

PLANNING AND ZONING COMMISSION

November 12, 2018

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., November 12, 2018 at Kearney City Hall with Kathy Barger presiding. Other members present were Chuck Davis, Kent Porter, Eric Shumate and Doyle Riley. Darren Hiley and Kyle Creeden 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 or the Planning and Zoning Commission to approve:

- Minutes of the October 8, 2018 meeting

A motion was made by Doyle Riley and seconded by Chuck Davis to approve the Consent Agenda as presented. The motion carried unanimously.

OLD BUSINESS

JAMES THOMASON-REZONE TO R-P-R/CONCEPT PLAN/PRELIM PLAT

Staff said James Thomason proposes to rezone approximately 67.41 acres to R-P-R-Rural Residential Planned District. Accompanying the rezoning is a concept plan/preliminary plat for Thomason Acres, proposing three rural-residential lots.

Staff said the public hearing for the rezoning was held by the Planning and Zoning Commission at the October 8, 2018 meeting but the application was tabled to tonight's meeting. The Commission requested information related to the I-35 Interchange Annexation Area Plan of Intent document and the extension of water and sewer to the property.

Staff presented documents from the Plan of Intent identifying major services provided by the City and the proposed schedule for providing such services to the annexation area.

For water service, the Plan of Intent document identifies that Water District #6 will continue as water service provider in the area, through the use of inter-jurisdictional agreements. New private development will be required to extend the necessary water mains to serve the property.

For sanitary sewer service, the Plan of Intent document recognizes the use of private on-site sanitary sewer systems in the annexation area. The plan indicates private development will be required to extend the necessary public sanitary to serve the development.

JAMES THOMASON-REZONE TO R-P-R/CONCEPT PLAN/PRELIM PLAT

The Thomason property is located northwest of the Fishing River Interceptor Expansion Area, outside the future sanitary sewer service area. The Fishing River Interceptor is a long-range project. Funding would not be available for this project for another 15 years, when Phase 2 of the West Creek Interceptor is paid off. Phase 2 is currently under construction.

Kent Porter asked if Mr. Thomason or prospective buyers would understand that they shouldn't expect to receive sewer service. Darlene Bailey, Real Estate agent, said that could certainly be written into any real estate contract drawn up.

Kent Porter said he sees the road access for Lot 3. He asked who maintains the road access to Lot 1 and 2. Staff said Lot 1 will access Nation Road and Lot 2 will access Vines Road. The City and Clay County have an intergovernmental agreement pertaining to maintenance of roads. This particular road is maintained by Clay County.

Kent Porter said we have determined that we would be opposed to any large acreage development adjoining the City limits. He said he would like to see something written up with the reason for making an exception for this piece of property.

Staff said the reasons would be that it isn't sewerable for small lot development and the slope of the land wouldn't meet our lot requirements. He said we can include language in the Ordinance telling the reason for approval of the large lots.

A motion was made by Doyle Riley and seconded by Kent Porter to recommend to the Board of Aldermen to approve the application of James Thomason proposing to rezone approximately 67.41 acres to R-P-R-Rural Residential Planned District along with a concept plan/preliminary plat for Thomason Acres, proposing three rural-residential lots, contingent upon meeting all Staff comments including language explaining why large acreage development is being allowed in the City limits. The motion carried unanimously.

JAMES THOMASON – MINOR SUBDIVISION FINAL PLAT Staff presented an application for final plat from James Thomason proposing to subdivide approximately 67.41 acres into three rural residential lots. The property once consisted of approximately 90 contiguous acres, until the Interstate came through and bisected the property. Approximately 30 acres lay east of I-35 and the remaining 37 acres lies west of I-35. The property west of I-35 is also bisected by the Fishing River.

A motion was made by Eric Shumate and seconded by Chuck Davis to recommend to the Board of Aldermen to approve the application for final plat from James Thomason proposing to subdivide approximately 67.41 acres into three rural residential lots contingent upon meeting all staff comments. The motion carried unanimously.

NEW BUSINESS

MIRABELLA REPLAT – AMENDED FINAL PLAT FOR PRIVATE STREET

Staff presented an application from Star Acquisitions and Development proposing the Mirabella Amended Plat Final Plat, converting Mirabella Court into Tract E, a private street to be owned and maintained by the homeowners' association.

Staff said the developer previously indicated a desire to develop this subdivision as a gated community, as part of the preliminary platting process. The City attorney has determined that public streets cannot be closed off to public access, unless they are private streets, owned and maintained by the adjacent owners. They would take over ownership and maintenance of the private street, including sidewalks, snow removal and street lighting.

Kathy Barger asked if the gate would be on Tract B. Staff said that is correct.

Chuck Davis asked if they would have complete maintenance on the street and would the police and City have access to the subdivision. Staff said they will do all maintenance of the street, sidewalks and street lighting. The Police Department and City of Kearney employees would have access to maintain utilities and emergency response.

Robert LaFuente, representative for Mirabella, said after the City approves this, the street goes back to the property owners and then they dedicate it to the Homeowners Association.

Chuck Davis asked if everything with the Plat stays the same except for the street. Staff said that is correct.

A motion was made by Eric Shumate and seconded by Kent Porter to recommend to the Board of Aldermen to approve the application from Star Acquisitions and Development proposing Mirabella Amended Plat Final Plat, converting Mirabella Court into Tract E, a private street to be owned and maintained by the property owners in the subdivision, contingent upon meeting all Staff comments. The motion carried unanimously.

ENCLOSURES & INFORMATION ITEMS

ERIC SHUMATE Eric Shumate asked if the Hedrick subdivision on 19th Street would have to go through amending their plat, since it is a gated community also. Staff said that was correct, but we believe they will not install a gate.

Eric Shumate also asked about the area at the southeast corner and on the front side of Nuts and Bolts where we had allowed a canopy to be there for the sale of flowers. He said they removed the canopy but have continued to store items in those parking spaces. Staff said they would look at that.

KATHY BARGER Kathy Barger asked what the status was with the trash corral gates at La Fuentes. Staff said they have installed the gates.

KENT PORTER Kent Porter said he noticed they had removed the dirt behind Dairy Queen. Staff said a letter was sent requesting removal of the dirt mound.

CHUCK DAVIS Chuck Davis asked if the new hotel was going to have an elevator. He said he hadn't noticed anything related to the installation. Staff said the hotel will have an elevator. He said we have hired IBTS to do the inspections for that project and we would talk to them about the elevator.

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

Approved: _____ **Attest:** _____