

CITY OF PARKVILLE
Policy Report

Date: Monday, October 10, 2015

Prepared By:
Melissa McChesney
City Clerk

Reviewed By:
Lauren Palmer
City Administrator

ISSUE:

Review of the proposed 2017 budget for the Parkville Commons Community Improvement District.

BACKGROUND:

Ordinance No. 2345 established the Parkville Commons Community Improvement District (PC-CID) on June 5, 2007. The Missouri Community Improvement District Act, RSMo Section 67.1401 through 67.1571, requires all Community Improvement Districts (CIDs) to submit to the Board of Aldermen a proposed annual budget setting forth expenditures, revenues and rates of assessments and taxes, if any, for the fiscal year. The governing body may review the proposed budget and submit written comments up to 60 days prior to the start of the fiscal year, but such comments are only recommendations. At the Mayor's request, each CID was asked to present its budget at a Board of Aldermen meeting.

BUDGET IMPACT:

There is no impact to the budget.

ALTERNATIVES:

1. Provide comments to the Parkville Commons CID.
2. Postpone the item.

POLICY:

RSMo 67.1401 through 67.1571 requires all Community Improvement Districts to submit a proposed annual budget setting forth expenditures, revenues and rates of assessments and taxes for the fiscal year.

SUGGESTED MOTION:

As this is a non-action item, no motion is necessary.

ATTACHMENT:

1. Proposed 2017 Annual Budget

**PC-1 Community Development District
Annual Budget 2017
Actual Results 2016**

	Budget 2017	Budget 2016	Actual 2016 (2)
Revenues			
1% Sales Tax Collections	355,000	327,500	350,000
Insurance Rebate	-	-	-
Total Revenues	<u>355,000</u>	<u>327,500</u>	<u>350,000</u>
Expenses			
Payment for Neighborhood Improvement District special assessments (1)	343,750	316,250	338,750
Advertising - Local Newspapers - The Landmark	10,000	10,000	10,000
Directors & Officers Insurance purchased through MOPERM	1,000	1,000	1,000
Legal Fees	-	-	-
Bank Service Charges	-	-	-
Total Expenses	<u>354,750</u>	<u>327,250</u>	<u>349,750</u>
Excess Expenses over Revenues	250	250	250

(1) The special assessments have been assessed pursuant to Platte County Commission Order 64-04 and specified on Exhibit C-1 of Bill Number 2345, Ordinance Number 2368 approved by the Parkville Board of Alderman creating the PC-1 Community Improvement District.

(2) The 2016 actual results are based on 9 months of actual revenues and expenses and projected results for the months of October, November and December.

CITY OF PARKVILLE Policy Report

Date: Monday, October 12, 2016

Prepared By:
Tim Blakeslee
Assistant to the City Administrator

Reviewed By:
Lauren Palmer
City Administrator

ISSUE:

Approve the cooperative agreement between the Missouri-American Water Company and Platte County for the relocation of Missouri-American Water Well #5 in Platte Landing Park.

BACKGROUND:

On April 5, 2011, the City of Parkville and Platte County entered into a Memorandum of Understanding (MOU) for the cooperative planning, development, and management of Platte Landing Park. On September 10, 2013, the City and County negotiated a formal Cooperative Development, Operations, and Maintenance Agreement to legally define the various aspects of the relationship, including responsibilities for construction and maintenance, access/use of city property, ownership of the improvements of Platte Landing Park. The Cooperative Agreement states that the City and County must mutually agree upon all capital improvements.

Missouri-American Water operates four wells in Platte Landing Park. The existing subsurface formation around one of the wells (named Well #5) has become unusable and has caused a failure in the well. As a result Well #5 is no longer able to sufficiently collect water. To continue to service Parkville and Platte County residents with drinking water, Missouri-American Water requests an easement to construct a new well outside of the existing enclosure of Well #5. The location of the new well can be found in Attachment 1.

Missouri-American Water has prepared a draft Cooperative Agreement for the new well to be approved by the Parkville Board of Aldermen and to be signed by the County (Attachment 2). The agreement states that Platte County will grant Missouri-American Water an easement for a new well location. In exchange, Missouri-American Water will vacate the existing Well #5 location and remove all above ground equipment/fencing associated with the existing well site. The existing Well #5 location will then be transferred back to Platte County.

Staff's primary concern is screening and security of the new well. City staff's direction to the County was that at a minimum the new well should be screened to the same standard of the current wells in the park. The Community Land and Recreation Board (CLARB) had similar concerns and recommend that the Board of Aldermen approve the cooperative agreement from Missouri-American Water Company contingent on asking Missouri-American Water for better screening and maintenance of all of the wells.

After City staff and County conversations with Missouri American Water, Section 3 was added to the Cooperative Agreement. Section 3 states that vegetative screening for all four wells will be trimmed on a regular basis and wells shall be inspected and painted as needed to remove an outward appearance of deterioration. In addition, Section 3 states that Missouri-American Water shall obtain a conditional use permit for the new well site to will comply with City of Parkville code Section 515.095 Accessory Utility Facilities – Supplementary Regulations. The conditional use permit is a separate item on the agenda and is outlined in Item 6B of the Board of Aldermen packet for October 18, 2016.

ITEM 6A

For 10-04-16

Board of Aldermen Meeting

Following approval from the City and County, Missouri-American Water will do the initial exploratory work needed to confirm the location of the well is suitable.

BUDGET IMPACT:

There is no budget impact with this item.

ALTERNATIVES:

1. Approve the cooperative agreement between Missouri-American Water Company and Platte County for the relocation of Missouri-American Water Well #5 in Platte Landing Park.
2. Approve the cooperative agreement between Missouri-American Water Company and Platte County for the relocation of Missouri-American Water Well #5 in Platte Landing Park, with recommended changes outlined by the Board of Aldermen.
3. Do not approve the agreement and provide alternative direction to staff.
4. Postpone the item.

STAFF RECOMMENDATION:

Staff recommends the Board of Aldermen approve the cooperative agreement from Missouri-American Water Company associated with Missouri-American Water Well #5 in Platte Landing Park.

COMMUNITY LAND AND RECREATION BOARD RECOMMENDATION:

On September 14, 2016, by a vote of 7-0, the Community Land and Recreation Board recommended that the Board of Aldermen approve the cooperative agreement from Missouri-American Water Company associated with Missouri-American Water Well #5 in Platte Landing Park and contingent on the county asking Missouri-American Water for better screening and maintenance of all three wells.

POLICY:

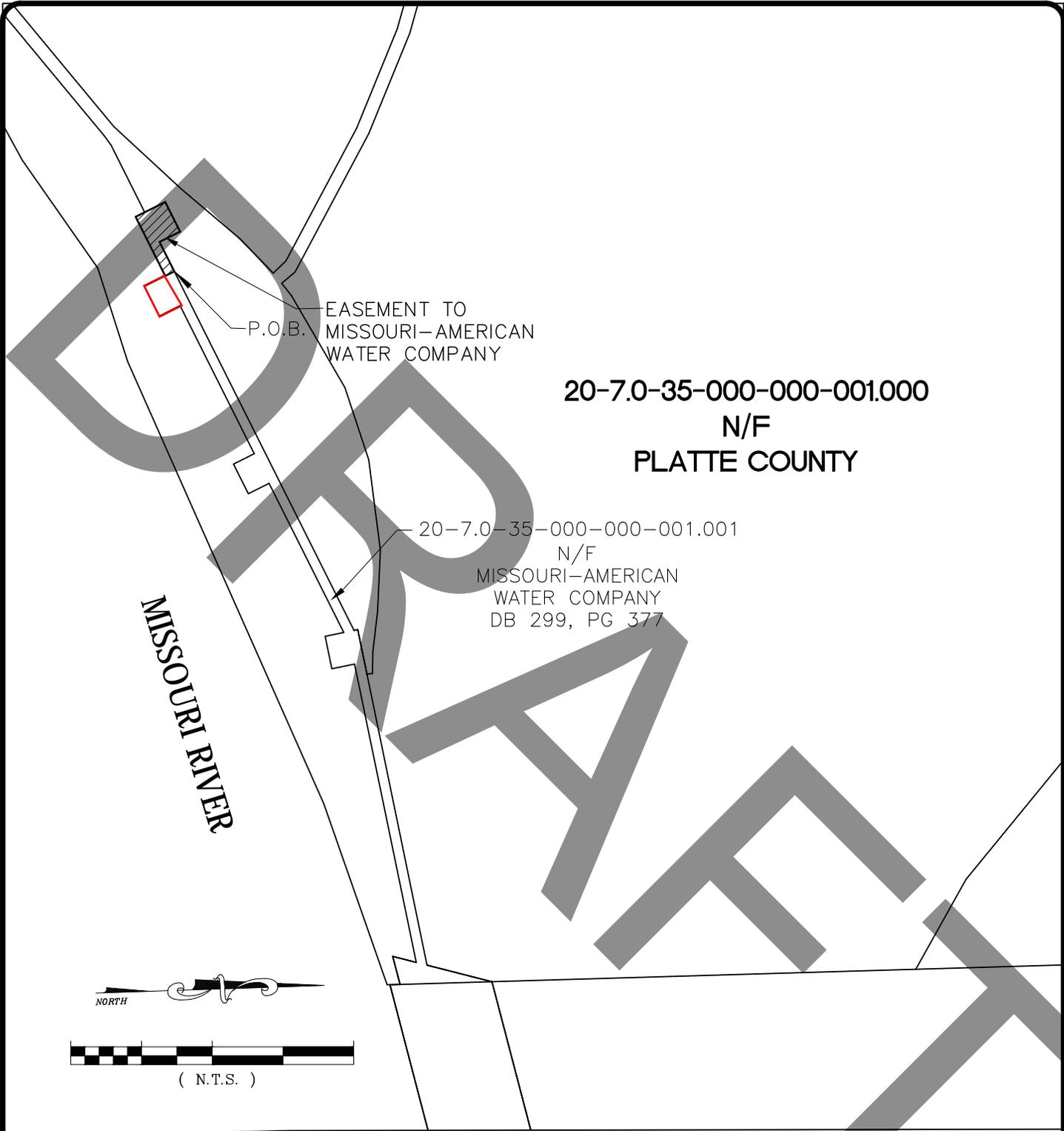
Article V, Section 2 of the Cooperative Agreement for Platte Landing Park states that all capital improvements must be mutually agreed upon by the City and County.

SUGGESTED MOTION:

I move to approve the cooperative agreement between Missouri-American Water Company and Platte County for the relocation of Missouri-American Water Well #5 in Platte Landing Park.

ATTACHMENTS:

1. Well Location
2. Draft Cooperative Agreement



LEGEND

	PERMANENT WATER LINE EASEMENT
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EXHIBIT "A"

INITIAL: _____

EASEMENT PLAT

A TRACT OF LAND IN SECTION 35,
 TOWNSHIP 51 NORTH, RANGE 34 WEST,
 CITY OF PARKVILLE, PLATTE COUNTY, MISSOURI

COOPERATIVE AGREEMENT

This Cooperative Agreement is entered by and between **PLATTE COUNTY, MISSOURI**, a county of the first classification, "COUNTY" and **MISSOURI-AMERICAN WATER COMPANY**, a Missouri Corporation, with an office located at 727 Craig Road, St. Louis, Missouri 63141, "COMPANY".

WHEREAS, COUNTY operates a park and recreational facilities for the benefit of the residents of Platte County, Missouri, including a pedestrian trail route extending through Platte Landing Park "TRACT OF LAND"; and

WHEREAS, COMPANY is requesting an easement, "WELL EASEMENT", for the purpose of installing and maintaining a new well site and appurtenant piping and equipment on said TRACT OF LAND; and

WHEREAS, COUNTY is requesting in exchange for the granting of an easement across said TRACT OF LAND, that the COMPANY will (i) transfer the ownership of its existing well site property, scheduled to be abandoned, to the COUNTY, (ii) remove all above ground equipment and fencing associated with the existing well site, and (iii) vacate the 20' wide existing easement, crossing south of the COUNTY'S central wetland as shown on Exhibit 1; and

WHEREAS, the parties do hereby mutually agree to the proposed exchange of the above described TRACT OF LAND and WELL EASEMENT.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the parties agree as follows:

1. **PROPERTY FROM COMPANY TO COUNTY.** COMPANY agrees to transfer to COUNTY by the execution of quit claim deed as prepared and offered by COMPANY land containing an abandoned well site currently owned by COMPANY, located in the South half of Section 35, Township 51 N, Range 34 W, Platte County, Missouri and described as follows:

Commencing at the Center of Section 35, Township 51 north, Range 34 West, Platte County, Missouri; thence along the East line of the West fractional half of said fractional Section 35 and the Southerly prolongation thereof, **South 00 Degrees 14 Minutes 39 Seconds West, 809.83 feet** to the centerline of an existing ditch and the Northeast corner of a property now of formerly owned by Platte County; thence continuing along the East line of the West fractional half of said fractional Section 35 and the Southerly prolongation thereof, **South 00 Degrees 14 Minutes 39 Seconds West, 639.73 feet** to the Northernmost property corner of a property owned by Missouri American Water Company, according to Deed Book 299, Page 377 of the Platte County Missouri Records; thence Southwest along the North property line of said Missouri American Water Company the following bearings and distances; **South 16 Degrees 12 Minutes 33 Seconds West, 101.20 feet**; thence **South 80 Degrees 11 Minutes 40 Seconds West, 517.18 feet**; thence **South 09 Degrees 48 Minutes 20 Seconds East, 5.79 feet**; thence **South 65 Degrees 16 Minutes 40 Seconds West 605.79 feet** to the most Southwest corner of said Missouri American Water Company's property; thence **South 24 Degrees 43 Minutes 20 Seconds East, 15.00 feet** to the TRUE POINT OF BEGINNING; thence continuing **South 24 Degrees 43 Minutes 20 Seconds East, 35.00 feet**; thence **North 65 Degrees 16 Minutes 40 Seconds East, 50.00 feet**; thence **North 24 Degrees 43 Minutes 20 Seconds West, 35.00 feet**; thence **South 65 Degrees 16 Minutes 40 Seconds West, 50.00 feet** to the point of beginning. Containing; 1,750 square feet of 0.04 acres more or less.

COMPANY shall remove any and all equipment and other facilities, at COMPANY'S sole expense, previously installed by COMPANY on the property and shall restore the surface area of the property as nearly as practicable to the condition the surface was in prior to the COMPANY acquiring the property.

2. **WELL EASEMENT FROM COUNTY TO COMPANY.** COUNTY shall grant to COMPANY the WELL EASEMENT over property owned by COUNTY located in the South half of Section 35, Township 51 N, Range 34 W, Platte County, Missouri, pursuant to certain easement documents, in a format similar to the attached Exhibit 2 to be executed by COUNTY to COMPANY, access rights for COMPANY to travel over COUNTY property for the purpose of accessing its WELL EASEMENT and that the COMPANY shall have the right to construct a new water well site and structures, enclosed by installed fencing, together with any and all water lines and any appurtenances necessary to connect said well to COMPANY'S water

distribution system and the right to continue to use and maintain existing water lines and appurtenances as previously installed by COMPANY.

3. **REGULATIONS AND PERMITTING.** COMPANY shall obtain a conditional use permit for the new well site to comply with City of Parkville code Section 515.095 Accessory Utility Facilities – Supplementary Regulations. Grass and other vegetative screening on the existing wells and new well in Platte Landing Park will be trimmed on a regular basis. Surface areas covered with rock or non-vegetative ground cover shall be kept free of weeds and debris. Wells shall be inspected yearly and painted as needed to remove an outward appearance of deterioration. Deterioration shall mean the condition of a building or part thereof beyond normal wear and tear which is characterized by excessive holes, breaks, rot, crumbling, cracking, peeling, rusting, which shows a general lack of reasonable maintenance.

4. **VACATION OF EASEMENT.** COMPANY agrees to vacate a 20' wide easement that was a portion of an easement previously granted by COUNTY and recorded in Book 1244 at Page 201 of the records of the Platte County Recorder of Deeds, in which COUNTY conveyed an easement to COMPANY for the purpose of constructing and maintaining water wells and lines. The easement vacation shall be implemented by a document substantially similar to the attached Exhibit 1.

5. **INDEMNITY.** COMPANY shall indemnify, defend and hold harmless COUNTY and its respective officers, directors, employees and authorized agents from and against any and all claims, suits, costs, expenses, loss, damages or injury, including death, to persons or property, including reasonable attorneys' fees, arising out of the activities of COMPANY or its authorized agents, employees or contractors resulting from the use and occupancy of the WELL EASEMENT granted by COUNTY to COMPANY or resulting from the exercise of the right of entry and access granted thereunder.

To the extent permitted by law, COUNTY shall indemnify, defend and hold harmless COMPANY and its respective officers, directors, employees and authorized agents from and against any and all claims, suits, costs, expenses, loss, damages or injury, including death, to persons or property, including

reasonable attorneys' fees, arising out of the activities of COUNTY or its authorized agents, employees or contractors resulting from the use and occupancy of the WELL EASEMENT granted by COUNTY to COMPANY or resulting from the exercise of the right of entry and access granted thereunder.

6. **TERMINATION OF WELL EASEMENT.** The WELL EASEMENT from COUNTY to COMPANY will terminate upon either of the following events occurring:

(i) The water wells installed and constructed by COMPANY on the WELL EASEMENT are no longer required, in the sole discretion of COMPANY, to serve the COMPANY'S water distribution system, and

(ii) COMPANY gives written notification to COUNTY that it will not construct or install any additional water wells on the WELL EASEMENT.

In the event either of the above circumstances occurs, COMPANY will notify COUNTY in writing of such termination and COMPANY will agree at its own cost and expense, to remove COMPANY'S facilities installed in the WELL EASEMENT that are requested in writing by COUNTY to be removed. COMPANY agrees to remove such facilities and restore the WELL EASEMENT to as nearly as practicable to its previous condition within sixty (60) days of such written notice being given to COUNTY.

7. **NOTICES.** All notices and communications concerning the easements and this Agreement shall be in writing and shall be deemed to have been duly given as of the date of mailing when delivered in person or sent by registered or certified mail, return receipt requested, postage prepaid, or Federal Express, UPS or other national overnight mail carrier, to the addresses as follows:

To COMPANY: **Missouri-American Water Company**
727 Craig Road
St. Louis, MO 63141
ATTN: Legal Department

To COUNTY: **Platte County Parks and Recreation Department**
415 Third Street
Platte City, MO 64079

8. **INTERPRETATION OF EASEMENTS.** The WELL EASEMENT and this Agreement and the obligations of the parties hereto shall be deemed at all times to be intended to be consistent with law and regulations applicable to water wells in force at any time during the existence of the WELL EASEMENT. In the event of conflict between relevant laws or regulations applicable to the parties, the parties shall comply with the more restrictive of the laws or regulations.

9. **APPLICABLE LAW.** The WELL EASEMENT and this Agreement shall be interpreted under the laws of the State of Missouri.

10. **BINDING EFFECT.** The WELL EASEMENT and this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

11. **TAXES.** COMPANY agrees to pay for any taxes and assessments levied and assessed on the COMPANY'S facilities installed on the WELL EASEMENT described herein.

12. **EFFECTIVE DATE.** This Agreement shall become effective on the date that all parties have executed this Agreement.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by its authorized officers on the dates set forth below.

[THIS PORTION OF THE DOCUMENT LEFT BLANK INTENTIONALLY]

MISSOURI-AMERICAN WATER COMPANY

By: _____
David Pruitt, Construction Manager

Date: _____

STATE OF MISSOURI)
) SS:
COUNTY OF ST. LOUIS)

On this _____ day of _____, 2016 before me, appeared DAVE PRUITT, to me personally known, who being by me duly sworn, did say that he is the CONSTRUCTION MANAGER of **MISSOURI-AMERICAN WATER COMPANY**, and that said instrument was signed on behalf of said MISSOURI-AMERICAN WATER COMPANY by authority of its Board of Directors, and said DAVID PRUITT acknowledged said instrument to be the free act and deed of said MISSOURI-AMERICAN WATER COMPANY.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in _____, Missouri, the day and year last above written.

