



PLANNING & ZONING COMMISSION

Regular Meeting Agenda
CITY OF PARKVILLE, MISSOURI
Tuesday, March 14, 2023 5:30 PM
City Hall Board Room

1. Call to Order

2. Roll Call

3. General Business

- A. Approval of the March 14, 2023, regular meeting agenda.
- B. Approve the minutes for the February 15, 2023, regular meeting

4. Unfinished Business

- A. An Application for Zoning Map Amendment for three (3) parcels of land generally located to the south of Thousand Oaks Phase 13B subdivision from Platte County "AG" Agricultural District to City of Parkville "R-3" Single-Family Residential. (Case No. PZ2023-01); *David Barth, Forest Park Development, Applicant.*
- B. An Application for Subdivision - Preliminary Plat for Thousand Oaks, 25th Plat, a subdivision (46.242 acres, more or less) consisting of 73 single-family residential lots and three (3) tracts of private open space, generally located to the south of Thousand Oaks Phase 13B subdivision. (Case No. PZ2023-02); *David Barth, Forest Park Development, Applicant.*

5. Public Hearing

- A. An application for a Conditional Use Permit (CUP) to allow a Lodging – Short-Term Rental use at 10875 Allen Way in Parkville, MO, in the "R-2-P" Single-Family Residential district on parcel no. 20-5.0-22-200-005-002.000 (0.2 acres, more or less), generally located to the east of the tennis courts at The National Golf Club of Kansas City. (Case No. PZ 2023-05); *Parkville Golf Lodge, LLC, Applicant.*
- B. An Application for a Conditional Use Permit for the construction of a new wireless communication tower on property owned by Park University. (Case No. PZ23-06); *New Cingular Wireless PCS, LLC, Applicant.*
- C. Request for text amendment to Parkville Municipal Code, Title IV, Section 405.020 Districts & Uses, Table 405-2: Use Table, to allow Education – Neighborhood School (<10 acres) uses in the "R-4" Mixed-Density Residential district as a permitted use (P); and to allow Education – Campus (> 10 acres) uses in the "R-4" district as a conditional use (C) subject to the discretionary review process in Section 403.050. (Case No. PZ 2023-10); *City of Parkville, Applicant.*
- D. Request for text amendment to Parkville Municipal Code, Title IV, Section 407.050 Stormwater Management to create Subsection C. Stream Buffer Protection, establishing

Posted Date & Time: March 13, 2023 1:00 p.m. By: BS

standards for stream buffer protection. (Case No. PZ 2023-11); *City of Parkville, Applicant*.

- E. Request for text amendment to Parkville Municipal Code, Title IV, Section 407.020 Landscape Design to establish standards for steep slope preservation. (Case No. PZ 2023-12); *City of Parkville, Applicant*.
- F. Request for text amendment to Parkville Municipal Code, Title IV, Section 404.020 Civic and Open Space System to establish standards for tree cover preservation. (Case No. PZ 2023-13); *City of Parkville, Applicant*.

6. Regular Business

- A. Application for Final Development Plan for Old Town at Creekside Oil Shop, a planned vehicle service/repair – limited use generally located at the southeast quadrant of the intersection of I-435 and MO-Hwy 45 in Parkville, MO 64152. (Case No. PZ23-07); *Brian Mertz, Parkville Dev. 38, LLC, Applicant*.

7. Other Business

- A. Upcoming meetings & dates of importance:
 - Board of Aldermen Meetings: Tuesday, March 21 and April 4 at 7:00 p.m.
 - Board of Zoning Adjustments Meeting: Tuesday, March 28 at 5:30 p.m.
 - Planning & Zoning Commission Regular Meeting: Tuesday, April 11 at 5:30 p.m.

8. Adjournment

**Minutes of the
Planning & Zoning Commission Regular Meeting
City of Parkville, Missouri**
Wednesday, February 15, 2023 5:30 PM
City Hall Board Room
City Hall Board Room

1. Call to Order

Chair Wright called the meeting to order at 05:30 PM.

2. Roll Call

Commissioners Present:

Michael Wright
Barbara Wassmer
Tim Cahill
R. Douglas Krtek
Allyson Berberich
Andrew Barchers
Gareld Butler

Absent:

Walt Lane
Spencer Keese

A quorum of the Commission was present.

Staff Present:

Stephen Lachky, Community Development Director
Rich Wood, City Attorney

3. General Business

A. Approval of the February 15, 2023, regular meeting agenda.

ACTION: R. Douglas Krtek moved to approve the agenda, Gareld Butler seconded.
Motion : 7-0.

AYES: Michael Wright, Barbara Wassmer, Tim Cahill, R. Douglas Krtek, Allyson Berberich, Andrew Barchers, Gareld Butler

NOES: None

ABSTAIN: None

B. Approve the minutes for the December 13, 2022, regular meeting

ACTION: Gareld Butler moved to approve the minutes, R. Douglas Krtek seconded.
Motion Passed: 7-0.

AYES: Michael Wright, Barbara Wassmer, Tim Cahill, R. Douglas Krtek, Allyson Berberich, Andrew Barchers, Gareld Butler

NOES: None

ABSTAIN: None

4. Unfinished Business

5. Public Hearing

- A. Request for text amendment to Parkville Municipal Code, Title IV: Development Code, Section 402.010 Definitions, Section 405.020 Districts & Uses, and Section 405.040 Standards Applicable to Specific Uses, to conform to new provisions of the Missouri Constitution pertaining to recreational marijuana. (Case No. PZ2023-03); *City of Parkville, Applicant.*

STAFF ANALYSIS & SUMMARY

Stephen Lachky, Community Development Director, presented an overview of the application. Mr. Lachky stated that zoning provisions for marijuana businesses needed to be updated from language reflecting only medical marijuana to add adult-use.

BOARD DISCUSSION & ANALYSIS

Commissioner Butler inquired about a local sales tax on recreational marijuana. Rich Wood, City Attorney, stated the City has not proposed a sales tax yet.

PUBLIC HEARING

No public comments.

MOTION

ACTION: Barbara Wassmer moved to approve the application, R. Douglas Krtek seconded. Motion Passed: 7-0.

AYES: Michael Wright, Barbara Wassmer, Tim Cahill, R. Douglas Krtek, Allyson Berberich, Andrew Barchers, Gareld Butler

NOES: None

ABSTAIN: None

- B. An Application for Zoning Map Amendment for three (3) parcels of land generally located to the south of Thousand Oaks Phase 13B subdivision from Platte County "AG" Agricultural District to City of Parkville "R-3" Single-Family Residential. (Case No. PZ2023-01); *David Barth, Forest Park Development, Applicant.*

STAFF ANALYSIS & SUMMARY

Mr. Lachky presented an overview of the applications for item 5.B. and 6.A. He stated that the current overall plan for the Thousand Oaks subdivision was developed in the early to mid 2000s. The proposed 25th Plat consists of 73 single-family residential lots and 3 tracts of private open space. The Plat also proposes a connection of N Nevada Ave to NW River Rd to the south. When portions of the subject property was annexed in 2000, it retained its county AG zoning designation. It will need to be rezoned prior to development within the City. The applicant is proposing to rezone the project area to R-3, as the surrounding areas are zoned. The future land use map projects this area as low-density residential, in which the R-3 zoning district is appropriate. Mr. Lachky stated the proposed plat met the Code requirements for R-3 height, area, and bulk standards.

QUESTIONS & CLARIFICATIONS

Chair Wright expressed concerns regarding traffic calming on Nevada Ave. Commissioners Butler and Wassmer concurred. Discussion ensued about the boundaries of the proposed rezoning. Commissioner Butler inquired about a waiver for reduced 20' front setbacks. Director Lachky stated they were not requesting that waiver for this plat. Commissioner Butler expressed concerns regarding streetlights. Director Lachky stated the developer is responsible for installing the streetlights and then the City accepts them.

PUBLIC HEARING

Jim Johnson, 5795 Thousand Oaks Drive, expressed concerns about traffic calming on Nevada Ave and Thousand Oaks Drive. Mr. Johnson expressed concerns with streetlights and the underground electrical (recommended conduit). He stated interest in future amenities for the subdivision. Mr. Lachky stated that the development code requires open space area, but not specific amenities.

BOARD DISCUSSION & ANALYSIS

Commissioner Butler expressed interest in planning for a future public park in western Parkville. The Board wanted the Applicant to be present prior to making a decision on the applications.

MOTION

ACTION: Allyson Berberich moved to postpone the application to March 14, 2023, Andrew Barchers seconded. Motion Passed: 7-0.
AYES: Michael Wright, Barbara Wassmer, Tim Cahill, R. Douglas Krtek, Allyson Berberich, Andrew Barchers, Gareld Butler
NOES: None
ABSTAIN: None

6. Regular Business

- A. An Application for Subdivision - Preliminary Plat for Thousand Oaks, 25th Plat, a subdivision (46.242 acres, more or less) consisting of 73 single-family residential lots and three (3) tracts of private open space, generally located to the south of Thousand Oaks Phase 13B subdivision. (Case No. PZ2023-02); *David Barth, Forest Park Development, Applicant.*

MOTION

ACTION: Andrew Barchers moved to postpone the application to March 14, 2023, Barbara Wassmer seconded. Motion Passed: 7-0.
AYES: Michael Wright, Barbara Wassmer, Tim Cahill, R. Douglas Krtek, Allyson Berberich, Andrew Barchers, Gareld Butler
NOES: None
ABSTAIN: None

7. Other Business

- A. Upcoming meetings & dates of importance:

- Board of Aldermen Meetings: Tuesday, February 21 and March 7 at 7:00 p.m.
- Board of Zoning Adjustments Meeting: Tuesday, February 28 at 5:30 p.m.
- Planning & Zoning Commission Regular Meeting: Tuesday, March 14 at 5:30 p.m.

8. Adjournment

ACTION: R. Douglas Krtek moved to adjourn, Barbara Wassmer seconded. Motion Passed: 7-0.

AYES: Michael Wright, Barbara Wassmer, Tim Cahill, R. Douglas Krtek, Allyson Berberich, Andrew Barchers, Gareld Butler

NOES: None

ABSTAIN: None

Chair Wright called further discussion. Seeing none, he called for a motion to adjourn.

Submitted by:

Stephen Lachky, AICP
Community Development Director

Date

Brad Stanton
Planner

Date



Staff Analysis

<u>Agenda Item:</u>	5.B and 6.A
<u>Proposal:</u>	Application for Zoning Map Amendment for three (3) parcels of land generally located to the south of Thousand Oaks Phase 13B subdivision from Platte County "AG" Agricultural District to City of Parkville "R-3" Single-Family Residential. Application for Subdivision - Preliminary Plat for Thousand Oaks, 25th Plat, a subdivision (46.242 acres, more or less) consisting of 73 single-family residential lots and three (3) tracts of private open space, generally located to the south of Thousand Oaks Phase 13B subdivision.
<u>Staff Recommendation:</u>	Approval (with conditions)
<u>Case No:</u>	PZ 2023-01 (Zoning Map Amendment) PZ 2023-02 (Subdivision – Preliminary Plat)
<u>Applicant:</u>	David Barth
<u>Owners:</u>	Forest Park Development LLC
<u>Location:</u>	Generally located to the south of Thousand Oaks Phase 13B subdivision
<u>Existing Zoning:</u>	Platte County "AG" Agricultural District
<u>Proposed Zoning:</u>	City of Parkville "R-3" Single-Family Residential
<u>Parcel #s:</u>	Platte County parcels # 20-9.0-29-000-000-007.000, # 20-9.0-29-000-000-010.000, # 20-9.0-29-000-000-010.001, # 20-9.0-32-000-000-005.000
<u>Exhibits:</u>	A. This Staff Analysis B. Applications 1. Zoning Map Amendment Application 2. Subdivision – Preliminary Plat Application C. Subject Area Property Map D. Rezoning Plan (submitted by Applicant) E. Preliminary Plat, Thousand Oaks 25th Plat (prepared by RIC, submitted by Applicant) F. Additional exhibits as may be presented at the public hearing
<u>By Reference:</u>	A. Parkville Municipal Code, Title IV – Development Code in its entirety (https://parkvillemo.gov/download/Ord2884.pdf) 1. Section 403.030 Zoning Map Amendment

2. Section 405.010 Zoning Districts Established
 3. Section 405.020 Districts & Uses
 4. Section 405.030 Standards Applicable to All Districts
- B. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>)

Comments

Received:

No written comments have been received by the Community Development Department as of the completion of this staff analysis on February 13, 2023.

Overview

The Thousand Oaks master development runs from NW Brink-Myers Road to the north, connecting to NW River Road to the south. Several phases have been developed in this area over the past two decades and the applicant is proposing one new phase connecting to the existing Thousand Oaks Phase 13B subdivision via an extension of Nevada Avenue, ultimately connecting it to NW River Road.

The Applicant has submitted an application to rezone the property from Platte County "AG" Agricultural District to City of Parkville "R-3" Single-Family Residential District. Concurrently, the Applicant has submitted an application to preliminarily plat 46.242 acres, more or less, into 73 single-family residential lots and three (3) tracts of private open space.

Rezoning

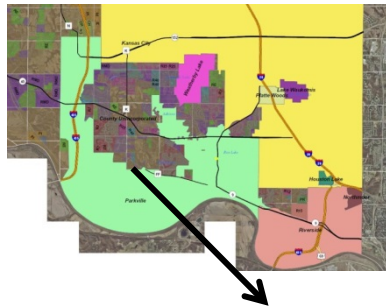
The applicant proposes to rezone a portion of three (3) parcels of land generally located to the south of Thousand Oaks Phase 13B subdivision and north of NW River Road from Platte County "AG" Agricultural District to City of Parkville "R-3" Single-Family Residential.

This application proposes rezoning the property to the City of Parkville's "R-3" Single-Family Residential District in order to match the existing zoning in adjacent subdivisions of Thousand Oaks. The applicant desires to subdivide the property for single-family homes as part of the Thousand Oaks master development, requiring the land to be zoned for residential uses. These parcels were previously zoned "AG" by Platte County and retained their County zoning designation upon being annexed into the city limits of Parkville, thus the property will require rezoning to a City zoning district prior to development.

The "R-3" Single-Family Residential district provides residential living in a moderate-density neighborhood setting and more community character, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods. This district should be used generally for a variety of residential neighborhoods throughout the City.

Preliminary Plat

The Applicant proposes to preliminarily plat a portion of five (5) parcels of land, 46.242 acres, more or less, into 73 single-family residential lots and three (3) tracts of private open space. Accordingly, the application proposes extending Nevada Ave from its current extent to intersect with NW River Road at the south.



Legend

Project Area



Exhibit C: Subject Area Property Map

Review and Analysis

The applications have been reviewed against the Parkville Municipal Code, including the applicable “R-3” zoning district regulations, the adopted *Parkville 2040 Master Plan* and its Future Land Use map.

Zoning Map Amendment (PZ-2023-01)

Parkville Municipal Code, Section 403.030, Subsection B. provides review criteria for how the Planning and Zoning Commission shall determine if a zoning map amendment is appropriate. The following are staff’s findings and conclusions.

- 1. The application is consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan, and in particular the relationship of land uses within the proposed district and relationship with uses existing or anticipated in surrounding districts.**

The *Parkville 2040 Master Plan* (adopted May 11, 2021) projects Low-Density Residential future land use for the subject parcel proposed for rezoning. This land use is primarily intended for single-family residential detached, single-family residential bi-attached, single-family residential +1 accessory dwelling unit, civic uses, schools and churches. The application is consistent with this land use projection.

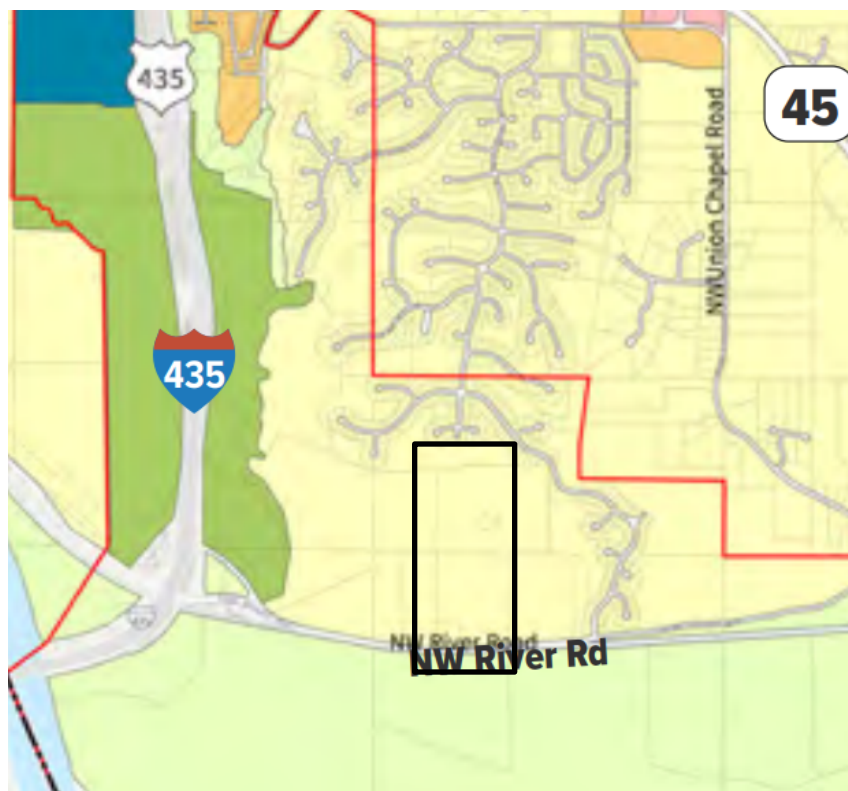


Figure 4.43 Future Land Use Map from the adopted *Parkville 2040 Master Plan*. The subject property parcel area is identified. The yellow color represents Low-Density Residential land use projection. The proposed “R-3” zoning district is consistent with the Low-Density Residential land use projection (yellow color).

Section 405.010 of the Development Code, specifically Table 405-1, finds the “R-3” zoning district applicable to the Low-Density Residential land use projection.

2. **The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; the zoning of property and compatibility of potential future uses; and the operation and uses of land and buildings.**

The character of the neighborhood immediately adjacent to and surrounding the subject property parcel can be characterized as Low-Density Residential land uses part of the Thousand Oaks master development. The design of streets, civic spaces and other open spaces; and the scale, pattern and design of buildings are compatible with the proposed “R-3” rezoning. Moreover, most of the adjacent land around the subject parcels are already zoned “R-3”.

To the north and east of the subject property is the existing low-density residential Thousand Oaks development (Phase 13B to the north and Thousand Oaks 16th and 19th Plats to the east). South of the property lies NW River Road right-of-way and agricultural farmland. West of the property are undeveloped and large-lot residential land uses.

3. **The application furthers the intent of the proposed zoning district and supports that of any abutting zoning districts, and in particular the building form, site design, and other development patterns and urban design aspects of the proposed project in furthering the intent.**

The Application for Zoning Map Amendment is proposed in conjunction with an Application for Subdivision – Preliminary Plat for the Thousand Oaks – 25th Plat (Case No. PZ 2023-02) which proposes lots for single-family detached houses, meeting the intent of the “R-3” district. Additionally, this rezoning is consistent with the overall zoning for other subdivisions and phases within the Thousand Oaks master development — including the immediately adjacent Thousand Oaks Sixteenth Plat subdivision to the east — within City of Parkville municipal limits. The subject property parcel will have similar, if not the same, height, area and bulk standards for lot sizes and building setbacks.

4. **Compliance of any proposed development with the requirements of the development code, and the intent or design objectives associated with any specific standards.**

The application for Zoning Map Amendment is proposed in conjunction with an Application for Subdivision – Preliminary Plat for the Thousand Oaks – 25th Plat (Case No. PZ 2023-02). If rezoned to the “R-3” district, any development will need to meet the standards of the Parkville Municipal Code, Title IV: Development Code. The Preliminary Plat is being reviewed for compliance with the Municipal Code concurrently with this application for Zoning Map Amendment.

5. **The ability of the City or other government agencies to provide any services, facilities or programs that might be required if the application were approved.**

The proposed rezoning does not appear to significantly impact the ability for the City or other governmental agencies to respond with public and emergency services; this includes police, fire and the ability to maintain the peace.

6. **The effect of approval on the condition or value of property in the city or in the vicinity including the likelihood of surrounding areas to be developed in accordance with the Master Plan.**

Approval of the Zoning Map Amendment will allow the subject property to be developed as single-family residences in accordance with the Parkville Municipal Code. Development of this area as low-density residential supports the likelihood of surrounding areas to be developed in accordance with the *Parkville 2040 Master Plan*.

7. **The consistency of the application with other adopted policies of the City, including any other relevant implications of the change beyond any specific proposed project.**

Aside from the application being consistent with the adopted *Parkville 2040 Master Plan*'s vision for Low-Density Residential future land use, as well as previously-approved rezonings for adjacent parcels, properties and plats part of the Thousand Oaks master development in western Parkville, Mo., the application is consistent with the previous Master Plans adopted in 2009 and in 1995. Both documents deemed the annexation of land west of Parkville municipal boundaries at the time to be reasonable and necessary for Parkville's future growth, specifically to meet the demands of future subdivision growth by providing more residential properties.

8. **The recommendations of professional staff or other technical reviews associated with the application.**

Aside from staff's analysis and recommendations contained within the *Parkville 2040 Master Plan*, no other recommendations of professional staff or other technical reviews associated with the application are referenced. **Prior to the approval of the public improvement plans for the subdivision, the Public Works department is requiring a revised traffic study and a revised stormwater study.**

Preliminary Plat (PZ2023-02)

Parkville Municipal Code, Section 403.020, Subsection D. provides review criteria for how the Planning and Zoning Commission shall determine if a preliminary plat application is appropriate. The following are staff's findings and conclusions.

1. **The application is in accordance with the Master Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.**

This application supports the *Parkville 2040 Master Plan*'s future land use projection of low-density residential for the surrounding area. Additionally, this development is compatible and similar to the existing Thousand Oaks phases surrounding the property.

2. **Compliance with the requirements of this Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.**

The proposed blocks and lots of the plat are capable of meeting the Development Code requirements of "R-3" zoned properties.

3. **Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.**

The Thousand Oaks master planned development has been developed over the past couple decades and have been a phased development throughout. This phase logically

flows with the existing development and provides an enhanced access route to the existing development (extending Nevada Ave to NW River Road).

4. **Any impacts identified by specific studies or technical reports, including a preliminary review of stormwater, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.**

As a condition of approval, the developer must revise the existing traffic study and stormwater study. Additionally, the developer must install any required improvements from the revised infrastructure studies.

5. **The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Master Plan.**

The application will have no effect on adjacent properties' abilities to meet the goals and policies of the Master Plan.

6. **No lot or portions thereof are located outside of the municipal boundaries of the City.**

The bounds of the subject property lie within the municipal boundaries of the City of Parkville.

7. **The design does not impede the construction of anticipated or planned future public infrastructure within the area.**

The design does not impede the construction of anticipated future public infrastructure within the area. **As a condition of approval, the developer must revise the existing traffic study to examine effects on NW River Road.** Additionally, the developer is coordinating with the City on the installation of an emergency warning siren on the subject property.

8. **The recommendations of professional staff, or any other public entity asked to officially review the plat.**

Staff recommends approval of the application subject to conditions.

Staff Conclusion and Recommendation

Following review, staff recommends approval of the Application for Zoning Map Amendment for the subject property based on the merits of the application and the findings and conclusions in this report.

Following review, staff recommends approval of the Application for Subdivision – Preliminary Plat for the subject property based on the merits of the application and the findings and conclusions in this report, subject to the following conditions:

1. Prior to approval of the public improvement plans, the developer's engineer shall submit a revised traffic study to reflect previous plats of the Thousand Oaks subdivision, including the subject plat. The study shall be reviewed and approved by the City's On-Call Traffic Engineer prior to issuance of a public improvement permit.
2. Prior to building permit issuance, the developer shall install any roadway public improvements as a result of the increased traffic generated by the additional development, as reflected in the revised traffic study. These improvement shall be included in the public improvement plans.

3. Prior to approval of the public improvement plans, the developer's engineer shall submit a revised stormwater study to reflect previous plats of Thousand Oaks subdivision, including the subject plat. The study shall be reviewed and approved by the City's On-Call Engineer prior to issuance of a public improvement permit.
4. Prior to building permit issuance, the developer shall install any stormwater public and private improvements as a result of the increased stormwater runoff generated by the additional development, as reflected in the revised stormwater study. The public improvements shall be included in the public improvement plans. Any private improvements shall be reviewed and approved by the City's On-Call Engineer prior to the issuance of a public improvement permit.
5. Prior to approval of a final plat for the preliminarily platted property, the developer shall coordinate with the City on the location and installation of an emergency warning siren on the subject property.

It should be noted that the recommendation contained in this report is made without knowledge of facts, public comments or any additional information which may be presented during the public hearing. For that reason, the conclusions herein are subject to change as a result of evaluating additional information; additionally, staff reserves the right to modify or confirm the conclusions and recommendations herein based on consideration of any additional information that may be presented.

Necessary Action

Following consideration of the Application for Zoning Map Amendment, supporting information, associated exhibits, factors discussed above and any testimony presented during the public hearing, the Planning and Zoning Commission should recommend approval (with or without conditions), denial, or postpone the application for further consideration. If approved subject to conditions, the conditions should be noted for the record. Unless postponed, the Planning and Zoning Commission's action will be forwarded to the Board of Aldermen on March 7, 2023 for final action.

Following consideration of the Application for Subdivision - Preliminary Plat, supporting information, associated exhibits, factors discussed above, and any testimony presented during the meeting, the Planning and Zoning Commission should recommend approval, approval with conditions, denial, or postpone the application for further consideration. If approved subject to conditions, the conditions should be noted for the record. Unless postponed, the Planning Commission's action will be final, unless an Appeal of Decision is filed by the Board of Aldermen within 15 days of the Planning and Zoning Commission's decision per Section 403.010, Subsection H.

End of Memorandum

<u>/s Brad Stanton</u>	<u>02-13-2023</u>
Brad Stanton, AICP	Date
Planner	



Application #: _____
Date Submitted: _____
Public Hearing: _____
Date Approved: _____

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

Application for Zoning Map Amendment

Pre-application meeting required per Parkville Municipal Code Title IV, Section 403.010, Subsection C

1. Applicant / Contact Information

Applicant(s)

Name: Forest Park Development LLC - David Barth
Address: 6014 N HWY 9, STE A
City, State: Parkville, MO 64152
Phone: (816) 591-2550 Fax: _____
E-mail: dbarth.kc@gmail.com

Engineer/Surveyor(s) preparing legal description

Name: RIC - Dustin Burton
Address: 400 E 17th Street
City, State: KCMO 64108
Phone: (913) 832-5683 Fax: _____
E-mail: dburton@ric-consult.com

Owner(s), if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

Contact Person, if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

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 rezoning 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)

Date: 12/27/22

Property Owner's Signature (Required)

Date: 12/27/22

2. Property Information

Legal description: Attach a separate sheet with complete writing and graphical legal description of the subject property.

Property address / general location:

Between NW Riverview Road & N Nevada Rd

Parcel ID Number: 20-9.0-29-000-000-010.000, 20-9.0-32-000-000-005.000, - 20-9.0-32-000-000-003.000

Present zoning: AR

Proposed zoning: R-3

Present use of the property:

Undeveloped

Length of use:

n/a

3. Neighboring land uses and zoning

Describe the existing land use and zoning on the surrounding properties:

Existing Land Use

North: R-3

South: AG

East: AG/R-3

West: AG/R-3

Existing Zoning

North:

South:

East:

West:

Attach a narrative addressing:

1. How the application is consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan. In particular, the relationship of land uses within the proposed district and the relationship with uses existing or anticipated in surrounding districts.
2. The character of the neighborhood, including design of the streets, civic spaces and other open spaces; the scale, pattern and design of buildings; the zoning of property and compatibility of potential future uses; and the operation and uses of land and buildings.
3. How the application furthers the intent of the proposed zoning district and supports that of any abutting zoning districts, in particular, the building form, site design, and other development patterns and urban design aspects of the proposed project in furthering the intent.
4. Compliance of any proposed development with the requirements of the development code, and the intent or design objectives associated with any specific standards.
5. The ability of the City or other government agencies to provide any services, facilities or programs that might be required if the application were approved.
6. The effect of approval on the condition or value of property in the city or in the vicinity, including the likelihood of surrounding areas to be developed in accordance with the Master Plan.
7. The consistency of the application with other adopted policies of the City, including any other relevant implications of the change beyond any specific proposed project.
8. The recommendations of professional staff or other technical reviews associated with the application.

4. Checklist of required submittals

- ☐ Completed application, including all required details and supporting data.
- ☐ Nonrefundable application fee of \$300.00. Applicant will be billed to recover costs for required publication, posted and mailed notice per Parkville Municipal Code, Title IV, Section 403.010, Subsection E.
- ☐ Complete written and graphical legal description of subject property in paper and electronic formats, an area map showing the subject property and surrounding major features including roads.
- ☐ If the proposed rezoning is for a Master Planned Development (i.e., "planned" district) such as a "B-4-P" *Planned Business District*, a complete site plan/development plan is required per Parkville Municipal Code, Title IV.
- ☐ Notarized affidavit of ownership and authorized signature of the applicant and owner of record of the property.

For City Use OnlyApplication accepted as complete by: _____
Name/Title _____ Date _____

Application fee payment: Check # _____ M.O. _____ Cash _____

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 #: _____
Date Submitted: _____
Public Hearing: _____
Date Approved: _____

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

Application for Subdivision – Preliminary Plat

Pre-application meeting required per Parkville Municipal Code Title IV, Section 403.010, Subsection C

1. Applicant/Contact Information

Applicant(s)

Name: Forest Park Development LLC - David Barth
Address: 6014 N HWY 9, STE A
City, State: Parkville MO 64152
Phone: (816) 591-2550 Fax: _____
E-mail: dbarth.kc@gmail.com

Engineer/Surveyor(s) preparing plat & legal description

Name: RIC - Dustin Burton PE
Address: 400 E 17th street
City, State: KCMO, 64108
Phone: (913) 832-5683 Fax: _____
E-mail: dburton@ric-consult.com

Owner(s), if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

Contact Person, if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

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) _____

Date: 12/27/22

Property Owner's Signature (Required) _____

Date: 12/27/22

2. Property Information

Proposed name of subdivision: Thousand Oaks - 25th Plat

Current use(s) of the property: Ag/Undeveloped

Current zoning district: AG/R-3

Acreage open space: 15.73Ac

Proposed zoning: R-3

Density of development: 1.579 DU/Ac

Minimum lot size: ~11,000

3. Signatures of Acknowledgement

The following signatures by authorized representatives indicate the entity had notice of the intent to subdivide and, pending detailed plan review can provide their applicable service to the proposed development. A signed letter from the entity may be submitted in place of a signature.

Water District (PWSD #1 or Missouri American Water Co.)
816.891.9141 816.741.2992

South Platte Fire Protection District (SPFPD)
816.741.2900

Sanitary sewer/septic (PCRS, Parkville Public Works or Platte County Health Department)
816.858-2052 816.741.7676 816.858.2412

Streets (Parkville Public Works)
816.741.7676

Missouri Department of Transportation (for access/adjacent to a state maintained roadway)
816.622-0414

Electricity (KCP&L)
816.471.5275

Natural Gas (Spire Energy DBA Missouri Gas Energy)
816.756.5252

School District (Park Hill or Platte County)
816.741.1521 816.858.2822

6. Subdivision – Preliminary Plat checklist for staff review

1. Basic Information

- a. Name of the plat, phase and/or number if applicable
- b. Name, address, contact information of person / registered surveyor or firm that prepared the plat
- c. Date plat was prepared, including any revision dates

2. Plat Information

- a. Full property/legal description
- b. Total land area in square feet and acres of property
- c. Boundary survey notes
- d. Dedication language for property to be subdivided
- e. Easement language for easements to be granted to utility companies franchised to operate in Parkville, Mo.
- f. Open space dedication if applicable

3. Plat Drawing

- a. Graphic, engineering scale
- b. North arrow
- c. Monumentation/symbology legend
- d. Vicinity map identifying boundaries and location of property in relation to City
- e. Property lines and lot dimensions with total land area in square feet and acres
- f. Numbering of all lots (Lot 1, Lot 2, Lot 3, etc.)
- g. Lettering of all tracts (Tract A, Tract B, Tract C, etc.)
- h. Watermark designation with labeling of any previously platted lots or tracts
- i. Proposed rights-of-way, public and/or private streets with dimensions, centerlines and names
- j. Proposed easements for access or utilities
- k. Dimensions of all radii, acres, points of tangency, central angles and lengths of curves
- l. Indication of FEMA Special Flood Hazard Areas (SFHA) if applicable

4. Signature Information

- a. Signature line with date for property owner(s) and notary public
- b. Signature line with date for Mayor (with full name), City Clerk (with full name), and Community Development Director (with full name) of the City of Parkville
- c. Ordinance number with date that the ordinance was passed by the Board of Aldermen
- d. Signature line with date for surveyor's certification (to be signed & stamped on all plat copies to be recorded)

4. Public Improvements

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

Length of proposed new roadways: ~3,500ft

Proposed surface material: Asphalt

Maximum grade: 12%

General character of the neighborhood: Single family housing to match previous phases

Are area streets and utilities sufficient to serve the property once subdivided? 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 application is in accordance with the Master Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.
2. Compliance with the requirements of the Development Code, and in particular the blocks and lots proposed is capable of meeting all development and site design standards under the existing or proposed zoning.
3. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.
4. How any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
5. How the application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Master Plan.
6. How the design does not impede the construction of anticipated or planned future public infrastructure in the area.
7. Any other information relevant to the application.

5. Checklist of required submittals

- ☐ Completed application with authorization signatures of service providers.
- ☐ Application fee of \$300.00, plus \$5.00 per lot or tract. *This fee shall include the expense of initial engineering review, plus the expense of reviewing one re-submittal. All other expenses including, but not limited to, consulting fees, attorney fees, reproduction costs, mailing costs, and other expenses resulting from the necessary review, processing, filing, recording, and action on said applications or permits, shall be borne by the sub-divider based on actual costs.*
- ☐ Deed with owner's name and legal description of property to be platted.
- ☐ Five (5) copies 24" x 36" size, or larger sets, and one (1) electronic set (PDF format) of the preliminary plat containing the requirements outlined in Section 403.020 Subsection D. of the Development Code for initial staff and entity review. Additional large size copies may be requested following review by staff.
- ☐ Drainage plan containing the requirements outlined in Parkville Municipal Code Title IV, Section 404.030 Subsection C3.

