

**Minutes of the
Planning & Zoning Commission Regular Meeting
City of Parkville, Missouri
Tuesday, August 9, 2016 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman

Keith Cary, Vice Chairman

John Delich

Walt Lane

Barbara Wassmer

Doug Krtek

Kim Verhoeven (arrived at 6:07pm with prior notice)

Shane Smeed

Commissioners Absent:

Michael Wright

A quorum of the Planning Commission was present.

Staff Present:

Stephen Lachky / Community Development Director

Alysen Abel / Public Works Director

Brady Brewster / Community Development Intern

Shakedra Knight / Community Development Department Assistant

4. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl called for any discussion of the proposed agenda. Seeing none Chairman Katerndahl called for a motion to approve the agenda as proposed.

Vice Chairman Cary moved to approve the agenda, Commissioner Delich seconded. Motion passed: 8-0.

B. Approve the minutes from the June 12, 2016 Planning and Zoning Commission meeting.

Chairman Katerndahl called for any discussion of the minutes or changes needed. Seeing none Chairman Katerndahl called for a motion to approve the minutes as proposed.

Commissioner Krtek moved to approve the minutes, Commissioner Wassmer seconded. Motion passed: 8-0.

C. Approve the minutes from the July 14, 2016 Planning and Zoning Commission meeting.

Chairman Katerndahl called for any discussion of the minutes or changes needed. Seeing no other questions, Chairman Katerndahl called for a motion to approve the minutes as proposed.

Commissioner Krtek moved to approve the minutes, Commissioner Wassmer seconded. Motion passed: 8-0.

4. PUBLIC HEARING

- A.** An application for a revised Conditional Use Permit (CUP) to construct and operate a Drinking Water Treatment Plant at 10550 NW FF Highway, Parkville, MO, in a City "R-2" Single-Family Residential District, on three parcels containing 11.10 acres, more or less, located approximately 1 mile west of Main St. on NW FF Hwy and abutting NW FF Highway.

Case #PZ16-02A; Missouri American Water, Applicant

- B.** Application for a revised Preliminary Site Plan for a Water Treatment Facility at 10550 NW FF Highway, Parkville, MO, on one parcel containing 11.01 acres, more or less, located approximately 1 mile west of Main St. on NW FF Hwy and abutting NW FF Hwy.

Case #PZ16-02D; Missouri American Water, Applicant

Chairman Katerndahl explained the public hearing process to the audience. He advised the application for CUP was previously presented and that updates would be presented. He added that if approved the Preliminary Site Plan would be reviewed. Chairman Katerndahl addressed the City of Parkville Staff for a presentation of the staff analysis and updates.

Community Development Director Stephen Lachky began the presentation by indicating staff previously recommended approval of the two (2) applications pertaining to the drinking water treatment plant and that substantial changes made to the original design required a new public hearing. He then provided a brief background from the Planning and Zoning June 14, 2016 meeting. The elements addressed were the location of the site and adjacent properties, indicating that property to the east of this site is within unincorporated Platte County boundaries. The site of the originally approved development plan at 10550 NW FF Highway is currently undeveloped. Two additional parcels (#20-8.0-34-000-000-006.000 and #20-8.0-34-000-000-006.001) currently within the boundaries of unincorporated Platte County. If Case No.PZ16-02D is approved, these parcels need to be annexed, rezoned into a Parkville City district, and subsequently re-platted as one parcel within the city limits of Parkville, in accordance with the proposed site plan.

Lachky used context maps to explain the previous design and current modifications. The preliminary development plans propose two (2) enclosed structures consisting of a 9,650 sq. ft. administrative office, two (2) water clarifiers and a pumping station enclosed within a 9,770 sq. ft. building, one (1)

unenclosed water equalization basin, one (1) detention basin, two (2) silo structures generally 50 ft. in height, 22 parking spaces (including one (1) required accessible parking space), internal circulation drives around the site, and one (1) point of access.

