

**Minutes of the  
Planning & Zoning Commission Regular Meeting  
City of Parkville, Missouri  
Tuesday, September 12, 2017 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 (arrived at 5:33pm)  
John Delich  
Walt Lane (arrived at 5:33pm)  
Barbara Wassmer  
Doug Krtek  
Shane Smeed  
Kim Verhoeven (absent)  
Michael Wright

A quorum of the Planning & Zoning Commission was present.

Staff Present:

Stephen Lachky / Community Development Director  
Alysen Able/ Public Works Director  
Shakedra Knight /Assistant to Director of Community Development

**3. GENERAL BUSINESS**

**A. Approval of September 12, 2017 Planning & Zoning Commission meeting Agenda.**

Chairman Katerndahl called for discussion of the proposed agenda. Chairman Katerndahl proposed to amend the agenda by addressing items 5A and 5B after 4B to allow public comments. Chairman Katerndahl called for a motion to approve the agenda.

**Commissioner Delich moved to approve the agenda with the amendment, Commissioner Wassmer seconded. Motion passed: 6-0.**

**B. Approval of the minutes from the July 11, 2017 Planning & Zoning Commission meeting.**

Chairman Katerndahl called for discussion of the minutes or changes needed. Commissioner Krtek pointed out two corrections needed. Chairman Katerndahl called for a motion to approve the minutes with corrections.

**Commissioner Krtek moved to approve the minutes, Commissioner Wassmer seconded. Motion passed: 6-0.**

**4. PUBLIC HEARING**

- A. Application for Zoning Map Amendment for parcel #20-4.0-18-000-000-036.000 (6.9 acres, more or less) — generally located at the southern termination of Naylor Rd, west of 435 and south of HW 152 and north of HW 45, from County “R-80” Rural Single Family District to “R-1” Single Family Residential. #PZ17-07B; *Heritage Landscape/ Danny Tinsley, Applicant*

Chairman Katerndahl introduced the first items to be addresses and noted that items 4A and 4B referenced the same property. Next, he invited Director Lachky to present on the matters.

Director Lachky gave an overview of the last meeting including the history of Heritage Landscape and services offered. He reviewed the public notice process and confirmed it was followed. Lachky explained the Board of Aldermen approved a text amendment to Parkville Municipal Code for conditional uses allowing for garden centers, landscape centers, nurseries, and related uses in residential districts. He added that the applicant was seeking approval for rezoning and conditional use permit. Lachky illustrated the proposed location and explained the property retained County zoning after City annexation in May 2000. He referenced the Future Land Use map to illustrate garden centers, landscape centers, and related uses were allowed in residential districts. Criteria from the City development code were reviewed to show whether a zoning map amendment was appropriate. Consistency with the Master Plan, character of the neighborhood, compliance of the development code, City ability to provide services, effect on adjacent properties, and consistency with other adopted policies were addressed by staff. Director Lachky reviewed staff conclusions and then presented staff recommendation to approve the application for zoning map amendment.

Director Lachky introduced the second application from the applicant, the application for conditional use. He covered the proposal of using the site as a landscape center. Commissioner Krtek asked clarification that discussion was for an amendment; Director Lachky stated rezoning and zoning amendment were the same action. Lachky continued presenting on the conditional use application. He began by showing images of the current location and explained the applicant desired flatter topography due to wear and tear to truck fleet. He showed images of the proposed location, surrounding property, and the road leading to it. He presented and explained the concept plan, reviewed the public notice process and then addressed staff review criteria. Consistency with the Master Plan and compliance with development code were addressed. Director Lachky stated a replat may be necessary due to side setback requirements. Site specific conditions were deferred to the Commission to consider impacts. Missouri Department of Transportation determined no Traffic Impact Study was needed in response to staff review of impact on the public realm. Adequate utilities were reviewed. Platte County Regional Sewer District reported sewer utilities would need to be extended to the site. Compatibility in site design and operation characteristics was reviewed. Staff recommended the length of the conditional use permit be 20 years, the same as the recently approved conditional use permit for By The Blade landscaping service to operate out of an existing single-family home in Parkville. Prevented development of neighboring property was discussed. Staff reached out to David Barth, owner of over 318 acres of

undeveloped land immediately west of the subject properties; Mr. Barth stated he had no issues with the proposal since it would add a quality business to the area. Director Lachky concluded his presentation and made himself available for questions.

