

**Parkville Planning & Zoning Commission
Special Meeting
January 19, 2010, 5:30 p.m.¹
City Hall Boardroom**

Minutes

ITEM 1. CALL TO ORDER

Chairman Katerndahl called meeting to order at 5:30 p.m.

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Bryant Lamer
Keith Cary

Judy McRuer, Vice Chairman
Marvin Ferguson
Pam Scott

Members absent:

Lonnie Scott (with prior notice)
Bob Lock (arrived at 5:37)

Also present:

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director
Tracy Sisney, Department Assistant

ITEM 3. GENERAL BUSINESS

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

Chairman Katerndahl requested a motion to move consideration of agenda items 5A and B to the forefront of the agenda (prior to the public hearings).

Commissioner Lamer moved to move consideration of agenda items 5A and B to the forefront of the agenda (prior to the public hearings) and Alderman Ferguson seconded. Motion approved 6-0.

Chairman Katerndahl asked for a motion to approve the agenda as presented.

Commissioner Lamer moved to approve the agenda as published. Alderman Ferguson seconded. Motion passed 6-0.

Item 3(B) Approval of Planning & Zoning minutes from November 10, 2009 and December 8, 2009 meetings.

Chairman Katerndahl asked to approve the minutes of the November 10 and December 8, 2009 Planning & Zoning meetings as presented.

Alderman Ferguson moved to approve the minutes of the November 10 and December 8, 2009 meetings as presented. Commissioner McRuer seconded. Motion passed 6-0.

¹ meeting rescheduled from January 12, 2009

ITEM 5. REGULAR BUSINESS²

Item 5(A) Application for a final plat of Vertical Ventures III, First Plat. Vertical Ventures III, LLC owners. Case No. PZ09-23. Unless tabled, Board of Aldermen will consider on 1-19-10.

Chairman Katerndahl deferred to staff. Assistant City Administrator Sean Ackerson stated that the property was located approximately at the SW corner of 45 Highway and I-435. The property is 67.5 acres and was rezoned to “B-P” Business Park District in 2006. At that time a preliminary plat and preliminary development plan were approved for office, mixed commercial and light industrial / warehouse uses in an office park like setting. When it was approved, it was approved for approximately 13 units with some additional open space tracts.

Bob Lock joined at 5:37 p.m.

The proposed first plat contains 25 acres. It includes six lots and four open space tracts. The plat is generally described as the area north of the drainage way dividing the total property. The property to be platted contains the private development drive, an existing building off the drive, parking that serves it and a cell tower on the opposite side of the drive. The plat would divide up the individual lots to either be sold or developed as part of the project. Staff has reviewed the plat and concluded that the current proposal is in substantial conformity with the previously approved plans. The plat does include minor changes including slight relocation of some of the lot lines and easements, however, the changes are consistent with the intent of the prior approval. Ackerson added that in some instances where the lot lines were adjusted, they were adjusted to the benefit of the open space. Primarily, Lot 3 had been reduced in size, which will increase the size of the open space tract that abuts it to the south along the drainage way.

Ackerson said they had three review comments, the first which was related to Ensign Drive, and the right-of-way. In accordance with the preliminary plat and plan approvals, Ensign Drive was to be conveyed to the City as a public street in public right-of-way. It was planned to provide public access between 45 Highway and the southern property line of the development. Staff had not realized there were a couple of issues with the City of Parkville taking over what is now a private drive as a public street. The drive crosses onto private property and additional right-of-way would need to be dedicated by that property owner. Staff recommended, in lieu of immediate dedication of right-of-way, the existing private street, future street extension, and future right-of-way have been identified as a private Tract D. Following dedication of right-of-way from KCP&L, approval of a development agreement with the City of Parkville and meeting any conditions thereof, the Tract will be dedicated as public right-of-way and the City will take over maintenance of the street. Meanwhile, the street will continue to be maintained privately.

Ackerson summarized the other two review comments. He stated covenants and restrictions were needed to address cross access and maintenance of common tracts and facilities. Final approval of Parkville Public Works Department/City Engineer, Platte County Regional Sewer District (sewer easement and temporary and full sewer service), Water District 1 (water easements and water service), and MoDOT (access and external road improvements) were also needed. He recommended all remaining issues be conditions of approval to be resolved prior to recording the plat.

² As approved by motion (see agenda item 3A), agenda items 5A and B were considered before items 4A through 4D.

Chairman Katerndahl asked for any questions from the Commission. Hearing none he asked for a motion.

Alderman Ferguson moved to approve Item 5A subject to staff recommendations. Commissioner Pam Scott seconded. Motion approved 7-0.

Ackerson noted for the record that this item and the Planning and Zoning Commission's recommendation would be forwarded to the regularly schedule Board of Aldermen to be held later that night (following the Planning and Zoning Commission meeting).

Item 5(B) Application to amend previously approved improvements at 30 Mill Street located in the Old Town District. Parkville Children's Cottage. Case No. PZ09-16.

Chairman Katerndahl deferred to staff. Vice Chairman McRuer declared a conflict of interest stating that the owners of the Parkville Children's Cottage are clients of her husbands CPA firm. She excused herself from discussion of item 5B and left the room for the duration of the discussion.

Assistant City Administrator Ackerson stated that the applicants are trying to open for business in the near future and that work at the site has progressed nicely. He stated that the applicants had previously received approval of exterior modifications including the addition of a wrought iron fence. Since that time, they have requested that the material be changed to wood.

Ackerson summarized the zoning regulations as they applied to the fence. Generally, fencing in the district is to be compatible with the architecture and materials of the building and is restricted to wood, wrought iron, brick, stone or other similar material.

He added that although this property was old enough to be historic, it had been so modified that it did not retain its historic integrity. He advised that matching the character of the structure would be difficult and not likely result in a style compatible with the historic character of downtown.

He called attention to the application and supporting exhibits. He summarized the proposed fencing as a natural wood picket fence similar to others found in downtown. Ackerson summarized other fence materials commonly found in the district and concluded that the proposed fence would be as appropriate as the other existing fences. Ackerson said that the proposed fencing is not as ornamental as what was previously proposed but would be appropriate.

Commissioner Pam Scott asked how high the proposed fencing would be. Ackerson replied that it would be approximately 4 foot and would be either solid or picket type fencing. He referred to photos showing examples as provided by the applicant. He suggested calling on the applicants for more specific details.

Applicant, Sara Garabaldi, 1113 N. 55th Street, Parkville, Missouri added that they had already installed wrought iron black fencing along the steps and ramp at the rear of the property. It was required by code for safety of the children.

Commissioner Pam Scott asked the applicant if the decision to change materials is being driven by cost. Ms. Garabaldi stated that it was. The expense of the wrought iron fence and installation led them to pursue other options which were substantially less expensive, but still looked good.

Discussion ensued about the school.

Alderman Ferguson moved to approve Item 5B for fencing materials. Commissioner Lamer seconded. Motion passed 5-1 with Commissioner Pam Scott voting nay.

Commissioner McRuer rejoined the meeting.

ITEM 4. PUBLIC HEARING³

Item 4(A) An amendment to Chapter 463, to define and regulate the use of lighting sources, including LED lights, and to define and regulate attention attracting devices and flashing, moving, animated or similar signs. Case No. PZ10-01.

Chairman Katerndahl deferred to staff. Assistant City Administrator Ackerson summarized the application stating the text amendment was requested by Alan Hoambrecker, owner of the C-Store at the intersection of 45 Highway and Brink Myers Road. Plans for the C-Store approved in 2007, had proposed three monument signs which did not meet the City's sign regulations. The development plans were approved without the signs. Rather it was recommended that the applicant propose signs as part of a master sign plans for the entire approximately 40 acre Vertical Ventures II commercial development, or change the sign plan to meet existing sign codes.

Ackerson explained that since that time changes in ownership and plans for Vertical Ventures II left the C-Store a stand alone parcel. As such, the C-Store is not eligible to apply for a master sign plan which would have provided flexibility in requirements to meet the needs of a larger development. Ackerson stated that the City's other sign regulations have not changed and still do not allow for the combination of signs that applicant has proposed.

Ackerson summarized the applicant's desired signs including general locations, purpose and desire to include electronic display of gas prices and other advertisements. To start the discussion, Ackerson showed slides of different types of electronic and manual displays. He explained that these sign types have previously been disapproved for various reasons. He summarized electronic displays that had been disapproved over the last couple years. He stated that primary concerns previously voiced were not matching the character of the development or surrounding community, glare, traffic safety, and visual distraction.

Ackerson suggested that although the request was made by a single applicant, there were two primary questions to be answered. Are electronic displays appropriate in Parkville? If so, are they more appropriate in one location over another? With regard to location, Ackerson stated that signs are currently related by zoning district not, geographic location.

Examples of regulations by other cities in the region were summarized. Ackerson identified preference of other communities and how they regulated for those preferences. Examples included regulating sign type, size, hours, illumination, duration of changes in electronic text and other factors. He said one commonality was that the communities did not appear to try and regulate content. He advised against trying to regulate the sign content.

Particular concerns were flashing, moving, rapidly changing messages and brightness. These features may be considered a detriment to public safety because of distractions created.

³ Public hearing items 4A through 4D were considered following regular business items 5A and 5B, in accordance with an approved motion (see agenda item 3A).

Ackerson summarized the amendment proposed and referenced his staff report. Generally, the amendment would allow electronic displays, but would restrict them to gas / fuel station uses within 1,000 feet of the I-435 interstate. He summarized other proposed restrictions including brightness, message duration, etc.

Chairman Katerndahl opened the Planning Commission discussion. Commissioner Lamer asked how many gas stations with a convenience store were within the City limits. Ackerson stated that there were five.

Chairman Katerndahl asked if the text amendment would affect other businesses. Ackerson summarized existing regulations and stated that the amendment may affect other businesses. He clarified that the applicant is not interested in resolving the issue for all of Parkville and would rather like to address it specific to his application.

Commissioner Pam Scott asked about the sign in front of the Parkville Athletic Complex. Ackerson answered that he was unsure as to how that one was approved as it was prior to his joining the City. He stated that staff has found no permits. Aldermen Ferguson recalled the Board of Aldermen approving the sign as part of plan approval in a B-4 district. Ackerson said he was also unaware of how the sign for Park University was approved.

Commissioner Scott asked then if the Commission proposed some regulations, it would seem that they would exclude that signage from being approvable. Ackerson stated that he thought it was already excluded. He added that when regulations change to no longer allow a sign type that was previously approved, the current sign would become legally non-conforming sign, assuming it was a legal sign in the first place. The legal non-conforming sign would be allowed to continue so long as it was not modified (except for content). Ackerson gave several examples including pole signs and larger monument signs in downtown.

Commissioner Cary expressed concern for changing the regulations since similar signs were previously approved. He asked if the sign regulations were changed, whether that would give property owners legal recourse against the City. Ackerson stated that without knowing how the other signs were approved, he can only address the current sign regulations. Cary added that it really doesn't matter how the other two signs came into being, the fact is that they exist. The City allows them to exist and would make it hard to tell this applicant he could not have the same as the others. Ackerson stated that the City does have the authority to change regulations regardless of what was previously approved. He gave the example of the Old Town District zoning regulations which changed the sign regulations for downtown. He stated he did not believe that a change inherently is grounds for suit against the City. He added that the City's attorney has previously stated that anyone can sue the City at anytime for any reason. It does not have to be founded.

Commissioner Cary expressed his concern for arbitrary application of the regulations. He was concerned with allowing similar signs for the PAC and Park University and not others.

Chairman Katerndahl disagreed. He feels the City should address the issue and set out regulations. Otherwise, we would only be able to require what had been required in the past. Commissioner Scott agreed stating we should not allow something to continue because it was done badly before. Commissioner Cary added that this applicant, if refused, then could say the others such as the PAC and Park University should not be allowed to keep their signs so that there is uniformity throughout the City. Katerndahl suggested that a legal review may be needed.

Commissioner Scott asked if the surrounding properties are identified as retail and office on the drawings supplied. Ackerson stated generally yes and summarized zoning south and west of the site. He clarified that the uses to the east (across Brink Myers Road), north (across 45 Highway) and further south are residential.

Commissioner Lamer commended Ackerson and his staff for the materials and research provided. However, since the Commission did not have details of the actual sign proposed, he recommended tabling consideration until details were provided.

Chairman Katerndahl called on the applicant. Alan Hoambrecker, applicant, 14523 NW 74th, Kansas City, MO, stated that he believed there were a lot of misconceptions. He did not like the title of the amendment which addressed more than his application. He thought the use of "attention attracting devices" was not appropriate.

Hoambrecker said he felt like the Commission was comparing apples to oranges. He agreed that electronic message centers are not appropriate for the antiques area of downtown. He felt the area near I-435 was different. He pointed out that since annexation in 2000, nothing had developed along I-435, possibly as a result of City regulations. He said that prior property owner Richard Kopp thought of de-annexing himself from the City. He stated that some of the Commission members do not even know where the property is. He said that Ackerson's adaptation of where Thousand Oaks is located is not even close to where the store is. He asked how the Commission can say it is offensive to these people and stated the opinion was garbage.

Hoambrecker said that when he previously approached the City staff the two issues were LED lights and flashing messages. He assured that the proposed lights are not that bright, that they have a dimmer on them they can be turned down. Regarding the message, he stated that his kids go to St. Therese private school and he sees an electronic messaging sign everyday, but it doesn't make him run off the road because of it. He added he would be willing to restrict the message to changing three times a day, which is way more than once every minute as included in the proposed text amendment.

He discussed his desire for electronic message centers as a way of getting your message across to people in a tactful way. He did not want to junk up the store with a bunch of temporary signs.

He suggested that the Commission should visit the store and that they would find he has gone above and beyond basic requirements. Contrary to what the Commission thinks, and contrary to where all the Commission lives, Hoambrecker lives within a mile of the store. His main customer base, even though they are not Parkvillians, is neighbors and friends. He stated he does not intend to alienate anyone and that they were very supportive.

He said on one side, and this came from Gerry Richardson, with whom he has talked and talked, he is going to put in a tension fabric canopy. He felt the canopy would be state of the art, and was felt on the other hand that Parkville wants to go back to the 60's and put signs out that are antiquated.

Chairman Katerndahl addressed Mr. Hoambrecker's assumption of what the Commission wanted. Katerndahl felt Mr. Hoambrecker was unduly attacking the Commission. Mr. Hoambrecker said he was not, but felt he was being attacked because he was trying to provide something that he knew he would be proud of.

Katerndahl addressed the proposal and gave it due consideration. He added the Commission is here to help protect the community and its best interests. He said their job was to advise the Board of Aldermen on things that affect the entire community and would be nervous of making a snap decision.

Hoambrecker summarized his construction deadlines. He felt if everything flowed really well, the interior of the store should be completed in about four weeks. Hoambrecker added that there is no way the outside would be completed at that time due to the weather, but maybe March 1st. He wants his signs approved so they can be there when the store opens, but knows that may not be realistic. He stated that at some point, he needs to have something to draw in people off the interstate.

Hoambrecker added that he has pushed for this approval, because he wanted the Commission to hear directly from him. He said that with regard to the two signs that were allotted to him by the prior development, the footings have already been poured and the electricity has been run. He said he was not there to rock the boat and upset everyone but believes the Commission needs to get it into their heads that there really are two cities, the downtown, antiquated City that everybody perceives is Parkville, and the rest of the City. The I-435 area is different and we need to get people off the interstate. He added the sign was designed to let people know what is available.

Chairman Katerndahl stated that he got the feeling that Mr. Hoambrecker felt the Commission was against him. He added they were not against him, but trying to figure out the correct way for the community. Katerndahl added that he apologized that his plan was approved two or three years ago, but this application was just given to the Commission. He stated they do not wish to rush the process.

Commissioner Lamer stated he does not believe this should be decided tonight and will move for this to be tabled until at least the next meeting. He inquired if the applicant had spoken with the property owners that are north of 45 Highway in Smart Estates. Mr. Hoambrecker stated that he had not and criticized Lamer for not knowing where the store was even located. Lamer interjected that he knew exactly where the development was. Hoambrecker said Smart Estates would not even see it. Commissioner Lamer stated that the development looks nice, but if he lived in one of those homes, he thought he would be able to see the signs.

Commissioner Scott asked what the Commission is really being asked to do tonight. Commissioner Lamer stated that he was unsure as to what the applicant was looking for with this application and if he was asking the Commission to make a change to the City code, he would need more specifics with regard to the changes. Specifically, he would like to know for himself and the neighbors what the signage will exactly look like.

Mr. Hoambrecker stated that his trip tonight was to answer any questions, put everything out on the table for all to see. He added that Everbrite would be the company used and they have been in business forever. Commissioner Lamer asked if they would be in charge of the brightness of the sign. Hoambrecker responded yes. He added that there would be no propane tanks outside, no junk outside, no ice containers outside, and they would not be open for 24 hours. It will stay clean outside and the message center will allow him not to junk up the outside with a bunch of temporary signs.

Commissioner Scott stated that it appeared to her that the applicant had an immediate need for some type of signage to be approved. She said that she was reluctant to do that until she could better understand the application and history of current sign regulations.

Commissioner Scott asked the applicant if he was just proposing two monument signs (versus three previously discussed). Hoambrecker said yes.

Vice Chairman McRuer asked if the electronic message center would be blinking. Hoambrecker said no, the sign would be static and would change every 60 or so seconds.

Commissioner Lamer asked Ackerson if he was aware of anywhere else within the city limits where this would be applicable. Ackerson replied that if the text amendment as written were approved it could apply to future gas stations within 1,000 feet of the interstate. Discussion ensued about the distance.

Commissioner Lamer asked Ackerson if he had received any formal communication from the neighbors. Ackerson answered that the only thing he had received was an email from a resident in that area, addressing concerns about lighting.

Chairman Katerndahl said it would be helpful to gather more information prior to next month's meeting, so the Commission can have a reasonable opportunity to approve it.

Commissioner Scott asked for information to be provided with regard to distance from residential areas.

Mr. Hoambrecker offered all to come out to the store as well and see first hand where the signs would be located.

Commissioner Lamer moved to table Item 4A pending further review. Alderman Ferguson seconded. Motion passed 7-0.

Item 4(B) An amendment to Chapter 463, Section 463.060 to revise the regulation of temporary signs. Case No. PZ09-05. Staff requests that this item remain tabled.

Item remained tabled.

Item 4(C) An application to rezone all of Tract A and all of Lots 1, 2, 3, 4, 5 and 6, Bell Road Industrial Park, a subdivision in Parkville, Platte County, Missouri, containing 5.98 acres, more or less, from "B-2" General Business District to "B-4" Planned Business District. Said property is generally located at the southwest corner of 45 Highway and Bell Road in Parkville, MO. Case No. PZ08-22. Previously tabled and will remain tabled until a motion to remove an item is passed. Staff requests that this item remain tabled.

Item remained tabled.

Item 4(D) A proposed preliminary development plan for Parkville Market Place with item (C) above. Said preliminary development plan proposes approximately 45,000 square feet of retail and restaurant, 285 parking spaces and related amenities. Case No. PZ08-23. Previously tabled and will remain tabled until a motion to remove an item is passed. Staff requests that this item remain tabled.

Item remained tabled.

ITEM 6. UNFINISHED BUSINESS⁴

None

ITEM 7. OTHER BUSINESS

Upcoming meeting dates were listed in the agenda, but none were discussed. No other items were discussed.

ITEM 8. ADJOURNMENT

Alderman Ferguson moved to adjourn. Commissioner Pam Scott seconded. Motion to adjourn passed 7-0.

Meeting adjourned at 7:00 p.m.

Submitted by: _____ 2-8-10
Tracy Sisney Date
Department 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) 741-7676.

⁴ The regular agenda order resumed.

**Parkville Planning & Zoning Commission
Meeting
February 09, 2010, 5:30 p.m.
City Hall Boardroom**

Minutes

ITEM 1. CALL TO ORDER

Chairman Katerndahl called meeting to order at 5:37 p.m.

