



**CITY OF GRAIN VALLEY
PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA**

January 12, 2022 at 6:30 P.M.

OPEN TO THE PUBLIC

*Located in Grain Valley City Hall – Council Chambers
711 Main Street – Grain Valley, Missouri*

ITEM I: CALL TO ORDER

ITEM II: ROLL CALL

ITEM III: PLEDGE OF ALLEGIANCE

ITEM IV: APPROVAL OF MINUTES

- November 10, 2021 Regular Meeting

ITEM V: CITIZEN PARTICIPATION

- Citizens are asked to please limit their comments to two (2) minutes.

ITEM VI: PUBLIC HEARINGS

- None

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

ITEM VIII: PREVIOUS BUSINESS

- None



ITEM IX: NEW BUSINESS

- **Election of Officers:**
Chairperson
Vice Chairperson
Secretary

ITEM X: ADJOURNMENT

PLEASE NOTE

The next scheduled meeting, if needed, of the City of Grain Valley Planning & Zoning Commission will take place on February 9, 2022 at 6:30 pm.

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE MEETING SHOULD CONTACT THE CITY CLERK AT 816-847-6210 AT LEAST 48 HOURS BEFORE THE MEETING. UPON REQUEST, THE MINUTES FROM THIS MEETING CAN BE MADE AVAILABLE BY CALLING 816-847-6210.





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

11/10/2021
Page 1 of 5

ITEM I: CALL TO ORDER

- The Planning & Zoning Commission of the City of Grain Valley, Missouri, met in Regular Session on November 10, 2021 in the Council Chambers at City Hall.
- The meeting was called to order at 6:31 PM by Chairman Craig Shelton.

ITEM II: ROLL CALL

- *Present: Scott Shafer*
- *Present: Jim Hofstetter*
- *Present: Justin Tyson*
- *Present: Craig Shelton*
- *Absent: Elijah Greene*
- *Absent: Kevin Browning*
- *Absent: Debbie Saffell*
- *Present: 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 October 13, 2021 regular meeting. Commissioner Shafer second the motion. The Commission approved the minutes by a vote of 4 to 0.

ITEM V: PUBLIC HEARINGS

1. **Hookers Towing** - Requesting a Conditional Use Permit for a vehicle tow yard on approximately 0.5-acre lot. The property is zoned District M-1 (Light Industrial). The 0.5-acre lot is generally located less than ½ mile east of Buckner Tarsney Road on the south side of James Rollo Drive at the end of James Rollo Lane and is legally described as Lot 3 of James Rollo Business Park – 1st Plat lying in Section 35, Township 49, Range 30, Grain Valley, Missouri aka 511 NE James Rollo Drive.
- Director Trosen presented the Staff report. Staff recommends approval of the Conditional Use Permit for a Vehicle Tow Yard subject to the following conditions:

Commissioners Present

Justin Tyson
Jim Hofstetter
Scott Shafer
Craig Shelton
Bob Headley BOA Liaison

Commissioners Absent

Debbie Saffell
Kevin Browning
Elijah Greene

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle – City Engineer



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

11/10/2021
Page 2 of 5

- 1) The Conditional Use Permit will expire in 3 years from the date of the Board of Aldermen ordinance. If the applicant wants to continue the tow yard on this property, the applicant will need to apply for a new conditional use permit at that time.
 - 2) The applicant shall install an opaque, sight-obscuring eight (8) foot high fence using the materials allowed in the City's zoning regulations, Section 400.230 C.9, replacing the existing chain link fence, shielding view of the tow yard from street.
 - 3) The applicant shall plant evergreen trees every two feet from center of tree within the limited grass areas. The evergreen trees must have a minimum height of 5 feet when planted.
- Commissioner Tyson asked if the City had any plans to pave the road (James Rollo Lane)? Director Trosen responded not to his knowledge.
 - Commissioner Tyson asked if there were any drainage issues having a gravel road versus a paved road? City Engineer Tuttle stated not to his knowledge and he has not received any complaints. Tyson said with wrecked cars there is fluid, and the fluid goes straight down. Tuttle said that all the drainage goes to the ditch next to railroad tracks and then to Sni-A-Bar Creek. Tyson asked if there have been any studies to look at this property for water run-off or toxic chemicals going into ditches and should we be concerned with that. Tuttle stated that is a part of the City's Stormwater Permit to look at those things. The City does annual inspections of the creeks because those types of fluids will float on the surface. The City will track the source and stop it.
 - Lance Schefers stated that he owns two properties to the west with Jeff Butler known as Roofers Properties LLC and he had a couple of questions. He said there is a drainage ditch between his property and this property. Are 35 cars too much for that size of property? Is there a fence on the west side? Trosen responded that there is a chain link fence? Schefers asked if a privacy fence is required on the west side. Trosen responded that since the zoning is the same as the property no privacy fence is required. The privacy fence would only be required to adjacent properties if the zoning was different. So, the answer is no.

