



**PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA
October 11, 2023, 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 9, 2023 Regular Meeting

ITEM V: CITIZEN PARTICIPATION

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

ITEM VI: PUBLIC HEARING

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.

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.



ITEM VIII: PREVIOUS BUSINESS

- **DISCUSSION TO AMEND SECTION 400.290 (OFF-STREET PARKING AND LOADING REGULATIONS) ALLOWING PARKING IN THE REAR YARD WITH CONDITIONS.**

ITEM IX: NEW BUSINESS

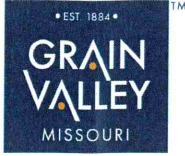
- **None**

ITEM X: ADJOURNMENT

PLEASE NOTE

The next scheduled meeting, if needed, of the City of Grain Valley Planning & Zoning Commission will take place on November 8, 2023, at 6:30 pm.

PEOPLE REQUIRING 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.



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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 9, 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: Jayci Stratton*
- *Present: Chris Bamman*
- *Absent: Elijah Greene*
- *Absent: Justin Tyson*
- *Present: Rick Knox (BOA Liaison)*
- ***There was a quorum.***

ITEM III: PLEDGE OF ALLEGIANCE

ITEM IV: APPROVAL OF MINUTES

- Commissioner Saffell motioned to approve minutes from the July 12, 2023, meeting. Commissioner Shafer seconded the motion. The motion was approved by a vote of 5 to 0.

ITEM V: CITIZEN PARTICIPATION

- None

ITEM VI: PUBLIC HEARINGS

1. Resolution 2023-01 recommending to the Board of Aldermen that Title IV of the Code of Ordinances be amended in Chapter 425 by removing Medical Marijuana Facilities and changing it to Comprehensive Marijuana Facilities pursuant to the Missouri Constitution being amended by adding Article XIV, Section 2, through Amendment 3 regarding recreational marijuana.
 - Director Trosen presented the staff report. Staff recommends approval.

Commissioners Present

Craig Shelton
 Scott Shafer
 Jayci Stratton
 Chris Bamman
 Debbie Saffell
 Rick Knox BOA Liaison

Commissioners Absent

Justin Tyson
 Elijah Greene

Staff Officials Present

Mark Trosen – CD Director
 Dick Tuttle – City Engineer
 Anthony Hernandez – City Attorney



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- City Attorney Hernandez further stated that this expands the marijuana ordinance to include comprehensive facilities because of the election that was held last November to legalize recreational marijuana. The process to require a Conditional Use Permit and distance requirements are still the same.
 - Commissioner Bamman motioned to close the public hearing. Commissioner Shafer second the motion. The motion was approved by a vote of 5 to 0.
2. A Resolution 2023-02 adopting the Grain Valley Comprehensive Plan 2050 that will serve as a guide for future growth and development of the city and outlines the vision of future land use, housing, economic development, transportation, and utilities. The adoption of the Comprehensive Plan is in accordance with Section 89.340 of the Missouri Revised Statutes.
- Director Trosen made a few comments. Staff is recommending that the Planning and Zoning Commission approve Resolution 2023-02 adopting the 2050 Comprehensive Plan.
 - Christopher Shires with Confluence, Inc. reviewed the project schedule, reviewed the public input forum, and reviewed the major areas of the plan.
 - Commissioner Shafer asked about the Gildehaus (now city owned) property and what the plan was for it. Mr. Shires responded that the plan shows the property to be for public use or civic activity. Commissioner Shafer asked about the plans to bring a train here for people to ride it to the stadium or downtown. Mr. Shires responded that plan is not included in this plan. Director Trosen responded that railroad vision has been around for several years, and the major obstacle is financing.
 - Commissioner Shafer asked about the multi-family mix and where should the city be. Mr. Shires explained the different styles of residences and said the desire would be around 10%. Currently, the city is at 6%.
 - Commissioner Shafer asked how much bigger you see the city growing even with the proposed growth areas. Mr. Shires said that our projections show, based on history, the population would be in the upper 40,000.
 - Commissioner Bamman asked does the future land use map show areas for future schools. Mr. Shires stated that we typically do not show that in plans because we do not want to trigger an increase in land prices if a school was to go there and we don't want to dictate to a property owner that you can only have a school if you were looking to sell.

