

CITY OF PARKVILLE **Policy Report**

DATE: Thursday, October 25, 2018

PREPARED BY:
Stephen Lachky
Community Development Director

REVIEWED BY:
Joe Parente
City Administrator

ISSUE:

Approve the first reading of an ordinance approving a preliminary development plan for Old Town at Creekside, a planned commercial development consisting of retail, mixed-use, restaurant and other commercial uses on 38.12 acres, more or less, generally located on the southeast quadrant of the intersection of I-435 and Highway 45 along Brink-Myer Road. Case No. PZ18-16B; Brian Mertz, Parkville Development 38, LLC, applicant.

BACKGROUND:

The application proposes Old Town At Creekside, a planned commercial development consisting of 13 lots for six restaurants, two mixed-use retail buildings with 2-story residential, one quick-serve café, one grocery/market, one hotel, and one bank on 38.05 acres, more or less, generally located on the southeast quadrant of the intersection of I-435 and MO-Hwy 45 along Brink-Myer Road. The application proposes re-platting the subject property and creating internal circulation, public streets, private drives and access of off Brink-Myer Road to serve the development.

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. In 2006, to coordinate with development plans at three quadrants of the intersection of 45 Highway and Interstate 435, the City of Parkville 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.

On June 6, 2006 the City of Parkville approved a preliminary development plan for 45 Park Place for the tracts of land immediately south of the subject property via Ordinance No. 2262. The 2006 preliminary development plan lists the subject property area for Old Town At Creekside as “Future Commercial Development”. The subject property never developed into a commercial development and the property was deeded to BrinkMeyer Investors, LLC in 2009; it has remained undeveloped and vacant since.

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

ITEM 4D

For 10-30-18

Board of Aldermen Special Meeting

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. In December 2015, petitions for judicial foreclosure were filed against several properties in the Brush Creek NID due to delinquent assessments; however, BrinkMeyer Investors, LLC continued to pay their assessments on the subject property still maintained ownership.

On March 3, 2017, staff from the City of Parkville and Parkville EDC met with representatives from Newmark Grubb Zimmer, a commercial real estate company representing the property owner, to discuss development of the subject property. At the time, the representatives indicated they were pursuing leads for commercial development on the subject property, but were having challenges due to lack of residential density at the I-435 corridor.

Staff reviewed the Application for Preliminary Development Plan against the Parkville Development Code's preliminary development plan review criteria, "B-2-P" General Business District regulations and use standards, subdivision standards, site and landscape design standards and access and parking regulations (see Attachments 6-9). Staff concluded the preliminary development plan accomplishes goals of the *Parkville Master Plan*, meets all criteria for a preliminary development plan in a "B-2-P" district; reflects generally accepted and sound planning and urban design principles with respect to applying the adopted *Parkville Master Plan*, and meets the City's applicable subdivision regulations and standards, site and landscape design standards, access and parking, sign standards, and minimum standards thereof.

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 opened 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. See Attachment 12 for a summary of public comments provided at the September 11, 2018 meeting. 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, and had concerns about quick-serve restaurants and hotels in close proximity to residential neighborhoods.

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 interest in seeing the improvement of the green space behind the hotel lot as a trailhead for the proposed trail. The Commission also noted they would like to see the pedestrian connection improved between the Old Town at Creekside development and the Meadows development. The Commission asked about the necessity of the streets between the central green and the mixed-use buildings. The applicant responded that those streets would be good for dropping individuals off close to the businesses and for access.

The Commission recommended approval of the preliminary development plan, subject to conditions, by a vote of 7-2.

