



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
MARCH 4, 2019
7:00 PM**

- 1. Call to Order**
 - A. Pledge of Allegiance**
 - B. Roll Call**
- 2. Ceremonial Matters**
- 3. Public Participation**
- 4. Approval of Minutes**
 - A. Board of Aldermen - Regular Meeting - Feb 19, 2019 7:00 PM**
- 5. Agenda Items**
 - A. Farmer's Market 2019**
 - B. Junk in the Trunk 2019**
 - C. Antique Tractor Show 2019**
 - D. Council Bill 11: A Resolution by the Board of Aldermen of the City of Harrisonville, Missouri directing staff to suspend and delay the acceptance and processing of development applications, applications for building permits and business licenses or activities related to medical marijuana as described in "Amendment 2", an amendment to the Missouri Constitution approved by the voters of the State of Missouri on November 6, 2018, and establishing an effective date.**
 - E. Council Bill 12: An Ordinance to accept the Final Plat of The Oaks Replat, a Replat Of Lots 12, 13, 14 and the Recreation Area of The Oaks, Second Addition in The City of Harrisonville, Cass County, Missouri, and Establishing an Effective Date.**
 - F. Council Bill 13: An Ordinance to rezone the property described as the Southland Shopping Center At 1799-1811 East Mechanic St. And 204-208 from the C-1 Local Business Zoning District to the C-2 Service Business Zoning District in the City of Harrisonville, Cass County, Missouri, and establishing an effective date.**

- 6. Aldermen and Committee Reports**
- 7. Report from the City Administrator**
- 8. Report from the Mayor**
- 9. Adjourn to Executive Session pursuant to Real Estate 610.021 (2)**
- 10. Adjourn From Regular Session**

Posted on City Hall Bulletin Board this 28th day of February, 2019

Randall K. Jones, City Clerk

The Board of Aldermen meeting is an open meeting but is not a meeting of the public. There is a place on the agenda for comments of citizens under PUBLIC PARTICIPATION. Our rule is that comments by any individual or group shall not exceed (4) minutes. The Board of Aldermen request that concerns be initially addressed at the appropriate action level before coming to the Board of Alderman



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
FEBRUARY 19, 2019
7:00 PM

1. Call to Order

The meeting was called to order at 7:00 PM by Mayor Brian Hasek

A. Pledge of Allegiance

Attendee Name	Organization	Title	Status	Arrived
Judy Bowman	Harrisonville	Board Member	Present	
Clint Long	Harrisonville	Board Member	Present	
Jessica Levsen	Harrisonville	Board Member	Present	
David Dickerson	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Absent	
Judy Reece	Harrisonville	Board Member	Present	
Brad Bockelman	Harrisonville	Board Member	Present	
Brian Hasek	Harrisonville	Mayor	Present	

Others present were: City Attorney John Fairfield, City Administrator Happy Welch, HES Director Eric Myler, Public Information Officer/Deputy City Clerk Daniel Barnett and City Clerk Randall Jones Recording.

2. Ceremonial Matters

A. FFA Week Proclamation

Mayor Hasek read the proclamation for FFA Week. Representatives from the Harrisonville FFA Chapter were not present due to the weather.

3. Public Participation

None.

4. Approval of Minutes

A. Board of Aldermen - Regular Meeting - Feb 4, 2019 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	David Dickerson, Board Member
SECONDER:	Matt Turner, Board Member
AYES:	Bowman, Long, Levsen, Dickerson, Turner, Reece, Bockelman
ABSENT:	Marcia Milner

5. Agenda Items

- A. A Resolution by the Board of Aldermen of the City of Harrisonville, Missouri authorizing and directing the city administrator to enter into an agreement with Ed M. Feld Equipment Company for the purchase of one Type 1 ambulance for the total price of \$223,896.00 and establishing an effective date.**

Staff report was presented by HES Director Eric Myler. Upon passage, Mayor Hasek designated it to be Resolution #2019-007.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	David Dickerson, Board Member
SECONDER:	Clint Long, Board Member
AYES:	Bowman, Long, Levsen, Dickerson, Turner, Reece, Bockelman
ABSENT:	Marcia Milner

6. Aldermen and Committee Reports

Alderman Bowman was pleased to announce that Brianna Chiodini had met the requirements to attend the United States Naval Academy. She is the first female from Harrisonville to attend. She also reminded everyone of the town hall meeting on March 2nd hosted by herself and Alderman Reece.

Alderman Turner wished everyone to be safe on the roads. Alderman Levsen agreed.

7. Report from the City Administrator

City Administrator Happy Welch presented his report. He then asked for direction to possibly turn off the FaceBook "Related Pages" module during the election period due to receiving a complaint from a resident stating that the city is endorsing candidates. A motion was made by Alderman Turner with a second by Alderman Levsen to allow City Administrator to turn off the related pages portion on all City Facebook pages until after election on April 2nd. Alderman Bowman read to the Mayor and Board a written statement on what constitutes an endorsement, the right to free speech and the need to stand up for open government and free speech. She asked City Administrator Happy Welch how many complaints he had received and he replied one. Alderman Reece asked if City Administrator Welch could make the decision to turn off

Facebook module then why was there a vote. Motion carried with voice vote with five ayes and 2 nays (Bowman and Reece).

8. Report from the Mayor

Mayor Hasek extended congratulations to the Harrisonville wrestling team for making State Championship. He had some more inquiries about the brush drop off and will set a date as soon as the weather clears up. Mayor Hasek said the City has plenty of ice melt/salt for the rest of winter.

9. Adjourn From Regular Session

Motion to adjourn by Alderman Dickerson and second by Alderman Levsen. Motion carried. Meeting adjourned at 7:27 p.m.

Brian Hasek, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Feb 19, 2019 7:00 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Aldermen
FROM: John Hofer, Director
DATE: February 26, 2019
SUBJECT: Farmer's Market 2019

Type of Item: *Approval*

Issue: The Harrisonville Farmer's Market Committee has requested permission to host a weekly "Farmer's Market" on the historic Harrisonville square each Saturday from June through September. The applicant has requested to block the square at 7:00 am for set-up and open for business at 8:00 am through 12:00 pm and with clean-up hope to have the square open by 1:00 pm each Saturday. There are no known conflicts on any of these dates.

Background: This is the seventh year for the event on the Harrisonville square. Last year's events were very well received and the applicant is anticipating a crowd size of 100-200 each week for this year's event. The set up will be along Lexington St. with this section of Lexington blocked from Wall to Pearl. They will use both sides for vendors. The Street Department will provide the necessary cones and barricades and the applicant will be responsible for the set-up. There is no cost for City services for this event as road closure materials will be dropped off during working hours. The applicant has asked that the City provide the necessary required insurance for the event.

Recommendation: We did not receive any complaints or concerns with this event last year. This is another event to help promote and revitalize the historic Harrisonville square area. Staff recommends approval for this event. If you have any questions or concerns regarding this event please feel free to contact me.

A. Action Item (ID # 3120)

Farmer's Market 2019

Attachments:

Farmer's Market Ap 2019 (PDF)

SPECIAL EVENTS APPLICATION

- A. **FILING PERIOD:** An application for an event permit shall be filed not less than seven (7) days prior to the meeting of the Board of Alderman at time applicant desires the issuance of a permit. Applicant must realize that, dependent upon the nature of the event and the scope of services being required of the City, the Board of Alderman may require additional time to review the permit application.
- B. **CONTENTS:** The application for an event permit shall set forth the following information.

1. Organization: Hamsonville Farmers Market
2. Name of Applicant: Amanda Stites
 Address: 30118 S. Main St., Hamsonville MO 64701
 Phone: 816-884-2592 Cell: 785-979-5143
3. Purpose of Event: Feature local produce & handmade goods,
4. Proposed date(s) and time(s) of Event: Saturdays, June through September 7am-1pm, Open 8am-11am.
5. Location(s) where event will be held: Hamsonville Square, primarily on Lexington and Pearl. Lexington will be closed to traffic.
6. Anticipated crowd size: 100-200
7. City services requested: (Please check all that apply) Provide detailed letter for these requests.
☐ Electricity ☐ Police Protection ☐ Traffic Control ☐ Ambulance Standby
☒ Cones ☒ Barricades ☐ Street or parking lot clean up
8. Any additional information: 5 mile per hour sign. Will close Lexington to thru traffic and utilize Pearl only as needed.

APPROVED this _____ day of _____, 20 ____.

Chief of Police

City Clerk

Junk In The Trunk City Services Requested

Cones: 12 needed

Barricades: 3 needed

Please leave 4 cones and 1 barricade on the Harrisonville Square at the corners of Independence and Pearl, Pearl and Lexington and Lexington and Wall. Season starts May 11th and ends October 12th.

Harrisonville Farmers Market City Services Requested

Cones: 12 needed

Barricades: 1 barricade

Speed Signs: 1 sign (5 Miles per hour)

Please leave cones, speed sign and barricade on the Harrisonville Square at the corner of Wall and Lexington prior to the event. Season runs June through September.

Harrisonville Farmers Market & Tractor Show City Services Requested

Cones: 12 needed

Barricades: 3 barricades

Speed Signs: 1 sign (5 Miles per hour)

Please leave cones and 1 barricade on the Harrisonville Square at the corner of Wall and Lexington prior to the event date. Please leave 2 barricades on the corner of Lexington and Pearl. Event will occur on July 27th.