Commissioners Present
 Craig Shelton
 Scott Shafer
 Jayci Stratton
 Chris Bamman
 Debbie Saffell
 Rick Knox BOA Liaison

Commissioners Absent
 Justin Tyson
 Elijah Greene

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



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- Commissioner Bamman said that as property is annexed there appears to be good guidance for zoning. Mr. Shires said yes. Director Trosen said that the ordinance for annexation brings a property in zoned Agricultural and then the property owner/developer would follow the procedure to rezone the property.
Commissioner Saffell motioned to close the public hearing. Commissioner Shafer seconded the motion. The Commission voted 5 to 0 to approve the motion.

ITEM VII: ACTION ITEMS

- Resolution 2023-01 recommending to the Board of Aldermen that Title IV of the Code of Ordinances be amended in Chapter 425 by removing Medical Marijuana Facilities and changing it to Comprehensive Marijuana Facilities pursuant to the Missouri Constitution being amended by adding Article XIV, Section 2, through Amendment 3 regarding recreational marijuana.
Commissioner Saffell motioned to approve Resolution 2023-01 to recommend to the Board of Aldermen that Chapter 425 be amended pertaining to Marijuana Facilities. Commissioner Shafer seconded the motion. The Commission voted 5 to 0 to approve the motion.
A Resolution 2023-02 adopting the Grain Valley Comprehensive Plan 2050 that will serve as a guide for future growth and development of the city and outlines the vision of future land use, housing, economic development, transportation, and utilities. The adoption of the Comprehensive Plan is in accordance with Section 89.340 of the Missouri Revised Statutes.
Commissioner Shafer motioned to approve Resolution 2023-02 adopting the 2050 Grain Valley Comprehensive Plan. Commissioner Bamman seconded the motion. The Commission voted 5 to 0 to approve the motion.

ITEM VIII: PREVIOUS BUSINESS

- Chair Shelton asked if there was any discussion on the Board level regarding the workshop to discuss the parking in the rear yard issue. Director Trosen stated that he shared the Commission's request to hold a joint workshop with City Administrator Ken Murphy who in turn has shared this with Mayor Mike Todd.

Commissioners Present

Craig Shelton
Scott Shafer
Jayci Stratton
Chris Bamman
Debbie Saffell
Rick Knox BOA Liaison

Commissioners Absent

Justin Tyson
Elijah Greene

Staff Officials Present

Mark Trosen - CD Director
Dick Tuttle - City Engineer
Anthony Hernandez - City Attorney



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ITEM IX: NEW BUSINESS

- None

ITEM X: ADJOURNMENT

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

-The Regular Meeting Adjourned at 7:21 PM-

Commissioners Present

Craig Shelton
Scott Shafer
Jayci Stratton
Chris Bamman
Debbie Saffell
Rick Knox BOA Liaison

Commissioners Absent

Justin Tyson
Elijah Greene

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle – City Engineer
Anthony Hernandez – City Attorney



**STAFF REPORT – REZONING
RZ-2023-02 JERETT PRIMM w/GOLD BLOCK VENTURES
OCTOBER 11, 2023**

ACTION: 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 on 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 part of Lot 1, Bristol Park subdivision, aka 640 NW Yennie Avenue.

CITY’S COMPREHENSIVE PLAN: The Future Land Use Plan illustrates this area for Mixed-Use. These areas are intended to be developed with a mix of housing, office, and retail uses. Retail and office uses are generally located on the street level with multi-family either being vertical or horizontal of the office and retail space. Shared parking is recommended.

BACKGROUND/PURPOSE: The Board of Aldermen approved a Conditional Use Permit (CUP) on May 26, 2009 to allow a bar and grill in the commercial space inside the Aspire at Bristol Park Apartments. The CUP had four conditions which have not been followed and therefore, voided the CUP. Recently, the Pub and Patio, a restaurant/bar that had occupied the space has moved out. The property owners are trying to re-lease to a new restaurant owner. The property owner wants to bring the property and building space into compliance with the zoning regulations and is requesting the change of zoning to District C-2. In District C-2, a restaurant/bar is permitted land use in District C-2.

