

To: Planning and Zoning Commission
From: Dylan M. Eppert
Date: April 5, 2022
Re: **Case #20006 Rezoning; Allera, "R-1P" to "PUD"**

GENERAL INFORMATION

**Applicant/
Property Owner**

Clayton Properties Group, Inc.
% Bradley Kempf
130 SE 30th St.
Lee's Summit, MO 64082

Requested Action:

Requesting to reclassify the zoning of 52.05 acres
"R-1P" Single Family Residential Planned District to
"PUD" Planned Unit Development District.

Property Location:

Generally, located north of Lucy Webb Rd, west of Dean Avenue, and south of Benton House.



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



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

Major Street Plan: The Major Thoroughfare Plan Map classifies Dean Ave. as a Minor Arterial, and Lucy Webb Rd. as a Major Collector.

Legal Description:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 18. TOWNSHIP 46 NORTH, RANGE 32 WEST OF THE 5TH PRINCIPAL MERIDIAN IN THE CITY OF RAYMORE CASS COUNTY, MISSOURI BEING BOUNDED AND DESCRIBED BY OR UNDER THE DIRECT SUPERVISION OF JASON S ROUDEBUSH, P.L.S. 2002014092. AS FOLLOWS COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18: THENCE SOUTH 03°31'38" WEST ON THE EAST LINE OF SAID SOUTHEAST QUARTER, 84.80 FEET; THENCE NORTH 86°28'22" WEST, 171.07 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED SAID POINT ALSO BEING A POINT OFN THE WESTERLY RIGHT-OF-WAY LINE OF DEAN AVENUE AS NOW LOCATED: THENCE ON SAID RIGHT-OF-WAY LINE THE FOLLOWING 11 CALLS, SOUTH 03°30'19" WEST, 905.45 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF SOUTH 03°29'39" WEST WITH A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'40" AND AN ARC DISTANCE OF 31.42 FEET: THENCE NORTH 86°29'41" WEST, 13.34 FEET THENCE SOUTH 03°30'19" WEST, 50.00 FEET, THENCE SOUTH 86°29'41" EAST, 13.34 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF SOUTH 86°30'21" EAST WITH A RADIUS OF 20.00 FEEA CENTRAL ANGLE OF 90°00'40" AND AN ARC DISTANCE OF 31.42 FEET: THENCE SOUTH 03°30'19" WEST, 945.75 FEET: THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF SOUTH 03°30'18" WEST WITH A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND AN ARC DISTANCE OF 23.56 FEET, THENCE SOUTH 03°30'18" WEST, 50.00 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF SOUTH

86°29'42" EAST WITH A RADIUS OF 15.00 FEET. A CENTRAL ANGLE OF 90°00'00" AND AN ARC DISTANCE OF 23.56 FEET: THENCE SOUTH 03°30'18" WEST. 480.25 FEET: THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT BEING TANGENT TO THE LAST DESCRIBED COURSE WITH A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'12" AND AN ARC DISTANCE OF 39.27 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST LUCY WEBB ROAD; THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING 4 CALLS, NORTH 86°29'30" WEST, 470.41 FEET; THENCE SOUTH 03°05'59" WEST. 13.35 FEET; THENCE NORTH 80°57'34" WEST 96.62 FEET, THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF NORTH 86°54'01" WEST WITH A RADIUS OF 246.48 FEET. A CENTRAL ANGLE OF 85°00'00" AND AN ARC DISTANCE OF 365.66 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 49: THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 CALLS, NORTH 01°54'01" WEST 1.050 10 FEET, THENCE NORTHERLY ALONG A CURVE TO THE LEFT BEING TANGENT TO THE LAST DESCRIBED COURSE WITH A RADIUS OF 3,069.79 FEET, A CENTRAL ANGLE OF 16°57'11" AND AN ARC DISTANCE OF 908.30 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF JOHNSTON DRIVE AS NOW LOCATED THENCE NORTH 70°35'08" EAST ON SAID SOUTHERLY RIGHT-OF-WAY LINE, 523.53 FEET; THENCE CONTINUING ON THE PROPOSED SOUTHERLY RIGHT-OF-WAY LINE OF JOHNSTON AVENUE THE FOLLOWING 3 CALLS, NORTH 70°36'24" EAST, 139.33 FEET: THENCE NORTH 70°34'56" EAST, 139.37 FEET: THENCE EASTERLY ALONG A CURVE TO THE RIGHT BEING TANGENT TO THE LAST DESCRIBED COURSE WITH A RADIUS OF 1,170.00 FEET, A CENTRAL ANGLE OF 19°56'03" AND AN ARC DISTANCE OF 407.06 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID DEAN AVENUE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A COMMON TANGENT WITH THE LAST DESCRIBED COURSE WITH A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 92°59'19" AND AN ARC DISTANCE OF 32.46 FEET TO THE POINT OF BEGINNING.