STAFF REPORT

TO: Board of Aldermen
FROM: John Hofer, Director
DATE: February 26, 2019
SUBJECT: Junk in th Trunk 2019

Type of Item: *Approval*

Issue: The applicant, Amanda Stites, has requested permission to host the monthly flea market / “Junk in the Trunk” on the historic Harrisonville square on the second Saturday of the month between the months of May and October. The event will run from 4:00 pm through 7:00 pm each of the requested nights.

Background: This is the 10th year for this event on the Harrisonville square and the applicant is anticipating a crowd size of approximately 200-300. The applicant is proposing blocking the square to vehicular traffic other than the vendors on the East, North and West sides. If this event grows to the point of closing the entire square area I would suggest that the Street Department completes this closure as it requires closing Independence Street at Mechanic Street and Lexington Street at Chestnut Street.

The vendors will open their trunks for the sale of items similar to that of a rummage sale. There are no requests for City services other than the use of the square area and required street blockage material. As in years past these materials will be dropped off by the Street Dept. on Friday, set-up and tear down will be the responsibility of the applicant. These items will then be retrieved by the Street Dept. on Monday. Again this year the applicant is asking that the City provide the required insurance.

Recommendation: There have been no complaints or concerns with previous events and to help promote and revitalize the historic Harrisonville square area, staff recommends approval for this event. If you have any questions or concerns regarding this event please feel free to contact me.

B. Action Item (ID # 3119)

Junk in th Trunk 2019

Attachments:

Junk in the Trunk 2019 (PDF)

SPECIAL EVENTS APPLICATION

A. **FILING PERIOD:** An application for an event permit shall be filed not less than seven (7) days prior to the meeting of the Board of Alderman at time applicant desires the issuance of a permit. Applicant must realize that, dependent upon the nature of the event and the scope of services being required of the City, the Board of Alderman may require additional time to review the permit application.

B. **CONTENTS:** The application for an event permit shall set forth the following information.

1. Organization: Junk In the Trunk Flea Market
2. Name of Applicant: Amanda Sites
 Address: 30718 S. Main St, Hannsburville Mo 64120
 Phone: 816-584-2592 Cell: 785-979-5143
3. Purpose of Event: Community flea market for used, handmade and other misc items.
4. Proposed date(s) and time(s) of Event: Second Saturday of the month May - October. 4pm - 9pm
5. Location(s) where event will be held: Hannsburville Square, primarily Lexington and Pearl. Will continue to Independence if needed.
6. Anticipated crowd size: 200-300
7. City services requested: (Please check all that apply) Provide detailed letter for these requests.
☐ Electricity ☐ Police Protection ☐ Traffic Control ☐ Ambulance Standby
☒ Cones ☒ Barricades ☐ Street or parking lot clean up
8. Any additional information: Barricades needed to block traffic at Wall & Lexington, Lexington & Pearl and if needed Pearl and Independence.

APPROVED this _____ day of _____, 20 ____.

Chief of Police

City Clerk

Attachment: Junk in the Trunk 2019 (Junk in the Trunk 2019)

Junk In The Trunk City Services Requested

Cones: 12 needed

Barricades: 3 needed

Please leave 4 cones and 1 barricade on the Harrisonville Square at the corners of Independence and Pearl, Pearl and Lexington and Lexington and Wall. Season starts May 11th and ends October 12th.

Harrisonville Farmers Market City Services Requested

Cones: 12 needed

Barricades: 1 barricade

Speed Signs: 1 sign (5 Miles per hour)

Please leave cones, speed sign and barricade on the Harrisonville Square at the corner of Wall and Lexington prior to the event. Season runs June through September.

Harrisonville Farmers Market & Tractor Show City Services Requested

Cones: 12 needed

Barricades: 3 barricades

Speed Signs: 1 sign (5 Miles per hour)

Please leave cones and 1 barricade on the Harrisonville Square at the corner of Wall and Lexington prior to the event date. Please leave 2 barricades on the corner of Lexington and Pearl. Event will occur on July 27th.



TO: Board of Aldermen
FROM: John Hofer, Director
DATE: February 26, 2019
SUBJECT: Antique Tractor Show 2019

Type of Item: *Approval*

Issue: The applicant, Amanda Stites, from Love the Square group, has requested permission to host an antique tractor show on the historic Harrisonville square on Saturday July 27, 2019 in conjunction with the weekly Farmer's Market event. The tractor show event will run from approximately 9:00 am until 2:00 pm with setup starting at 8:00 a.m. They anticipate closing the square (East and North sides) approximately 7:00 am.

Background: This is the second year for the event with no noted complaints or concerns last year. The applicant is anticipating a crowd size of approximately 300-400.

The tractors will be displayed on the North side of the square with the trucks and trailers being parked at the library parking lot. The applicant is requesting that the City provide the require insurance coverage.

Recommendation: With no noted complaints or concerns with the previous events staff is recommending approval for this event.

C. Action Item (ID # 3121)

Antique Tractor Show 2019

Attachments:

Antique Tractor Show 2019 (PDF)

SPECIAL EVENTS APPLICATION

- A. **FILING PERIOD:** An application for an event permit shall be filed not less than seven (7) days prior to the meeting of the Board of Alderman at time applicant desires the issuance of a permit. Applicant must realize that, dependent upon the nature of the event and the scope of services being required of the City, the Board of Alderman may require additional time to review the permit application.
- B. **CONTENTS:** The application for an event permit shall set forth the following information.

1. Organization: Hampsville Farmers Market / Love the Square
2. Name of Applicant: Amanda Stiles
 Address: 30118 S. Main St, Hampsville MO 64701
 Phone: 816-884-2592 Cell: 785-979-5143
3. Purpose of Event: Antique Tractor Show in conjunction with Farmers Market.
4. Proposed date(s) and time(s) of Event: July 27th
8am-2pm
5. Location(s) where event will be held: Hampsville Square
primarily Lexington & Pearl Streets
Trailer parking in library lot.
6. Anticipated crowd size: 300-400
7. City services requested: (Please check all that apply) Provide detailed letter for these requests.
☐ Electricity ☐ Police Protection ☐ Traffic Control ☐ Ambulance Standby
☐ Cones ☒ Barricades ☐ Street or parking lot clean up
8. Any additional information: Will need standard Farmers Market barricades plus additional barricades to block traffic on Pearl St.

APPROVED this _____ day of _____, 20 ____.

Chief of Police

City Clerk

Junk In The Trunk City Services Requested

Cones: 12 needed

Barricades: 3 needed

Please leave 4 cones and 1 barricade on the Harrisonville Square at the corners of Independence and Pearl, Pearl and Lexington and Lexington and Wall. Season starts May 11th and ends October 12th.

Harrisonville Farmers Market City Services Requested

Cones: 12 needed

Barricades: 1 barricade

Speed Signs: 1 sign (5 Miles per hour)

Please leave cones, speed sign and barricade on the Harrisonville Square at the corner of Wall and Lexington prior to the event. Season runs June through September.

Harrisonville Farmers Market & Tractor Show City Services Requested

Cones: 12 needed

Barricades: 3 barricades

Speed Signs: 1 sign (5 Miles per hour)

Please leave cones and 1 barricade on the Harrisonville Square at the corner of Wall and Lexington prior to the event date. Please leave 2 barricades on the corner of Lexington and Pearl. Event will occur on July 27th.



STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: February 27, 2019
SUBJECT: Temporary Administrative Hold on Medical Marijuana Applications

Type of Item: *Approval*

Background:

On November 6, 2018 the voters of the State of Missouri approved Amendment 2 to the Constitution of the State of Missouri which legalizes medical marijuana within the State. The existing Harrisonville Municipal Code, including the chapters on zoning, building codes, business licenses and enforcement do not provide regulations that allow for the sale, cultivation, testing or distribution of medical marijuana in the City.

In order to effectively research and adopt regulations related to medical marijuana prior to the request for new licenses and/or permits, staff is requesting that the Board of Aldermen (BOA) approve a resolution establishing an administrative delay on the acceptance and action on any requests for new permits, occupational licenses or certificates of occupancies related to this use in order to give the City the time to hold the required public hearings before Planning and Zoning Commission (PZ) and BOA, as well as any other meetings that are necessary for the Council to enact any modifications to current ordinances.

The administrative delay will allow the City to examine the issues and make changes that the BOA feels are necessary for the safety of the citizens of Harrisonville and to conform with rules and regulations adopted by state agencies tasked with the same. Changes can then be made without the fear of prompting applications for permits which seek to avoid the effectiveness of any proposed changes. This administrative delay is specifically designed to allow city staff to postpone accepting and acting upon development, building and business license applications without regulations in place upon which those applications would be reviewed and subsequently approved or denied. It also prevents a situation where the City cannot make changes to rules because someone has already applied for a permit that arguably is governed by the old ordinances/law. Finally, it also promotes fairness by halting any new applications or approvals until the specific regulations are adopted, after which everyone will be required to comply with the new ordinance.

