PLANNING & ZONING COMMISSION
Regular Meeting Agenda
CITY OF PARKVILLE, MISSOURI
Wednesday, February 15, 2023 5:30 PM
City Hall Board Room

1. Call to Order

2. Roll Call

3. General Business

A. Approval of the February 15, 2023, regular meeting agenda.

B. Approve the minutes for the December 13, 2022, regular meeting

4. Unfinished Business

5. Public Hearing

A. Request for text amendment to Parkville Municipal Code, Title IV: Development Code, Section 402.010 Definitions, Section 405.020 Districts & Uses, and Section 405.040 Standards Applicable to Specific Uses, to conform to new provisions of the Missouri Constitution pertaining to recreational marijuana. (Case No. PZ2023-03); *City of Parkville, Applicant.*

B. An Application for Zoning Map Amendment for three (3) parcels of land generally located to the south of Thousand Oaks Phase 13B subdivision from Platte County "AG" Agricultural District to City of Parkville "R-3" Single-Family Residential. (Case No. PZ2023-01); *David Barth, Forest Park Development, Applicant.*

6. Regular Business

A. An Application for Subdivision - Preliminary Plat for Thousand Oaks, 25th Plat, a subdivision (46.242 acres, more or less) consisting of 73 single-family residential lots and three (3) tracts of private open space, generally located to the south of Thousand Oaks Phase 13B subdivision. (Case No. PZ2023-02); *David Barth, Forest Park Development, Applicant.*

7. Other Business

A. Upcoming meetings & dates of importance:

- Board of Aldermen Meetings: Tuesday, February 21 and March 7 at 7:00 p.m.
- Board of Zoning Adjustments Meeting: Tuesday, February 28 at 5:30 p.m.
- Planning & Zoning Commission Regular Meeting: Tuesday, March 14 at 5:30 p.m.

8. Adjournment

Posted Date & Time: February 13, 2023 3:00 p.m. By: BB

Posted Date & Time: February 13, 2023 3:00 p.m. By: BB

Minutes of the
Planning & Zoning Commission Regular Meeting
City of Parkville, Missouri
Tuesday, December 13, 2022 5:30 PM
City Hall Board Room
City Hall Board Room

1. Call to Order

Chair Wright called the meeting to order at 05:30 PM.

2. Roll Call

Commissioners Present:
Barbara Wassmer
John Delich
R. Douglas Krtek
Allyson Berberich
Spencer Keesee
Andrew Barchers
Gareld Butler
Michael Wright

Absent:
Walt Lane

A quorum of the Commission was present.

Staff Present:
Brad Stanton, Planner
Rich Wood, City Attorney
Alysen Abel, Public Works Director

3. General Business

A. Approval of the December 13, 2022, regular meeting agenda.

ACTION:	R. Douglas Krtek moved to approve, John Delich seconded. Motion Passed: 8-0.
AYES:	Michael Wright, Barbara Wassmer, John Delich, R. Douglas Krtek, Allyson Berberich, Spencer Keesee, Andrew Barchers, Gareld Butler
NOES:	None
ABSTAIN:	None

B. Approve the minutes for the November 8, 2022, regular meeting

ACTION:	Gareld Butler moved to approve, R. Douglas Krtek seconded. Motion Passed: 7-0.
AYES:	Michael Wright, Barbara Wassmer, John Delich, R. Douglas Krtek, Spencer Keesee, Andrew Barchers, Gareld Butler
NOES:	None

ABSTAIN: None

4. Unfinished Business

A. Application for Minor Site Plan for an existing building conversion/addition at 12 E 1st St, generally located at the NW corner of 1st Street & East Street. (Case No. PZ22-36); *Chris Jimenez, Clockwork, Applicant*.

DEVELOPER'S PRESENTATION

Leon Versfeld, applicant and Chris Jimenez, architect presented.

PB&J, restaurateur, stated 120 seats in the bistro, 30-35 seats inside the market + additional patio seating.

Mr. Versefeld stated it would function more like a drive-thru pick up, rather than a drive-thru restaurant. Overflow parking provided, 2 spaces for orders that may take longer.

BOARD DISCUSSION & ANALYSIS

Commissioner Delich had concerns on completed architectural elements (awnings, landscaping, signage, etc.) on architectural rendering. Chair Wright stated he cannot support cross traffic and advised relocating the man door from near the drive-thru.

MOTION

ACTION: John Delich moved to approve with conditions, R. Douglas Krtek seconded. Motion Passed: 7-1.

AYES: Barbara Wassmer, John Delich, R. Douglas Krtek, Allyson Berberich, Spencer Keesee, Andrew Barchers, Gareld Butler

NOES: Michael Wright

ABSTAIN: None

Condition: Recommend approval of Option 3, traffic patterns be identified suitable to staff approval, conflict resolved with access/egress with the northern door

5. Public Hearing

A. An application for a Conditional Use Permit (CUP) to allow a Lodging – Short-Term Rental use at 804 Main St. in Parkville, MO, in the "R-4" Mixed-Density Residential District on parcel no. 20-7.0-35-100-016-001.000 (0.27 acres, more or less), generally located near the northwest corner of the intersection of N Main St. and W 8th St. (Case No. PZ22-41); *Taryn Byron, Applicant.*

PUBLIC HEARING

Taryn Byron, 4321 N Central St., KC, MO, applicant, stated property currently has 2 units (main house and a mother-in-law suite).

Shane Hagen stated Annette Hagen, property owner at 500 East, is not opposed to others having more than 1 unit on their property.

Hugh Downing, 1202 Main St, feels that the ordinance works as is. If the property owner doesn't live on the property they don't have "skin in the game". Most cities around the country are limiting Airbnbs now.

Elizabeth Nelle, 105 W 12th St, has concerns with multiple units on one property.

Ms. Byron stated that she is at the property multiple times a week. She stated she is not an out-of-state investor.

BOARD DISCUSSION & ANALYSIS
Commissioners had questions about how to approve the application but only one unit. Commissioner Wassmer stated that we just approved these ordinances and we shouldn't push the limits already. Commissioner Wassmer stated that tourism doesn't help all of the Parkville businesses. Commissioner Delich stated that he was bothered by asking for exceptions from the regulations.

MOTION

ACTION:	R. Douglas Krtek moved to approve subject to conditions, Barbara Wassmer seconded. Motion Passed: 6-2.
AYES:	Michael Wright, Barbara Wassmer, R. Douglas Krtek, Allyson Berberich, Andrew Barchers, Gareld Butler
NOES:	John Delich, Spencer Keesee
ABSTAIN:	None

Conditions: only allow 1 unit on property, are allowed to not occupy

B. An Application for a Conditional Use Permit (CUP) to allow a Lodging – Short-Term Rental use at 500 East St. in Parkville, MO, in the "R-4" Mixed-Density Residential District on parcel no. 20-7.0-35-100-026-003.000 (0.15 acres, more or less), generally located at the northwest corner of the intersection of Missouri Hwy 9 and E 5th St. (Case No. PZ22-40); *Annette Hagen, Applicant*.

PUBLIC HEARING
Shane Hagen, representative for the applicant, stated Annette Hagen has owned the property for 23 years. Ms. Hagen is not a primary resident of 500 East St. The Code requires 2 parking spaces per unit for a total of 8 required spaces, while only 6 spaces are provided.

MOTION

ACTION:	R. Douglas Krtek moved to approve, Barbara Wassmer seconded. Motion Passed: 7-0.
AYES:	Michael Wright, Barbara Wassmer, R. Douglas Krtek, Allyson Berberich, Spencer Keesee, Andrew Barchers, Gareld Butler
NOES:	None
ABSTAIN:	John Delich

C. An application for a Conditional Use Permit (CUP) to allow a Lodging – Short-Term Rental use at 107 W 12th St. in Parkville, MO, in the "R-4" Mixed-Density Residential District on parcel no. 20-7.0-35-100-004-011.000 (0.07 acres, more or less), generally

located near the southwest corner of the intersection of W 12th St. and NW Elm St. (Case No. PZ22-42); *Greenfield Enterprises, LLC, Applicant*.

PUBLIC HEARING

Heather Greenfield, 5920 N Cosby Ave, KCMO, stated there were 2 parking spaces in front of the property. Commissioner Wassmer asked if she had to pick one, Ms. Greenfield stated she didn't know.

Elizabeth Nelle, 105 W 12th Street, stated the applicants have improved the property at 107 W 12th Street. She stated that short-term renters have been beneficial for the area compared to previous long-term renters.

Hugh Downing, 1202 Main Street, had concerns regarding no one living on site and adding more than 4 properties in a ward district.

Ms. Greenfield stated she understands the concerns of not wanting outsiders buying up Airbnbs. She feels her property is unique because it is within walking distance of Downtown Parkville. Commissioner Wassmer stated she had concerns with additional properties turning to short-term renting instead of being affordable housing long-term.

QUESTIONS & CLARIFICATIONS

Commissioner Krtek asked for the length of the CUP. Mr. Stanton responded 1 year.

MOTION

ACTION:	Barbara Wassmer moved to approve, R. Douglas Krtek seconded. Motion Passed: 7-0.
AYES:	Michael Wright, Barbara Wassmer, John Delich, R. Douglas Krtek, Allyson Berberich, Andrew Barchers, Gareld Butler
NOES:	None
ABSTAIN:	Spencer Keesee

D. An application for a Conditional Use Permit (CUP) to allow a Lodging – Short-Term Rental use at 826 East St. in Parkville, MO, in the "R-4" Mixed-Density Residential District on parcel no. 20-7.0-35-100-009-001.000 (0.12 acres, more or less), generally located near the southwest corner of the intersection of W 12th St. and Missouri Hwy 9. (Case No. PZ22-43); *Greenfield Enterprises, LLC, Applicant.*

MOTION

Commissioner Berberich made a motion to approve, no second, motion fails.

ACTION:	Spencer Keesee moved to deny the application, John Delich seconded. Motion Passed: 6-2.
AYES:	Michael Wright, Barbara Wassmer, John Delich, Spencer Keesee, Andrew Barchers, Gareld Butler
NOES:	R. Douglas Krtek, Allyson Berberich
ABSTAIN:	None

E. A request for text amendment to Parkville Municipal Code, Title IV – Development Code, Section 405.030 Standards Applicable to All Districts, Subsection B. Exceptions and Supplemental Standards, to create provisions for accessory buildings related to large lots. (Case No. PZ22-39); *City of Parkville, Applicant.*

STAFF ANALYSIS & SUMMARY
Brad Stanton, Planner, provided an overview of the proposed text amendment. Mr. Stanton stated that this text amendment would allow for larger accessory buildings on large lots.

BOARD DISCUSSION & ANALYSIS
Chair Wright proposed having a maximum size for an accessory building based on a percentage of the overall lot area. Commissioners discussed the 5 acre minimum for allowing the larger accessory buildings.

MOTION

ACTION:	John Delich moved to approve, R. Douglas Krtek seconded. Motion Passed: 7-0.
AYES:	Michael Wright, Barbara Wassmer, John Delich, R. Douglas Krtek, Spencer Keesee, Andrew Barchers, Gareld Butler
NOES:	None
ABSTAIN:	Allyson Berberich

6. Regular Business

A. An Application for a Major Site Plan for Scooters Coffee at 9107 NW 45 Highway. (Case No. PZ22-04); *John Kozel, Java Investment, LLC.*

STAFF ANALYSIS & SUMMARY
Mr. Stanton presented an overview of the project. He stated this was an application for Major Site Plan for Scooter's Coffee, a proposed 664 sq. ft. drive-thru coffee kiosk on 0.30 acres, generally located at the southwest corner of 45 Hwy and Lewis St.

QUESTIONS & CLARIFICATIONS
Kathy Warman, Warman Architects, was present. Chair Wright asked about timeline. Ms. Warman stated ground breaking late winter, early spring. She stated that Scooter's has a quick queuing time to prevent backups.

MOTION

ACTION:	John Delich moved to approve, Barbara Wassmer seconded. Motion Passed: 8-0.
AYES:	Michael Wright, Barbara Wassmer, John Delich, R. Douglas Krtek, Allyson Berberich, Spencer Keesee, Andrew Barchers, Gareld Butler
NOES:	None
ABSTAIN:	None

7. Other Business

A. Upcoming meetings & dates of importance:

- Board of Aldermen Meetings: Tuesday, December 20, 2022 and January 3, 2023 at 7:00 p.m.
- Board of Zoning Adjustments Meeting: TBA 2023
- Planning & Zoning Commission Regular Meeting: Tuesday, January 10, 2023 at

5:30 p.m.

8. Adjournment

Chairman Wright called further discussion. Seeing none, he called for a motion to adjourn.

Submitted by:

_____ _____

Stephen Lachky, AICP Date
Community Development Director

_____ _____

Brad Stanton Date
Planner

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

Staff Analysis

Agenda Item: **5.B**

Proposal: Request for text amendment to Parkville Municipal Code, Title IV: Development Code, Section 402.010 Definitions, Section 405.020 Districts & Uses, and Section 405.040 Standards Applicable to Specific Uses, to conform to new provisions of the Missouri Constitution pertaining to recreational marijuana.

Staff Recommendation: Approval

Case No: PZ 2022-03

Applicant: City of Parkville

Pre-Application Conference Mtg: N/A

Exhibits:
A. This Staff Analysis
B. Application for Text Amendment
C. *Preparing for Recreational Marijuana* (report prepared by Lauber Municipal Law, LLC
D. *First Look at Amendment 3 Recreational Marijuana* (presentation prepared by Lauber Municipal Law, LLC)
E. Proposed Text Amendment
    1. Section 402.010 Definitions
    2. Section 405.020 Districts & Uses, Table 405-2: Use Table
    3. Section 405.040 Standards Applicable to Specific Uses
D. Additional exhibits as may be presented during the meeting

By Reference:
A. Parkville Municipal Code, Title IV- Development Code in its entirety
    1. Section 402.010 Definitions
    2. Section 405.020 Districts & Uses
    3. Section 405.040 Standards Applicable to Specific Use
B. Missouri Constitution Amendment 2, Medical Marijuana and Veteran Healthcare Services Initiative (ballot measure approved on November 6, 2018)
C. Missouri Constitution, Article XIV, Section 2, (ballot measure approved on December 8, 2022)
F. Hearing notice published in The Platte County Citizen newspaper on January 18, 2023
G. Summary of Public Hearing posted on Parkville City webpage (http://parkvillemo.gov/public-hearings/)

Comments Received: No written comments have been received by the Community Development Department as of the completion of this staff analysis on February 7, 2023.

