

THE **PLANNING AND ZONING COMMISSION** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **TUESDAY, SEPTEMBER 7, 2021**, IN THE COUNCIL ROOM AT RAYMORE CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING COMMISSION MEMBERS PRESENT: CHAIRMAN MATTHEW WIGGINS, WILLIAM FAULKNER, KELLY FIZER, TOM ENGERT, JEREMY MANSUR, JIM PETERMANN, MAYOR KRIS TURNBOW (arrived at 7:02pm), AND MARIO URQUILLA. ABSENT WAS ERIC BOWIE. ALSO PRESENT WAS DEVELOPMENT SERVICES DIRECTOR JIM CADORET, CITY ATTORNEY JONATHAN ZERR, DIRECTOR OF PUBLIC WORKS MIKE KRASS, AND ASSISTANT DIRECTOR OF ENGINEERING TRENT SALSBURY.

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 August 17, 2021 meeting.**

Motion by Commissioner Faulkner, Seconded by Mayor Turnbow, to approve the consent agenda as corrected.

Vote on Motion:

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

Motion passed 7-0-1.

6. Unfinished Business - None

7. New Business -

Chairman Wiggins stated that Item C will be moved to the October 5th, 2021 Planning & Zoning Commission meeting.

Commissioner Faulkner noted that he will be recusing from new business since he is a neighbor to Madison Valley.

- a. **Case # 21021: Rezoning R-1 to R-1.5 - Madison Valley Phase 2 (public hearing)**

Chairman Wiggins opened the public hearing at 7:04pm.

Bryan Rahn came to the podium on behalf of Tony Ward and the Blue Springs Safety Storage South, LLC located at 1120 NW Eagle Ridge Blvd., Grain Valley, MO 64029. The request before the Commission is to change the zoning from R-1 to R-1.5 to allow for more lots, making the project financially viable for the developers and creating affordable homes for residents. The average lot size will be 8,269 square feet, which are smaller from the lot sizes that are currently at 8,400 square feet. There will be a transition from the lots in the existing subdivision into the proposed addition that will have larger lots near the existing subdivision, and will transition into smaller lots heading to the southern portion of the property. The reason the lots are smaller to the south is due to the required landscape buffer, which decreases the available square footage for the lot sizes. In 2004, a plat was approved for the property that included 29 fewer lots than is being currently proposed. Robin Martinez came to the podium as legal counsel for Ward Development. Mr. Martinez mentioned that he would like the additional schematics that were distributed to the Commissioners entered as an exhibit. He also mentioned that there is a nationwide shortage of affordable homes, and the homes that are being proposed will help with that shortage in Raymore. The average lot size for this development is much larger than the minimum lot size requirement of 6,500 square feet for R-1.5 zoning.

Director of Development Services Jim Cadoret gave the staff report. He highlighted that the request is to rezone the west 46 acres of the Madison Valley subdivision from "R-1" Single Family District to "R-1.5" Single Family District. Surrounding zoning includes "R-1" Single Family District to the north, "R-1P" Single Family Residential Planned to the east, "R-1" & "PO" Professional Office to the south, and "R-1" & "PR" Parks & Recreation to the west. Reclassification of zoning requires a public hearing and six exhibits plus the handout regarding lot sizes are being entered into record. The property was rezoned "R-1" in 2001, and the Hawthorne Ridge Preliminary Plat was approved for the property in April 2001. The preliminary plat proposed 190 lots on 71 acres, but expired in April 2002 due to no final plat application ever being approved. There was a request to rezone a portion of the property from "R-1" to "R-3P" Multi-Family Planned District but was withdrawn by the property owner in 2004. The preliminary plat for Madison Valley subdivision was initially approved in September 2004 and contained 202 single family lots, but expired in October 2014. Madison Valley 1st Final Plat was approved in 2005 and was constructed with 75 lots, which are the currently built homes in the subdivision. An application was filed to reclassify the north half of the 1st plat area from "R-1" to "R-2" Single and Two-Family Residential District, but was withdrawn in 2009. In June 2013, the City approved the reclassification of zoning of 65 of the lots in the 1st Final Plat area from "R-1" to "R-1P" Single Family Residential Planned District in order to modify the side yard setbacks. There have been two Good Neighbor meetings, the first meeting was not properly notified but had 18 in attendance. The second meeting was held on August 18 and had 20 residents in attendance. The uses are identical between "R-1" and "R-1.5", and the difference between the two are the development standards they encompass. The City established Subdivision Adjacency Standards would apply in this scenario since the existing Madison Valley subdivision abuts this property that is more than 5 acres in size. The Engineering department has submitted a memorandum regarding adequate public facilities to serve the subdivision and the City recommends acceptance of this case.

