

CITY OF PARKVILLE

Policy Report

DATE: Friday, August 26, 2016

PREPARED BY:
Stephen Lachky
Community Development Director

REVIEWED BY:
Lauren Palmer
City Administrator

ISSUE:

Adopt an ordinance extending the limits of the City of Parkville to include the described real estate generally located at 10530 Highway FF in unincorporated Platte County, MO: Parcel #20-8.0-34-000-000-006.000 (0.7646 acres, more or less) and parcel #20-8.0-34-000-000-006.001 (0.3255 acres, more or less). Case No. PZ16-02E; Missouri American Water Company, applicant.

BACKGROUND:

Missouri American Water is proposing to construct and operate a new drinking water treatment plant at 10550 and 10530 Highway FF on three parcels of property totaling 11.10 acres, more or less, approximately 1 mile west of Main St. (See Attachment 3). On August 9, 2016, the Planning and Zoning Commission held a public hearing to consider an application for Conditional Use Permit (CUP; Case No. PZ16-02A; See Attachment 4) in conjunction with a revised preliminary site plan / development plan (Case No. PZ16-02D; See Attachments 5 and 6). The Commission concluded the proposed use was in the interest of the public health, safety, morals, and general welfare of the community; determined concerns expressed at the public hearing could be adequately addressed by the final site plan / development plan approval; concurred with staff's conclusions and recommendation; and unanimously voted (8 to 0) to recommend the Board of Aldermen approve the CUP (Case No. PZ16-02A), subject to all conditions associated with the accompanying revised preliminary site plan / development plan (Case No. PZ16-02D).

Two property parcels owned by Missouri American Water included in the site plan — Parcel #20-8.0-34-000-000-006.000 (0.7646 acres, more or less) and parcel #20-8.0-34-000-000-006.001 (0.3255 acres, more or less) — are currently in unincorporated Platte County, MO, and need to be within a city district before permits can be issued by Parkville staff (See Attachment 7). Parcel #20-8.0-34-000-000-006.000 is currently undeveloped and parcel #20-8.0-34-000-000-006.001 contains an existing metal building. The applicant is requesting annexation in order to obtain permits needed for the construction of a final site plan / development plan for the proposed drinking water treatment plant.

Per Missouri Revised Statutes, Section 71.012 (See Attachment 8), once a request for voluntary annexation is received by the City, the governing body shall hold a public hearing concerning the matter not less than fourteen (14) nor more than sixty (60) days after the petition is received. Further, notice of the hearing shall be published in a newspaper of general circulation, and the hearing shall be held not less than seven (7) days after notice of the hearing is published (See Attachment 9). At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. If, after holding the hearing, the governing body of the city determines that the annexation is reasonable and necessary to the proper development of the city, and the city has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may (subject to the provisions of Section 71.012) annex the territory by ordinance without further action.

Neither the Parkville Municipal Code nor Missouri Revised Statutes provide any guidance for considering proposed voluntary or involuntary annexations; however, the Parkville Master Plan does provide guidance by identifying annexation priorities and relevant factors to be considered, ultimately to help answer the primary question: “Is the annexation in the best interest of the City as a whole?” (See Attachment 10) These factors include:

- **Municipal Services:** Ability to provide or extend major municipal services to the area while maintaining adequate services to current residents. Such services may include, police public safety services, parks and recreation, streets, storm water management, building safety, planning and zoning, code enforcement and other basic services.
- **Protect Existing Development:** Ability for the City to protect undeveloped areas from premature or low-density development which limits logical growth and efficient provision of services.
- **Manage Growth:** Ability to require and manage quality urban development and land uses in a manner consistent with the recommendations of the City’s Master Plan.
- **Improve Valuation:** Ability to improve the valuation of the community at-large without creating a financial burden upon current residents.
- **Ensure Quality Development:** Ability to ensure quality development consistent with the existing or desired character of the City.
- **Implement Goals:** Ability to help further any identified goals/policies/objectives of the City (e.g. provide a broad range of housing/employment options, preserve natural or historic amenities, etc.)

These factors for consideration are addressed in the staff analysis reports for the application for CUP (Case No. PZ16-02A) and revised preliminary site plan / development plan (Case No. PZ16-02D), which were presented to the Planning and Zoning Commission at the August 9, 2016 public hearing. In summary:

Municipal Services

- The City can provide and has adequate sanitary sewer capacity to serve the property; additionally, the property is logically served by extension of City services.
- Emergency services (e.g., police, fire) have the ability to respond in case of an emergency and ability to maintain the peace for the subject area.
- It appears the community would benefit from the proposed drinking water treatment plant as more gallons of water would be available for Parkville residents.
- Utility providers (electricity, gas, sewer, water) were contacted and none indicated any issues providing adequate service to the proposed development or providing required off-site improvements/accommodations.
- The revised preliminary site plan / development plan (Case No. PZ16-02D) conforms to the City’s applicable zoning code and subdivision regulations and minimum standards thereof; and conforms to the City’s adopted engineering requirements and customary engineering standards.
- Staff does not foresee increased maintenance costs or creation of undue burdens to the City
- The proposed annexation helps improve existing service boundaries by “squaring off” boundaries.

Protect Existing Development

- The proposed use of the subject property protects the area from premature or low-density development and provides logical growth and efficient provision of services.

Manage Growth

- The revised preliminary site plan / development plan (Case No. PZ16-02D) conforms to and is generally compatible with the general projections, goals and objectives of the Parkville Master Plan.
- The proposed use for public utility buildings, structures, or appurtenances thereto help implement the Parkville Master Plan by providing service connections for Parkville residents.
- The proposed use of the subject property promotes orderly growth and prevents sprawl.
- The property is contiguous to the City limits and is expected to be influenced by City growth.
- The annexation is strategic to implementing the revised preliminary site plan / development plan (Case No. PZ16-02D) for a drinking water treatment plant; and if annexed, it's likely this proposed use will occur on the subject property.
- The annexation follows established City policies and precedent and does not set any new precedents.

Improve Valuation

- The proposed use will improve the valuation of the community at-large without creating a financial burden upon current residents.

Ensure Quality Development

- The revised preliminary site plan / development plan (Case No. PZ16-02D) has been reviewed by the Planning and Zoning Commission to ensure quality development — including landscaping, lighting and parking requirements — consistent with the existing or desired character of the City.

Implement Goals

- The revised preliminary site plan / development plan (Case No. PZ16-02D) preserves existing environmental features, trees and slop as recommended by Chapter Four: Environmental Stewardship in the Parkville Master Plan.

The applicant has stated this item is time sensitive due to their desired construction schedule and the fact that staff cannot issue any temporary building or grading & land disturbance permits until their property is officially annexed into Parkville city limits.

STAFF RECOMMENDATION:

Staff recommends the Board of Aldermen approve the first and second readings of the ordinance extending the limits of the City of Parkville to include the described real estate generally located at 10530 Highway FF in unincorporated Platte County, MO: #20-8.0-34-000-000-006.000 (0.7646 acres, more or less) and parcel #20-8.0-34-000-000-006.001 (0.3255 acres, more or less). Case PZ16-02E; Missouri American Water Company, applicant.

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.

ALTERNATIVES:

1. Adopt an ordinance approving the voluntary annexation petition as recommended by staff.
2. Approve an ordinance, subject to changes directed by the Board of Aldermen.

3. Approve first reading of the ordinance approving the voluntary annexation petition as recommended by staff and postpone the second reading to September 20, 2016.
4. Deny the voluntary annexation petition.
5. Postpone the item.

POLICY:

Per 71.012 RSMo, annexation must be approved by ordinance following Board determination that the property to be annexed is contiguous and compact to the existing corporate limits, that the annexation is reasonable and necessary to the proper development of the city and that the City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.

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 MOTION:

I move to approve Bill No. 2885, an ordinance extending the limits of the City of Parkville to include the described real estate generally located at 10530 Highway FF in unincorporated Platte County, MO – parcel Nos. 20-8.0-34-000-000-006.000 (0.7646 acres, more or less) and 20-8.0-34-000-000-006.001 (0.3255 acres, more or less), on first reading.

I move to approve Bill No. 2885 on second reading by title only to become Ordinance No. _____.

ATTACHMENTS:

1. Proposed Ordinance
2. Voluntary Annexation Petition (containing legal description of property)
3. Subject Area Map
4. Staff Analysis for application for CUP, presented to Planning and Zoning Commission at August 9, 2016 public hearing
5. Revised Preliminary Site Plan / Development Plan, prepared by Black & Veatch and dated 07-05-16
6. Staff Analysis for application for revised Preliminary Site Plan / Development Plan, presented to Planning and Zoning Commission at August 9, 2016 public hearing
7. Map of Parcels Proposed for Annexation
8. RSMo, Section 71.012.1
9. Hearing notice published in the Platte County Landmark newspaper on August 24, 2016
10. Memorandum from former Community Development Director, Sean Ackerson, titled "Voluntary Annexation Procedure Overview" and dated November 21, 2011
11. Approval flow chart for Missouri American Water project

ADDITIONAL EXHIBITS BY REFERENCE:*

1. Parkville Municipal Code, Title IV: *Zoning Code* in its entirety (<http://www.ecode360.com/PA3395-DIV-05>)
2. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>)
3. Hearing notice published in the Platte County Landmark newspaper
4. Hearing notice published on Parkville City webpage (<http://parkvillemo.gov/download/public-hearing-notices/>)
5. Planning Commission Special Workshop Minutes 04-20-16

ITEM 5D
For 09-06-16
Board of Aldermen Meeting

6. Planning Commission Regular Meeting Minutes 06-14-16
7. Planning Commission Regular Meeting Minutes (DRAFT) 08-09-16
8. Exhibits presented to Planning and Zoning Commission at August 9, 2016 public hearing
9. Case No. PZ16-02B - Application for Preliminary Site Plan / Development Plan
10. Case No. PZ16-02C - Application for Final Plat
11. Case No. PZ16-02F - Application for Zoning Map Revision (Rezoning)
12. Case No. PZ16-02G - Application for Final Site Plan / Development Plan

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

AN ORDINANCE EXTENDING THE LIMITS OF THE CITY OF PARKVILLE BY VOLUNTARY ANNEXATION TO INCLUDE TWO PARCELS OF PROPERTY BELONGING TO MISSOURI AMERICAN WATER COMPANY (NOS. 20-8.0-34-000-000-006.000 AND 20-8.0-34-000-000-006.001), GENERALLY LOCATED AT 10530 HIGHWAY FF

WHEREAS, Kenneth Stecher of Missouri American Water Company submitted an application for Voluntary Annexation Petition (Case No. PZ16-02E) for two parcels of property generally located at 10530 Highway FF in unincorporated Platte County, MO: Parcel #20-8.0-34-000-000-006.000 (0.7646 acres, more or less) and parcel #20-8.0-34-000-000-006.001 (0.3255 acres, more or less), legally described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the applicant is requesting annexation in order to construct a drinking water treatment plant within Parkville city limits at 10550 and 10530 Highway FF on three parcels of property totaling 11.10 acres, more or less; and

WHEREAS, applications for conditional use permit (Case No. PZ16-02A) and revised preliminary site plan / development plan (Case No. PZ16-02D) in sufficient detail have been presented to and recommended for approval (unanimously by a vote of 8 to 0) by the Planning and Zoning Commission; and

WHEREAS, pursuant to Missouri Revised Statutes (RSMo), Section 71.012, annexation must be approved by ordinance following Board determination that the property to be annexed is contiguous and compact to the existing corporate limits, that the annexation is reasonable and necessary to the proper development of the city and that the City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time; and

WHEREAS, pursuant to RSMo 71.012, a notice of public hearing was published in the Landmark newspaper on August 24, 2016 and copy of said notice marked Exhibit B is attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to RSMo 71.012, a public hearing was held of the Governing Body (i.e., Board of Aldermen) on September 6, 2016; and

WHEREAS, at said public hearing all interested persons, corporations or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, no written objection to the proposed annexation was filed with the governing body of the City of Parkville within fourteen days of such public hearing; and

WHEREAS, all other prerequisites of RSMo Chapter 71 have been completed; and

WHEREAS, the Board of Aldermen concurs with staff recommendation; and

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

SECTION 1. The extension of the limits of the City of Parkville, Platte County, Missouri, over the unincorporated territory legally described in Exhibit A, said unincorporated territory being adjacent to the present limits of said city, is reasonable and necessary to the proper

development of said city and will redound to the benefit of said city and to said unincorporated territory adjacent to said city.

SECTION 2. It is determined and declared that the City has the ability to furnish normal municipal services to the area to be annexed.

SECTION 3. The limits of the City shall be extended over unincorporated territory adjoining and adjacent to the present city limits, all lying, being and situated in the County of Platte, State of Missouri, and legally described in Exhibit A.

The above described property is hereby annexed by the City of Parkville and it is the intention of the Board of Aldermen that this annexation shall be complete and final upon the filing by the City Clerk of Parkville of three certified copies of this ordinance with the Clerk of the County of Platte.

PASSED and APPROVED this 6th day of September 2016.

Mayor Nanette K. Johnston

ATTESTED:

City Clerk Melissa McChesney



Application #: 0216-D26
 Date Submitted: 8/22/16
 Public Hearing: 9/6/16 (BOA)
 Date Approved: _____

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

Voluntary Annexation Petition

1. Applicant / Contact Information

Owner(s)
 Name: Missouri American Water Company
 Address: 727 Craig Road
Creve Coeur, Missouri 63141
 Phone: 314-996-2307
 Fax number: 314-569-3972
 Email: kenneth.stecher@amwater.com

Contact, if different from petitioner
 Name: _____
 Address: _____
 Phone: _____
 Fax number: _____
 Email: _____

2. Property Information

Property address and/ or general location: 10530 Highway FF
 Area to be annexed in acres: 1.0901 square feet: 47,484.758

3. Acknowledgement and Verification

We, the undersigned Petitioners, hereby petition the Board of Aldermen of the City of Parkville, Missouri, state and allege, as evidenced by our signatures below, that:

1. we are the owners of all fee interests of record in of the real estate in Platte County, Missouri, described on "Exhibit A" attached hereto;
2. we are of lawful age and are duly authorized to make said Petition;
3. said real estate is not now a part of any incorporated municipality;
4. said real estate is contiguous and compact to the existing corporate limits of the City of Parkville, Missouri;
5. we request said real estate be annexed to, and be included within the corporate limits of, the City of Parkville, Missouri, as authorized by provisions of Section 71.012, RSMo, as amended;
6. we have read said foregoing Petition and that the facts and matters stated in said Petition and all materials submitted with said Petition are true and correct according to our best knowledge, information, and belief; and
7. we request the Board of Aldermen of the City of Parkville, Missouri, to cause the required notice to be published and to conduct the public hearing required by law and to thereafter adopt an ordinance extending the limits of the City of Parkville to include the above described real estate.

Dated this 22nd day of August, 20 16

Signature: *Kevin Dunn*
 Printed Name: Kevin Dunn

Signature: _____
 Printed Name: _____

Application #: P216-026

State of Missouri)
County of St. Louis) ss.

On this 22nd day of August, 2016, before me, the undersigned notary public, personally appeared Kevin Dean, known to me to be the person(s) described in and who executed the foregoing instrument, who after being duly sworn upon his/her/their oath, depose, stated and acknowledged the above, and executed the same as his/her/their free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my official seal the date and year first above written.

Donna S. Singler
Notary Public

My Commission Expires: July 17, 2020



4. Checklist of required submittals

At the time of petition three (3) copies of the following items must be submitted for review and comment by the Community Development and Public Works Departments. Once reviewed, additional copies must be provided for presentation to the Board of Aldermen.

- Completed application including all information requested herein.
- A legal description of the area to be annexed.
- A certificate of survey or other scaled drawing showing the area to be annexed.
- Any other supporting materials necessary to clarify and justify the request.
- Authorization signature of the owner of record of the property.

