

**Minutes of the
Planning & Zoning Commission Regular Meeting
City of Parkville, Missouri
Tuesday, April 11, 2017 at 5:30pm
City Hall Boardroom**

1. CALL TO ORDER

Chairman Katerndahl called the meeting to order at 5:33 p.m.

2. ROLL CALL

Commissioners Present:

Dean Katerndahl, Chairman

Keith Cary, Vice Chairman (absent with prior notice)

John Delich

Walt Lane

Barbara Wassmer (absent with prior notice)

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

Chris Williams/ City Attorney

Alysen Abel/ Public Works Director

Shakedra Knight / Community Development Assistant

3. GENERAL BUSINESS

A. Approval of April 11, 2017 Planning & Zoning Commission meeting Agenda.

Chairman Katerndahl called for discussion of the proposed agenda. Seeing none

Chairman Katerndahl called for a motion to approve the agenda.

Commissioner Krtek moved to approve the agenda, Commissioner Delich seconded. Motion passed: 6-0.

B. Approval of the minutes from the January 10, 2017 Planning & Zoning Commission meeting.

Chairman Katerndahl called for discussion of the minutes or changes needed.

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

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

Chairman Katerndahl opened the public hearing and read the two items to be addressed. He explained the format of the hearing would be the presentation from Community Development Director, Stephen Lachky, and the public would be invited to comment afterwards.

Chairman Katerndahl turned the meeting over to Director Lachky. Lachky introduced staff members who were present and then stated plans were available for the public to view.

4. PUBLIC HEARING

- A. Application for Zoning Map Revision (Rezoning) for two parcels containing 0.68 acres, more or less, generally located at the northwest corner of the intersection of Hwy 45 and N Melody Lane, from "R-1" Single-Family Residential District to "B-4-P" Planned Business District. *Case #PZ17-02A; CBC Real Estate Group, Applicant*

Director Lachky introduced both items to be presented. He illustrated the property on the map and gave the background on previous applications. Lachky showed each view of property boundaries and explained the location in relation to the project. The history of rezoning approved an ordinance in 2003, the initial plans were never carried out, and revised plans were submitted in 2005 and 2006. Issues with grading and erosion control resulted in a conservation easement that ensured the area was preserved with trees. Revised site plans were submitted several times since 2003 but no final development took place.

Director Lachky illustrated the two (2) parcels proposed to be rezoned and then presented staff review criteria. He explained how the application was consistent with the Master Plan. Widening 45 Highway and the recent population increase were criteria considered in relationship to the proposed district with existing and anticipated land use within surrounding districts. The character of the neighborhood was reviewed; surrounding areas were zoned "B-4-P" Planned Business and "R-1" Single-Family Residential Districts. Information on how the application furthered the intent of accommodating highway-oriented commercial activities was presented. Lachky explained how the proposed development met requirements of the development code; if rezoned, "B-4-P" allowed for retail and office/service uses proposed by the applicant. City or other government agencies were not significantly impacted in the ability of public and emergency services; responses from utility providers were included in the meeting packet. The effect on the condition or value of surrounding areas was addressed; rezoning would likely increase values of the two parcels because it would permit higher uses and a number of uses. Director Lachky noted public comments were included in the packet. He referenced a letter from Resident Youngblood who submitted references from two real estate agents. Both agents stated there may be some negative impact to residents in the vicinity as a result of the rezoning; noise and traffic were the impacts detailed. Consistency with other adopted policies of the City and other relevant implications beyond any specific proposed project was reviewed; the application was consistent with the Master Plan in those areas. Aside from staff's analysis and recommendations contained within the Parkville Master Plan, no other recommendations of professional staff or technical reviews associated with the application were referenced.

Director Lachky highlighted points covered in staff analysis; rezoning could accomplish goals of the Parkville Master Plan vision for the 45 Highway Corridor;

compatibility with adjacent land use immediately to the west; supported highway-oriented commercial activities; and no significant impact on the ability to provide public or emergency services. He concluded with staff's recommendation.

Lachky explained the process in the event the application was approved. He stated it would be forwarded to the Board of Aldermen for final action at the May 2, 2017 meeting. He also explained that time would allow residents and property owners who disagreed with the decision to submit a protest petition. Lachky then moved on to present the second application.

