



THE CITY OF
HARRISONVILLE
WHERE TRADITION MEETS INNOVATION

AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
OCTOBER 7, 2024
6:00 PM

- 1. Call to Order**
 - A. Pledge of Allegiance**
 - B. Roll Call**
- 2. Ceremonial Matters**
 - A. Michael Hiatt 15-Year Service Award**
 - B. Police Department Badge Pinning**
 - C. Swearing in of the Police Chief**
- 3. Public Participation**
 - A. Agenda Request - Timothy Warren**
- 4. Approval of Minutes**
 - A. Board of Aldermen - Regular Meeting - Sep 3, 2024 6:00 PM**
 - B. Board of Aldermen - Work Session - Sep 3, 2024 6:30 PM**
 - C. Closed Session Minutes - September 3, 2024**
- 5. Agenda Items**
 - A. Council Bill 53: A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE RESULTS OF WATER RATE AND SEWER RATE STUDIES FROM 1898 & COMPANY, COMPLETED IN AUGUST OF 2024.**
 - B. PUBLIC HEARING: Code Amendment--Cruelty to Animals**
 - C. Council Bill 50: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING ARTICLE I UNDER CHAPTER 210—ANIMAL REGULATIONS OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.**
 - D. PUBLIC HEARING: Vacation - Railroad Spur Right-of-Way**

- E. **Council Bill 45: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, VACATING A RAILROAD SPUR RIGHT-OF-WAY COVERING PROPOSED LOT 5 OF ENTERPRISE BUSINESS PARK WITH RAILROAD SPUR SERVING UFP INDUSTRIES, INC. AND ESTABLISHING AN EFFECTIVE DATE.**
 - F. **PUBLIC HEARING: A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive**
 - G. **Council Bill 54: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A SPECIAL USE PERMIT FOR THE USE OF A TOW LOT ON PROPERTY LOCATED AT 1505 CLEARWATER DRIVE IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.**
 - H. **PUBLIC HEARING: A Special Use Permit for a tow lot located at 402 Cedar Street**
 - I. **Council Bill 55: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A SPECIAL USE PERMIT FOR THE USE OF A TOW LOT ON PROPERTY LOCATED AT 402 CEDAR STREET IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.**
 - J. **PUBLIC HEARING: Preliminary Plat for Cedar Crossing, Lots 1-219 and Tracts A, B, and C**
 - K. **Council Bill 56: A RESOLUTION OF THE CITY OF HARRISONVILLE APPROVING THE PRELIMINARY PLAT OF CEDAR CROSSING, LOTS 1 – 219 AND TRACTS A, B, AND C LOCATED SOUTH OF PARKWOOD SOUTH AND NORTH OF 267TH STREET IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.**
 - L. **PUBLIC HEARING: Rezoning of approximately 7-acres and Preliminary Development Plan**
 - M. **Council Bill 57: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A REZONING FROM RP-1 TO RP-2 FOR APPRXOMATELY 7-ACRES TO ALLOW FOR 24 DUPLEX LOTS AND A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPOSED CEDAR CREEK DEVELOPMENT CONTAINING 24 DUPLEX LOTS AND 195 SINGLE-FAMILY RESIDENTIAL LOTS ON PROPERTY LOCATED SOUTH OF PARKWOOD SOUTH AND NORTH OF 267TH STREET IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.**
- 6. **Aldermen and Committee Reports**
- 7. **Report from the City Administrator**
 - A. **Municipal Court Report August 2024**
- 8. **Questions from the Media**

9. Adjourn from Regular Session

Posted on City Hall Bulletin Board this 4th day of October, 2024.

Daniel Barnett, City Clerk

Public participation during regular meetings of the Board of Aldermen shall be limited to those who have submitted a completed agenda request form. 2 Each person wishing to address the Board during regular meetings of the Board of Aldermen on a topic not on the agenda shall submit a completed agenda request form five (5) business days prior to the meeting the person wishes to address the Board. If the agenda request concerns a complex issue requiring staff research time, the opportunity to address the Board may be moved to a future meeting instead of the meeting immediately following the submission of the agenda request form. 3. Those that have submitted a completed agenda request form shall be limited to three (3) minutes to address the Board, this time cannot be yielded to another person and this time may be extended in three (3) minutes increments only upon a majority vote of the members of the Board of Aldermen, with each additional three (3) minute increment requiring an additional majority vote of the members of the Board of Aldermen.

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: September 19, 2024
SUBJECT: Michael Hiatt 15-Year Service Award

Type of Item: *Discussion*

A. Action Item (ID # 4969)

Michael Hiatt 15-Year Service Award

Attachments:

Mike Hiatt 2024 (DOCX)

Presented by the Mayor and the Harrisonville Board of Aldermen to

Mike Hiatt

In Grateful Appreciation for

15 Years

Of Dedicated Service to



September 16, 2024

Mike Zaring, MAYOR

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: September 19, 2024
SUBJECT: Police Department Badge Pinning

Type of Item: *Discussion*

- B. Action Item (ID # 4968)**
Police Department Badge Pinning

STAFF REPORT

TO: Board of Aldermen
FROM: Theresa West, Assistant
DATE: August 29, 2024
SUBJECT: Swearing in of the Police Chief

Type of Item: *Discussion*

- C. Action Item (ID # 4942)**
Swearing in of the Police Chief

STAFF REPORT

TO: Board of Aldermen
FROM: Theresa West, Assistant
DATE: October 2, 2024
SUBJECT: Agenda Request - Timothy Warren

Type of Item: *Discussion*

A. Action Item (ID # 4976)

Agenda Request - Timothy Warren

Attachments:

Agenda Request Form - Timothy Warren (PDF)

Staff Report - No Parking on Main Street 10-3-2024(DOC)



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

AGENDA REQUEST FORM

This form must be completed and submitted to the office of the City Clerk. Completed materials for the agenda shall be submitted no later than Monday at 5:00 p.m., 5 business days prior to the next Board of Aldermen's meeting. If the agenda request concerns a complex issue requiring staff research time, the opportunity to address the Board may be moved to a future meeting. The Board of Aldermen's regular meetings are the 1st and the 3rd Monday of each month.

Date of Request: SEPT. 30, 2024 Scheduled Meeting Date: Oct 7, 2024

Full Name of Speaker: TIMOTHY WARREN Organization: _____

Home Address: 1305 S MAIN ST City HV State mi Zip 64701

Home Phone #: _____ Work Phone #: _____ Cell#: 816-204-0440

Email: bam bam 04162005@icloud.com

Specifics of Topic: RE-ADDRESS NO PARKING EAST
SIDE OF MAIN FROM SOUTH ST. TO BOWMAN
ST. CAUSING HARDSHIP ON ME!

(You may write on the back or add additional sheets of paper for "Topic" and "Outcome" sections.)

Desired Outcome: SWITCH NO PARKING TO WEST SIDE FROM
SOUTH ST TO BOWMAN ST.

If applicable, has this item been previously presented to any of the following Boards for consideration?

☒ Board of Aldermen	Date Presented <u>AUG 19, 2024</u>	Outcome <u>NO SUPPORT</u>
☐ Planning & Zoning	Date Presented _____	Outcome _____
☐ Park Board	Date Presented _____	Outcome _____
☐ Board of Adjustment	Date Presented _____	Outcome _____

***I have been made aware of the date and time of the next scheduled Board of Aldermen meeting.

Signature: Timothy Warren

Office Use Only:
Date request received: _____



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

3.A.b

300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

To: Board of Aldermen
From: Patty Hilderbrand, Director of Public Works
Date: October 3, 2024
Re: No Parking on Main Street

GENERAL INFORMATION

Applicant: Patty Hilderbrand

Requested Actions: Updated explanation on how streets were identified to recommend for installation of “No Parking” signs

Date of Application: October 3, 2024

PROPOSAL

Provide information on how Public Works staff selected to recommend for the installation of new “No Parking” signs.

PREVIOUS ACTIONS

Council Bill 2024-34 (Ordinance 3696)

This ordinance of the Board of Alderman of the City of Harrisonville established streets to have “no parking” designation. The routes identified were emergency snow routes and ten (10) locations recommended by the Public Works Department.

KEY ISSUES

City Code Section 355.060 (Parking Prohibited on Narrow Street) authorizes the City Traffic Engineer to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.

Two primary issues used to identify streets where no parking signs should be installed include safety (obstructions to line of sight at intersection, school bus routes) and emergency use (i.e. snow routes & fire truck access and hydrant locations). No parking designation is evaluated in combination with one-way designation and traffic calming treatments and can be full time or limited to a set time range (i.e. 7:00am – 6:00pm). Consideration is also given to traffic volume, the type of housing (single-family, duplex apartments etc.), the availability of off-street parking and pedestrian safety.

Prioritization of the streets to recommend “no parking” signs was based on:

1. Recommendations from PD
2. Recommendations from EMS

Attachment: Staff Report - No Parking on Main Street 10-3-2024 (Agenda Request - Timothy Warren)

3. Recommendations from Fire
4. Recommendations from the school bus company
5. The difficulty caused for plowing snow.
6. Complaints from the traveling public

These steps we used to determine the locations are covered in the code for no parking.

Public Works included S Main Street on the recommended list of streets for the safety of school busses to get through as well as snowplows. Both South Street and Independence (Hwy 2) carry a high volume of traffic so no parking near these intersections is necessary. The housing at this location is single family and all homes have driveways that can park at least two (2) vehicles, many up to four (4) and (6) vehicles.

The final decision factors to recommend no parking on the East side of S Main are the presence of fire hydrants on the East side of S. Main and sidewalks on the West side. Prohibiting parking on the East side allows the Fire Department unencumbered access to the existing fire hydrants in the event of a fire and allowing parking on the West side puts those parked cars between the moving vehicles and pedestrians on the sidewalk providing an additional level of safety for pedestrians.

STAFF COMMENTS AND SUGGESTIONS

After discussion at the August 19th, 2024 Board meeting, and at the request of the Board of Alderman, Public Works staff measured the available length of parking on both sides of S Main Street from South Street to Bowman Street and Bowman Street to S Independence Street. The available length of parking between each driveway was measured then divided by 19 feet to determine the number of cars that could reasonably occupy that space while allowing cars parked in the driveways to move in and out. The West side of S Main provides space for 25 vehicles and the East side could provide space for 28 vehicles. It is staff's opinion that this is not a significant enough difference to overcome the Fire Department's access to the fire hydrants on the West side, the additional protection for pedestrians walking on the sidewalks located on the West side, nor incurring the time and cost of the removal of signs already set in concrete and re-install new posts & signs in new concrete on the West side.

STAFF RECOMMENDATION

Public Works recommends maintaining the parking restrictions on the East side of S Main.

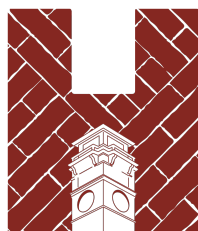
ATTACHMENTS

STAFF CONTACT:

Patty Hilderbrand

Director of Public Works

philderbrand@harrisonville.com



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
SEPTEMBER 3, 2024
6:00 PM

1. Call to Order

The meeting was called to order at 6:00 PM by Mayor Mike Zaring.

A. Pledge of Allegiance

Attendee Name	Organization	Title	Status	Arrived
Bill Mills	Harrisonville	Board Member	Remote	
Sandy Franklin	Harrisonville	Board Member	Present	
Larry Pfautsch	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Present	
Kile Chaney	Harrisonville	Board Member	Present	
Mike Zaring	Harrisonville	Mayor	Present	

Others present: City Administrator Brad Ratliff, City Attorney Jamie Walker, Parks and Recreation Director Grant Purkey, Community Development Director Christina Stanton, Fire Chief Rusty Sullivan, Economic Development Director Jim Clarke, Director of Administrative Services Jeremy Smith, Interim Police Chief Darla Harris, Public Works Director Patty Hilderbrand, Executive Secretary to the City Administrator Theresa West, Public Works Superintendent Matt Carver, David Naumann and Alex Craven of 1898 & Co. and City Clerk Daniel Barnett - recording.

2. Ceremonial Matters

None.

3. Public Participation

None.

4. Approval of Minutes

A. Board of Aldermen - Regular Meeting - Aug 19, 2024 6:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Kile Chaney, Board Member
SECONDER: Marcia Milner, Board Member
AYES: Mills, Franklin, Pfautsch, Turner, Doerhoff, Milner, Davidson, Chaney

B. Board of Aldermen - Work Session - Aug 19, 2024 6:30 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Gary Davidson, Board Member
SECONDER: Sandy Franklin, Board Member
AYES: Mills, Franklin, Pfautsch, Turner, Doerhoff, Milner, Davidson, Chaney

5. Agenda Items**A. PUBLIC HEARING ON THE 2024 TAX LEVY**

Mayor Zaring opened the public hearing at 6:01 p.m.

Staff report presented by Director of Administrative Services Smith.

Smith said the State of Missouri did accept the ordinance passed during the August 19, 2024 meeting to reverse a past tax levy reduction and bring Harrisonville's tax levy rate back to what it would have been had no voluntary reduction been taken.

Smith spoke to the change made by Cass County in how they value automobiles and how that will impact the personal property tax bills that will be sent out in the coming months.

Smith said the changes will be evened out by the county's new higher rate for real estate taxes.

Mayor Zaring closed the public hearing at 6:03 p.m.

B. AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE LEVYING A TAX FOR THE CURRENT EXPENSE OF THE CITY OF HARRISONVILLE, MISSOURI, UPON REAL PROPERTY AND ALL TANGIBLE PERSONAL PROPERTY OF WHATSOEVER NATURE AND CHARACTER SUBJECT TO TAXATION BY THE CITY OF HARRISONVILLE FOR SUCH PURPOSES; ALSO, LEVYING A SPECIAL TAX UPON THE AFORE DESCRIBED PROPERTIES FOR PUBLIC PARKS; FOR A TOTAL TAX LEVY OF \$.6367.

Upon passage, Mayor Zaring designated the ordinance to be Ordinance number 3705.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kile Chaney, Board Member
SECONDER: Gary Davidson, Board Member
AYES: Mills, Franklin, Pfautsch, Turner, Doerhoff, Milner, Davidson, Chaney

C. AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING THE OPERATING BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI, FOR THE FISCAL YEAR JANUARY 1, 2024 THROUGH DECEMBER 31, 2024, AND ESTABLISHING AN EFFECTIVE DATE.

Staff report presented by Director of Administrative Services Smith.

Smith highlighted budgetary amendments to fund the rebuilding of a motor for the Street Department's 2014 John Deere Wheel Loader and the recharging of the fire suppression system at the Police Station.

Alderman Pfautsch asked if the rebuilt motor for the Streets Department would carry a warranty.

Smith said yes, for one year.

Upon passage, Mayor Zaring designated the ordinance to be Ordinance number 3706.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dave Doerhoff, Board Member
SECONDER:	Matt Turner, Board Member
AYES:	Mills, Franklin, Pfautsch, Turner, Doerhoff, Milner, Davidson, Chaney

6. Aldermen and Committee Reports

Alderman Davidson extended his thoughts and condolences to the family, friends and coworkers of Officer Phylcia Carson of the Osage Beach, MO Police Department, who lost her life while pursuing a suspect on August 31st. Davidson also spoke about the value of Valentine's Law and its impact on the pursuit Officer Carson was involved in.

Alderwoman Franklin spoke about the positive experience she had at the recent Doggie Dive event. Franklin shared information about an upcoming fundraiser for the Dog Park at Culver's. Franklin also shared about the upcoming Junk-in-the-Trunk event on the Historic Harrisonville Square. Franklin shared details about a corn hole tournament on October 19, to raise money for the Harrisonville Animal Shelter. Franklin also congratulated Officer Dylan Gardella, who recently was sworn in as a member of the Harrisonville Police Department.

7. Report from the City Administrator

City Administrator Ratliff reminded the Board of Aldermen about a series of upcoming City and Community events.

Ratliff informed the Board that the contractor for the Airport Runway 17 35 Reconstruction Project has completed pouring the concrete runway and taxiways and will continue to widen and seal joints, install underdrain cleanouts and install splash pads.

Ratliff spoke about delays to the South Service Area Sanitary Sewer project and said the City is looking at liquidated damages every day until the project is completed.

Ratliff said the City is still waiting on the Missouri Department of Transportation for approval to proceed with the Royal Street project. Ratliff said MoDOT will be discussing the project on September 12.

Ratliff said the Missouri Department of Natural Resources has recommended that the Ash Street Bridge Over Town Creek, Beckerdite Storm Water Improvements and James Street to Blueberry Storm Water Improvements projects all be advertised for bid in October.

Ratliff informed the Board that City staff have measured both the east and west side of S Main Street and have determined that an insignificant difference in available parking spaces exists between the two sides. Ratliff said therefore, staff will proceed with the parking restrictions on the east side of the road, as originally planned.

Ratliff announced that the Asphalt Street Mill & Overlay Project contractor has proposed to start work on September 16, and possibly as soon as September 12.

Ratliff announced that the new Chief of Police will be sworn in during the September 16, Board of Aldermen meeting.

Ratliff spoke to the Board about a recent chase that Harrisonville officers were involved in. Ratliff said the suspect was arrested and charged through the newly passed Valentine Law.

Ratliff spoke about recent complaints regarding school busses speeding through neighborhoods. Ratliff said Echo Ride School Bus Services has a GPS system on each bus and told the Board that if they feel the busses are speeding to call the company and let them know so that they can review the speeds and handle any issue with the driver.

Ratliff thanked the Parks and Recreation Department for the installation of new stone stairs as part of the disc golf course at Lord's Park.

Ratliff announced staff have submitted comments to the developer of the Cedar Crossing housing development and are awaiting resubmitted plans.

8. Questions from the Media

None.

9. Adjourn from Regular Session

At 6:21 p.m., the Board of Aldermen voted to go into Closed Session pursuant to City Code to discuss the Leasing, purchase or sale of real estate. A motion was made by Alderwoman Milner and seconded by Alderman Davidson. In attendance and voting to go into Closed Session were Aldermen Davidson, Doerhoff, Chaney, Franklin, Milner Pfautsch, Mills (remote) and Mayor Mike Zaring. Mayor Zaring then convened the meeting in Closed Session.

Upon returning to the Regular Meeting, a motion was made by Alderwoman Milner to adjourn from the Work Session. The motion was seconded by Alderwoman Franklin. The motion carried with a unanimous vote. The meeting adjourned at 6:37 p.m.

A motion was made by Alderman Davidson to adjourn from the Regular Meeting. The motion was seconded by Alderman Doerhoff. The motion carried with a unanimous vote. The meeting adjourned at 6:42 p.m.

Mike Zaring, Mayor & Ex-Officio
Chairman of the Board of Aldermen

Regular Meeting**Tuesday, September 3, 2024****6:00 PM**

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of Sep 3, 2024 6:00 PM (Approval of Minutes)



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
WORK SESSION
CITY HALL
SEPTEMBER 3, 2024
6:30 PM

1. Call to Order

The meeting was called to order by Mayor Mike Zaring at 6:54 p.m.

2. Present

Attendee Name	Organization	Title	Status	Arrived
Bill Mills	Harrisonville	Board Member	Remote	
Sandy Franklin	Harrisonville	Board Member	Present	
Larry Pfautsch	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Dave Doerhoff	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Gary Davidson	Harrisonville	Board Member	Present	
Kile Chaney	Harrisonville	Board Member	Present	
Mike Zaring	Harrisonville	Mayor	Present	

Others present: City Administrator Brad Ratliff, Parks Director Grant Purkey, Public Works Director Patty Hilderbrand, Community Development Director Christina Stanton, Public Works Superintendent Matt Carver, Fire Chief Rusty Sullivan, City Engineer Carl Brooks, Economic Development Director Jim Clarke, Utility Billing Clerk Cari Vaughn, Executive Secretary to the City Administrator Theresa West, David Naumann and Alex Craven of 1898 & Co. and City Clerk Daniel Barnett - recording.

3. Discussion Items

A. Code Amendment--Cruelty to Animals

Alderman Davidson led a discussion regarding recent proposals to amend City Code in relation to City regulations for animal cruelty, particularly for animals left inside non-running vehicles during high temperatures.

Davidson said his main issue was in relation to the 70-degree base temperature for outside the vehicle in the proposal.

Davidson said he would like City code to mirror the State Statutes and not list a specific temperature.

Community Development Director Stanton shared her findings in researching other Missouri communities and how their ordinances read.

Stanton said she found two other Missouri communities that list a specific temperature, including Jefferson City and Springfield.

A consensus of the Board was reached to remove the 70-degree specification, but to move forward with the ordinance in a way that allows it to more closely mirror State Statute.

B. 2024 Water & Sewer Rate Study Discussion

Director of Administrative Services Smith introduced David Naumann of 1989 & Co.

Naumann led a briefing on the City's Water and Sewer Financial Plan and Connection Fee Study.

Naumann spoke about national trends in household water and sewer costs and how they are being seen in and around Harrisonville.

Naumann spoke about the contributing factors to utility rate increases.

Naumann said the goal for the study is to keep rate shock down through leveled increases wherever possible.

Naumann shared a proposed Water Capital Plan of about \$30 million and a proposed Sewer Capital Plan of about \$11 million.

Naumann spoke about water system revenue increases for the years 2025 through 2029 that will be needed to fund existing debt, project operations and maintenance costs and capital improvement projects.

Naumann projected that the water system would need an increase of about \$3.5 million to cover the existing debt, program operations and maintenance costs and capital improvement projects.

Naumann projected that the sewer system would need an increase of about \$1.5 million to cover the existing debt, program operations and maintenance costs and capital improvement projects.

Naumann compared and contrasted the existing rates against the projected rates if the increases were put into place, with the average customer seeing an increase of about \$15 per month.

Naumann spoke about the impact that increases in water rates and sewer rates would have on utility connection fees.

Naumann said Harrisonville currently has the lowest water and sewer connection fees in the area.

Naumann said, with the proposed increases, Harrisonville would be closer to the middle of the pack for area communities.

Alderman Davidson asked what state the City's water and sewer lines will be in at the end of the proposed increases.

Naumann said increases are projected to level off after the initial increases through 2029 and to be closer to the five-percent national average.

Alderman Davidson asked how much debt service the City would have to take out for the raw service line replacement project.

Alex Craven of 1898 & Co said the City would owe \$750,000 per year in debt service.

Aldermen Chaney asked how many years the debt service would exist.

Director of Administrative Services Smith said it would be for 20 years.

Mayor Zaring spoke about the impacts of inflation throughout the country and the value of making difficult decisions in the short term to ensure long-term stability.

Zaring said he believes now is the time to fix the problems that former Boards of Aldermen have kicked down the road.

A consensus of the Board was reached to move forward in budget preparations with the proposed increases to the City's water rates and sewer rates for 2025-2029 and to increase connection fees to the maximum amounts allowed.

A motion was made by Alderman Davidson to adjourn from the Work Session. The motion was seconded by Alderwoman Milner. The motion carried with a unanimous vote. The meeting adjourned at 8:30 p.m.

Mike Zaring, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of Sep 3, 2024 6:30 PM (Approval of Minutes)

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: September 19, 2024
SUBJECT: Resolution - Adopting Water/Sewer Rate Study

Type of Item: *Approval*

A. Action Item (ID # 4971)

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE RESULTS OF WATER RATE AND SEWER RATE STUDIES FROM 1898 & COMPANY, COMPLETED IN AUGUST OF 2024.

Attachments:

Accepting findings of Water and Sewer Rate Studies 2024 - Resolution (DOCX)
Water and Sewer Rate Study Presentation (PDF)

COUNCIL BILL

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE RESULTS OF WATER RATE AND SEWER RATE STUDIES FROM 1898 & COMPANY, COMPLETED IN AUGUST OF 2024.

WHEREAS, the City of Harrisonville has determined that Burns & McDonnell is competent to perform services for the City of Harrisonville; and

WHEREAS, 1898 & Company, was engaged by the City of Harrisonville to develop both water rate and sewer rate studies that evaluates the financial planning implications of future operating costs and anticipated capital improvements, and proposes rates to adequately and equitably recover costs for the water and sewer utilities; and

WHEREAS, 1898 & Company, conducted the rate studies in a three-step approach, grounded in the principles established by the American Water Works Association (AWWA) M1 Rate Manual and the Water Environment Federation (WEF) Financing and Charges for Wastewater Systems;

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

Section 1: That the City Administrator of the City of Harrisonville is hereby authorized and directed to accept the results of the Water Rate and Sewer Rate Study from 1898 & Company, completed in August of 2024.

Section 2: 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 ON THIS 16TH DAY OF SEPTEMBER 2024.

VOTE TAKEN AS FOLLOWS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

EXCUSED:

Mike Zaring, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 16th day of September, 2024.

Water & Sewer Financial Plan & Connection Fee Study Findings



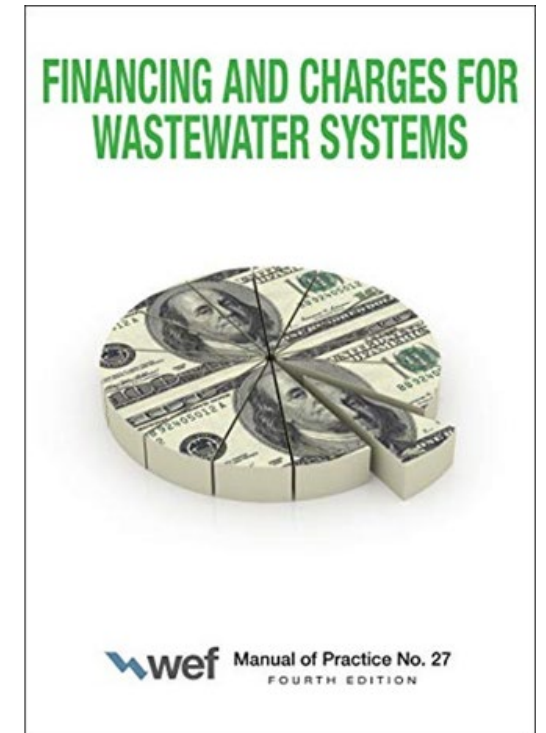
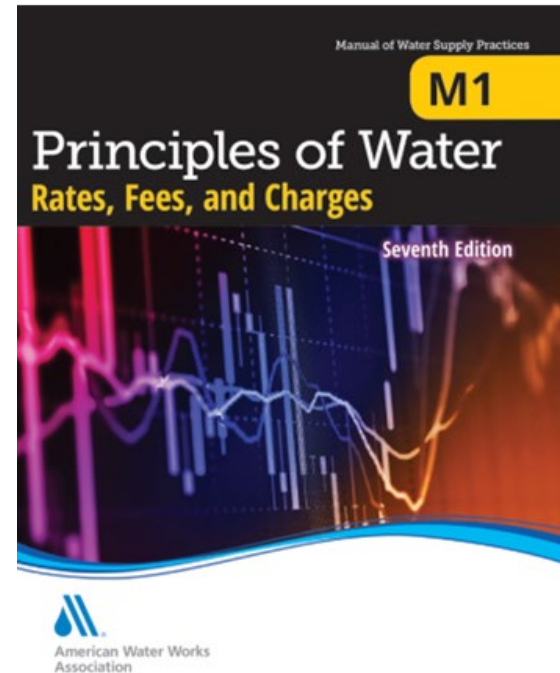
City of Harrisonville, MO

9/11/2024



Agenda

- Industry trends & background
- Rate study findings
- Connection fee analysis findings
- Questions / Answers



National Trends in Household Water and Sewer Costs

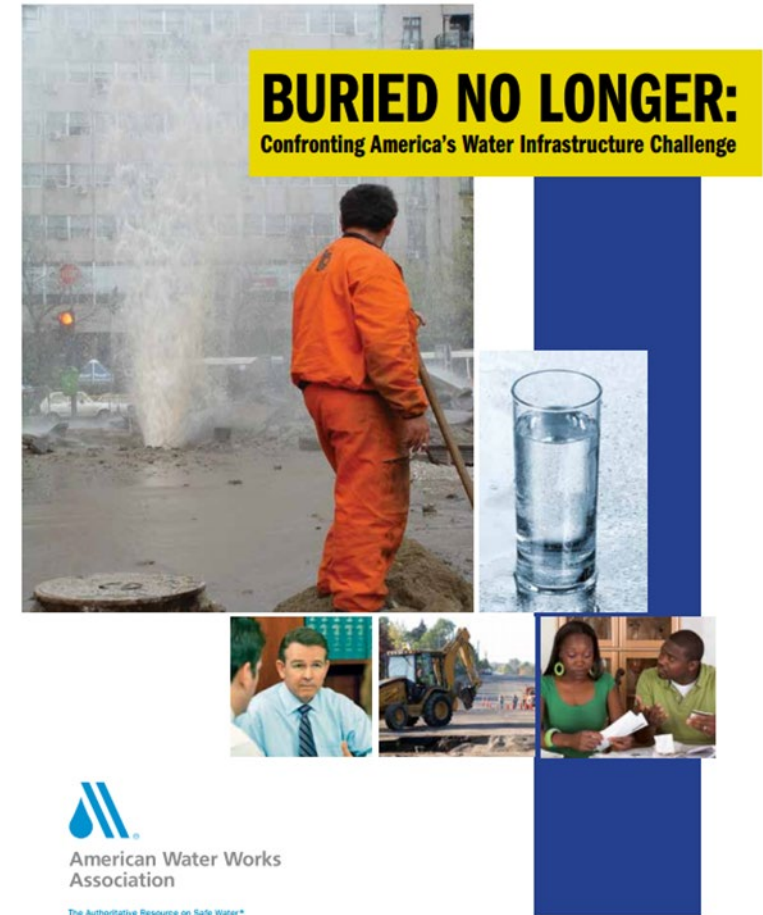


Survey or Publication	Period	Historical Increase per Year
Water and Sewer Index, BLS	2000 - 2023	4.7%
NACWA Cost of Clean Water	1986-2023	4.6%
AWWA Rate Survey - Sewer	1996 - 2018	5.6%
CPI-U - General Inflation	2000 - 2023	2.5%

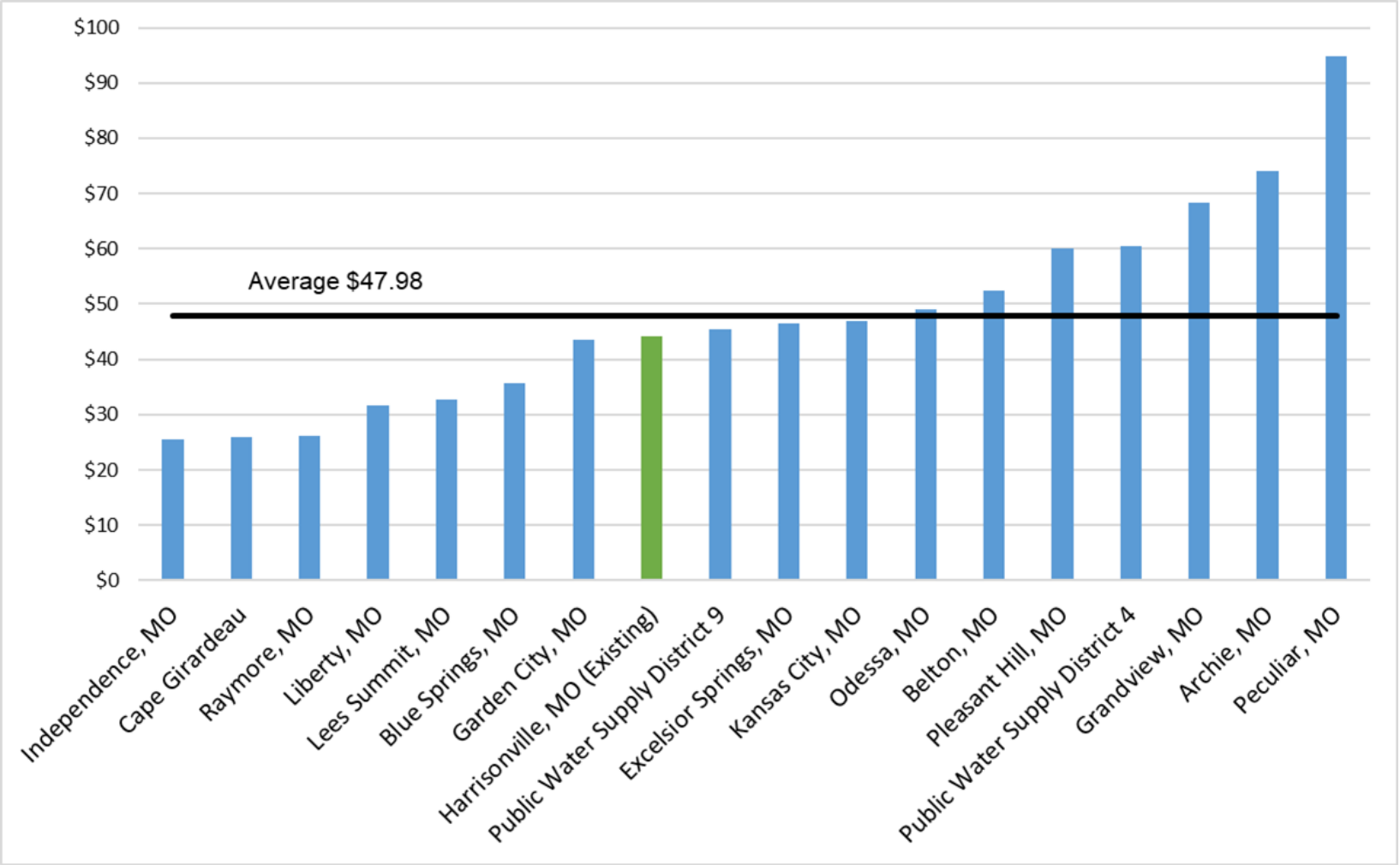
- Since 2000, household water and sewer costs have increased nearly 2x household inflation

Common Factors Contributing to Utility Rate Increases

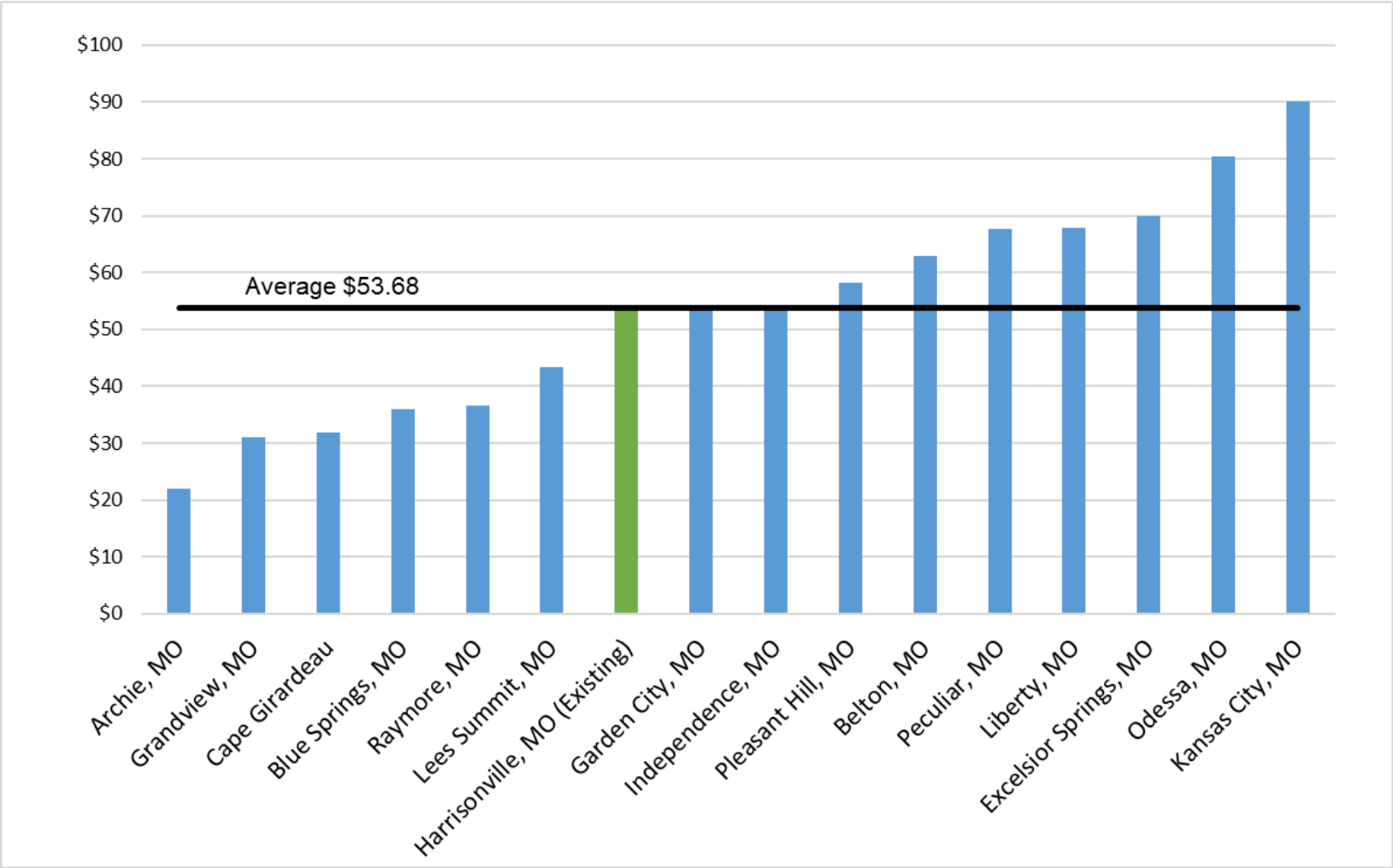
- General trend in lower use per account can pressure variable revenue streams
- Inflation on operating and capital/construction costs
- More stringent water quality regulations
- Aging infrastructure requires renewal and replacement



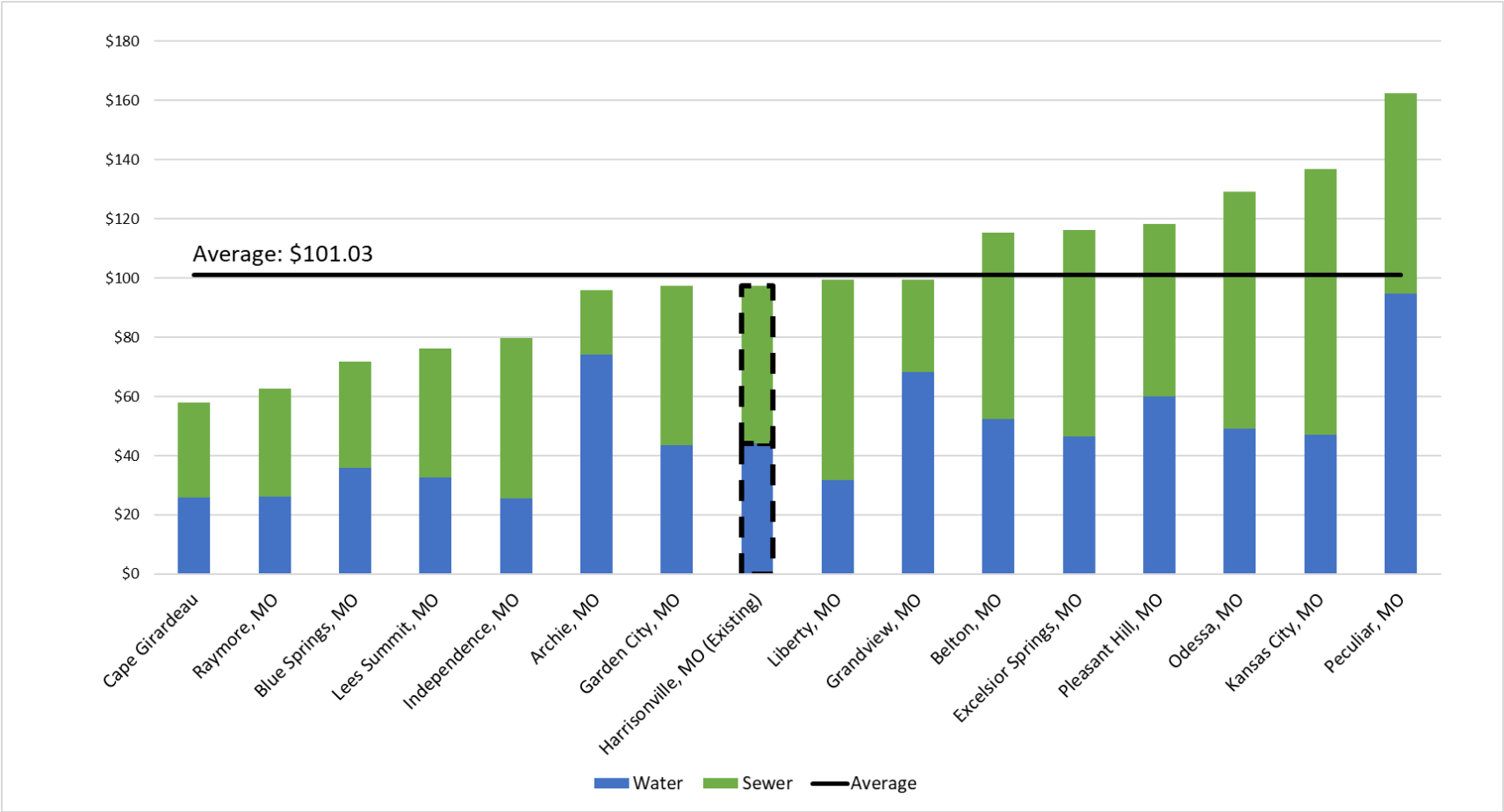
Regional Residential Water Bill Comparison (4 Kgal/month)



Regional Residential Sewer Bill Comparison (4 Kgal/month)



Regional Residential Water & Sewer Bill Comparison (4 Kgal/month)



Water & Sewer Rates

Financial Planning Guiding Principles

- Mitigate rate shock through levelized increases wherever possible
- Targeting 180 days of O&M in annual operating reserves
- Prudent use of debt and target 1.50 DSC (1.10 minimum)
- Evaluating water and sewer cashflows separately



Key Financial Planning Assumptions

- Revenue forecast assumes stable accounts and demand
- Inflating operation & maintenance expenses (O&M) 6% per year on average
- Three new FTE in 2025 (Lead service line replacement program)
- Inflating capital improvements (CIP) 3% per year
- Proposed debt helps fund water/sewer CIP
 - Baker Tilly estimates based on 5 years interest only, 4.0% net interest cost, 25-year term

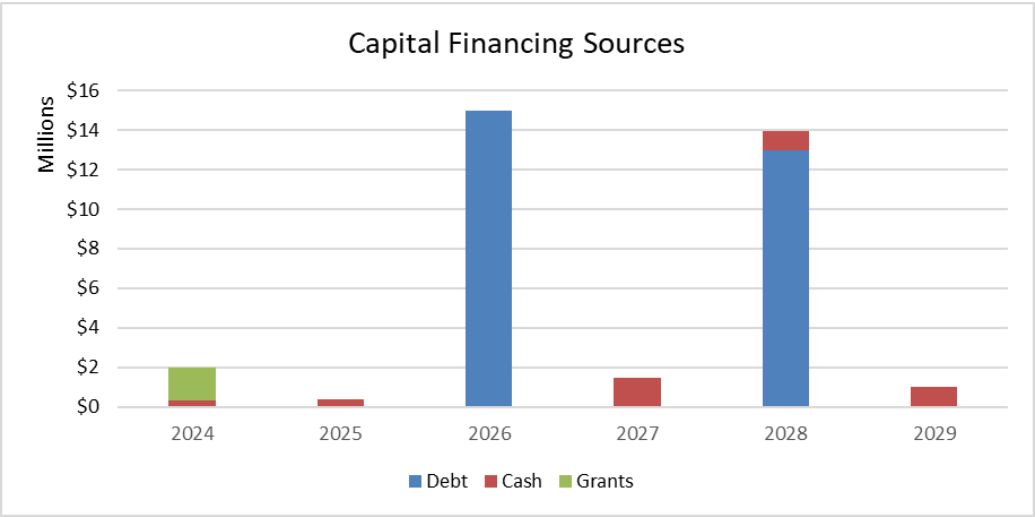
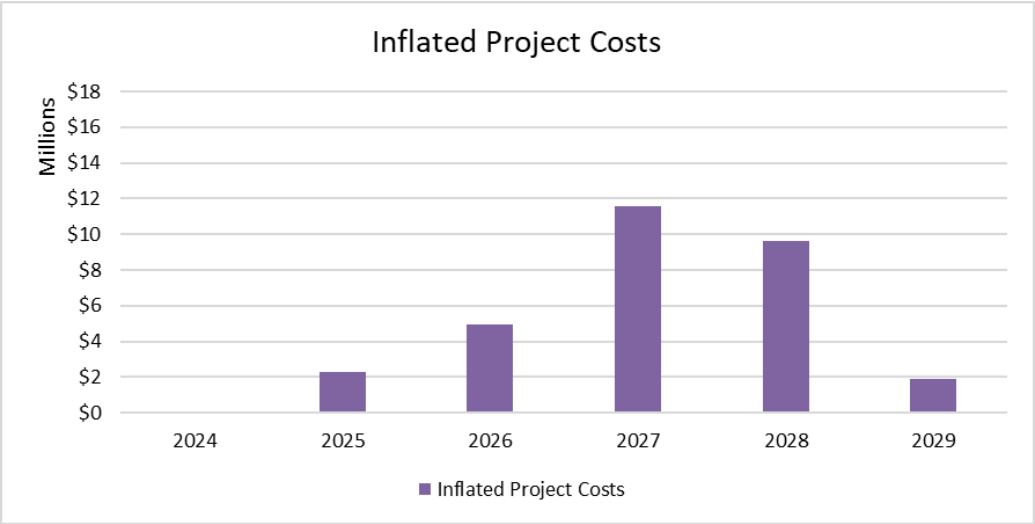
Water Capital Plan



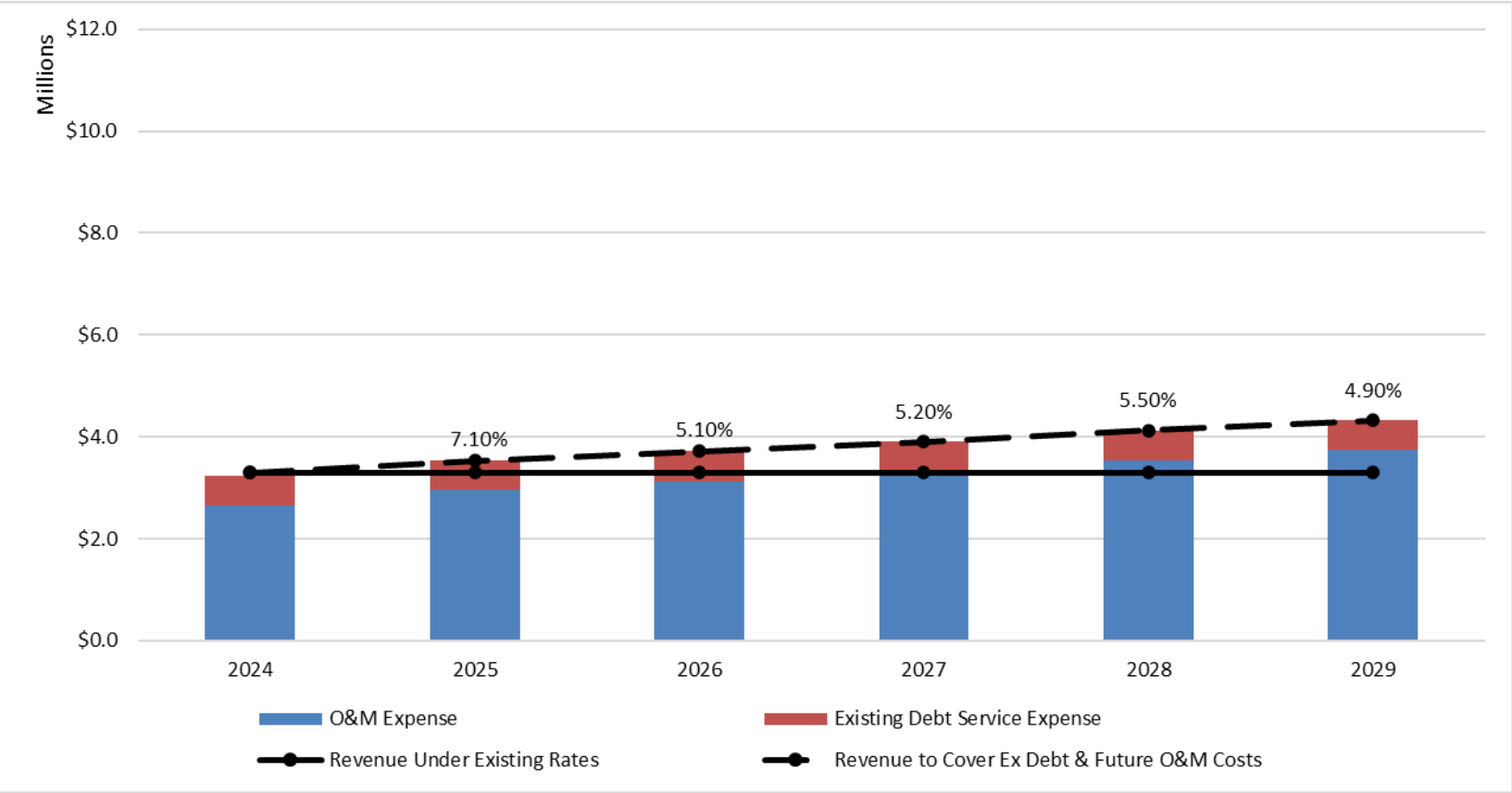
Line No.		Projected						Total
		2024	2025	2026	2027	2028	2029	
	Budgeted Projects							
1	Water Main Replacement	-	474,849	2,069,371	-	-	569,449	3,113,669
2	Lead Service Line Replacement	-	-	400,000	200,000	200,000	200,000	1,000,000
3	Vehicles & Equipment	-	160,000	71,000	-	-	210,000	441,000
4	Meters	-	-	750,000	-	-	-	750,000
5	Burris Ridge Stand Pipe	-	-	-	-	1,189,000	-	1,189,000
6	Walker Addition	-	-	-	-	159,200	537,300	696,500
7	Raw Water Transmission Line	-	1,108,500	1,350,000	10,373,360	7,000,000	-	19,831,860
8	Elevated Tanks	-	-	-	-	-	25,000	25,000
9	SCADA	80,000	80,000	-	-	-	-	160,000
10	Chemical Building Decommissioning	-	-	-	-	-	100,000	100,000
11	Mapping of System	-	400,000	-	-	-	-	400,000
12	Total	80,000	2,223,349	4,640,371	10,573,360	8,548,200	1,641,749	27,707,029
13	Total Inflated CIP [1]	80,000	2,290,000	4,923,000	11,553,800	9,621,100	1,903,200	30,371,100

[1] Inflating 3% annually starting in 2025

Water Capital Costs & Funding Sources

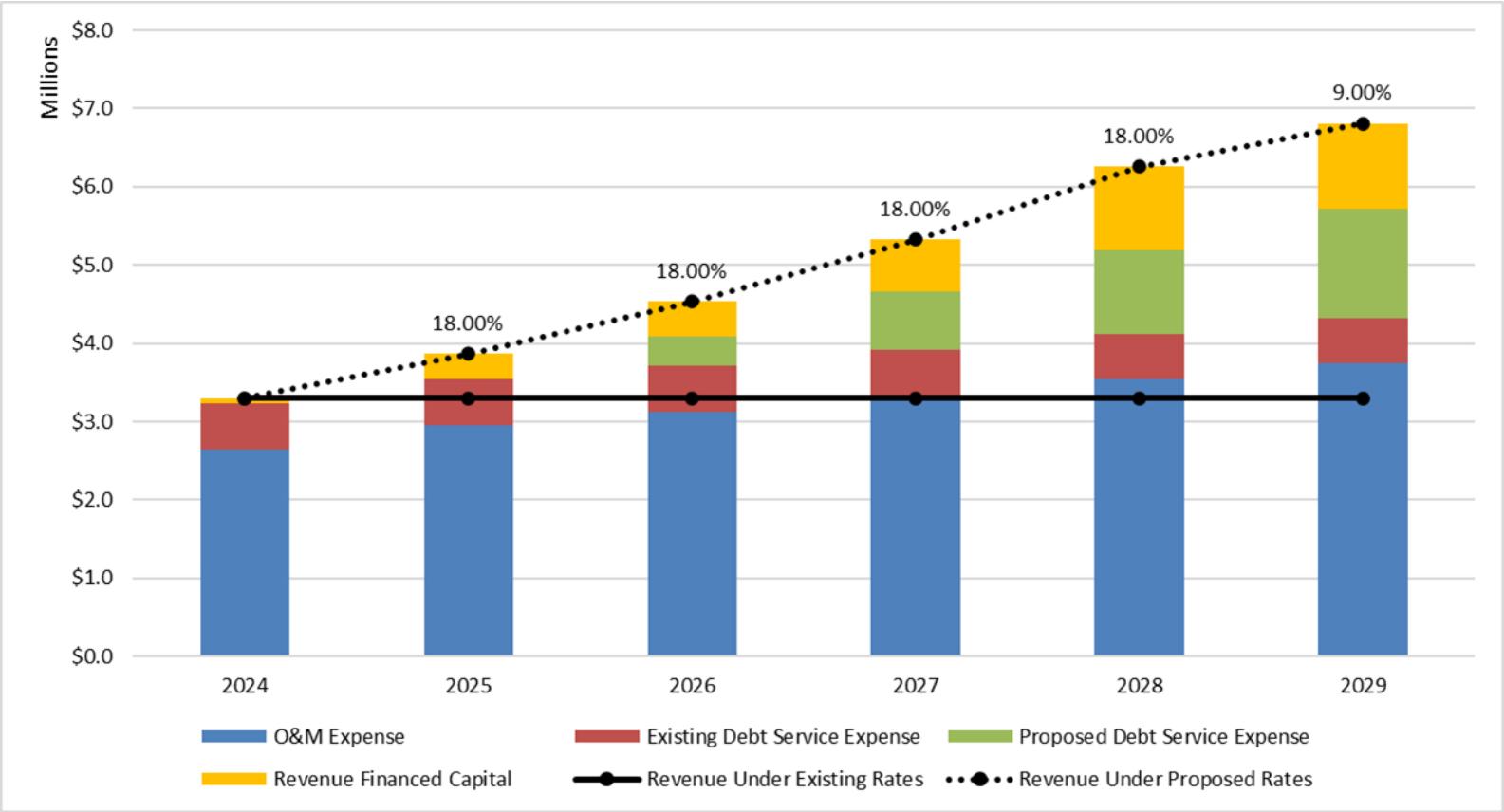


Water System Revenue Increases Needed to Fund Existing Debt and Projected O&M



Note: Does not fund Water CIP

Water System Revenue Increases Needed to Fund Existing Debt and Projected O&M, and CIP



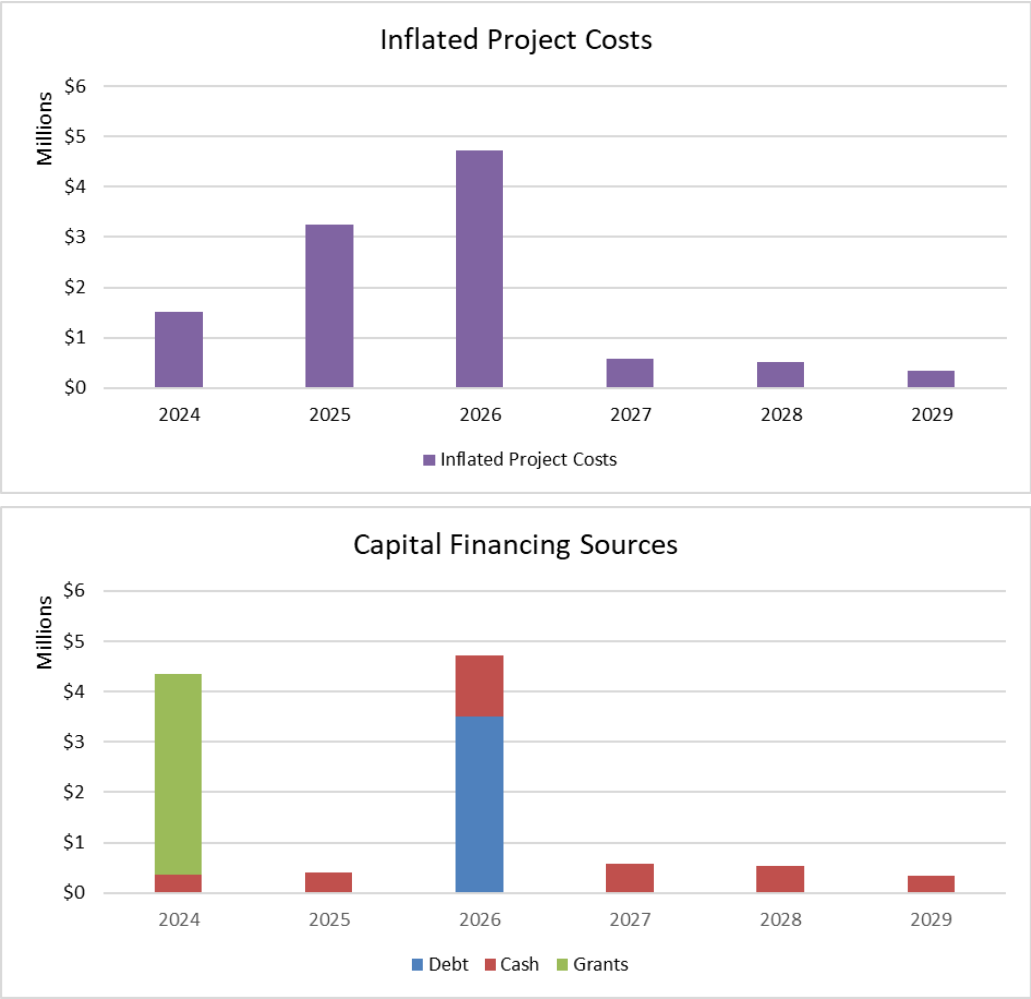
Sewer Capital Plan



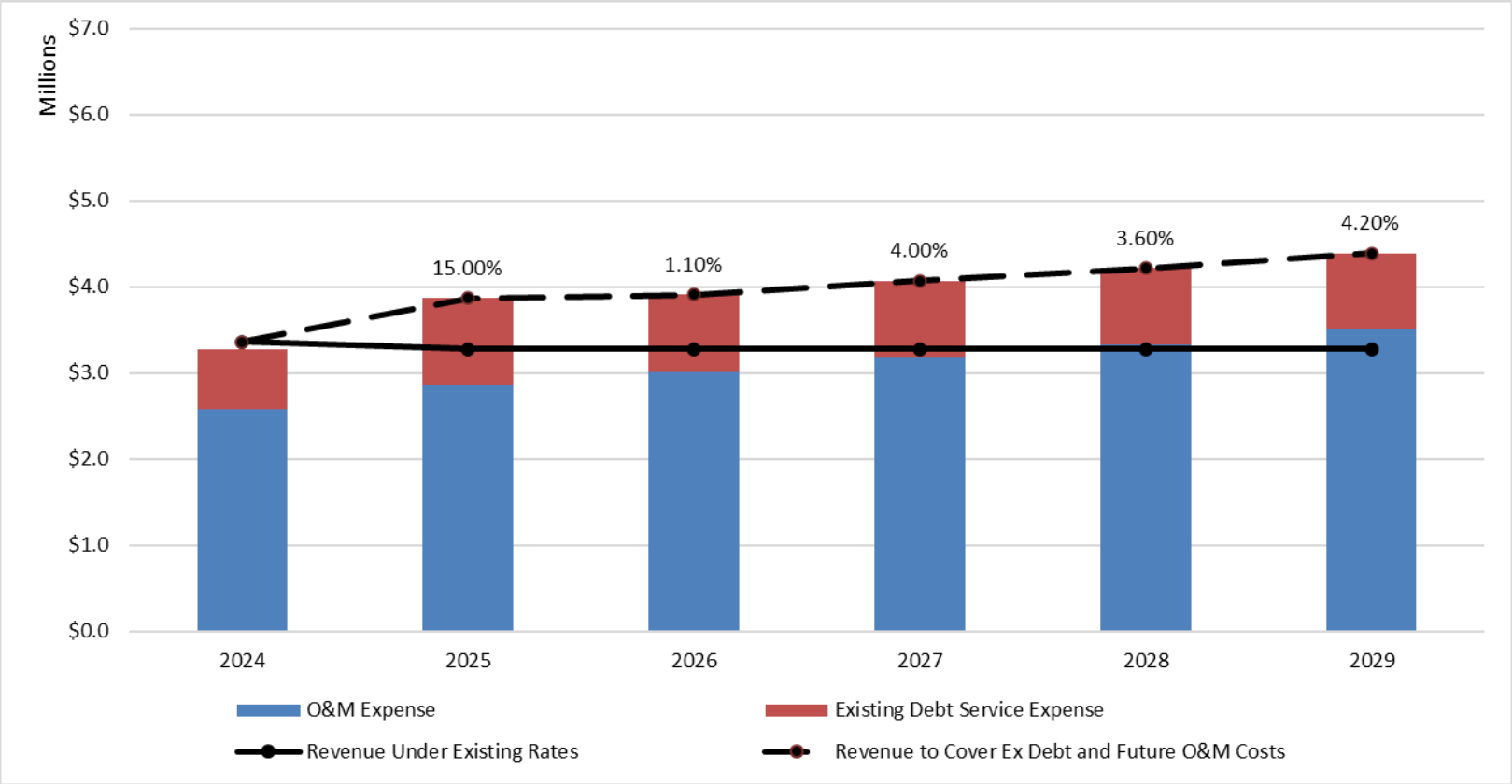
Line No.		Projected						Total
		2024	2025	2026	2027	2028	2029	
	Budgeted Projects							
1	Vehicles & Equipment	45,000	40,000	-	25,000	18,000	-	128,000
2	Sewer Main Rehab and Replacement	822,353	1,896,848	126,592	-	-	-	2,845,793
3	Infiltration & Inflow Reduction	300,000	300,000	300,000	300,000	300,000	300,000	1,800,000
4	Meters	-	750,000	-	-	-	-	750,000
5	CUF and DeWRD System Improvement	-	-	3,875,235	-	-	-	3,875,235
6	Other	202,000	15,000	-	50,000	-	-	267,000
7	WWTP Excess Flow Holding Basin Slab Concrete Replacement	150,000	150,000	150,000	150,000	150,000	-	750,000
8	Total	1,519,353	3,151,848	4,451,827	525,000	468,000	300,000	10,416,028
9	Total Inflated CIP [1]	1,519,400	3,246,400	4,722,900	573,700	526,700	347,800	10,936,900

