

CITY OF RAYTOWN
PLANNING & ZONING COMMISSION
AGENDA

Raytown City Hall
Board of Aldermen Chambers
10000 East 59th Street
Raytown, Missouri 64133
February 2, 2023
7:00 pm

1. Welcome by Chairperson

2. Call meeting to order and Roll Call

| | | |
|----------|-----------|------------|
| Wilson: | Thurman: | Emerson: |
| Hunt:: | Frazier: | Stock: |
| Meyers:: | Bruenger: | Jean-Paul: |

3. Approval of December 1, 2022, Regular Meeting Minutes

- a) Revisions
- b) Motion
- c) Second
- d) Additional Board Discussion
- e) Vote

4. Old Business: None.

5. New Business: None.

6. Other Business- ANNUAL MEETING AND ELECTION OF OFFICERS

A. Election of Officers for 2023: Chairman, Vice-Chairman, and Secretary

B. Legal Briefing on Planning Commission Duties and Responsibilities by City Attorney.

C. Briefing on Path of a Typical Application by Planning and Zoning Coordinator.

D. Update on Status of Applications reviewed by the PC in 2022.

7. Set Future Meeting Date – Next Regular Meeting, Thursday, March 2, 2023, at 7:00 PM.

9. Adjourn

**CITY OF RAYTOWN
PLANNING & ZONING COMMISSION
REGULAR MEETING
MINUTES**

**December 1, 2022
7:00 pm
Council Meeting Chambers**

1. Welcome by Chairman Wilson

2. Chairman Wilson called the meeting to order at 7:00 PM.

3. Call meeting to order and Roll Call.

| | | | | | |
|---------|---------|-----------|---------|-----------|---------|
| Wilson: | Present | Thurman: | Present | Emerson: | Present |
| Stock: | Present | Frazier: | Present | Hunt: | Present |
| Meyers: | Absent | Bruenger: | Present | Jean-Paul | Present |

4. **Approval of Minutes:** Minutes of November 3, 2022, Regular Meeting were approved 6-0-2 upon motion by Ms. Emerson and second by Ms. Thurman.

5. Old Business:

A. Home Occupation Text Amendments Update

Chris Gilbert gave a brief update on the progress of the Home Occupation text amendments headed to the Board of Aldermen for approval after some minor changes.

6. New Business:

A. Case No.: PZ 2022-12:

Applicant: Alex Aklagi

Reason: Request for a Conditional Use Permit to Operate a Vehicle Sales, New or Used Use on Property Located at 11900 E. 350 Highway in an M, Manufacturing, District.

1. Introduction of Application by Chairman.

Chairman Wilson introduced the application.

2. Explanation of any Ex Parte Communications Regarding the Application.

No ex parte communications were reported.

3. Enter Relevant Exhibits into the Record.

Chairman Wilson entered the staff report and supporting documents into the record.

4. Staff Presentation of Application.

Chris Gilbert, Planning & Zoning Coordinator provided the staff report, addressing the background of the request and use intentions for the property under the requested permit.

5. Applicant Presentation of the Application.

Alex Aklagi, the applicant, spoke regarding his application and concerns about who the stated party on the Ordinance would be that the Permit would be issued to. Following a lengthy discussion on this matter, staff requested the applicant provide a party name to place on the Ordinance.

6. Public Comments on Application.

No persons from the public spoke regarding the application.

7. Commission Discussion.

The commissioners asked questions of staff and the applicant which were answered.

8. Commission Decision to Approve, Conditionally Approve, or Deny Application.

Mr. Frazier motioned and Ms. Stock seconded to recommend approval of the requested Conditional Use Permit to the Board of Aldermen.

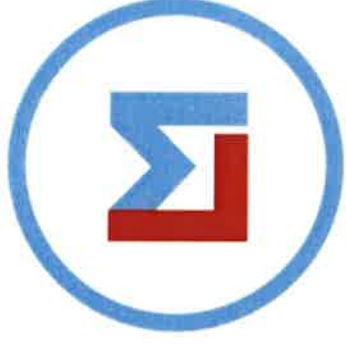
VOTE: Motion passed 8-0.

