

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

July 11, 2019
7:00 pm

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

1. Welcome by Chairperson (Vice-Chair Bettis)

2. Call meeting to order and Roll Call

| | | | | | |
|---------|---------|-----------|---------|----------|---------|
| Wilson: | Absent | Thurman: | Present | Emerson: | Present |
| Bettis: | Present | Robinson: | Present | Frazier: | Present |
| Stock: | Present | Dwight: | Present | Cochran: | Absent |

3. Approval of June 6, 2019 Meeting Minutes

- a) Revisions – N/A
- b) Motion to approve – Mr. Frazier
- c) Second – Ms. Stock
- d) Additional Board Discussion – N/A
- e) Vote – Approve (7-0-0)

4. Old Business:

A. Case No.: PZ-2019-03

Applicant: Mohamed Alsiyouhi

Reason: Conditional Use Permit for an auto repair, limited, business at 9100 E. 350 Highway

Introduction of Application by Vice Chair (Mr. Bettis)

1. Explanation of any ex parte' communication from Commission members regarding the application

No ex parte communications reported.

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. Applicant's site plan
- g. Site photos

3. Introduction of Application by Staff

Chris Gilbert, Planning & Zoning Coordinator, provided the staff report for the application, showing site location and surrounding zoning, a site plan, and various photos of the site. Mr. Gilbert addressed the history of the building as an Auto Cool automotive repair shop from 1998 to 2016 and that the property has remained vacant until being leased by the applicant, Mr. Alsiyouhi, for a limited auto repair facility. Mr. Gilbert addressed the application's compliance with 14 separate and distinct factors required to be analyzed prior to issuance of a Conditional Use Permit. Mr. Gilbert provided the recommendation that the Conditional Use Permit be issued with the conditions of approval listed in the staff report and read the conditions into the record.

4. Presentation of Application by Applicant

Mr. Henry Machauf, the property owner, was present for the meeting and was sworn in by City Attorney Jennifer Baird. He said he has not had any buyers or the property and wants to lease it on a month to month basis now. He said he has an agreement with the applicant to provide him 3 months free rent then 9 months half rent to cover the costs of the site improvements required by the City as conditions of approval.

Mr. Frazier asked if he understood the dumpster needed to be screened and the garage doors fixed. Mr. Machauf said the applicant would take care of it. Mr. Frazier asked if he was aware he cant be doing business until the improvements are put in. Mr. Machauf said yes. Mr. Frazier asked if the 350 corridor standards applied. Mr. Gilbert said the building was not being occupied in a way that triggers site plan review and would thus not be subject to the standards but would have to be brought up to code on the site improvements.

Ms. Stock said she was concerned about the dumpster screening.

Ms. Dwight asked if part of the Arby's parking was his. Mr. Machauf said yes, he rents it month to month and gets paid regularly for rent. Ms. Dwight asked to make it part of the record that the owner leases the adjacent parking to Arby's. Ms. Dwight asked if the applicant tis responsible for all the improvements and who would verify he does it. Mr. Machauf said he is responsible and Mr. Gilbert said staff would verify it is done.

Ms. Emerson asked if they had a contract regarding the repairs. Mr. Machauf said he is giving rent price breaks instead.

Mr. Bettis said it will be nice to have a new tenant in that building and these conditions will make the property more attractive. Mr. Bettis asked who will be responsible for meeting the conditions of approval and asked Mr. Machauf to work with adjoining owners to get potholes fixed in the shared drives. Mr. Machauf said the applicant will be responsible.

Ms. Dwight asked what happens if the applicant doesn't have the money. Mr. Machauf said he wont pay for it.

Ms. Thurman asked how long the applicant has to do the work. Mr. Machauf said he doesn't care how long it takes.

Mr. Frazier motioned and Ms. Dwight seconded that the Arby's lot cant be used for the subject property.

Ms. Dwight said she is nervous that the applicant is not present. Mr. Gilbert said the applicant provided an email earlier in the day that he had an agreement with Mr. Machauf.

5. Public Comment

None.

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

- a. Motion – Ms. Stock moved to approve the Conditional Use Permit with the Conditions in the staff report.
- b. Second – Mr. Frazier
- c. Vote (7-0) – Motion passes unanimously.