Looking north from where Harmon Rd and Lucy Webb intersect.



Looking southeast from Benton House



Looking east from southern stub street off Dean Ave.



Looking east from middle stub street off Dean Ave.

Advertisement: March 17, 2022 **Journal** newspaper
March 24, 2022 **Journal** newspaper

Public Hearing: April 5, 2022 Planning Commission meeting
April 11, 2022 2020 City Council

Items of Record: **Exhibit 1. Mailed Notices to Adjoining Property Owners**
Exhibit 2. Notice of Publication
Exhibit 3. Unified Development Code
Exhibit 4. Application
Exhibit 5. Growth Management Plan
Exhibit 6. Staff Report
Exhibit 7. Preliminary Plan
Exhibit 8. Memorandum of Understanding

Additional exhibits as presented during hearing

REQUEST

Applicant is requesting to reclassify the zoning designation of 52.05 acres from "R-1P" Single Family Residential Planned District to "PUD" Planned Unit Development, including the Preliminary Plan for the proposed subdivision.

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

- The subject property was approved to be rezoned from "A" Agriculture and "M-1" Light Industrial to "R-1P" Single Family Residential Planned District February 9, 2004.
- The original preliminary plat for the Timber Trails Subdivision was approved on February 9, 2004.
- Timber Trails 2nd Plat was approved by the City Council on February 14, 2005
- At its August 11, 2014 meeting City Council approved a conditional use permit for a senior living facility (Benton House) to be located north of the subject property. .

GOOD NEIGHBOR INFORMATIONAL MEETING COMMENTS

A Good Neighbor meeting was held on Wednesday March 16, 2022 in the Council Chambers of City Hall. 3 residents attended the meeting, along with the City Planner, Dylan Eppert and Development Services Director, David Gress. Brad Kempf and Kyle Jones representing Clayton Properties Group LLC. and finally Dan Foster and Jim Long project engineers. The comments below provide a summary of the meeting:

1. How long would it take to start breaking ground?

Brad: Around 6 months after all City review and approvals.

2. Will there be trails that people can use? Public or Private?

Brad: There will be trails that people will be able to use and the HOA will maintain the trails.

3. What size will the homes be?

Brad: Range from 1100 to 2600 square feet.

4. What is the price range of the homes?

Brad: The homes will range from \$250,00 to \$450,000.

5. Who will be building the homes?

Brad: Summit Homes

6. Storm Water questions?

Dan: The three ponds are planned to be wet features.

7. Will these homes be on slabs?

Brad: All homes will have basements.

8. Does the project meet City Code?

Gress: With a PUD the standards are set by the applicant and Staff reviews the proposal to ensure City Code is met with the information that is provided.

9. Are there any similar projects in the area?

Brad: No this is a new concept in the area that Summit Homes wants to pursue.

10. Will the project affect Dean Ave. and the Outer Rd with regards to traffic.

Gress: No, Dean Ave. was built to be able to anticipate far more traffic than the road currently sees on a daily basis. The Outer Rd. is controlled by MODOT but with the Johnston Dr. extension being completed by the applicant

this should help alleviate traffic concerns and issues with having another alternative route to use.

STAFF COMMENTS

1. The subject property proposes 170 single family lots while the original preliminary plat for Timber Trails had shown 164 single family lots.
2. The development standards for the existing and proposed zoning districts are as follows:

Lot Type	Lot A	Lot B	Lot C	Lot D
<i>Minimum Lot Area</i>	6,500 sq. ft	7,800 sq. ft	5,750 sq. ft	4,725 sq. ft.
<i>Minimum Lot Width</i>	65 feet	65 feet	50 feet	45 feet
<i>Minimum Lot Depth</i>	100 feet	120 feet	115 feet	105 feet
<i>Minimum Front Yard</i>	25 feet	25 feet	25 feet	25 feet
<i>Minimum Rear Yard</i>	25 feet	25 feet	25 feet	25 feet
<i>Minimum Side Yard</i>	5 feet	5 feet	5 feet	5 feet
<i>Minimum Side Yard, exterior</i>	15 feet	15 feet	15 feet	15 feet
<i>Maximum Building Height</i>	35 feet	35 feet	35 feet	35 feet
<i>Maximum Building Coverage</i>	45%	45%	45%	45%

3. The original Timber Trails Preliminary Plat included a parkland dedication of approximately 15.04 acres of land for future park land use based upon the previously approved preliminary plat. No parkland dedication is required as part of this development.
4. The subject property is proposing a live/work component located at the northeast corner, this concept would be new to Raymore as the intent is to have commercial uses on the main floor while having dwelling units above on the second floor.

5. Dwelling Units Located Above the Ground Floor, as defined by Section 485.010 of the Unified Development Code shall be permitted within the area identified as "Live/Work", subject to compliance with any special conditions.

