

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

**April 3, 2019**  
**7:00 pm**

**Raytown City Hall**  
**Board of Aldermen Chambers**  
**10000 East 59<sup>th</sup> Street**  
**Raytown, Missouri 64133**

**1. Welcome by Chairperson**

**2. Call meeting to order and Roll Call**

Wilson:	Present	Meyers:	Absent	Emerson:	Present
Bettis:	Absent	Robinson:	Present	Frazier:	Present
Stock:	Absent	Dwight:	Present	Cochran:	Present

**3. Approval of March 7, 2019 Meeting Minutes**

- a) Revisions – N/A
- b) Motion to approve – Mrs. Cochran
- c) Second – Mr. Frazier
- d) Additional Board Discussion – N/A
- e) Vote – Approve (5-0) – Mrs. Emerson abstained due to being absent from the meeting

**4. Old Business - None**

**5. New Business**

**A. Case No.: PZ-2019-03**

Applicant: Mohamed Alsiyouhi

Reason: Conditional Use Permit for a tire repair and minor auto repair shop

**Introduction of Application by Chair (Mr. Wilson)**

**1. Explanation of any exparte' communication from Commission members regarding the application**

None

**2. Enter Additional Relevant City Exhibits into the Record:**

- a. Staff report
- b. Conditional Use Permit Application
- c. Application Supporting Documents
- d. Application Permit and Receipt
- e. Public Notice Guide
- f. Neighborhood meeting invite, summary and sign-in sheet
- g. Applicant's site plan and supporting plan documents

### **3. Introduction of Application by Staff**

Director of Community Development introduces the case by explaining that Mohamed Alsiyouhi is requesting Conditional Use Permit (CUP) approval for a tire repair and minor auto repair shop in a Highway Commercial (HC) zoning district. He states that per the city's land use table, vehicle repair shops are only conditionally approved in this zoning district. The applicant is not proposing any structural or site changes be made to the existing location. Mr. Haydaripoor states that the building previously ran a business licensed under "AUTO COOL" from 8/26/1998 to 6/30/2016. Since then, the structure has sat vacant.

Mr. Haydaripoor temporarily pauses the progress of the Planning and Zoning Commission meeting to wait for applicant, Mohamed Alsiyouhi to arrive to the hearing. In the meantime, Chairman Wilson hands the floor over to Assistant City Administrator, Missy Wilson for a brief announcement.

Mrs. Wilson announces that contrary to the April 2019 PZ agenda that states there would not be a May PZ Meeting because of no new applications, the Planning and Zoning Commission will host a forum to hear about the potential planning and zoning requirement for medical marijuana. Since Missouri voted in Amendment 2 last year, the rules and regulations on this subject have not been published yet. Mrs. Wilson states that these regulations are expected in June. She adds that communities across the state are already having public hearings on the matter to address zoning from a commercial and residential standpoint.

Mrs. Wilson states that on May 2 at 7:00pm the Division Director for Medical Marijuana from the Department of Housing and Senior Services come and make a presentation to the commission. The city's legal counsel has been working on the subject for multiple clients and will also provide information prior to and during the meeting. Mrs. Wilson states that with the short amount of time between the announcement of the state's rules and regulations and the time the city's zoning changes will need to be in effect, the Planning and Zoning will be discussing the subject in advance. Mrs. Wilson announces that the public will be notified of this meeting.

Mr. Wilson asks how the turnout has been at forums that Mrs. Wilson has attended so far. Mrs. Wilson states that the turnout has been good but that some questions that the public asks did not yet have answers by state representatives, but they plan to address these issues in the final rules and regulations that will be published. Mrs. Wilson states that she does not yet have a draft of these rules and regulations but will be sure to get the commissioners what she can prior to the May 3 meeting.

Mr. Frazier asks if there are any potential applicants in Raytown as of yet. Mrs. Wilson states that the city does not have this information as interested applicants have filed with the state. According to Mrs. Wilson, the state announced in March that they have received approximately 400-450 dispensary applications and that they will only issue 192 permits.

Mr. Wilson resumes the discussion on PZ Case 2019-03 as applicant, Mohamed Alsiyouhi has arrived at the hearing.