Lachky provided additional exhibits that illustrated the new design. The original footprint shifted 87 ft. east and the operations building is now 385.08 ft. from the nearest residence to the west (previously 297.35 ft.). The operations building shifted 90 ft. south of the original location and the process building shifted 108 ft. south. The ingress/egress is shifted 150 ft. east of original location and proposed to use the existing ingress/egress already in place at Parcel #20-8.0-34-000-000-003.001. There is an elevation grade change of 61.5 ft. from the operations building to the nearest property to the west (previously 56 ft.) and a grade change of 89.5 ft. from the operations building to the nearest residence to the west (previously 84 ft.). Additionally, lime delivery is now in the back of the facility to minimize noise and the drive circles the facility to prevent back-ups during delivery.

Commissioner Katerndahl asked if the Commission had any questions for Community Development Director Stephen Lachky before recalling the applicant for questions and opening the forum for public comment. Commissioner Lane confirmed the drive circled the facility.

Lachky highlighted the uses of CUP discussed at the last meeting. He indicated uses are permitted “when found to be in the interest of the public health, safety, morals, and general welfare of the community.” Also, “preliminary plans in sufficient detail and a statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Planning Commission.” A public hearing is required to allow the Commission to consider how the public may or may not be adversely affected. Lachky illustrated how the guidelines were followed in conjunction with public hearing notification. He reported notice of public hearing was published in Landmark Newspaper at least fifteen (15) days prior, notice was sent via certified mail to property owners within one hundred eighty-five (185) ft. from the subject property, and a sign announcing time, place, and nature of the hearing was placed on subject property in view of FF Hwy.

Lachky illustrated the location of pipes proposed to run through floodplain property and along FF Hwy to the site. He reviewed points of reference in comparison to River Hills Estates and along FF Hwy.

Commissioner Delich asked how many building will come out. Lachky answered only one (1) building will be removed.

Lachky went on to address the six (6) standards for Site Plan review regarding how recommendations should be made by City staff during evaluation.

- **The extent to which the proposal conforms to the City's Zoning Code.** City code provides no pre-determined standards for approving a conditional use within an “R-2” district. A public utility may meet many of

the goals conveyed in the “R-2” zoning district and may function as a transitional use between the existing residential and industrial land uses. The proposed development plan has been designed in a context sensitive manner to the residential neighborhoods to the west and is compatible with the existing uses in the area. The plan is designed in a manner to minimize the noise and visual impact of operations on adjacent properties.

- **The extent to which development would be compatible with the surrounding area.** Lachky pointed out topography does not necessitate extensive retaining walls. Additional screening will be provided by the lower elevation of this proposed plan as well as preserving a greater amount of existing vegetation on unimproved portions of the site. Additional landscaping is not needed along the site’s south parking lot; however, at least (5%) of interior parking areas are required to be landscaped. Other potential impacts to the surrounding properties include noise and smell. The water clarifiers that are to be enclosed within a structure are approximately 150 horsepower and equal to or quieter to the ones currently in operation at the existing facility (101 E. 1st St.) The delivery area is now proposed east of the Administration and Process building in between the water basins and operational structures. This will further help eliminate any nuisance caused by delivery trucks by shielding the noise. Delivery times are expected to occur every 10-14 days and be conducted between the hours of 8:30 a.m. to 2:30 p.m. during daytime hours.
- **The extent to which the proposal conforms to the provisions of the City’s subdivision regulations.** A final site plan / development plan will be required if the preliminary site plan /development plan is approved by the Planning Commission; additionally the site will need to be re-platted as one parcel within a City district if approved. The location of tree plantings will be determined once the location of distribution pipelines is finalized. Staff recommends the applicant indicate the location of the required tree plantings on the final site plan / development plan, if the preliminary plan is approved by the Planning Commission.
- **The extent to which the proposal conforms to the goals and objectives of the City’s adopted Master Plan.** Non-residential uses are intended to provide services to the residents of surrounding neighborhoods and be placed in locations sensitive of neighborhood context. Although the proposed land use designation supports a development that may be out of character with the future land use map, a drinking water treatment plan is necessary for the future growth of the city. The applicant has expressed that efforts will be made to design the aesthetics of the building to reflect civic pride and character more acceptable to what would be found in a “Residential Neighborhood” land use designation.
- **The extent to which the proposal conforms to customary engineering standards used in the City.** Chapter 460: *Vehicle Parking* 460.1 does not contain standards pertaining to a public utility or public use building, staff determined Industrial — including warehouse, transfer and storage; and manufacturing — to be the closest equivalent to the proposed water plant facility. The 20 parking spaces (including 1 required

accessible parking space) indicated on the preliminary site plan / development plan meet the intent of the City's minimum parking space requirements.

