

# Raymore Planning and Zoning Commission Agenda

Tuesday October 4, 2022 7:00 pm

City Hall Council Chambers  
100 Municipal Circle  
Raymore, Missouri 64083

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Personal Appearances - None
5. Consent Agenda
  - a. Approval of Minutes from the September 20, 2022 Meeting
6. Unfinished Business - None
7. New Business
  - a. Case # 22024 Rezoning - 1296 - 1298 W. Foxwood Dr. from "PO" to "C-2"  
(*Public Hearing*)
8. City Council Report
9. Staff Report
10. Public Comment
11. Commissioner Member Comment
12. Adjournment

# Meeting Procedures

**The following rules of conduct apply:**

1. Public can only speak during the meeting under the following circumstances:
  - a. The citizen has made a formal request to the Development Services Department to make a personal appearance before the Planning Commission;  
or,
  - b. A public hearing has been called by the Chairman and the Chairman has asked if anyone from the public has comments on the application being considered;  
or
  - c. A citizen may speak under Public Comment at the end of the meeting.
2. When the public comments portion of the public hearing is opened, the Chairman will first invite any individuals that live within the City limits of Raymore to speak. Upon conclusion of the comments from City residents, the Chairman will invite any individuals who do not live within the City limits of Raymore to speak.
3. If you wish to speak to the Planning Commission, please proceed to the podium and state your name and address. Spelling of your last name would be appreciated.
4. Please turn off (or place on silent) any pagers or cellular phones.
5. Please do not talk on phones or with another person in the audience during the meeting.
6. Please no public displays, such as clapping, cheering, or comments when another person is speaking.
7. While you may not agree with what an individual is saying to the Planning Commission, please treat everyone with courtesy and respect during the meeting.

**Every application before the Planning Commission will be reviewed as follows:**

1. Chairman will read the case number from the agenda that is to be considered.
2. Applicants will present their request to the Planning Commission.
3. Staff will provide a staff report.
4. If the application requires a public hearing, Chairman will open the hearing and invite anyone to speak on the request.
5. Chairman will close the public hearing.
6. Planning Commission members can discuss the request amongst themselves, ask questions of the applicant or staff, and may respond to a question asked from the public.
7. Planning Commission members will vote on the request.

THE **PLANNING AND ZONING COMMISSION** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **TUESDAY, SEPTEMBER 20, 2022**, IN THE COUNCIL ROOM AT RAYMORE CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING COMMISSION MEMBERS PRESENT: WILLIAM FAULKNER, KELLY FIZER, JIM PETERMANN, TOM ENGERT, JEREMY MANSUR, MARIO URQUILLA, ERIC BOWIE, AND MATTHEW WIGGINS. ABSENT WAS MAYOR KRIS TURNBOW. ALSO PRESENT WAS CITY PLANNER DYLAN EPPERT, DIRECTOR OF DEVELOPMENT SERVICES DAVID GRESS, CITY ATTORNEY JONATHAN ZERR, 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 the September 6, 2022 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	Absent

**Motion passed 7-0-1.**

6. **Unfinished Business - none**

7. **New Business -**

a. **Case #22025: UDC 35th Amendment (*public hearing*)**

Chairman Wiggins opened the public hearing at 7:01pm.

City Planner Dylan Eppert gave the Staff Report. Mr. Eppert stated that the 35th Amendment to the UDC is the result of discussions held by the Planning & Zoning Commission after completing its 2022 annual review of the UDC. There are four separate revisions proposed to the UDC. Section 1 will provide clarification on the requirements for screening related to the above-ground utilities. Specifically, it clarifies a distinction between multi-family residential districts, and general residential districts overall. Mr. Eppert noted that the UDC section number was previously wrong and has since been corrected. Section 2 provides flexibility to

the provisions related to requirements for pool gates, particularly the directions in which the gate may swing. Section 3 modifies the provisions for site trees that are required in new residential developments by clarifying the permitted and prohibited locations within the required yard(s). Site trees are no longer allowed in the right-of-way. Section 4 adds provisions related to the keeping of bees on residential properties. While bees are not necessarily animals, Staff felt the best section to add this provision would be under the Keeping of Animals, Section 405.040(D). City Staff recommends the Planning & Zoning Commission accept the proposed findings of fact and forward Case #22025, 35th amendment to the UDC, to the City Council with a recommendation of approval.