Carl Kent, 503 N Park Drive, Raymore MO 64083, came to the podium to give comments. Mr. Kent stated that the two Good Neighbor meetings were both well attended, and mentioned that the developer, Tony Ward, did not attend either meeting. The City's Growth Management Plan designates Madison Valley as appropriate for low-density residential development. The neighborhoods surrounding the proposed development all have larger lots and would not gain any benefit from the development. The homes will be very similar to the homes already built in Madison Valley, as well as the other neighborhoods the developer has built. Reducing the lot sizes will allow for more cars and more traffic along North Park Drive and Appaloosa Drive. Mr. Kent asked if it is appropriate to change the zoning for the property, creating a higher density than was in the City's plans for the last 20 years, and is concerned about potential property

valuation decline and stagnation. Mr. Kent respectfully requests that the zoning be kept as "R-1", and the application is sent to City Council with a recommendation of denial.

Corey Hinrichs, 416 N Park Drive, Raymore MO 64083, came to the podium to give comments. Mr. Hinrichs stated that the areas surrounding the potential "R-1.5" rezoning are "R-1" lots, a park, and other areas being developed. There is no need to rezone to "R-1.5" since there is nothing that needs buffering. Lot sizes zoned "R-1" have been decreasing for a number of years, and this "R-1.5" zoning will reduce lot sizes even more in the middle of already established neighborhoods. Mr. Hinrichs mentioned that the preliminary plat shown at this meeting was different than the preliminary plats that were shown at the Good Neighbor meetings. 41% of the proposed homes are shown to be on lots that are large enough to be zoned "R-1", but the side yards and setbacks are smaller than the "R-1" designation would allow. Previous plats show two accesses to Sunset Drive, but the new plat shown at this meeting only has one connection made. This will increase traffic significantly on Appaloosa and North Park Drive. This rezoning is out of place and goes against the Growth Management Plan for the City and should be denied.

Julie Hanson, 414 N Park Drive, Raymore MO 64083, came to the podium to give comments. Ms. Hanson stated that North Park Drive is a quiet, idyllic street that has no sidewalks and no streetlights. The biggest issue is the safety of the street, which will likely become the major thoroughfare to the neighborhood for hundreds of cars. There is no traffic signal at the intersections on 58 Highway from the existing neighborhood, and the fire station sits on the south side of 58 Highway, creating more traffic concerns. In the MOU for the project, there is no mention of North Park Drive becoming a collector street for the subdivision, and using it as a collector will cause great safety and traffic problems.

Sheryl Dunham, 404 N Park Drive, Raymore MO 64083, came to the podium to give comments. Ms. Dunham has concerns that the developer has not been to any of the meetings, and while Blue Springs Safety Storage South is a subsidiary of Ward Homes, Ward Homes has not been listed as the owner of the development. The distance between the proposed homes is very small, only 7' between homes, and it will affect property value on North Park Drive. The developer has homes that are to be developed and have been listed as homes for sale, but nothing has actually been built by the developers. Ms. Dunham also mentioned that she is concerned about who will be taking care of the berm, as well as the traffic issues that have been previously mentioned.

