

**CITY OF RAYTOWN  
PLANNING & ZONING COMMISSION**

**AGENDA**

July 11, 2019  
7:00 pm

Raytown City Hall  
Board of Aldermen Chambers  
10000 East 59<sup>th</sup> Street  
Raytown, Missouri 64133

**1. Welcome by Chairperson**

**2. Call meeting to order and Roll Call**

Wilson:	Thurman:	Emerson:
Bettis:	Robinson:	Frazier:
Stock:	Dwight:	Cochran:

**3. Approval of June 6, 2019 Meeting Minutes**

- a) Revisions
- b) Motion
- c) Second
- d) Additional Board Discussion
- e) Vote

**4. Old Business**

**A. Case No.: PZ-2019-03**

**Applicant: Mohamed Alsiyouhi**

**Reason: Conditional Use Permit for Vehicle Repair/Limited at 9100 E. 350 Hwy. in a Highway Commercial, HC< zone(Continued from April 4, 2019, Meeting).**

1. Introduction of Application by Chair
2. Explanation of any exparte' communication from Commission members regarding the application
3. Enter Additional Relevant City Exhibits into the Record: -
  - a. Staff report
  - b. Application Supporting Documents
  - c. Application Permit and Receipt
  - d. Public Notice Documentation
  - e. Site Photos
4. Introduction of Application by Staff
5. Presentation of Application by Applicant
6. Additional Staff Comments and Recommendation

7. Board Discussion
8. Board Decision to Approve, Conditionally Approve or Deny the Application
  - a. Motion
  - b. Second
  - c. Additional Board Discussion
  - d. Vote

**5. New Business**

**B. Case No.: PZ-2019-08, Non-Public Hearing, Administrative Only**

**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 63<sup>rd</sup> Street and Blue Ridge Cutoff.**

1. Introduction of Application by Chair
2. Explanation of any exparte' communication from Commission members regarding the application
3. Enter Additional Relevant City Exhibits into the Record:
  - a. Staff report
  - b. Final Plat of The Brywood Centre, Second Plat
  - c. Supporting Documents
4. Introduction of Application by Staff
5. Presentation of Application by Applicant (if present)
6. Additional Staff Comments and Recommendation
9. Commission Discussion
10. Commission Decision to Approve, Conditionally Approve or Deny the Application
  - a. Motion
  - b. Second
  - c. Additional Commission Discussion
  - d. Vote

**C. Case No.: PZ-2019-07**

**Applicant: Crystal Kent, on behalf of Bosley Automotive**

**Reason: Conditional Use Permit for Vehicle Repair/General with Limited Vehicle Sales at 5247 Woodson Rd. in a Neighborhood Commercial, NC, zone.**

1. Introduction of Application by Chair
2. Explanation of any exparte' communication from Commission members regarding the application
3. Swearing in of Speakers
4. Enter Additional Relevant City Exhibits into the Record:
  - a. Staff report
  - b. Application Supporting Documents
  - c. Public Notice Documentation
  - d. Existing Site Photos
5. Introduction of Application by Staff
6. Presentation of Application by Applicant
7. Request for Public Comment by Chairman

8. Additional Staff Comments and Recommendation
9. Commission Discussion
10. Commission Decision to Approve, Conditionally Approve or Deny the Application
  - a. Motion
  - b. Second
  - c. Additional Commission Discussion
  - d. Vote

**6. Other Business- None**

**7. Set Future Meeting Date – Next Regular Meeting, Thursday, August 6, 2019 at 7:00 PM**

**9. Adjourn**

**CITY OF RAYTOWN  
PLANNING & ZONING COMMISSION**

**MINUTES**

June 6, 2019

7:00 pm

Raytown City Hall  
Board of Aldermen Chambers  
10000 East 59<sup>th</sup> Street  
Raytown, Missouri 64133

**1. Welcome by Chairperson**

**2. Call meeting to order and Roll Call**

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

**3. Approval of April 4, 2019 Meeting Minutes**

- a) Revisions – N/A
- b) Motion to approve – Ms. Emerson
- c) Second – Mr. Bettis
- d) Additional Board Discussion – N/A
- e) Vote – Approve (5-0-1) – Mr. Frazier abstained

**4. Old Business - None**

**5. New Business**

**A. Case No.: PZ-2019-04**

Applicant: Javaid Chaudhri

Reason: Conditional Use Permit for an auto repair general business with limited auto sales

**Introduction of Application by Chair (Mr. Wilson)**

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

Mr. Bettis said he lives nearby the subject parcel.

**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. Neighborhood meeting invite, summary and sign-in sheet
- g. Applicant's site plan and supporting plan documents
- h. Mr. Wilson entered as an exhibit a set of Code Enforcement photos, provided by staff, and taken of the property showing vehicle repair activity on the site on June 5, 2019.

**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 a Goodyear Tire and Wheel Auto Repair Shop until 2017 and that the property has remained vacant until being purchased this year by Mr. Chaudhri for his son to perform general automotive repair activities with limited sales on the property. 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 8 conditions of approval listed in the staff report and read all 8 into the record.

**4. Presentation of Application by Applicant**

Mr. Javaid Chaudhri was sworn in by City Attorney Jennifer Baird. Mr. Chaudhri said his son was home from the military and was trained to work on cars so he purchased the property so his son had a place to start his business.

Chairman Wilson asked Mr. Chaudhri if he would comply with the Conditions of Approval. Mr. Chaudhuri responded he did but added that staff is harassing him. Chairman Wilson pointed out that staff have to go by and take photos in preparation for the Planning Commission meeting and cant help but notice that the business is operating. Mr. Chaudhuri said the cars belong to family. Chairman Wilson asked if he understands the building cant be used at all until the Ordinance is approved. Mr. Chaudhuri said yes.

Commissioner Bettis asked about removal of the sign. Mr. Gilbert said the pole sign is illegal and needs to be removed. Mr. Bettis asked how much the removal and replacement would cost. Mr. Chaudhuri responded about \$20 thousand, adding that containing part of the pole within his new monument sign would reduce the cost. Mr. Gilbert said the applicant could use wall signs as an alternative to installing a monument base at all.

Commissioner Frazier asked about parking lot maintenance. Mr. Gilbert said the requirement is to keep the parking lot in good repair, whether that be through sealing and restriping or replacing badly damaged sections. Mr. Frazier asked if staff could also address maintenance of the adjoining shopping center's parking lot which is not in good repair. Mr. Gilbert said that would be looked into.

Commissioner Thurman asked if the pole sign parts could be reused. Mr. Gilbert said possibly as wall sign canisters but it wasn't very likely and needed to check code to see if block lettering was required or if canisters would be ok.

Commissioner Robinson noted the applicant's delinquent tax accounts. Mr. Chaudhuri said they were all addressed and are not anymore.

Commissioner Frazier asked about auto sales on the property. Mr. Gilbert said limited auto sales can be permitted and is a typical feature of most repair shops to dispose of repaired vehicles that are never picked up by their owners and the Planning Commission can attach a specific number if they so desire. Mr. Frazier asked Mr. Chaudhuri if he could accept a number, to which Mr. Gilbert said 10 would be a max number based on available parking spaces.

Mr. Frazier made a motion to add a number of cars maximum number to which there was no second so motion died.

Chairman Wilson asked staff if the dumpster could be moved. Mr. Chaudhuri said he would consider moving it. Mr. Gilbert said the front section of block could be removed from the existing enclosure to permit a mini rollout to be placed inside and a new gate added as the location was already screened from view.

Mr. Frazier said Mr. Chaudhuri should not work out of the building until the CUP process is finished. Chairman Wilson asked Mr. Chaudhuri if he could instruct his son not to conduct business and Mr. Chaudhuri said he would tell him.

**5. Public Comment**

**Darrell Hardin, 5633 Byrams Ford Rd. Kansas City, Missouri,** said he is a mail carrier and has known the Chaudhuri's for many years. He spoke in support of the application. He said they are all military veterans and he knows their character.

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

- a. Motion – Mr Bettis moved to approve the Conditional Use Permit with the Conditions in the staff report and adding Condition 9 that staff determine the maximum number of vehicles permitted for sale at any time on the property.
- b. Second – Mr. Frazier
- c. Vote (6-0) – Motion passes unanimously.

**B. Case No.: PZ-2019-05**

Applicant: City of Raytown

Reason: Zoning Ordinance Amendments Regarding Medical Marijuana

**Introduction of Application by Chair (Mr. Wilson)**

**1. Explanation of any exparte' communication from Commission members regarding the application**  
None 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. Neighborhood meeting invite, summary and sign-in sheet
- g. Applicant's site plan and supporting plan documents

- h. Mr. Wilson entered as an exhibit a letter from Alderman Derek Ward containing issues with some provisions of the proposed new regulations.
- i. Jennifer Baird, City Attorney swore in speakers for this case.

### 3. Introduction of Application by Staff

Chris Gilbert, Planning & Zoning Coordinator, provided the staff report for the application, covering each page of the 10 pages of proposed regulations separately with a special split screen Powerpoint presentation containing the brief highlights of each page alongside the actual proposed text.

### 4. Public Comment

**Sherry DeJanes Donovan, 6532 Blue Ridge Cutoff, Raytown, Missouri**, said she represents a group seeking a license to open a dispensary in Raytown and questions the 150 foot distance separation to residential for Highway Commercial zone Dispensaries. She also had an issue with the smell test at the property boundary and how that would be measured. She was concerned because they pre-package all their marijuana so there should be no odor hence no requirement for a smell test.

### 5. Planning Commission Discussion

Ms. Emerson asked if staff had absorbed the new regulations from the state. Ms. Baird responded that staff is working through it and there will be more changes as it evolves.

Ms. Emerson asked about the Rules of Interpretation. Mr. Gilbert explained that they were set up to match state regulations on churches, daycares, and schools but distance measurements to residential would be measured door of Facility to residential boundary and between Medical Marijuana Facilities would be measured door to door.

Ms. Emerson asked if the definitions of marijuana could be clarified to exempt non-THC containing CBD oil from the definition. Mr. Wilson said there is 2 types of CBD Oil, one with THC the other without. Mr. Gilbert said that change could be made easily.

Ms. Emerson asked about the pre-packaged marijuana in Dispensary Facilities. Ms. Donovan said everything in the Facility would be pre-packaged individually in such a way that there should be almost no odor emitted, even inside the facility. Mr. Gilbert said future changes to the state regulations could make odor a more significant issue than it might be now and recommended keeping the language. Mr. Bettis asked if Ms. Donovan's question was answered and she said yes.

Mr. Wilson asked about the definition of Enclosed, Locked, Facility. Mr. Gilbert explained that the only fair way to address view is from ground level not from higher buildings if they happen to exist next to a grower's property and recommended striking the language regarding view from structure at any level.

Mr. Wilson asked about how to address measuring odor. Ms. Baird said nuisance codes do address odors but there is no real way to measure it. Mr. Frazier said he doesn't see the point of the odor clause. Mr. Gilbert said future odor issues could arise as state regulations change over time and it may be helpful to have.

Mr. Wilson asked about the distance separations from facilities. Mr. Gilbert said the 1000 feet separation requirement could be eased or eliminated for Highway Commercial and Manufacturing

zones to permit closer facilities, particularly in the case of 350 Highway where a Dispensary could be located on each side of 350 off north and southbound lanes.

Ms. Emerson asked about waiting so staff has more time to examine the state regulations. Ms. Baird said staff has a good handle on it already. Mr. Frazier suggested needing more time to look at this as well. Mr. Robinson said he supports letting it move forward. Mr. Frazier agreed.

Ms. Emerson asked that the CBD oil issue be addressed in the definitions. Mr. Gilbert said the change could be made.

Ms. Thurman said she was concerned about the distance between dispensaries and potential for crime, considering the cash transactions taking place. Ms. Donovan returned to the stand and explained that banks are now getting into the business and they will have to work with security firms for 24-hour security plans. Ms. Emerson asked that the interim chief be at the Board meetings to talk about policing issues.

Ms. Donovan explained that not all marijuana packages are sealed in her facility and she also took issue with excessive documentation requirements. Ms. Baird said it was realistic to keep these standards.

Chairman Wilson closed the Public Hearing at 9:49 PM.

Mr. Gilbert asked the commissioners to confirm if they wanted to amend the following sections:

- 50-580 to amend definition of Marijuana to exclude non THC CBD oil. Yes, add.
- 50-580(A)2. to amend definition of Enclosed, Locked Facility to remove reference to being visible from a permanent structure at any level. Yes, remove.
- Multiple references to odor measurement at property line. No, leave in place.
- 50-584(a)b. distance separation between Medical Marijuana Facilities in Highway Commercial zones. Yes, remove.
- 50-584(a)d. distance separation from residential of 150 feet in Highway Commercial zones. No, leave in place.
- 50-585(c) distance separation between Medical Marijuana Facilities in Manufacturing zones. Yes, remove.
- 50-585(f) distance separation from residential of 500 feet in Manufacturing zones. No, leave in place.

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

- d. Motion –Mr. Frazier moved to approve based on staff changes.
- e. Second – Ms. Emerson
- f. Vote (6-0) – Motion passes unanimously.

**6. Other Business**

**7. Future Meeting Date – Thursday, July 11, 2019 at 7:00 PM**

**8. Adjourn** Mr. Bettis, Ms. Emerson second, 6-0 approval to adjourn at 10:00 PM





# Staff Report

Community Development  
Planning and Development Services

## PZ 2019-03

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: July 11, 2019

Re: Application for Conditional Use Permit (Continued from April 4, 2019)

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### CONDITIONAL USE PERMIT APPLICATION SUMMARY

Applicant: Mohamed Alsiyouhi

Property Owner: Henry and Bella Machauf

Property Location: 9100 E 350 Highway

Request: Conditional Use Permit approval of a tire repair and minor auto repair shop

Mohamed Alsiyouhi, on behalf of property owners Henry and Bella Machauf, is requesting Conditional Use Permit (CUP) approval for a tire repair and minor auto repair shop in a Highway Commercial (HC) zoning district. Per the city's land use table, vehicle repair shops are only conditionally approved in this zoning district. The applicant is not proposing any structural or site changes be made to the existing location.

The building previously ran a business licensed under "AUTO COOL" from 8/26/1998 to 6/30/2016. Since then, the structure has sat vacant.



Figure 1 – Street view of proposed auto shop

## BACKGROUND

Property's Zoning Classification	Highway Commercial (HC)
Surrounding Properties' Zoning	Highway Commercial (HC)
Surrounding Overlay	Highway 350 Corridor
Surrounding Land Use	Commercial Businesses and Single Family Homes
Designated Future Land Use	Commercial
Ward	Ward 1
Approximate Land Area	0.39 acres
Roadway Classification	Expressway

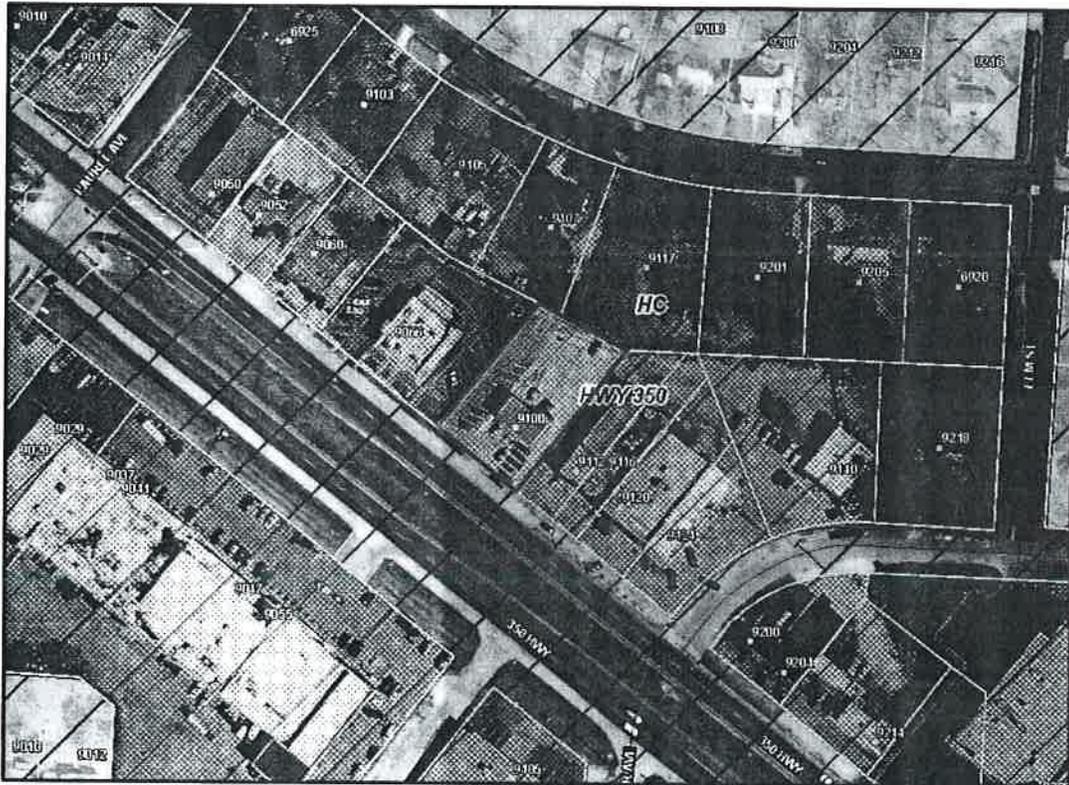


Figure 2 – Aerial view of proposed auto shop and surrounding zoning

### SITE DESCRIPTION AND PRESENT USE

The building has sat vacant for approximately three years.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The structure faces 350 Highway, which is designated as an expressway by the City of Raytown. On the back side of the subject parcel, commercially zoned nonconforming homes adjoin the property. To the West of the structure, there is a fast food restaurant on the adjoining parcel (Arby's), and on the east, a variety of commercial businesses in a single long façade.



## HISTORY

The building previously ran a business licensed under "AUTO COOL" from 8/26/1998 to 6/30/2016. Since then, the structure has sat vacant. The structure appears to have been built during the late 1960's / early 1970's but it is not clear what the use was prior to AUTO COOL.

## PUBLIC COMMENTS

The public notice was published in *The Daily Record* on March 20, 2019, and again on June 26, 2019. Public notice letters were sent to property owners within 185 feet of the property by the applicant. The Neighborhood Information Meeting was held on March 26, 2019. To date, the Community Development Department has received no letters/calls regarding this application other than from additional prospective users who were informed that an open application for a CUP was being processed by the Planning Commission. The property was posted with a Public Hearing Notice Sign on the property in March and again in June with an updated hearing date.

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## ANALYSIS

In considering and making a decision on an application for a conditional use permit, consideration is required to be given by the city to the health, safety, morals, comfort and general welfare of the inhabitants of the city, including but not limited to, the following factors.

### 1. Stability and integrity of the various zoning districts

The parcel and all adjacent lots are zoned Highway Commercial (HC). This zoning district is designed to accommodate commercial activities that draw business from, provide services to and would benefit from a location easily accessible to a highway or arterial street. The zoning of commercial property to this district shall be for the purpose of encouraging and requiring appropriate business development and redevelopment on a quality level generally equal to or exceeding that, which prevails in the city. It is the opinion of city staff that the proposed use would maintain the stability and integrity of the Highway Commercial zoning district.

### 2. Conservation of property values

An improvement to neighboring property values is expected based upon the conditions of approval in this staff report that would bring the property up to code and remove the blighted look that vacant buildings typically present. The applicant and the property owner will need to figure out the cost sharing for meeting these conditions. The main impact will be the return of a business to the structure, which will prevent further decline in the condition of the property.

