

Parkville Special Planning & Zoning Commission
Tuesday, March 8, 2011, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

Chairman Katerndahl called meeting to order at 5:31 p.m.

ITEM 2. ROLL CALL

Members present:

Keith Cary

Judy McRuer

Dean Katerndahl

Bryant Lamer

Tony Tognascioli

Bob Lock

Pam Scott

Marvin Ferguson

Lonnie Scott

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

Tracy Sisney, Department Assistant

Approximately 15 audience members

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 McRuer seconded. Motion passed 9-0.

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

Chairman Katerndahl called for any changes. Commissioner Tognascioli recommended two changes to the minutes, both on page 4 in the first and second paragraphs. Katerndahl asked for a motion to approve the minutes of the December 14, 2010 Planning and Zoning meeting with the two changes.

Commissioner Lamer moved to approve the minutes of the December 14, 2010, Planning and Zoning Commission meeting as submitted with changes made to page 4 in the first and second paragraphs. Alderman Ferguson seconded. Motion passed 9-0.

ITEM 4. PUBLIC HEARING

Item 4(A) Request to amend Riss Lake CUP for 5733 Spinnaker Pointe to allow reduced rear- and side-yard setbacks. Case PZ11-01. Sarah and Jason Andrews, owners.

Chairman Katerndahl opened the public hearing and deferred to staff. Director Ackerson stated that this was an application for a rear and side yard reduction to allow for a deck. He added that in our Planned Districts, there is no provision for a variance or special exception, if this were any other residential structure in a non planned district; it would have gone before the Board of Zoning Adjustment for consideration. He added that the property was zoned R-2 CUP. Ackerson noted that this property was granted a permit in 1993 for a 4'8" reduction. Ackerson said that when staff had reviewed this matter, several things were considered. The ordinance does not provide any real guidance as to how consider this application, so staff utilized the Board of Zoning Adjustment language for special exception as a guide.

Ackerson said that staff had also looked at the intent of the setbacks. He also reviewed the deck design to see if it could be redesigned to fit within the setbacks. Following all reviews, he generally concluded the deck could be redesigned to fit in the setbacks, but as designed outside the setbacks, it would not adversely affect the uses of the neighboring homes and would not affect substantially the uses of the abutting properties. Ackerson reviewed the proposed design and showed photos of abutting sites, explaining the location of existing buildings still provided more separation than is required even with the reduction. Ackerson added that staff considered the intent of the setbacks and determined that all stipulations of intent could be met as proposed.

Ron Stallbaumer, Architect for applicant stated that Director Ackerson had given all of the facts. He called attention to the letters of support from the neighbors and the drawings. He had no further comments and asked if the Commission had any questions for him.

Seeing none, Chairman Katerndahl asked if anyone from the public would like to speak. Seeing none, he closed the public hearing.

Commissioner Tognascioli stated that part of the deck projects out 2 feet further than what is indicated on the floor plan. He also said that with the roof line and it being screened in, he believed that quite an addition was being added and that it would affect the neighbors to the west.

Mr. Stallbaumer confirmed that Commissioner Tognascioli was referring to the northeast corner and stated that it was 2'6" over and that the overhang was no more than the 2'6". He also stated that he had confirmed with Director Ackerson that the roofline was already allowed to project over a setback. Ackerson confirmed, stating that City codes allow the eaves to project beyond a setback and that staff had measured the identified area to make sure it was within the code.

Chairman Katerndahl spoke about setting precedence and stated that he felt that the Commission looked at the whole process for consideration of changes like this one. He felt that in such cases as this, they should be looked at on a case-by-case basis, see if the intent is met and finally, giving neighbors that could/would be affected by the change the opportunity to voice concerns.

Ackerson clarified that one letter of opposition that was submitted. Although the owners were not on an abutting property and had concluded they would not be directly affected, they made good points concerning lot coverage and having structures "built on top of each other." He understood the concern, but that each application is considered based its own merits and approval of this application would not be the grounds for approval of any other application. He felt the proposal would not result in any significant impact to lot coverage. Ackerson stated that there was also a letter from Riss Lake/Curry Management approving the proposed change.

Commissioner Pam Scott asked about the letter of opposition and if they were abutting property owners or not. Ackerson answered that they were within 185' of the notice area, but not abutting owners. It was pointed out that the letter did not state they were in opposition, but rather identified concerns.

Commissioner Lock moved to approve Item 4A to allow reduced rear and side yard setbacks for 5733 Spinnaker Pointe. Commissioner Lonnie Scott seconded. Motion passed 6-3, with a roll call vote as follows: Lock- Aye, Ferguson – Aye, L. Scott – Aye, Lamer – Aye, Katerndahl – Aye, McRuer – Nay, P. Scott – Nay, Tognascioli – Nay, Cary – Aye.

Jason Andrews, applicant, 5733 Spinnaker Pointe, added that the two abutting neighbors had included their letters of support.

Item 4(B) 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. Parkville Original Plat Neighborhood Association (POPNA).

Chairman Katerndahl recused himself from this item as he is a representative of POPNA. Vice Chairman Lamer deferred to staff. Director Ackerson deferred to members of POPNA to present a bit of history.

Vice Chairman Lamer opened the public hearing.

Dean Katerndahl, 404 East Street, Parkville stated that 2 or 3 years ago, POPNA sat down to develop guidelines to protect the charm and character of the old town part of Parkville. In looking at different ways to do this, we came upon a Conservation District, which is pretty common across the country. He reiterated that it was not a historic district; it's not imposed with types of requirements that are found in typical historic districts, but it does set out some broad guidelines to maintain the character of old town or "pseudo historical" nature of the town.

Katerndahl explained that there were two parts to this. The first being, a very brief ordinance that sets out some of the very basic requirements, as well as a set of guidelines, which are more extensive, to be used by City staff, Planning and Zoning and the Board of Aldermen. He said that after these were developed, two area wide meetings were held. Since then, and a few meetings later, the guidelines were approved by POPNA and then it was given to the City for approval. After many discussions, workshops and approval of the City's Master Plan, which included preservation of this area, they held two additional workshops and made a few tweaks and changes, came back a time or two to the City but felt they were ready to move forward in getting this plan adopted.

Vice Chairman invited any audience member to come forward to speak regarding the POPNA proposed ordinance and guidelines. Seeing none, he closed the public hearing.

Director Ackerson stated that ultimately staff would be recommending approval, but added that he and Mr. Katerndahl had spoken of other changes. One of which, by chance, staff had found an error in an ordinance they did not know existed.

Ackerson added that part of these guidelines were built from our height, area and bulk regulations and had been working with a version that was incorrect. It did not include a 1991 change that modified lot area per unit and staff just discovered the error today.

Ackerson said that the draft provided clarified that SFR's were not the only permitted use as before. These changes included accessory uses and uses by conditional use permit as long as they met the design guidelines. Discussion ensued.

Commissioner Pam Scott added that she thought this was an awesome draft and very important to the future of Parkville.

Director Ackerson stated that rather than approve this now, and then bring it back later to make the necessary changes regarding the height, bulk and area requirements, it would be better to table it, make the appropriate changes and approve it as a completed document.

Alderman Ferguson moved to table Item 4(B) in order to complete the requested changes as stated. Commissioner Pam Scott seconded. Motion passed. 8-0.

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 remained tabled.

Item (D) 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.

This item remained tabled.

ITEM 5. REGULAR BUSINESS

A. Project updates.

Ackerson stated that the above mentioned 4C and 4D are still active.

B. Pending application updates

Ackerson stated that the above mentioned 4C and 4D are active pending applications. He added that the Board of Aldermen have asked the applicant to address specific issues/questions they had and that the applicant was working on responses.

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 6:10 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

04/06/11
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 Planning & Zoning Commission
Tuesday, April 12, 2011, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

Chairman Katerndahl called meeting to order at 5:31 p.m.

ITEM 2. ROLL CALL

Members present:

Keith Cary

Judy McRuer

Dean Katerndahl

Bryant Lamer

Bob Lock

Pam Scott

Marvin Ferguson

Tony Tognascioli

Tracy Sisney, Department Assistant

Members Absent with prior approval:

Lonnie Scott

ITEM 3. GENERAL BUSINESS

Prior to beginning General Business, Chairman Katerndahl and all of the Planning & Zoning Commission members acknowledged and thanked Alderman Ferguson for decades of dedicated service for the Board of Aldermen, Planning and Zoning and the Board of Zoning Adjustment.

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

Item 3(B) Approval of Minutes from the March 8, 2011 Planning and Zoning Commission Meeting.

Chairman Katerndahl called for any changes. Hearing none, Katerndahl asked for a motion to approve the minutes of the March 8, 2011 Planning and Zoning meeting.

Commissioner Scott moved to approve the minutes of the March 8, 2011, Planning and Zoning Commission meeting as submitted. Commissioner McRuer seconded. Motion passed 8-0.

ITEM 4. PUBLIC HEARING

Item 4(A) 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. Parkville Original Plat Neighborhood Association (POPNA).

This item remained tabled.

Item 4(B) 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 remained tabled.

Item 4(C) 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.

This item remained tabled.

ITEM 5. REGULAR BUSINESS

Item 5(A) Planned District Development permit for exterior modifications to a building in the Old Town District at 101 Mill Street. Case PZ11-04. Paul Doyle, P & R Properties LLC.

Chairman Katerndahl stated that this business for formerly known as the Scooter Guy. He added that the owner of the property is the same as before and that owner was making application for exterior modifications and would like to open a new business. Katerndahl stated that Mr. Doyle had begun work on the exterior of the building without obtaining the proper permits and that staff had issued a stop work order. Mr. Doyle then applied for the appropriate permits that were being presented.

Chairman Katerndahl noted that the applicant was not present.

Discussion ensued with regard to the type of awning that would be placed over the double doors with Commissioner Tognascioli suggesting that all doors be covered with the same type of awning.

The Commission approved the exterior modifications subject to the stucco finish matching the texture and color of the surrounding walls with final approval prior to installation by staff and the inclusion of awnings over each functional door, consistent with those that already exist in the Old Town District, on the east façade.

Commissioner Scott stated that the location of the driveway was on a dangerous street and thought the owner should encourage entry on the other side of the building instead of the one proposed, but also offered that kudos should go to the owner of the property for the improvements being made.

