



**Planning & Zoning Commission
Meeting Agenda
City of Parkville, Missouri
Tuesday, September 8, 2015 at 5:30 p.m.
City Hall Boardroom**

1. Call to Order
2. Roll Call
3. General Business
 - A. Approve the Agenda.
 - B. Approve the minutes from the August 11, 2015 Planning and Zoning Commission meeting.
4. Public Hearing
 - A. Application for a text amendment to Chapter 442, "OTD" Old Town District to restrict ground floor uses on Main Street between the railroad tracks to the south and 2nd Street to the north. Case PZ15-26, City of Parkville, applicant.
5. Regular Business
 - A. Application for the Preliminary Plat of Cider Mill Ridge – 6th in an "R-2" Single-Family Residential District. Case PZ15-30, FiveStar Lifestyles, applicant.
6. Unfinished Business
7. Other Business
 - A. Project updates
 - B. Applications submitted for October 13, 2015 meeting:
 - Final Plat - Cider Mill Ridge 6th Plat
 - Revised Preliminary Plat for Thousand Oaks Estates
 - Final Plat - Thousand Oaks 16th Plat
 - Final Plat - Thousand Oaks 19th Plat
 - C. Upcoming meetings & dates of importance:
 - Board of Aldermen Meetings: Tuesday, September 15, 2015 and Tuesday, October 06, 2015 at 7:00 pm
 - Planning & Zoning Commission Regular meeting Tuesday, October 13, 2015 at 5:30 pm.
8. Adjournment

**Minutes of the
Planning & Zoning Commission Regular Meeting
City of Parkville, Missouri
Tuesday August 11, 2015 at 5:30 p.m.
City Hall Boardroom**

1. CALL TO ORDER

Chairman Dean Katerndahl called the meeting to order at 5:36 pm.

2. ROLL CALL

Commissioners Present:

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

A quorum of the Planning Commission was present.

Staff Present:

Sean Ackerson, Assistant City Administrator / Community Development Director
Emily Crook, Department Assistant
Zach Tusinger, Planning Intern

3. GENERAL BUSINESS

A. Approval of Planning & Zoning Meeting Agenda.

Chairman Katerndahl called for any discussion of the proposed agenda
Commissioner Scott moved to approve the agenda, Commissioner Krtek seconded. Motion passed: 9-0.

B. Approve the minutes from the June 09, 2015 Planning and Zoning Commission meeting.

Chairman Katerndahl called for any discussion of the minutes. Katerndahl asked for a motion to approve the minutes. **Commissioner Wright 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. An application to rezone all or a portion of 12398 NW Highway FF, Parkville, Missouri 64152, containing 29.1 acres, more or less, from County "PI" Planned Industrial District to "PLCD" Parkland and Conservation District. Case PZ15-25, City of Parkville, applicant.

Chairman Katerndahl introduced the application. Then, he asked Community Development Director Ackerson to explain it.

Ackerson described the property stating that only that portion north of Rush Creek was to be rezoned. It includes the area known as Viking's Field and does not include the sewer plant or other area to the south or east. The property is proposed to be rezoned to City "PLCD" Northern Parkland from County "PI" to allow for any improvements. Ackerson explained that the Viking's Football organization leases the property from the City and desires to construct a new concession stand and storage building. City permits cannot be issued under the existing County zoning. Ackerson recommended approval of the application.

Commissioner Scott asked who would own the property and improvements if it were to be rezoned. Community Development Director Ackerson stated that the City would still own the property and that ownership of the site improvements was addressed in a lease agreement previously approved by the Board of Aldermen. Discussion about the lease and conditions ensued. Ackerson stated that the rezoning would not change the lease agreement or any associated terms.

Chairman Katerndahl asked if the Commissioners had any more questions. Seeing none, he called Viking's representative Tommy Ryan to the podium.

Tommy Ryan (6011 NW 107th Street) stated that the Parkville Vikings needed a place to play so, as the coach, he asked the City if they could use the field. The City agreed and, now, the team maintains the field. He does not intend to put in bathrooms with the projected improvements as he does not have enough capital.

Community Development Director Ackerson added that there is a built-in provision to the contract. Whoever has the lease pays for the expenses of maintenance. However, if the City decides that the property is needed for other improvements, the contract can be broken. An example as to why the City might need the property could be the expansion of Parkville's Waste Water Treatment Facility.

Commissioner Katerndahl asked if there were any more questions from the Commissioners. Seeing none, he called for a motion.

Commissioner Delich moved for approval based upon the criteria submitted by staff. Commissioner Lamer seconded. Motion passed: 9-0.

5. REGULAR BUSINESS

A. Discussion of potential text amendment to Chapter 442, “OTD” Old Town District to restrict ground floor uses on Main Street between the railroad tracks to the south and 2nd Street to the north. Case PZ15-26.

Chairman Katerndahl introduced the application and then asked Community Development Director Ackerson.

Ackerson described the application. The property owners in the Old Town District want to incorporate more retail in the shops between the railroad tracks and 2nd Street on Main Street as it has the most historic character. He mentioned that a petition was presented to the City in June. It was taken to the Board of Aldermen where it was requested to be a priority. Following the request, Planning Intern Tusinger was set to work researching downtown districts in other communities. With that said, Community Development Director Ackerson yielded to Planning Intern Tusinger.

Planning Intern Tusinger stated that he had researched downtown districts in many other communities. He found that, in most instances, non-commercial office use was limited, if not prohibited. After having completed his research, he spoke with the Main Street Parkville Association and then went to speak with the OTD’s shop owners. The property owners want to see more retail stores at ground level in the future as opposed to the first floors of buildings being used as office space for non-conforming businesses. The general idea is that an increase in retail uses will create more foot-traffic in the Old Town District.

Commissioner Lane asked what the non-conforming businesses are in Downtown. Community Development Director Ackerson, first, described the kind of business that the shop owners want to see. An example of a “non-conforming business” is Edward Jones, but any current non-conforming business is allowed to keep their office space if the current code were to change.

Commissioner Lane clarified that these companies would be “grandfathered” into their leases until they choose to leave. Community Development Director Ackerson confirmed that, yes, if the business occupies a space before the code changes, it will not be required to leave. They would be legal, non-conforming uses.

Commissioner Lamer asked about businesses like yoga studios to which Community Development Director Ackerson replied that businesses of that nature are up-for-debate. If the yoga studio’s primary use is instruction over merchandise, it would not be allowed to lease first-floor space after code changes. At the last meeting the property owners stated that they did not want a non-retail business as a tenant, if retail is only its secondary purpose. The exception to this is if such a tenant cannot be found. If a retail tenant cannot be found, an application could be sent to Community Development Director Ackerson for an “administrative exception.”

Commissioner Lamer asked if there would be an appeal process. Ackerson stated that an appeal process was being included.

Commissioner Lamer asked if the tenants had been approached to get their opinions. Community Development Director Ackerson said that Main Street Parkville Association representatives and petitioning building owners had talked to all but a few of the other building owners and to date no one had opposed the conceptual changes.

Commissioner Delich asked what percent of the ownership does not want to impose the limitation. Community Development Director Ackerson stated that none of the property owners spoken to were opposed; clarifying that some of them had not yet signed the petition.

Commissioner Scott asked what would happen if the property owners relied too heavily on the administrative exception. Community Development Director Ackerson stated that the exception would be in place to determine if a "good-faith effort" had been made to lease property to businesses of retail use. The property owners want uniformity in the Old Town District.

Vice Chairman Cary asked about the property owners who did not sign the petition, if they are in agreement with the other property owners or if they were aware of the petition's existence. Community Development Director Ackerson confirmed that they are aware of the petition and that Main Street and other owners were committed to reaching everyone.

Vice Chairman Cary stated that it stands to reason that not all of the property owners are in agreement if they are asking for the City to change the code to enforce the proposed limitation. Community Development Director Ackerson replied that he thinks that they are self-regulating and unanimous, but they want to ensure that they remain that way in the future. They want it to become and remain a cohesive retail attraction.

Chairman Katerndahl asked what the City was hoping would come of this discussion. Community Development Director Ackerson stated that it was just a preliminary discussion with the Commission and that no action was requested. Instead staff was seeking general direction before drafting revised language to review with the property owners.

Planning Intern Tusinger outlined the next phase in the application.

Commissioner Lamer asked what would happen if the shop owners decide that they do not like the new code; they may move out. Community Development Director Ackerson stated that some of the other downtown districts that had a similar code worked with the vacant store fronts by setting up displays. The tenants believe that the restriction of ground-floor uses to retail will encourage more retail to move to Parkville.

Chairman Katerndahl asked what the property owners plan on doing to address future retailers. Community Development Director Ackerson stated that they would address the hours of operation, appearance, and what to do if there is a vacancy.

Commissioner Scott referenced the research that was compiled for the meeting. She observed that each retail district mentioned is very organized. She is concerned that the Old Town District is not organized enough to be a thriving district like the districts considered in the research material. Community Development Director Ackerson countered that, if the retail district were to be retail only, it is very possible for Parkville to become a thriving community. Property owners want Downtown to be a retail attraction. Retail begets retail.

Commissioner Scott said that she would like Parkville to be a place that people recognize. Chairman Katerndahl responded that this would be a good first step towards that recognition.

Community Development Director Ackerson stated that the property owners would like downtown to be successful. If there is a lot of demand from retail use, it would be easier to maintain those properties.

Chairman Katerndahl asked if any more discussion was necessary. When Community Development Director Ackerson stated that there was nothing else, Chairman Katerndahl closed discussion on the application.

6. UNFINISHED BUSINESS

7. OTHER BUSINESS

A. Upcoming meetings & dates of importance:

Chairman Katerndahl acknowledged the following upcoming meetings:

- Board of Aldermen Meetings: Tuesday, August 18, 2015 and Tuesday, September 01, 2015 at 7:00 pm.
- Planning & Zoning Commission Regular meeting Tuesday, September 08, 2015 at 5:30 pm.

B. Project Updates

- Community Development Director Ackerson gave project updates.

8. ADJOURNMENT

Seeing no other discussion, Chairman Katerndahl called for a motion to adjourn.
Commissioner Scott moved to adjourn. Commissioner Delich seconded. Motion to adjourn passed 9-0. Meeting adjourned at 6:33 p.m.