[1] Inflating 3% annually starting in 2025

Sewer Capital Costs & Financing Strategy

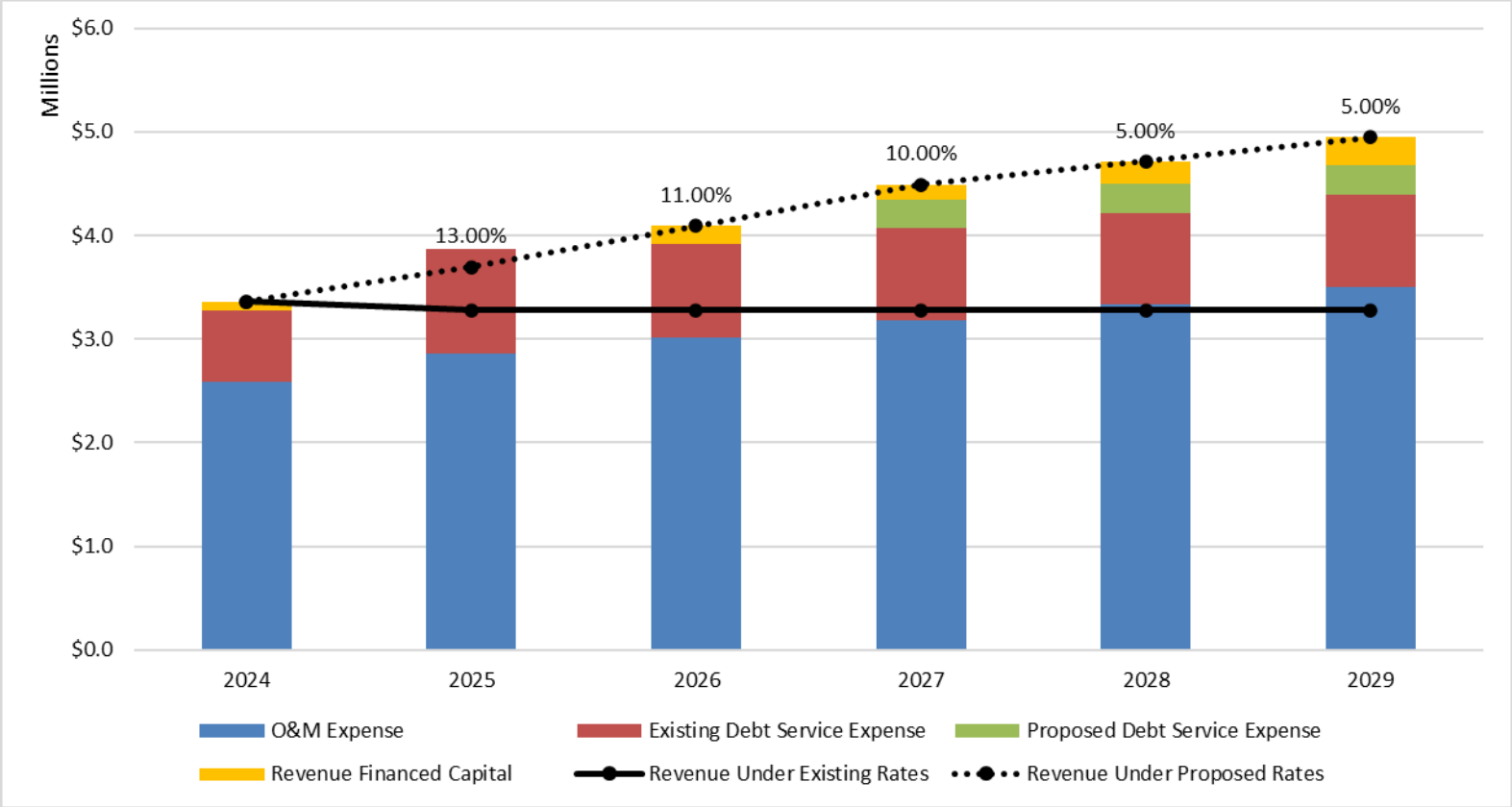


Sewer System Revenue Increases Needed to Fund Existing Debt and Projected O&M



Note: Does not fund Sewer CIP

Sewer System Revenue Increases Needed to Fund Existing Debt, Projected O&M, and CIP



Summary of Proposed Financial Plan



Scenario	Existing Debt & Projected O&M		
	Water	Sewer	Combined
System Revenue Increases (%)			
2025	7.1%	15.0%	11.1%
2026	5.1%	1.1%	3.0%
2027	5.2%	4.0%	4.6%
2028	5.5%	3.6%	4.5%
2029	4.9%	4.2%	4.5%

Scenario	Existing Debt & Projected O&M, & CIP		
	Water	Sewer	Combined
System Revenue Increases (%)			
2025	18.0%	13.0%	15.5%
2026	18.0%	11.0%	14.6%
2027	18.0%	10.0%	14.2%
2028	18.0%	5.0%	12.0%
2029	9.0%	5.0%	7.3%

Existing and Proposed Rates



Line		Existing			Proposed				
No.	Description	2024	2025	2026	2027	2028	2029		
	Water Rates								
1	Base (First 1,000 Gal.)	\$ 15.33	\$ 18.09	\$ 21.35	\$ 25.19	\$ 29.72	\$ 32.40		
2	Each Additional 1,000 Gal.	\$ 9.61	\$ 11.34	\$ 13.38	\$ 15.79	\$ 18.63	\$ 20.31		
	Sewer Rates								
3	Base (First 1,000 Gal.)	\$ 19.87	\$ 22.45	\$ 24.92	\$ 27.42	\$ 28.79	\$ 30.23		
4	Each Additional 1,000 Gal.	\$ 11.13	\$ 12.58	\$ 13.96	\$ 15.36	\$ 16.12	\$ 16.93		

Existing and Proposed Bills (water)



Line No.	Description	Billable Flow (1,000 Gal.)	Monthly Bill Under					
			Existing 2024	Proposed 2025	Proposed 2026	Proposed 2027	Proposed 2028	Proposed 2029
			<u>Rates</u> \$	<u>Rates</u> \$	<u>Rates</u> \$	<u>Rates</u> \$	<u>Rates</u> \$	<u>Rates</u> \$
1	Residential	2.0	\$ 24.94	\$ 29.43	\$ 34.73	\$ 40.98	\$ 48.35	\$ 52.70
2	Residential	4.0	\$ 44.16	\$ 52.11	\$ 61.49	\$ 72.56	\$ 85.62	\$ 93.32
3	Residential	8.0	\$ 82.60	\$ 97.47	\$ 115.01	\$ 135.71	\$ 160.14	\$ 174.56
Change in \$ over prior year								
4	Residential			\$ 4.49	\$ 5.30	\$ 6.25	\$ 7.38	\$ 4.35
5	Residential			\$ 7.95	\$ 9.38	\$ 11.07	\$ 13.06	\$ 7.71
6	Residential			\$ 14.87	\$ 17.54	\$ 20.70	\$ 24.43	\$ 14.41
Change in % over prior year								
7	Residential			18.00%	18.00%	18.00%	18.00%	9.00%
8	Residential			18.00%	18.00%	18.00%	18.00%	9.00%
9	Residential			18.00%	18.00%	18.00%	18.00%	9.00%

Existing and Proposed Bills (sewer)

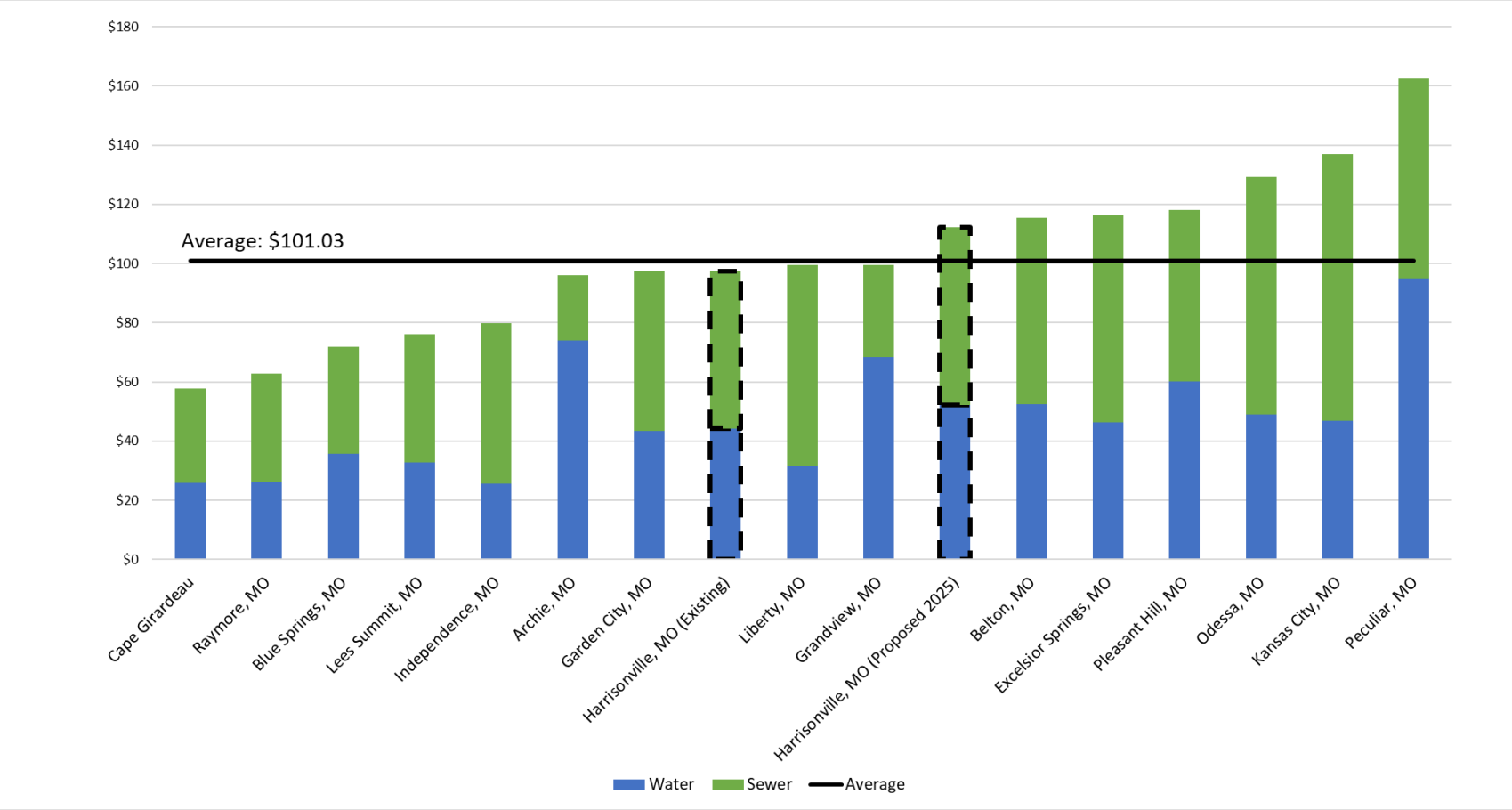


Line No.	Description	Billable Flow (1,000 Gal.)	Monthly Bill Under					
			Existing	Proposed	Proposed	Proposed	Proposed	Proposed
			2024	2025	2026	2027	2028	2029
			<u>Rates</u>	<u>Rates</u>	<u>Rates</u>	<u>Rates</u>	<u>Rates</u>	<u>Rates</u>
			\$	\$	\$	\$	\$	\$
1	Residential	2.0	\$ 31.00	\$ 35.03	\$ 38.88	\$ 42.77	\$ 44.91	\$ 47.16
2	Residential	4.0	\$ 53.26	\$ 60.18	\$ 66.80	\$ 73.48	\$ 77.16	\$ 81.02
3	Residential	8.0	\$ 97.78	\$ 110.49	\$ 122.65	\$ 134.91	\$ 141.66	\$ 148.74
Change in \$ over prior year								
4	Residential			\$ 4.03	\$ 3.85	\$ 3.89	\$ 2.14	\$ 2.25
5	Residential			\$ 6.92	\$ 6.62	\$ 6.68	\$ 3.67	\$ 3.86
6	Residential			\$ 12.71	\$ 12.15	\$ 12.26	\$ 6.75	\$ 7.08
Change in % over prior year								
7	Residential			13.00%	11.00%	10.00%	5.00%	5.00%
8	Residential			13.00%	11.00%	10.00%	5.00%	5.00%
9	Residential			13.00%	11.00%	10.00%	5.00%	5.00%

Existing and Proposed Bills (combined)

Line No.	Description	Billable Flow (1,000 Gal.)	Monthly Bill Under					
			Existing 2024 <u>Rates</u> \$	Proposed 2025 <u>Rates</u> \$	Proposed 2026 <u>Rates</u> \$	Proposed 2027 <u>Rates</u> \$	Proposed 2028 <u>Rates</u> \$	Proposed 2029 <u>Rates</u> \$
1	Residential	2.0	\$ 55.94	\$ 64.46	\$ 73.61	\$ 83.75	\$ 93.26	\$ 99.86
2	Residential	4.0	\$ 97.42	\$ 112.29	\$ 128.29	\$ 146.04	\$ 162.78	\$ 174.34
3	Residential	8.0	\$ 180.38	\$ 207.96	\$ 237.66	\$ 270.62	\$ 301.80	\$ 323.29
	Change in \$ over prior year							
4	Residential			\$ 8.52	\$ 9.15	\$ 10.14	\$ 9.51	\$ 6.60
5	Residential			\$ 14.87	\$ 16.00	\$ 17.75	\$ 16.73	\$ 11.56
6	Residential			\$ 27.58	\$ 29.70	\$ 32.97	\$ 31.17	\$ 21.50
	Change in % over prior year							
7	Residential			15.23%	14.20%	13.77%	11.36%	7.07%
8	Residential			15.27%	14.25%	13.83%	11.46%	7.10%
9	Residential			15.29%	14.28%	13.87%	11.52%	7.12%

Regional Residential Water & Sewer Bill Comparison (4 Kgal/month)



Attachment: Water and Sewer Rate Study Presentation (Resolution - Adopting

Connection Fees

Connection Fee Analysis Summary & Fee Development



- 2024 Budgeted Connection Fee Revenue is \$19,000 (0.3% of total utility revenue)
- Develops the maximum fee
 - Something less than the maximum can be adopted at discretion of policy makers

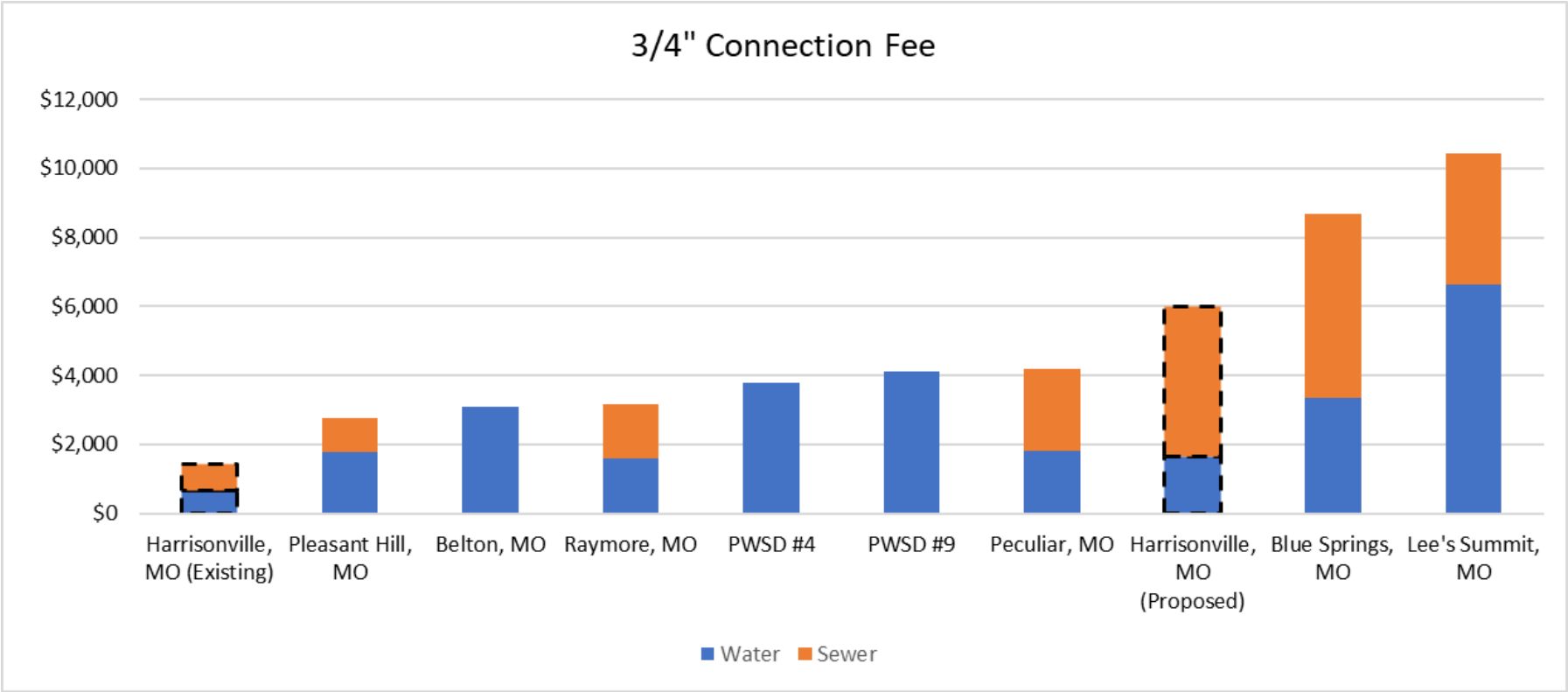
Existing & Proposed Connection Fees



Line No.	Meter Size	Existing	Proposed
Water			
1	5/8	\$ 440	\$ 1,100
2	3/4	\$ 660	\$ 1,650
3	1	\$ 1,100	\$ 2,750
4	1-1/2	\$ 2,210	\$ 5,500
5	2	\$ 3,530	\$ 8,800
6	3	\$ 6,600	\$ 16,500
7	4	\$ 11,000	\$ 27,500
Sewer			
8	5/8	\$ 510	\$ 2,900
9	3/4	\$ 760	\$ 4,350
10	1	\$ 1,260	\$ 7,250
11	1-1/2	\$ 2,530	\$ 14,500
12	2	\$ 4,040	\$ 23,200
13	3	\$ 7,600	\$ 43,500
14	4	\$ 12,600	\$ 72,500

Proposed rates reflect the maximum
calculated connection fee

Regional Survey of Connection Fees



Q&A



STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: September 19, 2024
SUBJECT: Code Amendment--Cruelty to Animals

Type of Item: *Public Hearing*

B. Action Item (ID # 4972)

Code Amendment--Cruelty to Animals

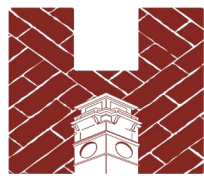
**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI AMENDING ARTICLE I UNDER CHAPTER 210-
ANIMAL REGULATIONS OF THE HARRISONVILLE MUNICIPAL CODE AND
ESTABLISHING AN EFFECTIVE DATE.**

Attachments:

Code Amendment- 9-16-24 BOA (PDF)

Cruelty to Animal Ordinance Amendment (PDF)

Ordinance-Aug-Sept Code Amendments (DOCX)



To: Board of Aldermen

From: Christina Stanton, AICP, Community Development Director

Date: September 16, 2024

Re: Code Amendment—Section 210.070—Cruelty to Animals

GENERAL INFORMATION

Applicant: N/A

Requested Actions: Consideration of Proposed Code Amendments

Date of Application: N/A

PROPOSAL

The proposed Code Amendment seeks to add clarity to animal neglect and abuse by adding direct references to State Statutes. The proposed Code Amendment also seeks to add regulations pertaining to animals left in an unattended vehicle without proper ventilation.

PREVIOUS ACTIONS

- 1939—The Board of Aldermen approved the City of Harrisonville’s original Municipal Code, which included the City’s original regulations pertaining to animals and animal cruelty. Any person found guilty of animal cruelty was charged a misdemeanor.
- October 23, 2000—The Board of Aldermen approved Ordinance #2673, which established most of the current animal regulations including the current Section 210.070—Cruelty To Animals.
- August 5, 2024—The Board of Aldermen discussed the proposed Code Amendments to Section 210.070—Cruelty to Animals, in Work Session.
- August 19, 2024—The Board of Aldermen held a public hearing for proposed Code Amendments to the Animal Cruelty regulations and voted to table the item to the September 16th Board Meeting and to hold another Work Session on the matter at the September 3rd Board Meeting.
- September 3, 2024—The Board of Aldermen discussed the previously proposed Code Amendments to Section 210.070—Cruelty to Animals, in Work Session. Most Aldermen conveyed at least some concern with stating a specific temperature, so staff was asked to removed the temperature from the Code Amendment. Staff stated that a review of approximately half of the Missouri municipal codes available through Municode (<https://library.municode.com/mo>) was reviewed. It was found that of the 78 Missouri municipal codes available only two mentioned a specific temperature—the City of Jefferson City, which stated 80 degrees or greater, and the City of Springfield, which stated 90 degrees or if an official heat alert had been declared. Staff was directed to articulate what “distress” looked like and to follow the State Statutes.

KEY ISSUES

- The City's current Animal Regulations can be strengthened by adding direct references to the State Statutes for animal neglect and animal abuse.
- Additionally, staff is seeking to address concerns regarding animals left unattended in vehicles without proper ventilation.
- City Staff has received numerous calls regarding animals left in hot vehicles.
 - Seven calls tracked during the month of June;
 - Four other incidents tracked during the month of July.

ATTACHMENTS

Staff Commentary and Mark-ups



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

300 E. Pearl Street, P.O. Box 367 • Harrisonville, MO 64701 • Tel: 816-380-8900 • Fax: 816-380-8906

Existing Municipal Code in black.

Removals in red.

Additions in green.

Highlights = Discussion.

CS commentary in blue.

Staff Commentary

The proposed changes seek to add clarity to animal neglect and abuse by adding direct references to State Statutes. Additionally, the proposed Code Amendment seeks to add regulations pertaining to animals left in an unattended vehicle without proper ventilation.

Section 210.070 Cruelty to Animals

- A. Animal neglect, as defined by RSMo. 578.009, is a class C misdemeanor unless the person has previously been found guilty of an offense under RSMo. 578.009, or an offense in another jurisdiction which would constitute an offense under the same section, in which case it is a class B misdemeanor. RSMo 578.009 includes failure to provide adequate care; and abandonment without making provisions for adequate care.
- B. Animal abuse, as defined by RSMo. 578.012, is a class A misdemeanor, unless the defendant has previously been found guilty of animal abuse or the suffering is the result of torture or mutilation consciously inflicted while the animal was alive, in which case it is a class E felony. RSMo 578.012 includes intentionally or purposely killing an animal in a manner not allowed by or expressly exempted by Section 578.005-023 and 273.030; purposely or intentionally causing injury or suffering to an animal; or knowingly failing to provide adequate care which results in substantial harm to the animal.
- C. No person shall impound, harbor or confine or cause to be impounded, harbored or confined in any pound or place any animal and fail to supply proper veterinary care; or shall cruelly overwork any domestic animal or shall cruelly drive or work the same when unfit for labor or shall abandon, beat, ill-treat, torment or cause harm to by physical abuse or undo stress; or shall allow any place where an animal is or may be kept to become unclean or unwholesome and fail to supply the animal during such confinement with the following:
 1. A structurally sound, properly sanitary, dry and weatherproof shelter suitable for the species, age and condition of the animal, which is free of litter or hazardous substances and objects and which provides access to shade from direct sunlight and from exposure to inclement weather conditions.



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

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2. Wholesome foodstuff suitable for the species which is provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in the animal, considering its age and condition.
3. Constant access or access at suitable intervals to a supply of clean potable, unfrozen water provided in a sanitary manner and in sufficient amounts for the species to maintain good health in the animal.
4. Normal and prudent attention to the needs of the animal, including all necessary immunizations, parasite control, sufficient exercise and rest to maintain good health and the provision to each sick or injured animal of the necessary veterinary care or humane death.

D. It shall be unlawful for any person to confine any animal or cause any animal to be confined in a vehicle under conditions likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or other conditions that endanger the animal's life.

1. If the animal is exhibiting moderate signs of heat stress, such as heavy panting and clearly visible discomfort, if not already present, a city Police Officer should be requested to respond to the location. Under these circumstances, if the vehicle is unlocked, the animal may be removed before the arrival of the Police Officer.
2. If the animal appears to be severely stressed such as comatose, near comatose, vomiting or salivating excessively, all reasonable means may be employed to gain access to the vehicle including breaking of a window so that the animal can be removed. The animal shall be transported immediately to a veterinarian. Upon release of the animal by the veterinarian, it may be taken to the City Animal Shelter until claimed by the owner.
3. If it becomes necessary to break a window to rescue an animal, an effort should be made to have a city employee remain at the vehicle location until the vehicle owner or operator is located or the vehicle is secured or the vehicle is removed. The vehicle may be secured or may be removed to a secure location to prevent further damage or may be removed to preserve evidence of a violation of state law or city ordinance. Upon completion of the criminal investigation by the City Police Department, and if the vehicle is no longer needed for the investigation, the vehicle can be released to the owner/operator if the owner/operator has been located.



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

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4. If the vehicle is not removed from the location after the animal has been removed, written details about the removal of the animal should be left with the vehicle. This information should include the time of day, the officer's name, the phone number of the Animal Shelter, the disposition of the animal and information about where the animal can be claimed.
5. A report from the Animal Control Division and any police incident report concerning the criminal investigation shall be forwarded to either the Cass County prosecutor or the municipal prosecutor for the city for the filing of either a state law or municipal ordinance violation.
6. Whenever an animal is found to be in such circumstances that the Animal Control Officer or a Police Officer determines to be endangering to the animal's life, an Animal Control Officer and/or Police Officer, is authorized to enter such vehicle or extension of said motor vehicle (i.e., attached trailer, etc.) and remove the animal for impoundment, at the expense of the owner/operator. The City shall in no way be financially or legally liable for damages caused as a result of removal of the animal by the above defined city officials, under conditions that endanger the animal's life. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this Section and impounded in accordance with this Chapter. The vehicle owner or operator shall be responsible for all expenses incurred during the removal of the animal or its subsequent treatment and impoundment.

Here are some statements from Harrisonville Police Department in support of this ordinance change:

Corporal Tim Mikelson:

I am writing this memo in support of an ordinance being added to address the issue of dogs and animals being left in hot vehicles. Officers are dispatched on a regular basis to these calls, and I feel there is little we can do due to the vagueness of our current cruelty to animals ordinance. It does not clearly state that someone cannot leave an animal in a hot vehicle, which leaves the individual officer with the task of trying to decide where the line is or if it is even illegal until the animal is in serious peril.



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

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For liability sake, I don't want an officer getting into a situation that escalates based on something which isn't clearly defined as being illegal. If the legality is a gray area, so is our ability to police the issue and compel potential violators to cooperate. The way this proposed ordinance change is written, there would be clear rules about when an animal can be confined in a vehicle. The temperature would give us the line we need, much like a speed limit.

Lieutenant Brian Kincaide:

I, myself, like that you're trying to get this changed. I agree with the new and updated city ordinance. I support it. I have located a dog in a car that died because of the extreme temperature inside. It was very sad for me and the dog owner as they knew better. It would be nice to hold people accountable for this before we find their animal deceased.

Officer Makayla Krantz:

I agree with the need of an additional ordinance to hold animal owners accountable for these situations. We respond to calls like this frequently and the owners know better.

Estimated Vehicle Interior Air Temperature v. Elapsed Time

Elapsed time	Outside Air Temperature (F)					
	70	75	80	85	90	95
0 minutes	70	75	80	85	90	95
10 minutes	89	94	99	104	109	114
20 minutes	99	104	109	114	119	124
30 minutes	104	109	114	119	124	129
40 minutes	108	113	118	123	128	133
50 minutes	111	116	121	126	131	136
60 minutes	113	118	123	128	133	138
> 1 hour	115	120	125	130	135	140

Courtesy Jan Null, CCM; Department of Geosciences, San Francisco State University

Council Bill No. _____

Ordinance No. _____

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI AMENDING ARTICLE I UNDER CHAPTER 210—
ANIMAL REGULATIONS OF THE HARRISONVILLE MUNICIPAL CODE AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Harrisonville desires to amend municipal code regulations under Title II – Public Health, Safety and Welfare; and

WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen held a public hearing on September 16, 2024, and rendered a decision to approve as the Board believes that it is in the best interest for the citizens of Harrisonville.

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

Section 1: Section 210.070 is hereby amended to read as follows:

- “A. Animal neglect, as defined by RSMo. 578.009, is a class C misdemeanor unless the person has previously been found guilty of an offense under RSMo. 578.009, or an offense in another jurisdiction which would constitute an offense under the same section, in which case it is a class B misdemeanor. RSMo 578.009 includes failure to provide adequate care; and abandonment without making provisions for adequate care.
- B. Animal abuse, as defined by RSMo. 578.012, is a class A misdemeanor, unless the defendant has previously been found guilty of animal abuse or the suffering is the result of torture or mutilation consciously inflicted while the animal was alive, in which case it is a class E felony. RSMo 578.012 includes intentionally or purposely killing an animal in a manner not allowed by or expressly exempted by Section 578.005-023 and 273.030; purposely or intentionally causing injury or suffering to an animal; or knowingly failing to provide adequate care which results in substantial harm to the animal.
- C. No person shall impound, harbor or confine or cause to be impounded, harbored or confined in any pound or place any animal and fail to supply proper veterinary care; or shall cruelly overwork any domestic animal or shall cruelly drive or work the same when unfit for labor or shall abandon, beat, ill-treat, torment or cause harm to by physical abuse or undo stress; or shall allow any place where an animal is or may be kept to become unclean or unwholesome and fail to supply the animal during such confinement with the following:
 - 1. A structurally sound, properly sanitary, dry and weatherproof shelter suitable for the species, age and condition of the animal, which is free of litter or hazardous substances

- and objects and which provides access to shade from direct sunlight and from exposure to inclement weather conditions.
2. Wholesome foodstuff suitable for the species which is provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in the animal, considering its age and condition.
 3. Constant access or access at suitable intervals to a supply of clean potable, unfrozen water provided in a sanitary manner and in sufficient amounts for the species to maintain good health in the animal.
 4. Normal and prudent attention to the needs of the animal, including all necessary immunizations, parasite control, sufficient exercise and rest to maintain good health and the provision to each sick or injured animal of the necessary veterinary care or humane death.
- D. It shall be unlawful for any person to confine any animal or cause any animal to be confined in a vehicle under conditions likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or other conditions that endanger the animal's life.
1. If the animal is exhibiting moderate signs of heat stress, such as heavy panting and clearly visible discomfort, if not already present, a city Police Officer should be requested to respond to the location. Under these circumstances, if the vehicle is unlocked, the animal may be removed before the arrival of the Police Officer.
 2. If the animal appears to be severely stressed such as comatose, near comatose, vomiting or salivating excessively, all reasonable means may be employed to gain access to the vehicle including breaking of a window so that the animal can be removed. The animal shall be transported immediately to a veterinarian. Upon release of the animal by the veterinarian, it may be taken to the City Animal Shelter until claimed by the owner.
 3. If it becomes necessary to break a window to rescue an animal, an effort should be made to have a city employee remain at the vehicle location until the vehicle owner or operator is located or the vehicle is secured or the vehicle is removed. The vehicle may be secured or may be removed to a secure location to prevent further damage or may be removed to preserve evidence of a violation of state law or city ordinance. Upon completion of the criminal investigation by the City Police Department, and if the vehicle is no longer needed for the investigation, the vehicle can be released to the owner/operator if the owner/operator has been located.
 4. If the vehicle is not removed from the location after the animal has been removed, written details about the removal of the animal should be left with the vehicle. This information should include the time of day, the officer's name, the phone number of the Animal Shelter, the disposition of the animal and information about where the animal can be claimed.
 5. A report from the Animal Control Division and any police incident report concerning the criminal investigation shall be forwarded to either the Cass County

prosecutor or the municipal prosecutor for the city for the filing of either a state law or municipal ordinance violation.

6. Whenever an animal is found to be in such circumstances that the Animal Control Officer or a Police Officer determines to be endangering to the animal's life, an Animal Control Officer and/or Police Officer, is authorized to enter such vehicle or extension of said motor vehicle (i.e., attached trailer, etc.) and remove the animal for impoundment, at the expense of the owner/operator. The City shall in no way be financially or legally liable for damages caused as a result of removal of the animal by the above defined city officials, under conditions that endanger the animal's life. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this Section and impounded in accordance with this Chapter. The vehicle owner or operator shall be responsible for all expenses incurred during the removal of the animal or its subsequent treatment and impoundment."

Section 2: That this Ordinance shall be in effect immediately upon its passage and approval.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 16TH DAY OF SEPTEMBER, 2024, AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 7TH DAY OF OCTOBER, 2024, AND PASSED BY THE BOARD OF ALDERMEN THIS 7TH DAY OF , 2024.

Mike Zaring, Mayor

ATTEST:

Daniel Barnett, City Clerk

APPROVED by the Mayor this 7th day of October 2024.

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: September 19, 2024
SUBJECT: Ordinance - Cruelty to Animals

Type of Item: *Approval*

C. Action Item (ID # 4973)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING ARTICLE I UNDER CHAPTER 210—ANIMAL REGULATIONS OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

Attachments:

Ordinance - Amending Article I Under Chapter 210 - Animal Regulations (DOCX)

Council Bill No. _____

Ordinance No. _____

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI AMENDING ARTICLE I UNDER CHAPTER 210—
ANIMAL REGULATIONS OF THE HARRISONVILLE MUNICIPAL CODE AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Harrisonville desires to amend municipal code regulations under Title II – Public Health, Safety and Welfare; and

WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen held a public hearing on August 19, 2024, and rendered a decision to approve as the Board believes that it is in the best interest for the citizens of Harrisonville.

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

Section 1: Section 210.070 is hereby amended by adding the following:

“B. Any person who confines an animal in an unattended, vehicle where the outside temperature is 70° Fahrenheit or greater, and the interior of the vehicle is not provided with conditioned air to maintain an internal temperature of 80° Fahrenheit or less, shall be guilty of a Class C misdemeanor.

1. Unless the animal suffers great bodily injury, a first conviction for violation of this section is punishable by a class C misdemeanor. If the animal suffers great bodily injury, a violation of this section is punishable by a class B misdemeanor. Any subsequent violation of this section, regardless of injury to the animal, is also punishable by a class A Misdemeanor unless causing death to the animal then is a class E felony.
2. This section does not prevent a peace officer, firefighter, humane officer, animal control officer, or other emergency responder from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. A prominent written notice shall be left on the vehicle advising that the animal has been removed and impounded in accordance with this Section. The animal shall be provided immediate veterinary care. The animal owner or custodian shall be responsible for all expenses incurred during the removal of the animal or its subsequent treatment and impoundment.”

Section 2: That this Ordinance shall be in effect immediately upon its passage and approval.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 19TH DAY OF AUGUST, 2024,
AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 3RD DAY OF
SEPTEMBER, 2024, AND PASSED BY THE BOARD OF ALDERMEN THIS 3RD DAY OF
SEPTEMBER, 2024.

Mike Zaring, Mayor

ATTEST:

Daniel Barnett, City Clerk

APPROVED by the Mayor this 3rd day of September 2024.

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: September 19, 2024
SUBJECT: Public Hearing - Vacation - Rail Road Spur ROW

Type of Item: *Public Hearing*

D. Discussion Item (ID # 4966)

Public Hearing - Vacation - Rail Road Spur ROW

Attachments:

MinuteTraQ - Staff Report - Railroad Spur - Vacation of ROW - 10-7- 2024 (PDF)

Cass County able to convert from ROW to a Parcel - Parcel ID # to be Assigned (PDF)

County Assessor's website - Shows as ROW - Not as Parcel(DOCX)

Email reply from Cass County GIS Tech - ROW Assignment vs. Taxable Parcel (PDF)

Minor Plat - Enterprise Business Park - Lot 5 - 7-18-24 (PDF)

Resolution - Authorizing C.A. to Enter P&S Agmt. - 6-5-23 (PDF)

Vacation Application - VAC 24-002 - 7-3-24 (PDF)



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

5.D.a

To: Board of Aldermen
From: Jim Clarke, Economic Development Manager
Date: October 1, 2024
Re: PUBLIC HEARING - Vacation of railroad spur Right-of-Way – City Owned

GENERAL INFORMATION

Applicant: City of Harrisonville initiated
Requested Actions: Consideration of Vacation of a railroad spur Right-of-Way – City owned spur – serving UFP Industries, Inc.
Date of Application: July 3, 2024

PROPOSAL

City staff initiated this Vacation of Right-of-Way of the City owned railroad spur serving UFP Industries, Inc..

This Vacation of Right-of-Way is a requirement of a Title Commitment for UFP Industries, Inc., the prospective purchaser of the City's railroad spur and associated property.

Additionally, staff received direction from the Cass County Assessor's Office, so a Parcel ID Number can be assigned to the property. The railroad spur property has been Tax Exempt, with no Parcel ID Number assigned, due to the City's ownership of the railroad spur and Tax-Exempt status.

Public legal notice, public hearing notice and abutting property notices have been completed.

PREVIOUS ACTIONS

- Vacation of Right-of-Way Application (VAC 24-002) – City staff initiated – dated July 3, 2024.
- Vacation of ROW Public Notice – 30 Days Notice – Published in Tribune Times in June 20, 2024, Edition.
- Certified Letter/s mailed to abutting property owners – 20 Days Notice – July 3, 2024.

- Staff is processing a Lot Split of the railroad spur associated property – this Lot Split can be processed and approved at staff level – as it is an administrative function governed by Chapter 410 Subdivision Regulations - Section 410.300 Minor Subdivisions (Minor Plats) of City Codes.
- Minor Plat – proposed Lot 5 – Enterprise Business Park dated July 18, 2024 (this Minor Plat accomplishes a Lot Split to convert the Railroad Spur Right-of-Way property, to a Taxable Parcel and a separate Named Lot in Business Enterprise Park Plat)
- Board Of Aldermen approved Sale of Railroad Spur and associated property – Resolution 2023-26 – June 5, 2023
- Board Of Aldermen Authorized City Administrator to Execute Purchase/Sale Agreement - Resolution 2023-26 – June 5, 2023
- 7th Amendment to Purchase/Sale Agreement executed by City Administrator September 16, 2024.
- UFP Title Company Requirements: 1) Properly dedicate subject property as a named lot. 2) Properly assign subject property a Parcel Identification Number and assessment description that matches the Legal Description.
- Cass County Assessor's Office expressed a Vacation of Right-of-Way would convert it to a Taxable Parcel and a Parcel Identification Number would be assigned.

KEY ISSUES

- The Board of Aldermen desires and intends to sell the Railroad Spur and associated property to UFP Industries, Inc..
- The Right-of-Way needs to be vacated to allow for conversion to a taxable parcel and the proper Parcel Identification Number assignment.
- The Railroad Spur is located between two Parcels owned by Church & Dwight. (Church & Dwight purchased the 30 acres to the South, from the City of Harrisonville, several years after owning the acreage North of the Railroad Spur)
- Around 2017-2019 Church & Dwight built a private drive - crossing the Railroad Spur to access their trailer staging area on their South 30 acres.
- Church & Dwight expressed they have an Agreement with the City of Harrisonville allowing their trucks to cross the Railroad Spur to access their trailer staging area to the South. (City staff has not viewed or obtained such Agreement)
- Church & Dwight claims they have a Recorded document allowing them access to the City's railroad spur. Church & Dwight expressed they use the City's railroad spur from time to time to stack its container cars. They did not provide City staff a copy of such document.

- City attorney has since been informed by Church & Dwight's attorney, that a freight broker periodically uses the City's railroad spur to stack rail cars, when loading Church & Dwight product onto the rail cars. Hence, Church & Dwight has expressed concern this periodic stacking of their rail cars during product loading, might no longer be allowed with the Vacation of the railroad spur Right-of-Way.
- Property sale/purchase closing has been set for December 31, 2024.

STAFF COMMENTS AND SUGGESTIONS

The City intends to sell the Railroad Spur and associated property.

The Board of Aldermen has approved the sell of the Railroad Spur to UFP Industries, Inc..

UFP Industries, Inc., has agreed to purchase the Railroad Spur and associated property.

Church & Dwight provided an Opposition to Petition to Vacate Railroad Spur Right-of-Way letter, dated August 5, 2024. This official opposition caused a continuance of the Vacation of Right-of-Way Public Hearing for another 30 days.

Church & Dwight has expressed concern, this Vacation of Right-of-Way may adversely impact their trucks crossing the private drive they installed around 2017-2019 to stage their trailers on their 30 acres to the South of the railroad spur.

STAFF RECOMMENDATION

Staff recommends the Vacation of the Railroad Spur Right-of-Way.

ATTACHMENTS

- Vacation of Right-of-Way Application (VAC 24-002)
- County Assessor Map
- Email from County (Assessor) GIS staff – directing Vacation of Right-of-Way for Parcel ID # Assignment
- Email from County Assessor's Office expressing able to convert from Right-of-Way to Parcel and Assign Parcel ID Number
- BOA Resolution – Authorizing City Administrator to Enter Purchase and Sale Agreement for railroad spur property.
- Minor Plat – (proposed) Lot 5 – Enterprise Business Park

STAFF CONTACT:

Jim Clarke
Economic Development Manager

Packet Pg. 70

I will be able to convert it from right of way to a parcel as soon as it is deeded as such. When the documents get recorded, I will be assigning parcel number 13-31-05-000-000-028.008.

On Fri, Jun 7, 2024 at 3:22 PM Jim Clarke <jclarke@harrisonville.com> wrote:

Lisa,

If you could use this Legal Description now to Assign a Parcel ID # - so we can comply with the Title Company requirements and I can provide you any necessary Recorded documents for your records after the Closing - would that work?

Thanks,

Jim

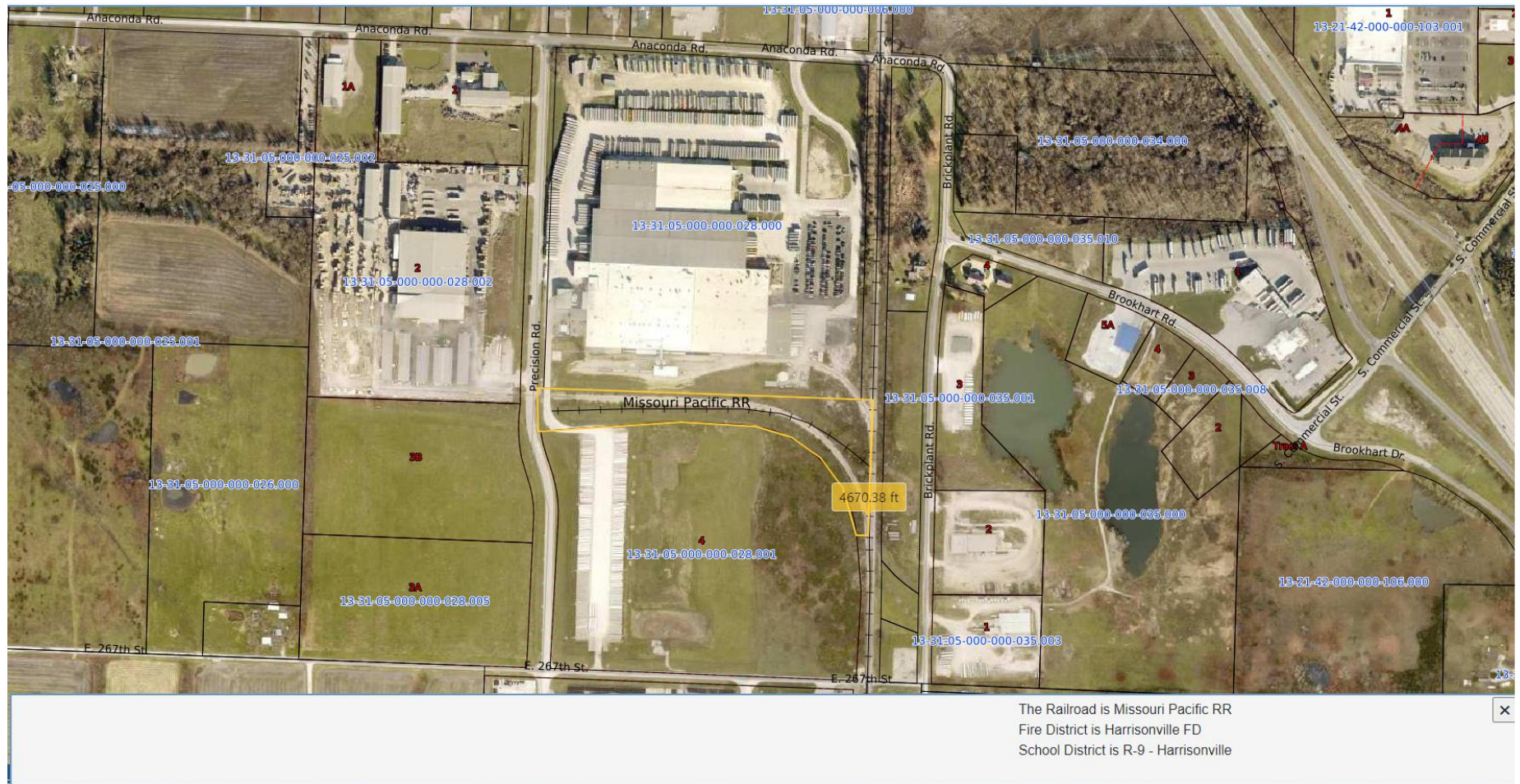
Jim Clarke, CECD

Economic Development Director

300 E. Pearl St.

Harrisonville, Mo. 64701

City's Railroad Spur Property
 Reflected on Cass County Assessor's website as Right-of-Way
 Not as a Parcel
 Approximate Boundaries shown in Yellow (City staff generated)
 Minor Plat and Lot Split will assign as Lot 5 in Plat



Jim Clarke**From:**

Lisa Mendpara <lisam@casscounty.com>

Sent:

Friday, June 7, 2024 4:09 PM

To:

Jim Clarke

Subject:

Re: Railroad spur

Basically, if something is listed as right of way (as this is on the plat), we would not make it a parcel. Ideally, the right of way would be vacated, which would convert it to a taxable parcel. However, for our purposes, it's not absolutely necessary to do this because deeding it to someone other than a taxing entity would make it taxable, and thereby would be considered a parcel (since it's taxable).

Legally, without a vacation, it may still be considered City right of way even after it's deeded. I'm not sure about that. That would be an attorney question. Since we are just for taxing purposes, we don't guarantee legal title to properties and the deed would be sufficient for us.

Hope this makes sense.

On Fri, Jun 7, 2024 at 4:02 PM Jim Clarke <jclarke@harrisonville.com> wrote:

Lisa,

So – as I understand the process:

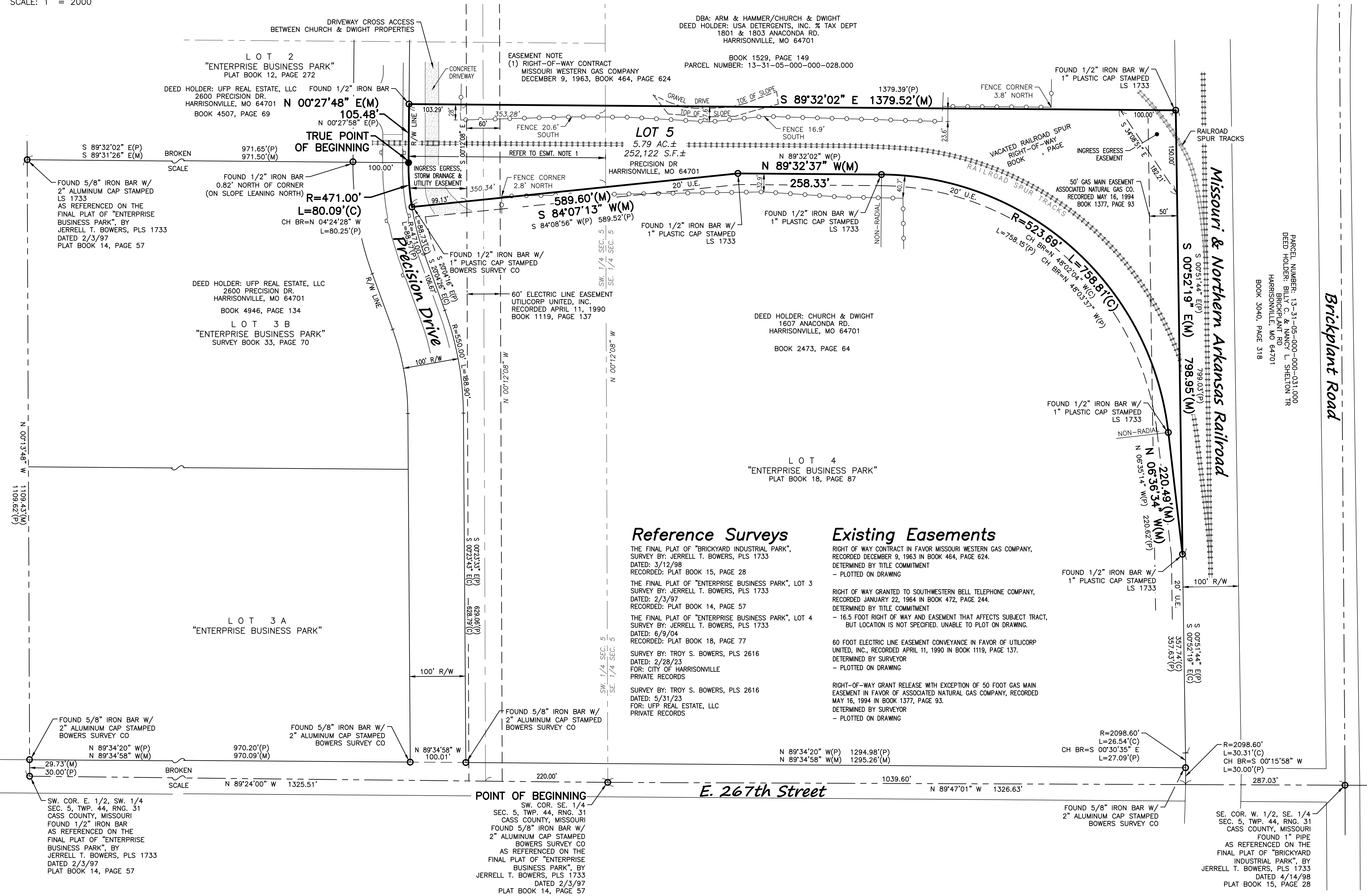
- This Legal Description provided is accurate for subject property and can be used to assign a Parcel ID # to subject property?
- You cannot assign a Parcel ID # until you receive a Recorded Deed?
- The ROW converts to a Parcel once the property is Deeded to new owner?

Notes:

- A PROPERTY BOUNDARY SURVEY WAS PERFORMED FOR THE CITY OF HARRISONVILLE ON FEBRUARY 28, 2023 AND AN ALTA/NSPS LAND TITLE SURVEY WAS PERFORMED FOR UFP REAL ESTATE, LLC ON MAY 31, 2023, OF THE SUBJECT TRACT. RESULTS OF SAID SURVEYS HAVE BEEN USED IN THE PREPARATION OF THIS MINOR PLAT, FIELD WORK WAS COMPLETED ON MAY 30, 2023.
- WITH THIS SURVEY WE DO NOT GUARANTEE THAT OWNERSHIP IS TO THE SURVEY LINES DEPICTED HEREON. THIS SURVEY IS A GRAPHIC REPRESENTATION OF THE OPINION OF THE SURVEYOR AS TO THE LOCATION OF THE TITLE DESCRIPTION. NO OPINION AS TO THE VALIDITY OF TITLE IS GIVEN OR IMPLIED.
- BEARINGS SHOWN ARE BASED ON THE PLAT (ENTERPRISE BUSINESS PARK, LOT 3) BEARING OF NORTH 89°24'00" WEST ALONG THE SOUTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI.
- THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN CLASS SURVEY AS DEFINED BY THE MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS.
- RECORD TITLE AND EASEMENTS ARE BASED ON A PREVIOUS TITLE COMMITMENT PROVIDED BY AMROCK, LLC, COMMITMENT NUMBER: C000126601, DATED MARCH 02, 2023, 8:00 AM. ADJACENT PARCEL DEED INFORMATION WAS OBTAINED BY THE SURVEYOR FROM THE CASS COUNTY GIS MAP.
- THIS SURVEYOR HAS RELIED ON THE TITLE COMMITMENT NOTED ABOVE, ADDITIONAL EASEMENT INFORMATION WAS OBTAINED FROM RESEARCH OF ADJACENT SUBDIVISION PLATS AND/OR SURVEYS OF ADJACENT TRACTS. NO OTHER INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER RESEARCH FACTS WAS PERFORMED BY THE SURVEYOR.
- NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC/PRIVATE SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, CONTACT THE APPROPRIATE AGENCIES. THE SUBJECT TRACT IS OBSCURED BY VEGETATION, OTHER UTILITIES OR IMPROVEMENTS MAY EXIST THAT WERE NOT OBSERVED IN CONDUCTING THE FIELD WORK.
- NO BUILDING STRUCTURES EXIST ON THE SUBJECT TRACT.
- OTHER INTERIOR FENCES MAY EXIST ON THE SUBJECT TRACT, ALL PERIMETER, CROSS OR FIELD FENCES MAY NOT HAVE BEEN SHOWN.
- THE SUBJECT PROPERTY IS NOT WITHIN THE LIMITS OF THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NO. 29037C0188F, DATED JANUARY 2, 2013.
- NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO DETERMINE WHETHER JURISDICTIONAL WATERS OF THE UNITED STATES ARE PRESENT ON THIS PROPERTY. WHETHER THIS SOIL IS SUITABLE FOR A SEPTIC SYSTEM; WHETHER THE SOIL IS SUITABLE TO SUPPORT A FOUNDATION OR INFRASTRUCTURE IMPROVEMENTS; WHETHER ANY EXISTING SEWAGE TREATMENT FACILITIES THAT SERVE THIS PROPERTY MEET APPLICABLE HEALTH DEPARTMENT OR MISSOURI DEPARTMENT OF NATURAL RESOURCES REGULATIONS; THAT ANY EXISTING OR PROPOSED DRIVEWAY OR ROAD ACCESS TO A PUBLIC ROADWAY MEETS SAFETY CRITERIA OF THE STATE, COUNTY, OR CITY; WHETHER UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES OR UTILITIES OR WASTE MATERIALS MAY OR MAY NOT EXIST WHICH MAY AFFECT THIS PROPERTY.
- FENCES SHOWN, OR REFERENCED HEREIN, MAY REPRESENT DIVISION LINES BETWEEN ADJOINING LAND OWNERS, AND EITHER ENCROUGH UPON THE SUBJECT PREMISES, OR PROVIDE THE SUBJECT PREMISES WITH SURPLUS LAND BECAUSE SAID FENCES MAY NOT BE LOCATED ON THE DEED LINES. THESE FENCES MAY BE SUBJECT TO ADVERSE POSSESSION RIGHTS BY SAID ADJOINERS. NO FENCES SHOULD BE REMOVED OR REPLACED WITHOUT FIRST CONSULTING CHAPTER 272 OF THE MISSOURI REVISED STATUTES, AND FURTHER, LEGAL ADVICE SHOULD BE SOUGHT, WHICH IS BEYOND THE SCOPE OF SERVICES PROVIDED BY THE SURVEYOR.

