

December 12, 2016

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., December 12, 2016 at Kearney City Hall with Kathy Barger presiding. Other members present were Jason Hoyt, Kent Porter, Chuck Davis and Darren Hiley. Doyle Riley was absent. Staff members present were David Pavlich and Shirley Zimmerman.

Kathy Barger opened the meeting with the Pledge of Allegiance.

CONSENT AGENDA

- Minutes of the November 29, 2016 meeting

A motion was made by Darren Hiley and seconded by Chuck Davis to approve the Consent Agenda as presented. The motion carried unanimously.

NEW BUSINESS

COMPREHENSIVE PLAN UPDATE Staff said the existing City's Comprehensive Plan was prepared in 2004 by Phillips & Associates and Landplan Engineering. In the subsequent 10 years, the City experienced many changes including approval by the Federal Highway Department of a future interchange at Interstate 35 and 19th Street, engineering design and construction of Watson Drive commenced and several large residential developments failed to start as a result of the economic downturn.

In the spring of 2015, Vireo, represented by Lisa Briscoe, was hired to assist us with preparation of an updated Comprehensive Plan. We also formed a Planning Advisory Committee (PAC) with the purpose of soliciting input from the community and helping direct the plan.

Opportunities for public involvement included three public meetings, three online surveys and a project website allows for review of documents and submittal of public comments. Vireo held several stakeholder meetings and the PAC held seven committee meetings. Lisa also involved in additional meetings with Kearney Enrichment Council related to their downtown redevelopment initiative.

Lisa Briscoe, Vireo presented a summary of the process for the Comprehensive Plan. She said we used various methods of informing the public, such as internet, printed ads, back of water bills, etc. She said we held public workshops and offered online surveys for those who couldn't attend meetings.

Ms. Briscoe said the Plan is a guide line to direct growth and style of living in your community. It doesn't change present zoning.

Ms. Briscoe said this Plan has four Big Ideas for shaping the future of Kearney.

COMPREHENSIVE PLAN UPDATE-CONT The first idea is balance growth and opportunity. She said we want balanced growth and housing for all ages. The main focus is on presentation of small town feel. She said the three areas of development would be downtown area, I-35 and 92 Highway area and the new interchange at 19th Street.

The second big idea is transportation and enhanced mobility. They want to complete streets so they are all connectable. The expansion of sidewalks is important. They want to continue to develop parks and trails and improve walk ability in the community.

The third big idea is to create a community for all ages. They want to create more choices of places to live for young professionals, empty nesters and young families. There needs to be more diverse households with a variety of housing styles.

The fourth big idea is to preserve the small town character. She said it is important to keep downtown as the heart of the City. She said it is also important to protect our boundaries and not become surrounded by communities with different values.

Lissi Staub, member of PAC, said this is really a good comprehensive plan and will keep Kearney growing in the right direction.

Kristi Mayo, member of PAC, said she was glad to serve on this committee. She said she was glad to see walk ability and parks and trails as a part of the Plan.

David Pavich said this Plan will address the new interchange south of town and how we grow in that area. He said the Kearney Enrichment Council has done a lot of work on the development of the downtown area and that is reflected in this Plan.

Kathy Barger said there will be growth and we can't stop that so we need to be sure and control it so we maintain our small town atmosphere.

Darren Hiley asked if the Plan will be on our website. Staff said it would be on the City website.

Staff said this will be on the January 2017 agenda for final approval.

GREENFIELD – AMEND DEVELOPMENT PLAN FOR ADDITIONAL POND IN GREENWAY Staff presented an application from Jerry Syler, GJM Development to amend the Development Plan to allow construction of a 2.6 acre pond on the “Tract C greenway”.

Staff said GJM Development recently purchased the remaining residential portion of the Greenfield Subdivision. They are working on engineering plans and final plat for the next phase of single-family and the next phase of villas and have obtained a grading permit from DNR to begin grading work. The proposed street and lot layout will be consistent with the approved development plan for Greenfield.

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As part of their work, they propose to construct a 2.6 acre pond on the “Tract C greenway” identified on the approved development plan. The approved development plan identifies proposed lakes on greenway tracts at the south end of the subdivision but not in the middle of the development, where the proposed pond is located. Because the Greenfield development is zoned R-P-1, changes to the plan need review and approval by the board.

The proposed pond will be similar to the existing southern pond. The pond will provide for stormwater retention related to the next two phases and drainage from the existing villas to the north. The developer notes that the pond will enhance surrounding property values.

Staff gave the commission members an email from Gerri Spencer, 2208 Prairie Creek, expressing her concerns about the removal of trees and pond being built.

Kathy Barger asked if the City had any requirements for ponds like this. Staff said no.

