

**Minutes of the  
Planning & Zoning Commission Regular Meeting  
City of Parkville, Missouri  
Tuesday, October 10, 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  
John Delich  
Walt Lane (absent with notice)  
Barbara Wassmer  
Doug Krtek  
Shane Smeed  
Kim Verhoeven (absent with notice)  
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 October 10, 2017 Planning & Zoning Commission meeting Agenda.**

Chairman Katerndahl called for discussion of the proposed agenda. 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 September 12, 2017 Planning & Zoning Commission meeting.**

Chairman Katerndahl called for discussion of the minutes or changes needed. Seeing none he called for a motion to approve the minutes.

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

**4. UNFINISHED 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*

Chairman Katerndahl introduced the item and explained it was continued from the previous meeting to allow time to gather additional information. He said brief comments would be allowed and reminded citizens it was not a public hearing. Katerndahl turned the meeting over to Director Lachky. Lachky provided an overview, illustrated the 7<sup>th</sup> Plat on the map, and covered the public notice requirements. He listed residents' concerns brought up at the previous meeting and recapped the Commission's recommendation to postpone the item. Director Lachky covered information in the traffic study and told the Commission he was available for questions. He introduced third-party traffic engineer, Dave Mennenga. He said Mennenga had reviewed the information and there was reasonable assumption the data revealed cut-through traffic on South National Drive, which was a public street. Lachky asked if the Commission had questions before he moved on. He discussed enforcement strategy options to address the complaint about speeding. He said the City's Chief of Police did not recommend speed bumps as the data did not warrant them. He added that Public Works Director Abel reviewed additional traffic calming options and based on data they also were not warranted. Lachky said staff would continue to monitor the area. He said if future development warranted, enforcement strategies would be reconsidered.

Director Lachky presented alternate design options to the proposed design, which were requested by the Commission at the previous meeting. He illustrated option #1 and explained it was not acceptable per the International Fire Code, Section D107, because it restricted access the 58 lots to only one point of entry. He said our Police Department also reviewed that option and said it was their least favorite as it added additional time needed to respond to an emergency within the subject area. Lachky showed option #2 and explained it could serve as a traffic calming measure. He added staff did not like the design and explained the 50 ft. spacing between the two roundabouts was too close and not supported by engineering design standards. Lachky said the design also created additional maintenance for Public Works. He said staff contacted third-party engineering firm for a second opinion and George Butler Associates agreed with staff's determination. Director Lachky presented the third alternate design and explained it included traffic calming mechanisms. He said it was staff's preferred option, as well as the City's Public Works Department, Police Department and Southern Platte Fire Protection District. He said staff would require the developer enter into a right-of-way maintenance agreement with the city outlining responsibilities for private improvements in the public right-of-way. He confirmed the center island would not be a deterrent to emergency respondents.

Commissioner Delich asked what kind of curb would be installed around the island. Director Abel replied it would be a lazy-back, low profile curb.

Director Lachky concluded with staff's recommendation and explained the process in the event the application was approved.

Chairman Katerndahl invited the applicant to speak. Dale Brouk said they tried to come up with a solution that would work for everyone he agreed with the design layout.

Katerndahl invited the public to comment.

Resident Ryan Manley questioned why the street had to be open. He said there was no code stating it and that it was the Fire Marshall's preference. He offered other options. Director Lachky explained why those options were not preferred.

Discussion ensued regarding the applicant's intent to develop through the cul-de-sac.

Director Abel confirmed the Fire Code required 20 homes for a dead end and any more than that required two points of access.

Resident John Baker said the cul-de-sac was never discussed, he was deceived, Ahern's house forced residents to discover the street would go through, and he did not feel public works was for the residents.

Resident Ed Haverman generally spoke on the emergency road option. He said he had a conversation with the Fire Department and they had no problem with the cul-de-sac. He asked the Commission to consider option #1.

Resident Carol Broadway said she was previously a realtor, she sought a realtor attorney to look at the plat and was told there were none in Missouri, she was never told the street would go through and there would be an increase in traffic that new home owners would complain about.

Vice Chair Cary initiated discussion regarding delineators.

Commissioner Wright asked the size of the diameter of the island in the middle of the cul-de-sac. Director Abel answered it was a 12 ft. radius. He asked whether it could be increased to contribute to traffic calming. Abel said her concern was with fire trucks being able to Autoturn. Applicant Brouk said he would make the island as big as requested. Abel said she recommends whatever the Fire Marshall recommends.