NOTARY PUBLIC

My commission expires:

PLATTE COUNTY, MISSOURI

By: _____
Ron Schieber, Presiding Commissioner

Date: _____

ATTEST:

County Clerk

APPROVED AS TO FORM AND LEGALITY:

Robert H. Shaw, County Counselor

STATE OF MISSOURI)
) SS:
COUNTY OF PLATTE)

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public, appeared RON SCHIEBER, to be personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Presiding Commissioner of Platte County, Missouri, and that the seal affixed to the foregoing instrument was signed and sealed on behalf of the County, and that said RON SCHIEBER acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said County.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by notarial seal the day and year last above written.

NOTARY PUBLIC

My commission expires:

DEED OF RELEASE OF A PORTION OF EASEMENT INTERESTS

This instrument made this _____ day of _____, 2016.

WHEREAS, on the 21st day of May, 2015, **Platte County, Missouri**, granted to **Missouri-American Water Company**, formerly known as St. Louis County Water Company, a Missouri corporation, its successors and assigns, (hereinafter "Grantor"), an easement(s) 20' wide on a tract of land located in **Section 35, Township 51 North, Range 34 West**, of the Platte County, Missouri Records, having acquired said easement by deed recorded in Deed Book 1244, Page 201 of said Platte County Records, (herein after "**Existing Grant**"); and,

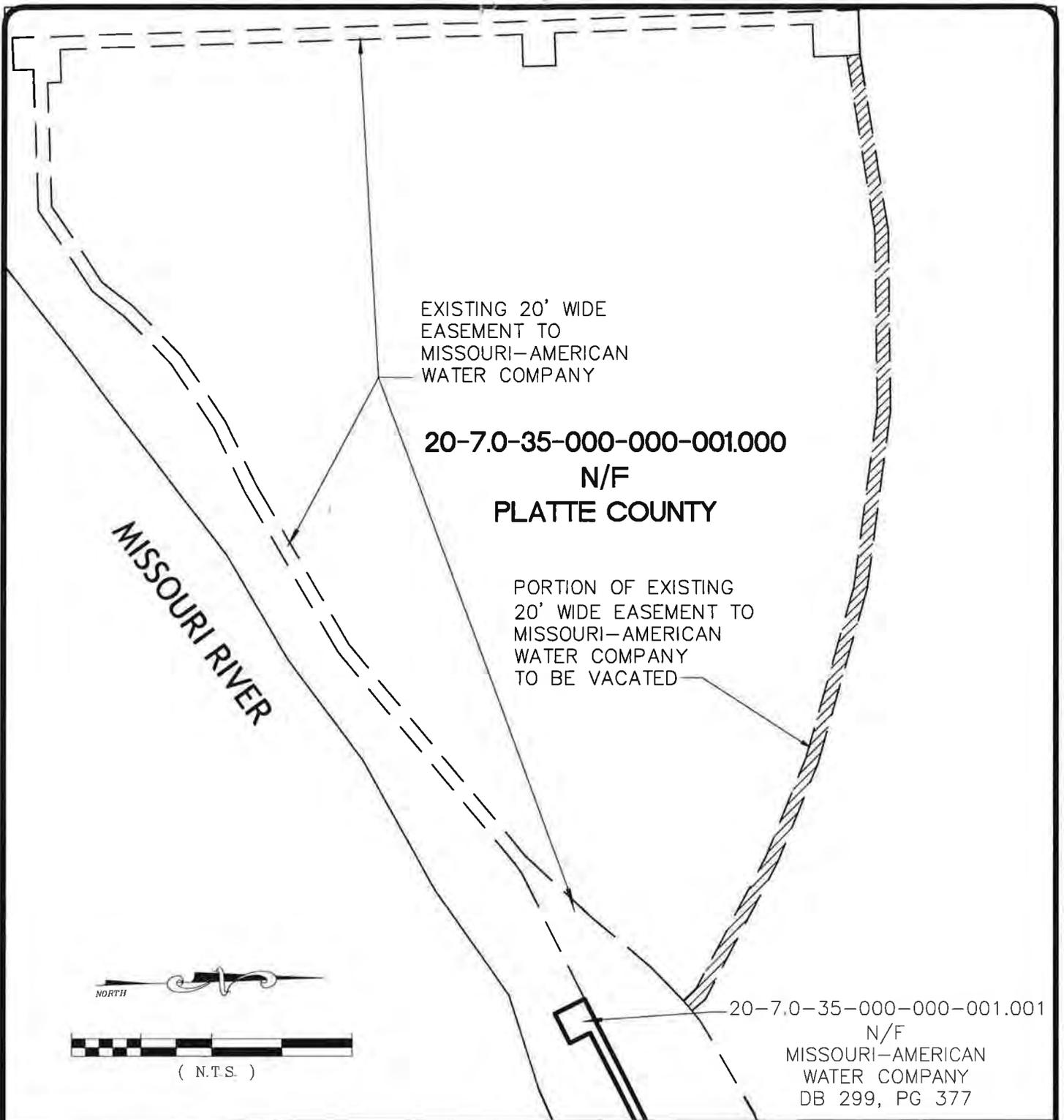
WHEREAS, the Grantor has been requested to grant a release of a portion of said **Existing Grant** described above; and,

WHEREAS, the Grantor is willing to grant such release of a portion of said **Existing Grant** described above;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to the Grantor by Platte County Missouri, (hereinafter "Grantee") the receipt of which is hereby acknowledged, the Grantor by this instrument, does hereby remise and release that portion of the **Existing Grant**, specifically as shown hachured //// on the attached drawing marked Exhibit "A" and being further described on Exhibit "B".

Grantor expressly retains all other easement rights of which it may have an interest, with respect to the **Existing Grant** along with all prior and subsequent easement rights to which Grantor has an interest, except for the portion of the **Existing Grant** released.

IN WITNESS WHEREOF, the Grantor has caused these presents to be signed by its Construction Manager this _____ day of _____, 2016.



LEGEND

 EXISTING EASEMENT TO BE VACATED

EXHIBIT "A"

INITIAL: _____

EASEMENT VACATION PLAT
A TRACT OF LAND IN SECTION 35,
TOWNSHIP 51 NORTH, RANGE 34 WEST,
CITY OF PARKVILLE, PLATTE COUNTY, MISSOURI

Exhibit B

Commencing at the Center of Section 35, Township 51 North, Range 34 West, Platte County, Missouri; thence along the East line of the West fractional half of said fractional Section 35 and the Southerly prolongation thereof **South 00 degrees 14 minutes 39 seconds West, 809.83 feet** to the centerline of an existing ditch and the Northeast corner of a property now or formerly owned by Platte County; thence continuing along the East line of the West fractional half of said fractional Section 35 and the Southerly prolongation thereof **South 00 degrees 14 minutes 39 seconds West, 639.73 feet**; thence departing from said line **South 16 degrees 12 minutes 33 seconds West, 101.20 feet**; thence **South 80 degrees 16 minutes 43 seconds West, 447.48 feet** to a point on a property now or formerly owned by Missouri American Water Company, according to Book 299, Page 377 of the Platte County Missouri Records; thence **South 79 degrees 37 minutes 36 seconds West 604.87 feet** to the TRUE POINT OF BEGINNING; thence **North 38 degrees 31 minutes 31 seconds West 26.44 feet**; thence **North 60 degrees 02 minutes 13 seconds West 236.48 feet**; thence **North 65 degrees 52 minutes 29 seconds West 163.98 feet**; thence **North 72 degrees 26 minutes 31 seconds West 274.90 feet**; thence **North 80 degrees 39 minutes 34 seconds West 275.19 feet**; thence **North 88 degrees 52 minutes 36 seconds West 275.18 feet**; thence **South 82 degrees 54 minutes 45 seconds West 271.95**; thence **South 04 degrees 04 minutes 48 seconds East a distance of 20.03 feet**; thence **North 82 degrees 54 minutes 45 seconds East 271.56 feet**; thence **South 88 degrees 52 minutes 36 seconds East 272.31 feet**; thence **South 80 degrees 39 minutes 34 seconds East 272.32 feet**; thence **South 72 degrees 26 minutes 32 seconds East 272.32 feet**; thence **South 65 degrees 52 minutes 29 seconds East 161.81 feet**; thence **South 60 degrees 02 minutes 13 seconds East 231.66 feet**; thence **South 38 degrees 31 minutes 39 seconds East 22.45 feet**; thence **North 52 degrees 00 minutes 55 seconds East 20.00 feet** to the point of beginning. Containing 30,289 square feet or 0.70 Acres.

PUMP WELL AND WATER PIPE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, on this ____ day of _____, 2016, that the undersigned **PLATTE COUNTY, MISSOURI**, ("Grantor"), owner of a tract of land being located in *Section 35, Township 51 North, Range 34 West*, Platte County, Missouri, having acquired title to said tract of land by deed recorded in Book 1123, Page 833 of the Platte County Records, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the **Missouri-American Water Company**, a Missouri corporation with offices located at **727 Craig Road, St. Louis, Missouri, 63141**, ("Grantee"), the receipt of which is hereby acknowledged, and for other good and valuable considerations does by these presents grant, sell, convey, and confirm, unto the Grantee, its successors and assigns, the right and easement to, (1) lay, repair, replace, and forever maintain its water pipes, hydrants, valves, and appurtenant facilities in an easement on the strip or strips of ground described on Exhibit "A", as shown hachured //// on the attached "**Easement Plat,**" marked **Exhibit "A" and further described on Exhibit "B"**, (2) The right to build, construct, install, operate, and forever maintain an above and/or below grade pump well, consisting of; vaults, manholes, buildings, pumps, valves, sewer lines, venting, water lines, blocking and other appurtenances thereto required for the electrical, pumping, metering, telecommunications and overall operational requirements of said pump well. Together with the right to use a commercially reasonable additional space adjacent to the above described easement as may be required during the period of construction and maintenance, including the ability and right of ingress and egress.

Grantor agrees not to obstruct or interfere with the normal use or maintenance of such pipe line or lines or pump well and any connections thereto. Grantor also agrees not to erect or cause to be erected any building or structure within the easement area and shall not add or remove any fill or ground cover in the easement area without the prior written approval of Grantee.

Grantor warrant and will defend the title to said easement during its existence with the Grantee for its use and benefit against all parties whomsoever.

This easement is accepted by the Grantee with the understanding and on the condition that whenever it shall make any excavations in the above described property the Grantee shall restore the ground as nearly as practicable to its former condition.

IN WITNESS WHEREOF, this instrument has been executed on this _____ day of _____, 2016.

PLATTE COUNTY, MISSOURI

BY _____
Ron Schieber, Presiding Commissioner

ATTEST:

County Clerk

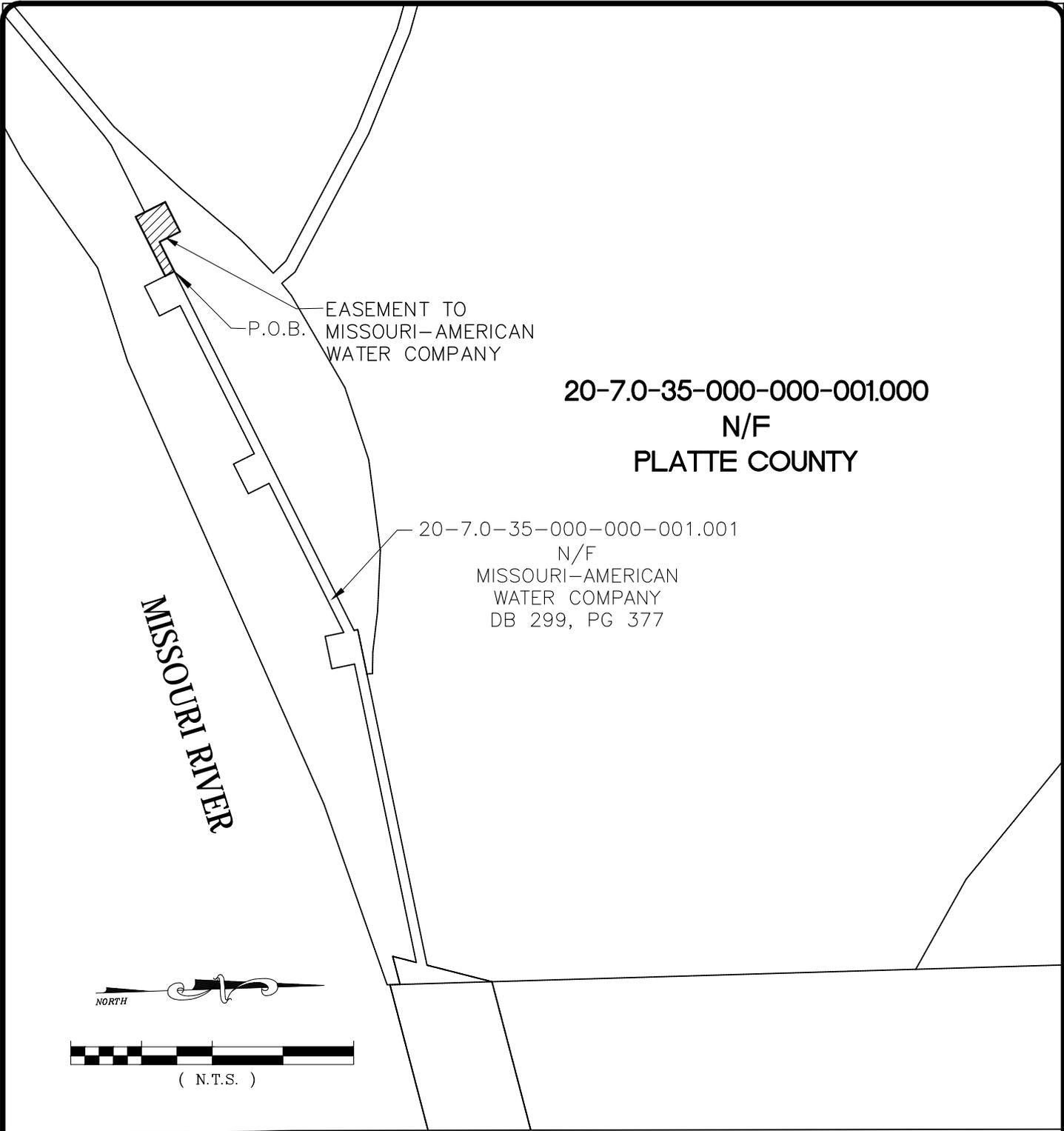
STATE OF MISSOURI)
) SS:
COUNTY OF PLATTE)

On this _____ day of _____, 2016, before me appeared **Ron Schieber** to me known, who, being by me duly sworn did say that he is Presiding Commissioner of **PLATTE COUNTY, MISSOURI**, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said _____ acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My commission expires: _____

Notary Public



LEGEND

 PERMANENT WATER
 LINE EASEMENT

EXHIBIT "A"

INITIAL: _____

EASEMENT PLAT

A TRACT OF LAND IN SECTION 35,
 TOWNSHIP 51 NORTH, RANGE 34 WEST,
 CITY OF PARKVILLE, PLATTE COUNTY, MISSOURI

EXHIBIT B

An easement on a tract of land located in Section 35, Township 51 North, Range 34 West and is more particularly described as follows:

Commencing at the Center of Section 35, Township 51 North, Range 34 West, Platte County, Missouri; thence along the East line of the West fractional half of said fractional Section 35 and the Southerly prolongation thereof **South 00 degrees 14 minutes 39 seconds West, 809.83 feet** to the centerline of an existing ditch and the Northeast corner of a property now or formerly owned by Platte County; thence continuing along the East line of the West fractional half of said fractional Section 35 and the Southerly prolongation thereof **South 00 degrees 14 minutes 39 seconds West, 639.73 feet**; thence departing from said line **South 16 degrees 12 minutes 33 seconds West, 101.20 feet to a point on a property now or formerly owned by Missouri American Water Company**; thence along said Missouri American Water Company property the following bearings and distances; thence **South 80 degrees 16 minutes 43 seconds West, 447.48 feet**, to a point on an easement granted to Missouri-American Water by deed recorded in Book 1244, Page 201 of the Platte County Missouri Records; thence **South 64 degrees 56 minutes 43 seconds West, 375.91 feet** to the TRUE POINT OF BEGINNING; thence **South 65 degrees 20 minutes 0 seconds West 50.00 feet**; thence **North 24 degrees 40 minutes 0 seconds East, 35.00 feet**; thence **South 65 degrees 20 minutes 0 seconds West, 50 feet**; thence **South 24 degrees 40 minutes 0 seconds East, 50.00 feet**; thence **North 65 degrees 20 minutes 0 seconds East, 100.00 feet**; thence **North 24 degrees 40 minutes 0 seconds West, 15.00 feet** to the Point of Beginning. Containing; 1,750 square feet or 0.04 acres more or less.

CITY OF PARKVILLE

Policy Report

DATE: Wednesday, October 13, 2016

PREPARED BY:
Stephen Lachky, AICP
Community Development Director

REVIEWED BY:
Lauren Palmer
City Administrator

ISSUE:

Adopt an ordinance to approve a Conditional Use Permit (CUP) to relocate an existing public utility well along the Missouri River, generally located at Platte Landing Park, 300 South Main St., Parkville, MO. Case PZ16-18; Missouri American Water Company, applicant.

BACKGROUND:

Missouri American Water Company operates four wells in Platte Landing Park at 300 South Main St. (See Attachment 4). The existing subsurface formation around one of the wells (named Well #5) has become unusable and has caused a failure in the well. As a result Well #5 is no longer able to sufficiently collect water. To continue to service Parkville and Platte County residents with drinking water, Missouri American Water proposes to relocate and construct a new well outside of the existing enclosure of Well #5 (See Attachment 5). Per Parkville Municipal Code, Title V, Section 55.095 *Accessory Utility Facilities – Supplementary Regulations*, a CUP is required for accessory utility facilities greater than four (4) feet in height and greater than sixteen (16) square feet in area.

On October 11, 2016, the Planning and Zoning Commission held a public hearing to consider the application. The application was reviewed against Parkville's Zoning Code regulations, including the applicable CUP regulations, "I-3" Heavy Industrial District requirements, and *Parkville Master Plan* and its adopted future land use projections (See Attachment 8). The Commission discussed the merits of the proposed CUP, its relation to the existing public utility wells, impact on the surrounding properties, security and screening standards — including desire to screen the proposed well in a manner consistent with the standards of the existing public utility wells in Platte Landing Park. This concern is to be addressed in the cooperative agreement for an easement to construct the new well; however, is also a condition of the CUP.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Commission concluded the proposed use was in the interest of the public health, safety, and general welfare of the community; concurred with staff's conclusions and recommendation; and voted 9-0 to recommend the Board of Aldermen approve the CUP, subject to conditions; this includes:

- Screening of the proposed well shall be consistent and to the same standard as the existing utility water wells in Platte Landing Park.

The applicant has stated this item is time sensitive due to the need to get a new well constructed in the interest of the public health, safety, and general welfare.

STAFF RECOMMENDATION:

Staff recommends the Board of Aldermen approve the first and second readings of the ordinance for a CUP to relocate an existing public utility well along the Missouri River at Platte

Landing Park, 300 South Main St., Parkville, MO as recommended by the Planning and Zoning Commission and subject to conditions.

BUDGET IMPACT:

With the exception of application and permit fees collected, there is no immediate budget impact.

ALTERNATIVES:

1. Adopt an ordinance approving the CUP as submitted, recommended by the Planning and Zoning Commission and subject to staff conditions.
2. Approve an ordinance, subject to changes directed by the Board of Aldermen.
3. Approve first reading of the ordinance approving the CUP as submitted, recommended by the Planning and Zoning Commission and subject staff conditions and postpone the second reading to November 1, 2016.
4. Deny the application for CUP.
5. Postpone the item.

