



Staff Analysis

- Agenda Item:** **4.B**
- Proposal:** Application for Conditional Use Permit (CUP) to operate an office use of low traffic generation at 8904 NW Hwy 45 in Parkville, MO in an “R-1” Single-Family Residential District.
- Case No:** PZ16-21
- Applicant:** By the Blade
- Owners:** Vogt, Patrick
- Location** 8904 NW Hwy 45
- Zoning:** “R-1” Single-Family Residential
- Parcel #s:** Platte County parcel number 20-6.0-23-400-003-013.000
- Exhibits:** A. This Staff Analysis
 B. Application for Conditional Use Permit
 C. Subject Area Property Map
 D. Photos of subject property
 E. Additional exhibits as may be presented at the public hearing
- By Reference:** A. Parkville Municipal Code, Title IV, Chapter 470: *Supplementary Use Regulations – Conditional Uses*
 (<http://www.ecode360.com/27902588>)
 B. Parkville Municipal Code, Title VI, Chapter 410: *“R-1” Single-Family District Regulations* (<http://www.ecode360.com/27901196>)
 C. Parkville Municipal Code, Title IV: *Zoning Code* in its entirety
 (<http://www.ecode360.com/PA3395-DIV-05>)
 D. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>)
 E. Notice of public hearing; published in the Platte County Citizen newspaper
 F. Notice of public hearing summary; mailed via certified mail to all property owners within 185 ft. of the subject property
 G. Summary of Public Hearing posted on Parkville City webpage
 (<http://parkvillemo.gov/public-hearings/>)
 H. Hearing notice published on the Parkville City webpage
 (<http://parkvillemo.gov/download/public-hearing-notices/PZHearingSummary121316.pdf>)
 I. Case No. PZ03-34 - Application for Conditional Use Permit

Comments

Received: No written comments have been received by the Community Development Department as of the completion of this staff analysis on December 5, 2016.

Overview

By The Blade (the applicant) is a landscaping service company in Parkville, MO that provides outdoor landscape design services. The applicant is proposing to operate a business generally located east of N Melody Lane and north of NW 64th Street along Hwy 45 in Parkville at 8904 NW Highway 45, Parkville, MO. The subject property — Platte County parcel number 20-6.0-23-400-003-013.000 (0.28 acres, more or less) — is located within a City “R-1” Single-Family Residential District. The previous use of the property at 8904 NW Highway 45 was a real estate office, which had been operating under a CUP approved by the Board of Aldermen on October 21, 2003 via ordinance no. 2094 (Case No. PZ03-34); this CUP is no longer valid due to the proposed change in use of the property.