Commissioner Scott stated concern with the current signage that is in place and suggested that it meet code.

Commissioner Scott moved to approve the permit for exterior modifications subject to the above listed conditions. Alderman Ferguson seconded. Motion passed 8-0.

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 McRuer seconded. Motion to adjourn passed 8-0.

Meeting adjourned at 5:50 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

04/19/11
Date

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Parkville Planning & Zoning Commission
Tuesday, May 10, 2011, 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:

Keith Cary

Judy McRuer

Dean Katerndahl

Bryant Lamer

Lonnie Scott

Bob Lock

Pam Scott

Marvin Ferguson

Tony Tognascioli

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director

Jack Campbell, City Attorney

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.

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

Item 3(B) Approval of Minutes from the April 14, 2011 Planning and Zoning Commission Meeting.

Chairman Katerndahl called for any changes. Hearing none, Katerndahl asked for a motion to approve the minutes of the April 14, 2011 Planning and Zoning meeting.

Commissioner Ferguson moved to approve the minutes of the April 14, 2011, Planning and Zoning Commission meeting as submitted. Commissioner McRuer seconded. Motion passed 9-0.

Item 3(C) Recognition of reappointment of P&Z members, Bryant Lamer, Lonnie Scott and Marvin Ferguson.

Chairman Katerndahl welcomed all three on their reappointments.

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

Commissioner Ferguson moved to table this item. Commissioner McRuer seconded. Motion passed 9-0.

ITEM 4. PUBLIC HEARING

Item 4(A) 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. Parkville Original Plat Neighborhood Association (POPNA).

Chairman Katerndahl recused himself so that he could make the presentation for this amendment as the applicant. Vice Chairman Bryant deferred to Director Ackerson who stated that there were a few changes since the last draft but most are mainly housekeeping related and that these had been approved by the Old Town District Board.

Vice Chairman Lamer opened the public hearing.

Dean Katerndahl, 404 Main Street, Parkville, stated that POPNA had reviewed the changes and were in agreement with the housekeeping issues.

Seeing no one from the public, Lamer closed the public hearing.

Pam Scott moved to approve Item 4(A) as presented, including the guidelines. Commissioner Ferguson seconded. Motion passed 8-0.

Item 4(B) 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.

Commissioner Cary asked Director Ackerson for clarification on whether or not the sale between Conoco-Phillips and Magellan had taken place. Ackerson replied his understanding was that it had not. Commissioner Cary stated that his law firm was doing work for Conoco-Phillips and he would need to recuse himself from this item. Vice Chairman Lamer announced that his law firm was working for Magellan and that he would also need to recuse himself from this item.

Chairman Katerndahl opened the public hearing and deferred to staff. Director Ackerson stated that there was a large amount of paperwork that went with this item but wanted to specify that there was a memorandum specifically for this meeting that referenced several exhibits. Ackerson stated that the City was first approached on reuse by application in the spring of last year, shortly after the applicant had worked with the City of Riverside to reuse by application a portion of the property that fell within the Riverside City limits. He explained that the applicants refer to the property as the Riverside facility due to the main entrance being located in Riverside. He reminded the Commission that in the fall of 2010 a text amendment was approved to allow consideration of a conditional use permit for the site due to the fact that the facility itself predated our zoning code.

After approval from the Planning Commission the text amendment moved forward to the Board of Aldermen. The Board determined that they did not wish to move forward with the text amendment until they knew specifically what the application would be. After review, workshops with the Board, questions were about public safety, environmental hazards, landscape screening, and the transferring of fuel and about the ability to obtain a public pedestrian connection across the property. Director Ackerson deferred to Magellan's representative to address these issues.

David Biggs, Magellan, stated that the site was originally constructed in the 1950's as a site for jet fuel depot for the Air Force. It was then acquired in 1965 by Skelly Oil, as a refined product terminal. The current owners are 2/3 Shell and 1/3 Conoco-Phillips. These two companies operated the facility until 2004, when the merger between Conoco and Phillips happened and they decided to shut down this facility and combine their efforts into one facility located in Fairfax.

Mr. Biggs stated the reason for Magellan's appearance here is that they have a purchase agreement with Conoco-Phillips and are looking to add storage in order to balance out supply and demand and signed a purchase agreement in 2010.

Biggs stated that the terminal has ½ million barrels of storage and added that Magellan will not be operating the truck bay facility. He added that there was also an 8" pipeline that runs from the facility under the river and into their facility in Fairfax, Kansas. He added that product could be sent from the facility to Fairfax and vice versa.

Biggs explained that the proposed conversion of the facility consisted of purging the pipeline as it is today, fill the pipe with water, then pressure the water up to 125% of the operating pressure, in order to check for any type of leaks and if that passes, then the next step is at the facility directly where there is a meter that measures what comes into the facility by a computer based monitoring system that is monitored 24 hours daily. Then Magellan would do an external inspection of the tanks, then an internal inspection of the tanks which would include cleaning the tanks, an electro-magnetic test procedure that would test the tanks floors, line the internal floors of the tanks and partially up the tank walls and finally, inspect and repair the floating roofs as needed and place an electronic tank gauge that measures the levels of all tanks 24/7.

Mr. Biggs added that this same process could be utilized to pump the product out of the tanks as well. He added that the timeline for operations to being would take place 6-9 months after closing on the sale.

*Commissioner Ferguson left meeting at 7:20.

In addition, Mr. Biggs spoke of several concerns that were brought up in the past by the Planning Commission and the Board of Aldermen such as:

Walking/Riding Trail Dedication: Mr. Biggs stated that they had been working with Parkville and Riverside and would provide a 20' easement to connect the English Landing park trail to the Riverside trail as a condition of the permit, along with a letter, that has already been granted, from MO Dept of Natural Resources that this was a suitable use for the trail.

Landscaping/Screening: Mr. Biggs indicated that 30K was already committed to landscaping/screening with an amount up to but not exceeding 35K being available, if necessary.

Buildings on premises: Mr. Biggs added that not all of the buildings on the property will be used. He added that those buildings not in use will be removed in order to make the property more appealing and will provided additional screening for the truck facility building.

Mr. Biggs added that the pipelines that cross state lines are a mandated DOT facility and would have to meet their regulations; he added that as the facility stands now, it is not. He said that the facility would have Monday through Friday daily inspections, will have a facility specific security plan, preventative maintenance plan, environmental reporting, inspection reports, compliance reports, operations plan, damage prevention and will also provide to the City all reporting to government agencies.

Mr. Biggs addressed the truck loading facility with regard to traffic. He said that they are not looking for a permit that would allow any trucking out of the facility and are willing to commit that the use of this facility will be solely product in and product out by pipeline and this permit would preclude Magellan from operating as a trucking facility.

Chairman Katerndahl deferred to Director Ackerson for recommendations. Ackerson clarified that the Board of Aldermen had taken no action at this point, but had held several workshops and meetings, the result of which was Mr. Bigg's response this evening. Ackerson stated that if Magellan were making an application to build a new facility, the answer would be no, but the fact that the facility already exists and this site could only be used for commercial or industrial usage, we are considering this as the best use for the site as it stands now and are trying to make it the best it can be. Ackerson added that the MO Dept. of Natural Resources had also approved the site for general recreational uses, in accordance with the continuation of the nature trail. Staff has also noted any above ground improvements would require flood plain permits, potentially be subject to no-rise certificates and any other permits required under the City's flood plain ordinance. In addition, staff will require a 24 hour emergency contact company that Magellan has under contract that is on call for all emergency response issues.

Ackerson stated that staff was recommending approval subject to the memorandum of specific conditions and briefly highlighted them.

Chairman Katerndahl opened the public hearing. Seeing no one from the public, and no statements of support or opposition, the public hearing was closed.

Commissioner Pam Scott asked about the terms of the agreement with regard to the truck loading facility and about offloading any type of water or condensation from the tanks, which would require trucks into and out of the facility for reclamation. In addition, she inquired if some type of emergency required the fuel to be removed via trucks. Mr. Biggs responded that the truck rack will not be functional at all and it would cost around a million dollars in order to get it up and running. He said that with regard to the water or condensation, a small truck, like a bobtail or pumper truck would come in only on occasion to suck the water out and that it was really a maintenance issue. He added that any emergency transfer of fuel would be made totally by pipeline. Biggs added that there were shut off valves on the North and South ends of the river.

Director Ackerson added that this approval is on a case-by-case basis only. The truck rack is not a permitted use by Magellan or anyone who may purchase or merge with them at any period. If anything changes, the new applicant would also be required to make the same application for use of the truck rack before this Commission. Discussion ensued.

Commissioner Pam Scott inquired about any charges/expense that could possibly be incurred to the City, for example, emergency training of our first responders or by having some type of expert be able to read and interpret all of the submissions, reports, inspections by various

agencies, DOT requirements, etc. Ackerson replied that we do not have an expert, but any type of non-compliance gives the City the ability to pull the permit. Scott asked how the City would pay to respond to any type of accident that could happen at the facility. Ackerson responded that the City does not charge any type of fee when responding to an emergency situation. Training historically, would be provided by the permit holder. Ackerson reiterated that the 24 hour emergency response team would be contracted by the permit holder.

Commissioner Pam Scott suggested that Magellan pay the City for having to have reports read or interpreted. Commissioner Lonnie Scott suggested that Magellan also be responsible for reimbursing the City for any type of emergency training for their employees.

Commissioner Lock inquired as to how many of these types of facilities Magellan had. Biggs answered about 80 facilities. Lock asked about safety records. Biggs responded that in the past 10 years the company had taken a stronger stance with regard to safety measures. Commissioner Lock asked about due diligence and if Magellan could provide the City with past records. He also requested that Parkville and Riverside stay on the same page with regard to procedures and conditions. Ackerson replied that their codes were different than ours and that Parkville was more restrictive and had actually discussed de-annexation for one City to have it all or regulate it equally. Staff concluded that regardless of what Riverside approved, Parkville's best interest was what mattered. Discussion ensued.

