



Planning & Zoning Commission
Regular Meeting Agenda
City of Parkville, Missouri
Tuesday, July 10, 2018 @ 5:30pm
City Hall Boardroom

1. Call to Order
2. Roll Call
3. General Business
 - A. Approve the Agenda
 - B. Approve the minutes from the June 12, 2018 regular meeting of the Planning & Zoning Commission
4. Unfinished Business
 - A. None
5. Public Hearing
 - A. Request to amend Parkville Municipal Code, Title IV, Section 402.010 Definitions and Section 406.010 Old Town District – OTD, Subsection E. to add a definition and provisions for murals. #PZ18-19; *City of Parkville, Applicant*
6. Regular Business
 - A. None
7. Other Business
 - A. Upcoming meetings & dates of importance:
 - Board of Aldermen Meetings: Tuesday, July 17, and August 7, 2018 at 7:00 p.m.
 - Board of Zoning Adjustment Meeting: July 18, 2018
 - Planning & Zoning Commission Regular Meeting: Tuesday, August 14, 2018 at 5:30 p.m.
8. Adjournment

Post Date & Time: _____ By: _____

**Minutes of the
Planning & Zoning Commission Regular Meeting
City of Parkville, Missouri
Tuesday, June 12, 2018 at 5:30pm
City Hall Boardroom**

1. CALL TO ORDER

Chairman Katerndahl called the meeting to order at 5:30 p.m.

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman
Keith Cary, Vice Chairman
John Delich
Walt Lane (absent with prior notice)
Barbara Wassmer
Doug Krtek
Shane Saeed
Kim Verhoeven (absent with prior notice)
Michael Wright

A quorum of the Planning & Zoning Commission was present.

Staff Present:

Stephen Lachky /Community Development Director
Shakedra Knight /Assistant to Director of Community Development

3. GENERAL BUSINESS

A. Approval of June 12, 2018 Planning & Zoning Commission meeting Agenda.

Chairman Katerndahl called for questions. Seeing none he called for a motion to approve the agenda.

Commissioner Krtek moved to approve the agenda, Commissioner Wassmer seconded. Motion passed: 7-0.

B. Approval of the minutes from the May 8, 2017 Planning & Zoning Commission meeting.

Chairman Katerndahl called for questions. Seeing none he called for a motion to approve the minutes.

Commissioner Smeed moved to approve the agenda, Commissioner Krtek seconded. Motion passed: 7-0.

4. UNFINISHED BUISNESS

A. None

5. PUBLIC HEARING

- A. Application for a Conditional Use Permit (CUP) to construct a new public utility water well along the Missouri River, generally located in the southwest corner of Platte Landing Park, 300 South Main St., Parkville, Mo.

Chairman Katerndahl introduced the item and then asked Director Lachky to present. Lachky illustrated a map of Platte Landing Park and gave a background on the applicant's request. He explained that the typical lifespan of a well was 20-30 years and, as service needs increased, new wells would be needed. The applicant negotiated with the county for easements for future wells. He said the city acquired and now owned the land. Lachky explained that one well had been replaced, another was decommissioned and that there were three wells to date. He detailed the process staff took in working with the applicant to select a site for the new well and noted the considerations of location away from the 5k/10k course and screening options that were addressed in doing so. Current zoning, area plans, and the Parks Master Plan were reviewed in considering the application. The applicant created a concept plan for screening and the Community Land and Recreation Board will review the applicant's request to provide specific recommendations regarding tree species. The subject property is in the floodway and additional regulations were reviewed. It was pointed out that an application for variance would not be needed unless the applicant was unable to get a no-rise certification. The CUP request was made for twenty years considering the lifespan of wells. Staff's recommended approval of the applications with the added conditions of the twenty-year timeframe and screening.

Discussion ensued regarding erosion control, current and future landscaping, and intention for existing wells.