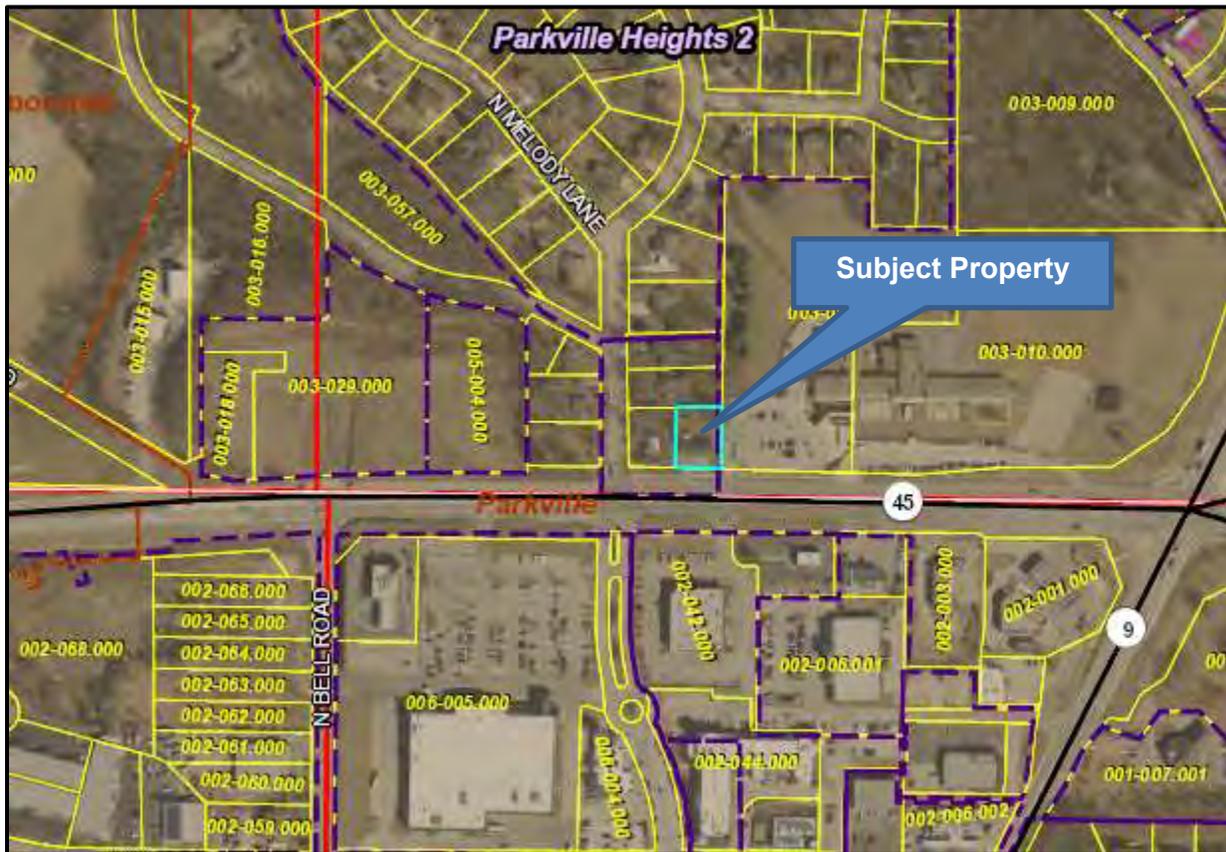


Exhibit C: Subject Area Property Map

General Review and Analysis

Parkville Municipal Code, Title IV, Chapter 470: *Supplementary Use Regulations – Conditional Uses* permits the use of “Office uses of low traffic generation such as real estate, accounting, law, dental, financial services, and those similar in nature in residential districts that front and have access to a State highway, via a CUP, *“When found to be in the interest of the public health, safety, morals, and general welfare of the community.”* Preliminary plans in sufficient detail — and a statement as to the proposed use of the buildings, structures, and premises — are required to be submitted and presented to the Planning and Zoning Commission for consideration. The Commission is required to hold a public hearing and review such plans and statements, and after a careful study thereof, submit a recommendation to the Board of Aldermen within thirty (30) days following said hearing. Per Section 470.010, *“Following receipt of the Commission’s report, the Board of Aldermen may, within the specification herein provided, permit such buildings, structures, or uses where requested, provided that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.”*

The application has been reviewed against Parkville’s Zoning Code regulations, including the applicable CUP regulations, “R-1” district requirements, and *Parkville Master Plan* and its adopted future land use projections. Per Section 483.030, a notice of public hearing was published in a newspaper in general circulation in the City, surrounding property owners within one-hundred and eight-five (185) ft. of the subject property were notified of the time, place and nature of the public hearing via certified mail, and a sign was posted on the subject property (in view from the public right-of-way) announcing the time, place and nature of the public hearing. No written comments have been received by the Community Development Department as of the completion of this staff analysis on November 18, 2016.

CUP Matters for Consideration

Although the Parkville Municipal Code does not define how the Planning and Zoning Commission shall determine if a proposed CUP is appropriate, the Commission has previously considered the following matters as a guide, as advised by staff and legal counsel. The following are staff’s findings and conclusions.

1. The character of the neighborhood and the zoning and uses of nearby properties.

The subject property is located along and fronts Hwy 45, a Missouri state highway, in the Parkville Heights neighborhood across the roadway from the Parkville Commons Shopping Center. The subject property is zoned “R-1” Single-Family District and is adjacent to Parkville Heights residential properties (“R-1”) to the north, Graden Elementary School (“R-1”) to the east, Wallgreens and other Parkville Commons Shopping Center commercial businesses (“B-4” Planned Business District) to the south, and Parkville heights residential properties (“R-1”) and Apex Plaza vacant property (“B-4”) to the west.