STAFF RECOMMENDATION: 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. The proposed mixed use and mixed zoning on this property is consistent with the Future Land Use Plan of the City’s Comprehensive Plan.

Staff recommends approval.

640 NW Yennie St.

08/15/2023 - 08/14/2024

3332776

Planning and Zoning

General

b92ae280-3b97-11ee-abc3-d371fb061abb

Under Review

Active

Application Review Status

Pre-Review	Approved	
Planning and Zoning	Not Reviewed	08/15/2023
Final-Review	Not Reviewed	

Fees

Rezoning	\$500.00
Subtotal	\$500.00
Amount Paid	\$500.00
Total Due	\$0.00

Payments

08/15/2023	Card AmericanExpress	\$500.00
	*1021	
Total Paid		\$500.00

Application Form Data

(Empty fields are not included)

First Name

Jarrett

Last Name

Primm

Phone Number

(502) 387-5696

Email

jprimm@goldblockventures.com

Do you have an additional contact person?

Yes

Contact First Name

Wendy

Contact Last Name

Catto

Email

wcatto@goldblockventures.com

Phone Number

(303) 257-2745

Project Street Address

640 NW Yennie St.

City

Grain Valley

State

MO

Zip Code

64029

Lot #

1

Subdivision

Bristol Park

Zoning District

R-3 Multi-Family Residential District

First Name

BP Apartments, LLC

Last Name

PVJ BP Apartments, LLC

Phone Number

(502) 387-5696

Street Address

2579 West Main Street #201

City

Littleton

State

CO

Zip Code

80120

Please provide a legal description of subject property

REZONING TRACT DESCRIPTION All that part of Lot 1, BRISTOL PARK, a subdivision in the City of Grain Valley, Jackson County, Missouri, being more particularly described as follows: BEGINNING at the Northwest corner of said Lot 1, thence North 69°34'40" East along the North line of said Lot 1 a distance of 172.35 feet; thence departing said North line South 02°07'07" West a distance of 240.06 feet to the South line of said Lot 1 and the North right-of-way line of Yennie Avenue as now established; thence North 88°03'48" West along said lot line and right-of-way line a distance of 157.63 feet to the Southwest corner of said Lot 1; thence North 01°36'29" East along the West line of said Lot 1 and the East right-of-way line of Kirby Road as now established a distance of 174.49 feet to the POINT OF BEGINNING. Containing 32,859 square feet or 0.7543 acres more or less.

Please depict general location of site

 Loading map...

Please upload the preliminary development/site development plan

 23171-Bristol Park-Rezoning Exhibit_08-09-2023.pdf

Please provide a written description of the proposal

There was a restaurant/bar (Pub and Patio) in the commerical space inside the Aspire at Bristol Park Apartments which had a conditional use permit which has since expired. This tenant has moved out and we are trying to re-lease to a new restaurant owner. We need to have the space rezoned to District C2.

Please upload proof of ownership or control of property (deed, contract, lease) or permission from property owner

 1. Special Warranty Deed.pdf

Property Owner First Name	Property Owner Last Name	Street Address	City	State	Zip Code
BP Apartments, LLC	PVJ BP Apartments, LLC	2579 West Main Street, Ste 201	Littleton	CO	80120

What type of project is this?

Rezoning

Please provide a description of the project

Rezone commercial space within Aspire at Bristol Park Apartment building to District C2.

Company Name

Aspire at Bristol Park

Street Address

630 NW Yennie St.

City

Grain Valley

State

MO

Zip Code

64029

Signature

I understand and agree that as a condition to the issuance of this permit the permittee shall agree to defend, indemnify, and hold harmless the City, its officers, employees, and agents, from any and all suits, claims, or liabilities caused by or arising out of any use authorized by any such permit. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction and that I make this statement under penalty of perjury.

