

MINUTES  
REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
RIVERSIDE, MISSOURI

Thursday, July 13, 2006  
7:30 p.m.

The Planning and Zoning Commission for the City of Riverside, Missouri, met in regular session in the Board of Aldermen Chambers at City Hall, 2950 NW Vivion Road, Riverside, Missouri.

Chair Barbara Snyder called the meeting to order at 7:30 p.m. Answering roll call were Al Bowman, Evelyn Poe, Stephen King, Mark Salyer, Harold Snoderley and Ray Uhl. Members absent: Dave Hurt, Aaron Locke and Gene Lively.

Also present: Brent Miles, Director of Planning and Economic Development and Jane Henry, Executive Administration Assistant.

Approval of Minutes from  
June 22, 2006

Commissioner Salyer moved that the minutes be approved as amended. Commissioner Poe seconded. The motion passed.

Public Hearing  
To consider a request for a  
“Special Use Permit” for  
the “Sale of Used Motor  
Vehicles” at 4403 NW  
Gateway

Chair Barbara Snyder opened the Public Hearing to consider a request for a Special Use Permit for the “Sale of Used Motor Vehicles” at 4403 NW Gateway. Miles, Director of Planning and Economic Development, redefined special use permits as defined by the city’s Municipal Code and restated the 6 criteria for granting a special use permit. The special use permit should not be granted unless the special use:

- Is deemed necessary for public convenience.
- That public health, safety and welfare are protected.
- Facilities will be adequate to facilitate the needs of the special use.
- Shall not discourage the appropriate development of adjacent land.
- Shall not be inconsistent or adversely affect regular permitted uses.
- Shall not adversely affect or reduce property values.

Miles reminded the commission that the special use must meet all the criteria for a special use permit to be granted.

Miles also summarized comments from the previous public hearing. He showed pictures taken during the site visit and mentioned that Auto Trend sells newer used vehicles.

Commissioners Poe and Salyer both commented that the office/sales building at the site was professional looking.

Miles repeated the question he asked at the previous public hearing, “Is this a good site for the use and does it meet the 6 criteria for a special use permit?”

Snyder asked if there were comments from those present and noted that Debbie Freeman, one of the owners of Auto Trend, was in the audience. Hearing none, Snyder closed the public hearing. She then asked if the commission had further comments before making a decision.

Commissioner Snoderley commented that he drove the area and counted 9 used vehicle businesses within 1 to 2 miles of the proposed site at 4403 NW Gateway. Therefore, Snoderley concluded that another used vehicle lot was not necessary for public convenience. Commissioner Uhl cited the results of the recent citizen survey and the town hall meetings, which indicated that Riverside citizens want to encourage other types of business to come to the city and do not want more used car businesses. Commissioner Salyer echoed the commissioners' remarks. He said he also drove the area and did not think this type of business was necessary for public convenience due to the number of used vehicle lots nearby. He also talked about the citizen feedback at the town hall meetings that said they wanted no more used car businesses in the city.

Chairman Snyder asked for a motion. Commissioner Uhl made a motion to deny the request for a special use permit for the sale of used motor vehicles at 4403 NW Gateway. Commissioner Bowman seconded. The vote was unanimous with all commissioners voting in favor of the motion. Motion passed.

Public Hearing  
To consider amending  
Riverside Municipal Code  
Chapter 435, Sections  
430.200, 485.190,  
485.200, 505.020,  
440.010.C.3, 400.090,  
Chapter 470 and to adopt a  
Riverside Development  
Fee Schedule. The  
Planning and Zoning  
Commission and the  
Riverside Board of  
Aldermen will also  
consider amending Section  
110.150 "Regular Meeting  
Times of the Planning  
Commission."

Chairman Snyder opened the public hearing. Miles presented the proposed development fee schedule and comparisons of some the neighboring municipalities' fees. It is important to recover some of the cost involved in the permitting and inspection process. Miles used the site plan review and platting of Complete Home Concepts. The process took about 40 hours of staff time, which cost the city approximately \$1,420.87. With the current fee structure, the city received \$30. Using a 1500 square foot residence as a comparison of fees of other nearby entities, Miles gave the commission these figures: Riverside, \$75.00; Parkville, \$1,497.75; North Kansas City, \$1,539.85; KCMO, \$752.58. He pointed out that KCMO adds additional fees to their process after the initial cost making their fees appear low at the outset.

