

## PLANNING AND ZONING COMMISSION

**July 8, 2013**

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., July 8, 2013, at Kearney City Hall with Kathy Whipple presiding. Members present were Kent Porter, Heath Courtney, Dan Holt, Darren Hiley, Doyle Riley. Members absent were Eric Shumate. Staff members present were David Pavlich and Chad Coffelt.

Kathy Whipple opened the meeting with the Pledge of Allegiance.

David Pavlich administered Oaths of Office for Darren Hiley and Kent Porter.

### CONSENT AGENDA

- Minutes of the March 26, 2013 meeting

A motion was made by Heath Courtney and seconded by Doyle Riley to approve the Consent Agenda. The motion carried unanimously.

### NEW BUSINESS

**SHOPPES AT KEARNEY, LOT 1 – PRICE CHOPPER SITE PLAN** Staff presented a staff report for a site plan application from Tim Harris, Star Development for a 55,000 sf Price Copper grocery store, and associated parking, landscaping, and screening, on Lot 1 of the Shoppes at Kearney. The lot is approximately 9 acres in size. Also included is a landscape plan for the Tract A detention tract.

Staff said the project will be served by City water and sewer. The Kearney Fire & Rescue Protection District requested installation of a key box, which will be addressed as part of the building permit.

The project proposes 359 parking spaces, 12 of which are ADA parking spaces. The project proposes more than 80 spaces above minimum parking requirements.

Sidewalks will be installed along Platte-Clay Way in front of the project. In addition, sidewalks will be extended along the east side of the East Drive connecting to both the front of the building and a sidewalk connection to the Shadowbrook pool site. A short sidewalk connection will be made along the east side of the drive located on the west side of Tract A. In the future, staff anticipates installation of a sidewalk along the west side of the west entrance drive when the adjacent property is developed.

The City's landscaping ordinance is a point system with categories of landscaping to be installed for open space – based on the size of the lot; street frontage – based on the length of street frontage; parking – based on the number of parking spaces; and in some cases buffering – based on the type of adjacent development. The proposed landscaping does not meet code and should be increased to meet requirements.

**SHOPPES AT KEARNEY, LOT 1 – PRICE CHOPPER SITE PLAN – (cont’d)**

Because the site borders single-family development on two sides, 35’ buffers are required along those property lines. Along the south side will include a shadowbox fence, berms and additional landscaping. Along the east side will include a shadowbox fence and additional landscaping. Since the elevation of the property line is approximately 5 feet lower than the project’s east access drive, staff is concerned that the fence does not provide a sufficient buffer against headlights from the parking and drives shining into windows. Staff recommends additional screening along the access drive.

At the time of preliminary plat approval, the Planning & Zoning Commission required that landscape plans for the detention tracts be submitted along with the adjacent project’s site plans. Tract A is a detention tract adjacent to the proposed project. The site plan includes some landscaping at the NW side of the tract. Additional landscaping is needed to meet code. In addition, a decorative fence will be installed along the top of the detention basin wall, as depicted by the thick black line on the drawing. A fence detail was included as part of the engineering plans.

Wall signs are proposed along the front of the building, with one large “Price Chopper” sign above the main entrance and a smaller sign above each of the two other entrances. Neither monument signs nor wall signs on any other elevation are proposed. Proposed signage appears to meet code. A sign permit is required prior to installation or as part of the building permit.

Light poles along the access drives and within the parking lot are of a cut-off type to direct light downward rather than outward. Lighting along the exterior walls will be designed in a similar fashion, and included in the building permit. A copy of the light pole fixture was included in the agenda packet.

As the project backs up to single-family residences, staff recommends the hours of construction be limited to between 7:00 am and 7:00 pm. Construction of the public improvements is already limited to the same hours of construction.

As construction of a grocery store is a major project, staff anticipates work on the site will begin while public improvements are being constructed. As required by the TIF plan, certificates of occupancy will not be issued until all public improvements are installed and accepted by the City.

Staff recommends approval of the Shoppes at Kearney Lot 1 – Price Chopper and Tract A site plan, with the following conditions:

1. Submittal of revised drawings prior to the Board of Aldermen meeting, including:
  - a. Landscaping plan to meet landscaping requirements;
  - b. Installation of a 6’ fence or berm along the east side to provide a screen for residential-zoned properties to the east;
  - c. Landscaping plan for Tract A to meet landscaping requirements; and
  - d. Any further revisions, if necessary;

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2. Installation of a key box, as required by the Kearney Fire & Rescue Protection District;
3. Hours of construction limited to between 7:00 AM and 7:00 PM;
4. Completion of public improvements prior to issuance of a certificate of occupancy, in accordance with the TIF plan;
5. Submittal of a building permit application prior to construction;
6. Submittal of a sign permit with the building permit application or prior to installation of signs; and
7. Development of the project in compliance with all codes, conditions, requirements, plans and payments of fees.

