



CITY OF WARRENSBURG, MISSOURI  
PLANNING AND ZONING COMMISSION MINUTES  
July 9, 2018

**1. Call to Order**

The meeting was called to order by Chair Mark Karscig at 5:30 PM at the Warrensburg Municipal Center.

**2. Roll Call**

Roll was called and members Nolan Brooks, Danielle Johnston, Bob Steinkuehler, Mark Karscig, Andy Kohl, Jeff Terry, Bob Watts and Dewayne Jackson were present. Also present were Barbara Carroll, Director of Community Development; Kristin Pack, City Planner; and Jim Kushner, Fire Chief.

**3. Minutes of Previous Meetings**

Members reviewed the minutes. Jackson moved to approve the minutes from the June 4, 2018 meeting. Steinkuehler seconded. Approved 7-0 with Watts abstaining.

**4. Requests and Petitions Presented**

**4.I Request to Establish a LI: Light Industrial District**

*304 NE 200 Road-located in the Northeast corner of the intersection of Missouri Route 13 Highway & Veterans Road*

Carroll stated the Dollar Tree site was now contiguous to the city limits and with the public and private improvements nearing completion, it was time to annex and zone the property. The zoning hearing will be before City Council on July 23, 2018 if the annexation is approved by City Council. Steinkuehler asked staff if HH Highway on the west side of Highway 13 could be reconfigured? Carroll stated it is owned by Johnson County and the City and County are discussing its future. Staff recommended approval of the zoning request for LI for the following reasons:

1. The requested zone is a reasonable extension of an adjacent, existing LI district.
2. The proposed zones are consistent with the 2017 Future Land Use map.
3. The proposed LI zone is compatible with the adjacent and existing land uses and the trend of development on the east side of Highway 13.

**4.II Request for Conditional Use Permit: Land Use 1.100 Single Family Dwellings in a CB: Central Business District**  
*118 W. Gay St.*

Carroll introduced the request for a Conditional Use Permit for a single family dwelling in the CB: Central Business District. Carroll stated the area has been zoned CB since the current zoning ordinance was adopted in 1992. The current house on the property is considered a legal conforming use. The applicant is applying for a home loan, and the mortgage company is requesting the applicant obtain a Conditional Use Permit to allow the house to be rebuilt if the house is destroyed at 75% or more of the fair market value. Since the residence is located in the CB District, new single family residences are

required to have a conditional use permit. The applicant does not propose any new development or demolition at this time. Steve Bailey appeared on behalf of the applicant and answered questions from the board. The Commission discussed the impacts of granting a conditional use permit for the construction of a house in the future without knowing what the trend of development of the area will be at that point in the future, what future code requirements will be, the intent of the zoning ordinance, consistency with the Future Land Use Map and purchasing a house through mortgage companies with a Veterans Administration (VA) loan. Staff recommended against the request for the following reasons.

1. The request is not keeping with the 2017 Future Land Use Map for Mixed Use.
2. The request does not meet the intent of Chapter 27 of the Code of Ordinances.
3. It is unknown what the future code requirements will be at the time of a rebuild.
4. It is unknown what the development pattern will be at the time of a rebuild.

4.III Request for Conditional Use Permit: Multi-Family Dwellings, Street Level in a CB:  
Central Business District  
*146 W. Pine St.*

Carroll introduced the request for a Conditional Use Permit for multi-family dwellings on the street-level in the Central Business district. She clarified all the land use codes included are due to the different definitions involving street-level residences and not having plans from the applicant to confirm which Land Use code will apply to the project specifically. The Conditional Use Permit is only for the street-level portion of the project. Second floor and higher residential use is permitted by right. In the CB District, three or fewer units are not required to have off street parking, anything over would require parking for all the units. The proposed balconies would extend into the City street right-of-way.

The applicant, Harry Singer, appeared and summarized the development projects owned and funded by him in downtown Warrensburg. Singer made several statements including the following:

- He owns the parking lot across the street to the west for parking and it is never full;
- He could eliminate the balconies.
- If luxury housing is provided, it will bring people to the area.
- The downtown has 80,000 sq. ft. of empty space because all the businesses went to the south with Walmart.
- He questioned if the downtown needs another shop and what is the goal of that?
- His goal is not to do anything that will hurt Pine Street.
- There are plenty of empty buildings on Holden Street for businesses.