Background

On November 6, 2018 the voters of the State of Missouri approved Amendment 2 to the Missouri Constitution which legalizes medical marijuana within the state. Amendment 2 made the possession of marijuana — specifically medical marijuana — legal for qualifying patients and medical marijuana facilities. Amendment 2 also permitted doctors to recommend marijuana for medical purposes to patients with qualifying medical conditions and allows for the limited legal production, distribution, sale and purchase of marijuana for medical use.

As a result, on January 21, 2020 the City of Parkville approved Ordinance No. 3030 amending sections of the Title IV – Development Code to create provisions for medical marijuana facilities. This included regulating the "time, place and manner of the operation of medical marijuana facilities (e.g., dispensaries, cultivation facilities, infused products manufacturing facilities, testing facilities, transportation facilities)."

On November 8, 2022 the voters of the State of Missouri approved another amendment to the Missouri Constitution to legalize the recreational use of marijuana (see Exhibits C and D). While the federal government still considers marijuana to be a controlled substance, it's still necessary for the City to update its Municipal Code in order to conform to the new provisions of the Missouri Constitution pertaining to recreational marijuana. In summary, this involves modifying the reference of "medical marijuana" throughout the Parkville Municipal Code to just "marijuana", as the new recreational marijuana rules allow one facility to sell both medical marijuana and recreational marijuana.

Proposed Text Amendment

The City of Parkville's legal counsel, Lauber Municipal Law, LLC, has prepared modifications to the Parkville Municipal Code based on the recent amendment to the Missouri Constitution (see Exhibit E). While very similar to the changes proposed in 2019 for creating medical marijuana provisions, Lauber Municipal Law, LLC recommends moving some of the regulations pertaining to general time, place and manner from Title IV: Zoning Code over to Title II: Public Health, Safety and Welfare.

Staff Conclusion and Recommendation

Staff recommends approval of the proposed text amendment to Parkville Municipal Code, Title IV: Development Code, Section 402.010 Definitions, Section 405.020 Districts & Uses, and Section 405.040 Standards Applicable to Specific Uses, to conform to new provisions of the Missouri Constitution pertaining to recreational marijuana. Consideration of a text amendment requires a public hearing. Required public hearing notices were published and no comments have been received as of the date of this staff analysis report. It should be noted that the recommendation contained in this report is made without knowledge of any facts and testimony which may be presented during the public hearing, and that the conclusions herein are subject to change as a result of any additional information that may be presented.

Necessary Action

Following consideration of the Application for Text Amendment, supporting information, associated exhibits, factors discussed above and any testimony presented during the public hearing, the Planning and Zoning Commission should recommend approval (with or without conditions), denial, or postpone the application for further consideration. If approved subject to

conditions, the conditions should be noted for the record. Unless postponed, the Planning and Zoning Commission's action will be forwarded to the Board of Aldermen on February 21, 2023 for final action.

End of Memorandum

02-07-2023

Stephen Lachky, AICP, CPM, CFM — Date
Community Development Director

Application #: Case No. PZ 2023-03
Date Submitted: 01/04/2023
Public Hearing: 02/14/2023
Date Approved: _____

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Application for Text Amendment

Applicable to Chapters, Sections and Subsections within Parkville Municipal Code Title IV *Development Code*

1. Applicant / Contact Information

Applicant(s)

Name: Alexa Barton
Address: 8880 Clark Ave
City, State: Parkville, MO
Phone: (816) 741-7676 Fax: (816) 741-1300
E-mail: abarton@parkvillemo.gov

Primary Contact(s), if different from applicant(s)

Name: Stephen Lachky
Address: 8880 Clark Ave
City, State: Parkville, MO
Phone: (816) 741-7676 Fax: (816) 741-1300
E-mail: slachky@parkvillemo.gov

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that all text amendments are subject to statutory requirements and the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature *(Required)*_____ *Date:* 01/04/2023

2. Proposed Text Amendment

The following information may be submitted on a separate sheet if necessary.

Amendment proposed to (Chapter, Section and Subsection number): Title IV: Development Code

Section / Subsection Title: Section 402.010 Definitions; Section 405.020 Districts & Uses; Section 405.040 Standards Applicable to Specific Uses

Existing text: N/A

Proposed text: See Attached

Reason for amendment:

On November 8, 2022 the voters of the State of Missouri approved another amendment to the Missouri Constitution to legalize the recreational use of marijuana. While the federal government still considers marijuana to be a controlled substance, it's still necessary for the City to update its Municipal Code in order to conform to the new provisions of the Missouri Constitution pertaining to recreational marijuana.

3. Potential benefits / effects

Generally, amendments are evaluated based on whether their benefit will likely outweigh any potential pitfalls, and their ability to implement community goals and objectives and improve the existing code. Describe below or on a separate sheet potential benefits and effects of the proposed amendment.

General benefits to property and residents in the City of Parkville (i.e., does the amendment make the code conform more closely with the City's Master Plan; improve public health, safety or general welfare; clarify or better implement the intent of the Code; or other):

There is no immediate budget impact. Long-term impacts would be realized as a result of the City collecting taxes for retail sales. In addition to any existing sales taxes, Missouri cities can impose a tax of up to 3% on retail sales of marijuana; however, such tax must be approved by a vote of the people.

General effects to property and residents in the City of Parkville:

Cities may regulate the "time, place, and manner: of the operation of comprehensive marijuana facilities as long as the regulations are not unduly burdensome on the operation of said facility. Also, the Amendment to the Missouri Constitution maintains the same 1000-foot separation between facilities and churches, schools, and daycare facilities; however, the definitions created in the Department Rules about measuring the 1000 feet using 'walking distance' have now been codified into the constitution.

4. Checklist of required submittals

☑ Completed application, including all required details and supporting data.

☐ Nonrefundable application fee of $300.00. Separately, the applicant will be billed to recover costs for required publication notice per Parkville Municipal Code Title IV, Section 403.010, Subsection E.

For City Use Only

Application accepted as complete by: _____ _____
Name/Title Date

Application fee payment by _____ ☐ Check # _____ ☐ M.O._____ ☐ Cash

Accepted by: _____ _____
Name/Title Date

☐ Hearing notice published in: _____ _____ Date of publication: _____

☐ Final reimbursable costs paid (if applicable). Date of Action: _____

Planning Commission Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____
Conditions if any: _____
_____

Board of Aldermen Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____
Conditions if any: _____
_____

LAUBER MUNICIPAL LAW, LLC

Serving those who serve the public

PREPARING FOR RECREATIONAL MARIJUANA

Introduction

On November 8th, Missouri voters will decide whether to legalize the recreational use of marijuana. As with Medical Marijuana, the concept seems simple enough, but the implementation will be complex. Currently, two polls show the measure passing and one poll shows it failing.[1] The purpose of this white paper is to provide you with the information they need to know if Amendment 3 passes. As is indicated throughout this paper, changes will be needed to existing medical marijuana ordinances and policies as well as creating new ordinances and policies for recreational marijuana. We will be working with our clients to develop these.

To keep this as short as possible we have not listed out all of the existing provisions, only those that are being changed in some way.

To help you review this information we have included what we consider to be the most important changes in **bold.**

I. Part One: Changes to the Current Medical Marijuana Rules

Approximately half of the text of Amendment 3 involves corrections to the current medical marijuana regulations.

A. Minor changes, which will not require city action include:

[1] Jason Hancock, *Missouri Independent*, Published October 4, 2022 at 4:00 AM CDT

1. Allowing the sale of 'prerolls,' which are pre-rolled marijuana cigarettes (joints, blunts, doobies, spliffs, etc.). (Art. XIV, Sec. 1,1.2(7)).

2. Adds a new definition of "medical facility" which refers to all of the medical marijuana facilities as a group.

3. Nurse Practitioners will be able to prescribe Medical Marijuana.

B. More significant changes which will require city action include:

1. Allows dispensaries to store products off-site. (Art. XIV, Sec. 1, 1.2(10). This will require cities to amend their zoning codes to include these off-site storage facilities. Arguably they could simply be treated as any warehouse-type facility, but the unique properties of marijuana indicate that additional restrictions, such as security and controlling smell will be needed.

2. New Definition of Unduly Burdensome.

Under the old rules and the new rules, cities were restricted from passing ordinances that were "unduly burdensome." The new law will further define that term. Now that term means that the costs to comply with the regulation or ordinance in time and money are so high that a "reasonably prudent business person would not operate the facility." (Art. XIV, Sec. 1, 1.2(24).). This is obviously a definition that will be the subject of much debate and litigation. A marijuana business owner will undoubtedly argue that every restriction costs him too much in money and time.

3. **The lottery**.

Rather than the old point system for awarding medical facilities licenses, which was the subject of numerous court cases, now the State will use a lottery system to award medical marijuana facility licenses. This does not affect current license holders.

4. Signs.

In most current medical marijuana ordinances, no references are made regarding signage. This was a conscious choice because sign regulations are tricky, and the State had already regulated what signs medical marijuana facilities could and could not do. Thus cities were able to treat them like any other business. The new rules will take a very different approach. Marijuana signage can only be regulated by the State in a manner "no more stringent

than alcohol." The State regulations as to advertising do not prohibit very much in terms of retail sales (11 CSR 70-2.240). Consider for example the signs in the front window of a typical bar. Since cities cannot generally regulate the content of signs, prohibitions such as banning marijuana leaves cannot be enacted. To the extent that cities can regulate such things as size and lighting, they will have to enact the same rules for bars, restaurants, and stores.

5. Sunshine Law. There was some dispute as to whether the Sunshine Law applied to the process of selecting who got facility licenses. The new law will make everything subject to the Sunshine Law with important exceptions. Primarily these relate to proprietary business information. Most of this will be on the state level and should have minimal impact on cities.

6. Increase in Purchase and Grow Limits. Cultivation will be increased from six plants to six plants plus six non-flowering plus six clones. The amount of purchase increased from four ounces to six. (1.3(14).

7. **Warrants and Searches**.

The new amendment adds new restrictions on warrants and searches relating to the possession or cultivation of marijuana. (1.5(12).).

Prior to requesting a warrant, the police must first find out if the target has a possession or cultivation license and must inform the issuing agency that a warrant is being sought.

The mere presence of marijuana without other evidence cannot be the basis of a search.

Police departments will need to amend their standard operating procedures to comply with these requirements.

8. Driving Under the Influence.

Under the present rules, a person cannot operate a motor vehicle with any amount of medical marijuana in the person's system. Under the new rules, the mere presence of THC will not be enough if the person has a valid patient card. In other words, actual impairment will need to be shown. This is not a huge change. At present, since there is no test to determine the amount of THC that causes impairment so officers are currently using field sobriety tests

to determine the ability to drive. Many cities have still not updated their codes regarding DUI, so those should be updated to the most current standard. (1.3.7(14).).

9. Smoking In Public.

Though the changes a subtle, the new rules significantly change how smoking in public is handled.

a) The old rules simply prohibited smoking in public "unless provided by law." The new rules prohibit smoking in public except in an area "licensed by the Department [of Health and Senior Services] or local authorities" This would seem to imply that the Department will be able to license places for smoking. (Art. XIV, Sec. 1.7(6)).

b) Under the new rules, the penalty for smoking in public is limited to a "civil penalty" of not more than $100. Presumably, a municipal violation would count since municipal violations are civil in nature.

Cities will need to amend their ordinances to comply with the new rules.

10. Distance Requirements.

The new regulations maintain the same 1000-foot separation between facilities and churches, schools, and daycare facilities. However, the definitions created in the Department Rules about measuring the 1000 feet using 'walking distance' have now been codified into the constitution. If cities used a different definition in their ordinances this will now need to be corrected.

11. Employment Protections (Medical Marijuana).

The new rules provide new protections for employees with medical marijuana cards. Employers are prohibited from discriminating against medical marijuana users or caregivers in:

- Hiring, termination, or any term or condition of employment.
- Use off of the employer's premises, unless the employee is under the influence on the employer's premises during work hours.
- As a result of a positive test for THC unless the employee used or was under the influence while at work.

But, these protections don't apply if the employee is in a position where the legal use of marijuana affects the person's ability to perform his or her job, or endangers the safety of others, or conflicts with an occupational qualification.

II. Part Two: Recreational Marijuana

A. **Personal use of marijuana no longer unlawful.** (Art. XIV, Sec. 2.10)

1. Possession of less than 3 oz.

2. Growing up to six flowering, six non-flowering, and six clone plants with a DHSS registration.

a) If plants are visible from a public place, or not locked up, may be subject to a civil fine of not more than $250.

3. Paraphernalia is now legal. Cities need to change their codes to reflect this.

B. New Definitions

1. **Comprehensive Facility.** The new recreational marijuana rules will allow one facility to sell both medical marijuana and recreational marijuana. Similar rules allow cultivation and manufacturing facilities to sell both. The comprehensive dispensary can also sell paraphernalia and manufacture pre-rolls. (Art. XIV, Section 2.2(4)).

C. **Prohibited conduct.** Certain things remain illegal, even under the new law. These include:[2]

1. Delivery or distribution of marijuana or paraphernalia to persons under 21.

2. Purchase or possession by persons under 21.

3. Consumption of marijuana by a person under 21.

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[2] It is important to note that the way this language is written it may not actually prohibit these activities but merely allow laws which do prohibit them. For that reason, **City codes should specifically prohibit each of these activites**.

4. Operating motor vehicles or dangerous equipment when under the influence, however, as with medical marijuana, the mere presence of THC in the blood is not enough to convict for a DUI. (See I.B.8 above)

5. Consuming marijuana while operating a motor vehicle.

6. Smoking marijuana in a motor vehicle (whether or not driving).

7. Possession of marijuana or paraphernalia in a school.

8. Smoking marijuana where smoking tobacco is prohibited. This is an important provision as many cities have "no smoking" rules.