Commissioner Faulkner raised a concern about the title of the section of Code regarding the keeping of animals, and suggested that bees be included in the title of the section, renaming it to Keeping of Animals and Bees.

Commissioner Urquilla asked City Attorney Jonathan Zerr if there would be legal repercussions if the name of the section was not changed to reflect the inclusion of bees.

Mr. Zerr stated that it would not create a legal issue.

Chairman Wiggins closed the public hearing at 7:07pm.

**Motion by Commissioner Urquilla, Seconded by Commissioner Bowie, to accept staff proposed findings of fact and forward Case #22025, 35th Amendment to the UDC, 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	Absent

**Motion passed 8-0-0.**

**b. Update to the 2022 Rules of Procedure**

Mr. Eppert noted that in a previous Planning Commission meeting, the Commission discussed changing the start time of the meetings from 7pm to 6pm. Staff has made a change to the Rules of Procedure for the Planning Commission and will leave the decision of the time change to the Commission members. The proposed time change can be found in Article VI, Meetings and Public Hearings, Section 2. The time change will not go into effect until October 18, 2022 should the Commission approve the change.

Commissioner Urquilla asked if the time change will be in line with the City Council's change of start time.

Mr. Zerr stated that the City Council did vote to change the start time of their meetings, but the change will not take effect until April 2023. Mr. Gress stated that other Boards have changed start times as well.

Chairman Wiggins was absent for the last meeting when the time change was discussed, so Commissioner Urquilla gave him a quick overview of the conversation that was held during that meeting.

Commissioner Mansur noted that he was unsure of why the time change was originally brought up by the City Council, and questioned how it related to the Proposition P question that was on the ballot at the time. Commissioner Mansur stated that he felt as though the change in time pitted City Staff against the applicants and residents, and that changing the start time to 6pm, while beneficial to Staff, won't allow enough time for applicants and residents to be able to attend the meetings.

Commissioner Faulkner mentioned that he feels like keeping the meetings at 7pm would be more beneficial for the residents and applicants, although consistency with the City Council is always best.

Mr. Gress noted that the reason for the delay in the time change for the City Council is that some of the Councilmembers that were recently elected for their position were running under the pretense that the meetings were going to start at 7pm.

**Motion by Commissioner Bowie, Seconded by Commissioner Petermann, to update the Rules of Procedures and change the start time of the Planning & Zoning meetings to 6pm beginning October 18, 2022.**

**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	Nay
Mayor Turnbow	Absent

**Motion passed 7-1-0.**

**8. City Council Report**

City Attorney Jonathan Zerr gave an overview of the one City Council meeting that has taken place since the Planning & Zoning Commission last met.

**9. Staff Report**

City Planner Dylan Eppert gave the Staff Report, including future meetings and an update to the Code books. Mr. Gress covered the department report for Development Services, highlighting the number of inspections that have been completed over the past month. Commissioner Bowie asked about an upcoming project, and Mr. Gress stated it was too early in the process to be able to bring that project up with the Commissioners. Though an

informational meeting was scheduled by the developer of the proposed development, no formal applications had been filed with the City, therefore staff was not at liberty to share information at this time.

**10. Public Comment**

No public comment.

**11. Commission Member Comment**

Commissioner Mansur thanked Staff and hoped he didn't offend anyone with the reasoning for his nay vote.

Commissioner Petermann thanked Staff.

Commissioner Faulkner thanked Staff and commented that he felt like this was a very informative meeting.

Commissioner Fizer thanked Staff.

Commissioner Engert thanked Staff.

Commissioner Urquilla thanked Staff and stated that everything that's going on is very exciting.

Commissioner Bowie thanked Staff.

Chairman Wiggins thanked Staff and mentioned that the Raymore Festival will be held this weekend.

**12. Adjournment**

**Motion by Commissioner Urquilla, Seconded by Commissioner Mansur, to adjourn the September 20, 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	Aye
Mayor Turnbow	Absent

**Motion passed 8-0-0.**

The September 20, 2022 meeting adjourned at 7:38 p.m.