Chair Snyder asked for public comment. Mayor Rose, who was in the audience, spoke in support an earlier start time for commission meetings. Hearing no further public comment, Snyder closed the public hearing and asked for discussion by the commission.

Commissioner Snoderley asked when the existing fee schedule was adopted. Miles responded, "1989." Snoderley then suggested setting an automatic increase/adjustment for inflation. Miles said the commission could look at adjusting the fee schedule every 3

years. Snoderley then asked if Riverside’s Municipal Code had a regulation pertaining to billboards. Miles told the commission that the regulation on billboards was a good one. Snyder spoke in favor of a 6:30 start time and thanked Miles for his work on the fee schedule.

Commissioner Poe asked, “If a permit is denied, is the fee reimbursable?” Miles replied, “No.” Commissioner Salyer said that he had noticed citizens coming in for a permit after the work had already started and, in some cases, the work was finished. Miles said that some cities charge double, which might not always be fair. Salyer said it might be preferable to specify the difference between commercial and residential. Miles suggested applying a penalty in those cases where work has already started: 20% for single family residential permits and 50% for commercial permits.

Poe spoke in favor a start time of 7:00 for commission meetings.

Commissioner Bowman made a motion to approve amending and adopting the proposed fee schedule with an enforcement element and to approve a 7:00 p.m. starting time for planning commission meetings. Commissioner Snoderley seconded. All voted in favor of the motion. Motion passed.

Public Hearing  
To consider Riverside  
Municipal Code Section  
410.100 “Accessory Uses”  
and add Section 410.115  
“Fences”

Chairman Barbara Snyder opened the public hearing. Miles reviewed his staff analysis for the hearing. He stated that currently, Riverside Municipal Code Section 410.100.2.P regulates “fences” within the City of Riverside. This section currently reads:

Fences. The following regulations shall apply to fences within this District:

- (1) Fences shall be constructed of chain link, wood, decorative iron, plastic, masonry or other materials of similar quality and appearance.
- (2) No fence shall be higher than thirty-six (36) inches above the ground in any front yard. In addition, any fence permitted shall not interfere with visibility of drivers on the public street and the fence shall be see-through or substantially transparent (for example, a chain link fence).
- (3) The height of the fence from the front of the house along the side lot line to the rear lot line and along the rear lot line shall not exceed six (6) feet except for corner lots in which both sides fronting the street shall be considered front lot lines or the “front of the house”.
- (4) Fences shall be constructed and maintained so that they do not constitute a blighting influence or an element leading to the progressive deterioration and downgrade of neighborhood property value.

Miles noted that the city does not regulate the use of barbed wire fences and that it might pose a problem, especially in residential areas. Miles proposed eliminating chain link in front yards in residential, commercial and industrial districts. He also proposed that barbed wire and electrical fences be approved only by special use permit.

Miles proposed the following code amendment:  
Section 410.115 "Fences"

1. Fences in Residential Districts:
  - A. Front Yard: Fences in any front yard shall be constructed of wood, decorative iron, plastic, or masonry and the height of such fence shall not exceed thirty-six (36) inches above the ground. Any fence permitted shall not interfere with the visibility of drivers and shall be a determining factor in approving such fence in any front yard.
  - B. Side and Rear Yards: Fences in any side or rear yard shall be constructed of chain link, wood, decorative iron, plastic, or masonry and the height of such fence shall not exceed six (6) feet above the ground.
2. Fences in Commercial and Industrial Districts:
  - A. Front Yard: Fences in any front yard shall be constructed of decorative iron, plastic, or masonry and the height of such fence shall not exceed thirty-six (36) inches above the ground. Any fence permitted shall not interfere with the visibility of drivers and shall be a determining factor in approving such fence in any front yard.
  - B. Side and Rear Yards: Fences in any side or rear yard shall be constructed of chain link, wood, decorative iron, plastic, or masonry and the height of such fence shall not exceed eight (8) feet above the ground.
3. Performance Standards
  - A. Fences shall be constructed and maintained so that they do not constitute a blighting influence nor an element leading to the progressive deterioration and downgrade of neighborhood property value.
  - B. Outside storage shall be permitted only after a Special Use Permit has been granted for such storage. Fencing used in connection for outdoor storage shall be a component of such Special Use Permit and shall be a determining factor in the approval of such.
  - C. Barbed wire and electrical fences shall only be approved by Special Use Permit.

