

CITY OF PARKVILLE **Policy Report**

DATE: Thursday, October 25, 2018

PREPARED BY:
Stephen Lachky
Community Development Director

REVIEWED BY:
Alysen Abel
Public Works Director

ISSUE:

Approve the first reading of an ordinance approving a conditional use permit to allow townhome uses, multi-family apartment uses and a police substation in conjunction with The Meadows At Creekside, a planned residential development consisting of single-family homes, townhomes and apartments on 43.42 acres, more or less, generally located at the southeast quadrant of the intersection of I-435 and Highway 45 along Brink-Myer Road in Parkville, MO 64152. Case No. PZ18-15B; Brian Mertz, Parkville Development 70, LLC, applicant.

BACKGROUND:

The application proposes the allowance of townhome uses, multi-family apartment uses and a police substation in conjunction with The Meadows At Creekside, a planned residential development consisting of 124 single-family homes, 80 townhomes units (3-bedroom units), and 216 apartment units for residential users on 43.42 acres, more or less, generally located at the southeast quadrant of the intersection of I-435 and MO-Hwy 45 along Brink-Myer Rd. in Parkville, MO 64152.

The subject property was annexed into Parkville city limits on May 2, 2000 via ordinance no. 1874. Based on interviews with former staff and elected officials, the City desired to annex the area to have control over future development around the I-435 and Hwy 45, and I-435 and Hwy 152 corridors, as increased growth would impact the traffic through Parkville along MO-Hwy 45, MO-Hwy 9 and MO-FF Hwy. On June 6, 2006, the City of Parkville approved Ordinance No. 2262, the rezoning of property at 45 Park Place from Platte County zoning "AG" Agricultural District to Parkville City "R-4 CUP" Multi-Family Residential Community Unit Plan, in conjunction with a preliminary development plan. The plan proposed 485 residential units — 288 apartments (in 12 buildings), 56 row houses (in eight clusters), 72 8-plex condos (in nine buildings) and 69 single-family lots.

In 2006, to coordinate with development plans at three quadrants of the intersection of Highway 45 and Interstate 435, the City responded to petitions and began the process to create two Neighborhood Improvement Districts (NIDs) in accordance with Sections 67.453 – 67.465 RSMo. The NIDs were undertaken for a public sewer, the Brush Creek NID, and a road project, the Brink Meyer NID. Due to a variety of factors, including the economic recession, private development did not occur according to the original schedule and vision. The majority of the NID properties were recently owned or controlled by banks or the City of Parkville, and are no longer owned by the original landowners at the time of the NID creations.

In 2014, the Parkville Economic Development Council (EDC) appointed a task force to explore and promote development for the I-435 and Highway 45 intersection and concluded a soccer complex might be a potentially viable economic development project for the subject property. Based on the recommendation of the Parkville EDC and in consultation with the property owners, the City issued a Request for Proposals (RFP) for a *Market Feasibility & Economic Impact Analysis for Sports Complex and/or Commercial Development* for the subject property area. The study concluded that there is strong regional demand for recreational sports facilities,

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but that the site could not support a competitive tournament facility that would serve as an economic attraction. The study also concluded the highest and best alternative use was multi-family residential with supporting neighborhood commercial services.

On December 2, 2014, the Board of Aldermen conducted a work session to review the zoning, land use projections, development plans, and development challenges for all properties in the Brush Creek Drainage NID. The City and Parkville EDC participated in numerous meetings with property owners and prospective developers to evaluate potential development options for the area; however, many of the development concepts only involved small portions of the property (less than 5 acres) and didn't address development challenges for common areas. On September 9, 2015 the Board of Aldermen adopted a Resolution of Intent to use economic development incentives to promote appropriate development in the Brush Creek and Brink Meyer NIDs. The resolution affirms the Board's willingness to support appropriate multi-family housing in the area and affirms the City's willingness to use public incentives to offset the impact of the NID assessments on the development.

Due to delinquent assessments, the City filed a petition for judicial foreclosure against the property owner in December 2015. The City subsequently took ownership of the subject property following a sheriff's sale on May 24, 2016. All past, current, and future NID assessments due within the subject property were "cleared" as part of the judicial foreclosure process; however, the City still carries exposure of approximately \$7.2 million in principal and interest over the 20-year life of the NID bonds. Since acquiring the subject property, the City has sought development partnerships to offset the debt exposure through a combination of property sale proceeds and new economic activity.

