



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

3/10/2021
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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 March 10, 2021 via video conference of the Commissioners because of the social distancing order due to the COVID-19 pandemic.
- The meeting was called to order at 6:32 PM by Chair Debbie Saffell.

ITEM II: ROLL CALL

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

ITEM III: APPROVAL OF MINUTES

- Commissioner Tyson motioned to approve the minutes from the January 13, 2021 regular meeting. Commissioner Browning second the motion. The Commission approved the minutes by vote 7-0.

ITEM IV: PUBLIC HEARINGS

Since the representative for the Vacation of Right-of-Way between 215 and 303 Front Street was not on the zoom call, Chair Saffell decided to switch the public hearing order and open the hearing for Capital Paving and Construction Materials to see if a representative would join later.

1. **Capital Paving and Construction Materials** – Requesting a Conditional Use Permit to operate a portable asphalt plant on approximately 14.3 acres that is generally located at the northeast corner of McQuerry and Seymour Roads, 1101 and 1107 S. Seymour Road, Grain

Commissioners Present

Craig Shelton
Elijah Greene
Paul Loving
Scott Shafer
Justin Tyson
Kevin Browning
Debbie Saffell
Bob Headley (BOA Liaison)

Commissioners Absent

Staff Officials Present

Mark Trosen – CD Director
Dick Tuttle, PE – City Engineer



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Valley, Missouri. The property owner is A4 Holdings LLC. The property is zoned District M-1 (Light Industrial) and District A (Agricultural). Capital Paving will use the portable asphalt plant to pave several MoDOT highway projects during the year.

- Commissioner Browning asked who maintains the outer road to Buckner Tarsney Road. City Engineer Tuttle responded that the City maintains the asphalt part of McQuerry from Seymour to generally the curve or concrete road and then that is maintained by MoDOT.
- Commissioner Browning asked if they are going to rebuild the road once they tear it up because the road is unable to handle that many trucks. City Engineer Tuttle said that is one of the conditions that staff recommended.
- Commissioner Tyson asked is the only outlet from McQuerry and Seymour Road to Buckner Tarsney is by Casey's. City Engineer Tuttle responded that is correct and that is maintained by MoDOT.
- Commissioner Loving asked if the \$100,000 is sufficient to cover the cost to repair the road. City Engineer Tuttle responded that he did a calculation based on current asphalt bids.
- Director Trosen reviewed the staff report and stated that if the Planning and Zoning Commission recommends approval then staff recommends that the Conditional Use Permit be subject to seven conditions as printed in report.
- Commissioner Loving asked if there is potable water on-site and if there are bathrooms on-site. City Engineer Tuttle responded yes.
- Commissioner Tyson asked that sometimes the deterioration of the road is from the bottom to the top and you do not notice the cracks until 8 or 10 months later. Is there an end date? City Engineer Tuttle said that they are providing a two-year maintenance bond and based on the number of trucks, if the road were to fail, it would fail in that time.
- Commissioner Shafer said with the housing and the school nearby and with the noise and truck traffic, what does the city gain from this facility? Brandon Reed with Capital Paving responded that the city would not get a sales tax because it is federal project, and the city has not requested compensation. Commissioner Shafer said he could see City Hall phones blowing up with complaints. Mr. Reed agreed that there will be complaints.

Commissioners Present

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Elijah Greene
Paul Loving
Scott Shafer
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Commissioners Absent

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- Commissioner Tyson asked what your agreement with MoDOT is if there is damage to the intersection of Buckner Tarsney and McQuerry Road. Mr. Reed responded that he has never had any agreements with MoDOT regarding fixing roads after a project is completed or requiring a bond.
- Commissioner Browning said he believes that part of this property is in the floodplain. Who is responsible for clean-up: city, county, state, federal? City Engineer Tuttle said that is private property and is responsibility of the owner. Mr. Reed also said that when an asphalt plant is placed Missouri Department of Natural Resources requires a storm water permit and air permit that they are required to follow.
- Commissioner Shelton asked about the concrete crushing conditional use permit and the conditions. City Engineer Tuttle talked about the concrete crushing CUP. Commissioner Shelton asked if both the concrete and asphalt could be operating at the same time? City Engineer Tuttle responded yes. Commissioner Shelton asked about the construction of the plant itself. Mr. Reed said that a portable asphalt plant is transported in on seven to eight semi-truck loads and there are attachments that fit together into a drum plant. Mr. Reed said there is steam from plant, noise from plant, dust from the trucks running to and from the paved roads.
- Commissioner Tyson asked City Engineer Tuttle if the City had a jake brake prohibition? City Engineer Tuttle said he did not know. Commissioner Tyson is concerned that if jake brakes are not illegal in the city then it will be very noisy for the residential area nearby.
- Commissioner Loving said that he has experience with another city and when Ideker milled and overlayed Missouri 291 from Lee's Summit to the bridge over the Missouri River, the city charged \$25,000 and they paid it. Commissioner Loving would like the Commission to consider charging a fee when a vote is taken.
- Chair Saffell asked what are the hours of operation? Mr. Reed said that I-70 would be the first project and would start in May and June and the hours would be 7PM to 5AM. The other projects would be during the day, 5AM to 7PM. During the day, trucks would be going to the plant hauling aggregate and fly ash and trucks would be hauling hot asphalt during the night-time hours.

