



To: City Council
From: Planning and Zoning Commission
Date: December 13, 2021
Re: **Case #21039 LeMor Estates - Lots 7 and 10 Rezoning**

GENERAL INFORMATION

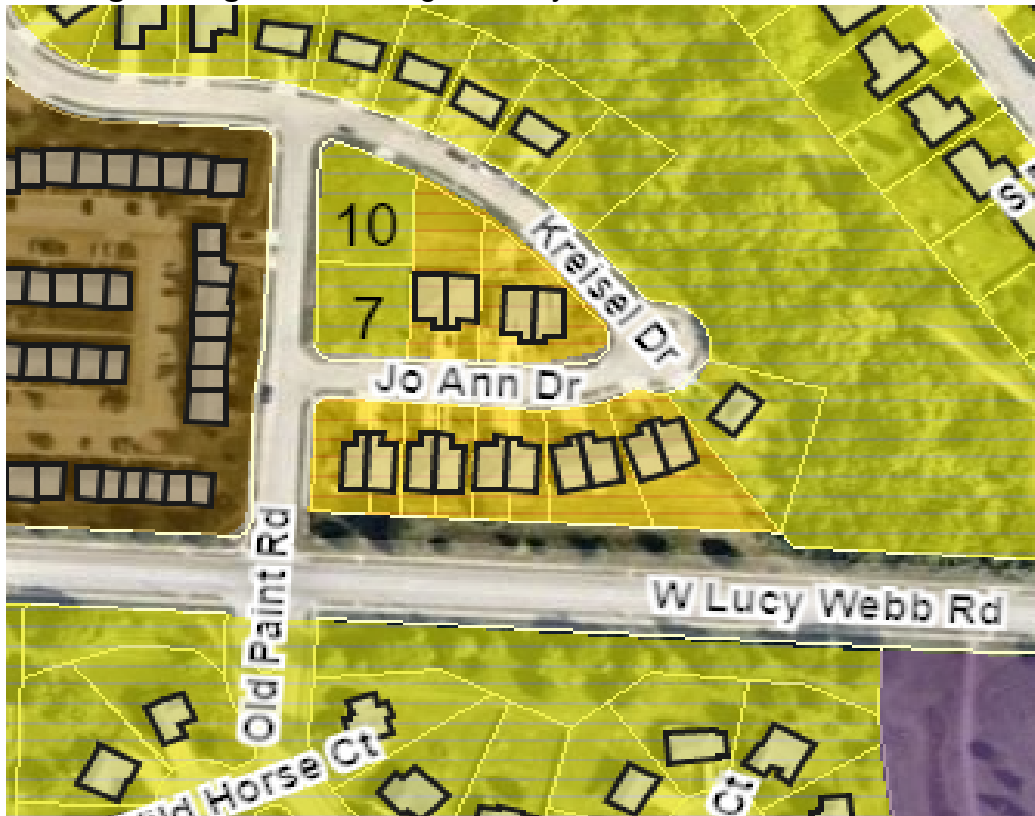
Applicant: Keith Wehmeir
Harper Building LLC.
PO Box 375
Greenwood, MO 64034

Requested Action: Request to Rezone lots 7 and 10 from R-1P to R-2P

Property Location: Generally located north of W Lucy Webb Rd, east of Old Paint Rd.



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



- North: R-1P (Single Family Residential Planned District)
- East: R-2P (Single and Two-Family Residential Planned District)
- South: R-2P (Single and Two-Family Residential Planned District)
- West: R-3B (Apartment Community Residential District)

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

Major Street Plan: The Major Thoroughfare Plan Map classifies W Lucy Webb Road as a Major Collector while Old Paint Rd and Kreisel Dr. are classified as local roads.

