

**Minutes of the
Planning & Zoning Commission Meeting
Of the
City of Parkville, Missouri
Tuesday February 10, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Dean Katerndahl called the meeting to order at 7:35pm.

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman
Keith Cary, Vice Chairman
Doug Krtek
Walt Lane
John Delich
Bryant Lamer
Judy McRuer
Doug Wylie

Absent with prior notice:

Pam Scott

A quorum of the Planning Commission was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Alysen Abel, Public Works Director

3. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl called for any discussion on the approval of the proposed agenda. Hearing none, Chairman Katerndahl asked for a motion to approve the proposed agenda. **Commissioner Lamer moved to approve the agenda, Commissioner McRuer seconded. Motion passed 8-0.**

B. Welcome new Commissioner Doug Wylie.

Chairman Katerndahl welcomed new planning member Doug Wylie to the Commission and also said a farewell to Commissioner Bob Lock which has been newly appointed to fill a vacancy on the Board of Aldermen.

C. Approve the minutes from the December 9, 2014 Planning and Zoning Commission regular meeting.

Chairman Katerndahl called for any discussion on the Minutes. Hearing none, Chairman Katerndahl asked for a motion to approve the minutes. **Commissioner Lamer moved to approve the minutes, Commissioner Delich seconded. Motion passed 8-0.**

4. PUBLIC HEARING

A. Application to amend Parkville Municipal Code Chapter 404, Floodplain Management, to amend the existing floodplain management regulations, including the adoption of new Flood Insurance Rate Maps and the corresponding Flood Insurance Study. Case PZ15-05, City of Parkville, applicant

Community Development Director Sean Ackerson explained that The City of Parkville participates in the federal floodplain management program and regulates the development and activities within designated flood hazard areas. These regulations are adopted in Parkville Municipal Code Chapter 404, *Floodplain Management*, which was last updated in 2000. The regulations reference separate Flood Insurance Rate Map (FIRM) panels which delineate 100-year floodplains, floodways and other flood hazard areas. These adopted panels were last updated over 35 years ago and are known to have limited accuracy.

Ackerson stated that The Federal Emergency Management Agency (FEMA) is in the process of remapping floodplains across the United States. Updated technology has allowed significantly more accurate flood plain mapping. The new maps show the location of both the floodplain and floodway on single map panels making hazard determinations easier (previously shown on separate panels). The new maps are also available in digital form and Platte County intends to make the delineations available through their County GIS mapping viewer.

Ackerson explained that public meetings were advertised and held in Parkville and Platte County to allow property owners and other interested parties to review the preliminary maps. In 2011, a formal three-month appeal period was provided to allow citizens the opportunity to appeal flood plain locations on these preliminary maps. Few comments were received from property owners in Parkville and the surrounding area since the majority of the changes were neutral or beneficial to the owners. These comments or appeals were reviewed by FEMA on a case by case basis and amendments were made where FEMA determined they were appropriate.

In October 2014, FEMA notified Platte County and the City that the new maps had been published and would become effective April 2, 2015. The City was given six months from that date to adopt the required floodplain ordinance updates. In November 2014, the City received the final maps and was authorized to proceed. In December 2014, City, County and staff from other jurisdictions in Platte County met with FEMA and Missouri State Emergency Management Agency (SEMA) members for training on implementation and further direction on adoption of the updates.

The required amendments to Chapter 404 included only minor updates to our existing regulations including adopting the new FIRM panels and the supporting Flood Impact Study by reference. The changes do not change the enforcement or intent of these regulations.

Ackerson added that with the exception of properties where floodplain and floodway boundaries have changed, the adoption does not change the flood insurance rates. Flood insurance rates have been increased recently, but are established separately and are not affected by the City's adoption of the regulation updates. Instead, adoption makes Parkville property owners eligible to buy federal flood insurance (whether they are located within the floodplain or not). Failure to adopt the required text amendments would result in suspension and ultimately removal from the program, disallowing Parkville property owners from buying federal flood insurance.

Ackerson recommended approval of the text amendments and the referenced FIRM panels and Flood Insurance Study as submitted. He noted that his recommendation was made without knowledge of facts and testimony which may be presented during the public hearing.

Chairman Katerndahl asked for any discussion from the commissioners prior to opening the public hearing. Hearing none Chairman Katerndahl asked for any discussion from the public concerning the application. No one from the audience spoke.

Chairman Katerndahl called for a motion to approve the Parkville Municipal Code Chapter 404, Floodplain Management, to amend the existing floodplain management regulations, including the adoption of new Flood Insurance Rate Maps and the corresponding Flood Insurance Study. Commissioner Lamer moved to approve subject to the staff recommendations. Commissioner McRuer seconded. Motion Passed 8-0.

- B. An application to rezone a 3.259 acre site containing and existing communications tower located at 15510 Highway FF, Parkville, Missouri 64152, also known as Platte County Parcel # 20-9.0-31-000-000-002.002, from County "AG" Agriculture to City "I-2" Light Industrial or other more restrictive City district. Case PZ15-04, BMW Towers, LLC, owner**

The rezoning application was discussed and considered in conjunction with the associated agenda item 4C below.

- C. An application for a conditional use permit for modification of an existing cell tower on 3.259 acres located at 15510 Highway FF, Parkville, Missouri 64152, also known as Platte County Parcel # 20-9.0-31-000-000-002.002. Case PZ15-01, BMW Towers, LLC, owner**

Community Development Director Sean Ackerson stated that the applicant is seeking approval to add antennas and supporting equipment for Verizon Wireless at the existing height of 160 feet, and approval to expand the tower to a height of 230 feet at a future date if needed. Per Parkville Municipal Code, Chapter 471, *Regulations*

Governing the Installation and Operation of Telecommunication Antennas and Towers, Section 471.040, A, a conditional use permit is required for “the construction of a tower or the placement of an antenna in all zoning districts.” Prior to approving a conditional use permit the site must also be rezoned to a City district. The site is currently zoned County “AG” Agricultural district which was retained upon annexation by the City. The City cannot issue permits under the existing County zoning so the applicant had proposed to rezone the property to City “I-2” Light Industrial District.

Ackerson also explained that it should be noted that the site is currently only accessible by a one-lane bridge over Brush Creek. The bridge was approved in 2001 in conjunction with the County’s approval of the tower. The bridge was privately constructed to County standards and is maintained privately by the tower owner with an agreement that the bridge can be used for pedestrian access to County trails and parkland if developed along Brush Creek. Persons maintaining the cemetery north of the tower site have also been allowed to use the bridge to access the site.

The bridge was built to hold the weight of a fire truck and per the structural reports is suitable for limited access by construction and pedestrian vehicles necessary to modify the tower if the additional antennas are approved. However, to ensure safety, prior to any construction it must be verified that all vehicles are within the weight limit of the bridge.

Ackerson stated the rezoning application had been reviewed against the City of Parkville’s City Codes, including the applicable I-2 zoning district regulations, and the City’s adopted Master Plan, including the adopted Future Land Use Plan. The conditional use permit had also been reviewed against the applicable City codes and prior approvals by Platte County. Per Parkville City Code, notices of public hearing had been published, surrounding property owners were notified via certified mail and a sign advertising both hearings was posted on the subject site as required.

With regard to the proposed rezoning to “I-2” Light Industrial District, staff concluded that: the proposed I-2 zoning is out of character with the surrounding zoning and could adversely impact the character of the area; the site is not suited to the existing zoning if any modifications or further development are to be allowed which is not permitted with rezoning to a City zoning district; removal of the restrictions could affect nearby properties but would be reasonably more limited with a more restrictive zoning designation; an I-2 zoning could adversely affect the public’s health, safety and welfare, while a more restrictive zoning designation than I-2 could allow development with less impact to the public and while not imposing a significant hardship on the property owner; some uses permitted in the proposed I-2 district could adversely impact public infrastructure while a more restrictive zoning could reduce that impact; and the proposed I-2 zoning is not consistent with the City’s Master Plan projections, but a more restrictive residential zoning projection would be.

Staff recommended approval of a zoning district change to the City’s most equivalent zoning district, “R-1” Single Family District in lieu of the proposed “I-2” Light Industrial District.

With regard to the proposed conditional use permit, staff concluded that: the new antenna, equipment and related modification will have little, if any additional impact on surrounding properties; the landscaping, screening and security requirements are met with existing improvements and with recommended conditions. The tower components and foundation had been found to be structurally sufficient by a licensed structural engineer; the proposed 230 foot tower height cannot be permitted as proposed, but the height can be approved up to the maximum permitted height of 180 feet without significant impact to the surrounding properties or area.

Ackerson stated that follow submittal of the staff report, it had been pointed out by the applicant that the requirement for an irrevocable letter of credit or bond to guarantee removal of the tower if abandoned may be in conflict with limitations placed on municipal regulation of communication towers by the Missouri "Uniform Wireless Communications Infrastructure Deployment Act." Ackerson stated that it appeared the applicant was correct, but wanted confirmation from the City attorney prior to deleting the recommendation. He recommended removing the condition pending confirmation from legal counsel.

Separately, the applicant had requested the requirement to provide "the Building Official a yearly inspection by a structural engineer licensed in the State of Missouri" be modified to require inspection by a qualified individual every five years. This requirement was also a condition of the original approval by Platte County. However, after consulting with Platte County they no longer require inspections every year. After consulting with a structural engineer who is not involved in this project, Ackerson was comfortable recommending the condition be revised to state "the applicant providing the Building Official copies of a record of passing inspection at least every five years, conducted by a qualified party licensed to conduct business in the City of Parkville."

Staff recommended approval of the proposed conditional use permit subject the following conditions:

- the new antenna and tower modifications meeting or exceeding current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas;
- as applicable, approval of a building permit, including review of structural modifications by a third party engineer qualified to do such and post construction inspection by the same;
- all new antenna, equipment and tower modifications being of a light, neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible;
- the tower height not exceed 180 feet;
- installing not more than two rows of properly spaced deciduous and/or evergreen materials to be approved administratively by the Community Development Director unless otherwise directed by the City Administrator along the north property should the abutting properties to the north be developed in a manner so as provide increased visibility to the tower site;
- the gate remain privately maintained and secured, until parkland or other use is approved west of Brush Creek requiring the bridge to be opened to pedestrian

- access, or until such time as the bridge is improved and approved for regular vehicular access;
- the original 30 year term, allowing the conditional use permit through 2031;
 - the applicant providing the Building Official copies of a record of passing inspection at least every five years, conducted by a qualified party licensed to conduct business in the City of Parkville;
 - the applicant verifying all ground equipment is elevated above the floodplain or flood proofed and all necessary floodplain permits, if any, are obtained prior to construction; and
 - any additional conditions the Planning and Zoning Commission determines are necessary to meet the requirements of Chapter 471.

Chairman Katerndahl asked for any discussion from the commissioners prior to opening the public hearing. Commission Delich summarized the application to confirm his understanding of the application. He stated that he was familiar with tower improvements and the applicant. He understood the tower needed to be expanded to handle more antennas, they were not changing anything materially, they were going to comply with all staff recommendations, and the site has minimal impact on the surrounding properties. He stated that staff had gone further than expected and complimented staff on the steps taken to help protect the community and on excellent work.

Chairman Katerndahl asked for any discussion from the public concerning the rezoning and proposed conditional use permit.

The Applicant representative Caroline Boyd with Telecom Reality Consultants, 3864 West 75th Street, Prairie Village, Kansas, the agent for BMW Towers approached the commissioners and explained that the current antenna has been structurally cleared for a height up to 230 feet and was capable of carrying up to 10 carriers. She explained the additional height would most likely serve emergency communications. She understood that the current limit within the city is 180' but would like it on the record that they would want the opportunity to approach the city in the future to expand the tower possibly to the 230'. She also stated that the property surrounding the area has been questioned as to the rightful ownership and was under the impression that BMW Towers was actually the owners of the cemetery and that the title company that recorded the deed had possibly made an error in recording that correctly and they were in the process of looking into that with the title company. She also stated that the property was out of the floodplain, explaining that it had been elevated with the tower construction.

Commissioner Lane questioned the number of antennas to be added. He asked for clarification between the original plan and what was being proposed. Ms. Boyd stated there were repeater antennas are on the tower now and Verizon is proposing an additional array of antennas. Commissioner Lane expressed concern that the tower looked relatively barren and that approval of full build out might have a significant visual impact. Discussion ensued regarding the number of antennas being added. Ackerson explained that the number of antenna's that are in the report are depicting what the tower is structural capable of handling. He clarified the application was only to approve additional antennas and equipment as proposed by Verizon at the time.

Commissioner Wylie questioned whether the applicant intended to construct the tower to the 180 height if approved. Ackerson stated that the additional height would allow the applicant to negotiate with other carriers to co-locate on the tower.

Seeing no further comments from the public, staff or the commissioners Chairman Katerndahl officially closed the public hearing at: 6:27pm.

Chairman Katerndahl called for a motion to approve the application to rezone a 3.259 acre site containing and existing communications tower located at 15510 Highway FF, Parkville, Missouri 64152, also known as Platte County Parcel # 20-9.0-31-000-000-002.002, from County "AG" Agriculture to City "I-2" Light Industrial or other more restrictive City district. Commissioner Delich moved to approve subject to the staff recommendations. Commissioner McRuer seconded. Motion Passed 8-0.

Chairman Katerndahl called for a motion to approve the application for a conditional use permit for modification of an existing cell tower on 3.259 acres located at 15510 Highway FF, Parkville, Missouri 64152, also known as Platte County Parcel # 20-9.0-31-000-000-002. Commissioner Delich moved to approve subject to the staff recommendations, legal verification of the conditions and removal of the floodplain requirement. Commissioner Lane seconded. Motion Passed 8-0.

5. REGULAR BUSINESS

- A. Consider a draft RFP for professional services to review and rewrite Parkville Municipal Code, Title IV, *Zoning Regulations* and Chapter 505, *Subdivisions (subdivision regulations)*.** Submitted by the City of Parkville, Community Development Department

Community Development Director Ackerson explained that in 2009 the City of Parkville adopted a Master Plan projecting future growth and development. The plan identified projections, goals, objective and action steps to be implemented in several ways including through the City's zoning and subdivision regulations which are used to evaluate and approve development in Parkville. However, many of the City's codes and regulations were adopted over 40 years ago and are no longer suited to the City's needs and in many cases support development, improvements and character contrary to the community's vision and goals. Although many sections have been amended, the zoning and subdivision regulations as a whole are in need of a comprehensive update.

Ackerson stated that the City has budgeted \$85,000 for updating the zoning code, zoning map and subdivision regulations. Ackerson proposed to hold a portion of these funds to cover City legal costs, implementation and any unexpected costs. The remaining funds are to be used to hire a consultant or team of consultants to assist the City with the updates. The City seeks to develop clear, understandable, and user-friendly zoning and subdivision regulation documents that are consistent with existing City plans and policies, implementing the 2009 City of Parkville Master Plan, and tailors development and design standards for the City's diverse development contexts and needs. The City also seeks a balanced approach to regulation in terms of facilitating

growth and development while protecting Parkville's character, landscapes, resources, and public health, safety, and welfare.

In order to select a preferred consultant, Ackerson prepared the "RFP" to be issued in February following consideration of any changes recommended by the Planning Commission and final approval by administration. The RFP is intended to solicit proposals from qualified consulting firms with proven experience evaluating, writing, and implementing zoning and subdivision regulations. The proposals will be reviewed by staff and all proposals meeting the minimum submittal requirements will be forwarded to a steering committee for review and consideration before meeting to select one or more consultants to interview and before making a final selection. Per staff's proposed timeline a consultant is to be selected with contract awarded in mid-March with the project to be completed by year end.

A selection committee has not been formed, but is anticipated to include City staff and representatives from the Planning and Zoning Commission and Board of Aldermen.

No action is required. Ackerson stated he was seeking general support from the Commission before finalizing the RFP. Ackerson requested that the Planning and Zoning Commission specifically review the Scope of Services in section 4 of the RFP and be prepared to discuss any suggest changes during the meeting. Commissioners are also welcome to review the greater document and provide additional comments if interested.

Commissioner Lamer questioned the direction consultants would be given. Discussion ensued regarding sharing existing code and a list of items known to be deficient or in need of clarification. Lamer asked what the \$10,000 to be held for legal fees and other expenses would be used for. Ackerson clarified that the consultants will be asked to provide legal expertise and the \$10,000 will be used to fund additional review by the City's legal counsel.

Chairman Katerndahl asked about the steering committee and volunteered his services for any of the committees.

Ackerson encouraged participation in the updates and asked that the Commissioners share any items they believed need to be addressed.

No action was taken.

6. UNFINISHED BUSINESS

None

7. OTHER BUSINESS

A. Upcoming Meetings

Chairman Katerndahl acknowledged the following upcoming meetings:

- Board of Aldermen Meetings: Tuesday, February 17th and Tuesday, March 3rd, 2015 at 7:00 pm.
- Planning & Zoning Commission Regular Meeting Tuesday March 10, 2015 at 5:30 pm.

8. ADJOURNMENT

Seeing no other discussion, Chairman Katerndahl called for a motion to adjourn.

Commissioner McRuer moved to adjourn. Commissioner Lamer seconded. Motion to adjourn passed 8-0. Meeting adjourned at 6:38 p.m.

Submitted by:

Sean Ackerson
Assistant City Administrator /
Community Development Director

2-23-15

Date

**Minutes of the
Planning & Zoning Commission Meeting
Of the
City of Parkville, Missouri
Tuesday March 10, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Dean Katerndahl called the meeting to order at 5:38 pm.

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman
Keith Cary, Vice Chairman
John Delich
Judy McRuer
Doug Wylie
Pam Scott

Absent with prior notice:

Doug Krtek – Recused himself due to conflict of interest.
Walt Lane
Bryant Lamer

A quorum of the Planning Commission was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Alysen Abel, PE, Public Works Director
Dave Mennenga, PE, PTOE, George Butler Associates, Inc., City traffic consultant

3. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl called for any discussion on the approval of the proposed agenda. Hearing none, Chairman Katerndahl asked for a motion to approve the proposed agenda. **Commissioner Scott moved to approve the agenda, Commissioner McRuer seconded. Motion passed 6-0.**

B. Approve the minutes from the February 10, 2015 Planning and Zoning Commission regular meeting.

Chairman Katerndahl called for any discussion on the Minutes. Hearing none, Chairman Katerndahl asked for a motion to approve the minutes. **Commissioner Scott moved to approve the minutes, Commissioner McRuer seconded. Motion passed 6-0.**

4. PUBLIC HEARING

A. Application to rezone 5.02 acres, more or less, located on the east side of 9 Highway east of Clark Avenue, from “B-4” Planned Business District to “R-4” Multiple-Family Residential District. Case PZ15-02, KGH Building Group LLC, applicant on behalf of SKG, LLC owners

Chairman Katerndahl explained that the applicant had amended the application and was now requesting “R-5” Planned Multi-Family Residential District zoning which would require a new hearing. However, since the change was made after notice went out, leaving inadequate time to cancel the meeting, comments on the application would be taken as advertised.

Community Development Director Sean Ackerson stated that the applications for rezoning and the site plan would be presented together. He summarized the site plan for development of a multi-story, 50-unit apartment building, a separate clubhouse and pool, a monument sign, parking in attached garages, carports and uncovered stalls, landscaping / screening and other proposed improvements on 5.02 acres, more or less. He explained that the property was located on the east side of 9 Highway, east of the Clark Avenue (east of Mosaic, the Global Orphan Project, Craig Marshal Dental building and the Southern Platte County Community Center / YMCA) and where identified as Lots 1 and 2 of the Final Plat, Lake Pointe Professional Centre, A Part of the Northeast ¼, Section 26, Township 51 North, Range 34 West, Parkville, Platte County, Missouri. The properties are also identified as Platte County parcel numbers: 20-7.0-26-100-003-012.001, 20-7.0-26-100-003-012.002, and 20-7.0-26-100-003-013.000.

The application proposed public improvements, including removal of an existing single-family home, re-grading, and construction of a new trail, on the abutting City owned parkland to the north (Lot 3 of the Final Plat, Lake Pointe Professional Center, also known as Platte County parcel number 20-7.0-26-100-003-012.000).

Ackerson introduced the applicant’s principle architect Bill Prelogar, NSPJ Architects, 3515 W. 75th St. Suite 201, Prairie Village, KS 66208. Mr. Prelogar presented images of the proposed development and explained the design, concept and the challenges in the existing topography. He presented the differences in the previously approved Lake Point Professional Centre offices identifying differences in proposed locations, separation, lot coverage, open space and height. He showed the differences in the approved professional center’s building and parking facilities against the proposed apartment complex, clubhouse and pool along with the proposed

parking garages and open parking stalls. He demonstrated the proposed Lake Pointe Lodge building was smaller, was a similar height, covered less of the lot, provided greater open space and separation from the abutting residential uses and 9 Highway, and allowed for greater tree preservation. Renderings representing views to the site from the southwest and northeast were presented. Mr. Prelogar showed and summarized proposed building materials including stone, stucco, cementitious board that resembled cedar shingles and discussed examples of similar construction styles in Platte County and the Kansas City area. Prelogar summarized the interior layout of the parking, interior building layout, access, units and proposed apartment finishes describing the project as high-end, with granite, tile and stainless steel finishes.

Chairman Katerndahl called for questions from the Commission. Questions were asked about the market for apartments and operations, including limits on the number of persons per unit, project length of stay, proposed lease rates, how often the units are remodeled or repaired, whether there would be on-site staff.

Mr. Prelogar explained the majority of the tenants would be millennial young professionals that are usually single, some married or empty nesters in the 50-55 age bracket. He stated their market was higher income renters by choice who choose apartments over owning and maintaining a home, those that were "moving down" from larger single-family homes and others that wanted the flexibility of not owning a home. He expected 60-70% millennial, 30% retired and very little traditional families. He stated the units were not expected to attract families with children, but did attract single parents (most often divorced) who may have children for limited periods. The apartments would not preclude families, but he didn't believe the units would attract traditional families. Mr. Prelogar stated they expected high retention rates based on other similar projects in the metro. He expected the average turnover to be approximately every two to two and half years with older cohorts and empty nesters staying longer and younger demographics typically staying until married, having children or changing jobs. He stated that due to the high rents, the tenants expectations would be high, requiring units to be refreshed, repainted, carpet replaced and other updates and maintenance on a regular basis. He expected the units to be refreshed between each tenant so that the units did not look lived in. He expected that common areas would have to be refreshed approximately every five years. He stated lease rates were projected to range from \$900 to \$1,700 per month depending on the size of the unit. He expected greater demand for the larger units. Other amenities like garages, carports, and storage closets would be in addition to the base rent. He stated that a property manager and leasing agent would be on-site with an office in the club house.

