



Planning & Zoning Commission
Regular Meeting Agenda
City of Parkville, Missouri
Tuesday, August 9, 2016 @ 5:30pm
City Hall Boardroom

1. Call to Order
2. Roll Call
3. General Business
 - A. Approve the Agenda.
 - B. Approve the minutes from the June 14, 2016 Regular Planning and Zoning Commission meeting.
 - C. Approve the minutes from the July 12, 2016 Special Workshop meeting.
4. Public Hearing
 - A. An application for a revised 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 one parcel containing 10.01 acres, more or less, located approximately 1 mile west of Main St. on NW FF Hwy and abutting NW FF Hwy. *Case #PZ16-02A; Missouri American Water, Applicant*
 - B. Application for a revised Preliminary Site Plan for a Water Treatment Facility at 10550 NW FF Highway, Parkville, MO, on one parcel containing 10.01 acres, more or less, located approximately 1 mile west of Main St. on NW FF Hwy and abutting NW FF Hwy. *Case #PZ16-02D; Missouri American Water, Applicant*
 - C. Application for text amendment to Parkville Municipal Code, Title IV, Chapter 471: Regulations Governing The Installation and Operation of Telecommunication Antennas and Towers. *Case #PZ16-12; City of Parkville, Applicant*
5. Regular Business
 - A. None
6. Unfinished Business
 - A. None
7. Other Business
 - A. Upcoming meetings & dates of importance:
 - Board of Aldermen Meetings: Tuesday, August 16, 2016 at 7:00 p.m. and Tuesday, September 6, 2016 at 7:00 p.m.
 - Board of Zoning Adjustment Meeting: Tuesday, August 23, 2016-Cancelled No Agenda Item

- Planning & Zoning Commission Regular Meeting: Tuesday, September 13, 2016 at 5:30 p.m.

8. Adjournment

**Minutes of the
Planning & Zoning Commission Regular Meeting
City of Parkville, Missouri
Tuesday, June 14, 2016 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Katerndahl called the meeting to order at 5:35 p.m.

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman
John Delich
Walt Lane
Barbara Wassmer
Doug Krtek
Kim Verhoeven
Michael Wright

Commissioners Absent:

Keith Cary, Vice Chairman
Shane Smeed

A quorum of the Planning Commission was present.

Staff Present:

Stephen Lachky / Community Development Director
Alysen Abel / Public Works Director
Brady Brewster / Community Development Intern

4. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl called for any discussion of the proposed agenda. Seeing none Chairman Katerndahl called for a motion to approve the agenda as proposed.

Commissioner Krtek moved to approve the agenda, Commissioner Wright seconded. Motion passed: 8-0.

B. Approve the minutes from the April 12, 2016 Planning and Zoning Commission meeting.

Chairman Katerndahl called for any discussion of the minutes or changes needed. Commissioner Delich brought attention to page 5, paragraph 4 of the minutes and requested to clarify a statement brought forth at the April 12th meeting regarding the funding aspects of a proposed parkland area. The revised statement shall now read beginning at line 7, "He believed if the property was of marginal use topographically, the city should not accept it as parkland since its value as an amenity was marginal."

Seeing no other questions, Chairman Katerndahl called for a motion to approve the minutes as proposed. **Commissioner Delich moved to approve the minutes, Commissioner Verhoeven seconded. Motion passed: 8-0.**

4. PUBLIC HEARING

- A. 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 one parcel containing 10.01 acres, more or less, located approximately 1 mile west of Main St. on NW FF Hwy and abutting NW FF Highway.

Chairman Katerndahl explained the public hearing process to the audience and addressed the City of Parkville Staff for a presentation of the staff analysis.

The applicant, Missouri American Water, requested to make a presentation regarding the background and overview of the project to members of the audience and the commission. Jody Carlson, the Regional Manager of Missouri American Water – Northwest Missouri Region, addressed the commission. Carlson began by explaining the service area of the existing drinking water treatment plant in downtown Parkville. In addition to serving Parkville, the plant provides drinking water to numerous other communities including Platte Woods, Lake Waukomis, Riverside, and areas of unincorporated Platte County. He continued by explaining the historical context of the current plant in downtown Parkville that has been maintained and operated as a drinking water treatment plant for over 100 years. Carlson added that the financial obligations of maintaining an aging site prompted the decision to find a new location that was within reasonable access to the company's wells along the Missouri river.

Carlson provided photographs from FF Hwy that he intended to show the elevation change from the proposed site to neighboring properties. Additionally, he noted the dense vegetation and indicated that the company did not plan to remove any vegetation on the site aside from what would be needed for the building footprints and access drives. Elevations of the buildings were presented that indicated the layout of the treatment structures and general design of the buildings. Carlson again noted the dense vegetation that would remain and a rendering of a retaining wall near the western property line. Carlson then introduced Scott Keith, the plant manager for the Parkville plant and Kenneth Stecker, a company engineer from St. Louis.

Community Development Director Stephen Lachky began the presentation of staff findings by indicating that two (2) applications pertained to the approval of the drinking water treatment plant. The first was an application for a Conditional Use Permit and the second was an application for a Preliminary Site Plan / Development Plan. He then provided a context map explaining the general location of the site and adjacent properties, indicating that property to the east of

the site is within unincorporated Platte County boundaries. He then provided additional exhibits that indicated the original Community Unit Plan for River Hills Estates, the subdivision west of the subject property. The Community Unit Plan indicated the subject property was originally intended to be phase 5 of the subdivision, however, the City later received a request to remove phase 5 from the Community Unit Plan. Lachky explained that despite the removal of phase 5 from the Community Unit Plan, the subject property retained its residential zoning designation.

Lachky noted the future land use projection for the area was noted as "Residential Neighborhood" and conveyed that the designations are general forecasts based on existing and desired development character. He also noted that the uses that are permitted in an area designated as Residential Neighborhood are diverse and contain a variety of residential, mixed-use, and public service uses. Regarding the application for a Conditional Use Permit, Lachky noted that public utilities or public service uses, buildings, structures, or appurtenances unto are permitted when found to be in the interest of public health, safety, morals, and general welfare of the community. Lachky also noted that the reason that both applications were being submitted concurrently was so that the commission had enough detail from the Preliminary Site / Development Plan to make a decision on the Conditional Use Permit.

Given an application for a Conditional Use Permit, a public hearing was required. Lachky provided the measures the City had taken to ensure compliance with city codes. Notice of the time, place, and nature of the public hearing was provided in the Landmark Newspaper and appeared in general circulation no more than thirty (30) nor less than fifteen (15) days before the hearing. A certified mail notification was provided to property owners within a one hundred eighty-five (185) ft. distance from the boundaries of the subject property. Additionally, a sign announcing the time, place, and nature of the hearing was placed on the subject property and was viewable from the public right-of-way.

The standards of review for a Conditional Use Permit were then presented by Stephen Lachky and offered to the Commission as a guide for determining approval. He then provided information from the Planning and Zoning Working Session on April 20, 2016. The elements brought up at the working session included site orientation, adjacent uses, concern over noise and smell, nature of truck deliveries, and the nature of topography and vegetation change. Highway access and design aesthetics were also considered during the working session. Lachky exhibited the site plan and indicated that access would generally be placed west of the existing driveway at the site. He then exhibited a map of the proposed water lines that would connect the subject property to the applicant's existing wells along the Missouri river. Commissioner Delich requested a point of information and asked how large the proposed pipes would be. The applicant responded that they would be no larger than 12" in diameter and would be underground.

Lachky then exhibited photographs that provided an overview of the site and perspectives from abutting properties at River Hills Estates. These photographs indicated the general location of development and Lachky noted the dense tree cover visible from the vantage point of the photographs. Photos from street view were then displayed. Lachky indicated the existing industrial buildings that exist in unincorporated Platte County and indicated the general location of where the subject site's structures and access would be provided.

Plans indicated the changes Southern Platte Fire Protection District requested for the purpose of public health safety, and welfare were then exhibited. Lachky pointed out that the applicant willingly complied with site design changes to increase the width of circulation drives and provide a turnaround bay to provide adequate access for fire trucks. Lachky noted that the applicant has provided adequate parking and explained the criteria used to determine the parking standard. Lachky walked the Commission through the site plan design noting the administrative and operational buildings. The two (2) silos proposed on the site plan did not have an elevation indicated on the site plan but discussion from the working session indicated that they would be roughly 55' tall.

The character of topography was then presented. Lachky indicated that more than 84' of grade change would exist between the western property line and the administration building. Lachky noted that from the property line to the nearest residence, more than 100' of grade change would separate the subject site and residential areas. He then provided the Commission the standards for review of site plans.

- **The extent to which the proposal conforms to the City's zoning code** (Lachky explained the zoning districts to the west and north are primarily residential while the zoning district to the south on County land are primarily industrial)
- **The extent to which the proposal conforms to the provisions of the City's subdivision regulations.** (Lachky noted that all surveys and site plans required by code were provided by the applicant in addition to the required landscape plantings. Lachky requested that the applicant work with the City of Parkville Parks Director to find suitable tree species for the required plantings.)
- **The extent to which the proposal conforms to the goals and objectives of the City's adopted Master Plan.** (Lachky referred to the Future Land Use Plan and indicated that the subject site is primarily designated for residential uses but public service uses such as civic structures can be permitted when found to fit in the context of the neighborhood and existing development. Lachky noted that with considerations of the site plan, the development could meet the desired elements of the future land use plan projection for the area.)
- **The extent to which the development would be compatible with the surrounding area.** (Lachky provided context of neighboring properties

and uses. Uses range from residential uses to the north and west to industrial uses to the south. Undeveloped land exists to the east. Lachky addressed the elements of the working session and indicated how the applicant has clarified or provided for any adverse conditions.

- The extent to which the development conforms to customary engineering standards and practices. (Public Works Director Alysen Abel P.E. began by addressing the sanitary sewer system proposed for the site. She indicated that there will need to be some modifications to connect to the forcemain near the subject site which the applicant would be eligible to seek upon approval of the two applications. She then expressed concern for the industrial properties to the south and below the subject site and indicated that increased erosion controls be explored to ensure that sediment does not leave the site. Abel then discussed stormwater detention and treatment and indicated that the applicant had not provided calculations and such will be required. Regarding stormwater treatment, various options were presented to the Commission and audience such as rain gardens, vegetated swales, and other sustainable options. Abel discussed the height of retaining walls and indicated that structural calculations and plans will need to be submitted. Chairman Katerndahl asked if the Commission had any immediate questions from the Public Works director. No questions were presented and the Stephen Lachky returned to his presentation.)
- The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance connectivity, circulation, an safety and minimize any adverse traffic impact on the surrounding area. (Lachky indicated that all parking and circulation drive calculations were reviewed with no issues. Additionally, a response from the Missouri Department of Transportation was provided that indicated the proposed access drive and expected levels of traffic would not be a concern.)

Given the standards of review, Community Development Director Lachky indicated that the proposed site plan / development plan did conform to the criteria of the review and recommended approval of a conditional use permit. In addition, he also recommended that the staff indicate the location of the two (2) required tree plantings on the final site plan / development plan. Regarding the tree plantings, he recommended that the applicant coordinate with the City's Parks Superintendent to determine appropriate street tree species to be planted as part of the two (2) required plantings. Regarding engineering and based upon analysis by Public Works Director Alysen Abel, Lachky recommended a summary of the sanitary sewer impact to the existing public forcemain to be completed prior to the approval of the final Site Plan / Development Plan. Additional presentation of staff recommendations ensued and that can be referenced in agenda item 5a. Staff Analysis – Preliminary Site Plan/Development Plan.

Lachky then conveyed the standards of review for a Conditional Use Permit to the Commission. The standards of review for a CUP included

- **The character of the neighborhood, and zoning and uses of nearby properties.** (Lachky noted that the site plan was adequate enough in terms of the existing development character to be approved due to the elevation of the site and presence of industrial uses to the south.)
- **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.** (Lachky indicated the applicant's desire to preserve much of the existing vegetation but conferred to the Commission if any additional restrictions should be applied to the subject property such as hours of deliveries, hours of operation, etc.)
- 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. (Lachky referenced the information provided by the applicant and indicated that an alternative location of the water plant may have created a hardship to the property.
- The adequacy of public utilities and other public services. (Lachky noted that utility providers have responded and no issues were brought up regarding serviceability)
- Consistency with the City's adopted master plans and applicable City code. (Lachky provided an overview of Conditional Use Permits and mentioned the code's vague language in determining the approval of a CUP.

Staff Recommendations and conditions for the Conditional Use Permit application were that all conditions associated with the preliminary site plan / development plan (Case No. PZ16-02B) be weighed in tandem with the application for the CUP. Additionally, it was found that any other conditions the Planning and Zoning Commission deemed necessary along with staff recommendations warranted the approval of a conditional use permit.

Commissioner Katerndahl then asked if the Commission had any questions for Community Development Director Stephen Lachky before recalling the applicant for questions and opening the forum for public comment. Commissioner Verhoeven questioned the proposal's cosmetic appearance and asked what type of building materials the structures would be made of. She stressed the structures should be of an appearance that is prideful and reflective of other structures in the City of Parkville that citizens have worked hard to maintain. Jody Carlson of Missouri American Water responded that the structures would be constructed out of tilt-up concrete to create a more professional appearance for the building. Commissioner Verhoeven questioned the difference in appearance between the preliminary concept drawings provided and the new concept drawings presented. Jody Carlson responded that the company had just got

started on the design but was complying with the request from the working session to create a building “of respectable appearance”.

Commissioner Katerndahl asked if Jody Carlson, on behalf of the applicant, had any additional comments to add to Stephen Lachky’s staff presentation. Carlson responded that the company has looked at many sites and the location of the subject site is most preferred due to the location of existing Missouri American Water wells. He continued that a new plant at the subject site would help keep water costs lower and would be in the interest of Parkville residents.

Commissioner Lane asked Carlson why the company could not retrofit the current treatment plant located in downtown Parkville. Carlson responded with concern that the existing site is turn of the century and a complete rebuild is not preferable due to the small footprint of the site. He added that a rebuild would also take the plant completely offline and could negatively impact the community. A new plant would provide additional capacity and room to grow.

Commissioner Delich questioned the applicant if the cost of producing drinking water at a new treatment plant was more cost effective than purchasing water from Kansas City, Missouri’s water system. The applicant responded that producing water at a new company owned plant would be cheaper.

Commissioner Wassmer questioned the vegetation at the site and noted both the staff and applicant’s presentations provided photos and renderings of the subject site in warm weather months. She questioned what the visual impact of the site would be on abutting residents in winter months when deciduous tree cover would not be as dense. She asked if it would be possible for the applicant to provide evergreen trees if tree cover was not adequate. Carlson responded that he did not have photos of what the site would look like during the winter months but stated again that as much vegetation as possible would be preserved.

Commissioner Delich stated that she did not believe the bulk of development would be visible from the neighboring residences due to the topography and tree cover based on the exhibits and renderings provided. Carlson agreed and reiterated that there is more than 87’ of separation between the properties. Commissioner Wassmer asked if it would be possible for the applicant to provide evergreen plantings at the high point of elevation near the residences. Carlson responded that it would be possible. Chairman Katerndahl asked if the company had reached out to neighboring residents regarding the project before addressing the Commission. Carlson responded that he had not personally or officially reached out to the neighborhood. Chairman Katerndahl took a moment to encourage developers to communicate with their neighbors before bringing action to the Planning & Zoning Commission.

Commissioner Krtek asked what the total size of the site was. Carlson responded that the site was about 10.01 acres. Krtek then asked what land area the applicant was disturbing to build the footprint and structures of the plant. Carlson conferred to the company engineer and responded that approximately three (3)

acres would be disturbed. Commissioner Wassmer questioned if there was any estimate on how long the project would take to construct. Carlson responded that the company would like to see the new plant operational by January of 2018. Commissioner Lane readdressed the issues of noise and smell from the working session and reminded the applicant that they had previously stated there would be no odor produced from the site. The applicant agreed and stated that odors would be minimal as the site is not a wastewater plant.

Commissioner Lane then addressed the issue of noise and asked if the plant would be audible at all to neighboring residents. Carlson responded that the site was laid out to minimize noise with the Administration building acting as a buffer from the clarifiers. Chairman Katerndahl asked if the clarifiers would be enclosed. Carlson responded that they would be. Katerndahl stated that at the existing plant downtown there are structures visible to the public and asked if this would be the case at the new plant. Kenneth Stecher, an engineer for Missouri American Water approached the Commission and responded that the clear well and filtration system for the plant would be contained in the structure just east of the Administration building. He added that the primary noise would come from deliveries of lime which would be contained between the hours of 8:30 a.m. and 2:30 p.m. during the day.

Commissioner Krtek confirmed with the applicant that the delivery of lime would be through a closed loop system. Carlson and Stecher responded that it would and buildings were sited to bounce sound away from nearby residences. Chairman Katerndahl asked if lighting would be provided in a way that would not spill off the site to neighboring properties. Carlson responded that lighting would be minimal as not to attract attention to the site for security purposes but would be provided to employees as they come and go. Katerndahl also asked if the facility would be manned 24 hours a day. Carlson responded that it would not.

Commissioner Lane asked Carlson and Stecher if they had any estimate of how much noise would be produced by the blowers of delivery trucks. He added if the decibel level was unknown, the applicant could provide a generally comparable sound. Company engineer Stecher stated that the delivery trucks would be generally louder than an idling semi-truck. Carlson added that these noises would only come from delivery trucks that take place once every two weeks approximately. Stecher stated that through testing at other plants with neighbors approximately 30-50' away, the decibel level was only about 50 decibels. Commissioner Lane expressed relief that the decibel level would be minimal and Commissioner Delich concurred.

General discussion ensued over the nearest resident and amount of noise that would be generated by delivery trucks. The Commission was in general agreement that the nearest resident was hundreds of feet away from where deliveries would be taking place. Commissioner Michael Wright asked if the turnaround bay had been engineered in a way that fire trucks could easily

navigate the bay, even with parked cars. Carlson responded that cars could be moved if absolutely needed to provide more room for incoming trucks, however it is not anticipated that the parking area will be used frequently. Community Development Director Lachky confirmed that the fire district and other utility providers confirmed their ability to safely and adequately service the site.