In summer 2016, the City issued an RFP for development of the subject property. The City asked respondents to propose development concepts appropriate for the area compatible with the city's development objectives and adopted *Parkville Master Plan*. Pre-proposal conferences with prospective developers were held at Parkville City Hall, and following a 90-day response period for the RFPs, the City received one response from Entrepreneurs Enterprises, LLC. The 45 Park Place Development RFP Selection Committee met throughout the fall to review the proposal, but ultimately recommended for the Board of Aldermen not to enter into development negotiations with the applicant based on several issues identified. A work session was held at Parkville City Hall on December 6, 2016, and staff recommended the Board of Aldermen continue to work with the Parkville EDC and Platte County EDC in marketing the property, evaluating alternatives and pursuing other development teams.

Staff reviewed the Application for Conditional Use Permit against the Parkville Development Code's conditional use permit review criteria in Section 403.050, Subsection B. Staff concluded that the conditional use permit furthers the intent of the existing "R-4-P" Multiple-Family Residential zoning district and is consistent with the *Parkville Master Plan*; does not require any additional site-specific conditions to meet the intent or design objectives of the Development Code (aside from those referenced in the associated preliminary development plan) or mitigate potential impacts; produces little-to-no impact on the public realm; adequate drainage, utilities and other public facilities are addressed by the accompanying preliminary development plan; is compatible with the character of the area in terms of building scale, building form, landscape and site design; is compatible with the area in terms of potential impacts on adjacent property; there is no need to place a limited time period for the proposed uses based on their context and relationship within The Meadows at Creekside planned residential development; the application will not prevent development and use of the neighboring property in accordance with applicable development regulations; and long range plans applicable to the site and surrounding area are not negatively impacted by the proposed use.

BUDGET IMPACT:

With the exception of application and permit fees collected, there is no immediate budget impact. Long-term impacts would be realized from changes in property taxes and sales taxes collected from the site and proposed development, and impacts to the same for area properties and other businesses.

PUBLIC COMMENTS:

Prior to the completion of this policy report, the Community Development Department received 58 public comments via letter or e-mail (See Attachment 11). A public hearing was held at the September 11, 2018, regular meeting of the Planning and Zoning Commission and continued to the October 9, 2018, regular meeting of the Planning and Zoning Commission. Members of the public attended and stated their concerns of the size and scale of the development, didn't believe the project reflected the community character of Parkville, expressed the desire for more open space & green space, had concerns about development near the Brush Creek floodplain and the Park Hill School District's capacity to accommodate the amount of new residents. Two individuals stated they were supportive of the project due to the developer meeting the City's requirements and making it a high-quality development. See Attachment 12 for a summary of public comments provided during the public hearing.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission considered the application during a public hearing held on September 11, 2018, and again on October 9, 2018. The Commission expressed concern with the overall density of the housing. Although the property is zoned "R-4-CUP" Multiple-Family Residential Community Unit Plan, the Commission noted the "R-4" Mixed-Density Residential district limits multi-family dwellings to 12-unit per building walk-up apartments. They expressed a desire to see this development limited to multi-family buildings of no more than 12 units per building. The Commission recommended approval of the conditional use permit, subject to conditions, by a vote of 9-0.

STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit, subject to the following conditions:

- Submittal of an updated Traffic Impact Study detailing existing traffic counts, trip generation estimates, and any other necessary traffic data required to MoDOT for MoDOT's Traffic Engineering Department to review; and implementation of required roadway improvements, and/or dedicated right-of-way for future roadway improvements, as required by City staff or MoDOT as part of the project.
- *Multi-family housing shall be limited to 12 units per building.*

Conditions shown in italics are additional conditions recommended by the Planning and Zoning Commission at their October 9, 2018, meeting.

