



To: City Council
From: Planning and Zoning Commission
Date: July 26, 2021
Re: Case #21011: Saddlebrook Subdivision - Preliminary Plat

GENERAL INFORMATION

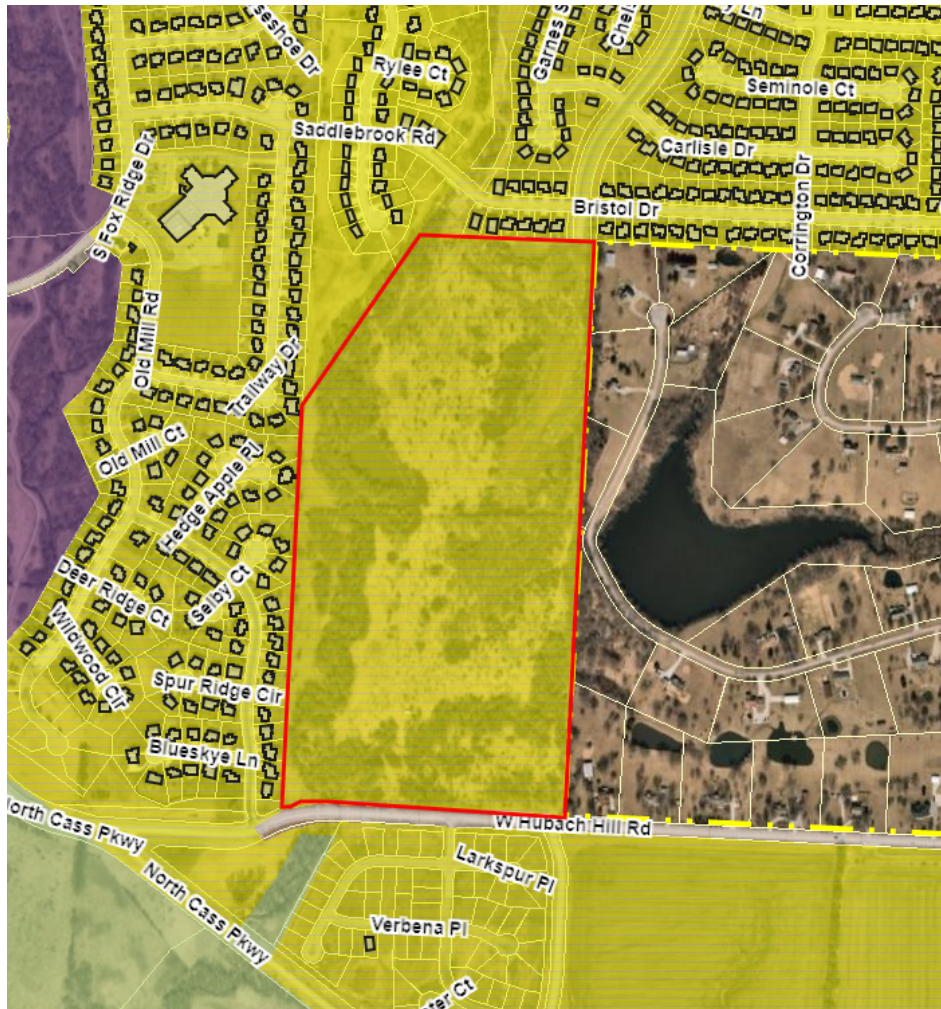
Applicant/Property Owner: Rick Frye
Brookside Builders
803 PCA Road
Warrensburg, MO 64093

Requested Action: Preliminary Plat Approval for 65 acres

Property Location: Generally located north of Hubach Hill Road, east of Stonegate Subdivision



Existing Zoning: "R-1P" Single-Family Residential Planned District



Existing Surrounding Zoning: North: R-1 - Single Family Residential District
R-1P - Single-Family Planned Residential
South: R-1P - Single Family Planned Residential
East: Single Family County Zoning
West: R-1P - Single Family Planned Residential

