



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

April 13, 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

- February 9, 2022 Regular Meeting

ITEM V: CITIZEN PARTICIPATION

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

ITEM VI: PUBLIC HEARINGS

1. **Chapters 400 and 405 Zoning and Subdivision Regulations Amendments** – Pursuant to Section 400.330 of the City Code of Ordinances and Section 89.050, RSMo, the City Code has been updated which includes the validity or legal sufficiency of adopted state legislation, or as to interpretation of court cases and state statutes. A few of these updates pertain to sections within Chapter 400, Zoning Regulations, and Chapter 405, Subdivision Regulations

ITEM VII: ACTION ITEMS

1. **Chapter 400 and 405 Zoning and Subdivision Regulations Amendments** – Pursuant to Section 400.330 of the City Code of Ordinances and Section 89.050, RSMo, the City Code has been updated which includes the validity or legal sufficiency of adopted state legislation, or as to interpretation of court cases and state statutes. A few of these updates pertain to sections within Chapter 400, Zoning Regulations, and Chapter 405, Subdivision Regulations.
2. **Final Development Plan – Tract B of Greystone Plaza 2nd Plat** – Andrew Danner with Windfield Design-Build is requesting final development plan approval on the 3.37 acres that is zoned District R-3p (Multi-Family Residential District – Planned Overlay District). The proposed development will consist of a 3 story – 48-unit senior apartment building. The development site is generally located south of NE Greystone Blvd. on the east side of Buckner Tarsney Road and is legally described as Tract B of “Greystone Plaza” a subdivision in Grain Valley, Jackson County, Missouri.



3. **Site Plan Review – Mercado Shell Building** – Klover Architects is requesting site plan approval for a 2,225 square foot building with drive-thru for a future Starbucks Coffee on Tract A in the Mercado Plaza subdivision. The property is in the Downtown Overlay District – Transition Zone. The site is generally located on the west side of Buckner Tarsney Road and north of the Burger King.

ITEM VIII: PREVIOUS BUSINESS

- None

ITEM IX: NEW BUSINESS

- Discussion – City Policies for Attendance by Planning and Zoning Commission Members

ITEM X: ADJOURNMENT

PLEASE NOTE

The next scheduled meeting, if needed, of the City of Grain Valley Planning & Zoning Commission will take place on May 11, 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

2/9/2022
Page 1 of 4

ITEM I: CALL TO ORDER

- The Planning & Zoning Commission of the City of Grain Valley, Missouri, met in Regular Session on February 9, 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: Debbie Saffell*
- *Absent: Elijah Greene*
- *Absent: Kevin Browning*
- *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 January 12, 2022 regular meeting. Commissioner Tyson second the motion. The Commission approved the minutes by a vote of 5 to 0.

ITEM V: PUBLIC HEARINGS

- **None**

ITEM VI: ACTION ITEMS

- 1) **Final Plat – Eagle Ridge Estates – 5th Plat** – Requesting final plat approval for Eagle Ridge Estates – 5th Plat consisting of lots 135 thru 142, lots 167 thru 181, lots 198 thru 205 and tract B lying in the southeast quarter of Section 27, Township 49 North, Range 30 West in the City of Grain Valley. The plat consists of 31 lots and is zoned District R-1 (Single Family Residential).

Commissioners Present
Craig Shelton
Debbie Saffell
Justin Tyson
Jim Hofstetter
Scott Shafer

Commissioners Absent
Kevin Browning
Elijah Greene
Bob Headley BOA Liaison

Staff Officials Present
Mark Trosen – CD Director
Dick Tuttle – City Engineer



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

2/9/2022
Page 2 of 4

The plat contains approximately 7.65 acres and is generally located east of NW Hilltop Lane, east of NW High View Drive and south of Woodbury Drive.

- Director Trosen presented the Staff Report for both the Eagle Ridge Estates and Eagle Ridge Multi-Family final plats. Staff recommends approval on both plats.
- Bryan Rahn with Ward Development was present to answer any questions.
- Commissioner Tyson asked about the drainage in the area and particularly for the existing houses on Aspen Court.
- City Engineer Tuttle explained that after further study the existing drainage lake could not handle the additional development so the area south of Woodbury Drive had to be widened and enlarged which removed a couple of planned lots from the approved preliminary plan and therefore creating Tract B on the final plat.
- Commissioner Shafer stated that the street has a significant drop. City Engineer Tuttle said that they took off 11 feet before the street was constructed. Shafer asked what about all the water from the hill. Tuttle said that it was designed for the water to drain to the west.
- Commissioner Tyson asked who maintains the stormwater detention area. City Engineer Tuttle responded the Homeowner's Association as outlined in the recent changes to the City's ordinances.
- Bryan Rahn commented that on the duplex lots to reduce the steepness of the lots they are looking at installing no taller than 4-foot walls.
- Chair Shelton stated that one of the previous concerns that we discussed was the traffic onto Woodbury and they were doing a traffic study for a light. City Engineer Tuttle talked about the studies that he has the anticipated numbers for Whitney and the need for a four-way stop sign at Woodbury and Whitney.
- Chair Shelton asked about the light at Buckner Tarsney and Woodbury. City Engineer Tuttle said that we have made requests to MoDOT about the need for a light at that intersection, but MoDOT does not like to put lights that close to each other.
- Commissioner Tyson asked what needs to happen to install no parking signs on Woodbury from Whitney east to Buckner Tarsney Road on both sides. City Engineer Tuttle explained the process of the study and that it would require an Ordinance passed by the BOA to post the signs.
- Chair Shelton asked Mr. Rahn when he anticipates making the connection of Whitney to Woodbury. Mr. Rahn stated probably 18 months before full occupancy of the lots.
- Commissioner Tyson made a motion to recommend approval of the final plat of Eagle Ridge Estates 5th Plat to the Board of Aldermen. Commissioner Shafer second the motion. The Commission voted 5 to 0 to approve to motion.

- 2) **Final Plat – Eagle Ridge Multi-Family – 3rd Plat** – Requesting final plat approval for Eagle Ridge Multi-Family -3rd Plat consisting of lots 45 thru 76 lying in the southeast quarter of Section 27,

Commissioners Present
Craig Shelton
Debbie Saffell
Justin Tyson
Jim Hofstetter
Scott Shafer

Commissioners Absent
Kevin Browning
Elijah Greene
Bob Headley BOA Liaison

Staff Officials Present
Mark Trosen – CD Director
Dick Tuttle – City Engineer



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

2/9/2022
Page 3 of 4

Township 49 North, Range 30 West in the City of Grain Valley. The plat consists of 32 lots and is zoned District R-2 (Duplex Residential). The plat contains approximately 8.40 acres and is generally located east of NW Eagle Ridge Drive.

- Commissioner Tyson made a motion to recommend approval of the final plat of Eagle Ridge multi-family 3rd Plat to the Board of Aldermen. Commissioner Shafer second the motion. The Commission voted 5 to 0 to approve the motion.

ITEM VII: PREVIOUS BUSINESS

- None

ITEM VIII: NEW BUSINESS

1) 2021 Year-In-Review

- Director Trosen reviewed the report in the agenda packet. Trosen stated that regarding building inspections during the 2022 budget process, the Department requested funding to hire a Part-time Building Inspector. The funding was approved. We have hired Eddie Saffell. Eddie brings a lot of experience and knowledge in construction from his employment with Central Jackson County Fire District. City Engineer Tuttle talked about the street overlay program and the pavement condition assessment.
- Chair Shelton asked about the traffic from the Club Car Wash and if we were looking at that. City Engineer Tuttle responded yes as well as MoDOT is probably keeping an eye on it.
- Chair Shelton asked about Panda Express and if they had replaced the rock with the sod. Director Trosen said the Temporary Occupancy Certificate expires in Mid- March and since this isn't the best time of year to get fresh cut sod, we are working with them to get the sod installed before the TCO expires. Panda also has a punch list that must be completed for City Engineer Tuttle.

2) Capital Improvement Plan FY2023-FY2027

- Dick explained that he is beginning to work on updating the CIP and will be meeting with Ken Murphy, Steven Craig, and Mark to talk about projects and future funding. Dick said that as we are doing more streets each year with the funding provided by the BOA that we will eventually be able to introduce other methods of treating the streets such as

Commissioners Present

Craig Shelton
Debbie Saffell
Justin Tyson
Jim Hofstetter
Scott Shafer

Commissioners Absent

Kevin Browning
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Staff Officials Present

Mark Trosen – CD Director
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City of Grain Valley
Planning & Zoning Commission
Meeting Minutes
Regular Meeting

2/9/2022
Page 4 of 4

slurry seal to extend the life for another 4 or 5 years at a lower cost than an overlay. Dick said that if any of the Commissioners had a project that they would want to be added to the CIP, email Dick the project, he would work up the costs and discuss with Ken and Steven. Dick said that once he has the plan drafted, he will bring the plan back to the Planning and Zoning Commission for review and recommendation to proceed to the Board of Aldermen.

