



**AGENDA
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
SEPTEMBER 20, 2018
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Planning & Zoning Commission - Regular Meeting - Aug 16, 2018 6:00 PM**
- 3. Agenda Items**
 - A. Gravel**
 - B. Non-Conforming Buildings, Structures and Uses**
 - C. Accessory Buildings in Commercial Districts**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 13th day of September, 2018.

Randall K. Jones, City Clerk



DRAFT
MINUTES
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
AUGUST 16, 2018
6:00 PM

1. Call to Order

The meeting was called to order at 6:06 PM by Mayor Brian Hasek

Attendee Name	Organization	Title	Status	Arrived
Chris Chiodini	Harrisonville	Chair	Absent	
Scott Milner	Harrisonville		Present	
Murad Hasam	Harrisonville		Present	
Brian Hasek	Harrisonville	Mayor	Present	
Jim Proctor	Harrisonville		Present	
Dorothy Young	Harrisonville		Present	
Cheryl Bush	Harrisonville	Board Member	Present	
Barrett Welton	Harrisonville		Present	

Also in attendance were Happy Welch, City Administrator; Roger Kroh, Community Development Planner; Brad Bockelman, Board Liason and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Planning & Zoning Commission - Regular Meeting - Apr 19, 2018 6:00 PM

Dorothy Young made a motion to accept the minutes as written. Cheryl Bush seconded. With no additions or corrections the minutes were unanimously accepted.

RESULT:	ACCEPTED [6 TO 0]
AYES:	Milner, Hasek, Proctor, Young, Bush, Welton
ABSENT:	Chris Chiodini
AWAY:	Murad Hasam

3. Agenda Items

Minutes Acceptance: Minutes of Aug 16, 2018 6:00 PM (Approval of Minutes)

A. Consideration of FP-1801: Final Plat of Laurence Smith, LRS Investors, LLC, for Maple Tree Subdivision, being a Re-plat of Lots 1, 2, 3 and the South 25.5 Feet of Lot 4, Block 1, in the "Moody's Addition" to the City of Harrisonville, Cass County, Missouri

Roger Kroh presented Packet Pages 4-7, a Final Plat for applicant Laurence Smith. This Final Plat would replat 3 1/2 lots into 3 slightly larger lots. Dorothy Young made a motion to recommend approval of the Final Plat to the Board of Alderman. Scott Milner seconded. Roger Kroh said the application will go to the Board on Monday, August 20, 2018. The Commission voted unanimously.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [6 TO 0]
AYES:	Milner, Hasek, Proctor, Young, Bush, Welton
ABSENT:	Chris Chiodini
AWAY:	Murad Hasam

4. Discussion Items

none

5. Adjourn

With nothing further to come before the Commission, Jim Proctor made a motion to adjourn. Cheryl Bush seconded the motion. The meeting was adjourned at 6:11 PM.

Respectfully Submitted,

Jamie Martin, Recording Secretary

Minutes Acceptance: Minutes of Aug 16, 2018 6:00 PM (Approval of Minutes)



TO: Planning & Zoning Commission
FROM: Jamie Martin, Assistant
DATE: September 13, 2018
SUBJECT: Staff Report Gravel

Type of Item: *Approval*

A. Action Item (ID # 3006)
Staff Report Gravel

Attachments:
Staff Report - Gravel (DOC)



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

September 12, 2018

To: Chairman and Members of the Planning and Zoning Commission
From: Roger Kroh, Community Development Planner
Re: Section 405.565 (D) Improvement of Parking Areas: Use of Gravel -- *Public Hearing*

Background

The City Administrator recently brought three issues to the Board of Aldermen Community Development Committee from staff regarding the City's requirements that parking areas and driveways be hard surfaced with asphalt or concrete. At the end of the discussion, the committee directed staff to prepare amendments for consideration by the Planning and Zoning Commission and Board of Aldermen. The issues are:

- 1 City regulations require all parking areas and drives to be surfaced with asphalt or cement. In the last few months the BZA has considered and granted two variances to allow individuals building houses on 10- and 23-acre tracts to use gravel. Staff believes that these decisions to allow gravel when warranted can be more efficiently decided during construction plan review with more guidance from the city codes.
- 2 The Building Official is seeing considerable interest in infill development in the older residential neighborhoods, the individuals are not going through with the projects to due to the cost of asphalt or concrete driveways. Staff believes that the city can encourage infill development by adding some flexibility to the hard surface requirements for drives and parking areas in the older neighborhoods.
- 3 Staff is seeing several instances where the hard surface requirements in commercial zones is impeding the reuse of empty buildings. We believe that the city can help reduce the number of empty buildings by allowing more flexibility in the use of gravel.