Submitted by:

Emily Crook
Community Development Department Assistant

09/03/2015
Date



Staff Analysis

- Agenda Item: 4.A
- Proposal: Application for a text amendment to Chapter 442, "OTD" Old Town District to restrict ground floor uses on Main Street between the railroad tracks to the south and 2nd Street to the north.
- Case No: PZ15-26
- Applicant: City of Parkville in association with Main Street Parkville Association and petitioning property owners
- Owners: Various (see attached petition in Exhibit B and map in Exhibit F)
- Location: Ground floor spaces from 1 S Main Street north to 115 Main Street (between the railroad tracks and 2nd Street)
- Zoning: "OTD" Old Town District
- Parcel #s: 20-7.0-35-100-035-002.000, 20-7.0-35-100-035-003.000, 20-7.0-35-100-035-004.000, 20-7.0-35-100-035-006.000, 20-7.0-35-100-035-007.000, 20-7.0-35-100-035-007.001, 20-7.0-35-100-035-009.000, 20-7.0-35-100-036-011.000, 20-7.0-35-100-036-012.000, 20-7.0-35-100-036-013.000, 20-7.0-35-100-036-013.001, 20-7.0-35-100-036-014.000, 20-7.0-35-100-036-015.000, 20-7.0-35-100-036-016.000, 20-7.0-35-100-036-016.001, 20-7.0-35-100-036-017.000, 20-7.0-35-400-002-001.000, 20-7.0-35-400-003-003.000, 20-7.0-35-400-003-003.001, 20-7.0-35-400-003-004.000, 20-7.0-35-400-004-001.000, and 20-7.0-35-400-004-002.000
- Exhibits:
- A. 6-10-15 petition from property owners and Parkville Main Street Association delegates
 - B. 7-21-15 staff report to the Board of Aldermen
 - C. 7-16-15 - summary of restrictions on non-retail and residential uses in Downtown by Community Development Intern Zach Tusinger
 - D. 8-4-15 summary of office restrictions in other area cities and their success by Community Development Intern Zach Tusinger
 - E. 8-6-15 presentation to property owners / petitioners
 - F. Summary of 8-6-15 meeting with MSPA representatives and property owners
 - G. Summary of changes resulting from 8-24-15 meeting with MSPA representatives and property owners and FAQ section summarizing how the amendment would be applied to various scenarios

By Reference:*

- A. Parkville Municipal Code Chapter 442, "OTD" Old Town District Regulations - <http://ecode360.com/27901759>
- B. Parkville zoning code in its entirety - <http://www.ecode360.com/PA3395-DIV-05>
- C. Parkville Master Plan - <http://parkvillemo.gov/departments/community-development-department/master-plan/>
- D. Visions Downtown Parkville and supporting documents - <http://parkvillemo.gov/vision-downtown-parkville/>
- E. Notice of Public Hearing mailed to affected properties
- F. Hearing notice published in the Platte County Landmark
- G. Summary of hearing posted on the City webpage - <http://parkvillemo.gov/wp-content/uploads/2014/03/PZ15-26-OTD-web-pdf1.pdf>
- H. Hearing announcement posted on the City webpage - <http://parkvillemo.gov/public-hearings/>

* Copies on file at Parkville City Hall and available on request

Overview

Over the past year, business and property owners, members of the Main Street Parkville Association (MSPA) and members of the Parkville Economic Development Council (EDC) have requested the City amend the zoning regulations to restrict offices and non-retail uses in Downtown Parkville, particularly those at the street level. In June, the City received a petition from 14 property owners and MSPA delegates requesting that the City pass an ordinance limiting street level uses on Main Street, between the railroad tracks and 2nd Street, to "businesses with a customer service component offering the sale of retail products and/or merchandise." Primary concerns include non-retail uses weakening the commercial attraction, voids in activities created with businesses that do not generate foot traffic and loss of retail dollars.

On July 21, 2015, the petition and preliminary research prepared by Planning Intern Zach Tusinger were presented to the Board of Aldermen. Research included looking at city codes in other communities to identify what a potential amendment could look like. Following discussion, The Board expressed support for an amendment and authorized staff to make an amendment a priority. The Board also requested additional input from property owners and additional research regarding the success of those entities that restricted non-retail uses.

On August 6, 2015, City staff met with representatives from MSPA and property owners from the subject stretch of Main Street to clarify goals and expectations. Planning Intern Zach Tusinger presented research to date, including the results of discussions with planners in municipalities that have enacted similar text amendments. At the meeting the group discussed how retail would be defined and which uses would be permitted and which would be prohibited. After much discussion, those in attendance concluded that only true retail uses (those that sold a physical product that is either consumed on- or carried off-site) were desired. They concluded that active office, service and other non-retail uses should not be permitted on ground floors within the subject area, but could be allowed on upper floors, or on any floor of buildings outside the two blocks. Due to current vacancies, those present expressed a desire to move as quickly as possible on adopting a text amendment. Meanwhile, to minimize the likelihood of non-retail uses being located in Downtown Parkville, some property owners are voluntarily implementing self-imposed limitations.

Following comments and discussion at the August 11, 2015 Planning Commission meeting, City staff agreed to draft a text amendment based on the direction received. A draft amendment was presented to MSPA representatives and property owners for consideration on August 24, 2015. Based on feedback received at the meeting further modifications to the text amendment were undertaken in consultation with the city's legal counsel.

The City's recently adopted Vision Downtown Parkville considered the appropriate mix of retail and services downtown overall. Vision Downtown recognized that downtown's "survival and redevelopment hinges on expanding the current market niches" and that "[e]xisting goods and services niches in Downtown Parkville suitable for expansion include restaurants, entertainment/culture, antiques, home furnishings, arts and crafts, and gifts and collectibles. Improving the selection of merchandise within these goods and services niches will generate increased customer traffic and sales." The proposed text amendment is consistent with these goals.

Staff has reviewed regulations for other recognizable districts in the area, as well as several other similar commercial areas outside of Kansas City. In most cases, non-retail uses are not as restricted as what is proposed in this text amendment. In the majority of districts reviewed, market forces tend to guide the appropriate mix of retail and non-retail spaces. However, every downtown district is different, and some, such as Mission, Kansas and Overland Park, Kansas have successfully enacted text amendments very similar to this application.

Differences of opinion were expressed by some property owners about some specific service uses and whether or not they should also be included as allowed uses in the affected two-block section of Main Street. Specifically, debate has occurred around the appropriateness of disallowing certain personal services such as hair salons. The general consensus amongst those in attendance was that these personal service uses were not the type of uses to be encouraged on Main Street. Since any existing nonconforming use that fell into this category would be permitted to remain, as well as the fact that these provisions only impact a two-block stretch of the OTD, the consensus was for uses along Main Street to be restricted to retail only going forward.

Concerns were also raised by property owners with legal, non-conforming uses. They were concerned about what happened when the legal, nonconforming uses ended and how it would impact prior investment in spaces that were remodeled to accommodate offices. There were two schools of thought: a) that after the current uses ended it became limited to permitted retail uses, or b) that after the current uses ended it could remain as a nonconforming use. General consensus was reached to allow for properties that had legal, non-conforming uses to be able to remain nonconforming uses even after the current tenant has left. This concession was balanced with restrictions on converting a space back to a non-conforming use after it had been used for a permitted retail use. It was agreed this would still help achieve the ultimate goal of making Main Street a lively, walkable, retail destination.

Proposed Amendment

In response to the petition and subsequent input, staff proposes amendments to restrict ground-floor uses on Main Street between the railroad tracks to the south and 2nd Street to the north to retail uses only. The amendment includes a new definition of retail to be included in Section 400.030. The amendment also includes additional language to be added to Section 400.010. Its purpose is to clarify the intent of the language proposed in the text amendment. Finally, the text amendment calls for multiple additions and modifications to Section 442.015, *Permitted Uses*.

This solution may be revisited as a result of the comprehensive zoning code update which is expected to be completed and adopted in 2016. Meanwhile, the amendment addresses the objective of making Main Street a lively, walkable, retail destination. This amendment is also intended to allow building and business owners and new investors to make business decisions with a greater understanding of what is intended and permitted for Main Street in the OTD.

Specifically this text amendment limits ground floor storefronts along Main Street between the railroad tracks and Main Street to retail uses, in accordance with the newly proposed definition of retail to be added to Section 400.030. All existing uses on this stretch of Main Street would become legal, non-conforming uses subject to certain restrictions. Owners of vacant properties would be obligated to market their spaces to retail tenants. If they are unsuccessful, upon application and the demonstration of a good faith attempt to do so, the Community Development Director shall issue an administrative exception permit. If the permit is denied the property owner may appeal to the Board of Zoning Adjustment. The administrative exception permit may contain provisions that the permitted, non-conforming use makes attempts to promote an active and engaged street by incorporating retail sales, window displays and other amenities.

Proposed Text Amendment

Following is the current and proposed text. See also Exhibit H which summarizes the most recent changes resulting from the August 24, 2015 meeting with MSPA representatives and property owners. This exhibit also includes a frequently asked questions (FAQ) section summarizing how the amendment would be applied to different scenarios.

Text in red (**example**) is proposed to be added. Text that is struck through (~~example~~) is to be removed.

400.030 Definitions

Retail Use. Any establishment where the primary use is the selling of goods and/or food and beverages directly to the consumer, where those goods are available for immediate purchase or order, and where the goods can be immediately removed from the premises, or immediately consumed on the premises, by the purchaser. A retail use includes, but is not limited to the following: bookstore, clothing store, florist, hardware store, antique store, art gallery, craft store, furniture store, bakery, restaurant, ice cream parlor, coffee shop and similar uses that sell goods directly to the consumer.

442.010. Purpose.

- A. The regulations set forth in this Chapter, or set forth elsewhere in this Title, when referring to in this Chapter, are the regulations in the "OTD" Old Town District.
- B. Based on an evaluation of the community, it has been determined that a new district is needed to help preserve, maintain and enhance the character of the commercial portion of the urban core while also providing for new development within the immediate area. This new designation, entitled the Old Town District, has been created out of a necessity to satisfy these two (2) conditions within one (1) zoning district. Differing levels of maintenance and adaptive uses have gradually altered the occupancies of the area.
- C. Land in this district shall be used primarily for light retail ~~business~~ **uses** with accessory office and residential uses. **Uses along the Main Street portion of this district shall have additional**

use restrictions to foster an active retail destination. Areas designated within this district should abut upon residential, "B-4", "I-1" or abut upon an intersection of streets upon which one (1) of such districts also may abut.

442.015. Permitted Uses.

A. The following retail uses shall be permitted for ground-floor, street-level storefronts, suites and spaces fronting Main Street between the railroad right-of-way south of Mill Street on the south and Second Street on the north. Non-retail uses shall only be permitted on the ground-floor or street-level in accordance with Section 2 herein.

1. Retail uses as defined in Section 400.030, including, but is not limited to the following: bookstore, clothing store, florist, hardware store, antique store, art gallery, craft store, furniture store, clothing store, bakery, restaurant, ice cream parlor, coffee shop and similar uses that sell goods directly to the consumer and subject to the following:
 - a. Restaurants shall not include drive-thru or drive up service.
 - b. Grocery stores, markets and specialty foods shall not include slaughtering of animals on the premises.
 - c. With the exception of buildings existing prior to effective date of these regulations, buildings for free-standing uses shall not exceed 2,500 square feet.
 - d. Crafting, creation, assembly and light manufacturing of arts, crafts, retail goods and similar items as an accessory use to and for sale from a primary retail use subject to the same additional use limitations delineated in 442.015.B.14.
2. Non-retail uses.
 - a. Non-retail uses are permitted only under the following conditions:
 - i. The street-level, ground-floor storefront, suite or space has been vacant for a minimum of three (3) months; and
 - ii. Community Development Director approval of an application for an administrative exception permit, demonstrating that the building owner has actively advertised the space for lease or sale for uses permitted under 442.015.A, as evidenced by newspaper clippings of advertisements, copies of online advertising, evidence that signs advertising the lease or sale were posted on the site, and other relevant evidence that the space was actually advertised for lease or sale at least three (3) consecutive months prior to the application for the administrative extension use permit. The Community Development Director shall approve an administrative exception permit when it is determined that a good faith effort has been made to lease the tenant space for a retail use for at least three (3) months; or
 - iii. Any denial of an application for an administrative exception permit by the Community Development Director may be appealed by the building owner to the Board of Zoning Adjustment for a final determination.