- B. Application for Preliminary Development Plan for CBC Real Estate APEX Plaza, a planned development for retail uses on five parcels of property (8.21 acres, more or less) at the APEX Plaza site generally located at the northwest corner of the intersection of Hwy 45 and N Melody Lane. *Case #PZ17-02B; CBC Real Estate Group, Applicant*

Director Lachky began by giving an overview of the applicant, CBC Real Estate. He pointed out the national company was based in Kansas City and then listed their specializations. He also mentioned previous retail clients and developments. The general layout of the proposed development consisted of approximately eight (8) acres subdivided into three (3) lots, to accommodate four (4) retail buildings and three (3) points of access from 45 Highway. Existing conditions were addressed; a home and garage would be demolished as part of the plan.

The first and second submissions of site plans were reviewed along with staff's preferences. Director Lachky stated the applicant tried to meet the intent of the city's subdivision requirements as much as possible, specifically vegetation, spacing, sidewalks, and meeting with emergency responders; the conservation easement was also discussed. He pointed out the applicant intended to meet some of the goals of the 45 Highway Corridor Plan. Grading plans were addressed as well as changes with the second submission; the applicant proposed to install an underground detention basin. Utility plans were also reviewed. Lachky stated staff was awaiting submission of the traffic impact study to review any needed improvements along 45 Highway.

Director Lachky provided criteria staff reviewed when considering preliminary development plans and then detailed the process. He explained the applicant was still working on final retail tenants and would need to submit an illustrative plan as a requirement with final development plans. The applicant had no plan to deviate from the district standards imposed by the Master Plan. The applicant made a diligent effort to comply with the Development Code with the exception of a parking modification request. The applicant intended to meet the requirements of the Master Plan for commercial use and Highway 45 Corridor Plan, which was a visual and aesthetics plan. Lachky stated the preliminary development plan was also reviewed against the City's applicable Development Code. Subdivision regulations and standards were pointed out; the applicant met the minimum corner radii amounts necessary. The development proposed to preserve the existing conservation easement. Final development plans would require the applicant meet the American Public Works Association (APWA) Standard Specifications and a final Stormwater Management Analysis indicating the

proposed detention could handle stormwater adequately. Lachky explained that all landscape materials needed to meet the American Standards for Nursery Stock (ASNS) when final development plans were submitted. He added that performance standards including buffers, screens, fencing and lighting were to be in compliance in final development submission. Access and parking were addressed; aside from the parking flexibility requested for the Lot 1 reduction of ten (10) spaces, the applicant planned to conform to all other requirements. Director Lachky noted staff comments that a dual axle Pierce fire truck clipped parts of the curb with turning movements; staff provided the applicant suggestions of installing rollback curbs or increasing the curb radius. Lastly, Lachky addressed sign standards. He stated developers usually submitted a Master Sign Plan since final tenants were unknown; he also stated the staff would follow the City's Sign Code.

Director Lachky discussed a possible issue of concern regarding the third access point on NW Melody Ln spilling out onto a residential street. He illustrated examples of other cities in the region where that was done.

Director Lachky highlighted points covered in staff analysis; the proposed Preliminary Development Plans met the goals of the Parkville Master Plan; it conformed to applicable zoning code regulations for "B-4-P" district; proposed a minor deviation; reflected sound planning and urban design principles related to Parkville Master Plan and Highway 45 Corridor Plan; met zoning map amendment review criteria; and applicable City subdivision regulations were met. He concluded with staff's recommendation and conditions.

Lachky addressed the traffic study concern. He stated staff had several meetings with Missouri Department of Transportation (MoDOT) and proposed access to the site met MoDOT spacing requirements. Also, MoDOT deed records showed the access was allowable. Lachky stated MoDOT staff was comfortable with the proposed plan and NW Melody Ln access; however, they wanted to see a traffic impact study to show no improvements were needed.

Director Lachky pointed out staff recommendation that the Planning and Zoning Commission be the decision making authority for the Final Development Plan applications. He reviewed the procedures process and noted that because Illustrative and Landscape Plans were significant and had not been submitted, staff recommended the Commission decided.