9. **Consumption in a public place**, other than where allowed. As with the change in medical marijuana, the language is vague and could be read to imply that DHSS could license smoking areas in a city. (See I.B.9.b) above).

10. "Conduct that endangers others" is prohibited. This term is not defined.

(Art. XIV, Sec. 2.3)

D. Employers

1. The new law does not require employers to permit or accommodate the use of recreational marijuana in the workplace.

2. An employer may discipline an employee for working under the influence.

3. An employer may refuse to hire or terminate an employee for working under the influence. (Art. XIV, Sec. 2.3(3).)

E. Role of the Department of Health and Senior Services.

1. Much as in the present medical marijuana scheme, DHSS will regulate the cultivation, manufacture, and sale of recreational marijuana. It will issue licenses to the various facilities.

2. At a minimum, DHSS will issue as many licenses for recreational marijuana cultivation and sale as provided for medical marijuana. However, the licenses will be issued on a lottery basis.

3. Sunshine law. As with the change in medical marijuana, the sunshine law will now apply to DHSS regulation of recreational marijuana, with exceptions for proprietary information.

F. Micro-Businesses (Art. XIV, Sec. 2.4(12)).

1. The new changes will add a third category of facilities, Micro-Businesses. The name is somewhat misleading. There is no limit to the size of a micro-business, other than no person or entity can have more than one. Rather, micro-businesses are targeted to allow disadvantaged groups to get into the marijuana business.

2. To qualify as a micro-business a majority of the owners must be from one of the following groups:

a) A net worth of less than $250,000 and income no more than 150% of the poverty level;

b) A veteran with a disability

c) A person convicted of a non-violent marijuana offense or a family member of the same

d) Reside in a zip code with high poverty, or high incarceration rates, or high unemployment.

e) Graduated from an unaccredited high school.

3. There are two types of micro-business facilities.

a) Dispensaries. These can sell marijuana products and paraphernalia.

b) Wholesale. These can sell marijuana products and paraphernalia and cultivate them.

Micro-business licenses are in addition to medical marijuana facility licenses and comprehensive facility licenses (recreational and medical).

G. Miscellaneous Recreational Regulations.

1. A current medical marijuana facility may apply to convert to being a comprehensive marijuana facility.

2. **Persons over 21 may get a cultivation license.** (Art. XIV, Sec. 2.4(23) and (24).).

a) There will be a registration card.

b) Not more than 12 flowering plants.

c) Plants, and any marijuana over 3 oz. must be kept in a locked space, not visible from a public place. Only in a private residence.

3. All marijuana sold in Missouri must be grown in Missouri. (Art. XIV, Sec. 2.4(25).).

4. Only DHSS may issue licenses.

5. State tax on sales.

III. Part Three – Local Control

A. Local Opt Out.

1. Cities may opt-out, which means no micro-business or comprehensive businesses. May not opt-out of medical marijuana businesses. (Art. XIV, Sec. 2.5(1).).

a) To opt-out must have a vote of the people on the November ballot.

b) The city may repeal the ban (opt-in) by ordinance or by a vote of the people.

2. If a recreational facility is located in a city that opts out of recreational marijuana, the facility will be allowed to relocate. (Art. XIV, Sec. 2.4(19)).

B. Distance Requirements (Zoning)

1. As with current medical marijuana rules, cities may require that marijuana facilities must be located at least 1000 feet from any elementary or secondary school; child care facility; or church.

2. Distance is to be measured as the shortest path that can be lawfully traveled on foot (legal walking distance).

C. Scope of Local Regulation

1. Cities may not prohibit marijuana facilities directly or through ordinances that are "unduly burdensome." See I.B.2 above.

2. Cities may pass regulations that are not in conflict with the constitutional provisions.

a) Civil penalties for violations. It is not clear exactly what is meant by the term 'civil penalties.' However, municipal code violations have been determined to be civil, not criminal, in nature.

b) Cities may regulate the time, place, and manner where marijuana may be smoked.

c) Cities may regulate the consumption of marijuana, including when included in culinary dishes.

D. Local Tax of 3%

1. A city can impose a tax of up to 3% on retail sales of marijuana.

2. The tax is on top of any existing sales taxes.

3. Tax must be approved by a vote of the people.

E. Search Warrants

a) Prior to requesting a warrant, the police must first find out if the target has a possession or cultivation license and must inform the issuing agency that a warrant is being sought.

b) The mere presence of marijuana without other evidence cannot be the basis of a search.

c) Police departments will need to amend their standard operating procedures to comply with these requirements.

d) New Reporting.

After making a search, with or without a warrant, based on an alleged marijuana offense, the officer must prepare a report. Those reports shall be combined into an annual report submitted to the Attorney General.

F. Smoking in public.

1. The city may prohibit it.

2. The maximum civil penalty is $100

3. A person under 21 caught possessing or using marijuana can be subject to a fine of not more than $100 or four hours of drug counseling.

G. Possession. (Art. XIV, Sec. 2.10(6).).

1. Maximum marijuana a person can have in their possession is 6 oz. Note that this seems to conflict with other sections.

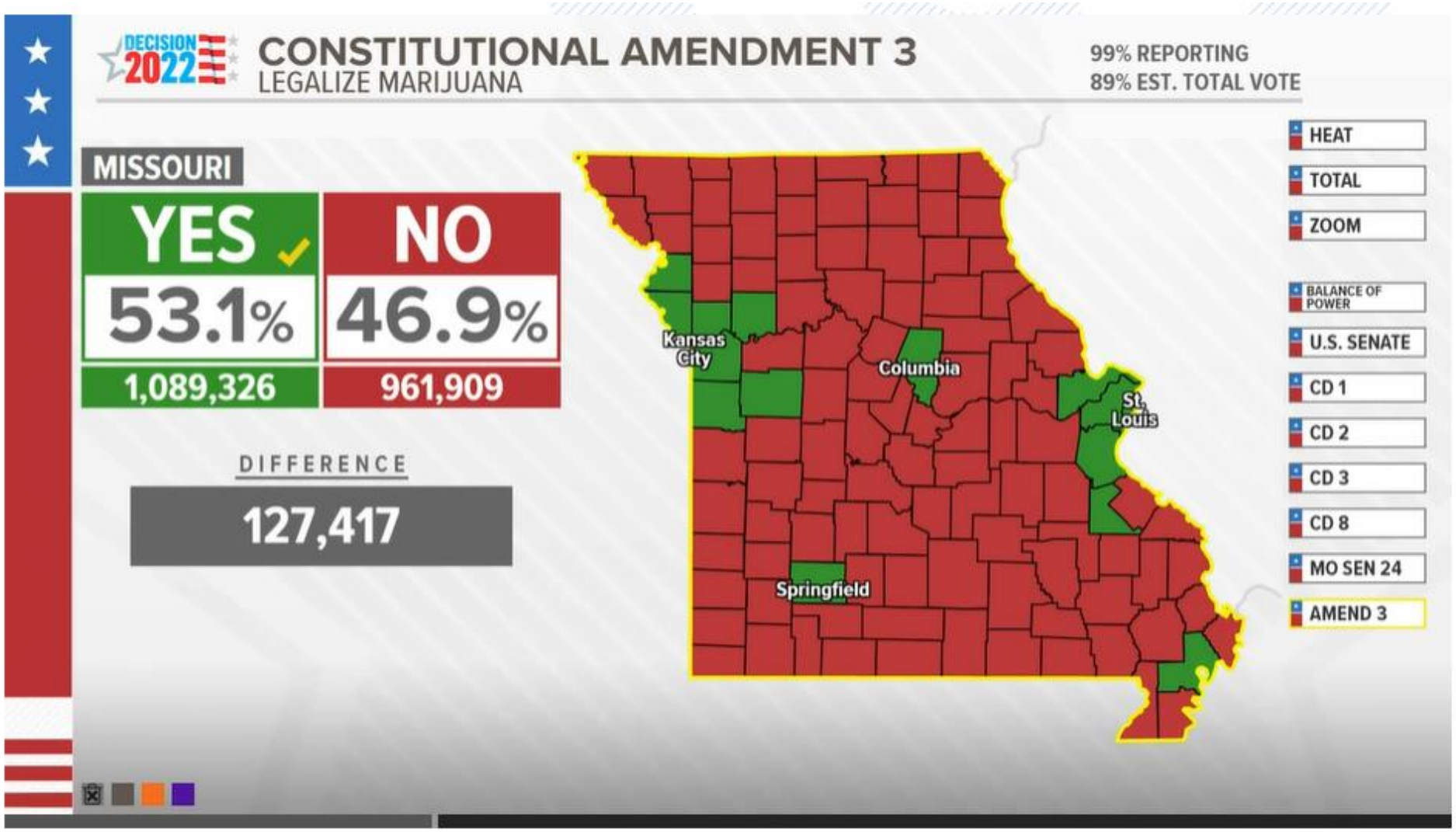
Missouri's Sunshine Law

LAUBER MUNICIPAL LAW, LLC

First Look at Amendment 3
Recreational Marijuana

Serving those who serve the public

Amendment 3 Passes



Recreational Marijuana Legal

- Must be over 21
- Paraphernalia now legal
- Personal growing legal (with permit)
- Sales to minors or purchases by minors still a crime.

Other Prohibited Conduct

- Consumption while driving
- Smoking in a vehicle or boat
- Possession on school property
- Conduct that endangers others.
- Negligence
- Certain kinds of extraction

Timeline

- January 24, 2023 — Last day to put 3% tax on the ballot
- December 8, 2022 — Bill becomes effective
- February 6, 2023 — First day recreational marijuana available

New Vocabulary

- Comprehensive Facility
- Pre-Roll
- Micro-Business
  - Net worth under $250k
  - Disabled veteran
  - Reside in zip code with high poverty or incarceration
  - Graduated from an unaccredited high school

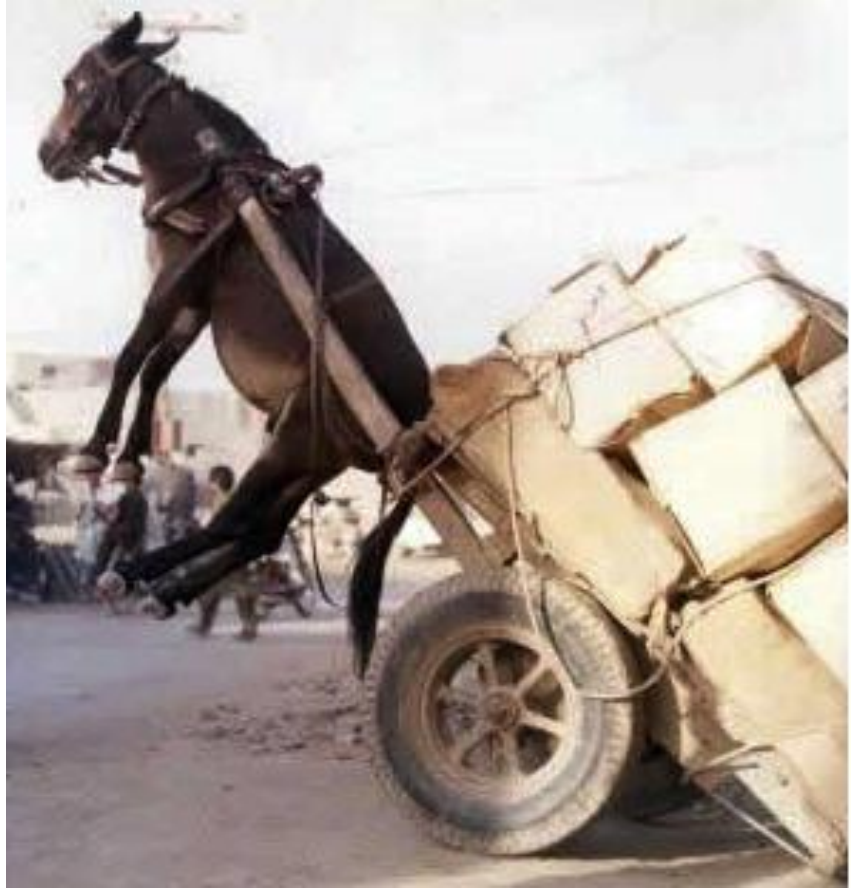
Changes to Medical Marijuana

- The Lottery.
- Conversion of medical marijuana facilities to Comprehensive Facilities.
- Allowing the sale of ‘pre-rolls’
- Nurse Practitioners
- Allows dispensaries to store products off-site.
- Signs.

New Definition of Unduly Burdensome.

- The costs to comply with the regulation or ordinance in time and money are so high that a “reasonably prudent business person would not operate the facility.”

- This is obviously a definition that will be the subject of much debate and litigation.



Signs

- In most current medical marijuana ordinances, no references are made regarding signage. |
- Cities treated them like other businesses
- The new rules will take a very different approach. Marijuana signage can only be regulated by the State in a manner "no more stringent than alcohol."

Driving Under the Influence

- Currently – can't have any medical marijuana in your system
- New – Mere presence of THC not enough.
  - Must show actual impairment
  - Field Sobriety tests

Smoking in Public

- Old Rule: prohibited in public unless provided by law.
  - Cities free to define "public"
- New Rules: No smoking in public but:
  - City can allow places for public smoking
  - DHSS can license places for public smoking.
  - Smoking where smoking tobacco is already prohibited is prohibited
- $100 Civil penalty for consumption in public
- Landlords can still prohibit.
- Maximum in possession is 6 oz

Employment Protections for Users

Employers are prohibited from discriminating against medical marijuana users or caregivers in:

- Hiring, termination, or any term or condition of employment.
- Use off of the employer's premises, unless the employee is under the influence on the employer's premises during work hours.
- As a result of a positive test for THC unless the employee used or was under the influence while at work.

  But, protections don't apply if

  - Effects ability to perform job
  - Endangers safety
  - Conflicts with occupational qualifications

Employers - Recreational

- Employers NOT required to accommodate recreational marijuana
- Employers may discipline for employee being high at work
- May refuse to hire or fire for working under the influence.