- b. When permitted, an approved administrative exception permit shall be conditioned on the non-retail use incorporating accessory retail sales, window displays, or similar activities that create street-level interest and support an active retail environment. These conditions shall be approved by the Community Development Director, or on appeal, by the Board of Zoning Adjustment.

B. The following uses shall be permitted in the "OTD" Old Town District generally, excepts as provided in 442.015.A:

1. Display room for merchandise to be sold on order where merchandise sold is stored elsewhere.
2. Dressmaking, tailoring, shoe repairing, repair of household appliances, watches and bicycles, dry cleaning and pressing and bakery, with sale of bakery products on the premises, and other uses of a similar character; provided that no use permitted in this item may occupy more than two thousand five hundred (2,500) square feet of floor area.
3. Offices and office buildings, including medical or dental clinics.
4. Personal service uses including barber shops, banks, beauty parlors, photographic or artists' studios, messengers, taxicabs, newspaper or telecommunication services, dry cleaning receiving station, restaurants, (but not drive-in restaurants), undertaking establishments, and other personal service uses of a similar character.
5. Retail stores, including florist shops and meat markets, but there may be no slaughtering of animals or poultry on the premises.
6. Specialty food shops not exceeding five thousand (5,000) square feet.
7. Hardware or craft stores not exceeding five thousand (5,000) square feet.
8. Antique stores, bookstores or art galleries.
9. Bed and breakfast.
10. Churches and parish halls, temples, convents and monasteries.
11. Colleges and schools, public or private, having a curriculum and conditions under which teaching is conducted equivalent to a public school and institutions of higher learning.
12. Miniature golf courses.
13. Residential dwelling units, when located within a structure that contains retail space on the street level.
14. Crafting, creation, assembly and light manufacturing of arts, crafts, retail goods and similar items as an accessory use to and for sale from a primary retail or service use permitted in the Old Town District and subject to the following additional use limitations:

- a. Accessory crafting, creation, assembly and light manufacturing uses shall be subject to approval of a development plan by the Board of Aldermen following recommendation by the Planning Commission in accordance with Section **442.025**.
- b. No accessory crafting, creation, assembly and light manufacturing use shall be approved unless it is found that said accessory use will not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, traffic or other objectionable influences than the minimum amount normally resulting from retail commercial, personal service or office uses in the Old Town District.
- c. Accessory crafting, creation, assembly and light manufacturing uses shall be secondary and complementary to the primary retail commercial, personal service and office uses of the Old Town District.
- d. In order to preserve the street level attraction and activity of the Old Town District, accessory crafting, creation, assembly and light manufacturing uses shall be restricted from the front half of street level building floors, except as permitted through a conditional use permit. In no case shall an accessory crafting, creation, assembly and light manufacturing use occupy a street level storefront unless it is found that said use is visible to the public and creates an attraction equal or greater to that of a retail use.
- e. Accessory crafting, creation, assembly and light manufacturing uses shall not occupy more than fifty percent (50%) of the gross square footage of the combined area of the primary and accessory use.
- f. Accessory crafting, creation, assembly and light manufacturing uses shall not restrict or limit hours of operation, parking, loading, unloading, trash disposal or other activities associated with the primary retail commercial, personal service and office uses in the Old Town District.
- g. New construction, renovation or other improvements required to accommodate accessory crafting, creation, assembly and light manufacturing uses shall be visually secondary to the primary use, complementary and compatible with the architecture of the rest of the building and complementary to the established character of the Old Town District.

15. Accessory buildings and uses.

~~16. Other uses deemed appropriate to the character of the "OTD-B" District and as recommended by the Planning Commission and approved by the Board of Aldermen.~~

- C. All of the foregoing uses are permitted in existing structures, **except where the use would substantially increase the need for parking**. New construction, ~~or~~ exterior alterations **and uses that would substantially increase the need for parking** 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**.

D. Legal, Non-Conforming Uses.

1. Authority to Continue. The lawful use of a building or space therein existing prior to effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become a legal, non-conforming use) may be continued although that use does not conform to the provisions of Section 442.015; provided, however, this authority to continue shall not apply to any use approved by administrative exception permit. Whenever a legal, non-conforming use has been changed to a more-compatible, legal, non-conforming use or to a conforming use, that use shall not thereafter be changed to a less-compatible, legal, non-conforming use, except in accordance with the regulations of this Chapter.
 - a. Use hierarchy. For the purpose of this Section, uses are ranked from least compatible to most compatible in the following order. For the purpose of this section, any interpretation regarding rank or hierarchy shall be made by the Community Development Director.
 - i. Industrial or prohibited use
 - ii. Residential uses
 - iii. Institutional uses including but not limited to auditoriums, churches, parish halls, temples, convents, monasteries, colleges, schools (public or private), daycare, or places of assembly
 - iv. Administrative or professional office use, including general and professional offices, insurance and real estate offices, medical or dental clinics
 - v. Personal service use, other than listed above
 - vi. Retail uses as defined in Section 400.030
2. Ordinary Repair and Maintenance.
 - a. Normal maintenance and incidental repair, or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a legal, non-conforming use.
 - b. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of the Building Official, Fire Marshal or other public official who is charged with protecting the public safety and who declares that structure to be unsafe and orders its restoration to a safe condition.
3. Extension. A legal, non-conforming use shall not be extended, expanded, enlarged, or increased in intensity. These prohibited activities shall include, without being limited to:
 - a. Extension of a use of any structure or land area, other than that occupied by a legal, non-conforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause that use to become legal, non-conforming).
 - b. Extension of a use within a structure to any portion of the floor area that was not occupied by that legal, non-conforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to

become legal, non-conforming); provided, however, that the use may be extended throughout any part of such structure that was lawfully and manifestly designed or arranged for that use on the effective date.

4. **Enlargement.** No structure that is devoted in whole or in part to a legal, non-conforming use shall be enlarged or added to in any manner unless that structure and the use thereof shall thereafter conform to the requirements of this Chapter.
5. **Abandonment or Discontinuance.** A legal, non-conforming use shall be allowed to continue so long as the use is continuously operated and is not discontinued or abandoned for a period of twelve (12) months or more. Whenever a legal, non-conforming use has been changed to a more-compatible, legal, non-conforming use or to a conforming use, that use shall not thereafter be changed to a less-compatible, legal, non-conforming use.

Staff Conclusion and Recommendation

Staff concludes that the proposed amendment provides restrictions on uses in a limited area of the OTD consistent with the desires of Main Street property owners as expressed in their petition and as affirmed through multiple discussions and meetings with city staff. Staff also concludes that the proposed text amendments are consistent with Vision Downtown Parkville and the Parkville Master Plan. Staff recommends adoption of the proposed text amendment.

It should be noted that the recommendation contained in this report is made without the benefit of being able to consider testimony and exhibits presented during the public hearing. Staff reserves the right to modify or confirm the conclusions and recommendations herein based on consideration of any additional information that may be presented.

Necessary Action

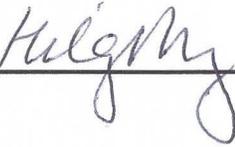
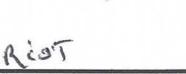
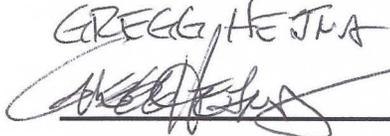
Following consideration of the proposed text amendment, associated exhibits and any testimony presented during the public hearing the Planning and Zoning Commission, must recommend approval or denial to the Board of Aldermen, unless action is otherwise postponed. Unless postponed or withdrawn by the applicant, the Board of Aldermen will consider final action on the application at their regularly scheduled meeting on Tuesday, September 15, 2015 at 7:00 p.m.

End of Memorandum

	<u>9-3-15</u>
Zach Tusinger	Date
Planning Intern	

6-10-15

As a property owner and/or Main Street Association delegate in the downtown Parkville district, I am in support of the City passing an ordinance whereby future businesses planning on opening in street level space on Main Street between the south boundary of the railroad track to the north boundary of 2nd Street shall be limited to businesses with a customer service component offering the sale of retail products and/or merchandise.

<u>Name</u>	<u>Signature</u>	<u>Address</u>	<u>Phone</u>
Troy Wilson MSPA Chair		106 1/2 main ST	816-587-2701
Deborah J. Wiley		16 Main	816-741-2151
Hilary Murray		109 Main	816 225-0636
Guillaume F. Hauriot		112 MAIN	816 587 6767
David Williams			816-868-7988
GREGG HEJKA		107 MAIN ST	816-550-1692
Susan Inih	SUSAN Smith		816-716-6580
J. D. R.	CHRIS COLLINS	MSPA STEERING COMMITTEE	816-584-4161
	ART BROWN	MSPA Secretary	785 - 816-249-0306

As a property owner and/or Main Street Association delegate in the downtown Parkville district, I am in support of the City passing an ordinance whereby future businesses planning on opening in street level space on Main Street between the south boundary of the railroad track to the north boundary of 2nd Street shall be limited to businesses with a customer service component offering the sale of retail products and/or merchandise.

Name Signature Address Phone
DANNY TIMSLEY Danny Tinsley 6004 NW Hwy 49 816-741-1891

ED BRADLEY Ed Bradley 12 E FIRST 816-746-7817

Michael Emmick Michael 101 Main St.

Kevin Heaton K. Heaton 13-15 MAIN ST 816-508-0389

Tom Hübner Tom Hübner 15 MAIN STREET 816-918-0057

CITY OF PARKVILLE

Policy Report

Date: Thursday, July 16, 2015

Prepared By:
Sean Ackerson
Assistant City Administrator /
Community Development Director

Reviewed By:
Lauren Palmer
City Administrator

ISSUE:

Direct staff to prepare a zoning text amendment in response to a petition from property owners regarding first floor uses for properties on Main Street.

BACKGROUND:

Over the past year, business and property owners, members of the Main Street Parkville Association (MSPA) and members of the Parkville Economic Development Council (EDC) have requested the City amend the zoning regulations to restrict offices and non-retail uses in downtown Parkville, particularly those at the street level. Since this issue was previously raised with limited community support, staff directed those interested to demonstrate support from others in downtown. In June the city received a petition from 14 property owners and MSPA delegates requesting that the City pass an ordinance limiting street level uses on Main Street, between the railroad tracks and 2nd Street, to “businesses with a customer service component offering the sale of retail products and/or merchandise.” Based on prior communication, primary concerns include weakening the commercial attraction, dead space created with businesses that do not generate foot traffic, parking conflicts, and loss of retail dollars.

The petitioners are requesting that the city undertake the amendment (as opposed to submitting an application for text amendment). They are requesting the amendment be an immediate priority, identifying the issue as time-sensitive due to existing vacancies on Main Street. Meanwhile, to minimize the likelihood of non-retail uses being located in Downtown Parkville, the property owners are voluntarily implementing self-imposed limitations.

As one of many assignments, Community Development Intern Zach Tusinger has researched how other communities may have restricted uses in their downtown districts. In Zach’s attached memo, he concludes that solutions vary greatly and appear to be customized to each community’s needs. Staff has not invested any additional time or resources since this issue has not previously been assigned as a City priority. Staff is seeking direction from the Board of Aldermen before proceeding any further. If directed to undertake the amendment, next steps would be to work with the petitioners to clarify their intent and craft new language within the existing “OTD” Old Town zoning district, or to create a new zoning district for those two blocks on Main Street. If made an immediate priority, staff anticipates an amendment could be prepared for a September 8, 2015 hearing before the Planning and Zoning Commission. If so, final action could be taken by the Board as soon as September 15, 2015. If not directed to undertake the amendment immediately, this issue could be discussed and addressed as part of the zoning code update, which is already underway.

