



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

September 8, 2021 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 11, 2021 Regular Meeting

ITEM V: CITIZEN PARTICIPATION

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

ITEM VI: PUBLIC HEARINGS

1. **Missouri Made Marijuana, LLC.** Requesting a Conditional Use Permit to amend the site plan that was approved by Ordinance 2503 for a Medical Marijuana Cultivation Facility and site plan that was approved by Ordinance 2531 for a Medical Marijuana Infused Products Manufacturing Facility to allow a Conex Storage Container for the storage of packaging supplies, nutrients/fertilizer, and maintenance tools. The property is zoned District M-1 (Light Industrial). The 6 acres is generally located at the east end of South Outer Belt Road on the south side of Interstate 70 lying in the northwest corner of the northeast quarter of Section 35, Township 49, Range 30 in the City of Grain Valley, Missouri. The legal description is Lot 1, Black Industries, a subdivision in Grain Valley aka 415 E. South Outer Belt Road.

ITEM VII: ACTION ITEMS

1. **Missouri Made Marijuana, LLC.** Requesting a Conditional Use Permit to amend the site plan that was approved by Ordinance 2503 for a Medical Marijuana Cultivation Facility and site plan that was approved by Ordinance 2531 for a Medical Marijuana Infused Products Manufacturing Facility to allow a Conex Storage Container for the storage of packaging supplies, nutrients/fertilizer, and maintenance tools. The property is zoned District M-1 (Light Industrial). The 6 acres is generally located at the east end of South Outer Belt Road on the south side of Interstate 70 lying in the northwest corner of the northeast quarter of Section 35, Township 49, Range 30 in the City of Grain Valley, Missouri. The legal description is Lot 1, Black Industries, a subdivision in Grain Valley aka 415 E. South Outer Belt Road.



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

ITEM VIII: PREVIOUS BUSINESS

- None

ITEM IX: NEW BUSINESS

- **Discussion Only** – Amend Chapter 400, Zoning Regulations, of the City Code, specifically Section 400.230 Accessory Uses, C.2. Garages and accessory buildings – To allow larger detached garages and accessory buildings on larger lots.

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 13, 2021 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
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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 11, 2021 in the Council Chambers at City Hall.

- The meeting was called to order at 6:36 PM by Chair Craig Shelton.

ITEM II: ROLL CALL

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

ITEM III: PLEDGE OF ALLEGIANCE

ITEM IV: APPROVAL OF MINUTES

- Commissioner Shafer motioned to approve the minutes from the June 9, 2021 regular meeting. Commissioner Hofstetter second the motion. The Commission approved the minutes by a vote of 4 to 0.

ITEM V: PUBLIC HEARINGS

- **None**

ITEM VI: ACTION ITEMS

1. **Rosewood Hills – 11th Plat** – Requesting Final Plat Approval on 11.92 acres consisting of 29 lots and two tracts that is generally located east of NW Lindenwood Drive and north of the Rosewood Hills 10th Plat lying in Section 22, Township 49, Range 30 in Grain Valley, Jackson County, Missouri. The developer is L & B Development, Inc.

Commissioners Present

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

Commissioners Absent

Elijah Greene
Kevin Browning
Debbie Saffell

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle – City Engineer



City of Grain Valley
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- Director Trosen presented the Staff Report. The final plat for the 11th phase substantially conforms to the approved preliminary plat. Staff recommends approval of the final plat.
- Commissioner Tyson made a motion to approve the final plat for Rosewood Hills – 11th Plat. Commissioner Shafer second the motion. The Commission approved the motion by a vote of 4 to 0.

- 2. **Joe Shmoe Coffee** – Requesting Site Plan Approval for a Coffee Shop that is in the Main Street Corridor – Transition Overlay Zoning District. The property is in the Old Towne Market Place and will be generally located at the southwest corner of SW Eagles Parkway and Buckner Tarsney Road.

- Director Trosen presented the Staff Report. Trosen reviewed comments 1, 2 and 3. In regard to comment 4, he referred to Landscape Plan. He pointed out that the applicant complies with the requirement of the ordinance however, since we are reviewing the site plan, staff finds that additional landscaping would benefit the site if placed in the island between the coffee shop and the new drive and in the eyebrow with the new sidewalk connection with Buckner Tarsney Road.
- Trosen reviewed comments 5, 6, and 7 with the Commission.
- City Engineer Dick Tuttle reviewed comment 8 with the Commission. He stated that the site plan illustrates a new driveway access from Buckner Tarsney Road. This driveway will be generally north of the existing right-hand turn lane on Buckner Tarsney Road for SW Rock Creek Lane. The applicant provided a drawing that would extend the right-hand turn lane north of the new drive feathering to the intersection with Eagles Parkway. Tuttle said the extension is necessary for safety purposes.
- Trosen stated that Staff recommends approval of the site plan subject to the two conditions in the Staff report pertaining to additional landscaping and the acceptance of the new drawing to extend the right-hand turn lane for the driveway access with Buckner Tarsney Road.
- Commissioner Tyson asked what is this object on the plan? City Engineer Tuttle responded that is riprap for the drainage structure.
- Commissioner Tyson asked why not move the coffee shop to the corner lot? Director Trosen responded that the Staff was working with the applicant to reserve that corner for a sit-down restaurant that would have an outdoor patio area.
- Bryan Rahn with Ward Development stated that they are looking at the site overall with the Lofts and Captain's. They are talking to a couple of prospects for bar-b-que restaurant.

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

Commissioners Absent
Elijah Greene
Kevin Browning
Debbie Saffell

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



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- Mr. Rahn said that they are looking at a menu board at the corner of the building. Regarding signage, the primary signage will be along Buckner Tarsney, like Captain’s with the overhang lighting.
- Chair Shelton stated when extending turn lane, will that be turning into the new driveway? City Engineer Tuttle responded yes. He said there is already a center lane for turning left either northbound or southbound on Buckner Tarsney Road.
- Chair Shelton asked if this is Joe Shmoe’s business model to order and pick-up at one window. Mr. Rahn said it is their business model. They are also hoping to pull people in to the building and using a patio area versus a primarily drive-thru business.
- Commissioner Tyson asked if there will be a curb dividing the business to the south and the coffee shop. City Engineer Tuttle said there will be a 5-foot area between the two parking areas and will not be connected.
- Commissioner Shafer made a motion to approve the site plan for Joe Shmoe Coffee subject to the two conditions referenced in the Staff Report. Commissioner Hofstetter second the motion. The Commission approved the motion by a vote of 4 to 0.

ITEM VII: PREVIOUS BUSINESS

- **None**

ITEM VIII: NEW BUSINESS

- **Rosenberg’s Rules of Order** – Chair Shelton said that over the years when serving on the Commission what he has experienced was some uncertainty regarding motions, seconds, voting procedures, how to amend motions and other points of meeting order. Chair Shelton had asked the City Attorney Joe Lauber to discuss this and provide examples during the training on June 9th. He said that he thought the Rosenberg’s Rules are good maybe not perfect but simplistic. He said that he is not sure if we need to adopt but just use as a guide. Commissioner Tyson agreed that it would be good to use Rosenberg’s Rules of Order as a guide. Commissioner Shafer and Hofstetter also agreed.

ITEM IX: ADJOURNMENT

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

-The Regular Meeting Adjourned at 7:14PM-

Commissioners Present

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

Commissioners Absent

Elijah Greene
 Kevin Browning
 Debbie Saffell

Staff Officials Present

Mark Trosen – CD Director
 Dick Tuttle – City Engineer

Staff Report
September 8, 2021

ACTION:

Missouri Made Marijuana (MMM) LLC is requesting a Conditional Use Permit to amend the site plan that was approved by Ordinance 2503 for a Medical Marijuana Cultivation Facility and then amended site plan approved by Ordinance 2531 for a Medical Marijuana Infused Products Manufacturing Facility to allow a Conex Storage Container on-site. The property consists of approximately 6 acres. The property is zoned District M-1 (Light Industrial). The 6 acres is generally located at the east end of South Outer Belt Road on the south side of Interstate 70 and is legally described as Lot 1, Black Industries, a subdivision in Grain Valley, Jackson County, Missouri.

Since the applicant is changing the previous approved site plan, then a conditional use permit is required for the cultivating and manufacturing operation.

PURPOSE:

The applicant is requesting the use of a Conex Storage Container (8 feet wide x 40 feet long). The container will be used for storage of the following:

- Nutrients/fertilizer
- Packaging containers (bags, jars)
- Packaging Stickers
- Building maintenance materials and tools
- Growing media (Grodan Gro Blocks)

The applicant states that no marijuana products or plants and no pesticides will be stored in the container.

Building 1 does not have enough designated storage space for the items above and therefore, the container is needed. If the CUP is not approved, the applicant would have to store these items at an off-site location.

ANALYSIS:

Staff asked the Central Jackson County Fire District to review the application and the proposed location of the storage container. Derrick Llewellyn, Captain of Fire Prevention Division, responded that the proposed location meets distance requirements. He further stated that the Conex container could only store 100 pounds of fertilizer, and the outside of the container must be labeled appropriately to show that fertilizer is being stored inside.

The site plan illustrates the location of the container. The container will not be seen from I-70 because Building 1 will block the view and views from Penny Drive will be screened by the fence and with the proposed black mesh fabric that will provide a privacy street view.



*Community Development
Mark Trosen, Director*

The previously approved site plans call for two additional buildings on this site. The applicant indicates these buildings will be designed to include the product storage that is being stored in the container. Once those buildings are completed, the Conex storage container is no longer needed and will be removed.

PUBLIC INFORMATION AND PROCESS:

Public notice was given in the Examiner and by letter to property owners of record within 185 feet of the applicant's property.

STAFF RECOMMENDATION:

Staff recommends approval of a Conditional Use Permit to amend the site plan that was approved by Ordinance 2503 and site plan approved by Ordinance 2531 to allow a Conex Storage Container on the described site subject to the following conditions:

- 1) The placement of the Conex Storage Container shall be in accordance with the site plan that was filed with the application.
- 2) The Conex Storage Container shall not store more than 100 pounds of fertilizer and shall be appropriately labeled.
- 3) The applicant shall screen the container using the fence and the privacy screen fabric or similar product that was provided with the application.
- 4) The Conex Storage Container is considered a temporary facility and will be removed by the applicant once the future buildings have integrated the necessary storage into their design, construction, and final occupancy.
- 5) Ordinances 2503 and 2531 are still valid and all conditions within those ordinances, unless otherwise stated, are still valid and enforceable.



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

PLANNING & ZONING APPLICATION 2021-0560

PROJECT INFORMATION

Location: 415 E. South Outer Belt Road, Grain Valley MO

Subdivision: _____ Lot #: 1 Zoning District: M-1

Description of Request: Requesting the use of a Conex Storage Container, for the storage of packaging supplies, nutrients and maintenance tools used cultivation.

NO marijuana products or pesticides will be stored in the container.

APPLICANT INFORMATION

Name: Saydee Tschanen

Company: Missouri Made Marijuana

Address: 3195 Saint Rose Pkwy, Ste 212, Henderson NV 89051

Telephone: _____ Fax: _____ E-mail: saydeetschanen@missourimmj.net

Property Owner: Missouri Made Marijuana

Additional Contact(s): _____

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 checked="" 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 type="checkbox"/> Preliminary Development/Site Plan 1 • 3 • 5 • 8 • 9 • 14	7 Final Development/ Site Plan (6 copies)
<input 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:

Date: 8/9/21

Applicant's Signature: _____

Date: _____

Description: (LOT 1)

Lot 1, BLACK INDUSTRIES, a subdivision in Grain Valley, Jackson County, Missouri, according to the plat thereof recorded June 17, 2020 as Document No. 2020E0050672, in Plat Book 190, Page 84.

Missouri Made Marijuana – Storage Container, Description of Use:

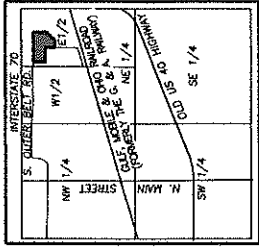
Missouri Made Marijuana is requesting the use of a Conex Storage Container at the facility located at 415 E. South Outer Belt Road in Grain Valley Missouri. The container will be used for storage of the following:

- Nutrients/fertilizer
- Packaging containers (bags, jars)
- Packaging stickers,
- Building maintenance materials & tools
- Growing media (Grodan Gro Blocks)

Note: NO marijuana products or plants and NO pesticides will be stored in the container.