STAFF RECOMMENDATION:

Staff recommends approval of the preliminary development plan, subject to the following conditions:

- Re-plat of the subject property area, prior to construction permits being issued, to ensure the subject property area is properly subdivided to allow for the proposed preliminary development plan.
- Submittal of a Final Stormwater Drainage Study with revised/updated best management practices (BMP) calculations. This study shall be reviewed and approved by the Public Works Department.
- 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.
- Names be provided for all private streets / private drives (per 911 MSAG address range requirements) as necessary. The requirement will be reviewed by the City's Building Official prior to Final Development Plan approval.
- The applicant coordinate with the City of Parkville Public Works Department and Platte County Parks and Recreation Department regarding implementation of the proposed multi-use trail along Brush Creek. This includes evaluating the need for a public parking trailhead on either The Meadows At Creekside or Old Town At Creekside developments.
- Any comments or details in the preliminary development plan not addressed per the City of Parkville staff, City Engineer, or On-Call City Engineer review comments (see Exhibits H, I and J), be addressed and reflected in the Final Development Plan (Ex: Topographic contours labels, line symbols, dimensions/specifications, site data, site labeling).
- Any subsequent Applications for Final Development Plan or Major Site Plan — for the Old Town At Creekside planned commercial development in its entirety or its individual lots — go before the Planning and Zoning Commission for approval; with the Planning and Zoning Commission as the "Decision Making Authority" and Board of Aldermen as having "Appeal of Decision" authority per Table 403-1: Procedures Summary of the City's Title IV – Development Code.
- Any other conditions the Planning and Zoning Commission determines are necessary.
- *The final development plan application go before the Planning and Zoning Commission for consideration, with a strong recommendation for the following:*
 - *The design standards identified in the Preliminary Development Plan become requirements for approval.*
 - *The proposed 45' buffer along Brink-Myer Road be a raised berm.*
 - *The Applicant consider eliminating the private streets along Lot 4 (central green)*
 - *The Hotel use be limited in design to only include internal corridors.*
 - *Up to 20% of the proposed parking be increased in size to 10' x 18 1/2' while maintaining the minimum count requirements as set out in the Development Code.*
 - *The applicant presents a plan to use the existing open space identified in the project behind the proposed hotel location to be developed as access to the proposed trail with future plans to use the area as a trailhead.*

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

POLICY:

ITEM 4D

For 10-30-18

Board of Aldermen Special Meeting

Per Parkville Municipal Code, Title IV, Table 403-1, a public hearing is required (distinguished from a public meeting generally open to the public) to consider preliminary development plan applications by the Planning and Zoning Commission review body, with the Board of Aldermen as the “decision making authority” for such applications following review and recommending authority by the Planning and Zoning Commission.

Per Table 403-1: Procedures Summary, a Protest Petition is permitted for Applications for Preliminary Development Plan.

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.*”

PROTEST PETITIONS:

As of the date of the completion of this policy report, staff received a submission of protest petition (see Attachment 17) and is working to determine if the submission is valid based on our Development Code requirements and area calculations.

ALTERNATIVES:

1. Approve the first reading of an ordinance approving the Application for Preliminary Development Plan, 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. 3002, an ordinance approving an application for preliminary development plan for Old Town at Creekside, a planned commercial development consisting of retail, mixed-use, restaurant and other commercial uses on 38.12 acres, more or less, generally located on the southeast quadrant of the intersection of I-435 and 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 Preliminary Development Plan (Case No. PZ18-16B)
3. I-435 Corridor Reference Maps (see Agenda Item 4A)
4. Old Town At Creekside, A Subdivision in Parkville, Platte County, Missouri, Preliminary Development Plan (prepared by Renaissance Infrastructure Consulting; dated September 5, 2018; see Agenda Item 2C)
 - a. Sheet 1 of 16 (Cover Sheet)
 - b. Sheet 2 of 16 (Existing Conditions)
 - c. Sheet 3 of 16 (Development Plan)
 - d. Sheet 4 of 16 (Site Dimension Plan)
 - e. Sheet 5 of 16 (Site Utility Plan)
 - f. Sheet 6 of 16 (Parking Summary)
 - g. Sheet 7 of 16 (Landscape Plan)
 - h. Sheet 8 of 16 (Landscape Data and Details)
 - i. Sheet 9 of 16 (Pedestrian Linkage Plan)
 - j. Sheet 10 of 16 (Preliminary Plat)

