

To: City Council
From: Planning and Zoning Commission
Date: February 28, 2022
Re: **Case #22001 Grube Property - Rezoning from “M-1” to “R-3A”**

GENERAL INFORMATION

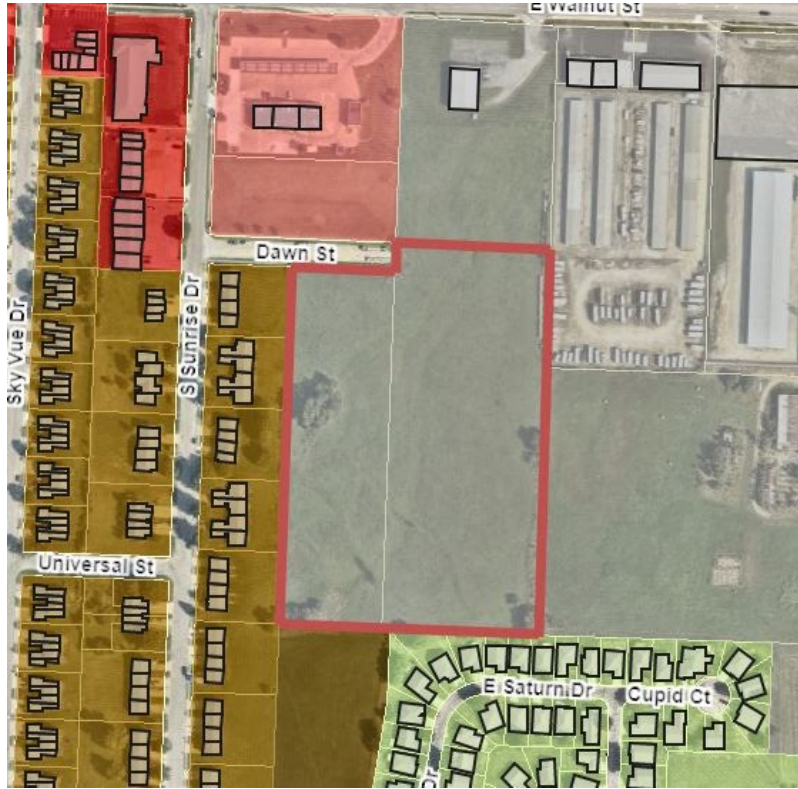
Applicant: Jake Loveless
Griffin Riley Property Group
21 SE 29th Terr.
Lee’s Summit, MO 64082

Requested Action: Request for a reclassification of zoning from “M-1” Light Industrial to “R-3A” Multiple-Family Residential District.

Property Location: Generally located south of Dawn St, east of S. Sunrise Dr.



Existing Zoning: "M-1" Light Industrial District



- North: C-3 and M-1 (Regional Commercial District and Light Industrial)
- East: M-1 (Light Industrial)
- South: R-3B and PUD (Apartment-Community Residential District and Planned Unit Development District)
- West: R-3A (Multiple-Family Residential)

Growth Management Plan: The Future Land Use Map of the current Growth Management Plan designates this property as appropriate for Business Park.

Major Street Plan: The Major Thoroughfare Plan Map classifies E. Walnut St as a Major Arterial. S. Sunrise Dr. and Dawn St. are classified as local roads.

Legal Description: All that part of Tract 1 and all that part of Tract 2, JOHNSTON INDUSTRIAL PARK, a subdivision of land situated in Raymore, Cass County, Missouri, according to the recorded plat thereof, of record in Plat Book 8, Page 13, described as follows:

Beginning at the Southeast corner of said Tract 1, Johnston Industrial Park, said point also being known as the Southwest corner of Lot 5, Bush Industrial Park, a subdivision of land situated in Raymore, Cass County, Missouri, according to the recorded plat thereof; thence Northerly along the westerly property line of said Bush Industrial Park, North 02° 04' 11 East, a distance of 815.03 feet; thence North 87° 50' 36" West, a distance of 330.27 feet, to a point being the Southeast corner of Tract B, Lot Line Adjustment of Johnston Park Addition & Re-Survey, a subdivision of land situated in Raymore, Cass County, Missouri, according to the recorded plat thereof, of record in Book 27 at Page 83; thence South 02° 02' 51" West, a distance of 60.00 feet; thence North 87° 50' 36" West, a distance of 217.32 feet, to a point being the Northeast corner of Lot 73, Johnston Industrial Park Addition & Resurvey, a subdivision of land situated in Raymore, Cass County, Missouri, according to the recorded plat thereof, of record ad Document Number 1984000523; thence Southerly along the East property line of said, Johnston Industrial Park Addition & Resurvey, South 02° 12' 28" West, a distance of 750.20 feet, to a point being the Northwest corner of Lot 1, Bristol Manor, a subdivision of land situated in Raymore, Cass County, Missouri, according to the recorded plat thereof, of record in Document Number 19930018307; thence Easterly along the North line of said Lot 1, Bristol Manor, South 87° 53' 52" East, a distance of 239.79 feet; thence South 02° 05' 25" West, a distance of 6.05 feet, to a point being the Northwest corner of Lot 10, Morningview, a subdivision of land situated in Raymore, Cass County, Missouri, according to the recorded plat thereof, of record in Document Number 19900005918; thence Easterly along the North line of said Morningview, South 88° 00' 15" East, a distance of 309.59, returning to the Point of Beginning.

Above described tract contains 432,878.78 sf (9.94 Acres)



(View Looking south from Dawn St.)



(View looking west from Stor-More for less)



(View looking north from Morningview Subdivision)



(View looking east from west property line)

Advertisement: December 30, 2021 **Journal** newspaper
January 13, 2022 **Journal** newspaper

Public Hearing: January 18, 2022 Planning Commission meeting
February 14, 2022 City Council

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

The applicant is requesting to reclassify the zoning classification from existing “M-1” Light Industrial District to “R-3A” Multiple-Family Residential District.

REZONING REQUIREMENTS

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

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 470.010 (E) requires that an informational notice be mailed and “good neighbor” meeting be held.

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. The final plat (Johnston Industrial Park) for the subject property was approved August 13, 1979.
2. The subject property was approved on August 13, 1979 to be rezoned from “A” Agriculture to “M-1” Light Industrial.

3. The property to the west (Johnston Industrial Park lots 55-61 and 65-73) was approved on May 29, 1990 to be rezoned from “M-1” Light Industrial to “R-3A” Multiple-Family Residential District.

GOOD NEIGHBOR INFORMATIONAL MEETING COMMENTS

A Good Neighbor meeting was held on Wednesday, January 12, 2022 in the Council Chambers at City Hall. 8 people attended, including residents of primarily Morningview Subdivision. Applicant Jake Loveless and Matt Tapp, Project Engineer Matt Schlicht also attended to make the presentation and answer questions and concerns. City Planner Dylan Eppert and Development Services Director Jim Cadoret represented City staff. The comments below provide a summary of the meeting:

Matt Schlicht began the meeting by briefly explaining the project. He began by saying this application is for rezoning the property south of Dawn St and east of S. Sunrise Dr. A visual presentation was provided showing the conceptual plan for the development. The presentation moved on to showing proposed elevations for the development including four-plex and over under style multi-family dwellings. These units will range from 1,200 to 1,400 square feet per unit. The applicant also showed the location of possible amenities to include a dog park, playground, pickleball court ect.

Attendees had the following questions regarding the project:

Q: What will the location of amenities be? The applicant was initially unsure but did say that the focus for the amenities would be to have them centrally located for potential users to be drawn to the middle of the development.

Q: Is there a minimum number of bedrooms? The minimum number of bedrooms would be 2.

Q: How many people would this draw as far as tenants? The applicant stated on average less than four people per unit.

Q: Will this be hud housing No, the units will be rented at market rates.

Q: Will there be any kind of screening from Morningview subdivision to the proposed development? Yes there will be a type A screening (plantings and trees) required between the proposed development and the existing Morningview subdivision.

Q: The residents would like to have a fence instead of plantings, would the developer be willing to do that? Yes, the applicant would be willing to look at making

that an option. Discussion ensued about what type of fencing the residents would like to see? The residents want to see a vinyl opaque fence at least 6' in height.