### 3. Protection against fire and casualties

Staff believes having a new business occupant that provides ongoing maintenance will make the property less subject to vandalism and arson than it does now as a vacant building.

### 4. Observation of general police regulations

The proposed business will not violate any general police regulations.

### 5. Prevention of traffic congestion

The proposed business will not increase traffic congestion beyond what is normal for an auto repair shop.



**6. Promotion of traffic safety and the orderly parking of motor vehicles**

The proposed business will not affect traffic safety nor the orderly parking of motor vehicles. As a repair shop, customer parking is minimal, but vehicle-awaiting-repair storage is more significant and can easily be addressed by the large asphalt storage area behind the building that may have to be screened if the applicant plans to leave unlicensed and inoperable vehicles sitting there visible to the street and adjacent properties.

**7. Promotion of the safety of individuals and property**

The proposed business will not affect the safety of individuals or property. To the contrary, an operating business will deter criminal activity that has a greater chance of occurring on vacant, abandoned properties.

**8. Provision for adequate light and air**

The proposed business will not affect the air quality of the area beyond what is normal for an automotive repair shop.

**9. Prevention of overcrowding and excessive intensity of land uses**

The proposed business will not affect the intensity of land uses in the area. It is an existing developed property and the proposed use is consistent with previous uses on the property.

**10. Provision for public utilities and schools**

The proposed business will not affect any public utilities or schools and could generate revenues that benefit the taxing entities including the school district.

**11. Invasion by inappropriate uses**

Staff does not view the proposed business as an inappropriate use at this location. Previous uses on the site and the building/site layout are both consistent with an auto repair business, of which there are many along 350 Highway.

**12. Value, type and character of existing or authorized improvements and land uses**

The property on which the proposed business would be located is developed and will require site and/or building improvements to bring the property to code that are addressed in the conditions of approval. Requiring 350 Highway Corridor standards for a reuse of an existing structure will be extremely difficult to enforce as the site is not being modified, expanded, reconstructed, etc., so as such does not require application of such standards at the present time with this application.

**13. Encouragement of improvements and land uses in keeping with overall planning**

As the property is a currently existing developed parcel with a structure designed specifically for automotive repair, the proposed business is consistent with overall planning principles.

**14. Provision for orderly and proper renewal, development and growth**

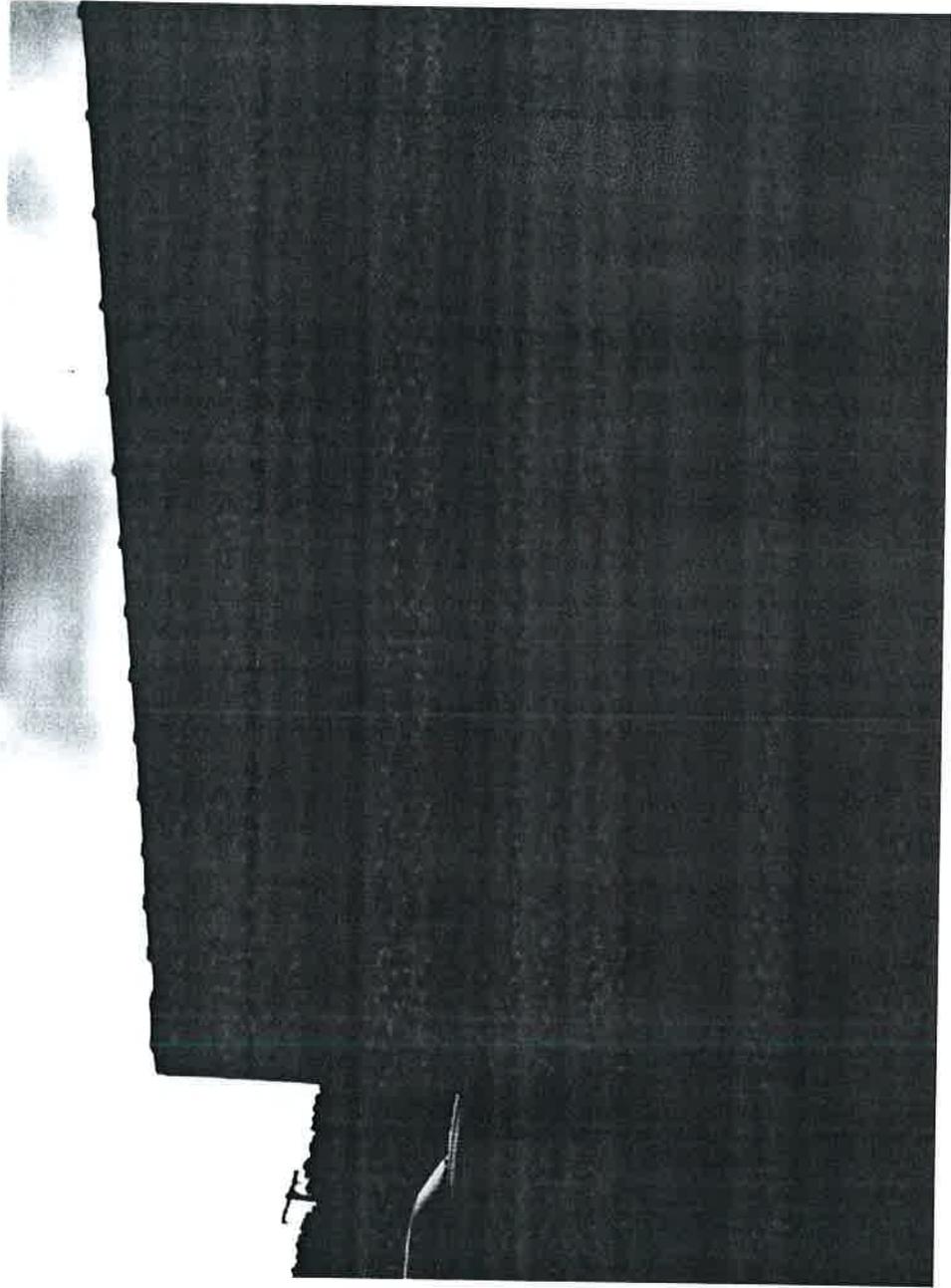
The proposed business, if approved, will reoccupy a site that has been vacant for years, resulting in blight creeping into the 350 Highway Corridor. By reutilizing the property for what it is designed for and eliminating an unsightly vacant property situation, the proposed use will contribute to the orderly and proper renewal, development and growth of the City.

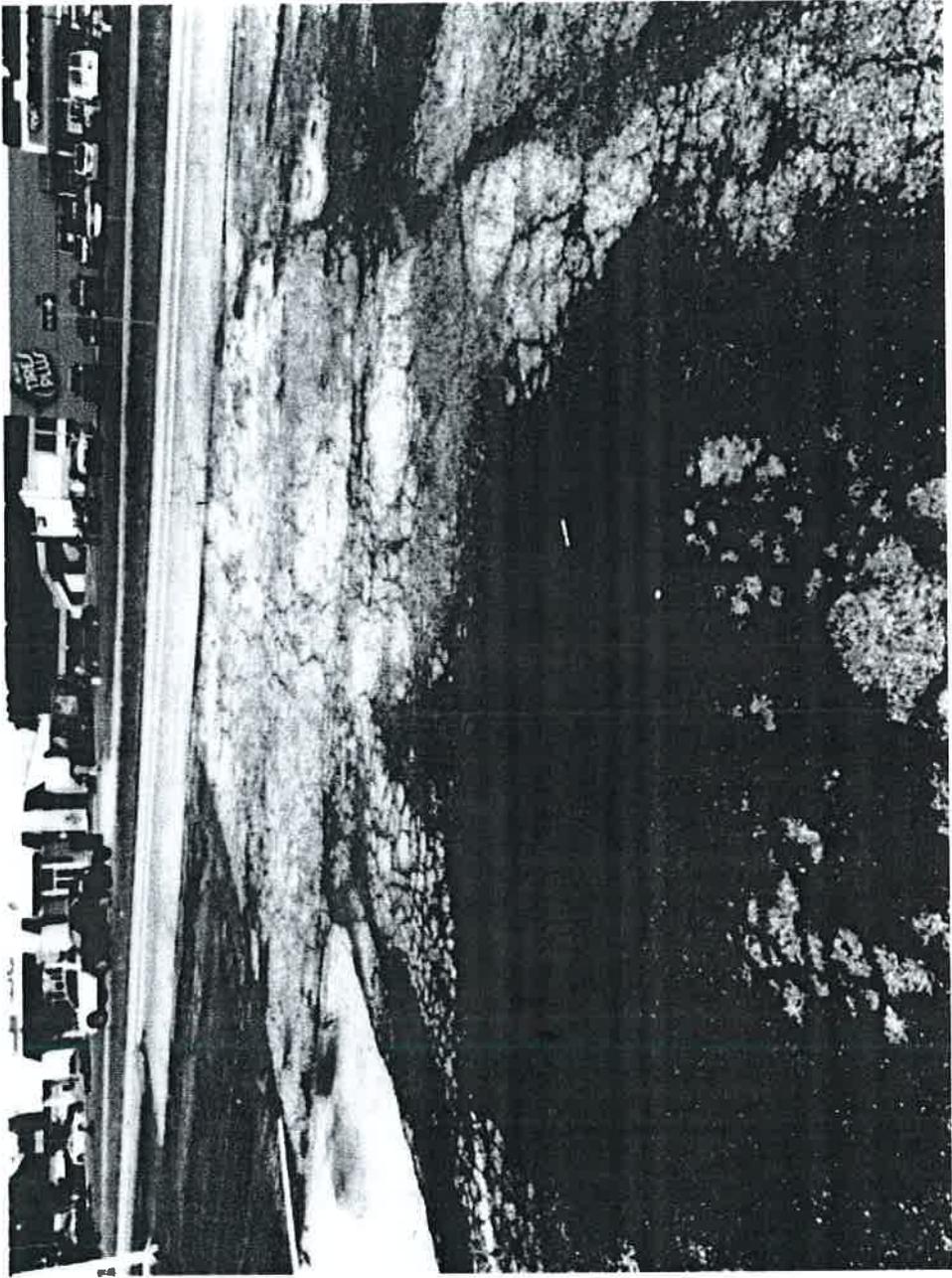


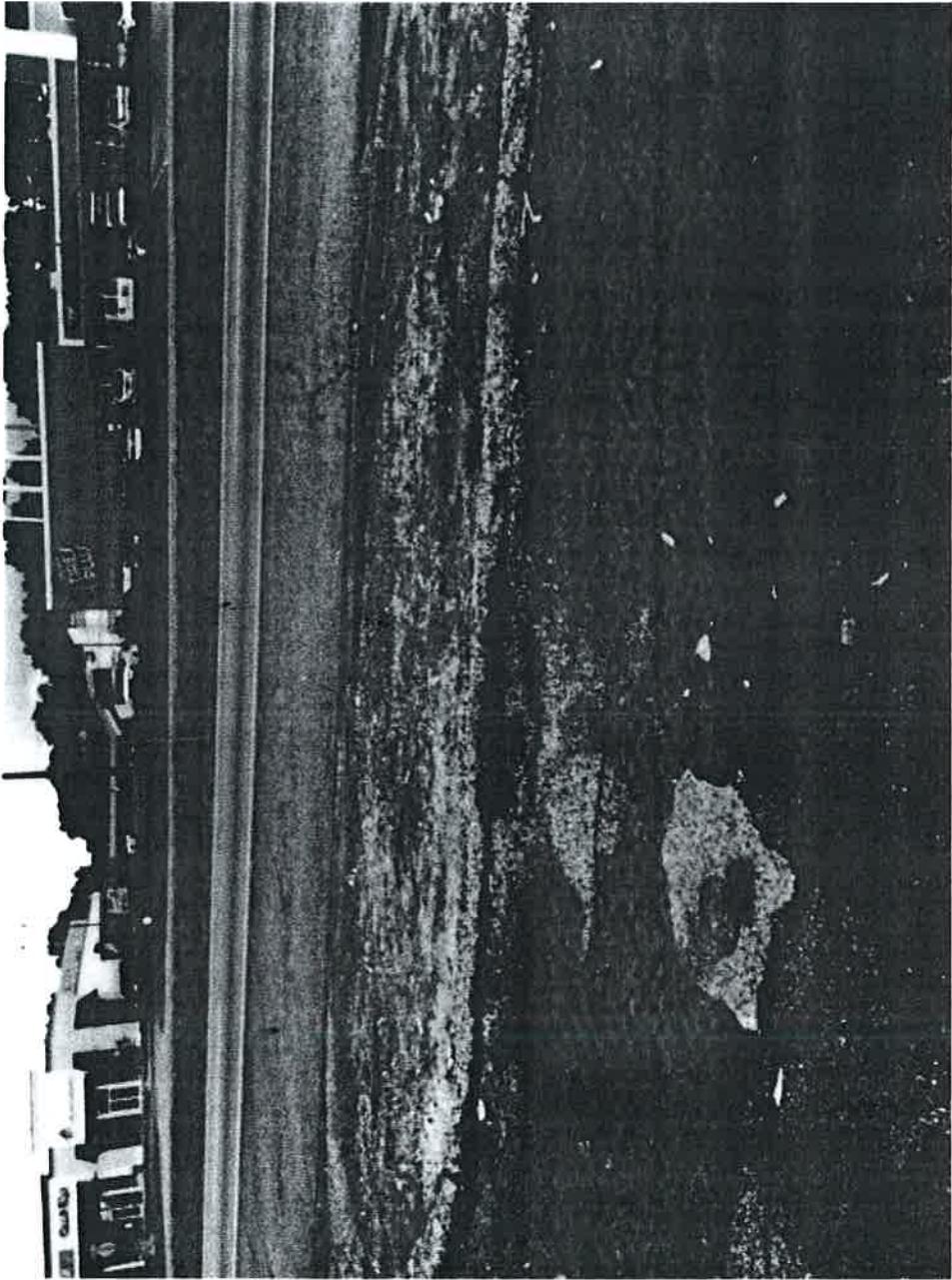
## RECOMMENDATION

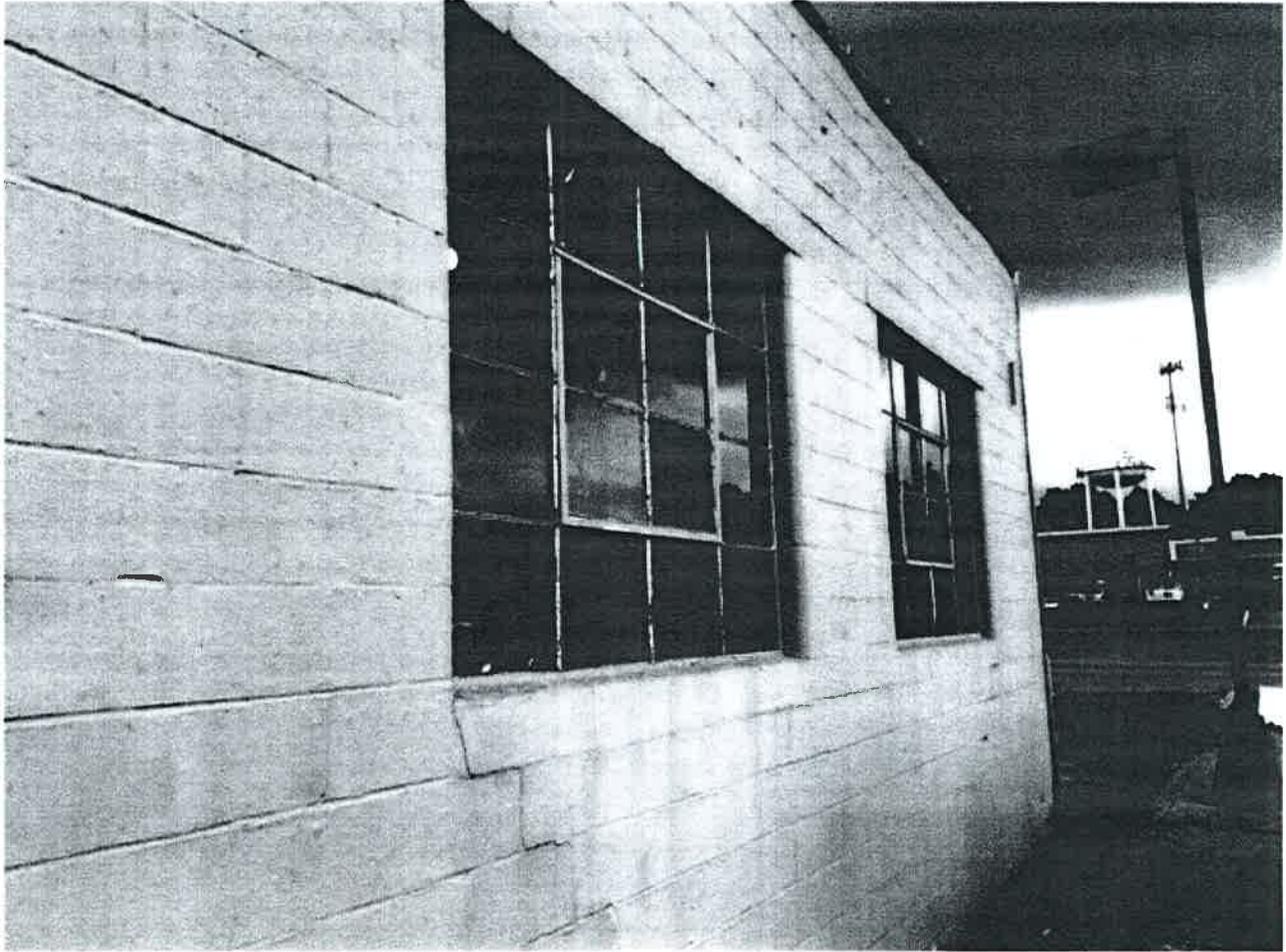
Staff recommends approval of Case No. PZ 2019-03 – Conditional Use Permit for a tire repair and minor auto repair shop to be located at 9100 E. 350 Highway based off the completion of the following conditions:

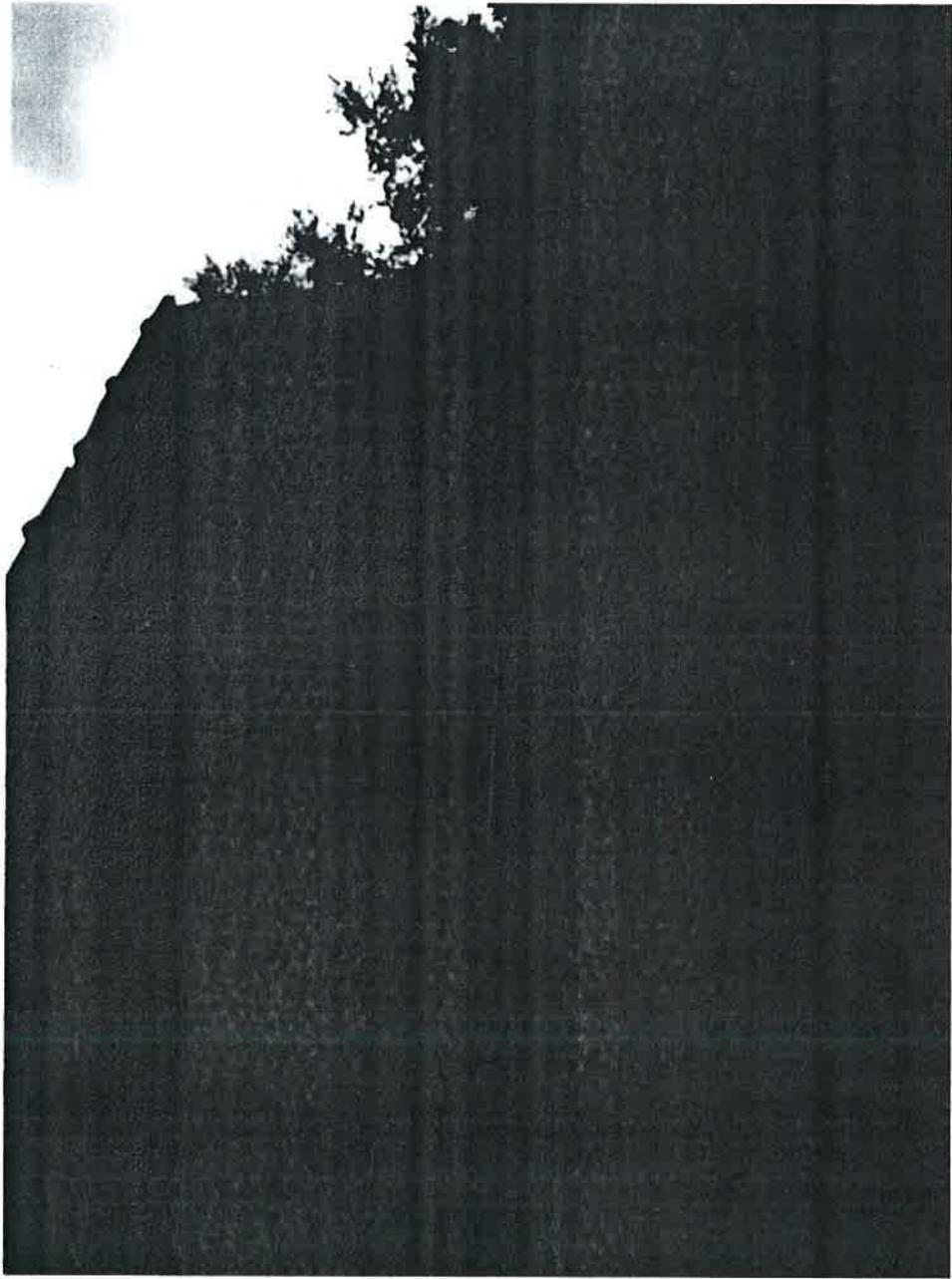
1. No Certificate of Occupancy will be issued until all requirements of this section have been met.
2. Compliance with all applicable local, state and federal regulations, codes, ordinances, and laws.
3. Parking lot and driveway throughout the property is in disrepair. It shall be repaired and then maintained in good condition at all times.
4. Some areas on the sides and back of the building need to be scraped, primed and repainted and maintained in good condition at all times.
5. Pieces of the siding on the front of the building need to be replaced and maintained.
6. Windows are in poor condition, and will need to be repaired to acceptable condition.
7. Front entrance doors including garage doors in poor condition, will need to be repaired to acceptable condition.
8. Tree growing from asphalt in the rear of property must be removed.
9. Dumpster needs to be screened from view of adjoining properties using approved shrubbery or an enclosure in the rear of the building.
10. If inoperable or unlicensed vehicles will be stored on the property, the asphalted storage area at the rear of the building will need to be screened from view.
11. Signage approved under separate permit.
12. Follow all applicable federal, state, and local laws, rules, regulations, and guidelines.

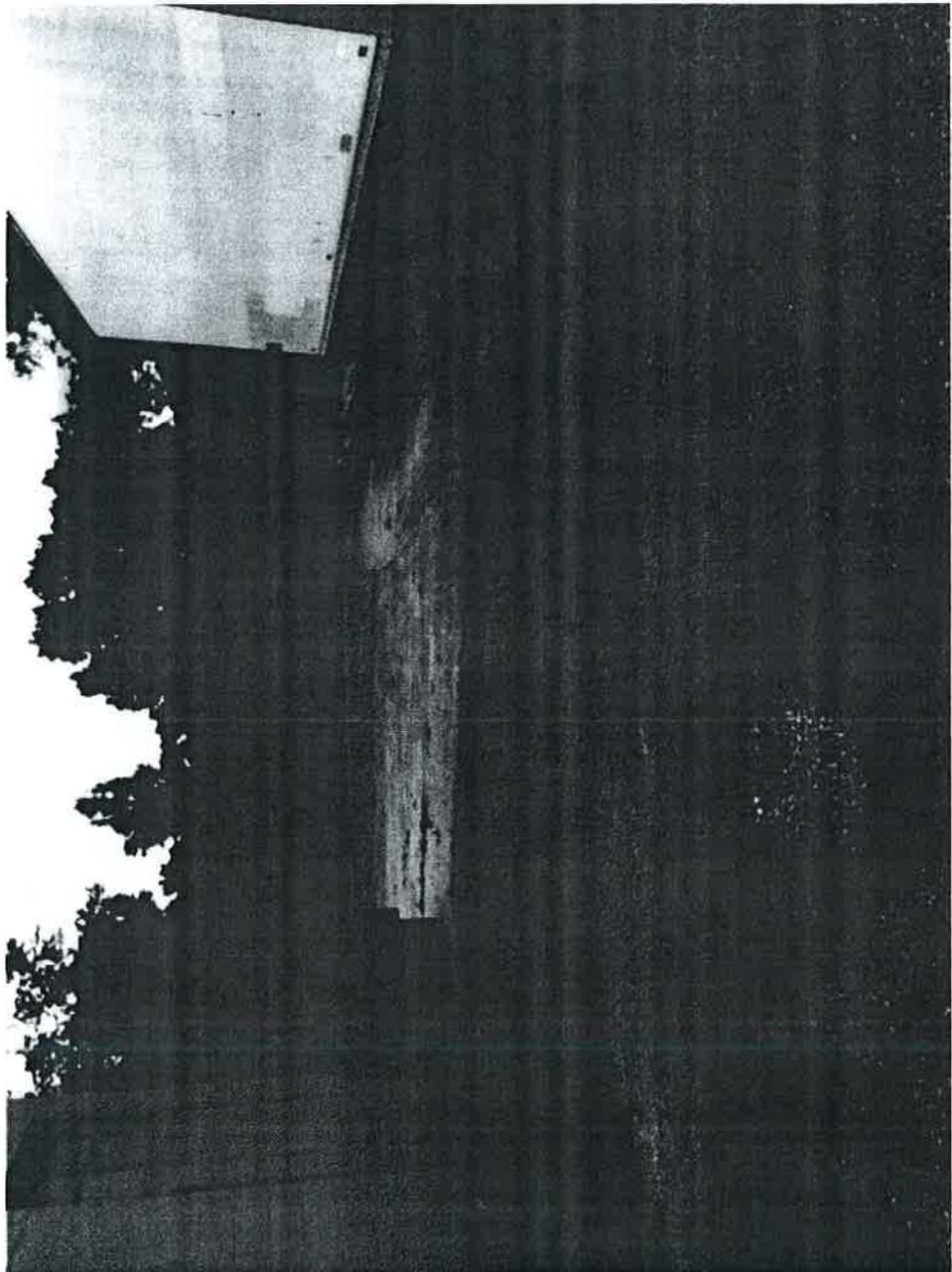














# Staff Report

Community Development  
Planning and Development Services

PZ 2019-08

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: July 11, 2019

Re: Application for Final Plat

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## PLAT APPLICATION SUMMARY

Applicant: Matt Eblen, McClure Engineering, representing RCG Ventures, LLC

Project: The Brywood Centre, Second Plat

Property Location: NW Quadrant of 63<sup>rd</sup> Street and Blue Ridge Cutoff

Request: For approval of a Final Plat replatting Brywood Centre into 7 lots.

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## SITE DATA

Legal Description is attached with Application Supporting Documentation. Entire site being platted is 25.6 acres, all of which, except the northeasternmost segment comprising 1.5 acres, lies in Kansas City Missouri.

<b>Land Use Data</b>	
Surrounding Zoning	South: Neighborhood Commercial
	North: R-3 Multi-Family Residential
	West: Urban Redevelopment (KCMO)
	East: R-1, Single Family Residential
Ward(s)	Ward 1
Approximate Land Area	1.5 Acres

## ZONING AND CURRENT USES OF NEARBY PROPERTY

The following provides an overview of the zoning and existing land uses on properties surrounding the subject area:

	<u>ZONING</u>	<u>EXISTING LAND USES</u>
South:	NC	Offices
North:	R-3	Multi family homes
East:	R-1	Single Family homes
West:	KCMO code UR	Major Commercial



Location of Final Plat, The Brywood Centre, Second Plat

## BACKGROUND

The owners of the Brywood Center Shopping Center in Kansas City are replatting the entirety of the shopping center property, amounting to 25.6 acres, in an effort to revitalize the shopping center by adding more pad sites and a potential big box retail location on the west end of the existing main structure. In the northeast corner of the plat is a 1.5 acre area that is within the city limits of Raytown, thereby requiring approval of the plat by both the Kansas City City Council and the Raytown Board of Aldermen. Kansas City Planning Commission and the City Council have both acted on the plat already and the consultant applicant has submitted the plat as approved by Kansas City for approval by Raytown for our small 1.5 acre portion that is vacant land and directly abuts Blue Ridge Cutoff.

## SITE DESCRIPTION AND PRESENT USE

The property to be platted is approximately 25.6 acres, with all but 1.5 acres of the property located within Kansas City, Missouri. Present use is as the Brywood Shopping Centre, with multiple big and small box retail businesses located in the center, including a Price Chopper and a Planet Fitness. The 1.5 acre portion in Raytown is vacant land.



## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The neighborhood is occupied primarily by retail commercial and office uses. Some multi-family residential exists to the north and some single family residential across Blue Ridge Cutoff to the east.

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## **FINDINGS OF FACT**

### 1. Conformance to the City of Raytown Ordinances

Staff has reviewed the submitted final plat with respect to the City of Raytown Subdivision Regulations (Chapter 36) and Zoning Regulations (Chapter 50). Staff has determined that the final plat does meet City of Raytown regulations as pertains to the 1.5 acres of land actually within Raytown city limits.

### 2. Suitability of the land for subdivision development

The 1.5 acres of the project within Raytown is vacant.

### 3. Consistency with adjoining uses and platted property

The majority of adjoining uses are commercial, office and multi-family. Some single family exists across Blue Ridge Cutoff adjacent to the multi-story State office building.

### 4. Adequacy of public facilities and utilities to serve the proposed development

The site is undeveloped but currently served by public facilities and utilities. The existing public facilities and utilities are adequate for future development per the City Engineer.

### 5. Consideration of planning principles on site including lot layout and topography

The topography of the site does not present any issues. Lot layout is in accordance with sound land-use planning principles and is logical given the existing development and the applicant's primary reason for platting the property.

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## **RECOMMENDATION**

Staff recommends approval of Case No. PZ 2019-08, Final Plat of Brywood Centre, Second Plat, based on the conditions stated below:

1. Place permanent monuments, pins, or markers at all property corners within Raytown City Limits.
2. No public improvements are required per Raytown City Engineer, as sewer already exists at the property and Blue Ridge Cutoff has full right of way width past the frontage of the property in Raytown.
3. Provide statement from Jackson County that all property taxes are paid and current on the entire plat area.



# Staff Report

Community Development  
Planning and Development Services

4. No development permitted on the Raytown portion of the plat before complying with Raytown Zoning Ordinance requirements as contained in Chapter 50 of the Raytown Municipal Code.
5. Submit seven copies of the final subdivision plat of which four will be paper prints and three will be Mylar prints. All seven copies shall carry the original signatures of the owner or owners and acknowledgement by a notary public.

Attachments:

Final Plat, The Brywood Centre, Second Plat

Legal Description

Application

Kansas City, Missouri City Council Staff Report

# FINAL PLAT

## THE BRYWOOD CENTRE, SECOND PLAT

### A REPLAT OF LOT 1, THE BRYWOOD CENTRE AND LOT 5, PRIMM'S ACRES

#### KANSAS CITY AND RAYTOWN, JACKSON COUNTY, MISSOURI

**Description**

This is a reurvey and re-division of all of Lot 1, THE BRYWOOD CENTRE and part of Lot 5, PRIMM'S ACRES, each being subdivisions of land being jointly in Kansas City and partly in the City of Raytown, in Jackson County, Missouri and being more particularly described as follows:

Beginning of the Northwest corner of Lot 1 of above said THE BRYWOOD CENTRE, thence S 87° 23' 25" E, along the north line of said Lot 1, a distance of 1,628.11 feet to the Northwest corner of said Lot 1, being also a point on the West right-of-way line of Blue Ridge Court as here established. Thence Southwesterly along the East line of said Lot 1 and along the Southern extension thereof, being also along the West right-of-way line of said Blue Ridge Court, the following courses and distances, thence S 2° 22' 57" W a distance of 297.00 feet; thence S 11° 05' 10" W a distance of 810.00 feet to the north East, southeast corner of said Lot 1; thence N 87° 23' 25" E along the South line of said Lot 1, departing from the West right-of-way line of said Blue Ridge Court a distance of 190.88 feet; thence S 2° 22' 57" W along the East line of said Lot 1, a distance of 382.65 feet, to the most South, Southeast corner of said Lot 1, being also a point on the North right-of-way line of East 63rd Street; thence as now established, thence Northwesterly along the South line of said Lot 1, being also along the North right-of-way line of East 63rd Street; thence, the following courses and distances, thence S 84° 53' 43" W a distance of 26.58 feet; thence N 87° 13' 10" W a distance of 1,130.22 feet (1,130.37 feet Plat); to the final point, Southeast corner of said Lot 1, being also a point on the Eastern right-of-way line of Blue Ridge Parkway; thence as now established, thence N 31° 50' 42" W, being also along the Westwly line of said Lot 1 and along the Eastern right-of-way line of said Blue Ridge Parkway Drive, a distance of 178.14 feet; thence N 87° 13' 10" W along the South line of said Lot 1, being also along the Eastern right-of-way line of said Blue Ridge Parkway Drive, a distance of 78.71 feet, to the most West, Southeast corner of said Lot 1, being also a point on the East right-of-way line of Blue Ridge Parkway as now established; thence N 2° 00' 55" E along the West line of said Lot 1, being also along the East right-of-way line of said South Avenue, a distance of 354.37 feet to the Point of Beginning.

Containing 1,117,224 square feet or 25.648 acres, more or less.

**Dedication**

The undersigned grantor of the above described tract of land has caused the same to be dedicated in the manner in which is shown on the accompanying plat, which subdivision shall hereafter be known as "THE BRYWOOD CENTRE, SECOND PLAT".

Owner: KCS-Brywood Owner, LLC, a Delaware limited liability company.

By \_\_\_\_\_  
Mark Worley, President  
County of \_\_\_\_\_  
State of \_\_\_\_\_

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_ in the year 2019 before me \_\_\_\_\_ (Name of Notary, a Notary Public, in and for said state, personally appeared Mark Worley, the President of KCS-Brywood Fund # 2, LLC, the general partner of KCS-Brywood Fund # 2, LLC, the general partner of KCS-Brywood Fund # 2, LLC, the manager of KCS-Brywood Fund # 2, LLC, the manager of KCS-Brywood Fund # 2, LLC, the manager of KCS-Brywood Fund # 2, LLC, known to me to be the person who executed the within first part in behalf of said limited liability company and acknowledged to me that he or she executed the same for the purposes therein stated.

AN INWESS WITNESS, I have hereunto set my hand and affixed my official seal the day and year first above written.

By \_\_\_\_\_  
Notary Public

**KANSAS CITY, MISSOURI**

**RIGHT OF ENTRANCE:** The right of entrance and egress in travel using any street or drive within the boundaries of the property is hereby granted to Kansas City, Missouri, for the purpose of fire and police protection, maintenance of water mains, sanitary and storm sewer lines, collection of garbage and refuse and to the United States Postal Service for the delivery of mail provided, however, such right of ingress and egress does not include any obligation to contribute for any damage to any private street or drive by virtue of the exercise of the rights stated herein and specifically, neither Kansas City, Missouri nor the U.S. Postal Service shall incur any liability by virtue of the exercise of such rights.

**STREET DEDICATION:** Streets shown hereon and not herebefore dedicated for public use as street right-of-way are hereby dedicated.

**CROSS ACCESS:** The right of ingress-egress between Lots 1 through 7 is hereby granted.

Approved by the Kansas City, Missouri City Plan Commission, this 18th day of April, 2019.  
Approved by the Kansas City, Missouri Public Works Department, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Director: Sherri K. McIntyre, P.E.  
Approved by Kansas City, Missouri Council  
This is to certify that the within plat was duly submitted to and approved by the Council of Kansas City, Missouri, by Ordinance No. \_\_\_\_\_, July 1, 2019.

Mayor: Stewart "Stu" James, Jr.  
City Clerk: Marilyn Sanders  
Jackson County US Department

**CITY OF RAYTOWN, MISSOURI**

**BUILDING LINES:** Building lines or setback lines are hereby established, as shown on the accompanying plat, and to continue in portion thereof that be coveil between this line and the lot line nearest thereto.

**RIGHT OF ENTRANCE:** The right of entrance and egress in travel using any street or drive within the boundaries of the property is hereby granted to the City of Raytown, Missouri, for the purpose of fire and police protection, maintenance of water mains, sanitary and storm sewer lines, collection of garbage and refuse and to the United States Postal Service for the delivery of mail provided, however, such right of ingress and egress does not include any obligation to contribute for any damage to any private street or drive by virtue of the exercise of the rights stated herein and specifically, neither the City of Raytown, Missouri nor the U.S. Postal Service shall incur any liability by virtue of the exercise of such rights.

This is to certify that the within plat was duly submitted to and approved by the Mayor and Board of Aldermen of the City of Raytown, Missouri duly authorized on passed this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Ordinance \_\_\_\_\_.

Mayor: Mike McDonough  
After approval of the Final Plat, but prior to the signature by the City Clerk of maintaining City and County records specific assessments on all property within the proposed subdivision shall be satisfied.  
City Clerk: Karen Mosey  
Planning and Zoning Commission Chairman: Kevin Wilson  
Director of Community Development: Tim Hightower  
Planning and Zoning Commission Secretary: Dee Ann Stock

**GENERAL NOTES**  
The bearings shown hereon are based on the first part of THE BRYWOOD CENTRE.  
Coordinate information shown hereon are State Plane Missouri Blue Zone NAD83 U.S. Survey Feet Coordinates, based on GRS observation using the MOSES Network: CAP098900409.

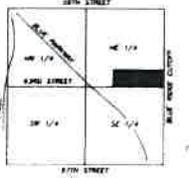
MUSGRAVE SYSTEM 44-21 - N to 161 34' W - 0.174 17 to the Point of Beginning of this plat.  
The accuracy standard for this survey is type "Urban".  
Street grades have been previously established.

**FLOOD NOTE:**  
This property lies within Flood Zone R, defined as areas determined to be outside the 100-year annual chance floodplain, as shown on the Flood Insurance Rate Map, prepared by the Federal Emergency Agency's National Flood Insurance Program for Kansas City and the City of Raytown, Jackson County, Missouri, Map Number 31005002000C and dated January 20, 2017.

