

Parkville Planning & Zoning Commission
Tuesday, January 10, 2012, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

Chairman Katerndahl called meeting to order at 5:39 p.m.

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Keith Cary, Secretary
Judy McRuer
Tony Tognascioli

Bryant Lamer, Vice Chairman
Pam Scott
Lonnie Scott

Absent with prior notice:

Bob Lock

Marvin Ferguson

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Assistant City Clerk-Department Assistant
Jenni Glass, Parkville EDC Director
Mayor Richardson
Alderman McManus

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.

Vice Chairman Bryant moved to approve the agenda as published. Commissioner Lonnie Scott seconded. Motion passed 7-0.

Item 3(B) Approval of Minutes from the December 13, 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 7-0.

ITEM 4. PUBLIC HEARING

Item 4(A) Application for a Planned District Development permit to allow construction of a Medical Clinic on Lot K in the Parkville Commons, Parkville, MO, generally located at the northwest corner of the intersection of Highway 9 and Clark Avenue. *Case PZ11-32. NCH Enterprises, LLC., applicant.*

Chairman Katerndahl opened the public hearing for Lot K in the Parkville Commons. Ackerson deferred to the applicant representative.

Chris Williams, Vice President for Briarcliff Realty introduced the team on for Project Fred, so named due to confidentiality. Mr. Williams stated that this was a 16,100 sq. ft. state of the art, revolutionary medical facility, which was related to the master plan when it was originally developed. A quick summary provided information such as immediate client interaction where no waiting is involved. In addition, all rooms would include temperature controlled patient/client rooms and a state of the art food demo kitchen. Mr. Williams added that they would like to begin earthmoving and utility installation on February 1, 2012 with a scheduled move in date of July 12, 2012.

Mr. Williams stated that originally plans called for a building of over 20,000 sq. ft. He said that it had been reduced down to 16,100. He added that this would be an iconic facility, not only for Parkville, but the entire area, in that it would provide one-on-one client interaction, where there would be no waiting rooms like typical facilities.

A parking exhibit was provided, which identified on and off-site parking. This parking exhibit showed that no parking spaces from the YMCA or the retail shops in the Parkville Commons would be utilized or needed for the amount of parking spaces required.

Michelle Kiehl, AECOM Technical Services, provided more detail with regard to staff parking, visitor parking, greeting area rather than a waiting area, patios and gathering areas that are more conducive to healing.

Ms. Kiehl added that based off the applicant's needs, 30-36 parking spaces would be required, all of which are included in the actual site. In addition, there are 17 shared spaces available. She added that in the previous month's workshop, the team had provided several conceptual plans, and then confirmed that these are the actual plans. She stated that there are a lot of warm, natural materials with green spaces, gardens, cedar siding, etc.

Ms. Kiehl added that the staff recommendations were good, sound decisions and they agreed with all of staff's suggestions and fully intends to meet those conditions as development is progressing.

Commissioner Pam Scott inquired as to what type of doctors would be practicing out of this facility. Ms. Kiehl answered that it would be internal medicine and family practice.

Commissioner Scott added that the landscaping as proposed was wonderful and asked if it were possible that we would lose some of that as development progressed. Ms. Kiehl provided that if anything, there would be more landscaping than what was currently proposed.

Commissioner Scott noticed that there were offices located on the second floor of the structure and was curious as to whether or not patients would be treated on the second level as well. Kiehl stated that the upper level was for administration only and that only the first floor would be for patient services.

Commissioner Tognascioli asked if the entire facility were sprinklered. Ms. Kiehl stated that it was.

Commissioner Tognascioli inquired about the location of utilities and wondered where the equipment room would be located. Ms. Kiehl answered that those plans were still being developed. Tognascioli asked if office space would be omitted for utilities or if the building would become larger in order to accommodate. Kiehl answered that the size would stay the same and that some of the utilities could be located on the roof of the facility, with perhaps a roof hatch for access.

Tognascioli asked if a generator would be necessary or if ambulatory care would be permitted. Ms. Kiehl answered that no generator or ambulatory care would be on site.

Commissioner Tognascioli asked about the kitchen that would be onsite and if grease traps, vents or hoods would be required. Kiehl stated that it would be more like a home kitchen for demos on proper cooking and eating techniques for people who have health issues such as diabetes.

Commissioner Tognascioli talked about the development plans, elevation issues, roof plans, etc. Director Ackerson stated that applicant's are not required to submit floor plans, electrical plans or other internal details and typically do not submit full blown architectural plans. These full blown plans are for the Fire Marshall, Building Official and other City staff to determine if they are compliant with the adopted codes. The plans that have been provided are to mainly give the intent of the building, show materials and ensure that the design and layout meet the district requirements.

Commissioner Pam Scott added that she does not want to see discrepancies. The builder should keep with the submitted materials and keep the proportions as provided. Scott inquired as to how green the building was. Ms. Kiehl stated that as this point she does not know the exact percentage but stated that the building would meet LEED certifications.

Parkville Public Works Director, Kirk Rome stated that he had met with the traffic engineer today and explained that the traffic study had been delayed a bit due to the holidays. MoDOT prefers not to conduct such studies during holiday period so that a true study is made, so it was not included with the application, although completed it had not yet been submitted to us.

Commissioner Scott asked if we could include language that will require that the landscaping meet or beat what is being proposed tonight. Ackerson replied that could also be a subject to consideration.

Vice Chairman Lamer suggested that the Community Development Department be allowed to conduct their business according to code and give them full right to see that all is implemented to the code.

Kirk Rome suggested that the City of Parkville require additional ROW for a southbound right turn lane on 9 Highway at Clark for future improvements.

Commissioner McRuer asked if traffic lights would be required. Public Works Director Rome stated that the traffic study did not warrant traffic lights.

Vice Chairman Bryant moved to recommend approval of the proposed application subject to staff recommended conditions and added the condition of landscaping being equal or greater to what has been submitted while maintaining quality as well as quantity. Commissioner Lonnie Scott seconded. Motion passed 6-1 with a voice vote with Commissioner Tognascioli voting against the application.

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 they had opened last week.

Animal Hospital: Ackerson said that they were making good progress.

Dental Building: Also going very well.

Tank Farm: Work getting started.

Residential Development: 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.

Chairman Katerndahl announced the dates for future meetings.

ITEM 8. ADJOURNMENT

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

Meeting adjourned at 6:38 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

01/17/12
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.

Parkville Planning & Zoning Commission
Tuesday, April 10, 2012, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

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

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Keith Cary, Secretary
Judy McRuer
Tony Tognascioli

Bryant Lamer, Vice Chairman
Pam Scott
Bob Lock (arrived 5:35)

Absent with prior notice:

Lonnie Scott

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Assistant City Clerk-Department Assistant
Others in the audience

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

Item 3(B) Approval of Minutes from the January 10, 2012 Planning and Zoning Commission Meeting.

