

CITY OF RAYTOWN
PLANNING & ZONING COMMISSION

MINUTES

May 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

<u>Wilson:</u> Present	<u>Emerson:</u> Present	Stock:	Absent
<u>Bettis:</u> Present	Robinson:	Lightfoot:	Absent
Hartwell: Absent	<u>Dwight:</u> Present	<u>Meyers:</u>	<u>Present</u>

3. Approval of April 5, 2018 Meeting Minutes

- a) Revisions - None
- b) Motion to Approve - Emerson
- c) Second - Meyers
- d) Additional Board Discussion - None
- e) **Vote – Approved (5-0)**

4. Old Business

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

Applicant: David Housh, Tint Zone

- 1. Introduction of Application by Chair
Mr. Wilson reintroduced PZ-2018-04
- 2. Open Public Hearing
- 3. Explain Procedure for a Public Hearing and swear-in speakers
- 4. Enter Additional Relevant City Exhibits into the Record:
 - A. Staff report
 - B. Conceptual Site Plan
 - C. CUP Application
 - D. Staff Review Letter & Applicant Responses
 - E. Publication of Notice of Public Hearing in Daily Record Newspaper
 - F. Public Hearing Notices mailed to property owners within 185-feet of subject property.
 - G. City of Raytown Zoning Ordinance, as amended
 - H. City of Raytown Comprehensive Plan

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

Mr. Meyers stated that he has had some exparte' communication but that it will not affect his voting.

Ms. Emerson also stated that she has had some exparte' communication and it will not affect her voting.

6. 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 last month (April 5, 2018) by the Planning and Zoning Commission. The original case was for a vehicle/equipment rental business located exclusively at 6301 Raytown Road.

During the public hearing in April, when the case was being debated between the PZ commission, the applicant and staff, the applicant decided that he would like to revise his application. The applicant has since amended his application which has staff he reevaluated and since made the appropriate changes to the staff report and staff recommendation.

Mr. Swan navigated the audience through the staff-prepared PowerPoint presentation. He introduced the amendments to the original application mainly the addition of a secondary parcel to be exclusively used for the parking of the U-Haul rental vehicles. He informed the commission that staff did send out new public notices letters to all property owners within 185 feet of either parcel on April 18th.

7. Request for Public Comment

David Housh (8517 Ditzler Ave) stated that he went back and revised the whole plan. He has gotten permission to use the parcel diagonally opposite of the parcel where Tint Zone is located. The applicant explained how using this parcel allows for greater screening of the vehicles and better traffic flow.

Mr. Wilson (Chairman) asked Mr. Housh if he had read all of the conditions and if he agreed to all of the conditions. The applicant responded affirmatively that he had read all conditions and was agreeable to them.

Ms. Dwight asked for clarification about who owns the lots. Mr. Housh stated that Neal Clevenger owns the lot. Mr. Swan clarified that Mr. Clevenger owns both lots but they are listed under separate LLCs. There was discussion regarding the lease of the land and how that would affect the Conditional Use Permit. Joe Wilerth (City Attorney) confirmed that the applicant assumes the risk of losing a lease of the land even if a Conditional Use Permit is granted.

Ms. Emerson asked why he wasn't using the rear former Bank of America parking lot that had been discussed in April; she also expressed her concern regarding people driving these large trucks in the narrow proposed parcel. Mr. Housh remarked that the property owner of the Raytown Water Company intends to install a water tank in the rear parking lot and use it for training exercises with local water districts; therefore, he did not want Mr. Housh's rental truck business to relocate to that exact parcel.

Mr. Bettis asked about whether or not customers would park U-Haul trucks at the Tint Zone parcel. The applicant indicated that U-Haul trucks would only be parked there for brief, temporary amounts of time. For example, if they dropped off a truck after Tint Zone business hours, the truck would remain there overnight and Tint Zone staff would move it back to the secondary parcel in the morning. Mr. Housh informed the commissioners that U-HAUL keeps track of their trucks and if there were to be more than four trucks at this property, they would come and pick up the extra trucks.

