

**Parkville Planning & Zoning Commission
Wednesday, February 13, 2008 5:30 p.m.
City Hall Boardroom**

Minutes

ITEM 1. CALL TO ORDER

Chairman McCormick called meeting to order at 5:30 pm

ITEM 2. ROLL CALL

Members present:

Chairman Al McCormick
Harold Brown
Marvin Ferguson
Bryant Lamer

Judy McRuer
Dean Katerndahl
Greg Knauer
John Haggard

Also present:

Sean Ackerson, Community Development Director
Kathy Dusenbery, Mayor
Approximately 18 people in the Audience

ITEM 3. GENERAL BUSINESS

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

**Commissioner Brown moved to accept the Agenda as printed and distributed.
Commissioner Haggard seconded. Motion passed 8-0.**

Item 3(B) Approval of the November 13, 2007 meeting minutes.

Director Ackerson asked for clarification on the minutes regarding a nay vote on tabling the October minutes. No one recalled voting nay. Mr. Ackerson recommended the minutes be revised to show approval of the tabling 8 to 0. Commissioner Lamer requested additional time to review the minutes prior to acting.

**Commissioner Lamer moved to table accepting the November 13, 2007 Minutes.
Seconded by Chairman McCormick. Motion passed 8-0.**

ITEM 4. PUBLIC HEARING

Item 4(A) Application for rezoning 1.10 acres, more or less, from "PLCD" Parkland and Conservation District to "R-4" Multiple-Family Residential District. *Case No. PZ08-01.*

Chairman McCormick deferred to Director Ackerson. Commissioner McRuer recused herself from this particular item as her husband is the property owner at 1315 East Street, which is within the zoning notification area.

Mr. Ackerson called the Commission's attention to the staff report, and summarized the application. He stated that the subject property was located at 1201 East Street and is commonly known as the Old City Hall Building. It is currently owned by the Platte County Health Department. Platte County Health Department purchased it for Platte County Health Facilities, classrooms, offices and clinics.

Director Ackerson addressed several rumors and misconceptions resulting from the proposed multifamily zoning. The existing zoning is "PCLD" Parkland and Conservation District. Under that zoning, the Platte County Health Departments future usage is prohibited. The property has to be rezoned in order to accommodate their proposed use.

Director Ackerson states that the R-4 zoning would cover these options and called attention to the exhibit in the Staff report of R-4 zoning regulations specifically #7, which allows for non-profit, religious, educational and philanthropic institutions in the R-4 District.

Director Ackerson stated that staff weighed other alternatives including rezoning to a commercial zoning district. However, staff concluded that commercial zoning allowed other uses that were not compatible with the predominant residential uses surrounding the site, most of which are zoned multifamily. Staff concluded that the proposed R-4 zoning was the preferred alternative and recommended approval of the proposed rezoning. Director Ackerson stated that this recommendation was made in absence of any public input.

At this time Chairman McCormick asks the Commission for any questions. Discussion ensued. Questions included, the ability to restrict the site to just the proposed use, hours of operation, and whether any extended or overnight care would be provided.

Chairman McCormick called on the applicants to give their presentation. The applicants introduce themselves as Lisa Rheard, Attorney for the Platte County Health Department, and Mary Jo Everhart, Director Platte County Health Department as well as the Health Officer of Platte County. Ms. Rheard stated that the Health Department is a political subdivision created by ballot issue in the 1950's. It is governed by a 5 member Board of Trustees that are elected officials, supported by a tax levy in addition to State and Federal Grants and Fee Income. Basically, what they intend to provide is a Governmental use of the proposed property.

The applicant provided brochures to be submitted for the record that discussed programs and services that are provided by the Health Department. The statute that governs the Department is Chapter 205 of the revised statutes of Missouri, which proposes a general obligation to the public to establish and maintain facilities for promotion of health to the citizens of Platte County which are promoted through clinics and regulatory functions such as the onsite sewage disposal system is enforced by the Health Department, Food Cleanliness Ordinances, Daycares are inspected by the Health Department as well as Hotels and Motels.