Commissioner Wright said he had a fundamental problem with adding 58 new properties and forcing the vehicular traffic from those residences through one exit.

**Commissioner Wright moved approve to 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. design option #3, with potential to maximize center radius landscape island per Code and Fire Department and island radius no more than 30”, Commissioner Delich seconded. A roll call vote passed the motion: 7-0.**

- A. 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*

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

**Commissioner Delich moved approve to 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. on the same basis as Item 4A, Commissioner Wassmer seconded. Motion passed: 7-0.**

## **5. PUBLIC HEARING**

- A. Request for text amendment to Parkville Municipal Code, Title IV, Section 405.020 Districts & Uses, Table 405-2: Use Table, to allow *Recreation – Indoor, Limited* uses in the “OTD” Old Town District as a conditional use (C) subject to the discretionary review process in Section 403.050. #PZ17-18; *City of Parkville, Applicant*

Director Lachky introduced the application and explained the request. He said staff was contacted by WERQ Fitness about operating a business out of 113 Main St and gave a background on potential uses with the request. Indoor recreation examples include a small bowling alley, fitness club, billiard hall, martial arts centers, yoga or dance studio. Lachky explained current development code did not permit those uses in “OTD” and there were two currently in operation, Om Prana Yoga & Consultants and Catherine’s Dance Studio. He said staff found those uses were generalized under “personal service uses” in the old Development Code and the businesses would not be allowed to operate under the new code.

Lachky showed the proposed property and the Districts & Uses table and then explained the uses allowed in OTD. He said staff reached out to Main Street Parkville Association (MSPA) and learned they preferred requests for those establishments be addressed on a case by case basis.

Lachky gave staff’s recommendation to allow Indoor Recreational Uses through a conditional use permit and explained the process for addressing future request. He followed up with research done by staff. He noted two things addressed in Vision Downtown Parkville (2014); existing primary niches were recommended to continue and expand and recreation-based niches like a yoga studio or fitness center could play a growing role in business mix. Lachky addressed the Main Street First Floor Retail ordinance in his final comments. He pointed out MSPA strongly supported the ordinance which impacted the request from WERQ Fitness. He also read comments of opposition from The Middle KC business owner.

Chairman Katerndahl called for question.

Commissioner Delich asked whether retail and beverage services were likely to benefit as a result of the requested use. Lachky said it was dependent on each individual case.

Delich asked about parking accommodations. Lachky said code required nine spaces but there was an exemption for the proposed location due to existing building construction.

Chairman Katerndahl clarified the two separate issues before the Commission. One was allowance of limited indoor recreation in the entire OTD and second was addressing future conditional use permits if the text amendment was approved. Vice Chair Cary stated the current request was solely to approve or deny the text amendment which Lachky confirmed.

Commissioner Krtek asked clarification that MSPA was primarily concerned with the area located from the railroad tracks north. Lachky confirmed it was from the tracks to Second Street and clarified the restrictions from the ordinance.

Chairman Katerndahl called for additional questions. Seeing none he opened the floor for public comment.

Owner of WERQ Fitness, Haley Stone was invited to speak. She provided the history and details of her business. She said it entailed online classes and retail, ecommerce from athletic wear, and fitness classes. She explained she had a contract on the proposed location. She described her understanding of permitted uses and conversations with staff regarding the text amendment and application process.

Katerndahl asked Stone if she had addressed the concerns of the retail issue. Stone said it was the main topic discussed when she met with Michael from The Middle KC, Mike from Edward Jones, and Kelly Putnam with MSPA. She added there was a retail component to her business but the original plan included fitness classes.

Commissioner Wassmer asked Stone if she had considered the potential noise disturbance to adjacent businesses. Stone said she had not yet come to that issue and she was open to discussion. Hours of operation were brought up. Stone said she considered neighboring businesses and would mirror those operation hours.

Parkville Artisan Studio owner, Trisha Szasz, stated her concerns with parking and noise. She said Parkville was a "day trip destination" and her goal was to keep it that way. She said she had no objection to a fitness center in English Landing Center. Commissioner Wright asked Szasz if she would have a parking concern with any type of business at 113 Main. She said she would not because traffic would not come in waves.