Other communities - Raymore and Lee's Summit being two nearby examples - are adopting administrative delays with the same time limits as are in the attached resolution. The restrictions imposed by this administrative delay terminate when so directed by the Board of Aldermen by motion, resolution or ordinance. In no event shall this direction extend beyond August 3, 2019, unless the Board of Aldermen, by motion or resolution approved by a majority vote of the Board members present at the duly noticed meeting, extends the date of this administrative delay. City staff anticipates bringing forward the necessary code and ordinance provisions in the next 30-60 days.

Alternatives

1. Approve resolution placing administrative hold on any applications related to medical marijuana.
2. Deny resolution and applicants do not submit applications prior to City Approving code amendments related to medical marijuana.

Recommendation:

Approval

Council Bill No.

Resolution No.

A Resolution by the Board of Aldermen of the City of Harrisonville, Missouri directing staff to suspend and delay the acceptance and processing of development applications, applications for building permits and business licenses or activities related to medical marijuana as described in “Amendment 2”, an amendment to the Missouri Constitution approved by the voters of the State of Missouri on November 6, 2018, and establishing an effective date.

WHEREAS, on November 6, 2018 the voters of the State of Missouri approved Amendment 2 to the Constitution of the State of Missouri which legalizes medical marijuana within the State;

WHEREAS, the Board of Aldermen is elected to promote the community’s health, safety, welfare and morals, which duty includes proper planning and ordinances designed to provide for a coordinated development of the City and the reduction of conflicting use to promote the general welfare;

WHEREAS, the Board of Aldermen recognize that there are impacts to the community from the sale, cultivation, testing and distribution of medical marijuana;

WHEREAS, the Board of Aldermen desires to provide proper zoning, building and fire codes, licensing, and other regulations related to the above described Amendment 2 prior to receiving and processing any applications for medical marijuana;

WHEREAS, the Missouri Department of Health and Senior Services (“DHSS”) is tasked with implementing and enforcing rules required to carry out the mandate of Amendment 2 for the State of Missouri;

WHEREAS, DHSS has until June 4, 2019 to adopt the rules, and has not yet proposed or adopted applicable rules to address the issues of sale, cultivation, testing and distribution of medical marijuana;

WHEREAS, facility applications will begin to be accepted by DHSS on August 3, 2019;

WHEREAS, the Board of Aldermen desires to promote fairness by halting any new applications or approvals until such time as the specific regulations are adopted by the City, after which everyone will be required to comply with the new ordinance(s);

WHEREAS, the Board of Aldermen desires to enact an administrative delay or temporary moratorium (“Administrative Delay”) related to the activities defined in Amendment 2 in order to

enact appropriate zoning and other regulations and to explore additional legal options that may exist;

WHEREAS, the Administrative Delay is not intended to be unduly burdensome to applicants;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, as follows:

SECTION 1. Authorization of Administrative Delay.

A. Delay of Deliberation and Approval of Applications.

1. The Board of Aldermen is in the process of studying how to integrate the new state law into our Land Use regulations and the processes for acceptance of all forms of development applications pursuant to the Land Use Chapters of the Municipal Code, all building permit applications and all business license applications for medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana infused products, manufacturing facilities or medical marijuana dispensary facilities (the “medical marijuana related use”); and how same would affect the pending land use, Comprehensive Plan and regulatory deliberations and approval of such application or if such applications may affect the character of the City and adjoining tracts while appropriate land uses, development plans and other regulations are prepared and considered by the City. This resolution is designed to preserve the status quo while consideration is given to the effects of Amendment 2 to the Missouri Constitution and the proper regulation of medical marijuana related uses, and to prevent the establishment of new nonconforming situations that would undermine the effect of regulations or amendments to the Land Use Chapters and other provisions of the Municipal Code of Ordinances before they are adopted.

2. The Board of Aldermen hereby directs that no (1) development applications pursuant to the Zoning Chapters of the Municipal Code related to medical marijuana related uses, (2) building permit applications which would authorize construction of new buildings or facilities, reuse of existing buildings or facilities or expansion of buildings or facilities for medical marijuana related uses or (3) business license applications for any medical marijuana related uses shall be initiated or processed while the City undergoes deliberations about the land-use and zoning changes throughout the City, and deliberations about the interpretation of Amendment 2 to the Missouri Constitution and the land-use, zoning and other regulations that may result from such constitutional amendment, until after the adoption of the land use regulations and other regulations which may result therefrom.

3. The restrictions imposed by this administrative delay shall terminate when so directed by the Board of Aldermen by motion, resolution or ordinance. In no event shall this direction extend beyond August 3, 2019, unless the Board of Aldermen, by motion or

resolution approved by a majority vote of the Board members present at the duly noticed meeting, extends the date of this administrative delay.

- B. Determination for Delayed Permits and Licenses. Any application for a permit or license for a medical marijuana related use in any area of the City received during the effective period of this resolution shall be held in suspension and delayed by the appropriate Departments.

SECTION 2. Appeal.

- A. Filing with City Clerk. If an applicant believes that the City's determination not to accept or to process an application for any medical marijuana related use permit or license is unreasonable, the applicant may file a written appeal of the determination with the City Clerk within ten (10) business days after receiving written notice of the determination.
- B. Board of Aldermen Hearing. If an appeal is timely and properly filed, the City Clerk shall schedule a hearing before the Board of Aldermen at its next regularly scheduled meeting, or as soon thereafter as practicable in the normal course of managing Board of Aldermen agendas, at which the applicant shall bear the burden of establishing by a preponderance of the evidence that processing the Affected Permit will not undermine the spirit and intent of the pending study including pending plans, laws, regulations, policies, goals or objectives. If the Board of Aldermen determines that such action will not undermine the spirit and intent, it shall direct that the application be processed.
- C. Standards for Determining Spirit and Intent. The Board of Aldermen shall consider the following in determining whether applications, with respect to which an appeal has properly been filed, if approved, will undermine the spirit and intent of the pending City actions:
 - (1) the City's interest in protecting the public's health, safety, and general welfare;
 - (2) the adverse effect upon the future vision of the redevelopment area being considered;
 - (3) the City's interest in avoiding the creation of conflicts with the future redevelopment plan;
 - (4) the extent to which the proposed use, if applicable, will negatively affect the continuity of the redevelopment plan;
 - (5) the economic impact and hardship of the delay upon the owner;
 - (6) the impact on adjacent parcels and within the immediate area; and
 - (7) compatibility with land use patterns within the area of proposed development.

SECTION 3.

No Amendment of Code. This Resolution is not intended as, and should not be interpreted as, an amendment to the Municipal Code of the City of Harrisonville or the Land Use Ordinances of the City but is merely direction to staff with respect to the acceptance of and processing of applications for permits or licenses related to any medical marijuana related use within the geographic area of the City of Harrisonville, Missouri.

SECTION 4.

That this resolution shall become effective immediately upon its passage and approval.

PASSED AND RESOLVED by the Board of Aldermen and APPROVED by the mayor of the City of Harrisonville, Missouri this 4th day of March 2019.

Brian Hasek, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Randall K. Jones, City Clerk

WITNESS my hand and seal this 4th day of March 2019



STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: February 27, 2019
SUBJECT: The Oaks Final Plat

Type of Item: *Final Plat*

Case No.: FP 19-001

BOA Meeting: March 4, 2019

PZ Meeting: Feb. 21, 2019

GENERAL INFORMATION

Request: Approval of Final Plat of The Oaks Replat, a Replat of Lots 12, 13, 14 and the Recreation Area of the Oaks, Second Addition

Location: 808-852 Pin Oak Street

Owner: Oaks Mobile Home Park, John Coffey

Engineer: Samuel J. Styron, PE, Consulting Engineers, Inc.

Existing Zoning: "A" Agriculture Zoning District

PZ COMMISSION RECOMMENDATION: Unanimous approval (7-0) of a motion recommending that the Board of Aldermen approve the Final Plat of The Oaks Replat, a Replat of Lots 12, 13 14 and the Recreation Area of the Oaks, Second Addition subject to elevation certificates and flood plain development permits being obtained when required by code. The City Engineer has approved the simplified stormwater master plan. No one from the public attended the meeting.

COMMENTS:

The owner of The Oaks, a manufactured home park at 808-852 Pin Oak Street, wishes to reconfigure his 34 lots for manufactured homes into 37 lots. This will be accomplished by re-platting 4 existing lots in the southwest corner of the park into 7 lots. The designated Recreation Area will be relocated from one of the 4 existing lots to a new tract on the south edge of the manufactured home park. The Recreation Area will increase from .77 acres to 1.11 acres in size.

STAFF RECOMMENDATION:

Approval subject to the applicant meeting, in the opinion of the City Engineer, the City's simplified stormwater master plan requirements and all city requirements for flood plain elevation certificates and flood plain developments permits as manufactured homes are located on individual pad sites.

Note: Full size copies of the plat will be available at the meeting.

Council Bill No.

Ordinance No.

An Ordinance to accept the Final Plat of The Oaks Replat, a Replat Of Lots 12, 13, 14 and the Recreation Area of The Oaks, Second Addition in The City of Harrisonville, Cass County, Missouri, and Establishing an Effective Date.

