



**Parkville Board of Zoning Adjustment  
Meeting Agenda  
City of Parkville, Missouri  
Wednesday, July 29, 2015 at 5:30 p.m.  
City Hall Boardroom**

1. Call to Order
2. Roll Call
3. General Business
  - A. Approval of the agenda.
  - B. Approval of Minutes from the Thursday, March 21, 2013 Board of Zoning Adjustment meeting.
4. Public Hearing
  - A. Application to consider uniform variance for the reduction of interior side-yard setbacks from 10 feet to 6.5 feet for all for single-family lots on 43.3 acres, more or less, zoned R-3 Single-Family Residential District. *Case BZA15-01, Thousand Oaks West, David Barth, Forest Park Development, LLC, applicant.*
5. Other Business
  - A. Discussion of terms and vacancies.
  - B. Discussion of preferred meeting dates.
6. Adjournment



## Staff Analysis

- Agenda Item: 4A
- Proposal: Application for a uniform variance for the reduction of interior side-yard setbacks from 10 feet to 6.5 feet for all for single-family lots in 43.3 acres, more or less.
- Case No: BZA15-01
- Applicant: David Barth, Forest Park Development Company of Kansas City, LLC
- Owner: Arville Myers
- Zoning: City "R-3" Single-Family Residential District
- Parcel #s: All of parcels 20-4.0-19-000-000-005.000 and 20-4.0-19-000-000-006.000
- Exhibits:
- A. This staff report
  - B. Application for Variance
  - C. Legal description for the subject property
  - D. Area map
  - E. Illustration of proposed setback reduction
  - F. Map of area properties with 6.5 foot setbacks
  - G. Correspondence received to date
- By Reference:\*
- A. Parkville Municipal Code Chapter 420, "R-3" Single-Family Residential District Regulations - <http://ecode360.com/27901234>
  - 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. Platte County Municipal Code, Title IV, Chapter 400, including Section 400.210: "R-7" Single-Family High Density District - [http://www.co.platte.mo.us/docs/planning\\_zoning/2015/zoning\\_order.pdf](http://www.co.platte.mo.us/docs/planning_zoning/2015/zoning_order.pdf)
  - E. Notice of Public Hearing mailed to owners within 185 feet of the subject property
  - 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/BZA15-01-Variance-Hearing-Summary-for-7-29-15.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

The applicant seeks a uniform variance for the reduction of interior side-yard setbacks from 10 feet to 6.5 feet for all for single-family lots in 43.3 acres, more or less, located east of the southeast corner of the intersection of Brink-Myer Road (north/south alignment) with Brink-Myer Road (east/west alignment), west of Thousand Oaks 10th and 11th Plats and north of Thousand Oaks 12th Plat. The subject property contains two parcels - Platte County parcel numbers 20-4.0-19-000-000-005.000 and 20-4.0-19-000-000-006.000 (see depiction below). A full legal description is attached (see exhibit C).



The subject property is part of the Thousand Oaks subdivision. A preliminary plat for 34 single-family lots was approved for the property June 9, 2015 subject to being rezoned to the City "R-3" Single-Family Residential District. The zoning was approved by the Board of Aldermen on June 16, 2015 via Ordinance 2813. The applicant desires to develop the property with single-family lots meeting the same minimum requirements as those for other lots in the rest of the Thousand Oaks subdivision.

The variance is proposed to reduce the minimum interior side-yard setback for the single-family lots on the subject property so they will match those for all other single-family lots in the surrounding Thousand Oaks subdivision. Those other single-family lots in the County are zoned "R-7" *Single-Family High Density District*, which has a minimum interior side-yard setback of 6.5 feet. Specifically, the Platte County Municipal Code, Title IV, Chapter 400, Section 400.210, Subsections D,2,a and b, state:

- a. For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than six and one-half (6.5) feet, except as hereinafter provided in Article III, Section 400.330. For unattached buildings of accessory use, there shall be a side yard of not less than four (4) feet.
- b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than twenty (20) feet in case such lot is back to back with another corner lot and twenty-five (25) feet in every other case. The

interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

Per these sections, the interior side-yards (those not abutting a street) shall be a minimum of 6.5 feet deep.

In comparison, all other single-family lots in that portion of the Thousand Oaks subdivision located in Parkville have previously been zoned "R-3" Single-Family Residential District. The R-3 zoning is the City's closest equivalent to the County "R-7" Single-Family High Density zoning. Parkville Municipal Code, Title IV, Chapter 467, Section 467.010, requires all side-yard setbacks in the R-3 zoning district to be a minimum of 10 feet deep. The requested uniform variance to allow the 6.5 foot minimum interior side-yard setbacks has been granted for all other single-family portions of the Thousand Oaks subdivision located in Parkville.

