad Coffelt.

Darren Hiley opened the meeting with the Pledge of Allegiance.

OATH OF OFFICE Shirley Zimmerman administrated the Oath of Office to Eric Shumate and Chuck Davis for four year terms.

ELECTION OF OFFICERS

Chairman: The floor was opened for nominations for Chairman of the Planning and Zoning Commission.

A motion was made by Dan Holt and seconded by Doyle Riley to nominate Kathy Whipple as Chairman of the Planning and Zoning Commission. The motion carried unanimously.

Secretary: The floor was opened for nomination for Secretary of the Planning and Zoning Commission.

A motion was made by Doyle Riley and seconded by Eric Shumate to nominate Darren Hiley as Secretary of the Planning and Zoning Commission. The motion carried unanimously.

CONSENT AGENDA

➤ Minutes of the June 9, 2014 meeting

A motion was made by Dan Holt and seconded by Kent Porter to approve the Consent Agenda as presented. The motion carried unanimously.

AMEND AGENDA

A motion was made by Dan Holt and seconded Eric Shumate to amend the Agenda by moving 6A to follow after 5A. The motion carried unanimously.

PUBLIC HEARING

CLEARPATH SENIOR HOLDINGS-CONDITIONAL USE PERMIT/SITE PLAN FOR ASSISTED LIVING FACILITY IN AN R-P-4 DISTRICT Staff presented an application from Clearpath Senior Holdings, which proposes to construct a 39,000 square

CLEARPATH SENIOR HOLDINGS-CONDITIONAL USE PERMIT/SITE PLAN FOR ASSISTED LIVING FACILITY IN AN R-P-4 DISTRICT foot, 46 unit (50 beds

assisted living facility, with associated parking, detention and outside courtyard improvements on approximately 5 acres located at the Northeast corner of 33 Highway/South Jefferson and Meadowbrook Drive.

Staff said they have made some changes to the grading plan since their last submittal and have added additional buffering to the East side of the property to buffer the residential neighbors.

MoDOT has requested that an existing field entrance, located 285 feet north of Meadowbrook Drive be removed as part of construction. The entrance will be from Meadowbrook Drive.

The floor was opened to the public.

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

Doyle Riley asked if the grading will cause run off onto the residential lots. Fred Byam, engineer for the project, said it will defer the run off to the detention areas.

Eric Shumate asked if the City engineer has approved the storm water plans. Staff said yes.

A motion was made by Dan Holt and seconded by Chuck Davis to recommend to the Board of Aldermen to approve the application from Clearpath Senior Holdings, which proposes to construct a 39,000 square foot, 46 unit (50 beds) assisted living facility, with associated parking, detention and outside courtyard improvements on approximately 5 acres located at the Northeast corner of 33 Highway/South Jefferson and Meadowbrook Drive contingent upon meeting all Staff comments. The motion carried unanimously.

CLEARPATH – FINAL PLAT APPROVAL Staff presented an application for Clearpath final plat, which is a 1-lot subdivision consisting of approximately 5 acres. The site is located at the Northeast corner of 33 Highway/South Jefferson and Meadowbrook Drive.

Staff said East 23rd Street is an un-constructed street right-of-way located along the North side of the property. At some point in the future Staff anticipates the City will vacate the right-of-way. The property would then be deeded to the adjacent property owners. The City would retain utility easement rights through the corridor.

Doyle Riley said it seems like they have settled the concerns of the adjoining residents.

A motion was made by Doyle Riley and seconded by Eric Shumate to recommend to the Board of Aldermen to approve the application for Clearpath final plat, which is a 1-lot subdivision consisting of approximately 5 acres, located at the Northeast corner of 33

CLEARPATH – FINAL PLAT APPROVAL Highway/South Jefferson and Meadowbrook Drive contingent upon meeting all Staff comments. The motion carried unanimously.

V’NORADON ESTATES – VACATE FINAL PLAT AND ACCEPT WATERLINE AND UTILITY EASEMENTS

Staff presented a petition from Tom & Anna Christopher to vacate the final plat of V’NoraDon Estates. V’NoraDon Estates is an approximately 54 acre residential subdivision with 116 lots that was recorded in 1978. The subdivision was never developed, so there are no streets, public utilities or private utilities available on site to serve the lots.

The City considered vacation of the subdivision several years ago, when Cedarwood was being developed, but the vacation was never completed.

A water line runs North through the property and various utilities are located in a corridor along the South property line along un-constructed “6” Avenue, also known as Lover’s Lane. The applicants signed both a water line easement and a general utility easement for the existing water line and other utilities. Platte Clay Electric has requested a utility easement along the East property line of the Radiant Life Church property.