7. Other Business- None

7. Set Future Meeting Date – Next scheduled meeting date is January 5, 2023.

8. Meeting was Adjourned at 8:13 PM upon motion by Mr. Frazier and second by Ms. Thurman.

Planning, Zoning, and Subdivision



LAUBER MUNICIPAL LAW, LLC

Raytown Planning and Zoning Commission

February 2, 2023

Serving those who serve the public

The Dawn of Planning and Zoning = Nuisance



“Without government life would be poor, nasty, brutish, and short.”
Thomas Hobbes 1651

“In the beginning...

... there was Nuisance”

- ④ The basic theme of nuisance is that you are free enjoy the use of your property up to the point that your use infringes on the right of someone else to use their property.
- ④ Problem: You had to wait until someone actually moved in and began to ruin your quiet enjoyment before you could do anything about it.

The Dawn of Planning and Zoning- Planning & Zoning Enabling Acts



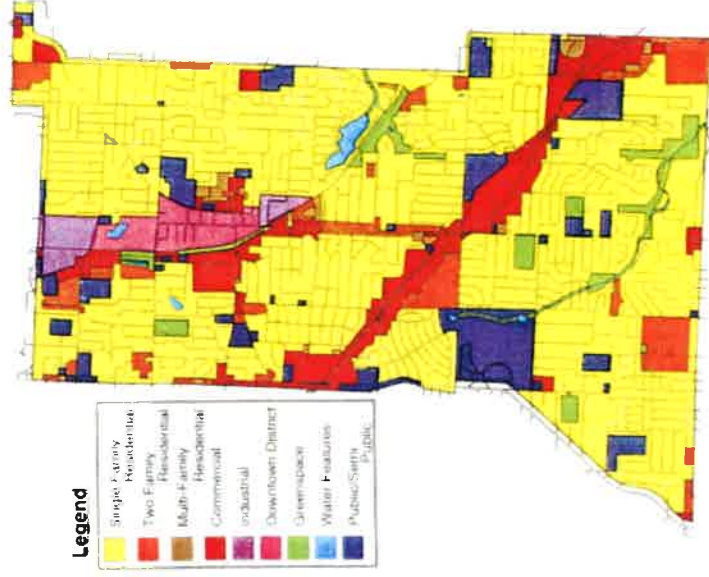
- ④ New York City had first Planning Enabling Act in 1916.
- ④ By 1928 there were two “model acts” created by the federal government. Both were adopted by every state in the union within one year of their creation.
 - ④ Standard Planning Enabling Act (SPEA)
 - ④ Standard Zoning Enabling Act (SZEAA)
- ④ Missouri’s is found in Chapter 89 of the statute books.

Planning

- ④ **Planning** is the process of creating a **Vision** of how you want your city to develop
- ④ This **Vision** becomes the Comprehensive Plan
- ④ Serves as a guide to future development and redevelopment
- ④ It's a general policy, not legally binding

Future Development Plan

FIGURE 11
Future Land Use Map



Planning – Creating the Plan

- Establish Goals and Objectives

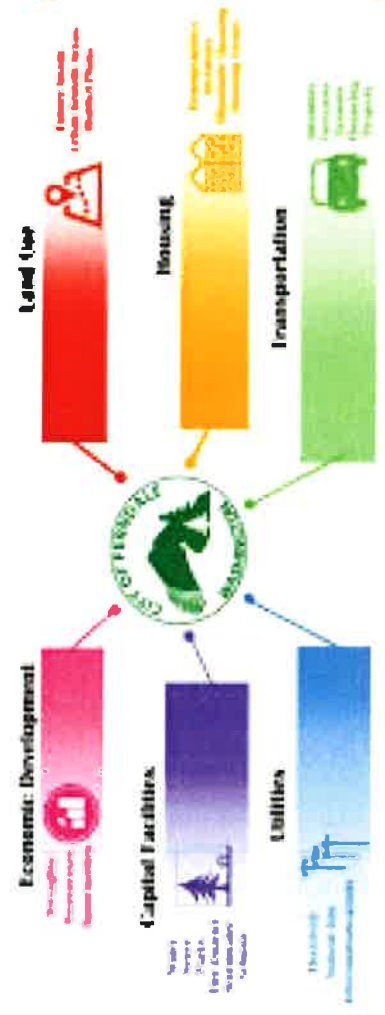
What do we want this plan to show?