WHEREAS, an application was forwarded to the City of Harrisonville ("City") to approve an ordinance to accept the Final Plat of the Oaks Replat, a Replat of Lots 12, 13, 14 and the Recreation Area of The Oaks, Second Addition in the City of Harrisonville, Cass County, Missouri;

WHEREAS, the final plat was considered by the Planning and Zoning Commission of the City of Harrisonville on February 21, 2019 and a recommendation made by a vote of 7 Ayes and 0 Nays to the Board of Aldermen to approve the final plat;

WHEREAS, the City will retain easement rights in the proposed subdivision;

WHEREAS, in accordance with the provision of Chapter 89 RSMo, and Chapter 410 of the Code of Ordinance of the City of Harrisonville, Missouri, the Board of Aldermen, after careful and due deliberation find that approval of the Final Plat is in the best interest of the City of Harrisonville and its residents:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. That Board of Aldermen of Harrisonville, Missouri, hereby approves the final plat entitled Final Plat of The Oaks Replat, a Replat of Lots 12, 13, 14 and the Recreation Area of The Oaks, Second Addition in the City of Harrisonville, Cass County, Missouri and accepts the dedication of easements to the City of Harrisonville.

SECTION 2. Elevation certificates and flood plain development permits shall be obtained when required by code.

SECTION 3. That the final plat comprises the following described real estate in Harrisonville, Cass County, Missouri, to wit:

A part of Lot 3 in the Northeast Quarter of Section 5, Township 44 North, Range 31 West and all of Lots 12, 13, 14 and the Recreation Area of The Oaks Second Addition, a subdivision in the city of Harrisonville, Cass County, Missouri described as:

BEGINNING AT THE SOUTHWEST CORNER OF SAID THE OAKS SECOND ADDITION, THENCE NORTH 05°51'24" EAST ALONG THE WEST LINE OF SAID THE OAKS SECOND ADDITION, 384.75 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE NORTH 88°18'53" EAST 144.78 FEET TO THE NORTHEAST CORNER OF SAID LOT 12; THENCE SOUTH 01°41'07" WEST ALONG THE EAST LINE OF SAID LOTS 12, 13, AND THE RECREATION AREA 199.88 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 59.00 FEET AND AN ARC LENGTH OF 81.63 FEET TO THE NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 01°41'07" WEST 126.03 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 88°16'43" EAST ALONG THE SOUTH LINE OF SAID THE OAKS SECOND ADDITION, 260.00 FEET; THENCE SOUTH 01°41'07" WEST ALONG THE SOUTHERLY LINE OF SAID THE OAKS SECOND ADDITION, 100.00 FEET; THENCE NORTH 88°16'43" WEST PARALLEL WITH THE SOUTH LINE OF SAID THE OAKS SECOND ADDITION, 488.07 FEET TO A POINT ON THE EAST LINE OF THE MISSOURI PACIFIC RAILROAD; THENCE NORTH 05°51'24" EAST ALONG THE EAST LINE SAID RAILROAD, 100.26 FEET TO THE POINT OF BEGINNING. CONTAINING 2.67 ACRES OF LAND MORE OR LESS.

SECTION 4. All that portion of the above property shown as utility easements is hereby retained as a perpetual utility easement for the construction, maintenance, repair, relocation and operation of all public utility facilities and surface water drainage. No permanent buildings or structures shall be located within or upon said easements.

SECTION 5. This ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Vote taken as follows:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Read for the first time by title only on the 4th day of March 2019. Read for the second time by title only on the _____ day of March 2019 and was duly approved by the Board of Aldermen this _____ day of March 2019.

Brian Hasek, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

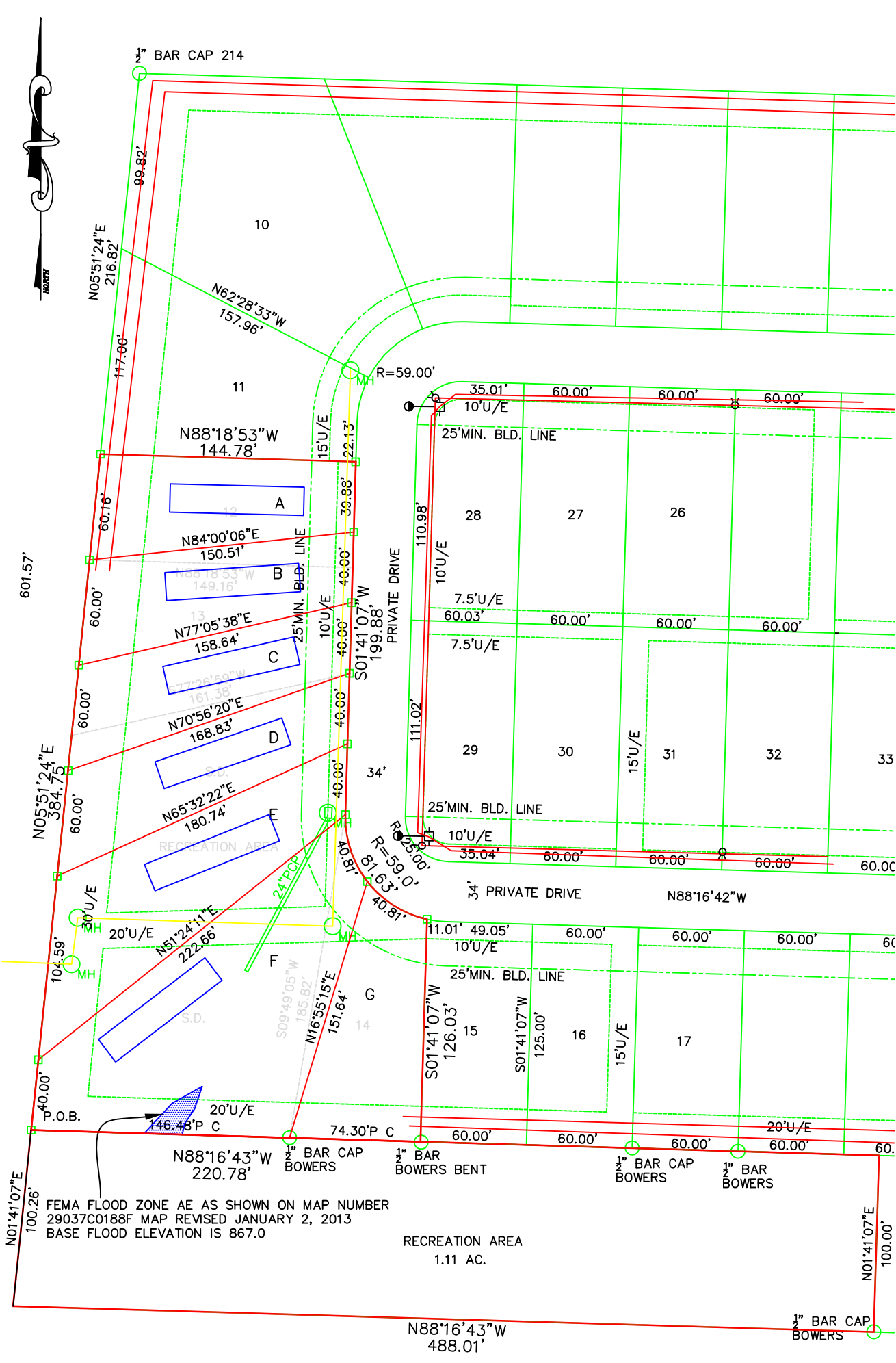
Randall K. Jones, City Clerk

APPROVED by the Mayor this _____ day of _____, 2019

Exhibit I. Final Plat

FINAL PLAT OF THE OAKS REPLAT

A REPLAT OF LOTS 12, 13, 14 AND THE RECRATION AREA OF THE OAKS
SECOND ADDITION, A SUBDIVISION OF LAND IN THE CITY OF
HARRISONVILLE, CASS COUNTY, MISSOURI



DESCRIPTION
A PART OF LOT 3 IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 44 NORTH
RANGE 31 WEST AND ALL OF LOTS 12, 13, 14 AND THE RECREATION AREA OF THE
OAKS SECOND ADDITION A SUBDIVISION IN THE CITY OF HARRISONVILLE, CASS
COUNTY, MISSOURI DESCRIBED AS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID THE OAKS SECOND ADDITION,
THENCE NORTH 05°51'24" EAST ALONG THE WEST LINE OF SAID THE OAKS SECON
ADDITION, 384.75 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE
NORTH 88°18'53" EAST 144.78 FEET TO THE NORTHEAST CORNER OF SAID LOT 12
THENCE SOUTH 01°41'07" WEST ALONG THE EAST LINE OF SAID LOTS 12, 13, AND
RECREATION AREA 199.88 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO TH
LEFT HAVING A RADIUS OF 59.00 FEET AND AN ARC LENGTH OF 81.63 FEET TO TH
NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 01°41'07" WEST 126.03 FE
TO THE SOUTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 88°16'43" EAST AL
THE SOUTH LINE OF SAID THE OAKS SECOND ADDITION, 260.00 FEET; THENCE SO
01°41'07" WEST ALONG THE SOUTHERLY LINE OF SAID THE OAKS SECOND ADDITI
100.00 FEET; THENCE NORTH 88°16'43" WEST PARALLEL WITH THE SOUTH LINE O
SAID THE OAKS SECOND ADDITION, 488.07 FEET TO A POINT ON THE EAST LINE O
THE MISSOURI PACIFIC RAILROAD; THENCE NORTH 05°51'24" EAST ALONG THE E/
LINE OF SAID RAILROAD, 100.26 FEET TO THE POINT OF BEGINNING. CONTAINING
2.67 ACRES OF LAND MORE OR LESS.

