



**PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA**

September 14, 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

- August 10, 2022 Regular Meeting

ITEM V: CITIZEN PARTICIPATION

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

ITEM VI: PUBLIC HEARINGS

1. **City Code Chapter 400 Zoning Regulation Amendment Section 400.230-** A Resolution (2022-05) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended in Section 400.230 (Accessory Uses) pertaining to fences by adding that a six-foot privacy fence constructed of wood, vinyl, composite, or plastic; (chain link or chain link with slats are prohibited) shall only be constructed on side and rear yards adjacent to designated collector and arterial streets in the City's Comprehensive Plan.
2. **City Code Chapter 400 Zoning Regulation Amendment – Section 400.460(G)-** A Resolution (2022-06) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended in Section 400.460(G) to change the parking regulations in the Downtown Overlay District to allow an exception for the Transition Zone or to that portion of the Downtown Zone which lies south of Harris Street.

ITEM VII: ACTION ITEMS

1. **City Code Chapter 400 Zoning Regulation Amendment Section 400.230-** A Resolution (2022-05) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended in Section 400.230 (Accessory Uses) pertaining to fences by adding that a six-foot privacy fence constructed of wood, vinyl, composite, or plastic;



(chain link or chain link with slats are prohibited) shall only be constructed on side and rear yards adjacent to designated collector and arterial streets in the City's Comprehensive Plan.

2. **City Code Chapter 400 Zoning Regulation Amendment – Section 400.460(G)-**
A Resolution (2022-06) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended in Section 400.460(G) to change the parking regulations in the Downtown Overlay District to allow an exception for the Transition Zone or to that portion of the Downtown Zone which lies south of Harris Street.
3. **Site Plan Review – Culver's** – Requesting site plan approval for Culver's since the location is in the Main Street Corridor – Transition Zone on the west side of Buckner Tarsney Road between Woodbury Drive on the north and Jefferson Street on the south. Lot 2A in the Mercado Plaza – Lots 1A, 2A and Tract E Minor Plat.

ITEM VIII: PREVIOUS BUSINESS

- None

ITEM IX: NEW BUSINESS

- For Discussion Only - Governor Parsons has signed HB 1662, which makes changes to cities abilities to regulate and control home-based occupations. Review proposed ordinance that would amend the City's zoning regulations regarding home occupations.
- Update on the Comprehensive Plan and Parks and Recreation Master Plan RFP – Consultant under Agreement, Confluence, Inc.

ITEM X: ADJOURNMENT

PLEASE NOTE

The next scheduled meeting, if needed, of the City of Grain Valley Planning & Zoning Commission will take place on October 12, 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

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ITEM I: CALL TO ORDER

- The Planning & Zoning Commission of the City of Grain Valley, Missouri, met in Regular Session on August 10, 2022 in the Council Chambers at City Hall.
- The meeting was called to order at 6:33 PM by Vice Chairman Justin Tyson.

ITEM II: ROLL CALL

- *Present: Jim Hofstetter*
- *Present: Justin Tyson*
- *Present: Craig Shelton (Arrived at 6:40PM)*
- *Present: Debbie Saffell*
- *Present: Scott Shafer*
- *Absent: Elijah Greene*
- *Absent: Kevin Browning*
- *Present: Rick Knox (BOA Liaison)*
- *There was a quorum.*

ITEM III: PLEDGE OF ALLEGIANCE

ITEM IV: APPROVAL OF MINUTES

- Commissioner Saffell commented in the June 8th minutes that a correction was needed in the Roll Call to show that Alderman Rick Knox was Absent instead of Present at the June 8th meeting.
- Commissioner Hofstetter motioned to approve the amended minutes from the June 8, 2022 regular meeting. Commissioner Shafer second the motion. The Commission approved the minutes as amended by a vote of 4 to 0.

ITEM V: PUBLIC HEARINGS

- **None**

ITEM VI: ACTION ITEMS

Commissioners Present

Craig Shelton
Debbie Saffell
Justin Tyson
Jim Hofstetter
Scott Shafer
Rick Knox BOA Liaison

Commissioners Absent

Kevin Browning
Elijah Greene

Staff Officials Present

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



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1. **Final Plat Approval – Eagle Ridge Estates 6th Plat** – Requesting final plat approval for 40 single family residential lots on approximately 8.93 acres. The plat is located south of Woodbury and east of NW Hilltop Lane and NW Highview Drive.
 - Director Trosen presented the Staff Report. Staff recommends approval of the Final Plat.
 - Commissioner Shafer made a motion to recommend approval of the final plat to the Board of Aldermen. Commissioner Hofstetter second the motion. The Commission approved the motion by a vote of 4 to 0.

ITEM VII: PREVIOUS BUSINESS

- Chair Shelton arrived at the meeting. The Commission agreed that Planning and Zoning Commission Rules would be tabled until after the new business items are discussed.

ITEM VIII: NEW BUSINESS

1. The following items are for Discussion:
 - a. **Review Parking Requirements for Multi-family Residences.**
- Director Trosen reviewed the Memorandum to the Commission and the research in comparing the City ordinance to other community regulations. The City's parking requirements are remarkably similar to other communities and more stringent in many comparisons. Therefore, if any amendment would be necessary, maybe adding a partial space per unit for visitor parking could be a consideration.
- City Engineer Tuttle reviewed the Lofts at Old Town Market Place development based on the number of one bedroom, two bedroom and three bedroom units, our city parking regulations would require 323 spaces. With the City of Lee's Summit regulations, the development would only have required to provide 315.5 spaces, Blue Springs regulations would require 231 spaces, Overland Park regulations would require 275 spaces and Lenexa would require 308 spaces. In reviewing the Lofts at Creekside Landing, where all 110 units are 2 bedrooms, our city requires 220 spaces, and the developer is providing 255 spaces. Blue Springs, Lee's Summit, and Lenexa, all would require 220 spaces while Overland Park would only require 198 parking spaces.
- Commissioner Shafer said I don't see a reason why we change anything. Staff has done the research and we are above other cities in the surrounding area. I think we leave it

Commissioners Present
Craig Shelton
Debbie Saffell
Justin Tyson
Jim Hofstetter
Scott Shafer
Rick Knox BOA Liaison

Commissioners Absent
Kevin Browning
Elijah Greene

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



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alone.

- Commissioner Saffell said that she likes the visitor parking. If you ever have to go visit an elderly parent and everyone is home, then there is no parking available for visitors.
- Commissioner Tyson said that typically developers exceed the parking requirements. Tyson said we exceed the requirements of other cities especially Lenexa that is experiencing higher density multi-family then we are. We should just leave it alone.
- Director Trosen said that he will report back to Mayor Todd and the Board of Aldermen that the Commission discussed this issue, reviewed other communities' requirements and that the consensus of the Commission was to leave the parking regulations for multi-family the same.
- Attorney Wood stated that it is possible that the Board may ask Staff to proceed with the process to amend the ordinance which would refer it back to the Planning and Zoning Commission for a public hearing and then a formal recommendation to the BOA.

b. Allow only six-foot privacy fence along Collector and Arterial Streets in side and rear yards.

- Director Trosen presented the memorandum and showed photos that illustrated the differences in fences like chain link fences, picket fences and the height of fences between four feet and six feet.
- Commissioner Tyson said that the point of this amendment is to have conformity in the fences along major streets and try and get rid of the chain links as fences are replaced to the same height and privacy fences. Tyson said that we are not requiring people to tear down their fences but that when they are replacing their fence then they would need to comply if this amendment is approved. This does not apply if you repair your fence.
- Commissioner Hofstetter said that he heard that if you stain a fence that you are required to maintain the stain of the fence by city ordinance. Is that true? Director Trosen stated that he is not aware of that requirement.
- Commissioner Saffell asked if there is a concern with the fence boards running either horizontal or vertical and what about the design. Tyson responded that the idea is to have the conformity on the height of the fence.
- Commissioner Shafer asked what the Commissioners thought was to have a public hearing on this issue. There was discussion that the process to amend the ordinance would include a public hearing before the Commission. Staff would do their best to

Commissioners Present

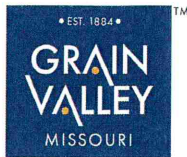
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inform the public through the City's social media outlets of the public hearing and the proposed amendment.

- Alderman Knox asked is the intent to have six-foot wood fences along Sni-A-Bar Blvd. and then all the other yards could have chain link fences. Commissioner Tyson responded yes, that would box in the yard along the major street.
- Commissioner Tyson made a motion to proceed with a public hearing at the September 14th meeting on the height and material of a privacy fence along collector and arterial streets. Commissioner Saffell second the motion. The Commission approved the motion by a vote of 5 to 0.

c. Allow Parking in Front of New Buildings South of Harris Street in Downtown Overlay Zone or Transition Overlay Zone.

- Trosen reviewed the proposed amendment to Section 400.460 to change the parking regulations in the downtown overlay district. He said that the amendment would be an exception that would apply to the Transition Zone or that portion of the Downtown Zone which lies south of Harris Street and allow parking lots for buildings to be in the front instead of the side or rear yards of buildings.
- Trosen said that the city owns three vacant lots on the east side of Main south of Harris Street and that they would like to sell the lots. The developments to the north and to the south have the parking in front of the buildings.
- Attorney Wood said that this would also apply to the green area, Transition Overlay Zone.
- Chair Shelton asked why we are considering this. Trosen said because the city wants to sell the lots and match the surrounding development. Shelton asked why is this in the ordinance?
- Commissioner Saffell responded to encourage people to come downtown and walk around.
- Alderman Knox said the Downtown Overlay District has been around 20 years.
- Attorney Wood said this amendment change was at the direction of the Board.
- Commissioner Shafer made a motion to proceed with a public hearing at the September 14th meeting to amend Section 400.460 to change the parking regulations in the Downtown Overlay District and allow parking lot in front of buildings south of Harris in Downtown District. Commissioner Tyson second the motion. The Commission

Commissioners Present

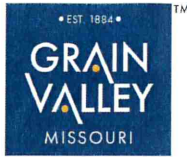
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approved the motion by a vote of 5 to 0.

Chair Shelton stated that we are going back to Item VIII, Previous Business to discuss again the Planning and Zoning Commission Rules.