For City Use Only

Application accepted as complete by: _____
Name/Title _____ Date _____

Application fee payment: Check # _____ 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 #: _____
Date Submitted: _____
Public Hearing: _____
Date Approved: _____

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

Application for Zoning Map Amendment

Pre-application meeting required per Parkville Municipal Code Title IV, Section 403.010, Subsection C

1. Applicant / Contact Information

Applicant(s)

Name: Forest Park Development LLC - David Barth
Address: 6014 N HWY 9, STE A
City, State: Parkville, MO 64152
Phone: (816) 591-2550 Fax: _____
E-mail: dbarth.kc@gmail.com

Engineer/Surveyor(s) preparing legal description

Name: RIC - Dustin Burton
Address: 400 E 17th Street
City, State: KCMO 64108
Phone: (913) 832-5683 Fax: _____
E-mail: dburton@ric-consult.com

Owner(s), if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

Contact Person, if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

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 rezoning 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)

Date: 12/27/22

Property Owner's Signature (Required)

Date: 12/27/22

2. Property Information

Legal description: Attach a separate sheet with complete writing and graphical legal description of the subject property.

Property address / general location:

Between NW Riverview Road & N Nevada Rd

Parcel ID Number: 20-9.0-29-000-000-010.000, 20-9.0-32-000-000-005.000, - 20-9.0-32-000-000-003.000

Present zoning: AR

Proposed zoning: R-3

Present use of the property:

Undeveloped

Length of use:

n/a

3. Neighboring land uses and zoning

Describe the existing land use and zoning on the surrounding properties:

Existing Land Use

North: R-3

South: AG

East: AG/R-3

West: AG/R-3

Existing Zoning

North:

South:

East:

West:

Attach a narrative addressing:

1. How the application is consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan. In particular, the relationship of land uses within the proposed district and the relationship with uses existing or anticipated in surrounding districts.
2. The character of the neighborhood, including design of the streets, civic spaces and other open spaces; the scale, pattern and design of buildings; the zoning of property and compatibility of potential future uses; and the operation and uses of land and buildings.
3. How the application furthers the intent of the proposed zoning district and supports that of any abutting zoning districts, in particular, the building form, site design, and other development patterns and urban design aspects of the proposed project in furthering the intent.
4. Compliance of any proposed development with the requirements of the development code, and the intent or design objectives associated with any specific standards.
5. The ability of the City or other government agencies to provide any services, facilities or programs that might be required if the application were approved.
6. The effect of approval on the condition or value of property in the city or in the vicinity, including the likelihood of surrounding areas to be developed in accordance with the Master Plan.
7. The consistency of the application with other adopted policies of the City, including any other relevant implications of the change beyond any specific proposed project.
8. The recommendations of professional staff or other technical reviews associated with the application.

4. Checklist of required submittals

- ☐ Completed application, including all required details and supporting data.
- ☐ Nonrefundable application fee of \$300.00. Applicant will be billed to recover costs for required publication, posted and mailed notice per Parkville Municipal Code, Title IV, Section 403.010, Subsection E.
- ☐ Complete written and graphical legal description of subject property in paper and electronic formats, an area map showing the subject property and surrounding major features including roads.
- ☐ If the proposed rezoning is for a Master Planned Development (i.e., "planned" district) such as a *"B-4-P" Planned Business District*, a complete site plan/development plan is required per Parkville Municipal Code, Title IV.
- ☐ Notarized affidavit of ownership and authorized signature of the applicant and owner of record of the property.

For City Use OnlyApplication accepted as complete by: _____
Name/Title _____ Date _____

Application fee payment: Check # _____ M.O. _____ Cash _____

Final reimbursable costs paid (if applicable). Date of Action: _____

Planning Commission Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____

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Phone: _____ Fax: _____
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Proposed name of subdivision: Thousand Oaks - 25th Plat
Current use(s) of the property: Ag/Undeveloped
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Natural Gas (Spire Energy DBA Missouri Gas Energy)
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(Note: a traffic study may be required in order to adequately address this question)

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

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For City Use Only

Application accepted as complete by: _____
Name/Title _____ Date _____

Application fee payment: Check # _____ Amount \$ _____

Final reimbursable costs paid (if applicable). Date of Action: _____

Planning Commission Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____

Conditions if any: _____

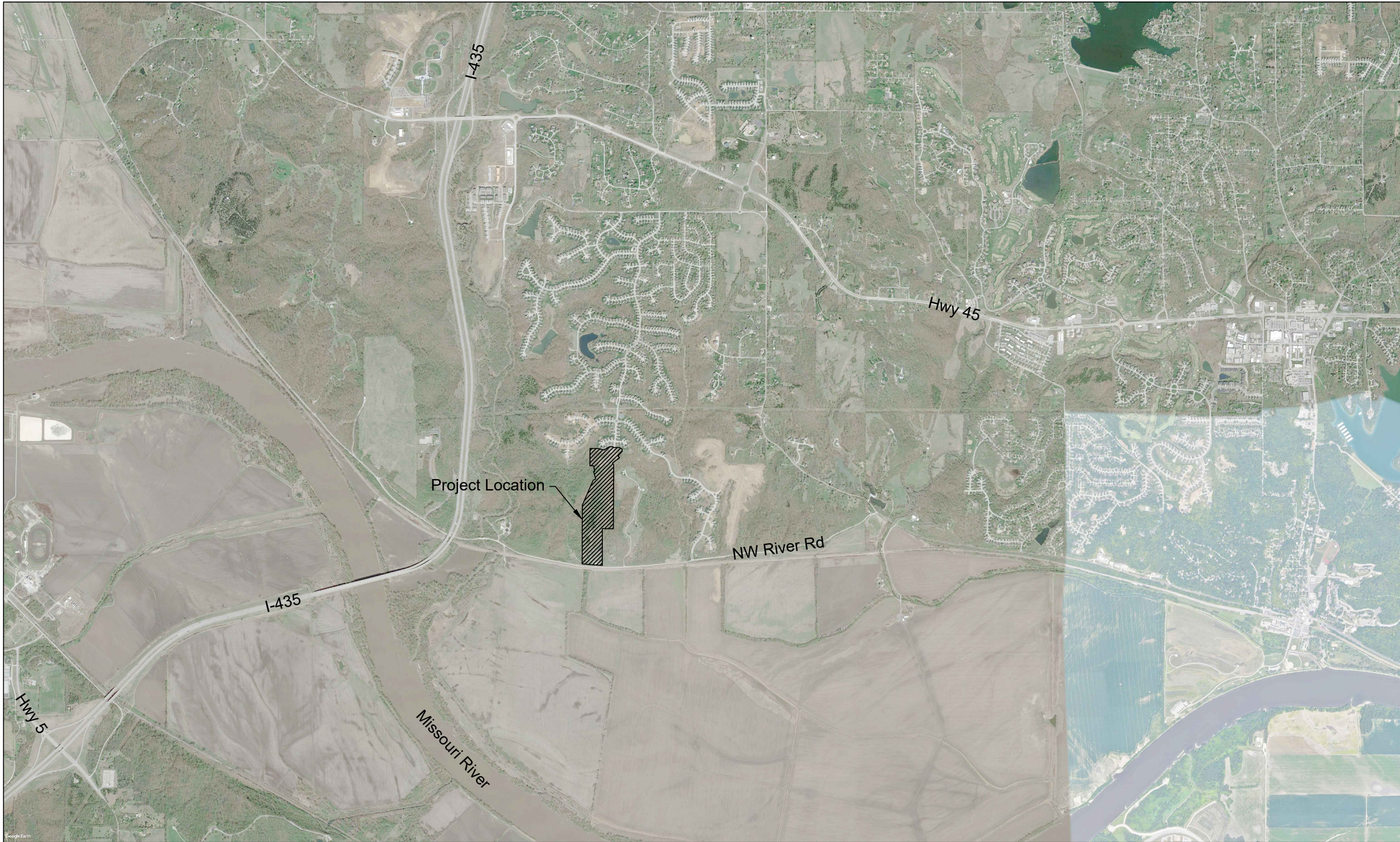
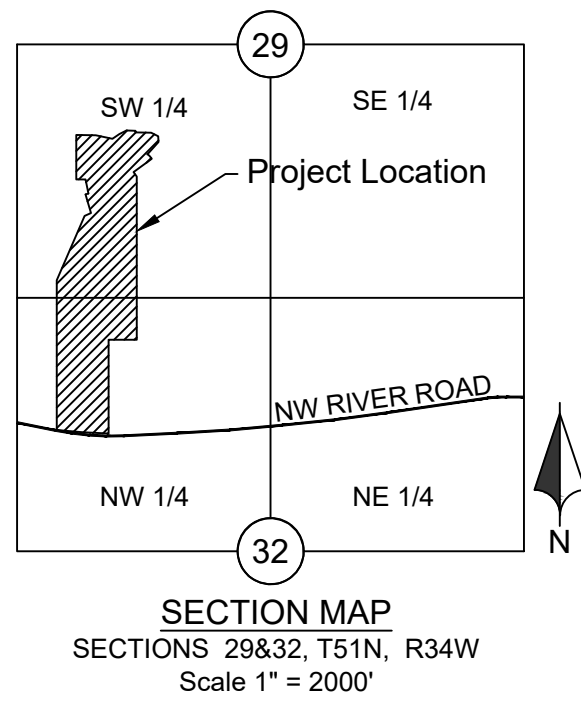
Board of Aldermen Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____

Conditions if any: _____

Thousand Oaks 25th Plat

Parkville, Platte County, Missouri
Sections 29&32, Township 51N, Range 34W

Preliminary Plat



VICINITY MAP

SHEET LIST TABLE

Sheet Number	Sheet Title
C01	Title Sheet
C02	Rezoning Plan
C03	Preliminary Plat
C04	Existing Conditions
C05	General Layout
C06	Grading Plan

OWNER/DEVELOPER

Forest Park Development Company of Kansas City, LLC
David Barth
6014 N Hwy 9, Suite B
Parkville, MO 64152
816.591.2555

ENGINEER

Renaissance Infrastructure Consulting
400 E. 17th Street
Kansas City, Missouri 64108
816.800.0950
dburton@ric-consult.com

FLOOD PLAIN NOTE

According to the Flood Insurance Rate Map of The Federal Emergency Management Agency, Panels Number 360 and 375 of 425, Community-Panel Numbers 29165C0360D and 29165C0378D, effective date: April 2, 2015, portions of the subject property lay within: OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain.

UTILITY CONTACTS

Parkville Special Road District	(816) 891-9044
CPWSD #6 of Platte County	(816) 741-7790
Platte County Regional Sewer District	(816) 858-2052
Spire	(816) 339-9401
Evergy	(816) 719-9725
Platte Clay Electric	(816) 807-7502
Century Link	(816) 243-5642
Unite Private Networks	(816) 903-9400
Spectrum	(816) 431-5818
Missouri One Call	(800) DIG-RITE
AT&T	(800) 464-7928
Comcast	(913) 891-3457

UTILITIES

The information concerning locations of underground utilities shown hereon which are not visible from the surface, has been taken from the records and field locations of the various utility companies and has not been field verified by this company. These locations are not to be construed as accurate or exact.

LEGEND

Existing Section Line	Proposed Right-of-Way
Existing Right-of-Way Line	Proposed Property Line
Existing Lot Line	Proposed Lot Line
Existing Easement Line	Proposed Easement
Existing Curb & Gutter	Proposed Curb & Gutter
Existing Sidewalk	Proposed Sidewalk
Existing Storm Sewer	Proposed Storm Sewer
Existing Storm Structure	Proposed Storm Structure
Existing Waterline	Proposed Fire Hydrant
Existing Gas Main	Proposed Waterline
Existing Sanitary Sewer	Proposed Sanitary Sewer
Existing Sanitary Manhole	Proposed Sanitary Manhole
Existing Contour Major	Proposed Contour Major
Existing Contour Minor	Proposed Contour Minor
	Future Curb and Gutter
U/E	Utility Easement
SS/E	Sanitary Sewer Easement
D/E	Drainage Easement
A/E	Access Easement
T/E	Temporary Easement

SITE DATA TABLE

Existing Zoning: R-3 Single-Family Residential/AG
Proposed Zoning: R-3
Total Area: 46.242 Acres
Open Area: 15.713 Acres
New RW: 6.274 Acres
Lots: 73 Residential Units
Density - 1.579 Units/Acre (Dwelling Units/Total Area)

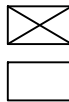
Setbacks:
Front - 25ft
Rear - 25ft
Side - 10ft
Side (Corner) - 20ft

Tract Description:
Tract A - Reserved for common open space

Tract B - Reserved for common open space

Tract C - Reserved for common open space

NOT FOR CONSTRUCTION
FOR CONSTRUCTION



Sheet
C01

Renaissance
Infrastructure
Consulting

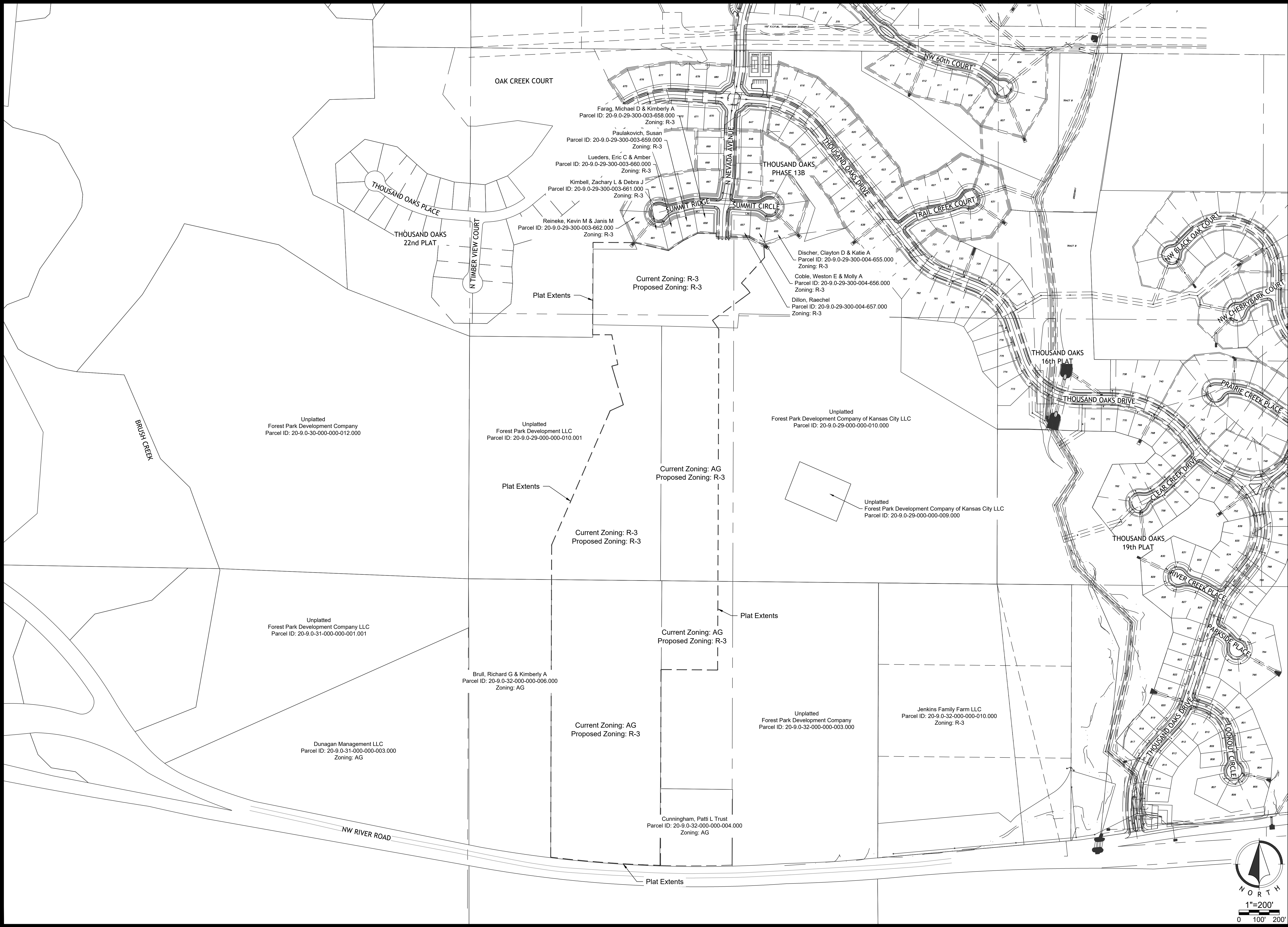
400 E 17th Street
Kansas City, Missouri 64108
816.800.0950
www.ric-consult.com

Title Sheet

Preliminary Plat
22-0138
Thousand Oaks 25th Plat
Parkville, Platte County, Missouri

Preliminary Plat

bgnotevold
Dec 13, 2022 2:19pm
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Preliminary Plat

22-0138

Thousand Oaks 25th Plat

Parkville, Platte County, Missouri

Rezoning Plan

1.	12/12/2022	Original Submittal
NO.	DATE	REVISION

DRAWN BY

CHECKED BY

BDG

DJB

Renaissance Infrastructure Consulting

400 E 17th Street
Kansas City, Missouri 64108
www.ri-consult.com

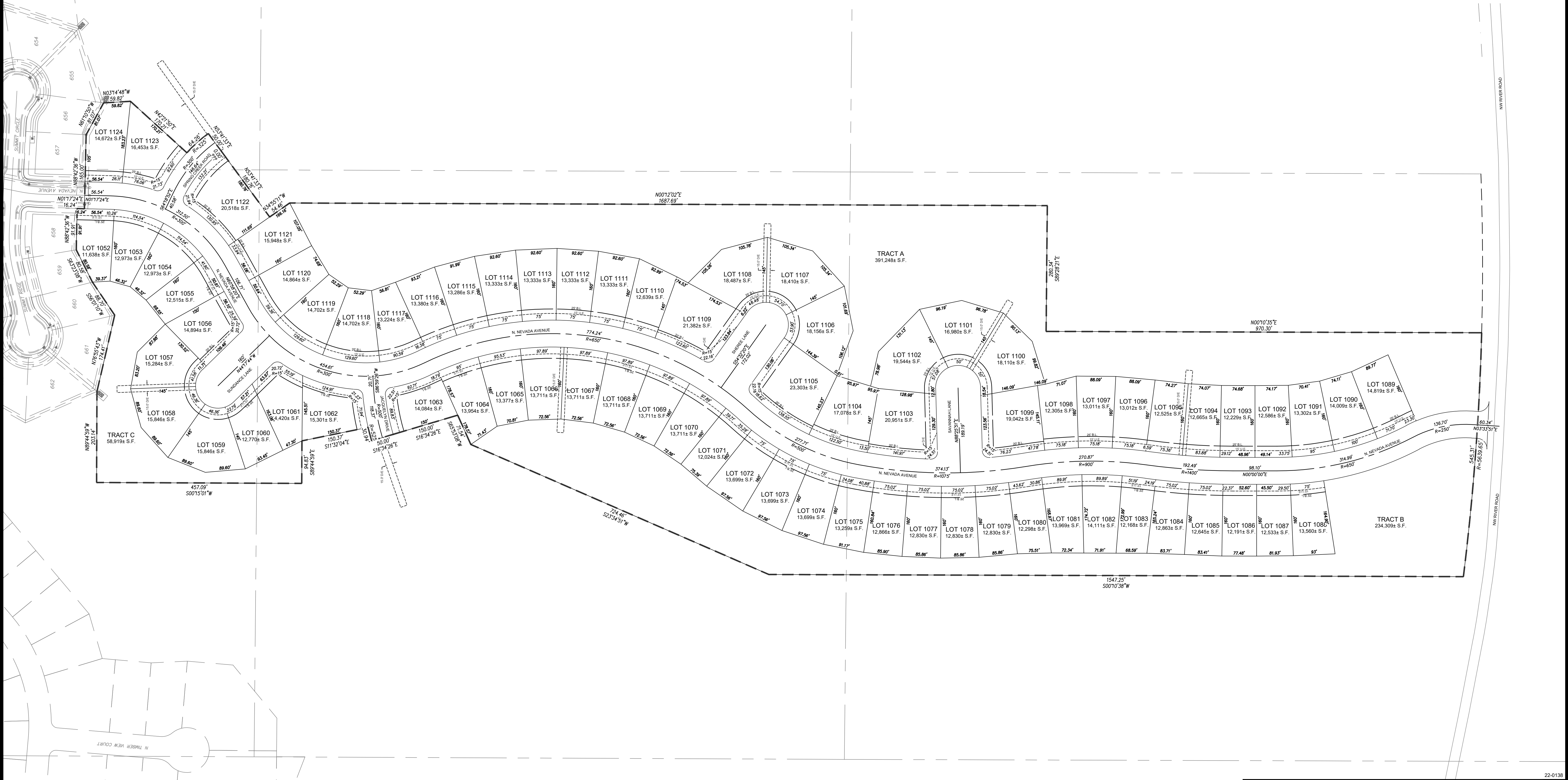
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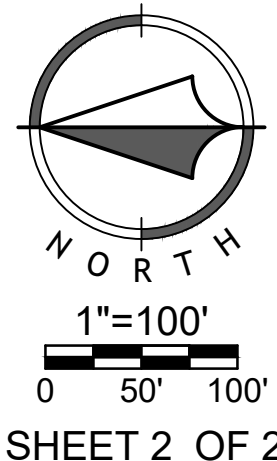
C02

Preliminary Plat
Thousand Oaks 25th Plat

Parkville, Platte County, Missouri
Sections 29-32, Township 51N, Range 34W



- LEGEND:
- ▲ FOUND SECTION CORNER AS NOTED
 - FOUND MONUMENT AS NOTED
 - FOUND 1/2" REBAR WITH RIC
 - MOCLS2011003572 KSCLS234 CAP
 - SET 1/2" X 24" REBAR WITH RIC
 - MOCLS2011003572 KSCLS234 CAP
 - B/L BUILDING SETBACK LINE
 - SS/E SANITARY SEWER EASEMENT
 - U/E UTILITY EASEMENT
 - WL/E WATERLINE EASEMENT

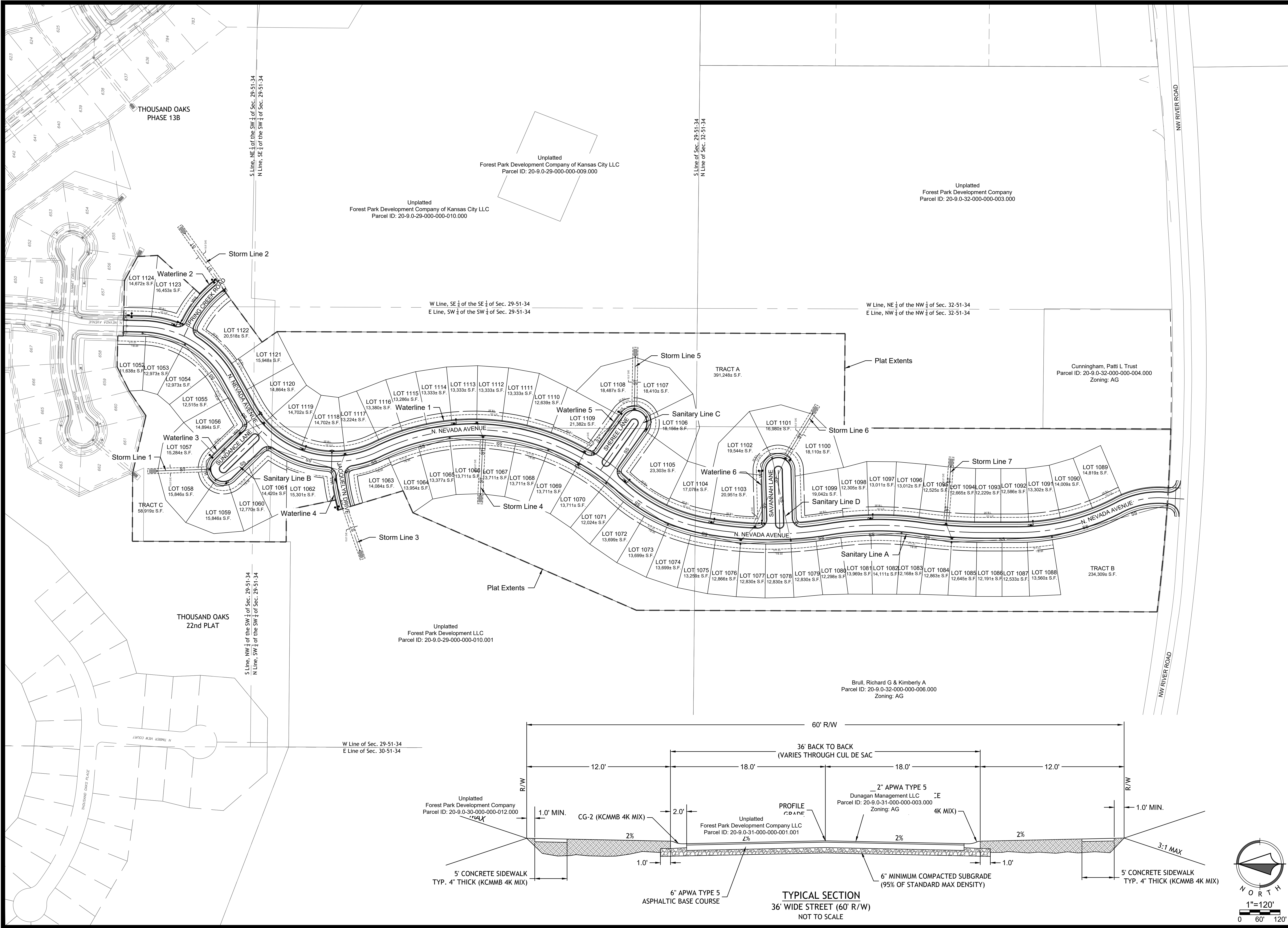


THOUSAND OAKS 25th PLAT

Prepared For:
Forest Park Development Company
of Kansas City, LLC
David Barth
6014 N Hwy 9, Suite B
Parkville, MO 64152
816.591.2555
Date of Preparation:
December xx, 2022

Renaissance Infrastructure Consulting
5015 NW. Canal Street, Suite 100
Riverside, Missouri 64150
816.800.0950
www.ric-consult.com

bgrtewold
Dec 13, 2022 2:20pm
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Preliminary Plat

22-0138

Thousand Oaks 25th Plat

Parkville, Platte County, Missouri

General Layout

NO.	DATE	REVISION
	12/12/2022	Original Submittal

Drawn by

BDG

Checked by

DJB

Renaissance

Infrastructure

Consulting

400 E 17th Street

Kansas City, Missouri 64108

www.ri-c.com

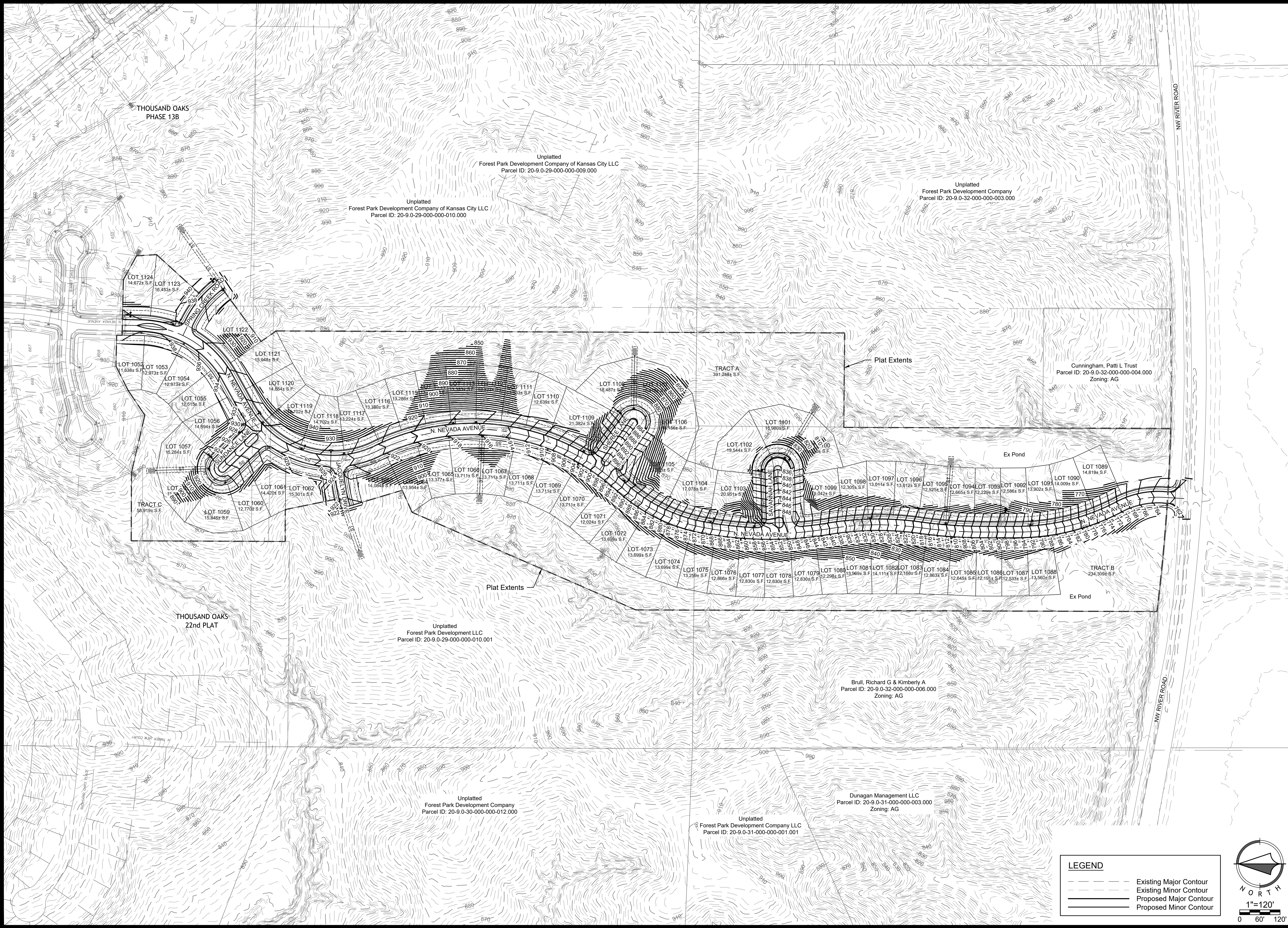
MO Certificate of Authority:

E-2010033630

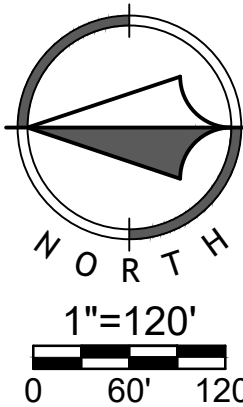
Sheet

C05

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Dec 13, 2022 2:21 pm
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LEGEND	
	Existing Major Contour
	Existing Minor Contour
	Proposed Major Contour
	Proposed Minor Contour



NO.	DATE	REVISION
12/12/2022		Original Submittal
DRAWN BY	CHECKED BY	
BDG	DJB	

Renaissance

Infrastructure

Consulting

400 E 17th STREET
KANSAS CITY, MISSOURI 64108

616.800.0950
WWW.RIC-CONSULT.COM

MO Certificate of Authority: E-2010033630

Sheet
C06

Grading Plan

Preliminary Plat
22-0138
Thousand Oaks 25th Plat
Parkville, Platte County, Missouri

Page 33 of 141



Staff Analysis

<u>Agenda Item:</u>	5.A
<u>Proposal:</u>	An application for a Conditional Use Permit (CUP) to allow a <i>Lodging – Short-Term Rental</i> use at 10875 Allen Way in Parkville, MO, in the “R-2-P” Single-Family Residential district on parcel no. 20-5.0-22-200-005-002.000 (0.2 acres, more or less), generally located to the east of the tennis courts at The National Golf Club of Kansas City.
<u>Case No:</u>	PZ 2023-05
<u>Applicant:</u>	Parkville Golf Lodge, LLC
<u>Owners:</u>	Dale W. Brouk
<u>Location</u>	10875 Allen Way; generally located to the east of the tennis courts at The National Golf Club of Kansas City.
<u>Zoning:</u>	“R-2-P” Single-Family Residential
<u>Parcel #:</u>	#20-5.0-22-200-005-002.000
<u>Exhibits:</u>	A. This Staff Analysis B. Application for Conditional Use Permit 1. Completed application form 2. Narrative attachment C. Subject Area Property Map D. Additional exhibits as may be presented at the public hearing
<u>By Reference:</u>	A. Parkville Municipal Code, Title IV – Development Code in its entirety (http://parkvillemo.gov/download/ZoningCodeUpdate_FinalDraft.pdf) 1. Section 403.050 Conditional Use Permit 2. Section 405.050 Conditional Uses B. Parkville Master Plan (http://parkvillemo.gov/departments/community-development-department/master-plan/) C. Ordinance No. 3087 (adopted September 7, 2021) – An ordinance amending Parkville Municipal Code, Sections 402.010, 405.020 and 405.040 to create provisions and guidelines for short-term residential dwelling rentals. D. Ordinance No. 3142 (adopted October 4, 2022) – An ordinance amending Parkville Municipal Code, Section 405.040, Subsection K. amending the existing provisions and guidelines for short-term residential dwelling rentals.

- E. Notice of Public Hearing mailed certified mail to owners within 185 ft. of the subject property
- F. Hearing notice published in The Platte County Citizen newspaper on February 22, 2023.
- G. Summary of Public Hearing posted on Parkville City webpage (<http://parkvillemo.gov/public-hearings/>)
- H. Hearing notice published on the Parkville City webpage (<http://parkvillemo.gov/government/public-hearings/>)

Comments

Received:

The Community Development Department did not receive any public comments prior to the completion of this staff analysis report.

Background

Growth of third-party short-term residential dwelling rental (RDR) platforms such as Airbnb, HomeAway and VRBO (Vacation Rentals by Owner) has led to a variety of impacts on host communities and have increasingly been the subject of new regulations by cities. On September 7, 2021 the Board of Aldermen adopted Ordinance No. 3087 creating provisions and guidelines for short-term residential dwelling rentals (see Exhibit C by Reference); and on October 4, 2022 the Board of Aldermen adopted Ordinance No. 3142 amending existing provisions and guidelines for short-term residential dwelling rentals (see Exhibit D by Reference). In summary, these provisions:

1. Limit the total number of short-term RDRs to no more than four per Ward district.
2. Restrict the number of short-term RDRs to one dwelling unit per property.
3. Require owners occupy short-term RDR properties as their full-time primary residence.
4. Require short-term RDR properties have at least one dedicated parking space on-site on the subject property (shall NOT include on-street parking in public right-of-way).
5. Provide staff administrative approval authority of short-term RDR applications, provided all criteria above and requirements of Section 405.040, K. are adhered to. **For instances where a variance or exception is requested, applicants will need to obtain a conditional use permit subject to the City's discretionary review process in Section 403.050.**

Overview

The applicant proposes to operate a *Lodging – Short-Term Rental* use in the “R-2-P” Single-Family Residential district at 10875 Allen Way, Parkville, MO 64152. The subject property contains one parcel (Platte County parcel no. 20-5.0-22-200-005-002.000) containing 0.02 acres, more or less. The property is generally located to the east of the tennis courts at The National Golf Club of Kansas City. The club has been successfully operating the property as both a long-term and short-term rental since 2004, and recently the property was acquired by KC Resort Properties, LLC. The new owner has been utilizing online, third-party platforms to list the property for short-term rentals; as a result, they would like to be compliant with City of Parkville regulations via an Application for Conditional Use Permit.