Director Ackerson wanted to make sure the subject of the dikes was on record with regard to inspections and the integrity of the dike system that is currently in place. Ackerson stated that, when properly maintained, in case of a valve break or a tank burns, the dikes are great and will take over and respond properly to an emergency spillage. Commissioner McRuer asked if Magellan was responsible for any type of spill or catastrophic event. Biggs responded that even if it were a natural disaster they would be responsible. McRuer confirmed that there would be no expense to Parkville. Biggs responded that was correct. Ackerson stated that even with the trail easement, if there is some type of disaster that included contamination, Magellan would handle that as well.

Chairman Katerndahl asked if it would be better to make this a 10 year permit rather than a 20 year. Ackerson explained that they are usually longer terms due to the investment that is made upfront. Mr. Biggs stated that with regard to the 20 year term, Magellan was spending a good chunk of money to purchase the property and an equal amount to refurbish the property and spread over a ten year period would limit the amount returned on their investment and would request that the term remain a 20 year term.

Lonnie Scott moved to approve Item 4(B) subject to staff recommendations, with the additional conditions as follows; No trucks with the exception of maintenance/service trucks, applicant to provide reasonable reimbursement to the City for expenses incurred, including review of documents, training emergency responders and other direct expenses and due diligence compliance and OSHA reporting. Pam Scott seconded. Motion passed 6-0.

Item 4(C) 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.

This item remained tabled.

ITEM 5. REGULAR BUSINESS

Items 5(A), (B), (C), (D) and (E) An application for a final plat of Cider Mill Ridge, First through Fifth plat to be considered as one application. Case PZ11-05 through PZ11-09. FCLG Builders Group LLC.

Chairman Katerndahl deferred to staff. Ackerson stated that these applications had been reviewed as one application. He added that technically they were five different plats, but reviewed as one.

He stated that the application was a continuation of a proposal for a Community Unit Plan to create 44 lots on 16.14 acres. Ackerson said it had been before the Commission several different times under several different names and that this Commission, as well as the Board of Aldermen had approved prior, but some plats had not yet been recorded. He added that it did not plat all of the balance of what was previously approved, but a portion of it. Ackerson identified the primary changes, including, but not limited to a reduction in side and front yard setbacks, a platted right-of-way on a cul-de-sac bulb with a future connection, and a landscape easement.

Commissioner Tognascioli asked about what kind of restriction was in the landscape easement. Ackerson replied that there are monument signs placed at entry easements and restricts construction of above ground improvements and retains the rights for the developer to install and maintain landscaping in those easements. Ackerson stated that he would have to defer to the developer with regard to the landscape easement on the rear lots that back up to Crooked Road.

Tim Lokker, Forest City Enterprises, explained the purpose on the easement is a retaining wall on the first plat along Crooked Road and the other two easements are for entry features. Commissioner Tognascioli inquired as to where the retaining wall would be located and how tall it would be and whether or not it would be fenced. Mr. Lokker responded it would be 10-12' height, made of limestone and would not be fenced. Ackerson said that depending on the height, it may be required to be fenced up at the top, by code. Lokker said it would most likely be located to the back of the easement, as close to the property line as possible. Ackerson added that a condition of approval be the restriction is stated on the first plat as with the other plats.

Vice Chairman Lamer asked about price points in these newer areas as compared with areas north of this, where there are currently already homes. Lokker responded that they hoped to start in the 215K range up to the 300K range in Phase I and move up in price points as they start to build momentum and get some spark back into the market. Lamer asked for his own personal reason, which he said may lead to his recusal of continued participation, as to whether or not Mr. Lokker had specific discussions with residents currently living in this area or whether any issues or complaints had been made by Mr. Adam Laboda. Mr. Lokker responded that he personally had not. Lamer asked if he was aware of this individual. Lokker responded that he was aware of this name. Lamer responded that with that, he would recuse himself as Mr. Laboda was an associate at Lamer's law firm and had raised issues with Mr. Lamer, as it may relate to potential litigation.

Commissioner Pam Scott stated that many references are made to the front and side yard setbacks that have been approved already and asked if they could be revisited. Discussion ensued.

Commissioner Tognascioli asked how many different house plans were available. Mr. Lokker responded that their hope was to provide 2-3 builders, each having 2 different plans.

Mr. Lokker stated that this was not about cramming homes in but about creating communities. He added that some of their most popular developments and communities across the country have 10-15' setbacks.

Commissioner Cary asked if one of the main concerns of urban planners was urban sprawl, that we are building houses on lots that are too large and the result of that is that neighborhoods are expanded in a greater area than they need to be expanded, which results in increased needs for transportation and other services. So, if the current proposal is to build on smaller lots with narrower setbacks, is that an attempt to fight urban sprawl. Ackerson responded that these are not smaller lots; they are lots that have been planned since at least 2005 and to that extent, the setbacks proposed are the same since 2005. Commissioner Cary then inquired if Mr. Ackerson thought these homes were being crammed together in some inappropriate manner. Ackerson responded that it would depend on the actual layout, which is left to the homeowner association and the architectural review board for the community unit plan.

Commissioner McRuer stated that the City had tons of snow this past year and problems of where to put it and wondered where snow would be placed after the City cleared the streets. Director Ackerson responded that this would be a problem anywhere.

Commissioner Tognascioli stated that he was hopeful that we would require sidewalks on both sides of the street. Director Ackerson stated the City only required sidewalks on one side.

Commissioner Cary moved to approve the applications subject to the aforementioned conditions and staff recommendations, landscape restrictions/conditions, including cul-de-sac with the full disclosure of temporary dead end and future connection sign condition. Commissioner Lock seconded. Motion passed by voice vote 5-3 as follows: Lock-aye, Ferguson-aye, L. Scott-aye, Katerndahl-aye, McRuer-nay, P. Scott-nay, Tognascioli-nay and Cary-aye.

ITEM 6. UNFINISHED BUSINESS

None.

ITEM 7. OTHER BUSINESS

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

ITEM 8. ADJOURNMENT

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

Meeting adjourned at 8:48 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

07/06/11
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 Planning & Zoning Commission
Tuesday, August 9, 2011, 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:

Keith Cary
Pam Scott
Marvin Ferguson
Lonnie Scott (arrived at 6:08)

Judy McRuer
Dean Katerndahl
Tony Tognascioli

Absent with prior notice:

Bryant Lamer

Bob Lock

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Department Assistant
Nan McManus, Alderman
Chris Fisher, Alderman
Kirk Rome, Public Works Director
Jenni Glass, Parkville EDC
Carolyn Elwess, Citizen
Harry Sievers, Citizen
Tom Hutsler, Citizen
Many others

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 Ferguson seconded. Motion passed 6-0.

Item 3(B) Approval of Minutes from the May 10, 2011 Planning and Zoning Commission Meeting.

Chairman Katerndahl announced that the minutes for the May 10, 2011 would be presented at the next Planning and Zoning Meeting.

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

This item remained tabled.

ITEM 4. PUBLIC HEARING

Item 4(A) Amendments to the adopted Park University Master Campus Master Plan to more specifically address projected and permitted uses in the Parkville Commercial Underground and to define athletic field signage. Case PZ11-11. Park University, applicant.

This item remained tabled (as requested by the applicant). No discussion took place and no action was taken.

Item 4(B) Amendments to Parkville Municipal Code, Title IV, Chapter 457, "U-I-1" Underground Light Industrial District, to redefine the district purpose, use regulations, development plan requirements and required improvements. Case PZ11-12. Park University, applicant.

This item remained tabled (as requested by the applicant). No discussion took place and no action was taken.

Item 4(C) Amendment to Parkville Municipal Code, Title IV, Chapter 428, "P-EC" Planned Educational Campus District, to clarify the procedure for amending approved campus master plans. Case PZ11-13. City of Parkville, applicant. The applicant has requested this item be tabled.

This item remained tabled (as requested by the applicant). No discussion took place and no action was taken.

Item 4(D) Conditional Use Permit to allow new above ground utility cabinets to be located at 6210 Highway 9, generally located between the southeast corner of 8717 63rd Street (Kwik Kar Wash property) and Highway 9. Case PZ11-14. AT&T, applicant.

Chairman Katerndahl deferred to staff. Director Ackerson stated that there were two applications this evening from AT&T and both were regarding above ground utility cabinets. The first cabinet is located on 9 Highway by the Kwik Kar Wash. Ackerson stated that the current cabinet looks like a large billboard that is placed well above ground. Ackerson stated that AT&T would like to remove the pedestal, concrete pad and berm and replace it with a smaller, much cleaner version, along with new landscaping and screening and that staff was recommending approval.

Commissioner Cary asked if there was any cost to the City of Parkville for the upgrade. Ackerson replied that there was no cost to be incurred by the City.

Andrew Reed, applicant, AT&T, stated that Director Ackerson had covered the information well and agreed it was an eyesore and was happy to get rid of it.

Commissioner Pam Scott added that the proposed landscaping would grow to be a pretty good size and asked what happened if the bushes died. Reed stated that AT&T would replace them at no cost.

Commissioner McRuer inquired as to how the landscaping is chosen because she was familiar with the white pine tree which can take up a lot of space and the Vander wolf which do not grow very well in this part of the country. Reed stated that they used a good landscape architect and had good luck with him and trusted his judgment, but was open to discussion.

Chairman Katerndahl opened the public hearing. No one from the public came forward.

Commissioner Pam Scott moved to approve the item. Commissioner Tognascioli seconded. Motion passed. 6-0

Item 4(E) Conditional Use Permit to allow new above ground utility cabinets in a private easement at 1308 Main Street generally located on the west side of Main Street north of 13th Street. Case PZ11-15. AT&T, applicant.

Chairman Katerndahl opened the public hearing for a similar AT&T application on the southwest corner of 1308 Main St., where there is an existing cluster of cabinets. This application will set smaller cabinets behind the already existing ones and provide cedar fencing and landscaped screening.

*Commissioner Lonnie Scott arrived at 6:08.

Mr. Reed from AT&T stated that he had spoken with the home owner, Mrs. Virginia Grounds, and that he had her preferences for landscape screening.

Betty Fogarty, 6519 NW Graden Road, Parkville, interjected from the audience that the property belonged she and her husband Patrick, not Mrs. Grounds and that they could provide proof in the form of right-of-way easement that had been granted across their property to SW Bell.

Director Ackerson and Mr. Reed met with Mr. and Mrs. Fogarty briefly and spoke of AT&T's plans and a possible misunderstanding of ownership. Ackerson stated that the easement survey provided by AT&T showed the proposed improvements fully on Mrs. Grounds property and did not appear to show any easement on the Fogarty property.