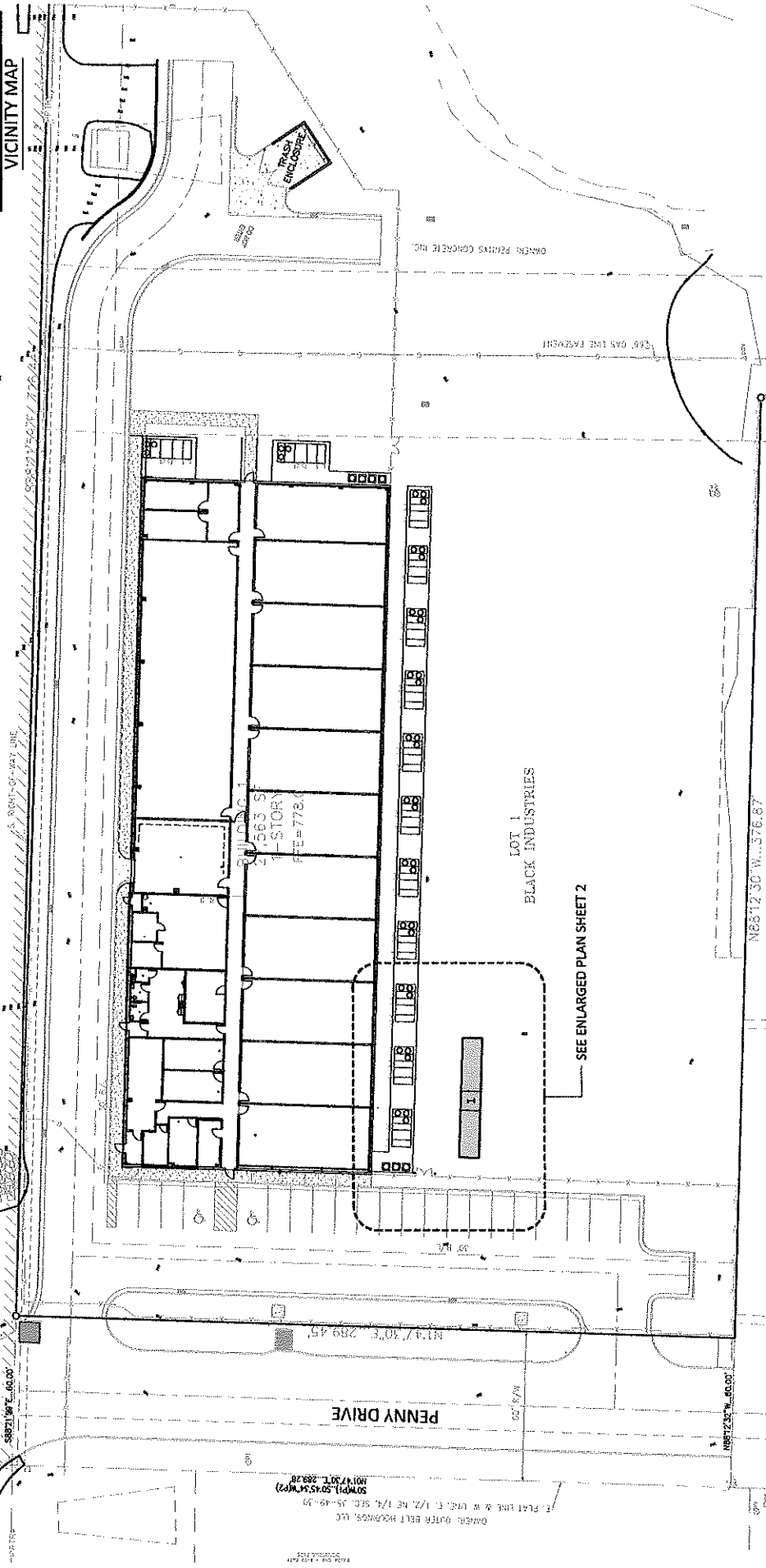
Location of the storage container will not be in direct view from the public thoroughfare (see plan). The view from I-70 will be obstructed by the building and views from Penny drive will be screened by the fence, embellished with screening material to ensure no visibility.

Plans for this facility will be to integrate product storage into future phases of the development. Two additional buildings are currently planned for, which will not require all of the administrative and employee facilities that were necessary at the initial stage. This will permit the programming of storage areas into the planning of future phases within the building footprints proposed. At that time, use of temporary storage containers will no longer be required.



INTERSTATE 70

SOUTH OUTER BELT RD



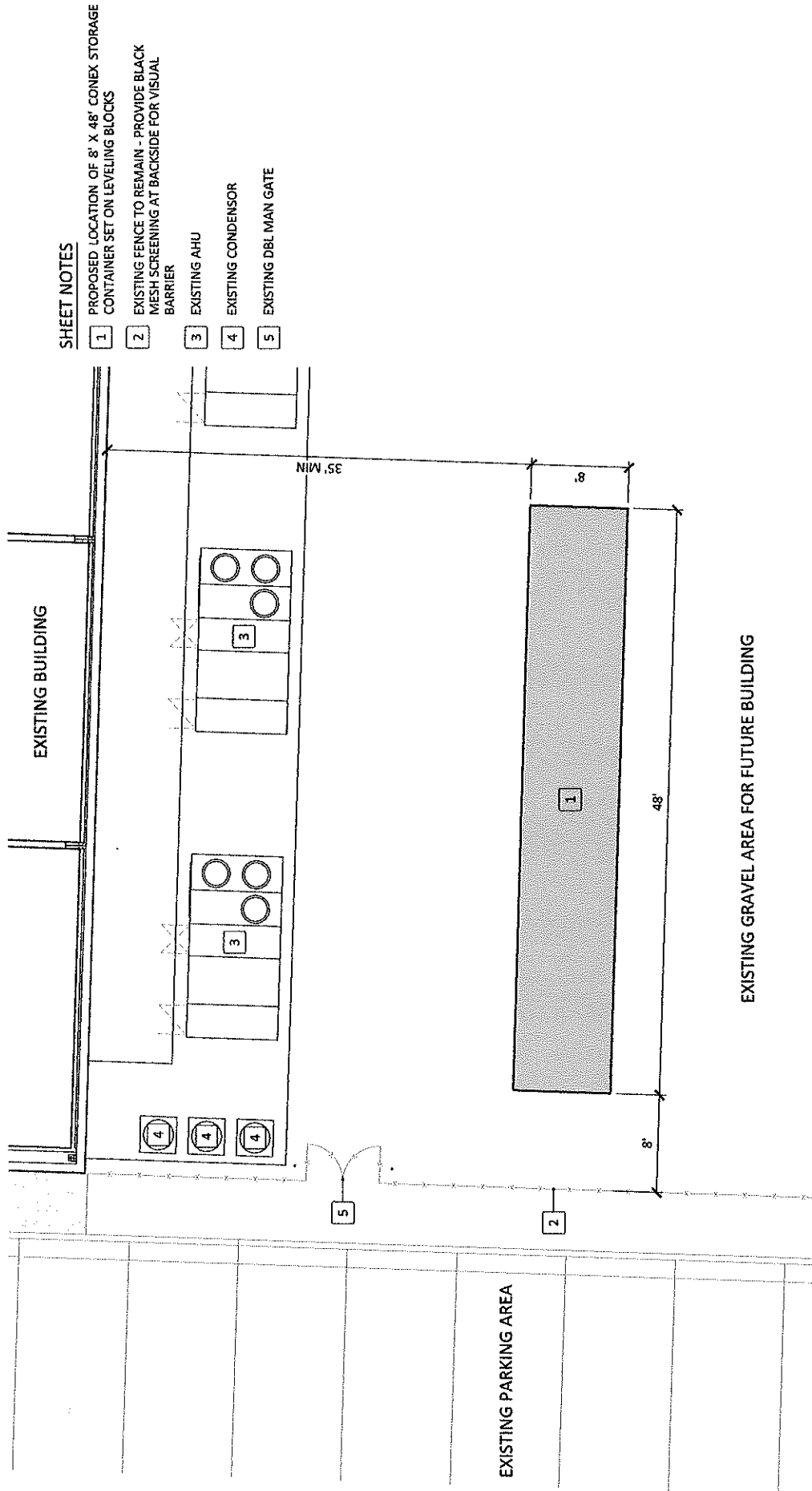
SHEET NOTES

- 1 PROPOSED LOCATION OF 8' X 48' CONEX-STORAGE CONTAINER

MISSOURI MADE MARIJUANA - CONCEPT PLAN FOR STORAGE CONTAINER LOCATION

SCALE: 1" = 40'-0"

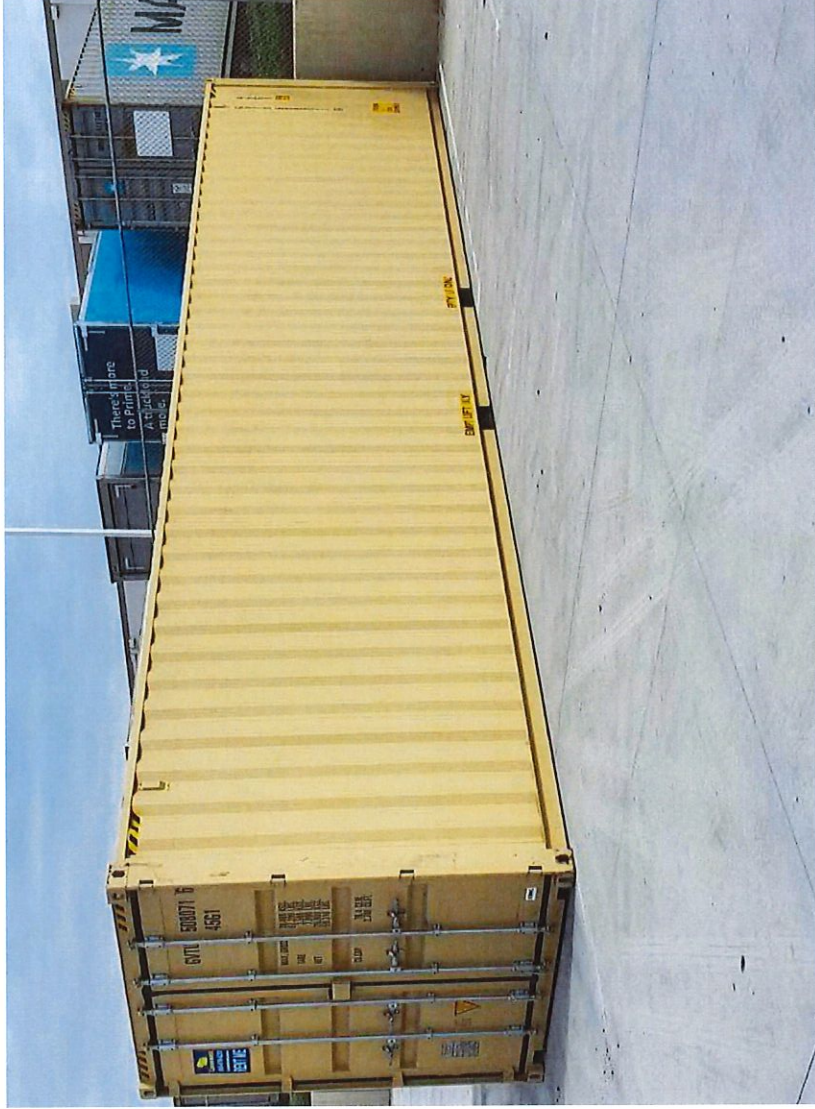




SHEET NOTES

- 1 PROPOSED LOCATION OF 8' X 48' CONEX STORAGE CONTAINER SET ON LEVELING BLOCKS
- 2 EXISTING FENCE TO REMAIN - PROVIDE BLACK MESH SCREENING AT BACKSIDE FOR VISUAL BARRIER
- 3 EXISTING AHU
- 4 EXISTING CONDENSOR
- 5 EXISTING DBL MAN GATE

EXAMPLE – CONEX STORAGE CONTAINER – 8 Feet Wide x 40 Feet Long



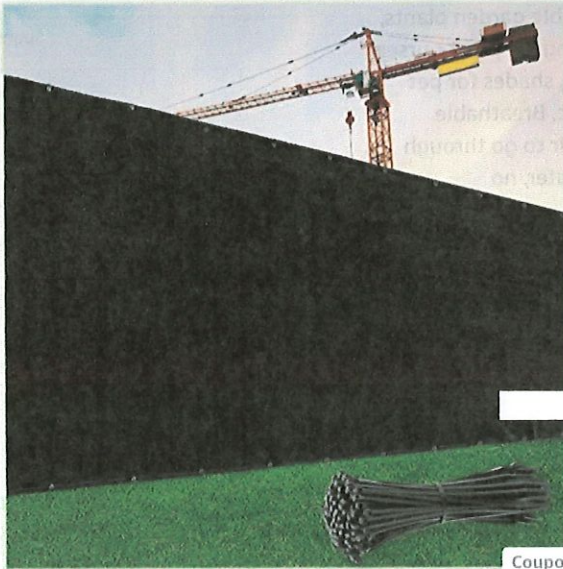
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Patio, Lawn & Garden > Outdoor Décor > Decorative Fences



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ColourTree Store

308 ratings

Editor's Choice for "black 8' x 50' privacy screen"

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Details

Roll over image to zoom in



VIDEO

Get \$100 off instantly: Pay \$0.00 upon approval for the Amazon Prime Rewards Visa Card.