- Commissioner Shafer said the only project that he can think of is Whitestone Drive. City Engineer Tuttle responded that it is scheduled to be overlaid next year, 2023.
- City Engineer talked about the Parks Trail system. There was also discussion regarding sidewalks and trails along Sni-A-Bar Blvd.
- The Commission discussed the need for a bridge over the railroad tracks on Main Street.

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 5 to 0.

-The Regular Meeting Adjourned at 7:40 PM-

Commissioners Present

Craig Shelton
Debbie Saffell
Justin Tyson
Jim Hofstetter
Scott Shafer

Commissioners Absent

Kevin Browning
Elijah Greene
Bob HeadleyBOA Liaison

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle – City Engineer

STAFF REPORT

Chapters 400 and 405 Amendments

April 13, 2022

ACTION:

Requesting approval of the final codification changes to sections within Chapter 400, Zoning Regulations, and Chapter 405, Subdivision Regulations in the report prepared by General Code.

ANAYLSIS:

The City contracts with General Code to provide an online and hard copy of the City's Municipal Code. This contract includes a bi-annual supplement update and regular incorporation of new and updated ordinances into the Municipal Code.

Grain Valley's code was originally codified in 1996 and while it has been updated continuously, there are inconsistencies, errors, and outdated information that could affect the Code's enforceability and alignment with relevant state statutes.

Since 2020, General Code has been conducting a full recodification, including a review of the 1996 code as updated over the years. The General Code skilled attorneys and legal editors identify conflicts, inconsistencies, duplication, and statutory compliance issues in the code and then make recommended changes in an organized and consistent format and style.

A full recodification typically occurs every 12-15 years.

A copy of General Code's Report of Final Codification Changes for Chapters 400 and 405 has been provided to the Commissioners.

Pursuant to Section 400.330 of the City Code and Section 89.050 RSMo., a public hearing is required before the Planning and Zoning Commission.

PUBLIC INFORMATION AND PROCESS:

Public notice was given in the Examiner on Saturday, March 26, 2022.

STAFF RECOMMENDATION:

Staff recommends approval.

RESOLUTION NO: 2022-02

A RESOLUTION OF THE PLANNING & ZONING COMMISSION OF THE CITY OF GRAIN VALLEY, MISSOURI, RECOMMENDING TO THE BOARD OF ALDERMEN THAT SECTIONS OF CHAPTER 400, ZONING REGULATIONS AND SECTIONS OF CHAPTER 405, SUBDIVISION REGULATIONS, OF THE CODE OF ORDINANCES BE AMENDED AS RECOMMENDED IN THE REPORT OF FINAL CODIFICATION CHANGES BY GENERAL CODE.

WHEREAS, the Planning & Zoning Commission of the City of Grain Valley, Missouri has reviewed the report of final codification changes proposed by General Code pertaining to Chapters 400, Zoning Regulations, and 405, Subdivision Regulations, of the Code of Ordinances of the City of Grain Valley; and

WHEREAS, the Planning and Zoning Commission of the City of Grain Valley, Missouri held a public hearing at 6:30PM on Wednesday, April 13, 2022, in the Council Chambers at City Hall.

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 to the Board of Aldermen that sections of Chapter 400, Zoning Regulations and Chapter 405, Subdivision Regulations as proposed in the report of final codification changes by General Code be approved.

SECTION 2. 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 13th DAY OF APRIL 2022.

Craig M. Shelton
Chairman

ATTEST:

Jamie Logan, City Clerk



A Member of the ICC Family of Solutions

Report of Final Codification Changes Recodification Project

PREPARED FOR:

City of Grain Valley, MO

PROJECT EDITOR:

Shelbey E. Wolf

swolf@generalcode.com | 800.836.8834

INTRODUCTION

Report

This report is based on the Editorial and Code Analysis completed by City Officials and returned to General Code in September 2021, as well as the City's responses to the Final Draft questions returned in February 2022. It has been updated with decisions by the City Officials, which are indicated by a marked box next to the chosen option and written-in comments by both the City and General Code.

Legal Advice

Please note that it is not the intent of General Code to give legal advice or opinions by way of the Editorial and Code Analysis, but rather to provide as much information as possible to enable City Officials to make necessary decisions. Any questions as to validity or legal sufficiency of legislation, or as to interpretation of cases and statutes, will properly remain the responsibility of your Municipal Attorney.

Last Legislation in Code

The last legislation reviewed for the Final Publication of the Code was Ord. No. 2578, adopted February 14, 2022.

Process/Next Steps

Deliverables under the terms of the contract are three (3) bound Code volumes with an Index and Title tabs.

This Report of Final Codification Changes should be kept with the Code Adoption Ordinance supplied by General Code.

Editorial and Legal Analysis — City of Grain Valley, MO

Question 400-001

Chapter 400 Zoning Regulations Section 400.020 Districts.

In the text of this Chapter there are additional regulations for the following Districts, which are not listed herein: "R-1A," "R-1B," and "R-1C." Would the City like these added to the list in this Section?

Pick one option from list below

☒ Add these districts to this Section under the "R-1" District.

☐ Revise as follows:

☐ Do not revise.

Question 400-002

Chapter 400 Zoning Regulations

Code Content:

Section 400.040 Definitions.

[GROUP HOME] Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside in accordance with Section 89.020, RSMo., 1994, as amended.

Section 400.240 Conditional Uses.

[§ 400.240(A)(1)(h)] Group homes.

Section 400.240 Conditional Uses.

[§ 400.240(A)(1)(h)(1)] Group home facility as a residential facility for the care of individuals who, upon completion of a course of treatment in a facility which provides an extensive treatment program for individuals with disabling emotional disturbances, are in need of an interim structured living situation to allow for their resocialization and reintegration into community living or for a group of developmentally disabled individuals only in Districts "A", "R-1", "R-1A", "R-1B", "R-1C", "R-2", "R-3" and "R-4". **Group home facilities do not include any home in which eight (8) or fewer unrelated mentally retarded or physically handicapped persons reside (Section 89.020, RSMo.).** A group home facility shall be subject to the following conditions and restrictions:

The highlighted wording above appears to conflict with the definition of "group home" as set forth in Section 400.040 by stating, "Group home facilities do not include any home in which eight (8) or fewer unrelated mentally retarded or physically handicapped persons reside (Section 89.020, RSMo.)."

The City should review these provisions and determine if any revisions are needed. Note that Section 89.020, RSMo., set out below, appears to include group homes as a permissible use in residential districts.

89.020. Powers of municipal legislative body--group homes, classification, standards, restrictions--enforcement of zoning beyond lake shorelines, when, how--foster homes, classifications of--certain municipalities may adopt county zoning regulations--sawmills and planing mills, classification

1. For the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of all cities, towns, and villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

2. For the purpose of any zoning law, ordinance or code, the classification single-family dwelling or single-family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single-family dwelling neighborhood.

3. No person or entity shall contract or enter into a contract which would restrict group homes or their location as described in this section from and after September 28, 1985.

4. Any county, city, town or village which has a population of at least five hundred and whose boundaries are partially

Editorial and Legal Analysis — City of Grain Valley, MO

contiguous with a portion of a lake with a shoreline of at least one hundred fifty miles shall have the authority to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline which is adjacent to its boundaries. In the event that a lake is not large enough to allow any county, city, town or village to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline without encroaching on the enforcement powers granted another county, city, town or village under this subsection, the counties, cities, towns and villages whose boundaries are partially contiguous to such lake shall enforce their zoning laws, ordinances or orders under this subsection pursuant to an agreement entered into by such counties, cities, towns, or villages.

5. Should a single-family dwelling or single-family residence as described in subsection 2 of this section cease to operate for the purpose as set forth in subsection 2 of this section, any other use of such home, other than allowed by local zoning restrictions, must be approved by the local zoning authority.

6. For purposes of any zoning law, ordinance or code the classification of single-family dwelling or single-family residence shall include any private residence licensed by the children's division or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. Nothing in this subsection shall be construed to relieve the children's division, the department of mental health or any other person, firm or corporation occupying or utilizing any single-family dwelling or single-family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single-family dwelling or single-family residence.

7. Any city, town, or village that is granted zoning powers under this section and is located within a county that has adopted zoning regulations under chapter 64 may enact an ordinance to adopt by reference the zoning regulations of such county in lieu of adopting its own zoning regulations.

8. For purposes of any zoning law, ordinance, or code authorized and enacted under this section, a zoning or property classification of agricultural or horticultural shall include any sawmill or planing mill as defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421. (R.S.1939, § 7412. Amended by L.1957, p. 274, § 1; L.1959, H.B. No. 493, § 1; L.1985, H.B. No. 552, § 1; L.1989, S.B. No. 11, § A; L.2006, S.B. No. 809, § A; L.2014, H.R.B. No. 1299, § A, eff. Aug. 28, 2014; L.2019, S.B. No. 133, § A, eff. Aug. 28, 2019.)

