



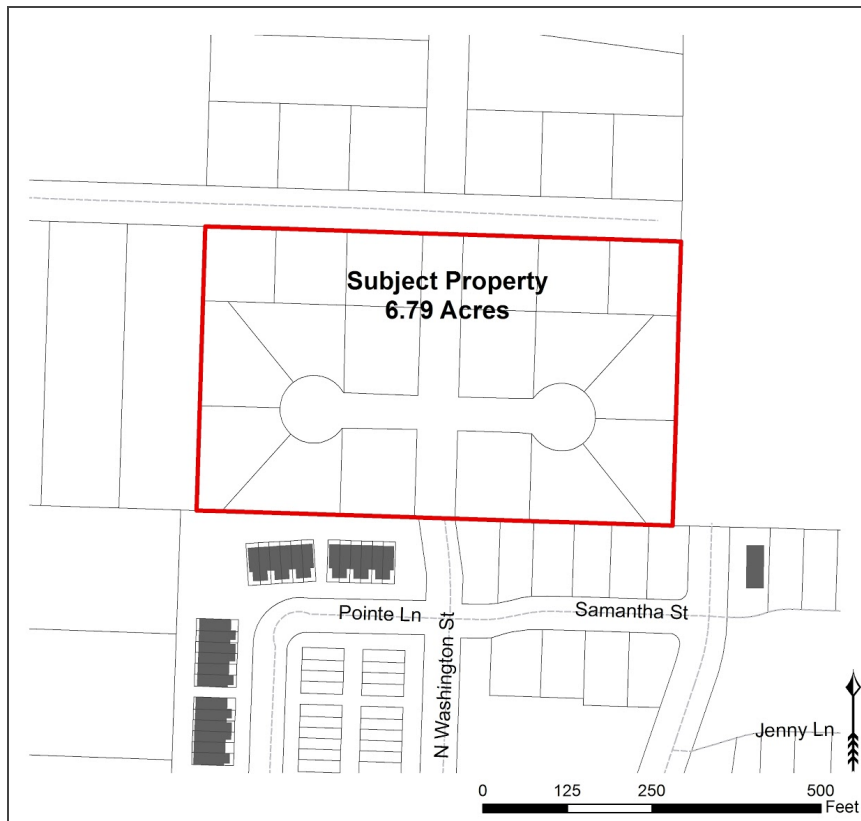
To: City Council
From: Planning and Zoning Commission
Date: September 11, 2017
Re: **Case #17015 Rezoning, Heritage Hills Lots 158 thru 175**

GENERAL INFORMATION

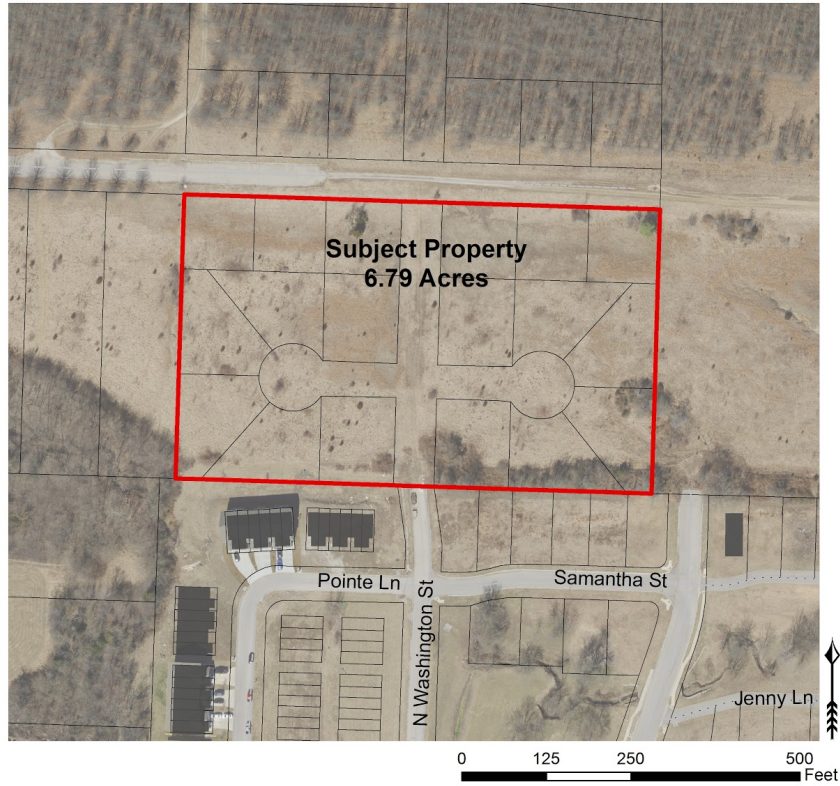
**Applicant/
Property Owner:** Sean Siebert
Ct Midland, LLC
3303 Main Street
Grandview, MO 64030

