



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

9/14/2022
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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 September 14,2022 in the Council Chambers at City Hall.
The meeting was called to order at 6:30 PM by Chair Craig Shelton.

ITEM II: ROLL CALL

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

ITEM III: PLEDGE OF ALLEGIANCE

ITEM IV: APPROVAL OF MINUTES

- Commissioner Saffell motioned to approve minutes from the August 10,2022 meeting. Commissioner Shafer second the motion. The motion was approved by a vote of 5 to 0.

ITEM V: PUBLIC HEARINGS

- City Code Chapter 400 Zoning Regulation Amendment Section 400.230- A Resolution (2022-05) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended in Section 400.230 (Accessory Uses) pertaining to fences by adding that a six-foot privacy fence constructed of wood, vinyl, composite, or plastic; (chain link or chain link with slats are prohibited) shall only be constructed on side and rear yards adjacent to designated collector and arterial streets in the City's Comprehensive Plan.
Director Trosen presented the Staff Report. Resolution 2022-05 recommends to the Board of Aldermen that Chapter 400, Section 400.230 pertaining to fences be amended and that

Commissioners Present

Craig Shelton
Debbie Saffell
Elijah Greene
Jim Hofstetter
Scott Shafer
Rick Knox BOA Liaison

Commissioners Absent

Kevin Browning
Justin Tyson

Staff Officials Present

Mark Trosen - CD Director
Dick Tuttle - City Engineer
Rich Wood - City Attorney



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a new section be added that only a six-foot, sight-obscuring, fence constructed of certain material be allowed along designated Collectors and Arterials in the City's Comprehensive Plan and chain link or chain link with slats are prohibited. Director Trosen showed photo example of fences.

- Michael Helt, 1609 NW Rust Road, appeared before the Commission and said that he has 650 feet of frontage along Duncan Road and about 1,000 feet of frontage along Rust Road. HE owns the property located at the southeast corner of Duncan Road and Rust Road. He said that he wants to install a four-rail fence someday and this amendment would prohibit that. He is opposed to this change of requiring a privacy fence especially with as much land as he has. He said right now he just has the posts.
- Commissioner Greene asked Mr. Helt on the Zoning Map if his property was the area in green, zoned District A (Agricultural). Mr. Helt said yes. Director Trosen said that the proposed zoning amendment pertains to properties that are zoned residential districts.
- Commissioner Hofstetter said that the problem is not the height or the material of the fence but the maintenance of existing fences. The vinyl clad chain link looks much better than the less maintained wood fences in the city.
- Nancy Helt, 1609 Rust Road, commented she drives by the wood fence on Duncan Road and that it does not look that good and it should not be the goal the city should be striving for.
- Commissioner Shafer made a motion to close the public hearing. Commissioner Greene second the motion. The motion was approved by a vote of 5 to 0.

2. City Code Chapter 400 Zoning Regulation Amendment – Section 400.460(G)-

A Resolution (2022-06) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended in Section 400.460(G) to change the parking regulations in the Downtown Overlay District to allow an exception for the Transition Zone or to that portion of the Downtown Zone which lies south of Harris Street.

- Director Trosen presented the Staff Report. Resolution 2022-06 recommends to the Board of Aldermen that Section 400.460 in the Downtown Overlay District, an amendment be approved that allows two regulations be waived and allow parking between the building and the street and parking lots at the intersections in the Transition Zone and that portion of the Downtown Zone which lies south of Harris Street.

Commissioners Present

Craig Shelton
Debbie Saffell
Elijah Greene
Jim Hofstetter
Scott Shafer
Rick Knox BOA Liaison

Commissioners Absent

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- Chair Shelton asked if anyone was present that wanted to speak during the public hearing. No one came forward.
Commissioner Shafer made a motion to close the public hearing. Commissioner Hofstetter second the motion. The motion was approved by a vote of 5 to 0.

ITEM VI: ACTION ITEMS

- 1. City Code Chapter 400 Zoning Regulation Amendment Section 400.230- A Resolution (2022-05) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended in Section 400.230 (Accessory Uses) pertaining to fences by adding that a six-foot privacy fence constructed of wood, vinyl, composite, or plastic; (chain link or chain link with slats are prohibited) shall only be constructed on side and rear yards adjacent to designated collector and arterial streets in the City’s Comprehensive Plan.
Commissioner Saffell asked, using the Duncan Road example, looking at Woodbury and Duncan Road, you have curb, grass, trail, split rail that belongs to HOA and then privacy fence that belongs to property owner. She said what happens if this ordinance is approved, then what happens. Director Trosen said then either the HOA or the property owner would need to comply with the new ordinance and install a privacy fence and could not install the split rail fence.
Alderman Knox said that you are trying to get uniformity, but you are not going to get uniformity if you have wood, then vinyl and then wood again. Uniformity would be all vinyl for example like Overland Park.
Commissioner Hofstetter stated that the issue isn’t height and uniformity of the fence but people maintaining their fences. He said that he has an issue putting a financial burden on people when telling them the type of fence to install. He said at the last meeting this came out of nowhere but since then he has had opportunity to check into it.
Commissioner Shafer said that either you want to look at the wood fence in the photo that has aged in different sections and discolored over the years or look at what is in the back yards. Unless you want to require everything must be a white vinyl fence.
Commissioner Shafer made a motion to approve Resolution 2022-05. Commissioner Greene second the motion. Commissioners Shafer, Hofstetter, Greene and Saffell voted no, and Shelton voted yes. The motion failed by a vote of 4 to 1.