Chairman Katerndahl invited the applicant to speak. Roger Sparks with Missouri American Water introduced himself. He stated he was in agreement with whatever landscaping CLARB suggested and explained frustrations with the current screening. He also explained the plans to remove the decommissioned wells and erosion control plans.

Chairman Katerndahl opened the meeting for public comment.

Resident Tom Hutsler asked why the subject property location was selected for the well. The applicant answered that attractive geology and the easements were already negotiated were the reasons the location was chosen.

Chairman Katerndahl called for additional comments. Seeing none he closed the public hearing.

Discussion ensued regarding the condition of the culvert and crossing as a result of the Missouri American Water project.

Chairman Katerndahl called for questions. Seeing none he called for a motion.

Commissioner Delich moved to approve the Application for Conditional Use Permit (CUP) to construct a new public utility water well along the Missouri River, generally located in the southwest corner of Platte Landing Park, 300 South Main St., Parkville, Mo. subject to staff recommendations and the resolution of issues regarding right of way taken and issues with engineering detailing and complying with standards. Commissioner Wright seconded. Motion passed 7-0.

Director Lachky explained the item would go before the CLARB the following day and the focus would be on aesthetics. The item would then be considered on the June 19, 2018 Board of Aldermen meeting.

6. REGULAR BUSINESS

A. None

7. OTHER BUSINESS

A. Mural Discussion

Community Development Assistant Knight explained the need to develop language in the Development Code to address mural standards and introduced the discussion. Director Lachky detailed the options to consider and discussion ensued regarding the matter.

B. Upcoming meetings & dates of importance:

- Board of Aldermen Meetings: Tuesday, June 19 and July 3, 2018 at 7:00 p.m.
- Board of Zoning Adjustment Meeting: June 26, 2018
- Planning & Zoning Commission Regular Meeting: Tuesday, July 10, 2018 at 5:30 p.m.

8. ADJOURNMENT

Chairman Katerndahl called further discussion. Seeing none he called for a motion to adjourn.

Commissioner Krtek moved to adjourn, Commissioner Delich seconded. Motion passed: 7-0. Meeting adjourned at 6:30 p.m.

Submitted by:

Stephen Lachky
Community Development Director

6-12-18
Date

Shakedra Knight
Community Development Assistant

6-12-18
Date

DRAFT



Staff Analysis

- Agenda Item:** **5.A**
- Proposal:** Request for text amendment to Parkville Municipal Code, Title IV, Section 402.010 Definitions and Section 406.010 Old Town District - OTD.
- Staff Recommendation:** Approval
- Case No:** PZ18-19
- Applicant:** City of Parkville
- Exhibits:** A. This Staff Analysis
 B. Application for Text Amendment
 C. Proposed Text Amendment
 1. Section 402.010 Definitions, Subsection A.
 2. Section 406.010 Old Town District, Subsection E.
 D. "OTD" Old Town District Boundary Map
 E. Additional exhibits as may be presented during the meeting
- By Reference:** A. Parkville Municipal Code, Title IV – Development Code in its entirety (<https://parkvillemo.gov/download/Ord2884.pdf>)
 1. Section 402.010 Definitions
 2. Section 406.010 Old Town District - OTD
 B. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>)
 C. Vision Downtown Parkville (<http://parkvillemo.gov/download/VisionDowntownParkville.pdf>)
 D. Ordinance No. 2815 - Amending Municipal Code Section 442.050 to clarify the regulation of architectural styles, design features, building materials and to clarify regulation of paint colors in the "OTD" Old Town District
 E. Hearing notice published in The Landmark newspaper on July 4, 2018
 F. Summary of Public Hearing posted on Parkville City webpage (<http://parkvillemo.gov/public-hearings/>)
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Background

Staff was contacted by the Main Street Parkville Association (MSPA) regarding the City requirements and processes for painting murals on buildings in downtown Parkville. Over the years, two murals have been painted on the sides of buildings — specifically the American flag on the side of the American Legion building (11 Main St.), as well as the wings mural by artist Tricia Szasz on the side of Old Town Sweets & Antiques building (7 Main St.). These murals were painted at the request of downtown property owners, merchants, and MSPA; and MSPA has received inquiries and support for additional murals to be painted for the upcoming 2018 Parkville Days event in August. Additionally, staff was contacted by the owner of Parkville Mini

Golf regarding requirements and processes for painting a mural on the side of their fencing adjacent to NW Mill St.