PLAT DEDICATION: THE UNDERSIGNED PROPRIETOR TO THE ABOVE DESCRIBED
TRACTS OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER
SHOWN ON THE ACCOMPANYING PLAT WHICH SUBDIVISION SHALL BE KNOWN AS 'THE
OAKS REPLAT".

BASIS OF BEARINGS: NORTH AS SHOWN AND THE BEARING SYSTEM USED IS C
NORTH, MISSOURI WEST ZONE, NAD83, BASED ON GPS WORK USING MODOT VRS
NETWORK.

FLOOD PLAIN: THE SUBJECT PROPERTY IS LOCATED IN "ZONE AE" AREAS OF
SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL
CHANCE FLOOD, CASS COUNTY, MISSOURI FLOOD INSURANCE RATE MAP (FIRM),
MAP NUMBER 20937C0188F, MAP REVISED DATE: JANUARY 2, 2013.

DEVELOPMENT RESTRICTIONS: MANUFACTURED HOUSES SHALL BE PLACED
WITH THE FINISH FLOOR AT ELEVATION 868.0 OR A MINIMUM OF 1 FOOT ABOVE
THE BASE FLOOD ELEVATION.

NO MANUFACTURED HOME SHALL ENCR OACH UPON ANY UTILITY EASEMENT.

IN TESTIMONY WHEREOF, THE OAKS, INC, HAS CAUSED THIS INSTRUMENT TO BE
EXECUTED

THIS _____ DAY OF _____, 2018

THE OAKS, INC

BY: JOHN COFFEY, PRESIDENT
STATE OF MISSOURI)
COUNTY OF CASS) SS

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2018, BEFORE ME THE UNDERSIGNED, A
NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE AFORESAID CAME, ED BOHL
PRESIDENT, TO ME KNOWN PERSONALLY, WHO BEING BY ME DULY SWORN, DID SA
THAT HE IS THE PRESIDENT OF ED BOHL ENTERPRISES, INC. AND THAT SAID
INSTRUMENT WAS SIGNED IN BEHALF OF SAID CORPORATION BY ED BOHL
ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID
CORPORATION. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIX
MY NOTARIAL SEAL AT MY OFFICE IN SAID COUNTY AND STATE THE DAY AND YE/
LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC

CITY PLAN COMMISSION OF HARRISONVILLE, MISSOURI
APPROVED: _____
CHRIS CHIODINI, CHAIRMAN

COUNCIL
THIS IS TO CERTIFY THAT THE WITHIN PLAT WAS DULY SUBMITTED TO AND
APPROVED BY THE COUNCIL

OF HARRISONVILLE, MISSOURI, THIS _____ DAY OF _____, 2018.

MAYOR
BRIAN HASEK
CITY CLERK
RANDALL K. JONE

I HEREBY CERTIFY THAT THE PLAT OF 19 AND OAK IS BASED ON AN ACTUAL
SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID
SURVEY MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR
PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI BOARD FOR
ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE
MISSOURI DEPARTMENT OF NATURAL RESOURCES. I FURTHER CERTIFY THAT I
HAVE COMPLIED WITH ALL STATUTES, ORDINANCES AND REGULATIONS
GOVERNING THE PRACTICE OF SURVEYING AND PLATTING OF SUBDIVISIONS TO
THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

DATE: _____ JOHN R. MCKEAN L.S. NO. 2419

Samuel J Styron
CONSULTING ENGINEERS, INC.
310 SOUTH INDEPENDENCE
HARRISONVILLE, MISSOURI
PHONE: 816-380-5308
JANUARY 2019
PROJECT NO. 2018009

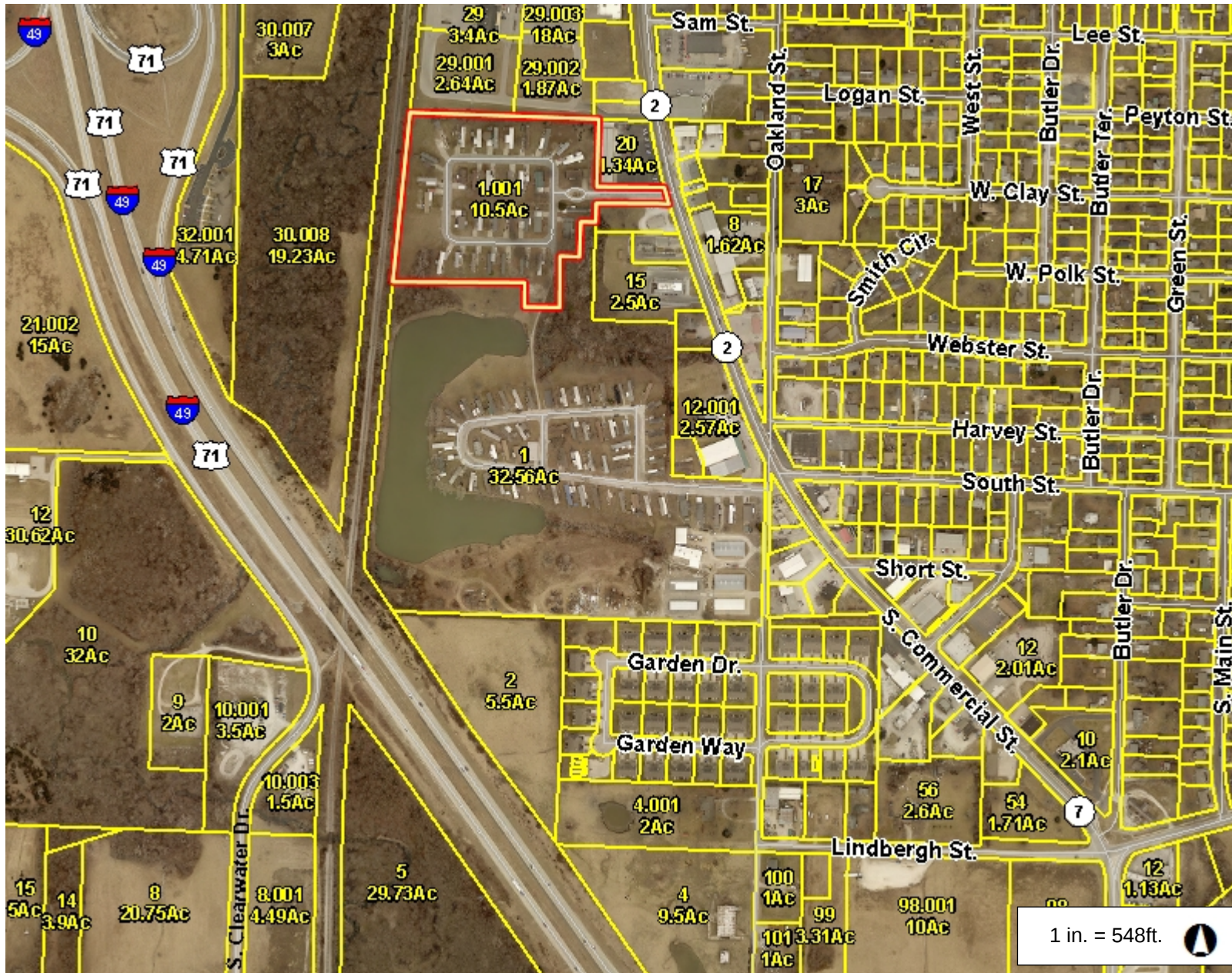
- LEGEND
M = MEASURED
D = DEED
□ = MONUMENT SET
P = PLAT
O = MONUMENT FOUND
C = CALCULATED



Attachment: Proposed Replat-Oaks (The Oaks Final Plat)

Cass County Assessor, Roger Raffety

5.E.b



Legend

- Road
 - <all other values>
 - Interstate
 - State Route
- Parcel
- Parcel Number/Acres
- Corporate Limit Line
- County Boundary

Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Attachment: Vicinity Map-Oaks (The Oaks Final Plat)

DESCRIPTION:

PART OF LOT 3 OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 44, RANGE 31 IN CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF LOT 3 OF THE NORTHEAST QUARTER OF SECTION 5, AFOREREMENTIONED, RUN THENCE SOUTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID LOT 3, 866.87 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; RUN THENCE SOUTH 0°21'14" EAST, 249.87 FEET; THENCE NORTH 89°38'46" EAST, 264.04 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD U.S. HIGHWAY NO. 71; FOLLOWING SAID WESTERLY RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 3297.73 FEET, AN ARC DISTANCE OF 52.34 FEET; THENCE SOUTH 89°38'46" WEST, 279.51 FEET; THENCE SOUTH 0°21'14" EAST, 52.00 FEET; THENCE SOUTH 89°38'46" WEST, 70.00 FEET; THENCE SOUTH 0°21'14" EAST, 120.00 FEET; THENCE SOUTH 89°38'46" WEST, 60.00 FEET; THENCE SOUTH 0°21'14" EAST, 228.05 FEET; THENCE SOUTH 89°40'56" WEST, PARALLEL WITH THE NORTH LINE OF SAID LOT 3, 120.00 FEET; THENCE NORTH 0°21'14" WEST, 100.00 FEET; THENCE SOUTH 89°40'56" WEST, PARALLEL WITH THE NORTH LINE OF SAID LOT 3, 480.78 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD, AS PRESENTLY LOCATED; THENCE NORTH 3°49'03" EAST ALONG SAID RAILROAD RIGHT-OF-WAY LINE, 601.57 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 3 OF THE NORTHEAST QUARTER OF SECTION 5; THENCE NORTH 89°40'56" EAST, ALONG THE NORTH LINE THEREOF, 687.02 FEET TO THE TRUE POINT OF BEGINNING.

