



Staff Analysis

Agenda Item: 4.A

Proposal: Application to rezone two tracts containing a combined area of 27,121 square feet, more or less, from County "R-25" Single-Family Large Lot District to City "B-4" Planned Business District.

Case No: PZ14-19

Applicant: Tony Borchers on behalf of J3-Pandi, LLC

Owner: J3-Pandi, LLC, Parkville, MO

Location: Generally located along the frontage of the Village at the National on the north side of 45 Highway west of the roundabout at National Drive. See Exhibits B through D for more detailed descriptions and depictions.

Zoning: Existing - County "R-25" Single-Family Large Lot District
Proposed – City "B-4" Planned Business District

Parcel #s: See above

Exhibits:

- A. This staff report
- B. Application for zoning district change
- C. Drawing titled "Final Plat, the Village at the National" showing the area to be rezoned. Prepared by TREKK Design Group, LC and dated May 8, 2014.
- D. Legal descriptions for the two properties.
- E. Additional exhibits as may be presented at the public hearing

By Reference:

- A. The Parkville Municipal Code including Title IV, Zoning Code, including but not limited to Chapters 440, "B-4" *Planned Business District Regulations* and 483, *Changes and Amendments*
- B. The Platte County Zoning Regulations, including but not limited to Section 400.170, County "R-25" Single-Family Large Lot District.
- C. The City of Parkville Master Plan, including, but not limited to, Chapter 6, *Land Use*.
- D. A copy of the letter of notice mailed certified mail to property owners within 185 feet of the subject property
- E. Public hearing notice

Overview

The applicants propose to rezone two tracts of land containing a combined area of 27,121 square feet, more or less, from County "R-25" Single-Family Large Lot District to City "B-4" Planned Business District. These properties are generally located north of 45 Highway, west of

the roundabout at National Drive and 45 Highway. Both tracts are portions of property previously donated by the applicant to MoDOT for the widening of State Route 45 (Project Number J4U1108B). Following completion of the highway widening project, MoDOT has determined that the tracts are no longer needed and is vacating the property back to the original owner (in accordance with an agreement between the parties).

Both tracts are located on the frontage of the Village at the National along 45 Highway. The proposed rezoning is not required for approval of the final development plan for the Village at the National but is desired for consistency with the zoning for the rest of the development.

Portions of the two tracts were previously annexed into Parkville and zoned "B-4" Planned Business District. However, due to property exchanges with MoDOT it is not clear what portions of the property were previously annexed have been previously zoned or rezoned (in the City or County). The matter is further complicated by the fact that some portions of prior annexations were not recognized by the County so City approved zoning would not have been valid. Since in some cases it is not clear that the zoning for the abutting property extends to the right-of-way, it is also possible that some portions of the two tracts were never zoned in the first place. Prior to annexation into the City the properties would have mostly likely been zoned "R-25" Single-Family Large Lot District as referenced in the application. The application is proposed in part as housekeeping to proactively ensure the property is zoned to a City district, to match the abutting zoning, and to minimize the potential for future development and permitting issues.

Review and Analysis

The application has been reviewed against the City of Parkville's Municipal Code, including the applicable B-4 zoning district regulations, and the City of Parkville Master Plan, including the adopted Future Land Use Plan and other application sections. Neither the City Codes nor State Statutes define how the Planning Commission shall determine if a proposed zoning district change is appropriate. Rather, following is a list of considerations to be used as a guide based on applicable Missouri case law. Following each is City staff's analysis, findings and conclusions. These are not criteria or rules, but rather offered to aid the Planning Commission and to be used along with other relevant considerations to evaluate the application.

1. **The zoning, uses and character of the neighborhood and nearby properties, and the compatibility of the proposed zoning with such.** The approximately 27,121 feet is divided amongst two parcels. Located north of 45 Highway and west of the roundabout at National Drive and 45 Highway.

With the exception of the two single-family homes along 45 Highway, the properties are surrounded by: undeveloped property zoned for commercial development, two golf courses – The National and the Deuce at the National, and existing commercial development along Highway 45. Beyond the hearing notice area, but within close proximity to the site is residential development in the National Golf Club of Kansas City and more commercial development along Highway 45.

