

CITY OF RAYTOWN
PLANNING & ZONING COMMISSION
MINUTES

January 3, 2018
7:00 pm

Raytown City Hall
Board of Aldermen Chambers
10000 East 59th Street
Raytown, Missouri 64133

1. Welcome by Chairperson

2. Call meeting to order and Roll Call

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

3. Approval of October 4, 2018 Meeting Minutes

- a) Revisions – Stock and Emerson both found several minor errors and submitted them to Community Development Director, Ray Haydaripoor for revisions after conclusion of tonight’s meeting.
- b) Motion to approve – Stock recommends approval of these changes
- c) Second - Frazier
- d) Additional Board Discussion – N/A
- e) Vote – Approve (7-0)

4. Old Business - None

5. New Business

A. Case No.: PZ-2018-11

Applicant: Greg Stervinou

Reason: Requesting the rezoning of property at 10009 E 59th Street to R-1

1. Introduction of Application by Chair (Stock)

2. Explanation of any exparte’ communication from Commission members regarding the application

Meyers says he has had some communication with the applicant but it will not affect the hearing

3. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Rezoning Application
- c. Deed to property
- d. Jackson County paid tax receipt

- e. Notice of Public Hearing
- f. Site Plan Comment Review Letter
- g. Applicant Response Letter
- h. Neighborhood meeting invite and sign-in sheet
- i. Property's sewer as-built
- j. 1988 topographical map
- k. Excerpt of Raytown's Comprehensive Plan
- l. Applicant's site plan and supporting plan documents

4. Introduction of Application by Staff

Mr. Haydaripoor introduces the case to the commission. The applicant is proposing to rezone the parcel of land at 10009 E 59th St. from NC (Neighborhood Commercial) to R-1 (Low Density Residential). The applicant wishes to construct a single-family residential on the lot if the rezoning is approved. The lot has been vacant for several years and the existing surrounding land uses are other single-family homes. The parcel is also within the Central Business District (CBD) which requires additional design guidelines.

5. Presentation of Application by Applicant

Jennifer Baird, City Attorney, swears applicant, Greg Stervinou in to the public hearing.

Stervinou gives an introduction to the proposed rezoning and construction. Stervinou explains how he saw the lot for sale. He is now under contract with the seller with the stipulation being that he is able to construct a single-family home on the lot. He only has one concern with the conditions as outlined in the staff report: #2 – the property must follow CBD construction design guidelines.

Stock asked Stervinou if staff gave him a copy of the CBD design guidelines.

Stervinou confirms he received the guidelines but did not understand a lot of them.

Cochran asked Stervinou if the proposed single-family home would be for rent or for sale.

Stervinou says the intent is to sell the home but if he needed to he would entertain the idea of renting it short-term.

6. Additional Staff Comments and Recommendation

Haydaripoor displays three slides for the commissioners. One shows an aerial view of the vacant parcel. The next shows the parcel with its immediate surroundings and their zoning classifications. The final slide shows the parcel's location within the Central Business District boundaries.

Haydaripoor goes through the factors to be considered section of the staff report. He explains how the lots surrounding 10009 E 59th Street have a mix of different land uses and zoning classifications. Haydaripoor explains that through Public Works' sewer as-built records, staff was able to determine that the property in question was last occupied in the late 1980's as a single-family home. The sewer connection was disconnected for an unknown reason in 1989. Staff found no detrimental effects to nearby properties if the rezoning is approved. The only negative aspect would be the presence of spot zoning. Due to the fact that the land uses surrounding the lot are already legally-nonconforming, this is not especially an issue.

Because the property was once developed, all necessary utilities and public services are available on the site and capable of serving the proposed use. Haydaripoor explains how Raytown's Future Land Use Map as part of the Comprehensive Plan identifies the subject property as an area for downtown district use. These areas should be actively developed as mixed-use districts of primarily medium to high-density housing. The plan also states that single-family homes should be limited or not allowed. Haydaripoor states that staff would not consider the proposed single-family home as a detriment to the downtown district.

Haydaripoor goes over staff's recommendation and conditions with the commissioners.

7. Board Discussion

Emerson asks Haydaripoor when the house that used to be on the lot was demolished. Haydaripoor responds by saying that while the exact demolition date or year is unclear, the sewer was disconnected in 1989.

Baird swears Amy Thiede in to the public hearing.

Thiede states that through her research, she has found that the house was torn down in 1975 and has been vacant ever since.

Emerson asks if the house can still be built without the property being rezoned.