POLICY:

Per Parkville Municipal Code Section 406.020, Mixed-Density Residential – R-4, single-family homes (i.e., detached house – large lot, detached house – neighborhood lot, detached house – compact lot) and duplexes are permitted by-right in the district; however, 3- to 4-plexes, row houses, walk-up apartments, and small civic uses may be approved as conditional uses subject to the review process in Section 403.050. Conditional use permits must be approved by the Board of Aldermen, following a public hearing, review and a recommendation by the Planning and Zoning Commission as outlined in Table 403-1.

The Board of Aldermen must approve two readings of the ordinance to become effective. Rule 5, *Agendas*, of the Board's adopted Rules of Order, states "*The first reading of an ordinance will be read on the action agenda and the second and final reading will be read the next subsequent*

meeting on the consent agenda, unless the item is a time-sensitive matter in which it may be approved during the same meeting.”

ALTERNATIVES:

1. Approve the first reading of an ordinance approving the Application for Conditional Use Permit, and postpone the second reading to the next regular meeting of the Board of Aldermen on November 6, 2018.
2. Approve the first reading of an ordinance, subject to changes directed by the Board of Aldermen.
3. Deny the application.
4. Postpone the item.

SUGGESTED MOTIONS:

I move to approve Bill No. 3000, an ordinance approving a conditional use permit for The Meadows at Creekside, a planned residential development consisting of single-family homes, townhomes and apartments on 43.42 acres, more or less, generally located at the southeast quadrant of the intersection of I-435 and Missouri Highway 45 along Brink-Myer Road, on first reading and postpone the second reading to November 6, 2018.

ATTACHMENTS:

1. Proposed Ordinance
2. Application for Conditional Use Permit (Case No. PZ18-15B)
3. I-435 Corridor Reference Maps (see Agenda Item 4A)
4. The Meadows At Creekside, A Subdivision In Parkville, Platte County, Missouri, Preliminary Development Plan – Conditional Use (prepared by Renaissance Infrastructure Consulting; dated September 05, 2018; See Agenda Item 4A)
 - a. Sheet 1 of 20 (Cover Sheet)
 - b. Sheet 2 of 20 (Existing Conditions)
 - c. Sheet 3 of 20 (Property Subdivision Plan)
 - d. Sheet 4 of 20 (Development Plan)
 - e. Sheet 5 of 20 (Site Dimension Plan)
 - f. Sheet 6 of 20 (Building Setback Plan North)
 - g. Sheet 7 of 20 (Building Setback Plan South)
 - h. Sheet 8 of 20 (Site Data)
 - i. Sheet 9 of 20 (Site Utility Plan North)
 - j. Sheet 10 of 20 (Site Utility Plan South)
 - k. Sheet 11 of 20 (Landscape Plan)
 - l. Sheet 12 of 20 (Landscape Data and Details)
 - m. Sheet 13 of 20 (Preliminary Linkage Plan)
 - n. Sheet 14 of 20 (Preliminary Plat)
 - o. Sheet 15 of 20 (Visionaire Lighting Photometric Study Pg. 1)
 - p. Sheet 16 of 20 (Visionaire Lighting Photometric Study Pg. 2)
 - q. Sheet 17 of 20 (Visionaire Lighting Photometric Study Pg. 3)
 - r. Sheet 18 of 20 (Visionaire Lighting Photometric Study Pg. 4)
 - s. Sheet 19 of 20 (Visionaire Lighting Photometric Study Pg. 5)
 - t. Sheet 20 of 20 (Visionaire Lighting Photometric Study Pg. 6)
 - u. Sheet C2 (Creekside South Grading Exhibit)
 - v. Sheet C2 (Creekside Residential Trail Exhibit)
5. Creekside Development Applicant Presentation (provided at September 11, 2018 public hearing; prepared by Parkville Development 70, LLC; Parkville Development 38, LLC; Parkville Development 140, LLC; Parkville Development 50, LLC; see Agenda Item 4A).
6. Staff Analysis report presented to the Planning and Zoning Commission at their October 9, 2018 regular meeting (see Agenda Item 4A)