5. New Business

B. Case No.: PZ-2019-08 <Non-Public Hearing>

Applicant: Matt Eblen, McClure Engineering, on behalf of RCG Ventures, LLC

Reason: Approval of the Final Plat, “The Brywood Centre, Second Plat”, in the Northwest Quadrant of 63rd Street and Blue Ridge Cutoff.

Introduction of Application by Vice Chair (Mr. Bettis)

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

No exparte communications reported.

2. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Application and Supporting Documents
- c. Final Plat of The Brywood Centre, Second Plat

3. Introduction of Application by Staff

Chris Gilbert, Planning & Zoning Coordinator, provided the staff report for the application, showing site location and surrounding zoning, and the final plat. Mr. Gilbert explained that the replat was necessary as part of a modernization effort by the owners and was mostly located in Kansas City but required City of Raytown approval as well because 1.5 acres of the 25.6 acre total was located in Raytown. Mr. Gilbert provided the recommendation that the Final Plat be recommended for approval with the conditions of approval listed in the staff report. Ms. Dwight said she was excited about the plat and the improvements it could bring.

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

- d. Motion – Ms. Emerson moved to recommend approval of the Final Plat based upon the recommendations in the staff report.
- e. Second – Ms. Dwight
- f. Vote (7-0) – Motion passes unanimously.

C. Case No.: PZ-2019-07

Applicant: Crystal Kent on behalf of Bosley Automotive

Reason: Conditional Use Permit for an auto repair, general, business with limited auto sales at 5247 Woodson Road

Introduction of Application by Vice Chair (Mr. Bettis)

1. Explanation of any ex parte' communication from Commission members regarding the application

No ex parte communications reported.

2. Enter Additional Relevant City Exhibits into the Record:

- d. Staff report
- e. Conditional Use Permit Application
- f. Application Supporting Documents
- g. Application Permit and Receipt
- h. Public Notice Guide
- i. Applicant's site plan
- j. Site photos
- k. Additional Site Photos entered into the record by Vice Chair Bettis

3. Introduction of Application by Staff

Chris Gilbert, Planning & Zoning Coordinator, provided the staff report for the application, showing site location and surrounding zoning, a site plan, and various photos of the site. Mr. Gilbert addressed the history of the building as quick lube shop from 2004 to 2016 followed by a couple of other repair shops until March, 2019, before being leased by the applicant to operate Bosley Automotive. Mr. Gilbert addressed the application's compliance with 14 separate and distinct factors required to be analyzed prior to issuance of a Conditional Use Permit. Mr. Gilbert provided the recommendation that the Conditional Use Permit be issued with the conditions of approval listed in the staff report. Mr. Gilbert referenced the site photos entered into the record that appear to show the applicant is operating on the site without a business license in violation of city ordinances.

4. Presentation of Application by Applicant

Tim Atchitty, of 4666 NE Dick Howser Circle, Lee's Summit, Missouri, representing the property owners, Car Wash Plaza, LLC, said his parents built the facility in 2004 and business has been difficult since the main tenant in the shopping center went out. He said the applicant needs to keep the doors open and he doesn't consider transmission work as major repair.

Mr. Frazier asked if transmission work could be safely done and if unlicensed vehicles would be screened from view. Mr. Gilbert said the building could support the use and that screening would be required if any unlicensed or inoperable vehicles are left outside.

Bryan Bosley, the business owner, said he was upset about the city citing him for violations and preventing him from operating his business and claimed he was not operating illegally despite the photos. He said he has been accommodating to the city inspectors but needs to provide for his family at the same time as trying to follow the codes and ordinances.

Mr. Frazier asked if he was operating in the building and Mr. Bosley said he was. Mr. Bettis said it would be hard to go 6 months without income. Other commissioners voiced support for getting Mr. Bosley into the building.

5. Public Comment

None.

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

Motion – Ms. Thurman to recommend approval of the Conditional use Permit based upon the conditions contained in the staff report.

Second – Ms. Emerson

Vote (7-0) – Motion passes unanimously.

6. Other Business

7. Future Meeting Date – Thursday, August 1, 2019 at 7:00 PM

8. Adjourn Mr. Frazier, Ms. Dwight second, 7-0 approval to adjourn at 9:30 PM