- Attorney Wood stated that at the last meeting he made a presentation regarding the rules and the content of the set of exhibits that consists of Sunshine Law, social media, procedures to disclosure potential conflicts, rules of order and rules of conduct. He said the resolution also includes an attendance policy that if a member misses more than three meetings in a twelve-month period, the Chair of the Commission shall communicate to the Mayor in writing to request the Mayor institute proceedings to remove the member. He said that he walked the Commission through the resolution and that it was tabled at the last meeting.
- Commissioner Tyson asked is that excused or just absences. Wood said just absences. He said that when it is moved up the Mayor, the Mayor can then decide based on the reason if the Mayor or Board should proceed with the removal.
- There was additional discussion regarding the number of absences and excused versus unexcused absences.
- Commissioner Hofstetter Made a motion to approve Resolution 2022-04 adopting rules for the transaction of business by the Planning and Zoning Commission. Commissioner Shafer second the motion. The Commission approved the motion by a vote of 5 to 0.

ITEM IX: ADJOURNMENT

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

-The Regular Meeting Adjourned at 7:30 PM-

Commissioners Present

Craig Shelton
Debbie Saffell
Justin Tyson
Jim Hofstetter
Scott Shafer
Rick Knox BOA Liaison

Commissioners Absent

Kevin Browning
Elijah Greene

Staff Officials Present

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



STAFF REPORT

Chapter 400 – Zoning Regulation Amendment – Section 400.230 - Fences
September 14, 2022

ACTION:

Requesting the Planning and Zoning Commission approve Resolution 2022-05 pertaining to amendment to Chapter 400 on the Zoning Regulations regarding fences have the same height and similar material along collectors and arterials in the city.

ANAYLSIS:

Resolution 2022-05 recommends to the Board of Aldermen that Chapter 400, Zoning Regulations, of the Code of Ordinances be amended in Section 400.230 (Accessory Uses) pertaining to fences that a new section be added that as follows:

j. A six-foot privacy, sight-obscuring, fence constructed of wood, vinyl, composite, or plastic, but chain link or chain link with slats are prohibited, shall only be constructed on side and rear yards adjacent to designated Collector Streets (Ryan, Minter, Barr, Tyer, Rust, RD Mize, NW Jefferson, NE McQuerry, Seymour, James D. Rollo, Dillingham, EE. Kirby and Sni-A-Bar Blvd.) and Arterial Streets (US 40 Highway, Buckner Tarsney Highway, Main, SW Eagles Parkway and Duncan) in the City's Comprehensive Plan or designated collector and arterial streets in future Comprehensive Plans.

The purpose is to provide conformity and consistency regarding the height and material of fences along major streets within the community. This ordinance would only impact the construction of a new or replacement of a fence along one of these streets. A property owner would be allowed to repair a fence without having to comply with this section if it became an ordinance.

PUBLIC INFORMATION AND PROCESS:

Public notice was given in the Examiner on Saturday, August 27, 2022.

RESOLUTION NO: 2022-05

A RESOLUTION OF THE PLANNING & ZONING COMMISSION OF THE CITY OF GRAIN VALLEY, MISSOURI, RECOMMENDING TO THE BOARD OF ALDERMEN THAT TITLE IV (LAND USE) OF THE CODE OF ORDINANCES BE AMENDED IN SECTION 400.230 (ACCESSORY USES) PERTAINING FENCES.

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 400 of the Code of Ordinances of the City of Grain Valley be amended in Section 400.230 so that fences along major streets have the same height and similar material along collectors and arterials in the city; and

WHEREAS, the Planning & Zoning Commission of the City of Grain Valley, Missouri now desires to recommend to the Board of Aldermen that Chapter 400 of the Code of Ordinances be further amended in Section 400.230 that a six-foot privacy, sight obscuring, fence constructed of wood, vinyl, composite, or plastic but chain link or chain link with slats are prohibited, shall only be constructed on side and rear yards adjacent to designated Collector and Arterial Streets in the City's Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission of the City of Grain Valley, Missouri held a public hearing at 6:30 PM on Wednesday, September 14, 2022, to hear public comments on the proposed changes to Chapter 400, Section 400.230.

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 400, Zoning Regulations, of the Code of Ordinances of the City of Grain Valley, Missouri be amended to read as follows:

Section 400.230 Accessory Uses

C.9. Fences.

j. A six-foot privacy, sight-obscuring, fence constructed of wood, vinyl, composite, or plastic, but chain link or chain link with slats are prohibited, shall only be constructed on side and rear yards adjacent to designated Collector Streets (Ryan, Minter, Barr, Tyer, Rust, RD Mize, NW Jefferson, NE McQuerry, Seymour, James D. Rollo, Dillingham, EE. Kirby and Sni-A-Bar Blvd.) and Arterial Streets (US 40 Highway, Buckner Tarsney Highway, Main, SW Eagles Parkway and Duncan) in the City's Comprehensive Plan or designated collector and arterial streets in future Comprehensive Plans.

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 14th DAY OF SEPTEMBER
2022.**

Craig M. Shelton
Chairman

ATTEST:

Jamie Logan, City Clerk

Chapter 400 – Amending Section 400.230 pertaining to fences



THE EXAMINER

AFFIDAVIT OF PUBLICATION

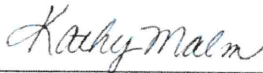
AFFIDAVIT OF PUBLICATION: #377230

STATE OF MISSOURI, COUNTY OF JACKSON, SS:

Kathy Malm

I, Kathy Malm, of lawful age, being duly sworn upon oath, deposes and says that I am the Authorized Agent of Examiner, a publication that is a "legal newspaper" as that phrase is defined for the city of Independence, for the County of Jackson, in the state of Missouri, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

27 Aug 2022

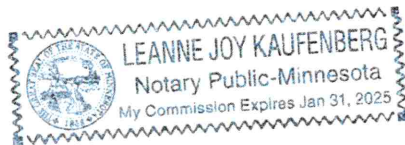


Authorized Agent



Notary, State of MN, County of Redwood
Commission expires January 31, 2025

Printer's Fee: \$52.80



CITY OF GRAIN VALLEY PLANNING AND ZONING COMMISSION PUBLIC HEARING

The Grain Valley Planning and Zoning Commission will hold public hearing at 6:30PM on Wednesday, September 14, 2022, at City Hall in Council Chambers, 711 Main Street, Grain Valley, Missouri to receive input concerning the following request:

1. City Code Chapter 400 Zoning Regulation Amendment

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

2. City Code Chapter 400 Zoning Regulation Amendment

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

All interested parties are encouraged to attend.

Published in The Examiner, Aug 27, 2022

377230



STAFF REPORT

Chapter 400 – Zoning Regulation Amendment – Section 400.460
September 14, 2022

ACTION:

Requesting the Planning and Zoning Commission approve Resolution 2022-06 pertaining to amendment to Chapter 400 on the Zoning Regulations regarding Section 400.460 (Downtown Overlay District) - parking regulations.

ANAYLSIS:

Resolution 2022-06 recommends to the Board of Aldermen that Chapter 400, Zoning Regulations, of the Code of Ordinances be amended in Section 400.460 - Downtown Overlay District that would allow two regulations be exempt in the Transition Zone and that portion of the Downtown Zone which lies south of Harris Street.

The two regulations that would be waived and therefore allow parking between the building and the street and parking lots at the intersections.

The Board of Aldermen is requesting that the Planning and Zoning Commission consider this amendment to the zoning regulation. The city owns three vacant parcels that are south of Harris Street on the east side of Main Street. The city has entertained the idea of selling these parcels. The developed property to the north and south of these parcels have parking lots that are between the building and the street. The Board finds that this amendment would foster economic development for this area.

PUBLIC INFORMATION AND PROCESS:

Public notice was given in the Examiner on Saturday, August 27, 2022.

RESOLUTION NO: 2022-06

A RESOLUTION OF THE PLANNING & ZONING COMMISSION OF THE CITY OF GRAIN VALLEY, MISSOURI, RECOMMENDING TO THE BOARD OF ALDERMEN THAT TITLE IV (LAND USE) OF THE CODE OF ORDINANCES BE AMENDED IN SECTION 400.460 (DOWNTOWN OVERLAY DISTRICT) PERTAINING TO PARKING REGULATIONS.

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 400 of the Code of Ordinances of the City of Grain Valley be amended in Section 400.460 so that parking can be located between a building and street in the Transition Zone and to that portion of the Downtown Zone which lies south of Harris Street; and

WHEREAS, the Planning & Zoning Commission of the City of Grain Valley, Missouri finds that this amendment will allow vacant parcels to be developed like other developments in the surrounding area and will foster further economic development; and

WHEREAS, the Planning and Zoning Commission of the City of Grain Valley, Missouri held a public hearing at 6:30 PM on Wednesday, September 14, 2022, to hear public comments on the proposed changes to Chapter 400, Section 400.460.

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 Section 400.460(G) of the Code of Ordinances of the City of Grain Valley, Missouri is hereby amended and shall hereafter read as follows:

G. Parking Regulations.

1. Objective. To ensure that parking does not appear as the dominant element in downtown Grain Valley, is designed in keeping with the Main Street corridor and adjacent neighborhoods plan, and to provide safe, convenient access to and within sites without diminishing quality pedestrian walking or visual experiences.
2. Standards. The downtown overlay district will be subject to Section 400.290, Off-Street Parking And Loading Regulations, with the additional following regulations, **except that subsections (a) and (b) below shall not apply to the Transition Zone or to that portion of the Downtown Zone which lies south of Harris Street.**
 - a. Parking shall not be located between a building and the street. Exceptions may be made for one (1) row of on-street parallel parking.
 - b. Parking shall be either to the side of a building or to the rear. Parking lots shall not be located at intersections.

- c. Restricting vehicular and pedestrian access between adjoining parking lots at the same grade is prohibited.
- d. Vehicle entrances to parking lots are encouraged to be placed along side streets.
- e. Curb cuts shall be no wider than thirty-six (36) feet.
- f. Parking lots shall not be placed so as to create a "missing tooth" effect in a block face along Main Street.
- g. Shared parking may be allowed if the applicant prepares a study following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines or other approved procedures.
- h. A formal parking study may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal.
- i. Payment In-Lieu-Of Parking. In lieu of providing the required parking spaces, a developer may pay the City a sum of money equal to the cost of a surface parking stall, that is the product of the number of parking spaces required but not provided.

(1) The funds collected by the City will be used by the City to acquire and/or develop on-street or off-street parking and related facilities which are determined by the Board of Aldermen to alleviate the need for parking spaces in the downtown area.