Requested Action: To reclassify the zoning of Heritage Hills Lots 158 thru 175 from "R-1" Single Family to "R-2" Single and Two Family

Property Location:



2016 Aerial Photograph:



Property Photographs:



View looking north along Washington Street. Current road ends at the southern boundary of the subject property. (PUD zoning to the east, R-3A zoning to the west).



View looking north from Samantha Street, showing the natural buffer along the southern boundary of the subject property.



View looking east along the southern boundary of the subject property.



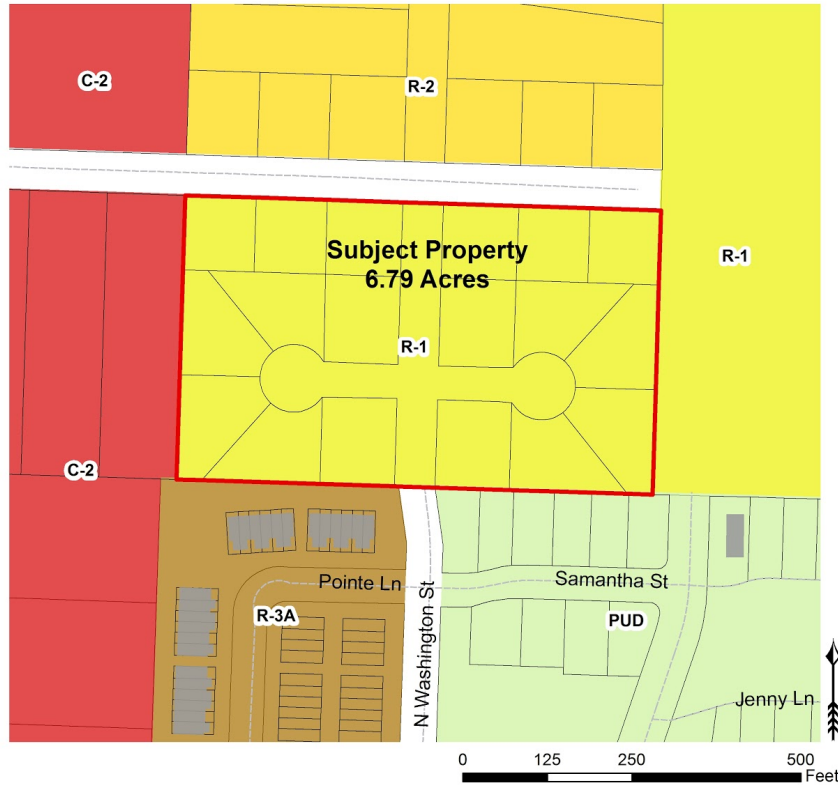
View looking south from Pine Street along the future connection of Washington Street.



View looking east along Pine Street.

Existing Zoning: “R-1” Single-Family Residential District

North: “R-2” Single and Two Family Residential District
South: “R-3A” Multiple Family Residential District
“PUD” Planned Unit Development District
East: “R-1” Single-Family Residential District
West: “C-2” General Commercial District



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

Major Street Plan: The Major Thoroughfare Plan Map classifies Pine Street as a Minor Collector road. Washington from Pine Street south to 58 Highway is classified as a Minor Collector road.