**AREA TABLE**

LOT #	NET AREA OF LOTS
LOT 1	450,812.22 SQ FT / 10.2971x ACRES
LOT 2	33,915.24 SQ FT / 0.7782x ACRES
LOT 3	28,922.24 SQ FT / 0.6672x ACRES
LOT 4	36,451.84 SQ FT / 0.8374x ACRES
LOT 5	30,425.84 SQ FT / 0.6979x ACRES
LOT 6	21,123.84 SQ FT / 0.4828x ACRES
LOT 7	138,231.20 SQ FT / 3.1484x ACRES

NET Area: 1,110,919.24 SQ FT / 25.5048x ACRES  
Gross Area: 1,117,224.24 SQ FT / 25.6482x ACRES



VICINITY MAP  
SEC 6-48-32

**McCLURE ENGINEERING COMPANY**  
11250 CORPORATE AVENUE  
LENEXA, KANSAS 66219  
(913) 888-1800 www.thereults.com

**SURVEYOR'S CERTIFICATION:** I hereby certify that the plat titled "THE BRYWOOD CENTRE, SECOND PLAT" is a subdivision, is based on an actual field survey made by me or under my direct supervision and that said survey meets or exceeds the current Minimum Standards for Property Surveys as established by the Department of Natural Resources, Division of Geology and Land Survey of the State of Missouri and the Missouri Standards for Property Boundary Surveys established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. I further state that I have complied with the statutes, ordinances and requirements governing the practice of surveying and printing of subdivisions to the best of my professional knowledge and belief.

BY: Steven A. Whitaker, MS, PLS - 21405189220  
McClure Engineering Company, a professional corporation, under the laws of the State of Missouri, Kansas City, Missouri

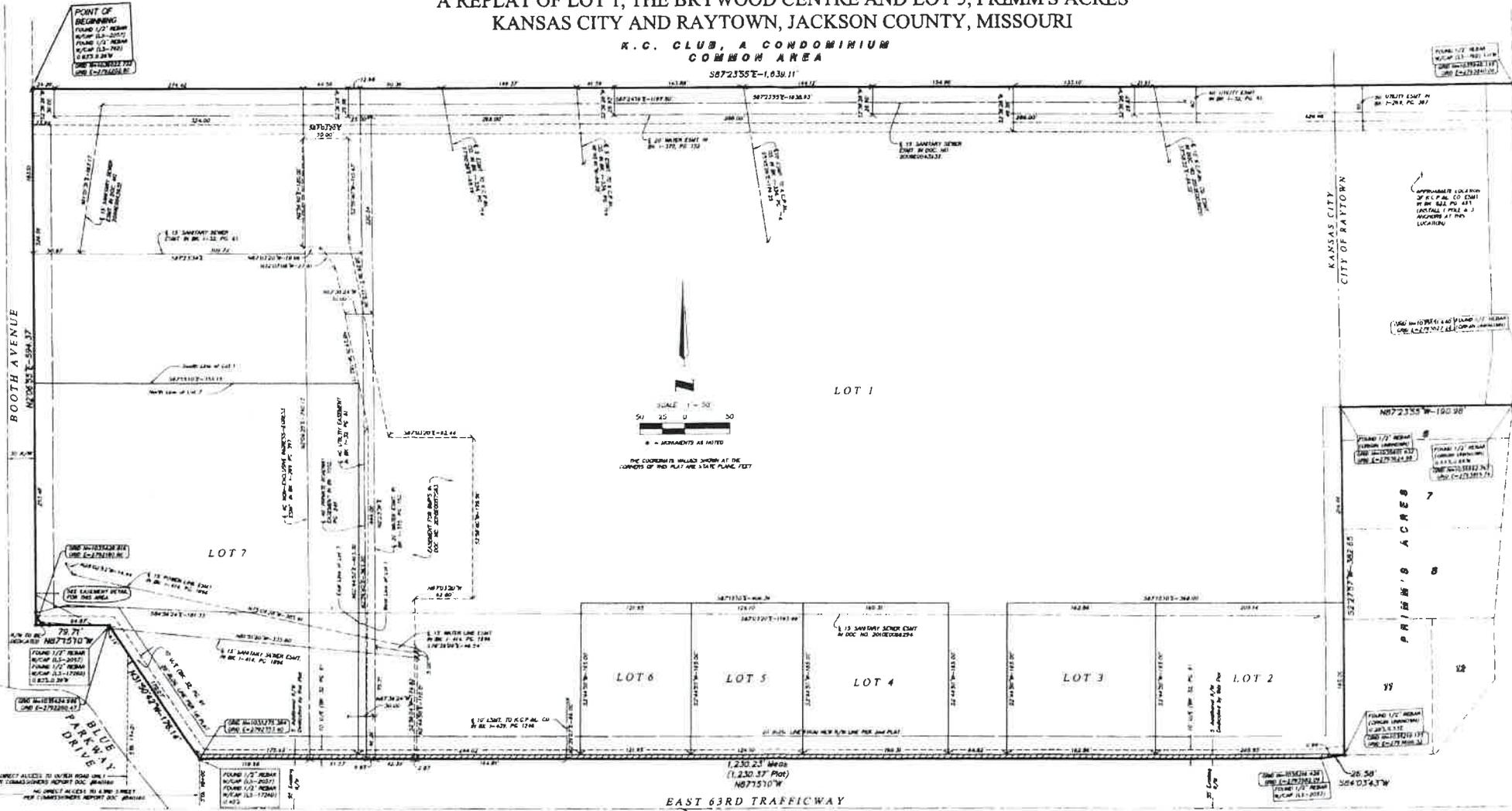
# FINAL PLAT

## THE BRYWOOD CENTRE, SECOND PLAT

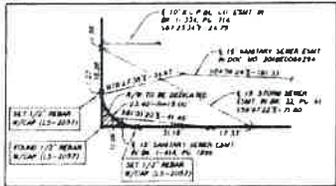
A REPLAT OF LOT 1, THE BRYWOOD CENTRE AND LOT 5, PRIMM'S ACRES  
KANSAS CITY AND RAYTOWN, JACKSON COUNTY, MISSOURI

K.C. CLUB, A CONDOMINIUM  
COMMON AREA

S872355E-1.030 11'



THE COMMON IS CALLED SHOWN AT THE CORNERS OF THIS PLAT AND STATE PLANS 7027



EASEMENT DETAIL  
NO. 1046

REVISED DATE 11/2018  
PROJECT NO. 107386 1700 APRIL 22, 2018 100

OWNER  
RCG-KS Brywood, LLC  
3060 Peachtree Road NW  
Suite 400 Atlanta, GA 30305

### McCLURE ENGINEERING COMPANY

11250 CORPORATE AVENUE  
LENEXA, KANSAS 66219  
(913) 888-7800 www.mccclare.com

**SURVEYOR'S CERTIFICATION:** I hereby certify that the plat shown, THE BRYWOOD CENTRE, SECOND PLAT, submitted to me based on an actual field survey made by me or under my direct supervision and that said plat is correct in accordance with the current Missouri Statutes for Property Surveys as established by the Missouri State Surveyors' Association and the Missouri State Board of Surveyors. I further state that I have complied with the statutes, rules and regulations governing the surveying and plotting of subdivisions to the best of my professional knowledge and belief.

BY  
Steven R. Whelan, MS, PLS, 245202200  
McClure Engineering, a Kansas Limited Liability Company No. 2012201102  
stwhelan@mccclare.com

FINAL PLAT DESCRIPTION OF THE BRYWOOD CENTRE, SECOND PLAT  
A REPLAT OF LOT 1, THE BRYWOOD CENTRE AND LOT 5, PRIMM'S ACRES  
KANSAS CITY AND RAYTOWN, JACKSON COUNTY, MISSOURI

This is a resurvey and re-subdivision of all of Lot 1, THE BRYWOOD CENTRE and part of Lot 5, PRIMM'S ACRES, each being subdivisions of land lying partially in Kansas City and partially in the City of Raytown, all in Jackson County, Missouri and being now more particularly described as follows:

Beginning at the Northwest corner of Lot 1 of aforesaid THE BRYWOOD CENTRE; thence S 87° 23' 55" E, along the North line of said Lot 1, a distance of 1,639.11 feet to the Northeast corner of said Lot 1, being also a point on the West right-of-way line of Blue Ridge Cutoff as now established; thence Southerly along the East line of said Lot 1 and along the Southerly extension thereof, being also along the West right-of-way line of said Blue Ridge Cutoff, the following courses and distances; thence S 2° 27' 57" W, a distance of 297.00 feet; thence S 11° 05' 10" W, a distance of 60.00 feet to the most East, Southeast corner of said Lot 1; thence N 87° 23' 55" W along the South line of said Lot 1, departing from the West right-of-way line of said Blue Ridge Cutoff, a distance of 190.98 feet; thence S 2° 27' 57" W along the East line of said Lot 1, a distance of 382.65 feet, to the most South, Southeast corner of said Lot 1, being also a point on the North right-of-way line of East 63rd Street Trafficway as now established; thence Westerly along the South line of said Lot 1, being also along the North right-of-way line of said East 63rd Street Trafficway, the following courses and distances; thence S 84° 03' 43" W, a distance of 26.58 feet; thence N 87° 15' 10" W, a distance of 1,230.23 feet (1,230.37 feet, Plat) to the most South, Southwest corner of said Lot 1, being also a point on the Easterly right-of-way line of Blue Ridge Parkway Drive as now established; thence N 31° 50' 42" W, being now along the Westerly line of said Lot 1 and along the Easterly right-of-way line of said Blue Ridge Parkway Drive, a distance of 176.14 feet; thence N 87° 15' 10" W along the South line of said Lot 1, being also along the Easterly right-of-way line of said Blue Ridge Parkway Drive, a distance of 79.71 feet, to the most West, Southwest corner of said Lot 1, being also a point on the East right-of-way line of Booth Avenue as now established; thence N 2° 06' 55" E along the West line of said Lot 1, being also along the East right-of-way line of said Booth Avenue, a distance of 594.37 feet to the Point of Beginning.

Containing 1,117,224 square feet or 25.648 acres, more or less.

## City of Raytown Application for Final Plat

1. Name, address and phone number of property owner(s):

RCG Ventures, LLC  
\_\_\_\_\_  
3060 Peachtree Rd NW, Suite 400  
\_\_\_\_\_  
Atlanta, GA 30305  
\_\_\_\_\_  
(404) 816-5454  
\_\_\_\_\_  
(404) 816-5445 -- Fax  
\_\_\_\_\_

3. Name, address and phone number of developer(s):

RCG Ventures, LLC  
\_\_\_\_\_  
3060 Peachtree Rd NW, Suite 400  
\_\_\_\_\_  
Atlanta, GA 30305  
\_\_\_\_\_  
(404) 816-5454  
\_\_\_\_\_  
(404) 816-5445 -- Fax  
\_\_\_\_\_

2. Name, address, phone and fax numbers of engineer(s) or surveyor(s) preparing the plat:

McClure  
\_\_\_\_\_  
11250 Corporate Ave  
\_\_\_\_\_  
Lenexa, KS 66219  
\_\_\_\_\_  
(Survey), (913) 888-7800  
\_\_\_\_\_  
(913) 888-7868 -- Fax  
\_\_\_\_\_

McClure  
\_\_\_\_\_  
1700 Swift Ave, Suite 100  
\_\_\_\_\_  
North Kansas City, MO 64108  
\_\_\_\_\_  
(Engineering), (816) 756-0444  
\_\_\_\_\_  
(816) 756-1763 -- Fax  
\_\_\_\_\_

4. Legal description of the land to be subdivided (please attach a deed showing the legal description and the ownership of the tract(s) on a separate sheet).

See attached -

5. Approximate street address or location:

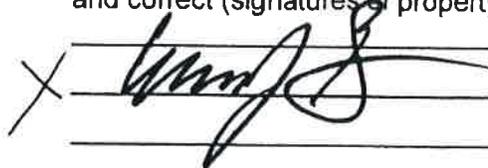
NW Corner of East 63rd Trafficway & Blue Ridge Cutoff  
\_\_\_\_\_  
\_\_\_\_\_

6. Name of proposed subdivision:

Final Plat, The Brywood Centre, Second Plat, a replat of Lot 1, The Brywood Centre and Lot 5, Primm's Acres  
\_\_\_\_\_

Kansas City and Raytown, Jackson County, Missouri  
\_\_\_\_\_

7. We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all the information contained therein is true and correct (signatures of property owners).

X   
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Site Characteristics

A. Total acreage of subdivision:

25.649

E. Total number of lots:

7

B. Acreage this phase (if applicable):

N/A

F. Lots this phase (if applicable):

N/A

C. Current zoning classification:

UR

G. Lot Area

Maximum: 856,872 ft<sup>2</sup> / 19.671 ac

D. Proposed zoning classification (if applicable):

UR

Minimum: 20,123 ft<sup>2</sup> / 0.462 ac

Average: 158,705.6 ft<sup>2</sup> / 3.643 ac

9. Public Improvements N/A--No Public Improvements, Purpose of Updated UR is to separate 1 lot into 7 lots

Public improvements are required for subdivisions of land in Raytown, such as public roadways, sidewalks, water, sanitary sewer, storm sewer, etc. All improvements must be constructed to City standards.

A. Streets:

Classification (local, collector or arterial): \_\_\_\_\_

Proposed surface material: \_\_\_\_\_

Length of roadway: \_\_\_\_\_

Maximum grade: \_\_\_\_\_



How will the configuration of streets in this development fit with the transportation network of Raytown? How will the traffic generated from this development affect the traffic circulation in the area? Explain in detail on separate sheets.

B. Will this development be served by public water? \_\_\_\_\_

C. Will this development be served by public sanitary sewer? \_\_\_\_\_

- D. Will this development be served by public storm sewer? \_\_\_\_\_
- E. Describe the drainage plan for this development, including any easements. Please attach a separate sheet.
- F. Will parkland or green space be dedicated? \_\_\_\_\_

10. Construction Guarantee     N/A--No Public Improvements, Purpose of Updated UR is to separate 1 lot into 7 lots

The City of Raytown Subdivision Regulations offer 4 options for construction of public improvements within the City. Developers must indicate the options elected.

- Option 1: Complete all required public improvements prior to Board of Aldermen final approval and recording of the plat.
- Option 2: Post a performance bond to the benefit of the City in the amount of the remaining construction costs. Bonds are presented to the Board of Aldermen with the final plat.
- Option 3: Enter into an escrow agreement for the remaining construction costs. Escrow agreements are presented to the Board of Aldermen with the final plat.
- Option 4: Delay construction or bonding until final approval, upon which an escrow agreement or performance bond for 110% of the construction costs must be submitted.

**All public improvements must be inspected.** No Certificates of Occupancy will be issued before final approval of the public improvements. Developers must file a maintenance bond for 25% of the cost of construction to run for 2 years before acceptance of the improvements by the Raytown Board of Aldermen.

Option selected for street construction: \_\_\_\_\_

Option selected for sanitary sewer construction: \_\_\_\_\_

Option selected for storm sewer construction: \_\_\_\_\_

Option selected for other construction: \_\_\_\_\_

Option selected for other construction: \_\_\_\_\_

Have construction plans for the improvements been submitted to the Community

Development Department? \_\_\_\_\_





## City Planning & Development Department

Development Management Division

15th Floor, City Hall  
414 East 12th Street  
Kansas City, Missouri 64106-2795

816 513-8801  
Fax 816 513-2838

**CPC STAFF REPORT**

**April 16, 2019**

**(3 a, b & c)**

- RE:**
- a) **CD-CPC-2019-00041 – Brywood UR Development Plan**
  - b) **CP-CPC-2018-00196 – Preliminary Plat, Brywood Center**
  - c) **CLD-FnPlat-2018-01214 – Final Plat, Brywood Center**
- APPLICANT/ AGENT:** Steven Whitaker  
McClure Engineering Company  
11250 Corporate Avenue  
Lenexa, Kansas 66219
- OWNER:** RCG-KS Brywood, LLC  
3060 Peachtree Road NW  
Atlanta, GA 30305
- LOCATION:** Generally located within the cities of Independence and KCMO, generally located on the north side of E. 63rd Trafficway, between Blue Ridge Cut-off on the east and Booth Avenue on the west.
- AREA:** Approximately 26 acres
- REQUESTS:**
- a) **CD-CPC-2019-00041** - To consider rezoning the tract of land from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), for the purpose of amending the UR plan to allow for redevelopment of the existing Brywood Center and construction of up to 290,000 square feet of retail/ commercial development, on 7 lots.
  - b) **CP-CPC-2018-00196 – Preliminary Plat, Brywood Center** - A request to consider approval of Preliminary Plat (Brywood Center) in District UR (Urban Redevelopment), creating seven (7) commercial lots.
  - c) **Case No. CLD-FnPlat-2018-01214 – Final Plat, Brywood** – A request to approve a Final Plat in District UR (Urban Redevelopment creating seven (7) commercial lots.



## Case No. CD-CPC-2019-00041

About 26 acres within the cities of Independence and KCMO, generally located on the north side of E. 63rd Trafficway, between Blue Ridge Cut-off on the east and Booth Avenue on the west, to consider rezoning the tract of land from District UR (Urban Redevelopment) to District UR (Urban Redevelopment) for the purpose of amending the LRP plan to allow for redevelopment of the existing Brywood Center and construction of up to 290,000 square feet of retail commercial development, on 7 lots.

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**SURROUNDING**

**LAND USE:** **North:** zoned 2.5, multifamily residences (The Trails at the Ridge),  
**South:** zoned B3-2, mixed uses commercial/ single family residences.  
**East:** City of Raytown, commercial uses.  
**West:** zoned B2-2, Funky Town KC.

**LAND USE PLAN:** Blue Ridge Area Plan adopted by Resolution No. 170434 on June 15, 2017, recommends Mixed Use Community at this location. The proposed use is consistent with the future land use plan.

**MAJOR STREET PLAN:** East 63<sup>rd</sup> Trafficway is classified by the City's Major Street Plan as a "6 Through Lane Street" with two lanes in each direction and a "Thoroughfare" typology.

**ARTERIAL STREET**

**IMPACT FEE:** Benefit District: F  
(Informational only) To be calculated by the administrator.

**NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED:**

No registered HOA or neighborhood association.

**KEY POINTS:**

As a result of receiving TIF incentives in 2009, the shopping center was rezoned to district UR. The TIF commission has communicated with staff that the proposed amendment and plats comply with the approved TIF plan

**NEARBY DEVELOPMENTS:**

In 2018, the CPC and City Council approved the rezoning and a development plan to allow for a self-storage facility on the west side of Booth Avenue. This project is under permitting.

**PREVIOUS & RELATED CASES:**

**Case No. 6141-UR-11** - Ordinance No. 110448 passed by City Council on June 30, 2011, approved a Council Approved Signage Plan for the Brywood shopping center on approximately 25.68 acres generally located at the northeast corner of Blue Parkway and E 63<sup>rd</sup> Street in District UR (urban redevelopment).

