



AGENDA

Raymore Board of Adjustment Regular Meeting
City Hall – 100 Municipal Circle
Wednesday, September 11, 2024
6:00 PM

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Personal Appearances**
- 5. Consent Agenda**
 - A. Approval of Minutes from the June 12, 2024 Meeting
- 6. Unfinished Business**
- 7. New Business**
 - A. Peak Auto Variance of Use - 217 N. Madison (public hearing)
- 8. Staff Report**
- 9. Public Comment**
- 10. Adjournment**

THE **BOARD OF ZONING ADJUSTMENT** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **WEDNESDAY, June 12, 2024** IN THE COUNCIL CHAMBERS AT RAYMORE CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING BOARD MEMBERS PRESENT: STEPHANIE VELASCO, TERRI WOODS, BEN BAILEY, PAM HATCHER, JERRY MARTIN, AND AARON HARRISON. ALSO PRESENT WERE CITY PLANNER DYLAN EPPERT AND ADMINISTRATIVE ASSISTANT EMILY JORDAN.

1. Call to Order – Chairman Hatcher called the meeting to order at 6:01 p.m.

2. Roll Call – Roll was taken and Chairman Hatcher declared there was a quorum present to conduct business.

3. Pledge of Allegiance

4. Public Appearances - None

5. Consent Agenda – Approval of Minutes from the April 10, 2024 meeting

Motion by Board Member Woods, Seconded by Board Member Velasco to approve the April 10, 2024 minutes.

Vote on Motion:

Board Member Woods	Aye
Board Member Bailey	Aye
Chairman Hatcher	Aye
Board Member Harrison	Aye
Board Member Martin	Aye
Board Member Velasco	Aye

Motion passed 6-0-0

6. Unfinished Business – None

7. New Business

a. Case #24005 - 411 S. Pelham Path Fence Variance (*public hearing*)

Public hearing opened at 6:03pm.

Michael Briggs, 1614 SE Willow St. Lee's Summit, MO, came to the podium to give an overview of the request. He lived in California and is representing his family that lives at 411 S Pelham Path. The reason for the request is that the family has a dog that requires a larger fenced-in area, as well as a taller, 6' fence that the dog wouldn't be able to jump. Mr. Briggs noted that his father-in-law who lives at the property would also eventually like to put a pool in, and a fence is required for that project as well.

City Planner Dylan Eppert gave the Staff report, including the project narrative, existing and surrounding zonings, public hearing notices, past planning actions, staff comments, and Staff recommendation. Mr. Eppert noted that the proposed fence is in the same place as the current fence, but will be a 6' privacy fence instead of the current 4' decorative fence. The Unified Development Code allows existing, non-conforming fences to be repaired or replaced with the exact same style and material. The proposed fence

will be taller than the original, thus why the case came before the Board. Staff recommends the Board accept the proposed findings of fact and approve the case.

Public hearing closed at 6:08pm.

Motion by Board Member Harrison, Seconded by Board Member Woods, to accept the Staff proposed Findings of Fact and approve Case #24005, 411 S. Pelham Path Fence Variance.

Vote on Motion:

Board Member Woods	Aye
Board Member Bailey	Aye
Chairman Hatcher	Aye
Board Member Harrison	Aye
Board Member Martin	Aye
Board Member Velasco	Alternate

Motion passed 5-0-0

8. Staff Comments -

Mr. Eppert gave the Development Services monthly report. There will not be a meeting in July, and wished everyone a happy and safe 4th.

Board Member Woods asked if there was a tentative opening date for Nonna's restaurant?

Chairman Hatcher noted that as their leasing agent, they are very close to opening for business.

9. Board Member Comment - none

10. Adjournment

Motion by Board Member Woods, Seconded by Board Member Harrison to adjourn.

Vote on Motion:

Board Member Woods	Aye
Board Member Bailey	Aye
Chairman Hatcher	Aye
Board Member Harrison	Aye
Board Member Martin	Aye
Board Member Velasco	Aye

Motion passed 6-0-0

The Board of Adjustment meeting for June 12, 2024 adjourned at 6:11 p.m.