- Alysen Abel, P.E. – Public Works Director addressed public works concerns. A stormwater management study will need to be submitted to include detailed design and calculations for the stormwater detention and stormwater treatment facilities. APWA best practices manual guidelines are recommended. Sanitary sewer service is available to the site through the City's force main located along the west side of the proposed site. Use of a separate line is recommended. There is no concern with erosion control since the proposed development was shifted to the frontage of FF Hwy. Erosion and sediment control practices will need to be submitted to Public Works for review and approval prior to construction permit issuance.
- **The extent to which the location of streets, paths, walkways and driveways are located so as to enhance connectivity, circulation and safety and minimize any adverse traffic impact on the surrounding area.** The Missouri Department of Transportation (MoDOT) regulates traffic improvements and access on NW FF Highway. Staff has reached out to MoDOT's Senior Traffic Specialist to see if they're aware of the applicant's plans, proposed use of the existing entrance off NW FF Hwy. Staff suggests eliminating the westernmost parking space at this south parking area and orienting the remaining four (4) stalls at a 45-degree angle (angled parking). Regarding the number and location of fire hydrants, Southern Platte Fire Protection District (SPFPD) has indicated that the two (2) proposed fire hydrants at the north end of the property may be redundant and could be optimized by combining as one hydrant across the center of the northernmost parking lot. The Fire District would also suggest locating the easternmost hydrant closer to the lime silos or clarifiers as a preventative safety measure.

Staff Conclusion and Recommendation

Staff recommended approval of the preliminary plans with conditions. Community Development Director Stephen Lachky explained the process of annexation of county parcels and the required approval of the Board of Alderman.

Vice Chairman Cary asked about a timeline from approval with the Commission to the annexation. Lachky responded the applicant may be better able to answer that question. He added the process is simple and could take place fifteen (15) days after the application is received. Vice Chairman Cary asked confirmation that the process from start to finish could take less than thirty (30) days. Lachky responded it could once the petition is received and the governing bodies approve.

Chairman Katerndahl acknowledged Commissioner Verhoeven's arrival at 6:07 pm.

Lachky recommended staff approval of the preliminary plans subject to the following conditions:

- Approval of a Conditional Use Permit (Case No. PZ16-02A) compliant to Section 470.010 of the Parkville Municipal Code.
- Annexation approval of parcels #20-8.0-34-000-000-006.000 and #20-8.0-34-000-000-006.001 by the Governing Body (Board of Aldermen) prior to approval of a final site plan/ development plan, or issuance of a site development or higher permit.
- Rezoning approval of parcels #20-8.0-34-000-000-006.000 and #20-8.0-34-000-000-006.001 prior to approval of a final site plan / development plan, or issuance of a site development permit or higher permit.
- Rezoning of the annexed parcels #20-8.0-34-000-000-006.000 and #20-8.0-34-000-000-006.001 to a City district (compliant to 485.010 of the Parkville Municipal Code) prior to building permits being issued.
- The applicant indicating the location of the two (2) required tree plantings on the final site plan / development plan.
- Coordination with the City's Parks Superintendent to determine appropriate street tree species to be planted as part of the two (2) required tree plantings.
- A summary of the sanitary sewer impact to the existing public force main to be completed prior to the approval of the Final Site Plan / Development Plan.
- Verification of the location of the public force main and associated sewer easements conducted by the developer's engineer prior to the issuance of a site development permit.
- Preparation of any additional easements necessary for the existing force main and executed prior to the issuance of any site development permits.
- An agreement to serve the subject property entered into by the City and Platte County Regional Sewer District, prior to the issuance of any site development permits.
- Remittance of payment to the City for sewer connection fees. The amount of the fee will be calculated after the City has received the summary of usage from the developer's engineer. This shall be completed before the issuance of any site development permits.
- Submission of sanitary sewer plans for improvements to the sewer main and associated service connections by the developer's engineer, concurrent with the issuance of site construction plans. The plans shall be reviewed and approved by Public Works prior to the issuance of any site development permits.
- Submission of erosion and sediment controls by the developer's engineer; reviewed and approved prior to the issuance of any site development permits and submitted concurrently with site construction plans.
- Submission of a stormwater management study that includes the details and calculations for stormwater detention and stormwater treatment facilities associated with the proposed improvements by the developer's engineer, concurrent with the issuance of site construction plans. The study shall be reviewed and approved by Public Works prior to issuance of any site development permits.
- The location, and general fixture design, of lighting for parking areas submitted for review prior to approval of a final site plan / development plan.

