

**Parkville Planning & Zoning Commission**  
Tuesday July 11, 2006  
City Hall Boardroom

**Minutes**

**ITEM 1. CALL TO ORDER**

Chairman McCormick called the meeting to order at 5:34 p.m.

**ITEM 2. ROLL CALL**

Members present:

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

Also present:

Sean Ackerson, Community Development Director  
Paula Puszczewicz, C.D. Administrative Assist.  
Jack Campbell, City Attorney  
40 persons in the audience

**ITEM 3. GENERAL BUSINESS**

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

Chairman McCormick announced that Item 4B and Item 6B would be tabled until the August 8<sup>th</sup> Planning Commission meeting.

**Dr. Brown motioned to approve the Planning & Zoning agenda for Tuesday July 11, 2006 as published. Mr. Ferguson seconded the motion. The motion passed 9-0.**

Item 3(B) Approval of the minutes from the Tuesday June 13, 2006 meeting of the Planning & Zoning Commission.

**Dr. Brown motioned to approve the minutes from the Tuesday June 13, 2006 Planning & Zoning Commission meeting as printed and distributed. Mr. Ferguson seconded the motion. The motion passed 9-0.**

Item 3C Administer oath of office for reappointed commissioner Gary Stumbo and newly appointed commissioner Dean Katerndahl.

Chairman McCormick administered the oath of office to Gary Stumbo and Dean Katerndahl.

Item 3D Election of officers for the Planning & Zoning Commission 2006-2007.

Dr. Brown nominated Al McCormick for chairman of the Planning & Zoning Commission. Mr. Stumbo seconded the nomination. The chairman called for nominations from the floor. There were none so nominations were closed. Al McCormick was elected by acclamation. Dr. Brown nominated Marvin Ferguson for Vice Chairman of the Planning & Zoning Commission. Chairman McCormick seconded the nomination. Chairman called for nominations from the floor. There were none, nominations were closed. Mr. Ferguson was elected by acclamation. Mr. Haggard nominated Dr. Harold Brown for Secretary of the Planning & Zoning Commission. Chairman McCormick seconded the nomination. Called for nominations from the floor. No one responded and nominations were closed. Dr. Brown was elected by acclamation.

**ITEM 4. PUBLIC HEARING**

Item 4A. Public hearing for a request to rezone a 1.62 acre tract from "B-4" Planned Business District and "R-1" Single Family District for a shopping center, to "B-4" Planned Business District for a bank, located approximately 600 feet south of 45 Hwy on the east side of 9 Hwy, for Farley State Bank, Owner. *Case No. PZ06-28 See also preliminary development plan request, Item 6A. Unless tabled, the Board of Aldermen will consider this item at their August 1, 2006 meeting in conjunction with Item 6A.*

Chairman McCormick stated that he had a conflict of interest due to residing within the required notice area for the proposed rezoning. He then recused himself from the Commission for consideration of items 4A and 6A. He turned the meeting over to Vice Chairman Ferguson and then left the room.

Vice-chairman Ferguson requested information from staff. The Director of Community Development, Sean Ackerson, stated that it would be appropriate to consider the proposed rezoning and preliminary site plan for the bank together. The Commission concurred and moved up consideration of Item 6A. Vice-Chairman Ferguson deferred the floor to the Community Development Director.

The Director gave a brief introduction of the applications to be discussed and then turned the floor over to the City Attorney to address Ordinance 1017 and the relevance to the case.

City Attorney, Jack Campbell, reviewed Ordinance 1017 and the conditions of approval. He stated that per the B-4 District regulations the shopping center plans became void after 18 months. He stated that the ordinance is specific to the previous plan, a shopping center, but that as no provision for repeal had been included, the zoning was still valid. He stated that the proposed rezoning would repeal Ordinance 1017 for the subject property. He stated that the 80' buffer to have been dedicated to the abutting property owners was not valid as the shopping center was never built. He then answered questions from the commissioners concerning the ordinance, deed restrictions and conditions of easements.

Mr. Ackerson then summarized the staff review and exhibits submitted for the rezoning including considerations offered to the commissioners as a guide.

The director stated that per our City ordinances the public hearing notice for the rezoning had been published in the paper, certified letters were sent to property owners, and the meeting notice had been posted on the property. He stated that a bank is allowed in a B-4 District, that it is less intensive than a shopping center, and that it is better suited to be next to residential development.