Chairman Katerndahl asked for a motion to approve the minutes from the January 10, 2012 meeting.

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

ITEM 4. PUBLIC HEARING

Item 4(A) 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 PZ12-02. Erin Lane, agent, on behalf of SBA Towers III, LLC.

Chairman Katerndahl opened the public hearing.

Chairman Katerndahl deferred to staff regarding a conditional use permit. Director Ackerson stated that the application would seem to be a very familiar application as there was an almost identical application for this same tower last year. Ackerson provided a summary for the application on behalf of Sprint and added as this was a public hearing; all notices were published and sent to property owners within 185 feet of the tower. He added that the applicant wished to remove and replace six existing antenna with three new LTE antennas, three 1 ½ inch cables and to replace three ground mounted cabinets with two new cabinets.

Ackerson stated that s primary consideration was when the tower was built. This tower was built prior to November 12, 1997, so only the equipment being added would be considered due to this being a pre-existing, non conforming tower. Ackerson stated that another primary consideration is the design and the structural stability of the tower. Ackerson added that a sealed structural analysis by an engineer had been provided and concluded that the tower and the proposed improvements meet the applicable requirements. Staff is recommending approval subject to conditions included in the staff report.

Commissioner Scott asked about the structural engineer's report that states the tower components are at 102.3%. Ackerson replied that the applicant was here and could possibly provide more information.

Commissioner McRuer asked about the 99 year lease. Director Ackerson answered that by explaining that on the application is a question that requires the applicant to provide an answer for the requested length of a permit and this tower is approved in perpetuity with the recommendation of approval with no sunset.

Sherri Edwards, 12431 Cambridge Circle, Leawood, Kansas, representative for Sprint, stated that the structural analysis allows between 105%-107% to be considered a passing grade. She explained that this was an industry standard and does not jeopardize safety. Commissioner Scott stated that the engineer requested that the equipment be installed behind the antennas in order for the tower to be structurally sufficient and that the empty mounts must be removed prior to the installation of the proposed loading and wondered how that happened. Ms. Edwards confirmed that report would be given to the construction manager prior to any work starting. Ms. Edwards added that the equipment was designed to be placed behind the antennas.

Commissioner Lock asked what the 100% actually meant. Ms. Edwards stated that was the ideal number. Commissioner Lock stated that the range doesn't cap out at 100% but at a factor above that due to weight. Ms. Edwards confirmed.

Commissioner Scott asked if the structural engineer actually inspected the tower. Ms. Edwards stated that the engineer is usually the one to conduct the inspection or a representative from the company can do it as well.

Commissioner McRuer asked if the City of Parkville has any liability for the tower. Ackerson responded that question had been asked a lot, but said we have to rely on the structural analysis being prepared and sealed by a qualified engineer were responsible for the report. We also rely on all inspections being made as required. In addition, the engineers use the original structural designs, site inspections, what is there now and make adjustments for ice and wind loads. Commissioner Scott asked who was responsible for the maintenance on the tower. Ms. Edwards stated that SBA was responsible for the maintenance. Discussion ensued.

Seeing no one else, Chairman Katerndahl closed the public hearing.

Commissioner Scott moved to recommend approval of the proposed application as submitted subject to staff recommendations. Vice Chairman Lamer seconded. Motion passed 7-0.

ITEM 5. REGULAR BUSINESS

Item 5(A) Modification to a building in a “B-4” Planned Business District to allow an addition and alterations to the back of the existing Platte Valley Bank, 8401 Tom Watson Parkway (45 Highway), Parkville, MO. *Case PZ12-03. John Kramer, Copeland Development and Construction on behalf of Platte Valley Bank.*

Chairman Katerndahl deferred to staff. Director Ackerson explained this was an application for a modification to Platte Valley Bank. Currently, the bank has a sunken back patio behind the bank and the plans are to enclose the area with an upper and lower level. The details include using similar materials and colors to make the new area look as if it were part of the original building. Staff reviewed the modification and found it substantially consist with the rest of the building. The plans show four additional parking spaces to be added, but the applicant has recalculated the amount of parking needed and there is a possibility that those four spaces will not be needed. Staff is asking for the authorization to determine if they are or are not needed and approve administratively, as such. Staff also reviewed the impact on neighboring properties and determined there would be no impact.

Staff also determined there would not be any impact to pedestrian traffic, however, a sidewalk is proposed across the back of the property where there was none before, so pedestrian circulation will be improved.

Ackerson stated that no landscaping plan was submitted as the applicant plans to work around the current landscaping. Staff requested to add the caveat that if substantial landscaping was not preserved, the applicant would replace landscaping with new materials following submittal of a landscape plan and approval by the Community Development Director.

Commissioner McRuer moved to recommend approval of the proposed application as submitted, subject to staff recommendations. Commissioner Tognascioli seconded. Motion passed 7-0.

ITEM 6. UNFINISHED BUSINESS

None

ITEM 7. OTHER BUSINESS

Chairman Katerndahl announced the dates for future meetings.

Commissioner McRuer asked when new elected officials take office. Ackerson explained that the new Board of Aldermen and Mayor would take office on April 17, 2012. Ackerson add that the P&Z would have one or two vacancies to be filled and after that P&Z would have elections once we know who will be serving.

Director Ackerson provided a brief update on current projects.

Medical Facility: Director Ackerson stated the new medical facility was moving forward at a rapid pace.

Animal Hospital: Exterior is near completion and interior is moving at a very good pace.

Dental Building: Moving concrete today and expect it to move along very quickly.

Residential: Ackerson said that we have 3 or 4 plats coming from Thousand Oaks and added that we are seeing significant increases in single family building permits in Riss Lake and The National.

Pedestrian Connection: There will be a trail that will be constructed this year from 9 & 45 Highway, south into downtown.

45 Highway project: Director Ackerson stated that this project was going very well and MoDot expects to have it complete in 2012 rather than the previously declared 2013. He added they would be quickly moving into the “ugly phase” of this project with some street closures and no turning in some areas.

English Landing Park: Director Ackerson stated that the opening for the park was scheduled for April 12, 2012 with a ribbon cutting ceremony to coincide with Arbor Day.

Commissioner Scott asked if we had any idea how many trees were lost and if more loss was expected. Ackerson stated that about 100 trees had been lost and that it could be some time before we know if more of them will be lost.

ITEM 8. ADJOURNMENT

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

Meeting adjourned at 6:10 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

04/17/12
Date

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**Parkville Planning & Zoning Commission
Tuesday, May 8, 2012, 5:30 p.m.
City Hall Boardroom**

Minutes

ITEM 1. CALL TO ORDER

Vice Chairman Lamer called the meeting to order at 5:36 p.m.