The purpose of the “R-1” district is to, *“provide for single-family residential development of low population density and relatively more spacious character together with such public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of high character and contains vacant land considered appropriate for such development in the future.”*

2. The suitability of the subject property for the uses to which it is restricted and the extent to which allowing the proposed use through a CUP may affect nearby properties.

The property was originally developed as a single-family residence with access via Hwy 45. Over the years, the highway was paved and expanded from two lanes to four lanes, as the roadway exists today. Because access to the property is off of Hwy 45 and not through the Parkville Heights neighborhood, staff views this property as a transitional use between Parkville Heights and the Parkville Commons Shopping Center. In the past, the City has approved non-residential uses, such as the proposed office use, in transition zones. Any conditions applied to the CUP should attempt to address the potential adverse impacts of the proposed use on adjacent properties. Examples of conditions used in the past include landscape buffers, open space and other features.

Most recent use of the property at 8904 NW Highway 45 was a real estate office, which had been operating under a CUP approved by the Board of Aldermen on October 21, 2003 via ordinance no. 2094 (Case No. PZ03-34), subject to conditions. Some of the conditions included: Signage being limited to a lighted monument sign of no more than 30 sq. feet; lighting being limited to the front façade, and parking areas and being shielded to direct no light or glare outside of those areas; vegetation shown on the submitted plans maintained at a height of 3' prior to and after occupation of the buildings; and the applicant placing up to 7 parking spaces on the site.

3. The relative gain to the public's health, safety and welfare as compared to the hardship of the individual property owner of the subject property.

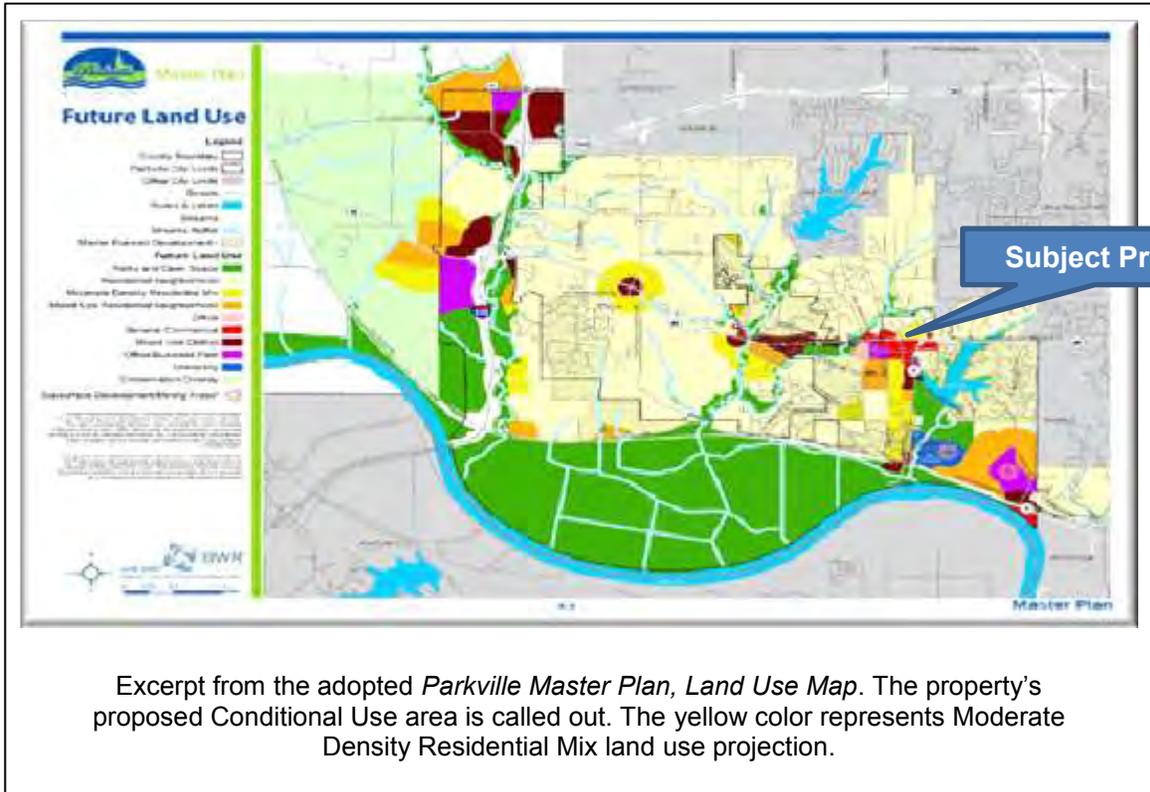
The proposed Conditional Use Permit does not appear to have any impacts on other public health, safety and welfare considerations, including the ability to respond with public and emergency services including police and fire and the ability to maintain the peace. 8904 NW Highway 45 is currently developed and the applicant proposes to utilize the existing building on the property; thus, there appears to be no significant impact or burden on emergency services.