Mayor Turnbow asked if the developers would like to respond to any of the concerns raised by the residents.

Mr. Rahn responded that throughout this project, the developers have worked with City Staff to determine the best plan for the roads and berms that are being shown on the Preliminary Plat. There have been four or five failed developments on the property as its current designation of 'R-1' due to the traffic issues and lot sizes, and those issues have been taken into consideration to come up with the currently proposed rezoning and preliminary plat. Mr. Rahn stated that when the existing Madison Valley subdivision was not able to be finished, Ward Homes came in to finish building the development. The new phase will have an HOA, but they cannot issue an HOA on an existing subdivision. When the berms need to be maintained or other things need to be taken care of within the development, the developers will take care of it.

Mayor Turnbow mentioned that it was approved by the General Obligation Bond that was passed last year to extend North Sunset further north to connect to the park. Is there a timeline in place on when Heritage Drive would be connected to the extension of North Sunset Lane? This is also an opportunity for comments on the public hearing.

Jeremy Powell with Powell CWM, 3200 S State Route 291, Independence MO 64057, came to the podium to respond. City Staff has limited the developers to one connection to Sunset which will be built in 2022. There is limited crossing of the stream, otherwise there will be Corps of Engineer permitting required, and disturbance of the stream buffer would occur if there is more than one stream crossing. If North Sunset Lane is constructed sooner than 2022, the phasing may change sewers on the west side of the stream, but the phasing of the development was established based on the road being completed in 2022. HOA will maintain the buffers along North Sunset and the south side of the property, as well as the four stormwater detention basins. The "R-1" does not increase the lots by 27% of the yield, there are only 29 lots being added. The North Sunset Lane road access is only being added because the City requires one access point. The homeowners along North Park Avenue did not want a sidewalk to be built along the street, but there will be sidewalks and connectivity in the new development. Regarding the side yard setbacks, there will be 7' on each side of the home on each lot, not 7' between two homes.

City Attorney Zerr reminded the Commissioners that the first case is regarding only the rezoning of the property, and to consider the highest and best use of the property in the vote on this case.

Chairman Wiggins closed the public hearing at 7:56pm, and opened the meeting for Commission Member comments and questions.

Mayor Turnbow asked Mr. Cadoret: when did the "R-1.5" zoning come into existence, and if the only difference between this application and the other rezoning requests is the "PUD", most "R-1.5" requests have come as part of a "PUD" plan?

Mr. Cadoret responded that it was formally adopted as part of the UDC in 2009. There have been other requests that have come in that have modified lot sizes similar to the "R-1.5", they just came under a "PUD" zoning rather than ask for the "R-1.5", but the "PUD" allows modifications as part of the zoning designation.

Commissioner Urquilla asked if there have been "PUD" requests that have come in with lot sizes smaller than the currently requested "R-1.5" rezoning.

Mr. Cadoret responded that yes, there is a table in the packet showing that.

Commissioner Mansur asked if the minimum lot size and width are not the only two factors that separate the "R-1" and "R-1.5"? Could this property come in with a request for a rezoning to "R-1P"?

Mr. Cadoret replied that there is also a reduction for side yard setbacks and an increase in lot coverage. It could come in as an "R-1P" rezoning request, which is what has been requested in the past up until this application.

Chairman Wiggins asked if a developer would be able to come into the undeveloped property to the north, to the west of Madison Creek Drive, and rezone that property to a "PUD"? The concern is that the property would become stuck as "R-1" if the current rezoning proposal is passed. The property has the ability to be rezoned and it would no longer have an island effect.

Mr. Cadoret responded that the property to the northwest could be requested to be rezoned. The property owner has the ability to ask for any zoning designation.

Commissioner Urquilla asked if it were possible for the Commission to request that property be rezoned to eliminate the island effect. It doesn't just have to be the property owner that can rezone?