Chairman Katerndahl addressed the Commission for question before inviting public comments. Seeing none, he invited the developer, John Davis with Foresight Real Estate, to speak on behalf of CBC Real Estate.

Davis stated Director Lachky covered all relevant information and he would answer any question the Commission had. He addressed the concern regarding final tenants. He stated retail and a couple of restaurants, one high-turnover and one sit-down, were being considered; the final list would be determined once the plan was approved.

Chairman Katerndahl questioned whether high-turnover meant fast food. Davis replied the term referenced quick serve or drive-thru.

Commissioner Delich asked for an example of a tenant that matched the profile for 15,000 sq. ft. building. Davis stated a service retail that offered goods and services; he affirmed a hardware store could not be ruled out.

Delich referenced two proposed properties and asked the plan for service areas. Davis answered that would be included with final plans once the tenants were determined. He added service areas for similar properties were usually close to the building and well screened.

Commissioner Delich asked whether the proposed retaining walls were sufficient for stormwater management. Davis replied stormwater studies were still in progress. He referenced past projects and stated modular walls were installed with the opportunity for free flow of water. Delich asked about height of the walls. Davis answered the wall could be up to fifteen (15) feet; he assured it would be built with structural integrity. He also addressed the request for staff to consider underground detention for financial feasibility. Director Abel added a structural engineer would review the walls and provide calculations; she stated she had no concerns.

Commissioner Delich questioned whether the updated zoning code required cross sectional reference through the profile showing significant elevation changes. Director Lachky explained there was no code requirement but it could be added as a condition. He also stated it was hard to state with certainty whether the condition was necessary considering the site elevations were different.

Commissioner Wright asked whether the home at N Melody and Cross Road was owner occupied. Lachky stated the property at 6410 N Melody was owned by Renovations Investments, LLC and appeared to be a rental property.

Wright asked what was located immediately north of the proposed 15,000 sq ft property. Davis answered it was a vegetated slope that dropped off.

Wright asked the applicant needed access to the east of the site at Melody and 45 Hwy. Davis answered that past experience showed that more access reduced congestion. He added it would not be the primary entrance but would provide traffic relief.

Chairman Katerndahl asked whether the developer considered doing the project without the two parcels proposed to be rezoned. Davis replied he worked on behalf of the development team and was not involved in the real estate transaction. He stated he was not able to address the logic behind the approach.

Commissioner Wright confirmed whether a traveler from the west could only turn in through the Tract A entrance. Davis stated both Tract A and N Melody were options.

Wright pointed out the proposed retaining wall maximum height was 20 feet by 20 feet and asked whether that was accurate. Davis invited civil engineer, Kimberly Jackson, to address the issue. Jackson stated the retention wall would stem from existing grade in the back with substantial landscaping to buffer it. Davis clarified the wall would be built into the slope.

Commissioner Krtek asked whether City code required a third entrance. Director Lachky replied there was not.

Civil Engineer Jackson addressed the Melody Ln access point. She stated the traffic study was complete and added that entrance provided emergency vehicle access. Jackson stated the study showed no additional improvements were needed.

Chairman Katerndahl invited public comments.

Resident Sandra Ferguson introduced herself. She stated her issues with the dangers related to the intersection @ Melody Ln. School children who catch the bus along with lack of sidewalks were included in those dangers. Ferguson stated her concern with there being no traffic study and believed the third entrance created a danger zone. Shielding, wet/icy roads, and car accidents were also issues she presented.

Resident Harry Sievers introduced himself. He stated the two proposed properties should remain residential. Sievers generally talked about his issues with noise, trash pick-up, and dangers of Melody Ln when wet. Resident Sievers requested another public hearing once the Commission received additional plans. Chairman Katerndahl asked whether there would be another public hearing. Director Lachky stated the process did not include an additional public hearing. Katerndahl explained the public could submit comments to the Commission and City staff.