Size:

8' x 50'

Color: Black



- ★ **【Virgin, UV Stabilized Compounds & Thick Material】** : The only fence screen product on the market that are made of 160 GSM 100% virgin (Non-recycled) HDPE material. Our virgin HDPE fabric went through 20000 hours of laboratory UV testing and it is proved to be 70% more durable compared to recycled HDPE under sun exposure, fabric has been treated with UV stabilized compound, preventing fence screen from dried out, tearing and fading, significantly extend the lifespan.
- ★ **【Privacy Solution 90% Visibility Blockage】** : Most economical way for privacy over chain link fence, porous decorative concealment, existing cyclone wire fence, wood retaining wall, welded wire fence, chain link fence, privacy barrier around swimming pool, block nose neighbor see through, add privacy to acre back yard backdrop, front yard, patio, garden and porch; hide street, road, construction site, pet kennel pen, block surrounding noise and street view, stops dogs from barking at neighbors.

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Qty: 1

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**CITY OF
GRAIN VALLEY**

**STATE OF
MISSOURI**

BILL NO. B20-10

ORDINANCE NO.
SECOND READING
FIRST READING

2503
May 27, 2020 (6-0)
May 11, 2020 (6-0)

**AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO OPERATE A
MEDICAL MARIJUANA CULTIVATION FACILITY ON APPROXIMATELY 6
ACRES**

WHEREAS, the Mayor and the Board of Aldermen are committed to the development of the City; and

WHEREAS, a public hearing was held on March 11, 2020 in which the Planning and Zoning Commission recommended approval of a conditional use permit subject to five conditions for a medical marijuana cultivation facility on approximately 6 acres that is generally located at the east end of South Outer Belt Road on the south side of Interstate 70 and north of Penny's Concrete facility; and

WHEREAS, a public hearing concerning said matter was held before the Board of Aldermen at the Grain Valley City Hall in Grain Valley, Missouri, at the hour of 7:00 p.m. on April 13, 2020; and

WHEREAS, the Board of Aldermen has determined that the proposed land use will not seriously injure the appropriate use of neighboring property and will conform to the general intent and purpose of Chapter 400, Zoning Regulations, in the City Code of Ordinances.

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

SECTION 1: The Conditional Use Permit to operate a medical marijuana cultivation facility is generally described below:

Legal Description:

All that part of the East One-half of the Northeast Quarter of Section 35, Township 49 North, Range 30 West, in the City of Grain Valley, Jackson County, Missouri, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 35; thence S 88°22'01" E, along the North line of the Northeast Quarter of said Section 35, a distance of 1326.88 feet to the Northwest corner of the East One-half of the Northeast Quarter of said Section 35; thence S 1°47'30" W, along the West line of the East One-half of the Northeast Quarter of said Section 35, a distance of 284.56 feet to the Northeast plat corner of I-70 EAST

INDUSTRIAL PARK, a platted subdivision of land in the City of Grain Valley, Jackson County, Missouri, said point also being a point on the South right-of-way line of U.S. Highway 40/Interstate 70 Highway, as now established; thence S 88°21'59" E, along the South right-of-way line of said U.S. Highway 40/Interstate 70 Highway, a distance of 60.00 feet to the point of beginning; thence continuing S 88°21'59" E, along the South right-of-way line of said U.S. Highway 40/Interstate 70 Highway, a distance of 726.44 feet; thence S 1°49'09" W, a distance of 308.99 feet; thence S 46°49'09" W, a distance of 266.38 feet; thence N 88°10'51" W, a distance of 164.82 feet; thence N 2°51'56" E, a distance of 205.77 feet; thence N 88°12'30" W, a distance of 376.87 feet; thence N 1°47'30" E, a distance of 289.45 feet to the point of beginning, containing 265,536 square feet or 6.0959 acres, more or less.

SECTION 2: The Conditional Use Permit to operate a medical marijuana cultivation facility is hereby approved subject to the following conditions:

- 1) The Conditional Use Permit is issued only to Missouri Made Marijuana LLC at the approved site and shall not run with the land.
- 2) If Missouri Made Marijuana LLC's State-issued license is not renewed or is revoked for any reason, then the Conditional Use Permit shall terminate immediately without any additional notice.
- 3) Missouri Made Marijuana LLC shall provide a copy of their State license, issued by the Missouri Department of Health and Senior Services, to the Planning and Zoning Commission annually to confirm their continuing licensed status with the State of Missouri.
- 4) The perimeter fence for the facility shall be no taller than 8 feet and shall be a wrought iron spike type fence or other similar material.
- 5) The site plans and landscape plan need to be amended to show the same landscaping materials on the north side of property (swamp white oak and sea green juniper) and pattern will be planted along the frontage on the new public street.

SECTION 3: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Read two times and PASSED by the Board of Aldermen this 27th day of May, 2020, the aye and nay votes being recorded as follows:

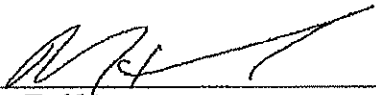
ALDERMAN BASS	<u>aye</u>	ALDERMAN CLEAVER	<u>aye</u>
ALDERMAN HEADLEY	<u>aye</u>	ALDERMAN STRATTON	<u>aye</u>
ALDERMAN TOTTON	<u>aye</u>	ALDERMAN WEST	<u>aye</u>

Mayor _____ (in the event of a tie only)

Approved as to form:

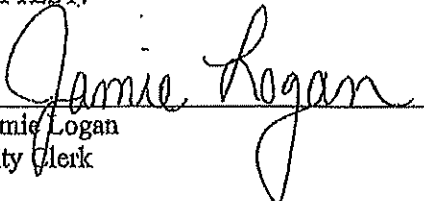


Laurel Municipal Law
City Attorney



Mike Todd
Mayor

ATTEST:



Jamie Logan
City Clerk

**CITY OF
GRAIN VALLEY**

**STATE OF
MISSOURI**

BILL NO. B20-38

ORDINANCE NO.
SECOND READING
FIRST READING

2531
December 21, 2020 (6-0)
December 21, 2020 (6-0)

**AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO OPERATE A
MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURING FACILITY**

WHEREAS, the Mayor and the Board of Aldermen are committed to the development of the City; and

WHEREAS, a public hearing was held on November 18, 2020 in which the Planning and Zoning Commission recommended approval of a conditional use permit subject to four conditions for a medical marijuana infused products manufacturing facility on approximately 6 acres that is generally located at the east end of South Outer Belt Road on the south side of Interstate 70 and north of Penny's Concrete facility; and

WHEREAS, a public hearing concerning said matter was held before the Board of Aldermen at the Grain Valley City Hall in Grain Valley, Missouri, at the hour of 7:00 p.m. on December 14, 2020; and

WHEREAS, this is the same site that the Board of Aldermen approved a Conditional Use Permit by Ordinance 2503 for Missouri Made Marijuana to operate a Medical Marijuana Cultivation Facility; and

WHEREAS, the Board of Aldermen has determined that the proposed land use will not seriously injure the appropriate use of neighboring property and will conform to the general intent and purpose of Chapter 400, Zoning Regulations, in the City Code of Ordinances.

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

SECTION 1: The property for the Conditional Use Permit to operate a medical marijuana infused products manufacturing facility is generally described below:

Legal Description:

Lot 1, Black Industries, a subdivision in Grain Valley, Jackson County, Missouri, according to the Plat thereof recorded June 17, 2020 as Document No. 2020E0050672 in Plat Book 190, page 84.

SECTION 2: The Conditional Use Permit to operate a medical marijuana infused products manufacturing facility is hereby approved subject to the following conditions:

- 1) The Conditional Use Permit is issued only to Missouri Made Marijuana LLC at the approved site and shall not run with the land.
- 2) If Missouri Made Marijuana LLC's State-issued license is not renewed or is revoked for any reason, then the Conditional Use Permit shall terminate immediately without any additional notice.
- 3) Missouri Made Marijuana LLC shall provide a copy of the Manufacturing State license, issued by the Missouri Department of Health and Senior Services, to the Planning and Zoning Commission annually to confirm their continuing licensed status with the State of Missouri.
- 4) The perimeter fence along the north and west property lines shall be an 8 foot tall "Ameristar Montage" black spike steel panel or reasonably equivalent as approved by the Community Development Director and the perimeter fence along the east and south property lines shall be an 8 foot tall "Ameristar PermaCoat" black chain link fence using all black components for posts, clips, rails and attachments or reasonably equivalent as approved by the Community Development Director.

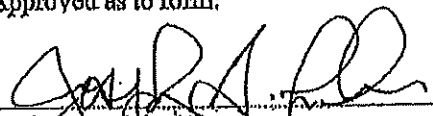
SECTION 3: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Read two times and PASSED by the Board of Aldermen this 21st day of December, 2020, the aye and nay votes being recorded as follows:

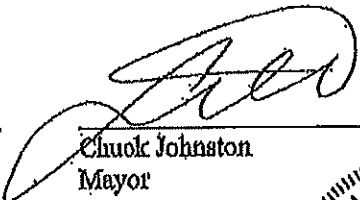
ALDERMAN BASS	_____ aye _____	ALDERMAN CLEAVER	_____ aye _____
ALDERMAN HEADLEY	_____ aye _____	ALDERMAN KNOX	_____ aye _____
ALDERMAN STRATTON	_____ aye _____	ALDERMAN TOTTEN	_____ aye _____

Mayor _____ (in the event of a tie only)

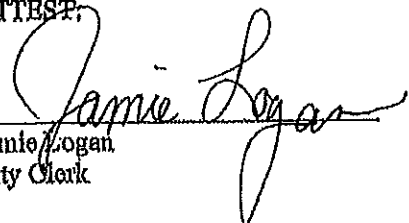
Approved as to form:



 Lauber Municipal Law
 City Attorney



 Chuck Johnston
 Mayor

ATTEST:


 Jamie Logan
 City Clerk



STAFF REPORT

Creekside Villas

September 8, 2021

ACTION: Requesting Final Development Plan and Final Plat approvals for Creekside Villas. The property is 3.15 acres. The property is zoned District R-3p (Multi-Family Residential District – Planned Overlay District). The final development plan illustrates 28 units. The development site is generally located west of Sni-A-Bar Parkway on the north side of Sni-A-Bar Blvd. The Final Plat is a replat of Lots 1 – 8, Creekside Landing, to Lot 1, Creekside Villas, a subdivision in Grain Valley. The property owner is Jeff Handy Construction, LLC.

BACKGROUND: The Planning and Zoning Commission reviewed the Preliminary Development Plan at the April 14, 2021 meeting. The preliminary plan illustrates 26 units. Section 400.200 F.c.1 in the City Code allows an applicant to make changes to the preliminary development plan in the submittal of the final development plan. There is a list of changes in the code that are determined “*substantial or significant changes*”. If the change is one of those then, the Planning and Zoning Commission can only approve “*substantial or significant changes*” after a rehearing occurs. Since the final development plan is not increasing the number of buildings by more than 10%, then it is not considered a “*substantial or significant change*”. The Commission approved the preliminary development plan with 26 units with staff recommendations on several items, accepting the 25-foot building line setback in the front yard and add a deed restriction of a 55 and older community.

PURPOSE: The applicant’s vision of providing a maintenance free community has not changed. Each unit will be 2 bedrooms and 1 bathroom; all on one level. Each unit will include 1,000 square feet with a covered front and back porch. The exterior will be all brick and have 35-year asphalt shingles. Mowing, trash, and snow removal will be handled by the applicant.

