

**Minutes of the
Board of Zoning Adjustment Meeting
City of Parkville, Missouri
Wednesday, February 10, 2016 at 5:30p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Al McCormick called the meeting to order at 5:30pm

2. ROLL CALL

Board Members Present:

Al McCormick, Chairman
Carla Dods, Vice Chairman
Russell Downing, Secretary
Ken Wright

Board Members absent with prior notification:

Gia McFarlane

A quorum of the Board of Zoning Adjustment was present.

Staff Present:

Lauren Palmer-City Administrator
Paul Giarratana-Building Official
Alysen Abel-Public Works Director
Stephen Lachky-Community Development Director
Kelly Yulich-Assistant to the Community Development Director
Zach Tusinger-Planning/Development

3. ANNOUNCEMENTS

- A. Introduction of New Community Development Director by City Administrator Lauren Palmer.

Palmer gave an introduction of the new Community Development Director Stephen Lachky and his qualifications and past accomplishments. The board members welcomed him and Lachky thanked the Board and stated he looked forward to working with them on future projects.

Palmer thanked the board for the time and left the meeting at 5:32 p.m.

4. GENERAL BUSINESS

- A. **Approval of Board of Zoning Adjustment Meeting Agenda.**

Chairman Al McCormick called for any discussion of the proposed agenda.

Seeing none he called for a motion to approve the agenda as posted.

Vice Chairman Dods moved to approve the agenda, Secretary Downing seconded. Motion passed 4-0.

B. Approval of Minutes from the March 21, 2013 and the Wednesday July 29, 2015 Board of Zoning Adjustment meetings.

Chairman McCormick requested approval of the meeting minutes from Wednesday, July 29, 2015 and the meeting minutes from March 21, 2013. The March 21, 2013 meeting minutes were not previously included in the July 29, 2015 meeting packet; thus were not approved at that time. Chairman McCormick called for discussion or changes to the minutes. Seeing none, he called for a motion to approve the minutes.

Chairman McCormick moved to approve the minutes, Vice Chairman Dods Seconded. Motion passed 4-0

5. PUBLIC HEARING

A. Application to consider flood-plain development variance for the English Landing Park for construction of new restrooms and a parks department storage building on .511 acres, more or less, zoned PLCD Parkland and Conservation District Residential District. *Case BZA16-01, City of Parkville, applicant.*

Chairman McCormick introduced the public hearing item. He asked City of Parkville staff to talk about the application and present their findings.

Stephen Lachky, the Community Development Director, deferred to Paul Giarratana, Building Official and Certified Floodplain Manager, for the presentation to the Board of Zoning Adjustment panel. Paul stated the application had been reviewed against the City of Parkville's City Codes — including the applicable PLCD Parkland and Conservation District — along with the current floodplain management regulations. Additionally, the application was reviewed against the *Parkville Master Plan* and its adopted Future Land Use Plan. Giarratana explained that generally, variances can be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond the one-half (½) acre, the technical justification is required for issuing the variance increases. The City Codes define how the Board of Zoning Adjustment should determine if a proposed floodplain variance is appropriate. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Hardships are the least understood and hardest to establish criterion for granting a variance. To determine whether an applicant has established an exceptional hardship sufficient to justify a variance, the Board of Zoning Adjustment must weigh the hardship against the purpose of the ordinance. The floodplain ordinance is based on public safety and damage reduction. If the variance requested is to waive or reduce the elevation requirement, the individual hardship must be weighed against the community's need to protect its citizens against the dangers and damages due to

flooding. Only a truly exceptional and unique hardship should persuade the board to set aside provisions of an ordinance designed with the entire community's safety in mind.

Giarratana concluded that the proposed variance would not result in increased flood height or additional threat to public safety. The facilities would enhance the public's park experience and give the parks division a much needed operational facility. Giarratana explained the need to construct the facility close to the waterfront to serve park patrons and for close proximity to maintenance equipment for parks personnel. Because utilities already exist in this location, it would create a financial and logistical hardship to relocate the restroom facility elsewhere in the park. Furthermore, it is unlikely an alternative location could be identified to serve the park that is outside of the flood plain.

Chairman McCormick asked the board if they had any questions that needed directed to staff.

Vice Chairman Dodd's questioned the locations of the floodway versus the floodplain, Giarratana stated that the existing restrooms are actually in the flood fringe zoned AE. Staff reiterated that the buildings are in the floodplain/flood fringe not in the floodway. Explaining that the buildings are further out than the 1993 flood maps, due to the Corps of Engineers updated mapping stating that the Riverside Levee system and the flow of White Aloe Creek has less flow now than previously. Staff explained that the existing Parks Storage building is still considered in a Floodway that is why the structure was erected 14' in height. Member Dods questioned if the new flood fringe area will have a new zoned code other than the AE/Floodplain zoning. Giarratana stated that there was not an updated code system for the flood fringe area that the zoning code used for the floodplain is still being used.

Secretary Downing questioned the building of the storage building at a different time than the building of the restroom. Alysén Abel, Public Works Director, stated the City of Parkville had acquired a County Grant of \$40,000.00 to construct the restroom. The City had decided to separate the two building projects reasoning that they were different in scope. Abel explained that the restroom facility would be a regular constructed building versus the storage building would be a pre-fab metal constructed building. Giving greater versatility to bidders for the restroom facility compared to pre-fab builders for the storage building. Staff felt that they would acquire more competitive bids for both facilities if separated out to two separate projects versus one.

Secretary Downing questioned if they were approving both buildings now, or just the restrooms. Abel explained that the approval would be for both buildings.