Properties further north, east and south are currently part of the National golf course. With the exception of the two occupied single-family homes, the properties to the north, south, east and west, including the Deuce at the National clubhouse, and the recently approved National Villages property were all zoned B-4 between 1998 and 2014. These properties are projected for office / commercial development as part of the preliminary development plan for the Villages at the National and master development plan for the National Golf Club of Kansas City.

The proposed B-4 zoning is compatible with the majority of the surrounding properties to the north, south, east and west – all of which are also zoned B-4. With regard to the two single-family uses abutting 10316 Highway 45, the B-4 district is intended to serve as a transition to residential uses, providing transitions to areas used for residential purposes so as to achieve the highest and best use of the land commensurate with the retention of value of adjacent residential land.

Public hearing notices were sent to owners of property within 185 feet of the subject property, signs announcing the hearing were posted on site and a notice was published in a local paper all as required by code. As of the date of this report, no comments have been received. However, as part of a prior application to rezone properties in the area, abutting and area property owners expressed concern for commercial development. It was concluded at that time, that concerns raised could be addressed with the approval of required development, grading, drainage, public improvement and related plans. The same is again true.

2. **The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations and the extent to which removal of restrictions imposed by the current zoning district may affect the neighborhood and nearby property.** The two parcels are currently restricted to either uses permitted under the County “R-25” Single-Family Large Lot District zoning which was retained on annexation or if not zoned to no use until rezoned. The R-25 district is primarily suited for large-lot, low-density, single-family residential uses and supporting recreational, religious and educational facilities. It was previously determined that the abutting property to the north was not generally suitable for new, large-lot, single-family uses fronting on a four-lane, divided, state highway. The non-residential uses were considered more feasible. However, the City code does not allow development under County zoning or where no zoning previously exists, so rezoning to a City district is necessary prior to any development, unless the property is otherwise de-annexed.

The owner proposes to rezone the properties to City “B-4” Planned Business District which allows those non-residential uses also allowed under the County R-25 zoning. The B-4 district also allows other commercial, office and similar non-residential uses all subject to prior approval. Removal of the existing zoning regulations does not appear to have any greater adverse effects on nearby properties than the existing B-4 zoning on the abutting properties. Rezoning an additional 27,121 square feet more or less would not have any greater impact than would be realized from the development of those properties already zoned B-4. Further, the B-4 district is a planned development district and requires approval of a development plan prior to issuance of a building permit. As such, adverse effects, if any can be addressed with plan approval.

Public hearing notices were sent to owners of property within 185 feet of the subject property, signs announcing the hearing were posted on site and a notice was published in a local paper all as required by code. As of the date of this report, no comments have been received. However, as part of a prior application to rezone properties in the area, abutting and area property owners expressed concern for noise and impacts to existing views. It was concluded at that time, that concerns raised could be addressed with the approval of required development, grading, drainage, public improvement and related plans. The same is again true.

3. **If vacant, the length of time the subject property has remained vacant as currently zoned and whether the current zoning is a contributing factor.** The subject property is vacant. Although R-25 County zoning was a contributing factor to the vacancy of the property to the north, it does not appear to be a contributing factor in this case. The properties recently received preliminary approved for development as part of the proposed Village at the National and is not proposed as part of a final plat and development plan (see Agenda Items 5A and B). Although city zoning is required prior to issuing a building permit, the subject property does not include any improvements that would otherwise require rezoning as a condition of proceeding with the approved development plan. Instead the application is proposed in greatest part as housekeeping to proactively ensure the property is zoned to a City district, to match the abutting zoning, and to minimize the potential for future development and permitting issues.
4. **The relative gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.** The proposed B-4 zoning allows commercial and office development generally compatible with other existing non-residential development along Highway 45. The B-4 zoning is consistent with the B-4 zoning on the surrounding properties and would allow the same permitted uses. As such, the proposed B-4 zoning would have no greater impact than B-4 zoning on the abutting properties and would allow a logical extension of development.