5. Deadline

All materials must be submitted not less than fourteen (14) days nor more than sixty (60) days prior to the Board of Aldermen meeting at which annexation request is to be heard. Applicants are encouraged to submit this application and required materials prior to this deadline, as incomplete or incorrect applications will not be accepted.

For City Use Only

Application accepted as complete by:
Name / Title: Shakeda Knight / Community Dev. Asst. Date: 8/22/16
Signature: Shakeda Knight

Action taken by the Board of Aldermen: Approved _____ Approved with Conditions _____ Denied _____
Date: _____ Ordinance #: _____
Special conditions if any: _____

Date recorded by the Platte County Recorder of Deed's Office: _____
Book and page #: _____

CITY OF PARKVILLE
OWNERSHIP AFFIDAVIT

STATE OF MISSOURI

Case No. P216-026

COUNTY OF PLATTE

Before me, the undersigned authority, personally appeared _____

Kevin Dunn

hereinafter the Affiant(s), who being duly sworn by me, on oath, deposes and says:

1. Affiant(s) is the fee owner of the property, which is the subject of the proposed hearing.
2. The subject property is legally described as:

See Attached Property Description

3. Affiant(s) hereby certifies that all information provided herein is true and correct, and understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any approvals based on the information herein provided.

Affiant(s):

[Signature]
Affiant's Signature

Kevin Dunn

Print Name

Affiant's signature

Print Name

Affiant's Signature

Print Name

Affiant's signature

Print Name

Sworn to and subscribed before me on the 22nd day of August, 2016.

Affiant(s) is personally known to me or has produced _____
as identification.



[Signature]
Notary Public Signature

Donna S Singler
Print Name

State of Missouri

My Commission Expires: July 17, 2020

PROPERTY DESCRIPTION

Tract 1: A tract of land situated in the Northeast Quarter (NE ¼) of Section 34, Township 51 Range 34, Platte County, Missouri described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence North 89 degrees 38 minutes 09 seconds West, along the North line of said Northeast Quarter, 1,305.84 feet to the Northwest corner of Muehlbach's Woodland Manor, s subdivision in said Platte County; thence South 00 degrees 12 minutes 43 seconds West along the West line of said Muehlbach's Woodland Manor, 1,265.33 feet to the Northerly line of West Park Addition, a subdivision in said Platte County; thence North 75 degrees 51 minutes 06 seconds West , along said North line, 99.68 feet to the Point of Beginning of the tract to be described herein; thence North 75 degrees 51 minutes 06 seconds West, continuing along said Northerly line, 455.00 feet to the Northwest corner of said West Park Addition; thence North 00 degrees 10 minutes 54 seconds East, along the Northerly prolongation of the West line of said West Park Addition, 21.93 feet; thence South 77 degrees 25 minutes 55 seconds East, 460.47 feet; thence South 14 degrees 08 minutes 54 seconds West, 33.98 feet to the Point of Beginning; said tract containing approximately 12,262 sq. ft. or 0.2907 acres.

Tract 2: All of the West Half of Lot 7, West Park Addition, a subdivision in Platte County, Missouri, being described as follows: Beginning at the Northwest corner of said Lot 7; thence South 77 degrees 51 minutes 06 seconds East, along the North line of said Lot 7, 125.00 feet; thence South 14 degrees 08 minutes 54 seconds West, 105.13 feet to the North right-of-way line of Missouri Highway "FF"; thence North 68 degrees 38 minutes 00 seconds West, along said North right-of-way line, 46.97 feet (deed=47.21 feet) to the North right-of-way line of Missouri Highway "FF" as established by a document recorded in Book 923 at Page 53 at the Platte County Recorder's Office; thence South 17 degrees 22 minutes 34 seconds West, continuing along said North right-of-way line, 7.00 feet'; thence North 72 degrees 37 minutes 27 seconds West, continuing along said North right-of-way line, 78.13 feet to the West line of said Lot 7; thence North 14 degrees 08 minutes 54 seconds East, along said West line, 101.81 feet to the Point of Beginning.

Tract 3: All of Lot 8, West Park Addition, a subdivision in Platte County, Missouri, being described as follows: Beginning at the Northwest corner of said Lot 8; thence South 75 degrees 51 minutes 06 seconds East along the North line of said Lot 8, 330.00 feet to the Northeast corner of said Lot 8; thence South 14 degrees 08 minutes 54 seconds West, along the Easterly line of said Lot 8, 101.81 feet to the North right-of-way line of Missouri Highway "FF" as established by a document recorded in Book 923 at Page 53 at the Platte County Recorder's Office; thence North 72 degrees 37 minutes 25 seconds West, along said North right-of-way line, 226.25 feet; thence North 74 degrees 12 minutes 35 seconds West, continuing along said North right-of-way line, 82.58 feet (dee=82.78 feet) to the West line of said Lot 8; thence North 00 degrees 11 minutes 37 seconds East, along the West line of said Lot 8, 89.34 feet to the Point of Beginning.

PURCHASE AGREEMENT

This Purchase Agreement (hereinafter "Agreement") is made this 28th day of JULY, 2016, by Missouri-American Water Company, a Missouri corporation with offices located at 727 Craig Road, St. Louis, MO 63141 (hereinafter "Purchaser"), and Mark R. Coulter and Shari Coulter Ford, his wife, with a mailing address of 6552 Claret, Parkville, MO 64152 (hereinafter collectively "Seller"), subject to all the following terms and conditions:

1. **Subject of the Purchase and Sale.** Purchaser agrees to purchase from the Seller and the Seller agrees to sell to Purchaser the real estate and any improvements thereon, on the following described tracts of land:

Tract 1: A tract of land situated in the Northeast Quarter (NE ¼) of Section 34, Township 51 Range 34, Platte County, Missouri described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence North 89 degrees 38 minutes 09 seconds West, along the North line of said Northeast Quarter, 1,305.84 feet to the Northwest corner of Muehlbach's Woodland Manor, a subdivision in said Platte County; thence South 00 degrees 12 minutes 43 seconds West along the West line of said Muehlbach's Woodland Manor, 1,265.33 feet to the Northerly line of West Park Addition, a subdivision in said Platte County; thence North 75 degrees 51 minutes 06 seconds West, along said North line, 99.68 feet to the Point of Beginning of the tract to be described herein; thence North 75 degrees 51 minutes 06 seconds West, continuing along said Northerly line, 455.00 feet to the Northwest corner of said West Park Addition; thence North 00 degrees 10 minutes 54 seconds East, along the Northerly prolongation of the West line of said West Park Addition, 21.93 feet; thence South 77 degrees 25 minutes 55 seconds East, 460.47 feet; thence South 14 degrees 08 minutes 54 seconds West, 33.98 feet to the Point of Beginning; said tract containing approximately 12,262 sq. ft. or 0.2907 acres.

Tract 2: All of the West Half of Lot 7, West Park Addition, a subdivision in Platte County, Missouri, being described as follows: Beginning at the Northwest corner of said Lot 7; thence South 77 degrees 51 minutes 06 seconds East, along the North line of said Lot 7, 125.00 feet; thence South 14 degrees 08 minutes 54 seconds West, 105.13 feet to the North right-of-way line of Missouri Highway "FF"; thence North 68 degrees 38 minutes 00 seconds West, along said North right-of-way line, 46.97 feet (deed=47.21 feet) to the North right-of-way line of Missouri Highway "FF" as established by a document recorded in Book 923 at Page 53 at the Platte County Recorder's Office; thence South 17 degrees 22 minutes 34 seconds West, continuing along said North right-of-way line, 7.00 feet; thence North 72 degrees 37 minutes 27 seconds West, continuing along said North right-of-way line, 78.13 feet to the West line of said Lot 7; thence North 14 degrees 08 minutes 54 seconds East, along said West line, 101.81 feet to the Point of Beginning.

Tract 3: All of Lot 8, West Park Addition, a subdivision in Platte County, Missouri, being described as follows: Beginning at the Northwest corner of said Lot 8; thence South 75 degrees 51 minutes 06 seconds East along the North line of said Lot 8, 330.00 feet to the Northeast corner of said Lot 8; thence South 14 degrees 08 minutes 54 seconds West, along the Easterly line of said Lot 8, 101.81 feet to the North right-of-way line of Missouri Highway "FF" as established by a document recorded in Book 923 at Page 53 at the Platte County Recorder's Office; thence North 72 degrees 37 minutes 25 seconds West, along said North right-of-way line, 226.25 feet; thence North 74 degrees 12 minutes 35 seconds West, continuing along said North right-of-way line, 82.58 feet (dee=82.78 feet) to the West line of said Lot 8; thence North 00 degrees 11 minutes 37 seconds East, along the West line of said Lot 8, 89.34 feet to the Point of Beginning.

The aforementioned Tracts of land (collectively hereinafter "Property"). In the event there is a discrepancy in the metes and bounds description given for Tracts 1, 2 and 3, the actual size, location and the metes and bounds description of the Property shall be determined by a Survey, approved by both the Purchaser and Seller.

2. **Purchase Price.** The Purchase Price for the Property shall be Five Hundred Seventy Five Thousand Dollars (\$575,000.00) (hereinafter "Purchase Price"). Said Purchase Price is to be payable as follows:
 - a) It is agreed upon by the Seller and the Purchaser that there will not be any Earnest Money paid on this Agreement and the Purchase Price will be due from Purchaser on the date of Closing.
 - b) Purchaser shall deposit the Purchase Price on or before Closing with Continental Title Company, 6014 N. 9 Hwy, Suite C, Parkville, MO 64152 or another of its office locations (hereinafter "Title Company").
3. **Title to the Property.** Title to the Property shall be good and merchantable and shall be conveyed to Purchaser by a General Warranty Deed free and clear of any and all liens, claims and interests of any kind or nature whatsoever except the following:
 - a) current real estate taxes not delinquent; and
 - b) such other liens, rights and encumbrances as may be approved by Purchaser pursuant to Paragraph 6 hereof (hereinafter "Permitted Exceptions").

As evidence of such title, Purchaser shall at Purchaser's sole cost and expense, within fifteen (15) days after the date of acceptance of this Agreement, order a commitment (hereinafter "Title Commitment") for an ALTA Form B owner's policy of title insurance issued by the Title Company, together with legible copies

of all instruments identified as exceptions in the Title Commitment, in which Title Commitment the Title Company shall agree to insure in an amount equal to the Purchase Price that upon the delivery of a General Warranty Deed from Seller to Purchaser, Purchaser shall have fee simple title to the Property free and clear of all matters normally excluded by the preprinted exceptions and of all liens, encumbrances, claims and interests except for Permitted Exceptions. The Title Commitment shall also include such endorsements as the Purchaser shall request in a form acceptable to Purchaser.

4. **Survey.** Purchaser may obtain, at Purchaser's sole expense, a current survey of the Property (hereinafter "Survey") prepared and certified to Purchaser by a surveyor licensed in the State of Missouri. The Survey shall contain and show all information required by Purchaser. If upon receipt of the Survey, Purchaser has any objection to a matter shown therein which affects or could affect the Property or Purchaser's use of the Property, Purchaser shall promptly notify Seller of said objection(s) in writing and Seller shall have fifteen (15) days after receiving such written notice from Purchaser to correct such matters to Purchaser's reasonable satisfaction. If Seller fails to correct such matters to Purchaser's reasonable satisfaction within said fifteen (15) day period, Purchaser shall have the right to terminate the Agreement by written notice given to Seller on or prior to the date of Closing and neither party shall have any further liability under the Agreement.
5. **Zoning and Construction Approval Contingency.** This Agreement is contingent upon the Purchaser receiving all necessary zoning, subdivision, construction and permit approvals (hereinafter collectively "Zoning and Construction Approvals") for Purchaser's intended use of the Property. If the Purchaser does not receive said Zoning and Construction Approvals, Purchaser shall have the option of terminating this Agreement. An approval shall be deemed received when the applicable approval process has been concluded favorably to Purchaser (as determined by Purchaser in its sole discretion) and the result thereof has become final and unappealable.
6. **Environmental Assessment, Engineering Study, Soil Tests and Building Inspection.** Purchaser may also obtain, at its sole cost and expense:
 - a) Environmental assessments prepared by a qualified environmental consulting and engineering firm which shall indicate that the Property is not now being used nor has any of the Property been used for any activities involving, directly or indirectly, the use, generation, treatment, storage or disposal of any hazardous or toxic chemical, material, substance or waste, including without limitation, any hazardous substance for the clean-up of which the Purchaser or any subsequent owner of the Property could be enjoined or subjected to any damages, penalties, clean-up costs or other liabilities under the provisions of the Comprehensive Environmental Responsibility Compensation and Liability Act of 1980, 42

U.S.C. 9601, et seq. or other Federal, state or local laws, statutes or ordinances respecting hazardous substances, petroleum, asbestos or polychlorinated biphenyls (PCBs) (hereinafter "Environmental Reports"). Such reports shall be satisfactory to Purchaser in its sole discretion.

- b) Engineering feasibility study(ies) (hereinafter "Engineering Study") of the Property prepared by an engineering firm acceptable to Purchaser. Such report shall be satisfactory to Purchaser in its sole discretion.
- c) Soil tests (hereinafter "Soil Tests") of the Property prepared by a soil testing firm acceptable to Purchaser. Such Soil Tests report shall be satisfactory to Purchaser in its sole discretion.
- d) Inspection of the building and Property (hereinafter "Building Inspection") by an independent property inspector selected by Purchaser. The inspection may include, but not limited to, the roof, foundation, structural, mechanical, heating, cooling, plumbing, electrical, water, wastewater or other systems or improvements on the Property. Such Building Inspection report shall be satisfactory to Purchaser in its sole discretion.
- e) To the extent practicable, Purchaser shall restore the Property to its former state prior to the performance of Purchaser's due diligence work described in said Paragraph 6 (a-d).

Upon receipt of all of (i) the Title Commitment; (ii) all instruments and documents, if any, referenced therein as exceptions (hereinafter "Exception Documents"); (iii) the Survey; (iv) the Environmental Reports; (v) the Engineering Study, (vi) the Soil Tests; and (vii) Building Inspection, and within ninety (90) days after Seller's acceptance of this Agreement, Purchaser shall give Seller written notice of any exceptions enumerated in the Title Commitment or Exception Documents and/or any states of fact shown on the Survey, the Environmental Reports, the Engineering Study the Soil Tests or the Building Inspection which are unacceptable to Purchaser, which exceptions may include cost projections or governmental impositions which, in Purchaser's sole discretion, are deemed unacceptable. Seller shall have fifteen (15) days after receipt of that notice to have those exceptions removed and/or those states of fact corrected. If Seller is unable to remove said exceptions and/or correct said states of fact, then (i) the Agreement contemplated herein, at the option of the Purchaser, shall terminate; and (ii) all obligations and liabilities of the parties hereunder shall cease.