Resident and business owner, Hilary Murray, addressed the Commission. She said the "compelling" reason should be the focus in amending the text. She said indoor recreational use should not be allowed in OTD because it did not generate sales tax.

Haley Stone reiterated there was a retail component to her business and it would generate sales tax.

Commissioner Smeed asked clarification on the retail ordinance boundaries which Lachky illustrated.

Discussion ensued regarding the impact of the requested amendment on the retail ordinance. Lachky explained applications would be reviewed on a case-by-case basis. He added that individual conditions could be required for each as deemed appropriate.

Commissioner Krtek stated his concern for allowing time for the ordinance to produce results. He also addressed his concern for business owners having to come in for every conditional use permit.

Katerndahl asked if there was an option to restrict the limited indoor recreation to a specific area in OTD. Lachky stated it was possible. Krtek referred to the letter submitted by MSPA and pointed out it strongly supported the non-retail ordinance adopted in 2015.

Katerndahl said he was 100% in support of the retail ordinance but he felt that not approving the amendment limited the opportunities for others not along Main Street who were struggling. He asked about excluding the retail area for the allowed use.

Commissioner Wright asked clarification on MSPA support. Lachky explained initial support was offered throughout OTD and then changed to exclude the retail ordinance area upon meeting with their broader membership.

Lachky said he would check with the City attorney on the legality of restricting the amendment to an area. Krtek clarified the Commission was making a recommendation and the Board would decide.

**Commissioner Wright moved to approve the Request for text amendment to Parkville Municipal Code, Title IV, Section 405.020 Districts & Uses, Table 405-2: Use Table, to allow *Recreation – Indoor, Limited* uses in the “OTD” Old Town District as a conditional use (C) subject to the discretionary review process in Section 403.050, excluding the Main Street First Floor Retail Ordinance area, Chairman Katerndahl seconded. A roll call vote passed the motion: 5-1 - Commissioner Delich abstained.**

- B. Application for a Conditional Use Permit (CUP) to construct a Tylon T200 self-supporting SCADA communications tower at utility water well no. 7 in Platte Landing Park at 300 South Main St., Parkville, MO.#PZ17-20; *Missouri American Water Company, Applicant*

Chairman Katerndahl introduced the item and invited Director Lachky to present. Lachky began with a background on the applicant. He illustrated the current and proposed locations of the supervisory control and data acquisition (SCADA) communications tower, explained the need to relocate it and the reasons the proposed location, next to existing utility well no. 7, was preferred. Lachky presented images of the type of tower proposed and explained why it was chosen. He said the tower allowed the applicant to monitor water in real time and needed to be relocated prior to demolition of the old tower in order to continue operations. He said locations in English Landing Park and Downtown Parkville were considered. Lachky showed pictures of the proposed tower and possible landscape/screening. He addressed security fencing, landscaping, aesthetics, federal requirements and safety standards. Director Lachky gave staff's recommendation and said he and the applicant were available for questions.

Discussion ensued regarding aesthetics.

Applicant Scott Keith said staff did well covering the details and he agreed painting the tower was not a good idea.

Commissioner Wassmer said the tower looked unsightly and asked whether the applicant considered installing it by the boat ramp.

Keith said other locations were considered and the proposed locations was idea because the well, fiber optics, power, security and generator were already there.

Cary asked how flooding would affect the tower. Keith said the generator would not be used in the event of a flood and operation could continue in manual mode.

**Commissioner Delich moved to approve the Application for a Conditional Use Permit (CUP) to construct a Tylon T200 self-supporting SCADA communications tower at utility water well no. 7 in Platte Landing Park at 300 South Main St., Parkville, MO, subject to staff recommendations, Commissioner Smeed seconded. Motion passed: 7-0.**

- C. Application for a Conditional Use Permit (CUP) to allow offsite storage, staging and assemblage of heavy equipment & materials for public utility & infrastructure construction, fronting on or with reasonable access to a State or County highway on parcel #20-3.0-07-000-003.001 (34.66 acres, more or less), generally located at the northwest corner of I-435 and MO-Hwy 152, northeast of the intersection of MO-Hwy N and NW Jones-Meyer Rd in Parkville, Mo. #PZ17-19, Jim Guffey, Applicant

Director Lachky provided a brief background on the application and property. He stated the subject property was approved for a special use permit issued by Platte County and originally used as a storing/staging area for construction equipment. After City of Parkville annexation that use was deemed incompatible with projected future uses, but suitable until the area redeveloped. In May 2014 the applicant requested a two-year term for a conditional use permit with future renewals if determined that the use continued to have no adverse impacts. The Board of Aldermen approved ordinance no. 2761 in June 2014; the permit expired in June 2016.