Local

- Opt Out – Election required
  - Initiative to opt back in
  - Facilities may relocate
- Tax
  - 3%
  - Election required
- Reasonable time place and manner
  - Walking distance
- City may regulate consumption, including in dishes.
- Civil penalties for violations

Search Warrants

- Prior to search of place where grown must call DHSS
- Mere presence of marijuana not enough for warrant or vehicle exception
- No "No Knock"
- Reporting

Contact Todd Smith, Lauber Municipal

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LAUBER MUNICIPAL LAW, LLC

Missouri's Sunshine Law

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Scan with your smart phone QR reader

Serving those who serve the public

About the Firm

Lauber Municipal Law, LLC, was established for the purpose of serving local governmental entities of all types and sizes. We can serve your community as its general counsel (City Attorney) or as special counsel for technical issues like economic development incentive approvals, annexation, elections, impeachments, and appellate work..

Our goal through Lauber Municipal Law, LLC, is to meld our previous experience together to provide a high-quality, "big firm" work product, while providing the flexibility, personal responsiveness, and cost effectiveness of a small firm. We completely understand public entities' needs to obtain the most effective representation possible while considering the fact that these services are compensated from a budget made up of public funds. As the motto for Lauber Municipal Law, LLC, states: We are proud to serve those who serve others. Our sincere desire is to make that job easier and less stressful for the elected officials and administrative staffs of these entities.

The choice of a lawyer is an important decision and should not be based solely on advertisements. This disclosure is required by rule of the Missouri Supreme Court.

Section 402.010. Definitions

A. **Defined Terms.** All terms used in these regulations shall have their commonly accepted meaning based upon the context of their use within this code. The following terms shall have the meaning given below, unless more specifically described, limited or qualified within the standards of this Code.

Consumer. A person who is at least twenty-one years of age.

Department. The Department of Health and Senior Services or its successor agency.

Marijuana or *Marihuana*. Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. Marijuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dg weight basis, or commodities or products manufactured from industrial hemp.

~~*Marijuana-Infused Products*. Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.~~

Marijuana-Infused Products. Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

B. **Description of Uses.** This section contains general descriptions associated with the use of land and buildings organized by Categories and Types, and enabled by zoning districts in Table 405-2. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall make an interpretation on the most relatively equivalent described use considering (1) the similarity of the use in terms of scale, impact and operations to other described uses; (2) the typical building formats and site designs associated with the use from existing examples; and (3) the potential contribution of the use and typical formats to the intent of the zoning district. Any use that may not be interpreted as relatively equivalent to a use described in this Section or the Use Table are not anticipated by these regulations and may only be allowed by a Text Amendment.

Retail
The Retail category is the use of land and buildings for the sale of goods and/or food and beverages directly to the consumer, where these goods are available for immediate purchase or order, and where goods can be immediately removed from the premises, or immediately consumed on the premises by the purchaser, and where frequent interaction of patrons or consumers occurs on premises. The types of uses in this category are dependent on the size of gross leasable area per tenancy, where the smaller formats (Micro, Neighborhood or Small) are typically dependent on a target market of consumers within the neighborhood or 1-mile area, and where the larger formats (General, Large and Warehouse) are typically dependent on a target market beyond the 1 mile area.

~~*Medical Marijuana Dispensary Facility*. A facility licensed by the Missouri Department of Health and Senior Services, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.~~

Marijuana Dispensary. A medical marijuana dispensary facility, a comprehensive marijuana dispensary facility, or a micro-business as those terms are defined herein or in Art. XIV of the constitution.

Comprehensive Marijuana Dispensary Facility. A facility licensed by the department to acquire, process, package, store on-site or off-site, sell, transport to or from, and deliver marijuana, marijuana seeds,

marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient or primary caregiver, as those terms are defined in Section 260.010 of the City Code, or to a consumer, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitations of Chapter 260 of the City Code, and as otherwise allowed by law. Comprehensive marijuana dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Medical Marijuana Dispensary Facility. A facility licensed by the department, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, as those terms are defined in Section 260.010 of the City Code, or another medical marijuana dispensary facility.

Industrial

The Industrial category is the use of land and buildings engaged in the production, processing, storage or distribution of goods with potential impacts beyond the site due to the types of activities, the physical needs of the site or facility, the types of materials used, or the delivery and access operations, and which in typical formats and operations may not be compatible with other business uses. It includes the following types:

~~*Medical Marijuana Cultivation Facility*. A facility licensed by the Missouri Department of Health and Senior Services, to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.~~

Comprehensive Marijuana Cultivation Facility. A facility licensed by the department to acquire, cultivate, process, package, store on-site or off-site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a marijuana dispensary, a marijuana testing facility, or a comprehensive marijuana-infused products manufacturing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.

Medical Marijuana Cultivation Facility. A facility licensed by the department, to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, marijuana testing facility, or to a medical marijuana-infused products manufacturing facility and shall also mean a comprehensive marijuana cultivation facility, as that term is defined in Article XIV of the Constitution.

~~*Medical Marijuana-Infused Products Manufacturing Facility*. A facility licensed by the Missouri Department of Health and Senior Services, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.~~

Comprehensive Marijuana-Infused Products Manufacturing Facility. A facility licensed by the department to acquire, process, package, store, manufacture, transport to or from a marijuana dispensary or a marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary, a marijuana testing facility, or another comprehensive marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

Medical Marijuana-Infused Products Manufacturing Facility. A facility licensed by the department, to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a marijuana testing facility, or another medical marijuana-infused products manufacturing facility.

~~*Medical Marijuana Testing Facility*. A facility certified by the Missouri Department of Health and Senior Services, to acquire, test, certify, and transport marijuana.~~

Marijuana Testing Facility. A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

~~*Transportation Facility*. A facility licensed as such by the Missouri Department of Health and Senior Services in connection with the transportation and storage of medical marijuana.~~

Marijuana Transportation Facility. A facility certified by the state to transport marijuana to a qualifying patient or a primary caregiver, as those terms are defined in Section 260.010 of the City Code, or to a medical marijuana cultivation facility, a comprehensive marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a comprehensive marijuana-infused products manufacturing facility, a marijuana dispensary, a marijuana testing facility, or another marijuana transportation facility.

Table 405-2: Use Table																
P = Permitted Use C = Use allowed through conditional review blank = use not allowed	R-1	R-2	R-3	R-4	R-5	OTD	B-1	B-2	B-4-P	BP	P-EC	I-1	I-2	I-3	PLCD	U-1
Residential Uses																
Detached house	P	P	P	P			P	P								
Duplex				P			P	P								
3-/4-plex				C	P		P	P								
Row house (3 to 8 units; 2- to 3-story)				C	P		P	P								
Walk-up apartment (3 to 12 units; 2- to 3-story)				C	P		P	P								
Apartment complex (garden apartment - density based)					P		P	P								
Mixed-use (residential above or behind street level commercial)						P	P	P								
Accessory dwelling	C	C	C	C			C	C								
Civic/Institutional Uses																
Assembly — limited (under 250)	P	P	P	P		P	P	P								
Assembly — small (251 to 500)	C	C	C	C		C	P	P								
Assembly — large (501 to 1,000)							C	P	P	P		P				
Assembly — event venue (1,000+)								C	P	P		P				
Education — neighborhood school (<10 acres)	P	P	P		P											
Education — campus (> 10 acres)	C	C	C		C				C	C	P					
Education — extension						P	P	P	P			P	P			P
Library, museum or art gallery	C	C	C		C	P	P	P	P	P	P				P	
Open/civic space (various types; see design standards Section **404.020**)	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Community and public service (post office, fire, police, rec center)	P	P	P	P		P	P	P	P	P	P	P	P		P	P
Retail																
Retail — limited (under 2,500 square feet)						P	P	P	P	P						

Retail — small (2,500 to 8,000 square feet)							P	P	P	P						
Retail — general (8,000 to 50,000 square feet)								P	P							
Retail — large (50,000 to 100,000 square feet)								P	P							
Retail — warehouse (over 100,000 square feet)								P	P							
Retail — outdoor sales, limited								P	P			P				
Retail — outdoor sales general								P				P				
Restaurant — micro/mobile						C	C	C	C	C	C	C	C	C	C	
Restaurant — limited						P	P	P	P	P						
Restaurant — general								P	P							
Restaurant — drive-in/drive-through							C	P	P							
Restaurant — bar/tavern						P	P	P	P	P						
Restaurant — microbrewery/winery						C	C	C	C			C	C			
Grocery — convenience/market (under 5,000 square feet)						P	P	P	P	P						
Grocery — small store (under 40,000 square feet)							P	P	P							
Grocery — large store (over 40,000 square feet)								P	P							
Gas station — limited (4 pumps or fewer)							P	P	P	P		P	P	P		
Gas station — general (5 to 16 pumps)								P	P	P		P	P	P		
Gas station — large (more than 16 pumps)								C	C			P	P	P		
*Marijuana – dispensary						P	P	P	P	P		P	P	P		
Office/Service Uses																
Office — home occupation	P	P	P	P			P	P								P
Office — limited						P	P	P	P	P		P	P	P		P
Office — general								P	P	P		P	P	P		P
Service — limited						P	P	P	P	P		P	P	P		P
Service — general								P	P	P		P	P	P		P
Animal care or clinic — limited							P	P	P	P		P				
Animal care or clinic — general									P	P		P				

Lodging — bed-and-breakfast				C		P	P	P	P							
Lodging — inn						P	P	P	P	P						
Lodging — hotel/motel								P	P	P						
Recreation — indoor, limited						C[1]	P	P	P	P						P
Recreation — indoor, general								P	P	P						P
Recreation — outdoor, limited						C		P	P	P						
Recreation — outdoor, general								P	P							
Residential care — limited					P		P	P								
Residential care — general					C		C	P								
Residential care — institutional living								P								
Vehicle service/repair — limited							P	P	P	P		P	P	P		
Vehicle service/repair — general								P	P	P		P	P	P		
Vehicle service/repair — heavy												C	P	P		
Industrial																
Manufacturing — artisan						P	P	P	P	P		P	P	P		P
Manufacturing — light								C	P	P		P	P	P		P
Manufacturing — general													P	P		P
Manufacturing — heavy														P		
Storage and warehousing — indoor, limited								P	P	P		P	P	P		P
Storage and warehousing — indoor, general												P	P	P		P
Storage and warehousing — outdoor													P	P		P
Storage and warehousing — outdoor, junkyard														P		
Comprehensive marijuana — cultivation facility												P	P	P		
*Comprehensive marijuana — infused products manufacturing facility								P	P	P		P	P	P		P
*Marijuana — testing facility								P	P	P		P	P	P		P
*Marijuana — transportation facility								P	P	P		P	P	P		P
Medical marijuana — cultivation facility												P	P	P		

*Medical marijuana — infused products manufacturing facility								P	P	P		P	P	P		P
Storage and warehousing — indoor, limited								P	P	P		P	P	P		P
Storage and warehousing — indoor, general												P	P	P		P
Storage and warehousing — outdoor													P	P		P
Storage and warehousing — outdoor, junkyard														P		

*Uses permitted in the “TND” Traditional Neighborhood District

405.040 Standards Applicable to Specific Uses

In addition to the general use and development standards applicable to all districts, the following standards are specific to particular uses. These standards shall be met whether the use is a generally permitted use or a conditional use according to Table 405-2. The uses in this section may involve more specific types or formats of the uses generally enabled in Table 405-2

~~J. **Medical Marijuana.** No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be constructed, altered, or used without complying with the following regulations:~~

1. ~~No new Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, day-care, or church. For purposes of this Section:~~
    a. ~~A "daycare" means a child-care facility, as defined by Section 210.201, RSMo., that is licensed by the State of Missouri.~~
    b. ~~A "elementary or secondary school" means any public school as defined in section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.~~
    c. ~~A "church" means a permanent building primarily and regularly used as a place of religious worship.~~
    d. ~~"Then existing" means any school, day-care, or church with a written building permit from the City to be constructed, or under construction, or completed and in use at the time the marijuana facility first applies for either zoning or a building permit, whichever comes first.~~
    e. ~~"One thousand feet" means 1,000 ft. of distance measured in a straight line — without regard to intervening structures — from the nearest building line setback on a property containing a then-existing school, day-care, or church to the nearest building line setback on the property containing the medical marijuana facility.~~
2. ~~Outdoor Operations or Storage Prohibited. Unless licensed as an outdoor Medical Marijuana Cultivation Facility, all marijuana facilities' operations and all storage of materials, products, or equipment shall be within a fully enclosed building.~~
3. ~~Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana facility.~~
4. ~~Hours of Operation. All marijuana facilities shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 8:00 a.m., provided that, sales and distribution of Medical Marijuana or any other products sold to the public through a Medical Marijuana Dispensary may occur until Midnight on Friday and Saturday evenings.~~
5. ~~Residential Dwelling Units Prohibited. No medical marijuana business shall be located in a building that contains a residence.~~
6. ~~A Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be entirely within an enclosed building.~~
7. ~~Ventilation Required. All marijuana facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.~~
8. ~~License Required. All medical marijuana facilities shall have a current license from the Missouri Department of Health and Senior Services (DHSS) and be in compliance with the license.~~

CITY OF PARKVILLE ▪ 8880 Clark Avenue ▪ Parkville, MO 64152 ▪ (816) 741-7676 ▪ FAX (816) 741-0013

Staff Analysis

Agenda Item: 5.B and 6.A

Proposal: Application for Zoning Map Amendment for three (3) parcels of land generally located to the south of Thousand Oaks Phase 13B subdivision from Platte County "AG" Agricultural District to City of Parkville "R-3" Single-Family Residential.

Application for Subdivision - Preliminary Plat for Thousand Oaks, 25th Plat, a subdivision (46.242 acres, more or less) consisting of 73 single-family residential lots and three (3) tracts of private open space, generally located to the south of Thousand Oaks Phase 13B subdivision.

