

PLANNING AND ZONING COMMISSION

May 11, 2009

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M. May 11, 2009 at Kearney City Hall with Kathy Whipple presiding. Members present were Darren Hiley, Kent Porter, Dan Holt, Heath Courtney and Doyle Riley. Kim Murphy was absent. Staff members present were David Pavlich and Shirley Zimmerman.

Kim Murphy opened the meeting with the Pledge of Allegiance.

CONSENT AGENDA

➤ Minutes of April 13, 2009 meeting

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

NEW BUSINESS

Kent Porter left the meeting due to a conflict of interest with the next item on the agenda.

EASTWOOD APARTMENTS-FINAL PLAT Staff presented an application from MACO Development for the final plat of Eastwood Apartments. This final plat includes one lot for development of 11 5-plex senior apartment buildings and clubhouse building, one detention tract, dedication of a small area of right-of-way for the main entrance, dedication of an ingress-egress easement for a secondary emergency access drive and dedication of utility easements.

Staff presented a Staff Report dated May 11, 2009 and recommended approval. Staff said the site plan was previously approved by the Planning and Zoning Commission in June 2006 and the Board of Aldermen in August 2006.

Darren Hiley asked where the ten foot sidewalk would be. Staff said it is on the Southwest corner of the property coming off Prospect Street. The main entrance will be on the Southeast corner of the property.

Darren Hiley asked if the main entrance would have curbs. Staff said it will have curbs and it is a narrow street since it only accesses the property.

Darren Hiley asked if the Bogart's Addition is the area that will be allowed to connect into the sewers. Staff said that is correct.

Heath Courtney asked if the preliminary plat and site plan had expired. Staff said the Board of Aldermen had extended it each year because the project had to go through government funding to get approved and it took three years to get that funding.

EASTWOOD APARTMENTS-FINAL PLAT-CONT Doyle Riley asked if they would have any access onto East Major. Staff said they won't access East Major.

A motion was made by Darren Hiley and seconded by Heath Courtney to recommend to the Board of Aldermen to approve the application from MACO Development for the final plat of Eastwood Apartments contingent upon meeting all Staff comments. The motion carried unanimously.

Kent Porter returned to the meeting.

PUBLIC HEARING

CODE AMENDMENT-PARKING/STORAGE ON STREET Staff presented a memo dated May 11, 2009 requesting approval of an amendment to the parking/storing of large vehicles and equipment on City streets.

Staff said the current Zoning Order restricts the parking of trucks in excess of one ton and buses in residential neighborhoods, though construction trucks are allowed if parked within a garage or there is construction actually occurring at the property.

Staff said other types of vehicles, including trailers for construction equipment, boats and recreational vehicles can be just as large or larger. Such vehicles can create problems such as blocking visibility of cars, bicyclists and pedestrians, hindering the movement of trash trucks and snow plows and can damage street surfaces.

Staff said the proposed amendment expands the list of vehicles prevented from parking and/or being stored on residential streets and directs storing of recreational vehicles, boats and trailers to the driveway.

Staff said they propose that it must not be located less than five feet from the front lot line. Kim Murphy had sent an email which was forwarded to everyone suggesting that they shall be located at least five feet from any lot line.

Kim Murphy had suggested that the word "hard" be added to A.6 when referring to surface where parking may occur. After some discussion it was also decided that it should say R-R instead of R-A.

Darren Hiley said he would prefer that the five feet only refer to the front property line. He said there are people along Porter Ridge that have spots that are less than five feet from the side lot lines.

Dan Holt said he didn't like having the five feet from all lot lines.

Kent Porter asked if the intent of this amendment was to get vehicles off the street. Staff said that is correct.

CODE AMENDMENT-PARKING/STORAGE ON STREET-CONT Heath Courtney asked if this is to help clarify complaints. Staff said that is correct. We won't be going around looking for violations but will work off complaints.

Darren Hiley said he thought the change in A.2 should be left at five feet from the front lot line. He said A.6 should say R-R instead of R-A and have the word "hard" added in front of the word surface.

Doyle Riley asked if you can leave an RV in your driveway year around. Staff said that is correct as long as it is five feet from the front lot line and no one is living in it permanently.

A motion was made by Darren Hiley and seconded by Heath Courtney to recommend the Board of Aldermen approve the proposed amendment to Section 405.180 pertaining to the parking/storing of large vehicles and equipment on City streets with the last line of A.2 to read "...shall be located on a driveway and shall be located at least five (5) feet from the front lot line" and A.6 changing R-A to R-R and adding the word "hard" to the surface that may be parked on. The motion carried unanimously.

DISCUSSION

MONUMENT SIGNS Staff presented a memo dated May 11, 2009 in regard to monument signs. Staff said the City's sign code allows businesses to install one monument sign or pole sign. In some cases, where a property has multiple frontages along a public road, the Sign Code allows a second monument sign or pole sign to be constructed. Monument signs can be constructed up to six feet tall with a fifty square-foot sign face.

Staff said CVS proposed that rather than have two signs they would like to have a monument sign much larger than our code allows. The Board of Aldermen asked that this come back to the Planning and Zoning Commission to get their opinion on the issue.

Mayor Dane said we have an excellent sign program and if people follow the rules it is easy to enforce. He said if we make an exception to CVS, others will be in to get changes made for their signs. He said if we aren't careful it becomes a like and dislike rule rather than following the requirements.

Mayor Dane said we have several monument signs in the City and we have told the business they couldn't have a larger sign. If we allow CVS to have a larger sign they will all be back here asking for changes.

Mayor Dane said CVS and other businesses will come to town regardless of the size of the sign. He said he looked at CVS in Zona Rosa and Liberty and both of their signs are three feet by three feet signs.

Kent Porter said CVS has a pole sign in Platte City that wouldn't meet our requirements and it is ugly. He said he's not sure we would want such a sign that is legal but unattractive.

MONUMENT SIGNS-CONT Kent Porter said he had a question about directional signs. He said we told CVS that they couldn't have CVS on their directional signs but Kearney Trust has the word Trust on their directional signs. He said they just redid their signs recently and shouldn't have been allowed to have the word Trust on them. Staff said they will check into that.

Heath Courtney said businesses just need to follow the rules. He said if businesses follow the rules the Commission doesn't even need to see the applications.

Kathy Whipple said we had issues with Platte Clay Electric wanting a pole sign that exceeded our limits and we didn't allow them to have it. She said we just have to follow the rules. CVS has a very visible location and won't be dependent on a sign.

Darren Hiley said we need to follow the rules. He said we seem to be promoting pole signs but he would rather see monument signs. They are much more attractive.

Mayor Dane said this is just not the time to change the sign code. He said it will be sending out a message that if you are a big chain you can get something different than the smaller businesses.

Heath Courtney said Casey's said they couldn't do a sign that would be in compliance with our code but when we didn't give in they came up with a nice monument sign.

It was the general consensus of the Planning and Zoning Commission to leave the sign ordinance as it is at this time.

KADC STRATEGIC PLANNING Staff said KADC hired Consultant Irv Jensen, Smart Solutions Group, to do a strategic planning for KADC. He will be making a presentation to the Board of Aldermen at the May 18, 2009 meeting. Planning and Zoning Commission members are invited to attend.

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

APPROVED: _____ **ATTEST:** _____
Kathy Whipple, Chairperson **Kent Porter, Secretary**