Legal Description: Heritage Hills 5th, Lots 158 thru 175

Advertisement: April 27, 2017 **Journal** newspaper
July 27, 2017 **Journal** newspaper
August 10, 2017 **Journal** newspaper

Public Hearing: May 16, 2017 Planning and Zoning Commission meeting
August 15, 2017 Planning and Zoning Commission meeting
August 28, 2017 City Council Meeting

- 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**

Additional exhibits as presented during hearing

REQUEST

Applicant is requesting to reclassify the zoning of 6.79 acres of land, legally described as Heritage Hills Lots 158 thru 175, from "R-1" Single Family Residential District to "R-2" Single and Two Family Residential District.

REZONING REQUIREMENTS

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

Section 470.020 (B) states:

"Zoning Map amendments may be initiated by the City Council, the Planning and Zoning Commission or upon application by the owner(s) of a property proposed to be affected."

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

Section 470.020 (F) requires that a public hearing be held by the Planning and Zoning Commission and the City Council. The Planning and Zoning Commission will submit a recommendation to the City Council upon conclusion of the public hearing.

Section 470.020 (G) outlines eleven findings of fact that the Planning and Zoning Commission and City Council must take into consideration in its deliberation of the request.

PREVIOUS PLANNING ACTIONS ON OR NEAR THE PROPERTY

1. The Heritage Hills Lots 158 thru 175 Final Plat was approved by the City on April 14, 1986 and was recorded on May 6, 1987.
2. The April 3, 1979 Official Zoning Map designated the zoning of the subject property as "R-3" Apartment House Zoning. This zoning designation permitted single-family, two-family and multi-family dwelling units to be constructed.
3. The July 18, 2000 Official Zoning Map designated the zoning of the subject property as "R-3" Multiple-Family Dwelling District. This zoning designation

allowed for only multiple-family dwelling units. Two-family dwellings were not allowed.

4. On January 12, 2004 the City adopted a new Official Zoning Map. To prepare the new map staff completed research of all ordinances approving zoning district designation changes. Since no ordinance was found that established the R-3 zoning designation that had been given to the subject property, the zoning established for the subject property by the adoption of the new zoning map was "R-1" Single Family Residential District.
5. The Point at Raymore Townhomes, located directly south of the subject property, were rezoned in 2009 from "R-3B" Apartment Community Residential District to "R-3A" Multiple-Family Residential District. This permitted the construction of single family attached dwellings.
6. Heritage Hills Lots 136 thru 157 (property to the north) were rezoned from "R-1" Single Family Residential District to "R-2" Single and Two Family Residential District on March 13, 2017. This property is also owned by the applicant.
7. On May 16, 2017 the applicant requested the rezoning of this same property from R-1 to R-2. The Planning Commission recommended denial of that request.

GOOD NEIGHBOR INFORMATIONAL MEETING COMMENTS

The Good Neighbor meeting was held on May 3, 2017. Staff provided an aerial and zoning map of the area in question. The applicant, Sean Siebert, and the project engineer presented their request. Two individuals from the surrounding neighborhoods were present, and asked the following questions:

Neighbor: How many homes will be built on this property?

Applicant: There will be 18 homes built on lots 158 thru 175, and 22 homes built on lots 136 thru 157, to the north. Between the two properties there will be a total of 40 homes, with the majority being two-family structures, and roughly 8-10 single family homes

Neighbor: What will be the size of the homes?

Applicant: There will be a mix of two and three-bedroom homes, but the majority of the homes will be two-bedroom.

Neighbor: Will all of the properties be individually owned?

Applicant: The applicant will retain ownership of all of the properties. We are in the process of forming a HOA, which will restrict certain uses of the properties by the tenants (i.e. no trailer parking, trash cans stored inside etc...). Maintenance of the properties will also be provided.

Neighbor: What will be the traffic impact with 40 additional homes?

Applicant: Washington Street will be connected through the development, which will provide access to Foxwood Drive, however, we think the majority of the residents will use Pine Street as the main access to 58 Highway.

Neighbor: Will there be any open space or common areas as part of the development?

Applicant: There will not be any areas dedicated specifically for common green space, but the storm water detention area will be open to a degree.