(a). Non-residential uses contained within units under this classification shall be limited to the commercial uses allowed in the "PO" Professional Office, "C-1" Neighborhood Commercial, "C-2" General Commercial, and "C-3" Regional Commercial zoning districts, subject to compliance with any special conditions, as defined by Section 410.020 of the Unified Development Code, with the exceptions listed below:

1. adult businesses;
2. firearm sales or instruction;
3. pet stores, kennels, and veterinary clinics;
4. liquor and tobacco sales;
5. medical marijuana facilities;
6. motor vehicle repair, sales or service;
7. gas stations;
8. drive-thru facilities;
9. banks, loan establishments, or pawn shops;
10. hotel or motel
11. sports and recreational uses;
12. funeral and interment services;
13. accessory and indoor storage;

6. The applicant has agreed to complete the construction of Johnston Dr. to be able to meet their timeline with the proposed development, the intent is to partner with the City to do a reimbursement agreement.

7. A Type-A screen shall be required as a separation between the Detached Single Family dwellings and the Live/Work units.

8. Off-street Parking shall be provided for each home as follows:

Use	Minimum Parking Spaces Required
Single Family Dwelling	2 spaces per dwelling unit
Live/Work	2 spaces per dwelling unit; Plus, 1 space per 300 square feet of commercial and/or retail space.

9. Off-street parking shall be provided within common area tracts on Tract B at the time the subdivision amenities in Tract B as follows

Private Recreation Facilities	1 space for each 4,000 square feet of area devoted to recreational use
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10. In our monthly meeting Staff discussed this project with the Raymore-Peculiar School District and they are aware of the project and will be able to handle the volume this project could produce.
11. South Metro Fire Department has reviewed the plan, secondary access will be required per IFC 2018 since there will be more than 30 dwelling units.
12. The following amenities are provided in the Preliminary Development Plan:
- a. Swimming Pool
 - b. Clubhouse
 - c. Playground
 - d. Walking trails
 - e. Multi-purpose turf activity area(s)
 - f. Landscape Buffer Areas
 - g. Stormwater ponds with decorative fountains - Stormwater control/treatment
13. The MOU is required if the reclassification of zoning is approved. The MOU is binding on the applicant and subsequent owner of the lots. Any change to the MOU or Preliminary Development Plan will require approval of the City Council.

PLANNING COMMISSION PROPOSED FINDINGS OF FACT

Under Section 470.020 of the Unified Development Code, the Planning and Zoning Commission and City Council is directed concerning its actions in dealing with a rezoning request. 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 consists of a mixture of developed and mostly undeveloped land, including maintenance provided senior-living units (Benton House) and single family homes.
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 single family (Timber Trails) to the east . Undeveloped and senior-living

maintenance provided units (Benton House) to the north of the subject property, I-49 to the west and undeveloped land to the south.

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 low density residential development. The project proposes some smaller lot sizes with some of their products but is offset by providing a new product being the live/work units which would complement Benton house and the zoning for the undeveloped area to the north.

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

The Growth Management Plan identifies this property as appropriate for low density residential development. The rezoning allows for both single family attached and live/work style lots - defined as Dwelling Units Located Above the Ground Floor by Section 485.010 of the Unified Development Code.

This project largely is consistent with the original approved preliminary plat but provides more green space and an amenity package that was not originally proposed. The MOU speaks directly to the uses that are prohibited as well as permitted within the live/work component.

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;**

The trend of development near the subject property has been slow in recent years. But is starting to gain traction with Timber Trails 3rd Plat in the Final Plat stage of the process, the rezoning of a portion of Tract 1 in the Good Ranch, Benton House and some interest to the north of Johnston Dr.

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. Adequate screening and landscaping will be provided to protect properties to the east from visual and physical obstruction as well as the single family homes that will abut the live/work portion of the proposed development. This development would help to sync up the timeline to complete the connection of Johnston Dr. to Dean Ave with the 1st phase.

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

infrastructure exists at the site and is adequate to serve the proposed development.

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

under the existing zoning classification, the subject property is restricted to R-1P single family with the typical minimum 8,400 square foot lots.

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 provides a product that doesn't exist in the City of Raymore and the preliminary plat that was approved in 2004 is not drastically changed by this proposed 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 be no gain to the public health, safety and welfare of the community as a result of the denial of the application.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>City Council 1st</u>	<u>City Council 2nd</u>
Public Hearing	April 5, 2022	April 11, 2022	April 25, 2022

STAFF RECOMMENDATION

The proposed rezoning request respects the existing zoning and land use of surrounding developed properties. The applicant proposes single-family detached homes on the subject property as well as a new product that is not in Raymore with a live/work component that would diversify the housing market by providing another alternative.

City Staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward Case #22006, rezoning of 52.05 acres from "R-1P" Single Family Residential Planned District to "PUD" Planned Unit Development District to City Council with a recommendation of approval.