A question was asked regarding the choice to propose residential uses versus developing the site for office or commercial uses. Mr. Prelogar explained that residential development was better suited to the topography, reducing needed fill and retaining walls, provided good access to nearby services in the Parkville Commons and was less intrusive to the abutting neighborhoods. He referenced the details of his comparison between the proposed development and the previously approved offices.

The commissioners asked questions regarding site plan and construction including whether a geotechnical study had been completed, what materials would be used for

the retaining walls, how the pervious pavement would work, the maximum driveway slopes, the separation from 9 Highway, whether the building would be stick built, how long the project would take to build, how lighting would be controlled, the time to construction if approved, location of trash enclosures and how pedestrians would cross 9 Highway. Mr. Prelogar did not believe a geotechnical study had been completed, but stated that they expected rock. Regarding the retaining walls, Mr. Prelogar explained that they have done several walls of this height in Briarcliff and they will use an "MSE" walls with geo-grid. The height of the building, and balancing cut and fill allowed walls to be minimized and reduce construction costs. He stated there was approximately 20 feet between the wall closest to 9 Highway and the highway right-of-way with an additional 12 feet to the 9 Highway pavement.

Regarding pervious pavement, Mr. Prelogar identified pervious paver blocks with aggregate on the site plan. He explained that the pavers allowed water to be collected and stored in a 3-foot rock bed below the pavers.

Prelogar addressed questions about lighting, describing subtle lighting on the east side of the building above the entrance and along the sidewalk to the main entrance away from residents. He described lighting in carports located up in the roofs with lighting directed toward the retaining wall away from the residents to the east. The balconies would include a small ornamental light. Balconies would be lighted but lighting would be under the balcony covers. No building mounted lights would be used except over garage doors on the east side of the building.

Prelogar stated the building would be stick (wood) frame construction. Construction would be expected to take approximately 12 to 14 months, depending on start date and the season. Construction was expected to start approximately 6 months after the preliminary plans were approved.

Prelogar described the location of the trash enclosures in the northeast corner of the site so they could be easily accessed and screened. He address concerns that trash would be picked up early commenting that early pick up would upset the apartment residents. Director Ackerson commented that the city restricts collection hours.

Chairman Katerndahl asked if the commissioners had any other questions for the representative of the applicant and seeing none he asked Community Development Director Ackerson to go over the highlights in his staff report.

Ackerson stated Parkville's Public Works Director Alysén Abel and traffic consultant Dave Mennenga with George Butler Associates were also in attendance representing the City. Ackerson summarized applicable codes, staff review, analysis and conclusions. He summarized the suitability of the subject property for the uses to which it is restricted, the extent to which removal of restrictions imposed by the current zoning district may affect nearby property, the character of the neighborhood and the zoning and uses of nearby properties, the relative gain to the public's health, safety and welfare as compared to the hardship of the individual property owner of the subject property, adequacy of public utilities and other needed public services and consistency with the City's adopted master plan.

Ackerson stated that staff concluded: the proposed "R-4" Multiple-Family zoning is not out of character with the surrounding zoning and would not adversely impact the zoning or character of the area; the site is suited to the existing zoning, but could be equally or more suited to development permitted under the proposed R-4 zoning; removal of the restrictions would not have a significant effect on nearby properties and would be considered more restrictive than the existing B-4 zoning; the proposed zoning would not adversely affect the public's health, safety and welfare; denial of the application would not impose a significant hardship on the property owner; uses permitted in the proposed R-4 district could impact public infrastructure, but would be required to be mitigated with any approved development; traffic impacts associated with uses permitted in the R-4 district are expected to be less than those expected from the existing B-4 zoning; and the proposed R-4 zoning is not consistent with the City's Master Plan projections, but can meet several other important goals and objectives from the plan.

Staff recommended rezoning to the requested "R-4" Multiple-Family Residential District. However, Ackerson stated that since submitting the application the applicant has revised the application to request "R-5" Planned Multi-Family Residential District zoning. The proposed building exceeds the maximum height and number of stories permitted in the R-4 zoning district. The R-5 zoning would allow a taller building than allowed in the R-4 district if determined appropriate.

Ackerson explained that staff had not reviewed the revised application. Staff recommended the Commission hold the advertised hearing for the R-4 zoning, to allow public discussion of the application and identification of any additional issues that may be needed to be considered. Staff recommended no action be taken at the conclusion of the hearing and that a hearing on the R-5 zoning be heard at a special meeting to be set for Tuesday, March 31st, 2015.

Ackerson summarized the staff report on the proposed site plan application. He summarized the items considered and identified outstanding items. Staff concluded that the plans meet minimum zoning and subdivision regulations with noted exceptions which can be met; the proposed R-4 zoning is not consistent with the City's Master Plan projections, but can meet several other important goals and objectives from the plan; the proposed development can be compatible with the surrounding area, and is as compatible as the previously approved development for the same site; with noted requirements, the development conforms to customary engineering standards used in the City; and subject to the conditions herein that the location of streets, paths walkways and driveways are located so as to enhance connectivity, circulation and safety and minimize any adverse traffic impact on the surrounding area.

Staff concluded that the site plan has or can meet applicable criteria, with the exception of the height criteria for the proposed "R-4" Multiple-Family Residential District. Ackerson recommended the application be postponed to a special meeting to be held Tuesday, March 31, 2015 at 5:30 pm in the Boardroom at Parkville City Hall to consider the revised application for "R-5" Planned Multi-Family Residential District zoning. He recommended that any approval be subject to the conditions listed in the staff report and any other conditions the Planning and Zoning Commission concluded

may be necessary to mitigate any impacts of the proposed development subject to the limitations of the adopted zoning and subdivision regulations.

Ackerson asked Public Works Director Alysén Abel to give a summary of her findings on the storm-water study. Director Abel gave a brief explanation of the storm-water study and proposed erosion control measures and requirements. She stated that the erosion control will be reviewed at the time the construction plan is submitted. She explained the different options used for sediment controls.

Dave Mennenga with GBA addressed the traffic study analysis explaining that his firm provided an independent review of the site plan and traffic study on behalf of the City. They determined that the traffic study was accurate and that at this time a traffic signal is not warranted on 9 Highway. However changes to the intersection and existing lane configurations are needed as noted in the staff report. Ackerson interjected that 9 Highway is regulated by MoDOT and any construction and future changes to 9 Highway will require approval by MoDOT. He also stated that the City would soon be studying the state highway as the result of a grant to design future improvements necessary for 9 Highway. Several Commissioners questioned where and how the pedestrians would cross 9 Highway citing concerns about vehicular traffic volumes. Ackerson stated that there has not been a specific pedestrian crossing designated, that a sidewalk along the front of the site and up to 62nd Street is required but no designated crosswalk is required. The appropriate location for a crossing would be determined through the 9 Highway study. No matter where the crossing, pedestrians from this or any other development would need to cross 9 Highway cautiously.

Chairman Katerndahl expressed this thankfulness for everyone being patient. He opened the public hearing at 7:06 pm asking for anyone speaking in favor of the development.

Russell Downing, a resident of the abutting Pinecrest subdivision, stated he had lived in Parkville and Platte County all of his life and was very much in favor of the project. He stated he believed the project would be good for the area and that he likes to see nice things.

Greg Foss of the Parkville Economic Development Council stated he was not in favor of nor against the project, but did believe that the project was consistent with the Parkville EDC Plan for Progress which supports residential growth and would provide a mix of housing types, a specific goal of the plan.

Chairman Katerndahl called for anyone not in favor of the project or that had other concerns.

Don Julian, representing the Riss Lake Home Owners' Association, stated that he had over 35 years of development experience within the Riss Lake area and his main concern was silt going straight to Riss Lake. He requested erosion control measures and asked for a sediment pond be put into place and monitored weekly. Mr. Julian explained that several within the Riss Lake Home Owners' Association also expressed their concerns over the erosion controls and the safe guards that needed to be put into place to protect the lake which is downstream from the project. He also stated that he

and the home owners association would work with the applicant to insure that the lake would be protected. He also stated that whatever is considered for the future widening of 9 highway will also impact his property.

Sean Ackerson interjected, that Commissioner Doug Krtek was not absent from the meeting but had actually recused himself do to a conflict of interest, as he serves on the board of the Riss Lake Home Owners' Association.

Doug Bias Jr., a resident of the Pinecrest subdivision, stated that he was against both of the applicant's projects (the existing office project and proposed apartments), he was concerned about the increased traffic, noise and lights that would be generated from the proposed apartments. He expressed his frustration over the vacant house north of the proposed site not having been torn down and creating a nuisance. He was concerned about multi-family residential property and occupancy inspections and stated he has brought his concerns to Sean Ackerson the Community Development Director in the past. He expressed concerns about noise from the pool, traffic on 9 Highway, noise from the dumpster and other commercial activities. He stated that the property is already zoned for commercial, and he would rather it be constructed as commercial versus the proposed residential zoning. When questioned by Commissioners, about his preference, he confirmed he would rather have nothing there but would prefer the commercial versus the residential because he felt there would be less "goofy" things going on in a commercial district.

Matt Dunnery of Pinecrest stated that he selfishly opposes the project believing it would hamper his lifestyle. He explained that he moved here from California and likes the genuine nature of the people and Pinecrest area in particular. He stated that he also had concerns about the grading, sedimentation, erosion control, and noise from the construction, along with safety and security.

Mike Jackson, a resident of Riss Lake, stated he was also a representative of the Riss Lake Home Owners Association and that the association has presented its talking points in letter format. He personally moved to Parkville to avoid apartments, and he pays a lot of taxes to avoid living in an area with a lot of apartments. He expressed concern about potential impacts to the value of the Pinecrest and Riss Lake subdivisions and the tax base. He also expressed concern for encroachment in their community areas, trespassing on common areas and other trappings.

Mike Hildreth of Riss Lake stated he was a Riss Lake Fishing Club Member and that the fishing club had concerns over no security on that side of the lake. He explained that the marina was having problems with security and vandalism and expressed concern about the site having access to the lake and increasing their liability.

Sandra Kerns, resident of Pinecrest, stated that she also preferred the commercial versus the residential zoning. She believes that the residential will create more problems than the commercial. She expressed her concerns over increased lighting and traffic and questioned the traffic study and when it was done. She requested that if approved she would like a fence separating the apartments from the Pinecrest subdivision and would prefer the pool be moved to the south side of the complex. She also stated that she would prefer the trash bins be moved to the south side to decrease

the likelihood of noise from dumping trash. She said that her quality of life is disrupted now due to the lighting, traffic and noise from area commercial development, and that this will increase the impact. She believes that the development would be an infringement. Commissioners asked if she was opposed to any development and she replied that she was not opposed to commercial development.

Kenny Kerns, a Pinecrest resident, stated he will be looking at a five-story building out of his front door if approved. He expressed concerns over the trash receptacles and potential odor and requested they be relocated to the south side of the project. He expressed his concerns that there will be traffic issues as well.

Timothy Osburn, resident of Pinecrest, stated that when he looks out of his deck he will see the apartment building. He asked Community Development Director Ackerson what his title was. He stated that 62nd Street needs to have a stoplight and that it would help with the traffic getting in and out of Pinecrest. He stated he could not believe that the applicant would want to spend the money to do this project and that he believes that "B-4" would be better than the R-4 or R-5 zoning, but he would still be against all of it. He didn't believe that the apartments would pay property taxes believed that Pinecrest residents do.

Commissioner Delich stated that several people have contacted him that live in the Riss Lake subdivision expressing concerns over security. He invited them to attend the meeting and express their concerns.

Chairman Katerndahl asked if there were any further questions or concerns from the public and seeing none he closed the public hearing portion of the meeting at 7:40 pm.

Chairman Katerndahl stated that he and the commissioners will take into account all the questions and concerns and would reconsider the matter at a March 31, 2015 public meeting. He also stated that if anyone wanted to submit written letters that they will become part of the public record and Community Development Director Ackerson stated that all information about the project is under the public hearing portion on the web page.

Chairman Katerndahl called for a motion to postpone the application to be heard at the next public meeting March 31, 2015. **Commissioner Delich moved to postpone the application. Vice Chairman Cary seconded. Motion passed 6-0.**

5. REGULAR BUSINESS

- A. **Application for site plan approval for the Lake Point Lodge - an apartment building, club house and associated improvements on 6.25 acres, more or less.**
Case # PZ15-03, KGH Building Group LLC, applicant on behalf of SKG, LLC owner

The application was discussed and considered in conjunction with the associated agenda item 4A above

Chairman Katerndahl called for a motion to postpone the application to be heard at the next public meeting March 31, 2015. **Commissioner Delich moved to postpone the application. Vice Chairman Cary seconded. Motion passed 6-0.**

6. UNFINISHED BUSINESS

None

7. OTHER BUSINESS

A. Upcoming Meetings

Chairman Katerndahl acknowledged the following upcoming meetings:

- Board of Aldermen Meetings: Tuesday, March 17th and Tuesday, April 7, 2015 at 7:00 pm.
- Planning & Zoning Commission Special Meeting Tuesday March 31, 2015 at 5:30 pm.

8. ADJOURNMENT

Seeing no other discussion, Chairman Katerndahl called for a motion to adjourn.

Vice Chairman Cary moved to adjourn. Commissioner McRuer seconded. Motion to adjourn passed 6-0. Meeting adjourned at 8:26 p.m.

Submitted by:

Sean Ackerson
Assistant City Administrator /
Community Development Director

3-13-15
Date

**Minutes of the
Planning & Zoning Commission Meeting
Of the
City of Parkville, Missouri
Tuesday March 31, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Dean Katerndahl called the meeting to order at 5:30 pm.

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman
Keith Cary, Vice Chairman
John Delich
Judy McRuer
Doug Wylie
Pam Scott
Bryant Lamer
Walt Lane arrived late at 6:50 pm

Absent with prior notice:

Doug Krtek – Recused himself due to conflict of interest.

A quorum of the Planning Commission was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Alysen Abel, PE, Public Works Director
Paul Bertrand, PE, PTOE, George Butler Associates, Inc., City traffic consultant

3. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl called for any discussion on the approval of the proposed agenda. Commissioner Wylie pointed out that the date for the minutes listed on the agenda needed to be corrected to read March 10, 2015. Chairman Katerndahl asked for a motion to approve the proposed corrected agenda. **Commissioner Wylie moved to approve the agenda, Commissioner McRuer seconded. Motion passed 8-0.**

B. Approve the minutes from the March 10, 2015 Planning and Zoning Commission regular meeting.

Chairman Katerndahl called for any discussion on the Minutes. Hearing none, Chairman Katerndahl asked for a motion to approve the minutes. **Commissioner Lamer moved to approve the minutes, Commissioner McRuer seconded. Motion passed 8-0.**

4. PUBLIC HEARING

Prior to starting the public hearing Chairman Katerndahl called for the applicant for agenda item 5.A. He proposed to hear this agenda item first knowing that the public hearing portion would take a considerable amount of time. Seeing that the applicant was not present he proceeded to the Public Hearing.

A. Application to rezone 5.02 acres, more or less, located on the east side of 9 Highway east of Clark Avenue, from “B-4” Planned Business District to “R-5” Planned Multi-Family Residential District. Case PZ15-02, KGH Building Group LLC, applicant on behalf of SKG, LLC owners

Chairman Katerndahl explained that the applicant had amended the previous application and was now requesting “R-5” Planned Multi-Family Residential District zoning which required a new hearing.

Community Development Director Sean Ackerson stated that the applications for rezoning and the preliminary site plan would be presented together. He summarized the site plan for development of a multi-story, 50-unit apartment building, a separate clubhouse and pool, a monument sign, parking in attached garages, carports and uncovered stalls, landscaping / screening and other proposed improvements on 5.02 acres, more or less. He explained that the property was located on the east side of 9 Highway, east of the Clark Avenue (east of Mosaic, the Global Orphan Project, Craig Marshal Dental building and the Southern Platte County Community Center / YMCA) and were identified as Lots 1 and 2 of the Final Plat, Lake Pointe Professional Centre, A Part of the Northeast ¼, Section 26, Township 51 North, Range 34 West, Parkville, Platte County, Missouri. The properties are also identified as Platte County parcel numbers: 20-7.0-26-100-003-012.001, 20-7.0-26-100-003-012.002, and 20-7.0-26-100-003-013.000.

The application proposed public improvements, including removal of an existing single-family home, re-grading, and construction of a new trail, on the abutting City owned parkland to the north (Lot 3 of the Final Plat, Lake Pointe Professional Center, also known as Platte County parcel number 20-7.0-26-100-003-012.000).

Ackerson explained the change from the request for R-4 to R-5 zoning. He explained differences in the approval process for the R-5 zoning stating that the Planning and Zoning Commission can only recommend approval to the Board of Aldermen and that the Board would take final action on the application. Ackerson summarized other revisions in the plans including moving the parking lot closest to 9 Highway to the east

and staggering the retaining wall to allow plantings between two levels. Roll-back curbing had also been included with the recommendation of the SPFPD. Also the lighting details had been included to demonstrate they meet the city's minimum codes.

Chairman Katerndahl asked if there were any questions from the commissioners before allowing the applicant to present. Commissioner Scott asked if she could have some clarifications concerning some questions she had since the March 10th hearing. Seeing no objection, Chairman Katerndahl recognized Commissioner Scott. She asked for clarification about the trips per day. She expressed concern about the time of day the study was conducted, how the results compared to the previous zoning and whether commercial and residential uses peaked at the same time. Ackerson interjected that the applicant's traffic study had been reviewed by an independent traffic consultant hired by the City. They had reviewed differences in traffic generated from uses allowed in the existing B-4 zoning versus those allowed in the R-5 zoning. They concluded the traffic generated from non-residential uses in the B-4 district would be expected to be substantially higher than those generated from residential uses permitted in the R-5 district. Ackerson suggested additional clarification from the applicant's and City's traffic engineers who were present at the meeting.

Other concerns from Commissioner Scott were pedestrian access to and from the proposed site and the impact of traffic from the proposed apartments and other development in the area if approved. Discussion ensued about the traffic study. Staff clarified that the same traffic consultant prepared the study for the apartment and a separately proposed QT. Both studies took into account traffic generated by the other proposals.

Chairman Katerndahl explained the public hearing process to the audience and then asked the applicant to come forward.

The applicant Kevin Green with KGH Building Group LLC introduced himself and asked his traffic engineer to answer Commissioner Scott's questions and concerns before his architect's presentation. Tom Fulton Senior Project Manager with Olsson & Associates presented study findings. He stated that they typically study peak traffic volumes that occur in the morning and evening. The time frames with which people usually leave for and arrive to work and when they leave for and arrive at home. Their study determined that the added traffic did not warrant a traffic signal at Clark or 62nd Street, but did warrant other improvements including re-striping a portion of 9 Highway to designate a turning lane into the site. He explained how they take into account the future growth and explained they project a 1 to 1.5% growth rate. Discussion ensued about traffic on side streets, growth rate projections and what would be necessary to warrant a traffic signal. Mr. Fulton concluded that even anticipated future growth would not warrant a traffic signal at Clark or 62nd Street. Fulton explained the criteria for a traffic signal and concluded that neither location met the applicable criteria. He explained that a signal could help improve traffic flow on side streets, but could hamper traffic on 9 Highway in the process. Fulton explained that this is his specialty and he would not recommend putting a traffic signal in this location. Discussion ensued about other signals being installed that were not warranted. Fulton confirmed that some signals are installed where they are not warranted, but that is not his recommendation.

Applicant Kevin Green stated that he was a former resident of the Pinecrest subdivision and had been a resident of Platte County for over 20 years. He thanked the commissioners for their time and consideration and then introduced the principle architect Bill Prelogar, NSPJ Architects, 3515 W. 75th St. Suite 201, Prairie Village, KS 66208. Mr. Prelogar presented images of the proposed development and explained the design, concept and the challenges in the existing topography. He presented the differences in the previously approved Lake Point Professional Centre offices and also changes from the previously submitted application identifying differences in proposed locations, separation, lot coverage, open space and height. He showed the differences in the approved professional center's building and parking facilities as compared to the proposed apartment complex, clubhouse and pool along with the proposed parking garages and open parking stalls. He demonstrated the proposed Lake Pointe Lodge building was smaller, was a similar height, covered less of the lot, provided greater open space and separation from the abutting residential uses and 9 Highway, and allowed for greater tree preservation. He showed renderings representing views to the site from the southwest and northeast. Mr. Prelogar showed and summarized proposed building materials including stone, stucco, cementitious board that resembled cedar shingles and discussed examples of similar construction styles in Platte County and the Kansas City area. Prelogar summarized the interior layout of the parking, interior building layout, access, units and proposed apartment finishes describing the project as high-end, with granite, tile and stainless steel finishes. He addressed the issues that had been raised in their previous presentation at the March 10, 2015 public hearing as well.

Chairman Katerndahl called for questions from the Commission. Questions were asked about the change in parking sites, lighting, park land dedication and ADA compliance. Mr. Prelogar explained there was no reduction in parking spaces. Discussion ensued about images in his presentation that did not match the current plans and whether parking had been reduced. Mr. Prelogar clarified that some slides in the presentation include a very early concept with parking in a different location than proposed currently. He clarified that parking had not been reduced and was adequate for the residents. Discussion ensued about whether parking would be adequate. Prelogar confirmed that the parking to be provided met all city requirements.

Prelogar addressed questions about lighting, describing subtle lighting on the west side of the building above the entrance and along the sidewalk to the main entrance away from residents. He described lighting in carports, balconies and throughout the rest of the site. He stated lighting would be recessed and directed away from 9 Highway and the surrounding residents. No building mounted lights would be used except over garage doors on the east side of the building. He expressed their residents would not want excessive lighting coming into their homes.

Prelogar stated the building would be ADA compliant and that the building included an elevator.

Questions were raised regarding stormwater and runoff. Director Ackerson directed questions to the applicant's stormwater consultant David Eickman with Olsson & Associates to speak.