Commissioners Present

Justin Tyson
Jim Hofstetter
Scott Shafer
Craig Shelton
Bob Headley BOA Liaison

Commissioners Absent

Debbie Saffell
Kevin Browning
Elijah Greene

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle – City Engineer



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

11/10/2021
Page 3 of 5

- Commissioner Tyson asked if there was a requirement in the ordinance regarding vehicles being parked on hard surfaces. Trosen responded that areas in front of the buildings are paved and these are the areas where the cars will be parked.
- Jessica Crossco stated that she was representing Hookers Towing. The owner, Andrew Langer, had another commitment. The 35 cars would be stored on the paved areas and inside the buildings. More than likely, we will probably never have that many vehicles there since vehicles will be moved in and out after reviewed for insurance purposes.
- Jessica stated that there is currently a chain link fence around the perimeter of the property. Andrew agrees with the condition to have the opaque, sight-obscuring eight-foot fence along the front. Tyson asked if there will be cars parked between the buildings and the chain link fence on the west side that adjoins Lance's property? Jessica responded no because this area is mulched and grass.
- Chair Shelton asked if the owner of the business would be willing to discuss planting evergreens along the west side of property? Jessica responded that he would be open to that idea.
- Commissioner Shafer said it is my understanding that you own two towing lots in Independence. Jessica said they only own one on 40 Highway. Shafer asked if the City of Independence requires any permit or EPA standard regarding drainage of fluids? Jessica said no. She said that they tow for the City and they come out and do an Annual Inspection and audit. The City has not had an issue with drainage and neither has the EPA.
- There was discussion regarding salvage yards and the permitting with the EPA.
- Commissioner Hofstetter made a motion to close the public hearing. Commissioner Shafer second the motion. The motion was approved by a vote of 4 to 0.

ITEM VI: ACTION ITEMS

- 1) **Hookers Towing** - Requesting a Conditional Use Permit for a vehicle tow yard on approximately 0.5-acre lot. The property is zoned District M-1 (Light Industrial). The 0.5-acre lot is generally located less than ½ mile east of Buckner Tarsney Road on the south side of James Rollo Drive at the end of James Rollo Lane and is legally described as Lot 3

Commissioners Present

Justin Tyson
Jim Hofstetter
Scott Shafer
Craig Shelton
Bob Headley BOA Liaison

Commissioners Absent

Debbie Saffell
Kevin Browning
Elijah Greene

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle – City Engineer



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

11/10/2021
Page 4 of 5

of James Rollo Business Park – 1st Plat lying in Section 35, Township 49, Range 30, Grain Valley, Missouri aka 511 NE James Rollo Drive.

- Commissioner Shafer made a motion to recommend approval to the Board of Alderman the Conditional Use Permit for a Tow Yard subject to the three conditions provided by Staff and adding a fourth condition:
- 4) The applicant shall provide to Staff before operating the tow yard either a letter stating that a tow yard is exempt or provide a National Pollutant Discharge Elimination System (NPDES) Permit from Missouri Department of Natural Resources. This would be a site-specific permit.

Commissioner Tyson second the motion. The Commission approved the motion by a vote of 4 to 0.

- 2) **Final Development Plan/Final Plat-** Requesting Final Development Plan and Final Plat Approval for Greystone Plaza 2nd Plat. Within the proposed development, approximately 5.18 acres is zoned District R-3p (Multi-Family Residential District-Planned Overlay District) and approximately 1.59 acres is zoned District C-2p (General Business-Planned Overlay District). The proposed development will consist of 13 four plex buildings for a total of 52 units and three commercial buildings for a total of 13,800 square feet. The development site is generally located north of NE Greystone Blvd. on the east side of Buckner Tarsney Road. The Final Plat is a replat of Tract A, Greystone Plaza, a subdivision in Grain Valley to Greystone Plaza 2nd Plat, Lots 1, 2, and Tract A.
- Director Trosen presented the Staff Report. The final development plan is identical to the preliminary development plan and complies with the requirements of the City's land use regulations. The final plat, Greystone Plaza, 2nd Plat, meets all requirements of the City's subdivision regulations. Staff recommends approval.
 - Commissioner Tyson made a motion to recommend approval of the final development plan and final plat for Greystone Plaza 2nd Plat. Commissioner Hofstetter second the motion. The motion was approved by a vote of 4 to 0.

ITEM VII: PREVIOUS BUSINESS

5) None

Commissioners Present

Justin Tyson
Jim Hofstetter
Scott Shafer
Craig Shelton
Bob Headley BOA Liaison

Commissioners Absent

Debbie Saffell
Kevin Browning
Elijah Greene

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle – City Engineer



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

11/10/2021
Page 5 of 5

ITEM VIII: NEW BUSINESS

6) None

ITEM IX: ADJOURNMENT

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

-The Regular Meeting Adjourned at 7:05 PM-

Commissioners Present

Justin Tyson
Jim Hofstetter
Scott Shafer
Craig Shelton
Bob Headley BOA Liaison

Commissioners Absent

Debbie Saffell
Kevin Browning
Elijah Greene

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle – City Engineer

**Staff Report
Panda Express
January 12, 2022**

ACTION: Requesting an amendment to the site plan that was approved by the Planning and Zoning Commission on January 13, 2021. Panda Express is requesting that the interior parking lot landscaping areas be surfaced with rock instead of sod that was approved on the site plan in 2021.

PURPOSE: Panda Express installed rock in the areas that were shown to be sod on the site plan that was approved by the Planning and Zoning Commission. Panda Express does not wish to remove the rock and install the sod that was presented and promised in the submittal of the site plan in 2021 to the Planning and Zoning Commission. Panda Express did not obtain City approval to install the rock instead of the sod.

