

Parkville Planning & Zoning Commission
Tuesday, January 10, 2006
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

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

ITEM 2. ROLL CALL

Members present:

Jim Sfetko
Nancy Jack
John Haggard
Greg Knauer
Gary Stumbo

Chairman Al McCormick, announced that if the meeting was still in progress at 6:30 p.m. tonight he would have to excuse himself at that time.

Members absent:

Dr. Harold Brown, with prior notice
Marvin Ferguson, with prior notice
Frank McCoy, with prior notice of resignation

Also present:

Sean Ackerson, Community Development Director
Paula Puszczewicz, C.D. Admin. Assistant
6 persons in the audience

ITEM 3. GENERAL BUSINESS

Item 3(A) Approve Planning & Zoning Commission meeting agenda

Chairman McCormick requested to add two announcements under General Business to tonight's agenda. **Chairman McCormick motioned to approve the agenda as amended. Nancy Jack seconded the motion. By voice vote the motion passed 6-0.**

Item 3 (B) Approval of minutes from the December 13, 2005 meeting.

Jim Sfetko motioned to approve the minutes of the December 13, meeting of the Planning & Zoning commission as printed and distributed. Gary Stumbo seconded the motion. By voice vote the motion passed 6-0.

Item 3(C) Announcement of Commissioner McCoy's resignation.

Chairman McCormick announced that due to job relocation, Commissioner Frank McCoy has resigned from the Planning & Zoning Commission. The Commissioners thanked him for his service on the commission and wished him well in his new position.

ITEM 4. PUBLIC HEARING

Item 4(A) Request for approval of proposed rezoning of property at 10875 NW 45 Hwy (also known as Lot A of the Par-4 shops subdivision) from county zoning CH to "B-4" Planned Business District by Sandra Knoernschild, owner. Case No. PZ05-26, PZ05-27

Chairman McCormick requested information from the Community Development Director. Mr. Ackerson called attention to his memo summarizing the history of the development and clarifying how 4A and 4B relate. The west parcel was annexed into the City in May 2002 under the same conditions as the east parcel, (rezoning to B-4 and adoption of the CUP by the City). This request addresses the condition of rezoning for the west parcel that was never rezoned.

Matters for consideration

The application to rezone to B-4 has been reviewed against the City of Parkville's zoning district regulations and per the City Code, a notice of public hearing has been published, surrounding property owners were notified and signs were posted at the subject site as required. Matters to be considered were offered as guidance in considering the request.

1. With regard to the character of the neighborhood and the zoning and uses of nearby properties. The proposed zoning is the same as that on both sides of the property and is consistent with other surrounding uses.
2. With regard to the suitability of the subject property for the uses to which it is restricted and the extent to which removal of restrictions imposed by the current zoning district may affect nearby property. As the existing county CH zoning is very similar to the proposed B-4 zoning, surrounding properties will not be affected by the zoning change.
3. With regard to 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.
4. With regard to the adequacy of public utilities and other needed public services. The public utilities and services appear to be adequate. The applicant has agreed to address any issues raised by the review agencies and service providers.
5. With regard to consistency with the City's adopted master plan. The Master Plan projects commercial land uses. The B-4 zoning is consistent with this projection.

Staff recommended approval of the proposed rezoning.

Concerns from the commissioners included MoDOT's request for a Jones Road access, traffic questions and the resolving of the City's old obligation regarding the annexation agreements for rezoning of this property. Mr. Ackerson clarified that the access and site planting details would be addressed under 4B and are separate from the rezoning consideration.

Chairman McCormick requested information from the applicant. Mr. James Farley, 258 Main Street, Platte City, MO, the attorney for the applicant, stated that the staff report adequately summarized the proposal.

Chairman McCormick opened the public hearing for or against the proposal. No one responded. Public hearing was closed.

John Haggard motioned to approve the request for rezoning of property at 10875 NW 45 Hwy (also known as Lot A of the Par-4 shops subdivision) from county zoning to “B-4” Planned Business District by Sandra Knoernschild, as recommended by staff. Jim Sfetko seconded the motion. By voice vote the motion passed 6-0. Item 4A will be forwarded to the Board of Aldermen at the January 17, meeting.