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- Commissioner Browning asked if we were going to have a city employee there to monitor dust. Director Trosen responded that if dust becomes an issue then we would notify them of the complaint.
- Commissioner Shelton asked about the concrete crushing conditional use permit and asked about the time of year, time of day and hours of day. Director Trosen responded that the CUP stipulated a condition that crushing of concrete shall only occur during the week, Monday through Friday, and during the hours of 7AM to 4PM.
- Commissioner Shelton asked if the hours can be limited in the Conditional Use Permit. Director Trosen responded yes. Commissioner Shelton asked if Mr. Reed would be fine with that. Mr. Reed would be comfortable to limit overnight hours to 45 workdays to complete I70.
- Commissioner Shafer said that he is still concerned with the amount of traffic and noise. He is also concerned with the school busses using McQueery and meeting the dump trucks.
- Commissioner Shelton asked about the path of the trucks and if any would be using Seymour or using McQueery to Buckner Tarsney Road and maybe north to Highway 24 or south to I70. Mr. Reed responded that for all projects they plan to use McQueery to Buckner Tarsney Road and then south to I70.
- Commissioner Greene is concerned about the odor and asked if it was going to smell like asphalt all summer. How far does the odor travel? Mr. Reed responded that they do get odor complaints. He is unable to give a definite answer on how far the odor travels and only can say that some people are more sensitive to it than others. Commissioner Greene wanted the other Commissioners to know that there will be a strong odor if they had not considered that yet.
- Commissioner Loving asked how many loads of fly ash you will haul in per day. Mr. Reed responded 5 to 8 loads of fly ash per day. Commissioner Loving asked what your source is to get the fly ash. Mr. Reed said they are currently using Thomas Hill power plant. Commissioner Loving asked if they do environmental testing. Mr. Reed said that it goes into the road with the oil, and they have never been required to do that testing before. Commissioner Loving is concerned about the heavy metals in the fly ash. Commissioner Loving asked if they are required to install monitoring wells for run-off purposes. Mr. Reed said that they have never been required to install monitoring wells by MoDNR.

Commissioners Present

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Commissioners Absent

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- Commissioner Shelton made a motion to close the public hearing, Commissioner Tyson second the public hearing. The Commission approved the motion by a vote of 7 to 0.

- 2. **The Vacation of 50-foot right-of-way between 215 and 303 Front Street**— Jerry Simmons (215 Front Street) and Maranda Saunders (303 Front Street) are requesting that the 50-foot right-of-way for Capelle Street between these two properties be vacated since it serves no public interest and that it can be used by the adjacent property owners. The description is the platted right-of-way between Lot 8, Block 5 of the Graves & Ashcraft's Addition (215 Front) and Lot 1, Block 2 of the Finnell's Addition (303 Front), from Front Street on the north to the Kansas City Southern Railroad ROW on the south, all within the City limits of Grain Valley, Missouri.

- Director Trosen presented the Staff Report and stated that staff recommends approval of the vacation of the 50-foot right-of-way (Capelle Street) between 215 and 303 Front Street.
- Commissioner Greene asked if this is the same vacation that came before the Commission last year. Director Trosen stated that last year, the Commission reviewed the vacation of an alleyway that was two properties to the west.
- Commissioner Shelton asked if this is the case that the streets and alleys were platted before the railroad came through and then the city could not continue the street. Director Trosen responded that the railroads were there first and probably restricted the number of at grade crossing and therefore that is probably why Capelle was never built to the tracks and beyond.
- Commissioner Browning asked what the property owners could do with the land. Director Trosen responded that they could add the 25 feet to their current property and build a driveway or structure if there is compliance with city zoning regulations.
- Jerry Simmons introduced himself and said that he owns 215 Front Street. He maintains the right-of-way now. He said that it would be helpful to put in driveways to get cars off the street since Front is an emergency snow route. He said that he has plans to build a garage and that he plans to construct a drive within the 25 feet to access the new garage. Mr. Simmons is also building a new house on his property and taking the value of property from when he purchased it for \$35,000 to around \$275,000. Mr. Simmons said that he has had to pay all the cost for the vacation process.