Pick one option from list below

☐ Do not revise.

☒ Revise as follows:

400.040 Definitions

Group Home: Any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home; or any private residence licensed by the children's division or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption in accordance with Section 89.020, RSMo.

DELETE HIGHLIGHT

☐ Revise as follows: (revisions attached).

Editorial and Legal Analysis — City of Grain Valley, MO

Question 400-003

Chapter 400 Zoning Regulations

Section 400.080 District "R-2" (Duplex Residential District) — Use Regulations.

Code Content:

[§ 400.080(D)] *Condominiums are permitted.*

For continuity, should this permitted use be placed in Section 400.080(B), which seems to set out a list of permitted uses?

Pick one option from list below

☒ Yes, add this to Subsection 400.080(B).

☐ Revise as follows:

☐ Do not revise.

Editorial and Legal Analysis — City of Grain Valley, MO

Question 400-004

Chapter 400 Zoning Regulations Section 400.240 Conditional Uses.

Code Content:

[§ 400.240(A)(1)(a)] Aviation fields, airports and heliports, including the sale of aviation fuel as an accessory use, under such restrictions as the Board of Aldermen may impose on land, buildings or structures, within an approach or transition plan or turning zone, as defined in Section 400.260, to promote safety of navigation and prevent undue danger from confusing lights, electrical interference or other hazards. Such uses are allowed only in Districts "A", "M-1" and "M-2"(heliports shall be allowed as an accessory use of a hospital), provided the following conditions are met:

The highlighted reference above does not appear to be correct; we found no definitions related to this in Section 400.260. Please review and revise as needed.

Pick one option from list below

☒ Do not revise.

☐ Revise as follows:

☐ Revise as follows: (revisions attached).

Editorial and Legal Analysis — City of Grain Valley, MO

Question 400-005

Chapter 400 Zoning Regulations Section 400.240 Conditional Uses.

Code Content:

[§ 400.240(A)(1)(h)(1)(i)] That at the time of original approval no facility shall be located within one thousand (1,000) feet of another such facility or of a halfway house, a convalescent home, a children's nursery or a group day care home; provided however, that the Board shall have the authority to waive this requirement, provided that the facilities are separated by a major thoroughfare, railroad track, major waterway or other comparable manmade or natural barrier.

Most communities have changed the distance between group homes to 500 feet. The City may want to consider this distance and determine if a change should be made herein. Below is the information regarding one settlement that was made with the City of St. Peters which precipitated many communities changing their distance requirements.

Thursday, August 1, 2013

Justice Department Settles Allegations of Disability Discrimination Against the City of St. Peters, Mo.

The Justice Department announced today that the city of St. Peters, Mo. will pay \$80,000 and make changes to its zoning laws to settle a lawsuit alleging that the city violated the federal Fair Housing Act (FHA) and Title II of the Americans with Disabilities Act (ADA) when it denied a zoning request to operate a group home for four women with intellectual disabilities. The lawsuit is part of the Justice Department's continuing effort to enforce civil rights laws that require states and municipalities to end discrimination against, and unnecessary segregation of, persons with disabilities. The settlement was filed today and must be approved by the U.S. District Court for the Eastern District of Missouri.

"The Fair Housing Act and the Americans with Disabilities Act ensure that municipalities cannot enforce discriminatory land use policies that restrict the rights of their residents to live in the housing of their choice," said Jocelyn Samuels, Acting Assistant Attorney General for the Civil Rights Division. "This important settlement compensates the individuals who were harmed by the city's practices and will prevent future housing discrimination against the city's residents who have disabilities."

"Zoning ordinances that unjustifiably keep group homes out of neighborhoods violate the Fair Housing Act," said Bryan Greene, U.S. Department of Housing and Urban Development's (HUD) Acting Assistant Secretary for Fair Housing and Equal Opportunity. "HUD and the Department of Justice will continue to work together to ensure that everyone, including persons with disabilities, has access to the kind of housing that meets their needs."

The settlement resolves the United States' claims that the city violated the FHA and ADA when it adopted and enforced a facially discriminatory 2,500 foot group-home spacing requirement and when its Board of Adjustment refused, without justification, a variance petition to allow Community Living Inc. (CLI) to operate a group home for four women with disabilities. The complaint also alleges that the city refused to make reasonable accommodations to the city's rules, policies, practices or services that were necessary to afford the residents an opportunity to use and enjoy their home. In addition to providing \$80,000 for the residents, the settlement requires that the city:

Replace the city ordinance that imposes a 2,500-foot spacing requirement on group homes for persons with disabilities with an ordinance that is approved by the United States;

- Adopt a written policy by which persons may request reasonable accommodations or modifications on the basis of disability from the city's zoning and land use requirements;
- Prepare detailed written findings whenever the city denies any type of request for zoning or land use relating to

Editorial and Legal Analysis — City of Grain Valley, MO

a dwelling occupied by, or designated or intended for occupancy by, persons with disabilities; and

· Provide training on the FHA and ADA to City officials and employees involved in land use and zoning decisions.

The case began when a legal guardian for a resident of the group home filed a complaint with HUD after the Board of Adjustment denied the group home's variance petition. HUD referred the complaint to the Justice Department, which conducted an investigation.

Pick one option from list below

☒ Change 1,000 feet to 500 feet.

☐ Revise as follows:

☐ Do not revise.

Editorial and Legal Analysis — City of Grain Valley, MO

Question 400-006

Chapter 400 Zoning Regulations Section 400.270 Non-Conformities.

Code Content:

[§ 400.270(A)] Purpose. Within the zoning districts established by this **Municipal Code** or previously existing regulation, there are lots, structures, uses and characteristics of uses that lawfully came into being prior to the effective date of this Municipal Code that would now be prohibited, regulated or restricted under the provisions of this Municipal Code and any subsequent amendment. It is the intent of this Section to recognize the legitimate interest of owners of lawful non-conformities by allowing these instances to continue, subject to any provisions contained herein. It is also recognized that non-conformities may adversely and substantially affect the development, maintenance, use and taxable value of other properties subject to the regulations of this Municipal Code. Therefore, it is necessary to provide regulations for the continuance of non-conformities, but to prohibit the re-establishment of certain non-conformities that have been discontinued.

It seems that the highlighted term "Municipal Code" should read "Zoning Code" or "Zoning Regulations" throughout this Section. Review and advise.

Pick one option from list below

☐ Revise as suggested.

☒ Revise as follows:

Zoning Regulations

☐ Do not revise.

Editorial and Legal Analysis — City of Grain Valley, MO

Question 400-007

Chapter 400 Zoning Regulations Section 400.290 Off-Street Parking and Loading Regulations.

Code Content:

[§ 400.290(A)(5)(a)(2)] All new construction in "R-1" and "R-2" zoning that is platted after the adoption of this Chapter shall have concrete drives and parking.

Note that there is no mention herein of Districts "R-1A," "R-1B," and "R-1C." Should these districts be added to this Subsection?

Pick one option from list below

- ☒ Add Districts "R-1A," "R-1B," and "R-1C" to this Subsection.
- ☐ Revise as follows:

- ☐ Do not revise.

Question 400-008

Chapter 400 Zoning Regulations Section 400.300 Signs.

Code Content:

[§ 400.300(C)(2)] Districts "R-1" and "R-2". Signs as permitted in Subsections (1)(c) and (1)(d) of District "A".

[§ 400.300(D)(2)(d)(1)] Maximum size six (6) square feet in Districts "R-1", "R-2", "R-3" and "R-4".

Note that there is no mention herein of Districts "R-1A," "R-1B," and "R-1C." Should these districts be added to these Subsections?

Pick one option from list below

- ☒ Add Districts "R-1A," "R-1B," and "R-1C" to these Subsections.
- ☐ Revise as follows:

- ☐ Do not revise.

Editorial and Legal Analysis — City of Grain Valley, MO

Question 400-009

Chapter 400 Zoning Regulations Section 400.300 Signs.

Code Content:

[§ 400.300(H)] *Penalty For Violations. It shall be unlawful for any person, firm, corporation, partnership or association to violate any of the provisions of this Chapter; and, upon conviction for said violations, said person, firm, corporation, partnership or association shall be punished in accordance with the general penalty provisions of the Code of Ordinances of the City. Each day the violation continues to exist shall be construed as a new violation and subject to conviction and punishment therefor.*

It seems that the penalty set out herein is unnecessary due to the Zoning Penalty in Section 400.400 of this Chapter. Could this Subsection be deleted?

Pick one option from list below

☒ Delete this Subsection.

☐ Revise as follows:

☐ Do not revise.

Question 400-010

Chapter 400 Zoning Regulations
Section 400.330 Amendments.