Lachky noted a separate, unrelated matter that upon a recent site visit staff discovered the low-water crossing culvert failed. Staff met with the Corps of Engineers and as a condition of approval the applicant must bring it up to standard.

Director Lachky presented aerial and street view photos of the property and illustrated uses. He explained the application was essentially a renewal of the permit that expired and had gone through the process of public notice and hearing. He also acknowledged public questions and comments were received and addressed by staff. Lachky explained the permit allowed staff to review the renewal every two years for impacts. He concluded that staff's recommendation to approval the application with conditions.

Chairman Katerndahl called for question from the Commission.

Discussion ensued regarding the renewal process.

Chairman Katerndahl invited the applicant to speak.

Jason Hill with JDJ Commercial Properties introduced himself to the Commission. He said Missouri Department of Transportation (MODOT) and Platte County store equipment on the subject property as a courtesy.

Chairman Katerndahl called for questions from the Commission. Seeing none he invited the public to comment.

Resident Curt Aldridge generally spoke about his concerns of keeping the tradition and agricultural spirit of the area preserved.

Commissioner Krtek asked confirmation the property was zoned Commercial. Director Lachky responded it was "B-2" Commercial and detailed allowed uses.

Resident Laurie Lewis presented photos of the view of the subject property area. She generally spoke about her concerns with changes that came with new ownership, environmental issues, dirt hauled in and dammed water.

Resident John Carter stated his opposition for approving the application. He detailed his concerns about increased dust level, lack of water access on the property, safety (traffic) and interest in what public utility projects the applicant was involved in. He also said free storage for MoDot and Platte County was a conflict of interest.

Resident Gail Lemon addressed the Commission. She stated her recent concerns since the change in ownership and detailed her issues with dangerous traffic. She said the applicant let the permit lapse, things had change, and the application was no longer appropriate for the area.

Discussion ensued regarding changes between previous and current ownership.

Chairman Katerndahl invited Hill to answer questions from the Commission. Hill detailed public utility and infrastructure projects and explained the feasibility of storing machines and equipment on the property. Hill also listed other contributors to increased traffic in the area. He said the property was used to store rock, haul dirt and detailed additional uses. He also described actions taken to address and repair the rotted culvert. Hill said he had no intentions of developing the property and planned to continue current uses until area development began. He offered the Commission to review Phase I Environmental reports regarding environmental safety on the property.

Discussion ensued regarding clarification of storage, staging and assemblage, and construction on the subject property.

Discussion ensued regarding the permit renewal oversite.

Hill confirmed he had no intention of installing a self-contained sewer plant on the property and that no chemical processing was done on site.

Discussion ensued regarding the renewal time period.

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

**Commissioner Wright moved to approve the Application for a Conditional Use Permit (CUP) to allow offsite storage, staging and assemblage of heavy equipment & materials for public utility & infrastructure construction, fronting on or with reasonable access to a State or County highway on parcel #20-3.0-07-000-000-003.001 (34.66 acres, more or less), generally located at the northwest corner of I-435 and MO-Hwy 152, northeast of the intersection of MO-Hwy N and NW Jones-Meyer Rd in Parkville, Mo, with the added condition the applicant come before the Commission every four years for renewal, Commissioner Delich seconded. A roll call vote passed the motion: 6-1.**

Director Lachky stated he would follow up regarding the issues of traffic safety.

## **6. REGULAR BUSINESS**

A. None.



**7. OTHER BUSINESS**

A. Upcoming meetings & dates of importance:

- Board of Aldermen Meetings: Tuesday, October 17, 2017 at 7:00 p.m. and Tuesday, October 31, 2017 at 7:00 p.m.
- Board of Zoning Adjustment Meeting: Wednesday, October 25, 2017 at 5:30 p.m.
- Planning & Zoning Commission Regular Meeting: Tuesday, November 14, 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 9:21 p.m.

Submitted by:

  
Stephen Lachky  
Community Development Director

10-10-17  
Date

  
Shakedra Knight  
Community Development Department Assistant

10-10-17  
Date