(2) The cost of a surface parking stall shall be established by the City and subject to review on a yearly basis.

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 14th DAY OF SEPTEMBER 2022.

Craig M. Shelton
Chairman

ATTEST:

Jamie Logan, City Clerk



THE EXAMINER

AFFIDAVIT OF PUBLICATION

AFFIDAVIT OF PUBLICATION: #377230

STATE OF MISSOURI, COUNTY OF JACKSON, SS:

Kathy Malm

I, Kathy Malm, of lawful age, being duly sworn upon oath, deposes and says that I am the Authorized Agent of Examiner, a publication that is a "legal newspaper" as that phrase is defined for the city of Independence, for the County of Jackson, in the state of Missouri, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

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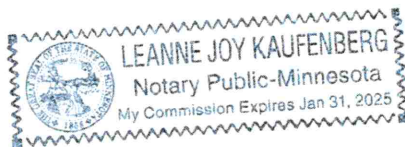
Kathy Malm

Authorized Agent

Leanne Joy Kaufenberg

Notary, State of MN, County of Redwood
Commission expires January 31, 2025

Printer's Fee: \$52.80



CITY OF GRAIN VALLEY PLANNING AND ZONING COMMISSION PUBLIC HEARING

The Grain Valley Planning and Zoning Commission will hold public hearing at 6:30PM on Wednesday, September 14, 2022, at City Hall in Council Chambers, 711 Main Street, Grain Valley, Missouri to receive input concerning the following request:

1. City Code Chapter 400 Zoning Regulation Amendment

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

2. City Code Chapter 400 Zoning Regulation Amendment

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

All interested parties are encouraged to attend.

Published in The Examiner, Aug 27, 2022

377230



STAFF REPORT
CULVER'S
SITE PLAN REVIEW
SEPTEMBER 14, 2022

PURPOSE:

The purpose of this request is to gain site plan approval for Culver's sit-down/drive-thru restaurant to be built on Lot 2A in the Mercado Plaza – Lots 1A, 2A and Tract E Minor Plat.

BACKGROUND:

Mercado Plaza is located on the west side of Buckner Tarsney Road between Woodbury Drive on the north and Jefferson Street on the south.

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.

The lot area for Lot 2A is 57,340 square feet or approximately 1.3 acres. The impervious area proposed is 0.94 acres. The impervious coverage is 71%.

Drawing L1 shows 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 11 trees and 22 shrubs. The applicant is also proposing green ground cover consisting of junipers, liriopse and sedums.

Drawing C2 indicates there are 56 standard parking being provided, 3 order waiting spaces and 3 ADA accessible spaces for a total of 62 spaces. Referencing city code Section 400.290, the parking requirement for a restaurant is 1 space for 3 seats.

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.



**PAGE 2 – CULVER'S
SITE PLAN REVIEW
SEPTEMBER 14, 2022**

The materials for the building include a stone with ledgerstone edge, EIFS and canvas awnings. All these materials comply with the ordinance.

The site plan illustrates four wall signs with one on each elevation as shown on the Drawings A1 and A2. These signs will need to comply with Section 400.300 of the city zoning regulations. The applicant will need to apply for sign permits, one application for the four wall signs and one for the menu board and other miscellaneous directional signs on-site. The site plan does not show a monument sign.

The north portion of the driveway is on Lot 1A which will be retained by the seller, developer of the property. Is there an agreement or cross-access easement that will allow Culver's the ability to utilize this drive if Lot 1A is sold? The shared driveway was planned to be within the platted Tract E.

STAFF RECOMMENDATION:

Staff recommends approval of Culver's site plan.

PLANNING & ZONING APPLICATION

PROJECT INFORMATION

Location:

Northwest corner of NW Woodbury Street and South Buckner Tarsney

Subdivision: Mercado Plaza

Lot #: 1A, 2A, Tract E **Zoning District:** Downtown Transition Zone

Description of Request: New Quick-Serve Restaurant with private improvements including: new storm sewer, sanitary sewer, pavement, and lighting.

APPLICANT INFORMATION

Name: Tyler Wysong

Company: Kimley-Horn

Address: 805 Pennsylvania Avenue, Suite 150, Kansas City, MO 64105

Telephone: (816) 652-2334

Fax: N/A

E-mail: Tyler.Wysong@Kimley-Horn.com

Property Owner: Joey Connaughty

Additional Contact(s): Matt Mitchell, Chris McGuire

| Type of Application: Check Type & Submit Corresponding Requirements | | Submittal Requirement List: | |
|---|--|-----------------------------|---|
| <input type="checkbox"/> | Rezoning 1 • 2 • 5 • 10 • 11 • 14 | 1 | Legal description of subject property |
| <input type="checkbox"/> | Ordinance Amendment 10 | 2 | Map depicting general location of site |
| <input type="checkbox"/> | Special/Conditional Use Permit 1 • 2 • 10 • 11 • 14 | 3 | Summary Site Analysis depicting current character of site |
| <input type="checkbox"/> | Temporary Use Permit 2 • 10 • 14 | 4 | Preliminary Plat (3 full size copies) |
| <input type="checkbox"/> | Preliminary Plat 1 • 3 • 4 • 14 | 5 | Preliminary Development/ Site Plan (6 copies) |
| <input type="checkbox"/> | Final Plat/ Lot Split 1 • 6 • 12 • 13 • 14 • 15 | 6 | Final Plat (6 copies) |
| <input checked="" type="checkbox"/> | Preliminary Development/Site Plan 1 • 3 • 5 • 8 • 9 • 14 | 7 | Final Development/ Site Plan (6 copies) |
| <input checked="" type="checkbox"/> | Final Development/Site plan 1 • 7 • 8 • 9 • 14 • 15 | 8 | Landscaping Plan (6 copies) |
| <input type="checkbox"/> | Site Plan 1 • 7 • 8 • 9 • 12 • 14 • 15 | 9 | Building Elevations (6 copies) |
| <input type="checkbox"/> | Vacation of Right-of-way or Easement 1 • 14 • 16 • 17 | 10 | Written description of the proposal |
| <input type="checkbox"/> | 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

Tyler Wysong

Digitally signed by Tyler Wysong
DN: C=US, E=tyler.wysong@kimley-horn.com, O=Kimley-Horn,
CN=Tyler Wysong
Date: 2022.08.22 08:47:36-0500

Applicant's Signature

Date

08-22-2022

Date

PRIVATE SITE IMPROVEMENT PLANS

FOR

CULVER'S

MERCADO PLAZA
GRAIN VALLEY, MO. 64029

PROJECT TEAM

OWNER:
CULVER'S
2275 HEIDENHAIN ST.
SUITE 100
GRAIN VALLEY, MO 64029
TEL: 866.545.5555
WWW.CULVERS.COM

CIVIL ENGINEER:
KIMLEY-HORN AND ASSOCIATES, INC.
10000 N. STATE AVE. SUITE 100
OVERLAND PARK, MO 66213
TEL: 913.441.2500
WWW.KIMLEY-HORN.COM

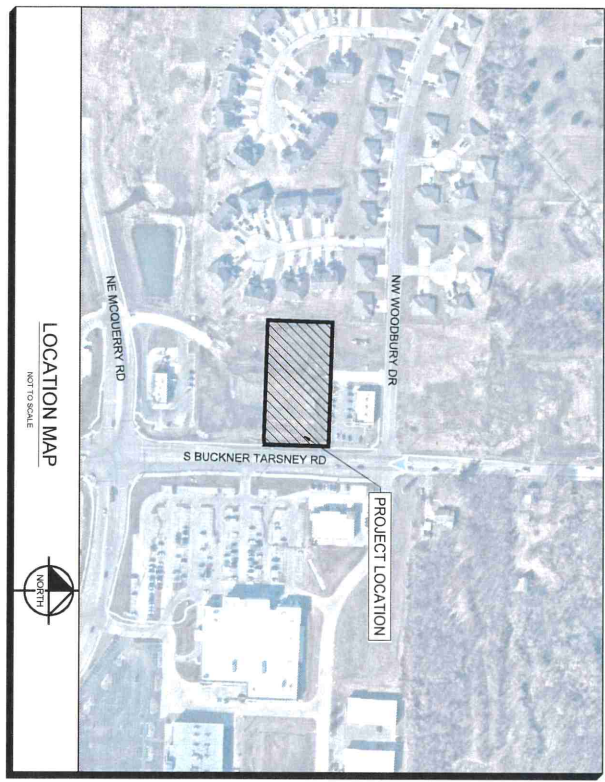
SURVEYOR:
KIMLEY-HORN AND ASSOCIATES, INC.
10000 N. STATE AVE. SUITE 100
OVERLAND PARK, MO 66213
TEL: 913.441.2500

ARCHITECT:
KIMLEY-HORN AND ASSOCIATES, INC.
10000 N. STATE AVE. SUITE 100
OVERLAND PARK, MO 66213
TEL: 913.441.2500

LANDSCAPE:
KIMLEY-HORN AND ASSOCIATES, INC.
10000 N. STATE AVE. SUITE 100
OVERLAND PARK, MO 66213
TEL: 913.441.2500

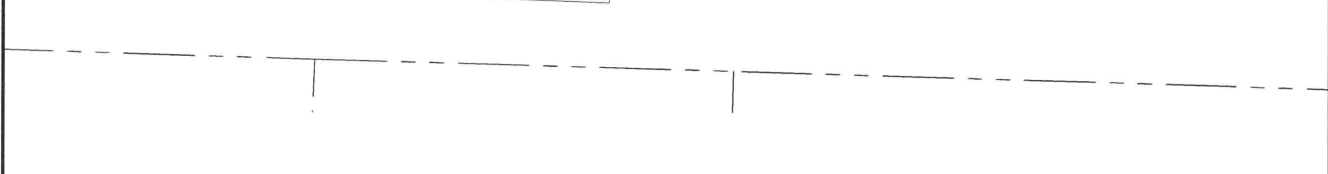
UTILITY AND GOVERNING AGENCY CONTACTS:
CITY OF GRAIN VALLEY:
505 JAMES ST. SUITE 100
GRAIN VALLEY, MO 64029
TEL: 816.441.0000