Proposed Amendment

405.565 **Parking and Loading Regulations.**

A. *Improvement of Parking Areas.*

1. All parking areas and drives shall be ready for use upon occupying a building and shall be surfaced with a minimum of two (2) inches of hot-mix asphaltic concrete on a minimum four (4) inch compacted stone base or Portland cement concrete paving of equal strength. All such drives and off-street areas used by vehicles, except those serving single- and two-family dwellings, shall have curbs. The Director of Codes Administration

may grant an extension by issuing a temporary certificate of occupancy when weather conditions are not satisfactory for placing paving materials.

~~Exceptions: Existing properties or businesses with gravel parking lots that have been vacant or closed for ninety (90) days or more may have drives and parking lots of chip seal on a four (4) inch compacted stone base in lieu of asphalt or concrete and curbs will not be required.~~

~~Existing gravel driveways within a residential district may be extended to provide access to an attached or detached accessory building. Existing gravel driveways shall not be extended or expanded for any other purpose.~~

Exceptions

None of the below exceptions will allow the requirements of the Americans with Disabilities to be avoided, including hard surfaced parking for those with disabilities.

- a. Exceptions for Non-residential Uses -- Existing gravel parking lots within a commercial district non-residential use may remain as gravel until a new principal use structure is constructed on the property at which time all parking areas shall be paved.
- b. Exceptions for Residential Uses –
 - i. Driveways may be gravel for single-family residences that extend more than 100 feet from the right of way to the house or accessory structure.
 - ii. In the R-1B Near Downtown Single-Family Neighborhood District and R-2B Near Downtown Two Family Neighborhood District;
 - existing gravel driveways are not required to be improved when a single-family home is removed and replaced with a new single-family home.
 - Single-family residences may have one gravel parking space in the side or rear yard.
 - iii. Existing gravel driveways within a residential district may be extended to provide access to an attached or detached accessory building. Existing gravel driveways shall not be extended or expanded for any other purpose.

Recommendation: Approve motion recommending that the Board of Aldermen amend Section 405.565 (A) Improvement of Parking Areas regarding the use of gravel instead of asphalt and concrete.



TO: Planning & Zoning Commission
FROM: Jamie Martin, Assistant
DATE: September 13, 2018
SUBJECT: STAFF REPORT NON CONFORMING BUILDINGS, STRUCTURES AND
USES

Type of Item: *Approval*

B. Action Item (ID # 3007)

STAFF REPORT NON CONFORMING

Attachments:

Staff Report - Non conform uses (DOC)



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September 12, 2018

To: Chairman and Members of the Planning and Zoning Commission
From: Roger Kroh, Community Development Planner
Re: Chapter 405 Non-Conforming Buildings, Structures and Uses – *Public Hearing*

Recently, several residential realtors who serve the Harrisonville community met with the Mayor, Alderman Levsen, City Administrator and staff regarding a City requirement that is preventing home buyers from qualifying for government home loan programs such as USDA, FHA and VA, and also conventional loans programs that are sold on the secondary market.

The Zoning Ordinance allows legal non-conforming buildings to be rebuilt after a fire, tornado or act of God if the damage does not exceed 50% of the true current market value. But, these buildings cannot be rebuilt if destroyed or damaged in excess of 50% of current value. The realtors explained that the government home loan programs cannot be used for the purchase of a legal non-conforming home if city zoning regulations do not allow it to be rebuilt if destroyed or damaged in excess of 50%. The inability of home buyers to use one program in particular, the USDA loan program, would be a significant loss to Harrisonville. It is used frequently in the community and it allows first time home buyers the opportunity of home ownership due to the availability of 100% financing.