ITEM 2. ROLL CALL

Members present:

Bryant Lamer, Vice Chairman
Pam Scott
Judy McRuer
Tony Tognascioli
Lonnie Scott

Absent with prior notice:

Dean Katerndahl
Keith Cary

Absent:

Bob Lock

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Assistant City Clerk-Department Assistant
David Barth, Applicant

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

Item 3(B) Approval of Minutes from the April 10, 2012 Planning and Zoning Commission Meeting.

Vice Chairman Lamer asked for a motion to approve the minutes from the April 10, 2012 meeting.

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

ITEM 4. PUBLIC HEARING

None

ITEM 5. REGULAR BUSINESS

Item 5(A) Application for a preliminary plat of Thousand Oaks Eighteenth Plat. Forest Park Development of Kansas City LLC. Case No. PZ12-05.

Vice Chairman Lamer deferred to staff. Director Ackerson explained the exhibits and provided some background on both applications for 5A and 5B. He explained that the City of Parkville annexed a portion of Thousand Oaks that is in the corporate limits in 2001. As part of that annexation, under an agreement with the County that agreed to allow that portion in Parkville to remain under the less restrictive “R-7” standards that were in place in the County at the time rather than Parkville’s “R-3”, which are close in nature, but are not the same. The agreement set out that if there were ever any conflicts between the codes or variances that Parkville would amend its code to reflect that in the agreement. In 2004, Parkville approved what would be known as Thousand Oaks Estates preliminary development plan for that portion to be in Parkville. Ackerson added that most of the subdivision is in the County with the exception of the 12th Plat and now some of these new additions in the 18th Plat. He also said that in 2004, a variance was approved for the side yard setbacks to the County “R-7” code of 6 1/2’, rather than Parkville’s 10’ side yard setbacks for all existing lots in Thousand Oaks that are located in Parkville.

Director Ackerson stated that there were two applications presented this evening that were both related to the above-mentioned agreement for Thousand Oaks between Parkville and the County. He said that 5A was a new application for a preliminary plan for Thousand Oaks, Eighteenth plat. He stated that this was an extension of a recent approval in the County of the 17th plat and this was just an extension into the cul-de-sac of the 18th Plat, which is in Parkville. Ackerson stated that the property was still zoned County-Agriculture District and that when all of these properties were annexed back in 2001, they were never rezoned. One condition of any approval of this application is that these properties be rezoned to the “R-3” Single-Family Residential District in accordance with the annexation agreement.

Specific to the preliminary development plan, staff reviewed the plan for consistency with the original preliminary development plan, with the other phases in Thousand Oaks, the consistency with the “R-3” zoning district and the City’s adopted subdivision regulations and found that the application met all standards with the exception of the side yard setbacks.

Ackerson added that all utility providers had reviewed and indicated the ability to serve the development. He added that there were not any improvement plans and that those would be reviewed by the Public Works Director, following consideration of the preliminary plat. Staff recommended approval subject to staff conditions as presented (and included in the staff report submitted) and any other conditions that the Planning & Zoning Commission deem necessary.

Vice Chairman Lamer asked with regard to paragraph 2, a settlement agreement is mentioned and asked Director Ackerson if this approval would be in compliance with that agreement. Ackerson confirmed that it would be.

Commissioner McRuer asked if that applied only to side yard setbacks. Ackerson confirmed and added that was the only deviation from the R-3 district regulations. Ackerson stated that the front and rear yard setbacks were per our regulations. Commissioner Pam Scott asked

what the City's regulations for front and rear yard setbacks are. Ackerson explained that for the "R-3" District, it was a 25' rear yard, a 7,500 minimum lot area, a 25' front yard and 10' side yards.

Commissioner Tognascioli stated he thought the City's regulations for a front yard was 30'. Ackerson confirmed it was 25' for the "R-3" District. Discussion ensued regarding whether the City's minimum setbacks were equal to those required by the City and whether they were adequate. Discussion ensued as to whether the Commission could require a deeper setback than the minimum required by code.

Commissioner Pam Scott asked if both applications needed to be voted on separately. Ackerson stated that they should be taken separately due to the fact this application would not go to the Board of Alderman but the following application would.

David Barth, 6014 N. 9 Hwy, applicant, stated that they try to maintain "clustering". He stated that they have no control over differences between the City and the County regulations, but stated they are not building an inferior product. He stated they wanted a well built neighborhood that maintained consistency throughout the subdivision. He gave the example of inconsistency between City and County street lighting standards -- the City wanted to install different lights than those that were already installed and they worked through it.

He added that they have maintained the 6.5' side yard setback throughout the subdivision (both City and County portions). Mr. Barth added that there was a lot of building on the hills and felt a 25' front yard setback is sufficient. Mr. Barth added that it was 11.4 acres with 18 lots. He said that normally the density would be higher at 2.4-2.8 lots per acre. With the "clustering" where everyone backs to green ways, this development is about 1.4 per acre.

Commissioner Pam Scott asked if they build right up to the 6.5' line. Mr. Barth responded that sometimes they do, although it's pretty rare. Ackerson explained that the home plans rarely have single-plan elevations, and that although a corner of a home will often be at the setback line, it is not common to find an entire wall built to the setback.

Commissioner McRuer asked if the front yard was 25', could you still fit two vehicles in the driveway without blocking the driveway. Mr. Barth responded that probably not, but to keep in mind that these are all 3 car garage homes and the City's zoning is the required 25', which we are adhering to, while most subdivisions in Parkville have 2 car garages and the same required 25' set back. Director Ackerson advised that City parking standards require 18'-19' in depth to accommodate a single vehicle and that increasing to 30' feet would not accommodate any additional vehicles. The 25' depth was in part based on the need to accommodate a single vehicle depth in the driveway.

Commissioner McRuer asked what the average square footage of these homes was. Mr. Barth answered that they were between 2,800-3,200 square feet as was common to the rest of the development.

Commissioner Lonnie Smith moved to recommend approval of the proposed application as submitted, subject to staff recommendations. Commissioner Pam Scott seconded. Motion passed 5-0.

Item 5(B) Application for a final plat of Thousand Oaks Fifteenth Plat. Forest Park Development of Kansas City LLC. Case No. PZ12-07. Unless tabled, Board of Aldermen will consider on 5-15-12.

Vice Chairman Lamer deferred to staff. Director Ackerson explained that this application was in a different location within the Thousand Oaks subdivision. He stated that the preliminary plan for the 15th Phase was approved in 2006. This item is for the final plat and is slightly different in that the lots have been reduced from 43 to 37, which is an elimination of the Eagle Lane cul-de-sac. Ackerson continued that this was mostly still the same layout and summarized that 21.32 of the 36.67 acres would be open space.