WATER/SEWER/ELECTRIC EMERGENCY:
GAS
800.666.6666
WATER/SEWER
800.666.6666




| Sheet List Table | |
|------------------|------------------|
| SHEET NUMBER | SHEET TITLE |
| C1 | COVER SHEET |
| L1 | SITE PLAN |
| A1 | LANDSCAPE PLAN |
| A2 | 20 ELEVATIONS |
| A3 | 3D IMAGES |
| A4 | SCULPTURAL STUDY |

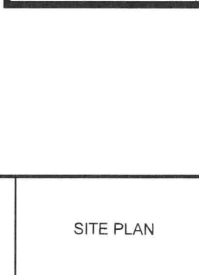


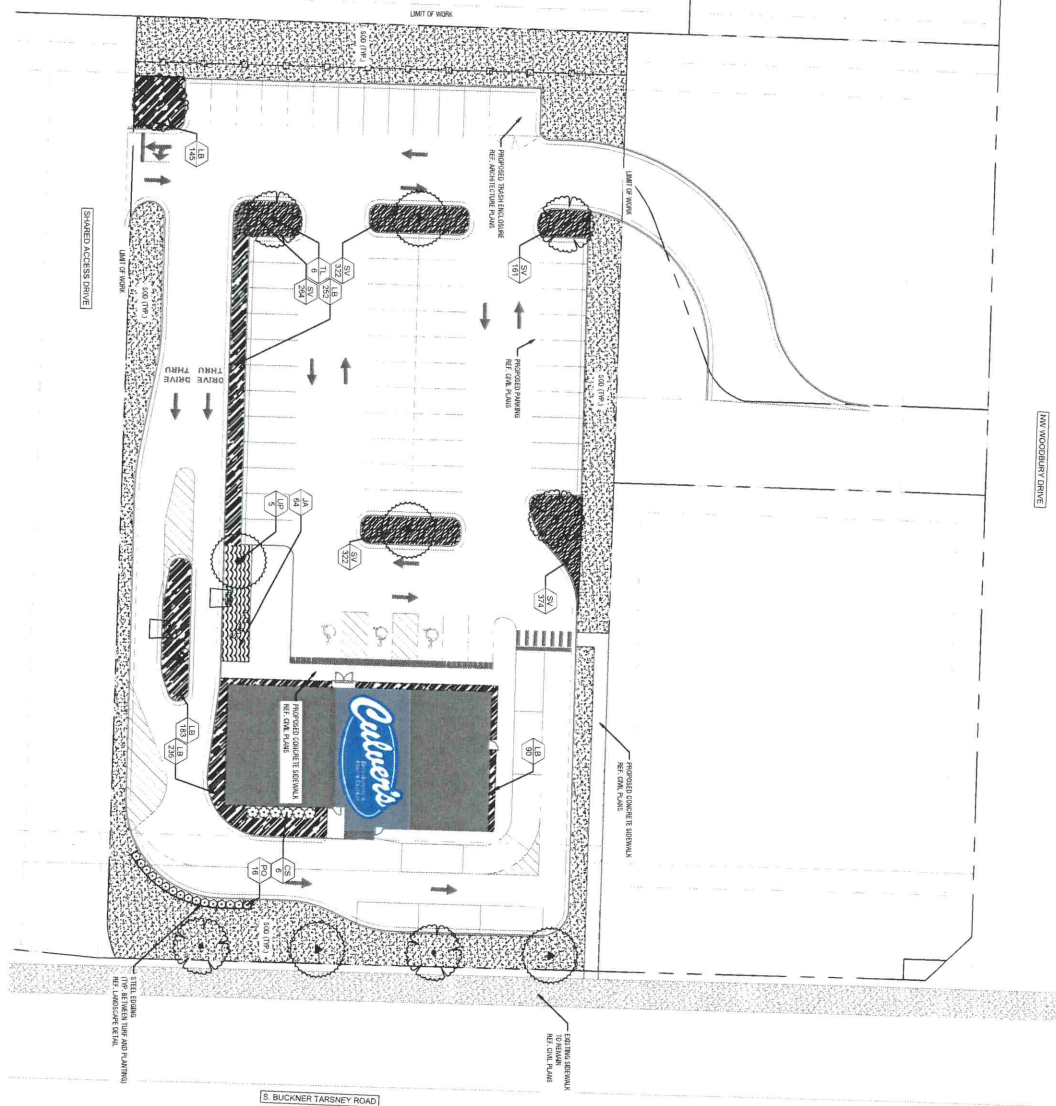
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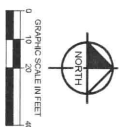
PLANT SCHEDULE

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NOTE: PLAN QUANTITIES ARE PROVIDED FOR CONVENIENCE ONLY. IN THE CASE OF A DISCREPANCY, THE DRAWING SHALL TAKE PRECEDENCE.

PLANTING NOTES

- [illegible]



L1

| | |
|-----------------|------------|
| ORIGINAL ISSUE | 08/22/2022 |
| KHA PROJECT NO. | 168974008 |
| SHEET NUMBER | |

CULVER'S
MERCADO PLAZA
GRAIN VALLEY, MO. 64029

LANDSCAPE PLAN



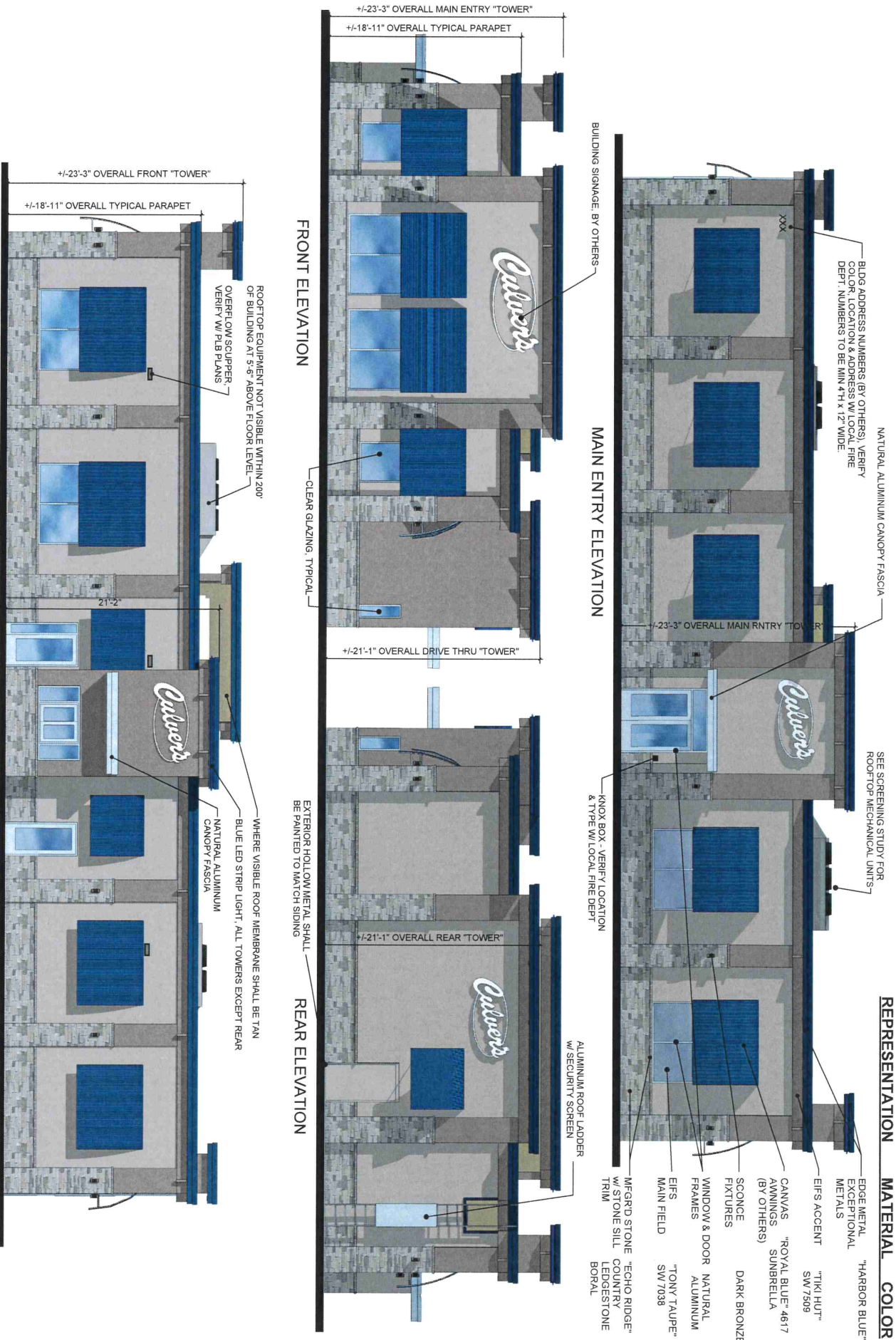
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Kimley»Horn

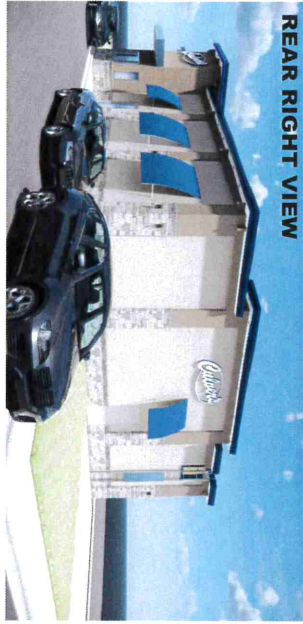
© 2011 KIMLEY-HORN AND ASSOCIATES, INC.
455 PENNSYLVANIA AVENUE, SUITE 100
LAZARUS CITY, NC 28110
PHONE: 616-452-0350
WWW.KIMLEY-HORN.COM