- Installation of a Knox® box and padlock(s) as necessary for the Southern Platte Fire Protection District to access and serve all buildings and accessory structures on the subject property during an emergency.
- Any other conditions the Planning and Zoning Commission determines are necessary.

Lachky reviewed CUP matters for consideration. The Commission previously considered the following matters as a guide in determined rezoning applications which follow the same approval process as a CUP.

- **The character of the neighborhood and the zoning and uses of nearby properties**
- **The suitability of the subject property for the uses to which it is restricted and the extent which allowing the proposed use through a CUP may affect nearby properties**
- **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**
- **The adequacy of public utilities and other public services**
- **Consistency with the City's adopted master plan and applicable City Code**

Community Development Director Lachky concludes with staff recommendation of the Conditional Use Permit subject to:

- All conditions associated with the preliminary site plan/development plan (Case No. PZ16-02D)
- Any other conditions the Planning and Zoning Commission deem necessary

Chairman Katerndahl opened up the floor for questions. Commissioner Delich asked for a simple summary regarding the plan changes. He also asked Lachky if he thought the plan changes were an improvement and if any concern is being overlooked. Lachky responded the footprint further away from residents, the circulation modification to serve as a noise shield, and overall smaller footprint are improvements in staff's opinion. Delich questioned if the applicant was generally responsive to all requests; Lachky confirmed they were.

Chairman Katerndahl invited the applicant to speak. Jody Carlson with Missouri American Water addressed the Commission. He stated the applicant tried to honor every request made. He added they look forward to working with the community and providing for the citizens. Commissioner Krtek asked about the timeframe. Carlson responded with hopes of full project completion by December 2017 and provided an estimated timeframe of seventeen (17) to eighteen (18) months. Commissioner Delich questioned if the applicant was close to closing. Carlson responded they would be closed by the end of the month. Chairman Katerndahl confirmed with Carlson that he anticipates having the final plan ready

for the rezoning process; Carlson confirmed. Katerndahl asked if a part of the final plan would be landscaping; Carlson confirmed it would.

Chairman Katerndahl dismissed the applicant and invited members of the audience to come forward and address any questions, concerns, or opinions about the proposed development.

Joe Miller of 10500 Riverview Point addressed the Commission and stated he was the co-developer of the River Hills subdivision, and an affected property owner. Miller stated he thinks the Missouri American Water project is a good idea. He also stated his only concern, along with other residents, is losing the current view, trees, and sound. Miller added that otherwise he has no objection. He asked if there was any possibility for future building by Missouri American Water. Katerndahl explained that originally the company stated there would be and that it would be right on that site. Lachky added that an expansion would consist of additional clarifiers that would go on the east side. Katerndahl then explained that any substantial changes would have to come back before the Commission. Jody Carlson of Missouri American Water reiterated additional clarifiers would be on the east and nothing would go any further west.

Rick Simon of 10502 River View Point addressed the Commission. Simon referred to Exhibit G, a photo taken from resident Joe Miller's residence. He indicated that he was the homeowner of a deck visible in the foreground of the photo. He stated his biggest concern is maintaining the view. He also stated his concern for the glow of the lights from the facility. Additionally, he asked that the Commission require the gravel drive be paved. Community Development Intern Brady Brewster explained Missouri Department of Transportation will require the entrance drive to be paved.

