

THE **PLANNING AND ZONING COMMISSION** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **TUESDAY, JANUARY 18, 2022**, 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 7:02pm), KELLY FIZER, TOM ENGERT, JIM PETERMANN, MAYOR KRIS TURNBOW, AND MARIO URQUILLA. ABSENT WAS JEREMY MANSUR. ALSO PRESENT WAS CITY ATTORNEY JONATHAN ZERR, CITY PLANNER DYLAN EPPERT, DIRECTOR OF DEVELOPMENT SERVICES JIM CADORET, ASSISTANT CITY ENGINEER TRENT SALSBURY, 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 December 7, 2021 meeting**

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

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	Absent
Mayor Turnbow	Aye

Motion passed 8-0-0.

6. **Unfinished Business - none**

7. **New Business -**

a. **Case #22001: Grube Property Rezoning M-1 to R3A (public hearing)**

Chairman Wiggins opened the public hearing at 7:03pm.

Matt Schlicht, Engineering Solutions, 50 SE 30th Street, Lee's Summit MO, came to the podium to explain the request for rezoning. The request is to rezone the subject property from M-1 to R-3A to allow for an apartment community to be built. In the apartment community, there will be 114 units that will be mainly fourplexes. The design of some of the apartments is an over-under style building, where there are two doors on one side of the building that lead to two apartments, and two doors on the opposite side that lead to two other apartments. There

was a Good Neighbor meeting held, and the residents to the south and east of the proposed development stated that they would like a fence to separate the areas. The apartment will be owned by a single owner, and the community will include a common building for residents to use, and will include two amenities such as pickleball or a playground. There will be an internal garage building where residents will have access to an enclosed garage area, and it is spaced at one garage bay per unit. The apartments will rent for somewhere around \$1200-\$1500 per month. The planned apartment complex will be primarily two and three bedrooms. The termination point of Dawn Street will be a cul-de-sac, and all other streets internally will become private streets that will be under private maintenance of the development. The community building will sit at the northwest corner of the development, and is designed to be a flex space that can be used for a variety of events.

City Planner Dylan Eppert gave the Staff Report, stating that the request is for reclassification of zoning from "M-1" Light Industrial to "R-3A" Multiple-Family Residential District. The property is generally located south of Dawn Street and east of Sunrise Drive. The surrounding zoning includes "C-3" Regional Commercial District and "M-1" Light Industrial District to the north, "M-1" Light Industrial District to the east, "R-3B" Apartment Community Residential District and "PUD" Planned Unit Development District to the south, and "R-3A" Multiple-Family Residential District to the west. The Future Land Use Map of the current Growth Management Plan designates this property as appropriate for Business Park. The Major Thoroughfare Plan Map classifies East Walnut Street as a Major Arterial. Sunrise Drive and Dawn Street are classified as local roads. Mr. Eppert entered 6 exhibits into record, as well as any additional exhibits as presented during the hearing. The final plat for the subject property was approved in August 1979. The subject property was approved to be rezoned from "A" Agriculture District to "M-1" Light Industrial District in August 1984. The property to the west was approved in May 1990 to be rezoned from "M-1" Light Industrial District to "R-3A" Multiple-Family Residential District. There was a Good Neighbor meeting held on January 12, 2022. There were 8 residents in attendance. There is a special condition for the subject property and a list of uses that have been presented. 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. 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 sports court. Although 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 the 1st reading by the City Council of the rezoning application. If the rezoning application is approved, the applicant will have to come back before the Commission for Site Plan approval and approval of the Final Plat. Staff feels that the rezoning of the subject property from Light Industrial to Multiple-Family Residential 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 & Zoning Commission accept the proposed findings of fact and forward the case to the City Council with a recommendation of approval.

Juan Grube came to the podium to give comments. He is the current owner of the subject property, and he believes the City will receive more taxes from the development than is being received from the hay field it is now.

Chairman Wiggins closed the public hearing at 7:16pm.

Commissioner Urquilla asked if the area to the south of the subject property is owned by someone else.

Mr. Eppert responded that the land is owned by Bristol Manor, which is just to the west of the Morningview subdivision.

Commissioner Urquilla asked if there is any planned development for that little section of land, since it would be landlocked with no road access.