Chairman Katerndahl called for additional question from the Commission.

Discussion ensued regarding the current road status of the subject property and the process moving forward regarding design plans.

Chairman Katerndahl invited the applicant to speak.

Randy and Michael Purdue and Danny Tinsley approached the podium. They generally spoke on building intentions and construction of the bins.

Chairman Katerndahl called for additional questions from the Commission. Seeing none he opened the meeting for public comment.

Resident James Rawlings approached. He generally spoke his opposition of approval due to the narrow road, traffic and safety of the kids.

Discussion ensued on the matter of road conditions and traffic volume.

Resident Jada Rawlings approached the Commission. She generally spoke on loss of property if the road was widened, increased traffic volume, and safety for her children.

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

Director Lachky addressed the Commission to clarify public notice was sent to neighbor within 185 feet of the subject property as required. He also presented the option of a shorter CUP length.

Katerndahl called for additional questions from the Commission. Seeing none he called for a motion.

**Chairman Katerndahl moved to deny the Application for Zoning Map Amendment for parcel #20-4.0-18-000-000-036.000 (6.9 acres, more or less) – generally located at the southern termination of Naylor Rd, west of 435 and south of HW 152 and north of HW 45, from County “R-80” Rural Single Family District to “R-1: Single Family Residential, Commissioner Wassmer seconded. A roll call vote passed the motion to deny: 7-1.**

- B. Application for a Conditional Use Permit (CUP) to construct and operate a Landscape Center at 7900 Naylor Rd, Parkville, MO, in a City "R-1" Single-Family Residential District, on parcel #20-4.0-18-000-000-036.000 (6.9 acres, more or less) generally located at the southern termination of Naylor Rd, west of 435 and south of HW 152 and north of HW 45. #PZ17-07C; *Heritage Landscape/ Danny Tinsley, Applicant*

**Chairman Katerndahl moved to deny the Application for a Conditional Use Permit (CUP) to construct and operate a Landscape Center at 7900 Naylor Rd, Parkville, MO, in a City "R-1" Single-Family Residential District, on parcel #20-4.0-18-000-000-036.000 (6.9 acres more or less) generally located at the southern termination of Naylor Rd, west of 435 and south of HW 152 and north of HW 45. Commissioner Delich seconded. A roll call vote passed the motion to deny: 7-1.**

Director Lachky explained the recommendation to deny approval of both applications would go to the Board of Aldermen for final action on October 3, 2017 at 7pm.

Chairman Katerndahl introduced the next items to be addressed, 5A and 5B and explained the public would be allowed to speak.

- C. Request for text amendment to Parkville Municipal Code, Title IV, Section 405.010 Zoning Districts Established. #PZ17-15; *City of Parkville, Applicant*

Director Lachky gave an overview of the application request. He explained that some districts were established for City projects that never came to fruition. Those districts were removed in February 2017 with adoption of the new Zoning Code. Through updating the zoning map, staff discovered 13 parcels were rezoned "TND" in 2009 via Ordinance 2509 as a part of Parkville Connections. Lachky stated the "TND" was one of the districts removed from updated Zoning Code. Legal counsel was consulted and it was determined the "TND" functioned as a "legacy zoning" district. Counsel recommended implementing language into the current Development Code to provide clarification for future staff.

Chairman Katerndahl called for question. Discussion ensued regarding public notice.