Chairman Katerndahl then dismissed the applicant and invited members of the audience to come forward and address any questions, concerns, or opinions about the proposed development.

Judy Gahagen of 10510 River Hills Drive addressed the Commission. She agreed with the applicants that there was a need for a new water plant as she had been the victim of awful water in Parkville as a longtime resident. She expressed concern over a comment in item 4A, the staff analysis for a Conditional Use Permit for the site. On page 9, Gahagen disagreed with the comment a comment the applicant would encounter a hardship if they could not develop the intended site as proposed. Chairman Katerndahl responded that the particular condition is just one of many conditions that staff used to analyze the preliminary plans. Gahagen responded that it seemed like an unreasonable condition. Stephen Lachky clarified that the condition was used to weigh the appropriateness of the CUP because the City zoning code does not address approval criteria. He added that as a default, the City utilized Missouri case law to determine appropriate criteria, which included the comment in question by Gahagen. Katerndahl asked Gahagen if the existing industrial buildings were visible from her property in the winter. She responded that they were not because they are low lying and minimal but expressed concern that the water plant would be more intrusive due to its size.

Rick Simon of 10502 Riverview Point addressed the Commission. Simon referred to Exhibit G, a photo taken from resident Joe Miller's residence and indicated that he was the homeowner of a deck visible in the foreground of the photo. The photo indicated that Simon's deck is the closest affected residential property to the proposed site. Simon stated his primary concern was over the removal of trees necessitated by the retaining walls proposed at the site. Additionally he questioned if there would be 24 hour access or additional noise from customers purchasing water from a pay station. He added that he had concern over the effect of the plant on his property value and general enjoyment and comfort if living adjacent to a water plant.

Joe Miller of 10500 Riverview Point addressed the Commission and stated he was the co-developer of the River Hills subdivision, and an affected property owner. He agreed with the previous two property owners that addressed the Commission but realized that he may not be able to stop the development. He was sympathetic to the property owners he sold and developed lots to. He added that they bought the lots due to the dense tree cover and expressed concern over the ability of retaining walls to block sound. He stressed that dense tree

cover blocks the noise of nearby trains on Burlington Northern Railroad tracks and expressed his desire to protect the property owners that he has lived and worked with.

Jack Miller, 10506 Riverview Point then addressed the Commission and stated he was the other co-developer of the subdivision. He stated that phase 5 was sold off earlier as it was not needed for the subdivision and it was his belief that a single-family home would be developed on the property. He stated he has one of the most predominant views of the subject property. He added that he has a view of the existing industrial buildings but if enough tree cover could be preserved or added, he would be agreeable to the proposed development.

Chairman Katerndahl addressed the applicant and asked if he could respond to the concerns over displaced vegetation and 24 hour access for consumers to purchase water at a pay station. Jody Carlson of Missouri American Water stated that removing more vegetation than necessary would only add additional cost and would not be explored. Chairman Delich added explained the steep elevation change and confirmed with the applicant that the placement of the facility would be tucked in at the bottom of the slope. The applicant confirmed. Delich added that retaining walls help to ameliorate sound and provided an example of interstate sound wall buffers. Additionally, Delich added that sound would be a minimal nuisance due to the way the site was designed and believed the applicant did an adequate job at being context sensitive to the adjacent properties.

Regarding 24 hour access, Carlson responded that the plant would not be manned 24 hours a day and would only be accessed if there was a water emergency. Chairman Katerndahl asked the applicant about consumer water trucks that may access the site to use a pay station. Carlson responded he had been working with the city manager to propose a consumer pay station in a more centrally located area. Commissioner Delich asked if the applicant would continue to back feed the existing pay station downtown and Carlson responded they are looking into other locations. Scott Keith, the plant manager of the existing Parkville drinking water plant for Missouri American Water added that 3-6 vehicles generally use the pay station each day.

Commissioner Lane questioned the feasibility of planting evergreens tall enough to provide a substantial visual break. Commissioner Delich added that given the desired height of trees, evergreen trees would be unfeasible for the applicant to provide. Additionally, Delich believed that the existing density of the trees would be adequate. Commissioner Wright asked how tall the Administration building would be. Carlson believed it was roughly 20-23'. Commissioner Wright pointed out the distance between residential properties and the buildings and did not see any major concerns.

Todd Kobayashi of 10433 River Hills Place then approached the Commission. He believed that any type of tree plantings would be more effective if planted closer to the buildings and would provide a break for sight and sound. Commissioner Delich added that trees added to the top of the retaining wall would add an additional 14' of height to the trees and would be a more effective placement.

Rick Simon of 10502 Riverview Point re-approached the Commission. He questioned the expansion potential of the water plant and wondered how future production may impact the community. Jody Carlson responded that future expansion is indicated on the site plan which would provide the ability of 10 million gallons if necessitated by demand. Carlson did not believe there would be a significant increase in employees, noise, or activity if the expansion plans were fully realized.

Joe Miller of 10500 Riverview Point re-approached the commission. He asked if the plant decided to expand outside of what was indicated if the board had any control over the restriction of such. Chairman Katerndahl responded that any changes to the final development plan or additional development would require the applicant to revisit the Planning & Zoning Commission for a review.

Mary Simon 10502 Riverview Point approached the Commission. She reiterated Jack Simon's concern over being the closest residential property to the subject site. She was concerned that she had a home of significant valuation and was concerned over what the plant would do to the value of her home along with her neighbors.

Seeing no other members of the audience that wished to speak, Chairman Katerndahl closed the public hearing at 6:55pm.

Chairman Katerndahl entertained a motion for approval of a Conditional Use Permit. Chairman Wright moved to recommend approval of a Conditional Use Permit based on staff recommendation of approval. Commissioner Delich seconded. A roll call vote ensued.

Commissioner Lane-Aye
Commissioner Wassmer-Aye
Commissioner Krtek-Aye
Commissioner Delich-Aye
Chairman Katerndahl-Aye
Commissioner Verhoeven-Aye
Commissioner Wright-Aye

Motion passed 8-0.

5. REGULAR BUSINESS

- A. Application for a Preliminary Site Plan for a Water Treatment Facility at 10550 NW FF Highway, Parkville, MO, on one parcel containing 10.01 acres, more or less, located approximately 1 mile west of Main St. on NW FF Hwy and abutting NW FF Hwy. *Case #PZ16-02B; Missouri American Water, Applicant*

Discussion ensued concerning any conditions or amendments that may be applied for the approval of the Preliminary Site Plan / Development Plan. Commissioner Delich requested a cross section from the applicant that indicates the existing residences, trees, retaining walls, and buildings. Such a drawing would indicate any problems with vegetation and necessitate any screening.

Commissioner Delich moved to approve the Preliminary Site Plan / Development Plan according to compliance with staff conditions and a stipulation that all bulk purchases of water be accommodated by finding a mutually acceptable site in a centrally located location and with the failure of such to happen, bulk water sales being restricted at the subject site. Commissioner Wright seconded. Motion passed 7-0.

Chairman Katerndahl confirmed that a final development plan would go before the Commission for approval. Stephen Lachky confirmed that it would. Commissioner Delich stated that any elevations the applicant could provide showing improvements to the building façade would be considered appropriately at the meeting for final approval of the development plan.

6. UNFINISHED BUSINESS

A. Stephen Lachky provided an update on the city's zoning code update. An open house took place on Monday May 23, 2016 with 12-15 attendees. The consultant has been reviewing the city code line by line with a projected adoption deadline by October.

7. OTHER BUSINESS

A. Missouri American Water Treatment Plant-

Community Development Director Lachky stated that they would be at the June 14, 2016 meeting. He explained that there was a working session held on April 20, 2016 and they are now coming forward for the public hearing meeting for the preliminary site plan and the conditional use permit.

B. Upcoming Meetings & Dates of Importance:

- The working session following the June 14, 2016 Planning & Zoning Commission meeting was cancelled
- Board of Alderman Meeting: June 21, 2016
- Board of Zoning Adjustment Meeting: Tuesday June 28, 2016-Cancelled-No Agenda
- ☐☐ Planning & Zoning Commission Regular Meeting: Tuesday, July 12, 2016 at 5:30pm.
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8. ADJOURNMENT

Seeing no further discussion, Chairman Katerndahl called for a motion to adjourn.
Commissioner Delich moved to adjourn, Commissioner Verhoeven seconded.
Motion passed: 8-0. Meeting adjourned at 7:39pm.

Submitted by:

Stephen Lachky
Community Development Director

6-14-16
Date

DRAFT

**Minutes of the
Planning & Zoning Commission Work Session
City of Parkville, Missouri
Tuesday July 12, 2016 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Community Development Director Stephen Lachky called the informal work session of the Planning and Zoning Commission at 5:34 p.m.

- Lachky introduced Brady Brewster, Community Development Intern to the Commission.

2. ROLL CALL

Commissioners Present

Barbara Wassmer
Dean Katerndahl
Doug Krtek
John Delich
Shane Smeed
Michael Wright

Staff Present

Stephen Lachky / Community Development Director
Brady Brewster / Community Development Intern

3. WORK SESSION

A. Friends of Parkville Animal Shelter

Community Development Director Stephen Lachky introduced the Friends of Parkville Animal Shelter (FOPAS) guests to the Commission and provided a brief summary of the organization's intent and need for holding a work session with the Commission.

Lachky welcomed Kathy Baker, a volunteer with the organization and invited her to provide a brief history of the organization and its future plans.

Baker stated that the shelter has been at their current site at 1356 Hwy. 9 for 10 years in a retrofitted home and building that was intended to only be temporary. They organization would like to plan and design for a permanent location and remain at the current location, however current City zoning does not allow an animal shelter land use.

Overview

Community Development Intern Brady Brewster then addressed the commission for a staff presentation regarding FOPAS' history, current site, planning & zoning challenges, and alternatives for solution. Brewster presented that the Friends of Parkville Animal Shelter currently operates an animal shelter for cats and dogs at the subject site of 1356 Hwy. 9. The site was originally intended to be temporary through

an agreement with the Board of Alderman as it was anticipated that the subject site would be redeveloped as a part of the Parkville Connections concept plan.

As those redevelopment plans never transpired, the facility remained in operation and has grown to service more animals in Parkville and the surrounding areas. The City has worked with FOPAS for many years to find alternative sites for a permanent facility the organization desires, however, no other location was available within the city limits or Parkville or nearby surrounding areas. In addition to the working relationship the organization has maintained with City Hall, the City has maintained a contract with FOPAS to accept stray canines recovered within city limits by the Parkville Police Department.

Access

Brewster then provided a preliminary analysis of the current site. The subject site at 1356 Hwy 9 currently sits at a lower elevation than the highway and a dense vegetative buffer exists between the facility and the roadway. Brewster provided photographs of the north and south approaches and indicated the access point to the facility off Hwy 9. In both directions, topography and dense vegetation provide a visual buffer of the facility from the roadway.

Zoning

Brewster described how the current site was zoned "R-4" Multiple-Family Residential District which provides for medium-density, multiple-family residences such as townhomes, garden apartments, bed-and-breakfasts, and apartment hotels. Brewster explained that although FOPAS is not a commercial kennel per se, Commercial Kennels are the most comparable use defined by the Parkville Municipal code and as such, City staff would interpret a new facility as such. Although commercial kennels are a defined use in the Municipal code, such uses are only permitted in the "I-3" Heavy Industrial District which is intended for light manufacturing, fabricating, warehousing, and wholesale distribution uses (Section 455). Given the existing character of development, the Master Plan, and Future Land Use Map, Brewster explained that the subject site conditions would not be conducive to a rezoning of the site to an I-3 district thus allowing the facility as a permitted use. The Commission was directed that other alternatives should be explored.

The City of Parkville Zoning Map was then presented to show the Commission the availability of alternative "I-3" zoning districts in the city limits. The relationship between the City and FOPAS was reiterated regarding their attempts to relocate the organization to a permitted property. Upon identifying the existing "I-3" zoning districts in the city limits, it was explained that no viable option exists as all permitted districts are utilized or unsuitable for the facility's operational needs or financial means.

Permanent Structure

Due to a lack of alternative sites in the permitted zoning district for Commercial Kennels, Brewster described that FOPAS is now seeking to remain at their existing site at 1356 Hwy. 9 or relocated to a directly abutting property just west and behind the Parkville Cemetery. At this location, FOPAS is seeking to build a permanent,

single-story facility of roughly 8,000 sq. ft. FOPAS has indicated to staff that animals will not be left outside overnight. Brewster directed the Commission that a possible condition of approval for any preliminary site plan that may be submitted could potentially include restrictions on outdoor hours and noted that this meeting was only to discuss the availability of a code mechanism to allow the shelter at the site. Further, he explained that a new building could help to mitigate concerns over noise, smell, and the appearance of the kennel facility through a context sensitive site planning process that accommodates adjacent properties around the site.

Land Use

The Parkville Master Plan land use projections for the area were presented and indicated the subject site as “Mixed-Use Residential Neighborhood” of moderate-density residential character. Brewster added that non-residential uses *may* be compatible within the Mixed-Use Residential Neighborhood projection as long as they are integrated and connected to the surrounding area. He added that although an animal shelter is not generally consistent with this type of projection, a permanent facility could achieve many of the same objectives of the forecast with proper design, site planning, and implementation. Brewster provided additional context to abutting properties that would be most directly impacted by a permanent animal shelter at the site.

Discussion ensued about the proposed location directly abutting 1356 Hwy. 9 just behind the Parkville Cemetery. Kathy Baker discussed that the property is owned by a member of the organization who would donate or sell that property for the facility at a reduced cost. She added that this would be the ideal site for an animal shelter as the cemetery could act as a transitional use between the Highway and the facility and would further mitigate any noise, sight, or smell concerns.

North of the proposed site, Brewster depicted a diagram showing the commercial business character of Highway 9. For comparison purposes, he added that the Parkville Athletic Complex near the proposed facility is approximately 30,000 sq. ft. and that permanent FOPAS facility would be 3 times smaller. West of the site, he noted that the undeveloped area was originally intended to be improved as part of the Parkville Connections plan and that east of the facility across Highway 9 are the nearest residential uses. Commissioner Delich questioned how far the homes in the 1st plat of Riss Lake were from the proposed facility. Brewster responded that the nearest home in the 1st plat of the Riss Lake subdivision was just under a half mile away.

Parkville Connections

Many Commissioners had questions regarding the Parkville Connections plan that was preliminarily approved on property around the site from 2007-2008. Brewster explained that Parkville Connections was former development concept plan that incorporated property from five owners and proposed single-family residences at steeper portions of the site, and moderate density residential and mixed use developments closer to Highway 9. Despite the preliminary approval, progress on the project stalled as of October 2009.

Brewster explained that although future development may occur on the surrounding property, FOPAS intends to construct a permanent facility that would not interfere with such efforts or possible public improvements. Kathy Baker noted that when Parkville Connections was first being discussed, an extension of Lakeview Drive was proposed running west to connect with Bell Road. As a result, any future facility will be removed from any possible road or right-of-way access, she explained. Brewster then presented a concept diagram provided by the organization that depicted what the building would look like at the site. Right-of-way access and the expansion of Lakeview Road were indicated for context.

Alternatives

Upon concluding the preliminary analysis of the site, Brewster reiterated that a rezoning of the site to allow a Commercial Kennel as a permitted use was not advised. He explained that currently there is no mechanism in place in the Municipal code that would allow the facility as a conditional use via a Conditional Use Permit.

He explained that through a proper site planning and design process, the noise, visual, and smell concerns over a permanent shelter could be minimized. Seeing that animal shelters are not defined as an approved Conditional Use by the Board of Alderman, Brewster discussed that a text amendment to City code could accommodate such an action.

Additional options included allowing the continued temporary use of the site through an agreement with the City, a rezoning of the site to I-3 heavy industrial (not recommended), or could involve the relocation of the facility to an additional property that could perhaps be outside of the city limits. Community Development Director Stephen Lachky added that FOPAS provides important services to the City of Parkville and executes an agreement between the City and the organization to accommodate stray animals. He added that the facility has grown over the past 10 years and that this work session was intended to spur discussion needed to finalize a permanent solution for the facility. He added that although staff is classifying the organization as a "Commercial Kennel", the organization is a non-profit animal shelter, which is not defined.

Discussion

Kathy Baker provided more detailed information about the facilities operations and noted that the facility would be a strictly non-breeding kennel. She stated the organization has actively looked at other sites, even accessing every County record to obtain a piece of suitable, non-developed property. She stated that there are currently about 21 dogs on site with more in foster homes and roughly 50 cats at the site. Every morning (365 days a year) volunteers walk, feed, and clean the animals and the facility. She added that volunteers are loyal to the organization and come in twice a day to maintain and walk the animals. A path has been constructed behind the facility to walk to animals in a discreet location, however in the winter she stated that animas are walked along Hwy. 9 for light. She added that it is the intent of the organization to provide a similar path at a new facility.

Commissioner Delich asked if FOPAS would have facilities necessary to board someone's pet. Kathy Baker responded that they would not provide these as they

are non-profit shelter rather than a commercial kennel. Kathy also added that the policy and City animal control contract has access to outdoor pens when no one is staffing the facility.

Chairman Katterndahl asked if there had been any complaints from residents regarding the existing facility or their plans to expand. Stephen Lachky responded that there have been none from adjacent residents, but some community members in the Riss Lake subdivision have complained. Kathy responded that such complaints may be misguided and that the noise dispersed from the site is minimal. Regarding the concern that dogs were often walked across the Riss Lake Dam, she responded that this practice had ended.

Chairman Katterndahl then questioned a possible rezoning of the site to a commercial use. Stephen Lachky responded that this could be an option, however a text amendment would be required making a Commercial Kennel an approved conditional use in the respective zoning district.

Commissioner Delich asked about the site location relative to the extension of Lakeview Drive. He wondered if the topography was feasible for development along the frontage of an extended Lakeview Drive. Kathy Baker responded that due to the steep elevation, she believed it was undevelopable.

