

**TENTATIVE AGENDA**  
**RAYTOWN BOARD OF ALDERMEN**  
**COMMITTEE OF THE WHOLE**  
**FEBRUARY 16, 2021**  
**ONLINE ZOOM WEBINAR**  
**6:00 P.M.**

A video recording of the Committee of the Whole meeting will be available online and linked on the City's website within 48 hours of the meeting's date and time.

zoom.us/join  
Webinar ID: 849 5542 9761  
Passcode: 798755

- 1. Approval of the February 2, 2021 Committee of the Whole meeting minutes.**
- 2. Planning Commission Overview**  
Point of Contact: Jennifer Baird, City Attorney and Chris Gilbert, Planning & Zoning Coordinator

**ADJOURNMENT**

**MINUTES**  
**RAYTOWN BOARD OF ALDERMEN**  
**COMMITTEE OF THE WHOLE**  
**FEBRUARY 2, 2021**  
ONLINE ZOOM WEBINAR  
6:00 P.M.

Mayor Michael McDonough called the February 2, 2021 Committee of the Whole meeting to order at 6:22 p.m.

**Roll Call**

Roll was called by Jennifer Baird, City Attorney, and the attendance was as follows:

Present: Alderman Janet Emerson, Alderman Derek Ward, Alderman Frank Hunt, Alderman Bill Van Buskirk, Alderman Mary Jane Van Buskirk, Alderman Jason Greene, Alderman Ryan Myers, Alderman Jim Aziere

Absent: Alderman Bonnaye Mims, Alderman Greg Walters

**1. Approval of the January 5, 2021 Committee of the Whole meeting minutes.**

Alderman Mary Jane Van Buskirk, seconded by Alderman Hunt, made a motion to adopt. The motion was approved by a vote of 8-0-2.

Ayes: Aldermen Mary Jane Van Buskirk, Hunt, Emerson, Ward, Aziere, Bill Van Buskirk, Greene, Myers

Nays: None

Absent: Aldermen Mims, Walters

Alderman Mims joined the meeting at 6:28 p.m.

**2. Pavement Asset Management**

Point of Contact: Jose Leon, Public Works Director

Jose Leon, Public Works Director, presented the item.

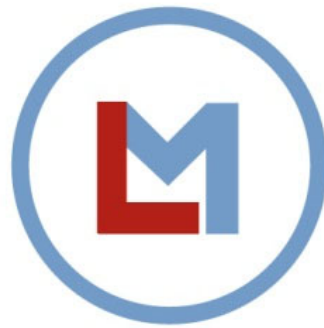
Alderman Walters joined the meeting at 6:33 p.m.

**ADJOURNMENT**

Alderman Mary Jane Van Buskirk, seconded by Alderman Emerson, made a motion to adjourn. The motion was approved unanimously.

The meeting adjourned at 7:01 p.m.