ANALYSIS: The City Ordinance requires that development does not exceed a certain percent of a lot with impervious coverage. The Panda Express property is in the Main Street Corridor – Transition Zone. In this Zoning District, the maximum impervious coverage is 80%.

Impervious coverage is defined as the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements or structures contributing to runoff greater than would occur on the site in its natural state.

The amended site plan displays the maximum impervious calculation of 80% allowed on the site as 28,842 square feet. The development is providing impervious coverage of 28,422 square feet or 79%.

This only leaves 21% of the site having a pervious coverage. A pervious surface allows water to percolate into the underlying soil. The most common pervious surfaces include grass, mulched groundcover, and planted areas.

Although the applicant may include rock to the list of pervious surfaces above, staff would comment that rock adds to the heat island effect which when added to the impervious surfaces such as asphalt and concrete that prevent aeration, infiltration, and water penetration are considerably hotter due to their heat absorbing qualities. Therefore, they take more energy to cool down.

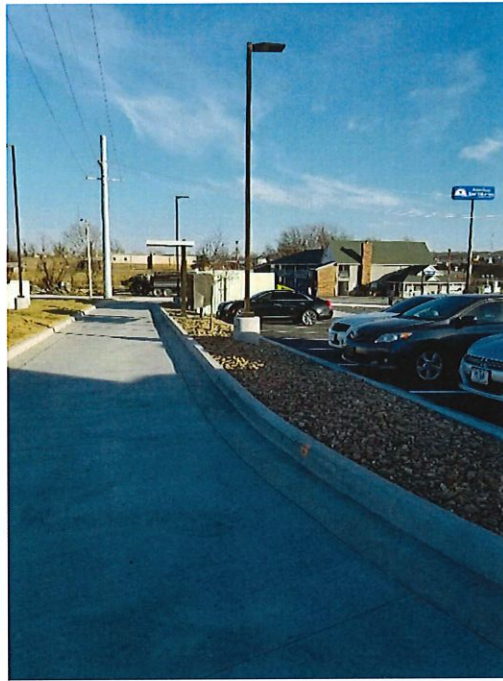
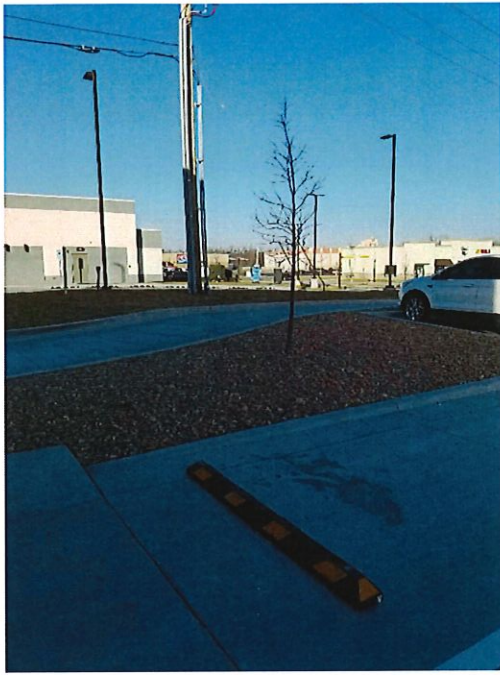
RECOMMENDATION: The City Ordinance establishes the process for the Planning and Zoning Commission to review and approve the Site Plan for developments in the designated Main Street Corridor for Downtown and Transition Zone.

This review process is to look at the appearance of the site, landscaping, signage, and building design. It is more than just to ensure that the development complies with the City Code.

The sod provides a better appearance and adds to the landscaping feature. Panda Express presented the original site plan with sod which Staff would have required in the review process. 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.

Panda Express – Site Plan Amendment – January 12, 2022

Areas that Planning and Zoning Commission approved Site Plan on January 13, 2021 to be Sod that Panda Express decided to Rock without City Permission



20210903



711 Main Street
Grain Valley, MO 64029
816.847.6220
816.847.6206 fax
www.cityofgrainvalley.org

PLANNING & ZONING APPLICATION

PROJECT INFORMATION

Location: 1051 N Buckner Tarsney Road

Subdivision: Grain Valley Marketplace No. 3 Lot #: 1 Zoning District: Transition Zone Overlay

Description of Request: Panda Express - Site Plan Amendment

Landscape Planting Plan: Replace sod with river rock on island between parking spaces and drive-thru lane and as clouded on plan in smaller islands due to the small size and restricted area for mowing. Sod is maintained around the perimeter of the site adjacent to property lines, the substitution of river rock is only at interior areas. Per Section 400.460 F(8) Maximum Impervious coverage is 80%. Provided 79%. Calculation noted on L-1 Planting Plan.