Item 4 (B) Request for conditional use permit for self-storage units on property located at 10875 NW 45 Hwy. Case No. PZ05-28

Chairman McCormick deferred the floor to the Director of Community Development. Mr. Ackerson stated that in the commissioner’s packets was an application for an expanded conditional use permit (CUP) for the property located at 10875 NW 45 Highway.

The west parcel was annexed into the city in May 2002. As a condition of the annexation agreement the property was to be rezoned and the City was to adopt a CUP previously approved for the site by the County. The rezoning was never completed and the County’s CUP was not adopted. Both were an oversight and the proposed conditional use would allow the City to fulfill the obligations of the settlement and annexation agreements. Approval would also allow for expansion of the existing use with the replacement of the older buildings and addition of new buildings.

Analysis and Comments

The primary considerations for the proposed CUP and related development plans appear to be: duration of the CUP, appropriateness of plan details such as setbacks, access, parking, engineering and screening; new facility details; and consistency with existing facilities and surrounding development.

1. **CUP duration** – the west parcel has an expiration date of September 8, 2018 from the county and the east parcel has a city expiration date of November 30, 2026. It is appropriate to create a uniform expiration date for the entire development and the November 30, 2026 date is recommended.
2. **Setbacks** – no setbacks are established for the B-4 district. The only structures closer than 10 feet to the property line are the new structures along the east property line. There are no homes existing or planned in this location.
3. **Access** – access to Jones Drive is required by MoDOT and should be gated. The hours of access should be the same as the main entrance. No cut-through traffic will be allowed. MoDOT will also require an agreement not to oppose the widening of 45 Highway.
4. **Parking** – more than sufficient parking spaces are provided for the buildings and the office area would require three spaces, they have provided seven.
5. **Engineering** – primary considerations are grading, drainage and infrastructure improvements. Public works has reviewed the plans and engineering issues can be resolved. The applicant has proposed a rain garden to absorb and treat runoff on the plans for the west parcel.
6. **Screening** – screening is proposed along the south and east boundary of the west parcel. The National, an abutting property owner, has requested landscaping along the golf course and that the back of the new structures be a green color to blend into the vegetative screening. The owner of 6301 NW Casper Drive requested a privacy fence be constructed between the new buildings and her residential property to the south.

7. **New building design and details and consistency and compatibility with existing buildings and surrounding development** – the new building utilizes the color and materials palette used by the existing buildings.
8. **Signage** – a new sign is proposed for the northwest corner of the new building and appears to be within the 10% maximum coverage requirement. The sign requires approval by the Board of Aldermen.

Matters for consideration

1. **The character of the neighborhood and the zoning and uses of nearby properties.** The proposed CUP would allow development of a similar character to that existing on the site and to that on the east, west and southwest.
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 property.** The development proposed is consistent with the existing development and appears to have little negative impact on surrounding properties.
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.** It appears that the community will benefit from expansion of the existing use.
4. **The adequacy of public utilities and other needed public services.** The public utilities and services appear to be adequate. The applicant has agreed to address any issues raised by the review agencies and service providers.
5. **Consistency with the City's adopted master plan and applicable City Code.** The proposed CUP and related development plans are consistent with the intent of the master plan and City codes with the addition of awnings, the building colors, ornamental fencing and the natural lay of the land.

Staff recommended approval subject to the following conditions:

- A CUP expiration date of November 30, 2026 for the entire development (both parcels);
- Compliance with all prior conditions of approval
- Planning Commission and Board acceptance of the proposed setbacks and design details;
- The back of the single story buildings along the east and south property line being green;
- The Jones Drive access gate having the same hours of access as the main gate;
- MoDOT acceptance of an agreement not to oppose the future widening of 45 Highway
- Public Works Department approval of all engineering plans including grading, drainage and construction plans as part of the building permit process;
- Community Development Department approval of the landscaping plan including the preservation of as much of the existing vegetation as possible, and infill and replacement screening along the west property;
- Approval of the proposed signage by the Board of Aldermen.
- Privacy fence for 6301 NW Casper, property located at the northeast corner of Jones & Casper, between the east & west parcels of the Parkville Self Storage
- The addition and maintenance of landscaping along the National Golf Course property line.

Chairman McCormick requested information from the applicant. Mr. James Farley, attorney for the applicant, stated that the applicant agreed with the conditions including a privacy fence for the owner of the duplex.

Questions and concerns from the commissioners were the maintenance of the vegetation on private property, size of trees and screening between properties, and the natural vegetation between the development and the National Golf Course property.