Due to the existing B-4 zoning on the majority of the surrounding properties, there appears to be no relative gain or loss to the public health, safety and welfare as a result of approving or denying the application. As such, denial of the application does not appear necessary to protect the public interest. Rather, like development on the other properties zoned B-4, impacts can be addressed with the approval of required development, grading, drainage, public improvement and related plans.

Based on the conclusions above, the property should be zoned B-4, but the abutting property to the north could be developed without rezoning the subject property. Therefore, denial would not appear to create an immediate hardship on the owners, although it is desired and would be consistent with rezoning on the abutting properties to the north. Further, the property does not have to be rezoned to the City B-4 district in order to develop. However, due to the frontage on Highway 45, limited lot depth and proximity to other non-residential development, the property is better suited to development permitted under commercial or high-density residential zoning. As such, the proposed B-4 zoning is the most logical in light of the B-4 zoning on the surrounding properties.

Public hearing notices were sent to owners of property within 185 feet of the subject property, signs announcing the hearing were posted on site and a notice was published in a local paper all as required by code. As of the date of this report, no comments have been received. However, as part of a prior application to rezone properties to the north, abutting and area property owners expressed concern for noise and impacts to existing views. It was concluded at that time, that concerns raised could be addressed with the approval of required development, grading, drainage, public improvement and related plans. The same is again true.

5. **Conformance of the requested zoning with the City's Comprehensive Plan, and any other adopted comprehensive plans, neighborhood or sub-area plans in which the property is located or abuts.** The City's adopted Master Plan envisions new mixed-use

commercial and office development accessible from 45 Highway and integrated into the surrounding residential development. The plan projects the subject property being developed for “mixed use” development. This land use projection is primary intended for a mixture of neighborhood and community-serving office and retail services, live/work, institutional, civic, and medium to higher density residential uses intermixed in a master planned development. The Master Plan calls for a mix of business and residential uses that enhance the pedestrian environment of the community.

Although the proposed “B-4” Planned Business District zoning does not allow residential uses, the non-residential uses permitted under the zoning can be designed to meet the objectives of the land use projection. Although the residential density would be lower than projected by the City’s master plan, development permitted under the B-4 zoning in conjunction with residential development started and planned for the rest of the National could still meet the intent of the City’s projected mixed use district land use projection.

Beyond the City’s adopted plans, the master development plan approved for the National Golf Club of Kansas City included commercial / office development on these properties. The abutting properties to the north have been preliminarily approved for planned office and commercial development as part of the Village at the National preliminary development plan. Applications for final plat and final development have since been received (see Agenda Items 5A and B).

- 6. The adequacy of public utilities and other needed public services and impact of the proposed zoning, if any, on such.** The proposed rezoning does not put any significant burden on the existing utilities and services beyond that already projected for development on the surrounding properties. Although upgrades to services may be necessary and private improvements may be required, sewer, water, gas, and electrical capacity exists or can be increased to serve development on this property. In addition, rezoning does not appear to increase the demand on other needed public services significantly beyond that needed to serve development on the abutting properties. Per the conclusions above, denial of the application is not required to prevent adverse impacts on the utilities.

Staff Conclusion and Recommendation

Staff concludes: that the proposed zoning is compatible with the zoning, uses and character of the neighborhood and nearby properties; rezoning does not affect development of the abutting properties; that removal of restrictions imposed by the current zoning district will not significantly affect the neighborhood and nearby property; that denial of the application is not necessitated to protect the public interest; that the proposed zoning can be compatible with uses projected by the City’s Master Plan; that denial of the application is not required to prevent adverse impacts on the utilities; and that impacts, if any, to surrounding properties can be addressed with the approval of development plan, grading, drainage and infrastructure plans. Accordingly, Staff recommends approval of the proposed rezoning based on the above findings, conclusions and opinions, subject to approval of voluntary annexation by the Board of Aldermen. It should be noted that a portion of the property have previously been annexed, but due to property exchanges with MoDOT it is not clear what portions of the property were previously annexed.