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7. City of Parkville staff review comments (dated August 3, 2018; see Agenda Item 4A)
8. City Engineer review comments (dated August 9, 2018; see Agenda Item 4A)
9. On-Call City Engineer review comments (dated September 5, 2018; see Agenda Item 4A)
10. Utility Provider Verification Correspondence; see Agenda Item 4A
 - a. Platte County Regional Sewer District (PCRSB; dated August 21, 2018)
 - b. Missouri Gas Energy (dba Spire Energy; dated August 24, 2018)
 - c. Consolidated Public Water Supply District No. 1 of Platte County (dated August 27, 2018)
 - d. Missouri Department of Transportation (MoDOT; dated August 22, 2018)
 - e. Platte County Planning and Zoning Department (dated August 28, 2018)
 - f. Park Hill School District (PHSD; dated August 21, 2018)
11. Public Comments; see Agenda Item 4A
 - a. E-mail – Dean Katerndahl (404 Main St., Parkville, MO)
 - b. E-mail – Kristy Greathouse (14785 NW 66th St., Unincorporated Platte County, MO)
 - c. E-mail – Jeff Foster (14230 NW 60th St., Unincorporated Platte County, MO)
 - d. E-mail – David Price (6460 N Nevada Ave, Unincorporated Platte County, MO)
 - e. E-mail – Dan Baumchen (14275 NW 64th St., Unincorporated Platte County, MO)
 - f. E-mail – Lynet Baumchen (14275 NW 64th St., Unincorporated Platte County, MO; and PO Box 901526, Kansas City, MO 64190)
 - g. E-mail and Letter – Mistry Snodgrass (14050 NW 64th Terr., Unincorporated Platte County, MO)
 - h. E-mail – Adam Snodgrass (14050 NW 64th Terr., Unincorporated Platte County, MO)
 - i. E-mail and Letter – Jason Maki (6955 NW Scenic Dr., Unincorporated Platte County, MO)
 - j. E-mail – Victor and Betsy Ferlaino (7065 NW Scenic Dr., Unincorporated Platte County, MO)
 - k. E-mail – Melissa Metheny (6519 NW Sioux Dr., Unincorporated Platte County, MO)
 - l. E-mail – Jeffrey Foot (Unknown Address)
 - m. E-mail – Matthew Roberts (14625 NW 45 Hwy, Unincorporated Platte County, MO)
 - n. E-mail – Rachel Leistad (14815 NW 61st St., Parkville, MO)
 - o. E-mail – Erin Maslowski (6945 White Pine Circle, Unincorporated Platte County, MO)
 - p. Letter – Jerry and Nancy Saulsbury (7050 NW Scenic Dr., Unincorporated Platte County, MO)
 - q. E-mail – Jacqueline Maiserouille (5906 NW Whispering Oaks Ln., Unincorporated Platte County, MO)
 - r. E-mail – Matthew Roberts (14625 NW 45 Hwy, Unincorporated Platte County, MO)
 - s. E-mail – Rhonda Smallwood (13105 NW Custer Dr., Unincorporated Platte County, MO)
 - t. E-mail – Karen Eagle (14705 NW MO-45 Hwy, Unincorporated Platte County, MO)
 - u. E-mail – Jason Maki (6955 NW Scenic Dr., Unincorporated Platte County, MO)
 - v. Letter – Barbara Wassmer (18 W 5th St., Parkville, MO)
 - w. E-mail – Jon Appino (14670 NW 66th St., Unincorporated Platte County, MO)
 - x. Letter – Matthew Roberts (14625 NW 45 Hwy, Unincorporated Platte County, MO)
 - y. E-mail – Catherine Kolkoski (7209 N Nevada Ave, Unincorporated Platte County)
 - z. E-mail – Jason Strohm (6690 NW Hickory Dr., Unincorporated Platte County, MO)
 - aa. E-mail – Josh Dixon (6488 NW Morell Dr., Unincorporated Platte County, MO)
 - bb. E-mail – Teresa Donnici (6293 N Whitetail Way, Parkville, MO)
 - cc. E-mail – Kyle and Mary Williams (14480 Summit Ridge, Parkville, MO)
 - dd. E-mail – Eric Lueders (14525 Summit Ridge, Parkville, MO)
 - ee. Letter – Dean Katerndahl (404 Main St., Parkville, MO)
 - ff. E-mail – Teresa Donnici (6293 N Whitetail Way, Parkville, MO)
 - gg. E-mail – Jeff Kelley (6685 NW Meyers Cir, Unincorporated Platte County, MO)
 - hh. E-mail – Danae Spresser (14095 NW 60th Court, Parkville, MO)