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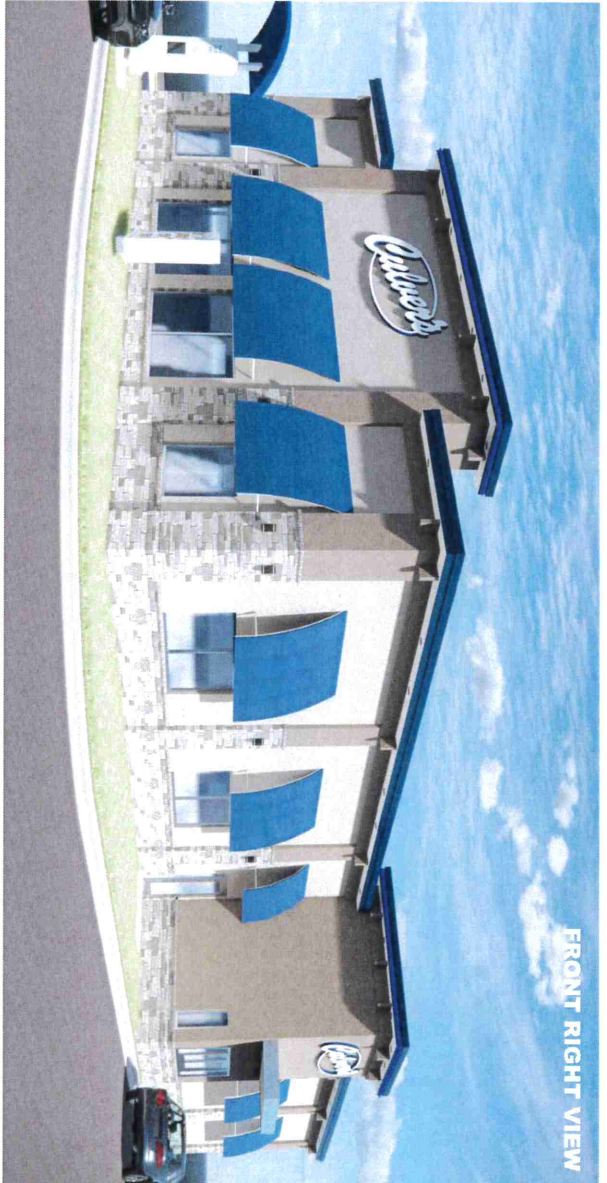




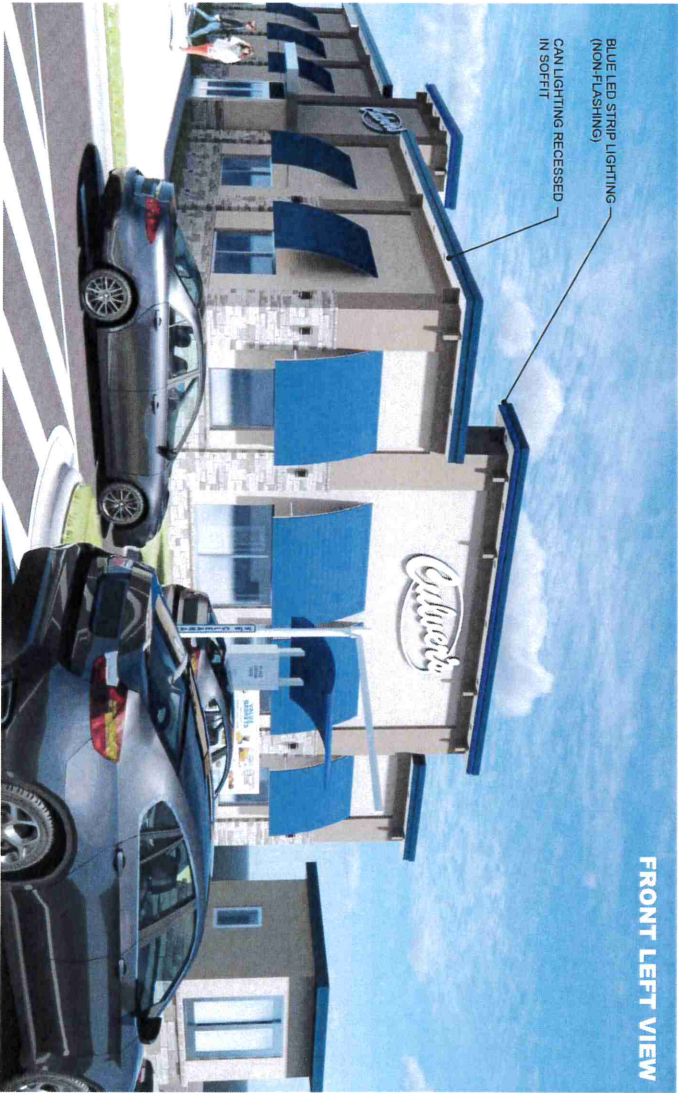
REAR LEFT VIEW



REAR RIGHT VIEW



FRONT RIGHT VIEW



FRONT LEFT VIEW

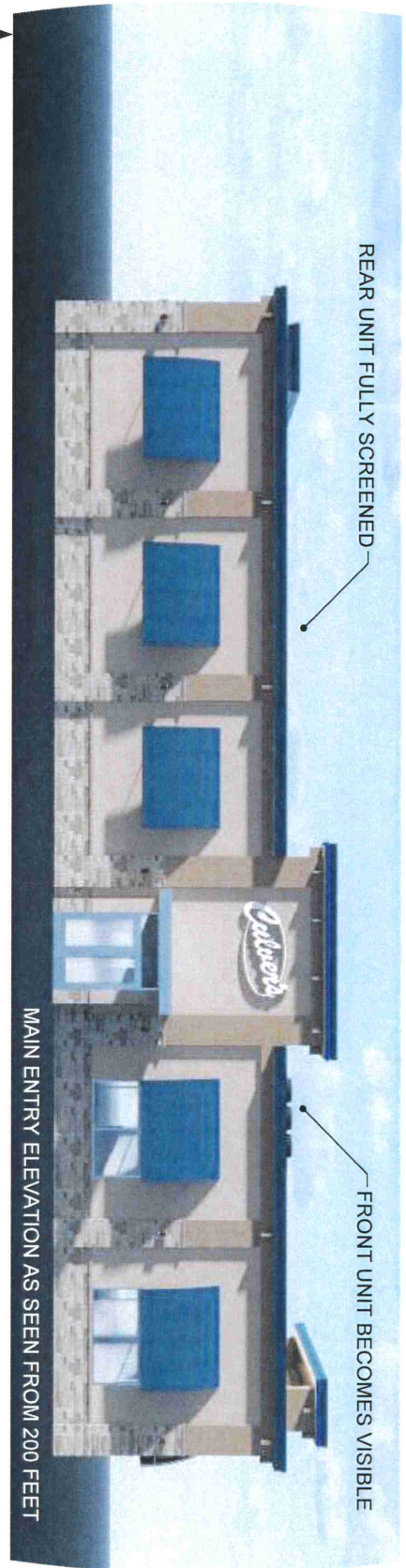
BLUE LED STRIP LIGHTING
(NON-FLASHING)
CAN LIGHTING RECESSED
IN SOFFIT



LEFT PERSPECTIVE



RIGHT PERSPECTIVE



RESERVED FOR THE
RECORDS SECTION

Filed for Record this day of May 10, 2022

At 2 o'clock 25 Minutes PM

Recorded in Book ESOL At Page 55

Instrument Number 2022 EOT 41411

Director Recorder of Deeds

By C. Macleod

Deputy

Recorder's Fee \$ 46.00

© McLaughlin Mueller, Inc 2022

Sht. No.

—

By Date

MCLAUGHLIN MUELLER, INC.
Professional Land Surveyors
218 West Mill Street
Liberty, MO 64068
PH 816-407-0002 FX 816-407-0003
Corporation LS 1999141096

MERCADO PLAZA, LOTS 1A, 2A AND TRACT E MINOR PLAT, SECTION 26, T49N, R30W
GRAIN VALLEY, JACKSON COUNTY, MISSOURI



HEREBY CERTIFY THAT THE PLAN OF MERCADO PLAZA, LOTS 1A, 4 AND TRACT E, MINOR P.1, A SUBDIVISION IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEY AS CERTIFIED BY THE MASSACHUSETTS BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS. THE URBAN L I N E R T E D CERTIFY THAT I HAVE COMPLIED WITH ALL STATUTORY OBLIGATIONS AND REGULATIONS CONCERNING THE PRACTICE OF SURVEYING AND THE PLANNING OF SUBDIVISIONS TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

[illegible]

STREETS, OPENING THIS PLAT AND NOT HEREINAFTER DEDICATED TO PUBLIC USE AS THROUGHWAYS, ARE HEREBY SO DEDICATED.

RIGHTS OF LICENSE IS HEREBY GRANTED TO THE CITY OF GAIN VALLEY, ASSAULTU, TO LOCATE, CONSTRUCT, AND MAINTAIN, AND TO AUTHORIZE THE LOCATION, CONSTRUCTION MAINTENANCE, OR USE OF, FOR ANY AND ALL PURPOSE, WATER, GAS, AND SEWER MAIN, POLES, WIRES, ANCHORS, AND DEVICES, TO BE LAYED, PLACED, OR OTHERWISE LOCATED, ALONG THE STRIP OF LAND DEDICATED BY THIS PLAT AND DESIGNATED "UTILITY EASEMENT" ON T.L.C.

TESTIMONY OF _____ MONTHLY, O. HARGES, A SINGLE PERSON HAS CAUSED THESE PRESENTS TO BE
 DEPOSITION: _____
 THE UNDERGOING PROPORTIONS OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO
 BE SHOWN IN THE MAPS SHOWN ON THE P.L.M. WHICH SUBSEQUENTLY BE REVERTED KNOWN
 REVEREND P.O.D.A. 01013 21 AND 21013 E.
 AN ACCESS EXISTING (A/D) FOR THE RIGHT OF MOTORS-CARRIES IS HEREBY GRANTED IN THE ABOVE
 MAPPED A/E ON ACCESS EXIST.
 ACCESS EXISTING.