Respectfully submitted,
Emily Jordan

Peak Auto Group *VARIANCE OF USE*

APPLICANT -

Applicant: Peak Auto Group
Property Owner: Tombstone Properties, LLC

PROJECT LOCATION REQUESTED ACTION

217 N. Madison St. Variance of Use: Section 410.020 (Use Table)

PROJECT NARRATIVE

The applicant is requesting a variance to UDC Section 410.020, allowing for the use of "Light Equipment and Vehicle Sales or Rental" to be permitted as a "C" Conditional Use in a C-2 General Commercial District.



ZONING AND LAND USE SUMMARY -

EXISTING ZONING

"C-2" General Commercial District

SURROUNDING ZONING & LAND USE

North: "C-2" General Commercial District
"R-3A" Multi-Family Residential District

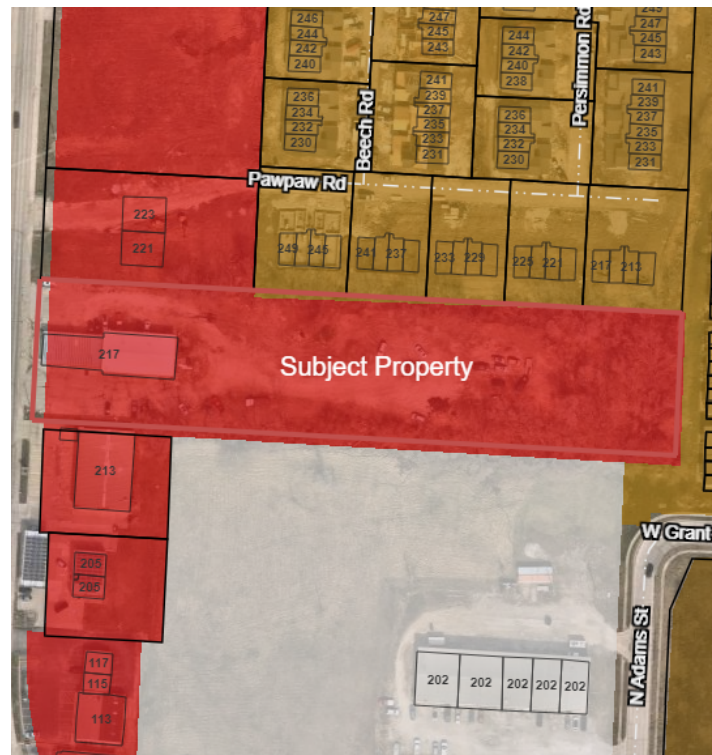
South: "C-2" General Commercial District
"BP" Business Park District

East: "C-2" General Business District

West: "R-3A" Multi-Family Residential District

TOTAL TRACT SIZE

2.96 Acres



INFORMATIONAL NOTICES OR MEETINGS -

NOTICE	DATE
Public Hearing Notice	• August 21, 2024 (North Cass Herald)

PAST PLANNING ACTIONS -

1. The subject property is currently located at 217 N. Madison St. and is currently unplatted.
2. The subject property has primarily been used for the purposes of either Automotive Repair or Automotive Sales since at least 2002. A list of businesses has been included below:
 - a. **S & S Oil Co Inc** - Opened prior to 2002 and terminated in 2005. (Auto Repair Shop).
 - b. **H & H Auto Sales** - Obtained business license on December 28, 2004 and terminated December 15, 2005 (Auto Sales).
 - c. **Tim's garage** - Obtained business license on December 7, 2005 and terminated on October 11, 2006 (Auto Repair).
 - d. **Perkins Service** - Obtained business license November 15, 2006 and terminated on December 31, 2022. (Auto Repair)
 - e. **Summit Integrity Auto (Current)** - Obtained business license on February 20, 2024 (Auto Repair).
3. The current use of the property, Motor Vehicle Repair, is considered under the current UDC to also be a "C" Conditional Use, but was a use that was established when the building was constructed (under a previous zoning code), and therefore is currently permitted as a non-conforming use (Section 475.040 Nonconforming Uses)
4. Other similar businesses near the subject property are as follows:
 - a. **Victory Lane Auto** - was established prior to the adoption of the Unified Development code and is operating their business as a non-conforming use. Any expansion or alteration of the business is not

permitted under the UDC.