Mrs. Fogarty stated that she and her husband had purchased the property from Don and Naomi Crook and that SW Bell had done work on the easement years ago. The Fogarty's agreed to Director Ackerson's and Mr. Reed's suggestions of screening and landscaping of the property and stated that they would meet with AT&T to figure it all out at a later date.

Carolyn Elwess, Parkville, asked Mr. Reed if any future plans for AT&T included building in that general area. Mr. Reed responded that AT&T was at capacity with no future plans.

Chairman Katerndahl closed the public hearing.

Commissioner Pam Scott moved to approve this item subject to satisfactory resolutions to the easement matter. Commissioner McRuer seconded. Motion passed 7-0.

ITEM 5. REGULAR BUSINESS

Items 5(A) Development Plan application in a B-4 zoning district for Parkville Heights Animal Hospital, 8830 63rd Street. Steven J. Cantrell & Associates, Inc on behalf of S&J Rose, LLC applicants. Case No. PZ11-19. Unless tabled, Board of Aldermen will consider on 8-16-11.

Chairman Katerndahl deferred to Staff. Director Ackerson stated that the next three applications all pertain to the Parkville Commons and the owners of the Commons had requested to provide a brief overview and address some common questions that would come up on all three applications and then could provide follow up questions.

Jim Allen, Principal of River North Development, the owner of Parkville Commons, 8878 NW 63rd, Parkville, stated that he was here to introduce three developments inside the Parkville Commons. He added that the common theme was Parkville people investing in Parkville. He said with the wild ride our economy has taken the past few days, it was nice to take care of business in our own community.

Mr. Allen said that the three applications, Parkville Heights Animal Hospital, Jimmy John's and the Parkville Campus for EShipping were on the agenda this evening.

He said that the Parkville Heights Animal Hospital, owned by Dr. Rose, was looking to modernize her practice. He added that Steve Cantrell, also a Parkville resident was the Architect on the job and that Andy Homoly from Homoly Construction, also a Parkville resident was the builder. He said that basically they were looking to improve services and putting people back to work in the construction industry in these troubled times.

Jimmy John's is looking to locate on the old Farley State Bank building. Its principal is Matt Buss, who operates several other Jimmy John's in the Kansas City area, is also a Parkville resident, Bob Becker from Luke Draily Construction, who was responsible for building several of the building in the Parkville Commons will also be putting people back to work. He added that Jimmy John's will be providing goods and services not currently offered in the Parkville Commons and will generate much needed sales tax as well as permanent jobs.

EShipping, with Chad Earwood and John Ratigan, who are officers of a growing company currently located in Parkville, who are looking to build a new location in order to serve their company's growing needs are also present this evening.

In addition, Mr. Allen introduced Tony Borchers and Nick Bloch, both representatives of River North Development. He added that he was here to represent a group who had invested 100 million dollars in Parkville. He stated that John Freshnock, from Williams, Spurgeon Kuhl and Freshnock, who had completed a lot of the architectural work for the Parkville Commons was also here to answer any questions.

Mr. Allen stated that the proposed legal structure is that there will be a joint venture between Chad Earwood and River North to provide space for potentially 300 employees, who will office here, buy goods and services here and hopefully buy homes in Parkville, creating demand and firming up home prices. The intent is to retain a business that is currently in Parkville that has options outside of Parkville, so part of our final negotiations with EShipping and the joint venture agreement are dependent on final details of various approvals. He also stated that there was another prospective tenant, a primary healthcare provider, which would be taking approximately 7000 sq. ft.

Director Ackerson stated that all three of these applications were focused on reuse or infill within the existing construction or constructed infrastructure.

Ackerson introduced the Parkville Heights Animal Hospital as relocating to Lot E, would be a single story, 5,400 square foot new building, with similar characteristics to buildings on surrounding properties and substantial landscaping including a bio swale on the back of the property that is intended to catch runoff which is in line with the Parkville Master Plan to reduce runoff. He added that the elevation falls from North to South and that they plan to cut back into the elevation, similar to City Hall.

Ackerson stated that parking throughout the Parkville Commons is a shared, staff looked at parking from a stand alone building perspective and stated that per code, usage would require 16 spaces and the plans allot for 18 spaces. In addition, Ackerson noted that hours of operation would be between 8:00 am and 6:00 pm and that staff had visited with the surrounding neighbors, Cupini's and Agave, with Cupini's stating they had no concerns of overlapping during peak hours and Agave having some concern with overlapping of their happy hour, which begins at 4:30 pm and the animals being brought in at 5:00 pm.

Staff was recommending approval subject to stated conditions.

Commissioner Tognascioli asked why there was no floor plan supplied. Ackerson responded that it was not one of the require submittals. He added that the applicant does have a floor plan but it was not included with this packet.

Steve Cantrell, architect for Steven J. Cantrell, 110 Main Street, Parkville, MO and Andy Homoly, Homoly Construction, 7906 Twilight Place, Parkville, MO for the applicant introduced themselves and Mr. Cantrell stated that with regard to the pet enclosure they are open to options. They have discussed poly-vinyl and vinyl slating as well as a wall element that may be stucco, similar materials currently being used, or an opaque fencing element.

Mr. Homoly addressed the parking question and responded that there is only 1 shift per day, with employees starting and ending the same time each day. He added that the owners were going to require that their employees park in a different area. Mr. Cantrell said the pet yard usage, is primarily an attended area, staying the same as their facility now, which goes unnoticed as they are very sensitive to the area around them.

Commissioner McRuer asked whether or not the animal runs were just fenced or if there would be a wall up between them. Mr. Cantrell responded that there was a short wall between them with fencing on top. Ackerson added that there was 50 ft between the animal hospital and Agave, which is the closest business. Commissioner McRuer asked about clean up after the dogs, and Mr. Homoly responded that there would be a flush system in place and that Dr. Rose was very sensitive to this issue. He added that the current business is only one block away and it had never been an issue. He added that in the pet yard itself, all animals were attended to. They would not be loose running.

Commissioner Pam Scott expressed reservations with regard to parking. Discussion ensued. Ackerson added that the current animal hospital had 12 parking spaces and the proposed had 18 spaces, noting 18 spaced are more than required. Commissioner McRuer stated she had reservations with regard to traffic in general. Jim Allen announced that a traffic/parking study had been completed by Mr. Freshnock and he would be speaking with specificity towards that issue on a global basis for the Parkville Commons this evening.

Commissioner Pam Scott moved to approve the application subject to staff recommendations, including final fencing resolution. Commissioner Ferguson seconded. Motion passed 6-0-1 with Commissioner Tognascioli abstaining.

Items 5(B) Development Plan application in a B-4 zoning district for Jimmy John's, 8807 NW 64th Street. Luke Draily Construction Company Inc on behalf of Buss Enterprises applicants. Case No. PZ11-20. Unless tabled, Board of Aldermen will consider on 8-16-11.

Chairman Katerndahl deferred to staff. Director Ackerson stated this was an application to remodel and remove a portion of the front façade of the building previously known as the Farley State Bank, and to convert it into a new Jimmy John's. Square footage would change from 1,300' to 1,465'. They will also add new cornices and architectural pieces that would be more fitting to the rest of the Parkville Commons area. In addition, they propose to add a new dumpster enclosure, as well as, parallel parking spaces in front and 3 new spaces in back. Ackerson stated that the proposed use is an approved use for the site. Hours of operation are to be discussed. Ackerson said the layout of the current drive-thru is behind the building and will continue to remain behind the building, thus minimizing noise. Ackerson added that staff had also looked at this building as a stand alone site with regard to parking and noted that it would require 18 spaces. The applicant proposed to provide a total of 22 spaces. Ackerson reiterated the fact that parking in the Parkville Commons was not dedicated parking, but shared, however, on-site parking would meet the parking requirements as if this were a stand alone site.

*Commissioner Cary left the meeting at 6:37.

Commissioner Pam Scott stated that signage would be very important due to the way the parking was situated and the location of a pedestrian crossing. Commissioner Tognascioli suggested directional arrows and also suggested removal of the ladder to another side of the building to better conceal it.

Chris Cooper, Phoenix, AZ stated that he agreed with moving the ladder placement and added that the Commission's suggestions were sound and would not have a problem making changes. He added that the hours of operation were from 10:00 am to 9:00 pm. Discussion ensued with regard to patio dining, the proposed color scheme and signage as well as a public walkway. Director Ackerson asked for staff to be able to get with Public Works Director, Kirk Rome and come up with a safe and suitable walkway. Ackerson stated the sign that was already in place in front of the building would remain in place and Jimmy John's would continue its use. Ackerson reported that it was a lighted sign that was static and would not change electronically.

Commissioner Pam Scott moved to approve the application subject to staff recommendations, resolution to pedestrian safety, moving the ladder and showing outdoor seating on the plans. Commissioner Ferguson seconded. Motion passed 6-0.

Items 5(C) Preliminary Development Plan application in a B-4 zoning district for The Campus at Parkville Commons, Lots G-1, G-2 and K in the Parkville Commons. River North Development. Case No. PZ11-21. Unless tabled, Board of Aldermen will consider on 8-16-11.

Chairman Katerndahl deferred to staff. Director Ackerson stated the applicant has requested approval of an amended preliminary proposal of three new buildings on lots G1, G2 and K in the Parkville Commons for office space. Ackerson stated that the original plan modifications included two story buildings on G1 and G2 north of City Hall, as well as J1 and J2 on what many consider the front lawn of City Hall. It also included a convenience store/gas station on Lot K. He explained that the lawn area north of City Hall was owned by the development and two of the three lots were developable lots. The amended proposal tonight eliminates J1 and J2 as future building sites altogether. If approved these sites would become open space.

Ackerson stated that this application differentiated from the first two applications as this is only a preliminary development plan amendment comparable to the prior two applications. The proposed use is for medical/office buildings and café space. All of which are allowed under code. Primary hours of operation would be from 8:00 am to 5:00 pm, with some staggering before and after.

