

THE **PLANNING AND ZONING COMMISSION** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **TUESDAY, NOVEMBER 16, 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, ERIC BOWIE (arrived at 7:01pm), KELLY FIZER, TOM ENGERT, JEREMY MANSUR, JIM PETERMANN, MAYOR KRIS TURNBOW, AND MARIO URQUILLA (arrived at 7:01pm). ALSO PRESENT WAS CITY ATTORNEY JONATHAN ZERR, CITY PLANNER DYLAN EPPERT, DIRECTOR OF DEVELOPMENT SERVICES JIM CADORET, DIRECTOR OF PUBLIC WORKS MIKE KRASS, ASSISTANT CITY ENGINEER TRENT SALSURY, 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 Minutes from October 19, 2021 meeting**

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

Vote on Motion:

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

Motion passed 8-0-1.

6. **Unfinished Business -**

a. **Case #21031: Unified Development Code 34th Amendment**

Development Services Director Jim Cadoret began the staff report. Mr. Cadoret stated that during the previous Planning & Zoning meeting on October 19, the public hearing for this case was opened and closed. There were some corrections as noted by the Commission members that needed to be made to the proposed bill that have since been made. There are 3 changes being proposed. The first proposed change would remove language from the Unified Development Code (UDC) Section 460.080 A.1.a to create a new subsection A.1.c. This change affects the language regarding platted lots encroaching in the Federal Emergency Management Agency (FEMA) floodplain or the 100-year flood elevation for areas not identified as special flood hazard areas. This will allow the layout of the sections in the UDC to be more consistent through residential and non-residential. The second proposed change is to correct

the Section number for Section 435.050. The third change is in regards to change in minor subdivisions. If a subdivision does qualify as minor, it will be allowed to go through Staff for approval, it would not have to go through Planning & Zoning Commission or City Council. This change is noted under D. Procedure in Section 470.010 of the UDC, where subitem 1 & 2 would be eliminated and it would just fall under D. Under Section 4, language was added to 470.010A that minor subdivisions would be a decision from the Development Services Director with an appeal to the Board of Adjustment.

Motion by Commissioner Faulkner, Seconded by Commissioner Bowie, to accept Staff Proposed Findings of Fact and forward Case #21031 Unified Development Code 34th Amendment to the 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	Aye
Mayor Turnbow	Aye

Motion passed 9-0-0.

7. New Business -

a. Election of Officers

Mr. Cadoret informed the Commission that during the first meeting in November of each year, the Board is required to select Officers for the next calendar year. The current slate of officers includes Chairman Wiggins, Vice Chair Fizer, and Secretary Petermann. Staff requests nominations be made for those positions. The Board may accept the current Officers and re-elect them for another calendar year or each position may be re-appointed individually.

City Attorney Jonathan Zerr mentioned that if the Commission is inclined to keep the same slate of Officers, each of the current Officers need to state their acceptance of the continued position. If any of the current Officers do not wish to be re-appointed, there will need to be a vote for a new Officer for that position.

Commissioner Petermann, Commissioner Fizer, and Chairman Wiggins all stated that they are inclined to keep their current positions for the next calendar year.

Motion by Mayor Turnbow, Seconded by Commissioner Bowie, to maintain the current officers for the next term.

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	Aye
Mayor Turnbow	Aye

Motion passed 9-0-0.

b. 2022 Meeting Calendar

Mr. Cadoret stated that the proposed meeting calendar for 2022 has been presented to the Commission for their consideration. This calendar is used by the applicants for deadline references, meeting dates, and is used by Staff for deadlines for Public Hearing notices and meetings, as well as Good Neighbor meetings and other correspondence that is required. In past years, there have been conflicts with meetings falling on election nights, but this should not be a conflict for the 2022 year.

Motion by Commissioner Urquilla, Seconded by Commissioner Engert, to accept the Staff proposed 2022 Meeting Calendar and deadlines as presented by Staff.

Commissioner Bowie asked Mr. Cadoret if the list of current Board members will be coming out soon?

Mr. Cadoret replied that it will be included in the next packet that goes out.

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	Aye
Mayor Turnbow	Aye

Motion passed 9-0-0.

c. Case #21039: LeMor Estates Lots 7 & 10 Rezoning (public hearing)

Chairman Wiggins opened the public hearing at 7:10pm.

City Planner Dylan Eppert stated that the applicant had a family emergency and is unable to attend the meeting, however, the applicant would like the case to continue in his absence if the Commission allows it.

Chairman Wiggins confirmed that the case can be continued in the applicant's absence as long as Staff feels they can present the information.

Mr. Zerr stated that at the end of the Staff Report and conclusion of the Public Hearing, if the Commission has any questions that have not been answered, the case can be continued before making any final determination and giving a vote.