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Bryant Lamer
Keith Cary
Lonnie Scott

Judy McRuer, Vice Chairman
Marvin Ferguson
Pam Scott
Bob Lock

Members absent:

Tony Tognascioli (with prior approval)

Also present:

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director
Tracy Sisney, Department Assistant

ITEM 3. GENERAL BUSINESS

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

Chairman Katerndahl requested a motion to approve the Agenda for the Planning and Zoning, February 9, 2010 meeting.

Commissioner Lamer moved to approve the agenda as published. Commissioner Lonnie Scott seconded. Motion passed 8-0.

Item 3(B) Approval of Planning & Zoning minutes from January 19, 2010 meeting.

Chairman Katerndahl asked to approve the minutes of the January 19, 2010 Planning & Zoning meeting as presented.

Commissioner Pam Scott moved to approve the minutes of the January 19, 2010 meeting as presented. Commissioner McRuer seconded. Motion passed 8-0.

ITEM 4. PUBLIC HEARING

Item 4(A) An amendment to Chapter 463, to define and regulate the use of lighting sources, including LED lights, and to define and regulate attention attracting devices and flashing, moving, animated or similar signs. Case No. PZ10-01.

Chairman Katerndahl opened the public hearing and deferred to staff. Director Ackerson noted that the discussion had been tabled from the prior meeting and gave a brief overview of prior discussion and exhibits. He noted that although the application was being driven by C-Store owner, Alan Hoambrecker, the amendment was not specific to his signage and would be applied to any situation that met the criteria. Generally, the proposed amendment would allow use of LED signs by any gas station within 1,000 feet of the I-435 right-of-way. Ackerson noted they would be discussing the text amendment not the details of Mr. Hoambrecker's proposed signage.

Ackerson answered questions arising from the prior month's discussions including surrounding zoning, proximity to residential uses, history of previously approved signs, required notifications, concerns expressed by neighbors, and other questions. Ackerson presented materials and reports received in the Commission's packets and displayed new materials including aerial photos of the area, excerpts from zoning maps, photos of area development and gas station and LED signs from surrounding areas.

Ackerson summarized the proposed text amendment. Discussion ensued about the language, application, if adopted and concerns and advantages. Concerns included, but were not limited to visibility, glare, definition of electronic message center, and application to other areas outside the interstate corridor, size, materials, day versus night time illumination, rate at which messages change, application to pole signs and various types of LED technology. Advantages discussed, included visibility, ability to reduce temporary signs, image, and allowance of new technology. Generally, the Commission expressed support if video images could be eliminated. The Commission also discussed allowing larger sign sizes near the interstate intersections, and where multiple street frontages are allowed, allowing signs on each frontage.

Chairman Katerndahl called on the applicant. Mr. Hoambrecker summarized his desire for text amendments that would allow his sign concept. He generally agreed with the restrictions being discussed.

Chairman Katerndahl called for input from the public. Hearing none, he closed the public hearing.

Further discussion amongst the panel ensued regarding various restrictions of the types of LED signs allowed by other municipalities. Chairman Katerndahl asked if this Commission could move ahead, while imposing some of these restrictions in a revised text amendment. It was agreed by the Commission that it would be in the best interest of the Community to table this amendment pending further information.

*Alderman Ferguson excused himself with prior notice at 6:30.

Commissioner Lamer moved to table Item 4A pending further review. Commissioner Lonnie Scott seconded. Motion passed 7-0.

Item 4(B) An amendment to Chapter 463, Section 463.060 to revise the regulation of temporary signs. Case No. PZ09-05. Staff requests that this item remain tabled.

Item remained tabled.

Item 4(C) An application to rezone all of Tract A and all of Lots 1, 2, 3, 4, 5 and 6, Bell Road Industrial Park, a subdivision in Parkville, Platte County, Missouri, containing 5.98 acres, more or less, from "B-2" General Business District to "B-4" Planned Business

District. Said property is generally located at the southwest corner of 45 Highway and Bell Road in Parkville, MO. Case No. PZ08-22. Previously tabled and will remain tabled until a motion to remove an item is passed. Staff requests that this item remain tabled.

Item remained tabled.

Item 4(D) A proposed preliminary development plan for Parkville Market Place with item (C) above. Said preliminary development plan proposes approximately 45,000 square feet of retail and restaurant, 285 parking spaces and related amenities. Case No. PZ08-23. Previously tabled and will remain tabled until a motion to remove an item is passed. Staff requests that this item remain tabled.

Item remained tabled.

ITEM 5. REGULAR BUSINESS

None

ITEM 6. UNFINISHED BUSINESS

None

ITEM 7. OTHER BUSINESS

Upcoming meeting dates were listed in the agenda, but none were discussed. No other items were discussed.

ITEM 8. ADJOURNMENT

Commissioner Lamer moved to adjourn. Vice Chairman McRuer seconded. Motion to adjourn passed 7-0.

Meeting adjourned at 7:15 p.m.

Submitted by: _____
Tracy Sisney
Department Assistant

2-8-10
Date

**Parkville Planning & Zoning Commission
Meeting
March 9, 2010, 5:30 p.m.
City Hall Boardroom**

Minutes

ITEM 1. CALL TO ORDER

Chairman Katerndahl called meeting to order at 5:35 p.m.

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Bryant Lamer
Keith Cary
Lonnie Scott
Tony Tognascioli

Judy McRuer, Vice Chairman
Marvin Ferguson
Pam Scott
Bob Lock

Also present:

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director
Tracy Sisney, Department Assistant

ITEM 3. GENERAL BUSINESS

Item 3(A) Introduction of new Planning and Zoning Commissioner, Tony Tognascioli.

Chairman Katerndahl introduced, Tony Tognascioli, new Planning & Zoning Commissioner and welcomed him to the Commission.

Item 3(B) Approval Planning & Zoning Meeting Agenda.

Chairman Katerndahl requested a motion to approve the Agenda for the Planning and Zoning, March 9, 2010 meeting.

Alderman Ferguson moved to approve the agenda as published. Commissioner Pam Scott seconded. Motion passed 9-0.

Item 3(C) Approval of Planning & Zoning minutes from February 9, 2010 meeting.

Chairman Katerndahl requested a motion to approve the minutes of the February 9, 2010 Planning & Zoning meeting as presented.

Alderman Ferguson moved to approve the minutes of the February 9, 2010 meeting as presented. Commissioner Lonnie Scott seconded. Motion passed 9-0.

ITEM 4. PUBLIC HEARING

Item 4(A) An amendment to Chapter 463, to define and regulate the use of lighting sources, including LED lights, and to define and regulate attention attracting devices and flashing, moving, animated or similar signs. Case No. PZ10-01.

Chairman Katerndahl opened the public hearing and deferred to staff. Director Ackerson noted that the discussion had been tabled from the prior meeting and gave a brief overview of prior discussion and exhibits. He noted that although the application was being driven by C-Store owner, Alan Hoambrecker, the amendment was not specific to his signage and would be applied to any situation that met the criteria. He added that after several meetings and workshops that the text amendment now proposed has been amended to include only gas/fuel stations within 1,000 feet of the right of way of interstate locations.

Ackerson stated that the Commission had prior been given some direction of text language for signage from municipalities such as Gladstone and Lee's Summit. He said that this draft substantially addresses many issues and concerns and manages them as the Commission has suggested.

Ackerson summarized the amendment in general as allowing gas stations within 1,000 feet of the interstate right-of-way to have monuments signs with electronic message centers. Director Ackerson provided the draft that included new definitions and went over each. He stated that approval of this text amendment would allow the applicant's proposed signage. They are as follows:

The following language (in italics) was provided for Planning and Zoning Commission consideration:

Amendment to Section 463.030, *Definitions*, to add the following definitions:

Animated Signs. Signs that include animation or effects simulating animation, including those that employ: flashing or blinking; intermittent or changing illumination creating a fading, dissolving, traveling, scrolling, dropping, pixilation or other similar transitional effect; video; sound emission; flapping, blowing, spinning, rotation or other movement; pyrotechnics; visible moving parts; or any device or illumination or other effect, creating the illusion of motion.

Ackerson stated that this is a new definition. Upon discussion of the previous meetings, there was issue as to how the City would regulate motion or the appearance of motion, blinking or flashing.

Changeable copy sign: A manually, mechanically or electronically activated sign, or portion thereof, on which copy is designed to be changed periodically without altering the face of the sign. Changeable copy signs shall include, but not be limited to electronic message centers, reader boards, gas price signs, and theater marquees. Poster panels and painted boards shall not be considered changeable message signs.

Ackerson noted that this has been modified to an allowance of change without modification or alteration to the face of the sign.

Electronic Message Center: Any electronically activated changeable copy sign that displays text. Included are signs that use changing lights to form a message and holographic displays.

Ackerson noted that this previous definition was much larger and that staff had whittled it down. Previously it was noted in the definition to include video or images. This was left out of this definition based on the Commission's previously expressed concern for these types of images.

Amendment to Section 463.160, Special Conditions for all Zones, to add a new subsection E as follows:

E. Electronic Message Centers. Electronic message centers shall be allowed subject to the following standards:

- 1. Electronic message centers shall be restricted to use by gas stations or fuel stations that are within 1,000 feet of interstate highway right-of-way.*
- 2. Duration. Any portion of the message must be displayed for a minimum duration of 10 minutes.*

Ackerson stated that this was originally presented with an 8 second duration but stated the Commission could put whatever minimum time frame they thought would best represent the needs of our Community. He added that the applicant had mentioned changing the sign a few times a day and this would fit that well. Ackerson added that the intent was for the sign not to be continually changing or flashing.

- 3. Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum of 400 nits (candelas per square meters) between dusk and dawn.*

Ackerson noted that the intention here was to allow for brightness during the day and the dimmer control for greatly reduced illumination at night.

- 4. Dimmer control. The sign must have a dimmer control to automatically adjust illumination from daylight to night time maximums.*

This would be a control that was automatically set within the system so that no one person is responsible or able to make any type of adjustment.

- 5. The change from one message to the next shall not take more than one second and shall not include any animation or movement of the text.*

Ackerson said that there had previously been additional language to this but since we have since defined animation, the additional text is not needed and this change would adequately cover it.

Repeal and replace Section 463.170, Signs Not Allowed in Any District, as follows:

~~*Flashing Signs. Flashing signs shall not be permitted in any district or portion of the City.*~~

Animated signs. Animated signs shall not be permitted in any district or portion of the City. This shall not include electronic message centers as permitted in Section 463.160, E.

Amendment to Section 463.160, *Special Conditions for all Zones*, to add a new subsection F and G as follows:

F. Corner lots. Where freestanding signs are permitted, lots with two or more street frontages shall be allowed freestanding signs for each frontage.

Ackerson explained that currently, our Code does not have an allowance for multiple signs for businesses that have multiple street frontages.

G. Sign area. Where freestanding signs are permitted within 1,000 feet of interstate highway right-of-way, lots with lineal street frontages greater than 250 feet, shall be allowed a 25% increase in sign area so long as all other applicable standards are met.

Ackerson said that F and G address the need for visibility on multiple street frontages and increase in visibility along the interstate corridor as previously raised by the Commission.

After briefing the Commission on the changes to the text amendment, he added that approval of tonight's proposed text would allow for the applicants proposed signage. Ackerson stated that he had attended a Webinar session on sign challenges today with the City's attorney. He explained that the biggest concern would be the proposed restriction to text only. He had discussed with the City Attorney who advised against prohibiting images or graphics as it may be deemed regulation of content. Discussion of the Commission ensued, including concerns about the impact of images versus text. The Commission concluded that the amendment should be revised to allow images and text. The definition of Electronic Message Center and Sections 463.160, E, 6 where modified accordingly.

Commissioner Cary asked about Section 163.160, F, which is proposed to allow corner lots to have freestanding signs on each street frontage. He asked if the amendment would allow as many freestanding signs as the owner wanted according to the proposed language. It was agreed that the language be changed to allow for one sign per each "public" street with frontage. The section was revised accordingly.

Chairman Katerndahl asked if anyone from the public had any input. Seeing no one, the public hearing was closed.

Commissioner Pam Scott moved to approve Item 4A as amended. Alderman Ferguson seconded. Motion passed 9-0.

Item 4(B) An amendment to Chapter 467 to define and establish a new zoning district, the Old Town District-Residential. Case No. PZ09-26.

Director Ackerson stated that Item 4B is a misprint and will be listed in a future meeting.

ITEM 5. REGULAR BUSINESS

None

ITEM 6. UNFINISHED BUSINESS

None

ITEM 7. OTHER BUSINESS

Upcoming meeting dates were listed in the agenda, but none were discussed. No other items were discussed.

ITEM 8. ADJOURNMENT

Alderman Ferguson moved to adjourn. Commissioner Lonnie Scott seconded. Motion to adjourn passed 9-0.

Meeting adjourned at 6:10 p.m.

Submitted by: _____ 03-10-10
Tracy Sisney Date
Department 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) 741-7676.

**Parkville Planning & Zoning Commission
Meeting
May 11, 2010, 5:30 p.m.
City Hall Boardroom**

Minutes

ITEM 1. CALL TO ORDER

Chairman Katerndahl called meeting to order at 5:30 p.m.

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman	Pam Scott
Judy McRuer, Vice Chairman	Lonnie Scott
Bryant Lamer	Bob Lock
Keith Cary	Tony Tognascioli

Members absent

Marvin Ferguson

Also present:

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director

ITEM 3. GENERAL BUSINESS

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

Chairman Katerndahl requested a motion to approve the Agenda for the Planning and Zoning, May 11, 2010 meeting.

Commissioner Tognascioli moved to approve the agenda as published. Commissioner Pam Scott seconded. Motion passed 8-0.

Item 3(B) Approval of Planning & Zoning minutes from March 9, 2010 meeting.

Chairman Katerndahl requested a motion to approve the minutes of the March 9, 2010 Planning & Zoning meeting as presented.

Commissioner Pam Scott moved to approve the minutes of the March 9, 2010 meeting as presented. Commissioner Lamer seconded. Motion passed 8-0.

Item 3(C) Recognition of reappointment of P & Z members, Dean Katerndahl and Judy McRuer.

Commissioner Katerndahl stated that he and Commissioner McRuer had been reappointed to serve an additional term on the Planning and Zoning Commission. Their new terms will expire in May 2014. The other Commissioners stated their appreciation and enjoyment of serving with both.

Item 3(D) Election of Officers for Planning & Zoning Commission.

Chairman Katerndahl stated that it was time to elect new officers to serve through May 2011. He stated that Commissioner Lamer had volunteered to serve as Vice Chairman. Chairman Katerndahl stated he was willing to serve as chairman again if the Commission desired.

Commissioner Pam Scott nominated Dean Katerndahl as Chairman. Commissioner Lamer seconded. No other nominations were made. Chairman Katerndahl closed nominations and moved to accept his nomination by acclimation. Motion passed 7-0 (Katerndahl abstained).

Commissioner Pam Scott nominated Commissioner Lamer as Vice Chairman. Commissioner McRuer seconded. No other nominations were made. Chairman Katerndahl closed nominations and moved to accept his nomination by acclimation. Motion passed 7-0 (Lamer abstained).

Chairman Katerndahl called for nomination of a Secretary and explained that the role was purely administrative. Duties do not include recording the meeting or preparing minutes. Rather the Secretary is a successor in the absence of the Chairman and Vice Chairman.

Commissioner Lamer nominated Keith Cary. Commissioner Pam Scott seconded. Seeing no other nominations, Chairman Katerndahl closed nominations and moved to accept his nomination by acclimation. Motion passed 7-0 (Cary abstained).

ITEM 4. PUBLIC HEARING

None

ITEM 5. REGULAR BUSINESS

None

ITEM 6. UNFINISHED BUSINESS

None

ITEM 7. OTHER BUSINESS

Upcoming meeting dates were listed in the agenda, but none were discussed. No other items were discussed.

ITEM 8. ADJOURNMENT

Commissioner Lonnie Scott moved to adjourn. Commissioner Lamer seconded. Motion to adjourn passed 8-0.

Meeting adjourned at 5:37 p.m.

Submitted by: _____ 5-11-10
Sean Ackerson Date
Community Development Director/
Assistant City Administer

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**Parkville Planning & Zoning Commission
Meeting
June 8, 2010, 5:30 p.m.
City Hall Boardroom**

Minutes

ITEM 1. CALL TO ORDER

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

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Judy McRuer, Vice Chairman
Keith Cary (arrived at 5:35)
Pam Scott

Lonnie Scott
Bob Lock
Tony Tognascioli (arrived at 5:39)

Members absent

Marvin Ferguson
Bryant Lamer

Also present:

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director
Tracy Sisney, Department Assistant

ITEM 3. GENERAL BUSINESS

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

Chairman Katerndahl requested a motion to approve the Agenda for the Planning and Zoning, June 8, 2010 meeting.

Commissioner Lonnie Scott moved to approve the agenda as published. Commissioner Pam Scott seconded. Motion passed 5-0.

Item 3(B) Approval of Planning & Zoning minutes from May 11, 2010 meeting.

Chairman Katerndahl requested a motion to approve the minutes of the May 11, 2010 Planning & Zoning meeting as presented.

Commissioner Lock moved to approve the minutes of the March 9, 2010 meeting as presented. Commissioner Lonnie Scott seconded. Motion passed 5-0.

ITEM 4. PUBLIC HEARING

Director Ackerson noted that although the Agenda stated there are items presented for Public Hearing, this is in error. All items presented are for regular business.

ITEM 5. REGULAR BUSINESS

<p>Item 5 (A) Application for change in use for 307 Main Street to <i>The Local</i> restaurant. Case No. PZ10-07.</p>
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Chairman Katerndahl deferred to staff. Director Ackerson stated that there would be no exterior changes to the façade and the only issue at hand would be parking. He added that the Commission was to decide if the new use will create significantly more business so that the Commission would not approve the application due to parking restrictions or if it substantially meets the intent of approved uses. Ackerson said that across the intersection was the funeral home with a parking lot that was generally empty except for scheduled events. He added that Mr. DeMint, owner of the funeral home, submitted a letter for the applicants and had agreed to share the parking lot for restaurant patrons, when not in use and that 5-6 parking spaces were available now, off street and that because the restaurant was located close to the end of OTD, there shouldn't be much conflict.

Commissioner Pam Scott asked if Mr. DeMint, owner of the funeral home, made clear his plans of when he would need the parking lot and when it would be available/unavailable. Ackerson said that Mr. DeMint has worked with other businesses in the area and this has never been an issue.

Commissioner Tognascioli stated that he had a problem with the application because our regulations say they have to have parking. He added that there was already a restaurant there and if the funeral home is being used, it will be very busy. He said if we approve the application based on the parking available it would greatly impact the community.

Director Ackerson stated that the issue of parking spaces has come up in the past, but specifically with restaurants, patrons will park and walk to their restaurant of choice. He added most of the conflicts would be on weekends.

Commissioner Tognascioli said that they have occupancy for seating 34 people and should plan for that many people and cars.

Commissioner Pam Scott asked if based on our requirements, they would need 5 more spaces than the previous retail tenant. Ackerson answered that there would also be potential for patrons who lived near or around the area for walking customers as well as the off street parking spaces and should not create a huge problem.

Commissioner Lock stated that there were not many available alternatives, he was happy to see new businesses come to the downtown Parkville area and as a community we should take what we can get and address the parking situation when and if it becomes a huge problem. He said that with the neighborly approach of the funeral home owner and shared parking, he believed it to be a good move.

Chairman Katerndahl said he lives right across the street so he would be affected as well. He added that the neighbors have always dealt with parking in a positive manner and will continue to do so.

Commissioner Lonnie Scott agreed that a lot of neighbors/patrons will have the ability to walk to the restaurant and would be in support of the application.

Commissioner Pam Scott suggested that the owners visit with any other businesses with parking lots and talk to them about shared parking during off peak hours.

Commissioner McRuer inquired about handicapped parking. Director Ackerson stated that while there were designated handicapped parking areas in downtown, there were not any immediately available on street. He added that the facility was ADA accessible with a ramp and bathroom facilities.