POLICY:

Per Parkville Municipal Code, Section 470.010 and Chapter 483, the Conditional Use Permit is to be approved by the Board of Aldermen by ordinance, after the Planning and Zoning Commission considers the amendment at a public hearing and forwards their recommendation. Parkville Municipal Code, Title IV, Chapter 470: *Supplementary Use Regulations – Conditional Uses* permits the use of “Public utilities or public service uses, buildings, structures, or appurtenances thereto” in City districts via a Conditional Use Permit (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.”*

Parkville Municipal Code, Title V, Section 515.095: *Accessory Utility Facilities – Supplementary Regulations* states, *“For the purposes of this Section, ‘accessory utility facilities’ shall mean such facilities, including pedestals, boxes, vaults, cabinets or other ground-mounted or below ground facilities that directly serve the property or local area in which the facility is placed, are not primarily for transmission or distribution to other locations, do not materially alter the character of the neighborhood or area and otherwise are customarily found in such areas.”* Furthermore, *“In non-residential districts, accessory utility facilities with a height of less than four (4) feet and covering less than sixteen (16) square feet in area may be installed above ground with the prior approval of the Public Works Director. Except as otherwise may be authorized herein, any larger utility facility shall be installed underground or authorized to be installed above ground only by conditional use permit in accordance with Chapter 470 of the Parkville Municipal Code...”*

The Board of Aldermen must approve two readings of the ordinance to become effective. Rule 5, *Agendas*, of the Board’s adopted Rules of Order, states *“The first reading of an ordinance will be read on the action agenda and the second and final reading will be read the next subsequent*

ITEM 6B
For 10-18-16
Board of Aldermen Meeting

meeting on the consent agenda, unless the item is a time-sensitive matter in which it may be approved during the same meeting.”

SUGGESTED MOTION:

I move to approve Bill No. 2892, an ordinance approving the conditional use permit to relocate an existing public utility well along the Missouri River, generally located at Platte Landing Park, 300 South Main St., Parkville, MO, subject to conditions, on first reading.

I move to approve Bill No. 2892 on second reading to become Ordinance No. _____.

ATTACHMENTS:

1. Proposed Ordinance
2. Application for CUP
3. Subject Area Property Map
4. Map of existing Missouri American Water wells
5. Map of proposed Well #5 location
6. Map of proposed Missouri American Water pipelines
7. Photos of existing Missouri American Water wells
8. Staff Analysis presented to the Planning and Zoning Commission at October 11, 2016 public hearing

PUBLIC COMMENTS RECEIVED:

No written comments or other public comments were received by the Community Development Department as of the October 11, 2016 public hearing.

ADDITIONAL EXHIBITS BY REFERENCE:*

1. Parkville Municipal Code, Title IV, Chapter 455 “I-3” Heavy Industrial District Regulations (<http://www.ecode360.com/27902202>)
2. Parkville Municipal Code, Title IV: *Supplementary Use Regulations – Conditional Uses* (<http://www.ecode360.com/27902588>)
3. Parkville Municipal Code, Title IV: *Zoning Code* in its entirety (<http://www.ecode360.com/PA3395-DIV-05>)
4. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>)
5. Notice of Public Hearing mailed certified mail to owners within 185 feet of the subject property
6. Hearing notice published in the Platte County Landmark newspaper
7. Hearing notice published on Parkville City webpage (<http://parkvillemo.gov/download/PZHearingSummary101116.pdf>)
8. Summary of Public Hearing posted on Parkville City webpage (<http://parkvillemo.gov/public-hearings/>)
9. Meeting Minutes from the October 11, 2016 regular meeting of the Planning and Zoning Commission

*Printed copies of referenced materials may be provided on request. Original materials are available for viewing at Parkville City Hall.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR MISSOURI AMERICAN WATER COMPANY TO RELOCATE AN EXISTING PUBLIC UTILITY WELL ALONG THE MISSOURI RIVER, GENERALLY LOCATED AT PLATTE LANDING PARK, 300 SOUTH MAIN STREET, PARKVILLE, MISSOURI

WHEREAS, Terrance Green of Missouri American Water Company submitted an application for Conditional Use Permit (CUP) to relocate an existing public utility well along the Missouri River, generally located at Platte Landing Park, 300 South Main St., Parkville, MO (Case No. PZ16-18); and

WHEREAS, the adjacent parcel to the east of the replacement well's proposed location, Platte County parcel number 20-7.0-35-000-000-001.001, currently contains three existing utility water wells, owned by Missouri American Water.

WHEREAS, the Parkville Municipal Code requires, in non-residential districts, accessory utility facilities with a height of less than four (4) feet and covering less than sixteen (16) square feet in area may be installed above ground with the prior approval of the Public Works Director, and except as otherwise may be authorized herein, any larger utility facility shall be installed underground or authorized to be installed above ground only by conditional use permit in accordance with Chapter 470 of the Parkville Municipal Code; and

WHEREAS, the Parkville Municipal Code permits public utilities or public service uses, buildings, structures, or appurtenances thereto in City districts via a CUP when found to be in the interest of the public health, safety, morals, and general welfare of the community; and

WHEREAS, the existing Well #5 will be demolished and abandoned, and all above grade items, including fencing, will be removed; and

WHEREAS, the replacement well will be enclosed by a fence and screened in a consistent manner and same standard as the existing utility water wells in Platte Landing Park; and

WHEREAS, following a public hearing on October 11, 2016 at Parkville City Hall, the Planning and Zoning Commission recommended unanimous approval of the application for CUP (Case No. PZ16-08), subject to conditions, by a vote of 9-0; and

WHEREAS, accompanying preliminary plans in sufficient detail are attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, the Board of Aldermen concurs with the Planning Commission's conclusions and accepts their recommendation.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. The application for a Conditional Use Permit to relocate an existing public utility well along the Missouri River, generally located at Platte Landing Park, 300 South Main St., Parkville, MO (Case No. PZ16-18), is hereby approved, subject conditions by the Board of Aldermen, including:

- Screening of the proposed well shall be consistent and to the same standard as the existing utility water wells in Platte Landing Park.

SECTION 2. The CUP shall be effective from the effective date indefinitely.

SECTION 3. This ordinance shall be effective immediately upon its passage.

PASSED and APPROVED this 18th day of October 2016.

Mayor Nanette K. Johnston

ATTESTED:

City Clerk Melissa McChesney



Application #: P216-18
 Date Submitted: 10/05/16
 Public Hearing: 10/11/16
 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: Missouri American Water Company (MAWC)
 Address: 101 East First Street
 City, State: Parkville, Missouri
 Phone: 816-741-2992 Fax: X. 2102
 E-mail: scott.keith@amwater.com

Engineer / surveyor(s) preparing legal desc.

Name: Terrance Green (MAWC)
 Address: 727 Craig Road
 City, State: Creve Coeur, Missouri
 Phone: 314-996-2324 Fax: _____
 E-mail: terrance.green@amwater.com

Owner(s), if different from applicant

Name: Platte County
 Address: 415 3rd Street
 City, State: Platte City, MO
 Phone: 816-858-3419 Fax: 816-858-1983
 E-mail: nchallis@co.platte.mo.us

Contact Person

Name: Todd Embrey (MAWC)
 Address: 727 Craig Road
 City, State: Creve Coeur, Missouri
 Phone: 314-996-2217 Fax: _____
 E-mail: todd.embrey@amwater.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) Todd Embrey Date: 10/04/2016
 Property Owner's Signature (Required) Noel Challis Date: 09/20/2016
Digitally signed by Noel Challis
 DN: cn=Noel Challis, ou=Platte County, ou=Public Works and Recreation, email=nchallis@co.platte.mo.us, o=Platte County, ou=Public Works and Recreation

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

Proposed use: Drinking Water Well Requested length of permit: Indefinite
 Description: Existing Well Field in the City Park - New well 100 feet west of the western most well.
 Proposed days and hours of operation: M-F 7:00 a.m. to 5:00 p.m. for scheduled maintenance and repair.

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

Property address / general location: 9851U Platte Landing Park Drive or 300 South Main St
 Parcel ID Number: 20.7.0-35-000-000-001.000 Zoning: I-3 Heavy Industrial District
 Present use of the property: Park
 Length of use (or vacancy): 2 years

3. Neighboring land uses and zoning

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

Existing Land Use	Existing Zoning
North: <u>Platte Landing Park and English Landing Center</u>	<u>"I-1" Light Industrial District and "OTD" Old Town District</u>
South: <u>Missouri River</u>	<u>N/A</u>
East: <u>Platte Landing Park parking lot</u>	<u>I-3 Heavy Industrial District</u>
West: <u>Northern Farms, LLC farmland</u>	<u>West County "PI" Planned Industrial</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.

PLEASE REFER TO ATTACHED EASEMENT DOCUMENTS AND MAP.

For City Use Only

Application accepted as complete by: Stephen Lachky, Community Development Dir. 10/05/16
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: _____



NEW WELL EASEMENT (50 FT X 50 FT)

NEW WELL (RED DOT)

EXTEND EXISTING ACCESS ROAD TO NEW WELL

Well 5

Well 4

Well 3

EXISTING WELL 5 TO BE DEMOLISHED AND ABANDONED. ALL ABOVE GRADE ITEMS, INCLUDING THE FENCING, TO BE REMOVED.

NEW WELL WILL BE ENCLOSED IN A 6 FEET HIGH 50 FEET BY 50 FEET FENCE. NEW WELL WILL BE OBSCURED FROM VIEW IN SAME MANNER AS EXISTING WELLS.

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PUMP WELL AND WATER PIPE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, on this ____ day of _____, 2016, that the undersigned **PLATTE COUNTY, MISSOURI**, ("Grantor"), owner of a tract of land being located in *Section 35, Township 51 North, Range 34 West*, Platte County, Missouri, having acquired title to said tract of land by deed recorded in Book _____, Page _____ of the St. Louis County Records, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the **Missouri-American Water Company**, a Missouri corporation with offices located at **727 Craig Road, St. Louis, Missouri, 63141**, ("Grantee"), the receipt of which is hereby acknowledged, and for other good and valuable considerations does by these presents grant, sell, convey, and confirm, unto the Grantee, its successors and assigns, the right and easement to, (1) lay, repair, replace, and forever maintain its water pipes, hydrants, valves, and appurtenant facilities in an easement on the strip or strips of ground described on Exhibit "A", as shown hachured //// on the attached "Easement Plat," marked Exhibit "A" and further described on Exhibit "B", (2) The right to build, construct, install, operate, and forever maintain an above and/or below grade pump well, consisting of; vaults, manholes, buildings, pumps, valves, sewer lines, venting, water lines, blocking and other appurtenances thereto required for the electrical, pumping, metering, telecommunications and overall operational requirements of said pump well. Together with the right to use a commercially reasonable additional space adjacent to the above described easement as may be required during the period of construction and maintenance, including the ability and right of ingress and egress.

Grantor agrees not to obstruct or interfere with the normal use or maintenance of such pipe line or lines or pump well and any connections thereto. Grantor also agrees not to erect or cause to be erected any building or structure within the easement area and shall not add or remove any fill or ground cover in the easement area without the prior written approval of Grantee.

Grantor warrant and will defend the title to said easement during its existence with the Grantee for its use and benefit against all parties whomsoever.

This easement is accepted by the Grantee with the understanding and on the condition that whenever it shall make any excavations in the above described property the Grantee shall restore the ground as nearly as practicable to its former condition.

IN WITNESS WHEREOF, this instrument has been executed on this _____ day of _____, 2016.

PLATTE COUNTY, MISSOURI

BY _____
Presiding Commissioner

ATTEST:

County Clerk

STATE OF MISSOURI)
) SS:
COUNTY OF PLATTE)

On this _____ day of _____, 2016, before me appeared **RON SCHIEBER** to me known, who, being by me duly sworn did say that he is Presiding Commissioner of **PLATTE COUNTY, MISSOURI**, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said _____ acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

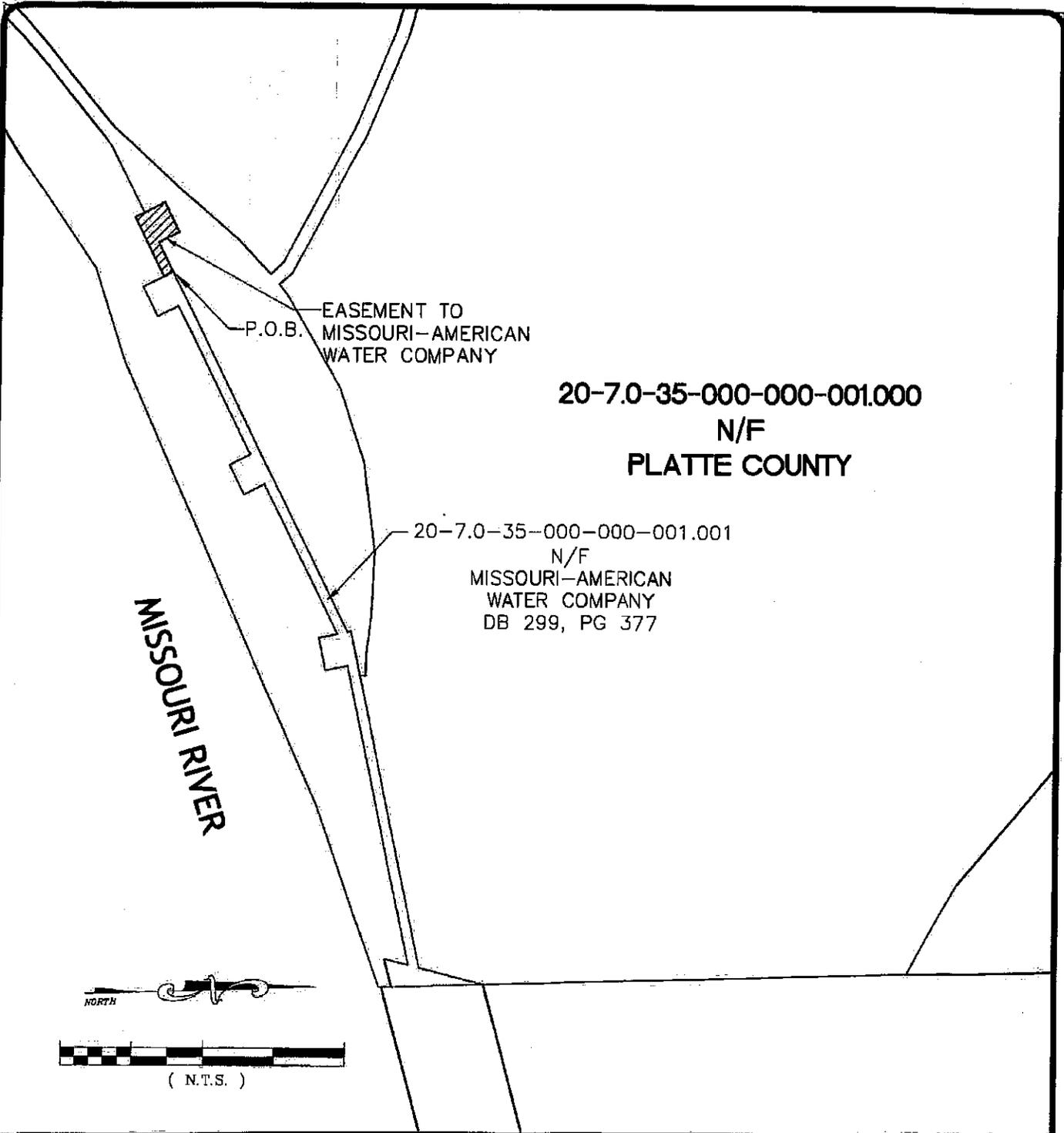
My commission expires: _____

Notary Public

EXHIBIT B

An easement on a tract of land located in Section 35, Township 51 North, Range 34 West and is more particularly described as follows:

Commencing at the Center of Section 35, Township 51 North, Range 34 West, Platte County, Missouri; thence along the East line of the West fractional half of said fractional Section 35 and the Southerly prolongation thereof **South 00 Degrees 14 Minutes 39 Seconds West, 809.83 feet** to the centerline of an existing ditch and the Northeast corner of a property now or formerly owned by Platte County; thence continuing along the East line of the West fractional half of said fractional Section 35 and the Southerly prolongation thereof **South 00 Degrees 14 Minutes 39 Seconds West, 639.73 feet**; thence departing from said line **South 16 Degrees 12 Minutes 33 Seconds West, 101.20 feet**; thence **South 80 Degrees 16 Minutes 43 Seconds West, 447.48 feet**, to a point on a property owned by Missouri-American Water Company by deed recorded in Book 299, Page 377 of the Platte County Missouri Records; thence **South 66 Degrees 14 Minutes 54 Seconds West, 676.01 feet** to a point being the most Northwestern corner of said property owned by Missouri American Water Company, according to Deed Book 299, Page 377 of the Platte County, Missouri Records and the TRUE POINT OF BEGINNING; thence **South 65 Degrees 20 Minute 18 West, 50.00 feet**; thence **North 24 Degrees 40 Minutes 0 Seconds West, 35 feet**; thence **South 65 Degrees 20 Minute 0 Seconds West, 50.00 feet**; thence **South 24 Degrees 40 Minute 0 Seconds East, 50.00 feet**; thence **North 65 degrees 20 minutes 0 seconds East, 100.00 feet** to a point on the aforementioned property owned by Missouri American Water Company; thence along said property line, **North 24 degrees 40 minutes 0 seconds West, 15.00 feet** to the Point of Beginning. Containing; 3250 square feet or 0.08 acres more or less.



LEGEND

	PERMANENT WATER LINE EASEMENT
--	----------------------------------

EXHIBIT "A"

INITIAL: _____

EASEMENT PLAT

A TRACT OF LAND IN SECTION 35,
TOWNSHIP 51 NORTH, RANGE 34 WEST,
CITY OF PARKVILLE, PLATTE COUNTY, MISSOURI

Existing Missouri American Water Wells





NEW WELL EASEMENT (50 FT X 50 FT)

NEW WELL (RED DOT)

EXTEND EXISTING ACCESS ROAD TO NEW WELL.

Well 3

Well 6

Well 4

Well 5

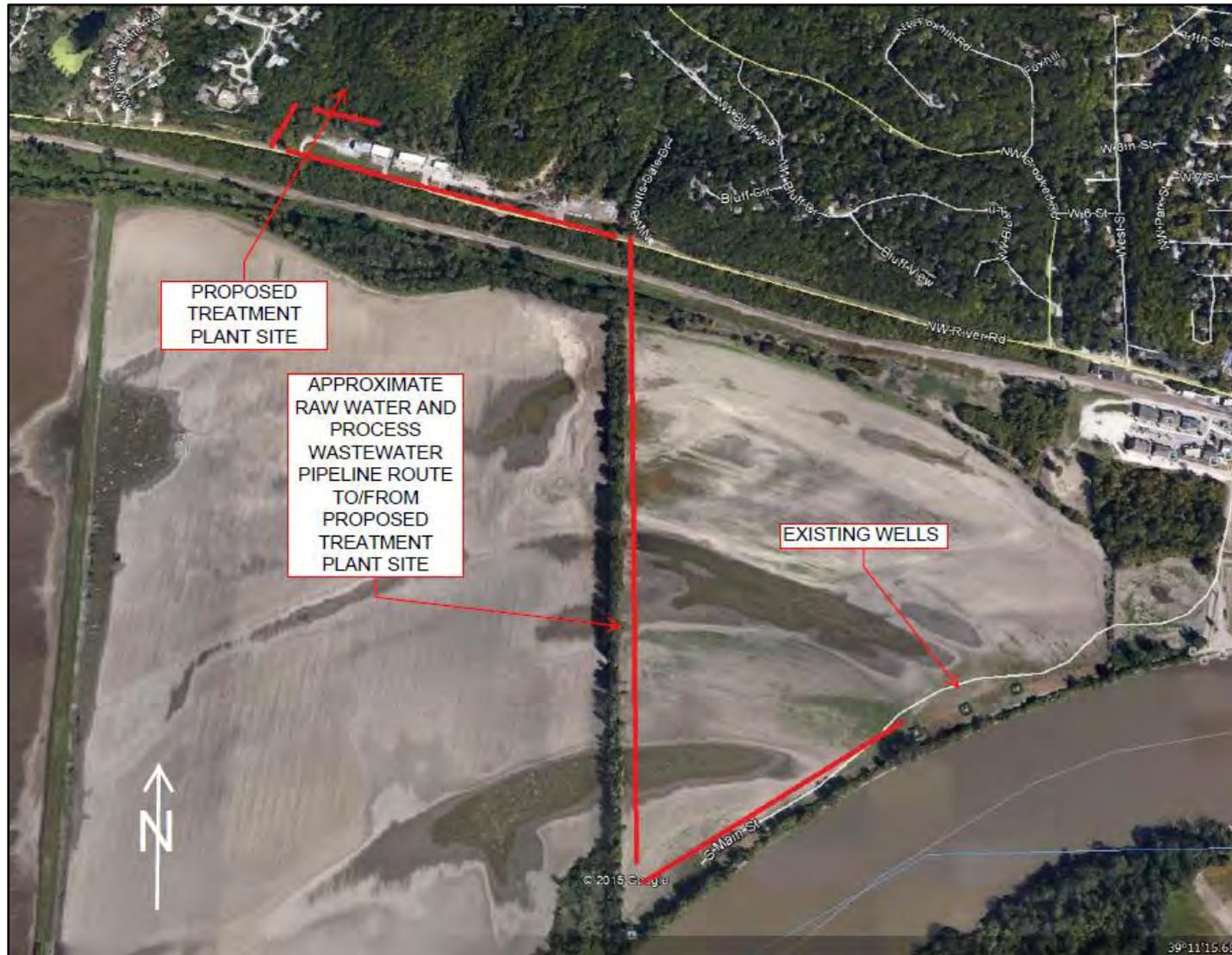
EXISTING WELL 5 TO BE DEMOLISHED AND ABANDONED. ALL ABOVE GRADE ITEMS, INCLUDING THE FENCING, TO BE REMOVED.