TIMOTHY D. HARRIS
STATE OF MISSOURI)
COUNTY OF CLAY) ss

In all

[illegible]

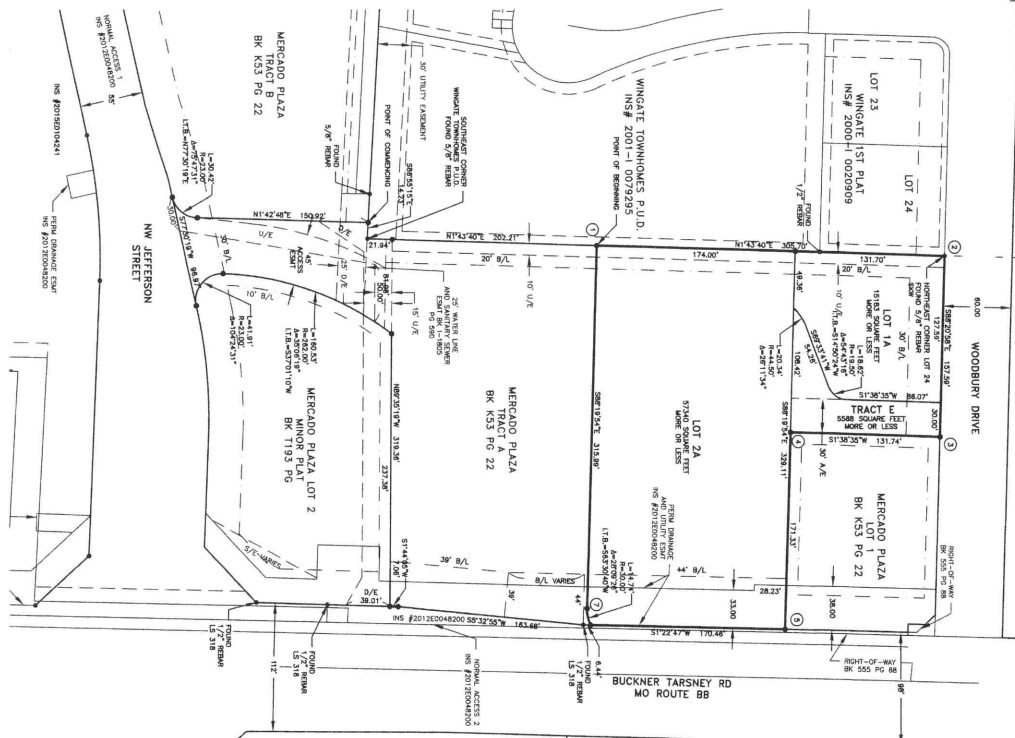
ACCEPTED BY THE GOVERNING BODY OF GRAIN VALLEY, MISSOURI THIS 21 DAY OF May, 2002.

214
MATCH-MADE FOOD
COUNT APPROVALS
1/3/02
WAGNER E. BRICK
MISSOURI COUNTY ASSISTANT SHERIFF
DATE 5/17/02

Ann Morgan
CITY CLERK-MADE LOOK

MISSOURI COUNTY GRAIN VALLEY
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| 93-1 | | |



SECTION 26-49-30
GRAIN VALLEY
JACKSON COUNTY, MISSOURI
1"=2640'

| | |
|------|---|
| ● | SET MOVEMENT 1/2" REBAR WITH CAP LS 19893/11098 |
| ● | FOUND MOVEMENT AS NOTED |
| ③ | STATE PLANE COORDINATE IDENTIFIER |
| ADCP | ALTIMETER CAP |
| A/E | ACCESS EASEMENT |
| B/L | BUILDING LINE SETBACK |
| D/E | DRAINAGE EASEMENT |
| S/E | SANITARY EASEMENT |
| M | MEASURED DISTANCE |
| R | RECORD DISTANCE |

SAVONOR'S NOTES:
REARINGS SHOWN HEREON ARE BASED ON MISSOURI STATE PLANE COORDINATES 1983 FROM ADPS STATION J4-42
N=317010.15M E=875504.421M EL.=42.19 FEET (MAYO 1980) GRID FACTOR=-0.9999149 DATE OF ADJUSTMENT=2003
THIS PROPERTY IS RECOGNIZED AS ZONE ZONE (XUNSHUOED) ACCORDING TO THE FLOOD INSURANCE RATE MAP,
COMMUNIT-7-FLOOD NUMBER 28050503346 REVISED JANUARY 20, 2017.

BILL NO. _____

ORDINANCE NO: _____

**AN ORDINANCE REVISING AND AMENDING THE CITY'S
ORDINANCES REGARDING HOME OCCUPATIONS.**

WHEREAS, the Missouri General Assembly has passed, and Governor Parsons has signed House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's Cities to regulate and control home-based occupations; and

WHEREAS, Under the provisions of HB 1662, the City of Grain Valley is prohibited from

- A. limiting the hours of operation for any home-based business; or
- B. prohibiting or requiring any structural modifications as a condition of operating a home-based business; or
- C. Prohibiting service by appointment within the home-based business; or
- D. Prohibiting any particular occupation as a home-based business; or
- E. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building; and

WHEREAS, Under the provisions of HB 1662, if a business qualifies as a "no-impact home-based business" the City is further prohibited from:

- A. Limiting the number of employees or customers in the business at any time except to the extent of the fire codes; or
- B. Requiring that the business activities occur only within the residence, although the city may prohibit activities that can be viewed from the street; or
- C. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license; and

WHEREAS, The language of this Bill has been submitted to the Planning and Zoning Commission, which, after conducting a public hearing on the same which was properly noticed, has recommended that the Board of Aldermen amend the Zoning Code of the City of Grain Valley as provided herein; and

WHEREAS, The Board of Aldermen has conducted a public hearing on this matter in compliance with Chapter 89 RSMo.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Grain Valley, as follows:

Section One: That a portion of Section 400.030 pertaining to the definition of "Dwelling" is hereby

amended as follows with the struck through language representing language to be removed by virtue of this Ordinance:

DWELLING

A building or portion thereof designed ~~exclusively~~ for residential occupancy, including one-family, two-family and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, but not hotels, house trailers or mobile homes.

Section Two: That Section 400.090(B) of the Code of the City of Grain Valley pertaining to R-3 Multi-Family Residential District is hereby amended in part, with boldened language reflecting the added language as follows:

B. In District "R-3," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses: (For exceptions, see Section 400.240, Conditional Uses; Section 400.271, Non-Conforming Uses; and Section 400.370, Board Of Adjustment — Power And Duties.)

1. Apartment houses or multiple dwellings.
2. Two-family dwellings.
3. Nursing homes, boarding and lodging houses.
4. Uses as permitted in Subsection (B)(2) through (8) in Section 400.070.
5. **No Impact Home Based Businesses as Described in Section 400.520 of this City's Code.**

Section Three: That a portion Section 400.100(A) of the Code of the City of Grain Valley pertaining to R-4 Manufactured Home Residential District is hereby amended in part, with boldened language reflecting the added language as follows:

A. Manufactured Homes — In General.

1. In District "R-4," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:

- a. Single and multi-sectional manufactured homes.
- b. Parks, playgrounds, community centers and non-commercial recreational facilities.
- c. **No Impact Home Based Businesses as described in Section 400.520 of this City's Code.**

d. Additional Uses.

(1) Structures and uses required for the operation of a public utility, the performance of a governmental function, or the operation or maintenance of the manufactured home park.

(2) In manufactured home parks, recreational vehicles shall not be occupied as living quarters and manufactured home sales lots shall not be permitted, but manufactured homes may be sold on lots they occupy in residential use.

(3) Once manufactured home parks contain at least one hundred (100) manufactured home lots ready for occupancy, commercial and service establishments intended to serve only persons within the manufactured home park and occupying in total, including related parking area, not more than five percent (5%) of the area of the manufactured home park may be constructed.

- 2. Manufactured homes which do not bear a seal dated on or after June 15, 1976, shall not be permitted within the corporate limits of the City of Grain Valley.
- 3. Manufactured homes shall be permitted only in manufactured home parks.
- 4. Prior to the placement of a manufactured home for residential purposes within the corporate limits of Grain Valley, a permit for the manufactured home shall be issued by the City, subject to compliance with all provisions of the Zoning Ordinance and fees established for building permits.
- 5. A manufactured home shall not be temporarily or permanently parked, stored or occupied on any public street or alley, nor on any lot or parcel within the City of Grain Valley, except when in complete conformity to zoning and other applicable ordinances.

Section Four. That a portion Section 400.230 of the Code of the City of Grain Valley pertaining to Accessory Uses is hereby amended in part, with boldened language reflecting the added language and struck through language reflecting removed language as follows:

- A. private driveway or walk to provide access to premises in a non-residential district shall not be permitted in District "A," "R-1," "R-1A," "R-1B," "R-1C," "R-2," "R-3" or "R-4."
- B. Buildings or structures or uses which are necessary to the use permitted in one (1) district shall

not be permitted in a district of a higher classification.

- C. The following shall be permitted as accessory uses customarily incident to uses permitted in District "A" through "R-4" and located on the same lot therewith.

1. No-Impact Home Based Businesses as described in Section 400.520 of this City's Code.

~~1.—Home Occupations.~~

~~a.—Definitions.~~

- ~~1) A home occupation is any business or commercial activity that is conducted or petitioned to be conducted as an accessory use from property that is zoned for residential use.~~
- ~~2) A home occupation permit is a permit issued for home occupation that is authorized by this Section.~~

~~b.—Intent And Purpose. The conduct of certain businesses in residential units may be permitted under the provision of this Section. It is the intent of this Section to:~~

- ~~1) Ensure the compatibility of home occupations with the residential neighborhood in which they are located;~~
- ~~2) Maintain and preserve the residential character of residential neighborhoods; and~~
- ~~3) Guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of commercial uses being conducted in residential areas.~~

~~c.—Permitted Home Occupations. Permitted home occupations include the following:~~

- ~~1) Administrative office for realtors, insurance agents, brokers, sales representatives and manufacturing representatives when no Section 400.100 Section 400.230 :104 exchange of tangible goods is made on the premises.~~
- ~~2) Artists, musicians and authors.~~
- ~~3) Catering, subject to applicable Jackson County Health Department regulations.~~
- ~~4) Day care [four (4) children or fewer].~~
- ~~5) Dressmaking, sewing and tailoring.~~
- ~~6) Home crafts [kilns must be less than six (6) cubic feet].~~

- ~~7) Tutoring and instructional services.~~
- ~~8) Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers and similar professionals.~~
- ~~9) Watch, clock and jewelry repair services.~~
- ~~10) Radio, television, computer and small appliance repair services.~~
- ~~11) Other home occupations that meet the criteria and conditions contained herein, subject to approval by the Board of Aldermen as set forth in Subsection (C)(1)(e)(2) below.~~

~~d. Home Occupation Criteria And Conditions. All home occupations shall conform to the following standards:~~

- ~~1) The use shall be conducted entirely within a dwelling and shall be clearly incidental to the use of the structure as a dwelling. No more than one (1) room of the dwelling may be used for the home occupation. No more than one (1) home occupation shall be permitted within any single-dwelling unit.~~
- ~~2) There shall be no outside operations, storage or display of materials or products. The residential appearance of the dwelling shall not be changed by alterations or additions for business or commercial uses.~~
- ~~3) The use of mechanical equipment other than is usual for purely domestic or office (computer, adding machine, etc.) purposes is prohibited. No highly explosive or combustible material shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any noise, vibration, smoke, dust, odors, heat or glare of a degree generally not present in a residential neighborhood.~~
- ~~4) No person other than a resident of the dwelling unit may be engaged or employed in the home occupation and the number of residents engaged or employed on the premises in the home occupation shall not exceed two (2).~~
- ~~5) The operation of any wholesale, retail or rental business is prohibited, unless it is conducted entirely by mail and does not involve the shipment and resale of merchandise on the premises.~~
- ~~6) There shall be no regular and steady visitation or concentrated coming and going of clients or off-site employees to or from the premises.~~

Customers are limited to no more than five (5) per day and are limited to the hours of 8:00 A.M. to 5:00 P.M. Day cares shall be limited to four (4) children per day and are limited to the hours of 6:00 A.M. to 6:00 P.M. Tutoring and instructional services shall be limited to the hours of 8:00 A.M. to 9:00 P.M., are limited to three (3) pupils at one time and no more than twelve (12) pupils per day.