View of 11 Main St.



View of side of 7 Main St.

Due to demand and strong support for the allowance of murals in downtown Parkville, specifically the “OTD” Old Town District, staff is proposing a text amendment to define “mural” in the Development Code, as well as the inclusion of regulations pertaining to their allowance and approval.

Overview

On June 16, 2015 the Board of Aldermen adopted design guidelines to clarify the regulation of paint colors in the “OTD” Old Town District via Ordinance No. 2815 (see Exhibit D by Reference). Staff analysis and policy reports detailing the ordinance explain how prior to June 16, 2015 there wasn’t clear guidance regarding preferred or required colors or design objectives, making it difficult for building owners, merchants, staff, the Planning and Zoning Commission, and Board of Aldermen to implement design guidelines consistently. Prior language encouraged, “visually breaking up monotonous facades to create visual interest, particularly at the street level,” and to use, “colors complimentary to those used in surrounding buildings.”

Staff reviewed regulations for other commercial downtown districts in the Kansas City region, and in most cases paint color was not regulated. In instances where paint color was regulated, it applied to historic districts, maintaining the architectural style of the building, and preventing elements such as brick and stone from being painted. Staff also looked towards *Vision Downtown Parkville* for guidance; however, the plan provided no consensus on specific regulations, standards or color pallets.

Ordinance No. 2815 encourages owners to use “historically appropriate” color schemes and contrasts, paint only “traditionally painted materials” (e.g., wood), and to only paint brick and stone when already painted prior to June 16, 2015 (unless expressly approved by the Planning and Zoning Commission). Moreover, logos, images, patterns (e.g., stripes, dots, and waves) are permitted, as long as they’re in accordance with the City’s signage standards. During the June

9, 2015 meeting of the Planning and Zoning Commission, former Community Development Director Sean Ackerson explained how the ordinance serves as a “stop gap” for individuals painting images/patterns on their buildings to serve as signage & advertising.

Staff reviewed mural regulations in communities throughout the Kansas City region, including the cities of Kansas City, Mo.; Lee’s Summit, Mo.; Independence, Mo.; Blue Springs, Mo.; Raytown, Mo.; and Lawrence, Kan. In most cases, murals are treated as “works of art” and are permitted on primary facades, backs of buildings and in alleyways. Logos or emblems used in murals must meet their city’s signage standards — elements exceeding these signage standards must be approved by the Planning Commission (Example: Exceeding the permitted height, area, and/or number of signs allowed). The City of Lee’s Summit, Mo. contains the most comprehensive ordinance for murals, regulating their placement, type, surface, maintenance, design standards, and approval. Staff, along with the City’s legal counsel, have reviewed this ordinance and incorporated many parts/elements into the proposed text amendment (see Exhibit C).

Staff Conclusion and Recommendation

Staff recommends approval of the proposed text amendment to Parkville Municipal Code, Title IV, 402.010 Definitions and Section 406.010 Old Town District – OTD. Consideration of a text amendment requires a public hearing. Required public hearing notices were published and no comments have been received as of the date of this staff analysis report. It should be noted that the recommendation contained in this report is made without knowledge of any facts and testimony which may be presented during the public hearing, and that the conclusions herein are subject to change as a result of any additional information that may be presented.