The Health Department stated their use of the building would be for offices, clinics, childhood and adult immunizations, well women clinics, training and related uses. Hours of operation would be 8:00 a.m. to 6:00 p.m. There will be occasions of evening activities for things like the monthly Board of Trustees meetings and some evening classes for Food Handlers but evening classes/meetings are rare. They state there would be no overnight patient stay.

Ms. Rheard stated the reason they have chosen the R-4 Zoning is because it is the most restrictive reclassification that authorizes this use, which they are equating on profit on institutional use with governmental use and that the Health Department plans to stay at this facility for the long term (at least the next 10 years, if not longer). The applicants state that this facility is more than double their Riverside facility now and they are keeping their current Platte City facility, which more than quadruples the facilities currently available.

Chairman McCormick the public hearing.

Mr. John Hines, 1301 Main Street, Parkville, Missouri asked if there would be another public hearing if the Health Department changed their plans in any way. Director Ackerson explained that it depended on the extent of change. Changes such as altering the building for example, adding 2000 or more square feet or more than 50% of the building, it would be necessary to come before the planning committee but it would not be a public hearing, it would be a public meeting.

Mr. Hines' questioned whether this was the best zoning and whether it could be more restrictive. Chairman McCormick stated that the proposed zoning was more restrictive than the commercial alternative.

Mr. Tom Weston, 818 East Street, Parkville, Missouri asked if there would be an increase in signage and lighting and wanted to know if there could be a rider that restricted the lighting as it is now and wanted to know if the City could ensure him that the current signage would not change. Director Ackerson informed Mr. Weston that the lighting was not proposed to change. If it did it would be subject to use of shields and cut-offs to prevent impacts. With regard to signage, Director Ackerson stated that Planning and Zoning rewrote the sign regulations for the Residential Districts and that the current signage is the max size sign allowed. The applicants also affirmed that there were to be no changes in the current signage.

Seeing no further public comment, Chairman McCormick closed the public hearing.

Commissioner Katerndahl moved to accept the request for approval of the proposed zoning district in Item 4A at 1201 East Street as proposed. Vice Chairman Ferguson seconded the Motion. The motion passed 7-0.

Commissioner McRuer rejoined the Commission.

Agenda Item 4(B) Application for rezoning four tracts: 39.7 acres, more or less, from County "AG" Agriculture to "B-2" General Business District; 2.79 acres from County "AG" to Agriculture District; 4.8 acres from County "AG" to Agriculture District; and 83.7 acres from County "AG" Agriculture to "R-4" Multifamily Residential District. *Case No. PZ08-02 and 03.*

Chairman McCormick deferred the floor to Director Ackerson for Staff recommendations.

Director Ackerson called the Commission's attention to the staff report and exhibits. Director Ackerson also presented an aerial photo the site to illustrate the location of the subject property and relation to surrounding properties. Generally the property is located south of Brink Myers Road, North of River Road, east of Brush Creek and west of the Thousand Oaks subdivision as platted.

Director Ackerson stated that staff had considered the application in accordance with the Commission's previously established Matters for Consideration that are not required findings, but

guidelines to frame the consideration. Before proceeding further, Director Ackerson suggested calling on the applicant to discuss the application in general before giving his summation so that applicant can familiarize the Commission with the property as well as his intent for the application.

Mr. Ted Derks, General Partner of The Platte Purchase Partnership summarized the project. He stated that a mistake had been made in one of the acreages. That Tract A1 is not 83.7 acres, but in fact 43.9 acres. The 83.7-acre reference is the total acreage of Tract A.