Mr. Eickman explained that they have to adhere to two storm water requirements. They must slow the water down and also clean it. He explained that no more water will leave the site during completion of the project than what is already leaving the property. They propose to preserve as much native vegetation as possible to minimize storm water runoff and erosion. They also propose installing impervious pavement over a rock storage vault to collect, hold and filter water until it is absorbed into the ground.

Chairman Katerndahl asked if the commissioners had any other questions. Questions were raised about whether a retention pond was proposed and whether Public Works Director Alysén Abel was comfortable with the plans.

Mr. Eickman explained that they would not be creating a retention pond. Due to the topography it would not be feasible without destroying much of the vegetation. He concluded it was not necessary to meet the City's requirements and would be detrimental as compared to the proposed improvements.

Public Works Director Alysén Abel gave a brief explanation that she and her staff were comfortable with the findings and the proposed improvements, but would require additional information and clarification as part of any construction plans. She stated the Public Works department would be monitoring the project throughout construction and that it had to meet the APWA guidelines and the City of Parkville's guidelines as well.

Ackerson summarized applicable codes, staff review, analysis and conclusions. He summarized the suitability of the subject property for the uses to which it is restricted, the extent to which removal of restrictions imposed by the current zoning district may affect nearby property, the character of the neighborhood and the zoning and uses of nearby properties, the relative gain to the public's health, safety and welfare as compared to the hardship of the individual property owner of the subject property, adequacy of public utilities and other needed public services and consistency with the City's adopted master plan.

Ackerson stated that staff concluded: the proposed "R-5" Multiple-Family zoning is not out of character with the surrounding zoning and would not adversely impact the zoning or character of the area; the site is suited to the existing zoning, but could be equally or more suited to development permitted under the proposed R-5 zoning; removal of the restrictions would not have a significant effect on nearby properties and would be considered more restrictive than the existing B-4 zoning; the proposed zoning would not adversely affect the public's health, safety and welfare; denial of the application would not impose a significant hardship on the property owner; uses permitted in the proposed R-5 district could impact public infrastructure, but would be required to be mitigated with any approved development; traffic impacts associated with uses permitted in the R-5 district are expected to be less than those expected from the existing B-4 zoning; and the proposed R-5 zoning is not consistent with the City's Master Plan projections, but can meet several other important goals and objectives from the plan.

Staff recommended rezoning to the requested "R-5" Planned Multi-Family Residential District.

Ackerson summarized the staff report on the proposed site plan application. He summarized the items considered and identified outstanding items. Staff concluded that the plans meet minimum zoning and subdivision regulations with noted exceptions which can be met; the proposed R-5 zoning is not consistent with the City's Master Plan projections, but can meet several other important goals and objectives from the plan; the proposed development can be compatible with the surrounding area, and is as compatible as the previously approved development for the same site; with noted requirements, the development conforms to customary engineering standards used in the City; and subject to the conditions herein that the location of streets, paths walkways and driveways are located so as to enhance connectivity, circulation and safety and minimize any adverse traffic impact on the surrounding area. Staff concluded that the site plan has or can meet applicable criteria.

Chairman Katerndahl expressed this thankfulness for everyone being patient. He opened the public hearing at 7:25 pm asking for anyone speaking in favor of the development. Seeing none, he then asked for anyone not in favor of the project or that had other concerns.

Steve Warger representing the Riss Lake Home Owners Association expressed his concerns regarding stormwater, erosion and potential impacts to Riss Lake. He recommended keeping as much of the mature vegetation as possible and that the applicant be required to post a bond to protect Riss Lake from sediment or erosion. He stated that the Riss Lake Home Owners Association and Don Julian would work with the applicant to make sure concerns are addressed. He requested they be allowed the opportunity to review the plans for erosion control before approval. Director Ackerson stated that Parkville does not have a requirement for performance bonds or a maintenance bonds in the capacity requested and that similar bonds have not been required in the past.

Chairman Katerndahl asked for clarification from Director Ackerson as to whether a final plan would still need approval and if that issue could still be addressed after preliminary plan approval. Ackerson confirmed that the application was for a preliminary plan and that approval of a final plan would still be required. Ackerson stated that construction and engineering plans are approved by staff but a condition of approval could be final approval of stormwater and erosion control measured by the Commission or Board.

Community Development Director Ackerson stated for the record that the city had received emails and correspondence in opposition of the application. He referenced a list in his staff report and identified additional correspondence received since.

Mike Hildreth, a board member with the Riss Lake Home Owners Association, asked about sediment control and referenced drawings that showed a sediment trap. Public Works Director Abel stated that the sediment trap was a temporary erosion control measure proposed only during construction. It was not a permanent improvement.

Kenny Kerns identified his concerns including, lowering residential property values and apartments attract a demographic of people who like to drink and party. Parkville is a

college town and he believes there would be more college age individuals in the apartments, and several sharing an apartment. He believed the lights would be intrusive and the increased traffic would make the entrance to Pinecrest from 9 Highway worse. He believes the trash dumpsters will be a problem and also does not believe there will be enough parking and that residents or the residents guests will want to park in the Pinecrest neighborhood. He does not want a walking trail that will lead to the Pinecrest subdivision for fear people from the apartments would enter the neighborhood. He enquired about the applicant having two LLCs. Mr. Green stated that he is the managing partner of the KGH Building Group LLC which is representing the application and the property is owned by SKG, LLC and he is the trustee.

Matthew Dunnery expressed concerned about the impervious payment and the possibility of flash flooding and the density of the apartments. He understood the desirable location but preferred preserving the trees. He felt the development would erode the Parkville character. He said he toured the Burlington Creek apartments and liked them, but did not want apartments next to him. He presented Director Ackerson with a petition in opposition of the application signed by many of the residents in Pinecrest. Commissioner Delich asked if he was the spokesperson for the Pinecrest subdivision and he stated that he was just representing himself. Vice Chairman Cary asked him if his opposition was specific to this project or if he did not want anything there. He stated he would prefer bigger homes like Riss Lake. Commissioner Scott asked him if he thought single family homes would suit him better. He stated yes.

Doug Bias, Jr. stated he was present when the commercial zoning came through and he opposed that zoning as well. He thought single family would be better suited for that area. He expressed when he purchased his home his realtor did not convey to him that Parkville Commons area would happen and had he known about all the development proposed to go in around him they may not have purchased in the Pinecrest subdivision. He did not agree with the city granting the applicant a credit for the previous parkland donation. Vice Chairman Cary asked him whether or not he would support the apartments if the unit count was dropped from 50 units to 40. Mr. Bias stated that he did not want apartments even with fewer units. He also questioned why the traffic study did not include current traffic counts.

Bob Bruer stated he and his wife Patty have lived in Pinecrest since 2005. He expressed concern that their friends will move because their quality of life will be diminished if this development is allowed to go in. He stated that after homeowners start moving out their homes will start being rental homes. He preferred a pet cemetery go into the area instead of the apartments. He doesn't want the project, but he may consider it if the units were reduced down to 20 versus 50. He says the size of the building dominates the landscape and that he believes that an office complex would be less obtrusive than the apartments.

Ken Grant stated his home sat directly behind the proposed development. He can currently see all the traffic on 9 Highway and would be able to see the new apartments in spite of landscaping preserved or any new landscaping.

Vic Terranella stated his home was adjacent to Bank Liberty. He asked why Mr. Green would not build the office complex that is already approved. Mr. Green explained the

economic downturn shortly after the approved zoning and preliminary application was approved. Mr. Terranella explained that he fought for 80' of property when Bank Liberty went in, and he would prefer the office buildings because he feels that this would be quieter than apartments. He also would challenge the traffic study and believes the numbers are wrong.

Flo Tillman stated she has been a Pinecrest resident since 1985. She is a realtor and has fought everything that has been proposed around her. She believed the apartments would deflate the property values in Pinecrest. She expressed concern for the grades in the proposed development, stating her opinion that they would be an issue in bad weather. She stated her concern about access to the apartments from the proposed garages believing residents would have to leave the garage to enter the building.

Jim McCall submitted a letter on behalf of his wife. He stated he agreed with her comments and concerns and believed that the site was better suited for commercial development. He expressed concern that the proposed apartments were too tall for the site and that they would be the tallest building in Parkville.

Celeste Lupercio stated she was concerned with the traffic. She stated she sat on the board for the Young Latino Professionals and that no millennials want to live in Parkville. She stated that she was not home when Matt Gunnery came around to have the petition signed, but she would have signed it. She expressed that the Pinecrest subdivision was a tight community and she did not believe the applicant cared about the neighborhood or Parkville because he had not removed the old house or kept his signage current.

Timothy Osborne stated traffic is his number one concern. He questioned whether a smart light could be used in lieu of a traffic signal. He believed it could be activated by residents existing the Pinecrest subdivision from 62nd Street. He suggested installing a light like at the Lakeview entrance to Riss Lake which he believed would also allow for a pedestrian crosswalk. He expressed concerns about safety and stated that the Pinecrest residents like having only one way in and out of the neighborhood, but wanted it to be easier to enter and exit their community. He stated he was against the apartments.

Pascual Marquez stated when he arrived in the area City Hall was in the old train depot. He explained he moved here from Gladstone for the quality of life. He believed that the north end of 9 Highway is getting choked. He disagreed with a previous statement about the traffic coming from people using the road as a short cut. He had observed numerous cars with Kansas using the roadways. He worried about children in the community crossing 9 Highway. He opposed the proposed zoning and development.

Chairman Katerndahl asked if there were anyone else in the audience that would like to make a statement before he closed the public hearing. Mr. Prelogar the applicant's architect asked if he could answer some of the questions and give a rebuttal to the commission. Chairman Katerndahl granted his request.

Mr. Prelogar stated the he and Mr. Green are sensitive to the neighbors and their concerns. That he understood that this is painful but that the site is going to be developed and will not stay woods forever. He addressed several questions making comparisons to the previously approved commercial development, pointing out benefits of the proposed zoning and apartments. He questioned whether anyone believed that commercial development would actually be better than what they are proposing.

Commissioner Scott asked if 62nd Street could be realigned with Clark Avenue so it could be signalized to allow a crosswalk. Associated questions were discussed including the cost of a signal. Discussion ensued about why the traffic counts were not from 2015, whether traffic had grown at rates greater than 1%, and whether the speed limit could be lowered. Paul Bertrand of George Butler Associates, Inc. responded for the City. He estimated signal costs would be between \$150,000 and \$250,000. He stated he agreed with the findings of the applicant's traffic impact study. He explained why he believed no signal was warranted stating a signal in this location would be more about the volume of traffic coming out of the side street versus the traffic on 9 Highway. He state the 2012 and 2013 traffic counts were appropriate and were not old enough to warrant new counts. He explained how prior traffic counts were used to determine accurate growth projections.

Sandra Kerns requested to speak before the hearing was closed. She stated that she owns a portion of land as you enter into the Pinecrest subdivision and would volunteer to restrict parking along that frontage to avoid construction vehicles or residents from the apartments parking at the entrance to the subdivision.

Chairman Katerndahl asked if there were any further questions or concerns from the public and seeing none he closed the public hearing portion of the meeting at 8:49 pm. Vice Chairman Cary moved for a five minute recess. Commissioner Lamer seconded the motion. Chairman Katerndahl moved to approve the recess, motion passed 6-3.

Chairman Katerndahl resumed the meeting at 9:00 pm. He called for discussion by the Commissioners.

Commissioner Delich stated his regret that the application preempts the 9 Highway project study. He stated having that information would possibly help solve a lot of the issues brought up and would perhaps provide better guidance. He stated he has noticed an increase in traffic himself and was sympathetic to the Pinecrest residents. He understands that the neighborhood only has one point of entry and exit, versus Riss Lake which has two access points, both with signals. He stated he believes Mr. Green does have the right to develop the property, but that the eight unit per acre density, the maximum density allowable, is better suited for a piece of property that does not have steep slopes and has better access. When we get to that type of density he would like to see more amenities included, amenities that the neighbors would want, including parks or something that goes beyond just the actual development. He thinks this project is a good plan, however he also thinks that it is too dense for the location. He believed the apartments were one level to tall and dense and that they do not qualify for any bonuses or credits for parkland or density as far as he is concerned. He also doesn't think you can guarantee that the tenants are not all going to be ideal tenants. He thinks pulling the clubhouse and pool closer to the apartment building would be an

improvement, and also taking off one floor. He stated he could not support the plans as submitted.

Commissioner Scott stated that the traffic related issues are a great concern to her. She does not believe the traffic study and that there has only been 1 ½% increase in each year. She would like to see an updated traffic study performed. She did express that she had never been in the Pinecrest subdivision but is sympathetic to them with getting in and out of their community. She expressed that she believes Highway 9 is a great gateway into the city of Parkville, and that it was more logical to her as a planning commissioner to make the corridor more commercial in nature other than residential. She cannot support residential, however she does appreciate the design and interesting aspect of the project, she at this time cannot support residential because she believes commercial is more appropriate for that area.

Commissioner Wylie stated that he was in agreement with Commissioner Scott. He does not think the R-5 zoning is appropriate for the area. He also would like the benefit of seeing the Highway 9 corridor study prior to making any decision. And he also believes a new traffic study needs to be completed. He believes commercial would fit better in this space. He also stated he was sensitive to the Pinecrest Subdivision and understands why they do not want this, and would hate to impose something on them that they feel very strongly against. However he is not against development, he just doesn't think that this is the right spot for this development.

Chairman Katerndahl stated that he also is sympathetic towards the Pinecrest Subdivision residents and understand their concerns however he is for the project. He thinks this is the right project for this land and he believes that this is less intrusive than the B-4 zoning that is currently in place. He stated that the footprint that this project would impose versus what has been previously approved would be less of an impact. He also stated that he believes that this will bring a lot of millennials into the area which are actually relocating all over the Kansas City area.

Commissioner McRuer stated that she believes this project is just too big of a project for the area. She understands that we are seeing a lot of growth in the area, and is also concerned that the traffic study is not correct and she explained that the time frames that the traffic study was conducted did not show the effects at the 2pm hour when the bus barn traffic was at a heavy load. She stated that it can be "pretty scary" when traveling along there. She likes the project and the idea but she doesn't think it's in the right "space". However she did state that she likes to see growth in the City, she just doesn't want to see growth in this space.

Commissioner Lane stated he would only be interested in a motion if it had some contingencies in the motion.

Chairman Katerndahl asked if there were any other questions or statements that the commissioners would like to add, seeing none Chairman Katerndahl explained that there were two motions that would need approval for the evening. Motion to approve or deny the zoning and also a motion would be needed then for the preliminary site

plan approval or denial. If the zoning were to be denied there would be no need to approve or deny the preliminary site plan however.

Chairman Katerndahl called for a motion to approve the application for rezoning from B-4 Planned Business District to R-5 Planned Multi-Family Residential District. Vice Chairman Cary Seconded. Motion called for a roll call vote:

Commissioner Scott – Nay
Commissioner McRuer – Nay
Commissioner Lane – Yay
Commissioner Wylie- Nay
Commissioner Delich – Nay
Commissioner Lamer – Nay
Chairman Katerndahl – Yay
Vice Chairman Cary – Yay

Motion failed 5-3.

Chairman Katerndahl called for a move to approve the failed motion. Commissioner Scott moved to deny the motion, Commissioner Lamer seconded. Katerndahl called for a roll call vote:

Commissioner Scott – Yay
Commissioner McRuer – Yay
Commissioner Lane – Nay
Commissioner Wylie- Yay
Commissioner Delich – Yay
Commissioner Lamer – Yay
Chairman Katerndahl – Nay
Vice Chairman Cary – Nay

Motion passed 5-3.

- B. Application for site plan approval for the Lake Point Lodge - an apartment building, club house and associated improvements on 6.25 acres, more or less.** Case # PZ15-03, KGH Building Group LLC, applicant on behalf of SKG, LLC owner

The application was discussed and considered in conjunction with the associated agenda item A above

Chairman Katerndahl Explained that since the Application to rezone failed, there was no need to proceed with a motion for the site plan approval.

5. REGULAR BUSINESS

A. **Application for a Planned District Development permit for exterior modifications in the Old Town District.** Case PZ15-08, Kori Jenkins, Owner, Chaos Boutique.

Community Development Director Sean Ackerson Gave a brief explanation of the application. Ackerson explained that the owner of a new business “Chaos Boutique” had submitted an application to change the exterior building color of 113 Main Street. The site was previously occupied by Cyd’s Art & Antiques. The site is zoned “OTD” Old Town District. The primary considerations are the ability of the proposed exterior changes to meet the OTD design guidelines and the goals and objectives from Vision Downtown Parkville. The applicant proposed to change the exterior colors. Per Parkville Municipal Code, Chapter 442, “OTD” *Old Town District*, Section 442.015, *Permitted Uses*, Subsection B, “...New construction or exterior alterations are permitted only upon the review of the Planning Commission and approval of the Board of Aldermen in each specific instance, after consideration of the location of such use with relation to the adjacent residential area, traffic burden, noise, lights and other factors in keeping with Chapter 442.” Section 442.050, *Design Guidelines*, requires the Commission and Board to “determine the compatibility of the proposed development [modifications] with adjacent buildings, structures and uses...” and the guidelines have previously been used to the extent they apply to exterior modification(s). This section generally calls for modifications to be consistent with the character of the subject and surrounding buildings, to visually break up monotonous facades and to create visual interest, particularly at the street level.

The proposed building color changes had been reviewed under these guidelines. The existing building has an unpainted brick façade with a painted transom, window and door trim and eaves. The transom is painted dark blue with a cream trim. The window and door trim is cream with a dark blue accent trim. The eaves are cream. Prior photos show the building has previously been a yellow-green with no accent colors and brown with brown awnings.

The applicant proposed to paint the transom a light blue. They proposed the transom, window and door trims and the eaves to be painted white/light grey, door and window trim and eaves, with the accent trim in the same light blue as the transom. The applicant submitted photos with the proposed paint colors superimposed.

Both the OTD guidelines and Vision Downtown Parkville give limited guidance with regard to building color. The OTD guidelines call for colors to be “complimentary to those used in surrounding buildings” and Vision Downtown Parkville calls for development of more specific guidelines that address building character including color to require “colors that match the style of the buildings and the historic feel.” A separate advisory report prepared during the development of Vision Downtown Parkville suggested that infill [and presumably modifications] match the color, material, massing and height of adjacent buildings and generally promotes replacement of materials with matching materials. At this time no specific standards, color pallets or other definitive standards are adopted, making it difficult to evaluate whether the proposed paint colors meet these objectives. Color palates are often specific to the period and type of architecture. Examples of whites, creams and gray blues similar to the shades

proposed can be found elsewhere in downtown. Similar paint colors can also be found in other historic districts, but no regulations found for other districts appear to be clearly relevant to downtown Parkville. As such, staff had concluded that this factor is not relevant until a specific color pallet is adopted for downtown Parkville.

Instead staff has reviewed the colors per the adopted Old Town District guidelines to determine if they were complimentary to those used in surrounding buildings and buildings in the general area. The proposed color scheme for 113 Main did not match that of the abutting buildings, but could be considered complimentary to other colors used in downtown. Many of the existing buildings are painted with similarly light colors, using similar schemes of primary and accent colors. Since the applicant is not proposing to paint over previously unpainted elements staff had less concern for the impact of the proposed modification

Staff concluded that the proposed colors meet the general objectives for the Old Town District by providing light colors that contrast the dark brick helping to break up the façade and create visual interest. The colors were generally compatible with other colors used throughout downtown. Staff recommended approval as submitted.

A debate ensued over the colors, and Vice Chairman Cary stated that in order to dictate a color scheme we must first establish and adopt a color palette. Commissioner Scott expressed her concern that we need to retain a historic quality in the downtown district. Commissioner Delich stated that we need a guideline, and with none how can they punish the applicant by denying the application. Commissioner McRuer stated she would not approve these color schemes any longer and did not understand why these applications came before them when they did not have a color palette to reference. A debate ensued over whether colors should be restricted in downtown and how they might be restricted.

Chairman Katerndahl called for a move to approve or deny the application for exterior modifications in the Old Town District. Commissioner Scott moved to recommend the applicant to re-consider the Robins Egg Blue on the exterior. Commissioner Delich seconded. Chairman Katerndahl called for a roll call vote:

Commissioner Scott – Yay
Commissioner McRuer – Yay
Commissioner Lane – Nay
Commissioner Wylie- Yay
Commissioner Delich – Yay
Commissioner Lamer – Yay
Chairman Katerndahl – Yay
Vice Chairman Cary – Nay

Motion passed 6-2.

6. UNFINISHED BUSINESS

None

7. OTHER BUSINESS

A. Upcoming Meetings

Chairman Katerndahl acknowledged the following upcoming meetings:

- Board of Aldermen Meetings: Tuesday, April 7, 2015 and Tuesday, April 21, 2015 at 7:00 pm.
- Planning & Zoning Commission Regular Meeting Tuesday April 14, 2015 at 5:30 pm.

8. ADJOURNMENT

Seeing no other discussion, Chairman Katerndahl called for a motion to adjourn.

Commissioner Lamer moved to adjourn. Commissioner McRuer seconded. Motion to adjourn passed 8-0. Meeting adjourned at 9:47 p.m.

Submitted by:

Sean Ackerson
Assistant City Administrator /
Community Development Director

4-10-15
Date

**Minutes of the
Planning & Zoning Commission Work Session
City of Parkville, Missouri
Tuesday April 14, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Dean Katerndahl called the meeting to order at 5:33 pm.

Commissioners Present:

Dean Katerndahl, Chairman
Keith Cary, Vice Chairman
John Delich
Judy McRuer
Bryant Lamer
Walt Lane
Doug Krtek
Doug Wylie

Commissioners Absent:

Pam Scott

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Alysen Abel, PE, Public Works Director
Kelly Yulich, Department Assistant

2. PRESENTATIONS

A. Pre-review presentation for a preliminary development plan for Bella Vista at the National, apartments in an existing R-5 zoning district

Community Development Director Sean Ackerson gave a brief summary of the projected preliminary plan of the Bella Vista at the National. He then turned the workshop over to the applicant.

The applicants architect and designer Jeff Price presented a PowerPoint slide show. He described the project, stating that they had originally been planned with 360 units on approximately 46-47 acres. Mr. Price explained that they have decreased the number of units down to 300 units in three buildings which would keep the density under the maximum 8 units per acre.