Staff Recommendation: Approval (with conditions)

Case No: PZ 2023-01 (Zoning Map Amendment
PZ 2023-02 (Subdivision – Preliminary Plat)

Applicant: David Barth

Owners: Forest Park Development LLC

Location: Generally located to the south of Thousand Oaks Phase 13B subdivision

Existing Zoning: Platte County "AG" Agricultural District

Proposed Zoning: City of Parkville "R-3" Single-Family Residential

Parcel #s: Platte County parcels # 20-9.0-29-000-000-007.000, # 20-9.0-29-000-000-010.000, # 20-9.0-29-000-000-010.001, # 20-9.0-32-000-000-005.000

Exhibits:

A. This Staff Analysis
B. Applications
   1. Zoning Map Amendment Application
   2. Subdivision – Preliminary Plat Application
C. Subject Area Property Map
D. Rezoning Plan (submitted by Applicant)
E. Preliminary Plat, Thousand Oaks 25th Plat (prepared by RIC, submitted by Applicant)
F. Additional exhibits as may be presented at the public hearing

By Reference:

A. Parkville Municipal Code, Title IV – Development Code in its entirety (https://parkvillemo.gov/download/Ord2884.pdf)
   1. Section 403.030 Zoning Map Amendment

2. Section 405.010 Zoning Districts Established
3. Section 405.020 Districts & Uses
4. Section 405.030 Standards Applicable to All Districts

B. Parkville Master Plan (http://parkvillemo.gov/departments/community-development-department/master-plan/)

Comments Received: No written comments have been received by the Community Development Department as of the completion of this staff analysis on February 13, 2023.

Overview
The Thousand Oaks master development runs from NW Brink-Myers Road to the north, connecting to NW River Road to the south. Several phases have been developed in this area over the past two decades and the applicant is proposing one new phase connecting to the existing Thousand Oaks Phase 13B subdivision via an extension of Nevada Avenue, ultimately connecting it to NW River Road.

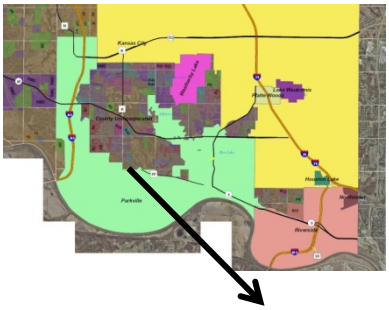
The Applicant has submitted an application to rezone the property from Platte County "AG" Agricultural District to City of Parkville "R-3" Single-Family Residential District. Concurrently, the Applicant has submitted an application to preliminarily plat 46.242 acres, more or less, into 73 single-family residential lots and three (3) tracts of private open space.

Rezoning
The applicant proposes to rezone a portion of three (3) parcels of land generally located to the south of Thousand Oaks Phase 13B subdivision and north of NW River Road from Platte County "AG" Agricultural District to City of Parkville "R-3" Single-Family Residential.

This application proposes rezoning the property to the City of Parkville's "R-3" Single-Family Residential District in order to match the existing zoning in adjacent subdivisions of Thousand Oaks. The applicant desires to subdivide the property for single-family homes as part of the Thousand Oaks master development, requiring the land to be zoned for residential uses. These parcels were previously zoned "AG" by Platte County and retained their County zoning designation upon being annexed into the city limits of Parkville, thus the property will require rezoning to a City zoning district prior to development.

The "R-3" Single-Family Residential district provides residential living in a moderate-density neighborhood setting and more community character, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods. This district should be used generally for a variety of residential neighborhoods throughout the City.

Preliminary Plat
The Applicant proposes to preliminarily plat a portion of five (5) parcels of land, 46.242 acres, more or less, into 73 single-family residential lots and three (3) tracts of private open space. Accordingly, the application proposes extending Nevada Ave from its current extent to intersect with NW River Road at the south.



Legend

Project Area

N

Exhibit C: Subject Area Property Map

Review and Analysis

The applications have been reviewed against the Parkville Municipal Code, including the applicable "R-3" zoning district regulations, the adopted *Parkville 2040 Master Plan* and its Future Land Use map.

Zoning Map Amendment (PZ-2023-01)
Parkville Municipal Code, Section 403.030, Subsection B. provides review criteria for how the Planning and Zoning Commission shall determine if a zoning map amendment is appropriate. The following are staff's findings and conclusions.

1. **The application is consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan, and in particular the relationship of land uses within the proposed district and relationship with uses existing or anticipated in surrounding districts.**
   The *Parkville 2040 Master Plan* (adopted May 11, 2021) projects Low-Density Residential future land use for the subject parcel proposed for rezoning. This land use is primarily intended for single-family residential detached, single-family residential bi-attached, single-family residential +1 accessory dwelling unit, civic uses, schools and churches. The application is consistent with this land use projection.

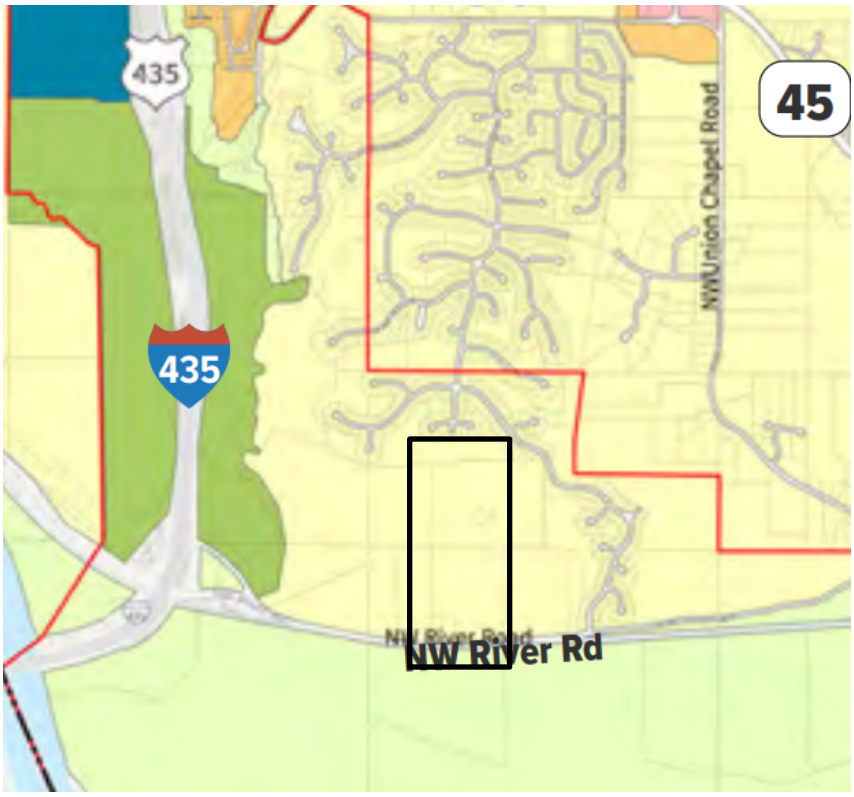


Figure 4.43 Future Land Use Map from the adopted *Parkville 2040 Master Plan*. The subject property parcel area is identified. The yellow color represents Low-Density Residential land use projection. The proposed "R-3" zoning district is consistent with the Low-Density Residential land use projection (yellow color).

Section 405.010 of the Development Code, specifically Table 405-1, finds the "R-3" zoning district applicable to the Low-Density Residential land use projection.

2. **The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; the zoning of property and compatibility of potential future uses; and the operation and uses of land and buildings.**
   The character of the neighborhood immediately adjacent to and surrounding the subject property parcel can be characterized as Low-Density Residential land uses part of the Thousand Oaks master development. The design of streets, civic spaces and other open spaces; and the scale, pattern and design of buildings are compatible with the proposed "R-3" rezoning. Moreover, most of the adjacent land around the subject parcels are already zoned "R-3".

   To the north and east of the subject property is the existing low-density residential Thousand Oaks development (Phase 13B to the north and Thousand Oaks 16th and 19th Plats to the east). South of the property lies NW River Road right-of-way and agricultural farmland. West of the property are undeveloped and large-lot residential land uses.

3. **The application furthers the intent of the proposed zoning district and supports that of any abutting zoning districts, and in particular the building form, site design, and other development patterns and urban design aspects of the proposed project in furthering the intent.**
   The Application for Zoning Map Amendment is proposed in conjunction with an Application for Subdivision – Preliminary Plat for the Thousand Oaks – 25th Plat (Case No. PZ 2023-02) which proposes lots for single-family detached houses, meeting the intent of the "R-3" district. Additionally, this rezoning is consistent with the overall zoning for other subdivisions and phases within the Thousand Oaks master development — including the immediately adjacent Thousand Oaks Sixteenth Plat subdivision to the east — within City of Parkville municipal limits. The subject property parcel will have similar, if not the same, height, area and bulk standards for lot sizes and building setbacks.

4. **Compliance of any proposed development with the requirements of the development code, and the intent or design objectives associated with any specific standards.**
   The application for Zoning Map Amendment is proposed in conjunction with an Application for Subdivision – Preliminary Plat for the Thousand Oaks – 25th Plat (Case No. PZ 2023-02). If rezoned to the "R-3" district, any development will need to meet the standards of the Parkville Municipal Code, Title IV: Development Code. The Preliminary Plat is being reviewed for compliance with the Municipal Code concurrently with this application for Zoning Map Amendment.

5. **The ability of the City or other government agencies to provide any services, facilities or programs that might be required if the application were approved.**
   The proposed rezoning does not appear to significantly impact the ability for the City or other governmental agencies to respond with public and emergency services; this includes police, fire and the ability to maintain the peace.

6. **The effect of approval on the condition or value of property in the city or in the vicinity including the likelihood of surrounding areas to be developed in accordance with the Master Plan.**
   Approval of the Zoning Map Amendment will allow the subject property to be developed as single-family residences in accordance with the Parkville Municipal Code. Development of this area as low-density residential supports the likelihood of surrounding areas to be developed in accordance with the *Parkville 2040 Master Plan*.

7. **The consistency of the application with other adopted policies of the City, including any other relevant implications of the change beyond any specific proposed project.**
   Aside from the application being consistent with the adopted *Parkville 2040 Master Plan*'s vision for Low-Density Residential future land use, as well as previously-approved rezonings for adjacent parcels, properties and plats part of the Thousand Oaks master development in western Parkville, Mo., the application is consistent with the previous Master Plans adopted in 2009 and in 1995. Both documents deemed the annexation of land west of Parkville municipal boundaries at the time to be reasonable and necessary for Parkville's future growth, specifically to meet the demands of future subdivision growth by providing more residential properties.

8. **The recommendations of professional staff or other technical reviews associated with the application.**
   Aside from staff's analysis and recommendations contained within the *Parkville 2040 Master Plan*, no other recommendations of professional staff or other technical reviews associated with the application are referenced. **Prior to the approval of the public improvement plans for the subdivision, the Public Works department is requiring a revised traffic study and a revised stormwater study.**

Preliminary Plat (PZ2023-02)
Parkville Municipal Code, Section 403.020, Subsection D. provides review criteria for how the Planning and Zoning Commission shall determine if a preliminary plat application is appropriate. The following are staff's findings and conclusions.

1. **The application is in accordance with the Master Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.**
   This application supports the *Parkville 2040 Master Plan*'s future land use projection of low-density residential for the surrounding area. Additionally, this development is compatible and similar to the existing Thousand Oaks phases surrounding the property.

2. **Compliance with the requirements of this Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.**
   The proposed blocks and lots of the plat are capable of meeting the Development Code requirements of "R-3" zoned properties.

3. **Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.**
   The Thousand Oaks master planned development has been developed over the past couple decades and have been a phased development throughout. This phase logically

flows with the existing development and provides an enhanced access route to the existing development (extending Nevada Ave to NW River Road).

4. **Any impacts identified by specific studies or technical reports, including a preliminary review of stormwater, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.**
   As a condition of approval, the developer must revise the existing traffic study and stormwater study. Additionally, the developer must install any required improvements from the revised infrastructure studies.

5. **The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Master Plan.**
   The application will have no effect on adjacent properties' abilities to meet the goals and policies of the Master Plan.

6. **No lot or portions thereof are located outside of the municipal boundaries of the City.**
   The bounds of the subject property lie within the municipal boundaries of the City of Parkville.

7. **The design does not impede the construction of anticipated or planned future public infrastructure within the area.**
   The design does not impede the construction of anticipated future public infrastructure within the area. **As a condition of approval, the developer must revise the existing traffic study to examine effects on NW River Road.** Additionally, the developer is coordinating with the City on the installation of an emergency warning siren on the subject property.

8. **The recommendations of professional staff, or any other public entity asked to officially review the plat.**
   Staff recommends approval of the application subject to conditions.

Staff Conclusion and Recommendation
Following review, staff recommends approval of the Application for Zoning Map Amendment for the subject property based on the merits of the application and the findings and conclusions in this report.

Following review, staff recommends approval of the Application for Subdivision – Preliminary Plat for the subject property based on the merits of the application and the findings and conclusions in this report, subject to the following conditions:

1. Prior to approval of the public improvement plans, the developer's engineer shall submit a revised traffic study to reflect previous plats of the Thousand Oaks subdivision, including the subject plat. The study shall be reviewed and approved by the City's On-Call Traffic Engineer prior to issuance of a public improvement permit.
2. Prior to building permit issuance, the developer shall install any roadway public improvements as a result of the increased traffic generated by the additional development, as reflected in the revised traffic study. These improvement shall be included in the public improvement plans.

3. Prior to approval of the public improvement plans, the developer's engineer shall submit a revised stormwater study to reflect previous plats of Thousand Oaks subdivision, including the subject plat. The study shall be reviewed and approved by the City's On-Call Engineer prior to issuance of a public improvement permit.
4. Prior to building permit issuance, the developer shall install any stormwater public and private improvements as a result of the increased stormwater runoff generated by the additional development, as reflected in the revised stormwater study. The public improvements shall be included in the public improvement plans. Any private improvements shall be reviewed and approved by the City's On-Call Engineer prior to the issuance of a public improvement permit.
5. Prior to approval of a final plat for the preliminarily platted property, the developer shall coordinate with the City on the location and installation of an emergency warning siren on the subject property.

It should be noted that the recommendation contained in this report is made without knowledge of facts, public comments or any additional information which may be presented during the public hearing. For that reason, the conclusions herein are subject to change as a result of evaluating additional information; additionally, staff reserves the right to modify or confirm the conclusions and recommendations herein based on consideration of any additional information that may be presented.

