

**To:** Planning and Zoning Commission

**From:** Dylan M. Eppert, City Planner

**Date:** April 5, 2022

**Re:** Case #22005 Oak Ridge Farms 4th Plat - Rezoning from “C-2” to “R-3A”

**GENERAL INFORMATION**

**Applicant:** Sean Siebert  
ORF LLC  
3303 Main St.  
Grandview, MO 64086

**Requested Action:** Request for a reclassification of zoning from “C-2” General Commercial District to “R-3A” Multiple-Family Residential District.

**Property Location:** Generally located south of Pine St, east of N. Madison St.



**Existing Zoning:** "C-2" General Business District



- North: C-2 and City of Raymore Property (General Commercial)
- East: R-2 (Single and Two-Family) R-3A (Multiple-Family District)
- South: C-2 (General Commercial and BP (Business Park)
- West: C-2 (General Commercial District)

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

**Major Street Plan:** The Major Thoroughfare Plan Map classifies Pine St as a Minor Collector and N. Madison St. as a Major Arterial.

**Legal Description:** All that part of Northwest 1/4 of Section 15, Township 46 North, Range 32 West, Raymore, Cass County, Missouri being more particularly described as follows:

All of Lots 5 thru 9, Heritage Plaza, a subdivision as recorded in the Office of the Recorder, Cass County, Missouri; and

A part of the Southwest quarter of the Northwest quarter of Section 15, Township 46, Range 32, Raymore, Cass County, Missouri, described as follows: Beginning in the East right-of-way line of Missouri State Highway #58 and 809.96 feet North of the South line of said Southwest Quarter of the Northwest Quarter of said Section 15; thence North along said right-of-way line of said highway, 161.5 feet; thence South 89°13'30" East 771.73 feet; thence South 0°02'56" West 178 feet' thence North 88°00' West 771.98 feet to the Point of Beginning, EXCEPT the West 260 feet and that part in roads; and

Part of the Southwest Quarter of the Northwest Quarter of Section 15, Township) 46, Range 32, Raymore, Cass County, Missouri described as follows: Beginning at a point in the East right-of-way line of Missouri State Highway 58 and 1,134.46 feet North of the South line of said Southwest Quarter of the Northwest Quarter of

Section 15; running thence North along said right-of-way line of Highway 58, 192 feet; thence North 89 degrees 30 minutes 47 seconds East 772 feet; thence South 0 degrees 2 minutes 56 seconds West 209 feet; thence North 89 degrees 13 minutes 30 seconds West 771.87 feet to the point of beginning, EXCEPT the West 260 feet and that part in roads.



Looking south from Pine St.



Looking southeast from intersection of Pine and Madison



Looking east from N. Madison St. (South of Sonic)



Looking northeast from Perkins Parking Lot.

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

**Public Hearing:** April 5, 2022 Planning Commission meeting  
March 11, 2022 - City Council 1st Reading

**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**  
**Exhibit 7. Applicant’s Conceptual Plan**  
**Exhibit 8. Memorandum of Understanding**  
Additional exhibits as presented during hearing

**REQUEST**

Applicant is requesting to reclassify the zoning classification from existing “C-2” General Commercial 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. Heritage Plaza Lot 1 (Final Plat) was approved on August 26 1985.
2. Heritage Plaza 2nd Plat (Final Plat) was approved on October 25, 1985.

3. Heritage Plaza (Revised Preliminary Plat) was approved on October 28, 1985.
4. The "R-3" Multiple-Family residential zoning for the Pointe at Raymore Townhomes to the southeast was approved on September 23, 1985.
5. Heritage Plaza Lot 10 (Final Plat) was approved October 27, 1986
6. Oak Ridge Farms 3rd Plat was approved to be rezoned from "R-1" Single-family Residential District to "PUD" Planned Unit Development District on September 28, 2020.
7. The two large lots to the south as part of the proposed rezoning remain unplatted at this time.

