

THE **PLANNING AND ZONING COMMISSION** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **TUESDAY, AUGUST 17, 2021**, IN THE COUNCIL ROOM AT RAYMORE CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING COMMISSION MEMBERS PRESENT: CHAIRMAN MATTHEW WIGGINS, ERIC BOWIE, WILLIAM FAULKNER, KELLY FIZER, TOM ENGERT, JIM PETERMANN, MAYOR KRIS TURNBOW, AND MARIO URQUILLA (arrived 7:01pm). ABSENT WAS JEREMY MANSUR. ALSO PRESENT WAS DEVELOPMENT SERVICES DIRECTOR JIM CADORET, CITY ATTORNEY JONATHAN ZERR, DIRECTOR OF PUBLIC WORKS MIKE KRASS, ASSISTANT DIRECTOR OF ENGINEERING TRENT SALSBURY, AND ADMINISTRATIVE ASSISTANT EMILY JORDAN.

1. **Call to Order** – Chairman Wiggins called the meeting to order at 7:00 p.m.
2. **Pledge of Allegiance**
3. **Roll Call** – Roll was taken and Chairman Wiggins declared a quorum present to conduct business.
4. **Personal Appearances** – None
5. **Consent Agenda**

- a. **Approval of the minutes of the July 20, 2021 meeting.**

Motion by Commissioner Faulkner, Seconded by Commissioner Bowie, to approve the consent agenda.

Vote on Motion:

Chairman Wiggins	Aye
Commissioner Faulkner	Aye
Commissioner Bowie	Aye
Commissioner Fizer	Aye
Commissioner Engert	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye
Commissioner Mansur	Absent
Mayor Turnbow	Aye

Motion passed 8-0-0.

6. Unfinished Business - None

7. New Business -

- a. **Case # 21023: Rezoning C-2 to PUD - Southwest corner near Dean Avenue and Lucy Webb Road - Ridgeview Estates (*public hearing*)**

Chairman Wiggins opened the public hearing at 7:02pm.

Jason Maddox with MACO Development Company, 111 N Main St., Clarkton MO 63837, came to the podium to request the rezoning of this property from C-2 to PUD, as well as request approval for the preliminary plan. Mr. Maddox highlighted that the rezoning would apply to about 8 acres just south of Lucy Webb Road and Dean Avenue to allow for the development and construction of 60 affordable, senior multi-family housing units, to be known as Ridgeview Estates. Mr. Maddox stated that there was a voluntary neighborhood meeting with good

feedback and support, as well as the Good Neighbor meeting that the city requires. There has been discussion about how the development would be accessed, and because the City will not allow access from Lucy Webb Road, so it has been determined that the best way to access the development is to extend Prairie Grass Drive to the west into the development. The development would be marketed exclusively to seniors that are 55 and older. Mr. Maddox highlighted the amenities each apartment would include, and described the large community building that would be there for the residents to use that would house a gym and kitchen facilities. The rent is estimated at \$600 per month, and some of the apartments would rent out at \$480. The residents will be responsible for electricity, but the property covers water, sewer, and trash. Mr. Maddox covered the income restrictions for the residents, with a 2 person household allowing up to \$41,000 of household income to qualify for this development, and a single resident is allowed up to \$36,000 in household income. Mr. Maddox stated that there is a very high demand for similar developments previously completed by the developer.

Commissioner Urquilla asked Mr. Maddox if lawn care is provided?

Mr. Maddox commented that yes, lawn care and all maintenance is included in the rent.

Mayor Turnbow asked if the development is income adjusted on the rent? Is this LIHTC (Low Income Housing Tax Credit) housing?

Mr. Maddox replied that yes, this is a LIHTC development, the rents are 60% and 50%, and assured the Commission that this is not Section 8 housing.

Mayor Turnbow asked Mr. Maddox to explain how the funding through the state of Missouri would work?

Mr. Maddox explained that if approved for rezoning, the developers would move forward with an application to the Missouri Housing Development Commission. Based on the other applicants from the state of Missouri, there will be a hearing on October 8th to determine which projects will be selected for funding.