### **Review and Analysis**

The application has been reviewed against the City of Parkville's Municipal Code, including the applicable R-3 zoning district regulations and the Board of Zoning adjustment regulations.

Per Parkville Municipal Code, a notice of public hearing has been published, surrounding property owners were notified via certified mail and signs were posted, as required. Comments received as of the date of this memo have been attached as exhibits for the Board's consideration.

The City Codes grant the Board of Zoning Adjustment the authority to grant variances, but do not define how the Board shall determine if a proposed variance is appropriate. The codes state that when granted, a variance "shall comply, as nearly as possible, in every respect with the spirit, intent, and purpose of the zoning plan." To consistently evaluate variances, the Board of Zoning Adjustment has previously considered the following matters as a guide as advised by staff and legal counsel. Following each matter to be considered is staff's findings and conclusions.

#### **1. Is the proposed variance to the Zoning Ordinance contrary to public health, safety and the public interest?**

The proposed reduction in side-yard setback from 10 feet to 6.5 feet potentially reduces the minimum required aggregate separation between buildings by 7 feet (allowing a 13 foot minimum aggregate separation). The primary health/safety consideration is fire protection. The South Platte Fire Protection District (SPFPD) has previously been contacted and confirmed that 6.5 foot minimum interior side-yard setbacks (with 13 foot minimum aggregate separate between buildings) allow for adequate fire protection. This is in part demonstrated by the ability to provide fire protection to all other properties in the Thousand Oaks subdivision that were built with the same minimum interior side-yard setbacks.

#### **2. Will the literal enforcement of the regulations result in unnecessary hardship upon the property owner?**

The applicant has defined the hardship as an inability to create consistent development patterns, and retain the flexibility necessary to preserve vegetation. Per the applicant, the reduction allows flexibility in locating residential units on a given lot, increasing the ability to preserve vegetation and work with changes in topography as part of a "cluster development" design. Although potentially decreasing building separation, the design provides for greater flexibility in locating units on the lot, and allows for greater building area.

**3. Are the conditions unique to this parcel and not created by the owner's actions?**

The proposed variance is not site specific. Previously, The City agreed to allow other portions of the Thousand Oaks master plan which are located in Parkville to be developed in a manner consistent with development under the County's R-7 Zoning. The R-7 zoning allows 6.5 foot minimum side-yard setbacks. The same variance has been approved for all other single-family portions of the Thousand Oaks subdivision in Parkville. Consistency within Thousand Oaks would be achieved by granting the variance.

**4. Would granting the variance adversely affect the rights of adjacent property owners?**

With the exception of four lots to the east which immediately abut the subject property, no side yards abut a neighboring property owner. The abutting properties to the east are zoned County R-7 and have 6.5 foot minimum side-yard setbacks like those requested for the subject property. Considering this fact, the proposed variance does not appear to have any impact on abutting property owners.

Property owners within 185 feet of the subject property have been notified by certified letter of the public hearing. Comments in opposition of the application received as of the date of this memo have been attached as exhibits for the Board's consideration. Although the comments received are not specific only to the requested variance, they assert that granting the variance would adversely affect the rights of the adjacent (and nearby) property owners.

**5. Would the requested variance be opposed to the general spirit and intent of the Zoning Ordinance?**

The zoning ordinance defines the purpose of the R-3 zoning district as providing "for single-family residential development of moderately spacious character together with such public buildings, schools, churches, public recreational facilities, and accessory uses, as may be necessary or are normally compatible with residential surroundings." A minimum required lot area and setbacks were adopted to help achieve this intent.

The subject property contains approximately 43.3 acres. As approved, the preliminary plat designates nearly 29 acres of the site (over 67% of the developable area) as open space. Of the remaining property, the lots approved for the preliminary plat exceed the minimum required lot area by a minimum of 40% with some lots over 200% of the minimum required lot area. The significant open space to be preserved and the greater than required lot areas, staff concludes that the intent of the district to provide for "moderately spacious character" is met regardless of a reduction in the setbacks. With the reduction, staff concludes the property will meet the intent as demonstrated by existing development throughout the rest of the subdivision which has 6.5 foot minimum interior side-yard setbacks and would still be characterized as spacious.

