

**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 $\frac{1}{4}$, 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 Brewer 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 ? 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 ? 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.

Tim Osborn 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.

A resident (?) 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 stated 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 too 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.

Chairman Katerndahl called for a move to approve or deny the application for exterior modifications in the Old Town District. Commissioner Scott moves for a motion for the applicant to re-consider the Robins Egg Blue on the exterior. Commissioner Delich seconds. Motion 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 7-2.

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