Advertisement: October 26, 2021 **Journal** newspaper
November 4, 2021 **Journal** newspaper

Public Hearing: November 16, 2021 Planning Commission meeting
November 22, 2021 City Council meeting

Items of Record: **Exhibit 1. Mailed Notices to Adjoining Property Owners**
Exhibit 2. Notice of Publication in Newspaper

Exhibit 3. Unified Development Code

Exhibit 4. Application

Exhibit 5. Growth Management Plan

Exhibit 6. Staff Report

Additional exhibits as presented during hearing

REQUEST

Applicant is requesting to rezone LeMor Estates Lots 7 and 10 from “R-1P” Single Family Residential Planned District to “R-2P” Single and Two-Family Residential Planned District.

REZONING REQUIREMENTS

Chapter 470: Development Review Procedures outlines the applicable requirements for Zoning Map amendments.

Section 470.020 (A) Authority:

“City Council may, by ordinance, amend, supplement, change, modify or repeal the Unified Development Code and the zoning district boundaries.

Section 470.020 (B) states:

“Zoning Map amendments may be initiated by the City Council, the Planning and Zoning Commission or upon application by the owner(s) of a property proposed to be affected.”

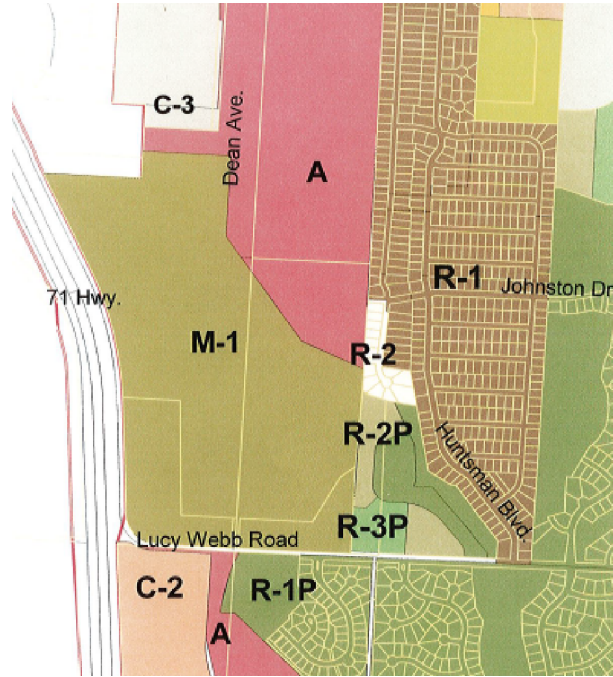
Section 470.020 (F) requires that a public hearing be held by the Planning and Zoning Commission and the City Council. The Planning and Zoning Commission will submit a recommendation to the City Council upon conclusion of the public hearing.

Section 470.020 (G) outlines eleven findings of fact that the Planning and Zoning Commission and City Council must take into consideration in its deliberation of the request.

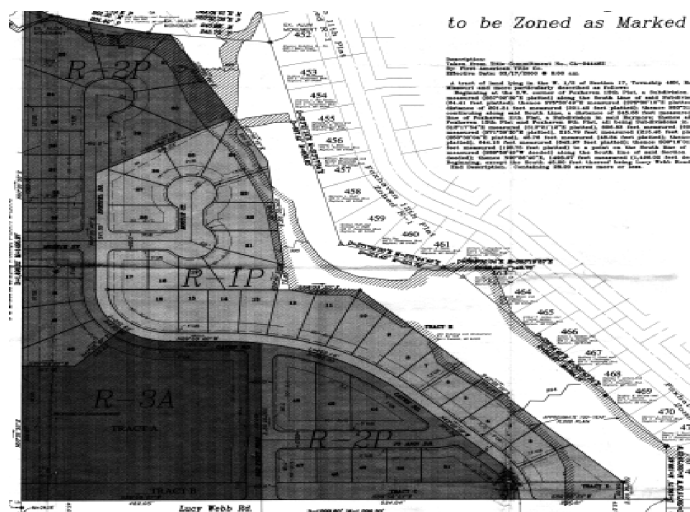
PREVIOUS PLANNING ACTIONS ON OR NEAR THE PROPERTY

1. Land containing the LeMor Estates Subdivision was rezoned from “A” Agricultural District to “R-1P” Single Family Planned Residential District, “R-2P” Two-Family Planned Residential District, and “R-3A” Multi-Family Residential District, in August and September of 1999. At the time of the rezoning, the land area to the west (now known as the Timber Trails Subdivision) was zoned “M-1” Light Industrial District. The R-1P zoning designation for the Timber Trails Subdivision was established in February of 2004.