**FINAL PLAT
OF
" THE OAKS SECOND ADDITION "**
LOTS 1 THRU 34
**A SUBDIVISION OF LAND IN THE CITY OF
HARRISONVILLE, CASS COUNTY, MISSOURI**

STATE OF MISSOURI
COUNTY OF CASS
RECORDED IN BOOK 12 PAGE 258
93 DEC 15 A 8:28.2
JOHN KOHLER, RECORDER
DEPUTY

50 0 50 100
SCALE IN FEET
SCALE: 1" = 50'

NOTE: BEARINGS SHOWN ARE BASED UPON AN ASSUMED BEARING SYSTEM.
• 1/2" IRON PINS WITH PLASTIC CAPS STAMPED BOWERS BRENNER TO BE SET ON ALL BACK LOT CORNERS AND BOUNDARY CORNERS, AND CORNERS TO BE NOTCHED UPON COMPLETION OF STREETS, UNLESS NOTED OTHERWISE ON THIS PLAT.
• 5/8" IRON PIN WITH 2" ALUMINUM CAP STAMPED BOWERS BRENNER TO BE SET.

DEDICATION:

THE UNDERSIGNED PROPRIETOR OF THE REAL ESTATE DESCRIBED HEREIN HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THIS PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "THE OAKS SECOND ADDITION" LOTS 1 THRU 34. IT SHALL BE SUFFICIENT DESCRIPTION OF EACH LOT PLATTED HEREON TO BE DESIGNATED BY THE NUMBER WHICH APPEARS ON SAID LOT, FOLLOWED BY THE WORDS "THE OAKS SECOND ADDITION".

AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF HARRISONVILLE, MISSOURI TO LOCATE, CONSTRUCT AND MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION AND MAINTENANCE OF CONDUITS, WATER, GAS AND SEWER PIPES, POLES, WIRES AND ANCHORS AND ALL OR ANY OF THEM UPON THOSE AREAS IN THIS SUBDIVISION OUTLINED ON THIS PLAT AND DEDICATED BY THE WORDS "UTILITY EASEMENT" (U.E.) OR "STORM DRAINAGE & UTILITY EASEMENT" (S.D. & U.E.).

THE USE OF THE LOTS SHOWN ON THIS PLAT SHALL BE SUBJECT TO ANY AND ALL RESTRICTIONS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN CASS COUNTY, MISSOURI.

OWNER'S CERTIFICATE:

AS OWNER, I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED, DEDICATED AND ACCESS RIGHTS RESERVED AS REPRESENTED ON THIS PLAT.

IN WITNESS WHEREOF, THE PROPRIETOR HAS CAUSED THIS PLAT TO BE SIGNED BY ITS PRESIDENT AND ATTESTED BY ITS SECRETARY, AND THE CORPORATE SEAL HERETO ATTACHED, THIS 10th DAY OF December, 1992 93 J.B.

ED BOHL ENTERPRISES, INC.

BY: Ed Bohl
PRESIDENTATTEST: Carol Bohl
SECRETARY

SUBSCRIBED AND SWORN BEFORE ME THIS 10th DAY OF December, 1992 93 J.B.

NOTARY PUBLIC: April L. WiskerMY COMMISSION EXPIRES: September 25, 1994

APPROVED: THE CITY PLANNING COMMISSION OF HARRISONVILLE, MISSOURI.

SIGNED: Wesley J. Jandt
CHAIRMANDATE: 12-10-93

APPROVED: THE CITY COUNCIL OF HARRISONVILLE, MISSOURI.

SIGNED: William F. Mink
MAYORDATE: 12-14-93ATTEST: Cheri L. Russell
CITY CLERK

FOR: ED BOHL ENTERPRISES, INC.

BOWERS BRENNER & ASSOCIATES

PROFESSIONAL LAND SURVEYORS

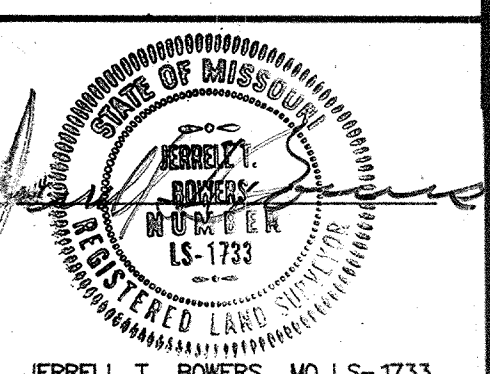
110 SOUTH INDEPENDENCE P.O. BOX 71

HARRISONVILLE, MISSOURI 64701

KANSAS CITY PHONE/FAX (816) 329-8424

HARRISONVILLE PHONE/FAX (816) 884-4821

SECTION	TOWNSHIP	RANGE	COUNTY	STATE	DRAWING NO.	DATE	JOB NO.
5	44	31	CASS	MO	11489FP.DWG	10-15-92	11489-92



JERRELL T. BOWERS MO LS-1733



DRAFT
MINUTES
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
FEBRUARY 21, 2019
6:00 PM

1. Call to Order

The meeting was called to order at 6:00 PM by Chair Chris Chiodini

Attendee Name	Organization	Title	Status	Arrived
Chris Chiodini	Harrisonville	Chair	Present	
Scott Milner	Harrisonville		Present	
Brian Hasek	Harrisonville	Mayor	Present	
Jim Proctor	Harrisonville		Present	
Virgil Butler	Harrisonville		Absent	
Dorothy Young	Harrisonville	Vice-Chair	Present	
Cheryl Bush	Harrisonville		Present	
Barrett Welton	Harrisonville		Present	

Also in attendance were Roger Kroh, Community Development Planner; Brad Bockelman, Board Liaison; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Planning & Zoning Commission - Regular Meeting - Jan 3, 2019 6:00 PM

Dorothy Young made a motion to amend the minutes of the January 3, 2019 meeting by referencing the discussion on how the city will handle non-conforming signs. Brian Hasek seconded the motion.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dorothy Young, Vice-Chair
SECONDER:	Brian Hasek, Mayor
AYES:	Chiodini, Milner, Hasek, Proctor, Young, Bush, Welton
ABSENT:	Virgil Butler

3. Agenda Items

A. Rezoning the Southland Shopping Center from "C-1" Local Business Zoning District to "C-2" Service Business District and Public Hearing

Roger Kroh presented Packet Pages 4-9, application for proposed Rezoning of the Southland Shopping Center from "C-1" to "C-2". The proposed change would expand the shopping center to a broader range of uses, such as meeting rooms, restaurants that serve alcohol, alcohol sales, pet groomers, pet stores and automotive equipment sales. This would help marketing the shopping center, leading to fewer vacancies and maintaining the neighborhood. Mr. Kroh said that there are some C-2 uses that are not compatible with the neighborhood. But, he believes the chances of these uses locating at Southland are very small because the shopping center already exists and these businesses, such as boat and farm machinery sales, prefer sites with more traffic and visibility.

The Public Hearing was opened.

Kim Bartalos, agent for Harrisonville LLC, stated that this change would fix current issues with the Shopping Center. The change from "C1" to "C2" would allow her to lease spaces to a wider range of businesses including; restaurants that sell alcohol, pet groomers, pet stores and others. She said the rezoning to C-2 will also fix the situation in which Dollar General has been selling beer and wine for nearly 15 years. This is not a C-1 use. Kim Bartalos added that an existing tenant is storing Scandanavian furniture and she is not sure if this is a C-1 or C-2 use. Chris Chiodini asked staff to research whether the furniture business will be conforming or non-conforming if the C-2 zoning is approved.

Brian Hasek moved that the rezoning of the Southland Shopping Center from C-1 (Local Business Zoning District) to C-2 (Service Business District) Zoning be forwarded to the Board of Aldermen with a favorable recommendation subject to the existing uses in the center being permitted in the C-2 Zoning District. Dorothy Young seconded the motion.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]
MOVER:	Brian Hasek, Mayor
SECONDER:	Dorothy Young, Vice-Chair
AYES:	Chiodini, Milner, Hasek, Proctor, Young, Bush, Welton
ABSENT:	Virgil Butler

B. Application for Replat of "The Oaks".

Roger Kroh presented Packet Pages 10-15, request of John Coffey, owner of The Oaks Manufactured Home Park, that the City approve The Oaks Replat, a Replat of Lots 12, 13, 14 and the recreation area of The Oaks, Second Addition. The replat increases the lots from 34 to 37 and moves the .77 acre recreation area to a 1.1 acre area on the south property line of The Oaks. The City Engineer has approved the stormwater master plan.