- 7) ~~The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one (1) vehicle not to exceed one (1) ton owned by the resident of the dwelling, which shall be parked in an adequate off-street parking area.~~
- 8) ~~An application that is appealed to the Board of Aldermen shall be subject to any additional terms and conditions that the Board of Aldermen considers necessary to assure the home occupation is compatible with the residential character of the neighborhood.~~
- 9) ~~No signage or other forms of advertising pertaining to the home occupation may be placed or painted onto the exterior of the residence or in the front yard of a residence.~~
- 10) ~~Automobile and other motor vehicle or small engine repair services are not permitted as home occupations.~~
- 11) ~~Offices for health care professionals are not permitted as home occupations.~~
- 12) ~~Barber and beauty shops are not permitted as home occupations.~~

e. ~~Application For Permits.~~

- 1) ~~Occupation License. An occupational license is required for all home occupations.~~
- 2) ~~Appeal Procedure. If it is determined by the City that an application is not specifically allowed or does not appear to meet the criteria of this Section, issuance of the permit shall be considered by the Board of Aldermen following a public hearing prescribed by law. Appeals shall be filed with the Planning Officer, together with 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 and Board of Aldermen that are necessary and incident to the processing of the application, shall be billed to the applicant. The appeal shall be forwarded to the Planning and Zoning Commission for a public hearing, which shall make a recommendation to the Board of Aldermen.~~

f. ~~Terms.~~

~~1) Occupational licenses are required for all home occupations. All home occupation permits shall expire at the same time an occupation license is renewable (yearly) and shall be renewable without additional hearings, provided no complaints regarding the business have been received by the City, subject to the provisions of this Section, and:~~

~~a) Conditions placed upon the permit by the Board of Aldermen;
and~~

~~b) Inspection of the premises by a representative of the City.~~

~~2) In the event the City determines that the permit should not be renewed, the permit holder may appeal the matter directly to the Board of Aldermen, which shall consider the matter after public hearing.~~

g. ~~Existing Home Occupations.~~

~~1) A non-conforming home occupation which was lawfully established and in operation prior to the adoption of this Chapter may be continued indefinitely, provided: The occupation must be conducted entirely within the dwelling or integral part thereof. (b) The occupation must be clearly incidental and secondary to the residential use of the dwelling. (c) The residential appearance of the dwelling shall not be changed by alteration or additions for business or commercial uses. (d) No person other than a resident of the dwelling unit may be engaged or employed in the home occupation and the number of residents engaged or employed on the premises in the home occupation shall not exceed two (2). (e) No stock in trade (except articles produced by the members of the immediate family occupying the dwelling) shall be displayed or sold upon the premises. (f) No signage or other forms of advertising pertaining to the home occupation may be placed or painted onto the exterior of the residence or in the front yard of the residence. (g) No outdoor storage of any kind related to the home occupation is permitted. (h) All vehicles~~

visiting the residence during the hours of operation shall be parked in off-street parking areas or parallel parked conveniently on the street in front of the dwelling. (i) There shall be no concentrated coming and going of off-site employees to or from the premises. (j) The level of service or number of customers of the home occupation shall not exceed the level of service or number of customers established prior to the adoption of this Chapter.

- 2) If a non-conforming home occupation license holder dies or moves to a new location, the existing permit shall be automatically terminated.
- 3) If a non-conforming home occupation license holder fails to renew his/her occupational license yearly, the home occupation shall thereafter conform to the standards established under Subparagraph (c), (Permitted home occupations) and Subparagraph (d), (Home occupation criteria and conditions).

h. ~~Enforcement And Revocation.~~ (1) The following shall be considered as grounds for revocation of a home occupation permit: (a) Any change in use or any change in extent of use that is different from that specified in the applicable criteria of this Section or from that specified in the conditions placed upon the permit by the Board of Aldermen. (b) Failure to allow periodic inspections by representatives of the City at any reasonable time when an adult member of the family is present. (c) Failure to apply for renewal within thirty (30) days of the due date of the business license renewal. (2) Home occupation permits, once granted, may be revoked by the Board of Aldermen for cause after hearing before the Board of Aldermen. Complaints seeking the revocation of such permit shall be filed with the Planning Officer and may be initiated by any three (3) residents of the block (both sides of the block where the home occupation is being conducted). Revocation proceedings shall be held by the Board of Aldermen, which shall make a determination following a public hearing on the matter. (3) An act of revocation by the Board of Aldermen is not exclusive and the City retains the right to pursue Municipal Court action and other court proceedings to enforce this Section.

- i. ~~General Provisions.~~ Should a home occupation permit holder die or move to a new location, the existing permit shall be automatically terminated, except

~~that, in the case of death, should a surviving spouse or child residing at the same address wish to continue the home occupation under the same terms and conditions as herein set forth and as contained in the permit, written notice to that effect shall be given to the Planning Officer.~~

2. Garages And Accessory Buildings. [Ord. No. 2565, 11-22-2021]

- a. In a lot that does not exceed forty-three thousand five hundred sixty (43,560) square feet (1 acre) in size and lies within Districts "R-1," "R-1A," "R-1B," "R-1C," and "R-2," a detached garage, not exceeding twenty (20) feet or two (2) stories in height or in any case not higher than the main building, may occupy not more than thirty percent (30%) of a rear yard and not more than one thousand (1,000) square feet, whichever is smaller, and one (1) detached accessory storage building not in excess of two hundred fifty (250) square feet in area constructed in connection with the residential use of a property.
- b. In a lot that is at least forty-three thousand five hundred sixty (43,560) square feet (1 acre), but does not exceed one hundred thirty thousand six hundred eighty (130,680) square feet (3 acres) in size and lies within Districts "R-1," "R-1A," "R-1B," "R-1C," and "R-2," two (2) detached garages/accessory buildings not exceeding twenty (20) feet or two (2) stories in height or in any case not higher than the main building, may occupy not more than thirty percent (30%) of a rear yard and not more than two thousand four hundred (2,400) square feet per structure, whichever is smaller in area, constructed in connection with the residential use of a property.
- c. In a lot that is equal to or greater than one hundred thirty thousand six hundred eighty (130,680) square feet (3 acres) in size and lies within Districts "R-1," "R-1A," "R-1B," "R-1C," and "R-2," two (2) detached garages/accessory buildings, not exceeding twenty (20) feet or two (2) stories in height or in any case not higher than the main building, may occupy not more than thirty percent (30%) of a rear yard and not more than five thousand (5,000) square feet per structure, whichever is smaller in area, constructed in connection with the residential use of a property.
- d. In "A" District, detached garages and agricultural accessory buildings are limited to thirty percent (30%) of the area of the rear yard. In no case shall a detached garage or accessory building be located closer to the front of the lot than the front of the house or, in the case of corner lots, no closer than the

required building setback lines for the zoning district.

- e. A garage or accessory building may be built not less than five (5) feet from a side lot line and not less than five (5) feet from the rear property line.

Accessory buildings may not be placed on utility easements.

- f. In a lot within Districts "R-1," "R-1A," "R-1B," "R-1C," and "R-2," the drives and parking areas for the new detached garage and detached accessory storage building shall be concrete.

- g. With the exception of "M-1" or "M-2" Zoning Districts, inoperative vehicles may not be stored or repaired (other than in enclosed garages) on the premises.

- 3. A private stable will be allowed on a lot having an area of more than one (1) acre, provided that it is located not less than one hundred (100) feet from the front lot line nor less than thirty (30) feet from any side or rear lot line. On such lots, there shall not be kept more than one (1) horse, pony or mule for each forty thousand (40,000) square feet of lot area; provided, however, that where any such stable exists and/or animals as herein provided for are kept, the owner or keeper shall cause the premises to be kept and maintained so as to comply with all State, County and municipal sanitary and health regulations regarding same.

- 4. Temporary real estate sales offices, **not located on in a No Impact Home Based Business** property being sold and limited to period of sale., but not exceeding two (2) years without special permit from the Board of Aldermen.

- 5. When swimming pools, meeting rooms or shelter houses are constructed in parks or playgrounds, public or private, adequate off-street parking shall be provided with landscaping and screening as required in Section 400.280. Lighting shall be so arranged as to reflect away from adjoining residential properties.

- 6. Pools, saunas and jacuzzis having a depth of two (2) feet or more, provided the following conditions are met: [Ord. No. 2506, 6-8-2020]

- a. Below-Grade Pools, Saunas And Jacuzzis.

- 1) Below-grade uses and associated above-grade appurtenances (decks, equipment, etc.) shall be located behind the front building line and not less than ten (10) feet from any rear or side property line. In the case of corner lots, they shall not be less than twenty-five (25) feet from a front or street side property line and at least twenty (20) feet from a principal building on an adjoining lot.

- 2) The area in which the below-grade use is located shall be entirely

enclosed and separated from adjoining property by a protective fence or other permanent structure at least forty-eight (48) inches in height, measured from grade with open spaces between members not exceeding four (4) inches. Such protective enclosure shall be provided with gates equipped with self-closing and self-latching devices. Refer to the latest adopted edition of the International Residential Code for additional regulations and standards.

b. Above-Grade Pools, Saunas And Jacuzzis.