Q: A concern was raised about kids coming onto Morningview subdivisions property as it occurs a lot already especially in the summertime. The applicant said that with this development it should hinder these types of occurrences as this area has always been an open field and by having a development in this location it would prevent people from trying to cross over. Also, the screening that the applicant is looking at providing would help the section of Morningview subdivision with this problem.

Q: A comment was made about liking the location of the amenities. Statement was acknowledged.

Q: What is the water pond representing? The water feature represents a dry detention pond. The water was to add effect.

Q: Will this be owned and operated by one person? Yes this property will be single ownership and maintained by the owner.

Q: Who would be building these structures? Summit Homes? The applicant stated it could be Summit Homes but then explained he is the developer and then would have to hire someone to build the structures and it could be Summit Homes.

Q: What will the ratio of 2 bedroom units be to three bedrooms? The interior of the site will be three bedroom units and the perimeter of the site will be two bedroom units.

Q: Lighting was brought up about being a potential problem? The lighting would be figured out in the Site plan process and the intention is for all lighting to be interior to the site. The worst case is someone's porch light being left on at night.

Q: Will there be gas utilities or only electric? The intention is to have all electric service.

Q: Would fireworks be allowed? Morningview subdivision has in their covenants no fireworks during the fourth of July celebration, could this be done with your development? It was joked about being limited to three days, but pointed to the City for any regulations that would need to be followed.

SECTION 215.060: - DISCHARGE PROHIBITED AT CERTAIN TIMES AND IN CERTAIN PLACES

- A. It shall be unlawful for any person to discharge or shoot any type of fireworks at any time within the City except permitted consumer fireworks may be discharged:

1. Between 10:00 A.M. and 10:00 P.M. July first (1st) through July third (3rd); and
 2. Between 10:00 A.M. and 12:00 Midnight on July fourth (4th); unless any of said days fall on a Sunday, in which case permitted consumer fireworks may not be discharged before noon that day.
- B. Except as otherwise set forth in this Chapter, it shall be unlawful for any person to discharge any type of fireworks at any time in or on any public street, public sidewalk, public park or trail, public grounds or within the business district of the City, unless the City Council grants express approval.
 - C. The City Council, by resolution, may permit the discharge of special fireworks on public or private property on July fourth (4th) or such other date as the Council may authorize, if the same is a public display for which no admission charge is collected and if the same is sponsored and conducted by the City or one (1) or more local organizations.

Q: Will pets be allowed? Will there be size limits? Yes pets will be allowed, and they could look at size limitations but normally, the limitations are on breeds not the size.

Q: Will there be a rental office and will there be a staff person on site living there? Yes there will be a leasing office inside of the community building. They would not require the person to live on site but they could rent a unit as a possibility but would not have staff 24/7.

Q: How long of a leasing term, as short term rentals are not preferred? The typical term is 1 year but they do have some people who are building a home or in between homes and only need a 6 month lease but 6 months would be the minimum.

Q: How long does the applicant intend to keep the property? As long as it makes sense to keep the property the developer wants to keep it but are going to always look at opportunities. The applicant stated, he has held a property for 10 years, 7 years and sold one after 5 years, so it really just depends.

STAFF COMMENTS

1. The property has been zoned “M-1” Light Industrial District since August 13, 1979 and has remained vacant.
2. The properties directly to the west of the site have been zoned “R-3A” Multiple-Family Residential District since 1990.
3. Morningview Subdivision to the south of the subject property was rezoned from “M-1” Light Industrial to “PUD” Planned Unit Development District in 1990.

4. **Section 420.010 Use-Specific Standards, Residential Uses**

a. **Single-Family Attached and Multiple-Family Dwellings**

i. **Number of Buildings per Lot**

Multiple buildings containing attached single-family and multiple-family dwellings are permitted on a single zoning lot.