- Basic Research
 - Population Studies
 - Current land uses
 - Economic Studies

- Prepare the Plan

- Land Uses
 - Community Facilities
 - Open Areas

Comprehensive Plan



Planning – Adopting the Plan

- ④ Requires Public Hearing on Plan
 - ④ 15 Day published notice
- ④ Requires majority of full planning commission to approve
- ④ After approval certified copies sent to the Council, City Clerk, and County Recorder (§ 89.360)
- ④ Council may also wish to adopt the Comprehensive Plan by Resolution

Planning Commission



Planning and Zoning Commission

Purpose

The Planning and Zoning Commission meets once a month to hear, discuss and vote on applications and plans dealing with land use or land division developments in Raytown

Schedule

Click here to access the dates for PZ meetings through the end of 2019. This document also includes all deadlines that need to be met in order to remain on the agenda for a specific meeting

Members

The Planning and Zoning Commission, in accordance to city ordinances, is made up of 7-15 members appointed by the Mayor for terms of four years

The current members include Kevin Wilson-chair, Tommy Betts, DeeAnn Stock, Mary Phyl Dwight, Dwight G. Robinson, Alderman Janet Emerson, David Frazier, Daneen Thurman

Meeting Archives

Click [here](#) to view the agendas, packets and minutes from the 2018 PZ meetings
Click [here](#) to view PZ meeting archives (2015+)

- Ⓜ Membership
 - Ⓜ 7 -15 Members
 - Ⓜ One may be the Mayor (optional)
 - Ⓜ One may be a council person (optional)
 - Ⓜ Council or mayor may also be non-voting liaison
- Ⓜ Four-year staggered terms
- Ⓜ Elect their own chairman and secretary
- Ⓜ May be combined with the Zoning Commission (more on that later)

Zoning

- ④ Zoning is the local laws that determine how land can be used
 - ④ Activities that can take place on the property
 - ④ Height and mass of buildings
 - ④ Density of buildings
 - ④ Appearance
- ④ All Cities in Missouri may establish zoning, but only in compliance with Chapter 89 RSMo.
- ④ Zoning frequently divides city into areas with specific types of uses for each area:
 - ④ This is done by the **Zoning Map**
 - Typical Zones
 - Single Family
 - Apartments (Multiple Family)
 - Commercial
 - Industrial
 - Agricultural



As Secretary of Commerce, Herbert Hoover initiated the drafting of the Model Zoning Code