Respectfully submitted,

Emily Jordan

**To:** Planning and Zoning Commission  
**From:** City Staff  
**Date:** October 4, 2022  
**Re:** **Case #22024 Willowind Rezoning - 1296-1298 W. Foxwood Drive  
PO - Professional Office to C-2 General Commercial**

**GENERAL INFORMATION**

**Applicant:** Willowind, LLC City of Raymore, MO  
804 N. Meadowbrook Dr, Ste 104 100 Municipal Circle  
Olathe, KS 66062 Raymore, MO 64083

**Requested Action:** Request to modify the zoning designation of approximately 0.86 acres located in the northwest corner of the Willowind Shopping Center from a “PO” Professional Office to “C-2” General Commercial designation

**Property Location:** Generally located east of Peace Drive, North of 58 Highway





**Existing Zoning:** "PO" Professional Office District



North: **R-2** Single and Two-Family Residential District  
East: **C-2** General Commercial District  
South: **C-2** General Commercial District  
West: **PUD** Planned Unit Development (Foxwood Springs)

**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 W. Foxwood Drive (MO-58) as a Major Arterial and Peace Drive as a local road.

**Legal Description:** The west 205 feet of Lot 1-A of the Replat of Lot 1-A, Lot 1-B, Lot 2 and Lot 3 Willowind Square.

**Advertisement:** September 15, 2022 **Times and Tribunes** newspaper  
September 22, 2022 **Times and Tribunes** newspaper

**Public Hearing:** October 4, 2022 Planning and Zoning Commission  
October 10, 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**  
**Exhibit 7. Letter of Support from Property Owner**  
**Exhibit 8. Attachment A - Minutes from June 2, 2009**  
**Planning and Zoning meeting**  
Additional exhibits as presented during hearing

## **REQUEST**

Applicant is requesting to modify the zoning designation of approximately 0.86 acres of land located at the northwest corner of the Willowind Shopping Center from its current "PO" Professional Office District designation to a "C-2" General Commercial District designation. The request would allow for a mixture of retail businesses to occupy subject building within the shopping center

## **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**

- In 1987 the western 205+/- feet of the proposed Willowind Shopping Center, including the subject property, were rezoned from "A" Agricultural to "C-O" Non-Retail Business District. The remainder of the land for the proposed Willowind Shopping Center was rezoned to "C-B" Controlled Business District.
- The original plat for the Willowind Shopping Center, which includes the subject property, was approved by the City Council on July 10, 1989. It included Lots 1-3, the subject property being identified as Lot 1.

- In 1993, Lot 1 of Willowind Square was re-platted, creating Lot 1A (the subject property) and Lot 1B, which is now the Community America Credit Union.
- In 1993, Lot 1B (now Community America) was rezoned from "C-O" Non-Retail Business District, to "C-2" General Commercial.
- A building permit for the subject property was issued for a 7,740 square-foot building (current building) in 1993. The building permit indicated a zoning designation of C-O at the time. The building on the subject property was constructed as a commercial building similar to the other buildings in the Willowind Shopping Center.
- In 2008, with the adoption of the Unified Development Code, the zoning of the subject property was converted from "C-O" Non-Retail Business District to "PO" Professional Office District.
- In 2009, the City embarked on a number of City-initiated rezonings in order to correct discrepancies and inconsistencies regarding zoning designations of certain properties. The City identified 28 properties overall as part of this project. The subject property was identified as **Property 16**.
- At the time of the City-initiated rezonings, staff proposed to rezone the subject property from its current "PO" Professional Office District to a "C-2" General Commercial District. At their June 2, 2009 meeting, the Planning Commission voted 6-2 to recommend denial of the application.
  - The minutes from the June 2, 2009 meeting have been attached to this staff report as **Attachment A**
- On November 17, 2020, the Planning Commission voted to approve the site plan for the Community America Credit Union, located directly south of the subject property. A building permit was issued for the project on September 23, 2021.

## **GOOD NEIGHBOR INFORMATIONAL MEETING COMMENTS**

A Good Neighbor meeting was held on Wednesday, September 21, 2022 in the Council Chamber of City Hall. Present at the meeting was Development Services Director David Gress, City Planner Dylan Eppert, Jenny Solar (Business Owner) Josh Solar and two members from the public.

Jenny Solar (Business Owner) opened the meeting with a brief presentation regarding the business that is looking to fill 1296 W. Foxwood Dr. Suite B and C (between the T&T nails and Healing Oriental Massage). This space is nearly 3,000 square feet that would have a retail presence of approximately 800 to 1,000 square feet while using the remaining square footage to be able to make the items she sells. The business originally started as an online retail business but Jenny stated she wants to expand her business into a brick-and-mortar location to better serve

her customers and the community of Raymore. The hours of operation would be 8am to 6 pm or 8 am to 8pm. Jenny also brought some of the products along that she would be trying to sell at her store for the people in attendance to view.