STAFF COMMENTS

1. The purpose of the “R-2” Single and Two-Family Residential District is to accommodate single and two-family residential development. The R-2 district would allow single family detached homes and two-family homes (duplexes) to be co-mingled.
2. The following use standards are established for the R-1 and R-2 districts:

Use	R-1	R-2	Use Standard
RESIDENTIAL USES			
Household Living			
Single-family Dwelling, Detached (conventional)	P	P	
Manufactured Home Residential – Design	S	S	Section 420.010D
Single-family Dwelling, Attached	–	–	Section 420.010A
Two-family Dwelling (Duplex)	–	P	
Multi-family Dwelling (3+ units)	–	–	Section 420.010A
Apartment Community	–	–	Section 420.010A
Cluster Residential Development	S	S	Section 420.010B
Manufactured Home Park	–	–	Section 420.010C
Employee Living Quarters	–	–	
Accessory Dwelling	-	-	Section 420.050E
Group Living			
Assisted Living	–	–	
Group Home	S	S	Section 420.010E
Nursing Care Facility	–	–	
Transitional Living	–	–	
Group Living Not Otherwise Classified	C	C	
PUBLIC AND CIVIC USES			
Cultural Exhibit or Library	C	C	
Government Buildings and Properties	C	C	
Place of Public Assembly	C	C	
Public Safety Services	C	C	
Religious Assembly	P	P	
School	P	P	
Utilities			
Major	C	C	
Minor	P	P	

Use	R-1	R-2	Use Standard
COMMERCIAL USES			
Animal Services			
Kennel	-	-	Section 420.030E
Day Care			
Day Care Home	S	S	Section 420.030C
Entertainment and Spectator Sports			
Indoor	-	-	
Outdoor	-	-	
Funeral and Interment Services			
Cemetery	C	C	
Funeral Home	-	-	
Lodging			
Bed and Breakfast	-	-	Section 420.030H
Sports and Recreation, Participant			
Outdoor	C	C	
Indoor	-	-	
OTHER USES			
Accessory Uses	S	S	Section 420.050
Agricultural Uses			
Farming	-	-	
Boarding Stables and Riding Schools	-	-	Section 420.040A
Home Occupation	S	S	Section 420.040B
Parking			
Accessory Parking	P	P	
Wireless Communication Facility			Section 420.040C
Colocated	S	S	

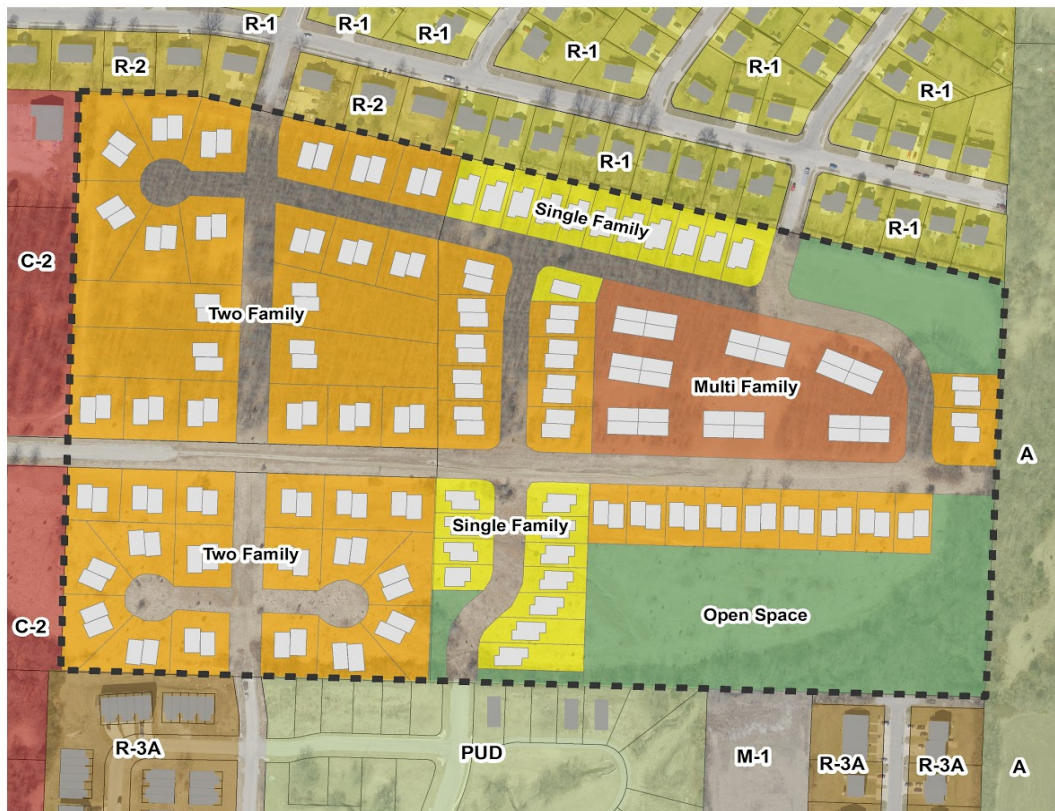
"P" is Permitted Use
 "C" is Conditional Use
 "S" is Permitted Use with Special Conditions
 "-" is a Prohibited Use