Mr. Meyers raised a concern about whether or not this is a vacant lot. There was discussion about vehicles on this parcel and surrounding parcels. Mr. Housh removed two inoperable vehicles from the Tint Zone parcel. Mr. Meyers inquired about the parcel to the south of the Tint Zone parcel where a single-family residence is located.

Mr. Wilson inquired about drive access to the single-family residence. Mr. Housh confirmed that they have their own driveway and do not require access from any surrounding parcel.

Ms. Dwight asked how customers navigate both properties. Mr. Housh confirmed that the business transaction is done in the Tint Zone office and customers walk to the parking lot and exit onto 63rd Terrace. As for drop-off, customers will most likely leave the truck in the Tint Zone parking lot and employees will re-park the trucks in the adjacent lot.

Mr. Meyers had additional questions about parking. Mr. Housh said the largest truck is a 26 foot truck. They are not exceptionally large trucks. Mr. Meyers asked if the applicant anticipates any problems with the Fire Marshall.

Mr. Bettis asked what happens if he is out of trucks and a customer comes in requesting a truck. Mr. Housh stated that he can refer them to a site in Independence or Lee's Summit. There is a computer program that allows him to track trucks and see where exactly they are. He wanted to do this to offer Raytown residents a service in-town so that they would not have to travel for a moving truck.

Ms. Dwight asked for clarification regarding Condition #10. Mr. Housh stated that he has moved inoperable vehicles. Mr. Swan stated that this is a mechanism to ensure no property maintenance issues arise. Mr. Housh stated that the parking lot will never look full because Tint Zone business is by appointment only and the rental trucks usually have reservations scheduled ahead of time.

Mr. Bettis asked City staff about Future Development recommendations from the Central Business District Plan subsection of the Comprehensive Plan .Mr. Swan stated that Chapter 13 (Future Development) of the Comprehensive plan encourages local, small businesses with the ultimate goal of creating a unique destination. Additionally, the plan encourages pedestrian-oriented services in the downtown core. U-Haul is an international business that involves heavy duty trucks and is somewhat of an industrial use.

Ms. Dwight asked about Condition #9 regarding the site plan requirement. Mr. Swan explained that if the CUP were ultimately approved by the Board of Aldermen, the applicant would have to submit a revised site plan that would be approved at the administrative level.

Robert Herdon (U-Haul Local Rep.) returned to some previous questions from Ms. Dwight. Mr. Herdon explained how anyone is welcome to use the business services. It is in Raytown and they hope that it will be seen as an asset to Raytown residents and hopefully a means of tax revenue for the City. He also addressed the parking of vehicles and how this will be done effectively and efficiently. Additionally, Mr. Herdon stated that he believes that this is free advertising for the City.

8. Additional Staff Comments and Recommendation

Mr. Wilson requested additional staff comments from City Staff.

Mr. Swan asked if the Commission would like to go over the analysis or just over the conditions as two of the commissioners were not at the April meeting. Mr. Wilson requested that City staff review the complete analysis and discuss the conditions.

Mr. Swan presented the staff reports' analysis to the Commission and public. Mr. Swan reiterated the importance of Condition #7 *"The applicant shall submit a parking lot construction plan that meets the requirements of the City of Raytown Public Works' Private Improvement Design Criteria (DC-07)"*. Mr. Swan read aloud all twelve (12) conditions as recommended by staff.

Mr. Meyers asked City staff if the vacant parcel will be used exclusively for U-Haul rental truck parking. Mr. Swan stated that the application states that it will be used only for the U-Haul business. Mr. Swan showed the Commission and the public on the City's GIS website the location of said parcel. There was discussion regarding

the access of the parcel to the north of the vacant lot accessing the rear parking lot; the said parcel does have street frontage along E. 63rd Street. Mr. Meyers asked City Staff what parcels would be required to meet Public Works design standards. Mr. Swan stated that only the two (2) parcels associated with this application will be required to meet DC-07 standards.