Mr. Ackerson reviewed the staff report for the proposed preliminary development plan. He stated that primary considerations appear to be appropriateness of the use, appearance and consistency with surrounding development character, operations details, setbacks, landscaping/buffering, access/street improvements, stormwater management, sewer, water and compliance with other applicable requirements. He reviewed the staff report and concluded by recommending approval of the proposed preliminary development plan subject to:

- replacing any trees removed along the south property line caliper inch per caliper inch;
- approval of the final improvement plans in conjunction with the platting process;
- approval of the sidewalk location in conjunction with final development plan approval;
- approval of the final stormwater management plans in conjunction with the platting process;
- approval of the sewer plans in conjunction with the platting process;
- approval of the water service details and plans, including hydrant locations, in conjunction with the platting process;
- placing Tract 2 in a conservation easement to ensure it remains green space
- the Planning commission determining that adequate buffering and mitigation of impacts has been provided between the proposed development and the single-family development to the south;
- and revisions to plans noted in the staff report submitted to the Planning Commission for their July 11, 2006 meeting.

Vice-Chairman Ferguson requested that the applicant present his proposal. Mr. Steve Warger, Harrington Cortelyou, Inc. 911 Main Street, Suite 1900, Kansas City, Missouri 64105, consulting engineers for Farley State Bank, stated that MoDOT dictated the location of the entrance on 9 Highway. It will be located across from the existing driveway to Gomer's. He stated that MoDOT was requiring the construction of a northbound right-turn lane into the site on 9 Highway, a southbound left-turn lane into the site on 9 Highway, and adequate turning movement and stacking exiting the site. A storm drainage detention basin and other stormwater improvements were proposed to mitigate run-off as required by the City. Mr. Warger stated that they were meeting the spirit of the 80 foot buffer in question by keeping the driveway 80 feet from the south property line and the building over 100 feet from the same property line. He pointed out that the plans proposed to keep many of the existing trees along the south property line, that additional evergreen materials, including Colorado Blue Spruce, were to be planted along the south and east property lines to buffer the neighbors.

Steven Cantrell, Cantrell & Assoc, 110 Main Street, Suite 202, Parkville, architect for Farley State Bank, stated that the building would be a single story, 3520 sq. ft building with two drive-thru lanes and a drive-up ATM. The materials for the building are the same or very similar materials, colors, and style to those of the Parkville Commons. He stated that the lighting would be directed down and away from the residential properties, and that no voice prompts were proposed for the ATM.

Questions from the commissioners included the location of the entrance, use of a grinder pump, buffering and landscaping on the south property line, rezoning of the south 80 feet, and ownership of the south 80 feet.

The Vice Chairman opened the public hearing for input from the audience. The following people responded and much discussion ensued: John McMahon, 6216 Pine Ridge Road, stated that he was not opposed to the bank plan, but wants the 80' buffer deeded to the owners of abutting property so they have control; Arleen Marshall, 8410 NW 62<sup>nd</sup> Terrace, was concerned about the fumes, tire particles, and increased traffic which pose a health problem, and wanted 80' buffer deeded to property owners so they can have control; Flo Tillman-McMahan, 6216 NW Pine Ridge Road, stated that the 80' buffer area should be deeded to property owners; Joseph Ringbauer, 8506 NW 62<sup>nd</sup> Terrace, was concerned that if the 80' buffer was rezoned from R-1 to B-4 then the

bank could expand into that area; Joe Marshall, 8410 NW 62<sup>nd</sup> Terrace, was opposed to rezoning Tract 2 from R-1 to B-4 and wants the 80' easement to be deeded to property owners and more trees planted in the proposed easement area; Paula Rohrbaugh, 8507 NW 62<sup>nd</sup> Terrace, felt that the property owners need to have deeds to the 80' area; Vic Terranello, 8510 NW 62<sup>nd</sup> Terrace, is not opposed to the project but stated that the 80' should be deeded to property owners and he feels that it is "Pinecrest vs. Parkville"; and Sandra Kerns, 8600 NW 62<sup>nd</sup> Terrace, stated that she agrees with the bank plan but is concerned with erosion control and rezoning the R-1 area (Tract 2) to B-4.

Don Witt, Attorney, representing New Covenant Baptist Church stated that the church bought the property from the developer when the developer's loan was foreclosed. Discussion ensued.

Mr. James Farley, Attorney, representing Farley State Bank stated that the bank would leave Tract 2 (the southern 80 feet of the proposed site) as R-1 zoning, and would put a deed restriction on Tract 2 to prohibit any construction there in the future and to keep it green space. He also agreed with Attorney Jack Campbell that the impact of a bank is minimal compared to a shopping center.

Vice Chairman Ferguson closed the public hearing.