## **GOOD NEIGHBOR INFORMATIONAL MEETING COMMENTS**

A Good Neighbor meeting was held on Wednesday, March 23, 2022 in Harrelson Hall at Centerview. 7 people attended, including Business owners located near the subject property and residents of Oak Ridge Farms. Applicant Sean Siebert also attended to make the presentation and answer questions and concerns. City Planner Dylan Eppert and Development Services Director represented City staff. The comments below provide a summary of the meeting:

Sean Siebert began the meeting by briefly explaining the project. The property is proposed to be rezoned from "C-2" General Commercial District to "R-3A" Multiple-Family Residential District. The proposed concept plan consists of 112 dwelling units as well as keeping the western most portion that abuts N. Madison St. at its current zoning of "C-2" General Commercial District. Mr. Siebert is planning for the development to be under a single ownership and common areas to be maintained by the Home Owners Association (HOA). The units will be very similar to the Sunset Plaza development architecturally speaking. These units will all have at least one garage as well as a driveway to serve each dwelling unit. The development will be served with private streets and access coming from Pine St.

Attendees had the following questions regarding the project:

- 1. There was a question about the access as there was some confusion.**

Sean: The access will be from Pine St. The secondary access is only for the Fire Department.

- 2. How accurate is the property line?**

Sean: The land surveyor is still doing some survey work but the lines are close but not completed at this point.

**3. How will Lot 4 (SW Corner of 58 Hwy & Pine) be used?**

Sean: The hope is for Sean to work with the City to be able to widen Pine St. and place a median there to be able to add some beautification when people turn on Pine from Madison street into his new development.

**4. Why would we want to rezone Commercial lots to residential?**

Gress: This property has sat vacant for a number of years without any real interest. The commercial is not being completely taken as there will be some pad sites for commercial south of Sonic and north of Perkins. The land is not ideal as there is a sanitary line that runs through the property, heavily tree'd and has some topography issues to contend with.

**5. A resident had heard there was a proposed project worth 15 or 20 million dollars at one time, is that true?**

Gress: To the best of my knowledge that is not true as I have been with the City for almost 6 years and have not heard of this proposed project.

**6. Will any of these be single family homes?**

Sean: No, they will for the most part be 4-plex/townhomes. I do however, have some single family homes in Oak Ridge Farms 3rd plat that are being built right now.

**7. Will this product be low income?**

Sean: No this will have rents from \$1495 to \$1895 a month depending on the number of bedrooms and garage. I want to have a diversity of products so that I can reach people in the \$1300 to \$1500 market as well as the \$1800 to \$2000 market will average in the middle around \$1700 a month.

**8. Who will maintain the property?**

Sean: The property will be maintained by the applicant. This will be a single lot with common areas. This development will be part of the existing Oak Ridge Farms HOA

**9. As time goes on, how can we be assured this won't end up like other similar developments that have not been maintained?**

Eppert: Other similar developments are able to sell individual units while this development has private streets which our code will not allow for lots to be split when driveways access private streets. It has to be a public street. Also, there will be MOU's

and development agreements in place to help aid in this project to ensure the developer does what they promise they will do.

#### 10. How will storm water be handled?

Sean: We are still working on that, as the plan is to try and direct stormwater to the existing detention ponds with the current Oak Ridge Farms plats.

### STAFF COMMENTS

1. The northern portion of the subject property had an approved preliminary plat dating back to 1985 however, the southern portion has remained unplatted.
2. The property is owned by the same individual who developed Oak Ridge Farms and Sunset Plaza.
3. **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.

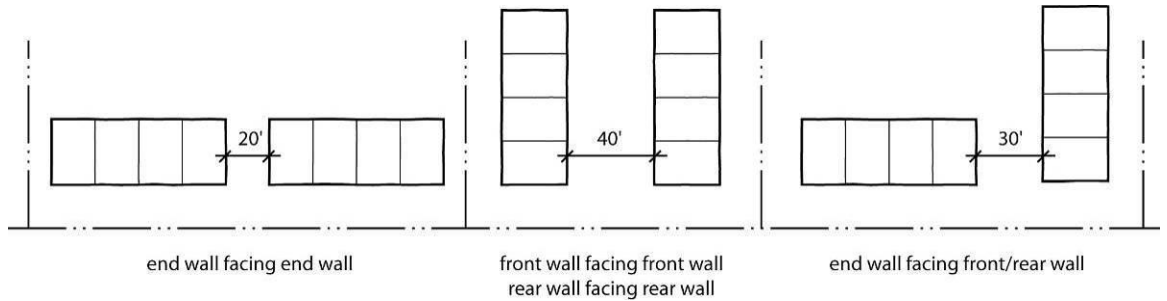
##### **iii. Minimum Separation between Buildings**

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.