**Case No. 6141-URD-10** – Ordinance No. 090532 passed by City Council on July 9, 2009, rezoned about 26 acres generally located at the northeast corner of Blue Parkway and E 63rd Street from District CP-2 (local planned business center) to District URD (urban redevelopment district), and approved a preliminary development plan to allow the rehabilitation of an existing shopping center to allow a maximum of 285,810 square feet of retail/commercial space. **(Current Approved Development Plan)**

**Case No. 6141-CP-9** – On September 16, 2003 the City Plan Commission approved a final plan generally located at the northwest corner of Blue Ridge Cutoff and 63<sup>rd</sup> E. Street for Brywood Shopping Center in District CP-2 (local planned business center) to remove approximately 6,354 square feet of asphalt

**Case No. 6141-CP-4** – On January 21, 1986 the City Plan Commission approval of final plan in District CP-2 (local planned business center) for Brywood Center to allow a multi-tenant board sign

**Case No. 6141-CP-3** – Ordinance No. 58841, passed January 10, 1986 approved an amendment to a preliminary development plan District CP-2 (local planned business center) generally located at the northeast corner of Blue Parkway and E 63<sup>rd</sup> Street for Brywood Center to permit a multi-tenant board sign

**Case No 6141-CUP-2** – Ordinance 57884, passed May 23, 1985 approved a preliminary Community Unit Project plan generally located north of the Brywood Centre from the Raytown city limits east to Booth Avenue north to approximately E 60<sup>th</sup> Street in District R-3 (low density, low apartments) and approved a development plan for a 320 unit multifamily apartment complex

**The Brywood Centre Final Plat** – Ordinance 41472, passed July 21, 1972 approved a final plat in District CP-2 (local planned business center) creating one 25.19 acre lot generally located at the northeast corner of Blue Parkway and E 63<sup>rd</sup> Street

**Case No. 6141- CP** – Ordinance No. 39860, passed June 14, 1971 rezoned the subject site and additional area immediately to the north from Districts R-1a (one family dwellings) and R-4 (low apartments) to District CP-2 (local planned business center), and approval of a preliminary development plan for the Brywood Center consisting of a total of 209,153 square feet of retail space

### **EXISTING CONDITIONS:**

The subject site is the Brywood Shopping Center generally located in both the city of Raytown and KCMO, and more specifically located on the north side of E. 63rd Trafficway, between Blue Ridge Cut-off on the east and Booth Avenue on the west. The 26 acre Brywood Centre was approved in 1971 allowing for 209,153 square feet of retail space. The current plan was approved by ordinance No. 090532 passed by City Council on July 9, 2009, which rezoned shopping center to District URD and approved a preliminary development plan to allow for 286,000 square feet of retail/commercial development. Current tenants include Price Chopper, Planet Fitness, Golden Beauty Supply, City Gear, Dollar Tree and Modern Nails.

East 63<sup>rd</sup> Trafficway and Booth Avenue are improved with curb, sidewalks and gutter around the perimeter of the site. Access to the site is via the two main existing drives on E. 63<sup>rd</sup> Trafficway and a dedicated access to Blue Ridge Cut-off to the east. There are additional access through the existing bank at the northwest corner of E. 63<sup>rd</sup> Trafficway and Blue Ridge Cut-off. Surrounding land uses include The Trails at the Ridge apartments to the north, commercial uses and existing single family residences to the south. To the east is an office building and a bank within the city limits of Raytown, MO. West of booth is Funky Town KC entertainment venue.

### **SUMMARY OF REQUESTS:**

The developer has filed three companion cases to facilitate the redevelopment of the shopping center. The first case is a request to amend the UR Plan to allow for the proposed uses. The second case is a preliminary to replat the shopping center create additional pad sites and outlots that can be sold for individual developments. The third case is the final plat. The UR amendment is processed as a rezoning from UR to UR and must be approved by the City Council. The preliminary plat can be approved by the Plan Commission as long and the final requires City Council approval.

### **UR PLAN REVIEW & ANALYSIS:**

**Case No. CD-CPC-2019-00041** is a request to rezone about 26 acres within the cities of Independence and KCMO, generally located on the north side of E. 63rd Trafficway, between Blue Ridge Cut-off on the east and Booth Avenue on the west, from District UR (Urban Redevelopment) to District UR (Urban Redevelopment), for the purpose of amending the UR plan to allow for redevelopment of the existing Brywood Center and construction of up to 290,000 square feet of retail commercial development, on 7 lots. In 2009, Ordinance 090532 approved the development plan

for the Brywood Centre in conjunction with a TIF Plan, which allowed for the redevelopment of the Shopping Centre.

The general layout and the proposed uses between the current plan and the proposed plan remain the same. The difference is that the current approved plan was developed and approved as a single lot development. The developer had applied for a preliminary plat to subdivide the existing center which was not in substantial conformance to the current approved plan. This UR plan amendment allows for the same uses and provides the ability to subdivide the sites into 7 lots.

The plan proposes a total project build-out of about 285,000 square feet of building area. The project identifies the following uses and lots:

■ BUILDING AREA			
- ANCHOR 1	8700	PRICE CHOPPER	61,201 S.F.
- ANCHOR 2	8650	AVAILABLE RETAIL	27,795 S.F.
- ANCHOR 3	8656	AVAILABLE RETAIL	12,041 S.F.
- ANCHOR 4		PROPOSED RETAIL	79,850 S.F.
- E1	8662	RENT-A-CENTER	3,569 S.F.
- E4	8666	ADVANCE AMERICA	1,998 S.F.
- E5	8668	AVAILABLE RETAIL	1,998 S.F.
- E6	8670	RAINBOW APPAREL	3,937 S.F.
- F1		AVAILABLE RETAIL	2,618 S.F.
- F2		AVAILABLE RETAIL	1,340 S.F.
- F3		AVAILABLE RETAIL	1,340 S.F.
- F4		AVAILABLE RETAIL	2,474 S.F.
- G1	8672	GOLDEN BEAUTY	14,041 S.F.
- G2		PROPOSED RETAIL	5,592 S.F.
- G3		PROPOSED RETAIL	5,830 S.F.
- H1		PROPOSED RETAIL	3,385 S.F.
- H2		PROPOSED RETAIL	3,981 S.F.
- J1		PROPOSED RETAIL	21,000 S.F.
- REST.	8686	NIECIE'S RESTAURANT	5,119 S.F.
- O/L 1		PROPOSED RESTAURANT	4,240 S.F.
- O/L 2		PROPOSED RESTAURANT	4,240 S.F.
- O/L 3		PROPOSED RESTAURANT	4,240 S.F.
- O/L 4		PROPOSED RESTAURANT	4,240 S.F.
- O/L 5		PROPOSED RETAIL	4,240 S.F.
- O/L 7		PROPOSED RESTAURANT	4,240 S.F.
- TOTAL BUILDING AREA (EXCLUDING MEZZANINE & COMMON AREAS)			284,549 S.F.

The plan proposes to retain the existing parking lot with minor modifications to provide underground detention and some BMP areas. The total parking proposed is 1,399 parking spaces which are in excess of the 1,165 parking spaces required by the zoning and development code. The plan does not show short and long term bicycle parking. Staff recommends that the plan be revised to show and provide the short and long term bicycle parking as required by the code.

The developer submitted a street tree planting plan indicating street trees along public street as recommended by the zoning code. A more detailed landscape plan will be provided at the time of final plan submittal.

**Citywide Planning Division Comments:**

The Blue Ridge Area Plan adopted by Resolution No. 170434 on June 15, 2017, recommends Mixed Use Community at this location. The proposed retail uses would be generally compatible with a Mixed Use Community and Commercial land use designation. The Blue Ridge Area Plan identifies this area as a "Node" and requires special attention to overall location and design of buildings. There are design guidelines outlined in the Blue Ridge Area Plan which should be integrated into the development plan where possible (particularly for the proposed retail/commercial area). Staff recommends that these development guidelines should be incorporated as well during the design and approval of final UR plans for individual project sites. Other additional recommendations that should be considered within the Blue Ridge Area Plan include trails, transit and walkability recommendations, roadway recommendations, urban design (locations of gateways and streetscape improvements), and open space/stormwater management recommendations. These should include:

1. Direct pedestrian connections from E. 63<sup>rd</sup> Trafficway to primary building access points and direct pedestrian connections internally between buildings are needed and should be shown.
2. Buildings should front E. 63<sup>rd</sup> Trafficway and other primary streets to enhance pedestrian access.
3. Trash enclosures should not front or be visible from public streets.
4. Include required bicycle parking and indicate location on plan sheet.

**Design Guidelines:**

The proposed UR plan does not have a supplemental Design Guidelines that addresses development aspects which will include, but not be limited to: building appearance, building materials, roofs and roofing materials, modulations, fenestration, weather protection, design features, illumination, building façade landscaping, RTUs, etc. The revision shall include signage, screening and placement of accessory equipment and structures per staff approval.

Because there is no design guideline, staff recommends that the developer shall submit a Project Plan in lieu of a final UR Plan to the City Plan Commission for approval including site, grading, building elevations, landscaping, lighting and signage. Final plan approval will be required prior to issuance of any building permit. The developer has indicated a willingness to utilize the Blue Ridge Area Plan design guidelines and sustainable elements, including stormwater BMPs, that have been identified within UR development plan.

The submitted plan did not include an overall signage plan. Chapter 88-445-10-A requires that when development plan review is required, signage shall be shown and approved as part of the plan. Staff recommends that all information of the current council approved signage plan be included as part of the revised plan.

#### **PLAT REVIEW & ANALYSIS:**

**Cases Nos. CP-CPC-2018-00196 and CLD-FnPlat-2018-01214** are requests to approve the preliminary and final plats for the replatting of the shopping center. The plat proposes 7 lots. Lot 1 will remain the bulk of the shopping center building with frontage on Blue Ridge Cut-off and Booth Avenue. Lots 2 through 7 are the proposed outlots with frontage on E. 63<sup>rd</sup> Trafficway. The plat also proposes 20 foot building and parking setbacks allowing for a more urban development. There is a recorded reciprocal cross access easement for the shopping center that will be maintained via the final plat. The plat maintains the current access points with slight modifications to the internal network, and provide an east-west drive north of the pad sites.

Lot 1 through 7 will be served by public sewer and water per agreement worked out with the Water Services Department. Lots 2 – 6 will be served by the existing sewer main on the north side of the proposed lots. There is a water main line on the south side of E. 63<sup>rd</sup> Trafficway that will provide water to these lots. The proposed preliminary and final plats meet the requirements of the subdivision regulations and are in general conformance with the accompanying preliminary plan/ plat subject to the recommended correction and conditions.

#### **RECOMMENDATIONS:**

- a) City Planning and Development Staff recommends approval of **Cases No. CD-CPC-2019-00041 and CD-CPC-2018-00196** based on the application, plans, and documents provided for review prior to the hearing and subject to the following conditions:

**Condition Nos. 1. - 4. per City Planning & Development, Development Management Division (Olofu Agbaji, [Olofu.Agbaji@kcmo.org](mailto:Olofu.Agbaji@kcmo.org))**

1. That a pdf file and a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plane coordinate system) of the plans, revised as noted below, be submitted to Development Management staff (15<sup>th</sup> Floor, City Hall) via e-mail of

CompassKC, prior to ordinance request showing:

- a. Consolidate the UR Plan and Preliminary Plat into one plan set.
  - b. Provide the following sheets, existing conditions, proposed site plan, grading and utility plans, preliminary plat, preliminary landscape plan and signage plan.
  - c. Provide detail of the current council approved signage plan as part of the UR plan.
  - d. The short and long term bicycle parking as required by the code.
  - e. Note on the preliminary and final plats that water services for Lots 2-6 must be obtained from the existing water main on the south side of E. 63<sup>rd</sup> Trafficway.
2. That the developer shall submit a Project Plan in lieu of a final UR Plan to the City Plan Commission for approval including site, grading, building elevations, landscaping, lighting and signage. Final plan approval will be required prior to issuance of any building permit. The developer has indicated a willingness to utilize the Blue Ridge Area Plan design guidelines and sustainable elements, including stormwater BMPs, that have been identified within UR development plan.
  3. That the developer submit a street tree planting plan and secure the approval of the City Forester for street trees planted in right of way in front of residential lots prior to Mylar approval of this final plat.
  4. That the developer submit a final plat to be approved by the City of Raytown, MO prior to Mylar approval by the City of Kansas City, MO.

**Condition No. 5. per City Planning & Development, Long Range Planning Department Division (Joseph Blankenship, [joseph.blankenship@kcmo.org](mailto:joseph.blankenship@kcmo.org))**

5. That the plan be revised to include the following:
  - a) Direct pedestrian connections from E. 63<sup>rd</sup> Trafficway to primary building access points and direct pedestrian connections internally between buildings are needed and should be shown.
  - b) Buildings should front E. 63<sup>rd</sup> Trafficway and other primary streets to enhance pedestrian access.
  - c) On the eastern primary entrance off of E. 63<sup>rd</sup> Street Trafficway add a sidewalk on the east side of the drive aisle (adjacent to Lot 3) and continue to primary building in Lot 1.
  - d) Trash enclosures should not front or be visible from public streets.
  - e) Include required bicycle parking and indicate location on plan sheet.

**Condition Nos. 6. through 17. per City Planning & Development, Land Development Division (Lucas Kasper, [lucas.kasper@kcmo.org](mailto:lucas.kasper@kcmo.org))**

6. The developer must subordinate to the City all private interest in the area of any right of way dedication, in accordance with Chapter 88 and as required by the Land Development Division, prior to issuance of any construction permits within said right of way, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
7. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
8. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
9. The developer must grant a [BMP and/or Surface Drainage Easement] to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
10. The developer shall submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
11. The developer must enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.

12. The developer must dedicate additional right of way and provide easements for E. 63rd Trfy as required by the adopted Major Street Plan and/or Chapter 88 so as to provide a minimum of 60 feet of right of way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
13. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting
14. The developer must submit a Macro storm drainage study with the first Plat or Phase, from a Missouri licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including Water Quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit Micro storm drainage study with each subsequent Plat or Phase showing compliance with the approved Macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first as required by the Land Development Division.
15. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right of way dedications for the planned project without the prior written consent of the Land Development Division.
16. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
17. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.

**Condition No. 18. per Water Services Department, Robert Davis,  
[robert.davis@kcmo.org](mailto:robert.davis@kcmo.org).**

18. The developer shall submit a storm drainage analysis, from a Missouri licensed civil engineer, in accordance with the latest adopted version of APWA 5600 standards to ensure no increase in the 10% or 1% rates or volumes, including a BMP level of service analysis per the latest adopted version of the MARC BMP Manual, prior to approval and issuance of any building permits or prior to recording the plat, whichever occurs first, and the developer shall secure permits to construct any improvements as required prior to issuance of any certificate of occupancy.

**Condition Nos. 19. - 21 per Water Services Department (Mark Griffin,  
[mark.griffing@kcmo.org](mailto:mark.griffing@kcmo.org))**

19. Extend, relocate and abandon water and sewer mains as required by the Water Services Department.
20. Provide easements as required by the Water Services Department.
21. Existing easements will not be vacated until new water and sewer mains are in service.

- b) City Planning and Development Staff recommends approval of Case No. CLD-FnPlat-2018-01214 – Final Plat, Brywood Center, Second Plat, based on the application, plans, and documents provided for review prior to the hearing and subject to the following conditions:**

**Condition Nos. 1. & 2. per City Planning & Development, Land Development Division  
(Thomas Holloway, [thomas.holloway@kcmo.org](mailto:thomas.holloway@kcmo.org))**

1. That the plat be revised to show:
  - a. All corrections identified in the Land Development Division final plat checklist.
  - b. Provide Ownership Certificate current within 90 days.
  - c. The City Plan Commission approved date once the plat has been recommended for approval by the City Plan Commission.
2. Further revisions and/or corrections by Land Development Division.

**Condition Nos. 3. - 5. per City Planning & Development, Development Management Division (Olofu Agbaji, [Olofu.Agbaji@kcmo.org](mailto:Olofu.Agbaji@kcmo.org))**

3. That the developer submit a street tree planting plan and secure the approval of the City Forester for street trees planted in right of way in front of residential lots prior to Mylar approval of this final plat.
4. That the developer submit a final plat to be approved by the City of Raytown, MO prior to Mylar approval by the City of Kansas City, MO.

**Condition No. 5. per Water Services Department, Robert Davis, [robert.davis@kcmo.org](mailto:robert.davis@kcmo.org).**

5. The developer shall submit a storm drainage analysis, from a Missouri licensed civil engineer, in accordance with the latest adopted version of APWA 5600 standards to ensure no increase in the 10% or 1% rates or volumes, including a BMP level of service analysis per the latest adopted version of the MARC BMP Manual, prior to approval and issuance of any building permits or prior to recording the plat, whichever occurs first, and the developer shall secure permits to construct any improvements as required prior to issuance of any certificate of occupancy.

**Condition Nos. 7. through 15. per City Planning & Development, Land Development Division (Lucas Kasper, [lucas.kasper@kcmo.org](mailto:lucas.kasper@kcmo.org))**

6. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
7. The developer shall submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, that identifies sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 11/5/2013" and based on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development

Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

8. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
9. The developer must grant a [BMP and/or Surface Drainage Easement] to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
10. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right of way dedications for the planned project without the prior written consent of the Land Development Division.
11. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
12. The developer must enter into a covenant agreement for the maintenance of any stormwater detention area tracts as required by the Land Development Division, prior to recording the plat.
13. The developer must dedicate additional right of way and provide easements for E. 63rd Trfy as required by the adopted Major Street Plan and/or Chapter 88 so as to provide a minimum of 60 feet of right of way as measured from the centerline, along those areas being platted, or seek approval recommendations from the Transportation and Development Committee for any variances requested to the Major Street Plan prior to City Plan Commission approval.
14. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting
15. The developer must subordinate to the City all private interest in the area of any right of way dedication, in accordance with Chapter 88 and as required

CPC Staff Report For Cases  
CD-CPC-2019-00041, CP-CPC-2018-00196 & CLD-FnPlat-2018-01214  
April 16, 2019  
Page 14

by the Land Development Division, prior to issuance of any construction permits within said right of way, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Olofu O. Agbaji". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

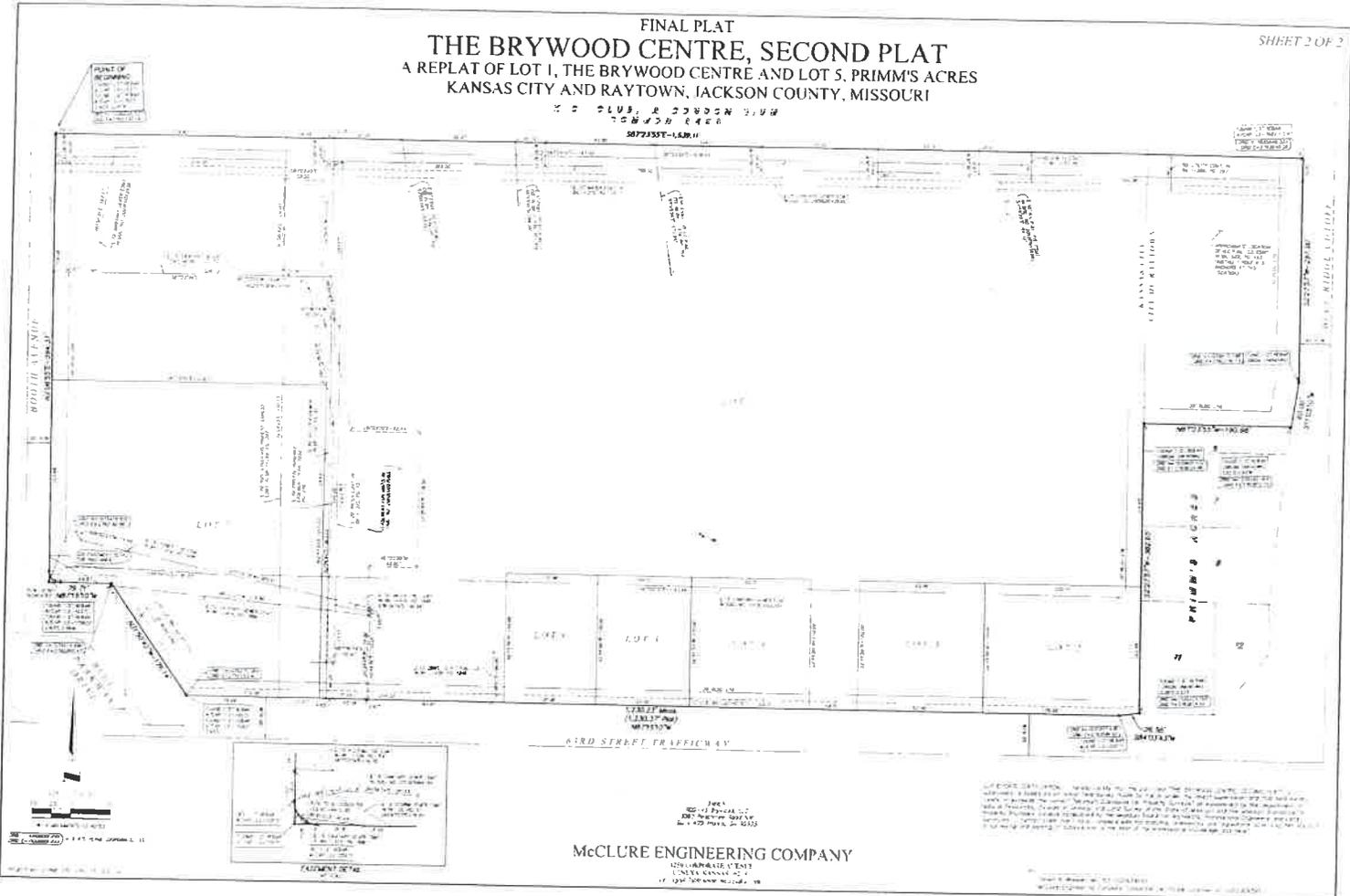
Olofu O. Agbaji  
Planner





FINAL PLAT  
THE BRYWOOD CENTRE, SECOND PLAT  
A REPLAT OF LOT 1, THE BRYWOOD CENTRE AND LOT 5, PRIMM'S ACRES  
KANSAS CITY AND RAYTOWN, JACKSON COUNTY, MISSOURI

TO CLUB, & CONDOMINIUM  
SUPPORT-LEASER



McCLURE ENGINEERING COMPANY

1964  
200 S. BROAD ST.  
KANSAS CITY, MO. 64108

THE ENGINEER'S CERTIFICATE... (Small text block containing legal and technical notes regarding the plat and engineering work.)