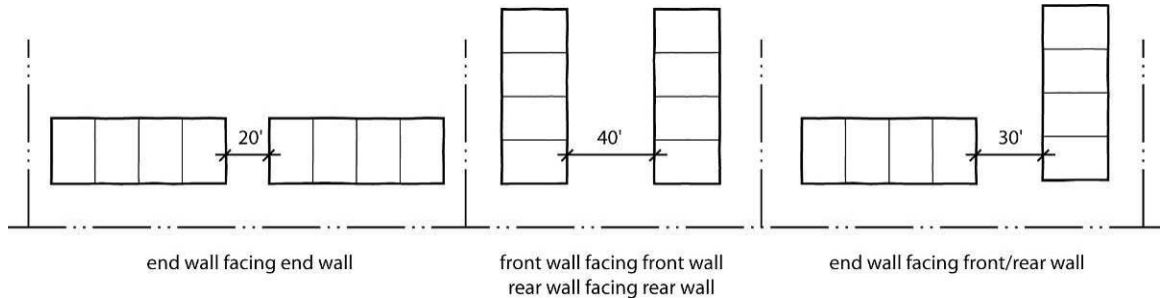
ii. **Number of Units per Building**

1. No more than eight attached single-family dwelling units are permitted within a single building.
2. There is no limit on the number of multiple-family dwellings permitted within a single building.

iii. **Minimum Separation between Buildings**

Single-family attached and multiple-family buildings situated around a courtyard will have the following minimum distance requirements as measured between exterior walls:

1. back to back, 40 feet;
2. front to front, 40 feet;
3. end to end, 20 feet;
4. end to back, 30 feet;
5. end to front, 30 feet;
6. no dwelling unit will face directly upon the rear of a building; and
7. service areas and vestibules, porches, balconies and canopies not extending more than 10 feet from the building, will be excluded from the distance requirements of this section.



5. The uses permitted in the R-3A district are as follows:

Use	R-3A	Use Standard
RESIDENTIAL USES		
Household Living		
Single-family Dwelling, Detached (conventional)	-	

Manufactured Home Residential – Design	–	Section 420.010D
Single-family Dwelling, Attached	S	Section 420.010A
Two-family Dwelling (Duplex)	P	
Multi-family Dwelling (3+ units)	S	Section 420.010A
Apartment Community	–	Section 420.010A
Cluster Residential Development	S	Section 420.010B
Manufactured Home Park	C	Section 420.010C
Employee Living Quarters	–	
Accessory Dwelling, Attached	–	Section 420.050E
Accessory Dwelling, Detached	–	Section 420.050E
Group Living		
Assisted Living	C	
Group Home	S	Section 420.010E
Nursing Care Facility	C	
Transitional Living	C	
Group Living Not Otherwise Classified	C	
PUBLIC AND CIVIC USES		
Cultural Exhibit or Library	C	
Government Buildings and Properties	C	
Place of Public Assembly	C	
Public Safety Services	C	
Religious Assembly	P	
School	P	
Utilities		
Major	C	
Minor	P	
COMMERCIAL USES		
Animal Services		
Kennel	–	Section 420.030E

Use	R-3A	Use Standard
Day Care		
Day Care Home	S	Section 420.030C
Entertainment and Spectator Sports		
Indoor	–	
Outdoor	–	
Funeral and Interment Services		
Cemetery	C	
Funeral Home	–	
Lodging		
Bed and Breakfast	–	Section 420.030H
Medical Marijuana Cultivation Facility	–	Section 420.030N
Sports and Recreation, Participant		
Outdoor	C	
Indoor	–	
OTHER USES		
Accessory Uses	S	Section 420.050
Agricultural Uses		
Farming	–	
Boarding Stables and Riding Schools	–	Section 420.040A

Home Occupation	S	Section 420.040B
Parking		
Accessory Parking	P	
Wireless Communication Facility		Section 420.040C
Colocated	S	

6. The Bulk Dimensional Standards for a property zoned “R-3A” Multiple-Family Residential District are shown below:

R-3A	
Minimum Lot Area	
per lot	12,000 Square Feet
per dwelling unit	2,000 Square Feet
Minimum Lot Width (ft.)	90
Minimum Lot Depth (ft.)	120
Yards, Minimum (ft.)	
Front	30
rear	30
side	10
Maximum Building Height (feet)	50
Maximum Building Coverage (%) [1]	40