Total Tract Size: 65 acres

Total Number of Lots: 172 lots & 11 tracts

Legal Description: All of the following described tract of land except the north 600.00 feet thereof:
The East Half of the Southeast Quarter, in Section 20, Township 46, Range 32, in Cass County, Missouri, except the South 22.0 feet thereof, and further except the following described land: A part of the Southeast Quarter of Section 20, Township 46, Range 32, described as follows: Beginning at the Northwest Corner of Lot 34, DUTCHMAN'S ACRES, a subdivision of land in Cass County, Missouri, according to the recorded Plat thereof, of record in Plat Book 6, Page 3; thence West approximately 20 feet to the existing fence line as now located; thence South along the existing fence line to a point that is North 67 degrees 32 minutes West of the Southwest Corner of Lot 33 in said Subdivision; thence South 67 degrees 32 minutes East 10 the Southwest Corner

of said Lot 33; thence North along the West line of Lots 33 and 34 in said subdivision to the Point of Beginning, and further except the following described land: A part of the Southeast Quarter of Section 20, Township 46, Range 32 described as follows: Beginning at the Southwest Corner of Lot 16, DUTCHMAN'S ACRES, a subdivision of land in Cass County, Missouri, according to the recorded Plat thereof, of record in Plat Book 6, Page 3; thence West approximately 22 feet to the existing fence as now located; thence North along the existing fence line to a point that is North 67 degrees 32 minutes West of the Northwest Corner of Lot 32 In said subdivision; thence South 67 degrees 32 minutes East to the said Northwest Corner of said Lot 32; thence South along the West line of said Lots 32 and 16 to the Point of Beginning; and further except the following described land:

Part of the East half of the Southeast Quarter of Section 20, Township 46 North, Range 32 West of the 5th, Principal Meridian, Raymore, Cass County, Missouri, described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence West along the North line of said Southeast Quarter, 782.47 feet more or less to the Southwest corner of a tract of land conveyed in Special Warranty Deed recorded as Document No. 170913 of record in Book 1838, Page 56; thence Southwesterly (South 32 degrees 40 minutes 39 seconds West Deed) on the Southwesterly prolongation of the West line of said tract to the West line of said East half also being the East line of Stonegate of the Good Ranch 3rd Plat, a subdivision of record in said Cass County; thence North along the West line of said East half and along the East line of said Subdivision to the North line of said Southeast Quarter; thence East along said North line to the Point of Beginning.

Growth Management Plan: The Future Land Use Map of the current Growth Management Plan designates this property as appropriate for Low Density Residential.

Major Street Plan: The Major Thoroughfare Plan Map classifies Hubach Hill Road as a Minor Arterial. Brook Parkway is classified as a Minor Collector.

Advertisement: May 27, 2021 **Journal** newspaper
June 17, 2021 **Journal** newspaper

Good Neighbor: May 19, 2021

Public Hearing: June 15, 2021 Planning Commission meeting
July 12, 2021 City Council

Items of Record: **Exhibit 1. Mailed Notices to Adjoining Property Owner**
Exhibit 2. Notice of Publication
Exhibit 3. Unified Development Code
Exhibit 4. Application
Exhibit 5. Growth Management Plan
Exhibit 6. Staff Report
Exhibit 7. Preliminary Plat
Additional exhibits as presented during hearing

PRELIMINARY PLAT REQUIREMENTS

The following section of the Unified Development Code is applicable to this application:

Section 470.110: Preliminary Plats

A. Applications

1. An application for a preliminary plat may be obtained from the Community Development Director. The application must be completed in its entirety in accordance with Section 470.010C and submitted at least 60 days prior to the date of the meeting where it will be considered.
2. For property in commercial or industrial zoning districts, the application must be submitted at least 30 days prior to the date of the meeting.

B. Memorandum of Understanding

A Memorandum of Understanding (MOU) may be required by the City for any preliminary plat application request.

C. Procedure

1. Pre-Application Conference

Prior to filing an application for a preliminary plat, the applicant must attend a pre-application conference in accordance with Section 470.010B.

2. Development Review Committee and Other Agency Review

a. Upon receipt of a complete application, the Community Development Director will distribute copies of the preliminary plat and supportive information to the Development Review Committee. The application will be reviewed by the Development Review Committee for compliance with applicable regulations of this Code.

b. The Community Development Director will also distribute copies of the preliminary plat to the following governmental agencies, departments, and other persons as may be deemed appropriate for the particular proposed subdivision:

- (1) Fire District;
- (2) Police Department;
- (3) School District;
- (4) State Highway Department (if the subdivision is adjacent to a State Highway); and
- (5) any utility companies providing gas, electric or telephone service in or near the subdivision.

c. The agencies, departments and persons identified in this section will have a minimum of 10 working days to review the preliminary plat and to make their report and recommendations to the Planning and Zoning Commission.

d. If a report has not been returned to the office of the Community Development Director within 10 working days after receiving a plat for review, the proposed plat will be deemed to be in conformance with the laws, rules or policies of the reviewing agency or department.