NEW WELL WILL BE ENCLOSED IN A 6 FEET HIGH 50 FEET BY 50 FEET FENCE. NEW WELL WILL BE OBSCURED FROM VIEW IN SAME MANNER AS EXISTING WELLS.

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Proposed Missouri American Water Pipelines





09 19 2016



09 19 2016





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or 911
IN CASE OF EMERGENCY

09 19 2016



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

Staff Analysis

- Agenda Item:** 4.B
- Proposal:** Application for Conditional Use Permit (CUP) to relocate an existing public utility well along the Missouri River, generally located at Platte Landing Park, 300 South Main St., Parkville, MO.
- Case No:** PZ16-18
- Applicant:** Missouri American Water Company
- Owners:** Missouri American Water Company
- Location:** 300 South Main St., Parkville, MO
- Zoning:** "I-3" Heavy Industrial District
- Parcel #s:** Platte County parcel number 20-7.0-35-000-000-001.000.
- Exhibits:**
- A. This Staff Analysis
 - B. Application for Conditional Use Permit
 - C. Subject Area Property Map
 - D. Map of existing Missouri American Water wells
 - E. Map or proposed Missouri American Water pipelines
 - F. Photos of existing wells
 - G. Site Plan
 - H. 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 455: *"I-3" Heavy Industrial District Regulations* (<http://www.ecode360.com/27902202>)
 - 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 Landmark 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/PZHearingSummary101116.pdf>)
- I. Case No. PZ16-02A - Application for Conditional Use Permit
- J. Case No. PZ16-02B - Application for Preliminary Site Plan / Development Plan
- K. Case No. PZ16-02C - Application for Final Plat
- L. Case No. PZ16-02D - Application for Revised Preliminary Site Plan / Development Plan
- M. Case No. PZ16-02E - Application for Annexation
- N. Case No. PZ16-02F - Application for Zoning Map Revision (Rezoning)
- O. Case No. PZ16-02G - Application for Final Site Plan / Development Plan

Comments

Received:

No written comments have been received by the Community Development Department as of the completion of this staff analysis on September 30, 2016.

Overview

The applicant, Missouri American Water, is proposing to relocate an existing utility water well, generally located at Platte Landing Park, 300 South Main St., Parkville, MO, within 300 ft. of its current location, as depicted in Exhibit C below and Exhibit G. The subject property contains 118.44 acres, more or less, is located at Platte Landing Park, and is currently within a City "I-3" Heavy Industrial District. The subject property contains one parcel - Platte County parcel number 20-7.0-35-000-000-001.000 (118.45 acres, more or less). The subject property is used primarily for parks & recreation purposes, and the adjacent parcel to the east (Platte County parcel number 20-7.0-35-000-000-001.001) currently contains three existing utility water wells, owned by Missouri American Water.

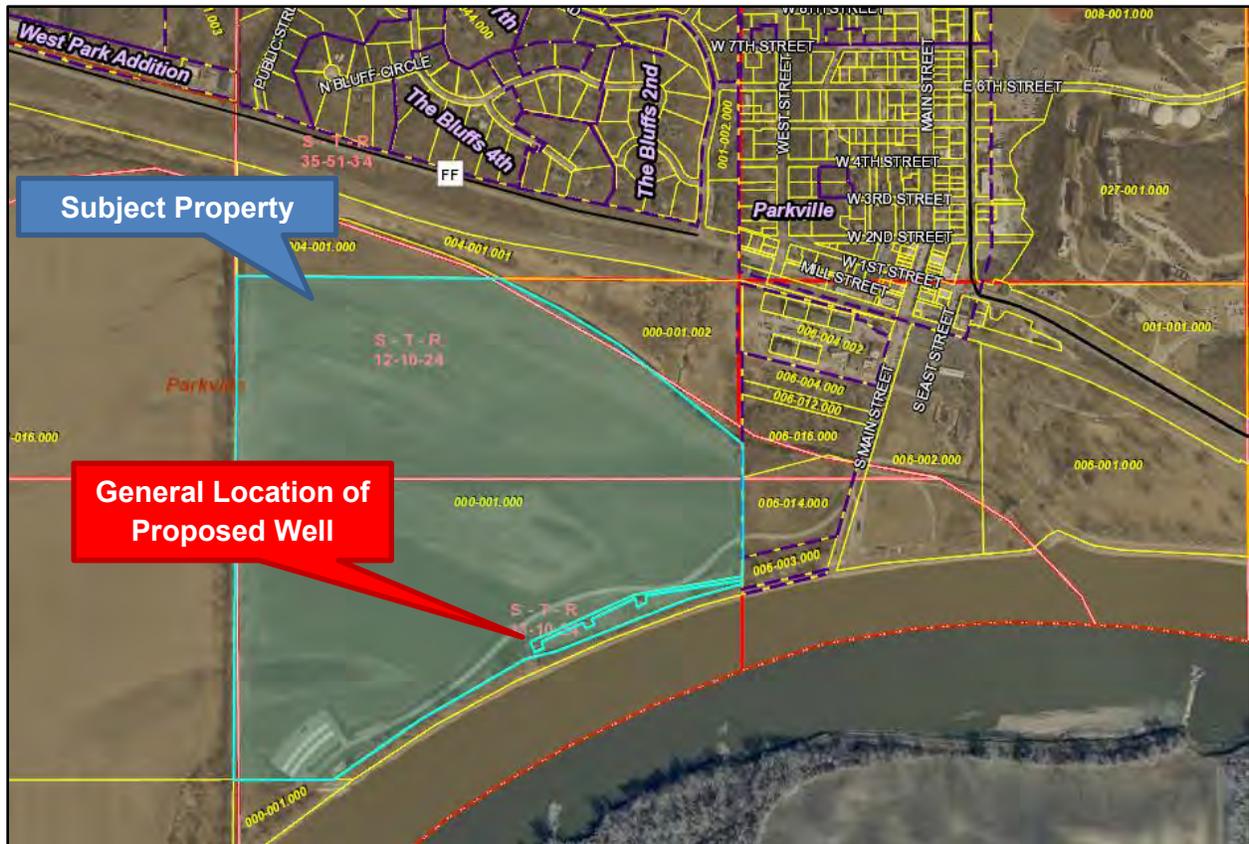


Exhibit C: Subject Area Property Map

This application for CUP relates to the applicant's water treatment facility project (Case Nos. PZ16-02 A-G), which applicants were approved by the Parkville Board of Aldermen on September 6, 2016 and September 20, 2016. The applicant proposes running underground water lines from the existing wells and proposed well in Platte Landing Park, north-south through the park to NW FF Hwy, and then east-west along NW FF Hwy to the future water treatment facility at 10550 NW FF Hwy; as depicted in Exhibit D. The underground utility easement will be provided by the property owner of Platte Landing Park, Platte County.

General Review and Analysis

Parkville Municipal Code, Title IV, Chapter 470: *Supplementary Use Regulations – Conditional Uses* permits the use of “Public utilities or public service uses, buildings, structures, or appurtenances thereto” in City districts via a Conditional Use Permit (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.*”

Parkville Municipal Code, Title V, Section 515.095: *Accessory Utility Facilities – Supplementary Regulations* states, “*For the purposes of this Section, ‘accessory utility facilities’ shall mean such facilities, including pedestals, boxes, vaults, cabinets or other ground-mounted or below ground facilities that directly serve the property or local area in which the facility is placed, are not primarily for transmission or distribution to other locations, do not materially alter the character of the neighborhood or area and otherwise are customarily found in such areas.*”

Furthermore, “*In non-residential districts, accessory utility facilities with a height of less than four (4) feet and covering less than sixteen (16) square feet in area may be installed above ground with the prior approval of the Public Works Director. Except as otherwise may be authorized herein, any larger utility facility shall be installed underground or authorized to be installed above ground only by conditional use permit in accordance with Chapter 470 of the Parkville Municipal Code...*”

This application has been reviewed against Parkville’s Zoning Code regulations, including the applicable CUP regulations, “I-3” 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. While the Community Development Department has received questions and inquiries via phone calls, no written comments have been received by the Community Development Department as of the completion of this staff analysis on September 30, 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 within a mile of downtown Parkville to the southwest, generally bordered by undeveloped land (“I-1” Light Industrial and “OTD” Old Town District) to the north, the Missouri River (N/A zoning district) to the south, Platte Landing

Park parking lot to the east (“I-3” Heavy Industrial District), and Northern Farms, LLC farmland (County “PI” Planned Industrial) to the west. The subject property includes Platte Landing Park and is used primarily for parks & recreation purposes. The general character of the surrounding area would be considered parkland, conservation area, undeveloped area and farmland. The adjacent parcel to the east (Platte County parcel number 20-7.0-35-000-000-001.001) currently contains three existing utility water wells, owned by Missouri American Water.

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.

Four (4) existing utility water wells are currently located adjacent to the subject property. As indicated on Exhibit D, three (3) wells exist on Platte County parcel number 20-7.0-35-000-000-001.001, and one (1) well exists on Platte County parcel number 20-7.0-35-400-006-003.000. The wells are generally spaced 300 ft. apart from one another and the new well is estimated to be within 300 ft. of the westernmost existing well in the area.



Exhibit D: Map of existing Missouri American Water wells

Although there are no height and landscape requirements per Section 515.095: *Accessory Use Facilities – Supplementary Regulations* of the Parkville Municipal Code, conditions may be applied to the proposed use of “Public utilities or public service uses, buildings, structures, or appurtenances thereto” per Chapter 470: *Supplementary Use Regulations – Conditional Uses*. Any conditions applied to the CUP should attempt to address the potential adverse impacts of the proposed use on adjacent properties. The proposed well will be consistent with the existing wells, which have a chain-link fence around the exterior for security purposes, and vegetation around the fence for visual screening.

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. The proposed location of the new well is adjacent to the existing utility water wells around Platte Landing Park. The subject property is no more remote or less accessible than other properties in the general area along South Main St.; thus, there appears to be no significant additional burden on emergency services.

The proposed location of the new well at 300 South Main St. is in close proximity to Missouri American Water's existing utility water wells along the Missouri River and proposed underground water lines to their company's new water plant location at 10550 NW FF Hwy (Case No. PZ16-02). There appears to be no specific gain to the public health, safety and welfare by denying the application for CUP. Rather, it appears the community would benefit from the proposed water well. Missouri American Water processes 3.1 million gallons of water per day for Parkville and Platte County residents; this includes 24/7 service critical to public health, safety and economic vitality.

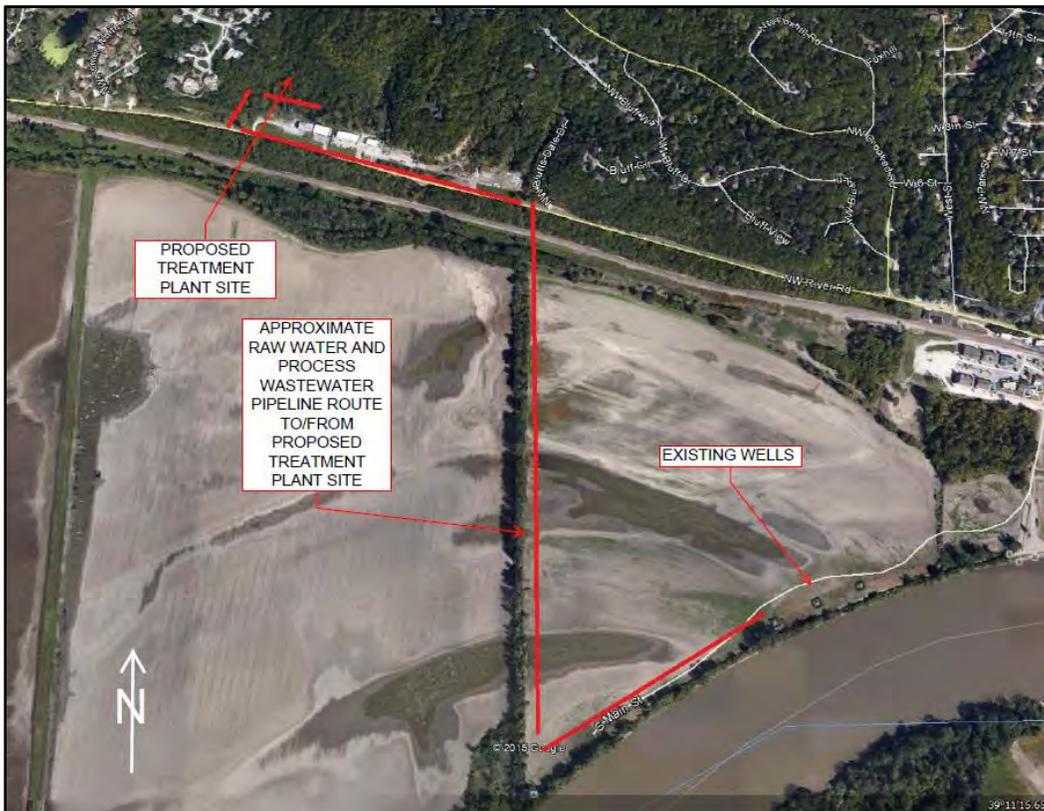


Exhibit E: Map of proposed Missouri American Water pipelines

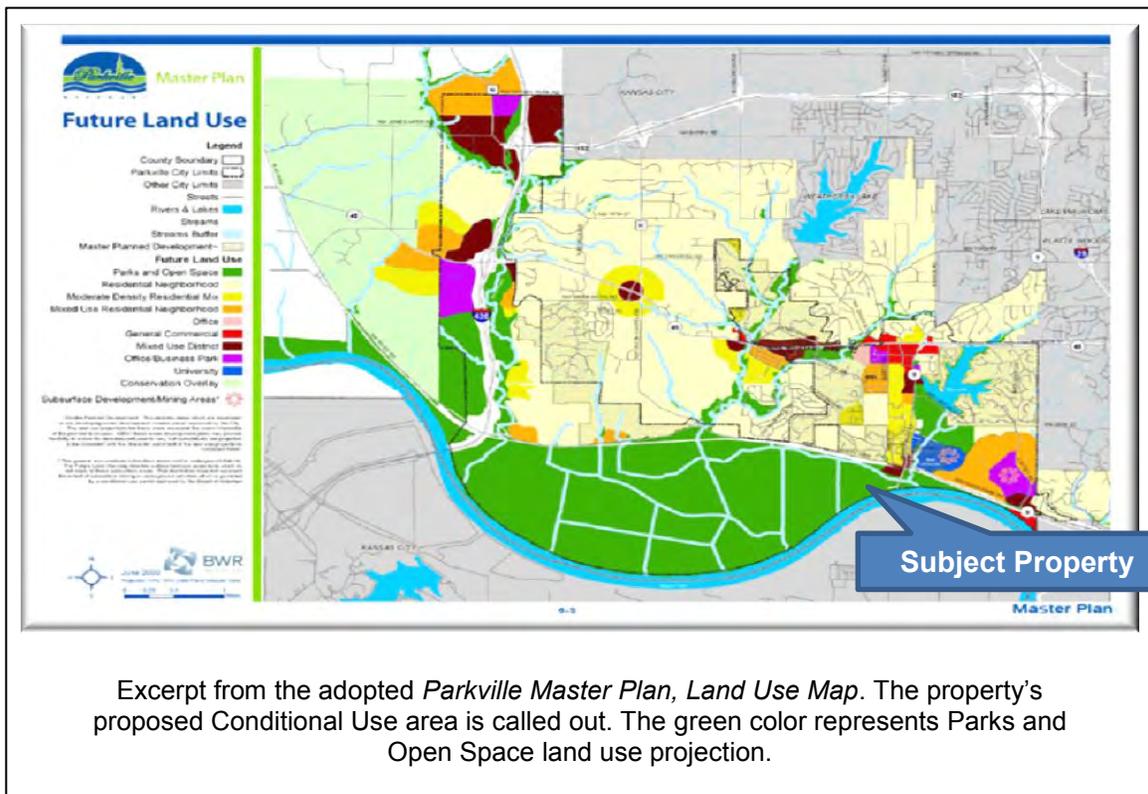
4. The adequacy of public utilities and other needed public services

Four (4) existing utility water wells are currently located adjacent to the subject property. As indicated on Exhibit D, three (3) wells exist on Platte County parcel number 20-7.0-35-000-000-001.001, and one (1) well exists on Platte County parcel number 20-7.0-35-400-006-003.000. The proposed utility water well use would require extension of public/private services, specifically the extension of underground water lines to the new well. As shown in Exhibit E above, this requires the property owner (Platte County) to grant the applicant an easement to connect to the new well. This will be done through a separate instrument — a cooperative agreement between Missouri American Water

Company, Platte County and the City of Parkville. Development of the proposed water utility well 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 Master Plan projects Parks and Open Space future land use for the subject property. This land use is primarily intended for public or private land reserved for active and passive parklands, trails, recreation uses, environmentally sensitive areas, natural resources, or any other lands reserved for permanent open space purposes.



Although public utilities or public service uses, buildings, structures, or appurtenances thereto are not specifically addressed in individual land use projection categories within the Master Plan, including the Parks and Open Space projection, they [public utilities or public service uses] play an important role in providing needed services to the community. Additionally, there are four (4) existing water utility wells in Platte Landing Park, the proposed well will look substantially consistent to the existing wells in the park, the proposed well will not adversely impact the surrounding uses per conditions of the CUP, and will not adversely impact the intent of the Master Plan projection.

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 in and around the subject property; the property is suited to the proposed use via a CUP and little, if any, negative impact is anticipated on surrounding properties; the security and visual screening of the well should be in an consistent manner with the existing wells in Platte Landing Park; there appears to be no specific gain to the public’s health, safety and welfare by denying the application; there does appear to be a hardship to the property owner if the subject property is not allowed to be

developed as proposed; adequate public utilities and services can be provided to support the development of the proposed use; although public service uses, buildings, structures, or appurtenances thereto are not specifically addressed in individual land use project categories within the Master Plan, they plan an important role in providing needed services to a community.

