

PLANNING AND ZONING COMMISSION

December 9, 2013

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., December 9, 2013, at Kearney City Hall with Kathy Whipple presiding. Other members present were Darren Hiley, Eric Shumate, Dan Holt and Marie Steiner. Doyle Riley and Kent Porter were absent. Staff members present were David Pavlich and Shirley Zimmerman.

Kathy Whipple opened the meeting with the Pledge of Allegiance.

OATH OF OFFICE Shirley Zimmerman administrated the Oath of Office to Marie Steiner. She will be replacing Heath Courtney and her term will end June 1, 2014.

CONSENT AGENDA

➤ Minutes of the November 14th meeting

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

PUBLIC HEARINGS

AMENDMENT-VEHICLE SALES AND RENTAL LOT SPACING

REQUIREMENT Staff presented an amendment to the Zoning Order to change the minimum spacing of vehicle sales and rental lots. Staff said in December 2006, the Board of Aldermen passed a moratorium pertaining to vehicle sales and rental lots.

The Board of Aldermen was concerned about the possibility of multiple car dealerships opening in Kearney after First Class Cars opened on Washington Street. The goals of the amendment were to provide for adequate display areas and buffering along residential uses, especially in and near downtown. The old part of town tends to include very small lots that are zoned commercial on which are located single family dwellings. Two of the ordinance's main requirements included a minimum 1500 feet spacing between such lots and minimum size of one acre.

Staff said since the ordinance was passed, no additional dealership locations have opened in Kearney. Staff has been directed to look at the effects of and consider a proposed amendment to the zoning code that would reduce the minimum distance to 650 feet. There is interest in a used car dealership at a site that does not meet the current spacing requirements.

Staff said reducing the spacing requirement would increase the number of additional areas in Kearney available for such a use from four to six by making available property at the northwest corner of Jefferson and Lawrence and at the Remax building location.

AMENDMENT-VEHICLE SALES AND RENTAL LOT SPACING REQUIREMENT The floor was opened to the public.

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

Dan Holt said part of what brought on this change was that John Hart was looking at buying the site at 108 West Washington and putting in a car lot and that would be just down the street from 203 West Washington where a car lot is located. To prevent two car lots being so close in the Historic Downtown area, the zoning code was changed.

Dan Holt said according to the definition of vehicle sales and rental lots, it is any place where two or more vehicles are offered or displayed for sale or rental more than 24 hours in any 48 hour period. He said this summer KCB had three repossessed vehicles and First Missouri Bank had two repossessed vehicles in their parking lots. He said maybe we should look at excluding financial institutions, because they always place their repossessed vehicles on their property.

Eric Shumate asked if the goal was originally to prevent an influx of car dealerships in town. He asked if we are cutting the distance in half for just one person. Staff said we only have one request at this time.

Darren Hiley asked what would be the minimum distance that we should establish to bring all the current dealerships into compliance with the distance. Staff said it would be approximately 550 feet. They would still have to have one acre and apply for a Conditional Use Permit.

Dan Holt said maybe we should change the wording from lot or tract to site. That was fine with everyone.

There was some discussion about the area developing on the East side of I-35 and a car dealership wanting to locate there but they would be closer than the 500 feet from TDR Auto Sales. It was decided that if the sites are separated by I-35 they wouldn't have to meet the 500 feet requirement.

Marie Steiner asked why we were doing this change now. Staff said we have this empty tract of land that has been idle for a long time and a business is interested in locating on this site. We always want to promote commercial growth.

A motion was made by Dan Holt and seconded by Darren Hiley to recommend to the Board of Aldermen to amend sections 405.485.17.a and 405.510.21.a requiring that vehicle sales and rental lots are located no closer than 500 feet; however sites separated by Interstate 35 may be located closer than 500 feet and amend sections 405.485.17.b and 405.510.21.b by replacing the words "lot or tract" with the word "site". The motion carried by a vote of four to one with Eric Shumate voting nay.

INFORMATION AND DISCUSSION ITEMS

TRUE VALUE HARDWARE Staff said at the present time the True Value Hardware move is not moving forward. When they got their agreement from Star Development it wasn't for the square footage of space they had requested.

WEST ROUNDABOUT Kathy Whipple said there is a drainage issue on the South side of the round about at Nation Road. She said there is always moisture there and now it is always slick with the cold temperatures.

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

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