Questions/Comments:

**1. Would this impact or negatively affect the businesses that are already in the shopping center if the property were rezoned from "PO" Professional Office District to "C-2" General Commercial District?**

- City Staff: This would not impact any of the businesses already located in the shopping center if the rezoning were to be approved. Even if there was an existing business that wasn't allowed in the new zoning district they would still be able to operate as a legal non-confirming use. This would only affect a new business that would be looking to go in a location where a legal non-confirming use had been previously.

## **STAFF COMMENTS**

1. The subject property has been zoned as "PO" Professional Office, or a similar historical designation, since the property was initially built. The PO zoning district does prohibit certain commercial uses, primarily retail sales.
2. With the exception of the subject property, all of the remaining land in the Willowind Shopping Center is zoned C-2, and includes a mixture of non-retail and retail businesses.
3. The Future Land Use Plan Map of the Growth Management Plan designates Commercial as the appropriate land use for the property.
4. Though zoned C-2 General Commercial, various uses classified as professional office uses do exist within the commercially zoned area of the shopping center as permitted uses.
5. In September 2022, staff was contacted by a business owner that was working with the property owner to lease a tenant space to operate a small retail boutique/gift shop within the building on the subject property. Staff indicated the property would need to be rezoned to accommodate a retail use. The proposed rezoning to C-2 would allow the proposed retail boutique/gift shop to operate as a permitted business.
6. Currently located in the same building, Country View Florist offers limited retail sales, in addition professional or personal services. The use has been determined to be non-conforming under the existing zoning district. The proposed rezoning would cure any discrepancies that exist related to this use.

7. The Bulk and Dimensional Standards for the existing and proposed zoning districts is provided below. The existing building does comply with the standards for both districts.

	PO (existing)	C-2 (proposed)
<b>Minimum Lot Area</b>		
per lot	-	-
per dwelling unit	-	2,000 sq.ft.
<b>Minimum Lot Width (feet)</b>	100	100
<b>Minimum Lot Depth (feet)</b>	100	100
<b>Yards, Minimum (feet)</b>		
front	30	30
rear	20	20
side	10	10
side, abutting residential district	20	20
<b>Maximum Building Height (feet)</b>	35	80
<b>Maximum Building Coverage (%)</b>	30	40

8. The Use Table included in Chapter 410 of the UDC is provided below, and outlines the permitted uses for both the existing and proposed zoning districts.

Use	PO	C-2	Use Standard
<b>RESIDENTIAL USES</b>			
<b>Household Living</b>			
Single-family Dwelling, Attached	-	-	Section 420.010A
Multi-family Dwelling (3+ units)	-	-	Section 420.010A
Cluster Residential Development	-	-	Section 420.010B
Manufactured Home Park	-	-	Section 420.010C
Dwelling Units Located Above the Ground Floor	-	P	
<b>Group Living</b>			
Assisted Living	-	P	
Group Home	-	-	Section 420.010E
Nursing Care Facility	-	P	
Transitional Living	-	C	
<b>PUBLIC AND CIVIC USES</b>			
College or University	C	C	
Cultural Exhibit or Library	C	C	
Government Buildings and Properties	C	C	
Hospital	P	P	
Place of Public Assembly	P	P	
Public Safety Services	P	P	
Religious Assembly	P	P	
School	P	P	
Social Club or Lodge	P	P	
<b>Utilities</b>			
Major	C	C	
Minor	P	P	

<b>COMMERCIAL USES</b>			
<b>Adult Business</b>	-	S	Section 420.030A Section 420.030B
<b>Animal Services</b>			
Kennel	-	C	Section 420.030E
Veterinary Services	-	P	
<b>Art Gallery</b>	-	P	
<b>Banks and Financial Services</b>			
Banks	-	P	
Payday Loan Store	-	C	Section 420.030D
Consumer Loan Establishment	-	C	Section 420.030D
Pawn Shop	-	C	
<b>Body Art Services</b>	-	C	
<b>Business Support Service</b>	P	P	
<b>Construction Sales and Service</b>	-	-	
<b>Day Care</b>			
Day Care Center	S	S	Section 420.030C
<b>Eating and Drinking Establishment</b>			
Restaurant	-	S	Section 420.030F
Tavern	-	C	
<b>Entertainment and Spectator Sports</b>			
Indoor	-	P	
Outdoor	-	C	