It should be noted that this recommendation is made without knowledge of facts and testimony which may be presented during the required public hearing and that the conclusions herein are subject to change as a result of evaluating additional information.

Necessary Action

Following consideration of the application, the factors discussed above and any testimony presented during the public hearing, the Planning Commission must recommend approval or denial of the application unless otherwise postponed. Unless postponed, the Planning Commission's action will be forwarded to the Board of Aldermen along with any explanation thereof for final action.

End of Memorandum

Sean Ackerson, AICP
Assistant City Administrator /
Community Development Director

7-1-14
Date



Application #: P214-19
 Date Submitted: 6-19-14
 Public Hearing: 7-8-14
 Date Approved: _____

CITY OF PARKVILLE • 8980 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

Application for Zoning Map Revision (Rezoning)

1. Applicant / Contact Information

Applicant(s)

Name: J3 Pandi, LLC
 Address: PO Box 14146
 City, State: Parkville, MO
 Phone: 771-2277 Fax: 741-1462
 E-mail: nickb@thecountryclub.com

Owner(s), if different from applicant

Name: _____
 Address: _____
 City, State: _____
 Phone: _____ Fax: _____
 E-mail: _____

Engineer / surveyor(s) preparing legal desc.

Name: Trekk Design Group
 Address: 1441 E. 104th St #105
 City, State: KC, MO
 Phone: 874-4655 Fax: _____
 E-mail: swalton@trekkdesigngroup.com

Contact Person

Name: _____
 Address: _____
 City, State: _____
 Phone: _____ Fax: _____
 E-mail: _____

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that rezoning in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature (Required) Nick Blue Date: 6/19/14
Property Owner's Signature (Required) Dale W. RL Date: 6/19/14

2. Property Information

Legal description: Attach a separate sheet with complete writing and graphical legal description of the subject property.

Property address or general description of location: A strip of land north of and roughly parallel to HWY 45 & just west of The National roundabout

Parcel ID Number: _____

Present zoning: ~~ROW~~ ROW - Hwy 45 Proposed zoning: B4

Present use of the property: ~~Planned business district for office park with some retail~~ Right of way

Length of use: _____

Application #: PZ14-19

3. Neighboring land uses and zoning

Describe the existing land use and zoning on the surrounding properties:

Existing Land Use	Existing Zoning
North: <u>Planned business district -</u> <u>Village at The National</u>	<u>B4</u>
South: <u>Highway 45</u>	<u>ROW</u>
East: _____	_____
West: _____	_____

Attach a summary of the general character of the surrounding properties, the effects of the proposed rezoning on nearby property, the suitability of the site for development under the current zoning, adequacy of area roads, public utilities and public services necessary to serve development permitted in the proposed zoning district, consistency of the proposed zoning with the City's adopted Master Plan, and any other relevant information relating to this rezoning request.

4. Checklist of required submittals

- Completed application, including all required details and supporting data.
- Nonrefundable application fee of \$300.00. Applicant will be billed to recover costs for required publication and certified notice to adjacent property owners.
- Complete written and graphical legal description of subject property in paper and electronic formats, and 8.5" x 11" area map showing the subject property and surrounding major features including roads.
- List of names and addresses of all property owners within 185' of the property to be rezoned (certified or as obtained from the Platte County Assessors Office and verified in the Platte County Recorder's Office.
- If proposed rezoning is for a "planned" district (i.e. R-5, B-4, B-P, OTD, Community Unit Plan), a complete site plan/development plan including all features as required by Municipal Code.
- Notarized affidavit of ownership and authorized signature of the applicant and owner of record of the property.