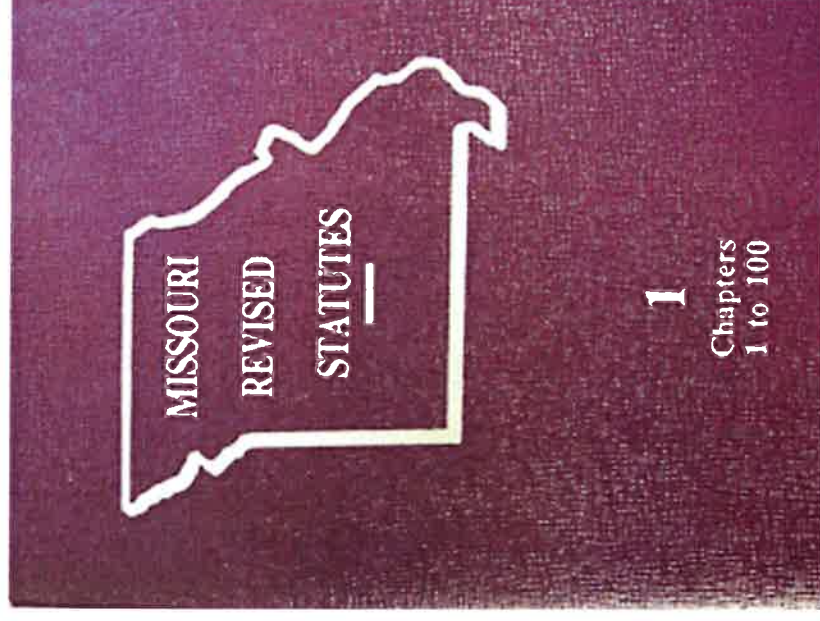
Zoning Commission

- ④ Zoning Commission is a body that recommends zoning amendments to the Board of Aldermen (Text amendments and Map Amendments)
- ④ Must have Zoning Commission if you want to do zoning
- ④ Can be combined with Planning Commission (usually is)
- ④ Thus, you have the **Planning & Zoning Commission**