Necessary Action

Following consideration of the Application for Zoning Map Amendment, supporting information, associated exhibits, factors discussed above and any testimony presented during the public hearing, the Planning and Zoning Commission should recommend approval (with or without conditions), denial, or postpone the application for further consideration. If approved subject to conditions, the conditions should be noted for the record. Unless postponed, the Planning and Zoning Commission's action will be forwarded to the Board of Aldermen on March 7, 2023 for final action.

Following consideration of the Application for Subdivision - Preliminary Plat, supporting information, associated exhibits, factors discussed above, and any testimony presented during the meeting, the Planning and Zoning Commission should recommend approval, approval with conditions, denial, or postpone the application for further consideration. If approved subject to conditions, the conditions should be noted for the record. Unless postponed, the Planning Commission's action will be final, unless an Appeal of Decision is filed by the Board of Aldermen within 15 days of the Planning and Zoning Commission's decision per Section 403.010, Subsection H.

End of Memorandum

/s Brad Stanton 02-13-2023

Brad Stanton, AICP Date

Planner

Application #: _____
Date Submitted: _____
Public Hearing: _____
Date Approved: _____

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

Application for Zoning Map Amendment

Pre-application meeting required per Parkville Municipal Code Title IV, Section 403.010, Subsection C

1. Applicant / Contact Information

Applicant(s)

Name: Forest Park Development LLC - David Barth
Address 6014 N HWY 9, STE A
City, State Parkville, MO 64152
Phone: (816) 591-2550 Fax: _____
E-mail dbarth.kc@gmail.com

Owner(s), if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

Engineer/Surveyor(s) preparing legal description

Name: RIC - Dustin Burton
Address: 400 E 17th Street
City, State: KCMO 64108
Phone: (913) 832-5683 Fax: _____
E-mail: dburton@ric-consult.com

Contact Person, if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that rezoning in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above- mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature *(Required)* _____ *Date:* 12/27/22

Property Owner's Signature *(Required)* _____ *Date:* 12/27/22

2. Property Information

Legal description: Attach a separate sheet with complete writing and graphical legal description of the subject property.

Property address / general location:

Between NW Riverview Road & N Nevada Rd

Parcel ID Number: 20-9.0-29-000-000-010.000, 20-9.0-32-000-000-005.000, - 20-9.0-32-000-000-003.000

Present zoning: AR

Proposed zoning: R-3

Present use of the property:

Undeveloped

Length of use:

n/a

Application #: _____

3. Neighboring land uses and zoning

Describe the existing land use and zoning on the surrounding properties:

	Existing Land Use		Existing Zoning
North:	R-3	North:	
South:	AG	South:	
East:	AG/R-3	East:	
West:	AG/R-3	West:	

Attach a narrative addressing:

1. How the application is consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan. In particular, the relationship of land uses within the proposed district and the relationship with uses existing or anticipated in surrounding districts.
2. The character of the neighborhood, including design of the streets, civic spaces and other open spaces; the scale, pattern and design of buildings; the zoning of property and compatibility of potential future uses; and the operation and uses of land and buildings.
3. How the application furthers the intent of the proposed zoning district and supports that of any abutting zoning districts, in particular, the building form, site design, and other development patterns and urban design aspects of the proposed project in furthering the intent.
4. Compliance of any proposed development with the requirements of the development code, and the intent or design objectives associated with any specific standards.
5. The ability of the City or other government agencies to provide any services, facilities or programs that might be required if the application were approved.
6. The effect of approval on the condition or value of property in the city or in the vicinity, including the likelihood of surrounding areas to be developed in accordance with the Master Plan.
7. The consistency of the application with other adopted policies of the City, including any other relevant implications of the change beyond any specific proposed project.
8. The recommendations of professional staff or other technical reviews associated with the application.

4. Checklist of required submittals

- ☐ Completed application, including all required details and supporting data.
- ☐ Nonrefundable application fee of $300.00. Applicant will be billed to recover costs for required publication, posted and mailed notice per Parkville Municipal Code, Title IV, Section 403.010, Subsection E.
- ☐ Complete written and graphical legal description of subject property in paper and electronic formats, an area map showing the subject property and surrounding major features including roads.
- ☐ If the proposed rezoning is for a Master Planned Development (i.e., "planned" district) such as a *"B-4-P" Planned Business District*, a complete site plan/development plan is required per Parkville Municipal Code, Title IV.
- ☐ Notarized affidavit of ownership and authorized signature of the applicant and owner of record of the property.

For City Use Only

Application accepted as complete by: _____ _____
Name/Title Date

Application fee payment: Check #_____ M.O. _____ Cash

Final reimbursable costs paid (if applicable). Date of Action: _____

Planning Commission Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____

Conditions if any: _____

_____

Board of Aldermen Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____

Conditions if any: _____

Application #: _____
Date Submitted: _____
Public Hearing: _____
Date Approved: _____

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

Application for Subdivision – Preliminary Plat

Pre-application meeting required per Parkville Municipal Code Title IV, Section 403.010, Subsection C

1. Applicant/Contact Information

Applicant(s)

Name: Forest Park Development LLC - David Barth
Address: 6014 N HWY 9, STE A
City, State: Parkville MO 64152
Phone: (816) 591-2550 Fax: _____
E-mail: dbarth.kc@gmail.com

Owner(s), if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

Engineer/Surveyor(s) preparing plat & legal description

Name: RIC - Dustin Burton PE
Address: 400 E 17th street
City, State: KCMO, 64108
Phone: (913) 832-5683 Fax: _____
E-mail: dburton@ric-consult.com

Contact Person, if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that development in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature (Required) _____ Date: 12/27/22

Property Owner's Signature (Required) _____ Date: 12/27/22

2. Property Information

Proposed name of subdivision: Thousand Oaks - 25th Plat

Current use(s) of the property: Ag/Undeveloped

Current zoning district: AG/R-3

Acreage open space: 15.73Ac

Proposed zoning: R-3

Density of development: 1.579 DU/Ac

Minimum lot size: ~11,000

Application #: _____

3. Signatures of Acknowledgement

The following signatures by authorized representatives indicate the entity had notice of the intent to subdivide and, pending detailed plan review can provide their applicable service to the proposed development. A signed letter from the entity may be submitted in place of a signature.

_____

Water District (PWSD #1 or Missouri American Water Co.)
816.891.9141 816.741.2992

_____

South Platte Fire Protection District (SPFPD)
816.741.2900

_____

Sanitary sewer/septic (PCRSD, Parkville Public Works or Platte County Health Department)
816.858-2052 816.741.7676 816.858.2412

_____

Streets (Parkville Public Works)
816.741.7676

_____

Missouri Department of Transportation (for access/adjacent to a state maintained roadway)
816.622-0414

_____

Electricity (KCP&L)
816.471.5275

_____

Natural Gas (Spire Energy DBA Missouri Gas Energy)
816.756.5252

_____

School District (Park Hill or Platte County)
816.741.1521 816.858.2822

Application #: _____

6. Subdivision – Preliminary Plat checklist for staff review

1. **Basic Information**
   a. Name of the plat, phase and/or number if applicable
   b. Name, address, contact information of person / registered surveyor or firm that prepared the plat
   c. Date plat was prepared, including any revision dates

2. **Plat Information**
   a. Full property/legal description
   b. Total land area in square feet and acres of property
   c. Boundary survey notes
   d. Dedication language for property to be subdivided
   e. Easement language for easements to be granted to utility companies franchised to operate in Parkville, Mo.
   f. Open space dedication if applicable

3. **Plat Drawing**
   a. Graphic, engineering scale
   b. North arrow
   c. Monumentation/symbology legend
   d. Vicinity map identifying boundaries and location of property in relation to City
   e. Property lines and lot dimensions with total land area in square feet and acres
   f. Numbering of all lots (Lot 1, Lot 2, Lot 3, etc.)
   g. Lettering of all tracts (Tract A, Tract B, Tract C, etc.)
   h. Watermark designation with labeling of any previously platted lots or tracts
   i. Proposed rights-of-way, public and/or private streets with dimensions, centerlines and names
   j. Proposed easements for access or utilities
   k. Dimensions of all radii, acres, points of tangency, central angles and lengths of curves
   l. Indication of FEMA Special Flood Hazard Areas (SFHA) if applicable

4. **Signature Information**
   a. Signature line with date for property owner(s) and notary public
   b. Signature line with date for Mayor (with full name), City Clerk (with full name), and Community Development Director (with full name) of the City of Parkville
   c. Ordinance number with date that the ordinance was passed by the Board of Aldermen
   d. Signature line with date for surveyor's certification (to be signed & stamped on all plat copies to be recorded)

Application #: _____

4. Public Improvements

- **All public improvements must be designed to city standards and require approval, guarantees and permits prior to installation.**

Length of proposed new roadways: ~3,500ft

Proposed surface material: Asphalt Maximum grade: 12%

General character of the neighborhood: Single family housing to match previous phases

Are area streets and utilities sufficient to serve the property once subdivided? Yes
(Note: a traffic study may be required in order to adequately address this question)

Explain:

Attach a stormwater management study showing facilities/improvements needed to handle stormwater adequately.

Attach a narrative addressing:

1. *How the application is in accordance with the Master Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.*
2. *Compliance with the requirements of the Development Code, and in particular the blocks and lots proposed is capable of meeting all development and site design standards under the existing or proposed zoning.*
3. *Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.*
4. *How any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.*
5. *How the application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Master Plan.*
6. *How the design does not impede the construction of anticipated or planned future public infrastructure in the area.*
7. *Any other information relevant to the application.*

5. Checklist of required submittals

- ☐ Completed application with authorization signatures of service providers.
- ☐ Application fee of $300.00, plus $5.00 per lot or tract. *This fee shall include the expense of initial engineering review, plus the expense of reviewing one re-submittal. All other expenses including, but not limited to, consulting fees, attorney fees, reproduction costs, mailing costs, and other expenses resulting from the necessary review, processing, filing, recording, and action on said applications or permits, shall be borne by the sub-divider based on actual costs.*
- ☐ Deed with owner's name and legal description of property to be platted.
- ☐ Five (5) copies 24" x 36" size, or larger sets, and one (1) electronic set (PDF format) of the preliminary plat containing the requirements outlined in Section 403.020 Subsection D. of the Development Code for initial staff and entity review. Additional large size copies may be requested following review by staff.
- ☐ Drainage plan containing the requirements outlined in Parkville Municipal Code Title IV, Section 404.030 Subsection C3.

For City Use Only

Application accepted as complete by: _____ _____
Name/Title Date

Application fee payment: Check #_____ Amount $ _____

Final reimbursable costs paid (if applicable). Date of Action: _____

Planning Commission Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____

Conditions if any: _____

_____

Board of Aldermen Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____

Conditions if any: _____

Application #: _____
Date Submitted: _____
Public Hearing: _____
Date Approved: _____

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

Application for Zoning Map Amendment

Pre-application meeting required per Parkville Municipal Code Title IV, Section 403.010, Subsection C

1. Applicant / Contact Information

Applicant(s)

Name: Forest Park Development LLC - David Barth
Address 6014 N HWY 9, STE A
City, State Parkville, MO 64152
Phone: (816) 591-2550 Fax: _____
E-mail dbarth.kc@gmail.com

Owner(s), if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

Engineer/Surveyor(s) preparing legal description

Name: RIC - Dustin Burton
Address: 400 E 17th Street
City, State: KCMO 64108
Phone: (913) 832-5683 Fax: _____
E-mail: dburton@ric-consult.com

Contact Person, if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that rezoning in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above- mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature *(Required)* _____ *Date:* 12/27/22

Property Owner's Signature *(Required)* _____ *Date:* 12/27/22

2. Property Information

Legal description: Attach a separate sheet with complete writing and graphical legal description of the subject property.

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Parcel ID Number: 20-9.0-29-000-000-010.000, 20-9.0-32-000-000-005.000, - 20-9.0-32-000-000-003.000

Present zoning: AR

Proposed zoning: R-3

Present use of the property:

Undeveloped

Length of use:

n/a

Application #: _____

3. Neighboring land uses and zoning

Describe the existing land use and zoning on the surrounding properties:

	Existing Land Use		Existing Zoning
North:	R-3	North:	
South:	AG	South:	
East:	AG/R-3	East:	
West:	AG/R-3	West:	

Attach a narrative addressing:

1. How the application is consistent with the Master Plan and any official plan or program developed under the guidance of the Master Plan. In particular, the relationship of land uses within the proposed district and the relationship with uses existing or anticipated in surrounding districts.
2. The character of the neighborhood, including design of the streets, civic spaces and other open spaces; the scale, pattern and design of buildings; the zoning of property and compatibility of potential future uses; and the operation and uses of land and buildings.
3. How the application furthers the intent of the proposed zoning district and supports that of any abutting zoning districts, in particular, the building form, site design, and other development patterns and urban design aspects of the proposed project in furthering the intent.
4. Compliance of any proposed development with the requirements of the development code, and the intent or design objectives associated with any specific standards.
5. The ability of the City or other government agencies to provide any services, facilities or programs that might be required if the application were approved.
6. The effect of approval on the condition or value of property in the city or in the vicinity, including the likelihood of surrounding areas to be developed in accordance with the Master Plan.
7. The consistency of the application with other adopted policies of the City, including any other relevant implications of the change beyond any specific proposed project.
8. The recommendations of professional staff or other technical reviews associated with the application.

4. Checklist of required submittals

- ☐ Completed application, including all required details and supporting data.
- ☐ Nonrefundable application fee of $300.00. Applicant will be billed to recover costs for required publication, posted and mailed notice per Parkville Municipal Code, Title IV, Section 403.010, Subsection E.
- ☐ Complete written and graphical legal description of subject property in paper and electronic formats, an area map showing the subject property and surrounding major features including roads.
- ☐ If the proposed rezoning is for a Master Planned Development (i.e., "planned" district) such as a *"B-4-P" Planned Business District*, a complete site plan/development plan is required per Parkville Municipal Code, Title IV.
- ☐ Notarized affidavit of ownership and authorized signature of the applicant and owner of record of the property.