Code Content:

[§ 400.330(A)] The regulations, restrictions and boundaries contained in this Chapter may from time to time be amended, supplemented, changed, modified or repealed by the Board of Aldermen, either on its own motion or on application or petition therefore by the owner, in writing, filed with said Board of Aldermen. The application shall be signed by the landowner or an authorized representative of the landowner. A signature by a representative must be accompanied by a notarized statement verifying the authority of the representative to sign for the owner. Said application or petition shall be accompanied by a plat or map drawn to a scale of not less than two hundred (200) feet to the inch showing the land in question, its location, the length and location of each boundary thereof, the location of property within three hundred (300) feet of such land, and a filing fee payable to the City. The amount of such filing fee shall be determined in accordance with a schedule of fees and charges adopted by the Board of Aldermen. No portion of the filing fee shall be refunded to the applicant. Any expenditures in excess of the filing fee, incurred by the Planning and Zoning Commission or the Board of Aldermen, that are necessary and incident to the processing of the application shall be billed to the applicant or petitioner. Before taking any action upon any proposed amendment, supplementation, change, modification or repeal, the same shall be referred by the Board of Aldermen to the Planning and Zoning Commission for report and recommendation. The Planning and Zoning Commission shall then hold public hearing upon said application or petition, after public notice thereof, duly published according to law as provided in Chapter 89, RSMo. After public hearing is held, the Planning and Zoning Commission shall thereupon make its final report to the Board of Aldermen of this City, either favorably or unfavorably recommending said application or petition, which recommendation shall be filed with the City Clerk. Thereupon the Board of Aldermen shall hold public hearing thereon, after public notice thereof, duly published according to law as provided in Chapter 89, Revised Statutes of the State of Missouri, and at or after such public hearing, said Board of Aldermen may then approve any such application or petition by ordinance amending, supplementing, changing, modifying or repealing, as may be required in the premises. In case, however, of a protest against such change, including a change in land use, duly signed and acknowledged by owners of thirty percent (30%) or more, either of the areas of land included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) by all the members of the Board of Aldermen of the City.

Note that the similar provisions of Section 89.060, RSMo., set out below, regarding protests, appears to contain additional wording, which we have underlined below. Should this wording be included in this Section?

89.060. Change in regulations, restrictions and boundaries — procedure.

Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred and eighty-five feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds of all the members of the legislative body of such municipality. The provisions of section 89.050 relative to public hearing and official notice shall apply equally to all changes or amendments.

Editorial and Legal Analysis — City of Grain Valley, MO

Pick one option from list below

☒ Add the above-underlined wording to this Section.

☐ Revise as follows:

☐ Do not revise.

Question 400-011

[Chapter 400 Zoning Regulations](#)
[Section 400.340 Resubmission of Application.](#)

Code Content:

*[§ 400.340] Whenever any application or petition presented under **Section 400** has been finally acted upon by the Board of Aldermen under the provisions of this Chapter and the decision of the Board of Aldermen has been adverse to the applicant, the Planning Officer, Planning and Zoning Commission or the Board of Aldermen shall not, for a period of six (6) months from the date of the Board of Aldermen decision, receive or entertain any identical or similar application seeking the same or similar relief as requested for in the application first denied.*

We think the intended reference herein is Section 400.430. Please confirm.

Pick one option from list below

☐ Yes, change this reference to "Section 400.430."

☒ Revise as follows:

I think the reference is to Section 400.330. If you agree, then change to reference to 400.330.

☐ Do not revise.

Editorial and Legal Analysis — City of Grain Valley, MO

Question 400-012

Chapter 400 Zoning Regulations

Section 400.380 Board of Adjustment — Appeal and Procedure.

The similar provisions of Section 89.100, RSMo., set out below, appear to contain additional criteria for who may appeal to the Board of Adjustment. Should the language underlined below be added to this Section?

89.100. Board of adjustment--appeals, procedure

Appeals to the board of adjustment may be taken by any person aggrieved, by any neighborhood organization as defined in section 32.105 representing such person, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Pick one option from list below

☒ Add the above-underlined wording to this Section.

☐ Revise as follows:

☐ Do not revise.

Question 400-013

Chapter 400 Zoning Regulations

Section 400.390 Board of Adjustment — Decisions Subject to Review Procedure.

Code Content:

[§ 400.390] Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment or any officer, department, board or bureau of the municipality, may present to the Circuit Court of Jackson County, Missouri, a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the City Clerk. Upon presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearings, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. All issues in any proceedings under **Section 400 and 450** shall have preference over all other civil actions and proceedings.

Should the wording underlined below in the similar provisions of Section 89.110, RSMo., be included in this Section?

Also note that we believe the above-highlighted reference to "Section 400 and 450" should read "Sections 400.330 and 400.380 of this Chapter."

89.110. Board of adjustment--decisions subject to review--procedure

Any person or persons jointly or severally aggrieved by any decision of the board of adjustment, any neighborhood organization as defined in section 32.105 representing such person or persons or any officer, department, board or bureau of the municipality, may present to the circuit court of the county or city in which the property affected is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board. Upon the presentation of such petition the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct

Editorial and Legal Analysis — City of Grain Valley, MO

and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under sections 89.080 to 89.110 shall have preference over all other civil actions and proceedings.

Pick one option from list below

☒ Add the above-underlined wording to this Section and revise the above-highlighted reference as suggested.

☐ Revise as follows:

☐ Do not revise.

Question 400-014

Chapter 400 Zoning Regulations
Section 400.400 Violations — Penalties.

The City may want to review these Sections against Section 89.120, RSMo., set out below, and determine whether any revisions are needed herein. Said statutory Section has been revised since these Sections were last amended.

Since Sections 479.350 and 479.353, RSMo., affect the penalties in the Zoning Code, we have provided a Sample Zoning Penalty from the [City of O'Fallon](#). (See our comment to Section 100.110 at the beginning of this Analysis, which sets out Sections 479.350 and 479.353, RSMo.) The City should discuss these provisions with the City Attorney.

89.120. Violations--penalties

1. In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of sections 89.010 to 89.140 or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of sections 89.010 to 89.140.

2. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable as follows:

(1) In any city with more than three hundred thousand inhabitants, by a fine of not less than ten dollars and not more than five hundred dollars for each and every day that such violation continues, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of section 82.300, however, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than two hundred and fifty dollars or more than one thousand dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court;

(2) In all other municipalities, by a fine of not less than ten dollars and not more than two hundred fifty dollars for each and every day that such violation continues, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of section 82.300, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars or more than five hundred dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.

3. Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten days after such service or shall continue to violate any provision of the regulations made under authority of sections 89.010 to 89.140 in the respect named in such order shall also be subject to a civil penalty of two hundred and fifty dollars.

Editorial and Legal Analysis — City of Grain Valley, MO

Pick one option from list below

☒ Replace this Section with the Sample Zoning Penalty.

☐ Revise as follows:

☐ Revise as follows: (revisions attached).

☐ Do not revise.

Question 400-015

Chapter 400 Zoning Regulations

Section 400.460 Downtown Overlay District — Use Regulations.

Should this District be listed in Section 400.020? If this District is included in Section 400.020, we would add it to the list after the other District "P" Planned Overlay District.

Additionally, should these regulations be included after Section 400.200 (Planned Overlay District) or Section 400.210 (Planned Unit Development)? If this Section is moved, we would number it as either Section 400.205 or 400.215 so the rest of the numbering in this Chapter would not be changed. We would also reserve Section 400.460 and include a footnote indicating the new location of these provisions.

Pick one option from list below

☐ Add this Section to Section 400.020 and renumber this Section as Section 400.205 as suggested above.

☐ Revise as follows:

☐ Revise as follows: (revisions attached).

☒ Do not revise.

Decision With Final Draft:
City provided PDF of
Appendix A.

Chapter 400 Zoning Regulations

Section 400.470 Planning And Zoning Commission — Appointment — Term — Vacancies — Organization.

Although this Section does appear to fall within the parameters of the similar provisions of Section 89.320, RSMo., there is one option missing as indicated below. Should this Section be revised to reflect this statutory wording?

89.320. Planning commission--membership--terms--vacancy--removal

The planning commission of any municipality shall consist of not more than fifteen nor less than seven members, including:

(1) The mayor, if the mayor chooses to be a member;

(2) A member of the council selected by the council, if the council chooses to have a member serve on the commission;
and

(3) Not more than fifteen nor less than five citizens appointed by the mayor and approved by the council. All citizen members of the commission shall serve without compensation. The term of each of the citizen members shall be for four years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The council may remove any citizen member for cause stated in writing and after public hearing.

Pick one option from list below

- ☒ Do not revise.
- ☐ Incorporate the above-underlined statutory wording as appropriate in this Section.
- ☐ Revise as follows:

Editorial and Legal Analysis — City of Grain Valley, MO

Question 405-001

Chapter 405 Subdivision Regulations Section 405.010 General Provisions.

