



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

10/11/2023
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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 October 11, 2023, in the Council Chambers at City Hall.
The meeting was called to order at 6:32 PM by Chair Craig Shelton.

ITEM II: ROLL CALL

- Present: Scott Shafer
Present: Debbie Saffell
Present: Craig Shelton
Present: Chris Bamman
Present: Elijah Greene
Present: Justin Tyson
Present: Rick Knox (BOA Liaison)
There was a quorum.

ITEM III: PLEDGE OF ALLEGIANCE

ITEM IV: APPROVAL OF MINUTES

- Commissioner Tyson motioned to approve minutes from the August 9, 2023, meeting. Commissioner Bamman seconded the motion. The motion was approved by a vote of 6 to 0.

ITEM V: CITIZEN PARTICIPATION

- None

ITEM VI: PUBLIC HEARINGS

- 1. RZ-2023-02 Jarett Primm w/Gold Block Ventures - Requesting a change of zoning from District R-3 (Multi-family Residential District) to District C-2 (General Business District) on 0.75 acres to allow a restaurant in the west side of existing building. The property is located at the northeast corner of Yennie Avenue and EE Kirby Road and is legally described as a part of Lot 1, Bristol Park subdivision in Grain Valley, aka 640 NW Yennie Avenue.

Commissioners Present

Craig Shelton
Scott Shafer
Chris Bamman
Debbie Saffell
Justin Tyson
Elijah Greene
Rick Knox BOA Liaison

Commissioners Absent

Staff Officials Present

Mark Trosen - CD Director
Dick Tuttle - City Engineer
John Mautino - City Attorney



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- Director Trosen presented the staff report. The change of zoning to District C-2 and the proposed use of the existing building space is consistent with the original intent of the development. Staff recommends approval.
- Jerett Primm with Gold Block Ventures appeared and stated that his company is the property owner. We want to bring the property into compliance. With Pub & Patio moving out, we want to lease the property to another restaurant/bar that serves good food. We are apartment investors. When we bought this property, we considered the restaurant/bar as an amenity for our residents and surrounding community.
- Commissioner Shafer asked if they would allow bands. He said that he heard a rumor about a potential tenant. Mr. Primm stated that they have not signed an agreement with anyone yet. He said there may be a band, depending upon tenant, but the priority is to make sure they don't disturb apartment renters. The tenant will not be allowed to apply for a 3AM liquor license.
- Commissioner Tyson asked if they plan to make any improvements before they rent the space. Primm replied when they find a tenant, they will negotiate improvements in the agreement. They want to customize improvements to tenant needs.
- Bamman said that it occurs to him that this is more of a housekeeping item to align the zoning with previous use, correct? Director Trosen responded that is correct.
- Commissioner Tyson asked that you as the property owner will you be responsible for the space even if it leased out? Primm replied yes, we will build controls into the agreement. Primm said they have a full-time staff that lives on-site.
- Chair Shelton asked what do see being the restrictions for the restaurant? Primm responded that their objective is to have a restaurant to benefit residents and not a nuisance. They know what they want from a potential tenant.
- Chuck Zuvers, Airport Board Member, supports this application and is looking forward to getting a new restaurant in that space. He said that they have pilots fly in and are looking for restaurants that they can walk too instead of being shuttled.
- Commissioner Tyson made a motion to close the public hearing. Commissioner Saffell second the motion. The motion passed by a vote of 6 to 0.

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ITEM VII: ACTION ITEMS

- 1. RZ-2023-02 Jarett Primm w/Gold Block Ventures - Requesting a change of zoning from District R-3 (Multi-family Residential District) to District C-2 (General Business District) on 0.75 acres to allow a restaurant in the west side of existing building. The property is located at the northeast corner of Yennie Avenue and EE Kirby Road and is legally described as a part of Lot 1, Bristol Park subdivision in Grain Valley, aka 640 NW Yennie Avenue.
- Commissioner Tyson made a motion to recommend approval of the change in zoning to District C-2 (General Business). Commissioner Shafer seconded the motion. The motion was approved by a vote of 6 to 0.

ITEM VIII: PREVIOUS BUSINESS

- 1. Discussion to amend Section 400.290 (Off-Street Parking and Loading Regulations) allowing parking in the rear yard with conditions.
- Director Trosen explained that in lieu of trying to get both the full Board of Aldermen and Planning and Zoning Commission together, an ad hoc committee was established consisting of Aldermen Knox and Cleaver and Commission members Shelton and Tyson. The committee met to discuss needs and concerns with a proposed amendment and then by email, worked on a couple of drafts before agreeing on the recommended changes that are in your packet. The purpose of tonight's discussion is to get Commission feedback and decide if you are ready to proceed with advertising this code amendment and holding a public hearing at a future meeting.
- Director Trosen reviewed each proposed section and explained the purpose.
- Commissioner Tyson asked do we need to add something to address homes with rear driveways.
- City Engineer Tuttle pointed out that the existing ordinance already has driveway width requirement of 35 feet. If you are under 35 feet with one driveway, then you could have a second driveway if the total width does not exceed 35 feet.
- Commissioner Tyson stated in paragraph 3 that you change residential vehicles to recreational vehicles.
- Chair Shelton said going back to the rear entry garages on residences, he recommended that item 2 has a statement added that residences that have a rear yard garage entry on a concrete paved surface are exempt.