**6. Is the requested variance the minimum possible to make possible reasonable use of the property?**

As the proposed variance does not stem from a restriction specific to the site, it is hard to argue that the variance is the minimum possible to make possible reasonable use of the property. However, it is clear, that granting 6.5 foot side-yard setbacks is necessary to allow development consistent with the County's R-7 zoning district and as approved for the rest of Thousand Oaks subdivision in Parkville.

**Staff Conclusion and Recommendation**

Staff concludes that: the proposed variance is not contrary to protect the public health, safety and welfare; there does appear to be a hardship to the property owner if the property is not

granted the variance; conditions are unique to this property as they are adjacent and part of Thousand Oaks; the variance will not adversely affect the rights of adjacent property owners; the requested variance is not opposed to the general spirit and intent of the zoning ordinance; and while not the minimum possible variance necessary to make use of the property, it is clear that granting the variance is necessary to allow development consistency.

Following review, staff recommends approving the proposed variance based on the merits of the application and the findings and conclusions in this report.

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 in this report based on consideration of any additional information that may be presented.

### **Necessary Action**

After considering the above-listed factors in relation to testimony heard at the public hearing from the applicant and other interested parties, the Board of Zoning Adjustment should decide if the request will preserve the intent and consistency of the zoning regulations, the general welfare of the community and the rights of adjacent property owners without setting a precedent that will negatively affect administration of the regulations. If granting approval, conditions may be set to further mitigate any effects of the variance.

*End of Memorandum*

7-27-15

Sean Ackerson, AICP  
Assistant City Administrator /  
Community Development Director

Date

With Assistance by Zach Tusinger  
Planning Intern



Application #: BZA15-01  
 Date Submitted: 5-28-15  
 Public Hearing: 6-9-15  
 Date Approved: \_\_\_\_\_

CITY OF PARKVILLE • 9990 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0018

**Application for Variance, Appeal or Special Exception**

**1. Applicant / Contact Information**

**Applicant(s)**  
 Name: David Barth / Forest Park Development  
 Address: 6014 N. 9 Highway  
 City, State: Parkville, MO 64152  
 Phone: (816) 591-2550 Fax: \_\_\_\_\_  
 E-mail: dbarth@kc.rr.com

**Owner(s), if different from applicant**  
 Name: Arville A. Myers  
 Address: 14801 NW. 68th Street  
 City, State: Kansas City, MO 64152  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

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

**Applicant's Signature** (Required) FOREST PARK DEVELOPMENT DAVID BARTH Date: 5/27/15  
**Property Owner's Signature** (Required) Arville A. Myers Date: 5/28/15

**2. Type of Request**

Check one:      Appeal                      Special Exception                      Variance

Applicable zoning regulation and section: R-3 Zoning - Section 467.010

Describe nature of the request: Requesting a variance from the 10' minimum side yard setback to 6.5'

**3. Property Information**

Address and general location: 14801 NW. 68th Street  
Located South of Brink-Myer Road and West of Thousand Oaks Development

If no address issued, submit legal.

Attach a separate sheet with complete legal description of the property.

Present zoning: AG  
 Proposed zoning: R-3  
 Present use of the property: Single Family Residential  
 Proposed use with variance, appeal or special exception: Single Family Residential

**4. Neighboring Land Use, Zoning, Character and Effects of Amendment on Each**

Describe the zoning and uses on the neighboring properties:

	<u>Land use</u>	<u>Zoning</u>
North:	<u>Single Family Residential</u>	<u>County R-80</u>
South:	<u>Single Family Residential</u>	<u>County R-7</u>
East:	<u>Single Family Residential</u>	<u>County R-7</u>
West:	<u>Vacant</u>	<u>AG</u>

General character of the neighborhood: Well established with single family residential dwelling units

Effects of the requested variance, appeal or special exception on adjacent and neighboring property:

None

Other comments or factors relating to this request:

The proposed preliminary plat of Thousand Oaks West is an extension of the Thousand Oaks Development  
It would be beneficial to the development to stay consistent with the existing Thousand Oaks setbacks.

**5. Checklist of Required Submittals**

- Completed application and all required submittals as follows.
- Nonrefundable application fee of \$300.00. Applicant will be billed to recover costs for required publication and certified notice to adjacent property owners.
- Names and addresses of all property owners within 185' of the applicable property.
- Complete legal description of the applicable property.
- Owner's signature and affidavit of ownership.
- Twelve copies of a plan showing proposed variance, appeal or special exception in relation to existing proposed features, on and off-site and all supporting documentation and exhibits in paper and electronic (pdf) format.