APPLICANT INFORMATION

Name: Linda Leonetti

Company: Heights Venture Architecture + Design

Address: 1111 North Loop West, Suite 800, Houston, TX 77008

Telephone: 281-854-6107 Fax: E-mail: linda.leonetti@hva.cc

Property Owner: Star Acquisitions, Inc., a Missouri corporation

Additional Contact(s): Eric Abeln, eric.abeln@hva.cc 281-854-6119

Type of Application: Check Type & Submit Corresponding Requirements	Submittal Requirement List:
Rezoning 1 • 2 • 5 • 10 • 11 • 14	1 Legal description of subject property See Plat
Ordinance Amendment 10	2 Map depicting general location of site
Special/Conditional Use Permit 1 • 2 • 10 • 11 • 14	3 Summary Site Analysis depicting current character of site
Temporary Use Permit 2 • 10 • 14	4 Preliminary Plat (3 full size copies)
Preliminary Plat 1 • 3 • 4 • 14	5 Preliminary Development/ Site Plan (6 copies)
Final Plat/ Lot Split 1 • 6 • 12 • 13 • 14 • 15	6 Final Plat (6 copies)
Preliminary Development/Site Plan 1 • 3 • 5 • 8 • 9 • 14	7 Final Development/ Site Plan (6 copies)
Final Development/Site plan 1 • 7 • 8 • 9 • 14 • 15	8 Landscaping Plan (6 copies) See L1
Site Plan 1 • 7 • 8 • 9 • 12 • 14 • 15	9 Building Elevations (6 copies)
Vacation of Right-of-way or Easement 1 • 14 • 16 • 17	10 Written description of the proposal
Future Land Use Map (Refer to page 9)	11 List of property owners within 185 feet
Note: Include at least one 8 ½ x 11 copy of all drawings and plans with all applications.	12 Construction plans for all public works improvements (6 copies)
	13 Copies of tax certificates from City and County
	14 Proof of ownership or control of property (deed, contract, lease) or permission from property owner
	15 Off-site easements if necessary
	16 Survey of vacation area
	17 Utility Comment Form - City will provide form

[Note: Applications must be completed in their entirety and all submittal requirements must be submitted at the time the application is submitted. Additional submittals may be requested as provided for in the Grain Valley City Code.]

The applicant hereby agrees that all information is provided as required with this application and the City

Code: Linda Leonetti
Applicant's Signature

12-15-2021
Date

Applicant's Signature

Date

PAID

DEC 14 2021

CITY OF GRAIN VALLEY

A. GENERAL
1. AN AUTOMATIC INSULATION SYSTEM SHALL BE INSTALLED AND OPERATIONAL

- ## PRODUCTS

ONE YEAR AGAINST MATERIAL DEFECTS ON OBJECTIVE WORKSAPES. ALL LATE OF THE FOLLOWING BRANDS: PASSED, TOPS BETTER! OTHER MANUFACTURERS INTRODUCED TO THE MARKET AS HAVING AFFECTED.

- PAINT MECHANICAL**
24 VALVE W/VE SHALL BE A MAXIMUM OF 814 GALLON U.S. APPROVED FOR DIST. FROM A CONCRETE MIXER/ATCH UNIT. EACH CONTAINER SHALL HAVE A DIFFER.

K. WELD SPACERS SHALL BE ENCLOSED IN A WATERPROOF CONTAINER OR CAN. ALL PIPES SHALL BE LOCATED IN A 6 INCH ROUND VALVE BOX. BASE REINFORC. MATERIALS SHALL BE REINFORC. STEEL.

-

THAT MAY CAUSE FIRE DURING THE BACKFILLING OPERATIONS. SEPARATE OUT ROCKS LARGER THAN 1 MCH IN ANY DIRECTION FROM EXCAVATED MATERIAL, AND REVERSE FROM HERE TO IMPROVE FURTHER. COVER WITH EARTH 700 AND

3. ALL SPRAY NOZES SHALL BE CONNECTED WITH A 1/2 INCH HOSE AND LENGTH OF 3 FEET OR LESS. SPRAY NOZES SHALL BE INSPECTED AND APPROVED BY THE OSMOND FIRE DEPARTMENT BEFORE INSTALLATION.

3. CONNECTED TO LATVICAL LINES WITH THE ARMED ACTUATED SWING JOINTS. ALL MOTOR BRAYS AND BRASSER HEADS SHALL BE SET PERPENDICULAR AND ALIGNED TO BRASSER CENTER AND WITH AN EXCESSIVE OF 10% FROM CENTER OF GRAVITY TO BRASSER CENTER.