4. The adequacy of public utilities and other needed public services

The subject property and existing building at 8904 NW Highway 45 is currently served by public utilities (e.g., water, sewer, electricity) and services (e.g., police protection, fire protection); therefore, additional utility/service extensions are not needed. Further, the proposed use for the subject property should not have a significant impact on other public utilities or services.

5. Consistency with the City's adopted master plan and applicable City Code.

The City's adopted *Parkville Master Plan* projects Moderate Density Residential Mix for the subject property. This land use is primarily intended for single-family development, supported by a variety of other building types where appropriate, at densities up to eight units per acre. Small lot or cluster single-family development, and attached residential development primarily consisting of two-unit houses, townhomes, multiplexes, and garden apartment/condo dwellings may be intermixed within the single-family development to provide for greater housing diversity and choice.



Although office uses of low traffic generation are not specifically addressed in the Moderate Density Residential Mix land use, the projection allows for, “a variety of other building types where appropriate, at densities up to eight units per acre,” which may include non-residential, transitional uses.

Staff Conclusion and Recommendation

Staff concludes that the application meets the minimum applicable standards and regulations; the CUP is consistent with the character of existing development, zoning and uses of nearby properties; the subject property is suited to the proposed use via a CUP and little, if any, negative impact is anticipated on surrounding properties; the CUP allows for a transitional use between the Parkville Heights neighborhood and Parkville Commons Shopping Center; the CUP does not appear to have any impacts on the public’s health, safety and welfare; the CUP appears to have no significant impact or burden on emergency services; the subject property is currently served by public utilities and other needed services; and although office uses of low traffic generation are not specifically addressed in the Moderate Density Residential Mix land use projections in the *Parkville Master Plan*, the proposed use can serve as a variety of other building types that provides a non-residential, transitional use.

Following review, staff recommends approval of the CUP based on the merits of the application and the findings and conclusions in this report. Additionally, staff recommends approval of the CUP, subject to the following conditions:

- The length of the Conditional Use Permit shall be 20 years.
- Any lighting shall avoid glare, night-glow, and spillover onto abutting properties.

- Any illuminated signage shall not cause a direct glare of light upon occupants of neighboring properties, or upon drivers of vehicles traveling the public streets.
- Any other conditions the Planning and Zoning Commission determines are necessary.

It should be noted that the recommendation contained in this report is made without knowledge of facts, public comments or any additional information which may be presented during the public hearing. For that reason, the conclusions herein are subject to change as a result of evaluating additional information; additionally, staff reserves the right to modify or confirm the conclusions and recommendations herein based on consideration of any additional information that may be presented.

Necessary Action

Following consideration of the CUP, supporting information, associated exhibits, factors discussed above and any testimony presented during the public hearing, the Planning and Zoning Commission should recommend approval, approval with conditions, denial, or postpone the application for further consideration. If approved subject to conditions, the conditions should be noted for the record. Unless postponed, the Planning Commission's action will be forwarded to the Board of Aldermen for final action.

