

**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
Michael Wright
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

9/3/2015
Date