Applicants, Melissa Petry and Jacob Borman, 6910 NW 79th Street, Kansas City, MO stated that Mr. DeMint, owner of the funeral home, will put up "No Parking" signs when the parking lot is not available. They added that although they have 34 seats, they were not hoping for 34 cars, but rather would like to provide a family atmosphere where one family came in one car. They added that they have been watching the parking situation on weekends and that there is an average of 9-11 parking spaces available in the evenings.

Commissioner Lock added that it would not be a bad thing to have a parking problem, which means the City of Parkville is thriving. He added that Parkville needed new business.

Commissioner Pam Scott suggested that with the name of the restaurant being "The Local" and being committed to using locally grown foods, encouraging patrons to park and walk and push for going "local" in the OTD area.

Commissioner Pam Scott moved to approve item 5A as presented. Commissioner Lonnie Scott seconded. Motion passed 6-1 with Commissioner Tognascioli having a nay vote.

Item 5 (B) Application for consideration of revised Final Site plan for a convenience store and car wash on 2.3 acres generally located at the southwest corner of 45 Highway and Brink-Myer Road. Alan Hoambrecker, manager, Hoambrecker Properties, LLC. Case No. PZ10-08.

Chairman Katerndahl deferred to staff, adding that there was incomplete information in the Commissioners packets. Director Ackerson added that the Commission had received a portion of the drawings as well as the revised site plans that are being proposed, floor plans, elevations and lighting/illumination plan. Separately, the Commission received a landscaping plan as well as a general summary of the approval process. Also enclosed, was a history of this project. Ackerson stated that this application was first presented in 2007. He added that there have been many changes since that time and the final site plan was amended in 2009. Ackerson went on to list the changes from the 2007 plan to the amended 2009 plan that was approved, including changing the covenants and restrictions to include such changes as initially this was part of a much larger project, as well as a different owner of the entire development. The covenants and restrictions are now stand alone related only to this application rather than the development as a whole entity.

Discussion ensued regarding the north, south, east and west facades, as they were called out on the plans and were clarified before moving ahead.

Director Ackerson said that he pointed out the older, previously approved changes because with the new plans before them, those past, previously approved changes are still listed on the plans. Those changes were subject to several conditions such as the landscaping on the 45 Highway side be used to replace the function of the windows, relocation of evergreens on the rear façade, addition of an awning over the window on the rear façade, lighting on the man door

on the rear façade and modifications of the covenants and restrictions, which is moot at this point, because they have been redone. Ackerson stated that those are the 2009 amended approvals.

Ackerson told the Commission that for this meeting is the balance of what is shown on the new plans. Generally, he said it is modification to the parking lot, the parking lot layout, removal of a planter island, changing of the curb line, and removal of some parking in the northwest corner of the site, changes to the exterior façade of both the car wash and the main building and changes to the landscape. Ackerson added that there are few items that have not had the reviews completed due to short turnaround, and they are as follows:

SP101, site plan drawing, in the NW corner, identified as #2 and #5, show the west entry being removed and as well as a pole light being removed, and should be shown as future improvements. There was an agreement approved by the Board of Aldermen to delay those until such time as a connection can be provided to a development to the west.

Commissioner Pam Scott asked what the Board requested. Director Ackerson stated that the deferred agreement was requested by the applicant, Mr. Hoambrecker, and granted by the Board. Commissioner Tognascioli inquired about the entrance on the west side and whether or not MoDot had seen it. Ackerson explained that it did not connect to 45 Highway; it only connected the west of the abutting property, so MoDot would not have been required to look at it.

On page SP101 of newly submitted plans, #4 was previously approved so the rest of the changes on this page are being proposed as changes for this evening's meeting.

On page A101 of newly submitted plans, #3, #4, #6 and #8 were previously approved in prior application. All other changes are proposed changes for this evening's meeting.

On page A202 of newly submitted plans, #4, #9, #11, #12 and #14 were all previously approved in prior application. All other changes are proposed changes for this evening's meeting.

On page E01 of newly submitted plans, show the redistribution of lighting with the proposed light fixtures.

On page L101 of landscaping plans received this evening, shows modifications where the planter island is removed to relocate landscaping in the southern property line, also where the curb line has been relocated, along with other minor changes.

Ackerson stated that since all the review entity reports were not back at this time, he would be happy to go over these changes and answer any questions and said the applicant was also here and could answer questions, as well. Ackerson said some of these changes work, but one doesn't work, as well as other recommendations that could help with some of these changes as suggested alternatives.

Chairman Katerndahl stated that he wanted to be clear on one issue. He asked if the Commission was being asked to make these changes, because this project was not constructed according to plans that the Commission had previously approved, but are now being asked to approve what has already actually taken the place of the previously approved plans. Director Ackerson answered that was his understanding. Chairman Katerndahl added that it appeared a person can build whatever they wished and then come back to the Commission for approval and wondered why the Commission was needed for approval in the first place. Ackerson added that had some of these been previously brought to the Commission for revisions, it would not

have been so difficult. He added that some of these changes do not work and would not have been approved in such a manner and will require modifications in order to make them work, which may mean physical improvements to do so. Chairman Katerndahl asked if the City of Parkville was short staffed and unable to catch problems like this. Ackerson responded that staff had conducted many inspections of the project. He said the applicant was first given notice in February, followed by a notice in March and in April that these were changes that required Planning Commission approval before proceeding. Commissioner Tognascioli stated "but they didn't stop". Commissioner Pam Scott stated that during this time, the applicant was before this Commission on several occasions for signage to which Chairman Katerndahl added that the Commission could have addressed some of the changes then. Chairman Katerndahl added that he was disturbed by this. Commissioners McRuer and Pam Scott agreed.

Commissioner Tognascioli asked about the stormwater detention basin. Ackerson stated that there was a separate stormwater plan that was approved. He added that generally, this site does not detain water or treat water on site. Discussion ensued regarding water detention with Ackerson providing a brief background on all that was approved prior with the City of Parkville, as well as the State. Commissioner Tognascioli stated that the site plans leave a bit to be desired with the lack of information. Ackerson stated with that regard, what the Commission had before them was not a full blown site plan, but just documented the modifications to the original 2007 approval.

Commissioner Pam Scott stated that her understanding was that the changes had to do with the location of the drive, as well as the immediate elimination of a drive for future use. Ackerson said that no, one issue being pointed out was that some of the area would just stay in a natural grassy state and not be graded until future plans for connection.

Commissioner Pam Scott continued and asked if the other changes included removing 9 actual or faux windows, removing awnings, relocating a window and a door or two. Ackerson said that 3 of the faux windows were previously approved to be removed. They were originally included just to break up the façade but since approved for removal and the replacement for them included trees and bushes. Ackerson added that although some of the landscaping had changed, there would be no reduction in the amount. Commissioner Scott asked if the removal of the peninsula island had already been approved for removal. Ackerson answered that it had not.

Commissioner Pam Scott asked about the Staff Analysis that stated the current application proposed to remove several features, including windows and landscaping. Ackerson answered that there is one area of landscaping that he was not sure if it was being removed or not because the drawings that were submitted late Thursday had it being removed and the drawings received today, did not.

Commissioner Pam Scott inquired as to why the peninsula was removed. Ackerson answered that we would have to ask the applicant as he had no idea.

Commissioner Cary asked how the "as-built" project varies from the original approval. He said Director Ackerson had stated earlier that some of the changes were relatively minor and could be changed but others were more serious changes and could he explain that statement. Ackerson explained that he felt some changes were easily mitigated back to the intent of the original plans, which were to have four sided architecture and not have expansions of blank walls. The most major concern, that he does not believe works and we can discuss how to make it work, is the fencing for the patio on the front of the store. He said that unfortunately it had already been installed. Commissioner Tognascioli asked what kind of fence? Ackerson answered an aluminum fence. He added that the original plans had an open patio that was

enclosed on two sides, the rear and parallel portion, with the front parking lot side being left open. Ackerson added that since the original approval, the applicant had decided to include alcohol service on the patio. In order to serve alcohol, the structure must be enclosed. So the sidewalks have already been poured, part of the parking lot has already been poured, so he believes the applicant thought the easy fix would be to just fence in that entire area. Ackerson does not believe the functionality of the sidewalk that is left. There may be enough physical separation between the building, which we do not know yet, because the reviews from the building department and the fire department are not back. What does not work is the sidewalk outside the patio. He explained that the way the parking lot is designed, there is not enough separation left between the vehicle overhang and the fencing. The task will be to figure out a way to widen the sidewalk or eliminate those two parking spaces.

Commissioner Cary asked, if by lack of separation do you mean vehicles will pull up and hit the fence? Ackerson answered that he does not think they will hit the fence, but a standard vehicle overhang is about two feet which would leave no functioning sidewalk. Commissioner Pam Scott asked if this had already been built. Ackerson answered yes and explained that everything the Commission is looking at has already been built.

Ackerson informed the Commission that the internet access down here was unavailable but he had pictures of the fencing taken from the site and could show the Commission the fenced area. After all saw the pictures, Commissioner Pam Scott commented that for all the hard work by the applicant and this Commission had gone through approval after approval to make this architecturally appealing, the fenced area was really tacky, for lack of a better word. Ackerson said that if this had come before the Commission as it was supposed to, it most likely would not have been granted an approval. Chairman Katerndahl concurred. Katerndahl asked if the fence could be moved back. Ackerson stated that part of what is being requested is where the fence ties back into the building, there is a new door in the front façade to allow patrons to go in and get pizza and beer and allow them onto the patio from the inside as they cannot go back outside and enter the fenced area from outside the store.

Upon hearing the applicant in the audience, Chairman Katerndahl addressed Mr. Hoambrecker and gave his apologies to him while the Commission tried to work through the issues. Chairman Katerndahl stated to the applicant that he would get his chance to speak. Mr. Hoambrecker can be heard from the audience area stating "if you would let me talk, I could explain this to you so that you would understand it, because I do know the exact specifications that I was approved by Paul and I know everything about it".

Director Ackerson stated that Paul has said that this has not been approved. It is not part of the building plan. Mr. Hoambrecker stated once again from the audience "it's approved, do you want me to speak, I'll speak but I think you are getting misinformation but I will try to tell you"

Chairman Katerndahl asked Mr. Hoambrecker to come forward and enlighten us.

Commissioner Cary asked Ackerson if other than the fence issue, were there any larger issues, like the fence with no easy remedy. Ackerson replied that even though there are many things, most have an easy fix.

Commissioner Lonnie Scott asked if the liquor regulations were a City or State Law. Ackerson replied that it was a State law. Commissioner Pam Scott asked if this really met the intent of the law. Ackerson stated that he did not know the answer to that question. Commissioner Pam Scott questioned whether or not this was sufficient.

Mr. Alan Hoambrecker, applicant, stated that “when I sat back there and listened to the story that was told, I wouldn’t vote for me. I have never been so appalled and so upset in my entire life. To sit and listen to the way Sean spins this it sounds as though, going back to your comment, that I just went willy nilly, did whatever the hell I wanted to do and did my own thing. That was never the case, you guys know me, I’ve been coming here for four years now, do you think I would do anything, without getting an idea or permission or a view? I’m not that kind of person that I would just go spending money. You asked me questions, you (points to Commission) brought up the point a little bit ago, when you said something about the fence doesn’t look very good and then you said you’d been there. You don’t even know what kind of fence it is, you’ve never seen it. I would question if anybody here has actually been to the site, been in the building or seen the property”.

Mr. Hoambrecker said “to answer your question about the fence, when it came up and we were approved for liquor by the drink, the law is you have to have access from inside the building to outside, we used Nick & Jakes as our example, ok, when the comment came up, Paul was there, I think Sean was there, but there were a lot of people there, Dean was there, the whole bit, you wanted the numbers, I’ll give you the numbers, you had to have a 4’ way to get in and out of there, ok, that’s why we put the new door in where we did. The sidewalk, going back to numbers is 7’ wide. You had to have a little over a 3’, I want to say, it was like 34” to go through there. There is 3 ½ on each side there, I went right down the middle. I am pretty much assuming, you used the word tacky, Geiger fence would be extremely upset, with your depiction of their fence. It is wrought iron”.

Commissioner Pam Scott stated that the fence looked nice, it was the location.

Mr. Hoambrecker said “but I had no other choice, how to get there. It was actually Paul’s idea that that’s what we would do and I’m not here to bring Paul into it at all but when you are approved for liquor by the drink, you had to have a way to get from inside the building to outside to the patio. We had no other choice but to knock out a wall, so that’s why it was built the way that it was”.

Chairman Katerndahl asked why it was not brought to the Planning Commission first. Part of the concern is more the process that was not followed.

Mr. Hoambrecker stated “and again, shame on me, but part of my process was that Paul and Dean and all these guys knew what their talking about”.

Director Ackerson said he would like to address that because, contrary to Mr. Hoambrecker’s testimony, we have sent out correspondence to Mr. Hoambrecker on this since the beginning of the year, that any modification to the site plan required the Planning Commission’s approval in accordance within our adopted codes. He added that they have talked about issues with regard to the plans, and nothing has been approved. The statement Mr. Hoambrecker made about “that’s appalling that that wouldn’t be done”, Director Ackerson reiterated that the plans before the Commission this evening, have been done without approval.

Mr. Hoambrecker said “it’s done to the degree, you want to know why these things are so late, because I get a phone call at 2:45 on Friday before Memorial Day that you need to have all these documents in and you need to have them here by Tuesday”.

Chairman Katerndahl stated that it sounded like you got a note in February and March saying you needed these documents.

Mr. Hoambrecker said “no, you need to have all these documents here if you want your occupancy permit; you need to have them here by Tuesday”.

Katerndahl asked the applicant if he never received any correspondence in February or March. Mr. Hoambrecker responded that he was not aware of any. Director Ackerson added that he would be happy to go and get copies of the correspondence for the Planning Commission’s viewing.

Mr. Hoambrecker stated that “I can show you a number of times, I can show you emails, just like he can, of Sean, what do I need to do, what do I need to do. He had a meeting set up with me at 10:00 out there at the store, so we could walk through everything, then he said I double booked, am I lying? I double booked my appointment, I can’t make it out there, let’s see if we can’t meet again. So I’m not here to not take any of the blame, not at all, but I want to assure you of a couple of things. When I sit here and I hear people make the comments, and you didn’t, but I’m just saying that if I ran willy nilly and did whatever I wanted to do out there, that couldn’t be any farther from the truth. When I hear people say that I adjusted all the landscaping, and blah, blah, blah, it might have got moved back, but I didn’t take anything away from it. As a matter of fact, I was adamant that we didn’t take anything away from it. I would also encourage anybody here, if you could find a nicer convenience store in the whole city, I am not talking Parkville, in the whole city, I would challenge you to that”.

Hoambrecker continued “I will also go back to a comment that was made to me a year and a half, two years ago, before I ever started building, it came from Mayor Richardson. Alan, are you not building this building because we’re making you overbuild it. I said absolutely. I said you are sitting here telling me, you want windows on the back of the store, you want windows on the side of the store, I said why? They don’t serve any purpose other than cosmetic. I said, I went a step further, I said listen; I would agree that Quik Trip is the biggest name in town. If you can take me to a Quik Trip and show me windows on the back of the building, I would do it and you can’t find one. So we agreed that we would change what the material was made out of and put some, I don’t know what you want to call them, but different pieces in there and change the line in there to break up the façade, is what they wanted. I guess I am just speechless, you know, if you guys had any idea, how many people come up to me, every, single day and ask when are you gonna get open, when are you gonna get open and I’m not trying to build something shabby, I’m not, I think if you guys would all come out and take a look at it, you would agree that it’s the nicest store in Kansas City and every time I turn around I’m being treated like I’m building this shack out there and I’m just running and doing whatever I want to do. The reason I wanted to speak, and I’m sorry that I’m so passionate about this is I have had a hand in every single thing that’s went on. You asked about how the thing got out, that was a little out of control, I happened to be away and the guy just ran the curb line straight and went ahead and poured it already, I couldn’t affect that part. But I didn’t sit and purposely say, let’s cut that out”.

Hoambrecker continued “just so you know, I’ve got product coming in there right this minute. I’m not trying to push, I’m just telling you the facts, the reason this came to a head the way that it did. We have a scheduled opening date of Monday. I know like it seems that I’m trying to put pressure on you guys but it was my understanding that the way we built it, there wasn’t anything wrong with it and then I come to this meeting and it sounds like I just built this shack out there and I just screwed around with the landscaping and I changed the parking lot every which way you could, took windows out. They are getting on me about the lights that were put out. The lights that were put out were spec by Richard Kopp. They were 3K a pole, there are 9 poles out there, that’s 27K worth of lights just to shine on the parking lot. I got them for 900.00 and their nice lights, they are the box lights like they have over at YMCA and I am being chastised for the lights that go on the building and they are the same ones that are on Price Chopper. I have said this over and over and over again, you know, you guys have said, everybody is sitting here

talking about 360 degree architecture, has anybody looked at the back of Price Chopper? Have you just taken a look at it? When you drive out of here, there is nothing special about that building. The back is horrid. I would put mine up against it, everyday of the week”.

Chairman Katerndahl interrupted to state that Mr. Hoambrecker should not have agreed to it.

Mr. Hoambrecker said “I never wanted to agree to it, but I’ve been pushed and pushed and finally when I pulled back and said I can’t do it, that’s why I didn’t build, that’s when Mayor Richardson came to me and said what are we doing wrong. What are we doing wrong? Why can’t we get something built out there? I said you are making me put things in here that serve no functional purpose whatsoever. When I first started down this path 5 years ago, I was told you are the Gateway from the West, does anyone remember that? You were asking earlier, where is Parkville, it stops at Brink-Myer Road, as soon as I come out on Brink-Myer Road, I’m out of Parkville, I’m in Platte County. I feel like I’m trying to do things nice and I feel like I’m getting my teeth kicked in. That I’m just running rough shod out there and I got to tell you, it just makes me fume. I have people; you guys say you’re here for the whole City. The problem is the people who live out there, don’t live in the City. I would encourage you all to come out there, come out tomorrow, I’m there at 6:00 a.m., and you come out there and take a look at it. Sorry”.

Commissioner Cary asked in terms of the fence, he would like to make sure all are on the same page, at least in terms of the facts as it exists now. He asked if the case was that the fence splits the 7’ sidewalk. Mr. Hoambrecker said yes. Commissioner Cary asked if it was Mr. Hoambrecker’s position, that the 3 ½ feet outside the fence is adequate and does not present a problem. Mr. Hoambrecker responded “again, you are going to think that I made this up, but I adamantly looked at it from the beginning and yes, I would absolutely, without fail, to the degree, and it probably doesn’t show this on the blueprints, but since there were people coming from that way, I put another, there is no handicapped, whatever those red bump things are on there, but there is a handicapped way to come right up that ramp, so you don’t have to go, there’s a handicapped entrance on both sides of the sidewalk as well as right dead in the middle. So yeah, you could probably get a Hummer or something, I’ve never heard the part of 2’ overhang before”.

Commissioner Cary asked again if it was Mr. Hoambrecker’s position, that vehicles could pull into those first two parking spaces and have whatever overhang they have, if their front tires are touching the bumper block, there would still be adequate space for people to walk on the sidewalk between the front of those parked vehicles and the fence that splits the sidewalk. Hoambrecker answered absolutely. Commissioner Cary then asked if in Mr. Hoambrecker’s view there was no problem with the fence. Mr. Hoambrecker responded absolutely.

Commissioner Tognascioli asked if there were bumper blocks. Mr. Hoambrecker responded that he did not know what a bumper block was. Chairman Katerndahl said there were none. Commissioner Pam Scott asked if the vehicles pulled up until the wheels hit the curb. Mr. Hoambrecker responded that was correct.

Commissioner Pam Scott asked Mr. Hoambrecker if a car overhanging into the 3 ½ foot sidewalk area leaves adequate space for someone to pass by. Mr. Hoambrecker responded absolutely. Scott asked do you think then that 2 feet is enough. Mr. Hoambrecker responded “that he was a pretty big guy and it is enough for me”. He added that “if somebody pulled up that far, I still would kind of question the 2 foot overhang, personally”. Scott replied she was only assuming 18 inches, giving him the benefit of the doubt, but that would still only leave 24” or so for patrons to pass by. Mr. Hoambrecker stated that “he was not here to argue the point, but when I went back to Paul and I said to Paul, how wide does that fence need to be, because I wasn’t just going to go build a fence and not have some kind of scope of where we were. He

said realistically, I think his number was 34 inches". Director Ackerson inserted that was for separation from the front of the building. Chairman Katerndahl said that was for inside from the building, to the where the fence starts. Hoambrecker stated "that would be correct and we ended up going with what 40 inches, cause it ended up being 33 ½".