Mr. Derks stated that he has been a Commercial Real Estate Developer for 40 years, is from North Missouri, went to the school of the Bearcats, has always been a Commercial Broker since 1967 and has owned this property since 1974. He stated he bought this property before there was a highway in place, and summarized the history of a potential interchange at River Road and I-435, which was removed from plans in the "Jimmy Carter years." He explained that the lack of an interchange greatly changed the Partnerships plans. He stated that nothing happened at all until the mid-to-late 90's when the City of Parkville wanted to annex the area out to I-435. He explained that at that time Mayor "Quisenberry" had held several meetings to discuss the annexation. He understood that the ground would be zoned for higher intensity uses along the highway corridor to generate tax revenue.

He explained that the original property was larger, but after annexation was reduced in size when the Platte County Regional Sewer District condemned property for a sewer plant. He stated they fought the plant and it ruined their plans.

Per Mr. Derks the next thing that happened was a series of meetings with City Officials and neighboring property owners about plans to develop this area from I-435 to River Road. There was a developer that wanted to develop retail and wanted sewers and the sewer thing was getting going. They agreed, though it was condemned, that the easements from the sewer line could go through their property to the sewer plant. They further reduced the size of the property by selling off 170 acres of the 270 acres to the Barth brothers in 2003. The property is now part of Thousand Oaks.

Mr. Derks went on to say that when this was taken in, we like any area along an Interstate highway and the discussion with the City Officials at that time, Quisenberry really is the only one that will remember, was that this would naturally become a Commercial Corridor. Mr. Derks then explained that when he saw the Master Plan years later, this area was indicated as single-family. He doesn't know when the Master Plan was initiated. He had attended some Master Plan meetings in Platte County, but he thought that it was a dysfunctional set-up. He expressed his opinion that anything along the highway should be more of an intense use because people want to be seen from the highway. He described his personal experience with noise along a highway and stated that communities all over the country are building sound barriers.

He stated that the Master Plan called for single family. He had attended a prior meeting when the Board zoned some apartments North of the property owned by the Don Bell Group, he spoke not in favor of it because he thought putting housing next to the highway was a mistake.

He stated that the area has been touted as floodplain. He gave a history of fill dirt being placed on their property. He stated no one had checked the floodplain elevation, but that he and a friend had determined that the elevations were right at the floodplain or just below. He felt it was inaccurate to state that the property was in the floodplain.

Mr. Derks said that he doesn't want to be critical of the Master Plan but doesn't understand how houses can be built, when houses are a detriment. He simply doesn't understand that thinking.

He asked, Mr. Derks asks Director Ackerson to defend the Master Plan. He stated that if it is not approved here, he was sure it will be approved somewhere down the road, regardless of the City of Parkville's plan.

Chairman McCormick asks the applicant to clarify his statement. Mr. Derks goes on to state that he has options if it is not approved here, if it is a local situation that is against commercial zoning on the highway, then he has options upstairs, with City Council or District Court. Chairman McCormick stated he was not being argumentative, but asked for further clarification. Mr. Derks stated that philosophically that he feels it's a big mistake. They agreed to disagree.

Mr. Derks stated that he spends about 1/3 of his time attending Kansas City School Board Meetings, Kansas City Meetings, Merriam City Meetings and he feels that there is a lot of government that is not very functional and he feels this is a big mistake.

He stated that the track was bounded by Brush Creek on the west. He stated that the County owns the land to the west between the creek and the highway and that they are not going to make a lot of plans for recreation because across the creek there are plans for recreation. He states that the City has a sewer easement on his property that traverses the entire length of it. He stated that there could be something on that, but that there were no plans for a trail there.

They are seeking this zoning so that there can be a building that can be seen from the highway. He stated that there are no roads there now which can be a big obstacle that would have to be overcome. He stated that sewer and water were available. He stated building road into this will be a problem. Mr. Derks asks if there were any questions.

Chairman McCormick opened the discussion for questions from the Commission.