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

**Commissioner Delich moved to approve Request for text amendment to Parkville Municipal Code, Title IV, Section 405.010 Zoning Districts Established, Commissioner Krtek seconded. Motion passed: 8-0.**

- D. Request to amend the Parkville Master Plan, Future Land Use map to reflect current zoning districts. #PZ17-16; *City of Parkville, Applicant*

Director Lachky presented information on the application. He stated the recently approved CBC APEX retail shopping center property was rezoned to "B-4-P". Two subject parcels were projected as Residential Neighborhood land use. In anticipation CBC Real Estate APEX would request tax incremental financing

incentives, legal counsel recommended the City amend the Future Land Use map projection for those two parcels to General Commercial.

Chairman Katerndahl called for questions. Discussion ensued on being proactive with those issues.

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

**Commissioner Wright moved to approve Request to amend the Parkville Master Plan, Future Land Use map to reflect current zoning districts, Commissioner Krtek seconded. Motion passed: 8-0.**

## **5. REGULAR BUSINESS**

- A. Application for Subdivision – Preliminary Plat for Cider Mill Ridge – Seventh Plat, a subdivision (34.87 acres, more or less) generally located to the south of the Cider Mill Ridge – Third Plat subdivision in Parkville, Mo. #PZ17-06A; *FiveStar Lifestyles, LLC, Applicant*

Director Lachky presented items 5A and 5B were related and would be reviewed together. He illustrated the subject property on the map and provided a detailed background on the National community unit plan which was approved by the Board of Aldermen in November 1998. Lachky reviewed proposed plans and covered staff review criteria. Compliance with the Master Plan and concepts of the plan was addressed. Development code compliance and phasing were reviewed. Lachky stated the applicant submitted a Stormwater & best management practices (BMP) Study. From that study Public Works Director, Alysen Abel, determined stormwater wet detention basins off-site could mitigate water runoff during a 100-year storm event and peak runoff times. Staff determined the application did not impede construction nor deter existing or future development on adjacent property based on the goals of the Master Plan. Fire Marshall, Dean Cull, concluded the width of the streets were wide enough to support turning movements for their standard Pierce Fire Truck and had no issues with proposed fire hydrant locations. Lachky summarized the requirements and presented staff's recommendation to approve the Application for Subdivision – Preliminary Plat. He explained the requirements for the Application for Subdivision – Final Plat were identical to the Preliminary and its purpose was to seek consistency with the Preliminary. Criteria reviewed for the final plat was covered. Review included consistency with layout and design, construction plans for utilities, and phasing and timing of public improvements. Staff determined extension of the gravity sewer was most logical with the proposed sanitary sewer improvements accepted by the Board of Aldermen in June 2017. Director Lachky stated per Parkville Municipal Code, Section 505.080, the Board of Aldermen must accept public improvements prior to the issuance of building permits. Per this section, the Board must also approve the maintenance bond in an amount equal to 50% of the cost, guaranteeing against defects in construction of streets for a period of 2 years. He added the applicant would be required to follow American Public Works Association (APWA) design standards and construction specifications with the improvements. After review, staff concluded there was no deviation from the

preliminary plat and the Fire Marshall was consulted during review. Lachky concluded with staff recommendation to approve the Application for Subdivision - Final Plat with the added condition that the City and Developer enter into a Right-of-Way Maintenance Agreement that outlines responsibilities for private improvements in public right-of-way.

Chairman Katerndahl called for questions from the Commission.

Discussion ensued regarding street access, opening the cul-de-sac, and traffic.

Katerndahl called for additional questions from the Commission. Seeing none he invited the applicant to speak.

Applicant, Dale Brouk, stated for clarification part of the sewer lines would go north and about 1/3<sup>rd</sup> would go south.

Chairman Katerndahl explained the public comments would be welcomed and asked that those speaking remain aware of time.

Resident Carol Broadway addressed the Commission. She presented a signed petition from neighbors and generally spoke about not being advised the cul-de-sac was temporary. She expressed safety for the children in the event the project moves forward.

Resident Ed Haverman addressed the Commission. He generally spoke about being told by the builder, Matt Taylor, that the road would never go through. He stated he was told the subject property would be a greenway into the next subdivision.