The floor was opened to the public.

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

Kent Porter asked what they were going to do with the property if the plat is vacated. Mr. Christopher said they have mums planted in that area and it will be part of the pumpkin patch and corn maze.

Staff said Number 2 of Staff comments will read as “That the City retain general utility easements along the South property line; and along the common property line with the East side of the Radiant Life Church property”.

A motion was made by Doyle Riley and seconded by Dan Holt to recommend to the Board of Aldermen to approve the petition from Tom & Anna Christopher to vacate the final plat of V’NoraDon Estates, an approximately 54 acre residential subdivision with 116 lots that was recorded in 1978 and accept the waterline and utility easements contingent upon meeting all Staff comments. The motion carried unanimously.

CODE AMENDMENT-AGRICULTURAL TOURISM OPERATION AS CONDITIONAL USE IN THE M-INDUSTRIAL DISTRICT

Staff presented an amendment to Chapter 405 of the Municipal Code related to establishing standards for “Agricultural Tourist Operations” land use.

Staff said Tom and Anna Christopher recently purchased the remaining 300 acres of the Cedar Wood property. The property includes an area south of 33 Highway along the Interstate 35 frontage that is zoned M – Industrial. In 1978, this area was platted as the V’NoraDon Estates subdivision, but was never developed and has remained vacant agricultural ground.

**CODE AMENDMENT-AGRICULTURAL TOURISM OPERATION AS
CONDITIONAL USE IN THE M-INDUSTRIAL DISTRICT**

Until such time as industrial development occurs, the owners are interested in utilizing that acreage for an Agricultural Tourism Operation (ATO) for a “you pick” pumpkin patch & corn maze. Other activities would include hay rides, kids play area, petting zoo and food court. The ATO would be open a few months during the fall. The plan includes construction for a 9,600 square foot barn building that includes a large open area, restrooms, and gift shop. Attached is an aerial map showing the building location and activity areas, and a sample building elevation.

An amendment allowing ATO’s by conditional use permit in an industrial zoning district has been submitted to the P&Z for review and consideration. The Christopher’s conditional use permit application is based on approval of an amendment allowing such uses.

A 9,600 square foot building requires a minimum of 48 parking spaces, with at least one of those spaces being a van-accessible ADA space with loading zone. The applicant’s plan proposes a gravel parking area that will provide more than 48 parking spaces, if a gravel surface is acceptable. As noted in the report for the proposed Agricultural Tourism Operation amendment, if a gravel surface is acceptable to the Commission, then staff recommends a minimum 50’ long asphalt or concrete driveway approach at 33 Highway and ADA parking near the building.

Staff presented a letter from Carolyn’s Pumpkin Patch which said the following things need to be addressed:

1. Need Clay County Health Department approval for food and sanitation.
2. Approval from USDA for petting farm.
3. Fire Department approval for camp fires.
4. Clay County makes CUP for 3 years.

The floor was opened to the public.

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

Chuck Davis asked if we were discussing gravel now or just the amendment. Staff said if gravel is approved they will have to meet ADA parking space and asphalt the approach.

Darren Hiley said he thought we should go through the Section 405.705. He said he thought the 30 acres in Item 1 should be seventy five percent of the acres should be agricultural in nature, excluding livestock.

It was decided to delete Item 3.

**CODE AMENDMENT-AGRICULTURAL TOURISM OPERATION AS
CONDITIONAL USE IN THE M-INDUSTRIAL DISTRICT-CONT**

There was discussion on whether to remove the restriction of general gift display and sales area to 500 square feet of interior floor space. No decision was made about the size.

Darren Hiley said in regard to Item 7 he wanted to know how long the asphalted approach would be if we allowed gravel. Staff said it would be 50 feet and the ADA parking would be asphalt.

It was the general consensus of the Commission that gravel would be alright if the requirement of 50 foot approach and handicap parking be asphalted.

Tom Christopher said if dust becomes an issue there is a product that you can spray on the gravel to keep the dust down and he would do that.

A motion was made by Kent Porter and seconded by Doyle Riley to recommend to the Board of Aldermen to approve the amendment to Chapter 405 of the Municipal Code related to establishing standards for “Agricultural Tourist Operations” land use with the following changes: Item 1 would change the 30 acres to seventy five percent; Item 3 would be deleted; Item 7 would allow gravel but with a minimum 50 foot approach asphalted as well as ADA handicap parking space be asphalted. The motion carried unanimously.

Staff said we need to amend the agenda to move 6B up to 5D because it needs to be a public hearing.

A motion was made by Dan Holt and seconded by Doyle Riley to amend the agenda to move 6B up to 5D. The motion carried unanimously.

