

## **PLANNING AND ZONING COMMISSION**

**November 14, 2011**

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., November 14, 2011 at Kearney City Hall with Kathy Whipple presiding. Members present were Kim Murphy, Dan Holt, Heath Courtney, and Eric Shumate. Kent Porter and Darren Hiley were absent. Staff members present were David Pavlich, Chad Coffelt and Shirley Zimmerman.

Kathy Whipple opened the meeting with the Pledge of Allegiance.

### **CONSENT AGENDA**

➤ Minutes of the October 10, 2011 meeting

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

### **PUBLIC HEARINGS**

#### **KRISTY CARROLL-REZONING FROM C TO C-P AT 200 SOUTH JEFFERSON**

Staff presented an application from Kristy Carroll, Granny's Attic, at 200 South Jefferson to rezone the property from C-Commercial to C-P –Commercial Planned District with a site plan. The rezoning would allow her to open a retail shop on the main floor and convert the attic to a residential efficiency apartment on the second level.

Staff presented a Staff memo dated November 14, 2011. The retail shop will be located in the front 800 square feet of the main floor. The remaining area will be used for private office and storage areas. Associated improvements include exit lighting, ADA restroom, widening of doors and a ramp from the sidewalk to the front door. Exterior improvements will include a small hard-surface parking lot, sign and a widened driveway access.

A portion of the attic will be converted to an efficiency apartment with bathroom and kitchen facilities. The apartment will be accessed by a spiral staircase on the North side of the building.

Staff said we have reviewed the plans for the living area and they meet City codes.

Staff said the property accesses South Jefferson/33 Highway by an existing concrete entrance approximately ten feet wide. MoDOT requires that the entrance be widened to a minimum of twenty feet wide.

Staff recommended that the drive aisle behind the parking spaces be twenty four feet wide to allow for maneuvering and traffic movement. The applicant would like it to be twenty feet wide matching the entrance.

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Staff said the existing parking on the site is gravel. The applicant proposes to install a concrete or asphalt parking lot for the retail shop, but retain the existing gravel parking for the residence. Staff recommends the residential parking also be improved to a hard surface.

Staff said a buffer is required between commercial and residential zoning districts. Staff recommends installation of a six foot privacy fence along the West property line. The applicant has requested that a fence not be required due to the location of two out buildings that serve as a solid screen and landscaping along the property line.

Staff recommends installation of two ornamental trees or twelve shrubs or a combination of one ornamental tree and six shrubs, around or along the parking lot. In addition there is an existing evergreen tree along the North side of the building. This tree could be affected by site improvements, and if removed, should be replaced.

Staff said as shown on the site plan, the parking lot will have a slight slope away from the property line. The City consulting engineer recommends that a portion of the existing gravel drive located west of the proposed parking lot and South of the South line of the existing garage be removed and replaced with grass to provide a pervious area on site for the water to go prior to leaving the site.

Staff said sidewalks are required along public streets. An existing sidewalk is located along South Jefferson Street. No sidewalk is located along West 2<sup>nd</sup> Street. Staff recommends a four foot wide sidewalk to be constructed along West 2<sup>nd</sup> Street. The applicant has requested a sidewalk not be required.

A six foot tall, non-lighted, free-standing sign is proposed and shown on the site plan. No trash enclosure is proposed.

The floor was opened to the public.

Kristy Carroll, owner of Granny's Attic, said she bought the property twelve years ago and after getting the property paid for she wanted to have a shop as a retirement plan. She said she hoped the Commission would consider her variances.

Ms. Carroll said her biggest concerns were the sidewalk and the commercial buffering. She said she is trying to keep her project in budget because she doesn't want to borrow any money for the project. She passed out pictures of the property showing her areas of concern.

Ms. Carroll said the sidewalk would run 130 feet and stop. She said if the sidewalk couldn't be waived then she would like to see it postponed for at least two years so she would have a chance to have more cash available.

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Ms. Carroll said in regard to the commercial buffering, the outbuilding on the South side already provides a buffer. She said on the north side there is a shed and tree for buffer. She said the West side is buffered by the trees and sheds. She said the neighbor to the West actually removed a fence because he preferred it more open.

Ms. Carroll said she would have a ramp in the front of the house to be ADA compliant. She showed pictures of the attic area showing there was enough space there. She said the original house had very tall ceilings. They were lowered and that allows her more space in the attic. She said the entrance to the attic would be a spiral staircase on the North side of the building.

She said there would be a chain separating the commercial parking from the residential parking and she would like to keep the residential parking as gravel for now.

Dan Holt asked if the ceiling that was dropped, would be structurally strong enough to be a floor for the attic. Don Miller, architect, said they would be redoing a floor for the attic and it would be weight bearing and tied into the framework of the house.

Dan Holt asked if the electrical would be brought up to commercial standards. Mr. Miller said it would be upgraded.

Dan Holt said he was concerned that there wasn't a trash enclosure. Don Miller said he could put one near the new drive. Ms. Carroll said she would have very little trash because she wouldn't be receiving shipments of new product. She would be selling antiques and used items.

Kathy Whipple said her concern would be that if she sells the place and the next business has more trash there wouldn't be a trash enclosure. Staff said if it sold and the use changed it would come back to the Commission.

Heath Courtney asked how far change can go under the "P" zoning without coming back to the Commission. Staff said if there are structure changes it always comes back.