The applicant is requesting a variance or exception for the following standards:

1. Not occupying the property as their full-time primary residence.

Staff has not received any complaints to-date regarding current use/operation of the property as a short-term rental.

CUP Matters for Consideration

Per Parkville Municipal Code, Title IV, Section 405.040, a number of standards shall apply to short-term rentals in residential zoning districts; and for instances where a variance or exception is requested, applicants will need to obtain a conditional use permit subject to the City's discretionary review process outlined in Section 403.050. A conditional use permit provides flexibility for different uses within a zoning district and allows the potential for additional uses. Further, due to the varying design and operational characteristics of the use or due to conditions in the area where the use is proposed, these uses may not be appropriate in that district, but require a case-specific review to determine the compatibility in a specific context and location.

This application has been reviewed against the City of Parkville's Development Code, including the applicable general requirements in Table 403-1, Section 403.010 and Section 403.050, Subsection B. Per these requirements, notice of the public hearing has been published in a newspaper in general circulation in the City, The Platte County Citizen newspaper on February 22, 2023; a sign announcing the time, place and nature of the public hearing was placed on the subject property within view from public right of way; and mailed notice via certified mail was provided to all property owners within 185 ft. of the subject properties. As of the date of the completion of this staff analysis report, the Community Development Department has not received any public comments.

General Review and Analysis

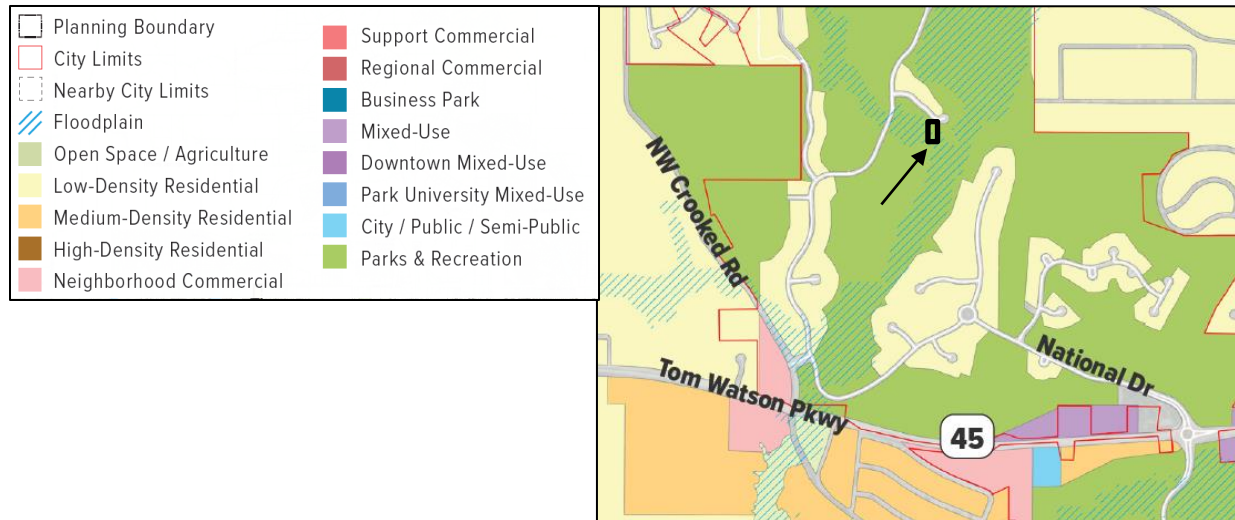
Parkville Municipal Code, Section 403.050, Subsection B. provides review criteria for how the Planning and Zoning Commission shall determine if a conditional use permit is appropriate. The following are staff's findings and conclusions.

1. The application furthers the intent of the proposed zoning district and does not conflict with the intent of any abutting districts, and is otherwise determined to be consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan.

The property is located in the "R-2-P" Single-Family Residential district. This district seeks to provide residential living in a low-density neighborhood setting and open character, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods. Staff finds the Application for Conditional Use Permit furthers the intent of the "R-2" district by adding to the variety of existing residential dwelling unit stock and types along Allen Way; and that the proposed short-term RDR use could blend in with the character of the "R-2" and surrounding "R-4" districts as it's a two-story detached condominium building located by itself along the south side of Allen Way adjacent to Hole #1 of The National golf course, the tennis courts, volleyball court, basketball court, parking and other amenities of the golf course.

The *Parkville 2040 Master Plan* (adopted May 11, 2021) projects "Parks and Recreation" future land use for the subject property parcel. This land use is primarily intended for parks, recreation land and golf courses. The proposed short-term RDR use would be suited to the existing two-story detached condominium building, and wouldn't conflict

with the desired uses of the “Parks and Recreation” future land use projection, as the property has been operating as both a long-term and short-term rental for the past 17 years.



The figures above are excerpts from the Future Land Use Map from the adopted *Parkville 2040 Master Plan*. The subject property parcel area is identified. The green color represents the Parks and Recreation future land use projection.

2. Compliance of any proposed development with the requirements of this code.

Per Table 405-2 of the Title IV – Development Code; and Section 405.040, Subsection K., short-term RDRs can be approved administratively by staff, provided a number of provisions are met; and for instances where a variance or exception is requested, applicants will need to obtain a conditional use permit subject to the City’s discretionary review process outlined in Section 403.050. The applicant has been successfully operating an Airbnb short-term RDR use at this location for since December 2020 and would like to become compliant with City of Parkville regulations via approval of an Application for Conditional Use Permit. However, the applicant is requesting a variance or exception for the following standards:

1. Not occupying the property as their full-time primary residence.

3. Whether any additional site-specific conditions are necessary to meet the purposes and intent of the Development Code and the intent or design objectives of any applicable subsections of the Development Code, or mitigate any other potential impacts that are specific to the proposed use.

When considering an Application for Conditional Use Permit, staff considers a variety of factors, including how the proposed use would impact the public health, safety and welfare. For short-term RDR uses, staff evaluates hours of operation, noise, odor, traffic/parking, and other potential negative impacts on adjacent properties.

With regard to 10875 Allen Way, the existing building is currently legally-nonconforming to both the “R-2” lot size requirements (e.g., minimum area, width, building coverage) as the lot is roughly 7,000 sq. ft. and is 65 ft. width; and the building standards (e.g., front-yard setbacks, side-yard setbacks, rear-yard setbacks, maximum height) as the front-

yard setback is only 10 ft. and the side-yard setback is only 5 ft. However, this is likely due to the fact The National Golf Club of Kansas City is a planned residential district, and allows these types of deviations when planned properly.

The Title IV – Development Code defines “nonconforming structures” as, *Structures that were legally constructed prior to the adoption or amendment of this code, but which could not be constructed under the current terms of this Code and may continue to exist subject to the following:*

1. *Rehabilitation or expansion of the structure that increases the degree of non-conformity is prohibited. Other rehabilitation or expansions may occur, provided that they comply with all other requirements of this code, are not detrimental to the purposes, intent and objectives of the standards, and do not negatively impact development in conformance with this code on adjacent property.*
2. *If destroyed by fire, natural disaster, accident, or any other cause by less than fifty percent (50%) of its fair market value, the structure may be restored to its original condition if the restoration is started within one (1) year. If destroyed by fifty percent (50%) or more of the fair market value, or if not restored within one (1) year, then the right to maintain the non-conformance shall terminate.*
3. *If the structure is determined obsolete or substandard by virtue of any applicable code beyond this Title, and the cost of improvement or restoration is fifty percent (50%) or more of the fair market value of the structure, then the right to maintain the non-conformance shall terminate.*

Despite this, staff doesn't foresee any issues pertaining to other things such as noise; and since the lodging itself would occur within the building, staff doesn't foresee any issues pertaining to odor. Section 408.030 Required Parking, Table 408-5: Required Parking requires 2 parking spaces per dwelling unit. While there isn't a private driveway located on the subject property itself, Parkville Golf Lodge, LLC has an agreement with The National Golf Club of Kansas City to be able to use two designated parking spots via the adjacent tennis court parking area approximately 130 ft. to the west.



Views of 10875 Allen Way looking towards the southwest

4. **The impact on the public realm, including the design and functions of streetscapes and relationships of building and site elements to the streetscape.**
Staff finds the proposed short-term RDR use would have little-to-no impact on the public realm, specifically the design of streetscapes and site elements to the streetscape, as no changes are being proposed to the existing building itself at 10875 Allen Way.
5. **The adequacy of drainage, utilities and other public facilities.**
The existing building on the subject property was constructed in 2006 and is currently served by all required public utilities (e.g., electrical, water, sewer). There are currently no Property Maintenance Code violations on the subject property pertaining to

stormwater drainage. Moreover, the Application for Conditional Use Permit does not appear to significantly impact the ability for the City or other governmental agencies to respond with public and emergency services; this includes police, fire, and the ability to maintain the peace.

6. Compatibility with the character of the area in terms of building scale, building form, landscape and site design.

The subject property resides within The National Golf Club of Kansas City and can be characterized as a mix of medium-density residential with recreational amenities. To the immediate north is “R-4” Mixed-Density Residential zoned area along Allen Way containing a mix of seven detached and attached residential buildings; to the immediate south and east is Hole #1 of The National golf course (zoned “R-2-P”); and to the immediate west are tennis courts, a volleyball court, basketball court, parking and other amenities of the golf course (also zoned “R-2-P”).

The character of the neighborhood surrounding the subject parcel is both residential neighborhood and recreational country club. Adjacent and surrounding property parcels along the north side of Allen Way are all zoned “R-4” Mixed-Density Residential and all property to the east, south and west owned by The National Golf Course of Kansas City — including the golf course, tennis courts, volleyball court, basketball court and other amenities — are zoned “R-2-P” Single-Family Residential. As noted in review criteria #3 above, the existing building on the subject property is currently a legally non-conforming structure in terms of building scale & form with respect to the “R-2” base district’s building typologies. However, the existing building is compatible with the character of the area in terms of landscape and site design. That said, the proposed short-term RDR use shouldn’t negatively impact the character of the surrounding area.

7. Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.

In terms of hours of operation, short-term RDR uses are not restricted to specific hours of the day or days of the week, unless dictated as a conditional of approval enabled through the discretionary review process outlined in Section 403.050. The Police Department has not received any noise complaints for the subject property since it was constructed in 2004 or since December 2020 when the current owner acquired the property and began use of it as a short-term RDR shortly thereafter. As noted in review criteria #3 above, staff doesn’t foresee any issues / adverse impacts to adjacent properties pertaining to visible impacts, audible impacts, or traffic patterns.

8. Whether a limited time period for the permit is reasonable necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and on-going enforcement of the permit.

The discretionary review process outlined in Section 403.050 allows a reasonable time limit be placed on approval of the conditional use permit on a case-by-case basis. This is in order to assess the intensity and potential impacts of the use against changing conditions in the area over time. The provisions of Section 405.040, Subsection K. state that short-term RDR permits shall be reviewed and renewed by staff on an annual basis, provided all requirements of said Section are still adhered to, and provided there are no major issues, complaints or violations which would warrant the Community Development Director to revoke said permit.

As a result, staff recommends the specific length of time for the duration of the Application for Conditional Use Permit (Case No. PZ 2023-05) be one year, with the condition that staff shall review and renew the conditional use permit on an annual basis, provided all requirements of said Section are still adhered to, and provided there are no major issues, complaints or violations which would warrant the Community Development Director to revoke said permit.

9. The application will not prevent development and use of the neighboring property in accordance with the applicable development regulations.

Approval of the Application for Conditional Use Permit should not prevent development and use of neighboring properties in accordance with the applicable regulations of the Title IV – Development Code. While the existing building on the subject property is legally non-conforming in terms of the “R-2” minimum lot size and width requirements and “R-2” front-yard and side-yard setback building standards, it’s compliant with the rear-yard setback standards. It should also be noted that The National Golf Club of Kansas City is a planned residential district, and allows these types of deviations when planned properly. See review criteria #3 above for more detail.

10. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.

The *Parkville 2040 Master Plan* projects “Parks and Recreation” future land use for the subject property parcel. This land use is primarily intended for parks, recreation land and golf courses. Staff finds the proposed short-term RDR use would be suited to the existing two-story detached condominium building; and wouldn’t negatively impact long-range plans applicable to the site and surrounding area, including the desired vision of the “Parks and Recreation” future land use.

It should also be noted that the *Proposed Community Unit Plan, The National Golf Course of Kansas City (prepared by Stern Brothers Real Estate Finance and Master Planning Landdesign, Inc.)* was utilized for the planning, platting, zoning and development of The National Golf Course of Kansas City between January and December of 1998. This plan envisions Tract M (i.e., The Lodges At The National) being cottage/lodging uses, which is complaint with the existing two story-detached condominium building on the subject property.

11. The recommendations of professional staff or other technical reviews associated with the application.

Aside from staff’s analysis and recommendations contained within the *Parkville 2040 Master Plan*, no other recommendations of professional staff or other technical reviews associated with the application are referenced.

Staff Conclusion and Recommendation

Staff concludes that: With the exceptions noted above, the application meets or exceeds the minimum applicable standards and regulations; the proposed use of *Lodging – Short-Term Rental* does not conflict with the intent of any abutting districts and can be consistent with the adopted Parkville Master Plan; the proposed use can meet the requirements of the Development Code, however the Planning and Zoning Commission must evaluate the applicant’s request for variance/exception based on the context of their application, function of the short-term RDR and location of the subject property area; the proposed use should not

negatively impact the public realm, design and functions of streetscapes; existing drainage, utilities and other public facilities should be adequate for the proposed use; the existing building is compatible with the character of the area; hours of operation, visible and audible impacts and traffic patterns are compatible with the area; staff recommends a one-year time duration for the Application for Conditional Use Permit with staff review and renewal on an annual basis, provided all requirements of Section 405.040, Subsection K. are still adhered to, and provided there are no major issues, complaints or violations which would warrant the Community Development Director to revoke said permit; the proposed use will not prevent development and use of neighboring properties; and the long-range plans to the site and surrounding area will not be negatively impacted by the proposed use.

Following review, staff recommends approval of the Application for Conditional Use Permit for the subject property based on the merits of the application and the findings and conclusions in this report. It should be noted that the recommendation contained in this report is made without knowledge of facts, public comments or any additional information which may be presented during the public hearing. For that reason, the conclusions herein are subject to change as a result of evaluating additional information; additionally, staff reserves the right to modify or confirm the conclusions and recommendations herein based on consideration of any additional information that may be presented.

Necessary Action

Following consideration of the Application for Conditional Use Permit, supporting information, associated exhibits, factors discussed above, and any testimony presented during the public hearing, the Planning and Zoning Commission should recommend approval, approval with conditions, denial, or postpone the application for further consideration. If approved subject to conditions, the conditions should be noted for the record. Unless postponed, the Planning Commission's action will be forwarded to the Board of Aldermen on March 21, 2023 for final action.

End of Memorandum



03-08-2023

Stephen Lachky, AICP, CPM, CFM
Community Development Director

Date



Application #: PZ 2023-05
Date Submitted: 1/24/23
Public Hearing: 3/14/23
Date Approved: _____

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

Application for Conditional Use Permit

Pre-application meeting required per Parkville Municipal Code, Title IV, Section 403.010, Subsection C

1. Applicant/Contact Information

Applicant(s)

Name: Parkville Golf Lodge, LLC
Address: 10875 Allen Way
City, State: Parkville, MO 64152
Phone: (816) 509-7754 Fax: _____
E-mail: _____

Engineer/Surveyor(s) preparing plans & legal desc.

Name: Not Applicable
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

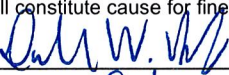
Owner(s), if different from applicant(s)

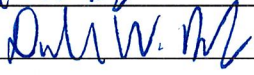
Name: Dale W. Brouk
Address: 11725 Ballymore Court
City, State: Parkville, MO 64152
Phone: (816) 509-7754 Fax: _____
E-mail: daleb@lochlloyd.com

Contact Person, if different from applicant(s)

Name: Dale W. Brouk
Address: 11725 Ballymore Court
City, State: Parkville, MO 64152
Phone: (816) 509-7754 Fax: _____
E-mail: daleb@lochlloyd.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 conditional use 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)  Date: 1-24-23

Property Owner's Signature (Required)  Date: 1-24-23

2. Proposed Conditional Use (see also Checklist of required submittals)

Proposed use: ST Residential Dwelling Rentals (RDR's) Requested length of permit 10 Years
Description: Golf Lodge for short term and long term rental
Proposed days and hours of operation: See attached Conditional Use Permit write up attached

3. Property Information (see also Checklist of required submittals)

Property address / general location: 10875 Allen Way, Parkville, MO 64152 (Next to the 1st tee box of The National Golf Club)
Parcel ID Number: 20-5.0-22-200-005-002.000 Zoning: R-2-P (Single Family Res - Planned)
Present use of the property: Golf Lodge for short term and long term rental (same use since 2004)
Length of use (or vacancy): Minimum stay is 1 day, maximum stay is 1 year.

4. Neighboring land uses and zoning

Describe the existing land use and zoning on the surrounding properties:

Existing Land UseExisting Zoning

North: Residential

North: R-4 (Mixed Density Residential)

South: National Golf Course and amenities

South: R-2-P (Single Family Res - Planned)

East: National Golf Course and amenities

East: R-2-P (Single Family Res - Planned)

West: National Golf Course and amenities

West: R-2-P (Single Family Res - Planned)

Attach a narrative addressing:

1. How the application furthers the intent of the proposed zoning district and does not conflict with the intent of any abutting districts, and is otherwise determined to be consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan.
2. Compliance of any proposed development with the requirements of this code.
3. Whether any additional site-specific conditions are necessary to meet the purposes and intent of this code and the intent or design objectives of any applicable subsections of this code, or mitigate any other potential impacts that are specific to the proposed use.
4. The impact on the public realm, including the design and functions of streetscapes and relationships of building and site elements to the streetscape.
5. The adequacy of drainage, utilities and other public facilities.
6. Compatibility with the character of the area in terms of building scale, building form, landscape and site design.
7. Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.
8. Whether a limited time period for the permit is reasonable necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and on-going enforcement of the permit.
9. How the application will not prevent development and use of the neighboring property in accordance with the applicable development regulations
10. How the long range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.
11. Any other information relevant to the application

5. 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, posted and mailed notice per Parkville Municipal Code, Title IV, Section 403.010, Subsection E.
- ☐ Complete written and graphical legal description of subject property in paper and electronic formats, an area map showing the subject property and surrounding major features including roads.
- ☐ Three (3) copies 24" x 36" size, or larger sets, and one (1) electronic set (PDF format) of the site plan showing property boundaries, existing and proposed topography, structures, parking utilities, landscaping, signage, facades and other site features related to the proposed CUP.
- ☐ Authorized signature of the applicant and property owner.

For Office Use OnlyApplication accepted as complete by: Stephen Lachly, Community Development Director 11/25/23
Name/Title DateApplication fee payment: Check # See receipt Amount \$ 300.00

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: _____

**Attachment to Conditional Use Permit - Parkville Golf Lodge
10875 Allen Way, Parkville, MO 64152**

Prior to the purchase by Parkville Golf Lodge, LLC the property located at 10875 Allen Way was owned and operated by KC Resort Properties, LLC ("KC Resort") and managed by The National Golf Club ("The National") since it opened for business in 2004. During this time KC Resort operated the golf lodge as a short term and long term rental property. Furthermore, the property and renting of the property was managed by Dale Brouk on the behalf of KC Resort Properties. Dale Brouk is a 25% owner of Parkville Golf Lodge, LLC.

Dale Brouk along with Kevin Heaton, Todd Kobayashi and Caleb Buland are the members of the ownership group. All are Parkville residents and two live within 5 minutes of the lodge location in the same neighborhood.

Parkville Golf Lodge, LLC continues to operate the property in the same manner. Since the purchase of the property in December 2020, the property has had both short and long term rentals.

The surrounding area has not changed since the property opened in 2004. To the east and south of the property is the first hole of The National, to the west are tennis and pickle ball courts operated by The National and to the north is Allen Way, a street containing seven (7) single-family residential properties. As of today, usage of the surrounding areas has not changed since 2004.

The building is designed as a rental property. The first floor is a single unit with a full kitchen, bedroom, full bath and living room and is separate from the rest of the property. The second and third floors contain four bedrooms each with a full bath, a kitchen and family room with an outdoor deck and an indoor/outdoor fireplace. The property has a fully operational elevator which connects the second and third floor to the street entry off of Allen Way. The property has designated parking spots contained in the adjacent tennis court parking area.

As to operating hours, because it offers overnight stays, the lodge as a business is open 24/7, 52 weeks a year. With that being said, the tenants are expected to conform to the neighborhood hours and keep all after hour activities inside the property. In general outdoor activities must conclude by 10 pm during the week and 11 pm on the weekends.

Parkville Golf Lodge, LLC is asking for a 10 year term for its Conditional Use Permit. The request is based on its operating history (i.e. since 2004), operating as a short and long term rental property with the same property manager. Furthermore, the property operated since 2004 with no complaints filed by the neighbors or any National Golf Club member.

As with any Conditional Use Permit the city has the right to revoke it for operating the property for which its use was not intended. We fully anticipate operating the golf lodge as it has been operated since 2004, as a short and long term rental property.

City of Parkville, Missouri
(816) 741-7676

REC#: 00074363 1/24/2023 10:17 AM

OPER: JS TERM: 002

REF#: 1078

PAID BY: Parkville Golf Lodge

TRAN: 25.0000 Development Permit

Parkville golf Lodge, LLC

10 -41205-00

Development Permit 300.00CR

TENDERED: 300.00 CHECK

APPLIED: 300.00-

CHANGE: 0.00

Brad Stanton

From: Duke Maddox <dmaddox1@mindspring.com>
Sent: Friday, March 10, 2023 10:59 AM
To: Brad Stanton
Subject: [SPAM]: Case No. PZ23-05

We live directly across the street from 10875 Allen Way, the parcel requesting short term renting like VRBO. We are out of town next week so we can not make the meeting on March 14th, so sending this email. A short term rental like VRBO is not what this neighborhood needs or wants to see. This neighborhood is not a tourist destination. There is too many children and families with activities going on around the area by the house to be inviting strangers into the neighborhood through a site like VRBO. We have had VRBO and Airbnb type short term rentals pop up by our lake house and it changes the neighborhood landscape. Short term renters are different than long term renters. Short term renters can likely be fine, but there is always bad short term renters as well, even if they have been vetted. The bad short term renters drive the roads different, leave trash around, park wherever, get loud, and pretty much do as they please because they are leaving when done, it's not their home. It has changed our lake house neighborhood in a negative way for everyone that considers the properties a home. I am guessing people that own short term rentals that use booking sites like VRBO to rent them, do not want these type of short term rentals close to their homes either. This is bad for the health of a neighborhood and should not be allowed. The residents here did not move into this neighborhood to see renters/strangers every other weekend! Please reach out if need to discuss anything but we wanted to get our position on this matter to you.

Thanks,
Maddox's

816-309-1522



Staff Analysis

Agenda Item: **5.B**

Proposal: An application for a Conditional Use Permit (CUP) for the construction of a new wireless communication tower on property owned by Park University.

Case No: PZ23-06

Applicant: New Cingular Wireless PCS, LLC

Owners: Park University

Location: Park University, wooded area east of campus near the existing Missouri American Water facility

Zoning: "P-EC" Planned Educational Campus

Parcel #: #20-7.0-36-000-000-001.000

Exhibits:

- A. This Staff Analysis
- B. Application
 - 1. Application for Conditional Use Permit
 - 2. Application Narrative
- C. Subject Area Property Map
- D. Submitted Site Plans
- E. Public Comment
- F. Additional exhibits as may be presented at the public hearing

By Reference:

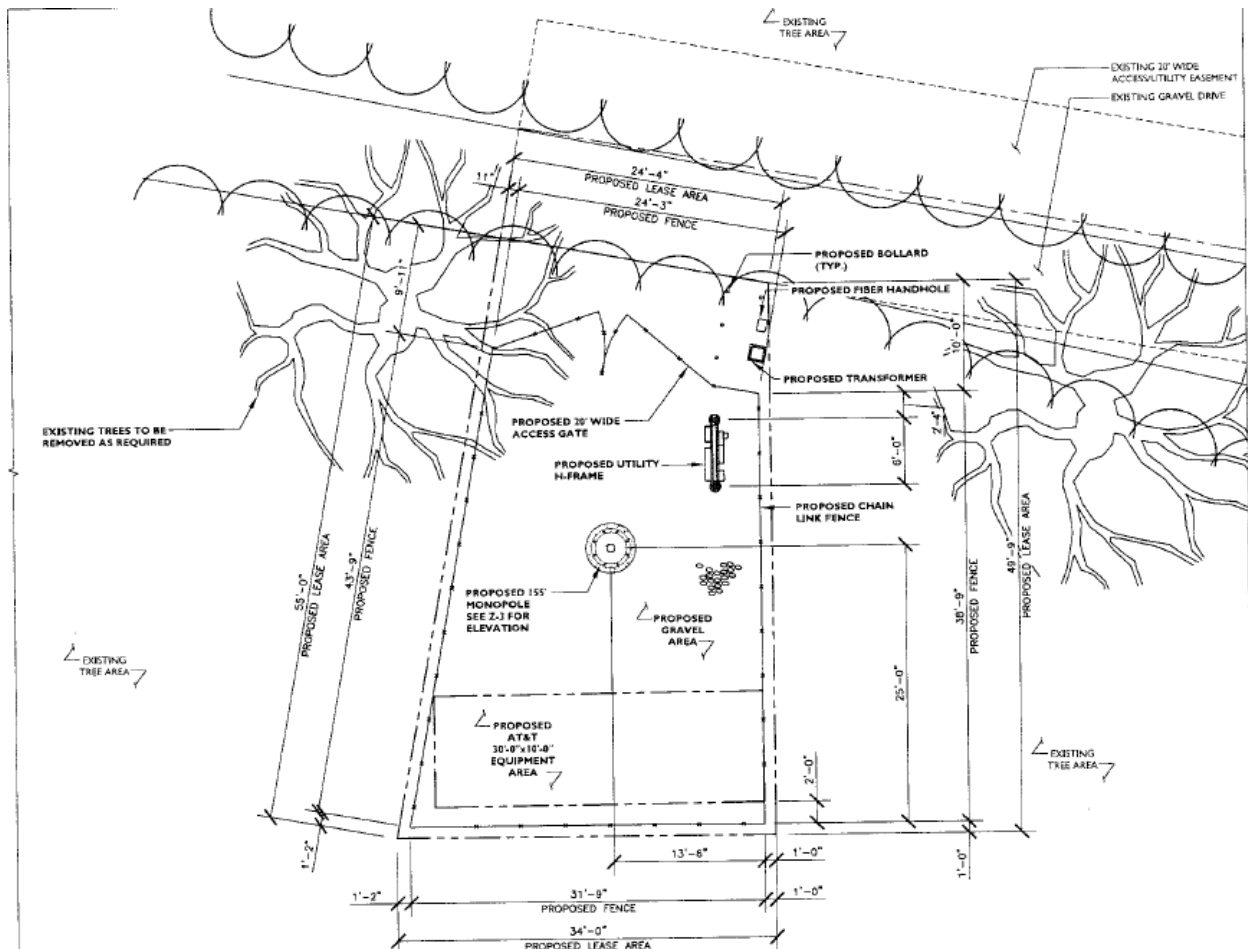
- A. Parkville Municipal Code, Title IV – Development Code in its entirety (http://parkvillemo.gov/download/ZoningCodeUpdate_FinalDraft.pdf)
 - 1. Section 403.050 Conditional Use Permit
 - 2. Section 405.050 Conditional Uses
 - 3. Section 410.010 Wireless Communication Facilities
- B. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>)
- C. Notice of Public Hearing mailed to property owners within 185 ft. of the subject property
- D. Hearing notice published in The Platte County Citizen newspaper on March 1, 2023.
- E. Summary of Public Hearing posted on Parkville City webpage (<http://parkvillemo.gov/public-hearings/>)

Comments

Received: The Community Development Department has received one (1) public comment from Park University.

Overview

AT&T wishes to construct a new 155' tall monopole wireless communication tower on property owned by Park University. Per Section 410.010 of the Municipal Code, "A conditional use permit shall be required for the construction of a new tower or the placement of an antenna in all zoning districts." The applicant has submitted the relevant building/site plans and applications for a Conditional Use Permit.



Excerpt from Exhibit D – Site Plan (submitted by Applicant)

The applicant proposes to operate a wireless communication tower on a portion of the property. The subject property consists of one parcel (#20-7.0-36-000-001.000) containing 377.16 acres, more or less, and is located on the eastern portion of Park University's campus. The submitted site plans show a 155' tall monopole tower and accompanying ground level equipment surrounded by a chain link fence. The location was selected in coordination with Park University and is in a heavily wooded part of campus to minimize visual impacts.

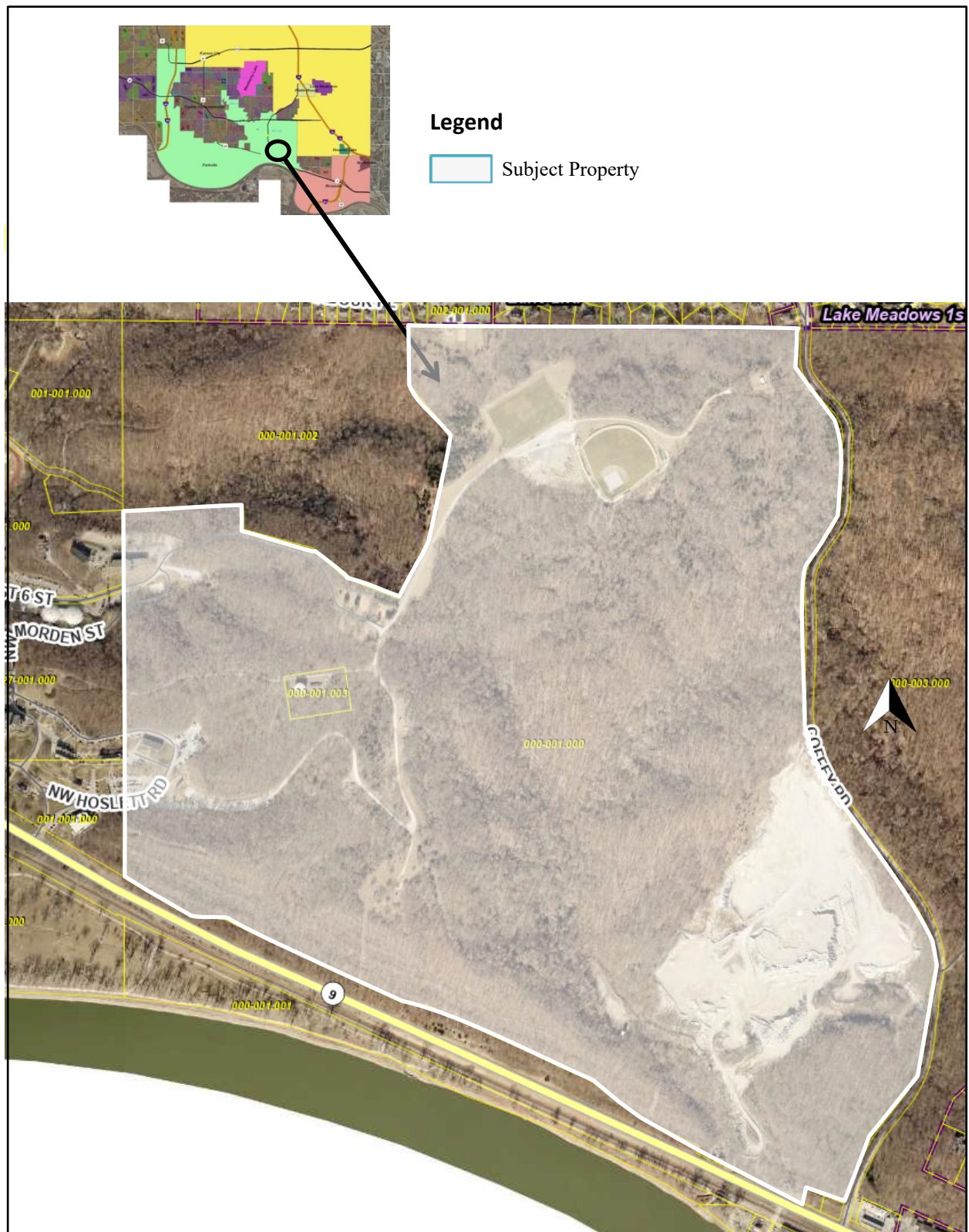


Exhibit C: Subject Area Property Map

CUP Matters for Consideration

Per Parkville Municipal Code, Title IV, Section 403.050, a conditional use permit provides flexibility for different uses within a zoning district and allows the potential for additional uses. Further, due to the varying design and operational characteristics of the use or due to conditions in the area where the use is proposed, these uses may not be appropriate in that district, but require a case-specific review to determine the compatibility in a specific context and location. Section 410.010 requires conditional use permit approval for the proposed use.

This application has been reviewed against the City of Parkville's Development Code, including the applicable general requirements in Table 403-1, Section 403.010 and Section 403.050, Subsection B, and Section 410.010. Per these requirements, notice of the public hearing has been published in a newspaper in general circulation in the City, The Platte County Citizen newspaper; a sign announcing the time, place and nature of the public hearing was placed on the subject property within view from public right of way; and mailed notice was provided to all property owners within 185 ft. of the subject properties. As of the date of the completion of this staff analysis report, the Community Development Department has received one (1) public comment.

Wireless Communication Facilities

Parkville Municipal Code, Section 410.010, Subsection E. provides criteria for conditional use permits for telecommunication facilities that the Planning and Zoning Commission shall consider. These are in addition to the general review criteria for conditional use permits (discussed later in this report). The following are staff's findings and conclusions.

- 1. All standards of this Section have been met, or in the case of any City standards and equal or better alternative has been proposed that equally or better meets all of the intent provisions of this Section.**

Section 410.010, C. provides requirements for wireless communication facilities.

	Code	Proposed
Height	< 180'	155'
Setbacks	≥ 500' from residential structure	500' from Hawley Hall
	> ½ mi. from nearest tower over 90'	> ½ mi.
Security Fencing	6' anti-climb fence	6' anti-climb fence
Landscaping	Type 1 Buffer	Preservation of existing woods
Finish	Galvanized Steel	Galvanized Steel

Staff finds that the proposed plans meet the requirements of Section 410.010.

- 2. Telecommunication facilities should be located and designed to minimize any adverse effect they may have on residential property values.**

The tower has been sited in coordination with Park University. The proposed location is heavily wooded and isolated from residential uses. The nearest residential structure is Park University's Hawley Hall (500' away). The nearest non-Park University residential structure is approx. 1200' away.