Ms. Dwight asked if the property owner is aware of these conditions and has provided consent to meet these conditions including the renovations of the existing parking lots. Mr. Swan said that the property owner gave his consent to the applicant when he signed the CUP application that was submitted by Mr. Housh.

Mr. Housh said that he has talked to the property owner regarding the parking lots; however their plan was to simply resurface the parking lot (to put asphalt layer on top of the existing surfaces). Mr. Swan remarked that the aforementioned plan present by the applicant would not meet staff' recommendation regarding Condition #10. Mr. Swan reiterated that staff is recommending approval based upon this list of twelve conditions and that the applicant/property owner meeting Condition #10 is imperative as the current state of the vacant parking lot is in poor condition and this is in the City's CBD corridor. Mr. Housh remarked that it would definitely look better than it does look now and if he doesn't do anything then it is not going to change. The applicant and property owner feel that their plan should be sufficient.

Mr. Bettis asked City Staff who would be responsible for maintenance of the parking lot. Mr. Swan stated that would be the responsibility of the property owner. It would be a property maintenance matter.

Ms. Dwight asked the applicant if there would be someone at the office during business hours. The applicant stated that there is someone at the office from 8am-5pm, but they take appointments by the hour. He said that they might bring in additional employees but there will always be someone there.

Mr. Swan stated that he has had lengthy discussions with the Public Works Department and that they believe the applicant should be held to the City's standards.

Recommendation:

Staff recommends approval of this case subject to twelve (12) conditions.

9. Board Discussion

Mr. Meyers stated that he is pondering why there has been some moments of a communication breakdown. During the April meeting, the applicant stated that he had not received the staff report and conditions. This month the applicant agreed at the beginning of the meeting that he had read and agreed to all conditions. Later in the meeting, it appeared that the applicant was not aware of some of the conditions (e.g. Private Parking Lot Design Standards DC-07). Mr. Housh said that he thought he had read them all but did not. Mr. Meyers says there is an issue of whether or not the property owner is aware of the conditions relevant to his property. Mr. Meyers says that the applicant cannot seem to tell the Commission that he can agree to all conditions with confidence.

Mr. Wilson closed the public hearing and requested a motion from the board.

Mr. Wilson asked the applicant if he felt it would be worthwhile for him to go back and discuss the case/conditions with the property owner. Mr. Housh stated that he would rather have another opportunity to work this out than have the case denied.

Mr. Meyers remarked that the case would not be done here tonight; it still has to go to the Board of Aldermen. He stated that one of the questions they will want to know is if he agrees to all the conditions. He remarked that it is probably worth everyone's time that he get some answers before an official vote is made.

Mr. Wilson remarked that the Commission would like to know that the property owner understands the responsibility that is laid upon him to assist the applicant in meeting these conditions should the CUP be

approved. He reiterated that there might be some merits in making sure everyone is on the same page before this goes to the Board of Aldermen.

Mr. Wilson asked that a motion be made regarding Case No. PZ 2018-04.

10. Board Decision to Approve, Conditionally Approve, Deny or Continue

- a. Motion to continue PZ 2018-04 to a date certain of June 7, 2018 – Mr. Meyers
- b. Second – Ms. Dwight
- c. Additional Board Discussion –Mr. Bettis is in agreement with the motion because of the potential costs associated with the conditions recommended by staff. Ms. Dwight agrees that it is important to know if the owner is agreeable since the monthly rent is only \$65 but the required improvements would cost significantly more. Mr. Bettis said that he knows Mr. Housh keeps a well-run business (Tint Zone) and the property is maintained. Mr. Wilson stated that it's important to debate the importance of the design standards vs. enticing new businesses into our downtown area.
- d. **Vote – 'Yes' 5-0**

5. New Business – None

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

7. Adjourn