Dan Holt said in regard to sidewalks the City has to start somewhere or we never will have sidewalks through out the City. He said we required a sidewalk for the concrete plant and the Water District that don't connect to anything at this time.

Ms. Carroll said she is concerned if the sidewalk is along the North side, it will encourage people to access her property from there and they will cut through the grass.

Staff said we have allowed others to waive the sidewalk until a designated time if it doesn't connect to another sidewalk.

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Heath Courtney said he understands delaying the sidewalk, but he believes the City needs to have some type of financial assurance that it will be built. He said there is an asphalt drive along the North side of the Funeral Home and how close is that to the parking. Ms. Carroll said there is two feet there and it would be grass.

Heath Courtney asked why she wanted twenty feet instead of twenty four feet for the driveway. She said to make it twenty four feet a light pole would have to be moved and the curbing wouldn't be aligned with the highway. She said MoDOT recommended the twenty feet.

Eric Shumate said his only concern would be if a van could get turned into the ADA parking space if it was only twenty feet wide.

Heath Courtney asked if the spiral staircase was the only entrance to the attic. Ms. Carroll said it was. She said there would be an egress window on the opposite side with a ladder accessible. She said there would be a walkway to the staircase.

Kim Murphy said he is glad to see someone saving a 125 year old home with a low traffic business. He said he didn't have a problem with the twenty feet wide driveway since parking was only on one side.

Kim Murphy said he understands about the sidewalk. He said couldn't it be a part of C-P so it would pass on to a new owner if she should happen to sell it. He said he doesn't have any problem with not requiring the fence since the residential property to the West is already sheltered.

Eric Shumate asked for a clarification of what is going to be gravel and what is grass in the back parking. He asked if she can use the asphalt driveway of the funeral home to access her parking. She said she has always accessed her property that way. She said the fence between the residential and commercial parking is portable and can be opened for her to access the back parking if needed.

Heath Courtney said he doesn't have a problem waiving the fence buffer and delaying the sidewalk.

Kathy Whipple said she had a problem with allowing gravel parking. She said with the fence between the lots being portable commercial traffic could end up on the gravel when busy. She said if it is more economical she wasn't opposed to the two strips of concrete with grass between them like there is in Village of River Meadows.

Kathy Whipple said with the design of the parking she was fine with a twenty foot driveway. She said she was fine with waiving the fence. She said she feels there should be a definite timeline for the sidewalk to be completed.

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Dan Holt said we shouldn't waive the sidewalk any more than two years. He said we do need to have some type of trash enclosure.

Dan Holt said we should make sure and change the wording to say hard surface everywhere in regard to parking rather than saying concrete in some places. He said this would allow her to use pavers in the residential area.

A motion was made by Kim Murphy and seconded by Heath Courtney to recommend to the Board of Aldermen to approve the application from Kristy Carroll, Granny's Attic, at 200 South Jefferson to rezone the property from C-Commercial to C-P –Commercial Planned District with a site plan contingent upon meeting all Staff comments and the following conditions:

1. Reconstruction and widening of the entrance drive per MoDOT standards and permitting;
2. Construction of a 4' wide sidewalk along West 2<sup>nd</sup> Street, within 2 years of the date of building permit issuance;
3. Installation of landscaping along or around the parking lot to include two ornamental trees, 12 shrubs, or a combination of one tree and six shrubs;
4. Replacement of the evergreen tree along the north side of the building, if it is removed during construction;
5. The gravel area South of the South line of the existing garage and West of the proposed parking lot be removed and replaced with grass;
6. Gravel residential parking to be improved to a hard surface with gravel areas not improved to be converted to grass areas;
7. Revisions to the site plan, prior to the Board of Aldermen meeting, including:
  - a. Addition of a 4' wide concrete sidewalk along West 2<sup>nd</sup> Street with a note indicating construction to occur within 2 years of the date of building permit issuance;
  - b. Addition of two ornamental trees, 12 shrubs, or a combination of one tree and six shrubs around or along the parking lot;
  - c. Add a note that the tree along the north side of the building be replaced if removed;
  - d. Remaining gravel areas be changed to a hard surface;
  - e. The gravel area South of the South line of the existing garage and West of the proposed parking lot be removed and replaced with grass;
  - f. Gravel residential parking to be improved to hard surface with gravel areas not improved to be converted to grass areas;
  - g. Addition of a trash enclosure;
8. Installation of a key box, if required, per Kearney Fire & Rescue Protection District;
9. Submittal of a building permit application prior to construction of site improvements;
10. Submittal of a sign permit prior to installation of signs or as part of the building permit application;
11. Development of the site and payment of all fees and/or taxes in compliance with

all city codes, conditions, and requirements. The motion carried unanimously.

**DISCUSSION ITEMS**

**ICE CREAM SHOP/MEXICAN RESTAURANT** Dan Holt asked if anyone knew what the status was for the Ice Cream Shop/Mexican Restaurant since there was a for lease sign in the window. Staff said they heard they were looking for a new tenant.

**PILOT ROAD** Kim Murphy asked what the status was for the Pilot Road. Staff said the final plans have gone to MoDOT. We hope to bid the project in February and start the project in the Spring of 2012.

Staff said MoDOT is working on the 92 Highway widening project from I-35 to Nation Road.

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

Approved: \_\_\_\_\_ Attest: \_\_\_\_\_  
Kathy Whipple, Chairperson Kim Murphy, Acting Secretary