- 1) Above-grade uses and associated appurtenances (decks, equipment, etc.) shall be located behind the front building line and not less than ten (10) feet from any rear or side line. In the case of corner lots, they shall not be less than twenty-five (25) feet from a street side property line and at least twenty (20) feet from a principal building on an adjoining lot.
- 2) The area in which the above-grade use is located shall be entirely enclosed and separated from adjoining property by a protective fence or other permanent structure at least forty-eight (48) inches in height, measured from grade with open spaces between members not exceeding four (4) inches. Such protective enclosure shall be provided with gates equipped with self-closing and self-latching devices. Refer to the latest adopted edition of the International Residential Code for additional regulations and standards.

Exception: The above separate protective fence or other permanent structure need only be required around the area providing access to the swimming pool, sauna or jacuzzi when decking and railing, a minimum of at least forty-eight (48) inches in height, measured from the exterior grade, meeting the guardrail requirements of the Building Code, totally surrounds the swimming pool, sauna or jacuzzi.

- c. Adequate drainage facilities shall be provided for which the plans and specifications shall be approved by the Building Inspector.
 - d. All pools, saunas and jacuzzis shall comply with other applicable Building and Electrical Code regulations.
7. Temporary Recycling Drives. Occasional, temporary recycling drives sponsored by schools, churches or non-profit community groups shall be allowed as an accessory use in

all zoning districts, provided:

- a. Containers are located on property in District "A" or Districts "C-1" through "M-2," inclusive, or church or school grounds;
 - b. Containers shall not remain at the location for a period of more fourteen (14) continuous days;
 - c. Such drives are not conducted at the same location more than four (4) times within a twelve (12) month period of time;
 - d. Activity is at least one hundred fifty (150) feet from any adjacent property zoned or used for residential purposes;
 - e. Reverse vending machines are not used; and
 - f. The temporary facility is maintained in a clean, litter-free condition on a daily basis.
8. Reverse Vending Machine. One (1) reverse vending machine is allowed by right in Districts "C-2" through "M-2," inclusive, provided the machine:
 - a. Does not obstruct required parking spaces;
 - b. Does not obstruct pedestrian or vehicular circulation;
 - c. Is maintained in a clean, litter-free condition on a daily basis;
 - d. Is illuminated to ensure comfortable and safe operation if operating hours are between dusk to dawn;
 - e. Is at least one hundred fifty (150) feet from any adjacent property zoned or used for residential purposes; and
 - f. Is located and/or soundproofed such that noise of the operation is imperceptible from the property line of property zoned or used for residential purposes.
9. Fences. Fences shall be constructed out of any of the following materials: [Ord. No. 2506, 6-8-2020]
 - Wood or vinyl simulating wood;
 - Wrought iron or aluminum simulating wrought iron;
 - Masonry: stone, brick, concrete with stone or brick veneer, or precast concrete simulated stone or brick;
 - Composite or plastic; or
 - Chain link (in the rear and side yard only).
 - The above fences are permitted in all zoning districts, provided a building permit is obtained for a fee (see fee schedule) and the following conditions are met:

- a. No fence shall be constructed that will constitute a traffic hazard. [See Section 400.220(C).]
- b. No fence shall be located in the required front yard, except split rail and picket (wood or vinyl simulating wood, composite or plastic) or wrought iron or aluminum simulating wrought iron, not to exceed four (4) feet in height and slats with a minimum of two-inch spacing.
- c. A fence over (4) feet in height cannot extend in front of the front surface of the residence and cannot be located closer than eight (8) feet to a street right-of-way on a corner lot.
- d. Fences shall be limited to the height of six (6) feet for side and rear yards in any zone, except "M-1" and "M-2" zoned areas which allow eight (8) foot fences. Fences over six (6) feet must meet the requirements of the Building Code.
- e. All fences shall be constructed with a finished surface facing outward from the property. Any posts or support beams shall be inside the finished surface or designed to be an integral part of the finished surface.
- f. Fences for security in non-residential districts or fences around recreation amenities such as tennis courts or pools may be exempt from the location, height and material standards by the Director of Community Development.
- g. Any fence proposed across a drainage way or drainage easement shall require review and approval by the Director of Community Development.
- h. Barbed wire and electric fences are not permitted except in agricultural zoning districts and as identified in this Section.
- i. Barbed wire is permitted in "M-1" and "M-2" zoning districts only on brackets over six (6) feet fences, for security purposes.

D. The following uses are permitted as temporary uses for the time period specified and in the zoning district specified:

- 1. Christmas Tree Sales. Christmas tree sales are permitted in any commercial or industrial zoning district for a period not exceeding sixty (60) days prior to Christmas. Display must be on private property. Trees shall not be displayed within thirty (30) feet of the intersection of any two (2) streets.
- 2. Contractors' offices and equipment sheds and trailers which are accessory to a construction project are permitted during the duration of such project.
- 3. Real estate offices are permitted as an accessory incidental use for residential

developments. The use is permitted within a model home or dwelling unit that is not occupied or in a temporary structure set up for a real estate office. Such temporary structure must comply with all setback requirements and provide paved off-street parking facilities. Such use may continue only until the sale of all properties within the development as long as the office is occupied and staffed a minimum of four (4) days per week.

4. Sales of farm produce grown on the premises is permitted in agricultural, commercial and industrial zoning districts.
5. Carnivals, circuses, and fairs are permitted in commercial and industrial zoning districts for a time period not exceeding three (3) weeks.
6. Garage or yard sales are permitted in any zoning district, provided that such use shall not exceed three (3) consecutive days in duration nor shall it occur more than two (2) times in a year at any location.

Section Five. There is hereby enacted in Section 400.520 of the Code of the City of Grain Valley, to read as follows:

Section 400.520 HOME OCCUPATIONS

- A. Permitted in Residential Districts, when—No Impact Home Based Businesses shall be permitted in all residential districts and in accordance subject to the restrictions and limitations of this Chapter. No other businesses may be operated in a residence at any time. The term ‘home occupation’ when used in this Code shall be interpreted to mean home-based business.
- B. Definitions—As used in this Chapter, the following terms shall have the meanings provided below:
 1. “Goods”, any merchandise, equipment, products, supplies, or materials;
 2. “Home Based Business”, is a business operating in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.
 3. “No Impact Business” means a home-based business that:
 - a. Is engaged in the sale of lawful goods and services; and
 - b. Does not cause a substantial increase in traffic through the residential area; and
 - c. The activities of the business are not visible from any public street; and
 - d. Does not use any equipment that produces noise, light, odor, smoke, gas, or vibrations that can be seen, felt, heard, or smelled by a person of ordinary senses outside of the property where the business is located; and

- e. Does not sell any goods or services for which a health inspection would be required if the business were not located in a residence unless the owner or tenant provides written consent for the Department of Health to inspect the business during normal business hours or at any other time the business is operating.

C. Restrictions and Limitations.

1. A No Impact Home Based Business must be incidental and subordinate to the principal residential use of the premises and shall not change the residential character of the surrounding neighborhood. This provision shall not be interpreted as allowing an accessory building, accepted by the usual permitting process for accessory buildings.
2. The owner or operator of the No Impact Home Based Business must be an owner or tenant of the residence and must reside at the residence.
3. The owner or operator of the No Impact Home Based Business may employ others to work in the No Impact Home Based Business.
4. The home occupation may be conducted in an existing detached accessory building that existed at the time this Section was adopted. A new accessory building shall not be constructed to a house a home occupation.
5. Outdoor storage of materials or equipment used in the home occupation shall not be permitted.
6. Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.
7. One sign, compliant with Section 400.300 of the City's Code will be allowed. Signs must be properly maintained.
8. The owner or operator must provide adequate parking for the No Impact Home Based Business. Parking for the No Impact Home Based Business may include the driveway or garage of the residence or a paved parking area located behind the front plane of the residence. Adequate parking may also include parking on the street as long as:
 - a. Parking is limited to the side of the street the No Impact Home Based Business is located on, between the lot lines of the residence, if parking at that location is otherwise lawful.
 - b. If the owner, operator, family members of the owner or operator, employees, clients, or customers routinely park in other locations on the street(s) adjoining the residence, the business shall not be considered a No Impact Home Based Business. For the purposes of this section, the term 'routinely' shall mean

more than twice in a given seven-day period.

9. The total number of persons in the home, including residents, customers, clients, employees, and all others may not exceed the maximum occupancy of the residence at any time.

D. Licenses and Permits

1. No permit shall be required to impact a No Impact Home Based Business, however, a business operating in a residence shall be presumed not to qualify as a No Impact Home Based Business unless the owner or tenant provides an affidavit, on a form approved by the City Clerk stating that the business in question is qualified. No fee shall be charged for the filing of such an affidavit. The affidavit shall contain at a minimum, the following:
 - a. The name of the owner or tenant.
 - b. The address of the residence.
 - c. The general nature of the business, including whether the business is subject to health inspections. If the business is subject to health inspections, the affidavit must have consent for inspections attached.
 - d. The maximum occupancy of the residence and a statement that the maximum occupancy will not be exceeded. It shall be the duty of the affiant to obtain this number from the fire department and provide proof of the same with his or her affidavit.
 - e. That the business qualifies as a No Impact Home Based Business.
 - f. A statement that the affiant is familiar with the provisions of this Chapter and will comply with the same.
2. For purposes of ensuring that the business activity is compliant with state and federal law and paying applicable taxes, No Impact Home Based Businesses and other home occupations shall be required to have a business license.
3. Businesses operated in a residence, which do not qualify as a No Impact Home Based Business must have a conditional use permit from the Planning and Zoning Commission.

- E. Penalties—Any person who operates a business in violation of this Section shall, upon conviction, be subject to a fine of not less than \$100.00 and up to ninety (90) days in jail or both. Each day of violation shall be considered a separate offense.

Section Six. All other code sections and ordinances which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section Seven. This Ordinance shall be in full force and effect upon final passage and approval.

FIRST READING BY THE BOARD OF ALDERMEN THIS _____ DAY OF _____, 2022.

SECOND READING AND FINAL PASSAGE BY THE BOARD OF ALDERMEN THIS _____
DAY OF _____, 2022

ALDERMAN BASS _____
ALDERMAN ARNOLD _____
ALDERMAN SKINNER _____

ALDERMAN CLEAVER _____
ALDERMAN MILLS _____
ALDERMAN KNOX _____

Mayor _____ (in the event of a tie only)

Approved as to form:

Lauber Municipal Law, City Attorney

Mike Todd, Mayor

ATTEST:

Jamie Logan, City Clerk