



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

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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 13, 2021 via video conference of the Commissioners because of the social distancing order due to the COVID-19 pandemic.

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

ITEM II: ROLL CALL

- *Present: Paul Loving*
- *Present: Elijah Greene*
- *Present: Craig Shelton*
- *Present: Scott Shafer*
- *Present: Justin Tyson (joined the conference call at 6:34PM)*
- *Absent: Debbie Saffell*
- *Absent: Kevin Browning*
- *Absent: Bob Headley (BOA Liaison)*
- ***There was a quorum.***

ITEM III: APPROVAL OF MINUTES

- Commissioner Loving motioned to approve the minutes from the November 18, 2021 regular meeting. Commissioner Shafer second the motion. The Commission approved the minutes by vote 4-0.

ITEM IV: PUBLIC HEARINGS

1. **Kustom Cruzers** – Requesting a Conditional Use Permit for a vehicle salvage/tow yard on approximately 1.4 acres. The Property is zoned Downtown/Transition Overlay District. The 1.4 acres is generally located 250 feet west of Jefferson Court on the north side of Jefferson Street lying in the west one-half of the southwest quarter of Section 26, Township 49, Range 30 in the City of Grain Valley, Missouri aka 350 NW Jefferson Street.
 - Director Trosen reviewed the Staff Report. Staff recommends approval.
 - Chair Shelton asked if there was anyone on the call that wanted to talk about this request. There were none.
 - Commissioner Loving asked if the current fence complies with the current zoning regulations. Director Trosen replied yes.

Commissioners Present

Craig Shelton
Elijah Greene
Paul Loving
Scott Shafer
Justin Tyson

Commissioners Absent

Kevin Browning
Debbie Saffell
BobHeadley(BOALiaison)

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle, PE – City Engineer



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- Commissioner Loving asked did they file a development plan when they moved to Jefferson Street. Director Trosen stated that it would be helpful if the applicant would be on the call because according to the applicant, they were told by the City back then that they could move the business and the permit was still good. We informed the applicant that the code back then and now states that a permit can not be transferred to a different parcel of land.
- Commissioner Loving asked if the correct situation is to issue a new conditional use permit. Director Trosen responded yes.
- Commissioner Loving commented on the eastern gateways of the City we have piles of concrete and in his opinion are not good looks for the community. He said having a salvage/tow lot at the west side of the Buckner Tarsney exit with I-70 is not a good land use for the city. The only way he would consider approving the CUP is if the Commission would impose a condition of a one-year permit so that we can come back and observe the appearance of how the applicant has maintain the yard.
- Commissioner Tyson said that his concern is that currently the lot backs up to an empty lot now and he does not have a problem. However, with Mercado Plaza being developed Jefferson [Bush] Street will be extended to the east and with a road being back there, this lot will now have frontage in the backyard. He also brought up the environmental concern with wrecked vehicles leaking oil and anti-freeze or other liquids onto the ground.
- Laura Pearce joined the conference video call. Chair Shelton recognized Laura and explained to her that we were in the middle of the public hearing and would like to her from her what her plans were for the salvage/tow lot.
- Laura Pearce stated she is the owner of Kustom Cruzers with her husband. She said that they have been at 350 Jefferson since 2005 and in business since 2003. They use the lot as the City impound lot in addition to operating their business as an auto repair collision center. She said that she heard the concern regarding vehicles leaking and said that 99% of vehicles that they get are dry.
- Commissioner Loving asked Mrs. Pearce how they moved the business and the process. Mrs. Pearce said that Greg Ford with the City told them that the CUP moved from the Squire Court location to the Jefferson Street location. Mrs. Pearce said they developed both lots at the same time they moved to the Jefferson Street location.
- Commissioner Loving asked Director Trosen if the 1.4 acres represents the size of the parcel or just the fence area. Mr. Trosen replied that there are two parcels and that the 1.4 acres represents the size of both parcels.

Commissioners Present

Craig Shelton
Elijah Greene
Paul Loving
Scott Shafer
Justin Tyson

Commissioners Absent

Kevin Browning
Debbie Saffell
BobHeadley(BOALiaison)

Staff Officials Present

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Dick Tuttle, PE – City Engineer