Chairman Katerndahl confirmed there were no additional questions or concerns. There were none. Katerndahl closed the public hearing on these matters at 6:23 pm.

Chairman Katerndahl called for any discussion of the Conditional Use Permit and Preliminary Site Plan or changes needed. Seeing none Chairman Katerndahl called for a motion to approve the Conditional Use Permit as proposed.

Commissioner Delich moved to approve the Conditional Use Permit subject to staff requirements, Vice Chairman Cary seconded. Motion passed: 8-0.

Jody Carlson requested to address the Commission. He clarified for the record that there are two (2), twenty (20) inch transmissions lines that run from the wells underground.

Chairman Katerndahl called for a motion to approve the Preliminary Site Plan as proposed.

Vice Chairman Cary moved to approve the Preliminary Site Plan subject to staff requirements, Commissioner Delich seconded. Motion passed: 8-0.

Chairman Katerndahl questioned if the CUP and Preliminary Site Plan would go before the Board of Alderman next week. Lachky answered it would be the September 6, 2016 Board of Alderman meeting to allow time for potential protest based on Code requirements.

C. Application for text amendment to Parkville Municipal Code, Title IV, Chapter 471: Regulations Governing the Installation and Operation of Telecommunication Antennas and Towers.

Case #PZ16-12; City of Parkville, Applicant

Chairman Katerndahl opened the public hearing for discussion. There were no attendees. He addressed the Community Development Director Stephen Lachky for a presentation of the staff analysis.

Community Development Director Stephen Lachky explained there is a process for erecting an antenna in the City that goes through the Conditional Use Permit process. He then provided a background of HB 331 – the “Uniform Wireless Communications Infrastructure Deployment Act” (the “Act”), signed into law by Governor Jay Nixon on July 5, 2013. The purpose of the Act is, “to encourage and streamline the deployment of broadband facilities and to help ensure that robust wireless communication services are available throughout Missouri.” Under the Act, when considering applications for the construction of wireless facilities, local authorities:

- Are prohibited from evaluating an application based on the availability of other potential locations for a facility (though they may still require applicants to state whether they’ve analyzed available collocation opportunities);
- Cannot dictate the type of technology used by an applicant to deploy its technology; and
- May not unreasonable dictate the appearance of wireless facilities, such as what types of materials are used or how the facility must be screened or landscaped (this leaves some discretion to the local authority so long as the requirements are “reasonable,” which is not further defined within the Act.).

Lachky pointed out the Act has nineteen (19) prohibitions listed in Exhibit F. He explained the City’s Code had not been updated since 1997. The City entered into a professional services agreement with Cunningham, Vogel, & Rost, P.C. for special legal counsel services related to telecommunications and cell phone towers (Ordinance No. 2848). Per legal counsel by Cunningham, Vogel & Rost, P.C., it was recommended the City update its telecommunications regulations to reflect legislation at the state level, calling for this text amendment proposal.

Lachky referred to Exhibit D, the current Code for Regulations Governing The Installation and Operation of Telecommunication Antennas and Towers. Lachky addressed the layout and purpose of Exhibit D; he also pointed out the removal of duplications and changes in language that conflict with State statutes. He pointed out prohibited acts as well as removals per legal recommendation. Joint

use of towers is not allowed. Types of tower use is prohibited as well as length of use. Commissioner Delich asked if the subject General Guidelines and Requirements would be replaced. Lachky responded that was the title for that section of the Code and it would be replaced with the title 'Intent'. Chairman Katerndahl asked about the requirement of appearance and referenced the Presbyterian Church with a fence around the tower. Lachky pointed out the language in the Code suggesting unreasonable request were prohibited.

Lachky explained additions in Exhibit E and pointed out clarified language. Commissioner Delich asked for clarification of whether the engineer reviewing structural adherence had to be licensed in the State of Missouri. Lachky answered that building staff would better answer that. The current language stated the requirement of a licensed engineer. Commissioner Delich suggested having licensed jurisdiction specified. Due to issues he experienced in the past local jurisdiction is beneficial. Lachky stated he will address the issue with the Board of Alderman.