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- k. Sheet 11 of 16 (Visionaire Lighting Photometric Study Pg. 1)
 - l. Sheet 12 of 16 (Visionaire Lighting Photometric Study Pg. 2)
 - m. Sheet 13 of 16 (Visionaire Lighting Photometric Study Pg. 3)
 - n. Sheet 14 of 16 (Visionaire Lighting Photometric Study Pg. 4)
 - o. Sheet 15 of 16 (Visionaire Lighting Photometric Study Pg. 5)
 - p. Sheet 16 of 16 (Visionaire Lighting Photometric Study Pg. 6)
 - q. Sheet C1 (Creekside North Grading Exhibit)
 - r. Sheet C1 (Creekside Commercial 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 2C).
 7. City of Parkville staff review comments (dated August 16, 2018)
 8. City Engineer review comments (dated August 9, 2018)
 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 Ter, Unincorporated Platte County, MO)
 - h. E-mail – Adam Snodgrass (14050 NW 64th Ter, 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 Ferlino (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)

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- 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-Myer Road, 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 Younganz (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 Road, 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. Old Town At Creekside – Revised Preliminary Development Plan (prepared by Renaissance Infrastructure Consulting; submitted October 5, 2018; see Agenda Item 2C)

- a. Sheet C1 (Creekside North Grading Exhibit)
- b. Sheet 6 of 10 (Parking Summary)
- c. Sheet 7 of 10 (Landscape Plan)
- d. Sheet 8 of 10 (Landscape Data and Details)
- e. Sheet 11 of 14 (Landscape Plan)
- f. Sheet 12 of 114 (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>)
 - a. Section 403.030 Zoning Map Amendment
 - b. Section 403.040 Master Planned Development
 - 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. 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. Notice of Public Hearing mailed certified mail to owners within 185 ft. of the subject property.
5. Hearing notice published in The Platte County Citizen newspaper on August 22, 2018.
6. Hearing notice published on the Parkville City webpage
(<https://parkvillemo.gov/download/CreeksideHearingSummary.pdf>)
7. Preliminary Macro-Stormwater Drainage Study, Creekside Development, Brush Creek Watershed (prepared by Renaissance Infrastructure Consulting; dated August 3, 2018)
8. Traffic Impact Study, Proposed 45 Park Place Residential Development, Parkville, Missouri (prepared by George Butler Associates, Inc.; dated April 19, 2006)
9. Highway 45 and Brink-Myer Road Summary of Traffic Concerns (prepared by Lutjen; dated May 3, 2010)
10. 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)
11. 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 NIDs
12. Case No. PZ18-15A – The Meadows At Creekside – Preliminary Development Plan
13. Case No. PZ18-15B – The Meadows At Creekside – Conditional Use Permit
14. Case No. PZ18-16A – Old Town At Creekside – Zoning Map Amendment
15. Case No. PZ18-17A – The Woods At Creekside - Zoning Map Amendment
16. Case No. PZ18-17B – The Woods At Creekside - Preliminary Development Plan
17. Case No. PZ18-17C – The Woods At Creekside - Conditional Use Permit
18. Case No. PZ18-17E – Creekside Commons - Zoning Map Amendment
19. Case No. PZ18-17F – Creekside Commons - Preliminary Development Plan
20. Case No. PZ18-18A – Creekside Industrial - Zoning Map Amendment
21. Case No. PZ18-18B – Creekside Industrial - Preliminary Development Plan
22. Professional Resume – Stephen Lachky, Community Development Director
23. Professional Resume – Alysén Abel, Public Works Director
24. Professional Resume – Nathan Hladky, City On-Call Engineer, Phelps Engineering, Inc.
25. Planning and Zoning Commission (September 11, 2018) Regular Meeting Minutes
26. Planning and Zoning Commission (September 11, 2018) Regular Meeting Video Recording, Part 1 (<https://vimeo.com/289405189>)