Residential examples of legal non-conforming buildings are the homes along commercially zoned MO 291 and Commercial Street. They are “legal” because they met the city’s codes when constructed. But, they became “legal non-conforming” when the area around them was zoned commercial.

After looking into the problem and talking with several other nearby cities, we are recommending and that the code be amended so that non-conforming single-family residences destroyed or damaged greater in excess of 50% can be rebuilt and used again as homes. We believe that the community benefits more by removing this hurdle to home ownership rather than continuing a provision that is used very rarely. The following amendment is proposed

Section 405.050 Non-Conforming Buildings, Structures and Uses.

C (3) *Restoration of damaged non-conforming building.* A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located and which is destroyed or damaged by fire or other casualty or act of God to the extent of not more than fifty percent (50%) of its true current value, may be restored to its original size and occupancy. Such restoration shall be completed within twelve (12) months of the date of damage, provided any time for litigation shall not be counted in the twelve (12) month period.

Said building or structure, if destroyed or damaged to an extent greater than fifty percent (50%) of its true current value, shall be restored only if said building or structure and the use thereof shall conform to all regulations of the district in which it is located; except that if said lawful nonconforming structure is an owner-occupied, single-family detached dwelling, it may be reconstructed to its original size and occupancy regardless of the amount of damage according to the timeframe in this section.

Recommendation: Approve motion recommending that the Board of Aldermen amend the Zoning Ordinance to allow legal non-conforming owner-occupied single family detached dwellings to be reconstructed regardless of the amount of damaged caused by fire or other casualty or act of God.



TO: Planning & Zoning Commission
FROM: Jamie Martin, Assistant
DATE: September 13, 2018
SUBJECT: ACCESSORY BUILDING IN COMMERCIAL DISTRICTS

Type of Item: *Approval*

C. Action Item (ID # 3008)

ACCESSORY BUILDING IN COMMERCIAL DISTRICTS

Attachments:

Staff Report - Acc bldg in commercial districts (DOC)



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September 12, 2018

To: Chairman and Members of the Planning and Zoning Commission
From: Roger Kroh, Community Development Planner
Re: Sec. 405.550(D) Detached Accessory Structures in Commercial Districts

Public Hearing

Staff has had several requests from property owners in the downtown area for relatively small storage shed from 120 square feet to 200 square feet in size in which to store such things as lawn mowers and snow blowers that are used to maintain the property around their businesses. We believe these are reasonable requests and are recommending that the Accessory Use section of the Zoning Ordinance be amended to allow relatively small accessory buildings in certain commercial zoning districts. This amendment would not allow shipping containers.

D. Detached Accessory Building(s).

1. For any "R-1", "R-1M", "R-2", "R-3" or "R-4" zoned lot, one (1) or more detached accessory building(s) may be permitted as long as said structure complies with the standards outlined within this zoning ordinance. All accessory buildings shall be in the rear yard only. A detached accessory building shall be located not less than eight (8) feet from any side or rear lot line. Accessory buildings required to be supported by a concrete foundation shall not be located within a dedicated easement of any kind. In the case of corner lots, accessory buildings shall set back not less than the distance required for residences from side streets.
2. For any CBD-1, CBD-2, C-1 and C-2 zoned lot, one (1) detached accessory building may be permitted behind the main building or structures not to exceed 200 square feet, not less than 5 feet from any public right of way and adhere to existing set back requirements for the zoning district. Any such accessory buildings on any property of which any portion of the property is in the flood zone must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or public facilities; elevation of flood waters; or create a hazardous condition to any person or property. Any such accessory use of which the property has any portion of such property located in the flood plain will require a building permit for anchoring purposes. Any

existing use of this type of accessory building or structure, whether for storage or for sales shall also be anchored if the property is in the flood zone.

Recommendation: Approve motion recommending that the Board of Aldermen amend Section 405.550 (D) Accessory Buildings to allow small accessory buildings in certain commercial zoning districts.