Mayor Turnbow asked Mr. Maddox if they were previously approved for a project in Raymore that was not started behind Price Chopper?

Mr. Maddox mentioned that the developers have not been approved for a different project in Raymore. The project was approved through the City of Raymore, but the project was not granted funding through the state, so the project did not go through.

Mayor Turnbow asked Mr. Maddox to clarify if the project is approved by the state, they will build, and if it is not approved, they will not build.

Mr. Maddox stated that yes, that is correct.

Commissioner Bowie asked Mr. Maddox if they would wait on applying for state funding again until after the case has been heard by the City Council? There is one more step with the City of Raymore before the development can be approved by the state for funding.

Mr. Maddox replied that yes, that is correct.

Development Services Director Jim Cadoret presented the staff report. Mr. Cadoret highlighted that this is a request to reclassify the zoning of 8 acres from "C-2" General Commercial District to "PUD" Planned Unit Development District. The property elevation is higher than Dean Avenue that runs to the east of the property, and has a significant slope from Highway 49 that

runs to the west of the property. Surrounding zoning includes R-1P to the north and east, C-2 to the south, and the City of Belton is to the west. The Thoroughfare Plan Map classifies Dean Avenue as a Minor Arterial and Lucy Webb Road as a Major Collector, and the land is designated as appropriate for Commercial Use according to the Future Land Use Map of the Growth Management Plan. Prairie Grass Drive will be extended for access to the proposed development, and will eventually be classified as a Collector road. Mr. Cadoret stated that the reclassification of the PUD property requires the concurrent submission of a preliminary plan, as well as a public hearing, and 7 items were listed into record. The area to be rezoned is part of Tract 1 of The Good Ranch Master Planned Community that was approved by the City Council in 1994, and the current "C-2" zoning designation was established in July 2002. There were approximately 100 residents at the informal meeting held on July 8, 2021, and 6 residents attended the required Good Neighbor meeting on July 28, 2021. This property is part of Tract 1 of The Good Ranch, which was proposed to be a commercial development. There have been changes to the master plan to lower the density that would be allowed on the west side. Over the past 20 years, there have been several conversations between the developers of The Good Ranch and City Staff on allowing residential development on the northern end of Tract 1 in-lieu-of commercial development. Tract 1 consists of 143 acres of commercial zoned land, and the southern half of the property has been deemed a prime location for a regional commercial center due to the proximity to the North Cass Interchange on Interstate 49. Residential density is needed to support the commercial development. Any modifications to the preliminary plan would require approval from the City Council. The only use for the land that is being submitted is single family, age restricted, one-story garden style apartment buildings according to the PUD and Memorandum of Understanding (MOU). A traffic study was completed in 2020 and was found to have adequate public services to serve the development. The rezoning request and preliminary plan have been submitted to the South Metro Fire District, and a second access to the development has been requested. There will be a restricted access fire lane road off of Lucy Webb Road which will be gated to allow access. The preliminary plan complies with the 2014 Good Ranch Master Development Agreement for stream buffer protection and stormwater management for the development. There will be a sidewalk connection between the proposed development and Dean Avenue. Park land dedication in any residential development in The Good Ranch has already been addressed, and park land has already been dedicated.

Commissioner Bowie asked for clarification on how the slope of the land will be addressed. What measures will be taken to keep the noise from the Interstate down from the development?

Mr. Cadoret responded that there is a 50' drop from the Interstate to the east edge of the proposed development (Dean Avenue). There will have to be site grading done as a part of the development. Mr. Maddox stated that there will be a noise study completed and will be used to determine the noise mitigation required, through landscaping or different windows, etc.

Mayor Turnbow commented that the approval of this development will eliminate the possibility of extending the outer road south to North Cass Parkway.

Director of Public Works Mike Krass responded that in discussions with the developers, it was determined that the extension of the outer road would not allow for the level of flexibility that the developers wanted for the development.

No public spoke on the application.

Chairman Wiggins closed the public hearing at 7:29pm, and opened the meeting for Commission member comments and questions.

Commissioner Faulkner mentioned that it is not stated in the MOU for the development that this will be a 55+ community, and asked where the legal description is in the documents specifically stating the 55+ age restriction.