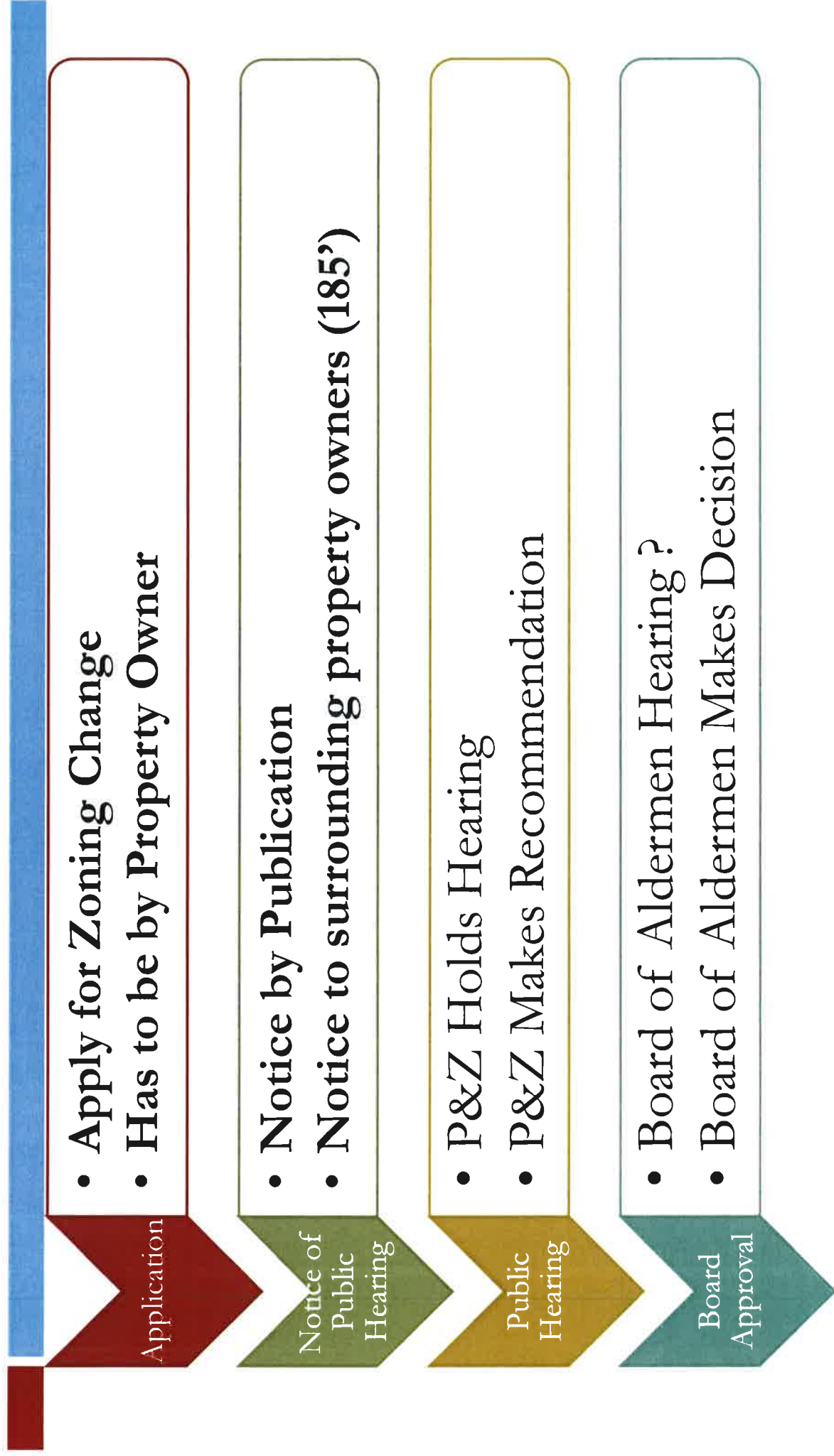


Role of Commission in Planning, Zoning and Subdivision Decisions

- ④ Recommending body
 - ④ Zoning requests
 - ④ Zoning regulations
 - ④ Subdivision regulations
- ④ Adopt Comprehensive Plan
 - ④ Public hearing
 - ④ By resolution
- ④ Review and approve all plans for new public infrastructure and facilities
 - ④ In case of disapproval, Governing Body can overrule disapproval by two-thirds vote



Zoning Process in a Nutshell



Subdivisions and Plats

- ④ Planning Commission also reviews proposed subdivision plats (§ 89.410)
- ④ City can establish requirements for subdivisions
 - Requirements for the posting of bonds to ensure infrastructure is constructed
 - Requirements regarding the construction standards for streets and installation of utility facilities
- ④ Plat Approval- 89.420
 - Plats are subject to the rules of Chapter 445, RSMo
 - Must approve plats within 60 days of application or deemed approved



Discretion in Zoning Decisions



④ Zoning decisions generally* fall into two categories:

④ Legislative

- Defined by the police power
- Done by elected officials
- Examples: Aldermen enact or amend zoning, rezone an area, or set the standards for exercising discretion

④ Quasi-judicial

- Defined by State statutes and/or local ordinances
 - Key point is that the officials **only have the power outlined in the statute**
- Done by officials appointed to perform a statutory function
- Example: Board of Adjustment makes a decision regarding how the application of a legislative decision has affected an individual



Little or No Discretion in Platting Decisions

- Platting approval is the ministerial application of zoning requirements, uniformly, to all particular parcels within the zoned area
- When considering plat applications, the Planning Commission and Governing Body act in an administrative capacity and not in a legislative capacity.
- No arbitrary and subjective authority in whether to approve or deny a plat application – only determine whether a plan meets the subdivision requirements

Furlong Companies, Inc. v. City of Kansas City, Missouri



Constitutional Limitations



Ⓜ If an ordinance goes “too far” it will be declared void as a taking of property without just compensation. 5th Amend. U.S. Const.

Ⓜ As a result, the Enabling Act provides for the Board of Adjustment to act as a safety valve to provide for relief when the application of an ordinance would be unreasonable on a particular property.