Commissioner Krtek asked how the organization was financed and stated that an 8,000 square foot building would be a large capital commitment. Kathy responded that the organization is self-supported by donations and that the timeframe for a new building would come through a capital campaign. Krtek asked how far along they were and she said that they currently have some funding but would like a decision from the City regarding their permanence before continuing any campaign or fundraising.

Commissioner Krtek then asked about the economic viability of the property west of the subject site for development. Staff provided aerial photographs and discussed the topography of the location. The organization and many Commissioners believed that the site was of marginal use topographically and would likely remain unimproved for quite some time.

Commissioner Delich wrapped up the discussion by stating the importance of a permanent facility at the location being non-breeding.

ADJOURNMENT

Seeing no other comments, questions, or concerns, Chairman Katterndahl thanked staff and the applicants for their cooperation and adjourned the work session at 7:39 p.m.

Submitted by:

Stephen Lachky, AICP

7-22-16
Date

Community Development Director

Brady Brewster
Community Development Intern

7-22-16
Date

DRAFT



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 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 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-notices/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).

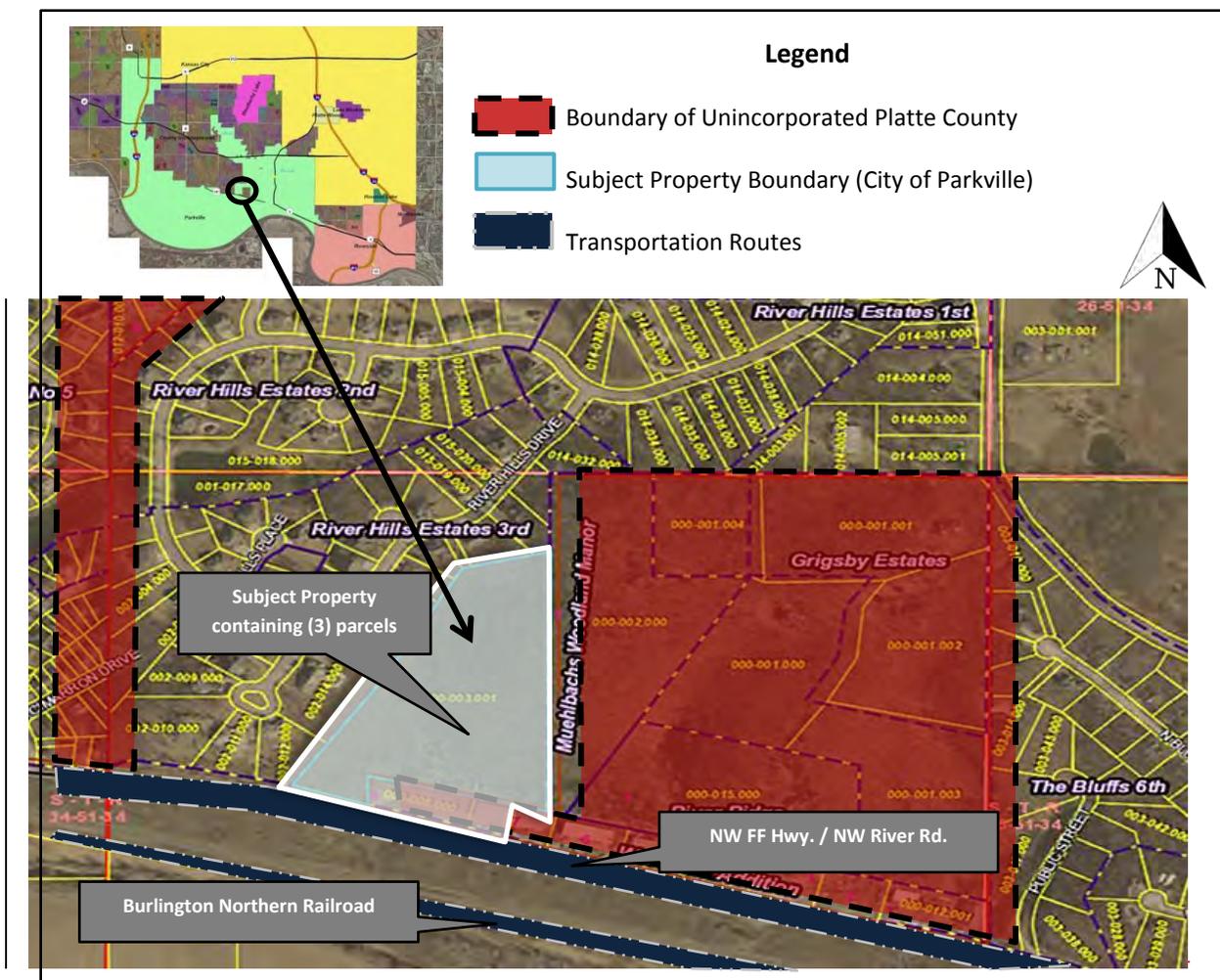


Exhibit C: Subject Area Property Map

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).

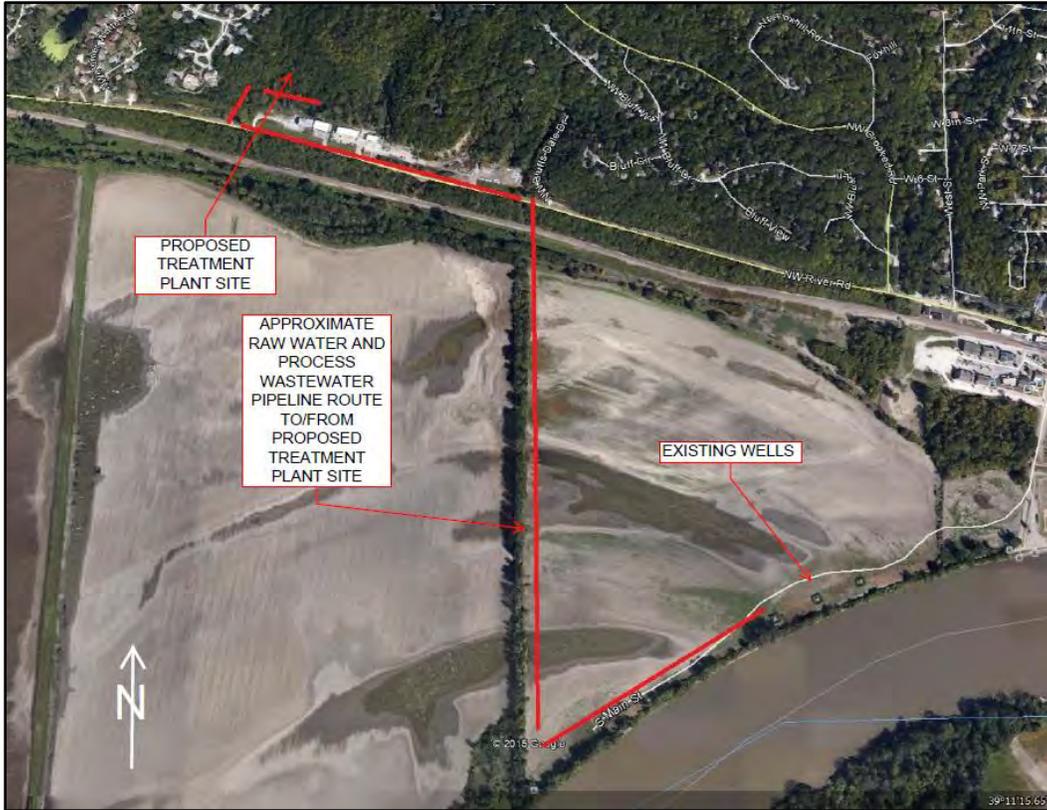
Considerations for building color, landscaping and other amenities to improve the overall appearance of the proposed drinking water treatment plant will be addressed during the preliminary and final site plan approval process. By preserving the existing vegetation on undeveloped portions of the site, 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.

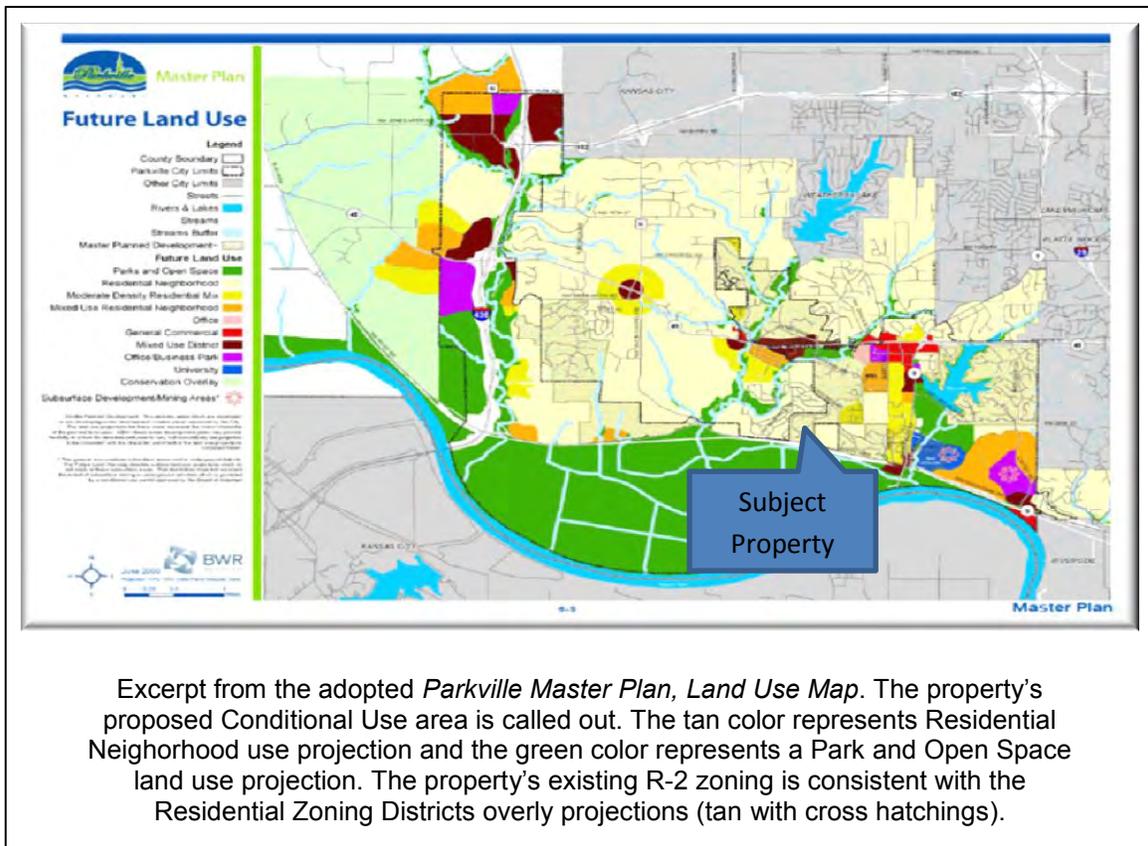
4. The adequacy of public utilities and other needed public services

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.



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 Pan 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 plan 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



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.

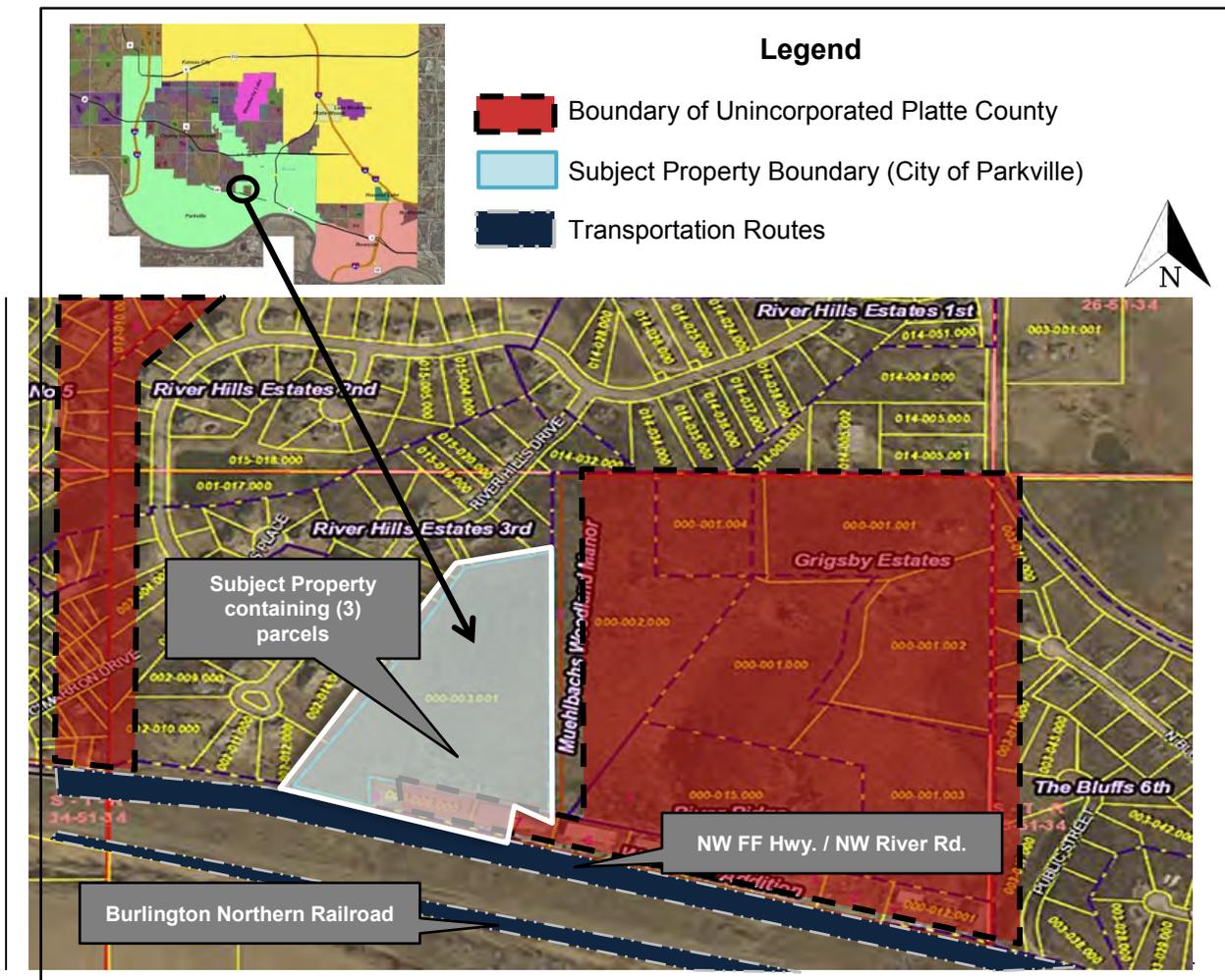


Exhibit C: Subject Area Property Map

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

EXHIBIT B



Application #: P216-02
Date Submitted: 4-28-16
Public Hearing: _____
Date Approved: 6-14-16

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

Application for Conditional Use Permit (CUP)

1. Applicant / Contact Information

Applicant(s)

Name: Missouri American Water Company
Address: 727 Craig Road
City, State: Creve Coeur, Missouri
Phone: 314-996-2307 Fax: 314-569-3972
E-mail: Kenneth.Stecher@amwater.com

Engineer / surveyor(s) preparing legal desc.

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

Owner(s), if different from applicant

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

Contact Person

Name: Kenneth E. Stecher
Address: 727 Craig Road
City, State: Creve Coeur, Missouri
Phone: 314-996-2307 Fax: 314-569-3972
E-mail: Kenneth.Stecher@amwater.com

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

Applicant's Signature (Required) [Signature] Date: 4-28-16
Property Owner's Signature (Required) [Signature] Date: 4-28-16

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

Proposed use: Drinking Water Treatment Plant Requested length of permit Indefinite

Description: Processes (Aeration, Clarification, Filtration and Chemical Injection) to treat groundwater for resident consumption

Proposed days and hours of operation: Manned Operation 7 AM - 5 PM; Remotely Operated remaining time of Day

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

Property address / general location: 10550 NW FF HWY, Parkville, MO. Approximately 1 mile West of Downtown Parkville, along Highway FF.

Parcel ID Number: 000-00.3.001 Zoning: Residential R-2

Present use of the property: None

Length of use (or vacancy): Unknown

Application #: PZ16-00

3. Neighboring land uses and zoning

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

<u>Existing Land Use</u>	<u>Existing Zoning</u>
North: <u>Trees / Wooded Area - Use Unknown</u>	<u>Unknown</u>
South: <u>Hwy FF</u>	<u>ROW</u>
East: <u>Bluff up to Subdivision</u>	<u>Residential</u>
West: <u>Industrial</u>	<u>Industrial</u>

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

5. Checklist of required submittals

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

For City Use Only

Application accepted as complete by: Kelly Yulich - CO ASST 4/29/16
Name/Title Date

Application fee payment: Check # Visa M.O. Cash \$ 300.00
 Final reimbursable costs paid (if applicable). Date of Action: _____

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

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

Exhibit B



Application #: P216-02D
Date Submitted: 7/7/16
Meeting Date: _____
Date Approved: 7/7/16

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7876 • FAX (816) 741-0015

Site Plan / Development Plan Application

1. Applicant / Contact Information

Applicant(s)

Name: Kenneth E. Stecher
Company: Missouri American Water Company
Address: 727 Craig Road
City, State: Creve Coeur, Missouri
Phone: 314-996-2307 Fax: 314-569-3972
E-mail: Kenneth.Stecher@amwater.com

Person(s) preparing plans

Name: Ben Freese
Company: Black & Veatch
Address: 16305 Swingly Ridge Road, Ste. 230
City, State: Chesterfield, Missouri 63017
Phone: 636-536-5822 Fax: 636-536-1123
E-mail: freesebp@bv.com

Owner(s), if different from applicant

Name: MARK COULTER
Company: _____
Address: 6552 CLARET
City, State: PARKVILLE MO 64152
Phone: 816-589-6424 Fax: _____
E-mail: MARK.COULTER@OUTLOOK.COM

Contact Person, if different from applicant

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

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

Applicant's Signature (Required) [Signature] Date: 7-6-16

Property Owner's Signature (Required) [Signature] Date: 7-6-16

2. Property Information

Zoning district: R-2
Address and general location: 10550 Hwy FF I-1 (COUNTY)
10530 HWY FF
Legal description (may be attached): _____

Description of proposed use(s): Water Treatment Facility

Gross acreage of lot: 12 Net acreage of lot: _____

Open space acreage: _____ Lot coverage: _____

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

3. Factors affecting the project

Are any public improvements required for this project? Yes

Explain (may be attached): Access off of Hwy FF. New Water Mains along Hwy FF

Does the proposed site / development plan meet the following criteria? Attach a separate Yes No sheet explaining how / why.