Mr. Cadoret mentioned that there is the Growth Management Plan which has both of the properties listed as Low Density Residential. The City can initiate a rezoning of a property.

Motion by Commissioner Urquilla, Seconded by Mayor Turnbow, to accept staff proposed findings of fact and forward case #21021, reclassification of zoning of 46.26 acres from the existing "R-1" Single-Family Residential District to "R-1.5" Single-Family Residential District to City Council with a recommendation of approval.

Mr. Zerr reminded the Commission that for the motion to pass, there needs to be a vote from the majority of the whole Commission, which is 5 members.

Vote on Motion:

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

Motion passed to approve the case 5-2-0.

Commissioner Fizer commented that the development of this property will be good, but feels that changing the zoning of a property to make it financially viable for the developer is not a viable reason for rezoning.

b. Case # 21022: Preliminary Plat, Madison Valley Phase 2 (public hearing)

Chairman Wiggins opened the public hearing at 8:07pm.

Bryan Rahn came back to the podium on behalf of Tony Ward and the Blue Springs Safety Storage South, LLC located at 1120 NW Eagle Ridge Blvd., Grain Valley, MO 64029 to present the Preliminary Plat for the Commission's consideration.

Mr. Cadoret began the staff report, stating that the request is for approval of the Preliminary Plat of what will be known as Madison Valley Phase 2, on the 46 acres west of the existing Madison Valley subdivision. The Preliminary Plat consists of 154 lots in 8 tracts. A Preliminary Plat requires a public hearing, and 8 items were entered into the record. The Good Neighbor meetings that were held were for both the rezoning and the Preliminary Plat for the property. The developer requested to provide no parkland dedication for the development, and instead to provide fee-in-lieu. The development would have had to provide 8.1312 acres of parkland, and was approved by the Parks and Recreation Board to do a fee-in-lieu instead. The Preliminary Plat is contingent upon the rezoning. If the rezoning does not get approved, the Preliminary Plat cannot be reviewed or approved. The "R-1.5" allows for more lots in the area. The 2004 initial Preliminary Plan showed around 125 in the general area, including a pool with

a parking lot, and a 4 acre park site. This Preliminary Plat has been submitted to the Raymore-Peculiar school district who had no specific comments for this plat. The plat was also submitted to the South Metro Fire District for review, and commented that North Park Drive and Mesa Ridge need to be connected, and would not allow development on Phase 3, or the area west of the creek until North Sunset Lane is constructed. The existing stream that passes through the property running north-south is classified as a first order stream, so the stream buffer ordinance does apply. It requires a 50' buffer measured from the top of the bank on each side of the stream which cannot be disturbed. There is no designated flood plain in the area. There is a freshwater pond on the property which will have to be investigated before modification or removal can be done. The Preliminary Plat shows the pond is to be removed. There is a sanitary sewer line that runs through the property, and is sized appropriately for this development. The project engineer identified four stormwater ponds that will provide water treatment and detention for the subdivision. There will be no homes constructed west of the stream until Heritage Drive can be constructed and connected across the stream to North Sunset Lane. The City Strategic Plan strives to create and maintain a well connected transportation network, and North Sunset Lane, Madison Street, and Heritage Drive are all Collector Roadways. City Staff only wants to limit direct lot access to the Collector roadways. North Park Drive is planned to continue to the north, as is Mesa Ridge, and since there is not an emergency turnaround or cul-de-sac at the end of these roads, it is important that they connect to the subdivision. The Preliminary Plat shows the compliance of the adjacency standards, showing the 25' separation between the proposed subdivision and the subdivisions to the south. It will require a berm to be constructed in that 25' buffer with a minimum height of 4', including landscaping. 52 of the 154 lots are compliant with R-1 standards. A Memorandum of Understanding has been prepared that lists the responsibilities of the developer and the City.