End of Memorandum



12-05-2016

Stephen Lachky, AICP
Community Development Director

Date

Exhibit B



Application #: P216-21
 Date Submitted: 11/10/16
 Public Hearing: 12/13/16
 Date Approved: _____

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

Application for Conditional Use Permit (CUP)

1. Applicant / Contact Information

Applicant(s)

Name: By The Blade
 Address: 7014 NW Kerns Dr.
 City, State: Parkville MO 64152
 Phone: 8165050444 Fax: _____
 E-mail: _____

Owner(s), if different from applicant

Name: _____
 Address: _____
 City, State: _____
 Phone: _____ Fax: _____
 E-mail: _____

Engineer / surveyor(s) preparing legal desc.

Name: _____
 Address: _____
 City, State: _____
 Phone: _____ Fax: _____
 E-mail: _____

Contact Person

Name: Patrick Vogt
 Address: 7014 NW Kerns Dr
 City, State: Parkville MO 64152
 Phone: 8162153690 Fax: _____
 E-mail: patrick@bythebladekc.com

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that rezoning in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature (Required) Pvt W Date: 11/9/16

Property Owner's Signature (Required) _____ Date: _____

2. Proposed Conditional Use (see also Checklist of required submittals)

Proposed use: Office Requested length of permit 20 years
 Description: office for landscaping Business
 Proposed days and hours of operation: Mon-Friday 7am-5pm

3. Property Information (see also Checklist of required submittals)

Property address / general location: 8904 NW Highway 45

Parcel ID Number: 20-50-22-100-004-005-002 Zoning: Residential - R1 Single Family

Present use of the property: Former Real Estate Office, currently vacant

Length of use (or vacancy): _____

3. Neighboring land uses and zoning

Describe the existing land use and zoning on the surrounding properties:

<u>Existing Land Use</u>	<u>Existing Zoning</u>
North: <u>Residential</u>	_____
_____	_____
South: <u>Commercial - Parkville Commons</u>	_____
_____	_____
East: <u>School - Craden Elem.</u>	_____
_____	_____
West: <u>Residential/Commercial</u>	_____
_____	_____

Attach a narrative addressing: the general character of the surrounding properties; the effects of the proposed use on nearby property; the suitability of the site for the proposed use; adequacy of area roads, public utilities and public services necessary to serve the use; consistency with the City's adopted Master Plan; and any other information relevant to the application.

5. Checklist of required submittals

- Completed application, including all required details and supporting data.
- Nonrefundable application fee of \$300.00. Separately, the applicant will be billed to recover costs for required publication and certified notice to adjacent property owners.
- List of names and addresses of all property owners within 185' of the property.
- Complete written and graphical legal description of subject property in paper and electronic formats, an area map showing the subject property and surrounding major features including roads.
- A site plan showing property boundaries, existing and proposed topography, structures, parking utilities, landscaping, signage, facades and other site features related to the proposed CUP.
- Authorized signature of the applicant and property owner.

For City Use Only

Application accepted as complete by: _____
Name/Title Date

Application fee payment: Check # _____ M.O. _____ Cash
 Final reimbursable costs paid (if applicable). Date of Action: _____

Planning Commission Action: Approved Approved with Conditions Denied Date of Action: _____
 Conditions if any: _____

Board of Aldermen Action: Approved Approved with Conditions Denied Date of Action: _____
 Conditions if any: _____

Exhibit D



8904 NW Hwy 45 – View facing northeast



8904 NW Hwy 45 – View facing east



8904 NW Hwy 45 – View facing northwest



8904 NW Hwy 45 – View facing northeast



8904 NW Hwy 45 – View facing west



Staff Analysis

Agenda Item: **5.A**

Proposal: Application for a Planned District Development Permit for exterior modifications in the “OTD” Old Town District at 112 Main St. – addition of a roof over an existing outdoor patio / dining area at Café Des Amis restaurant.