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27. Planning and Zoning Commission (September 11, 2018) Regular Meeting Video Recording, Part 2 (<https://vimeo.com/289404155>)
28. Planning and Zoning Commission (September 11, 2018) Regular Meeting Video Recording, Part 3 (<https://vimeo.com/289404863>)
29. Exhibits presented to Planning and Zoning Commission at September 11, 2018 public hearing
30. Planning and Zoning Commission (October 9, 2018) Regular Meeting Minutes
31. Planning and Zoning Commission (October 9, 2018) Regular Meeting Video Recording (<https://vimeo.com/parkvillemo>)
32. 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 PRELIMINARY DEVELOPMENT PLAN FOR OLD TOWN AT CREEKSIDE, A PLANNED COMMERCIAL DEVELOPMENT CONSISTING OF RETAIL, MIXED-USE, RESTAURANT AND OTHER COMMERCIAL USES ON 38.12 ACRES, MORE OR LESS, GENERALLY LOCATED ON THE SOUTHEAST QUADRANT OF THE INTERSECTION OF I-435 AND HIGHWAY 45 ALONG BRINK-MYER ROAD

WHEREAS, the subject property area proposed for preliminary development plan contains one parcel – Platte County parcel #20-4.0-19-000-000-008.001 (38.12 acres, more or less); all of which is depicted in Exhibit A and attached hereto and incorporated herein by reference; and

WHEREAS, Brian Mertz, Parkville Development 38, LLC submitted an application for Preliminary Development Plan (Case No. PZ18-16B) for a planned commercial development consisting of retail, mixed-use, restaurant and other commercial uses on 38.12 acres, more or less, generally located on the southeast quadrant of the intersection of I-435 and MO-Hwy 45 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, City staff reviewed the application according to Parkville Municipal Code Title IV – Development Code, Section 403.040 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 Preliminary Development Plan and, following the conclusion of the hearing, recommended approval, subject to conditions, by a vote of 7-2; and

WHEREAS, the Board of Aldermen has reviewed and considered staff's conclusions and recommendation, the information provided to the Planning and Zoning Commission, the Planning and Zoning 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 preliminary development plan for Old Town at Creekside, a planned commercial development consisting of retail, mixed-use, restaurant and other commercial uses on 38.12 acres, more or less, generally located at the southeast quadrant of the intersection of I-435 and Highway 45 along Brink-Myer Road. (Case No. PZ18-16B) is hereby approved, subject to conditions by the Board of Aldermen, including:

- Re-plat of the subject property area, prior to construction permits being issued, to ensure the subject property area is properly subdivided to allow for the proposed preliminary development plan.
- Submittal of a final stormwater drainage study with revised/updated best management practices (BMP) calculations. This study shall be reviewed and approved by the Public Works Department.
- 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.
- Names be provided for all private streets / private drives (per 911 Master Street Address Guide address range requirements) as necessary. The requirement will be reviewed by the City's Building Official prior to final development plan approval.
- The applicant coordinates with the City Public Works Department and Platte County Parks and Recreation Department regarding implementation of the proposed multi-use trail along Brush Creek. This includes evaluating the need for a public parking trailhead on either The Meadows at Creekside or Old Town at Creekside developments.
- Any comments or details in the preliminary development plan not addressed per the City staff, City Engineer, or On-Call City Engineer review comments (see Exhibits H, I and J), be addressed and reflected in the final development plan (Ex: Topographic contours labels, line symbols, dimensions/specifications, site data, site labeling).
- Any subsequent Applications for Final Development Plan or Major Site Plan — for the Old Town at Creekside planned commercial development in its entirety or its individual lots — go before the Planning and Zoning Commission for approval; with the Planning and Zoning Commission as the “Decision Making Authority” and Board of Aldermen as having “Appeal of Decision” authority per Table 403-1: Procedures Summary of Parkville Municipal Code Title IV – Development Code.
- The design standards identified in the preliminary development plan become requirements for approval.
- The proposed 45' buffer along Brink-Meyer Road be a raised berm.
- The applicant consider eliminating the private streets along Lot 4 (central green).
- Hotel be limited in design to only include internal corridors.
- Up to 20% of the proposed parking be increased in size to 10' x 18 1/2' while maintaining the minimum count requirements as set out in the Development Code.
- The applicant presents a plan to use the existing open space identified in the project behind the proposed hotel location to be developed as access to the proposed trail with future plans to use the area as a trailhead.

