



CITY OF WARRENSBURG, MISSOURI
Board of Adjustment

Minutes of a Meeting Held on July 18, 2018

The meeting was called to order by Chair Don Nimmer at 6:15 PM.

Roll was called and members Anita Love, Don Nimmer, Mike Shaw, Nancy Knight and Bryon 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. Jamie Poulsen, Trevor Fox and Patrick Joyce were present as the applicants. The meeting was recorded by a court reporter.

4. Hearings

**4.1 VAR-08-2018: Request for Variance-Setbacks and Parking
623 S. Maguire St.**

Carroll summarized the nature of the request. The case is to be allowed to encroach 30 ft. into the required 40 ft. setback from the west property line adjacent to S. Maguire St.; for Space 1, reduce the number of parking spaces required for Land Use 8.200 from the required 20 parking spaces to 12 parking spaces; to reduce the required stall length for 60-degree angle parking from 21 ft. to 17.32 ft.; and to encroach 15 ft. into the required 30 ft. setback from the east property line for placement of a dumpster.

Barbara Carroll, Jamie Poulsen, Trevor Fox and Patrick Joyce were sworn in by the court reporter.

Patrick Joyce entered Exhibits A-E to the Board of Adjustment, and they were received by the Board. Joyce made arguments on behalf of Dream Team Properties, LLC. He stated the existing building is unsightly and requires a lot of maintenance. Joyce presented the floor plan and layout of the site and summarized the proposed development including 19 proposed parking spaces, a second tenant space, new dumpster enclosure and interior seating. Joyce stated seating was targeted for university students walking to the site, and the striping for the parking was based on the adjacent University of Central Missouri (UCM) parking lots. There was a general discussion about the number and location of the parking spaces, the number of customers that drive to the business to pick up pizzas, the parking spaces for the second tenant space, sight triangle and landscaping concerns.

Carroll entered Exhibits 1-5 to the Board of Adjustment, and they were received. Carroll made arguments on behalf of the City regarding the adopted zoning map, table of uses and public notices given for the hearing. Carroll stated there is reasonable use of the site if the building is downsized to a single space without the second tenant space. She also stated UCM parking spaces do not fall under the jurisdiction of the City and may not be striped to the required City dimensions. Carroll entered Exhibit 6, an aerial photo of the parking lot at McDonald's parking lot located at 311 E. Young Ave., to the Board of Adjustment, and it was received. Using the aerial photo, Carroll demonstrated the impact of fitting a car or large vehicle into the stall with the stall depth is shortened to 17.5 ft. Carroll stated on-street

parking is not allowed on S. Maguire St. and only permitted parking at UCM, which leaves Jefferson St. next to the adjacent residential neighborhood if people do not want to use the stall on-site because they are too hard to get in and out of.

Joyce rebutted that the proposed store design is a prototype from the corporate office, and the tenant space justifies the expense for the new store. The Board of Adjustment discussed the site, building, seating and layout regarding corporate requirements.

Nimmer opened the meeting for public hearing. Cassie Hensley was sworn in by the court reporter.

Casey Hensley, 507 Zoll Street, addressed the Board of Adjustment and stated she is the general manager of Domino's. Hensley stated the new store would raise the mark, and the existing store walls are bowing-in; tiles are starting to fall; and only so much can be replaced. Hensley stated she has about 6-7 drivers on a shift, and they rotate in-and-out of the store.

Nimmer asked if anyone else would like make any additional comments. Joyce stated the UCM parking lots indicate the proposed parking design functionally works. Nimmer closed the public hearing. Ex-parte contacts were disclosed by board members. None was indicated. Board members discussed amongst themselves what the minimum variance needed to make the site work for a restaurant vs a restaurant and tenant space.

Love moved to approve all four variances as requested. Knight seconded.

A roll call vote was taken as follows:

Bryon Freeman:	No
Mike Shaw:	No
Anita Love:	No
Nancy Knight:	Yes
Don Nimmer:	No

The motion was denied 1-4. The variance was denied.

5. Other Business

6. Adjourn

Love moved to adjourn the meeting. Freeman seconded. Approved 5-0. The meeting adjourned at 7:20 PM.

Date: August 27, 2018

Donald Nimmer
Chair