Code Content:

[§ 405.010(L)(1)(a)] *No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been reviewed by the Planning and Zoning Commission and approved by the Board of Aldermen in accordance with the provisions of these regulations and filed with the appropriate County Recorder of Deeds.*

The City may want to review the somewhat similar provisions of Section 89.450, RSMo., set out below, which set forth certain requirements for transfer or sale of plats and also contains a penalty. Should this statutory Section be included in addition to the provisions in this Section?

89.450. Use of unapproved plat in sale of land--penalty--vacation or injunction of transfer

No owner, or agent of the owner, of any land located within the platting jurisdiction of any municipality, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the council or planning commission and recorded in the office of the appropriate county recorder unless the owner or agent shall disclose in writing that such plat has not been approved by such council or planning commission and the sale is contingent upon the approval of such plat by such council or planning commission. Any person violating the provisions of this section shall forfeit and pay to the municipality a penalty not to exceed three hundred dollars for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. A municipality may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

Pick one option from list below

- ☐ Include Section 89.450, RSMo., as an additional Subsection herein.
- ☐ Revise as follows:

- ☒ Do not revise.

Editorial and Legal Analysis — City of Grain Valley, MO

Question 405-002

Chapter 405 Subdivision Regulations Section 405.050 Minimum Design Standards.

Code Content:

[§ 405.050(E)(5)] *The subdivider shall be required to work out all easements required by the Gas Service Company, the Missouri Public Service Company, Southwestern Bell Telephone Company and any other public utilities. The final plat presented to the Planning Officer shall reflect acceptance of the proposed easements by stamp or signature of the utility companies involved.*

Is "Southwestern Bell Telephone Company" still the utility that should be referenced herein?

Pick one option from list below

- ☐ Do not revise.
- ☒ Revise as follows:

GC Comment:

Section 405.050(E)(5) was revised to read as follows:

The subdivider shall be required to work out all easements required by the Gas Service Company, the Missouri Public Service Company, Evergy, Spire, Comcast, AT&T and any other public utilities. The final plat presented to the Planning Officer shall reflect acceptance of the proposed easements by stamp or signature of the utility companies involved.

The utility companies are Evergy, Spire, Comcast and AT&T.

- ☐ Revise as follows: (revisions attached).

Question 405-003

Chapter 405 Subdivision Regulations Section 405.060 Acceptance of Improvements.

Code Content:

[§ 405.060(B)(3)] *This Subsection is effective upon its passage except where plats were previously approved and substantial work (25%) has been completed prior to January 1, 2001. These plats shall meet the previous requirements of this Subsection, which are set out at the end of this Section.**

Is this Subsection still necessary? If this Subsection is deleted, the note at the end of this Section will also be deleted.

Pick one option from list below

- ☒ Delete this Subsection.
- ☐ Revise as follows:

- ☐ Do not revise.

STAFF REPORT
GREYSTONE WEST TRACT B
APRIL 13, 2022

ACTION: Requesting approval of the Final Development Plan for Greystone West Tract B. The property is generally located east of Buckner Tarsney Road and south of NE Greystone Blvd.

BACKGROUND: The Board of Aldermen approved Ordinance 2549 on June 28, 2021 that changed the zoning on approximately 3.37 acres from District C-2 (General Business) to R-3P (Multi-Family Residential District – Planned Overlay District) and approval of Preliminary Development Plan for Greystone West Tract B.

The property owner is JEHK, LLC.

PURPOSE: The development consists of a three (3) story 48-unit senior apartment building. The planned overlay district zoning provides the latitude and flexibility in location of buildings, parking, drives, and variations in setbacks and yard requirements.

ANALYSIS: The final development plan is very similar to the general layout of the approved preliminary development plan with only a few minor revisions as follows:

- Corrected parking to reflect the revised parking layout provided in Supplementary Drawing A that keeps parking spaces outside of the utility easement.
- Slight change on 10' path at the Greystone Boulevard intersection to match the ramp location north so the crosswalk will be perpendicular to Greystone Blvd.
- Small jog in sidewalk path into property near the front entry area to allow for ADA accessible ramp.
- Revised "0.16 Acre Detention Tract" label to "Detention Area" and removed tract lines.
- Revised "0.71 Acre Conservation Easement" label to "Existing Conservation Easement" and removed heavy linework.
- Changed features and line fonts to improve legibility.

The final development plan illustrates 96 parking spaces, 2 parking spaces per unit. Six (6) spaces have been designated as ADA stalls. The proposed number of parking spaces comply with the City's zoning regulations.

The final development landscaping plan illustrates a six (6) foot high permanent fence with ornamental landscape screen along the east property line adjacent to the property that is zoned multi-family. This screening complies with the City's zoning regulations. The final development landscaping plan exceeds the minimum planting requirements for trees and shrubs.



*Community Development
Mark Trosen, Director*

**PAGE 2, STAFF REPORT
GREYSTONE WEST TRACT B**

The City's Trail Master Plan illustrates a trail along Buckner Tarsney Road and along the creek to the east that would connect to city owned park property.

The final development plan illustrates the 10-foot asphalt trail that the developer will build to city standards. Once constructed by the Developer and accepted by the city, the Parks and Recreation Department will accept the trail into the City's system.

There are building construction standards with regard to all exterior walls visible and within three hundred (300) feet of the right-of-way of Buckner Tarsney Road. One hundred percent (100%) coverage of all exterior visible walls, excluding windows and doors, shall consist of the following material categories: masonry, stone, brick, stucco, or approved gypsum concrete/plaster materials.

The developer has submitted architectural elevations that show the exterior building materials. The proposed building materials are traditional and elegant. The developer proposes to use brick veneer, cementitious lap siding, cementitious board and batten, and stucco. The materials comply with the city requirements.

STAFF RECOMMENDATION: Staff recommends approval of the Final Development Plan for Greystone West Tract B.



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

PLANNING & ZONING APPLICATION

PROJECT INFORMATION

Location:

TRACT B, GREYSTONE PLAZA, A SUBDIVISION IN GRAIN VALLEY, JACKSON COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF

Subdivision: Greystone Plaza Lot #: 1 Zoning District: R3-P

Description of Request: Final Development Plan for Tract B at 1601 N Buckner Tarsney Rd, Grain Valley, MO 64029.

APPLICANT INFORMATION

Name: Andrew Danner

Company: Windfield Design-Build

Address: 5775 NW 64th Terrace, Kansas City, MO

Telephone: 816-612-5191 Fax: E-mail: andrew@windfieldrealestate.com

Property Owner: JEHK, LLC

Additional Contact(s): Michael McGrew, mike@windfieldrealestate.com; Matthew Danner, matthew@windfieldrealestate.com

Type of Application: Check Type & Submit Corresponding Requirements	Submittal Requirement List:
☐ Rezoning 1 • 2 • 5 • 10 • 11 • 14	1 Legal description of subject property
☐ 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)
☐ 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: Andrew Danner

Applicant's Signature

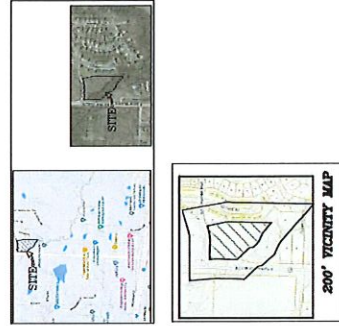
Date

3/15/22 Type text here

Applicant's Signature

Date

GRAIN VALLEY, JACKSON COUNTY MISSOURI
SEC 24, TOWNSHIP 49, RANGE 30



TRACT B

GREYSTONE WEST SENIOR APARTMENT SITE NOTES

1. TOTAL LOT AREA = 0.37 ACRES

2. TOTAL GREEN SPACE = 0.17 ACRES (45%)

3. TOTAL APARTMENT BUILDING FOOTPRINT = 6,890 SQ FT

4. TOTAL UNIT PER ACRE = 142 UNIT PER ACRE

5. REQUIRED PARKING = 142

6. TOTAL STALLS PER UNIT = 84 STALLS

7. TOTAL PARKING = 6 ADA STALLS AND 95 REGULAR STALLS

8. TOTAL PARKING STALLS = 96

9. TOTAL GREEN SPACE = 177,450 SQ IN

10. TOTAL LOT COVER = 10%

11. NO PUBLIC SANITARY MAIN PROPOSED FOR THIS LOT

12. NO PUBLIC WATER MAIN PROPOSED FOR THIS LOT

13. EXISTING ROW/LINE OF LOT TO BE MAINTAINED

14. EXISTING ROW - RHP (NO PROPOSED CHANGES TO ZONING)

REBIDS TO PRELIMINARY OR SUPPLEMENT PLAN FOR 4" DEPTH ASPHALT PATHWAY CONSTRUCTION.