Necessary Action

Following consideration of the proposed text amendment, the factors discussed above and any testimony presented during the public hearing, the Planning and Zoning Commission must recommend approval (with or without conditions) or denial of the text amendment, unless otherwise postponed. Unless postponed, the Planning Commission’s action will be forwarded to the Board of Aldermen along with any explanation thereof for final action. Additionally, the Planning Commission’s action will be forwarded to the Main Street Parkville Association (MSPA) for consideration at their July 11, 2018 meeting.

End of Memorandum



07-05-18

Stephen Lachky, AICP, CFM
Community Development Director

Date



Application #: PZ18-19
Date Submitted: 06/18/2018
Public Hearing: 07/10/2018
Date Approved:

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

Application for Text Amendment
Applicable to Chapters, Sections and Subsections within Parkville Municipal Code Title IV Development Code

1. Applicant / Contact Information

Applicant(s)

Name: Joe Parente
Address: 8880 Clark Ave
City, State: Parkville, MO
Phone: (816) 741-7676 Fax: (816) 741-1300
E-mail: jparente@parkvillemo.gov

Primary Contact(s), if different from applicant(s)

Name: Stephen Lachky
Address: 8880 Clark Ave
City, State: Parkville, MO
Phone: (816) 741-7676 Fax: (816) 741-1300
E-mail: slachky@parkvillemo.gov

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 all text amendments are subject to statutory requirements and 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 shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature (Required) [Signature] Date: July 2, 2018

2. Proposed Text Amendment

The following information may be submitted on a separate sheet if necessary.

Amendment proposed to (Chapter, Section and Subsection number): Section 402.010 Definitions; Section 406.010 OTD
Section / Subsection Title: A. Defined Terms; E. Design and Performance Criteria

Existing text: c. Original materials such as brick and stone that are traditionally left unpainted shall only be painted when already painted prior to the effective date of Ordinance No. 2815 (June 16, 2015), or when expressly approved by the Planning and Zoning Commission, as necessary, to unify disparate parts of a building that have been altered or expanded over time.

Proposed text: Mural. Any painting, fresco, decoration, mosaic or similar art form intended for décor/commemoration applied to a wall, fence or structure.

- e. Murals may be painted on walls, fences or structures — provided the design is permitted by the property owner, approved by the Main Street Parkville Association and Planning and Zoning Commission.
i. Murals deemed advertising signs or billboards are not permitted.
ii. Murals shall not imitate public safety, traffic control or public information signs.
iii. Murals shall not contain vulgar and/or offensive words or pictures.
iv. Murals shall not contain obscene or offensive material of a sexual nature.
v. Murals shall be kept in good condition and preserved in the manner in which they were originally created.

Reason for amendment:

Request from Main Street Parkville Association (MSPA), downtown Parkville property owners and merchants; as they have inquired about painting murals on walls, fences and structures within the "OTD" Old Town District. As it exists today, Section 406.010 does not address murals.

3. Potential benefits / effects

Generally, amendments are evaluated based on whether their benefit will likely outweigh any potential pitfalls, and their ability to implement community goals and objectives and improve the existing code. Describe below or on a separate sheet potential benefits and effects of the proposed amendment.

General benefits to property and residents in the City of Parkville (i.e., does the amendment make the code conform more closely with the City's Master Plan; improve public health, safety or general welfare; clarify or better implement the intent of the Code; or other):

The proposed text amendment establishes a definition and provisions for murals to be painted on walls, fences or structures throughout the "OTD" Old Town District. General benefits would be adding painting, fresco, decoration, mosaic or similar art forms to enrich the atmosphere of downtown and making it a more vibrant, diverse and unique destination.

General effects to property and residents in the City of Parkville:

Murals would be visible depending on their orientation on walls, fences or structures; and can add literacy, artistic, political and/or scientific value to a community. It is important for murals not to have negative/adverse effects on abutting properties or be detrimental to the public health, safety or welfare; for this reason, both the Main Street Parkville Association (MSPA) and the Planning and Zoning Commission will be responsible for approving the design.

4. 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 notice per Parkville Municipal Code Title IV, Section 403.010, Subsection E.