3. The following development standards apply in the R-1 and R-2 district:

	R-1	R-2
Minimum Lot Area		
per lot	8,400 sq.ft.	10,000 sq.ft.
per dwelling unit	8,400 sq.ft.	5,000 sq.ft.
Minimum Lot Width (ft.)	70	70
Minimum Lot Depth (ft.)	100	100
Yards, Minimum (ft.)		
Front	30	30
rear	30	30
side	10	10
Maximum Building Height (feet)	35	35
Maximum Building Coverage (%) [1]	30	30

[1] Includes outbuildings and accessory buildings. (See also Section 420.050)

4. There is no minimum home size requirement in the Unified Development Code. Subdivision covenants, if established for the subdivision, can dictate the minimum size of a home.
5. The developer intends to utilize the existing Heritage Hills Lots 158 thru 175 subdivision plat. The platted lots are compliant with the minimum development standards of the R-2 zoning district.
6. There are no screening requirements under the current R-1 or proposed R-2 zoning district for development on the subject property. Future development on the land to the west zoned "C-2" General Commercial will be required to establish a Type "A" landscape screen when development on the land occurs adjacent to the subject property.
7. A natural screening buffer currently exists on the southern boundary of the subject property, between the proposed R-2 zoning and the existing PUD zoning.
8. Development on the subject property will require connection of Washington Street south between Pine Street and Samantha Street.
9. The applicant also has ownership interests in the adjacent land area to the north and east of the subject property. At the time of their previous request for rezoning, the Planning Commission requested a master development plan for the subject property, and the surrounding properties also owned by the applicant. The proposed master plan is shown below:



10. The applicant is currently pursuing development of twenty-two (22) two-family dwellings on the platted lots that exist to the north of the subject property.
11. In March of 2017, when the applicant requested the rezoning of Heritage Hills Lots 136 thru 157 (north of subject property), the applicant indicated it was their intention to utilize the existing plat of Heritage Hills Lots 158 thru 175 (subject property) under the existing zoning to construct 18 single family homes
12. Potable water and sanitary sewer lines are on or adjacent to the subject property and can serve development on the property. A stormwater study will need to be prepared prior to approval of any infrastructure plans for the development.
13. Two-family dwellings currently comprise 4% of the total number of dwelling units in the City. There are 340 existing two-family dwelling units in Raymore.

ENGINEERING DIVISION COMMENTS

In its memorandum the Engineering Division indicates the area proposed for rezoning can be adequately served by existing utilities and infrastructure. The Engineering Division recommends approval of the request.

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 is a mixture of single and two-family residential structures to the south, with undeveloped land to the east and west. The applicant is currently pursuing development of two-family dwellings on the land to the north.

2. **the physical character of the area in which the property is located;**

The physical character of the area is undeveloped to the north, east, and west. There is partial development to the south, with the Pointe at Raymore Townhomes currently under construction, and a few single family homes in the Ramblewood subdivision.

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

The Future Land Use Plan Map contained in the GMP designates the subject property as appropriate for low density residential use; land to the east is designated for low density residential use; land adjacent to the north is designated for medium density residential; and land adjacent to the west and northwest is designated for commercial use. Use of the subject property for medium density residential helps to further GMP Physical Development Goal #4 by providing for various housing choices in the neighborhood and GMP Quality Neighborhoods Goal #2 by helping to ensure housing choices in the community remain available and affordable to all persons.