# Planning, Zoning, and Subdivision



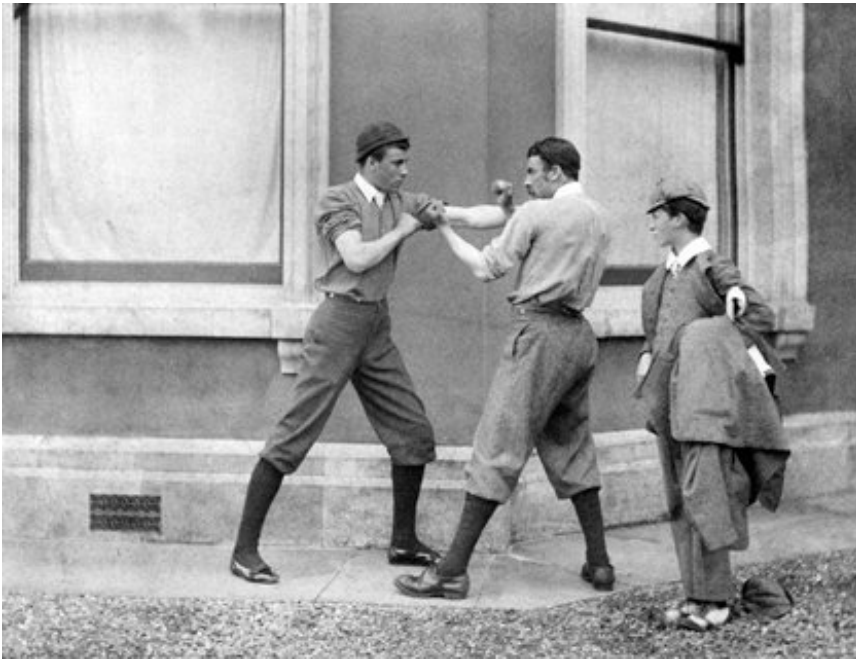
LAUBER MUNICIPAL LAW, LLC

**Raytown Board of Aldermen**

February 16, 2021

*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”

- Ⓜ 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.
- Ⓜ 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



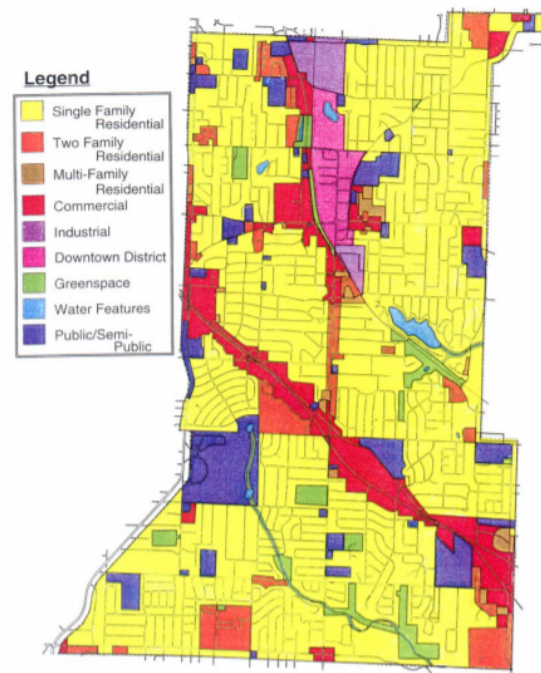
- ④ New York City had first Planning Enabling Act in 1916.
- ④ By 1928 there were two “model acts” created by the federal government. Both were adopted by every state in the union within one year of their creation.
  - ④ Standard Planning Enabling Act (SPEA)
  - ④ Standard Zoning Enabling Act (SZA)
- 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

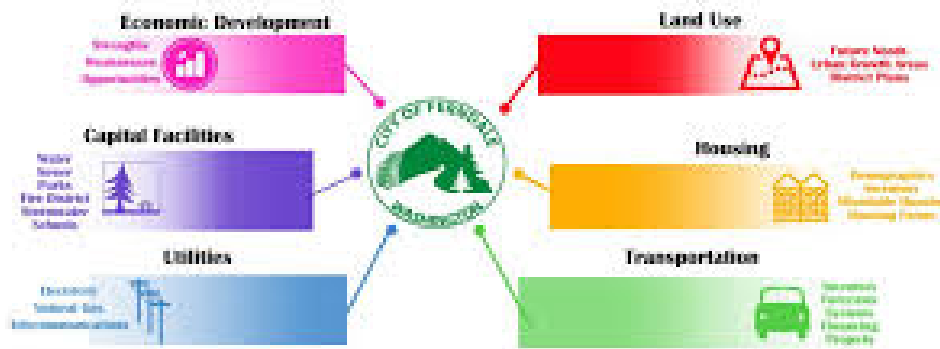
*Future Development Plan*

FIGURE 11  
Future Land Use Map



# Planning – Creating the Plan

## Comprehensive Plan



- ④ Establish Goals and Objectives
  - ④ What do we want this plan to show?
- ④ Basic Research
  - ④ Population Studies
  - ④ Current land uses
  - ④ Economic Studies
- ④ Prepare the Plan
  - ④ Land Uses
  - ④ Community Facilities
  - ④ Open Areas

# 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 Bettis, DeeAnn Stock, Mary Phyl Dwight, Dwight G. Robinson, Alderman Janet Emerson, David Frazier, Daneen Thurman.

