

CITY OF RAYTOWN
PLANNING & ZONING COMMISSION

MINUTES

July 12, 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	Emerson:	Present	Stock:	Present
Bettis:	Present	Robinson:	Present	Lightfoot:	Absent
Hartwell:	Present	Dwight:	Absent	Meyers:	Present

3. Approval of May 3, 2018 Meeting Minutes

- a) Revisions – Typo on subsection 9 – Board Discussion, sixth line – ‘het’ should be ‘the.’ Typo on Staff Report PZ-2018-04 – Findings of Fact, subsection 5, second line under ‘Streets’ – ‘either’ should be omitted.
- b) Motion to Approve - Emerson
- c) Second - Hartwell
- d) Additional Board Discussion - None
- e) **Vote – Approved (6-0)**

4. Old Business

A. Case No.: PZ-2018-04 (Conditional Use Permit – Vehicle/Equipment Rental)

Applicant: David Housh, Tint Zone

- 1. Case continued from May 3 –**
- 2. Re- Introduction of Application by Staff**

Mr. Swan (Planning and Zoning Coordinator) re-introduced PZ 2018-04 to the board. He explained that the case was initially heard on April 5, 2018 by the Planning and Zoning Commission. At this meeting, city staff recommended denial and the case was continued to May 3, 2018 by a vote of 6-0.

Before the May 3, 2018 meeting, the applicant revised his application to meet staff’s conditions, which would have changed staff’s position and to recommend approval with their conditions being met. At the May 3 meeting, the applicant stated that in order to move forward with staff’s conditions, he would need to get approval from the property owner. With this, the case was continued to the June 7, 2018 meeting by a vote of 5-0.

Mr. Swan explained that in an email dated June 6, Mr. Housh said he would need more time to get the property owner's approval. The June 7 meeting was thus cancelled. Mr. Swan last reached out to Mr. Housh on June 28 to determine whether or not to place him on the July 12, 2018 agenda. Mr. Housh did not respond.

City Attorney, Joe Willerth, explains to the commission that they have two options to move forward with this case. The first, being to continue the case once again since the applicant was not present at tonight's meeting. The second, being to recommend denial due to the applicant's inability to present his property owner's conformance with city staff's recommendations. Mr. Willerth stated that due to the applicant's lack of communication with Mr. Swan, he believed that it would be reasonable to make a decision on the case tonight.

3. **Request for Public Comment**

N/A

4. **Additional Staff Comments and Recommendation**

N/A

5. **Board Discussion**

Mr. Meyers asked for clarification on the timeline of past communication and whether or not Mr. Swan believed Mr. Housh would be attending tonight.

Mr. Swan stated that after he received no response a couple of days after he sent Mr. Housh an email on June 28, he assumed that Mr. Housh would not be attending the upcoming meeting.

Ms. Emerson asked about clarification about the staff's initial recommendation at the April meeting.

Mr. Swan stated that the April application was recommended denial for eight reasons.

Ms. Emerson asked if the property owner was accepting of the conditions set forth by city staff.

Mr. Swan stated that it could be assumed that the property owner was unaccepting of the conditions.

Ms. Stock asked if it is appropriate to make a motion to deny Case PZ-2018-04.

Mr. Willerth asked Mr. Swan to read city staff's eight reasons for recommending denial before the motion.

Mr. Swan read these eight reasons to the commission.

Mr. Meyers asked what would happen if Mr. Housh resurfaces and is able to meet the conditions after the case is denied by the commission.

Mr. Willerth stated that a new application would not necessarily be needed if no information is changed.

Mr. Swan mentioned that the commission may need to consider a continuance fee in the future.

Mr. Willerth stated that if Mr. Housh is able to meet the conditions, the commission may be able to see the case again with an amendment to the application.

Ms. Emerson and Mr. Bettis voiced that they would not like to see him pay another application fee in the future if he would like to reapply.

Mr. Willerth stated that he is discouraged with the applicant's complete lack of communication with staff.

6. **Board Decision to Approve, Conditionally Approve, Deny or Continue**

- a. Motion to deny PZ 2018-04 – Ms. Stock
- b. Second – Ms. Hartwell
- c. Additional Board Discussion –Mr. Bettis is in agreement with the motion because of Mr. Housh's inability to communicate with city staff and his inability to get approval from the property owner to comply with the conditions set forth by staff.
- d. **Vote – 'Yes' 6-0**

5. **New Business –**

A. **Case No.: PZ-2018-05 (Final Plat for Crescent Creek, Second Plat)**

1. **Introduction of Application by Staff**

Mr. Swan introduces the case to the commission. The project changes the number of lots from eleven to eight. The applicants are bringing this forward to enlarge the lot sizes to provide for larger houses.