3. **Towers and all related equipment and facilities should be architecturally compatible with surrounding buildings and land uses in the zone district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.**

The site is heavily wooded with no surrounding buildings. The surrounding uses include Park University's communication hub and a Missouri American Water facility. The proposed fencing for this site is similar in character to the existing fencing around these uses.

4. **At the time of the conditional use request, an evaluation of the visual impact should be taken into consideration if vegetation is to be removed.**

5. **Innovative designs should be used whenever the screening potential of the site is low. For example, by constructing screening structures which are compatible with surrounding architecture, the visual impact of a site may be mitigated.**

The screening potential of the site is not low. Existing mature woods to be preserved for screening.

6. **The structure must be architecturally and visually (in color, bulk, size) compatible with surrounding existing buildings, structures, vegetation, and/or uses in the area or those likely to exist under the terms of the underlying zoning.**

General Review and Analysis

Parkville Municipal Code, Section 403.050, Subsection B. provides review criteria for how the Planning and Zoning Commission shall determine if a conditional use permit is appropriate. The following are staff's findings and conclusions.

1. **The application furthers the intent of the proposed zoning district and does not conflict with the intent of any abutting districts, and is otherwise determined to be consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan.**

This property is zoned "P-EC" Planned Educational Campus District. The Conditional Use Permit allows this property to be used for a wireless communication tower. The surrounding zoning districts are all "P-EC" for Park University. The installation of the communication tower does not conflict with the intent of these zoning districts. Utility infrastructure is necessary to support current and future development in the surrounding area.

The *Parkville Master Plan (adopted 2021)* Future Land Use map labels this property as "Park University mixed use." The proposed electrical substation does not conflict with the surrounding future land uses.

2. **Compliance of any proposed development with the requirements of this code.**

The proposed development appears to meet the requirements of the Municipal Code. The proposal meets the criteria to apply for a Conditional Use Permit.

3. **Whether any additional site-specific conditions are necessary to meet the purposes and intent of the Development Code and the intent or design objectives of any applicable subsections of the Development Code, or mitigate any other potential impacts that are specific to the proposed use.**

No site-specific conditions are necessary to meet the purposes and intent of the Development Code or mitigate any other potential impacts that are specific to the proposed use.

4. The impact on the public realm, including the design and functions of streetscapes and relationships of building and site elements to the streetscape.

The proposed tower generates minimal traffic and does not have a noticeable impact on the public realm.

5. The adequacy of drainage, utilities and other public facilities.

No public facilities are planned for the tower, as public access will not be allowed at the site.

6. Compatibility with the character of the area in terms of building scale, building form, landscape and site design.

The proposed tower meets the Code requirements for construction materials. The site is heavily wooded to mitigate visual impacts. The proposed fencing is compatible with fencing design in the area.

7. Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.

The communications tower on the property proposes to operate 24 hours a day but does not allow public access. The area will typically be unoccupied except for occasional maintenance and will not be accessible by the general public.

8. Whether a limited time period for the permit is reasonable necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and on-going enforcement of the permit.

Staff does not find it necessary to limit the duration of the permit. The tower's lease with Park University governs abandonment of the facility.

9. The application will not prevent development and use of the neighboring property in accordance with the applicable development regulations.

Approval of the Application for Conditional Use Permit should not prevent development and use of neighboring properties in accordance with the applicable development regulations. The proposed development will be fenced and self-contained.

10. The long range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.

Staff does not foresee any negative impact to long range plans in the area from this plan.

11. The recommendations of professional staff or other technical reviews associated with the application.

Staff recommends approval of the application as submitted by the Applicant.

Staff Conclusion and Recommendation

Following review, staff recommends approval of the Application for Conditional Use Permit for the subject property based on the merits of the application and the findings and conclusions in this report, subject to the following conditions:

1. Approval is based on the representations of the drawings presented as part of this application and does not waive any requirement or development standard contained in the Parkville Municipal Code.

2. The Conditional Use Permit is to allow a new wireless communication tower on the property described in attached exhibits covering 377.16 +/- acres indefinitely, unless revoked.

It should be noted that the recommendation contained in this report is made without knowledge of facts, public comments or any additional information which may be presented during the public hearing. For that reason, the conclusions herein are subject to change as a result of evaluating additional information; additionally, staff reserves the right to modify or confirm the conclusions and recommendations herein based on consideration of any additional information that may be presented.

Necessary Action

Following consideration of the Application for Conditional Use Permit, supporting information, associated exhibits, factors discussed above, and any testimony presented during the public hearing, the Planning and Zoning Commission should recommend approval, approval with conditions, denial, or postpone the application for further consideration. If approved subject to conditions, the conditions should be noted for the record. Unless postponed, the Planning Commission's action will be forwarded to the Board of Aldermen on March 21, 2023 for final action.

End of Memorandum

<u>/s/ Brad Stanton</u>	<u>3-10-2023</u>
Brad Stanton	Date
Planner	

APPLICATION FOR CONDITIONAL USE PERMIT

TELECOMMUNICATIONS TOWER SITE

**NEW CINGULAR WIRELESS PCS, LLC
AT&T**

**KSL05500
Parkville**

City of Parkville

**Respectfully Submitted
Ward Development Services, LLC
January 2023**

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A. APPLICATION FOR CONDITIONAL USE PERMIT



Application #: _____
Date Submitted: _____
Public Hearing: _____
Date Approved: _____

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

Application for Conditional Use Permit

Pre-application meeting required per Parkville Municipal Code, Title IV, Section 403.010, Subsection C

1. Applicant/Contact Information

Applicant(s)

Name: New Cingular Wireless PCS, LLC
Address: 7900 Xerxes Ave S
City, State: Bloomington, MN
Phone: _____ Fax: _____
E-mail: _____

Engineer/Surveyor(s) preparing plans & legal desc.

Name: Fullerton Engineering
Address: 1100 E. Woodfield Rd, Ste. 500
City, State: Schaumburg, IL 60173
Phone: (847) 908-8400 Fax: _____
E-mail: _____

Owner(s), if different from applicant(s)

Name: Park University
Address: 8700 NW River Park Dr
City, State: Parkville, MO
Phone: 816-935-3704 Fax: _____
E-mail: kevin.martineau@park.edu

Contact Person, if different from applicant(s)

Name: Steve Ward
Address: 15 Park Place Centre
City, State: Swansea, IL
Phone: 314-503-4444 Fax: 866-655-2853
E-mail: steve@ward-development.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 conditional use 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) _____ Date: _____
Property Owner's Signature (Required) Michael Beach Date: 1/12/2023

2. Proposed Conditional Use (see also Checklist of required submittals)

Proposed use: A new communications tower Requested length of permit _____
Description: 155' monopole and equipment compound located in a wooded area of Park University
Proposed days and hours of operation: Unmanned - 24/7

3. Property Information (see also Checklist of required submittals)

Property address / general location: No 911 - by 8500 NW River Park Drive
Parcel ID Number: 20-7.0-36-000-000-001.000 Zoning: _____
Present use of the property: Park University / Vacant wooded area to the east of campus
Length of use (or vacancy): 25 year lease

4. Neighboring land uses and zoning

Describe the existing land use and zoning on the surrounding properties:

Existing Land UseExisting Zoning

North: Wooded

North: P-EC

South: Wooded and University

South: P-EC

East: Wooded and University

East: P-EC

West: Wooded an athletic fileds and quarry

West: P-EC

Attach a narrative addressing:

1. How the application furthers the intent of the proposed zoning district and does not conflict with the intent of any abutting districts, and is otherwise determined to be consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan.
2. Compliance of any proposed development with the requirements of this code.
3. Whether any additional site-specific conditions are necessary to meet the purposes and intent of this code and the intent or design objectives of any applicable subsections of this code, or mitigate any other potential impacts that are specific to the proposed use.
4. The impact on the public realm, including the design and functions of streetscapes and relationships of building and site elements to the streetscape.
5. The adequacy of drainage, utilities and other public facilities.
6. Compatibility with the character of the area in terms of building scale, building form, landscape and site design.
7. Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.
8. Whether a limited time period for the permit is reasonable necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and on-going enforcement of the permit.
9. How the application will not prevent development and use of the neighboring property in accordance with the applicable development regulations
10. How the long range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.
11. Any other information relevant to the application

5. 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, posted and mailed notice per Parkville Municipal Code, Title IV, Section 403.010, Subsection E.
- ☒ Complete written and graphical legal description of subject property in paper and electronic formats, an area map showing the subject property and surrounding major features including roads.
- ☐ Three (3) copies 24" x 36" size, or larger sets, and one (1) electronic set (PDF format) of the site plan showing property boundaries, existing and proposed topography, structures, parking utilities, landscaping, signage, facades and other site features related to the proposed CUP.
- ☒ Authorized signature of the applicant and property owner.

For Office Use OnlyApplication accepted as complete by: _____
Name/Title _____ Date _____

Application fee payment: Check # _____ 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: _____

6. Conditional Use Permit checklist for staff review for site plans**1. Basic Information**

- a. Name of the development
- b. Name, address, contact information of person or firm that prepared the plan
- c. Date plan was prepared, including any revision dates
- d. Graphic, engineering scale
- e. North arrow
- f. Vicinity map identifying boundaries and location of property in relation to City

2. Development Summary Table | *Provided on site plan in chart format*

- a. Existing zoning and proposed zoning if applicable
- b. Total land area in square feet and acres
- c. Proposed use or uses of each building and/or structure
- d. Height above grade of buildings and structures and number of stories of each building and/or structure
- e. Gross floor area per floor and total for each building/structure
- f. Residential buildings shall also include residential building type and total number of dwelling units. Residential development shall identify gross and net density
- g. Building coverage and floor area ratio
- h. Ratio of required number of parking spaces for each use and amount of proposed parking spaces

3. Plan Drawing

- a. Property lines and lot dimensions
- b. Proposed building footprint with lines
- c. Building(s) with dimensions and distance to property lines
- d. Cross-sections of the site detailing the height of buildings/structures, distances, and relationship to existing topography, and if applicable, proposed topography
- e. Existing and proposed rights-of-way improvements (curb/gutter/sidewalk/driveways, etc.) and easements
- f. All radii, acres, points of tangency, central angles and lengths of curves
- g. Existing and proposed topography, with major contour lines at intervals of 10 feet, and minor contour lines at an interval of 2 feet
- h. Indication of FEMA Special Flood Hazard Areas (SFHA) if applicable
- i. Location and identification of any proposed and any existing site features to be retained, including detention areas, retaining walls, existing mature trees, and other pertinent site features
- j. Identification of proposed or existing use or uses within each building, building entrances and exits, docks or other service entrances, utility entrances and screening to them, trash enclosures if applicable, outdoor storage and sales areas, and other paved areas.
- k. Architectural renderings of the completed project be provided, including elevations of each side of each structure and delineation of building materials.

4. Parking and Circulation

- a. Location and dimensions of the widths of existing or proposed private vehicular access into the property from perimeter streets and location of existing or approved accesses on properties adjacent or opposite the property
- b. Location of proposed or existing parking spaces, aisles, and drives with setback dimensions from proposed streets right-of-way and adjacent property lines; typical width and length of parking spaces; number of parking spaces per row; and width of parking and drive aisles
- c. Illustration of AutoTURN vehicular movements for emergency vehicle access to development, specifically a Pierce Velocity fire truck (duel axle type w/ 110 ft. ladder; vehicle specifications are 43.3 ft. length X 8 ft. width)
- d. Location of proposed trash enclosures if applicable
- e. Identification of all public and private existing and proposed sidewalks, trails, bicycle facilities, and/or open space areas (Tracts A, B, C, etc.)
- f. Indication of compliance with access and parking standards per City Code (Chapter 408)

5. Landscaping and Screening

- a. A plan for landscaping design and screening in conformance with City Code (Section 407.020 and 407.030)
- b. A lighting plan in conformance with City Code (Section 407.040)
- c. A stormwater management plan in conformance with City Code (Section 407.050)
- d. A landscape schedule showing compliance with City Code (Chapter 407)

6. Other Requirements

- a. All survey monuments and benchmarks, together with their description
- b. Show windows and entrances
- c. Label all materials
- d. Show canopies and awnings if proposed
- e. Information regarding signage if proposed, in compliance with City Code (Chapter 409)

Note: Submissions of conditional use permits to the Planning and Zoning Commission that do not conform to the above checklist may, at the discretion of the Planning and Zoning Commission, be subject to delay until unfulfilled items are complied with.

B. NARRATIVE STATEMENT

December 8, 2022

Planning and Zoning Commission
8880 Clark Ave
Parkville, MO 64152

RE: KSL05500 Parkville CUP application

Re: Submittal of Application for a Conditional Use Permit by New Cingular Wireless PCS, LLC (AT&T) to allow for the construction, operation, and maintenance of a wireless telecommunications facility consisting of a 155' monopole tower support structure with attendant ground-based equipment compound on the property leased by the applicant on a tract of land located by 8500 NW River Park Dr. at the Park University

Members of the Planning and Zoning Commission,

I write regarding the above-referenced project to supplement the Application for Conditional Use permit that is being concurrently filed. This letter is submitted on behalf of the owners of the property in conjunction with AT&T. AT&T is applying for this Conditional Use Permit to construct, operate and maintain a communication property on land owned by Park University. This letter provides a general overview of the project, including the need for the site and its design parameters.

With the filing of this Application, AT&T requests your support and a written determination that AT&T has met the criteria in the Parkville Zoning and Building & Construction codes. We also request this Application and supporting documentation be entered as part of the official records of this proceeding.

Applicant:
New Cingular Wireless PCS, LLC
7900 Xerxes Avenue S
Bloomington, MN 55435

Property Owner:
Park University
8700 NW River Park Dr
Parkville, MO 64152

Agents for Applicant and Property Owner:
Steven K. Ward
Ward Development Services, LLC
15 Park Place Centre
Swansea, IL 62226
(314) 503-4444 Phone
(866) 655-2853 (Facsimile)

I. Location and description of property

AT&T is proposing to provide service to the area east of Parkville and Park University, Parkville, Platte County. The proposal is for AT&T to construct a 155-foot monopole tower as an antenna support structure on agriculturally used property. The site, when completed, will become part of AT&T's network that will provide continued and improved coverage to the current service area that presently in this portion of Parkville and Platte County. The property is east of campus an elevated, wooded area owned by the university.

The primary objective for AT&T is to place a facility at this location is to provide adequate coverage to the residences in this area, students, Parkville and Platte County residents, and vehicular traffic in all directions of the proposed site. This geographic area is part of an existing coverage area in AT&T's network. The site will provide for the newest equipment to be installed and provide citizens additional choices for their communication needs. The site will dramatically improve AT&T in-building coverage as customers continue to use their wireless devices as their principal form of communication. Local Police and Fire departments report that about 75% of 911 calls originate from wireless devices.

II. Why and how this location was chosen

AT&T currently has minimal coverage in this area. As usage has increased and technology grown, we need to continue deliver our services and new technologies to the residents and businesses in the area. The site will also be available to the FirstNet network for first responders.

Site Acquisition Contractors, such as Ward Development Services, are instructed by AT&T's management to target existing cell sites, rooftops, towers, and to utilize any existing structures to collocate equipment on within the Search Ring first, in order to minimize new construction, expedite improved coverage, and to meet the spirit and intent of local zoning regulations, which typically encourage collocation. There are sites in the area that were reviewed as part of our work.

1. There are no existing structures in the area that have sufficient height to serve the network

AT&T's objective in placing a facility on the Subject Property is to improve continued service in the area. The Federal Communications Commission ("FCC") restricts the power output on all telecommunications antennae, requiring additional sites to fill in gaps in the network. The number of wireless communications facilities correlates to the size, terrain, and amount of customer traffic in a specific area. While AT&T endeavors to collocate on existing structures wherever possible, the lack of existing structures requires a new wireless communications facility to be built. AT&T's service is limited by (Radio Frequency) coverage, which propagates from antennae located on towers. There is no other possible way to cover this area without building a new tower, as there are no co-locatable structures available in the area that meets the objectives of the Radio Frequency Engineer's criteria. AT&T consistently seeks to increase or supplement their coverage footprint so that they may serve their growing customer base. Due to the present and anticipated growth of cell phone use, complaints from existing AT&T customers losing their signal while driving in the area or while using their devices in their homes necessitate the additional coverage that will be provided by this tower. As there are no existing

structures in the area, our search was to locate a property that met the intent of the requirements for a Conditional Use Permit.

The site is located on a vacant, wooded area away from any residential uses or passing traffic. The site is remote and accessed by private roads through the university. The location is surrounded by woods. The site will deliver much needed service to the students of Park University, residents of Parkville and visitors to the area.

I hope that by supplying you with this overview of the project that you will agree to the need for this facility and that you will be able to support our Application to provide wireless telecommunications services to the citizens of the City.

Please contact me if you have any questions or if additional information is required.

Thank you very much.

Sincerely,

Steven K Ward

Steven K. Ward,
Ward Development Services, LLC
Authorized Agent for AT&T

C. COMPLIANCE WITH ORDINANCE

[Ord. No. 3067, 4-6-2021]

A. Intent. It is the intent of this Section to:

- 1.** Encourage the location of towers in non-residential areas.
- 2.** Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
- 3.** Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
- 4.** Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

This location is located in a heavily wooded area on the Park University land. The nearest building is Hawley Hall at 500' distant.

B. Applicability.

1. District Height Limitations. The requirements set forth in this Section shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.

~~**2.** Amateur Radio — Receive-Only Antennas. This Section shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.~~

~~**3.** City Rights-Of-Way. All requirements of towers, antennas and associated equipment and facilities shall equally apply to any application for antenna or tower placement within City rights-of-way.~~

~~**4.** Preexisting Towers And Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this Section of the Municipal Code shall not be required to meet the requirements of this Section, other than the requirements of Subsections **(C)(8)** and **(E)**. Any such towers or antennas shall be referred to in this Section as "preexisting towers" or "preexisting antennas."~~

C. General Requirements.

1. Height. Height of all towers or structures shall be measured from ground level to the highest point on the tower or other structure, including any antenna. Except as further constrained by the setback and separation requirements, the maximum height of a tower shall not exceed one hundred eighty (180) feet above the existing ground level.

This proposal is for a 155-foot tall monopole tower

2. Setbacks And Separation. Unless otherwise required by law, the following setbacks and separation requirements shall apply to all towers and antennas.

a. Towers must be set back:

(1) A distance equal to twice the height of the tower as measured from the furthest extension on the tower support structure from any off-site residential structure; or

(2) Five hundred (500) feet from any residential structure, whichever figure is greater. For towers less than fifty (50) feet in height, the minimum setback shall be two hundred (200) feet.

Hawley Hall is 500' away and the nearest off-site structure is 1,800 feet away

b. Towers and accessory facilities must satisfy the minimum zoning district setback requirements.

This requirement is met

c. In residential or business zones, towers over ninety (90) feet in height shall not be located within one-half (1/2) mile from any existing tower that is over ninety (90) feet in height.

There are no other towers within one-half mile

d. In industrial zones, towers over ninety (90) feet in height shall not be located within one-fourth (1/4) mile from any existing tower that is over ninety (90) feet in height.

This is not an industrial zone

e. Minimum setbacks for microcell and repeaters are those required for any accessory building or structure within the zone district.

Not Applicable

f. Minimum setbacks for freestanding monopole towers and minimum setback of towers and supports when located within two hundred fifty (250) feet from any public rights-of-way, sidewalk or street, alley, parking area, playground, or building not dedicated solely for access to or maintenance of the tower support structure, and from any property line shall be the tower height (as measured from the furthest extension on the tower support structure) or the minimum setback for any accessory building within the district, whichever is greater. Minimum setback of towers and supports when not

located within two hundred fifty (250) feet from any public rights-of-way, sidewalk or street, alley, parking area, playground, or building (except for parking and buildings dedicated solely for access to or maintenance of the tower support structure), and from any property line shall be the standard setback for a building or structure within the zone district.

The nearest public R.O.W is East 2th Street which is over 1200' to the northwest

~~g.~~ For applications for sites within City rights-of-way, the most restrictive adjacent underlying zoning district classification shall apply.

~~3. Roof And/Or Building Mount Facility. Antennas on the rooftop or above a structure shall not extend more than twelve (12) feet above the roof, and shall be screened, constructed and/or colored to match the structure to which they are attached in a manner that they are not visible from public streetscapes adjacent to the building. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennas exceeding twelve (12) inches in diameter on a roof or building mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character and color.~~

4. Security Fencing. All telecommunication towers and antennas shall be protected from unauthorized access by appropriate security measures. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.

The compound will have a 6' chain link fence. The tower will have anti-climb measures.

5. Landscaping. The following landscape requirements apply:

a. Tower facilities shall be landscaped with Type 1 buffer to effectively screen the view of the tower compound from adjacent property.

b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible to minimize visibility of the compound, tower and antenna from the streetscape or civic and open spaces. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer, however in other cases additional small and large trees may be required to be planted in the vicinity.

The tower is in a heavily wooded area. No additional plantings are proposed

6. Aesthetics — Lighting. The following guidelines shall govern the location of all towers, and the installation of all antennas.

a. Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a light, neutral color so as to reduce visual obtrusiveness. A tower shall not dominate the skyline.

The tower will have a galvanized steel finish

b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities into the natural setting and built environment. Metal equipment buildings are prohibited.

The tower compound is in a heavily wooded area and can not be seen due to its remote location

~~**c.** If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a light, neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.~~

d. The City may or may not require lighting, even if not required by the FAA. If lighting is required, the Planning Commission may review the available lighting alternatives and approve the design.

No lighting is proposed by the Applicant

7. Federal Requirements. All towers must meet current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas.

The tower will comply with all applicable government agency/license requirements

8. Building Codes — Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local buildings codes and the applicable standards for towers that are published by the Electronic Industries Association. Any structural modification or alteration to an existing tower or antenna will require a structural analysis by a licensed professional engineer in the State of Missouri as part of the application, unless waived by the Community Development Director. If, upon inspection, a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring the tower into compliance. If the

owner fails to bring a tower into compliance within thirty (30) days, the City of Parkville may remove the tower at the owner's expense.

The tower owner will not allow any application to modify the tower without a passing structural analysis.

9. Safety. All telecommunication towers and antennas shall be reasonably designed to reduce the potential damage to persons or property from falling equipment, ice or debris from wind, damage or structural failure.

The tower and all attachments will be designed in accordance with the applicable building code

D. Small Wireless Facilities.

~~**1.** Small Wireless On Utility Poles. In accordance with Section 67.5112, RSMo., a wireless provider may collocate small wireless facilities and install, maintain, modify, operate, and replace utility poles, at heights below the height limitations outlined in this subdivision, which shall be a permitted use in all districts except within single-family residential and historic zoned areas and districts provided the proposed installation does not:~~

~~**a.** Materially interfere with the safe operation of traffic and control equipment or City-owned communications equipment;~~

~~**b.** Materially interfere with compliance with the American Disabilities Act, or similar Federal or State standards regarding pedestrian access or movement;~~

~~**c.** Materially obstruct or hinder the usual travel or public safety on the rights-of-way;~~

~~**d.** Materially obstruct the legal use of the rights-of-way by the City, utility, or other third-party;~~

~~**e.** Fail to comply with the spacing requirements;~~

~~**f.** Fail to comply with applicable national safety codes, including recognized engineering standards for utility poles or support structures;~~

~~**g.** Fail to comply with the decorative pole replacement requirements herein;~~

~~**h.** Fail to comply with undergrounding requirements; or~~

~~**i.** Interfere or impair the operation of existing utility facilities, or City or third-party attachments.~~

~~**2.** New, replacement, or modification of utility poles under the following circumstances shall not be considered a permitted use:~~

~~a. Proposals to construct or modify a utility pole which exceeds the greater of:~~

~~(1) Fifty (50) feet AGL; or~~

~~(2) More than ten (10) feet above the tallest existing utility pole as of January 1, 2019, within five hundred (500) feet of the proposed utility pole in the City; and~~

~~(3) Proposals to collocate on an existing utility pole in place on August 28, 2019, which exceeds the height of the existing utility pole by more than ten (10) feet.~~

~~3. Fast Track. An application for a fast-track small wireless facility may be approved administratively by the Community Development Director, subject to meeting the following requirements:~~

~~a. The following requirements shall generally apply to all fast-track small wireless facilities located within the City:~~

~~(1) The fast-track shall substantially match any current aesthetic or ornamental elements of the existing structure or utility pole, or otherwise be designed to maximally blend in to the built environment, with attention to the current uses within the district at the proposed site;~~

~~(2) Any portion above the existing structure or utility pole shall be concealed and of the same dimensions and appearance so as to appear to be a natural extension of the existing structure or utility pole in lieu of an enclosure or concealment;~~

~~(3) The fast-track equipment shall not emit noise audible from the building line of any residentially zoned or used property; and~~

~~(4) Location, placement, and orientation of the fast-track shall, to the extent feasible, minimize the obstruction to, or visibility from, the closest adjacent properties unless otherwise required by the City for safety reasons.~~

~~b. When a fast-track is proposed to be located on an existing structure or utility pole on or adjacent to public or private streets, sidewalks, or other pedestrian or vehicle ways;~~

~~(1) The height of all portions of the fast-track shall be located at least eight (8) feet above ground level;~~

~~(2) No ground equipment shall be permitted; and~~

~~(3) No portions of the fast-track shall extend horizontally from the surface of the utility pole or existing structure more than sixteen (16) inches.~~

~~c. Additionally, the director may for good cause shown increase any one (1) or more of the maximum volumetric specifications from the definition of a fast-track by up the fifty percent (50%) if the applicant demonstrates that it:~~

~~(1) Does not in any location nationally use equipment capable of meeting the specifications and the purpose of the equipment; and~~

~~(2) Cannot feasibly meet the requirements as defined and described.~~

~~d. The Board of Aldermen may further waive one (1) or more of the requirements found in the definition of fast-track, or from Subsection (D)(3)(b) or (D)(3)(c) of this Section, upon good cause shown by the applicant, and provided a showing that the waiver is the minimum necessary to accomplish the purposes of this Section. The burden of proof for any waiver shall be wholly on the applicant and must be shown by clear and convincing evidence.~~

~~4. Applications. Applications for uses authorized under this Section shall be on forms as may be established by the Community Development Director with such information as necessary to determine applicability of the specific permitted use and shall be accompanied by a building permit application, proof of owner consent required herein, and application fees as set forth in the Schedule of Fees and adopted by the Board of Aldermen by resolution, as authorized by Section 600.010 of the Municipal Code, as required to cover the actual costs, but not to exceed such amounts as limited by applicable law. If the applicant is not a wireless services provider, as defined by Section 67.5111, RSMo., then the applicant must submit evidence of agreements or plans, or otherwise provide attestations to the same, which conclusively demonstrate to the City that the proposed site(s) will become operational and used by such wireless services provider within one (1) year of the permit's issuance date. For any application for a small wireless facility, the applicant shall provide an attestation that the proposed small wireless facility complies with the volumetric limitations as required to meet the definition of a small wireless facility in accordance with this Section and pursuant to applicable law. Applicant shall also submit a certified structural analysis as required in the general requirements of this Section. Applications requesting any information that is prohibited by Federal or State law under the applicable circumstance shall be deemed inapplicable to the subject application. Applications shall be decided upon within a reasonable time, subject further to State or Federal specific additional requirements as may apply to the particular application. The Community Development Director shall review the application and provide a deficient notice, in accordance with this Section, within fifteen (15) days of receipt, or such other longer time as allowed by applicable law. A decision to deny an application shall be made in writing and state the specific reasons for denial.~~

E. Conditional Use Permits.

1. General. A conditional use permit is required for new towers or new antenna on existing towers or structures. The following provisions shall govern the issuance of conditional use permits:

a. A conditional use permit shall be required for the construction of a new tower or the placement of an antenna in all zoning districts, or substantial modification to an existing telecommunication tower or antenna as defined by Missouri Statutes.

b. Any approval may be conditioned upon site specific requirements that are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

c. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of Missouri.

We agree

2. Information Required. Each applicant requesting a conditional use permit under this Section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation signed and sealed by appropriate licensed professionals showing the location and dimensions of all improvements, including information concerning topography, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Planning Commission to be necessary to assure compliance with this Section. ~~For applications for sites within City rights-of-way or on City-owned property, no application shall be submitted for permit approval without attaching the City's consent to use the right-of-way or property for the specific construction application. This consent should be in the form of an agreement with the City to place and/or maintain private improvements in City rights-of-way or on City-owned property.~~

Plans are attached to this application depicting the general design. Full design drawings of the tower facility and the tower design will be submitted with the building permit application

3. Abandonment Bond. Any applicant for a new tower shall place a bond or other security with the City prior to any final approval to ensure abandoned towers can be removed. The bond or security shall be in the form and amount approved by the Community Development Director based on the valuation of the tower at the time of construction and necessary amount required for a demolition permit. The amount of the bond shall be determined by the Director to satisfy the requirements hereof with regard to the specific tower to which it would apply based on the estimated total cost of removal of that tower.

(k) Imposing surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused facilities can be removed unless the authority imposes similar requirements on other permits for other types of commercial development or land uses;

Pursuant to Missouri State Statute, the bond requirement may apply only if the city has similar requirements for other similar proposals.

4. Criteria. In addition to the criteria in Section **403.050**, and the standards in this Section, the Planning Commission shall consider the following additional criteria for conditional use permits for telecommunication facilities.

a. All standards of this Section have been met, or in the case of any City standards and equal or better alternative has been proposed that equally or better meets all of the intent provisions of this Section.

b. Telecommunication facilities should be located and designed to minimize any adverse effect they may have on residential property values.

(1) Colors and facility designs should be compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and should restrain the facility from dominating the surrounding area.

There are no surrounding buildings or uses in the area

~~**(2)** Location and design of sites in commercial or industrial zones should consider the impact of these sites on surrounding neighborhoods, particularly the visual impact within the zone district and beyond, in residential areas.~~

(3) Fencing should not necessarily be used to screen a site, and security fencing should be colored or should be of a design which blends into the character of the existing environment.

This is a very remote site and a chain link fence I proposed. This will be similar to the fencing surround the University's communication hub and the Missouri American water tank

(4) Freestanding facilities should be located to avoid a dominant silhouette.

Again, the site is remote and far from any residential use and from trafficways

(5) Strobe lights are prohibited at night unless required by the Federal Aviation Administration

We agree

c. Towers and all related equipment and facilities should be architecturally compatible with surrounding buildings and land uses in the zone district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.

There are no surrounding buildings in the area

d. At the time of the conditional use request, an evaluation of the visual impact should be taken into consideration if vegetation is to be removed.

The location was selected with staff of the University so as to find a site that had minimal existing vegetation. This location was cleared in the past for water mains. The compound is designed to allow access to the water valves along the east side of the fence

e. Innovative designs should be used whenever the screening potential of the site is low. For example, by constructing screening structures which are compatible with surrounding architecture, the visual impact of a site may be mitigated.

There is no existing surrounding architecture

f. The structure must be architecturally and visually (in color, bulk, size) compatible with surrounding existing buildings, structures, vegetation, and/or uses in the area or those likely to exist under the terms of the underlying zoning.

The tower is designed to a height to meet the need of the network. There will be space on the tower for use by the University and we encourage collocation of other carriers

5. Historic Preservation Thirty-Day Hearing Period. A conditional use permit shall not be issued for any telecommunication tower or antenna that the Planning Commission or Board of Aldermen determines would create a significant negative visual impact or otherwise have a significant negative impact on the historical character and quality of any property within a Historic Preservation District or such district as a whole. For collocation of any certified historic structure as defined in Section 253.545, RSMo., in addition to all other applicable time requirements, there shall be a thirty-day time period before approval of an application during which one (1) or more public hearings on collocation to a certified historic structure are held.

F. Abandonment. It shall be the duty of the facility owner to notify the City when the site is no longer to be used for telecommunication purposes. Telecommunication facilities which are not in use for six (6) months for telecommunication purposes shall be removed by the telecommunication facility owner. This removal shall occur within ninety (90) days of the end of such six-month period at the owner's expense. Upon removal, the site shall be re-planted to blend with the existing surrounding vegetation. A tower not removed as mandated above shall

be deemed to be a dangerous building as defined in the Uniform Code for the Abatement of Dangerous Buildings, adopted as part of the Building Code in Chapter 500 of the Parkville Municipal Code, and shall be removed under the provisions of Chapters 7 through 9.

Our lease with the University requires that the tower be removed within 120 days of the termination of the lease. The disturbed area will be restored to its original condition, wear and tear excluded.