**For City Use Only**

Application accepted as complete by: SEAN ACKERSON, COMM. DEV. DIR. 5-28-15  
Name/Title Date

Application fee payment by:  Check # 3415  M.O.  Cash \$300.00

Accepted by: [Signature] COMM. DEV. DIR. 5-28-15  
Name/Title Date

Hearing notice published in: \_\_\_\_\_ Date of publication: \_\_\_\_\_

Final reimbursable costs paid (if applicable). Date of Action: \_\_\_\_\_

**Board Action:**  Approved  Approved with Conditions  Denied Date of Action: \_\_\_\_\_

Conditions if any: \_\_\_\_\_

## **BZA15-01 – Legal Description**

### **Tract 1:**

A tract of land in the Northeast Quarter and the Southeast Quarter of Section 19, Township 51, Range 34, Platte County, Missouri, being bounded and described as follows: Beginning at the Northeast corner of the Southeast Quarter of said Section 19; thence South 00 degrees 01 minutes 15 seconds West along the East line of the Southeast Quarter of said Section 19, 446.06 feet; thence North 75 degrees 41 minutes 53 seconds West, 630.0 feet; thence North 6 degrees 39 minutes 47 seconds East, 221.24 feet; thence North 36 degrees 19 minutes 23 seconds East, 132.17 feet; thence North 64 degrees 00 minutes 00 seconds East, 315.75 feet to a point in the Centerline of a gravel road as now located; thence South 60 degrees 24 minutes 47 seconds East along said Centerline, 148.59 feet; thence South 66 degrees 17 minutes 09 seconds East, continuing along said Centerline, 100.00 feet to its intersection with the East line of the Northeast Quarter of said Section 19; thence South 00 degrees 16 minutes 06 seconds West, 55.66 feet to the point of beginning.

### **Tract 2:**

A tract of land situated in the South 40 Acres of the Northeast Quarter of Section 19, Township 51 North, Range 34 West, and the Southeast Quarter of Section 19, Township 51 North, Range 34 West and the North 19 Acres of the Northeast Quarter of Section 30, Township 51 North, Range 34 West, Platte County, Missouri, described as follows: Beginning at the Southeast corner of Section 19, also being the Northeast corner of Section 30; thence North 00 degrees 14 minutes 22 seconds West along the East line of Section 19, 2,182.49 feet to the Southeast corner of a tract of land deeded to Arville and Marion Meyers as described in a Warranty Deed recorded in Book 429 at Page 76 dated October 29, 1973; thence North 75 degrees 57 minutes 30 seconds West along said Myers tract, 630.00 feet; thence North 06 degrees 24 minutes 10 seconds East along said tract, 221.24 feet; thence North 63 degrees 44 minutes 22 seconds East along said tract, 315.75 feet to the center of an existing county roadway; thence along said roadway the following bearings and distances: North 61 degrees 35 minutes 55 seconds West, 118.58 feet; thence North 59 degrees 48 minutes 34 seconds West, 88.72 feet; thence North 62 degrees 31 minutes 14 seconds West, 80.52 feet; thence North 75 degrees 10 minutes 11 seconds West, 69.47 feet; thence North 86 degrees 09 minutes 33 seconds West, 65.46 feet; thence South 79 degrees 52 minutes 06 seconds West, 62.95 feet; thence South 64 degrees 11 minutes 45 seconds West, 59.58 feet; thence South 46 degrees 42 minutes 17 seconds West, 67.17 feet; thence South 38 degrees 49 minutes 15 seconds West, 421.43 feet; thence South 35 degrees 42 minutes 32 seconds West, 76.06 feet; thence South 24 degrees 39 minutes 05 seconds West, 63.85 feet; thence South 15 degrees 08 minutes 11 seconds West, 58.02 feet; thence South 24 degrees 54 minutes 30 seconds West, 61.26 feet; thence South 42 degrees 01 minutes 41 seconds West, 61.30 feet thence South 64 degrees 05 minutes 28 seconds West, 62.68 feet; thence South 89 degrees 30 minutes 18 seconds West, 53.47 feet; thence North 73 degrees 26 minutes 42 seconds West, 43.58 feet; thence South 02 degrees 49 minutes 28 seconds West from the centerline, 221.55 feet; thence South 78 degrees 08 minutes 31 seconds East, 48.48 feet; thence South 06 degrees 24 minutes 37 seconds West, 93.94 feet; thence South 74 degrees 56 minutes 43 seconds East 451.14 feet; thence South 06 degrees 13 minutes 59 seconds East, 2,140.08 feet to a point on the South line of the North 19 acres of the Northeast Quarter of Section 30; thence South 89 degrees 46 minutes 21 seconds East along said South line 660.18 feet to a point on the East line of the Northeast Quarter of Section 30; thence North 00 degrees 14 minutes 22 seconds West along said East line, 313.50 feet to the Point of Beginning, EXCEPT that part deeded to Forest Park Development Company, L.L.C. by the Warranty Deed recorded October 11, 2002 in Book 982 at Page 960.