7. **Representations and Warranties of Seller.** Seller represents and warrants to Purchaser that the following statements are, and at Closing will be, true statements of law and fact:

- a) Neither the execution and delivery of this Agreement, nor the consummation of the transactions contemplated hereby, nor the compliance with or fulfillment of the terms and conditions hereof, will conflict with, or result in a breach of, the terms, conditions or provisions of, or constitute a default under any agreement to which Seller is a party or by which Seller is otherwise bound; and
- b) Seller has full right, power and authority to sell, transfer, convey and assign all of the Property to Purchaser and there are no legal, contractual or other restrictions on Seller's ability to sell, transfer, convey and assign all of the Property to Purchaser; and
- c) There are no mechanic's or materialman's liens against the Property, and no unpaid claims for labor performed, materials furnished or services rendered in connection with constructing, improving or repairing the Property in respect of which liens may or could be filed against the Property; and
- d) There are no public assessments against any of the Property or any claims pending which would result in the creation of any liens for any public improvements, including but not limited to water, sewer, street, paving, electric or power improvements, whether such improvements have been completed or are in progress; and
- e) The Property is not subject to any easements, rights, duties, obligations, covenants, conditions, restrictions, limitations, agreements, liens or encumbrances not of record; and
- f) There are no parties currently in possession of the Property other than Seller; and
- g) Seller has not made any contract to sell or lease all or any part of the Property to any person other than Purchaser, nor has Seller given to any person an option or right of first refusal which is presently exercisable to purchase all or any part of the Property; and
- h) Seller has good and marketable title to the Property, free and clear of all liens, leases, restrictions and encumbrances, except (i) current real estate taxes not delinquent; (ii) easements, restrictions and encumbrances of record on the date hereof; and (iii) those matters that would be disclosed by an accurate Survey and inspection of the Property; and
- i) To Seller's knowledge, no existing condition of the Property or its operation exists which violates any government code, rule, statute, ordinance or regulation; and

- j) No fact or condition will exist which would result in the termination of the current access from the Property to any presently existing highways and/or roads adjoining or situated on the Property, or to any existing sewer or other utility facilities servicing, adjoining or situated on the Property; and
- k) Seller knows of no defects of the Property; and
- l) To the best of Seller's knowledge, there are no actions, suits, proceedings or investigations pending or threatened against the Seller or the Property before any court, administrative agency or other body and no judgment, order, writ, injunction, decree or other similar command of any court or other governmental agency which is presently in effect, has been entered against the Property or served on or entered against Seller in connection with the Property; and
- m) Seller is not involved in any proceedings by or against Seller in any court under the Federal Bankruptcy Code or any insolvency or debtor's relief act, whether state or federal, or for the appointment of a trustee, receiver, liquidator, assignee, sequestrator or other similar official of a substantial part of Seller's Property; and
- n) To the best of Seller's knowledge, the Property (i) contains no facilities that are subject to reporting under Section 312 of the Federal Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11022); (ii) is not the site of any underground storage tanks; (iii) is not listed on the Comprehensive Environmental Response Compensation and Liability Insurance System (CERCLIS) in accordance with Section 116 of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9616); and (iv) contains no environmental defects; and
- o) To the best of Seller's knowledge, there has not been constructed, deposited, stored, disposed, placed or located on the Property any Hazardous Materials at any time while Seller has owned the Property. As used herein, "Hazardous Materials" means any elements, compounds, solutions, mixtures, substances, materials or other matter of any kind, including solid, liquid or gaseous materials which are (i) listed or defined as a "hazardous waste," "extremely hazardous waste," "restricted hazardous waste," "hazardous substance" or "toxic substance" under any municipal, state or federal law, code, ordinance or other regulation; (ii) petroleum, oil and gas; (iii) asbestos; (iv) polychlorinated biphenyls; (v) designated a "hazardous substance" pursuant to Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1317); (vi) defined as "hazardous waste" pursuant to Section 1004 of the Federal Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq. (42 U.S.C. 6903); (vii) defined as a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C.

9601, et seq. (42 U.S.C. 9601) (CERCLA); (viii) defined as a toxic substance in the Toxic Substance Control Act (1511 U.S.C. 2601, et seq.); (ix) contaminant of soil or ground water and cause degradation of the soil and/or water to the extent that mitigation methods are needed to restore the soil or water to its natural state; or (x) causes or contributors to damage to human health or the environment; and

- p) Seller agrees to furnish to Purchaser any information concerning the Property requested by Purchaser that Seller presently has and as may come into the possession of Seller from and after the date hereof; and
- q) Seller agrees to either terminate all leases involving the Property or agree to have the Property removed from the terms and conditions of said leases.

8. Covenants of Seller. Seller hereby covenants and agrees:

- a) Seller shall promptly inform Purchaser upon receiving any notice of any alleged violation of and shall comply with any material aspect of any statute, ordinance, law, rule, regulation or code of any governmental authority having jurisdiction relating to the Property or the use, occupancy or operation thereof, or any restriction, condition, covenant or agreement concerning the Property or the use, occupancy or operation thereof.
- b) Seller shall give Purchaser, its representatives, agents and contractors immediate access to the Property for purposes of inspection and testing, including without limitation the Environmental Report, Engineering Study, Soil Tests and Building Inspection
- c) Seller shall not enter into any agreement with any other party for the lease, option to purchase, or sale of the Property while this Agreement is in effect. In addition, Seller will not convey any easements or licenses on the Property while this Agreement is in effect.
- d) Upon Seller's acceptance of this Agreement, Seller agrees to furnish to Purchaser copies of any surveys or environmental reports previously performed on the Property.

9. Conditions Precedent to Purchaser's Obligations. The obligations of Purchaser hereunder shall be subject to the fulfillment of the following conditions precedent each of which shall have been satisfied at or before Closing, or such other time as stated herein; provided, however, that Purchaser may conditionally or unconditionally waive any one or more of such conditions in Purchaser's sole discretion:

- a) All of the documents delivered by Seller to Purchaser pursuant to the terms and conditions hereof shall have been delivered within the time

specified herein and shall be in form and substance satisfactory to Purchaser.

- b) Each of the representations and warranties of Seller contained herein shall be true as of the date of Closing.
- c) Seller shall have complied with, fulfilled and performed each of the covenants, terms and conditions to be complied with, fulfilled or performed by Seller hereunder.
- d) The Title Commitment, Survey, Engineering Study, Environmental Reports, Soil Tests and Building Inspection shall disclose no exceptions to or conditions of title unsatisfactory to Purchaser, in Purchaser's sole discretion.
- e) The Property is not located within a Flood Plain and does not have any Wetlands located on it.
- f) Seller shall duly and diligently observe and perform each of the obligations of Seller under the terms of this Agreement.
- g) Purchaser shall have obtained all governmental approvals, including but not limited to any such approvals from Platte County, Missouri necessary for the use and development of the Property for its intended use and occupancy.
- h) The soil and ground water conditions of the Property are satisfactory to Purchaser, in Purchaser's sole discretion.
- i) No statement of fact shall have been revealed subsequent to the Survey, Title Commitment, the Environmental Report, the Engineering Study, the Soils Tests or the Building Inspection which have a materially detrimental effect on the condition of the Property, Purchaser's intended use of the Property or the costs of construction of Purchaser's improvements thereon in Purchaser's sole discretion.
- j) All utilities required for the operation of the facilities proposed by Purchaser shall be on or directly adjacent to the Property and permission shall have been granted by the appropriate public authority to connect to the same.

Nothing herein contained shall be interpreted as obligating the Purchaser to accede to any requirement imposed by any governmental unit as a condition for the favorable resolution of the foregoing contingencies. Any contingent provision in respect to which unacceptable requirements are imposed, as determined by Purchaser, in its sole discretion, shall be deemed to be unresolved.

10. **Closing.** Closing of the transactions contemplated hereby shall occur at the Title Company on August 31, 2016 or such other date that may be mutually agreed upon by both parties, provided, however, that if on the last date available for Closing, zoning or other developmental approvals relating to the construction of the facilities and the use and development of the Property for Purchaser's intended use are still pending, the parties agree that the time for Closing shall be extended to a date which is thirty (30) days after such proceedings have been concluded and the result thereof has become final and unappealable. The consummation of the sale and purchase contemplated hereunder is referred to herein as the "Closing."
11. **Possession Upon Closing.** Full possession of the Property shall be delivered to Purchaser at the time of Closing.
12. **Considerations of Seller.** At the Closing, Seller shall execute and/or deliver to Purchaser the following instruments, documents and considerations, all of which shall be in form and substance satisfactory to Purchaser:
- a) A General Warranty Deed conveying the fee simple estate in the Property to Purchaser subject only to the Permitted Exceptions;
 - b) A non-foreign affidavit, properly executed, containing such information as shall be required by the Internal Revenue Code and the regulations issued thereunder sufficient to establish that Seller is not a "Foreign Person" (as defined in the Internal Revenue Code and the regulations issued thereunder);
 - c) Any forms required by the State of Missouri concerning selling of real property;
 - d) A closing statement;
 - e) A marked up commitment for an ALTA Form B Owner's policy, insuring good and marketable title to the fee simple estate in Purchaser on the date of Closing, subject only to the Permitted Exceptions, and with any endorsements required by Purchaser pursuant to Paragraph 3 of this Agreement;
 - f) All organizational documents, ordinances and resolutions of Seller, if any, authorizing the conveyance of the Property to Purchaser;
 - g) Such other instruments, documents and considerations which may reasonably be required by the state, county or municipality in which the Property is located, as well as any documents required by the Title

Company, Purchaser or Purchaser's counsel to consummate the transaction evidenced by this Agreement.

13. Considerations of Purchaser. At the Closing, Purchaser shall pay to Seller the Purchase Price, less any closing prorations as hereinafter provided.

14. Closing Prorations.

a) **Expenses/Revenues.** There are no continuing expenses relating to the Property except non-delinquent Property taxes and assessments. All other expenses shall be paid by Seller and cancelled as of the date of Closing. All rents, income issues and profits of the Property, if any, shall be prorated between Seller and Purchaser as of the date of Closing, with continuing rents, income, issues and profits from the date of Closing (if any) allocated to Purchaser.

b) **Closing Costs.** Unless otherwise stipulated below, any other Closing fees charged by the Title Company shall be shared equally by the Purchaser and Seller.

i) **Seller's Expenses.** Seller agrees to pay all costs of (i) releasing existing loans and recording the releases; (ii) local or State Real Estate Transfer Tax on the sale of the Property, if any; and (iii) other expenses stipulated to be paid by the Seller under the provisions of this Agreement.

ii) **Purchaser's Expenses.** Purchaser agrees to pay the costs of (i) the Title Insurance Policy and any endorsements; (ii) of the Survey, Environmental Report, Engineering Study and Soils Test; (iii) preparation of the General Warranty Deed (see Paragraph 3) and (iv) other expenses stipulated to be paid by Purchaser under other provisions of this Agreement.

15. Taxes and Assessments. Seller shall pay, or cause to be paid, all real estate taxes relating to the Property assessed for all calendar years prior to the Closing and shall pay, or cause to be paid, that portion of such taxes assessed for and becoming a lien during the calendar year of the Closing as shall be allocable to it for the period through and including the date of the Closing. A credit shall be allowed to Purchaser at Closing for any such taxes which are not then due and payable. If the tax rates applicable to such taxes for any such year have not been determined by the Closing, the most current tax rate shall be used. Purchaser shall pay all assessments for municipal or other public improvements becoming a lien on the Property after the Closing and Seller shall pay all assessments becoming a lien prior thereto.

16. Damage and Destruction; Condemnation. All risk of loss or damage to the Property occurring subsequent to the date hereof shall be borne by Seller to and

including the date of Closing. If any of the Property shall suffer a loss by fire, flood, tornado, accident or other cause after the date hereof and on or before the date of the Closing, or if proceedings to take or condemn the whole or any part of the Property for public or quasi-public use under any statute or by the right of eminent domain are commenced or threatened prior to the date of Closing, then Purchaser may, at its option, either consummate or not consummate the transactions contemplated hereby. If Purchaser elects to consummate such transactions, then all insurance proceeds payable in respect to such casualty and/or any and all damages or awards payable in respect to such taking or condemnation shall be paid to Purchaser. If Purchaser elects not to consummate such transactions, this Agreement shall terminate and this Agreement shall be of no further force and effect.

- 17. Termination.** In the event that (a) any one or more of the conditions precedent set forth herein is not fulfilled on or before Closing; (b) Purchaser discovers that any representation or warranty made by Seller herein was, on the date of this Agreement, or at any time thereafter, inaccurate or untrue in any respect; or (c) Seller fails to comply with or perform any one or more of the covenants, terms and conditions to be complied with or performed by it hereunder, then, and in any such event, Purchaser shall have the right, at its election and in addition to any other rights or remedies it may have at law or in equity to terminate this Agreement. In the event that this Agreement is so terminated, Purchaser shall be released from all further obligations and liabilities hereunder. Purchaser shall also have the right to pursue all appropriate remedies including damages and specific performance, for any breach hereof and shall be entitled to recover reasonable attorney's fees incurred in connection with any such action. If Purchaser fails to observe or perform any of the terms and conditions hereof to be observed or performed by Purchaser, then Seller shall be permitted to pursue any monetary damages (but not specific performance) for such breach including reasonable attorney's fees.
- 18. Survival of Representations, Warranties and Covenants.** All representations, warranties and covenants contained herein shall survive the execution hereof and the consummation of the transactions contemplated herein, and shall not be deemed to be merged into the deed to be delivered by Seller to Purchaser hereunder. All statements contained in any schedule, certificate or other instrument, document or other consideration delivered at any time by Seller to Purchaser in connection with the transactions contemplated herein shall constitute representations and warranties hereunder.
- 19. Expenses; Brokerages.** Except as herein specifically provided to the contrary, each of the parties hereto shall bear its own expenses incurred in connection herewith, and no party shall be liable to any other party for any of such expenses, whether or not the transactions contemplated by this Agreement are consummated. Seller, at its sole cost and expense, shall pay all brokerage

commissions, if any, associated with the sale of the Property described in this Agreement.

20. **Miscellaneous.** This instrument contains the entire agreement between the parties and supersedes all prior oral or written understandings, agreements or contracts, formal or informal, between the parties hereto. This provision and each and every other provision of this Agreement may not, under any circumstances, be modified, changed, amended or any provisions hereunder waived verbally, but only may be modified, changed, amended or provisions hereunder waived by an agreement in writing and executed by all parties hereto. This Agreement shall be construed under and governed by the laws of the State of Missouri.

21. **Notices.** All notices and other communications hereunder 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 overnight mail carrier, addressed as follows:

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

**To Seller: Mark R. Coulter
6552 Claret
Parkville, MO 64152**

or to such other address as may be furnished in writing by a party to the other.

22. **Successors and Assigns.** The terms, provisions, covenants, agreements and conditions contained in this Agreement shall apply to, inure to the benefit of, and be binding upon, the parties hereto and upon their respective heirs, legal representatives, successors and assigns.

23. **Assignment.** Purchaser shall have the right to assign its interest in this Agreement to any affiliated or related entity.

24. **No Waiver.** No failure on the part of either party at any time to require performance by the other party of any term hereof shall be taken or held to be a waiver of such term or in any way affect such party's right to enforce such term, and no waiver on the part of either party of any term hereof shall be taken or held to be a waiver of any other term hereof or the breach thereof.

25. **Severability.** The invalidity or unenforceability of any particular provision hereof shall not affect the other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision had not been contained herein.

26. Expiration of Time Periods. If any date specified herein is, or any period specified herein expires on, a Saturday, Sunday or holiday, then such date or expiration date of such period, as the case may be, shall be extended to the next succeeding business day.

27. Special Agreements.

- a) Purchaser shall have immediate access and occupancy of the Property upon receipt of the signed Agreement by Purchaser from the Seller to perform any test, inspections, survey work, due diligence or any other requirements or testing as determined by Purchaser.
- b) Excepting Seller's negligence, and the negligence of its members, agents or contractors, Purchaser agrees to indemnify, defend and hold harmless Seller, from and against any claims, suits, costs, expenses, loss, damages or injury, including death, to persons or property, including reasonable attorney fees, arising out of the activities of Purchaser or its contractors, while performing the tests and assessments on the Property as described in this Agreement.
- c) Seller, at its sole cost and expense, agrees to i) have the existing building demolished and completely removed from the Property, along with all contents in said building, no later than August 30, 2016 and ii) have all the concrete and asphalt pavement and sidewalks removed from the Property by August 30, 2016.

28. Duration of Offer. This offer shall expire if written acceptance endorsed hereon is not delivered to Purchaser on or before 5:00 P.M. on JULY 30, 2016.

**Remainder of Document left Blank Intentionally
Signature Page to Follow**

EXECUTED as of the date first above written.

PURCHASER:

MISSOURI-AMERICAN WATER COMPANY
a Missouri corporation

BY: 
Director, Engineering

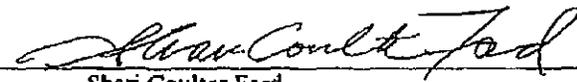
ACCEPTANCE OF AGREEMENT

Seller hereby accepts the foregoing Agreement and agrees to sell and convey the Property to Purchaser upon and subject to the terms and conditions set forth herein.