**CHRISTOPHER PUMPKIN PATCH & CORN MAZE-CONDITIONAL
USE/SITE PLAN**

Staff presented an application from Tom and Anna Christopher for a Conditional Use Permit for an Agricultural Tourism Operation in the M-Industrial District.

Staff said the Christophers have recently purchased the remaining 300 acres of the Cedarwood property. Until such time as industrial development occurs, they are interested in utilizing that acreage for an Agricultural Tourism Operation (ATO) for a “you pick” pumpkin patch and corn maze. Other activities would include hay rides, kids play area, petting zoo and food court.

The ATO would be open a few months during the fall. The Plan includes construction for a 9,600 square foot barn building that includes a large open area, restrooms and gift shop.

The floor was opened to the public.

**CHRISTOPHER PUMPKIN PATCH & CORN MAZE-CONDITIONAL
USE/SITE PLAN-CONT**

Staff presented a letter from Carolyn's Pumpkin Patch. They said they will have to have a Clay County Health permit. Clay County will monitor noise levels and will only issue a CUP for five years. Clay County doesn't allow any extension of the site plan.

Gieselle Fest said she works with the tourism industry. She said if you call it a petting zoo you have to be inspected by the USDA. She said you want to use the phrase of petting farm instead.

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

Darren Hiley suggested that we change the wording from petting zoo to petting farm.

Eric Shumate asked the Christophers if there would be things they would need in the future. He said he didn't want them to have to come back again.

Mr. Christopher said in the future he will need to build some small buildings. At this time they will use tents for the first season. It was discussed that they could write tent/building on the site plan so they wouldn't have to come back so many times.

Darren Hiley said we need to add items to the Staff comments to include the Health Department license, USDA approval of pets, etc. that we have discussed.

Darren Hiley said any lighting they have will have to be shielded so it does not shine onto I-35 traffic.

Staff said the Staff recommendation conditions will now be as follows:

1. Submittal of revised drawings prior to the Board of Aldermen meeting, including:
 - a. Change petting zoo to petting farm
 - b. Mark additional buildings on site plan as building/tent
 - c. Add portable lighting locations.
2. Submittal of a landscaping plan;
3. MoDOT approval of the driveway entrance;
4. Driveway and parking surface to meet the requirements of the Agricultural Tourism Operation amendment;
5. Submittal of a copy of a DNR land disturbance permit for grading of 1 acre or more;
6. Installation of a key box, if required, by the Kearney Fire & Rescue Protection District;
7. Submittal of a sign permit prior to installation of signs;
8. Submittal of a building permit application prior to construction;
9. Trash enclosures are required to screen any outdoor trash dumpsters;
10. Development of the project in compliance with all codes, conditions, requirements, plans and payments of fees.

11. Approval of amendment to ATO ordinance by Board of Aldermen
12. Clay County Health Department approval for food & sanitation
13. USDA approval for petting farm
14. Fire Department approval for camp fire related activities
15. Lighting required for hours of operation after sundown

A motion was made by Eric Shumate and seconded by Doyle Riley to recommend to the Board of Aldermen to approve the application from Tom and Anna Christopher for a Conditional Use Permit for an Agricultural Tourism Operation in the M-Industrial District, contingent upon meeting all Staff comments. The motion carried unanimously.

INFORMATION & DISCUSSION ITEMS

KENT PORTER Kent Porter said Nuts and Bolts Hardware is coming to the former location of the Kramer Hardware store. He said they want to have outdoor storage and sales. He said this will eliminate parking spaces and he didn't think we should allow that. He said he counted the parking spaces and there are no spaces to spare.

David Pavlich said they will occupy both the Hallmark Store and Kramer Hardware spaces. He said they want to have outside storage along the South side of the building. He said when A Cup To Go went into the shopping center he did a count of parking spaces and it was close to code at that time. He said he had called Curry and Company. The lot is not full all the time in that Center.

Kent Porter said Curry and Company doesn't care. They are only interested in their buildings being leased.

Eric Shumate said we have rules to follow. David Pavlich said shopping centers are computed for parking spaces when they build and then we usually don't reanalysis the shopping center.

Dan Holt said it was never a problem when Big V was located in that space.

David Pavlich said they will be using the space next to the building and they will not remove the drive thru space.

ERIC SHUMATE Eric Shumate asked when they are going to start working on 92 Highway by the shopping center. David Pavlich said they are getting ready to start on it and hope to be done by the middle of August.

Eric Shumate asked if there was still discussion about putting traffic calming strips on Regency Drive. Staff said if the street going thru the shopping center connects to 19th Street they may not do anything on Regency Drive.

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

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