Does the proposal conform to the provisions of the City's Zoning Code?

Does the proposal conform to the provisions of the City's subdivision regulations?

Does the proposal conform to the goals and objectives of the City's Master Plan?

Is the proposed development compatible with the surrounding area?

Does the proposal conform to customary engineering standards used in the City?

Are the streets, paths, walkways and driveways located so as to enhance connectivity, circulation and safety and minimize any adverse traffic impact on the surrounding area?

Please note below other comments or factors relating to the proposed development (may be attached):

4. Checklist of required submittals

- Completed application, including site plan with all required details and supporting data.
- Nonrefundable application fee of \$300.00.
- Five (5) copies 24" x 36" size, or larger sets, one (1) 11 x 17 size set, and one (1) electronic set (pdf format) of the development plan and elevations for staff and service providers review. Please note additional copies will be required for submittal to the Planning Commission, and Board of Aldermen.
- Five (5) paper copies and one (1), electronic copy (pdf format) of any supporting documentation for staff and service providers review. Please note additional copies will be required for submittal to the Planning Commission, and Board of Aldermen.
- Authorization signature of the applicant and owner of record of the property.
- If subject to covenants and/or deed restrictions, signed approval of the association/entity enforcing such.

For City Use Only \$ 300

Application accepted as complete by: Stephen Lachky - Community Development Director 7/7/16
Name/Title Date

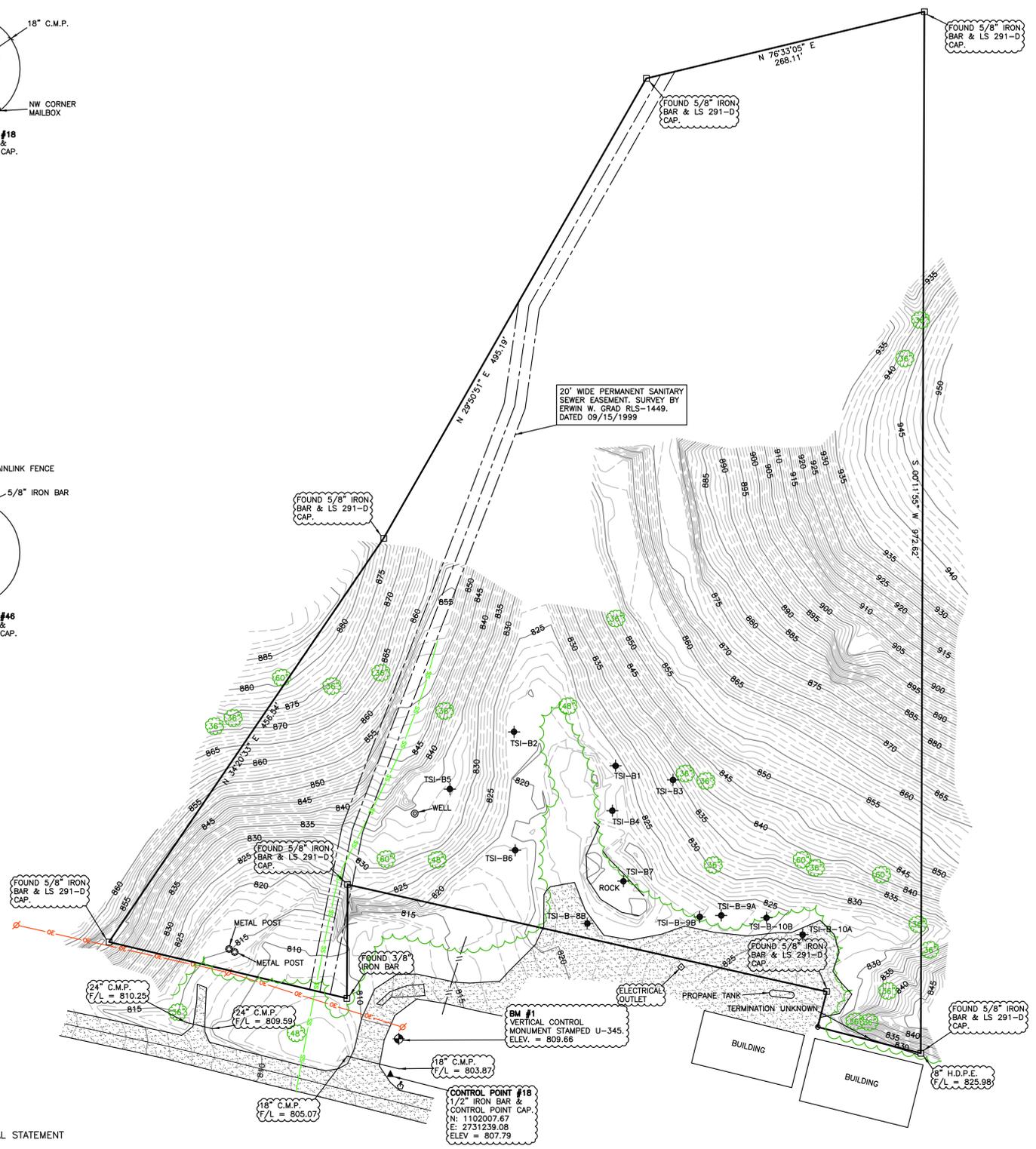
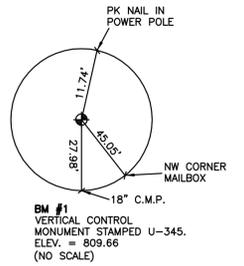
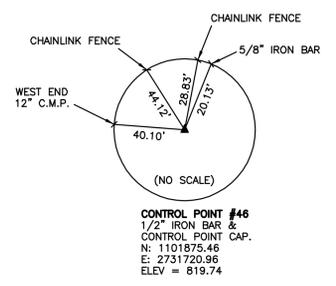
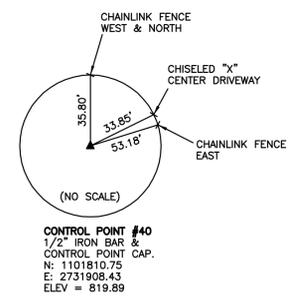
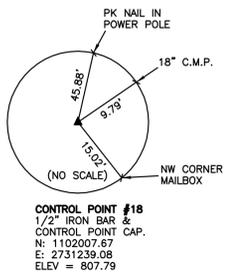
Application fee payment: Check # _____ M.O. _____ Cash Received from: CC(VISA) Scott Keith
: Final reimbursable costs paid (if applicable). Date of Action: _____

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

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

EXHIBIT D

TOPOGRAPHIC SURVEY



CERTIFICATION:

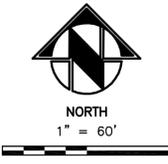
I HEREBY CERTIFY that the attached survey was completed by me or under my direct personnel supervision in accordance with the information furnished to the surveyor by the client and his agents, and that I am a duly Registered Land Surveyor under the laws of the State of Missouri.

WITNESS hand and seal this Twenty-fifth (25th) day of April, 2016.

Richard L. Mattson
Missouri P.L.S. 2674

SURVEYOR'S NOTES:

- Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations; and any other facts that an accurate and current title search may disclose.
- Declaration is made to original purchaser of the survey. It is not transferable to additional institutions or subsequent owners.
- Survey is valid only if print has original seal and signature of surveyor.
- Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor. No abstract of title, nor title commitment, nor results of title searches were furnished the surveyor. There may exist other documents of record that would affect this parcel.
- Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- The word "certify" or "certificate" as shown and used hereon means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
- Utilities notified by Missouri ONE CALL Ticket Nos. 160823094, 160823095, 160823092, 160823094, 160823089, 160823093, 160823091, 160823088 and 160823090. Utilities notified include: ATT Transmission, ATT Distribution, Missouri Gas Energy, Missouri American Water Company, City of Parkville, Platte County Regional Sewer, Kansas City Power & Light and Magellan Midstream Partners.



LEGEND

- = DENOTES 1/2" BAR & LC 000120 CAP SET
- = DENOTES CALCULATED CORNER
- = DENOTES FOUND MONUMENT
- M = MEASURED DISTANCE
- R = RECORDED DISTANCE
- ⊗ = POWER POLE
- ⊕ = BORE HOLE LOCATION
- Ⓜ = MAILBOX
- ⊙ = TREE
- C.M.P. = CORRUGATED METAL PIPE
- H.P.P.E. = CORRUGATED PLASTIC PIPE
- F/L = FLOW LINE
- SS = SANITARY SEWER LINE
- OE = OVERHEAD ELECTRIC LINE
- |—|— = FENCE
- |—|— = TREE LINE
- ▨ = ASPHALT
- ▨ = GRAVEL



ELECTRONIC TRANSMITTAL STATEMENT

This document must be compared to the original hard copy issued at the date of the original signature and seal to ensure the accuracy of the information and to further ensure that no changes, alterations or modifications have been made. No reliance shall be made on a document transmitted by computer or other electronic means unless first compared to the original sealed document.

UTILITY WARNING

The locations of underground utilities as shown hereon are based on the above ground structures and record drawings provided to the Engineer/Surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered. Before excavations are begun, contact utility companies for verification of utility type and field locations.

REVISED ON 05/03/2016 TO ADD ADDITIONAL BORING LOCATIONS

PREPARED FOR:
BLACK & VEATCH
SECTION 34, T-51; R-34W
PLATTE COUNTY, MISSOURI

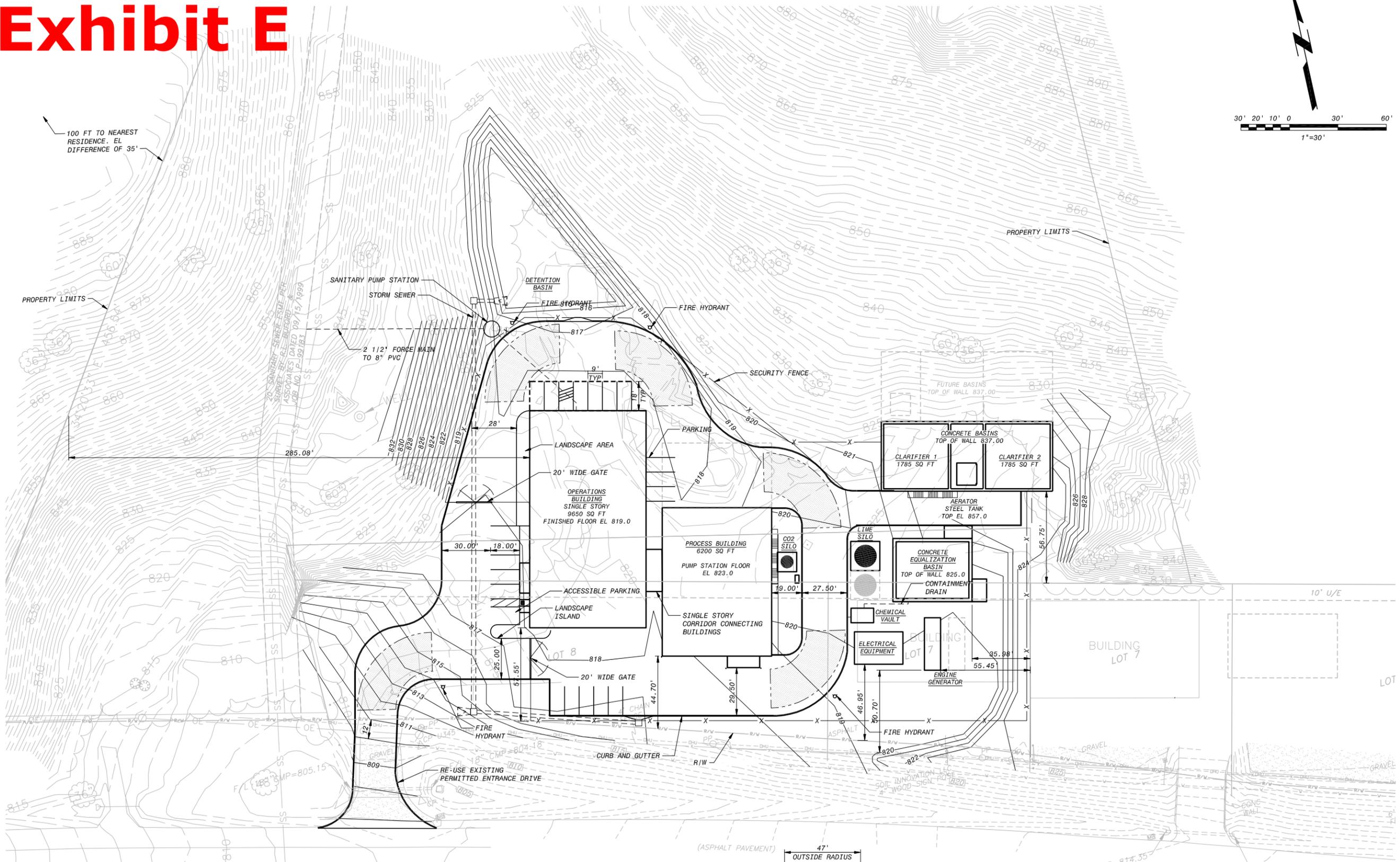


LAND SURVEYORS - PLANNERS
501 North Market, Maryville, MO 64468
ph. (660) 582-8633 fax (660) 582-7173
4784 Frederick Blvd, St. Joseph, MO 64506
ph. (816) 233-7900 fax (816) 233-4852

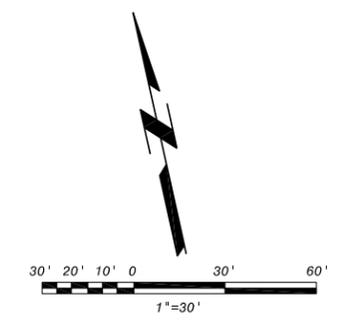
Midland Surveying, Inc.
Missouri State Certificate of Authority #000120

FILE: MOAM-PARKVILLE-TOPO	DATE: APRIL 25, 2016	SCALE: 1" = 60'	REVISED:	SHEET NO. 1 OF 1
------------------------------	-------------------------	--------------------	----------	---------------------

Exhibit E



100 FT TO NEAREST RESIDENCE. EL DIFFERENCE OF 35'



BLACK & VEATCH
Building a world of difference.
Black & Veatch Corporation
16305 SW 20th Road, Chesterfield, MO, 63017
636.556.5800 Engineering License No. 1646

MISSOURI AMERICAN WATER
ENGINEERING DEPARTMENT
727 GRAND ROAD, ST. LOUIS, MISSOURI 63141

MISSOURI-AMERICAN WATER CO.
PARKVILLE DISTRICT
WATER TREATMENT PLANT
PARKVILLE, MO

PRELIMINARY NOT FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED OR APPROVED BY:
AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MISSOURI
LICENSE NO.:
EXPIRATION:

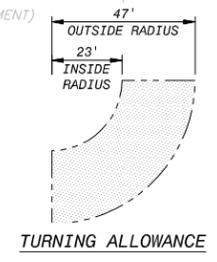
REVISIONS:

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

4/12/2016 7:10:54 AM

Exhibit F

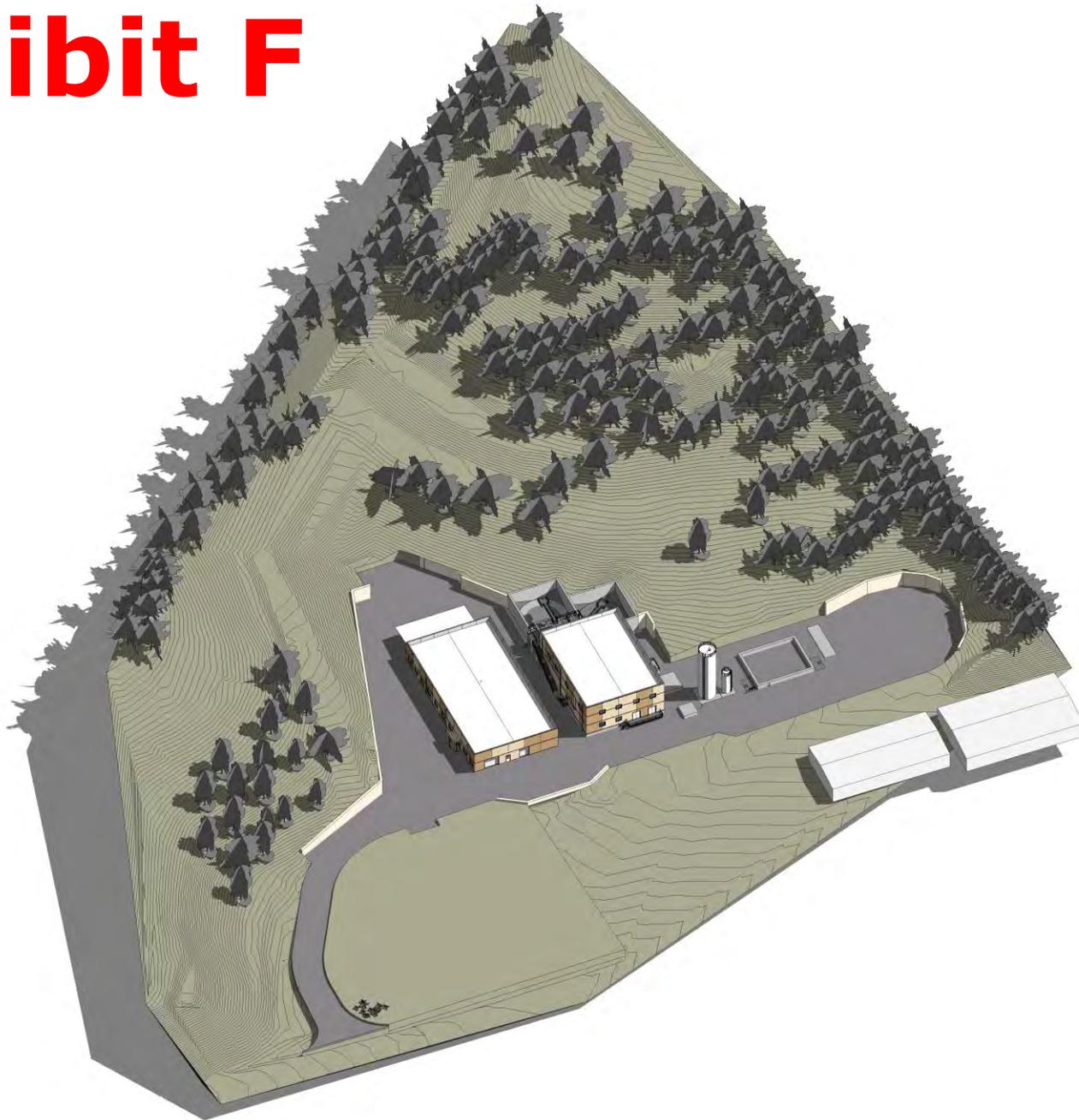








Exhibit G

Photo taken at Joe Miller Residence; 10500 Riverview Point looking east/southeast