Mr. Eppert began the Staff Report, highlighting that the request is to rezone lots 7 & 10 in LeMor Estates from "R-1P" to "R-2P". The property is located generally north of W. Lucy Webb Road and east of Old Paint Road. The surrounding zonings are R-1 Single-Family Residential to the north and south, R-2P Single- and Two-Family Residential Planned District to the east and south, and R-3B Apartment Community Residential District to the west. The Future Land Use Map of the current Growth Management Plan designates this property as appropriate for medium density residential. The Major Thoroughfare Plan Map classifies W Lucy Webb Road as a Major Collector while Old Paint Road and Kreisel Drive are classified as local roads. A Public Hearing was advertised on November 4th, and there are 6 items to be entered into the record. In 1999, land containing the LeMor Estates Subdivision was rezoned from "A" Agricultural to "R-1P" Single-Family Planned Residential District, "R-2P" Two-Family Planned Residential District, and "R-3A" Multi-Family Residential District. At the time of the rezoning, the land area to the west, now known as Timber Trails subdivision, was zoned "M-1" Light Industrial District. On October 10, 2004 the final plat for LeMor Estates subdivision was recorded. In 2007, lots 7 & 10 were rezoned from "R-2P" to "R-1P", and adjustments were made to the applicable development standards for all lots in the subdivision. In 2013, the City Council voted to deny the rezoning application which would have rezoned lots 21-25. The property has been zoned "R-1P" since July 2007. At that time, the then owner indicated they could not fit a two-family structure on the lots and requested the rezoning to allow for a single-family home. The lots are now owned by Keith Wehmeir of Harper Building LLC. Mr. Wehmeir does have a building plan for a two-family structure that will fit on each of the lots while respecting building requirements. The lots were originally zoned "R-2" for two-family structures, and there are two-family structures on the adjacent lots 9 & 10. Two-family structures also exist on the five lots to the south of lots 7 & 10. Staff recommends the Commission accept the staff proposed findings of fact and forward Case #21039: LeMor Estates Lots 7 & 10 from R-1P to R-2P to the City Council with a recommendation of approval.

Commissioner Urquilla asked Mr. Eppert to clarify if the rezoning request is to change the designation to "R-2" or "R-2P"?

Mr. Eppert noted that the request is to change the zoning to "R-2P", there was a typo in the packet. That would be corrected before the case would go onto City Council.

Commissioner Mansur asked if there will be a final plat approval since it is a planned district.

Mr. Eppert stated that the lots are already platted, they have been previously platted as "R-2P". There will not be a final plat approval.

No public spoke on the application.

Chairman Wiggins closed the public hearing at 7:17pm.

Motion by Commissioner Urquilla, Seconded by Commissioner Faulkner, to accept Staff proposed findings of fact and forward Case #21039: LeMor Estates Lots 7 & 10 Rezoning from "R-1P" Single Family Residential Planned District to "R-2P" Single and Two-Family Residential District 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	Aye
Mayor Turnbow	Aye

Motion passed 9-0-0.

d. Case #21036: The Estates at Knoll Creek Preliminary Plat (*public hearing*)

Chairman Wiggins opened the public hearing at 7:19pm.

Tyler Sallee, Sallee Real Estate Investments LLC, PO Box 6437, Lee's Summit MO 64064, came to the podium on behalf of the applicant for the expansion of Knoll Creek. The proposed expansion to the current Knoll Creek subdivision will be very similar to the first phase of the subdivision. The overall layout of the subdivision remains consistent with the original preliminary plat that was approved for the subdivision, with the exception of some changes made to the cul-de-sac configurations, and an additional street to the southeast of the property that would eventually connect to the Alexander Creek subdivision. There are 79 lots that would be developed in 2 or 3 phases, around 30-40 lots at a time. The size of the lots would be similar to the homes in Knoll Creek phase 1. Exteriors of the homes would also be similar to the existing Knoll Creek subdivision. There is a common detention area that splits phases 1 and 2 which will be acquired with the purchase of the land. The current landowner owns the detention pond, which serves for detention for the undeveloped tract of land as well as phase 1 of Knoll Creek. Mr. Sallee stated that on the original preliminary plat there was a pedestrian walking trail shown around the detention pond area that has not been installed yet. Part of the development will be to complete the trail around the detention pond during the 1st or 2nd phase of the new construction. There are open space green tracts that are included in the proposal. Those open areas and the detention pond area are planned to eventually be owned by the Homeowners Association, and they would be responsible for the ongoing maintenance once that is transferred to them. There was a neighborhood meeting that was hosted with around 25 residents in attendance where questions were asked about the connection between the new Knoll Creek development and the Alexander Creek subdivision. Sallee Real Estate owns Alexander Creek, and it is planned for the two neighborhoods to connect at some point in the future.

