

PLANNING AND ZONING COMMISSION

September 10, 2012

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., September 10, 2012 at Kearney City Hall with Kathy Whipple presiding. Members present were Eric Shumate, Kent Porter, Heath Courtney, Darren Hiley and Kim Murphy. Dan Holt was 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 July 9, 2012 meeting

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

NEW BUSINESS

PORTER ACRES-MINOR SUBDIVISION FINAL PLAT Staff presented an application from Gary and Karen Porter to subdivide a seven acre tract, located at 305 East Washington into three lots for single-family houses. Lot 1 will be 0.3 acres and will include an existing single-family dwelling. Single-family dwellings will be constructed on lots 2 and 3. Each of those lots will be slightly less than 3.5 acres in size.

Staff said sidewalks will be constructed along East Washington Street at the time of the building permits. Installation of a sidewalk is also needed along the front of the existing house at 305 East Washington. Staff said they recommend a five foot sidewalk easement be added to the plat along the North property line.

Heath Courtney asked if the house on Lot 1 is currently on City sewer. Staff said yes it is on City sewers.

Darren Hiley asked if the sidewalk would connect to the development to the East when it connects to East Washington. Staff said it would connect.

Eric Shumate asked if the sewer easement was a private easement. Staff said there will be a blanket easement to cover wherever the sewer lines goes.

A motion was made by Kim Murphy and seconded by Darren Hiley to recommend to the Board of Aldermen to approve the application from Gary and Karen Porter to subdivide a seven acre tract, located at 305 East Washington into three lots for single-family houses, contingent upon meeting all Staff comments. The motion carried unanimously.

PUBLIC HEARNINGS

AMENDMENT FOR TEMPORARY SUBDIVISION SIGNS Staff said an amendment request was submitted by Barry Lowe, Barsco Construction, who recently acquired lots in the Clear Creek Ridge Subdivision, to be allowed to post temporary construction signs for the subdivision on off-premise property.

Staff said this is a subdivision that has been sitting for quite some time and isn't on any main street in town. Staff said their concern is that this will open up the request for other types of signs on off-premise property. It could also cause requests for developers when they have some lots in an old subdivision that haven't sold.

The floor was opened to the public.

Barry Lowe, 1209 Stonecrest Court, said he had bought some lots in Clear Creek Ridge Subdivision and was going to build on them. He said his real estate agent, Kim McElwee, suggested putting signage on an off-premise site to help promote the subdivision.

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

Kent Porter said the property at the corner of Clear Creek Drive and 92 Highway is owned by the Chaney family. He wanted to know if there would be anything wrong if they gave him permission to put a sign on their property. Staff said they would have to check into that but it would still be an off-premise sign

Heath Courtney said his concern is about who maintains the sign. He said temporary signs should only stay up a year or two. He said they usually aren't good looking signs. He said if we change this code all the subdivisions will want a 32 square feet sign.

Heath Courtney said most people go to a realtor and use MSL listings to find property. He said we could end up with three or four of these in a residential area.

Darren Hiley said there is currently a sign on the West entrance to the subdivision and it needs maintenance.

Barry Lowe said his real estate agent felt this was needed and that is why he made the request.

Eric Shumate said he is concerned where this could lead to in the future.

Kim Murphy asked if this was in place of or in addition to current sign. He said he would prefer it to be done by the developer and not person owning only three lots or a builder.

Mr. Murphy said we apparently haven't policed this type of signs very well. He said there is a Shadowbrook Subdivision sign between Pour Boys and Shanks property that is off premise. He said there is a sign advertising Elizabeth Place with a date of 1998 on the

AMENDMENT FOR TEMPORARY SUBDIVISION SIGNS-CONT sign. He said the Dovecott Subdivision sign is located at 33 Highway and Meadowbrook Drive and that is not even close to that subdivision. He said a sign advertising Village of River Meadows is also off premise.

Mr. Murphy said this could lead to a lot more signs in more places. He said if we are going to consider this we should have a short time frame on them and a maintenance agreement with the developer.

Kathy Whipple asked if the Urgent Care Construction sign was off-premise. Staff said it is on property that they own and we approved it to be across the street because we asked them to put in the street.

Darren Hiley said maybe these could be under Conditional Use Permits and they would have to come back each year.

A motion was made by Heath Courtney and seconded by Eric Shumate to deny the application submitted by Barry Lowe, Barsco Construction, who recently acquired lots in the Clear Creek Ridge Subdivision, to be allowed to post temporary construction signs for the subdivision on off-premise property. The motion carried by a vote of five to one with Kent Porter voting nay.

COMMISSION DISCUSSION

KIM MURPHY Kim Murphy said he thought we should pursue updating our building codes in the City of Kearney. He said we have codes dated back to 1997. He said Smithville and Clay County have 2005 and 2006 codes.

Mr. Murphy said he feels we definitely need to upgrade the commercial codes. He said we need to update fire sprinklers and fire wall/door codes.

Kent Porter said updated codes drive up the cost to where no one will build. He said if you get really restrictive like Liberty and Smithville then you drive away residential development in particular.

Darren Hiley said if there are specific issues such as safety that we aren't addressing we should consider it. He said commercial doesn't have a lot of changes from 2000 to 2006.

Chad Coffelt, Building Inspector, said Smithville didn't amend anything in the new codes. He said we have looked at adopting the code with amendments to not hamper development.

Kent Porter said the economy has driven out the poor quality builders. He asked to what code do most of our builders build. Mr. Coffelt said most of them build to the 2006 Code currently.

KIM MURPHY-CONT Kim Murphy said he was more concerned about commercial codes with the new commercial development starting in our community.

Staff said the process would be to take it to the Board of Aldermen by ordinance. They would have a first reading and then it would set for ninety days to allow the public to comment. Then you would have a second reading to pass the ordinance.

ADJOURNMENT There being no further business on the agenda, a motion was made by Kent Porter and seconded by Kim Murphy. The motion carried unanimously.

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