THIS PLAT WAS PREPARED... (Small text block at the bottom right corner.)





**PZ 2019-07**

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: July 11, 2019

Re: Application for Conditional Use Permit

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**CONDITIONAL USE PERMIT APPLICATION SUMMARY**

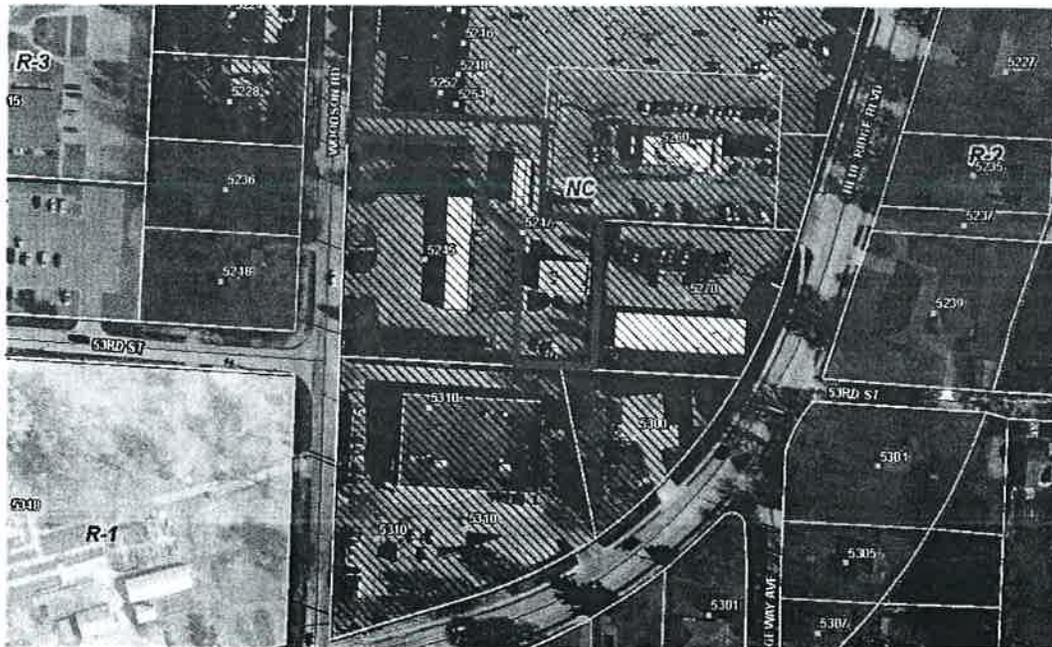
Applicant: Crystal Kent on behalf of Bryan Bosley

Property Owner: Carwash Plaza, LLC

Property Location: 5247 Woodson

Request: Conditional Use Permit approval for Auto Repair (General) use with Limited Vehicle Sales

Crystal Kent is requesting Conditional Use Permit (CUP) approval for an Auto Repair (General) use with Limited Vehicle Sales in a Neighborhood Commercial (NC) zoning district. Per the city's land use table, vehicle repair shops can only be conditionally approved in this zoning district under the category of "Commercial and Retail uses that are not permitted by District Regulations" as "Vehicle Repair, Limited" and "Vehicle Repair, General" are not permitted in this District in any form. Additionally "Vehicle and Equipment Sales" is not permitted either.



**Figure 1 – Surrounding Zoning and Location Map**



# Staff Report

Community Development  
Planning and Development Services

The building was constructed in 2004 and operated under the name of Carwash Plaza Lube and Fuel Outlet until 6/30/15, pursuant to a Conditional Use Permit (Ord. 4862-03, attached) that specifically restricted the activities to those of a Fueling Station and covering the gas pump and quick lube operations being conducted on the property. Then the site operated under the name of Brandon's Automotive until 1-31-17, then as JD's Auto and Detail until Bryan Bosley leased the property for his transmission business, Bosley Automotive, in March, and attempted to acquire a Commercial Use Permit. At this time staff informed Mr. Bosley that he would need a Conditional Use Permit for heavy engine and transmission repair as it was a significant increase in intensity of use over a quick lube shop. Staff did, however, permit the applicant to apply for a Commercial Use Permit for a quick lube level of use similar to that which the original CUP permitted. That Commercial Use Permit process is still open awaiting more signoffs.

## SURROUNDING ZONING AND LAND USES

Property's Zoning Classification	Neighborhood Commercial (NC)
Surrounding Properties' Zoning	Neighborhood Commercial (NC)
Surrounding Overlay	None
Surrounding Land Use	Commercial
Designated Future Land Use	Commercial
Ward	Ward 3
Approximate Land Area	0.67 acres
Roadway Classification	Local

## SITE DESCRIPTION AND PRESENT USE

The building has never been vacant. Business licenses have been valid on the property from 2004 until this year for three different business, all doing automotive-related work from the property. The site has the quick lube building with 2 bays, an office/waiting room, customer and vehicle parking on the south side and to the northwest is the canopy remaining from the gas station that once operated here. The gas pumps are gone now. The applicant is attempting to acquire a business license to continue the automotive use of the property but must first receive a Conditional Use Permit to do so for Vehicle Repair, General, and limited Vehicle and Equipment Sales.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The structure is surrounded by commercial development. On the North side of the structure is a shopping center and a McDonald's Restaurant. To the West of the structure, there is a car wash. To the South is a CVS Pharmacy. To the East is the former Goodyear Tire and Wheel shop that was the subject of a CUP hearing by the Planning Commission last month for Javaid Chaudhri.



# Staff Report

Community Development  
Planning and Development Services

## HISTORY

The building was constructed in 2004 and a CUP was issued for a Fueling Station that was permanent and ran with the land not the operator per the language in the Ordinance. Thus when the quick lube operation ceased around 2015, the use could be continued by another operator, Brandon's Automotive, until January 2017. Then JD's Automotive continued the use until earlier this year when Mr. Bosley leased the property and began operations. He was made aware of the need for a Zoning Permit and a new Conditional Use Permit for transmission work on this property as the intensity of use exceeded what was contemplated by the previous 2004 CUP. Staff has multiple times attempted to get the applicant a zoning permit under the original CUP, for now, for quick lube type work as the new CUP application is pending, but the applicant continues to perform work without a license on the property so we were not able to sign off yet.

## PUBLIC COMMENTS

The public notice was published in *The Daily Record* on June 26, 2019. Public notice letters were sent to property owners within 185 feet of the property by the applicant. The Neighborhood Information Meeting was held on June 26, 2019, and no one showed up. To date, the Community Development Department has received no letters/calls regarding this application.

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## ANALYSIS

Evaluating an application for a conditional use permit requires consideration to be given by the City to the health, safety, morals, comfort and general welfare of the inhabitants of the City, including but not limited to, the following factors.

### 1. Stability and integrity of the various zoning districts

The parcel and all adjacent lots are zoned Neighborhood Commercial (NC). This zoning district is designed to accommodate commercial activities that provide services to residents in the surrounding neighborhoods and do not generally draw from a wide area as a destination business. Auto repair, unless it is a highly regarded, much sought after phenomenon, tends to be neighborhood in character, drawing business from nearby areas. The building is also designed for automotive work, having been a quick lube business. It is the opinion of city staff that the proposed use would maintain the stability and integrity of the Neighborhood Commercial zoning district even if heavier automotive work is performed with appropriate mitigating factors contained in the conditions of approval.

### 2. Conservation of property values

No negative change to neighboring property values is expected. Requirements are being added as conditions of approval. The only impact will be the arrival of a more intense level of auto repair than had been normal for almost 15 years.

### 3. Protection against fire and casualties

Staff has no concerns regarding fire and/or casualties on this project. The structure was built in 2004 to modern code standards and is still in decent repair. Additionally, the building has been inspected already and signed off on as part of the zoning permit process by both the Building Official and the Raytown Fire District.



**4. Observation of general police regulations**

The proposed business is not anticipated to violate any general police regulations.

**5. Prevention of traffic congestion**

The proposed business will not increase traffic congestion above what is normal for the vicinity. With a shopping center and McDonald's Restaurant adjacent, the additional traffic generated by the occasional auto repair customer will be minimal.

**6. Promotion of traffic safety and the orderly parking of motor vehicles**

The proposed business will not affect traffic safety, nor the orderly parking of motor vehicles. Adequate access to the property is presently available from Woodson Road directly and also from the adjoining shopping center parking lot. There is sufficient space to permit some customer parking in addition to space under the fuel canopy to display a few vehicles for sale.

**7. Promotion of the safety of individuals and property**

The proposed business will not affect the safety of individuals or property. The structure is a modern building, and has already been inspected and signed off on by both the Building Official and the Raytown Fire District.

**8. Provision for adequate light and air**

The proposed business will not significantly affect the air quality of the area above what is normal for an automotive repair shop, and should have no additional impact on neighboring properties.

**9. Prevention of overcrowding and excessive intensity of land uses**

The proposed business will not affect the intensity of land uses in the area. The adjacent shopping center is already underutilized from an intensity of use standpoint so the overall effect of this new business will only make the area a bit less underutilized.

**10. Provision for public utilities and schools**

The proposed business will not affect any public utilities or schools but may generate some additional revenue in return. The business will occupy an existing structure already connected to utility services.

**11. Invasion by inappropriate uses**

Staff does not view the proposed business as an inappropriate use at this location. It was an auto repair shop since 2004 and is only being utilized as such now at a higher use level. The accessory limited vehicle sales is typical of many auto repair shops and should not detract from the area.

**12. Value, type and character of existing or authorized improvements and land uses**

The property on which the proposed business would be located is developed. Staff has provided recommended conditions of approval to ensure compliance.

**13. Encouragement of improvements and land uses in keeping with overall planning**

Staff has no concerns regarding the proposed business adhering to overall planning principles if the recommended conditions of approval are adopted.



# Staff Report

Community Development  
Planning and Development Services

## **14. Provision for orderly and proper renewal, development and growth**

The proposed business will not affect the orderly and proper renewal, development or growth of the city. The applicant's use of a building designed for a similar albeit less intense use, combined with the recommended conditions of approval will contribute to the orderly renewal of the city.

---

## **RECOMMENDATION**

Staff recommends approval of Case No. PZ 2019-07 – Conditional Use Permit for an auto repair shop to be located at 5247 Woodson Road with the following conditions to mitigate the impact of the higher intensity of use:

1. The Conditional Use Permit, if approved, shall be limited to the period of the property lease, or to a period to be determined by the Planning Commission. Prior to expiration of the initial CUP period, a Planning Commission review shall be required of the applicant's compliance with CUP standards and these conditions of approval prior to extending the life of the CUP. The applicant shall approach the City to begin the renewal process at least six (6) months prior to expiration of the CUP to ensure sufficient time exists to complete the renewal process.
2. Parking lot and driveway is in varying degrees of disrepair. It shall be repaired and then maintained in good condition at all times.
3. Parking lot shall be properly striped with 9 ft x19.5 ft spaces. Spaces shall include a single handicapped parking space accessible to the main entrance of the building that is 8 ft x 19.5 ft with an 8 ft x 19.5 ft striped unloading zone and shall have a pole sign in front of the space with the international symbol of accessibility and "van accessible" upon it.
4. Accessory limited vehicle sales shall be limited to no more than 6 vehicles at a time, wholly displayed on applicant's property, and not blocking ingress/egress through the property out to Woodson Road.
5. Ensure the entire building exterior is maintained in good condition at all times.
6. All signage shall be issued under separate permit process and shall meet Municipal Code requirements.
7. Existing trash enclosure shall be updated with a proper gate that can be accessed by trash truck and also screen the container from view at all times. This condition may require the property owner to participate if the applicant uses this dumpster, as it is offsite on the adjacent Carwash property owned by the same owner as the subject property. If a separate dumpster is used on the applicant's property, it shall either be placed inside a full gated enclosure accessible to the trash truck or inside a fully screened vehicle storage area.



# Staff Report

Community Development  
Planning and Development Services

8. If unlicensed/inoperable vehicles will be stored on the property, a six (6) foot screening fence shall be required to avoid nuisance enforcement actions. Submit screening plan to City if such a screen is necessary.
9. No Certificate of Occupancy or Commercial Use Permit will be issued until all requirements of this section have been met. The property should not be occupied and used for private or public auto repair until the Commercial Use Permit and/or a Business License to operate are issued, depending on outcome of the Commercial Use Permit process for quick lube operations that is presently open.
10. Compliance with all applicable local, state and federal regulations, codes, ordinances, and laws.

BILL NO. 5699-03 ORDINANCE NO. 4862-03 SECTION NO. X III

1 AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO OPERATE A  
2 FUELING STATION IN DISTRICT NC (NEIGHBORHOOD COMMERCIAL) ON LAND  
3 LOCATED AT 5245 WOODSON, FOR AN UNLIMITED TERM OF YEARS, ALL IN  
4 ACCORDANCE WITH SECTION 20 OF THE COMPREHENSIVE ZONING  
5 REGULATIONS, FOR THE CITY OF RAYTOWN, MISSOURI.  
6

7 WHEREAS, Application No. PZ-2003-006 CUP, submitted by Ed Atchity, on behalf of  
8 Patricia Atchity, requesting a conditional use permit to operate a fueling station in District NC  
9 (Neighborhood Commercial) on land located at 5245 Woodson, was referred to the Planning  
10 Commission to hold a public hearing; and,  
11

12 WHEREAS, after due public notice in the manner prescribed by law, the Planning  
13 Commission held a public hearing for the request on February 6, 2003, and rendered a report to the  
14 Board of Aldermen containing findings of fact and a recommendation that the conditional use permit  
15 be approved; and,  
16

17 WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen  
18 held a public hearing on March 4, 2003, and rendered a decision to grant said conditional use permit.  
19

20 Now therefore, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF  
21 RAYTOWN, MISSOURI, as follows:  
22

23 Section 1. That the application pursuant to Section 20 of the Comprehensive Zoning  
24 Regulations to allow a fueling station in District NC (Section 20-2.01.10) is hereby granted for an  
25 unlimited term of years, with respect to the following described property:  
26

27 All that part of Lot 1, PENDLETON'S BLUE RIDGE PLACE, a subdivision in  
28 Raytown, Jackson County, Missouri, described as follows: Beginning at the Southwest  
29 corner of said Lot 1; thence North 90 degrees 00 minutes 00 seconds East along the South  
30 line of said Lot 1, a distance of 198.91 feet to a point on the South line of said Lot 1,  
31 thence North 00 degrees 00 minutes 00 seconds West a distance of 170.00 feet, thence  
32 North 90 degrees 00 minutes 00 seconds East a distance of 24.89 feet to the southwest  
33 corner of a parcel of land described in Document No. 1-399540, recorded in Book 1-963,  
34 Page 1761 in said Recorder's Office; thence North 00 degrees 03 minutes 00 seconds  
35 East along the West lie of last said parcel of land, a distance of 109.98 feet to the  
36 Northwest corner thereof; thence North 90 degrees 00 minutes 00 seconds West and  
37 parallel to the South line of said Lot 1, a distance of 227.83 feet to a point on the West  
38 line of said Lot 1, said point also being on the East right-of-way line of Woodson  
39 Avenue, as now established; thence South 00 degrees 49 minutes 32 seconds East along  
40 the West line of said Lot 1 and along the East right-of-way of said Woodson Avenue, a  
41 distance of 280.01 feet to the Point of beginning. Containing 58,987 square feet.  
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44 Section 2. That the following conditions of approval apply:

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- h) A change in patterns or phases of development that will impose greater demands on public infrastructure, including streets, storm water or sanitary sewer facilities.
- i) An increase or decrease of any setback by 25% or more, provided that an increase or decrease of one (1) foot or less shall not be considered a substantial change and may be approved by staff, provided that the staff shall document the same in writing, and an increase or decrease of more than one (1) foot but less than 25% may be approved by the Planning Commission.
- j) A decrease of an individual open space area by 10% or more.
- k) The Community Development Director, in his/her sole discretion may determine that changes are significant enough to constitute a "substantial change". If the Community Development Director so determines, the decision shall be rendered in writing.

Section 4. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Comprehensive Zoning Regulations.

Section 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall be in full force and effect from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times, and upon final vote taken the 18 day of March, 2003, was approved by the Board of Aldermen of the City of Raytown, Jackson County, Missouri upon the following vote:







# JACKSON COUNTY JOINT GOVERNMENTAL TAX PAYMENT RECEIPT

RECEIPT NUMBER: 11292703

Page 1 of 1

Entered: 1/22/2019 8:39 AM

Cashier: whittam

Printed By: WEEKELI

Interest Date: 12/31/2018

Drawer: 517

Receipt Applied To:

Property Account No.	Year	District	Amount Applied	Unpaid Balance*	Description
33-920-04-39-00-0-00-000	2018	022	\$9,464.13	\$0.00	A/V Principal- Commercial
	2018	REPL	\$1,443.62	\$0.00	Replacement Tax

**Amount Applied for Tax Year 2018      \$10,907.75      \$0.00      Unpaid Balance Amount for Tax Year 2018**

Agency	Amount
JACKSON COUNTY	\$704.5330
MID-CONTINENT LIBRARY	\$398.1270
RAYTOWN SCHOOL C-II	\$6,349.1356
CITY - RAYTOWN	\$517.2737
FIRE DISTRICT - RAYTOWN	\$1,043.3880
BOARD OF DISABLED SERVICES	\$72.3319
METRO JUNIOR COLLEGE	\$231.5626
MENTAL HEALTH	\$117.6398
REPLACEMENT TAX	\$1,443.6200
STATE BLIND PENSION	\$30.1383

Situs Address: 5247 WOODSON RD, RAYTOWN

Legal Description: PENDLETONS BLUE RIDGE PLACE--PT OF LOT 1 DAF: BEG 198.91' E OF SW COR LOT 1 TH N 90 DEG E 95' TH N 0 DEG W 170' TH S 90 DEG W 70.21' TH N 00 DEG 02 MIN E 109.98' TH N 90 DEG W 227.83' TH S 0 DEG 49 MIN 32 SEC E 33.5' TH N 90 DEG E 12.37' TH N 86 DEG 09 MIN 33 SEC E 119.43' TH S 22 DEG 05 MIN 46 SEC E 85.35' TH S 50 DEG 03 MIN 42 SEC E 50.64' TH S 00 DEG E 142.89' TO POB (KNOWN AS TR 2 ON CERT SUR T-16 PG-88)

**Total Paid on This Receipt:      \$10,907.75**

**Payment was received by interest date.**

Run: 5/13/2019 12:25:10 PM

End of Receipt Number 11292703: 1 Page

[ascend30]

Notes:

**\*Interest and penalty will be assessed on any unpaid balance amount.** The unpaid balance amount shown on this receipt is valid as of time of payment. Changes in the taxable value may alter your unpaid balance amount.