06 06 2016

EXHIBIT G

Photo taken at Joe Miller Residence; 10500 River View Point looking east towards the subject site



06 06 2016

EXHIBIT H

Photos taken from street view

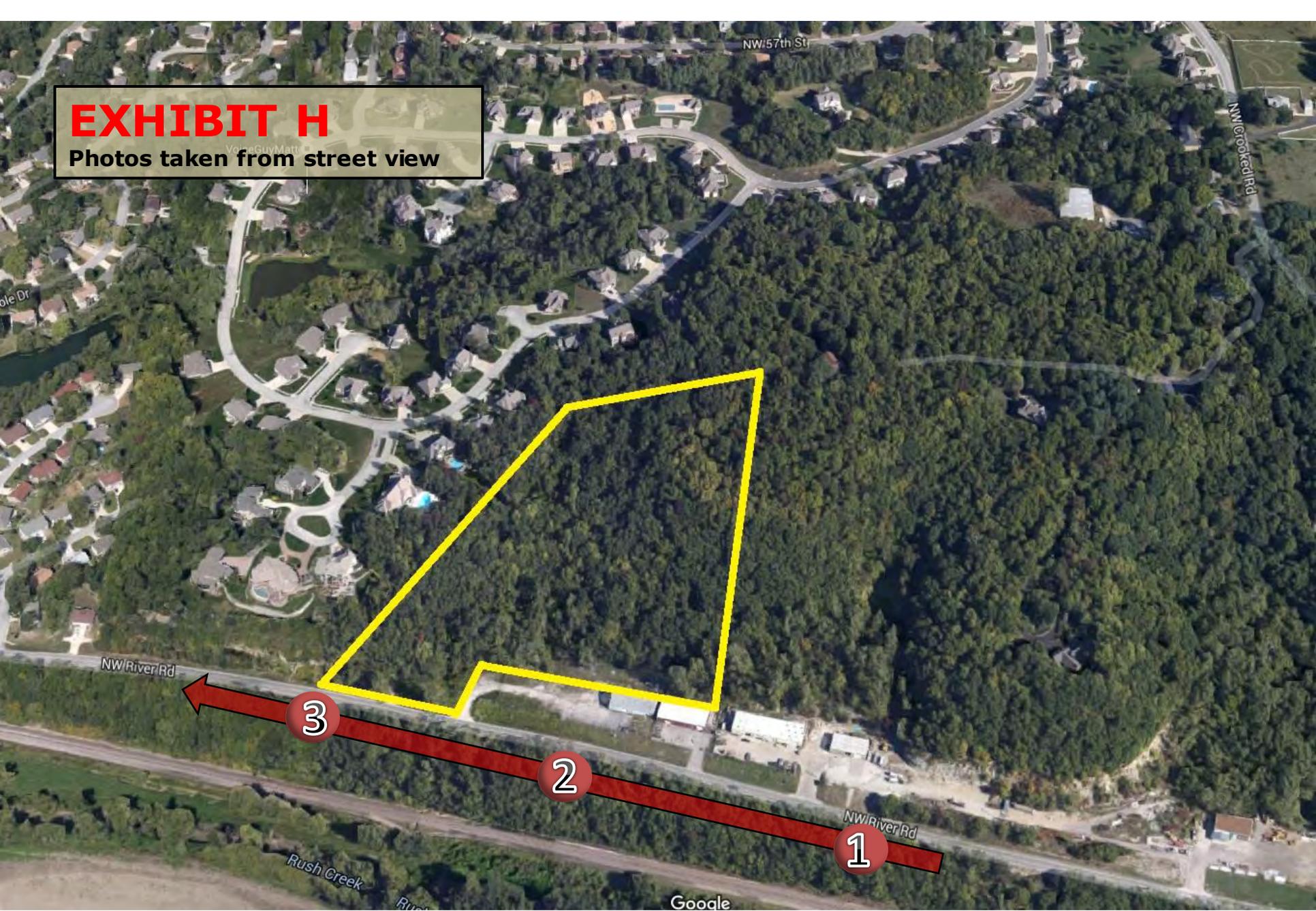


EXHIBIT H

Photo taken from NW FF Highway looking northwest towards subject site. Industrial uses pictured are within Platte County boundaries.

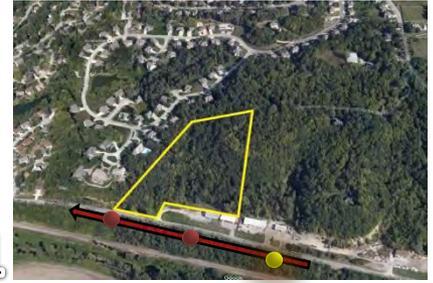


EXHIBIT H

Photo taken from NW FF Highway looking north towards subject site. The proposed plant will be constructed in the general area north of this access road pictured.



2



2

EXHIBIT H

Photo taken from NW FF Highway looking east/northeast towards subject site. Access to the plant is generally proposed in the indicated area.





Staff Analysis

Date: July 29, 2016

To: Planning Commission

From: Alysen Abel, P.E. – Public Works Director

CC: Stephen Lachky, AICP – Community Development Director
Paul Giarratana, CBO, CBI, CFM – Building Official
Brady Brewster – Community Development Intern

RE: Missouri American Water – Revised Preliminary Plan

The property located along FF Hwy is the proposed location of the new facility for the Missouri American Water plant. Revisions to the Preliminary Plan were submitted to the City for review, with the location of the building shift to the south. It is staffs understanding that two lots along FF Hwy will be purchased by Missouri American Water and will be annexed into the City. Prior to issuance of a site development or higher permit, the annexation shall be completed.

Sanitary Sewer:

Sanitary sewer service is available to the site through the City's force main located along the west side of the proposed site. When the force main was constructed with the River Hills subdivision, the location of the sewer main was shifted. With the submission of the construction plans, the developer's engineer will need to verify the location of the sanitary sewer lines and associated permanent sewer easements. If additional easements are necessary, those easements will need to be prepared and executed prior to approval of a site development permit.

The City requests information about the impact to the existing sanitary sewer system for the proposed facility prior to the approval of the final development plans. The developer's engineer will need to submit a brief summary of the type and quantity of the wastewater flows. The City will use this information to verify the capacity of the line and to establish connection fees.

An adjacent property owner, in the industrial area to the east of the site, is currently finalizing the design and plans for a sanitary sewer main that will connect into the City's force main within the FF Hwy right-of-way. The sewer main will be owned and maintained by Platte County Regional Sewer District (PCRSD). It is recommended that Missouri American Water negotiate with the adjacent property owner and PCRSD to connect to the sewer main, in lieu of making another connection to the City's force main. Additional agreements may be necessary between the City and PCRSD to serve the property.

Erosion Control:

The proposed development was shifted to the frontage of FF Hwy. The concerns associated with sediment transported to the adjacent properties have been alleviated since the site plan has changed. The developer's engineer will need to provide construction plans for the erosion and sediment control practices, submitted to Public Works for review and approval prior to construction permit issuance.



Storm Sewer:

The developer is required to provide stormwater detention and stormwater treatment with the proposed site improvements. The developer intends to include a detention area and has preliminarily included a footprint of the proposed detention facility. However, no calculations have been submitted to the City for review. The developer is taking a risk that the footprint for the detention is sufficient. If additional changes are needed to accommodate the stormwater detention and stormwater treatment, the developer may be required to submit a revised preliminary plan.

A stormwater management study will need to be submitted, which includes the detailed engineering design and calculations for the stormwater detention and stormwater treatment facilities. The stormwater study will need to be reviewed and approved by Public Works prior to issuance of any site construction permits.

Public Works recommends approval of the Preliminary Plan, with the following conditions:

1. 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.
2. 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.
3. 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.
4. Prior to issuance of a site development permit, the developer shall prepare and execute any additional easements necessary for the existing force main.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.



Location is approximate. Contractor shall pothole, and notify City of location.

Air/Vac valve at high point, line flows as gravity forcemain downhill from this point.

Location is approximate. Contractor shall pothole, and notify City of location.

8" River Hills Forcemain connects to 12" PVC McAfee Forcemain

- Legend**
- Sanitarylines
 - San Manholes
 - PlatteParcels-I2016
 - Pkv City Limits



PARKVILLE SAN SEWER MAP
River Hills Forcemain.

EXHIBIT J

Utility Provider Correspondence
Missouri American Water Company
Preliminary Development/Site Plan

Dear Utility Providers,

The City of Parkville has received applications from Missouri American Water Company (MoAW) for a preliminary development/site plan, and a conditional use permit for a new water plant facility at 10550 State Hwy FF, Parkville, MO 64152. Enclosed are:

- Memorandum from Parkville staff
- Site Plan / Development Plan Application
- Conditional Use Permit (CUP) Application
- Survey of Property
- Preliminary Site Plan (04-08-16)
- Planning & Zoning Commission Special Workshop Minutes (DRAFT 04-20-16)
- Utility Provider Comment Sheet

These applications are scheduled to be considered by the Parkville Planning & Zoning Commission on Tuesday, June 14, 2016 at 5:30 p.m. **Please review the enclosed documents and return the enclosed *Utility Provider Comment Sheet* identifying:**

- Your awareness of the project
- Your ability to serve the project and any potential limitations
- Adequacy of the proposed easements; and
- Any other issues you feel need to be addressed

Please return any comments by **Tuesday, May 17, 2016**, if possible. If not, please let us know when comments might be expected. If you have any questions, please feel free to reach me at (816) 741-7676 or slachky@parkvillemo.gov. Thank you for your cooperation and coordination with the City of Parkville.

Stephen Lachky, AICP
Community Development Director

Utility Provider Responses

*With the exception of Missouri Gas Energy, the following utility providers did not return a *utility provider comment sheet*. The correspondence below provides each provider's response to this project.

Missouri Department of Transportation (MoDOT)

RE: Utility Provider Response

I will have to perform a sight distance study to ensure that the proposed location will meet our current standards and requirements. Have they marked out the location yet? If so I could do the sight distance study either tomorrow or Friday.

Nathan Juliana
Senior Traffic Specialist, MoDOT

South Platte Fire Protection District

RE: Utility Provider Response

Deal Cull, 06/06/2016

I will fill out your sheet. Do you have a copy I can type on? Also what happened to the access road from the turn around to behind the admin. building. I will be able to come in and turn past the Administrative building and into the 20 ft "alley" and then turn left and go behind building and then hit a dead end once I turn left go on the west side of the Admin. Building. It doesn't show the road leading to the west customer parking lot does it? I will not be able to back out of all that.

Stephen Lachky, 06/06/2016

Here's a version you can fill out. It looks like they decided to get rid of the access road / turnaround behind the administration building, and instead create a drive all the way around the administration/operations building, so it appears you do not have to back out. There will just be a gate on the northwest side of the building. I can verify with Kenneth at MoAW.

Dean Cull, 06/06/2016

Ok so the drive goes all the way around? I am good with that. I am not worried about a gate. They will have to get a Knox padlock for that.

Platte County Regional Sewer District

RE: Utility Provider Response

Good morning. It was nice to meet you Tuesday evening. The Sewer District does not have any comments regarding the MoAm plant given my assumption they are connecting to the pressure line of the City of Parkville.

Dan Koch
Executive Director
Platte County Regional Sewer District



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

To: Utility Providers
From: Stephen Lachky, Community Development Director
Date: Tuesday, May 3, 2016
Re: Utility Provider Verification - MoAW Plant (10550 State Hwy FF, Parkville, MO 64152)

Enclosed for your review and comment is a survey of the subject property and accompanying preliminary site plan for the Missouri American Water Plant at 10550 State Hwy FF, Parkville, MO 64152. Please take a moment to answer the following questions pertaining to your awareness of the project, potential service limitations, adequacy of proposed easements and additional issues. Please mail or email your responses by Tuesday, May 17, 2016 to:

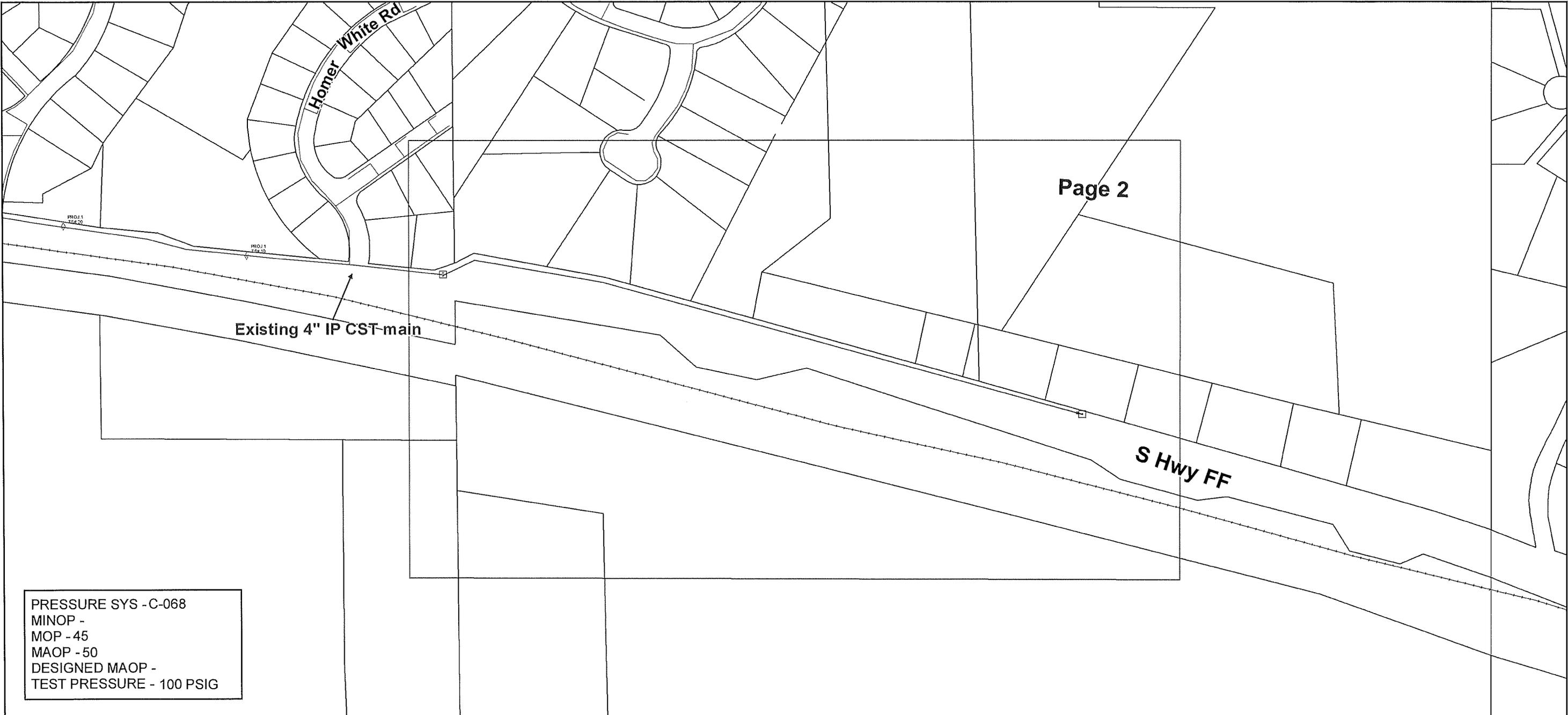
Stephen Lachky, AICP
Community Development Director
8880 Clark Ave
Parkville, MO 64152
slachky@parkvillemo.gov

Thank you for your time and attention to this matter.