2. DISPOSED LEGALLY OF ALL EXCAVATED MATERIALS OFF THE PROJECT SITE.
RESECTION AND ACCEPTANCE

3. THE MAINTENANCE PERIOD SHALL BE CONSIDERED UNTIL THE WORK HAS BEEN COMPLETED WITHIN 24 HOURS.

-

4" THICK LAYER OF BULL ROCK
ALL PLANTING AREAS (EXCEPT

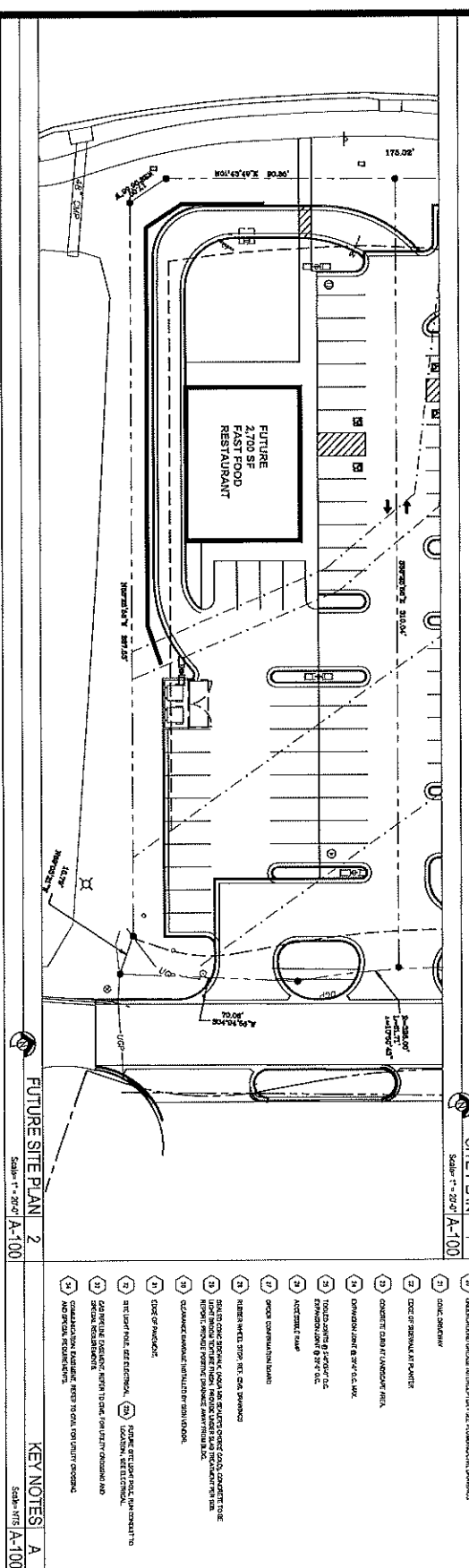
7



THE CONTRACTOR SPECIALLY PLANTED TREES NEWLY PLANTED TREES
CITY OF PAVING OR CURB

TOTAL SITE AREA:	1500.00
TREES REQUIRED:	9 TREE
TREES PROVIDED:	9 TREE

- 3 TREES PROVIDED:

[illegible]

[illegible]

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS. ROOT BARRIERS SHALL BE CENTIMETER OR THREE-HOLES (3) DEEP PANELS (OR EQUIV.) BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO UNDERSCORE. INSTALL PANELS PER THE MANUFACTURER'S RECOMMENDATIONS. WHOSE ON CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCLOSE THE ROOTBALL.

ALL PLANTING IS COMPLETE. CONTRACTOR SHALL INSTALL THICK LAYER OF 11" SPRESSED WOOD MULCH, NATURAL, UNOXYGENIZED IN ALL PLANTING AREAS EXCEPT FOR TURF AREAS. CONTRACTOR SHALL PROVIDE MULCH TO ALL PLANTING AREAS. CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND CONTRACTOR FOR APPROVAL. PRIOR TO CONSTRUCTION, ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING. ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THE GENERAL GRADING AND PLANTING NOTES AND SPECIFICATIONS.

LANDSCAPE CALCULATIONS	
TOTAL SITE AREA:	48,754 SF
THINGS REQUIRED:	8 TREES (1 PER 7,200 SF OF SITE AREA)
THINGS PROVIDED:	8 TREES
SHRUBS REQUIRED:	16 SHRUBS (1 PER 7,200 SF OF SITE AREA)
SHRUBS PROVIDED:	16 SHRUBS
TOTAL PARKING AREA:	27,897 SF
LANDSCAPE AREA REQUIRED:	67,574 SF (OF PARKING AREA)
THINGS REQUIRED:	3 TREES (1 PER 20,000 SF OF REQUIRED LANDSCAPE AREA)
THINGS PROVIDED:	3 TREES

PLANTING LEGEND													
SYMBOL		BOTANICAL NAME		COMMON NAME		UN. SIZE		SPACING		QUANTITY		REMARKS	
TREES													
OT/2		Commersonia indica, Tecoma ^a		Seeded Cuticle Tree	2" tall, 6-12" high	16 ft apart		4					
MA/1		Mala Jambay		Mallee Chaparral	2" tall, 6-10" high	16 ft apart		5					
NOTE: ALL TREES MUST BE BURL, BOTTLELIP SIZE FOR CULPER SPECIES. SEE SPECIFICATIONS FOR PROPER ROOT QUALITY.													
SHRUBS													
TR/2		Chilopsis latifolia, Texas Thistle		Dwarf Bushberry	40 cent.	4 ft. c.		3					2" x 2" - High in shading
HY/2		Hydrangea paniculata, Panicle Hydrangea		Dwarf Shrub, Hydrangea	40 cent.	3 ft. c.		3					2" x 2" - High in shading
HY/1		Hypericum texanum, St. Johnswort		Shrublet St. Johnswort	40 cent.	3 ft. c.		3					2" x 2" - High in shading
TALL AND SEED													
AL ^a		Zinnia Texensis		Zinnia Zinnagrasia	Seed	***		***					Open veldsides acceptable
AL ^a		Baccharis confertifolia		Sagebrush Greynia	Hybridized	10-15' 2000'		***					

Scale 1" = 20'




EVERGREEN
DESIGN GROUP
(350) 439-6439
1500 15th Highway 22 # 2000-22-02
Boulder, CO 80501
www.EvergreenDesignGroup.com

PANDA PROJECT #:	S6-21-060
PANDA STORE #:	20110
ARCH PROJECT #:	D8013

DRAWN BY: LML

ISSUE DATE:

1	PURCHASE COST	

REVISIONS:	

All ideas, designs, arrangements and plans herein represented by this drawing are the property of Express Inc. and were created for use on this specific home of Chase Ideal. Designs, arrangements or plans used by or exhibited to any person, firm, or company without the written permission of Express Inc.