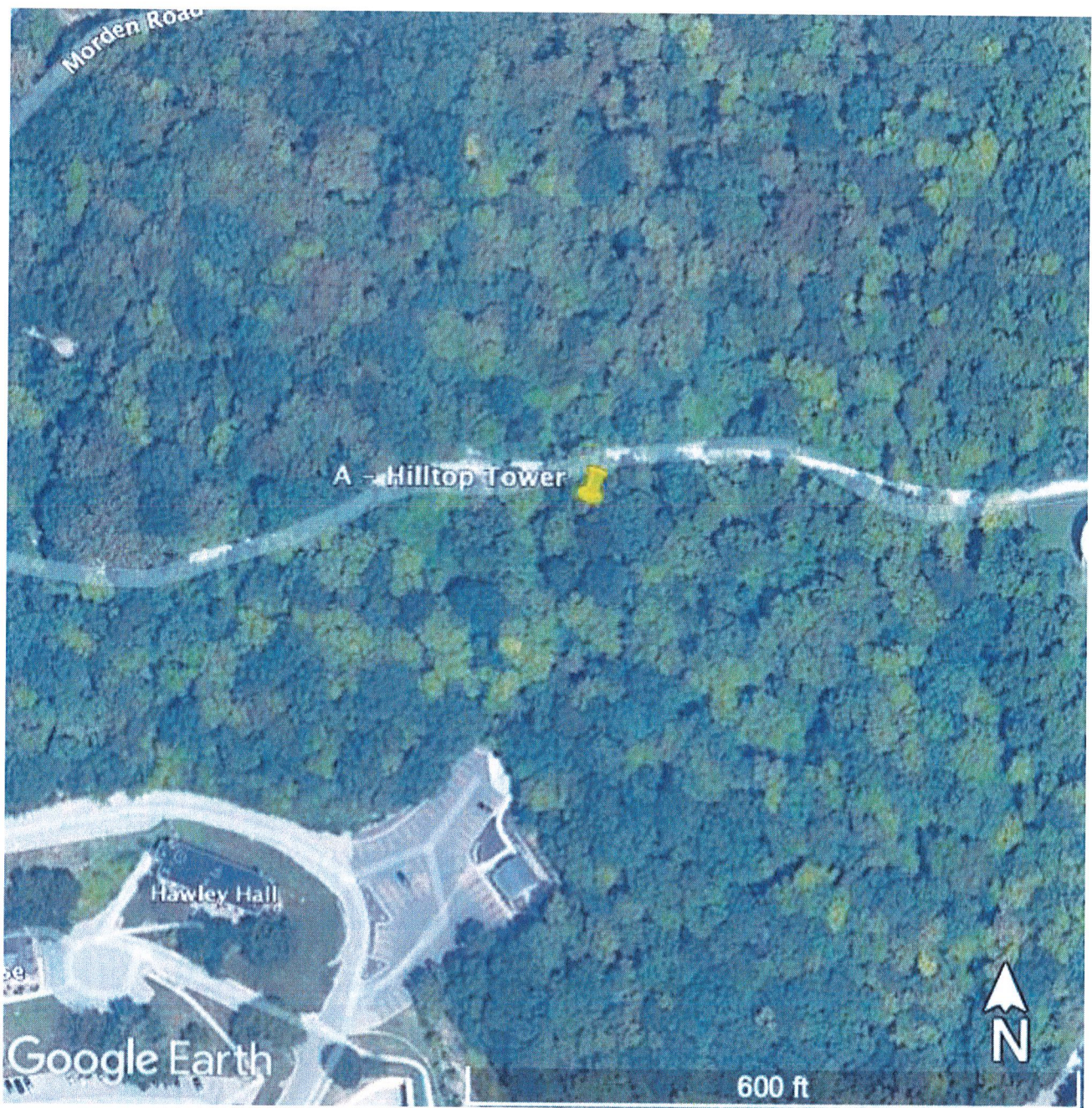
D. EXHIBITS

1. Vicinity Map of Area



2. Aerial Maps





3. PIN sheet

Summary

Parcel ID	20-7-D-36-000-000-001.000
Property Address	8500 NW RIVER PARK DR PARKVILLE
Soc/Twp/Rng	36/51/34
Brief Tax Description	PARKVILLE THAT PART OF 36-51-34 LYING WEST OF KLAMM RD AND N OF HWY 9 EXCEPT THAT PART IN THE NW 1/4 AND WATER TOWER PORTION (Note: Not to be used on legal documents or any document to be recorded)
Gross Living Area	N/A
Class	Commercial
Lot Size	
Route Number	COM-PKV-2MB



Owner

Deed Holder <i>Parkville Commercial</i>	Contract Holder	DBA PARKVILLE COMMERCIAL UNDERGROUND	Mailing Address 8700 NW RIVER PARK DR PARKVILLE, MO 64152-0000
--	-----------------	--	--

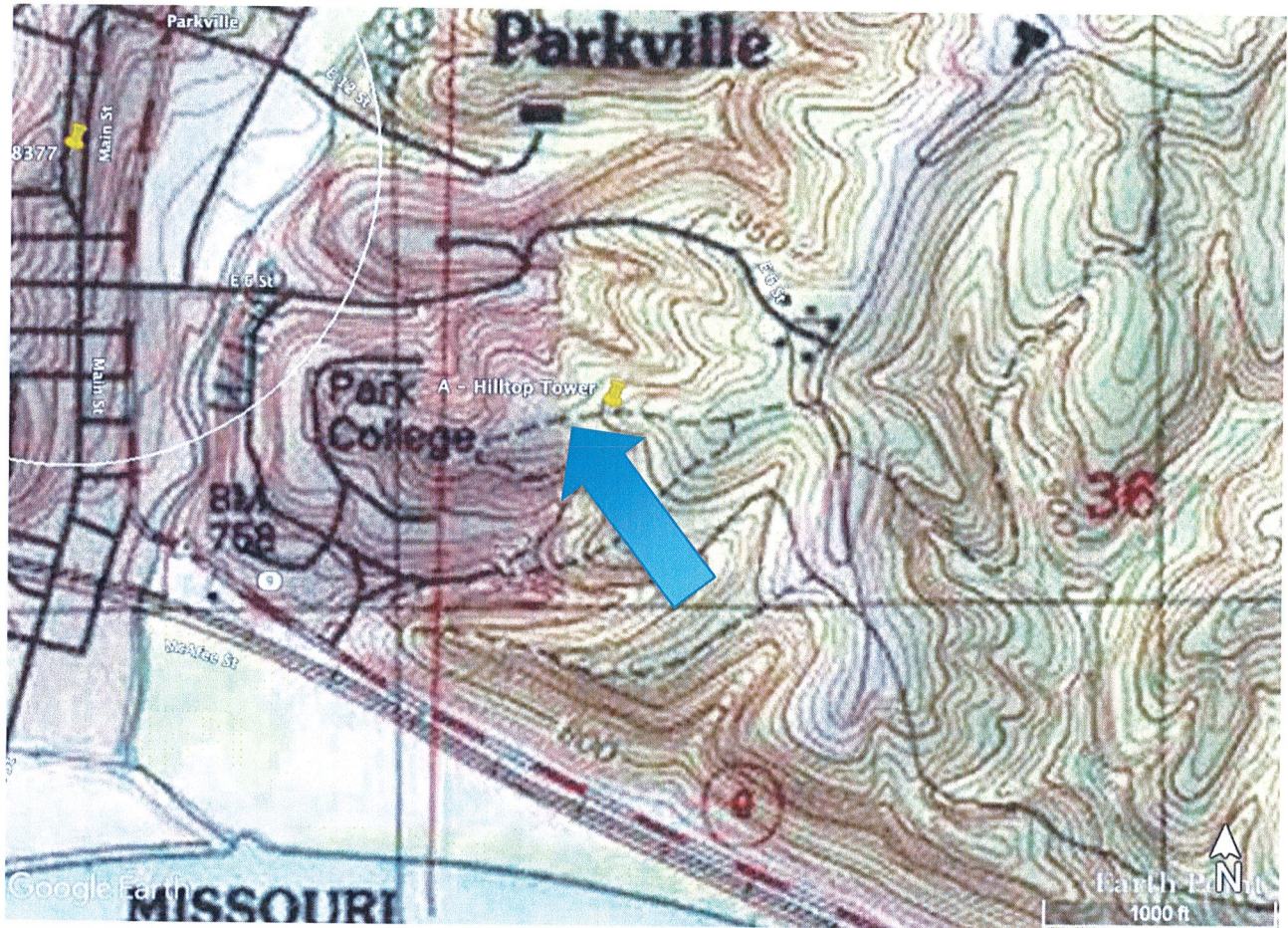
Land

Lot Area 377.16 Acres

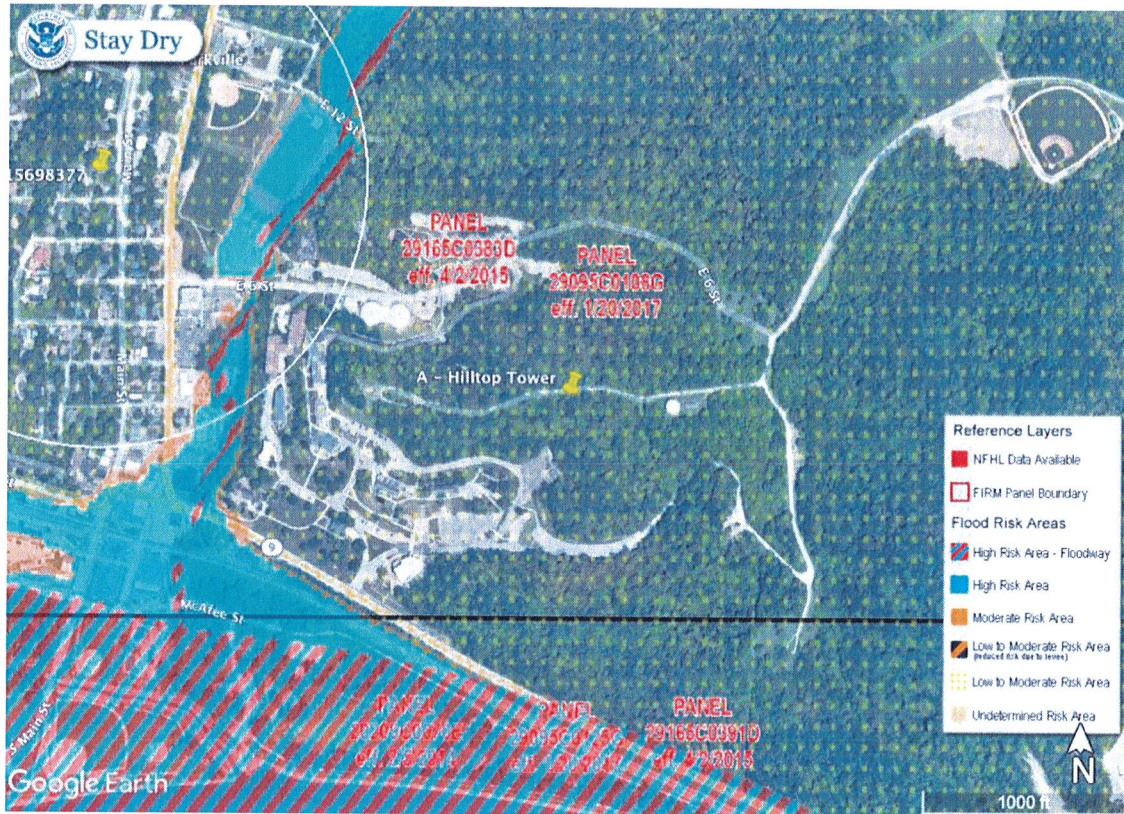
Commercial Buildings

Building 1:	Warehouse, 1 Story, Built - 1998, 21810 SF, Bmnt - 0 SF, Condition - Normal
-------------	--

4. TOPO map



5. Flood and Wetlands maps





E. ZONING DRAWINGS

SHEET INDEX

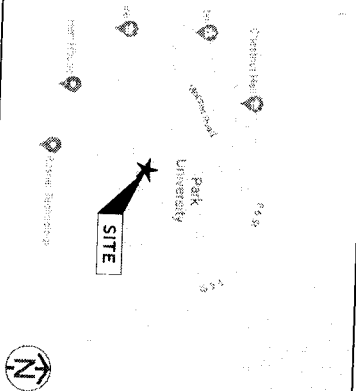
NO.	DESCRIPTION
T-1	TITLE SHEET
S-1	SITE SURVEY
S-2	SITE SURVEY
Z-1	OVERALL SITE PLAN
Z-2	CONFOUND PLAN
Z-3	ELEVATION

DRIVING DIRECTIONS

SCAN QR CODE FOR LINK TO SITE LOCATION MAP



SITE LOCATION MAP



at&t

GREATER MIDWEST MARKET - MO NSB

PARKVILLE MO

KSS500

15698377

**8500 NORTHWEST RIVER PARK DR
PARKVILLE, MO 64152**

155' - MONOPOLE



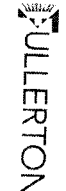
1790 OLIVE BLVD
CREVE COEUR, MO 63141

PROJECT MANAGER



505 Hwy. N. Suite 200
St. Charles, MO 63305

SITE ACQUISITION



1100 E. WOODFIELD ROAD, SUITE 500
SCARBOROUGH, ILINOIS 60173
COA# E201908761
www.FullertonEngineering.com

ENGINEER

NOTES:

- HANDICAP ACCESS REQUIREMENTS ARE NOT REQUIRED
- FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION
- FACILITY HAS NO PLUMBING OR REFRIGERANTS
- THIS FACILITY SHALL MEET OR EXCEED ALL FAA AND FCC REGULATORY REQUIREMENTS
- ALL NEW MATERIAL SHALL BE FURNISHED AND INSTALLED BY CONTRACTOR AND SHALL BE SEVEREWE CONTRACTOR SHALL COORDINATE WITH PROJECT MANAGER PRIOR TO CONSTRUCTION

SCOPE OF WORK:

- PROPOSED MONOPOLE AND FOUNDATION
- PROPOSED ACCESS ROAD
- PROPOSED UTILITY EQUIPMENT
- PROPOSED AT&T ANTENNA
- PROPOSED AT&T ICE BRIDGE
- PROPOSED AT&T GENERATOR
- PROPOSED UTILITY FRAME
- PROPOSED FENCE AND

PROJECT SUMMARY

SITE NAME	PARKVILLE MO
SITE NO.	KSS500
FA LOCATION CODE	15698377
SITE ADDRESS	8500 NORTHWEST RIVER PARK DR PARKVILLE, MO 64152
COUNTY	PLATTE
SITE COORDINATES	1A LETTER LATITUDE 39° 11' 24.84" N LONGITUDE -94° 40' 40.30" W GROUND ELEVATION 940 (NAVD 1988)
STRUCTURE TYPE	155' - MONOPOLE
ZONING	N/A
OCCUPANCY	U - UTILITY
INSPECTION	T.B.D.
APPLICANT	AT&T 1290 OLIVE BLVD CREVE COEUR, MO 63141
PROPERTY OWNER	PARK COLLEGE
PARCEL NUMBER	2017-014600000001000
BUILDING CODE	T.B.D.
ELECTRICAL CODE	T.B.D.
POWER COMPANY	T.B.D.
FIBER COMPANY	T.B.D.

ENGINEER'S LICENSE

CERTIFICATION STATEMENT:
I CERTIFY THAT THESE DRAWINGS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CONTROL, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE CODES.

APPROVALS

AT&T COUNT	DATE
AT&T RF	DATE
AT&T OPS	DATE
LANDLORD	DATE

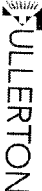
DRAWING SCALED TO 11"X17"



1290 OLIVE BLVD
CREVE COEUR, MO 63141



505 Hwy. N. Suite 200
St. Charles, MO 63305



1100 E. WOODFIELD ROAD, SUITE 500
SCARBOROUGH, ILLINOIS 60173
COA# E201908761
www.FullertonEngineering.com

#	DATE	DESCRIPTION	INT.
1	12/15/22	ZONING	HK

SITE NAME

PARKVILLE MO

SITE NO.

KSS500

SITE ADDRESS

8500 NORTHWEST RIVER PARK DR
PARKVILLE, MO 64152

SHEET NAME

TITLE SHEET

SHEET NUMBER

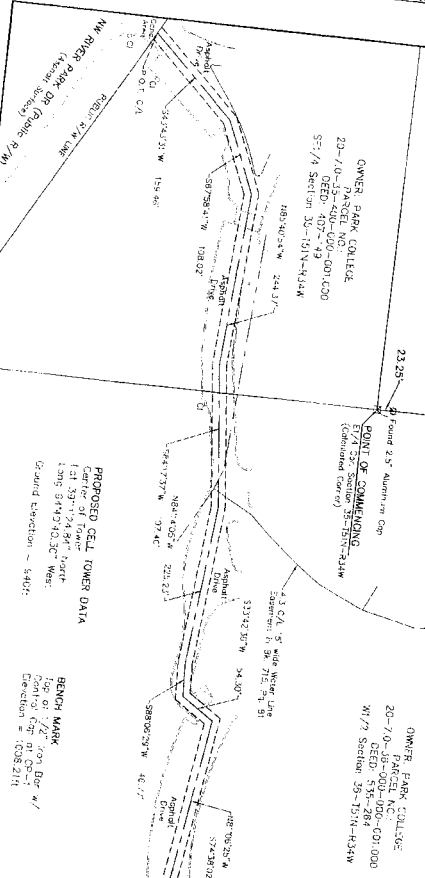
T-1

KS5500 PARKVILLE MO PART OF THE W1/2, SECTION 36 AND THE E1/2, SECTION 35, T51N, R34W, IN PLATE COUNTY, MISSOURI

OWNER: PARKVILLE
23-70-36-000-001-000
W1/2 SECTION 35, T51N-R34W

OWNER: PARKVILLE
23-70-36-000-001-000
W1/2 SECTION 35, T51N-R34W

OWNER: PARKVILLE
23-70-36-000-001-000
W1/2 SECTION 35, T51N-R34W



LEGEND

POWER POLE	CP
GRASS HILL	CP
WATER MAIN	CP
WIRE POST	CP
PROPOSED POWER	CP
TREE (C.A.)	CP
POLE LINE	CP
OPENED POWER LINE	CP
UNDEVELOPED WATER LINE	CP
BOUNDARY	CP
CONTROL POINT	CP

PROPERTY LEGEND

SECTION CORNER	CP
TRAIL CORNER	CP
ROAD OR WAY	CP
POINT OF BEGINNING	CP
POINT OF TERMINATION	CP
ACCESS/UTILITY EASEMENT	CP
ADJUTANT	CP
NON-ADJUTANT	CP
BROKEN SCALE	CP

OWNER: RESURGE WATER CAN
WATER COMPANY
20-70-36-000-001-000
W1/2 SECTION 35, T51N-R34W

OWNER: CONSERVATION
COMMISSION OF MO
20-70-36-000-001-000
W1/2 SECTION 35, T51N-R34W

1. I HEREBY CERTIFY THAT A SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION ON THE GROUND, AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



JEFFREY B. LOTTE, MO-122580
DATE: 11/17/22

11. 15. 22. ADDED DESCRIPTIONS AND ADDITIONAL INFO

LOVELACE & ASSOCIATE Land Surveying & Engineering 200 SE 1st Street, Suite 100 P.O. Box 1000 Lawrence, KS 66044 Phone: (781) 250-0001 Fax: (781) 250-0002		OWNER PROVIDED BY: LOVELACE & ASSOCIATE, LLC 200 SE 1st Street, Suite 100 Lawrence, KS 66044 Phone: (781) 250-0001 Fax: (781) 250-0002	
OWNER PROVIDED BY: LOVELACE & ASSOCIATE, LLC 200 SE 1st Street, Suite 100 Lawrence, KS 66044 Phone: (781) 250-0001 Fax: (781) 250-0002		OWNER PROVIDED BY: LOVELACE & ASSOCIATE, LLC 200 SE 1st Street, Suite 100 Lawrence, KS 66044 Phone: (781) 250-0001 Fax: (781) 250-0002	
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OWNER PROVIDED BY: LOVELACE & ASSOCIATE, LLC 200 SE 1st Street, Suite 100 Lawrence, KS 66044 Phone: (781) 250-0001 Fax: (781) 250-0002			

THE FOLLOWING PARCEL (AS PROVIDED

[illegible][illegible][illegible]

Information sheet: between was provided by U.S. The Southern Company, File No. US77321, dated July 27, 2022.

ent by The Board of Trustees of Park College to Missouri-American Water Company, a corporation, dated December 20, 1996, recorded January 14, 2000 in D-332.

12.30d North-east of site, not open season

by the Board of Trustees of Park College to Missouri-American Water Company, a corporation, dated December 20, 1996, recorded January 14, 2000 in D-332.

[illegible]

1. *See* *United States v. American Petroleum Institute*, 448 U.S. 298, 50 S.Ct. 245, 66 L.Ed.2d 417, 73-2 USTC ¶13,041, 30 AFTR2d 73-5811 (S.Ct., 1973), cert. denied, 455 U.S. 1000, 41 S.Ct. 834, 61 L.Ed.2d 561 (1982).

Notes	10/2/1991, p. 1941, in book 751, Page 100
Blair	10/2/1991, p. 1941, in book 751, Page 100
West	10/2/1991, p. 1941, in book 751, Page 100

Verf. (1997) *Handbook of Park College*, 15. 2000. *Recorded Parents*, Park College, (http://www.park.edu/parents/parents.htm) in Book 977, Page 579. (Not the 1901 to be topographical);

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of
booster

附註: r_1 及 r_2

Prosemy information shown herein was provided by U.S. Title Solutions Company, P.C. No. LST7263, dated November 11, 2022

4-1. RESIDENTS AND RENTS OF MAY
Page 498

4-2. Statement by the Board of Trustees of Park College 13 Missouri Cider Water Company, a Wholesaler Depositor Dated June 13, 1950, Recoded June 27, 1950.

Notes: Utilities (.150¢) Cost of sale not shown thereby

4-3. Statement by the Board of Trustees of Park College to Kansas City Power & Light Company Dated October 14, 1968, Recoded November 23, 1968

Notes: Electricity (.100¢) West of site, not from river)

4-4. Report by the Board of Trustees of Park College From the Board of Trustees of Park College

[illegible][illegible]

1. *United States v. American Cyanamid Co.*, 397 U.S. 313, 80-1 USTC ¶13,043, 32 AFTR2d 80-5561 (S. Ct. 1970).
2. 1978, 1979, and 1980. *Id.*
3. 1978, 1979, and 1980. *Id.*
4. *Id.*
5. *Id.*
6. *Id.*
7. *Id.*
8. *Id.*
9. *Id.*
10. *Id.*
11. *Id.*
12. *Id.*
13. *Id.*
14. *Id.*
15. *Id.*
16. *Id.*
17. *Id.*
18. *Id.*
19. *Id.*
20. *Id.*
21. *Id.*
22. *Id.*
23. *Id.*
24. *Id.*
25. *Id.*
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27. *Id.*
28. *Id.*
29. *Id.*
30. *Id.*
31. *Id.*
32. *Id.*
33. *Id.*
34. *Id.*
35. *Id.*
36. *Id.*
37. *Id.*
38. *Id.*
39. *Id.*
40. *Id.*
41. *Id.*
42. *Id.*
43. *Id.*
44. *Id.*
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46. *Id.*
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79. *Id.*
80. *Id.*
81. *Id.*
82. *Id.*
83. *Id.*
84. *Id.*
85. *Id.*
86. *Id.*
87. *Id.*
88. *Id.*
89. *Id.*
90. *Id.*
91. *Id.*
92. *Id.*
93. *Id.*
94. *Id.*
95. *Id.*
96. *Id.*
97. *Id.*
98. *Id.*
99. *Id.*
100. *Id.*

[illegible][illegible][illegible]

Agreement by the Board of South of Slo. (not shown hereon)
 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645,

3) *Record Between The Board of Trustees of P. M. College, v. Missouri* (1968) 393 U.S. 157, 160. (March 31, 1968).
4) *Substance in Book 299, page 146.* (Not the type to be corrected *anyway*)
5) *Northwestern Mutual Life Insurance Company, a Wisconsin corporation*

CONCERNING the East Quarter of Section 25, Township 21 North, Range 34 West, in P. R. Co. Co., Kansas.

DESCRIPTION: NON-EXCLUSIVE ACCESS/UTILITY EASEMENT (AS SURVEYED). The easement is a 10' wide strip of land, more particularly described as follows: Beginning at the intersection of the East line of Section 35, Township 36N, Range 12E, North 02°19'42" West, a distance of 410.50 feet to the P.O.B.; East, a distance of 54.88 feet to the East line of Section 35; thence along the East line of said Section 35, a distance of 33.86 feet; thence North 76°35'55" East, a distance of 45.77 feet to the South 03°10'42" East, a distance of 54.88 feet to the East line of Section 35; thence along the East line of said Section 35, a distance of 33.86 feet to the P.O.B. The easement is shown on the attached plat.

[illegible][illegible][illegible][illegible]

Downloaded by [University of North Carolina] on 03 November 2015
 URL: <http://dx.doi.org/10.1016/j.jglr.2015.10.001>

This is not a boundary survey of the land shown on this plan.

or anything placed on my wife's desk, and I am not responsible for any of the above surmise or for any of the daily conduct or a lack thereof. This company has no control over the majority of actions in this case, and I am not the contractor responsible for controlling or controlling the contractor responsible for the actions.

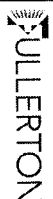
SHEET NUMBER
2 OF 2



12930 OLIVE BLVD
CREVE COEUR, MO 63141



5055 Hwy N, Suite 200
St. Charles, MO 63304



1100 E. WOODFIELD ROAD, SUITE 500
SCHAMBURG, ILLINOIS 60173
TEL: 847-908-8400
CO.#: E2019038761
www.FullertonEngineering.com

[illegible]

SITE NAME

PARKVILLE MO

SITE NO.

K5550C

SITE ADDRESS
8500 NORTHWEST RIVER PARK DR
PARKVILLE, MO 64152

SHEET NAME

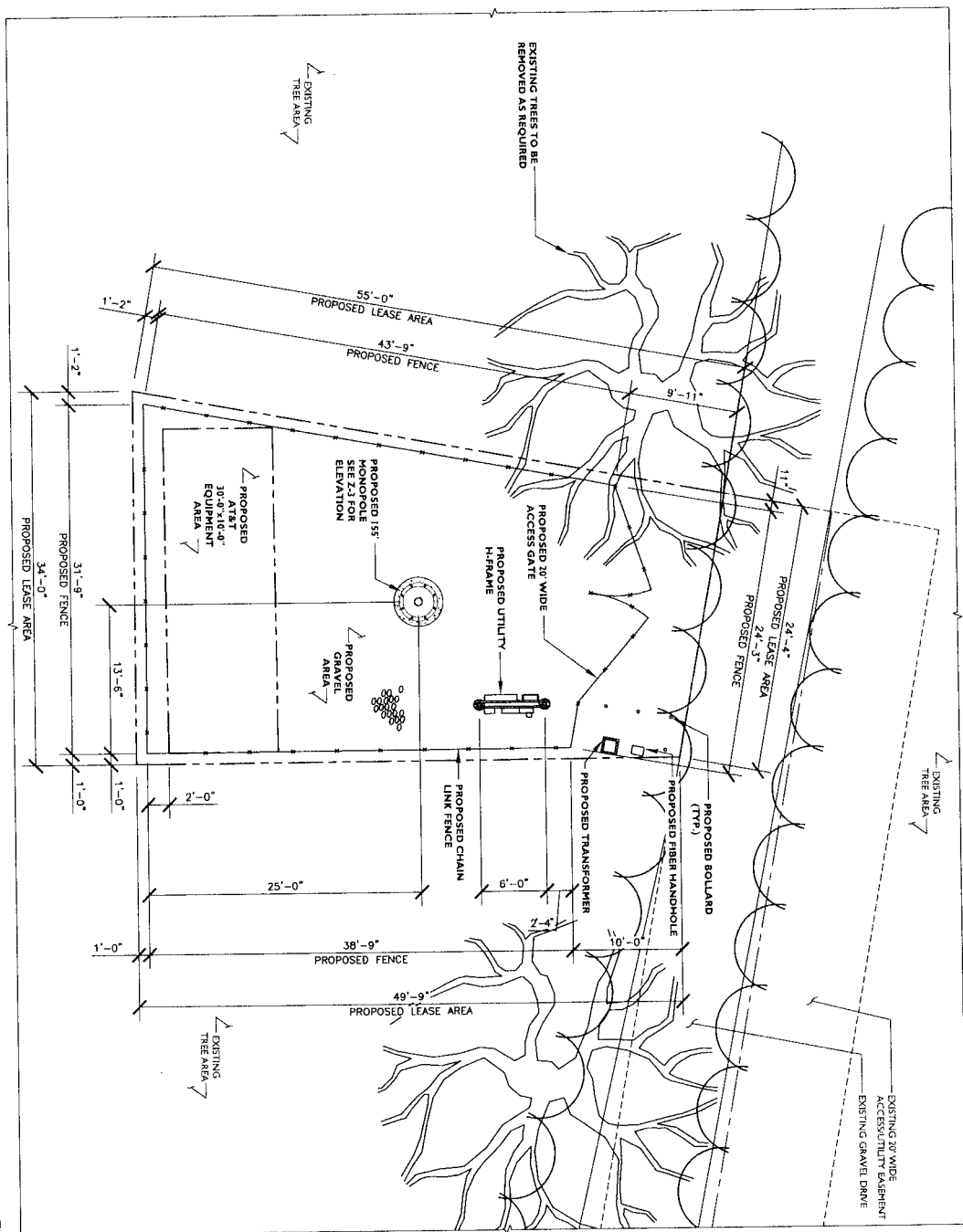
COMPOUND
PLAN

SHEET NUMBER

Z-2

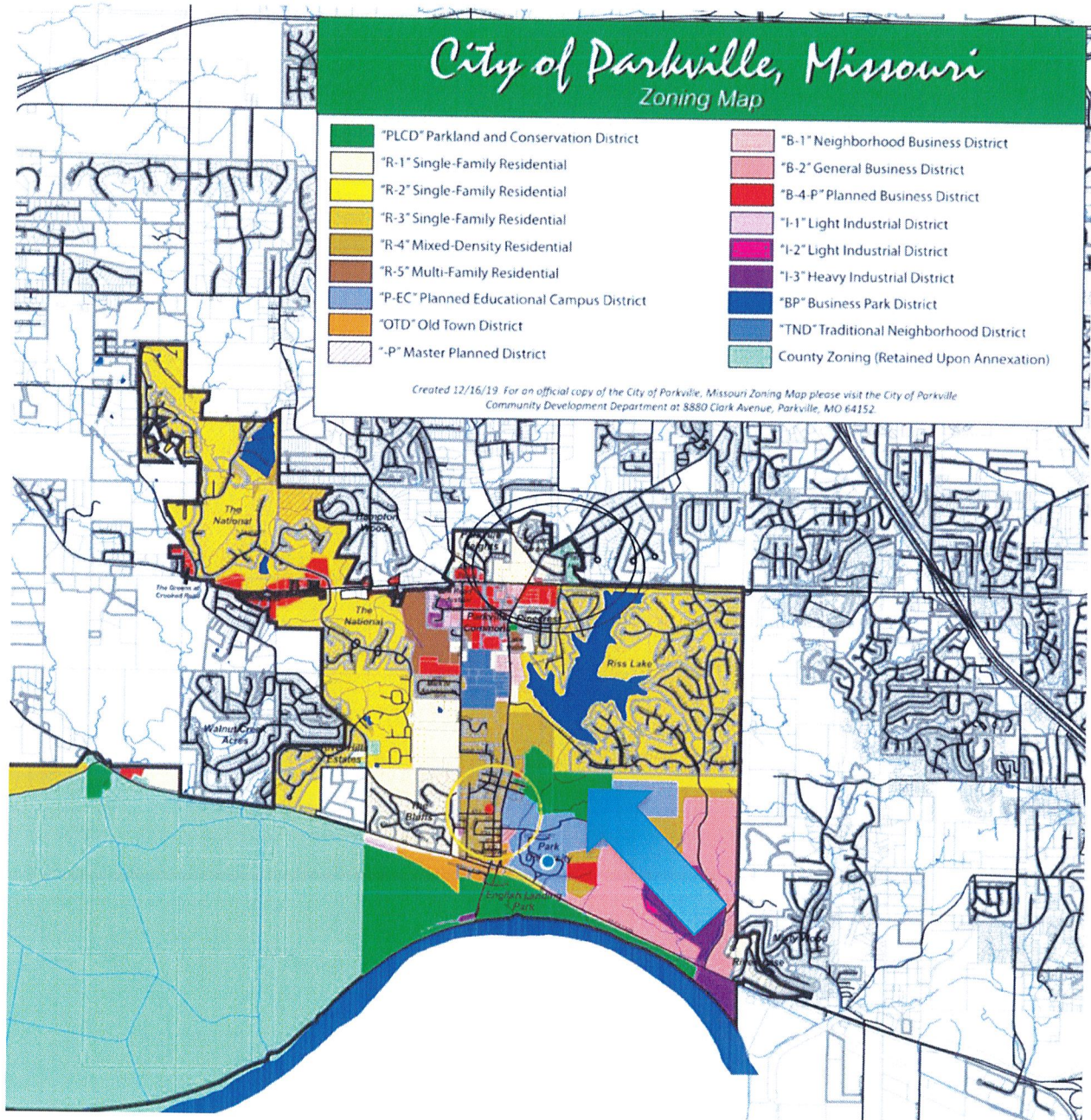


SCALE 1" = 10'-0"



COMPOUND PLAN

6. Zoning map



Brad Stanton

From: Martineau, Kevin <kevin.martineau@park.edu>
Sent: Friday, March 10, 2023 9:34 AM
To: Stephen Lachky
Cc: Brad Stanton
Subject: RE: Proposed 160-Foot Monopole Telecommunications Structure

Stephen, thank you for reaching out regarding the AT&T cell tower. The tower will be located up on top of the hill in the trees and we do not believe it will be visible from Mackay or any other buildings on Campus so it will not detract from any historic sites.

Thanks again,

Kevin

Kevin Martineau

Senior Director of Facilities and Operations
[Park University](#) | Parkville Campus
Facilities
8700 NW River Park Drive, CMB#6
Parkville, MO 641528
[816-584-6225](tel:816-584-6225) (Office)
[816-935-3704](tel:816-935-3704) (Mobile)
[816-505-5450](tel:816-505-5450) (Fax)
kevin.martineau@park.edu



From: Stephen Lachky <SLachky@parkvillemo.gov>
Sent: Wednesday, March 1, 2023 12:27 PM
To: Martineau, Kevin <kevin.martineau@park.edu>
Cc: Brad Stanton <BStanton@parkvillemo.gov>
Subject: Proposed 160-Foot Monopole Telecommunications Structure

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin,

The City of Parkville, Mo. recently received an Application for Conditional Use Permit from New Cingular Wireless PCS, LLC (AT&T) to construct a new wireless telecommunications facility consisting of a 155' monopole tower support structure with attendant ground-based equipment compound on the property leased by the applicant on a tract of land located by 8500 NW River Park Dr. at Park University. You are listed on their application as the primary contact for the property owner [Park University].

The City also recently received a letter from the Environmental Corporation of America (ECA) seeking comments regarding the effect of the proposed structure could have on nearby designated historic properties per the National Register of Historic Places (NRHP) — including, but not limited to, 1) the Mackay Building (i.e., Mackay Hall); and 2) the Charles Scott Smith Memorial Observatory (i.e., Park College Observatory) — which I've attached as a PDF. I don't foresee any issues do to the existing topography, mature trees surrounding the location of the proposed monopole tower, and similar but shorter telecommunications tower support structure on Missouri American Water Company's property ([Platte County parcel no. 20-7.0-36-000-001.003](#)); nonetheless, I thought I'd reach out to you in case you'd like to provide myself any comments. If so, I'd be welcome to compile them in a reply for ECA. Let me know! Thank you.

Stephen Lachky, AICP, CPM, CFM

Community Development Director | City of Parkville

8880 Clark Ave. | Parkville, MO 64152

t. 816.741.7676 | slachky@parkvillemo.gov



Park University Legal Disclaimer

This e-mail message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. If you are not the intended recipient or person responsible for delivering this confidential communication to the intended recipient, you have received this communication in error, and any review, use, dissemination, forwarding, printing, copying, or other distribution of this e-mail message and any attached files is strictly prohibited. If you have received this confidential communication in error, please notify the sender immediately by reply e-mail message and permanently delete the original message. Any price and other contract terms contained in this email are not intended to constitute an offer or acceptance and so cannot be binding. Park University's President, CFO, or their designee(s), must approve, in writing, all price and contract terms.

Staff Analysis

Agenda Item: 5.C

Proposal: Request for text amendment to Parkville Municipal Code, Title IV, Section 405.020 Districts & Uses, Table 405-2: Use Table, to allow *Education – Neighborhood School* (<10 acres) uses in the “R-4” Mixed-Density Residential district as a permitted use (P); and to allow *Education – Campus* (> 10 acres) uses in the “R-4” district as a conditional use (C) subject to the discretionary review process in Section 403.050.