Commissioner Pam Scott stated that the applicant had gone to a great deal of effort to make this a nice convenience store, by convenience store standards, and added that the fence was actually beautiful, but what she does not understand, is why you would go to such great trouble to design something, that works fairly well in that realm of facility type and then put a 34" passageway for somebody to eek by to get back to what really could be kind of a nice patio and then leave what will really amount to about a 2 foot sidewalk when the cars are pulled in. She continued to ask why Mr. Hoambrecker at the tail end of the project, compromised your standards for the quality of this building and do what you wanted to do without our approval.

Mr. Hoambrecker answered "when the subject came up, first of all I had no desire first of all, to put in an entrance from inside the building, again shame on me, but it was necessary, again I used Nick & Jakes as my example and the comment was made that you have to come in from the inside of Nick & Jakes to get to the outside, again, I understand what you are saying and we even toyed with the idea of taking out 2 parking spots, okay, we really talked about taking out the 2 parking spots so people could get by. I don't know how any clearer I can say but other than the fact, that I really think if you came out and looked at it you'd see, would I have loved to have gone ahead and put brick all the way down there, but that's going to take even more space away than the fence would be, but I would challenge anybody to come out and take a look at it and see that it really, I know in your opinion, it kind of maybe, potentially junked it up, but I'm telling you right now that I walk by it everyday and I think I mentioned this to you guys from the very beginning, my main customer base is going to be friends and neighbors and I can assure you it won't be anything where I'm gonna come back and people are gonna come up and ask me what the heck I was thinking".

Commissioner Pam Scott stated that it could have been done right and gave a few examples of how that could have been accomplished, including removing 3 parking spaces. Mr. Hoambrecker answered that then he would not have met the parking space requirement. Mr. Ackerson added that Mr. Hoambrecker took away 3 parking spaces earlier, which could have been re-added.

Mr. Hoambrecker responded "as God as my witness, I hear what you are saying, but that I will not even say that I disagree completely, but I assure you, it was not something that was not thought out, it was thought out completely".

Commissioner Pam Scott answered that doesn't help. Chairman Katerndahl asked Director Ackerson what needed to be done at this point. Ackerson answered that Mr. Hoambrecker has requested that the Commission approve the application as it is being presented.

Commissioner Tognascioli asked if the east end of the building was strictly dedicated to pizza. Hoambrecker stated it was pizza, subs and salads as kind of a tie in with Stone Canyon Pizza. Commissioner Tognascioli asked where patrons were going to eat other than out on the patio. Mr. Hoambrecker answered "again if you would come and see the store, there is seating inside". Commissioner Tognascioli stated that he was simply asking because there was nothing shown on the drawings. Hoambrecker answered there is seating inside.

Chairman Katerndahl stated that everything got changed because of the liquor; there would have been no fence additions or any of these other changes with the door from the inside to the

outside, without the individual liquor sales. Mr. Hoambrecker added that when that came up, he sought whatever he thought was the best avenue to get it done.

Commissioner Tognascioli thought if the applicant added wheel stops that were 2' back from the curb, then there should be plenty of space for traffic to flow behind and people to be able to walk in front of this space. Mr. Hoambrecker said again, that he didn't see the problem with it. He felt that there was enough space like it was. Commissioner Tognascioli added that would be one solution to the problem. He added that he was not sure if there was an appropriate amount of space behind the cars for traffic, but it looked to him as if there was. Mr. Hoambrecker said if they did back it up two feet, there would be more than enough space to back a vehicle out of there without interrupting the flow of traffic for the gas pumps, etc.

Chairman Katerndahl stated that there were really 3 choices to make; approve this as is, approve it subject to certain restrictions or requirements being met or we can turn it down.

Commissioner Lock stated that he agreed with everything that Commissioner Pam Scott said. He wholly endorsed that position. He believes it to be a terrific facility, but would like to add one caveat; he would like it known that this is not the Commission's problem, this Commission approved something different than what is before them this evening and that is where he has some sensitivity to the plan. The plan was approved to the original specificity and now that the plan differs in what was approved, he felt it was up to the applicant to comply with what was originally intended and approved. Having said that, Commissioner Lock stated that as one possible solution, is that portion of sidewalk a necessary use. Could planters be poised there so that the sidewalk is not used at all? He added that in his opinion, it is an unusable sidewalk. He finished with the fact that this issue was not the Commissioners concern as this was not approved prior to the fact and because of that, someone else needed to propose a solution.

Chairman Katerndahl stated that the Commissioners could approve this, subject to the City and the developer agreeing to whatever resolution they could come up with as it was not the Commissioner's job to sit here this evening and design the solution.

Commissioner McRuer asked Director Ackerson what the process was this evening. She inquired as to if these required changes were not made, then the applicant could not receive a license for occupancy.

Ackerson responded that ultimately an approved site plan would be required and the development would have to achieve construction in accordance with that plan.

Commissioner Pam Scott asked if there was a provisional certificate of occupancy. Ackerson answered that the only provision of receiving temporary occupancy is based off of the inability to install landscaping. Final inspections, construction according to your approved site plan and building permits in addition to ancillary items such as fire department, health department and sewer district approvals.

Chairman Katerndahl asked if any of the changes presented a problem with the other codes or is it strictly a site plan approval. Ackerson answered that he does not know the answer to that. Ackerson added that there were some other changes that had not yet been discussed tonight, that were being reviewed by other entities such as the fire department and building officials and that he had not yet received the review comments back. He said that typically these were received 4 weeks in advance and instead we received them a couple of days before.

Commissioner Cary stated that Sean's memo to the Commission, dated last Friday, concluded by saying that at this time, we have not completed the review of the application. So, without

having time for the staff to complete its review and to provide its comments to the Commission, the process has been short circuited in a way that we should probably not let the process be short circuited. If staff has not had time to review the changes that have been made and to provide us with that information, than what is the point of having this procedure set up to operate the way it is supposed to operate.

Mr. Hoambrecker stated "I guess I'll go back and say again, if there are some changes, if this whole issue has to do with the fence, which I, again, I'm just being honest, I think its absurd, there is no doubt that changes could be made, what they are, I'm not saying I have an answer, I just need to get something done because right now we're bleeding something fierce. I don't have a good answer for it. Still to this day, when I sit here, think I built a nice building and I'm sorry to say this, but including the fence. I'm not saying it's the perfect thing, I'm not saying its what you would have done, but there are times when you are sitting there and you have to make a decision and that's what you gotta do and I can assure that when I did it, it wasn't something I did haphazardly".

Commissioner Cary inquired as to when the staff review would be completed. Ackerson replied that they were awaiting comments back from the fire department and our building department and that is primarily what we need to complete it.

Mr. Hoambrecker replied that he "had talked with both Dean and Paul and I've gotten their list from them and to my knowledge there has been nothing that's come up that would be hindranced by this".

Director Ackerson stated that he was not trying to be argumentative, but had spoken with both Dean and Paul this afternoon and they did not have a list and were reviewing things as simple as removal of the three man doors from the carwash and the ingress and egress that has been added, so their respective reviews were not done as of this afternoon.

Mr. Hoambrecker asked what were the ingress and the egress, that he did not understand that. Ackerson replied the ingress and egress to the front of the building. Katerndahl asked if they were just reviewing for code compliance. Ackerson replied yes, he had spoken with the fire marshal today and he said that some of the changes he just found out about today.

Mr. Hoambrecker said "that the subject came up and he wanted to address it, right here, right this minute, because it has been brought to my attention, it has been addressed and I will throw it out to you guys. Have you ever been to a carwash and you've seen a door to get out of the car wash. A man door, where you leave the carwash, because that's what they are talking about and the whole intent of this is, if the electricity went off, how do you get out of the building. It has been addressed, there is a handle on the door, with an emergency sign, saying that somebody can get out, all you gotta do is lift the door up to get out of the building".

Chairman Katerndahl stated that the Commission's expertise does not lie in code interpretation regarding safety. He believed that was an issue that if the applicant would like to go before the Board of Aldermen and say that they need to change these safety restrictions, that is what they are elected for.

Chairman Katerndahl asked the Director if there are issues in which building enforcement and the fire department are deciding, that affect the Commission's ability to make a decision on the site plan. Ackerson replied that he does not know the answer to that. He added that as an option, it could be approved with conditions subject to that.

Katerndahl added that on one hand it is a nice facility but on the other hand, it's a crappy process and maybe Mr. Hoambrecker is right, maybe the City of Parkville just screwed it all up, but it is his guess that is incorrect, but he would like to see this go ahead, but wonders is there any way to go forward.

Ackerson answered with the fence being the key issue, the other areas to be resolved are an easy fix.

Commissioner Tognascioli asked where the air conditioning units and the electrical transformers were located. The applicant replied that the air conditioning was on top of the facility and the transformer was located behind the facility by the dumpster.

Commissioner Lock said he would like to revisit Commissioner Cary's concern about the Commission receiving the information first and making an opinion based off factual evidence. He would like to know when the information will be available, as soon as it is available, is there a way at that point in time, since the Commission has discussed their concerns, they could somehow convene so that we can move forward. Commissioner Lonnie Scott asked if he was specific to the fire and safety issues.

The applicant asked if the Commission could make it contingent upon Dean (fire marshal) and Paul's (building codes) approval.

Director Ackerson stated that the only limitation on meeting would require 24 hour notice to hold a special meeting.

The applicant asked if the Commission could approved based on Dean and Paul approval, theoretically could it be done, as they are coming out on Thursday.

Chairman Katerndahl stated that there was concern that would not resolve everything. Commissioner Lock then stated we would then need to care that we have a specific resolution to the remaining issues with a proposal of the expectations still needed to be met up front.

The applicant then asked "when we sit here and say this about the fence, and I know it's a touchy subject, I got it, but can it or is it a Dean and Paul issue too"?

Commissioner Pam Scott stated she would like to speak with Paul because she believes 34 inches, because 2 people cannot pass, by code in 34 inches. She stated that she believed 44 inches is the minimum for a two way passageway and she has issue with that.

Mr. Hoambrecker responded "well again, I'm not trying to be mean, but I didn't just throw the number out". Commissioner Scott stated that she understood somebody told him that. Mr. Hoambrecker replied "not somebody, Paul told me, cause I point blank said do we have enough room, point blank, like I said, it wasn't like I threw a dart at the wall, made up some number and let's go ahead and do this".

Chairman Katerndahl stated his concern, as the Planning Commission, to approve this from a site plan, not really a safety point, as we have staff and codes, for that, so our role is to approve this plan or not based on aesthetics and things like lighting and all of those things that go into a site plan. Ackerson agreed. Katerndahl then asked if it was possible to do this tonight or do we need more information, from either the Director or other staff to make this decision. He added that the Commission could make it subject to those other approvals. It might not meet those standards and may come back to this Commission depending on the findings.

Commissioner Lock stated that he was unsure if this was circumventing the Commissioner's process, but he felt that since they were still waiting for processes to be completed anyway, he felt that the Commission should wait for Mr. Hoambrecker to provide some kind of a resolution on a few site issues.

Mr. Hoambrecker stated that "he was not some big corporation, that it was just he and his wife, so as far as making a comment, he could make it at anytime, anywhere. Quote, unquote, the issue is the fence and I'm gonna go back to my original statement, and I know everybody and their dog comes and sees you guys and promises the world, but keeping in mind that so far, I put 43K in escrow, for a turn lane, I've got a deferment for the sidewalk, I've got a deferment for the passage into the back. I've tried to do everything in my power to make this whole thing come out and my feeling is, we are sitting here arguing about a fence. Maybe I'm wrong, but bottom line is we are sitting here arguing about a fence".

Chairman Katerndahl agreed stating we are arguing about a fence, a fence that had been put in at the last minute, which is the problem.

Mr. Hoambrecker added that the fence had been up for a month. Commissioner Pam Scott, then asked why then is this the first we are hearing about it. Mr. Hoambrecker responded "that nobody asked him to present to you guys". Director Ackerson stated that he had been given a note on several occasions. Commissioner McRuer said the fence is just one thing. Commissioner Pam Scott stated that the applicant had made changes to the site plan before and had to come before this Commission and knew that was the process and that the applicant was too intelligent, to make the Commission believe that the applicant did not feel this was a change to the site plan.

Mr. Hoambrecker stated "how about you guys just reconvene and come out and see the store, how hard would that be? The thing, the thing is that it seems like I'm trying to put pressure on you, I'm not, I'm just telling you, we have to get open, I'm telling you we are bleeding red, like you read about and I just can't believe that this fence is that big of an issue, I just can't".

Commissioner Scott stated that as she understood it, there is a process in which you go through to get your site plan approved and get whatever is necessary in front of the necessary people to get a certificate of occupancy and that all did not happen in order for you to get open on Monday. Chairman Katerndahl added that there were other things also pending that did not include a decision by the Planning Commission.

The applicant asked what other issues were the hold up. Director Ackerson stated a final inspection was required; a certificate from the Fire Department, approval from the Sewer District and site improvements would have to be made.

Mr. Hoambrecker stated that "I have tried to address every one of these things. Just so you guys have a picture, the striping could be done across the whole building but the concrete has to cure for 30 days, so what I agreed to, is I would stripe the front of the store because it probably has sat there for 30 days, so every issue that you guys, or that he (points to Ackerson) that he's gonna have, I've got an answer for, okay"?

Ackerson stated that the answer to Chairman Katerndahl's question of will the Planning Commission be the only entity holding this up, the answer is there are other things that have not been completed, so at the point, the answer is no.

Commissioner Cary asked for clarification from the applicant as to his position on the fencing. The applicant answered that he was perfectly satisfied with the fence and if it becomes an issue

and he needed to put it in writing, it would be fixed. Commissioner Cary asked if at this point the applicant had a fix to propose. Hoambrecker responded "if its blocks or whatever it ends up being, I don't really care what it is, I mean, if you guys want to come out and look at it, we can always shut the patio off and undo the fence for now. It's just that again, I can't be anymore emphatic, I really don't see a problem with the fence, if I did I would have done something about it a long time ago. I just can't believe that this is the issue. I guess I just can't see what I did wrong".

Chairman Katerndahl stated that he could go either way, but against his better judgment, he moved to approve the site plans subject to the City staff and whoever the appropriate entities were to agreeing to acceptable alternatives to what is proposed in the plan, in other words, not just the fence, it's the landscaping by the carwash and some other issues, subject to all of those being satisfied or resolved.

Commissioner Cary asked if the options were to approve the proposal outright, approve the proposal conditionally, table the proposal and make no approval this evening or to reject it. He asked if there were any other possibilities. Chairman Katerndahl stated if it were tabled, could it be on an expedited basis and the Commission agree to meet next week, when presumably the Commission would have more information and resolve it at that time.

Commissioner Lonnie Scott seconded the motion. Commissioner Cary added that would be dependent upon when staff could provide the necessary information, Katerndahl agreed. If we get it in a week, we could do it in a week, if it takes longer, then it would take longer. He added that would also include being able to form a quorum. Commissioner Cary asked if in order to take a vote, would the Commissioner's presence be required here at City Hall or could we agree that for this specific vote that it be done by email, for example.

Director Ackerson informed the Commission that a vote by email would not be acceptable. Voting must be done in person; there is no equivalent of proxy voting. A time would have to be announced as well as a location. In addition, it would have to be open to the public and a minimum of 24 hours notice would be required. Commissioner Cary asked for example, if they could meet next Monday, would the staff have its work completed. Ackerson replied that yes, if the Commission would like to set a date for next Monday or Tuesday, staff could get the information. He added he was unsure as if new drawings could be completed by then. Commissioner Cary said he was less concerned about new drawings as much as the completed report stating all was or was not completed.

Commissioner Pam Scott asked subject to what exactly.

The applicant asked if the Commission could convene anywhere, why they don't convene at the convenience store. Chairman Katerndahl said they could do that, but that it was not the where could they meet, but more importantly the when they could meet. Commissioner Cary added that he was not opposed to go and see the store, but was not sure that would solve the problem.

Director Ackerson inserted that the Commission could meet at the site and reiterated that 24 hour notice of the date, time and location would be required. Commissioner Cary asked if notice was given on Friday, could they then have a meeting on Monday. Ackerson responded yes, with proper notice and a quorum the Commission could review it and hold an action meeting on a separately notified date.

Chairman Katerndahl suggested as a process to follow up, that a motion had already been made by him with a second by Commissioner Lonnie Scott to approve this proposal subject to

staff's acceptance, plus approval from other entities. He wanted to make this clear so that if the Commission does not vote for that, then the next suggested vote would be, to pick a date, get staff information and reconvene to vote as the next option. Commissioner McRuer asked if the second option meant tabling the proposal tonight. Chairman Katerndahl answered yes, the second option would mean tabling the application but picking a date in the future to reconvene.

To clarify, the first vote is to approve the proposal as presented subject to staff and outside entity approvals working out to their satisfaction all of the issues that remain.

Commissioner Lock said the only problem with that was that there was not a list of what those finite items were, at this point in time, so he was unsure as to what the Commission was conditioning for. Katerndahl added that it was putting it on the staff to determine.

Commissioner Cary added that taking it one step further, which has to some extent of delegating part of the Commission's responsibility to the staff and if the staff identifies an item that is a deal breaker or simply unacceptable, where would the approval stand at that point. Director Ackerson and Chairman Katerndahl confirmed at that point, it would have to come back to the Planning Commission. Commissioner Cary asked if that were to be the case, then the possibility exists for this proposal being held up for a possibly longer period.

Ackerson stated that although unconventional, could the Commission add that all conditions be met by Friday or the Commission would have to then pick a date to meet.

Chairman Katerndahl stated he would be willing to modify his prior motion to include if the remaining conditions of the project cannot be satisfied then Director Ackerson can reconvene the Commission. Commissioner Cary suggested that in consideration of the applicant, if we do not approve this evening, then the Commission should reconvene on Monday, June 14th, so that the applicant can get the store open as quickly as possible.

Chairman Katerndahl amended his motion to approve the plans as proposed subject to all issues that have been identified by staff being satisfactorily completed and if that cannot be done by Friday, June 11th, that a meeting of the Planning Commission will be called for Monday, June 14th at 5:30 p.m. at the convenience store location for reconsideration.

Commissioner Lonnie Scott seconded the amended motion.

A voice vote followed: Commissioner Lock – aye, Commissioner Lonnie Scott – aye, Chairman Katerndahl – aye, Commissioner McRuer – nay, Commissioner Pam Scott – nay, Commissioner Tognascioli – nay, Commissioner Cary – aye. Motion passed 4-3.

Commissioner Pam Scott asked Chairman Katerndahl who determines if the staff agrees that all has been worked out or completed satisfactorily. Katerndahl answered that it would be the Community Development Director, staff and any consultation with the City Administrator. He added that this was more intense due to the short time frame. It is not unlike in the past when this Commission has approved items in the past that have required staff approval. He added the only reason the list now is a little vague, is due to the fact that the proposal and its changes were difficult to follow. Ackerson added to that extent, if the applicant does not agree with our conditions, he can appeal back to the Planning Commission.

Mr. Hoambrecker said that he was unclear so asked "if all of these things are done and staff approved them, as well as, the fire marshal, by Friday, we're done"? Both Ackerson and Katerndahl agreed.

Commissioner Pam Scott asked if there was anything formal that could go into the record with regard to not following the standard procedure that has been set up for future purposes. Chairman Katerndahl asked if there was anything the Planning Commission or the City of Parkville can do that would help to avoid this.

Ackerson responded by stating that we do a lot of handholding now and document that. He added the only thing we did not do on this one, is put a stop to it and start writing citations when the violations were made. He said that we try to work with people in the spirit of cooperation; we want business and would like to see something happen on the west side. Our protocol is to contact the applicant and let them know what is going on or meet with the applicant, provide check lists and make sure it is being followed. It is not very popular, but that is our standard protocol.