PANDA EXPRESS INC.
1633 Walnut Grove Ave.
Rosemead, California
91770

Telephone: (626) 799-5866
Facsimile: (626) 372-6283

ND EXPRA

$$\frac{1}{21}$$

Approved by
 Planning
 01/13/21



PANDA EXPRESS, INC.
 1880 N. 10th Street
 Rapid City, SD 57701
 Telephone: (605) 373-2888
 Fax: (605) 373-2885

As the design progresses, it is recommended that the owner provide a site plan showing the location of the building, parking lot, and other features. The site plan should also show the location of the building, parking lot, and other features. The site plan should also show the location of the building, parking lot, and other features.

REVISIONS:

NO.	DATE	DESCRIPTION
1	1/13/21	ISSUE DATE

DRAIN BY: LL

PANDA PROJECT # 2010-0803
 PANDA STORE # 2010
 ARCH PROJECT # 0803

Heights Venture
 ARCHITECTURE & DESIGN

PANDA EXPRESS
 1700 E. BUCKNER TARSNEY ROAD
 GRAND VALLEY, MO

A-100
 SITE PLAN
 ARCHITECTURAL

SCALE: 1" = 20'-0"

DATE: 01/13/21

BY: [Signature]

FOR: [Signature]

PROJECT: [Signature]

DATE: 01/13/21

BY: [Signature]

FOR: [Signature]

PROJECT: [Signature]

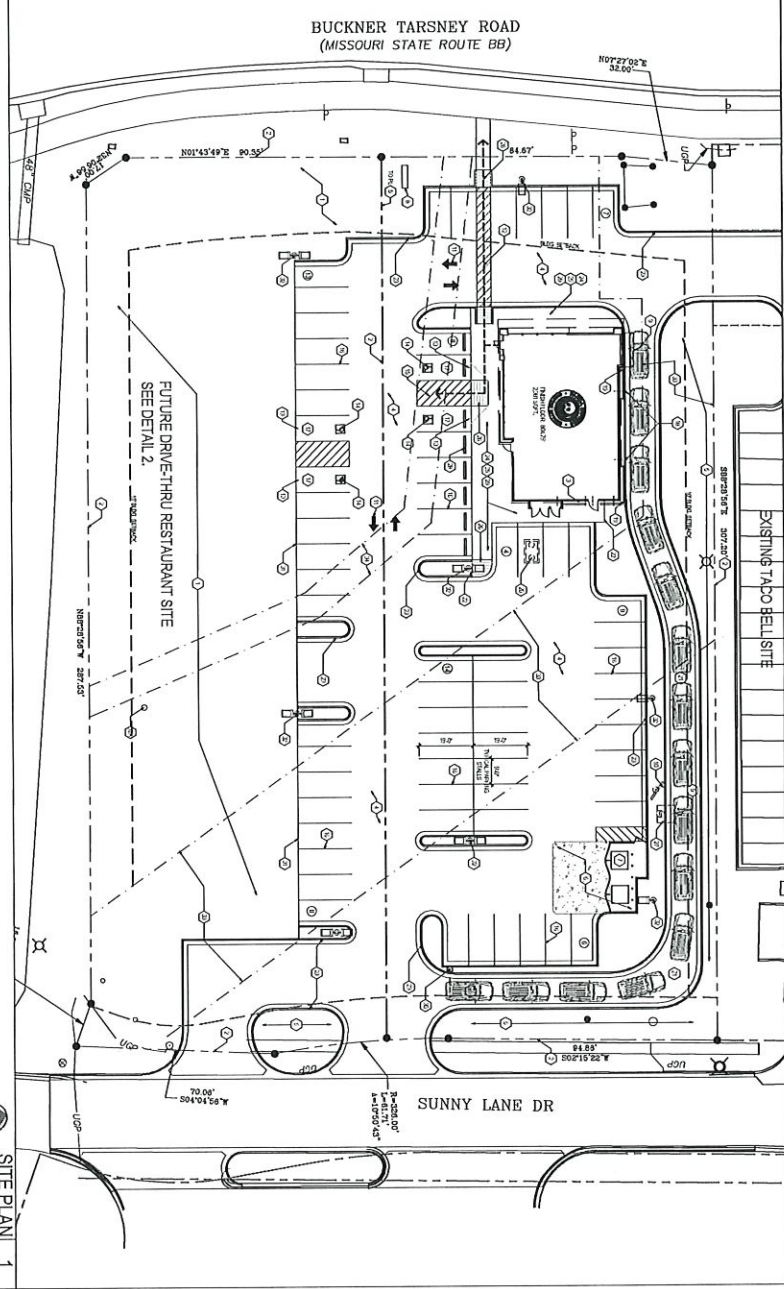
DATE: 01/13/21

BY: [Signature]