- ii. E-mail – Rick Murphy (Unknown Address)
 - jj. E-mail – Kyle and Mary Williams (14480 Summit Ridge, Parkville, MO)
 - kk. E-mail – Teresa Donnici (6293 N Whitetail Way, Parkville, MO)
 - ll. E-mail – Concerned Citizens for Parkville (no address)
 - mm. E-mail – Joe Spirk (8302 NW Lakeview Dr., Parkville, MO)
 - nn. Letter – Andrew P. Alexander (1100 Main St., Suite 2700, Kansas City, MO)
 - oo. Letter – Peter Gose (14530 NW 63rd St., Unincorporated Platte County, MO)
 - pp. E-mail – Adam & Mercedes Fletcher (13405 NW Brink Meyer Rd, Unincorporated Platte County, MO)
 - qq. E-mail – Debra & James Johnson (5915 N Nevada Ave, Parkville, MO)
 - rr. Letter – Peter Gose (14530 NW 63rd St., Unincorporated Platte County, MO)
 - ss. E-mail – Molly Coble (14435 Summit Circle, Parkville, MO)
 - tt. E-mail – Stacy Walter (14805 NW 66th Ter, Parkville, MO)
 - uu. E-mail – Brian Votava (5641 Cedar Ct., Parkville, MO)
 - vv. E-mail – Brian Smith (Unknown Address)
 - ww. E-mail – Josh Kollmeyer (6752 NW Meyers Cir, Parkville, MO)
 - xx. E-mail – Allyson Berberich (14035 Trail Creek Court, Parkville, MO)
 - yy. E-mail – Jamie Watkins (14265 NW 60th Ct, Unincorporated Platte County, MO)
 - zz. E-mail – Joshua Webber (14310 NW 63rd St, Unincorporated Platte County, MO)
 - aaa. E-mail – Michael Younghanz (3030 NW 57th Ter, Kansas City, MO)
 - bbb. E-mail – Teryle Wilder (7025 NW Scenic Dr., Unincorporated Platte County, MO)
 - ccc. E-mail – Maureen Reese (6009 N Cosby Ct, Kansas City, MO)
 - ddd. Letter – Travis Holthouse (Unknown Address)
 - eee. E-mail – Teryle Wilder (7025 NW Scenic Dr., Unincorporated Platte County, MO)
 - fff. Letter – Clarence House & Jean Bradshaw (15201 NW Brink Myer Rd, Parkville, MO)
 - ggg. Email – Cinda Walsh
 - hhh. Email – Jim Dollins
 - iii. Additional public comments (see Agenda Item 4A)
12. Summary of public hearing comments; see Agenda Item 4A)
- a. Provided at September 11, 2018 Planning and Zoning Commission public hearing
 - b. Provided at October 9, 2018 Planning and Zoning Commission public hearing
 - c. Provided at October 10, 2018 Planning and Zoning Commission public hearing
13. Notes from September 21, 2018 meeting with Neighborhood Representatives; see Agenda Item 4A)
14. Density Comparison Research (prepared by Brad Stanton, Planning Intern; see Agenda Item 4A)
15. Aerial Imagery of I-435 Corridor (see Agenda Item 4A)
16. The Meadows At Creekside – Revised Preliminary Development Plan (prepared by Renaissance Infrastructure Consulting; submitted October 5, 2018 see Agenda Item 4A)
- a. Sheet 2 of 14 (Existing Conditions)
 - b. Sheet 4 of 20 (Development Plan)
 - c. Sheet 6 of 14 (Building Setback Plan North)
 - d. Sheet 7 of 14 (Building Setback Plan South)
 - e. Sheet 8 of 14 (Site Data)
 - f. Sheet 9 of 14 (Site Utility Plan North)
 - g. Sheet 10 of 14 (Site Utility Plan South)
 - h. Sheet 11 of 14 (Landscape Plan)
 - i. Sheet 12 of 14 (Landscape Data and Details)