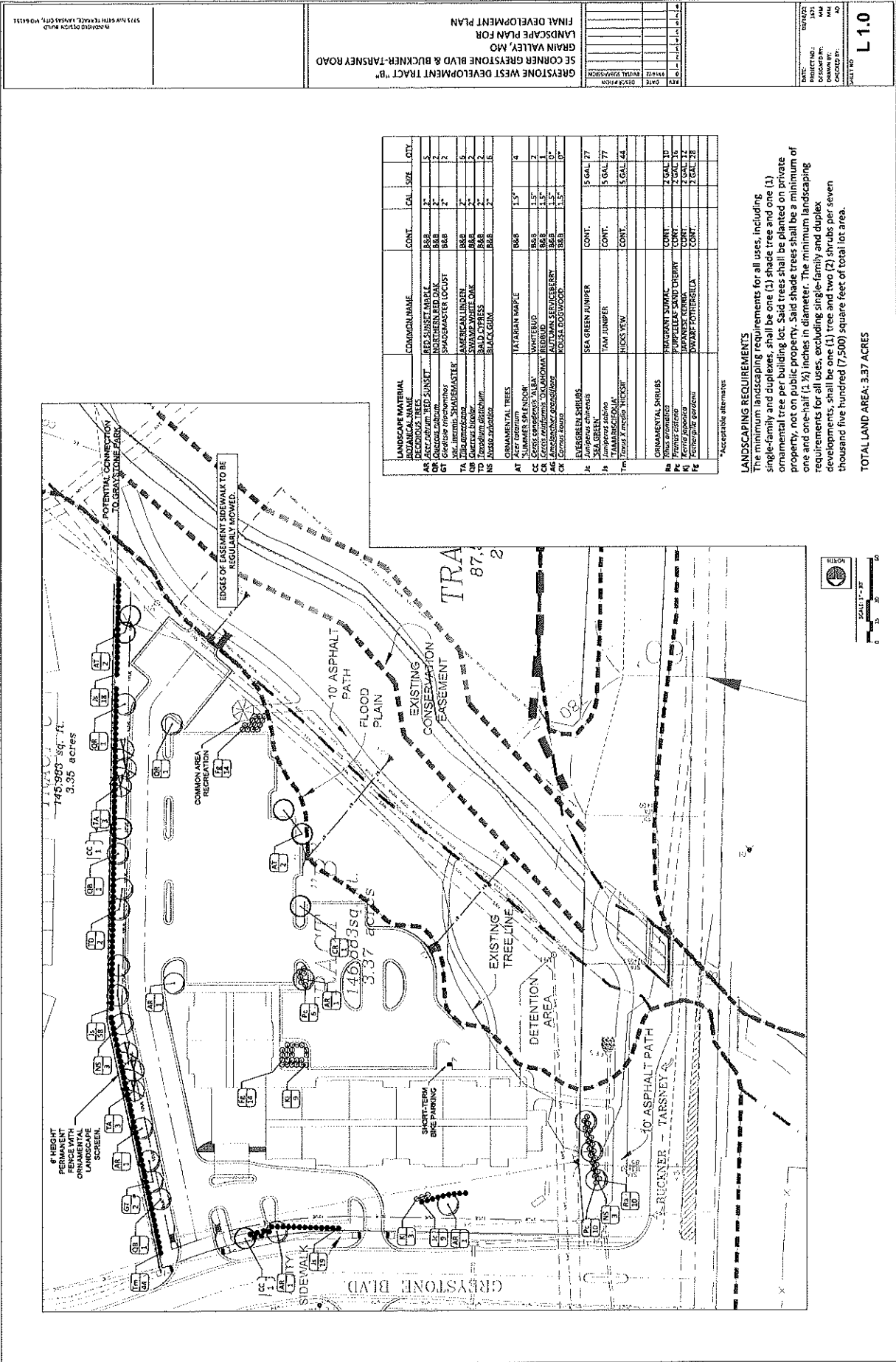
LEGAL DESCRIPTION: TRACT B OF GREYSTONE PLAZA-A SUBDIVISION IN GRAN VALLEY, JACKSON COUNTY, MISSOURI
DEVELOPER: WINDFIELD DESIGN/BUILD LLC (616-617-5191)

REV	DATE	DESCRIPTION
0	03/10/22	INITIAL SUBMISSION
1		
2		
3		
4		
5		
6		
7		
8		

FP 1.0

DATE:	03/14/22
PROJECT NO.:	1671
DESIGNED BY:	MM
DRAWN BY:	MM
CHECKED BY:	AD

WINOFIELD DESIGN-BUILD
5775 NW 64TH TERRACE, KANSAS CITY, MO 64131



LANDSCAPE MATERIAL	COMMON NAME	CONT.	CAL.	SIZE	QTY.
DECIDUOUS TREES					
AS	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
AR	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
AT	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
CC	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
CK	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
JA	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
JH	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
TM	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
BA	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
PE	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
RJ	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
PG	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
ORNAMENTAL TREES					
AT	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
CC	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
CK	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
JA	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
JH	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
TM	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
BA	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
PE	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
RJ	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1
PG	Asplenium 'RED SUNSET'	88.8	2"	1.5'	1

LANDSCAPING REQUIREMENTS
The minimum landscaping requirements for all uses, including single-family and duplexes, shall be one (1) shade tree and one (1) ornamental tree per building lot. Said shade trees shall be planted on private property, not on public property. Said shade trees shall be a minimum of one and one-half (1 1/2) inches in diameter. The minimum landscaping requirements for all uses, excluding single-family and duplex developments, shall be one (1) tree and two (2) shrubs per seven thousand five hundred (7,500) square feet of total lot area.

TOTAL LAND AREA: 3.37 ACRES

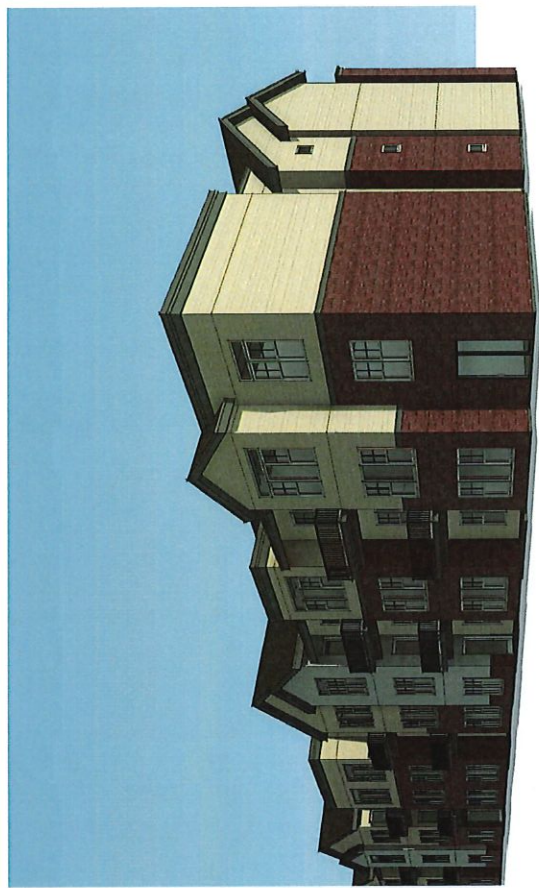
GRAYSTONE WEST DEVELOPMENT TRACT "B"
5E CORNER GRAYSTONE BLVD & BUCKNER-TARSNEY ROAD
LANDSCAPE PLAN FOR
GRAIN VALLEY, MO
FINAL DEVELOPMENT PLAN

APPROVED DESIGN BUILD
5915 N. WINTERCREEK, KANSAS CITY, MO 64111

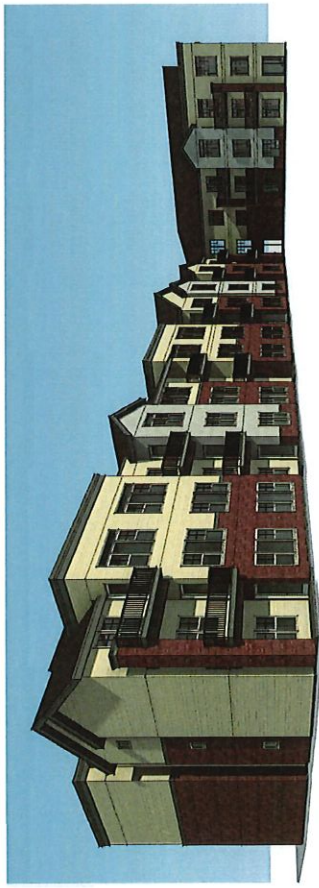
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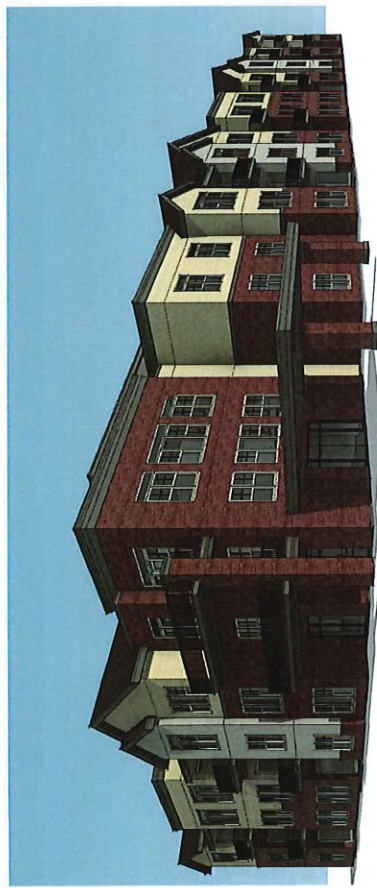
PDP SUBMITTAL



FROM GREYSTONE BLVD. LOOKING NORTH



FROM RESIDENTIAL PARKING LOOKING NORTH



BUILDING ENTRY

STAFF REPORT

MERCADO SHELL BUILDING (Starbuck's Coffee)

SITE PLAN REVIEW

APRIL 13, 2022

PURPOSE:

The purpose of this request is to gain site plan approval for a shell building that will be built generally north of the Burger King on Tract A in the Mercado Plaza. The signage on an elevation drawing illustrates Starbuck's Coffee.

