

**Minutes of the  
Planning & Zoning Commission Meeting  
Of the  
City of Parkville, Missouri  
Tuesday February 10, 2014 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 75<sup>th</sup> 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