For City Use Only

Application accepted as complete by: SEAN ACKERSON / CO DIRECTOR 6/19/14
Name/Title Date

Application fee payment: Check # _____ M.O. _____ Cash
 Final reimbursable costs paid (if applicable). Date of Action: _____

Planning Commission Action: Approved Approved with Conditions Denied Date of Action: 7-8-14
Conditions if any: _____

Board of Aldermen Action: Approved Approved with Conditions Denied Date of Action: _____
Conditions if any: _____

Application PZ14-19
Legal Description

TRACT 1: A strip of land over part of the Northwest Quarter and also the Northeast Quarter of Section 27, Township 51, Range 34, in the City of Parkville, Platte County, Missouri, said strip being more particularly described as follows: COMMENCING at the Northwest corner of the Northeast Quarter of said Section 27; thence South 00°13'33" West, along the West line of said Northeast Quarter Section, a distance of 294.75 feet, to a point on the North right of way line of Missouri State Route 45, as established under Project Number J4U1108B, said point being 83.98 feet left of centerline station 1730+63.45, said point also being the POINT OF BEGINNING; thence the following courses and distances along said North right of way line: North 86°19'19" East, a distance of 133.84 feet, to a point 83.95 feet left of centerline station 1731+97.29; thence North 87°14'40" East, a distance of 673.92 feet, to a point 72.96 feet left of centerline station 1738+71.12; thence North 86°23'25" East, a distance of 132.23 feet, to a point 72.77 feet left of centerline station 1740+03.35, said point to hereinafter be referred to as POINT A ; thence South 00°31'21" East, departing said North right of way line and along the proposed North right of way line of said Route 45, a distance of 12.02 feet, said point being 60.78 feet left of centerline station 1740+02.69; thence South 86°23'25" West, along the proposed North right of way line of said Route 45, a distance of 971.08 feet, to a point 62.13 feet left of centerline station 1730+31.61; thence North 76°42'35" West, continuing along the proposed North right of way line of said Route 45, a distance of 74.87 feet, to a point on the existing North right of way line of said Route 45, said point being 84.00 feet left of centerline station 1729+60.00; thence North 86°19'19" East, along said existing North right of way line, a distance of 103.45 feet, to the POINT OF BEGINNING, containing 17,474.7 square feet, more or less.

TRACT 2: A strip of land over part of the Northeast Quarter of Section 27, Township 51, Range 34, in the City of Parkville, Platte County, Missouri, said strip being more particularly described as follows: COMMENCING at aforesaid POINT A, said point being on the North right of way line of Missouri State Route 45, as established under Project Number J4U1108B, 72.77 feet left of centerline station 1740+03.35; thence North 86°23'25" East, along said North right of way line, a distance of 104.77 feet, to the POINT OF BEGINNING, said point being 72.63 feet left of centerline station 1741+08.13; thence continuing North 86°23'25" East, along said North right of way line, a distance of 290.36 feet, to a point 72.22 feet left of centerline station 1743+98.49; thence North 40°16'09" East, continuing along said North right of way line, a distance of 145.59 feet, to a point 177.02 feet left of centerline station 1744+99.55; thence North 63°43'02" East, continuing along said North right of way line, a distance of 7.30 feet, to a point 179.83 feet left of centerline station 1745+06.29, said point also being on the Southerly right of way line of NORTH NATIONAL DRIVE, as now established and as shown on the recorded plat of THE NATIONAL FIRST PLAT, in the office of the Recorder of Deeds in Platte County, at Book 19 at Page 100; thence Southerly continuing along the North right of way line of said Route 45 and along a curve to the right having an initial tangent bearing of South 28°14'56" East, a radius of 250.00 feet, a central angle of 15°31'37" and an arc length of 67.75 feet, to a point on the proposed North right of way line of said Route 45, said point being 115.17 feet left of centerline station 1745+25.81; thence South 56°50'36" West, along the proposed North right of way line of said Route 45, a distance of 71.05 feet, to a point 80.21 feet left of centerline station 1744+63.95; thence South 68°52'57" West, continuing along said proposed North right of way line, a distance of 66.76 feet, to a point 60.22 feet left of centerline station 1744+00.25; thence South 86°23'25" West, continuing along said proposed North right of way line, a distance of 292.95 feet, to a point 60.63 feet left of centerline station 1741+07.82; thence North 00°13'24" East, continuing along said proposed North right of way line, a distance of 12.03 feet, to the POINT OF BEGINNING, containing 9,646.3 square feet, more or less.