3. Planning and Zoning Commission Public Hearing

All proposed preliminary plats must be submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission will hold a public hearing on the application in accordance with Section 470.010E

4. Planning and Zoning Commission Recommendation

- a.** The Planning and Zoning Commission will consider the preliminary plat within 60 days of its receipt by the Community Development Director, or at the next regular meeting for which the plat may be scheduled.
- b.** The Planning and Zoning Commission will review and consider the reports and recommendations of the agencies, departments and persons to whom the preliminary plat has been submitted for review.
- c.** If the preliminary plat does comply with all requirements, the Planning and Zoning Commission will forward the application to the City Council with a recommendation of approval.
- d.** If the preliminary plat is in general, but not complete compliance, the Planning and Zoning Commission may recommend conditional acceptance of the preliminary plat. The conditions of such acceptance will specify the modifications necessary to achieve full compliance. The Planning and Zoning Commission will forward the application to the City Council with a recommendation of approval, subject to conditions.
- e.** If the preliminary plat is not in compliance with all requirements, the Planning and Zoning Commission will recommend disapproval of the preliminary plat. Within 10 days of its final action, the Planning and Zoning Commission must notify the subdivider in writing of the reasons for its recommendation for disapproval.
- f.** If the preliminary plat is not recommended for approval, the subdivider may modify the preliminary plat and re-submit it to the Planning and Zoning Commission. If the plat is amended and re-submitted within 60 days of the disapproval of the original preliminary plat, no additional filing fee will be required. The Planning and Zoning Commission may reconsider the preliminary plat at a regular meeting for which the plat may be scheduled by the Community Development Director.

5. City Council Public Hearing

The Raymore City Council must hold a public hearing on the application in accordance with Section 470.010E1b through d and E2.

6. City Council Action

- a.** The City Council must consider the request within 60 days of receipt of written recommendation of the Planning and Zoning Commission. Upon receipt of the recommendation of the Planning and Zoning Commission, the City Council must consider the application and may take final action to approve or disapprove it.
- b.** If final action is not taken by the City Council within 120 days after the recommendation of the Planning and Zoning Commission is submitted to it, the preliminary plat will be deemed to have been defeated and denied, unless the applicant has consented to an extension of this time period. Whenever a preliminary plat is defeated, either by vote of the City Council or by inaction described in this section, such preliminary plat cannot be passed without another public hearing that is noticed in accordance with this chapter.
- c.** If the City Council approves an application, it will adopt a resolution to that effect.

7. Findings of Fact

In its deliberation of a request, the Planning and Zoning Commission and City Council must make findings of fact taking into consideration the following:

- a. the preliminary plat will not adversely affect the appropriate use of neighboring property;
- b. the preliminary plat is in compliance with all applicable regulations of the Unified Development Code, Growth Management Plan, and other City regulations and plans;
- c. the preliminary plat will not impose undue burden upon existing public services and facilities; and
- d. the preliminary plat will make adequate provision to accommodate resulting additional demands which may be imposed upon roads and streets, water supply and storage, storm sewerage, sanitary sewerage, and wastewater treatment without substantially increasing public costs and expenditures.

8. Effect of Approval of Preliminary Plat

a. Approval of the preliminary plat does not constitute final acceptance of the subdivision by the City Council, but will be considered permission to prepare and submit a final plat. Preliminary plat approval will be effective for no more than one year from the date approval was granted unless:

- (1) a final plat application is submitted within one year of the date of preliminary plat approval;
- (2) upon the request of the subdivider, the City Council grants an extension; or
- (3) final plat applications are submitted in accordance with the requirements for staged development of final plats in accordance with Section 470.130E.

b. If preliminary plat approval expires, the preliminary plat must be re-submitted as if no such plat had ever been approved.