Ackerson noted that with regard to Lot K now proposed as medical/office uses and noting the hours of operation, he said that this was a much friendlier use with the Pinecrest subdivision located across the street, than the originally proposed and approved convenience store. Ackerson added that the original plans called for 1,342 parking spaces and the proposed plans allots for 1,365 spaces, which exceeds our current requirements. Ackerson said that in addition the applicant would tie in pedestrian walkways throughout the center.

Chairman Katerndahl confirmed that the Commission was just looking the preliminary development plan for the Commons and if approved, the applicant would then come back with site specific plans and final development with full detail.

Commissioner Tognascioli stated that his assumption was that by eliminating Lots J1 and J2, which are located in front of City Hall, this area would now become an open area. Ackerson stated that is what the applicant was proposing. Commissioner Pam Scott added that this should be the Commons Area and not built on at a later date. Ackerson responded that this could be a condition of approval. Commissioner Tognascioli thought that area should be dedicated to avoid further development. Ackerson replied that the applicant was proposing that and would discuss it this evening.

Commissioner McRuer stated that there were three different areas in the Parkville Commons that had signs restricting parking to those businesses specifically and required anyone from the public to get permission in order to utilize those spaces and wondered if those spaces were included in the overall parking space count. Director Ackerson stated that when site owners owned their pads/space outright, they could assign dedicated parking, other than that, Ackerson said there were a few 15 minute parking spaces for carryout usage.

Tony Borchers, River North Development stated that the company had been here since 1997. At that time, the property was in unincorporated Platte County, at which time, the City of Parkville asked the company to annex into Parkville in order to help facilitate the redevelopment. Shortly thereafter, Tom Watson was signed on to develop two golf courses. The Parkville Commons came about as he and Mr. Allen were trying to find a trail connection from the National into the Nature Sanctuary and then eventually into downtown. The Board of Aldermen then contacted River North with ideas of building and promoting a true neighborhood center, which added new jobs, new tenants, sales tax and increased Parkville's population. In addition, River North has given over \$500,000, donated the site to the YMCA/Platte County Community Center and has donated over \$2,000,000 in right-of-way for the 45 Highway project. In addition, Mr. Borchers continued the Parkville Commons has generated \$2.4 million in additional sales tax from 2005-2010 as well as \$2 million in property tax during the same period.

Mr. Borchers said that plans do evolve and tons of retail is not necessary like Zona Rosa, this is a small town and they would like to maintain that small town feeling.

Mr. Chad Earwood, EShipping, stated that he would be the main tenant for Lot K. He added that he chose to start and grow his business in Parkville because of its small town flavor and quaintness. EShipping is a logistics and transportation management business and has about 50 total employees. He added that his business has grown from about 5 million per year to 60-70 million in sales, which has created a need for larger space. Mr. Earwood added that he has looked at other small towns such as Riverside, Gladstone and North Kansas City for more

space, but would like to invest here and grow. He said his growth trend is high and he is looking for more space quickly.

Commissioner Pam Scott stated that she has heard about as many as 300 employees. Mr. Earwood responded that currently they have 50 employees, but will have to take one step at a time. He added that he would love to employ between 100-300 employees over the next 10 years. He said that his employees range from 150K per year to 17K per year for part-time employees. Earwood stated it was a service oriented business.

Mr. Jim Allen, River North, stated that Mr. Earwood would be utilizing the top floor of the building located on Lot K, with the medical facility using the bottom floor. If the healthcare facility needed additional space and Mr. Earwood's business continued to grow, they were hopeful that the medical facility could have both floors of Lot K and Mr. Earwood's business could move to one of the buildings on Lots G1 or G2. Mr. Allen clarified that there were not 300 employees moving immediately into the Lot K building. That number is an estimate between all three new buildings over the next 3-5 years. Mr. Allen also stated the intention of the dedication of the land in front of City Hall as park. Mr. Allen also stated that Mr. Earwood was being very modest with regard to his business as it is currently right in the State of Missouri's Economic Development report. Discussion ensued.

John Freshnock, Williams, Spurgeon, Kuhl and Freshnock Architects, North Kansas City, stated that the parking situation has obviously been a hot button issue and hoped to clarify it. He added that his company had used the 2005 ULI's (Urban Landing Institute) standard for parking and the City had used the standards that were adopted in 2003. He added that the ULI scientifically looks at shared community parking, taking into account, weekday traffic, weeknight traffic and weekend traffic, along with the types of businesses in the area and peak and demand times. It also utilizes, monthly use trends, hourly use trends, weekend versus weekday trends as well as multiple visits from the same customer.

Freshnock add that some of the benefits of shared parking were; maximum development of the site reduces total parking requirements and land devoted to parking, supports local businesses by facilitating cross patronage and is cited by many government codes.

He added that the peak month for the Parkville Commons is December, the peak period is a weekday and the peak hour was 1:00 pm. With that in mind, the peak demand would need 1,276 spaces. Parkville Commons offers 1,364 spaces, so even at its peak the Commons offers plenty of parking. He added that by adding these new buildings and their employees, it will produce a pedestrian friendly type use and will drive the force of the center. Discussion ensued regarding parking. Concerns expressed included overlap with parking at city hall and the YMCA, the distance employees would have to walk, the inability to park at the front door, employees blocking parking for retailers and traffic in the development and abutting roads and highways.

Chairman Katerndahl moved to approve the preliminary development plan subject to staff recommendations, final development plans with more detailed street/parking plan with physical and regulatory steps to manage the plan, updated traffic analysis, including movement in and out off Highway 9, a more robust pedestrian plan and dedication of land to the Commons area. Commissioner Ferguson seconded. Motion passed 6-0.

Items 5(D) A proposed preliminary development plan for Parkville Market Place, Tract A and all of Lots 1, 2, 3, 4, 5 and 6, Bell Road Industrial Park. Steve Warger on behalf of Pat Kelly, owner. Case No. PZ08-23.

Director Ackerson stated that Item 5D was inadvertently left on the agenda. He added that this item would come before the Commission sometime in the future, but was not ready at this time.

ITEM 6. UNFINISHED BUSINESS

Commissioner McRuer asked Director Ackerson for something in writing or more concrete for future plans for the YMCA. Director Ackerson stated that at this point, he had not received any information from the YMCA or their timeline for future changes but would try to visit with Brian Nowatny from Platte County to see if he had additional information.

ITEM 7. OTHER BUSINESS

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

ITEM 8. ADJOURNMENT

Commissioner Ferguson moved to adjourn. Commissioner Lonnie Scott seconded. Motion to adjourn passed 6-0.

Meeting adjourned at 8:23 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

08/12/11
Date

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Parkville Planning & Zoning Commission
Tuesday, September 13, 2011, 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, Secretary
Bob Lock
Tony Tognascioli

Judy McRuer
Marvin Ferguson
Lonnie Scott (arrived at 6:15)

Absent with prior notice:

Dean Katerndahl, Chairman
Bryant Lamer, Vice Chairman
Pam Scott

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Department Assistant
Roger Hershey, Park University
Paul Gault, Park University
Rita Weghill, Park University
Jenni Glass, Parkville EDC

ITEM 3. GENERAL BUSINESS

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

Secretary Cary chaired the meeting in the absence of Chairman Katerndahl and Vice Chairman Lamer. Cary opened the meeting by asking for a motion to approve the agenda as presented.

Commissioner Ferguson moved to approve the agenda as published. Commissioner Tognascioli seconded. Motion passed 5-0.

Item 3(B) Approval of Minutes from the May 10, 2011 and August 9, 2011 Planning and Zoning Commission Meetings.

Secretary Cary announced that the minutes for the May 10, 2011 and August 9, 2011 would be presented at the next Planning and Zoning Meeting.

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

This item remained tabled.

ITEM 4. PUBLIC HEARING

Item 4(A) A conditional use permit to allow the installation of additional antenna and accessory equipment on an existing cell tower at 16215 45 Highway, Parkville, MO, parcel number 20-4.0-19-000-000-016-001, generally located at the southwest corner of 45 Highway and Ensign Drive. Case PZ11-22. Laurie Hatfield of Black & Veatch on behalf of AT&T Mobility.

Cary deferred to staff. Director Ackerson stated that items 4A, 4B and 4C were all cell tower related and were regulated by our cell tower code. He added that generally, tower's that are built prior to 1997 are considered pre-existing, non-conforming and not subject to the City's tower regulations, however, he clarified that changes or additions to existing towers are subject to review and approval in accordance with the regulations, requiring a conditional use permit be approved the Board of Aldermen following recommendation by the Planning and Zoning Commission.

Staff stated Item 4A was reviewed against existing regulations and added that the proposed modifications do not increase tower height, blend with the existing tower improvements, requires no further screening and included no substantial structural modifications. Staff recommended approval subject to meeting or exceeding the current standards and regulations of the FAA, FCC and other applicable state or federal regulations, appropriate building permits and the proposed antenna and equipment being of a light or neutral color. Ackerson added that usually with a conditional use permit, a time frame is allotted. In this case, staff was not recommending any such sunset as the towers are approved in perpetuity.

Laurie Hatfield, Black & Veatch, applicant explained that the new antennas would be erected on the exact same elevation and platform where they are currently located in order to update to the 4G technology.

Secretary Cary opened the public hearing. Seeing no one, the public hearing was closed.

Commissioner Ferguson moved to approve the application subject to staff recommendations. Commissioner Tognascioli seconded. Motion passed 5-0.

Item 4(B) A conditional use permit to allow replacement of existing antenna and installation of an additional ground-mounted utility cabinet and accessory equipment to an existing cell tower at 6205 Kelly Drive, Parkville, MO, parcel number 20-7.0-26-200-002-072-001, generally located southwest of 45 Highway and Bell Road in the Bell Road Industrial Park. Case PZ11-23. SSC Inc. on behalf of T-Mobile.

Cary deferred to staff. Director Ackerson stated that this application is very similar to the last one, in a different location. He added that there are two towers at this location, one being a lattice tower, the other a monopole. Ackerson stated that modifications are proposed to the lattice tower and added that the applicant also intended to upgrade the antennas with 4G capability. He said that as with the previous application, it is also pre-existing tower. He reviewed the application and stated that the changes would cause little if any visual impact to the surrounding area and any property owners, so long as the equipment maintained its neutrality and blends in with the existing tower.