Discussion ensued regarding alternate options for developing the subject property.

Resident Harry Gutshall addressed the Commission. He generally spoke about the traffic issue of speed on Limestone Rd.

Commissioner Delich offered a summary to Mr. Gutshall and the public in attendance. He explained that although both are valid concerns, traffic volume and speed were not issues for the Commission to address. He stated the proposed plans were for logical development of undeveloped property and he considered the layout good planning. Delich proposed tabling the items for one month to address traffic concerns and alternate solutions.

Resident Don Ball spoke. He stated his issue with heavy traffic volume on Limestone Rd.

Resident Taylor Ahern addressed the Commission. She stated that increased traffic was from other residents who did not pay the NID tax for the road.

Vice Chair Cary reiterated the Commission was there to address the potential development of Cider Ridge 7<sup>th</sup> Plat which did not address the concern Ms. Ahern's expressed.

Resident John Baker approached the Commission. He suggested building a back to back cul-de-sac.

Resident Keith Phillips approached the Commission. He generally spoke regarding traffic volume and speed bumps.

Chairman Katerndahl stated the Commission could recommend a traffic study.

Resident Nancy Fahey generally spoke about new traffic volume, speed bumps, stop signs, and a traffic study.

Resident Tad Groves approached the Commission. He spoke about traffic and his property being affected by construction due to development.

Discussion ensued between the Commission and staff addressing actions on traffic concerns prior to the next meeting.

Resident Ryan Manley approached the Commission. He suggested abutting cul-de-sacs to prevent a through street.

Resident Antonija Nieto told the Commission she wanted the Five Star lifestyle she was promised.

Applicant Dale Brouk stated he would address traffic concerns and fire code requirements and present findings at the next Planning and Zoning Commission meeting.

Chairman Katerndahl called for a motion.

**Vice Chair Cary moved to continue the Application for Subdivision – Preliminary Plat for Cider Mill Ridge – Seventh Plat, a subdivision (34.87 acres, more or less) generally located to the south of Cider Mill Ridge – Third Plat subdivision in Parkville, MO to the next Planning & Zoning Commission meeting, Commissioner Delich seconded. Motion passed: 8-0.**

B. Application for Subdivision – Final Plat for Cider Mill Ridge – Seventh Plat, a subdivision (34.87 acres, more or less) generally located to the south of the Cider Mill Ridge – Third Plat subdivision in Parkville, Mo. *PZ17-06B; FiveStar Lifestyles, LLC, Applicant*

**Vice Chair Cary moved to continue the Application for Subdivision – Final Plat for Cider Mill Ridge – Seventh Plat, a subdivision (34.87 acres, more or less) generally located to the south of Cider Mill Ridge – Third Plat subdivision in Parkville, MO to the next Planning & Zoning Commission meeting, Commissioner Delich seconded. Motion passed: 8-0.**

Chairman Katerndahl reopened the public hearing to address items 4C and 4D.

**6. UNFINISHED BUSINESS**

A. None.

**7. OTHER BUSINESS**

A. Upcoming meetings & dates of importance:

- Board of Aldermen Meetings: Tuesday, October 3, 2017 at 7:00 p.m. and Tuesday, October 17, 2017 at 7:00 p.m.
- Board of Zoning Adjustment Meeting: Tuesday, September 26, 2017 at 5:30 p.m.
- Planning & Zoning Commission Regular Meeting: Tuesday, October 10, 2017 at 5:30 p.m.

**10. ADJOURNMENT**

Seeing no further discussion, Chairman Katerndahl called for a motion to adjourn.

**Commissioner Krtek moved to adjourn, Commissioner Wassmer seconded.**

**Motion passed: 8-0.** Meeting adjourned at 8:15 p.m.

Submitted by:

  
\_\_\_\_\_  
Stephen Lachky  
Community Development Director

9-12-17  
Date

  
\_\_\_\_\_  
Shakedra Knight  
Community Development Department Assistant

9-12-17  
Date