Public Comment was received as follows:

Kristel Reiman, 125C N Holden St, stated it was a good problem to have engagement between retailers and residents. Bombshells saw a 40% increase in their sales after moving their business downtown. She stated on behalf of Warrensburg Main Street Inc., they concur there is a need for more residential; however, it should be on the top floors with commercial on the bottom.

Jason Elkins, 105 S. Holden St., stated the downtown may appear to be in flux, but there isn't 80,000 sq. ft. of empty space. With downtowns growing and thriving, there is a demand for more retail space. If residential is on the first floor, then it takes away the opportunity for more retail in the downtown area. Many cities with Main Street programs have ordinances that do not permit residential on the first floor at all. Residential on the first floor breaks the continuous edge and people won't walk past it to go on down the block.

Singer stated he appreciated everyone's comments, but it would not be a good retail space since you can't window shop due to no windows on his building.

Teena Simon, 26 Timberline Dr., stated she is with Warrensburg Main Street, Inc., and would like retail to be on the bottom floor. She was concerned with parking and where would the overflow parking go?

Ann Papasifakis, 100 N. Holden St., stated she recently bought the former Kerley Copy business. She has worked at 100 N. Holden for 17 years. What works nicely is the nighttime parking does not take daytime parking and vice versa. The residents living at the Opera House Apartments are parking on the city streets during the daytime and taking retail parking. Holden Street is booming; Those Were the Days is very busy on Sundays and fills the street with cars; and All Starz is adding to their business. Having cars park for residential uses in addition to the Opera House Apartment cars parking on the street will cause more problems. First floor residential hurts the character of downtown and is not a good fit.

Commission members discussed if the units and building would have access from the north or south sides and that the new business All Starz on that end of the block that is seeing success in its location. Carroll clarified each bedroom would be required to have an egress window. Staff recommended against the request for the following reasons.

1. The proposal is not in keeping with the intent of the CB district regulations to have residential uses in basements and on second and higher floors of mixed-use occupancies. The applicant has not proposed a mixed-use occupancy.
2. The proposal is not in keeping with the general trend of development in that area for commercial, restaurant, service, and professional office uses.
3. The request is not keeping with the 2017 Future Land Use Map for Mixed Use.
4. The 2007 Comprehensive Plan recommendation states that downtown remains the heart of the City by encouraging a wide mix of retail, office, and commercial businesses. The majority of housing in the area is situated above retail and office storefronts.
5. The applicant has not provided a site plan or building plans.

## **5. Motions, Resolutions, and Recommendations**

- 5.1 Request to Establish a LI: Light Industrial District  
*304 NE 200 Road-located in the Northeast corner of the intersection of Missouri Route 13 Highway & Veterans Road*

Jackson moved to approve LI Zoning designation for the reasons stated in the staff report. Steinkuehler seconded. Approved 8-0. Karscig read and completed the Findings and Recommendation sheet.

- 5.II Request for Conditional Use Permit: Land Use 1.100 Single Family Dwellings in a CB:  
Central Business District  
118 W. Gay St.

Terry moved to approve the Conditional Use Permit. Steinkuehler seconded. Motion failed 3-5. Karscig read and completed the Findings and Recommendation sheet.

- 5.III Request for Conditional Use Permit: Multi-Family Dwellings, Street Level in a CB:  
Central Business District  
146 W. Pine St.

Steinkuehler stated permitting residential on the first floor would change the character of downtown, and commercial on the first floor with residential above it is working well all over the country. This much residential will exacerbate the parking conflict between residential and commercial uses. There was a discussion about tabling the request until additional plans could be submitted, but several members stated there were no plans that could be submitted that would change their decision. Jackson moved to approve the Conditional Use Permit. Steinkuehler seconded. Motion failed 1-7. Karscig read and completed the Findings and Recommendation sheet.

**6. Other Business and Appearance by the Public – None.**

**7. Comments of Commissioners and Staff – None.**

**8. Adjournment**

Steinkuehler moved to adjourn the meeting. Watts seconded. Approved 8-0, and the meeting adjourned at 6:42 p.m.

Date: 8/6/18

Chair 