Brian Hasek made a motion to recommend that the Board of Aldermen approve the replat subject to the applicant obtaining certificates and flood plain development permits when required by Code. Dorothy Young seconded the motion. The motion passed unanimously.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]
MOVER:	Brian Hasek, Mayor
SECONDER:	Dorothy Young, Vice-Chair
AYES:	Chiodini, Milner, Hasek, Proctor, Young, Bush, Welton
ABSENT:	Virgil Butler

4. Discussion Items

NA

5. Adjourn

Respectfully Submitted,

Jamie Martin, Recording Secretary



STAFF REPORT

TO: Board of Aldermen
FROM: Roger Kroh, Planner
DATE: February 27, 2019
SUBJECT: Southland Shopping Center Rezoning to C-2

Type of Item: *Rezoning*

Case No.: RZ-19-002

BOA Meeting: March 4, 2019

PZ Meeting: Feb. 21, 2019

GENERAL INFORMATION

Request: Approval of rezoning from "C-1" Local Business Zoning District to "C-2" Service Business Zoning District

Location: 1799-1811 East Mechanic St. and 204 - 208 Oriole

Applicant/Owner Representative: Kim Bartalos, Vice President of Real Estate Services
 Block Real Estate Services

Owner: Harrisonville LLC

Existing Zoning: "C-1" Local Business Zoning District

Proposed Zoning: "C-2" Service Business Zoning District

Acres: 6 acres

Adjacent Zoning: North: "R-2" Two Family Residential and
 "RP-4" Planned Apartment Residential
 South "R-1" Single Family Residential
 West: "R-1" Single Family Residential
 East: "C-1" Local Business, "C-2" Service Business and

“R-4” Apartment Residential

PLANNING AND ZONING COMMISSION ACTION: At their February 21, 2019 Planning and Zoning Commission (PZ) Meeting, there was only one member of the public in attendance and he did not speak on any agenda item. The PZ Commission unanimously recommended that the Board of Aldermen (BOA) approve the rezoning of the Southland Center from C-1 to C-2 subject to confirmation that the rezoning will not cause an existing tenant in the center that has furniture to become non-conforming. Staff has subsequently determined that the company would be permitted in the C-2 zoning district as retail and wholesale sales are permitted and occur at this location. At the PZ Commission meeting it was also discussed that Dollar General has been selling beer and wine since it opened in 2007 in the Southland Center. This is not a permitted use in the C-1 zoning district. Approval of the rezoning to C-2, which does allow the sale of alcoholic beverages, will bring Dollar General into conformance.

COMMENTS:

The City is in receipt of an application from Kim Bartalos, agent for Harrisonville LLC, owners of the 6-acre Southland Shopping Center at 1799-1811 East Mechanic St. and 204 - 208 Oriole St., to rezone the property from C-1 Local Business Zoning District to the C-2 Service Business Zoning District to allow a wider range of tenants in the existing center. Examples of C-2 uses that would have an interest in locating in the center are meeting halls, pet grooming, restaurants that serve alcohol, and automotive equipment sales. Uses allowed in C-2 not compatible with the area, i.e. truck, boat and farm machinery sales, would very likely not wish to locate on the Southland property anyway due to the traffic and visibility that is much less than on MO. 291.

REVIEW OF APPLICATION:

1. **The character of the surrounding neighborhood, including the existing uses and zoning classification of properties near the subject property.**

The character of the surrounding neighborhood is a mixture of single-family, duplexes, apartments, C-1 uses and C-2 uses. We believe that the C-2 uses drawn to the center will be compatible with the neighborhood.

2. **The physical character of the area in which the property is located.**

The east-west corridor across the front of the Southland shopping center does not have the high traffic numbers as do many other major commercial corridors. C-2 uses that would potentially use the shopping center would be compatible with the neighborhood.

3. **Consistency with the goals and objectives of the Comprehensive Plan and other plans, codes and ordinances of the City.**

The proposed rezoning will help keep Southland more occupied than it has been in the past and reduce the potential that the area will appear to be deteriorating due to the vacancies in the center.

4. Suitability of the subject property for the uses permitted under the existing and proposed zoning districts.

This application is unique in that the neighborhood center already exists. Only uses that are compatible with existing center will choose to locate there.

5. The trend of development near the property, including changes that have taken place in the area since the subject property was placed in its current zoning districts.

Existing residential and non-residential development in the area is compatible. It is expected that C-2 uses will choose to locate there that are successful in such mixed-use areas.

6. The extent to which the zoning amendment may detrimentally affect nearby property.

The existing shopping center will define the type of development that will locate in the center and C-2 uses such as outdoor boat and truck sales are not expected to wish to locate at the Southland Center.

7. Whether public facilities and services will be adequate to serve development allowed by the requested zoning map amendment.

The types of uses that will go into Southland shopping center will not have higher sewer, water, parking and traffic requirements than the uses that now exist.

8. The suitability of the property for the uses to which it has been restricted under the existing zoning regulations.

The subject property is currently suitable for the uses to which it has been used. It is also suitable to the C-2 uses that will wish to locate there.

9. The length of time (if any) the property has remained vacant as zoned.

The Southland Center has been plagued by vacancies in recently years. Rezoning the center to C-2 would help reduce the number of vacancies in the center. Increasing the number of uses that can locate in the center will improve the economic vitality of the area.

10. Whether the proposed zoning map amendment is in the public interest and is not solely in the interest of the applicant, and

Vacancies in a neighborhood shopping center reflects negatively on the entire neighborhood. Reducing the number of vacancies will have a positive impact on the surrounding neighborhood.

11. The gain, if any, to the public health, safety and welfare due to the denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

Denying the application will continue the past track record of vacancies in the Southland center. Approving the application will increase the chances that the center will be fully or near fully occupied and this will improve the economic vitality of the surrounding area. .

STAFF RECOMMENDATION: Approval--based upon the findings in the staff report.

Council Bill No.**Ordinance No.**

**An Ordinance to rezone the property described as the Southland Shopping Center
At 1799-1811 East Mechanic St. And 204-208 from the C-1 Local Business Zoning
District to the C-2 Service Business Zoning District in the City of Harrisonville, Cass
County, Missouri, and establishing an effective date.**

WHEREAS, an application was submitted to the City of Harrisonville (“City”) to rezone property described as the Southland Shopping Center at 1799-1811 East Mechanic St. and 204-208 from the C-1 Local Business Zoning District to the C-2 Service Business Zoning District in the City of Harrisonville, Cass County, Missouri;

WHEREAS, the Planning and Zoning Commission of the City of Harrisonville, after placing a legal notice in a newspaper of record and mailing a notice to all property owners within 185 feet of the property, conducted a public hearing on the application on February 21, 2019 and unanimously recommended with a vote of 7 Ayes and 0 Nays that the Board of Aldermen approve the rezoning to C-2 with certain conditions;

WHEREAS, staff has reviewed the request and found it to be compatible with the neighborhood;

WHEREAS, the Board of Aldermen of the City of Harrisonville, after placing a legal notice in a newspaper of record and mailing a notice to all property owners within 185 feet of the property, conducted a public hearing on the application on March 4, 2019;

WHEREAS, after considering the recommendation of the Planning and Zoning Commission, the recommendation from staff supporting the rezoning, input from the public on the property to be rezoned and the surrounding property for promoting the public health, safety, morals and general welfare of the community, the Board of Aldermen determined that the hereinafter described property should be rezoned and the rezoning is in the best interest of the City of Harrisonville and its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
HARRISONVILLE, MISSOURI, AS FOLLOWS:**

SECTION 1. That the following described property owned by Harrisonville LLC is hereby rezoned from the C-1 Local Business Zoning District to the C-2 Service Business Zoning District in the City of Harrisonville, Cass County, Missouri, to-wit:

ALL THAT PART OF LOTS 4 AND 5 OF THE NORTHWEST QUARTER OF

SECTION 3, TOWNSHIP 44, RANGE 31, IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 40 RODS EAST OF THE SOUTHWEST CORNER OF LOT 4 OF THE NORTHWEST QUARTER OF SAID SECTION 3; THENCE NORTH 0 DEGREES 01 MINUTE 43 SECONDS WEST, 1465.33 FEET; THENCE EAST 292.96 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEGINNING 40.00 FEET SOUTHEASTERLY OF STATION 584+50 OF MISSOURI STATE HIGHWAY NO. 7, AND IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY NO. 7; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT WITH A RADIUS OF 4337.18 FEET, AND A CHORD BEARING OF NORTH 60 DEGREES 55 MINUTES 12 SECONDS EAST, A DISTANCE OF 470.14 FEET; THENCE SOUTH 28 DEGREES 24 MINUTES 10 SECONDS EAST, ALONG THE WESTERLY LINE OF ORIOLE STREET, 232.96 FEET; THENCE FOLLOWING THE WESTERLY LINE OF ORIOLE STREET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 575.48 FEET AND A CHORD BEARING OF SOUTH 16 DEGREES 30 MINUTES 24 SECONDS EAST, A DISTANCE OF 238.97 FEET; THENCE SOUTH 76 DEGREES 48 MINUTES 07 SECONDS WEST, 4.68 FEET; THENCE SOUTH 24 DEGREES 24 MINUTES 05 SECONDS WEST, 70.12 FEET; THENCE SOUTH 63 DEGREES 00 MINUTES 00 SECONDS WEST 185.00 FEET; THENCE SOUTH 76 DEGREES 04 MINUTES 51 SECONDS WEST, 296.98 FEET; THENCE NORTH 15 DEGREES 26 MINUTES 29 SECONDS WEST, 300.13 FEET; THENCE NORTH 24 DEGREES 23 MINUTES 58 SECONDS WEST, 121.55 FEET, TO A POINT IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 7; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE, ON A CURVE TO THE LEFT WITH A RADIUS OF 4347.18 FEET AND A CHORD BEARING OF NORTH 64 DEGREES 30 MINUTES 24 SECONDS EAST, A DISTANCE OF 35.76 (MEASURED 35.70 FEET) FEET; THENCE NORTH 25 DEGREES 57 MINUTES 55 SECONDS WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SECTION 2. That the official zoning map of the City of Harrisonville shall be amended to reflect said changes in zoning.