Vice Chairman Dods stated she had additional questions. She asked if both the buildings would be built at the current grade or if additional fill would be brought in. Secretary Downing stated that the staff analysis explained that the buildings would be two feet higher than the existing restroom building. Public Works Director Abel explained that the footings that will be poured will bring the elevations up which will determine the amount of fill that will have to be brought in. The amount of fill is not expected to be much assuming the demolition of the existing building and the

additional fill that will be needed to bring the finished floor elevations up two feet higher than the existing floor elevation. Vice Chairman Dods questioned the reasoning that a section 404 permit is not required. Building Official Giarratana stated that the 404 permit is not required however the City will fill out the permit. He stated the City will comply and send the completed form to the Corps of Engineers. The Corps will follow up and state that the form is not needed; however the City prefers to have documentation on file to show it went through the full process. The City of Parkville has not applied for that permit and is waiting for the bid's process to complete for the restroom building prior. The City was required to apply for the "no-rise" permit prior to applying for the flood plain development variance. Dods questioned staff if the City will be required to do a letter of map revision based on fill. Giarratana stated that they would not on this project due to not enough area. He also directed the board to review page 5 of the staff analysis report giving eleven criteria for them to consider on passing the variance. Directing them to criteria number 4; the importance of the services provided by the proposed facility to the community. This is the reasoning why the applicant is proposing building a restroom facility.

Board member Wright expressed that as the Park expands and additional festivities occur, the City needs a restroom facility to handle the additional traffic that will result in the park. The Johnny on the Spot portable restrooms can be expensive. Wright asked how large the building would be. Staff stated that the building would be very similar to the City of Riverside, Mo.'s. The facility would have a male, female and a family area. The bids criteria that went out created a number of different alternatives, ranging in only heating the family portion so the family area would only be needed for the full year, leaving the male and female portions unheated through the winter months and keeping them closed. The facility would have the male and female areas prepped if the need arises or the budget allows for the additional HVAC than it could be accommodated easily. Giarratana explained that by raising the elevation of the building they will be creating a horizontal system for the HVAC which will be placed in the attic which raises the HVAC above the Base Flood Elevation (BFE). The planning for the building has been based for future needs and budget restraints.

Vice Chairman Dods questioned the erosion control and the storm water runoff between the restroom and the parks storage building. The concern was whether the runoff would be directed down into White Aloe Creek. Giarratana explained that there is a swale that will be directing runoff to the south side of the restroom directing it out into the street and then onto the low water bridge. Dods questioned the area in between the two buildings, and the direction that water would be running off to. Staff stated that it would be permeable gravel very similar to what is on the trail.

Chairman McCormick asked if there were any other questions or comments from the board or staff prior to opening up the public hearing portion of the meeting. Seeing none, he then opened up the meeting to the public at 5:53 p.m. No members of the public were present for input; public meeting was closed at 5:54 p.m.

Chairman McCormick asked if there were any additional comments or questions. Seeing none, he called for a motion. **Secretary Downing made a motion to approve the Floodplain Development variance. Board Member Wright seconded. Motion Passed 4-0.**

6. REGULAR BUSINESS

A. **Adoption of the Board of Zoning Adjustment Bylaws & Adoption of the Board of Zoning 2016 Meeting Dates & Time**

Chairman McCormick introduced the adoption items. He asked staff to describe the adoptions and staff findings.

Vice Chairman Dods asked why the Board of Zoning Adjustment is adopting these now. Chairman McCormick stated the board needs to have bylaws, set dates and times for convening. Community Development Assistant Kelly Yulich explained she researched the board bylaws and discovered none had officially been adopted by the Board of Zoning Adjustment. Yulich explained the bylaws were reviewed against the City of Parkville's Municipal Code Title IV, Chapter 480 and based on the information to date; the primary considerations for adoption are consistent with the previously adopted and approved Planning and Zoning Commission bylaws and meeting dates. The findings for the meeting dates were decided upon the Board of Zoning Adjustment's previous meeting on July 29, 2015. The minutes from that meeting state that Tuesday evening's best suited the members. Additionally, the Planning & Zoning Commission and Board of Aldermen convene on Tuesday evenings; therefore, the fourth Tuesday at 5:30 p.m. seemed fitting for the Board of Zoning Adjustment to meet.

Deadlines for applications to be presented to the Board of Zoning Adjustment were determined by time-frames needed for staff to review applications as well as the public notice requirements.

Chairman McCormick asked for any additional comments or discussion on the adoption of the bylaws or minutes and seeing none, Chairman McCormick called for a motion to approve the Board of Zoning Adjustment Bylaws and Meeting dates and time. **Chairman McCormick moved to adopt the bylaws and meeting dates Vice Chairman Dods seconded. Motion passed 4-0.**

7. UNFINISHED BUSINESS

None

8. OTHER BUSINESS

A. Upcoming meetings & dates of importance:

- Board of Aldermen Meetings: Tuesday, February 16, 2016 and Tuesday, March 1, 2016 at 7:00pm.
- Board of Zoning Adjustment Meetings: Tuesday February 23, 2016-CXL'd (no agenda), Tuesday March 22, 2016 at 5:30pm.
- Planning & Zoning Commission Regular Meeting: Tuesday March 8, 2016 at 5:30pm

Questions were raised on the process for public notifications; staff explained the process and the locations that the notice was published. Questions also were addressed of the staffing of the board members and the alternates. Community Development Director Stephen Lachky stated that he would communicate the needs for fully staffing the Board of Zoning Adjustments to the Mayor.

9. ADJOURNMENT

Seeing no other discussion, Chairman McCormick called for a motion to adjourn. **Chairman McCormick moved to adjourn, Member Wright seconded. Motion to adjourn passed 4-0.** Meeting adjourned at 6:03pm.

Submitted by:

Kelly Yulich
Assistant to the Community Development Director

2-16-2016