Sheryl Dunham, 404 N Park Drive, Raymore MO 64083, came to the podium for comments. Ms. Dunham asked if the pond at the top of the hill is not able to be filled in, will the developers have to resubmit plans showing any changes?

Mr. Zerr reminded the Commissioners that the public hearing is currently open to public comments, and it is not a position for the public to be asking the Commission or Staff members questions.

Corey Hinrichs, 416 N Park Drive, Raymore MO 64083, came to the podium to give comments. Mr. Hinrichs stated that it makes no sense for the connection from the subdivision to North Sunset be at the north end of the subdivision. Residents that live south of the connection planned for W Heritage Drive will end up going south on North Park Drive to get to 58 Highway.

Terri Woods, 309 N Park Dr., Raymore MO 64083, came to the podium for comments. Ms. Woods mentioned that the connecting road to North Sunset Lane should be situated more south on the property for traffic and convenience.

Jeremy Powell, Powell CWM, stated that the developers have hired outside sources to determine the needs of the ponds and streams, and that will be taken into consideration moving forward.

Commissioner Urquilla asked why Lemon Mint Drive is stopped at a dead end on the Preliminary Plat.

Mr. Powell responded that it was requested by Staff to be done that way, for future development on that parcel.

Mr. Cadoret mentioned that the initial Preliminary Plat for Madison Valley had that connection, but Staff never required that connection. It was not requested, nor was it rejected.

Mayor Turnbow asked Mr. Cadoret if Lemon Mint Drive could turn into one of the elbows that is presently in the design.

Mr. Cadoret responded that Staff was not opposed to that.

Commissioner Urquilla asked if the contractor would be opposed to Lemon Mint Drive becoming an elbow?

Mr. Powell responded that the developers would be happy to turn that into an elbow, and it would give them more right of way for the stormwater detention.

Mayor Turnbow asked if turning that road into an elbow would make the lots in Tract G any larger or wider.

Mr. Powell responded that no, the layout would stay the same.

Mayor Turnbow asked Mr. Powell if changing Lemon Mint Drive into an elbow would affect lot 85, since the elbow would be dipping into that lot, and the storm basin would be larger.

Mr. Powell responded that the developers would have to take a closer look at that.

Chairman Wiggins closed the public hearing at 8:29pm, and opened the meeting for Commission Member comments or questions.

Commissioner Urquilla asked Mr. Cadoret when in 2022 North Sunset Lane might be constructed? And when do the contractors anticipate breaking ground on Phase 1?

Director of Public Works Mike Krass stated it is to be built in the summer of 2022.

Mr. Rahn responded that once there are approvals in place, groundbreaking will begin right away.

Commissioner Urquilla asked if North Sunset Drive was constructed, would the developer go ahead and construct the connecting road in Phase 1, or would that be during Phase 3?

Mr. Rahn responded that it would be a quick timeline, but they plan to make the connection to North Sunset Drive as soon as they can.

Mr. Zerr reminded the Commission that they may approve the currently provided Preliminary Plat as is, or they may approve the Preliminary Plat with the added condition of stubbing Lemon Mint Drive. There is also the option to deny the application if it does not comply with the requirements of the Code.

Commissioner Fizer asked if there is a possibility of getting rid of the North Park Drive access and changing it to Appaloosa.

Chairman Wiggins replied that it is a safety measure to not have that many dead ends, so that school buses and emergency vehicles have enough room in cul-de-sacs to turn around.

Mr. Rahn replied that the developers have worked with the City, and that the Preliminary Plat as currently presented has been vetted by the City and South Metro Fire Department to include all the necessary requirements.

Commissioner Engert asked if the residents of the new development would be able to use W Heritage Drive to go east and join 58 Highway from Madison.

Chairman Wiggins responded that yes, but the concern is about the services of 58 Highway.

