

PLANNING AND ZONING COMMISSION

June 9, 2014

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., June 9, 2014, at Kearney City Hall with Kathy Whipple presiding. Other members present were Eric Shumate, Kent Porter, Doyle Riley, Darren Hiley and Dan Holt. Staff members present were David Pavlich, Shirley Zimmerman and Chad Coffelt.

Kathy Whipple opened the meeting with the Pledge of Allegiance.

CONSENT AGENDA

➤ Minutes of the May 12, 2014 meeting

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

PUBLIC HEARINGS

KEARNEY PROFESSIONAL PLAZA-REZONING FROM M-INDUSTRIAL DISTRICT TO C-P-COMMERCIAL PLANNED DISTRICT FOR NORTHLAND BUSINESS PARK Staff presented an application from Terry Bush, Agent for Kearney Professional Plaza, proposing to rezone approximately 4.5 acres from M-Industrial to C-P-General Commercial Planned District. The property is located at 151-301 Platte Clay Way, on the East side of Platte Clay Way between the Post Office and Westbrook Care Center.

Staff presented Staff report dated June 9, 2014 and recommended approval contingent upon meeting all staff requirements.

The floor was open to the public.

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

Doyle Riley asked if the location of the day care was in the building under construction. Staff said yes.

A motion was made by Darren Hiley and seconded by Doyle Riley to recommend to the Board of Aldermen to approve the application from Terry Bush, Agent for Kearney Professional Plaza, proposing to rezone approximately 4.5 acres located at 151-310 Platte Clay Way from M-Industrial to C-P-General Commercial Planned District, contingent upon meeting all Staff comments. The motion carried unanimously.

KEARNEY PROFESSIONAL PLAZA – CONDITIONAL USE PERMIT FOR DAY CARE IN THE C-P PLANNED DISTRICT

Staff presented an application from Terry Bush, Kearney Professional Plaza for a day care center located at 151 Platte Clay Way. The center will be located in the northeast building, currently under construction, adjacent and South of the Post Office. The day care center will be large enough to serve between 100-112 children and will include a basement level storm shelter. A fenced outdoor play area will also be installed as part of the project, with safety bollards installed along portions of the fence that are adjacent to parking areas. Day care centers are allowed by conditional use permit in the general commercial zoning district.

Day Care Centers are regulated and inspected by the Missouri Department of Health, Division of Health Standards and Licensure. The State has minimum requirements for space per child, the number of children per group, the number of children per teachers, outdoor play space per child, restroom facilities, etc. The building will be in compliance with state requirements.

State requirements necessitate an outdoor fenced play area for children. They propose chain link fence clad in vinyl or other similar decorative material. The state will not allow a wood fence. They have more parking spaces than the required number.

The floor was opened to the public.

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

Dan Holt said he thought fences had to be wooden and not chain link. Staff said they didn't think State licensing allowed wooden fences.

Darren Hiley asked if the applicant requested the chain link fence. Staff said yes. Staff said they would have someone check with State licensing to see what they would approve. It was a general consensus of the Commission to only accept chain link fencing if that was the only thing the State would approve.

Kathy Whipple asked if this would create an issue with the additional traffic on Platte Clay Way. Staff said everyone won't be arriving and leaving at the same time.

Doyle Riley asked if bollards would be on the side by the Post Office. Staff said yes.

Doyle Riley asked if there would be a crosswalk on Platte Clay Way going to the library since Day Cares tend to make field trips to the library. Staff said there were no plans currently for a crosswalk.

A motion was made by Dan Holt and seconded by Darren Hiley to recommend to the Board of Aldermen to approve the application from Terry Bush, Kearney Professional Plaza for a Conditional Use Permit for a day care center located at 151 Platte Clay Way

KEARNEY PROFESSIONAL PLAZA – CONDITIONAL USE PERMIT FOR DAY CARE IN THE C-P PLANNED DISTRICT-CONT contingent upon meeting all Staff comments and finding a fence type as close as possible to City requirements that State licensing would approve. The motion carried unanimously.

UHMC – CONDITIONAL USE PERMIT/SITE PLAN FOR CONTRACTOR SHOP & YARD IN M-INDUSTRIAL DISTRICT Staff presented an application from Larry Motley, UHMC to construct a 10,500 square foot contractor’s shop consisting of a 2-story office area in the front half and a warehouse area with truck dock in the back half of the building on Lot 15 in Innovation Park.