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- Commissioner Tyson asked if Ms. Saunders is aware that this will increase her taxes. Mr. Simmons responded that he was the one that got her signature on the application and if she did not want the 25 feet of the vacated ROW then he would take her part.
- Mr. Simmons talked about the house and the condition of the structure.
- Commissioner Loving made a motion to close the public hearing. Commissioner Shafer seconded the motion. The Commission voted 7 to 0 to approve the motion.

ITEM V: ACTION ITEMS

1. **The Vacation of 50-foot right-of-way between 215 and 303 Front Street**– Jerry Simmons (215 Front Street) and Maranda Saunders (303 Front Street) are requesting that the 50-foot right-of-way for Capelle Street between these two properties be vacated since it serves no public interest and that it can be used by the adjacent property owners. The description is the platted right-of-way between Lot 8, Block 5 of the Graves & Ashcraft's Addition (215 Front) and Lot 1, Block 2 of the Finnell's Addition (303 Front), from Front Street on the north to the Kansas City Southern Railroad ROW on the south, all within the City limits of Grain Valley, Missouri.
 - Commissioner Tyson made a motion to approve the vacation of right-of-way as written. Commissioner Loving second the motion. The Commission approved the motion by a vote of 7 to 0.
2. **Capital Paving and Construction Materials** – Requesting a Conditional Use Permit to operate a portable asphalt plant on approximately 14.3 acres that is generally located at the northeast corner of McQuerry and Seymour Roads, 1101 and 1107 S. Seymour Road, Grain Valley, Missouri. The property owner is A4 Holdings LLC. The property is zoned District M-1 (Light Industrial) and District A (Agricultural). Capital Paving will use the portable asphalt plant to pave several MoDOT highway projects during the year.
 - Commissioner Shelton made a motion to approve the Conditional Use Permit subject to the conditions in the Staff Report but with further clarification as noted below (bold text) in items 2 and 3 and the addition of conditions 8 and 9 as stated below:

Commissioners Present

Craig Shelton
Elijah Greene
Paul Loving
Scott Shafer
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Commissioners Absent

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- 1) The Conditional Use Permit will expire one year from the date of the Board of Aldermen ordinance.
- 2) The operation of the asphalt plant shall only occur during the week, Monday through Friday **and that the overnight operation be limited to 60 calendar days from when it starts.**
- 3) The ingress and egress access for trucks delivering aggregate for asphalt plant or hauling hot asphalt from site shall be from drive east of McQuerry Road. Seymour Road should not be used. **The transportation routes shall use McQuerry Road to Buckner Tarsney Road to I70 and should not use Buckner Tarsney north of McQuerry Road.**
- 4) The location of the asphalt plant and stockpile areas shall be in accordance with the site plan filed with the application.
- 5) Prior to operating the asphalt plant, the applicant, with Staff present, shall video and assess the current condition of McQuerry Road.
- 6) After the asphalt plant closes, the applicant shall repair all damage to McQuerry Road identified by Staff or if damage is too substantial, mill and 4-inch asphaltic concrete overlay from where concrete road ends on McQuerry to Seymour Road.
- 7) Prior to operating the asphalt plant, the applicant will provide the City with a 2-year maintenance bond written by a bonding company in the amount of \$100,000 for McQuerry Road.
- 8) **Jake Brakes are prohibited on the dump trucks used in the operation of the portable asphalt plant.**
- 9) **The Board of Aldermen should consider a reasonable fee for the use of the land for a portable asphalt plant.**