In addition, provided was a tower analysis report by SSC, Inc. that indicated the proposed loadings showed minor overstressing (100.2%) to the cited standard (100%) and that staff recommended a girt/structural modification to bring the structure within the stress standards or the City consult a third party engineer to attest to the soundness of the structure or make recommendations on what needs to be done in order address the overstressing.

Staff recommended approval subject to meeting or exceeding the current standards and regulations of the FAA, FCC and other applicable state or federal regulations, appropriate building permits and the proposed antenna, equipment being of a light or neutral color and additional structural modifications as necessary to bring the improvements within the maximum allowable stress standards unless otherwise recommended by a qualified engineer following independent analysis of the tower. As with the prior application staff recommended no sunset on the approval as the tower is approved in perpetuity.

Cary asked if the third party would be provided by the applicant. Ackerson responded that the third party be hired by the City at the applicant's expense.

Secretary Cary opened the hearing to the public.

Justin Anderson, SSC Inc., applicant introduced himself to the Planning Commissions and asked if there were any questions.

Secretary Cary asked if Anderson understood the conditions to which Anderson answered that he did.

Commissioner Lock inquired to the difference in weight for the tower, which could be the cause of the overstressing. Anderson answered that the new antennas were 7' as opposed to the current 6'. Anderson also stated that his company would be happy to pay for the third party structural engineer report and would try to push the modifications until November instead of October.

Commissioner Tognascioli inquired as to the safety factor of anything over 100%. Mr. Anderson stated that anything over 105% was unacceptable. Discussion ensued and concern was expressed about exceeding the 100% standard even if only by a minor amount as submitted. Ackerson stated that no one on City staff was an expert on the federal standard cited, the structural integrity of the tower and that he was not qualified to interpret the study or concluded that exceeding the standard was acceptable or an acceptable industry standard. Discussion ensued about requiring the tower to be modified.

Commissioner Lock asked about the tower falling and would it be able to be rebuilt. Ackerson replied that if it were damaged over 50% of the cost to repair it, it would have to be rebuilt to today's code.

Seeing no one else from the public, Secretary Cary closed the public hearing.

Commissioner Ferguson moved to approve the application subject to all staff recommendations. Commissioner Lock seconded. Motion passed 3-2 with a voice vote as follows: Commissioners Lock, Ferguson and Cary, all ayes; Commissioners McRuer and Tognascioli, nay.

Item 4(C) A conditional use permit to allow replacement of existing antenna and installation of an additional ground-mounted utility cabinet and accessory equipment to an existing cell tower at 16205 Highway 45 Highway, Parkville, MO, parcel number 20-4.0-19-000-000-024-000, generally located south of 45 Highway west of Ensign Drive. Case PZ11-24. SSC Inc. on behalf of T-Mobile.

Secretary Cary deferred to staff. Director Ackerson stated this was similar to both previously reviewed applications in that modifications were being presented for a pre-existing tower. He stated that the recommendations were essentially the same in that the structure blends with the existing scenery, requires no further screening and has no modifications to the structure.

Ackerson called attention to the structural analysis submitted with the application, stating that the structural engineer preparing the report recommended the modification be made in accordance with the analysis. Ackerson recommended that all recommendations of the Structural Analysis for SBA Network Service Inc by FDH Engineering, Inc. dated and sealed August 19, 2011 be met as a condition of any approval.

Staff recommended approval subject to meeting or exceeding the current standards and regulations of the FAA, FCC and other applicable state or federal regulations, appropriate building permits and the proposed antenna, equipment being of a light or neutral color and meeting all recommendation of the structural analysis submitted. Ackerson added that usually with a conditional use permit, a time frame is allotted. In this case, staff was not recommending any such sunset as the towers are approved in perpetuity.

Cary opened the public hearing.

Justin Anderson, SSC, Inc. applicant stated that they agree to all staff recommendations.

Seeing no one from the public, Cary closed the public hearing.

Commissioner Tognascioli moved to approve the application subject to staff recommendations. Commissioner Ferguson seconded. Motion passed 6-0.

Item 4(D) Amendments to the adopted Park University Master Campus Master Plan to more specifically address projected and permitted uses in the Parkville Commercial Underground and to define athletic field signage. Case PZ11-11. Park University, applicant.

Secretary Cary deferred to staff. Director Ackerson stated that the P-EC (planned education campus) was adopted by the City of Parkville a couple of years ago to include specific regulations for educational campus setting. He added that when adopted, one of the components that were deferred was the campus signage plan. It came at a later date and was approved separately. The master sign plan component addressed the campus way finding plan.

Ackerson added that although there is only one application, there are two primary components. First, is to address the intent of the underground and added that when the master plan was adopted, it applied to above ground campus facilities and did not fully address Park University's underground.

Ackerson said that when the City regulations for underground usage were adopted years ago, they were more geared towards industrial usage and added that the language is more restrictive and geared towards industrial uses and doesn't address the underground portion of the campus for commercial uses and the applicant and staff would like to see this amended.

With regard to proposed sign regulations for the University, Ackerson explained that the adopted sign regulations primarily addressed way finding signage -- generally building signage, monument signage and signs directing traffic on the campus. There were no regulations for athletic signage, which should now be included. Ackerson stated that the discussion had come up in relation to the University's desire to put signage on the new track which had over \$350,000 in new improvements. He stated that this should include allowing the school's logo on the track and field portion along with temporary signs and banners, field marking for streets, including sponsorship programs. Ackerson also provided a brief power point presentation showing the application submitted including photos of the types of signs proposed. Ackerson addressed prior consideration of sponsorship signs for the University. His understanding was that a primary concern of the City and surrounding residents was the billboard like appearance if located along 9 Highway or directed at vehicles on 9 Highway. He summarized the language in the application and emphasized the stated intent to direct signage toward game participants and patrons on the field versus traffic on 9 Highway. Ackerson commented that the proposed regulations also a limited how long the signage could remain up so that it was not up year round.

Commissioner Lock asked if the changes would also address the scoreboard which is typically a public place to advertise. Ackerson responded that the City does not currently have sign regulations that apply well to a university setting and what was proposed was to treat the scoreboard as a commercial sign with additional consideration prior to approval. The applicant addressed the scoreboard stating they may wish to include their logo. Ackerson said is very much the norm with universities, but under Parkville code they cannot even include the school logo. They have proposed to adhere to City commercial sign regulations, so that height and area regulations would apply.

Commissioner Cary asked with regard to the first part of the application (permitted uses in the underground), is the applicant proposing new and different uses and was that what prompted these changes. Ackerson explained that many uses appropriate to the underground were not currently permitted because they were not light industrial in nature. Ackerson gave the example that under our current code the City does not allow auto sales lots, in part due to the visual impact on the community. The same impact does not exist in the underground. He stated the University had been approached by an internet based auto group who was interested in utilizing the underground for storing and showing the vehicles by appointment. Although this would have no more impact than other permitted uses, it was not permitted.

Commissioner Cary stated that related to the athletic field signage application, he was certain that this item had been visited and rejected by the Planning and Zoning Commission and the Board of Aldermen in the past and wondered why the Board did not approve it. Ackerson answered that it had been discussed prior to his being hired by the City in 2004. He had spoken with some Board members regarding this issue shortly after being hired and what he remembered being key issues was the visual impact on the surrounding neighborhood, signs being up permanently, the size of the signs and what was perceived to be unfair competition with local businesses. He was not aware if there had been an actual application or formal action.

Commissioner Lock asked if there were any other underground areas in Parkville. Ackerson replied that there was. One was currently being mined; the other is considered the academic underground. The one which is on application for consideration is the academic underground.

Secretary Cary opened the public hearing.

Paul Gault, Park University, clarified that the lower underground being mined is in the Bethany Falls strata of limestone and the academic underground is in the Argentine strata of limestone. He added that the lower Bethany Falls underground is about 91 feet below the Argentine.

Roger Hershey, Park University, stated that with regard to the underground, Park University had made significant changes. He added that they have hired a new leasing agent and they have new management. He also stated that the way finding project has been applied to both the surface as well as the underground.

Mr. Hershey added that the restructuring of the underground was twofold; compatibility with the university and safety. He said that he offices down there everyday. In addition, so does the Park Hill School District's maintenance and fleet as well as many other tenants. He added that Park University would like to partner as well with the Parkville EDC.

Commissioner Cary asked who was in charge of safety in the underground. Hershey replied that they work closely with permitting, the fire department, Parkville's police department, Platte County's police department and have their own public safety officers. He described routine inspections and analysis by the University's structural engineers.

Regarding the proposed sign regulations, Mr. Hershey explained that after the \$350,000 facelift to the track, it was brought to his attention that typically universities will have their logo or mascot on the track and field. After visiting with Director Ackerson it was clear that signage as approved would not allow for this, so Park is requesting that this be allowed. Park's main concern is that with the new track, the logo and mascot be allowed. In addition, the sponsorship programs and the need for recognition are fairly typical for colleges and universities.

Commissioner Cary asked if it was accurate to state that with regard to signage, the question is really just about emblems, logos and some signage around the fencing perimeters of the various fields with some occasional temporary banners. Mr. Hershey confirmed this. He also stated regarding the scoreboard, Park would like to add their logo and the school name. He stated that electronic scoreboards were expensive and that no plans currently exist to install one and spoke of the commitment to come before Planning & Zoning should that change.

Annette Hagan, 500 East Street, Parkville, MO asked for clarification that no electronic board of any kind would be going up. Director Ackerson confirmed. He explained that a year or two ago, the City adopted regulations for electronic messaging centers. These are allowed on a strict case-by-case basis only, but none was proposed with this application and the regulations did not include a provision for allowing one.

Jenni Glass, Executive Director, Parkville EDC stated that she was there to support Park University's proposed application. She and the Parkville EDC were excited for new jobs and new tenants and the opportunity for growth for current underground tenants.

Hearing no further comments, Cary closed the public hearing.

Ackerson explained to the Commission that they could vote on this as a single application in its entirety or break it out into components and take multiple votes on each component.

Commissioner Ferguson moved to approve as one single application as submitted and subject to staff recommended conditions. Commission Scott seconded. Motion passed 6-0.

Item 4(E) Amendments to Parkville Municipal Code, Title IV, Chapter 457, “U-I-1” Underground Light Industrial District, to redefine the district purpose, use regulations, development plan requirements and required improvements. Case PZ11-12. Park University, applicant.