BUDGET IMPACT:

If the application is submitted by the City, costs for the publication notice will be incurred (estimated at less than \$100). With the exception of required codification and enforcement, there is no additional budgetary impact expected.

ALTERNATIVES:

1. Accept the petition and direct staff to make an amendment an immediate priority
2. Accept the petition and direct staff and the City's consultant team to make an amendment as part of the zoning code update
3. Accept the petition and direct staff to add the concern to a list of others to be considered during the zoning code update
4. Accept the petition and take no action
5. Postpone consideration

STAFF RECOMMENDATION:

The amendment has not previously been assigned to staff as a City priority. Staff recommends the Board accept the petition and direct staff to either make an amendment an immediate priority or consider the amendment as part of the zoning code update. If an amendment is to be prepared separately from the zoning code update, staff recommends the Board give direction as to whether the amendment is to be prepared and submitted by the City or is to be made by the petitioners.

PLANNING COMMISSION RECOMMENDATION:

This item has not been considered by the Planning and Zoning Commission.

POLICY:

Per RSMo 89.050 and Parkville Municipal Code, Chapter 483, amendments to the zoning code are to be approved by the Board of Aldermen by ordinance, after the Planning and Zoning Commission considers the amendment at a public hearing and forwards their recommendation.

SUGGESTED MOTION:

I move to receive and file the petition from property owners regarding first floor uses for properties on Main Street; and to direct staff to prepare a zoning text amendment in response to the petition for action by the Planning and Zoning Commission as soon as possible.

ATTACHMENTS:

1. 6-10-15 petition from property owners and Parkville Main Street Association delegates
2. Summary of issue and comparable regulations by Community Development summer intern Zach Tusinger
3. Parkville Municipal Code Chapter 442, "OTD" *Old Town District*
4. City of Overland Park, KS, Chapter 18.320, *MS1 Main Street District 1*
5. City of Mission, KS, Chapter 410, "MS1" *Main Street District 1*
6. City of Weston, MO, Sections 405.145 "H-1" *Historic District*, 405.150, "C-1" *Central Business District*, and 405.180, "C-2-A" *Local Retail Business District*
7. City of Smithville, MO, Section 400.170. "B-4" *Central Business District Use Regulations*
8. Independence, MO, Chapter 14-301 Office and Commercial Districts
9. Aspen, CO, Ordinance No. 25, Series of 2012
10. Saint Charles, MO, Section 400.200. "HCD" *Historic Commercial District*.
11. Lawrence, KS, zoning code Sections 20-207 through 20-212, and 20-403



Memorandum

To: Sean Ackerson, Assistant City Administrator / Community Development Director

From: Zach Tusinger, Community Development Intern

Date: Thursday, July 16, 2015

RE: Restrictions on Non-Retail and Residential Uses in Downtown

Issue: Non-Retail Uses on Main Street

The Main Street Parkville Association (MSPA) has lobbied the City of Parkville (the City) to create a zoning text amendment to limit uses for first floor store fronts on Main Street to retail and service uses. Recently a few office spaces have moved into store fronts on Main Street and property and business owners have expressed concerns that these uses take up parking spaces that would otherwise be available to retail customers while at the same time creating 'dead spaces' that do not attract customers, and not contributing to a vibrant and thriving commercial district that attracts people to downtown Parkville.

Any amendments to current downtown zoning regulations must be careful to not accidentally be too broad and exclude non-retail uses that would normally be favorable to downtown districts like Parkville's. Since an amendment would limit potential leases, widespread support from property owners and businesses is desired. Indeed, much support already exists as evidenced by a petition presented to the City by the MSPA.

A widespread zoning code update for the entire City of Parkville is in its beginning stages and this issue would naturally be addressed there. However, there is concern that in the interim more office uses may relocate to downtown thus grandfathering those properties and businesses in as preexisting nonconforming uses. To that extent, many of the property owners have identified this as a top priority for the City to address and, in the interim, are voluntarily restricting leases to uses other than offices.

Current Downtown Zoning

Before discussing possible changes to downtown's zoning regulations, a thorough review of current zoning use regulations for downtown Parkville is necessary. Currently, zoning downtown is regulated by Chapter 442 "OTD" Old Town District. The purpose of the OTD is twofold: to maintain and enhance the character of the commercial portion of the urban core while also providing for new development within the immediate OTD area. Additionally, it is stated that the district "shall be used primarily for light retail business with accessory office and residential uses."

Under Permitted Uses in §442.015.A, a variety of retail and service uses are specifically allowed. Examples specifically listed include dress shops, watch and bicycle shops, bakeries,

photo studios, banks, beauty parlors, dry cleaners, restaurants, hardware stores, florists, antique stores, art galleries, churches, bed and breakfasts, and miniature golf courses. These would seem to be the types of uses that the OTD was specifically set up to protect and promote.

Currently §442.015.A.3 also allows for office uses in the OTD. Specifically, it permits “offices and office buildings, including medical and dental clinics.” Whether medical and dental clinics, and other offices of this type, are of the nature being considered for exclusion from Main Street in the OTD is unknown at this time. It is presumed that offices that are of a more administrative nature that do not generate significant foot traffic in the OTD are what is being considered for exclusion or limitation by the MSPA. Modifying the language of §442.015.A.3 might be the simplest way to address the concerns. The question then becomes how to modify it and whether any other sections need to be modified.

It should be noted that there is currently a zoning provision allowing for residential dwelling units in the OTD (§442.015.A.13) “when located within a structure that contains retail space on the street level.” This provision may be a model for limiting office space to upper levels or rear portions of structures.

The OTD also places restrictions on uses for the crafting, assembly, and light manufacturing of goods (§442.015.A.14). These uses are allowed as an accessory use, secondary and complementary to primary retail commercial, personal service, or office use allowed in the OTD. The purpose of these provisions is to preserve the street level attraction and activity of the OTD. Like the provisions placing limitations on the street level, this may also serve as a framework for limitations on street level front office uses.

Other Cities and Their Solutions

A variety of cities, both locally and across the country, have addressed similar concerns to varying degrees and for varying reasons. Some local cities have introduced and refined their zoning provisions calling for retail sales of goods and services, specifically excluding other uses that are found in other commercial districts, namely offices. Other cities, in states such as Colorado or California, have implemented emergency ordinances that have had the effect of limiting offices in downtown commercial districts. Following are summaries of other downtown districts that have been identified as comparable to downtown Parkville or which have implemented limitations on non-retail uses.

Overland Park, KS

Overland Park has a relatively small downtown area. It has implemented “MSD-1” Main Street District 1 zoning in a small section of its downtown, comparable with Parkville’s Main Street. The purpose of MSD-1 is to provide for the majority of retail uses, while encouraging an active streetscape with a pedestrian-friendly shopping environment. The language of the MSD-1 specifically allows banks and other service-oriented uses as well as the usual shops, restaurants, and other active uses. MSD-1 specifically bars first floor offices from the district, prohibiting them unless they were already in continuous use as an office. Language from the MSD-1 zoning provisions could be incorporated into any amendment that Parkville makes to its OTD zoning district.

Mission, KS

Mission uses very similar language and structure to Overland Park’s with perhaps more detail and examples of what is specifically allowed and not allowed. Mission’s version, “MS1” Main Street District 1, specifically prohibits medical offices, law firms, architects, photographers, travel agencies, and the like. Any revisions or additions to Parkville’s code could diverge from

Mission's specifically prohibited or allowed uses. If applied in Parkville, these restrictions would disallow some uses currently existing in Downtown Parkville, including the photographer, investment services, counseling, consultants, and other office uses.

Weston, MO

It appears that the majority of Weston's downtown area is zoned as "H-1" Historic District or "C-1" Commercial District, both of which allow office uses. As Weston has a significant amount of tourism in its historic downtown, it would seem that the 'non-retail downtown concern' either isn't an issue in Weston or has largely been resolved by the market.

Weston also has a zoning district in its code designated as the "C-2-A" Local Retail Business District. This district seems to be intended more for small, neighborhood-level retail uses, but it could possibly be used as an example for any updates or modifications of Parkville's zoning code. The C-2-A district allows general retail businesses, churches, and bed and breakfasts (as well as single-family dwellings, hence the local/neighborhood intent).

Smithville, MO

Similar to Weston, Smithville has several different types of commercial districts that allow for various uses and restrictions pertaining to offices and other uses. Smithville has a "B-4" Central Business District that includes retail and service uses and certain office uses, such as doctors, accountants, lawyers, travel agencies, and the like. Unlike the B-4 district, the "B-1" Neighborhood Business District (similar to Weston's C-2-A) prohibits office uses but specifically allows retail and service uses.

Independence, MO

While Independence has multiple types of commercial districts, according to Independence's use table, all the commercial district types allow office uses. This may partially be because Independence is a traditional center of Jackson County government and has a long history with governmental and legal offices in its central business district. A drive around downtown Independence will readily present numerous office examples, particularly law offices.

Aspen, CO

Looking outside the Kansas City Metro, Aspen, Colorado approved an ordinance in November 2012 providing that retail and restaurants should only be allowed on the ground floors while office, lodging, and housing are allowed on upper floors. Office uses are also allowed on first floors so long as they are located in spaces set back a certain amount from the street and located behind the front-most facing facades. As Aspen is decidedly a high-end tourist destination, with limited space to expand in its mountainous setting, the comparisons between Aspen and Parkville can only go so far. But the goals of creating a more lively and vibrant street space for locals, and for tourists, are the same.

Saint Charles, MO

St. Charles is known for its quaint downtown area filled with shops and restaurants. The St. Charles code uses a district known as "HCD" Historic Commercial District. The focus here is on a low intensity mixture of retail shopping, personal service, residential, and lodging uses. While the focus of the district is on retail, it allows for the types of offices that generate some degree of foot traffic or that would normally be found in historic downtown areas: accountants, engineers, architects, lawyers, investment agencies, and insurance agencies. This on the whole may be a bit broader than what Parkville is considering, but it is another option.

Lawrence, KS

Lawrence has a thriving downtown filled with shops and restaurants oriented along a single primary street, Massachusetts. Lawrence has a variety of commercial district types in its zoning code including: "CN1" Inner Neighborhood Commercial, "CN2" Neighborhood Commercial, "CO" Office Commercial, "CD" Downtown Commercial, "CC" Community Commercial, and "CR" Regional Commercial. According to the commercial use table, office uses are allowed in most of these districts. In Lawrence, the CD is the most comparable to the OTD zoning in downtown Parkville. Financial, insurance & real estate offices are prohibited in CD, CC, and CR. Administrative, professional, financial, insurance, real estate, payday advance, and title loans are specifically allowed in all the others.

Other Regional Cities

Other regional cities that were looked at included: Olathe, Lee's Summit, Liberty, Columbia, Lenexa, Kirkwood, Blue Springs, Belton, and Grandview. None of these cities appeared to address the issue of limiting non-retail uses in their downtown areas in their city's codes.