Ackerson said this plat has already been zoned R-3 in 2006, the preliminary plan was also approved with conditions in 2006 and such conditions have been met. Staff has reviewed all and stated that it meets all requirements and standards. No new covenants and restrictions are required. This would simply need to be added to the current covenants and restrictions and that the Public Works Director has approved the Road and Stormwater Improvement Plans, grading plans and plans for the dam on Tract B.

Commissioner McRuer inquired if the same square footage would be applicable. Mr. Barth confirmed. Vice Chairman Lamer stated the only difference appeared to be getting more open space.

Commissioner Lonnie Scott moved to recommend approval of the proposed application as submitted, subject to staff recommendations. Commissioner Pam Scott seconded. Motion passed 5-0.

ITEM 6. UNFINISHED BUSINESS

None

ITEM 7. OTHER BUSINESS

Director Ackerson stated that the City had been having discussions regarding paperless meetings and stated a need to reduce the amount of paper that the City is sending out. He added that generally, we would like to experiment in sending some of the materials out in pdf format and would appreciate any feedback to make sure that this is working prior to going with electronic copies only. Commissioner Pam Scott confirmed that the pdf's would be sent directly to the Commission and that they would not be directed towards a website for information.

Vice Chairman Lamer announced the dates for future meetings.

Director Ackerson provided a brief update on current projects as follows.

45 Highway project: Director Ackerson stated that this project was going very well and that S. Crooked Road and Bell Road were currently closed but expected to reopen by May 16th. The next phase to be closed will be S. National Drive and ½ of the roundabout for 30 days, then N. National and ½ of the roundabout for 30 days, then N. Crooked Road. MoDOT still expects to have this project complete before the end of the year, weather permitting.

Medical Facility: Commissioner Pam Scott said that she had noticed that there was no construction fence around the project and stated her concerns. Director Ackerson said that he was unaware at this time that there was a requirement for it, but would check into it. All of the commission stated their surprise at how fast this project was moving forward.

Animal Hospital: Director Ackerson stated that this project was near completion.

Dental Building: Director Ackerson provided that this project was slowing down a bit (delayed until steel beam arrived), but that progress was still being made.

Pedestrian Connection: Commissioner Pam Scott asked about the status on this trail connection. Ackerson answered that the contract for design and construction approval was on the next Board of Aldermen agenda.

Vice Chairman Lamer acknowledged that Tony Tognascioli would not continue to serve on the Commission after his term expired and thanked him his service. All agreed.

ITEM 8. ADJOURNMENT

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

Meeting adjourned at 6:18 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

05/14/12
Date

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Parkville Planning & Zoning Commission
Tuesday, July 10, 2012, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

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

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Pam Scott
Judy McRuer

Bob Lock
Keith Cary, Secretary
Lonnie Scott

Absent with prior notice:

Bryant Lamer, Vice Chairman

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Assistant City Clerk-Department Assistant
Mayor James Brooks
Walt Lane
David Barth, Applicant

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

Item 3(B) Approval of Minutes from the May 8, 2012 Planning and Zoning Commission Meeting.

Chairman Katerndahl asked for a motion to approve the minutes from the May 8, 2012 meeting.

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

ITEM 4. PUBLIC HEARING

Item 4(A) Application to rezone 11.48 acres from County “AG” Agricultural District to City “R-3” Single-Family District (Thousand Oaks 18th Plat). Forest Park Development of Kansas City LLC. Case No. PZ12-08. Unless tabled, Board of Aldermen will consider on 7-17-12.

Chairman Katerndahl opened the public hearing and deferred to staff. Director Ackerson stated that this application was submitted in conjunction with agenda Item 5A, Thousand Oaks Eighteenth Plat, Final Plat. He asked that the following be entered into the record:

- A. Ackerson’s staff analysis dated July 3, 2011
- B. Area map showing approximate location of the subject property
- C. A copy of the proposed Thousand Oaks Eighteenth Plat, Final Plat last dated May 4, 2012 (reference copy included with Agenda Item 5A)
- D. A copy of the letter of notice mailed certified mail to property owners within 185 feet of the subject property
- E. Ordinance CA 39 approved November 6, 2001, and the attached Settlement Agreement with Forest Park Development, LLC dated November 13, 2001
- F. Additional exhibits as may be presented at the public hearing
- G. The Parkville Municipal Code including Title IV, Zoning Code, including but not limited to Chapters 420, “R-3” Single-Family Residential District Regulations and 483, Changes and Amendments
- H. The Platte County Zoning Regulations, including but not limited to Section 400.130, “AG” Agricultural District, by reference

Ackerson summarized the application as an 11.48 acre extension of Thousand Oaks into the City limits of Parkville and stated that it was currently zoned AG and is proposed to be rezoned to R-3. The project abutting the 17th Plat which was recently approved by Platte County and created 18 new single-family residential lots and 2.93 acres of open space along an extension of 61st Street into the Parkville corporate limits.

Ackerson summarized considerations from his staff report and the settlement agreement from 2001 between the City of Parkville and the Thousand Oaks development. Ackerson stated that staff had reviewed this application in conjunction with the Parkville Master Plan, the zoning code, the subdivision regulations, the original development plan, and the settlement agreement. He stated that Public Works Director Kirk Rome found that the application met all requirements.

Ackerson stated that public notices had been posted and that notice was given to all home owners within the 185 foot designation and no responses either for or against the development had been received.

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

Commissioner Pam Scott moved recommend approval of the application. Commissioner McRuer seconded. Motion passed 6-0.

Item 4(B) Application to rezone 6,130 square feet from County “R-7” Single-Family High Density District to City “R-3” Single-Family District (annexed portion of Thousand Oaks 13th Plat Phase A). Forest Park Development of Kansas City LLC. Case No. PZ12-09. Unless tabled, Board of Aldermen will consider on 7-17-12.

Chairman Katerndahl opened the public hearing and deferred to staff. The application proposes rezoning a small triangular section of land containing approximately 6,130 square feet. Director

Ackerson explained that the application was proposed as a condition of approval of the Thousand Oaks 13th Plat, Phase A. The Plat extended NW 60th Court diagonally into the Parkville Corporate limits. The subject property is part of the newly created Lot 614 and a portion of the 60th Court right-of-way which is in unincorporated Platte County. The Plat was approved with the condition that the subject property be annexed and rezoned to a City district. The annexation was approved by the Board of Aldermen on June 19, 2012.