ANALYSIS: As stated above, the applicant has added two additional units to the approved Preliminary Development Plan, increasing the number of buildings from 26 to 28. Referencing the Final Development Plan, these units are labeled buildings 5 and 25. Building 5 is generally located in the northeast corner of the proposed site. The distance between the building and property line, although not labeled, appears to be 12 to 14 feet.

Building 25 is generally located in the southeast corner of the proposed site. This building is 10 feet from the rear property line.

In District R-3, the minimum rear yard setback for a residential structure to the rear lot line is 30 feet. This distance is provided in the approved Preliminary Development Plan.



Community Development
Mark Trosen, Director

PAGE 2, STAFF REPORT – CREEKSIDE VILLAS

In the Commission's motion to approve the rezoning/preliminary development plan, a condition was included to include a deed restriction of a 55 and older community.

The Board of Aldermen approved the rezoning/preliminary development plan by Ordinance 2545. Section 3 of the Ordinance states the Applicant/Developer shall have a covenant in a lease, deed or other legal document that requires residents of Creekside Villas to be 55 or older. The applicant submitted the residential lease/rental agreement with the application for the final development plan and final plat. The agreement states that "Resident agrees that at least one person in the dwelling is of the age of 55 or older and that all other residents are at least 40 years of age".

Regarding the final plat for Creekside Villas, the plat meets the requirements and standards of the city code.

STAFF RECOMMENDATION: Staff recommends **DISAPPROVAL** of the Final Development Plan. The addition and placement of the two additional residential structures encroach significantly within the minimum rear yard setback requirement and diminishes the open/green space for residents. The approved Preliminary Development Plan should be submitted and requested for approval as the Final Development Plan.

Staff recommends approval of the final plat for Creekside Villas.

PLANNING AND ZONING COMMISSION OPTIONS: Referencing the Zoning Regulations, the Commission has the following options pertaining to their recommendation to the Board of Aldermen. The Commission may recommend approval, approval with stipulations or conditions or recommend disapproval.



Grain Valley
Come Home To Opportunity

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

PLANNING & ZONING APPLICATION

2021-0567

PROJECT INFORMATION

Location: Sni-A-Bar Blvd and Sni-A-Bar Parkway- NW Quadrant

Subdivision: Creekside Villas Lot #: 1 Zoning District: C-2 R-3p

Description of Request: Approval of Final Development Plan and Final Plat

APPLICANT INFORMATION

Name: Jeff Handy

Company: Jeff Handy Construction, LLC

Address: P.O. Box 459, Blue Springs, MO 64013

Telephone: 816-985-4869 Fax: _____ E-mail: jshandy11@gmail.com

Property Owner: Jeff Handy Construction, LLC

Additional Contact(s): Kevin Sterrett, PE,PLS 816-703-7098, ksterrett@hgcons.com

0265

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 checked="" type="checkbox"/> Final Plat/ Lot Split 1 • 6 • 12 • 13 • 14 • 15	6 Final Plat (6 copies)
<input 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 will 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 _____

Date _____

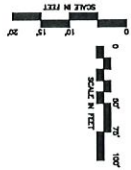
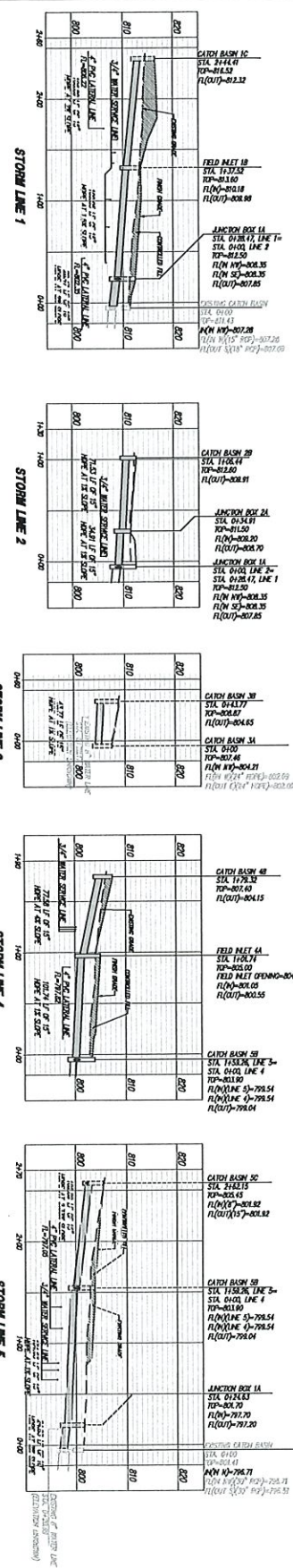
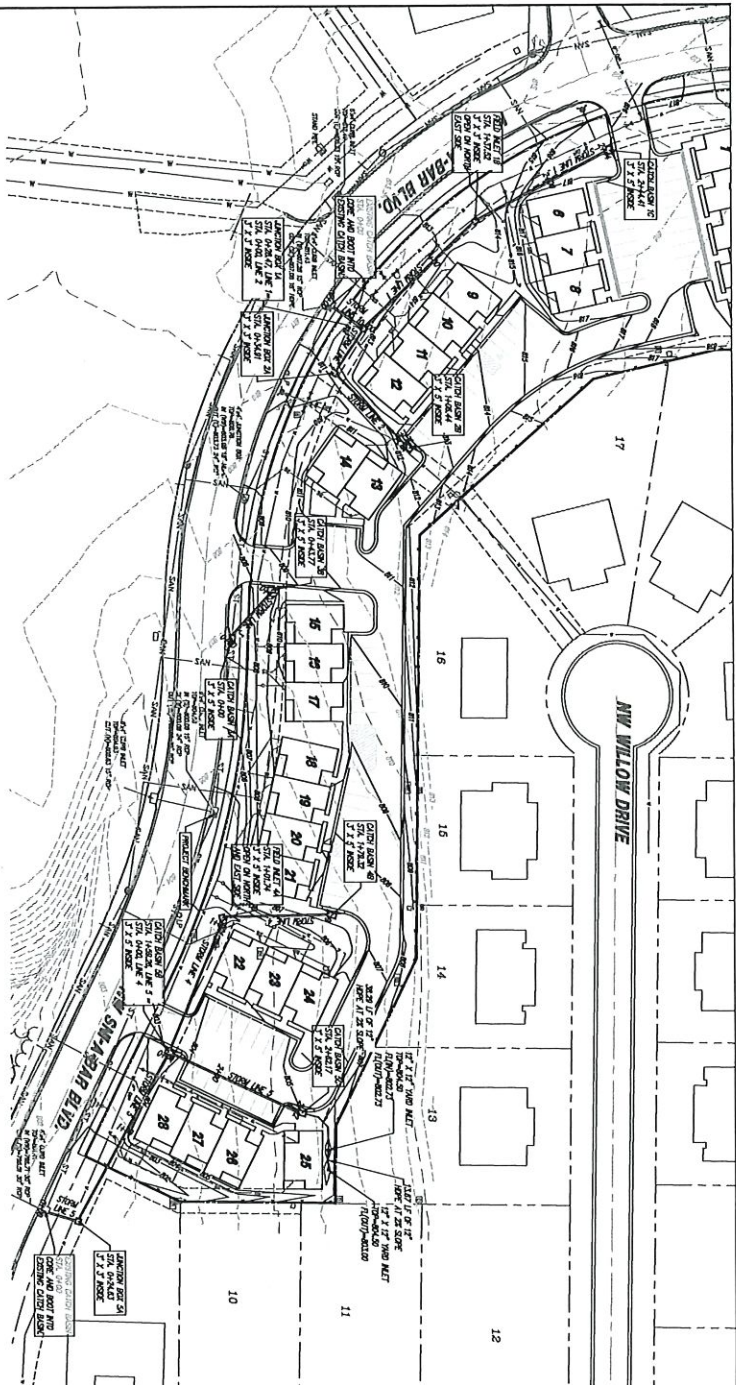
Applicant's Signature _____

Date _____

PAID

AUG 11 2021

CITY OF GRAIN VALLEY

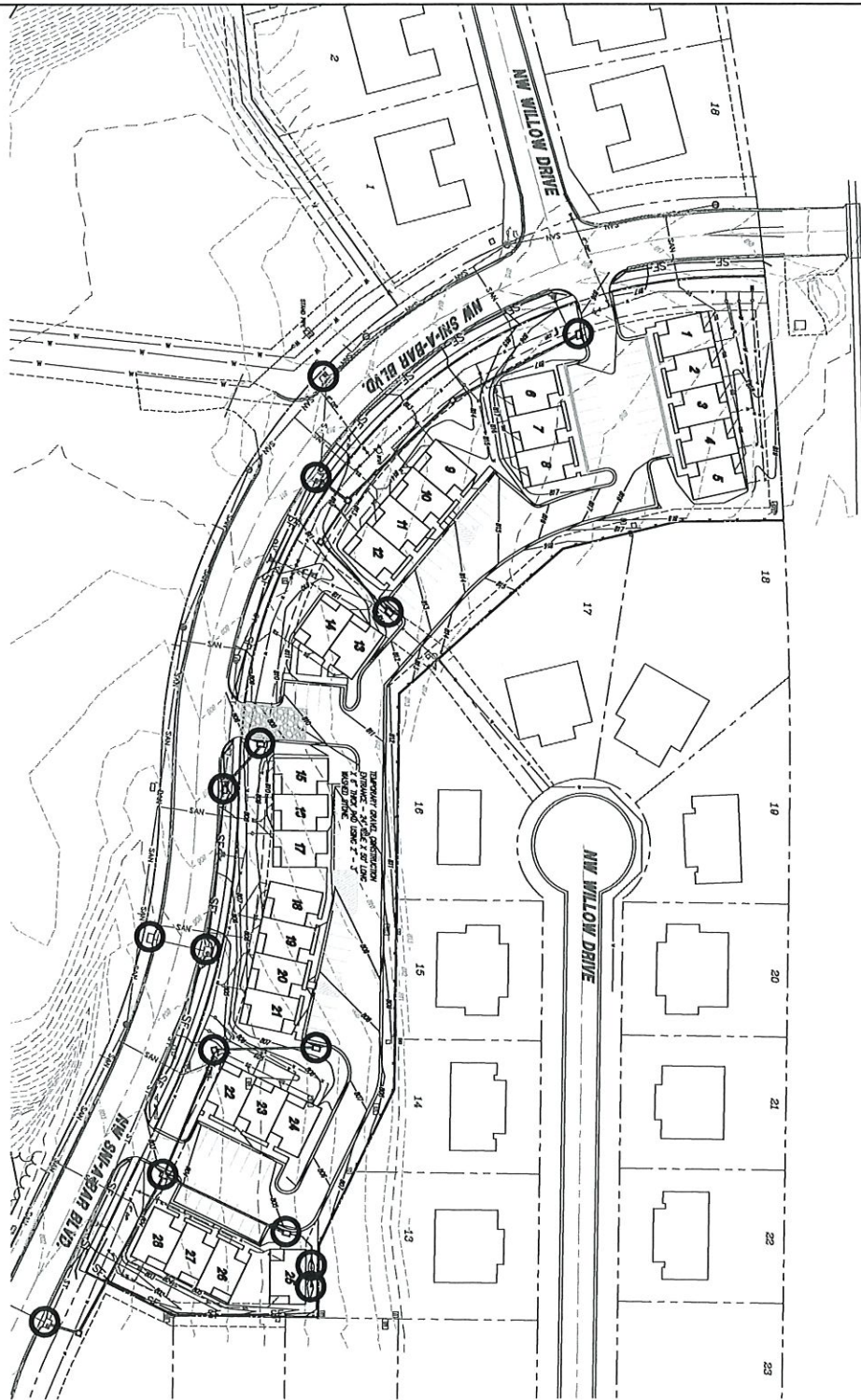


STORM SEWER NOTES:

811
Know what's below.
Call before you dig.

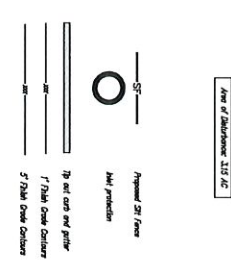
PROJECT BENCHMARK:
 1' = 1" Storm Sewer
 1" = 10' Gas
 1" = 10' Water
 1" = 10' Electric
 1" = 10' Other

PROJECT BENCHMARK:
 No. of Sheets: 12
 Sheet No.: 5
 Date: 7/29/21
 Designer: K. STEVENS
 Checker: K. STEVENS



EROSION CONTROL GENERAL NOTES:

1. All erosion control structures shall be constructed in accordance with the Missouri Department of Transportation (MoDOT) Standard Specifications for Construction, Section 105, and the Missouri Department of Conservation (MDC) Best Management Practices (BMP) Manual, Volume 1, Chapter 3.
2. All erosion control structures shall be installed prior to the start of earthmoving activities.
3. All erosion control structures shall be inspected and maintained throughout the construction process.
4. All erosion control structures shall be removed and replaced as needed.
5. All erosion control structures shall be installed in accordance with the Missouri Department of Transportation (MoDOT) Standard Specifications for Construction, Section 105, and the Missouri Department of Conservation (MDC) Best Management Practices (BMP) Manual, Volume 1, Chapter 3.