<b>Use</b>	<b>PO</b>	<b>C-2</b>	<b>Use Standard</b>
<b>Funeral and Interment Services</b>			
Cremating	-	C	
Funeral Home	-	P	
<b>Lodging</b>			
Bed and Breakfast	-	S	Section 420.030H
Hotel or Motel	-	P	
<b>Medical or Dental Clinic</b>	P	P	
<b>Medical Marijuana</b>			
Cultivation Facility (Outdoor)	-	-	Section 420.030N
Cultivation Facility (Indoor)	-	-	Section 420.030N
Dispensary Facility	-	P	Section 420.030N
Infused Products Manufacturing Facility	-	-	Section 420.030N
Testing Facility	P	P	Section 420.030N
Transportation Facility	-	-	Section 420.030N
<b>Office</b>	P	P	
<b>Personal and Consumer Service</b>	P	P	
<b>Retail Sales</b>			
Large (100,000+ gfa)	-	-	Section 420.030B G
Small (up to 100,000 gfa)	-	S	Section 420.030B
<b>Self Storage Facility</b>	-	-	
<b>Self Storage Facility, Indoor</b>	-	S	420.030M
<b>Sports and Recreation, Participant</b>			
Outdoor	-	P	
Indoor	-	P	
<b>Vehicle Sales and Service</b>			
Car Wash	-	S	Section 420.030I

Gas Station	–	C	Section 420.030J
Motor Vehicle Repair	–	C	Section 420.030K
Light Equipment and Vehicle Sales or Rental	–	–	
Heavy Equipment Sales or Rental	–	–	
Vehicle, Recreational Vehicle or Boat Storage/Towing	–	–	
<b>INDUSTRIAL USES</b>			
<b>Manufacturing, Production and Industrial Service</b>			
Limited	–	–	
General	–	–	
Intensive	–	–	
<b>Research Laboratory</b>	–	–	
<b>Trucking/Freight Terminal</b>	–	–	
<b>Warehousing and Wholesaling</b>	–	–	
<b>Waste-related Use</b>			
Junkyard	–	–	
Recycling Facility	–	–	
Sanitary Landfill	–	–	
<b>OTHER USES</b>			
<b>Accessory Uses</b>	S	S	Section 420.050
<b>Drive-through Facilities</b>	–	S	Section 420.030L
<b>Parking</b>			
Accessory Parking	P	P	
Non-accessory Parking	C	C	
<b>Wireless Communication Facility</b>			
Freestanding	–	S	Section 420.040C
Co-located	S	S	Section 420.040C
Small Wireless Facility	S	S	Section 420.040C

9. Uses that are identified above as “C” Conditional, would require the approval of a Conditional Use Permit by the Planning Commission and the City Council. Such a request would require public notice to adjacent properties, and a public hearing. The proposed zoning would allow limited retail commercial uses.
10. Other permitted uses under the proposed zoning that would require substantial modifications of the existing building (assisted living, nursing facility, hotel etc...) would require the approval of a new site plan, and would be subject to review by city staff and the Planning Commission.

## ENGINEERING DIVISION RECOMMENDATION

Because the subject property is a developed shopping center with existing infrastructure, the Engineering Division has determined that the existing infrastructure can serve the uses allowed under both the existing and proposed zoning district.

No formal memo was provided for this request.

## **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 primarily a mix of commercial and limited residential uses. Commercial zoning (C-2) and land uses exist to the east (Willowind Center) and south (Community America Credit Union). The land area to the west is zoned PUD for residential purposes, including attached single family dwellings (two-duplexes and four-plexes within Foxwood Springs). Additionally, Raymore Christian Church exists to the southwest. The land area to the north is zoned R-2, and is predominantly two-family dwellings.

- 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 developed property that is used for various commercial and residential purposes. The subject property is physically part of the Willowind Shopping Center, and adjacent to surrounding residential uses.

- 3. consistency with the goals and objectives of the Growth Management Plan and other plans, codes and ordinances of the City of Raymore;**

The requested rezoning is consistent with the goals and objectives of the Growth Management Plan. The Future Land Use Plan identifies this property as appropriate for commercial development, consistent with the remainder of the overall property.

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

The subject property is suited for the uses permitted under the existing PO zoning classification, as well as the uses permitted under the proposed C-2 zoning classification.

- 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;**

Since the property obtained its PO designation in 2009, there have been no zoning changes near the subject property. In 2021, Community America Credit Union developed a Raymore location immediately south of the subject property.