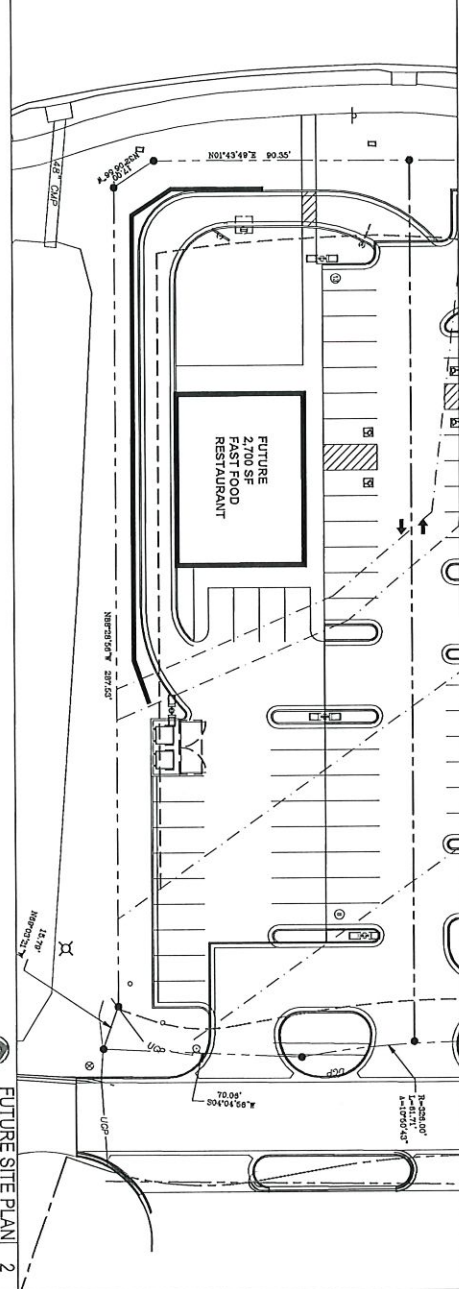
FOR: [Signature]

PROJECT: [Signature]

DATE: 01/13/21



SITE PLAN 1
 Scale: 1" = 20'-0" A-100



FUTURE SITE PLAN 2
 Scale: 1" = 20'-0" A-100

KEY NOTES: A

Scale: 1" = 20'-0" A-100

STAFF REPORT

Chapter 405 Amendment – Subdivision Regulations

January 12, 2022

PURPOSE:

Staff is requesting the Planning and Zoning Commission approve Resolution 2022-01 recommending to the Board of Aldermen that Section 405.030 and Section 405.040 be amended to clarify requirements of homeowners and property owners' associations as it applies to property owned and maintained by the association and to amend the minor platting procedure.

The amendments to Section 405.030 also provide a procedure for the City to abate a nuisance due to lack of maintenance of the association.

BACKGROUND:

The City of Grain Valley renewed its Stormwater NPDES permit (MS4 Permit) in 2021. The new permit issued by the Missouri Department of Natural Resources (MDNR) has significantly stricter requirements for maintenance of association owned and maintained drainage detention basins and structures.

Section 405.030 currently provides a requirement for the Planning and Zoning Chairman and Secretary sign minor plats. However, minor plats are approved administratively, and the Planning and Zoning Commission does not review and approve minor plats. Therefore, this requirement is being revised for the Community Development Director to approve and sign the minor plat.

MDNR also required a procedure for the City to abate problems with the drainage facilities should the association fail to do so. Therefore, Section 405.030 is proposed to be amended to provide for the responsibilities of the associations and a procedure for abatement should the association fail to maintain their facilities.

Section 405.040 is being revised to clarify open channel design requirements and detention/retention facilities must be in accordance with APWA specifications and the City's standard details.

ANALYSIS:

The proposed amendments to Section 405.030 would provide for the following:

- 1) Requirements of a Homeowners/Property Owners Association, including required membership, good standing with the Office of the Missouri Secretary of State and ownership and maintenance responsibilities.
 - 2) A procedure for the City of Grain Valley to abate a nuisance should the association fail to maintain their facilities.
 - 3) Revise the signature approval for minor plats from the Planning and Zoning Commission Chairman and Secretary to the Community Development Director.
-



*Community Development
Dick Tuttle, City Engineer*

PAGE 2 – STAFF REPORT

The proposed amendments to Section 405.040 would provide for the following:

- 1) Changes to the design of drainage systems to clarify open channel requirements and require detention/retention facilities in accordance with APWA specifications and the City of Grain Valley's Standard Details.

During 2021, Community Development Staff had several meetings with MDNR staff to discuss the requested changes to the City's Code of Ordinances requirements for detention/retention and other drainage facilities owned and maintained by associations. These changes are a requirement of the City's new permit.

STAFF RECOMMENDATION:

Staff recommends approval.

RESOLUTION NO: 2022-01

A RESOLUTION OF THE PLANNING & ZONING COMMISSION OF THE CITY OF GRAIN VALLEY, MISSOURI, RECOMMENDING TO THE BOARD OF ALDERMEN THAT CHAPTER 405, SUBDIVISION REGULATIONS, OF THE CODE OF ORDINANCES BE AMENDED IN SECTION 405.030 (SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS) AND SECTION 405.040 (REQUIRED MINIMUM IMPROVEMENTS GENERALLY).