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Debbie Saffell
Elijah Greene
Jim Hofstetter
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Commissioners Absent

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2. City Code Chapter 400 Zoning Regulation Amendment – Section 400.460(G)-

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- Commissioner Hofstetter made motion to approve Resolution 2022-06. Commissioner Shafer second the motion. The motion was approved by a vote of 5 to 0.

3. Site Plan Review – Culver’s – Requesting site plan approval for Culver’s since the location is in the Main Street Corridor – Transition Zone on the west side of Buckner Tarsney Road between Woodbury Drive on the north and Jefferson Street on the south. Lot 2A in the Mercado Plaza – Lots 1A, 2A and Tract E Minor Plat.

- Director Trosen presented the Staff Report. Staff questioned if there is an agreement or cross-access easement that will allow Culver’s the ability to utilize this drive within Lot 1A when the lot is sold? The shared driveway was planned to be within the platted Tract E.
- Tyler Wysong with Kimley-Horn stated that the proposed drive on the north side will be moved to be within Tract E and that they will be providing a revised site plan to Staff.
- Commissioner Shafer asked about the interior drives and connectivity with Starbucks and Burger King. City Engineer Tuttle reviewed the overall development plan and explained the right-in, right-out Driveway on Buckner Tarsney Road. Tuttle also explained that he has set of plans to fix the issue with the medians and the developer will be fixing these issues.
- Chair Shelton asked about a traffic signal at Woodbury and Buckner Tarsney Road. City Engineer Tuttle said that this is a “thorn in his side”. He said that with the number of traffic studies and the development that has occurred he has been trying to convince MoDOT that a signal is needed. MoDOT said that more accidents need to occur.
- Commissioner Saffell asked regarding the four signs and if that was something the Commission could approve. Trosen said no. Unless the ordinance is changed, only the Board of Zoning Adjustment could grant a variance to the regulation based on hardship.

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- Chair Shelton asked about Lot 1A and the drive coming straight down. He said what is going to happen on the lot. Trosen responded that the lot is platted and zoned Transition Overlay which would allow a commercial use.
- Commissioner Greene asked what will be installed in the median areas in the parking lots, will it be rocks? The response from Culver’s representative was no. The median areas will be sod or green cover with junipers, liriopse and sedums.
- There was discussion regarding the landscape materials on the southern portion of the lot and matching up to the Starbucks landscaping plan. The width of the southern area is approximately 4 ½ feet. The site plan from Starbucks was reviewed with the Culver’s representatives.
- Commissioner Hofstetter made a motion to approve the Site Plan. Commissioner Shafer second the motion. Commissioner Greene commented that he was good with the site plan since they complied with the city requirements. Commissioner Saffell commented that she would like to see consideration for additional landscaping along the south property line. Chair Shelton would like to see that in a motion. The motion was approved by a vote of 5 to 0.

ITEM VII: PREVIOUS BUSINESS

- None

ITEM VIII: NEW BUSINESS

- 1) For Discussion Only - Governor Parsons has signed HB 1662, which makes changes to cities abilities to regulate and control home-based occupations. Review proposed ordinance that would amend the City’s zoning regulations regarding home occupations.
 - Attorney Wood said there are new state statutes that changes the city’s ability to regulate home-based businesses and establishes no impact home-based businesses. He reviewed the draft ordinance.
 - Chair Shelton asked does this apply to HOA? Attorney Wood said this does not override an HOA deed restriction.
 - Commissioner Greene asked does city regulate through business license. Attorney Wood responded that we require an affidavit.
 - Chair Shelton said give us an example of where this change came from. Attorney Wood

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said that this originated because a State Legislator from St. Louis, spouse was operating a home-based business illegally, CPA office.

- Director Trosen stated that a public hearing will be scheduled on this amendment at the October regular schedule meeting of the Commission.
- 2) Update on the Comprehensive Plan and Parks and Recreation Master Plan RFP – Consultant under Agreement, Confluence, Inc.
- Director Trosen provided an updated that the city has an agreement with Confluence, Inc., and that soon, we will schedule joint meetings with the Commission, Park Board and BOA to start working on these Plans. Director Trosen thanked Chair Shelton for serving on the interview and selection Committee.

ITEM IX: ADJOURNMENT

- Commissioner Shafer made a motion to adjourn the meeting. Commissioner Hofstetter second the motion. The Commission approved the motion by a vote of 5 to 0.

-The Regular Meeting Adjourned at 7:54 PM-

Commissioners Present

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Commissioners Absent

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