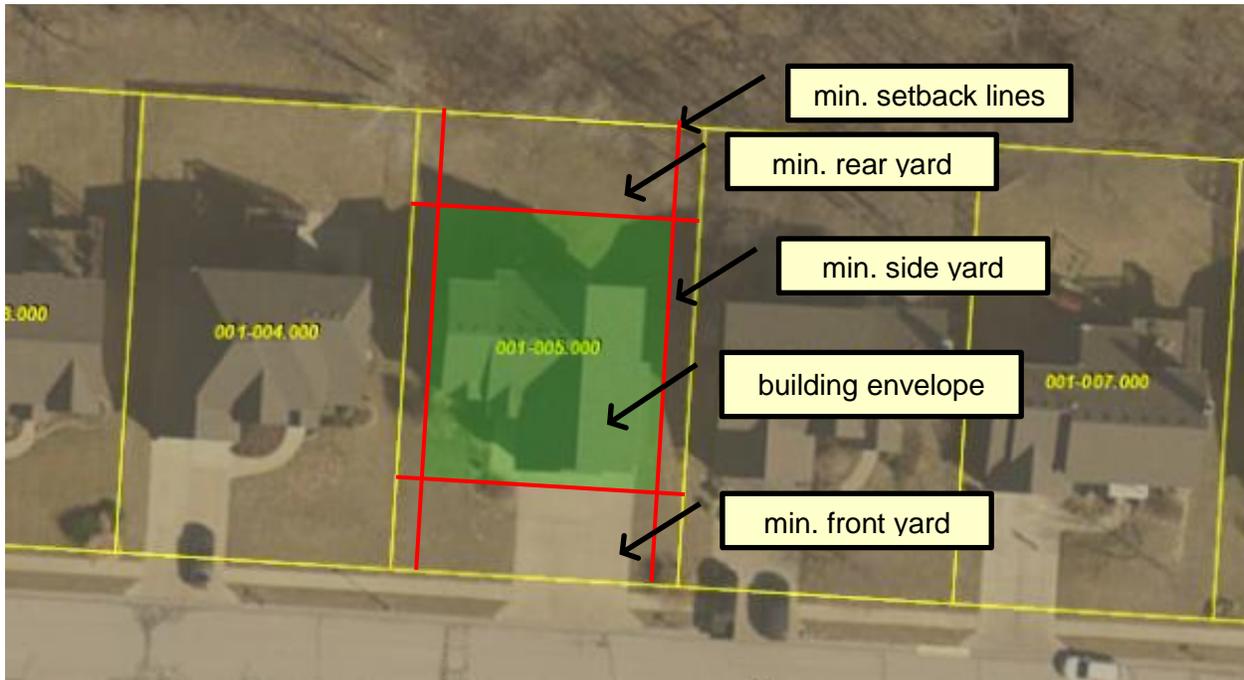
### **Tract 3:**

That portion of existing Brink-Myers Road described in the Quit Claim Deed executed by the City of Parkville, Missouri to Arville Myers and Marion Myers, a married couple recorded February 8, 2013 as Document No. 2013002216 in Book 1205 at Page 949.