The floor was opened to the public to speak.

Russell Grubaugh, 206 Old Trail Run, asked if the storm drainage from the street will go into this pond. Staff said it will come into the pond area.

Darren Hiley asked if there will be dry detention ponds. Staff said this will be replacing dry detention ponds.

Jerry Syler, GJM Development said no water will run off into the wet land. Everything off the streets will collect into pipes and go into the detention pond.

Mr. Syler said the first two phases ran into the prairie grass areas. He said in 1999 that was fine to do it that way. Larkin, City engineer wanted the wet basin detention pond with concrete spillway.

Judy George, 306 Old Trail Run, said they bought their place with the vision of a meadow green space and trees out their back door. Now she said they will have a dam and rip rap, etc. to look at. She said the pond is very close to their back yard and certainly not sixty feet like she was told it would be. She said she wants to know what her view will become when this is completed.

Darren Hiley asked if this will be dug down or built up. Mr. Syler said it will be dug down. He said the dam will be on the south end and it will be sixty five feet from any property. He said the dam will be four feet at the highest point. He said the pond will be about eight foot deep at the deepest point.

Mr. Syler said there will be a gentle slope to this so that prairie grass can grow in the area when the water level is low. He said he will put in two fountains to help keep the pond

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fresh and aerate the water. He said the trees were taken down because the City engineer said you can't have trees in the waterway because they divert the flow of the water.

Mr. Syler said the prairie grass can be burned each year to maintain it. He said they will mow it about twice a year to help control the growth. He said in the future the Home Owners Associate might be able to plant some trees. He said if the water starts to back up, it will go over the concrete spillway.

Kathy Barger asked who will maintain the pond. Mr. Syler said the developer will take care of it until the development is finished and then it will be turned over to the HOA and they will maintain it.

Jason Komarek, 302 Old Trail Run, said he was told it would always be a green space behind his house when he bought it. He said he has a young child and he is concerned about the safety of his child if it is going to be as close as the stakes are. He said he does feel better knowing that it will be a gradual slope.

Lynn Cook, 308 Old Trail Run, asked if the City had any law against putting a pond so close to their back yard. He said it should be a nuisance if nothing else. He said in the villas the pond is one hundred feet from the properties. Staff said we have nuisance ordinance but not for something like this.

Kathy Barger asked if this area wasn't already a drainage area. Staff said yes it was a natural drainage way.

Ms. Gregory, 310 Old Trail Run, said they picked the lot to build on because of the trees. She said they are probably about forty feet from the stakes. She said she would feel much better if they could be at least sixty feet from the edge of the pond. She said she was also worried about the maintenance of the pond.

Jeff Roberts, 208 Old Trail Run, said he also was told that that area would remain green space. He asked if the area to the south of the dam would be concrete. Mr. Syler said south of the dam will smooth out and be planted in grass.

Jeff Roberts asked if the pond could be made smaller and give the residents piece of mind that it isn't so close to their property. Mr. Syler said he will talk to the City engineer but it will always have to maintain the same amount of water. He said maybe it could extend to the North some.

Mr. Syler said both his engineer and the City engineer say doing this pond is the best way to provide storm water detention for that area.

Jeff Roberts said the pond by Villas and one at the south end stay with water in them so will this one be the same way. Mr. Syler said yes it will. He said the engineer says there

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Chad Pasienuk, 300 Old Trail Run asked if the dam will be level with the lots. Mr. Syler said it will be elevated at the middle of the dam.

Connie Cook, 308 Old Trail Run, said she had a pond at her old address and it wasn't easy to maintain and have looked nice. She said she was also concerned about how deep the pond would be. Mr. Syler said at the deepest part it would be seven to eight feet.

Chris Riley, owner of lawn service for Greenfield, said if a pond isn't put in that area there will be ditches develop due to run off. He said the pond at the villas had a wall build all the way around it and then it filled with water. He said if a child or even an adult fell in it they wouldn't be able to get out. He said this pond is much safer and the area will stay looking nice. He said the prairie grass is very durable and when the water rises to maximum the grass will survive that. After the water recedes you then have the grass to deter children from going to the lake. He said mowing it twice a year keeps it from getting too tall.

Mr. Syler said he would talk to his engineer and the City engineer to see if they could extend it further to the north and possibly not be so close to the homes on the south end. Staff said it would be good if they could have that change back to Staff by noon Thursday so the project could go to the Board of Aldermen.

Kent Porter said water detention has to be done. He said if you do five or six small dry basin detention ponds then they fill up with weeds and don't look nice. He asked if the original plans submitted showed houses being built in this area.