He stated they proposed 80 parking spaces would be under the buildings with an additional charge of \$50.00 per month and additional parking would be located adjacent to the buildings. Also proposed are 46 garages that would be rented

separately for a cost of \$75.00 per month. He projected the lease pricing to be between \$1.45-\$1.60 a square foot.

The applicant presented a proposal for a new VFW east of the dental building on Lake Crest at the proposed entrance to the development. The concept was pending approval from the VFW, prior to purchase of the existing VFW site.

The applicant stated that they hoped for approval from the Planning and Zoning Commission and the Board of Aldermen and would like to the project in June. They estimated construction would last 18 months with the first building ready for occupancy within 10 months, weather permitting.

General questions and concerns addressed by the commissioners the amount parking per unit and concessions for overflow parking. Other concerns were the distance from the apartments to the nearest house across from the golf course. Discussion ensued about the project, visibility to nearby residents, access, parking and project schedule.

No action was taken.

3. **ADJOURNMENT**

Meeting adjourned at 6:26 pm.

Submitted by:

Sean Ackerson
Assistant City Administrator /
Community Development Director

5/1/12
Date

**Minutes of the
Planning & Zoning Commission Meeting
City of Parkville, Missouri
Tuesday April 28, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Dean Katerndahl called the meeting to order at 5:30 pm.

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman
Keith Cary, Vice Chairman
John Delich
Michael Wright
Bob Lock
Pam Scott
Bryant Lamer
Walt Lane
Doug Krtek

A quorum of the Planning Commission was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Alysen Abel, PE, Public Works Director
Dave Mennenga, PE, PTOE, George Butler Associates, Inc., City traffic consultant

3. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl called for any discussion of the proposed agenda. Katerndahl recommended amending the agenda to add an item to recognize new commissioners. **Commissioner Delich moved to approve the agenda as amended, Commissioner Scott seconded. Motion passed 9-0.**

B. Recognition of newly appointed Commissioners.

Chairman Katerndahl welcomed new Commissioner Michael Wright and returning Commissioner Bob Lock.

C. Approve the minutes from the March 31, 2015 Planning and Zoning Commission regular meeting.

Chairman Katerndahl called for any discussion of the minutes. Ackerson stated that the date listed on the agenda was incorrect, noting that the minutes should be

identified as March 31, 2015 and opposed to 2014, as listed. Chairman Katerndahl asked for a motion to approve the minutes. **Commissioner Delich moved to approve the minutes, Commissioner Lock seconded. Motion passed 9-0.**

4. PUBLIC HEARING

Chairman Katerndahl introduced the public hearing items. Prior to starting the public hearing Chairman Katerndahl explained ground rules for public discussion and required conduct during the public hearing.

A. Application to rezone 2.653 acres, more or less, located at the SE corner of 45 and 9 Highway, from “B-4” Planned Business District for a shopping center to “B-4” Planned Business District. Case PZ15-07, Quick Trip Corporation,

Community Development Director Sean Ackerson stated that the application for rezoning was to correct the previously approved zoning which had restrictions specific to a shopping center which was never developed.

Chairman Katerndahl interjected and explained to the public that, if the rezoning were approved, they would approach the site plan application. Commissioner Scott asked what type of restrictions had been placed upon the previously approved application. Director Ackerson stated that the existing B-4 was approved in conjunction with plans for the Park College Shopping Center in 1988. The zoning was approved subject to conditions that applied to shopping center instead of other uses permitted in the district. The plans had expired 18 months after approval and there is no record of an approved extension. Although the plans were no longer valid, the zoning was still in place with conditions that were not appropriate to other uses permitted in the B-4 district. He also explained that after consulting with legal counsel several restrictions were determined to not be valid, legal, or enforceable. Counsel concluded that a best course of action was to rezone the property to eliminate the conditions. Commissioner Delich asked if the zoning was determined to be invalid. Ackerson stated that the zoning was valid, but that many of the restrictions placed upon the zoning are not. Ackerson stated that beyond those conditions that were determined to not be legal or enforceable, he advised that restrictions be placed on plan approval and not zoning, unless the restriction would be applicable to all uses in the district.

Chairman Katerndahl asked the Commissioners if they had any more questions and seeing none, he asked for the applicant to come forward. Patricia Jensen with White Goss, Bowers Law firm legal counsel for the applicant approached the commissioners and stated she concurred with staff and the City's legal counsel. She requested approval of the application.

Chairman Katerndahl asked if anyone in the Public had any questions or comments about the proposed zoning.

Sandy Kerns, a resident of the Pinecrest subdivision, asked Director Ackerson about the 80-foot buffer that the previous landowners promised to deed to the abutting owners in Pinecrest. Ackerson explained that the city legally cannot mandate a

landowner deed ground to another land owner. Discussion ensued about the history of the project, whether any land had already been deeded and the intent. It was pointed out that the land proposed to be rezoned was not within the 80 feet in question.

Chairman Katerndahl questioned what the owner of the area not being zoned planned to do with the property. Director Ackerson stated that he could not answer the question for the landowner. He could only comment that the property adjacent which is Bank Liberty did not donate an 80-foot buffer and instead agreed to a conservation easement on the 80-foot strip.

Chairman Katerndahl stated that perhaps the Pinecrest residents should approach the current landowner about the 80-foot buffer, but that this area in question by Mrs. Kerns was not in fact part of the current zoning application or site plan application. Mrs. Kerns stated she was concerned what other restrictions would be given up if the zoning was allowed to be changed. Director Ackerson read through the approved zoning ordinance and explained each condition to the commissioners and public. Ackerson also explained that they could require a setback in the site plan, but could not mandate that a property owner dedicate property to another owner. Chairman Katerndahl clarified that many of the conditions were now requirements of the Municipal Code and would still be required. Discussion ensued about whether property was deeded to abutting property owners, ownership of area properties, the conditions of the 1988 rezoning and the location of the proposed zoning versus land which was not proposed to be rezoned at this time.

Chairman Katerndahl asked for any other questions from the public to please come forward.

Victor Terranella, an abutting resident in the Pinecrest subdivision, asked for clarification about the original approved plans and whether the zoning had expired. Director Ackerson explained that the zoning remains, however the approved development plans had expired.

Chairman Katerndahl emphasized that to resolve these types of issues in the future that the restrictions should be on the plans not on the zoning. Community Development Director Ackerson agreed.

Charlie Laky of Houston, Texas, representing Phillips 66 and the service station east of the proposed rezoning. He stated that Phillips 66 had made significant investment in the property, based on the existing zoning and restrictions. He expressed opposition to the proposed application, speculating that, if approved, the existing gas stations would close. He believed changing the zoning accommodates a competitor that will hurt his business and the community. Discussion ensued about the history of Phillips 66 in that location. Ackerson clarified that the proposed zoning does not change the permitted uses. Laky argued that a shopping center would be required. Discussion ensued regarding whether a gas station could be approved under the existing zoning.

Laky questioned whether the property was subject to deed restrictions that prevented a gas station or other uses. He questioned whether the city had researched any applicable deed restrictions. Ackerson stated that any restriction would have been a

requirement of the zoning or development plan approved and that staff found no restriction limiting specific uses.

Chairman Katerndahl asked if anyone else would like to speak to the commission before he closed the public hearing. Commissioner Krtek again clarified that all they were being asked to consider only the zoning advertised, pointing out that the action would not rezone any other properties. Discussion ensued about restrictions on other properties zoned B-4 and ownership of the properties. The public hearing for Agenda Item 4.A was closed at 6:23 pm.

Vice Chairman Cary moved to approve the application for rezoning from B-4 Planned Business District with restrictions to B-4 Planned Business District without restrictions. Delich Seconded. Motion Passed 9-0.

5. REGULAR BUSINESS

A. Application for a preliminary development plan for a QuikTrip gas and convenience store on 2.653 acres zoned “B-4” Planned Business District and located at the SE corner of 45 and 9 Highway. Case PZ15-10, QuikTrip Corporation.

Community Development Director Sean Ackerson gave a brief summary of the application and staff recommendation. Ackerson explained that the applicant with their legal counsel would give a presentation and then he would give his staff recommendations.

Chairman Katerndahl asked the applicant to come forward to present.

Patricia Jensen of White Goss, legal counsel for QuikTrip, introduced Matt Brooks project manager with QuikTrip Corporation, Tom Fulton, Olsson Associates who prepared the traffic study and Darla Holman the project engineer. Jensen presented a series of PowerPoint slides, summarizing QuikTrip’s investment in the metro, why they were ranked as one of the best places to work, corporate donations, and other civic contributions. Mr. Brooks stated that QuikTrip was known nationally as a “safe place” for children to go if they were in need of help. In the Kansas City area, 71 children had been helped by going to a QuikTrip. Mr. Brooks and Ms. Jensen stated that QuikTrip Corporation pledges money to Synergy Services based in the Parkville area. They, also, pledge not only money, but volunteer their time within their communities.

They summarized the QuikTrip development plan, stating the building would be a Generation III store with 5,858 square feet of retail space, and 18 vs 24 gas pumps which is what is located with their Riverside, Missouri store. They stated that the lighting that they used in Riverside would be different because Parkville had stricter lighting codes.

Jensen stated that MoDOT had approved the traffic study and proposed traffic improvements subject to conditions. She stated the City and the City’s consultant had recommended approval. She explained that QuikTrip agreed to participate in a CID or TDD to help fund offsite improvements. Mr. Brooks stated that QuikTrip was not

asking for any incentives or reimbursements from the City. Jensen stated they were in agreement with all the MoDOT and staff conditions.

Additional slides with renderings of the proposed QuikTrip, landscaping, signage and other site details were presented.

Jensen addressed concerns that had been expressed about traffic on 9 Highway during consideration of other applications. She stated that traffic counts had been taken in the last week to verify whether the prior 2012 and 2013 counts were valid. The new data showed that traffic counts on the south leg of Highway 9 had been reduced by 0.29% per year since the prior study. Discussion ensued about whether the traffic study considered construction on I-29. It was concluded that traffic would have been higher as a result of the construction, meaning traffic was likely reduced more than the 0.29%. Jensen addressed concerns about school traffic. She stated they studied school-related traffic and found that traffic during that time was 7.7% lower than the pm peak hour, concluding that the greatest traffic impacts were considered.

Commissioner Cary asked if this was a franchised store, and Mr. Brooks stated that all the stores were corporate owned. Discussion ensued about store management and average salaries. Brooks stated the store would have approximately 30 employees. Brooks confirmed that the store was proposed to be opened 24 hours a day.

Commissioner Krtek questioned participation in an improvement financing district. Jensen clarified that they would anticipate a sales tax CID that would not exceed 1%.

Questions were raised regarding the days and times for new traffic counts. Tom Fulton with Olsson Associates explained that he took the traffic counts from 7:00 am to 9:00 am and 3:00 pm to 6:00 pm. He clarified that they took counts on both Highway 9 and Highway 45. He clarified that growth was under the 1% projected annual growth.

The applicant finished the presentation. Discussion ensued about separation of the proposed development from nearby residential properties, landscaping and elevation changes that buffer the abutting uses.

Chairman Katerndahl asked Director Ackerson to summarize the staff recommendation and any conditions recommended. Ackerson summarized staff conclusions and findings from the staff report. He stated staff recommended approval subject to conditions in his staff report and then summarized those conditions.

Discussion ensued about the height of the proposed monument signs. Matt Brooks with QuikTrip explained they were requesting the signs based on the site elevation and speed limit on abutting highways. They desire to have signs that can be read under those conditions. Discussion ensued about the sign regulations and options.

Questions regarding the southbound turn lane on 9 Highway were discussed. Dave Mennenga with GBA summarized the existing conditions and proposed changes.

Concern was expressed about the striped lane or “chicken lane” versus a dedicated left turn only lane.

Vice Chairman Cary moved for a five minutes recess, Commissioner Lock seconded. Motion passed 9-0. Recess began 7:45 pm.

Chairman Katerndahl reconvened the meeting at 7:55 pm.

Commissioners questioned the proposed traffic lane connecting the QuikTrip to Julian Drive and the purpose. Discussion ensued about the connection. Matt Brooks with QuikTrip stated that the connection was a requirement of the purchase of the property from the church.

Discussion ensued about the proposed building versus other constructed in the area. Commissioner Lane requested that the 4' by 4' QT logo medallions be removed from the store front. Discussion ensued about the height of the proposed monument signs versus signs for other QuikTrip stores and the comparison to other signs in the area. Brooks explained the intent and the difference between the monument sign and canopy signs. Brooks stated they could reduce the monument sign heights, but could not meet a maximum height of 8 feet.

Chairman Katerndahl opened up the meeting for the public to address the commissioners at 8:02 pm.

Don Julian, president of the Riss Lake Home Owner's Association introduced Steve Warger, Warger Engineering also representing Riss Lake. Mr. Julian summarized concerns about traffic on Julian Drive. They stated support for the application, but expressed concern about impacts to the intersection of the frontage road with Julian Drive and Julian Drive with 45 Highway. They recommended traffic signage on the frontage road and a traffic signal on 45 Highway.

Vice Chairman Cary asked if they had any concerns about water runoff to Riss Lake. They stated they liked the proposal, and the direction in which they were taking the water.

Paul Nassab, a resident of the Reserves at Riss Lake (east of Julian Drive) stated concerns about the proposed location and connection to Julian Drive. He stated that a 4-mile walking trail around Riss Lake was very heavily traveled with pedestrians now and was concerned that traffic from QuikTrip would conflict with the trail use. He stated Julian Drive was already a bad intersection and additional traffic would make it worse. He was familiar with QuikTrip locations and emphasized they would bring a lot of traffic. He was concerned that the frontage road connected to Julian Drive mixing commercial and residential traffic. He questioned where else QT had access to a residential street. He also stated that the additional access gave QT an unfair advantage over other businesses in the area. He expressed concern for the impact QuikTrip may have on Phillips 66 and other area gas stations.

Discussion ensued about the frontage road and connection to Julian Drive, the existing and proposed trail and the location of the right-in, right-out on 45 Highway.

Commissioner Scott expressed concern about the new access from 45 Highway being too close to the intersection with 9 Highway. Patricia Jensen explained that MoDOT approved the plan, including the proposed stacking, the right-in, right-out access and the lane extensions.

Discussion ensued about how the connection to Julian Drive might be altered to minimize concerns. Options discussed included eliminating access, redirecting traffic through the church parking lot, adding curves, or other impediments that would slow or redirect traffic. Matt Brooks stated that the connection provided an alternative to turning left at Julian Drive that doesn't currently exist, allowing access to 9 Highway through the Quick Trip site.

Sharon Bradford, a resident of the Reserves at Riss Lake (east of Julian Drive), also expressed concerns about the connection to Julian Drive. She stated there is already an issue getting in and out and that she believed they needed a stop light at that location. She believed that Parkville had enough gas stations, and she had concerns over a lot of high school age children loitering there.

Kenny Kerns, a resident of the Pinecrest subdivision, expressed concerned over the run off. Darla Holman, Holman Engineering, representing QuikTrip summarized proposed plans to detain water onsite and then release it west of 9 Highway, not south to Pinecrest.

Kerns asked questions about parkland dedication and clarification about site lighting. Director Ackerson explained that no parkland was required to be dedicated. Ackerson explained that the site lighting would have 0.0 foot candles at the property lines closest to the residential properties and were using cutoffs and shields.

Kerns stated he does not understand how the traffic study concluded that there was less traffic on 9 Highway than before. He expressed concerns for increased traffic, accidents and stated that it would not be good for the City.

Charlie Laky, Houston, Texas, representing Phillips 66 stated his opposition to the proposed development. He questioned where the storm water improvements would tie into the existing system. He state concerns about washing out the access to Phillips 66. Public Works Director Alysen Abel stated that the improvements would connect to an enclosed system which drains south to a detention pond. She stated that if approved the applicant would be required to study the impacts and prepare a final stormwater study.

Laky stated a lot of contractors with trailers will pull into the QuikTrip site. He expressed concern for southbound left turn causing wrecks.

The Commission discussed alternatives for the frontage road connection to Julian Drive. Michael Porter, Pastor for Fellowship of Grace Church, stated that the

connection to Julian Drive is a requirement of the sale of the property. He stated the Church would not allow access through the church parking lot and expressed concerns about maintenance and safety.

Alternatives were discussed, including rerouting the access, adding speed bumps, gating a portion of the street and eliminating the access. Dave Mennenga with GBA stated that if the connection to Julian Drive was eliminated the traffic would be distributed to the other two intersections and would change the impact. It was noted that QuikTrip could be required to study the intersection further and had agreed to pay for a traffic signal. QuikTrip, also, agreed to include traffic calming improvements on the frontage road. It was concluded that the issue needed further study and should be a condition of approval.

Patricia Jensen with White Goss, suggested that the recommended conditions be revised to add a requirement to address Julian Drive. She suggested adding new language to the condition related to the development agreement and participating in funding offsite improvements. She recommended adding "and to explore issues related to the intersection of Julian Drive with the frontage road" to the end of the condition.

Commissioner Scott moved to approve the application subject to conditions outlined in the staff recommendation and the additional exploration and resolution of potential issues relating to the intersection of Julian Drive with the frontage road. Commissioner Delich, seconded the motion with the condition that the motion be modified to require subject to staff approval that the signage be studied with reduction and landscaping at the base of the sign. Scott accepted the amendment.

Commissioner Wright suggested that the signage on 9 Highway be reduced in height. **Commissioner Delich amended his second to require the base of the signs to be landscaped properly, the 9 Highway sign be reduced substantially, that the 45 Highway sign be reduced to 15 feet and that the medallions on the face of the building be removed. Scott accepted the amendment.**

Commissioner Lamer questioned why additional landscaping is not provided along the highway frontage. Ackerson summarized conflicts with the MoDOT right-of-way and utility easements. He clarified that all minimum requirements were met, but that staff, also, desired additional landscaping. It was agreed that the staff recommended conditions allow additional review with the intent of providing additional landscaping.

Chairman Katerndahl called for a vote. The motion passed 9-0.

6. UNFINISHED BUSINESS

Director Ackerson stated that the Board of Aldermen denied the Lake Pointe rezoning application unanimously. The applicant cannot bring the same request or something similar in the R-5 zoning for a year. They can however bring an application for another rezoning classification or a development plan for the current zoning. Discussion ensued

about alternatives for developing the site. Ackerson stated that no other alternative plans have been submitted at this time.

7. OTHER BUSINESS

A. Upcoming Meetings

Chairman Katerndahl acknowledged the following upcoming meetings:

- Board of Aldermen Meetings: Tuesday, May 5, 2015 and Tuesday, May 19, 2015 at 7:00 pm.
- Planning & Zoning Commission Regular Meeting Tuesday May 12, 2015 at 5:30 pm.
- Planning & Zoning Commission Workshop Meeting Tuesday May 12, 2015 immediately after the regular meeting.

8. ADJOURNMENT

Seeing no other discussion, Chairman Katerndahl called for a motion to adjourn.

Commissioner Lamer moved to adjourn. Commissioner Scott seconded. Motion to adjourn passed 9-0. Meeting adjourned at 9:27 p.m.

Submitted by:

Sean Ackerson
Assistant City Administrator /
Community Development Director

5/1/15

Date

**Minutes of the
Planning & Zoning Commission Meeting
City of Parkville, Missouri
Tuesday May 12, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Dean Katerndahl called the meeting to order at 5:30 pm.

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman
Keith Cary, Vice Chairman
John Delich
Michael Wright
Bob Lock
Bryant Lamer
Walt Lane
Doug Krtek

Absent with prior notice:

Pam Scott

A quorum of the Planning Commission was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Alysen Abel, PE, Public Works Director
Emily Crook, Department Assistant

3. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl called for any discussion of the proposed agenda
Commissioner Delich moved to approve the agenda, Commissioner Krtek seconded. Motion passed 8-0.

B. Approve the minutes from the April 14, 2015 Planning and Zoning Commission Work Session and the April 28, 2015 Planning and Zoning Commission meeting.

Chairman Katerndahl called for any discussion of the minutes. Katerndahl asked for a motion to approve the minutes. **Vice Chairman Cary moved to approve the minutes, Commissioner Delich seconded. Motion passed 8-0.**

4. PUBLIC HEARING

Chairman Katerndahl introduced the public hearing items. Prior to starting the public hearing Chairman Katerndahl explained ground rules for public discussion and required conduct during the public hearing.

A. Application for Bella Vista at the National apartments, a preliminary development plan in an “R-5” Planned Multi-Family Residential District. Case PZ15-11, J3-Pandi, LLC, applicant

Community Development Director Ackerson stated that the applicant was requesting approval of the preliminary development plan for Bella Vista at the National. He continued to give a brief overview of the plan – where the property would be located, the amenities that would be provided, and noted changes from the previous version of the plan and that the applicant had made additional revisions to the drawings since submittal to the Commission. He summarized the approval of Tract CC for multifamily development and prior plan approvals, including approval of similar plan with portions of buildings that were five stories tall.

Chairman Katerndahl called for questions from the Commissioners. Commissioner Krtek asked about the comments related to annexation on page 4 of the staff report (1.a. Zoning / Annexation). Director Ackerson stated that Lake Crest Lane had not been annexed into Parkville. Commissioner Krtek clarified that, even though the area in question is a part of unincorporated Platte County, it is still surrounded by Parkville. Director Ackerson agreed, but said that a petition could be made to change that, if so desired.

Chairman Katerndahl asked the Commissioners if they had any more questions and seeing none, he asked for the applicant to come forward. Dale Brouk, Steve Warger, and David Pence were in attendance. Mr. Brouk stated that all of the developers are local residents. He stated he had lived in the area for some time, that he had a background in accounting and real estate, and that he has been the COO at the National since 2003. He stated that Tract CC was always envisioned to be apartments.

Mr. Pence stated he was with J. Price Architecture, Inc. He summarized the proposed apartment buildings and amenities. He stated that the apartment complex would consist of three buildings with four stories each (four residential stories over a parking garage). He noted that there was a 120 foot change in elevation across the site. He presented the color rendering of the entry way. Steve Warger, project engineer with Warger Associates L.L.C., stated that the entryway to the apartment complex is to be widened to approximately 50-55 feet.

Pence stated that the building materials that would be used are Hardy Board lap siding, stone accents, and other high quality materials. There would be a bridge from the parking lot to the second floor. The first floor would be recessed. The amenities proposed for the second floor common spaces were summarized. A description of the first floor and the pool were also given. In addition, they presented the floor plans for one-, two-, and three-bedroom units. The amenities under consideration in those units

were outlined. It was suggested that a two-bedroom unit with a den could be used as either an office or as a three bedroom unit.