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:

- Screening of the proposed well shall be consistent and to the same standard as the existing utility water wells in Platte Landing Park.
- 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



09-30-2016

Stephen Lachky, AICP
Community Development Director

Date

CITY OF PARKVILLE

Policy Report

Date: Wednesday, October 11, 2016

Prepared By:
Stephen Lachky, AICP
Community Development Director

Reviewed By:
Lauren Palmer
City Administrator

ISSUE:

Adopt an ordinance approving the Final Plat of Lots 5-1 Through 5-3, Townhomes at the National – 2nd Plat, a Subdivision in Parkville, Platte County, Missouri. Case No. PZ16-19; applicant, Double Eagle Builders, LLC, owner.

BACKGROUND:

The Townhomes at the National – 2nd Plat is located north of Lime Stone Road along Lime Stone Court and was approved by Ordinance No. 2766 on July 15, 2015 (Case No. PZ14-21) and created seven individual lots (See Attachment 2) for the development of townhomes. Since approval of the final plat, building permits were issued for the construction of townhome units on Lot 5. Double Eagle Builders, LLC, the owner of the lots, submitted application PZ16-19 requesting approval of the final plat of Lots 5-1 through 5-3, Townhomes at the National – 2nd Plat (See Attachment 3), to create lots for the individual townhome units and area around each to be owned privately. The remainder of the lots — designated as Common Area — will be held and maintained by a common association as with the common areas for the rest of the Townhomes development.

The application was reviewed against the City of Parkville's Municipal Codes, including the subdivision regulations, the R-5 zoning district regulations, and the final plat at the National – 2nd Plat. The proposed plat meets all applicable requirements and is consistent with previously approved plans and plats.

No easements or rights-of-way have changed from the approval of the Townhomes at The National – 2nd Plat. The plat does not affect existing utilities and no new public improvements are required or proposed (all have previously been constructed and accepted).

The applicant has stated that this item is time sensitive due to necessary closings and requests the Board approve both readings of the ordinance at the same meeting to expedite the application. Since the lots are platted and no changes to the external boundaries of the lot, easements or rights-of-way are proposed and the structures are already built, expediting the application as requested does not have any negative impact.

BUDGET IMPACT:

With the exception of application and permit fees and any incremental increases from real estate and personal property taxes, there is no budgetary impact.

ALTERNATIVES:

1. Approve the final plat by ordinance as submitted.
2. Approve the final plat by ordinance subject to changes.
3. Deny the final plat.

STAFF RECOMMENDATION:

Approval of the proposed final plat as submitted.

POLICY:

Per Parkville Municipal Code Section 505.030, all plats must be approved by the Board of Aldermen prior to recording. Per the conditions of approval of the Townhomes at the National – 2nd Plat, the final to create individual townhome lots does not require Planning and Zoning Commission consideration and recommendation so long as no significant changes to the plat are proposed. The Board of Aldermen must approve two readings of the ordinance to become effective. Rule 5, *Agendas*, of the Board's adopted Rules of Order, states "*The first reading of an ordinance will be read on the action agenda and the second and final reading will be read the next subsequent meeting on the consent agenda, unless the item is a time-sensitive matter in which it may be approved during the same meeting.*"

SUGGESTED MOTIONS:

I move to approve Bill No. 2893, an ordinance approving the Final Plat of Lots 5-1 Through 5-3, Townhomes at the National – 2nd Plat, a Subdivision in Parkville, Platte County, Missouri, on first reading.

I move to approve Bill No. 2893 on second reading by title only to become Ordinance No. ____.

ATTACHMENTS:

1. Ordinance
2. Final Plat, Townhomes at the National – 2nd Plat (drawings prepared June 24, 2014)
3. Final Plat, Lots 5-1 Through 5-3, Townhomes at the National – 2nd Plat, a Subdivision in Parkville, Platte County, Missouri
4. Application for Final Plat; Case No. PZ16-19

AN ORDINANCE APPROVING THE FINAL PLAT OF LOTS 5-1 THROUGH 5-3, TOWNHOMES AT THE NATIONAL – 2ND PLAT, A SUBDIVISION IN PARKVILLE, PLATTE COUNTY, MISSOURI

WHEREAS, the Final Plat of the Townhomes at The National – 2nd Plat, showing only lots and not including individual buildings, was approved by Ordinance No. 2766 on July 15, 2015 (Case No. PZ14-21); and

WHEREAS, since approval of the final plat, building permits were issued for construction of the townhome units, foundations were constructed on said units and the foundations have been surveyed; and

WHEREAS, Double Eagle Builders, LLC, the owner of Lot 5, submitted application PZ16-19 requesting approval of the Final Plat of Lots 5-1 through 5-3, Townhomes at the National – 2nd Plat, a Subdivision in Parkville, Platte County, Missouri, attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, the plats are submitted to further subdivide the lots to create individual townhome units and an area around each to be owned privately, as distinguished from the remainder of the lot, which will be held and maintained by a common association; and

WHEREAS, no easements or rights-of-way have changed from the approval of the Townhomes at The National – 2nd Plat.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. The Final Plat, Lots 5-1 Through 5-3, Townhomes at the National – 2nd Plat, a Subdivision in Parkville, Platte County, Missouri attached hereto and incorporated herein by reference as Exhibit A, is hereby approved.

SECTION 2. The City has previously accepted and agreed to maintain City improvements in easements and rights-of-way, which are designated on that plat.

SECTION 3. The applicant is hereby directed to have the plat recorded in the office of the Platte County Recorder of Deeds following execution and is responsible for paying all recording fees.

SECTION 4. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 18th day of October 2016.

Mayor Nanette K. Johnston

ATTESTED:

City Clerk Melissa McChesney

Recorded in Platte County, Missouri
 Recording Date/Time: 09/26/2014 at 09:04:48 AM
 Instr Number: 2014010709
 Book: 21 Page: 114
 Type: DE PLAT
 Fee: \$98.00
 Grantor: DOUBLE EAGLE BUILDERS LLC
 Grantee: TOWNHOMES AT THE NATIONAL 2ND PLAT



FINAL PLAT

TOWNHOMES AT THE NATIONAL-2ND PLAT

NW 1/4 SEC. 26, T-51-N, R-34-W

PARKVILLE, PLATTE COUNTY, MISSOURI

DESCRIPTION:

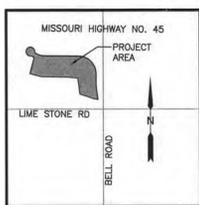
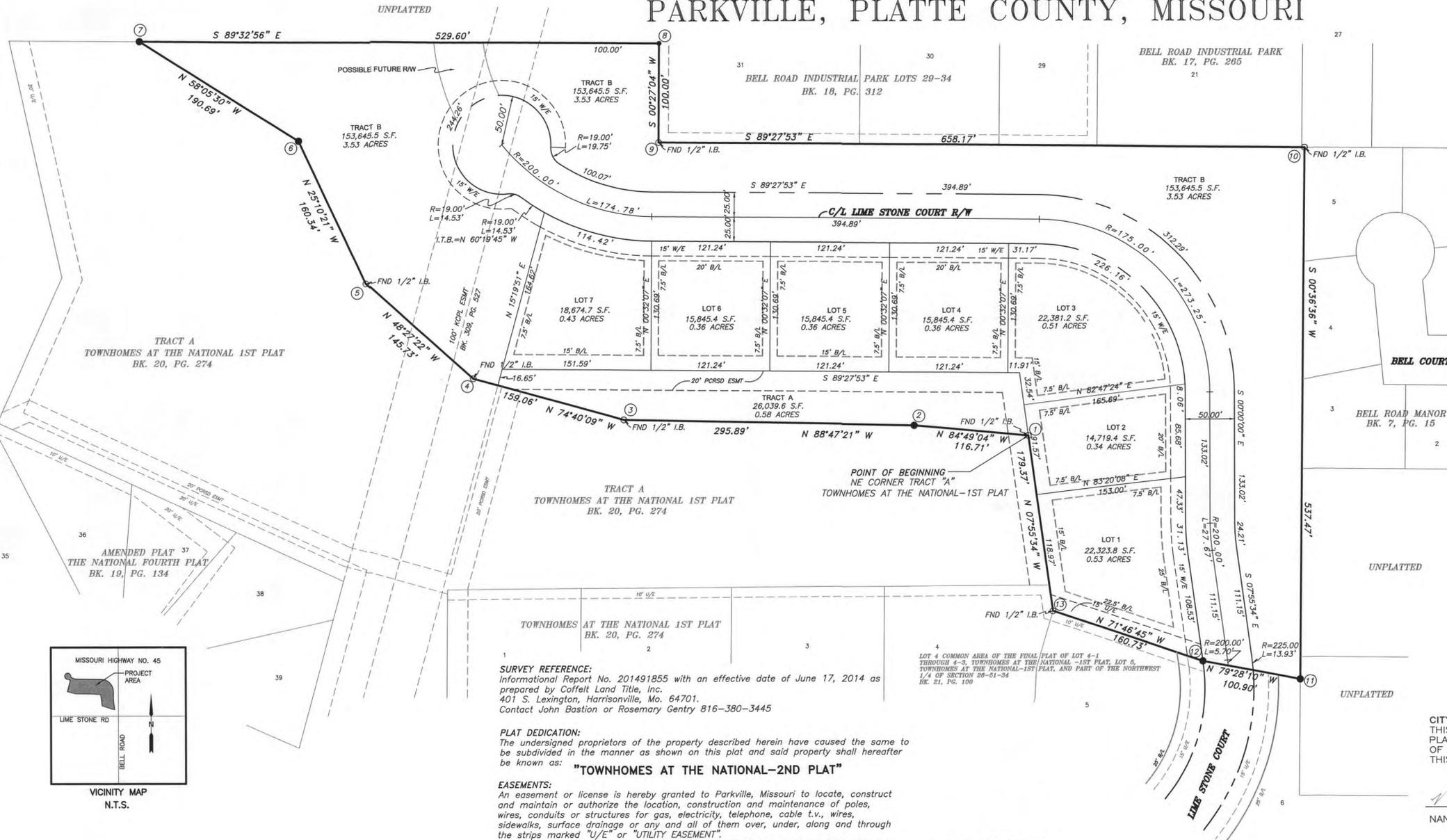
A tract of land being a part of the Northwest Quarter of Section 26, Township 51 North, Range 34 West, in the City of Parkville, Platte County, Missouri, being more particularly described as follows:

BEGINNING at the Northeast corner of TRACT A, TOWNHOMES AT THE NATIONAL-1ST PLAT, a subdivision of land in the City of Parkville, Platte County, Missouri according to the recorded plat thereof; thence North 84°49'04" West, along the North line of said TRACT A, a distance of 116.71 feet; thence North 89°47'21" West, continuing along the North line of said TRACT A, a distance of 295.89 feet; thence North 74°40'09" West, continuing along the North line of said TRACT A, a distance of 159.06 feet; thence North 48°27'22" West, continuing along the North line of said TRACT A, a distance of 145.73 feet; thence North 25°10'21" West, continuing along the North line of said TRACT A, a distance of 160.34 feet; thence North 58°05'30" West, continuing along the North line of said TRACT A, a distance of 190.69 feet; Thence South 89°32'56" East, departing the North line of said TRACT A, a distance of 529.60 feet, to a point on the West line of LOT 31, BELL ROAD INDUSTRIAL PARK, LOTS 29 through 34, a subdivision of land in the City of Parkville, Platte County, Missouri, according to the recorded plat thereof; thence South 00°27'04" West, along the West line of said LOT 31, a distance of 100.00 feet, to the Southwest corner of said LOT 31; thence South 89°27'53" East, along the South line of said BELL ROAD INDUSTRIAL PARK, LOTS 29-34 and also along the South line of BELL ROAD INDUSTRIAL PARK, a subdivision of land in the City of Parkville, Missouri, according to the recorded plat thereof, a distance of 658.17 feet, to the Northwest corner of LOT 5, BELL ROAD MANOR, a subdivision of land in the City of Parkville, Platte County, Missouri, according to the recorded plat thereof; thence South 00°36'36" West, along the West line of said BELL ROAD MANOR and the Southerly extension thereof, a distance of 537.47 feet, to the Northeast corner of LOT 6, of said TOWNHOMES AT THE NATIONAL-1ST PLAT; thence North 79°28'10" West, a distance of 100.90 feet, to a point on the West right of way line of LIME STONE COURT, as now established, said point also being the Northeast corner of LOT 5-A, LOT 4 COMMON AREA OF THE FINAL PLAT OF LOT 4-1 THROUGH 4-3, TOWNHOMES AT THE NATIONAL-1ST PLAT, LOT 5, TOWNHOMES AT THE NATIONAL-1ST PLAT AND PART OF THE NORTHWEST QUARTER OF SECTION 26-51-34, a subdivision of land in the City of Parkville, Platte County, Missouri, according to the recorded plat thereof; thence North 71°46'45" West, along the North line of said LOT 5-A, a distance of 160.73 feet, to the Northwest corner of said LOT 5-A; thence North 07°55'34" West, along the East line of said LOT 4 COMMON AREA and the Northerly extension thereof, a distance of 179.37 feet, to the POINT OF BEGINNING, containing 366,830.7 square feet or 8.42 acres, more or less.

TOTAL LAND AREA: 366,830.7 SQUARE FEET OR 8.42 ACRES
 PUBLIC RIGHT OF WAY: 61,510.5 SQUARE FEET OR 1.41 ACRES
 NET LAND AREA: 305,320.2 SQUARE FEET OR 7.01 ACRES

BEARINGS SHOWN HEREON ARE BASED ON THE RECORDED PLAT OF TOWNHOMES AT THE NATIONAL-1ST PLAT.
 COORDINATES SHOWN ARE BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD 83, IN GRID METERS AND TIED TO THE MODOT VIRTUAL REFERENCE NETWORK.
 GRID FACTOR 0.9999082
 1 METER= 3.28083333 U.S. SURVEY FEET

PT#	NORTHING(m)	EASTING(m)
1	337390.486	833809.128
2	337393.699	833773.696
3	337395.605	833530.462
4	337408.421	833483.711
5	337437.876	833450.470
6	337482.104	833429.684
7	337512.823	833380.348
8	337511.552	833541.749
9	337481.076	833541.510
10	337479.203	833742.093
11	337315.405	833740.350
12	337321.025	833718.116
13	337336.342	833663.586



SURVEY REFERENCE:
 Informational Report No. 201491855 with an effective date of June 17, 2014 as prepared by Coffelt Land Title, Inc.
 401 S. Lexington, Harrisonville, Mo. 64701.
 Contact John Bastion or Rosemary Gentry 816-380-3445

PLAT DEDICATION:
 The undersigned proprietors of the property described herein have caused the same to be subdivided in the manner as shown on this plat and said property shall hereafter be known as:
"TOWNHOMES AT THE NATIONAL-2ND PLAT"

EASEMENTS:
 An easement or license is hereby granted to Parkville, Missouri to locate, construct and maintain or authorize the location, construction and maintenance of poles, wires, conduits or structures for gas, electricity, telephone, cable t.v., wires, sidewalks, surface drainage or any and all of them over, under, along and through the strips marked "U/E" or "UTILITY EASEMENT".
 An easement or license is hereby granted to Platte County Regional Sewer District to locate, construct and maintain or authorize the location, construction and maintenance of sanitary sewers over, under, along and through the strips marked "PCRS" or "PCRS D EASEMENT".
 An easement or license is hereby granted to Missouri American Water to locate, construct and maintain or authorize the location, construction and maintenance of water services over, under, along and through the strips marked "W/E" or "WATER EASEMENT".

STREETS:
 The streets and right of way shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

COVENANTS AND RESTRICTIONS:
 The Covenants and Restrictions recorded in Book 1130 at Page 505 as recorded with the final plat of TOWNHOMES AT THE NATIONAL-1ST PLAT are to be amended to include this plat of TOWNHOMES AT THE NATIONAL-2ND PLAT and may be amended from time to time as prescribed in that Covenant and Restrictions.

PUBLIC IMPROVEMENTS:
 All public improvements including streets, sidewalks, curb & gutter and other required improvements shall meet the city's minimum standards.

BUILDING LINES:
 Building lines or setback lines are hereby established as shown on this plat, and no building or portion thereof shall be built or otherwise located between this line and the lot or street line.

OPEN SPACE:
 Tracts A and B are reserved as private open space to be reserved and maintained by DOUBLE EAGLE BUILDERS, LLC or its assigns for use and enjoyment as deemed appropriate. Private open space and/or cash in lieu of public open space has previously been accepted as part of the approved community unit plan for the National Golf Club of Kansas City.

IN WITNESS WHEREOF:
 DOUBLE EAGLE BUILDERS, LLC, a Missouri Limited Liability Company licensed to do business in the State of Missouri, has caused these presents to be executed this 26th day of August, 2014.

DOUBLE EAGLE BUILDERS, LLC, a Missouri Limited Liability Company
 BY: Dale Brouk Co-Manager
 STATE OF Missouri) ss
 COUNTY OF Platte)

Be it remembered that on this 26th day of August, 2014, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Dale Brouk to me personally known, who being by me duly sworn, did say that he is Co-Manager of DOUBLE EAGLE BUILDERS, LLC, a Missouri Limited Liability Company and that said instrument was signed in behalf of said corporation and that said Dale Brouk acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF:
 I have hereunto set my hand and affixed my Notarial Seal in the date herein last above written
 My Commission Expires: April 07, 2017
Margie Lockard
 Notary Public



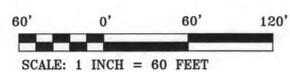
CITY OF PARKVILLE:
 THIS IS TO CERTIFY THAT THIS FINAL PLAT OF "TOWNHOMES AT THE NATIONAL-2ND PLAT" WAS SUBMITTED TO, CONSIDERED AND APPROVED BY THE PARKVILLE BOARD OF ALDERMEN
 THIS 5th DAY OF July, 2014, VIA ORDINANCE NO. 2766

Nanette K. Johnston Mayor
Melissa McChesney City Clerk
 PLATTE COUNTY MISSOURI

NOTES:
 1. PROPERTY IS CURRENTLY ZONED R-5 CUP (PLANNED MULTI-FAMILY RESIDENTIAL).
 2. THIS PROPERTY LIES WITHIN "ZONE C" (AREAS OF MINIMAL FLOODING), AS DEPICTED ON COMMUNITY PANEL NO. 290475 0155A, DATED DECEMBER 18, 1979, NATIONAL FLOOD INSURANCE PROGRAM, PLATTE COUNTY, MISSOURI.
 3. SET 1/2" IRON BAR WITH "TREKK" CAP AT ALL PROPERTY CORNERS UNLESS NOTED OTHERWISE.

SURVEYED AND PLATTED FOR:
 DOUBLE EAGLE BUILDERS, LLC,
 A MISSOURI LIMITED LIABILITY COMPANY BY
 TREKK DESIGN GROUP, LLC
 1441 E. 104TH STREET, STE. 105
 KANSAS CITY, MO. 64131

I HEREBY CERTIFY that this Plat of TOWNHOMES AT THE NATIONAL-2ND PLAT is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Missouri Minimum Standards for Property Boundary Surveys as established by the Missouri Board for Architects, Professional Engineers, Professional Surveyors and Landscape Architects and the Missouri Department of Agriculture. I further certify that I have complied with all statutes, ordinances, and regulations governing the practice of surveying and platting of subdivisions to the best of my professional knowledge and belief.
Samuel E. Walton 8/25/14
 Samuel E. Walton, PLS 2000161239
 swalton@trekdesigngroup.com



Project No.:	14-020
Acad Dwg.:	FINAL PLAT
Date:	JUNE 24, 2014
Drawn By:	S. WALTON
Revisions:	
7/1/14	CITY COMMENTS
7/8/14	CITY COMMENTS
7/22/14	DEVELOPER COMMENTS
7/23/14	DEVELOPER COMMENTS
Sheet No.:	1 OF 1



1441 E. 104th St., Suite 105
 Kansas City, Mo. 64131
 Tel (816) 874-4655
 Fax (816) 874-4675

FINAL PLAT
 LOTS 5-1 THROUGH 5-3, TOWNHOMES AT THE
 NATIONAL - 2ND PLAT,

A SUBDIVISION IN PARKVILLE, PLATTE COUNTY, MISSOURI

PROPERTY DESCRIPTION
 CONTAINING 15,845 SQUARE FEET OR 0.36 ACRES

ALL OF LOT 5, TOWNHOMES AT THE NATIONAL - 2ND PLAT, A SUBDIVISION IN PARKVILLE,
 PLATTE COUNTY, MISSOURI.