- b. **Trek Auto, LLC** - The City approved a Conditional Use Permit for Trek Auto, then located at 302 W. Walnut St. for the location of an "Automobile and other motor vehicles" retail business" use. The CUP was approved with 5 conditions (Please see Auto Sales History Sheet in packet).
 - c. **B&W Auto Sales** - On February 24, 1997, the City granted a CUP for B&W Auto Sales located at 403 W. Walnut for the purpose of establishing an automobile/motor vehicle sales, inspections, and minor repair use. The CUP was approved with 4 conditions (Please see Auto Sales History Sheet in packet).
5. The most recent Variance of Use application was approved by the Board of Adjustment on October 11, 2023 regarding Elite Fence and Deck to allow for a Construction Sales and Service use within a property that was zoned "C-3" Regional Commercial District.

STAFF COMMENTS -

1. The use standards applicable to the subject property are as follows:

Use	PO	C-1	C-2	C-3	BP	M1	M2	Use Standard
COMMERCIAL USES								
Vehicle Sales and Service								
Car Wash	-	-	S	S	S	S	S	Section 420.030I
Gas Station	-	-	C	C	C	C	C	Section 420.030J
Motor Vehicle Repair	-	-	C	C	C	P	P	Section 420.030K
Light Equipment and Vehicle Sales or Rental	-	-	-	P	P	P	-	
Heavy Equipment Sales or Rental	-	-	-	C	P	P	P	
Vehicle, Recreational Vehicle or Boat Storage/Towing	-	-	-	-	-	P	P	

A "Light Equipment and Vehicle Sales or Rental" use is currently only permitted in the "C-3" Regional Commercial District, "BP" Business Park District and "M-1" Light Industrial District.

2. Section 470.060[B] states that in making any decision varying or modifying any provisions of the Unified Development Code, the Board may impose such conditions,

restrictions, terms, time limitations, landscaping, screening and other appropriate safeguards as needed to protect adjoining properties.

3. Notices of the request were mailed to 29 adjoining property owners/interested parties. No objections or concerns were received.
4. A concurring vote of four (4) members of the Board shall be necessary to decide in favor of the applicant.
5. Any and all signage for the property must comply with the provisions of the Unified Development Code.
6. Approval of this request does not explicitly approve this as an allowable use. A Conditional Use Permit has also been filed by Peak Auto Group which would still need to gain approval from the Planning and Zoning Commission and the City Council in accordance with UDC Section 470.030, if the Board of Zoning Adjustment were to approve the Variance of Use application.
7. Staff included a conceptual site layout drawing indicating how the property would be utilized should the use be allowed.

FINDINGS OF FACT -

Section 470.060 of the Unified Development Code directs the Board of Adjustment concerning their actions in dealing with a variance of use request. Section 470.060 directs the Board of Adjustment to make determinations on the following four (4) findings of fact:

1. The strict application of the provisions of the Unified Development Code would constitute an unnecessary hardship upon the applicant or landowner.

The strict application of the provisions of the Unified Development Code would constitute an unnecessary hardship upon the applicant as the subject property has been used for Vehicles Sales and/or Motor Vehicle Repair in some capacities since at least 2002. Currently, Summit Integrity Auto operates a Motor Vehicle Repair shop out of the subject property. The same ownership group of Summit Integrity Auto is looking to expand their business model to include the use of Vehicle Sales under the business name of Peak Auto Group.

2. Relief is necessary because of the unique character of the property.

Relief is necessary not because of the unique character of the property but because of the unique circumstances regarding the history of the subject property and the uses that are near the subject property. The subject property is in close proximity to Victory Lane Auto which operates a used car lot and has operated as such for a very long time.

3. The variance will not destroy the preservation of the Growth Management Plan.

The variance will not destroy the preservation of the Growth Management Plan. The Future Land Use identifies this area as appropriate for Commercial uses. A "Light Equipment and Vehicle Sales or Rental" use is permitted by right in a property that is zoned "C-3" Regional Commercial District. This property has always been zoned "C-2" General Commercial District and has for the better part of two decades operated under the uses of "Motor Vehicle Repair" or "Auto Sales".

4. Granting the variance will result in substantial justice for all.

Granting the variance will result in substantial justice for all as the applicant's current business is going so well in Raymore that they are already looking to expand upon the types of services they can offer. The City of Raymore does not have a lot of options when it comes to purchasing a vehicle and this would provide an option to purchase a vehicle. Vehicles sales and/or service uses have existing within this building in the past without any substantial impacts on adjacent properties, or this specific area of the City.

