



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

9/8/2021
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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 8, 2021 in the Council Chambers at City Hall.
- The meeting was called to order at 6:32 PM by Chair Craig Shelton.

ITEM II: ROLL CALL

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

ITEM III: PLEDGE OF ALLEGIANCE

ITEM IV: APPROVAL OF MINUTES

- Commissioner Shafer motioned to approve the minutes from the August 1, 2021 regular meeting. Commissioner Hofstetter second the motion. The Commission approved the minutes by a vote of 4 to 0.

ITEM V: PUBLIC HEARINGS

1. **Missouri Made Marijuana, LLC.** Requesting a Conditional Use Permit to amend the site plan that was approved by Ordinance 2503 for a Medical Marijuana Cultivation Facility and site plan that was approved by Ordinance 2531 for a Medical Marijuana Infused Products Manufacturing Facility to allow a Conex Storage Container for the storage of packaging supplies, nutrients/fertilizer, and maintenance tools. The property is zoned District M-1 (Light Industrial). The 6 acres is generally located at the east end of South Outer Belt Road on the south side of Interstate 70 lying in the northwest corner of the northeast quarter of Section 35, Township 49, Range 30 in the City of Grain Valley,

Commissioners Present

Craig Shelton
Jim Hofstetter
Scott Shafer
Elijah Greene

Commissioners Absent

Justin Tyson
Kevin Browning
Debbie Saffell
Bob Headley BOA Liaison

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle – City Engineer
Sarah Carnes – City Attorney



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Missouri. The legal description is Lot 1, Black Industries, a subdivision in Grain Valley aka 415 E. South Outer Belt Road.

- Director Trosen presented the Staff Report. He stated that he received a follow-up email from Derrick Llewellyn, Captain of Fire Prevention Division with Central Jackson County Fire Protection District stating that he had a typo in the first email and that the container is allowed by code to store up to 1,000 lbs. and not 100 lbs. of a Class II Oxidizer (Nitrate Fertilizer). The outside of the container must be labeled appropriately to show that the fertilizer is being stored inside. Trosen stated that Staff recommends approval of the Conditional Use Permit to amend the site plan to allow a Conex Storage Container on-site subject to five conditions with condition 2 being amended to 1,000 instead of 100.
- Saydee Tschanen with Missouri Made Marijuana, Inc. introduced herself and explained that the Conex container is needed because when Building 1 was completed they found that there was very little storage space, and they couldn't give up growing or manufacturing areas for storage purposes.
- Commissioner Shafer asked how long you will need the container. Tschanen responded that she doesn't have a specific time frame, but they have every intention to build the other two approved buildings.
- Commissioner Hofstetter asked why you would store the packaging containers in the box. Tschanen responded that the jars and bags as well as the packaging stickers are packaged and sealed in boxes.
- Commissioner Greene asked if MMM does this type of storage anywhere else. Tschanen responded that at their facilities in Nevada, they have several Conex containers that are permanent storage. Nevada isn't as concerned with the containers being on-site as the City. She can appreciate the City's concerns especially since the Grain Valley facility and grounds with the landscaping and trees are so nice.
- Commissioner Greene asked Trosen if there is a time limit being recommended and if there can be one placed on the CUP. Trosen responded that Staff did not recommend a time limit but thought it would be controlled and removed once the build-out of the other two buildings concluded. However, the Commission can add a time limit in their recommendation to the Board of Aldermen.
- There was discussion regarding Captain Llewellyn's determination that 1,000 lbs. is allowed and if he reviewed the Material Safety Data Sheet (MSDS) for the fertilizer product that will be stored in the container or is this the allowable amount by Fire Code.
- Commissioner Greene asked Ms. Tschanen if she had the MSDS sheets with her. She said that she did not.

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- Commissioner Greene asked if she had information from the manufacturer on the storage of the fertilizer. Tschanen said she does not but that they have been using these containers in Nevada for years storing the same materials and the temperatures are well into the 100s.
- Commissioner Greene expressed his concerns about moving forward and rubber-stamping this request without this information and that this could explode.
- Tschanen responded that this is not a hazardous material or is not classified as an explosive.
- Chair Shelton stated if Ms. Tschanen could pull up the MSDS sheets on her phone and share the information with the Commission.
- Tschanen downloaded the MSDS sheet for potassium nitrate and approached the dais to share her phone with Mr. Greene.
- There was discussion regarding moisture content. Mr. Greene said that he would like to see temperature range for storage. He thinks that it needs to be kept in a cool and moisture free environment and maybe an air conditioner is needed.
- Tschanen stated that she has been working with chemicals for 6 years and is licensed by the state for hazardous materials. She said they have not had any problems storing potassium nitrate in other containers.
- Chair Shelton confirmed that a decision can be made by a majority vote of those members present at the meeting. It will require 3 votes to pass this matter.
- City Attorney Carnes asked Tschanen if her employees are trained through OSHA. Tschanen responded yes.
- Tschanen extended an open invitation to members to tour the facility and stated that MMM is a poster child for the State because of all the protocol, labeling, security, and technology in place.
- Commissioner Shafer made a motion to close the public hearing. Commissioner Hofstetter second the motion. The Commission voted 4 to 0 to approve the motion.