Commissioner Faulkner asked Mr. Sallee to confirm the number of lots in this development.

Mr. Sallee responded that there are 79 lots in the development.

Commissioner Faulkner stated that there is a contraindication, the paperwork states there are 76 lots.

Mr. Sallee confirmed that 76 is correct.

Mr. Eppert began the Staff Report, stating that the request is for approval of the preliminary plat for the expansion of the Knoll Creek Subdivision. The property is 36.851 acres, and is generally located on undeveloped land east of the existing Estates at Knoll Creek subdivision. Surrounding zoning includes "A" Agricultural to the north and east, "R-1" Single-Family Residential to the west, and unincorporated Cass County to the south. The Future Land Use Map of the current Growth Management Plan designates this property as appropriate for low density residential. The Major Thoroughfare Plan Map classifies N Prairie Lane as a Major Collector and Hall's Creek Avenue as a local road. There has been an advertisement and a Good Neighbor meeting, and Mr. Eppert entered 7 items into the record, as well as any additional exhibits as presented during the hearing. The property was rezoned from "A" Agricultural District to "R-1" Single-Family Residential District in October 2003. The original

preliminary plat for The Estates at Knoll Creek was approved at the same time. There were three phases proposed for the subdivision, with 56 homes in Phase 1. The final plat for Phase 1 was approved in May 2004. All 56 lots have been developed. The original preliminary plat for Knoll Creek expired in May 2006. In 2003, the Parks & Recreation Board voted to give the developer a credit for recreational amenities planned in the proposed subdivision. Credit was given to 50% of the acreage in the tract on which the fishing ponds and trail were shown. The credit for amenities was in the amount of 7.366 acres, and the fee-in-lieu payment was in the amount of \$16,330. The requirements for Phase 1 have been met. In November 2021, the Parks & Recreation Board voted to accept a fee-in-lieu of parkland dedication in the amount of \$80,256 for the new development at Knoll Creek, and is to be paid at the time the Final Plat is recorded. The subject property is located within the territorial area of the Cass County Public Water District #3. The applicant is aware that the entire Knoll Creek subdivision will be served by that district. Temporary cul-de-sacs will need to be constructed on the east end of Hall's Creek Avenue, the southern end of Citadel Place, and at the southern end of Normandy Drive. The South Metro Fire District had two comments regarding the preliminary plat, including a request that the fire hydrant be located at lot 111 and the island in the "tear drop" style cul-de-sac will have pavers instead of grass. Stormwater will be maintained through the pond located on the west side of the proposed subdivision with an existing overflow to the south of the subdivision. A Detention Area Agreement allows Phase 2 and 3 of the subdivision to utilize the existing stormwater detention basin. The existing basin was designed and sized to handle the stormwater runoff from the entire subdivision. The pond would be the responsibility of the applicant to maintain until such time the ponds are deeded over to the Homeowners Association. A maintenance agreement is required. A 7' walking trail is to be constructed around the pond as shown on the preliminary plat drawing. The trail will be required to be installed with the installation of public improvements for the first phase of the subdivision. Citadel Place is designed to allow future connection to the extension of Alexander Creek Drive in the Alexander Creek subdivision. Craig's Glen Drive, Hall's Creek Drive, and Normandy Drive are all designed to allow for future extension onto adjacent undeveloped land. The UDC requires utility extensions to the adjacent property coincident with the street extensions. City Staff recommends the acceptance of this case, subject to the condition that documentation shall be provided to the City that the applicant has access rights to utilize the existing stormwater detention basin located upon Tract C of the Estates at Knoll Creek first plat.

Chairman Wiggins asked if it is being planned to install roundabouts on 58 Highway at some point? If so, where would those roundabouts be located?

Director of Public Works Mike Krass replied that there is a roundabout being suggested at the 58 Highway and Ward Road intersection, as well as the intersection at 58 Highway and Prairie Lane. The contract for those has recently been awarded and work is anticipated to start in the spring.

President of the Knoll Creek Estates Homeowners Association Matt Dorsey came to the podium for comments. Mr. Dorsey commented that since work is already going on in the Alexander Creek subdivision and a connection is planned between the two subdivisions, the community would like the developers to begin phase 2 of the project first. This would allow the builders a different access point so they would not be constantly driving through the established neighborhood of Knoll Creek. Mr. Dorsey also had a question about who was responsible for maintaining the detention pond. If the current landowner still owns the pond, why has the Knoll Creek HOA been maintaining the pond? Who does the pond belong to, and why has the Knoll Creek HOA been stocking the pond and doing cleanup?