Commissioner Knauer asked for clarification about the floodplain depiction shown in the exhibit Mr. Derks provided with his application. Specifically he asked if any formal study had been completed to determine the location of the floodplain. Mr. Derks explained that no accurate flood elevation maps had been prepared. He stated that he had determined in the field that the site was out of the floodplain. He stated that he is not an engineer, but that engineers say that flood plain maps have to be field checked. He stated has options open to him he will take them and that his proposal depends on the future.

Commissioner Knauer asked Director Ackerson if a floodplain study would be completed in the future and when they would get a chance to evaluate it. Mr. Ackerson stated that the delineation of the floodplain is based on FIRM panels, which may or may not be accurate. He stated that generally, in this area, others are surveying their property and preparing a letter of map amendment to determine and record more accurate elevations. Until that point, by code, the line on the panel was considered the floodplain, regardless of elevation. He noted that development in the flood plain is regulated differently than that outside of the flood plain. He stated that if someone were to pursue development they would have to make a specific determination. Commissioner Knauer stated that he was concerned about the high percentage of property in the floodplain. Mr. Ackerson asked Mr. Derks to clarify whether the line on the exhibit submitted was the line he was claiming was accurate. He stated no.

Seeing no more questions from the Commission at that time, Chairman McCormick called on Director Ackerson to summarize the staff report. Director Ackerson referenced an aerial photo to orient the commissioners to the site. He also reviewed highpoints of the staff report submitted. He summarized the character and use of surrounding properties, including planned and approved

developments not shown on the aerial. He concluded that generally the area is undeveloped, natural ground.

He noted that the subject site is currently zoned County AG. He stated that the property is not currently being used, although it does appear that there are portions that could be used for some sort of agricultural use. He stated that other than permitted agricultural uses, the property could not be developed further without rezoning to a City zoning designation. The site could be developed with uses permitted under the City's closest equivalent to the existing AG zoning, which is the R-1 single-family district allowing single-family structures, schools, civic and other uses. It appeared with public streets, the site could be developed under R-1, but it may not be feasible due to steep slopes, floodplain and other encumbrances.

He discussed a proposed alignment of Brink Myers Road, a regional collector that was projected by the Master Plan to be extended south to River Road through the property. A rough assessment had been completed to determine if the road extension was feasible. He noted that the applicant showed a potential alignment through the property.

He stated that infrastructure is going to be the key to future of this site. He stated that rezoning to B-2 and R-4 could have a negative impact on the public health, safety and welfare without significant improvement to the existing access and road conditions. He stated that any future development of the site would subject to site plan approval and building permits. During that time they'd have to assess traffic impacts and mitigate them. Mr. Ackerson further discussed the need for infrastructure, utilities and services.

He summarized consistency with the current Master Plan. He summarized projections and reasoning for such. The plan took into account the physical limitations of the area including, limited access, steep slopes, the creek and the floodplain. The conclusion was that the property was not a desirable location for commercial development prior to the construction of an interchange at River Road. He stated that the interchange was not in current plans. The conclusion was that the property is better suited to a low-density, rural residential development consistent with other residential development in the area. He stated that the City was working on a Master Plan update, and that the draft called for predominantly residential uses supported by intuitional, office and limited retail uses integrated into a neighborhood setting. He clarified that the draft projected higher intensity than the current plan, in part, due to the overwhelming cost of infrastructure anticipated. He again summarized the projected collector street connection.

It was clear that there were a number of encumbrances on this property, including it being land locked, lack of access. He concluded that the request was not consistent with the adopted Master Plan. He stated that in his opinion the area would develop in a mix of residential uses and it would likely include some civic, office and supporting retail uses that are not large traffic generators. He stated that traffic impacts were a primary concern, particularly with out an interchange or collector street in place.

Commissioner Haggard excused himself with prior notice from the meeting at 6:45 p.m.