Commissioner Lane asked if the building design meets the National's standards. Brouk responded that, yes, it would subject to the National Architectural Review.

Warger presented the site plan showing Lots 1 and 2. He stated that the hope is for Lot 2 to become the new home of the VFW. They intend for Lake Crest to be vacated and to become a private street. He summarized the intent of the grading and how it works on-site. The drive's grade would range from two to ten percent. There would be emergency access from the south from Lime Stone Court. This access will be restricted to outside access by a gate. Warger stated that there are plans for a trail within the existing grade and that every effort to preserve the trees will be made. Not only would the trees contribute to the scenery, they would also minimize noise from 45 Highway. Commissioner Delich inquired as to what the material of the trail path would be. Warger said that they were considering wood chips.

A need for vacation on a portion of the 45 Highway right-of-way in order to accommodate for signage was discussed. The traffic study and associate conclusions were presented. It was stated that there would be a need for a right turn lane on 45 Highway to access the apartment complex and it was suggested that there may be a need for a signal and a speed limit reduction. They summarized their plans for the storm water runoff and their plans for detention in the floodplain.

Commissioner Wright asked for clarification in regards to Buildings 1, 2, and 3 with reference to Buildings A, B, and C. Mr. Pence clarified by saying that the numbers denoted the order in which the buildings would be built. Building C would be built first, then A, then B. There would not be a delay from the construction of one building to the next. Commissioner Wright then asked what the parking ratio for the apartment complex would be. Mr. Pence responded that there would be 550 parking spots for the complex, averaging 1.82 spaces per unit. Only 488 spots are required to meet code. The number of parking spots reported does not include the current VFW lot.

Commissioner Delich asked Director Ackerson if the parking would accommodate business use. Director Ackerson responded that their parking exceeds the City of Parkville's requirements.

Commissioner Krtek questioned whether home occupations would be permitted and what impact that might have on parking. Director Ackerson stated that home occupations were allowed, but that occupations were restricted to uses that did not generate much traffic and that no advertising is allowed minimizing traffic to the site. He stated he did not believe home occupations would impact parking.

Chairman Katerndahl opened the public hearing at 6:47 pm.

Byron Pendleton (6100 NW Bell Road) had a question about Bella Vista's proximity to the building on Bell Road.

Susan Daily (6114 Double Eagle Court) wanted to know if the apartment complex residents would have access to the Home Owner's Association's amenities. Mr. Brouk stated that it would be considered.

Rick and Betty Kennedy (9536 Limestone Road) do not want through traffic on Limestone Road. It was clarified that only emergency vehicles would have access from Limestone Road.

Robert Eckerle (8110 NW Roberts Road) said that the VFW members were in favor of moving to the new location. Related discussion ensued.

Commissioner Lane moved to approve the application for Bella Vista. Commissioner Lamer seconded. Motion passed 8-0.

Director Ackerson stated that the item would be taken to the Board of Alderman on 06-02-2015.

B. An application for Townhomes at the National 3rd, an amended final development plan in an "R-5" Planned Multi-Family Residential District. Case PZ15-13, Continental Consulting Engineers, Inc on behalf of Five Star Lifestyles, owners

Community Development Director Ackerson discussed the Townhomes at the National 3rd Phase. It had been previously approved in Phase 1 as two-, three-, and four-unit townhomes. The proposed change is to build maintenance-provided single-family homes instead. He stated that the changes would still fit into the character of the National while being compatible with the units surrounding them which is consistent with the previously approved plan.

Commissioner Delich asked about the proposed parking facility. Dale Brouk replied that they were still working out the number of spots that the residents would need but that their aim is to also provide enough parking spots for residents' guests.

Chairman Katerndahl opened the public hearing at 7:05 pm.

Dale Brouk reiterated that, with the changes, the lots would match the character of the townhomes around them. They would be of the same Cape Cod design and they would meet the existing standards.

Susan Daily (6114 Double Eagle Court) approved of the plans, but she had a question about the grading. Brouk told her that they were grading for walkouts and that they would be similar to the walkouts in the currently constructed townhomes. She was also interested in the intentions for landscaping. Brouk responded that they would be landscaping the parking lots to make them more attractive and that they were actively considering connecting the walking trails between Bella Vista and The Townhomes at the National to each other, but that they had not yet come to a conclusion.

Bill Gaffey (9549 Limestone Road) would like the speed limit to be reduced on Limestone Road. He supports the use of speed bumps as the speed limit signs do not seem to be making an impact. He asked about the price range on the townhomes that are being sold and the market. He was informed that the townhomes are selling for

around \$400,000 and that they are being sold to middle-aged couples without children. The population in the area is not expected to change much. Public Works Director Alysen Abel stated that the concern about speed limits on Lime Stone Road had previously been raised and that the desires would be noted.

Rick and Betty Kennedy (9536 Limestone Road) are in favor of extra parking for the neighborhood. The street becomes a one-lane road when there is a party at a house because cars have to park on the street due to lack of park spaces.

Commissioner Lane moved to approve the application for Townhomes at the National 3rd. Commissioner Lamer seconded. Motion passed 8-0.

Director Ackerson stated that the item would be taken to the Board of Alderman on 05-19-2015.

5. REGULAR BUSINESS

- A. **An application for the Final Plat, Townhomes at the National – 3rd Plat, a Replat of Lots 6 through 12 and Tracts C and D, Townhomes at the National 1st Plat.**
Case PZ15-12, Continental Consulting Engineers, Inc. on behalf of Five Star Lifestyles, owners

Commissioner Delich moved to approve the application for the Final Plat, Townhomes at the National – 3rd Plat. Commissioner Lock seconded. Motion passed 8-0.

6. UNFINISHED BUSINESS

7. OTHER BUSINESS

- A. **Upcoming meetings & dates of importance:**

Chairman Katerndahl acknowledged the following upcoming meetings:

- Board of Aldermen Meetings: Tuesday, May 19 and Tuesday, June 2, 2015 at 7:00 pm
- Planning & Zoning Commission Regular meeting Tuesday, June 9, 2015 at 5:30 pm
- The Tuesday, July 14, 2015 meeting has been canceled. If applications are received for that meeting an alternative date will be scheduled.

8. ADJOURNMENT

Seeing no other discussion, Chairman Katerndahl called for a motion to adjourn.

Commissioner Delich moved to adjourn. Commissioner Cary seconded. Motion to adjourn passed 8-0. Meeting adjourned at 7:17 p.m.

Submitted by:

5/15/15

Emily Crook
Community Development Department Assistant

**Minutes of the
Planning & Zoning Commission Regular Meeting
City of Parkville, Missouri
Tuesday June 09, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Dean Katerndahl called the meeting to order at 5:35 pm.

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman
Keith Cary, Vice Chairman
Walt Lane – left at 7:30 p.m.
Doug Krtek
Bryant Lamer – arrived at 5:50 p.m.
Bob Lock
Pam Scott

Absent with prior notice:

John Delich
Michael Wright

A quorum of the Planning Commission was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Alysen Abel, PE, Public Works Director
Emily Crook, Department Assistant

3. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl called for any discussion of the proposed agenda
Commissioner Scott moved to approve the agenda, Commissioner Krtek seconded. Motion passed 6-0.

B. Approve the minutes from the May 12, 2015 Planning and Zoning Commission meeting.

Chairman Katerndahl called for any discussion of the minutes. Katerndahl asked for a motion to approve the minutes. **Commissioner Krtek moved to approve the minutes, Commissioner Scott seconded. Motion passed 6-0.**

4. PUBLIC HEARING

Chairman Katerndahl introduced the public hearing items. Prior to starting the public hearing Chairman Katerndahl explained ground rules for public discussion and required conduct during the public hearing.

- A. An application to rezone two parcels containing 43.3 acres, more or less, located east of the southeast corner of the intersection of Brink-Myer Road (north/south alignment) with Brink-Myer Road (east/west alignment) from County "AG" Agricultural District to Parkville "R-3" Single-Family Residential District.** Case PZ15-18; David Barth, Forest Park Development Company of Kansas City, LLC.

Community Development Director Ackerson stated Items 4A and 5A (an application for a preliminary plat of Thousand Oaks West) were related so they would be presented together. The property that is requested for rezoning by Forest Park Development, LLC is owned by Arville Myers. The proposed plan is for the extension of Thousand Oaks with the addition of 34 single-family homes. Ackerson stated that all hearing notice requirements had been met including mailing certified letter, posting signs on site and publishing notice in the paper. He stated that he had received emails from citizens who could not attend the public meeting. He, then, listed their concerns.

Community Development Director Ackerson informed those in attendance that the plans were reviewed to ensure that they reflect the character of the neighborhood and to make sure that they meet the applicable City codes. He referenced exhibits presented to the Planning and Zoning Commission for their consideration. Referencing his staff report, he explained the differences between the existing and proposed residential zoning codes and the potential impacts of approving the development of the property. He stated that the application had been submitted to institutions that provides services to the area.

Ackerson stated that the developer's plans were consistent with the City's adopted Master Plan. He proceeded to describe the plan and, then, concluded that the R-3 residential zoning code for the proposed rezoning agreed most with the City's Master Plan. He described the potential hardships to the neighborhood and the applicant. He stated that the staff recommends approval of the application.

Chairman Katerndahl opened the discussion for questions from the Commissioners. Commissioner Scott asked why the zoning was not changed when Thousand Oaks was annexed into Parkville. Ackerson stated that he was not with the City at the time, so he is not certain of the reasons, but was aware that the City's policy at that time was to retain the County zoning until such time as the owner desired to rezone to a City district, or desired a development or building permit. He believed the policy was in part due to property owner concerns about increased appraisals and assessments, if rezoned.

Chairman Katerndahl asked the Commissioners if they had any more questions and seeing none, he asked for the applicant to come forward. David Barth (6014 N 9 Hwy) represented Forest Park Development, LLC. He explained the intent for their development plan. Arville Myers and his wife approached Forest Park Development,

LLC to sell their property. Forest Park Development, LLC thought that adding to Thousand Oaks sounded like a good idea. The development could be extended out on the bluff overlooking a seven-acre lake. He said that this would not be a typical Thousand Oaks plan; the acreage per house around the lake would be greater than the average house in the subdivision. He feels like the best use of the land would be for residential homes with high-price homes. He wants to preserve the lake.

Vice Chairman Cary stated that from the emails he could tell that some of the residents felt misled about the intent of development for Thousand Oaks. He asked Mr. Barth if he had any comments regarding the concerns of the residents. Mr. Barth said that he could not promise what another developer would do to the land, density would be low, but that he would add high-price homes to high quality land. He did not think that people would have been bothered if the development had happened all at once. He said that they intend to create a new entrance on River Road.

Vice Chairman Cary asked if the new homes would be less expensive than the current homes. Mr. Barth stated that no, the new homes were expected to cost more, speculating on value, and would certainly be no less than the price for a current home. Community Development Director Ackerson interjected that the cost projection is for interest only and should not be a factor in the Commission's consideration. It is not an obligation and the City cannot enforce the projection.

Vice Chairman Cary asked if it would be a problem to redesign the new entrance. Mr. Barth stated that an entrance to Brink-Myers road was difficult due to the grades.. He described changes that he believed would be required which would be less desirable than the proposed connections to the exiting cul-de-sacs. It would likely have to connect all the way through which he did not believe was desired. .

Discussion ensued about the intent of the plat. Community Development Director Ackerson stated that the issues of rezoning and platting are different and enquired if they wanted to discuss the details of the preliminary plat. Chairman Katerndahl restated that agenda item 4A is about the application to rezone.

Commissioner Scott asked what the ramifications would be if the residents did not want the R-3 rezoning. Community Development Director Ackerson stated that the applicant was requesting the property be rezoned for single-family development. He said that the City's R-1 zoning code is the closest to Thousand Oaks' current AG zoning code, but that there is not a significant difference between the City's R-1 and R-3 zoning codes. The staff recommends the R-3 zoning code.

Chairman Katerndahl asked the Commissioners if they had any more questions and seeing none, he opened the public hearing for comments from the audience and asked for anyone from the public to come forward.

Tom Kirker (10795 NW 66th Terrace) had several concerns regarding rezoning, sewage, and traffic. In regards to rezoning Community Development Director Ackerson informed him that the current County zoning is a hardship since the property cannot be developed in any manner without rezoning to a City district. He was told that any changes in price for sewer service would be made through the Platte County

Regional Sewer Department and, because of the size of the project, it would not be likely for a traffic study to be performed.

Arville Myers (14801 NW 68th Street) stated that he owns the property and that it has been as family-owned property for a long time. He had said that he and his wife did not originally intend to sell the property but with the continued development in the area wanted to relocate. He and his wife decided to sell to Forest Park Development, LLC. He wants the land to be rezoned so he can make improvements to his property like others have been allowed in the area. His current hardship is, with the way his property is zoned, he does not have the legal right to develop his land. He views the potential development as an extension of Thousand Oaks. Mr. Myers stated that he contacted Forest Park Development, LLC. He was not approached by Mr. Barth.

Chairman Katerndahl asked the public if they had any more questions and seeing none, he asked the Commissioners if they had any more questions for Community Development Director Ackerson. Seeing none, Chairman Katerndahl called for a motion.

Commissioner Scott moved to approve the rezoning of the subject property [from County “AG” Agricultural District to Parkville “R-3” Single-Family Residential District]. Commissioner Lock seconded.

Chairman Katerndahl called for a roll call vote.

**Chairman Katerndahl – aye
Vice Chairman Cary – aye
Commissioner Lane – aye
Commissioner Krtek – aye
Commissioner Lamer – aye
Commissioner Lock – aye
Commissioner Scott – aye**

Motion passed 7-0.

Director Ackerson stated that the item would be taken to the Board of Alderman on Tuesday, June 16, 2015 for final action.

5. REGULAR BUSINESS

The Planning and Zoning Commission agreed that it was in the public’s best interest to take the agenda out of order as those who were in attendance for Item 4A are also in attendance for Item 5A.

A. An application for a preliminary plat of Thousand Oaks West, 34 single-family units on 43.29 acres. Case PZ15-14; David Barth, Forest Park Development Company of Kansas City, LLC.

Community Development Director Ackerson showed a copy of the preliminary plat. He described the documents that have been collected. The preliminary plat at hand is intended to be developed in multiple phases (Phase 20- residential homes, Phase 21-

lake). The proposal meets all standards for the R-3 residential code. It was stated that Public Works Director Alysén Abel concluded that the streets meet City standards but that additional engineering is required.

Community Development Director Ackerson referenced the included copies of the Thousand Oaks 10th and 11th plats. He explained the culs-de-sac on both of the plats. He stated that the Master Plan calls for the extension and connection of proposed and current developments. It was noted that the developer was concerned about the potential traffic patterns. He does not want the roads being used for more than residential access.

Community Development Director Ackerson outlined the phases of the Thousand Oaks Development. He stated that the plat showed proposed parkland. Platte County wants a trail connection from Tiffany Springs to Platte Landing Park. The trail would be located west of the property and the rest of the Thousand Oaks. Public sidewalks along Brink-Myers Road are not shown but are required by code. Ackerson stated that a trail connecting west could connect to the future Platte County trail and could be accepted in lieu of sidewalk. Addressing the sidewalk requirement was recommended as a condition.

Community Development Director Ackerson stated that the proposed plan meets projections and goals and objectives of the Master Plan. He concluded that the staff recommended approval subject to conditions listed in the staff report, summarizing those conditions for the Commission. The staff report did not take into consideration any additional public comments or testimony that would be received during the meeting.

Commissioner Scott asked about the 10th Plat cul-de-sac. She thought that it looked like the original intention was to extend the road at a later time. Community Development Director Ackerson stated that the applicant believes that it was the original intent, but that it is not specifically stated on the plan. Extending the cul-de-sac and right-of-way to the abutting property line was required by the County. Although the street is in the County, there is nothing under the City's subdivision regulations that is against extension of the cul-de-sac.

Chairman Katerndahl clarified that the 10th and 11th plats are in the County.

Commissioner Scott asked if the intent to extend the road was in accordance with the original plan. Community Development Director Ackerson said that he could not speak to the original intent.

Commissioner Scott asked if the original drawing was submitted. Chairman Katerndahl called on Mr. Barth to answer the question. Mr. Barth spoke to Myers' improvements and original plans. He confirmed that yes, it was the original intent for the property for the cul-de-sac to be extended, if the Myers property became available.

Commissioner Scott asked if the proposed Thousand Oaks west plans were part of the original Thousand Oaks development plans. Were the property owners aware of the plans for extension? If not, Commissioner Scott stated, the property owners have a legitimate concern. Mr. Barth replied that he could not speak on behalf of the realtors

who sold the properties to the current residents and what they believed. He felt like he has submitted a quality design and that it is in-line with city codes.

Commissioner Scott asked Mr. Barth what he would say to the property owners who were told that the cul-de-sac would not be extended. Mr. Barth stated that he did not tell the current residents that the plan would never change

Commissioner Lane clarified that, if the property owner had gone to the assessor's office, he would have seen the plat as it currently is and as it was when he bought the property.

Chairman Katerndahl asked why there was not an access road off of Brink-Myer Road. Mr. Barth informed him that the topography was not conducive to an access road at that location.

Chairman Katerndahl was concerned that this was not a good plan on the part of the City of Parkville. Community Development Director Ackerson replied that the use and size of culs-de-sac in Parkville into consideration in relation to other culs-de-sac in the area. From a design standpoint, road connections are most logical so there are not so many dead-end streets.

Commissioner Lamer asked why the road in question is not being connected to Brink-Myer Road. Community Development Director Ackerson replied that he did not believe it would not minimize the residents' concerns, since an equal number of impacts would result from providing alternative access. Road connections from Brink-Myers Road connecting through the neighborhood would be most logical.

Commissioner Scott asked if future owners would be happy with a less direct route to their homes. Mr. Barth responded that the lake view would be enough to buy the new homes. He felt like the homes would be bought before construction is even completed.

Commissioner Scott asked if there should be a more direct route. Thousand Oaks is confusing enough. Mr. Barth stated that there are already two entrances from Brink-Myer Road. A third major access is being designed to connect to River Road. That is why River Road is the ideal choice.

Commissioner Scott asked how many homes there will be once the development is completed. Mr. Barth stated that there are 750 homes currently in the development with 40, at least, in the new development. An access road off of River Road would reduce traffic on Brink-Myer.

Chairman Katerndahl asked why the project was done in phases. The residents are now caught off-guard. Mr. Barth stated that different parts of the development were bought at different times.

Commissioner Lamer asked where the access road would be located. Mr. Barth replied that it would be located on the back side of Thousand Oaks by the sewer pump. That location would be the best to reduce traffic.

Commissioner Scott commented that when she looked at the potential access road to Brink-Myer, she realized that it would become a through-street. Becoming a through-

street would increase traffic. Community Development Director Ackerson agreed. He said that, by looking at the plan, it was clear that an access at Brink-Myer would provide little advantage to Thousand Oaks. Making it a through-street outweighs any advantages.

Commissioner Scott asked about the residents on the cul-de-sac. Getting rid of the cul-de-sac decreases the property value for the residents who paid premium prices. Mr. Barth stated that he is trying to do everything he can to maintain the current appearance of the road. He feels like this is the best solution for designing in Thousand Oaks.

Chairman Katerndahl asked the Commissioners if they had any more questions.

Commissioner Krtek asked if there was any intention to develop beyond the 34 houses in Phase 20. Mr. Barth replied that there was not.

Commissioner Krtek asked about the area around Phase 21. Mr. Barth said that, at this point in time, there are no further plans, but Mr. Barth and Mr. Myers had discussed building a home for Mr. Myers' son. So, yes, future development is possible from the west side of the lake.

Chairman Katerndahl asked the Commissioners if they had any more questions and seeing none, he opened the public hearing and asked for anyone from the public to come forward.

Tom Kirker (10795 NW 66th Terrace) asked if a 404 permit was required to which Public Works Director Abel stated that a permit was not required. He also asked whose responsibility it was to maintain the lake. Public Works Director Abel replied that the owners would be responsible for the lake and for the upkeep of the dam.

Ryan Vogel (NW 66th Terrace) had a question about the proposed extension of 66th Terrace. He said that it was never indicated that 66th Terrace would go through by design. He paid a premium and he is concerned about the proposed development. He does not have anything in writing, but he was told by the realtor that the developers did not have future plans to extend the road.

Jeff Kinsey (NW 66th Terrace) addressed the cul-de-sac. He purchased property on 66th Terrace to be at the end of a cul-de-sac that would not be extended. His children play at the end of the street. If the cul-de-sac were extended, he would not be able to see his children play. At the time of purchase, Mr. Kinsey was told by John Barth that Forest Park Development, LLC did not own the land beyond the cul-de-sac. The land belonged to Arville Myers, so the property was not even available for development. He said that Mr. John Barth reasonably concluded that the cul-de-sac would never extend beyond its current position.

Clay Watkins (14700 NW 66th Terrace) agreed with Mr. Kinsey. He stated that he was sold his lot by Mr. John Barth. His lot was the last lot built and it was built based on the word of Mr. John Barth that the area would not be developed. If the application is approved and development is allowed to begin, he loses his premium. He said that he

would have assumed that the extension of Meyers Circle was just to gain access to the Farm.

Jeff Wessinger (6680 NW Meyers Circle) suggested that Thousand Oaks West have its own separate access to make it exclusive.

Ray Young (6735 NW Meyers Circle) suggested finishing off the cul-de-sac then separating the rest of the pending development.

Bruce Laughlin (9400 Liberty Drive – Havens Construction) said that this was a great opportunity to continue development. The property values will rise.

Jason Robbins (201 NW 72nd Street – Aylett Survey) is the designer. He said that in an earlier design he had 8-10 more lots. He does not believe that access can be provided from Brink-Myer without destroying the lot with mass grading and removal of trees. The two connection points at Meyers Circle and 66th Terrace were required by subdivision regulations to extend the property.

Gabe Houston (194150 Humphreys Road – Aspen Homes) thinks that the developer really considers the plans, character of the neighborhood, and potential impacts.

Tom Kirker (10795 NW 66th Terrace) said that he takes care of the common open space next to him. He stated that the Home Owner's Association does not allow renters, but renting is allowed next to him.

Commissioner Krtek asked Mr. Kirker if the development had been turned over to the HOA. Mr. Kirker replied that he did not know.