**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 was initially developed as part of the Willowind Shopping Center, with commercial uses surrounding the property since its inception. The proposed zoning change would allow limited retail commercial uses within the subject property, while still providing code restrictions on potentially detrimental uses, such as pawn shops, payday-loan stores, bars and taverns, and auto-related uses, which would require further approvals by the City through the issuance of a Conditional Use Permit (CUP).

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

The subject property is part of the developed shopping center, therefore adequate public infrastructure is available to serve the site for uses that are permitted under existing and proposed zoning districts.

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

The property is suited to the uses to which it has been restricted under the existing zoning regulations. The property was developed commercially and the building is designed for uses allowed under the existing zoning district.

**9. the length of time (if any) the property has remained vacant as zoned;**

The subject property was initially developed in 1993, and has remained the same since its initial construction.

**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 brings consistency to the shopping center, and will allow limited retail users access to leasable space, which is limited within the City.

**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 is no gain to the public health, safety and welfare to deny the application. The current land use will not change due to a denial. If the application is denied, the zoning will remain PO and certain office and personal service businesses will be permitted

## **REVIEW OF INFORMATION AND SCHEDULE**

Planning Commission  
October 4, 2022 (PH)

City Council 1<sup>st</sup>  
October 10, 2022 (PH)

City Council 2<sup>nd</sup>  
October 24, 2022

## **STAFF RECOMMENDATION**

The subject property was initially developed as a cohesive shopping center with leasable tenant spaces. Based upon staff research, the western 205+/- feet of the center were zoned as "C-O" Non-Retail Business District as a means of providing a buffer between the shopping center and the residential and institutional uses to the west. A portion of the property was rezoned to C-2 in 1993, and was recently developed as a commercial use (Community America).

The proposed rezoning would allow limited retail uses within the building's tenant spaces, for which there is a need in the community. The uses that would be permitted out-right would be consistent with the remainder of the shopping center, and uses that would potentially have adverse impacts on the adjacent properties, including pawn shops, payday-loan stores, bars and taverns, and auto-related uses would be subject to other required approvals, or be governed by other sections of the City Code (distances from school, churches etc... for business with liquor licenses, medical marijuana facilities).

City staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward Case #22024 Willowind Rezoning - 1296-1298 W. Foxwood Drive PO - Professional Office to C-2 General Commercial to the City Council with a recommendation of approval.

## EXHIBIT A

*Minutes excerpt from June 2, 2009 Planning Commission Meeting*

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### **H. Case #09039 – City Initiated Rezoning – Property 16 – Willowind Shopping Center – Rezone from PO to C-2 – public hearing**

Chairman Faulkner opened the public hearing on Case #09039 – City Initiated Rezoning – Property 16 – Willowind Shopping Center – Rezone from PO to C-2.

Jim Cadoret gave the staff report. This case is for rezoning of the northwest corner of the Willowind Shopping Center from PO Professional Office to C-2 General Commercial. As this was a public hearing, he entered for the record: Notice to Property Owner and Adjoining Property Owners; Notice of Publication; UDC; Application; GMP and Staff Report. Under Previous Actions on the Property: 1) The Official Zoning Map approved on April 9, 1979 for the entire City identified the zoning of the property as “A” Agricultural. 2) In 1987, the western 220 feet of the proposed Willowind Shopping Center, including the subject property, were rezoned from “A” Agricultural to “C-O” Non-Retail Business District. The remainder of the land for the proposed Willowind Shopping Center was rezoned to C-B. 3) In 1993, Lot 1 of Willowind Square was re-platted, creating Lot 1A (the subject property) and Lot 1B, the land owned by the Raymore Christian Church south of the subject property. 4) In 1993, Lot 1B was rezoned from C-O to C-2. 5) In 1993 the building permit was issued for the 7,740 square foot building on the subject property. The zoning of the property as identified on the permit was C-O. 6) The Official Zoning Map of the City dated July 18, 2000 identified the zoning the property as C-O. This zoning map was the Official Zoning Map displayed in the Community Development Department office. 7) The Official Zoning Map approved on January 12, 2004 for the entire City identified the zoning of the property as C-O. 8) With the adoption of the Unified Development Code, the zoning of the property was converted from C-O to the current PO, Professional Office District.

Under Staff Comments: 1) The building on the subject property was constructed as a commercial building similar to the other buildings in the Willowind Shopping Center. 2) The current PO zoning does prohibit certain commercial uses, specifically retail sales. Offices and personal service businesses are permitted. 3) The current uses in the building would be considered permitted uses. 4) With the exception of the subject property, all of the remaining land in the Willowind Shopping Center is zoned C-2.