For City Use Only

Application accepted as complete by: _____ _____
Name/Title Date

Application fee payment: Check #_____ M.O. _____ Cash

Final reimbursable costs paid (if applicable). Date of Action: _____

Planning Commission Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____

Conditions if any: _____

_____

Board of Aldermen Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____

Conditions if any: _____

Application #: _____
Date Submitted: _____
Public Hearing: _____
Date Approved: _____

CITY OF PARKVILLE • 8880 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

Application for Subdivision – Preliminary Plat

Pre-application meeting required per Parkville Municipal Code Title IV, Section 403.010, Subsection C

1. Applicant/Contact Information

Applicant(s)

Name: Forest Park Development LLC - David Barth
Address: 6014 N HWY 9, STE A
City, State: Parkville MO 64152
Phone: (816) 591-2550 Fax: _____
E-mail: dbarth.kc@gmail.com

Owner(s), if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

Engineer/Surveyor(s) preparing plat & legal description

Name: RIC - Dustin Burton PE
Address: 400 E 17th street
City, State: KCMO, 64108
Phone: (913) 832-5683 Fax: _____
E-mail: dburton@ric-consult.com

Contact Person, if different from applicant(s)

Name: _____
Address: _____
City, State: _____
Phone: _____ Fax: _____
E-mail: _____

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that development in the City of Parkville is subject to the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such or from the conditions as stated herein shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant's Signature (Required) _____ Date: 12/27/22

Property Owner's Signature (Required) _____ Date: 12/27/22

2. Property Information

Proposed name of subdivision: Thousand Oaks - 25th Plat

Current use(s) of the property: Ag/Undeveloped

Current zoning district: AG/R-3

Acreage open space: 15.73Ac

Proposed zoning: R-3

Density of development: 1.579 DU/Ac

Minimum lot size: ~11,000

Application #: _____

3. Signatures of Acknowledgement

The following signatures by authorized representatives indicate the entity had notice of the intent to subdivide and, pending detailed plan review can provide their applicable service to the proposed development. A signed letter from the entity may be submitted in place of a signature.

_____

Water District (PWSD #1 or Missouri American Water Co.)
816.891.9141 816.741.2992

_____

South Platte Fire Protection District (SPFPD)
816.741.2900

_____

Sanitary sewer/septic (PCRSD, Parkville Public Works or Platte County Health Department)
816.858-2052 816.741.7676 816.858.2412

_____

Streets (Parkville Public Works)
816.741.7676

_____

Missouri Department of Transportation (for access/adjacent to a state maintained roadway)
816.622-0414

_____

Electricity (KCP&L)
816.471.5275

_____

Natural Gas (Spire Energy DBA Missouri Gas Energy)
816.756.5252

_____

School District (Park Hill or Platte County)
816.741.1521 816.858.2822

Application #: _____

6. Subdivision – Preliminary Plat checklist for staff review

1. **Basic Information**
   a. Name of the plat, phase and/or number if applicable
   b. Name, address, contact information of person / registered surveyor or firm that prepared the plat
   c. Date plat was prepared, including any revision dates

2. **Plat Information**
   a. Full property/legal description
   b. Total land area in square feet and acres of property
   c. Boundary survey notes
   d. Dedication language for property to be subdivided
   e. Easement language for easements to be granted to utility companies franchised to operate in Parkville, Mo.
   f. Open space dedication if applicable

3. **Plat Drawing**
   a. Graphic, engineering scale
   b. North arrow
   c. Monumentation/symbology legend
   d. Vicinity map identifying boundaries and location of property in relation to City
   e. Property lines and lot dimensions with total land area in square feet and acres
   f. Numbering of all lots (Lot 1, Lot 2, Lot 3, etc.)
   g. Lettering of all tracts (Tract A, Tract B, Tract C, etc.)
   h. Watermark designation with labeling of any previously platted lots or tracts
   i. Proposed rights-of-way, public and/or private streets with dimensions, centerlines and names
   j. Proposed easements for access or utilities
   k. Dimensions of all radii, acres, points of tangency, central angles and lengths of curves
   l. Indication of FEMA Special Flood Hazard Areas (SFHA) if applicable

4. **Signature Information**
   a. Signature line with date for property owner(s) and notary public
   b. Signature line with date for Mayor (with full name), City Clerk (with full name), and Community Development Director (with full name) of the City of Parkville
   c. Ordinance number with date that the ordinance was passed by the Board of Aldermen
   d. Signature line with date for surveyor's certification (to be signed & stamped on all plat copies to be recorded)

Application #: _____

4. Public Improvements

- **All public improvements must be designed to city standards and require approval, guarantees and permits prior to installation.**

Length of proposed new roadways: ~3,500ft

Proposed surface material: Asphalt Maximum grade: 12%

General character of the neighborhood: Single family housing to match previous phases

Are area streets and utilities sufficient to serve the property once subdivided? Yes
(Note: a traffic study may be required in order to adequately address this question)

Explain:

Attach a stormwater management study showing facilities/improvements needed to handle stormwater adequately.

Attach a narrative addressing:

1. *How the application is in accordance with the Master Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.*
2. *Compliance with the requirements of the Development Code, and in particular the blocks and lots proposed is capable of meeting all development and site design standards under the existing or proposed zoning.*
3. *Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.*
4. *How any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.*
5. *How the application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Master Plan.*
6. *How the design does not impede the construction of anticipated or planned future public infrastructure in the area.*
7. *Any other information relevant to the application.*

5. Checklist of required submittals

- ☐ Completed application with authorization signatures of service providers.
- ☐ Application fee of $300.00, plus $5.00 per lot or tract. *This fee shall include the expense of initial engineering review, plus the expense of reviewing one re-submittal. All other expenses including, but not limited to, consulting fees, attorney fees, reproduction costs, mailing costs, and other expenses resulting from the necessary review, processing, filing, recording, and action on said applications or permits, shall be borne by the sub-divider based on actual costs.*
- ☐ Deed with owner's name and legal description of property to be platted.
- ☐ Five (5) copies 24" x 36" size, or larger sets, and one (1) electronic set (PDF format) of the preliminary plat containing the requirements outlined in Section 403.020 Subsection D. of the Development Code for initial staff and entity review. Additional large size copies may be requested following review by staff.
- ☐ Drainage plan containing the requirements outlined in Parkville Municipal Code Title IV, Section 404.030 Subsection C3.

For City Use Only

Application accepted as complete by: _____ _____
Name/Title Date

Application fee payment: Check #_____ Amount $ _____

Final reimbursable costs paid (if applicable). Date of Action: _____

Planning Commission Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____

Conditions if any: _____

_____

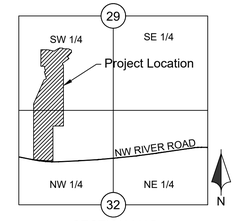
Board of Aldermen Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _____

Conditions if any: _____

Thousand Oaks 25th Plat

Parkville, Platte County, Missouri
Sections 29&32, Township 51N, Range 34W

Preliminary Plat



SECTION MAP
SECTIONS 29&32, T51N, R34W
Scale 1" = 2000'

VICINITY MAP

SHEET LIST TABLE

Sheet Number	Sheet Title
C01	Title Sheet
C02	Rezoning Plan
C03	Preliminary Plat
C04	Existing Conditions
C05	General Layout
C06	Grading Plan

OWNER/DEVELOPER

Forest Park Development Company of Kansas City, LLC
David Barth
6014 N Hwy 9, Suite B
Parkville, MO 64152
816.591.2555

ENGINEER

Renaissance Infrastructure Consulting
400 E. 17th Street
Kansas City, Missouri 64108
816.800.0950
dburton@ric-consult.com

FLOOD PLAIN NOTE

According to the Flood Insurance Rate Map of The Federal Emergency Management Agency, Panels Number 360 and 375 of 425, Community-Panel Numbers 29165C0360D and 29165C0378D, effective date: April 2, 2015, portions of the subject property lay within: OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain.

UTILITY CONTACTS

Parkville Special Road District	(816) 891-9044
CPWSD #6 of Platte County	(816) 741-7790
Platte County Regional Sewer District	(816) 858-2052
Spire	(816) 339-9401
Evergy	(816) 719-9725
Platte Clay Electric	(816) 807-7502
Century Link	(816) 243-5642
Unite Private Networks	(816) 903-9400
Spectrum	(816) 431-5818
Missouri One Call	(800) DIG-RITE
AT&T	(800) 464-7928
Comcast	(913) 891-3457

UTILITIES

The information concerning locations of underground utilities shown hereon which are not visible from the surface, has been taken from the records and field locations of the various utility companies and has not been field verified by this company. These locations are not to be construed as accurate or exact.

Know what's below. Call before you dig.

LEGEND

	Existing Section Line		Proposed Right-of-Way
	Existing Right-of-Way Line		Proposed Property Line
	Existing Lot Line		Proposed Lot Line
	Existing Easement Line		Proposed Easement
	Existing Curb & Gutter		Proposed Curb & Gutter
	Existing Sidewalk		Proposed Sidewalk
	Existing Storm Sewer		Proposed Storm Sewer
	Existing Storm Structure		Proposed Storm Structure
	Existing Waterline		Proposed Fire Hydrant
	Existing Gas Main		Proposed Waterline
	Existing Sanitary Sewer		Proposed Sanitary Sewer
	Existing Sanitary Manhole		Proposed Sanitary Manhole
	Existing Contour Major		Proposed Contour Major
	Existing Contour Minor		Proposed Contour Minor
			Future Curb and Gutter
U/E	Utility Easement		
SS/E	Sanitary Sewer Easement	A/E	Access Easement
D/E	Drainage Easement	T/E	Temporary Easement

SITE DATA TABLE

Existing Zoning: R-3 Single-Family Residential/AG
Proposed Zoning: R-3
Total Area: 46.242 Acres
Open Area: 15.713 Acres
New RW: 6.274 Acres
Lots: 73 Residential Units
Density - 1.579 Units/Acre (Dwelling Units/Total Area)

Setbacks:
- Front - 25ft
- Rear - 25ft
- Side - 10ft
- Side (Corner) - 20ft

Tract Description:
Tract A - Reserved for common open space

Tract B - Reserved for common open space

Tract C - Reserved for common open space

NOT FOR CONSTRUCTION ☒
FOR CONSTRUCTION ☐

Preliminary Plat
22-0138
Thousand Oaks 25th Plat
Parkville, Platte County, Missouri

Title Sheet

NO.	DATE	REVISION
	12/12/2022	Original Submittal

DRAWN BY BDG | CHECKED BY DJB

Renaissance Infrastructure Consulting
400 E 17TH STREET
KANSAS CITY, MISSOURI 64108
816.800.0950
WWW.RIC-CONSULT.COM
MO Certificate of Authority: E-2010033830

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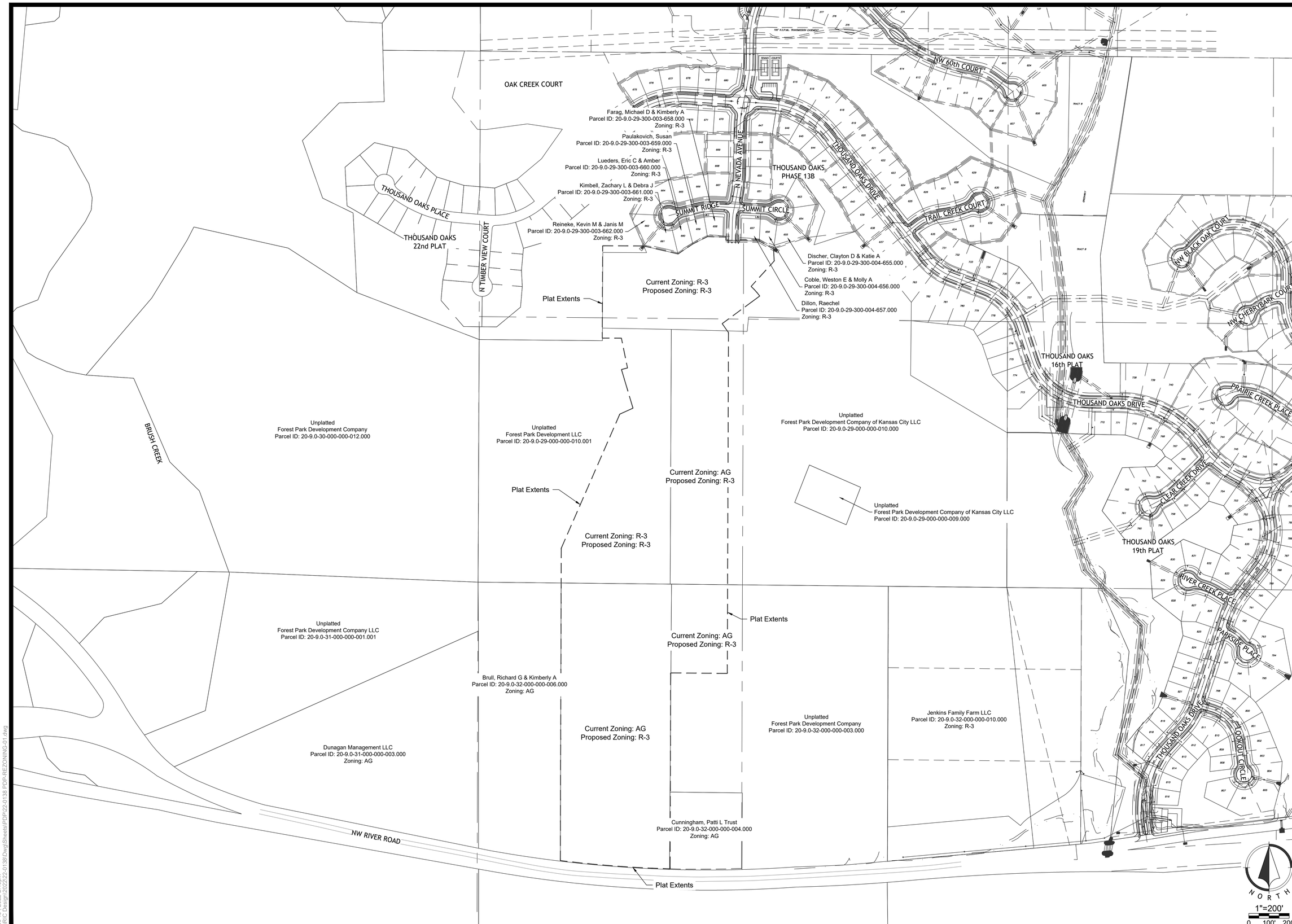