ADDITIONAL EXHIBITS BY REFERENCE:*

1. Parkville Municipal Code, Title IV – Development Code in its entirety
(<https://www.ecode360.com/PA3395-DIV-05>)

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- a. Section 403.040 Master Planned Development
 - b. Section 403.050 Conditional Use Permit
 - c. Chapter 404 Subdivision Regulations
 - d. Section 405.010 Zoning Districts Established
 - e. Section 405.020 Districts & Uses
 - f. Section 405.030 Standards Applicable to All Districts
 - g. Section 405.050 Conditional Uses
 - h. Appendix B. Great Trees for the Kansas City Region
2. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>)
 3. Highway 45 Corridor Plan (<http://parkvillemo.gov/download/Highway45CorridorPlan.pdf>)
 4. Market Feasibility & Economic Impact Analysis for a Sports Complex and/or Commercial Development (<http://parkvillemo.gov/wp-content/uploads/2014/08/Parkville-Sports-Complex-Report-08-11-14-LOW-RES.pdf>)
 5. Notice of Public Hearing mailed certified mail to owners within 185 ft. of the subject property.
 6. Hearing notice published in The Platte County Citizen newspaper on August 22, 2018.
 7. Hearing notice published on the Parkville City webpage (<https://parkvillemo.gov/download/CreeksideHearingSummary.pdf>)
 8. Preliminary Macro-Stormwater Drainage Study, Creekside Development, Brush Creek Watershed (prepared by Renaissance Infrastructure Consulting; dated August 9, 2018)
 9. Traffic Impact Study, Proposed 45 Park Place Residential Development, Parkville, Missouri (prepared by George Butler Associates, Inc.; dated April 19, 2006)
 10. MO 45 and Brink Myer Summary of Traffic Concerns (prepared by Lutjen; dated May 3, 2010)
 11. Ordinance No. 1874 – Providing for the extension of the city limits by embracing and including unincorporated real property located in Platte county lying west of the present city limits line of the City (annex Thousand Oaks)
 12. Resolution No. 09-04-15 – A Resolution of Intent to use Economic Development Incentives to promote appropriate development in the Brush Creek Drainage and Brink Meyer Road Neighborhood Improvement Districts
 13. Case No. PZ18-15A – The Meadows At Creekside – Preliminary Development Plan
 14. Case No. PZ18-16A – Old Town At Creekside - Zoning Map Amendment
 15. Case No. PZ18-16B – Old Town At Creekside - Preliminary Development Plan
 16. Case No. PZ18-17A – The Woods At Creekside - Zoning Map Amendment
 17. Case No. PZ18-17B – The Woods At Creekside - Preliminary Development Plan
 18. Case No. PZ18-17C – The Woods At Creekside - Conditional Use Permit
 19. Case No. PZ18-17E – Creekside Commons - Zoning Map Amendment
 20. Case No. PZ18-17F – Creekside Commons - Preliminary Development Plan
 21. Case No. PZ18-18A – Creekside Industrial - Zoning Map Amendment
 22. Case No. PZ18-18B – Creekside Industrial - Preliminary Development Plan
 23. Professional Resume – Stephen Lachky, Community Development Director
 24. Professional Resume – Alysén Abel, Public Works Director
 25. Professional Resume – Nathan Hladky, City On-Call Engineer, Phelps Engineering, Inc.
 26. Planning and Zoning Commission (September 11, 2018) Regular Meeting Minutes
 27. Planning and Zoning Commission (September 11, 2018) Regular Meeting Video Recording, Part 1 (<https://vimeo.com/289405189>)
 28. Planning and Zoning Commission (September 11, 2018) Regular Meeting Video Recording, Part 2 (<https://vimeo.com/289404155>)
 29. Planning and Zoning Commission (September 11, 2018) Regular Meeting Video Recording, Part 3 (<https://vimeo.com/289404863>)
 30. Exhibits presented to Planning and Zoning Commission at September 11, 2018 public hearing
 31. Planning and Zoning Commission (October 9, 2018) Regular Meeting Minutes

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32. Planning and Zoning Commission (October 9, 2018) Regular Meeting Video Recording
(<https://vimeo.com/parkvillemo>)
33. Exhibits presented to Planning and Zoning Commission at October 9, 2018 public hearing