Commissioner Lane questioned the ability to keep up with technology. He addressed the possible limits and wondered if a telecommunications consultant would address the ability to upgrade. Lachky referred to Lake of the Ozarks as an example. A Verizon staff member assisted in developing their Code which we used for comparison in updating our Code; he added there are provisions that allow modifications. Commissioner Delich pointed out technology is doing more with less and the structures are becoming smaller. Commissioner Lane reiterated his concern in hopes that it would not discourage residents; he added that he asked in representation of concerned citizens.

Lachky continued addressing additions in Exhibit E. He pointed out in Section 471.040 Conditional Use Permits legal counsel suggest being specific in the process. Lachky referred to Exhibit G to illustrate the height requirement in the Setbacks and Separations section. In the past, towers have collapsed over onto other structures. Nonresidential requirements were added per legal counsel. City Rights-of-Way specifics were clarified. Lastly, a section for historic preservation was added and the issue of abandonment was addressed. Towers are to be removed at the owner's expense; any applicant for a new tower shall place a bond or other security with the City prior to any final approval to ensure abandoned towers can be removed. Chairman Katerndahl confirmed this would be compatible with the new ordinance. Lachky agreed.

Staff Conclusion and Recommendation

Staff recommends approval of the proposed text amendment to Parkville Municipal Code, Title IV, Chapter 471: Regulations Governing The Installation and Operation of Telecommunication Antennas and Towers, as depicted in Exhibit B. Consideration of text amendment requires a public hearing. Required public hearing notices were published and no comments have been received as of the date of this staff analysis report. It should be noted that the recommendation contained in this report is made without knowledge of any facts and testimony which may be presented during the public hearing, and that the

conclusions herein are subject to change as a result of any additional information that may be presented.

Necessary Action

Following consideration of the proposed text amendment, the factors discussed above and any testimony presented during the public hearing, the Planning and Zoning Commission must recommend approval (with or without conditions) or denial of the text amendment, unless otherwise postponed. Unless postponed, the Planning Commission's action will be forwarded to the Board of Aldermen along with any explanation thereof for final action.

Chairman Katerndahl confirmed there were no additional questions or concerns. There were none. Katerndahl closed the public hearing on these matters at 6:43 pm.

Chairman Katerndahl called for any discussion of the Text Amendment to Parkville Municipal Code, Title IV, Chapter 471 or changes needed. Seeing none Chairman Katerndahl called for a motion to approve the Text Amendment as proposed.

Commissioner Krtek moved to approve the Text Amendment subject to staff requirements, Commissioner Wassmer seconded. Motion passed: 8-0.

5. REGULAR BUSINESS

A. None.

6. UNFINISHED BUSINESS

A. Stephen Lachky announced the adoption of the Highway 45 Corridor plan which covers requirements for future design development. Board of Alderman adopted the plan in July 2016 and is online for review.

Commission Lane asked about the status of the apartment complex being built by the VFW. Lachky answered there is no timeline from the preliminary plan to final plan submission. The applicant is still preparing drawings. There is no time limit on preliminary site plans. Current Code addresses time limits from submission on final site plans and construction with eighteen (18) months. Commissioner Lane confirmed the applicant's intention to proceed. Lachky agreed.

7. OTHER BUSINESS

A. Upcoming Meetings & Dates of Importance:

- Board of Alderman Meetings; Tuesday, August 16, 2016 at 7:00 p.m. and Tuesday, September 6, 2016 at 7:00 p.m.
- Board of Zoning Adjustment Meeting: Tuesday August 23, 2016- Cancelled-No Agenda Item
- Planning & Zoning Commission Regular Meeting: Tuesday, September 13, 2016 at 5:30 p.m.

8. ADJOURNMENT

Seeing no further discussion, Chairman Katerndahl called for a motion to adjourn. **Commissioner Krtek moved to adjourn, Commissioner Wassmer seconded.** **Motion passed: 8-0.** Meeting adjourned at 6:53pm.

Submitted by:

Stephen Lachky
Community Development Director

8-9-16
Date