2. **Open Public Hearing**

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

N/A

4. **Enter additional relevant city exhibits into the record:**

- a) Staff Report
- b) Final Plat
- c) Plat Application
- d) Plat Checklist
- e) Staff Review Letter & Applicant Responses
- f) City of Raytown Zoning Regulations, as amended
- g) City of Raytown Subdivision Regulations, as amended
- h) City of Raytown Comprehensive Plan
- i) Staff Review Letter

4. **Presentation of Application by Applicant**

Mr. Willerth swears in Judd Claussen with Phelps Engineering, Inc.

Mr. Claussen briefly introduced the project. Mr. Claussen discusses the change in the alley way. The original plat had an L-shaped alley whereas the replat is a single through alley connecting 57th Street and 57th Terrace.

5. **Board Discussion**

Ms. Stock thanks the applicants for working through the turning radius for the fire department.

Ms. Emerson thanks the applicants for complying with the city's conditions but voices her concern over the delinquent taxes owed by the applicant.

Mr. Swan states that the receipt that resolves this is in the packet and provides the page for the commission.

Mr. Meyers thanks the applicant for coming to the meeting and questions if the new houses would be similar to ones built in the neighborhood already.

Mr. Willerth swears in Kirk Miles with Crescent Creek Revitalization.

Mr. Miles describes the history of the subdivision and their goals and desires for the future of the neighborhood in association with this replat. He states that they are going to add more off-street parking. He discusses how the initial TND (Traditional Neighborhood Development) inspired plans never really found a market.

Mr. Meyers asks if there is any idea what the price range or style of the homes would be.

Mr. Miles states that they want to get just over \$200,000 for the homes that will go on the lots.

6. **Additional Staff Comments and Recommendation**

Mr. Swan goes over the Staff Report with the commissioners and reads the six conditions that staff is requiring.

Mr. Swan notes that the replat does not change the initial 5 foot setback line implemented on the original plat.

Mr. Bettis asks if there are plans to increase that setback or maintain it.

Mr. Miles stated that they do plan on maintaining that 5 foot setback line in order to create bigger houses with bigger lots. This is also to keep consistent with the current houses in the neighborhood.

Mr. Robinson asks if the applicant is willing and able to follow the six conditions as outlined by staff.

Mr. Claussen stated that they will follow the six conditions.

Ms. Emerson stated that she is pleased with the plan to increase off street parking in the neighborhood.

Recommendation: Staff recommends approval subject to staff's conditions.

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

a. Motion to approve PZ 2018-05 with the six staff recommendations – Ms. Stock

- b. Second – Mr. Meyers
- c. Additional Board Discussion – N/A
- d. **Vote – ‘Yes’ 6-0**

B. Case No.: PZ-2018-06 (Zoning Map Amendment)

1. Introduction of Application by Staff

Mr. Swan introduces the zoning map amendment saying that there has not been an official zoning map update since August of 2012.

2. Open Public Hearing

3. Explain Procedure for a Public Hearing and swear-in speakers

Mr. Willerth swears in Mr. Swan.

4. Enter Additional Relevant City Exhibits into the Record

- a) Staff Report
- b) Current City Zoning Map
- c) Proposed Zoning Map
- d) Staff Review Letter & Applicant Responses
- e) Publication of Notice of Public Hearing in Daily Record Newspaper
- f) City of Raytown Zoning Ordinance, as amended
- g) City of Raytown Comprehensive Plan

5. Explanation of any exparte’ communication from commission members regarding the application

N/A

6. Request for Public Comment

N/A

7. Additional Staff Comments and Recommendation

Mr. Swan goes through each case of rezoning with the commission –

- a) 7806 Raytown Road
- b) 8402, 8404, 8406 Westridge Road
- c) 7000, 7006 Kentucky Avenue

- d) 7448 Blue Ridge Boulevard
- e) 7001 Blue Ridge Boulevard
- f) 5220 Blue Ridge Cutoff
- g) PIDs: 45-230-02-07-00-0-00-000, 45-230-02-09-00-0-00-000, 45-230-02-10-00-0-00-000 and 45-230-02-08-00-0-00-000

Mr. Willerth states final four properties are non-negotiable as they have ordinances verifying their rezoning, whereas the first three sets of properties are correcting human error.

Recommendation: Staff recommends approval.

8. Board Discussion

Ms. Emerson voices her appreciation for staff's extensive research.

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

- a. Motion to approve PZ 2018-06 – Ms. Emerson
- b. Second – Ms. Stock
- c. Additional Board Discussion – N/A
- d. **Vote – 'Yes' 6-0**

6. Set Future Meeting Date - Thursday, September 6, 2018 at 7:00 PM

7. Meeting Adjourned

- a. Motion to approve PZ 2018-06 – Mr. Meyers
- b. Second – Ms. Hartwell