Secretary Cary deferred to staff. Director Ackerson stated that this application was proposed to redefine the Underground Light Industrial District. Mr. Ackerson said that as it is now, the district is intended to allow light industrial uses, contrary to the intent of the adopted Parkville Master Plan and Park University Master Plan. He suggested that the first item would be to rename the district, second would be to redefine usage with regard to safety and compatibility, and third would be to redefine permitted uses to allow businesses based on performance, compatibility and safety versus naming specified uses.

Ackerson added that the other change is a conceptual plan requirement requiring enough detail to conclude that services can be provided to create a developable yet safe underground development. He stated that the plan would allow flexibility required to address future change.

Secretary Cary opened the public hearing.

Roger Hershey, Park University, Parkville MO stated that the university supports all changes and is very comfortable moving forward.

Cary closed the public hearing.

Commissioner Ferguson moved to approve Item 4(E) as submitted. Commissioner McRuer seconded. Motion passed 6-0.

Item 4(F) Amendment to Parkville Municipal Code, Title IV, Chapter 428, “P-EC” Planned Educational Campus District, to clarify the procedure for amending approved campus master plans. Case PZ11-13. City of Parkville, applicant.

Secretary Cary deferred to staff. Director Ackerson stated that when we adopted P-EC district language, it included procedures for amending approved site plans. Those same considerations were not addressed for approved campus plans, which is the reason for this amendment. This would create a process to address minor and major amendments to an approved campus master plan.

Currently, the procedure is to hold a public hearing on each and every amendment to the plan, regardless of the significance and then to approve revisions by ordinance. This was in part due to the adoption of the original master plan in conjunction with rezoning which requires an ordinance. In contrast, the regulations do not require a public hearing or approval of an ordinance to adopt the master plan in the first place, so changes should not be required to be made following a hearing and ordinance approval. Until there is a provision addressing how amendments are to be made, the City attorney has advised that the hearings be held to amend the original ordinance. Ackerson stated that for some major changes a public hearing might be necessary, but for others, less significant a procedure needed to be put into place. He stated the amendment defines what should be considered major changes and minor changes and how each would be treated as with the language addressing site plan changes.

Secretary Cary opened the public hearing.

Roger Hershey, Park University, stated that the university supports all changes as submitted and the flexibility that goes along with such changes.

Hearing no public comment, Cary closed the public hearing.

Commissioner Ferguson moved to approve Item 4(F) as submitted. Commissioner Lonnie Scott seconded. Motion passed. 6-0

ITEM 5. REGULAR BUSINESS

Items 5(A) Application for a Replat of Lots 17 – 22 and Tract D, Corrected Plat of Riverchase. Case PZ11-17. City of Parkville owner/applicant.

Secretary Cary deferred to Staff. Director Ackerson stated that this was a house cleaning issue in order to sell City owned property. He said that Riverchase was platted as a subdivision in the late 1980's. The City annexed this property so that could take place and at some point in the history of the subdivision, Wall Street is constructed and as development was started, components of the street started to fail. The section of Wall Street that failed abutted or restricted access to Lots 17, 18, 19, 20, 21 and 22 and Tract D. The City of Parkville purchased Lot 18 and the existing home on it, which at the time was the only structure at that stretch on Wall Street. Later, the City acquired the other affected lots. The City has owned and maintained those properties since that time. The property with the house has been uninhabited since around 2006. The road has been closed to the public.

For the past two years, the City has debated what to do with the property, and has concluded that it is wisest not to play developer. The property is zoned R-1. The covenants and restrictions require that it remain zoned single-family. The City is proposing to replat as a single lot, vacating the street right-of-way, closing all roads and hoping for a buyer to make it usable property.

Ackerson stated that there are two actions pending on this property, the first being a hearing for the Board of Aldermen on the vacation of Wall Street and the second being vacation of a drainage easement between Lots 17 and 18. Ackerson explained that any action tonight on the plat for approval would be subject to the Board vacating the right-of-way. In addition, the City has no interest in maintaining the drainage easement.

Commissioner McRuer asked about the house on lot 18 and if it would remain or would be torn down. Ackerson responded that at this time, it is unknown and to be determined at a later date.

Commissioner Tognascioli asked if the City purchased all of this property, do they have a feeling of responsibility to the City. Discussion ensued.

Commissioner Tognascioli inquired as to what responsibility the City would have to the public. Ackerson replied that full disclosure would be provided.

Commissioner Ferguson moved to approve the application subject to staff recommendations. Commissioner Lonnie Scott seconded. Motion passed 6-0.

Items 5(B) Application for a Final Plat of Platte Valley business Center, generally located on the north side of 9 Highway east of Coffee Road. Case PZ11-25. Dorla Watkins, Park University applicant.

Note: Item 5(B) was presented ahead of Item 5(A) due to Park University being the applicant and also being present in the audience. Director Ackerson stated that Item 5(A) was regarding a parcel of City owned property and should follow.

Secretary Cary deferred to staff. Director Ackerson stated that this was two unplatted parcels currently owned by Park University and that the southern parcel had an existing building (strip mall) located on it. The University leased land to the building owner, who would like to purchase property from the University. The plat created the parcel to be sold. The application proposed a 2.1 acre lot.

Staff reviewed the proposed plat against the subdivision regulations, with a couple of notations. Regulations required a 10' setback from the residential properties to the east and the surveyor had allowed for that. Subdivision regulations require at least 5' minimum dedication of utility easement along the rear of all plats, not providing alleys. The intent is to have 5' combined on each side of the property line for a total of 10'. Staff is recommending at least 5' along the rear and the minimum on the side yards as recommended by the Public Works Director.

Ackerson stated that Commissioner Tognascioli had inquired about the 5' easement requirement on the rear of the lot. Tognascioli thought that should be a 10' easement. Ackerson stated that he had tried to contact the surveyor as to whether a 10' utility easement would fit on the lot as proposed and was unable to speak with him, but added that he agreed with Commissioner Tognascioli and recommended making this a condition of approval, subject to the condition that it works.

Commissioner Tognascioli stated that he saw a problem with the road behind the lot and felt there needed more than 5' in order to repair or to make changes to utilities with getting any type of equipment in that space. Discussion ensued.

Roger Hershey, Park University, Parkville MO provided additional information with regard to the easement, and ingress and egress, explaining that the easement and road being discussed were not on the property in question. Commissioner Tognascioli stated his opposition and his belief that additional easements were needed.

Secretary Cary clarified that the ground was owned by Park University and that the building owner built the current building with a longtime lease/purchase agreement. This was confirmed by Mr. Hershey.

Commissioner Ferguson moved to approve the application subject to staff recommendations and setback conditions. Commissioner Lonnie Scott seconded seconded. Motion passed 5-1, all ayes with the exception of Commissioner Tognascioli.

ITEM 6. UNFINISHED BUSINESS

None

ITEM 7. OTHER BUSINESS

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

ITEM 8. ADJOURNMENT

Commissioner Tognascioli moved to adjourn. Commissioner Ferguson seconded. Motion to adjourn passed 6 -0.

Meeting adjourned at 8:03 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

10/10/11
Date

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Parkville Planning & Zoning Commission
Tuesday, October 11, 2011, 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 5:40)
Keith Cary, Secretary
Tony Tognascioli

Judy McRuer
Marvin Ferguson
Pam Scott
Bob Lock

Absent with prior notice:

Lonnie Scott

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Assistant City Clerk-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 published.

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

Item 3(B) Approval of Minutes from the May 10, 2011, August 9, 2011 and September 13, 2011 Planning and Zoning Commission Meetings.

Chairman Katerndahl asked for a motion to approve the minutes from the May 10, 2011, August 9, 2011 and September 13, 2011 meetings.

Commissioner Ferguson moved to approve the minutes as presented. Commissioner McRuer seconded. Motion passed 7-0.

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

Commissioner Pam Scott asked if any of the existing Officers were not interested in maintaining their current positions. Chairman Katerndahl stated he was happy to stay on as Chairman.

Director Ackerson stated that he had spoken with Vice Chairman Lamer and that he was still interested and Secretary Cary stated that he also was happy to continue on.

Commissioner Pam Scott asked if all were willing to stay on, then could they vote on them all at once. Ackerson replied they could.

Commissioner Pam Scott moved to elect all three officers to stay in their current capacity as elected officials to the Planning and Zoning Commission. Commissioner Ferguson seconded. Motion passed 7-0.

ITEM 4. PUBLIC HEARING

None.

ITEM 5. REGULAR BUSINESS

None.

ITEM 7. OTHER BUSINESS

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

Commissioner Pam Scott stated that a neighbor had brought to her attention that Channel 2 was having volume issues during the P&Z Meetings. Ackerson stated that it was a signal issue with Time Warner cable. He believed it to be specific to Channel 2 and stated that they were aware and working on it. He also made it known that all broadcasts are usually available the next day on the City's webpage.

Director Ackerson provided a brief update on current projects.

Marshall Dental Building: Ackerson stated that the contractor was in the process of obtaining a demolition permit and had been working with the Fire Department and MoDot for the remaining street issues. Ackerson added that the County had approved the shared parking condition.

Jimmy John's: Ackerson provided that when the construction company started tearing down the front portion of the new Jimmy John's site they found serious wood rot and termite damage and the contractor stated that a portion of the roof started to collapse. With the exception of the foundation, they have demolished the entire building. He added that the construction company will use the original pad. They opted to rebuild the building to previously approved plan standards, rather than bring in new plans. Ackerson said delays were given as the primary reason.

*Bryant Lamer arrived at 5:40 p.m.

Animal Hospital: Ackerson said that ground breaking for the project had begun on the Animal Hospital and they were getting ready for concrete.

English Landing Park: Commissioner McRuer asked about an English Landing Park update. Ackerson replied that the City has issued contracts for clean-up, grading, dead tree removal and work repairing and replacing the trails. Chairman Katerndahl asked if there was an opening date for the park. Ackerson replied it was to be determined. Commissioner Pam Scott asked if they were testing the trees, whether or not they looked dead. Ackerson replied that the Public Works Director is working with an arborist and added some of the trees that do not look dead now, will likely die. He also reported that there had also been considerable damage to trees by

beavers. Commissioner McRuer asked if the Corps of Engineers is responsible for replacing trees. Ackerson answered that the City hoped to receive money from FEMA, but was unsure at this point, as to whether replacement of vegetation is eligible for funding. He added that the City would be applying for all dollars that are possible. Commissioner Scott asked about the trees in the park for the future. Ackerson replied that Kirk Rome, Public Works Director will continue working with the arborist as some trees may die six months to a year in the future. We will also be carefully selecting replacement trees.