Mr. Krass mentioned that there is the ability to create construction routes, where the developers would have to build a road for residents to use. The construction route could be West Heritage Drive. There isn't a need for a connection to North Park Drive until the construction is completed, and the construction route can be added as a condition.

Motion by Commissioner Urquilla, Seconded by Mayor Turnbow, to accept staff proposed findings of fact and forward case # 21022 Madison Valley Phase 2 - Preliminary Plat to the City Council with a recommendation of approval, subject to the conditions outlined, as well as two other conditions added by the Commission.

Conditions of the motion are:

1. The request to reclassify the zoning of the property from "R-1" Single-Family Residential District to "R-1.5" Single-Family Residential District must be approved by City Council prior to final consideration of the preliminary plat.
2. Lemon Mint Drive at its intersection with Buffalo Drive shall be stubbed at its southern end.
3. Heritage Drive to be designated as the construction road for the development.

Commissioner Mansur asked if it were possible to add another condition, or make an amendment to one of the added conditions regarding construction routes.

Mr. Zerr commented that yes, either can be done, but the applicant needs to agree to the conditions.

Mr. Rahn came to the podium and stated that he has no issues with the conditions or the potential amendment, and the developers will work with City Staff and South Metro Fire District to ensure that the requirements are all met.

Mr. Zerr mentioned that Staff would like to have a clear deadline of when the North Park Drive connection will be opening up.

Mr. Krass stated that North Park Drive should be open by the end of Phase 2.

Motioned by Commissioner Mansur, Seconded by Mayor Turnbow to amend the previous motion, and to add a 4th condition that the Planning & Zoning Commission delay the connection of North Park Drive until the completion of Phase 2.

Vote on amended Motion:

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| Chairman Wiggins | Aye |
| Commissioner Faulkner | Recused |
| Commissioner Bowie | Absent |
| Commissioner Fizer | Aye |
| Commissioner Engert | Aye |
| Commissioner Petermann | Aye |

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| Commissioner Urquilla | Aye |
| Commissioner Mansur | Aye |
| Mayor Turnbow | Aye |

Motion passed to approve the amendment 7-0-0.

Vote on entire Motion as amended:

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

Motion passed to approve the case 7-0-0.

Commissioner Faulkner rejoined the Commission meeting.

c. Case # 21026: FY 2022-2026 Capital Improvement Program (*public hearing*)

This case was continued to the Planning & Zoning Commission meeting on October 5th, 2021 by request of the applicant.

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 stated that the repair of Ward Road will begin on Thursday, September 9th 2021, and will include closures of Ward Road. Work will start at 58 Highway and go north to the Alexander Creek subdivision.

9. Staff Report

Mr. Cadoret gave the staff report, highlighting the applications and topics for the next few Commission meetings. Mr. Cadoret also mentioned that there has been a new City Planner hired, Dylan Eppert, and he will be starting on September 20th.

10. Public Comment

No public comment.

11. Commission Member Comment

Commissioner Faulkner thanked Chairman Wiggins for the fine job he did presiding over the meeting.

Commissioner Mansur thanked staff, thanked Katie Jardieu for all of her work, and welcomed the new City Planner.

Commissioner Fizer thanked staff and the Commission members.

Commissioner Petermann thanked staff, and mentioned that it is good to have knowledgeable people around that can help.

Commissioner Engert thanked staff.

Commissioner Urquilla commented that he voted for this project since the developers are open to keeping some of the lots "R-1", and thanked staff.

Mayor Turnbow invited everyone to the 9/11 Memorial that was being held to honor the 20th anniversary.

Chairman Wiggins thanked staff, and commented that it is nice when the public comes out.

12. Adjournment

Motion by Commissioner Urquilla, Seconded by Commissioner Mansur, to adjourn the September 7, 2021 Planning and Zoning Commission meeting.

Vote on Motion:

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

Motion passed 8-0-0.

The September 7, 2021 meeting adjourned at 9:00 p.m.

Respectfully submitted,

Emily Jordan