- 1. Have you met with the applicant to review the proposed site plan? [] Yes [x] No
2. Can you provide adequate service to the proposed development? [x] Yes [] No
3. Are the utilities and easements shown on the plans adequate? [] Yes [x] No
4. Are there any other issues that need to be addressed? [] Yes [x] No

Additional comments may be included on a separate sheet

Name: Peggy Burns-Yocum
Title: Construction Engineer III
Agency: MGE
Date: 6/3/16
Signature: Peggy Burns-Yocum



PRESSURE SYS - C-068
 MINOP -
 MOP - 45
 MAOP - 50
 DESIGNED MAOP -
 TEST PRESSURE - 100 PSIG

- | | | | | | |
|-----------------------|---------------------------|------------------|--------------------------------|------------------|---------------------------|
| ○ Drip | × Service Tee | Flange | == Gas Pipe Casing | Gas Valve | Main & Service |
| ■ Station Structure | ⊗ Stopper / Bottom Outlet | Insulated Flange | — Exposed Pipe | ⊗ Ball | — Existing |
| [R] Regulator Station | ∩ Coupling | + Cross | /// Abandoned Gas Pipe | ⊗ Butterfly | — Install |
| [M] Meter Setting | Insulated Coupling | ∇ Reducer | RCP - Reinforced Concrete Pipe | ⊗ Gate | — Remove |
| ○ Marker Post | □ Trace Wire Box | ┴ Tee | CMP - Corrugated Metal Pipe | ⊗ Plug | /// Abandon |
| △ Electronic Marker | • End Cap | ∩ Vertical Ell | | ⊗ Blow Down | |



Check for
 Work Order Authorization

Designer: Erica Murren	Revision Date(s): _____
Original Date: 04/28/2016	_____

1
4" 3-Way Tee
4" Transition Fitting
4" PE 90° Ell
Test Station/Anode

FEED →

A
Install ~ 1656 Ft of 4" PL IP main

2
2" Purge point
4" x 2" Reducer
Test Station/Anode

S Hwy FF

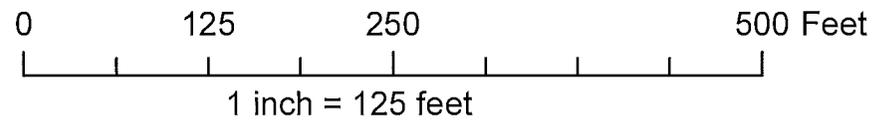


EXHIBIT K

Public Comment

Missouri American Water Company
Preliminary Development/Site Plan

RE: Telephone conversation from Rich Gallimore

Community Development Response:

Rich,

It was a pleasure speaking with you on the phone. Missouri American Water has recently submitted applications to the City of Parkville to construct a new water plant at 10550 NW FF Hwy. Attached is a memo provided to our Planning & Zoning Commission with more information. We anticipate holding a public hearing at Parkville City Hall in our Board Room / Court Room the evening of Tuesday, June 14, 2016 (5:30 p.m.-). You're welcome to attend and provide any comments, or provide me comments beforehand which I can attach in our agenda packet to our Planning & Zoning Commission.

As required by Parkville Municipal Code, Section 483.030 (Public Hearing) we're required to do the following:

- A. The Planning Commission shall hold a public hearing thereon, before submitting its report to the Board of Aldermen. Notice of public hearings before the Commission shall be given by publishing the time, place, and nature of the hearing not more than thirty (30) nor less than fifteen (15) days before the hearing at least once in one (1) or more newspapers in general circulation in the City.
- B. The applicant shall provide the names and addresses of all owners of record of all property within lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the subject property. At the expense of the applicant, the Community Development Director shall cause notice of the time, place and nature of the hearing to be sent by certified mail to the said property owners.
- C. The Community Development Director shall also cause a sign announcing the time, place and nature of the hearing to be placed on the subject property in view from the public right-of-way not less than fifteen (15) days before the hearing date.

The Planning & Zoning Commission had an initial working session with Missouri American Water last month to gain more preliminary information before the public hearing next month. The minutes are posted on our webpage and are available for viewing:

<http://parkvillemo.gov/download/pz-minutes/PZWorkshopMinutes042016.pdf>

In the meantime, let me know if you have additional questions.

Stephen Lachky, AICP
Community Development Director

RE: Telephone conversation from Joe Miller

Community Development Response:

Sue,

I spoke with your husband Joe Miller on the phone today and am providing him information related to an upcoming project in Parkville. Missouri American Water has recently submitted applications to the City of Parkville to construct a new water plant at 10550 NW FF Hwy. Attached is a memo provided to our Planning & Zoning Commission with more information. We anticipate holding a public hearing at Parkville City Hall in our Board Room / Court Room the evening of Tuesday, June 14, 2016 (5:30 p.m.-). You're welcome to attend and provide any comments, or provide me comments beforehand which I can attach in our agenda packet to our Planning & Zoning Commission.

As required by Parkville Municipal Code, Section 483.030 (Public Hearing) we're required to do the following:

- A. The Planning Commission shall hold a public hearing thereon, before submitting its report to the Board of Aldermen. Notice of public hearings before the Commission shall be given by publishing the time, place, and nature of the hearing not more than thirty (30) nor less than fifteen (15) days before the hearing at least once in one (1) or more newspapers in general circulation in the City.
- B. The applicant shall provide the names and addresses of all owners of record of all property within lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the subject property. At the expense of the applicant, the Community Development Director shall cause notice of the time, place and nature of the hearing to be sent by certified mail to the said property owners.
- C. The Community Development Director shall also cause a sign announcing the time, place and nature of the hearing to be placed on the subject property in view from the public right-of-way not less than fifteen (15) days before the hearing date.

The Planning & Zoning Commission had an initial working session with Missouri American Water last month to gain more preliminary information before the public hearing next month. The minutes are posted on our webpage and are available for viewing:

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In the meantime, let me know if you have additional questions.

Stephen Lachky, AICP
Community Development Director

(Below is the Planning & Zoning Commission memo sent as a response to both inquiries of information)



Memorandum

To: Planning & Zoning Commission
From: Stephen Lachky, Community Development Director
Date: Tuesday, April 12, 2016
RE: Missouri American Water Company Relocation

Background

Missouri American Water Company (MOAW) recently purchased property off of FF Hwy near the River Hills Estates subdivision (see Site Overview below). MOAW plans to decommission the water treatment plant downtown and construct a new facility on the southeast corner of the subject property. The plan is to have the new plant operational by December 31, 2017. The property is currently zoned "R-2" (Single-Family Residential District). It was originally platted as part of the River Hills Estates and later re-platted in 1999 as a large single-family lot, although it is adjacent to industrial uses in neighboring unincorporated Platte County. The zoning regulations allow for public utility uses, buildings and structures in residential zones through a conditional use permit (CUP). Staff is working with MOAW on the CUP application and associated conditions. The Community Development Department is planning to schedule an informal work session with the Planning & Zoning Commission about this project in the next couple of months before scheduling the public hearing for the CUP (probably later this summer).

Meanwhile, staff has asked MOAW to keep us informed of its plans for the current site downtown. The company is working with the EDC on possible redevelopment scenarios, and the EDC is courting developers for this site and other areas of downtown identified in Vision Downtown Parkville.

Site Overview

The subject property is generally located north of FF Hwy and southeast of River Hills Estates subdivision in Parkville, and contains one lot totaling 10.0136 acres more or less. As it exists today, the subject property is vacant land.

- **Property Description** – ALL THAT LYING IN THE W 1/2 OF NE 1/4 OF SEC 34, BEG AT NW COR OF THE E 1/2 OF NE 1/4 OF SEC 34, THENCE S 509.9' TO POB
- **Parcel Number** – # 20-8.0-34-000-000-003.001



Analysis

A more detailed staff analysis of the subject property will be completed later of time in conjunction with an Application for a Conditional Use Permit (CUP) once an application has been submitted. In the meantime, I am available for any questions.

EXHIBIT L

Map of proposed Missouri American Water pipelines



Staff Analysis

Agenda Item: 4.C

Proposal: Request for text amendment to Parkville Municipal Code, Title IV, Chapter 471: Regulations Governing The Installation and Operation of Telecommunication Antennas and Towers.

Case No: PZ16-12

Applicant: City of Parkville

Exhibits:

- A. This staff report
- B. Application for Text Amendment (Zoning & Subdivision Regulations)
- C. Proposed text amendment
- D. Proposed removals to Chapter 471
- E. Proposed additions and modifications to Chapter 471
- F. RSMo, Section 67.5094.1
- G. Safety Fall Zone Information and Resources
- H. Public Hearing Notice
- I. Additional exhibits as may be presented at the public hearing

By Reference:

- A. Parkville Municipal Code, Title IV, Chapter 471: Regulations Governing The Installation and Operation of Telecommunication Antennas and Towers - <http://www.ecode360.com/27902622>
- B. Missouri Revised Statutes (RSMo), Chapter 67, Sections 67.5090 to 67.5103 - <http://www.moga.mo.gov/mostatutes/stathtml/06700050901.html>

Overview

On July 5, 2013, Governor Jay Nixon of Missouri signed into law HB 331 – the “Uniform Wireless Communications Infrastructure Deployment Act” (the “Act”). The purpose of the Act is, “to encourage and streamline the deployment of broadband facilities and to help ensure that robust wireless communication services are available throughout Missouri.” Under the Act, when considering applications for the construction of wireless facilities, local authorities:

- Are prohibited from evaluating an application based on the availability of other potential locations for a facility (though they may still require applicants to state whether they’ve analyzed available collocation opportunities);
- Cannot dictate the type of technology used by an applicant to deploy its technology; and
- May not unreasonable dictate the appearance of wireless facilities, such as what types of materials are used or how the facility must be screened or landscaped (this leaves some discretion to the local authority so long as the requirements are “reasonable,” which is not further defined within the Act.).

On June 7, 2016, the City of Parkville received authorization by the Board of Aldermen to enter into a professional services agreement with Cunningham, Vogel & Rost, P.C. for special legal

counsel services related to telecommunications and cell phone towers (Ordinance No. 2848). Since that time, legal counsel by Cunningham, Vogel & Rost, P.C. has recommended the City update its telecommunications regulations to reflect legislation at the state level, specifically requirements of the Act contained in RSMo, Sections 67.5090 to 67.5103 (See Exhibit E).

The city's telecommunications regulations are contained within Parkville Municipal Code, Title IV, Chapter 471: Regulations Governing The Installation and Operation of Telecommunication Antennas and Towers. The regulations in this chapter were adopted on November 4, 1997 (Ordinance No. 1681). Staff has reviewed provisions of the Act against Parkville's regulations, and drafted proposed text amendments to Chapter 471 to bring the city in compliance with Missouri's state requirements. Further, staff has consulted with Chris Brewster (Gould Evans) — who is currently conducting Parkville's Zoning Code and Subdivision Regulations Update project — regarding immediate organizational/structural modifications for the Chapter. Lastly, legal counsel by Cunningham, Vogel & Rost, P.C. has reviewed the proposed text amendment (Exhibit B). In summary, these proposed text amendment:

- Remove requirements of Chapter 471 conflicting with RSMo Section 67.5094.1: Prohibited acts by authority.
- Add preemption language to Chapter 471 stating that requirements shall not supersede any federal or state law now or in the future.
- Add that decisions and findings for a conditional use permit need to be based upon substantial evidence.
- Add minimum setback requirements for all zoning districts and city rights-of-way.
- Reorganize sections and language in Chapter 471 for organizational purposes.

Staff Conclusion and Recommendation

Staff recommends approval of the proposed text amendment to Parkville Municipal Code, Title IV, Chapter 471: Regulations Governing The Installation and Operation of Telecommunication Antennas and Towers, as depicted in Exhibit B. Consideration of text amendment requires a public hearing. Required public hearing notices were published and no comments have been received as of the date of this staff analysis report. It should be noted that the recommendation contained in this report is made without knowledge of any facts and testimony which may be presented during the public hearing, and that the conclusions herein are subject to change as a result of any additional information that may be presented.

Necessary Action

Following consideration of the proposed text amendment, the factors discussed above and any testimony presented during the public hearing, the Planning and Zoning Commission must recommend approval (with or without conditions) or denial of the text amendment, unless otherwise postponed. Unless postponed, the Planning Commission's action will be forwarded to the Board of Aldermen along with any explanation thereof for final action.

End of Memorandum

Stephen Lachky, AICP
Community Development Director

7-29-16
Date

Cc: Brady Brewster
Community Development Intern

Exhibit B



Application #: PZ16-12
Date Submitted: July 1, 2016
Public Hearing: August 9, 2016
Date Approved: _____

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

Application for Text Amendment (Zoning & Subdivision Regulations)

1. Applicant / Contact Information

Applicant(s)

Name: City of Parkville
Address: 8880 Clark Ave
City, State: Parkville, MO
Phone: 816-741-7676 Fax: 816-741-0013
E-mail: slachky@parkvillemo.gov

Primary Contact(s), if different from applicant

Name: Lauren Palmer
Address: 8880 Clark Ave
City, State: Parkville, MO
Phone: 816-741-7676 Fax: 816-741-0013
E-mail: lpalmer@parkvillemo.gov

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

Applicant's Signature (Required) Date: 7-27-16

2. Proposed Text Amendment

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

Amendment proposed to (Chapter, Section and Subsection number): Chapter 471

Section / Subsection Title: Regulations Governing The Installation and Operation of Telecommunication Antennas

Existing text: See Attached

Proposed text: See Attached

Reason for amendment: Recommended by special legal counsel services related to telecommunications and cell phone towers.

Generally, amendments are evaluated based on whether their benefit will likely outweigh any potential pitfalls, and their ability to implement community goals and objectives and improve the existing code. Describe below or on a separate sheet potential benefits and effects of the proposed amendment.

General benefits to property and residents in the City of Parkville (i.e. does the amendment make the code conform more closely with the City's Master Plan; improve public health, safety or general welfare; clarify or better implement the intent of the Code; or other): The proposed text amendment updates the City's telecommunications regulations to reflect legislation at the state level, including requirements of the "Uniform Wireless Communications Infrastructure Deployment Act" contained in Missouri Revised Statutes (RSMo), Chapter 67, Sections 67.5090 to 67.5103; as well as amendments deemed necessary by special legal counsel.

General effects to property and residents in the City of Parkville: Ensure the City's telecommunications regulations do not conflict with any state or federal requirements now or in the future.

Completed application, including all required details and supporting data.

N/A Nonrefundable application fee of \$300.00. Applicant will be billed to recover costs for required publication and certified notice to adjacent property owners. N/A

Application accepted as complete by: Brady C. Brewster / CD Intern 07/25/2016
Name/Title Date

N/A Application fee payment by Check M.O. Cash Check/M.O. #: _____

Accepted by: Brady Brewster / Comm. Dev Intern 07/25/2016
Name/Title Date

Hearing notice published in: The Landmark Date of publication: Wednesday, July 13, 2016
Newspaper

Final reimbursable costs paid (if applicable). Date of Action: N/A

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

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

Exhibit C

Chapter 471. Regulations Governing The Installation and Operation of Telecommunication Antennas and Towers

Section 471.010. Definitions.

[Ord. No. 1681 §1, 11-4-1997]

As used in this Chapter, the following terms shall have the meanings indicated:

ALTERNATIVE COMMUNICATION TOWER STRUCTURE

Manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA

Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

APPLICANT

The property owner and the telecommunication company.

FAA

The Federal Aviation Administration.

FCC

The Federal Communications Commission.

GOVERNING AUTHORITY

The Planning Commission and the Board of Aldermen of the City of Parkville.

GUYED TOWERS

Towers supported by guy wires.

HEIGHT

(When referring to a tower or other structure), the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

LATTICE TOWERS

Self-supported three or four sided towers made of steel lattice, with no guy wires

MONOPOLE TOWER

A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

PRE-EXISTING TOWERS AND ANTENNAS

The meaning set forth in Section **471.020(C)** of this Chapter.

TOWER

Any structure that is designed or constructed primarily for the purpose of supporting one (1) or more antennas. This term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative communication tower structures, support structures, and the like.

Section 471.020. Applicability.

[Ord. No. 1681 §2, 11-4-1997]

- A. *District Height Limitations.* The requirements set forth in this Chapter shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
- B. *Amateur Radio — Receive-Only Antennas.* This Chapter shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
- C. *City Rights-Of-Way.* All requirements herein for towers, antennas, and associated equipment and facilities shall equally apply to any application for antenna or tower placement within City rights-of-way.
- D. *Pre-Existing Towers And Antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of this Chapter (September 6, 2016) of the Municipal Code shall not be required to meet the requirements of this Chapter, other than the requirements of Section **471.030(E)** and Section **471.060**. Any such towers or antennas shall be referred to in this Chapter as "pre-existing towers" or "pre-existing antennas".
- E. *Building Codes — Safety Standards.* All requirements in Chapter **471** of the Code shall apply to the construction, modification and maintenance of each Tower and are reincorporated herein as building code requirements to the extent permitted by law. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local buildings codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Any structural modification or alteration to an existing tower or antenna will require a structural analysis by a licensed professional engineer as part of the application for the same, unless waived by the Community Development Director. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the City of Parkville may remove such tower at the owner's expense.
- F. *Other State and Federal Requirements.* All towers must comply with all applicable laws and meet current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas.
- G. *Preemption.* Notwithstanding any ordinance to the contrary, the procedures set forth in this Chapter **471** shall be applicable to all Wireless Communications Facilities existing or installed, built or modified after the effective date of this Chapter to the fullest extent permitted by law. No provision of this Chapter shall apply to any circumstance in which such application shall be unlawful under superseding federal or state law and furthermore, if any section, subsection, sentence, clause, phrase, or portion of this Chapter is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law.

Section 471.030. Intent.

[Ord. No. 1681 §3, 11-4-1997]

- A. *Purpose — Goals.* The purpose of this Chapter is to establish general guidelines for the siting of towers and antennas. The goals of this Chapter are to:
1. Encourage the location of towers in non-residential areas throughout the community;
 2. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 3. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
 4. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- B. *Aesthetics — Lighting.* The guidelines set forth in this Section **471.030(D)** shall govern the location of all towers, and the installation of all antennas governed by this Chapter provided, however, that the Planning Commission may waive these requirements if it determines that the goals of this Chapter are better served thereby or if the requirements are not technically feasible as demonstrated by the applicant with substantial evidence.
1. Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a light, neutral color so as to reduce visual obtrusiveness. A tower shall not dominate the skyline.
 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities into the natural setting and built environment. Metal equipment buildings are prohibited.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a light, neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. Lighting may or may not be required by the FAA. If lighting is required, the Planning Commission may review the available lighting alternatives and approve the design that would meet but not exceed any restrictions imposed by the FAA.
- C. *Safety.* All telecommunication towers and antennas shall be reasonably designed to reduce the potential damage to persons or property from falling equipment, ice or debris from wind, damage or structural failure.
- D. *Security.* All telecommunication towers and antennas shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build, alter or modify telecommunication towers and antennas. Additional measures may be required as a condition of the issuance of a Building Permit as deemed necessary by the Community Development Director or by the City Council in the case of a conditional use permit.