**LOCATION MAP**

SECTION 5, TOWNSHIP 44, RANGE 31
CASS COUNTY, MISSOURI
SCALE: 1" = 2000'

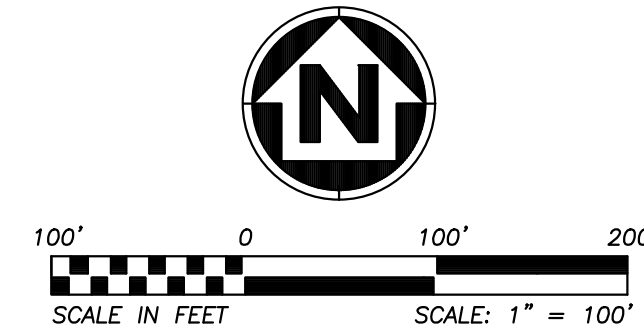
**Reference Surveys**

THE FINAL PLAT OF "BRICKYARD INDUSTRIAL PARK",
SURVEY BY: JERRELL T. BOWERS, PLS 1733
DATED: 5/12/98
RECORDED: PLAT BOOK 15, PAGE 28
THE FINAL PLAT OF "ENTERPRISE BUSINESS PARK", LOT 3
SURVEY BY: JERRELL T. BOWERS, PLS 1733
DATED: 2/3/97
RECORDED: PLAT BOOK 14, PAGE 57
THE FINAL PLAT OF "ENTERPRISE BUSINESS PARK", LOT 4
SURVEY BY: JERRELL T. BOWERS, PLS 1733
DATED: 6/9/04
RECORDED: PLAT BOOK 18, PAGE 77
SURVEY BY: TROY S. BOWERS, PLS 2616
DATED: 5/31/23
FOR: UFP REAL ESTATE, LLC
PRIVATE RECORDS

Existing Easements

RIGHT OF WAY CONTRACT IN FAVOR MISSOURI WESTERN GAS COMPANY,
RECORDED DECEMBER 9, 1963 IN BOOK 464, PAGE 624.
DETERMINED BY TITLE COMMITMENT
- PLOTTED ON DRAWING
RIGHT OF WAY GRANTED TO SOUTHWESTERN BELL TELEPHONE COMPANY,
RECORDED JANUARY 22, 1964 IN BOOK 472, PAGE 244.
DETERMINED BY TITLE COMMITMENT
- 16.5 FOOT RIGHT OF WAY AND EASEMENT THAT AFFECTS SUBJECT TRACT,
BUT LOCATION IS NOT SPECIFIED. UNABLE TO PLOT ON DRAWING.
60 FOOT ELECTRIC LINE EASEMENT CONVEYANCE IN FAVOR OF UTILICORP
UNITED, INC., RECORDED APRIL 11, 1990 IN BOOK 1119, PAGE 137.
DETERMINED BY SURVEYOR
- PLOTTED ON DRAWING
RIGHT-OF-WAY GRANT RELEASE WITH EXCEPTION OF 50 FOOT GAS MAIN
EASEMENT IN FAVOR OF ASSOCIATED NATURAL GAS COMPANY, RECORDED
MAY 16, 1994 IN BOOK 1377, PAGE 93.
DETERMINED BY SURVEYOR
- PLOTTED ON DRAWING

Minor Plat of Enterprise Business Park Lot 5 a subdivision of land in the City of Harrisonville, Cass County, Missouri

**Legend**

- = FOUND MONUMENT AS NOTED, AS REFERENCED ON THE FINAL PLAT OF "ENTERPRISE BUSINESS PARK", LOT 4 BY JERRELL T. BOWERS, PLS 1733 DATED JUNE 9, 2004, PLAT BOOK 18, PAGE 77, UNLESS NOTED OTHERWISE
- = FOUND 1/2" IRON BAR WITH 1" PLASTIC CAP STAMPED BOWERS PLS 2616
- = CHAINLINK FENCE LINE
- R/W LINE = RIGHT-OF-WAY LINE
- U.E. = UTILITY EASEMENT
- (P) = PLAT BEARING OR DISTANCE
- (M) = MEASURED BEARING OR DISTANCE
- (C) = CALCULATED BEARING OR DISTANCE

Survey Description:

I, TROY S. BOWERS, BEING DULY LICENSED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF MISSOURI AND HAVING PROFESSIONAL LAND SURVEYOR LICENSE NO. 2616, HAVE PREPARED THE WRITTEN DESCRIPTION DESCRIBED HEREIN AS:

ALL THAT PART OF THE NOW VACATED RAILROAD SPUR RIGHT-OF-WAY, "ENTERPRISE BUSINESS PARK", A SUBDIVISION OF LAND IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, FILED IN PLAT BOOK 14, AT PAGE 57 IN THE OFFICE OF THE RECORDER OF DEEDS, CASS COUNTY, MISSOURI, BEING A PART OF THE WEST HALF OF THE SOUTHEAST QUARTER AND PART OF THE EAST HALF OF THE SOUTHWEST QUARTER BOTH IN SECTION 5, TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 5, AFORESAID, RUN THENCE NORTH 89°24'00" WEST ALONG THE SOUTH LINE OF SAID EAST HALF OF THE SOUTHWEST QUARTER, 1325.51 FEET TO THE SOUTHWEST CORNER OF SAID "ENTERPRISE BUSINESS PARK" AND BEING THE SOUTHWEST CORNER OF SAID EAST HALF OF THE SOUTHWEST QUARTER; THENCE NORTH 00°13'48" WEST ALONG THE WEST LINE OF LOT 3, "ENTERPRISE BUSINESS PARK" AND AN EXTENSION THEREOF, 1109.43 FEET (MEASURED) (1109.62 FEET PLAT) TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 89°31'26" EAST (MEASURED) (SOUTH 89°32'02" EAST PLAT) ALONG THE NORTH LINE OF SAID LOT 3 AND AN EXTENSION THEREOF, 571.50 FEET (MEASURED) (SOUTH 89°32'02" EAST PLAT) TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF PRECISION DRIVE, AS NOW LOCATED, AND BEING THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE NORTH 00°27'48" EAST (MEASURED) (NORTH 00°27'58" EAST PLAT) ALONG SAID EAST RIGHT-OF-WAY LINE, 105.48 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN BOOK 1529 AT PAGE 149 IN THE OFFICE OF THE RECORDER OF DEEDS, CASS COUNTY, MISSOURI; THENCE SOUTH 89°32'02" EAST ALONG THE SOUTH LINE OF SAID TRACT, 1379.52 FEET (MEASURED) (1379.39 FEET PLAT) TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF THE MISSOURI & NORTHERN ARKANSAS RAILROAD RIGHT-OF-WAY, AS NOW LOCATED; THENCE SOUTH 00°52'19" EAST (MEASURED) (SOUTH 00°51'44" EAST PLAT) ALONG SAID WEST RIGHT-OF-WAY LINE, 798.95 FEET (MEASURED) (799.03 FEET PLAT) TO AN EASTERLY CORNER OF LOT 4, "ENTERPRISE BUSINESS PARK"; THENCE NORTH 06°36'34" WEST (MEASURED) (NORTH 06°35'14" WEST PLAT) ALONG AN EASTERLY LINE OF SAID LOT 4, 220.49 FEET (MEASURED) (220.62 FEET PLAT) TO AN EASTERLY CORNER OF SAID LOT 4; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF LOT 4 ON A CURVE TO THE LEFT, WITH AN INITIAL TANGENT BEARING OF NORTH 06°31'28" WEST, A RADIUS OF 523.69 FEET, AN ARC LENGTH OF 758.81 FEET (CALCULATED) (758.15 FEET PLAT), AND A CHORD BEARING OF NORTH 48°02'04" WEST (MEASURED) (NORTH 48°03'37" WEST PLAT) TO A NORTHERLY CORNER OF SAID LOT 4; THENCE NORTH 89°32'37" WEST (MEASURED) (NORTH 89°32'02" WEST PLAT) ALONG A NORTHERLY LINE OF SAID LOT 4, 258.33 FEET TO A NORTHERLY CORNER OF SAID LOT 4; THENCE SOUTH 84°07'13" WEST (MEASURED) (SOUTH 84°08'56" WEST PLAT), 589.60 FEET (MEASURED) (589.52 FEET PLAT) TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF PRECISION DRIVE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT, WITH AN INITIAL TANGENT BEARING OF NORTH 09°16'45" WEST, A RADIUS OF 471.00 FEET, AN ARC LENGTH OF 80.09 FEET (CALCULATED) (80.25 FEET PLAT), AND A CHORD BEARING OF NORTH 04°24'28" WEST TO THE TRUE POINT OF BEGINNING. CONTAINS 5.79 ACRES, MORE OR LESS, SUBJECT TO ANY EXISTING EASEMENTS OR RIGHTS-OF-WAY.

Dedication:

THE UNDERSIGNED PROPRIETORS OF THE REAL ESTATE DESCRIBED HEREIN HAVE CAUSED THE SAME BE SUBDIVIDED IN THE MANNER AS SHOWN ON THIS PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "ENTERPRISE BUSINESS PARK, LOT 5". IT SHALL BE A SUFFICIENT DESCRIPTION OF THE LOT PLATTED HEREON TO BE DESIGNATED BY THE NUMBER WHICH APPEARS ON SAID LOT FOLLOWED BY THE WORDS "ENTERPRISE BUSINESS PARK, LOT 5".

AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF HARRISONVILLE, TO LOCATE, CONSTRUCT AND MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION AND MAINTENANCE OF CONDUITS, WATER, GAS AND SEWER PIPES, AND OTHER UTILITY SERVICES, INCLUDING DRAINAGE FACILITIES AND SEWER DRAINAGE, 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.).

INGRESS EGRESS EASEMENTS ARE HEREBY GRANTED TO PROVIDE VEHICLE AND PEDESTRIAN ACCESS, BEING A PERPETUAL, NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, GRANTING ACCESS TO THE PARKING AREAS, AND THE NORTH AND SOUTH SIDES OF THE SUBJECT TRACT, AND THEIR OCCUPANTS, AGENTS, EMPLOYEES, GUESTS, SERVICES, UTILITIES AND EMERGENCY VEHICLES, INCLUDING THE REPAIR AND MAINTENANCE OF THE EXISTING FACILITIES, UPON THOSE AREAS IN THIS SUBDIVISION OUTLINED ON THIS PLAT AND DEDICATED BY THE WORDS "INGRESS EGRESS EASEMENT".

BUILDING LINES OR SETBACK LINES SHALL CONFORM TO ORDINANCES OF THE CITY OF HARRISONVILLE, MISSOURI.

THE USE OF ALL LOTS 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 CITY OF HARRISONVILLE, MISSOURI, A MUNICIPAL CORPORATION, HAS

CAUSED THIS PLAT TO BE SIGNED THIS _____ DAY OF _____, 2024.

SIGNED: _____ MAYOR

ATTEST: _____ CITY CLERK

STATE OF _____ }
COUNTY OF _____ } SS

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2024.

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, I HAVE

EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

(SEAL)

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

APPROVED BY: _____ DATE _____

CHRISTINA STANTON, AICP
CITY OF HARRISONVILLE
COMMUNITY DEVELOPMENT DIRECTOR

APPROVED BY: _____ DATE _____

PATTY HILDERBRAND, PE
CITY OF HARRISONVILLE
PUBLIC WORKS DIRECTOR

ENTERED ON TRANSFER RECORD THIS _____ DAY OF _____, 2024.
DEPUTY COUNTY RECORDER OF DEEDS

THE UNDERSIGNED REGISTERED LAND SURVEYOR HEREBY STATES THAT THE WITHIN PLAT OF "ENTERPRISE BUSINESS PARK, LOT 5" IS BASED ON AN ACTUAL SURVEY MADE BY HIM OR UNDER HIS DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ADOPTED BY THE BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THE MISSOURI DEPARTMENT OF AGRICULTURE LAND SURVEY PROGRAM. HE FURTHER STATES THAT HE HAS COMPLIED WITH ALL STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND PLATTING OF SUBDIVISIONS TO THE BEST OF HIS PROFESSIONAL KNOWLEDGE AND BELIEF.

THE FIELD WORK WAS COMPLETED ON MAY 30, 2023.

FOR: CITY OF HARRISONVILLE 300 E. PEARL STREET, HARRISONVILLE, MO 64701
ORDERED BY: CHRISTINA STANTON, AICP COMMUNITY DEVELOPMENT DIRECTOR

Bowers Land Survey Co. LLC SM
P.O. BOX 541
1000 W. MECHANIC STREET
HARRISONVILLE, MISSOURI 64701
TELEPHONE: 816.228.0160
WEBSITE: BOWERSURVEY.COM

SITE ADDRESS: PRECISION DRIVE, HARRISONVILLE, MO 64701

SECTION	TOWNSHIP	RANGE	COUNTY	STATE	DATE	JOB NO.
5	44	31	CASS	MISSOURI	7/18/24	22031-24

DRAWING NO. 22031MP.DWG DRAWN BY: TSB CHECKED BY: TSB

BOWERS LAND SURVEY CO. LLC, LAND SURVEYING, MISSOURI STATE CERTIFICATE OF AUTHORITY NO. LS-2020010824



TROY S. BOWERS Digitally signed by TROY S. BOWERS Date: 2024.07.18 14:28:42 -0500

TROY S. BOWERS
PROFESSIONAL LAND SURVEYOR
MO LS 2616

Council Bill 2023-58

Resolution 2023-26

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI AUTHORIZING THE CITY ADMINISTRATOR
TO ENTER INTO A LAND PURCHASE AND SALE AGREEMENT**

WHEREAS, the City of Harrisonville intends to sell its rail spur to UFP Real Estate, LLC; and

WHEREAS, the City wishes for Brad Ratliff, City Administrator, to sign the agreement on behalf of the City; and

WHEREAS, the City desires to sell, and UFP Real Estate, LLC desires to purchase the City's rail spur.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF
THE CITY OF HARRISONVILLE, MISSOURI**

Section 1. The City Administrator is authorized to enter into a Purchase and Sale Agreement with UFP Real Estate, LLC to sell the City's rail spur.

Section 2. *Effective Date.* This Resolution shall become effective immediately upon passage.

VOTE TAKEN AS FOLLOWS:

AYES: Davidson, Doerhoff, Chaney, Franklin, Mills, Milner, Reece, Turner

NAYS:

ABSENT:

ABSTAIN:



Mike Zaring, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:



Daniel Barnett, City Clerk

WITNESS my hand and seal this 5th day of June 2023.



FEE:	\$175
REC'D BY:	<i>MM</i>
(STAFF USE ONLY)	

APPLICATION FOR STREET, ALLEY & EASEMENT VACATION

CASE NO:	VAC 24-002
BOA DATE:	
BOA DATE:	
(STAFF USE ONLY)	

APPLICANT'S NAME(S):	Jim Clarke - behalf of City of Harrisonville	PHONE:	816-380-8973
COMPANY:	City of Harrisonville, Missouri	FAX:	
MAILING ADDRESS:	300 E. Pearl St., Harrisonville, Missouri 64701		
EMAIL ADDRESS:	JClarke@Harrisonville.com		

PROPERTY OWNER NAME(S):	City of Harrisonville - MMT Technology	PHONE:	816-380-8973
COMPANY:	City of Harrisonville, Missouri	FAX:	
MAILING ADDRESS:	300 E. Pearl St., Harrisonville, Missouri 64701		
EMAIL ADDRESS:	JClarke@Harrisonville.com		
SIGNATURE OF PROPERTY OWNER AUTHORIZING APPLICATION:			
(IF APPLICANT AND PROPERTY OWNER DIFFERENT)			

FIRM PREPARING INFORMATION:	City of Harrisonville	PHONE:	816-380-8973
CONTACT:	Jim Clarke	FAX:	
MAILING ADDRESS:	300 E. Pearl St., Harrisonville, Missouri 64701		
EMAIL ADDRESS:	JClarke@Harrisonville.com		

GENERAL LOCATION OF PROPERTY TO BE VACATED:		West of I-49 - immediately West of
		Union Pacific railroad track - South of Church & Dwight (Anaconda Rd.) - North of
		Church & Dwight (E. 267th St.) - East of Precision Rd., in Harrisonville, Missouri
PROPERTY AREA IN ACRES AND/OR SQUARE FEET:	5.79 +/- acres	
PLAT IN WHICH PROPERTY IS LOCATED:	Enterprise Business Park	
PRESENT USE OF SURROUNDING PROPERTY:	Industrial and railroad track	
FUTURE USE OF VACATED PROPERTY:	Continue as a railroad spur serving UFP Industries, Inc.	

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: September 19, 2024
SUBJECT: Ordinance Rail Spur ROW Vacation

Type of Item: *Approval*

E. Action Item (ID # 4974)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, VACATING A RAILROAD SPUR RIGHT-OF-WAY COVERING PROPOSED LOT 5 OF ENTERPRISE BUSINESS PARK WITH RAILROAD SPUR SERVING UFP INDUSTRIES, INC. AND ESTABLISHING AN EFFECTIVE DATE.

Attachments:

Ordinance - Railroad Spur - ROW Vacation - 10-7-24 (PDF)

Council Bill No. _____

Ordinance No. _____

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE,
MISSOURI, VACATING A RAILROAD SPUR RIGHT-OF-WAY
COVERING PROPOSED LOT 5 OF ENTERPRISE BUSINESS PARK
WITH RAILROAD SPUR SERVING UFP INDUSTRIES, INC.
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Harrisonville staff submitted an application (Appl. #VAC-24-002) to vacate a railroad spur right-of-way covering the proposed Lot 5 of Enterprise Business Park; and

WHEREAS, in accordance with the provisions of Chapter 88 RSMo., and Section 515.020 of the Code of Ordinances of the City of Harrisonville, Missouri, thirty (30) days' notice of said application for vacation has been provided in three (3) of the most prominent and public places in the district, twenty (20) days' notice has been given by certified mail to all persons whose land the portion of the railroad spur right-of-way to be vacated touches, and notice has been given to the Chairman of the Planning & Zoning Commission; and

WHEREAS, the City received one objection from a property owner whose land touches the railroad spur right-of-way to be vacated; and

WHEREAS, the Board of Aldermen, after careful and due deliberation, find that vacating the railroad spur right-of-way is in the best interest of the City of Harrisonville and its residents, and that the vacated property be deeded to UFP Industries, Inc.

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

Section 1: The Board of Aldermen of Harrisonville, Missouri, hereby declares it necessary, reasonable, proper, and in the best interest of the City of Harrisonville and its residents to discontinue as right-of-way and forever vacate the railroad spur right-of-way covering the proposed Lot 5 of Enterprise Business Park as described herein.

Legal Description:

ALL THAT PART OF THE NOW VACATED RAILROAD SPUR RIGHT-OF-WAY, "ENTERPRISE BUSINESS PARK", A SUBDIVISION OF LAND IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, FILED IN PLAT BOOK 14 AT PAGE 57 IN THE OFFICE OF THE RECORDER OF DEEDS, CASS COUNTY, MISSOURI, BEING A PART OF THE WEST HALF OF THE SOUTHEAST QUARTER AND PART OF THE EAST HALF OF THE SOUTHWEST QUARTER BOTH IN SECTION 5, TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 5, AFORESAID, RUN THENCE NORTH 89°24'00" WEST ALONG THE SOUTH LINE OF SAID EAST HALF OF THE SOUTHWEST QUARTER, 1325.51 FEET TO THE SOUTHWEST CORNER OF SAID "ENTERPRISE BUSINESS PARK" AND BEING THE SOUTHWEST CORNER OF SAID EAST HALF OF THE SOUTHWEST QUARTER; THENCE NORTH 00°13'48" WEST ALONG THE WEST LINE OF LOT 3, "ENTERPRISE BUSINESS

PARK" AND AN EXTENSION THEREOF, 1109.43 FEET (MEASURED) (1109.62 FEET PLAT) TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 89°31'26" EAST (MEASURED) (SOUTH 89°32'02" EAST PLAT) ALONG THE NORTH LINE OF SAID LOT 3 AND AN EXTENSION THEREOF, 971.50 FEET (MEASURED) (971.65 FEET PLAT) TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF PRECISION DRIVE, AS NOW LOCATED, AND BEING THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE NORTH 00°27'48" EAST (MEASURED) (NORTH 00°27'58" EAST PLAT) ALONG SAID EAST RIGHT-OF-WAY LINE, 105.48 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN BOOK 1529 AT PAGE 149 IN THE OFFICE OF THE RECORDER OF DEEDS, CASS COUNTY, MISSOURI; THENCE SOUTH 89°32'02" EAST ALONG THE SOUTH LINE OF SAID TRACT, 1379.52 FEET (MEASURED) (1379.39 FEET PLAT) TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF THE MISSOURI & NORTHERN ARKANSAS RAILROAD RIGHT-OF-WAY, AS NOW LOCATED; THENCE SOUTH 00°52'19" EAST (MEASURED) (SOUTH 00°51'44" EAST PLAT) ALONG SAID WEST RIGHT-OF-WAY LINE, 798.95 FEET (MEASURED) (799.03 FEET PLAT) TO AN EASTERLY CORNER OF LOT 4, "ENTERPRISE BUSINESS PARK"; THENCE NORTH 06°36'34" WEST (MEASURED) (NORTH 06°35'14" WEST PLAT) ALONG AN EASTERLY LINE OF SAID LOT 4, 220.49 FEET (MEASURED) (220.62 FEET PLAT) TO AN EASTERLY CORNER OF SAID LOT 4; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF LOT 4 ON A CURVE TO THE LEFT, WITH AN INITIAL TANGENT BEARING OF NORTH 06°31'28" WEST, A RADIUS OF 523.69 FEET, AN ARC LENGTH OF 758.81 FEET (CALCULATED) (758.15 FEET PLAT), AND A CHORD BEARING OF NORTH 48°02'04" WEST (CALCULATED) (NORTH 48°03'37" WEST PLAT) TO A NORTHERLY CORNER OF SAID LOT 4; THENCE NORTH 89°32'37" WEST (MEASURED) (NORTH 89°32'02" WEST PLAT) ALONG A NORTHERLY LINE OF SAID LOT 4, 258.33 FEET TO A NORTHERLY CORNER OF SAID LOT 4; THENCE SOUTH 84°07'13" WEST (MEASURED) (SOUTH 84°08'56" WEST PLAT), 589.60 FEET (MEASURED) (589.52 FEET PLAT) TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF PRECISION DRIVE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT, WITH AN INITIAL TANGENT BEARING OF NORTH 09°16'45" WEST, A RADIUS OF 471.00 FEET, AN ARC LENGTH OF 80.09 FEET (CALCULATED) (80.25 FEET PLAT), AND A CHORD BEARING OF NORTH 04°24'28" WEST TO THE TRUE POINT OF BEGINNING. CONTAINS 5.79 ACRES, MORE OR LESS, SUBJECT TO ANY EXISTING EASEMENTS OR RIGHTS-OF-WAY.

Section 2: Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 3: Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 4: Effective Date. That ordinances shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 7th DAY OF OCTOBER 2024. READ FOR THE SECOND TIME BY TITLE ONLY ON THE 7th DAY OF OCTOBER 2024.

Mike Zaring, Mayor

ATTEST:

Daniel Barnett, City Clerk

APPROVED by the Mayor this 7th day of October 2024.

Attachment: Ordinance - Railroad Spur - ROW Vacation - 10-7-24 (Ordinance Rail Spur ROW Vacation)

STAFF REPORT

TO: Board of Aldermen
FROM: Christina Stanton,
DATE: October 2, 2024
SUBJECT: Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive

Type of Item: *Public Hearing*

F. Action Item (ID # 4980)

PUBLIC HEARING: A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive

Attachments:

Staff Rpt_J's Southland Tow Lot SUP_10-7-24 BOA (PDF)

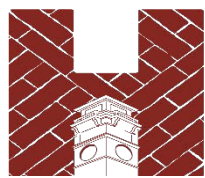
Application (PDF)

Supporting Documentation (PDF)

Google Earth Images (PDF)

Zoning Map (PDF)

Aerial Map (PDF)



To: Board of Aldermen

From: Christina Stanton, AICP, Community Development Director

Date: October 7, 2024

Re: Appl. #SUP-24-003—SPECIAL USE PERMIT for a tow lot located at 1505 Clearwater Drive

GENERAL INFORMATION

Applicant: Jeremy Brown, J's Southland Tow Service, LLC

Requested Actions: Approval of Special Use Permit

Date of Application: August 1, 2024

PROPOSAL

Jeremy Brown, dba J's Southland Tow, is seeking approval of the attached Special Use Permit for the continued use of a tow lot located at 1505 Clearwater Drive. Upon searching application files and records staff was unable to find that there was ever a Special Use Permit for the use of a tow lot for this location. A review of historical aerial images on Google Earth and building permit records indicates that the lot was first established as a tow lot in 2009.

Please see the attached maps and aerial photos.

The surrounding properties are currently zoned as follows:

North (across Clearwater Dr.): Light Industrial (M-1) District—AGC Automotive
West (across Clearwater Dr.): Light Industrial (M-1) District—AGC Automotive
South: Light Industrial (M-1) District—Vacant Undeveloped Land
East (across Railroad tracks): Light Industrial (M-1) District—Vacant Undeveloped Land

PREVIOUS ACTIONS

- Upon reviewing the historical aerial images on Google Earth and building permits (as detailed below) indicate that the lot was first established as a tow lot in 2009.
- May 21, 2009—A fence permit (#09104) was issued for a 6' chain link fence with 3 strands of barbed wire and screening for Johnson's Towing, LLC.
- November 30, 2010—An electrical permit (#10354) was issued for the installation of a 200-amp meter and disconnect for lot lighting.
- October 3, 2019—The property was sold from Johnson's Towing, LLC to J's Southland Tow Service, LLC.
- May 12, 2020—A fence permit (#20109) was issued for the installation of an electric security fence for Southland Towing.
- September 19, 2024—The Planning & Zoning Commission voted 5-0 to recommend approval to the Board of Aldermen.

KEY ISSUES

- Based upon historical aerial imagery from Google Earth and a review of building permit information it appears that a tow lot has existed in this location since 2009 but has never had a Special Use Permit.
- Under Article XVII, “M-1” General Industrial District, Section 405.490.B states: “All storage of materials, products or equipment within two hundred fifty (250) feet of an established residential neighborhood shall be either within a fully enclosed building or in an open storage yard screened with either an eight (8) foot fence or landscaping and berm.”
- Under Article XIX, Special Use Permits, Section 405.525.C.7 of the City’s Code of Ordinances states: “Boat, recreational vehicle, and/or any other vehicle storage, open or enclosed, of one (1) or more similar vehicles which are not the property of the landowner. Open storage must be screened by a view-reducing wall, fence or landscaping material from adjacent public roads and residentially zoned or used property.”

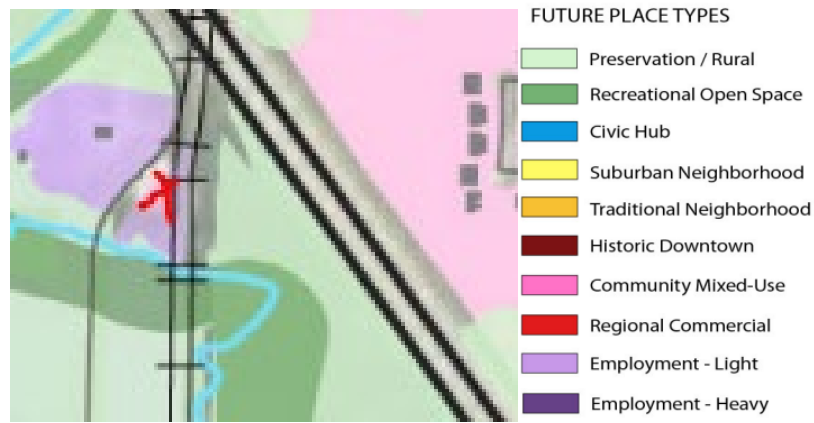
ANALYSIS

Zoning/Use. The property is currently zoned Light Industrial (M-1) District. The use of an “Automobile salvage or wrecking yard or tow lot” is an allowed use in this District with an approved Special Use Permit (SUP). This type of use is defined as “Any area of land where three (3) or more motor vehicles not in running condition or the parts thereof are stored in the open and are not being restored to operation or any land, building or structure used for the stripping, wrecking or storing of such automobiles or parts thereof and which may include sale of parts of vehicles.” Section 405.525.C.7 states that any sort of vehicle storage of one (1) more vehicles which don’t belong to the property owner “must be screened by a view-reducing wall, fence or landscaping material from adjacent roads and residentially zoned or used property”.

Based upon historical aerial imagery from Google Earth and a review of building permit information it appears that a tow lot has existed in this location since 2009; however, it has never had a Special Use Permit.

Screening. The existing screening material, which was replaced from an earlier lower quality screening material, meets the required screening for this use. The existing fence is 8’ tall.

Comprehensive Plan. The City’s 2040 Comprehensive Plan shows this area as “Employment Light”, which are areas intended “to support employment formats that are not appropriately integrated into a downtown or mixed-use setting, such as office parks, institutional campuses, or light manufacturing hubs in the community”. Tow lots are not a use the city wishes to see proliferate and there are important screening considerations for this use, which is why it is a use that requires an approved Special Use Permit. This type of use does provide a needed service to the citizens of our community and the County at-large. Given the prior existence of this type of use at this location staff deems it appropriate and consistent with the City’s Comprehensive Plan.



STAFF RECOMMENDATION

Staff recommends approval of the requested Special Use Permit with the following conditions:

1. The time limit associated with this Special Use Permit shall be 10 years, at which time a new Special Use Permit is required to continue operations.
2. Vehicles may remain on the lot for up to 90 days, unless under a police hold.

ATTACHMENTS

Application and Supporting Documentation

Google Earth Images

Zoning Map

Aerial Map



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

LAND USE – ZONING APPLICATION

Application Type

☐ Rezoning (Fee \$300.00 + \$65 Notice Fee) ☐ Preliminary Development Plan (Fee \$300.00 + \$65 Notice Fee)

☒ Special Use Permit (Fee \$300.00 + \$65 Notice Fee) ☐ *Final Development Plan (Fee \$200.00)

* Staff-only approval required

Applicant and Owner Information

Applicant (Print): Jeremy Brown **Signature:** [Signature]
Company Name: J's Southland Tow Service LLC
Street Address: 1505 Clearwater Dr. **City:** Harrisonville **State:** MO **Zip:** 64701
Phone: 816-322-9990 **Email:** Angela@Southlandtow.com
mailing - PO Box 394 Raymore MO 64083

Property Owner Authorization (Provide contact information and signatures of all property owners.)

Property Owner Name (print): Jeremy Brown **Signature:** [Signature]
Street Address: 1505 Clearwater Dr. **City:** Harrisonville **State:** MO **Zip:** 64701
Phone: 816-322-9990 **Email:** Angela@Southlandtow.com

Firm Preparing Application:

Contact: _____
Street Address: _____ **City:** _____ **State:** _____ **Zip:** _____
Phone: _____ **Email:** _____

*All correspondence should be sent to: **Applicant** ☒ **Property Owner** ☒ **Firm** _____

Project Information

General Location or Address: 1505 Clearwater Dr. Harrisonville MO 64701
Project Description: Tow lot for #Police Contract
Acres or Sq. Ft. 150

Current Zoning: _____ **Proposed Zoning:** _____

Items to be Submitted 30 Days Before Planning Commission Meeting

- ___ 1) **Application**
- ___ 2) **Filing Fee** – Payable to City of Harrisonville or contact the Community Development Office to pay by phone.
- ___ 3) **Site Plan** drawn to scale and showing adjacent tracts within 185 ft. and current ownership. Four (4) copies of at least 8 ½" x 11", and one (1) electronic copy emailed to the planner.
- ___ 4) **Email full legal description in WORD** to planner (not assessor's abbreviated description).

City Staff may modify submittal requirements as necessary.

For Office Use Only

Case No: SUP 24-003 **Filing Fee: Amount Paid \$** 365.00 **Date Application Received:** 8/1/24

Staff-only approval: _____ **P&Z meeting:** 9/19/24 **BOA Meeting:** 10/7/24

8/1/24, 12:10 PM

Google Earth



Attachment: Supporting Documentation (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot

Google Maps

1500 E 255th St

J's Southland Tow Service LLC Tow Lot

Harrisonville, Missouri

Google Street View

Aug 2023 See more dates



Image capture: Aug 2023 © 2024 Google



Google Maps

1505 E 255th St

1505 Clearwater Drive J's Southland Tow Service LLC Tow Lot



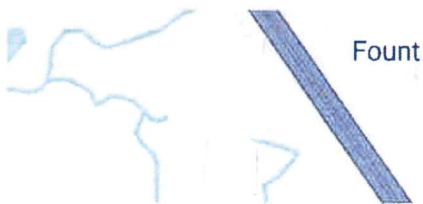
Harrisonville, Missouri

Google Street View

Aug 2023 See more dates



Image capture: Aug 2023 © 2024 Google



Google Maps

1500 E 255th St

1505 Clearwater Dr J's Southland Tow Service LLC Tow Lot

Harrisonville, Missouri

Google Street View

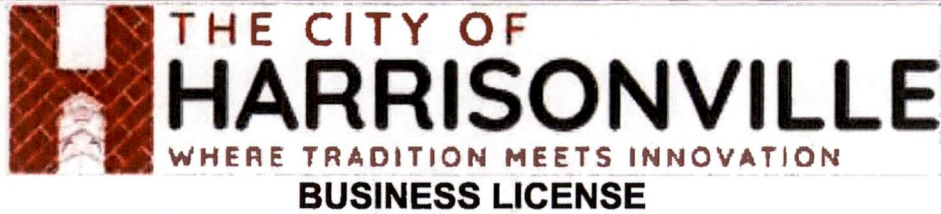
Aug 2023 See more dates



Image capture: Aug 2023 © 2024 Google



Renewal



J's Southland Tow

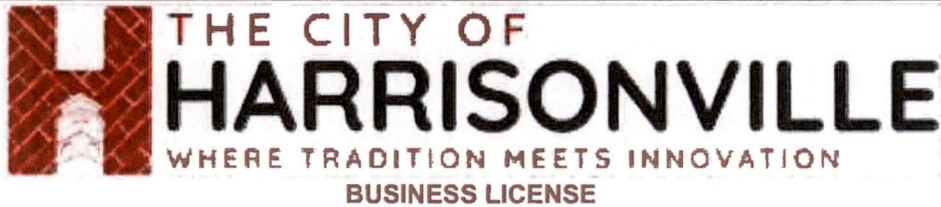
License Number: BL-0423

PO Box 394

License Location: 1505 Clearwater Drive

Raymore, MO, 64083

License Fee: \$50.00



License Year: 09/01/2024 - 08/31/2025

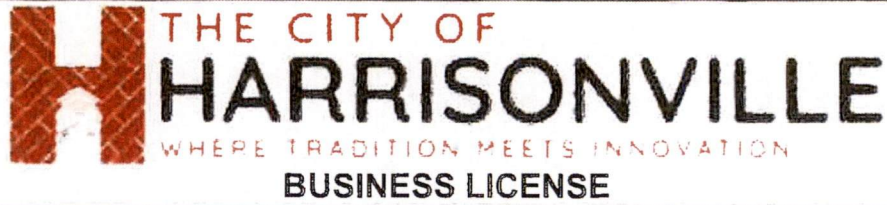
License Number: BL-0423

LICENSE IS HEREBY GRANTED TO:**BUSINESS LOCATION: 1505 Clearwater Drive**

Having paid the sum of \$50.00, the amount of taxes levied on this license, to the City Collector; you are hereby authorized to conduct business in the corporate limits of this City.

As clerk of the City of Harrisonville, Missouri, I have hereto set my hand and the corporate seal of the City 08/01/2024

**THIS LICENSE MUST BE PROMINENTLY DISPLAYED AT BUSINESS****THIS LICENSE EXPIRES 08/31/2025****ISSUED SUBJECT TO COMPLIANCE WITH CITY CODES AND ZONING REQUIREMENTS****THIS LICENSE IS NON-TRANSFERRABLE**



J's Southland Tow

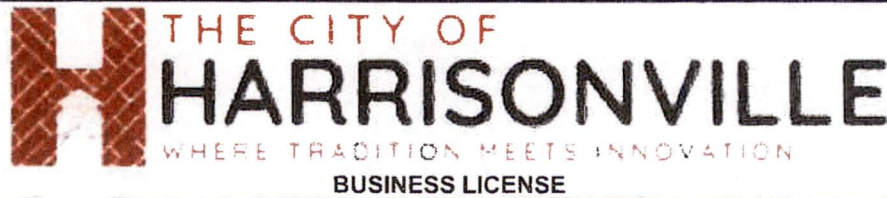
License Number: BL-0423

PO Box 394

License Location: 1505 Clearwater Drive

Raymore, MO, 64083

License Fee: \$50.00



License Year: 09/01/2023 - 08/31/2024

License Number: BL-0423

LICENSE IS HEREBY GRANTED TO:

BUSINESS LOCATION: 1505 Clearwater Drive

Having paid the sum of \$50.00, the amount of taxes levied on this license, to the City Collector; you are hereby authorized to conduct business in the corporate limits of this City.

As clerk of the City of Harrisonville, Missouri, I have hereto set my hand and the corporate seal of the City 08/29/2023



THIS LICENSE MUST BE PROMINENTLY DISPLAYED AT BUSINESS
THIS LICENSE EXPIRES 08/31/2024
 ISSUED SUBJECT TO COMPLIANCE WITH CITY CODES AND ZONING REQUIREMENTS
THIS LICENSE IS NON-TRANSFERRABLE

CASS COUNTY ** REAL ESTATE **** TAX RECEIPT: 2023**

J'S SOUTHLAND TOW SERVICE LLC
 1505 S CLEARWATER DR
 HARRISONVILLE, MO 64701

TAX YEAR: 2023
 ACCT #: 948403
 TOTAL PAID: \$834.45
 PAID ON: 3/1/2024

Personal Description**Map Number:**

13-31-05-000-000-010-003

Situs Address:

1505 S CLEARWATER DR
 HARRISONVILLE, MO 64701
 SEC: 5 TWP: 44
 RNG: 31 Book/Page: 4412/79

ACREAGE: 1.50

Legal Description:

PT W2 LT 2 NE E OF RD AS REC

Subdivision/Blk/Lot:

Description	Rate	Tax Amt
R-9 H-VILLE	5.4772	\$555.94
STATE	0.0300	\$3.05
CASS CO RD&BRDG	0.2033	\$20.63
CASS CO LIBRARY	0.2240	\$22.74
HOSPITAL MAINT	0.1181	\$11.99
SHELTER WKSHOP	0.0432	\$4.38
SURTAX	0.5400	\$54.81
H VILLE-CITY	0.6165	\$62.57
Tax Amount:	7.2523	\$736.11
Late Charges		\$98.34

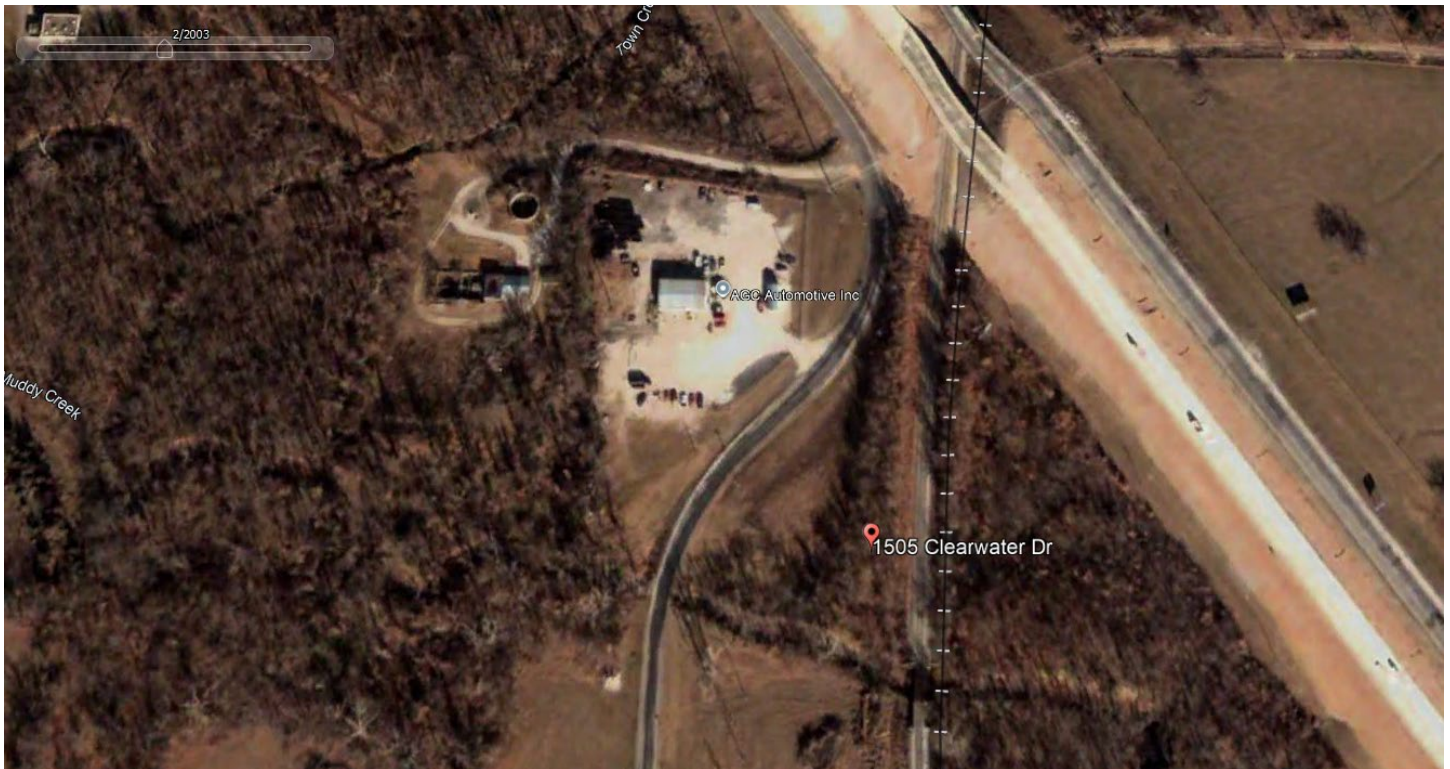
Assessed Values

Residential: \$0.00
TOTAL ASSESSED \$10,150.00

February 1996 Google Earth Image:

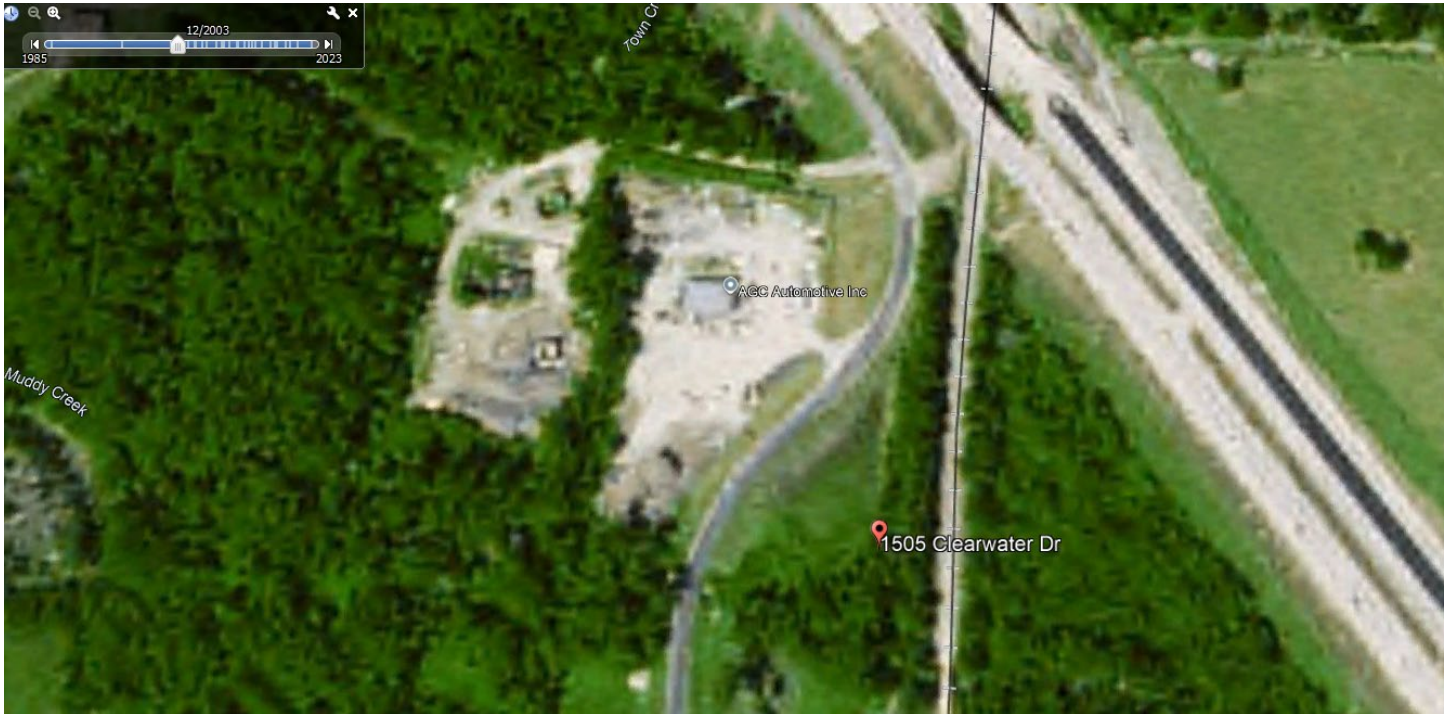


February 2003 Google Earth Image:

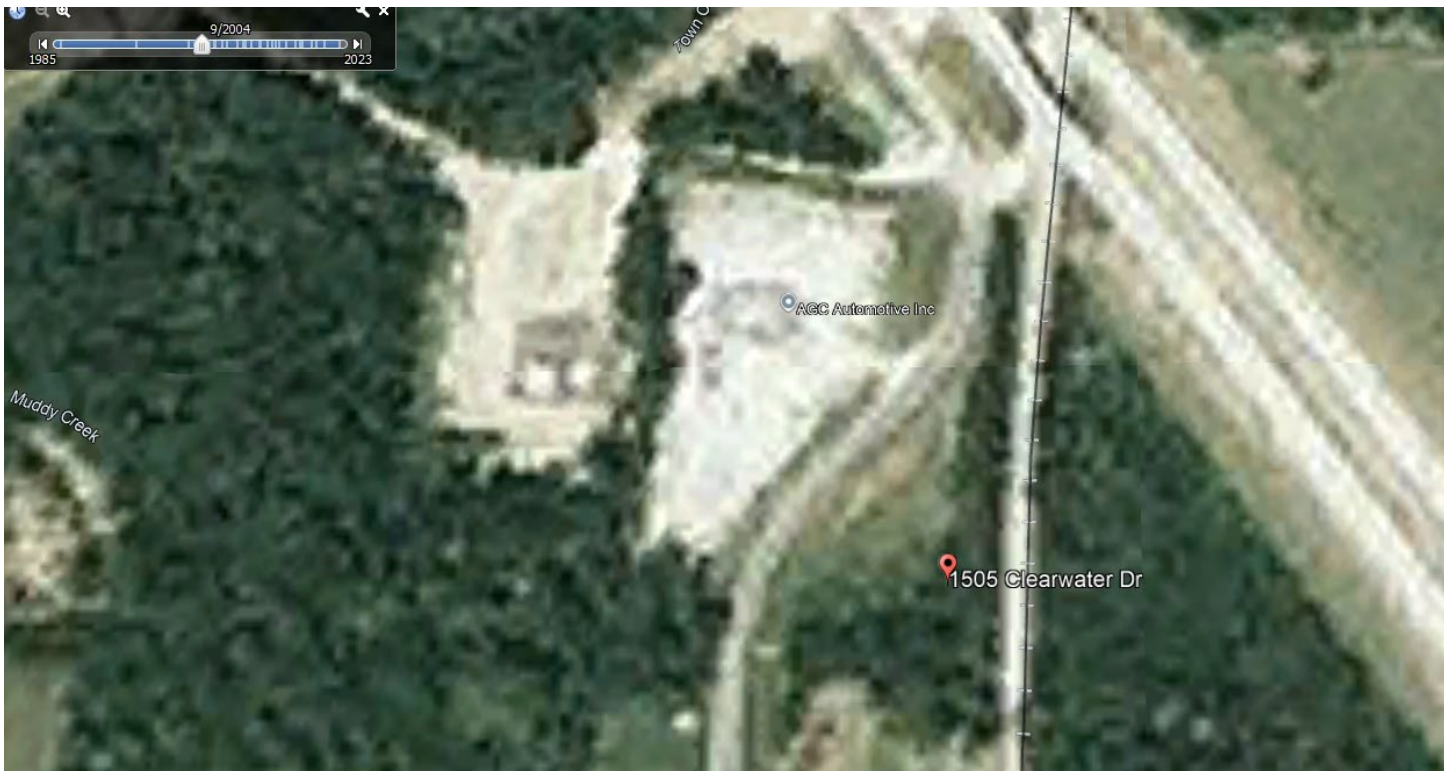


Attachment: Google Earth Images (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive)

February 2003 Google Earth Image:

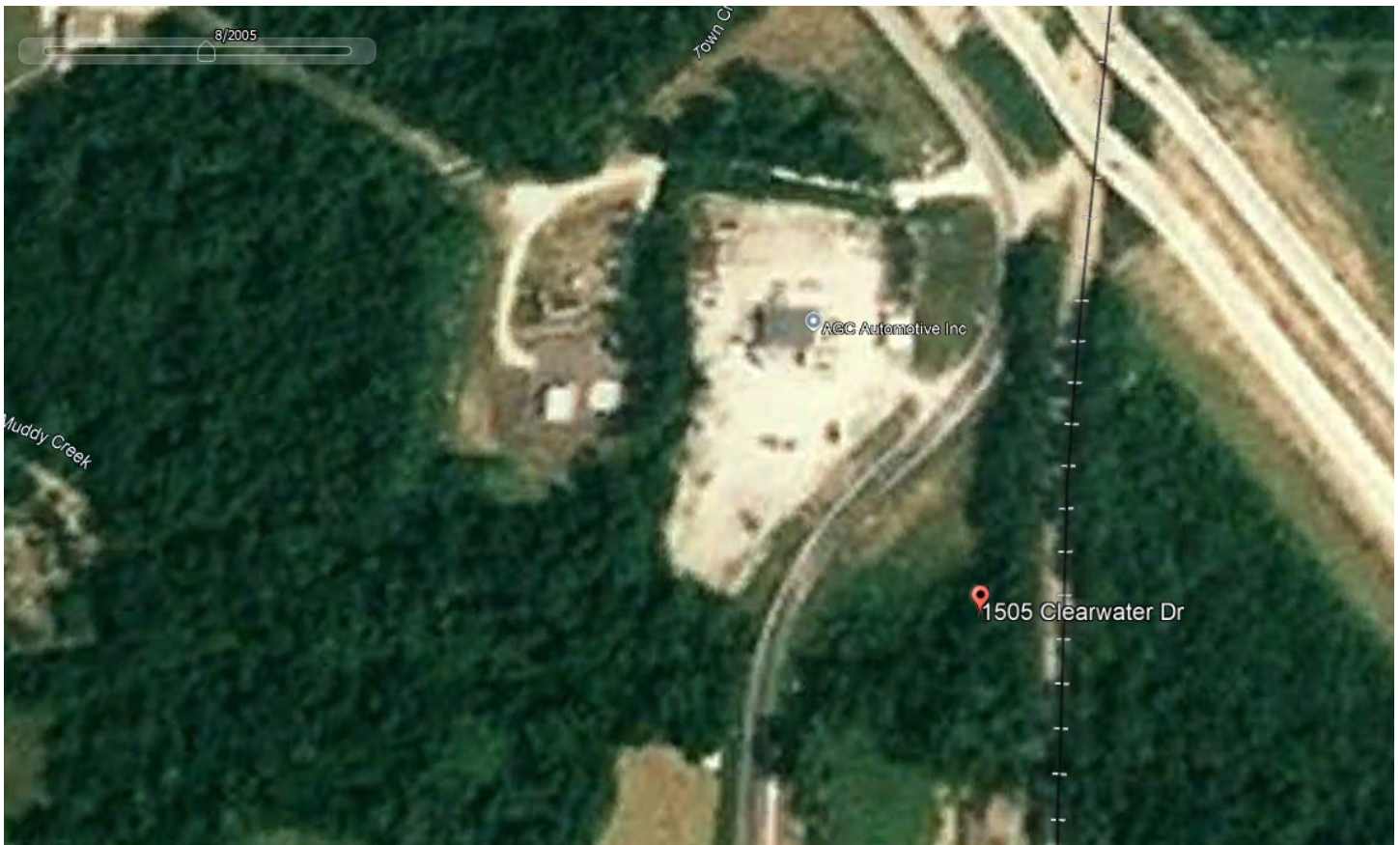


September 2004 Google Earth Image:



Attachment: Google Earth Images (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive)

August 2005 Google Earth Image:

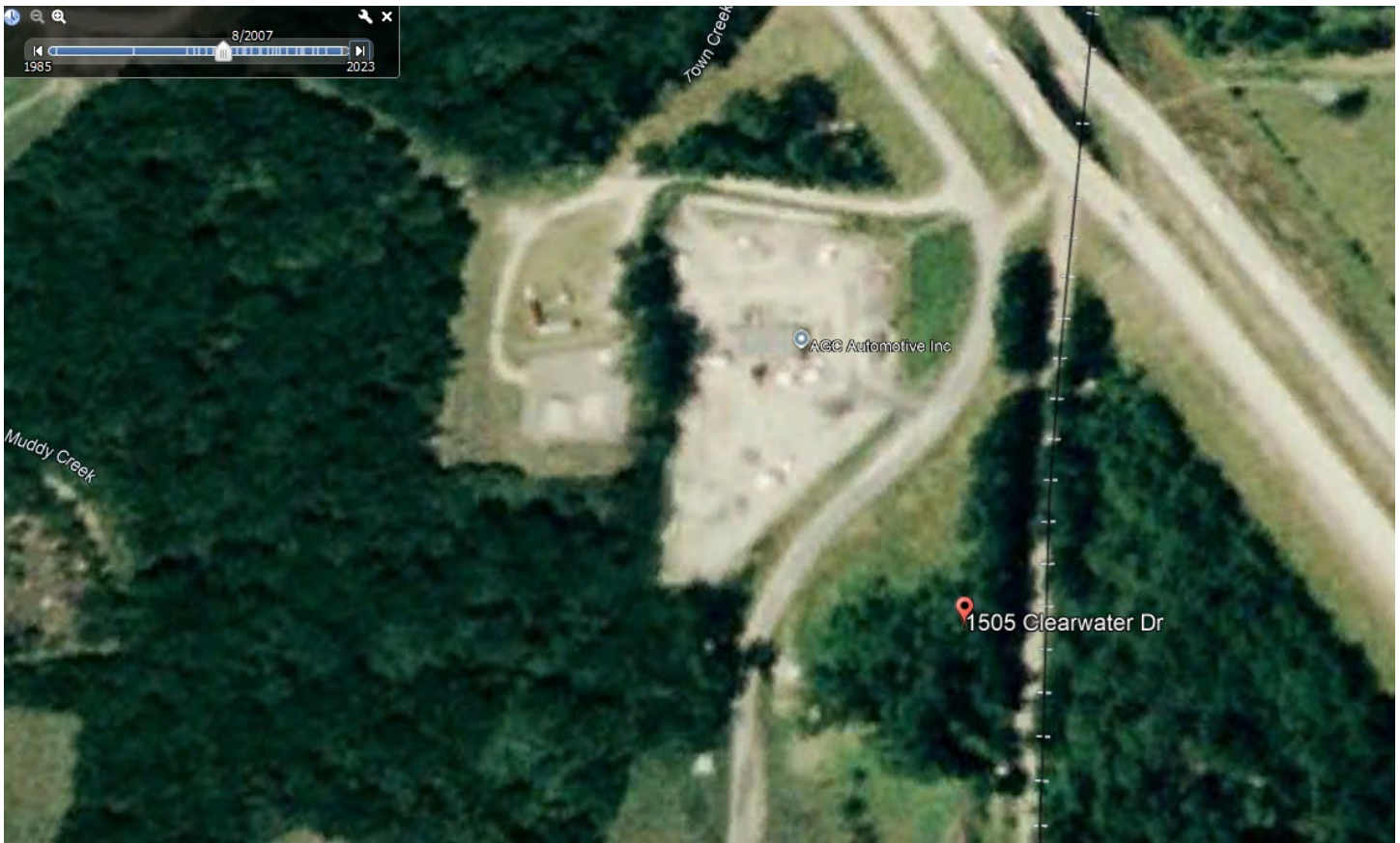


September 2006 Google Earth Image:

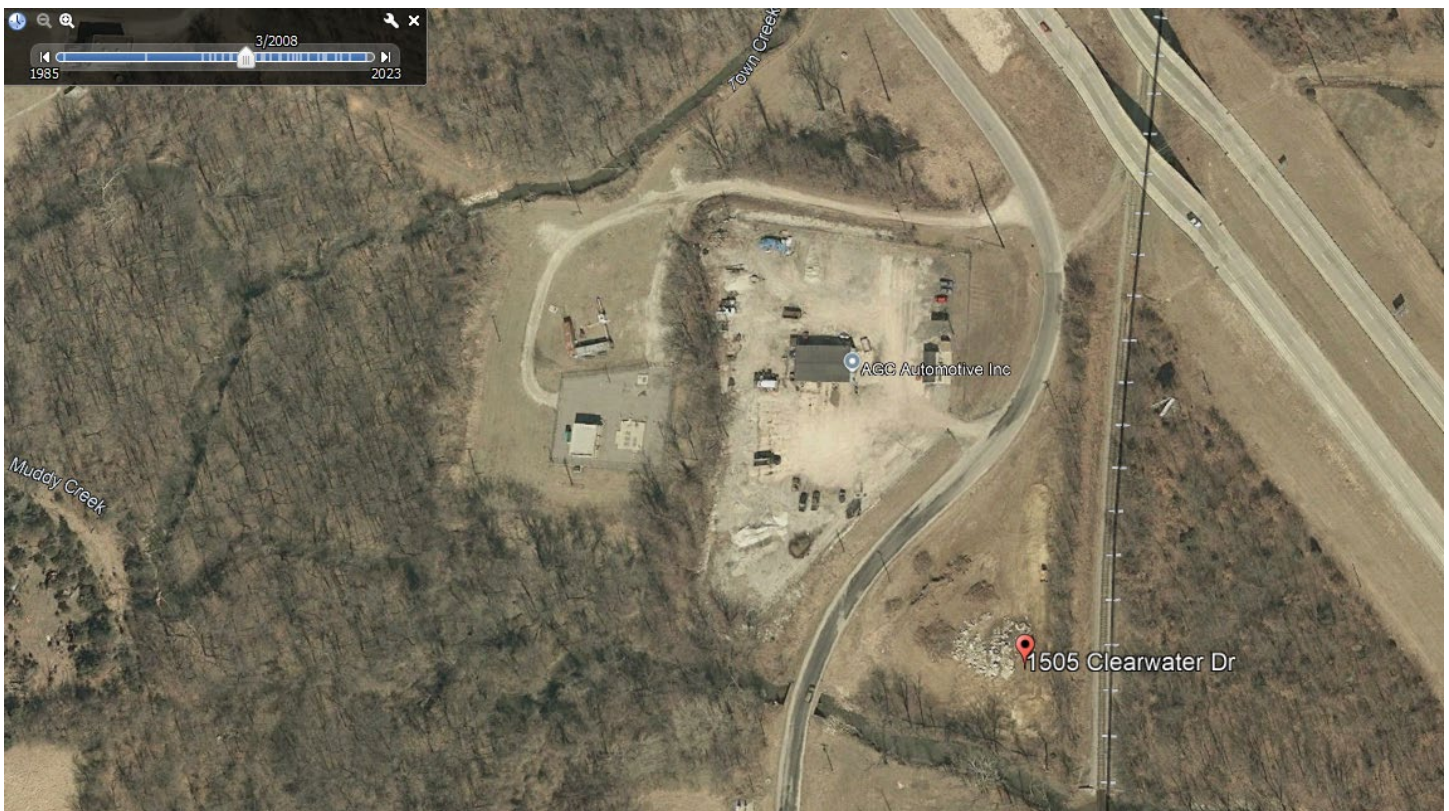


Attachment: Google Earth Images (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive)

August 2007 Google Earth Image:



March 2008 Google Earth Image:

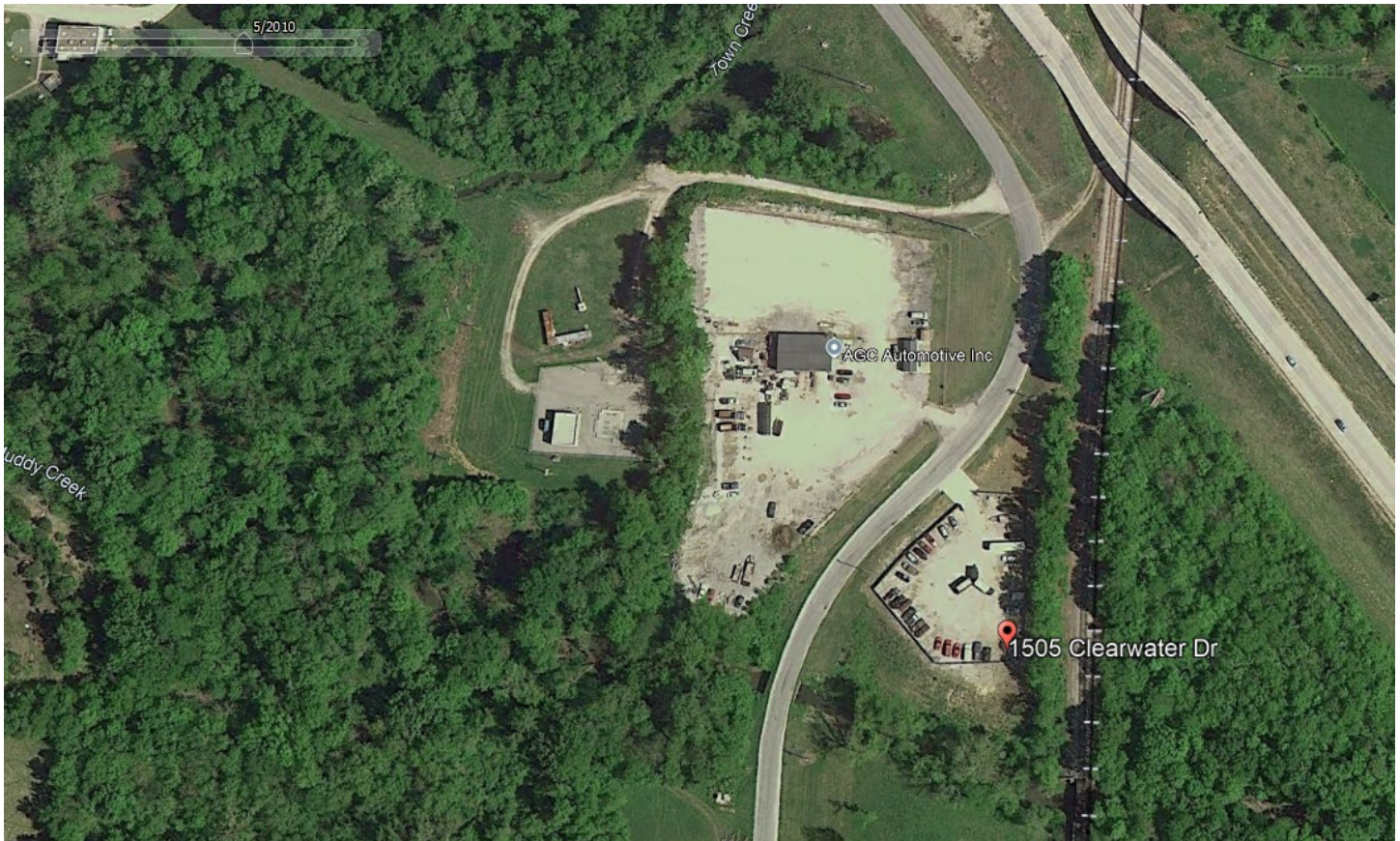


Attachment: Google Earth Images (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive)