YMCA: Commissioner Scott stated that she had seen someone doing some type of surveying by the YMCA and wondered if there had been any updates. Ackerson stated that since that is so close to the new Dental Building being built it could have been for that, but added that Platte County's Brian Nowatny had been looking at the area for possible expansion. Chairman Katerndahl asked if there were an expansion, would it come before the P & Z Commission. Ackerson replied that since it was County property, it would not.

45 Highway: Director Ackerson stated that this project was moving along. He said that MoDot had completed the utility portion, had reduced the speed limit to 35 mph and had switched over to using part of the temporary lanes; he added it was still two-way traffic.

ITEM 8. ADJOURNMENT

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

Meeting adjourned at 5:52 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

10/12/11
Date

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Parkville Planning & Zoning Commission
Tuesday, November 8, 2011, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

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

ITEM 2. ROLL CALL

Members present:

Bryant Lamer, Vice Chairman
Pam Scott
Tony Tognascioli

Judy McRuer
Bob Lock

Absent with prior notice:

Dean Katerndahl, Chairman
Lonnie Scott

Keith Cary, Secretary
Marvin Ferguson

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Assistant City Clerk-Department Assistant
Tom Hustler

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 published.

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

Item 3(B) Approval of Minutes from the October 11, 2011 Planning and Zoning Commission Meeting.

Vice Chairman Lamer asked for a motion to approve the minutes from the October 11, 2011 meeting.

Commissioner Lock moved to approve the minutes as presented. Commissioner McRuer seconded. Motion passed 5-0.

ITEM 4. PUBLIC HEARING

None.

ITEM 5. REGULAR BUSINESS

Item 5(A) Application for a Planned District Development permit for exterior modifications to 173 English Landing Drive in the Old Town District. *Case PZ11-29. Tom Hutsler, applicant.*

Vice Chairman Lamer deferred to staff. Director Ackerson stated that this was an application to modify three sets of exterior doors by removing the existing wood doors and replacing them with commercial doors. He added that the existing wood doors have deteriorated and they do not have any glass or sidelights that would provide visibility into the building or for patrons exiting the building. The owner proposes to replace with commercial grade doors with single glass panes to improve visibility and reduce maintenance.

Commissioner Scott asked if the proposed doors would match the other doors in the Center.

Tom Hutsler, applicant stated that they would be very similar to the adjacent doors that currently exist.

The Commission agreed with Ackerson's conclusion that the proposed changes are consistent with the intent of the Old Town District Regulations.

Commissioner Scott moved to approve the proposed application. Commissioner McRuer seconded. Motion passed 5-0.

ITEM 6. OTHER BUSINESS

Director Ackerson provided a brief update on current projects.

45 Highway: Director Ackerson stated that this project was moving along and MoDot's contractor was working like crazy. MoDot had switched over to using part of the temporary lanes; he added it was still two-way, head to head traffic. Ackerson added that although this project was due to be completed in the spring of 2013, they hoped for an early ending in late 2012.

Marshall Dental Building: Ackerson stated that demolition had been completed, the former building was gone and the new construction was coming along.

Jimmy John's: Ackerson stated the project was moving along at a good pace.

Animal Hospital: Ackerson said that project was also moving along nicely.

Cider Mill in the National: Ackerson said we had received plans for new homes, which should be under construction soon.

English Landing Park: Director Ackerson stated that after inspection of the gazebo, it was determined that it would likely have to be removed. In addition, the bathrooms were badly damaged, both structurally and with heavy amounts of mold.

Vice Chairman Lamer asked how many trees have been lost. Ackerson answered many, maybe up to 100 have been lost so far due to flooding and beaver damage and the City was expecting to lose more.

Commissioner McRuer asked if the walking trails were open. Ackerson said not at this point. Commissioner Scott asked if they would be open for the Turkey Trot. Ackerson answered the City was hopeful to have that portion available for the Turkey Trot, but was not sure at the moment. He added that the City was trying to get the word out by putting signs up regularly at the park entrance to direct the public to our website and Channel 2 for updates.

Ackerson also informed the Commission that a fire took place in the Parks Department Building and an investigation was taking place in order to determine if it was a transformer or a possible lightning strike from the storm.

Future Applications: Director Ackerson stated that the Commission would have some additional cell tower applications and clarifications with regard to cell towers in the near future as well as City boundary clean up with MoDot in December and January.

Commissioner Scott inquired about the status of the concrete box that AT&T was to remove by the car wash. Ackerson stated that they were working on it diligently but it was taking longer than anticipated.

Vice Chairman Lamer announced upcoming Board of Aldermen meeting dates and upcoming Planning and Zoning meetings as well as the Holiday party for elected and appointed officials and city staff on December 1, 2011.

ITEM 7. ADJOURNMENT

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

Meeting adjourned at 5:45 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

11/15/11
Date

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Parkville Planning & Zoning Commission
Tuesday, December 13, 2011, 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
Tony Tognascioli

Judy McRuer
Marvin Ferguson
Lonnie Scott

Absent with prior notice:

Bryant Lamer, Vice Chairman
Bob Lock

Keith Cary, Secretary

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Assistant City Clerk-Department Assistant
Jenni Glass, Parkville EDC 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 published.

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

Item 3(B) Approval of Minutes from the November 8, 2011 Planning and Zoning Commission Meeting.

Chairman Katerndahl asked for a motion to approve the minutes from the November 8, 2011 meeting.

Commissioner Pam Scott moved to approve the minutes as presented. Commissioner McRuer seconded. Motion passed 6-0.

ITEM 4. PUBLIC HEARING

Item 4(A) A conditional use permit to allow installation of additional antenna and base equipment on an existing cell tower at 6200 Kelly Drive, Parkville, MO, parcel number 20-7.0-26-200-002-072-000, generally located southwest of 45 Highway and Bell Road in the Bell Road Industrial Park. Case PZ11-30. Sprint, applicant.

Chairman Katerndahl opened the public hearing and deferred to staff. Director Ackerson stated that this was another conditional use permit, similar to several others that had been proposed in the past few months before the Commission. He added that this was proposed to be on a smaller, pre-existing monopole located on Kelly Drive. He added that the cell tower was constructed prior to 1997 and was therefore was not subject to the existing regulations except as applied to new antenna and equipment.

Ackerson added that the applicant would like to add equipment and antennas to the existing structure. He noted that the proposed equipment height was well under the maximum height allowed by code and that the new equipment would not exceed maximum stress levels for the tower. He stated that any additional equipment would need to remain neutral in color and that additional landscaping would be necessary to further screen these additions from view from the south. Staff recommended approval subject to conditions stated in the staff report submitted.

Commissioner Tognascioli asked for additional information on the analysis regarding the max stress levels. Ackerson explained the levels were well under the maximum.

Commissioner Pam Scott asked if the capacity analysis is after the structural additions. Ackerson confirmed this.

Commissioner McRuer asked if this was similar to the prior 4G modifications. Ackerson explained that is was the same, but different company's had different verbiage.

Director Ackerson stated that he had been contacted by a residential property owner in the townhomes around the structure regarding additional landscaping and had informed such resident that it would be made a condition of approval.

Commissioner Tognascioli moved to recommend approval of the proposed application subject to staff recommended conditions. Commissioner McRuer seconded. Motion passed 6-0.

Item 4(B) An amendment to Parkville Municipal Code, Title IV, Chapter 467, Height, Area and Bulk Requirements, to establish side-yard setbacks for non-residential uses in the "R-4" Multiple-Family Residential District. Case PZ11-31. City of Parkville, applicant.

Chairman Katerndahl deferred to staff. Director Ackerson stated that this was basically a housekeeping issue. He said that while doing research on another project, it was noted that the R-4 District allows non-residential uses, but did not include any setbacks for those uses as it did for residential uses. He added that the code currently calls for 5-10 ft. setbacks for all residential uses. Ackerson felt this was an oversight in the code and that this amendment would correct it. He said this was required in all other districts and should include the R-4 district as well.

Commissioner Pam Scott asked if there were a specific application on the books to which this would apply. Ackerson stated that there was none.

Chairman Katerndahl asked what if this was church to church rather than house to house or house to church, how would this apply to non-residential to non-residential. He suggested that the setback should be required regardless of use. Ackerson stated that was a good point and the Commission suggested the language be changed to "for any" use, residential or non-residential instead of residential only.

Commissioner Scott moved to recommend approval of the proposed amendment subject to modification of the verbiage as suggested. Commissioner McRuer seconded. Motion passed 6-0.

Chairman Katerndahl closed the public hearing.

ITEM 5. REGULAR BUSINESS

None

ITEM 6. UNFINISHED BUSINESS

None

ITEM 7. OTHER BUSINESS

Director Ackerson provided a brief update on current projects.

Jimmy John's: Ackerson stated that this was going well and fast and they hoped to open before the end of the year.

Animal Hospital: Ackerson said that the masonry had gone up really quick and they were making good progress.

Dental Building: Also going very well, demolition was complete and they were already pouring concrete.

Permits: Director Ackerson stated that the Community Development Department had received several building permits for homes to be built in Thousand Oaks, The National and Riss Lake.

45 Highway: Ackerson stated that this project had been moving along at a good pace and MoDot's contractor was pouring when able but are preparing for the winter at this point. Ackerson added that although this project was due to be completed in the spring of 2013, they hoped for an early ending in late 2012.

English Landing Park: Commissioner McRuer asked if the park was closed for the winter except for the portion of the trail that was utilized for the Turkey Trot. Ackerson confirmed that was the case at this point.

ITEM 8. ADJOURNMENT

**Commissioner Ferguson moved to adjourn. Commissioner Lonnie Scott seconded.
Motion to adjourn passed 6-0.**

Meeting adjourned at 5:55 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

12/14/11
Date

Information on these items is maintained at Parkville City Hall and is available for viewing during normal office hours. Planning and Zoning 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.