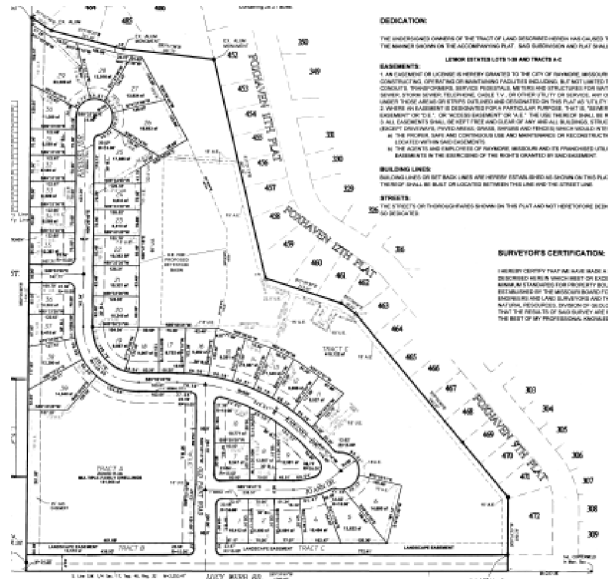
The rezoning of land in LeMor Estates established the R-2P and R-3A zoning district as a land use buffer adjacent to the industrial zoned land to the west. The R-1P land was established on the land along the west side of the creek. The 1999 rezoning is illustrated below:



2. In April of 2001, the zoning boundary line of the R-1P and R-2P district for the land was adjusted as illustrated below:



3. On October 22, 2004 the final plat for LeMor Estates subdivision was recorded.



4. On July 9, 2007, Lots 7, 10, and 25 were rezoned from R-2P to R-1P, and adjustments were made to the applicable development standards for all lots in the subdivision as follows:

“R-1P” Single-Family Planned	
Lot Area Minimum	7,545 sqft
Lot Width	60ft
Lot Depth	100ft
Front Yard	30ft
<u>REAR YARD</u>	<u>18 FT</u>
Side Yard Interior	10% of lot width 10' maximum
Side Yard Exterior	30ft
Building Coverage	30%
Waiver from 410.290 Lot Design	

“R-2P” Single and Two-Family Planned	
Lot Area Minimum (per lot)	9,547 sqft
Lot Width	70ft
Lot Depth	100ft
Front Yard	30ft
<u>REAR YARD</u>	<u>18 FT</u>
Side Yard Interior	10% of lot width 10' maximum
Side Yard Exterior	30ft
Building Coverage	30%

5. On May 13th, 2013 the City Council voted to deny the rezoning application which would have rezoned Lots 21-25 from R-1P to R-2P. Single family homes are now being constructed on the lots.

STAFF COMMENTS

1. The property has been zoned "R-1P" Single-Family Residential Planned District since July 8th, 2007. At that time the then owner indicated they could not fit a two-family structure on the lot and requested the rezoning to allow a single-family home.
2. Lots 7 and 10 are both currently owned by Keith Wehmeir (Harper Building LLC.). Mr. Wehmeir does have a building plan for a two-family structure that will fit upon both Lot 7 and Lot 10 while respecting the required building setbacks.
3. When LeMor Estates was first planned and approved Lots 7 and 10 were zoned R-2 to allow for two-family structures.
4. There are two-family structures on the adjacent lots 8 and 9. Two-family structures also exist on the five lots to the south of Lots 7 & 10.

ENGINEERING DIVISION RECOMMENDATION

Not applicable to this application.