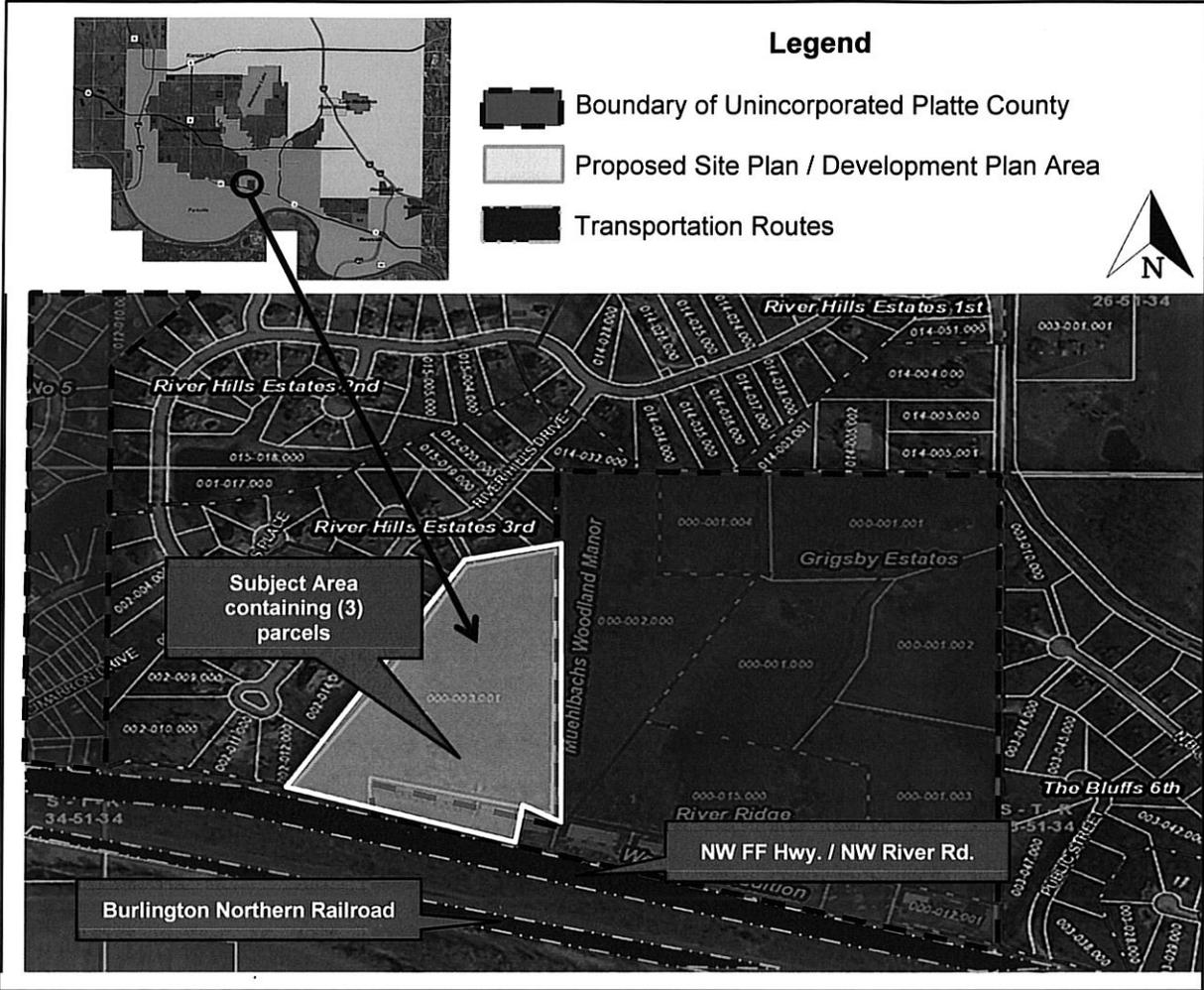
Dated this 28th day of JULY, 2016.

SELLER:

BY: 
Mark R. Coulter

BY: 
Shari Coulter Ford

Attachment 2: Subject Area Property Map



Staff Analysis

- Agenda Item: **4.A**
- Proposal: An application for a Conditional Use Permit (CUP) to construct and operate a Drinking Water Treatment Plant at 10550 NW FF Highway, Parkville, MO, in a City “R-2” Single-Family Residential District, on three parcels containing 11.10 acres, more or less, located approximately 1 mile west of Main St. on NW FF Hwy and abutting NW FF Hwy.
- Case No: PZ16-02A (revised)
- Applicant: Missouri American Water Company
- Owners: Missouri American Water Company
- Location 10550 NW FF Highway, Parkville, MO
- Zoning: “R-2” Single-Family Residential District
- Parcel #s: All of parcel 20-8.0-34-000-000-003.001, 20-8.0-34-000-000-006.000, and 20-8.0-34-000-000-006.001
- Exhibits: A. This Staff Analysis
B. Application for Conditional Use Permit
C. Subject Area Property Map
D. Survey of Property; survey prepared by Midland Surveying and dated May 3, 2016
E. Preliminary Site Plan/Development Plan
F. Conceptual images of site structures received as of 08/03/2016
G. Photos looking towards subject site
H. Photos taken at street view from NW FF Highway
I. Memo from Public Works Director Alysén Abel dated July 29, 2016
 • Attachment: Sanitary Sewer Map
J. Utility Provider Correspondence
K. Public Comment Received
L. Map of proposed Missouri American Water pipelines
M. 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 415: *“R-2” Single-Family Residential District Regulations* (<http://www.ecode360.com/27901225>)

- 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. Planning and Zoning Commission Special Workshop (04/20/16) Meeting Minutes (<http://parkvillemo.gov/download/pz-minutes/PZWorkshopMinutes042016.pdf>)
- F. Planning and Zoning Commission (06/14/16) Regular Meeting Minutes (draft minutes attached in this meeting packet)
- G. Notice of Public Hearing mailed certified mail to owners within 185 feet of the subject property
- H. Hearing notice published in the Platte County Landmark newspaper
- I. Summary of Public Hearing posted on Parkville City webpage (<http://parkvillemo.gov/public-hearings/>)
- J. Hearing notice published on the Parkville City webpage (http://parkvillemo.gov/download/public-hearing-notice/PublicHearing_RevisedMOAmericanCUP.pdf)
- K. Case No. PZ16-02B
- L. Case No. PZ16-02D

Comments

Received:

While the Community Development Department has received questions and inquiries via phone calls and at the Parkville City Hall front desk, no written comments have been received as of the completion of this staff analysis on 08/02/2016. E-mail correspondence is documented in Exhibit K.

Overview

The applicant, Missouri American Water, is proposing to construct and operate a drinking water treatment plant at 10550 NW FF Highway, Parkville, MO. The subject property contains three parcels (#20-8.0-34-000-000-003.001, 20-8.0-34-000-000-006.000, and 20-8.0-34-000-000-006.001) containing 11.10 acres, more or less, is located approximately 1 mile west of Main St. Parcel #20-8.0-34-000-000-003.001 is currently within a City "R-2" Single-Family Residential District, and parcels #20-8.0-34-000-000-006.000, and 20-8.0-34-000-000-006.001 currently reside within unincorporated limits of Platte County and are zoned "P-I" Planned Industrial. Public utilities or public service uses, buildings, structures, or appurtenances thereto are permitted 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." The subject property is currently undeveloped on property within the city limits and contains two industrial buildings on the parcels in county boundaries. The applicant is seeking the CUP in conjunction with a new preliminary site plan application (Case No. PZ16-02D).

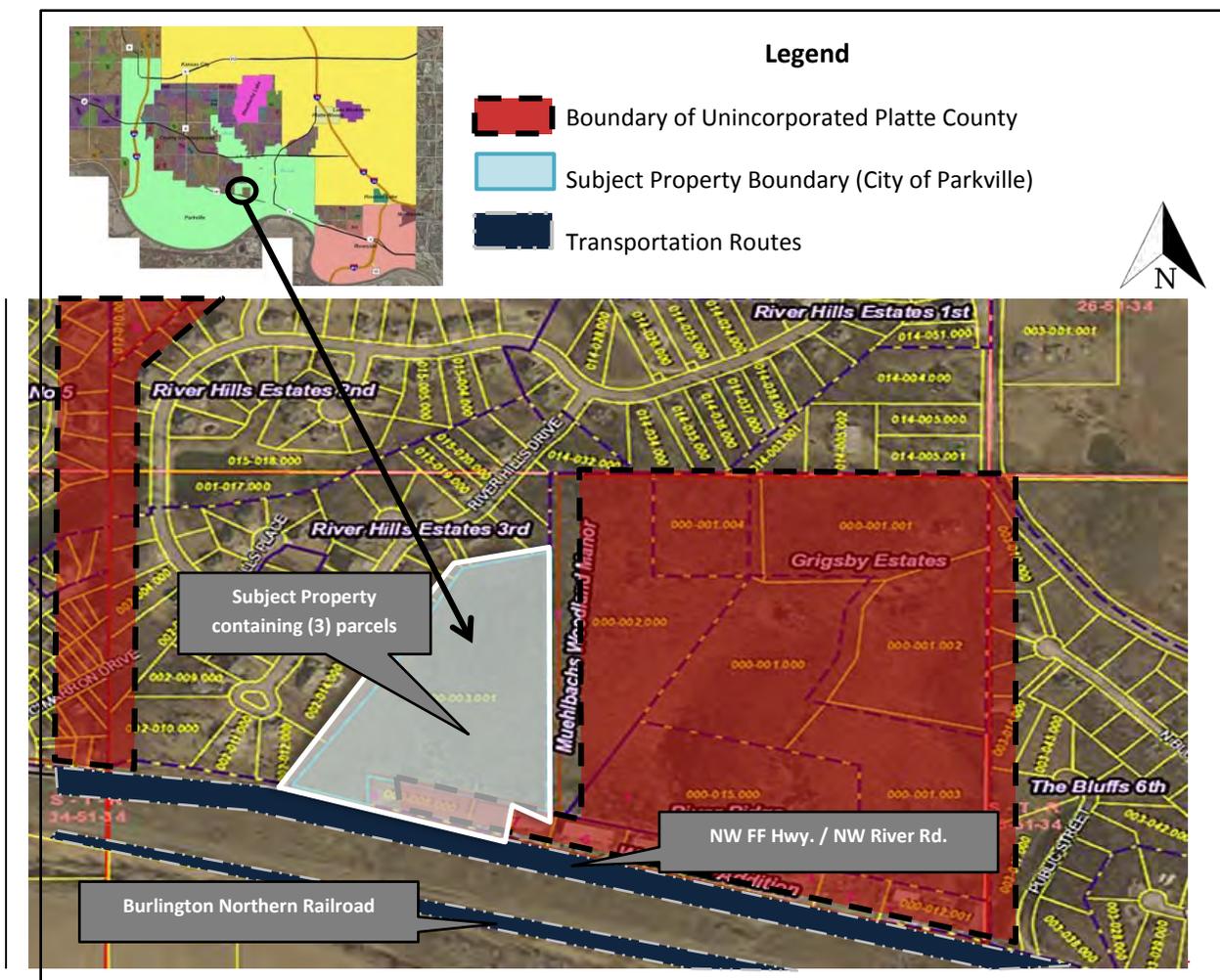


Exhibit C: Subject Area Property Map

Missouri American Water's current drinking water treatment plant is located at 101 E 1st St. in downtown Parkville and has been operating as a drinking water facility under various ownerships for about 100 years. The current facility processes 3.1 million gallons of water per

day for Parkville and Platte County residents. The existing facility in downtown Parkville is in need of renovation and upgrades and a new drinking water plant will help facilitate the increased usage from area residents during peak hour demand. The current facility provides 24/7 service critical to public health, safety, and vitality of the community. A new treatment facility will provide the applicant an opportunity to modernize and expand the area's drinking water treatment operations. The proposed facility can mitigate many of the plant's noise and visual impacts to neighboring residents through a context sensitive site planning process.

Abutting properties contain a mix of residential, industrial development, and undeveloped land. At the proposed site, a public utility could function as a transitional land use buffering adjacent residential and industrial districts. Development conditions for the subject site under the current "R-2" zoning district may be challenging as steep elevation and limited highway create barriers to extensive residential development. The applicant is aware of abutting residential properties and proposes a site plan / development plan design that attempts to minimize visual and operational nuisances. Specifically, the site plan proposes two habitable buildings, an Administration Building and Process Building, along with operational structures oriented to the southeast of the subject property to minimize impacts to properties to the north and west of the subject site. The preliminary site plan / development plan also accounts for future expansion oriented in a manner that helps to buffer the plant's operations from abutting residences. As a necessary use for the growth and welfare of the community, the proposed drinking water treatment plan accommodates the development character of the area and may achieve many of the desired elements for the site as projected in the Parkville Master Plan.

General Review and Analysis

This application requires a Conditional Use Permit (CUP) per Parkville Municipal Code, Title IV, Chapter 470: *Supplementary Use Regulations – Conditional Uses*. Per Section 470.010, recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain conditional uses listed, when found to be in the interest of the public health, safety, morals, and general welfare of the community, may be permitted, except as otherwise specified, in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations or permitted as herein provided is made, preliminary plans in sufficient detail and a statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Planning Commission.

The Commission shall hold a public hearing and shall review such plans and statements and shall, after a careful study thereof, and the effect that such buildings, structures, or uses will have upon the surrounding territory, submit a recommendation to the Board of Aldermen within thirty (30) days following said hearing. 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.

Per Parkville Municipal Code, Title IV, Section 470.040, public utilities or public service uses, buildings, structures, or appurtenances thereto are permitted as a conditional use; however, they must be approved by the Board of Aldermen. The application has been reviewed against the City of Parkville's zoning code regulations, including the applicable CUP regulations and "R-2" district requirements, as well as against the Parkville Master Plan's adopted future land use projections. Per Section 483.030, a notice of public hearing was published in the newspaper,

surrounding property owners within one hundred and eighty-five (185) feet from the boundaries of the subject property were notified via certified mail, and signs were posted — announcing the time, place and nature of the hearing — on the subject property in view from the public right-of-way. As of the date of this memo, the Community Development Department has received inquiries of the development at the Parkville City Hall front desk. No written comments have been received as of completion of this staff analysis on 08/02/2016. Correspondence from the previous CUP approval provided by email in response to phone call inquiries is documented in Exhibit K.

CUP Matters for Consideration

Parkville Municipal Code Section 470.010 defines the purpose of conditional uses and calls for the Planning and Zoning Commission and Board of Aldermen to find that a CUP is, “in the interest of the public health, safety, morals, and general welfare of the community.” Further, this section states that the Board may permit the CUP, “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.”

As the standards for determining conditional use permits are quite broad (e.g., “in the general welfare or interest of public health, safety, and morals”), the Commission should refer to the code’s appropriate pre-defined conditional uses that have been legislatively endorsed by the Board of Alderman. Parkville Municipal Code Section 470.040 defines public utilities or public service uses, buildings, structures or appurtenances thereto as a pre-defined conditional use approved by the Board of Alderman.

Although the City Code does not define how the Commission shall determine if a proposed CUP is appropriate, the following matters are offered as a guide. The Commission has previously considered the following matters as a guide in determining rezoning applications which follow the same approval process as a CUP:

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

The subject property is located approximately 1 mile west of Main St. (in downtown Parkville) on NW FF Hwy and abutting NW FF Hwy. The subject site is currently undeveloped on property within the city limits and contains two industrial buildings on parcels within county boundaries. The general character of the surrounding area would be considered industrial, residential, and generally undeveloped.