Jarrett Primm - 08/15/2023 1:15 pm

CITY OF
GRAIN VALLEY

STATE OF
MISSOURI

Tabled 5-11-09 (4-2)

BILL NO. 09-22
INTRODUCED BY: Arnold

ORDINANCE NO. 2034 (4-2)
FIRST READING 4-13-09 (3-2)
SECOND READING 5-26-09 (4-2)

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW A BAR AND GRILL IN THE BRISTOL PARK DEVELOPMENT

WHEREAS, Section 79.110, RSMo., 1986 as amended, provides that the Mayor and Board of Aldermen of the city of Grain Valley, Missouri, shall have the power to enact and ordain such laws as they deem expedient and necessary for the benefit of trade and commerce and the health and welfare of the inhabitants thereof; and

WHEREAS, public notification was duly provided prior to public hearing by the Planning Commission and prior to the public hearing by the Board of Aldermen; and

WHEREAS, the Board of Aldermen of the City of Grain Valley, Missouri, has determined that the requested use is desirable, and

WHEREAS, the Board of Aldermen has considered this request and deemed it to be within the best interest of the City, and

WHEREAS, a public hearing was held on April 8, 2009 for citizens' for input.

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

Section 1: A Conditional Use Permit be granted to allow a bar and grill in the Bristol Park development with the following conditions:

- Business will close by 11:00 pm Monday – Sunday
- No live bands will be allowed
- The CUP will be reviewed every two years
- Any change in liquor license will be reviewable by the Planning and Zoning Commission

Read two times and PASSED by the Board of Aldermen this 26 day of May 2009, the aye and nay votes being recorded as follows:

ALDERMAN JOHNSTON	<u>yes</u>	ALDERMAN SCULLY	<u>yes</u>
ALDERMAN BEEBE	<u>yes</u>	ALDERMAN ARNOLD	<u>no</u>
ALDERMAN HEADLEY	<u>yes</u>	ALDERMAN TODD	<u>no</u>

Mayor (in the event of a tie only) _____
Approved as to form:

James Cook, City Attorney

David Halphin

David Halphin, Mayor

ATTEST:
Carol Branson

Carol Branson, City Clerk

Current Ordinance – Section 400.290 Off-Street Parking and Loading Regulations

2. Schedule of off-street parking.

f. Parking of automobiles, trucks, boats, trailers, recreational vehicles, lawnmowers, tractors, or any other motorized vehicles is not permitted on unimproved surfaces in front, and side areas of property in commercial, industrial, and residential areas under two (2) acres per parcel throughout the City.

Exception: Properties with existing gravel driveways and/or gravel parking areas in the side yard, provided they are properly maintained.

Delete the entire section f. above and replace with the following:

f. 1. Parking of licensed and non-licensed automobiles, trucks, or any other motorized vehicles, except what is allowed in paragraph 3 below, excluding lawn equipment, is not permitted in grassy areas or unimproved surfaces in front and side areas of property in District A that are less than 5 acres in area, commercial, industrial, and residential zoned areas.

2. Parking of licensed and non-licensed automobiles, trucks, or any other motorized vehicles, except what is allowed in paragraph 3 below, excluding lawn equipment, is not permitted in the rear yard of properties zoned District A that are less than 5 acres in area and District R-1, R1A, R-1B, R-1C, R-2 and R-4.

3. Parking of unloaded utility or dump trailers, boats, boat trailers, campers, all-terrain vehicles, and residential vehicles are allowed to park in the rear yard on a cement concrete paved surface on properties zoned District A that are less than 5 acres in area and District R-1, R-1A, R-1B and R-1C and not allowed in Districts R-2, R-3, and R-4. The cement concrete paved surface or items parked on it shall not be within 8 feet of an interior side lot line or 10 feet of the rear lot line. On a corner lot, the cement concrete paved surface cannot be closer than 15 feet to the property line.

4. No more than two (2) of the vehicles/items listed in paragraph 3 above, shall be parked or stored on a cement concrete paved surface on properties zoned District A that are less than 5 acres in area and District R-1, R-1A, R-1B and R-1C.

5. On properties zoned District A that are less than 5 acres in area and District, R-1, R-1A, R-1B and R-1C, the vehicles/items listed in paragraph 3 above must be parked or stored on property with a principal residence and cannot be parked or stored on a vacant lot.

Exception: Properties with existing gravel driveways and/or gravel parking areas in the side and rear yards, provided they are properly maintained.