

**Parkville Planning & Zoning Commission  
June 10, 2008, 5:30 p.m.  
City Hall Boardroom**

**Minutes**

**ITEM 1. CALL TO ORDER**

Chairman Katerndahl called meeting to order at 5:30 pm

**ITEM 2. ROLL CALL**

Members present:

Chairman Dean Katerndahl  
Harold Brown  
Lonnie Scott  
Judy McRuer  
Gregory Knauer  
Marvin Ferguson

Members absent:

Bryant Lamer (with prior notice)

Also present:

Sean Ackerson, AICP, Community Development Director  
Tracy Sisney, Department Assistant  
Approximately 8 people in the Audience

**ITEM 3. GENERAL BUSINESS**

**Item 3(A) Approval of Amended Planning & Zoning Meeting Agenda.**

**Alderman Ferguson moved to accept the Agenda. Commissioner Brown seconded.  
Motion passed 6-0.**

**Item 3(B) Approval of Minutes from the May 13, 2008 Commission Meeting.**

**Alderman Ferguson moved to accept the Minutes. Commissioner Brown seconded.  
Motion passed 6-0**

**ITEM 4. PUBLIC HEARING**

**Item 4(A) Application for Amendment to Title IV, Chapter 470, Section 470.040, *Conditional Uses Enumerated*, to allow office uses of low traffic generation in residential districts that front and are reasonably accessible to a state highway without undue hardship on surrounding owners. Case No. PZ08-10**

Commissioner McRuer announced that she had a conflict of interest and recused herself from consideration of this application. She stated that Scott Francis and Fred Pouche, both parties

involved in the application, were clients of her husband's business, McRuer and Associates. Commissioner McRuer left the meeting during the discussion and consideration.

Chairman Katerndahl stated that at the last meeting the Planning Commission requested that City staff provide a more in depth report as to how many properties might be affected by a change in the text amendment. He also pointed out that Item 4 (A) and Item 4 (B) listed on the agenda were related, and 4 (B) could not be considered without first approving 4 (A).

Chairman Katerndahl then asked Director Ackerson to summarize the additional information requested. Director Ackerson presented maps showing properties to which the proposed text amendment would be applicable. He also provided a brief power point presentation that highlighted all properties and their locations.

He stated that less than 50 properties were found that "front and are reasonably accessible to a State Highway." Director Ackerson read the proposed text amendment as follows "office uses of low traffic generation such as real estate, accounting, law, dental, financial services and those similar in nature in residential districts that front and are reasonably accessible to a State Highway without undue hardship on surrounding owners". Director Ackerson stated that staff had focused on those properties that front on a state highway and are reasonably accessible. He stated that staff had not tried to make any determination regarding undue hardship.

Ackerson also clarified that the City Code defines frontage as that portion of a property that abuts a right-of-way. While a residence may not physically face a right-of-way or street, according to the Code, it is considered frontage. He also summarized other generally accepted planning and zoning definitions for frontage.

He stated that prior to the meeting, the question was raised as to whether or not the text amendment could be revised to distinguish between houses whose front door face a highway and those that back up to a highway. He pointed out that properties marked with a yellow star in the materials distributed by staff indicated property that abutted a right-of-way but didn't have a front door that faced the highway. Red stars indicated a property that had frontage and faced the highway with a front door.

Ackerson also noted that some of the subdivisions including the Bluffs and Riss Lake have adopted covenants and restrictions that prohibit the use of a residentially zoned property or properties within those subdivisions from being used for non-residential purposes other than home occupation. Staff had included these properties on the basis that these restrictions were private restrictions, not mandated by City Code, and were subject to change without City approval.

Director Ackerson referred the Commission to the May 13, 2008 meeting minutes and then summarized the previously submitted Staff Analysis from that meeting. He stated that approving the proposed text amendment would not convert any properties to non-residential uses. Rather it would allow the Commission to consider a proposed Conditional Use Permit to convert a single family or multi-use family home to a non-residential use, particularly an "office use of low traffic generation such as law, real estate, dental, etc. without undue hardship on the surrounding owners." Ackerson stated that in and of itself the text amendment does not have a significant impact. However, if the Planning Commission, in analyzing the properties, determines that conversion of these properties would not be of any benefit to the community, then he recommended that the application not be approved. If the Commission does see a benefit, then they should approve it so that applications can be considered.