Chairman McCormick opened the public hearing for this item. No one from the public responded. Public hearing was closed.

Nancy Jack motioned to approve the request for conditional use permit for self-storage units on property located at 10875 NW 45 Hwy subject to staff recommendations and compliance with requests from property owners concerning screening. Jim Sfetko seconded the motion. By voice vote the motion passed 6-0. Item 4B will be forwarded to the Board of Aldermen at the January 17 meeting.

Item 4(C) An amendment to Title IV, Chapter 463, Sign Code, to allow and regulate signs for non-residential uses permitted in residential districts. <i>Case No. PZ06-03</i>
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Chairman McCormick deferred the floor to the Community Development Director. Mr. Ackerson stated that this amendment would allow signs for non-residential uses permitted in residential districts such as boarding, rooming, lodging houses and bed and breakfast establishments.

Additional issues to be resolved are allowance of pole signs, modification of the maximum sign area and height and adoption of definitions.

Proposed Amendment

We propose that Subsection 6 be amended as follows. Existing text is shown in italics (*example*), new text is shown in bold italics (***example***), and text that has been struck through is to be removed. (~~example~~):

Amendment to Section 463.120: "R-1", "R-2", "R-3", and "R-4" Residential Districts

6. *Signs for permitted non-residential, institutional, public and semi-public uses, except home occupations.*
 - a. Signs shall be subject to review and approval by the Board of Aldermen following recommendation by the Planning Commission and subject to the following.
 - b. In approving institutional signs, public and semi-public sign, the Planning Commission and Board of Aldermen shall consider the balancing of landowners' rights to promote their use, with the corresponding rights of abutting and neighboring landowners to live without undue light glare and spillover, and shall consider the extent to which the proposed signs are consistent with the character of surrounding development.
 - c. In no case shall signs be illuminated between the hours of midnight and 6:00 a.m. Any exposed lighting source shall be directed away from nearby residential uses using a cut-off, shield or other device to eliminate off-site glare/spillover.
 - d. In no case shall the sign face of any wall sign be permitted to exceed five percent (5%) of the ground floor building façade area or twenty-four (24) square feet, whichever is less.
 - e. **The maximum sign face for free-standing signs is ten (10) square feet, unless otherwise excepted.** In no case shall the sign face of any free-standing monument

sign permitted exceed forty-eight (48) square feet inclusive of areas for changeable copy.

- f. **The maximum height of a free-standing sign structure shall not exceed eight (8) feet, unless otherwise excepted.** The height of the sign structure shall not exceed a height of ten (10) feet.
- ~~g. No pole signs shall be permitted.~~
- g. *No signs shall be permitted for home occupations.*
- h. *All signs shall be subject to any applicable covenants and restrictions adopted by a neighborhood in which the sign is to be located. In no case shall the City approve a sign otherwise prohibited or disallowed by such covenants and restrictions.*

Amendments to Section 463.030. Definitions.

CHANGEABLE COPY – A sign or portion of a sign that is designated so that characters, letter, or illustrations can be changed or rearranged (either manually or automatically) without altering the face or surface of the sign. Such sign or portion of a sign may be used to announce person, events or activities occurring at the site or present a greeting or similar message.

SIGN FACE – That area within a line including the outer extremities of all letters, figures, characters and logos; or within a line including the outer extremities of the framework or background.

Staff recommended approval of the proposed text amendment in order to allow and regulate signs for bed and breakfasts and similar permitted uses in a residential district, and to address other needed revisions.

Comments from the commissioners included the starting time of illumination, clarification of the square footage of the sign face and homeowners covenants rights.

Chairman McCormick opened the public hearing for comments from the audience. No one responded. Public hearing was closed.

Gary Stumbo motioned to approve the text amendment to Title IV, Chapter 463, Sign Code, to allow and regulate signs for non-residential uses permitted in residential districts subject to staff recommendations. Greg Knauer seconded the motion. By voice vote the motion passed 6-0. Item 4C will be forwarded to the Board of Aldermen at the next meeting.

Item 4(D) An amendment to Chapter 463, Sign Code, to clarify and establish maximum heights for free-standing signs. <i>Case No. PZ06-04</i>

Chairman McCormick motioned to table Item 4D until the February 15 meeting. John Haggard seconded the motion. By voice vote the motion passed 6-0.