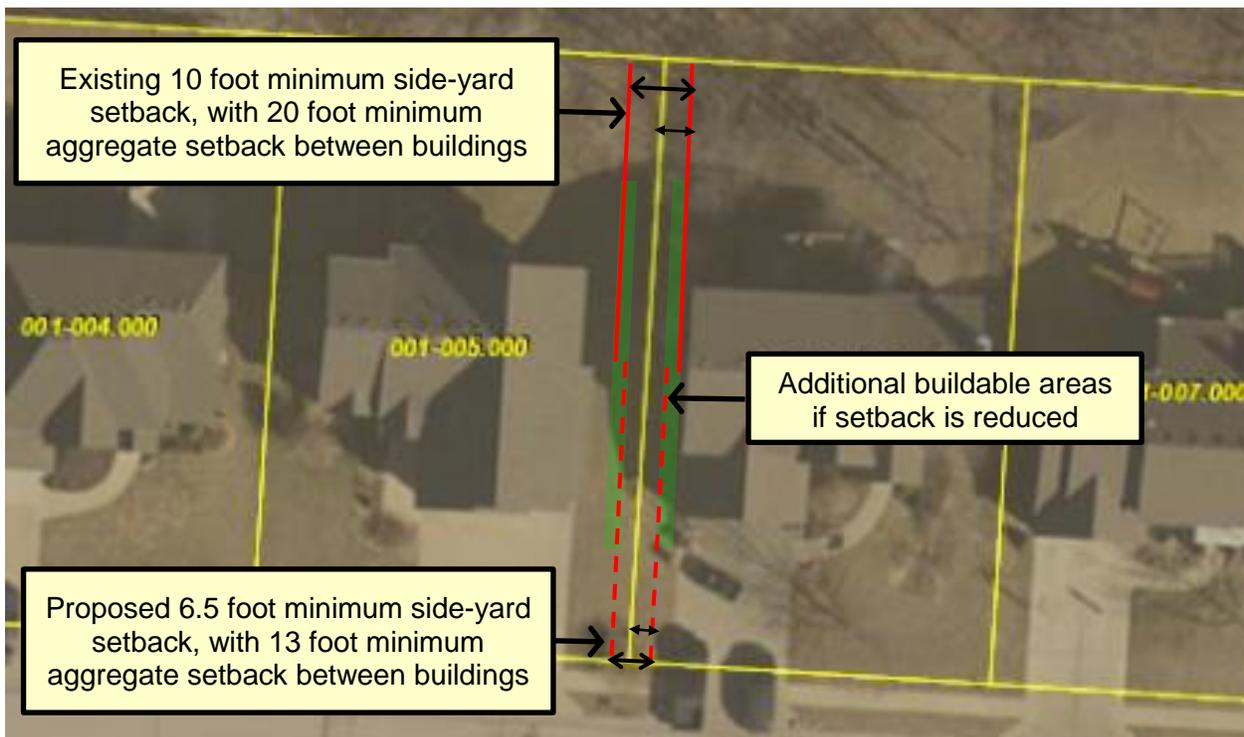
BZA 15-01  
Application for Variance  
Exhibit D – Area Map



BZA 15-01  
Application for Variance  
**Exhibit E – Illustration of proposed setback reduction**



New homes cannot be located within the minimum required front, rear, or side-yards, but may be located anywhere within the building envelope created by the minimum setback lines.



The application proposes to reduce the interior side-yard setbacks to 6.5 feet minimum. As in the example above, the reduction does not require buildings to be built to the setback line. Instead, reducing the setback would allow increased area for locating a home.

BZA 15-01  
Application for Variance  
Exhibit F – Area properties with 6.5 foot setbacks



The County “R-7” Single-Family High Density zoning district requires a minimum interior side-yard setback of 6.5 feet.

The City “R-3” Single-Family Residential District is the City’s closest equivalent to the County’s R-7 zoning and requires a 10 foot side-yard setback. In order to allow consistent development throughout the Thousand Oaks subdivision, the Board has previously approved variances for other properties in the subdivision zoned R-3. The variances allow the same 6.5 foot interior side-yard setback as allowed in the County. The subject property (outlined in red) is currently the only exception.

## Sean Ackerson

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**From:** sloans@kc.rr.com  
**Sent:** Sunday, July 26, 2015 5:09 PM  
**To:** Sean Ackerson; Doug Wylie; David Jones; Lauren Palmer; derickson@co.platte.mo.us  
**Subject:** Fwd: Thousand Oaks Update

The reason for my e-mail is in regards to the opening of the cul-de-sacs on 66th Terrace and Meyers Circle in the Thousand Oaks subdivision. My husband and I live at 6740 NW Meyers Circle and are very UNHAPPY about this new plat. We built our home in 2010 paying a premium price for our cul-de-sac lot. At that time we were the last house on the south side of the street and were told by our builder, Mr. Jay Jackson and real estate agent that we were purchasing a cul-de-sac lot and it was highly unlikely the property to the west of us would ever be developed. I realize Mr. Myers has the right to sell his property to whoever he wants and am not necessarily objecting to the rezoning, which appears to have already been approved based on the public hearing dated July 10, 2015. I am opposed to Barth's plan to provide access to these additional houses via the existing cul-de-sacs. I would not oppose the rezoning if the entrance road to these additional houses was added off of Brink-Meyer as there is clearly access to do so since the Myers have access to their farm / home.