Case No: PZ16-20

Applicant: Hanriot, Guillaume

Owners: La Petite France, LLC

Location: 112 Main St., Parkville, MO 64152

Zoning: “OTD” Old Town District

Parcel #: 20-7.0-35-100-036-016.000

Exhibits: A. This Staff Analysis
 B. Application
 C. Subject Area Property Map
 D. Photos of subject property
 E. Concept drawing; prepared by applicant
 F. Additional exhibits as may be presented during the meeting

By reference: A. The Parkville Municipal Code including Title IV, Zoning Code, including but not limited to Chapters 442, “OTD” Old Town District Regulations - <http://ecode360.com/27901759>
 B. The adopted Vision Downtown Parkville - <http://parkvillemo.gov/vision-downtown-parkville/>
 C. A Preliminary Commercial Rehabilitation Design Guideline (advisory study) - <http://parkvillemo.gov/download/community-development/Appendix-F%20.pdf>

Overview

The applicant, Guillaune Hanriot representing La Petite France, LLC, proposes exterior modifications to their existing building at 112 Main St. in the “OTD” Old Town district in Parkville, Mo. This specifically includes the addition of a roof over the existing outdoor patio / dining area of Café Des Amis restaurant along the northern portion of the building. The addition does not expand or enlarge the existing footprint of the restaurant. Moreover, ordinary repairs and maintenance of the outdoor patio / dining area are currently underway and do not require consideration by the Planning and Zoning Commission, nor Board of Aldermen.



Exhibit C

The subject property is within the City’s “OTD” Old Town District. Parkville Municipal Code, Section 442.050 contains design guidelines which need to be met for new construction and exterior modifications to buildings within the “OTD” Old Town District. Primary considerations are the ability of the proposed exterior changes to meet the “OTD” Old Town District’s design guidelines, goals and objectives from the adopted *Vision Downtown Parkville Master Plan*.

Analysis and Comments

The application has been reviewed against the Parkville Municipal Code, including Chapter 442 “OTD” Old Town District regulations, and compared to other development in the “OTD” Old Town District. The application has also been reviewed against the goals and objectives from the adopted *Vision Downtown Parkville Master Plan* and the separate advisory study, *A Preliminary Commercial Rehabilitation Design Guideline*.

Per the Parkville Municipal Code, Chapter 442, “OTD” Old Town District, Section 442.015, Permitted Uses, Subsection C, “...*New construction, exterior alterations and uses that would substantially increase the need for parking are permitted only upon the review of the Planning Commission and approval of the Board of Aldermen in each specific instance, after consideration of the location of such use with relation to the adjacent residential area, traffic burden, noise, lights and other factors in keeping with Chapter 442.*” Further, Parkville Municipal Code, Chapter 442, “OTD” Old Town District, Section 442.050, Design Guidelines, requires the Planning and Zoning Commission and Board of Aldermen to, “*determine the compatibility of the proposed development with adjacent buildings and structures and uses.*” Specifically, the following sections would apply to this application:

2. ...For alterations or expansions, the materials and design should be consistent with the original building elements and characteristics of the building period, and should not cover, destroy or otherwise minimize original architectural elements.
6. As a general rule, buildings must be designed to create street level interest and pedestrian activity. Doorways, covered walkways, windows, and other street level ornamentation should be incorporated to create pedestrian scale and inviting spaces.
7. Buildings must not have long, monotonous, uninterrupted walls or roof planes visible from the street or other public rights-of-way. Building walls more than fifteen (15) feet in length must include elements that add architectural interest and variety such as projections, recesses, offsets, windows, painted features or blank window openings trimmed with frames, sills or lintels.

Following review and consideration, staff concludes that the intent of these guidelines is met by the application. The addition of the roof is consistent with the material and design of the original building elements and characteristics of the building period, does not minimize original architectural elements or negatively impact the historic nature or character of the downtown, and promotes inviting pedestrian spaces and contributes to better outdoor dining usage by restaurant patrons. The proposal does not substantially increase the need for parking or negatively impact adjacent properties in the "OTD" Old Town District as outdoor dining is already provided on the subject property.