To the north and west is property zoned Parkville “R-2 CUP” Single-Family Residential District Community Unit Plan. This area consists of residential homes part of the River Hills Estates subdivision. To the east of the site is undeveloped Platte County Unincorporated property. The abutting property to the east is zoned County “AG” Agricultural District. Further east is property zoned County “RE” Rural Estates District and “R-25” Single-Family Large Lot District. Parcels to the south that are included in the preliminary site / development plan (PZ16-02D) are zoned County “PI” Planned Industrial and are generally characterized as low intensity industrial uses intended primarily “for the conduct of manufacturing, assembling, fabricating, and warehousing for wholesale or service uses”. Further south across NW FF Hwy. is property within the floodplain adjacent to Platte Landing Park of agricultural use.

The proposed drinking water treatment plant is not out of character with the existing industrial buildings to be razed for the proposed development, or abutting low intensity industrial uses consisting of 1-1.5 stories. Furthermore, the preliminary site plan is expected to have minimal impact on the abutting residential properties to the north and west due to a steep elevation change of nearly 61.5' to the nearest property line, and 96.5' to the nearest residential building structure in the River Hills Estates subdivision. Considerations for noise and smell have been indicated in the proposed site design (see Case No. PZ16-02D, minutes from the Planning and Zoning Commission 04-20-16 Special Workshop, and draft minutes from the Planning and Zoning Commission 06-14-16 Regular Meeting) and are provided for by physical and vegetative buffers. The Administration building of the site will contain a non-operational design program of offices and meeting rooms. Aside from removing trees and foliage for the treatment plant itself, all other vegetation on the 11.10 acre property will remain as it exists today. Additional landscaping to further screen views will be provided via City parking regulations that require a five (5) foot landscape buffer on the south property line of the site due to an adjacent parking lot and through additional tree plantings as required per Parkville Municipal Codes.

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

The drinking water treatment plant will be restricted by the proposed CUP. The property will be suited to the uses and plan permitted by this CUP. Additionally, no changes to the proposed site plan will be permitted without an amendment to the CUP. Due to significant modifications made in the previously approved preliminary site / development plan, an amendment to the CUP is necessary to be considered based on the newly submitted preliminary site / development plan (Case No. PZ16-02D).

The effects of public utilities or public service uses, buildings, structures, or appurtenances thereto can be mitigated through the preliminary site planning process to protect surrounding property, persons and neighborhood values. The current drinking water treatment plant location (101 E 1st St.) is in a highly visible corridor in downtown Parkville; the proposed new plant location will be less visible from primary roadways due to extensive existing vegetation and through partial screening provided by existing low intensity industrial buildings to the south and east of the subject site. Additionally, the preliminary site plan was designed with the adjacent nearby residential properties to the north and west in mind, and proposes to place operational buildings along the south property line and towards the southeast corner of the parcel (see Case No. PZ16-02D for more detail).

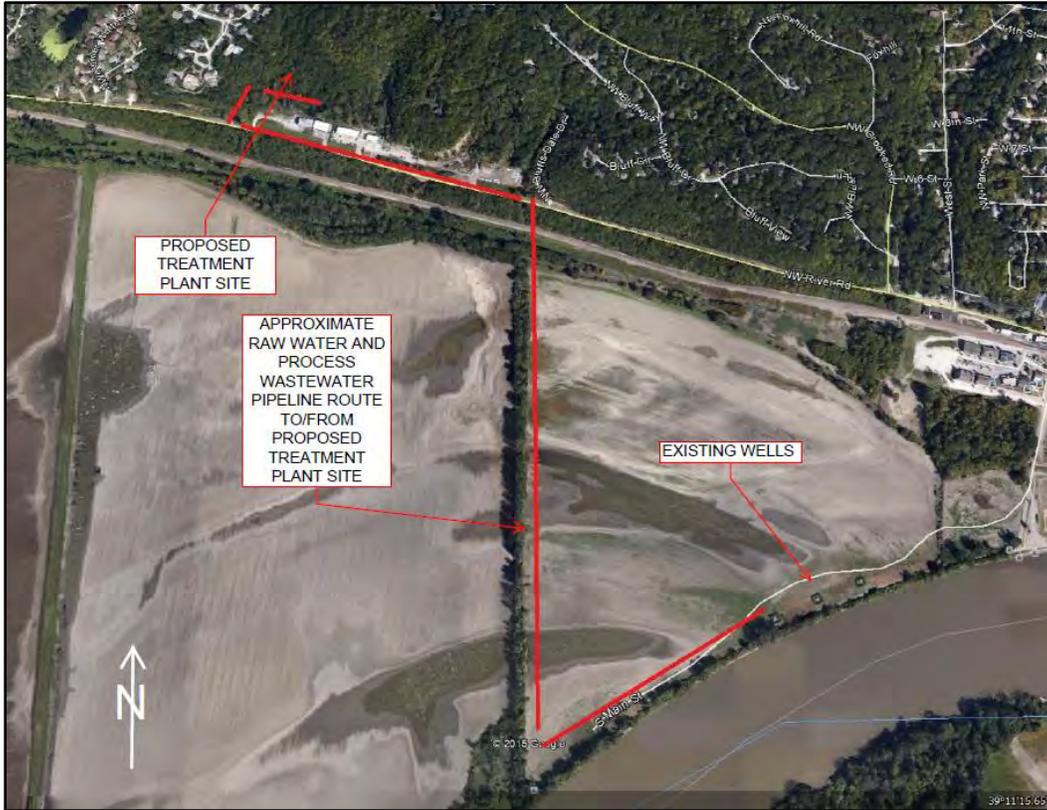
Considerations for building color, landscaping and other amenities to improve the overall appearance of the proposed drinking water treatment plant will be addressed during the preliminary and final site plan approval process. By preserving the existing vegetation on undeveloped portions of the site, landscaping will provide a buffer that can mitigate the adverse effects of the plant on nearby properties. The placement of structures, parking, and landscaping are proposed in a way to minimize the visual impact of development from existing residential uses to the north and west. Any conditions applied to the CUP should attempt to address the potential adverse impacts of the proposed development on adjacent properties.

To address the concerns some residents may have, the applicant has indicated the proposed site plan is designed in a way to alleviate the noise generated by traffic from employees and delivery trucks. Missouri American Water anticipates a degree of noise will be produced when the plant receives deliveries of lime, however the preliminary site plan / development plan proposes full circulation drives around the site mitigate the noise produced by vehicles reversing after a delivery. Deliveries are expected to occur every 10-14 days and be conducted between the hours of 8:30 a.m. to 2:30 p.m. during daytime hours. Deliveries are anticipated to create minimal nuisance to adjacent properties as they will be completely contained through a pipe transfer as to prevent dust or debris being directly exposed to the air. Additionally, this delivery area has been oriented in a way that will buffer any sound from blowers or trucks due to the position of the Process and Administration buildings to the west.

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. Southern Platte Fire Protection District staff were present during a preliminary meeting with the applicant, and the applicant has structured the layout of buildings, roadway and turning widths, and circulation in a manner for the fire district to access and serve the subject site during an emergency. The subject property is no more remote or less accessible than other properties in the general area and along NW FF Hwy, and if developed further than it exists today, there appears to be no significant additional burden on emergency services.

The proposed site location at 10550 NW FF Hwy is in close proximity to Missouri American Water's existing underground wells along the Missouri River, adjacent to Platte Landing Park. The applicant has indicated that no other locations in Platte County or additional land in close proximity to these wells was for sale. Additionally, there was a hardship to get access to the existing underground wells from other potential locations throughout Platte County.



Proposed location of water pipelines from existing wells along the Missouri river to the subject site.

There appears to be no specific gain to the public health, safety and welfare by denying the application for Conditional Use Permit. Rather, it appears the community would benefit from the proposed drinking water treatment plan. 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. The current drinking water treatment plant at 101 E 1st St. has been providing drinking water to the area for over 100 years. Extensive additions occurred after the 1993 flood; however, the current facility is in need of extensive renovations in addition to an expansion to handle water demand from area residents during peak hours.

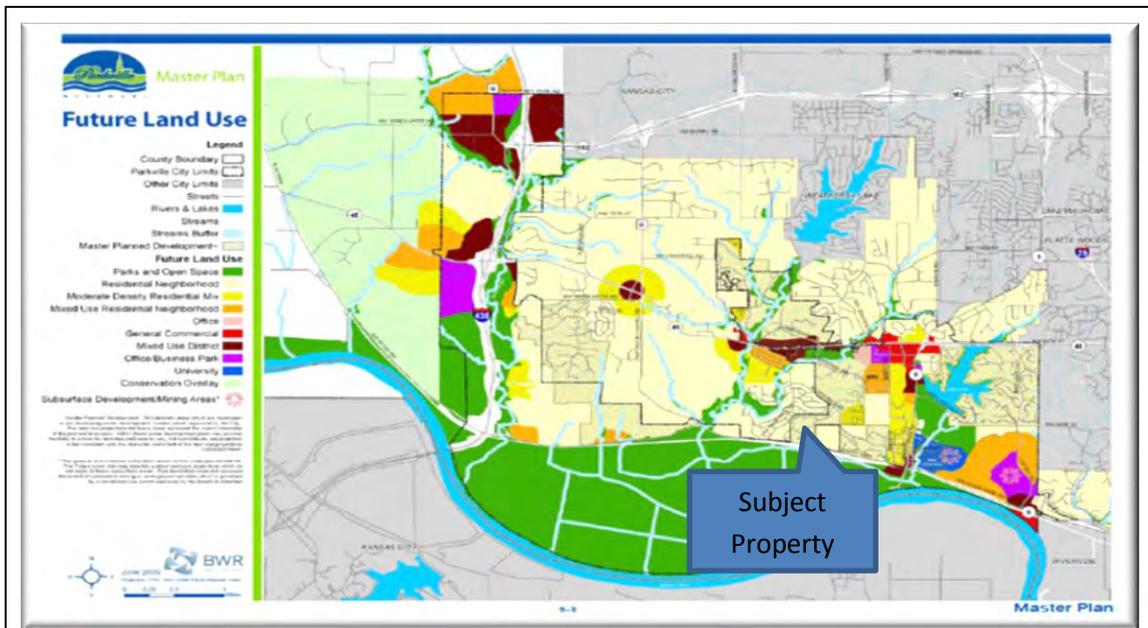
4. The adequacy of public utilities and other needed public services

Development of the site would require extension of public services or in some cases approval of private services. The site is served by the Parkville Sewer District. Parkville Sewer District has confirmed that closest sewer service is located on site. The site survey indicates the general location of existing sanitary sewer lines based on the above ground structures and record drawings dated on 09/15/1999. The subject property contains approximately 1,050 lineal feet (+/-) of force sewer main on the west side of the property that serves the South National Subdivision and River Hills Subdivision, as indicated by the City sewer easement in Exhibit D. While parking and drive areas upon easement can be constructed over this easement, the proposed building will not encroach onto this easement.

Other utilities including water, gas and electricity will need to be approved by the prospective utility service providers. Missouri Gas Energy has indicated their ability to provide service to the site given the installation of 1,656' of gas line connecting to an existing main in the River Hills subdivision (See Exhibit I). Approval of the Conditional Use Permit should be subject to approval of the service plans by area utility providers during the preliminary and final site plan approval process. In all cases, development beyond the drinking water treatment plant would warrant additional review as part of the site plan approval processes. Need for adequate public utilities and services would be addressed at that time. Meanwhile, the development of water treatment plant uses will not have a significant impact on public utilities or services.

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

The City's adopted Master Plan projects Residential Neighborhood future land use in the location of the subject property. This land use is primarily intended for single-family, detached residential development, but also may include a variety of supporting residential building types such as clustered or attached single-family units, and townhomes designed to function as a neighborhood, master planned in accordance with the Neighborhood Design Policies and Expectations. This category is appropriate for planned public and semi-public uses designed to be compatible with residential uses, such as schools, religious institutions, and civic uses.



Excerpt from the adopted *Parkville Master Plan, Land Use Map*. The property's proposed Conditional Use area is called out. The tan color represents Residential Neighborhood use projection and the green color represents a Park and Open Space land use projection. The property's existing R-2 zoning is consistent with the Residential Zoning Districts overly projections (tan with cross hatchings).

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 Residential Neighborhood land use projection, they [public

utilities or public service uses] play an important role in providing needed services to the community. That said, the proposed drinking water treatment plant should consider the character of the existing neighborhood, adjacent properties, and surrounding uses and natural landscape to ensure the CUP and site plan are consistent with the intent of the Master Plan projection.

Staff Conclusion and Recommendation

Staff concludes that: With the exceptions noted above, the application meets or exceeds the minimum applicable standards and regulations; the preliminary site plan / development plan (Case No. PZ16-02D) design is consistent with the character of existing development around the subject property; with vegetation preservation, landscaping and screening, the development will have no greater impact on the zoning, use or character of the surrounding properties than does the existing development; the property is suited to the proposed use via a Conditional Use Permit and little, if any, negative impact is anticipated on surrounding properties; impacts from the proposed use in an "R-2" Single-Family District can be mitigated by the Conditional Use Permit and preliminary site plan / development plan approval process; 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 play an important role in providing needed services to a community.

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

- All conditions associated with the accompanying preliminary site plan / development plan (Case No. PZ16-02D).
- 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 Conditional Use Permit, proposed preliminary site plan / development plan (Case No. PZ16-02D), 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 on September 6, 2016, in conjunction with the preliminary site plan / development plan application (Case No. PZ16-02D), for final action.

End of Memorandum

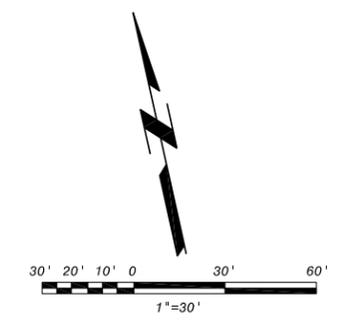
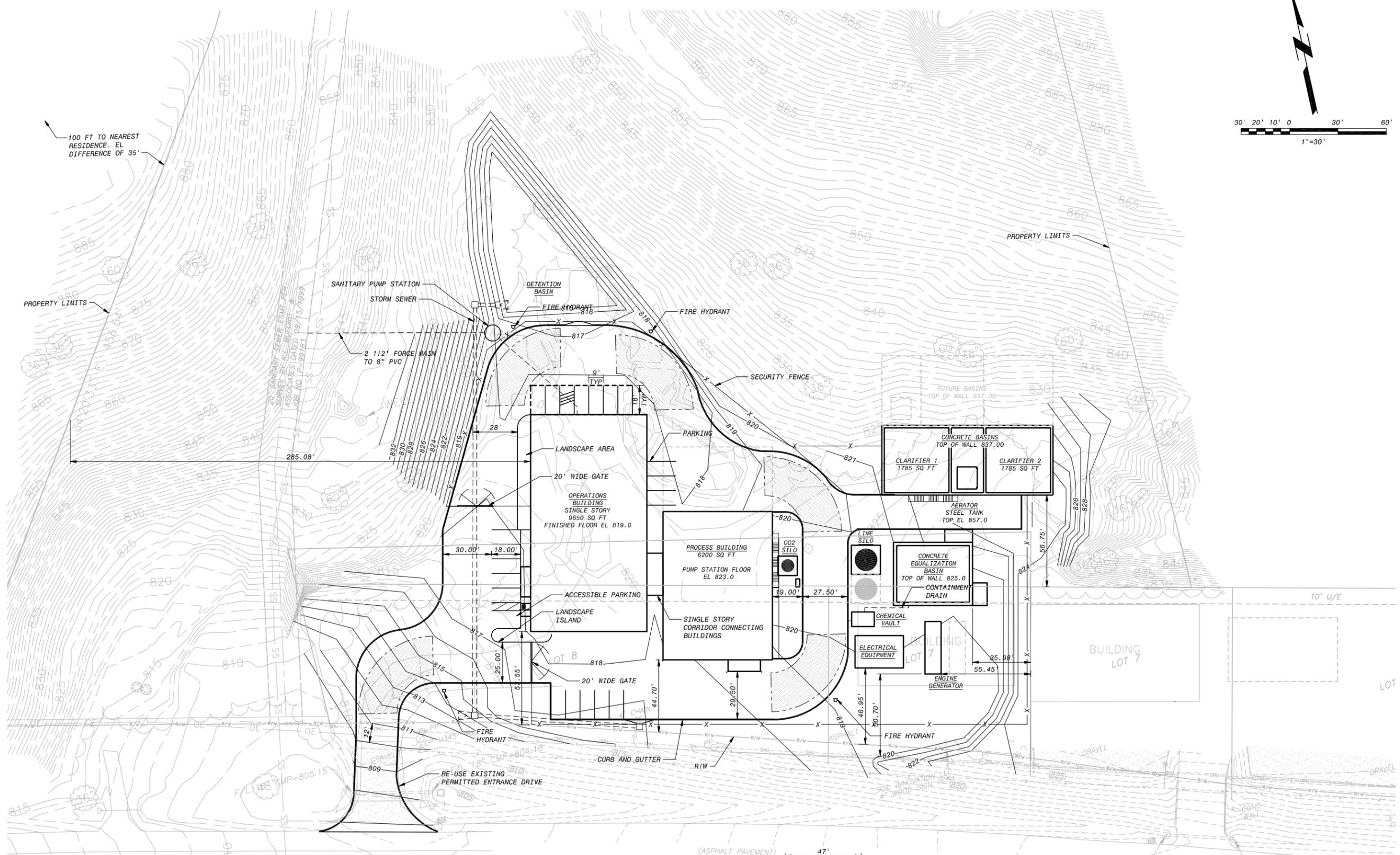
08-02-2016