For City Use Only

Application accepted as complete by: Stephen Lachky, Community Development Director June 18, 2018
Name/Title Date

Application fee payment by N/A Check # _____ M.O. _____ Cash

Accepted by: Stephen Lachky, Community Development Director June 18, 2018
Name/Title Date

Hearing notice published in: _____ Date of publication: _____

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: _____

Section 402.010. Definitions

- A. **Defined Terms.** All terms used in these regulations shall have their commonly accepted meaning based upon the context of their use within this code. The following terms shall have the meaning given below, unless more specifically described, limited or qualified within the standards of this Code

Mural. Any painting, fresco, decoration, mosaic or similar art form intended for décor/commemoration applied to a wall, fence or structure.

Section 406.010 Old Town District - OTD

- E. **Design and Performance Criteria.** Buildings and sites shall be designed to meet the following performance standards. Any exceptions or discretionary approvals shall be judged against these design and performance standards.
1. All buildings and sites shall promote vibrant streetscapes with active uses and attractions located in storefronts of buildings, frequent windows, and a repetitive pattern of doors which are the primary entrance.
 2. For new construction, a building must incorporate architectural styles, design features, building materials and accents that are compatible with original materials used throughout the surrounding block. For alterations or expansions, the materials and design should be consistent with the original building elements and characteristic of the building period, and should not cover, destroy or otherwise minimize original architectural elements.
 3. As a general rule, buildings must maintain similar base courses, cornice lines and horizontal lines of windows complementary to those used in surrounding buildings.
 4. Buildings must not have long, monotonous, uninterrupted walls or roof planes visible from the street or other public rights-of-way. Building walls more than 15 feet in length must include elements that add architectural interest and variety such as projections, recesses, offsets, windows, painted features or blank window openings trimmed with frames, sills or lintels.
 5. Facades visible from the public right-of-way should be architecturally emphasized through the arrangement of windows, entrance treatments and details.
 6. Light fixtures attached to the exterior of buildings should be compatible with the style, materials, colors and details of the building and the character of the district.
 7. Walls and fences should be architecturally compatible with the style, materials and colors of the principal building on the same lot.
 8. With the exception of the following, paint color is considered to be a matter of choice, and has no bearing on the preservation of structures.
 - a. Owners are encouraged to use historically appropriate colors schemes and contrasts, including use of primary building colors with trim, doors, awnings and other accents in complimentary colors.
 - b. Only traditionally painted materials, such as wood, should be painted.
 - c. Original materials such as brick and stone that are traditionally left unpainted shall only be painted when already painted prior to the effective date of Ordinance No. 2815 (June 16, 2015), or when expressly approved by the Planning and Zoning Commission, as necessary, to unify disparate parts of a building that have been altered or expanded over time, **or as an approved mural.**
 - d. Inclusion of logos, images, or patterns, including but not limited to stripes, dots, waves, and similar patterns, used primarily to attract attention to a structure shall not be permitted unless approved as signage in accordance with Chapter 410.
 - e. **Murals may be painted on walls, fences or structures — provided the design is permitted by the property owner, recommended by the Main Street Parkville Association and approved by the Planning and Zoning Commission.**
 - i. **Murals deemed advertising signs, billboards or graffiti are not permitted.**
 - ii. **Murals shall not imitate public safety, traffic control or public information signs.**
 - iii. **Murals shall not contain vulgar and/or offensive words or pictures.**
 - iv. **Murals shall not contain obscene or offensive material of a sexual nature.**
 - v. **Murals shall be kept in good condition and preserved in the manner in which they were originally created.**