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- Chair Shelton asked will we see any salvage cars stored south of the fence area. Mrs. Pearce responded no.
- Chair Shelton said there are plans for a street to extend and be behind your property allowing your rear parcel to have frontage to that new street. Do you have plans to have a new driveway with that new street? Mrs. Pearce said at this time the only entrance is the current driveway they have with Jefferson Street.
- Commissioner Tyson said that a six-foot fence may not be enough screening and that a planting of trees along the north property line should be considered as a condition.
- Commissioner Tyson said that he would like to talk to the owner of the Mercado property regarding his thoughts on this use and the impact on his development for the record. Director Trosen responded that staff sent letters to property owners within 185 feet of this CUP area. He said that Robert De La Fuente responded in an email on behalf of the Mercado Development and stated that since this was an existing use, they would not be opposed to it.
- Commissioner Tyson wanted to clarify that salvage and tow are two different uses. He wants to remove the salvage and only allow the tow services. Mrs. Pearce said that she was fine with that. They had no intention of operating a salvage lot.
- Commissioner Shafer asked how long they been there and if they went through the Board. Mrs. Pearce said they had been there for 15 years and that they were told by Greg Ford with the City that their permit transferred with their move to a new location if they had a fence and hard surface.
- Chair Shelton asked Director Trosen how long are Conditional Use Permits for or can the Commission dictate that. Director Trosen responded that the Commission can establish a time duration.
- Commissioner Greene asked how they operated for 15 years without having a conditional use permit or how was this discovered now. Director Trosen stated that in reviewing the City's contract to tow vehicles, the towing contractor was using this lot for impound. We researched and found that there was no conditional use permit for this location to operate a tow yard.
- Commissioner Loving asked if the City gets any revenue off this business. Mrs. Pearce said that she does not charge fees, the towing service charges fees. Mrs. Pearce gets a storage fee if the customer releases the vehicle to Kustom for repair. Kustom gets no money from the City.

Commissioners Present

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Elijah Greene
Paul Loving
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Commissioners Absent

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- Chair Shelton asked Mrs. Pearce to talk about the visits from the EPA and the documentation. Mrs. Pearce said they mainly looked at the disposal of hazardous waste material, waste oil and waste anti-freeze. Kustom must keep records on how these items are handled.
 - Commissioner Tyson asked City Engineer Tuttle what his experience was in this area being the genius engineer he is. City Engineer Tuttle said that an industry is required to document waste disposal and to maintain records. He is updating the city's permitting requirements for storm water permits and part of that is to look at industries that would cause water pollution and this type of yard would fall under that permit category and be open to inspection by the City.
 - Commissioner Tyson made a motion to close the public hearing. Commissioner Shafer second the motion. The Commission approved the motion by a vote of 5 to 0.
2. **Eagle Convenient Storage** – Requesting an amendment to an approved Conditional Use Permit (Ordinance 2448) to change the exterior building materials, roof pitch and roof color on unit storage buildings in Phase 2. The convenience storage facility is located on a 3.13-acre lot described as Lot 1 in Risinger Hills, lying in the northwest quarter of the southwest quarter of Section 35, Township 49, Range 30 in the City of Grain Valley, Missouri aka 114 SW Eagles Parkway.
- Director Trosen reviewed the Staff Report. Staff has no objection to change the pitch of the roof or the color of the roof. However, Staff is not in favor of the requested change to the exterior building material from the lap siding on the upper wall section and the stacked stone on the lower wall section to all painted metal exterior siding.
 - Commissioner Shafer stated that he had no objections to the first two requests but asked the applicant why you want to change the materials since what he did in phase 1 looks good. The applicant, Chad Risinger said that it was very expensive. However, he also said that with lot 2 in front of these buildings that when something is built on that lot, that structure would need to comply with the exterior building material requirements and would shield storage unit buildings 9 and 10.
 - Commissioner Tyson asked the applicant if he would do the stacked stone half-way up and then the metal panel the upper half. Tyson explained what if the two houses get torn down and nothing gets built for several years. Mr. Risinger said that he could do that.
 - Chair Shelton asked if this was only for buildings 9 and 10. Mr. Risinger said yes. Chair Shelton said then what is the plan for the storage buildings along the north property line

Commissioners Present

Craig Shelton
Elijah Greene
Paul Loving
Scott Shafer
Justin Tyson

Commissioners Absent

Kevin Browning
Debbie Saffell
Bob Headley (BOALiaison)

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because we heard from neighbors with concerns. Mr. Risinger said that the privacy fence and additional trees will still be done and that the buildings were always going to be metal.

- Commissioner Shafer asked Mr. Risinger if he was good with Commissioner Tyson suggestion. Mr. Risinger said yes.
- Commissioner Shafer made a motion to close the public hearing. Commissioner Tyson second the public hearing. The Commission voted 5 to 0 to approve the motion.

ITEM V: ACTION ITEMS

1. **Kustom Cruzers** – Requesting a Conditional Use Permit for a vehicle salvage/tow yard on approximately 1.4 acres. The Property is zoned Downtown/Transition Overlay District. The 1.4 acres is generally located 250 feet west of Jefferson Court on the north side of Jefferson Street lying in the west one-half of the southwest quarter of Section 26, Township 49, Range 30 in the City of Grain Valley, Missouri aka 350 NW Jefferson Street.
 - Commissioner Tyson suggested a one-year term to allow her to continue her business; allow Dick to look at the storm water runoff permit for that area and see where we are with the street running behind the property.
 - Chair Shelton asked Commissioner Tyson if he also wanted to remove salvage from the allowable use of the permit and only allow a tow lot. Commissioner Tyson said yes.
 - Commissioner Shafer agreed with the duration and the conditions suggested by Commissioner Tyson.
 - Chair Shelton agreed with the no driveway although he originally was thinking the term could be five years, he has no objection to the suggested one-year term.
 - Mrs. Pearce asked about the cost of permit if it expires in one year. Director Trosen explained that the cost to renew the permit would be \$500. Mrs. Pearce voiced her concern for a one-year permit for \$500.
 - Commissioner Tyson made a motion to approve the conditional use permit for a period of one year subject to: 1) the property shall not be used for salvage and only a tow yard; and 2) no driveway will be allowed to access the property on the north side when NW Bush Street is extended. Commissioner Shafer second the motion. The motion was approved by a vote of four in favor (Shafer, Loving, Shelton and Tyson) and one against (Greene).