Case No: PZ 2023-10

Applicant: City of Parkville

Exhibits:

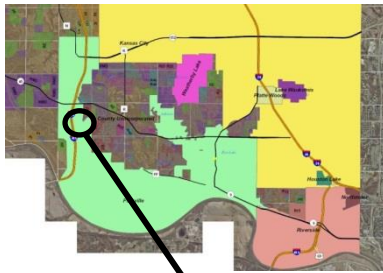
- A. This staff report
- B. Application for Text Amendment
- C. Subject Area Property Map
- D. Proposed Text Amendment to Table 405-2: Use Table
- E. Additional exhibits as may be presented at the public hearing

By Reference:

- A. Parkville Municipal Code, Title IV – Development Code in its entirety (<https://ecode360.com/40852611>)
 - 1. Section 403.100 Text Amendments
 - 2. Section 405.020 Districts & Uses
- B. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>)
- C. Hearing notice published in the Platte County Citizen newspaper on February 22, 2023.
- D. Summary of Public Hearing posted on Parkville City webpage (<http://parkvillemo.gov/public-hearings/>)

Background

In August 2021 the Park Hill School District (PHSD) purchased approximately 29 acres of land (zoned “R-4” Mixed-Density Residential) at the southwest corner of the intersection of NW Brink-Myer Rd and NW Brush Creek Pkwy, with plans to develop the vacant property and construct a future elementary school. The school district’s Director of Operations and development team recently reached out to City staff inquiring about the current “R-4” Mixed-district’s allowed uses, specifically whether or not education civic/institutional uses are currently allowed; and if not, the process for allowing them. After researching, staff found that the “R-4” district currently does NOT allow education civic/institutional uses; however, such amendment to allow said uses in the “R-4” district would generally benefit the residents in the City of Parkville, make the Title IV – Development Code conform more closely with the *Parkville 2040 Master Plan*, and improve public health, safety and general welfare of the community.



Legend



Subject Property

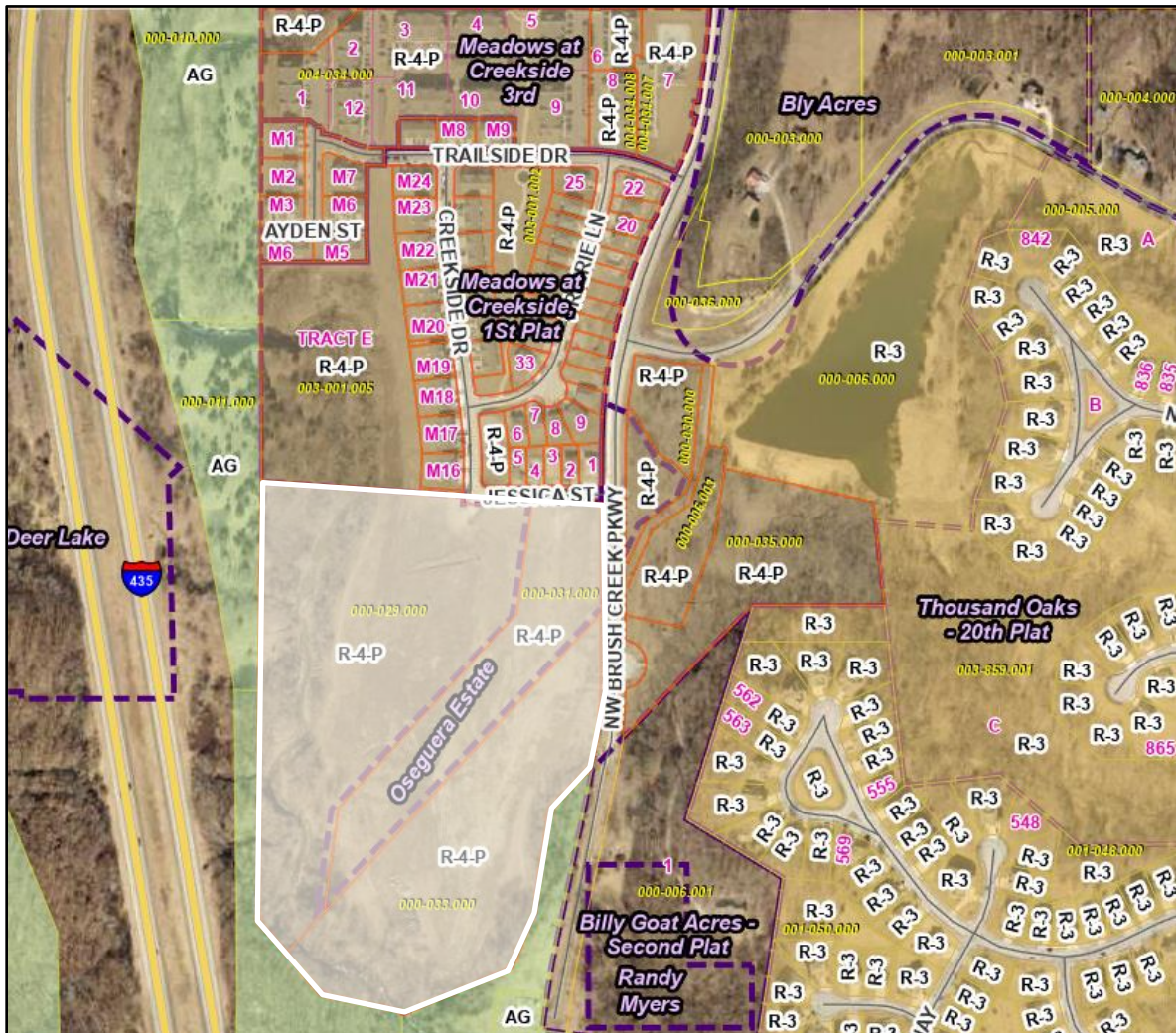


Exhibit C: Subject Area Property Map

Overview

Educational civic/institutional uses, including neighborhood schools, are generally viewed as compatible uses in residential districts. In terms of general effects to adjacent and nearby properties, schools attract families and businesses boosting the local economy and driving population growth. Research has shown that families nearby schools also build more and better relationships with other families in their community, building neighborhood cohesion and trust. And when students attend a school near their home, families can more easily connect with teachers and contribute as school volunteers and leaders; and are generally healthier physically, socially and emotionally. Furthermore, the one of the guiding principles of the *Parkville 2040 Master Plan* is “Integrated Land Uses”, which provides a thoughtful mix of vibrant neighborhoods, parks and greenspace, schools and civic institutions.

Staff researched several zoning codes from communities around the northland, including Riverside, Mo.; Platte City, Mo.; and Gladstone, Mo. and found that they all permit neighborhood schools in residential zoning districts, whether by-right for smaller buildings or by conditional use for larger campuses. Moreover, at the Mid-America Regional Council’s (MARC) quarterly Planning Director’s Meeting on February 17, 2023, staff asked the group if this is also the case amongst the group. No one stated otherwise, and Martin Rivarola (Assistant Director of Transportation and Land Use, MARC) replied that schools are viewed by cities as compatible uses within every type of residential neighborhood. As a result, staff has prepared a text amendment to the Table 405-2: Use Table within the City’s Title IV – Development Code (see Exhibit D).

Staff Conclusion and Recommendation

Staff recommends approval of the proposed text amendment to Parkville Municipal Code, Title IV, Section 405.020 Districts and Uses. 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.

End of Memorandum



02-21-23

Stephen Lachky, AICP, CPM, CFM
Community Development Director

Date



Application #: _____
Date Submitted: _____
Public Hearing: _____
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: Alexa Barton
Address: 8880 Clark Ave
City, State: Parkville, MO
Phone: (816) 741-7676 Fax: (816) 741-1300
E-mail: abarton@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) _____ **Date:** 02/20/23

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 405.020 Districts & Uses

Section / Subsection Title: Table 405-2: Use Table

Existing text:

Education - Neighborhood School (<10 acres) and Education - Campus (> 10 acres) uses are currently not permitted in the "R-4" Mixed-Density Residential district.

Proposed text:

Education - Neighborhood School (<10 acres) use is permitted in the "R-4" Mixed-Density Residential district; and Education - Campus (> 10 acres) use is permitted in the "R-4" Mixed-Density Residential district as a conditional use (C) subject to the discretionary review process in Section 403.050.

Reason for amendment:

The Park Hill School District has expressed interest in developing a new elementary school on property zoned "R-4"; however, our Development Code currently prohibits this use in the "R-4" district, but allows it in every other residential district. It's common in zoning codes across the region and state to allow school uses in residentially-zoned districts.

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 amendment helps further the guiding principle "Integrated Land Uses" of the Parkville 2040 Master Plan, which provides a thoughtful mix of vibrant neighborhoods, parks and green scape, schools, and civic institutions...

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

Strong schools attract families and businesses boosting the local economy and driving population growth. Families also build more and better relationships with other families in their community, building neighborhood cohesion and trust. And when students attend a school near their home, families can more easily connect with teachers and contribute as school volunteers and leaders; and are generally more healthy physically, socially and emotionally.

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: _____
Name/Title _____ Date _____

Application fee payment by _____ ☐ Check # _____ ☐ M.O. _____ ☐ Cash

Accepted by: _____
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: _____

Table 405-2: Use Table

P = Permitted Use C = Use allowed through conditional review blank = use not allowed	R-1	R-2	R-3	R-4	R-5	OTD	B-1	B-2	B-4-P	BP	P-EC	I-1	I-2	I-3	PLCD	U-1
Residential Uses																
Detached house	P	P	P	P			P	P								
Duplex				P			P	P								
3- / 4-Plex				C	P		P	P								
Row House (3-8 units; 2- to 3-story)				C	P		P	P								
Walk-up Apartment (3- 12 units; 2- to 3-story)				C	P		P	P								
Apartment Complex (garden apartment – density based)					P		P	P								
Mixed-use (residential above or behind street level commercial)						P	P	P								
Accessory Dwelling	C	C	C	C			C	C								
Civic / Institutional Uses																
Assembly – Limited (under 250)	P	P	P	P		P	P	P								
Assembly – Small (251- 500)	C	C	C	C		C	P	P								
Assembly – Large (501- 1000)							C	P	P	P		P				
Assembly – Event Venue (1,000 +)								C	P	P		P				
Education – Neighborhood School (<10 acres)	P	P	P	P	P											
Education - Campus (> 10 acres)	C	C	C	C	C				C	C	P					
Education – Extension						P	P	P	P	P		P	P			P
Library, museum or art gallery	C	C	C		C	P	P	P	P	P	P				P	
Open / Civic Space (various types - see design standards 404.020)	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Community and Public Service (post office, fire, police, rec center)	P	P	P	P		P	P	P	P	P	P	P	P		P	P
Retail																
Retail – Small (2.5K - 8K)							P	P	P	P						

Staff Analysis

Agenda Item: 5.D

Proposal: Request for text amendment to Parkville Municipal Code, Title IV, Section 407.050 Stormwater Management to create Subsection C. Stream Buffer Protection, establishing standards for stream buffer protection.

Case No: PZ 2023-11

Applicant: City of Parkville

Exhibits:

- A. This staff report
- B. Application for Text Amendment
- C. Proposed Text Amendment to Section 407.050
- D. Additional exhibits as may be presented at the public hearing

By Reference:

- A. Parkville Municipal Code, Title IV – Development Code in its entirety (<https://ecode360.com/40852611>)
 - 1. Section 403.100 Text Amendments
 - 2. Section 407.050 Stormwater Management
- B. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>); adopted on May 11, 2021
 - a. Section 1. Introduction
 - b. Section 2. Parkville Today and Tomorrow
 - c. Section 3. Our Voice
 - d. Section 4. Our Plan
 - e. Section 5. Implementation
- C. Environmental Protection Agency (EPA) – Aquatic Buffer Model Ordinance
- D. Hearing notice published in the Platte County Citizen newspaper on February 22, 2023.
- E. Summary of Public Hearing posted on Parkville City webpage (<http://parkvillemo.gov/public-hearings/>)

Background

On May 11, 2021 the Planning and Zoning Commission adopted the *Parkville 2040 Master Plan* as the official public policy and comprehensive plan for the City of Parkville. A master plan is a document that serves as the official public policy and comprehensive plan for the physical development and redevelopment of a community. The document assists in decision-making as it relates to issues such as land use and zoning, housing, commercial and industrial development, sustainability and the environment, transportation and mobility, parks and recreation, and community facilities and services.

Section 4. Our Plan of the *Parkville 2040 Master Plan* contains a series of focus areas and an accompanying list of action items associated with each goal for the City's consideration and reference. Section 5. Implementation of the *Parkville 2040 Master Plan* incorporates these goals

and action items together into a specific recommendation for which the City should pursue in the future; three of which were discussed in detail by staff and elected officials during adoption the *Parkville 2040 Master Plan* are:

1. Adoption of a stream buffer ordinance
2. Adoption of a slope preservation ordinance
3. Adoption of a tree preservation ordinance

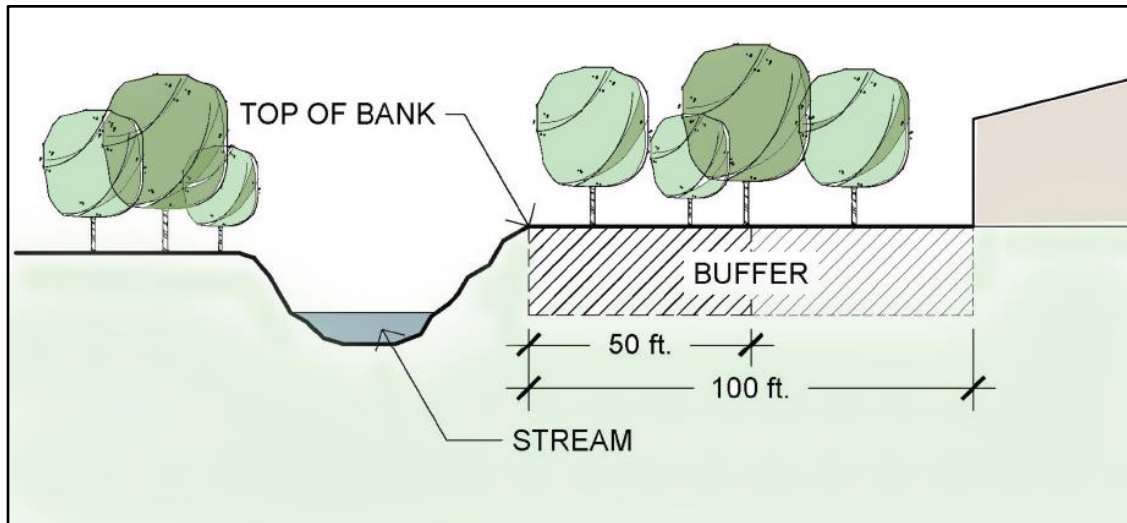
Overview

Action Item: Stream Buffer Protection		
Description	Priority Level	Timeframe
• <i>Adopt a stream buffer ordinance to secure conservation corridors that could also serve as trail connections.</i> • <i>Adopt a stream buffer ordinance to help protect sensitive ecological land as well as secure locations for future trails.</i>	High	Short-Term (0 to 4 Years)

Areas around streams are ecologically sensitive, and stream buffers are a tool to protect them. Stream buffers help prevent property damage, reduce the severity of floods, prevent stream bank erosion and protect this natural habitat. Additionally, stream buffers can help to improve water quality and prevent further water quality degradation. When stream buffer areas are left undeveloped with grasses, shrubs and trees, natural processes help to filter pollutants from water before they enter the stream. Grasses, shrubs and trees also help to stabilize the stream bank, preventing erosion and preserving water quality.

Stream buffer ordinances can have economic, environmental and societal benefits. Trails can be located within stream preservation corridors, adding to the quality of life of a community's parks & recreation system. Moreover, trails within stream preservation corridors can attract neighborhood growth near undeveloped areas because they [trails] are viewed as an amenity.

The Environmental Protection Agency (EPA) recommends a stream buffer ordinance that requires a minimum 100-foot buffer along either side of type 1 streams and a 50-foot buffer along either side of type 2 streams (see imagery below); furthermore, the *Parkville 2040 Master Plan* recommends adopting a stream buffer ordinance similar to the Environmental Protection Agency's model stream buffer ordinance (see Exhibit C by Reference). As a result, staff has prepared a text amendment to Section 407.050 Stormwater Management of the Title IV – Development Code (see Exhibit C).



Stream Buffer Diagram

Staff Conclusion and Recommendation

Staff recommends approval of the proposed text amendment to Parkville Municipal Code, Title IV, Section 407.050 Stormwater Management. 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.

End of Memorandum

02-21-23

Stephen Lachky, AICP, CPM, CFM
Community Development Director

Date



Application #: _____
Date Submitted: _____
Public Hearing: _____
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: Alexa Barton
Address: 8880 Clark Ave
City, State: Parkville, MO
Phone: (816) 741-7676 Fax: (816) 741-1300
E-mail: abarton@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) _____ **Date:** 02/20/23

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 407.050. Stormwater Management
Section / Subsection Title: C. Stream Buffer Protection

Existing text:

N/A

Proposed text:

See attachment

Reason for amendment:

Section 5. Implementation of the recently-adopted Parkville 2040 Master Plan contains specific recommendations for which the City should pursue in the future; one of which is adoption of a stream buffer protection ordinance.

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):

Areas around streams are ecologically sensitive, and stream buffers are a tool to protect them. Stream buffers help prevent property damage, reduce the severity of floods, prevent stream bank erosion and protect this natural habitat. Additionally, stream buffers can help to improve water quality and prevent further water quality degradation. When stream buffer areas are left undeveloped with grasses, shrubs and trees, natural processes help to filter pollutants from water before they enter the stream. Grasses, shrubs and trees also help to stabilize the stream bank, preventing erosion and preserving water quality.

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

Stream buffer ordinances can have economic, environmental and societal benefits. Trails can be located within stream preservation corridors, adding to the quality of life of a community's parks & recreation system. Moreover, trails within stream preservation corridors can attract neighborhood growth near undeveloped areas because they [trails] are viewed as an amenity.

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: _____
Name/Title _____ Date _____

Application fee payment by _____ ☐ Check # _____ ☐ M.O. _____ ☐ Cash

Accepted by: _____
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☐ 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 407.050. Stormwater Management

C. **Stream Buffer Protection.** The following standards have been established to help prevent property damage, reduce the severity of floods, prevent stream bank erosion, protect natural habitat, improve water quality and prevent water quality degradation from development.

1. All stream channels shall be identified on development plans. This includes identifying the ordinary high-water mark — often referred to as the “Active Stream Zone” — and identifying the stream bank on both sides of the stream channel.
 - a. For Type 1 (perennial) streams, a 100 ft. stream corridor setback shall be identified on development plans, measured horizontally outward from both sides of the top of the stream channel bank.
 - b. For Type 2 (intermittent) streams, a 50 ft. stream corridor setback shall be identified on development plans, measured horizontally outward from both sides of the top of the stream channel bank.

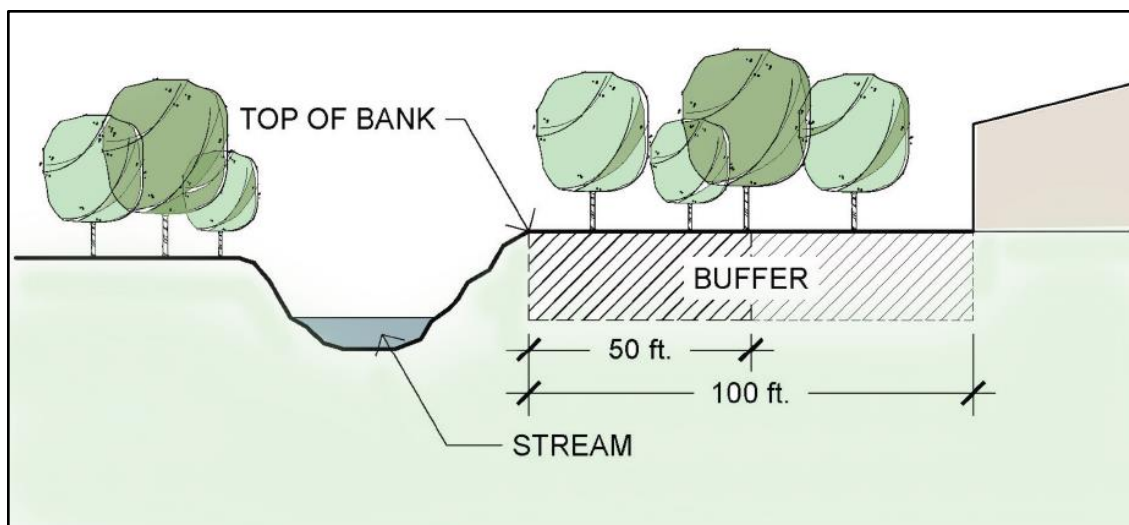


Figure 407-1: Stream Buffer Diagram

2. The stream corridor setback shall establish a conservation buffer area consisting of the contiguous, undisturbed natural vegetation (ideally existing, mature riparian forest); but may allow roadway crossings, recreational trails and uses, utility right-of-way, and other limited-impact uses.
 - a. Any variances within the stream corridor setback shall be reviewed and approved by the Director.
 - b. Limited tree clearing and removal of vegetation is allowed if reviewed and approved by the Director.
3. The Director of Public Works may require an engineering, stream profile or other related studies for development or potential impacts near a stream corridor.

Staff Analysis

Agenda Item: 5.E

Proposal: Request for text amendment to Parkville Municipal Code, Title IV, Section 407.020 Landscape Design to establish standards for steep slope preservation.

Case No: PZ 2023-12

Applicant: City of Parkville

Exhibits:

- A. This staff report
- B. Application for Text Amendment
- C. Proposed Text Amendment to Section 407.020
- D. Additional exhibits as may be presented at the public hearing

By Reference:

- A. Parkville Municipal Code, Title IV – Development Code in its entirety (<https://ecode360.com/40852611>)
 - 1. Section 403.100 Text Amendments
 - 2. Section 407.020 Landscape Design
- B. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>); adopted on May 11, 2021
 - a. Section 1. Introduction
 - b. Section 2. Parkville Today and Tomorrow
 - c. Section 3. Our Voice
 - d. Section 4. Our Plan
 - e. Section 5. Implementation
- C. Hearing notice published in the Platte County Citizen newspaper on February 22, 2023.
- D. Summary of Public Hearing posted on Parkville City webpage (<http://parkvillemo.gov/public-hearings/>)

Background

On May 11, 2021 the Planning and Zoning Commission adopted the *Parkville 2040 Master Plan* as the official public policy and comprehensive plan for the City of Parkville. A master plan is a document that serves as the official public policy and comprehensive plan for the physical development and redevelopment of a community. The document assists in decision-making as it relates to issues such as land use and zoning, housing, commercial and industrial development, sustainability and the environment, transportation and mobility, parks and recreation, and community facilities and services.

Section 4. Our Plan of the *Parkville 2040 Master Plan* contains a series of focus areas and an accompanying list of action items associated with each goal for the City's consideration and reference. Section 5. Implementation of the *Parkville 2040 Master Plan* incorporates these goals and action items together into a specific recommendation for which the City should pursue in the

future; three of which were discussed in detail by staff and elected officials during adoption the *Parkville 2040 Master Plan* are:

1. Adoption of a stream buffer ordinance
2. Adoption of a slope preservation ordinance
3. Adoption of a tree preservation ordinance

Overview

Action Item: Slope Protection		
Description	Priority Level	Timeframe
• <i>Adopt a steep slope preservation ordinance to regulate development in areas with steep slopes.</i>	High	Short-Term (0 to 4 Years)

There are a number of issues associated with development on steep slopes, hillsides and ridgelines. This includes health, safety and environmental impacts; as well as aesthetic impacts. Thus, protecting hillsides and steep slopes from development can positively benefit a community.

Steep slopes are defined as having a grade of 25 percent or greater, meaning that the elevation increases by 25 ft. over a horizontal distance of 100 ft. And slope preservation ordinances generally place restrictions or require further review by staff on development to all areas with a slope greater than 25% (generally where the proposed site disturbance area is greater than 20,000 sq. ft.). As a result, staff has prepared a text amendment to Section 407.020 Landscape Design of the Title IV – Development Code (see Exhibit C).

Staff Conclusion and Recommendation

Staff recommends approval of the proposed text amendment to Parkville Municipal Code, Title IV, Section 407.020 Landscape Design. 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.

End of Memorandum



02-21-23

Stephen Lachky, AICP, CPM, CFM
Community Development Director

Date



Application #: _____
Date Submitted: _____
Public Hearing: _____
Date Approved: _____

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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: Alexa Barton
Address: 8880 Clark Ave
City, State: Parkville, MO
Phone: (816) 741-7676 Fax: (816) 741-1300
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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) _____ **Date:** 02/20/23

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 407.020. Landscape Design
Section / Subsection Title: F. Design and Performance Criteria

Existing text:

See attachment

Proposed text:

See attachment

Reason for amendment:

Section 5. Implementation of the recently-adopted Parkville 2040 Master Plan contains specific recommendations for which the City should pursue in the future; one of which is adoption of a steep slope preservation ordinance.

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):

There are a number of issues associated with development on steep slopes, hillsides and ridgelines. This includes health, safety and environmental impacts; as well as aesthetic impacts. Thus, protecting hillsides and steep slopes from development can positively benefit a community.

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

There are a number of issues associated with development on steep slopes, hillsides and ridgelines. This includes health, safety and environmental impacts; as well as aesthetic impacts. Thus, protecting hillsides and steep slopes from development can positively benefit a community.

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: _____
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Application fee payment by _____ ☐ Check # _____ ☐ M.O. _____ ☐ Cash

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☐ 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 407.020. Landscape Design

- F. **Design and Performance Criteria.** In addition to the above planting requirements, all landscape plans shall be designed according to the following performance criteria, and in individual cases additional plantings may be warranted in order to meet these criteria:
1. Existing natural features of the site, such as groves of trees, extreme slopes, areas intended to serve as buffers and areas not intended for development, shall be retained and incorporated into the design to the maximum extent practical.
 - a. Extreme or steep slopes are defined as having a grade of 25 percent or greater, meaning that the elevation increases by 25 ft. over a horizontal distance of 100 ft.
 - b. Extreme or steep slopes shall be identified on all development plans.
 - c. For instances where extreme or steep slope areas are disturbed or graded, the Director of Public Works may require rock, rip-rap, trees, sod or other vegetative materials be placed or planted in these areas to protect the hillside.
 - d. The Director of Public Works may request an engineering, soil conditions or other related studies — prepared by an engineer certified in the State of Missouri — for development within extreme or steep slope areas.
 2. Landscape areas shall be utilized to the maximum extent possible for natural stormwater mitigation practices and to satisfy stormwater management criteria. Examples of natural stormwater mitigation practices include filter strips, vegetative swales, pervious pavement systems and sand filters.
 3. Native plants and vegetation shall be utilized to the maximum extent reasonable, i.e., drought tolerant plants should be planted in landscape islands and water-resistant plants should be planted near stormwater retention facilities.
 4. All required landscape and open space areas shall remain free of debris and refuse and be appropriately maintained.
 5. Designs shall best integrate sites and projects into their surroundings, or promote any distinct characteristics of the area identified in the Master Plan or any specific plans.
 6. Designs should emphasize any focal points of an area or project, and pay particular attention to the relationship with the streetscapes.

Staff Analysis

Agenda Item: **5.F**

Proposal: Request for text amendment to Parkville Municipal Code, Title IV, Section 404.020 Civic and Open Space System to establish standards for tree cover preservation.

Case No: PZ 2023-13

Applicant: City of Parkville

Exhibits:

- A. This staff report
- B. Application for Text Amendment
- C. Proposed Text Amendment to Section 404.020
- D. Proposed amendments to Grading & Land Disturbance Permit
- E. Additional exhibits as may be presented at the public hearing

By Reference:

- A. Parkville Municipal Code, Title IV – Development Code in its entirety (<https://ecode360.com/40852611>)
 - 1. Section 403.100 Text Amendments
 - 2. Section 403.020 Civic and Open Space System
- B. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>); adopted on May 11, 2021
 - a. Section 1. Introduction
 - b. Section 2. Parkville Today and Tomorrow
 - c. Section 3. Our Voice
 - d. Section 4. Our Plan
 - e. Section 5. Implementation
- C. Model Ordinances for Tree Protection, Weed Management, and Native Plant Encouragement (prepared by Mid-America Regional Council; dated October 2020)
- D. Hearing notice published in the Platte County Citizen newspaper on February 22, 2023.
- E. Summary of Public Hearing posted on Parkville City webpage (<http://parkvillemo.gov/public-hearings/>)

Background

On May 11, 2021 the Planning and Zoning Commission adopted the *Parkville 2040 Master Plan* as the official public policy and comprehensive plan for the City of Parkville. A master plan is a document that serves as the official public policy and comprehensive plan for the physical development and redevelopment of a community. The document assists in decision-making as it relates to issues such as land use and zoning, housing, commercial and industrial development, sustainability and the environment, transportation and mobility, parks and recreation, and community facilities and services.

Section 4. Our Plan of the *Parkville 2040 Master Plan* contains a series of focus areas and an accompanying list of action items associated with each goal for the City's consideration and reference. Section 5. Implementation of the *Parkville 2040 Master Plan* incorporates these goals and action items together into a specific recommendation for which the City should pursue in the future; three of which were discussed in detail by staff and elected officials during adoption the *Parkville 2040 Master Plan* are:

1. Adoption of a stream buffer ordinance
2. Adoption of a slope preservation ordinance
3. Adoption of a tree preservation ordinance

Overview

Action Item: Preserve Tree Cover		
Description	Priority Level	Timeframe
• <i>Encourage new development and redevelopment to preserve tree cover as an amenity feature.</i>	High	Long-Term (10+ Years)
• <i>Create and adopt a tree preservation ordinance (using MARC's model tree preservation ordinance guide) to protect local tree cover.</i>	High	Short-Term (0 to 4 Years)

Trees contain a multitude of benefits for the environments and the community, ranging from environmental to aesthetic to economic to societal. Benefits include:

- Prevent urban heat island effect
- Provide oxygen and absorb carbon dioxide
- Provide shade cover / natural air conditioner
- Bird and wildlife habitat
- Reduce stormwater runoff
- Scenic / increase property values

As a result, it's important for communities to have protections for trees, especially older and larger trees; and one way to accomplish this is by enacting a tree cover preservation ordinance. The intent of tree preservation ordinances are to preserve and advance the environmental, aesthetic, economic and societal benefits of mature, riparian trees; as well as mitigate the unnecessary removal of trees.

In October 2020, the Mid-America Regional Council (MARC) partnered with Multistudio (formerly Gould Evans) and the Center for Neighborhood Technology (CNT) and developed model ordinances for tree protection, weed management and native plant encouragement. Their final report sets forth recommended standards for municipalities to consider when drafting ordinances to protect trees from removal (see Exhibit C by Reference). As a result, staff has prepared a text amendment to Section 404.020 Civic and Open Space System of the Title IV – Development Code (see Exhibit C); as well as amendments to the Public Works Department's Grading & Land Disturbance Permit (see Exhibit D).

Staff Conclusion and Recommendation

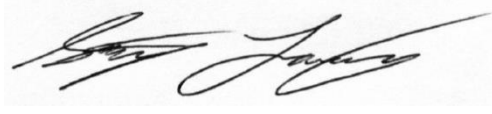
Staff recommends approval of the proposed text amendment to Parkville Municipal Code, Title IV, Section 407.020 Landscape Design. Consideration of a text amendment requires a public hearing. Required public hearing notices were published and no comments have been received as of the date of this staff 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.

End of Memorandum



02-21-23

Stephen Lachky, AICP, CPM, CFM
Community Development Director

Date



Application #: _____
Date Submitted: _____
Public Hearing: _____
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: Alexa Barton
Address: 8880 Clark Ave
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Applicant's Signature (Required) _____ **Date:** 02/20/23

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 404.020. Civic and Open Space System
Section / Subsection Title: Subsection E. Location Criteria.

Existing text:

See attachment

Proposed text:

See attachment

Reason for amendment:

Section 5. Implementation of the recently-adopted Parkville 2040 Master Plan contains specific recommendations for which the City should pursue in the future; one of which is adoption of a tree cover preservation ordinance.

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):

It's important for communities to have protections for trees, especially older and larger trees; and one way to accomplish this is by enacting a tree cover preservation ordinance. The intent of tree preservation ordinances are to preserve and advance the environmental, aesthetic, economic and societal benefits of mature, riparian trees; as well as mitigate the unnecessary removal of trees.

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

Trees contain a multitude of benefits for the environments and the community, ranging from environmental to aesthetic to economic to societal. Benefits include:

- Prevent urban heat island effect
- Provide oxygen and absorb carbon dioxide
- Provide shade cover / natural air conditioner
- Bird and wildlife habitat

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.

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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 404.020. Civic and Open Space System

- D. **Required Open Space.** The amount of space required shall be based on the base zoning district(s) proposed or existing for the project and based on Table 404-6.

Table 404-6: Required Open Space

Zoning District	Amount Required
R-1	5%
R-2, R-3, R-4	10%
R-5	15%
OTD, B-1	5 %
P-EC, B-2, B-4	12%
B-P	20%
I-1, I-2, I-3, U-1	n/a, required Buffers and Screening addresses open space
PLCD	n/a, Open and civic space is primary use

The amounts required in Table 404-6 may be reduced:

1. Based on a plan through the planned development process that meets or exceeds the intent of this Section;
2. To the point where any lesser percentage of open space will clearly meet both the service area and level of service targets identified in sub-section F. below; or
3. For any application that dedicates open space to the public in a type, location and design standard that is acceptable to meet general public needs based on subsection H.

- E. **Location Criteria.** The following location criteria shall be used in determining the most appropriate locations and characteristics of land to be designated as required open and civic space systems

1. **Visibility.** Priority should be given to areas that provided the most visible impact, and to locations that provide relationships to civic and open space systems on adjacent property and future development sites.
 - a. Formal open spaces (Greens, Squares, or Plazas) should be located at prominent focal points within a subdivision or development site, and included in or designed as an effective extension of the public rights-of-way, or other common areas.
 - b. Natural open space (Natural Areas, Trails / Greenways, or Parks) should be located along prominent ridges, valleys and view corridors or areas where other natural features such as significant vegetation or water features exist.
2. **Function.** Open space shall be located in areas that maximize the intended function.
 - a. Formal open space shall be centered in areas that will have the greatest population density, activity or development intensity in order to provide the greatest pedestrian accessibility.
 - b. Natural open space shall be located in areas where the ecological, aesthetic, and recreational impact will be the greatest.
3. **Tree Preservation.** Existing, mature tree canopy shall be protected, preserved and prioritized when considering the location of civic and open space systems.
 - a. At least 50% of the required area for open and civic space systems shall consist of mature trees.
 - (1) If the applicant is unable to meet this requirement, the applicant may submit a landscape mitigation plan to the Director — prepared by a landscape architect certified in the State of Missouri — indicating the

- location of all replacement trees, shrubs and other vegetation to be planted elsewhere on the property in order to meet this requirement.
- (2) Exceptions may be allowed by the Director due to a lack of existing trees, topographical constraints, or if such action places an undue financial burden on the applicant.
 - b. All trees to be preserved or to be removed shall be indicated on development plans. This includes the location, quantity and types of trees.