9. Extension of Preliminary Plat

An applicant must request that the City Council grant an extension of an approved preliminary plat prior to the expiration date of the preliminary plat. An extension of the preliminary plat can only be requested if it remains unchanged from last acceptance. A request for extension does not require submission of a new application fee or a public hearing

PREVIOUS PLANNING ACTIONS ON OR NEAR THE PROPERTY

1. The subject property was rezoned from “R-1” Single Family Residential District to “R-1P” Single Family Residential Planned District on April 10, 2006. The Planned District allowed for a reduction in the minimum side yard building setback from 10 feet down to 10% of the lot width, with a minimum of 7 feet; and reduced the minimum front yard building setback on the side street for corner lots from 30 feet down to 20 feet.
2. The Brookside South Preliminary Plat was approved for the subject property on May 22, 2006. The Preliminary Plat expired on September 2, 2018.
3. Prairie View of the Good Ranch was rezoned from “A” Agricultural District to “R-1P” Single Family Residential Planned District on October 10, 2005. The

Planned District allowed for a reduction in the minimum lot depth from 120 feet down to 100 feet; allowed for a reduction in the minimum rear yard building setback from 30 feet down to 25 feet; and allowed for a reduction in the minimum side yard building setback from 10 feet down to 8.3 feet.

4. In 2015 the Planned District requirements for Prairie View of the Good Ranch were adjusted as follows: the minimum lot size was reduced from 8,400 square feet down to 7,200 square feet; the minimum lot width was reduced from 70 feet down to 60 feet; the minimum front yard building setback was reduced from 30 feet down to 25 feet; and the minimum side yard building setback was reduced from 8.3 feet down to 6 feet.
5. The Venue of The Good Ranch, a townhome development proposed for the northeast corner of Dean Avenue and North Cass Parkway, was rezoned from "A" Agricultural District to "PUD" Planned Unit Development District, on September 9, 2019. The development will consist of 51 4-unit townhome buildings.
6. A request to reclassify the zoning of the property from R-1P to R-2P in order to allow single and two-family residential dwellings was recommended for denial by the Planning Commission in September 2020. Prior to the public hearing by the City Council the applicant withdrew the application.

GOOD NEIGHBOR INFORMATIONAL MEETING COMMENTS

A Good Neighbor meeting was held on Wednesday May 19, 2021 in Harrelson Hall at Centerview. 15 people attended, including residents of Dutchman Acres in Cass County. Applicant Rick Frye and Project Engineer Shawn Duke also attended to make the presentation and answer questions and concerns. City Planner Katie Jardieu represented City staff. The comments below provide a summary of the meeting:

Shawn Duke began the meeting by briefly explaining the project. Half of the project is creek area and therefore not developable. He is planning to do half of the project area as dwellings similar in size and style to Brookside. The second half that is closer to Hubach Hill Road will be smaller lots but still single-family homes. These are the new starter home or for those looking to downsize. There will be a combination of walk-out basements as well as slab foundation.

Attendees had the following questions regarding the project:

Q: What will the starting price be? They will start at \$350,000 and \$250,000.

Q: What will the lot size be? Lots will be 70 feet to 45 feet wide.

Q: What will the square footage of the homes be? They will be around 1,300 square feet without a basement.

Q: Will there be garages? Yes, they will be a two-car garage.

Q: Will there be an easement between Brookside and the new homes where they back up to one another? No, there will just be the standard utility easement in each yard.

Q: Is this an extension of Brookside? No this will be a separate HOA and separate amenities.

Q: The property is soggy and has flooding issues. Have you done a geotechnical assessment? It is not standard practice in this area to do a geotechnical analysis as the soil is largely the same and rocks are not overly common unless it is a very large structure. The builder will need to make sure that there is sufficient load capacity within the soil. The floodplain area has space and we are not building up against it. The width of the house does not affect the structural integrity as the load is still spread out. A narrow house acts the same as a wide house with the same square footage. We are not building in the floodplain. If the floodplain changes that may affect the house but we cannot build for a future scenario. We build to the current City standards and federal guidelines.

Q: Will there be any detention for stormwater? The City has requirements and we will meet them. The pond and stream also act as detention. We have not done detailed construction plans yet to fully lay out stormwater, but in general there will be stormwater controls on the west side particularly since that is where an issue is. Everything is flowing to box culverts at Hubach Hill Road and we will maintain that.

Q: What is the driving factor in building this many lots? The cost of lots increases with the number of improvements that need to be made. There has also been a huge increase in labor and material costs as well as infrastructure.