BACKGROUND:

The shell building is shown to be built on Tract A in Mercado Plaza. Mercado Plaza is located on the west side of Buckner Tarsney Road between Woodbury Drive on the north and Jefferson Street on the south. The proposed site will need to be platted and recorded as a Minor Subdivision prior to the issuance of a building permit.

SPECIAL CONDITIONS:

Due to this property being located within the Downtown Overlay District – Transition Zone, it is required to have site plan approval by the Planning and Zoning Commission before a building permit is issued.

ANALYSIS:

The maximum impervious coverage for this zoning district is 80%. Impervious coverage is 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.

Drawing L1.0 indicates that the lot area will be 58,410 square feet. However, there is no pervious vs. impervious calculation. The applicant is proposing sod in perimeter and interior parking lot area. These areas will have an irrigation system for the sod and plantings.

This drawing does show that the proposed plantings of trees and shrubs exceeds the minimum requirements of the city zoning requirements. The minimum requirements are 8 trees and 16 shrubs. The applicant is proposing 14 trees and 196 shrubs.

Drawing C400 indicates there are 42 standard parking spaces, 3 mobile order parking spaces and 2 ADA accessible spaces for a total of 47 spaces. Referencing city code Section 400.290, the parking requirement for a restaurant is 1 space for 3 seats. Please provide calculation on the number of seats to be provided for customers in the restaurant.

Section 400.220 of the zoning regulations establishes building construction standards regarding exterior walls visible and within 300 feet of certain rights-of-way, Buckner Tarsney is included. The materials for the shell building include a brick face, EIFS and wood cladding. All these materials comply with the ordinance.

The site plan illustrates a monument sign, menu boards and the elevation drawings illustrate wall signs. These signs will need to comply with Section 400.300 of the city zoning regulations. The applicant will



*Community Development
Mark Trosen, Director*

**PAGE 2 – MERCADO SHELL BUILDING
SITE PLAN REVIEW
APRIL 13, 2022**

need to apply for sign permits, one for the monument permit, one for the wall signs and one for the menu board and other miscellaneous directional signs on-site.

Engineering Comments:

1. For the 1% storm, has the overflow of capacity for line 2 been routed?
2. Existing storm line north of the Starbucks lot has not been shown across the Starbucks lot or other terminus.
3. Type K copper is only required on the City's side of the meter and in the meter pit. Other materials may be used on the customer side.
4. The punch list sent on 1/14/22 for Mercado has not been completed. See attached.
5. There are 3 items concerning MoDOT. Have they approved the right in right out drive, please provide verification? Will this development trigger the additional turn lanes at the intersection with Jefferson Street? Will the new development trigger the need for a signal at Woodbury Drive?

STAFF RECOMMENDATION:

The applicant will need to respond to comments and questions above and provide revised plans pertaining to impervious coverage, the number of customer seats inside restaurant, and engineering comments.



Grain Valley City Hall
711 Main Street
Grain Valley, Missouri 64029
816.847.6220
Fax: 816.847.6206
www.cityofgrainvalley.org

January 14, 2022

Art Akin
AGC Engineers, Inc.
405 S. Leonard St., Suite D
Liberty, MO 64068

RE: Mercado Plaza

Dear Mr. Akin:

The City of Grain Valley performed a punch list walk through for the referenced project on January 13, 2022. The following are our comments concerning compliance with the projects plans and City requirements:

1. Structure 41 requires finish grading and erosion control around the structure (rip rap).
2. Structure 40 is missing the rip rap shown on the plans.
3. Structure 13 requires finish grade and ground stabilization.
4. Structures 13, 31, 30, 12, 11, 10A and DP require cleaning and removal of excess mortar and grout.
5. Ground cover is required for the property north of Burger King and alongside the entrance drive.
6. Crosswalk striping needs to be installed.
7. Please provide As-Built drawings for the development. We require 2 full size paper copies, PDF and CAD copies.
8. A 2 year 100% maintenance bond is required for the public improvements.

Upon completion of the punch list and acceptance by the City, the 2 year warranty period will begin. Should you have any questions concerning these comments, please call me at (816) 847-6222.

Sincerely,

Richard J. Tuttle, P.E.
City Engineer

CC: Robert De La Fuente
Mark Trosen
Mike Myers
Patrick Martin



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

PLANNING & ZONING APPLICATION

PROJECT INFORMATION

Location: BUCKNER TARSNEY BLVD AND N JEFFSON ST
Subdivision: MERCADO OF GV Lot #: TRACT A Zoning District: DOWNTOWN TRANSITION ZONE
Description of Request: DEVELOPMENT OF PROPOSED 37,483 SF LOT
AT MERCADO OF GRAIN VALLEY. THE DEVELOPMENT IS FOR A
2,225 SF BUILDING WITH DRIVE-THRU FOR A FUTURE STARBUCKS.

APPLICANT INFORMATION

Name: HENRY C. KLOVER
Company: KLOVER ARCHITECTS
Address: 8813 PENROSE LN, SUITE 400, LENEXA, KS 66219
Telephone: 913-649-8181 Fax: _____ E-mail: HCPERMITTING@KLOVER.NET
Property Owner: STAR DEVELOPMENT CORP.
Additional Contact(s): ROBERT DE LA FUENTE, ROBERT@STARDEVCORP.COM

Type of Application: Check Type & Submit Corresponding Requirements	Submittal Requirement List:
☐ Rezoning 1 • 2 • 5 • 10 • 11 • 14	1 Legal description of subject property
☐ 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)
☒ 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:

Applicant's Signature

Applicant's Signature

Date

Date

3.18.22

3.18.22

AFFIDAVIT OF OWNERSHIP

To Whom it may concern,

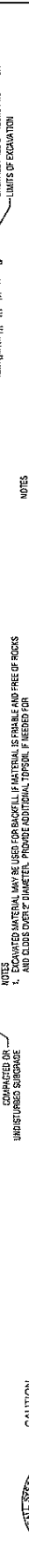
I, Tim Harris with Star Development Corp. the owner of the land known as Mercado of Grain Valley Tract A in Grain Valley, MO and/or the structures located on same, grant permission to Henry Klover with Klover Architects Inc. to pursue approvals for this property, and I do approve and agree to the terms and conditions of any approvals granted to same.