Ron Cowger, AGC Engineers, introduced himself as the developer's representative for the project. He said that regarding the landscaping, the plan proposes slightly more than 50% of the code requirements, with much of the landscaping as part of the street frontage and buffer requirements. They looked at Addams Dairy Parkway in Blue Springs and in Liberty and our requirements are extensive. There is not enough room on the site for the number of trees that are needed.

They are also concerned about moving the fence from the property line to along the access drive. The fence needs to be along the property line to prevent encroachment and future adverse possession claims.

The City has a point system for landscaping. Native plantings have a higher point value. Deciduous trees have a higher value than evergreen trees, though it would be in the project's best interest to install trees evergreen trees, which don't defoliate. They have cross sections to show the Commission that depict the sight lines between the residences and the store at various points along the property line. The P&Z board may not have seen a project as large as this, which may contribute to the issue.

Heath Courtney asked staff what is the typical size of parking spaces. Staff said standard spaces are 9' wide by 20' long and ADA requires 8' wide spaces and van-accessible loading areas are also 8' wide.

Heath Courtney asked the developer why they have 83 more spaces than required by the Code.

John Davis, Foresight Real Estate Services, consultant for the developer, indicated that the number of spaces proposed is based on their market analysis and possible future expansion of the store, which would be located on the east side of the building. Heath Courtney commented that expanding the store would remove some of their proposed parking in the process.

Heath Courtney said that 83 spaces amounts to about 15,000 sf of paved area that could be used for yard area and landscaping. In addition, reducing the number of spaces also reduces a certain amount of required landscaping. John Davis said they considered

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removal of spaces but went with the number they thought worked best for this size project.

Heath Courtney asked about the fence around Tract A. John Davis said that the bold line on the drawing actually represents the location of a block wall, and on top of the wall would be a decorative fence. Ron Cowger added that the wall would be 14' feet at it's highest point, the fence would be 4' tall, and the fence is only located along the north and west side as the east and south sides are sloped and do not require fencing.

Dan Holt asked if the lights in the back of the building will shine into Shadowbrook. Ron showed a picture of the wall packs that will be proposed on the building, which will direct light down to the ground. Henderson Engineers prepared a photometric study that took into account the wall lights and light poles, and the study indicates there will not be light spillover at the property lines.

Darren Hiley commented that the standard parking stall size is 9' wide, but there are smaller spaces on the northwest corner of the parking lot. Staff indicated that the code allows a certain portion of parking spaces to be smaller compact spaces.

Darren Hiley asked if the reduced landscaping is a money issue or a size/number of plantings issue. Ron Cowger said it is more of a numbers issue. They are looking at spacing trees 20' apart and can't fit trees on the site.

Darren Hiley said native species provide 1/3 more points than non-natives. Ron Cowger said that if they switched coniferous trees for deciduous trees, they would still need additional pin oak trees, which are a native species.

Kathy Whipple asked if they could plant larger trees for more points. Ron Cowger said that larger trees get much more expensive and they have a smaller chance of survival than a smaller tree.

Darren commented that if it isn't only the buffer that is driving up the landscaping, then why do we have a problem on this project but not others. The buffer zone is where more of the landscaping should go. On a portion of the drawing, there is an area of one row of trees. Darren suggested trees in that area be staggered to pick up additional trees. Ron Cowger said the plantings also take into account the location of underground facilities. Jared Wolters at PCEC isn't too excited about the landscaping.

Michelle Woolf, 806 Regency Drive, said she is a property owner along the east side and she is concerned items including about the amount of landscaping, her preference that there be a wall rather than a fence, installation of fir trees that won't die, and whether or not parking lot lights will shine in her house.

Ron Cowger indicated that the fence is a commercial grade wooden fence. Heath Courtney commented that the spec sheet indicated a wood fence with steel posts. Ron

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Cowger said that one would not be able to read a newspaper in the yard but would be able to see light poles. Light fixtures are a cut-off shoebox style. David Pavlich commented that there are similar streetlights in the Innovations industrial area.

Heath Courtney commented that the NE corner of the site there is a drop-off in the ground elevations. Ron Cowger said it is hard to tie in any berming along the east side because of the change in elevations between the access road and the property line.