Staff Conclusion and Recommendation

Staff concludes that the proposed exterior modifications are generally consistent and compatible with other improvements in the "OTD" Old Town District; are consistent with the adopted "OTD" Old Town District guidelines; maintains the building's current architectural style; does not negatively impact the historic nature or character of the downtown; and promotes inviting pedestrian spaces and better outdoor dining usage by restaurant patrons. Staff recommends approval as submitted, subject to any additional conditions the Planning and Zoning Commission recommends. It should be noted that this recommendation is made without the knowledge or benefit of any additional details and information that may be provided or presented during the Planning and Zoning Commission meeting. For this reason, the conclusions herein are subject to change as a result of evaluating any additional information.

Necessary Action

Following consideration of the permit application and supporting materials, associated exhibits, factors discussed above and any testimony presented during the regular meeting, the Planning Commission should recommend approval (with or without conditions), denial, or postpone the application for further consideration. Unless postponed, the Planning Commission's action will be forwarded to the Board of Aldermen, along with any explanation thereof, for final action at their December 20, 2016 meeting.

End of Memorandum



Stephen Lachky, AICP
Community Development Director

11-14-16

Date



Case No: PZ16-20
Date Submitted: 11/09/16
Hearing Date: 11/29/16

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

Application for Planned District Development Permit

1. Applicant / Contact Information

Applicant(s) • 816. 804. 9574
Name: Guillaume Harriot
Address: 112 1/2 Main St
City, State: Parkville, MO, 64152
Phone: 816 804 9574 Fax: X
E-mail: CAFEDESAMISKC@YAHOO.COM

Owner(s), if different from applicant
Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

Engineer and/or surveyor(s) preparing plat
Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

Contact Person
Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that development in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for the retraction of this permit.

Applicant's Signature (Required) [Signature] Date: 11/09/16

Property Owner's Signature (Required) [Signature] Date: 11/09/16

2. Property Information

Planned zoning district: OTD
Address or location: 112 1/2 MAIN ST
If no address issued, submit legal
Proposed use(s): Roof ON RESTAURANT front Deck

Gross acreage: _____ Net acreage: _____
Open space acreage: _____ Lot coverage (non-res): _____
Residential Lots: _____ Residential density (units/acre): _____

Is proposal an alteration to an existing building or new construction? Existing New

3. Public Improvements

Are any public improvements required for this project? NO



Case No: PZ16-26
Date Submitted: 11/29/16
Hearing Date: 11/29/16

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Explain: _____

Please note below other comments or factors relating to the proposed development:

4. Checklist of required submittals

N/A

2 drawing

2e drawing
r Building
official

notes

- Completed application.
- Nonrefundable application fee of \$300.00. (\$75.00 for minor modifications/improvements)
- Certified list of property owners within 185' of subject property
- Fifteen (15) copies 24" x 36" size, or larger, one (1) 11 x 17 size copy, and one (1) electronic copy (pdf format) of the development plan showing features associated with the site such as structures, parking, access, loading areas and signage. The site plan should also show the accurate dimensions of the property and any features.
- Fifteen (15) copies 24" x 36" size, or larger, one (1) 11 x 17 size copy, and one (1) electronic copy (pdf format) of the floor plan and elevation views of the structure (2 complete sets of sealed building plans must be submitted to the Building Safety Division of the Community Development Department and the South Platte Fire Protection District for code compliance review before construction can occur).
- Fifteen (15) paper copies and one (1), electronic copy (pdf format) of any supporting documentation desired for presentation to the Planning Commission. Please note: after approval by the Planning Commission, 30 (thirty) copies of the 11 X 17 plan and any supporting information will be required to submit to the Board of Aldermen.
- Authorization signature of the applicant and owner of record of the property.
- If subject to covenants and/or deed restrictions, signed approval of the association/entity enforcing such.

For City Use Only

Application accepted as complete by: _____
Name / Title Date

Application fee payment: Check # _____ M.O. _____ Cash

Final reimbursable costs payment (if applicable). Date of Action: _____

Planning Commission Action: Approved Approved with Conditions Denied

Date of Action: _____
Conditions if any: _____

Board of Aldermen Action: Approved Approved with Conditions Denied

Date of Action: _____
Conditions if any: _____

Exhibit D



112 Main St. – View facing east



31 W 8th St. – View facing west

