

## PLANNING AND ZONING COMMISSION

**March 26, 2013**

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., March 26, 2013 at Kearney City Hall with Kathy Whipple presiding. Members present were Eric Shumate, Heath Courtney, Dan Holt, Darren Hiley and Doyle Riley. 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 February 11, 2013 meeting

Darren Hiley said there were two spelling corrections in paragraph three on page three. Staff said they would correct them.

A motion was made by Heath Courtney and seconded by Dan Holt to approve the Consent Agenda with the two corrections. The motion carried unanimously.

### NEW BUSINESS

**SHOPPES AT KEARNEY FINAL PLAT** Staff presented an application for Tim Harris, Star Acquisitions for a final plat and associated engineering plans for the Shoppes at Kearney, which proposes to subdivide 37-acres at the southeast corner of 92 Highway and Interstate 35 into five (5) commercial lots, six (6) open space tracts, with associated road right-of-way and easements.

Staff said The Shoppes at Kearney project will include construction of a 55,000 square foot grocery store, gas station/convenience store, pharmacy, three restaurants, a hotel, and three additional retail buildings. The project also includes a new road to provide access, a roundabout, realignment of Regency Drive into a T-intersection, and turn lanes and median improvements along 92 Highway. Signal modification at the 92 Highway and Platte-Clay Way intersection will also be made.

Staff said the final plat is consistent with the preliminary plat, which was approved by the Planning and Zoning Commission in October 2012. Staff anticipates lots 2 and 3 (location of the hotel, restaurants, and retail buildings on the preliminary plat) will be further subdivided at later dates as future tenants are determined.

Staff said as noted during review of the preliminary plat, because the project proposes to enclose part of a drainage-way under jurisdiction of the Corps of Engineers, Corps approval is required. The Corps has approved the development's plan to enclose a proportion of the stream. The developer was required to submit a copy of the stormwater management plan for Corps review and to purchase stream mitigation credits. Payment of stream mitigation credits must be made prior to any construction activity within those

**SHOPPES AT KEARNEY FINAL PLAT-CONT** drainage areas on the site that are under Corps jurisdiction.

Staff said the 1% engineering review fee is required to help offset the cost of engineering plan review and inspection. The fee needs to be paid prior to construction.

Staff said if public improvements are not constructed prior to recording of the final plat, then a performance guarantee is required, in an amount equal to 120% of the cost of the improvements. Said guarantee must be presented to the Board of Aldermen for acceptance, as part of the final plat review.

Staff said during some of the construction of the Regency Drive T intersection, Regency Drive will be closed to traffic for approximately two weeks. Signs will be posted as notification to the neighborhood approximately three weeks prior to the temporary street closure. The car wash and gas station driveways will remain open. This will allow the construction to go much faster.

Staff recommended the Planning and Zoning Commission forward a recommendation of approval to the Board of Aldermen for the final plat of Shoppes of Kearney with all Staff Comments being met.

Doyle Riley said he wasn't on the Commission in October so he wondered if the major hurdles in October have been met.

Darren Hiley said most of them had been met. He asked if they are extending the box culvert further down with the drainage way.

Ron Cowger, Akin, Gordon, Cowger Engineers, said they originally talked of closing in the drainage with a box culvert all the way to the Regency Drive Bridge. The plan will be to leave an open ditch section between the outlet of the new box culvert and the existing bridge. He said they will use twenty four inch rip rap to hold the sides of the drainage way.

Mr. Cowger said they will be staking the box culvert and property lines so they can show Tim Brannlund, 800 Regency Drive how the plan will work. He said they are scheduled to meet with him April 1<sup>st</sup>. He said there will be a stilling basin for about twenty feet at the opening of the culvert. He said they will rock both sides of the ditch.

Darren Hiley said what happens if two years down the road something goes wrong with this drainage way. Staff said there would be a two year maintenance bond and then after that it becomes a City issue.

Eric Shumate asked what happens on to the East of the drain way. Mr. Cowger said they will rip rap it all the way to Regency Drive.

**SHOPPES AT KEARNEY FINAL PLAT-CONT** Heath Courtney asked if the north section of the culvert will be able to handle all the drainage. Mr. Cowger said they used the numbers from the new FEMA study and they meet all the requirements by those numbers.

Heath Courtney asked if they say water will back upon 92 Highway. Mr. Cowger said the FEMA study indicates that the 1 percent (100 year) storm already shows water over 92 Highway, though the FEMA study uses very conservative numbers. He said they have created the box large enough to handle the flow. He said it won't be a constricting factor.

Dan Holt asked if this will affect the property (Joel Elmore) on the East side of Regency. He said he has spent a lot of money trying to control erosion. Mr. Cowger said this will mitigate the velocity of the flow and should not harm him at all.