Failure of this payment to clear your financial institution will void this receipt. A returned item fee and late penalty may be assessed. Please verify with your financial institution that this payment has cleared.

**PAYER:**  
CARWASH PLAZA LLC  
5577 BLUE RIDGE BLVD  
RAYTOWN MO 64133

**OWNER:**  
CARWASH PLAZA LLC  
5577 BLUE RIDGE BLVD  
RAYTOWN MO 64133



1999 41829

WARRANTY DEED

THIS DEED, Made and entered into this 17TH day of MAY, 1999, by and between EDWARD J. ATCHITY AND PATRICIA F. ATCHITY, HUSBAND AND WIFE, (the party or parties of the first part, "GRANTOR") AND CARWASH PLAZA, L.L.C., A MISSOURI LIMITED LIABILITY COMPANY, (the party or parties of the second part, "GRANTEE"), in consideration of the sum of Ten Dollars and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does or do by these presents, GRANT, BARGAIN, AND SELL, CONVEY AND CONFIRM, unto the said party or parties of the Second Part, the following described real estate situated in the County of JACKSON, in the State of Missouri, to-wit:

All that part of Lot 1, PENDLETON'S BLUE RIDGE PLACE, a subdivision of land in Raytown, Jackson County, Missouri, described as follows: Beginning at the Southwest corner of said Lot 1, thence North 90 Degrees 00 Minutes 00 Seconds East along the South line of said Lot 1, a distance of 293.91 feet to the Southwest corner of a parcel of land described in Document No. I-746401 recorded in Book I-1634 at Page 1694 in the Office of the Recorder of Deeds for said Jackson County, thence North 0 Degrees 00 Minutes 00 Seconds West along the West line of said parcel of land, a distance of 170.00 feet to the Northwest corner of said parcel of land, said point being on the South line of a parcel of land described in Document No. I-399540 recorded in Book I-963 at Page 1761 in said Recorder's Office; thence North 90 Degrees 00 Minutes 00 Seconds West along the South line of last said parcel of land, a distance of 70.21 feet to the Southwest corner thereof, thence North 0 Degrees 03 Minutes 00 Seconds East along the West line of the said parcel of land, a distance of 109.98 feet, thence North 90 Degrees 00 Minutes 00 Seconds West and parallel to the South line of said Lot 1, a distance of 227.83 feet to a point on the West line of said Lot 1, said point also being on the East right-of-way line of Woodson Avenue as now established, thence South 0 Degrees 49 Minutes 32 Seconds East along the West line of said Lot 1 and along the East right-of-way line of said Woodson Avenue, a distance of 280.01 feet to the point of beginning.

FOR INFORMATION ONLY: The applicant advises the property address to be 4245 Woodson Drive.

GRANTEE'S MAILING ADDRESS: 5577 Blue Ridge Blvd, Raytown, MO 64133

TO HAVE AND TO HOLD the same together with all the rights, immunities, privileges and appurtenances to the same belonging unto the said party or parties of the Second part, and to their heirs and assigns, forever; the said party or parties of the first part here by covenanting that said premises are free and clear of any encumbrances and that said party or parties and THEIR heirs, executors, and administrators of such party or parties shall and will warrant and defend the title to the premises, unto the said party or parties of the second part, and to THEIR heirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever, except for taxes for 1998 and except easements and restrictions of record and in fact.

IN WITNESS WHEREOF, the Grantors have signed THEIR names the day and year first above written.

EDWARD J. ATCHITY

PATRICIA F. ATCHITY

IN THE STATE OF MISSOURI, COUNTY OF JACKSON, On this 17th day of May, 1999, before me, the undersigned, a notary public in and for said County and State, personally appeared EDWARD J. AND PATRICIA F. ATCHITY, HUSBAND AND WIFE, described in and who executed the foregoing instrument, and acknowledged that THEY executed the same as THEIR free act and deed. IN TESTIMONY THEREOF, I have signed my name and affixed my notarial seal.

NOTARY PUBLIC

MY COMMISSION EXPIRES: 02-24-02

GLENNA CHITWOOD
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: Feb. 24, 2002

03/07/2016 03:47:41 PM

INSTRUMENT TYPE: REL FEE: \$24.00 2 PGS



INSTRUMENT NUMBER / BOOK & PAGE

2016E0019711

Robert T. Kelly, Director, Recorder Of Deeds

1197/CL/AS

DEED OF TRUST RELEASE  
(FULL)

This DEED OF TRUST Release Witnesseth, That CENTRAL BANK OF THE MIDWEST F/K/A BANK OF JACOMO, Corporation organized and existing under the laws of the State of Missouri, and having its principal place of Business at 609 N M-291 Highway Lee's Summit, MO 64063, GRANTOR, owner and holder of the note evidencing the debt secured by deed of trust executed by; Carwash Plaza, LLC, whose address is 5247 Woodson Road, Raytown, MO 64133; A Missouri Limited Liability Company; GRANTEE; Dated March 31, 2004 and Recorded April 1, 2004 in the office of the Recorder of Deeds for Jackson County Missouri. INSTRUMENT NUMBER: 200410029694 BK: PG: for value received, does hereby release from the lien and effect of said DEED OF TRUST of the property located in Jackson County, State of Missouri:

Exhibit "A"

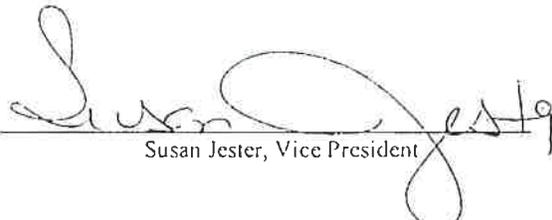
The Real Property address is commonly known as: 5245 Woodson Road (Tract I) & 5247 Woodson Road (Tract II), Raytown, MO 64133.

The Real Property tax identification number is 33-920-04-04-37-03 (Tract I) & 33-920-04-04-37-03 (Tract II)

IN WITNESS WHEREOF, these presents have been executed under the seal of said Corporation, pursuant to due authority, this February 23, 2016



CENTRAL BANK OF THE MIDWEST F/K/A BANK OF JACOMO

By:   
Susan Jester, Vice President

In the State of MISSOURI, County of JACKSON on this 23<sup>rd</sup> day of February, 2016 before me, the undersigned a Notary Public in and for said County and State, Susan Jester, personally known, who being by me duly sworn did say that she is VICE PRESIDENT of Central Bank of the Midwest, the Corporation named in the foregoing deed of release, and that the seal thereto affixed is the Corporate Seal of said Corporation and that said deed of release was signed and sealed in behalf of said Corporation by authority of its Board of Directors and said Susan Jester, Vice President of said Corporation acknowledged said instrument to be the free act and deed of said Corporation.

Witness my hand and notary Seal subscribed and affixed in said County and State, the day and year in this certificate above written.



JACKI ROSS  
My Commission Expires  
November 14, 2016  
Jackson County  
Commission #12414648

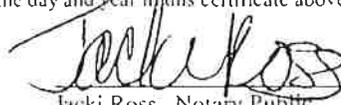
  
Jacki Ross, Notary Public  
My Term Expires: 11-14-16

EXHIBIT "A"

Tract I:

All that part of Lot 1, PENDLETON'S BLUE RIDGE PLACE, a subdivision in Raytown, Jackson County, Missouri, described as follows: Beginning at the Southwest corner of said Lot 1, said point being on the East Right of Way line of Woodson Avenue; thence North 90 degrees 00 minutes 00 seconds East along the South line of said Lot 1, a distance of 196.91 feet to a point on the South line of said Lot 1, said point being 95.00 feet West of the Southeast corner of said Lot 1; thence North 00 degrees 00 minutes 00 seconds West along a line parallel with the East line of said Lot 1, a distance of 142.89 feet; thence North 50 degrees 03 minutes 42 seconds West 5.64 feet; thence North 22 degrees 05 minutes 46 seconds West, 85.35 feet; thence South 86 degrees 09 minutes 33 seconds West, 119.43 feet; thence South 90 degrees 00 minutes 00 seconds West, 12.37 feet to a point on the West line of said Lot 1, said point being 33.50 feet South of the Northwest corner of said Lot 1, and being on the aforementioned East Right of Way line of Woodson Avenue; thence South 00 degrees 49 minutes 32 seconds East along the West line of said Lot 1, and the said East line Right of Way of Woodson Avenue, a distance of 280.01 feet to the point of beginning, said tract of land containing 45,537.705 square feet

Tract II:

All that part of Lot 1, PENDLETON'S BLUE RIDGE PLACE, a subdivision in Raytown, Jackson County, Missouri, described as follows: Commencing at the Southwest corner of said Lot 1; thence North 90 degrees 00 minutes 00 seconds East along the South line of said Lot 1, a distance of 198.91 feet to a point on the South line of said Lot 1, said point being 95.00 feet West of the Southeast corner of said Lot 1, and being that point of beginning; thence North 90 degrees 00 minutes 00 seconds East along the South line of said Lot 1, a distance of 95.00 feet to the Southeast corner of said Lot 1, being the Southwest corner of a parcel of land described in Document No. I-745401, recorded in Book I-1634, at Page 1694 in the Jackson County, Recorder of Deeds Office; thence North 00 degrees 00 minutes 00 seconds West along the West line of the aforementioned parcel 170.00 feet to a point being the Northwest corner of aforesaid parcel, and said point being on the South line of a parcel of land as described in Document No. I-399540, recorded in Book I-963, Page 1761, in Jackson County Recorder of Deeds Office; thence along said South line North 90 degrees 00 minutes 00 seconds West, 70.21 feet; thence North 00 degrees 00 minutes 00 seconds East along the West line of aforementioned parcel 109.98 feet to a point; thence North 90 degrees 00 minutes 00 seconds West, 227.83 feet to a point on the East right of way of Woodson Avenue as now established, said point being on the West line of said Lot 1; thence South 00 degrees 49 minutes 32 seconds West along the said East right of way line and the West line of said Lot 1, a distance of 33.50 feet; thence North 90 degrees 00 minutes 00 seconds East, 12.37 feet; thence North 86 degrees 09 minutes 33 seconds East, 119.43 feet; thence South 22 degrees 05 minutes 45 seconds East 85.35 feet; thence South 50 degrees 03 minutes 42 seconds East, 50.64 feet; thence South 00 degrees 00 minutes 00 seconds East along a line that is parallel with the East line of said Lot 1, a distance of 142.89 feet to the point of beginning, said Tract 2, containing 29,599.567 square feet of land.

Case Number \_\_\_\_\_  
Date Received \_\_\_\_\_  
Map Page \_\_\_\_\_

CITY OF RAYTOWN  
APPLICATION FOR CONDITIONAL USE PERMIT

PART I Background Information

1. This request applies to property at the following address:  
5247 Woodson Rd. Raytown, MO 64133

2. The name(s), address(es), and phone number(s) of the property owners: (As listed on the deed)

Name	Address	Phone
Carwash PLAZA, LLC	5247 Woodson Rd. Raytown MO	<del>816-518</del> 816-589-8144

3. We, the property owner(s), do hereby appoint the following person as our agent during consideration of our request:

Name	Address	Phone/Email
Crystal Kent	10009 E 38th Terr Kansas City, MO 64133	816-745-6873 Crystal.Kent07@gmail.com

4. The property is currently being used for the following purposes:

Active Business Lic. for Auto Repair - Currently N/A - Auto Repair Intentions

5. Zoning classification of the property: NC

6. Specify the use desired for the property: Vehicle Repair - Mechanical - Limited Au sales@

7. Please list all existing structures and their heights located on the property:

Structure	Height
Fueling Canopy - no pumps	
Shop including 2 service Bays and office	

8. We, the undersigned, do hereby authorize the submission of this application and associated documents, and do hereby certify that all the information contained therein is true and correct. (Signatures of property owners)

Carwash Plaza, LLC  
[Signature]

## PART II Conditional Use Permit Information

In considering an application for a conditional use permit, the city shall give consideration to the health, safety, morals, comfort and general welfare of the inhabitants of the city, including but not limited to the following factors:

1. The stability and integrity of the various zoning districts;
2. Conservation of property values;
3. Protection against fire and casualties;
4. Observation of general police regulations;
5. Prevention of traffic congestion;
6. Promotion of traffic safety and the orderly parking of motor vehicles;
7. Promotion of the safety of individuals and property;
8. Provision for adequate light and air;
9. Prevention of overcrowding and excessive intensity of land uses;
10. Provision for public utilities and schools;
11. Invasion by inappropriate uses;
12. Value, type and character of existing or authorized improvements and land uses;
13. Encouragement of improvements and land uses in keeping with overall planning; and
14. Provision for orderly and proper renewal, development and growth.

The information provided by the applicant to the following questions is an opportunity to justify approval of a conditional use permit based on the above listed factors.

If the space provided is not adequate, the applicant may attach additional pages. The applicant is also encouraged to submit any other pertinent information, such as photographs, drawings, maps, statistics, legal documents, and letters of support.

A. The proposed conditional use will be in keeping with the character of the neighborhood because:

We are ~~op~~ an operation that is following the same ~~type~~ type of business as the prior occupants for the past 10+ years. There will be no change in services provided ~~in~~ in the current and active ~~business~~ business's licence issued.

B. The proposed use will be consistent with the uses and zoning on nearby parcels because:

Our operation will follow the same rules of ~~the~~ the zoning because we have ~~a~~ survey adding an easement for access along with no added noise of hazardous materials not already been operated with

C. This property is more suited for the proposed use than its current uses because:

The current use of this property is the same use we are asking to use it for.

D. The proposed conditional use could have the following detrimental effects on nearby parcels:

NONE

E. Prior to submitting this application, the property has been vacant for:

N/A - We took over ~~immediately~~ directly following the end of the prior lease.

F. If the application is denied, the property owner(s) will face the following hardships:

Our business will not be allowed to operate on the property at all because our sole purpose was to do vehicle repair. In a ~~business~~ building with a previous vehicle repair business.

G. Public facilities and utilities are adequate to serve the proposed use as follows:

All utilities are current and active.

H. Additional comments:

## Checklist for Planning and Zoning Commission Applications

This application cannot be processed until each of the following items has been submitted.

Date Completed

- |                |   |
|----------------|---|
| <u>6/14/19</u> | Application fee of \$450.00.  |
| <u>5/13/19</u> | A written and signed certification from the County Treasurer's office that all property taxes for the parcel has been paid. |
| <u>5/13/19</u> | Legal description of the property to which the request applies in an electronic format.                                     |
| <u>5/13/19</u> | Copy of a deed showing ownership.   |
| <u>n/a</u>     | • A site plan indicating information specified for the Site Plan Review Process.  |
| <u>-</u>       | • Traffic Impact Analysis containing information as specified on the attached sheet.  |
| <u>-</u>       | • Storm Drainage Analysis unless waived by Director of Public Works.  |
| <u>-</u>       | • Signage information for any signage to be installed as part of the proposed use.  |

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI  
COUNTY OF JACKSON

} S.S

Before the undersigned Notary Public personally appeared Chanel Jones on behalf of THE DAILY RECORD, KANSAS CITY who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the June 26, 2019 edition and ending with the June 26, 2019 edition, for a total of 1 publications:

06/26/2019

Notice of Public Hearing

The Community Development Department has received an application for a Conditional Use Permit for a general vehicle repair shop with limited vehicle sales for the property at 5247 Woodson Road in Raytown, Missouri.

A public hearing to consider this application will be held by the Raytown Planning & Zoning Commission at 7:00pm on Thursday July 11, 2019.

The Raytown Board of Aldermen will also hold public hearings regarding the above-described application tentatively scheduled for 7:00pm on Tuesday, August 6, 2019 and 7:00pm on Tuesday, August 20, 2019.

All public hearings will take place in the Council Chambers at Raytown City Hall located at 10000 E. 59th St. Raytown, MO 64133.

The public is invited to attend the public hearing to ask questions and provide comment regarding this application. Additional information regarding this application can be obtained from the Department of Community Development located in Raytown City Hall at 10000 East 59th Street, by telephone at (816) 737-6059 or by e-mail at [chrsg@raytown.mo.us](mailto:chrsg@raytown.mo.us).

If you will require any special accommodation (i.e., qualified interpreter, large print, reader, hearing assistance) in order to attend either of these public hearings, please notify the Department of Community Development at Raytown City Hall at (816) 737-6014 no later than 48 hours prior to the applicable public hearing date.

11761381 Jackson Jun. 26, 2019

Chanel Jones

Subscribed & sworn before me this 26th day of Jun, 2019  
(SEAL)

Notary Public



Community Development Department  
10000 East 59<sup>th</sup> Street  
Raytown, Missouri 64133  
(816) 737-6014  
[www.raytown.mo.us](http://www.raytown.mo.us)

21 June, 2019

### **Notice of Public Hearing**

The Community Development Department has received an application for a Conditional Use Permit for a general vehicle repair shop with limited vehicle sales for the property at 5247 Woodson Road in Raytown, Missouri.

A public hearing to consider this application will be held by the Raytown Planning & Zoning Commission **at 7:00pm on Thursday July 11, 2019.**

The Raytown Board of Aldermen will also hold public hearings regarding the above-described application tentatively scheduled for **7:00pm on Tuesday, August 6, 2019 and 7:00pm on Tuesday, August 20, 2019.**

**All public hearings will take place in the Council Chambers at Raytown City Hall located at 10000 E. 59<sup>th</sup> St. Raytown, MO 64133.**

The public is invited to attend the public hearing to ask questions and provide comment regarding this application. Additional information regarding this application can be obtained from the Department of Community Development located in Raytown City Hall at 10000 East 59<sup>th</sup> Street, by telephone at (816) 737-6059 or by e-mail at [chrisg@raytown.mo.us](mailto:chrisg@raytown.mo.us).

If you will require any special accommodation (i.e., qualified interpreter, large print, reader, hearing assistance) in order to attend either of these public hearings, please notify the Department of Community Development at Raytown City Hall at (816) 737-6014 no later than 48 hours prior to the applicable public hearing date.

SELF SERVICE

# CONDITIONAL USE

PUBLIC HEARING AT CITY HALL  
BEFORE PLANNING COMMISSION ON

11-12-2010

2010-11-12 10:54 AM  
SUNSHINE STATE, INC.

RECEIVED  
JUN 19 2019  
BY: *[Signature]*

@ 3:44pm 6/19/2019

BOSLEY AUTOMOTIVE  
5247 WOODSON RD  
RAYTOWN, MO 64133

## NOTIFICATION FOR CONDITIONAL USE PERMIT

A Planning and Zoning hearing will be held at the Raytown City Hall on Thursday, July 11<sup>th</sup> at 7:00 P.M.