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

The subject property is suitable for both the existing uses allowed and for the proposed uses. Single family homes are permitted in both the existing and proposed zoning districts. The proposed zoning district will allow for two-family dwellings, which are currently being pursued on the land adjacent to the north.

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 land directly to the north of the property was recently rezoned as "R-2" to allow for the construction of both single and two family homes. To the south, the Pointe at Raymore Townhomes are nearing construction of two additional buildings, which include 5-6 single family attached units each.

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

The zoning amendment should not detrimentally affect nearby property. The land area to the north is already zoned to accommodate single and two-family dwellings. The land area to the west is zoned for commercial uses.

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

Public facilities are adequate to serve the subject property. Public facilities would be adequate to serve development allowed by the requested zoning map amendment.

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

The subject property is currently suitable for the uses to which it has been restricted. The purpose of the rezoning is to allow for two-family dwellings in addition to allowing single family dwellings, which would be compatible with adjacent land use to the north and south.

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

The property has always been vacant.

10. whether the proposed zoning map amendment is in the public interest and is not solely in the interests of the applicant; and

The rezoning is in the public interest. The proposed amendment will allow for the continued development of residential structures in the neighborhood, consistent with development adjacent to the north and south.

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 subject property has not developed under its current zoning designation. The proposed zoning is consistent with the zoning of land to the north.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>City Council 1st</u>	<u>City Council 2nd</u>
Public Hearing	August 15, 2017	August 28, 2017	September 11, 2017

STAFF RECOMMENDATION

City staff supports the request for reclassification of zoning. The adjacent land to the north was recently re-zoned as R-2 to accommodate single and two family dwellings, and the applicant is currently pursuing the development of two-family dwellings on all 22 lots. The land to the south contains a mix of single family dwellings, single family townhomes, with additional units under construction. The applicant also owns the undeveloped land to the east, and has submitted a conceptual development plan, illustrating their intentions moving forward. The land to the west is currently zoned for commercial development.

The subject property was platted in 1986, but was never developed. The connection of Washington Street south to Pine Street has always been proposed. The lots are sized appropriately for both single and two-family dwellings.

City Staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward Case #17015, request to reclassify the zoning of 6.79 acres of land, legally described as Heritage Hills Lots 158 thru 175, from "R-1" Single Family Residential District to "R-2" Single and Two Family Residential District, to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION 5/16/2017

The Planning and Zoning Commission, at its May 16, 2017 meeting, voted 7-1 to reject the staff proposed findings of fact, and forward Case #17015, request to reclassify the zoning of 6.79 acres of land, legally described as Heritage Hills Lots 158 thru 175, from "R-1" Single Family Residential District to "R-2" Single and Two Family Residential District, to the City Council with a recommendation of denial.

****following the Planning Commission meeting on May 16, 2017, the applicant elected to place their application on hold while they made revisions to their request, and Case #17015 was not forwarded to City Council.*

PLANNING COMMISSION ACTION 8/15/2017

The Planning and Zoning Commission, at its August 15, 2017 meeting, voted 9-0 to amend their motion from the May 2016, 2017 meeting, and accept the staff proposed findings of fact, and forward Case #17015, request to reclassify the zoning of 6.79 acres of land, legally described as Heritage Hills Lots 158 thru 175, from "R-1" Single Family Residential District to "R-2" Single and Two Family Residential District, to the City Council with a recommendation of approval.

CITY COUNCIL ACTION 1st READING - 8/28/2017

The City Council, at its August 28, 2017 meeting, voted 7-1 to accept the Planning and Zoning Commission proposed findings of fact and approved Case #17015, request to reclassify the zoning of 6.79 acres of land, legally described as Heritage Hills Lots 158 thru 175, from "R-1" Single Family Residential District to "R-2" Single and Two Family Residential District, on 1st reading.

CITY COUNCIL ACTION 2nd READING - 9/11/2017

The City Council, at its September 11, 2017 meeting, voted 7-0 to accept the Planning and Zoning Commission proposed findings of fact and approved Case #17015, request to reclassify the zoning of 6.79 acres of land, legally described as Heritage Hills Lots 158 thru 175, from "R-1" Single Family Residential District to "R-2" Single and Two Family Residential District, on 2nd reading.