WHEREAS, the Planning & Zoning Commission of the City of Grain Valley, Missouri now desires to recommend to the Board of Aldermen of the City that Chapter 405 of the Code of Ordinances of the City of Grain Valley be amended in Section 405.030 (Subdivision Application Procedure and Approval Process) pertaining to responsibilities of homeowners and property owners' associations and the ability of the City to abate a nuisance and clarify minor platting requirements; and

WHEREAS, the Planning and Zoning Commission of the City of Grain Valley, Missouri now desires to recommend to the Board of Aldermen of the City that Chapter 405 of the Code of Ordinances of the City of Grain Valley be amended in Section 405.040 (Required Minimum Improvements Generally) pertaining to requirements for drainage systems.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF GRAIN VALLEY, MISSOURI, AS FOLLOWS, TO WIT:

SECTION 1. That the Planning & Zoning Commission of the City of Grain Valley, Missouri, hereby recommends that Chapter 405, Zoning Regulations, of the Code of Ordinances of the City of Grain Valley, Missouri be amended to read as follows:

Section 405.030 Subdivision Application Procedure and Approval Process

A. Applicability

7 Homeowners/Property Owners Association. The owner/developer shall file a declaration of restrictions and a declaration of association with the preliminary and final plats when approval is sought, setting forth the conditions and other features of the association. The owner/developer shall supply to the Board of Alderman and Planning and Zoning Commission a copy of the articles of incorporation and a complete set of by-laws of the association. Said declaration of restrictions and declaration of association shall be recorded along with the final plat.

- a. Membership in the association shall be mandatory for each owner of real property within the Subdivision.
- b. The association corporation shall at all times be in good standing registered with the Office of the Missouri Secretary of State.

c. Common open space, subdivision entrance structures, clubhouses, pools, recreational ground, and certain stormwater facilities must be owned and maintained by the association in perpetuity. The association shall be responsible for payment of property taxes on and maintenance of all common areas and facilities, maintenance of liability insurance and other related duties of ownership. Upon completion of relevant phase, designated stormwater conveyance, retention, detention, and BMP facilities located on common space shall be maintained by the association. In the event of failure to maintain such facilities to the standards required by the City and the approved development plans, abatement shall be authorized.

7-8. Fees. Fees shall be based on a schedule of fees and charges established and approved by the Board of Aldermen and set out in Article III. Section **140.050** of the Code.

8-9. Construction Permits shall be obtained prior to construction of any utilities, on a form provided by the City.

10. Abatement Process and Tax Bills. The Codes Enforcement Officer shall give such owner or Homeowners/Property Owners Association notice of violation via personal service to and Officer of the Association or by U.S. mail to owner or an officer or by posting such notice upon the subject property. Said notice of the Association to owner or officer of the Association that the nuisance shall be corrected not later than ten (10) days from mailing or delivery (whichever occurs). Said notice shall also state the City will enter onto the property to correct said nuisance if not corrected within said thirty (30) day period. A two (2) day extension may be granted if requested by citizen before the thirty (30) day period has expired. Said notice shall also state that all charges for such abatement will be levied against such property owner and said charges will be a lien upon said property. In addition, said notice shall advise the property owner shall also be subject to prosecution in the municipal court of Grain Valley for such violation. In case the nuisance has not been abated within the thirty (30) days, the Codes Enforcement Officer shall have the nuisance abated and shall certify the cost of same to the City Clerk.

The City Clerk shall cause a special tax bill therefor against the property to be prepared and to be collected by the Collector with other taxes assessed against the property; and the tax bill from the date of issue shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to issuance, shall be a defense thereto. Each special tax bill shall be issued by the City Clerk and delivered to the Collector on or before the first (1st) of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

B. *Platting Procedures*

1. *Minor Subdivision*

c. *Information.*

(9) Signature blocks for the follow certifications:

(c) Certification of approval to be signed by Mayor, City Clerk, ~~Planning and Zoning Commission Chairman~~ and ~~Secretary-Community Development Director~~ and County Assessor.

3. *Final plat.*

b. *Information*

(15) Information required to be recorded on the final plat or a reference to documents required to be recorded with the final plat. Such information shall include, but be limited to, declaration of restrictions and declaration of association covenants that run with the land and conditions of final plat approval imposed by the Board of Aldermen.

SECTION 2. That the Planning & Zoning Commission of the City of Grain Valley, Missouri, hereby recommends that Chapter 405, Zoning Regulations, of the Code of Ordinances of the City of Grain Valley, Missouri be amended to read as follows:

Section 405.040 **Required Minimum Improvements Generally**

E. ~~*Storm-Sewers Drainage Systems.*~~ All storm-sewers-drainage systems constructed within the City of Grain Valley shall be in accordance with the APWA specifications, as adopted, and the Missouri Department of Natural Resources and the City of Grain Valley standard details the following.

1. *Open ~~improved~~-channels*

b. It is the policy of the City to locate and design streets, lots, and open space in such a manner as to reduce the velocity of overland flow, allow the maximum opportunity for infiltration of storm water into the ground, and to preserve existing streams, channels, detention basins and floodplain areas as open space.

c. Provisions shall be made to provide detention and/or retention facilities to control downstream runoff in accordance with APWA specifications and the City of Grain Valley's Standard Details.

~~b-d.~~ Lined channels. Concrete, grouted riprap and gabions may be used upon approval to convey storm water where it exceeds the requirements for piped storm sewers and grassed swales and natural channels and creeks are not located on the property. Channels shall be sized to carry flow from a 25-year storm

entirely within the limits of the channel. All lined channels shall be constructed on dedicated easements. The easement width shall be a minimum of seven and one-half (7¹/₂) feet beyond the outside edge or wall of the actual lined section.

SECTION 3. That this Resolution shall be in full force and effect immediately upon its execution by the Planning & Zoning Commission of the City of Grain Valley, Missouri.

PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF GRAIN VALLEY, MISSOURI, THIS 12th DAY OF JANUARY 2022.

Craig Shelton
Chairman

ATTEST:

Jamie Logan, City Clerk