



**To:** City Council  
**From:** Planning and Zoning Commission  
**Date:** October 25, 2021  
**Re:** **Case #21032 - 7th Amendment to Creekmoor MOU**

**GENERAL INFORMATION**

**Applicant:** Cooper Land Development  
903 North 47<sup>th</sup> Street  
Rogers, AR 72756

**Requested Action:** 7th Amendment to the Creekmoor Memorandum of Understanding

**Advertisement:** September 30, 2021 **Journal** newspaper  
October 7, 2021 **Journal** newspaper

**Public Hearing:** October 19, 2021 Planning and Zoning Commission  
October 25, 2021 City Council

**Items of Record:** **Exhibit 1. Notice of Publication in The Journal**  
**Exhibit 2. Unified Development Code**  
**Exhibit 3. Growth Management Plan**  
**Exhibit 4. Staff Report**  
**Exhibit 5. Proposed 7th Amendment to MOU**

**Additional exhibits as presented during hearing**

## PROPOSAL

Outline of Requested Action: The applicant seeks to amend the approved Memorandum of Understanding (MOU) for the Creekmoor Subdivision. This amendment seeks to modify the approved preliminary plan by removing a 30-acre area proposed for two-family dwelling units and replacing it with single-family dwelling units. The area is located west of North Madison Street, and north/south of Hampstead Drive.

City Ordinance Requirements: In order for the applicant to accomplish the aforementioned action they must first meet the requirements contained in **Section 470.050** of the Unified Development Code. This section outlines the requirements to guide the Planning and Zoning Commission and City Council in their actions in considering any amendment to the Preliminary Plan, including amendments to the Memorandum of Understanding.

## STAFF COMMENTS

1. The Preliminary Development Plan and Memorandum of Understanding (MOU) for the Creekmoor Subdivision were approved by the Raymore City Council on January 26, 2004. The approved preliminary plan and MOU have guided all developments in Creekmoor to date, subject to the six amendments to the MOU described below.
2. Any amendment to the approved preliminary plan, including the MOU, requires a public hearing before the Planning and Zoning Commission and City Council with final approval from the City Council.
3. The 1<sup>st</sup> amendment to the MOU was approved on June 26, 2006. The 1<sup>st</sup> amendment changed the land use in the area now known as “The Village of Southern Hills” from multi-family residential to single-family residential.
4. The 2<sup>nd</sup> amendment to the MOU was approved on July 24, 2006. The 2<sup>nd</sup> amendment changed the land use in the areas to the east and west of the clubhouse on 163<sup>rd</sup> street (subject property area) from two-family residential to single-family residential.
5. The 3<sup>rd</sup> amendment to the MOU was approved on July 23, 2007. The 3<sup>rd</sup> amendment increased the maximum building coverage from 30% to 40% for all lots contained in the Edgewater at Creekmoor subdivision phases and for all future “patio” and “duplex” zoned dwelling units.
6. The 4<sup>th</sup> amendment to the MOU only applies to the lots contained

within Westbrook at Creekmoor Eleventh Plat. The development standards for this subdivision phase were modified by the amendment.

7. The 5th amendment to the MOU adjusted how the City interprets the common area requirement and modified maintenance responsibilities of the low pressure sanitary sewer system.
8. The 6th amendment to the MOU modified the Preliminary Development Plan dated 6/2/2006 by removing the two-family dwelling unit land use designation for 17.5 acres located on the west side of Madison Street, south of the maintenance building for Creekmoor, and replacing it with a single-family dwelling unit land use designation. The amendment also modified the proposed land use summary table for Creekmoor allowing the creation of the Eastbrooke at Creekmoor subdivision phase.
9. The 7th amendment to the MOU proposes to modify the Preliminary Development Plan by removing the last remaining area of proposed two-family dwellings and replacing it with proposed single-family development.

## **PLANNING COMMISSION PROPOSED FINDINGS OF FACT**

Under Section 470.050 of the Unified Development Code the Planning and Zoning Commission shall submit a recommendation to the City Council to approve, approve with modifications or disapprove the proposed preliminary plan. The Commission must make findings of fact taking into consideration the following:

1. **The preliminary development plan's consistency with the Growth Management Plan and all other adopted plans and policies of the City of Raymore; and**

The proposed revision to the preliminary plan is consistent with the Growth Management Plan and all other adopted plans of the City.

2. **The preliminary development plan's consistency with the PUD standards of Section 415.060, including the statement of purpose; and**

The preliminary plan remains consistent with the PUD standards of Section 415.060. The proposed amendment to the MOU provides for additional PUD standards that will be applicable to a new lot design.

**3. The nature and extent of common open space in the PUD; and**

The overall common area to be provided in the Creekmoor PUD remains at 54%. The proposed 7th amendment does not modify the amount of common area being provided.

**4. The reliability of the proposals for maintenance and conservation of common open space; and**

All of the common areas in Creekmoor are currently maintained by the Property Owner's Association. The proposed 7th amendment will not modify the maintenance of any of the common areas.

**5. The adequacy or inadequacy of the amount and function of common open space in terms of the densities and dwelling types proposed in the plan; and**

The requirement to provide 54% of the land area in Creekmoor in open space is not proposed to be modified by the 7th amendment. Common area is included in each proposed subdivision phase when said phase obtains final plat approval. The 54% open space remains adequate. Overall density in the subdivision has been reduced since the initial 2004 preliminary plan was approved.

**6. Whether the preliminary development plan makes adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment; and**

The amended preliminary plan does make adequate provision for public services. The proposed 7th amendment does not modify any of the plans to provide public services.

**7. Whether the preliminary development plan will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area; and**

The revised preliminary plan eliminates approved two-family dwelling units and establishes the area for single-family homes, which is similar to surrounding land uses.

**8. Whether potential adverse impacts have been mitigated to the maximum practical extent; and**

There are no potential adverse impacts created by the 7th amendment.

**9. Whether the preliminary development plan represents such a unique development proposal that it could not have accomplished through the use of (non-PUD) conventional Unified Development Code; and**

The preliminary development plan approved for the Creekmoor development could not have been accomplished without the use of PUD zoning. The Creekmoor development is unique in many ways, reflected by the diversity of housing and lots allowed within the subdivision.

**10. The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period of years.**

The Creekmoor MOU and development agreements established with each phase of development serve to protect the interest of the public and residents of Creekmoor. Amending the preliminary development plan and the MOU to allow for removal of two-family dwelling units and replacing the land use with single-family dwelling units furthers the original intent of the Creekmoor PUD.

## **REVIEW OF INFORMATION AND SCHEDULE**

<u>Action</u>	<u>Planning Commission</u>	<u>City Council</u>
Public Hearing	October 19, 2021	October 25, 2021

## **STAFF RECOMMENDATION**

City Staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward Case #21032, 7th amendment to the Creekmoor Memorandum of Understanding, to the City Council with a recommendation for approval.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

The Planning and Zoning Commission, at its October 19, 2021 meeting, voted 8-0 to accept the staff proposed findings of fact and forward Case #21032, 7th amendment to the Creekmoor Memorandum of Understanding, to the City Council with a recommendation for approval.