Mark Roy, applicant, 6808 NW Monticello Court (Kansas City, Missouri) stated that he first would like to thank Director Ackerson for his help throughout the process. He stated that he had no idea what he was getting into when he started the process. He stated that looking at the properties that could be affected in the future is like comparing apples to oranges. He stated that the property is an unimproved property with public health and welfare issues, that it is vacant, with downed limbs as well as downed power lines, and without the daily upkeep needed. He felt that an owner occupied business could correct these issues. He stated that he was actually sitting in the property, this past week, trying to see it as a law office and that frankly, he was unsure if it would be suitable as a law office due to the amount of noise generated.

Chairman Katerndahl opened the hearing. He called on anyone wishing to speak in favor of the text amendment.

No one from the public appeared.

Chairman Katerndahl then asked if anyone wanted to speak in opposition of the text amendment.

Harry Sievers, Melody Lane, stated that he moved to Parkville in 1979 and that the City has always maintained that the North side of 45 Highway would remain residential while the South side would be commercial.

Mr. Sievers asked Director Ackerson what is considered low level traffic. Ackerson stated that the proposed amendment did not include a definition or criteria. Determination would be a subjective consideration, and that interpretation would be up to the Planning Commission and Board.

Ms. Sondra Ferguson, 6502 Melody Lane, Parkville, stated that she and her husband have lived here for 40 years and wanted to speak to the undue hardship portion of the text amendment. She stated that this property is the entrance to the homes in the Parkville Heights subdivision including her own. The subdivision is a horseshoe shaped layout and the children in the subdivision walk to school behind the homes, not in front of them. She stated that when you turn onto Melody Lane this residence has a driveway that is immediately turned into from the Highway. Increasing traffic by any amount would or could cause a very dangerous entrance into this subdivision. She stated that the applicant's property was a middle-class home, leading into more middle-class homes. She stated that there were no businesses here (on Melody Lane) and when they moved in, they were assured by the City that the integrity of the neighborhood would be maintained. She went on to say that their home was located four houses into the subdivision and that conversion of a home to non-residential use would diminish the value of their property.

Alderman Ferguson stated that the text amendment change questions the residential integrity of the area. He stated that in the existing Master Plan, this area (Melody Lane) is single-family zoned. He stated that a lot of areas already existed in Parkville for offices. He believes that because Mr. Roy already owns an abutting property, his greater intention is to eventually commercialize that area as well. He believes that Parkville needs to maintain that area of residential integrity.

Alderman Ferguson also added that at the May 13, 2008 meeting, there was a couple in attendance that had recently purchased a property on Melody Lane. After the meeting the couple stated that they had reservations of fixing up the property, due to concerns they had about the possibility of a commercial business on the corner (of Melody Lane and 45 Highway).

Commissioner Brown asked Mr. Ackerson to explain how this amendment, if passed, would interact with the subdivision regulations and covenants of some of the other 50 properties located in subdivisions in Parkville that front a State Highway. Director Ackerson explained that the proposed amendment would not supercede any covenants and restrictions for properties such as those properties in the Bluffs and Riss Lake shown with stars on the map distributed. For those neighborhoods and subdivisions that currently have covenants and restrictions that would not allow this, our text amendment would not change that.

Commissioner Brown asked if later down the line, when new people moved into the area, they could go to the neighborhood association and ask for a change in the current covenants/restrictions, and how such a request would affect them if text amendment were passed today.

Ackerson stated that someone could propose a non-residential use in a neighborhood if the text amendment were passed. However, the City would be unable to dictate to a homeowner's association what they could or could not do with regard to enforcing their restrictions against any approved application.