Also, if "Thousand Oaks West" is supposed to be "premier" lots and houses then they should have a separate entrance off Brink Myers Rd. They are even naming the plat, "Thousand Oaks West" like it is a separate community! Is it too expensive for the Barth's to build a separate entrance?? I doubt it!! They always seem to get what they want. Personally, if I was going to build or buy a house in this new area and pay a premium price, I sure as heck would not want to zig zag through the Thousand Oaks subdivision to get to my house.

We chose our lot because it was on a cul-de-sac! I never never once considered the driveway to the barn on Meyers Circle to possibly be opened to a through street some day! I felt this was just something in place so the man could access his barn! On 66th Terrace, the expansion of the cul-d-sac seems absolutely ridiculous!

Unfortunately, I will be unable to attend the public hearing this Wednesday since I have to work, however want to express how unhappy and opposed we are about the entire project!! I also do not want construction trucks going by my house for who knows how long to build 26 homes!! Also, has anyone thought about how stupid it is going to look driving down Meyers & 66th Terrace and come to a big circle with houses and then continue down the street! Are there plans for a roundabout! Those seem to be popular in Platte County.

Regards,

Don & Shirley Sloan  
6740 NW Meyers Circle

## Sean Ackerson

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**From:** Panella Family <panella5@kc.rr.com>  
**Sent:** Monday, July 27, 2015 7:55 AM  
**To:** Sean Ackerson  
**Subject:** Notice of Public Hearing Wed. July 29, 2015

Re: Setbacks reduced from 10 feet to 6.5 feet for all single family lots on 43.3 acres on the property preliminary platted as Thousand Oaks West ("the Property")

Mr. Ackerson,

I am opposed to the setbacks being reduced for the Property as noted above. I understood this "new Thousand Oaks West" development would consist of 34 "premier homes", a term Mr. Barth used repeatedly used during the June 9th Planning Commission meeting. To quote Mr. Barth from this June 9th Planning Commission meeting (beginning in the 26th minute): "... We look at these lots we think are premier and will be well over \$100,000 ... really probably looking at \$650,000 as an average, \$600,000; \$700,000; might have a house at \$850,000."

I am ok with just 34 homes on the Property. I am not ok with more homes and I am not ok with allowing access to the Property from existing cul-de-sacs. I do not believe homes in the price range quoted by Mr. Barth would require 6.5 foot setbacks. In addition Mr. Barth stated this Property "will have 1 home per 1.3 acres". I do not believe such large lots require smaller setbacks. Therefore I am opposed to reducing the setbacks from 10 feet to 6.5 feet.

Can you please explain the reason the setbacks should be reduced? Has this property now been rezoned to accommodate a lot more lots, thus a lot more houses?

We, as homeowners within 185 feet of the property, were originally notified via a certified letter from the City of Parkville dated May 20, 2015 that an application was made to rezone 43.3 acres of land for this same parcel from AG to R-3. We were not notified a rezoning was approved.

We received a second certified letter dated July 10, 2015 notifying us that an application has been made to reduce the setbacks. It appears to us some sort of rezoning has been approved and it does not match what we heard in the June 9th meeting. Do we not have the right to hear what is really being planned for the Property?

In addition, as a homeowner and a registered voter in Parkville: I would like to go on record to say I am vehemently opposed to allowing access to the Property via our cul-de-sac on 66th Terrace or to allow access via the cul-de-sac on Meyers Court. We chose to live on a cul-de-sac and we paid a premium to live on a cul-de-sac. Our cul-de-sac is quiet, peaceful, low-key, and fully developed. I cannot stand the idea of losing the beauty of our treed cul-de-sac nor do I want to listen to and deal with the damage from huge construction vehicles pounding down our street for the next 4-5 years! I will save the rest of my comments for the September meeting, when I understand this will be discussed further.

Thank you for your attention and time.