Heath Courtney said appears the east entrance drive will have large trucks, likely when they leave the grocery store. Heath Courtney asked how tall berming should be to try and reduce truck noise. Ron Cowger said attenuation walls, which you see along highways, can be as tall as 25 feet.

Heath Courtney said it would be possible to reduce the parking on the east side of the building and the east row of parking spaces south of the detention basin. This would allow the access drive to shift to the west, providing room for additional berming. Ron Cowger said he understands Courtney's comment, so as to provide additional green space for more landscaping. Dan Holt asked how many landscaping points that would provide. Ron Cowger said not enough to meet code.

Ron Cowger said that at the preliminary plat meeting, he understood the requirement was either a fence/wall or berming, but not necessarily both. David Pavlich said it is difficult to provide proper screening for the neighbors when the top of the proposed fence is at the same elevation as the access drive.

Ron Cowger presented five cross sections showing the site line from the adjacent properties to the grocery store building:

1. South property line toward southwest corner of building;
2. South property line toward southeast corner of building;
3. East property line toward east side of building;
4. East property line toward parking lot islands in front of the building; and
5. East property line toward the detention basin tract.

Kent Porter said that if berming is required as part of the ordinance then it seems odd that berms don't have some sort of point value as they work well to provide screening. Kent Porter also noted that he can save some native trees that you definitely don't want. Ron Cowger is correct when he says you want to space trees correctly so that they aren't too close to each other at maturity. He thinks the intent of the ordinance is being met. Heath also had a good suggestion regarding the parking spaces.

Kathy Whipple said her concern is aesthetics and buffering for the residents. This is the biggest project in the city and should be nice and look nice. She does not want to see a sea of asphalt. She would be happy if it's done the right way but doesn't want to short the landscaping for the wrong reasons.

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Kathy Whipple asked where trash containers will be located as she doesn't see any dumpsters on the plan. Ron said there will not be dumpsters, but rather a self-contained compactor with a chute directly into the building.

Dan Holt said that in the long run he is happy with the increase in the number of parking spaces. He is not sure how many spaces to remove in order to add some trees. Ron Cowger said half the parking lot would need to be removed.

Kathy Whipple said she can't see having to add 300 trees to meet the ordinance. She doesn't want to see tiny trees that will take 25 years to mature.

Heath Courtney asked staff to identify once more the location of proposed sidewalks. Staff explained the location of the proposed sidewalks along the access drives and the connection to Shadowbrook. Ron Cowger said that the sidewalk connect to the Shadowbrook pool site is approximately at the location of the north side of their parking lot.

Dan Holt made a motion, seconded by Darren Hiley, to recommend the Board of Aldermen approve the site plan application from Tim Harris, Star Development, for the Big V Price Chopper project on Lot 1 of the Shoppes at Kearney, contingent upon meeting the following conditions, with item 1a modified from staff recommendation:

1. Submittal of revised drawings prior to the Board of Aldermen meeting, including:
  - a. Landscape plan to be less than required but maximizing the trees for the space allowed ~~Landscaping plan to meet landscaping requirements;~~
  - b. Installation of a 6' fence or berm along the east side to provide a screen for residential-zoned properties to the east;
  - c. Landscaping plan for Tract A to meet landscaping requirements; and
  - d. Any further revisions, if necessary;
2. Installation of a key box, as required by the Kearney Fire & Rescue Protection District;
3. Hours of construction limited to between 7:00 AM and 7:00 PM;
4. Completion of public improvements prior to issuance of a certificate of occupancy, in accordance with the TIF plan;
5. Submittal of a building permit application prior to construction;
6. Submittal of a sign permit with the building permit application or prior to installation of signs;
7. Development of the project in compliance with all codes, conditions, requirements, plans and payments of fees.

The motion was approved by a vote of 6-1, with Heath Courtney opposed.

**INFORMATION AND DISCUSSION ITEMS**

**URGENT CARE DIRECTIONAL SIGNS** Kent commented that he is opposed to the blue urgent care directional signs. He did some research on criteria for urgent cares and found that Mosaic does not meet the criteria established by the Urgent Care Association of America. David Jones with Mosaic previously responded that they meet criteria by another organization. Kent has heard several complaints from people in the community about the signs.

Darren Hiley performed an internet search during the meeting and found there are other similar certification organizations.

Kathy Whipple commented that they look more like yard signs than directional street signs.

Kent commented that, due to their limited hours (5:00-8:00 PM, Monday-Friday) they may be a disservice to the community, as people may go there for urgent care when they are not open. The signs should be removed.

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

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