August 2009 Google Earth Image:



May 2010 Google Earth Image:

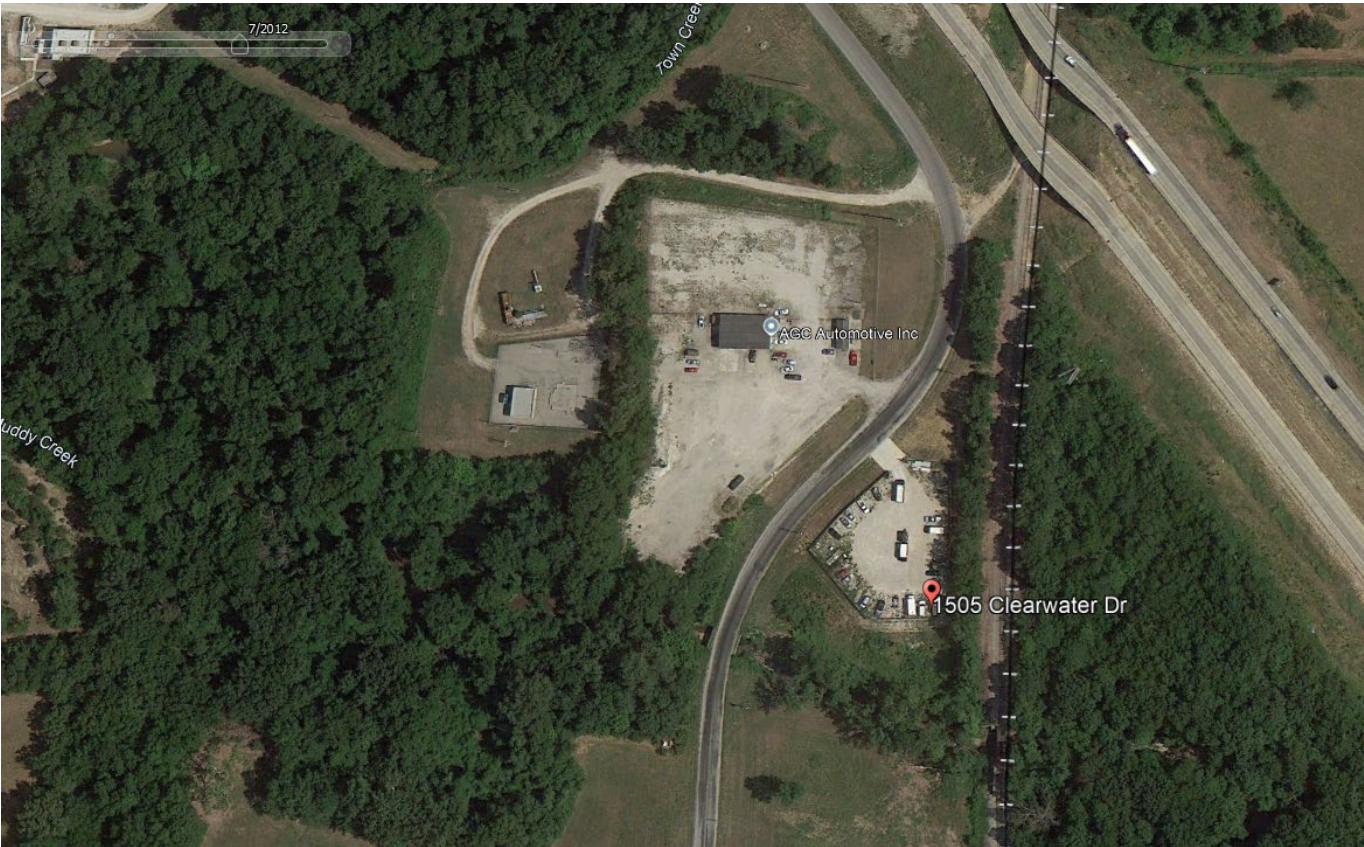


Attachment: Google Earth Images (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive)

June 2011 Google Earth Image:



July 2012 Google Earth Image:



Attachment: Google Earth Images (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive)

September 2013 Google Earth Image:



May 2014 Google Earth Image:

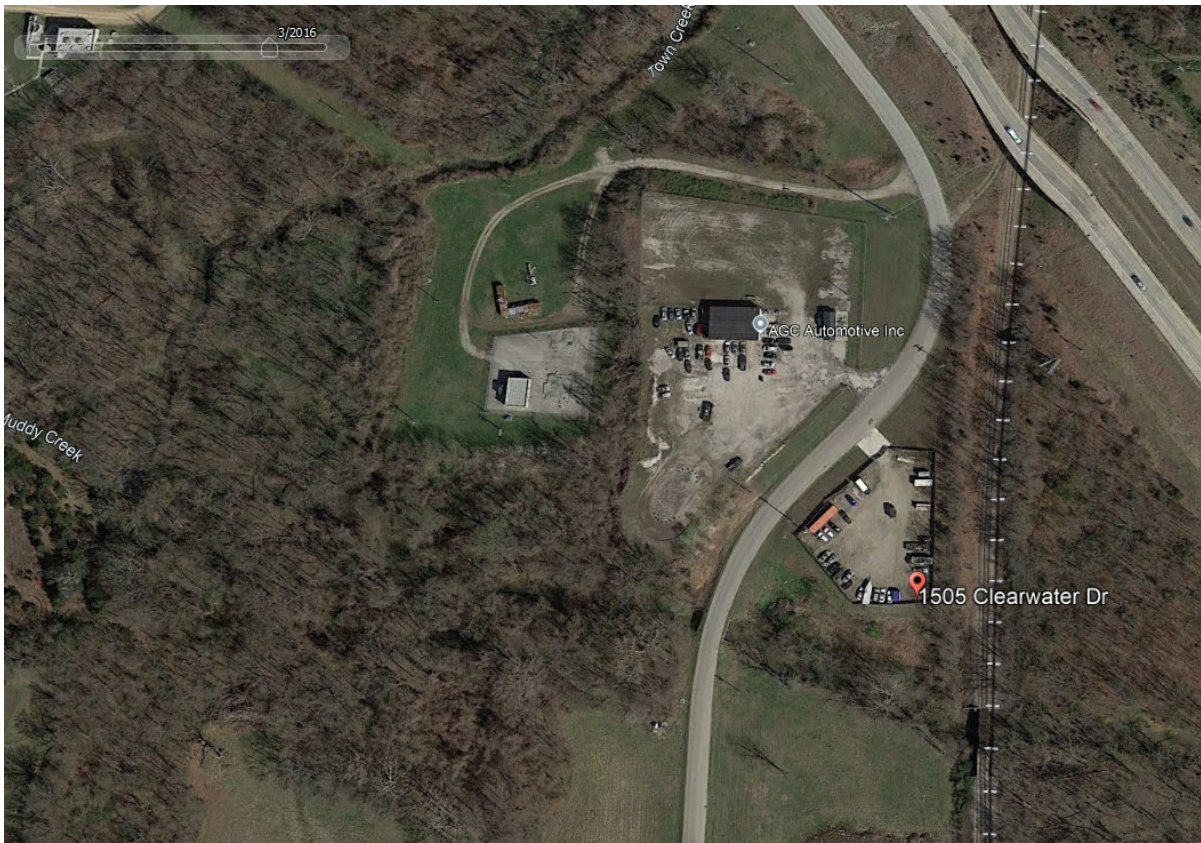


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March 2015 Google Earth Image:

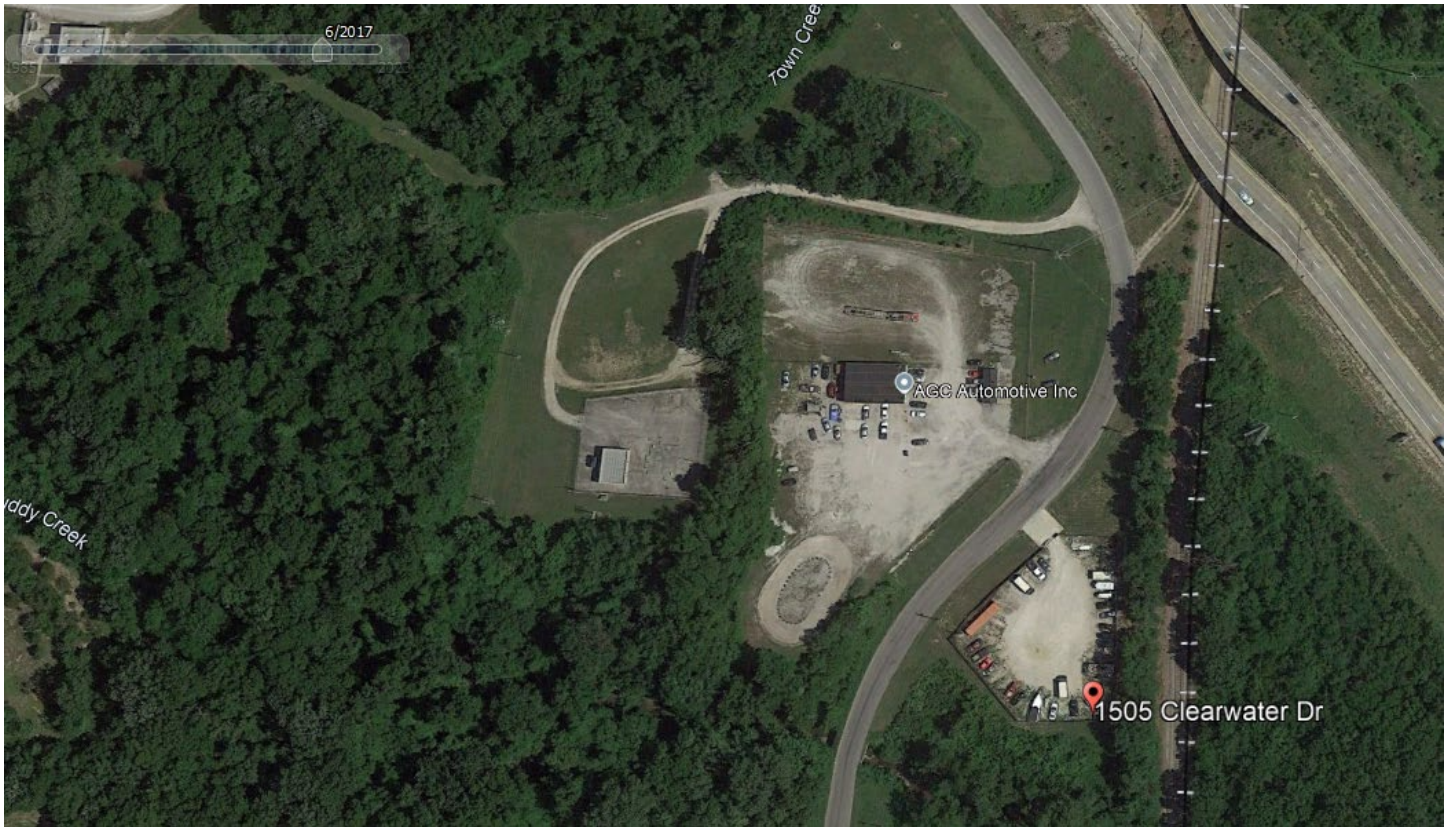


March 2016 Google Earth Image:

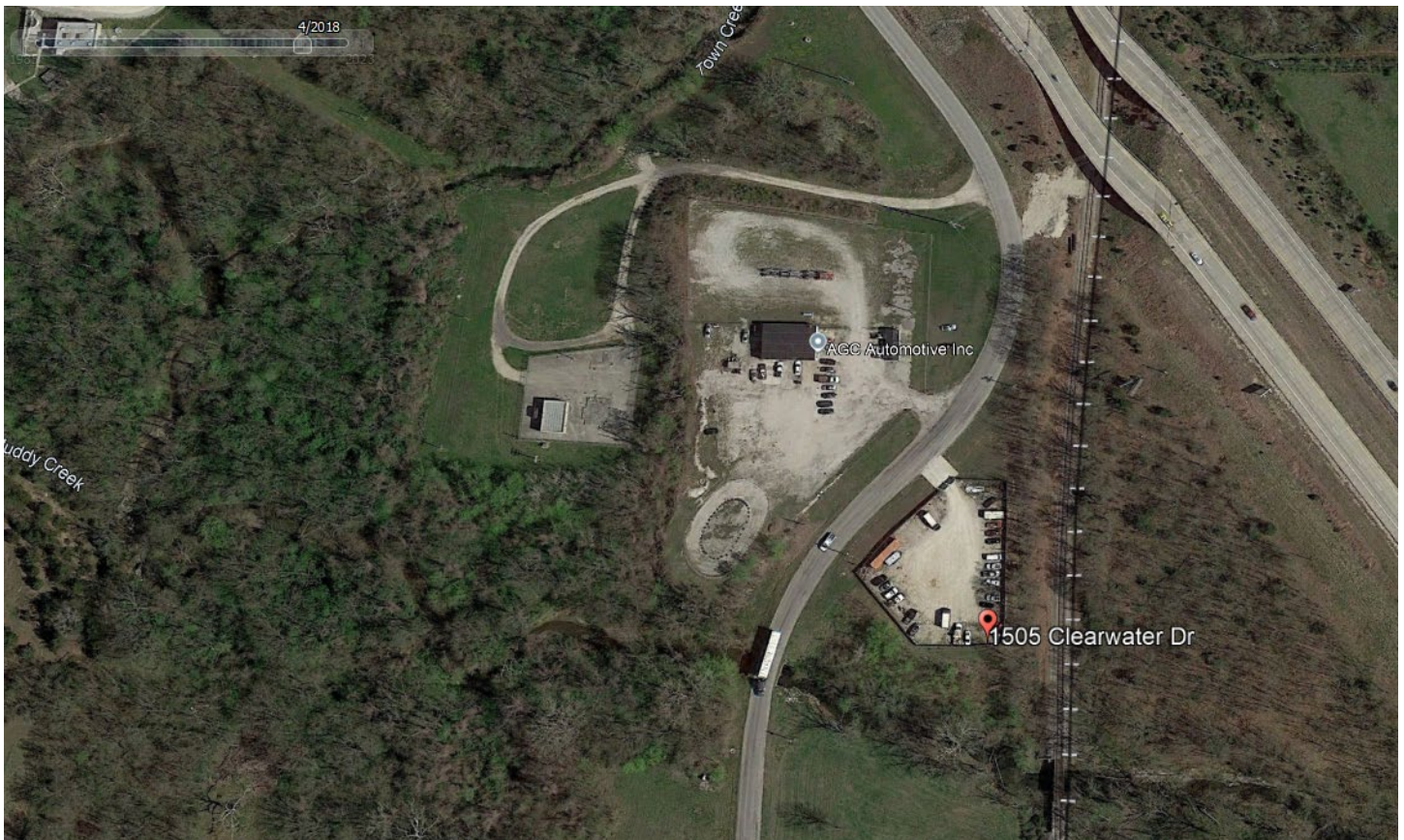


Attachment: Google Earth Images (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive)

June 2017 Google Earth Image:

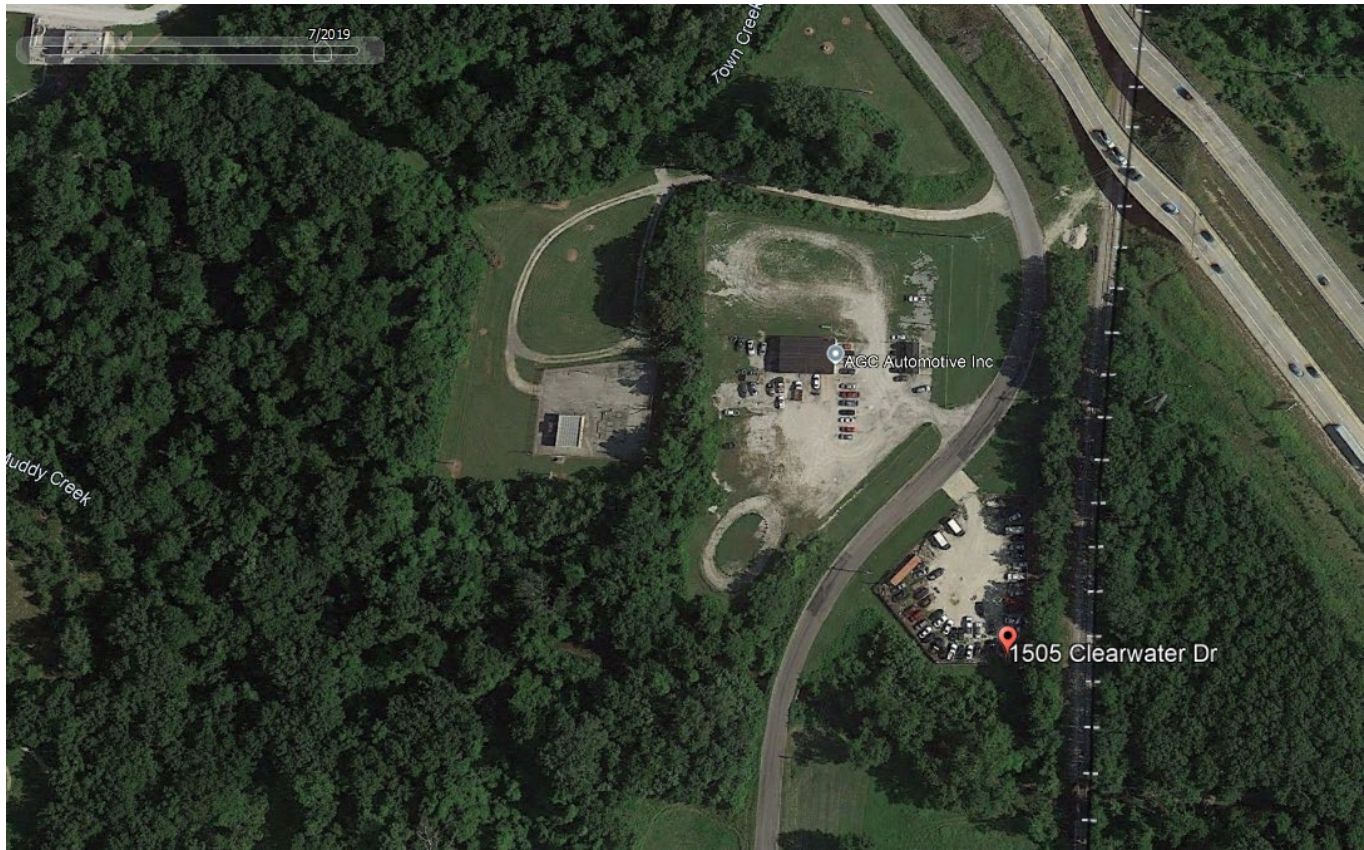


April 2018 Google Earth Image:

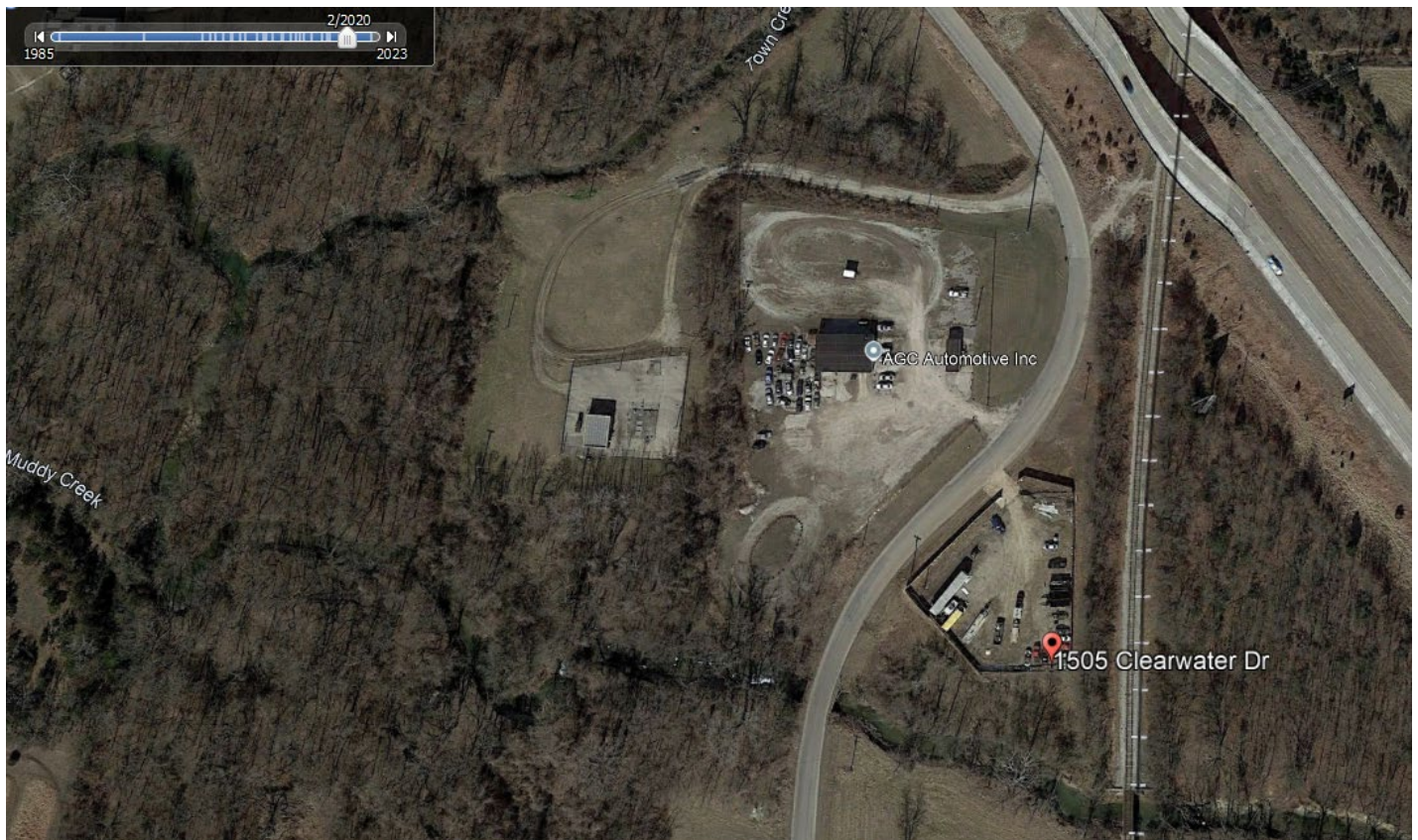


Attachment: Google Earth Images (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive)

July 2019 Google Earth Image:

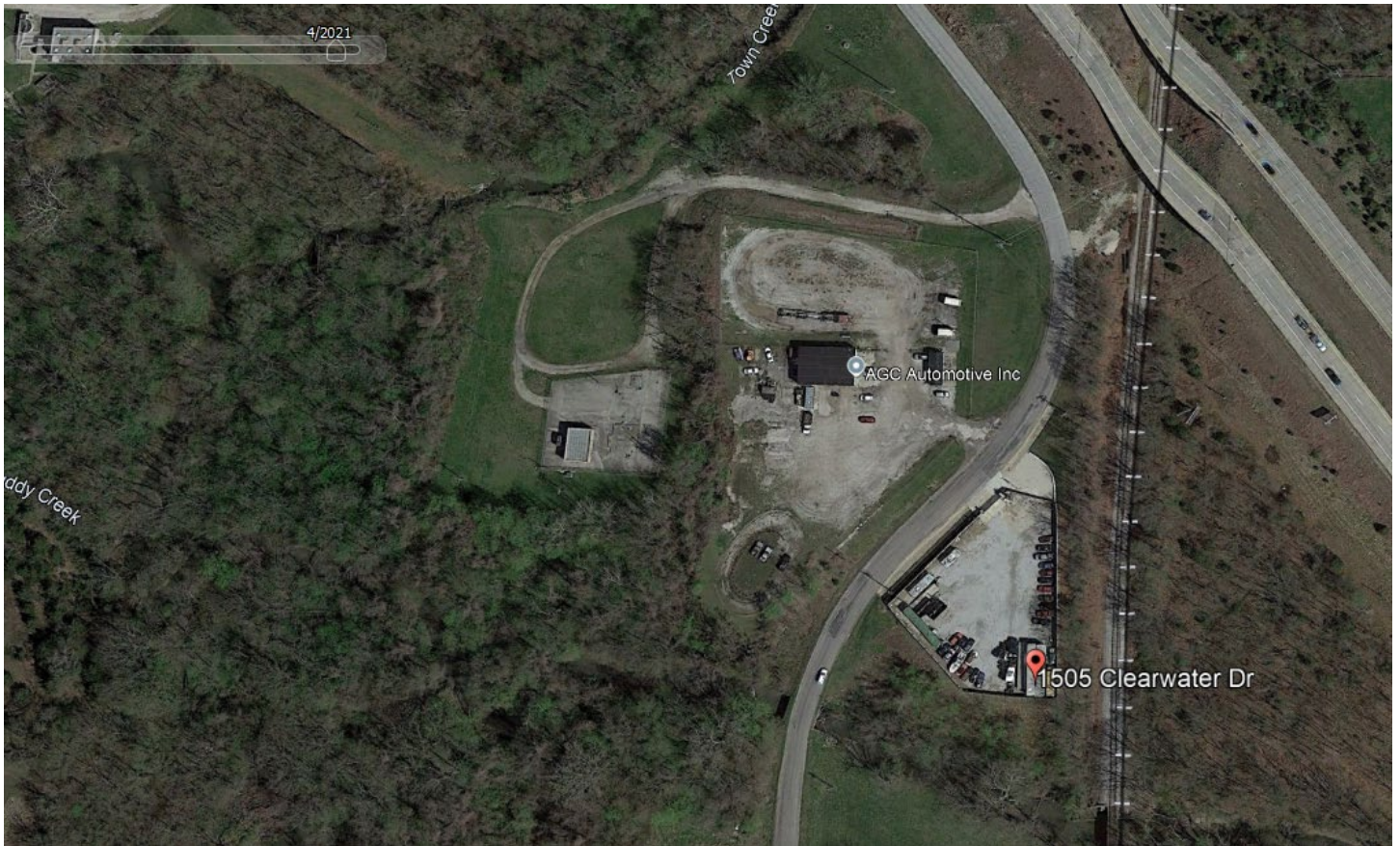


February 2020 Google Earth Image:



Attachment: Google Earth Images (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive)

April 2021 Google Earth Image:



Attachment: Google Earth Images (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive)

Zoning Map

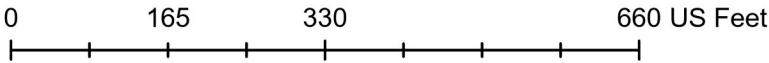


Attachment: Zoning Map (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive)

Aerial Map



MARC/local jurisdictions, MO911ServiceBoard.DNR,MDC, State of Missouri, Maxar, Microsoft



Attachment: Aerial Map (Appl. #SUP-24-003--A Special Use Permit for an existing tow lot located at 1505 Clearwater Drive)

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: October 4, 2024
SUBJECT: SUP Tow Lot 1505 Clearwater

Type of Item: *Approval*

G. Action Item (ID # 4985)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A SPECIAL USE PERMIT FOR THE USE OF A TOW LOT ON PROPERTY LOCATED AT 1505 CLEARWATER DRIVE IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

Attachments:

SUP Existing Tow Lot 1505 Clearwater (DOC)

Council Bill No.**Ordinance No.**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE APPROVING A SPECIAL USE PERMIT FOR THE USE OF A
TOW LOT ON PROPERTY LOCATED AT 1505 CLEARWATER DRIVE IN THE CITY
OF HARRISONVILLE, CASS COUNTY, MISSOURI.**

WHEREAS, the City of Harrisonville, Missouri (the "City") has received an application from Jeremy Brown, d.b.a. J's Southland Tow, seeking approval of a Special Use Permit for the use of a tow lot on approximately 1.5-acre of land located at 1505 Clearwater Drive in the City of Harrisonville, Cass County, Missouri; and

WHEREAS, a legal notice announcing a public hearing to be held on the requested Special Use Permit application on September 19, 2024, before the Planning & Zoning Commission and on October 7, 2024, before the Board of Aldermen of the City of Harrisonville, Missouri was published in the August 29, 2024, edition of the *Tribune and Times* newspaper; and

WHEREAS, the Special Use Permit was considered by the Planning and Zoning Commission on September 19, 2024, and, with a vote of 5-0, recommended that the Board of Aldermen approve the requested Special Use Permit with the two (2) conditions of approval in staff's report; and

WHEREAS, in accordance with the provision of Chapter 89 RSMo, and Chapter 405 of the Code of Ordinance of the City of Harrisonville, Missouri, the Board of Aldermen, after careful and due deliberation, find the approval of the Special Use Permit 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, CASS COUNTY, MISSOURI, AS FOLLOWS:**

Section 1: The Board of Aldermen of Harrisonville, Missouri, hereby approves a Special Use Permit for the use of a tow lot on approximately 1.5-acre of land located at 1505 Clearwater Drive in the City of Harrisonville, Cass County, Missouri, with the following two (2) conditions of approval:

- 1) The time limit associated with this Special Use Permit shall be 10 years, at which time a new Special Use Permit is required to continue operations.
- 2) Vehicles may remain on the lot of up to 90 days, unless under a police hold.

Section 2: The Preliminary Development Plan comprises the following real estate in the City of Harrisonville, Cass County, Missouri, described as follows:

LEGAL DESCRIPTION:

PART OF THE WEST HALF OF LOT 2 OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 44, RANGE 31 IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF LOT 2 OF THE NORTHEAST QUARTER OF SECTION 5, AFORESAID, RUN THENCE NORTH

Attachment: SUP Existing Tow Lot 1505 Clearwater (SUP Tow Lot 1505 Clearwater)

87 DEGREES 55 MINUTES 50 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2; 1640.46 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE MISSOURI PACIFIC RAILROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; CONTINUING THENCE NORTH 87 DEGREES 55 MINUTES 50 SECONDS WEST, 237.39 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF ANACONDA ROAD; THENCE NORTH 02 DEGREES 20 MINUTES 00 SECONDS EAST, ALONG SAID EAST RIGHT OF WAY LINE, 13.85 FEET; THENCE FOLLOWING SAID EASTERLY RIGHT OF WAY LINE ON A CURVE HAVING A RADIUS OF 313.74 FEET, A DISTANCE OF 286.38 FEET AND A CHORD BEARING OF NORTH 28 DEGREES 29 MINUTES 00 SECONDS EAST; THENCE FOLLOWING SAID EASTERLY RIGHT OF WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 340.00 FEET, A DISTANCE OF 243.27 FEET AND A CHORD BEARING OF NORTH 34 DEGREES 08 MINUTES 26 SECONDS EAST; THENCE FOLLOWING THE WESTERLY RIGHT OF WAY LINE OF THE MISSOURI PACIFIC RAILROAD ON A CURVE TO THE LEFT HAVING A RADIUS OF 5779.58 FEET, A DISTANCE OF 438.30 FEET AND A CHORD BEARING OF SOUTH 03 DEGREES 41 MINUTES 03 SECONDS WEST; THENCE SOUTH 01 DEGREES 30 MINUTES 43 SECONDS WEST; ALONG SAID WESTERLY RIGHT OF WAY LINE, 25.29 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 1.5-ACRES.

Section 3: Severability. The sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 4: Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 5: Effective Date. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 7TH OF OCTOBER 2024 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 21ST DAY OF OCTOBER 2024 AND PASSED BY THE BOARD OF ALDERMEN THIS 21ST DAY OF OCTOBER 2024.

AYES:

NAYS:

AWAY:

ABSENT:

ABSTAIN:

Mike Zaring, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 21st day of October 2024

Attachment I: Zoning Map

Attachment: SUP Existing Tow Lot 1505 Clearwater (SUP Tow Lot 1505 Clearwater)

Zoning Map



Attachment: SUP Existing Tow Lot 1505 Clearwater (SUP Tow Lot 1505 Clearwater)

STAFF REPORT

TO: Board of Aldermen
FROM: Christina Stanton,
DATE: October 3, 2024
SUBJECT: Appl. #SUP-24-004--A Special Use Permit for a tow lot located at 402 Cedar Street

Type of Item: *Public Hearing*

H. Action Item (ID # 4981)

PUBLIC HEARING: A Special Use Permit for a tow lot located at 402 Cedar Street

Attachments:

Staff Rpt_All Pro Tow Lot SUP_10-7-24 BOA (PDF)

Application (Revised) (PDF)

Application (PDF)

Google Earth Image History for 402 Cedar Street Area (PDF)

Ordinance 3605 (PDF)

Zoning Map (PDF)

Aerial Map (PDF)



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

5.H.a

To: Board of Aldermen

From: Christina Stanton, AICP, Community Development Director

Date: October 7, 2024

Re: Appl. #SUP-24-004—SPECIAL USE PERMIT for a tow lot located at 402 Cedar Street

GENERAL INFORMATION

Applicant: ~~Dalton Kitahara, All Pro Tow~~ Bill Shelton

Requested Actions: Approval of Special Use Permit

Date of Application: August 12, 2024

PROPOSAL

~~Dalton Kitahara, dba All Pro Tow~~ Bill Shelton, is seeking approval of the attached Special Use Permit for the use of a tow lot located at 402 Cedar Street. A Special Use Permit for use of this property was previously approved for GT Tow by Ordinance No. 3605 on September 19, 2022. Staff has been unable to pin-point exactly how long this lot has existed as a tow lot though it appears that it may have been utilized for this use on and off since 2003. At one time the property was owned by MK&T (KATY) Railroad.

Please see the attached maps and aerial photos.

The surrounding properties are currently zoned as follows:

North: Service Business (C-2) District—MFA Oil

West (across Cedar St.): General Industrial (M-2) District—illegal storage and residences

South: General Industrial (M-2) District—Union Pacific Railroad Company land

East (across Independence St.): General Industrial (M-2) District—Shelton & Sons, LLC (general contractors)

PREVIOUS ACTIONS

- It appears that the KATY was abandoned around 1956.
- Upon reviewing the historical aerial images on Google Earth, it appears that a tow lot, or some other similar use, may have existed on this property since 2003.
- September 19, 2022—The Board of Aldermen approved a Special Use Permit (#SUP-22-038) for a tow lot for GT Tow on land located west of Independence Street, east of Cedar Street, and south of MFA Oil (as now addressed 402 Cedar Street).
- September 19, 2024—The Planning & Zoning Commission voted 5-0 to recommend approval to the Board of Aldermen.

KEY ISSUES

- A tow lot has existed in this location for an unknown period of time; although, it appears that this type of use or a similar use may have been existing at this location since at least 2003.
- There is currently a chain link fence with screening material around most of the tow lot site, except for the entrance/exit gates and areas that have become damaged and are in need of repair/replacement.
- The definition of a “solid fence” includes the entrance and exit gates, so these areas need to be screened as well.
- The tow lot site does not include the materials being stored on the property west of Cedar Street. Our Codes Enforcement Officer has been working with the property owner on this area.

ANALYSIS

Zoning/Use. The property is currently zoned General Industrial (M-2) District. The use of an “Automobile salvage or wrecking yard or tow lot” is an allowed use in this District with an approved Special Use Permit (SUP). This type of use is defined as “Any area of land where three (3) or more motor vehicles not in running condition or the parts thereof are stored in the open and are not being restored to operation or any land, building or structure used for the stripping, wrecking or storing of such automobiles or parts thereof and which may include sale of parts of vehicles.” It appears that a tow lot, or some other similar use, may have existed on this property since 2003.

Screening. Under Article XVIII, “M-2” General Industrial District, Section 405.510.B states: “All storage of materials, products or equipment shall be within a fully enclosed building or in a partially enclosed building or in an open yard having a solid screen fence not less than six (6) feet high giving total or partial screening from neighboring property and adjacent streets. In the case of salvage or junk operations all storage and processing areas shall be screened by a solid screen fence not less than ten (10) feet and not exceeding fifteen (15) feet in height, the materials and setback of which shall be approved by the Planning and Zoning Commission.” Section 405.525.C.7 states that any sort of vehicle storage of one (1) more vehicles which don’t belong to the property owner “must be screened by a view-reducing wall, fence or landscaping material from adjacent roads and residentially zoned or used property”.

Staff had shared the conditions of the previously approved Special Use Permit for the prior tow lot (GT Tow) with the applicant prior to their application submittal. The applicant has requested an extension of an additional 2-year period before having to install the sturdier, more opaque screening of vinyl fencing with stone pillars. The previously approved Special Use Permit (Ordinance No. 3605) stated this was supposed to be completed within 18 months, thus the applicant is asking that that he be allowed 3 ½ years to meet this condition. The existing screening material, if in good repair and covering both entrance/exit gates, may meet the minimum requirements for general screening. It is worth noting that the other tow lot site did not originally have the sturdier, more opaque fencing.

Comprehensive Plan. The City’s 2040 Comprehensive Plan shows this area as “Community Mixed-Use”, which are places intended to “integrate a broad range of retail, service, office, and residential uses together in a town center format”. Tow lots are not a use the city wishes to see proliferate and there are important screening considerations for this use, which is why it is a use that requires an approved Special Use Permit. This type of use does provide a needed service to the citizens of our community and the County at-large. Given the prior existence of this type of use at this location staff deems it appropriate and consistent with the City’s Comprehensive Plan.



STAFF RECOMMENDATION

Staff recommends approval of the requested Special Use Permit with the following conditions:

1. The applicant shall make necessary repairs/replacement of screening materials as needed and add as appropriate at the entrance/exit gates.
2. The applicant shall upgrade their screening to vinyl fencing with stone pillars within three and one-half (3 ½) years.
3. The time limit associated with this Special Use Permit shall be 10 years, at which time a new Special Use Permit is required to continue operations.
4. Vehicles may remain on the lot for up to 90 days, unless under a police hold.
5. The height of the screening shall be increased **to 8' when the new fence is installed** so that the lot contents cannot be seen from the street.

ATTACHMENTS

Application
 Google Earth Image History
 Ordinance No. 3605
 Zoning Map
 Aerial Map



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

LAND USE – ZONING APPLICATION

Application Type

☐ Rezoning (Fee \$300.00 + \$65 Notice Fee) ☐ Preliminary Development Plan (Fee \$300.00 + \$65 Notice Fee)

☒ Special Use Permit (Fee \$300.00 + \$65 Notice Fee) ☐ *Final Development Plan (Fee \$200.00)

* Staff-only approval required

Applicant and Owner Information

Applicant (Print): Bill Shelton Signature: Bill Shelton
 Company Name: Shelton & Sons LLC
 Street Address: 1201 N. Independence City: Harrisonville State: Mo Zip: 64701
 Phone: 816-365-5535 Email: willybz@icloud.com

Property Owner Authorization (Provide contact information and signatures of all property owners.)

Property Owner Name (print): Same as Above Signature: Bill Shelton
 Street Address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

Firm Preparing Application: Dalton Kitahara
 Contact: Dalton - All Pro Tow
 Street Address: 1203 N. Indep City: Harrisonville State: MO Zip: 64701
 Phone: 816-591-2454 Email: All Pro Tow and Recovery @ gmail . com

*All correspondence should be sent to: Applicant _____ Property Owner ☒ Firm _____

Project Information

General Location or Address: 402 Cedar st Harrisonville Mo 64701
 Project Description: Special use permit for Tow Lot
 Acres or Sq. Ft. _____
 Current Zoning: M-1 Proposed Zoning: _____

Items to be Submitted 30 Days Before Planning Commission Meeting

- ☒ 1) Application
- ☒ 2) Filing Fee – Payable to City of Harrisonville or contact the Community Development Office to pay by phone.
- ____ 3) Site Plan drawn to scale and showing adjacent tracts within 185 ft. and current ownership. Four (4) copies of at least 8 1/2" x 11", and one (1) electronic copy emailed to the planner.
- ____ 4) Email full legal description in WORD to planner (not assessor's abbreviated description).

City Staff may modify submittal requirements as necessary.

For Office Use Only

Case No: SUP-24-004 Filing Fee: Amount Paid \$ 365.00 Date Application Received: 8/12/24 Revised 10/4/24
 Staff-only approval: N/A P&Z meeting: 9/19/2024 BOA Meeting: 10/7/2024

THE CITY OF
HARRISONVILLE
WHERE TRADITION MEETS INNOVATION
LAND USE – ZONING APPLICATION

Application Type

- ☐ Rezoning (Fee \$300.00 + \$65 Notice Fee) ☐ Preliminary Development Plan (Fee \$300.00 + \$65 Notice Fee)
☐ Special Use Permit (Fee \$300.00 + \$65 Notice Fee) ☐ *Final Development Plan (Fee \$200.00)
 * Staff-only approval required

Applicant and Owner Information

Applicant (Print): Dalton Kitahara **Signature:** [Signature]
Company Name: All Pro Tow
Street Address: 1203 N Independence St **City:** Harrisonville **State:** MO **Zip:** 64701
Phone: 816 591 2454 **Email:** AllProTowandRecovery@gmail.com

Property Owner Authorization (Provide contact information and signatures of all property owners)
Property Owner Name (print): Bill Shelton **Signature:** [Signature]
Street Address: 18404 E. 231st **City:** Hannsawille **State:** MO **Zip:** 64701
Phone: 816-345-5535 **Email:** Willyb2@ME.COM

Firm Preparing Application: Dalton Kitahara
Contact: All Pro Tow
Street Address: 1203 N Independence St **City:** Harrisonville **State:** MO **Zip:** 64701
Phone: 816 591 2454 **Email:** AllProTowandRecovery@gmail.com
 *All correspondence should be sent to: **Applicant** ☒ **Property Owner** ☐ **Firm** ☐

Project Information

General Location or Address: 402 Cedar St Harrisonville MO 64701
Project Description: Special Use permit for Tow lot
 Acres or Sq. Ft. _____
Current Zoning: ☒ **Proposed Zoning:** _____

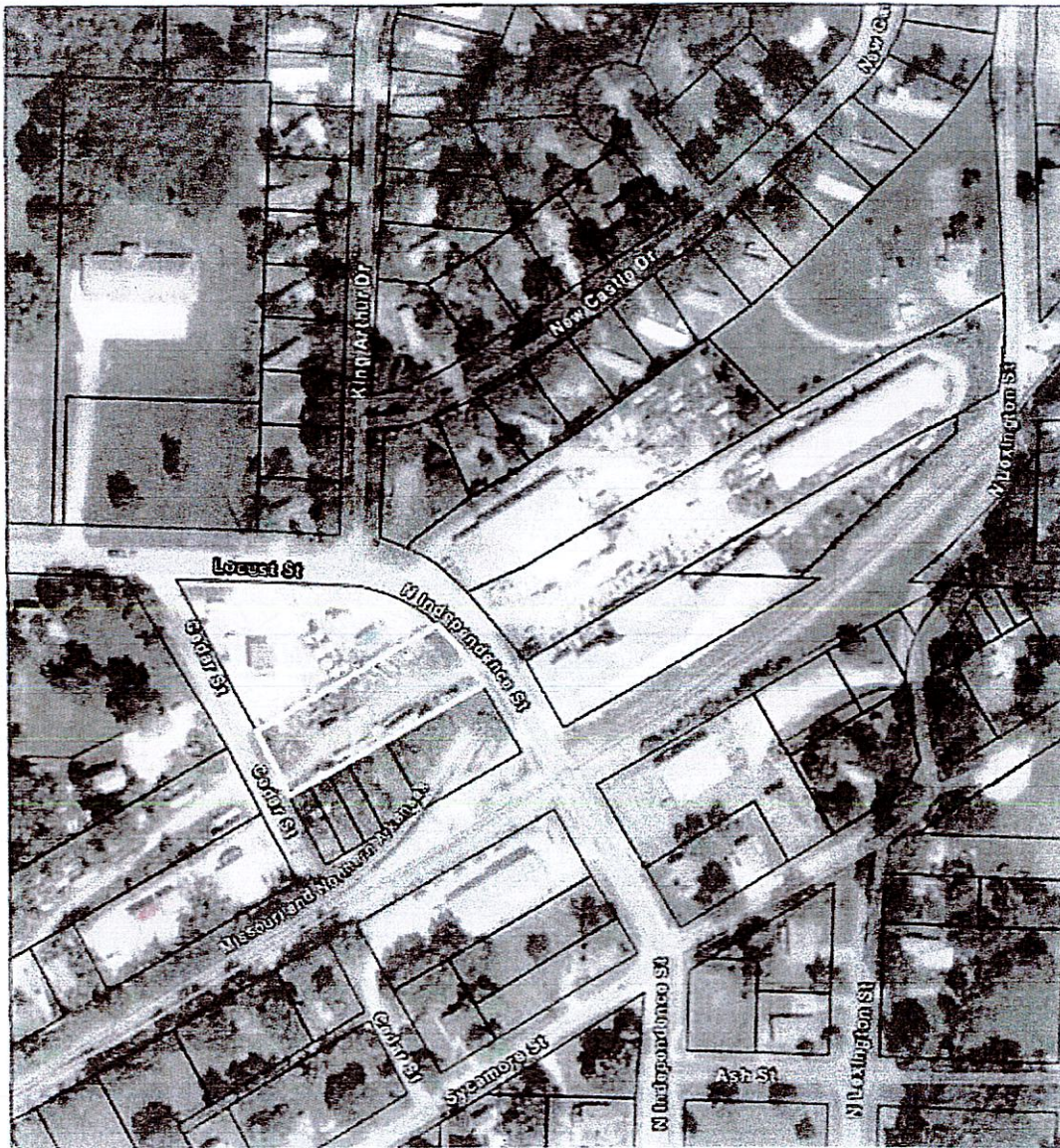
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☐ 3) **Site Plan** drawn to scale and showing adjacent tracts within 185 ft. and current ownership. Four (4) copies of at least 8 1/2" x 11", and one (1) electronic copy emailed to the planner.
☐ 4) **Email full legal description in WORD** to planner (not assessor's abbreviated description).
City Staff may modify submittal requirements as necessary.

For Office Use Only

Case No: SUP-24-004 **Filing Fee:** Amount Paid \$ 3605.00 **Date Application Received:** 8/12/24
Staff-only approval: N/A **P&Z meeting:** 9/19/24 **BOA Meeting:** 10/7/24

ATTACHMENT I



Attachment: Application (Appl. #SUP-24-004--A Special Use Permit for a tow lot located at 402 Cedar Street)

All Pro Tow special use permit request for 402 Cedar St Harrisonville Mo, 64701

We are requesting a 2-year extension on plastic privacy fence with stone pillars.

We will be using the entire lot at above address. Lot does currently have privacy fabric on fence. Lot contents belong to All Pro Tow. We are a newer company and just obtained our county license. Our plan is to acquire police rotation accounts for all of Cass County.

Thank you for your time and consideration, we are a small family-owned company here in the City of Harrisonville.

All Pro Tow

Owner, Dalton Kitahara

816-591-2454

Allprotowandrecovery@gmail.com

February 1996 Google Earth Image:



February 2003 Google Earth Image:



Attachment: Google Earth Image History for 402 Cedar Street Area (Appl. #SUP-24-004--A Special Use Permit for a tow lot located at 402 Cedar

August 2005 Google Earth Image:



September 2006 Google Earth Image:



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May 2010 Google Earth Image:



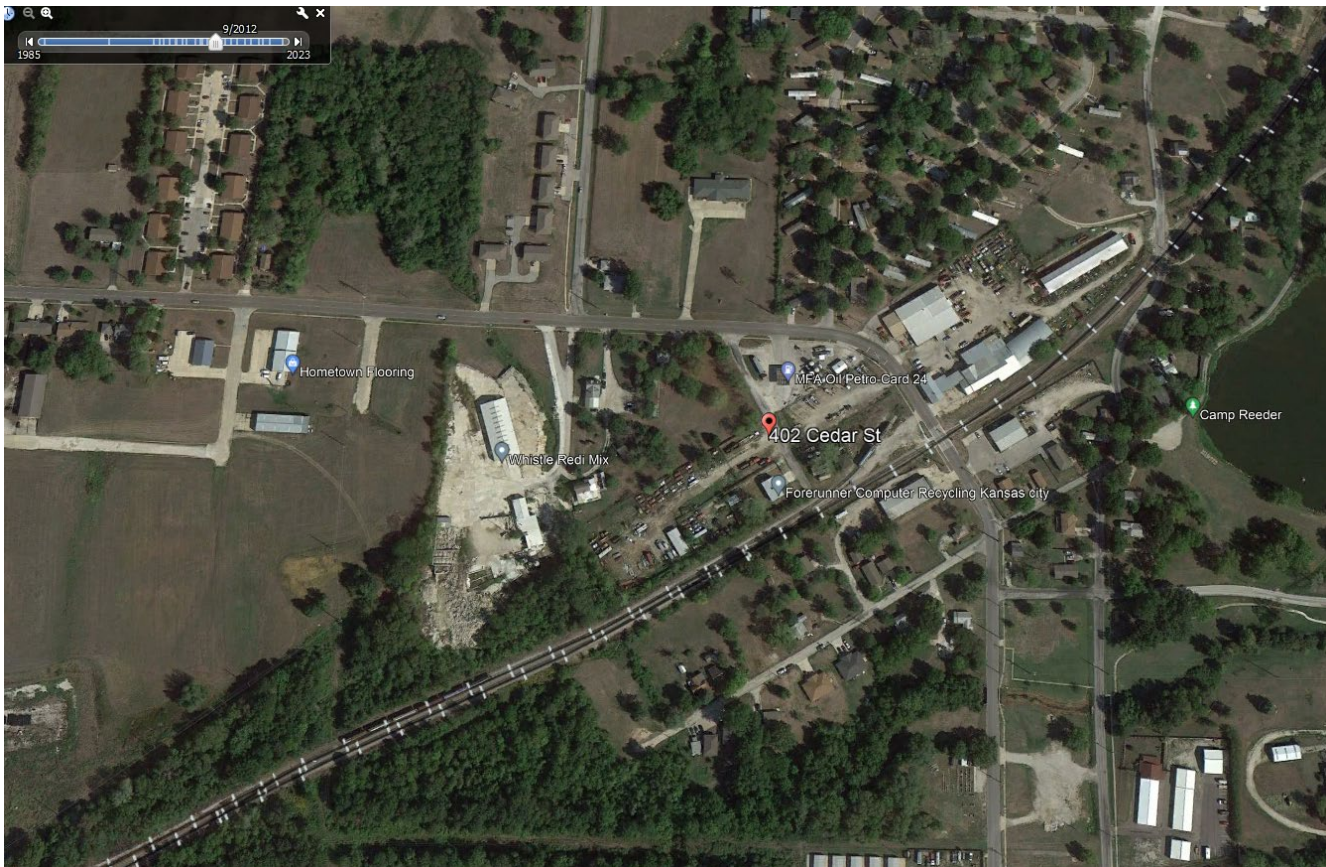
June 2011 Google Earth Image:



July 2012 Google Earth Image:



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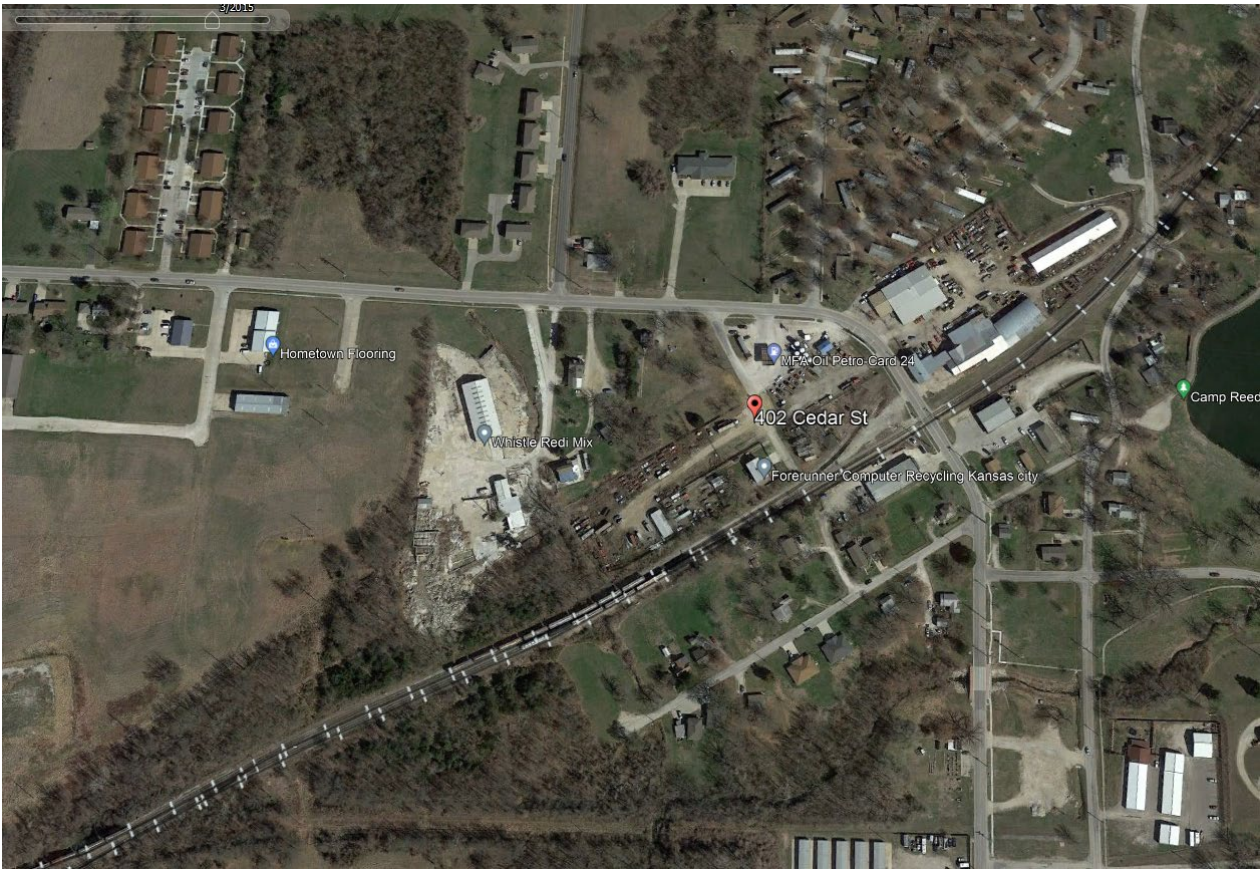


May 2014 Google Earth Image:

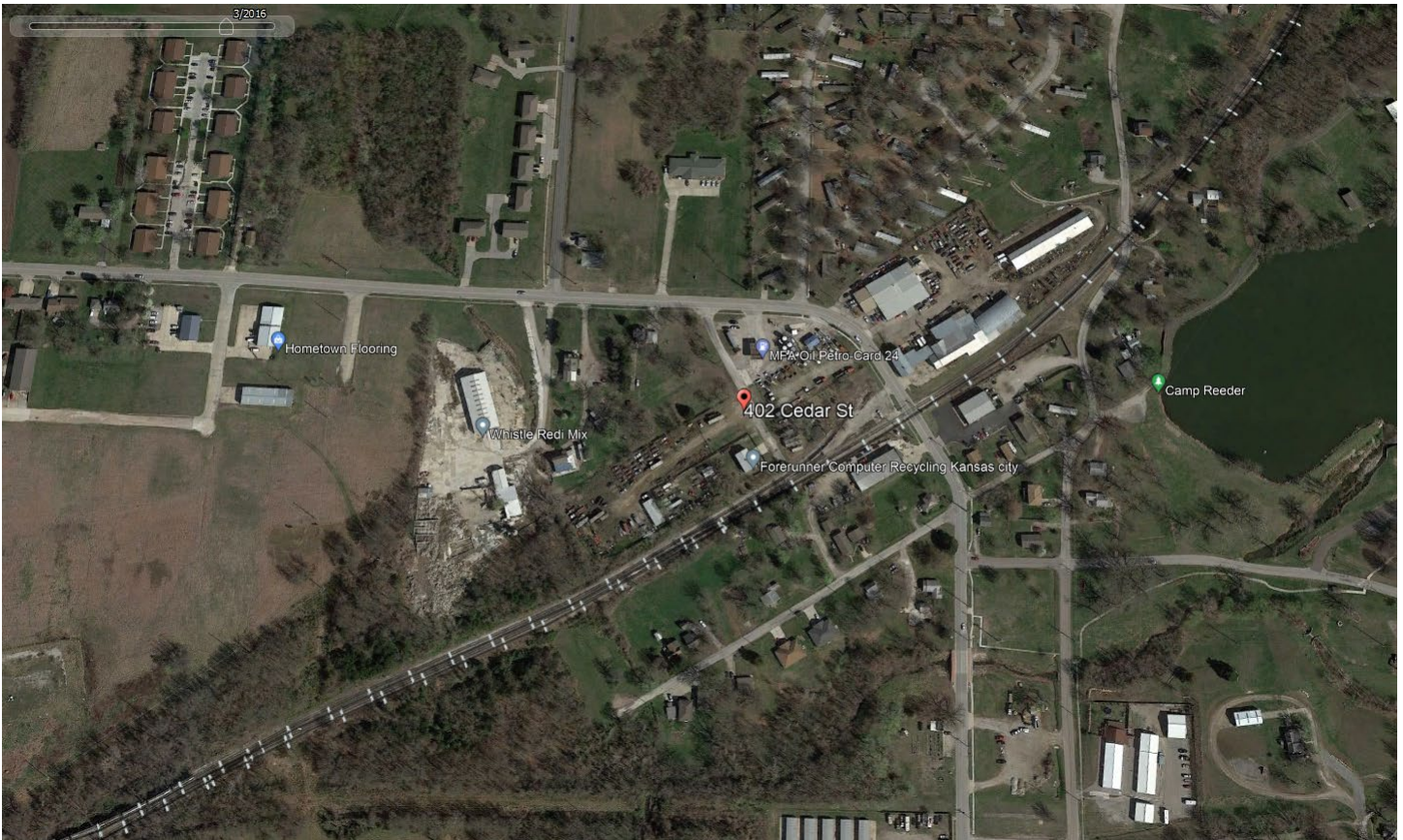


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March 2015 Google Earth Image:



March 2016 Google Earth Image:



Attachment: Google Earth Image History for 402 Cedar Street Area (Appl. #SUP-24-004--A Special Use Permit for a tow lot located at 402 Cedar

June 2017 Google Earth Image:

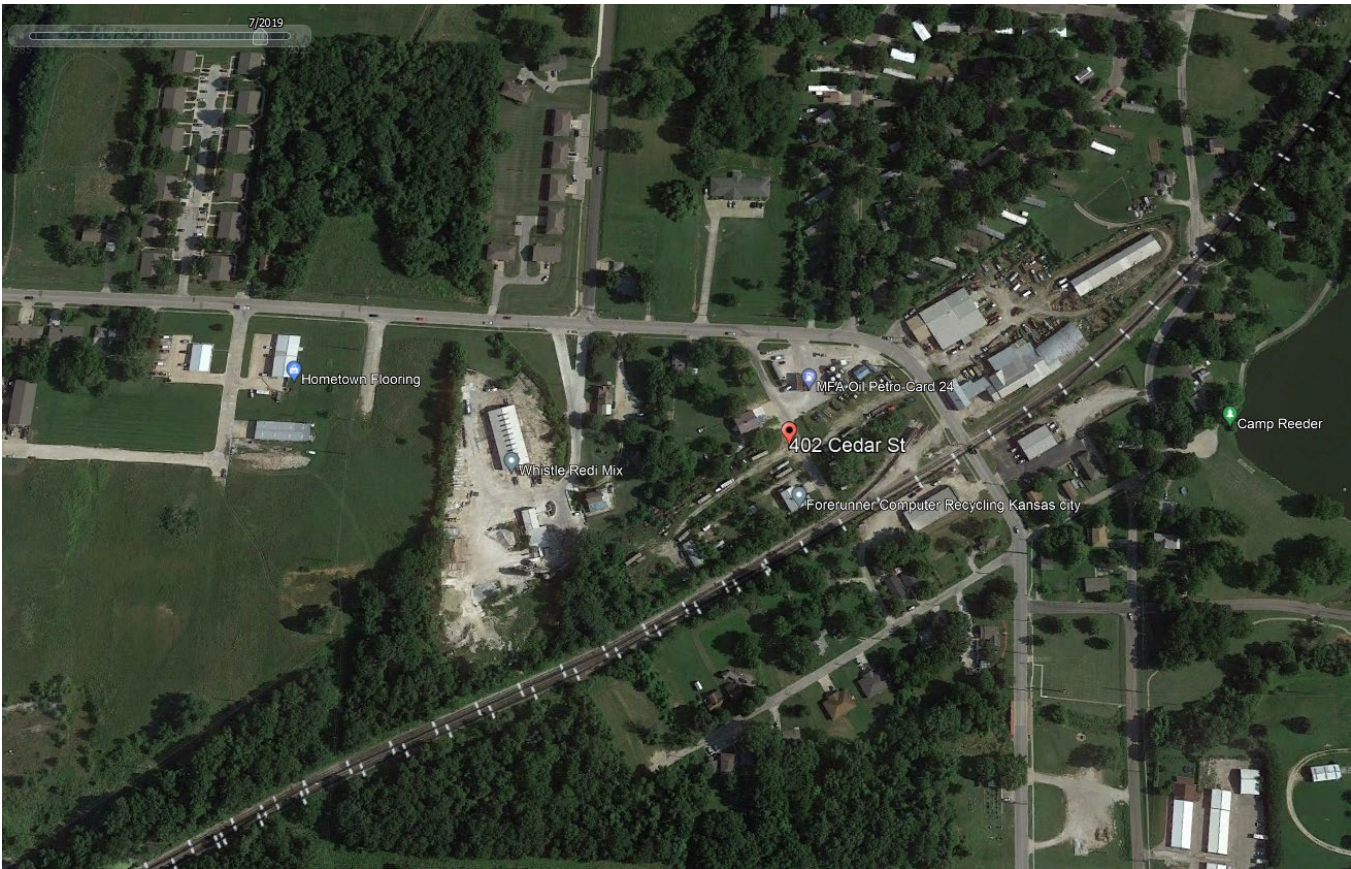


April 2018 Google Earth Image:



Attachment: Google Earth Image History for 402 Cedar Street Area (Appl. #SUP-24-004--A Special Use Permit for a tow lot located at 402 Cedar

July 2019 Google Earth Image:

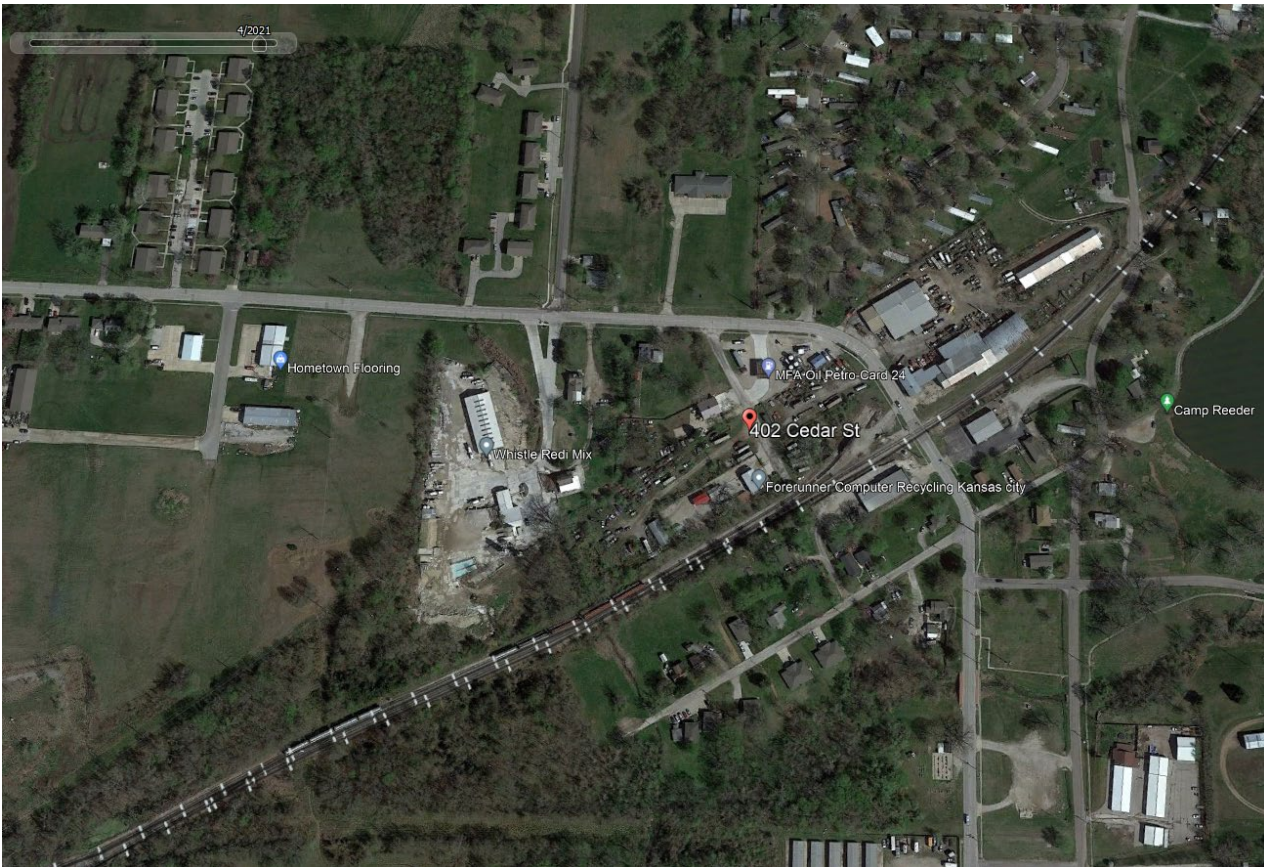


February 2020 Google Earth Image:

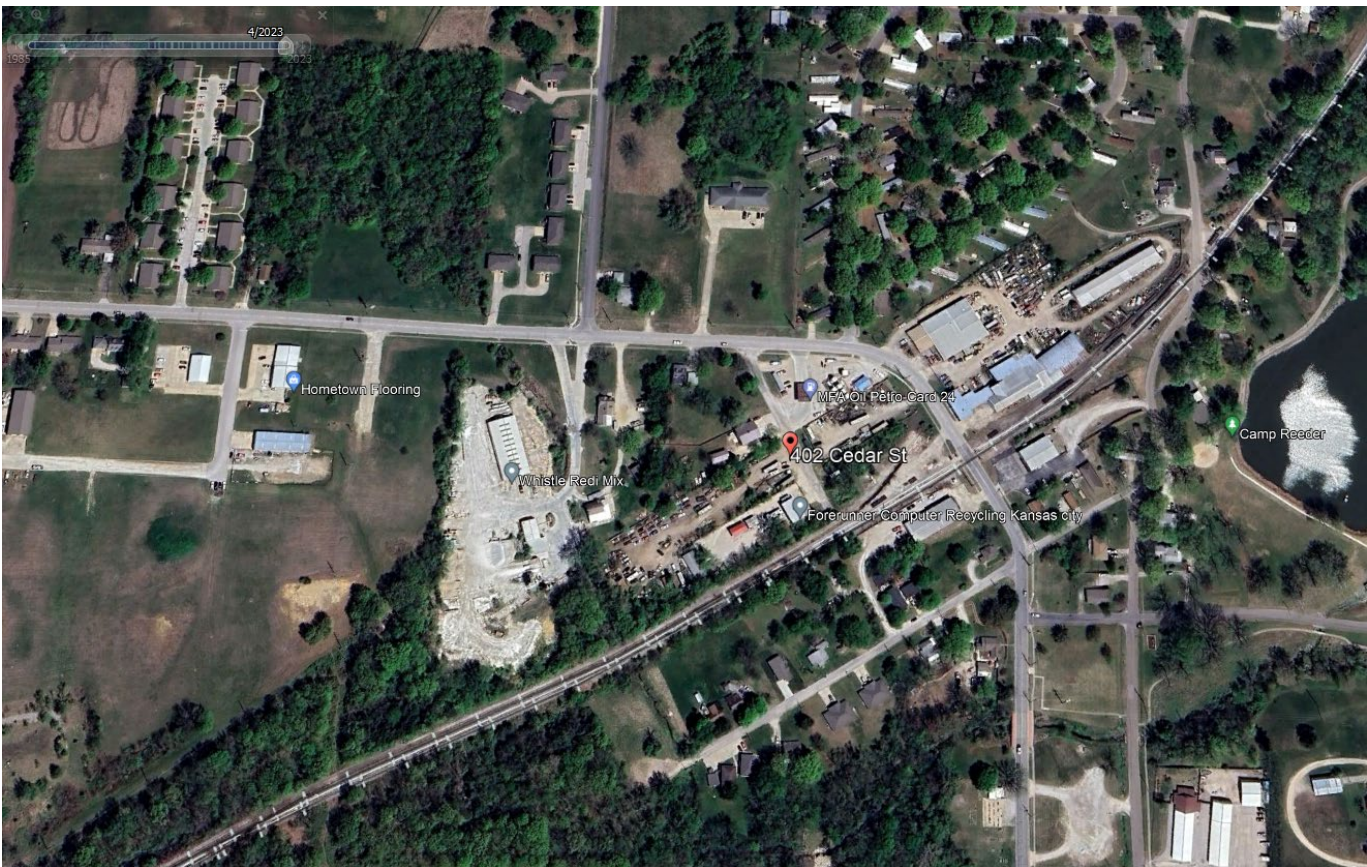


Attachment: Google Earth Image History for 402 Cedar Street Area (Appl. #SUP-24-004--A Special Use Permit for a tow lot located at 402 Cedar

April 2021 Google Earth Image:



April 2023 Google Earth Image:



Attachment: Google Earth Image History for 402 Cedar Street Area (Appl. #SUP-24-004--A Special Use Permit for a tow lot located at 402 Cedar

Council Bill No. 2022-072**Ordinance No. 3605**

AN ORDINANCE OF BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A SPECIAL USE PERMIT FOR A TOW LOT ON LAND LOCATED WEST OF INDEPENDENCE STREET, EAST OF CEDAR STREET, AND SOUTH OF MFA OIL IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

WHEREAS, the City of Harrisonville, Missouri (the "City") has received an application from Shaun Bebout, representing GT Tow, requesting approval of a Special Use Permit for an existing tow lot on land located west of Independence Street, east of Cedar Street, and south of MFA Oil in the City of Harrisonville, Cass County, Missouri; and

WHEREAS, the Special Use Permit was considered by the Planning and Zoning Commission on September 15, 2022, and, with a vote of 9 Ayes and 0 Nays, recommending that the Board of Aldermen approve the requested Special Use Permit subject to the conditions in staff's report; and

WHEREAS, in accordance with the provision of Chapter 89 RSMo, and Chapter 405 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 Special Use Permit 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, CASS COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The Board of Aldermen of Harrisonville, Missouri, hereby approves the requested Special Use Permit for an existing tow lot on land located west of Independence Street, east of Cedar Street, and south of MFA Oil in the city of Harrisonville, Cass County, Missouri, with the following conditions:

1. The applicant shall make necessary repairs/replacement of screening materials as needed and add as appropriate at the entrance/exit gates.
2. The applicant shall upgrade their screening to vinyl fencing with stone pillars within 18 months.
3. The time limit associated with this Special Use Permit shall be 10 years, at which time a new Special Use Permit is required to continue operations.
4. Vehicles may remain on the lot for up to 90 days, unless under a police hold.
5. The height of the screening shall be increased so that the lot contents cannot be seen from the street.

Section 2: The Special Use Permit comprises the following real estate in the City of Harrisonville, Cass County, Missouri, described as follows:

DESCRIPTION:

ALL THAT PORTION OF THE FORMER MISSOURI, KANSAS AND TEXAS (KATY) RAILROAD COMPANY'S 100 FOOT WIDE RIGHT-OF-WAY IN HARRISONVILLE, MISSOURI, NOW DISCONTINUED, BEING 50 FEET WIDE ON EACH SIDE OF SAID FORMER RAILROAD COMPANY'S MAIN TRACK CENTERLINE AS ORIGINALLY

LOCATED UPON, OVER AND ACROSS THE WEST ½ OF LOT 6 IN THE NORTHWEST ¼ OF SECTION 4, ALL IN T44N, R31W; BOUNDED ON THE NORTHEASTERLY END BY INDEPENDENCE STREET, BOUNDED ON THE SOUTHEASTERLY LINE BY BLOCK 4 OF DUTRO'S ADDITION, AND BOUNDED ON THE SOUTHWESTERLY END BY CEDAR STREET IN THE CITY OF HARRISONVILLE. CONTAINING APPROXIMATELY 0.56 ACRES.

Section 3: Severability. The sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 4: Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 5: Effective Date. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 19TH OF SEPTEMBER 2022 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 19TH DAY OF SEPTEMBER 2022 AND PASSED BY THE BOARD OF ALDERMEN THIS 19TH DAY OF SEPTEMBER 2022.

VOTE TAKEN AS FOLLOWS:

AYES: Doerhoff, Davidson, Franklin, Mills, Milner, Reece, Turner, Zaring

NAYS:

ABSENT:

ABSTAIN:



Judy Bowman, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

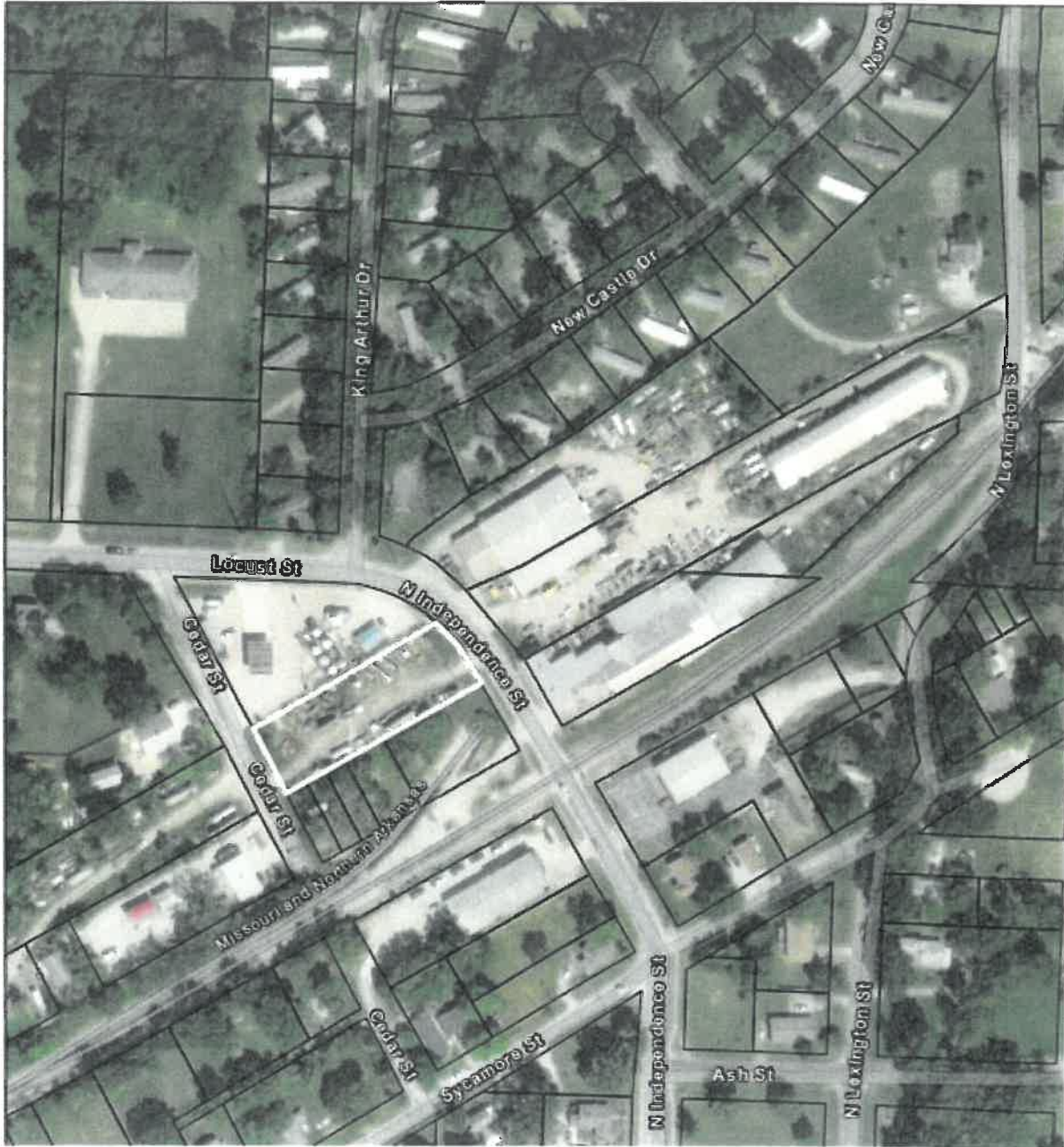
Daniel Barnett, City Clerk

WITNESS my hand and seal this 19th day of September, 2022.

Attachment I: Aerial Map

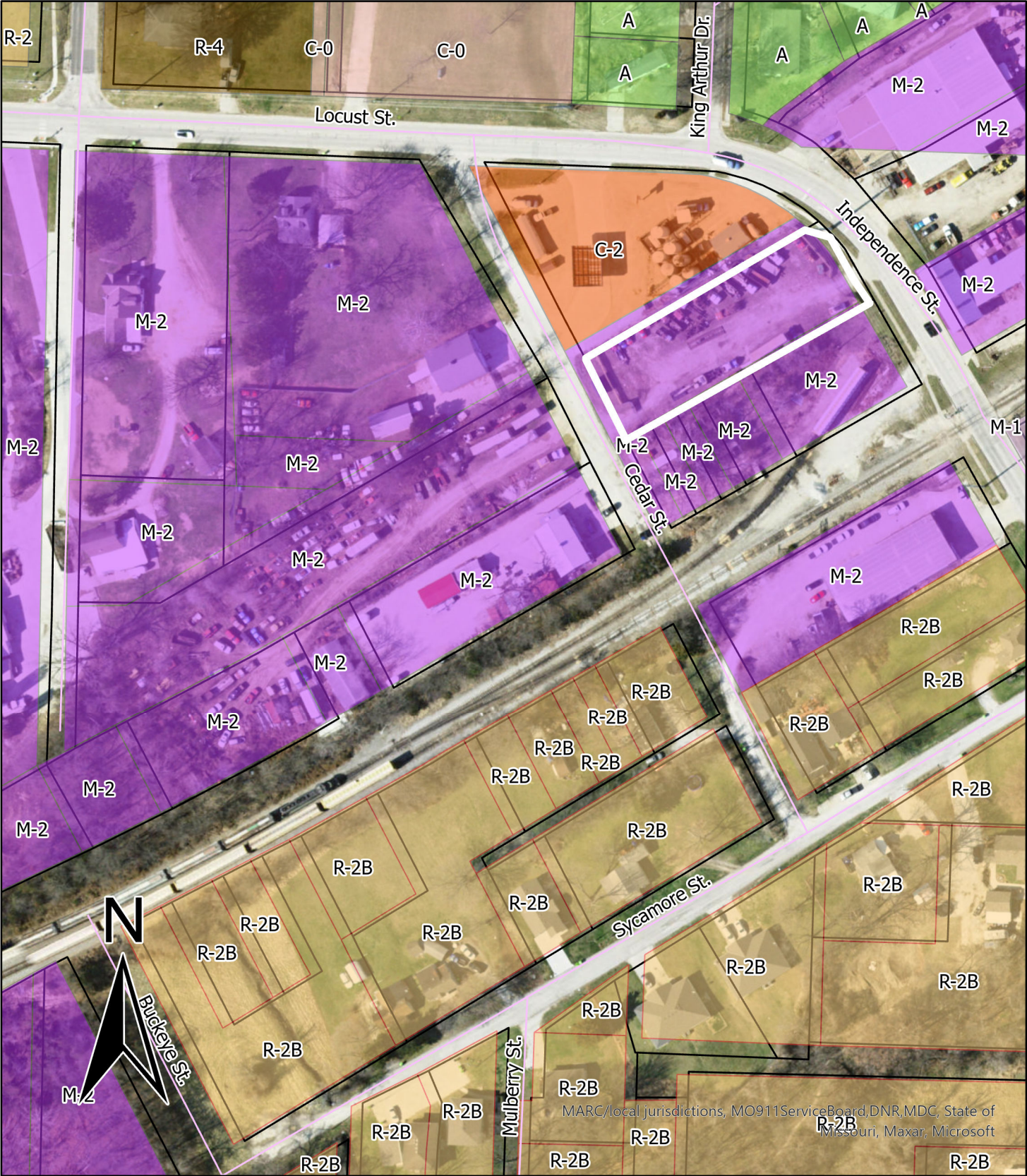
Attachment: Ordinance 3605 (Appl. #SUP-24-004--A Special Use Permit for a tow lot located at 402 Cedar Street)

ATTACHMENT I



Attachment: Ordinance 3605 (Appl. #SUP-24-004--A Special Use Permit for a tow lot located at 402 Cedar Street)

Zoning Map

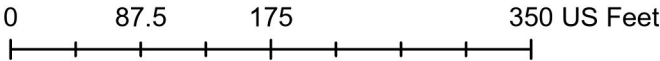


Attachment: Zoning Map (Appl. #SUP-24-004--A Special Use Permit for a tow lot located at 402 Cedar Street)

Aerial Map



Attachment: Aerial Map (Appl. #SUP-24-004--A Special Use Permit for a tow lot located at 402 Cedar Street)



STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: October 4, 2024
SUBJECT: Ordinance SUP Tow Lot 402 Cedar

Type of Item: *Approval*

I. Action Item (ID # 4984)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A SPECIAL USE PERMIT FOR THE USE OF A TOW LOT ON PROPERTY LOCATED AT 402 CEDAR STREET IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

Attachments:

SUP Existing Tow Lot 402 Cedar (DOC)

Council Bill No.

Ordinance No.

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A SPECIAL USE PERMIT FOR THE USE OF A TOW LOT ON PROPERTY LOCATED AT 402 CEDAR STREET IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

WHEREAS, the City of Harrisonville, Missouri (the "City") has received an application from Bill Shelton, in support of leasee All Pro Tow, seeking approval of a Special Use Permit for the use of a tow lot on approximately 0.55-acre of land located at 402 Cedar Street in the City of Harrisonville, Cass County, Missouri; and

WHEREAS, a legal notice announcing a public hearing to be held on the requested Special Use Permit application on September 19, 2024, before the Planning & Zoning Commission and on October 7, 2024, before the Board of Aldermen of the City of Harrisonville, Missouri was published in the August 29, 2024, edition of the *Tribune and Times* newspaper; and

WHEREAS, the Special Use Permit was considered by the Planning and Zoning Commission on September 19, 2024, and, with a vote of 5-0, recommended that the Board of Aldermen approve the requested Special Use Permit with the five (5) conditions of approval in staff's report; and

WHEREAS, in accordance with the provision of Chapter 89 RSMo, and Chapter 405 of the Code of Ordinance of the City of Harrisonville, Missouri, the Board of Aldermen, after careful and due deliberation, find the approval of the Special Use Permit 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, CASS COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The Board of Aldermen of Harrisonville, Missouri, hereby approves a Special Use Permit for the use of a tow lot on approximately 0.59-acre of land located at 402 Cedar Street in the City of Harrisonville, Cass County, Missouri, with the following five (5) conditions of approval:

- 1) The applicant shall make necessary repairs/replacement of screening materials as needed and add as appropriate at the entrance/exit gates.
- 2) The applicant shall upgrade their screening to vinyl fencing with stone pillars within three and one-half (3 ½) years.
- 3) The time limit associated with this Special Use Permit shall be 10 years, at which time a new Special Use Permit is required to continue operations.
- 4) Vehicles may remain on the lot of up to 90 days, unless under a police hold.
- 5) The height of the screening shall be increased to 8' when the new fence is installed so that the lot contents cannot be seen from the street.

Section 2: The Preliminary Development Plan comprises the following real estate in the City of Harrisonville, Cass County, Missouri, described as follows:

LEGAL DESCRIPTION:

BEGINNIG AT THE NORTHEAST CORNER OF BLOCK 4, "DUTRO'S ADDITION", AND RUNNING THENCE SOUTH 57 DEGREES 02 MINUTES WEST, ALONG THE SOUTHERLY RIGHT-OF-WAY OF THE DISCONTINUED MKT RAILWAY, 264.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 4; THENCE NORTH 32 DEGREES 58 MINUTES WEST, PERPENDICULAR TO SAID DISCONTINUED RAILWAY RIGHT-OF-WAY LINE, 1100.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID DISCONTINUED RAILWAY; THENCE NORTH 57 DEGREES 02 MINUTES EAST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DISCONTINUED RAILWAY, 242.12 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INDEPENDENCE STREET, AS PRESENTLY LOCATED; THENCE FOLLOWING THE WESTERLY RIGHT-OF-WAY LINE OF INDEPENDENCE STREET ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 239.46 FEET AND A CHORD BEARING OF SOUTH 45 DEGREES 18 MINUTES 37 SECONDS EAST, AN ARC DISTANCE OF 103.17 FEET TO THE POINT OF BEGINNING. CONTAINING 0.59 ACRES, MORE OR LESS.

Section 3: Severability. The sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 4: Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 5: Effective Date. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 7TH OF OCTOBER 2024 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 21ST DAY OF OCTOBER 2024 AND PASSED BY THE BOARD OF ALDERMEN THIS 21ST DAY OF OCTOBER 2024.

AYES:

NAYS:

AWAY:

ABSENT:

ABSTAIN:

Mike Zaring, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk

Attachment: SUP Existing Tow Lot 402 Cedar (Ordinance SUP Tow Lot 402 Cedar)

WITNESS my hand and seal this 21ST day of October 2024

Attachment I: Zoning Map

Attachment: SUP Existing Tow Lot 402 Cedar (Ordinance SUP Tow Lot 402 Cedar)

Zoning Map



Attachment: SUP Existing Tow Lot 402 Cedar (Ordinance SUP Tow Lot 402 Cedar)

STAFF REPORT

TO: Board of Aldermen
FROM: Christina Stanton,
DATE: October 2, 2024
SUBJECT: Appl. #PP-24-01--A Preliminary Plat for Cedar Crossing, Lots 1-219 and Tracts A, B, and C

Type of Item: *Preliminary Plat*

J. Action Item (ID # 4979)

PUBLIC HEARING: Preliminary Plat for Cedar Crossing, Lots 1-219 and Tracts A, B, and C

Attachments:

Cedar Crossing PP Staff Rpt 10-7-24 BOA (PDF)

Preliminary Plat Application (PDF)

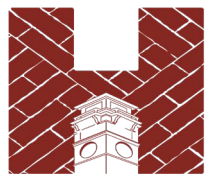
Cedar Crossing PP 9-13-24 Revised2(PDF)

Glen Eagle PP (PDF)

CERT OF SURVEY-1-27-21-24x36 (Retention Basin) (PDF)

Zoning Map (PDF)

Aerial Map (PDF)



To: Board of Aldermen

From: Christina Stanton, AICP, Community Development Director

Date: October 7, 2024

Re: Appl. #PP-24-001—A Preliminary Plat for Cedar Crossing, Lots 1-219 and Tracts A, B, and C located south of Parkwood South and north of 267th Street

GENERAL INFORMATION

Applicant: Matt Schlicht, Engineering Solutions

Requested Actions: Approval of Preliminary Plat

Date of Application: July 16, 2024

PROPOSAL

Matt Schlicht, with Engineering Solutions, is seeking approval of the attached preliminary plat of *Cedar Crossing, Lots 1 – 219 and Tracts A, B, and C*.

The surrounding properties are currently zoned as follows:

- North:** R-1 (Single-Family Residential) District and RP-1 (Planned Single-Family Residential) District—single-family residential and undeveloped parkland
- East:** RP-1 (Planned Single-Family Residential) District and Undeveloped Ag Land within the County—single-family residential and undeveloped property
- South:** R-1 (Single-Family Residential) District, Residential within the County, and RP-1 (Planned Single-Family Residential District—single-family residential
- West:** RP-1 (Planned Single-Family Residential) District, A (Agriculture) District, and Undeveloped Ag Land within the County—single-family residential and undeveloped properties

PREVIOUS ACTIONS

- February 23, 1998—The Board of Aldermen approved an Annexation of certain territory owned by Thurman Johnson, which was determined to be adjacent and contiguous to the existing corporate limits, by Ordinance #2472.
- April 16, 2001—The Board of Aldermen approved Rezoning (Appl. #RZ-01-05, and #RZ-01-07) from Agriculture (A) District to Single-Family Residential (R-1) District for approximately 14.2 and 15.6-acres by Ordinances #2700 and 2701, respectively. The Board of Aldermen approved the corresponding Preliminary Plats (Appl. #PP-01-06 and #PP01-08) for *Cottonwood Creek* and *Meadow Creek* by Resolutions 01-09 and 01-10, respectively.
- March 15, 2004—The Board of Aldermen approved a Rezoning (Appl. #RZ-04-04) from AG and R-1 to R-1P (currently RP-1) for Shadow Ridge Development, LLC on property generally located on 267th Street east of Orchard Road by Ordinance #2860. The Board of Aldermen approved the corresponding Preliminary Plat (Appl. #PP-04-05) for the Glen Eagle subdivision by Resolution

#04-04. Additionally, the Board of Aldermen continued a Resolution for the City Administrator execute a development agreement to the April 5, 2004, meeting.

- **April 5, 2004**—The Board of Aldermen approved a Resolution (#04-09) for the City Administrator to execute a development agreement with Shadow Ridge Development, LLC for the improvements associated with the Glen Eagle development.
- **August 1, 2005**—The Board of Aldermen approved Final Plats (Appl. #FP-05-18 and #FP-05-19) for *Glen Eagle, Lots 1-31* and *Glen Eagle, Lots 213-247* by Ordinance #2931 and #2932, respectively.
- **March 5, 2024**—Staff held an initial pre-application meeting with the applicants to discuss the process and requirements for the development of the undeveloped portion of Glen Eagle. Staff reviewed the application processes for Preliminary Plat and Preliminary Development Plan. Staff informed the applicants about the anti-monotony ordinance. Staff confirmed that typical building elevations would need to be provided as part of the Preliminary Development Plan. Staff discussed whether a traffic study would be required, and it was determined that it would not be since the proposed development was less dense and the previously approved development did not have one. It was also determined that the existing basin should provide adequate stormwater, but a Stormwater Management Plan (SWMP) was required. There was discussion on utilizing the existing basin as an open/active space. Staff was receptive to the idea and encouraged the developers to install a 10' asphalt trail around the basin. The applicants inquired about the possibility of building a villas (duplex) style development for a small portion of the development. Staff informed the applicants that portion of the development would need to be Rezoned, and the Rezoning could run concurrent with the Preliminary Plat and Preliminary Development Plan.
- **June 13, 2024**—Staff held a second pre-application meeting with the applicants to discuss the proposed development plan and processes further. Staff shared with the applicants that the dam had been built with the intention of the top of the dam being the subgrade of a future road, which the developer would have to build and once constructed the road would become the developers' responsibility until final acceptance of all public improvements. It was stated that a Floodplain Development Permit and Elevation Certificate would be required for any houses built within the floodway. Staff stated that the water and storm water lines need to be located on one side of the roads and sanitary sewer lines on the other.
- **August 6, 2024**—Staff met with the applicants' to discuss initial comments and concerns regarding the development and platting applications.
- **September 19, 2024**—The Planning & Zoning Commission voted 5-0 to recommend approval to the Board of Aldermen.

KEY ISSUES

- The applicant is proposing to connect the north and south portions of the development with a street to be placed over the dam, as was planned by City staff.

ANALYSIS

This preliminary plat consisted of 219 lots and three tracts. Lots 90-113 are intended to be developed with duplexes. Sidewalks are proposed for both sides off all streets.

PROCEDURE

In accordance with Section 410.260.F.1: "The Planning and Zoning Commission shall determine, based on the evidence before it, whether the preliminary plat meets the design standards and requirements of these Subdivision Regulations and conforms to the requirements of the zoning regulations and other applicable provisions of the policies and standards of the City of Harrisonville." Subparts a, b, and c state the action the Planning and Zoning Commission is to take if the preliminary plat complies with all requirements, if the preliminary plat is in general compliance but not complete compliance, and if the preliminary plat is not in compliance with all requirements (respectively). After staff's thorough review of the proposed preliminary plat staff's professional opinion is that the preliminary plat is in compliance with the design

standards and Subdivision Regulations and is recommending that the Planning and Zoning Commission recommend conditional acceptance of the preliminary plat as stated below.

5.J.a

STAFF RECOMMENDATION

Staff recommends approval of the requested preliminary plat with the following condition:

1. Sidewalks shall have handicapped access at all intersections in accordance with Section 410.530.B and shall normally be separated from the edge of the street by a grassy strip twenty-four (24) inches wide. Sidewalks shall comply with the ADA requirements in place at the time of construction, and all non—paved right-of-way shall be either sodded or seeded.
2. Builders on lots that abut the west side of the Glen Eagle Drive from the previously platted “Glen Eagle, Lots 213 thru 247” shall install sidewalks adjacent to Glen Eagle Drive to assure connectivity.
3. Trails shall be provided that connect to the sidewalks and connect the proposed and existing open space areas including the Hite Park properties.
4. Sewer and water mains shall be installed with ten (10) feet of separation and shall be located such that they are on different sides of the streets.
5. Easements shall be provided as required by Section 410.400 of the City’s Municipal Code.
6. A Final Plat shall be submitted, reviewed, and approved prior to the issuance of any development related (building or infrastructure) permits.

ATTACHMENTS

1. Application and Preliminary Plat of *Cedar Crossing, Lots 1 – 219 and Tract A, B, and C*
2. Preliminary Plat of *Glen Eagle* with final platted portions highlighted
3. Certificate of Survey showing City’s Basin Property
4. Zoning Map
5. Aerial Map

Attachment: Cedar Crossing PP Staff Rpt 10-7-24 BOA (Appl. #PP-24-01--A Preliminary Plat for Cedar Crossing, Lots 1-219 and Tracts A, B, and

THE CITY OF
HARRISONVILLE
WHERE TRADITION MEETS INNOVATION
PLATTING APPLICATION

Application Type

- ☒ Preliminary Plat (Fee \$300.00 + \$5/per lot + \$65 Notice Fee) 227
- ☐ Final Plat (Fee \$150.00 + \$5.00/per lot + \$65 Notice Fee)
- ☐ *Minor Plat (Fee \$200.00)

*Staff-only approval required

Applicant and Owner Information

Applicant (Print): MATT SCHLICHT **Signature:** [Signature]
Company Name: ENGINEERING SOLUTIONS
Street Address: 50 SE 30th ST **City:** Leeds Summit **State:** MO **Zip:** 64082
Phone: 816-623-9888 **Email:** MSchlicht@ES-KC.com

Property Owner Authorization (Provide contact information and signatures of all property owners.)

Property Owner Name (print): JWM Development **Signature:** [Signature]
Street Address: 103 SHARON LN **City:** HARRISONVILLE **State:** MO **Zip:** 64747
Phone: 816 623 9888 **Email:** MSchlicht@ES-KC.com

Firm Preparing Application: ENGINEERING SOLUTIONS

Contact: MATT SCHLICHT
Street Address: 50 SE 30th ST **City:** Leeds Summit **State:** MO **Zip:** 64082
Phone: 816 623 9888 **Email:** MSchlicht@ES-KC.com

*All correspondence should be sent to: **Applicant** **Property Owner** **Firm** [initials]

Project Information

General Location or Address: 10 GLEN EAGLE DR
Project Description: RESIDENTIAL DEVELOPMENT
Acres or Sq. Ft. _____
Current Zoning: RP-1 **Proposed Zoning:** RP-2

For Office Use Only

Case No: _____ **Filing Fee: Amount Paid \$** _____ **Date Application Received:** _____

Staff-only approval: _____ **P&Z meeting:** _____ **BOA Meeting:** _____

PROPERTY DESCRIPTION

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Beginning at the Northeast corner of the Northwest Quarter of said Southeast Quarter; Thence South 01°35'48" West, along the East line of the Northwest Quarter of said Southeast Quarter, 663.84 feet; Thence North 88°30'54" West, 773.61 feet; Thence South 86°53'58" West, 622.80 feet; Thence South 80°58'37" West, 311.03 feet; Thence South 52°11'41" West, 265.32 feet; Thence South 62°06'57" West, 389.72 feet; Thence South 67°48'15" West, 438.24 feet to the Southwest corner of the Northeast Quarter of said Southeast Quarter; Thence North 01°40'40" East, along the West line of the Northeast Quarter of said Southeast Quarter, 744.36 feet to the Southwest corner of GLEN EAGLE, Lots 1 thru a subdivision in said Harrisonville, Cass County, Missouri; Thence along the Southerly and Easterly lines of said GLEN EAGLE, the following ten courses: Thence South 88°50'00" East, 163.66 feet; Thence North 01°10'00" East, 30.00 feet; Thence South 88°50'00" East, 299.42 feet to the Southeast corner of Lot 25, said GLEN EAGLE; Thence North 01°10'00" East, 160.00 feet; Thence North 88°50'00" West, 11.55 feet; Thence North 01°10'00" East, 110.00 feet to the Northeast corner of Lot 24, said GLEN EAGLE; Thence South 88°50'00" East, 270.00 feet to the Southeast corner of Lot 10, said GLEN EAGLE; Thence North 01°10'00" East, 110.00 feet; Thence South 88°50'00" East, 13.61 feet; Thence North 01°10'00" East, 163.59 feet to the Northeast corner of said GLEN EAGLE, said point also being on the North line of said Southwest Quarter; Thence South 88°21'39" East, along said North line, 590.31 feet to the Northwest corner of said Southeast Quarter; Thence South 87°57'20" East, along the North line of said Southeast Quarter, 132.15 feet to the Point of Beginning. Contains 1,885,016 square feet or 43.27 acres more or less.

AND

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; Thence North 01°44'23" East, along the West line of said Southwest Quarter, 829.94 feet to the Point of Beginning; Thence North 01°44'23" East, along said West line, 497.97 feet to the Northwest corner of the Southwest Quarter of said Southwest Quarter; Thence South 88°24'37" East, along the North line of the Southwest Quarter of said Southwest Quarter, 1320.46 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; Thence North 67°48'15" East, 438.24 feet; Thence South 58°22'50" East, 418.85 feet; Thence South 22°30'03" East, 208.32 feet; Thence South 87°05'39" East, 764.65 feet; Thence South 02°23'42" West, 268.99 feet; Thence North 82°13'01" East, 309.38 feet to the Northwest corner of GLEN EAGLE, Lots 213 thru 247, a subdivision in said Harrisonville, Cass County, Missouri; Thence along the West line of said GLEN EAGLE, the following nine courses: Thence South 27°31'00" East, 210.69 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 1143.38 feet, and an arc length of 185.50 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 15.00 feet, and an arc length of 24.19 feet; Thence South 06°54'22" East, 50.18 feet; Thence North 82°45'22" East, 10.50 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 15.00 feet, and an arc length of 21.84 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 1143.07 feet, and an arc length of 117.11 feet; Thence South 08°03'58" East, 3.86 feet; Thence North 88°50'00" West, 127.81 feet; Thence North 88°27'47" West, 697.52 feet to the East line of said Southwest Quarter; Thence North 01°38'35" East, along said East line, 496.75 feet; Thence North 88°31'09" West, 573.20 feet; Thence North 00°26'06" West, 26.21 feet; Thence South 83°41'41" West, 754.58 feet to the East line of the Southwest Quarter of said Southwest Quarter; Thence North 01°40'28" East, along said East line, 95.38 feet; Thence North 88°27'03" West, 1321.01 feet to the Point of Beginning. Contains 1,757,134 square feet or 40.34 acres more or less.

SETBACKS & DIMENSIONS:

North of the Creek
Front: 25 feet
Side: 7.5 feet
Rear: 25 feet

Lot Width: 65 feet
Lot Depth: 110 feet

South of the Creek
Front: 30 feet
Side: 7.5 feet
Rear: 30 feet

Lot Width: 75 feet
Lot Depth: 115 feet

Site Data Table

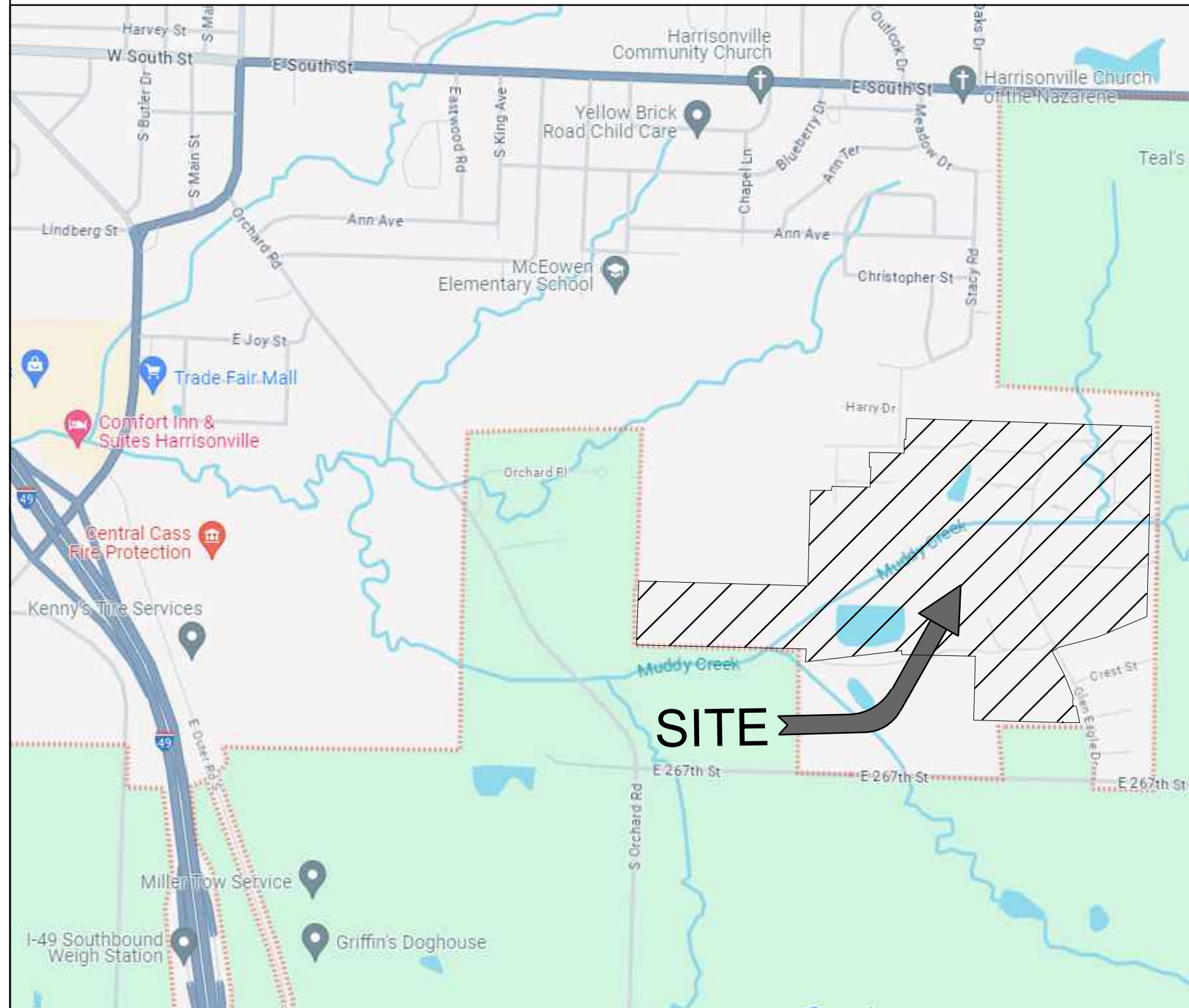
Total Area	96.56 acres (4,206,004.61 sq. ft.)
Common Area	32.01 acres (1,394,355.60 sq. ft.)
Total Lot	219
Total Units	243
Density	2.52 units per acre with Common Area
Density	3.76 units per acre without Common Area

Setbacks

Front	20' for corner lots
Street Side	7.5'
Side-Yard	
Rear-Yard	20'

Utilities

Domestic Water Service	Water District #4
Sanitary Sewer	Sewer shall be gravity flow to an existing City of Harrisonville sewer main.



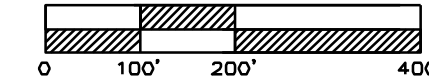
VICINITY MAP

Cedar Crossing - Preliminary Plat

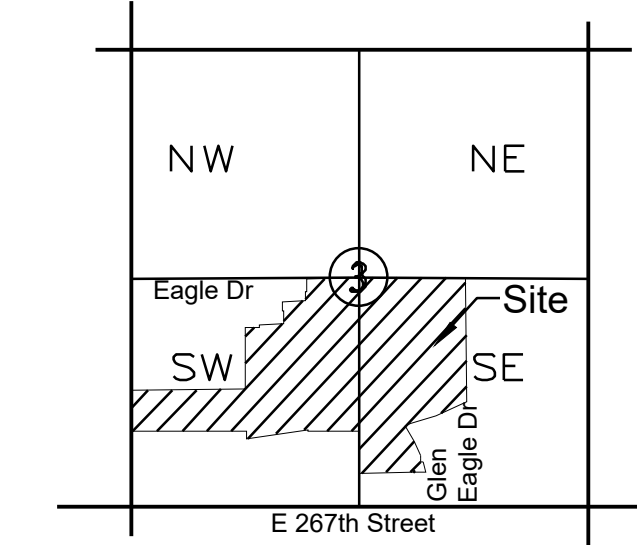
Lots 1 - 19 and Tracts A, B & C

Section 3, Township 44 North, Range 31 West

Cass County, Missouri



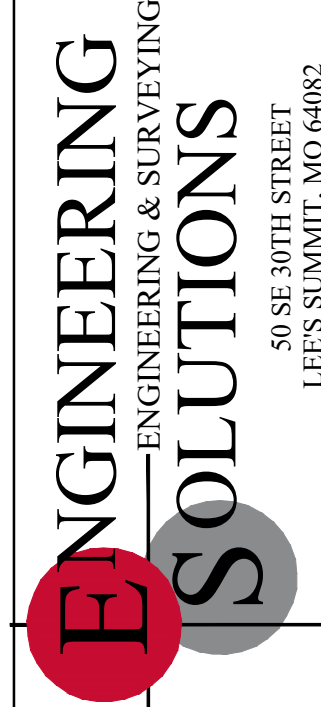
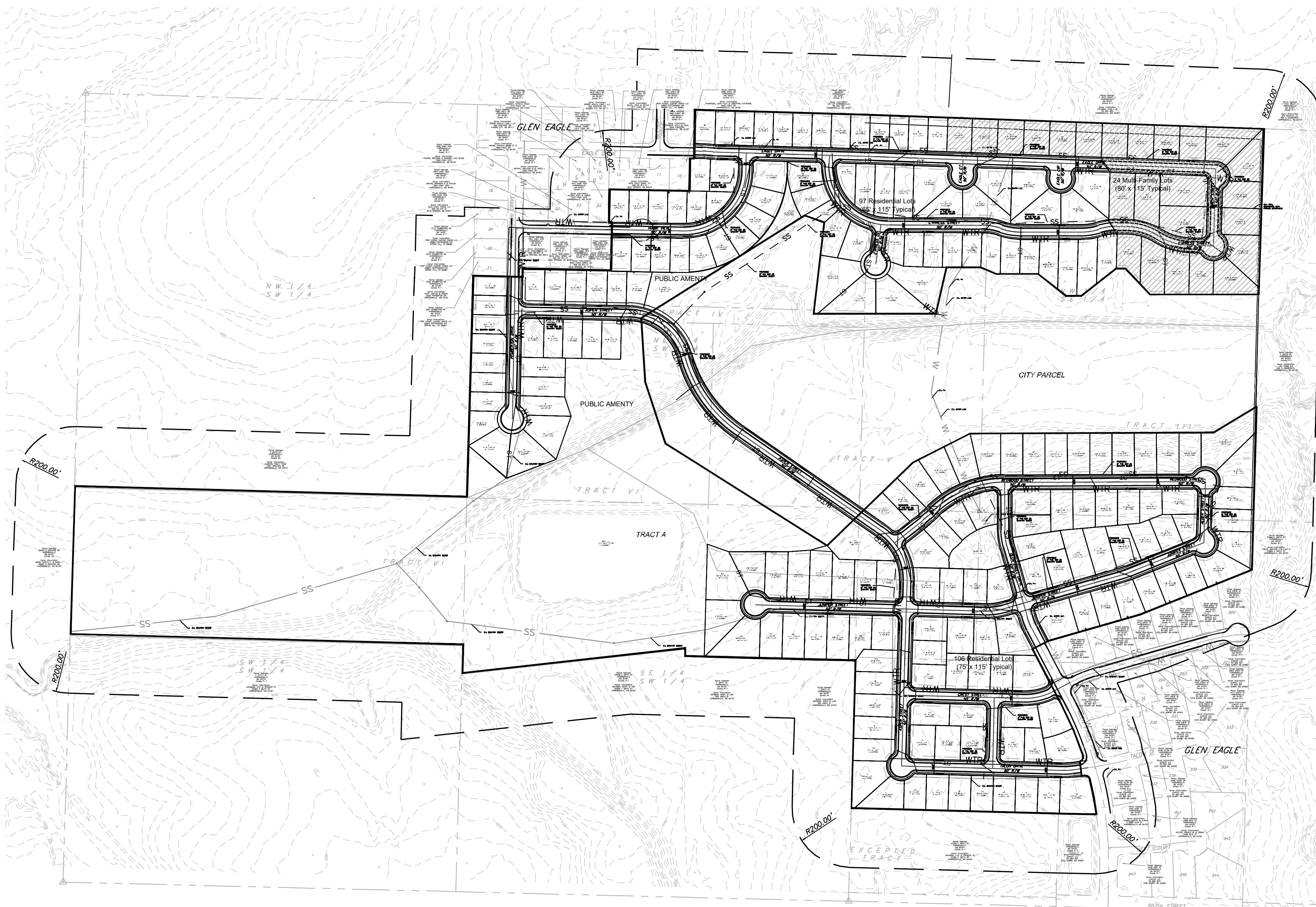
PRELIMINARY DEVELOPMENT PLAN
SCALE: 1" = 200'



LOCATION MAP
SECTION 3-T44N-R31W

DEVELOPER:
JWM DEVELOPMENT LLC & BURKIT
DEVELOPMENT LLC
103 SHARON LN
GARDEN CITY, MO 64747-9201Phone:

NOTE:
HOA TO TAKE CARE OF
COMMON AREAS

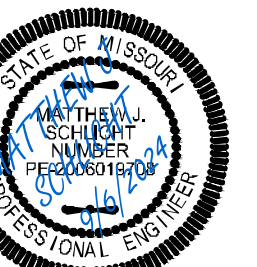


Professional Registration
Missouri
Engineering 2005000185-D
Surveying 2020008819-D
Kansas
Engineering S-1895
Surveying LS-219
Oklahoma
Engineering B254
Nebraska
Engineering CA2821

Cedar Crossing
Harrisonville, Cass County, Missouri

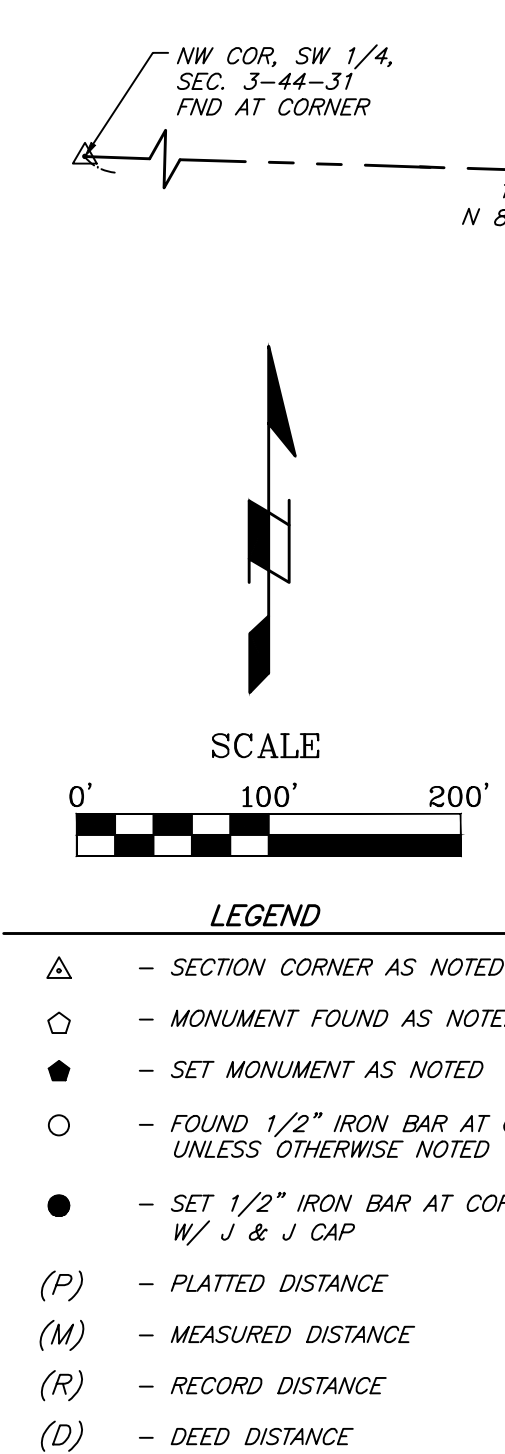
Project:
Glen Eagle
Map Date:
July 10, 2024

PRELIMINARY DEVELOPMENT PLAN
Plans for:
Cedar Crossing
Harrisonville, Cass County, Missouri



Matthew J. Schlicht
MO PE 2006019708
KS PE 19071
OK PE 25226

REVISIONS
REV. 9/6/2024



- 1.) The plat of GLEN EAGLE, Lots 1 thru 31, is recorded in Plat Book 20 at Page 67 in the Recorder of Deeds Office in Cass County, Missouri.
- 2.) The plat of GLEN EAGLE, Lots 213 thru 247, is recorded in Plat Book 20 at Page 68 in the Recorder of Deeds Office in Cass County, Missouri.
- 3.) No Title Report was provided by the client at the time of this survey, therefore easements have not been shown.
- 4.) Basis of Bearing was established by the Missouri State Plane Coordinate System from GPS Observation.

[illegible]

Commencing at the Northwest corner of the Northwest Quarter of said Southeast Quarter of Township 01'38"49" West, along the East line of the Northwest Quarter of said Township 01'38"49" West, to the intersection of the East line of said Township 01'38"49" West, continuing along said East line and the East line of the Southwest Quarter of said Township 01'38"49" West, to the intersection of the East line of said Township 01'38"49" West, 247, a subdivision in said Harrisonville, Cass County, Missouri; thence along the North line of said GLEN EAGLE, following three corners: Thence South 68°08'00" West, 60.00 feet; Thence North 23°10'10" West, 309.38 feet; Thence North 02°23'42" East, 268.99 feet; Thence North 87°05'39" West, 74.65 feet; Thence North 22°30'33" West, 208.32 feet; Thence North 52°22'50" West, 216.85 feet; Thence North 62°06'57" East, 254.95 feet; Thence North 62°06'57" East, 216.85 feet; Thence North 87°05'39" West, 208.32 feet; Thence North 42°52'51" East, 339.38 feet; Thence North 63°03'34" East, 215.31 feet; Thence North 80°45'04" East, 62.69 feet; Thence North 68°55'04" East, 165.89 feet to

[illegible][illegible]

PARCEL 4
1,509,899 SQ. FT.
34.66 ACRES

PARCEL 2
40,329 SQ. FT.
21.59 ACRES

PARCEL 3
1,747,134 SQ. FT.
40.34 ACRES

S E 1 / 4
S W 1 / 4

S W 1 / 4
S E 1 / 4

CLIENT:
Dan Whitney
Evergreen Real Estate Services

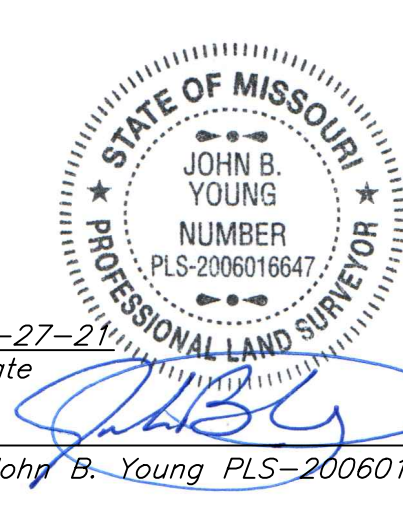
PROPERTY LOCATION:
GLEN EAGLE SUBDIVISION
Harrisonville, Cass County, Missouri



J & J
SURVEY
LLC

6500 NW TOWER DR., SUITE 102 • PLATTE WOODS, MO 64114
PHONE (816)741-1017 • FAX (816)741-1018

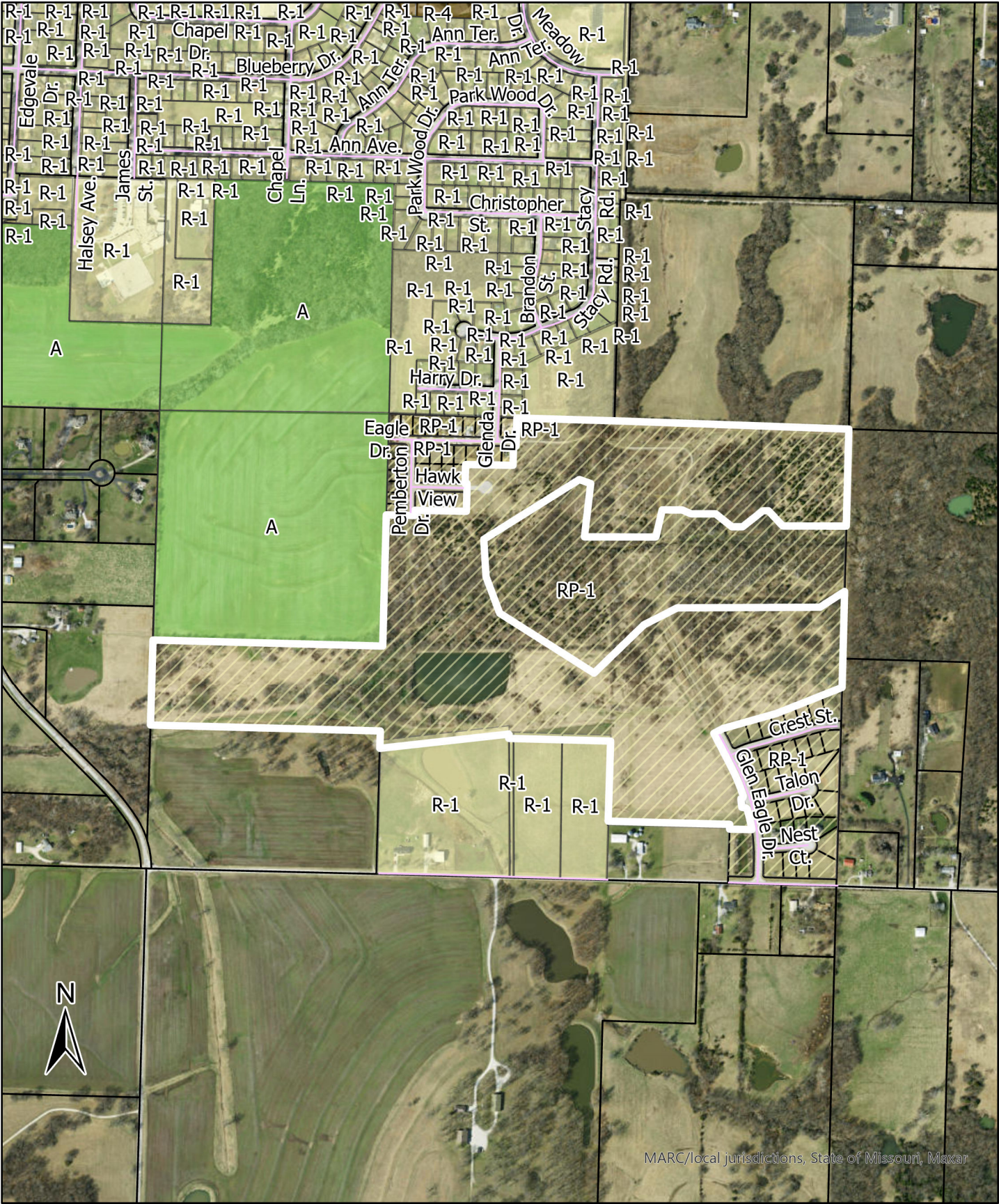
I hereby certify that this drawing is based on an actual field survey made by me or under my direct supervision on the 20th day of October, 2020 and that said survey meets or exceeds the current Missouri Standards for Property Boundary Surveys, as established by the Missouri Board for Architects, Professional Engineers and Land Surveyors, and the Missouri Department of Natural Resources, Division of Geology and Land Survey.