Conclusion

Moving forward, Parkville and the MSPA could either modify the OTD uses, which would apply to the entire OTD, or create a new district type just for the two blocks or so of Main Street that would be largely identical to the OTD except incorporating some further use restrictions similar to those in some of the cities above. The example zoning district from St. Charles, while broad, probably provides the greatest flexibility. More specifically delineated and more rigid are the examples from Overland Park and Mission. Before any official measures are taken, additional feedback is needed from downtown property owners and tenants.

The next steps would include gathering more information from the MSPA. Determining what Main Street's specific concerns are is the first priority. Broader concerns may include parking, an active and engaging pedestrian experience, and/or other possible considerations. Once the concerns have been narrowed down, identifying the specific uses that Main Street would like to see disallowed would be the following step. As part of defining the specific uses to be disallowed or allowed downtown, clarifying phrases like "customer service component" is necessary to allow the regulations to be clearly understood and applied uniformly. Specificity in what this means and, in turn, what uses should ultimately be allowed in this part of downtown must ensure consistency and clear guidelines and expectations for Parkville landowners and proprietors, current or future.

Should Parkville decide to pursue a solution to this issue by amending the zoning codes, it has a variety of options. For one, it could closely follow one of the examples mentioned above. But Parkville could also chart its own course by borrowing pieces of these different codes to craft a solution that fits the specific needs of downtown.



Memorandum

To: Sean Ackerson, Assistant City Administrator / Community Development Director

From: Zach Tusinger, Community Development Intern

Date: August 4, 2015

RE: Successes and Application of Office Restrictions in Area Cities

In assessing any possible amendment to the “OTD” Old Town District zoning on Main Street in downtown Parkville, it is important to reach out to other cities that have taken these steps to further determine what level of success they have had in the implementation of office usage restrictions in their downtowns. Mission and Overland Park, both in Kansas, have small downtown areas where they have limited or prohibited commercial office uses along one key street. At the behest of the Board of Aldermen, we reached out to other communities with the goal of talking to other communities and found out why they implemented restrictions on certain uses in their downtown areas or why they haven’t and additionally to determine what has worked for them and what hasn’t. In conversations with planners from those cities, the consensus is that pushback has been minimal, it has helped to maintain or enhance those areas as active retail districts, and that the availability of alternatives (either spaces or procedures) has helped avoid unintended consequences and conflict.

Mission, KS

The City Planner in Mission indicated that though it was before her time there, restrictions on administrative office uses in downtown Mission were most likely instituted during the city’s big code rewrite in 2006/2007. Asked if there was any current pushback against the policy she indicated there was not. She attributed the policy’s success to two different things. The first was that the building stock and the built infrastructure of downtown Mission (focused primarily on Johnson Drive), was very conducive to retail and not administrative offices. The second factor that she believed prevented any major issues was the “release valve” found in the code. §470.170.L.2. provides that if the building owner has made good faith efforts to market its space to retail tenants and tenants for other allowed uses but after three months has not been successful in leasing the space, the building owner may apply to the city development director for permission to lease to an office tenant. If the community development director rejects this application, the building owner may appeal directly to the city council. According to the city planner in Mission building owners have sought this exemptions several times, averaging about once a year.



Asked if she believed the policy could or should be changed in any manner she indicated she did not believe so.

Overland Park, KS

In the early 2000s Overland Park instituted new zoning districts for its downtown area. The zoning put in place along Santa Fe downtown limited office uses in storefronts along that street, restricting them to upper levels or basements. The emphasis was to be on active retail uses. Today that stretch of Santa Fe in Overland Park has numerous shops and restaurants fostering active uses, particularly on Farmer’s Market days. The zoning district restrictions disallowed the majority of professional offices. According to planners in Overland Park there has only been limited pushback against this. Sometime in the last several years an architecture firm wanted to locate along Santa Fe in a first floor storefront. This was disallowed by the code. The architectural firm was not happy about this, but ultimately found an alternative space just off Santa Fe.



Commerce Frontage Special Conditions
General Storefront Frontages

Where designated on the REGULATING PLAN as GENERAL STOREFRONT these frontages shall use this General Urban BES standard, excepting that the GROUND STORY configuration shall be for COMMERCE - that of a SHOPFRONT. (See Section 606.D.3. Shopfront Windows for specific requirements.)

Steep Slope Exceptions: Subject to the Director’s approval, for approved grocery operations, where the average slope across a STREET FRONTAGE for a given BLOCK FACE is greater than or equal to 5%, the GROUND STORY finished floor elevation requirement may be measured across a frontage width increment of 120 feet to a maximum 27 inches (average) above the fronting sidewalk.

The “MS1” Main Street District One zoning that applied to the primary downtown blocks of Santa Fe in Overland Park was replaced with a form based code in 2010/2011. While the MS1 zoning has not formally been repealed, the form based code is the one that is practically in use today. Under the form based code the emphasis is less on use, but rather appearance, building envelope, etc. The form based code puts an emphasis on what it calls “general storefront” or “shopfront” where the emphasis is on active and appropriately scaled shopfront windows. While the form based code doesn’t itself specifically disallow offices in the downtown area along Santa Fe, the combination of the form based code along with the MS1 District that is still technically on the books means that their restrictions on certain administrative office uses still remains in force.

Similar to Mission, Overland Park also has a release valve (§18.320.020.I.2) whereby if the property owner can demonstrate good faith efforts to lease the space to a retail oriented tenant, but has failed to do so, they may seek permission from the city to lease to an administrative office tenant.

Other Communities

In order to gain a fuller understanding of this issue other communities in Missouri and Kansas were asked about their experience with this issue. Weston, MO does not have any of these types of restrictions in place and lets the market decide. St. Charles, MO has code language that would seem to imply they put restrictions on some office uses in their downtown area, but in practice they do not and also rely on the market.

City	Prohibited	Some Regulation	No Regulation
Belton, MO			X
Columbia, MO			X
Grandview, MO			X
Independence, MO			X
Kirkwood, MO			X
Lawrence, KS			X
Lenexa, KS			X
Lee's Summit, MO			X
Liberty, MO			X
Mission, KS		No 1 st floor	
Olathe, KS			X
Overland Park, KS		No 1 st floor	
Smithville, MO			X
St. Charles, MO			X
Weston, MO			X

Escape Hatches

Additional input from our consultant Chris Brewster of Gould Evans, reinforced the importance of administrative 'escape hatches' or alternatives as part of any regulatory solution. Perhaps there is a percentage placed on certain uses, whereby for example, non-retail/non-restaurant uses can be no more than 25% of the first floor square footage on Main Street. Another escape hatch would be similar to the ones found in Mission or Overland Park, where if a landlord has in good faith marketed their property for retail or restaurant but has not been able to lease it after a certain period of time, then they could apply to lease it for other uses, such as office.

Conclusions

Planners from Mission and Overland Park indicated that pushback to office use restrictions has been minimal, it has helped to maintain or enhance their respective downtown areas as active retail districts, and that the availability of alternatives (either spaces or procedures) has helped avoid unintended consequences and conflict.

Non-Retail Uses on Main Street

Examples of Existing and Possible Uses

August 6, 2015

Zach Tusinger, Planning Intern



Parkville
Missouri

MSPA Petition

“As a property owner and/or Main Street Association delegate in the downtown Parkville district, I am in support of the City passing an ordinance whereby future businesses planning on opening in street level space on Main Street between the south boundary of the railroad track to the north boundary of 2nd Street shall be limited to businesses with a customer service component offering the sale of retail products and/or merchandise.”

As a property owner and/or Main Street Association delegate in the downtown Parkville district, I am in support of the City passing an ordinance whereby future businesses planning on opening in street level space on Main Street between the south boundary of the railroad track to the north boundary of 2nd Street shall be limited to businesses with a customer service component offering the sale of retail products and/or merchandise.

Name	Address	Phone
<i>Tina M. ...</i>	<i>123 Main St</i>	<i>916-582-2114</i>
<i>Deborah J. ...</i>	<i>16 Main St</i>	<i>916-78-2151</i>
<i>Hilary Murray Kelso</i>	<i>117 Main</i>	<i>314-221-0436</i>
<i>Guillermo F. ...</i>	<i>112 Main</i>	<i>916-591-6827</i>
<i>David Williams</i>	<i>117 Main</i>	<i>916-560-7988</i>
<i>...</i>	<i>117 Main</i>	<i>916-560-1692</i>
<i>...</i>	<i>117 Main</i>	<i>916-78-6410</i>
<i>...</i>	<i>117 Main</i>	<i>916-78-6410</i>
<i>...</i>	<i>117 Main</i>	<i>916-78-6410</i>

Petition submitted by 9 property owners representing 14 of 21 properties

MSPA Petition



Proposed Boundary

Properties that petitioned (red)

Concurs - has not yet signed

Clear Definitions

From the petition:

“...customer service component offering the sale of retail products and/or merchandise.”

- How do we define “service component & retail”
- What uses are included and excluded
- Any ordinance must be:
 - Clear
 - Uniform in application



Process

- Authorization from Board of Aldermen (Jul. 21)
- Meeting with owners/MSPA (Aug. 6)
 - Identify underlying issues (parking, attraction, revenue)
 - Specify goals and expected outcomes
 - Agree on uses to be restricted
 - Consider alternatives
- Background Info to Planning & Zoning Commission
- Draft text amendment
- Review with owners/MSPA
- Adopt amendment* (hearing by Planning & Zoning Commission, final approval by Board of Aldermen)

* meetings and draft in August to early September, adoption as soon as September 15th

Goals and Impediments

- What is the goal?
 - A walkable urban area?
 - Foot traffic that drives retail sales?
 - A destination retail district?
- Impediments to that goal?
 - Dead spaces on the street or gaps in activities?
 - Limited parking (conflicts between employee and retail parking)?
 - Vacant storefronts?
 - Unattractive storefronts/uses?



Potential Uses



Some things are clearly desirable:

- Retail
- Restaurants
- Art galleries
- Coffee houses



Potential Uses



Some things are clearly undesirable:

- Administrative offices
- Call centers



Potential Uses



Some uses fall in the middle:

- Teaching facilities
- Consulting firms
- Professional offices
- Banks and financial firms
- Fitness studios
- Real estate offices
- Event spaces



Refining Definitions

- Language from the petition:
 - “...shall be limited to businesses with a customer service component offering the sale of retail products and/or merchandise.”
 - Key words: Customer Service Component + Sale of Retail Products
- Does this accurately convey what is desired?
 - Does this definition allow desired uses?
 - Does this definition allow undesired uses?
 - Does this definition accomplish other goals?
 - Does this definition have unintended consequences?
 - Should alternatives be considered?

Refining Definitions

Mission, KS: “The "MS1" District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. This district restricts automobile oriented uses and does not allow offices on the ground floor level. The district is also intended to allow multi-story buildings with office and residential uses above the ground floor level.”