Mr. Maddox commented that he did not see the language in the MOU stating the age restriction, but is willing to include that statement in the MOU. There will be land use restriction agreements that will state the 55+ age restriction as well. City Attorney Jonathan Zerr mentioned that the recommendation may include an additional condition that the MOU be amended on page 3, section 2.B.1 to add additional language to the end of the sentence reading "...including, but not limited to, the age restriction of 55+ resident owners."

Chairman Wiggins asked if the statement should include the exclusion of children in the development?

Mayor Turnbow replied that through the state application for the LIHTC approval, there are restrictions and oversight that would require the policing of the 55+ policy. Mr. Maddox stated that the application will state that all members of the household must be 55 years of age or older.

Mr. Zerr asked Mr. Maddox if the addition of the 55+ statement to the MOU was acceptable to the applicant?

Mr. Maddox confirmed that it is acceptable.

Chairman Wiggins asked Mr. Cadoret if the development to the north, Greenway Villas, is an age restricted development, and what is the current occupation rate for that development? Have there been any issues or concerns associated with the development? Would it make any difference to make the rezoning contingent on whether or not the developers get the approval from the state?

Mr. Cadoret responded that it is an age restricted community, and that it is not 100% full, and has at least 1 unit available, but is full otherwise. When the subdivision came forward, it was proposed as mixed-use residential, including duplexes, detached single-family, and the garden style apartments. Any other developer who would come in would have to develop the property as a PUD for 55+ residents, garden style apartments. The developer would have to come before the Planning Commission to get the zoning changed. Rezoning is not done conditionally or contingently, it is either all in or not at all. Mr. Zerr mentioned that unless a potential new developer would want to build exactly the same thing as is being proposed with the same restrictions, they would have to come before the Planning Commission either way.

Commissioner Bowie asked if the garden-style property in LeMor Estates is income restricted?

Mr. Cadoret responded that no, the apartments at Greenway Villas are market price.

Mr. Zerr reminded the Commission that the request before them is for a rezoning, and this is not an application for MHDC (Missouri Housing Development Commission), and to keep in mind if this is the highest and best use for the property.

Commissioner Faulkner asked for clarification on the addition to clause 2.B.1 in regards to children?

Chairman Wiggins responded that all residents must be 55+, additionally because the property would be subject to various state oversights which would fulfil the clause about the children.

Motion by Commissioner Faulkner, Seconded by Commissioner Fizer, to accept staff proposed findings of fact and forward case #21023, rezoning of the existing “C-2” General Commercial District to “PUD” Planned Unit Development District for the 8 acre property to be known as Ridgeview Estates, with an added condition in the MOU at clause 2.B.1, to City Council with a recommendation of approval.

Vote on Motion:

Chairman Wiggins	Aye
Commissioner Faulkner	Aye
Commissioner Bowie	Aye
Commissioner Fizer	Aye
Commissioner Engert	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye
Commissioner Mansur	Absent
Mayor Turnbow	Aye

Motion passed to approve the case 8-0-0.

b. Case # 21024: Site Plan - Whataburger - 1921 W. Foxwood Drive

Phil Kranovich with MS Consultants is representing Whataburger, 300 Concord Plaza Dr., San Antonio, TX 78216. Mr. Kranovich stated that a new 3,751 square foot, 24-hour Whataburger restaurant is to be built on the 1.84 acre lot on the southwest corner of 58 Highway and Westgate Road in the Raymore Galleria. The existing lot is occupied, and the building on it will be demolished for this project. The proposed site will provide 82 standard parking spaces, and 4 handicap parking spaces. The restaurant will have two drive-thru lanes with two menu boards. The developers will be providing public sidewalk access to the site from the existing sidewalk located north, off of 58 Highway. There are two drive entrances located off of the southern private access drive and the cross access drive that will remain in place. There will be a retaining wall at the northwest corner of the site. The development will be reusing the existing utility connections where able, and will be taking care of stormwater quality using a hydro-dynamic separator manhole. The building exterior consists of brick and decorative metal, along with a number of windows. The trash dumpster will be on the northeast corner of the building that will be screened using the same materials as the main building, the brick and decorative metal.