The building will be metal, with a stone veneer wainscot along the front of the building facing Sam Barr Drive, and along the South side of the building along the parking lot. The project will include a fenced material storage area at the back side of the building.

Contractor’s shop and/or yard, including construction equipment and/or materials storage area, require approval of a conditional use permit in the M-Industrial District.

Staff presented a Staff Report dated June 9, 2014. Staff recommended approval upon meeting Staff requirements. Staff said they requested to install a temporary gravel surface with the storage yard, to be replaced by asphalt or concrete within 24 months of building occupancy.

The floor was open to the public.

Larry Hampton, Hampton Plumbing, said he was concerned about the gravel in the storage yard and how it would be enforced if he didn’t pave it during the 24 month period.

Art Akin, AGC Engineers, said they had worked with Staff on this project. He said the architectural committee for Innovation Park has approved the plans. He said the applicant is working hard to make this project fit in his budget. If things come in lower than expected than he would go ahead and surface the storage area sooner. He said they have completed the landscaping plans and have the DNR permit now.

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

Doyle Riley asked how the City would enforce the 24 month time frame for hard surfacing the storage area. Staff said the City can pull an occupation license. You can also put a time frame on the CUP and they would have to come back for approval if they have hard surfaced the area.

Kathy Whipple asked what happens if the ownership changes and when does the time start. Staff said we can still enforce the rule. The time starts when the building is occupied.

UHMC – CONDITIONAL USE PERMIT/SITE PLAN FOR CONTRACTOR SHOP & YARD IN M-INDUSTRIAL DISTRICT-CONT

Dan Holt asked what do we have in place to trigger the need for more parking places due to an increase in employees. Staff said if parking becomes a problem because they are parking in the street we would force him to put in more parking spaces.

Dan Holt said he was concerned about the drainage and possibly causing problems down stream. Staff said he will only be storing vehicles in the back area and there will be no chemicals. The gravel will actually help contain the run off.

Larry Motley, owner of UHMC, said he is a mechanical service contractor. He said his operation is a green oriented business. He said he wants to be a good partner with the community and expects his business to grow in the future.

Eric Shumate asked if the storm water discharge would be at the dog leg point of the property. Staff said that is correct. It will go into an existing drainage way.

Dan Holt asked if he was crossing the large ditch. Mr. Motley said no. He said he might consider doing a lot split later and dividing the lot at the drainage ditch.

Dan Holt asked if the chain link fence was approved. Staff said the architectural committee approved the chain link fence with the landscaping of trees along Sam Barr Drive.

Ron Cowger said if you put in slat fencing it looks good at the time but then down the road it looks bad and you don't really have any control over that.

Larry Hampton said he owns the lot across the street from this project. He said he is working on a project for that lot and not being able to use chain link fencing for that project could kill the project. He said chain link fencing is commonly used in areas like this.

Kent Porter said we wouldn't let John Bennett have gravel parking when he did his expansion several years ago.

Dan Holt asked if it is okay to have barbed wire on the top of the chain link fence. Staff said that is allowed in an industrial area.

Kent Porter asked if the gravel area is storage. Staff said they marked it as storage on plans.

Kent Porter said he is worried about the business changing hands. Staff said the CUP would make it come back to the Commission.

Eric Shumate asked why they couldn't stripe 3 parking spots in the storage area and then they would meet the parking requirements. Mr. Motley said he could do that.

UHMC – CONDITIONAL USE PERMIT/SITE PLAN FOR CONTRACTOR SHOP & YARD IN M-INDUSTRIAL DISTRICT-CONT A motion was made by Darren Hiley and seconded by Dan Holt to recommend to the Board of Aldermen to approve the application from Larry Motley, UHMC for a CUP to construct a 10,500 square foot contractor’s shop consisting of a 2-story office area in the front half and a warehouse area with truck dock in the back half of the building on Lot 15 in Innovation Park contingent upon meeting Staff requirements with Item 1 revised to say yard area will be paved and Item 2 to say there will be an addition of three hard surfaced parking spaces meeting the parking requirements. The motion carried unanimously.

KEARNEY SCHOOL DISTRICT – REZONING FROM M-INDUSTRIAL DISTRICT TO M-P – INDUSTRIAL PLANNED DISTRICT AND CONDITIONAL USE PERMIT FOR A VEHICLE WASHING STATION WITHIN THE AQ-AQUIFER PROTECTION OVERLAY DISTRICT Staff presented an application from the Kearney R-1 School District proposing to construct a maintenance and transportation facility on a seven-acre tract located at the northeast corner of 33 Highway & NE 162nd Street, along the north side of the east-west park lane into Mack Porter Park. Site improvements will include a 9,400 square foot school district maintenance building (currently housed at their maintenance garage southeast of the high school) including bays for district vehicles and buses, associated employee and visitor parking and a 33 bus parking lot. There is additional space on site for a building expansion and expansion of the bus parking area.