Mr. Roy questioned the process and how consideration of the text amendment would affect his application for conversion of a residential property to an office use. Chairman Katerndahl explained that first the text amendment ordinance would have to be approved and then the Commission could move on to Mr. Roy's next item on the agenda (the proposed conditional use permit). Mr. Roy added that this was a highly discretionary process and added that he understood that it was the Commission's job to address this issue using their judgment and discretion. He also said that he understood this process was about him and this property exclusively and no one else's and that whomever in the future were to file an amendment in context with the text change would do so on a case-by-case basis.

Mr. Scott Francis, 505 NW 44<sup>th</sup> Terrace (Gladstone, Missouri), owner of Francis Real Estate Company and partner to Mr. Roy stated that if someone lived in the property and had their own business such as a photography business, they would also generate traffic similar to Mr. Roy's proposed office use. He felt such a business would be an acceptable practice. Per Mr. Francis, Mr. Pouche could rent out the property and the renters could have people coming and going and that would also be acceptable. Mr. Francis stated his opinion that the traffic issue is not a relevant one. He added that if you look at the house right now as it stands, the property is in total disrepair, and if you look at all that is going on around the property, the area is in some form of commercial use. He said while the house was once a home, now its' best use would be in some form of commercial usage.

Director Ackerson added that while the City of Parkville does allow for Home Based Business, the primary use of the property must be residential. He also noted restrictions on home businesses, including no signage or other visible advertising.

Chairman Katerndahl called for any additional testimony. Seeing none, he closed the public hearing.

Chairman Katerndahl stated he would like to add a few comments as well. He stated that he didn't feel that this was a good policy for the City for a number of reasons. The first being that there is no fundamental reason this property could not be used and maintained as a residential property. Secondly, he stated, if the property changed to a commercial property it would fundamentally change that intersection and use of the highway. Also, this change would be against the basics of the Master Plan as well as the will of prior officials who wrote this text as it is

with the restrictions particularly for this purpose. Finally, Chairman Katerndahl felt this would be the equivalent of haphazard zoning to a commercial use for no apparent reason.

**Chairman Katerndahl moved to deny the text amendment. Seconded by Alderman Ferguson. Motion approved 5-0, recommending denial of the text amendment to the Board of Aldermen.**

**Item 4(B) Application for Conditional Use Permit to allow a law office in an “R-1” Single-Family Residential District for property located at 8908 NW 45 Highway. Case No. PZ08-12**

Chairman Katerndahl stated that due to the denial of the text amendment proposed in 4(A), there was no basis for consideration of 4(B).

#### **ITEM 5. UNFINISHED BUSINESS**

**Item 5(A) Consideration of amendments to the City of Parkville Comprehensive Plan to update future land use projections, define land use categories, update goals, objectives and guiding principals, adopt transportation network projections, and other similar amendments. Tabled from the April 8, 2008 Planning Commission meeting. Staff requests that this item remain tabled.**

Chairman Katerndahl suggested that this item remain tabled and recommends no action be taken on this matter at this time.

**Alderman Ferguson motions that this item remain tabled. Commissioner Scott seconds. Motion passed 5-0.**

After the motion passed, Chairman Katerndahl pointed out that Commissioner McRuer should be called back to the meeting. Commissioner McRuer rejoined the Planning and Zoning Commission meeting.

#### **ITEM 6. REGULAR BUSINESS**

**Item 6(A) Review of text amendment to the Parkville Municipal Code, Title IV to create a new “TND” Traditional Neighborhood Design District, and related Illustrated Standards for said district.**

Chairman Katerndahl deferred to staff. Director Ackerson introduced Kevin Klinkenberg of 180 Degree Designs and asked him to present an overview of the text amendment and the related illustrative design standards. Ackerson stated that after the last meeting there were quite a few questions regarding how the text amendment would function, how it relates to the design guidelines, and ultimately how it relates to the design manual.

Mr. Klinkenberg explained that this particular text amendment or ordinance was not intended for everyday use or for every kind of project. This is a specific manual that has characteristics for walkable towns that have a diversity of homes and businesses.