He asked that the following be entered into the record:

- A. Ackerson's staff analysis dated July 3, 2011
- B. Area map showing approximate location of the subject property
- C. A reduced copy of Exhibit "A" for Annexation dated April 27, 2012 including the legal description of the property proposed to be rezoned and depicting said property
- D. A reduced copy of the approved Thousand Oaks 13th Plat Phase A, showing the property in relation to the approved plat
- E. A copy of the letter of notice mailed certified mail to property owners within 185 feet of the subject property
- F. Ordinance CA 39 approved November 6, 2001, and the attached Settlement Agreement with Forest Park Development, LLC dated November 13, 2001
- G. Additional exhibits as may be presented at the public hearing
- H. The Parkville Municipal Code including Title IV, Zoning Code, including but not limited to Chapters 420, "R-3" Single-Family Residential District Regulations and 483, Changes and Amendments
- I. The Platte County Zoning Regulations, including but not limited to Section 400.210, "R-7" Single-Family High Density District, by reference

Director Ackerson explained that the property was currently zoned County R-7 and that the closest City zoning district is R-3. He explained that the rest of the 13th Plat, Phase A is zoned R-3, as is all other portions of Thousand Oaks single family development in Parkville. This is also consistent with a 2001 settlement agreement in which the City agreed to zone that portion of Thousand Oaks in the City to a district no more restrictive than the County R-7 zoning district.

Ackerson said that all property owners had been notified and notices published as required. He said that two calls had been received enquiring whether multi-family development was allowed under the R-3 zoning. Director Ackerson confirmed that R-3 zoning would only allow single family residential uses.

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

**Commissioner Lonnie Scott moved to recommend approval of the application.
Commissioner Lock seconded. Motion passed 6-0.**

ITEM 5. REGULAR BUSINESS

Item 5(A) Application for a final plat of Thousand Oaks Eighteenth Plat. Forest Park Development of Kansas City LLC. Case No. PZ12-06. Unless tabled, Board of Aldermen will consider on 7-17-12.

Chairman Katerndahl deferred to staff. This application was submitted in conjunction with agenda item 4A. Director Ackerson stated the Commission had approved the preliminary plat of Thousand Oaks 18th two months ago (Case PZ12-05 was approved by the Planning Commission on May 8, 2012) and this application was for the final plat. He summarized the application as a continuation of the Thousand Oaks subdivision and the extension of 61st Street

into the Parkville corporate limits. The plat includes 18 new single-family residential lots and 2.93 acres of open space on approximately 11.48 acres.

He asked that the following be entered into the record:

- A. Ackerson's staff analysis dated July 3, 2011
- B. Final Plat application submitted by owners
- C. Area map showing approximate location of the subject property
- D. A copy of the proposed Thousand Oaks Eighteenth Plat, Final Plat prepared by Aylett Survey & Engineering Co. and last dated May 4, 2012
- E. A reduced copy of the Preliminary Plat approved by the Planning Commission May 8, 2012 - prepared by Aylett Survey & Engineering Co. and last dated May 4, 2012
- F. A reduced copy of the Thousand Oaks 17th Plat dated March 1, 2012 showing where the plat would connect to the east
- G. Additional exhibits as may be presented at the public hearing
- H. The Parkville Municipal Code including Title IV, Zoning Code, including but not limited to Chapters 420, "R-3" Single-Family Residential District Regulations
- I. The Parkville Municipal Code including Title V, including but not limited to Chapters 505, Subdivision regulations
- J. The previously submitted Staff Analysis and Report on the preliminary plat of Thousand Oaks Eighteenth Plat, prepared by Sean Ackerson May 4, 2012 and submitted for the May 8, 2012 Planning Commission meeting
- K. Ordinance CA 39 approved November 6, 2001, and the attached Settlement Agreement with Forest Park Development, LLC dated November 13, 2001 (copy provided with agenda items 4A and B)

Ackerson explained that the City of Parkville annexed a portion of Thousand Oaks, including the subject property in 2001. As part of that annexation, the City entered into a settlement agreement with the property owner Forest Park Development. In the agreement, the City agreed to allow the property to develop under the regulations that are no more restrictive than the County "R-7" regulations in place at that time. The agreement set out that Parkville would amend its code to reflect that in the agreement where necessary. Ackerson explained that the City "R-3" district regulations are similar but not exactly the same. The primary difference between the City and County codes are that the City codes require a 10 foot minimum side-yard setback and the County requires a 6.5 foot side-yard setback. Accordingly, the City approved a variance in 2004 to allow that portion of Thousand Oaks in Parkville to develop with 6.5 foot side-yard setbacks.

Ackerson explained that in 2004, the Planning Commission approved what would be known as Thousand Oaks Estates preliminary development plan for that portion of Thousand Oaks located in Parkville. Staff reviewed the proposed 18th Plat for consistency with the original preliminary development plan, with the other phases in Thousand Oaks, the "R-3" zoning district and the City's adopted subdivision regulations and found that the application met all standards with the exception of the side yard setbacks. Since the property is not yet zoned R-3, any approval must be conditioned on approval of the rezoning proposed in agenda item 4A.

Ackerson added that all utility providers had reviewed and indicated the ability to serve the development and noted that the Public Works Director is reviewing the Road and Stormwater Improvement plans and the Grading and Erosion control plans and that the Platte County Sewer District had received and reviewed the sewer plans which would be considered for approval on July 11, 2012 and that approval of this application would be subject to approval of those plans.

Commissioner Pam Scott asked about the pie shaped lots and wondered whether they would be wide enough. She expressed concern with that with a 20 foot width required for the driveway

the developer be required to build the homes farther back on the lots and little green space would be left. Director Ackerson replied that all of the lots meet the required minimum lot width which is measured at the front building line not at the street frontage.

Commissioner Lonnie Scott moved to recommend approval of the proposed application, subject to staff recommendations (approval of the rezoning application to “R-3” Single Family Residential District; final approval of the road and stormwater improvement plans, and grading and erosion control plans by the Public Works Director; final approval of the sewer plans by the Platte County Regional Sewer District; final approval of any other applicable improvement plan by the appropriate service provider / entity; and Planning Commission reconsideration of any substantial changes in the final plat resulting from the above plan approvals). Commissioner McRuer seconded. Motion passed 6-0.

ITEM 6. UNFINISHED BUSINESS

None

ITEM 7. OTHER BUSINESS

Director Ackerson provided a brief update on current projects as follows.

Mosaic Life Care Facility: Director Ackerson stated that the medical facility east of City Hall had their inspections completed and if not open now, would be very shortly. Commissioner McRuer asked if the medical facility was certified green. Ackerson responded that he did not think that it was, but that it had many green elements. He added that he would find out and report back. Commissioner Pam Scott said that when the project was approved, she did not think they were going for LEED Certification.

Animal Hospital: Director Ackerson stated that this project was completed and they were open for business and that this was a very nice facility.

Dental Building: Director Ackerson stated that progress was still being made.