Resident Evalyn Allen approached the podium and introduced herself. She illustrated her home in relation to the proposed project on the map and then stated she was experienced with zoning changes and problems. Allen generally talked about her concern with a decrease in property value due to commercial development, traffic issues, potential crime, and neighborhood character. She asked that there be a balance between the needs of the residents and developer and requested a second public hearing after the traffic study.

Resident Steven Youngblood introduced himself. He showed his property on the map. He generally talked about how he felt the staff report was one-sided and did not address residents, traffic concerns, and decreased property valued. He also asked that staff considered holding an additional public hearing to allow the public to respond to the traffic study.

Resident Amanda Basri introduced herself and seconded the thoughts of her neighbors. She generally talked about her concerns with light and noise pollution and traffic.

Resident Pete Spires approached the podium. He generally talked about his concern regarding Melody Ln traffic.

Resident Karen Maag addressed the Commission. She generally spoke about her issues with noise, light, increased traffic, and crime.

Alderman Doug Wylie addressed the Commission. He pointed out a Conditional Use Permit was previously denied entrance into the business from Melody Ln due to it being a residential district. He stated his concern for the remaining corner home. Wylie stated he had email addresses for some residents and would forward information regarding upcoming Board of Aldermen meetings that would discuss the project. He questioned whether the public would be allowed to speak

at the BOA meeting. Director Lachky informed him the mayor had the authority to allow public comments at the meetings.

Diane Russell is the mother of a Parkville Heights resident. She questioned what times and days the traffic study was performed. Kim Jackson answered the study was completed according to design standards which included peak times Tuesday, Wednesday, and Thursdays.

Resident Jake Lowe questioned the approval process which Chairman Katerndahl explained.

Chairman Katerndahl closed the public hearing at 7:49 p.m. and then invited the Commission for questions.

Commissioner Delich questioned whether there would be improvements to the curbs and gutters on Melody Ln. Discussion ensued regarding the matter as well as the subject of the traffic study.

Chairman Katerndahl moved to deny the Application for Zoning Map Revision (Rezoning), Commissioner Lane seconded. A roll call vote failed the motion 2-4.

Commissioner Wright moved to approve the Application for Zoning Map Revision (Rezoning) as proposed, Commissioner Delich seconded. A roll call vote passed the motion 4-2.

Commissioner Delich moved to postpone the Application for Preliminary Development Plan to the next regular meeting of the Planning & Zoning Commission on May 9, 2017, and requested the applicant take the following actions in the meantime:

- 1. Submit a Traffic Impact Study to staff, and present the results of the study at the continued hearing.**
- 2. Prepare conceptual cross-section schematics of the site showing the proposed grading, detention area, landscaping and elevations of buildings in relation to the adjacent residential neighborhood.**
- 3. Provide more information at the continued hearing regarding unanswered questions of the Planning and Zoning Commission, specifically:**
 - a. What are the heights of the proposed detention area retaining walls?**
 - b. Where will signage be located?**
 - c. Where will landscaping for mitigation be located?**
 - d. Where will enclosures for trash pickups be located?**
 - e. Where will delivery service access be provided for each pad site?**
 - f. What is the rationale for having a 3rd point of access, off of N Melody Lane?**
- 4. Meet with the Parkville Heights Homeowners Association to discuss their concerns and answer any questions they may have.**

Commissioner Wright seconded. A roll call vote passed the motion 6-0.

5. REGULAR BUSINESS

A. None

6. UNFINISHED BUSINESS

A. None

7. OTHER BUSINESS

A. Upcoming Meetings & Dates of Importance:

- Board of Aldermen Meetings: Tuesday, April 18, 2017 at 7:00 p.m. and Tuesday, May 2, 2017 at 7:00 p.m.
- Board of Zoning Adjustment Meeting: Tuesday, April 25, 2017 - Cancelled No Agenda Item
- Planning & Zoning Commission Regular Meeting: Tuesday, May 9, 2017 at 5:30 p.m.

8. ADJOURNMENT

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

Commissioner Delich moved to adjourn, Chairman Katerndahl seconded. Motion passed: 6-0. Meeting adjourned at 8:26 pm.

Submitted by:


Stephen Lachky
Community Development Director

4-11-17
Date


Shakedra Knight
Community Development Department Assistant

4-11-17
Date