The code itself is divided into two sections. The first was the Illustrated Standards, which shows the detailed pictures of what is acceptable by using illustrated photos that serve as a type of how-to guidelines on how to use the ordinance.

The second piece is the code itself (the proposed text amendment). Using the code, an applicant would be able to determine which type of use or building style is and is not acceptable in each sub-district or transect. The concept defines the proposed community. The Planning and Zoning Commission, the Board, as well as, Community Development help to implement, plan and then adopt the TND as its standard. The code and illustrated standards set the bar high for developing and planning but they also make it easier to obtain final approvals on the back end so that there is a balance.

Klinkenberg stated that the concept behind this type of ordinance is that an applicant would complete a detailed master plan for a property or a series of properties. The plan would then go through the typical public hearing process and public involvement process where it is reviewed and debated in the public forum and it's either adopted or not adopted. It allows for more flexibility in the implementation than a typical district. The City could end up with some details that may or may not be exactly as envisioned in the master plan since the Commission would not be reviewing every single amendment or change at a public hearing or reviewing it to a fine detail. However, the intent is to strike a balance between setting a high expectation, with established requirements, and allowing a development friendly process that can respond to market changes.

He stated that one of the tools necessary is a design manual. It is the heart of the project that goes before the Planning and Zoning Commission. With the ordinance or text amendment in place, the design manual would then be presented to the Commission to review and debate the project and to ultimately decide whether or not it fits within the general scope of the City.

The basic principal of the design manual is sub-districts or T-zones (transects). Each specific Zone is given a number which is designated in advance between T-1 through T-6. The designation is as follows; one being the least intense (such as barren land for reserves, parks, etc.) and six being the most intense (such as urban/industrial high rise). Each zone will be accompanied by its' own set of standards approved specifically by Planning & Zoning, the Community and the Board.

The zoning is based on the character and intent for each specific area. Each has its own standard based on items such as the following:

1. Building types,
2. Frontage types,
3. Height,
4. Lot Size,
5. Block Size,
6. Building Materials,
7. Building Use and Intensity,
8. Street and Parking Standards,
9. Landscaping Standards,
10. Signage Standards (by reference).

Mr. Klinkenberg continued stating that the typical approval process is set up so that the first step is submitting an application. Then, the Site Plan and Design Review is submitted and a meeting with the applicant is made to see if their Site Plan and Design Review meet the Illustrated Standards that were agreed upon by all in the initial phase. If the application meets all the standards it is approved and building/construction can begin. If not, the applicant is given the chance to revise their plan for review again. If it passes the standards, then building/construction

can begin. If not, then this process continues until the applicant meets the standards that were set forth.

If the standards cannot be met after application and revision, then the application must go through the Planning and Zoning Commission and the public hearing process to propose changes.

Chairman Katerndahl asked if a specific overlay was accounted for in the ordinance or text. Klinkenberg stated that it could be set up to whatever specifics the Commission wanted.

Commissioner Knauer asked if the T-6 zone (Industrial/Large Commercial) could be completely left out of the plan. Klinkenberg explained that a T-6 zone would have to specifically be adopted as part of the standards to be allowed for a specific district in order to be used. If not included in the standards, T-6 zone would be eliminated.

Commissioner Knauer asked if the signage could be set up in the Standards as it is currently written for the City. Klinkenberg assured that it could. Knauer asked if there could be a building materials requirement. Klinkenberg stated that it was recommended to set a high expectation for materials in the Standards that all would have to adhere to. The same for a color palette as well. Chairman Katerndahl asked Director Ackerson about the sign ordinance with regard to the Parkville Connection. Ackerson stated that most likely an independent sign ordinance should be included specifically for the Parkville Connections project – one that was more characteristic to the development.

Commissioner Brown commented that his impression was that this is a recipe for the design of centric enclave islands that would be self-functioning but very easy for the community to ignore. He wondered how often someone who lived outside the centric enclave would find a reason to go inside that enclave for any reason at all. He felt that getting people to visit inside would be tricky. He stated that if enough of these individual enclaves were built, getting people to use all of them is questionable.