Mr. Eppert stated that the area Commissioner Urquilla is referring to is not landlocked as it has road access to the south.

Commissioner Urquilla asked the same question about the land to the north of the subject property, south of Jimco.

Mr. Grube stated that the land to the north of the subject property is his land as well.

Chairman Wiggins asked Staff to clarify the statement in the recommendation regarding the allowable density of the development.

Mr. Eppert stated that the current zoning allows for 21 dwelling units on the subject property. With the MOU in place, the neighbors will know that the property will not be at maximum density, the property will have to be developed with the MOU in place.

Chairman Wiggins asked if the MOU would not further reduce the density of the property, it would simply contain the current density with any new development for the property.

Mr. Eppert confirmed that it was correct.

Motion by Commissioner Urquilla, Seconded by Commissioner Fizer, to accept 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.

Vote on Motion:

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

Motion passed 7-1-0.

Chairman Wiggins gave Commissioner Bowie an opportunity to explain why he voted Nay.

Commissioner Bowie stated that he is a little concerned about the findings of fact for numbers 4, 5, and 10. The findings of fact for those were subjective and there could be better use of the space than what is being proposed.

b. Case #22002: Johnny's Tavern Site Plan - 716 W Foxwood Dr.

Thomas Nolte with Nolte & Associates, 9400 Reeds Rd., Overland Park, KS came to the podium to give the presentation. Mr. Nolte introduced Louie Riederer, the owner and operator of Johnny's Tavern, and the civil engineer Harold Phelps of Phelps Engineering. Mr. Nolte stated that the proposed site would be the perfect site for the 8000 square foot facility. One of the main reasons the developers have chosen the site is due to the location and proximity to Highway 58. On the south side of the property, there is room for an outdoor area with a fireplace and other amenities. All of the utilities can be corralled in the northeast corner of the building. The site already has all of the utilities and parking, making it the perfect location for the proposed development. A letter of recommendation from the Consetino's Price Chopper has been submitted, and the Price Chopper and Johnny's Tavern have come to an agreement to match the colors already existing with the Price Chopper. The building will be 100% masonry. This will be the 10th Johnny's Tavern, and this will be the only freestanding pad-site Johnny's except for one in Lawrence, Kansas. The kitchen for the building is as big as the customer and support areas, really focusing on the restaurant aspect. Mr. Nolte stated that the developers have read the findings of fact and the stipulations that are required before land disturbance, building permits, and perpetual conditions, and they accept all requirements.

Commissioner Urquilla asked Mr. Nolte when they planned to break ground.

Mr. Nolte replied that they plan to break ground in the mid spring.

Commissioner Bowie asked about the hours of operation.

Mr. Riederer replied that the hours of operation will follow the statutes of Missouri and Raymore. Ideally, the establishment will close at midnight on weekdays, and stay open until 1am or later if allowed on the weekends.

Mr. Eppert began the Staff Report, noting that the application is for a site plan approval for Lot 4 at Raymore Market Center. This is for a proposal of a Johnny's Tavern. The surrounding zoning is undeveloped and grocery store to the north, gas station and undeveloped to the south, undeveloped commercial to the east, and a dental office to the west. Total tract size is 1.26 acres. The Future Land Use Map contained in the Growth Management Plan identifies this property as appropriate for Commercial development. The Major Thoroughfare Plan Map contained in the Growth Management Plan has West Foxwood Drive classified as a Major Arterial and North Sunset Lane classified as a Minor Collector. The subject property was rezoned to "C-3" Regional Commercial District in May 2006. The Final Plat for the subject property was recorded in April 2007. The subject property is part of the Raymore Market Center shopping center. There are special use conditions for this property. Mr. Eppert noted that there is a difference between a restaurant and a tavern, and it lies in the sales generating ratios between food and alcohol. Johnny's Tavern generates 65% sales from food, and 35% from alcohol, classifying it as a restaurant. The restaurant has 250 seats, so a total of 63 parking spaces are required. With a customer service area of 4,577 square feet, a total of 92 parking spaces are required. In 2006 when the Raymore Market Center was approved, there was a shared parking agreement for the businesses that would come to the site. All of the current tenants have exceeded their required parking minimums, which in turn leaves Johnny's with fewer available spaces. There is additional parking available near the dental office to the west. Staff concluded that the proposed site plan is in compliance with the parking standards for the City of Raymore. The site plan also provides the required number of accessible parking spaces. All of the landscaping that is required already exists on the site, and is planned to be kept. Signage is not part of the site plan. A sign permit is required before any installation of signs. Stormwater runoff is collected and detained in an underground enclosed storm sewer system which all drains to Johnston Lake. The trash enclosure will be constructed of the same