NO.	DATE	BY	CHKD BY
1	7/29/21	K. STEVENS	K. STEVENS
2			
3			
4			
5			

EROSION CONTROL PLAN
CREEKSIDE VILLAS
 GRAIN VALLEY - JACKSON COUNTY - MISSOURI

Consult Inc
 engineers planners

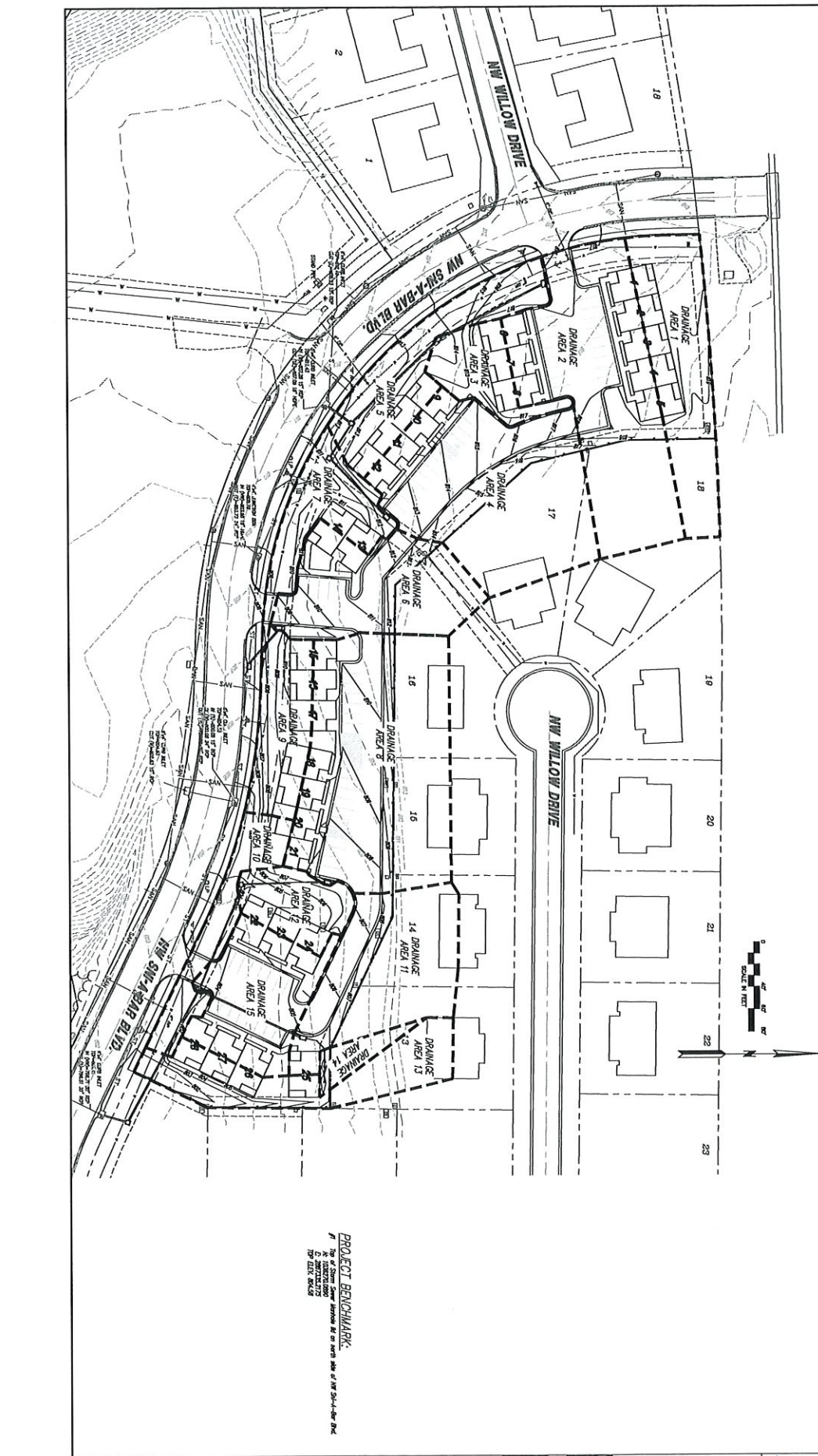
Missouri Professional Engineer Seal for Kevin Stevens, License No. 1100000073

DATE	REVISION	NO.	BY	CHKD BY

IF THIS IS NOT A BLUE INK SEAL, AND THE SIGNATURE IS BLUE INK, THE PLAN IS A COPY AND MAY BECOME UNAUTHORIZED A YEAR FROM THE EXPIRATION DATE-SHOWN ON THE DOCUMENT SHALL NOT APPLY TO ANY REVISIONS.

STORM SEWER CALCULATIONS

STORM SEWER STRUCTURE NO.	FROM AREA OR STRUCTURE	TO AREA OR STRUCTURE	RECREATED AREA (AC)			TIME OF FLOW			10 YEAR DESIGN INTENSITY			100 YEAR DESIGN INTENSITY			PIPE DESIGN												
			AREA ACRES	TOTAL ACRES	COMPOSITE COEFFICIENT	T1	T2	T3	AREA INTENSITY (in/hr)	AREA INTENSITY (in/hr)	AREA INTENSITY (in/hr)	AREA INTENSITY (in/hr)	IN PIPE	BY PASS	TOTAL	IN PIPE	BY PASS	TOTAL	PIPE SIZE	PIPE SLOPE	PIPE TYPE	ROUGH COEFF	DESIGN VELOCITY	DEPTH	VELOCITY	FULL FLOW	
LINE 1	CB 1C	FI 18	0.31	0.31	0.66	5.0	0.0	5.0	7.35	2.8	0.0	2.8	10.32	4.9	0.0	4.9	7.5	0.0	7.5	15	2.00	HOPE	0.011	6.57	5.3	9.8	11.6
LINE 1	FI 18	JB 1A	0.98	0.98	0.66	5.0	0.0	5.0	7.35	2.8	0.0	2.8	10.32	4.9	0.0	4.9	7.5	0.0	7.5	15	2.00	HOPE	0.011	6.57	5.3	9.8	11.6
LINE 1	JB 1A	EX CB	0.13	0.71	0.66	5.0	0.0	5.0	7.35	2.8	0.0	2.8	10.32	4.9	0.0	4.9	7.5	0.0	7.5	15	2.00	HOPE	0.011	6.57	5.3	9.8	11.6
LINE 2	CB 2B	JB 2A	0.00	0.71	0.66	5.0	0.0	5.0	7.35	2.8	0.0	2.8	10.32	4.9	0.0	4.9	7.5	0.0	7.5	15	2.00	HOPE	0.011	6.57	5.3	9.8	11.6
LINE 2	JB 2A	EX CB	0.28	0.98	0.66	5.0	0.0	5.0	7.35	2.8	0.0	2.8	10.32	4.9	0.0	4.9	7.5	0.0	7.5	15	2.00	HOPE	0.011	6.57	5.3	9.8	11.6
LINE 2	EX CB	CB 3A	0.25	0.25	0.66	5.0	0.0	5.0	7.35	1.2	0.0	1.2	10.32	2.1	0.0	2.1	2.1	0.0	2.1	18	1.00	HOPE	0.011	5.24	5.0	6.0	7.3
LINE 3	CB 3B	CB 3A	0.33	0.33	0.66	5.0	0.0	5.0	7.35	1.8	0.0	1.8	10.32	2.9	0.0	2.9	2.9	0.0	2.9	22	1.00	HOPE	0.013	5.98	5.0	6.0	7.3
LINE 4	CB 4B	FI 18	0.17	0.17	0.66	5.0	0.0	5.0	7.35	0.6	0.0	0.6	10.32	0.6	0.0	0.6	0.6	0.0	0.6	15	4.00	HOPE	0.011	8.87	5.3	6.0	7.3
LINE 4	FI 18	STREET	0.68	0.68	0.66	5.0	0.0	5.0	7.35	0.6	0.0	0.6	10.32	0.6	0.0	0.6	0.6	0.0	0.6	15	1.00	HOPE	0.011	8.87	5.3	6.0	7.3
LINE 4	STREET	DA 9	0.17	0.17	0.66	5.0	0.0	5.0	7.35	0.8	0.0	0.8	10.32	1.4	0.0	1.4	1.4	0.0	1.4	24	1.00	HOPE	0.013	5.5	5.3	6.0	7.3
LINE 5	YARD INLET	CB 5C	0.15	0.15	0.66	5.0	0.0	5.0	7.35	0.7	0.0	0.7	10.32	0.4	0.0	0.4	0.4	0.0	0.4	12	2.00	HOPE	0.011	8.12	4.4	5.0	10.6
LINE 5	CB 5C	CB 5A	0.08	0.08	0.66	5.0	0.0	5.0	7.35	0.2	0.0	0.2	10.32	0.2	0.0	0.2	0.2	0.0	0.2	12	2.00	HOPE	0.011	8.12	4.4	5.0	10.6
LINE 5	CB 5A	JB 5A	0.09	0.09	0.66	5.0	0.0	5.0	7.35	1.7	0.0	1.7	10.32	2.1	0.0	2.1	2.1	0.0	2.1	15	1.00	HOPE	0.011	5.85	5.0	5.9	6.9
LINE 5	JB 5A	EX CB	0.28	0.28	0.66	5.0	0.0	5.0	7.35	0.0	0.0	0.0	10.32	0.0	0.0	0.0	0.0	0.0	0.0	18.0	2.0	HOPE	0.011	4.24	11.7	4.3	7.32



