

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

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners Present:

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

A quorum of the Planning Commission was present.

Staff Present:

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

**3. GENERAL BUSINESS**

**A. Approval of Planning & Zoning Meeting Agenda.**

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

**B. Recognition of newly appointed Commissioners.**

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

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

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

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

#### **4. PUBLIC HEARING**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **5. REGULAR BUSINESS**

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

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

Chairman Katerndahl asked the applicant to come forward to present.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman Katerndahl reconvened the meeting at 7:55 pm.

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

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

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

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

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

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

Discussion ensued about the frontage road and connection to Julian Drive, the existing and proposed trail and the location of the right-in, right-out on 45 Highway. Commissioner Scott expressed concern about the new access from 45 Highway being too close to the intersection with 9 Highway. Patricia Jensen explained that MoDOT approved the plan, including the proposed stacking, the right-in, right-out access and the lane extensions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **6. UNFINISHED BUSINESS**

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

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

## 7. OTHER BUSINESS

### A. Upcoming Meetings

Chairman Katerndahl acknowledged the following upcoming meetings:

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

## 8. ADJOURNMENT

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

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

Submitted by:

\_\_\_\_\_  
Sean Ackerson  
Assistant City Administrator /  
Community Development Director

5/1/15

Date