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

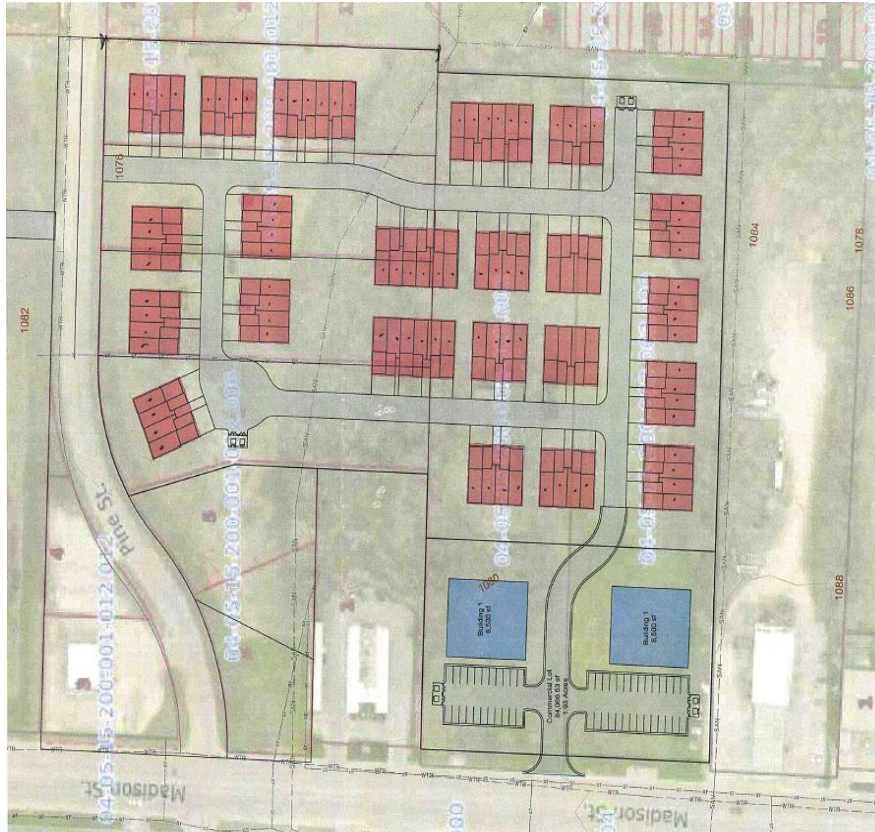
Use	R-3A	Use Standard
<b>RESIDENTIAL USES</b>		
<b>Household Living</b>		
Single-family Dwelling, Detached (conventional)	-	
Manufactured Home Residential – Design	-	Section 420.010D
Single-family Dwelling, Attached	S	Section 420.010A
Two-family Dwelling (Duplex)	P	
Multi-family Dwelling (3+ units)	S	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	S	Section 420.050E
Accessory Dwelling, Detached	S	Section 420.050E
<b>Group Living</b>		
Assisted Living	C	
Group Home	S	Section 420.010E
Nursing Care Facility	C	
Transitional Living	C	
Group Living Not Otherwise Classified	C	
<b>PUBLIC AND CIVIC USES</b>		
<b>Cultural Exhibit or Library</b>	C	
<b>Government Buildings and Properties</b>	C	
<b>Place of Public Assembly</b>	C	
<b>Public Safety Services</b>	C	
<b>Religious Assembly</b>	P	
<b>School</b>	P	
<b>Utilities</b>		
Major	C	
Minor	P	
<b>COMMERCIAL USES</b>		
<b>Animal Services</b>		
Kennel	-	Section 420.030E

Use	R-3A	Use Standard
<b>Day Care</b>		
Day Care Home	S	Section 420.030C
<b>Entertainment and Spectator Sports</b>		
Indoor	-	
Outdoor	-	
<b>Funeral and Interment Services</b>		
Cemetery	C	
Funeral Home	-	
<b>Lodging</b>		
Bed and Breakfast	-	Section 420.030H
<b>Medical Marijuana Cultivation Facility</b>	-	Section 420.030N
<b>Sports and Recreation, Participant</b>		
Outdoor	C	
Indoor	-	
<b>OTHER USES</b>		
<b>Accessory Uses</b>	S	Section 420.050
<b>Agricultural Uses</b>		
Farming	-	
Boarding Stables and Riding Schools	-	Section 420.040A
<b>Home Occupation</b>	S	Section 420.040B
<b>Parking</b>		
Accessory Parking	P	
<b>Wireless Communication Facility</b>		Section 420.040C
Colocated	S	
Small Wireless Facility	S	Section 420.040C