Mr. Cadoret began the staff report. This is a redevelopment of the Golden Corral facility, and a demolition permit has been applied for to remove the entire existing structure and will be clearing most of the property. There was an effort by staff and the developers to preserve as much of the surrounding landscape as possible, mainly the trees since they are somewhat substantial. A number of the trees are being relocated around the facility. The lot is 1.84 acres in size, and the proposed building is over 3,700 square feet in size. The existing building on the property was constructed in 2014, and most of the utilities will be maintained. The Engineering Division has submitted a Memorandum on provision of utilities to the site. There are a number of special conditions applicable to a restaurant with drive-thru lanes. The menu boards are along the west side of the property, which is in line with the requirements. Mr. Cadoret stated that the City does not have a maximum parking ratio, and the location will well

exceed the parking requirements. The building designs are in compliance with the building design standards. South Metro Fire District reviewed the site plan, and all truck turning requirements have been met. Stormwater runoff is collected through the storm sewer system and will be treating stormwater on the property before it runs off.

Commissioner Bowie asked to clarify the case number?

Mr. Cadoret stated that it should be case #21024.

Motion by Commissioner Urquilla, Seconded by Commissioner Fizer, to accept staff proposed findings of fact and approve case #21024 Whataburger Site Plan subject to the 11 conditions stated in the packet.

Vote on Motion:

Chairman Wiggins	Aye
Commissioner Faulkner	Aye
Commissioner Bowie	Aye
Commissioner Fizer	Aye
Commissioner Engert	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye
Commissioner Mansur	Absent
Mayor Turnbow	Aye

Motion passed to approve the case 8-0-0.

8. City Council Report

City Attorney Jonathan Zerr gave an overview of the 2 City Council meetings that have happened since the Planning & Zoning Commission last met. Mr. Krass introduced Trent Salisbury, the new Assistant Director of Engineering.

9. Staff Report

Mr. Cadoret gave the staff report, highlighting that the official US Census counts for April 2020 have been released. Raymore has an official population of 22,941, which is a 19.4% increase over the 2010 population and has grown by 3,735 residents. With the updated population count, the Ward maps will be updated as was done in 2010 after that census in. There will be a meeting on September 7th to review the second phase of the Madison Valley subdivision for rezoning and a separate application for the preliminary plat. Assistant City Manager Mike Ekey will be presenting the 2022-2026 Capital Improvement Program during that meeting as well.

10. Public Comment

No public comment.

11. Commission Member Comment

Commissioner Faulkner thanked staff and welcomed Trent.

Commissioner Fizer commented that she was able to visit The Lofts apartments and they are small but nice, and asked when the Whataburger is scheduled to arrive.

Commissioner Petermann thanked staff and asked if it may be possible to have work sessions for the Planning Commission, as well as what is happening with the big building off of Dean Avenue and Interstate 49?

Mr. Cadoret responded that the building has been purchased by Southern Glazer's, and it will become the distribution center for Missouri.

Commissioner Engert thanked staff, and welcomed Trent.

Commissioner Urquilla thanked staff, and commented that he will be absent on September 21st for the meeting.

Commissioner Bowie thanked staff, and mentioned that he was curious about the number of accidents on Lucy Webb Road and Harmon Road where the proposed Ridgeview Estates will be developed.

Mayor Turnbow thanked staff and welcomed Whataburger to Raymore.

Chairman Wiggins commented on his fondness for Whataburger, thanked staff, and welcomed Trent.

12. Adjournment

Motion by Commissioner Urquilla, Seconded by Mayor Turnbow, to adjourn the August 17, 2021 Planning and Zoning Commission meeting.

Vote on Motion:

Chairman Wiggins	Aye
Commissioner Faulkner	Aye
Commissioner Bowie	Aye
Commissioner Fizer	Aye
Commissioner Petermann	Aye
Commissioner Engert	Aye
Commissioner Urquilla	Aye
Commissioner Mansur	Absent
Mayor Turnbow	Aye

Motion passed 8-0-0.

The August 17, 2021 meeting adjourned at 8:12 p.m.

Respectfully submitted,

Emily Jordan