

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

Minutes

ITEM 1. CALL TO ORDER

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

ITEM 2. ROLL CALL

Members present:

Dean Katerndahl, Chairman
Pam Scott
Judy McRuer

Bob Lock
Keith Cary, Secretary
Lonnie Scott

Absent with prior notice:

Bryant Lamer, Vice Chairman

Also present:

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

ITEM 3. GENERAL BUSINESS

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

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

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

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

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

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

ITEM 4. PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

He asked that the following be entered into the record:

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

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

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

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

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

ITEM 5. REGULAR BUSINESS

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

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

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

He asked that the following be entered into the record:

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

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

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

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

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

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

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

ITEM 6. UNFINISHED BUSINESS

None

ITEM 7. OTHER BUSINESS

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

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

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

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

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

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

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

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

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

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

ITEM 8. ADJOURNMENT

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

Meeting adjourned at 6:05 p.m.

Submitted by: _____
Tracy Sisney, Department Assistant

08/03/12
Date

Information on these items is maintained at Parkville City Hall and is available for viewing during normal office hours. Planning and Zoning Commission decisions are recommendations forwarded to the Parkville Board of Aldermen meeting unless otherwise noted. Inquiries on items contained herein can be made by visiting Parkville City Hall at 8880 Clark Avenue, Parkville, or by calling the Community Development Department at (816) 741-7676.