

**Parkville Planning & Zoning Commission**  
Tuesday May 9, 2006  
City Hall Boardroom

**Minutes**

**ITEM 1. CALL TO ORDER**

Chairman McCormick called the meeting to order at 5:32 p.m.

**ITEM 2. ROLL CALL**

Members present:

Dr. Harold Brown  
Marvin Ferguson  
Jim Sfetko  
Gerry Richardson  
Nancy Jack  
John Haggard  
Gary Stumbo  
Greg Knauer  
Chairman Al McCormick

Also present:

Sean Ackerson, Community Development Director  
Paula Puszczewicz, C.D. Administrative Assist.  
Joe Turner, City Administrator  
Mike Duffy, Jackie Carlson, SKW  
20 persons in the audience

**ITEM 3. GENERAL BUSINESS**

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

Chairman McCormick requested to amend the agenda to add an Item C under general business, an announcement for the Rush Creek petition.

**Chairman McCormick motioned to approve the Planning & Zoning agenda for 5-9-06 as amended. Mr. Ferguson seconded the motion. By voice vote the motion passed 9-0.**

Item 3(B) Approval of the minutes from the Wednesday April 26, 2006 special meeting of the Planning & Zoning Commission.

**Dr. Brown motioned to approve the minutes from the Wednesday April 26, 2006 Planning & Zoning Commission special meeting as printed and distributed. Mr. Ferguson seconded the motion. By voice vote the motion passed 9-0.**

Item 3(C ) Announcement for petition to save Rush Creek.

Chairman McCormick announced that there was a petition to save Rush Creek available in the Boardroom for anyone to sign. He then requested information from City staff. City Administrator Joe Turner then stated that Congress had put a moratorium on distribution of the funds that the City was supposed to receive to repair Rush Creek. The petition will go to the Senate requesting that the monies be released for that purpose. The mayor will be at the Farmer's Market this Saturday with the petition. There were T-shirts available upstairs for the Planning Commissioners and the shirts will be available to the public later at nominal fee.

**ITEM 4. PUBLIC HEARING**

Item 4(A) Public hearing to consider an amendment to the Parkville Municipal Code, Title IV, to create a new "B-P" Business Park District and to amend other sections of Title IV to implement the new district. *Case No. PZ06-11 This item was tabled at the April 26, 2006 meeting*

Chairman McCormick deferred the floor to the Community Development Director. Mr. Ackerson stated that in the commissioner's packets they had received two copies of the proposed amendment. One copy was the draft from the last meeting and the other copy had markups of the proposed changes suggested by the commissioners. The director then requested the representatives from SKW present the revised document.

Mr. Ackerson recommended approval of the new amendment

Michael Duffy, SKW, 2005 Swift St, Kansas City, MO explained the changes requested from the Planning Commission meeting on 4-26-06. These included items concerning the enclosed trash receptacle, used open space, tree requirements, design standards and procedure requirements.

Questions and concerns from the commissioners included the uses listed under conditional uses, the question of heliports and if there can be a permitted use and a conditional use on the same plan. Mr. Duffy and Mr. Ackerson answered the commissioners concerns and questions.

Chairman McCormick opened the public hearing for input from the audience. No one responded. Public hearing was closed. He then announced that if Item 4A was not tabled it would go to the next Board of Aldermen meeting that has been rescheduled to Monday May 15, 2006 at 5:00 p.m. in the Boardroom.

**Ms. Jack motioned to approve the amendment to the Parkville Municipal Code, Title IV to create a new "B-P" Business Park District and to amend other sections of Title IV to implement the new district subject to staff recommendations. Dr. Brown seconded the motion. By voice vote the motion passed 9-0. Item 4A will be forwarded to the Board of Aldermen at the Monday May 15, 2006 meeting.**

Item 4(B) Request to rezone 75.19 acres ½ mile south of 45 Highway on the west side of Brink Myers Road from County zoning "AG" Agricultural District to City zoning "R-4 CUP" Multiple Family Residential, Community Unit Plan, by Peridian Group, consultants representing DBH Development, Inc, developer. *Case No. PZ06-13 This item was tabled at the April 26, 2006 meeting.*

Chairman McCormick deferred the floor to the director of the Community Development Department who stated that because of the CUP request the rezoning and the preliminary plan (Items 4B and 4C) must be presented and discussed together. Since the special Planning Commission meeting on Wednesday April 26, 2006, the applicant has submitted the following supporting information and new materials:

- A revised preliminary development plan (received and last dated 5-3-06);
- Landscape concept plan (received and last dated 5-3-06);
- Declaration of covenants, conditions and restrictions (undated, but received 5-3-06); and
- Exterior finishes manual including three alternative exterior finish options (only one copy was submitted, so it will be on view at City Hall).

Revisions submitted since the April 26, 2006 meeting:

- Parkland dedication – area has been delineated and reduced from 26 acres to 17.49 acres.
- Parking calculations - counts and calculations have been clarified and revised.
- Club-house – will be consistent with the rest of the development
- Materials pallet – vinyl has been changed to hardy board siding or stucco
- Lighting – lamp post/luminaire detail has been provided.
- Covenants and restrictions – draft of the covenants and restrictions proposed for entire development.