Commissioners expressed concern regarding protection of the easement and green space. Much discussion ensued. Options of dedicating Tract 2 (the southern 80 feet of the site) to the City, placing Tract 2 within a conservation easement, and placing deed restrictions on Tract 2 were discussed.

**Mr. Stumbo motioned to approve Tract 1 to be zoned "B-4" Business District for a bank, and Tract 2 remain zoned "R-1" Single Family Residential. Mr. Katerndahl seconded the motion. By voice vote the motion passed 8-0. Item 4A will be forwarded to the Board of Aldermen at the August 1, 2006 meeting.**

Item 6A. Application for a preliminary development plan for a bank in a B-4 district (located approximately 600 feet south of 45 Hwy on the east side of 9 Hwy) by Farley State Bank, Owner. Case No. PZ06-18. Unless tabled, the Board of Aldermen will consider this item at their August 1, 2006 meeting in conjunction with Item 4A.

See Item 4A above.

**Mr. Stumbo motioned to approve the preliminary development plan for a bank in a B-4 District for Farley State Bank, subject to staff recommendations, and the additional restrictions that the 80' strip (Tract 2) become dedicated conservation easement and that Farley State Bank obtain the appropriate deed restriction for Tract 2 to remain a green space in perpetuity. Mr. Richardson seconded the motion. By voice vote the motion passed 7-1 with Mr. Ferguson voting nay. Item 6A will be forwarded to the Board of Aldermen at the August 1, 2006 meeting.**

Vice Chairman Ferguson called for the return of Chairman McCormick. On return, Chairman McCormick called for a short break. He reconvened the meeting shortly thereafter.

Item 4B. Public hearing for a request to rezone 67.50 acres located at the southwest corner of 45 Hwy and I-435 from county zoning "BP" Business Park and "AG" Agriculture Districts, to Parkville City zoning "BP" Business Park District for Vertical Ventures, III, developer. Case No. PZ06-29 Staff requests that this item be tabled to the 8-8-06 agenda.

Chairman McCormick motioned to table Item 4B until the August 8, 2006 meeting. Mr. Sfetko seconded the motion. By voice vote the motion passed 9-0.

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

There is no unfinished to come before the commission.

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

Consideration of Item 6A was moved to follow Item 4A.

Item 6B. Application for a preliminary development plan for 67.50 acres located at the southwest corner of 45 Hwy and I-435 for Vertical Ventures, III developer. *Case No. PZ06-30 Staff requests that this item be tabled to the 8-8-06 agenda.*

Chairman McCormick motioned to table Item 6B until the next Planning Commission meeting. Mr. Sfetko seconded the motion. Motion passed 9-0.

Item 6C. Request for approval of a change of use in the Old Town District at 304 Main Street from residential to office use for Rebecca Brooks and Sarah Recker. *Case PZ06-26. Unless tabled, the Board of Aldermen will consider this item at their Wednesday July 12, 2006 meeting.*

Chairman McCormick deferred the floor to Staff. Mr. Ackerson, Community Development Director stated that the applicant's are requesting a change of use for 304 Main Street from a single-family residential structure to an office building for two offices. Minor changes are requested for the interior and exterior of the building.

Primary considerations appear to be: appropriateness of the use, proposed changes to the building, operational details, parking and signage.

Staff recommended approval subject to the following conditions:

- hours of operation from 8:00 a.m. to 7:00 p.m. (regardless of day of week);
- issuance of a sign permit prior to installing any signage;
- photo documentation of the structure prior to modification (to document existing conditions for historic records);
- that all exterior changes including the replacement of the door with windows match the existing architectural details to the greatest extent possible; and
- approval of all necessary building permits prior to completion of any interior or exterior modifications of the building.

Concerns expressed by the commissioners included ADA accessibility, extent of renovation, parking, use of the building and signage for the business. The director answered questions and concerns from the commissioners and the applicant, Rebecca Brooks, stated that their intentions are to have a small office with a limited clientele so the need for parking will be minimal.

Chairman McCormick asked for input from the public. No one responded.

**Mr. Ferguson motioned to approve the request for a change of use in the Old Town District at 304 Main Street from residential to office use for Rebecca Brooks and Sarah Recker, subject to staff recommendations. Mr. Stumbo seconded the motion. By voice vote the motion passed 9-0. Item 6C will be forwarded to the Board of Aldermen at the Wednesday July 12, 2006 meeting.**

Item 6D. Application for approval of a preliminary plat located at the northwest corner of 45 Hwy and Melody Drive for White Goss Bowers March et al, legal council and agent on behalf of John Pepper of Apex Management, Inc. Case No. PZ06-22.