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- Commissioner Tyson second the motion.
 - Director Trosen asked for clarification on a few items. There was discussion regarding reasonable fee and Commissioner Loving experience in another city. Aldermen Headley asked Director Trosen that before this comes before the BOA if there was a way to find out what other cities have done regarding this and what they have charged. Trosen said that he would do his best to find out.
 - Chair Saffell asked if there was any further discussion. Commissioner Shafer asked each of the Commissioners would want that in their backyards. He said there will be an odor and depending on the wind direction it may impact south of I70. Commissioner Loving said that fly ash is no “picnic”, but he did not feel that we had enough experience in dealing with it and therefore did not make testing a condition to the permit. Commissioner Greene stated what value is being added and that is why a fee should be charged.
 - Commissioners Browning, Greene, Shelton, Tyson and Chair Saffell voted in favor of the motion. Commissioners Loving and Shafer voted no on the motion. The Commission voted in favor of the motion by a vote of 5 to 2.
3. **FY2022 – FY2026 Capital Improvement Plan** – The Five-Year Plan provides information for planned infrastructure improvements and major capital purchases with anticipated funding and identifying potential funding sources. The CIP is not a static document, but rather, a fluid document that can be changed as the City’s infrastructure and requirements change, development occurs, and funding opportunities become available or change.
- Director Trosen stated that the purpose of the Capital Improvement Plan is a guide to show future capital expenditures. The plan is not a budgeting document and therefore the proposed cost schedules in future years are just projection and these amounts will change when projects are funded, and bids are advertised. The last time the Commission reviewed a CIP was on November 29, 2017 when the 2018-2022 CIP was presented by Staff. The Commission approved that CIP.
 - City Engineer Tuttle reviewed a power point presentation with the Commission and pointed out that it is a flexible document with projects and these projects will change from year to year depending upon need and available funding.

Commissioners Present

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- Commissioner Shelton said that the last time the CIP was done there was discussion regarding the shortfall in funding for trails and there has been discussion on social media on trails. Can you brief us on what trails have been done since last CIP? City Engineer Tuttle responded that the trail on Main Street has been completed, Blue Branch Creek trail from Buckner Tarsney to Eagles Parkway, pedestrian bridge is being built this year over Blue Branch Creek with a trail head at the end of Cross Creek, connection along US 40 and completed section of trail along Dillingham Road with the water line project.
- Commissioner Shelton asked about the train issue and had there been discussion regarding building a bridge over a road. City Engineer Tuttle said that you cannot build a bridge over railroad at Sn-A-Bar because of airport. Main Street would be impracticable. Tuttle said there has been discussion regarding interchange to east of city where Lefholz crosses I70.
- Commissioner Tyson said that one of the parks projects shows a trail along Sni-A-Bar from Buckner Tarsney Road through the round-a-bout. It looks like that it is on the east side of the road. He said there is a sidewalk on the west side of the road. Tyson asked is the plan to build the trail on the east side and tear out the sidewalk on the west side. City Engineer Tuttle responded that City specifications require sidewalks on both sides of roads for a Collector Street. Sni-A-Bar is a Collector Street however, a sidewalk was only built on one side. The sidewalk on the west side would stay.
- Commissioner Browning asked about the basin along Buckner Tarsney Road south of the Old Towne Market Shopping Center and if there were plans to improve it. City Engineer Tuttle responded that the basin and the land surrounding it is owned by the Missouri Habitat and is used as a storage basin when the creek floods. He will talk to the property owner about maintenance.
- Commissioner Tyson made a motion to forward the 2022 – 2026 Capital Improvement Plan to the Board of Aldermen. Commissioner Shafer second the motion. The motion was approved by a vote of 7 to 0.

ITEM VI: PREVIOUS BUSINESS

Commissioners Present

Craig Shelton
Elijah Greene
Paul Loving
Scott Shafer
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Commissioners Absent

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- **Tabled from January 13, 2021 meeting: Election of Officers –**
 Chairperson
 Vice Chairperson
 Secretary
- Chair Saffell announced that she was not interested in being the Chair again and nominated Craig Shelton be the next Chair. She asked if there were any other nominations for Chair or nominations for Vice Chair or Secretary.
- Commissioner Tyson said that he would like to be Vice Chair.
- Commissioner Shafer nominated Commissioner Browning continues as Secretary.
- Chair Saffell made a motion that Craig Shelton be Chair, Justin Tyson be Vice Chair and Kevin Browning be Secretary. Commissioner Shafer second the motion. The Commission voted 7 to 0 on the Election of Officers.

ITEM VII: NEW BUSINESS

- **None**

ITEM VIII: ADJOURNMENT

- Commissioner Tyson made a motion to adjourn the meeting. Commissioner Shafer second the motion. The Commission approved the motion by a vote of 7 to 0.

-The Regular Meeting Adjourned at 8:51 PM-

Commissioners Present

Craig Shelton
Elijah Greene
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Kevin Browning
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Bob Headley (BOA Liaison)

Commissioners Absent

Staff Officials Present

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