SECTION 3. That this ordinance shall be in full force and effect from and after the date

of its passage and approval.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Vote taken as follows:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Read for the first time by title only on the 4th day of March 2019. Read for the second time by title only on the _____ day of March 2019 and was duly approved by the Board of Aldermen this _____ day of March 2019.

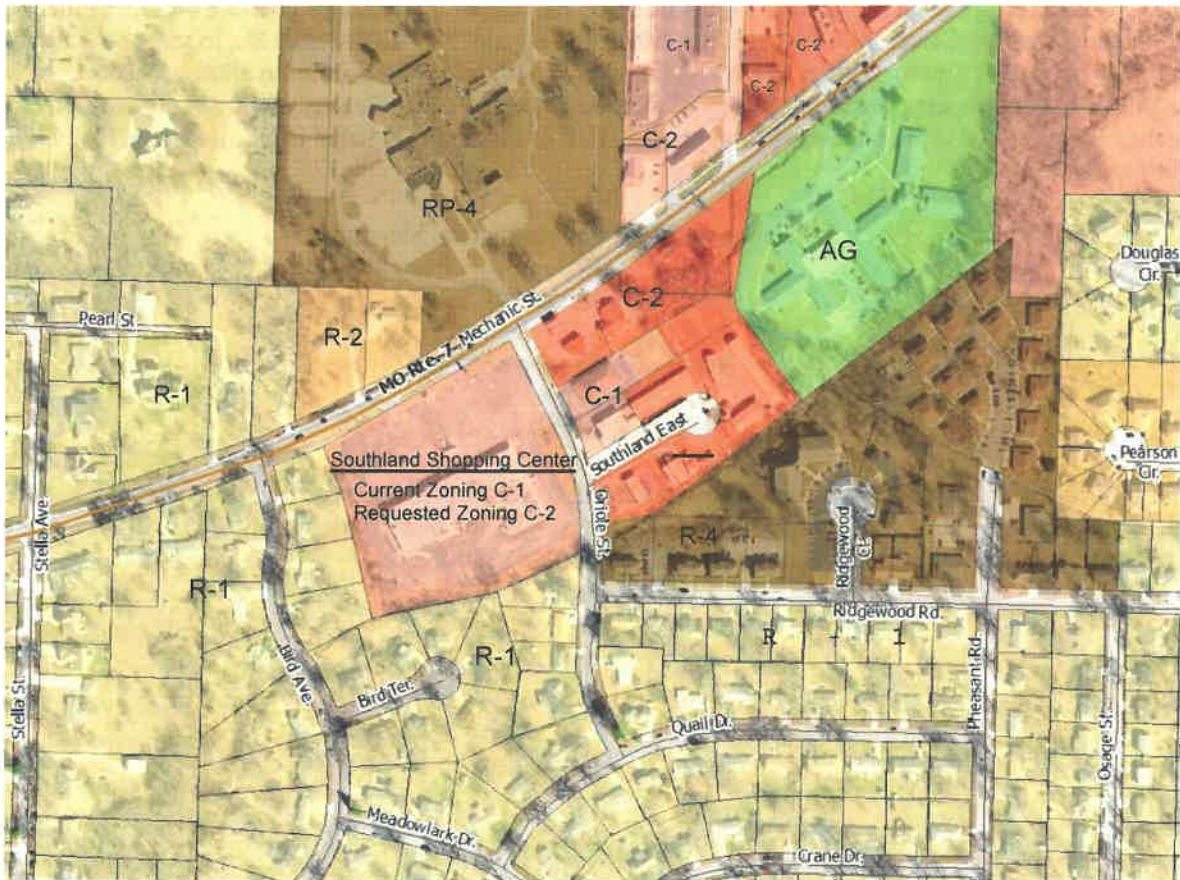
Brian Hasek, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Randall K. Jones, City Clerk

APPROVED by the Mayor this _____ day of _____, 2019

VICINITY MAP





DRAFT
MINUTES
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
FEBRUARY 21, 2019
6:00 PM

1. Call to Order

The meeting was called to order at 6:00 PM by Chair Chris Chiodini

Attendee Name	Organization	Title	Status	Arrived
Chris Chiodini	Harrisonville	Chair	Present	
Scott Milner	Harrisonville		Present	
Brian Hasek	Harrisonville	Mayor	Present	
Jim Proctor	Harrisonville		Present	
Virgil Butler	Harrisonville		Absent	
Dorothy Young	Harrisonville	Vice-Chair	Present	
Cheryl Bush	Harrisonville		Present	
Barrett Welton	Harrisonville		Present	

Also in attendance were Roger Kroh, Community Development Planner; Brad Bockelman, Board Liaison; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Planning & Zoning Commission - Regular Meeting - Jan 3, 2019 6:00 PM

Dorothy Young made a motion to amend the minutes of the January 3, 2019 meeting by referencing the discussion on how the city will handle non-conforming signs. Brian Hasek seconded the motion.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dorothy Young, Vice-Chair
SECONDER:	Brian Hasek, Mayor
AYES:	Chiodini, Milner, Hasek, Proctor, Young, Bush, Welton
ABSENT:	Virgil Butler

3. Agenda Items

A. Rezoning the Southland Shopping Center from "C-1" Local Business Zoning District to "C-2" Service Business District and Public Hearing

Roger Kroh presented Packet Pages 4-9, application for proposed Rezoning of the Southland Shopping Center from "C-1" to "C-2". The proposed change would expand the shopping center to a broader range of uses, such as meeting rooms, restaurants that serve alcohol, alcohol sales, pet groomers, pet stores and automotive equipment sales. This would help marketing the shopping center, leading to fewer vacancies and maintaining the neighborhood. Mr. Kroh said that there are some C-2 uses that are not compatible with the neighborhood. But, he believes the chances of these uses locating at Southland are very small because the shopping center already exists and these businesses, such as boat and farm machinery sales, prefer sites with more traffic and visibility.

The Public Hearing was opened.

Kim Bartalos, agent for Harrisonville LLC, stated that this change would fix current issues with the Shopping Center. The change from "C1" to "C2" would allow her to lease spaces to a wider range of businesses including; restaurants that sell alcohol, pet groomers, pet stores and others. She said the rezoning to C-2 will also fix the situation in which Dollar General has been selling beer and wine for nearly 15 years. This is not a C-1 use. Kim Bartalos added that an existing tenant is storing Scandanavian furniture and she is not sure if this is a C-1 or C-2 use. Chris Chiodini asked staff to research whether the furniture business will be conforming or non-conforming if the C-2 zoning is approved.

Brian Hasek moved that the rezoning of the Southland Shopping Center from C-1 (Local Business Zoning District) to C-2 (Service Business District) Zoning be forwarded to the Board of Aldermen with a favorable recommendation subject to the existing uses in the center being permitted in the C-2 Zoning District. Dorothy Young seconded the motion.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]
MOVER:	Brian Hasek, Mayor
SECONDER:	Dorothy Young, Vice-Chair
AYES:	Chiodini, Milner, Hasek, Proctor, Young, Bush, Welton
ABSENT:	Virgil Butler

B. Application for Replat of "The Oaks".

Roger Kroh presented Packet Pages 10-15, request of John Coffey, owner of The Oaks Manufactured Home Park, that the City approve The Oaks Replat, a Replat of Lots 12, 13, 14 and the recreation area of The Oaks, Second Addition. The replat increases the lots from 34 to 37 and moves the .77 acre recreation area to a 1.1 acre area on the south property line of The Oaks. The City Engineer has approved the stormwater master plan.

Brian Hasek made a motion to recommend that the Board of Aldermen approve the replat subject to the applicant obtaining certificates and flood plain development permits when required by Code. Dorothy Young seconded the motion. The motion passed unanimously.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]
MOVER:	Brian Hasek, Mayor
SECONDER:	Dorothy Young, Vice-Chair
AYES:	Chiodini, Milner, Hasek, Proctor, Young, Bush, Welton
ABSENT:	Virgil Butler

4. Discussion Items

NA

5. Adjourn

Respectfully Submitted,

Jamie Martin, Recording Secretary