

## PLANNING AND ZONING COMMISSION

November 13, 2017

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., November 13, 2017 at Kearney City Hall with Kathy Barger presiding. Other members present were Jason Hoyt, Darren Hiley, Eric Shumate and Chuck Davis. Kent Porter and Jeff Creden were absent. Staff members present were David Pavlich and Shirley Zimmerman.

Kathy Barger opened the meeting with the Pledge of Allegiance.

### CONSENT AGENDA

The following items were presented for the Planning and Zoning Commission to approve:

- Minutes of the October 9, 2017 meeting

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

### PUBLIC HEARINGS

**REZONING – FIVE FOUR HOLDINGS PROPERTY R-1-LOW-DENSITY RESIDENTIAL AND C – GENERAL COMMERCIAL** Staff said the public hearing notice didn't get ran in the newspaper so it will be put in the paper and rescheduled.

A motion was made by Eric Shumate and seconded by Darren Hiley to move Oakwood Estates ahead of Windgate Village on the agenda. The motion carried unanimously.

### NEW BUSINESS

#### **OAKWOOD ESTATES OF KEARNEY 3<sup>RD</sup> AND 4<sup>TH</sup> PLATS-FINAL PLATS**

Staff presented an application for John Juergens with Oakwood Land Development, LLC, for Oakwood Estates 3<sup>rd</sup> and 4<sup>th</sup> plat, final plats. They are proposing to subdivide 5.04 acres into 14 single-family residential lots, one open space tract and associated road right-of-way and easements. The 3<sup>rd</sup> plat includes 10 lots on 3.47 acres. The 4<sup>th</sup> Plat includes four lots and one open space tract on 1.57 acres.

Staff said an amended development agreement was executed as part of the Oakwood Estates 2<sup>nd</sup> Plat. The agreement allowed for construction of a deceleration lane within two years of recording the plat. That deadline would be March 2019.

Staff said the engineering plans for the decal lane have been approved by MoDOT but it is not yet constructed.

**OAKWOOD ESTATES OF KEARNEY 3<sup>RD</sup> AND 4<sup>TH</sup> PLATS-FINAL PLATS**

Staff reported that some of the lots are adjacent to future Nottingham Drive. A twenty foot wide grading easement is shown on the final plat along the adjacent lots and open space tract to allow for construction of the future road.

Sidewalks along Nottingham Drive will also be constructed when the road is built. Notes have been added to the final plats.

Staff said as part of a de-annexation agreement with Water District 6, the City collects an updated fee of \$787 per lot at the time of building permit, which is forwarded to the water district.

Eric Shumate said he was a little concerned about the permanent grading easement and causing problems with people's lawns.

Steve Warger, Engineer for Oakwood Estates, said the grade will be very close when the house is sold but they just want to be able to get onto the property if needed to finish grade. He said it will be needed to be monitored closely in regard to sheds, etc. He said they may try to put something in the HOA in regard to fences on those lots.

Darren Hiley said he wasn't concerned about Victory Lane handling the traffic with these lots but wondered what will trigger Nottingham Road being built. Mr. Warger said when the 40 lots to the North are built it will trigger Nottingham Road being build.

Darren Hiley asked if the Fire District is alright with this. Jeff Fort, Fire District, said they always like a second entrance but this is alright at this time.

Darren Hiley asked if MoDOT has definitely approved the deceleration lane. Staff said the lane has been approved. It is just up to the developer to build it.

Kathy Barger said for clarification she wanted to make sure that the deceleration lane must be completed by March 2019 or houses wouldn't be finaled out. Staff said that is correct.

A motion was made by Darren Hiley and seconded by Chuck Davis to recommend to the Board of Aldermen to approve the application for John Juergens with Oakwood Land Development, LLC, for Oakwood Estates 3<sup>rd</sup> and 4<sup>th</sup> plat, final plats contingent upon meeting all Staff comments. The motion carried unanimously.

**WINDGATE RANCH – PRELIMINARY PLAT** Staff presented an application from Five Four Holdings, with a conceptual plan for a preliminary plat for a proposed residential area called Windgate Ranch. Windgate Ranch would consist of 273 single-family lots in eight phases, with open space tracts for two detention areas and a community pool. A proposed layout for the commercial area has not been submitted.