PROJECT BENCHMARK:
 1/16/11
 1/16/11
 1/16/11
 1/16/11

DRAINAGE AREA MAP

CREEKSIDE VILLAS

GRAIN VALLEY - JACKSON COUNTY - MISSOURI

Consult Inc
engineers planners

7129/21
CORPORATE LICENSE NO. E0110002473
6, KEVIN STREET, MO 63040

DATE: 7/29/21

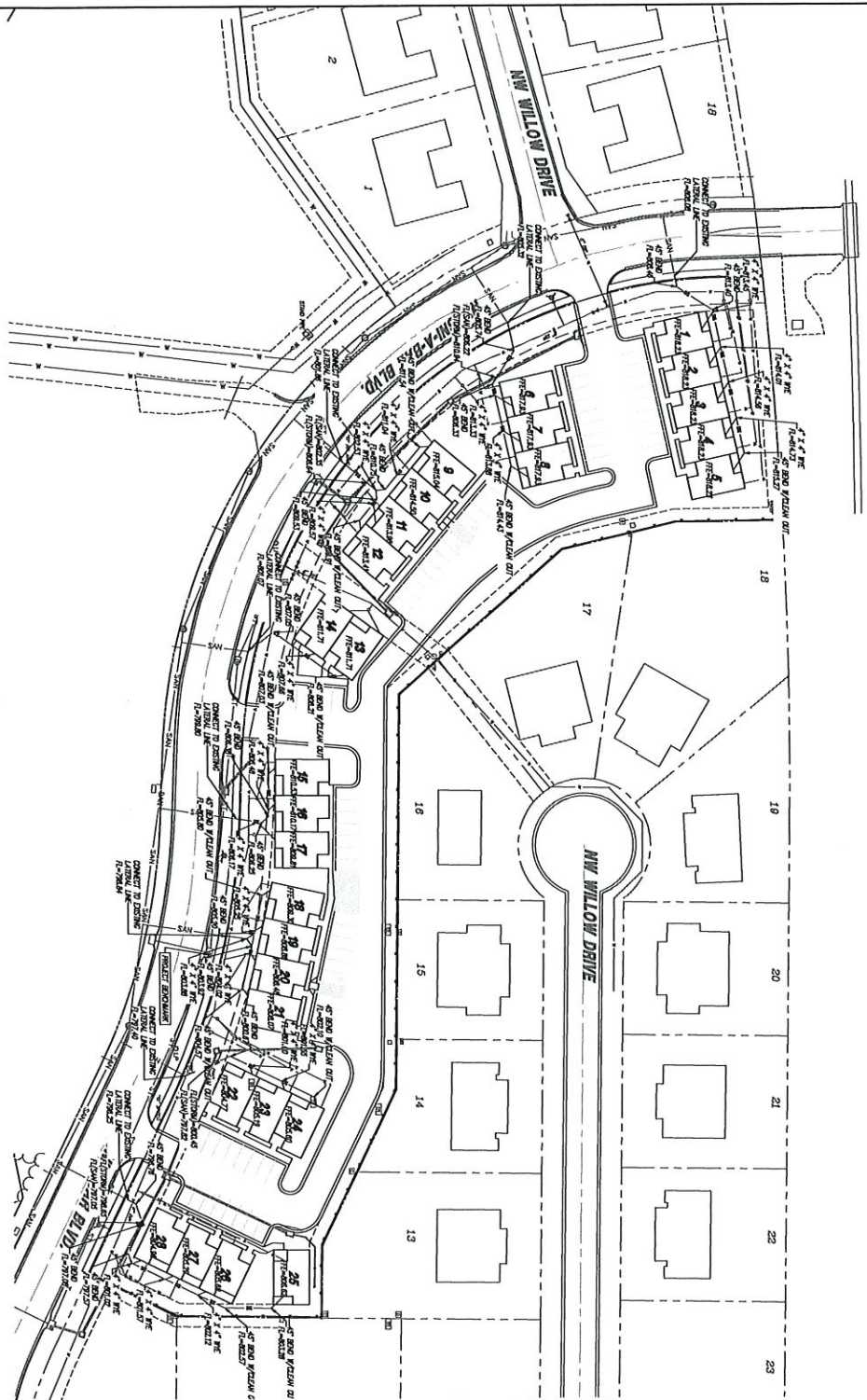
REVISION:

BY: C/141

DATE: 7/29/21

SCALE: AS SHOWN

SHEET NO. 12



SANITARY NOTES

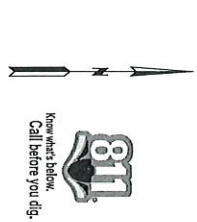
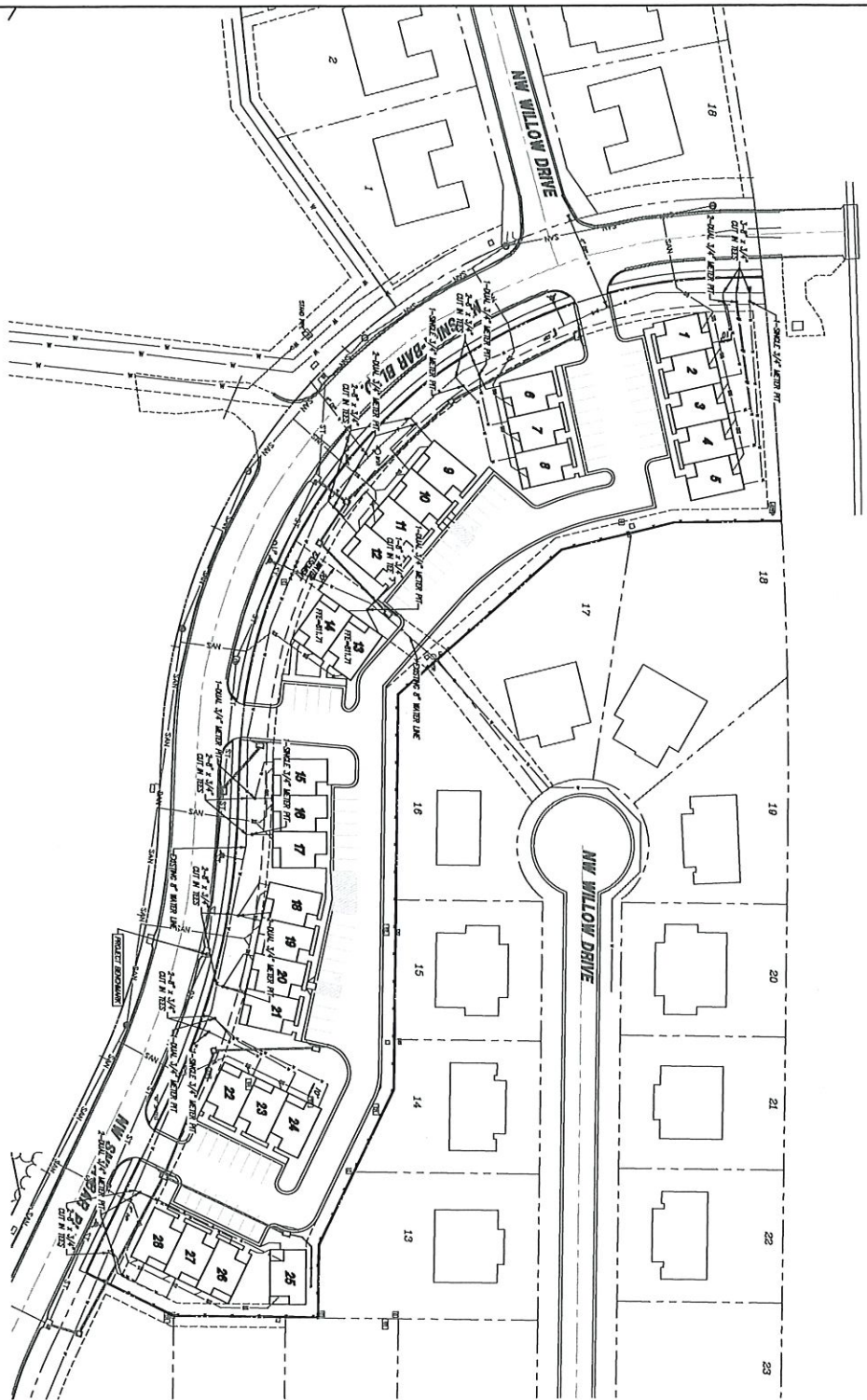
- The underground utility shown herein have been plotted from available records and do not necessarily reflect the actual existing or approximate location. The location of utilities of adjacent lots, streets, and other structures, shown or not shown, are not intended to be construed as a warranty or representation of any kind. The contractor shall verify the location of all utilities before construction.
- The Contractor shall ensure that all sanitary sewer laterals are installed in accordance with the applicable provisions of the International Plumbing Code (IPC) and the International Building Code (IBC).
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UTILITY SEPARATION

- Utility separation shall be maintained in accordance with the applicable provisions of the International Plumbing Code (IPC) and the International Building Code (IBC).
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PROJECT BENCHMARK:
 1. THE DESIGN SHALL BE IN ACCORDANCE WITH THE CITY OF JACKSON COUNTY, MISSOURI, SANITARY SEWER LATERAL CONNECTION PLAN, SECTION 101.01 AND 101.02.
 2. THE DESIGN SHALL BE IN ACCORDANCE WITH THE CITY OF JACKSON COUNTY, MISSOURI, SANITARY SEWER LATERAL CONNECTION PLAN, SECTION 101.01 AND 101.02.
 3. THE DESIGN SHALL BE IN ACCORDANCE WITH THE CITY OF JACKSON COUNTY, MISSOURI, SANITARY SEWER LATERAL CONNECTION PLAN, SECTION 101.01 AND 101.02.

<p>Consult Inc engineers planners</p> <p>719/723 P. KEVIN STEARNS, P.E. 190 E-2640</p>	<p>Sanitary Sewer Lateral Connection Plan</p> <p>Creekside Villas</p> <p>Grain Valley - Jackson County - Missouri</p>	<p>DATE: 7/12/23</p> <p>REVISION:</p>	<p>NO. BY CHKAPP</p>	<p>7 of 12</p>
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Know what's below.
Call before you dig.



WATER NOTES

1. All utility structures to be in accordance to City of Grain Valley, MO.
2. All utility structures to be installed in accordance to City of Grain Valley, MO.
3. All utility structures to be installed in accordance to City of Grain Valley, MO.
4. All utility structures to be installed in accordance to City of Grain Valley, MO.
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10. All utility structures to be installed in accordance to City of Grain Valley, MO.

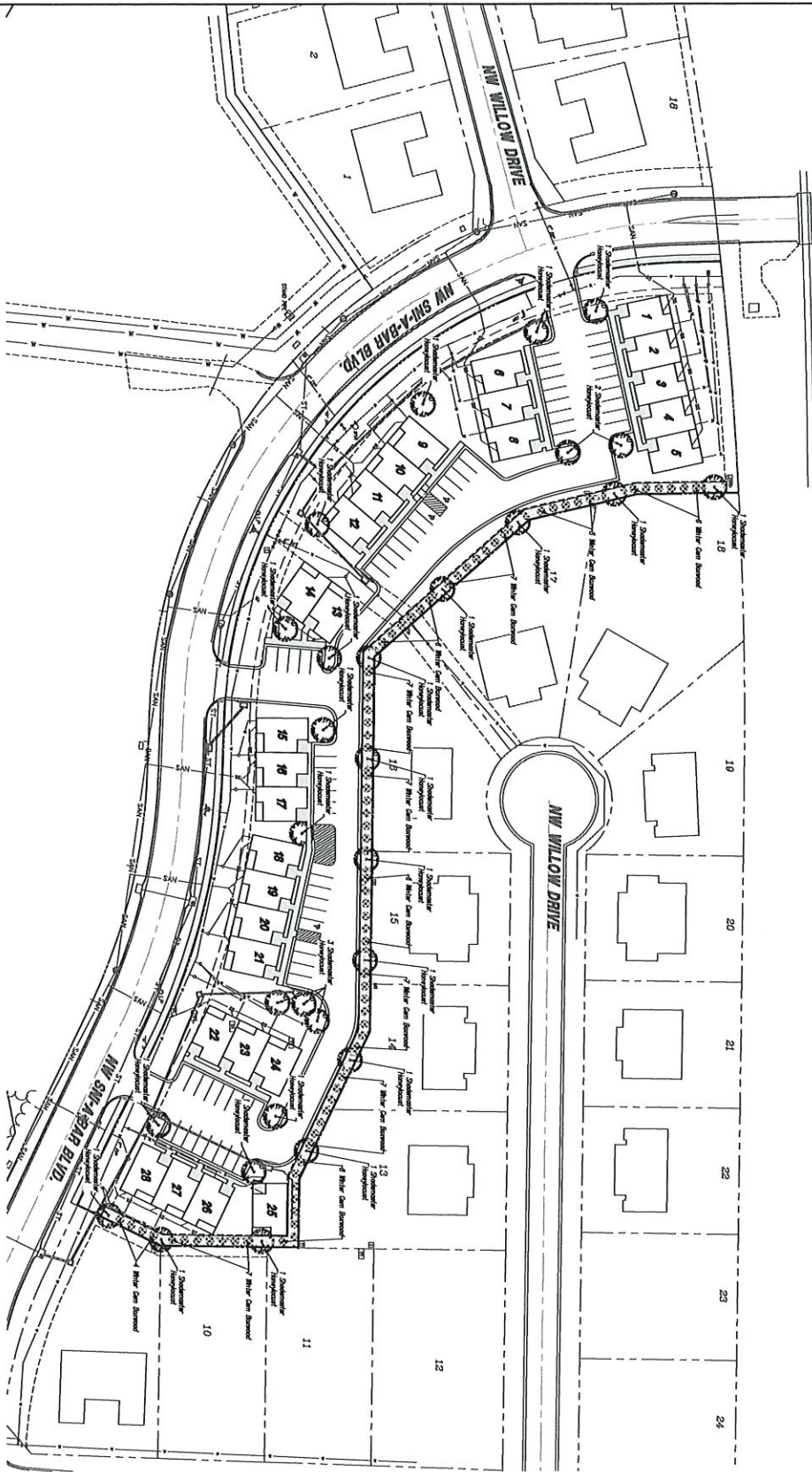
UTILITY SEPARATION:

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8. All utility structures to be installed in accordance to City of Grain Valley, MO.
9. All utility structures to be installed in accordance to City of Grain Valley, MO.
10. All utility structures to be installed in accordance to City of Grain Valley, MO.