Date Submitted: _____
Date Approved: _____
Permit #: _____

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Grading & Land Disturbance Permit

This document allows _____ to perform private grading and land disturbance according to the plans for construction which affect over 1 acre in disturbed area at _____ project subject to the following terms and conditions:

1. The developer and grading contractor are responsible for repair to any damaged public infrastructure included but not limited to curbs, streets, sidewalks prior to issuance of any building permits. Work shall be completed in accordance with the approved and attached drawings and specifications, per City of Parkville adopted standards including KC-APWA section 5600. All disturbed ground must have vegetation re-established within 6 months after grading activities are complete. Each grading permit shall be accompanied by a set of plans and specifications. The Director of Public Works may require any additional information, including engineering reports, soil reports, or as required in the current Edition of the Uniform Building Code. (Ord. No. 1206 §5, 2-5-90)
2. Contractor shall have a current approved business license and a current proof of insurance on file with the City of Parkville.
3. The following trees shall be protected and not removed unless authorized by the Director of Public Works:
 - All trees greater than 4" caliper within the public right-of-way.
 - All trees greater than 12" caliper on private property (but located outside of the buildable area established by building setbacks)
 - All trees greater than 24" caliper (but located within the buildable area established by building setbacks)

The Director of Public Works may authorize the removal of a protected tree listed in Section 3, if two (2) trees (at least 2" caliper) are planted elsewhere on the property as "replacement trees". Said replacement trees shall be selected for their native characteristics or survival in the climate for the Kansas City region, and shall be planted and maintained per American Standards for Nursery Stock (ASNS) specifications.

The Director of Public Works — following discussion with the City's on-call arborist — may grant an exception to these standards for the following reasons:

- The tree is dead, diseased or dying trees and constitutes a threat to healthy trees, property or public safety.
 - The removal of the tree is necessary for the construction, development or redevelopment (including utility work); and reasonable efforts have been made to avoid removing the tree through alternate designs; the presence of the tree places an undue financial burden on the applicant; or no other reasonable accommodations can be made to preserve the tree.
 - Emergency situations such as storm damage, emergency access or other safety measures make it necessary to remove or alter the tree.
4. Any tree removal and land clearing must conform to the regulations of the Missouri Department of Natural Resources (DNR). This includes the removal of trees within specified timeframes associated with threatened and endangered species.*
 5. All erosion control measures shall be checked and repaired within 48 hours of a rain event. This permit shall be in addition to any required permits from the Missouri Department of Natural Resources (Forms G and E).



Date Submitted: _____
Date Approved: _____
Permit #: _____

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

6. Additional erosion control measures may be required by the Director of Public Works and/or the Director of Community Development if at their discretion the erosion control measures in place are not adequately controlling erosion on site.
7. Excavation permit fees are based on City Ordinance Section 520.020
- | | | | |
|---------------------------|---------|--------------------------|---------|
| 1 -- 10,000 sq. ft. | \$25.00 | 10,001 -- 50,000 sq. ft. | \$40.00 |
| 50,001 -- 100,000 sq. ft. | \$55.00 | 100,001 or more sq. ft. | \$75.00 |

*Missouri DNR currently prohibits tree clearing in southern Platte County (including Parkville municipal limits) from April 1st-October 1st as a result of Gray Bat (*myotis grisescens*), Indiana Bat (*myotis sodalist*) and Northern Long-eared Bat (*myotis septentrionalis*) species in the area, both of which are endangered and threatened.

Applicant Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _(_____)_____

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 do hereby agree to abide by and comply with all applicable Municipal Codes and conditions of approval. We understand that any violations of the provisions of such or from the conditions as stated herein shall constitute cause for the immediate retraction of this permit, issuance of fines and pursuit of civil remedies as may be applicable.

Applicant's Signature (Required) _____ Date: _____

To be completed by City of Parkville

Date: _____

Permit Fee: \$ _____.00

Approved by: _____

Alysen M. Abel

Director of Public Works

Paid by: _____

Paid on: _____

ROW Permit # _____

Received by: _____



Staff Analysis

Agenda Item: 6.A

Proposal: Application for Final Development Plan for Old Town at Creekside Oil Shop, a planned vehicle service/repair – limited use generally located at the southeast quadrant of the intersection of I-435 and MO-Hwy 45 in Parkville, MO 64152.

Staff Recommendation: Approval, with conditions

Case No: PZ 2023-07

Applicant: Renaissance Infrastructure Consulting

Owners: Brian Mertz, Parkville Dev. 38, LLC

Location: Old Town At Creekside, generally located at the southeast quadrant of the intersection of I-435 and MO-Hwy 45 in Parkville, MO 64152.

Zoning: “B-2-P” Planned General Business District

Parcel #s: Platte County parcel no. 20-4.0-19-000-000-008.001

Exhibits:

- A. This Staff Analysis
- B. Application for Final Development Plan
- C. Subject Property Area Map
- D. Old Town at Creekside Oil Shop – Final Development Plans (prepared by RIC; dated February 2, 2023)
- E. Additional exhibits as may be presented during the meeting

By Reference:

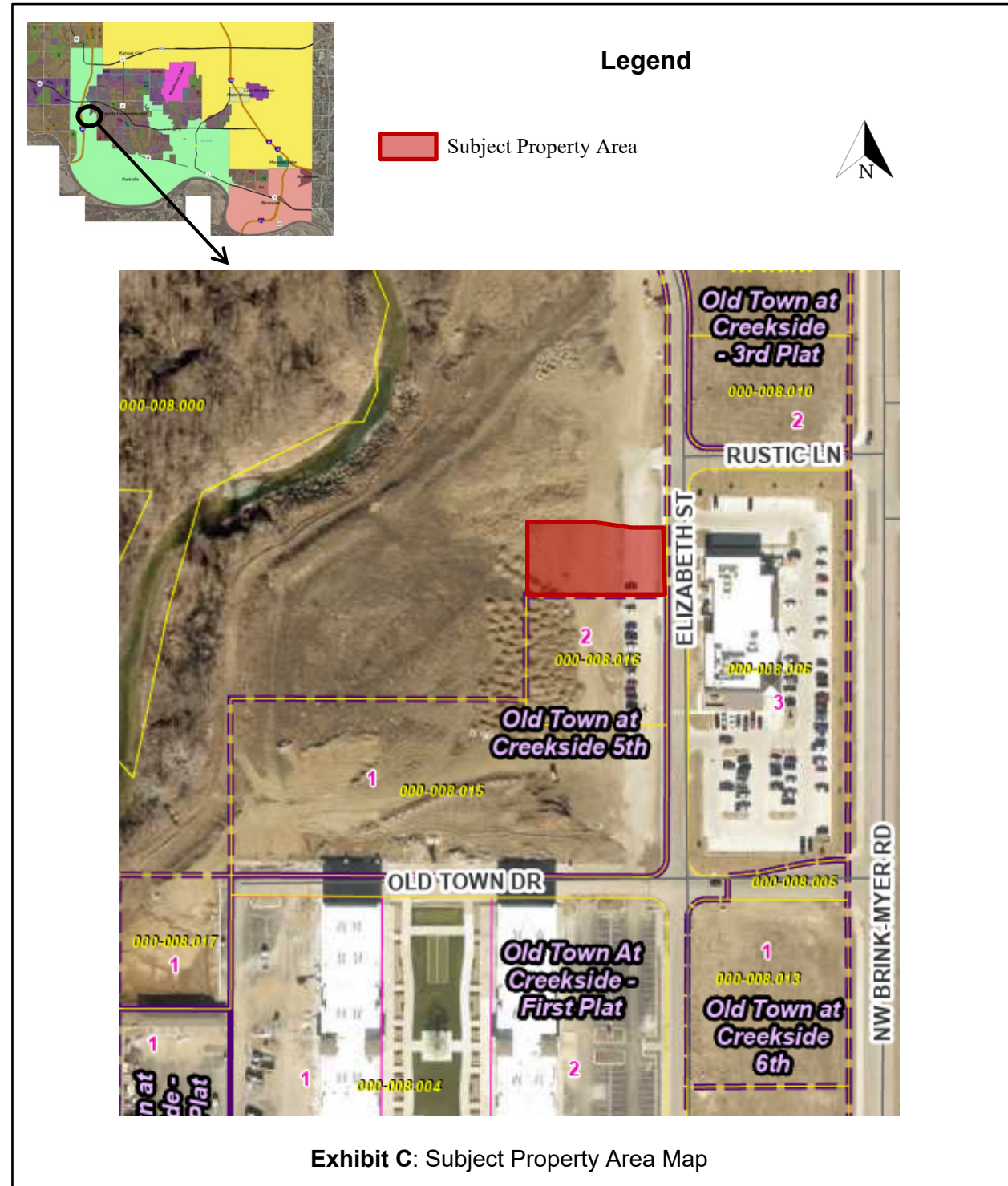
- A. Parkville Municipal Code, Title IV – Development Code in its entirety (<https://www.ecode360.com/PA3395-DIV-05>)
 - 1. Section 403.040 Master Planned Development
 - 2. Chapter 404 Subdivision Regulations
 - 3. Section 405.010 Zoning Districts Established
 - 4. Section 405.020 Districts & Uses
 - 5. Section 405.030 Standards Applicable to All Districts’
 - 6. Appendix B. Great Trees for the Kansas City Region
- B. Parkville Master Plan (<http://parkvillemo.gov/departments/community-development-department/master-plan/>)
- C. Highway 45 Corridor Plan (<http://parkvillemo.gov/download/Highway45CorridorPlan.pdf>)
- D. Old Town At Creekside, A Subdivision in Parkville, Platte County, Missouri, Preliminary Development Plan (prepared by Renaissance Infrastructure Consulting; dated September 5, 2018)

1. Sheet 1 of 16 (Cover Sheet)
 2. Sheet 2 of 16 (Existing Conditions)
 3. Sheet 3 of 16 (Development Plan)
 4. Sheet 4 of 16 (Site Dimension Plan)
 5. Sheet 5 of 16 (Site Utility Plan)
 6. Sheet 6 of 16 (Parking Summary)
 7. Sheet 7 of 16 (Landscape Plan)
 8. Sheet 8 of 16 (Landscape Data and Details)
 9. Sheet 9 of 16 (Pedestrian Linkage Plan)
 10. Sheet 10 of 16 (Preliminary Plat)
 11. Sheet 11 of 16 (Visionaire Lighting Photometric Study Pg. 1)
 12. Sheet 12 of 16 (Visionaire Lighting Photometric Study Pg. 2)
 13. Sheet 13 of 16 (Visionaire Lighting Photometric Study Pg. 3)
 14. Sheet 14 of 16 (Visionaire Lighting Photometric Study Pg. 4)
 15. Sheet 15 of 16 (Visionaire Lighting Photometric Study Pg. 5)
 16. Sheet 16 of 16 (Visionaire Lighting Photometric Study Pg. 6)
 17. Sheet C1 (Creekside North Grading Exhibit)
 18. Sheet C1 (Creekside Commercial Trail Exhibit)
- F. Old Town At Creekside, A Subdivision in Parkville, Platte County, Missouri, Preliminary Development Plan (revision of Preliminary Development Plan prepared by Renaissance Infrastructure Consulting; dated October 22, 2018; see Agenda Item 4H)
1. Sheet 1 of 10 (Cover Sheet)
 2. Sheet 3 of 10 (Preliminary Development Plan)
 3. Sheet 6 of 10 (Parking Summary)
 4. Sheet 7 of 10 (Landscape Plan)
 5. Sheet 8 of 10 (Landscape Data and Details)
- G. Preliminary Macro-Stormwater Drainage Study, Creekside Development, Brush Creek Watershed (prepared by Renaissance Infrastructure Consulting; dated August 3, 2018)
- I. City of Parkville staff review comments (dated August 16, 2018)
- J. City Engineer review comments (dated August 9, 2018)
- K. On-Call City Engineer review comments (dated September 5, 2018)
- L. Utility Provider Verification Correspondence
- 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)
- M. Public comments provided for Case No. PZ18-16A and PZ18-16B
- N. 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)
- O. Aerial Imagery of I-435 Corridor

- P. Notice of Public Hearing mailed certified mail to owners within 185 ft. of the subject property.
- Q. Hearing notice published in The Platte County Citizen newspaper on August 22, 2018
- R. Hearing notice published on the Parkville City webpage (<https://parkvillemo.gov/download/CreeksideHearingSummary.pdf>)
- S. Case No. PZ18-16A – Old Town At Creekside – Zoning Map Amendment
- T. Case No. PZ18-16B – Old Town At Creekside – Preliminary Development Plan
- U. Case No. PZ18-16D – Final Plat, Old Town At Creekside – First Plat – Administrative Plat
- V. Professional Resume – Stephen Lachky, Community Development Director
- W. Professional Resume – Brad Stanton, Planner
- X. Professional Resume – Alysén Abel, Public Works Director
- Y. Staff analyses, exhibits and comments presented at the September 11, 2018 Planning and Zoning Commission public hearing (<https://vimeo.com/289405189>; <https://vimeo.com/289404155>; <https://vimeo.com/289404863>) and meeting minutes.
- Z. Staff analyses, exhibits and comments presented at the October 9, 2019 Planning and Zoning Commission public hearing (<https://vimeo.com/parkvillemo>)
- AA. Staff analyses, exhibits and comments presented at the October 30, 2018 Board of Aldermen meeting (<https://vimeo.com/298093890>) and meeting minutes
- BB. Staff analyses, exhibits and comments presented at the November 6, 2018 Board of Aldermen meeting (<https://vimeo.com/299350151>) and meeting minutes
- CC. Summary of comments provided at the September 11, 2018 and October 9, 2019 public hearings; October 30, 2018 and November 6, 2018 Board of Aldermen meetings
- DD. Ordinance No. 2968 (approved November 6, 2018) Rezoning one parcel containing approximately 38.12 acres located on the southeast quadrant of the intersection of I-435 and Highway 45 along Brink-Myer Road, from Platte County “PI” Planned Industrial to Parkville City “B-2-P” General Business District
- EE. Ordinance No. 2969 (approved November 6, 2018) 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 approximately 38.12 acres, generally located on the southeast quadrant of the intersection of I-435 and Highway 45 along Brink-Myer Road

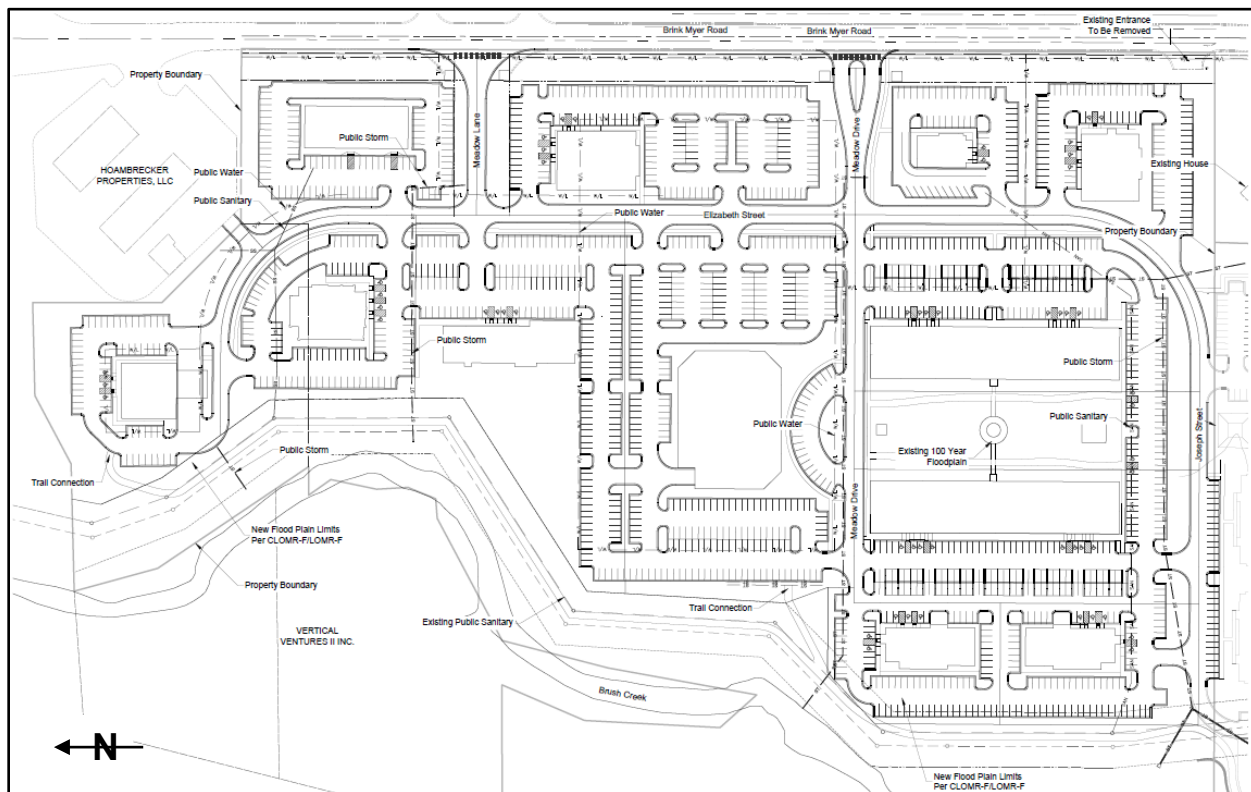
Overview

The application proposes a final development plan for Old Town at Creekside Oil Shop, a planned vehicle service/repair – limited use, generally located at the southeast quadrant of the intersection of I-435 and MO-Hwy 45 in Parkville, MO 64152. The project area is approximately 0.47 acres (more or less) and resides within Platte County parcel no. 20-4.0-19-000-000-008.001.



Background

On October 9, 2018 the Planning and Zoning Commission held a public hearing for an Application for Zoning Map Amendment in conjunction with 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 at the southeast quadrant of the intersection of I-435 and Mo-Hwy 45 in Parkville, MO 64152. The plan proposed re-platting the subject property and creating internal circulation, public streets, private drives and access to serve the development. The Planning and Zoning Commission recommended approval by a vote of 7-2, subject to conditions; and on November 6, 2018 the Board of Aldermen approved the preliminary development plan via Ordinance No. 2969.



Excerpt from Old Town At Creekside Preliminary Development Plan (dated October 22, 2018)

Copies of the approved preliminary development plans for Old Town At Creekside (Case No. PZ 2018-16B; dated September 5, 2018 and October 22, 2018) are included in Exhibit T by Reference. Ordinance No. 2969 (see Exhibit EE by Reference) contains a number of conditions, and since September 5, 2018 many of them have been completed, including:

- Re-platting the subject property area.
- Providing names for all private streets/drives per 911 MSAG address range requirements.
- Submittal of a Traffic Impact Study to MoDOT, and implementing required dedication of right-of-way and roadway improvements as required.

Review and Analysis

A final development plan is a detailed plan for implementing the preliminary development plan including technical information on building, site, open / civic space, and infrastructure development. A final development plan may include the entire area covered in the preliminary development plan or it may include one or more phases of the approved preliminary development plan. The plan shall include all necessary information to demonstrate that all applicable standards, requirements, and conditions of the preliminary development plan have been met. Parkville Municipal Code, Section 403.040, Subsection F. provides criteria for how the Planning and Zoning Commission shall determine if a final development plan is appropriate. The following are staff's findings and conclusions for the final development plan (Case No. PZ 2023-07).

1. In general, any site plan in compliance with all requirements of this code shall be approved.

Staff concludes the site plan conforms to use allowances permitted in a "B-2-P" General Business District. In addition, the site plan is in compliance with the City's subdivision regulations (i.e., block and lot arrangement), site and landscape design standards (i.e., planting requirements, buffer/screening requirements, outdoor lighting, and stormwater management), and access and parking regulations (i.e., access and circulation standards, required parking counts, and parking specifications).

2. In making a determination of compliance, or for site plans accompanying any discretionary review or administrative relief, the review body shall consider whether:

- a. The site is capable of accommodating the buildings, proposed use, access and other site design elements required by this code and will not negatively impact the function and design of rights-of-way or adjacent property.**

"B-2-P" Height, Area and Bulk Standards

While all development standards for the "B-2-P" General Business District are established throughout the Master Planned Development Process outlined in Section 403.040, the subject property area (0.47 acres, more or less) is large enough and capable of accommodating the proposed 835 sq. ft. vehicle service/repair – general shop. Nevertheless, staff compared the proposed height, area and bulk standards to those in the base "B-2" General Business District. The proposed height of one story is below the base "B-2" district standards for maximum building height of 3 stories.

"B-2-P" Use Standards

The proposed use of *Vehicle Service/Repair* is permitted in the "B-2-P" General Business District. On November 6, 2018 the Board of Aldermen approved Ordinance No. 2968 rezoning the subject property from Platte County "PI" Planned Industrial to Parkville City "B-2-P" General Business District.

Access

One point of access is proposed off of Elizabeth Street, the private drive through Old Town At Creekside. Additional cross-access is available to the south behind the existing retail building.

Parking Requirements

Section 408.030 requires 5 parking spaces per 1,000 sq. ft. for *Retail – General* uses. The 835 sq. ft. building will require 5 parking spaces to be provided. The applicant has provided 7 parking stall and 1 ADA accessible parking stall for the use.

Parking Layout Design

The parking lot layout, aisle widths and parking stall specifications detailed on the site plan (see Exhibit D.3) are in accordance with the 26 ft. aisle widths and 9 ft. by 18.5 ft. parking stall specifications of the Title IV – Development Code.

Signage

Signage will be reviewed separately by sign permit.

Outdoor Lighting

Lighting shall meet the shielding requirements and design and performance criteria specified in Section 407.040.

- a. **The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices.**

Building Location

As an auto-oriented use, the building and site are located such that traffic may flow through the site.

Landscape Design

This lot has minimal opportunities for landscaping. The island separating the parking from the drive-thru lanes is proposed to be landscaped.

Stormwater Management

Per our Development Code requirements, the Public Works Department can require a Stormwater Management Analysis study be submitted for review and approval. The applicant has submitted a preliminary Macro-Stormwater Drainage Study for the Brush Creek area (see Exhibit H by Reference) and Parkville's contract City Engineer has determined the study's methodology is reasonable, and that stormwater best management practices (BMP) will need to be updated/revised for the final stormwater drainage study if there are any changes between the preliminary development plan design and the final development plan design.

- b. **The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.**

Location Compatibility

The preliminary development plan for Old Town At Creekside (approved November 6, 2018 via Ordinance No. 2969) is a planned commercial development consisting of retail, mixed-use, restaurant and other commercial uses on 30.05 acres, more or less (see Exhibits D and G by Reference). While one of the earlier versions of the preliminary development plan (dated October 22; see Exhibit G by Reference) identified the subject property as a parking lot for the proposed grocery store, the

location for the proposed 835 sq. ft. vehicle service/repair - limited building is both consistent and compatible with the approved "B-2-P" General Business District.

Open Spaces and Natural Features

This is not applicable to such a small lot.

c. Whether any additional site-specific conditions are necessary to meet the intent of the zoning district or the intent and design objectives of any of the applicable development standards.

As detailed in the in the review criteria above, the final development plan meets all of the applicable "B-2-P" requirements of the Development Code and does not need flexibility to any development standards per the "-P" planned district allowance.

3. The application meets the criteria for all other reviews needed to build the project as proposed.

Many of the conditions of preliminary development plan approval for Old Town At Creekside have already been met as noted above. Per Section 408.020, Subsection D., the Public Works Director can request a Traffic Impact Study to analyze the impacts of the function of the transportation network in the vicinity of the site. Per staff's request, a Traffic Impact Study was prepared for the overall Creekside development projects and submitted it to MoDOT in January 2019.

4. The recommendations of professional staff

As detailed in the review criteria above, staff finds that the site plan conforms to all development standards of the "B-2-P" General Business District including height, area and bulk standards, site and landscape design standards (i.e., planting requirements, buffer/screening requirements, outdoor lighting, and stormwater management), and access and parking regulations (i.e., access and circulation standards, required parking counts, and parking specifications).

Staff Conclusion and Recommendation

After review of the application and supporting materials, staff recommends approval of the application for final development plan, subject to the following conditions:

1. Approval is based on the representations of the drawings presented as part of this application and does not waive any requirement or development standard contained in the Parkville Municipal Code.
2. Building materials and architectural features shall be complementary to the surrounding Old Town at Creekside development.
3. Prior to Building Permit issuance, a photometric plan shall be submitted that satisfies the requirements of Section 407.040.
4. Prior to Building Permit issuance, a landscaping plan shall be submitted that satisfies the requirements of Section 407.020.
5. Prior to Building Permit issuance, the subject property shall be platted.

It should be noted that the recommendation contained in this report is made without knowledge of facts, comments or any additional information which may be presented during the meeting. For that reason, the conclusions herein are subject to change as a result of evaluating additional information; additionally, staff reserves the right to modify or confirm the conclusions and recommendations herein based on consideration of any additional information that may be presented.

Necessary Action

Following consideration of the Application for Final Development Plan, supporting information, associated exhibits, factors discussed above and any testimony presented during the meeting, the Planning and Zoning Commission should recommend approval (with or without conditions), denial, or postpone the application for further consideration. If approved subject to conditions, the conditions should be noted for the record. Unless postponed, the Planning and Zoning Commission's action will serve as the final action.

Note: Approval of a final development plan and fulfillment of staff conditions shall authorize the applicant to apply for a building permit and other applicable permits. The Community Development Director may approve minor amendments to approved final development plan without the refiling of a new application, but in no event shall the Director approve any change that does not qualify for an administrative adjustment, or any change that is different from any condition of approval of the final development plan. An approved final development plan shall expire and be of no further effect if an application for building permit for one or more buildings shown on the site plan is not filed within two years of approval. The Planning and Zoning Commission may grant an extension for up to one additional year.

Note: The Board of Aldermen has the ability to consider the application if an "Appeal of Decision" is filed with the Community Development Director within 15 days of the decision by the appellate body designated in Table 403-1. For applications for final development plan, the Board of Aldermen is designated as the appellate body.

End of Memorandum

	<u>3-10-2023</u>
Brad Stanton, AICP	Date
Planner	

File: 03_2023-3-16.rvt
Z:\RIC Design\2021\21-0207\DWG\Sheets\FDP-2022-11-07 Old Town\21-0207 FDP-GEN-LAY.dwg

LAYOUT & PAVING NOTES

1. All construction shall conform to the City of Parkville minimum design standards.
2. Contractor shall verify horizontal and vertical location of all utilities shown. Contractor shall notify Engineer of any potential conflicts with proposed improvements shown herein prior to commencing of construction.
3. The contractor shall check existing grades, dimensions, and inverts in the field and report any discrepancies to the architect/engineer prior to beginning work.
4. The contractor shall verify the exact location of all existing utilities, take care to protect utilities that are to remain, repair contractor caused damage according to current local standards and at the contractor's expense, and coordinate all construction with the appropriate utility company.
5. The contractor shall comply with all local codes and obtain all permits necessary or required.
6. Prior to installing, constructing, or performing any work in the public right of way or on the public storm sewer line (including concrete pavement or connecting private drainage systems to the storm sewer), contact City of Parkville public works at 816.741.7676 for inspection of the work. Contact must be made at least 24 hours prior to start of the work.
7. Provide a smooth transition between existing pavement and new pavement. Field adjustment of final grades may be necessary.
8. The contractor shall protect all trees to remain in accordance with the specifications. Do not operate or store heavy equipment, nor handle, nor store materials within the driplines of trees or outside the limit of grading.
9. Concrete walks and pads shall have a broom finish. All concrete shall be 4,000 p.s.i. unless otherwise noted. Curb ramps, sidewalk slopes, and driveway ramps shall be constructed in accordance with all current local requirements. If applicable, the contractor shall request inspection of sidewalk and ramp forms prior to placement of concrete.
10. All damage to existing asphalt pavement to remain which results from new construction shall be replaced with like materials at contractor's expense.
11. Dimensions are to the back of curb, or edge of concrete, unless otherwise noted.
12. Excess material shall be disposed of by the contractor in a legal manner off the owner's property at no additional cost to the owner.
13. Maintain one set of as-built drawings on the job site for distribution to the engineer upon completion.
14. Concrete curb at sidewalks and drive in ramps shall be integral.

ADA ACCESSIBLE ROUTE NOTES

1. All Accessible route construction shall conform to the latest version of the ADA Standards for Accessible Design published by the Department of Justice and the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way published by the United States Access Board.
2. Other than ramps and ramp runs, walking surfaces must have running slopes not steeper than 1:20.
3. The cross slope of walking surfaces shall not be steeper than 2%.
4. The minimum width for a linear segment of accessible route shall be 36 inches.
5. Where the accessible route makes a 180 degree turn around an element which is less than 48 inches wide, clear width shall be 42 inches minimum approaching the turn, 48 inches minimum at the turn and 42 inches leaving the turn.
6. An accessible route with a clear width less than 60 inches shall provide passing spaces at intervals of 200 feet maximum. Passing spaces shall be 60 inch by 60 inch minimum.
7. Ramp runs shall have a running slope not steeper than 1:12.
8. Ramp runs with a rise greater than 6 inches shall have handrails.
9. Ramp landings with a maximum slope of 1:48 shall be provided before and after ramp runs.
10. The maximum rise of a ramp run shall be 30 inches.
11. The maximum counter slope between the pavement and the curb at a curb ramp shall be 1:20.
12. Curb ramp landings with a maximum slope of 1:48 shall be provided at the top of curb ramps with a clear width of 60 inches.
13. Detectable warning surfaces complying with the latest ADA Standards shall be provided at pedestrian street crossings and refuge islands.
14. Passenger loading zones shall be provided adjacent to any ADA Accessible stall and have a 2% maximum slope in all directions.
15. Contractor to field verify existing site conditions and contact the engineer if field conditions do not match plan prior to construction.

GRADING NOTES

1. All construction shall conform to the City of Parkville's minimum design standards.
2. Spot Grades shown herein shall govern over finished grades.
3. The contractor shall provide evidence that their insurance meets the requirements of the Project.
4. The contractor is responsible for the protection of all property corners and section corners. Any property corners and/or section corners disturbed or damaged by construction activities shall be reset by a Registered Land Surveyor licensed in the State of Missouri, at the contractor's expense.
5. The contractor shall be responsible for the restoration of the right-of-way and for damaged improvements such as curbs, driveways, sidewalks, street light and traffic signal junction boxes, traffic signal loop lead ins, signal poles, irrigation systems, etc. Damaged improvements shall be repaired in conformance with the latest City standards and to the City's satisfaction.
13. All National Pollution Discharge Elimination System(NPDES) standards shall be met.
14. The contractor is responsible for providing erosion and sediment control BMPs to prevent sediment from reaching paved areas, storm sewer systems, drainage courses and adjacent properties. In the event the prevention measures are not effective, the contractor shall remove any debris, silt, or mud and restore the right-of-way, or adjacent properties to original or better condition.
15. The contractor shall sod all disturbed areas within the public street right-of-way unless otherwise noted on the plans or if specific written approval is granted by the City.
16. All public street sidewalk ramps constructed will be required to comply with the Americans with Disabilities Act (ADA).
17. Excavation for utility work in public street right-of-way requires a Right-of-Way Work Permit from the Public Works Department, in addition to all other permits.
18. All work shall be confined within easements and/or construction limits as shown on the plans.
19. Curb stakes and hubs shall be provided at all high points, low points, ADA ramp openings, and on each side of all curb inlets when setting string line.
20. Public and Private utility facilities shall be moved or adjusted as necessary by the owners to fit the new construction unless otherwise noted on the plans. The Developer is responsible for the cost of utility relocations unless otherwise indicated on the plans.

PAVEMENT MARKING AND SIGNAGE NOTES

1. Parking stall marking stripes shall be four inch (4") wide white stripes. Handicap stall marking shall be furnished at locations shown on plans.
2. Traffic control devices and pavement markings shall conform to the requirements of the "Manual of Uniform Traffic Control Devices" latest edition.
3. Traffic control and pavement markings shall be painted with a white Sherwin Williams S-W traffic marking series b-29y2 or approved equal. The pavement marking shall be applied in accordance with manufacturers recommendations. Apply on a clean, dry surface and at a surface temperature of not less than 70°f and the ambient air temperature shall not be less than 60°f and rising. Two coats shall be applied.

FOR NON-PUBLIC WORK

- A. Screened items indicate a pre-construction topographic survey
- B. Contraction joints shall conform to APWA Section 2200. A maximum joint spacing of 20' on center each way is required.
- C. All concrete to be based on ACI 318-2011, Section 4.2.2 which states the concrete subject to the applicable exposures "shall conform to the corresponding water-cement ratios", in Table 4.3.1, which specifies a maximum water/cement ratio of 0.45 and a minimum concrete compressive strength of 4.500 PSI. Per ACI Table 4.4.1, the air entrainment specified is 6% (+1%).
- D. Curing compound to be applied to all concrete surfaces immediately after broom finish.
- E. Contractor shall reject concrete if it cannot be placed within 90 minutes of batch time.