In the 5-9-06 staff report the following are listed as conditions of approval and should be provided:

details of the private park;  
easements to the dedicated open space;  
covenants and restrictions revised to provide common maintenance for rowhouses, condominiums and apartments;  
issues from the Public Works reviews should be resolved;  
all infrastructure and improvements identified in the entity reviews;  
approved plans for improvements required prior to submittal of final plans;  
sidewalks should be distinguished from trails;  
parking lot screening and shrubbery to minimize headlights directed into traffic;  
floodplain delineation and encroachment;  
certificate of elevation; and  
lighting plan and other necessary public safety details

Staff recommended approval of the applications provided the plan meets the special conditions enumerated in Section 459.020 and the following condition:

- That the issues identified within this report and prior reviews be resolved as conditions of preliminary plan approval.

Chairman McCormick requested information from the applicant.

Joel Riggs, Peridian Group, 206 Main Street, Shawnee, KS, on behalf of DBH Development, explained that the plan had not changed much since the last meeting, there are just more specifics and details. He stated that the condominiums and rowhouses would be maintenance provided units. Materials from the sheet rock out are owned and governed by the homeowner's association. The covenants and restrictions would require that these materials be maintained by the homeowner's association not by individual owners. A draft had been presented to the commissioners but covenants and restrictions will be finalized during the final plan stage.

Questions and concerns from the commissioners included the quality of windows, garages for the rental units, play areas for the children, enclosed stairwells in units, alignment of Brink Myers Road, parking recreational vehicles in driveways, specifics with the covenants and restrictions draft, and long-term maintenance and appearance. Mr. Riggs answered the commissioners concerns and stated that the developer would provide higher quality windows than seen at Crystal Court in Olathe, that the common mechanical equipment such as heaters would be maintained by the homeowner's association, that an architectural review board would be formed, that they would discuss the inclusion of interior garages and construction of exterior garages as part of the apartments, that they were agreeable to revising the abandonment clauses of the covenants and restrictions to suit the City, that they are building the regional trail system, and they will build a playground including playground equipment in the single-family area.

Chairman McCormick opened the public hearing for comments from the audience.

Steve Gasperi, 9926 Lee Circle, Leawood, KS 66206, representing A.J. Otjen, stated that Mr. Otjen owns the property that is being developed and they are in favor of the plan.

Clarence Housh, 15201 NW Brink Myers Road, Parkville, MO stated that part of his property is going to be used for the realignment of Brink Myers Road and he questioned whether the area being donated to him as part of the proposed plans could be left with its current AG zoning instead of the proposed R-4 CUP. Staff stated that the Board does have the ability to leave that portion zoned AG.

David Barth, 6014 N W 9 Highway, Parkville, MO stated that he would encourage meeting the developers to discuss some of the issues. He felt that a lighting plan was needed, the end of Brink Myers Road needs to be lighted, more open space should be provided, the density was too high for the apartment area, there is inadequate buffering and the position of the three eight-plexes on the east side of Brink Myers Road makes it look like you are driving through the complex. He questioned the amount of open space that was dedicated to the city, the rule for the trail system and the maintenance of the regional trail system.

Jean Bradshaw, 15201 NW Brink Myers Road questioned the spelling of the road in question and procedures for the final development stages of the plan.

The public hearing was closed.

**Mr. Ferguson motioned to approve the request to rezone 75.19 acres ½ mile south of 45 Highway on the west side of Brink Myers Road from County zoning "AG" Agricultural District to City zoning "R-4 CUP" Multi-Family Residential Community Unit Plan, by Peridian Group, consultants representing DBH Development, Inc, developer and the preliminary plan subject to staff recommendations and the following conditions; consideration of enclosed stairs and garages in the rental units, and upgrading the windows in the units. Mr. Richardson seconded the motion. By roll call the motion passed 7-2 by the following vote: Dr. Brown, aye; Mr. Ferguson, aye; Mr. Sfetko, nay; Mr. Richardson, aye; Ms. Jack, aye; Mr. Haggard, aye; Mr. Stumbo, nay; Mr. Knauer, aye; and Chairman McCormick, aye. Item 4B will be forwarded to the Board of Aldermen at the June 6, 2006 meeting.**

Item 4(C ) A request to consider a preliminary development plan for single family houses, condominiums, row houses and apartments on 75.19 acres located 1.2 mile south of 45 Highway on the west side of Brink-Myers Road by Peridian Group, consultants, representing DBH Development, Inc, developer. *Case No. PZ06-14 This item was tabled from the April 26, meeting.*

This item was voted on and approved with Item 4B.

#### **ITEM 5. OLD BUSINESS**

There was no old business to come before the commission.

#### **ITEM 6. NEW BUSINESS**

There was no new business to come before the commission.

#### **ITEM 7. OTHER BUSINESS**

Item 7(A). Next Planning Commission meeting: Tuesday June 13, 2006 at 5:30 p.m.

Chairman McCormick announced the next Planning Commission meeting scheduled for Tuesday June 13, 2006 at 5:30 p.m.

Item 7(B). Upcoming Board of Aldermen meetings: Monday May 15, 2006 at 5:00 p.m. and Tuesday June 6, 2006 at 7:00 p.m.

Chairman McCormick announced that the next Board of Aldermen meeting has been rescheduled to Monday May 15, 2006 at 5:00 p.m. and the following meeting is Tuesday June 6, 2006 at 7:00 p.m. He also stated his appreciation to the Planning Commissioner and the Board of Aldermen who had attended the housing development tour the previous Sunday. It was very interesting and informative.

#### **ITEM 8. ADJOURNMENT**

Ms. Jack motioned to adjourn the meeting. Mr. Ferguson seconded the motion. By voice vote the motion passed 9-0.

Meeting adjourned at 7:20 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.*