



CITY OF WARRENSBURG, MISSOURI
Board of Adjustment

Minutes of a Meeting Held on January 3, 2018

The meeting was called to order by Chair Don Nimmer at 5:00 PM.

Roll was called and members Don Nimmer, Anita Love, Sandi ~~Byran~~^{Bryan}, Nancy Knight, Bryan Freeman were present. Adam Sommer, attorney and counsel to the Board of Adjustment; Barbara Carroll, Director of Community Development, and Kristin Pack, City Planner, were also present. Greg Houtsma and Jerry Richter were present as the applicants. The meeting was recorded by a court reporter.

Minutes from the September 13, 2017, Board of Adjustment meeting were reviewed. Love moved to approve the minutes. Bryan seconded. Approved 5-0.

4. Hearings

**A. BA 2017-02: Request for Variance
316 W. Young St.**

Barbara Carroll, Kristin Pack, Greg Houtsma, Jerry Richter and Charles Studemeyer were sworn in together by the court reporter. Carroll summarized public notices given for the hearing, the nature of the request, and clarified the third request to waive the curb and gutter requirement must be approved by City Council as it is within Chapter 20 of the City Ordinances. The case is to reduce the number of parking spaces required per square feet of the existing building and proposed addition by using the parking requirement for Land Use 7.100: Hospitals; clinics and other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area instead of Land Use 12.100: Veterinarian, animal hospital, kennel, and to keep the gravel unloading area instead of requiring it to be a hard surface of asphalt or concrete. The request involves Sec. 27-200, Sec. 27-406, and 27-412 of the Code of City Ordinances.

Houtsma made arguments on behalf of Warrensburg Animal Hospital regarding the need for a rear covered structure to park a veterinary truck and have an equine work area. He stated the additional parking and surface requirements would be in the horse loading and unloading area. The hard surface is not safe for horses because they can easily slip on asphalt or concrete. There were questions from the Board and general discussion about the existing asphalt parking, the requirements between the existing land use and the proposed land use, and backing trucks and trailers out of the south parking area.

Carroll entered Exhibits A1-5 and made arguments on behalf of the City regarding the adopted zoning map, table of uses and public notices given for the hearing. Carroll stated the tables of uses established the Warrensburg Animal Hospital as a veterinarian clinic under Land Use 12.100 and the proposed change to small hospital is Land Use 7.100. A veterinarian clinic is required to have 29 off-street parking spaces, and a small hospital would reduce the requirement to eight off-street parking spaces. The second request is Section 27-412 to waive the requirement of a hard surface, either asphalt or concrete, parking lot.

Ex-parte contacts were disclosed by board members; no contacts were reported. No public comment was received in the meeting. Nimmer closed the public hearing. Bryan moved to approve the two-part variance as requested. Knight seconded. Freeman asked the Board if changing the designation from veterinarian clinic to small hospital would affect any other

requirements within the Zoning Ordinance. Carroll stated changing the land use should not affect requirements in other sections of the Zoning Ordinance.

A roll call vote was taken as follows:

Bryon Freeman:	Yes
Nancy Knight:	Yes
Anita Love:	Yes
Sandi Bryan:	Yes
Don Nimmer:	Yes

The motion was approved 5-0. The variance was granted.

B. BA 2017-03: Request for Variance

The property is legally described as The East 82 feet of Lot 91 in John Houx's Addition, as shown by the plat filed in Plat Book 1, at Page 51, in the City of Warrensburg, Johnson County, Missouri

Carroll clarified due to state statutes only the legal description was used for the advertising of the case. Carroll summarized public notices given for the hearing and the nature of the request. The case is to allow the driveway width to be reduced from 24 ft. to 12 ft. for two-way traffic and to allow the required west "loop" driveway be eliminated or the "direct" driveway be shortened as shown on the Site Plan titled "Proposed Driveway and Parking Lot: Survival and City Designs". This request involves Sec. 27-410 and 27-411 of the Code of City Ordinances. Carroll entered Exhibits B1-4