Q: What is the slope of the area? The area slopes to the north. There is a ridge that juts out as well, acting as a natural barrier to Dutchman Acres..

Q: Will there be 50 different builders or is the developer going to build? There will be 4-5 different builders. The developers may build as well. Developers grade the land

and put in the infrastructure and utilities and then sell the lots to builders who build the homes.

Q: What will traffic look like on Hubach Hill Road? Hubach Hill Road will not be widened. This subdivision and another one across the road were accounted for when improvements were made to Hubach Hill and therefore can accommodate the potential increase in traffic.

Q: Who will maintain the walking trail? The HOA will maintain it.

PARKS AND RECREATION BOARD RECOMMENDATION

As part of the Brookside 10 final plat, which was part of the Brookside South Subdivision, the Parks and Recreation Board agreed to accept the park land dedication of Tract Y in Brookside 10, the construction of the trailhead parking lot along Bristol Drive, and the proposed walking trail from Bristol Drive south to Hubach Hill Road. The requirements for parkland dedication have been met.

STAFF COMMENTS

1. The property has been zoned “R-1P” Single-Family Residential Planned District since April 10, 2006.
2. The property is owned by the same individuals who developed the Brookside Subdivision. The property was initially planned as an extension of the Brookside Subdivision and was referred to as Brookside South. The property owners are now separating the new area from Brookside and refer to the development as Saddlebrook Subdivision.
3. An application for rezoning the property to the “R-1P” Single-Family Residential Planned District, was filed coincident with this preliminary plat. The preliminary plat has been reviewed based on the rezoning application being approved as presented.
4. The uses permitted in the proposed R-1P district are as follows:

Use	R-1P	Use Standard
RESIDENTIAL USES		
Household Living		
Single-family Dwelling, Detached (conventional)	P	
Manufactured Home Residential – Design	S	Section 420.010D
Single-family Dwelling, Attached	–	Section 420.010A
Two-family Dwelling (Duplex)	–	

Multi-family Dwelling (3+ units)	–	Section 420.010A
Apartment Community	–	Section 420.010A
Cluster Residential Development	S	Section 420.010B
Manufactured Home Park	–	Section 420.010C
Employee Living Quarters	–	
Accessory Dwelling, Attached	S	Section 420.050E
Accessory Dwelling, Detached	S	Section 420.050E
Group Living		
Assisted Living	–	
Group Home	S	Section 420.010E
Nursing Care Facility	–	
Transitional Living	–	
Group Living Not Otherwise Classified	C	
PUBLIC AND CIVIC USES		
Cultural Exhibit or Library	C	
Government Buildings and Properties	C	
Place of Public Assembly	C	
Public Safety Services	C	
Religious Assembly	P	

Use	R-1P	Use Standard
School	P	
Utilities		
Major	C	
Minor	P	
COMMERCIAL USES		
Animal Services		
Kennel	–	Section 420.030E
Day Care		
Day Care Home	S	Section 420.030C
Entertainment and Spectator Sports		
Indoor	–	
Outdoor	C	
Funeral and Interment Services		
Cemetery	C	
Funeral Home	–	
Lodging		
Bed and Breakfast	–	Section 420.030H
Medical Marijuana Cultivation Facility	–	Section 420.030N
Sports and Recreation, Participant		
Outdoor	C	
Indoor	–	
OTHER USES		
Accessory Uses	S	Section 420.050
Agricultural Uses		
Farming	–	
Boarding Stables and Riding Schools	–	Section 420.040A
Home Occupation	S	Section 420.040B

Parking		
Accessory Parking	P	
Wireless Communication Facility		Section 420.040C
Colocated	S	

5. A request to modify the development standards of the existing R-1P zoning designation of the property has been filed coincident with the preliminary plat. The proposed “R-1P” district development standards are shown below:

R-1P	
Minimum Lot Area	
square feet	4,500
Minimum Lot Width (feet)	45
Minimum Lot Depth (feet)	100
Yards, Minimum (feet)	
front	30
rear	30
side	5ft
side, corner lot	20
Maximum Building Height (feet)	35
Maximum Building Coverage (%)	40