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- Chair Shelton asked regarding item 1, can someone park a car or recreational vehicle on the side? Director Trosen responded yes as long as it is on an approved surface and not in the grass.
- Commissioner Saffell asked for clarification regarding the limitation of no more than 2 items. The Commission discussed several scenarios on how this can be interpreted and enforced. The discussion included that if you have a boat on a trailer then that is only 1 item like if you have 4 Sea Doo on a trailer then that is still only 1 item.
- Aldermen Knox said that he has a residence in his area that has railroad ties that are ground level that they park a trailer on. One lane is railroad tie, then grassy area, then another railroad tie. Would that be fine? Commissioner Shelton said that wouldn't be an exception.
- Commissioner Shafer said that would apply to others then. Someone could put down some gravel in the rear yard and then be exempt from the concrete paved surface.
- City Engineer Tuttle said that the code requires new driveways to be concrete and cannot be gravel.
- Alderman Knox was asked if you need a paved driveway to get to the concrete pad. Director Trosen responded no. A resident could drive across the grass area of a front and side yard to get to the rear yard and then park on the concrete pad.
- Commissioner Bamman asked if the reason that the exception exists is for residents in Ward 2? If so, would it be a problem to clarify that in the exception section so that it does not become an issue for folks outside that area? Director Trosen and City Attorney Mautino said that you would not want to restrict to a certain geographical area but apply to city-wide.
- Commissioner Bamman said that the current ordinances would prohibit someone from installing a new gravel driveway. This exception applies to those that have had them for a long time. City Engineer Tuttle said yes, they would be grandfathered in.
- Commissioner Bamman said that folks will come in and build a fence over a utility easement. Did the committee discuss pouring a concrete pad over an easement? City Attorney Mautino said that if an obstruction is constructed over the easement, then it would be the responsibility of the property owner to repair it if the utility company needs to work in that easement. If it is a private easement, then typically the utility has paid the property owner for the easement and there is specific language in the document that would probably prohibit an obstruction in that easement area.

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- City Engineer Tuttle said that if a permit is required then the city tells the property owner that they cannot block the use of the easement by a utility and that if a utility is required to do work in the easement and a fence for example is removed, it is the property owner's responsibility to put it back.
- Commissioner Tyson asked do we need to add that the RV or campers cannot be occupied when they are parked on the residence. Director Trosen responded that there is a current ordinance in Chapter 410 that prohibits someone to occupy a trailer outside a designated travel trailer park.
- Commissioner Shafer asked if it proposed that only 2 items can be parked in the rear yard? Commissioner Tyson responded that is correct.
- Commissioner Shafer asked why do we need to have a paved surface in the rear yard? Commissioner Tyson said that it comes down to drainage and the moving and parking of the item will become dirt and then you have a run-off problem.
- Commissioner Shafer said then with the setback requirements there is enough vegetation that should catch the run-off. Commissioner Shafer does not feel it is fair to require the installation of a concrete paved surface. He says that homeowners should be allowed to park on the grass even though the grass will die underneath since the setback area should address an erosion issue. Why should we make someone pay \$3,000 to \$5,000 for a concrete pad and then when they sell the house, it may have to be torn out?
- Commissioner Shafer asked how many calls do we get complaining about drainage? City Engineer Tuttle said that he gets calls on a regular basis that erosion or run-off is a result from items being parked in the rear yard.
- Chair Shelton said that in item 4, it doesn't address the rear yard unless, item 4 is a subject to item 3 which states you can park in rear yard on a concrete pad. Alderman Knox said that in item 4 that "in the rear yard" should be inserted.
- City Attorney Mautino said that anytime you can add for clarification and interpretation the better a statement is enforceable.
- Chair Shelton suggested that in item 4 after the word parked add "in the rear yard on a concrete paved surface".
- Commissioner Saffell suggested why don't we include the "No more than two (2)" unloaded utility or dump trailers,in item 3 and delete item 4.
- Commissioner Greene asked if the complaints the city has received about dead grass or parking in the back yard. Director Trosen said the complaints are about vehicles, boats,

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trailers, campers, and RV being parked in the rear yard.