(Overland Park, KS uses identical language)



Refining Definitions

Mission, KS – MS1 Allowed Uses:

1. *Prepared Food*. Restaurants, coffee houses, bakeries
2. *Food For Home*. Convenience store, green grocer, gourmet grocer, health foods, meat/fish market and wine/liquor shops and other establishments of similar character
3. *Specialty Retail*. Antiques; appliances; art galleries, framing and supplies; bike shop; books; camera and photo supplies; casual apparel and accessories; children's apparel; computers/software; florist; gifts, stationary and cards; hardware; home decorating products and design services; men's apparel; music (recorded and sheet); newsstand; office and school supplies; optical products; radio/TV/electronics; sewing supplies; shoes, dress and casual; small variety store; sporting goods; tobacco shop; toys, games and crafts; traditional and costume jewelry; wall coverings and paint; women's casual apparel and accessories and other establishments of similar character.
4. *Convenience Retail/Select Services*. Barbershops; cosmetologists, beauty shops; dance studio; dry cleaners and tailor shop; coin-operated laundry, locksmith service, pharmacy; physical fitness facility; shoe repair/shine; video rental, computer services and other establishments of similar character.

Refining Definitions

Overland Park, KS – MS1 Allowed uses:

Retail sale of goods and services including or similar to the following:

Retail;

Restaurants;

Churches;

Clubs and arcades;

Banks;

Dry cleaners;

Business machine services (including photocopy, telefacsimile, computer and data processing);

Communication & specialty electronics;

Department stores;

Glass;

Medical equipment;

Office equipment;

Theaters, movie and stage;

Rental or leasing of furniture and home furnishings;

Community owned museums, libraries, and community centers

Exercise and Discussion

- What uses should be allowed/disallowed?
- Discussion and feedback



Meeting Summary

August 6, 2015

Main Street Property Owners,

On Thursday August 6th, City staff met with representatives from the Main Street Parkville Association (MSPA) and owners of five Main Street properties. This meeting was arranged in response to a petition received by the city advocating the restriction of first floor storefronts on Main Street between the railroad tracks and Second Street to retail uses and subsequent direction from the Board of Aldermen making this a priority for City staff.

City staff presented their research regarding other municipalities which had implemented office usage restrictions in their downtown areas. Staff stated that discussions with those municipalities indicated that there had not been any significant issues or problems with those restrictions. Staff, also, stated that other cities that we contacted generally let the market take care of this issue.

City staff listened to feedback from the meeting attendees. Attendees expressed their concerns and visions for Downtown, particularly the subject stretch of Main Street. Discussion centered upon what uses most contributed to a thriving and vibrant Main Street. There was a general consensus that retail uses (uses with active storefronts that sell a physical product that is either consumed on- or carried off-site) were the preferred usage of Main Street storefronts. City staff raised examples of other commercial uses (yoga studios, hair salons, financial services firms, and others) that were not retail. The group came to a general consensus that while these were indeed active uses, they were not of the character needed to make Main Street Parkville a retail destination and, thus, not desired uses. The group indicated its preference for these uses to be located in either second floor spaces on Main Street or off of the subject stretch of Main Street all together. Attendees indicated their preference for retail to be the primary usage on this stretch of Main Street.

MSPA representatives and property owners supported the inclusion of an escape hatch provision similar to those in existence in Mission and Overland Park, Kansas where storefronts could be leased for nonconforming office and service uses, if property owners could demonstrate in good faith that adequate efforts had been made to market the space for retail uses, but were ultimately unsuccessful. City staff also emphasized that any changes or amendments to the zoning on Main Street would not affect any businesses currently in operation, and that all existing businesses of a non-retail nature would become legally non-conforming pre-existing uses.

Peripheral discussions included parking issues, particularly the possible need for time limitations for on-street parking and the possible addition of more ADA parking spaces north of the railroad tracks. Property owners, also, indicated their general preference for retail-oriented breweries and brewpubs to be allowed in the downtown area. Attendees indicated they had received inquiries from people interested in opening these types of business downtown and, as such, they would favor code updates to allow these in the future. Also discussed was the possible need for regulations allowing pop-up stores.

The MSPA and property owners also discussed with City staff the need to promote visually appealing and engaging storefronts in vacant spaces and businesses without window displays. Representatives of the MSPA and property owners both indicated they would be in favor of some sort of mandate or program that required visually attractive displays in all downtown storefronts including the

times when those spaces are vacant. Potential solutions discussed included permitting displays from other retail stores, historical materials, or other displays that eliminate visual gaps in activity.

Next steps include the City drafting a proposed text amendment based on the direction received. Once drafted, the amendment will be forwarded to MSPA representatives and property owners within the subject stretch of Main Street for review and confirmation. Those present agreed to distribute the proposed amendment to owners that did not attend the meeting. After general consensus is reached on the amendment, it will proceed to the Planning and Zoning Commission for consideration. The target date for consideration is September 8, 2015 with adoption by the Board of Aldermen on September 15, 2015.

Zach Tusinger, Planning Intern
City of Parkville

Meeting Summary and Summary of Changes

August 25, 2015

Main Street Property Owners,

At the August 24, 2015 meeting, those in attendance confirmed that the intent of the proposed text amendments is to encourage retail uses in the two-block area of Main Street from the railroad tracks north to 2nd Street. It was also confirmed that the vision for this area and Downtown in general is to build a lively, walkable, high-demand retail destination that attracts other retail uses, and supports improved property values and a stable business environment. During the meeting desired changes to the existing text amendment were identified including greater flexibility for uses that would become legal, non-conforming uses after the adoption of the amendment without allowing other vacancies to become non-retail uses. After meeting with property owners on August 24, 2015, changes were also recommended following review by the City's legal counsel.

Major changes from the version provided to meeting attendants include:

1. Section 442.015.A (Permitted Retail Uses) - The list of approved uses was revised. Instead of listing specific uses separately, it refers to the definition of retail use as proposed in Section 400.030. This change also eliminated the square footage restrictions on new and existing buildings (from the existing code) and replaced them with a square footage restriction that only applies to new construction so as to discourage tear downs. The draft, also, retained the restrictions on drive-thru and drive-up restaurants, slaughtering and crafting, creation, assembly and other light manufacturing that is allowed as an accessory use to a primary retail use. These restrictions were retained to restrict retail uses that are typically suitable to larger retail centers or require stand-alone locations that are not generally compatible with Main Street
2. Section 442.015.D (Legal, Non-Conforming Uses) - Concerns were expressed about existing uses that would no longer be permitted (offices, salons, photography studios, etc.). As previously stated these uses would become legal, nonconforming uses and may be continued. Previously, the nonconforming use was read narrowly, but is now more flexible. Ex: As originally stated, if an office closed, it could not become another office; it had to become retail. The changes to the proposed text of Section 442.015.D now contemplate that if that original office closes, a new office may open in the space so long as the space has not been vacant for more than 12 months. This provision also introduces a nonconforming-use hierarchy. Uses are ranked from least compatible to most compatible. Whenever a legal, non-conforming use has been changed to a more-compatible, legal, non-conforming use or to a conforming use, that use shall not thereafter be changed to a less-compatible, legal, non-conforming use.

Additional minor changes were made to remove unnecessary legal terms and correct spelling and grammar.

Following are anticipated questions about the text amendment and associated answers that may help further explain the amendment and proposed changes.

FAQ:

Q. I currently have a ground-floor business that is not retail and would be a legal, non-conforming use under the new code. What happens if the proposed amendment is adopted?

A: Nothing, until you relocate or need to expand. Your business can continue on as previously approved. You will still be able to complete routine maintenance and repairs to your business space, but you will not be permitted to expand into currently unused spaces in your building or into adjacent buildings, unless the design / plans were approved prior to the amendment. (442.015.D.2-5)

Q. I lease the ground-floor suite in my building to a salon which would not be a permitted use, but would be allowed to continue as a legal, non-conforming use. If they move out will I be able to lease it another tenant for office space?

A: Yes, so long as you do so within 12 months (442.015.D.6). After the space has been empty for 12 months without another nonconforming, legal use, only retail uses (as defined under 400.030) shall be permitted.

Q. What happens if I market my space for retail but am unable to find a tenant? Can I lease it for an office space then?

A: On application to the Community Development Director, an administrative extension use permit shall be issued if the applicant can demonstrate that they have marketed the space for retail for 3 months. Such permit will be conditioned on the new use taking steps incorporating accessory retail sales, window displays, or similar activities that create street-level interest and support an active retail environment. Should the administrative extension use permit be denied, it may be appealed by the applicant to the Board of Zoning Adjustment. (442.015.A.2)

Q. I lease the ground-floor space in my building to a small office use which would not be a permitted use, but would be allowed to continue as a legal, non-conforming use. If they move out can a different non-retail use move in and would the current office be allowed again in the future?

A. If a legal, non-conforming use moves out and another more compatible non-retail use or a retail use moves in, the space cannot be reverted back to a less compatible use. (442.015.D.1)

Zach Tusinger, Planning Intern
City of Parkville

Staff Analysis

- Agenda Item: **5.A**
- Proposal: An application for a preliminary plat of Cider Mill Ridge 6th in the National, 20 single-family lots and one open space tract on 12.36 acres.
- Case No: PZ15-30
- Applicant: FiveStar Lifestyles, LLC
- Owner: RP Golf, LLC
- Location: Located west of the intersection of South National Drive and Promenade Drive, south of the Cider Mill Farm First Plat, west of the Cider Mill Ridge Fifth Plat and North of the Cider Mill Farm Second Plat and Cider Mill Ridge Third Plat, all in the National Golf Club of Kansas City.
- Zoning: “R-2” Single-Family Residential District
- Parcel #: Part of parcel 20-7.0-26-300-003-001.000
- Exhibits: A. Application for Preliminary Plat
B. Preliminary Plat Cider Mill Ridge – Sixth Plat (1 sheet) prepared by Continental Consulting Engineers, Inc. and last revised September 2, 2015
- By Reference:* A. Utility service confirmation letters or signatures from: Kansas City Power and Light (8-3-15); Missouri Gas Energy (8-3-15); and Parkville Public Works Sewer (8-20-15).
B. Parkville Municipal Code Chapter 415, “R-2” Single-Family Residential District Regulations - <http://ecode360.com/27901225>
C. Parkville zoning code in its entirety - <http://www.ecode360.com/PA3395-DIV-05>
D. Parkville Municipal Code Chapter 505, *Sudivisions* - <http://www.ecode360.com/27903031>
E. Parkville Master Plan - <http://parkvillemo.gov/departments/community-development-department/master-plan/>

* Copies on file at Parkville City Hall and available on request

Overview

The applicant proposes Cider Mill Ridge –Sixth Plat, a preliminary plat for 20 single-family lots and one open space tract on 12.36 acres, more or less. The property is located in the southern half of the National Golf Club of Kansas City, west of the intersection of National Drive and Promenade Drive. The property is bound by Cider Mill Farm First Plat to the north, Cider Mill

Ridge Fifth Plat to the east and Cider Mill Farm Second Plat and Cider Mill Ridge Third Plat to the south. The preliminary plat proposes the new lots on extensions of the Promenade Drive stub which was constructed with the Cider Mill Ridge Fifth Plat.



Review and Analysis

The application has been reviewed against the Parkville Municipal Code, including the “R-2” Single-Family Residential District regulations, adopted subdivision regulations and National Golf Club Community Unit Plan (National CUP).

The primary considerations for approval of a preliminary plat (referred to as the “preliminary plan” in the City’s subdivision regulations) are whether the plan includes all required details, meets minimum zoning and improvements standards, provides for adequate utilities and services, and is consistent with prior plans.