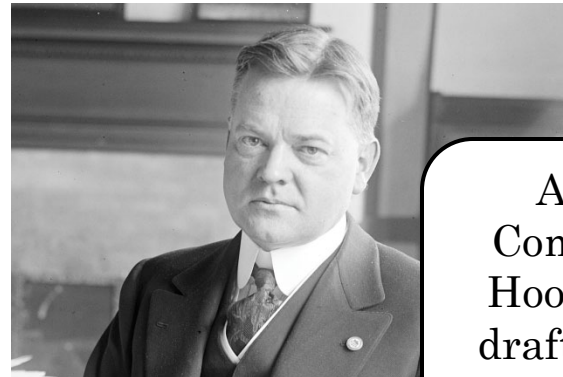
### **Meeting Archives**

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

- ④ Membership
  - ④ 7 -15 Members
  - ④ One may be the Mayor (optional)
  - ④ One may be a council person (optional)
  - ④ Council or mayor may also be non-voting liaison
- ④ Four-year staggered terms
- ④ Elect their own chairman and secretary
- ④ 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**
  - ④ 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**



# Missouri Revised Statutes

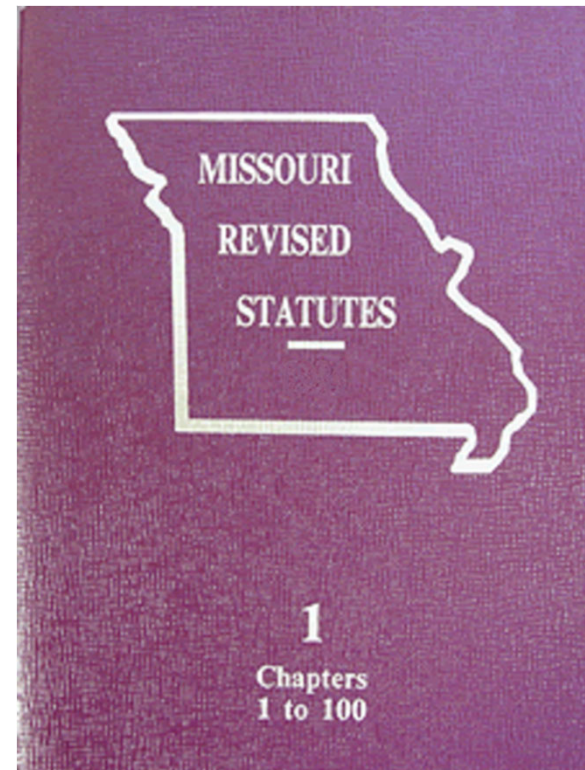
## Chapter 89- Commission Provisions



- ④ Creation of the Commission
  - ④ §89.070, RSMo requires the City to appoint a zoning commission if it wishes to exercise zoning powers
  - ④ §89.320, RSMo sets forth the membership of the planning commission
  - ④ §89.330, RSMo addresses commission officers and rules and regulations

# 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

## Application

- Apply for Zoning Change
- Has to be by Property Owner

## Notice of Public Hearing

- Notice by Publication
- Notice to surrounding property owners (185')

## Public Hearing

- P&Z Holds Hearing
- P&Z Makes Recommendation

## Board Approval

- Board of Aldermen Hearing ?
- Board of Aldermen Makes Decision

# 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



Ⓜ Zoning decisions generally\* fall into two categories:

Ⓜ **Legislative**

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

Ⓜ **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

- ④ Platting approval is the ministerial application of zoning requirements, uniformly, to all particular parcels within the zoned area
- ④ When considering plat applications, the Planning Commission and Governing Body act in an administrative capacity and not in a legislative capacity.
- ④ No arbitrary and subjective authority in whether to approve or deny a plat application – only determine whether a plan meets the subdivision requirements
- ④ *Furlong Companies, Inc. v. City of Kansas City, Missouri*