Chairman McCormick deferred the floor to the Community Development Director. Mr. Ackerson stated that this application and Item 6E are requests for approval of the preliminary and final plats for 5.72 acres located at the NW corner of 45 HWY and Melody Drive, currently zoned B-4 Planned Business District. He summarized the previous approved preliminary development plan.

Primary considerations appear to be consistency with the approved preliminary development plan and conditions thereof, ability to accommodate 45 Highway widening, Bell Road intersection improvements, easements, sidewalk/trail locations and conformance with the preliminary and final plat requirements.

Staff recommended approval of the proposed preliminary and final plats, subject to the following conditions:

- any phase of final development require dedication of additional right-of-way to accommodate initial road improvements, that an amended final plat be approved by the Board of Aldermen in conjunction with final development plan approval;
- construction of the trail segment in lieu of the sidewalk or, if the trail is not to be built on the north side of the highway, then a sidewalk be required to be constructed instead;
- revision of the plat to show existing conditions regarding topography and vegetation;
- provide a water or utility easement along the property line between lots 1 and 2 to accommodate the water main;
- remove note concerning building setbacks;
- add a signature block for the Mayor;
- the receipt of MoDOT's letter recommending approval of the preliminary and final plat, and their verification that no additional right-of-way is needed at this time;
- the conditions recommended in the staff report submitted for the July 11, 2006 meeting; and
- Board of Aldermen acceptance of dedicated easements.

Concerns from the commissioners included topography, grading plans, elevation change on the east side of development, the need for a retaining wall in the north-south direction, easements for utilities, and accommodating the 45 Highway widening.

Chairman McCormick requested information from the applicant. Mr. Jim Bowers, White Goss Bowers March et al, 4510 Belleview, Ste, 300, Kansas City, MO 64111, legal council for Apex Management stated that these were preliminary and final development plats and the bank would bring in a final development plan for approval from the Planning Commission and Board of Aldermen.

Chairman McCormick asked the public if anyone wished to speak. Mr. Harry Sievers, 6508 Melody Lane, stated that the property owners understood that the two large trees on the east property line were to be left. Mr. Ackerson stated that the preliminary development plan approved by the Board of Aldermen showed the trees being removed. He clarified that the trees were required to be kept during preliminary grading to provide a temporary buffer to the neighbors. They would be removed at the time of final grading, in conjunction with an approved final development plan.

**Mr. Richardson motioned to approve the preliminary plat located at the northwest corner of 45 Hwy and Melody Drive for Apex Management, Inc. subject to staff recommendations. Dr. Brown seconded the motion. By voice vote the motion passed 8-1 with Mr. Sfetko voting nay.**

Item 6E. Application for approval of a final plat located at the northwest corner of 45 Hwy and Melody Drive for White Goss Bowers March et al, legal council and agent on behalf of John Pepper of Apex Management, Inc. *Case No. PZ06-23. Unless tabled, the Board of Aldermen will consider this item at their July 18, 2006 meeting.*

Item 6E was summarized and discussed in conjunction with Item 6D. Discussion ensued.

**Dr. Brown motioned to approve the final plat located at the northwest corner of 45 Hwy and Melody Drive for Apex Management, Inc., subject to staff recommendations. Mr. Knauer seconded the motion. By voice vote the motion passed 8-1 with Mr. Sfetko voting nay. Item 6E will be forwarded to the Board of Aldermen at the July 18, 2006 meeting.**

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

Item 7A. Master plan work session (joint work session with Board of Aldermen and Planning Commission): Tuesday July 25, 2006 at 6:30 p.m.

Item 7B. Next Planning & Zoning Commission meeting Tuesday August 8, 2006 at 5:30 p.m.

Item 7C. Upcoming Board of Aldermen meetings: Tuesday July 18, and Tuesday August 1, 2006 at 7:00 p.m.

Chairman McCormick announced the next Board of Aldermen meetings on Wednesday July 12, (rescheduled from July 4) Tuesday July 18 at 7:00 p.m. and Tuesday August 1, 2006.

Chairman McCormick noted that Gary Stumbo was resigning from the Planning Commission as he was moving out of Parkville. He thanked Mr. Stumbo for his service on the Planning Commission and wished him a happy retirement in Arkansas.

### **ITEM 8. ADJOURNMENT**

**Dr. Brown motioned to adjourn the meeting. Mr. Ferguson seconded the motion. By voice vote the motion passed 9-0.**

Meeting adjourned at 9:27 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, Missouri or by calling the Community Development Department at (816) 741-9313.*