6. The subject property is located within the territorial area of the Cass County Public Water Supply District #10. The applicant is aware that the entire Saddlebrook Subdivision will be served water by Water District #10.
7. The preliminary plat request was submitted to the administration of the Raymore-Peculiar School District for review and comment. The school district indicated they were “aware of the development and do not feel it would cause a negative impact on our ability to meet the needs of the students”.
8. The preliminary plat request was submitted to the South Metropolitan Fire Protection District for review. No comments were provided.
9. Existing stream buffers throughout the property will be preserved. A high-pressure natural gas line runs parallel to the stream. The stream area acts as a natural buffer of at least 500 feet between proposed homes and the existing Stonegate Subdivision to the west..
10. Sanitary sewer is located to the west along the stream. This interceptor is sized to support the development of the subdivision.
11. Stormwater will be maintained through the stream channel with the flow naturally falling to the southwest. A natural crest in the property along the east side keeps water from reaching Dutchman Acres.

12. The dam located within Dutchman Acres is not regulated by the State of Missouri. Liability for the dam lies with the property owners of Dutchman Acres where the dam is located.
13. Improvements to Hubach Hill Road made in 2010 accounted for the development of this area as single family residential, and therefore has adequate capacity to handle the subdivision traffic.
14. A Memorandum of Understanding (MOU) has been prepared that outlines the responsibilities of the developer.
15. Brook Parkway will connect Brookside Subdivision to Hubach Hill Road and be a minor collector.
16. A playground, open park field, trail and preservation of natural features (including the stream) are amenities to be provided with the development. The MOU identifies the timeline for when all amenities must be constructed.

PLANNING COMMISSION PROPOSED FINDINGS OF FACT

Under Section 470.110 of the Unified Development Code, the Planning and Zoning Commission and City Council is directed concerning its actions in dealing with a preliminary plat request. Under 470.110 (C) (7) the Planning and Zoning Commission and City Council is directed to make findings of fact taking into consideration the following:

1. the preliminary plat will not adversely affect the appropriate use of neighboring property;

The preliminary plat will not adversely affect the appropriate use of neighboring properties. The property has always been intended to be developed for single-family residential use.

2. the preliminary plat is in compliance with all applicable regulations of the Unified Development Code, Growth Management Plan, and other City regulations and plans;

The preliminary plat is in compliance with all applicable regulations of the Unified Development Code, Growth Management Plan, and other City regulations and plans. The proposed lots comply with the development standards for the underlying zoning district, and the proposed land uses are consistent with the Future Land Use Map adopted by the City.

3. the preliminary plat will not impose undue burden upon existing public

services and facilities; and

The preliminary plat will not impose undue burden upon existing public services and facilities. Infrastructure to serve the property has been sized to meet the future demands for service to the property.

4. the preliminary plat will make adequate provision to accommodate resulting additional demands which may be imposed upon roads and streets, water supply and storage, storm sewerage, sanitary sewerage, and wastewater treatment without substantially increasing public costs and expenditures.

There is sufficient capacity in the water and sanitary sewer systems to support full development of the property. The road network was designed to accommodate full development of the property, or is being extended to serve the development.

REVIEW OF INFORMATION AND SCHEDULE

Action
Public Hearing

Planning Commission
June 15, 2021

City Council
July 12, 2021

STAFF RECOMMENDATION

City Staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward case #21011 Saddlebrook Subdivision - Preliminary Plat to the City Council with a recommendation of approval, subject to the following condition:

1. The request to modify the development standards of the existing “R-1P” Single-Family Residential Planned District must be approved by City Council prior to final consideration of the preliminary plat.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its June 15, 2021 meeting, voted 6-3 to accept the staff proposed findings of fact and forward case #21011 Saddlebrook Subdivision - Preliminary Plat to the City Council with a recommendation of approval, subject to the following condition:

1. The request to modify the development standards of the existing “R-1P” Single-Family Residential Planned District must be approved by City Council prior to final consideration of the preliminary plat.

CITY COUNCIL ACTION - 7/12/2021

The City Council, at its July 12, 2021 meeting, voted 8-0 to defer action on the preliminary plat until final action is taken by the Council on July 26, 2021 on the request to modify the development standards of the existing "R-1P" Single-Family Residential Planned District

CITY COUNCIL ACTION - 7/26/2021

The City Council, at its July 26, 2021 meeting, voted 7-1 to accept the Planning and Zoning Commission proposed findings of fact and approved Case #21011 Saddlebrook Subdivision - Preliminary Plat.