SECTION 2. The preliminary development plan shall be effective immediately upon its passage and approval.

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

Exhibit C

Tract VIII - Commercial - Plan



Application #: PZ-18-16B
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) 741-0018

Application for Preliminary Development Plan
Pre-application meeting required per Parkville Municipal Code Title IV, Section 403.010, Subsection C.

1. Applicant/Contact Information

Applicant(s)
Name: Parkville Development 38, LLC
Company: c/o Brian Mertz
Address: 7607 NW John Anders Road
City, State: Kansas City, MO 64152
Phone: _____ Fax: _____
E-mail: bmertz1@kc.rr.com

Owner(s), if different from applicant
Name: Brinkmeyer Investors, LLC
By: James Nichols
Company: Brinkmeyer Investors LLC
Address: 12220 State Line Road
City, State: Leawood, KS 66209
Phone: _____ Fax: _____
E-mail: _____

Engineer/Surveyor(s) preparing plans & legal desc.
Name: Steve Warger
Company: Renaissance Infrastructure Consulting
Address: 5015 NW Canal Street, Suite 100
City, State: Riverside, MO 64150
Phone: (816) 800-0950 Fax: _____
E-mail: swarger@ric-consult.com

Contact Person, if different from applicant
Name: Patricia R. Jensen, Esq.
Company: White Goss, a Professional Corporation
Address: 4510 Belleview 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 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) [Signature] Date: 8/3/18
Brinkmeyer Investors, LLC.
Property Owner's Signature (Required) [Signature] Date: 9-4-18

2. Property Information

Property address and general location: Southeast corner of 45 Highway and I-435 (about 38 acres)
Legal description (may be attached): See attached
Description of proposed use(s): General Business with Plan
SEE ATTACHED CHART
Zoning district: B-2-P Lot coverage: _____
Gross acreage of lot: 38.1211 Density/Intensity: _____
Open space acreage: _____ Net acreage of lot: _____
Proposed block and lot pattern: _____ Building types/scale: _____

3. Factors affecting the project

Are any public improvements required for this project? Yes
Explain (may be attached): Water and Sewer Improvements

4. Public Realm

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

Functions of proposed new roadways: Serve commercial development

Proposed surface material: Asphalt Maximum grade: 10

General design characteristics, open spaces, civic spaces and circulation network:

Treed area next to creeks/boundary detention

Are area streets and utilities sufficient to serve the property once developed? Yes

(Note: a traffic study may be required in order to adequately address this question)

Explain: _____

Attach a stormwater management study showing facilities/improvements needed to handle stormwater adequately.

Attach a narrative addressing:

1. How the plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the goals of the Master Plan, and based upon generally accepted planning and design practice.
2. How the benefits from any flexibility in the standards proposed in the plan promote the general public health, safety and welfare of the community, in particular areas immediately near or within the proposed project, and not strictly to benefit the applicant or single project.
3. How the benefits from any flexibility in the standards proposed in the plan allow the project to better meet or exceed the intent statements of the base zoning district(s) and the standards proposed to be modified when applied to the specific project or site.
4. How the plan reflects generally accepted and sound planning and urban design principles with respect to applying the Master Plan and any specific plans to the area.
5. How the plan meets all of the review criteria for a zoning map amendment.

5. Checklist of required submittals

- Completed application, including site plans with all required details and supporting data.
- Nonrefundable application fee of \$300.00. Will provide check once Stephen Lackey reviews and determines total costs. Will provide check once Stephen Lackey reviews and determines total costs.
- Six (6) copies 24" x 36" size, or larger sets, and one (1) electronic set (PDF format) of the site plan and elevations for staff and service providers to review.
- Authorization signature of the applicant and owner of record of the property.
- If subject to covenants and/or deed restrictions, signed approval of the association/entity enforcing such. - Have copies in office

For City Use Only

Application accepted as complete by: Stephen Lackey, Community Development Director _____
Name/Title Date

Application fee payment: Check # _____ AA 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: _____

Application Narrative

Tract VIII – (Commercial)

The requested zoning is B-2-P, General Business District to allow commercial and residential uses. This application is in conjunction with a master planned development that has been discussed with City of Parkville staff. The surrounding parcels are a convenience store, large acre parcels and residential.