Commissioners Present

Craig Shelton
Elijah Greene
Paul Loving
Scott Shafer
Justin Tyson

Commissioners Absent

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2. **Eagle Convenient Storage** – Requesting an amendment to an approved Conditional Use Permit (Ordinance 2448) to change the exterior building materials, roof pitch and roof color on unit storage buildings in Phase 2. The convenience storage facility is located on a 3.13-acre lot described as Lot 1 in Risinger Hills, lying in the northwest quarter of the southwest quarter of Section 35, Township 49, Range 30 in the City of Grain Valley, Missouri aka 114 SW Eagles Parkway.
- Commissioner Tyson stated that he has no issue on the roof pitch, no issue on the roof color, but if we could compromise on the building exterior if the stoned stack could come up half-way and then allow the metal panel on the upper half. Tyson asked Mr. Risinger if he was ok with that. Mr. Risinger responded yes.
 - Commissioner Shelton asked what the applicant was requesting. Mr. Risinger responded all metal siding. Mr. Risinger said there will be no changes to the other buildings in the rear on phase 2.
 - Commissioner Loving asked since he is amending an ordinance should this go to the BZA. Director Trosen responded that he is amending his approved CUP which was approved as an Ordinance by the BOA. He is not requesting a change to the City’s Code of Ordinances like the Zoning Regulations, which would require BZA approval.
 - Chair Shelton asked what the timeline is to develop lot 2. Mr. Risinger responded that he has discussed developing lot 2 with staff and talked about a tunnel car wash but does not have a definite schedule.
 - Commissioner Tyson made a motion to approve an amendment to the Conditional Use Permit in Ordinance 2448 that would allow the following: 1) The roof pitch on buildings 9 and 10 will be ½ /12; 2) All buildings with ½ /12 pitched roof will have a galvalume finish; and 3) Buildings 9 and 10 will have the painted metal exterior siding on the upper wall section and the lower wall section will be the Choctaw Tumbled Stacked Stone. Commissioner Loving second the motion. The Commission approved the motion by a vote of 5 to 0.
3. **Site Plan - Panda Express** - The drive-thru restaurant will be 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 Section 26, Township 49, Range 30, in the City of Grain Valley, Missouri.
- Director Trosen reviewed the staff report. City Engineer Tuttle reviewed the improvements to Sunny Lane. Staff recommends approval.

Commissioners Present

Craig Shelton
Elijah Greene
Paul Loving
Scott Shafer
Justin Tyson

Commissioners Absent

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- Eric Abeln spoke on behalf of Panda Express. He said the owners of Panda Express are graduates of University of Missouri and therefore are vary familiar of the I-70 corridor and this site. He talked about the exterior building materials and the uniqueness of this site.
- Commissioner Loving asked if this was a normal size store for Panda Express. Mr. Abeln responded that it is the typical size store. They can fit 70 seats in this store. Also, able to stack 15 cars in the drive-thru lane.
- Chair Shelton asked if there was a driveway entrance from Buckner Tarsney. Mr. Abeln responded that the entrances are from Sunny Lane only and there is a cross access with the Taco Bell.
- Commissioner Greene commented that the driveways looked good as well as the location of the dumpsters. The layout is so much better than the Burger King.
- Chair Shelton asked about the landscaping. Mr. Abeln discussed the landscaping and stated mainly shrubs because of the overhead and underground utility lines makes the placement of trees difficult.
- Commissioner Tyson made a motion to approve the site plan for Panda Express. Commissioner Shafer second. The motion was approved by a vote of 5 to 0.

ITEM VI: PREVIOUS BUSINESS

- None

ITEM VII: NEW BUSINESS

- **Election of Officers:**
Chairperson
Vice Chairperson
Secretary
- Director Trosen stated that according to City Ordinance, at the first meeting following January 1 of each year, the Commission shall elect a Chairperson and Secretary. The Commission may also elect a Vice Chairperson.
- Chair Shelton commented that he would prefer to wait and hopefully at the next meeting all the Commission members would be present for the election. Several other Commissioners agreed.
- Commissioner Loving made a motion to table elections to the next meeting. Commissioner Shafer second the motion. The motion was approved by a vote of 5 to 0.

Commissioners Present

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Commissioners Absent

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- **2020 Year In Review**
- Director Trosen reviewed the report.

ITEM VIII: ADJOURNMENT

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

-The Regular Meeting Adjourned at 8:42 PM-

Commissioners Present

Craig Shelton
Elijah Greene
Paul Loving
Scott Shafer
Justin Tyson

Commissioners Absent

Kevin Browning
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BobHeadley(BOALiaison)

Staff Officials Present

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