There will be an informal neighborhood meeting held on Wednesday, June 26<sup>th</sup> at 1:00 PM in the Raytown City Hall Council Chambers. At this meeting we will explain the conditional use permit. The proposed use will be providing general automotive repair including services that range from simple oil changes to transmission and engine repairs. We will also be providing automotive sales in the near future of our business. Please come by anytime between 1:00 PM and 2:00 PM and let us answer any questions you might have about the automotive repair and sales of our shop.

Thank You

*Crystal Kent*

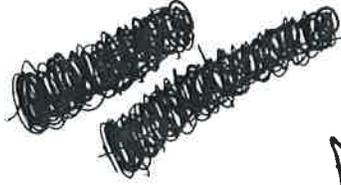
BOSLEY AUTOMOTIVE, LLC

Bryan Bosley/Owner  
Crystal Kent/Manager

NEIGHBORHOOD MEETING

Bryan Bosley

6/26/2019



SIGN - IN

Name

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Attendance  
to  
Record

~ 6/26/19

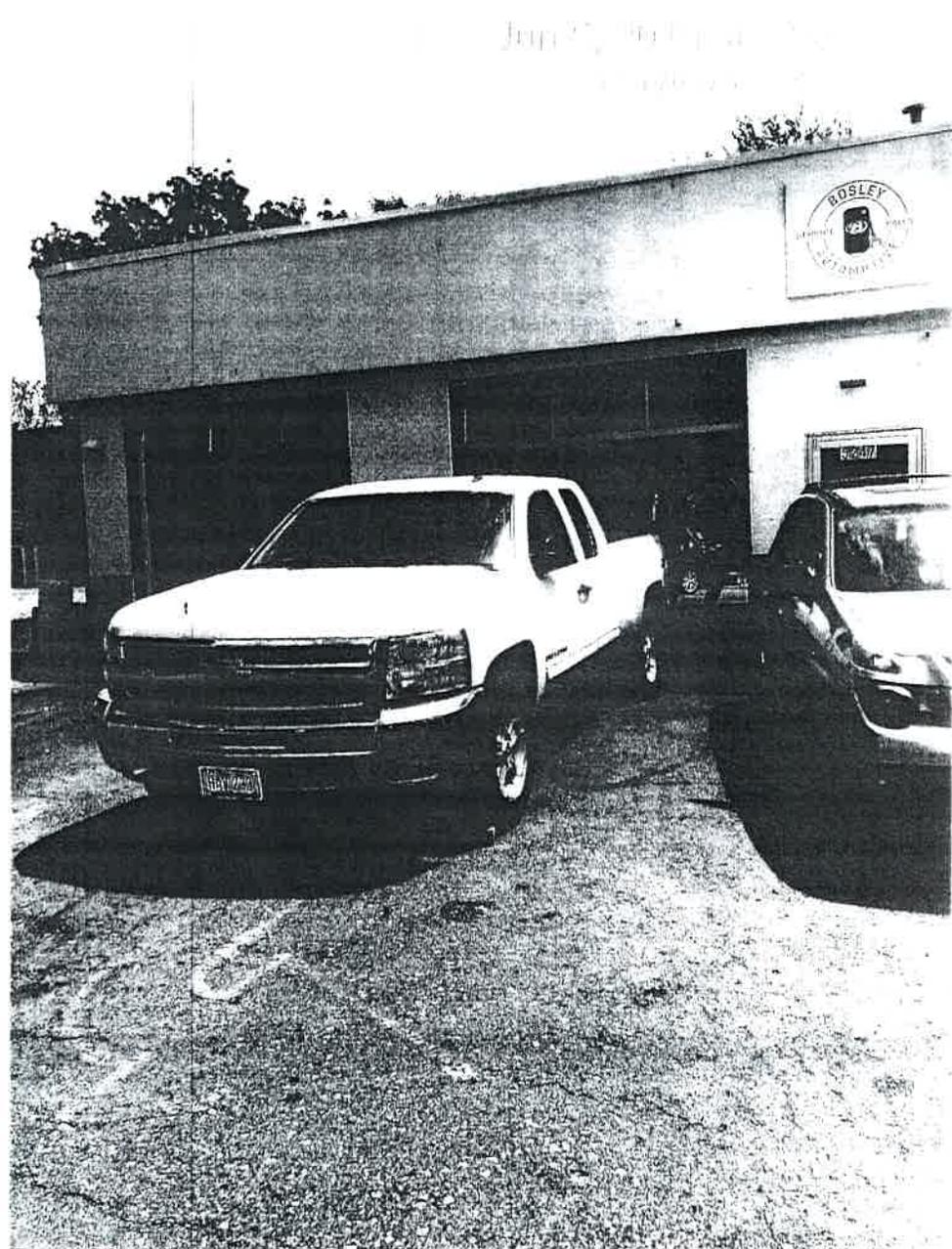
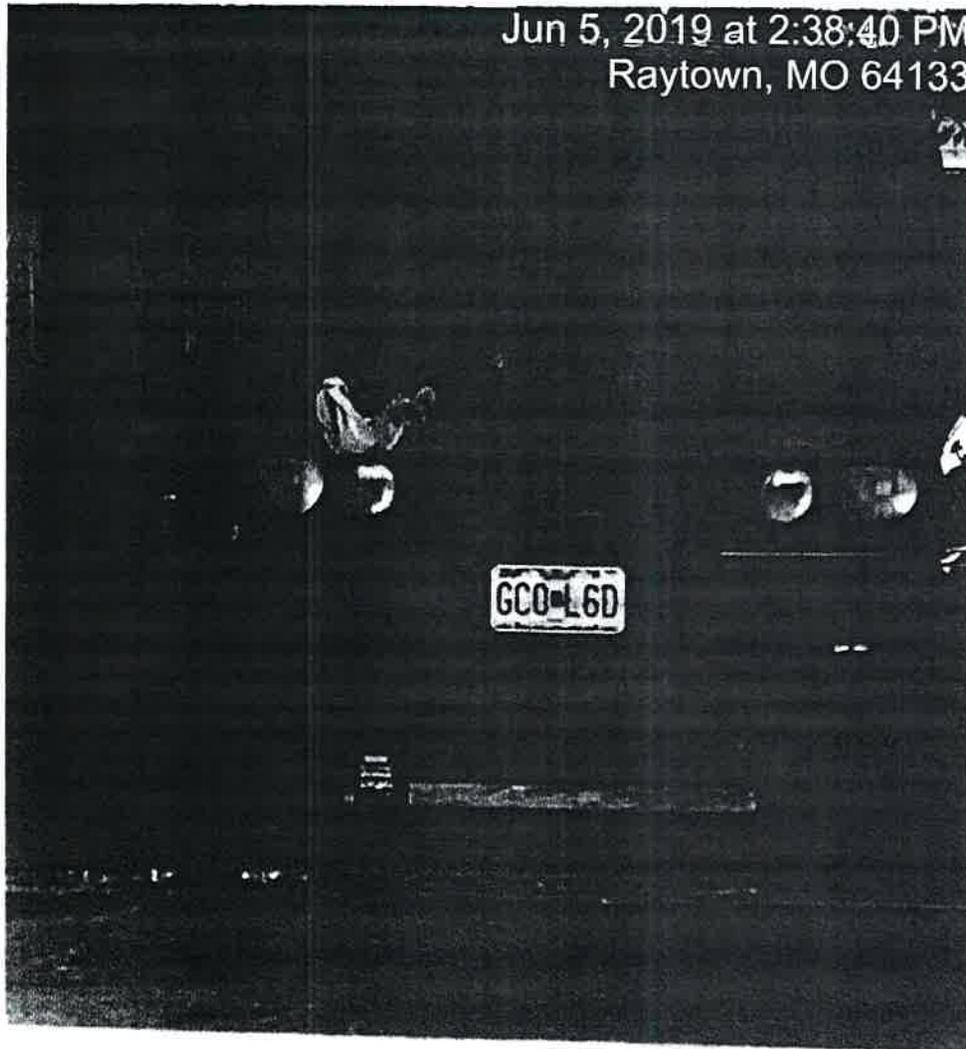
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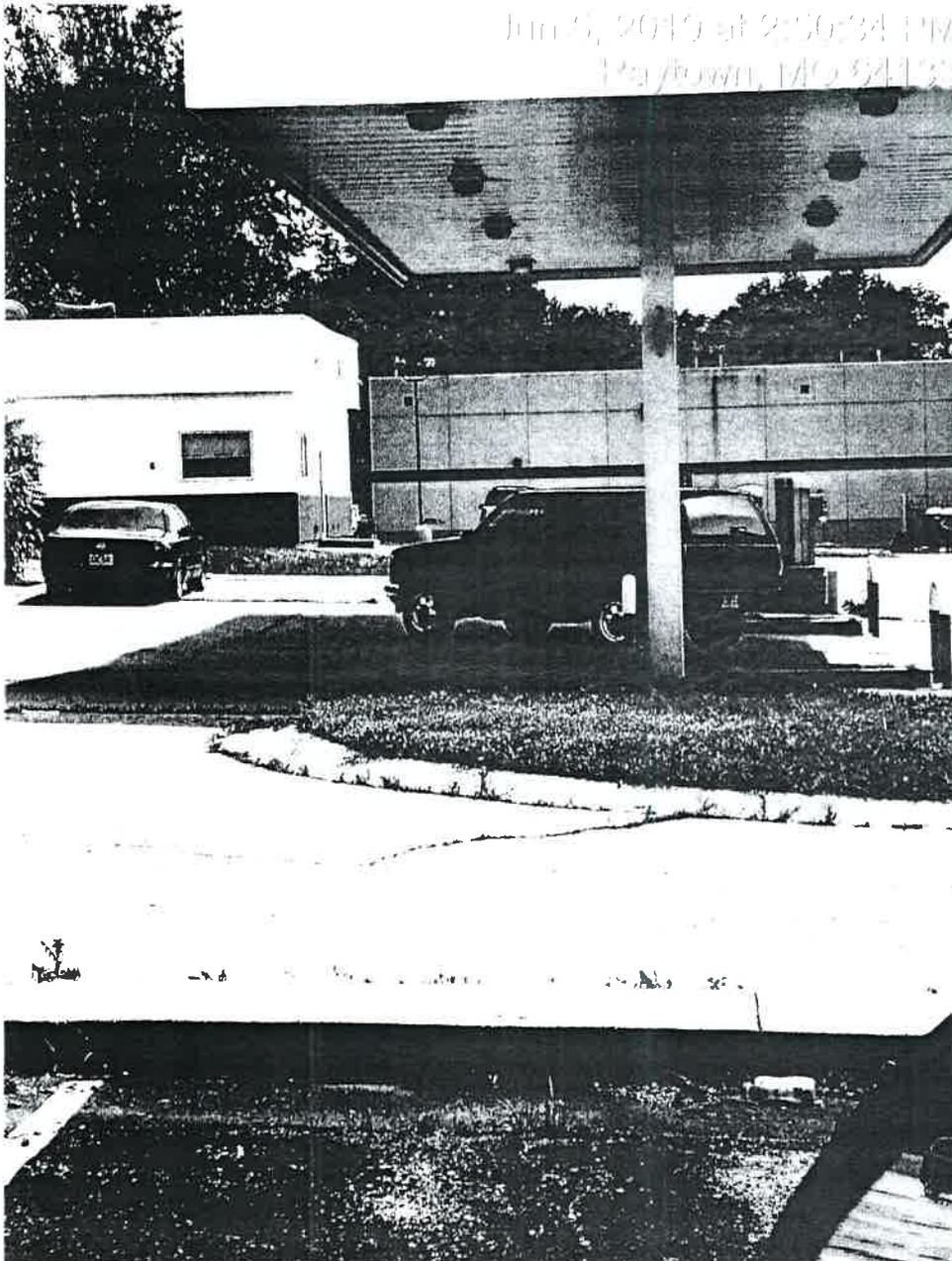
No One  
Showed up  
to Neighborhood  
Meeting

CSG

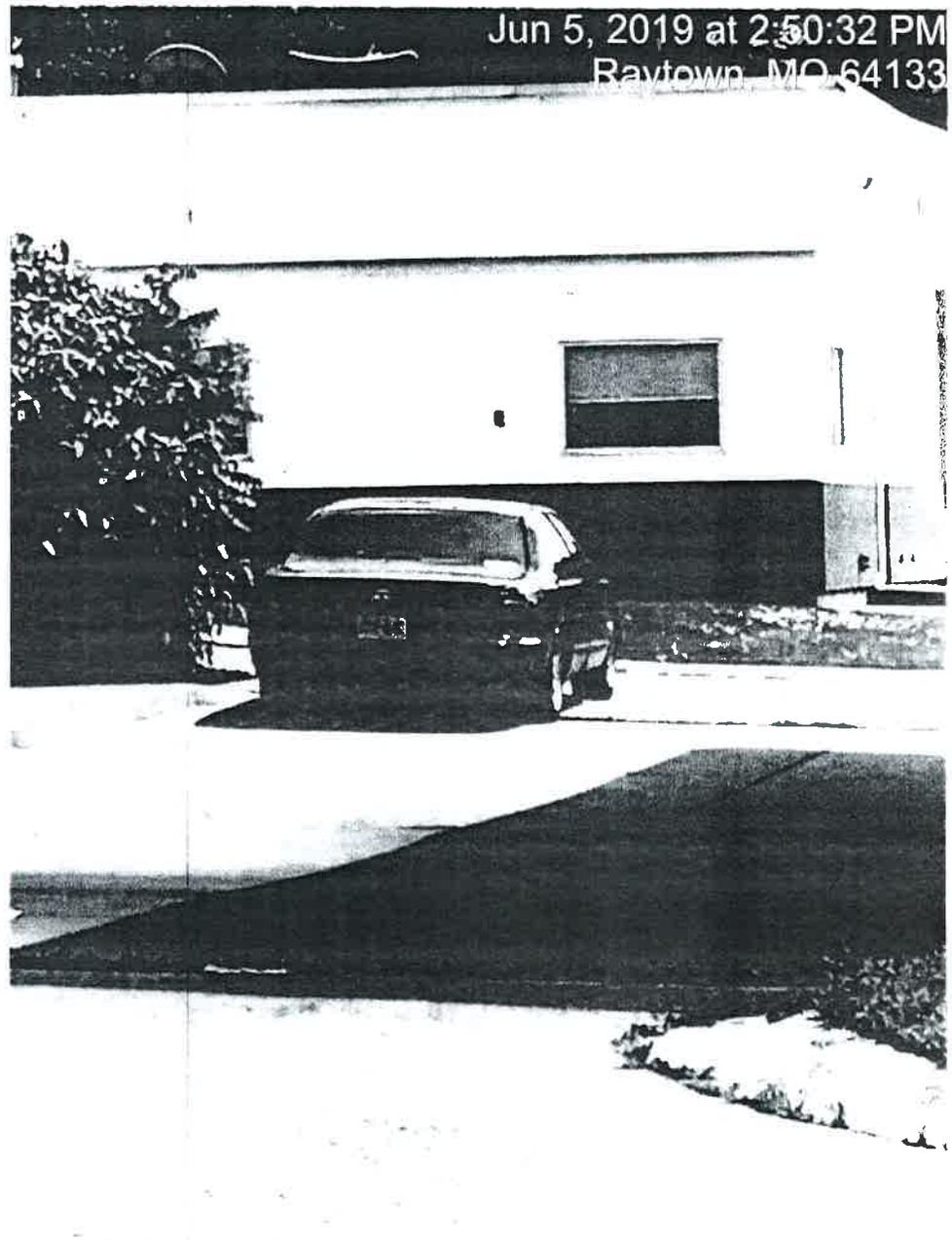
Jun 5, 2019 at 2:38:40 PM  
Raytown, MO 64133



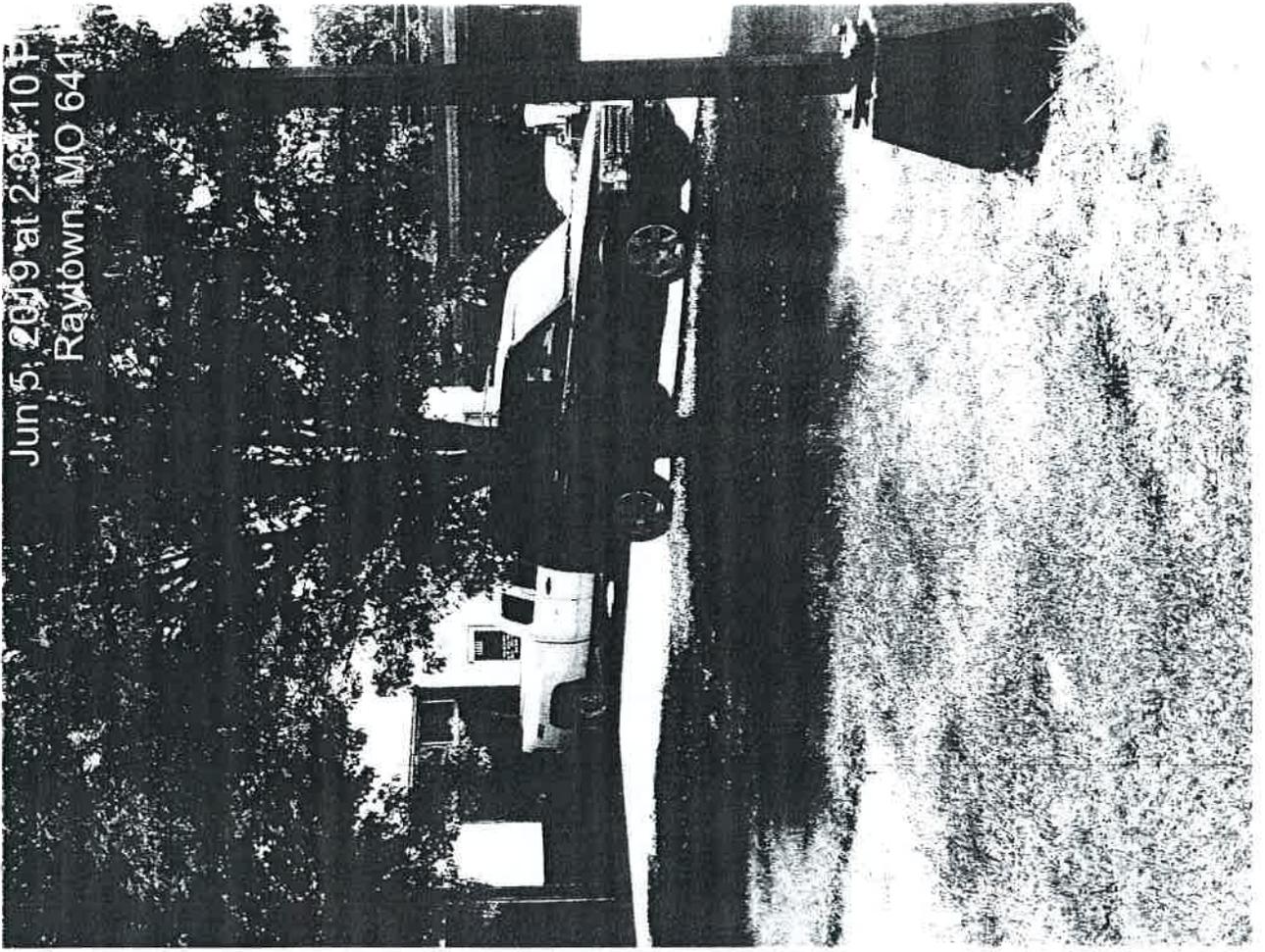
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Raytown, MO 64133



Jun 5, 2019 at 2:50:32 PM  
Raytown, MO 64133



Jun 5, 2019 at 2:34:10 P.  
Raytown, MO 64111



Jun 5, 2019 at 2:33:14 P.  
Raytown, MO 64111