The property is currently zoned M-Industrial. Due to site constraints related to topography and updated flood plain maps, the school district proposes to rezone the property to M-P-Industrial Planned District, to allow some variation from the standard zoning requirements. The school district proposes the following as part of their concept plan to be made part of the rezoning request:

1. Reduced front yard setback from 50 feet to 35 feet – allowing the proposed building to be located outside of the updated floodplain;
2. Elimination of raised curb and gutter surround the parking lots-allowing for sheet flow of water. Curb and gutter and associated pipes can be problematic for flat sites; and
3. Deferral of asphalt/concrete paving for the bus and bus driver parking areas to no later than June 2020. Access drives and parking areas near the building will be asphalt.

The project is also located within the City’s AQ-Aquifer Protection Overlay District, which includes areas within close proximity to the City’s water well locations. The goal of the overlay district is to protect the City’s water wells from contamination. The project includes a vehicle washing station, which requires approval of a conditional use permit.

The floor was opened to the public.

KEARNEY SCHOOL DISTRICT – REZONING FROM M-INDUSTRIAL DISTRICT TO M-P – INDUSTRIAL PLANNED DISTRICT AND CONDITIONAL USE PERMIT FOR A VEHICLE WASHING STATION WITHIN THE AQ-AQUIFER PROTECTION OVERLAY DISTRICT-CONT

Rod Oathout, DLR Group, said the vehicle washing station will be simply power washing buses and vehicles. It will be inside the building and drainage will include an oil/sand separator and connected to the City's sanitary sewer system. The fuel tanks will include a containment vessel in case of an emergency.

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

Kent Porter said if we move the setback from 50 feet to 35 feet and move the building forward will that interfere with a turn lane ever being put in that area. Staff said there would still be room. After some discussion it was decided that the setback is actually 25 feet and not 50 feet so that requirement could be removed.

Darren Hiley asked if the entrance onto 33 Highway in the Northwest corner would be out only. Staff said that is correct.

Kent Porter asked if the gray area on the map is gravel. Staff said that is correct.

Dan Holt said he is concerned about the run off and getting into our aquifer.

Darren Hiley said he understands the no curbs but sheet run off always is in need of rip rap due to erosion.

Doyle Riley asked if money was the reason for the gravel parking.

Kathy Whipple said she was concerned with buses on the park road. She asked if it was built for that type of traffic. Staff said we had done an overlay on the road.

Darren Hiley asked if it is built to width for buses. Staff said two cars can meet on the road. There will be asphalt added at the turning point. Busses and park traffic won't be at the same time.

Kathy Whipple asked about the fence around the property. Staff said it will be an eight foot chain link fence around the property.

Kent Porter asked if there will be screening. Staff said there will be various trees located along the 33 Highway, along Park Lane, in the parking lot and along the front of the building.

Kathy Whipple said she would definitely like to work with the School District but that is a lot of gravel for a long period of time.

KEARNEY SCHOOL DISTRICT – REZONING FROM M-INDUSTRIAL DISTRICT TO M-P – INDUSTRIAL PLANNED DISTRICT AND CONDITIONAL USE PERMIT FOR A VEHICLE WASHING STATION WITHIN THE AQ-AQUIFER PROTECTION OVERLAY DISTRICT-CONT

Darren Hiley asked if the parking was adequate. Staff said it should be. Mr. Oathout said the employees will report there and then take school vehicles and leave to go to the job sites.

Kent Porter asked about the bus parking spots and if they could manage getting into those spots. Mr. Oathout said they will back into the spots and the traffic engineers say they can do that.

Dan Holt asked if there was any talk of a bond issue being done by the school district. Mr. Oathout said not at this time.

Dan Holt asked what the cost of doing the asphalt would be. Mr. Oathout said approximately \$250,000.

Darren Hiley asked how they would mark the bus parking spaces in the gravel. Mr. Oathout said they would use curb stops.

Kathy Whipple said she was concerned about drainage. She said water will stand on that property. Mr. Oathout said the building will be raised and the parking lot will be graded to drain. He said they will use a geo grid sheeting to help keep the gravel from sinking as well as help control seepage into the aquifer.