# Constitutional Limitations

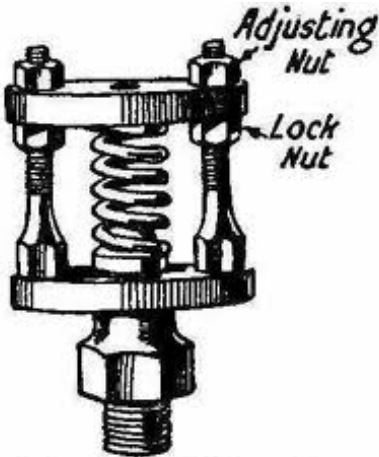
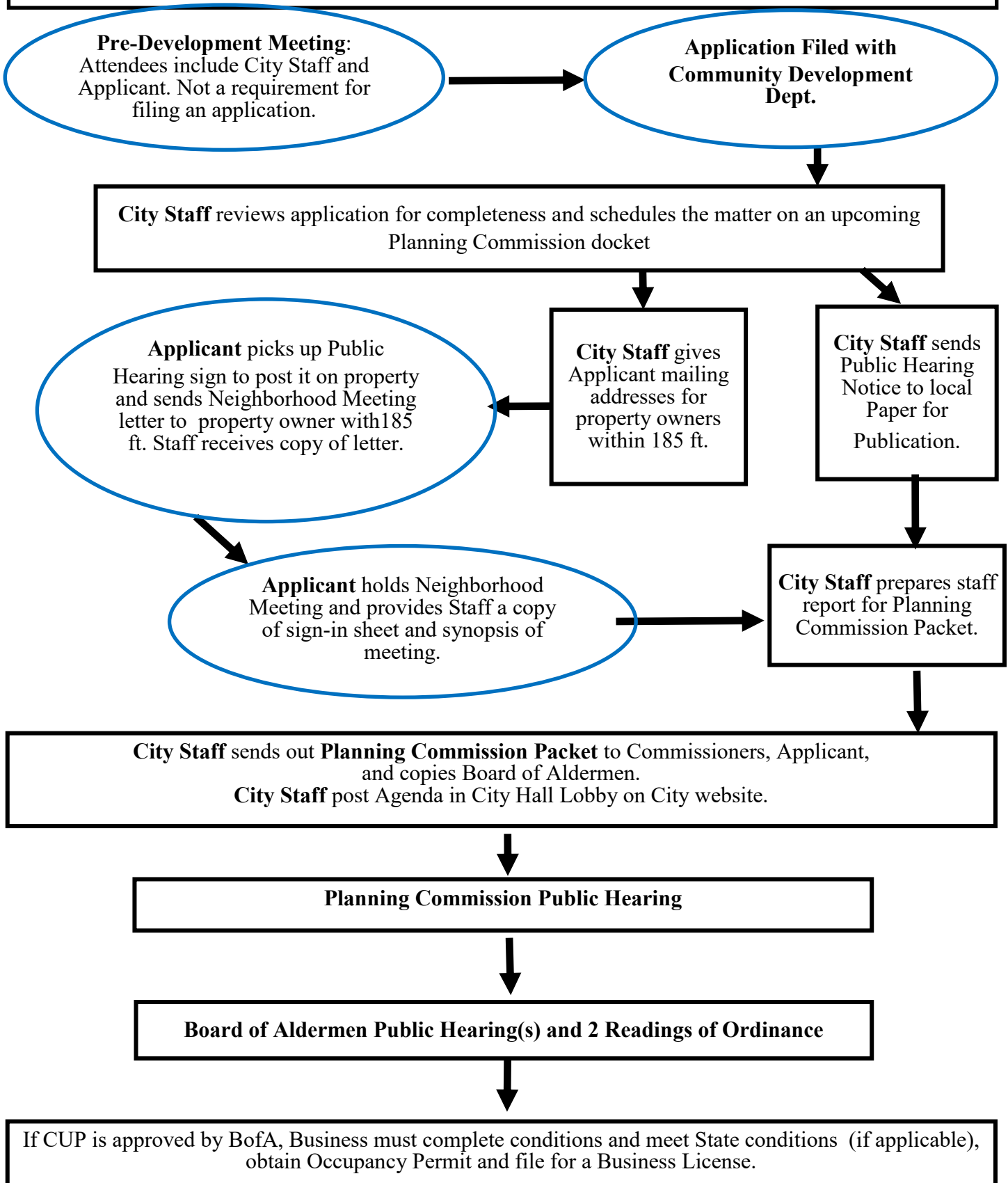


FIG. 89.—Safety valve.

- Ⓜ 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.

## 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.