[illegible]

Location: S:\20.345 - Glen Eagle Property\DRAWINGS\CERT OF SURVEY-1-6-21.dwg

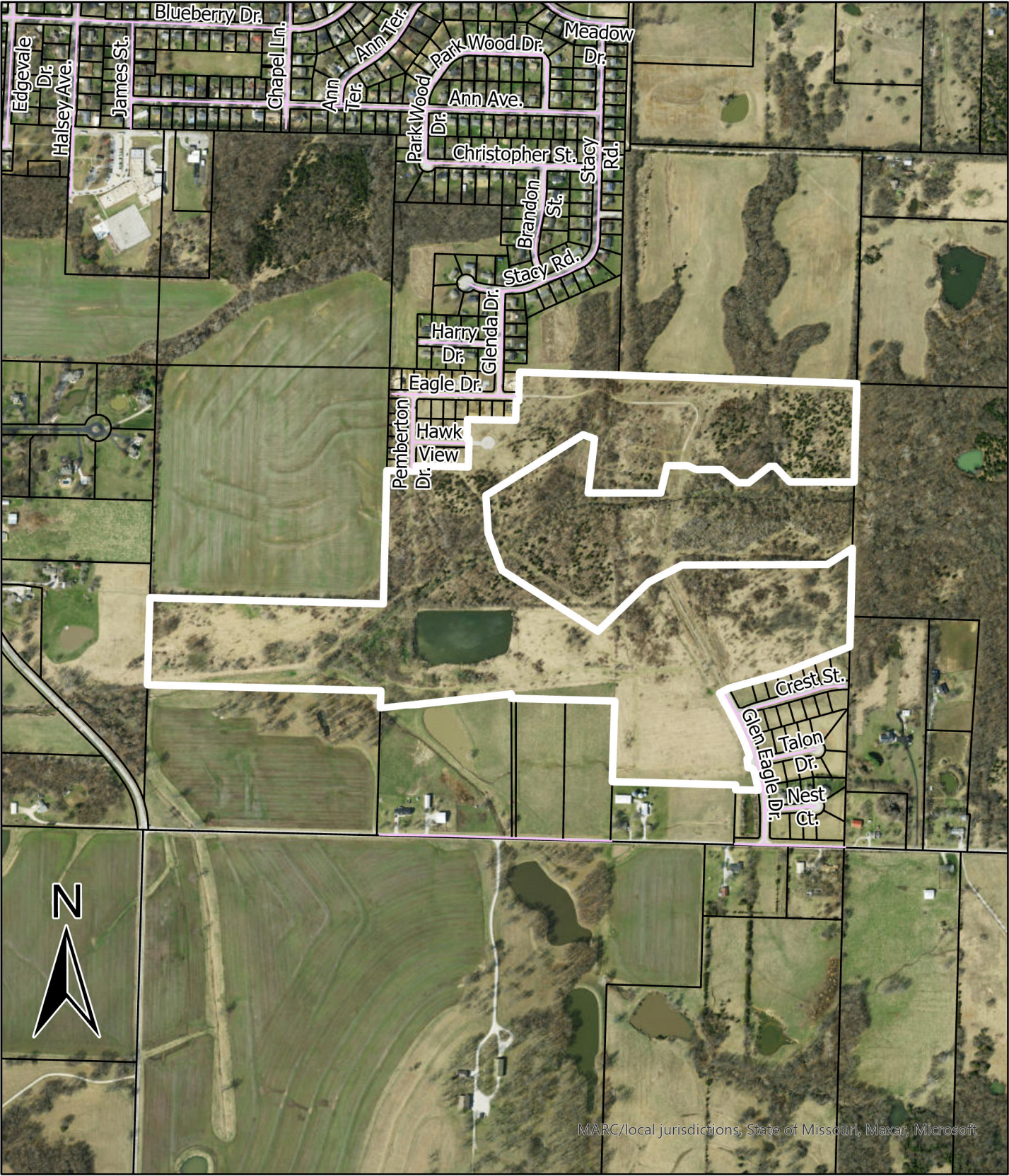
	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA	BB	BC	BD	BE	BF	BG	BH	BI	BJ	BK	BL	BM	BN	BO	BP	BQ	BR	BS	BT	BU	BV	BW	BX	BY	BZ	CA	CB	CC	CD	CE	CF	CG	CH	CI	CJ	CK	CL	CM	CN	CO	CP	CQ	CR	CS	CT	CU	CV	CW	CX	CY	CZ	DA	DB	DC	DD	DE	DF	DG	DH	DI	DJ	DK	DL	DM	DN	DO	DP	DQ	DR	DS	DT	DU	DV	DW	DX	DY	DZ	EA	EB	EC	ED	EE	EF	EG	EH	EI	EJ	EK	EL	EM	EN	EO	EP	EQ	ER	ES	ET	EU	EV	EW	EX	EY	EZ	FA	FB	FC	FD	FE	FF	FG	FH	FI	FJ	FK	FL	FM	FN	FO	FP	FQ	FR	FS	FT	FU	FV	FW	FX	FY	FZ	GA	GB	GC	GD	GE	GF	GG	GH	GI	GJ	GK	GL	GM	GN	GO	GP	GQ	GR	GS	GT	GU	GV	GW	GX	GY	GZ	HA	HB	HC	HD	HE	HF	HG	HH	HI	HJ	HK	HL	HM	HN	HO	HP	HQ	HR	HS	HT	HU	HV	HW	HX	HY	HZ	IA	IB	IC	ID	IE	IF	IG	IH	II	IJ	IK	IL	IM	IN	IO	IP	IQ	IR	IS	IT	IU	IV	IW	IX	IY	IZ	JA	JB	JC	JD	JE	JF	JG	JH	JI	JJ	JK	JL	JM	JN	JO	JP	JQ	JR	JS	JT	JU	JV	JW	JX	JY	JZ	KA	KB	KC	KD	KE	KF	KG	KH	KI	KJ	KK	KL	KM	KN	KO	KP	KQ	KR	KS	KT	KU	KV	KW	KX	KY	KZ	LA	LB	LC	LD	LE	LF	LG	LH	LI	LJ	LK	LL	LM	LN	LO	LP	LQ	LR	LS	LT	LU	LV	LW	LX	LY	LZ	MA	MB	MC	MD	ME	MF	MG	MH	MI	MJ	MK	ML	MM	MN	MO	MP	MQ	MR	MS	MT	MU	MV	MW	MX	MY	MZ	NA	NB	NC	ND	NE	NF	NG	NH	NI	NJ	NK	NL	NM	NN	NO	NP	NQ	NR	NS	NT	NU	NV	NW	NX	NY	NZ	OA	OB	OC	OD	OE	OF	OG	OH	OI	OJ	OK	OL	OM	ON	OO	OP	OQ	OR	OS	OT	OU	OV	OW	OX	OY	OZ	PA	PB	PC	PD	PE	PF	PG	PH	PI	PJ	PK	PL	PM	PN	PO	PP	PQ	PR	PS	PT	PU	PV	PW	PX	PY	PZ	QA	QB	QC	QD	QE	QF	QG	QH	QI	QJ	QK	QL	QM	QN	QO	QP	QQ	QR	QS	QT	QU	QV	QW	QX	QY	QZ	RA	RB	RC	RD	RE	RF	RG	RH	RI	RJ	RK	RL	RM	RN	RO	RP	RQ	RR	RS	RT	RU	RV	RW	RX	RY	RZ	SA	SB	SC	SD	SE	SF	SG	SH	SI	SJ	SK	SL	SM	SN	SO	SP	SQ	SR	SS	ST	SU	SV	SW	SX	SY	SZ	TA	TB	TC	TD	TE	TF	TG	TH	TI	TJ	TK	TL	TM	TN	TO	TP	TQ	TR	TS	TT	TU	<th>TW</th> <th>TX</th> <th>TY</th> <th>TZ</th> <th>UA</th> <th>UB</th> <th>UC</th> <th>UD</th> <th>UE</th> <th>UF</th> <th>UG</th> <th>UH</th> <th>UI</th> <th>UJ</th> <th>UK</th> <th>UL</th> <th>UM</th> <th>UN</th> <th>UO</th> <th>UP</th> <th>UQ</th> <th>UR</th> <th>US</th> <th>UT</th> <th>UU</th> <th>UV</th> <th>UW</th> <th>UX</th> <th>UY</th> <th>UZ</th> <th>VA</th> <th>VB</th> <th>VC</th> <th>VD</th> <th>VE</th> <th>VF</th> <th>VG</th> <th>VH</th> <th>VI</th> <th>VJ</th> <th>VK</th> <th>VL</th> <th>VM</th> <th>VN</th> <th>VO</th> <th>VP</th> <th>VQ</th> <th>VR</th> <th>VS</th> <th>VT</th> <th>VU</th> <th>VV</th> <th>VW</th> <th>VX</th> <th>VY</th> <th>VZ</th> <th>WA</th> <th>WB</th> <th>WC</th> <th>WD</th> <th>WE</th> <th>WF</th> <th>WG</th> <th>WH</th> <th>WI</th> <th>WJ</th> <th>WK</th> <th>WL</th> <th>WM</th> <th>WN</th> <th>WO</th> <th>WP</th> <th>WQ</th> <th>WR</th> <th>WS</th> <th>WT</th> <th>WU</th> <th>WV</th> <th>WW</th> <th>WX</th> <th>WY</th> <th>WZ</th> <th>XA</th> <th>XB</th> <th>XC</th> <th>XD</th> <th>XE</th> <th>XF</th> <th>XG</th> <th>XH</th> <th>XI</th> <th>XJ</th> <th>XK</th> <th>XL</th> <th>XM</th> <th>XN</th> <th>XO</th> <th>XP</th> <th>XQ</th> <th>XR</th> <th>XS</th> <th>XT</th> <th>XU</th> <th>XV</th> <th>XW</th> <th>XX</th> <th>XY</th> <th>XZ</th> <th>YA</th> <th>YB</th> <th>YC</th> <th>YD</th> <th>YE</th> <th>YF</th> <th>YG</th> <th>YH</th> <th>YI</th> <th>YJ</th> <th>YK</th> <th>YL</th> <th>YM</th> <th>YN</th> <th>YO</th> <th>YP</th> <th>YQ</th> <th>YR</th> <th>YS</th> <th>YT</th> <th>YU</th> <th>YV</th> <th>YW</th> <th>YX</th> <th>YY</th> <th>YZ</th> <th>ZA</th> <th>ZB</th> <th>ZC</th> <th>ZD</th>	TW	TX	TY	TZ	UA	UB	UC	UD	UE	UF	UG	UH	UI	UJ	UK	UL	UM	UN	UO	UP	UQ	UR	US	UT	UU	UV	UW	UX	UY	UZ	VA	VB	VC	VD	VE	VF	VG	VH	VI	VJ	VK	VL	VM	VN	VO	VP	VQ	VR	VS	VT	VU	VV	VW	VX	VY	VZ	WA	WB	WC	WD	WE	WF	WG	WH	WI	WJ	WK	WL	WM	WN	WO	WP	WQ	WR	WS	WT	WU	WV	WW	WX	WY	WZ	XA	XB	XC	XD	XE	XF	XG	XH	XI	XJ	XK	XL	XM	XN	XO	XP	XQ	XR	XS	XT	XU	XV	XW	XX	XY	XZ	YA	YB	YC	YD	YE	YF	YG	YH	YI	YJ	YK	YL	YM	YN	YO	YP	YQ	YR	YS	YT	YU	YV	YW	YX	YY	YZ	ZA	ZB	ZC	ZD
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Zoning Map

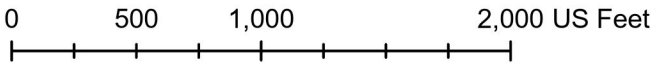


Attachment: Zoning Map (Appl. #PP-24-01--A Preliminary Plat for Cedar Crossing, Lots 1-219 and Tracts A, B, and C)

Aerial Map



Attachment: Aerial Map (Appl. #PP-24-01--A Preliminary Plat for Cedar Crossing, Lots 1-219 and Tracts A, B, and C)



STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: October 4, 2024
SUBJECT: Resolution Cedar Crossing Preliminary Plat

Type of Item: *Approval*

K. Action Item (ID # 4992)

A RESOLUTION OF THE CITY OF HARRISONVILLE APPROVING THE PRELIMINARY PLAT OF CEDAR CROSSING, LOTS 1 – 219 AND TRACTS A, B, AND C LOCATED SOUTH OF PARKWOOD SOUTH AND NORTH OF 267TH STREET IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

Attachments:

Preliminary Plat Cedar Crossing Resolution (DOCX)

Council Bill No. 2024-0xx

Resolution No. 2024-0xx

**A RESOLUTION OF THE CITY OF HARRISONVILLE APPROVING THE
PRELIMINARY PLAT OF *CEDAR CROSSING, LOTS 1 – 219 AND TRACTS A, B, AND C*
LOCATED SOUTH OF *PARKWOOD SOUTH* AND NORTH OF 267TH STREET IN THE
CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.**

WHEREAS, the City of Harrisonville, Missouri (the "City") has received an application from Matt Schlicht, with Engineering Solutions, LLC, seeking approval of the Preliminary Plat of *Cedar Crossing, Lots 1 – 219 and Tracts A, B, and C*, a 96.56-acre subdivision of land located south of *Parkwood South* and north of 267th Street; and

WHEREAS, the Planning and Zoning Commission reviewed the preliminary plat for the above proposed development on September 19, 2024, and voted by voice 5-0 to recommend that the Board of Aldermen approve the plat as proposed; and,

WHEREAS, after a recommendation of approval had been submitted by the Planning and Zoning Commission, the Board of Aldermen reviewed the preliminary plat and has determined the plat is consistent with the City of Harrisonville Zoning Ordinance, the provisions of the Subdivision Regulations and Comprehensive Plan.

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

Section 1. That the Board of Aldermen of Harrisonville, Missouri, hereby approves the Preliminary Plat of *Cedar Crossing, Lots 1 – 219 and Tracts A, B, and C*.

Section 2: Preliminary Plat of *Cedar Crossing, Lots 1 – 219 and Tracts A, B, and C* comprises the following described real estate in the City of Harrisonville, Cass County, Missouri:

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Beginning at the Northeast corner of the Northwest Quarter of said Southeast Quarter; Thence South 01°35'48" West, along the East line of the Northwest Quarter of said Southeast Quarter, 665.84 feet; Thence North 88°30'54" West, 773.61 feet; Thence South 86°53'58" West, 622.80 feet; Thence South 80°58'37" West, 311.03 feet; Thence South 52°11'41" West, 265.32 feet; Thence South 62°06'57" West, 389.72 feet; Thence South 67°48'15" West, 438.24 feet to the Southwest corner of the Northeast Quarter of said Southwest Quarter; Thence North 01°40'40" East, along the West line of the Northeast Quarter of said Southwest Quarter, 744.36 feet to the Southwest corner of GLEN EAGLE, Lots 1 thru 31, a subdivision in said Harrisonville, Cass County, Missouri; Thence along the Southerly and Easterly lines of said GLEN EAGLE, the following ten

courses: Thence South 88°50'00" East, 163.66 feet; Thence North 01°10'00" East, 30.00 feet; Thence South 88°50'00" East, 299.42 feet to the Southeast corner of Lot 25, said GLEN EAGLE; Thence North 01°10'00" East, 160.00 feet; Thence North 88°50'00" West, 11.55 feet; Thence North 01°10'00" East, 110.00 feet to the Northeast corner of Lot 24, said GLEN EAGLE; Thence South 88°50'00" East, 270.00 feet to the Southeast corner of Lot 10, said GLEN EAGLE; Thence North 01°10'00" East, 110.00 feet; Thence South 88°50'00" East, 13.61 feet; Thence North 01°10'00" East, 163.59 feet to the Northeast corner of said GLEN EAGLE, said point also being on the North line of said Southwest Quarter; Thence South 88°21'39" East, along said North line, 590.31 feet to the Northwest corner of said Southeast Quarter; Thence South 87°57'20" East, along the North line of said Southeast Quarter, 1323.15 feet to the Point of Beginning. Contains 1,885,016 square feet or 43.27 acres more or less.

AND

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Southeast Quarter; Thence South 01°35'48" West, along the East line of the Northwest Quarter of said Southeast Quarter, 665.84 feet to the Point of Beginning; Thence South 01°35'48" West, continuing along said East line and the East line of the Southwest Quarter of said Southeast Quarter, 818.26 feet to the Northeast corner of GLEN EAGLE, Lots 213 thru 247, a subdivision in said Harrisonville, Cass County, Missouri; Thence along the North line of said GLEN EAGLE, the following three courses: Thence South 68°08'00" West, 407.68 feet; Thence South 74°05'00" West, 319.04 feet; Thence South 62°29'00" West, 60.00 feet; Thence South 82°13'01" West, 309.38 feet; Thence North 02°23'42" East, 268.99 feet; Thence North 87°05'39" West, 764.65 feet; Thence North 22°30'03" West, 208.32 feet; Thence North 58°22'50" West, 418.85 feet; Thence North 62°06'57" East, 389.72 feet; Thence North 52°11'41" East, 265.32 feet; Thence North 80°58'37" East, 311.03 feet; Thence North 86°53'58" East, 622.80 feet; Thence South 88°30'54" East, 773.61 feet to the Point of Beginning. Contains 1,784,948 square feet or 40.98 acres more or less.

AND

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; Thence North 01°44'23" East, along the West line of said Southwest Quarter, 829.94 feet to the Point of Beginning; Thence North 01°44'23" East, along said West line, 497.97 feet to the Northwest corner of the Southwest Quarter of said Southwest Quarter; Thence South 88°24'37" East, along the North line of the Southwest Quarter of said Southwest Quarter, 1320.46 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; Thence North 67°48'15" East, 438.24 feet; Thence South 58°22'50" East, 418.85 feet; Thence South 22°30'03" East, 208.32 feet; Thence South 87°05'39" East, 764.65 feet; Thence South 02°23'42" West, 268.99 feet; Thence North 82°13'01" East, 309.38 feet to the Northwest corner of GLEN EAGLE, Lots 213 thru 247, a subdivision in said Harrisonville, Cass County, Missouri; Thence along the West line of said GLEN

EAGLE, the following nine courses: Thence South 27°31'00" East, 210.69 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 1143.38 feet, and an arc length of 186.50 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 15.00 feet, and an arc length of 24.19 feet; Thence South 06°54'22" East, 50.18 feet; Thence North 82°45'22" East, 10.50 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 15.00 feet, and an arc length of 21.84 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 1143.07 feet, and an arc length of 117.11 feet; Thence South 08°03'38" East, 3.86 feet; Thence North 88°50'00" West, 127.81 feet; Thence North 88°27'47" West, 697.52 feet to the East line of said Southwest Quarter; Thence North 01°38'35" East, along said East line, 496.75 feet; Thence North 88°31'09" West, 573.20 feet; Thence North 00°26'06" West, 26.21 feet; Thence South 83°41'41" West, 754.56 feet to the East line of the Southwest Quarter of said Southwest Quarter; Thence North 01°40'28" East, along said East line, 95.38 feet; Thence North 88°27'03" West, 1321.01 feet to the Point of Beginning. Contains 1,757,134 square feet or 40.34 acres more or less.

EXCEPT

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Southeast Quarter; thence South 01° 35' 48" West, along the East line of the Northwest Quarter of said Southeast Quarter, 557.74 feet to the Point of Beginning; thence South 01° 35' 48" West, continuing along said East line, 378.63 feet; thence South 58° 55' 04" West, 165.89 feet; thence South 89° 45' 04" West, 821.69 feet; thence South 63° 03' 14" West, 215.31 feet; thence South 45° 59' 51" West, 399.38 feet; thence North 57° 38' 36" West, 643.01 feet; thence North 18° 01' 57" West, 218.35 feet; thence North 03° 26' 19" West, 215.34 feet; thence North 57° 59' 44" East, 648.78 feet; thence South 70° 29' 52" West, 69.54 feet; thence South 06° 45' 18" West, 308.95 feet; thence South 89° 54' 53" East, 411.51 feet; thence North 13° 04' 49" East, 160.14 feet; thence South 89° 54' 53" East, 114.44 feet; thence South 66° 37' 18" East, 56.64 feet; thence South 89° 54' 53" East, 141.29 feet; thence South 51° 38' 32" East, a distance of 119.66 feet; thence South 89° 54' 53" East, 51.38 feet; thence North 51° 44' 47" East, 148.90 feet; thence South 89° 54' 53" East, a distance of 31.89 feet; thence South 43° 16' 47" East, 120.33 feet; thence South 89° 54' 53" East, 365.82 feet to the Point of Beginning. Contains 1,219,737 square feet or 28.00 acres more or less.

Section 3: That approval of the preliminary plat is contingent upon compliance with the zoning and subdivision regulations.

Section 4: That this resolution shall be 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 ON THIS 7TH DAY OF OCTOBER 2024.

VOTE TAKEN AS FOLLOWS:**AYES:****NAYS:****ABSENT:****ABSTAIN:****EXCUSED:**

Mike Zaring, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 7th day of October 2024.

Attachment: Preliminary Plat of *Cedar Crossing, Lots 1 – 219 and Tracts A, B, and C*

Attachment: Preliminary Plat Cedar Crossing Resolution (Resolution Cedar Crossing Preliminary Plat)

[illegible][illegible]

STAFF REPORT

TO: Board of Aldermen
FROM: Christina Stanton,
DATE: October 2, 2024
SUBJECT: Appl. #RZ/PDP-24-001--A Rezoning of approximately 7-acres and Preliminary Development Plan

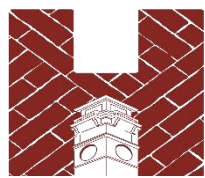
Type of Item: *Public Hearing*

L. Action Item (ID # 4978)

PUBLIC HEARING: Rezoning of approximately 7-acres and Preliminary Development Plan

Attachments:

Staff Rpt - Cedar Crossing PDP&RZ 10-7-2024 (PDF)
Rezoning Application (PDF)
Cedar Crossing 9-13-24 Revised2 (PDF)
House Plans 240716 (PDF)
Planned Zoning District Regulations (PDF)
Draft Development Agreement (October 2024) (DOCX)
Zoning Map (PDF)
Aerial Map (PDF)



To: Board of Aldermen

From: Christina Stanton, AICP, Community Development Director

Date: October 7, 2024

Re: Appl. #RZ/PDP-24-001 – A REZONING from RP-1 to RP-2 for approximately 7-acres and PRELIM. DEVEL. PLAN for 24 duplex lots and 195 single-family residential lots located south of *Parkwood South* and north of 267th Street

GENERAL INFORMATION

Applicant: Matt Schlicht, Engineering Solutions

Requested Actions: Approval of Requested Rezoning and Preliminary Development Plan for 24 duplex lots and 195 single-family residential lots

Date of Application: July 16, 2024

PROPOSAL

Matt Schlicht, with Engineering Solutions, is seeking approval of a rezoning of approximately 7-acres from RP-1 to RP-2 for 24 duplex lots and a preliminary development plan for the same as well as 195 single-family residential lots on property located south of the *Parkwood South* subdivision and north of 267th Street. The proposed preliminary development plan establishes development standards such as setbacks, lot area, quantity and quality of open spaces.

Please see the attached zoning and aerial maps.

The surrounding properties are currently zoned as follows:

- North:** R-1 (Single-Family Residential) District and RP-1 (Planned Single-Family Residential) District—single-family residential and undeveloped parkland
- East:** RP-1 (Planned Single-Family Residential) District and Undeveloped Ag Land within the County—single-family residential and undeveloped property
- South:** R-1 (Single-Family Residential) District, Residential within the County, and RP-1 (Planned Single-Family Residential District—single-family residential
- West:** RP-1 (Planned Single-Family Residential) District, A (Agriculture) District, and Undeveloped Ag Land within the County—single-family residential and undeveloped properties

PREVIOUS ACTIONS

- February 23, 1998—The Board of Aldermen approved an Annexation of certain territory owned by Thurman Johnson, which was determined to be adjacent and contiguous to the existing corporate limits, by Ordinance #2472.
- April 16, 2001—The Board of Aldermen approved Rezonings (Appl. #RZ-01-05, and #RZ-01-07) from Agriculture (A) District to Single-Family Residential (R-1) District for approximately 14.2 and 15.6-acres by Ordinances #2700 and 2701, respectively. The Board of Aldermen approved the

corresponding Preliminary Plats (Appl. #PP-01-06 and #PP01-08) for *Cottonwood Creek* and *Meadow Creek* by Resolutions 01-09 and 01-10, respectively.

- **March 15, 2004**—The Board of Aldermen approved a Rezoning (Appl. #RZ-04-04) from AG and R-1 to R-1P (currently RP-1) for Shadow Ridge Development, LLC on property generally located on 267th Street east of Orchard Road by Ordinance #2860. The Board of Aldermen approved the corresponding Preliminary Plat (Appl. #PP-04-05) for the Glen Eagle subdivision by Resolution #04-04. Additionally, the Board of Aldermen continued a Resolution for the City Administrator to execute a development agreement to the April 5, 2004, meeting.
- **April 5, 2004**—The Board of Aldermen approved a Resolution (#04-09) for the City Administrator to execute a development agreement with Shadow Ridge Development, LLC for the improvements associated with the Glen Eagle development.
- **August 1, 2005**—The Board of Aldermen approved Final Plats (Appl. #FP-05-18 and #FP-05-19) for *Glen Eagle, Lots 1-31* and *Glen Eagle, Lots 213-247* by Ordinance #2931 and #2932, respectively.
- **March 5, 2024**—Staff held an initial pre-application meeting with the applicants to discuss the process and requirements for the development of the undeveloped portion of Glen Eagle. Staff reviewed the application processes for Preliminary Plat and Preliminary Development Plan. Staff informed the applicants about the anti-monotony ordinance. Staff confirmed that typical building elevations would need to be provided as part of the Preliminary Development Plan. Staff discussed whether a traffic study would be required, and it was determined that it would not be since the proposed development was less dense and the previously approved development did not have one. It was also determined that the existing basin should provide adequate stormwater, but a Stormwater Management Plan (SWMP) was required. There was discussion on utilizing the existing basin as an open/active space. Staff was receptive to the idea and encouraged the developers to install a 10' asphalt trail around the basin. The applicants inquired about the possibility of building a villas (duplex) style development for a small portion of the development. Staff informed the applicants that portion of the development would need to be Rezoned, and the Rezoning could run concurrent with the Preliminary Plat and Preliminary Development Plan.
- **June 13, 2024**—Staff held a second pre-application meeting with the applicants to discuss the proposed development plan and processes further. Staff shared with the applicants that the dam had been built with the intention of the top of the dam being the subgrade of a future road, which the developer would have to build and once constructed the road would become the developers' responsibility until final acceptance of all public improvements. It was stated that a Floodplain Development Permit and Elevation Certificate would be required for any houses built within the floodway. Staff stated that the water and storm water lines need to be located on one side of the roads and sanitary sewer lines on the other.
- **August 6, 2024**—Staff met with the applicants' to discuss initial comments and concerns regarding the development and platting applications.
- **September 19, 2024**—The Planning & Zoning Commission voted 5-0 to recommend approval to the Board of Aldermen.

KEY ISSUES

- This property is currently zoned RP-1 (Planned Single-Family Residential) District. The applicant is proposing to rezone approximately 7-acres from RP-1 to RP-2 to allow for 24 duplex lots.
- The City's 2040 Comprehensive Plan shows the property and surrounding area as Suburban Neighborhood, which allows for a mix of housing types with an emphasis on having "high interconnectivity of new and established neighborhoods".
- The applicant is proposing to connect the north and south portions of the development with a street to be placed over the dam, as was planned by City staff.

ANALYSIS

Proposed Zoning and Standards of Development in Planned Zoning Districts. The property is currently zoned RP-1 (Planned Single-Family Residential) District. The applicant proposes to rezone approximately

7-acres located in the northeast corner of the development from RP-1 to RP-2 to allow for 24 duplex lots. The remaining 195 lots are proposed to be developed with single-family residential dwellings. Typical for the proposed housing are provided in the packet. Sections 405.065, 070, and 075 establish the planned zoning districts, state the objectives of the planned zoning districts, and discuss the standards of development in planned zoning districts.

Planned zoning districts are to “provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces”. These districts are intended to be “generally equal to that of the equivalent standard zoning districts, but permitting variations from the normal and established development techniques”. As stated in Section 405.070.C: “Deviations in yard requirements, setbacks and [the] relationship between buildings are acceptable...”. Yard requirements would include the lot width, depth and area.

The previously approved Preliminary Development Plan for Glen Eagle contained 373 single-family residential lots on approximately 146.5-acres, with approximately 27 of those acres intended to be dedicated as park land/common area. The typical lots for north of the creek were planned to be 65-70' x 110-115'; the typical lots for south of the creek were planned to be 75-80' x 115-125'. The following table compares the dimensional standards for the standard R-1 and R-2 Districts and those of the previously approved Glen Eagle development to the proposed Cedar Crossing development.

Dimensional Standards Comparison					
Zoning District	Front	Setbacks Side	Rear	Minimum Lot Area	Minimum Lot Width
R-1	30'	20' total; 8' min.	30'	8,500 sqft.	75'
RP-1 (<i>Glen Eagle Development</i>)	North of Creek: 25' South of Creek: 30' (except some 25')	7.5'	North of Creek: 25' South of Creek: 30' (except some 25')	Of those Final Platted: 7,218 sqft. (lot 19) FP Lots 1-31 Average: 8,096 FP Lots 213-247 Average: 12,441.74	+/-43' at cul de sacs Typical North of Creek : 65-70' Typical South of Creek: 75-80'
RP-1 (Proposed)	North of Creek: 25' South of Creek: 30'	20' on street side for corner lots; 7.5' min.	20'	4,141.72 sqft. (lot 54) Average: 10,021.47 sqft.	40.74' at cul de sac Typical North: 65' Typical South: 75'
R-2	30'	20' total; 7' min.; 20' on street side for corner lots	20'	8,500 sqft. (single-family); 6,000 sqft (two-family dwellings)	80'
RP-2 (Proposed)	25'	20' on street side for corner lots; 7.5' min.	20'	9,487.52 sqft. (lot 90) Average: 11,965.33 sqft.	39.94' at bulb

It is evident from the table above that the setbacks proposed are very similar to those of the previously approved Glen Eagle development. While the area of some of the lots are quite small the average lot sizes are also fairly compatible with those of the previously approved Glen Eagle development. The table below compares the density of the previously approved Glen Eagle development to that of the proposed Cedar

Density Comparison					
Development	Total Units	Total Land Area (Acres)	Common Area (Acres)	Units/Acre with Common Area	Units/Acre without Common Area
Glen Eagle Preliminary Plat	373	146.5	27	2.55	3.12
Cedar Crossing Preliminary Plat	243	96.56	33.01	2.52	3.76
Cedar Crossing with Portions of Glen Eagle that are Final Platted	309	118.48	37.71	2.61	3.83

Rezoning Criteria. Section 405.630.D.1 list review criteria a-q as that may be considered, to the extent they are pertinent to the particular application, by both the Planning & Zoning Commission and the Board of Aldermen. Among the review criteria listed a, b, c, e, m and q seem the most appropriate to consider.

- The character of the neighborhood.
 - The overall character appears to be consistent with prior plans and the City's 2040 Comprehensive Plan.
- The existing and any proposed zoning and uses of adjacent properties, and the extent to which the proposed use is compatible with the adjacent zoning and uses.
 - The location of the proposed rezoning, being in the northeast corner of the development, along with the larger lots for the duplex units and the low-impact screening between these lots and the single-family residential lots supports the overall compatibility of the proposed development and rezoning.
- The extent to which the proposed use facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
 - The development is providing the necessary public improvements—streets, sidewalks, water and sewer lines, and open spaces—to provide for the proposed residents.
 - The school district is supportive of the additional housing and hopes that it will provide more affordable housing options and opportunities for staff and families.
- The length of the time, if any, the property has remained vacant.
 - The Glen Eagle development was approved in 2004, but only two areas were final platted in 2005 and has developed slowly. The property proposed to be developed has sat vacant, undeveloped for close to twenty years.
- The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.
 - The question of whether our public facilities and services are adequate to meet the demand generated by the proposed use was brought to Public Works and no concerns were raised. At this point, staff does not see any issues with the existing system meeting the needs of the proposed development with the required public improvements that are part of the proposed development.
- The consistency of the proposed use with the permitted uses and the uses subject to conditions in the district in which the proposed rezoning or special use is located.
 - The proposed uses are consistent with the permitted uses for the districts proposed and surrounding properties.

Sidewalks/Trails. While the developers are meeting the requirement to have sidewalks on both sides of all streets, there was discussion during the pre-application meetings and the applicants' meeting about the utilization of floodplain for open space and trailways. During the initial pre-application meeting held on March 5, 2024, staff had encouraged the developers to install a 10'-wide asphalt trail around the basin. **During the Planning & Zoning Commission meeting it was discussed that the terrain in this area is too jagged to allow for sidewalk/trail placement around the basin. ~~Though there were discussions on this matter and~~ There is still a need to install trails connecting to the sidewalks and connecting the various open space areas including the Hite Park properties no trails are shown in the proposed Preliminary Development Plan.**

Landscaping. In accordance with Section 405565.F all development plans are required to provide a landscape plan. A low-impact screen is required between the property that is zoned RP-1 and that which is proposed to be rezoned to RP-2. Additionally, screening is required for the double-frontage lots. The landscape plan is to indicate the general extent and character of the proposed landscaping to include general species and size information.

The developers have proposed to provide street trees throughout the proposed development, which is great, but it needs to be confirmed that no tree will be planted within the sight triangle of a street or a drive intersection or within ten (10) feet of a fire hydrant as required by Section 405.565.F.3.a(8). Additionally, the landscape plans indicate that a low impact screen is to be provided between the RP-1 and the RP-2 zoned properties but the screen does not meet the requirements for a low impact screen in accordance with Section 405.565.F.3.c(2)(a) as no shrubs are indicated and the calculations have not been provided.

Low-Impact Screening Requirements

Required Landscaping/Screening Options	A	B	C
Shade Trees	1/500 sq.ft.	1/1,000 sq.ft.	1/750 sq.ft.
Ornamental Trees	1/750 sq.ft.	1/500 sq.ft.	1/750 sq.ft.
Evergreen Trees	1/500 sq.ft.	1/500 sq.ft.	1/750 sq.ft.
Shrubs	1/500 sq.ft.	1/500 sq.ft.	1/200 sq.ft.

Moving North to South

115' * 30' = 3,450 sq.ft.	A	B	C
Shade Trees	7	4	5
Ornamental Trees	5	7	5
Evergreen Trees	7	7	5
Shrubs	7	7	18

157.43' * 30' = 4,722.9 sq.ft.	A	B	C
Shade Trees	10	5	7
Ornamental Trees	7	10	7
Evergreen Trees	10	10	7
Shrubs	10	10	24

114.89' * 30' = 3,446.7 sq.ft.	A	B	C
Shade Trees	7	4	5
Ornamental Trees	5	7	5
Evergreen Trees	7	7	5
Shrubs	7	7	18

Cash-In-Lieu Payment for Parkland. Section 410.630 of the City's Municipal Code provides criteria for dedication of park sites and cash-in-lieu payments. This section of code explains that the cash-in-lieu payment is calculated as the number of units (243) times 2 persons times 0.006 (of an acre per person), which equates to 2.916 and is then multiplied by the per acre price calculated utilizing the current year's CPI (which is calculated at \$10,905.33). The acres to be dedicated (2.916) times the per acre price (\$10,905.33) yields a value of \$31,799.94. City staff has had difficulty with the maintenance and upkeep of the parklands previously provided to the City for the parkland known as Hite Park. At the direction of the City Administrator, the Parks & Recreation Director and Community Development Director met with the developers to discuss an exchange of the Hite Park land rather than requiring the payment of the cash-in-lieu for parkland. The Board of Aldermen have agreed to this exchange and it will be included in the development agreement.

Traffic. When the rezoning from A and R-1 to RP-1 for the *Glen Eagle* development was presented to the Planning & Zoning Commission by the previous Community Development Director (February 19, 2004) he stated that "Glen Eagle Drive is a collector street and, depending on how traffic is as the development builds, a traffic study may be required at 267th Street and Glen Eagle Drive". For this reason, and because the proposed development is less dense than the previously approved *Glen Eagle* development, staff has not required a traffic study for the proposed development.

Comprehensive Plan. The City's 2040 Comprehensive Plan shows this area as "Suburban Neighborhood". According to page 36 of the City's Comprehensive Plan, "Suburban Neighborhoods are residential areas established around an interconnected, curvilinear street network. While single-family homes are the predominant housing type, these neighborhoods may also include accessory dwelling units ("mother-in-law" suites), cottage courts, townhomes, and small-scale apartments." The identified "Key Priorities" for this place type include:

- "Establishment of quality suburban-style neighborhoods composed of modern housing types that serve a variety of lifestyle needs.
- Broadening of the housing portfolio to promote first-time home buyers, quality rental, and options for aging residents.
- High interconnectivity of new and established neighborhoods, including multimodal infrastructure (sidewalks, trails, bicycle facilities) where appropriate.
- Quality design, favoring slow speed streetscapes, street trees, and pedestrian-oriented housing design.
- Utilization of floodplain for open space and trailways."

STAFF RECOMMENDATION

Staff recommends approval of the proposed Rezoning of approximately 7-acres from RP-1 to RP-2 and Preliminary Development Plan for the 24 duplex lots and 195 single-family residential lots with the following condition:

- 1) Sidewalks shall have handicapped access at all intersections in accordance with Section 410.530.B and shall normally be separated from the edge of the street by a grassy strip twenty-four (24) inches wide. Sidewalks shall comply with the ADA requirements in place at the time of construction, and all non—paved right-of-way shall be either sodded or seeded.
- 2) Builders on lots that abut the west side of the Glen Eagle Drive from the previously platted "Glen Eagle, Lots 213 thru 247" shall install sidewalks adjacent to Glen Eagle Drive to assure connectivity.
- 3) Trails shall be provided that connect to the sidewalks and connect the proposed and existing open space areas including the Hite Park properties.
- 4) No tree shall be planted within the sight triangle of a street or drive intersection or within ten (10) feet of a fire hydrant.
- 5) Sewer and water mains shall be installed with ten (10) feet of separation and shall be located such that they are on different sides of the streets.

- 6) The developer and the City shall enter into a mutually agreed upon Development Agreement.
- 7) Easements shall be provided as required by Section 410.400 of the City's Municipal Code.
- 8) A Final Plat shall be submitted, reviewed, and approved prior to the issuance of any development related (building or infrastructure) permits.

ATTACHMENTS

Application
Preliminary Development Plan
Landscape Plan
Elevations
Planned Zoning Districts Regulations
Draft Development Agreement
Zoning Map
Aerial Map



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

LAND USE – ZONING APPLICATION

Application Type

☒ Rezoning (Fee \$300.00 + \$65 Notice Fee) ☒ Preliminary Development Plan (Fee \$300.00 + \$65 Notice Fee)

☐ Special Use Permit (Fee \$300.00 + \$65 Notice Fee) ☐ *Final Development Plan (Fee \$200.00)

* Staff-only approval required

Applicant and Owner Information

Applicant (Print): MATT SCHLICHT Signature: [Signature]
Company Name: ENGINEERING SOLUTIONS
Street Address: 50 SE 30th ST City: Lee's Summit State: MO Zip: 64082
Phone: 816 623 9888 Email: MSchlicht@ES-KL.com

Property Owner Authorization (Provide contact information and signatures of all property owners.)

Property Owner Name (print): SWM Development Signature: [Signature]
Street Address: 103 SHARON LN City: GARDEN CITY State: MO Zip: 64117
Phone: 816 623 9888 Email: MSchlicht@ES-KL.com

Firm Preparing Application: ENGINEERING SOLUTIONS

Contact: MATT SCHLICHT
Street Address: 50 SE 30th ST City: Lee's Summit State: MO Zip: 64082
Phone: 816 623 9888 Email: MSchlicht@ES-KL.com

*All correspondence should be sent to: Applicant ☐ Property Owner ☐ Firm ☒

Project Information

General Location or Address: GLEN EAGLE DR
Project Description: RESIDENTIAL DEVELOPMENT
Acres or Sq. Ft. 96.59
Current Zoning: RP-1 Proposed Zoning: RP-2

Items to be Submitted 30 Days Before Planning Commission Meeting

- ☒ 1) Application
- ☒ 2) Filing Fee – Payable to City of Harrisonville or contact the Community Development Office to pay by phone.
- ☒ 3) Site Plan drawn to scale and showing adjacent tracts within 185 ft. and current ownership. Four (4) copies of at least 8 1/2" x 11", and one (1) electronic copy emailed to the planner.
- ☒ 4) Email full legal description in WORD to planner (not assessor's abbreviated description).

City Staff may modify submittal requirements as necessary.

For Office Use Only

Case No: RZ-24-001 Filing Fee: Amount Paid \$ 365.00 Date Application Received: 7/16/24
Staff-only approval: NA P&Z meeting: 8/15/24 BOA Meeting: 8/19/24
compd 9/19/24 compd 10/7/24

PROPERTY DESCRIPTION

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Beginning at the Northeast corner of the Northwest Quarter of said Southeast Quarter; Thence South 01°35'48" West, along the East line of the Northwest Quarter of said Southeast Quarter, 663.84 feet; Thence North 88°30'54" West, 773.61 feet; Thence South 86°53'58" West, 622.80 feet; Thence South 80°58'37" West, 311.03 feet; Thence South 52°11'41" West, 265.32 feet; Thence South 62°06'57" West, 389.72 feet; Thence South 67°48'15" West, 438.24 feet to the Southwest corner of the Northeast Quarter of said Southeast Quarter; Thence North 01°40'40" East, along the West line of the Northeast Quarter of said Southeast Quarter, 744.36 feet to the Southwest corner of GLEN EAGLE, Lots 1 thru a subdivision in said Harrisonville, Cass County, Missouri; Thence along the Southerly and Easterly lines of said GLEN EAGLE, the following ten courses: Thence South 88°50'00" East, 163.66 feet; Thence North 01°10'00" East, 30.00 feet; Thence South 88°50'00" East, 299.42 feet to the Southeast corner of Lot 25, said GLEN EAGLE; Thence North 01°10'00" East, 160.00 feet; Thence North 88°50'00" West, 11.55 feet; Thence North 01°10'00" East, 110.00 feet to the Northeast corner of Lot 24, said GLEN EAGLE; Thence South 88°50'00" East, 270.00 feet to the Southeast corner of Lot 10, said GLEN EAGLE; Thence North 01°10'00" East, 110.00 feet; Thence South 88°50'00" East, 13.61 feet; Thence North 01°10'00" East, 163.59 feet to the Northeast corner of said GLEN EAGLE, said point also being on the North line of said Southwest Quarter; Thence South 88°21'39" East, along said North line, 590.31 feet to the Northwest corner of said Southeast Quarter; Thence South 87°57'20" East, along the North line of said Southeast Quarter, 132.15 feet to the Point of Beginning. Contains 1,885,016 square feet or 43.27 acres more or less.

AND

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; Thence North 01°44'23" East, along the West line of said Southwest Quarter, 829.94 feet to the Point of Beginning; Thence North 01°44'23" East, along said West line, 497.97 feet to the Northwest corner of the Southwest Quarter of said Southwest Quarter; Thence South 88°24'37" East, along the North line of the Southwest Quarter of said Southwest Quarter, 1320.46 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; Thence North 67°48'15" East, 438.24 feet; Thence South 58°22'50" East, 418.85 feet; Thence South 22°30'03" East, 208.32 feet; Thence South 87°05'39" East, 764.65 feet; Thence South 02°23'42" West, 268.99 feet; Thence North 82°13'01" East, 309.38 feet to the Northwest corner of GLEN EAGLE, Lots 213 thru 247, a subdivision in said Harrisonville, Cass County, Missouri; Thence along the West line of said GLEN EAGLE, the following nine courses: Thence South 27°31'00" East, 210.69 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 1143.38 feet, and an arc length of 185.50 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 15.00 feet, and an arc length of 24.19 feet; Thence South 06°54'22" East, 50.18 feet; Thence North 82°45'22" East, 10.50 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 15.00 feet, and an arc length of 21.84 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 1143.07 feet, and an arc length of 117.11 feet; Thence South 08°03'58" East, 3.86 feet; Thence North 88°50'00" West, 127.81 feet; Thence North 88°27'47" West, 697.52 feet to the East line of said Southwest Quarter; Thence North 01°38'35" East, along said East line, 496.75 feet; Thence North 88°31'09" West, 573.20 feet; Thence North 00°26'06" West, 26.21 feet; Thence South 83°41'41" West, 754.58 feet to the East line of the Southwest Quarter of said Southwest Quarter; Thence North 01°40'28" East, along said East line, 95.38 feet; Thence North 88°27'03" West, 1321.01 feet to the Point of Beginning. Contains 1,757,134 square feet or 40.34 acres more or less.

SETBACKS & DIMENSIONS:

North of the Creek
Front: 25 feet
Side: 7.5 feet
Rear: 25 feet

Lot Width: 65 feet
Lot Depth: 110 feet

South of the Creek
Front: 30 feet
Side: 7.5 feet
Rear: 30 feet

Lot Width: 75 feet
Lot Depth: 115 feet

Site Data Table

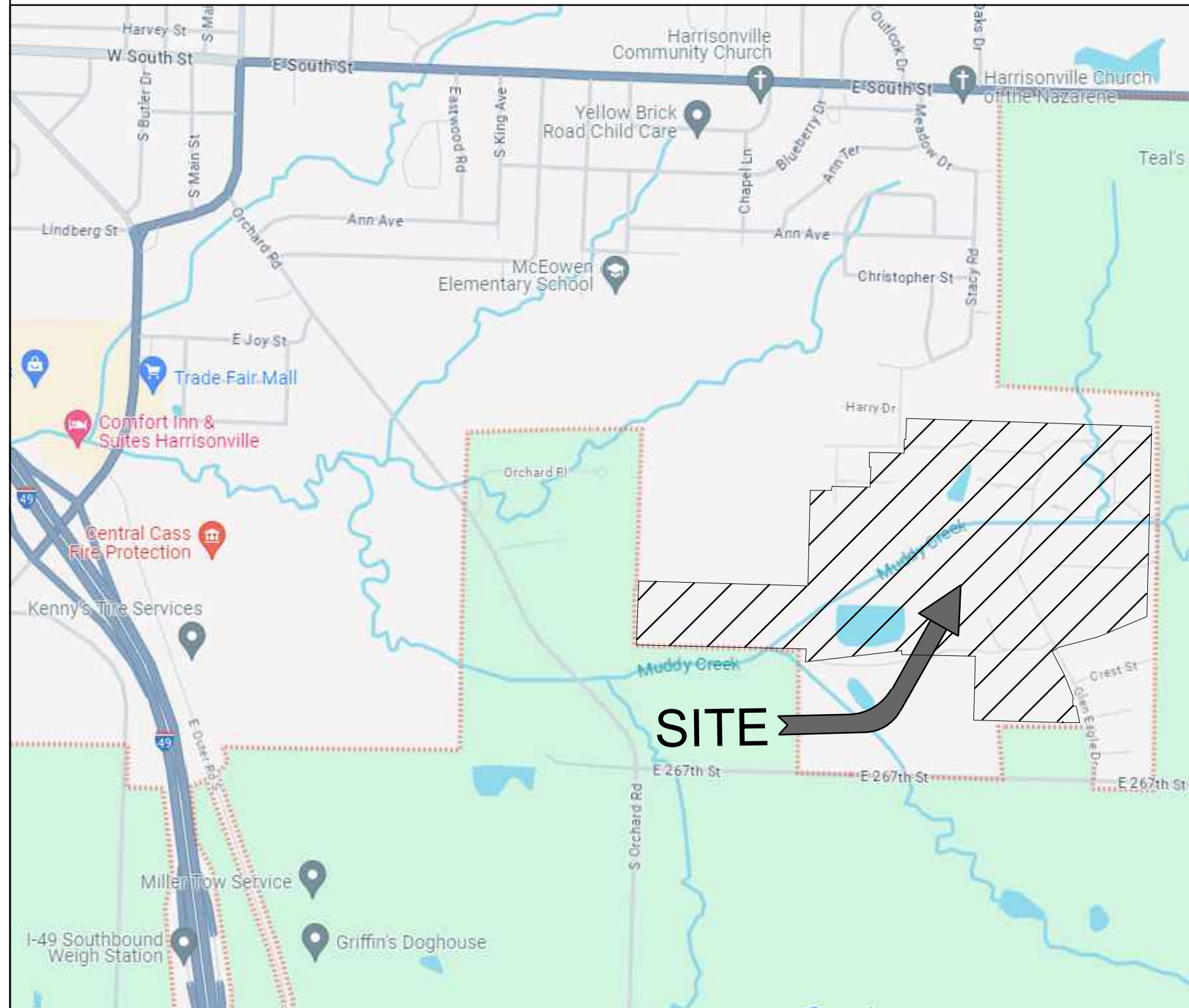
Total Area	96.56 acres (4,206,004.61 sq. ft.)
Common Area	32.01 acres (1,394,355.60 sq. ft.)
Total Lot	219
Total Units	243
Density	2.52 units per acre with Common Area
Density	3.76 units per acre without Common Area

Setbacks

Front	20' for corner lots
Street Side	7.5'
Side-Yard	
Rear-Yard	20'

Utilities

Domestic Water Service	Water District #4
Sanitary Sewer	Sewer shall be gravity flow to an existing City of Harrisonville sewer main.



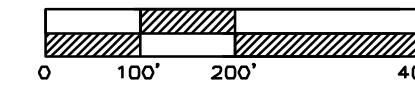
VICINITY MAP

Cedar Crossing - Preliminary Plat

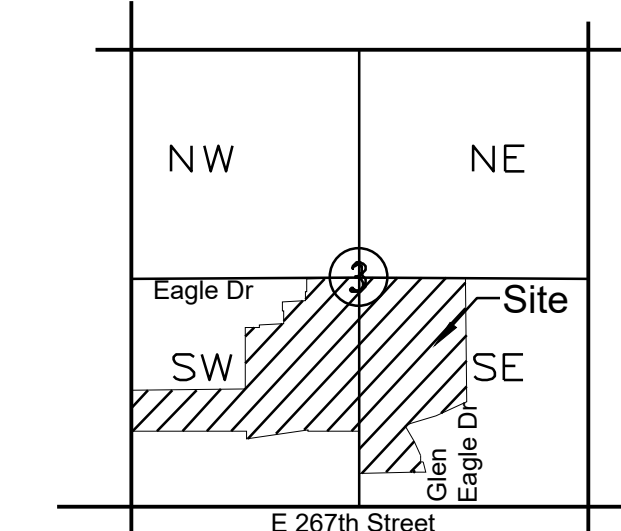
Lots 1 - 19 and Tracts A, B & C

Section 3, Township 44 North, Range 31 West

Cass County, Missouri



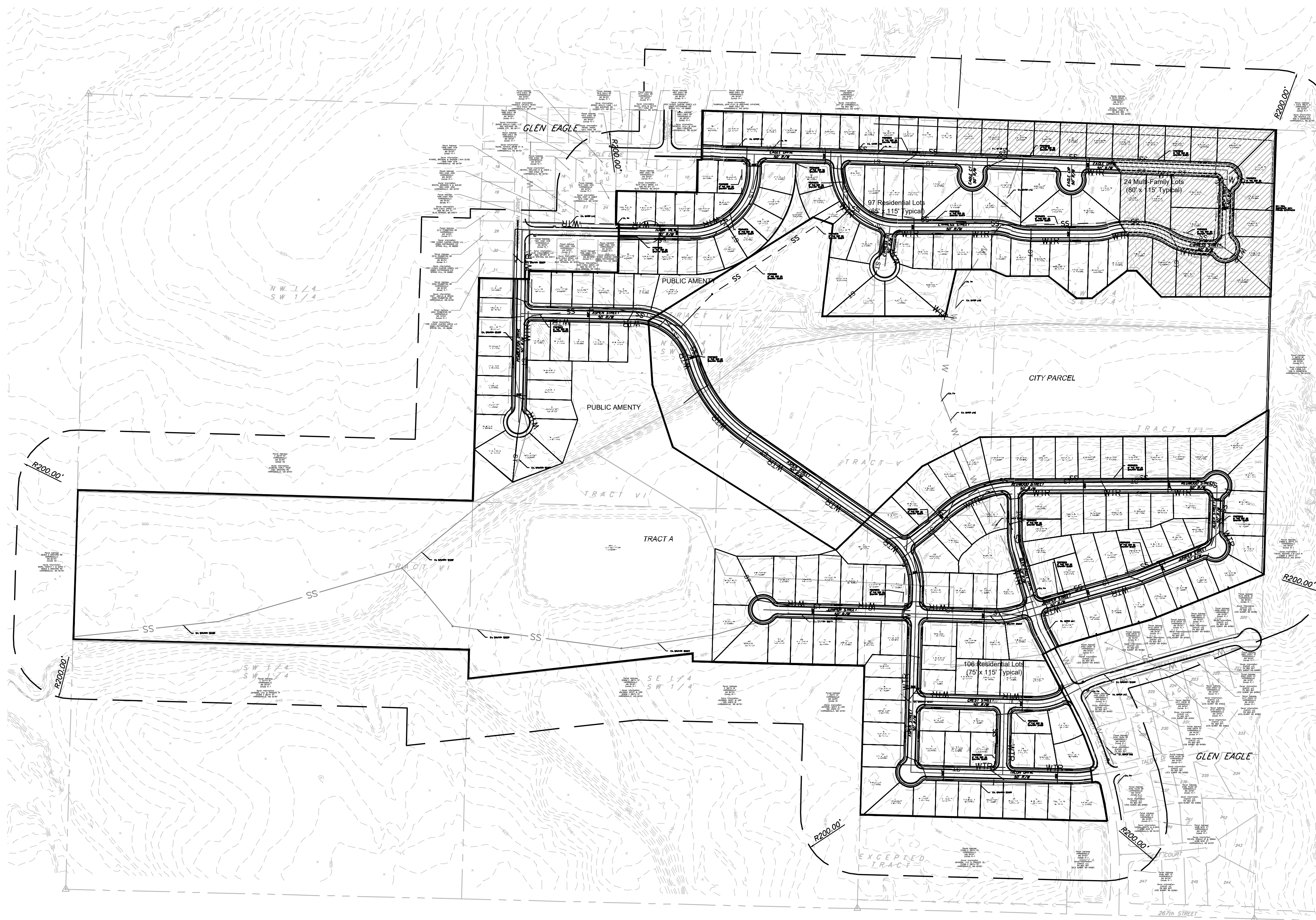
PRELIMINARY DEVELOPMENT PLAN
SCALE: 1" = 200'



LOCATION MAP
SECTION 3-T44N-R31W

DEVELOPER:
JWM DEVELOPMENT LLC & BURKIT
DEVELOPMENT LLC
103 SHARON LN
GARDEN CITY, MO 64747-9201Phone:

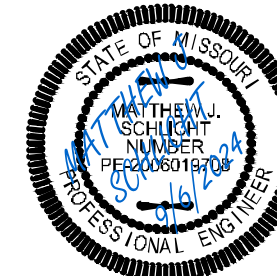
NOTE:
HOA TO TAKE CARE OF
COMMON AREAS



Professional Registration
Missouri
Engineering 2005000185-D
Surveying 2020000819-D
Kansas
Engineering 5-1895
Surveying LS-218
Oklahoma
Engineering B254
Nebraska
Engineering CA2821

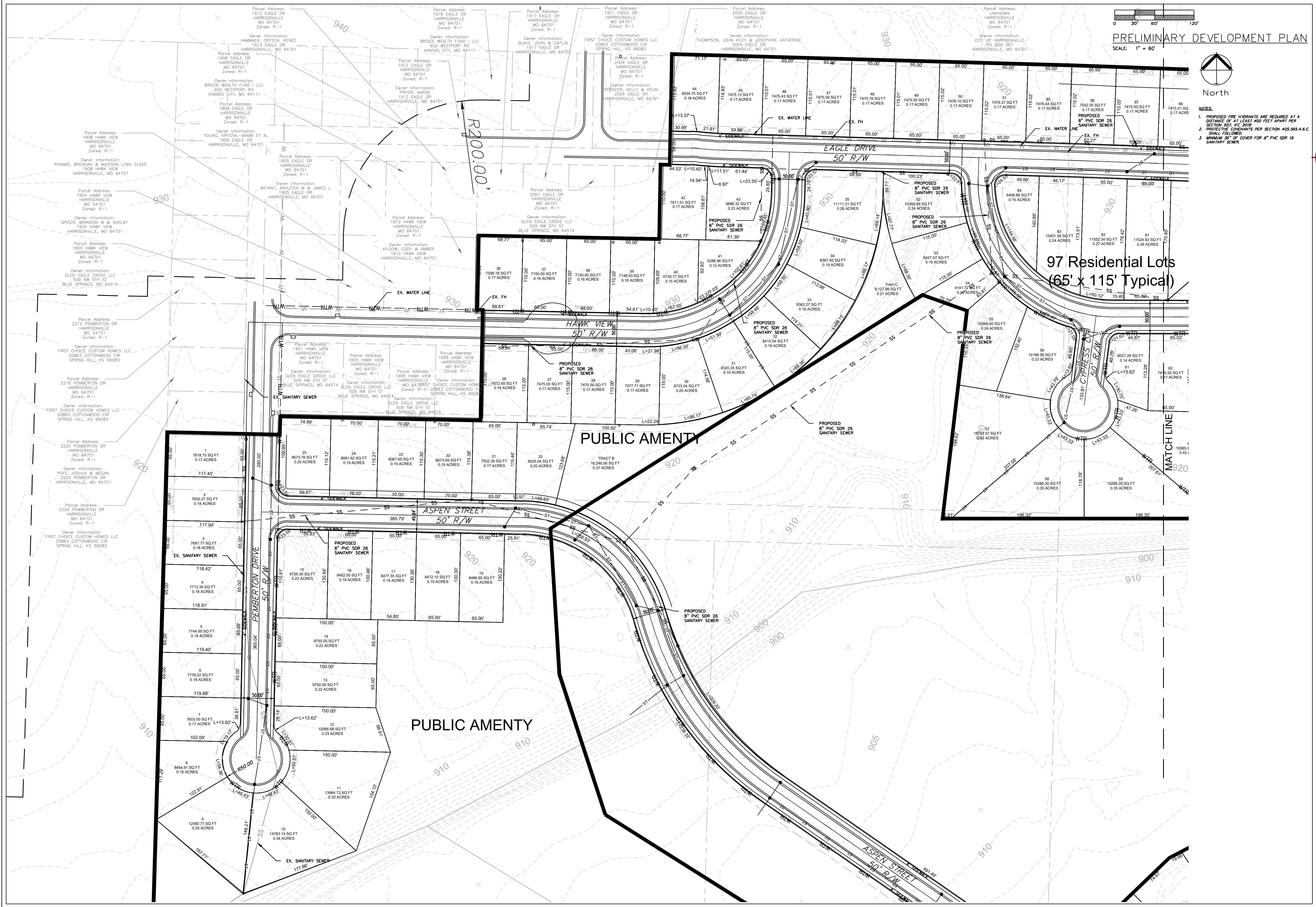
Project: Cedar Crossing
Glen Eagle
Harrisonville, Cass County, Missouri