SURVEY NOTES:

1. THE FOLLOWING STANDARD MONUMENTATION HAS BEEN SET AT THE NOTED LOCATION UNLESS INDICATED OTHERWISE ON THIS DRAWING:

SEMI-PERMANENT MONUMENTATION:

CHEELED CROSS AT ALL CORNERS MARKED " * " "

1/2" IRON BAR WITH PLASTIC CAP STAMPED "LS-2007000089" SET AT ALL CORNERS MARKED " • " "

PERMANENT MONUMENTATION:

5/8" IRON BAR WITH ALUMINUM CAP STAMPED "LS-2007000089" SET AT ALL CORNERS MARKED " ▲ " "

2. THE POSITION OF EXISTING MONUMENTATION AS INDICATED BY AN " * " " • " " ○ " " OR " Δ " ; IF NOT THE TRUE CORNER, IS BY DIFFERENCES IN COORDINATES OR AT RIGHT ANGLES TO THE PROPERTY LINE AT THE NOTED DISTANCE FROM THE NEAREST BOUNDARY CORNER.

3. THE SOURCE OF THE DESCRIPTION USED FOR THIS SURVEY WAS DERIVED FROM THE PLAT OF THE TOWNHOMES AT THE NATIONAL - 2ND PLAT, A SUBDIVISION IN PARKVILLE, PLATTE COUNTY, MISSOURI AS RECORDED IN PLAT BOOK 21 AT PAGE 114.

4. THE BEARINGS SHOWN HEREON ARE BASED UPON THE PLAT OF THE TOWNHOMES AT THE NATIONAL - 2ND PLAT, A SUBDIVISION IN PARKVILLE, PLATTE COUNTY, MISSOURI.

5. THIS SURVEY DOES NOT REFLECT ANY OF THE FOLLOWING WHICH WERE EITHER NOT REQUESTED OR FURNISHED BY THE CLIENT OR ARE NOT WITHIN THE SCOPE OF THE SERVICES PROVIDED BY A PROFESSIONAL SURVEYOR. THEREFORE, THIS SURVEYOR DOES NOT ACCEPT ANY LIABILITY SHOULD ANY OF THEM BE APPLICABLE TO THE SUBJECT REAL ESTATE: SUBSURFACE CONDITIONS; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; AND ZONING OR OTHER LAND USE REGULATIONS.

6. NO TITLE REPORT WAS PROVIDED BY THE CLIENT FOR THIS SURVEY.

7. THIS SURVEY IS BASED UPON RECORD DOCUMENTS, LEGAL DESCRIPTIONS, AND OTHER INFORMATION FURNISHED BY THE CLIENT PLUS OTHER INFORMATION KNOWN TO THIS SURVEYOR. THIS SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER RECORD DOCUMENTS WHICH AFFECT THE SUBJECT REAL ESTATE.

8. THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN PROPERTY SURVEY AS DEFINED BY THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

9. BUILDING SHOWN IS BASED ON MEASURED FOUNDATION.

DEDICATION:

THE UNDERSIGNED PROPRIETORS OF THE PROPERTY DESCRIBED HEREIN HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THIS PLAT AND SAID PROPERTY SHALL HEREAFTER BE KNOWN AS:

FINAL PLAT, LOTS 5-1 THROUGH 5-3, TOWNHOMES AT THE NATIONAL - 2ND PLAT

EASEMENTS:

ALL EASEMENTS SHOWN HEREON HAVE BEEN PREVIOUSLY DEDICATED ON THE PLAT OF THE TOWNHOMES AT THE NATIONAL - 3RD PLAT, A SUBDIVISION IN PARKVILLE, PLATTE COUNTY, MISSOURI.

STREETS:

THE STREETS SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

COVENANTS AND RESTRICTIONS:

THE COVENANTS AND RESTRICTIONS RECORDED WITH THE TOWNHOMES AT THE NATIONAL - 2ND PLAT APPLY TO THIS PLAT.

COMMON AREA:

THE COMMON AREA SHOWN HEREON WILL BE MAINTAINED BY A HOME OWNERS ASSOCIATION FOR USE AND ENJOYMENT AS THEY DEEM APPROPRIATE.

IN WITNESS WHEREOF, DOUBLE EAGLE, LLC, HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS 4th DAY OF OCTOBER, 2016.

DOUBLE EAGLE BUILDERS, LLC

Dale Brouk
 DALE BROUK, CO-MANAGER

STATE OF MISSOURI) SS:

COUNTY OF PLATTE)

BE IT REMEMBERED THAT ON THIS 4th DAY OF OCTOBER, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, CAME DALE BROUK, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE CO-MANAGER OF DOUBLE EAGLE BUILDERS, LLC, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED ON BEHALF OF SAID COMPANY AND THAT DALE BROUK, ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID COMPANY.

IN WITNESS WHEREOF, I HAVE HEREBY SET MY HAND AND AFFIXED MY NOTARIAL SEAL IN THE DATE HEREIN LAST ABOVE WRITTEN.

Kelly Jovulich
 NOTARY PUBLIC

1-26-2020
 MY COMMISSION EXPIRES:

CITY OF PARKVILLE, MISSOURI

THIS IS TO CERTIFY THAT THIS FINAL PLAT, LOTS 5-1 THROUGH 5-3 TOWNHOMES AT THE NATIONAL 2ND PLAT WAS SUBMITTED TO, CONSIDERED AND APPROVED BY THE PARKVILLE BOARD OF ALDERMAN THIS DAY OF OCTOBER, 2016 VIA ORDINANCE # _____

NANETTE K. JOHNSTON, MAYOR

MELISSA McCHESNEY, CITY CLERK



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEET OR EXCEED THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS JOINTLY ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND LAND SURVEY AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

Robert G. Young
 ROBERT G. YOUNG, PLS-2007000089
 10/05/2016
 DATE

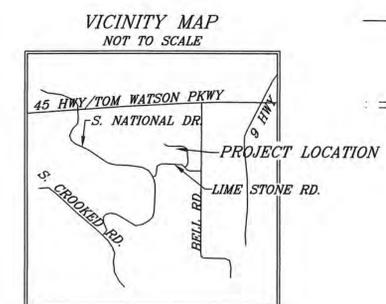
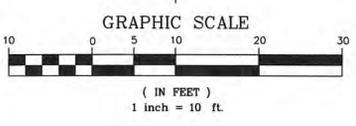
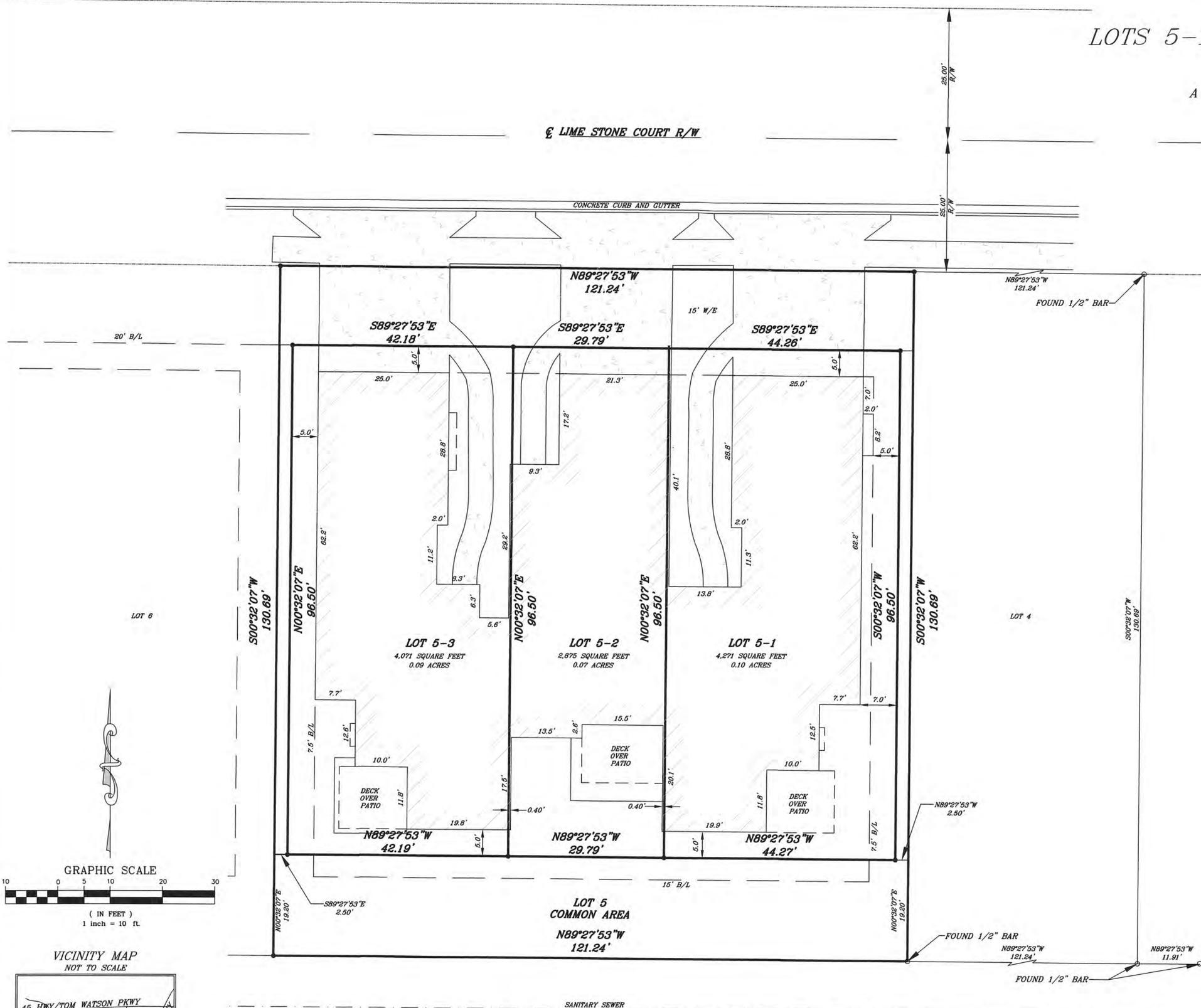
IF THE SURVEYOR'S SEAL IS NOT SHOWN IN COLOR, THEN THE SURVEY IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THIS CERTIFICATION CONTAINED ON THIS DOCUMENT SHALL NOT APPLY.

© COPYRIGHT 2016 R.L. BUFORD & ASSOCIATES, LLC

R.L. Buford & Associates, LLC
 LAND SURVEYING - DEVELOPMENT CONSULTANTS
 R.L. BUFORD & ASSOCIATES, LLC
 MO CERT. OF AUTHORITY LICENSE NO. LS-2010031977
 P.O. BOX 14069, PARKVILLE, MO, 64152 (816) 741-6152

FOR	SEC.-TWP.-RGE.	COUNTY	JOB NO.
THE NATIONAL	26-51-34	PLATTE	P-16161
DATE	FIELD BOOK & PAGE	LOOSE LEAF	DRAWN BY
10/05/2016			ABH

CERTIFICATE OF SURVEY



☞ LIME STONE COURT R/W

CONCRETE CURB AND GUTTER

FOUND 1/2" BAR

FOUND 1/2" BAR

FOUND 1/2" BAR

SANITARY SEWER

TRACT A



Application #: PZ 16-19
Date Submitted: 10-07-16
Public Hearing: N/A for 10-18-16
Date Approved: _____

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

Application for Final Plat

1. Applicant / Contact Information

Applicant(s)

Name: Double Eagle Builders, LLC
Address: 6325 Lewis Street, Suite #112
City, State: Parkville, Mo 64152
Phone: 816-505-4297 Fax: 816-741-1462
E-mail: daelb@fivestarlifestyles.com

Owner(s), if different from applicant

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

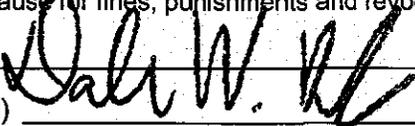
Engineer and/or surveyor(s) preparing plat

Name: R.L. Buford & Associates, LLC
Address: PO Box 14069
City, State: Parkville, MO 64152
Phone: 816-741-6152 Fax: _____
E-mail: rob@rlbuford.com

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 fines, punishments and revocation of approvals as applicable.

Applicant's Signature (Required)  Date: 10-07-16
Property Owner's Signature (Required) _____ Date: 10-07-16

2. Property Information

Name and phase of plat: Lots 5-1 Through 5-3, Townhomes At the National - 2nd Plat

Final plat in substantial conformance with approved preliminary plat? Yes

If not, explain: _____

Zoning district: _____ Anticipated uses: _____

Acreage of this phase: _____ Number of lots: _____

Minimum lot size: _____ Density of development: _____

3. Additional Factors affecting the project

Please include other comments or factors relating to the proposed subdivision in an attached narrative.

4. Public Improvements

All public improvements must be designed to city standards and require approval, guarantees and permits prior to installation.

Improvement plans submitted and approved for:

Streets and access: _____
Date approved

Length of new streets: _____

Surface material: _____ Maximum grade: _____

Sanitary sewer: _____
Entity and date approved

Missouri Department of Natural Resources approval: _____
Date approved

Water: _____
Entity and date approved

Erosion and sediment control as per NPDES II: _____
Date approved

Flood plain development permit (if required): _____
Date approved

5. Checklist of required submittals

- Completed application, including plat with all required details and supporting data.
- Nonrefundable application fee of \$300.00 and \$5.00 per lot (minimum \$305.00).
- Submit twelve (12) copies of the final plat (24" x 36" or larger) and any supporting documentation, and one electronic copy (pdf) of the same for initial review by city staff and utility and service providers. Note that prior to Planning Commission and Board of Aldermen consideration additional copies will be required.
- Authorization signature of the owner of record of the property to be platted.
- Copy of any covenants and/or deed restrictions to be recorded with the Plat.
- Executed deed of release for any right-of-way dedicated to the city.
- Guarantees in the form of performance bonds or other city approved instrument ensuring the satisfactory completion of public improvements. The maintenance period for public improvements is two (2) years.

For City Use Only

Application accepted as complete by: Stephen Lachky, Community Development Dir. 10/07/2016
Name/Title Date

Application fee payment: Check # 1847 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: _____

CITY OF PARKVILLE

Policy Report

DATE: Wednesday, October 12, 2016

PREPARED BY:
Stephen Lachky, AICP
Community Development Director

REVIEWED BY:
Lauren Palmer
City Administrator

ISSUE:

Approve the first reading of an ordinance to amend Parkville Municipal Code, Title IV, Chapter 463: *Sign Code*, Article IV: *Restrictions On Signs Within Zoning Districts*, Section 463.160: *Special Conditions For All Zones*, Subsection E. *Electronic Message Centers*. Case No. PZ16-15; Park University, applicant.

BACKGROUND:

On March 16, 2010, the City of Parkville adopted regulations for Electronic Message Center (EMC) signage via Ordinance No. 2530 (see Attachment 2) following several meetings, workshops and a public hearing with the Planning and Zoning Commission on March 9, 2010. This ordinance added Subsection E to Section 463.160 which provides definitions for sign types and EMC requirements, including:

- Restricts use to gas or fuel stations within 1,000 ft. of interstate highway right-of-way
- Restricts use to monument sign type
- Restricts message displays to minimum duration of 10 minutes
- Restricts illumination (5,000 nits during daytime; 400 nits during nighttime)
- Requires automatic dimmer control
- Prohibits animation (i.e., flashing, blinking, moving)

Earlier this year, Park University's monument sign (with an electronic reader board) at the northeast corner of Highway 9 and Park College Entrance Dr. broke (see Attachment 3). The university is temporarily covering the broken digital reader board with a non-digital sign, and desires to replace this sign with an updated EMC sign, capable of displaying different signs and messages (see Attachment 4). This includes, but is not limited to, university-related announcements, student and sporting events, and three (3) permitted community events (e.g., Fourth of July Celebration, Parkville Days, and Christmas on the River). The goal is to better promote and increase awareness of university events throughout the community. Parkville's Zoning Code currently only permits EMC signage for gas or fuel stations within 1,000 feet of interstate highway right-of-way. Therefore, the applicant proposes to amend Subsection E of Section 463.160 to permit EMC signage on Park University's property.

On September 13, 2016, the Planning and Zoning Commission held a special workshop with Brian Bode, Interim Chief Financial Officer of Park University to discuss the current ordinance. Community Development Director, Stephen Lachky, gave a presentation of the International Sign Association's (ISA) top five regulatory issues for EMC signage. On October 11, 2016, the Planning and Zoning Commission held a public hearing to consider proposed options for text amendment to Section 463.160. After discussion, the Commission reviewed several proposed text amendment options to the City's current EMC regulations and a motion was made for a proposed text amendment (see Attachment 5). In summary, the text amendment:

- Permits EMC use to “B-4” Planned Business Districts and “P-EC” Planned Educational Campus Districts, in addition to gas or fuel stations within 1,000 ft. of interstate highway right-of-way
- Restricts EMC setback to at least 250 ft. from any adjacent residentially zoned property
- Restricts EMC use to only one (1) sign per lot, and EMC sign size to no more than the total freestanding sign allowance for the lot.
- Restricts EMC message displays to minimum duration of ten (10) seconds
- Restricts EMC illumination standards to illuminance (measured in footcandles) as opposed to luminance (measured in candelas per sq. meter; also known as “nits”).

If approved, the proposed text amendment would permit EMC signage to “B-4” Planned Business Districts and “P-EC” Planned Education Campus Districts. For a “B-4” Planned Business District, per Parkville Municipal Code Section 463.140, all signs erected must be approved by the Board of Aldermen. For a “P-EC” Planned Education Campus District, the Community Development Director reviews proposed signage against a campus master plan. In Park University’s case, this would be their *Park University Signage/Wayfinding Program Master Plan* (Case No. PZ10-14), which was approved by the Board of Aldermen on August 17, 2010. The plan authorizes staff approval of signage in the “P-EC” district where substantially consistent with the approved plan.

BUDGET IMPACT:

With the exception of application and permit fees collected, there is no immediate budget impact. Long-term impacts would be realized from changes in property taxes and sales taxes collected from the site and proposed development, and impacts to the same for area properties and other businesses.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

A public hearing was held on October 11, 2016, to consider the application for text amendment. The commission concurred with staff’s conclusions to amend Section 463.160 and unanimously voted (9 to 0) to recommend the Board of Aldermen approve the proposed text amendment to Parkville Municipal Code, Title IV, Chapter 463: *Sign Code*, Article IV: *Restrictions On Signs Within Zoning Districts*, Section 463.160: *Special Conditions For All Zones*, Subsection E. *Electronic Message Centers*.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed text amendment to Parkville Municipal Code, Title IV, Chapter 463: *Sign Code*, Article IV: *Restrictions On Signs Within Zoning Districts*, Section 463.160: *Special Conditions For All Zones*, Subsection E. *Electronic Message Centers*, as depicted in Attachment 5.

ALTERNATIVES:

1. Approve the first reading of an ordinance to amend Parkville Municipal Code, Title IV, Chapter 463: *Sign Code*, Article IV: *Restrictions On Signs Within Zoning Districts*, Section 463.160: *Special Conditions For All Zones*, Subsection E. *Electronic Message Centers*, as recommended by the Planning and Zoning Commission.
2. Approve the first reading of an ordinance to amend Parkville Municipal Code, Title IV, Chapter 463: *Sign Code*, Article IV: *Restrictions On Signs Within Zoning Districts*, Section 463.160: *Special Conditions For All Zones*, Subsection E. *Electronic Message Centers*, as recommended by the Planning and Zoning Commission, subject to other stated conditions.
3. Do not approve the first reading of the ordinance.
4. Postpone the item.