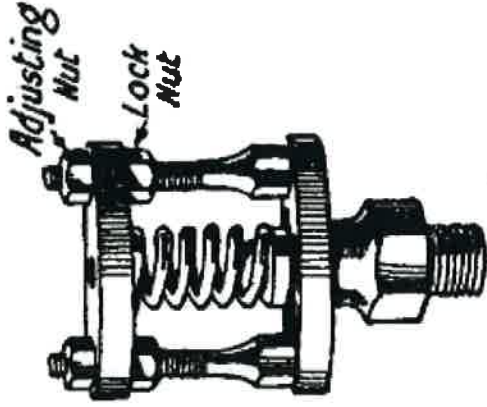
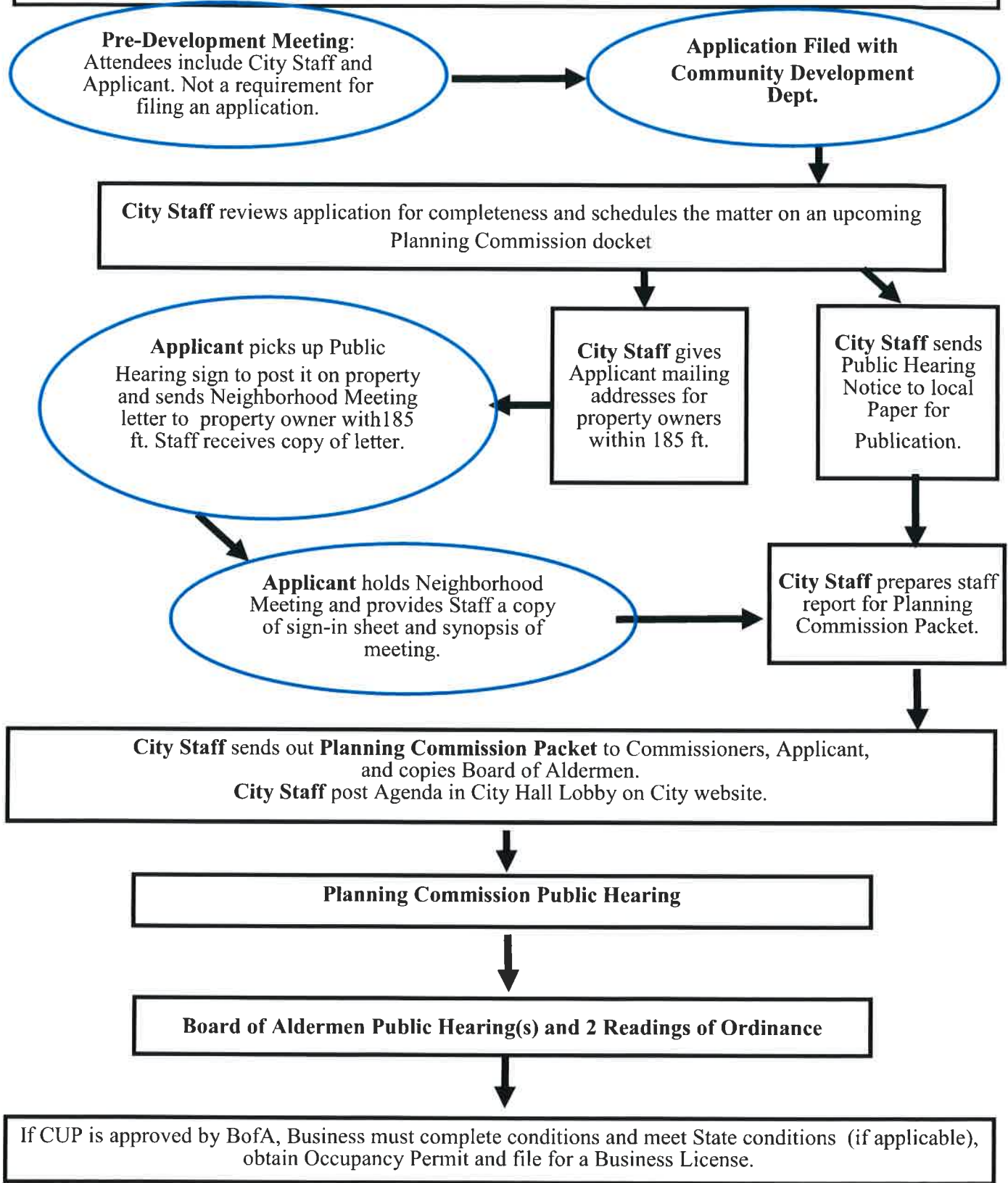


FIG. 89.—Safety valve.