Mr. Cadoret stated a Good Neighbor Information Meeting was held on May 21, 2009. Two of the residents attending inquired about the subject property. Specific questions were raised on what uses are permitted now and would be permitted under the C-2 zoning. The residents had specific concerns about future use of the property for bars, restaurants, and any use that might be open 24 hours. Staff clarified uses permitted in the PO and C-2 districts and indicated that the city does not have restrictions on hours of operation of commercial businesses. Staff indicated that restaurants would be permitted in the C-2 district, and the sale of alcohol would be governed by the City Code requirements

regarding separation from a church (minimum separation requirement of 100 feet). Staff indicated the PO district would not allow restaurants, bars or any retail business.

Mr. Cadoret stated he had submitted Staff Proposed Findings of Fact regarding the zoning change. Staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward the application to the City Council with a recommendation of approval. He noted for the record that clearly the zoning was established for C-O. He would understand if the residents and commission wanted to maintain the restriction on the use. It would be reasonable. The CO district had been used for land use buffer purposes in the past on other properties. The research somewhat indicates that this would be the same. Staff is looking at making zoning consistent which is the reason for the recommendation that they made. However, if we want to control uses of this building and limit the use of restaurants, bars, or retail uses, then we should keep the PO district zoning.

*Chairman Faulkner opened the floor to the public. No one came forward. Chairman Faulkner closed the public hearing on Case #09039 – City Initiated Rezoning – Property 16 – Willowind Shopping Center – Rezone from PO to C-2.*

Discussion ensued. Chairman Faulkner favored withdrawing this request to change rezoning. This property was zoned consistently from 1987 until now. It does not appear to him that this was a zoning change mistake. This property is adjacent and right across the street from single family homes in Foxwood Springs. The PO designation was a legitimate designation on that corner property specifically to buffer it from these residences. He felt they would be better served to withdraw this case and leave the designation of this property as PO. Commissioner Lacy recollected that this was designated as a buffer from the commercial property and Foxwood Springs. Commissioner Rowland stated he agreed.

**Motion by Commissioner Rowland, Second by Commissioner Ross to withdraw Case #09039 – City Initiated Rezoning – Property 16 – Willowind Shopping Center – Rezone from PO to C-2.**

Discussion ensued. Commissioner Holman stated he could see both sides but he felt they were giving special consideration to the residents of Foxwood Springs and yet not giving consideration to the subdivision to the north of this property. He felt this would be limiting the uses from the business perspective of what could go in there. He agreed with the initial assessment of uniformity and felt it should be zoned C-2 across the board. Commissioner Lacy stated that Foxwood Springs came first, then Willowind, then the property to the north. He supported the motion to withdraw. He felt it also buffered the R-2 property to the north as well as the PUD residential property to the west. Chairman Faulkner stated in this case we are not affording any special consideration to Foxwood Springs. They were there first. This zoning was initially established as CO or PO as a buffer to the residences from the more intense commercial use on the rest of the property. The residential properties to the north are multi-family and are traditionally used as a buffer against commercial.

However, the commercial buildings are facing the highway. He felt it was appropriate to leave this as is. This zoning has been consistently CO or PO. The motion to withdraw is just to leave it alone and leave it as it is. Commissioner Holman stated he still disagreed and felt it would be better served to have the entire property zoned consistently as C-2 with the current buffering restrictions for all surrounding properties. He felt it didn't make sense to limit the potential use for business there.

Commissioner Lacy stated that there is no dispute as to what this zoning is so there is no need to clarify it. This has been consistent so they do not have any business trying to rezone this. Chairman Faulkner noted that if the property owners/applicant wish to use that property in a manner permitted only as C-2, there is nothing stopping a further request by a new applicant. However, since this is an application initiated by the City and this series is primarily correcting existing zoning, he did not feel they were out of line in withdrawing this particular application.

Discussion ensued regarding proper procedure of withdrawal of the case. Mr. Cadoret stated it was staff who brought the initial request for the Commission to file the application. Staff's initial look at this particular application was that it seemed odd that the whole center was zoned C-2 and this corner was zoned a different district and he felt it should all be consistent. However, after researching it, they found it was intended to be PO zoning and it became clear that this was not a clarification of zoning, but actually a rezoning to go to a different district. Clearly the property was to be zoned as PO. He supported withdrawing the application. Chairman Faulkner noted that the absence of the owner spoke volumes as far as their interest/concern in the case at this time.