POLICY:

Per RSMo 89.050 and Parkville Municipal Code Chapter 483 *changes and amendments* to the zoning code are to be approved by the Board of Aldermen by ordinance, after the Planning and Zoning Commission considers the amendment at a public hearing and forwards their recommendation.

SUGGESTED MOTION:

I move to approve Bill No. 2894, an ordinance amending Parkville Municipal Code Chapter 463, Section 463.160, Subsection E. *Electronic Message Centers*, as recommended by the Planning and Zoning Commission, on first reading and postpone the second reading until November 1, 2016.

ATTACHMENTS:

1. Proposed Ordinance
2. Ordinance No. 2530
3. Existing Park University entrance sign; NE corner of Park College Entrance Dr. and MO-Hwy 9
4. Proposed Electronic Message Center Sign
5. Proposed Text Amendment
6. Tracked changes to Section 463.160
7. Staff Analysis presented at October 11, 2016 public hearing to Planning and Zoning Commission
8. Application for Text Amendment (Zoning & Subdivision Regulations)

PUBLIC COMMENTS RECEIVED:

No public comments were received by staff for this application

ADDITIONAL EXHIBITS BY REFERENCE:

1. Public Hearing Notice published September 21, 2016 in the Landmark Newspaper
2. Exhibits presented on October 11, 2016 to the Planning and Zoning Commission
3. Minutes of the October 11, 2016 Planning and Zoning Commission meeting
4. Park University Signage/Wayfinding Program Master Plan; prepared by Workshop Design L.L.C. (dated September 16, 2009)
5. Parkville zoning code in its entirety - <http://www.ecode360.com/PA3395-DIV-05>
6. Parkville Municipal Code, Title IV, Chapter 463: *Sign Code*, Article IV: *Restrictions On Signs Within Zoning Districts*, Section 463.160: *Special Conditions For All Zones*, Subsection E. *Electronic Message Centers* - <http://www.ecode360.com/27902622>

AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE, TITLE IV, CHAPTER 463, SECTION 463.160, SUBSECTION E *ELECTRONIC MESSAGE CENTERS*

WHEREAS, Park University submitted an application for Text Amendment (Zoning & Subdivision Regulations) to amend Chapter 463: *Sign Code*, Article IV: *Restrictions On Signs Within Zoning Districts*, Section 463.160: *Special Conditions For All Zones*, Subsection E. *Electronic Message Centers* (Case No. PZ16-15); and

WHEREAS, the City's current regulations for electronic message center signage via Ordinance No. 2530 restrict their use to gas stations or fuel stations within 1,000 feet of interstate highway right-of-way, and do not allow an electronic message center sign on the Park University, the applicant's property; and

WHEREAS, on September 13, 2016 the Planning and Zoning Commission held a special workshop with the applicant to discuss the current ordinance, proposed sign, and regulatory issues related to electronic message center signage; and

WHEREAS, staff researched electronic message center signage regulations for Missouri municipalities throughout the Kansas City region, best-practices on regulating electronic message center signage from the International Sign Association (ISA), and had Chris Brewster — planning & zoning consultant from Gould Evans — review the proposed text amendment; and

WHEREAS, the proposed text amendment lessens electronic message center restrictions on allowable zoning districts, and minimum duration for message displays; updates illumination standards; includes setbacks from adjacent residentially zoned property; and includes restrictions for number of signs per lot, and maximum square footage of the sign; and

WHEREAS, the proposed text amendment to the zoning code requires a public hearing before the Planning and Zoning Commission in accordance with RSMo §89.050 of Parkville Municipal Code Chapter 483 and accordingly all public hearing notices were posted and published as required; and

WHEREAS, on October 11, 2016, the Planning and Zoning Commission held a public hearing to consider the proposed text amendment, concurred with staff's conclusions to amend Section 463.160 and unanimously recommended approval of the proposed text amendment to Parkville Municipal Code, Title IV, Chapter 463: *Sign Code*, Article IV: *Restrictions On Signs Within Zoning Districts*, Section 463.160: *Special Conditions For All Zones*, Subsection E. *Electronic Message Centers*, contained herein by a vote of 9 to 0; and

WHEREAS, the Board of Aldermen hereby concurs with the Planning and Zoning Commission's conclusions and accepts their recommendation; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Parkville Municipal Code, Title IV, Chapter 463, Section 463.160, Subsection E. *Electronic Message Centers* is hereby amended to read as follows:

- E. *Electronic Message Centers*. Electronic message centers shall be allowed subject to the following standards:

1. Electronic message centers shall be restricted to use by gas stations or fuel stations that are within one thousand (1,000) feet of an interstate highway right-of-way, "B-4" Planned Business District, and "P-ED" Planned Educational Campus District.
2. Electronic message centers shall be restricted to use in monument signs and shall not be permitted as wall or pole signs.
3. The visible sign face shall be setback at least 250 feet from any adjacent residentially zoned property.
4. Only one of the allowed signs per lot may be an electronic message center.
5. The electronic message sign shall be no more than the total freestanding sign allowance for the lot.
6. *Duration.* Any portion of the message must be displayed for a minimum duration of ten (10) seconds.
7. *Brightness.* The sign must not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the electronic message center size (Measurement Distance = $\sqrt{[\text{Area of sign sq. ft.} \times 100]}$).
8. *Dimmer control.* The sign must have a dimmer control, sensor or other device that utilizes photocell technology to automatically adjust illumination according to ambient light conditions.
9. The change from one message to the next shall not take more than one (1) second and shall not include any animation or movement.

SECTION 2. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 1st day of November 2016.

Mayor Nanette K. Johnston

ATTESTED:

City Clerk Melissa McChesney

AN ORDINANCE TO AMEND PARKVILLE MUNICIPAL CODE, TITLE IV, CHAPTER 463, TO REGULATE ANIMATED SIGNS AND ELECTRONIC MESSAGE CENTERS.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title IV, Chapter 463, Article I, Section 463.030, of the Parkville Municipal Code is hereby amended to add the following definitions:

Animated Signs. Signs that include animation or effects simulating animation, including those that employ: flashing or blinking; intermittent or changing illumination creating a fading, dissolving, traveling, scrolling, dropping, pixilation or other similar transitional effect; video; sound emission; flapping, blowing, spinning, rotation or other movement; pyrotechnics; visible moving parts; or any device or illumination or other effect creating the illusion of motion.

Changeable copy sign: A manually, mechanically or electronically activated sign, or portion thereof, on which copy is designed to be changed periodically without altering the face of the sign. Changeable copy signs shall include, but not be limited to electronic message centers, reader boards, gas price signs, and theater marquees. Poster panels and painted boards shall not be considered changeable message signs.

Electronic Message Center: Any electronically activated changeable copy sign. Included are signs that use changing lights to form a message and holographic displays.

Section 2. Title IV, Chapter 463, Article IV, Section 463.160, of the Parkville Municipal Code is hereby amended to add a new subsection E as follows:

E. *Electronic Message Centers.* Electronic message centers shall be allowed subject to the following standards:

1. Electronic message centers shall be restricted to use by gas stations or fuel stations that are within 1,000 feet of interstate highway right-of-way.
2. Electronic message centers shall be restricted to use in monument signs and shall not be permitted as wall or pole signs.
3. Duration. Any portion of the message must be displayed for a minimum duration of 10 minutes.
4. Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum of 400 nits (candelas per square meters) between dusk and dawn.

5. Dimmer control. The sign must have a dimmer control to automatically adjust illumination from daylight to night time maximums.
6. The change from one message to the next shall not take more than one second and shall not include any animation or movement.

Section 3. Title IV, Chapter 463, Article IV, Section 463.170, of the Parkville Municipal Code is hereby repealed and replaced as follows:

Animated signs. Animated signs shall not be permitted in any district or portion of the City. This shall not include electronic message centers as permitted in Section 463.160, E.

Section 4. Title IV, Chapter 463, Article IV, Section 463.160, of the Parkville Municipal Code is hereby amended to add a new subsection F and G as follows:

- F. *Corner lots.* Where monument signs are permitted, lots with two or more public street frontages shall be allowed one monument sign for each public street frontage.
- G. *Sign area.* Where monument signs are permitted within 1,000 feet of interstate highway right-of-way, lots with a lineal street frontage greater than 250 feet, shall be allowed a 25% increase in sign area on that street frontage so long as all other applicable standards are met.

Section 5. All required notifications have been published and posted, and all required public hearings on this matter have been held.

Section 6. The Planning & Zoning Commission has reviewed and considered the above-referenced amendments. At its March 9, 2010 meeting, the Planning & Zoning Commission recommended approval of the same unanimously.

Section 7. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 16th day of March 2010.



ATTESTED:

Claudia Willhite
City Clerk Claudia Willhite

Marvin J. Ferguson
Mayor Pro Tem Marvin J. Ferguson



Existing Park University Entrance Sign (NE corner of Park College Entrance Dr. and MO-Hwy 9) looking towards the east



Existing Park University Entrance Sign (NE corner of Park College Entrance Dr. and MO-Hwy 9) looking towards the west

 **PARK UNIVERSITY** 



Chapter 463. Sign Code

Article IV. Restrictions On Signs Within Zoning Districts

Section 463.160. Special Conditions For All Zones.

[Ord. No. 1215 Art. IV §6, 4-30-1991; Ord. No. 2360 §1, 9-18-2007]

- E. *Electronic Message Centers.* Electronic message centers shall be allowed subject to the following standards:
[Ord. No. 2530 §2, 3-16-2010]
1. Electronic message centers shall be restricted to use by gas stations or fuel stations that are within one thousand (1,000) feet of an interstate highway right-of-way. “B-4” Planned Business District, and “P-ED” Planned Educational Campus District.
 2. Electronic message centers shall be restricted to use in monument signs and shall not be permitted as wall or pole signs.
 3. The visible sign face shall be setback at least 250 feet from any adjacent residentially zoned property.
 4. Only one of the allowed signs per lot may be an electronic message center.
 5. The electronic message sign shall be no more than the total freestanding sign allowance for the lot.
 6. *Duration.* Any portion of the message must be displayed for a minimum duration of ~~ten (10) minutes~~ ten (10) seconds.
 7. *Brightness.* The sign must not exceed ~~a maximum illumination of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum of four hundred (400) nits (candelas per square meters) between dusk and dawn~~ 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the electronic message center size (Measurement Distance = $\sqrt{[\text{Area of sign sq. ft.} \times 100]}$).
 8. *Dimmer control.* The sign must have a dimmer control, sensor or other device that utilizes photocell technology to automatically adjust illumination ~~from daylight to nighttime maximums~~ according to ambient light conditions.
 9. The change from one message to the next shall not take more than one (1) second and shall not include any animation or movement.



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

Staff Analysis

Agenda Item: 4.A

Proposal: Application for Text Amendment (Zoning & Subdivision Regulations) to Parkville Municipal Code, Title IV, Chapter 463: Sign Code, Article IV: Restrictions On Signs Within Zoning Districts, Section 463.160 Special Conditions For All Zones.

Case No: PZ16-15

Applicant: Park University

Exhibits:

- A. This Staff Analysis
- B. Application for Text Amendment (Zoning & Subdivision Regulations)
- C. Existing entrance sign
- D. Proposed entrance sign
- E. Ordinance No. 2530
- F. EMC standards for Missouri municipalities in the Kansas City region
- G. Proposed options for EMC standards
- H. Sign face restrictions
- I. Proposed changes to Section 463.160
- J. Proposed text amendment to Section 463.160
- K. Public Hearing Notice
- L. Public Comments
- M. Additional exhibits as may be presented at the public hearing

By Reference:

- A. Parkville Municipal Code, Title IV, Chapter 463: Sign Code, Article IV: Restrictions On Signs Within Zoning Districts, Section 463.160 Special Conditions for All Zones - <http://www.ecode360.com/27902514>
- B. Planning and Zoning Commission Special Workshop (09/13/16) Packet - <http://parkvillemo.gov/download/pz-agendas/PZWorkshop091316.pdf>
- C. Planning and Zoning Commission Special Workshop (09/13/16) Meeting Minutes - <http://parkvillemo.gov/download/pz-minutes/PZWorkshopMinutes091316.pdf>
- D. Carpentier, James (2016). *Regulating Electronic Message Centers*. Retrieved September 2, 2016, from Planetizen: <https://courses.planetizen.com/course/electronic-message-centers>.
- E. *Finding Common Ground: Answers to Common Questions About Electronic Message Centers (EMCs)*. Retrieved September 9, 2016, from International Sign Association: <https://www.signs.org/LinkClick.aspx?fileticket=yWfTp2wfXlg%3D&tabid=1446>
- F. *Recommended Brightness Levels for On-Premise Electronic Message Centers (EMC's)*. Retrieved September 9, 2016, from International Sign Association: <http://www.prismview.com/ISA-Recommended-Brightness-Level-Guidelines-for-EMCs-.pdf>

Overview

Park University has an existing monument sign, with an electronic reader board, at the northeast corner of NW River Park Dr. (i.e., MO-Hwy 9) and Park College Entrance Dr. (See Exhibit C). The digital reader board recently broke and the university is temporarily covering it with a non-digital sign board. The university would like to update this monument sign with an Electronic Message Center (EMC) board to display different signs and messages (see Exhibit D) — this includes, but is not limited to, university-related announcements, student events and sporting events, as well as three (3) permitted community events (e.g., Fourth of July Celebration, Parkville Days, and Christmas on the River). The goal is to better promote and increase visibility/awareness in the community, and the applicant believes an EMC sign would be integral doing so. Currently, Parkville's Zoning Code does not allow EMC signage on property, unless the use of the property is gas stations or fuel stations, and the property is within 1,000 feet of interstate highway right-of-way.

Parkville's current regulations on EMCs were adopted on March 16, 2010 via Ordinance No. 2530 (Exhibit E) following several meetings, workshops and a public hearing with the Planning and Zoning Commission on March 9, 2010. This ordinance added definitions for sign types, EMC requirements, and prohibitions for animated signs. The Planning and Zoning Commission held a special workshop on September 13, 2016 with Brian Bode, Interim Chief Financial Officer of Park University. Community Development Director, Stephen Lachky, presented a background on the current ordinance, and gave a presentation of the International Sign Association's (ISA) top five regulatory issues for EMC signage. Per the Commission's recommendation, Lachky was instructed to conduct more research on EMC regulations and present proposal options for text amendment to the City's current Sign Code, Chapter 463.

Analysis and Comments

The application has been reviewed against the current regulations for EMC signage, contained within Parkville Municipal Code, Title IV, Chapter 463: Sign Code, Article IV: Restrictions On Signs Within Zoning Districts, Section 463.160 Special Conditions For All Zones, Subsection E, *Electronic Message Centers*. Electronic message centers shall be allowed subject to the following standards [Ord. No. 2530 §2, 3-16-2010]:

1. *Electronic message centers shall be restricted to use by gas stations or fuel stations that are within one thousand (1,000) feet of an interstate highway right-of-way.*
2. *Electronic message centers shall be restricted to use in monument signs and shall not be permitted as wall or pole signs.*
3. *Duration. Any portion of the message must be displayed for a minimum duration of ten (10) minutes.*
4. *Brightness. The sign must not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum of four hundred (400) nits (candelas per square meters) between dusk and dawn.*
5. *Dimmer control. The sign must have a dimmer control to automatically adjust illumination from daylight to nighttime maximums.*
6. *The change from one message to the next shall not take more than one (1) second and shall not include any animation or movement.*

Staff researched Missouri municipalities throughout the Kansas City region and compared Parkville's current EMC standards to theirs, as shown in Exhibit F below:

Missouri Municipality	Location	Sign Type	Duration	Brightness	Dimmer Control	Transition
Blue Springs	Commercial districts	Monument	6 seconds	7,000 NIT max.	Automatic	2 seconds
Gladstone	None referenced	None referenced	15 seconds	(Daylight) 5,000 NIT max. (Night) 500 NIT max.	Automatic	1 second
Grandview	All districts	Varies by district requirements	None referenced	None referenced	None referenced	None referenced
Kansas City	B4, UR, D and M districts (must be located on a major thoroughfare and at least 250 ft. from any residentially zoned and occupied property)	Monument	1 hour	0.3 foot candle above ambient light max. AND (Daylight) 5,000 NIT max. (Night) 500 NIT max.	Automatic	Instantaneous
Lee's Summit	None referenced	Monument and Canopy (for drive through facilities only)	8 seconds	0.3 foot candle above ambient light max.	Automatic	Instantaneous
North Kansas City	All districts except Residential (unless for permitted institutions, church or school)	None referenced	8 seconds	0.3 foot candle above ambient light max.	Automatic	2 seconds
Parkville	Gas or fuel stations within 1,000 ft. of interstate highway right-of-way	Monument	10 minutes	(Daylight) 5,000 NIT max. (Night) 400 NIT max.	Automatic	1 second
Raytown	All districts	Varies by district requirements	24 hours	None referenced	None referenced	None referenced
Riverside	N/A	N/A	N/A	N/A	N/A	N/A

Exhibit F

Staff also took a 50-minute online course through Planetizen.com, led by James Carpentier, State and Local Government Affairs Manager for the International Sign Association (ISA), titled “Regulating Electronic Message Centers”. Based on information from this course, as well as staff’s review of other Missouri municipalities throughout the Kansas City region and their standards for EMC signage, staff does not see any issues with Parkville’s current EMC standards regarding restricting use to monument sign types, requiring an automatic dimmer control, and limiting the transition method to no more than one (1) second with no animation or movement. Based on feedback from the September 13, 2016 special workshop with the Planning and Zoning Commission, staff has prepared three (3) proposed options for text amendment pertaining specifically to the location, duration, and brightness requirements of the City’s EMC standards. These options vary based on their restrictive standards and include:

Standard	Option 1 Least Restrictive	Option 2 Moderate Restrictions	Option 3 Most Restrictive
Location	Non-Residential Districts only	1,000 ft. of interstate highway right-of-way, “B-4” Planned Business District, and “P-EC” Planned Educational Campus District	1,000 ft. of interstate highway right-of-way and “P-ED” Planned Educational Campus District
Duration	8-10 seconds	30 seconds	10 minutes
Brightness	0.3 foot candle above ambient light max.	0.3 foot candle above ambient light max.	0.3 foot candle above ambient light max.

Exhibit G

Location

In reviewing location standards used by other municipalities, staff found that most communities either restrict use to non-residential districts (i.e., commercial and industrial) or have no district restrictions at all. Additionally, North Kansas City allows EMC signage in all districts, but restricts use in residential districts to permitted institutions (i.e., church, school).

Duration

In reviewing duration standards used by other municipalities, staff found that most communities’ minimum required “message hold time” (i.e., time interval a static message or frame must remain on the display before transitioning to another message or frame) was between 6-15 seconds. The ISA lists 5 seconds, 10 seconds, and 30 seconds as common message hold times used by communities. Furthermore, the ISA considers 3 second or less message hold time to be flashing, and recommends flashing signs be prohibited since the purpose is to attract attention rather than communicate a message. Parkville currently prohibits flashing signs in any district or portions of the City.

Brightness

There are two generally accepted measures of brightness in the sign industry: Illuminance and luminance. The City’s current EMC regulations use luminance, which is an absolute measure of the amount of brightness being emitted from a light source (measured in candelas per square meter; also known as “nits”). Illuminance however, is the preferred and recommended methodology by the ISA; illuminance is a measure of the amount of light intercepting/striking an object at a given distance from a light source (measured in footcandles; also known as “lux” in the metric system). Another reason why illuminance is the preferred and recommended methodology is because it can be more easily measured, monitored and enforced by staff compared to luminance. Illuminance is measured with a

foodcandle meter — also known as a luxmeter — which are relatively inexpensive (\$100-\$1,000) and commonly available. Luminance, on the other hand, can be measured by use of a “nit gun”, which are expensive (≈3,000) and difficult to procure.