*Printed copies of referenced materials may be provided on request. Original materials are available for viewing at Parkville City Hall.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW TOWNHOME USES, MULTI-FAMILY APARTMENT USES AND A POLICE SUBSTATION IN CONJUNCTION WITH THE MEADOWS AT CREEKSIDE, A PLANNED RESIDENTIAL DEVELOPMENT CONSISTING OF SINGLE-FAMILY HOMES, TOWNHOMES AND APARTMENTS ON 43.42 ACRES, MORE OR LESS, GENERALLY LOCATED AT THE SOUTHEAST QUADRANT OF THE INTERSECTION OF I-435 AND HIGHWAY 45 ALONG BRINK-MYER ROAD

WHEREAS, Brian Mertz, Parkville Development 70, LLC submitted an application for Conditional Use Permit (Case No. PZ18-15B) to allow townhome uses, multi-family apartment uses and a police substation in conjunction with The Meadows At Creekside, a planned residential development consisting of single-family homes, townhomes and apartments on 43.42 acres, more or less, generally located at the southeast quadrant of the intersection of I-435 and Highway along Brink-Myer Road; and

WHEREAS, the subject property was annexed into Parkville city limits on May 2, 2000, via Ordinance No. 1874; and

WHEREAS, on June 6, 2006, the Board of Aldermen approved Ordinance No. 2262, rezoning the subject property from Platte County "AG" Agricultural District to Parkville City "R-4 CUP" Multi-Family Residential Community Unit Plan, in conjunction with a preliminary development plan for 45 Park Place, which proposed 485 residential units — 288 apartments (in 12 buildings), 56 row houses (in eight clusters), 72 8-plex condos (in nine buildings) and 69 single-family lots; and

WHEREAS, due to delinquent assessments, the City of Parkville ("City") filed a petition for judicial foreclosure against the property owner in December 2015 and the City took ownership of the subject property following a sheriff's sale on May 24, 2016; and

WHEREAS, staff reviewed the application according to Parkville Municipal Code Title IV – Development Code, Section 403.050, Subsection B and determined their findings and conclusions; and

WHEREAS, notice of a public hearing on September 11, 2018, was published, mailed and posted in accordance with Parkville Municipal Code Title IV – Development Code, Section 403.010; and

WHEREAS, on September 11, 2018, the Parkville Planning and Zoning Commission held a public hearing to consider the Application for Preliminary Development Plan and continued the public hearing to their next regular meeting on October 9, 2018; and

WHEREAS, on October 9, 2018, the Parkville Planning and Zoning Commission re-opened the continued public hearing to consider the Application for Conditional Use Permit and, following the conclusion of the hearing, recommended approval, subject to conditions, by a vote of 9-0; and

WHEREAS, the Board of Aldermen has reviewed and considered staff's conclusions and recommendation, the information provided to the Planning Commission, the Planning Commission's recommendation, and information presented to the Board of Aldermen, and desires to approve the application with conditions as stated herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. The application for conditional use permit to allow townhome uses, multi-family apartment uses and a police substation in conjunction with The Meadows at Creekside, a planned residential development consisting of single-family homes, townhomes and apartments on 43.42 acres, more or less, generally located at the southeast quadrant of the intersection of I-435 and Highway along Brink-Myer Road (Case No. PZ18-15B) is hereby approved, subject to conditions by the Board of Aldermen, including:

- Submittal of an updated traffic impact study detailing existing traffic counts, trip generation estimates, and any other necessary traffic data required to the Missouri Department of Transportation (MoDOT) for MoDOT's Traffic Engineering Department to review; and implementation of required roadway improvements, and/or dedicated right-of-way for future roadway improvements, as required by City staff or MoDOT as part of the project.
- Multi-family housing shall be limited to 12 units per building.

SECTION 2. The conditional use permit shall be effective immediately upon its passage and approval and shall be effective indefinitely from the effective date.

SECTION 3. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 6th day of November 2018.