Mayor Alonzo agreed with standardizing this property. At the last meeting they approved rezoning on the west side of this same property without any similar consideration of a PO or any other zoning in between a commercial and this very same property that's to the west of Peace Drive. He agreed with Mr. Holman and also felt that the owner's absence meant he agreed with this rezoning.

Discussion ensued as to proper procedure for this case. Chairman Faulkner stated as a point of order he was leaning toward a preference from the Commission indicating their desire for staff to withdraw the motion rather than denying it and sending it on to Council. The rationale is that in past action the Commission considered staff's request to move forward on these cases correcting rezoning and Commission took a vote recommending that they proceed with these cases. Even though it was initiated by City staff, he felt this was initiated under the approval of Commission; therefore, he felt Commission had the prerogative of requesting that this be withdrawn. Commissioner Rowland asked staff if the City was initiating this or was the property owner. Mr. Cadoret stated the City initiated the rezoning. Commissioner Rowland stated that it made no difference if the owner was there or not because he wasn't involved in it. Mr. Cadoret stated the owner was not directly involved in the filing of the application but the corporation did receive notification. He talked with the president of Willowind LLC, who is the property owner representative, and

they were indifferent regarding the rezoning. Mr. Cadoret stated he could find no record of a retail use being in that building. If it moves forward, he will inform the owner and if it is withdrawn, then he would also contact the owner that it remains the same zoning. Commissioner Rowland called the question. Mayor Alonzo called a point of order and stated that a 2/3 majority is required to stop discussion. He stated he would hate that any Board could browbeat the applicant to where they withdrew their application. He would rather that the Board make a decision as to deny and then they could go to the property owner and say this application was denied. Then if the property owner wanted to proceed to rezone this to a commercial zoning, then he could come forward with it.

**Commissioner Rowland withdrew his motion. Commissioner Ross withdrew her second.**

Discussion ensued. Commissioner Lacy stated this case is not like the Galleria North case to the west because it was an application brought before them by an applicant. This whole process has been to correct the zoning. The history of this case shows that there is no correction that needs to be made. The zoning is exactly the way it was intended to be. He felt the City needs to be very careful about initiated zoning. Chairman Faulkner stated that they have now proceeded forward to the point that the property owner, while not being the applicant, does understand that there was some action proposed to be taken on his property. It is probably not as simple to just forget it and take it back. That is why he would go along with the motion to deny. Commissioner Bosley stated that if the owner wanted to change the zoning, he would have to pay fees. By doing it this way, he doesn't and Commissioner Bosley felt it was inappropriate. He felt they should withdraw the case because it is the wrong applicant. Chairman Faulkner stated that approval of the motion to deny leaves the applicant with the option of either withdrawing or proceeding forward with the case to City Council noting Commission's vote on the matter.

**Motion by Commissioner Rowland, Second by Commissioner Ross to deny Case #09039 – City Initiated Rezoning – Property 16 – Willowind Shopping Center – Rezone from PO to C-2.**

**Vote on Motion:**

Chairman Faulkner	Aye
Commissioner Bosley	Aye
Commissioner Crain	Aye
Commissioner Holman	Nay
Commissioner Lacy	Aye
Commissioner Ross	Aye
Commissioner Rowland	Aye
Mayor Alonzo	Nay

**Motion to deny passed 6-2-0. Commissioner Holman and Mayor Alonzo opposed.**

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**WILLOWIND, L.L.C.**

½ Willowind Square Center

913-888-8888

halesrealestate@aol.com

Tuesday, September 27, 2022

re: 1296A-98C West Foxwood Drive

Dear Commissioners and Council Members,

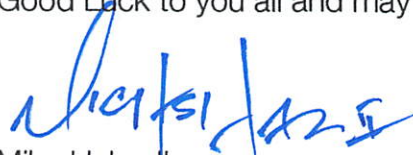
Thank you for your consideration in this matter.

We look forward to your agreement that these six spaces are brought to a zoning to match the adjacent retail businesses.

We are committed to offering small, affordable, store front spaces to anyone interested in joining the others, and your city, at Willowind Square Center.

We are delighted to be a part of your excellent city and hope to provide the surrounding residential community, services, food, and other curios of a town.

Good Luck to you all and may God save Raymore!



Mike Hales II  
Willowind, L.L.C.  
member

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