The ISA finds the 5,000 NIT standard most municipalities use to be outdated because it was based on technology at the time EMC signage was first developed; additionally, the ISA finds no scientific basis for restricting EMC signage to 5,000 NITS. Staff’s proposed brightness standards are recommended based on IES Publication TM-11-00, research conducted in 2008 by Dr. Ian Lewin, past chair of the Illuminating Engineering Society (IES) of North America. They are well-established standards, adopted by over 200 jurisdictions and eight (8) states throughout the U.S., and based on the concept of determining the amount of light that can spill over (or “trespass”) into an adjacent area without being offensive. Dr. Lewin’s illuminance brightness standards are also used by Kansas City, Mo., Lee’s Summit, and North Kansas City.

Other Considerations

At the September 13, 2016 special workshop, the Planning and Zoning Commission inquired about other concerns related to EMC signage and asked staff to research regulations from other municipalities in the region regarding distance requirements from residential neighborhoods, proliferation, maximum allowable size and height, and sign face restrictions. Finally, the Planning Commission asked staff to have our consultant, Chris Brewster, who’s currently updating our Zoning Code to take a look at our current and proposed EMC signage regulations and provide comments.

Distance from Other Districts

Kansas City, Mo. requires EMC signs to be located at least 250 ft. from any residentially zoned and occupied property; additionally, the sign must be located on a major thoroughfare. No other Missouri communities in the region researched have residential distance requirements. Parkville Municipal Code, Title IV, Chapter 463: Sign Code, Article IV: Restrictions On Signs Within Zoning Districts, Section 463.160 Special Conditions For All Zones already includes lighting provisions for illuminated signs: *“All illumination shall be operated in such manner and at such times as not to cause a direct glare of light upon occupants of neighboring properties or upon drivers of vehicles traveling the public streets.”*

Proliferation

In terms of proliferation, all communities researched do not limit the number of EMC signs; rather, they limit the number of total signs or sign types (i.e., monument, wall, pole, freestanding) by district. Most municipalities generally allow only one (1) monument sign per lot, business or shopping center — typically located at primary entrances to the developments or along frontage to public right-of-way. In Parkville’s case, there are no restrictions for the number of signs for planned districts (e.g., “B-4” Planned Business District, and “P-EC” Planned Educational Campus District); however, other non-planned commercial districts in the City limit each shopping center to one (1) pole or freestanding sign.

Size and Height

Regarding maximum allowable size and height, EMC signs are restricted to use in monument signs; thus, they follow area and height requirements for this sign type. In residential districts (e.g., “R-1”, “R-2”, “R-3”, “R-4”), the sign face on a monument sign cannot exceed 48 sq. ft. and a height of 10 ft. In “B-1” and “B-2” commercial districts, the sign area on a freestanding sign cannot exceed 50 sq. ft., unless it’s for a shopping center over five (acres); then it cannot exceed 120 sq. ft. The maximum height for non-pole freestanding signs is 8 ft. and the maximum height for all freestanding signs is 12 ft.

Planned districts with a Master Sign Plan are provided flexibility from sign regulations to meet demonstrated needs to accommodate unique needs of an overall development; thus, planned districts can exceed permitted height, area and/or number of signs. Unique needs or characteristics that warrant deviation from base sign regulations include land use, site location, physical scale, architectural style, historical interest or other distinguishing feature that represents clear variation from conventional development.

Sign Face Restrictions

In terms of restricting the area (sq. ft.) of the EMC sign face on the total area of the monument sign board, Missouri municipalities in the Kansas City region either don't have any restrictions at all or restrict the area of the EMC sign face to no more than 25-33% of the total area of the sign board. In other parts of the country, restrictions vary depending on district. For example, EMC sign face restrictions in residential districts may range from 30-50%; whereas EMC sign face restrictions in non-residential districts range from 50-75%. See Exhibit H for more detail.

Feedback from Planning Consultant

Staff reached out to our planning & zoning consultant, Chris Brewster, who's currently working on our Zoning Code and Subdivision Regulations Update project, for feedback. Chris acknowledged that limiting sign category to a specific use "gas station or fuel station" is an issue practically, and legally as well. However, by allowing it in all non-residential districts could be too lenient depending on the location nearby a neighborhood. Additionally, he suggested the following language could be added to the regulations and may be addressed later through the Zoning Code and Subdivision Regulations Update project:

- *The visible sign face shall be setback at least 250 ft. from any adjacent residentially zoned property.*
- *Only one of the allowed signs per lot may be an electronic message sign.*
- *The electronic message sign shall be no more than 50 square feet and no more than 50% of the total freestanding sign allowance for the lot.*

Staff Conclusion and Recommendation

Staff believes Option 1: Least Restrictive, Option 2: Moderate Restrictions, or a hybrid of Options 1 and 2 would be an appropriate text amendment to the City's current regulations on Electronic Message Centers. Options for consideration are depicted in Exhibit J. Staff recommends approval of the proposed text amendment to Parkville Municipal Code, Title IV, Chapter 463: Sign Code, Article IV: Restrictions On Signs Within Zoning Districts, Section 463.160 Special Conditions For All Zones, subject to conditions by the Planning and Zoning Commission:

- Any other conditions the Planning and Zoning Commission determines are necessary.

Consideration of the text amendment requires a public hearing. Required public hearing notices were published and comments received as of the date of this staff analysis report are included in Exhibit L. It should be noted that the recommendation contained in this report is made without knowledge of any facts and testimony which may be presented during the public hearing, and that the conclusions herein are subject to change as a result of any additional information that may be presented.

Necessary Action

Following consideration of the proposed text amendment, the factors discussed above and any testimony presented during the public hearing, the Planning and Zoning Commission must

recommend approval (with or without conditions) or denial of the text amendment, unless otherwise postponed. Unless postponed, the Planning Commission's action will be forwarded to the Board of Aldermen along with any explanation thereof for final action.

End of Memorandum



09-30-16

Stephen Lachky, AICP
Community Development Director

Date



Application #: _____
 Date Submitted: _____
 Public Hearing: _____
 Date Approved: _____

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0018

**Application for Text Amendment
 (Zoning & Subdivision Regulations)**

1. Applicant / Contact Information

Applicant(s)	Primary Contact(s), if different from applicant
Name: <u>Park University</u>	Name: _____
Address: <u>8700 NW River Park Drive</u>	Address: _____
City, State: <u>Parkville, MO 64152</u>	City, State: _____
Phone: <u>816-584-6202</u> Fax: <u>816-741-5812</u>	Phone: _____ Fax: _____
E-mail: <u>ami.wisdom@park.edu</u>	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 all text amendments are subject to statutory requirements and 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 shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature (Required)  Date: 9/10/16

2. Proposed Text Amendment

The following information may be submitted on a separate sheet if necessary.

Amendment proposed to (Chapter, Section and Subsection number): Ch. 463, Article IV, Section 463.160

Section / Subsection Title: Electronic Message Centers

Existing text: Electronic message centers shall be restricted to use by gas stations or fuel stations that are within 1,000 feet of Interstate highway right-of-way.

Proposed text: Per staff's recommendation after research and an update from the Planning and Zoning Commission, a change to the zoning ordinance to allow installation of an electronic messaging center at Park University.

Reason for amendment: The existing message center at Park is broken and outdated. Park would like to install a new message center with advanced technology that will enhance Park's visibility in the community. As a non-profit higher education institution Park will use the electronic messaging center to promote educational and cultural offerings.

CITY OF PARKVILLE

Policy Report

Date: Wednesday, October 12, 2016

Prepared By:
Stephen Lachky, AICP
Community Development Director

Reviewed By:
Lauren Palmer
City Administrator

ISSUE:

Approve Resolution No. 16-019 supporting an application for the Urban Land Institute Kansas City for the Technical Assistance Program for assistance related to the development of properties within the Brush Creek Drainage and Brink Meyer Road Neighborhood Improvement Districts (NID).

BACKGROUND:

ULI is a multi-disciplinary, real estate forum, nonprofit research and education organization of over 40,000 members. ULI Kansas City is a District Council of the ULI with over 200 members in the Kansas City metropolitan who “provide leadership in the responsible use of land and in creating and sustaining thriving communities.” ULI Kansas City recently announced it is accepting applications for its Technical Assistance Program (TAP) (see Attachment 2). TAP provides advice to sponsors (non-profits and local governments) on complex land use and real estate development issues free of charge.

As part of the TAP, an interdisciplinary Technical Assistance Panel consisting of up to 10 volunteers is organized — this consists of professionals with backgrounds in real estate, law, development, public administration, and design. The Technical Assistance Panel members donate their time and expertise via a one or two day consultation service, which provides local stakeholders information and tools needed to tackle land use issues and move projects forward. This is accomplished through an official report with recommendations for the sponsor; additionally, the Technical Assistance Panel gives a presentation.

On June 21, 2016, staff sought approval from the Board of Aldermen to release requests for proposals (RFPs) for the development of properties within the Brush Creek Drainage and Brink Meyer Road NID. The NIDs involve ten tracts containing a total of 337.77 acres located at the intersection of 45 Highway and Interstate 435 (see Attachment 3). Even though staff received a proposal for the southeast quadrant and the selection committee is currently reviewing the submission, staff believes the TAP would be a great opportunity to receive additional assistance and advice on the Brush Creek Drainage and Brink Meyer Road NIDs from real estate development professionals and experts. Application submissions to ULI Kansas City for TAP are due October 31, 2016. In 2015, ULI Kansas City conducted a TAP for five sites in the City of Westwood, Kan. (see Attachment 4). In 2016, ULI Kansas City conducted a TAP for the northern section of the Downtown Loop (i.e., the Northloop) in the City of Kansas City, Mo. (see Attachment 5).

BUDGET IMPACT:

Other ULI District Councils across the country charge up to \$15,000 for each Technical Assistance Panel. ULI Kansas City provides their panels free of charge to their community partners; however, reserves the right to institute a fee to cover expenses such as staff hours, venue, site tour transportation (if needed), meals, technical writer and printing. If selected through TAP, these fees will be fully explained and agreed upon as part of the TAP agreement. These costs (less than \$2,500) can be absorbed by the City’s administrative budget.

ALTERNATIVES:

1. Approve Resolution No. 16-019 in support of an application for the ULI Kansas City TAP.
2. No not submit an application to the ULI Kansas City TAP.

POLICY:

If the TAP application is awarded, the City may be responsible for fees to cover expenses for the TAP Technical Assistance Panel, including staff hours, venue, site tour transportation (if needed), meals, technical writer and printing. Therefore, authorization is required by the Board of Aldermen to support the project application.

STAFF RECOMMENDATION:

Staff recommends that the Board of Aldermen approve Resolution No. 16-019 in support of an application for the ULI Kansas City TAP for assistance related to the development of properties within the Brush Creek Drainage and Brink Meyer Road NIDs.

SUGGESTED MOTION:

I move to approve Resolution No. 16-019 supporting an application for the ULI Kansas City TAP for assistance related to the development of properties within the Brush Creek Drainage and Brink Meyer Road NIDs.

ATTACHMENTS:

1. Resolution No. 16-019
2. ULI Kansas City TAP Announcement
3. Brush Creek NID Map

ADDITIONAL EXHIBITS BY REFERENCE:

1. City of Westwood, Kan. TAP Report - <http://kansascity.uli.org/wp-content/uploads/sites/25/2015/01/ULI-TAP-08-04-15-FINAL-compressed-for-web.pdf>
 2. City of Kansas City, Mo. TAP Report - <http://kansascity.uli.org/wp-content/uploads/sites/25/2015/01/ULI-Kansas-City-Northloop-TAP-Report-to-print.pdf>
-



**CITY OF PARKVILLE, MO.
RESOLUTION No. 16-019**

**A RESOLUTION ENDORSING AN APPLICATION TO THE URBAN LAND INSTITUTE OF
KANSAS CITY FOR THE TECHNICAL ASSISTANCE PROGRAM**

WHEREAS, the City of Parkville deems it a high priority to improve quality of life for all citizens through its land use policies, strategies and *Parkville Master Plan*; and

WHEREAS, the Brush Creek Drainage and Brink Meyer Road neighborhood improvement districts (NIDs) at the intersection of I-435 with 45 Highway contain ten tracts containing a total of 337.77 acres; and

WHEREAS, the Brush Creek Drainage and Brink Meyer Road NIDs benefit from large undeveloped properties with quick access to regional arterials and the interstate that connects Parkville to major employment and activity centers; and

WHEREAS, based on acreage of undeveloped land, the Brush Creek Drainage and Brink Meyer Road NIDs provide the two largest opportunities for higher-density, integrated land-use development, and larger scale development than is envisioned elsewhere in Parkville; and

WHEREAS, development Brush Creek Drainage and Brink Meyer Road NIDs is crucial to the economic viability of the community and should be guided by development plans and not developed prematurely in a piecemeal manner; and

WHEREAS, development Brush Creek Drainage and Brink Meyer Road NIDs is dependent upon major infrastructure and utility investments; and

WHEREAS, over the past three years, numerous discussions with property owners, commercial brokers and interested developers have taken place about the properties in the Brush Creek Drainage and Brink Meyer Road NIDs, yet the City has not been able to find a developer partner to manage the development of the NIDs; and

WHEREAS, the City recently became the owner of a portion of Tract I (48.18 acres) and Tract IX (70.63 acres) following a judicial foreclosure process; and

WHEREAS, ULI Kansas City recently announced it is accepting applications for its TAP to provide advice to sponsors (non-profits and local governments) on complex land uses and real estate development issues free of charge; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen approves and endorses an application for the ULI Kansas City TAP for assistance related to the development of properties within the Brush Creek Drainage and Brink Meyer Road NIDs.

BE IT FURTHER RESOLVED that the Board of Aldermen directs city administration to complete and submit the required application documents.

IN TESTIMONY WHEREOF, I have hereunto set my hand, in the City of Parkville this 18th day of October 2016.

Mayor Nanette K. Johnston

ATTESTED:

City Clerk Melissa McChesney

From: Georgia Nesselrode
To: Georgia Nesselrode
Subject: FYI - ULI Kansas City - Technical Assistance Program
Date: Wednesday, October 05, 2016 10:07:42 AM

Urban Land Institute

ULI Kansas City Accepting Applications for Technical Assistance Program (TAP)

Deadline October 31.

ULI Kansas City – Technical Assistance Panels

Do you have a project on the back burner you would like to see move full steam ahead?

ULI Kansas City is once again offering the opportunity for our members and community partners to participate in our Technical Assistance Programs (TAPS) program. TAPS provide advice to the sponsors (non-profits and local government) on complex land use and real estate development issues.

Technical Assistance Panels are organized for qualifying non-profits and local governments that may not have the resources to find solutions to development roadblocks. A diverse group of ULI professionals with backgrounds in real estate, law, development, public administration, and design can bring their expertise into local communities through a one or two day consultation service. During this exercise, a panel of six to 12 ULI members provide local stakeholders with the information and tools needed to move their projects forward. Master plans, achieving a broader tax base, market feasibility and financial structuring are just a few examples of how Technical Assistance Panels can help a community tackle land use issues.

We have conducted two Technical Assistance Panels through our local ULI chapter and their reports can be found here: [City of Westwood](#) and [Northloop](#).

Do you have a project you'd like to suggest for consideration? Know of a potential sponsor that could use ULI's help?

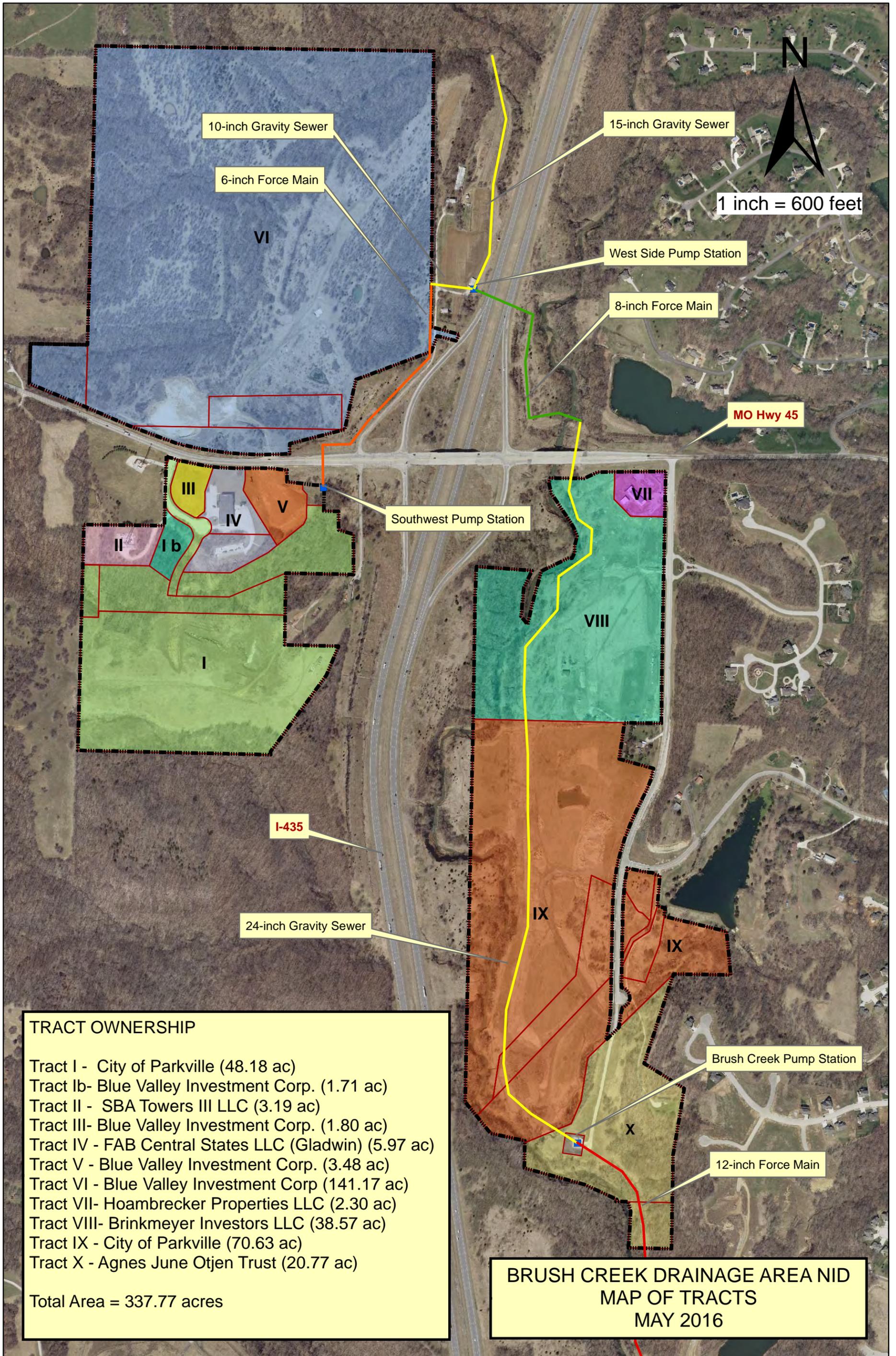
To learn more about Technical Assistance Programs, visit our [website](#) or email John McGurk at JMcGurk@Polsinelli.com, Chair of Community Outreach or Ashley Sadowski at asadowski@momentapa.com, Vice-Chair of Community Outreach.

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kansascity.uli.org

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The mission of the Urban Land Institute is to provide leadership in the responsible use of land and in creating and sustaining thriving communities worldwide.



TRACT OWNERSHIP

- Tract I - City of Parkville (48.18 ac)
- Tract Ib- Blue Valley Investment Corp. (1.71 ac)
- Tract II - SBA Towers III LLC (3.19 ac)
- Tract III- Blue Valley Investment Corp. (1.80 ac)
- Tract IV - FAB Central States LLC (Gladwin) (5.97 ac)
- Tract V - Blue Valley Investment Corp. (3.48 ac)
- Tract VI - Blue Valley Investment Corp (141.17 ac)
- Tract VII- Hoambrecker Properties LLC (2.30 ac)
- Tract VIII- Brinkmeyer Investors LLC (38.57 ac)
- Tract IX - City of Parkville (70.63 ac)
- Tract X - Agnes June Otjen Trust (20.77 ac)

Total Area = 337.77 acres

**BRUSH CREEK DRAINAGE AREA NID
MAP OF TRACTS
MAY 2016**