Permits/Miscellaneous: Ackerson added that there were a number of single family permits, much of them in the Thousand Oaks Subdivision. He added that staff was working on a number of text amendment changes as well as some additional clean up of sign regulations and other elements implementing objectives from the Master Plan. In addition, at the next Board of Aldermen meeting, the Mayor would be making reappointments and filling vacancies.

Empty Animal Clinic: Commissioner Pam Scott asked if anything new was going on with the empty animal clinic. Director Ackerson stated that he had been contacted by a potential buyer but that nothing is official yet.

45 Highway project: Commissioner Pam Scott asked the status of this project. Ackerson replied that it should be completed by the end of the year, still ahead of the 2013 deadline.

Tank Farm: Chairman Katerndahl asked how the tank farm was coming along. Director Ackerson answered that staff had been actively working with them and added that they have just about completed all the improvements and have requested inspections for occupancy and had been working on a checklist. Discussion ensued.

English Landing Park: Commissioner Pam Scott stated that she noticed another tree dying in the park and asked if the trees were being monitored. Ackerson stated that they were, but considering the drought, they were doing all they can and a lot of work is currently going into the park.

Pedestrian Connection: Commissioner Pam Scott asked about the status on this trail connection. Ackerson answered that a consultant had been hired and is currently in the design process.

ITEM 8. ADJOURNMENT

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

Meeting adjourned at 6:05 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

08/03/12
Date

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Parkville Planning & Zoning Commission
Tuesday, September 11, 2012, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

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

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Judy McRuer
Walt Lane

Bryant Lamer, Vice Chairman
Bob Lock
Kelly Fricker

Absent with prior notice:

Pam Scott
Keith Cary

Lonnie Scott

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Assistant City Clerk-Department Assistant
Nan McManus, Alderman
John Marshall
Bob Campbell

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

Item 3(B) Approval of Minutes from the July 10, 2012 Planning and Zoning Commission Meeting.

Chairman Katerndahl asked for a motion to approve the minutes from the July 10, 2012 meeting.

Commissioner McRuer moved to approve the minutes as presented. Vice Chairman Lamer seconded. Motion passed 6-0.

Item 3(C) Recognition of reappointment of Pam Scott and appointments of new members Walt Lane and Kelly Fricker.

Chairman Katerndahl recognized the reappointment of Pam Scott to the Planning & Zoning Commission and welcomed new member appointments of Walt Lane and Kelly Fricker.

Item 3(D) Election of Officers for 2012 - 2013.

Vice Chairman Lamer nominated Keith Cary for Vice Chairman. Commissioner McRuer seconded. Seeing no other nominations, Keith Cary was elected Vice Chairman by acclimation 6-0.

Commissioner McRuer nominated Dean Katerndahl for Chairman. Commissioner Lamer seconded. Seeing no other nominations, Dean Katerndahl was elected Chairman by acclimation 6-0.

Commissioner Lamer nominated Bob Lock for Secretary. Commissioner McRuer seconded. Seeing no other nomination, Bob Lock was elected Secretary by acclimation 6-0.

ITEM 4. PUBLIC HEARING

None

ITEM 5. REGULAR BUSINESS

None

ITEM 6. UNFINISHED BUSINESS

None

ITEM 7. OTHER BUSINESS

Chairman Katerndahl announced the dates for future meetings.

ITEM 8. ADJOURNMENT

Commissioner McRuer moved to adjourn. Commissioner Lamer seconded. Motion to adjourn passed 6-0.

Meeting adjourned at 5:38 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

09/12/12
Date

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Parkville Planning & Zoning Commission
Tuesday, October 9, 2012, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

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

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Judy McRuer
Walt Lane
Lonnie Scott

Keith Cary, Vice Chairman
Bob Lock, Secretary
Bryant Lamer

Absent with prior notice:

Pam Scott

Kelly Fricker

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Assistant City Clerk-Department Assistant
John Marshall
Bob Campbell

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 McRuer moved to approve the agenda as published. Secretary Lock seconded. Motion passed 7-0.

Item 3(B) Approval of Minutes from the September 11, 2012 Planning and Zoning Commission Meeting.

Chairman Katerndahl asked for a motion to approve the minutes from the September 11, 2012 meeting.

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

ITEM 4. PUBLIC HEARING

None

ITEM 5. REGULAR BUSINESS

None

ITEM 6. UNFINISHED BUSINESS

Item 6 (A) Application for a preliminary development plan in a B-4 District – Lot 1 Box Acres, North Crooked Road. J-J Properties Company, LLC, owner. Case PZ12-11.

Chairman Katerndahl deferred to staff. Director Ackerson summarized the application and exhibits submitted for consideration and his review, findings and recommendations from his staff report dated October 6, 2012.

Jim Marshall, 5209 NW Crooked Road, Parkville, MO stated that the previously approved plan was for two single story buildings. He added that this plan provided a 59.6% building reduction of that plan, that 9,300 square feet of open space had been added, the lot coverage has been decreased by 57%, parking reduced by 73%, 16% of green space was added and that the previously approved set back of 48 ft. had been increased to 63 ft.

Mr. Marshall added that the traffic has been reduced considerably since there is only a 2,400 square foot office space with some ancillary space in the back. A traffic study was completed and approved with the original plan for 21,800 square feet of offices. Mr. Marshall believed this use would generate much less traffic. He stated that someone had questioned whether tractor trailers had room to turn in to the sight and that he submitted drawings prepared by a traffic engineer demonstrating that adequate room was given for truck access. He stated that there would be a tractor trailer delivery on occasion, but according to the proposed business owner, Mr. Kirk Plumb, large trucks would only access the site when a construction site was not ready to receive materials or when a “short stack” of materials was needed onsite. He stated traffic from large trucks would be very rare since most materials were delivered directly to the construction sites and it cost more to deliver them to this site then haul them to the construction site.

Director Ackerson stated that the traffic study completed for the prior plan concluded that separate southbound right- and left-turn lanes were needed on Crooked Road at 45 Highway. Ackerson added that these improvements had since have been constructed as a result of the 45 Highway widening and it was not foreseen that any other off-site improvements would be needed.

Commissioner Lane enquired as to what would restrict the current owner from selling this property to a different type of business that could have more traffic and a greater impact on surrounding properties. Mr. Marshall replied that a condition of approval was that upon presentation of the final development plan, no changes could be made without first coming to the Planning & Zoning Commission for approval. Ackerson stated that within the B-4 District any change in use would require prior approval.

Commissioner McRuer moved to approve this application subject to staff’s recommendations. Secretary Lock seconded. Motion passed 7-0.

ITEM 7. OTHER BUSINESS

Director Ackerson provided updates on various projects throughout the City.

Chairman Katerndahl announced the dates for future meetings.

ITEM 8. ADJOURNMENT

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

Meeting adjourned at 6:12 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

10/23/12
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.