building materials of the main building. There are three access points to the site, off of Foxwood Drive, Johnston Drive, and Sunset Lane through cross-access agreements with the shopping center. There will be smoking allowed at the establishment, within a reasonable distance of 100 feet outside entrances, operable windows, and ventilation systems. Lot 4 of the Raymore Market Center is truly pad site ready, as no public improvements are necessary. The property is a first tier corner lot, making it a highly desirable location for the proposed use. Staff recommends the Planning & Zoning Commission accept the findings of fact and approve the case subject to the conditions presented.

Commissioner Bowie asked if there has been any discussion around the security or lighting of the area since there will be a high volume of alcohol served in the restaurant.

Mr. Eppert stated that there has been some consideration about that, but since the establishment is classified as a restaurant, there isn't an additional requirement for that location.

Commissioner Bowie asked Mayor Turnbow if there are other areas around the City that have that much alcohol served and if there has been any issues with establishments that serve alcohol.

Mayor Turnbow replied that he doesn't believe that there have been any issues with any of the establishments in Raymore. Mayor Turnbow mentioned that he visits the Johnny's Tavern in Lee's Summit frequently and has had discussions with the police department there as to any issues that may arise, of which they have had none. Mr. Riederer came to the podium to mention that Johnny's has been around since 1953. Over the last 40 years, the establishment has changed into more of a full service restaurant, there is a full kitchen in each location, and the restaurants are consistently at the 65% food to 35% alcohol ratio.

Commissioner Faulkner asked what would happen to the glass recycling container that currently sits in some of the parking spots for the area.

Mr. Eppert stated that the glass recycling would be moved to another location in the shopping center parking lot.

Commissioner Faulkner mentioned that it would be inconvenient to have that in the middle of the parking lot while trying to run a restaurant. It has been very nice to get to utilize the glass recycling, and asked the applicant if they have had any discussion on what to do with it.

Mr. Reiderer stated that the developers have asked Price Chopper to move the glass recycling container, and they plan to move it somewhere else in the parking lot. Price Chopper wants to keep the glass recycling, but they understand that it cannot stay in the Johnny's parking lot.

Motion by Commissioner Urquilla, Seconded by Mayor Turnbow, to accept Staff proposed findings of fact and approve Case #22002 Johnny's Tavern Site Plan subject to the conditions as presented.

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	Absent
Mayor Turnbow	Aye

Motion passed 8-0-0.

8. City Council Report

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

9. Staff Report

Mr. Eppert gave the Staff Report. January 31, 2022 is when the joint meeting is scheduled, and there have been no applications for the February 1, 2022 meeting, so it is tentatively cancelled.

Chairman Wiggins asked where the joint meeting is located and at what time.

Development Services Director Jim Cadoret responded that the meeting will be held in the Council Chambers at 7pm on January 31, 2022.

10. Public Comment

No public comment.

11. Commission Member Comment

Commissioner Faulkner thanked the Staff.

Commissioner Bowie thanked the Staff, and mentioned he is looking forward to Johnny's coming to Raymore.

Commissioner Fizer thanked the Staff, and was excited for Johnny's.

Commissioner Petermann mentioned he is looking forward to Johnny's coming to Raymore, and thanked the Staff.

Commissioner Engert stated he feels the same as the other Commissioners.

Commissioner Urquilla thanked Staff, and mentioned that he is excited for Johnny's.

Mayor Turnbow stated that both projects are going to be good for the city, and wished everyone a happy new year.

Chairman Wiggins stated that he seconds what the other Commissioners said, and thanked the Staff.

12. Adjournment

Motion by Commissioner Urquilla, Seconded by Mayor Turnbow, to adjourn the January 18, 2022 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	Absent
Mayor Turnbow	Aye

Motion passed 8-0-0.

The January 18, 2022 meeting adjourned at 7:49 p.m.

Respectfully submitted,

Emily Jordan