Stephen Lachky, AICP
Community Development Director

Date

Brady Brewster
Community Development Intern

4/12/2016 7:10:54 AM



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PARKVILLE DISTRICT
WATER TREATMENT PLANT
PARKVILLE, MO

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PROFESSIONAL CERTIFICATION
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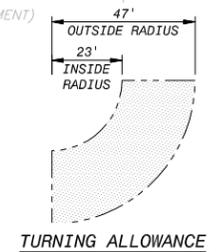
REVISIONS:

NO.	DATE	DESCRIPTION

DRAWN BY:
CHECKED BY:
FILE NO.:
PROJ. NO.:
ISSUE DATE: 7/5/2016
DRAWING TITLE:
CIVIL
CONDITIONAL USE
SITE PLAN

DRAWING NO.:
FIGURE 1

NOTES:
1. THE LIGHTING FOR PARKING AREAS AT THE PLANT WILL FOLLOW THE REQUIREMENTS LISTED IN THE PARKVILLE MUNICIPAL CODES, CHAPTER 460. SPECIFICALLY, PARKING LOT LIGHTS WILL BE DESIGNED TO LIMIT SUCH LIGHTING TO NO MORE THAN 5 FOOTCANDLES ON ANY PARKING AREA AND WILL USE LIGHT STANDARDS NO TALLER THAN TWENTY (20) FEET IN HEIGHT ABOVE GRADE. BUILDING MOUNTED LIGHTING FIXTURES FOR PARKING AREAS WILL USE THE SAME HEIGHT RESTRICTIONS. LED SOURCES WILL BE USED TO LIMIT ENERGY CONSUMPTION AND TO PROVIDE INSTANT-ON FUNCTIONING WHEN POWER IS RESTORED AFTER AN OUTAGE. FIXTURE DESIGN, AND SHIELDING IF REQUIRED, WILL LIMIT THE AMOUNT OF LIGHT SPILL ONTO ADJACENT PROPERTIES AND DIRECT VISIBILITY OF THE LIGHT SOURCES FROM THOSE PROPERTIES. LIGHTING FOR DRIVE AREAS WILL BE DESIGNED TO FOLLOW THESE SAME CONCEPTS.



WHEN THIS DRAWING IS
REPRODUCED AT ORIGINAL
SCALE THIS BAR = 1 INCH



Staff Analysis

Agenda Item: **4.B**

Proposal: Application for a Preliminary Site Plan / Development Plan to construct and operate a Water Treatment Facility at 10550 NW FF Highway, Parkville, MO, in a City "R-2" Single-Family Residential District, on three parcels containing 11.10 acres, more or less, located approximately 1 mile west of Main St. on NW FF Hwy (River Road) and abutting NW FF Hwy.

Case No: PZ16-02D

Applicant: Missouri American Water Company

Owners: Missouri American Water Company

Location: 10550 NW FF Highway, Parkville, MO

Zoning: "R-2" Single-Family Residential District (contingent on Case No. PZ16-02A – approval of a Conditional Use Permit)

Parcel #s: All of parcel 20-8.0-34-000-000-003.001, 20-8.0-34-000-000-006.000, and 20-8.0-34-000-000-006.001

Exhibits:

- A. This Staff Analysis
- B. Application for Preliminary Site Plan / Development Plan
- C. Subject Property Area Map
- D. Survey of Property; survey prepared by Midland Surveying and dated May 3, 2016
- E. Preliminary Site Plan/Development Plan
- F. Conceptual images of site structures received on April 20, 2016
- G. Photos looking towards subject site
- H. Photos taken at street view from NW FF Highway.
- I. Memo from Public Works Director Alysen Abel dated July 29, 2016
 - Attachment: Sanitary Sewer Map
- J. Utility Provider Correspondence
- K. Public Comment Received
- L. Map of proposed Missouri American Water pipelines
- M. Additional exhibits as may be presented at the public hearing

By Reference:

- A. Parkville Municipal Code, Title IV, Chapter 415: "R-2" Single Family Residential District Regulations (<http://ecode360.com/27901710>)
- B. Parkville Municipal Code, Title IV: Zoning Code in its entirety (<http://www.ecode360.com/PA3395-DIV-05>)
- C. Parkville Municipal Code, Title V, Chapter 505: Subdivisions (<http://www.ecode360.com/27903031>)

- D. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>)
- E. Planning and Zoning Commission Special Workshop (04/20/16) Meeting Minutes (<http://parkvillemo.gov/download/pz-minutes/PZWorkshopMinutes042016.pdf>)
- F. Planning and Zoning Commission (06/14/16) Regular Meeting Minutes (draft minutes attached in this meeting packet)
- G. Notice of Public Hearing mailed certified mail to owners within 185 feet of the subject property
- H. Hearing notice published in the Platte County Landmark newspaper
- I. Summary of Public Hearing posted on Parkville City webpage (<http://parkvillemo.gov/public-hearings/>)
- J. Hearing notice published on the Parkville City webpage (http://parkvillemo.gov/download/public-hearing-notice/PublicHearing_RevisedMOAmericanCUP.pdf)
- K. Case No. PZ16-02A
- L. Case No. PZ16-02B

Comments

Received:

While the Community Development Department has received questions and inquiries of the development at the Parkville City Hall front desk, no written comments have been received as of the completion of this staff analysis on 07/27/2016. Correspondence from the previous preliminary site plan / development plan approval provided by e-mail in response to phone call inquiries is documented in Exhibit K.

Overview

At the regular meeting of the Parkville Planning & Zoning Commission on June 14, 2016, the Commission recommended approval for a Conditional Use Permit application (Case No. PZ16-02A) and a Preliminary Site Plan / Development Plan (Case No. PZ16-02B) to construct and operate a drinking water treatment plant at 10550 NW State FF Highway (River Road) within a City "R-2" Single-Family Residential District.

Since that time, the applicant has made significant modifications to the preliminary site plan (Case No. PZ16-02B) that was approved in conjunction with a Conditional Use Permit on June 14, 2016. Based on the most recently submitted plans, the applicant is requesting approval of a new preliminary site plan / development plan for a drinking water treatment facility at 10550 NW FF Highway, Parkville, MO. The subject property contains three parcels (#20-8.0-34-000-000-003.001, 20-8.0-34-000-000-006.000, and 20-8.0-34-000-000-006.001) containing 11.10 acres, more or less, is located approximately 1 mile west of Main St. Parcel #20-8.0-34-000-000-003.001 is currently within a City "R-2" Single-Family Residential District, and parcels #20-8.0-34-000-000-006.000, and 20-8.0-34-000-000-006.001 currently reside within unincorporated limits of Platte County and are zoned "P-1" Planned Industrial.

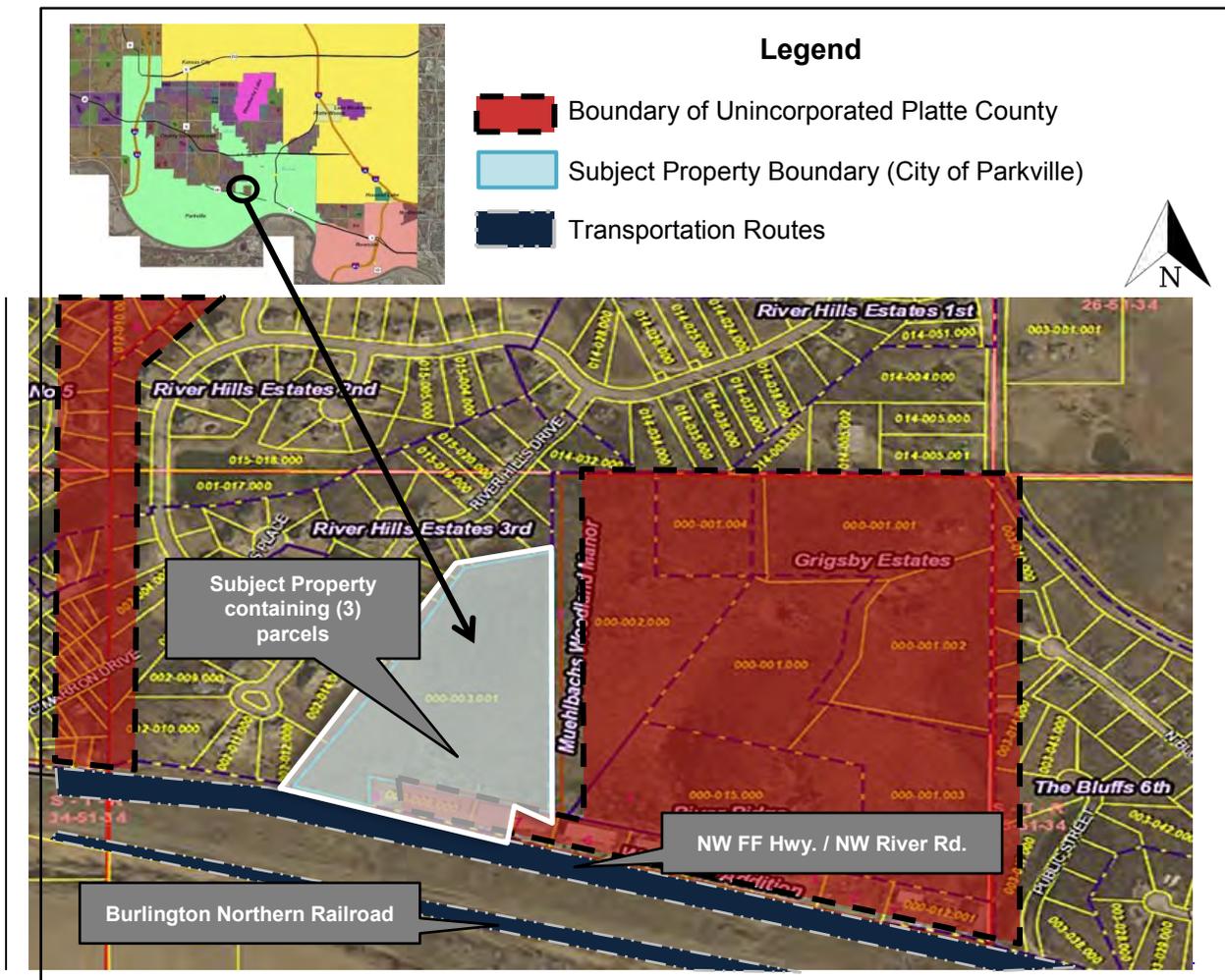


Exhibit C: Subject Area Property Map

The preliminary development plans propose two (2) enclosed structures consisting of a 9,650 sq. ft. Administrative office, two (2) water clarifiers and a pumping station enclosed within a 6,200 sq. ft. building, one (1) unenclosed water equalization basin, one (1) detention basin, two (2) silo structures generally 50ft. in height, 20 parking spaces (including one [1] required accessible parking space), internal circulation drives around the site, and one (1) point of access. Access is indicated at NW FF Highway/NW River Rd via an existing right-in, right-out access point that services an existing industrial building located on parcel #20-8.0-34-000-000-006.001 just south of the original subject site of 10550 NW FF Highway.

The plans propose a stormwater detention basin however; no calculations have been completed at this date. The applicant anticipates that stormwater detention will consist of both the proposed basin and an in-line detention system. Curb and gutter will be installed along the circulation roads to minimize runoff onto abutting properties. Utility providers that service the subject site were contacted and have not indicated any issues in providing adequate service to the site (See Exhibit J). As a utility, Missouri American Water has proposed a route to run raw water pipelines from their existing underground wells along the Missouri river and then distribute through private service lines.

The site is currently within a City "R-2" Single-Family Residential District and the applicant is seeking a Conditional Use Permit in conjunction with the revised preliminary site plan application due to modification of the originally approved plans. Public utilities or public services uses, buildings, structures, or appurtenances thereto are permitted 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". The site of the originally approved development plan at 10550 NW FF Highway is currently undeveloped. Two additional parcels (#20-8.0-34-000-000-006.000 and #20-8.0-34-000-000-006.001) currently within the boundaries of unincorporated Platte County. If Case No. PZ16-02D is approved, these parcels need to be annexed, rezoned into a Parkville City district, and subsequently re-platted as one parcel within the city limits of Parkville, in accordance with the proposed site plan.

Parcel #20-8.0-34-000-000-006.001 at the southeast portion of the subject site contains an existing industrial building, circulation drives, and outdoor storage areas. Plans indicate that these improvements will be razed to accommodate the proposed development. Structures of the development are proposed at an elevation of 819' to 823' with a difference in elevation of 61.5' between the operations building and the nearest residential property line to the west, and an elevation difference of 96.5' to the nearest residential building structure to the west. The operations building for the new preliminary site plan / development plan (Case No. PZ16-02D) has shifted approximately 87.73' east compared to the previous plan (Case No. PZ16-02B). Additionally, the operations building is now 385.08 ft. from the nearest residence to the west. As an additional buffer measure, the applicant proposes considerable tree screening by preserving the existing vegetation on unimproved portions of the site.

Preliminary development plans indicate a parking lot to the south of the administration building abutting the south property line subject site. Additional parking areas are proposed to the west, north, and east of the administration building. Section 460 of Parkville's Municipal Codes requires parking lots that have frontage along streets to have a perimeter landscape area of at least five (5) feet wide and up to 3.5 ft. in height of landscaping for screening. This applies to the south parking lot as proposed since it faces the frontage lot line. As proposed, the site plan meets this intent. Additionally, a minimum of five percent (5%) of the interior parking lot must be landscaped. An interior landscape area is indicated parallel to the west elevation of the Administration Building. The west and north parking lots are already screened from existing

trees and vegetation on the property and the east parking area will be screened by the proposed buildings and treatment structures of the development.

The two (2) parcels included in the subject site within unincorporated Platte County are currently zoned County "PI" (Planned Industrial). The Platte County Land Use Plan designates the parcels and additional property to the east for industrial uses. Further east, the future land use plan projects planned infill residential uses with large-lot residential zoning. County Industrial designations support the uses of warehousing, distribution, light manufacturing, and generally consist of three floors or less. County Infill Residential designation promotes new development that is compatible with the density of surrounding neighborhoods. Parcels #20-8.0-34-000-000-006.000 and #20-8.0-34-000-000-006.001 included in this development plan that are currently within unincorporated Platte County, would need to be annexed, rezoned into a Parkville City district, and subsequently re-platted as one parcel within the city limits of Parkville, in accordance with the proposed site plan.