PROJECT BENCHMARK:
 At Top of Corner Stake located at an corner lot of NW 25th & 1st Ave.
 N. 103.00000000
 W. 103.00000000
 100' 0.00' 0.00"

<p>8 of 12</p>	<p>WATER SERVICE PLAN</p> <p>CREEKSIDE VILLAS</p> <p>GRAIN VALLEY - JACKSON COUNTY - MISSOURI</p>	 <p>Consult Inc engineers planners</p> <p>DISCORPATE LICENSE NO. 0201002973</p>	<p>7/28/21</p> 	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td> </td> <td> </td> </tr> </table>	DATE	REVISION			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>BY</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	BY	DATE			
DATE	REVISION														
NO.	BY	DATE													

IF THIS IS NOT A BLUE INK SEAL AND THE BENCHMARK IS BLUE INK, THE PLAN IS A COPY AND NOT CONFORM TO THE ORIGINAL. CHECK THE ORIGINAL FOR ANY CHANGES TO THE BENCHMARK OR THE BENCHMARK SHALL NOT APPLY TO ANY OTHER PROJECTS.



NOTES:
 1. All trees and shrubs are to be planted within the specified planting area.
 2. All trees and shrubs are to be planted within the specified planting area.
 3. All trees and shrubs are to be planted within the specified planting area.
 4. All trees and shrubs are to be planted within the specified planting area.

LANDSCAPE SYMBOL	DESCRIPTION	QUANTITY
	1' Diameter Tree	29
	2' Diameter Shrub	77
	1' Diameter Planter	
	2' Diameter Planter	

LANDSCAPE PLAN
 CREEKSIDE VILLAS
 GRAIN VALLEY - JACKSON COUNTY - MISSOURI

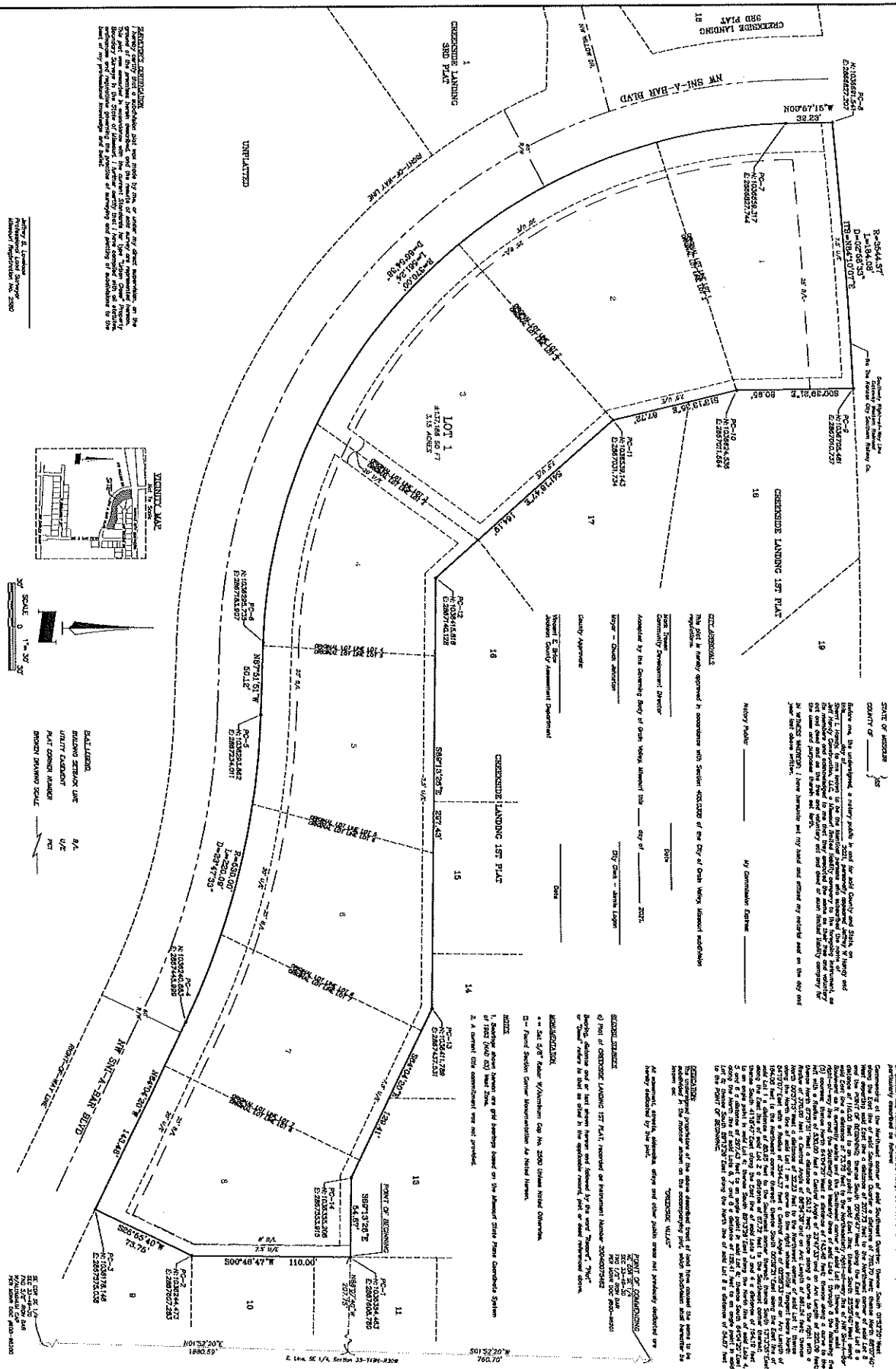
Consult Inc engineers planners
 7788/21
 P. KEVIN STEELE, P.E., PLS. 63-6446

DATE	REVISION	NO.	BY	CHECKED

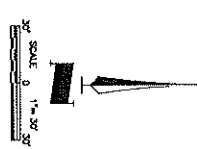
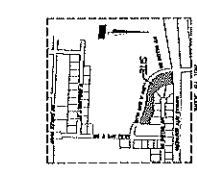
9 12

IF THIS IS NOT A BLUE INK SEAL, AND THE SIGNATURE IS BLUE INK, THE PLAN IS A COPY AND MAY BE VOID.
 UNLESS OTHERWISE NOTED, THE COPY WORKSHOWN ON THIS DOCUMENT SHALL NOT APPLY TO ANY REVISIONS.

**MINOR PLAT
CREEKSIDE VILLAS
A REPLAT OF LOTS 1 THRU 8, CREEKSIDE LANDING 1ST PLAT
GRAN VALLEY, JACKSON COUNTY, MISSOURI
IN THE SE 1/4, SECTION 33-149N-R30W**



PLANNING ACKNOWLEDGEMENT
 This plat is hereby approved in accordance with Section 402.020 of the City of Gran Valley, Missouri, which provides that the City Council may, upon the recommendation of the Planning Commission, approve a plat of land for subdivision, provided that the plat complies with the provisions of the Missouri Plat Act, Chapter 208, R.S.Mo., and the provisions of any applicable ordinances and rules of the City of Gran Valley, Missouri.




DEVELOPER
 BUILDING SERVICE LINE 8/4
 UTILITY EXHIBIT 0/2
 PLAT CORNER MARKS 0/2
 MINOR PLATING SCALE 0/2

STATE OF MISSOURI
 COUNTY OF JACKSON

My Commission Expires _____

My Commission Expires _____

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 <p>LOVELACE & ASSOCIATES Land Services & Lead Based Paint 818 SE 2nd Street, Leawood, Missouri 64065 Phone: (816) 341-9977 Fax: (816) 341-9978</p>	Project No: 21084 Drawn By: PHS/R Checked By: BIL Date: 8/16/2011 Scale: 1"=50' File Name: 33080MINORPLAT.PDW Certificate of Accuracy: Missouri - 2010038118 Expires: 1-5-14	<p>MINOR PLAT CREEKSIDE VILLAS A REPLAT OF LOTS 1 THRU 8, CREEKSIDE LANDING 1ST PLAT GRAN VALLEY, JACKSON COUNTY, MISSOURI</p> <p>PREPARED FOR: JEFF HANDY CONSTRUCTION, LLC 90300 413 BLUE SPRINGS, MO 64015</p>	<table border="1"> <thead> <tr> <th>DATE</th> <th>NUMBER</th> <th>REVISION</th> <th>BY</th> <th>APPROVED</th> </tr> </thead> <tbody> <tr> <td>09/16/2011</td> <td>1</td> <td>TEK CITY COMMENTS</td> <td>JWS/R</td> <td>BIL</td> </tr> </tbody> </table>	DATE	NUMBER	REVISION	BY	APPROVED	09/16/2011	1	TEK CITY COMMENTS	JWS/R	BIL
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09/16/2011	1	TEK CITY COMMENTS	JWS/R	BIL									
<p>MINOR PLAT</p> <p>SHEET 1 OF 1</p>													

Jeff Handy
1312 NW Broadway
Grain Valley, MO 64029

Cell # 816-985-4869

www.Jeffhandyconstruction.com

RESIDENTIAL LEASE/RENTAL AGREEMENT

This agreement made this _____ day of (mo.) _____ (yr.) _____, is between _____ (hereinafter called Management) and _____ (hereinafter called Resident. Management leases to Resident, and Resident rents from Management, residential unit located at _____ (hereinafter called premises), under the following conditions.

TERM: 1. The initial term of this lease shall be _____, beginning (yr.) _____ and ending noon, (mo./day) _____ (yr.) _____. After the lease is expired the lease will automatically revert to Month to Month. The Resident has the option of signing another lease at the Managements Discretion. The Management has the right to terminate the lease after the term of the lease.

RENT: 2. Rent is payable monthly, in advance, at a rate of _____ dollars (\$_____), per month, during the term of this agreement on the first day of each month at the office of the Management or at such other place Management may designate. Tenant agrees to pay \$25.00 for each dishonored check. Further, the tenant agrees to pay rent in full by the fifth day of each month; otherwise a late fee of \$50.00 will apply, as well as \$5 per day until the rent is paid in full.

EVICTON: 3. If the rent called for in paragraph 2 hereof has not been paid by the fifteenth (15th) of the month, then Management shall automatically and immediately have the right to take out a Dispossessory Warrant and have Resident, his/her family and possessions evicted from the premises. All past rents and late fees incurred will be paid by the resident including attorney fees. If the resident is late 3 times the Management has the right to evict the resident with a written notice.

AGE REQUIREMENTS: 4. Resident agrees that at least one person in the dwelling is of the age of 55 or older and that all other residents are at least 40 years of age.

INDEMNIFICATION DEPOSIT: 5. Management acknowledges receipt of _____ dollars (\$_____), as a deposit to indemnify owner against damage to the property and for residents fulfillment of the conditions of this agreement. Deposit will be returned to resident thirty (30) days after the residence is vacated if:

- Resident has given a **60-day** written notice on the 1st of the month and
- Lease term has expired, or agreement has been terminated by both parties; and
- All monies due Management by Resident have been paid; and
- Residence is not damaged and all items in the move out packet are completed; and
- Management is in receipt of copy of paid final bills on all utilities (includes gas, electric, water, and telephone).
- Deposit will not be returned if resident leaves before lease time is completed. Deposit may be applied by Management to satisfy all or part of Resident's obligations and such act shall not prevent Management from claiming damages in excess of the deposit. Resident may not apply the deposit to any of the rent payment.
- Deposit will apply to any late fees that are due.

RENEWAL TERM: 6. It is the intent of both parties that this lease is for a period of _____ months and that the last month's rent will apply only to the last month of the lease period. Should this

lease be breached by the Resident, the indemnification deposit shall be forfeited as liquidated damages and Resident will owe rent until premises has been rented.

SUBLET: 7. Resident may not sublet residence or assign this lease without written consent of Management.

CREDIT APPLICATION: 8. Management having received and reviewed a credit application filled out by Resident, and Management having relied upon the representations and statements made therein as being true and correct, has agreed to enter into this rental agreement with Resident. Resident and management agree that the credit application the Resident filled out when making application to rent said residence is hereby incorporated by reference and made a part of this rental agreement. Resident further agrees if he/she has falsified any statement on said application, Management shall be entitled to keep any security deposit and any prepaid rent as liquidated damages. Resident further agrees, in event Management exercises its option to terminate rental agreement, Resident will remove him or herself, his/her family and possessions from the premises within 24 hours of notification from indemnify Management for any damages to property of Management including, but limited to, the cost of making residence suitable for renting to another Resident, and waives any right of "setoff" for the security deposit and prepaid rent which was forfeited as liquidated damages.

