

PLANNING AND ZONING COMMISSION

February 11, 2013

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., February 11, 2013 at Kearney City Hall with Kathy Whipple presiding. Members present were Eric Shumate, Heath Courtney, Dan Holt, Darren Hiley, Doyle Riley and Kent Porter. Staff members present were David Pavlich, Chad Coffelt and Shirley Zimmerman.

Kathy Whipple opened the meeting with the Pledge of Allegiance.

OATH OF OFFICE Shirley Zimmerman administrated the Oath of Office for Doyle Riley, who replaced Kim Murphy on the Commission.

CONSENT AGENDA

➤ Minutes of the January 14, 2013 meeting

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

PUBLIC HEARINGS

WAYNE RICKEL-CUP FOR 606 SOUTH GROVE Staff presented an application from Wayne Rickel for a Conditional Use Permit(CUP) to allow a single family dwelling at 606 South Grove Street. The applicant requests that the conditional use be allowed for a period up to five years. The property is zoned C – Commercial, which allows by conditional use permit “single-family dwellings either constructed originally as single-family structures or converted from structures originally intended for other purposes”.

This building was previously a single-family residence located in a different part of the City. It was moved to its current location and converted to a commercial building. The owner has yet to find a commercial tenant since the occupancy permit was issued.

The building inspector has performed a courtesy inspection of the property, and found the property to have appropriate facilities (including kitchen and bathroom facilities) and is in sufficient condition for use as a residence.

The floor was opened to the public.

Wayne Rickel said he has had zero luck selling or renting the property as commercial. He said he would like to occupy it as residential but could convert it to commercial if someone wanted to buy the property. He said he is close by and would be very strict with his renter and making sure the property is kept clean.

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

WAYNE RICKEL-CUP FOR 606 SOUTH GROVE-CONT Dan Holt said he wanted to stress if he has a residential tenant it could not be sold as residential.

Darren Hiley asked what the normal duration is for a CUP. Staff said he requested five years. Staff said we have the one by the Feed Store that is twenty five years. There is no set amount of years for a CUP.

Darren Hiley asked if there were any responses from the notices sent out. Staff said no.

Heath Courtney asked if the CUP goes with the property or is just for the present owner. Staff said they thought it would be with owner but they would check with the City Attorney.

Darren Hiley asked if a CUP changes the tax base for the property. Staff said they didn't believe so.

A motion was made by Heath Courtney and seconded by Kent Porter to recommend to the Board of Aldermen to approve the application from Wayne Rickel for a Conditional Use Permit to allow a single family dwelling at 606 South Grove Street for a period up to five (5) years contingent upon meeting Staff Conditions and adding a condition that the CUP would expire with the change of ownership. The motion carried unanimously.

NEW BUSINESS

COOK, FLATT & STROBEL – REPORT ON TRAFFIC STUDY FOR 92 HWY

Staff said Sabin Yanez, Cook, Flatt & Strobel, will give a report on a traffic study pertaining to medians along 92 Highway and access North of 92 Highway.

Sabin Yanez presented a Traffic Impact Analysis North of 92 Highway. He said due to medians being added to 92 Highway with the development of Shoppes of Kearney and the Urgent Care facility showing there is potential development on the North side of 92 Highway, City Staff had asked them to do this study.

Mr. Yanez said they took four alternatives from I-35 to Platte Clay Way on 92 Highway and refined it into two alternatives.

Mr. Yanez said Alternative 1 would allow no left turn out of McDonalds/Shell. It would have one way traffic go North thru the Urgent Care property to Washington Street. Alternative 2 would allow one way traffic North from McDonalds/Shell with a two way connector street to Platte Clay Way, which would go thru the parking lot of the Dance Studio. He said they prefer Alternative 2.

Mr. Yanez presented traffic analysis charts showing the level of service at the various locations in the future condition after development of the shops. He said Southbound traffic from McDonalds going left on 92 Highway is F.

COOK, FLATT & STROBEL – REPORT ON TRAFFIC STUDY FOR 92 HWY

Future improvements on 92 Highway won't change the level at that location. He said they have also added Urgent Care traffic in the Study.

Darren Hiley asked what an acceptable level of service is. Mr. Yanez said in a community of our size, D is acceptable and sometimes E is acceptable. All the locations are B or C except for the left turn from McDonalds.

Mr. Yanez said Alternative 1 would remove the left turn at McDonalds onto 92 Highway, but would change Platte Clay Way and 92 Highway from a C to a D. The City would see a reduction in accidents at that location if the left turn movement out of McDonald's was removed. He said it would add six seconds to the time spent at that intersection.