ITEM VI: ACTION ITEMS

1. **Missouri Made Marijuana, LLC.** Requesting a Conditional Use Permit to amend the site plan that was approved by Ordinance 2503 for a Medical Marijuana Cultivation Facility and site plan that was approved by Ordinance 2531 for a Medical Marijuana Infused Products Manufacturing Facility to allow a Conex Storage Container for the storage of packaging supplies, nutrients/fertilizer, and maintenance tools. The property is zoned District M-1 (Light Industrial). The 6 acres is generally located at the east end of

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South Outer Belt Road on the south side of Interstate 70 lying in the northwest corner of the northeast quarter of Section 35, Township 49, Range 30 in the City of Grain Valley, Missouri. The legal description is Lot 1, Black Industries, a subdivision in Grain Valley aka 415 E. South Outer Belt Road.

- Commissioner Shafer made a motion to approve the Conditional Use Permit with the 5 conditions in the Staff Report and add the CUP will expire in 5 years. Commissioner Hofstetter second the motion. Commissioners Shafer, Hofstetter and Shelton voted for the motion and Commissioner Greene voted against the motion. The motion passed by a vote of 3 to 1.

- 2. **Final Development Plan/Final Plat – Creekside Villas** – Requesting Final Development Plan and Final Plat approval for Creekside Villas. The proposed development is zoned District R-3p (Multi-Family Residential District – Planned Overlay District). The final development plan illustrates 28 units. The preliminary development plan was approved with 26 multi-family residential units. Each unit will be two bedrooms and one bathroom, all on one level. The exterior building material will be all brick. Creekside Villas will be a maintenance provided community. The development site is generally located west of Sni-A-Bar Parkway on the north side of Sni-A-Bar Blvd. The Final Plat is a replat of Lots 1 – 8, Creekside Landing, a subdivision in Grain Valley to Lot 1, Creekside Villas.

- Director Trosen said that he will need to amend the staff report. After the staff report was released, the Developer revised and submitted an Amended Final Development Plan that removed the two additional residential structures. The Amended Final Plan is identical to the approved Preliminary Development Plan. Staff recommends approval of the amended Final Development Plan and Final Plat for Creekside Villas. Trosen stated that the Developer, Jeff Handy, would like to address the Commission regarding the previous condition that all residents be 55 years of age and older.
- Commissioner Greene had questions regarding the location and the development plan. Jeff Handy, City Engineer Tuttle and Trosen answered those questions.
- Commissioner Greene asked if they are multi-story. Jeff Handy responded that they are single story, 2 bedroom and 1 bath.
- Commissioner Greene asked about the location of the fire hydrants. City Engineer responded that there are existing fire hydrants that comply with the spacing from structures.

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- Mr. Handy stated that the first time the Commission met they recommended 55 and older and he would like this condition to be the same as the lease which is at least one person in the dwelling is of the age of 55 or older and that all other residents are at least 40 years of age.
- Chair Shelton asked City Attorney Carnes if the Commission makes that recommendation will it be okay with what the Board had previously approved. Carnes responded that the Board can decide when they hear this to approve your recommendation or stay with what was previously approved.
- Commissioner Shafer made a motion to approve the amended Final Development Plan and Final Plat for Creekside Villas and recommend at least one person in the dwelling is of the age of 55 or older and that all other residents are at least 40 years of age. Commissioner Hofstetter second the motion. The Commission approved the motion by a vote of 4 to 0.

ITEM VII: PREVIOUS BUSINESS

- **None**

ITEM VIII: NEW BUSINESS

- 1) **Discussion Only** – Amend Chapter 400, Zoning Regulations, of the City Code, specifically Section 400.230 Accessory Uses, C.2. Garages and accessory buildings – To allow larger detached garages and accessory buildings on larger lots.
 - Director Trosen thanked City Attorney Carnes for drafting the proposed changes to Section 400,230 pertaining to allowable sizes for detached garages and detached accessory structures. Trosen explained the process to move forward with these changes.
 - Commissioner Shafer asked about the existing detached garages, did they build them without a permit. Trosen responded that hopefully those garages received variances or are under 1,000 square feet and permitted.
 - Commissioner Hofstetter asked how would this impact HOA's and when these buildings are not allowed. Carnes responded that HOA's are part of your deed and you need to follow those rules.
 - The Commissioners were supportive to move forward with the proposed changes for detached garages and detached accessory storage buildings.

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- 2) **Branding Survey** – Director Trosen explained that the City is going through a process to brand the city, which is more than a new logo. There is a survey on-line where we want your feedback regarding the community. Trosen passed out several of the post cards, encouraging them to take the survey and pass the cards out to neighbors.

ITEM IX: ADJOURNMENT

- Commissioner Greene made a motion to adjourn the meeting. Commissioner Hofstetter second the motion. The Commission approved the motion by a vote of 4 to 0.

-The Regular Meeting Adjourned at 8:05 PM-

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