Commissioner Katerndahl asked if anyone else had any more comments or concerns.

Commissioner Scott said that she was concerned about the property owners. Their property value will go up, but that does not matter if the amenity goes away. She asked Mr. Barth if there was a way that he could address that. Mr. Barth said that he wants to take all of that into consideration. Nothing is perfect when additions are made. This is the only plan that he thinks will work and only an additional eight or nine lots will be added [referencing the extension of 66th Terrace]. He continued by saying that it was never his intent to mislead. He would not have told someone that there would never be future development.

Commissioner Scott asked if there is a way to replace what the current homeowners are losing. The residents bought the property for the cul-de-sac. Mr. Barth said that he would be more than willing to work with the residents. He is available to hear suggestions.

Chairman Katerndahl asked if there were any questions for Community Development Director Ackerson.

Commissioner Lamer asked why the Planning and Zoning Commission is hearing a plan that concerns County roads. Community Development Director Ackerson stated that the plan deals with property within city limits. Part of Thousand Oaks is in the City. The plan would connect through the County to the City. Ackerson gave examples of other similar plats in Thousand Oaks.

Commissioner Lamer asked why the Planning and Zoning Commission was considering a plan that connects City lots with County roads. Has the county approved the plan? Community Development Director Ackerson stated that the Commission was considering the plan because it is in the City. Ackerson said the City is to make road connections where possible, emphasizing connections between phases and abutting developments. The County has not approved the plan. The passing of the final plat depends upon the County's approval of that portion of the road in their jurisdiction.

Commissioner Lamer asked, with that in mind, why the staff did not recommend making a connection at Brink-Myer Road. Community Development Director Ackerson replied that the reason was that it would become a primary access street to the detriment of the other residents. Discussion ensued about the impacts.

Vice Chairman Cary asked if there was a disadvantage to an increase in traffic to which Community Development Director Ackerson said that there was.

Vice Chairman Cary said that he was for the individual decision, but that he supports the City Policy. He thinks that the development will be great even though he is concerned that the residents will be affected.

Commissioner Lamer asked Community Development Director Ackerson if there were any other phases that would provide additional access to Brink-Myers Road. Community Development Director Ackerson replied that there were no plans that called for or provided additional access to Brink-Myers Road.

Chairman Katerndahl asked if anyone else had any more questions. Seeing none, Chairman Katerndahl called for a motion.

Discussion ensued.

Chairman Katerndahl called for a motion.

Commissioner Lock moved to approve the application for a preliminary plat of Thousand Oaks West subject to staff conditions and consideration of an amenity to offset the loss of the cul-de-sac. Commissioner Lamer seconded. A roll call vote was taken.

**Chairman Katerndahl – aye
Vice Chairman Cary – aye
Commissioner Krtek – aye
Commissioner Lamer – aye
Commissioner Lock – aye**

Commissioner Scott – aye

Motion passed 6-0.

Chairman Katerndahl stated that the item was approved and would not be taken to the Board of Alderman. Instead only the zoning would be considered by the Board.

Chairman Katerndahl suspended the meeting for a short break – 8:30 p.m.

Chairman Katerndahl called the meeting back to order – 8:39 p.m.

4. PUBLIC HEARING

Regular order of agenda resumed.

- B. An application to rezone two parcels containing 75.08 acres, more or less, located approximately ¼ mile south of 45-Highway immediately west of and abutting I-435, from County “AG” Agricultural District to City “R-1” Single-Family Residential District. Case PZ15-17; Stephen and Karla Hall, owners.**

Chairman Katerndahl introduced the application.

Community Development Director Ackerson described the property and summarized the application and staff findings. the property was previously projected for use as a business park. Staff is recommending approval with the condition that it is recognized that the property to the north is projected and zoned for a business park which may not be compatible with further residential development.

Chairman Katerndahl asked the Commissioners if they had any questions for Community Development Director Ackerson. Commissioner Krtek inquired about the proposed R-1 zoning versus other single-family zoning. Ackerson explained that the City does not have an “AG” zoning district and the R-1 district is the City’s closest equivalent.

Chairman Katerndahl called for the applicant to come forward. Stephen Hall (14385 67th Street) went to the podium.

Commissioner Scott asked what the intent was for the land. Mr. Hall replied that he would build a single-family home and maybe harvest timber.

Commissioner Scott asked why the Planning and Zoning Commission would not approve the application. Community Development Director Ackerson replied that the application would only not be approved if the Commission saw it to be in conflict with the City’s Master Plan. It was originally allotted for a business park. Legal counsel suggested that an agreement be signed that shows that the land owners acknowledge that they live next to a business park. Discussion followed regarding what would happen if the property were subdivided further.

Chairman Katerndahl asked if anyone else had any more questions. Seeing none, Chairman Katerndahl called for a motion.

Commissioner Krtek moved to approve the application [to rezone from County “AG” Agricultural District to City “R-1” Single-Family Residential District] subject to staff recommendations, including the recommended acknowledgement. Commissioner Lamer seconded. Motion passed 6-0.

5. REGULAR BUSINESS

Deviated from order of agenda with the Planning and Zoning Commission’s approval.

A. An application for modification of a structure at 303 Main Street in the “OTD” Old Town District. Case PZ15-20; Joe Willhoite, owner

Chairman Katerndahl asked Community Development Director Ackerson to describe the Old Town District. Community Development Director Ackerson assented.

Chairman Katerndahl introduced the application.

Community Development Director Ackerson stated that the applicant, Joe Willhoite, wants to take the structure back to its historic character with a few exceptions. He wants to modify the interior to make the facilities more usable. This means that he intends to expand the north side of the structure with an enclosed patio and to the west with a new entry. The staff’s perspective is that it is an under-utilized property. The proposed application would improve the property. The approval would be subject to conditions.

Chairman Katerndahl asked the applicant to come forward. Joe Willhoite (303 Main Street) thinks that the property was developed around 1899. He would like to make improvements to the interior of the first level and put a deck off to the side of the property to add space. He, also, intends to match the exterior to the character of the neighborhood.

Vice Chairman Cary asked what the material he was proposing to use. Mr. Willhoite said that it will be driven by cost, but that he wants to get the best material possible. He would like to add a courtyard with a stone wall wrap-around to provide a place for pedestrian access. He thought that this would make the street better and improve the path to the door.

Commissioner Lamer asked what material would be used for the stone wall to which Mr. Willhoite responded that limestone would be the ideal choice. He does not know the original color of the structure, but he wants to match what material would have been used around the turn of the 20th century.

Chairman Katerndahl asked when he would be starting the project. Mr. Willhoite said that he plans on starting in the summer. He is waiting for approval of the application then he will apply for a permit.

Commissioner Krtek asked for what the building would be used. Mr. Willhoite said that he would temporarily use it as a residence with his office then convert it to an office.

Chairman Katerndahl asked if there were any more questions.

Community Development Director Ackerson said that some of the details may change. He suggested that the Commission give staff the authority to approve minor changes with major changes to be approved by the Commission.

Chairman Katerndahl called for a motion.

Commissioner Scott moved to approve the application for modification of a structure at 303 Main Street subject to major changes being approved by the Commission. Commissioner Krtek seconded. Motion passed 6-0.

4. PUBLIC HEARING

Resumed order of agenda.

- C. An application to amend Parkville Municipal Code Section 442.050, *Design Guidelines*, to amend subsection 2 to clarify the regulation of architectural styles, design features, building materials and to add a new subsection 13 to clarify regulation of paint colors in in the “OTD” Old Town District. Case PZ15-19. City of Parkville Community Development Department.**

Chairman Katerndahl asked Community Development Director Ackerson to explain the application. Community Development Director Ackerson said that the regulation of color was a controversial guideline. He explained that the Community Development Department proposed the amendment to clarify the intent and better regulate the changes. Instead of the color of a building matching the buildings in the surrounding area, it is proposed that the colors be compatible while still remaining true to the character of the building. Paint color does not destroy character with a few exceptions. Only traditionally painted materials should be painted and the inclusion of patterns for the purpose of attracting attention is not acceptable. The amendment also amended the regulation of other modifications to the building and how they would be evaluated. This is a compromise between the current code and the building owner’s complete autonomy.

Commissioner Lamer moved to approve the application to amend Parkville Municipal Code Section 442.050, *Design Guidelines*. Commissioner Scott seconded. Motion passed 6-0.

6. **UNFINISHED BUSINESS**

7. **OTHER BUSINESS**

A. **Upcoming meetings & dates of importance:**

Chairman Katerndahl acknowledged the following upcoming meetings:

- Board of Aldermen Meetings: Tuesday, June 16, 2015 and Tuesday, July 7, 2015 at 7:00 pm
- The Tuesday, July 14, 2015 meeting has been canceled. If applications are received for that meeting, an alternative date will be scheduled.

8. **ADJOURNMENT**

Seeing no other discussion, Chairman Katerndahl called for a motion to adjourn.

Commissioner Scott moved to adjourn. Vice Chairman Cary seconded. Motion to adjourn passed 6-0. Meeting adjourned at 9:19 p.m.

Submitted by:

Emily Crook
Community Development Department Assistant

06/16/15
Date

**Minutes of the
Planning & Zoning Commission Regular Meeting
City of Parkville, Missouri
Tuesday August 11, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Dean Katerndahl called the meeting to order at 5:36 pm.

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman
Keith Cary, Vice Chairman
Secretary Lock
Bryant Lamer
Walt Lane
John Delich
Doug Krtek
Michael Wright
Pam Scott

A quorum of the Planning Commission was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Emily Crook, Department Assistant
Zach Tusinger, Planning Intern

3. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl called for any discussion of the proposed agenda

Commissioner Scott moved to approve the agenda, Commissioner Krtek seconded. Motion passed: 9-0.

B. Approve the minutes from the June 09, 2015 Planning and Zoning Commission meeting.

Chairman Katerndahl called for any discussion of the minutes. Katerndahl asked for a motion to approve the minutes. **Commissioner Wright moved to approve the minutes, Commissioner Lock seconded. Motion passed: 9-0.**

4. PUBLIC HEARING

Chairman Katerndahl introduced the public hearing items. Prior to starting the public hearing Chairman Katerndahl explained ground rules for public discussion and required conduct during the public hearing.

A. An application to rezone all or a portion of 12398 NW Highway FF, Parkville, Missouri 64152, containing 29.1 acres, more or less, from County "PI" Planned Industrial District to "PLCD" Parkland and Conservation District. Case PZ15-25, City of Parkville, applicant.

Chairman Katerndahl introduced the application. Then, he asked Community Development Director Ackerson to explain it.

Ackerson described the property stating that only that portion north of Rush Creek was to be rezoned. It includes the area known as Viking's Field and does not include the sewer plant or other area to the south or east. The property is proposed to be rezoned to City "PLCD" Northern Parkland from County "PI" to allow for any improvements. Ackerson explained that the Viking's Football organization leases the property from the City and desires to construct a new concession stand and storage building. City permits cannot be issued under the existing County zoning. Ackerson recommended approval of the application.

Commissioner Scott asked who would own the property and improvements if it were to be rezoned. Community Development Director Ackerson stated that the City would still own the property and that ownership of the site improvements was addressed in a lease agreement previously approved by the Board of Aldermen. Discussion about the lease and conditions ensued. Ackerson stated that the rezoning would not change the lease agreement or any associated terms.

Chairman Katerndahl asked if the Commissioners had any more questions. Seeing none, he called Viking's representative Tommy Ryan to the podium.

Tommy Ryan (6011 NW 107th Street) stated that the Parkville Vikings needed a place to play so, as the coach, he asked the City if they could use the field. The City agreed and, now, the team maintains the field. He does not intend to put in bathrooms with the projected improvements as he does not have enough capital.

Community Development Director Ackerson added that there is a built-in provision to the contract. Whoever has the lease pays for the expenses of maintenance. However, if the City decides that the property is needed for other improvements, the contract can be broken. An example as to why the City might need the property could be the expansion of Parkville's Waste Water Treatment Facility.

Commissioner Katerndahl asked if there were any more questions from the Commissioners. Seeing none, he called for a motion.

Commissioner Delich moved for approval based upon the criteria submitted by staff. Commissioner Lamer seconded. Motion passed: 9-0.

5. REGULAR BUSINESS

A. Discussion of potential text amendment to Chapter 442, “OTD” Old Town District to restrict ground floor uses on Main Street between the railroad tracks to the south and 2nd Street to the north. Case PZ15-26.

Chairman Katerndahl introduced the application and then asked Community Development Director Ackerson.

Ackerson described the application. The property owners in the Old Town District want to incorporate more retail in the shops between the railroad tracks and 2nd Street on Main Street as it has the most historic character. He mentioned that a petition was presented to the City in June. It was taken to the Board of Aldermen where it was requested to be a priority. Following the request, Planning Intern Tusinger was set to work researching downtown districts in other communities. With that said, Community Development Director Ackerson yielded to Planning Intern Tusinger.

Planning Intern Tusinger stated that he had researched downtown districts in many other communities. He found that, in most instances, non-commercial office use was limited, if not prohibited. After having completed his research, he spoke with the Main Street Parkville Association and then went to speak with the OTD’s shop owners. The property owners want to see more retail stores at ground level in the future as opposed to the first floors of buildings being used as office space for non-conforming businesses. The general idea is that an increase in retail uses will create more foot-traffic in the Old Town District.

Commissioner Lane asked what the non-conforming businesses are in Downtown. Community Development Director Ackerson, first, described the kind of business that the shop owners want to see. An example of a “non-conforming business” is Edward Jones, but any current non-conforming business is allowed to keep their office space if the current code were to change.

Commissioner Lane clarified that these companies would be “grandfathered” into their leases until they choose to leave. Community Development Director Ackerson confirmed that, yes, if the business occupies a space before the code changes, it will not be required to leave. They would be legal, non-conforming uses.

Commissioner Lamer asked about businesses like yoga studios to which Community Development Director Ackerson replied that businesses of that nature are up-for-debate. If the yoga studio’s primary use is instruction over merchandise, it would not be allowed to lease first-floor space after code changes. At the last meeting the property owners stated that they did not want a non-retail business as a tenant, if retail is only its secondary purpose. The exception to this is if such a tenant cannot be found. If a retail tenant cannot be found, an application could be

sent to Community Development Director Ackerson for an “administrative exception.”

Commissioner Lamer asked if there would be an appeal process. Ackerson stated that an appeal process was being included.

Commissioner Lamer asked if the tenants had been approached to get their opinions. Community Development Director Ackerson said that Main Street Parkville Association representatives and petitioning building owners had talked to all but a few of the other building owners and to date no one had opposed the conceptual changes.

Commissioner Delich asked what percent of the ownership does not want to impose the limitation. Community Development Director Ackerson stated that none of the property owners spoken to were opposed; clarifying that some of them had not yet signed the petition.

Commissioner Scott asked what would happen if the property owners relied too heavily on the administrative exception. Community Development Director Ackerson stated that the exception would be in place to determine if a “good-faith effort” had been made to lease property to businesses of retail use. The property owners want uniformity in the Old Town District.

Vice Chairman Cary asked about the property owners who did not sign the petition, if they are in agreement with the other property owners or if they were aware of the petition’s existence. Community Development Director Ackerson confirmed that they are aware of the petition and that Main Street and other owners were committed to reaching everyone.

Vice Chairman Cary stated that it stands to reason that not all of the property owners are in agreement if they are asking for the City to change the code to enforce the proposed limitation. Community Development Director Ackerson replied that he thinks that they are self-regulating and unanimous, but they want to ensure that they remain that way in the future. They want it to become and remain a cohesive retail attraction.

Chairman Katerndahl asked what the City was hoping would come of this discussion. Community Development Director Ackerson stated that it was just a preliminary discussion with the Commission and that no action was requested. Instead staff was seeking general direction before drafting revised language to review with the property owners.

Planning Intern Tusinger outlined the next phase in the application.

Commissioner Lamer asked what would happen if the shop owners decide that they do not like the new code; they may move out. Community Development Director Ackerson stated that some of the other downtown districts that had a similar code worked with the vacant store fronts by setting up displays. The

tenants believe that the restriction of ground-floor uses to retail will encourage more retail to move to Parkville.

Chairman Katerndahl asked what the property owners plan on doing to address future retailers. Community Development Director Ackerson stated that they would address the hours of operation, appearance, and what to do if there is a vacancy.

Commissioner Scott referenced the research that was compiled for the meeting. She observed that each retail district mentioned is very organized. She is concerned that the Old Town District is not organized enough to be a thriving district like the districts considered in the research material. Community Development Director Ackerson countered that, if the retail district were to be retail only, it is very possible for Parkville to become a thriving community. Property owners want Downtown to be a retail attraction. Retail begets retail.

Commissioner Scott said that she would like Parkville to be a place that people recognize. Chairman Katerndahl responded that this would be a good first step towards that recognition.

Community Development Director Ackerson stated that the property owners would like downtown to be successful. If there is a lot of demand from retail use, it would be easier to maintain those properties.

Chairman Katerndahl asked if any more discussion was necessary. When Community Development Director Ackerson stated that there was nothing else, Chairman Katerndahl closed discussion on the application.

6. UNFINISHED BUSINESS

7. OTHER BUSINESS

A. Upcoming meetings & dates of importance:

Chairman Katerndahl acknowledged the following upcoming meetings:

- Board of Aldermen Meetings: Tuesday, August 18, 2015 and Tuesday, September 01, 2015 at 7:00 pm.
- Planning & Zoning Commission Regular meeting Tuesday, September 08, 2015 at 5:30 pm.

B. Project Updates

- Community Development Director Ackerson gave project updates.

8. ADJOURNMENT

Seeing no other discussion, Chairman Katerndahl called for a motion to adjourn.
Commissioner Scott moved to adjourn. Commissioner Delich seconded. Motion to adjourn passed 9-0. Meeting adjourned at 6:33 p.m.

Submitted by:

Emily Crook
Community Development Department Assistant

9/3/2015
Date

**Minutes of the
Planning & Zoning Commission Regular Meeting
City of Parkville, Missouri
Tuesday, September 8, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Acting Chairman Cary called the meeting to order at 5:33 pm.

2. ROLL CALL

Commissioners Present:

Keith Cary, Acting Chairman
Bob Lock, Secretary
Bryant Lamer
Walt Lane
John Delich
Doug Krtek
Michael Wright
Pam Scott

Commissioners Absent with Prior Notice:

Dean Katerndahl, Chairman

A quorum of the Planning Commission was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Emily Crook, Department Assistant
Zach Tusinger, Planning Intern

3. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Acting Chairman Cary called for any discussion of the proposed agenda.

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

B. Approve the minutes from the June 09, 2015 Planning and Zoning Commission meeting.

Acting Chairman Cary called for any discussion of the minutes. Commissioner Wright stated that he was in attendance at the August 11, 2015 meeting, but the minutes do not reflect that. He requested a revision. **Commissioner Lamer moved to approve the minutes as amended [to show Commissioner Wright was in attendance], Commissioner Scott seconded. Motion passed: 8-0.**

4. **PUBLIC HEARING**

A. An application for a text amendment to Chapter 442, “OTD” Old Town District to restrict ground floor uses on Main Street between the railroad tracks to the south and 2nd Street to the north. Case PZ15-26, City of Parkville, applicant.

Acting Chairman Cary introduced the application. Then, he asked Community Development Director Ackerson or Planning Intern Tusinger to explain the proposed amendment.

Planning Intern Tusinger gave an overview of the application and the history prior to being brought to the Planning and Zoning Commission. The amendment would limit uses on the first floor to retail uses with noted exceptions. He showed a map summarizing the properties that would be affected by the text amendment were it to pass. Most of the property owners between the railroad tracks and 2nd Street want the first floor uses to be retail only because they believe that it will create a more active, vibrant retail destination, with good foot traffic that drives retail sales.

Tusinger summarized a proposed definition for “retail.” He explained that the text amendments were to restrict first floor uses to retail, but that an escape hatch to allow non-retail uses if the space cannot be leased for retail uses. If the first floor tenant leaves the property, the proposed text amendment would require the property owner to advertise the space as retail for three months. If they cannot find someone to lease the space in that period of time, they can request an administrative exception from the Community Development Director. Tusinger notes that the regulations for first story retail would not apply to non-conforming businesses. If the non-conforming business vacates the space, the property owner would have 12 months to rent out the space to another non-conforming business. If the aforementioned office moves, only an equally non-conforming business or a more conforming business is allowed to rent the space.

Planning Intern Tusinger noted that, in this case, the Community Development Department was not required to provide advanced notice of the meeting to individual property owners, but notices were given anyway in the form of certified mail, an announcement in the newspaper, and signs posted in Downtown Parkville. He, also, noted that there was one letter sent via email that opposed any code changes.

Following Planning Intern Tusinger’s explanation of the application, Acting Chairman Cary asked for comments or questions from the commissioners.

Commissioner Lamer asked about the minimum time required for advertisement to receive an administrative exception. Community Development Director Ackerson replied that the administrative exception would be administered on a case-by-case basis and the form of advertising would be considered. He stated they would be looking for a good faith effort to meet the code. Planning Intern Tusinger added that there would be a provision to appeal the Community Development Director’s ruling included in the code change. An appeal could be filed with the Board of Zoning Adjustment.

Commissioner Scott asked to include more specific details regarding the advertising requirements and commented that the administrative exception would be left entirely to the Community Development Director's discretion. She asked what the definition of "advertising" is in regards to issuing an administrative exception. Community Development Director Ackerson stated that, in every case, a vacancy cannot be filled until it has been advertised for at least three months with a preference to conventional advertising methods. Discussion ensued about alternatives, and which advertising items were required.

Commissioner Scott asked who the Board of Zoning Adjustment was to which Community Development Director Ackerson replied that it consisted of five members and confirmed that Commissioner Scott used to serve on the Board.

Commissioner Delich asked if there would be a property owner in attendance who would be speaking against the application. Community Development Director Ackerson stated that he did not believe that that was the case. Planning Intern Tusinger added that the only property owner who would be affected by the code change who is not interested in any modifications to the code is the owner of Peddler's Wagon, Teri Hahs. Commissioner Delich stated that he had read the email and believed the amendment addressed those concerns. Discussion ensued about changes that led to the text amendment before them.