Review and Analysis

The application has been reviewed against the City of Parkville Municipal Codes, including applicable zoning and subdivision regulations, and the City's adopted Master Plan. In addition, sound planning and engineering principles have been considered. Parkville Municipal Code, Title IV, Chapter 478: *Site Plan Review* provides standards of review and general guidance for how recommendations should be made by City staff when evaluating a preliminary site plan / development plan. This includes the following standards of review:

1. The extent to which the proposal conforms to the City's Zoning Code.

The proposed application has been reviewed against the City of Parkville's zoning codes, including the applicable CUP regulations and "R-2" zoning district requirements. City code provides no pre-determined standards for approving a conditional use within an "R-2" district. The proposed use will function as a public utility that includes a drinking water treatment plant essential for the growth and welfare of the community.

Zoning districts surrounding the subject site include a mix of residential and industrial designations. A public utility may meet many of the goals conveyed in the "R-2" zoning district and may function as a transitional use between the existing residential and industrial land uses. Although projected for residential development, adjacent industrial uses and the steep grade change of the site's topography may prevent the feasibility of future residential uses. Additionally, access is limited from NW Hwy FF at the southwest corner of the subject site.

In general, the proposed development plan has been designed in a context sensitive manner to the residential neighborhoods to the west and is compatible with the existing uses in the area. The proposed orientation of the site's buildings, circulation drives, and operational structures have been designed in a manner to minimize the noise and visual impact of the plant's operation on adjacent properties. Comparing the proposed development to the existing Missouri American Water treatment plant located at 101 E. 1st St. in downtown Parkville, this proposed design provides a higher quality design and mitigates noise and visual impacts through a context sensitive site plan. Staff believes that this preliminary plan has been submitted in a way that best integrates a public utility development within the context of residential and industrial uses adjacent to the subject site in both the City and County.

2. The extent to which the proposal conforms to the provisions of the City's subdivision regulations.

To the extent provided, the details of the preliminary site plan / development plan meet the City's applicable subdivision regulations. The subject property does not need to be subdivided further since the applicant intends on using the subject property for the sole purpose of a water plant public utility facility and leave the remainder of the property undeveloped.

A final site plan / development plan will be required if the preliminary site plan / development plan is approved by the Planning Commission; additionally the site will need to be re-platted as one parcel within a City district if approved. This can occur during the final site plan / development plan process but cannot occur until the two parcels (#20-8.0-34-000-000-006.000 and #20-8.0-34-000-000-006.001), currently within unincorporated Platte County, are approved for annexation into the City of Parkville by the Board of Alderman. Permits will need to be obtained from the City's Public Works Director authorizing any proposed construction, grading, or site disturbance. All existing recorded utility easements have been identified on the survey of the subject property (See Exhibit D).

Per Parkville Municipal Code, Title IV, Chapter 460: *Vehicle Parking*, two (2) tree plantings will be required. The location of tree plantings will be determined once the location of distribution pipelines is finalized. Staff recommends the applicant indicate the location of the required tree plantings on the final site plan / development plan, if the preliminary plan is approved by the Planning Commission. Since the Community Land and Recreation Board does not maintain an official street tree species list for the City of Parkville, staff also recommends the applicant coordinate with the City's Parks Superintendent to determine appropriate street tree species to plant for this requirement.

The proposed preliminary site plan / development plan indicates that parking lot lights will be designed to limit such lighting to no more than five (5) foot-candles on any parking area and will use light standards no taller than twenty (20) feet in height above grade per Parkville Municipal Code, Title IV, Chapter 460: *Vehicle Parking*. Additionally, plan indicates that building-mounted lighting fixtures for parking areas will use the same height restrictions, fixture design and shielding will limit the amount of light pollution shed onto adjacent properties, and prevent the direct visibility of light sources. Lighting for access and circulation drives will need to adhere to the same lighting standard and concepts. To minimize impacts from site-lighting, appropriate illumination standards or shielding should be implemented to minimize glare and light interfering onto abutting properties. The location and general fixture design of parking lot areas should be submitted for review prior to the approval of a final development plan.

3. The extent to which the proposal conforms to the goals and objectives of the City's adopted Master Plan.

The City's adopted Master Plan designates a "Residential Neighborhood" use for the subject site and surrounding city property to the west and north. The unincorporated parcels to the south and east in unincorporated Platte County are projected for industrial and large-lot residential land uses. The applicant intends to acquire two of these parcels (#20-8.0-34-000-000-006.000 and #20-8.0-34-000-000-006.001) and annex them into the City of Parkville. If annexation is approved, staff recommends the rezoning of these two parcels to "R-2" Single-Family Residential District to be compatible for when they are re-platted and combined with Parcel #20-8.0-34-000-000-003.001, in accordance with the site plan. This projection is consistent with the future land use projections for the area. The Master Plan illustrates

residential neighborhood uses as primarily moderate-density residential uses that can include small lot single-family homes, two unit attached residential dwellings, multiplexes, apartment dwellings, and institutional/civic uses. Non-residential uses are intended to provide services to the residents of surrounding neighborhoods and be placed in locations sensitive of neighborhood context.

Although the proposed land use designation supports a development that may be out of character with the future land use map, a drinking water treatment plan is necessary for the future growth of the city. Although the drinking water plant will function as a public utility, the applicant has expressed that efforts will be made to design the aesthetics of the building to reflect civic pride and character more acceptable to what would be found in a "Residential Neighborhood" land use designation. With these considerations, the proposed development can achieve many of the desired development characteristics approved for the area.

- 4. The extent to which the development would be compatible with the surrounding area.** The subject site abuts NW FF Highway to the south. The surrounding area is a mix of industrial and residential uses. Industrial uses to the south are predominately warehouses of 1 to 1.5 stories abutting FF Highway with access provided by a frontage road. The proposed development plan intends to raze the westernmost industrial building on parcel #20-8.0-34-000-000-006.000 and utilize that building's existing access point.

Residential areas are comprised of single-family homes to the west and large-lot single-family residential homes to the east. These areas east of the subject site are largely undeveloped aside from large-lot single-family homes. Elevation change between the subject site and residential land uses make cross-access unfeasible and unsuitable.

The property is surrounded by:

- Single-family homes zoned "R-2" (River Hills Estates subdivision) to the north. Further north and northwest is a subdivision of single-family homes in unincorporated Platte County.
- To the west, the subject property is abutted by single-family homes zoned "R-2" also contained within the River Hills Estates subdivision.
- The southern property line of the proposed development abuts MoDOT right-of-way and FF Highway. Unincorporated Platte County parcels are intended to be annexed into the City to achieve this site plan.
- The eastern boundary of the subject site abuts undeveloped land in unincorporated Platte County. Further east are residential uses of varying densities zoned "County Large-Lot Residential"

The surrounding zoning districts do not specifically address public utilities within a City "R-2" Single-Family Residential district; however, the proposed plan can be permitted as a Conditional Use Permit under the R-2 zoning. A drinking water treatment plant is essential for future growth of the city and adverse impacts from approval of a CUP could be mitigated through the site plan approval process to ensure development character that is compatible with the surrounding land use context.

The plans propose raising the developed portion of the site to bring the site above the elevation of the access drive at NW FF Highway. As the site has been shifted south/southeast of the previously approved preliminary site plan location (Case No. PZ-1602B), topography does not necessitate extensive retaining walls. Additional screening will

be provided by the lower elevation of this proposed plan as well as preserving a greater amount of existing vegetation on unimproved portions of the site. The proposed buildings are single-story and will sit an elevation of approximately 825'. Rising elevation to the west and north provides a grade change of 61.5' between buildings and the westernmost property line, a grade change of 96.5' between buildings and the nearest residential building structure to the west, and a distance of 385.08' between buildings to the nearest residential building structure to the west. The applicant does not plan to disturb any existing vegetation outside of what is needed for their development. Additional landscaping is not needed along the site's south parking lot; however, at least (5%) of interior parking areas are required to be landscaped. The applicant meets these requirements by providing an interior landscape island.

Beyond the natural elevation changes and the proposed elevation of development indicated in the preliminary plan, administrative buildings are oriented on the southeast portion of the subject site to limit the distance between residential uses to the west and activities necessary for the plant's function. These structures are oriented towards the south and east of the property adjacent to industrial uses and undeveloped land. To minimize impacts from site-lighting, appropriate shielding and illumination standards should be implemented to minimize glare and light trespassing onto abutting properties.

Other potential impacts to the surrounding properties include noise and smell. The water clarifiers that are to be enclosed within a structure are approximately 150 horsepower and equal to or quieter to the ones currently in operation at the existing facility (101 E. 1st St.) Noise produced by delivery trucks has been addressed by providing full circular access around the Administrative and Process buildings for incoming vehicles to minimize the beeping of reversing trucks. Changes from the originally submitted site plan include the orientation the unloading area relative to the adjacent uses. The delivery area is now proposed east of the Administration and Process building in between the water basins and operational structures. This will further help eliminate any nuisance caused by delivery trucks by shielding the noise. Delivery times are expected to occur every 10-14 days and be conducted between the hours of 8:30 a.m. to 2:30 p.m. during daytime hours. Odor from the treatment plant is not anticipated as facility will be a clean drinking water treatment plant with raw water being provided from underground wells and not directly from the river. The only anticipated smell is that of chlorine from the underground wells. The smell of lime from deliveries is not anticipated as deliveries will be completely contained through a pipe transfer system exposing no dust or debris to the air.

From the west elevation of the operations building to the westernmost property line of the site, an elevation change of 61.5' occurs within the subject site. From the property line to the nearest residence adjacent to the site, there is an additional 28' of elevation change. This creates 96.5' of elevation change between the proposed operations building and the nearest residential building structure to the west. Additionally, the operations building is 385.08' from the nearest residence to the west. Existing grades are retained on all undeveloped portions of the site, screening a large portion of the water treatment plant from nearby uses. Preservation of existing vegetation around the property, intense elevation change, and additional landscaping provided by the applicant further help to screen the drinking water plant from adjacent uses.

5. The extent to which the proposal conforms to customary engineering standards used in the City.

Preliminary site plans for the Parkville District Water Treatment Plan were submitted by the Missouri American Water Engineering Department and Black & Veatch. The plans were reviewed by City staff including Public Works Director Alysén Abel, P.E., a registered engineer. Based on the preliminary engineering provided to date, the plans have been determined to be feasible.

With noted exceptions, preliminary plans conform to the customary engineering standards used in the City. Any approval of the preliminary development plans should be contingent on approval of the engineering and improvement plans by the Public Works Director, and should be subject to the following conditions (see Exhibit I, July 29, 2016 memo from Public Works Director Alysén Abel for additional details):

- Prior to approval of the Final Development Plan, the developer's engineer shall submit a summary for the sanitary sewer impact to the existing public force main.
- Prior to issuance of a site development or higher permit, the annexation of the two lots, currently in Unincorporated Platte County, shall be annexed into the City of Parkville.
- Prior to issuance of a site development permit, the developer's engineer shall verify the location of the public force main and associated sewer easements.
- Prior to issuance of a site development permit, the developer shall prepare and execute any additional easements necessary for the existing force main.
- Prior to issuance of a site development permit, the City and Platte County Regional Sewer District shall enter into an agreement to serve the subject property.
- Prior to issuance of a site development permit, the developer shall remit payment to the City for the sewer connection fees. The amount of the fee will be calculated after the City has received the summary of usage from the developer's engineer.
- Concurrent with the issuance of site construction plans, the developer's engineer shall submit sanitary sewer plans for any improvements to the sewer main and associated sewer service connections. The plans shall be reviewed and approved by Public Works prior to the issuance of any site development permits.
- Concurrent with the issuance of site construction plans, the developer's engineer shall submit erosion and sediment control plans. The plans shall be reviewed and approved by Public Works prior to the issuance of any site development permits.
- Concurrent with the issuance of site construction plans, the developer's engineer shall submit a stormwater management study that includes the details and calculations for the stormwater detention and stormwater treatment facilities associated with the proposed improvements. The study shall be reviewed and approved by Public Works prior to issuance of any site development permits.

Additionally, the proposed site plan / development plan meets the requirements of Parkville Municipal Code, Title IV, Chapter 460: *Vehicle Parking*. This includes the City's required number of spaces, parking space dimensions (9' by 12.88'), minimum aisle widths (24 ft. for 90° on one side; 16 ft. for 45° on one side), minimum distances to the entrance of the

administration/operations building (500 ft.) and parking area entrance drive distance requirements to a primary arterial (200 ft.).

Chapter 460 contains Table 460.1 (Minimum Parking Requirements by Use) in order to determine the number of parking spaces to be provided. For uses not specifically identified, the chapter states the Director of Community Development can determine the number of spaces provided based upon similar uses in the table and industry standards. Since Table 460.1 does not contain standards pertaining to a public utility or public use building, staff determined Industrial — including warehouse, transfer and storage; and manufacturing — to be the closest equivalent to the proposed water plant facility. This requires anywhere between 16 required parking spaces and up to 24 parking spaces. The applicant projects that on a typical day, seven (7) employees and five (5) company trucks will be reporting to the proposed water plant facility. The 20 parking spaces (including 1 required accessible parking space) indicated on the preliminary site plan / development plan meet the intent of the City's minimum parking space requirements.

6. The extent to which the location of streets, paths, walkways and driveways are located so as to enhance connectivity, circulation and safety and minimize any adverse traffic impact on the surrounding area.

The applicant projects that on a typical day, seven (7) employees and five (5) company trucks will be reporting to the proposed drinking water plant. A traffic impact study is not necessary given the proposed traffic generated by the development. The Missouri Department of Transportation (MoDOT) regulates traffic improvements and access on NW FF Highway. Staff has reached out to MoDOT's Senior Traffic Specialist to see if they're aware of the applicant's plans, proposed use of the existing entrance off NW FF Hwy for ingress / egress, adequacy of the existing entrance and its current standards, or any other issues that need to be address; however, no comments have been provided to staff as of the date of this staff analysis.

The southernmost parking stall of the proposed parking area east of the Operations Building is located within close proximity to the neighboring structure and may present challenges with vehicular operation and safety. Similarly, the westernmost parking stall of the parking area along the south property frontage is proposed in a way that creates a challenge to vehicles safely navigating the parking stall. Additionally, Deputy Fire Chief Dean Cull has indicated concern over the ability of fire trucks to navigate between potentially parked vehicles and the Process Building near this southern parking area. Staff suggests eliminating the westernmost parking space at this south parking area and orienting the remaining four (4) stalls at a 45-degree angle (angled parking). This will allow for a more liberal extent of clearance between the parking area and the Process Building while eliminating the problematic circulation of the westernmost stall.

Internal drives maintain a minimum 20' width, as well as 23' inside turning radius, and provide pull-through circulation around the Administrative and Process buildings. Full circulation is proposed around the site providing accessibility for the south, east, and north parking lot as well as delivery trucks utilizing the delivery bay just east of the proposed silos. Turning radii and roadway widths provide adequate circulation within the site and maintain or exceed minimum safety standards established by South Platte Fire Protection District. This design helps to minimize the noise produced by reversing delivery trucks and provides a smooth flow of traffic navigating the proposed parking areas of the site.

Southern Platte Fire Protection District (SPFPD) staff were present during a preliminary meeting with the applicant, and they have indicated the preliminary site plan / development plan meets their access and circulation requirements. (See Exhibit J). Additionally, their staff stated that installation of a Knox® box and padlock(s) will be necessary as necessary in order for the Southern Platte Fire Protection District to access and serve all buildings and accessory structures on the subject property during an emergency. Regarding the number and location of fire hydrants, SPFPD has indicated that the two (2) proposed fire hydrants at the north end of the property may be redundant and could be optimized by combining as one hydrant across the center of the northernmost parking lot. The Fire District would also suggest locating the easternmost hydrant closer to the lime silos or clarifiers as a preventative safety measure.

Two gates are proposed to segregate the publically accessible areas of the development from where operations of the drinking water plant will take place. A gate is proposed adjacent to the north parking lot to limit access to the employee parking and entrance of the administration building. An additional gate is indicated at the south of the administration building that controls access to the operational features of the site such as the pumping station and water clarifiers. Staff believes the implementation of these gates will maintain safety and security to the public while the drinking water treatment facility is in operation.