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

R-3A	
<b>Minimum Lot Area</b>	
per lot	12,000 Sq Ft.
Per dwelling unit	2,000 Sq Ft.
<b>Minimum Lot Width (feet)</b>	90
<b>Minimum Lot Depth (feet)</b>	120
<b>Yards, Minimum (feet)</b>	
front	30
rear	30
side	10
<b>Maximum Building Height (feet)</b>	50
<b>Maximum Building Coverage (%)</b>	40

6. The subject property is identified in the City of Raymore's Growth Management Plan as "Commercial" however this property has remained vacant. The concept plan allows for two commercial pad sites while being able to transition to high density residential then medium/low density.
7. The definition of High Density in the Growth Management Plan is as follows: "Attached single-family (townhomes) and multi-family buildings characterize high density residential land use. This district is often located close to arterial roadways and can serve as a buffer between lower density residential and commercial districts."
8. The applicant is proposing a multi-unit, multi-family residential development under common ownership and maintenance.
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 is approved, the next step would be Site Plan approval then Final Plat approval.
11. The rezoning request was discussed in our monthly meeting with the administration of the Raymore-Peculiar School District to get their feedback. The school district indicated they were "aware of the development and do not feel it would cause a negative impact on our ability to meet the needs of the students".
12. A landscape buffer is required between the subject property and the "R-2" single and two-family residential development to the northeast. Also, the applicant will be required to maintain the trees along pine street.
13. The conceptual plan for Oak Ridge Farms 4th Plat that was shared as part of the Good Neighbor meeting proposes approximately 112 multiple-family dwellings that will abut private streets contained within the development. This conceptual plan will be the basis for submittal of the Site Plan for the subdivision as illustrated below:



## ENGINEERING DIVISION RECOMMENDATION

See attached memorandum.

## STAFF 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 two-family, multiple family and commercial uses.
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 consists of commercial to the west, two-family and multiple-family to the east, , to the south is commercial (Perkins) and to the north is Wildwood Boutique and City owned property. There are some topography issues, heavily treed as well as a small creek running through the subject 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 Commercial development, defined as “Areas most appropriate for retail uses, offices, and most commercial businesses are designated in this category.”

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

The subject property is currently not suitable for commercial development as there are many factors that hinder that kind of development in the proposed location. The topography is a challenge for not only the subject property but existing commercial businesses as well. The deep and narrow lots that abut N. Madison makes it difficult to develop fully as usable commercial ground, and there is a small creek that crosses the subject property as well as a sanitary sewer easement.

The proposed concept plan would enable site ready commercial pad sites while providing an excellent buffer between the commercial areas and the medium/low density areas to the east.

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;**

Property to the north consists of Wildwood Boutique and City owned property.

Property to the east was developed by the applicant.

The Pointe was developed as an R-3A development.

Property to the south is the Perkins property.

Property to the east is Sonic and vacant lots.

Developments to the east (Oak Ridge Farms, The Point, Heritage Hills) all started out as “R-1” Single-Family Residential District and have been rezoned to a higher density and use.

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 subject property would provide a buffer between the commercial and lower density residential properties. This land has been vacant for years despite being commercially zoned platted lots.

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. The adjacent road network can adequately serve the site. Pine St. will serve as the sole access to the development and the road's interior to the site will be maintained as private.

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 the development would provide another housing option for current and future residents of Raymore as well as provide a good opportunity to have future commercial development to complement existing commercial businesses. The proposed development provides a logical barrier between 58 Highway, commercial development, and other adjacent land uses.

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

## **STAFF RECOMMENDATION**

The rezoning of the subject property from “C-2” General Commercial District to “R-3A” Multiple-Family Residential District which would provide a logical buffer between Commercial (west) and medium density (east). The proposed rezoning will provide a residential development that is compatible with the surrounding land uses while retaining the commercial zoning of property that is viable for commercial development.

City staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward case #22005, reclassification of zoning from existing “C-2” General Commercial District to “R-3A” Multiple-Family Residential District” of approximately 9.45 acres, to City Council with a recommendation of approval.