#### **4. Presentation of Application by Applicant**

Mr. Alsiyouhi appears at the podium and announces his name and address, 8819 Eastern Avenue, Kansas City, Missouri 64138. He states that he intends to reopen the business as the same use that it was previously. Mr. Alsiyouhi states that he is not changing anything in the store, just some simple remodeling. He states that he is proposing at the shop is tire repair and minor auto repair.

Mr. Wilson asks if Mr. Alsiyouhi was able to read the conditions for approval that city staff included as part of their recommendation to the commissioners. Mr. Alsiyouhi states that he is unfamiliar. Mr. Wilson states that city staff has recommended six items as part of the approval for his application this evening. He wants to make sure the applicant has read, understood and agrees to those conditions. Mr. Haydaripoor brings the applicant a copy of the staff report and shows him the six conditions for approval that staff has included.

Mr. Alsiyouhi states that he is accepting of the six conditions and will comply. He goes on to state that currently he runs a store with his friend and has not had any issues. He states that he is confident in his ability to follow the rules.

#### **5. Additional Staff Comments and Recommendation**

Mr. Haydaripoor states that staff recommends approval of Case No. PZ 2019-03 – Conditional Use Permit for a tire repair and minor auto repair shop to be located at 9100 E. 350 Highway based off the completion of the following conditions:

1. Parking lot and driveway throughout the property is in disrepair. It shall be repaired and then maintained in good condition at all times.
2. Some areas on the sides and back of the building need to be scraped, primed and repainted and maintained in good condition at all times.
3. Pieces of the siding on the front of the building need to be replaced and maintained.
4. Trash enclosure needs to be screened from view of adjoining properties.
5. No Certificate of Occupancy will be issued until all requirements of this section have been met.
6. Compliance with all applicable local, state and federal regulations, codes, ordinances, and laws.

Mr. Haydaripoor states that with that, he will be happy to answer any questions the commissioners may have.

#### **6. Board Discussion**

Mrs. Cochran asks if Mohamed owns the property. Mr. Haydaripoor responds with no, Mr. Alsiyouhi will lease the property. Mrs. Cochran then asks whose responsibility it would be to meet the conditions for approval – the property owner or the tenant. Mr. Haydaripoor states that it is typically the owner who makes the property changes to meet the conditions for approval but it would be between the property owner and the tenant to make the agreement.

Mrs. Dwight states that it is a concern that the property owner would need to agree to the monetary things that need to be done to the property. She also states that the parking lot on the East side of the drawing is paved by Arby's and the grass area is maintained by Arby's. She states that it looks like Arby's goes to the sidewalk. Mrs. Dwight wonders how that agreement came about. She mentions that the Planning and Zoning commission required Arby's to have a sidewalk.

Mr. Haydaripoor states that half of the Arby's parking lot belongs to the property in question tonight. He mentions that there was an agreement in the past between the property owners and Arby's that the restaurant would be able to utilize the parking.

Mrs. Dwight asks for clarification on how much time a business would have to be out of business which would require them to get a CUP again, as in the case tonight. Mr. Haydaripoor states that in the Highway Commercial zoning district, that this number is six months. Since the building was vacant for about three years, the CUP needs to be renewed.

Mr. Haydaripoor reiterates that the conditions listed on the staff report for approval are property maintenance issues. If extensive work is done to the exterior of the building (unlike the minor property maintenance work recommended by city staff), the property would then need to follow the Highway 350 Corridor Design Guidelines.

Mrs. Dwight asks what makes this case different from the R & R Auto shop that the planning commission approved previously. She was under the impression that Mr. Alsiyouhi's proposed property would also need to follow the Highway 350 Corridor Design Guidelines. Mr. Haydaripoor states that because the applicant is not requesting to remodel the entire building, it does not trigger the need to follow these design guidelines, add a sidewalk or similar tasks.

Mr. Wilson mentions that he did not have the oath of truthfulness applied this evening. City Attorney, Julian Hartner swears Mr. Alsiyouhi in.

Mr. Frazier asks if the planning and zoning commission can request that the property be updated to fit the Highway 350 Corridor Design Guidelines. Mr. Haydaripoor states that the commission does have that power. They can add or take away conditions that city staff has set forth. Mr. Frazier asks if city staff will approve the location of the trash enclosure. Mr. Haydaripoor says that the trash enclosure is required to be screened by shrubbery or an actual enclosure. Mr. Frazier states he visited the site and noticed the rear property line.