Commissioner Tognascioli asked the Director if that protocol was followed in this case. Director Ackerson affirmed that it did. Commissioner Tognascioli then added that he felt the Commission had made a complete error, because he was here under a hardship, created by him and this group fell for it.

Ackerson added that a lot of things have been said about this development but he would like to be clear from staff's standpoint. Nobody is trying to criminalize anybody, no one is trying to make a development out to be bad or unattractive and those things have not been said. Unfortunately, what has happened in this case is that we haven't followed a process and so before you last minute tonight, we're trying to patch something that could have easily been fixed if we had resolved it back in the beginning. Discussion ensued.

Chairman Katerndahl asked if would be possible to cc Planning and Zoning when notices are sent out so that we are included in the due process. Ackerson answered yes, that would be a possibility. Commissioner Scott added that in the past with this particular application each time the applicant came before this Commission, every time it felt hurried, especially this one, with 6 days before opening, the applicant is looking for approval of a site plan for which things have already been completed before the Commission was actually made aware of the changes. The logical choice really should have been to table it. Ackerson said that Community Development would take part of the blame, because we allowed it to come before you in the first place knowing the applicant had not met the deadlines that are set out in advance, but due to the economy such that it is, we are trying to get businesses open, we think this will be a good business and so have tried to push this.

ITEM 6. UNFINISHED BUSINESS

None

ITEM 7. OTHER BUSINESS

Chairman Katerndahl reminded all of the work session immediately following tonight's meeting as well as upcoming meeting dates were listed in the agenda, but none were discussed. No other items were discussed.

ITEM 8. ADJOURNMENT

Commissioner Lock moved to adjourn. Commissioner Lonnie Scott seconded. Motion to adjourn passed 7-0.

Meeting adjourned at 8:03 p.m.

Submitted by: _____ Date 6-09-10
Tracy Sisney
Department Assistant

Unless otherwise stated herein, Planning Commission actions are recommendations forwarded to the Parkville Board of Aldermen for their consideration and final action. 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) 741-7676. Regular business hours are 8:00 am to 5:00 pm Monday through Friday (except for recognized holidays).

**Parkville Planning & Zoning Commission
Tuesday, July 13, 2010, 5:30 p.m.
City Hall Boardroom**

Minutes

ITEM 1. CALL TO ORDER

Chairman Katerndahl called meeting to order at 5:30 p.m.

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Bryant Lamer, Vice Chairman (arrived at 5:35)
Judy McRuer
Bob Lock
Keith Cary
Lonnie Scott
Tony Tongnascioli

Members absent:

Marvin Ferguson (with prior notice)
Pam Scott (with prior notice)

Also present:

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director

ITEM 3. GENERAL BUSINESS

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

Chairman Katerndahl opened the meeting by asking for a motion to approve the agenda as presented.

Commissioner McRuer moved to approve the agenda as published. Commissioner Lonnie Scott seconded. Motion passed 6-0.

Item 3(B) Approval of Minutes from the June 8, 2010 Planning and Zoning Commission Meeting.

Chairman Katerndahl called for any changes. Hearing none he asked for a motion to approve the minutes of the June 8, 2010 Planning and Zoning meeting.

Commissioner Lock moved to approve the minutes of the June 8, 2010 Planning and Zoning Commission meeting as submitted. Commissioner Lonnie Scott seconded. Motion passed 6-0.

ITEM 4. PUBLIC HEARING

Item 4(A) Amendments to Parkville Municipal Code, Title IV, Chapter 480, Section 480.010, to clarify the role and organization of the Board of Adjustment. Case No. PZ10-11.

Assistant City Administrator Sean Ackerson stated that final drafts of the amendments were not completed. He summarized the general intent of the amendments as necessary to clarify the organization, role and duties of the Planning and Zoning Commission and Board of Zoning Adjustment. Both are changes are the result of extensive reviews of the current municipal code as directed by the Mayor and Board of Aldermen. Generally, staff had been working with the Board to update those sections of the Municipal Code relating to city boards, commissions and committees. To date the Board had unanimously adopted text amendments that among other things eliminated Board of Aldermen members as voting members of City committees including the Planning and Zoning Commission and Board of Adjustment. The text amendments proposed under 4A and 4B are necessary in part to reflect these changes.

Ackerson requested that this item be postponed to the special Commission meeting scheduled for July 20, 2010 at 5:30 pm.

Commissioner McRuer moved to approve that Items 4(A) and 4(B) is postponed to the Special Planning and Zoning Meeting scheduled for July 20, 2010. Commissioner Lamer seconded. Motion Passed 7-0.

Item 4(B) Amendments to Parkville Municipal Code, Title IV, Chapter 498, to define the role, organization, procedures and power of the Planning and Zoning Commission. Case No. PZ10-12.

See summary and action from 4A above.

Item 4(C) An amendment to Parkville Municipal code, Title IV, Chapter 463, Article I, Section 463.030 to define institutional uses, and Title IV, Chapter 463, Article IV, Section 463.160 to allow electronic message centers for institutional uses. Case No. PZ10-13. (staff requests that this item be postponed to a later date)

Ackerson requested that this item be postponed until the August 10, 2010 meeting.

Commissioner Lonnie Scott moved to approve that Item 4(C) is postponed to the Planning Zoning Meeting scheduled for August 10, 2010. Commissioner Lamer seconded. Motion Passed 7-0.

ITEM 5. REGULAR BUSINESS

None.

ITEM 6. UNFINISHED BUSINESS

None.

ITEM 7. OTHER BUSINESS

Chairman Katerndahl announced upcoming meetings dates as listed on the agenda.

ITEM 8. ADJOURNMENT

Commissioner Lock moved to adjourn. Commissioner Lonnie Scott seconded. Motion to adjourn passed 7-0.

Meeting adjourned at 5:43 p.m.

Submitted by: _____
Sean Ackerson, AICP
Assistant City Administrator /
Community Development Director

7/14/10
Date

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Parkville Special Planning & Zoning Commission
Tuesday, July 20, 2010, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

Chairman Katerndahl called meeting to order at 5:33 p.m.

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Marvin Ferguson, Alderman
Judy McRuer
Bob Lock

Keith Cary
Pam Scott
Lonnie Scott
Tony Tognascioli

Members absent:

Bryant Lamer (with prior notice)

Also present:

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director
Tracy Sisney, Department Assistant

Audience Members:

Tom Hustler
Jim McCall
John Kuhns
Carol Kuhns
Jim Brooks, Alderman

ITEM 3. GENERAL BUSINESS

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

Chairman Katerndahl opened the meeting by asking for a motion to approve the agenda as presented.

Commissioner Pam Scott moved to approve the agenda as published. Commissioner Lonnie Scott seconded. Motion passed 8-0.

Item 3(B) Approval of Minutes from the July 13, 2010 Planning and Zoning Commission Meeting.

Chairman Katerndahl called for any changes. Hearing none he asked for a motion to approve the minutes of the July 13, 2010 Planning and Zoning meeting.

Commissioner McRuer moved to approve the minutes of the July 13, 2010 Planning and Zoning Commission meeting as submitted. Commissioner Lock seconded. Motion passed 8-0.

ITEM 4. PUBLIC HEARING

Item 4(A) Amendments to Parkville Municipal Code, Title IV, Chapter 480, Section 480.010, to clarify the role and organization of the Board of Adjustment. Case No. PZ10-11.

Chairman Katerndahl opened the public meeting and deferred to staff for a report. Director Ackerson stated that in the packets this evening was a memo that provided an overview. The Board of Aldermen had been reviewing the organization of City committees, commissions and boards over the last couple of months and adopted an ordinance in June that addressed how members are appointed, who can serve and in general, what the committees are. Ackerson stated that the item before the Planning and Zoning Commission this evening, 4A and 4B were a continuation of the Boards work.

4(A) is an amendment to Chapter 480 that defines the Board of Zoning Adjustment procedures and powers. It adds language regarding the establishment and continuation of the BZA, addresses membership, compensation, terms of offices, vacancies, removal of members, quorums, officers, identifies procedures, requirements for approval, meetings and hearings and procedures. Lastly, 4(A) includes a partial amendment to the powers, duties, functions and a section that specifically lists state statutes and the BZA's authority beyond the items previously listed.

4(B) is a similar amendment to Chapter 498 Planning and Zoning Chapter. The current P&Z Chapter was very skeletal. The proposed text would address the same issues and same categories as previously mentioned. Ackerson added that this was general housekeeping for both chapters.

Commissioner Lock asked Director Ackerson what authority the Planning and Zoning had over the Board of Zoning Adjustment. Ackerson responded that the Board of Zoning Adjustment is authorized under the City's zoning order. Amendments to the zoning code require a hearing before the P&Z who makes recommendation to the Board of Alderman.

Alderman Ferguson stated that he told Sean (Director Ackerson) that the only reason he is doing this, is to get rid of him both Boards. He added that the Missouri State Statutes allow an Alderman to serve as a voting member on the Board. Ackerson added that Alderman Ferguson is correct in that Missouri State statute allows for the creation of a planning commission; the statutes allow the Mayor to serve as well as a member of the Board of Aldermen that is elected by the Board. The Board of Aldermen recently addressed this issue in an amendment they adopted in June. On June 15, 2010 the Mayor and Board voted unanimously to make amendments to Chapter 110 and 142. They adopted a new 142.020, which limits elected officials service on committees, commissions and boards. It states that the Mayor and Aldermen may be appointed as liaisons to committees, commissions and boards, but with the exception of the finance auditing committee, the Mayor and Aldermen may not serve as voting members. Ackerson said that was a departure from the Boards policy in the past. Alderman Ferguson stated, he is the only one affected by this.

Alderman Ferguson added that it would be removing a voting member of the Board of Aldermen from membership in both the Planning Commission and the Board of Zoning Adjustment. He could be a liaison but could not vote on the Planning Commission and/or the Board of Zoning

Adjustment. He added that the Board of Zoning Adjustment makes a final determination but can be appealed to the Platte County Circuit Court. For Planning and Zoning, the final appeal is to the Board of Aldermen.

Ackerson added that with regard to 4(A), the language for the BZA, does not address the issue of having an alderman appointed. It calls for 5 members, as residents of the City, to be appointed by the Mayor and Board of Aldermen. It does not address Aldermen service, rather the amendment that the Board approved does.

Ackerson said on 4(B), 498.010, states that the Planning and Zoning Commission may not consist of more than 15 or less than 7 members, including the Mayor, if the Mayor so chooses and a member of the Board of Aldermen, if the Board chooses to have a member serve on the Commission. The proposed amendment, 498.020, states; membership, the Planning and Zoning Commission shall consist of 9 members, and shall be citizens of the City. Members shall be appointed by the Mayor and approved by the Board of Aldermen in accordance with the provisions with Chapter 110, Section 110.040 and Chapter 142 (the new sections that were adopted by the Board in June).

Commissioner Pam Scott asked about the intent of a prior text amendment that defined advisors and why they would not be bound by committee procedures, rules and regulations. Ackerson explained that the Board created a new committee structure. Generally, the discussions have stemmed around the fact that the City had adopted codes and regulations that defined what determined conflicts of interest. This new proposed amendment created a new category of advisors where those individuals could advise in particular areas, without having a direct conflict of interest. Ackerson added that was actually part of an amendment a year or so ago, but had been on the books for some time now. Discussion ensued.

Commissioner Lock asked if the Planning Commission passed the amendments if Alderman Ferguson would still serve. Ackerson answered the Planning Commission would be amending the regulations to reflect the policy that the Board previously adopted. Chairman Katerndahl clarified that P&Z is not precluding the Mayor or Alderman from serving on the Commission. Ackerson added that Chapters 480 and 498 does not preclude an Alderman or elected official from serving. It was the amendments that the Board previously passed in Sections 110 and 142 that precluded service. He said that at this point, he did not know the correct answer to Commissioner Lock's question, and thought it would be a question for the Board.

Discussion ensued about how the Board might address Mr. Ferguson's position. Commissioner Lock stated that obviously Mr. Ferguson is a citizen, he could be appointed as a citizen but his question was would that serve as a reappointment as a citizen, or would there be a vacancy. Chairman Katerndahl asked if they just leave it alone and he would continue to serve, and then added that would be in violation of the Board's policy.

Alderman Ferguson inquired about his recent election to Vice Chairman of the Board of Zoning Adjustment. He stated that he thought he was a lame duck. Ackerson said that was another matter for the Board of Aldermen. He added that the Planning and Zoning Commission's job tonight, was to act on the proposed amendment.

Alderman Ferguson stated he received this information late and felt that he did not have enough time to read the information. He thought it was ramrodding stuff through.

Ackerson called attention to this memorandum that clearly states this information is being sent out late and recommended to postponing it if not comfortable with it. Chairman Katerndahl agreed, adding that was the Commission's decision. Ackerson stated that the Commission was

well within its rights to ask the Mayor or a Board representative to come and explain the Board's policy or the City attorney to address the State statutes.

Commissioner Pam Scott asked about advisors and whether or not the Sunshine Laws are applicable. She added that she understood why they cannot vote, but doesn't understand that they don't abide by the same rules and regulations that any other appointed member would follow.

Ackerson answered that in all cases they would have to abide by the Sunshine Law. There is nothing in our code that would circumvent the Sunshine Law. Ackerson explained that the Board, CLARB or other Commissions have special topics that they undertake and will create advisory committees. Several of the people that get appointed to the advisory committees, have a conflict of interest, because they may have a business in Parkville. What the Board had not intended to do, but did, was disallow any expert from serving on those advisory committees. This was an attempt to be able to allow an expert to advise them and provide valuable input.

Chairman Katerndahl stated that with no further questions, the Commission could either approve the amendments as presented or they could be postponed.

Commissioner Tognascioli moved to hold items 4(A) and 4(B) over until the next Planning and Zoning meeting. Commissioner Cary seconded. Motion passed 8-0.

Chairman Katerndahl explained to the Commission that if they would like a Board member or the City Attorney to speak on this matter in the future, to contact Director Ackerson.

Item 4(B) Amendments to Parkville Municipal Code, Title IV, Chapter 498, to define the role, organization, procedures and power of the Planning and Zoning Commission. Case No. PZ10-12.

See summary and action from 4A above.

Item 4(C) An amendment to Parkville Municipal Code, Title IV, Chapter 442, Section 442.055 to repeal and replace subsections E and F redefining permitted and prohibited signs in the "OTD" Old Town District. Case No. PZ10-05.

Chairman Katerndahl deferred to staff.

Alderman Ferguson asked to be excused due to a previously scheduled Executive Session with the Board of Aldermen at 6:02 p.m.

Director Ackerson stated that public workshops, several meetings, a walk around the downtown area looking at different types of signage, generally, it was time for the Main Street Association and the City of Parkville's sign regulation to meet in the middle and make some changes. He said that reformatting the regulations in the past proved cumbersome and that at this point, it had been simplified to two categories; those permitted outright and those permitted by exception. He added that there was still a category of prohibited signs and that previously many types of signage were not allowed.

Commissioner Pam Scott asked about section #2, E, regarding applied vinyl. She saw signage to that degree that did not work at all. She felt it did not meet the intent of the signage regulations, in that some appeared to be peeling off. Commissioner Lock asked if the Commission could add the verbiage "properly maintained". Director Ackerson answered that could be addressed as a sign code violation. Commissioner Pam Scott inquired as to why no

etching was allowed. Ackerson answered that etching prohibition was somewhat typical in the older districts. It is very difficult to replace windows once tenants moved out. He added that there are also modern alternatives, including vinyl.

Commissioner McRuer questioned Pole Signs. She stated that there needed to be some discussion of some of the signs that were in terrible condition, rusted out, some with no signage on them, with just the pole remaining. She asked if these were grandfathered in. Ackerson answered that they cannot be reused after being discontinued and that there was nothing in the code that required the pole to be removed. Chairman Katerndahl asked if that was a rule for the entire City. Ackerson answered that it was.

Chairman Katerndahl opened the public hearing.

Tom Hutsler, 173 English Landing Drive, Parkville, Jim McCall, 6118 NW Pineridge Circle, Parkville and John Kuhns, 7601 E. Forest Lakes Drive, Kansas City, all came to the podium. Mr. Hutsler started by thanking the Commission members, Director Ackerson and Alderman, Jim Brooks, for taking the time to come downtown and walk around to see the different types of signs.

He stated that this has been an ongoing process for about 3 years and it has finally come to fruition. He particularly wanted to thank Director Ackerson for his contribution of redefining the code and simplifying the process. He added that the current sign code is much easier to read. The only other issue at hand for future review would be the addition of directional and rear facing signs.

One final comment was that with regard to pole signs, he was concerned that with the way the code was now, they would be able to remain until they fall down, and would like that addressed at any future meetings.

Mr. Kuhns stated that his main concern was for appropriate, good quality paper signs to be allowed inside windows. He asked the Commission how many of them did the walk around town and those that did, did they notice the paper signs in his window at HMS Beagle along with the fact that they were not wrinkled or faded. He ended with stating that he would like to see paper signs allowed.

Mr. Hutsler added that with regard to maintenance of the signs, between Main Street Association and the City, there should be no problems making sure the signs are maintained.

Mr. McCall stated that he would like to thank the Planning Commission for taking their time on this, that the efforts have been great on everyone's part. He believes this sign ordinance the clearest that he has ever seen.

Commissioner Pam Scott shared her concern about clutter. She felt there should be design guidelines with enough standardization to allow people to know where to look for information. Discussion ensued. Mr. Hutsler agreed that in the future, design guidelines should be looked at. Mr. McCall stated that he would be in favor of pursuing a design committee but the current process must not be slowed down. If standards are created, some of the downtown business owners would need financial help and the result should be guidelines versus ordinance. He would like to see some standardization, especially with regard to directional signs. Weston and North Kansas City are two great examples where directional signs help to create the district.

Mr. Kuhns added that from meeting with various downtown merchants, he thought there would be a pull back from any type of harsh standards. He felt that they want their own look, their own eclectic, artsy feel. He felt there were not enough signs or ability to find things.

Commissioner Pam Scott enquired about pole signs. Discussion ensued about alternatives. Removal of old signs and maintenance were concerns. Equal treatment in all zones was a stated objective.

Mr. Kuhns returned to the podium to reiterate that he would like to have paper signs included with the phrasing "with proper maintenance" added to what is being voted on. Commissioner Pam Scott asked Mr. Kuhns why he preferred paper signs over more permanent signs. Cost was sighted as the main reason, but he also was able to produce it himself. Kuhns added that another advantage of the paper signs it allows light to filter through the window. His paper does not fade.

Commissioner Tognascioli asked how the signs were applied. Mr. Kuhns replied that he used double stick tape. Chairman Katerndahl and Commissioner Pam Scott both admitted to having a problem with double stick tape due to the cheap appearance. Mr. Kuhns added that he did not think they needed to go into details with types of tape, paper, etc., as long as it was properly maintained.

Commissioner Tognascioli voiced his general opposition. Chairman Katerndahl said that the Commission did not intend for Director Ackerson and staff to have to go "maintenance watching" as part of the new changes. Mr. Kuhns said that the Main Street Association, at least in downtown would help to police that the signs are properly maintained.

Chairman Katerndahl called for further discussion. Seeing none he closed the meeting and called for a motion.

Commissioner Keith Cary moved for the adoption of the amendment. Commissioner Lonnie Scott seconded. Motion passed 7-0.

Item 4(D) An amendment to Parkville Municipal code, Title IV, Chapter 463, Article I, Section 463.030 to define institutional uses, and Title IV, Chapter 463, Article IV, Section 463.160 to allow electronic message centers for institutional uses. Case No. PZ10-13. (staff requests that this item be postponed to a later date)

Ackerson reiterated that this item will remain postponed until the August 10, 2010 meeting.

ITEM 5. REGULAR BUSINESS

None.

ITEM 6. UNFINISHED BUSINESS

None.

ITEM 7. OTHER BUSINESS

Chairman Katerndahl announced upcoming meetings dates as listed on the agenda.

ITEM 8. ADJOURNMENT

Commissioner Tognascioli moved to adjourn. Commissioner Lonnie Scott seconded. Motion to adjourn passed 7-0.