Sheet

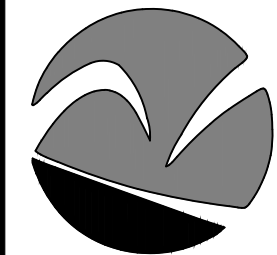
C02

Final Development Plans

21-0207

Old Town At Creekside Oil Shop
Parkville, Plate County, MO

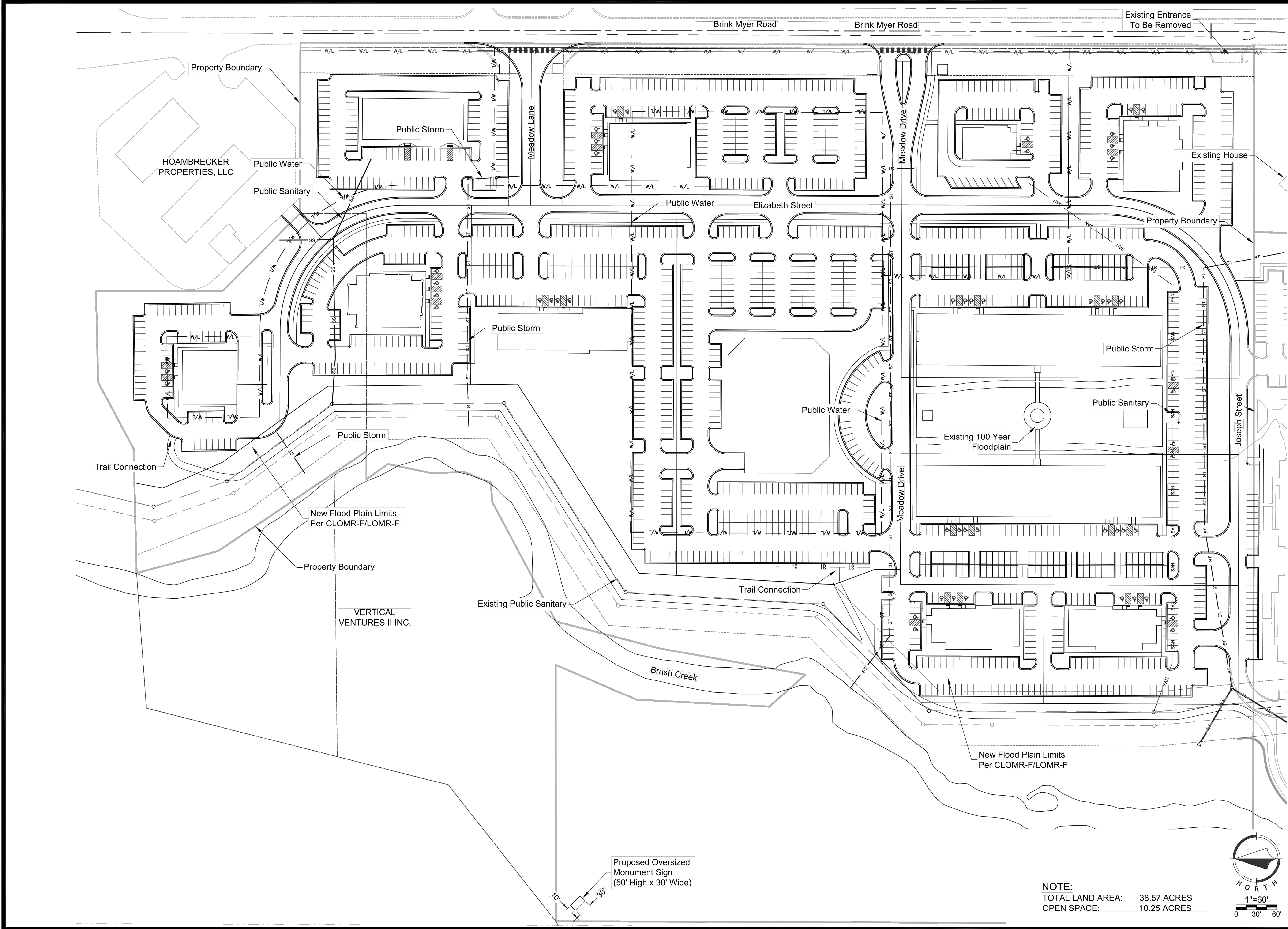
General
Note



Renaissance
Infrastructure
Consulting

5015 NW CANAL STREET, SUITE 100
RIVERSIDE, MISSOURI 64150

816.800.0950
WWW.RIC-CONSULT.COM



NOTE:
TOTAL LAND AREA: 38.57 ACRES
OPEN SPACE: 10.25 ACRES



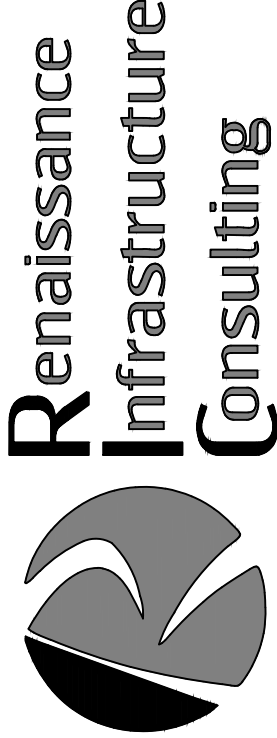
NO.	BY	DATE	REVISION
4.	JMM	10/22/18	AS PER CITY COMMENTS
3.	JWD	10/08/18	AS PER CITY COMMENTS
2.	EDG	09/05/18	AS PER CITY COMMENTS
1.	JWD	08/23/18	AS PER CITY COMMENTS
	JWD	08/03/18	ORIGINAL SUBMITTAL
NO.	BY	DATE	REVISION

Development Plan

Preliminary Development Plan

Sheet
3 of 10

18-0211
Old Town At Creekside

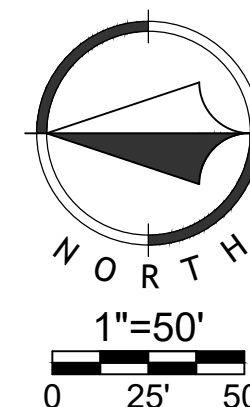
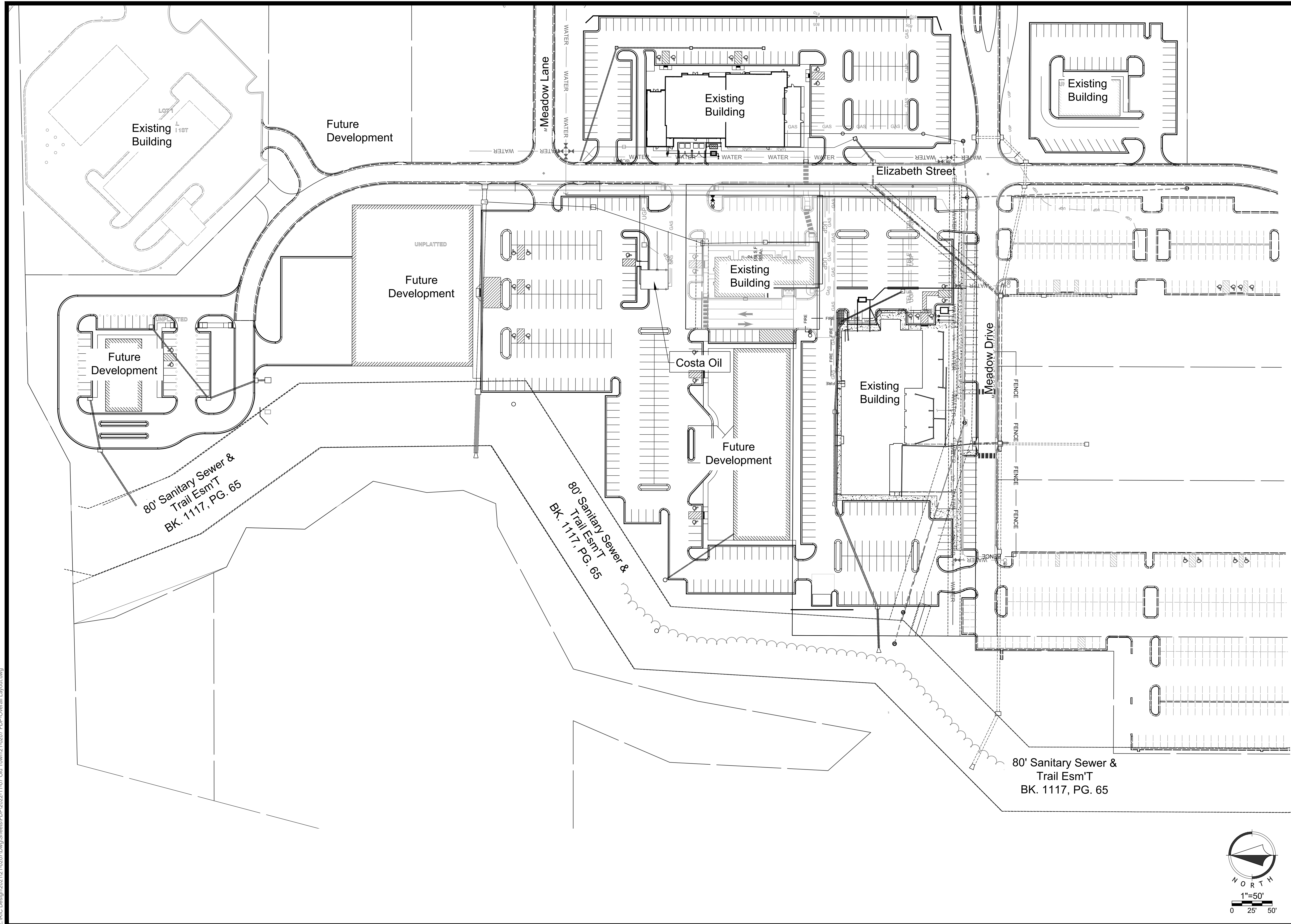


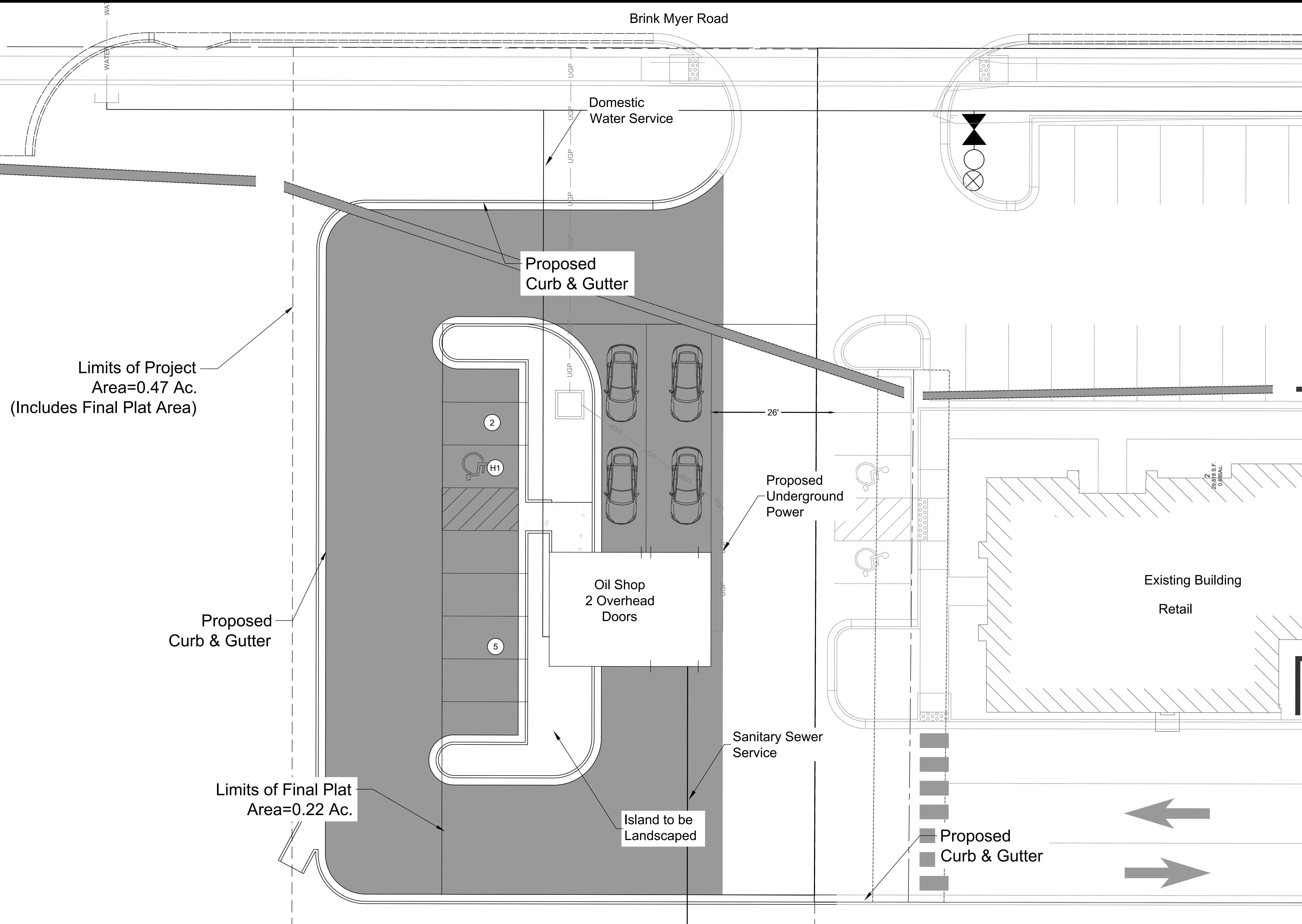
NO.	BY	DATE	REVISION
	JA	2/02/2023	ORIGINAL SUBMITTAL
			REVISION

Overall Layout

Final Development Plans
21-0207
Old Town At Creekside Oil Shop
Parkville, Plate County, MO

Sheet
C03

[illegible]



1 ADA Parking Stalls Required
1 ADA Parking Stalls Provided

(H2) ADA Parking
 (1) General Parking

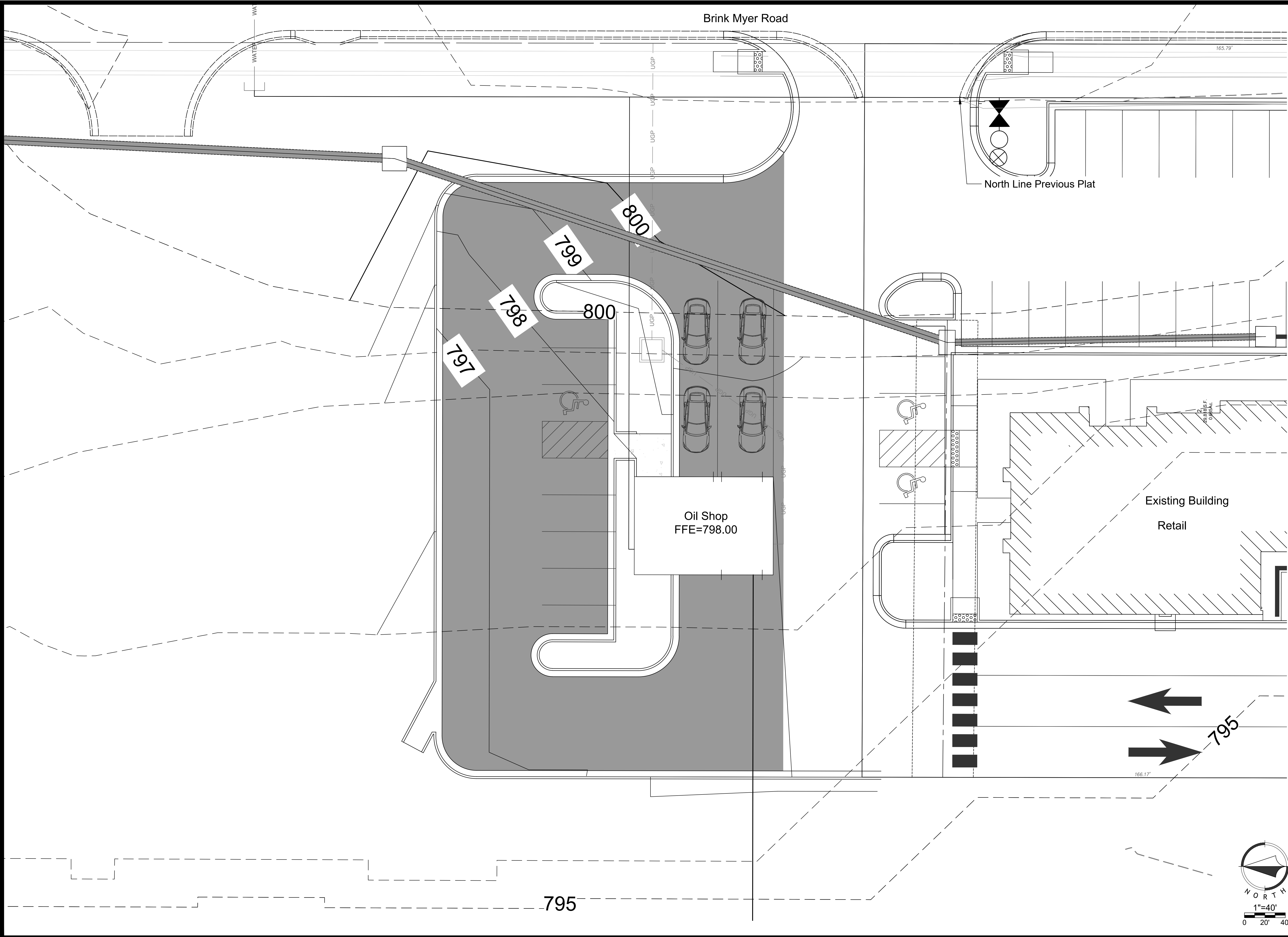
Light Asphaltic Concrete Pavement

8" Portland Concrete Pavement
and 4" Concrete Sidewalk

(See Geotech Report and Standard
Detail Sheets for Additional Information)



Feb 03, 2023 3:11pm
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Sheet
C07

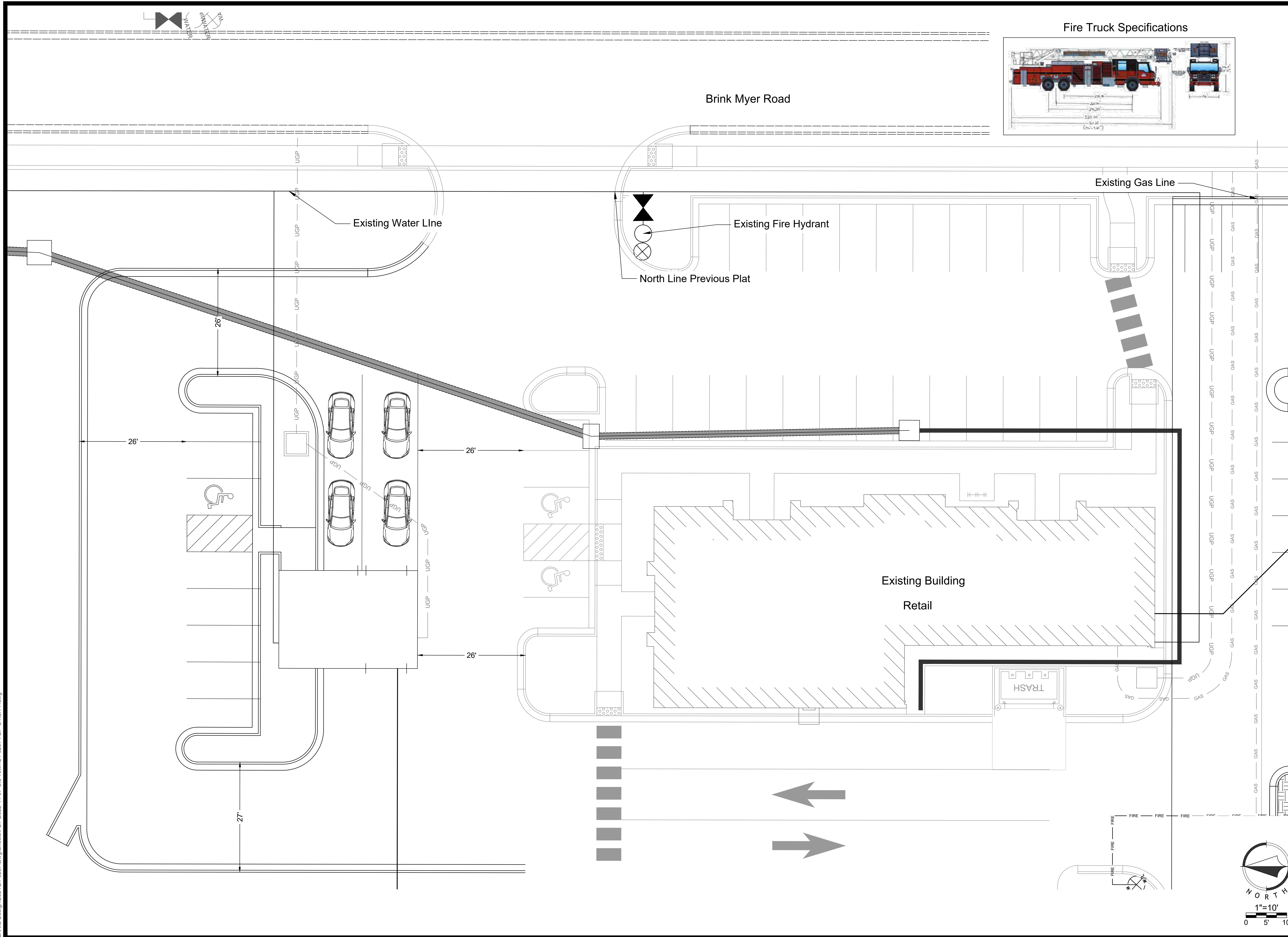
Final Development Plans
21-0207
Old Town At Creekside Oil Shop
Parkville, Plate County, MO

Grading
Plan

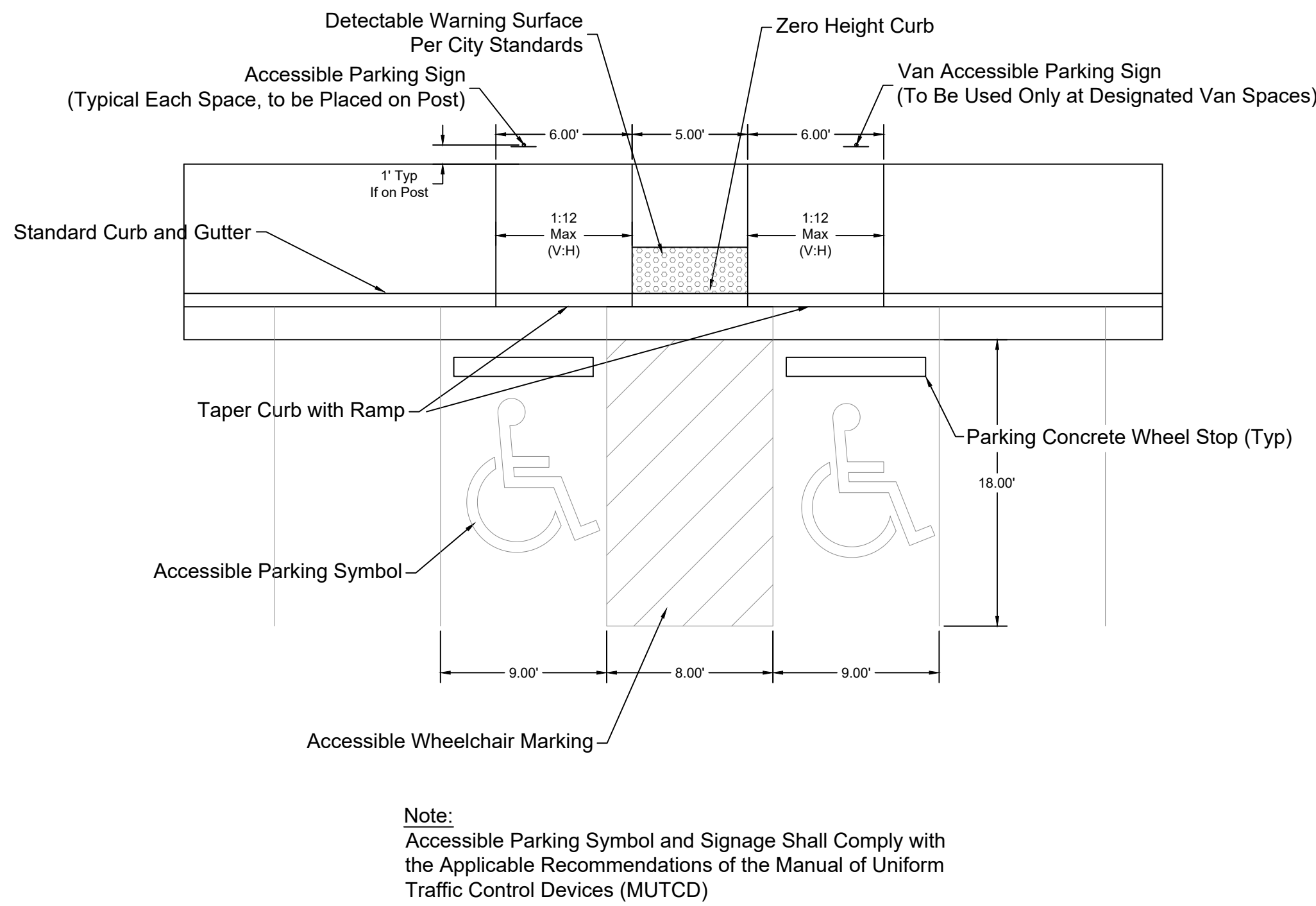
NO.	BY	QD	DATE	PC	11/28/2022	ORIGINAL SUBMITTAL
						REVISION

Renaissance
Infrastructure
Consulting

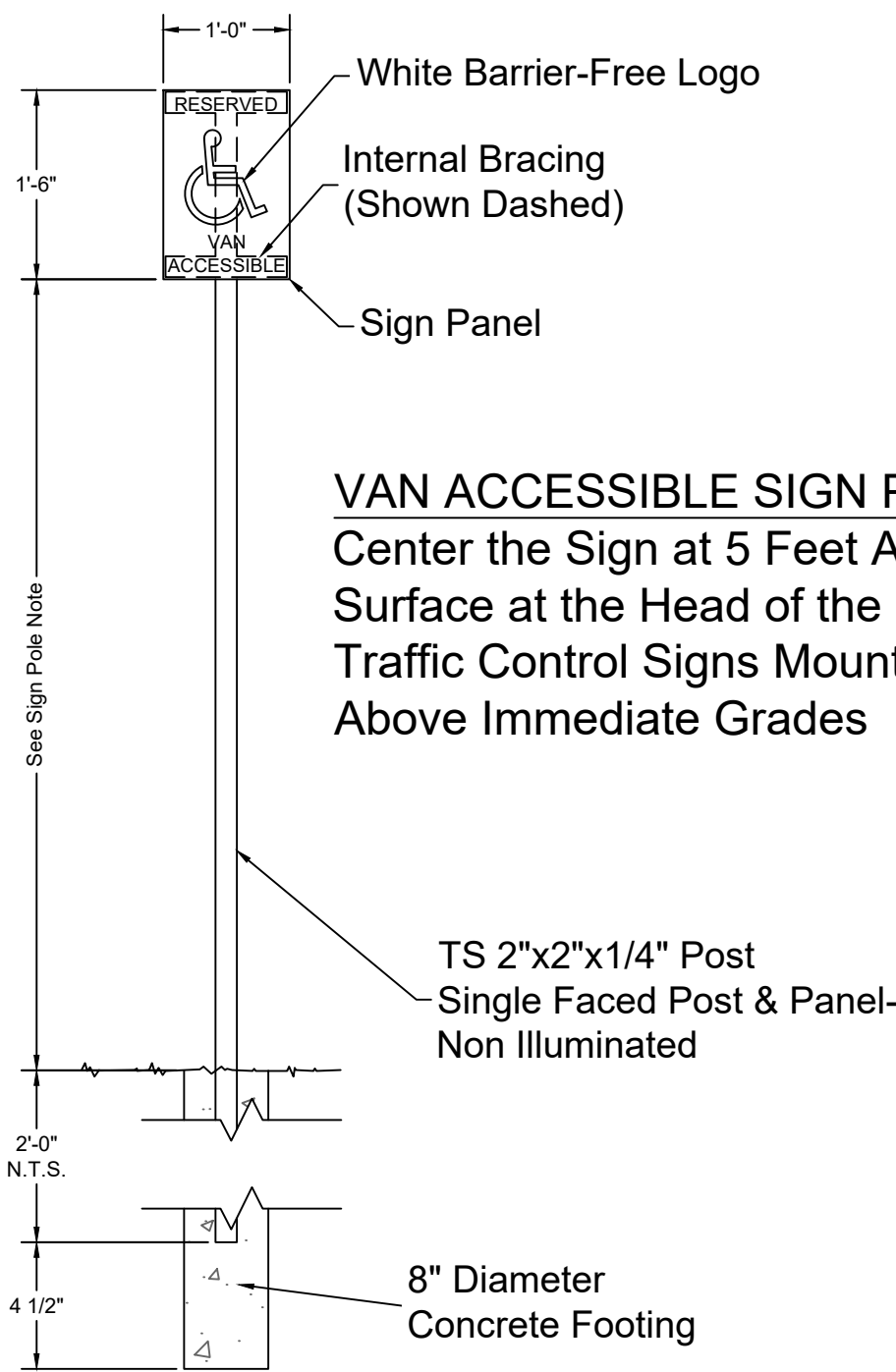
5015 NW CANAL STREET, SUITE 100
RIVERSIDE, MISSOURI 64150
816.800.0950
WWW.RIC-CONSULT.COM

[illegible]

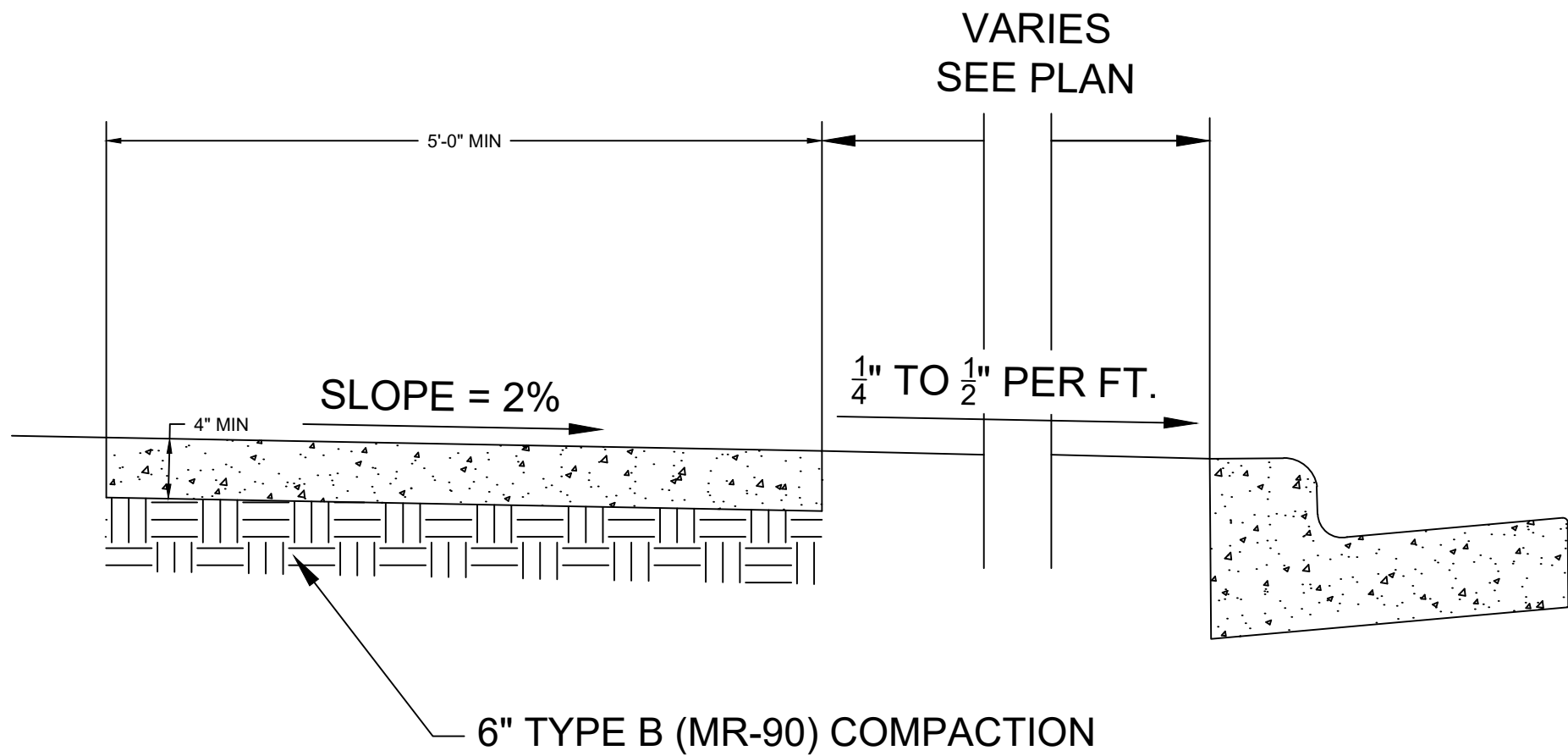




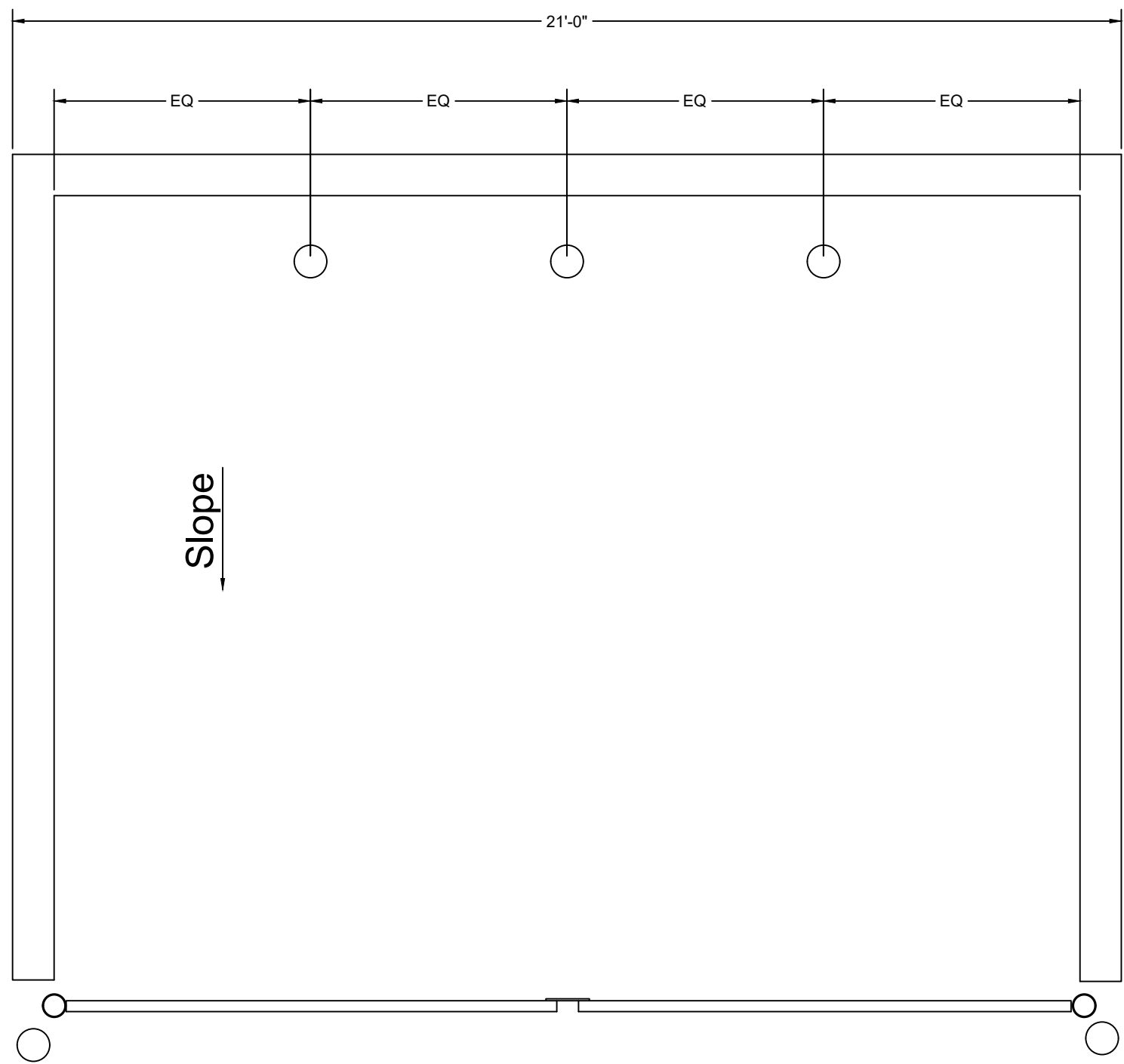
ACCESSIBLE PARKING DETAIL (90°)
Not to Scale



HANDICAP SIGNAGE
Not to Scale



STANDARD SIDEWALK
PUBLIC AND PRIVATE



TRASH ENCLOSURE DETAIL
Not to Scale