Preliminary Plat

22-0138
Thousand Oaks 25th Plat
Parkville, Platte County, Missouri

Rezoning Plan

NO.	DATE	REVISION
1.	12/12/2022	Original Submittal

DRAWN BY	CHECKED BY
BDG	DJB

Renaissance Infrastructure Consulting
816.800.0950
www.ric-consult.com
400 E 17th Street
Kansas City, Missouri 64108
MO Certificate of Authority: E-2010033630

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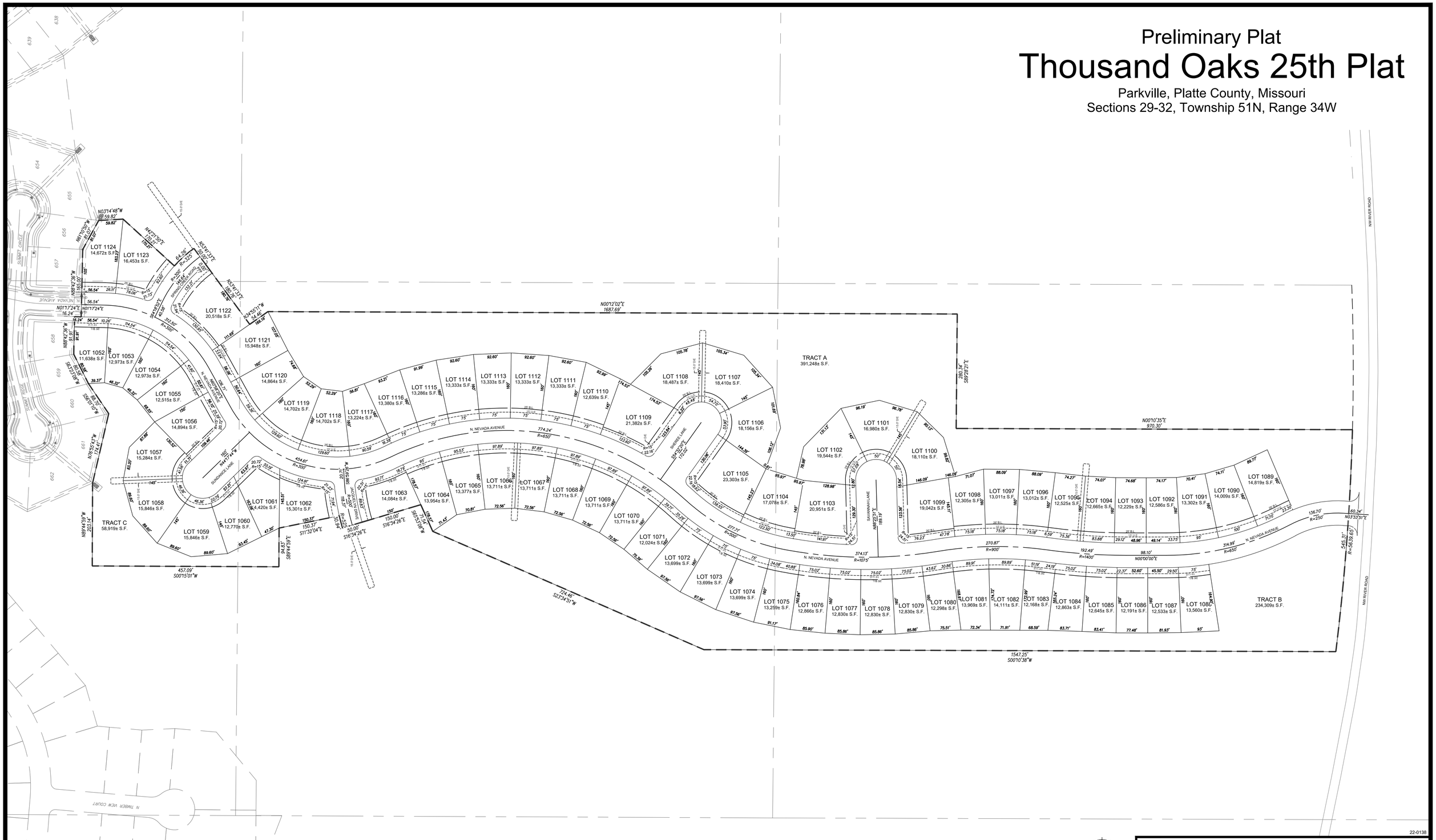
Preliminary Plat

Thousand Oaks 25th Plat

Parkville, Platte County, Missouri
Sections 29-32, Township 51N, Range 34W



22-0138

LEGEND:

- FOUND SECTION CORNER AS NOTED
- FOUND MONUMENT AS NOTED
- FOUND 1/2" REBAR WITH RIC MOCLS2011003572 KSCLS234 CAP
- SET 1/2" X 24" REBAR WITH RIC MOCLS2011003572 KSCLS234 CAP
- B/L BUILDING SETBACK LINE
- SS/E SANITARY SEWER EASEMENT
- U/E UTILITY EASEMENT
- WL/E WATERLINE EASEMENT

NORTH

1"=100'

0 50' 100'

SHEET 2 OF 2

THOUSAND OAKS 25th PLAT

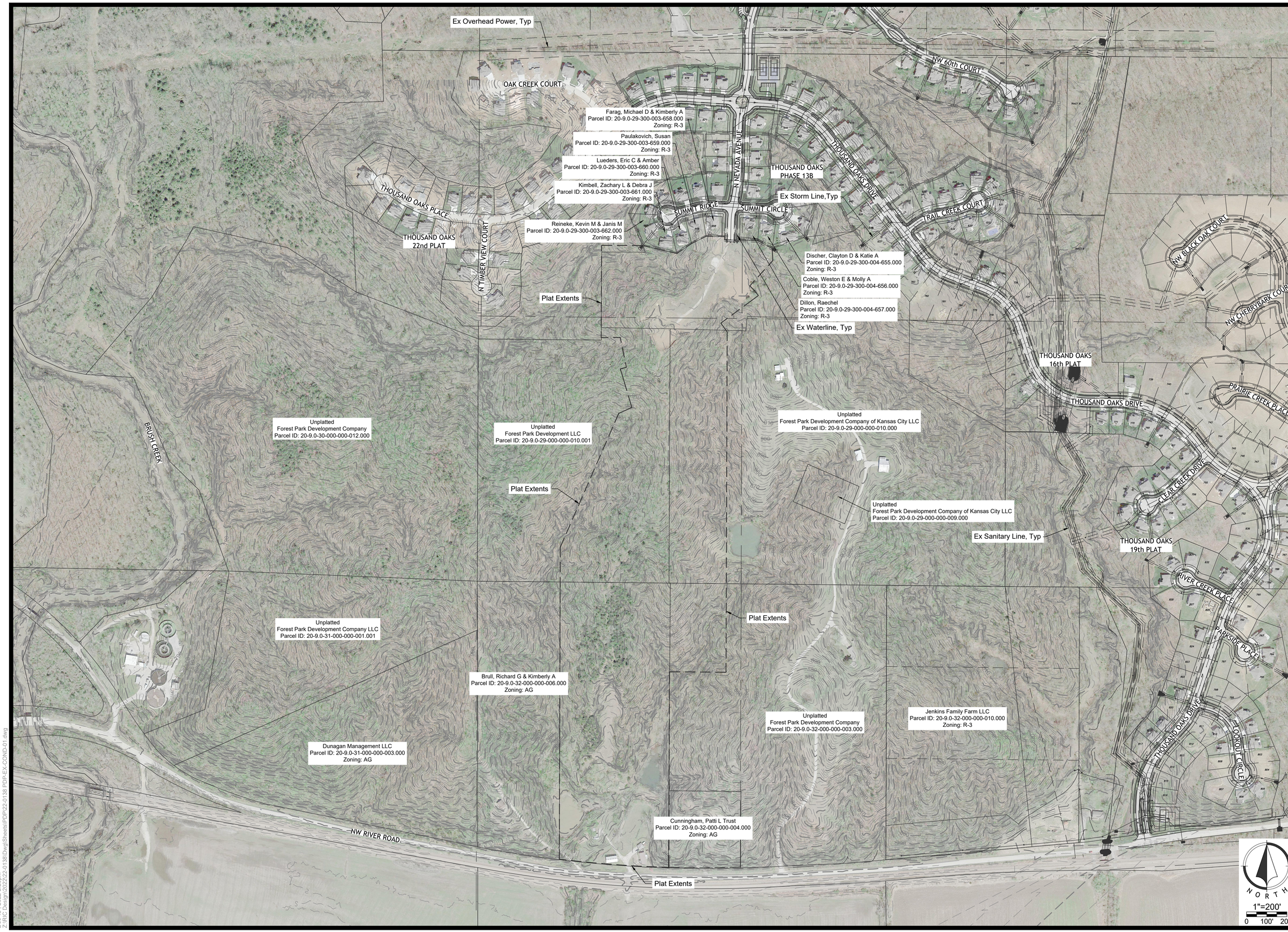
Prepared For:

Forest Park Development Company
of Kansas City, LLC
David Barth
6014 N Hwy 9, Suite B
Parkville, MO 64152
816.591.2555

Date of Preparation:

December xx, 2022

Renaissance Infrastructure Consulting
5015 NW. Canal Street, Suite 100
Riverside, Missouri 64150
816.800.0950
www.ric-consult.com



Preliminary Plat

22-0138
Thousand Oaks 25th Plat
Parkville, Platte County, Missouri

Existing Conditions

NO.	DATE	REVISION
1.	12/12/2022	Original Submittal

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Kansas City, Missouri 64108
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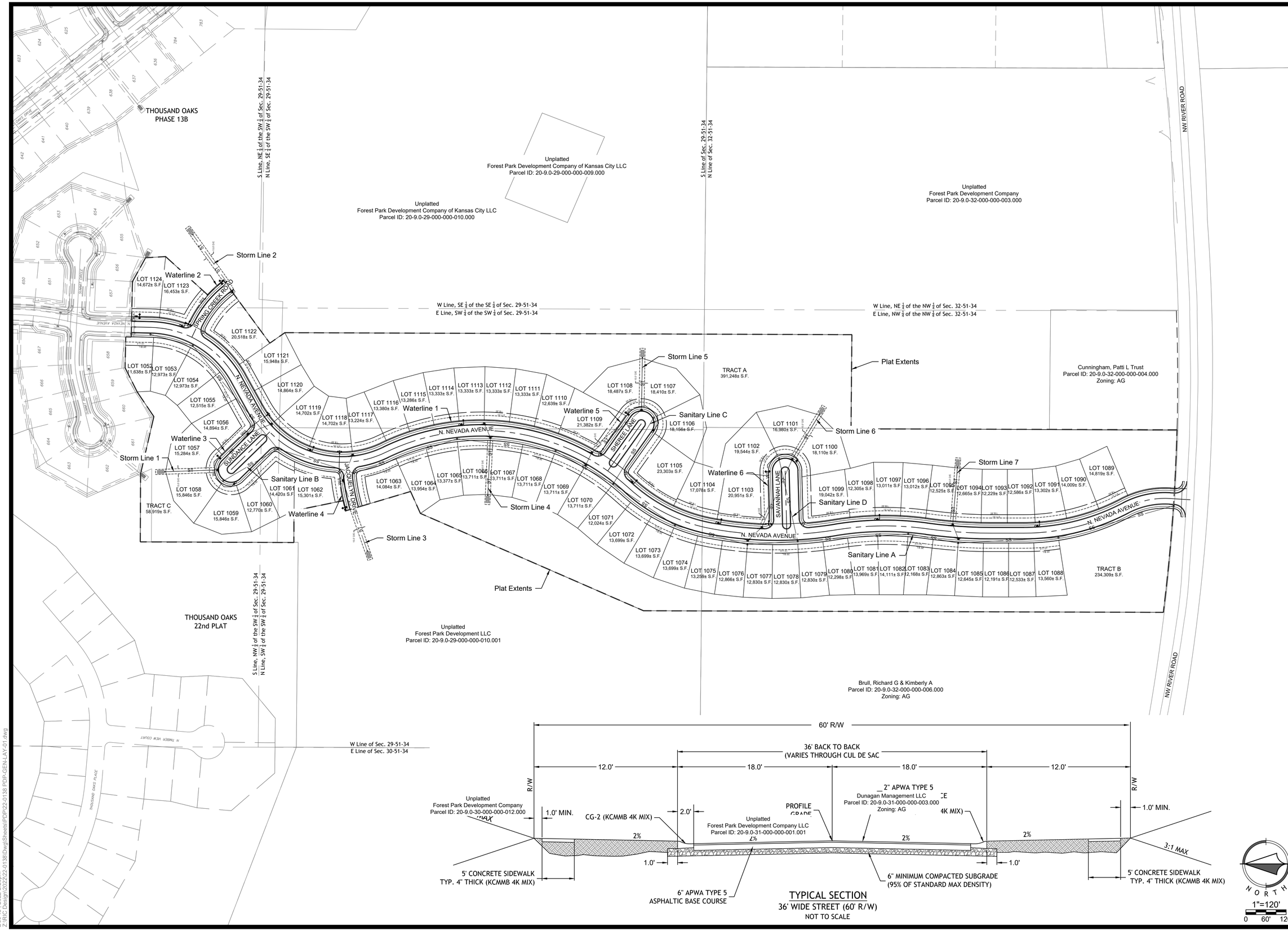

Preliminary Plat

22-0138
Thousand Oaks 25th Plat
Parkville, Platte County, Missouri

General Layout

NO.	DATE	REVISION
	12/12/2022	Original Submittal

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CHECKED BY DJB

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400 E 17TH STREET
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Preliminary Plat

22-0138
Thousand Oaks 25th Plat
Parkville, Platte County, Missouri

Grading Plan

NO.	DATE	REVISION
	12/12/2022	Original Submittal

DRAWN BY	CHECKED BY
BDG	DJB

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KANSAS CITY, MISSOURI 64108
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