Mayor Rose spoke to the issue, saying that some of the people in her neighborhood live on acreage and they have barbed wire fences to contain large animals. She sees their needs as being different than those of citizens living in subdivisions. Commissioner Poe said that they should be able to put up fences on acreage.

Chairman Snyder closed the public hearing. Miles will look into the issue further and bring his findings to the commission at a later date. Commissioner Poe moved to table the public hearing. Commissioner Snoderley seconded and all voted in favor of the motion. Motion passed.

Public Hearing  
To consider a rezoning application from “R-1: Single Family Residential” to “PD: Planned Development” and to consider the Preliminary Plat of the Planned Development proposed on property generally located on MW 50<sup>th</sup> Street west of NW Gateway Drive and east of I-635

Miles asked that this public hearing be tabled. Commissioner Poe made a motion to table the hearing to consider a rezoning application from “R-1: Single Family Residential” to “PD: Planned Development” and to consider the Preliminary Plat of the Planned Development proposed on property generally located on MW 50<sup>th</sup> Street west of NW Gateway Drive and east of I-635. Commissioner Snoderley seconded. All voted in favor of the motion. Motion passed.

Building Permit  
Filger Car Wash  
2806 NW Vivion Road

The applicant, John Filger, is requesting a building permit for the construction of a 5’ by 12’ storage shed to be attached to the east side of the existing facility. Filger provided samples of the vinyl siding and the roofing material. The vinyl siding is the same as the existing siding above the door. Commissioner Uhl asked if Filger could pitch the roof on the addition instead of making it a flat roof. Filger said he has originally planned that style roof and could make that adjustment. Commissioner Uhl moved to approve the attachment to the building and the proposed vinyl siding on the condition that the applicant look into building a gabled roof. Commissioner Salyer seconded. All voted in favor and the motion passed.

Building Permit  
John Mistretta  
2348 NW Woodland

Applicant requested a permit to construct 8’ x 10’ storage shed accessory (Lowe’s package) to an existing single family dwelling. The new unit shall be placed upon an existing concrete slab and will replace a previously existing shed. The structure will be wood, not metal. It will be painted to match his residence. Mistretta has been improving his property for the past 6 months. Commissioner Snoderley moved to approve the building permit and Bowman seconded. All voted in favor and the motion passed.

Building Permit  
Art Homer  
5000 NW Hillside Drive

The applicant, Art Homer, proposed constructing a 24' x 36' garage on said property. The property has been in the family since 1951. Miles commented that the garage has to be smaller than the house and the driveway has to be hard surfaced. Homer wants to build a garage and store vehicles so he can sell the house where he is living. He then will build a 1520 square foot house on the site. The plans are 95% complete. Miles said the plans have to be complete before a building permit can be issued. A building permit is only good for 6 months and construction has to start 90 days after the issuance. Chairman Snyder said that, if he completes his house plans, they will work with him. However, at this time, the commission cannot act on this building permit as presented.

General Discussion

Miles talked about plans for the Unified Development Order and told the commission that SKW would be leading the effort. He also said that Ned O'Connor will give them a master plan update when they ask for it. Miles added that the city attorney will meet with the commission regarding their responsibilities as commissioners and the legalities of their actions.

Adjournment

Commissioner Snoderley made a motion to adjourn and Commissioner Salyer seconded. Motion passed and the meeting was adjourned.

---

Jane Henry  
Executive Administration Assistant