**WINDGATE RANCH – PRELIMINARY PLAT-CONT** Staff said the property is located within Water Supply District #6. The owners have applied for de-annexation, allowing the City to be the water service provider.

Staff said the property is currently outside the City limits. An annexation petition has been submitted for Board of Aldermen consideration.

An existing house on the property is currently served by the Water District. The previous property owner still lives in the house. Part of the property surrounding the house will be annexed at a later date, closer to when the proposed commercial area is engineered and developed.

Ron Cowger, engineer for Five Four Holdings, LLC, said because this project is waiting for the West Creek Sewer Interceptor line being installed they have some time to finish the engineering on this project. He said he appreciates the opportunity to come before the Commission with the conceptual plan and get input from the Commission.

Kathy Barger asked if there will only be two accesses to this property at this time. Mr. Cowger said there will be one off Nation Road and then there will also be one off 92 Highway which would go thru the commercial area.

Mr. Cowger said they have presented plans to the City engineer on detention. He said they will be using an in channel detention on the West side of the property.

Mr. Cowger said they will be working on a Development Agreement for infrastructure in this area. He said the main entrance will be on Nation Road and the pool and HOA meeting room will be close to the entrance.

Mr. Cowger said the commercial development on the North end will probably be at least ten years out. He said they originally had a ten foot sidewalk along Nation Road. He said he would like feed back from the Commission on trading that out for an eight foot trail in that area.

Kathy Barger said there are street stubs on the South end of the property. She wondered if they would eventually connect into the development to the South. Mr. Cowger said he also works for that property owner and that would be the intention for them to connect together with streets.

Chuck Davis said he was in favor of a trail rather than the ten foot sidewalk along the West side of the development.

Ron Cowger said he would also like feedback on the length of two of the cul de sacs. He said one is 741 feet long and the other one is 641 feet long. He said he thought the City usually liked them to not exceed 500 feet.

**WINDGATE RANCH – PRELIMINARY PLAT-CONT** David Pavlich asked the size of the lots. Mr. Cowger said they will be 75 feet wide except some on the South end will be 85 feet wide. He said most of them will be 120 feet deep.

Darren Hiley asked where the sewer interceptor would run. Mr. Cowger said it will go along the west side of the property until across from Fry property and then cross Nation Road and go up into Cottonwood Estates.

Eric Shumate asked if there would be a master drainage study done. He said he had a little concern about an in channel detention. He said we need to make sure that it will handle the drainage already there besides this development drainage. Mr. Cowger said the south 70 to 80 lots will drain off to the south. He said the two detention areas will handle the rest of the drainage.

Mr. Cowger asked how everyone felt about the importance of a connection to the East which would bring it out to south of Orscheln property and north of Gary Shanks house.

Chuck Davis said North Country Avenue was at one time proposed to be outer road to 19<sup>th</sup> Street interchange to I 35. He said he thought a connection to the east would be good.

Eric Shumate said that area would be a good area because it would bring the road out on the ridge and be above any flood plain.

After discussion it was general consensus that a connection to the East would be good.

David Pavlich said the road to 92 Highway would occur with the 3<sup>rd</sup> Phase.

It was a general consensus also that an off street trail would be better than the sidewalk.

Mr. Cowger thanked everyone for the opportunity to speak to the Commission and their input into the project.

## **DISCUSSION**

**LA FUENTE** David Pavlich said the plans are completed for the parking lot, extension of road behind building and trash enclosures at La Fuente. They are now waiting on the easement. Star Development has told them that will be taken care of at the closing on the land which is scheduled for last of November or first of December. They have given them permission to try and get started on the parking before bad weather sets in. They will be adding between 22 and 24 spaces.

**NUTS AND BOLTS** Eric Shumate said Nuts and Bolts has become more than outdoor storage on the south side of the building. He said they just keep expanding out into the parking lot.

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

**Approved:** \_\_\_\_\_ **Attest:** \_\_\_\_\_  
**Kathy Barger, Chairperson** **Darren Hiley, Secretary**