Rezoning: A motion was made by Darren Hiley and seconded by Eric Shumate to recommend to the Board of Aldermen to approve the application from the Kearney R-1 School District to rezone from M-Industrial to M-P-Industrial Planned District and approve the concept/site plan to construct a maintenance and transportation facility on a seven-acre tract located at the northeast corner of 33 Highway & NE 162nd Street, along the north side of the east-west park lane into Mack Porter Park contingent upon meeting all Staff recommendations after removing Item 1 to reduce front yard building setback and Item 3 which defers asphalt paving for a portion of the site until 2020. The motion carried unanimously.

CUP: A motion was made by Eric Shumate and seconded by Kent Porter to recommend to the Board of Aldermen to approve the application from Kearney R-1 School District for a conditional use permit to allow a vehicle washing station and fueling station in the Aquifer Protection Overlay District contingent upon meeting all Staff requirements. The motion carried unanimously.

NEW BUSINESS

KEARNEY R-1 SCHOOL DISTRICT MAINTENANCE AND TRANSPORTATION FACILITY PLAT-FINAL PLAT Staff presented an

application from the Kearney R-1 School District for a Kearney R-1 School District maintenance and transportation facility Plat, which is a 1-lot, 7 acre subdivision located at the northeast corner of 33 Highway and NE 162nd Street, along the north side of the park road into Mack Porter Park. The property is currently unplatted.

A motion was made by Dan Holt and seconded by Doyle Riley to approve the Kearney R-1 School District maintenance and transportation facility Final Plat at the northeast corner of 33 Highway and NE 162nd Street, along the north side of the park road into Mack Porter Park. The motion carried unanimously.

Kent Porter left the meeting due to a conflict of interest.

MARIMACK GOLF CLUBHOUSE & POOL – SITE PLAN Staff presented an application from Craig Porter proposing to construct a 1,950 square foot clubhouse and swimming pool at the northeast corner of East 92 Highway and South Marimack Drive, which will serve as a clubhouse, community room and swimming pool for both Marimack Golf Club and the Villas of Marimack subdivision. Other project improvements include a parking lot, decorative fencing around the pool and a lower level in the clubhouse building to house golf carts. Upon construction of the clubhouse, the existing concession stand building will be demolished.

Golf courses, including clubhouses are permitted uses in the single-family residential district.

Dan Holt asked if they have a large golf tournament going on where will the cars park. Ron Cowger, AGC Engineers, said they would have over flow parking at the lumber yard parking lot.

Doyle Riley said he is a golfer and usually if you are a foursome each golfer drives his own car.

Eric Shumate said the requirement for golf courses is two parking spaces per hole, which would make the requirement be 36 parking spaces.

Doyle Riley asked about the driving range. Joe Henrick, Marimack Golf Course, said the driving range will remain where it is now. He said they could have future parking to the East if it is needed. He said they will move the carts to the basement of the new building.

Darren Hiley asked why there isn't a sidewalk along 92 Highway.

Ron Cowger said they could add 4 more parking spaces on the site to bring the number to 36 parking spaces.

A motion was made by Dan Holt and seconded by Doyle Riley to recommend to the Board of Aldermen to approve application from Craig Porter proposing to construct a 1,950 square foot clubhouse and swimming pool at the northeast corner of East 92

MARIMACK GOLF CLUBHOUSE & POOL – SITE PLAN Highway and South Marimack Drive, which will serve as a clubhouse, community room and swimming pool for both Marimack Golf Club and the Villas of Marimack subdivision contingent upon meeting Staff requirements and adding four parking spaces for a total of 36 spaces and a sidewalk to be constructed along 92 Highway. The motion carried unanimously.

Kent Porter returned to the meeting.

INFORMATION AND DISCUSSION ITEMS

KATHY WHIPPLE Kathy Whipple asked if we had heard anything from the grants the City applied for thru MARC. Staff said we aren't necessarily the highest in any project but we are staying in contact with them in regard to the grants.

DAN HOLT Dan Holt said we have heard from MoDOT and the AJR for the 19th Street interchange was approved. Staff said we will be meeting with MoDOT in regard to the project.

Dan Holt said the box culvert in the Shoppes is really working good with all the rain we have had.

KENT PORTER Kent Porter asked when we would be voting on the extension of the Shoppes Road to 19th Street. Staff said that would be on the August ballot.

ERIC SHUMATE Eric Shumate asked if there was still any talk about traffic calming on Regency Drive. Staff said hopefully the extension of the Shoppes Road would help traffic on Regency Drive.

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

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