Meeting adjourned at 6:37 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

8/06/10
Date

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Parkville Special Planning & Zoning Commission
Tuesday, August 10, 2010, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

Chairman Katerndahl called meeting to order at 5:33 p.m.

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Marvin Ferguson, Alderman
Judy McRuer
Bob Lock

Keith Cary
Bryant Lamer (arrived 5:40)
Tony Tognascioli

Members absent:

Pam Scott (with prior notice)

Lonnie Scott (with prior notice)

Also present:

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director
Tracy Sisney, Department Assistant

ITEM 3. GENERAL BUSINESS

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

Chairman Katerndahl opened the meeting by asking for a motion to approve the agenda as presented.

Alderman Marvin Ferguson moved to approve the agenda as published. Commissioner McRuer seconded. Motion passed 6-0.

Item 3(B) Approval of Minutes from the July 20, 2010 Planning and Zoning Commission Meeting.

Chairman Katerndahl called for any changes. Hearing none he asked for a motion to approve the minutes of the July 20, 2010 Planning and Zoning meeting.

Commissioner Lock moved to approve the minutes of the July 20, 2010, Planning and Zoning Commission meeting as submitted. Alderman Ferguson seconded. Motion passed 6-0.

ITEM 4. PUBLIC HEARING

Item 4(A) Approval of an application from Park University for a site plan for the Parkville Campus. Case No. PZ10-14.

Chairman Katerndahl deferred to staff. Director Ackerson introduced the application and stated that the campus was zoned P-EC, Planned Educational Campus District in 2007. There are no predetermined sign regulations for the P-EC zoning district. Campus improvements are to be approved in conjunction with a campus master plan and implemented through individual development plans. The Park University Master Facilities Plan was approved as the Campus Master Plan in conjunction with rezoning the campus. Approval of a signage Master Plan was deferred at that time.

Director Ackerson added that staff was recommending approval. He stated staff reviewed the plan against the general commercial district and Old Town District sign regulations for comparison. Although they do not apply to the campus staff felt it was necessary for comparison. Ackerson stated that this plan was in general conformance with both and that it was very complimentary of the desired character for downtown.

Commissioner Tognascioli questioned a potential conflict between paragraphs A and D. He felt the language in Paragraph A was quite strong and mentioned no changes would be allowed, but Paragraph D alludes to the fact that changes can be made. He was not opposed to allowing changes, but clear direction was needed. Director Ackerson explained that Paragraph A is intended to clarify that an approved sign plan is a binding document regardless of who owns the property. Under A, owners are bound to this Master Sign plan and cannot make any changes without first coming before the Commission or Board as applicable.

Ackerson added that Paragraph D allows for changes. For example, the University has only two entrances today, but could create an additional entrance in the future. Paragraph D would allow the Planning Commission to approve "substantial changes" and the Community Development Director to approve less important matters in house.

Commissioner Tognascioli asked if the words "following the same process as originally approved" could be added after "only after re-approval" at the end of Paragraph D. All agreed it would be a good addition.

Roger Hershey, Vice President and General Counsel, Park University, 8700 NW River Park Drive, Parkville addressed the Commission. He had reviewed the draft, agreed with the proposed changes and asked the Commission to recommend approval to the Board of Aldermen. He added that he was confident that Park University would follow the direction required by Planning and Zoning and the Board of Aldermen.

Commissioner Lock inquired about the existing electronic sign located on 9 Highway. He noticed it was not listed in their Master Sign Plan along with the other existing monument signs. He stated that he would like to see the electronic sign and other existing signs included with the proposed sign plan. He stated that the Commission and the Board had recently made some amendments to the electronic sign code and would like to make sure the existing electronic sign followed the same rules and regulations. Discussion ensued.

Ackerson stated that existing signs would be considered non-conforming until such time as new signs were approved. He suggested the master plan identify those signs to remain. Meanwhile they would be allowed to exist in their present state.

Mr. Hershey stated that he was unaware of all of the changes, but the University would most certainly comply with the City's new code.

Commissioner Lock finished by stating that it was an attractive plan and that Park University had done a nice job with their presentation and he would like to see all of it approved at once, with the electronic message sign that is already in place, included in the proposal.

Commissioner Tognascioli moved to approve the plan, with staff's recommendation, the above mentioned change in verbiage and the inclusion of the Park University LED Sign currently in place on 9 Highway. Commissioner McRuer seconded. Motion passed, 7-0.

Item 4(B) Amendments to Parkville Municipal Code, Title IV, Chapter 480, Section 480.010, to clarify the role and organization of the Board of Adjustment. Case No. PZ10-11. (Postponed from July 20, 2010 meeting)

This item remained postponed.

Item (C) Amendments to Parkville Municipal Code, Title IV, Chapter 498, to define the role, organization, procedures and power of the Planning and Zoning Commission. Case No. PZ10-12. (Postponed from July 20, 2010 meeting)

This item remained postponed.

Item 4(D) An amendment to Parkville Municipal code, Title IV, Chapter 463, Article I, Section 463.030 to define institutional uses, and Title IV, Chapter 463, Article IV, Section 463.160 to allow electronic message centers for institutional uses. Case No. PZ10-13. (Staff requests that this item remain tabled)

Ackerson reiterated that this item will remain tabled.

ITEM 5. REGULAR BUSINESS

None.

ITEM 6. UNFINISHED BUSINESS

None.

ITEM 7. OTHER BUSINESS

Chairman Katerndahl announced upcoming meetings dates as listed on the agenda.

ITEM 8. ADJOURNMENT

Commissioner Cary moved to adjourn. Alderman Ferguson seconded. Motion to adjourn passed 7-0.

Meeting adjourned at 5:55 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

8/11/10
Date

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**Parkville Planning & Zoning Commission
Tuesday, September 14, 2010, 5:30 p.m.
City Hall Boardroom**

Minutes

ITEM 1. CALL TO ORDER

Chairman Katerndahl called meeting to order at 5:30 p.m.

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Marvin Ferguson, Alderman
Judy McRuer
Bob Lock

Keith Cary
Bryant Lamer
Lonnie Scott (arrived at 6:07)
Pam Scott

Members absent:

Tony Tognascioli (with prior notice)

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director
Tracy Sisney, Department Assistant

ITEM 3. GENERAL BUSINESS

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

Chairman Katerndahl opened the meeting by asking for a motion to approve the agenda as presented.

Alderman Marvin Ferguson moved to approve the agenda as published. Commissioner Lock seconded. Motion passed 7-0.

Item 3(B) Approval of Minutes from the August 10, 2010 Planning and Zoning Commission Meeting.

Chairman Katerndahl called for any changes. Hearing none he asked for a motion to approve the minutes of the August 10, 2010 Planning and Zoning meeting.

Alderman Ferguson moved to approve the minutes of the August 10, 2010, Planning and Zoning Commission meeting as submitted. Commissioner McRuer seconded. Motion passed 7-0.

Director Ackerson introduced, Kirk Rome, City of Parkville's new Public Works Director to the Planning Commission. All welcomed him aboard and wished him luck.

ITEM 4. PUBLIC HEARING

Item 4(A) Application to rezone 6110-6112 Highway 9 to “B-4” Planned Business District. Case No. PZ10-15.

Chairman Katerndahl introduced the application and then deferred to staff. Director Ackerson summarized two applications – one to rezone the property to B-4 Planned Business District and a second to approve a development plan for an office building on the site. Ackerson summarized materials provided to the Commission for the record.

Ackerson stated that staff had reviewed the application and then summarized considerations and findings presented in his staff report to the Commission. The immediately surrounding zoning was summarized as generally commercial zoning containing non-residential uses. Residential zoning and uses could be found further away to the east, south and west. Staff reviewed the application against criteria detailed in the submitted staff report. The findings were favorable including finding that the proposed zoning was generally consistent with surrounding zoning, that uses permitted under the zoning could be adequately served and that the proposed zoning was not contrary to the public health safety or welfare.

Ackerson stated that there was an issue related to adequately serving the site. Staff and the applicant had met with MoDOT who had issue with the proposed curb cut. Ackerson stated that alternatives had been discussed and that he believed access could be worked out through the development plan submitted in the second application.

Ackerson addressed compatibility with the adopted Parkville Master Plan. He found that the proposed zoning was consistent with the plan’s projections and had the potential to implement several objectives. Objectives included improving the appearance of the 9 Highway corridor and improving the consistency of development in that area.

Staff recommended approval of the proposed rezoning. Ackerson explained that the zoning application could be acted on in conjunction with or independent of the proposed development plan.

Commissioner Pam Scott questioned whether both applications would be acted on together. Discussion ensued. Scott stated her preference to act on the two applications independently due to the number of conditions on the site plan. Further discussion ensued.

Seeing no more questions for staff, Chairman Katerndahl called the applicant forward. Bob Campbell, Eastwood Properties, 1518 NW Vivion Road, Kansas City, was present to represent applicant and property owner Craig Marshall. See no questions for the applicant; Chairman Katerndahl opened the public hearing for the rezoning. Seeing no comment from the public, he closed the public hearing.

Commissioner Pam Scott questioned staff’s recommendation to approve the rezoning application subject to MoDOT approval of the access to 9 Highway. Director Ackerson noted that the recommendation was in error and was intended as a condition of the development plan.

Commissioner Pam Scott moved to approve rezoning of 6110-6112 Highway 9 from “R-1” Single Family Residential to “B-4” Planned Business District subject to staff recommendations. Alderman Ferguson seconded. Motion passed, 7-0.

Chairman Katerndahl called on staff to address the site plan. Ackerson briefly outlined the submitted staff report. He summarized primary review comments, starting with access. Staff had met with MoDOT who shared a concern for too many curb cuts in the area and pointed out likely conflicts. Ackerson stated MoDOT was initially requiring that the curb cut on the proposed

development plan or on Montee Law Firm to the north be eliminated and access to the two sites be shared via a connected internal drive isle. Ackerson added that the Montee property is currently for sale and staff is unable to come to an affable decision between the two parties when the other party is unknown at this time. He added that the applicant is open to pursuing the matter, but that the parking is designed to work alone, if necessary.

Ackerson stated that a traffic study was not mandatory and was not recommended by MoDOT or the City Engineer. All concluded that the additional traffic generated was not significant.

Director Ackerson stated that currently, there is no pedestrian access. The proposed development will add pedestrian access along the 9 Highway frontages subject to MoDOT's final approval.

Parking was reviewed. Adopted parking regulations require 34 parking spaces and the plan provides for 27 spaces. The "B-4" district allows approval of alternative parking plans. Director Ackerson stated that the County had given preliminary approval to allow shared parking between the YMCA and the developer. When the offices were open parking would be allowed on the abutting YMCA parking lot to the south and when closed YMCA members could park in the office parking lots. Ackerson summarized details of access between parking lots and other parking details.

Ackerson stated he had discussed combining the proposed parking lots with those on the Montee Law Firm property. Since the property was being sold, no progress had been made. Ackerson requested that if approved, staff be given the authority to approve changes necessary to combine parking lots without requiring plans to be resubmitted to the Commission.

Proposed lighting was summarized. Staff saw no issues, but asked that a condition of approval set maximum height and light levels in accordance with City codes.

Ackerson summarized appearance and building materials. He stated the building details and materials, such as glass, brick and stucco, were generally consistent with materials used in the surrounding area.

Drainage details were summarized. He said that the proposed drainage concept will connect to the current drainage system. Final grading and drainage details were still being worked out and staff recommended any approval be subject to final approval of grading and drainage plans by the Public Works Director.

Director Ackerson asked the Commission to give staff discretion to approve the final dumpster details. He hopes the dumpster can be combined with a dumpster on Montee Law Firm's property to the north. Ackerson described proposed landscaping and screening and recommended that the Commission defer final approval of the landscaping to staff. He also recommended waiving the code required six foot privacy fence between the subject property and the residentially zoned property to the south. Although the property to the south is zoned residential, it is developed with a parking lot and will have no residential use.

Staff recommended approval of the proposed plans subject to conditions identified in the submitted staff report.

Commissioner Pam Scott asked about a traffic study and whether one was required with the Parkville Commons. Ackerson answered that a traffic study was prepared for the Parkville Commons. Commissioner Pam Scott reminded the Commission that the approval of the Parkville Connections included a requirement for a very extensive traffic study covering areas well beyond the subject property. Scott stated that 9 Highway was difficult and assumed that

MoDOT would want to cut out as many curb cuts as possible along that particular stretch of 9 Highway. Ackerson stated the assumption was correct, explaining need for access management and concern for vehicular conflicts created by unmanaged access.

Commissioner Pam Scott added that there were two left turns (curb cuts) before that, one being the applicant's property and the next being the Montee Law Building. She questioned what happens if the applicant and owner of the Montee Law Firm building to the north cannot agree to share access. Director Ackerson stated he believed there were other ways in which it could be resolved, including the addition of a median on that section of 9 Highway. Discussion ensued regarding alternative access, shared access and related sight design.

Commissioner McRuer questioned shared parking on Saturday mornings. She stated that at the YMCA and Parkville Athletic Center (PAC) are often very busy on Saturdays due to tournaments, practices, games, etc. She expressed concern for the proposed Saturday morning office hours and conflicts with parking. She wondered if the applicants will expect designated parking spots. Ackerson agreed with the concern. He summarized the preliminary agreement for shared parking with the County, but concluded that during large events parking in the area would be an issue. He did not feel that the few shared parking spaces made the situation significantly worse.

Commissioner Lonnie Scott arrived at 6:07 p.m.

Bob Campbell, applicant, addressed the Commission and explained that the existing curb cut for their property is where they want it, they would just like to widen it. He added that MoDOT prefers this curb cut rather than the Montee entrance. He added that the Highway department went as far as saying that if an agreement could not be met with the owners of the Montee Law Building, they would shut it down.

With regard to Saturday parking, Mr. Campbell stated that their building's parking access would take priority to their Saturday morning customers, but at anytime after that, or in the evenings it would give more spaces to the County property (YMCA).

Commissioner Cary questioned the proposed building setback from 9 Highway as it related to the setback for the Montee Law building. Mr. Campbell responded that they were very close, within feet of being the same.

Seeing no more questions, Chairman Katerndahl called for a motion.

Commissioner Cary moved to approve the proposed development plan with all of Staff's recommended conditions. Alderman Ferguson seconded. Motion passed 8-0.

Item 4(B) Amendments to Parkville Municipal Code, Title IV, Chapter 483, Changes and Amendments, to redefine the authority, procedures, hearing requirements and process, review criteria, protests, successive applications, and effective form of amendments to the Parkville Zoning Code and official zoning map/zoning district boundaries. Case No. PZ10-16. (staff requests that this item be postponed to 10-12-10)

This item is postponed

Item 4(C) Amendments to Parkville Municipal Code, Title IV, Chapter 480, Section 480.010, to clarify the role and organization of the Board of Adjustment. Case No. PZ10-11. (Postponed from July 20, 2010 meeting)

This item remained postponed.

Item (D) Amendments to Parkville Municipal Code, Title IV, Chapter 498, to define the role, organization, procedures and power of the Planning and Zoning Commission. Case No. PZ10-12. (Postponed from July 20, 2010 meeting)

This item remained postponed.

Item 4(E) An amendment to Parkville Municipal code, Title IV, Chapter 463, Article I, Section 463.030 to define institutional uses, and Title IV, Chapter 463, Article IV, Section 463.160 to allow electronic message centers for institutional uses. Case No. PZ10-13. (Staff requests that this item remain tabled)

This item remained postponed.

ITEM 5. REGULAR BUSINESS

None.

ITEM 6. UNFINISHED BUSINESS

None.

ITEM 7. OTHER BUSINESS

Chairman Katerndahl announced upcoming meetings dates as listed on the agenda.

ITEM 8. ADJOURNMENT

Alderman Ferguson moved to adjourn. Commissioner Pam Scott seconded. Motion to adjourn passed 8-0.

Meeting adjourned at 6:18 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

10/07/10
Date

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) 741-7676.

Parkville Special Planning & Zoning Commission
Tuesday, October 12, 2010, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

Vice Chairman Lamer called meeting to order at 5:37 p.m.

ITEM 2. ROLL CALL

Members present:

Bryant Lamer, Vice Chairman
Marvin Ferguson, Alderman
Judy McRuer
Tony Tognascioli

Lonnie Scott
Keith Cary
Pam Scott

Members absent:

Bob Lock (with prior notice)
Dean Katerndahl (with prior notice)

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director
Tracy Sisney, Department Assistant

ITEM 3. GENERAL BUSINESS

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

Vice Chairman Lamer opened the meeting by asking for a motion to approve the agenda as presented.

Alderman Marvin Ferguson moved to approve the agenda as published. Commissioner Lonnie Scott seconded. Motion passed 7-0.

Item 3(B) Approval of Minutes from the September 14, 2010 Planning and Zoning Commission Meeting.

Vice Chairman Lamer called for any changes. Hearing none he asked for a motion to approve the minutes of the September 14, 2010 Planning and Zoning meeting.

Alderman Ferguson moved to approve the minutes of the September 14, 2010, Planning and Zoning Commission meeting as submitted. Commissioner Pam Scott seconded. Motion passed 7-0.

ITEM 4. PUBLIC HEARING

Item 4(A) Application to amend the Community Unit Plan (CUP) for the National Golf Club of Kansas City to allow a reduction in rear-yard setback for 6420 Bunker Hill, also known as parcel # 20-5.0-22-400-004-003-000. Case No. PZ10-17

Vice Chairman Lamer deferred to Director Ackerson for a Staff report. Ackerson stated that the applicant has applied for a rear yard reduction to which a summary was included in their packets. He stated that the current zoning for the property is R-2 single family, but that due to the fact that the property is part of a Community Unit Plan (CUP), which has no provisions for variances such as a rear yard reduction or lot line adjustments, an amendment is required. Ackerson added that the applicant would like to extend the home into the set back, which does not abut any other homes, but backs up to the 18th green of the National's Duce Golf Course as well as open space/wooded area. He added that we have had similar request before and have most generally approved them. He stated that Staff is recommending approval based off two primary considerations: the lack of necessity for the rear yard for its conventional use; and precedence of prior approval of similar applications that have abutted the open space on the golf course.

Commissioner Pam Scott asked about a home located across the cul-de-sac from this one and stated that it looked as if it was located right on the property line. She inquired as to whether or not these were common variances. Ackerson agreed that the property was within a few feet, but that was fairly typical of these homes. He added that the one to the west of this property is on two lots. This particular home sits on one lot as well as a sliver of another lot.

Commissioner Tognascioli asked if the northeast corner of the building is also encroaching the 30' set back. Ackerson agreed that it was. He asked if it was the building that was sticking out or a patio or terrace. Ackerson stated that he did not know the answer, but we could ask the applicant as he was in attendance.

Ackerson said that Staff has spoken with the National Golf Course and they have stated that if the Commission does not approve this application, they will work with the applicant in order to grant or dedicate additional land as necessary to meet the required set back although that is not their preference.

Vice Chairman Lamer opened the public hearing.

Commissioner Tognascioli asked the applicant why the home was not located closer to the building line in the front.

Bob Brandom, applicant, stated that the home was built in 2007 by Harry Roth. He added that he purchased the home as a foreclosure that the home was already built and in place on his purchase and that he had no knowledge as to why it was not located closer to the front. He added that property lines were looked at and they were told by the surveys that the back of the property were encroaching. He added that they had looked at the paperwork and that Parkville said they could apply for the change once the property was purchased. He did not feel it would be a hindrance to anyone.

Seeing no further public input, Vice Chairman Lamer closed the public hearing.

Alderman Ferguson asked if this was just basically to give them clear title where the set backs violate our building code. Ackerson agreed.

Commissioner Tognascioli suggested that since the home was already built, that we have the National go ahead and grant additional land to the applicant.

To clarify, Ackerson asked Commissioner Tognascioli if he meant have the National grant land in order to make the lot larger. Commissioner Tognascioli replied "whatever the National said

they would do to ensure that they had the 30' set back, let them do it, rather than us giving them, or granting this request.”

A member of the public asked to speak. Vice Chairman Lamer reopened the public hearing.

