



City of Grain Valley
Planning & Zoning Commission
Meeting Minutes
Regular Meeting

1/12/2022
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ITEM I: CALL TO ORDER

- The Planning & Zoning Commission of the City of Grain Valley, Missouri, met in Regular Session on January 12, 2022 in the Council Chambers at City Hall.

- The meeting was called to order at 6:30 PM by Chairman Craig Shelton.

ITEM II: ROLL CALL

- *Present: Scott Shafer*
- *Present: Jim Hofstetter*
- *Present: Justin Tyson*
- *Present: Craig Shelton*
- *Present: Elijah Greene*
- *Present: Debbie Saffell*
- *Absent: Kevin Browning*
- *Absent: Bob Headley (BOA Liaison)*
- ***There was a quorum.***

ITEM III: PLEDGE OF ALLEGIANCE

ITEM IV: APPROVAL OF MINUTES

- Commissioner Tyson motioned to approve the minutes from the November 12, 2021 regular meeting. Commissioner Shafer second the motion. The Commission approved the minutes by a vote of 6 to 0.

ITEM V: PUBLIC HEARINGS

- **None**

ITEM VI: ACTION ITEMS

- 1) **Site Plan Amendment - Panda Express** – Requesting an amendment to the landscaping plan to allow river rock in place of sod in island between parking spaces and drive-thru lane. The drive-thru restaurant is built and is located on the northeast corner of the Interstate 70 westbound exit ramp and Buckner Tarsney Road on Lot 1 of Grain Valley Marketplace No. 3, a replat of Lot 10, Grain Valley Marketplace, lying in the southwest quarter of

Commissioners Present

Craig Shelton
Debbie Saffell
Justin Tyson
Jim Hofstetter
Scott Shafer
Elijah Greene

Commissioners Absent

Kevin Browning
Bob Headley BOA Liaison

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle – City Engineer
Nathan Nickolaus, City Attorney



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Section 26, Township 49, Range 30, in the City of Grain Valley, Missouri aka 1051 N. Buckner Tarsney Road.

- Director Trosen presented the Staff Report. Staff recommends that Panda Express be required to remove the rock and install the sod according to the site plan approved on January 13, 2021.
- Eric Abein with Heights Venture, Project Architect, 1111 North Loop West, Suite 800 Houston Texas introduced himself representing Panda Express. He said that it is correct that the approved plan showed sod in the areas but that during construction he made the decision to change it to rock because of cost, the ability to mow the areas in the future and concern to keep the sod alive. He knows that he should have followed the process and got permission first. He said that they still meet the impervious requirement of the ordinance and although he agrees there would be a heat effect with the rock there is nothing in the ordinance that requires this. He said that it would be very expensive to remove the rock and add the sod. He is asking for the Commission to amend the Site Plan and allow the rock to remain.
- Commissioner Tyson stated this is why landscapers and engineers disagree and that as a former Landscaper, he agrees with Mr. Abein and that there is nothing wrong with the rock and probably in this case the rock may be better than grass because the rock won't die when salt gets on it. It will be easier to maintain these areas with the rock, no mowing. He can't believe that the City is picking on a business, sitting at their desk with their pencil in hand wanting them to make this change. The city should look at changing the ordinances regarding landscaping.
- Commissioner Hofstetter said that as a former educator and coach he can't get past the fact that they said they were going to sod these areas and without asking permission they went ahead and rocked them. If we allow Panda to get away with it, then why wouldn't all the other businesses do the same. What is the purpose of the Commission approving the Site Plan? I also don't like walking across the rock. It spills out into the drive and is tough.
- Chair Shelton stated that we required Burger King to do the grass in the medians. Should we now go back to them and say we allowed Panda to rock their interior medians so now you can do the same? Also, I see folks see shade under the gas station canopy because this area gets so hot. I agree that the more concrete and asphalt we add without some grass that we will continue to add to the heat island effect. I also don't like how it looks.
- Commissioner Tyson said as the only businessman sitting up here it is going to be expensive for them to remove the rock and install the sod.