Chairman McCormick called for discussion from the Commission. Commissioner Brown asked if the issue of this flux in the definition of the flood plain is a major issue. Director Ackerson discussed the floodplain in relation to the City's existing code. The floodplain map depiction of the floodplain was correct regardless of elevation until such time as it was amended. Mr. Ackerson concluded that the floodplain maps were relatively consistent with what the applicant depicted on their exhibit. Staff concluded that regardless of the zoning, there was not a lot of developable ground.

Seeing no more questions from the public, Chairman McCormick opened the floor for public input. Seeing none, he closed the public hearing.

Mr. Derks asked to again address the Commission. He stated that he has worked with floodplains for years and that they can be changed with approval of FEMA. You can go to them and ask them to take this out of a flood plain and if it's reasonable they will. He stated that it was his opinion that they would take it out. If it couldn't be taken out it would be a big parking lot.

He felt the land was rough, but that wasn't government's place to say if development was economical or not, and that such a decision should be left up to private industry. If it's profitable he doesn't think that it's a commission's job to say whether or not it's economical, because it has too many encumbrances. Director Ackerson interjected that references to encumbrances or development restrictions were not references to economic feasibility, but they used to gauge likelihood and appropriateness of development not profitability. He clarified that physical limitations are used as a gauge. Encumbrances limit the development potential of a property. Mr. Derks asked whether the elevations and road layout would be evaluated at the time they brought in a plan. Mr. Ackerson stated that site limitations are typically considered at the time of zoning. Derks stated again his opposition to residential development in close proximity to an interstate.

Chairman McCormick stated he had concerns.

Commissioner Katerndahl stated he had a lot of concerns because the applicant had no plans, it was contrary to the existing land use plans and draft land use plans, and lack of access and utilities to serve development. He concluded that the request was very premature. He again stated he had a lot of concerns.

Chairman McCormick stated his concerns included lack of specific plans, traffic and safety issues, access issues, and street improvement questions, and lack of plans. Chairman McCormick suggested that plans be developed as part of a request to zone the property to a planned development district, and that the applicant work with staff to refine the plan and eliminate concerns.

Chairman McCormick moved to table the request of approval for proposed zoning to four tracks proposed by Platte Purchase Partnership, until the issues are resolved. Seconded by Commissioner Brown. Motion passed 7-0.

ITEM 5. UNFINISHED BUSINESS

No unfinished business was considered.

ITEM 6. REGULAR BUSINESS

Item 6(A) Application for the preliminary plat of the Fairways. <i>Case No. PZ08-04.</i>
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Chairman McCormick asked Director Ackerson if all three of these matters could be considered and voted upon at the same time. Director Ackerson stated that yes they could if the Commission was clear on all matters.

Director Ackerson stated that all exhibits and the staff report were in the Commission's packets. Director Ackerson gave a brief presentation on the applications, and reminded the Commission that in November they recommended approval of the rezoning to B-4 and Preliminary Site Plan subject to final conditions.

Following review, Staff concluded that the applications met the requirements of the municipal code and conditions, except as noted in the staff report. He recommended approval of the applications subject to conditions noted in the staff report. Conditions included, annexation into the City, approval of a deferral agreement to ensure future pedestrian connection to the Green's at Crooked Road, signage approval by the Board of Aldermen, and final Public Works approval of traffic and stormwater improvements.

Chairman McCormick called for discussion from the Commission. Seeing none, he called on the applicant.

Jim Marshall, the applicant, and Garland Slavens, current owner of the subject property, gave a brief presentation. Mr. Slavens stated that he is the current owner of the subject property and that he has no objections and thought the project would be good for Parkville.

Mr. Marshall stated that he has reviewed the Staff reports and comments and concurs and is willing to work with Staff to finalize the details and meet the requirements. Commissioner Brown clarified asked Mr. Marshall to confirm that he had no problems with the conditions related to stormwater or working with Staff for an amicable solution. Mr. Marshall stated that he is aware of Staff's concerns and is willing to work with them.

Chairman McCormick called for public input. There were no questions or input.