Larry Womack, 7921 NW 73rd Street, Parkville, said to Commissioner Tognascioli that his idea would be fine, but that the property, if you go up that fairway, is all rough. Trees and undergrowth are what the property is, and if they (the National) give him (Mr. Brandom) more land he will be charged more by the County. He stated the land was not serviceable, it could not even be used as a garden and that it was all rough land.

Vice Chairman Lamer closed the public hearing again.

Commissioner Lonnie Scott asked Commissioner Tognascioli why he wanted the National grant them additional land rather than the Commission approving the application.

Vice Chairman Lamer asked if the intent was to set precedence for the National.

Commissioner Tognascioli replied yes. He stated he felt that approval would set precedence that requests can arbitrarily be given. He referenced the approval of a reduction parking for the Craig Marshall office building the prior month. He stated that we have these regulations for a reason. If the National approved the encroachment someplace along the line they should grant the additional land.

Commissioner Pam Scott added that she understands that rules are rules for a reason, but on the other hand, the reason for this rule about set backs has to do with neighbors, houses, people, privacy and that is not an issue here.

Commissioner Tognascioli added that it could be an issue, when you are driving a golf ball and it goes astray and hits the house or somebody out there, who is liable then.

Commissioner Pam Scott added that the applicant was buying a house on the golf course and he wants to get closer to the golf course, so she feels there is no defense there if the ball hits the wall. She feels the rules are in place for a reason and we must make these exceptions carefully but we should not arbitrarily withhold approval, when the reason for the set back is for the right reason.

Commissioner Tognascioli asked Director Ackerson if he thought the house was too large for the lot and added that the National had stated that they would give the property so that the applicant would have the 30' set back, and he suggested that the Commission let them do that. Vice Chairman Lamer inquired if the National did agree to do that or did the National not oppose the applicant's request. Ackerson answered that they did not oppose the request. They have said in correspondence, that if the request is not approved they would work with the applicant to re-subdivide so that they would have the adequate set back.

Alderman Ferguson asked if the portion that is proposed to be set back is already built. Ackerson answered that it was. Ferguson asked then if the setbacks had been checked when the City building permit was issued. Ackerson answered that he did not know the history. Ferguson then asked if it was a City screw up. Ackerson again stated he did not know the history.

Ackerson stated that a blanket amendment had previously been discussed with the National since reduction of setbacks was a frequent request for the lots that are in these cul-de-sacs, particularly those that back up to the golf course. He pointed out a home next door to the subject site in response to Commissioner Tognascioli's previous question of the house being too large for the lot. The house takes up at least two lots. He again mentioned the potential for the National to have a blanket consideration that reduces the rear yard set back uniformly. This had been done for the front yard setbacks on some plats.

Alderman Ferguson asked if the City issues building permits and lets this happen. Ackerson answered again that he did not know the history. Ferguson responded there never should have been a building permit issued for this house. Ackerson answered that could be. Ferguson felt this was being requested to correct a title problem. He suggested that if this exists in a lot of the places in the National, then we need to discuss the problem with the National. Ackerson replied that he was aware of a half a dozen of requests for reductions in the past 4 of 5 years. He added that he had spoken with the National before about looking at the CUP as a whole and approve something across the board, but was unsure if that was something they were interested in.

Alderman Ferguson stated that as a proposed plan, we should not approve any building permit that is not within their specifications for set backs and etcetera. He added that it's apparent we just do it, if there are several of these that exist.

Ackerson added that the City has approved several reductions in setback in other of the City including Riss Lake in recent years. He stated that reviewing several plats it was apparent that setbacks had not historically been followed in many cases but did not know the history.

Ferguson added that they (the property owners) may have to replat the property if they cannot sell the lot. Ackerson answered that was what Vice Chairman Lamer was asking, if this does not pass, the National has said they will work with the applicant to replat it into a larger lot. He believes they have said that is not their desire, because they have been granted on other applications in the past, but that is was a course they could follow.

Alderman Ferguson said that he could not recollect any of these in the past. Ackerson answered, that he had drafted his staff report using a prior application for setback reduction approved near the end of 2009.

Commissioner Pam Scott asked all to look at the house across the cul-de-sac, on the aerial view; the house is right on the line, it looked to have no set back whatsoever.

Commissioner Pam Scott asked if the Commission could require the National to amend the CUP for the entire development and bring it before Planning & Zoning prior to approval of the subject application. Vice Chairman Lamer stated that he did not see why not. Alderman Ferguson concurred. Lamer stated that this will not be the last time that this will happen and we want an efficient Planning Commission and we do not want to have to do this piecemeal. He thought the Commission should get together with the National and figure this out, but the Commission first needed to act on the application in front of them. His opinion was that to deny him (Mr. Brandom) his application would be arbitrary. Commissioner Pam Scott stated that she agreed, but would like to add that every time this comes forth, we do have the same argument about breaking the rules. Lamer answered that we are not being asked to break the rules. Discussion ensued about variance and amendments.

Scott state the Commission should require that the National work this out so that exceptions were not necessary. Lamer agreed. Ferguson also agreed and said we need to make them figure it out and replat and that we need to stop the practice. Ackerson agreed to approach the National.

Alderman Ferguson asked if we could table the application. Commissioner Pam Scott asked if we could make an amendment by the National a condition of approval this application. Ferguson asked the applicant if it would be an inconvenience to table the application temporarily or affect the sale. Mr. Brandom stated he was not trying to sell it. He would like to move into it and does not believe he can get an end loan or occupancy until it is resolved.

Vice Chairman Lamer stated that he understood the concerns regarding leverage but that it seemed to him that the National understands that this Commission would like to discuss this with them and felt confident that they would come in to discuss it.

Commissioner Lonnie Scott added that the reason we have this group, is so that we can make those decisions that are not black and white. This one is not black and white, so that is what we do. Commissioner Pam Scott added that this horse had gotten out of the barn already.

Commissioner Pam Scott moved to approve to amend the Community Unit Plan (CUP) for the National Golf Club of Kansas City to allow a reduction in rear-yard setback for 6420 Bunker Hill. Commissioner Lonnie Scott seconded.

Alderman Ferguson requested a roll call vote and stated that he would vote for it under the proviso that this never happen again. Ferguson stated that the National needs to take care of these problems and resolve them rather than the Commission having to come in and solve their problems.

Commissioner Pam Scott added that they should have some incentive to do that otherwise they will have to keep giving away more of their golf course. Alderman Ferguson said they would forget it tomorrow.

Vice Chairman Lamer stated that we have a motion pending; it had been seconded for approval. Commissioner Tognascioli asked if the motion would include the requirement that the National meet with the Commission to revise the 30' set back. He could not otherwise see approving the application if not.

Lamer answered that motion did not include the requirement, but felt the National would be open to the discussion.

Commissioner Pam Scott asked if we could send the National a letter and state that subsequent to this approval, any further applications for this kind of an amendment will be denied. Ackerson thought they might be agreeable unless the National did not find the reduction appropriate for all properties. He added that they have an architectural review board that approves or denies an application beyond what this Commission does. Lamer added that we would need to check with counsel about sending a letter that stated this would be our position going forward and that the Commission would deny anything going forward, without reviewing the application. We would need to be careful in crafting such a letter that addresses this particular problem.

Alderman Ferguson stated that he thinks that we do not approve these building permits, where there is an encroachment in the set back lines. He felt the practice should stop. Ackerson added that it would at least force them to have the conversation first. Commissioner Tognascioli

again suggested that the National should grant additional land, rather than approving the application.

Commissioner Pam Scott asked if the Commission could approve this subject to submission of a revised CUP from the National, because the CUP is what we are going by and they want us to revise it. Alderman Ferguson added that they want us to approve the set back. Ackerson stated that he thought that was possible, what you would be requiring is approval of a subsequent amendment in order for this one to be approved. If that is what you are seeking, then it would be just as effective to deny this one and require them to bring it in under a total CUP amendment. He added that it would probably be cleaner to do it separately. Lamer agreed that it should be kept clean.

Commissioner Pam Scott said that she did not feel it would behoove us to draw a line in the sand with the National over this. The fact is, it's done, its built, someone already went outside of the parameters, but did say that the applicant has a relationship as a homeowner with the National and suggested that some of the homeowners or someone says that we don't want to go through this again and we don't want other homeowners to go through this again.

Mr. Brandom stated that when he bought the property, one of the issues that went through his mind was there must be some sort of precedent on this for me to buy it, in the past or they would not have allowed it. He added that he had new homes built and it seemed like before, the City Inspector always came out to look at the foundation before it's ever poured, so based on his previous experiences, he thought that this probably had some type of temporary approval and I was kind of told that it had been done in the past and that is why he went ahead and bought the property.

Alderman Ferguson stated that he was bothered that the City Inspectors let this happen. He stated it had obviously been an accepted practice and that we need to find out why. Mr. Brandom added he was not sure of the history and apologized if it appears he was jumping the gun, but was not trying to go around anything.

Vice Chairman Lamer stated that the motion had been made and seconded and that we would proceed with a roll call vote.

Alderman Ferguson-yes, with reservations that this be corrected and not happen in the future.

Alderman Ferguson added that he would like to see why it has happened as many times as it has. Ackerson affirmed that it would be looked into. Ferguson questioned if there were kickbacks or payments under the table for this type of thing. Ackerson replied "oh Lord no, that is ludicrous." Lamer interjected and proceeded with the roll call.

Commissioner Lonnie Scott-yes, Vice Chairman Lamer-yes, Commissioner McRuer-yes, Commissioner Pam Scott-yes, Commissioner Tognascioli-nay, Commissioner Cary-yes. Motion passed 6-1.

Commissioner Pam Scott was not sure if this would be an official item of business, but she requested that a letter be crafted, on the record, as to the discussion and the reservations about this approval and urge the National to resolve this before it needs to come to this Commission again.

Ackerson replied that this would go before the Board of Alderman on October 19, 2010 and that he would discuss this with the National prior to that meeting.

Commissioner Cary asked if we needed to make a factual determination first regarding the source of the problem. He added that this application may have resulted because of the sins of the National Golf Club or it may have resulted because of the sins of the City Inspectors not doing their jobs. Commissioner Pam Scott added that may be the contractor went out there and built it before anyone had a chance to come and see it. Ferguson added the City is supposed to come and inspect this. Ackerson answered that the City does do inspections. Discussion ensued about past applications. Ackerson stated that review of setbacks may not have happened historically. He did not think it was now a routine problem. He recalled prior applications in the past 4 or 5 years. Alderman Ferguson asked if they have been after the building has been built. Ackerson answered none that he was aware of. Ferguson said he could understand getting a variance, in advance, before you build the structures, but to build the structure, get it inspected, approved and etcetera. He did not understand bringing this in only because someone cannot get a new loan. He stated we did something wrong, our inspectors did not do what they were supposed to do.

In response to the early accusation, Ackerson stated there was no allegation against our inspectors taking kickbacks. Ferguson asked then how Ackerson account for this. He stated he was not saying that they took kickbacks, but questioned whether they look the other way. Ackerson answered no stating the applicant was clearly coming here for an amendment. Ferguson disagreed stating the house was built in the setback first. Ackerson answered that he did not know why and that he would look into it and similar issues on the abutting lots.

Vice Chairman Lamer stated that the Commission had a plan to sit down and talk with the National about making things clean for us and for them. He was not sure that a letter needed to be drafted before October 19th, but if so, didn't think there was time for the National to address prior. Commissioner Pam Scott said the Planning and Zoning Commission needed to make it clear and there is no time like now this came up and it is time to communicate with them as soon as possible. Additionally, she pointed out that the date on the provided drawing was May 23, 2007. Alderman Ferguson stated that he had not noticed that and that makes it more damning. He added that he would like some answers to these questions before this comes to the Board meeting because he intends to find out what the problem is. Ackerson answered that he would look into it. Ferguson apologized to the Vice Chairman for his interruption.

Item 4(B) Amendments to Parkville Municipal Code, Title IV, Chapter 483, Changes and Amendments, to redefine the authority, procedures, hearing requirements and process, review criteria, protests, successive applications, and effective form of amendments to the Parkville Zoning Code and official zoning map/zoning district boundaries. Case No. PZ10-16. (staff requests that this item be postponed to 10-12-10)

Vice Chairman Lamer stated that 4 B, C, D and E are to be tabled by the City.

Alderman Ferguson moved to table items 4 A, B, C, D and E. Seconded by Pam Scott. Motion passed 7-0.

Item 4(C) Amendments to Parkville Municipal Code, Title IV, Chapter 480, Section 480.010, to clarify the role and organization of the Board of Adjustment. Case No. PZ10-11. (Postponed from July 20, 2010 meeting)

This item was tabled.

Item (D) Amendments to Parkville Municipal Code, Title IV, Chapter 498, to define the role, organization, procedures and power of the Planning and Zoning Commission. Case No. PZ10-12. (Postponed from July 20, 2010 meeting)

This item was tabled.

Item 4(E) An amendment to Parkville Municipal code, Title IV, Chapter 463, Article I, Section 463.030 to define institutional uses, and Title IV, Chapter 463, Article IV, Section 463.160 to allow electronic message centers for institutional uses. Case No. PZ10-13. (Staff requests that this item remain tabled)

This item was tabled.

ITEM 5. REGULAR BUSINESS

None.

ITEM 6. UNFINISHED BUSINESS

None.

ITEM 7. OTHER BUSINESS

Vice Chairman Lamer reviewed upcoming meetings dates as listed on the agenda.

Commissioner Pam Scott asked about the sign that has been off that pole at the Platte County Health Department. She thought there had been a deadline of July 31st and there still is no sign. Ackerson stated that they took the sign off and the new sign was constructed, but when it was delivered it had been broken or damaged in transit and that a new sign had not been received yet.

Commissioner Pam Scott asked if they were building it with the right dimensions and everything so that it looks just right and they do not have to add anything. Ackerson answered that he did not know the answer to that.

Commissioner Pam Scott inquired to the workshop that was to be scheduled after our last meeting. Ackerson asked in regard to the OTD-R? Lamer answered that there was a workshop. Scott stated that she was to get a drawing to modify and she still had not received it. Ackerson said he would get with Dean Katerndahl about getting it for her.

Ackerson summarized progress on the draft of the OTD-R guidelines and stated there is a map that accompanies that provides a rough estimate of the properties. He said that Staff was working to create a map with specific boundaries so they could get back with POPNA to verify.

Commissioner McRuer inquired as to what was going on with bridge construction downtown. Ackerson answered that they are working on it again, but we still do not have a projected date for closing a lane to traffic. He knew the completion date had been moved to December due to inclement weather earlier in the year.

ITEM 8. ADJOURNMENT

Alderman Ferguson moved to adjourn. Commissioner Tognascioli seconded. Motion to adjourn passed 7-0.

Meeting adjourned at 6:21 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

10/13/10
Date

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**Parkville Special Planning & Zoning Commission
Tuesday, November 9, 2010, 5:30 p.m.
City Hall Boardroom**

Minutes

ITEM 1. CALL TO ORDER

Secretary Cary called meeting to order at 5:30 p.m.

ITEM 2. ROLL CALL

Members present:

Keith Cary

Judy McRuer

Tony Tognascioli

Bob Lock

Pam Scott

Members absent with prior notice:

Dean Katerndahl

Marvin Ferguson

Bryant Lamer

Lonnie Scott

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director
Tracy Sisney, Department Assistant

ITEM 3. GENERAL BUSINESS

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

Secretary Cary opened the meeting by asking for a motion to approve the agenda as presented.

Commissioner Pam Scott moved to approve the agenda as published. Commissioner Lock seconded. Motion passed 5-0.

Item 3(B) Approval of Minutes from the October 12, 2010 Planning and Zoning Commission Meeting.

Secretary Cary called for any changes. Hearing none he asked for a motion to approve the minutes of the October 12, 2010 Planning and Zoning meeting.

Commissioner Tognascioli moved to approve the minutes of the October 12, 2010, Planning and Zoning Commission meeting as submitted. Commissioner McRuer seconded. Motion passed 5-0.

ITEM 4. PUBLIC HEARING

Item 4(A) Amendment to Parkville Municipal Code Title IV, Chapter 440, "B-4" Planned Business District Regulations, Section 440.020, Use Regulations, to allow colleges and schools as permitted uses. Case No. PZ10-19.

Secretary Cary deferred to staff for a report. Director Ackerson stated that this was an amendment to the above referenced code to allow for schools and colleges. He added that this was a result of an application submitted by the Parkville Children's Cottage Montessori school to move from the OTD District to the B-4 District. Ackerson summarized the purpose of the B-4 District as a bridge between residential and business and industrial districts. He referred the Commission to several excerpts from the Municipal Code showing that colleges and schools are permitted uses in the residential, commercial and industrial districts. He felt the exclusion in the B-4 district was in obvious error.

Ackerson explained that the proposed text amendment was not reviewed in context of the Parkville Children's Cottage application, even though the amendment stemmed from it. Rather, the text amendment was reviewed based on its merits alone. If passed, the amendment would allow applications for colleges and schools, but would be subject to site plan review and approval requiring a case by case evaluation.

Commissioner Scott inquired if this particular site is appropriate for the school, and if there were other existing sites in the B-4 District where this could apply. Ackerson responded that if passed, the use would be allowed in all properties zoned B-4, including properties on Crooked Road, 45 Highway, 9 Highway and throughout Parkville. He pointed out that the use is already permitted in the residential, other commercial and industrial districts. He recommended approval as he found no reason not to disallow the same use in the B-4 District.

Secretary Cary opened the Public Hearing. Seeing no one from the public, the Public Hearing was closed.

Commissioner Pam Scott moved to approve Item 4 A to allow colleges and Schools as permitted uses in the B-4 district. Commissioner Lock seconded. Motion passed 5-0

Item 4(B) Amendments to Parkville Municipal Code, Title IV, Chapter 483, Changes and Amendments, to redefine the authority, procedures, hearing requirements and process, review criteria, protests, successive applications, and effective form of amendments to the Parkville Zoning Code and official zoning map/zoning district boundaries. Case No. PZ10-16.

Secretary Cary stated that 4 B, C and D are to remain tabled by the City.

Item 4(C) Amendments to Parkville Municipal Code, Title IV, Chapter 480, Section 480.010, to clarify the role and organization of the Board of Adjustment. Case No. PZ10-11.

This item was tabled.

Item (D) Amendments to Parkville Municipal Code, Title IV, Chapter 498, to define the role, organization, procedures and power of the Planning and Zoning Commission. Case No. PZ10-12.

This item was tabled.

ITEM 5. REGULAR BUSINESS

A. Project Updates:

- Items 4 B, C and D (above) – All are still active applications and should be back in front of the Commission in December.
- Christian Brothers - Ackerson informed all that the Christian Brothers application for an automotive repair shop on 45 Highway is no longer an active application as the company is seeking to build their shop elsewhere. They felt there were too many obstacles on the site to overcome.
- National CUP Plan - Ackerson stated that he had spoken with the staff at the National Golf Course regarding setbacks for properties abutting the golf course and they were open to considering a uniform application procedure. They did voice some concern that reductions may not be applicable in all cases.

Ackerson stated that he had reviewed last month's application for a reduced rear-yard setback as requested. He found that that proper procedure had been followed and that all permits had been properly obtained and payments made and properly accounted for.

Commissioner Pam Scott asked about P&Z jurisdiction over the National's CUP and if P&Z would be able to modify the plan over the wishes of the National. Ackerson said that the application would have to come with the consent of the National. Commissioner Lock enquired as to the Commission's role in approving an amendment to a previously approved CUP. Ackerson explained that, much similar to other planned districts, including the newly created TND zoning, the approved plan is a projection of sorts. Planning and Zoning approves the development plan which is effectively a concept plan completed in enough detail to ensure it can be built if no changes are ever made. As the project develops, the market changes, and other factors develop, the plan likely changes. Planning and Zoning comes back into the picture routinely to approve any major changes to the original plan.