Mayor Nanette K. Johnston

ATTESTED:

City Clerk Melissa McChesney



Application #: PZ18-15B
Date Submitted: August 3, 2018
Public Hearing: September 11, 2018
Date Approved:

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

Application for Conditional Use Permit
Pre-application meeting required per Parkville Municipal Code, Title IV, Section 403.010, Subsection C

1. Applicant/Contact Information

Applicant(s)
Name: Brian Mertz, Parkville Development 70, LLC
Address: 7607 NW John Anders Road
City, State: Kansas City, MO 64152
Phone:
Fax:
E-mail: b.mertz1@karr.com

Owner(s), if different from applicant(s)
Name: Joe Parente
Address: City of Parkville, 8880 Clark Ave
City, State: Parkville, Mo 64152
Phone: (816) 741-7676 Fax: (816) 741-0013
E-mail: jparente@parkville.mo.gov

Engineer/Surveyor(s) preparing plans & legal desc.
Name: Steve Swager, Renaissance Infrastructure Consulting
Address: 5015 NW Canal Street, Suite 100
City, State: Riverside, MO 64150
Phone: (816) 880-0950 Fax:
E-mail: swager.eric@consult.com

Contact Person, if different from applicant(s)
Name: Patricia R. Jensen, Esq., White Goss
Address: 4510 Bellevue Avenue, Suite 300
City, State: Kansas City, MO 64111
Phone: (816) 502-4723 Fax:
E-mail: pjensen@whitegoss.com

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 conditional use 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) [Signature] Date: 8/3/18
Property Owner's Signature (Required) [Signature] Date: 8/3/18

2. Proposed Conditional Use (see also Checklist of required submittals)

Proposed use: Mixed Density Residential Requested length of permit: Indefinite
Description: Single-family homes, attached homes and apartments
Proposed days and hours of operation: N/A

3. Property Information (see also Checklist of required submittals)

Property address / general location: South of 45 highway and east of I-435, along NW Brink-Myer Road (about 70 acres)
Parcel ID Number: Multiple Zoning: R-4 (CUP)
Present use of the property: vacant
Length of use (or vacancy): vacant

4. Neighboring land uses and zoning

Describe the existing land use and zoning on the surrounding properties:

Existing Land Use	Existing Zoning
North: <u>Vacant</u>	<u>County Zoning - PI (Planned Industrial)</u>
South: <u>Vacant</u>	<u>County Zoning - AG (Retained upon annexation)</u>
East: <u>Residential</u>	<u>County Zoning - R7 Single Family High Density</u>
West: <u>Vacant and Interstate 435</u>	<u>County Zoning - AG (Retained upon Annexation)</u>

Attach a narrative addressing:

- How the application furthers the intent of the proposed zoning district and does not conflict with the intent of any abutting districts, and is otherwise determined to be consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan.
- Compliance of any proposed development with the requirements of this code.
- Whether any additional site-specific conditions are necessary to meet the purposes and intent of this code and the intent or design objectives of any applicable subsections of this code, or mitigate any other potential impacts that are specific to the proposed use.
- The impact on the public realm, including the design and functions of streetscapes and relationships of building and site elements to the streetscape.
- The adequacy of drainage, utilities and other public facilities.
- Compatibility with the character of the area in terms of building scale, building form, landscape and site design.
- Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.
- Whether a limited time period for the permit is reasonable necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and on-going enforcement of the permit.
- How the application will not prevent development and use of the neighboring property in accordance with the applicable development regulations
- How the long range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.
- Any other information relevant to the application

5. Checklist of required submittals

- Completed application, including all required details and supporting data.
- Nonrefundable application fee of \$300.00. Separately, the applicant will be billed to recover costs for required publication, posted and mailed notice per Parkville Municipal Code, Title IV, Section 403.010, Subsection E.
- Complete written and graphical legal description of subject property in paper and electronic formats, an area map showing the subject property and surrounding major features including roads.
- Three (3) copies 24" x 36" size, or larger sets, and one (1) electronic set (PDF format) of the site plan showing property boundaries, existing and proposed topography, structures, parking utilities, landscaping, signage, facades and other site features related to the proposed CUP.
- Authorized signature of the applicant and property owner.

For Office Use Only

Application accepted as complete by: Stephen Lachty, Community Development Director August 3, 2018
Name/Title Date

Application fee payment: Check # _____ Amount \$ _____

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

Planning Commission Action: Approved Approved with Conditions Denied Date of Action: _____

Conditions if any: _____

Board of Aldermen Action: Approved Approved with Conditions Denied Date of Action: _____

Conditions if any: _____