**Parkville Planning & Zoning Commission
Tuesday, November 13, 2012, 5:30 p.m.
City Hall Boardroom**

Minutes

ITEM 1. CALL TO ORDER

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

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Judy McRuer
Walt Lane

Keith Cary, Vice Chairman
Lonnie Scott
Bryant Lamer

Absent with prior notice:

Pam Scott

Bob Lock, Secretary

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Assistant City Clerk-Department Assistant
Andrea Bough, City Attorney

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

Item 3(B) Approval of Minutes from the October 09, 2012 Planning and Zoning Commission Meeting.

Chairman Katerndahl asked for a motion to approve the minutes from the October 09, 2012 meeting.

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

Director Ackerson announced that Kelly Fricker, with regret, had resigned her position on the Planning & Zoning Commission citing that her current obligations would make it difficult to continue to serve effectively.

ITEM 4. PUBLIC HEARING

Director Ackerson addressed a housekeeping issue, stating that the City had previously advertised a public hearing regarding a conditional use permit to allow dwelling units / living quarters as an accessory use at 6205 Kelly Drive, 6309 Kelly Drive and 9300 NW 63rd Street in an Industrial District. Ackerson stated that after the notice was sent, it was determined that the request did not meet the definition for a dwelling under our code and therefore no hearing was needed. He asked that the record reflect that the hearing was canceled.

Item 4(A) Amendments to Parkville Municipal Code, Title IV, Chapters 400: *General Provisions*, 410: *"R-1" Single-Family District Regulations*, 415: *"R-2" Single-Family Residential District Regulations*, 420: *"R-3" Single-Family District Regulations*, 425: *"R-4" Multiple-Family Residential District Regulations*, 426: *"R-5" Planned Multi-Family Residential District Regulations*, 427: *"TND" Traditional Neighborhood Design District*, 428: *"P-EC" Planned Educational Campus District*, 430: *"B-1" Neighborhood Business District Regulations*, 435: *"B-2" General Business District Regulations*, 440: *"B-4" Planned Business District Regulations*, 442: *"OTD" Old Town District*, 443: *"B-P" Business Park District Regulations*, 445: *"I-1" Light Industrial District Regulations*, 450: *"I-2" Light Industrial District Regulations*, 455: *"I-3" Heavy Industrial District Regulations*, 457: *"U-I-1" Underground Light Industrial District Regulations*, 460: *Vehicle Parking*, 463: *Sign Code*, and 470: *Supplementary Use Regulations -- Conditional Uses*; and to consider a new Chapter 472: *Regulations Governing Adult Businesses*. Said amendments are proposed to define adult business uses, identify in which zoning districts adult businesses are permitted, prohibited and conditionally permitted, and to identify parking, signage and other regulations applying to adult businesses.

Chairman Katerndahl opened the public hearing and deferred to staff.

Director Ackerson stated that the subject amendment is proposed to define adult business uses, identify in which zoning districts adult businesses are permitted, prohibited and conditionally permitted, and to identify parking, signage and other regulations applying to adult businesses. He summarized work completed by the Board of Aldermen on a adult business licensing ordinance adopted November 6, 2012.

Ackerson introduced City Attorney, Andrea Bough, who helped write the Ordinance to explain further and to answer any questions the Commission may have. Ms. Bough stated that adult businesses or certain aspects of adult businesses were protected by the first amendment free speech clause and added that cities are limited in their capacity to regulate them. She summarized the City's right to regulate adult businesses to protect the public health, safety and welfare from secondary impacts associated with adult businesses. She referenced and summarized several studies identified the proposed text amendment and their conclusions about secondary impacts of adult businesses.

Commissioner Lane questioned whether the percentage of merchandise recommended was an absolute minimum. City Attorney, Andrea Bough stated they were based on best practices and consultation with national experts. She explained that there were no national thresholds, but that the numbers were based on those percentages generally upheld by the courts. She also clarified that the amendments were in accordance with state legislation adopted in 2012.

Lane questioned how the regulations would apply to any existing businesses. Director Ackerson stated that it was not appropriate to discuss application to any specific business as advised by legal counsel.

Director Ackerson referenced the recently adopted adult business licensing ordinance. He stated that much of the zoning regulation proposed was taken from the licensing ordinance and needed to be repeated in the zoning code. He called attention to sections he had highlighted in the licensing ordinance and summarized how they would apply in the zoning code if adopted. He explained that generally, the amendment would prohibit adult businesses in all districts except the general business, planned business and light industrial district, where they could be permitted by a conditional use permit. He summarized changes to address parking, signage and other conditions to be met.

Chairman Katerndahl asked if there was an advantage to adult businesses only being allowed to be the primary use. Director Ackerson explained that adult businesses fell into three primary categories: retail, entertainment, and service. Each has different secondary impacts and disallowing adult businesses as accessory uses would help the City better regulate those secondary impacts. Discussion ensued.

Ackerson explained the intent of the 1,000 foot minimum separation between two adult businesses. He referenced the secondary impact studies and a conclusion that concentrations of adult businesses had greater secondary impacts, thus the requirement for the separation.

Commissioner Cary asked if someone had applied for an adult business license. Director Ackerson stated that the City has had inquiries over the years. He stated that in recent review of our ordinances the City discovered their adult business regulations had not been updated since 1994 and were not compliant with recent legislative updates. He stated the City had never adopted zoning regulations that addressed adult businesses.

Chairman Katerndahl referenced proposed Section 472.030, and asked if the language intended to only require a 1,000 foot setback from uses inside the City limits? Ackerson stated that he read the language to only apply to separation from residential uses. Ms. Bough stated it was not intended to apply to only uses in Parkville. Katerndahl suggested clarifying the intent and changing the language if appropriate.

Katerndahl questioned whether "obscene or indecent" as used in the proposed Section 472.040 needed to be defined. He recommended defining the terms if advised by legal counsel. Discussion ensued.

Commissioner Lamer suggested approving subject to analysis as recommended or defined by Legal Counsel, if advised.

Commission Cary moved to approve Item 4A subject to analysis as recommended or defined by Legal Counsel, if advised. Commission McRuer seconded. Motion passed 6-0.

Item 4(B) Amendments to Parkville Municipal Code, Title IV, Chapters 410: "R-1" Single-Family District Regulations, 415: "R-2" Single-Family Residential District Regulations, 420: "R-3" Single-Family District Regulations, 425: "R-4" Multiple-Family Residential District Regulations, 426: "R-5" Planned Multi-Family Residential District Regulations and 470: Supplementary Use Regulations -- Conditional Uses to identify permitted, prohibited and conditionally permitted uses in residential districts.

Director Ackerson asked that this item be postponed. He added that most of the language was from 1963 and needed to be reviewed and rewritten.