ITEM 5. UNFINISHED BUSINESS

Item 5(A) Evaluation of existing industrial and planned business regulations and consideration of a new "business park" zoning district.
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Chairman McCormick requested information from the Community Development Director. The director stated that there was an extensive amount of material in the commissioner's packets

concerning a “business park” zoning district. He requested that they study the material and return comments, suggestions, or questions to the Community Development department via phone, letter or email before the next Planning Commission meeting.

Chairman McCormick motioned to table Item 5A until the February 15th Planning Commission meeting. Jim Sfetko seconded the motion. By voice vote the motion passed 6-0.

ITEM 6. REGULAR BUSINESS

Item 6(A) Request for approval of a proposed sign in a “R-4 “ District, Main Street Bed & Breakfast, 504 Main Street by Gary Worden, owner. <i>Case No. SPA 06-01</i>

Chairman McCormick requested information concerning Item 6A from Mr. Ackerson, the Community Development Director. The Director stated that the applicant had submitted two photos showing placement of the sign requested for 504 Main Street. The sign is a pole (post and panel) sign under eight feet tall. The sign face is proposed to be 17 square feet, about seven square feet larger than those of other free-standing signs on Main Street

No illumination is shown on the drawing submitted, but the sign regulations would allow lighting so long as any exposed lighting source is directed away from nearby residential uses and away from traffic. Lighting is also restricted to the hours of 6:00 a.m. to midnight, and a timer and automatic turn-off would be required.

Staff recommended approval subject to the following conditions:

- Reduction of the sign face to 10 square feet or less;
- Clarification of the details of illumination;
- Direction of illumination (if any) away from neighboring properties and streets through the use of cutoffs or shields;
- Maximum hours of illumination (if any) from 6:00 p.m. to midnight;
- The use of automatic shutoffs or timers for all illumination (if any)
- Conclusion by the Planning Commission that the applicant’s rights to promote the bed and breakfast is balanced with the corresponding rights of abutting and neighboring landowners to live without undue light glare and spillover, and that the proposed sign is consistent with the character of surrounding development;
- Subject to the approval of the text amendment presented at tonight’s meeting.

Concerns from the commissioners included the size of the sign face, height of posts and illumination details.

Chairman McCormick requested information from the applicant. Mr. Gary Worden, 5215 Crooked Road, Parkville, the owner of the building at 504 Main agreed with the staff analysis and answered the commissioners concerns.

Vincent Von Freese, Farley, MO, the designer of the sign, stated that the sign is 15 square feet and that he doesn’t want to reduce the sign face dimensions as it would change the character. He stated that he had already built the sign even though it had not yet been approved.

Chairman McCormick requested any input from the audience. No one responded.

Chairman McCormick motioned to approve the request for a sign in a B-4 District, for Main Street Bed & Breakfast, 504 Main Street subject to staff recommendations and subject to approval of the illumination details by the Community Development Director. Jim Sfetko seconded the motion. By voice vote the motion passed 6-0. Item 6A will be forwarded to the Board of Aldermen at the January 17, meeting.

ITEM 7. OTHER BUSINESS

Item 7(A) Board Goals and Objectives

The Community Development Director will present the Board goals and objectives at the next meeting.

Item 7(B) Next Planning Commission meeting: Wednesday February 15, 2006

Chairman McCormick announced that the next Planning & Zoning Commission meeting is on Wednesday, February 15, 2006 at 5:30 p.m. in the Boardroom at City Hall.

Item 7(C) Next Board of Aldermen meetings: January 17, 2006 and February 7, 2006

Chairman McCormick stated that the next scheduled Board of Aldermen meetings are January 17, and February 7, 2006.

ITEM 8. ADJOURNMENT

Chairman McCormick motioned to adjourn the meeting. Nancy Jack seconded the motion. By voice vote the motion passed unanimously 6-0.

Meeting adjourned at 6:35 p.m.

Submitted by: _____
Paula Puszczewicz, C.D. Admin. Assist.

Information on these items is maintained at Parkville City Hall and is available for viewing during normal office hours. Planning Commission decisions are recommendations forwarded to the Parkville Board of Aldermen meeting unless otherwise noted. Inquiries on items contained herein can be made by visiting Parkville City Hall at 1201 East Street, Parkville, or by calling the Community Development Department at (816) 741-9313.