Following is a summary of each of these factors and any remaining issues to be addressed:

1. **Plan Details** – Parkville Municipal Code Section 505.270, Contents of Plan, lists the required preliminary plan contents. The plan submitted meets these requirements.
2. **Zoning Standards** – The subject property is zoned “R-2” Single Family Residential District and is part of the approved National CUP. The proposed lots meet the minimum area, depth, width, setbacks and other applicable regulations for the R-2 zoning district. Due to the irregular shape of Lot 1, staff confirmed that the lot meets the minimum 100 foot depth at a width of 75 feet.
3. **Utilities** – The municipal code requires the applicant to submit written and signed statements from the appropriate officials confirming the availability of gas, electricity and water to the proposed subdivision. In addition, the City requires the applicant to confirm that adequate sewer and storm drainage improvements exist or can be provided and that the proposed development can be served by the Southern Platte Fire Protect District and Park Hill School District. KCP&L, MGE and the City of Parkville have responded and confirmed the ability to provide electric, gas and sewer services, although additional improvements or upgrades may be required.

KCP&L has confirmed the ability to easily serve the site. MGE confirmed there is adequate gas service to serve the development, but a main extension will be required to connect to the existing line on the west side of National Drive.

Public Works Director Alysén Abel concluded that stormwater can be adequately handled through improvement plan and final plat approval. She also confirmed the City's ability to handle sewage within the sewer plant's existing capacity. The applicant has submitted grading, drainage and sewer improvement plans which are currently under review. Prior to application the City approved grading and stormwater plans for the improvements in Tract A.

The preliminary plat has been submitted to the Southern Platte Fire Protection District and Missouri American Water but, as of the time of this report, their review is not final. SPFPD has verbally verified that the proposed streets and cul-de-sacs meet the district's minimum standards. Separately, SPFPD will approve hydrant locations and work with Missouri American Water to verify adequate water pressure and flow.

The preliminary plat has also been submitted to the Park Hill School District. No comments have been received. However, the school district has previously confirmed ability to serve the National development at buildout. The lots proposed would not exceed that capacity.

If approved, the applicant will be required to receive approval of utility improvements plans and associated easements from each of the subject utility providers prior to final plat approval.

4. **Public improvements** – The proposed preliminary plat shows the extension of Promenade Drive, sidewalks, sewer improvements and other public improvements. These improvements have been reviewed against the City's improvement requirements in Chapter 505. Separately, the applicant has submitted Street and Storm - Erosion Control Plans, and Sanitary Sewer Plans. Public Works Director Alysén Abel has reviewed and approved the stormwater report and previously approved grading and stormwater plans for Tract A. She has completed preliminary reviews of all materials and concluded that the concept is feasible, but additional engineering will be required prior to approval of the final plat or issuance improvement plans. Separately, Abel has reviewed the street layout and concluded that the right-of-way and pavement widths are consistent with the City's proposed standards. She has recommended approval subject to the following conditions:
 - a. Prior to issuance of a grading permit, grading and erosion control plans shall be approved by the Public Works Director.
 - b. Prior to issuance of a Public Improvement Permit, streets, sewer and stormwater plans shall be approved by the Public Works Director.
 - c. In conjunction with the approval of the improvement plans, necessary development agreements, easements, and bonds associated with the construction the public improvements will be required.
5. **Consistency with Prior Approvals** – The development is proposed as an expansion of the National Golf Club development. The plans propose construction of 20 additional single-family homes as an extension of Promenade Drive. Although the road layout varies from early concepts for the site which were modified with the approved Cider Mill Farm and Cider Mill Ridge plats, they are substantially consistent with the overall National CUP.

Separately, the preliminary plat was reviewed for consistency with the City's Master Plan. The proposed single-family land use is consistent with the City's land use projection and master planned development. The adopted Master Plan projects the property for Residential Neighborhood uses. This projection is primarily intended for single-family, detached residential development, but also may include a variety of supporting residential building types such as clustered or attached single-family units, and townhomes designed to function as a neighborhood, master planned in accordance with the neighborhood Design Policies and Design Expectations. Residential density in this category may be up to four units per acre. The proposed development is consistent with this projection.

Staff Conclusion and Recommendation

Staff concludes that: all required plan details have been submitted; that the proposed lots meet the applicable zoning standards and requirements of the proposed R-3 zoning; that adequate utilities and services can be provided subject to approval of improvement plans and easements; that applicable public improvement standards can be met; the proposed development is consistent with the projections of the Parkville Master Plan; and that the City's parkland requirements can be met.

Staff recommends approval, subject to the following conditions:

1. approval of utility improvements plans and associated easements from each of the subject utility providers prior to final plat approval;
2. approval of grading and erosion control plans prior to issuance of a grading permit;
3. approval of detailed street and storm sewer improvement plans and engineering calculations prior to issuance of a public improvement permit; and
4. approval of additional agreements, easements, and bonds associated with the construction of the existing pond, stormwater detention, and stormwater treatment facilities at the time of construction plan review.

It should be noted that the recommendation contained in this report is made without the benefit of being able to consider public comments to be shared during the public hearing. Staff reserves the right to modify or confirm the conclusions and recommendations herein based on consideration of any additional information that may be presented.

Necessary Action

Following consideration of the proposed preliminary plan / plat and supporting information, the factors discussed above and any information presented at the meeting, the Planning and Zoning Commission should approve, approve with conditions, or deny the plan unless action is otherwise postponed. It should be noted that, in accordance with Parkville Municipal Code Section 505.030, the Commission must act on the proposed plan within 60 days of receipt. Also, in accordance with Section 505.030, the Commission's action is not forwarded to the Board of Aldermen and instead constitutes approval of layout and general engineering proposals and plans, authorizing the applicant to proceed to preparation of the final plat and detailed construction drawings and specifications for the improvements.

End of Memorandum

Sean Ackerson, AICP
Assistant City Administrator /
Community Development Director

9-4-15
Date



Date Submitted: 8-7-15
Hearing Date: 9-8-15
Case No. PZ15-30

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

Application for Preliminary Plat
Before the Parkville Planning and Zoning Commission

1. Owner/Developer Information

Name, address, phone and fax number of property owner(s):

FIVESPACE LIFESTYLES
6325 LEWIS St. SUITE 112
PARKVILLE MO. 64152
8-777-2277(P) 8-~~888~~-741-1462(F)

Name, address, phone and fax number of developer(s), if different from owner:

DALE BROOK

Name, address, phone and fax of engineer and/or surveyor(s) preparing the plat:

BRETT HAUGLAND
CONTINENTAL ENG.
9000 STATE LINE ROAD
LEANDRO KS. 66206

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:

Owner's signature [Signature]
(Required)

2. Property Information

Proposed name of subdivision: CIDER MILL SIXTH PLAT

Present zoning: R2-CUP Proposed zoning: _____
(if applicable)

Present use(s) of the property: UNDEVELOPED OPEN SPACE

Total acreage of the property: 12.36 Number of lots: 20

Acreage open space: 3.09 AC Minimum lot size: 0.29 AC

Density of development: 1.62 LOTS/AC

3. Public Improvements

⇒ All public improvements must be designed to city standards and require approval, permits and construction guarantees prior to installation.

Length of proposed new roadways: 957' (PROMENADE) 305' (WEST LOOP ALONG CURB) 303' (EAST LOOP ALONG CURB)

Proposed surface material: ASPHALT Maximum grade: 9.3%

Attach details and/or a drainage study showing compliance with the Parkville Storm Water Ordinance. STORM WATER STUDY ATTACHED

Are area streets and utilities sufficient to serve the property once subdivided?
(Note: a traffic study may be required in order to adequately address this question.)

Explain: THIS IS AN IN-FILL RESIDENTIAL DEVELOPMENT
WHERE UTILITIES ARE IN PLACE (SANITARY) OR WILL
BE SERVED FROM S. NATIONAL DRIVE

General character of the neighborhood: _____
RESIDENTIAL - PLANNED COMMUNITY

Please note below any other comments or factors relating to the proposed subdivision:

- 3 COPIES STREET LIGHT PLAN.
- 3 COPIES SANITARY SEWER PLANS
- 3 COPIES STREET + SPILL/EROSION CONTROL PLANS.

4. Signatures of Acknowledgement

The following signatures by authorized representatives indicate the entity has had notice of the intent to subdivide and, pending detailed plan review, can provide their applicable service to the proposed development. A signed letter from the entity may be submitted in place of a signature.

Sue Moynihan - email Request 8/3/15
 Water District (PWSD #1 or Missouri American Water Co.)
 816.891.9141 816.741.2992

Dean Cull - email Request 8/4/15
 South Platte Fire Protection District
 816.741.2900

ALYSON ABEL - EMAIL Request 8/3/15
 Sanitary sewer/septic (PCRSD, Parkville Public Works or Platte County Health Department)
 816.858-2052 816.741.7676 816.858.2412

ALYSON ABEL - EMAIL Request 8/3/15
 Streets (Parkville Public Works)
 816.741.7676

N/A
 Missouri Department of Transportation (for access/adjacent to a state maintained roadway)
 816.622-0414

BRAD RUDLER EMAIL Response ATTACHED
 Electricity (KCP&L)
 816.471.5275

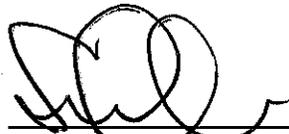
Beverly Passantino EMAIL Response ATTACHED
 Natural Gas (Missouri Gas Energy)
 816.756.5252

DR. JEANNETTE COWARD - EMAIL Request 8/3/15
 School District (Park Hill or Platte County)
 816.741.1521 816.858.2822

5. Checklist of required submittals

- Completed application with authorization signatures of service providers.
- Application fee of \$300.00, plus \$5.00 per lot or tract. *This fee shall include the expense of initial engineering review, plus the expense of reviewing one re-submittal. All other expenses including, but not limited to, consulting fees, attorney fees, reproduction costs, mailing costs, and other expenses resulting from the necessary review, processing, filing, recording, and action on said applications or permits, shall be borne by the subdivider based on actual costs. (\$ 400)*
- Deed with owner's name and legal description of property to be platted. *TITLE REPORT*
- Fifteen (15) copies of the preliminary plat containing the requirements outlined in Section 505.270 of the Subdivision Regulations for initial staff and entity review. Fifteen (15) additional large size and one (1) ledger size copies will be requested following review in order to provide the Planning Commission with the most current document upon which to base their decision.
- Drainage plan. *Storm water study.*
- Authorization signature of the owner of the property to be platted.
- Other items as follows:

Application accepted as complete by:



Community Development Director

SARA ACKERSON

8-10-15

Date

For City Use Only

Planning Commission

Meeting date:	Conditions:
Publication date:	
Recommendation:	Zoning change hearing date:



Know what's below.
Call before you dig.