Commissioner Katerndahl moved to approval of the Fairways preliminary plat application, final plat application, and application for the final development plan subject to staff recommendations both in the oral and written presentation. Seconded by Commissioner Brown. Motion passed 7-0.

Item 6(B) Application for final plat of the Fairways. *Case No. PZ08-05*

Approved in conjunction with 6A. See above.

Item 6(C) Application for the final development plan of the Fairways, including two office buildings and accessory structures. *Case No. PZ08-06.*

Approved in conjunction with 6A. See above.

ITEM 7. OTHER BUSINESS

Item 7 (A) Announcement of Parkville Connection Design Charrette

Chairman McCormick announced that there would be a 4-day Charrette regarding a potential development plan by Lake View Drive. The property owners were inviting input by City Officials and the public.

Mike Whitley, 8925 Clark Avenue, Parkville, Missouri stated that he and the other property owners were in the process of preparing redevelopment plans for approximately 37 acres and are asking public input as well as planning and zoning input. He described the public workshop and location and talked about how surrounding property owners and others had been notified.

Director Ackerson stated that the City posted announcement on the Parkville Website to let the public know of the event and what a unique opportunity it was. He clarified that the Planning Commission and the Board is not required to attend, and generally advised the Commission on necessary disclosures if any.

No action was taken.

Item 7 (B) Election of 2007-2008 Vice Chairman and Secretary (if any) Tabled from Nov. 13, 2007

Chairman McCormick stated that the Commission needed to elect a Vice Chairman and Secretary. He nominated Commissioner Katerndahl for Vice Chairman. He stated his intent is to leave the Commission as previously announced and that the Board needed an heir apparent to fill his chair. He thought someone with leadership skills who can handle the public and handle a meeting in an orderly fashion was needed and he saw those qualities in Commissioner Katerndahl. It also gives the Commission time to get him comfortable with the situation and adequate time to train him, if necessary.

Chairman McCormick called for other nominations for Vice Chairman. Hearing no other calls for nominations, **Chairman McCormick moved to cease the nomination for Vice Chairman and elect Dean Katerndahl by acclamation. Seconded by Commissioner McRuer. Motion passed 7-0.**

Chairman McCormick opened the Nominations for Secretary. Dean Katerndahl made a motion to nominate Commissioner Brown for Secretary. Seconded by Commissioner Ferguson. **Seeing no further nominations, Chairman McCormick moved to cease nominations for the office of secretary and elect Commissioner Brown by acclamation. Commissioner Ferguson seconded. Motion passed 7-0.**

Item 7 (C) Master Plan Update

Director Ackerson reported that since the last public workshop, they have made changes based on public input. He stated they had also continued to meet with area stakeholders to review and evaluate the draft. Additional changes would be recommended as a result.

He discussed changes including potential revisions to projections for the area east of Park University campus. This area had originally been projected for a mix of residential uses having some relationship to campus. In recent meetings with the University staff had been made aware of the details of active mining and the impact the mining had on the property. When complete the

Based on new information staff felt that the property might be suited for other mixed use opportunities including an office technology park or other non-residential use integrated with a mix of compatible residential uses. It could provide a true live-work opportunity and fit well with educational opportunities on campus.

Director Ackerson summarized some potential revisions to the transportation network projections. He noted that some of the prior projections needed to be updated based on new information. These revisions would be presented in a revised draft.

No action was taken.

Item 7 (D) Upcoming Meetings

Chairman McCormick summarized up coming meetings. No action was taken.

ITEM 8. ADJOURNMENT

Commissioner Katerndahl moved to adjourn. Commissioner Lamer seconded. Motion passed by voice vote 7-0.

Meeting adjourned at 7:31 p.m.

Submitted by: _____ Date
Tracy S, Community Development Assistant

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 8880 Clark Avenue, Parkville, or by calling the Community Development Department at (816) 741-9313.