Mr. Eppert responded that Mr. Sallee will acquire the pond once he purchases the land for the new development of Knoll Creek. The plan is to have one single HOA for the entire Knoll Creek subdivision, including the new development.

Chairman Wiggins closed the public hearing at 7:34pm and invited the applicant or Staff to respond to the concerns raised by the public.

Mr. Krass stated that at this time, there is not a direct line of access from the Alexander Creek property to the southeast corner of the proposed new development at Knoll Creek. There is a gap that is shown on the preliminary plat, and part of what would be the connection is owned by a different property owner.

Mr. Cadoret stated that when the first phase came through for Knoll Creek, there was an agreement that the pond serve as a stormwater detention basin for the first phase. In that agreement, it was agreed that the Knoll Creek HOA will maintain the pond. The current HOA is responsible for the pond. With phases 2 & 3, Mr. Sallee will need a specific stormwater agreement to allow him to use the existing pond for stormwater detention. Phases 2 & 3 now have joint maintenance responsibilities for the pond along with the HOA for Knoll Creek. The pond is there to benefit the entire community of Knoll Creek.

Mr. Sallee mentioned that the land and the pond are still under contract to be purchased. It has been proposed to the current landowner what the use agreement between the new development and the existing development will look like. It has not been executed yet since Mr. Sallee is not the owner of the property yet.

Mr. Zerr stated that the language of the proposed Staff Recommendation under 1 would contemplate the utilization and access of the detention pond. The applicant in this case would need to obtain access rights in order to utilize that stormwater detention basin as one of the conditions of this case. Mr. Zerr read from section 470.110 of the UDC to give the Commissioners an overview of what should be considered when voting for the case.

Commissioner Urquilla asked who was the current owner of the land to the southeast that is preventing the two subdivisions from connecting?

Mr. Eppert stated that the Alexander Creek subdivision is owned by Mr. Sallee, and the Knoll Creek property is under contract with Mr. Sallee as well.

Chairman Wiggins stated that the previously approved phase of Alexander Creek is to the north and the creek has not been crossed to access the northwest portion of the development. The 12 or so lots from the creek crossing to the southeast corner of Knoll Creek is undeveloped, but is owned by the applicant.

Mr. Krass stated that the proposed connection crosses the Batliner property. There has not been an application for that portion of Alexander Creek currently. It is not planned and it would be contingent on the Batliner property being developed or sold.

Commissioner Urquilla asked if the drawing on the preliminary plat is accurate to what the City would install eventually? The road is planned to look like that, there is not a current developer that is interested in developing that road, correct?

Mr. Krass confirmed that yes, it is accurate.

Motion by Commissioner Urquilla, Seconded by Mayor Turnbow, to accept Staff proposed findings of fact and forward Case #21036 The Estates at Knoll Creek Preliminary Plat to City Council with a recommendation of approval, subject to the outlined condition.

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	Aye
Mayor Turnbow	Aye

Motion passed 9-0-0.

8. City Council Report

City Attorney Jonathan Zerr gave an overview of the two City Council meetings that took place since the Planning & Zoning Commission last met.

9. Staff Report

Mr. Cadoret gave the Staff Report, highlighting that there will be a meeting on December 7th. There are several items on the agenda including a public hearing for an event center. Also being presented is the site plan for the Watermark apartment community. Nothing currently scheduled for December 21st, but it's possible something will come up before then.

10. Public Comment

No public comment.

11. Commission Member Comment

Commissioner Faulkner mentioned it is good to see the whole Commission present, and thanked Staff.

Commissioner Bowie thanked Staff and the public for coming out, and wished everyone a Happy Thanksgiving.

Commissioner Mansur thanked Staff and the public for coming out. It's important to hear thoughts and opinions from residents.

Commissioner Fizer thanked Staff, and wished everyone a good Thanksgiving.

Commissioner Petermann had no comment for the evening.

Commissioner Engert thanked Staff and the public for coming out.

Commissioner Urquilla thanked Staff and the public for coming out. Happy Thanksgiving.

Mayor Turnbow seconded what everyone else said, and wished everyone a Happy Thanksgiving.

Chairman Wiggins thanked Staff and the public. Thank you to the other Commissioners as well for their support in the Officers, it is very enjoyable and an honor to be the Chairman of the Commission. Have a happy and safe Thanksgiving.

12. Adjournment

Motion by Commissioner Urquilla, Seconded by Commissioner Bowie, to adjourn the November 16, 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	Aye
Mayor Turnbow	Aye

Motion passed 9-0-0.

The November 16, 2021 meeting adjourned at 7:51 p.m.

Respectfully submitted,

Emily Jordan