Mrs. Dwight asks if someone were to buy the property next door and start a new business after two or three years of vacancy, would they not need to follow the Highway 350 Corridor Design Guidelines. If the applicant were to request to make exterior renovations, it would trigger the need to follow the guidelines. Mr. Haydaripoor states that Mrs. Dwight's statement is true.

Mr. Wilson asks for additional comments from the commission. None appear.

**7. Board Decision to Approve, Conditionally Approve or Deny the Application**

- a. Motion – Mrs. Emerson motions to approve with the six conditions recommended by staff.
- b. Second – Mr. Robinson seconds the motion.
- c. Additional Board Discussion –  
Mrs. Dwight is concerned with the Highway 350 Corridor Design Guidelines not applying to this site. She also wonders what city staff is meaning by maintaining the property in good condition. What would constitute as good condition. Mrs. Dwight wonders how the property will look in 20 or so years if the surrounding properties are required to follow the Guidelines and this one is not.

Mr. Wilson asks how long the Conditional Use Permit (CUP) would be good for. Mr. Haydaripoor states that staff did not set a time limit but is willing to hear the commissioners' opinions on the matter.

Mr. Wilson states that had the business not sat vacant, the case would not have come to the Planning Commission and it would have only been handled in the business licensing department. Mr. Wilson states that the changing over of tenants on the 350 Highway corridor happens frequently and that it is the commissioners responsibility to regulate this.

Mrs. Dwight brings up the Tint Zone property where the applicant agreed to the conditions of city staff, but the commission brought the property owner to the next meeting to get their official approval of the recommended approval conditions.

Mr. Alsiyouhi states that the property has been sitting vacant for three years and that if he were to be able to start his business, the property would not continue to decline as he will be up keeping it. He then states that he may not be able to do everything the commission is requesting, as it would be the property owner's responsibility. He says he would upkeep the property to the best of his ability. He says as he does not own the property, he will not speak on the property owner's behalf.

Mr. Wilson states that the commission is struggling with the fact of approval without hearing from the property owner.

Mrs. Cochran asks that even if the business does not get approved and begin in the property, city staff is now aware of these property maintenance violations and they would need to be resolved. Mr. Haydaripoor agrees with her statement. Mr. Haydaripoor states that staff provided Mr. Alsiyouhi with the packet including the six recommended conditions for approval. He is unsure if that was shared and/or discussed with the property owners.

Mr. Haydaripoor recommends that the commission may request a letter from the property owner agreeing to follow the six conditions. Mrs. Dwight mentions that if they approve the CUP tonight, there is no incentive to get the building up to code. If they were to require the property owner to make the changes then obtain the CUP. Several members of the commission state that they agree.

Mr. Frazier states that since they are discussing property maintenance issues, there should be a condition that the property owner needs to approve the recommendations. He states that overall, they should try and require making the property meet as many design guidelines as they can. Mr. Frazier states that whether or not they approve the CUP, the property owner should be getting a property maintenance violation letter in the mail soon. He suggests that the applicant and property owner get together to figure out which design guidelines they can meet and come back to the commission with that information.

Mr. Wilson states that with all of the talk, he would ask the commission to consider rescinding the motion and second for approval of the case and rather continue the case to the next meeting that is appropriate as determined by city staff.

Mrs. Emerson and Mr. Robinson rescind their motion and second.

Mr. Wilson states that Case PZ 2019-03 will be continued to the next available PZ meeting giving the applicant and property owner the chance to discuss the recommendations staff is recommending, costs and design guidelines they would be able to meet.

- d. Motion - Mr. Frazier motions to continue Case PZ 2019-03 to the next available planning and zoning meeting.
- e. Second – Mrs. Cochran seconds the motion.
- f. Additional Board Discussion –  
Mrs. Dwight suggests the applicant and property owner be provided with the Highway 350 Corridor Design Guidelines and a copy of their property maintenance violations. She would also like city staff to revisit the agreement between Arby's and the property owner.

Mr. Haydaripoor states that he has not seen the agreement. He has heard it second hand from other members of city staff.

Mrs. Dwight asks that that agreement also be sent back to the commissioners for review.

- g. Vote (6-0) – Motion continues unanimously.

**6. Other Business- None**

**8. Set Future Meeting Date - Thursday, May 2, 2019 at 7:00 PM**

**9. Adjourn**