PRELIMINARY PLAT CIDER MILL RIDGE - SIXTH PLAT PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 51 NORTH, RANGE 34 WEST PARKVILLE, PLATTE COUNTY, MISSOURI

N89°28'25"W 1306.14'
(NOT TO SCALE)
COMMENCING POINT
NORTHEAST CORNER OF THE
SOUTHWEST QUARTER OF
SECTION 26-T51N-R34W



9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11006 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
TEL (913) 642-6642
FAX (913) 642-6941
www.cceengineers.com

PRELIMINARY PLAT
CIDER MILL RIDGE SIXTH PLAT
AT THE NATIONAL
CITY OF PARKVILLE,
PLATTE CO., MISSOURI

FOR REVIEW

REVISIONS	
09/02/15	REVISED PER CITY COMMENTS DATED 08/31/15

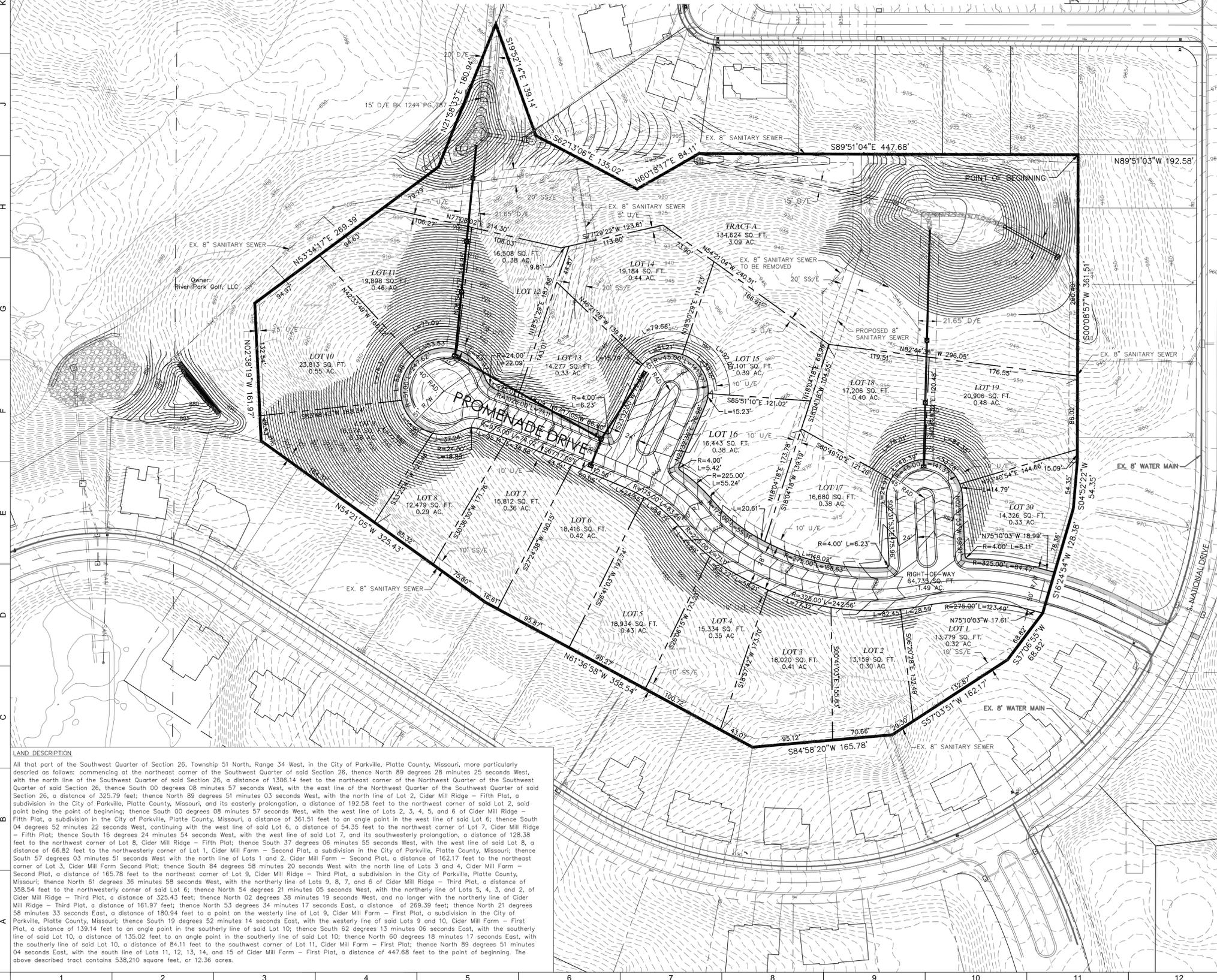
SEAL

PROJECT NO: 1412-39
DATE: AUGUST 7, 2015
DRAWN BY: SD

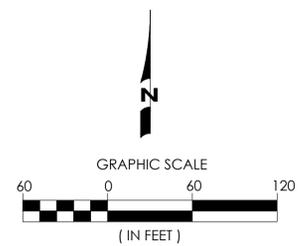
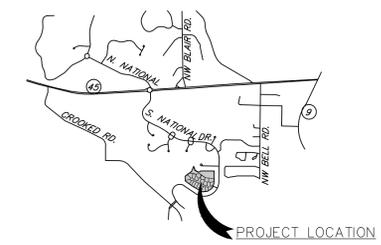
SHEET TITLE
PRELIMINARY PLAN

C100

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- GENERAL NOTES**
- Floodplain:** Per FIRM Panel 379, effective April 2, 2015, for Platte County, Missouri (Map Number 29165C0379D) no portion of the property is located within the delineated floodplain / flood hazard areas.
 - Easements:** An easement or license will be granted to the City of Parkville, Missouri to locate, construct and maintain or authorize the location, construction and maintenance of poles, wires, conduits, or structures for gas, sanitary sewers, storm sewers, electricity, telephone, cable tv, wires, sidewalks, surface drainage, or any and all of them over, under, along, and through the strips marked "U/E" or "Utility Easement", and "SS/E" or "Sanitary Sewer", and "D/E" or "Drainage Easement".
 - Building Lines / Setbacks:** Except as otherwise shown on the accompanying preliminary plat front, side and rear building lines will be as follows: Front and Street building lines - 25 feet; interior side building lines - 10 feet; and interior rear building lines - 30 feet. No building shall be or portion thereof shall be built between these lines and the corresponding street right-of-way line, side lot line and rear lot line.
 - Public Improvements:** All public improvements including streets, sidewalks, curb & gutter and other required improvements will meet the city's minimum standards.
 - Parkland:** Private open space and cash in lieu of public open space has previously been accepted as part of the approved community unit plan for the National Golf Club of Kansas City.
 - Private Open Space:** Tract A will be reserved as private open space to be reserved and maintained by RP Golf, LLC or its assigns for use and enjoyment deemed appropriate. Private open space and/or cash in lieu of public open space has previously been accepted as part of the approved community unit plan the National Golf Club of Kansas City.
 - Covenants and Restrictions:** The Covenants and Restrictions last recorded in Book 1233 at page 735 recorded as Twenty Fourth Amendment to the Declaration of Covenants, Conditions, and Restrictions for the National Parkville, Missouri, will be amended to include this plat of CIDER MILL RIDGE - SIXTH PLAT and may be amended from time to time as prescribed in that Covenant and Restrictions.
 - Phasing:** The Cider Mill Ridge Sixth Plat will be developed as a single phase.
 - Zoning and Land Use:** The property is zoned R-2 CUP and is part of the Community Unit Plan for the National Golf Club of Kansas City. Proposed lots are to be used for detached single-family homes.



OWNER, DEVELOPER, SURVEYOR
Owner/Developer:
RP Golf, LLC
Dale Brook
11006 Parallel Parkway
Kansas City, Kansas 66109
Civil Engineer/Land Surveyor:
Continental Consulting Engineers, Inc.
Brett Haugland, P.E., L.A. / Sam DePriest P.L.S.
9000 State Line Road
Leawood, Kansas 66206

LAND DESCRIPTION

All that part of the Southwest Quarter of Section 26, Township 51 North, Range 34 West, in the City of Parkville, Platte County, Missouri, more particularly described as follows: commencing at the northeast corner of the Southwest Quarter of said Section 26, thence North 89 degrees 28 minutes 25 seconds West, with the north line of the Southwest Quarter of said Section 26, a distance of 1306.14 feet to the northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 26, thence South 00 degrees 08 minutes 57 seconds West, with the east line of the Northwest Quarter of the Southwest Quarter of said Section 26, a distance of 325.79 feet; thence North 89 degrees 51 minutes 03 seconds West, with the north line of Lot 2, Cider Mill Ridge - Fifth Plat, a subdivision in the City of Parkville, Platte County, Missouri, and its easterly prolongation, a distance of 192.56 feet to the northwest corner of said Lot 2, said point being the point of beginning; thence South 00 degrees 08 minutes 57 seconds West, with the west line of Lots 2, 3, 4, 5, and 6 of Cider Mill Ridge - Fifth Plat, a subdivision in the City of Parkville, Platte County, Missouri, a distance of 361.51 feet to an angle point in the west line of said Lot 6; thence South 04 degrees 52 minutes 22 seconds West, continuing with the west line of said Lot 6, a distance of 54.35 feet to the northwest corner of Lot 7, Cider Mill Ridge - Fifth Plat; thence South 16 degrees 24 minutes 54 seconds West, with the west line of said Lot 7, and its westerly prolongation, a distance of 128.38 feet to the northwest corner of Lot 8, Cider Mill Ridge - Fifth Plat; thence South 37 degrees 06 minutes 55 seconds West, with the west line of said Lot 8, a distance of 66.82 feet to the northwesterly corner of Lot 1, Cider Mill Farm - Second Plat, a subdivision in the City of Parkville, Platte County, Missouri; thence South 57 degrees 03 minutes 51 seconds West with the north line of Lots 1 and 2, Cider Mill Farm - Second Plat, a distance of 162.17 feet to the northeast corner of Lot 3, Cider Mill Farm Second Plat; thence South 84 degrees 58 minutes 20 seconds West with the north line of Lots 3 and 4, Cider Mill Farm - Second Plat, a distance of 165.78 feet to the northeast corner of Lot 9, Cider Mill Ridge - Third Plat, a subdivision in the City of Parkville, Platte County, Missouri; thence North 61 degrees 36 minutes 58 seconds West, with the northerly line of Lots 9, 8, 7, and 6 of Cider Mill Ridge - Third Plat, a distance of 358.54 feet to the northwesterly corner of said Lot 6; thence North 54 degrees 21 minutes 05 seconds West, with the northerly line of Lots 5, 4, 3, and 2, of Cider Mill Ridge - Third Plat, a distance of 325.43 feet; thence North 02 degrees 38 minutes 19 seconds West, and no longer with the northerly line of Cider Mill Ridge - Third Plat, a distance of 161.97 feet; thence North 53 degrees 34 minutes 17 seconds East, a distance of 269.39 feet; thence North 21 degrees 58 minutes 33 seconds East, a distance of 180.94 feet to a point on the westerly line of Lot 9, Cider Mill Farm - First Plat, a subdivision in the City of Parkville, Platte County, Missouri; thence South 19 degrees 52 minutes 14 seconds East, with the westerly line of said Lots 9 and 10, Cider Mill Farm - First Plat, a distance of 139.14 feet to an angle point in the southerly line of said Lot 10; thence South 62 degrees 13 minutes 06 seconds East, with the southerly line of said Lot 10, a distance of 135.02 feet to an angle point in the southerly line of said Lot 10; thence North 60 degrees 18 minutes 17 seconds East, with the southerly line of said Lot 10, a distance of 84.11 feet to the southwest corner of Lot 11, Cider Mill Farm - First Plat; thence North 89 degrees 51 minutes 04 seconds East, with the south line of Lots 11, 12, 13, 14, and 15 of Cider Mill Farm - First Plat, a distance of 447.68 feet to the point of beginning. The above described tract contains 538,210 square feet, or 12.36 acres.