Baird states that per city zoning section, the only option is to rezone the property. She does not see how the city can approve the construction of the home due to the fact that single-family homes are not permitted in the zoning district.

Emerson confirms that even though only single-family homes exist around the proposed lot.

Baird explains that these are legal nonconforming uses and will be allowed until the use is destroyed or changes.

Stock feels uncomfortable approving the construction of the home without rezoning, even though it would be spot zoning.

Baird states that she believes the applicant's best option would be to have the case heard at the Board of Zoning Adjustment.

Bettis and Meyers question if the applicant can build the single-family home on the lot without rezoning.

Haydaripoor states that the applicant would not issue a permit for a single-family home without rezoning.

Meyers confirms that if one of the legally nonconforming single family homes were to burn down they would face similar obstacles as tonight's applicant. Haydaripoor agrees.

Meyers brings up the point that much of Raytown has zoning situations similar to this because of the age of the community. He says that the commission sees many spot zoning requests.

Emerson asks if the commission decides to approve the rezoning, it would go with the four conditions listed.

Haydaripoor announces that he has two additional conditions that he needs to add: 1) The applicant submit five copies of 24 inch x 36 inch engineered site plans for review and 2) The site plans are approved.

Bettis asks what is involved in the site plan to be approved.

Haydaripoor says there are certain checklists of items that need to be followed for site plans (setbacks, right of ways, building size, etc.)

Frazier asks about what requirements the applicant would need to meet in regards to the CBD standards. He also has a concern with a two-story home next to mainly one-story homes.

Haydaripoor says that the CBD consists of landscape, materiality, colors, roof pitch and size and other regulations.

Stock mentions that one change that Stervinou could make would be to move the house up further in the lot.

Stervinou says that he will use setbacks that are in line with the houses on either side of the existing property and would use the existing approach and sidewalk. He says he would repair the sidewalk, if need be. Stervinou says that he has landscaping plan already and that the materials will be the same as the homes he has previously built behind the Dollar General on 63rd Street. Stervinou feels that he has had to jump through enough hoops as it is and if more restrictions or guidelines are imposed on him, he is not sure if he would be interested. The proposed home is split entry and therefore not two-stories.

Stock says that she does not remember the exact guidelines for the CBD. She knows that lighting is even included.

Thiede states that she is more familiar with the CBD design guidelines than she would like to be and that they are very "painful". She asks the commissioners to seriously consider the application because she is currently unable to sell the property because no one wants to develop the land as a commercial business. Thiede states that people who go into City Hall to discuss a business on the property, they have been told that the use would not be approved outright. She is frustrated that the CBD guidelines do not address single-family residential uses.

Haydaripoor states that since he has been the Director of Community Development, there has not been anybody who has approached staff about the lot. Standard practice is to sit down with the prospective builder and discuss all options.

Stock states that she would advise that the case be tabled for a month to give Stervinou and staff the opportunity to go through the CBD guidelines together and figure out what items have been met, what items need to be met and what items might be waived. Haydaripoor is supportive of the recommendation.

Cochran asks if there are any other R-1 lots in the CBD. Haydaripoor states that if this lot is rezoned to R-1, it would be the only lot within the CBD boundaries that is zoned R-1.

Cochran asks if it might be the case that the CBD guidelines don't reference R-1 lots because of this. Haydaripoor states that this very well may be the case.

Stervinou states that the CBD does not address R-1 lots. He says he is not interested in sitting down with staff. He just wants to know what he needs to do and what is required. He asks that the rezoning be approved conditionally tonight given these changes be made.

Frazier asks if the driveway is going down grade into the house. Frazier says that it is flat.

Bettis states his only concern is that if the rezoning goes through and construction does not occur, there would be a vacant R-1 lot and we would be in the same situation.

Stervinou asks when the next meeting is. Haydaripoor states it would be the first week of February.

Meyers states that it would not be the first time the commission would grant waivers to CBD standards. Meyers says that he believes Stervinou is quite serious about the project. He states that he wants the city to be known for treating applicants in a fair manner. Meyers tells Thiede that this is her best chance to sell the lot. He is confident that the applicant, commission and staff can work together to get the project worked out.

8. Board Decision to Approve, Conditionally Approve or Deny the Application

- a. Motion – Stock motions to table PZ Case 2018-11 to the February 7th 2019 Planning and Zoning Commission at 7:00 PM.
- b. Second - Cochran
- c. Additional Board Discussion – N/A
- d. Vote – Yes (7-0)

6. Other Business- None

8. Set Future Meeting Date - Thursday, February 7, 2019 at 7:00 PM

9. Adjourn