Commissioner Krtek expressed concern that three months may not be enough time to lease space to another retail tenant. Community Development Director Ackerson replied that, in Planning Intern Tusinger's research, they found that other communities have similar time frames in place for leasing to retail tenants. The potential text amendment is only modeling these other community's ordinances. Planning Intern Tusinger added that Mission and Overland Park are two of the communities that have similar time frames. Those communities do not grant many administrative exceptions.

Commissioner Krtek clarified that the three month guideline was only a minimum requirement, not a maximum requirement, and that owners could advertise for longer periods.

Commissioner Scott asked if there was a time limit on how long a current tenant could stay, referencing language about non-conforming uses. Community Development Director stated that there was not a time limit in place. If, however, a retail tenant leaves and a new tenant cannot be found, the property owner can appeal for an administrative exception. Although, if an exception is granted, it will not apply to future vacancies – the exception is not then considered a non-conforming legal use, which would extend the advertising period to 12 months. The property owner would have to reapply were he to have the same problem leasing to retail tenants.

Commissioner Scott clarified that the businesses that are currently occupying the first floor space are allowed to stay for as long as they want. Community Development Director Ackerson stated that they will not be asked to leave until they are ready. Planning Intern Tusinger, then, presented, slides informing what businesses have conforming and non-conforming uses. The non-conforming businesses will not be asked to break their leases. They can renew. Community Development Director

Ackerson added that there will be no government involved in the terms of any lease, and there is no requirement to amortize non-conforming use out over time. The leases will be between the tenants and the property owners.

Commissioner Lamer asked why paragraph 16 of the code was removed. Community Development Director Ackerson stated that the reason was because it was a lot of legal language that was hard to understand and is covered in other sections of the document.

Commissioner Wright asked about the phrase “and where the goods can be immediately removed from the premises.” He asked why it was included as it seems restrictive and possibly not forward thinking. Community Development Director Ackerson stated that the reason is to make sure that consumer-retail is the primary use. Internet sales can supplement in-store sales, but by themselves were not considered to help accomplish the objective of an active, walkable district.

Commissioner Wright asked about places like art galleries where products are ordered. The product may not be readily available at the gallery. Community Development Director Ackerson stated that sales of off-site or ordered products were allowed to augment in-store sales. Most of the shops that already occupy the first floors between the railroad tracks and 2nd Street provide something that can be bought on-site and taken off-site, meeting the retail definition.

Commissioner Lane asked if the property owners and the tenants were contacted. Community Development Director Ackerson stated that the property owners were contacted but, in some cases, the property owners are also the tenants.

Acting Chairman Cary asked if the commissioners had any more questions. Seeing none, he opened the public hearing.

Tom Hustler (insert address, owner English Landing Center) stated that he would like his property to become a part of the potential ordinance. He considers his property to be a continuation of the shops in Downtown Parkville. He thinks that including his property in the ordinance would add to the profitability of Downtown Parkville and was concerned that non-retail uses moving out of downtown would likely move to English Landing Center impacting other retailers there. Discussion ensued about revisions to maximum square footage restrictions. Discussion ensued about how the amendment might apply to English Landing Centers.

Hillary Murray (insert address, owner 109 and 111 Main Street) has a vacancy at 109 Main and had multiple offers from non-conforming use businesses since her last tenant moved out last June, but she believes in the vision of Downtown Parkville. She is waiting for a retail opportunity to approach her. If she were to lease to a non-conforming use, she believes that the employees would contribute only to the dining establishments. She believes that the 12-month clause for non-conforming should be reduced. Discussion ensued.

Community Development Director Ackerson reinforced that the property owners want to see Parkville as a retail destination in 10 years. When the neighboring space becomes non-retail, the foot-traffic decreases to shops past the business.

Acting Chairman Cary is concerned that Teri Hahs believes that a code change will limit her ability to lease or sell her property. The City could be seen as overstepping their boundaries. Community Development Director replied that the City is already restricting uses and the code change would only redefine the uses and restrictions. He understands the concerns that Teri Hahs has. They are addressed by the administrative exception provision. She and other property owners who agree with her could apply for an administrative exception from the Community Development Director.

Commissioner Scott asked Mr. Hutsler what the time frame would have been for leasing a space prior to the economic depression in 2008. Mr. Hustler confirmed that a space could have been leased within three months' time in a good economy.

Commissioner Scott expressed concerns about government regulating uses. She asked if the business owners are united on this and other issues and if there would be an ordinance about a business' operating hours and making pedestrian traffic safer.

Mike Emmick (insert address, owner 101, 103, and 105 Main) stated that he too does not like government regulations. He stated that businesses should be open at reasonable hours and that parking needs to be addressed, but through lease contract, not City regulation. It is difficult to make any changes when the property owners do not recognize that they are working for their customers. Acting Chairman Cary asked why they supported the City regulating uses, but not hours of operation and parking. Discussion ensued.

Mr. Emmick stated that he is a property owner of a non-conforming business and he supports the code change.

Commissioner Scott asked if this kind of ordinance is common in other local communities like Weston or on a national scale. Community Development Director Ackerson stated that Weston did not have an ordinance similar to the one proposed, but other communities have the ability to make their own decisions based upon their individual needs. Planning Intern Tusinger added that there are examples of other communities nationally that have similar clauses. He gave examples of communities in Colorado and California.

Commissioner Scott stated that she is not comfortable with restricting uses, but acknowledged the concerns about being too restrictive. However, the existing language lends itself to one person have sole charge of administrative decisions – the Community Development Director. The advertising clause should be amended to be clearer and hair salons should be included as a conforming business use as they do sell products.

Ackerson said that he was fine with that idea, but he did not want the wording to be too specific, disallowing valid options or creating provisions that couldn't be enforced. He

envisions that advertising today may not be the same in the future and specific wording might lend itself to being too restrictive someday.

Hillary Murray was acknowledged as an expert and she agreed to help create additional language.

Commissioner Krtek was also recognized as an expert, and cautioned against being over restrictive and forcing an owner to use a realtor which may not be necessary. Discussion ensued. He suggested the requirements be reasonable. Based on the conversation Ackerson suggested better defining the options, clarifying that advertising must be three consecutive months and that one or more advertising methods are required.

Commissioner Delich stated that the language can be refined but there are appeals built in and there are more critical decisions that the staff could be making. He recommended moving on.

Acting Chairman Cary asked if Mr. Hustler's property could be included in consideration for the motion tonight. Community Development Director Ackerson stated that he could not as he is not a part of the current application. A separate advertisement would be required.

Commissioner Scott said that the wording should be more specific for the Board of Zoning Adjustment. They do not have the experience the Community Development Director Ackerson has. In order to make an informed decision, if an appeal were to be made, a checklist would be very helpful. Ackerson agreed that she had a good point. A checklist would, also, be beneficial to the property owners.

Commissioner Krtek asked about the inclusion of hair salons. Community Development Director Ackerson stated that, if hair salons were to be included in the code, the code could apply to other uses like Mike Emmick's Edward Jones, as well. While they are bringing people downtown, they may affect Parkville as a retail destination. He noted that the petitions decided not to include personal services.

Commissioner Lock thought that the application should be approved with the "good faith" clause, with issues to be addressed if an issue arises.

Commissioner Krtek asked how to move forward in the approval process. Community Development Director Ackerson stated that the wording issue could be resolved by making it a part of the motion or the application could be tabled until next month returning with modified language.

Commissioner Lamer reminded staff to include language that clarifies that not all advertising requirements are required – the use of "or" versus "and."

Commissioner Delich asked for the staff recommendation. Community Development Director Ackerson stated that he is comfortable with either option. He could easily modify the language in regards to the advertising section to make it clearer.

Commission Krtek asked if a motion could be made. Acting Chairman Cary stated that he was willing to entertain any motion, summarizing options.

Commissioner Scott asked if anyone on the commission felt comfortable with making a recommendation as to the time limit for vacancy. Commissioner Krtek said that it depends on the market. Community Development Director Ackerson stated that the reason that the 12-month period was a common provision for a sunset or abandonment period, and confirmed that legal counsel supported 12 months, but also supported a shorter period so long as it was reasonable. Discussion ensued regarding how the requirement applied.

Commissioner Lamer stated he believed there was some immediacy to the application and that it should be acted on. He asked the business owners present if they were comfortable with the 12-month clause. Ms. Murray stated that the 12-month clause was too long and that it should become a 6-month time frame. Commissioner Lamer stated that he would recommend 6 months.

Acting Chairman Cary asked, if multiple businesses accept the 12-month clause, if it is fair to change the clause without notice. Community Development Director Ackerson stated that the 12 months was not included in the original draft forwarded with the public hearing. Instead the 12 months was added by staff after the last staff meeting with property owners. He didn't believe the change would be an issue. Discussion ensued about why the period was necessary at all. Ackerson stated it was a compromise that was added to address some owners' concerns about losing substantial investments if forced to advertise for retail uses immediately.

Acting Chairman Cary said he would entertain a motion. Discussion ensued about the potential motion. **Commissioner Lamer moved for acceptance of 4A subject to council approval and analysis of item 2,A,2 as discussed [clarifying the advertising requirements in Section 442.015, A,2,a,ii] and revision of 12 months to 6 months [in Section 442.015, D,5], all subject to staff analysis and approval, Commissioner Delich seconded: Motion passed 8-0.**

5. REGULAR BUSINESS

A. An application for the Preliminary Plat of Cider Mill Ridge – 6th in an “R-2” Single-Family Residential District. Case PZ15-30, FiveStar Lifestyles, applicant.

Acting Chairman Cary introduced the application and then asked Community Development Director Ackerson to explain it.

Ackerson presented images of the National and the subject property. He gave an overview of the zoning code with considerations. He stated that the property in question was in an “R-2 CUP” Single-Family Residential District with a Community Unit Plan overlay. He described the minimum lot size and the setbacks. The plan met all of the requirements for the lots, streets, and utilities. He stated that Public Works Director Abel confirmed that the storm sewer and the sewer can provide service and that it is

consistent with the Master Plan. He said that a final plat was submitted separately with improvement plans. He listed staff findings and recommended conditions for approval and stated that, if the preliminary plan were approved, the final plat should be available to the Planning and Zoning Commission next month.

Acting Chairman Cary asked for comments or questions from the commissioners.

Commissioner Scott asked if there would be an increase of traffic on Bell Road, stating it does not need more traffic. Community Development Director Ackerson stated that he could not say specifically, but confirmed that a traffic study was completed for the master development and improvements had been made accordingly. There are plans for future development to the south but it should not make any future connections on Bell Road. She reiterated her concern about traffic on Bell Road.

Commissioner Wright stated that there was a tremendous grade differential on the plat. He asked if the fire department had approved the plan. Community Development Director Ackerson confirmed they have. The developers work with similar topography elsewhere. Ackerson stated that the fire department does not assess individual grades, instead they are revised by the City's public works department who had concluded they meet the applicable standards. Instead the fire department determines whether they can turn the truck around on the street.

Dale Brouk (8835 NW 63rd Street) spoke on behalf of the applicant, explaining how the grades would work. The entries to the houses are at street level. The developers will be building down the hillside.

Acting Chairman Cary called for a motion. **Commissioner Delich moved to approve the application for the Preliminary Plat of Cider Mill Ridge – 6th be approved according to staff recommendations and stipulations they require. Commissioner Wright seconded: motion passed 8-0.**

6. UNFINISHED BUSINESS

7. OTHER BUSINESS

A. Project Updates

1. Quik Trip: They are behind their expectations. They wanted to be open by May or June of 2016, but that was with the project starting now. They hope to complete it by next summer. The final plat will go to the Planning and Zoning Commission before going to the Board of Aldermen.
2. Thousand Oaks West: There have not been any further plans submitted. They owners have been working on the conditions of prior approval, but there is no projection for submittal. The residents have asked to be made aware of the next application. He stated the City had committed to posting information on the City webpage and residents could call for updates.

3. Bella Vista: The Final Plat is expected soon. It would come back to the Commission before proceeding to the Board. He did not have any updates about relocating the VFW.

B. Applications submitted for October 13, 2015 meeting:

1. Final Plat - Cider Mill Ridge 6th Plat
2. Revised Preliminary Plat for Thousand Oaks Estates
3. Final Plat - Thousand Oaks 16th Plat
4. Final Plat - Thousand Oaks 19th Plat

C. Upcoming meetings & dates of importance:

Acting Chairman Cary acknowledged the following upcoming meetings:

- Board of Aldermen Meetings: Tuesday, September 15, 2015 and Tuesday, October 06, 2015 at 7:00 pm.
- Planning & Zoning Commission Regular meeting Tuesday, September 14, 2015 at 5:30 pm.

8. ADJOURNMENT

Seeing no other discussion, Acting Chairman Cary called for a motion to adjourn.

Commissioner Scott moved to adjourn, Commissioner Lane seconded: 8-0. Meeting adjourned at 7:23 p.m.

Submitted by:

Emily Crook
Community Development Department Assistant

09/11/2015
Date

**Minutes of the
Planning & Zoning Commission Special Meeting
City of Parkville, Missouri
Monday, October 19, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Acting Chairman Cary called the meeting to order at 5:30 pm.

2. ROLL CALL

Commissioners Present:

Keith Cary, Vice Chairman (Acting Chairman)
Bob Lock, Secretary
Bryant Lamer
Walt Lane
Doug Krtek
Michael Wright

Commissioners Absent with Prior Notice:

Dean Katerndahl, Chairman
John Delich
Pam Scott

A quorum of the Planning Commission was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Emily Crook, Department Assistant

3. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Acting Chairman Cary called for any discussion of the proposed agenda.
Commissioner Krtek moved to approve the agenda, Commissioner Wright seconded. Motion passed: 6-0.

B. Approve the minutes from the September 8, 2015 Planning and Zoning Commission meeting.

Acting Chairman Cary called for any discussion of the minutes. **Secretary Lock moved to approve the minutes, Commissioner Lane seconded. Motion passed: 6-0.**

4. PUBLIC HEARING

None.

5. REGULAR BUSINESS

- A. **An application for the Cider Mill Ridge – 6th Plat (final plat), including 20 single-family lots and one open space tract on 12.36 acres.** *Case PZ15-31, FiveStar Lifestyles, applicant.*

Acting Chairman Cary introduced the application and then asked Community Development Director Ackerson to explain it.

Ackerson reminded the commissioners that the associated Preliminary Plat was presented to and approved by the Planning and Zoning Commission at the prior meeting. Since the preliminary plat was considered last month the applicant has submitted engineering drawings that have been reviewed and approved by the Public Works Director subject to conditions. The only items outstanding are utilities which are not controlled by the City. The gas, water, and electrical systems are designed, but they have not yet been approved by their individual companies. The only changes anticipated are minor changes of easements to eliminate conflicts between the utilities. The staff recommends approval of the final plat subject to the conditions outlined in the staff report: final approval of utility improvements plans and associated easements from each of the subject utility providers; final approval of grading and erosion control plans by the Public Works Department prior to issuance of a grading permit; final approval of detailed street and storm sewer improvement plans and engineering calculations by the Public Works Department prior to issuance of a public improvement permit; and the above conditions being met prior to recording the final plat.

Acting Chairman Cary asked if there were any questions.

Community Development Director Ackerson stated that the only change to the plan since preliminary plat approval was in Lots 1-5. They were modified to create a greater buildable area in Lot 1. Lots 2-5 were decreased in size, but they do meet the minimum lot criteria. It is still, essentially, the same plan.

Commissioner Lane asked for a larger image for a better frame of reference for the subject property. Community Development Director Ackerson enhanced the image and outlined the subject property. He provided reference points to make the property easier to recognize.

Acting Chairman Cary asked if there were any questions. Commissioner Lane stated that he saw no reason for concern.

Acting Chairman Cary stated that he would entertain a motion for approval of the proposal subject to the recommendations of the staff listed on page 3 of 4 of item 5A. **Commissioner Wright moved to approve Item 5A as recommended, Commissioner Lamer seconded. Motion passed: 6-0.**

B. An application for the modification of a structure at 1 West 1st Street in the “OTD” Old Town District.

Commissioner Lamer stated that he lives next to the property in question. He fully approves of the application, but he would recuse himself from the discussion. Ackerson advised Lamer to excuse himself from the room during discussion in accordance with the city’s adopted policies.

Commissioner Lamer exits the room.

Ackerson reminded the Planning and Zoning Commission that the subject property was the former Piropos restaurant. He proceeded to highlight the subject property on a map. The building has been purchased by Evolytics, currently at 104 Main St. The owners are proposing to make exterior modifications to the roof of the building. They want to make it more conducive to office use while also improving the appearance of the building. He showed the roof of the building from different perspectives and, with the photos for reference, outlined their plans for the roofing modifications. With that he stated that staff recommended approval. It is an improvement to the appearance of the building, overall, and is in accordance with the applicable OTD guidelines.

Commissioner Krtek asked if the property was outside of the “Main Street Restricted Uses” area [referring to a recently adopted text amendment requiring retail uses for ground-floor stores on a portion of Main Street]. Ackerson stated that the property is outside that area and is not restricted to retail.

Secretary Lock asked if the planned materials for the proposed roof modifications would match the materials for the rest of the roof. Ackerson stated that they would match the current materials as best as possible.

Acting Chairman Cary asked if the conversion of the property from a restaurant to an office building affected the parking requirements for the building. Ackerson stated that it did, but there was more than ample parking available.

Acting Chairman Cary asked if there were any other questions. He stated that there did not appear to be any staff recommendations, that it was a straight vote for approval. Community Development Director Ackerson confirmed that it was a straight vote.

Acting Chairman Cary stated that he would entertain a motion for approval of the application designated as 5B. **Commissioner Lane moved to approve the designation of Item 5B as recommended, Secretary Lock seconded. Motion passed: 5-0.**

Community Development Director Ackerson retrieved Commissioner Lamer from the hall.

6. UNFINISHED BUSINESS

None.

7. OTHER BUSINESS

C. Discussion of potential text amendment to allow micro-breweries as a conditional use permit.

Acting Chairman Cary introduced the item and, then, asked Community Development Director Ackerson to explain it.

Ackerson stated that this item was for discussion only. He stated that, in the last few years, microbreweries have been opening in the greater Kansas City Area. They have become popular, in part, because they have shown to be good economic generators. Ackerson stated that there has been interest in opening a brewery in Parkville in the last few years. The main conflict with opening in Parkville arises from a requirement that at least 50% of the revenues come from food sales, requiring a restaurant. The current model with microbreweries is to brew and serve on-site with many not including a restaurant, or having significant food sales. Instead they are brewing the product on-site, with a supplemental tasting room or bar, in addition to shipping off-site to secondary locations, such as Rusty Horse Tavern or Stone Canyon. Because there has been increasing interest in Parkville in microbreweries, the City is exploring a text amendment.

A possibility for this would be to issue a conditional use permit. This would allow for evaluation of the brewery on an individual basis. Ackerson presented a draft amendment including the following provisions: A. At no time shall the microbrewery allow the discharge of waste grain into the Parkville sewer system; B. The manufacturing process shall not produce odors, dust, vibration, noise, or other external impacts that are detectable beyond the property lines of the subject property; C. no more than 50% of the product may be manufactured for sale to a wholesaler, and at least 50% of the product must be sold for retail use, to be consumed either on- or off-site; D. Retail sales of the product manufactured on-site are required. If to be consumed off-site, the product must be in the original packaging or in growlers. Accessory retail sales of related items are permitted; E. Microbreweries may be allowed as a conditional use in "OTD" Old Town District, "B-2" General Business District, "B-4" Planned Business District, "I-1" Light Industrial District, "I-2" Light Industrial District, and "U-1" Underground District, all subject to applicable regulations contained in their respective chapters. Additional conditions may be applied, as necessary; and F. When permitted in "OTD" Old Town District the following conditions shall apply: 1) Upon application, applicant shall supply to the city a business plan detailing a proposed timeline for renovation, production, operation, and sales; 2) The proposed business plan will state a start date for on premise retail sales service and consumption of the product manufactured on-site; 3) Outdoor "beer garden" may be allowed as part of the conditional use permit in accordance with licensing restrictions; 4) Total floor area of the establishment, including production and retail areas, shall not exceed 8,000 sq. ft.

Community Development Director stated that, prior to the meeting, Chairman Katerndahl expressed concerns about Item C, and off-site versus on-site sales. He was concerned it would allow token on-site sales and wanted to clarify what was meant by that statement. The potential text amendment's intent is to mainly sell product on-site with supplementary sales off-site. This may need to be revised to better reflect intent. Ackerson stated he had also spoken to Commissioner Scott who wanted to make sure to take into consideration traffic and parking.

Commissioner Lamer asked why customers would not be allowed to buy from the microbrewery and take the product off-site in the Old Town District, specifically. Community Development Director Ackerson stated it had to do with the state statutes and liquor licensing currently in place. Outside of our City events, it is not the current practice to allow people to walk around with open alcohol containers in Parkville. Customers could take their drinks to certain areas outside of the brewery itself, but it would be restricted to the establishment's property in accordance with their liquor license restrictions.

Commissioner Lane asked, if the intent is to attract a microbrewery, if the conditions are too restrictive, such as the square footage being restricted to 8,000 feet or restrictions on odors. Community Development Director Ackerson stated that in doing the research he did not find the conditions to be too restrictive.

Commissioner Lane stated that the wording might keep prospective microbreweries from considering Parkville. Commissioner Lamer suggested that qualifying language should be included.

Commissioner Wright asked if including micro-distilleries had been considered. Community Development Director Ackerson stated that there had been discussion about including micro-distilleries and wineries, as well. Ackerson agreed to expand the language to include both.

Ackerson stated that the Main Street Parkville Association had been asked about breweries and whether they would be supported as a retail attraction. It was confirmed that there would be downtown support for breweries as attractions, so long as they included retail sales.

Acting Chairman Cary asked what the next step in the process will be. Community Development Director Ackerson stated that the next step is to take the direction received and hone the language to bring it forward as a proposed text amendment.

Acting Chairman Cary stated that, if a business owner were found, it would still have to abide by state liquor control laws. Then, he asked if there was anything in the proposal that is in conflict with the state liquor laws. Community Development Director confirmed that the business owner would have to abide by state liquor laws and stated that there was not anything in the proposal that would conflict with those laws. In fact, Parkville has self-imposed restrictions beyond those required by the State.

D. Update on Code Update Projects

The code update project is behind where staff wants to be. Staff has reached out to stakeholders and others in the community who use the code. The input was provided to the consultants and they are going through section-by-section reviewing the code and making potential edits to it. They will be writing a detailed summary to present to staff, the Planning and Zoning Commission, and the Board of Aldermen in order to have a more in-depth discussion. Then it will be taken to the community.