PRELIMINARY DEVELOPMENT PLAN
Plans for:
Cedar Crossing
Harrisonville, Cass County, Missouri



Matthew J. Schlicht
MO PE 2006019708
KS PE 19071
OK PE 25226

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Missouri
Engineering 2005000185-D
Surveying 2020008818-D
Kansas
Engineering E-1686
Surveying LS-219
Oklahoma
Engineering R254
Nebraska
Engineering CA2821

Project:
Glen Eagle
Cedar Crossing
Harrisonville, Cass County, Missouri
Plan Date:
July 16, 2024

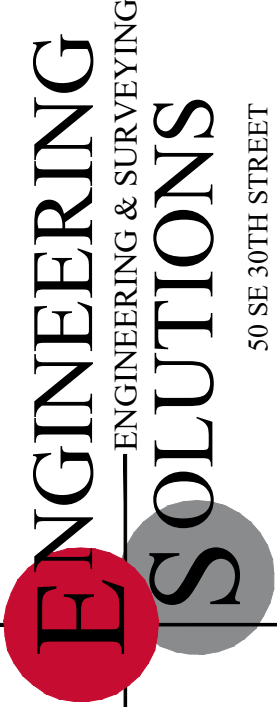
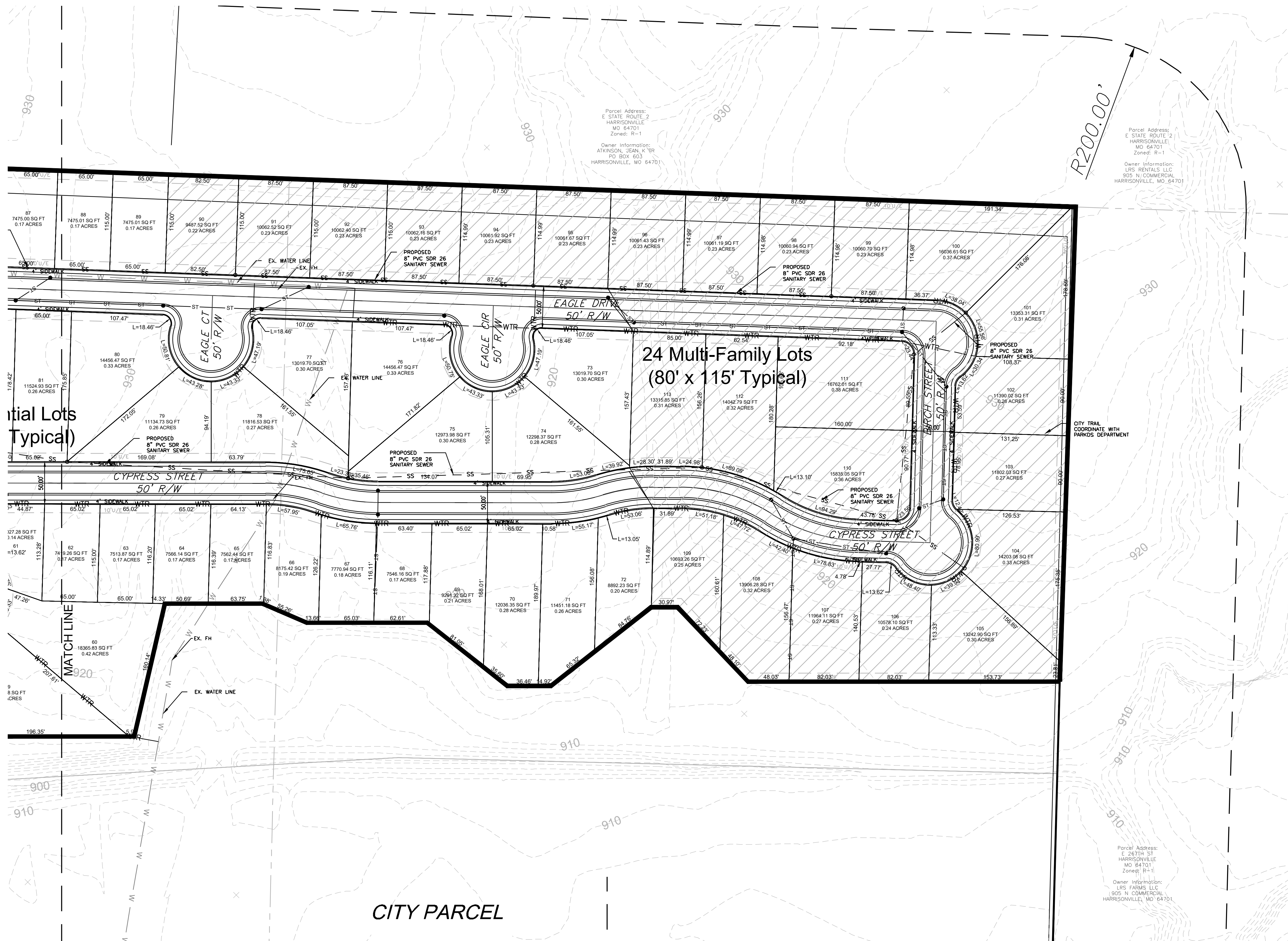
PRELIMINARY DEVELOPMENT PLAN
Plans for:
Cedar Crossing
Harrisonville, Cass County, Missouri

Attachment: Cedar Crossing 9.13-24 Revised2 (Appl. #RZPDP-24-001-A Rezoning of approximately 7-acres and Preliminary Development Plan)

PRELIMINARY DEVELOPMENT PLAN
Plans for:
Cedar Crossing
Harrisonville, Cass County, Missouri

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KS PE 190971
OK PE 25226
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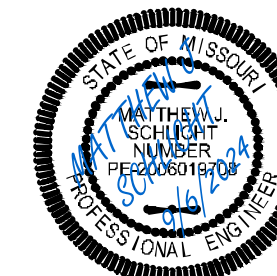
C.101



Professional Registration
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Kansas
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Surveying LS-219
Oklahoma
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Nebraska
Engineering CA2821

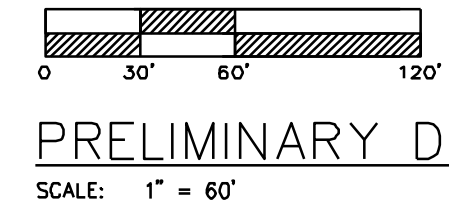
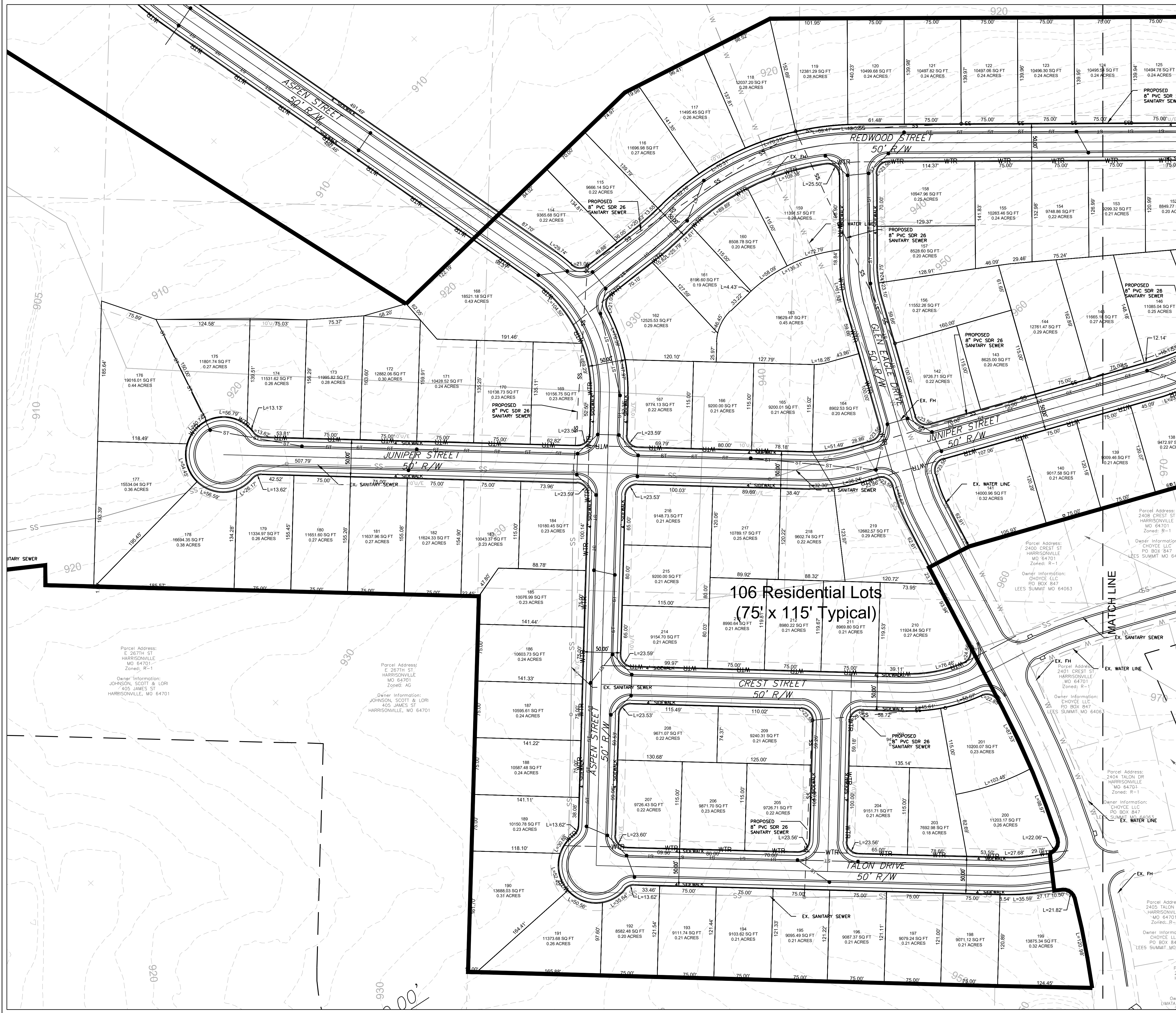
Project:
Glen Eagle
Cedar Crossing
Harrisonville, Cass County, Missouri
Map Date:
July 10, 2024

PRELIMINARY DEVELOPMENT PLAN
Plans for:
Cedar Crossing
Harrisonville, Cass County, Missouri



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MO PE 2006019708
KS PE 19071
OK PE 25226

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PRELIMINARY DEVELOPMENT PLAN

SCALE: 1" = 60'

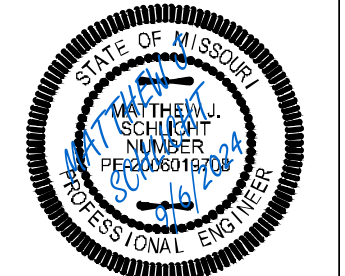


Professional Registration
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Surveying 2020008189-C
Kansas
Engineering E-1695
Surveying LS-219
Oklahoma
Engineering R254
Nebraska
Engineering CA2821

Cedar Crossing
Harrisonville, Cass County, Missouri

Project:
Gen Eagle
Issue Date:
July 10, 2024

PRELIMINARY DEVELOPMENT PLAN
Plans for:
Cedar Crossing
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Kansas
Engineering E-1696
Surveying LS-219
Oklahoma
Engineering R2-4
Nebraska
Engineering CA2821

PRELIMINARY DEVELOPMENT PLAN
Plans for:
Cedar Crossing
Harrisonville, Cass County, Missouri

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Glen Eagle
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July 10, 2024

PRELIMINARY DEVELOPMENT PLAN
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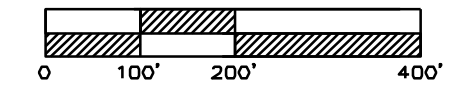
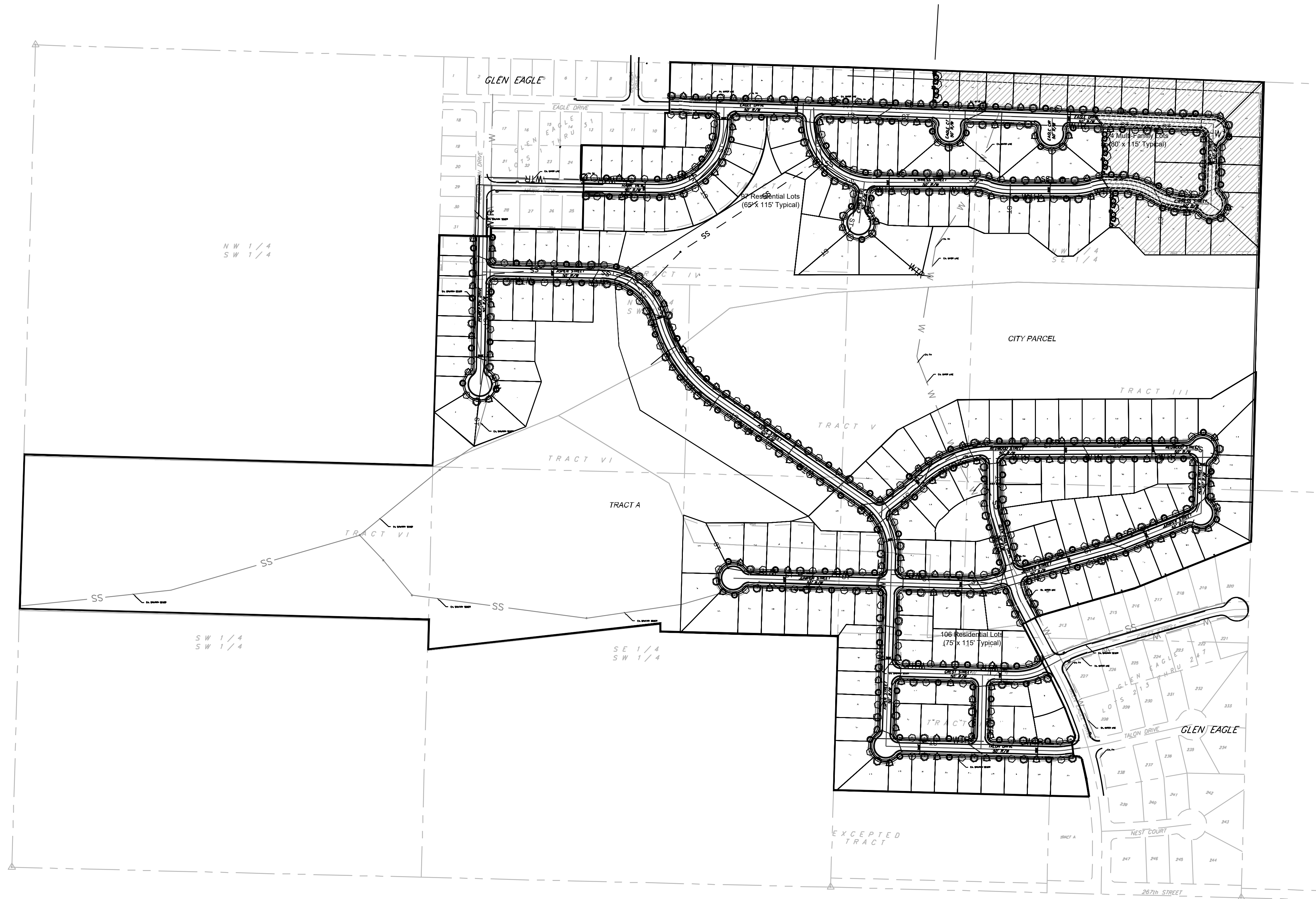
REVISIONS
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STATE OF MISSOURI
MATTHEW J. SCHLICHT
REGISTERED PROFESSIONAL ENGINEER

Matthew J. Schlicht
MO PE 2006019708
KS PE 19071
OK PE 25226

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C.104



OVERALL LANDSCAPE PLAN
SCALE: 1" = 200'



Professional Registration
Missouri
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Surveying 202003819-C
Kansas
Engineering LS-1696
Surveying LS-219
Oklahoma
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Nebraska
Engineering CA2821

Cedar Crossing
Harrisonville, Cass County, Missouri

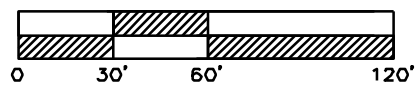
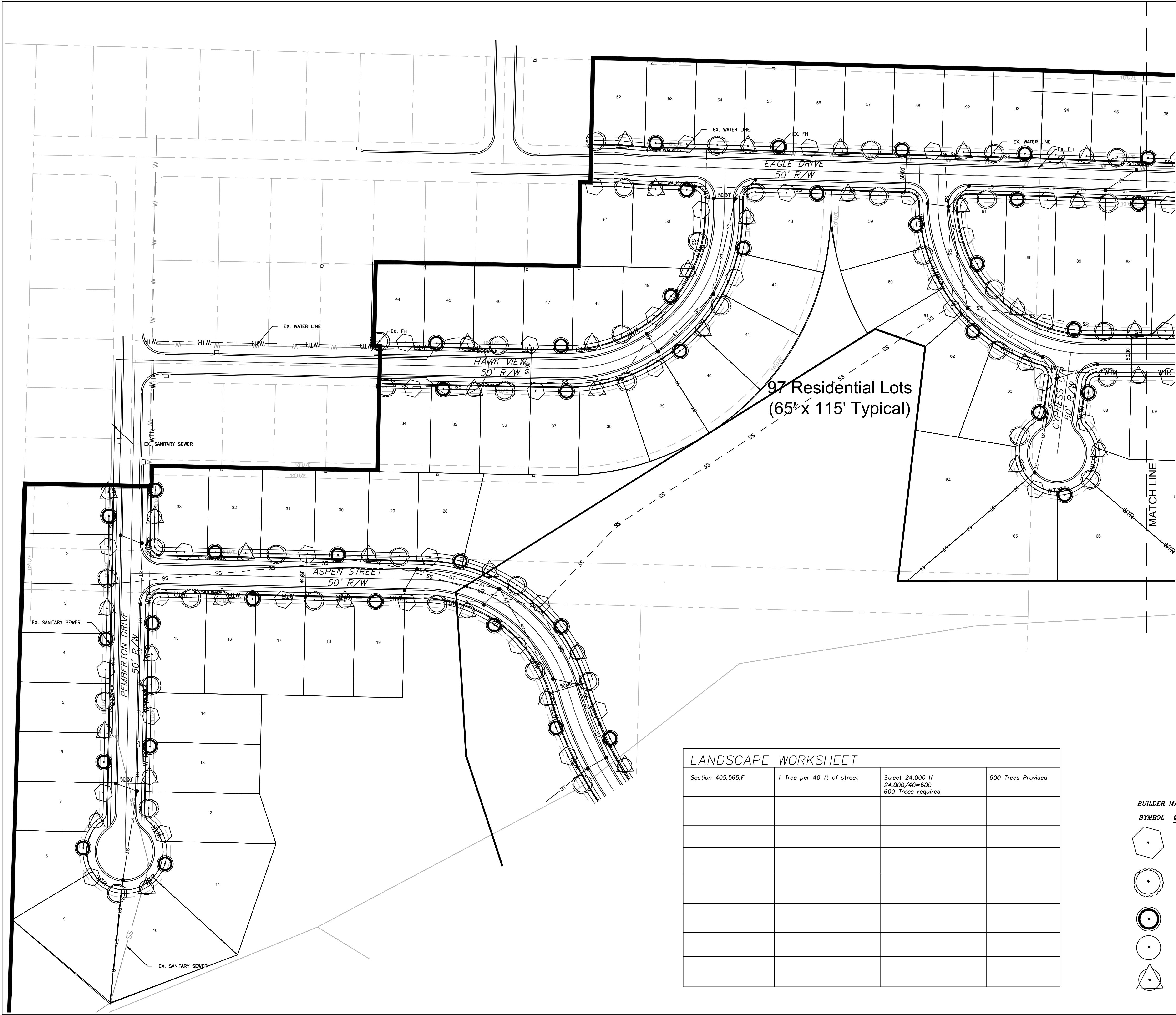
Project:
Glen Eagle
Issue Date:
July 16, 2024

OVERALL LANDSCAPE PLAN
Plans for:
Cedar Crossing
Harrisonville, Cass County, Missouri



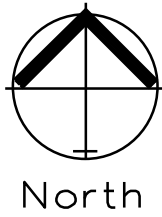
Matthew J. Schlicht
MO PE 2006019708
KS PE 19071
OK PE 25226

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REV. 9/6/2024	



LANDSCAPE PLAN

SCALE: 1" = 60'



97 Residential Lots
(65' x 115' Typical)

LANDSCAPE WORKSHEET			
Section 405.565.F	1 Tree per 40 ft of street	Street 24,000 If 24,000/40=600 600 Trees required	600 Trees Provided

PLANTING GUIDE

BUILDER MAY PLANT ANY OF THE FOLLOWING BUT NOT THE SAME TREE ON A SINGLE LOT

SYMBOL	QUANT.	KEY	NAME	SIZE
	150	TA	AMERICAN BASSWOOD LINDEN TILIA AMERICANA	2" CAL
	150	HL	SKYLINE HONEYLOCUST GLEDITISIA TRIANTHOS "SKYLINE"	2" CAL
	150	RB	OKLAHOMA REDBUD CERCIS RENIFORMIS "OKLAHOMA"	2" CAL
	0	SS	SPRING SNOW CRABAPPLE MALUS "SPRING SHOW"	2" CAL
	150	RO	RED OAK QUERCUS RUBRA	2" CAL

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Oklahoma
Engineering R254
Nebraska
Engineering CA2821

PRELIMINARY DEVELOPMENT PLAN
Plans for:
Cedar Crossing
Harrisonville, Cass County, Missouri

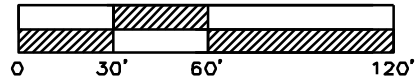
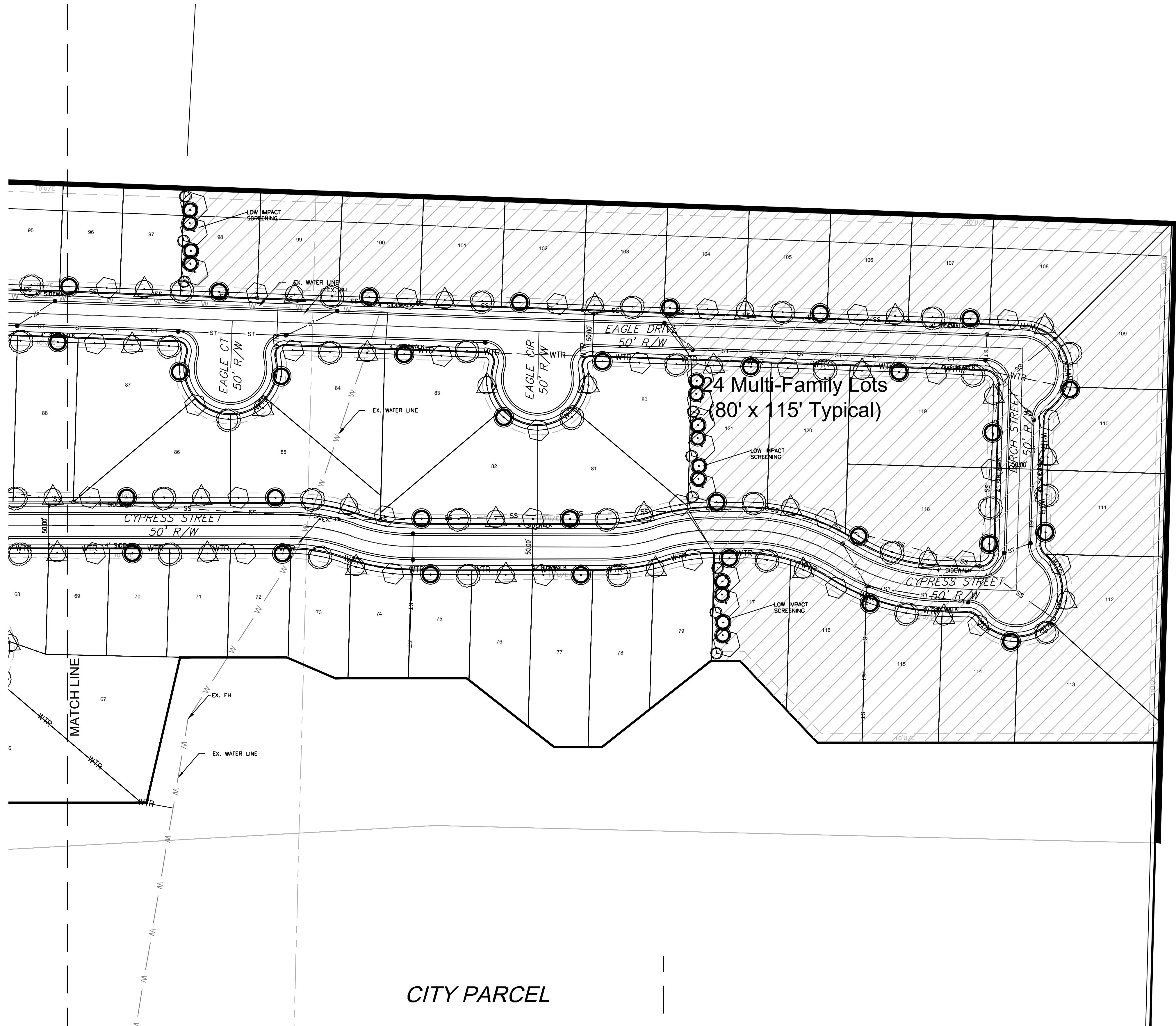
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Glen Eagle
Issue Date:
July 16, 2024

Cedar Crossing
Harrisonville, Cass County, Missouri

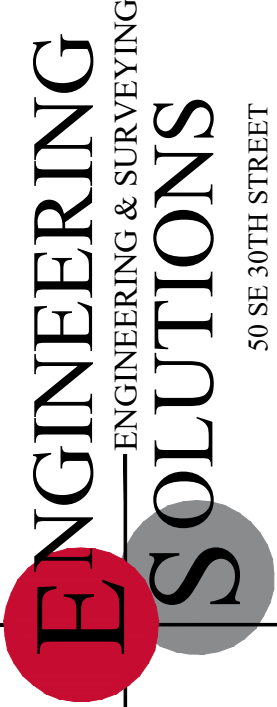
Matthew J. Schlicht
MO PE 2006019708
KS PE 19071
OK PE 25526

REVISIONS
REV. 9/6/2024

C.101



LANDSCAPE PLAN
SCALE: 1" = 60'



Professional Registration
Missouri
Engineering 2005000185-D
Surveying 2020008818-C
Kansas
Engineering E-1696
Surveying LS-219
Oklahoma
Engineering B254
Nebraska
Engineering CA2821

Cedar Crossing
Harrisonville, Cass County, Missouri

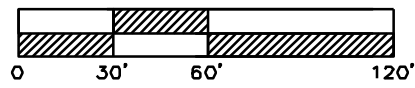
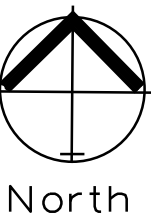
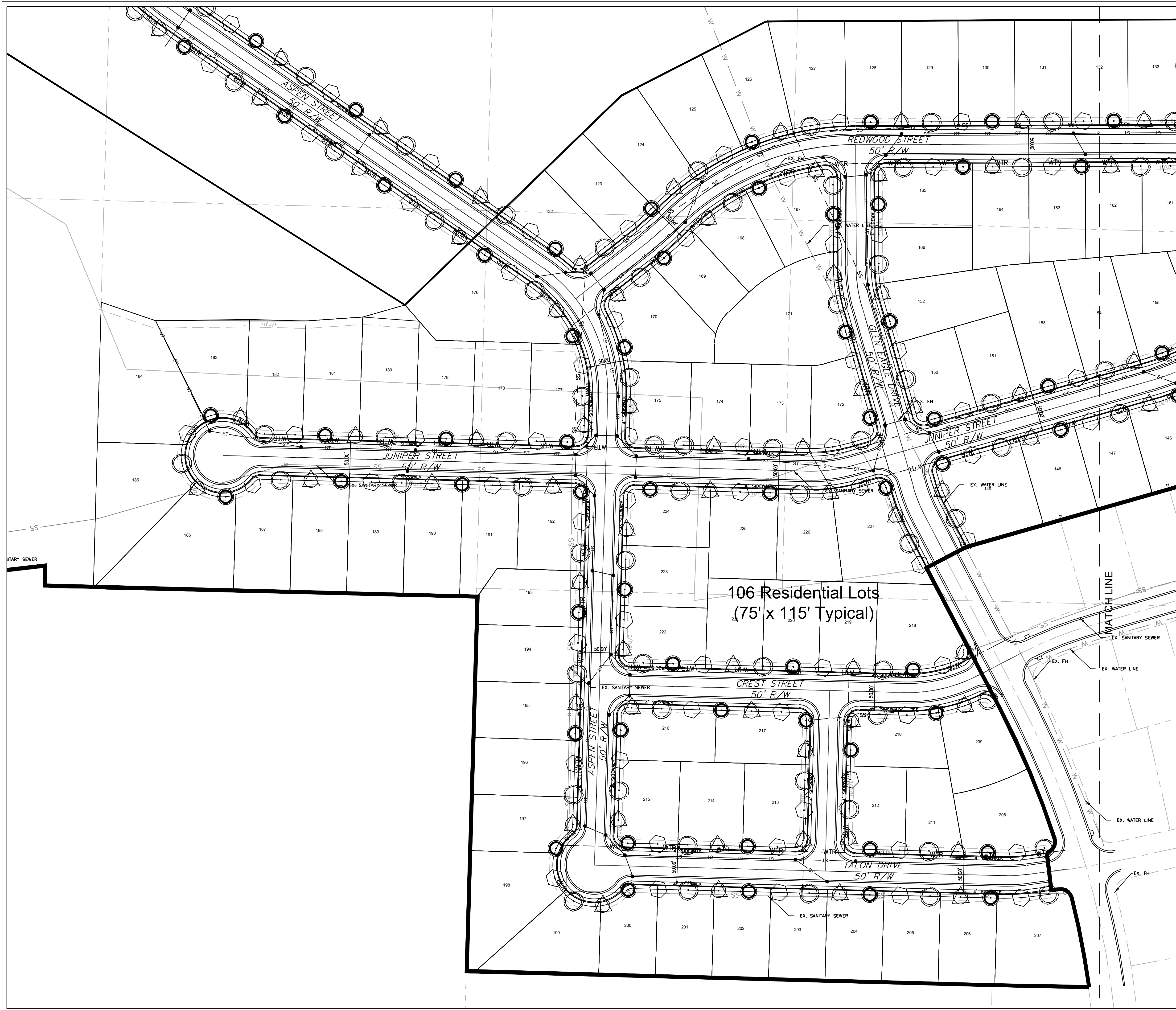
Project:
Gen Eagle
Issue Date:
July 10, 2024

PRELIMINARY DEVELOPMENT PLAN
Plans for:
Cedar Crossing
Harrisonville, Cass County, Missouri

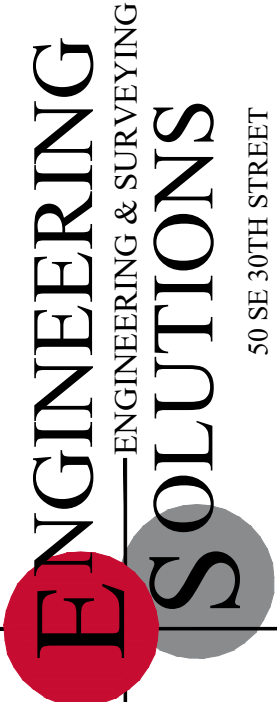


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LANDSCAPE PLAN
SCALE: 1" = 60'



Professional Registration
Missouri
Engineering 200500185-D
Surveying 2020038219-C
Kansas
Engineering S-1696
Surveying LS-219
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Engineering CA2821

Cedar Crossing
Harrisonville, Cass County, Missouri

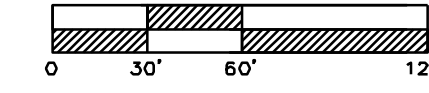
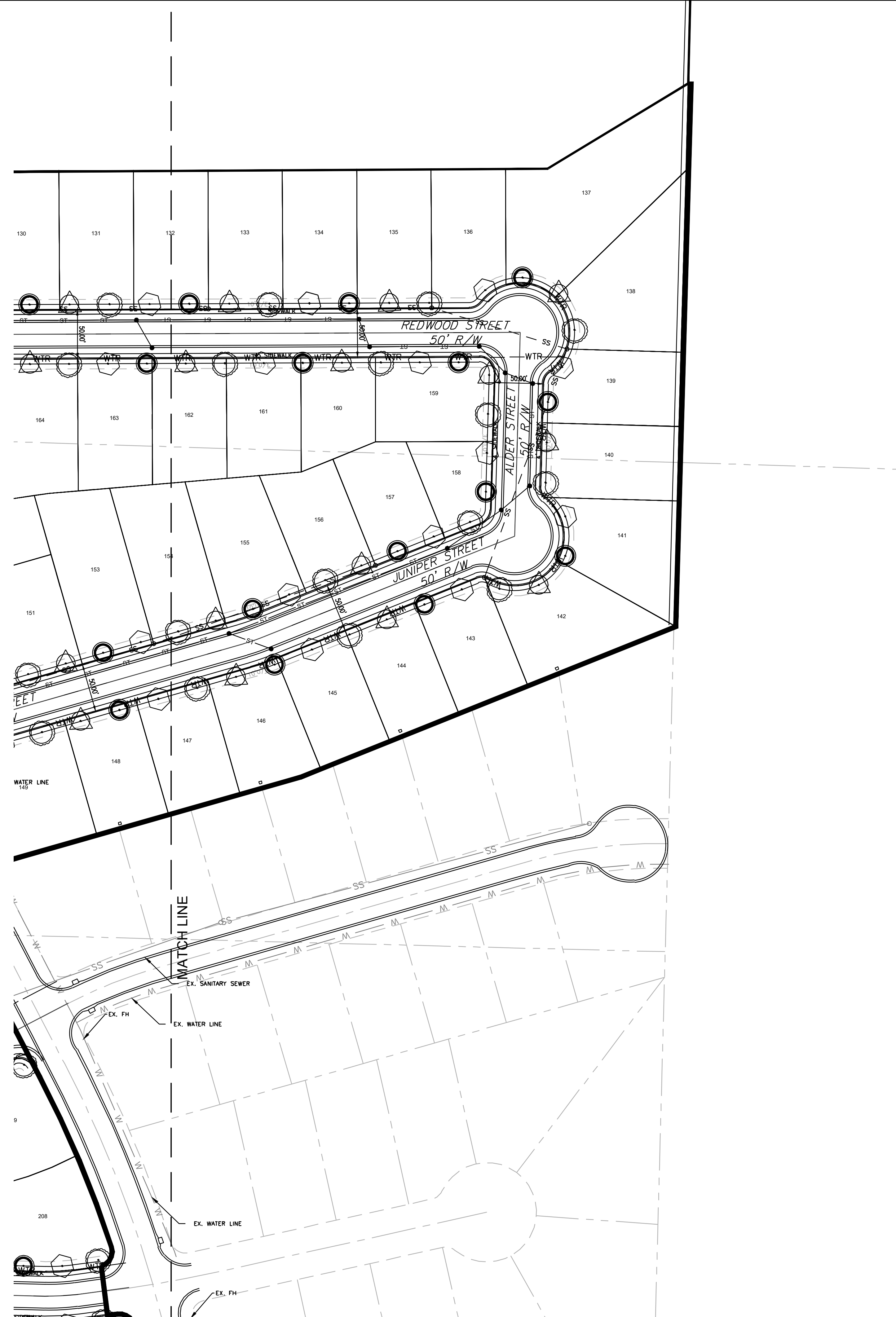
Project:
Glen Eagle
Issue Date:
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PRELIMINARY DEVELOPMENT PLAN
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Harrisonville, Cass County, Missouri

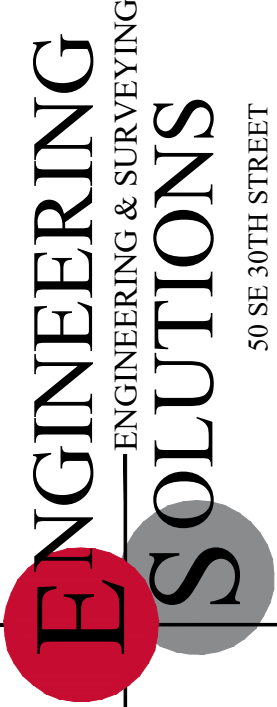


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MO PE 2006019708
KS PE 19071
OK PE 25226

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LANDSCAPE PLAN
SCALE: 1" = 60'

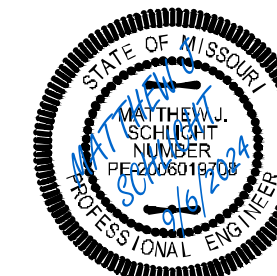


Professional Registration
Missouri
Engineering 2005000185-D
Surveying 2020008218-C
Kansas
Engineering E-1696
Surveying LS-219
Oklahoma
Engineering R254
Nebraska
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Cedar Crossing
Harrisonville, Cass County, Missouri

Project:
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July 16, 2024

PRELIMINARY DEVELOPMENT PLAN
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Cedar Crossing
Harrisonville, Cass County, Missouri



Matthew J. Schlicht
MO PE 2006019708
KS PE 19071
OK PE 25226

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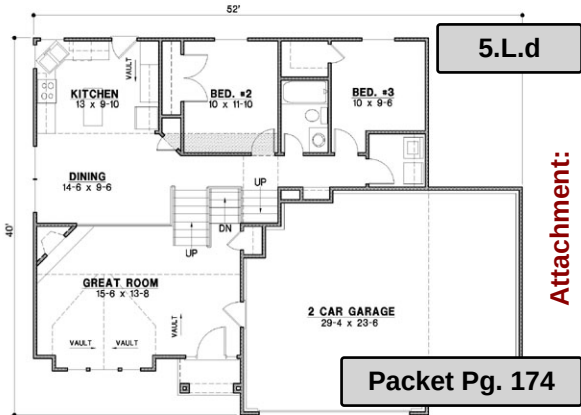
C.104



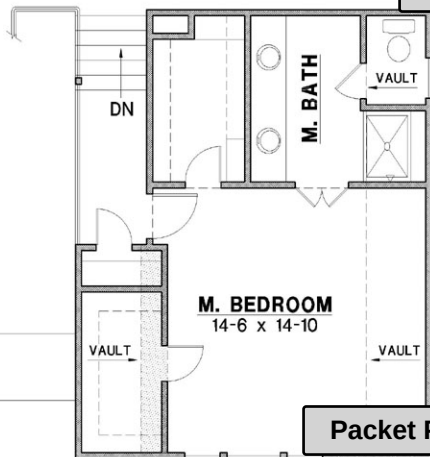
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Attac

Packet Pg. 173



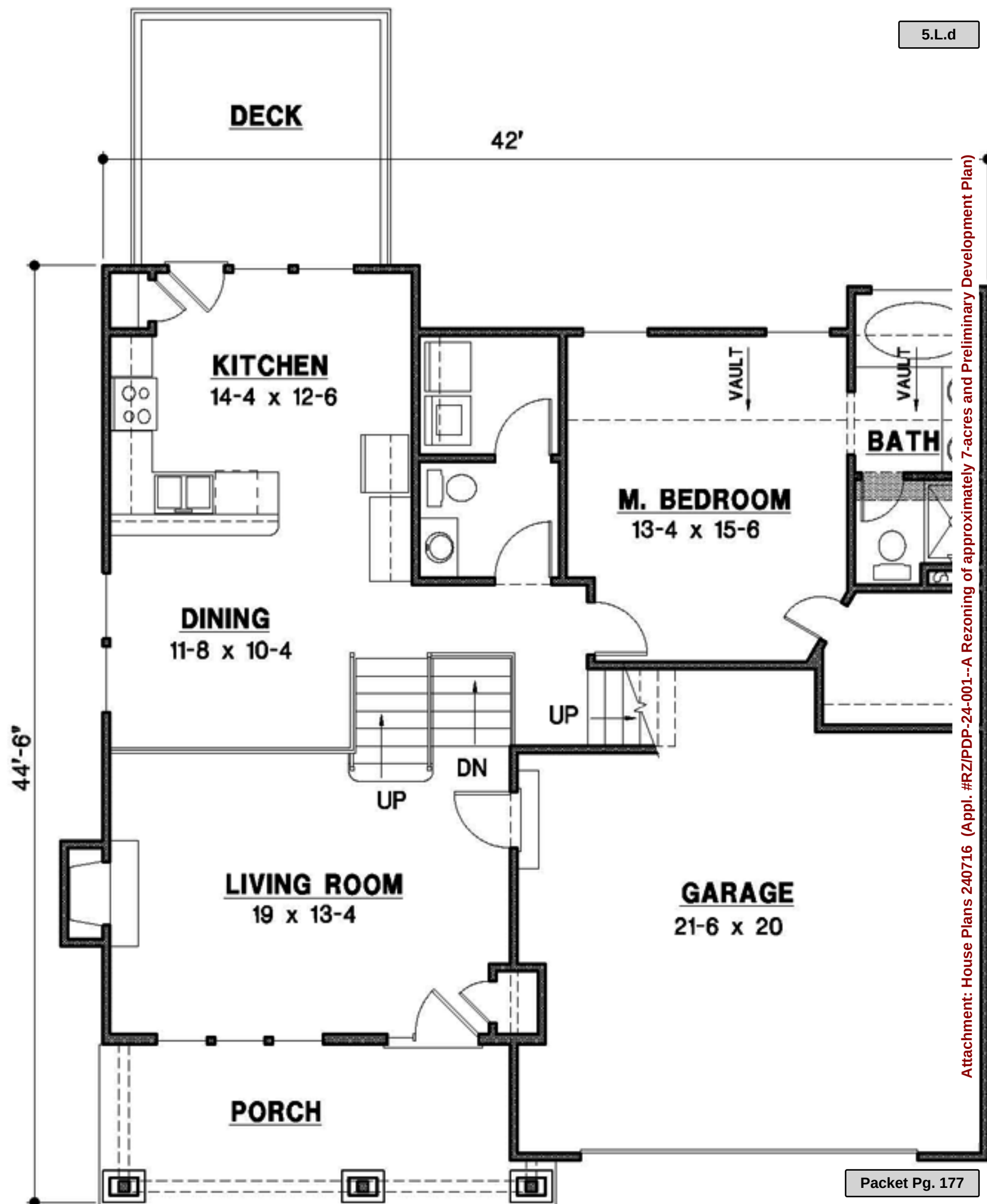
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Attachment: House

Packet Pg. 175





**FUTURE
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13 x 10-6

UNFINISHED

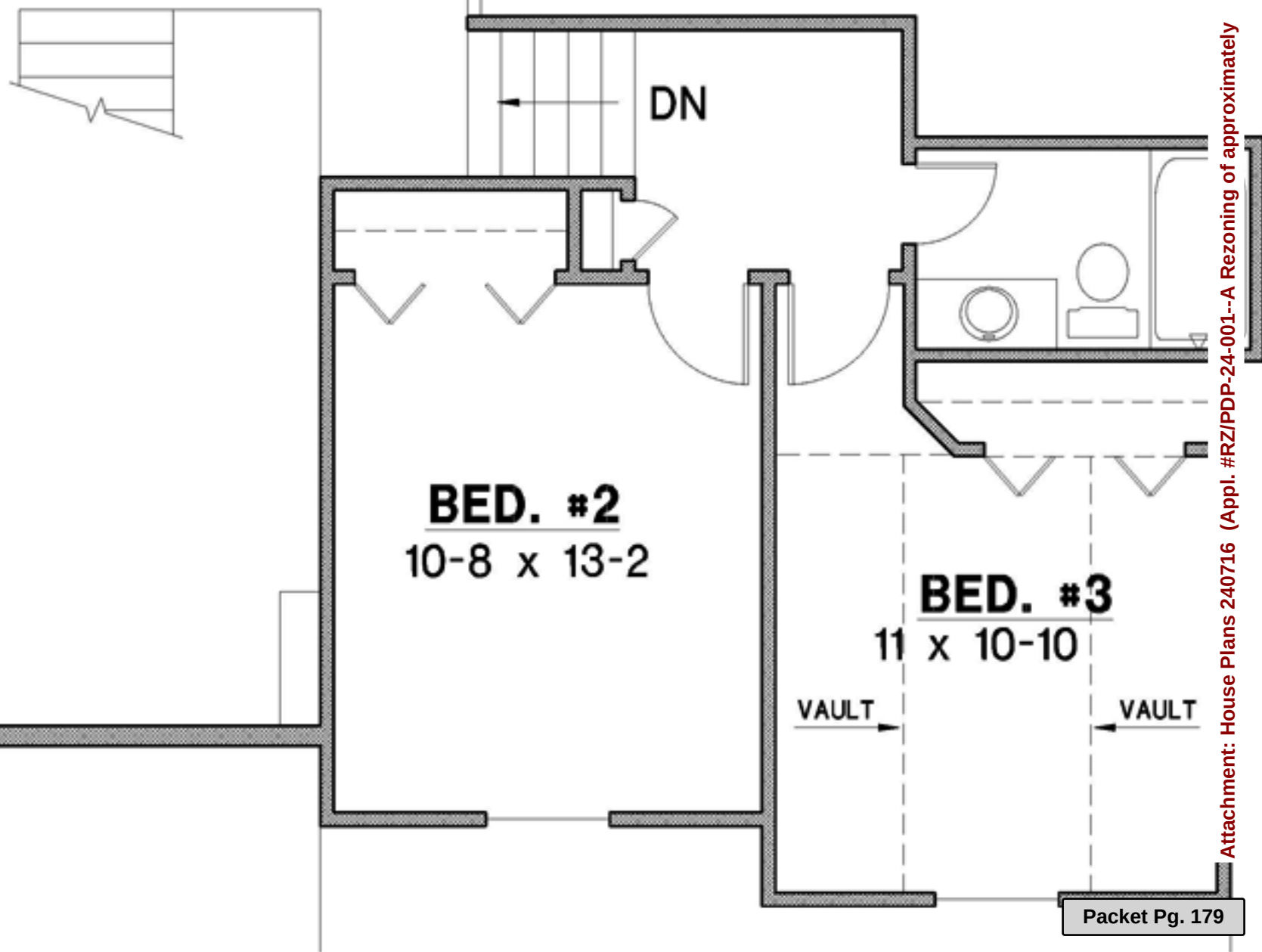
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UP

5.L.d

Attachment: House Plans

Packet Pg. 178

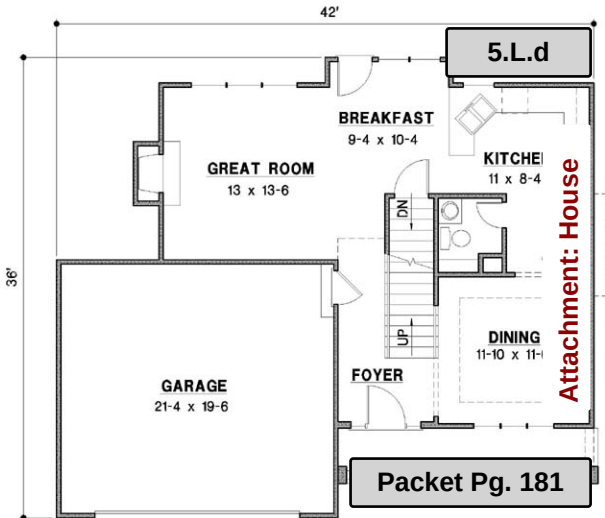


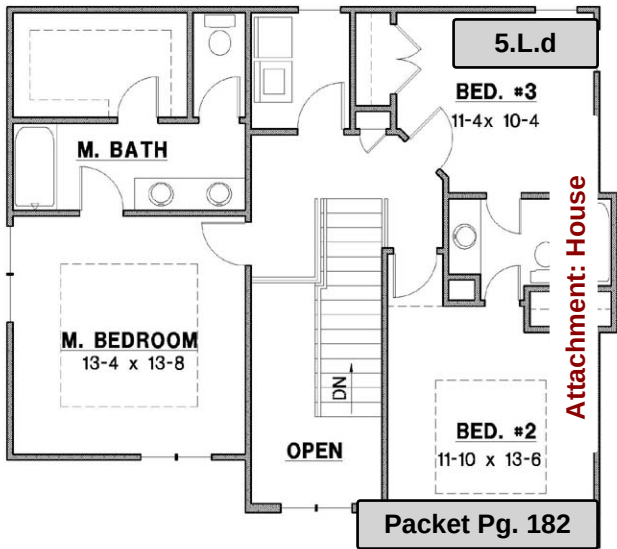


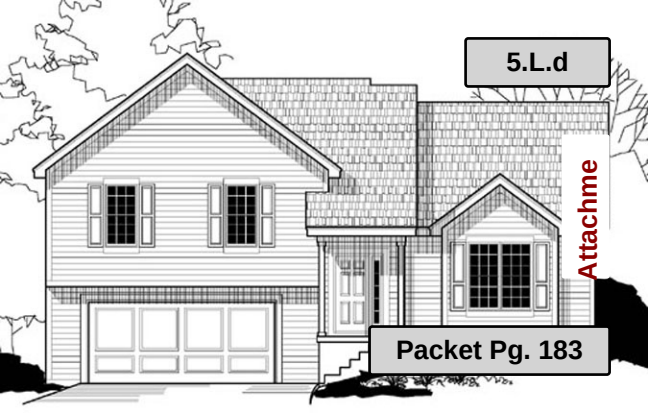
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Attach

Packet Pg. 180



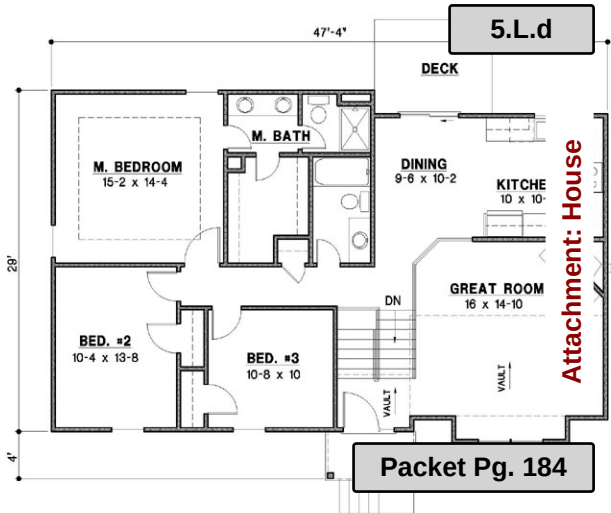


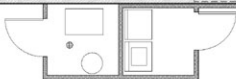


5.L.d

Attachme

Packet Pg. 183





RECREA

22 x 9-2

5.L.d

GARAGE

24-4 x 19

UP

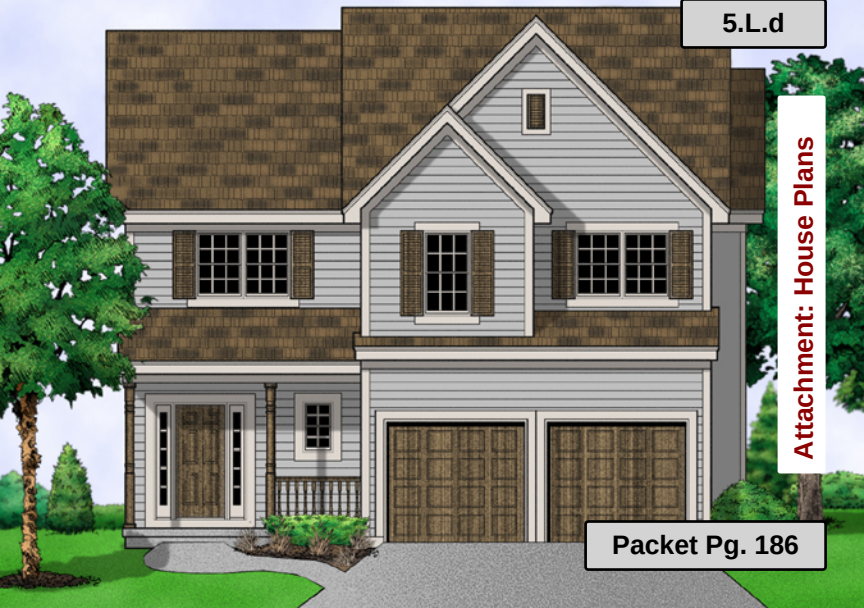
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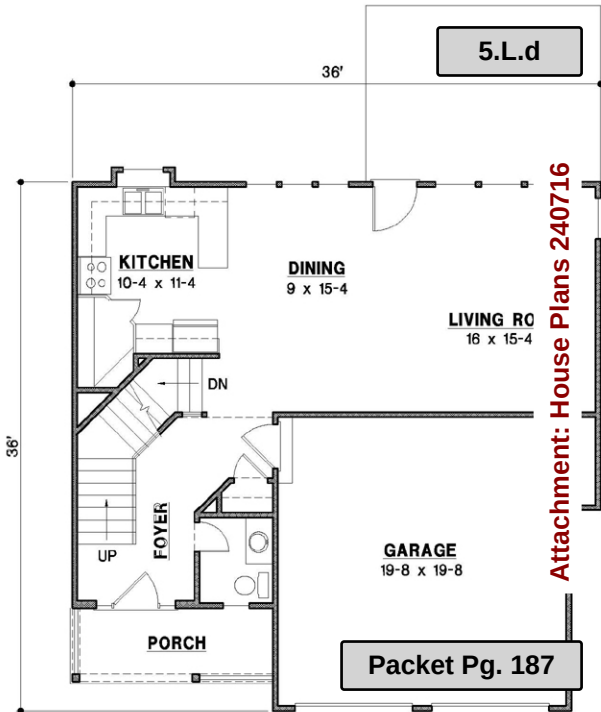
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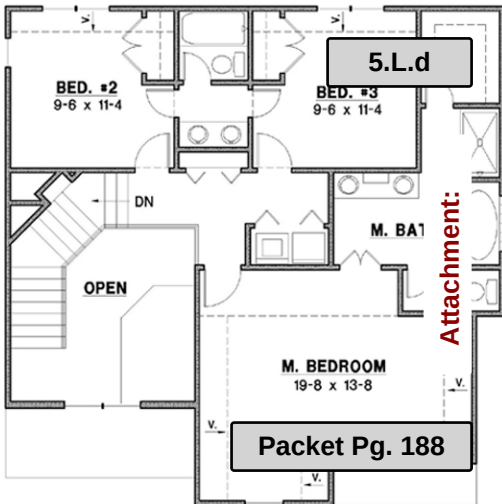
Attachment: House Plans

Packet Pg. 186





Attachment: House Plans 240716



5.L.d

BED. #3
9-6 x 11-4

BED. #2
9-6 x 11-4

DN

OPEN

M. BA1

M. BEDROOM
19-8 x 13-8

Packet Pg. 188

Attachment:



City of Harrisonville, MO
Friday, September 13, 2024

Chapter 405. Zoning Regulations

ARTICLE III. Zoning Districts — Generally

Section 405.065. Planned Zoning Districts.

[Ord. No. 1825, 5-13-1991; Ord. No. 3677, 12-4-2023]

Some of the districts hereinbefore set forth shall have a separate and distinct counterpart known and herein referred to as a planned district. A planned district shall be for the purpose of permitting and regulating the uses heretofore permitted in the equivalent district and further provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces all subsequent to approval of the plan by local officials. The purpose is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations.

Planned Districts shall be as follows:

District "EP"	Planned Estate District
District "RP-1"	Planned Single-Family Residential District
District "RP-1M"	Planned Manufactured Home Park District
District "RP-2"	Planned Two-Family Residential District
District "RP-3"	Planned Cluster or Garden Type Residential District
District "RP-4"	Planned Medium Density Apartment District
District "CP-O"	Planned Non-Retail Business District
District "CP-1"	Planned Local Business District
District "CBDP-1"	Planned Downtown Core Business District
District "CBDP-2"	Planned Downtown Fringe Business District
District "CP-2"	Planned Service Business District
District "MP-1"	Planned Light Industrial District
District "MP-2"	Planned General Industrial District

Section 405.070. Objectives of Planned Zoning Districts.

[Ord. No. 1825, 5-13-1991]

The zoning of land in Harrisonville to one (1) of the planned districts ("EP" to "MP-2", inclusive) shall be for the purpose of requiring orderly development on a quality level generally equal to that of the equivalent standard zoning districts, but permitting variations from the normal and established development techniques. The use of planned zoning procedures is intended to encourage large scale development tracts, innovative and imaginative site planning, conservation of natural resources and minimum waste of land. The following are specific conditions and objectives of planned zoning:

- A. A proposal to rezone land to a planned district shall be subject to the same criteria relative to compliance with the general development plan, land use policies, neighborhood compatibility,

adequacy of streets and utilities and other elements, as is normal in rezoning deliberations.

- B. The submittal by the developer and the approval by the City of development plans represents a firm commitment by the developer that development will indeed follow the approved plans in concept, intensity of use, aesthetic levels and quantities of open space.
- C. Deviations in yard requirements, setbacks and relationship between buildings are acceptable and may be approved within the limits set out in "Standards of Development" in this Section, if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development will result than under standard zoning procedures.
- D. Residential areas will be planned and developed in a manner that will produce more useable open space, better recreational opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques.
- E. Commercial areas will be planned and developed so as to result in attractive, viable and safe centers and clusters, as opposed to strip patterns along thoroughfares. Control of vehicular access, architectural quality, landscaping and signs will be exercises to soften the impact on nearby residential neighborhoods and to assure minimum adverse effects on the street system and other services of the community.
- F. The developer will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements.
- G. Planned zoning shall not be used as a refuge from the requirements of the equivalent district as to intensity of land use, amount of open space or other established development criteria.
- H. No use will be permitted in the planned district that is not clearly permitted in the equivalent district.
- I. Any building or portion thereof may be owned in condominium under appropriate Missouri Statutes.

Section 405.075. Standard of Development in Planned Zoning Districts.

[Ord. No. 1825, 5-13-1991]

- A. The maximum height of buildings and structures shall be as set out in the equivalent district.
- B. The intensity of land use, the floor area and bulk of buildings, the concentration of population, the percentage of lot coverage, the amount of open space, light and air shall be generally equal to that required in the equivalent zoning district.
- C. The density of residential dwelling units, the parking requirements and the performance standards shall be the same as in the equivalent district.
- D. The permitted uses shall be the same as those permitted in the equivalent district, provided that limitations may be placed on the occupancy of certain premises, if such limitation is deemed essential to the health, safety or general welfare of the community.
- E. The Planning and Zoning Commission may, in the process of approving preliminary and final plans, approve deviations from the minimum standards in the equivalent district as follows:
 - 1. Setbacks of buildings and paved areas from a public street may be reduced to seventy-five percent (75%) of the ordinance requirement.
 - 2. Setbacks of buildings and paved areas from a property line of the project (other than a street line) may be reduced to eighty-five percent (85%) of the ordinance requirement.
 - 3. Side yards between buildings may be reduced to zero.

4. Setbacks of buildings and paved areas from a freeway right-of-way line may be reduced to five (5) feet.
5. A portion of the parking area required under this Chapter may remain unimproved until such time as the Board of Aldermen deems it must be improved to serve the demand adequately.

The foregoing deviations may be granted by the Planning and Zoning Commission only where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege. Reduction of setbacks or other open space shall be compensated by additional open space in other appropriate portions of the project. In all cases such deviations shall be in keeping with good land planning principles and must be specifically set out in the minutes of the Commission, as well as on plans and other exhibits in the record.

**DEVELOPMENT AGREEMENT BETWEEN JWM DEVELOPMENT, LLC AND
BURKIT DEVELOPMENT, LLC
AND THE CITY OF HARRISONVILLE, MISSOURI,
FOR THE CEDAR CROSSING DEVELOPMENT**

THIS DEVELOPMENT AGREEMENT BETWEEN JWM DEVELOPMENT, LLC AND BURKIT DEVELOPMENT, LLC AND THE CITY OF HARRISONVILLE, MISSOURI FOR THE CEDAR CROSSING PROJECT (“**Agreement**”) is made this ____ day of _____, 2024, by and between JWM Development, LLC, a Missouri Limited Liability Company and Burkit Development, LLC, a Missouri Limited Liability Company (the “**Developer**”), and the City of Harrisonville, Missouri, a municipal corporation (“**City**”).