Commissioner Lamer moved to postpone this item. Commissioner Scott seconded. Motion passed 6-0.

ITEM 5. REGULAR BUSINESS

None

ITEM 6. UNFINISHED BUSINESS

None

ITEM 7. OTHER BUSINESS

Director Ackerson provided updates on various projects throughout the City.

Chairman Katerndahl announced the dates for future meetings.

ITEM 8. ADJOURNMENT

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

Meeting adjourned at 6:18 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

11/14/12
Date

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Parkville Planning & Zoning Commission
Tuesday, December 11, 2012, 5:30 p.m.
City Hall Boardroom

Minutes

ITEM 1. CALL TO ORDER

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

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Judy McRuer
Walt Lane

Kelly Fricker
Lonnie Scott

Absent with prior notice:

Keith Cary, Vice Chairman
Pam Scott

Bob Lock, Secretary
Bryant Lamer

Also present:

Sean Ackerson, Assistant City Administrator-Community Development Director
Tracy Sisney, Assistant City Clerk-Department Assistant
Tony Borchers, The National

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

Item 3(B) Approval of Minutes from the November 13, 2012 Planning and Zoning Commission Meeting.

Chairman Katerndahl asked for a motion to approve the minutes from the November 13, 2012 meeting.

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

ITEM 4. PUBLIC HEARING

Item 4(A) Amendment to consider a conditional use permit to allow an accessory dwelling unit on Lot 11, the National 12th Plat. *PZ12-15, Double Eagle Builders (the National)*

Chairman Katerndahl opened the Public Hearing and deferred to staff. Community Development Director Ackerson stated that this application proposed a new single-family structure similar to others in this area referred to as “carriage homes”. He added that this was a Conditional Use permit for an Accessory Dwelling Unit (ADU). Ackerson stated that in 2010 Parkville amended its zoning code to allow ADU’s. Per the amendment, family members or nursing/caregivers would be allowed to occupy an ADU if approved. He added that it does not change the zoning of the property; it would still remain a single-family district. He stated that the single-family district already permitted family members and nursing/caregivers to live in the home. Approving an ADU would simply allow these same individuals or the home owner to live in a separate unit on the same property. He noted that per the code, the home owner must live in the primary or accessory unit.

Ackerson provided a brief summary of the reports/exhibits and gave information on the primary considerations of public interest, adverse affects, off-street parking and necessary safeguards. Director Ackerson provided that there were no apparent public health, safety, morals or general welfare issues, there were no adverse affects as a family member would be living in the quarters, and with regard to parking, code required 3 on-site parking spaces, one of which must be enclosed and noted that the proposed plan called for 3 enclosed parking spaces. Finally, staff recommended approval subject to the following recommended conditions:

- Complying with Section 415.080, *Accessory Dwelling Unit Regulations*;
- Complying with all applicable parking regulations;
- Complying with all applicable building codes; and
- Any other condition deemed necessary by the Planning & Zoning Commission or Board of Aldermen.

Commissioner McRuer asked if there were any square footage requirements. Ackerson answered that there were minimum square footage requirements, but these had been met without issue.

Chairman Katerndahl asked if the Planning Commission had previously approved any ADU’s. Ackerson answered that it had, but the home was never built. He added that the carriage homes were designed for potential use as ADU’s, but were used mainly as office spaces or in some instances “mancave’s”.

Tony Borchers, Director of Development for The National, 8870 NW 63rd Street, Parkville, MO 64152 stated that he agreed with the staff report provided and added that this is what The National had envisioned in the late 1990’s. He stated that current demographics and the economy made this option more desirable as children were graduating college with less job prospects and parents were becoming older and moving in with their children. He said that this application would be a mother-in-law quarters.

Hearing no further questions and no one coming forward from the public, Chairman Katerndahl closed the public hearing.

Commissioner McRuer moved to approve Item 4A subject to staff recommendations. Commissioner Scott seconded. Motion passed 5-0.

ITEM 5. REGULAR BUSINESS

Item 5(A) Planned District Development permit for change of use and exterior modifications in the Old Town District, 404 East Street. *PZ12-16, French Bee Bakery*

Chairman Katerndahl deferred to staff. Director Ackerson stated that this was a change in use request for what was previously known as Cuts by the River located on the west side of East Street, between 4th and 5th Street. The site is zoned Old Town District. Ackerson said this application was for a change in use, to allow a restaurant, an alternative parking plan and minor exterior modifications.

Ackerson stated that the applicant wants to relocate her catering business, the French Bee Bakery, to the site; she currently shares a kitchen in Hawthorne House. She would like to expand her business to allow for pick up onsite and to provide pastries, sandwiches and similar items to be purchased and consumed on-site. Ackerson stated that the use would be similar to the old River Rock Coffee Shop.

Director Ackerson gave a brief summary of the staff report and exhibits, noting the OTD regulations, design guidelines and parking regulations. He stated that restaurants and bakeries were approved uses in the district, and although not expressly listed, catering had been previously permitted as an equivalent use.

With regard to parking, the Municipal Code requires 1 space per 10,000 square feet of gross floor area, requiring 13 spaces for this use. Ackerson stated that there were 8-9 dedicated spaces on site. Immediately north of the site, were 2-3 on-street parking spaces that were not dedicated to the site, but could be used when vacant. In addition, Ackerson summarized an email from Todd DeMint from Meyers Funeral Home stating that the French Bee Bakery could use the funeral home's parking lot which was located immediately south of the proposed restaurant. Ackerson concluded that this combination would provide more than adequate parking for the proposed use. He mentioned a similar alternative parking plan was previously approved for the Local, a small café previously located at 307 Main Street.

Director Ackerson stated that the business owner would like to do minor modifications to the exterior of the building, such as painting and reusing the previously attached shutters and adding a door where a window now exists. The applicant mentioned long term improvements for a small patio with outdoor seating but Director Ackerson suggested that plans for the patio be approved by the Planning Commission separately.

Ackerson added that a mid-January opening date was proposed.

Ackerson recommended approval of the proposed change in use, alternative parking plan and exterior modifications as proposed, with the exception of the future patio modifications. He recommended approval of the future patio modifications subject to approval of final details by the Planning Commission.

Commissioner Scott moved to approve Item 5A subject to staff recommendations. Commissioner McRuer seconded. Motion passed 5-0.

ITEM 6. UNFINISHED BUSINESS

Director Ackerson stated that last months agenda included a proposed text amendment which has since been removed from consideration. He stated the item would be re-advertised and brought back for consideration in early 2013.

ITEM 7. OTHER BUSINESS

Director Ackerson provided updates on various projects throughout the City.

Chairman Katerndahl announced the dates for future meetings.

ITEM 8. ADJOURNMENT

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

Meeting adjourned at 6:10 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

12/12/12
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.