E. Project Updates

1. Quik Trip: They are still proceeding with the project. The final development plan should be before the Planning and Zoning Commission in November. There will not be a public hearing. However, the community will be notified of the meeting.
2. "OTD" Restriction: The text amendment was approved by the Board of Aldermen.
3. 9-Highway Corridor Study: There is an upcoming public meeting on October 29, 2015. A preliminary draft of the meeting materials will be presented to the Board of Aldermen on October 20th.
4. Bella Vista: There have not been any further submissions.
5. Thousand Oaks West: There have not been any further submissions.

F. Upcoming meetings & dates of importance:

Upcoming meetings were listed on the agenda:

- Board of Aldermen Meetings: Tuesday, October 20, 2015 and Tuesday, November 03, 2015 at 7:00 pm.
- Planning & Zoning Commission Regular meeting Tuesday, November 10, 2015 at 5:30 pm.

8. ADJOURNMENT

Seeing no other discussion, Acting Chairman Cary called for a motion to adjourn.

Commissioner Krtek moved to adjourn, Commissioner Lane seconded. Motion passed: 6-0. Meeting adjourned at 6:17 p.m.

Submitted by:

Emily Crook
Community Development Department Assistant

09/11/2015
Date

**Minutes of the
Planning & Zoning Commission Regular Meeting
City of Parkville, Missouri
Tuesday, November 10, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Katerndahl called the meeting to order at 5:33 pm.

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman
Keith Cary, Vice Chairman
Bob Lock, Secretary
Walt Lane
John Delich
Doug Krtek
Michael Wright
Pam Scott

Commissioners Absent with Prior Notice:

Bryant Lamer

A quorum of the Planning Commission was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Emily Crook, Department Assistant
Zach Tusinger, Planning Intern

3. GENERAL BUSINESS

Chairman Katerndahl recognized Peter Perlik, member of Boy Scouts of America Troop 261 (St. Therese), who is working on his Communications merit badge.

A. Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl called for any discussion of the proposed agenda.

Commissioner Krtek moved to approve the agenda, Commissioner Scott seconded. Motion passed: 8-0.

B. Approve the minutes from the October 19, 2015 Planning and Zoning Commission meeting.

Chairman Katerndahl called for any discussion of the minutes. **Secretary Wright moved to approve the minutes, Commissioner Scott seconded. Motion passed: 8-0.**

4. PUBLIC HEARING

- A. **Application for text amendments to Chapter 400 “General Provisions” and Chapter 470 “Supplementary Use Regulations–Conditional Uses” to allow microbreweries, microdistilleries, and microwineries.** *Case PZ15-33, City of Parkville Community Development Department, applicant.*

Chairman Katerndahl introduced the application and then asked Community Development Director Ackerson to explain it.

Prior to the discussion, Ackerson noted that there was an article published in a local newspaper about QuikTrip as an agenda item. QuikTrip did submit its final development plan, but wanted additional time to work on a couple of items

Commissioner Lane arrived at 5:35 pm.

Chairman Katerndahl asked if QuikTrip would be brought to the December meeting. Community Development Director Ackerson stated that the applicants have requested a special meeting on November 23, 2015 which is being considered.

Regarding Item 4A, Community Development Director Ackerson reminded the commissioners that the text amendment had been brought to the Planning and Zoning Commission last month as a general discussion. It was discussed in the context of a microbrewery as there has been interest in Parkville in recent years for having a microbrewery in the retail district. He referenced the last meeting and the commissioners’ comments about including microdistilleries and microwineries in the text amendment. Taking those comments into consideration, the text amendment was revised with input from Parkville legal counsel and the City Clerk.

Planning Intern Tusinger stated that the text amendment, as written, would include three definitions for microbreweries, microdistilleries, and microwineries. In addition to the definitions, there would be a text amendment that would allow each of these uses through conditional use permits. Many municipalities in the Kansas City Metropolitan Area are updating their zoning codes to allow for these businesses. He stated that downtown business owners have provided positive feedback for microbreweries with retail sales. Current zoning code allows for distilleries and breweries, but only in industrial areas. Wineries and breweries are allowed in commercial districts, but only as an accessory use. The trend today is to see microbreweries in downtown retail areas often with a retail component as part of the experience.

Planning Intern Tusinger reminded the Commission that the initial draft focused solely on microbreweries but, with the conversation from last month in mind, he researched

and incorporated microdistilleries and microwineries into the text amendment. He stated that it, also, addresses concerns involving parking and delivery. The site plans will have to take into account parking, delivery, and traffic circulation. Additional concerns expressed were about the business contributing to the retail district. The text amendment states that at least 25% of the business' product needs to be sold on-site. This permits consumption on-site or purchasing the product and consuming it off-site. The City Clerk has reviewed the amendment for compliance with the state liquor laws and licensing requirements. Input from Parkville Legal Counsel was also taken into consideration. The primary concerns addressed in the amendment are appearance, effects on neighbors, traffic considerations, and noise. As these concerns do not apply to the "U-1" Underground Zoning District, it is no longer included in the amendment like it was in the first draft. Lastly, he quoted the alcohol production numbers for microbreweries, microdistilleries, and microwineries to give comparison to production limits in the proposed definitions.

Commissioner Lane asked about the noise and odor concerns outlined in 470.040. Community Development Director Ackerson stated that this was addressed in the last meeting. It was addressed broadly in the context of "offensive or adverse" particularly regarding outdoor storage.

Commissioner Lane asked if the language would affect interest from potential tenants. Would microbreweries still consider Parkville with the language? Community Development Director Ackerson stated that there would still be interest. The language that is used in the text is fairly common. The language in the text amendment is more sensitive because the brewery will be abutting neighborhoods. Usually where language is not addressed as much is in industrial areas. Tusinger added that the language matches language found in other area examples.

Secretary Lock stated that the 10,000 barrels allowed for production seemed like a lot. Planning Intern Tusinger stated that it does seem like a lot, and most breweries do not come close, but that is the number outlined in Missouri statutes.

Chairman Katerndahl asked if the restriction of 8,000 square feet for the brewery would make it difficult for production. Community Development Director Ackerson stated that the 8,000 square foot regulation is not a part of a state statute. It is the size of the biggest building located downtown. He does not think that the barrel production will surpass the limitations set with the square footage of the building.

Commissioner Scott asked if there was anything in the text amendment that would prohibit production off-site. She is concerned about the traffic problems that off-site shipping to the main building would cause. Community Development Director Ackerson stated that there is wording in the text amendment that requires on-site brewing.

Commissioner Scott stated that there are no conditions that restrict the number of deliveries. Community Development Director Ackerson stated production would be set with the individual business plan. The Commission discussed whether it is appropriate

to restrict delivery versus addressing it on a case-by-case basis. It was concluded that it would be best to address delivery as part of a site plan approval.

Chairman Katerndahl asked if there were any other questions. Seeing none, opened the public hearing.

Mike Kellam, Executive Director (8880 Clark Ave, Parkville, MO) represented the Economic Development Council. He stated that the ordinance has been fully supported from the onset of the project.

Commissioner Krtek asked about microoasteries. Would they be included in the amendment? Community Development Director Ackerson stated that it is an interesting idea if it were to be on a larger scale. It is currently accounted for in the code as an accessory use, citing Parkville Coffeehouse as an example.

Community Development Director Ackerson stated that phase two to the project is to adjust language in the liquor license regulation to match the text amendment and to make additional amendments to revise language in the industrial districts.

Chairman Katerndahl asked for a motion.

Commissioner Scott asked if it was a specific reason to address the amendment immediately. Community Development Director Ackerson stated that there has been interest expressed and the amendment would allow staff and the EDC to pursue that interest.

Commissioner Lane made a motion to recommend approval of the proposed microbrewery, microdistillery, microwinery ordinance as presented to [the Planning and Zoning Commission] this evening. Commissioner Delich seconded. Motion passed: 8-0

5. REGULAR BUSINESS

None.

6. UNFINISHED BUSINESS

None.

7. OTHER BUSINESS

A. Update on Code Update Projects

Staff will be meeting with consultants to discuss plans that have come before the Planning and Zoning Commission over the last six months and discuss how the code could be improved to address issues. There should be a draft assessment ready to share with the Planning and Zoning Commission in December. The next step in the project, which should begin in January or February, is to write their critical issues papers. Issues expected to be in the papers are the "Old Town District," design

guidelines, and density. The goal is to have this ready by next spring for public meetings.

B. Project Updates

1. Route 9 Corridor Study: The last public meeting was held on October 29, 2015. The consultants met with many of the property owners who have land along the corridor. The public's main concern is the widening of Route 9 while not losing private property. It should be finalized soon. Community Development Director Ackerson will send the commissioners a link to the Route 9 Corridor Study.
2. Quik Trip: A special meeting has been requested. Community Development Director Ackerson will send an email to the commissioners when the date has been selected.
3. Bella Vista: There have not been any further submissions.
4. Thousand Oaks West: The Preliminary Development Plat was the last item submitted.

C. Upcoming meetings & dates of importance:

Upcoming meetings were listed on the agenda:

- Board of Aldermen Meetings: Tuesday, November 17, 2015 and Tuesday, December 01, 2015 at 7:00 pm.
- Planning & Zoning Commission Regular meeting Tuesday, December 08, 2015 at 5:30 pm.

8. ADJOURNMENT

Seeing no other discussion, Chairman Katerndahl called for a motion to adjourn. **Commissioner Wright moved to adjourn, Commissioner Lane seconded. Motion passed: 8-0.** Meeting adjourned at 6:23 p.m.

Submitted by:

Emily Crook
Community Development Department Assistant

11/16/2015
Date

**Minutes of the
Planning & Zoning Commission Regular Meeting
City of Parkville, Missouri
Tuesday, November 30, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Katerndahl called the meeting to order at 5:33 pm.

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman
Keith Cary, Vice Chairman
Bob Lock, Secretary
Walt Lane
John Delich
Doug Krtek
Michael Wright
Pam Scott

Commissioners Absent with Prior Notice:

Bryant Lamer

A quorum of the Planning Commission was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Alysen Abel, Public Works Director
Emily Crook, Department Assistant

3. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl called for any discussion of the proposed agenda.

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

B. Approve the minutes from the October 19, 2015 Planning and Zoning Commission meeting.

Chairman Katerndahl called for any discussion of the minutes. Commissioner Krtek noted that Commissioner Wright was incorrectly called Secretary Wright in Item 3B.

Secretary Wright moved to approve the minutes, Commissioner Scott seconded. Motion passed: 8-0.

4. PUBLIC HEARING

None.

5. REGULAR BUSINESS

- A. **Application for a final development plan for a QuikTrip gas and convenience store on 2.653 acres zoned “B-4” Planned Business District and located at the SE corner of 45 and 9 Highway.** *Case PZ15-35, QuikTrip Corporation, applicant.*

Chairman Katerndahl introduced the application and then asked Community Development Director Ackerson to explain it.

Ackerson reminded the Planning and Zoning Commission that the preliminary development plan came before them in May. Since then, the applicants and their engineering consultants have proved that the preliminary plan works.

Commissioner Scott enters at 5:36 pm.

The site is currently a small hill and grading will have to be done to an elevation that is slightly below that of 9 and 45 Highway on the north end. On the south end the hill will be mostly retained to provide screening for the residents. They demonstrated that the stormwater detention erosion control and traffic elements will work.

Commissioner Lane arrived at 5:38 pm.

Referencing the drawings, Ackerson stated that the QuikTrip to be built on the site is a “QT Generation 3” store. It will have entrances on the north, east, and west sides. There are no substantial changes between the Preliminary Development Plan and the Final Development Plan. The only difference is that the medallions on the front of the building have been removed. The site plan is substantially the same layout with only minor changes. Prior to being presented to the Planning and Zoning Commission, the plan considered a QuikTrip/McDonalds combination store. There was a lot of discussion at the meeting in May about circulation both internally and externally. A traffic study had been submitted prior to the May meeting demonstrating that the improvements included to the QuikTrip plan were adequate as it took into consideration the traffic that would be generated by the QuikTrip/McDonalds traffic volumes. The focus of discussion at the meeting was what improvements would be required at Julian Drive. The traffic study concluded that there was not a signal warranted at the intersection of 45 Highway and Julian Drive. One of the conditions that the Planning and Zoning Commission was to have the applicant re-evaluate the study. There were specific concerns about cut-through traffic and rights-of-way. They did address that. They referenced combined histories of accidents at the intersection. They concluded that the vast majority of the accidents were, primarily, conflicts with deer. The entrance off of 9 Highway was widened to accommodate for fire truck access. The internal drive was modified to include stop bars to make clear who has the right-of-way along the 9 Highway intersection. Beyond that, the plan is substantially the same. The only changes to the plan are minor. A condition was to reduce the size of the signage to enhance landscaping.

Commissioner Lane stated that the plan looks much more attractive than it did in the original plan. Community Development Director Ackerson stated that the façade most closely mirrors the QuikTrip in Riverside with the exception that this site has less overall gas islands.

Commissioner Lane asked about the monument signs. Community Development Director Ackerson stated that the conditions made at the last meeting were met. The monument signs were both decreased by several square feet.

Community Development Director Ackerson stated that the conditions for the preliminary plan approval were met: Rezoning the property to “B-4” Planned Business District; Concurrent with the submittal of construction plans, the developer’s engineer shall provide a Final Stormwater Management Study that contains final design calculations for the stormwater system, including the analysis associated with the system draining to the PAC detention pond. The study shall be approved prior to issuance of a permit; the applicant’s engineer shall submit detailed drawings and engineering calculations associated with the stormwater detention and stormwater treatment facilities. Drawings and calculations shall be approved prior to issuance of a grading permit; at the time of construction plan review, the Public Works staff will review the need for additional agreements, easements, and bonds associated with the construction of the stormwater detention and stormwater treatment facilities; at the time of construction plan review, the Public Works staff will review the construction plans associated with the Wastewater System Improvements; the developer’s engineer shall provide erosion and sediment control plans in accordance with APWA 5100 design standards. Additional measures may be deemed necessary by City staff upon review. Practices such as a sediment basin or sediment trap may be evaluated at the time of construction plan review. Turf reinforcement mat shall be placed on any slopes of 3:1 or greater; Increasing the radius of the entrance at 9 Highway and Lewis Street (entrance to Bank Liberty) in order to provide for a smoother flow in and out of the development; widen the side street entrance at 9 Highway and Lewis Street (entrance to Bank Liberty) as well to allow for easier movement in and out of the development; lengthen the left turn lane from westbound 45 Highway to Julian Drive to a minimum of 270 feet (including the taper, deceleration, and storage) to allow for zero slow down within the main line of 45 Highway; redesign the frontage road from Julian Dr. to the development to be more defined and make it stop controlled (add a stop sign for side traffic) at the right-in, right-out entrance to allow traffic entering the site from 45 Highway to have the right of way; verify that all access and internal drives can accommodate South Platte Fire Protection District’s ladder truck and pumper trucks (specifications below). Adjust the site plan as necessary to accommodate these truck templates; stripe and sign the access at Julian Drive to provide storage for the northbound left turn vehicle queues and install traffic signs at the frontage road intersection telling drivers not to block access to and from the frontage road; final approval of the landscape and screening plan by the Community Development Director; approval of a development agreement in conjunction with the Final Development Plan approval to finalize agreements regarding participation in financing districts or other financial contributions to help fund traffic improvements in the 9 Highway Corridor, and to explore issues related to the intersection of Julian Drive with the frontage road; substantially reducing the monument sign height on 9 Highway; reducing the height of the monument sign on 45 Highway to 15 feet; removing the two

sign medallions proposed on the north building façade; and adding landscaping around the base of the proposed monuments signs.

Community Development Director Ackerson stated that the preliminary development plan works, that they met all or the conditions that were set with the preliminary development plan and that they are in compliance with the zoning and subdivision regulations. With that in mind, staff recommends approval subject to conditions: Approval of the final detention modification plans by the Public Works Director prior to construction; construction and acceptance of the modifications to the PAC detention pond prior to constructing the building or parking lot, unless otherwise approved by the Public Works Director following verification that off-site impacts, if any, are adequately addressed; prior to issuance of a certificate of occupancy and prior to acceptance of the detention pond improvements, the owner or contractor shall submit a bond in an amount equal to 50% of the cost of QuikTrip's required improvements to the PAC detention pond (shall not include that portion of the improvements which are the City's responsibility), guaranteeing against defects in construction for a period of two years, and the owner's engineer shall submit a signed and sealed certification statement (by an engineer licensed in the State of Missouri), certifying that the detention pond improvements were constructed as designed. Changes, if any, during construction shall be approved prior to completion and shall be documented in post-construction "as built" drawings; prior to issuance of a certificate of occupancy, the owner's engineer shall submit a signed and sealed certification statement (by an engineer licensed in the State of Missouri), certifying that the on-site storm water treatment improvements were constructed as designed. Changes, if any, during construction shall be approved prior to completion and shall be documented in post-construction "as built" drawings; prior to issuance of a certificate of occupancy, the owner shall submit verification of approval and acceptance of those improvements constructed in the Missouri Department of Transportation right-of-way.

Chairman Katerndahl asked if there were any questions from the Commissioners.

Commissioner Scott asked if MODOT was OK with the entry close to 9 and 45 Highway. Community Development Director Ackerson said that they did approve of it with the addition of a deceleration lane.

Chairman Katerndahl asked if there were any more questions.

Patricia Jensen (4510 Bellview) represented White Goss. She, first, wanted to dispel any rumors of QuikTrip pulling out of the project. She stated that they complied with all of the conditions and that the construction of the QuikTrip would bring more jobs to the Parkville community, decreasing unemployment.

Darla Holman (6734 Red Oak Drive) stated that when they started the project it immediately became clear that stormwater improvements were needed. They did a drainage study for the left side of 9 Highway to send water to the detention pond. They concluded that they would need to modify the outlet pipe and pond. They will dredge the pond and leave it in better condition than when it was created. She stated that QuikTrip will have an on-site underground detention pipe. She asked the Commissioners if they had any questions about stormwater.

Vice Chairman Cary asked what the size of the underground detention pipe would be. Ms. Holman replied that it would be a 25,000 ft³ pipe at 5 ft³/second.

Commissioner Wright asked if it would tie into the PAC site from QuikTrip. Ms. Holman said that it would.

Commissioner Wright asked how much of the pond they would be removing. Ms. Holman stated that it would amount to approximately 5 ft in depth.

Chairman Katerndahl asked if there were any other comments on stormwater.

Commissioner Delich said that if the Public Works Director is satisfied, he does not see any reason for concern.

Vice Chairman Cary asked how they planned to bore under a 15 ft pipe. Ms. Holman said that it would be done with an encasement bore.

Public Works Director Abel stated that that is the plan and she is satisfied with it. It is within the APWA standards and it works well with the calculations.

Tom Fulton (7301 w 103 St, Overland Park, KS) representing Olsen Associates stated that they looked at the safety of the intersection at 45 Highway and Julian Drive. With the low volume of traffic accidents at the intersection, they do not believe that a stop light is necessary. The suggestion was to widen the westbound left-turn lane on Julian Drive.

Commissioner Lock stated that the lane on Julian Drive will serve residents.

Commissioner Delich stated that the modifications that are being made do address the issue of the traffic signals. Mr. Fulton stated that, if a traffic signal were put in, it would only really be beneficial in the morning and at night when traffic flow is heavier.

Vice Chairman Cary asked if they would be taking the Pedestrian/Biking Trail into consideration. Ms. Holman stated that they will be putting up signs for vehicle traffic to be aware of pedestrians.

Ms. Jensen stated that they would like to start construction in the next couple of weeks.

Mike Talcott (9725 Foxridge Drive, Mission, KS) represented QuikTrip. He stated that he started the project at least 3 ½ years ago. They have put a lot of thought into it and he thinks that it is going to turn out well.

Commissioner Scott stated that at Burlington Creek there are Pedestrian/Bike Path signs. She thinks that pedestrians and bicyclists should also have signs to yield to traffic.

Chairman Katerndahl asked if there were any other comments or questions.

Commissioner Wright asked about the church and the Riss Lake Reserves residents, if they were satisfied with the changes. Community Development Director Ackerson stated that he did not think they would be. They are concerned about the traffic at Julian Drive and that the church was not concerned. He stated that the overall traffic is low and that there is already a mix of commercial and residential traffic. MODOT will not support the signal.

Chairman Katerndahl asked if there were any more questions. Seeing none, he called for a motion.

Commissioner Lane made a motion to approve the final development plan for the QuikTrip to be located at the southeast corner of 45 and 9 Highway subject to compliance with the modifications stipulated in the Agenda Item 5A revised as staff recommends and subject to addition of pedestrian-oriented signage, pedestrian and bike signage on the bike trail at [the] new access point. Commissioner Scott seconded. Motion passed: 8-0

6. UNFINISHED BUSINESS

None.

7. OTHER BUSINESS

A. Project Updates

1. Bella Vista: There have not been any further submissions and no projections as to when it will advance to the agenda. Community Development Director Ackerson will be reaching out to set up a meeting.
2. Route 9 Corridor Study: The last public meeting went well. There will be some improvements to the North- and South-bound lanes to add a controlled access lane. Community Development Director Ackerson stated that it will go to the Board of Aldermen in the next couple of months.
3. Thousand Oaks West: There have not been any further submissions.
4. Community Development Director Ackerson discussed the transition period after he leaves and before the new Director arrives. City Administrator Lauren Palmer and Building Official Paul Giarratana will be the primary contacts.

B. Upcoming meetings & dates of importance:

Upcoming meetings were listed on the agenda:

- Board of Aldermen Meetings: Tuesday, December 01, 2015 and Tuesday, December 15, 2015 at 7:00 pm.
- Planning & Zoning Commission Regular Meeting: Tuesday, December 8, 2015 at 5:30 pm. We currently do not have a quorum, so this meeting may be cancelled. A special meeting may be scheduled only if necessary.

8. ADJOURNMENT

Seeing no other discussion, Chairman Katerndahl called for a motion to adjourn.

Commissioner Scott moved to adjourn, Commissioner Krtek seconded. Motion passed: 8-0. Meeting adjourned at 6:48 p.m.

Submitted by:

Emily Crook
Community Development Department Assistant

12/01/2015
Date