Commissioner Scott asked what happens when the homeowner cannot get approval from the over-riding entity. Ackerson responded that approval must be given from that entity. Commissioner Tognascioli asked what our definition of "at risk" was, especially in light of seeing in the provided aeriels which show homes that were located on or over property lines. Ackerson said he looked at the aeriels as well, specifically in relation to two homes referenced in last months meeting. The homes appeared close to or over standard setback lines. He explained that the building permit for one of the homes properly documented calculation of the rear setback based on a proviso in the code that looks at irregularly shaped lot sizes and acts accordingly. Ackerson added some of the lot lines on the aerial photos appeared to be off and he was not sure why. Commissioner Tognascioli asked if they go back to the National each time for a change. Ackerson stated that sometimes that was the case and some come back to Planning and Zoning for approval, he added that it was not a predominant factor for us, but it does and will happen, mostly on side and rear setbacks.

Commissioner Tognascioli stated that with him being in the business, it looked to him as if the builders were doing what they wanted. Ackerson replied that it might be true in some older cases, before anyone in the current staff was employed here. Commissioner Tognascioli added that this was the National's plan and they need to address it.

Commissioner Scott asked if it could be solved with the permit process. Ackerson replied that amendments to the code or development plan might address properties that backed up to open space, but for some other cases, it simply might not work. He agreed to continue to discuss the possibilities with the National.

- Craig Marshall Dental Building - Ackerson updated the Commission stating that this application was still active with building possibly being started this year or early next.

B. Pending Application Updates:

- Conoco/Magellan - Ackerson stated that we have received two applications from them. He reminded the Commission they had previously discussed the potential for an application to reuse the above ground fuel storage tanks on 9 Highway. Staff has met with the owners and potential buyers to discuss several times. They have decided to move forward with a proposed amendment to the zoning code to allow above ground fuel storage as a conditional use permit. They have also submitted an application for conditional use permit, generally defining the limitations on the use and support information, like a landscape and screening plan. Secretary Cary asked when that application is likely to come before the Commission. Ackerson answered that it was scheduled to come in December
- CUP Application for Existing Cell Tower - Ackerson stated that another application scheduled for the December meeting is a conditional use permit to modify an existing cell tower on Kelly Drive in the Bell Road Industrial Park. He added that they want to remove the existing banks of antenna, perform some structural alterations to the tower and then put in new antenna.

Ackerson added that besides those applications, we are working on several text amendments to the zoning code. He added that the theme for spring and summer of next year is going to be major amendments to the code to clean up some long standing problems. Discussion ensued.

ITEM 6. UNFINISHED BUSINESS

None.

ITEM 7. OTHER BUSINESS

Secretary Cary announced upcoming meetings dates as listed on the agenda.

ITEM 8. ADJOURNMENT

Commissioner Pam Scott moved to adjourn. Commissioner McRuer seconded. Motion to adjourn passed 5-0.

Meeting adjourned at 6:07 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

11/10/10
Date

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Parkville Special Planning & Zoning Commission
Tuesday, December 14, 2010, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

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

ITEM 2. ROLL CALL

Members present:

Keith Cary

Judy McRuer

Dean Katerndahl

Bryant Lamer

Bob Lock

Pam Scott

Marvin Ferguson

Lonnie Scott

Members absent with prior notice:

Tony Tognascioli

Sean Ackerson, AICP, Assistant City Administrator / Community Development Director
Tracy Sisney, Department Assistant

ITEM 3. GENERAL BUSINESS

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

Chairman Katerndahl opened the meeting by asking for a motion to approve the agenda as presented.

Alderman Ferguson moved to approve the agenda as published. Commissioner Lamer seconded. Motion passed 8-0.

Item 3(B) Approval of Minutes from the November 9, 2010 Planning and Zoning Commission Meeting.

Chairman Katerndahl called for any changes. Hearing none he asked for a motion to approve the minutes of the November 9, 2010 Planning and Zoning meeting.

Alderman Ferguson moved to approve the minutes of the November 9, 2010, Planning and Zoning Commission meeting as submitted. Commissioner Pam Scott seconded. Motion passed 8-0.

ITEM 4. PUBLIC HEARING

Item 4(A) A conditional use permit to allow replacement of antenna and structural alterations to an existing cell tower at 6205 NW Kelly Drive, Parkville, MO, in the Bell Road Industrial Park. Case PZ10-21.

Chairman Katerndahl deferred to staff. Director Ackerson stated that the existing cell tower which was approved in 1997 was constructed prior to any CUP requirement standards for cell towers, which is significant in that it is considered pre-existing and allowed to continue as is. Before the Commission this evening, only addresses new antennas after 1997. The CUP proposed does not address any part of the old cell tower; it only addresses the new that is being proposed. The current criteria do not apply to any pre-existing structures.

Ackerson added that the height of the structure will not change, removal of part of the existing antennas will not affect the current height, nor will the screening change, the setback will not change and staff is recommending approval subject to the new antenna meeting/exceeding current standards and regulations of the FAA, the FCC and any other Government regulations, approval of a building permit, including review of structural modifications by a third party engineer with post construction inspection reviewed by same, all modifications being of a light, neutral color and any conditions the Planning and Zoning Commission might add.

Applicant, Kristina Ortolani, Verizon Representative, 821 Dawsonville Hwy, #250-324, Gainesville, GA 30506, stated that there were currently 9 antennas of which 3 would be removed, leaving 6 antennas in place.

Director Ackerson added that this agreement for said cell tower exists in perpetuity

He stated that he had also received a memorandum from the National which has residences in proximity to the current tower that they would like to go on record as not being opposed to the CUP but would like to be made aware of any type of visible changes.

Commissioner Pam Scott stated that she had looked at the screening and wondered if the Planning and Zoning could propose changes. Ackerson answered that we could not due to the pre-existing adoption. He added that in the winter it does not look as screened from the public as in the spring and summer months when there is still greenery on the trees.

Commissioner Lock asked if the proposed panels will retain the same look. Ms. Ortolani responded that it would look the same.

Chairman Katerndahl opened the Public Hearing. Seeing no one from the public, the Public Hearing was closed.

Commissioner Pam Scott moved to approve Item 4A to allow replacement of antenna and structural alterations to an existing cell tower at 6205 NW Kelly Drive in the Bell road Industrial Park subject to staff conditions. Commissioner Lonnie Scott seconded. Motion passed 8-0

Item 4(B) An amendment to Parkville Municipal Code, Title IV, Chapter 470, Supplementary Use Regulations -- Conditional Uses, Section 470.040, Conditional Uses Enumerated, to allow petroleum product storage and distribution facilities as a conditional use permit. Case PZ10-22.

Vice President Lamer recused himself from Items 4B and 4C as his law firm is currently representing the applicants.

Chairman Katerndahl deferred to staff. Director Ackerson stated that Items 4B and 4C are related applications, although 4B is for an amendment to the zoning code as a permitted use for which it is currently not permitted as a conditional use permit and that 4C is an application for usage of the facility, but the applicants have requested that it be tabled at this time.

Ackerson said that specifically, this amendment to code is to allow fuel storage as a conditional use permit. The combined applicants, Equilon Enterprises, d/b/a, Shell Oil Products and Conoco Phillips Co. are intending to get the text amendment changed so that it would allow the potential buyers in this case to make the application for 4C.

Ackerson said there was quite a bit of history behind this application that dated back to the 1950's and that half of the property was located in Parkville and half of the property was located in Riverside, with improvements in the 1960's and this was a continuous operation until 2004, when it became idle and then closed in 2006, with the exception of maintenance type operations. The current owners desire to sell the property and have negotiated a contract with Magellan as buyers. When staff initially reviewed this property in compliance with our codes, we found that since the adoption of zoning in 1964, our codes have not included, that this is a permitted use. The property is zoned I-3 and those codes contain a list of permitted uses under different categories. We found a petroleum products category, but it is not closely related to this use, so we then looked at it as a non-conforming use and what we found was there had been changes made to the site that there were no permits for. The significance of that is our code, with regard to non-conforming use reads "that except for as otherwise provided, herein, the lawful use of a building on May 20, 1975, maybe continued although its use does not conform to the revisions hereof".

We and the owners went back through our records and came up with some permits in the 1990's, but there were other things that we found that were not permitted. Ackerson stated that there had been many discussions for alternatives to this site, ranging from de-annexation to making it all contiguous in Riverside or the other way around to pursuing action through the Board of Zoning Adjustment to where we are today in allowing a text amendment allowing them to "reuse" the property under conditional use permit.

Ackerson said he would like to discuss the proposed text amendment as presented. He added that he had added a memo that proposed some additional language changes. He added that his intent was to make as narrow an application as possible.

Commissioner Pam Scott asked that with pipes as the primary delivery system into the facility, how does the product get out of the facility. Ackerson said he would let the applicants explain it fully, but that is how the process worked before, but the current buyer does not intend to utilize that same process, at this time, but do want to reserve the right to do so in the future.

Jim Nolan, Corporate Real Estate Group with Conoco Phillips stated that Mr. Ackerson's answer was correct. That this facility is used as a terminal and the primary business model terminal is to pipe in the product and then truck it out but all of that has historically been done from the Riverside portion of the property and that will not change. Magellan, who they have a contract with for purchase of the property, has another terminal in the Fairfax Industrial District and they have chosen not to reopen the truck bay without first going back to Riverside to get a revision. Their model is to store and pipe, they just don't want to preclude trucking it out in the future.

Mr. Nolan continued to the other text change they are requesting. He stated, that as proposed, that last sentence says "may not include storage of unrefined materials or on site refinement of fuel or other petroleum products" and added that they do not have a problem with that in theory, but, technically, the blending process does occur onsite so we are asking for a revision of that portion of text to include "except as used in the blending process or onsite refinement of fuel or other petroleum products".

Commissioner Pam Scott asked Mr. Nolan to explain the blending process.

Mr. Nolan introduced Brett Bowman, the area terminal supervisor to come up and further explain. Mr. Bowman explained there were a variety of different blends that occur. He added there was no pressurized storage at this facility so no butane blending would happen. He explained the only blending at this facility would be additives and tank to tank transfers.

Chairman Katerndahl asked if the blending happened as the product was leaving the facility. Mr. Bowman stated that it depended on what the additive was, but since this was not a trucking facility it would be added in the incoming stream.

Commissioner Pam Scott asked how the additives got to the facility. Bowman answered that the small additive tanks were already onsite, and were approximately 20 gallon tanks and that it was all done with tubing or pipes once the additives were trucked in. He added that this could be misconstrued as a refinery, but that it is not, it is a refining process.

Commissioner Cary asked if there is no distribution by truck out of the facility, what business advantage is there for the company to use this just as storage or blending facility. Mr. Bowman replied tankage is very expensive and with this facility, they are already in place.

Commissioner Lock stated that the blending process sounds more safe than using the actual word "refinery" but has concerns to safety matters and how they could affect the community. Mr. Bowman answered that as far as the products go, they are not highly toxic, no respirators are used and the PPE used when unloading is not that hazardous. He added that as far as the process goes, he said the greatest exposure is probably just off loading the truck.

Director Ackerson added that he would like to remind the Commission that this is for text amendment approval only, and that most of the questions being asked would be for the actual Conditional Use Permit application.

Chairman Katerndahl opened the Public Hearing. Seeing no one from the public, the Public Hearing was closed.

Chairman Katerndahl asked Director Ackerson if he felt comfortable with the recommended changes from the applicant. He answered that yes he was and had to remind himself of exactly what he just reminded the Commission about, that this was a text amendment change only. Discussion ensued with regard to simplifying the proposed text amendment.

Commissioner Pam Scott moved to approve text amendment subject to all staff conditions and with revised text amended as stated. Alderman Ferguson seconded. Motion passed. 7-0.

Item 4(C) A conditional use permit to allow use of an existing fuel storage facility at 6699 River Park Drive for petroleum product storage and distribution. Case PZ10-23. Staff requests this item be tabled.

This item was tabled.

Item (D) An amendment to Parkville Municipal Code, Title IV, to create a new Chapter 427, "OTD-R" Old Town District-Residential zoning district and adopt associated design guidelines. Case PZ09-26.

Chairman Katerndahl recused himself as a representative of POPNA.

Vice Chairman Lamer opened the public hearing and stated that his understanding was that we were going to listen to Chairman Katerndahl's presentation that we would not be taking any action and we would follow up with work shop type open houses in January. Ackerson confirmed.

Dean Katerndahl, 404 Main Street, Parkville MO, POPNA representative stated that currently the OTD Residential area is zoned multi-family which makes it both more difficult to redevelop and presents a conflict in keeping the character of the neighborhood. He added that POPNA Association wanted to do something that was not very intrusive on the property owners and had held several workshops and had worked together closely with its citizens and that POPNA had determined that it was very difficult to get this area redeveloped. The potential conflicts are due mostly to keep the areas historic in appearance and to protect the character of the downtown area as indicated by the Parkville Master Plan. One suggestion was made to develop a type of conservation district that is currently being used in other metropolitan cities and used that to craft a proposed ordinance instead of guidelines that would set out requirements that would aid staff, the Planning Commission and the Board of Aldermen make decisions about what helps maintain that character but it does not dictate that items such as historic windows be utilized in all residences. It also makes the area a single family use along with multi family usage with a special use permit.

Mr. Katerndahl added that during the spring and summer of 2009 an open house was presented to the community to ask questions and provide input. He said the group unanimously adopted this to recommend this to the City for adoption. He added that the group had also worked with Director Ackerson so that it would work with the City's ordinances. Ackerson added that some of the language provided in the packets was language that was adopted by the City's Master Plan. Director Ackerson said that there was a keen interest in the past for historic preservation, but mostly during these meetings he heard a lot of "Parkville is not historic, it is just old". He added that in 1986 there was an architectural inventory survey, looking for a specific pattern that would qualify parts of Parkville for historic preservation or placement on the registers and did not find one large consistent pattern of representation of any type of a certain historic district.

Residents and Commercial property owners have expressed that they would like to maintain the historic charm and character of the downtown area, not actual periodness. Mr. Katerndahl stated that the next step would be to take it out into the neighborhood and invite everyone that is in the area to come in and comment in a couple of locations to get some more input.

Vice Chairman Lamer stated that we need to set up some dates, get the public involved, and then have the Planning Commission meet again

Commissioner Cary asked if the Commission was being asked to take action on this item. Katerndahl answered that he was there to get the public hearing opened for discussion.

Mr. Katerndahl stated that his understanding was that if this was adopted, then the City would step back in and there would be an additional process to apply that zoning.

Ackerson answered that it was similar to the TND District that was previously adopted, where a plan was given and the language adopted first and that the Commission would be involved if major changes were trying to be made by applicants looking for a rezoning.

Commissioner Pam Scott added that there was a picture in the packet that she had requested the original picture be sent to her so that she could tweak its appearance, so that it would be clearer to all who viewed the picture in the future.

Commissioner Lock moved to close the public hearing. Commissioner L. Scott seconded. Motion passed. 7-0.

*Alderman Ferguson excused himself at 6:33 p.m. due to a previous appointment

Item (E) Amendment to Parkville Municipal Code Title IV, Chapter 480, *The Board of Zoning Adjustment* to redefine and regulate: the establishment and continuation; membership, compensation, terms of office, vacancies, and removal; officers; procedures; and powers, duties and functions of the Board of Adjustment. Case PZ10-11

Chairman Katerndahl deferred to staff. Director Ackerson stated that Items E & F are related and have been before this Commissioner before, but was removed and tweaked in order to bring forward into compliance with State statutes. He said that Item E is in regards to the Board of Zoning Adjustment (BZA) and that Item F is Planning and Zoning (P&Z).

Chairman Katerndahl opened the public hearing and deferred to staff.

Ackerson explained there was an effort by the Board of Aldermen in the spring to go through the municipal code and do some housecleaning in order to freshen up the language for committees, commissions and boards. During this time appointments were getting ready to take place and we discovered that much of the City's code had become substantially outdated. Some alternative language was adopted and some old, unused committees were eliminated.

During this time, the Board had a few workshops to decide how it would like to participate with regard to these other committees, commissions and boards. At that time, they decided not to have any Board of Aldermen active on any other committees, commissions or boards. As an outgrowth of that, they adopted new language amended under the Mayor's authority to make appointments, which created a new chapter, that categorized all the committees and how appointments were made which led to a discussion among the Board members regarding their participation on other committees, commissions and boards. The discussion was that the members had initially filled these roles, due to a lack of staff resources. They ultimately decided that they wanted to not have elected officials serve in voting capacities on any of the City's committees, commissions or boards, that they thought it may be a duplication, even though technically it might not be a conflict of interest, but thought it would give the appearance of a conflict but later found that this proviso would find a conflict with Alderman Ferguson who sits on the finance committee, the BZA and the P&Z. At once, the Board took up the issue again and took the stance that Board members could act as liaisons. It was further decided that there was no conflict with Ferguson serving on the BZA as state statutes stated.

Ackerson stated that Item 4 (F) did present a conflict, but the revised language now would allow Ferguson to remain without conflict.

Ackerson said that staff is recommending approval of both Item 4E and 4F, as proposed, and as kind of the next step in the Board's approval that they passed in November.

Commissioner Lamer asked for confirmation that this would not impact Alderman Ferguson from the Planning and Zoning committee. Director Ackerson confirmed this.

Chairman Katerndahl asked if the Commission could vote on both items at the same time. Vice Chairman Lamer suggested doing both separately.

Commissioner Pam Scott moved to approve Item 4 (E) and adopted the amendment for the Board of Zoning Adjustment. Commissioner Lamer seconded. Motion passed 7-0.

Item (F) Amendments to Parkville Municipal Code, Title IV, Chapter 498, Planning and Zoning Commission, to redefine and regulate: the establishment and continuation; membership, compensation, terms of office, vacancies, and removal; officers; procedures; and powers, duties and functions of the Planning and Zoning Commission. Case PZ10-12.

Commissioner Cary asked if anyone thought it odd that the Planning and Zoning Commission were being asked to vote one way or the other on our own Ordinance provisions. Ackerson answered that procedurally you have to do in fact that this is part of the zoning code and procedurally the zoning code can only be amended following a public hearing for the planning commission.

Commissioner Cary moved to approve Item 4 (F) and adopted the amendment involving the Planning and Zoning Commission. Commissioner Lock seconded. Motion passed 7-0.

Item (G) Amendments to Parkville Municipal Code, Title IV, Chapter 483, to redefine the authority, procedures, hearing requirements and process, review criteria, protests, successive applications, and effective form of amendments to the Parkville Zoning Code and official zoning map/zoning district boundaries. Case PZ10-16. Staff requests this item be tabled.

Chairman Katerndahl asked if this Amendment was related to the previous but was not yet ready for discussion. Ackerson answered that it was not directly related but explained that one of the common complaints was that from the Planning Commission, often you are given the authority to make a decision, but there really is no guidance as to how to do it or what parameters to use or criteria, if any. What this text amendment is specific to consideration of text amendments, consideration of rezoning and what type of considerations you make.

This amendment will provide that basis of guidelines rather than suggestions. It will provide more structure. We truly need a codes rewrite but it is not possible from a budgetary standpoint. But at this point, in the draft that is to be adopted, we have some funds to get us started. He explained it would be a joint venture, with the Board, staff and Planning and Zoning.

This item remained tabled.

ITEM 5. REGULAR BUSINESS

None.

ITEM 6. UNFINISHED BUSINESS

None.

ITEM 7. OTHER BUSINESS

Chairman Katerndahl announced upcoming meetings dates as listed on the agenda.

Commissioner Pam Scott voiced her concern that with respect to the text amendment that the Commission approved earlier for petroleum usage, that their would be an applicant here, that was wanted to do whatever it is he wants to do and she wanted to know what Parkville gets out of it. She understood them to say it was not hazardous but its many barrels of refined petroleum, in our City limits. If anything happened there, we and others all around would need to fight that fire, so in terms of revenue to the City, what is possible? Ackerson replied that we would receive property taxes annually. Scott asked if Riverside wanted it. Ackerson stated he could not speak for Riverside, but knew at one time they wanted to purchase the property and we had no interest in selling it, so now we are trying to regulate it. Discussion ensued.

ITEM 8. ADJOURNMENT

Commissioner Lock moved to adjourn. Commissioner McRuer seconded. Motion to adjourn passed 7-0.

Meeting adjourned at 7:18 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

12/15/10
Date

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