Section 471.040. Conditional Use Permits.

[Ord. No. 1681 §4, 11-4-1997]

- A. *General.* The following provisions shall govern the issuance of conditional use permits:

1. A conditional use permit shall be required for the construction of a new tower or the placement of an antenna in all zoning districts, or substantial modification to an existing telecommunication tower or antenna as defined by Missouri statutes. The applicant shall complete an application for conditional use permit, including all required details, supporting data, application fees and related expenses as adopted in Chapter **840** of the Parkville Municipal Code.
 2. In granting a conditional use permit, the Planning Commission shall hold a public hearing as provided in Chapter **483** and submit a recommendation to the Board of Aldermen within thirty (30) days following said hearing. The governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- B. *Decision and Findings Required.* A decision by the governing authority shall be contemporaneously accompanied by substantial evidence supporting the decision, which shall be made a part of the written record of the meeting at which a final decision on the application is rendered. Evidence may be submitted with the application or thereafter, or presented during the public hearing by the Applicant or others.
- C. *Information Required.* Each applicant requesting a conditional use permit under this Chapter shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation signed and sealed by appropriate licensed professionals showing the location and dimensions of all improvements, including information concerning topography, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Planning Commission to be necessary to assure compliance with this Chapter. For applications for sites within City rights-of-way or on City-owned property, no application shall be submitted for permit approval without attaching the City's consent to use the right-of-way or property for the specific construction application. This consent should be in the form of an agreement with the City to place and/or maintain private improvements in City rights-of-way or on City-owned property.
- D. *Criteria Considered In Granting Conditional Use Permits.* The Planning Commission shall consider the following factors in determining whether to issue a conditional use permit, although the Planning Commission may waive or reduce the burden on the applicant of one (1) or more of these criteria if the Planning Commission concludes that the goals of this Chapter are better served thereby, or if the requirements are not technically feasible as demonstrated by the applicant with substantial evidence.
1. The maximum height of a tower shall not exceed one hundred eighty (180) feet above the existing ground level.
 2. Telecommunication facilities should be located and designed to minimize any adverse effect they may have on residential property values.
 - a. Colors and facility designs should be compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and should restrain the facility from dominating the surrounding area.
 - b. Location and design of sites in commercial or industrial zones should consider the impact of these sites on surrounding neighborhoods, particularly the visual impact within the zone district and beyond, in residential areas.

- c. Fencing should not necessarily be used to screen a site, and security fencing should be colored or should be of a design which blends into the character of the existing environment.
 - d. Freestanding facilities should be located to avoid a dominant silhouette.
 - e. Strobe lights are prohibited at night unless required by the Federal Aviation Administration.
3. Towers and all related equipment and facilities should be architecturally compatible with surrounding buildings and land uses in the zone district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
 4. At the time of the conditional use request, an evaluation of the visual impact should be taken into consideration if vegetation is to be removed.
 5. Innovative designs should be used whenever the screening potential of the site is low. For example, by constructing screening structures which are compatible with surrounding architecture, the visual impact of a site may be mitigated.
 6. *Roof and/or building mount facility.* Antennas on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennas exceeding twelve (12) inches in diameter on a roof or building-mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character and color. (All antennas and structures must comply with adopted building codes.)

The structure must be architecturally and visually (in color, bulk, size) compatible with surrounding existing buildings, structures, vegetation, and/or uses in the area or those likely to exist under the terms of the underlying zoning.

- E. *Setbacks And Separation.* Unless otherwise required by law, the following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required, provided, however that the Planning Commission may reduce the standard setbacks and separation requirements if the applicant demonstrates by substantial evidence that the goals of this Chapter would be better served thereby.
1. Towers must be set back:
 - a. A distance equal to the twice the height of the tower (as measured from the furthest extension on the tower support structure) from any off-site residential structure; or
 - b. Five hundred (500) feet from any residential structure, whichever figure is greater. For towers less than fifty (50) feet in height, the minimum setback shall be two hundred (200) feet.
 2. Towers and accessory facilities must satisfy the minimum zoning district setback requirements. Minimum setbacks for microcell and repeaters are those required for any accessory building or structure within the zone district.
 3. Minimum setbacks for freestanding monopole towers and minimum setback of towers and supports — when located within two hundred fifty (250) feet from any public rights-of-way, sidewalk or street, alley, parking area, playground, or building (except for parking and buildings dedicated solely for access to or maintenance of

the tower support structure), and from any property line — shall be the tower height (as measured from the furthest extension on the tower support structure) or the minimum setback for any accessory building within the zone district, whichever is greater. Minimum setback of towers and supports — when not located within two hundred fifty (250) feet from any public rights-of-way, sidewalk or street, alley, parking area, playground, or building (except for parking and buildings dedicated solely for access to or maintenance of the tower support structure), and from any property line — shall be the standard setback for a building or structure within the zone district.

4. In residential or business zones, towers over ninety (90) feet in height shall not be located within one-half ($\frac{1}{2}$) of a mile from any existing tower that is over ninety (90) feet in height. In industrial zones, towers over ninety (90) feet in height shall not be located within one-quarter ($\frac{1}{4}$) of a mile from any existing tower that is over ninety (90) feet in height.
 5. For applications for sites within City rights-of-way, the most restrictive adjacent underlying zoning district classification shall apply unless otherwise specifically zoned and designated on the official zoning map.
- F. *Security Fencing.* Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the governing authority may waive such requirements as it deems appropriate.
- G. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required, provided, however, that the Planning Commission may waive such requirements if the goals of this Chapter would be better served thereby, or if not technically feasible as demonstrated by the applicant with substantial evidence.
1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip, at least four (4) feet wide, outside the perimeter of the compound.
 2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- H. *Historic Preservation; 30-day hearing period.* A Conditional Use Permit shall not be issued for any telecommunication tower or antenna that the Governing Authority determines would create a significant negative visual impact or otherwise have a significant negative impact on the historical character and quality of any property within a Historic Preservation District or such District as a whole. For collocation of any certified historic structure as defined in Section 253.545 RSMo., in addition to all other applicable time requirements, there shall be a thirty (30) day time period before approval of an application during which one or more public hearings on collocation to a certified historic structure are held.

Section 471.050. Abandonment.

[Ord. No. 1681 §7, 11-4-1997]

It shall be the duty of the facility owner to notify the City when the site is no longer to be used for telecommunication purposes. Telecommunication facilities, which are not in use for six (6) months

for telecommunication purposes, shall be removed by the telecommunication facility owner. This removal shall occur within ninety (90) days of the end of such six (6) month period at the owner's expense. Upon removal, the site shall be re-planted to blend with the existing surrounding vegetation. A tower not removed as mandated above shall be deemed to be a dangerous building as defined in the Uniform Code for the Abatement of Dangerous Buildings, adopted as part of the Building Code in Chapter **500** of the Parkville Municipal Code, and shall be removed under the provisions of Chapters 7 through 9. Any applicant for a new tower shall place a bond or other security with the City prior to any final approval to ensure abandoned towers can be removed. The bond or security shall be in the form and amount approved by the Community Development Director based on the valuation of the tower at the time of construction and necessary amount required for a Demolition Permit. The amount of the bond shall be determined by the Director to satisfy the requirements hereof with regard to the specific tower to which it would apply based on the estimated total cost of removal of that tower.

Exhibit D

Chapter 471. Regulations Governing The Installation and Operation of Telecommunication Antennas and Towers

Section 471.010. Definitions.

[Ord. No. 1681 §1, 11-4-1997]

As used in this Chapter, the following terms shall have the meanings indicated:

ALTERNATIVE COMMUNICATION TOWER STRUCTURE

Manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA

Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

APPLICANT

The property owner and the telecommunication company.

FAA

The Federal Aviation Administration.

FCC

The Federal Communications Commission.

GOVERNING AUTHORITY

The Planning Commission and the Board of Aldermen of the City of Parkville.

GUYED TOWERS

Towers supported by guy wires.

HEIGHT

(When referring to a tower or other structure), the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

LATTICE TOWERS

Self-supported three or four sided towers made of steel lattice, with no guy wires

MONOPOLE TOWER

A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

PRE-EXISTING TOWERS AND ANTENNAS

The meaning set forth in Section **471.020(C)** of this Chapter.

TOWER

Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas. This term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.

Section 471.020. Applicability.

[Ord. No. 1681 §2, 11-4-1997]

- A. *District Height Limitations.* The requirements set forth in this Chapter shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
- B. *Amateur Radio — Receive-Only Antennas.* This Chapter shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
- C. *Pre-Existing Towers And Antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of this Chapter (November 4, 1997) of the Municipal Code shall not be required to meet the requirements of this Chapter, other than the requirements of Section **471.030(E)** and Section **471.060**. Any such towers or antennas shall be referred to in this Chapter as "pre-existing towers" or "pre-existing antennas".

~~D. *Destruction Of A Pre Existing Tower.* No pre-existing tower which has been damaged by any cause whatsoever to the extent of more than fifty percent (50%) of the fair market value of the facility, immediately prior to damage, shall be restored except in conformity with the regulations of this Title and all rights as a non-conforming use are terminated. If a tower is damaged by less than fifty percent (50%) of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within three (3) months of the date of such damage.~~

Comment [SL1]: Section **473.040** of our Zoning Code already contains non-conforming structure provisions.

Section 471.030. **General Guidelines and Requirements.**

[Ord. No. 1681 §3, 11-4-1997]

- A. *Purpose — Goals.* The purpose of this Chapter is to establish general guidelines for the siting of towers and antennas. The goals of this Chapter are to:
 - 1. Encourage the location of towers in non-residential areas and **minimize the total number of towers** throughout the community;
 - ~~2. Encourage the joint use of new and existing tower sites;~~
 - 3. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - 4. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
 - 5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

Comment [SL2]: Prohibited by §2 of (Mo. Rev. Stat. §67.5094.1). Local authorities are prohibited from evaluating an application based on the availability of other potential locations for a facility, although an authority may require an applicant to state whether it analyzed collocation opportunities within the same search area of a proposed structure.

~~B. *Types Of Towers.* All towers shall be self-supporting monopole or lattice towers. Alternative communication tower structures (as defined in Section 471.010) are encouraged.~~

Comment [SL3]: Prohibited by §3 of Mo. Rev. Stat. §67.5094.1. Local authorities are prohibited from determining the type of technology used by applicants to construct their structures or facilities.

- C. *Inventory Of Existing Sites.* Each applicant for an antenna and/or tower shall provide to the Planning Commission an inventory of its existing towers that are either within the jurisdiction of the City of Parkville or within five (5) miles of the border thereof, including specific information about the location, height, and design of each tower. The Planning Commission

may share such information with other applicants applying for administrative approvals or conditional use permits under this governing authority provided, however, that the Planning Commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- D. *Aesthetics — Lighting.* The guidelines set forth in this Section **471.030(D)** shall govern the location of all towers, and the installation of all antennas governed by this Chapter provided, however, that the Planning Commission may waive these requirements if it determines that the goals of this Chapter are better served thereby.
1. Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a light, neutral color so as to reduce visual obtrusiveness. A tower shall not dominate the skyline.
 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities into the natural setting and built environment. Metal equipment buildings are prohibited.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a light, neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. The City may or may not require lighting, even if not required by the FAA. If lighting is required, the Planning Commission may review the available lighting alternatives and approve the design that would ~~cause the least disturbance to the surrounding views.~~
- E. *Federal Requirements.* All towers must meet or ~~exceed~~ current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas.
- F. *Building Codes — Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local buildings codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the City of Parkville may remove such tower at the owner's expense.

Comment [SL4]: §9 of RSMo 67.5094.1 prohibits any restrictions that are of greater intensity or in conflict with restrictions imposed by the FAA.

Section 471.040. Conditional Use Permits.

[Ord. No. 1681 §4, 11-4-1997]

- A. *General.* The following provisions shall govern the issuance of conditional use permits:
1. A conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
 2. In granting a conditional use permit, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties. ~~The term of the conditional use permit may be limited.~~
 3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

Comment [SL5]: Local authorities can no longer place duration requirements on development approvals. Since a CUP functions as an approval in the case of telecom towers, it doesn't look like this can be restricted per §14 of RSMo 401.01-101.

B. *Information Required.* Each applicant requesting a conditional use permit under this Chapter shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation signed and sealed by appropriate licensed professionals showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Planning Commission to be necessary to assure compliance with this Chapter.

Comment [SL6]: The Prohibited Acts §6 of RSMo 67.5094.1 states that regulations or procedures for radio frequency signal strength or the adequacy of service quality can't be established and enforced.

C. *Technical Review.* The telecommunication industry uses various methodologies and analysis tools, including geographically based computer software, to determine the specific technical parameters of a telecommunication facility, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances there may be a need for expert review by a third party of the technical data submitted by the telecommunication provider. The Planning Commission and/or Board of Aldermen may require such a technical review, to be paid for by the applicant, for the telecommunication facility. Selection of the third party expert shall be approved by the Board of Aldermen before the review is commenced.

Comment [SL7]: §2 of RSMo 67.5094.1 prohibits evaluating an application based on the availability of other potential locations for a facility; or evaluating an application based on the quality of its service from a particular area or site.

D. *Criteria Considered In Granting Conditional Use Permits.* The Planning Commission shall consider the following factors in determining whether to issue a conditional use permit, although the Planning Commission may waive or reduce the burden on the applicant of one (1) or more of these criteria if the Planning Commission concludes that the goals of this Chapter are better served thereby.

1. The maximum height of a tower shall not exceed one hundred eighty (180) feet above the existing ground level.
2. Telecommunication facilities should be located and designed to minimize any adverse effect they may have on residential property values.
 - a. Colors and facility designs should be compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and should restrain the facility from dominating the surrounding area.
 - b. Location and design of sites in commercial or industrial zones should consider the impact of these sites on surrounding neighborhoods, particularly the visual impact within the zone district and beyond, in residential areas.
 - c. Fencing should not necessarily be used to screen a site, and security fencing should be colored or should be of a design which blends into the character of the existing environment.
 - d. Freestanding facilities should be located to avoid a dominant silhouette.
 - e. Strobe lights are prohibited at night unless required by the Federal Aviation Administration.
3. Facilities should be architecturally compatible with surrounding buildings and land uses in the zone district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
4. At the time of the conditional use request, an evaluation of the visual impact should be taken into consideration if vegetation is to be removed.
5. Innovative designs should be used whenever the screening potential of the site is low. For example, by constructing screening structures which are compatible with surrounding architecture, the visual impact of a site may be mitigated.

6. *Roof and/or building mount facility.* Antennas on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennas exceeding twelve (12) inches in diameter on a roof or building-mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character and color. (All antennas and structures must comply with adopted building codes.)
7. Minimum setbacks for microcell and repeaters are those required for any accessory building or structure within the zone district.
8. Minimum setbacks for freestanding monopole towers and minimum setback of towers and supports when located within two hundred fifty (250) feet of any property zoned for residential land use shall be the tower height or the minimum setback for any accessory building within the zone district, whichever is greater. Minimum setback of towers when not located within two hundred fifty (250) feet of any property zoned for residential land use shall be the standard setback for a building or structure within the zone district.

The structure must be architecturally and visually (in color, bulk, size) compatible with surrounding existing buildings, structures, vegetation, and/or uses in the area or those likely to exist under the terms of the underlying zoning.

~~E. *Availability Of Suitable Existing Towers Or Other Structures.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna shall consist of the following:~~

- ~~1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.~~
- ~~2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.~~
- ~~3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.~~
- ~~4. Applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.~~
- ~~5. The fees, costs, or contractual provisions required by the owner, in order to share an existing tower or structure or to adapt an existing tower or structure for sharing, are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.~~
- ~~6. Applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.~~
- ~~7. For every tower in the inventory area designated in Section 471.030(C) which has not been ruled out by the provisions of items 1 — 6 above, the applicant shall provide a letter of refusal of co-location request, signed by the property owner or agent.~~

E. *Setbacks And Separation.* The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required, provided, however

Comment [SL8]: Prohibited Acts §2 of RSMo 67.5094.1 states local authorities cannot evaluate an application based on the availability of other potential locations for a facility, although an authority may require an applicant to state whether it analyzed available collocation opportunities within a specified search area.

that the Planning Commission may reduce the standard setbacks and separation requirements if the goals of this Chapter would be better served thereby.

1. Towers must be set back:
 - a. A distance equal to the twice the height of the tower from any off-site residential structure; or
 - b. Five hundred (500) feet from any residential structure, whichever figure is greater. For towers less than fifty (50) feet in height, the minimum setback shall be two hundred (200) feet.
 2. Towers and accessory facilities must satisfy the minimum zoning district setback requirements.
 3. In residential or business zones, towers over ninety (90) feet in height shall not be located within one-half ($\frac{1}{2}$) of a mile from any existing tower that is over ninety (90) feet in height. In industrial zones, towers over ninety (90) feet in height shall not be located within one-quarter ($\frac{1}{4}$) of a mile from any existing tower that is over ninety (90) feet in height.
- F. *Security Fencing.* Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the governing authority may waive such requirements as it deems appropriate. ~~This shall be required from first (1st) day of construction; however, throughout construction, fence may be of a temporary nature, sufficient to keep out unauthorized persons.~~
- G. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required, provided, however, that the Planning Commission may waive such requirements if the goals of this Chapter would be better served thereby.
1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip, at least four (4) feet wide, outside the perimeter of the compound.
 2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

~~Section 471.050. Implementation Policies.~~

~~[Ord. No. 1681 §6, 11-4-1997]~~

~~*Community Notification.* Prior to and subsequent to site application submittal, the applicant shall offer to meet informally with community groups and interested individuals who reside within the vicinity (including adjacent landowners and registered homeowner associations) to explain the site development concept proposed in the application. The purpose of these meetings is to solicit suggestions from these groups about the applicant's proposed site design and impact mitigation measures. The industry needs to make a concerted effort to incorporate the community suggestions for impact mitigation generated by these meetings and report on their efforts in the hearings on the site application. The industry should be prepared to discuss technical and visual aspects of alternative sites as applicable at these informal meetings.~~

Section 471.060. Abandonment.