Sincerely,  
Anne Marie Panella  
14750 NW 66th Terrace

## Sean Ackerson

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**From:** Watkins, Clay E [SLS] <clay.watkins@sprint.com>  
**Sent:** Monday, July 27, 2015 11:25 AM  
**To:** Sean Ackerson; Doug Wylie; David Jones; Lauren Palmer; derickson@co.platte.mo.us  
**Cc:** Watkins, Clay E [SLS]  
**Subject:** Thousand Oaks Rezoning Application

All-

I am writing to provide my formal petition against the re-zoning being brought forward at Wednesday's Public Hearing for the Thousand Oaks sub-division. I was at the previous Public Hearing and presented my opposition to the original re-zoning and initial plot plan. First I would like to thank those present at the last meeting for the opportunity to present our case. Despite the outcome, we appreciated your ask of the Barth's to explore some sort of concession for the homeowners that are going to be impacted by the re-zoning and those that felt they were misled by the Barth's when we originally purchased our lots.

Before I touch on the new re-zoning application, I would like to circle back to the outcome from the last meeting. As we expected would be the case when the board made the ask of the Barth's, there has been no attempt at outreach that I or any of the homeowners in the cul-de-sac that I live in (66<sup>th</sup> Terrace) are aware of since the meeting. If there have been discussions it was not with the impacted homeowners or anyone that took that time to attend the last public hearing. As a pre-requisite to any additional re-zoning considerations I would like to request that the Barth's be held accountable to your original request and minimally bring forward some sort of concession plan for discussion. Whether it ultimately leads to anything or not, they should be held accountable to that.

Additionally, prior to final approval of the plot plan I would like to request revisiting the entrance options so the existing homeowners that paid a premium for a cul-de-sac lot are not negatively impacted by the proposed entry ways through the existing cul-de-sacs and instead explore pursuing an entrance via the existing access off Brinkmeyers onto the to be developed property. The lots on the existing cul-de-sac were sold at a premium and the Barth's are double dipping by eliminating the cul-de-sac and selling a new set of homes at a cul-de-sac premium. I am not against the new development, just the current access plans that impact existing homeowners.

Finally, to the specific item at hand this week, I would like to formally petition against the proposed re-zoning from 10 to 6.5 feet setbacks. Mr. Barth's positioning of these homes in the last Public hearing, and his primary point against this not impacting the existing homeowners home value, was that these were going to be "premium" homes with "premium lots and views". If this is truly their intention, I struggle with understanding the need to adjust the setbacks to 6.5 feet. My fear is that this is the first in a long list of actions the Barth's will take towards not fulfilling on their stated plan of "premium" homes. Each item reviewed individually may pass through unnoticed, but as a collective whole they give the Barth's the option to do whatever they want. I am admittedly no expert on land/home development so I can't speak to what additional items might be brought forward in the future that further provide the option for the Barth's to do as these please with the land, but unfortunately there is an inherent mistrust of their commitments based on the above mentioned issues, that has the impacted residents concerned.

Thank you for your consideration of these items.

**Clay Watkins**  
14770 NW 66<sup>th</sup> Terrace  
Kansas City, MO 64152

**Sean Ackerson**

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**From:** Larry Taylor <larry@taylorgroupcpa.com>  
**Sent:** Monday, July 27, 2015 4:02 PM  
**To:** Sean Ackerson; Doug Wylie; David Jones; Lauren Palmer; 'derickson@co.platte.mo.us'  
**Subject:** Thousand Oaks Phase 20 & 21 Rezoning

I understand that the Planning and Zoning Commission of Parkville will hold a public hearing on Wednesday evening regarding the zoning relating the Barth Brothers Development for Thousand Oaks Phase 20 and 21. As a resident of Thousand Oaks (6680 NW Hickory Dr.), I would like to make a few comments. However, due to scheduling conflicts, I will be unable to attend the meeting.

1. First, I agree with the concerns that the development will put too much traffic on the two existing entrances to Thousand Oaks. These 34 additional homes, combined with the new planned Thousand Oaks development just to the south of the club house will, in my opinion, over burden the streets that were not designed to carry the increased traffic load. Currently there is already heavy traffic on Nevada and Hickory Dr. that will only get worse with these two new developments creating a safety issue for a neighborhood that has a high number of children living in it. In addition, the construction vehicles will create an additional safety issue as well as additional wear and tear on the roads in the subdivision. I urge you to require the developer to provide another entrance to Thousand Oaks off of Brink – Myer Road or otherwise.
  
2. Regarding the interior setback issue, I can think of no reason you should approve any variances. If the developer believes they cannot fit a house on the lot using a 10’ setback, then they should increase the size of the lots and decrease the density of the development thus preserving the character of the Thousand Oaks subdivision. The 10’ setback was established for a reason and a variance should only be granted under exceptional circumstances.
  
3. Lastly, be very cautious in trusting any representations made by Barth Brothers.

Thank you for your consideration.

Larry Taylor, CPA  
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