Commissioners Present

Craig Shelton
Debbie Saffell
Justin Tyson
Jim Hofstetter
Scott Shafer
Elijah Greene

Commissioners Absent

Kevin Browning
Bob Headley BOA Liaison

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle – City Engineer
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- Commissioner Hofstetter stated that if they would have done it right the first time then it would not have cost them nothing extra.
 - Commissioner Greene asked Mr. Abein how much would it cost?
 - Mr. Abein stated he wasn't sure but maybe \$5,000 to \$10,000 but then asked Mr. Tyson.
 - Mr. Tyson responded that it may be \$10,000 to \$15,000 depending upon labor. Mr. Tyson said that the City should issue a penalty of \$1,000 instead of having them remove the rock.
 - Commissioner Saffell said if I had a house and I told you that I was going to paint it Golden Rod and you approved but then I painted it this loud and ugly yellow. I would pay the \$1,000 penalty instead of re-painting the house for \$15,000 to the Golden Rod that I originally promised to paint it.
 - Commissioner Shafer stated I still can't get over that you installed the rock without permission.
 - Commissioner Tyson made a motion to approve the Panda Express request to amend the site plan allow the areas designated to remain rock instead of sod. The motion died for a lack of a second.
 - Commissioner Hofstetter made a motion to deny the Panda Express request.
 - City Attorney Nickolaus suggested the motion should be made in the affirmative even though you may be voting no. If the motion is to deny, it may be confusing to be voting yes on an item that you disapprove.
 - After discussion. Commissioner Shafer second the motion. Commissioners Hofstetter, Shafer, Saffell and Shelton voted yes to deny the request by Panda Express to amend the Site Plan and Commissioners Tyson and Greene voted no.
- 2) **Section 405 Subdivision Regulations Amendments** – Requesting the Planning and Zoning Commission approve Resolution 2022-01 amending Chapter 405 and specifically sections pertaining to property owned by homeowners and property owners' associations, allowing Community Development Director approval signature on minor plats, and providing a procedure for City to abate a nuisance due to lack of maintenance of the association on retention/detention stormwater areas.
- City Engineer Tuttle presented the Staff Report. Staff recommends that the Commission approve Resolution 2022-01 that would amend Chapter 405 as stated.

Commissioners Present

Craig Shelton
Debbie Saffell
Justin Tyson
Jim Hofstetter
Scott Shafer
Elijah Greene

Commissioners Absent

Kevin Browning
Bob Headley BOA Liaison

Staff Officials Present

Mark Trosen – CD Director
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- Commissioner Tyson stated that even though a neighborhood has a HOA, he would like to see all property owners be notified that there is a problem before the city must step in and abate a violation. Several other Commissioners agreed with that comment.
- City Attorney Nickolaus suggested that in Resolution 2022-01, at the end of paragraph 10 on page 2, the following sentence can be added, “Notice required herein shall be made to all property owners to the extent practicable”.
- The Commissioners agreed with that additional sentence.
- Commissioner Tyson made a motion to approve Resolution 2022-01 with amendment to Section 1, paragraph 10 as stated earlier. Commissioner Hofstetter second the motion. The Commission approved the motion by a vote of 6 to 0.

ITEM VII: PREVIOUS BUSINESS

- **None**

ITEM VIII: NEW BUSINESS

1) Election of Officers:

Chairperson
Vice Chairperson
Secretary

- Commissioner Hofstetter made a motion to nominate and elect Craig Shelton as Chair, Justin Tyson as Vice Chair and Debbie Saffell as Secretary. Commissioner Shafer second the motion. The Commission approved the motion by a vote of 6 to 0.

ITEM IX: ADJOURNMENT

- Commissioner Shafer made a motion to adjourn the meeting. Commissioner Tyson second the motion. The Commission approved the motion by a vote of 6 to 0.

-The Regular Meeting Adjourned at 7:21 PM-

Commissioners Present

Craig Shelton
Debbie Saffell
Justin Tyson
Jim Hofstetter
Scott Shafer
Elijah Greene

Commissioners Absent

Kevin Browning
Bob Headley BOA Liaison

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle – City Engineer
Nathan Nickolaus, City Attorney