Mr. Klinkenberg stated that this was entirely dependent to the design. He went on to explain that their plan was the result of tremendous planning efforts, and that it was designed to fill a void in the middle of the community. It was designed as a crossroads of the town and all would have to pass through it.

Commissioner Brown stated that his first given impression was there would seem to be a loss of control on the City's part once a certain point of the building has begun. He stated with an entire menu of choices, one could choose anything off of the menu and the City would have to accept it. He felt that there may be a feeling of unhappiness from allowing a unilateral selection from a menu.

Chairman Katerndahl asked how changes were made once a design manual has been completed and accepted. Klinkenberg stated that these could be made by a review board. The intent of this is to allow for flexibility, once a plan is approved. Ackerson stated that he would liken it to the Parkville Commons project. It was designed and approved as a concept plan. Since that time, other types of business have come and gone and new proposals and revisions have since been seen, approved, and built, but the objectives and characteristics have remained the same.

Commissioner Brown stated that he doesn't understand how City Government can plan for a long term project such as this when they don't know what the future holds.

Director Ackerson addressed the Commission from a City Planning standpoint stating that just like the City's Master Plan, there is going to be changes that deviate from the original plan. The main idea is to make projections. These projections are based on two common ideas: the likelihood of development; and the community's desired pattern of growth. Ackerson reminded the Commission that the question was not whether or not the Connections property would develop for commercial or residential uses. It will and is already zoned for such.

The property on the west side of 9 Highway is already zoned for retail. The property west of the frontage (west of the creek) is predominately residential. The mixed use district concept is a way of mixing those two uses into a development that creates a community not just another subdivision. The idea of using these form based codes, is to get back to a way of planning that is substantially more consistent with our historic planning patterns and which would result in something more characteristic of downtown Parkville. The idea is to put more emphasis on building type, how those building types relate, and how they begin to form the architecture of a neighborhood.

Audrey Harris, a landowner in the Parkville Connection project addressed the Commission, adding that as a landowner they plan to do their best in looking for a developer. They intend to work closely with the developer to stay true to the final plan.

Commissioner Brown asked Director Ackerson at what point does the Planning & Zoning Commission lose its right or ability to have any kind of interactivity with this project. Ackerson stated that that point has not yet been determined in the current proposal. There would be a plan approval which equates areas to a detailed concept in relation to the T-zones or sub-zones. After approval of the detailed concept plan, final plans would then be administered by a review committee or to staff. But if something came back that would constitute a substantial change it would go to the Planning and Zoning Commission, possibly as part of a new hearing.

Commissioner Knauer asked what the next part of the process would be. Kevin Klinkenberg stated that the next step would be to approve the ordinance or text amendment itself then the design manual with whatever conditions the Commission would put on it.

Ackerson suggested that the Commission get together in the very near future for a workshop or have a special meeting in order to drive more ideas as well as formal discussions to get more detail and get all questions on the table. Ackerson also noted that since we were getting into the summer months, he would appreciate it if the members of the Commission could forward possible future vacation dates so we could possibly avoid any conflicts with scheduling.

Mike Whitley, 8925 Park, Parkville, Missouri, landowner in the Parkville Connections project, came forward and stated that he appreciated the Commissions questions because he knows they are doing their best to protect the interests of Parkville.

No action taken.

<b>Item 6(B) Review of the proposed Parkville Connections Design Manual</b>
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Discussed with Item 6(A) above. No action taken.

**ITEM 7. OTHER BUSINESS**

Chairman Katerndahl summarized upcoming meetings listed on the agenda.

**ITEM 8. ADJOURNMENT**

**Commissioner Brown moved to adjourn. Alderman Ferguson seconded.  
Motion passed 6-0.**

**Meeting adjourned at 7:20 p.m.**

Submitted by: \_\_\_\_\_ Date \_\_\_\_\_  
Tracy Sisney, Community Development Assistant

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