Richter entered Exhibit 5B and summarized the history of the acquisition of the property. Richter made arguments on behalf of the Survival Adult Abuse Center, Inc. regarding the challenges to meet the drive aisle requirements and the challenges constructing the two alternatives presented on the Site Plan. Richter stated physical and economic benefits of not investing in to concrete parking that may not be used, and he summarized the dimensions and planning of the proposed parking. There were questions from the Board and general discussion about the capability of a car to back out and exit the rear parking area, creating a turnaround pad on the west end of the rear parking lot, and the parking used on the street and at Shelter 1.

Carroll clarified Section 27-404(a) of the Zoning Ordinance states developments are required to provide off-street parking. There may be on-street parking, but it does not affect their off-street parking requirement. Carroll made arguments on behalf of the City regarding the adopted zoning map and parking design table. Carroll stated for 90 degree angle parking, it is required to have a 9 ft. stall width, 19 ft. stall length and a drive aisle of 24 ft. wide. Carroll summarized the comments and questions provided to the City from property owners within 300 ft.

Jarvis Slattery was sworn in by the court reporter to give public comment. Slattery stated he was concerned about driveway extending 2 ft. over the east property line. Because of this he felt Shelter 1 should meet the same parking requirements at Shelter 2. Carroll asked how much parking is required for Shelter 1. Elaine Sepulveda, Survival's Executive Director, stated there are 18 beds in Shelter 1, and two employees there from 8:00 AM to 4:00 PM. Sepulveda was sworn in by the court reporter. Carroll analyzed the information given and stated they would be required to provide five parking spaces, and Shelter 1 has six parking spaces. Nimmer closed the public hearing.

Ex-parte contacts were disclosed by board members; Nimmer stated he personally met with Richter, but the application was not discussed. Love moved to approve the first part of the variance to reduce the driveway width from 24 ft. to 12 ft. Knight seconded. Love asked Richter if the budget would accommodate a 6 ft. by 17 ft. turnaround pad as an amendment to the motion. Richter stated the amendment would be fine. Bryan moved to amend the

original motion to include a 6 ft. by 17 ft. pad to allow turning in the back. The Board discussed the amendment, the design of the rear parking, and the possibility of changing the orientation of the parking spaces. Bryan restated her motion to amend the original motion to include a turnaround pad with the size at the discretion of the contractor. Freeman seconded.

A roll call vote was taken as follows:

Anita Love:	Yes
Sandi Bryan:	Yes
Nancy Knight:	Yes
Bryon Freeman:	Yes
Don Nimmer:	Yes

The amendment passed 5-0. Nimmer asked for any discussion on original motion. No response was received.

A roll call vote on the amended motion to approve the first part of the variance request was taken as follows:

Bryon Freeman:	Yes
Sandi Bryan:	Yes
Anita Love:	Yes
Nancy Knight:	Yes
Don Nimmer:	Yes

The amended motion was approved 5-0. The variance was granted for the first part of the application with the condition that a turnaround pad on the west end of the rear parking lot be provided at a size to be determined by the contractor.

Carroll stated with the approval of the first part of the variance request, construction of the direct or loop driveways was no longer required. Love moved to allow the required west loop driveway and direct driveway. Bryan seconded. Nimmer asked for any discussion, and clarified a no vote would mean the direct and loop driveways would not be required.

A roll call vote was taken as follows:

Nancy Knight:	No
Anita Love:	No
Sandi Bryan:	No
Bryon Freeman:	No
Don Nimmer:	No

The motion failed 0-5.

5. Other Business

Carroll stated staff received an additional application for a variance and the Board will need to meet January 29, 2018 at 5:30. Bryan moved to adjourn the meeting. Love seconded. Approved 5-0. The meeting adjourned at 6:40 PM.

Date: Jan. 29, 2018

Don Nimmer
Chair