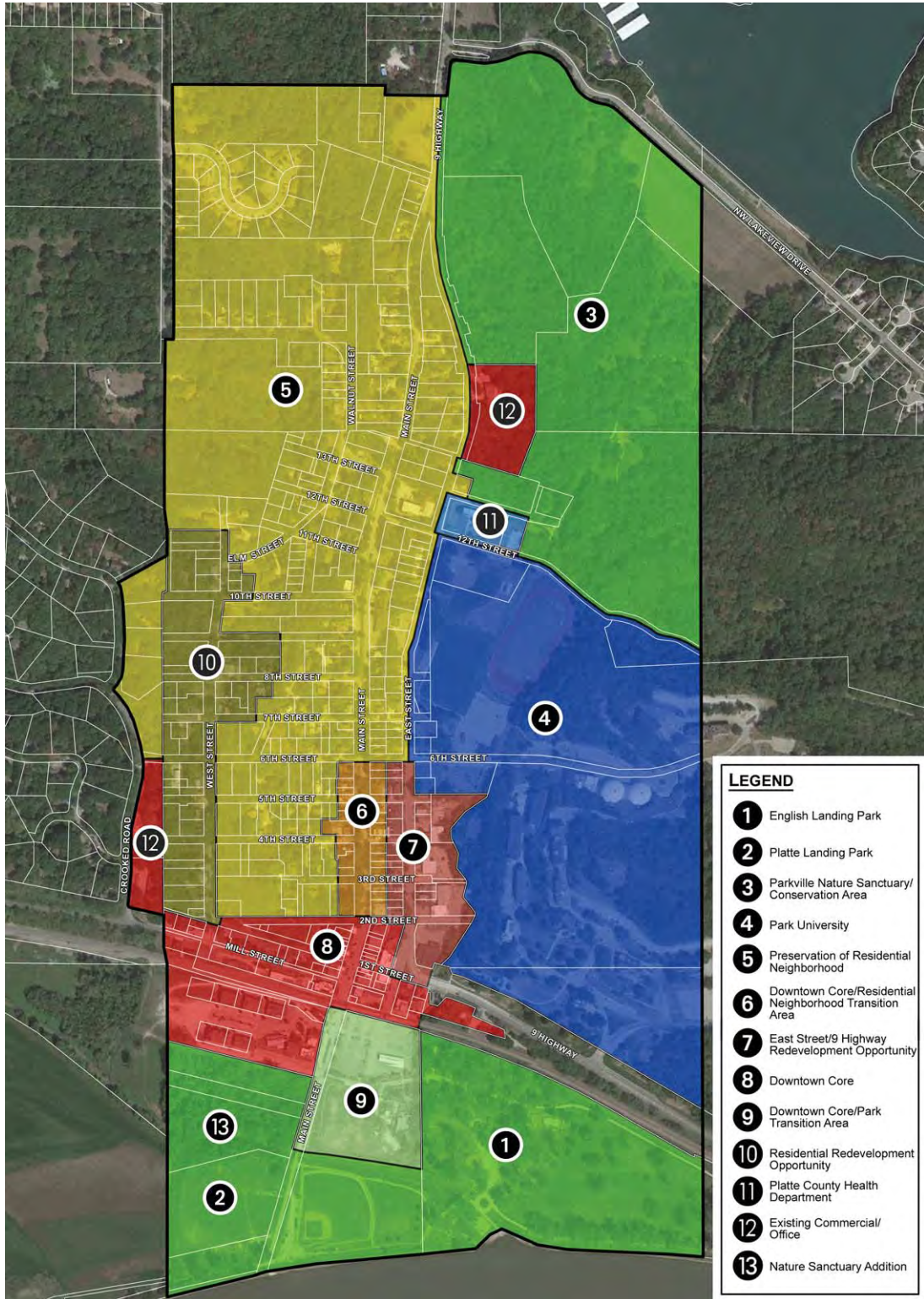
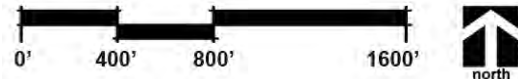


Fig. 3.4 – Future Land Use Zones Diagram



"OTD" Old Town District includes zones 6, 7, and 8 on the map