Path of a Conditional Use Permit Application



* Average Application takes 3 1/2 months for complete processing. This timeline does not include possible continuances or delays.

STATUS OF CASES HEARD BY PLANNING COMMISSION IN 2021 AND 2022

PC 2021-01 RAGA Properties PD Amendment Logan Villas Senior Housing

Under Construction – Temp Certificates of Occupancy Issued for 9 of 10 Buildings

PC 2021-02 Cloud 9 Fuel Station CUP 67th & Raytown Road

Under Construction

PC 2021-03 Artez Ware Tattoo Parlor CUP 7600 Raytown Road

Open and Operating

PC 2021-04 Utopia Gardens Preliminary Plat 85th Place and Lane

Final Plat Submitted as Case PC 2022-04

PC 2021-05 ARS Drug Treatment Facility 11900 Jessica Lane

Under Construction.

PC 2021-06 Rescind Auto Sales CUP Recon Auto 7609 Raytown Road

Vote to Rescind Failed. In November, 2022, the Recon Auto Location Burned. Not Clear if Recon Auto will Return once Building is Reconstructed

PC 2021-07 Choudhry Auto Repair CUP 8838 E. 350 Hwy.

Open and Operating

PC 2021-08 THC, LLC, U-Haul Rental CUP 6731 Blue Ridge Blvd.

Exterior Parking Improvements Completed, No Sign of U-Haul Related Activity Yet

PC 2021-09 Group Home CUP (James McCray) 6209 Blue Ridge Cutoff

Application Withdrawn by Applicant

PC 2021-10 Vehicle Sales CUP (KC RV's) 11900 E. 350 Hwy.

Opened in early 2022, then Closed Suddenly and left Raytown in October, 2022

PC 2022-01 Glass America Vehicle Repair Limited CUP 9050 E. 350 Hwy.

Open and Operating

PC 2022-02 Pet Connection CUP 6204 Arlington

Open and Operating

PC 2022-03 Jesus Aguilera Event Space CUP 10028 E. 63rd Street

Open and Operating

PC 2022-04 Utopia Gardens Preliminary Plat 85th Place and Lane

Construction not Underway Yet. Property has Been Cleared and is Awaiting State Permit Issuances. Once Public Improvements are installed and accepted by the City, the Final Plat will be forwarded to the Board of Aldermen for Final Approval and then Recorded

PC 2022-05 NOVA Center Group Home CUP 11115 E. 77th Terrace

Application Terminated. Project was Determined to Conform to RSMo 89.020, which Prohibits Municipalities from Regulating Group Homes That Fall Under this Statute

PC 2022-06 Utility Easement Vacation Lot 63 Adler's High View Add.

Easement Vacation Approved, Home Constructed on Lot

PC 2022-07 Text Amendment to Permit Mini-Goats City Wide

Indefinitely Tabled by Board of Aldermen

PC 2022-08 Rezone HC to NC (Carol Brown) 7607 Raytown Road

Property Downzone to NC Approved by Board of Aldermen

PC 2022-09 Home Occupation Text Amendments City Wide

Approved by Board of Aldermen and New Processes and Forms Being Utilized

PC 2022-10 Rezone NC to R-1 (Tim Stauffer) 9313 E. 63rd Street

Property Downzone to R-1 Approved by Board of Aldermen

PC 2022-11 Rezone NC to M (McDonald Metro Prop.) 5520 to 5616 Raytown Road

Rezone being Considered as Part of new Gateway Business District for Entire Area Along Raytown Road from North City Limit to 5600 Block. Temporarily on Hold.

PC 2022-12 Vehicle Sales CUP (Alex Aklagi) 11900 E. 350 Hwy.

CUP Approved by Board of Aldermen on January 16, 2023. KC RV's Previous Tenant