FIRE AND CASUALTY: 9. If residence become inhabitable by reason of fire, explosion, or by other casualty, Management may, at its option terminate rental agreement or repair damages within 30 days. If Management does not do repairs within this time or if building is fully destroyed, the rental agreement hereby created is terminated. If Management elects to repair damage, rent shall be abated and prorated from the date of the fire, repairs, Resident has vacated and removed resident's possessions as required by Management. The date of reoccupancy shall be the date of notice that residence is ready for reoccupancy.

HOLD OVER: 10. Resident shall deliver possession of residence in good order and repair to Management upon termination or expiration of this agreement.

RIGHT OF ACCESS: 11. Management shall have the right of access to residence for inspection and repair of maintenance during reasonable hours. In case of emergency, Management may enter at any time to protect life and prevent damage to the property.

USE: 12. Residence shall be used for residential purposed only and shall be occupied only by the persons named in resident's application to lease. The presence of an individual residing on the premises who is not a signature on the rental agreement will be sufficient grounds for termination of this agreement. Residence shall be used so to comply with state, county, and municipal laws and ordinances. Resident shall not use or permit it to be used for any disorderly or unlawful purpose or any manner so as to interfere with other Resident's quite enjoyment of their residence.

PROPERTY LAWS: 13. Management shall not be liable for damage to Resident's property for any type of any reason of cause whatsoever, except where such is due to Management gross negligence, Resident acknowledges that he/she is aware that he/she is responsible for obtaining any desired insurance for fire, theft, liability, etc. on personal possessions, family, and guests.

INDEMIFICATION: 14. Resident releases Management from liability for and agrees to indemnify Management against losses, incurred by Management as a result of (a) Resident's failure to fulfill any condition of this agreement; (b) any damage of injury happening in or about residence or premises to Resident's invitees of licensees of such person's property; (c) Resident's failure to comply with any requirements imposed by any governmental authority; and (d) any judgment, lien, or any other encumbrance field against residence as a result of Resident's action.

FAILURE OF MANAGEMENT

TO ACT: 15. Failure of Management to insist on compliance with the terms of this agreement shall not constitute a waiver of any violation.

NOTICES: 16. Any notice required by this agreement shall be in writing and shall be delivered personally by registered or certified mail.

REPAIRS: 17. Management will make necessary repairs to the exterior with reasonable promptness after receipt of written notice from Resident. Resident shall make all necessary repairs to interior and keep premises in a safe, clean, and sanitary condition. Resident is responsible for minor repairs. (Ex. Garbage disposal, toilet blockage, light bulbs) Resident may not remodel or paint or structurally change nor remove any fixture there from without permission from Management.

ABANDONMENT: 18. If Resident removes or attempts to remove property from the premises other than in the usual course of continuing occupancy, without having first paid Management all monies due, residence may be considered abandoned, and Management shall have the right without notice, to store or dispose of any property remaining on the premises by the Resident. Management shall also have the right to store or dispose of any resident's property remaining on the premises after the termination of this agreement. Any such property shall be considered Management's property and the title thereto shall vest in Management.

MORTGAGEE'S RIGHTS 19. Resident's rights under this lease shall always remain junior and subject to any deed to secure debt which is now or shall hereafter be placed on premises of which residence is part if requested, Resident shall execute promptly any certificate that Management may request to specifically implement the subordination of this paragraph.

RULES AND REGULATIONS:

20. (A) Signs: Resident shall not display any signs, exterior lights or markings. No awnings or other projections shall be attached to the outside of the building.
- (B) Locks: Resident is prohibited from adding locks to, changing, or in anyway altering locks installed on the doors. All keys must be returned to Management of the premises upon termination of the occupancy.
- (C) Entrances, walks, lawns, and driveways shall not be obstructed or used for any purpose other than ingress and egress.
- (D) Radio or television aerials shall not be placed or erected on the roof of the exterior.
- (E) Parking: Non-operative vehicles are not permitted on premises. Any such non-operative vehicle may be removed by the Management at the expense of the Resident owning the same, for storage or public or private sale, at Management's option, and Resident owning the same shall have no right of recourse against Management thereafter.
- (F) Storage: No goods or materials of any kind or description which are combustible or would increase fire risk or shall in any way increase the fire insurance rate with respect to the premises or any law or regulation, may be taken or placed in a storage area of the residence itself. Storage in all such areas shall be at the Resident's risk and Management shall not be responsible for and loss of damage.
- (G) Wall: No nails, screws, or adhesive hangers except standard picture hooks, shade brackets, and curtain rod brackets may be placed in walls, woodwork, or any part of the residence.
- (H) Guests: Resident shall be responsible and liable for the conduct of his/her guest. Act of guest in violation of this agreement or Management's rules and regulation may be deemed by Management to be a breach by Resident. No guest may stay longer than 10 days without permission by Management: otherwise, a \$10.00 per day guest charge will be due to Management.
- (I) Noise: All radios, television sets, music players, etc, must be turned down to a level of sound that does not annoy or interfere with neighbors.
- (J) Resident's Guide: Management reserves the right at any time to prescribe such additional rules and make such changes to the rules and regulations set forth and referred to above, as Management shall in its judgment, determined to be necessary for the safety, care and cleanliness of the premises, for the preservation of good order or for the comfort or benefit of Residents generally.

ENTIRE AGREEMENT: 21. This agreement and any attached addendum constitute the entire agreement between parties and no oral statements shall be binding. It is the intention of the parties herein that if any part of this rental agreement is invalid, for any reason, such invalidity shall not void the remainder of the rental agreement.

PET EXCEPTION: 22. The Resident agrees to pay a \$ _____ pet deposit that is non-refundable. If at any time the pet disturbs other tenants or is damaging Management's property, the Resident agrees to remove the pet from the Management's property immediately.

UTILITIES: 23. The Resident shall be responsible for all utilities and any trash service.

APPLIANCES: 24. Management will provide stove, dishwasher, refrigerator, and microwave. Resident will be responsible for all other appliances.

SMOKE DETECTORS: 25. The Resident is responsible for replacing the batteries in the smoke detectors.

FURNACE FILTERS: 26. The Resident is responsible for replacing the furnace filters. The filters need to be checked monthly and replaced accordingly. There will be a \$75.00 service call to be paid by Resident if the furnace filter is dirty and is the cause of any furnace problems.

SATELLITE DISHES: 27. No satellite dishes will be installed on the actual building. The only approved location is on a pole in the building's yard.

EXTERIOR FAUCETS: 28. The Resident is responsible for removing hoses from the exterior faucets during the winter months. The Resident is responsible for any damages caused by the exterior faucets freezing due to the connecting hoses.

REFRIGERATOR: 29. The Management is not responsible for any food or drink contents inside the refrigerator.

TRAMPOLINE: 30. There will be no trampolines on the property.

PAINTING: 31. There will be no painting on the interior or the exterior of the building.

BBQ GRILLS: 32. BBQ Grills must be away from building when in use.

WINDOW SCREENS: 33. There will be a \$50.00 charge per screen for any damage to a window screen.

IN WHITNESS WHEREOF, the parties hereto have caused these presents to be signed in person the day and year first above written.

MANAGEMENT

RESIDENT(S)

**CITY OF
GRAIN VALLEY**

**STATE OF
MISSOURI**

BILL NO. B21-11

ORDINANCE NO.
SECOND READING
FIRST READING

2545
May 24, 2021 (6-0)
May 10, 2021 (6-0)

AN ORDINANCE CHANGING THE ZONING ON APPROXIMATELY 3.15 ACRES FROM DISTRICT C-1 (CENTRAL BUSINESS DISTRICT) TO R-3P (MULTI-FAMILY RESIDENTIAL DISTRICT – PLANNED OVERLAY DISTRICT) AND APPROVAL OF PRELIMINARY DEVELOPMENT PLAN FOR CREEKSIDE VILLAS

WHEREAS, the Mayor and the Board of Aldermen are committed to the development of the City; and

WHEREAS, a public hearing was held on April 14, 2021 in which the Planning and Zoning Commission unanimously recommended approval of the zoning change to R-3p (Multi-Family Residential District – Planned Overlay District) on approximately 3.15 acres and approval of the Preliminary Development Plan for the Creekside Villas with Staff recommendations, acceptance of the 25-foot building line setback and add a deed restriction of a 55 and older community; and

WHEREAS, a public hearing concerning said matter was held at the Grain Valley City Hall in Grain Valley, Missouri at the hour of 7:00 p.m. on May 10, 2021; and

WHEREAS, in reviewing the City's 2014 Comprehensive Plan, the proposed rezoning and preliminary development plan would be consistent with the character and intent of the long range plan; and

WHEREAS, the Board of Aldermen of the City of Grain Valley, Missouri, has determined that it is desirable.

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

SECTION 1: The zoning for the property generally described below is hereby established as R-3p (Multi-Family Residential District – Planned Overlay District):

Legal Description:

Lots 1 through 8, Creekside Landing – 1st Plat – A subdivision in the City of Grain Valley, Jackson County, Missouri

SECTION 2: The Board of Aldermen approves the preliminary development plan for the Creekside Villas.

SECTION 3: The Applicant/Developer shall have a covenant in a lease, deed or other legal document that requires residents of Creekside Villas to be 55 or older.


SECTION 4: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Read two times and PASSED by the Board of Aldermen this 24th day of May, 2021, the aye and nay votes being recorded as follows:

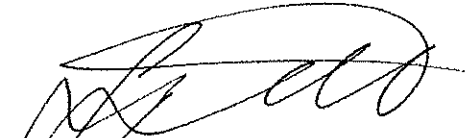
ALDERMAN BASS	<u>aye</u>	ALDERMAN CLEAVER	<u>aye</u>
ALDERMAN HEADLEY	<u>aye</u>	ALDERMAN KNOX	<u>aye</u>
ALDERMAN MILLS	<u>aye</u>	ALDERMAN STRATTON	<u>aye</u>

Mayor _____ (in the event of a tie only)

Approved as to form:

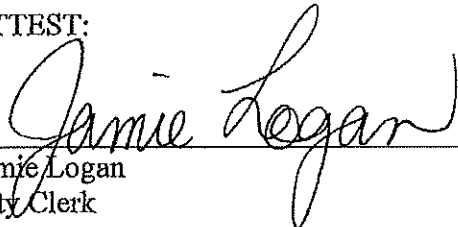


Lauber Municipal Law
City Attorney



Chuck Johnston
Mayor

ATTEST:



Jamie Logan
City Clerk



*Community Development
Mark Trosen, Director*

MEMORANDUM

To: Planning and Zoning Commission
From: Mark Trosen, Community Development Director
Date: September 8, 2021

Staff is requesting input from the Planning and Zoning Commission pertaining to proposed amendments to the Zoning Regulations, Section 400.230 pertaining to allowable sizes for detached garages and detached accessory storage buildings.

In April of this year, the Board of Zoning Adjustment (BZA) granted a variance to allow a 4,800 square foot garage/barn on a 3.94 lot. The property is zoned R-1 (Single Family Residential).

On July 31, 2019, the BZA granted two variances for accessory structures on larger lots zoned R-1, one for 1,200 square foot structure on 1.15-acre lot and a 1,500 square foot structure on a 7.94-acre lot.

The proposed amendments to Section 400.230 would allow a larger detached garage and accessory storage building if your lot size was within a certain range. There are no formulas or magic in determining these numbers. Staff based the numbers on the variances granted and conversations with property owners that wanted to build a bigger structure but were told although you have a large lot, the maximum square footage for your detached garage can only be 1,000 square feet.

The next step would be to advertise and hold a public hearing on the proposed amendments to Chapter 400, Zoning Regulations, in the City Code. The Commission would make a recommendation to the Board of Aldermen where a second public hearing is held. After two readings, which typically takes two BOA meetings, the changes are approved by Ordinance.

Section 400.230 **Accessory Uses.**

C.2. *Garages and accessory buildings:*

- a. In a lot that does not **exceed 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 43,560 square feet (1 acre), but does not exceed 130,680 square feet (3 acres)** 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 two thousand four hundred (2,400) square feet, whichever is smaller**, and one (1) detached accessory storage building that is not more than **five hundred (500) square feet** in area constructed in connection with the residential use of a property.
- c. In a lot that **equal to or greater than 130,680 square feet (3 acres) 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 five thousand (5,000) square feet, whichever is smaller, and one (1) detached accessory storage buildings that is not more than one thousand (1,000) square feet** 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.