Staff Conclusion and Recommendation

Staff concludes, that with the exceptions noted above, the proposed plans: Conform to the City's applicable zoning code and subdivision regulations and the minimum standards thereof; conform to or are compatible with the general projections, goals and objectives of the City's adopted Master Plan; are generally compatible with existing and projected development on the surrounding properties and include screening, buffering, grading and other design features to minimize the impacts on surrounding residential properties; conform with the City's adopted engineering requirements and customary engineering standards used in the City; and provide streets, paths, walkways and driveways located so as to enhance connectivity, circulation and safety and minimize any adverse traffic impact on the surrounding area.

Staff recommends approval of the preliminary plans subject to the following conditions:

- Approval of a Conditional Use Permit (Case No. PZ16-02A) compliant to Section 470.010 of the Parkville Municipal Code.
- Annexation approval of parcels #20-8.0-34-000-000-006.000 and #20-8.0-34-000-000-006.001 by the Governing Body (Board of Aldermen) prior to approval of a final site plan / development plan, or issuance of a site development or higher permit.
- Rezoning approval of parcels #20-8.0-34-000-000-006.000 and #20-8.0-34-000-000-006.001 prior to approval of a final site plan / development plan, or issuance of a site development permit or higher permit.
- Rezoning of the annexed parcels #20-8.0-34-000-000-006.000 and #20-8.0-34-000-000-006.001 to a City district (compliant to 485.010 of the Parkville Municipal Code) prior to building permits being issued.
- The applicant indicating the location of the two (2) required tree plantings on the final site plan / development plan.
- Coordination with the City's Parks Superintendent to determine appropriate street tree species to be planted as part of the two (2) required tree plantings.
- A summary of the sanitary sewer impact to the existing public force main to be completed prior to the approval of the Final Site Plan / Development Plan.

- Verification of the location of the public force main and associated sewer easements conducted by the developer's engineer prior to the issuance of a site development permit.
- Preparation of any additional easements necessary for the existing force main and executed prior to the issuance of any site development permits.
- An agreement to serve the subject property entered into by the City and Platte County Regional Sewer District, prior to the issuance of any site development permits.
- Remittance of payment to the City for sewer connection fees. The amount of the fee will be calculated after the City has received the summary of usage from the developer's engineer. This shall be completed before the issuance of any site development permits.
- Submission of sanitary sewer plans for improvements to the sewer main and associated service connections by the developer's engineer, concurrent with the issuance of site construction plans. The plans shall be reviewed and approved by Public Works prior to the issuance of any site development permits.
- Submission of erosion and sediment controls by the developer's engineer; reviewed and approved prior to the issuance of any site development permits and submitted concurrently with site construction plans.
- Submission of a stormwater management study that includes the details and calculations for stormwater detention and stormwater treatment facilities associated with the proposed improvements by the developer's engineer, concurrent with the issuance of site construction plans. The study shall be reviewed and approved by Public Works prior to issuance of any site development permits.
- The location, and general fixture design, of lighting for parking areas submitted for review prior to approval of a final site plan / development plan.
- Installation of a Knox® box and padlock(s) as necessary for the Southern Platte Fire Protection District to access and serve all buildings and accessory structures on the subject property during an emergency.
- 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 meeting. 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 preliminary site plan / development plan and supporting materials, associated exhibits, factors discussed above and any testimony presented during the public hearing, the Planning Commission should recommend approval (with or without 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 on September 6, 2016, in conjunction with the application for Conditional Use Permit (Case No. PZ16-02A), for final action.

End of Memorandum

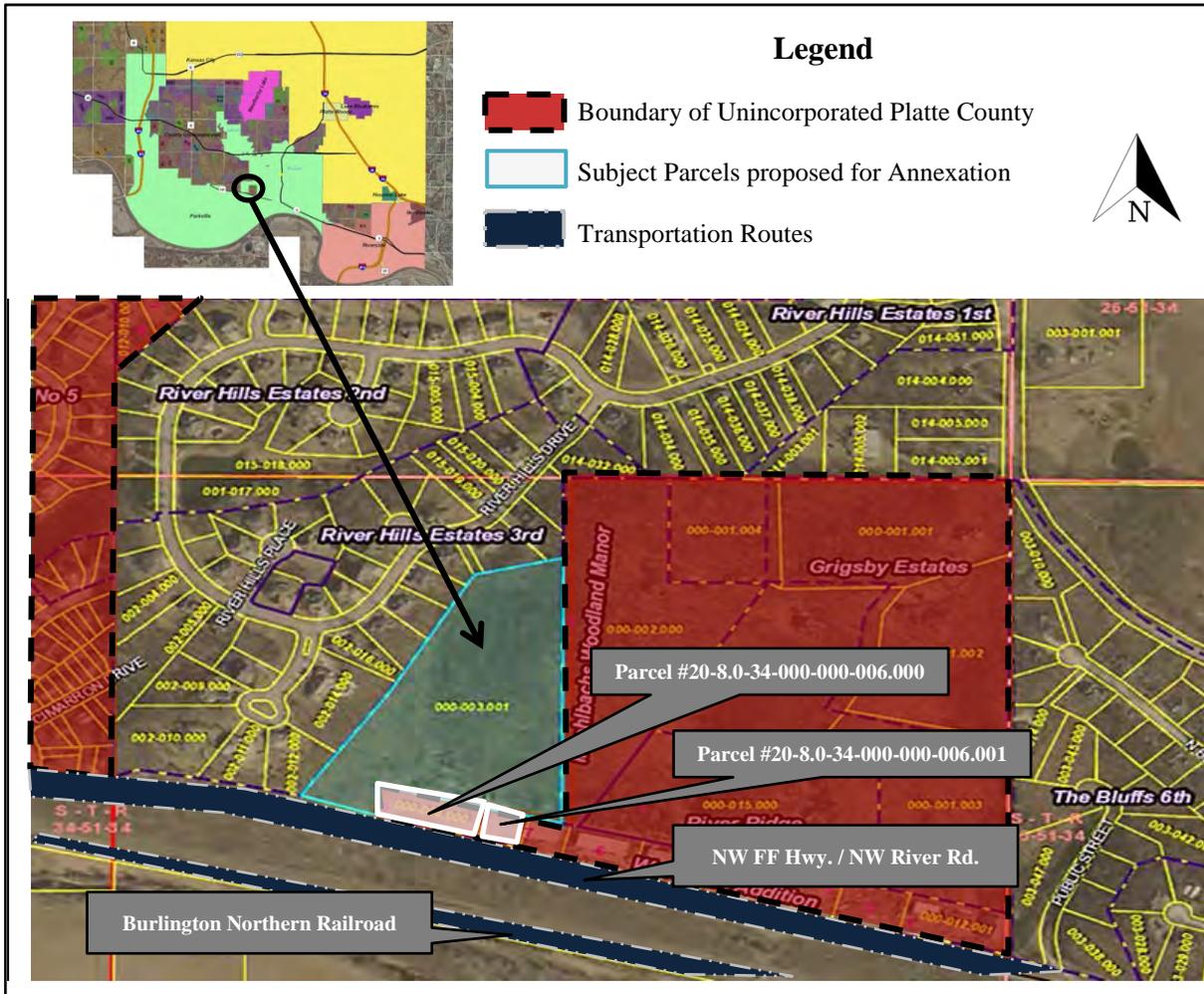
7-28-16

Stephen Lachky, AICP
Community Development Director

Date

Brady Brewster
Community Development Intern

Attachment 5: Subject Parcels Proposed for Annexation



Legal Descriptions

Parcel #20-8.0-34-000-000-006.000

- Brief Legal: WEST PARK ADDITION LOT 8
- A full legal description can be obtained from the Platte County Recorder of Deeds at (816) 858-3326 or at plattemo.icounty.gov

Parcel #20-8.0-34-000-000-006.001

- Brief Legal: WEST PARK ADDITION W 125' OF LOT 7
- A full legal description can be obtained from the Platte County Recorder of Deeds at (816) 858-3326 or at plattemo.icounty.gov

Missouri Revised Statutes

Chapter 71 Provisions Relative to All Cities and Towns

Section 71.012.1

August 28, 2015

Annexation procedure, hearing, exceptions (Perry County, Randolph County)--contiguous and compact defined--common interest community, cooperative and planned community, defined--objection, procedure.

71.012. 1. Notwithstanding the provisions of sections [71.015](#) and [71.860](#) to [71.920](#), the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term contiguous and compact does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and the Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a notarized petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to

publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections [71.015](#) and [71.860](#) to [71.920](#), shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

(L. 1976 H.B. 1362, A.L. 1978 S.B. 738, A.L. 1980 H.B. 1110, A.L. 1986 H.B. 1135 merged with H.B. 1261, A.L. 1989 H.B. 487, A.L. 1990 H.B. 1536, A.L. 1993 S.B. 376, A.L. 1995 H.B. 414, A.L. 1996 H.B. 1237, A.L. 1998 H.B. 1352, A.L. 1999 S.B. 160 & 82, A.L. 2005 H.B. 58, A.L. 2007 H.B. 459 merged with S.B. 22 merged with S.B. 30, A.L. 2013 S.B. 58)

Public Hearing Notice: The Board of Aldermen of the City of Parkville, MO will hold a public hearing on Tuesday, September 6, 2016 at 7:00 p.m. at Parkville City Hall, 8880 Clark Ave, Parkville, MO to consider a Voluntary Annexation Petition to adopt an ordinance extending the limits of the city to include the described real estate generally located at 10530 Highway FF in unincorporated Platte County, MO: Parcel #20-8.0-34-000-000-006.000 (0.7646 acres, more or less) and parcel #20-8.0-34-000-000-006.001 (0.3255 acres, more or less). A full legal description can be obtained from the Platte County Recorder of Deeds at (816) 858-3326 or at plattemo.icounty.com. This hearing is open to the public and all interested parties are welcome to attend and address the Board of Aldermen regarding the matter. A copy of supporting documents may be viewed online at <http://parkvillemo.gov/public-hearings/> or at Parkville City Hall during regular office hours.



Memorandum

To: City of Parkville Mayor and Board of Aldermen
From: Sean Ackerson, AICP, Community Development Director
Date: Monday, November 21, 2011
RE: Voluntary Annexation Procedure Overview

In order to aide the Board in consideration of voluntary annexation petitions I have prepared a summary of the applicable procedures as well as a list of annexation considerations to be used as a guideline when considering voluntary annexation requests.

Procedural Summary

Following is a summary of the requirements for voluntary annexation per the Missouri Revised Statutes, Section 71.012 (also see attached).

When a request for voluntary annexation is received by the City, the Governing Body shall hold a public hearing concerning the matter not less than 14 nor more than 60 days after the petition is received. The hearing shall be held not less than seven days after notice of the hearing is published. No other notification is required.¹

During the public hearing anyone may present evidence regarding the proposed annexation. At the conclusion of the hearing the Governing Body must determine that the annexation is "reasonable and necessary to the proper development of the city", and the city "has the ability to furnish normal municipal services to the area to be annexed within a reasonable time." If the Board makes these conclusions the territory may be annexed by ordinance after a 14-day protest period unless a valid objection is filed.

If a written objection is filed within 14 days after the public hearing by at least five percent of the qualified voters in Parkville, additional procedures must be followed. The procedures include additional review, consideration and findings, public notice, a public hearing and additional votes per the provisions of sections 71.015 and 71.860 to 71.920 of the Missouri Revised Statutes.

Rarely are any objections filed against voluntary annexations. If no objection is filed, the City limits are extended by ordinance to include the new area. After approving the ordinance, three certified copies of the ordinance must be filed with the County Assessor and Clerk. An additional certified copy must be filed with the County Election Board.

¹ As a courtesy, staff contacts the County and local utility/service providers to allow for review and comment prior to submittal to the Governing Body.

Annexation Considerations

The Parkville Municipal Code does not provide any guidance in considering proposed voluntary or involuntary annexations. Similarly, the statutory requirements for annexation provide little direction as to how a community should evaluate proposed annexation. The Parkville Master Plan, however, does provide guidance by identifying annexation priorities and relevant factors to be considered. The factors include:

- **Municipal Services:** Ability to provide or extend major municipal services to the area while maintaining adequate services to current residents. Such services may include, police public safety services, parks and recreation, streets, storm water management, building safety, planning and zoning, code enforcement and other basic services.
 - Would the City provide sanitary sewer services and if so does the City have adequate capacity to serve the property?
 - Does the City have adequate police, public works (utilities, street maintenance, and parks and recreation), and administrative services to serve the property? If not, are services planned for the near future?
 - What cumulative impacts will the proposed annexation have on municipal services in the City, and how will the City provide such services to the property?
 - Will any off-site improvements/accommodations be required to serve the property? If so, how will they be paid for?
 - Is the existing infrastructure built to the minimum City standards? If not, are maintenance costs increased creating an undue burden on the City?
 - Does the age of the infrastructure increase maintenance costs creating an undue burden on the City?
 - Is the property logically served by extension of City services?
 - Does the proposed annexation help improve existing service boundaries (square-off boundaries, provide more efficient service routes, clarify service areas, etc.)?

- **Protect Existing Development:** Ability for the City to protect undeveloped areas from premature or low-density development which limits logical growth and efficient provision of services.

- **Manage Growth:** Ability to require and manage quality urban development and land uses in a manner consistent with the recommendations of the City's Master Plan.
 - Is the proposed annexation consistent with the goals, objectives, policies and recommendations of the Parkville Master Plan?
 - Does the proposed annexation help implement the Parkville Master Plan or other adopted City plan (parkland, road connections, service connections, etc.)?
 - Does the annexation provide for the orderly development of the City?
 - Is the property contiguous to the City limits and expected to be influenced by City growth?
 - Is it likely that significant growth will be experienced in the general area?
 - Are residents of the area directly or indirectly dependent upon the City for governmental services and for social, economic, employment, cultural and recreational opportunities and resources?
 - Does the annexation follow established City policies and precedent?
 - Does annexation set a new precedent?
 - Is the annexation strategic to implementing projected annexation plans?

- **Improve Valuation:** Ability to improve the valuation of the community at-large without creating a financial burden upon current residents.

- **Ensure Quality Development:** Ability to ensure quality development consistent with the existing or desired character of the City.
- **Implement Goals:** Ability to help further any identified goals/policies/objectives of the City (e.g. provide a broad range of housing/employment options, preserve natural or historic amenities, etc.)

These considerations are provided as a guide only. The Board is not limited to these considerations. All or none of these factors may be relevant to a specific application and some considerations may be determined to be more important and out-weigh others. These considerations are intended to assist the City and applicants by providing a general framework within which to evaluate annexation petitions.

Ultimately these considerations are intended to help answer the primary question:

Is the annexation in the best interest of the City as a whole?

End of Memorandum

PLANNING AND ZONING COMMISSION ACTION

Revised Conditional Use Permit

- *Requires Public Hearing at P&Z Commission
- *Approved in conjunction with Preliminary Site/Development Plan
- *At-Risk Application: conditions required

PLANNING AND ZONING COMMISSION ACTION

Preliminary Site / Development Plan

- *Requires Public Hearing at P&Z Commission
- *Conditional upon incorporation and rezoning of County parcels into City district.
- *At-Risk Application: conditions required

BOARD OF ALDERMAN ACTION

Annexation of County Parcels

- *Requires Public Hearing at BOA
- *Action independent from P&Z Commission

Requires independent action by Board of Alderman before proceeding.

PLANNING AND ZONING COMMISSION ACTION

Rezoning to "R-2"

- *Requires Public Hearing at P&Z Commission
- *Can be approved concurrently with a the Final Site/Development Plan

PLANNING AND ZONING COMMISSION ACTION

Final Site / Development Plan

- *Required before building permits can be issued

Final Plat

- *Final Site/Development Plan requires re-platting the annexed parcels

BOARD OF ALDERMAN ACTION

Proceeds to Board of Alderman for Approval