Dave Hinck, 2202 Prairie Creek Drive, said he was one of the first to build in that subdivision. He said all the phases of this development were on the long term plans for that area.

Kent Porter said the real estate agent selling this property should have been more revealing to these people as they bought their properties.

Linda Clemons, real estate agent for subdivision, said the information given to her showed that the open space area (Tract C) as always being a green space.

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

A motion was made by Darren Hiley and seconded by Jason Hoyt to recommend to the Board of Aldermen to approve the application from Jerry Syler, GJM Development to amend the Development Plan to allow construction of a 2.6 acre pond on the "Tract C greenway" contingent upon the developer having formal discussion with the engineers to

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amend the Plan to increase to 50 feet or more, the setback distance between the pond high water mark and the rear property line of adjacent properties along Old Trail Run and contingent upon meeting all Staff comments. The motion carried unanimously.

AMERICAN LAWN & LANDSCAPE REZONE TO C, 15025 JESSE JAMES RD

Staff presented an application from Dan Hacker, American Lawn & Landscape proposing to rezone approximately 28 acres, located at 15025 Jesse James Farm Road, which is the southeast corner of 92 Highway and Jesse James Farm Road, to C-General Commercial District.

The City annexed the northwest 9 acres of the property in 1993, which is identified as agricultural/rural residential on the existing zoning map. The remaining 19 acres was voluntarily annexed into the City in 2001 and has never been rezoned to a City zoning classification.

Kent Porter said he didn't realize that area was in the City of Kearney.

Kathy Barger said it is bordered by two highways so commercial would make sense.

Darren Hiley asked if the City received any comments from the public. Staff said no.

A motion was made by Kent Porter and seconded by Darren Hiley to recommend to the Board of Aldermen to approve the application from Dan Hacker, American Lawn & Landscape proposing to rezone approximately 28 acres, located at 15025 Jesse James Farm Road, which is the southeast corner of 92 Highway and Jesse James Farm Road, to C-General Commercial District contingent upon meeting all Staff comments. The motion carried unanimously.

AMERICAN LAWN & LANDSCAPES SITE PLAN—15025 JESSE JAMES FARM ROAD

Staff presented an application from Dan Hacker, American Lawn & Landscape proposing to construct an approximate 5,240 square foot building with associated parking and outside storage of materials on property located at the southeast corner of 92 Highway and Jesse James Farm Road. The improvements will be made on one acre at the southwest corner of the 28 acre tract.

The building will include offices, restrooms and inside storage for vehicles and equipment. The east side of the building will include an overhang for additional storage. The front of the building, facing west to Jesse James Farm Road includes a front porch overhang, with cedar pillars and a stone "sitting wall".

As part of phase 2, projected in 2022 the parking and outside storage area will be expanded to include approximately three acres of the property. The remaining property is

AMERICAN LAWN & LANDSCAPES SITE PLAN—15025 JESSE JAMES FARM ROAD identified as future development. An existing agricultural building is proposed to be removed in the next few years.

The property lies within the service boundaries of the Public Water Supply District #8 and will need to be de-annexed from the water district before the City can provide water service. The applicant will execute a preliminary development agreement with the City and submit a petition to de-annex request to the water district for their consideration.

An existing farm access road along Jesse James Farm Road will be improved to an asphalt surface.

Chuck Davis asked if they would need to build turn lanes on Jesse James Farm Road where they access the road. Staff said this isn't a traffic oriented business so it won't be necessary.

Darren Hiley asked what the area to the east side of the driveway is on the site plan. Staff said it is pallets of supplies.

Darren Hiley said there is plenty of room for parking if they expand.

Darren Hiley asked about lighting. Dan Hacker, American Lawn and Landscapes, said they will run the sleeves so that pole lighting could be added. He said they will have lighting on the porch area of the building.

Jason Hoyt asked what type of driveway would be put in. Mr. Hacker said it would be asphalt.

Rex Brinker, Public Water District #8, said that during the platting process he wanted to make sure that it shows that they have water lines on all four sides of this property. He said they also have road access along the south side of the property. He said they just want to make sure this gets included with the plat as easements.

Mr. Brinker said they aren't opposed to the City servicing this property but because it isn't contiguous to the City it might not be possible to de-annex.

A motion was made by Darren Hiley and seconded by Jason Hoyt to recommend to the Board of Aldermen to approve the application from Dan Hacker, American Lawn & Landscape proposing to construct an approximate 5,240 square foot building with associated parking and outside storage of materials on property located at the southeast corner of 92 Highway and Jesse James Farm Road contingent upon meeting all Staff comments and modifying Item 4 to say "water service to be provided per the agreement between the City and Public Water Supply District #8 of Clay County". The motion carried unanimously.

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

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