PROJECT REVIEW SCHEDULE

COUNCIL, COMMISSION OR BOARD	ACTION	DATE
Board of Zoning Adjustment	Review & Recommendation	September 11, 2024

STAFF RECOMMENDATIONS -

City staff has determined that the requested Variance of Use application provides a path for the applicant to meet their goals for their business, without requesting other actions that may have a detrimental impact on the surrounding area, such as rezoning the subject property to C-3, Regional Commercial classification, M-1, Light Industrial Classification or BP, Business Park Classification. The request allows for the current zoning of the property to stay intact and consistent with the surrounding zoning classifications as well as the Future Land Use Plan. Allowing the applicant to sell used vehicles at the subject property would complement the existing business which currently does Motor Vehicle Repair.

Approval of this request would allow for the Planning and Zoning Commission and City Council to review and consider the Conditional Use Permit application for the proposed use, including the Finding of Fact identified in 470.030(E), and any conditions either body may find appropriate.

City Staff recommends the Board of Adjustment accept the staff proposed findings of fact and approve Case #24011 Peak Auto Group - Variance of Use, to establish a Light Equipment and Vehicle Sales or Rental as a Conditional Use in the C-2 General Commercial District for the property located at 217 N. Madison.

PROJECT ATTACHMENTS -

1. Concept Plan
2. Auto Sales History Sheet



Peak Auto Group Conditional Use Permit | Auto Sales | 217 N. Madison St.

AUTO SALES AND USE HISTORY 217 N. Madison

Staff has identified the following business licenses and uses that have been established and permitted within the building at 217 N. Madison in the past:

- **S & S Oil Co Inc.**, unknown start date prior to 2002, terminated at some point in 2005. Business classification: Auto Repair
- **H & H Auto Sales**, origination date of license 12/28/2004, terminated 12/15/2005. Business classification: Sales
- **Tim's Garage**, origination date of license 12/07/2005, terminated 10/11/2006. Business classification: Auto Repair
- **Perkin's Service**, origination date of license 11/15/2006, terminated December 2022. Business classification: Auto Repair
- **Summit Integrity Auto (current)**, origination date of license, 2/20/2024. Business classification: Auto Repair

The following businesses have operated at, or in the close proximity of the building at 217 N. Madison in the past, and were treated similarly to the current request. These businesses were granted Conditional Use Permits in the past to operate similar businesses.

- **Victory Lane Auto** - From available records, this use was established prior to the adoption of the current UDC, and Victory Lane Auto is operating their business as a non-conforming use. Expansion or alteration of the business is not permitted, but continued operation of the current business is permitted under the UDC.
- **H&H Auto Sales** - On December 15, 2004 an Occupational License was issued to Bryan Hurst, d/b/a H & H Auto Sales, for used car sales at property located at 217 N. Madison Street. A CUP was not required at the time based on a determination by staff that auto sales had been occurring on the property for many years prior to H&H Auto leasing the property.
- **Trek Auto, LLC** - On August 23, 2004, the City approved a CUP for Trek Auto, then located at 302 W Walnut, for the location of an "Automobile and other

motor vehicles - retail business" use. The CUP was approved with the following conditions:

- All detailing and repair work shall be done inside the building.
 - Storage of anything other than vehicles must be inside the building.
 - No inoperable vehicles shall be stored outside the building.
 - A minimum of twelve parking spaces shall be available for employees and customers.
 - If the conditional use is not established within six (6) months of approval, or if the conditional use is discontinued or abandoned for a period of six (6) consecutive months, such use shall not thereafter be established, reestablished or resumed unless the City issues a new conditional use permit.
- **B&W Auto Sales** - On February 24, 1997, the City granted a CUP for B&W Auto Sales located at 403 W. Walnut for the purpose of establishing an automobile/motor vehicle sales, inspections, and minor repair use. The CUP was subject to the following conditions:
 - Additional landscaping along the north side of the building, the east property line and in the island between the drives.
 - The number of vehicles for sale at any one time will not exceed twenty-five (25).
 - The hours of operation are limited to 8:00 A.M. to 6:00 P.M.
 - All repair must be done inside the building