Owner signature

3-18-22

Date

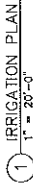


32-bit Word

Sign

Exponent

Fraction

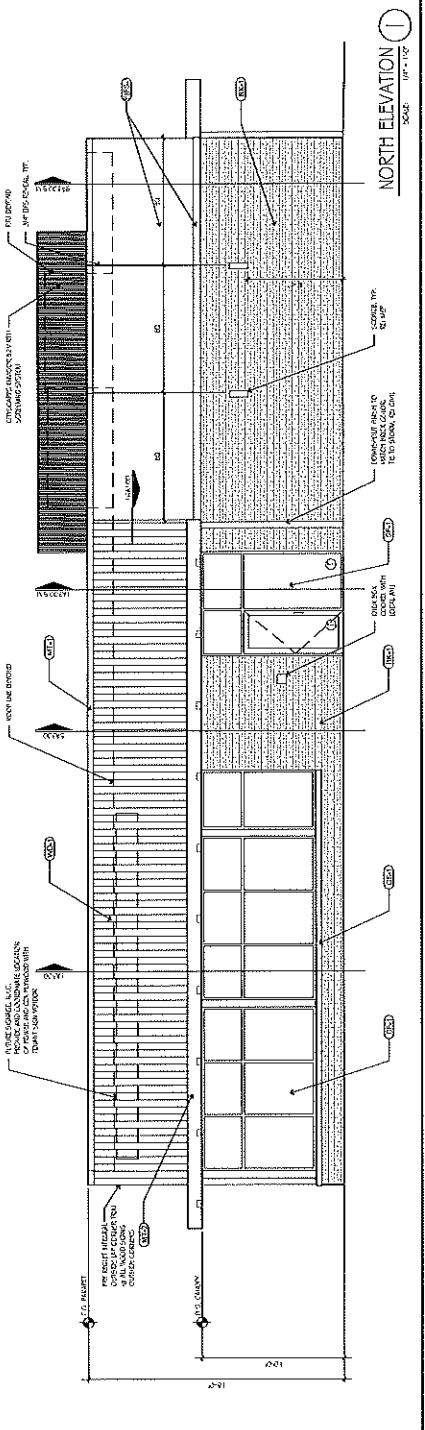
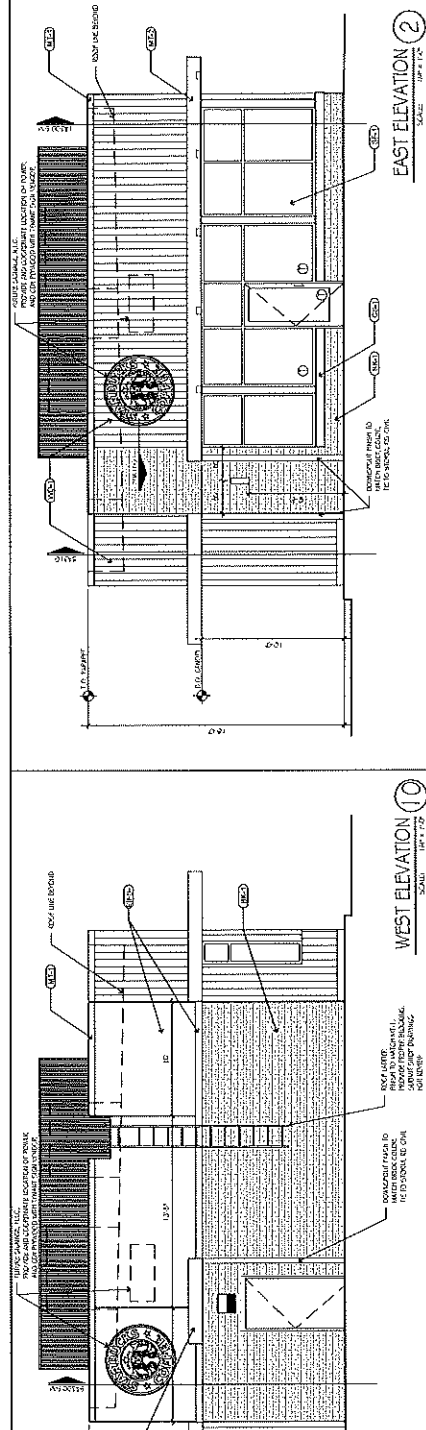
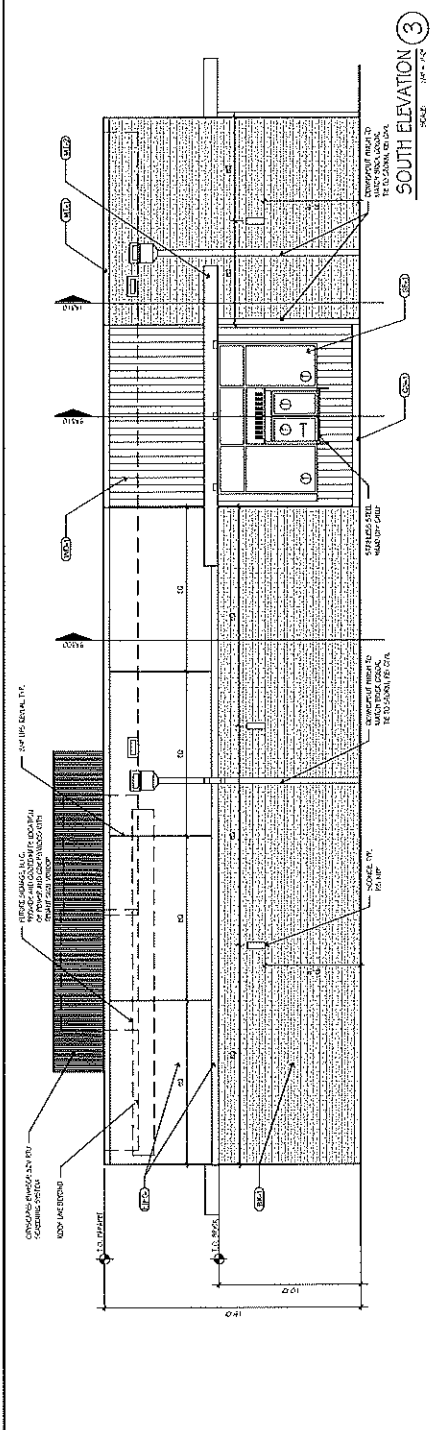


NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION OF ALL EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED UPON FOR CONSTRUCTION PURPOSES UNLESS IT MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT LOCATIONS OF THE UTILITIES.

SYMBOL	MATERIAL	MANUFACTURER	COLOR	TEXTURE FINISH
BM-1	FACE BRICK	CLEVERLY	CARBON BLACK MODULAR	ROUGH AND COLORED
CB-1	CHALK BRICK	MINIEST CAST	FA	COLORED
DT-1	BFS	DRIFT	SLATE WHITE	COLORED
MT-1	METAL CEILING	FIELD ONE	SLATE WHITE	COLORED
MT-2	METAL CANOPY	AWNER	SLATE WHITE	COLORED
ZH-1	ZINC PLATING	AWNER	SLATE WHITE	COLORED
WB-1	WOOD CLADDING	WOOD PRODUCTS	SLATE WHITE	COLORED

1. 0 - IMPROVED DRAFT
2. DRAFTS BY HAND SUPPLEMENTARY DRAFT, SEE IMPROVED DRAFT



STAFF REPORT**Meeting Attendance Policies****April 13, 2022****ACTION:**

Review and discuss surrounding cities and Grain Valley Park Board policy pertaining to a members absence from regular meetings.

BACKGROUND:

A Planning and Zoning Commission member asked staff to research other city policies regarding absents from regular meetings. Staff prepared a summary of policies from Blue Springs, Lee's Summit, and Raytown that are included in their respective Commission's By-Laws. The Jackson County rule is found in the county ordinance.

Staff also include the policy from the Grain Valley Parks and Recreation Board Constitution, Bylaws, & Standing Rules.

COMMISSION PROCESS:

Since the Commission has not adopted any formal By-Laws to conduct meetings from, if the Commission wants to move forward with an attendance policy there are two options:

- 1) Amend Chapter 400, Section 400.480 and add a new Section. This would provide a due process for having a member removed from the Commission.
 - 2) Have an informal policy with limited bite.
-

Summary of City/Park Board Policies for Attendance by Commission Members

Grain Valley Park Board:

If a Board member is absent for 3 regularly scheduled meetings in a rolling 12-month period, the President shall contact that Member in written form via email and/or certified mail to confirm his/her interest in remaining on the Board. If a Board member is absent for 4 meetings without cause, the Board member is considered to have vacated the office and shall be removed from his/her seat by two-thirds vote of the Board members present. If excessive absenteeism on the part of a Board member is due to exigent or uncontrollable circumstances, the Board reserves the right to make special exceptions to this rule. Excused Absence: An absence shall be excused if Board member contacts the President or Director of Parks and Recreation in advance of said meeting. That absence shall be placed on the meeting agenda for Park Board approval.

Blue Springs (Draft):

Any citizen member of the Planning Commission absent from three (3) consecutive regular meetings or any four regular meetings within a calendar year, without being excused by the Chairman, may be removed for cause by the Mayor with Council approval for absences as defined herein.

Lee' Summit:

If a Commissioner misses three (3) consecutive meetings or trainings/workshops or five (5) meetings during a calendar year, the Director of Development Services shall forward this information to the Mayor for review of the attendance record. The Mayor may request a meeting with the respective Commissioner to determine interest in continuing to serve.

Raytown:

Any member of the Planning and Zoning Commission that is absent for three consecutive meetings without making prior arrangements shall be deemed to have resigned from the Planning and Zoning Commission. A replacement member shall then be appointed by Mayor and approved by the Board of Aldermen.

Jackson County:

Whenever a member shall be absent without excuse from more than two consecutive regularly scheduled meetings or more than three such meetings in one year, the Chair shall forthwith notify the County Executive. Acting upon such notification, the County Executive shall remove said member from the Commission. A new member shall then be appointed by the Executive to fill the unexpired term in accordance with the regular method of making appointments to the Commission. An absence is "excused" when the Chair, with the concurrence of a majority of the Commission members present, shall note such excused absence in the minutes of the meeting at which the member is not in attendance, or at the meeting immediately following.