[Ord. No. 1681 §7, 11-4-1997]

It shall be the duty of the facility owner to notify the City when the site is no longer to be used for telecommunication purposes. Telecommunication facilities, which are not in use for six (6) months for telecommunication purposes, shall be removed by the telecommunication facility owner. This removal shall occur within ninety (90) days of the end of such six (6) month period. Upon removal, the site shall be re-planted to blend with the existing surrounding vegetation. A tower not removed as mandated above shall be deemed to be a dangerous building as defined in the Uniform Code for the Abatement of Dangerous Buildings, adopted as part of the Building Code in Chapter **500** of the Parkville Municipal Code, and shall be removed under the provisions of Chapters 7 through 9.

Exhibit E

Chapter 471. Regulations Governing The Installation and Operation of Telecommunication Antennas and Towers

Section 471.010. Definitions.

[Ord. No. 1681 §1, 11-4-1997]

As used in this Chapter, the following terms shall have the meanings indicated:

ALTERNATIVE COMMUNICATION TOWER STRUCTURE

Manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA

Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

APPLICANT

The property owner and the telecommunication company.

FAA

The Federal Aviation Administration.

FCC

The Federal Communications Commission.

GOVERNING AUTHORITY

The Planning Commission and the Board of Aldermen of the City of Parkville.

GUYED TOWERS

Towers supported by guy wires.

HEIGHT

(When referring to a tower or other structure), the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

LATTICE TOWERS

Self-supported three or four sided towers made of steel lattice, with no guy wires

MONOPOLE TOWER

A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

PRE-EXISTING TOWERS AND ANTENNAS

The meaning set forth in Section **471.020(C)** of this Chapter.

TOWER

Any structure that is designed **or** constructed primarily for the purpose of supporting one (1) or more antennas. This term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative **communication** tower structures, **support structures**, and the like.

Section 471.020. Applicability.

[Ord. No. 1681 §2, 11-4-1997]

- A. *District Height Limitations.* The requirements set forth in this Chapter shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
- B. *Amateur Radio — Receive-Only Antennas.* This Chapter shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
- C. *City Rights-Of-Way.* All requirements herein for towers, antennas, and associated equipment and facilities shall equally apply to any application for antenna or tower placement within City rights-of-way.
- D. *Pre-Existing Towers And Antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of this Chapter (September 6, 2016) of the Municipal Code shall not be required to meet the requirements of this Chapter, other than the requirements of Section 471.030(E) and Section 471.060. Any such towers or antennas shall be referred to in this Chapter as "pre-existing towers" or "pre-existing antennas".
- E. *Building Codes — Safety Standards.* All requirements in Chapter 471 of the Code shall apply to the construction, modification and maintenance of each Tower and are reincorporated herein as building code requirements to the extent permitted by law. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local buildings codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Any structural modification or alteration to an existing tower or antenna will require a structural analysis by a licensed professional engineer as part of the application for the same, unless waived by the Community Development Director. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the City of Parkville may remove such tower at the owner's expense.
- F. *Other State and Federal Requirements.* All towers must comply with all applicable laws and meet current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas.
- G. *Preemption.* Notwithstanding any ordinance to the contrary, the procedures set forth in this Chapter 471 shall be applicable to all Wireless Communications Facilities existing or installed, built or modified after the effective date of this Chapter to the fullest extent permitted by law. No provision of this Chapter shall apply to any circumstance in which such application shall be unlawful under superseding federal or state law and furthermore, if any section, subsection, sentence, clause, phrase, or portion of this Chapter is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law.

Section 471.030. Intent.

[Ord. No. 1681 §3, 11-4-1997]

- A. *Purpose — Goals.* The purpose of this Chapter is to establish general guidelines for the siting of towers and antennas. The goals of this Chapter are to:
1. Encourage the location of towers in non-residential areas throughout the community;
 2. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 3. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
 4. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- B. *Aesthetics — Lighting.* The guidelines set forth in this Section **471.030(D)** shall govern the location of all towers, and the installation of all antennas governed by this Chapter provided, however, that the Planning Commission may waive these requirements if it determines that the goals of this Chapter are better served thereby or if the requirements are not technically feasible as demonstrated by the applicant with substantial evidence.
1. Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a light, neutral color so as to reduce visual obtrusiveness. A tower shall not dominate the skyline.
 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities into the natural setting and built environment. Metal equipment buildings are prohibited.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a light, neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. Lighting may or may not be required by the FAA. If lighting is required, the Planning Commission may review the available lighting alternatives and approve the design that would meet but not exceed any restrictions imposed by the FAA.
- C. *Safety.* All telecommunication towers and antennas shall be reasonably designed to reduce the potential damage to persons or property from falling equipment, ice or debris from wind, damage or structural failure.
- D. *Security.* All telecommunication towers and antennas shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build, alter or modify telecommunication towers and antennas. Additional measures may be required as a condition of the issuance of a Building Permit as deemed necessary by the Community Development Director or by the City Council in the case of a conditional use permit.

Section 471.040. Conditional Use Permits.

[Ord. No. 1681 §4, 11-4-1997]

- A. *General.* The following provisions shall govern the issuance of conditional use permits:

1. A conditional use permit shall be required for the construction of a new tower or the placement of an antenna in all zoning districts, or substantial modification to an existing telecommunication tower or antenna as defined by Missouri statutes. The applicant shall complete an application for conditional use permit, including all required details, supporting data, application fees and related expenses as adopted in Chapter 840 of the Parkville Municipal Code.
 2. In granting a conditional use permit, the Planning Commission shall hold a public hearing as provided in Chapter 483 and submit a recommendation to the Board of Aldermen within thirty (30) days following said hearing. The governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- B. *Decision and Findings Required.* A decision by the governing authority shall be contemporaneously accompanied by substantial evidence supporting the decision, which shall be made a part of the written record of the meeting at which a final decision on the application is rendered. Evidence may be submitted with the application or thereafter, or presented during the public hearing by the Applicant or others.
- C. *Information Required.* Each applicant requesting a conditional use permit under this Chapter shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation signed and sealed by appropriate licensed professionals showing the location and dimensions of all improvements, including information concerning topography, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Planning Commission to be necessary to assure compliance with this Chapter. For applications for sites within City rights-of-way or on City-owned property, no application shall be submitted for permit approval without attaching the City's consent to use the right-of-way or property for the specific construction application. This consent should be in the form of an agreement with the City to place and/or maintain private improvements in City rights-of-way or on City-owned property.
- D. *Criteria Considered In Granting Conditional Use Permits.* The Planning Commission shall consider the following factors in determining whether to issue a conditional use permit, although the Planning Commission may waive or reduce the burden on the applicant of one (1) or more of these criteria if the Planning Commission concludes that the goals of this Chapter are better served thereby, or if the requirements are not technically feasible as demonstrated by the applicant with substantial evidence.
1. The maximum height of a tower shall not exceed one hundred eighty (180) feet above the existing ground level.
 2. Telecommunication facilities should be located and designed to minimize any adverse effect they may have on residential property values.
 - a. Colors and facility designs should be compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and should restrain the facility from dominating the surrounding area.
 - b. Location and design of sites in commercial or industrial zones should consider the impact of these sites on surrounding neighborhoods, particularly the visual impact within the zone district and beyond, in residential areas.

- c. Fencing should not necessarily be used to screen a site, and security fencing should be colored or should be of a design which blends into the character of the existing environment.
 - d. Freestanding facilities should be located to avoid a dominant silhouette.
 - e. Strobe lights are prohibited at night unless required by the Federal Aviation Administration.
3. **Towers and all related equipment and facilities** should be architecturally compatible with surrounding buildings and land uses in the zone district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
 4. At the time of the conditional use request, an evaluation of the visual impact should be taken into consideration if vegetation is to be removed.
 5. Innovative designs should be used whenever the screening potential of the site is low. For example, by constructing screening structures which are compatible with surrounding architecture, the visual impact of a site may be mitigated.
 6. *Roof and/or building mount facility.* Antennas on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennas exceeding twelve (12) inches in diameter on a roof or building-mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character and color. (All antennas and structures must comply with adopted building codes.)

The structure must be architecturally and visually (in color, bulk, size) compatible with surrounding existing buildings, structures, vegetation, and/or uses in the area or those likely to exist under the terms of the underlying zoning.

- E. *Setbacks And Separation.* **Unless otherwise required by law**, the following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required, provided, however that the Planning Commission may reduce the standard setbacks and separation requirements **if the applicant demonstrates by substantial evidence that** the goals of this Chapter would be better served thereby.
1. Towers must be set back:
 - a. A distance equal to the twice the height of the tower **(as measured from the furthest extension on the tower support structure)** from any off-site residential structure; or
 - b. Five hundred (500) feet from any residential structure, whichever figure is greater. For towers less than fifty (50) feet in height, the minimum setback shall be two hundred (200) feet.
 2. Towers and accessory facilities must satisfy the minimum zoning district setback requirements. Minimum setbacks for microcell and repeaters are those required for any accessory building or structure within the zone district.
 3. Minimum setbacks for freestanding monopole towers and minimum setback of towers and supports — when located within two hundred fifty (250) feet **from any public rights-of-way, sidewalk or street, alley, parking area, playground, or building (except for parking and buildings dedicated solely for access to or maintenance of**

the tower support structure), and from any property line — shall be the tower height (as measured from the furthest extension on the tower support structure) or the minimum setback for any accessory building within the zone district, whichever is greater. Minimum setback of towers and supports — when not located within two hundred fifty (250) feet from any public rights-of-way, sidewalk or street, alley, parking area, playground, or building (except for parking and buildings dedicated solely for access to or maintenance of the tower support structure), and from any property line — shall be the standard setback for a building or structure within the zone district.

4. In residential or business zones, towers over ninety (90) feet in height shall not be located within one-half ($\frac{1}{2}$) of a mile from any existing tower that is over ninety (90) feet in height. In industrial zones, towers over ninety (90) feet in height shall not be located within one-quarter ($\frac{1}{4}$) of a mile from any existing tower that is over ninety (90) feet in height.
 5. For applications for sites within City rights-of-way, the most restrictive adjacent underlying zoning district classification shall apply unless otherwise specifically zoned and designated on the official zoning map.
- F. *Security Fencing.* Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the governing authority may waive such requirements as it deems appropriate.
- G. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required, provided, however, that the Planning Commission may waive such requirements if the goals of this Chapter would be better served thereby, or if not technically feasible as demonstrated by the applicant with substantial evidence.
1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip, at least four (4) feet wide, outside the perimeter of the compound.
 2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- H. *Historic Preservation; 30-day hearing period.* A Conditional Use Permit shall not be issued for any telecommunication tower or antenna that the Governing Authority determines would create a significant negative visual impact or otherwise have a significant negative impact on the historical character and quality of any property within a Historic Preservation District or such District as a whole. For collocation of any certified historic structure as defined in Section 253.545 RSMo., in addition to all other applicable time requirements, there shall be a thirty (30) day time period before approval of an application during which one or more public hearings on collocation to a certified historic structure are held.

Section 471.050. Abandonment.

[Ord. No. 1681 §7, 11-4-1997]

It shall be the duty of the facility owner to notify the City when the site is no longer to be used for telecommunication purposes. Telecommunication facilities, which are not in use for six (6) months

for telecommunication purposes, shall be removed by the telecommunication facility owner. This removal shall occur within ninety (90) days of the end of such six (6) month period **at the owner's expense**. Upon removal, the site shall be re-planted to blend with the existing surrounding vegetation. A tower not removed as mandated above shall be deemed to be a dangerous building as defined in the Uniform Code for the Abatement of Dangerous Buildings, adopted as part of the Building Code in Chapter **500** of the Parkville Municipal Code, and shall be removed under the provisions of Chapters 7 through 9. **Any applicant for a new tower shall place a bond or other security with the City prior to any final approval to ensure abandoned towers can be removed. The bond or security shall be in the form and amount approved by the Community Development Director based on the valuation of the tower at the time of construction and necessary amount required for a Demolition Permit. The amount of the bond shall be determined by the Director to satisfy the requirements hereof with regard to the specific tower to which it would apply based on the estimated total cost of removal of that tower.**

Exhibit F

Missouri Revised Statutes

Chapter 67 Political Subdivisions, Miscellaneous Powers

Section 67.5094.1

August 28, 2015

Prohibited acts by authority.

67.5094. In order to ensure uniformity across the state of Missouri with respect to the consideration of every application, an authority shall not:

- (1) Require an applicant to submit information about, or evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site;
- (2) Evaluate an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities, including without limitation the option to collocate instead of construct a new wireless support structure or for substantial modifications of a support structure, or vice versa; provided, however, that solely with respect to an application for a new wireless support structure, an authority may require an applicant to state in such applicant's application that it conducted an analysis of available collocation opportunities on existing wireless towers within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis; for collocation to any certified historic structure as defined in section [253.545](#), in addition to all other applicable time requirements, there shall be a thirty-day time period before approval of an application. During such time period, an authority shall hold one or more public hearings on collocation to a certified historic structure;
- (3) Dictate the type of wireless facilities, infrastructure or technology to be used by the applicant, including, but not limited to, requiring an applicant to construct a distributed antenna system in lieu of constructing a new wireless support structure;
- (4) Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application;
- (5) With respect to radio frequency emissions, impose environmental testing, sampling, or monitoring requirements or other compliance measures on wireless facilities that are categorically excluded under the Federal Communication Commission's rules for radio frequency emissions under 47 CFR 1.1307(b)(1) or other applicable federal law, as the same may be amended or supplemented;

- (6) Establish or enforce regulations or procedures for RF signal strength or the adequacy of service quality;
- (7) Establish or enforce regulations or procedures for environmental safety for any wireless communications facility that is inconsistent with or in excess of those required by OET Bulletin 65, entitled Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, Edition 97-01, released August, 1997, and Supplement A: Additional Information for Radio and Television Broadcast Stations;
- (8) In conformance with 47 U.S.C. Section 332(c)(7)(b)(4), reject an application, in whole or in part, based on perceived or alleged environmental effects of radio frequency emissions;
- (9) Impose any restrictions with respect to objects in navigable airspace that are greater than or in conflict with the restrictions imposed by the Federal Aviation Administration;
- (10) Prohibit the placement of emergency power systems that comply with federal and state environmental requirements;
- (11) Charge an application fee, consulting fee, or other fee associated with the submission, review, processing, and approval of an application that is not required for similar types of commercial development within the authority's jurisdiction. Fees imposed by an authority for or directly by a third-party entity providing review or technical consultation to the authority must be based on actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. Except when mutually agreeable to the applicant and the authority, total charges and fees shall not exceed five hundred dollars for a collocation application or one thousand five hundred dollars for an application for a new wireless support structure or for a substantial modification of a wireless support structure. Notwithstanding the foregoing, in no event shall an authority or any third-party entity include within its charges any travel expenses incurred in a third-party's review of an application and in no event shall an applicant be required to pay or reimburse an authority for consultation or other third-party fees based on a contingency or result-based arrangement;
- (12) Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused facilities can be removed unless the authority imposes similar requirements on other permits for other types of commercial development or land uses;
- (13) Condition the approval of an application on the applicant's agreement to provide space on or near the wireless support structure for authority or local governmental services at less than the market rate for space or to provide other services via the structure or facilities at less than the market rate for such services;
- (14) Limit the duration of the approval of an application;

(15) Discriminate or create a preference on the basis of the ownership, including ownership by the authority, of any property, structure, or tower when promulgating rules or procedures for siting wireless facilities or for evaluating applications;

(16) Impose any requirements or obligations regarding the presentation or appearance of facilities, including, but not limited to, those relating to the kind or type of materials used and those relating to arranging, screening, or landscaping of facilities if such regulations or obligations are unreasonable;

(17) Impose any requirements that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by an authority, in whole or in part, or by any entity in which an authority has a competitive, economic, financial, governance, or other interest;

(18) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the authority in connection with the authority's exercise of its police power-based regulations; or

(19) Condition or require the approval of an application based on the applicant's agreement to permit any wireless facilities provided or operated, in whole or in part, by an authority or by any entity in which an authority has a competitive, economic, financial, governance, or other interest, to be placed at or collocated with the applicant's wireless support structure.

(L. 2013 H.B. 331, A.L. 2014 S.B. 650)

Why Do We Even Care About Regulating Telecom?

Exhibit G

1. Public Safety

AT&T Box explodes



Telecommunication companies deny overloading utility poles



Falling ice from tower



Two Missouri workers killed in collapse of Kansas cellphone tower Mar 25, 2014



Why Do We Even Care About Regulating Telecom?

1. Public Safety-Tower fires/collapses

Is this a *Real* Concern? -- “towers designed to collapse on themselves not fall over”

- **Truth:** Dozen+ collapses in last just 2 years
2 incidents in Mo (collapse and school evacuation)
- Dozen+ tower fires over last decade
- 25 tower deaths just in last 2 years



Links/sources:

Pictures - <http://www.safeschoolspg.org/examples-of-cell-tower-fires--collapse--ice-strikes--and-theft.html>

Articles - <http://www.electronicssilent spring.com/primers/cell-towers-cell-phones/cell-tower-fires-collapsing/>
<http://projects.propublica.org/graphics/cell-tower-accidents>

Exhibit H

Public Hearing Notice: The Planning and Zoning Commission of Parkville, MO will hold a public hearing on Tuesday, August 9, 2016 at 5:30 p.m. at Parkville City Hall, 8880 Clark Ave, Parkville, MO to consider a request to amend Parkville Municipal Code, Chapter 471: Regulations Governing The Installation and Operation of Telecommunication Antennas and Towers. This hearing is open to the public and all interested parties are welcome to attend and address the Planning and Zoning Commission 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.