7. As the subject property is identified for future development as “BP” Business Park District, “R-3A” Multiple-Family Residential District provides for a better transition as Commercial is to the north and Single-Family Residential to the south.
8. The applicant is proposing a 114-unit multi-family residential development under common ownership and maintenance. The units will be spread over 3 and 4-unit buildings on the site. The middle buildings will have 2 units on the 1st floor and 2 units on the 2nd floor. Amenities proposed include a clubhouse, detached garage units, a playground, dog park area, and a sport court.
9. Though not required, staff prepared a Memorandum of Understanding for the rezoning of the property. The MOU will restrict future development to the number of units and general layout of the submitted conceptual plan. The MOU will be finalized prior to 1st reading by the City Council of the rezoning application.
10. If the rezoning application is approved, the applicant will still have to come back for Site Plan approval and approval of the Final Plat.

ENGINEERING DIVISION RECOMMENDATION

See attached memorandum.

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 has a wide variety of uses including single-family residential, multiple-family residential, apartment community residential, commercial and industrial.
- 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 a mixture of commercial (freedom stop) and industrial to the east and north, multiple family to the west (Johnston Industrial Park), to the south is (Bristol Manor) and a planned unit development district (Morningview). There is a natural slope to the property with the high point being the southwest corner and gradually slopes down toward the northeast corner of the property.
- 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 Business Park, which allows for a mix of commercial and light industrial uses. This land is usually located along arterial roads. The subject property is only located along a local road being Dawn St. not along any arterial road.
- 4. suitability of the subject property for the uses permitted under the existing and proposed zoning districts;**
The property is suitable for multiple family development. As the property to the west was rezoned and developed for Multiple Family dwellings this application would provide another alternative for housing options.

With the subject property being zoned “M-1” Light Industrial District since 1979 and remaining vacant, it is not the best use for the property.
- 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;**

Originally the subject property was part of Tract A and B that was approved for Final Plat in 1979. Then the subject property was rezoned from Agriculture to Light Industrial in 1979.

As time passed a variety of different uses were proposed and approved including, commercial, industrial, multi-family, single family and apartment community. All these uses surround the subject property.

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

As the growth management plan does show future development for this property as a business park, 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 development especially to the southwest and west of the proposed 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, or will be available at the time development of the property occurs. There is existing water and sanitary sewer infrastructure to serve the property along S. Sunrise Dr. or E. Walnut St. The adjacent road network can adequately serve the site. Dawn St. will be extended east to create an extension of an existing east-west local road to serve the development as well as additional properties for the future.

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 subject property to be rezoned 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 provides a good transition as well as a buffer from the commercial and industrial uses to the north.

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 be gain to the public health, safety and welfare of the community as a result of the approval of the application. Approval preserves the land area for a development that is more in keeping with the character of the area.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>City Council 1st</u>	<u>City Council 2nd</u>
Public Hearing	January 18, 2022	February 14, 2022	February 28, 2022

STAFF RECOMMENDATION

The rezoning of the subject property from “M-1” Light Industrial to “R-3A” Multiple-Family Residential District is the highest and best use. The MOU will reduce the maximum allowable density of the property by nearly 50% while providing assurance to the neighbors of the type of development that will occur on the property. The proposed rezoning will provide a residential development that is compatible with the surrounding land uses.

City staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward case #22001, reclassification of zoning from existing “M-1” Light Industrial District to “R-3A” Multiple-Family Residential District” of approximately 9.94 acres, to City Council with a recommendation of approval.

PLANNING AND ZONING RECOMMENDATION

The Planning and Zoning Commission, at their January 18, 2022 meeting, voted 7-1 to approve the staff proposed findings of fact and forward case# 22001, rezoning from “M-1” Light Industrial to “R-3A” Multiple-Family Residential District to City Council with a recommendation of approval.

CITY COUNCIL 1st READING - 02/14/2022

The City Council, at their February 14, 2022 meeting, voted 8-0 to accept the Planning and Zoning Commission proposed findings of fact and approve case# 22001, rezoning from “M-1” Light Industrial to “R-3A” Multiple-Family Residential District on 1st reading.