- Commissioner Greene said the intent of this ordinance is to not allow parking in the rear yard. We feel that we need to address this because we get complaints that people are parking in the rear yard. He said that was not his take-away from the public comments made in previous meetings. He thinks this is very complicated and will upset citizens. He said that only the un-registered vehicles are not allowed to park in the rear yard and that would be a nuisance.
- Commissioner Greene said that it should say you can only park two vehicles in your backyard and not have these other sections. The requirement of the concrete pad is nonsense.
- Aldermen Knox said that we are in the middle regarding this change when looking at other city ordinances around us. He said it is a lose, lose, no matter what you do you are going to make someone upset.
- Commissioner Greene said we are using a lot of words that contradict each other. He said that it doesn't need to be this complicated.
- Chair Shelton said when we went about this the first time, we overly simplified by stating no parking in the rear yard is allowed. We heard from the public regarding their concern and now we need to meet in the middle and allow parking in the rear yard but limit the number of and types of items and that it is clear.
- Commissioner Saffell said that if you prohibit parking on grass and limit the parking to a pad, it provides consistency to the neighbors on what to expect. She said if you don't want to look at the parked item you can plant trees or shrubs to screen it.
- Commissioner Tyson says when you move into a city, a city has rules. You agree to follow those rules and the city has the right to create rules to protect property values. He said there are people that do not want anything parked in the back yard and then those property owners that want to be allowed to do whatever they want and park as many vehicles in the backyard they can. He said the committee thought this was a compromise and hope this meets in the middle.
- Commissioner Shafer said that if the proposed amendment is approved, he would like to see a grace period added to give property owners some time before the concrete pad needs to be installed. He wants to be fair to the taxpayer. He suggested 6 months or 1 year before you build the pad.

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- Commissioner Tyson asked if a property owner can approach the city and ask for some time before the pad is constructed. Director Trosen replied that if the property owner contacts the Code Enforcement Officer and communicates a schedule, then the city will work with the property owner.
- Commissioner Saffell said if this passes then how does the word get out to the residents. Director Trosen said that we can work with our Public Information Officer and post notice on city website or through other social media outlets.
- Chair Shelton said it is getting late and we need to make sure we get everyone's input. He said there is a way to make it simpler and still be enforceable. The Commission is a recommending body and the Board may decide to change it or strike it again. Let us try and wrap up by eight and then decide if we want to proceed with a public hearing or table this.
- Commissioner Bamman said regarding the pad, are there other ordinances that specify construction standards such as using reinforced steel so that the pad doesn't end up as gravel?
- City Engineer Tuttle said that we have concrete standards and specifications on what is done within the right-of-way but not on private property.
- Commissioner Tyson said can we add specifications? Director Trosen said yes, the Commission can add specifications to the concrete pad. He said that the City has regulations on pavement thickness for parking lots that are on private property.
- Commissioner Tyson said why can't we take the driveway standard the city has and apply it to the concrete pad. City Engineer Tuttle said the driveway approach in the right-of-way is normally stronger than the driveway. The driveway is normally 4 inches thick, and the approach is 6 inches with steel.
- Commissioner Shafer said that based on the discussion tonight, we need to table this.
- Commissioner Bamman said that he would like to add specifications on a minimum strength requirement for the concrete pad, pad thickness and pad reinforcement.
- Alderman Knox said why would you require a homeowner to comply to a stricter standard to park a utility trailer on than what we require for driveways.
- Commissioner Tyson said that is a requirement down the road after this amendment is passed.
- Commissioner Tyson said that he would like the Commission to move this on to a public

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hearing instead of continuing to drag this out. Commissioner Tyson made a motion to move the proposed amendment as amended to a public hearing for consideration.

- Chair Shelton asked for a second. There was no second and therefore, the motion dies.
- City Attorney Mautino said that the Commission is discussing this in a workshop setting and that the Commission does not have legislative authority. He said the Staff could bring it back for a public hearing if they want too.
- Commissioner Shafer made a motion to continue the discussion on this item to the next meeting. Commissioner Bamman second the motion. Commissioner Greene said that the amendment should be no more than two vehicles can be parked in the backyard. Wrecked, inoperable or unlicensed vehicles are not allowed under the nuisance code.
- Chair Shelton said that Commissioner Greene has a good point and that when we get back together, we should consider making this simpler.
- The motion was approved by a vote of 6 to 0. Chair Shelton said we will continue this discussion at the next meeting.

ITEM IX: NEW BUSINESS

- Director Trosen announced that Bob Hedley had filed an application to be on the Planning and Zoning Commission. The Commission thought Bob would be a welcome addition.
- Director Trosen also received verbal responses from Commissioners Saffell, Shelton, Greene, and Bamman that they would like to be re-appointed and continue to serve on the Commission.

ITEM X: ADJOURNMENT

- Commissioner Tyson made a motion to adjourn the meeting. Commissioner Shafer second the motion. The Commission approved the motion by a vote of 6 to 0.

-The Regular Meeting Adjourned at 8:12 PM-

Commissioners Present

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