Mr. Yanez said Alternative 2 also removed the left turn at McDonald/s onto 92 Highway, but would make it a shorter distance to get back to 92 Highway than Alternative 1. He said there is room for a City street thru the parking lot of the dance studio.

Eric Shumate said the Alternative 2 street would be similar to a school zone since there is a dance studio there. There is quite a bit of traffic between 3-10 PM, Monday through Friday.

Kent Porter said you'll catch hell trying to get a road thru there. He said all those dance moms will be here in full force. He said you can say its one way North but people will go both ways anyway unless you barricade it to where they can't go South. Traffic modeling may show one thing, but the reality may be a little different. He said we have had past discussions about this and made it clear we didn't want access going North from McDonalds.

Chad Coffelt said you should check the traffic flow at the Dance Studio at 5:30 P.M.

Mr. Yanez said they were asked to try and prepare a safe way to accommodate a roadway and traffic. He said they think an extra access would be safer. He said the extra connection to Platte Clay Way would be their first recommendation. He said McDonalds would be right in/right out/ left in at McDonalds. He said they would encourage private signage encouraging right out only. The roadway can be designed with elements to be safer, such as sidewalks, lighting, landscaping and signage.

Darren Hiley asked how do you do a median with a left turn in and not a left turn out. He also wanted to know how much stacking on 92 Highway is allowed to turn left into McDonalds without obstructing Eastbound traffic.

Mr. Yanez said it is the way the opening is positioned that doesn't allow left turn out. He said he thought three or four cars could stack there.

COOK, FLATT & STROBEL – REPORT ON TRAFFIC STUDY FOR 92 HWY

Eric Shumate asked if the difference between Table 3 and 5 was the no left turn. Dallas Joplin said that is correct. Removing that left turn is a safety improvement.

Heath Courtney asked if the property owners were contacted. He said it seems like when we looked at the urgent care facility, there was an issue of an easement, if we wanted to have a one way road into that property. He said if we intend to reduce 92 Highway accidents, why would we then have traffic drive thru a dance studio area. He said it appears we would be increasing traffic to an area in an attempt to make it better, which doesn't seem to make sense.

Darren Hiley asked if we could make the access come out between Interstate Auto and Remax onto 92 Highway.

Eric Shumate said this appears like we are eliminating a risk of a traffic accident and creating a risk of a pedestrian accident by going thru the Dance Studio parking lot.

Kent Porter said Alternative 2 will be a very expensive road. He said his heating coils for the dance studio building are under where the road would be at. He said he doesn't think it's a viable alternative.

Eric Shumate said it appears that there is no alternative to the issue but to go North from McDonalds.

Mr. Yanez said they were just asked to look at what could possibility be done to help this situation but the decision to do nothing could still be on the table.

Kathy Whipple said there may not be anything we can do. She said she would prefer not to go thru the urgent care or the Dance Studio but you have to work with what you have.

Eric Shumate asked if the medians really affect this that much. Mr. Yanez said if anything else develops on the land to the North where does the traffic go.

Heath Courtney said he does not believe either alternative is satisfactory or favorable.

Darren Hiley said he agrees that neither alternative is favorable.

Eric Shumate asked if there had been any cost estimates done for these. Mr. Yanez said not at this time. This Study was just to look at possible solutions to the issue.

INFORMATION & DISCUSSION

KENT PORTER Kent Porter said we need to put up stakes or something similar to the area between McDonalds and the Urgent Care so cars don't drive thru there even though it isn't a roadway.

KENT PORTER Kent Porter said he doesn't believe the urgent care directional signs on Platte Clay Way should have been allowed. He said if that is alright then he wants Urgent Lumber or Urgent Plumbing signs to put up. He said if they can have a sign then the Dr. Ledbetter's on Platte Clay Way should have signs because they provide emergency care the same hours as the Urgent Care.

HEATH COURTNEY Heath Courtney said he agrees with Kent Porter. He said also wants to know if there has been any follow up on the purple Ripple Glass recycling container at Big V. He said he believes that all clothing containers and recycling containers need to be removed or put inside trash enclosures. He said we require a trash enclosure for all businesses when they bring in site plans.

Kathy Whipple said it doesn't necessarily need to sit on 92 Highway but she said doesn't believe it needs to fall under trash. She said Ripple sends a good message, especially since we passed the curbside recycling.

Heath Courtney said a dumpster is a dumpster and it should have an enclosure. He said it's not a level playing field if we require dumpster enclosures but not for all businesses.

DOYLE RILEY Doyle Riley asked if the old farm house and red barn on Clear Creek Drive are in the City. He said he believes people are living in a camper on that property. Staff said the area he was referring to is not in the City.

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

APPROVED: _____ **ATTEST:** _____
Kathy Whipple, Chairperson **Darren Hiley, Secretary**