Curt Talcott, Larkin Associates, said the detention basins will help with the stormwater. He said the peak flow won't be any greater than it is currently downstream.

Eric Shumate asked what range of events they used when doing the study. Mr. Talcott said they used the two year, ten year and one hundred year events.

Darren Hiley asked about the peak flow. Mr. Cowger said they used the numbers from the new FEMA study and none of them will increase.

Darren Hiley said he had a concern about the elevations around the round-about. He said it appears like the detention area is higher than the road, based on previous comments from the city engineer. Mr. Cowger said they are looking at that.

Darren Hiley asked about the improvements to 92 Highway. Mr. Cowger said MoDOT will be in charge of review.

Heath Courtney asked how this project relates to the discussion last month about 92 Highway and an access to the North from McDonalds. He asked if there will be a left turn permitted from McDonalds. Staff said this is not any part of that discussion. There will still be a left turn from McDonalds and the medians are consistent with the preliminary plat.

Darren Hiley asked if the contractor doing the 92 Highway project, would also be making the improvements to Regency Drive. Staff said hopefully that will be true.

Doyle Riley asked about the disposition of Lot 2. Staff said we will document the right-of-way for that lot. Tract E will probably go to the convenience store.

Doyle Riley asked how long Regency Drive would be closed. Mr. Cowger said it would be closed at the bridge for about two weeks. Fuel Espresso and the Car Wash will both be open to traffic.

**SHOPPES AT KEARNEY FINAL PLAT-CONT** Kathy Whipple said she thought completely closing the road and doing the work quickly was a good idea. She said we should allow school to get out in May before that happens so the buses won't be affected. Mr. Cowger said it probably would be the end of May before they were ready to do that.

Eric Shumate asked if a full mask grading would occur in the first phase. Staff said all road improvements would be done now.

Eric Shumate said with the Center being built in phases, what would be done for erosion control. John Davis, Foresight Consultants, consultant for the developer, said they intend to have the entire area stabilized this season. He said they will be doing seeding so they can get released from their DNR Permit. Each lot would then get their own permit as they develop.

Kathy Whipple said there was discussion about shortening the left turn lane for Northbound Regency Drive to allow better access to the car cash for southbound traffic at the time of the Preliminary Plat. She wanted to know if that had been done. Mr. Cowger said yes it had been addressed.

Eric Shumate said in staff comment #7 we need to remove the "and/or" and make it just be "and". It was decided that would be done.

Chuck Davis, Kwik Lube, said he would like to speak and address some issues. Kathy Whipple said this wasn't a public hearing but she would allow him to speak. He said he wanted to let people know that the water has been up to the bottom of the Regency bridge before.

Mr. Davis asked if they intended to install sidewalks along the project. He said he was concerned about gaps in the sidewalks where lots weren't developed yet. Staff said there wouldn't be a sidewalk on the East side of Regency Drive and there won't be gaps in sidewalks in the shopping center. Sidewalks will be installed along the new streets in the project, along 92 Highway, along Fuel Expresso, and connecting south into Shadowbrook.

A motion was made by Darren Hiley and seconded by Dan Holt to recommend the Board of Aldermen to approve application for Tim Harris, Star Acquisitions, for the final plat the Shoppes at Kearney, creating five (5) commercial lots, six (6) open space tracts, with associated road right-of-way and easements contingent upon meeting the following Staff comments:

1. Submittal of a revised plat, as necessary;
2. Approval of engineering plans prior to recording of the final plat;
3. Approval of engineering plans by MoDOT for 92 Highway related improvements prior to recording the final plat;
4. Provide a copy of the DNR Land Disturbance Permit prior to any grading/construction;
5. Provide proof of purchase of stream mitigation credits, prior to any construction activity within those drainage areas on the site that are under Corps jurisdiction;

6. Provide an executed copy of an off-site construction easement from the property owner to the south, if required, prior to approval of the engineering plans;
7. Provide an executed copy of an off-site easement from 800 Regency Drive, if required, prior to approval of the engineering plans, and stake and maintain the Limits of Construction through completion of construction activities;
8. Payment of the 1% engineering review fee, prior to construction;
9. Submittal of a performance guarantee, equal to 120% of the cost of improvements, for review and approval by the Board of Aldermen at the time of final plat review;
10. 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.

**INFORMATION AND DISCUSSION ITEMS**

**92 HIGHWAY WIDENING GROUNDBREAKING** Staff announced that there would be a ground breaking ceremony at Platte Clay Electric at 10:00 A.M, April 4<sup>th</sup> for the 92 Highway Widening Project.

**ACCESS JUSTIFICATION REPORT PUBLIC MEETING** Staff announced that there would be another AJR public meeting at City Hall April 25<sup>th</sup> from 4:00 P.M. to 7:00 P.M.

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

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
**Kathy Whipple, Chairperson** **Darren Hiley, Secretary**