PLANNING COMMISSION PROPOSED FINDINGS OF FACT

Under 470.020 (G) (1) the Planning and Zoning Commission and City Council is directed to make findings of fact taking into consideration the following:

1. **the character of the surrounding neighborhood, including the existing uses and zoning classification of properties near the subject property;**

The character of the surrounding neighborhood is a mixture of single-family residential, single and two-family residential and apartment style living.

2. **the physical character of the area in which the property is located;**

The physical character of the area in which the property is located is primarily residential. To the east is two-family residential as well as to the south, to the West is apartments and finally to the North is Single family residential. Lots 7 and 10 are relatively flat in nature.

3. consistency with the goals and objectives of the Growth Management Plan and other plans, codes and ordinances of the City of Raymore;

The Growth Management Plan identifies this property as appropriate for medium density residential development, defined as two family residential.

4. suitability of the subject property for the uses permitted under the existing and proposed zoning districts;

Lots 7 and 10 are suitable for development for both single-family and two-family dwelling units.

5. the trend of development near the subject property, including changes that have taken place in the area since the subject property was placed in its current zoning district;

In 1999 this area was zoned "A" Agriculture and rezoned to "R-1P" Single Family Planned Residential District, "R-2P" Two-Family Planned Residential District and "R-3A" Multi-Family Residential District. In April of 2001 the zoning boundary line of the R-1P and R-2P district for the land was adjusted which had R-1P north of Kreisel Dr and R-2P south of Kreisel Dr. Lots 7 and 10 were rezoned to R-1P on July 9th, 2007.

6. the extent to which the zoning amendment may detrimentally affect nearby property;

The proposed zoning map amendment would not detrimentally affect the surrounding properties. The proposed amendment would allow for development that would be consistent with existing surrounding development.

7. whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

Adequate public infrastructure is available to serve the site as lots 7 and 10 are infill lots of the existing subdivision for LeMor Estates. There is existing water and sanitary sewer infrastructure to serve the property. The adjacent road network can adequately serve the site.

8. the suitability of the property for the uses to which it has been restricted under the existing zoning regulations;

The property is currently suited for uses under the current zoning regulations.

9. the length of time (if any) the property has remained vacant as zoned;

The property has remained vacant since it was incorporated into the City.

10. whether the proposed zoning map amendment is in the public interest and is not solely in the interests of the applicant; and

The proposed zoning map amendment is in the public interest as it would allow for development that is consistent with existing surrounding development.

11. the gain, if any, to the public health, safety and welfare due to the denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

There will not be gain to the public health, safety and welfare of the community as a result of the denial of the application. Denial would not keep the character of the neighborhood as all properties surrounding these lots are two family or apartments except to the north where single family does exist.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u> Public Hearing	<u>Planning Commission</u> November 16, 2021	<u>City Council 1st</u> November 22, 2021	<u>City Council 2nd</u> December 13, 2021
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STAFF RECOMMENDATION

City staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward case #21039, rezoning of lots 7 and 10 from "R-1P" Single Family Residential Planned District to "R-2P" Single and Two-Family Residential Planned District, to City Council with a recommendation of approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its November 16, 2021 meeting, voted 9-0 to accept the staff proposed findings of fact and forward case #21039, rezoning of lots 7 and 10 from "R-1P" Single Family Residential Planned District to "R-2P" Single and Two-Family Residential Planned District, to City Council with a recommendation of approval.

CITY COUNCIL ACTION 1ST READING - 11/22/2021

The City Council, at its November 22, 2021 meeting, voted 8-0 to accept the Planning and Zoning Commission proposed findings of fact and approved case #21039, rezoning of lots 7 and 10 from “R-1P” Single Family Residential Planned District to “R-2P” Single and Two-Family Residential Planned District on 1st reading.

CITY COUNCIL ACTION 2ND READING - 12/13/2021

The City Council, at its December 13, 2021 meeting, voted 8-0 to accept the Planning and Zoning Commission proposed findings of fact and approved case #21039, rezoning of lots 7 and 10 from “R-1P” Single Family Residential Planned District to “R-2P” Single and Two-Family Residential Planned District on 2nd reading.