WHEREAS, on October 7, 2024, the Board of Aldermen concluded a public hearing for Application #RZ/PDP-24-01, of approximately 102.39 acres more or less acres of land generally lying south of *Parkwood South* and north of 267th Street, on property legally described in **Exhibit A** (“**Property**”), which will be developed as Cedar Crossing (“**Development**”) as shown in **Exhibit B**, a map of the Preliminary Development Plan, which will consist of 24 duplex lots, 195 single-family lots, and related infrastructure (the “**Project**”);

WHEREAS, on October 21, 2024, the Board of Aldermen approved Ordinance #xxxx which approved the Rezoning and Preliminary Development Plan for the Project, and Section 1 of said ordinance required the Developer to enter into a development agreement with the City to provide for certain Improvements, as defined below, necessary for the Development;

WHEREAS, in satisfaction of the Board's condition of approval, the Developer and the City now desire to enter into this Agreement;

WHEREAS, the parties agree that the obligations assumed by the Developer pursuant to this Agreement are reasonably related to the impact that will be caused by the Development on the public services provided by the City and other public jurisdictions and on facilities that are constructed and maintained by the City and other public jurisdictions; and

WHEREAS, the parties have freely negotiated in good faith and this Agreement reflects the desires of the parties.

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Definitions.** Words or terms not defined elsewhere in this Agreement shall have the following definitions:

“**Applicable Laws**” means any applicable constitution, treaty, statute, rule, regulation, ordinance, order, code, policy, interpretation, judgment, decree, injunction, writ, determination, award, permit, license, authorization, requirement or decision of or agreement with or by any governmental authorities that may apply to the Improvements or the other matters in this Agreement.

“Certificate of Occupancy” shall have the meaning assigned in the Harrisonville Building Code as established in Chapter 500 of the Harrisonville Municipal Code, as adopted by the City.

“City Engineer” shall mean the City Engineer or their designated representative.

“Developer” shall have the meaning as set forth on page 1.

“Effective Date” means the date of this Agreement as written on page 1.

“Final Acceptance” shall mean that all required improvements have been completed and a performance bond in the amount of one hundred percent (100%) of improvements has been accepted and a maintenance bond has been furnished as required by the Subdivision Regulations.

“Improvements” shall have the meaning set forth in **Exhibit C**.

“Lot” means the number of a platted lot according to the Cedar Crossing Final Plat. The numbering used for Lots in this Agreement reference the plat as it has been prepared on the Effective Date of this Agreement, which, as of the Effective Date, has not yet been approved by the City.

“Plans” shall mean those engineering plans for the Improvements that have been approved by the Staff, such approval not to be unreasonably withheld, conditioned or delayed.

“Preliminary Development Plan” shall mean the preliminary development plan for the Development approved by Ordinance No. on October 21, 2024.

“Staff” shall mean employees of the City of Harrisonville.

“Substantial Completion” shall mean the date at which the public has access to the primary improvement.

“Temporary Certificate of Occupancy” shall have the meaning assigned in the Harrisonville Building Code as established in Chapter 500 of the Harrisonville Municipal Code.

2. **Formation of the Homes Association.** The Developer shall duly organize and incorporate a non-profit corporation under the laws of Missouri to serve as the homes association for the Project (the **“Association”**). The Developer agrees to establish and form the Association so that said association will agree to perform as set forth in this Agreement and to cause the Association to levy and collect assessments from the owners of the residences within the Development sufficient to perform the inspections, maintenance and repairs required by this Agreement.
3. **Maintenance of All Common Areas and Amenities.** All common or open space areas outside of public right-of-way are private and to be maintained by the Developer and/or

the Association. Once the Association becomes financially self-sufficient, only the Association will be obligated to maintain the common areas and the Developer will have no further maintenance obligations with respect thereto. Additionally, the Developer and the Board of Aldermen have agreed to exchange the required cash-in-lieu payment for parkland for the ownership and maintenance of lands previously dedicated to the City and formerly known as Hite Park, which are legally described as follows:

THE EAST HALF OF LOT 1 OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 44, RANGE 31, HARRISONVILLE, CASS COUNTY, MISSOURI, EXCEPT THE EAST 21 FEET THEREOF, AND THAT PART AS PLATTED “PARKWOOD SOUTH, LOTS 1 THRU 29”; “PARKWOOD SOUTH, LOTS 30 THRU 56” AND “PARKWOOD SOUTH, LOTS 57 THRU 78” ALL BEING SUBDIVISIONS IN THE CITY OF HARRISONVILLE, MISSOURI AS PREVIOUSLY PLATTED AND RECORDED.

4. **Requirements for Improvements.** Unless otherwise specified herein, the provisions set forth in this Section shall be applicable to the financing, design, engineering and construction of the Improvements to be constructed by the Developer as required by this Agreement.
 - A. **Requirement to design, engineer and construct.** The Developer, at its sole cost and expense, shall design, engineer and construct the Improvements.
 - B. **Construction Costs.** All costs associated with Developer’s obligation to design, engineer and construct the Improvements shall be paid by the Developer. The parties agree that no payment shall be due from the City pursuant to the terms of this Agreement for the Improvements or the Project.
 - C. **Applicable Standards and Approvals.** The Improvements shall be designed, engineered, constructed, placed into service and dedicated or conveyed to the City in accordance with (i) the ordinances of the City, then in effect at the time the Plans for the Improvements are submitted, including the Kansas City Chapter of the APWA design and construction standards, (ii) any other applicable rules, requirements and standards established by the City, and (iii), subject to weather and other delays beyond the Developer’s reasonable control, the Project Schedule. All such work shall be done in good and workmanlike manner. The Developer shall be responsible for obtaining approval for any portion of the Improvements that require approval of another jurisdiction. The City agrees to cooperate in good faith with the Developer in obtaining said required approvals from other jurisdictions for the Improvements.
 - D. **Fire Department Access.** The Developer shall comply with applicable Fire Code requirements to ensure that the Fire Department has access to the Property at all times while construction is underway by means of a hard surface for fire truck access.

E. Schedule. Prior to the construction of the Improvements the Developer shall submit to the City Engineer a proposed project schedule for the Improvements to be constructed by the Developer. No permits will be issued for the Development until the schedule has been reviewed by the City Engineer and Staff of departments directly impacted by the timing of the Improvements. If conflicts with the schedule are determined, Staff shall return the schedule with comments, to be resubmitted by the Developer. The Developer shall be notified once it is determined that no conflicts exist with the schedule. The approved project schedule (the “**Project Schedule**”) shall be incorporated into this Agreement by addendum, and no action of the Board of Aldermen will be required to incorporate the schedule.

F. Design Phase. The Developer shall submit all preliminary design documents to the City for approval before proceeding with the construction of the applicable Improvements. On the basis of such approved preliminary design documents, the Developer shall:

- (1) Prepare detailed drawings, plans, design data, and estimates to show the character and scope of the work to be performed by contractors for all Improvements (“**Plans**”).
- (2) Furnish to the Community Development Department copies of such Plans and other documents and design data as may be required to secure approval of such governmental authorities as may have jurisdiction over design criteria applicable to the Improvements.
- (3) Furnish the number of approval copies of the final Plans for the Improvements as the City may require.
- (4) Ensure that the Plans conform to all Applicable Laws.
- (5) All final Plans shall be presented to the Community Development Department to be reviewed by the City Engineer for approval, and no action of the Board of Aldermen will be required to incorporate the final Plans into this Agreement.

G. Construction. The Developer will construct all the Improvements set forth in **Exhibit C** according to the approved Plans. The Developer shall maintain, at its sole cost and expense, the Improvements until such time as said Improvements are accepted by the City Engineer pursuant to Section 2.K, “Dedication” of this Agreement or another governmental entity. The Developer shall not do or permit others, by contract or otherwise, to do any work related to the construction of the Improvements until the Developer has paid for all applicable required City and other governmental permits and authorizations.

H. Right of Way Acquisition.

(1) The Developer shall be responsible for acquiring or negotiating for all rights-of-way or easements that are needed to construct the Improvements, including all necessary temporary construction easements.

(2) The Developer shall dedicate or convey, as applicable, to the City, at no cost to the City, all property interests owned by the Developer which are necessary for the Improvements.

I. Utility Relocation. The Parties agree that all costs associated with relocating any existing utilities from any existing public or private easement, as a result of construction of the Improvements, shall be paid by the Developer, or applicable utility, and are not the responsibility of the City. The Parties agree that all costs associated with relocating any existing utilities from any existing right-of-way as a result of construction of the Improvements, which are not paid by a utility company, shall be paid by the Developer and are not the responsibility of the City.

J. Inspections and Revisions. The Developer agrees to permit City employees, agents and contractors to inspect, observe, and oversee the construction of all Improvements in order to ascertain and determine that the standards of the City have been met. The Developer shall obtain the City Engineer's approval of all revisions materially altering the design or specifications of the Improvements.

K. Dedication. Upon completion, inspection and approval of the Improvements that are within the jurisdiction of the City, the Developer will dedicate or convey the applicable Improvements to the City, for its use, operation and maintenance. The City shall be under no obligation to accept the dedication or conveyance of any Improvements constructed pursuant to this Agreement until it has been inspected and approved to the satisfaction of the City Engineer. Upon written notice of the inspection and approval of the City Engineer, the Developer agrees to convey all the Improvements to the City free and clear of all liens and encumbrances or other obligations. Said conveyance shall be by appropriate document, and shall be sufficient, in the opinion of the City Attorney, to convey marketable title of record, as set forth in Title Standard 4 of the Missouri Bar. The City acknowledges that the right of the Developer in the Improvements is subject to any liens and encumbrances on the Property entered into by the Developer, and any such lienholder shall possess all rights to enjoy the Improvements as may be possessed by the Developer and intended for the Property, but the Developer shall not specifically enter into any lien or encumbrance that gives any entity rights to the Improvements dedicated to the City other than the right to use said Improvements as intended for the Property.

3. Timing of Issuance of Certificates of Occupancy. Building Permits and Temporary Certificates of Occupancy for the duplexes in the Project shall not be issued until the Improvements and appropriate, associated infrastructure set forth in **Exhibit C**, specific to the phase of single-family and/or duplex properties' locations (lots, etc.) in the

development have been substantially completed, as memorialized by the City's issuance of a Certificate of Substantial Completion for the Improvements. Final Certificates of Occupancy for the Project will not be issued until a Certificate of Final Acceptance has been issued for all Improvements described in **Exhibit C**. All property shall have appropriate infrastructure installed and approved prior to the issuance of any Building Permits.

4. **Indemnification**.

- A. **General Indemnity**. The Developer shall indemnify, release, defend, be responsible for and forever hold harmless the City, its officers, agents, employees, elected officials, and attorneys, each in their official and individual capacities, from and against all lawsuits, suits, actions, costs, claims, demands, damages, disability, losses, expenses, including reasonable attorney's fees and other defense costs or liabilities of any character and from any cause whatsoever, brought because of bodily injury or death received or sustained, or loss or damage received or sustained, by any person, persons, or property arising out of or resulting from any act, error, or omission of the Developer or its officers, agents, employees, or subcontractors, to the extent such loss or injury arises out of or is related to the performance of this Agreement; provided, however, that the Developer need not save harmless the City from claims, demands, losses and expenses arising out or to the extent caused by the sole negligence of the City, its employees or agents. This indemnification obligation shall survive the termination or expiration of this Agreement for all claims that arise based on actions that occur prior to the date that a Certificate of Final Acceptance for the Improvements has been issued by the City and shall terminate for all such claims on the date that a Certificate of Final Acceptance for the Improvements is issued by the City.
- B. **No Limitations or Waiver**. The indemnity required hereunder shall not be limited by reason of the specification of any particular insurance coverage in this Agreement, or by a limitation of the amount or type of damages or compensation payable by or for the Developer under Workers' Compensation, disability or other employee benefit acts, acceptance of insurance certificates required under this Agreement, or the terms, applicability or limitation of any insurance held by the Developer. The City does not, and shall not, waive any rights against the Developer which it may have by reason of this indemnification, because of the acceptance by the City, or the deposit with the City by the Developer, of any of the insurance policies described in this Agreement. In addition, the parties agree that this indemnification by the Developer shall not be limited by reason of whether or not such insurance policies shall have been determined to be applicable to any such damages or claims for damages.
- C. **Notification of Claims**. With respect to any claims which are subject to indemnity hereunder, the Developer shall immediately notify the City of any and all claims filed against the Developer or the Developer and the City jointly and shall provide

the City with a copy of the same. Such notice shall be given in the manner prescribed by Section 25, "Notice" of the Agreement.

- D. Use of Independent Contractors. The fact that the Developer carries out any activities under this Agreement through independent contractors shall not constitute an avoidance of, or defense to, the Developer's duty of defense and indemnification under this section.
- 5. Insurance. Developer shall comply with the Construction Insurance requirements of the City's Standard Insurance and Indemnifications Requirements (the "**Insurance Requirements**") as approved by the City Attorney pursuant to Section 530.030 of the City's Municipal Code.
- 6. Bonds. The Developer shall, or shall ensure that its contractors shall, provide for the following bonds for the Improvements that are constructed by the Developer and dedicated to the City.
 - A. Performance and Maintenance Bond. Prior to commencement of construction and ending upon acceptance of the Improvements in accordance with this Agreement by the City, the Developer shall, or shall ensure that its contractors shall, maintain a Performance and Maintenance Bond in a form customarily used and reasonably approved by the City Attorney, in an amount equal to the cost of the Improvements covered by such bond, as determined by the City Engineer, conditioned upon the faithful performance of the provisions, terms and conditions of the construction contract. The Performance and Maintenance Bond shall name the City as an obligee and copies of certificates of such bond shall be delivered to the City.
 - B. Payment Bonds. Prior to commencement of construction and ending upon acceptance of the Improvements by the City, the Developer shall, or shall ensure that its contractors shall, maintain a Payment Bond in a form approved by the City Attorney, in an amount equal to the cost of the Improvements covered by such bond, as determined by the City Engineer, conditioned upon the faithful payment of the provisions, terms and conditions of the construction contract. The Payment Bond shall name the City as an additional obligee and copies of certificates of such bond shall be delivered to the City.
 - C. Maintenance Bonds. Prior to acceptance and dedication of the Improvements in accordance with this Agreement, the Developer shall, or shall ensure that its contractors shall, provide a Maintenance Bond in a form customarily used and reasonably approved by the City Attorney, in an amount equal to fifty percent (50%) of the cost of the Improvements as approved by the City Engineer, which shall be in effect for a term of three (3) years from the date that the City issues a Certificate of Substantial Completion for each phase for such Improvements covered by the bond, conditioned upon the faithful performance of the provisions, terms and conditions of the construction contract. The Maintenance Bond shall name the City as an obligee and copies of certificates of such bond shall be delivered to the City.

- D. **Indemnity for Failure to Provide Bonds.** The Developer shall indemnify the City and its officers and employees for any damage or loss incurred or sustained by the City, its officers or employees, as a result of the failure of the Developer or its contractors to provide the bonds set forth in this Section.
7. **Remedies.** Each party to this Agreement agrees that if it fails to perform when due any act required by this Agreement to be performed, then, in addition to whatever other remedies are available to the non-defaulting parties hereto, the non-defaulting party shall have the right to enforce specific performance of this Agreement against the defaulting party, and such non-defaulting party shall, to the extent permitted by law, be entitled to its reasonable costs, attorneys' fees and court costs in connection with such enforcement.
8. **Rights and Remedies Non-Exclusive.** No right or remedy conferred upon or reserved to any party in this Agreement is intended to be exclusive of any rights or remedies, and each and every right and remedy shall be cumulative and shall be in addition to every right and remedy given now or hereafter existing at law or in equity.
9. **Non-Waiver.** No waiver of any condition or covenant contained in this Agreement or of any breach thereof, shall be taken to constitute a waiver of any subsequent condition, covenant or breach.
10. **Applicable Law.** This Agreement shall be governed by and construed according to the laws of the State of Missouri.
11. **Venue.** In the event this Agreement is litigated, venue shall be proper only in the Circuit Court of Cass County, and the parties expressly waive any rights to venue inconsistent therewith.
12. **City Requirements and Prior Approval.** The Developer agrees to comply with all Applicable Laws, including, but not limited to, the City's Municipal Code (<https://ecode360.com/HA3317>), the Kansas City Chapter of the American Public Works Association (APWA) design and construction standards, and all planning or infrastructure requirements applicable to the development of the Property. The Developer acknowledges and agrees that the City is not, and shall not be, in any way liable for damages, losses or injuries that may be sustained as a result of the City's review and approval of any Plans or plats of or relating to the Development, the Property or the Improvements, or as a result of the issuance of any approvals, permits, certificates or acceptances for the development or use of any portion of the Development, the Property or the Improvements. The Developer further acknowledges and agrees that the City's review and approval of any Plans or plats and the issuance of any such approvals, permits, certificates or acceptances does not, and shall not, in any way be deemed to insure the Developer, or any of its successors, assigns, tenants, licensees or any third party, against damage or injury of any kind at any time. The parties agree that execution of this Agreement in no way constitutes a waiver of any requirements of applicable City ordinances or policies with which the Developer must comply and does not in any way constitute prior approval of any future proposal for development.

13. **Recording and Binding Effect.** No building permits shall be issued for any structure in the development until this Agreement has been fully executed. The City shall file a memorandum of this Agreement in the office of the Recorder of Deeds for Cass County, Missouri ("Office"). This Agreement shall run with the land and be binding on and inure to the benefit of the parties and their respective legal representatives, successors in interest, successors and assigns but only to the extent applicable to such successors in interest or assigns and only with respect to the property owned by such successors in interest or assigns. Upon City certification that Developer's obligations have been completed under this Agreement, the City Manager, shall, at the request of Developer, execute, on behalf of the City, a document suitable for recording in the Office, in such form as is approved by the City Attorney that acknowledges the completion of the Developer's obligations under the Agreement.

The City acknowledges that the Developer may enter into one or more lending relationships to develop the Property and as such, agrees to provide any such lender a security interest in this Agreement, in form and substance as reasonably requested by the lender, so long as such security agreement does not interfere with or encumber the dedication of the Improvements to the City.

14. **Time of Essence.** Time is of the essence with respect to the duties and obligations set forth herein.
15. **Estoppel Letter.** Upon request by Developer made from time to time, the City shall prepare and deliver to Developer an estoppel letter confirming for the benefit of any purchaser or lender whether the Developer is or is not in default under this Agreement and verifying the status of Developer's performance of its obligations under this Agreement.
16. **Representations.** The Developer represents that it either owns the property described in **Exhibit A** on the date that this Agreement is executed, or has an option to purchase all remaining portions of the property. Each party represents and warrants that it (a) has made due and diligent inquiry into the facts and matters which are the subject matter of this Agreement; (b) fully understands the legal effect of this Agreement; (c) is duly authorized and empowered to execute, deliver and perform this Agreement according to its terms and conditions; and (d) has not assigned or transferred any claim against the other party that is the subject of this Agreement. The parties agree that the obligations assumed by the Developer pursuant to this Agreement are reasonably related to the impact that will be caused by the Development on the public services provided by the City and other public jurisdictions and on facilities that are constructed and maintained by the City and other public jurisdictions.
17. **No Waiver of Breach.** No waiver of any condition or covenant contained in this Agreement or any breach thereof shall be taken to constitute a waiver of any subsequent condition, covenant or breach.
18. **Rules of Construction.** Each party to this Agreement has received independent legal advice from its attorneys of choice with respect to entering this Agreement and the advisability of agreeing to the provisions herein. Because each party has had its respective

legal counsel review the terms of this Agreement, the normal rules of construction to the effect that any ambiguities in its terms be resolved against the drafting party shall not be employed with regard to issues of its validity, interpretation, performance or enforcement.

19. **Assignment.** The Agreement may not be assigned or transferred, in whole or part, to any other person, firm, corporation, or entity without the prior, express, written consent of the other Party, which consent shall not be unreasonably withheld. The Developer shall request the assignment of the Agreement, with the consent of the City, to any person, firm, corporation, or entity to which any ownership interest in the Property is transferred after the date of execution of this Agreement. Notwithstanding anything to the contrary contained herein, the Developer may collaterally assign its rights and obligations hereunder to any lender of the Developer who has a mortgage or deed of trust encumbering any portion of the property without the consent of the City; provided, however, the Developer shall provide notice of such collateral assignment to the City.
20. **Entire Agreement.** This Agreement and the acts provided for herein is the entire agreement between the parties with respect to the subject matter hereof, the terms and provisions of this Agreement are contractual and not mere recitals and no alterations, amendment, modification, or interpretation hereof shall be binding unless in writing and signed by all parties.
21. **Exhibits.** All Exhibits referenced in this Agreement are incorporated into this Agreement by such reference as if set forth in full in the text of this Agreement.
22. **Headings.** The paragraph headings contained herein are for convenience in reference and are not intended to modify, expand or limit the scope of any provision of the Agreement.
23. **Severability.** Any provision of this Agreement which is not enforceable according to law will be severed herefrom, and the remaining provisions shall be enforced to the fullest extent permitted by law.
24. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.
25. **Notice.** Any notice required by this Agreement shall be deemed to be given if it is mailed by United States registered mail, postage prepaid, and addressed as hereinafter specified.

Any notice to the City shall be addressed to:

City Administrator
City Hall
300 E. Pearl Street
Harrisonville, Missouri 64701

With a copy to:

City Attorney
City Hall
300 E. Pearl Street
Harrisonville, Missouri 64701

Notices to Developer shall be addressed to:

JWM Development, LLC & Burkit Development, LLC
103 Sharon Lane
Garden City, Missouri 64747

Each party shall have the right to specify that notice be addressed to any other address by giving to the other party ten (10) days' written notice thereof.

[Remainder of this page intentionally left blank]

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto on the date first above written.

CITY OF HARRISONVILLE, MISSOURI

By: _____
Brad Ratliff, *City Administrator*

Attest: _____
Daniel Barnett, *City Clerk*

Approved as to form:

Steven E. Mauer, Esq. Chief Counsel

Notary for City of Harrisonville

STATE OF MISSOURI)
) ss.
COUNTY OF CASS)

BE IT REMEMBERED, that on this ____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Brad Ratliff, the City Administrator of the City of Harrisonville, Missouri, a City duly incorporated and existing under and by virtue of the laws of the State of Missouri, who are personally known to me to be the same person who executed, as such official, the within instrument on behalf of and with the authority of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

NOTARY PUBLIC

My Commission Expires:

[SEAL]

JWM Development, LLC

By: _____

Name: _____

Title: _____

Notary for JWM Development, LLC

STATE OF _____)

) ss.

COUNTY OF _____)

BE IT REMEMBERED, that on this ____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came _____, the manager of JWM Development, LLC, who is personally known to me to be the same person who executed the within instrument on behalf of said company and such person duly acknowledged the execution of the same to be his/her the act and deed of the company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

NOTARY PUBLIC

My Commission Expires:

[SEAL]

Burkit Development, LLC

By: _____

Name: _____

Title: _____

Notary for Burkit Development, LLC

STATE OF _____)

) ss.

COUNTY OF _____)

BE IT REMEMBERED, that on this ____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came _____, the manager of Burkit Development, LLC, who is personally known to me to be the same person who executed the within instrument on behalf of said company and such person duly acknowledged the execution of the same to be his/her the act and deed of the company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

NOTARY PUBLIC

My Commission Expires:

[SEAL]

END OF DOCUMENT

EXHIBIT A**LEGAL DESCRIPTION OF THE PROPERTY**

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Beginning at the Northeast corner of the Northwest Quarter of said Southeast Quarter; Thence South 01°35'48" West, along the East line of the Northwest Quarter of said Southeast Quarter, 665.84 feet; Thence North 88°30'54" West, 773.61 feet; Thence South 86°53'58" West, 622.80 feet; Thence South 80°58'37" West, 311.03 feet; Thence South 52°11'41" West, 265.32 feet; Thence South 62°06'57" West, 389.72 feet; Thence South 67°48'15" West, 438.24 feet to the Southwest corner of the Northeast Quarter of said Southwest Quarter; Thence North 01°40'40" East, along the West line of the Northeast Quarter of said Southwest Quarter, 744.36 feet to the Southwest corner of GLEN EAGLE, Lots 1 thru 31, a subdivision in said Harrisonville, Cass County, Missouri; Thence along the Southerly and Easterly lines of said GLEN EAGLE, the following ten courses: Thence South 88°50'00" East, 163.66 feet; Thence North 01°10'00" East, 30.00 feet; Thence South 88°50'00" East, 299.42 feet to the Southeast corner of Lot 25, said GLEN EAGLE; Thence North 01°10'00" East, 160.00 feet; Thence North 88°50'00" West, 11.55 feet; Thence North 01°10'00" East, 110.00 feet to the Northeast corner of Lot 24, said GLEN EAGLE; Thence South 88°50'00" East, 270.00 feet to the Southeast corner of Lot 10, said GLEN EAGLE; Thence North 01°10'00" East, 110.00 feet; Thence South 88°50'00" East, 13.61 feet; Thence North 01°10'00" East, 163.59 feet to the Northeast corner of said GLEN EAGLE, said point also being on the North line of said Southwest Quarter; Thence South 88°21'39" East, along said North line, 590.31 feet to the Northwest corner of said Southeast Quarter; Thence South 87°57'20" East, along the North line of said Southeast Quarter, 1323.15 feet to the Point of Beginning. Contains 1,885,016 square feet or 43.27 acres more or less.

AND

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Southeast Quarter; Thence South 01°35'48" West, along the East line of the Northwest Quarter of said Southeast Quarter, 665.84 feet to the Point of Beginning; Thence South 01°35'48" West, continuing along said East line and the East line of the Southwest Quarter of said Southeast Quarter, 818.26 feet to the Northeast corner of GLEN EAGLE, Lots 213 thru 247, a subdivision in said Harrisonville, Cass County, Missouri; Thence along the North line of said GLEN EAGLE, the following three courses: Thence South 68°08'00" West, 407.68 feet; Thence South 74°05'00" West, 319.04 feet; Thence South 62°29'00" West, 60.00 feet; Thence South 82°13'01" West, 309.38 feet; Thence North 02°23'42" East, 268.99 feet; Thence North 87°05'39" West, 764.65 feet; Thence North 22°30'03" West, 208.32 feet; Thence North 58°22'50" West, 418.85 feet; Thence North 62°06'57" East, 389.72 feet; Thence North 52°11'41" East, 265.32 feet; Thence North 80°58'37" East, 311.03 feet; Thence North 86°53'58" East, 622.80 feet; Thence South 88°30'54" East, 773.61 feet to the Point of Beginning. Contains 1,784,948 square feet or 40.98 acres more or less.

AND

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; Thence North 01°44'23" East, along the West line of said Southwest Quarter, 829.94 feet to the Point of Beginning; Thence North 01°44'23" East, along said West line, 497.97 feet to the Northwest corner of the Southwest Quarter of said Southwest Quarter; Thence South 88°24'37" East, along the North line of the Southwest Quarter of said Southwest Quarter, 1320.46 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; Thence North 67°48'15" East, 438.24 feet; Thence South 58°22'50" East, 418.85 feet; Thence South 22°30'03" East, 208.32 feet; Thence South 87°05'39" East, 764.65 feet; Thence South 02°23'42" West, 268.99 feet; Thence North 82°13'01" East, 309.38 feet to the Northwest corner of GLEN EAGLE, Lots 213 thru 247, a subdivision in said Harrisonville, Cass County, Missouri; Thence along the West line of said GLEN EAGLE, the following nine courses: Thence South 27°31'00" East, 210.69 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 1143.38 feet, and an arc length of 186.50 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 15.00 feet, and an arc length of 24.19 feet; Thence South 06°54'22" East, 50.18 feet; Thence North 82°45'22" East, 10.50 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 15.00 feet, and an arc length of 21.84 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 1143.07 feet, and an arc length of 117.11 feet; Thence South 08°03'38" East, 3.86 feet; Thence North 88°50'00" West, 127.81 feet; Thence North 88°27'47" West, 697.52 feet to the East line of said Southwest Quarter; Thence North 01°38'35" East, along said East line, 496.75 feet; Thence North 88°31'09" West, 573.20 feet; Thence North 00°26'06" West, 26.21 feet; Thence South 83°41'41" West, 754.56 feet to the East line of the Southwest Quarter of said Southwest Quarter; Thence North 01°40'28" East, along said East line, 95.38 feet; Thence North 88°27'03" West, 1321.01 feet to the Point of Beginning. Contains 1,757,134 square feet or 40.34 acres more or less.

EXCEPT

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Southeast Quarter; thence South 01° 35' 48" West, along the East line of the Northwest Quarter of said Southeast Quarter, 557.74 feet to the Point of Beginning; thence South 01° 35' 48" West, continuing along said East line, 378.63 feet; thence South 58° 55' 04" West, 165.89 feet; thence South 89° 45' 04" West, 821.69 feet; thence South 63° 03' 14" West, 215.31 feet; thence South 45° 59' 51" West, 399.38 feet; thence North 57° 38' 36" West, 643.01 feet; thence North 18° 01' 57" West, 218.35 feet; thence North 03° 26' 19" West, 215.34 feet; thence North 57° 59' 44" East, 648.78 feet; thence South 70° 29' 52" West, 69.54 feet; thence South 06° 45' 18" West, 308.95 feet; thence South 89° 54' 53" East, 411.51 feet; thence North 13° 04' 49" East, 160.14 feet; thence South 89° 54' 53" East, 114.44 feet; thence South 66° 37' 18" East, 56.64 feet; thence South 89° 54' 53" East, 141.29 feet; thence South 51° 38' 32" East, a distance of 119.66 feet; thence South 89° 54' 53" East, 51.38 feet; thence North 51° 44' 47" East, 148.90 feet; thence South 89° 54' 53" East, a distance of 31.89 feet; thence South 43° 16' 47" East, 120.33 feet; thence South 89° 54' 53" East, 365.82 feet to the Point of Beginning. Contains 1,219,737 square feet or 28.00 acres more or less.

EXHIBIT B

MAP OF THE PRELIMINARY DEVELOPMENT PLAN

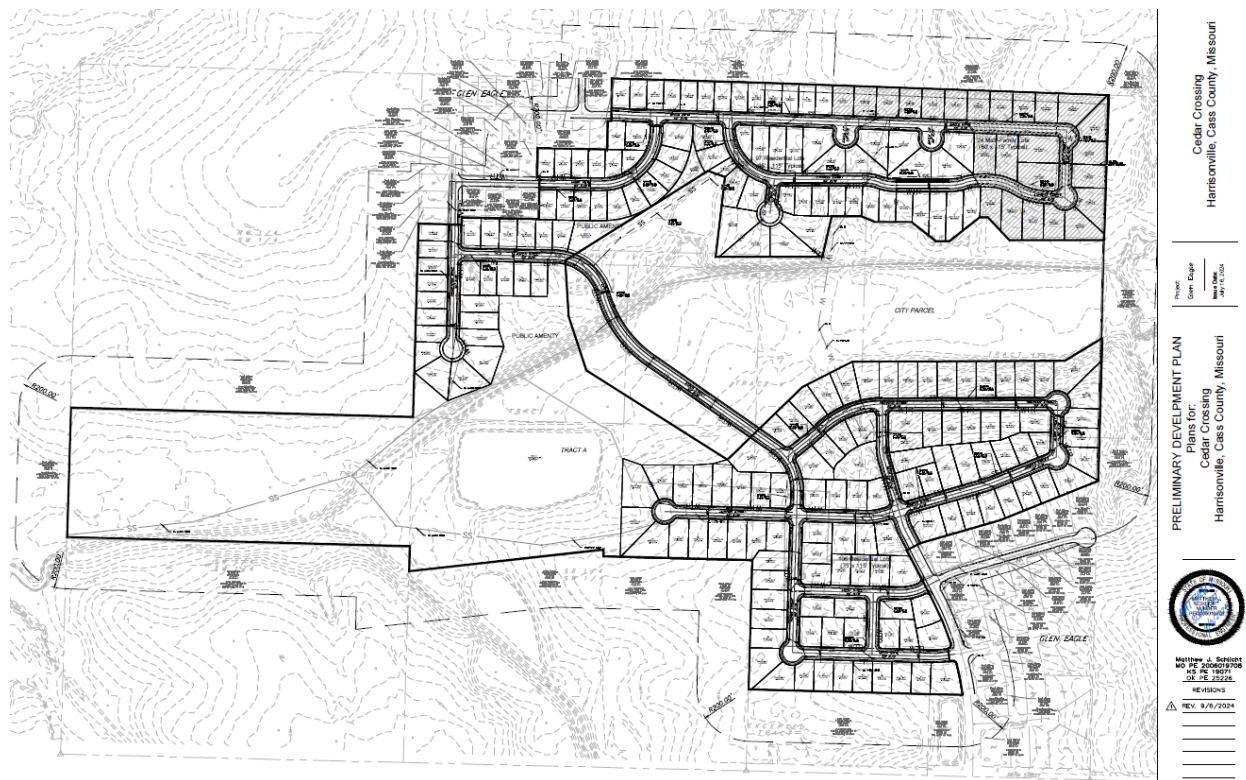
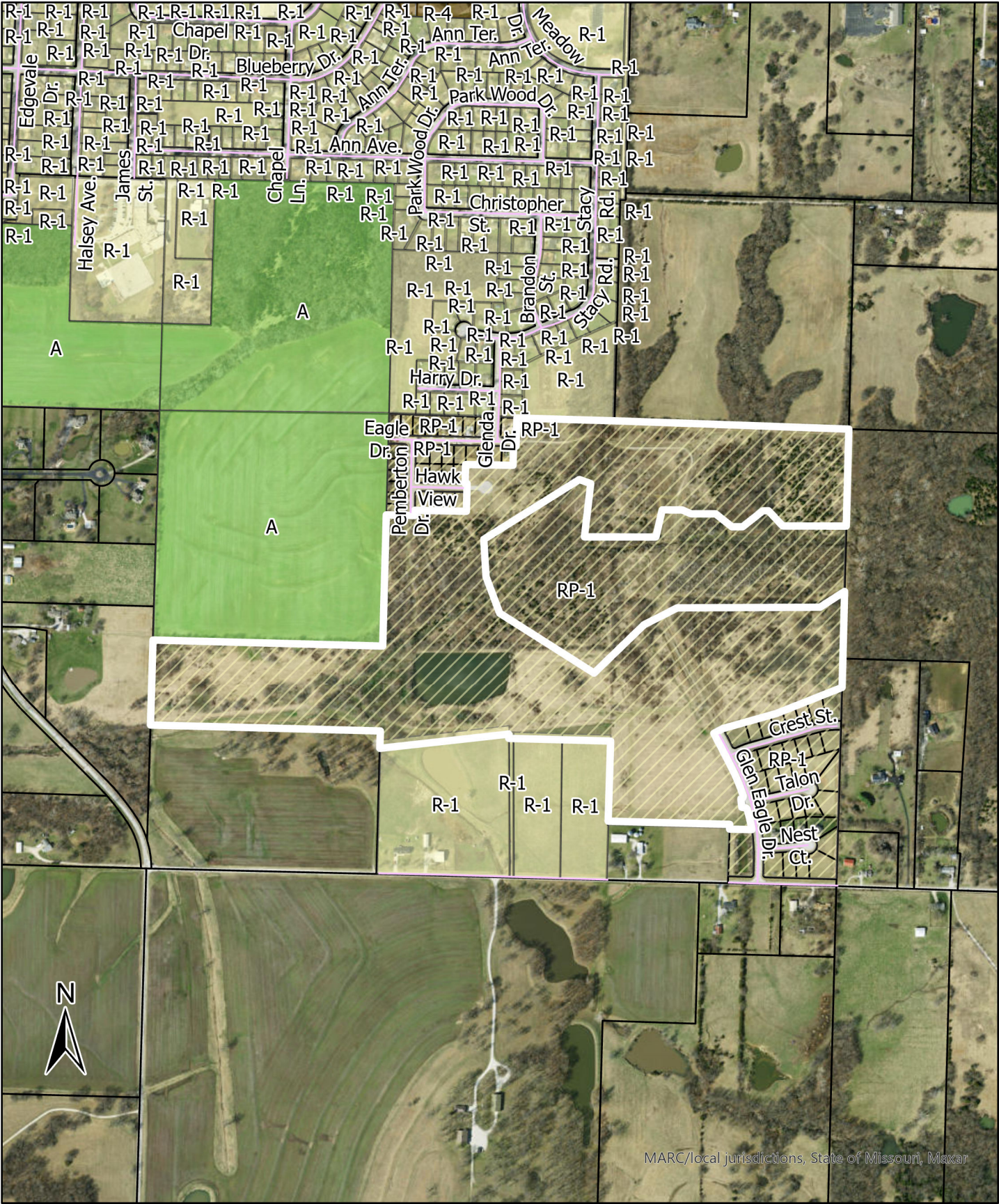


EXHIBIT C**REQUIREMENTS FOR IMPROVEMENTS**

Cedar Crossing							
9/18/2024							
				Water Systems			1,440,605
DNR Permits			15,000	Includes:			
Includes:					Pipe Footage 8" DI		
	Land Disturbance				Gate Valves / Fittings		
	Sanitary Permit				Tees		
	Water Permit						
				Sanitary Sewer			1,315,335
				Includes:			
Environmental Report			15,000		Pipe Footage 8"DI		
Includes:					Pipe Footage 12" DI		
	USACE Permit				Manholes		
	Deliniation				Street Repairs		
Landscaping			133,650	Sanitary Sewer Stub			
Includes:					4" SDR-26		394,875
	Entrance Monuments						
	Street & Site Landscaping						
Site Clearing			50,000				
	Tree Removal						
	Initial Grading						
	Structure removal						
Rock Blasting			75,000	Storm Drainage			814,255
	Est. Depth	2		Includes:			
Includes:	Sanitary				Pipe footage cmp		
	Storm				Curb Boxes		
	Water				Clean-out Boxes		
	Street				Rip-Rap, Grouted		
Private Street	28' B-B		4,071,275		Storm Drainage offsite		
Includes:		12527		Utility Deposits			170,100
	Road - 8" Subgrade Base			Includes:			
	Rock Fill for Streets				Gas, Electrical, Telephone		
	Curbs & Gutters on Site						
	Asphalt Pavement			Asphalt Trail			0
	Site Grading			Includes:		0	
					6' Asphalt Trail		
Parking Lot	# Spaces		0				
		0		Permits			\$ 434,410.75
	Road - 8" Subgrade Base			Construction			\$ 8,688,215.00
	Rock Fill for Streets			Total Cost			\$ 9,122,625.75
	Curbs & Gutters on Site			Land Area	96.56		
	Asphalt Pavement						
	Site Grading			Subdivision Value			
				Includes:			Cost per Unit
Finish Grading			193,120	# of Units	# of Bldgs		\$ 37,541.67
	Seeding			243	219		
	Erosion Control						
	Debris removal						

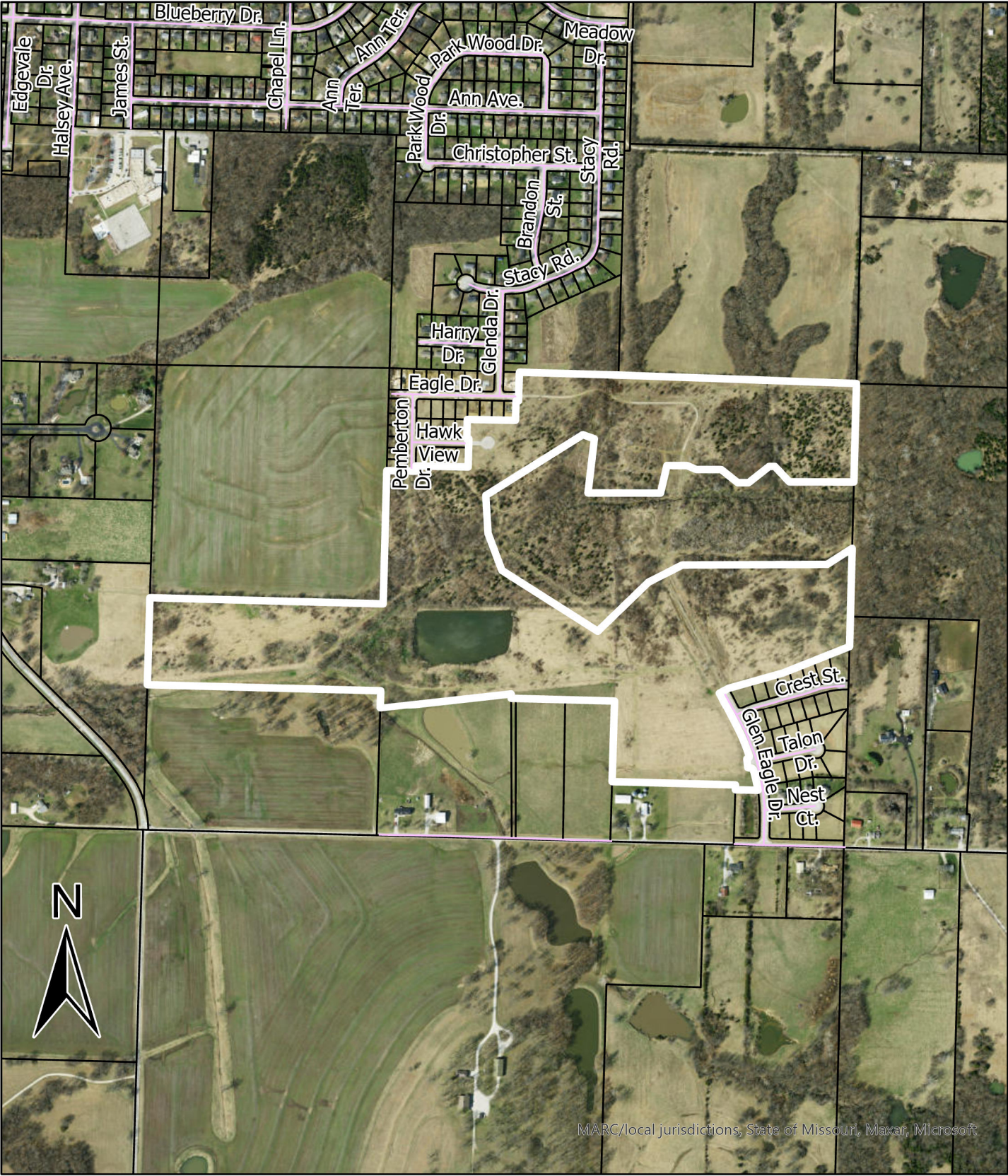
Zoning Map



Attachment: Zoning Map (Appl. #RZ/PDP-24-001--A Rezoning of approximately 7-acres and Preliminary Development Plan)

0 500 1,000 2,000 US Feet

Aerial Map



Attachment: Aerial Map (Appl. #RZ/PDP-24-001--A Rezoning of approximately 7-acres and Preliminary Development Plan)

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: October 4, 2024
SUBJECT: Ordinance Cedar Crossing Rezoning

Type of Item: *Approval*

M. Action Item (ID # 4993)

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A REZONING FROM RP-1 TO RP-2 FOR APPRXOMATELY 7-ACRES TO ALLOW FOR 24 DUPLEX LOTS AND A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPOSED CEDAR CREEK DEVELOPMENT CONTAINING 24 DUPLEX LOTS AND 195 SINGLE-FAMILY RESIDENTIAL LOTS ON PROPERTY LOCATED SOUTH OF PARKWOOD SOUTH AND NORTH OF 267TH STREET IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

Attachments:

Rezoning south of Parkwood South and north of 267 (DOC)

Council Bill No.

Ordinance No.

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A REZONING FROM RP-1 TO RP-2 FOR APPRXOMATELY 7-ACRES TO ALLOW FOR 24 DUPLEX LOTS AND A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPOSED CEDAR CREEK DEVELOPMENT CONTAINING 24 DUPLEX LOTS AND 195 SINGLE-FAMILY RESIDENTIAL LOTS ON PROPERTY LOCATED SOUTH OF PARKWOOD SOUTH AND NORTH OF 267TH STREET IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.

WHEREAS, the City of Harrisonville, Missouri (the "City") has received an application from Matt Schlicht, with Engineering Solutions, LLC, seeking approval of a Rezoning and Preliminary Development Plan for twenty-four (24) duplex lots and 195 single-family residential lots on approximately 96.56-acres of land located south of *Parkwood South* and north of 267th Street in the City of Harrisonville, Cass County, Missouri; and

WHEREAS, a legal notice announcing a public hearing to be held on the requested Rezoning and Preliminary Development Plan application on August 15, 2024, before the Planning & Zoning Commission and on August 19, 2024, before the Board of Aldermen of the City of Harrisonville, Missouri was published in the July 25, 2024, edition of the *Tribune and Times* newspaper; and

WHEREAS, the Rezoning and Preliminary Development Plan was continued to a date certain of September 19, 2024, from the Planning & Zoning Commission and continued to a date certain of October 7, 2024, from the Board of Aldermen; and

WHEREAS, the Rezoning and Preliminary Development Plan was considered by the Planning and Zoning Commission on September 19, 2024, and, with a vote of 5-0, recommended that the Board of Aldermen approve the requested Rezoning and Preliminary Development Plan with the eight (8) conditions of approval in staff's report; and

WHEREAS, in accordance with the provision of Chapter 89 RSMo, and Chapter 405 of the Code of Ordinance of the City of Harrisonville, Missouri, the Board of Aldermen, after careful and due deliberation, find the approval of the Rezoning and Preliminary Development Plan 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, CASS COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The Board of Aldermen of Harrisonville, Missouri, hereby approves a Rezoning from RP-1 to RP-2 for approximately 7-acres, and a Preliminary Development Plan for the proposed Cedar Crossing consisting of approximately 96.56-acres of land located south of Parkwood South and north of 267th Street in the City of Harrisonville, Cass County, Missouri, with the following eight (8) conditions of approval:

- 1) Sidewalks shall have handicapped access at all intersections in accordance with Section 410.530.B and shall normally be separated from the edge of the street by a grassy strip twenty-four (24) inches wide. Sidewalks shall comply with the

- ADA requirements in place at the time of construction, and all non—paved right-of-way shall be either sodded or seeded.
- 2) Builders on lots that abut the west side of the Glen Eagle Drive from the previously platted “Glen Eagle, Lots 213 thru 247” shall install sidewalks adjacent to Glen Eagle Drive to assure connectivity.
 - 3) Trails shall be provided that connect to the sidewalks and connect the proposed and existing open space areas including the Hite Park properties.
 - 4) No tree shall be planted within the sight triangle of a street or drive intersection or within ten (10) feet of a fire hydrant.
 - 5) Sewer and water mains shall be installed with ten (10) feet of separation and shall be located such that they are on different sides of the streets.
 - 6) The developer and the City shall enter into a mutually agreed upon Development Agreement.
 - 7) Easements shall be provided as required by Section 410.400 of the City’s Municipal Code.
 - 8) A Final Plat shall be submitted, reviewed, and approved prior to the issuance of any development related (building or infrastructure) permits.

Section 2: The Rezoning comprises the following real estate in the City of Harrisonville, Cass County, Missouri, described as follows:

LEGAL DESCRIPTION:

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Beginning at the Northeast corner of the Northwest Quarter of said Southeast Quarter; Thence South 01° 35' 48" W, a distance of 557.74 feet; thence North 89° 58' 58" West, a distance of 369.14 feet; thence North 43° 21' 44" West, a distance of 120.33 feet; thence North 88° 38' 11" West, a distance of 30.97 feet; thence North 01° 35' 54 E, a distance of 114.90 feet; thence North 30° 42' 21" West, a distance of 50.14 feet; thence North 01° 40' 17" East, a distance of 159.56 feet; thence North 30° 32' 26" West, a distance of 59.34 feet; thence North 87° 57' 21" West, a distance of 520.00 feet; thence North 02° 02' 39" East, a distance of 115.00 feet; thence South 87° 57' 21" East, a distance of 1065.47 feet, returning to the Point of Beginning.

Section 3: The Preliminary Development Plan comprises the following real estate in the City of Harrisonville, Cass County, Missouri, described as follows:

LEGAL DESCRIPTION:

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Beginning at the Northeast corner of the Northwest Quarter of said Southeast Quarter; Thence South 01°35'48" West, along the East line of the Northwest Quarter of said Southeast Quarter, 665.84 feet; Thence North 88°30'54" West, 773.61 feet; Thence South 86°53'58" West, 622.80 feet; Thence South 80°58'37" West, 311.03 feet; Thence South 52°11'41" West, 265.32 feet; Thence South 62°06'57" West, 389.72 feet; Thence South 67°48'15" West, 438.24 feet to the Southwest corner of the Northeast Quarter of said Southwest Quarter; Thence North 01°40'40" East, along the West line of the Northeast Quarter of said Southwest Quarter, 744.36 feet to the

Southwest corner of GLEN EAGLE, Lots 1 thru 31, a subdivision in said Harrisonville, Cass County, Missouri; Thence along the Southerly and Easterly lines of said GLEN EAGLE, the following ten courses: Thence South 88°50'00" East, 163.66 feet; Thence North 01°10'00" East, 30.00 feet; Thence South 88°50'00" East, 299.42 feet to the Southeast corner of Lot 25, said GLEN EAGLE; Thence North 01°10'00" East, 160.00 feet; Thence North 88°50'00" West, 11.55 feet; Thence North 01°10'00" East, 110.00 feet to the Northeast corner of Lot 24, said GLEN EAGLE; Thence South 88°50'00" East, 270.00 feet to the Southeast corner of Lot 10, said GLEN EAGLE; Thence North 01°10'00" East, 110.00 feet; Thence South 88°50'00" East, 13.61 feet; Thence North 01°10'00" East, 163.59 feet to the Northeast corner of said GLEN EAGLE, said point also being on the North line of said Southwest Quarter; Thence South 88°21'39" East, along said North line, 590.31 feet to the Northwest corner of said Southeast Quarter; Thence South 87°57'20" East, along the North line of said Southeast Quarter, 1323.15 feet to the Point of Beginning. Contains 1,885,016 square feet or 43.27 acres more or less.

AND

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Southeast Quarter; Thence South 01°35'48" West, along the East line of the Northwest Quarter of said Southeast Quarter, 665.84 feet to the Point of Beginning; Thence South 01°35'48" West, continuing along said East line and the East line of the Southwest Quarter of said Southeast Quarter, 818.26 feet to the Northeast corner of GLEN EAGLE, Lots 213 thru 247, a subdivision in said Harrisonville, Cass County, Missouri; Thence along the North line of said GLEN EAGLE, the following three courses: Thence South 68°08'00" West, 407.68 feet; Thence South 74°05'00" West, 319.04 feet; Thence South 62°29'00" West, 60.00 feet; Thence South 82°13'01" West, 309.38 feet; Thence North 02°23'42" East, 268.99 feet; Thence North 87°05'39" West, 764.65 feet; Thence North 22°30'03" West, 208.32 feet; Thence North 58°22'50" West, 418.85 feet; Thence North 62°06'57" East, 389.72 feet; Thence North 52°11'41" East, 265.32 feet; Thence North 80°58'37" East, 311.03 feet; Thence North 86°53'58" East, 622.80 feet; Thence South 88°30'54" East, 773.61 feet to the Point of Beginning. Contains 1,784,948 square feet or 40.98 acres more or less.

AND

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harrisonville, Cass County, Missouri, being more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; Thence North 01°44'23" East, along the West line of said Southwest Quarter, 829.94 feet to the Point of Beginning; Thence North 01°44'23" East, along said West line, 497.97 feet to the Northwest corner of the Southwest Quarter of said Southwest Quarter; Thence South 88°24'37" East, along the North line of the Southwest Quarter of said Southwest Quarter, 1320.46 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; Thence North 67°48'15" East, 438.24 feet; Thence South 58°22'50" East, 418.85 feet; Thence South 22°30'03" East, 208.32 feet; Thence South 87°05'39" East, 764.65 feet; Thence South 02°23'42" West, 268.99 feet; Thence North 82°13'01" East, 309.38 feet to the Northwest corner of GLEN EAGLE, Lots 213 thru 247, a subdivision in said Harrisonville, Cass County, Missouri; Thence along the West line of said GLEN EAGLE, the following nine courses: Thence South 27°31'00" East, 210.69 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 1143.38 feet, and an arc length of 186.50 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 15.00 feet, and an arc length of 24.19 feet; Thence South 06°54'22" East, 50.18 feet; Thence North 82°45'22" East, 10.50 feet; Thence on a curve to the right, tangent to the last described

course, having a radius of 15.00 feet, and an arc length of 21.84 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 1143.07 feet, and an arc length of 117.11 feet; Thence South 08°03'38" East, 3.86 feet; Thence North 88°50'00" West, 127.81 feet; Thence North 88°27'47" West, 697.52 feet to the East line of said Southwest Quarter; Thence North 01°38'35" East, along said East line, 496.75 feet; Thence North 88°31'09" West, 573.20 feet; Thence North 00°26'06" West, 26.21 feet; Thence South 83°41'41" West, 754.56 feet to the East line of the Southwest Quarter of said Southwest Quarter; Thence North 01°40'28" East, along said East line, 95.38 feet; Thence North 88°27'03" West, 1321.01 feet to the Point of Beginning. Contains 1,757,134 square feet or 40.34 acres more or less.

EXCEPT

A tract of land being part of the Southeast Quarter and the Southwest Quarter of Section 3, Township 44 North, Range 31 West, in the City of Harisonville, Cass County, Missouri, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Southeast Quarter; thence South 01° 35' 48" West, along the East line of the Northwest Quarter of said Southeast Quarter, 557.74 feet to the Point of Beginning; thence South 01° 35' 48" West, continuing along said East line, 378.63 feet; thence South 58° 55' 04" West, 165.89 feet; thence South 89° 45' 04" West, 821.69 feet; thence South 63° 03' 14" West, 215.31 feet; thence South 45° 59' 51" West, 399.38 feet; thence North 57° 38' 36" West, 643.01 feet; thence North 18° 01' 57" West, 218.35 feet; thence North 03° 26' 19" West, 215.34 feet; thence North 57° 59' 44" East, 648.78 feet; thence South 70° 29' 52" West, 69.54 feet; thence South 06° 45' 18" West, 308.95 feet; thence South 89° 54' 53" East, 411.51 feet; thence North 13° 04' 49" East, 160.14 feet; thence South 89° 54' 53" East, 114.44 feet; thence South 66° 37' 18" East, 56.64 feet; thence South 89° 54' 53" East, 141.29 feet; thence South 51° 38' 32" East, a distance of 119.66 feet; thence South 89° 54' 53" East, 51.38 feet; thence North 51° 44' 47" East, 148.90 feet; thence South 89° 54' 53" East, a distance of 31.89 feet; thence South 43° 16' 47" East, 120.33 feet; thence South 89° 54' 53" East, 365.82 feet to the Point of Beginning. Contains 1,219,737 square feet or 28.00 acres more or less.

Section 4: Severability. The sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 5: Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 6: Effective Date. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 7TH OF OCTOBER 2024 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 21ST DAY OF OCTOBER 2024 AND PASSED BY THE BOARD OF ALDERMEN THIS 21ST DAY OF OCTOBER 2024.

AYES:

NAYS:

AWAY:
ABSENT:
ABSTAIN:

Mike Zaring, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Daniel Barnett, City Clerk

WITNESS my hand and seal this 21ST day of October 2024

Attachment I: Zoning Map

Attachment: Rezoning south of Parkwood South and north of 267 (Ordinance Cedar Crossing Rezoning)

Zoning Map



Attachment: Rezoning south of Parkwood South and north of 267 (Ordinance Cedar Crossing Rezoning)

STAFF REPORT

TO: Board of Aldermen
FROM: Daniel Barnett,
DATE: September 19, 2024
SUBJECT: Municipal Court Report August 2024

Type of Item: *Discussion*

A. Discussion Item (ID # 4967)

Municipal Court Report August 2024

Attachments:

August 2024 Municipal Court Report(PDF)

IN THE MUNICIPAL COURT OF HARRISONVILLE, MISSOURI
CASS COUNTY

I certify that the attached is a report on all cases heard or tried before the Judge of the Circuit Court of Cass County Missouri, Municipal Division at Harrisonville during the month of **August 2024** and that the information and statements contained in said report are true and correct according to my best information, knowledge and belief.


Don Lograsso
Municipal Court Judge

9/4/24
Date

Presented and reviewed as required by Court Operating Rule 4.29.


City Clerk

9-10-2024
Date

Subscribed and sworn to before me this _____ day of _____, 2024.

Notary

RECEIVED

SEP 10 2024

CITY OF HARRISONVILLE

Attachment: August 2024 Municipal Court Report (Municipal Court Report August 2024)

MUNICIPAL DIVISION SUMMARY REPORTING FORM

Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.

<u>I. COURT INFORMATION</u>		Municipality: Harrisonville Municipal		Reporting Period: Aug 1, 2024 - Aug 30, 2024	
Mailing Address: 300 E PEARL STREET, HARRISONVILLE, MO 64701					
Physical Address: 300 E PEARL STREET, HARRISONVILLE, MO 64701				County: Cass County	
Telephone Number: (816)3808903		Fax Number:			
Prepared by: Michelle Shaffer			E-mail Address: michelle.shaffer@courts.mo.gov		
Municipal Judge: Don Lograsso					
<u>II. MONTHLY CASELOAD INFORMATION</u>					
		Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance	
A. Cases (citations/informations) pending at start of month		41	691	591	
B. Cases (citations/informations) filed		3	26	35	
C. Cases (citations/informations) disposed					
1. jury trial (Springfield, Jefferson County, and St. Louis County only)		0	0	0	
2. court/bench trial - GUILTY		0	1	1	
3. court/bench trial - NOT GUILTY		0	1	5	
4. plea of GUILTY in court		2	26	25	
5. Violations Bureau Citations (i.e. written plea of guilty) and bond forfeiture by court order (as payment of fines/costs)		0	9	0	
6. dismissed by court		0	1	0	
7. <i>nolle prosequi</i>		0	3	4	
8. certified for jury trial (not heard in Municipal Division)		0	0	0	
9. TOTAL CASE DISPOSITIONS		2	41	35	
D. Cases (citations/informations) pending at end of month [pending caseload = (A+B)-C9]		42	676	591	
E. Trial de Novo and/or appeal applications filed		0	0	0	
<u>III. WARRANT INFORMATION (pre- & post-disposition)</u>		<u>IV. PARKING TICKETS</u>			
1. # Issued during reporting period	79	1. # Issued during period	0		
2. # Served/withdrawn during reporting period	42	☐ Court staff does not process parking tickets			
3. # Outstanding at end of reporting period	1,139				

Attachment: August 2024 Municipal Court Report (Municipal Court Report August 2024)

MUNICIPAL DIVISION SUMMARY REPORTING FORM

COURT INFORMATION	Municipality: Harrisonville Municipal	Reporting Period: Aug 1, 2024 - Aug 30, 2024
--------------------------	---------------------------------------	--

V. DISBURSEMENTS

Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)		Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.	
Fines - Excess Revenue	\$3,631.00	Court Automation	\$396.84
Clerk Fee - Excess Revenue	\$459.27	Law Enf Arrest-Local	\$480.50
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Excess Revenue	\$14.16	Total Other Disbursements	\$877.34
Bond forfeitures (paid to city) - Excess Revenue	\$168.00	Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$11,236.75
Total Excess Revenue	\$4,272.43	Bond Refunds	\$800.00
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)		Total Disbursements	\$12,036.75
Fines - Other	\$3,353.50		
Clerk Fee - Other	\$221.02		
Judicial Education Fund (JEF) ☒ Court does not retain funds for JEF	\$0.00		
Peace Officer Standards and Training (POST) Commission surcharge	\$56.70		
Crime Victims Compensation (CVC) Fund surcharge - Paid to State	\$404.20		
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Other	\$6.81		
Law Enforcement Training (LET) Fund surcharge	\$116.00		
Domestic Violence Shelter surcharge	\$116.00		
Inmate Prisoner Detainee Security Fund surcharge	\$116.00		
Restitution	\$1,296.75		
Parking ticket revenue (including penalties)	\$0.00		
Bond forfeitures (paid to city) - Other	\$400.00		
Total Other Revenue	\$6,086.98		

Attachment: August 2024 Municipal Court Report (Municipal Court Report August 2024)