Tract VIII (Commercial)

Land Area 38.05

Areas and density

Gross area 38.05

Area of right of way 3.88

Net area 34.17

Square Feet of Buildings 133700.00

Density in Units per acre 3513.80

Parking

On site 1399

Off site 0

Total Parking 10.46

Streets

Public

Width of Right of way NA

Width of street NA

Sidewalk width NA

Street horizontal radius NA

culdesac radius

Right of way NA

Back of curb NA

Design speed 25 mph

Tract VIII

TITLE COMMITMENT DESCRIPTION

All that part of the Northeast Quarter of Section 19, Township 51, Range 34, Platte County, Missouri, described as follows: Beginning at the Southeast Corner of the North Half of the Southwest Quarter of the Northeast Quarter of said Section 19; thence North 88 degrees 25' 57" West, along the South line of the North Half of the Southwest Quarter of the Northeast Quarter of said Section 19, a distance of 1319.77 feet, to the Southwest Corner of the North Half of the Southwest Quarter of the Northeast Quarter of said Section 19 thence North 01 degrees 44' 44" East, along the West line of the Northeast Quarter of said Section 19, a distance of 1032.73 feet; to a point 14.22 chains or 938.52 feet South of the Northwest Corner of the Northeast Quarter of said Section 19; thence South 88 degrees 29' 47" East, a distance of 379.76 feet; to a point near the centerline of an old road; thence South 24 degrees 52' 02" West, along the centerline of said old road a distance of 130.37 feet; thence South 04 degrees 31' 07" West, along the centerline of said old road, a distance of 196.86 feet; thence South 40 degrees 16' 34" East, along the centerline of said old road a distance of 71.23 feet; to a point in the centerline of Brush Creek; thence North 11 degrees 45' 48" East, along the centerline of said Brush Creek, a distance of 218.54 feet; thence North 15 degrees 59' 46" East, along the centerline of said Brush Creek, a distance of 159.29 feet; thence North 63 degrees 30' 18" East, along the centerline of said Brush Creek a distance of 200.39 feet; thence North 87 degrees 07' 14" East, along the centerline of Brush Creek a distance of 28.50 feet; thence North 23 degrees 41' 58" East, along the centerline of said Brush Creek a distance of 43.72 feet; thence North 01 degrees 54' 34" West, along the centerline of said Brush Creek a distance of 45.25 feet; thence North 13 degrees 24' 51" East, along the centerline of said Brush Creek a distance of 68.00 feet; thence North 33 degrees 36' 26" West, along the centerline of said Brush Creek a distance of 103.52 feet; thence North 03 degrees 01' 42" East, along the centerline of said Brush Creek a distance of 72.95 feet; thence North 61 degrees 55' 28" West, along the centerline of said Brush Creek a distance of 54.49 feet; thence North 22 degrees 42' 18" West, along the centerline of said Brush Creek a distance of 153.72 feet; thence North 07 degrees 15' 22" West, along the centerline of said Brush Creek a distance of 54.27 feet to a point on the South Right-Of-Way line of Missouri Highway 45; thence South 89 degrees 59' 59" East, along the Southerly Right-Of-Way line of said Missouri Highway 45 a distance of 201.32 feet; thence North 64 degrees 44' 37" East, along the Southerly Right-Of-Way line of said Missouri Highway 45 a distance of 108.99 feet; thence South 89 degrees 54' 16" East, along the Southerly Right-Of-Way line of said Missouri Highway 45, a distance of 134.95 feet; thence South Off 00' 00" East a distance of 187.51 feet; thence South 45° 00' 00" East, a distance of 161.94 feet; thence South 89° 53' 05" East a distance of 273.18 feet, more or less, to a point on the line of the Northwest Quarter of the Northeast Quarter of said Section 19; thence South 01' 43' 41" West, along the East line of the West Half of the Northeast Quarter of said Section 19, a distance of 1412.29 feet more or less to the point of beginning. Except that part in roads.