



CITY OF WARRENSBURG, MISSOURI
PLANNING AND ZONING COMMISSION MINUTES
January 7, 2019

1. Call to Order

Acting as chairman, the meeting was called to order by Vice-Chair Bob Steinkuehler at 5:30 PM at the Warrensburg Municipal Center.

2. Roll Call

Roll was called and members Bob Steinkuehler, Nolan Brooks, Danielle Johnston, Andy Kohl, Bob Watts, Jeff Terry and Dewayne Jackson were present. Member Mark Karscig was absent. Also present were Barbara Carroll, Director of Community Development and Kristin Dyer, City Planner.

3. Minutes of Previous Meetings

Members reviewed the minutes. Jackson moved to approve the minutes from the December 3, 2018 meeting. Watts seconded. Approved 6-0 with Johnston abstaining.

4. Requests and Petitions Presented – None

- 4.1 Request to Rezone GB: General Business District to R3: Low-Density Multi-Family Residence District
615 Lakeview Drive

Carroll stated the house was constructed prior to the current zoning of the property being established. The property owner wishes to sell the property. The current house on the property is considered a legal conforming use. However a Conditional Use Permit is required to build a new house or to repair the current house if it is damaged in excess of 75% or more of the fair market value. The mortgage companies for the potential buyers will not do a loan on the house unless the property has a Conditional Use Permit at the time the house is purchased or unless the house is a permitted use by right in the district. The applicant is requesting the rezoning to R3 because a house is a permitted use by right in an R3 district. Staff recommended approval for the rezoning request to R3 for the following reasons:

1. The requested zone is a reasonable extension of an existing R3 district.
2. The proposed land does not meet the Comprehensive City Plan minimum acreage recommendation of 5-20 acres intended for neighborhood commercial development.
3. Due to the variations in the surrounding topography, the property is difficult to see from West Young Street which will limit its development for commercial purposes.

Public Comment was received as follows:

Richard Ricard, 615 Laurel, spoke against the request. He is concerned about a multi-family apartment project decreasing the value of his home, that apartment dwellers in second and higher stories could see into his single-family home and reduce his privacy, and increased noise levels from apartments.

Brooks clarified the request is not for an apartment complex, and it is for the rezoning of the property. Steinkuehler summarized the request to the audience and stated the lot size does not meet the minimum requirements for anything bigger than a single-family home.

4.II Request for Conditional Use Permit for Rental Event Center
1095 South Mitchell Street

Carroll introduced the request for a Conditional Use Permit for a rental event center in the Light Industrial District. Carroll stated the use is classified Land Use 8.100, a restaurant use, and staff has used the banquet room calculation for parking. The parking requirement is not met for 1,800 sq. ft., but it is met a 1,360 sq. ft. Staff recommended approval with conditions for the Conditional Use Permit for the following reasons:

1. The proposal is in keeping with the intent of the LI: Light Industrial District.
2. The property is located on S. Mitchell St., a collector street. The street classification is designed to accommodate traffic that may result from more intensive development of the site.
3. The proposed CUP and request to the use the existing building for a rental event center does not in any way increase the nonconforming situation either in dimension, frequency, intensity or square footage/space devoted to the nonconforming situation. The building is not being enlarged or moved closer to the north or west property lines.
4. Once the parking requirement has been met, the intended additional use and CUP will not result in a violation of Section 27-28 (c) of the Code of City Ordinances.
5. Once the parking requirement has been met, the CUP does not create a nonconforming lot and is conforming in all other respects but the applicable setback requirement which cannot be reasonably complied with.
 - a. The property with the existing building cannot be reasonably developed for any use including the proposed without such setback deviations. Said deviations are necessary due to size of the lot and the relationship between the existing building and the land.
 - b. The property, building, proposed use and location of the rental event center is adjacent to LI: Light Industrial and GB: General Business and can be developed as a rental event center without significantly adverse impact on the surrounding properties or the public health or safety. Staff does not anticipate negative impacts from using the existing space or any additional traffic it may generate. A majority of the parking lot is already shielded from the residential uses north of the property by the building, so minimal headlights should shine onto the residential properties.
6. Once the parking requirement has been met, all the applicable requirements of Chapter 27 that can be reasonably complied with, will be complied with.

The applicant, Chris Meyers for J. C. Construction Company Inc., appeared and summarized the purpose and use of the rental event center. Meyers stated the maximum occupancy can be 99 people, but it will only have between 60-70 people, and there is additional parking available within a short walking distance. He said there would not be food or liquor sales on site.

Public Comment was received as follows:

JJ Falen, 407 8th St., spoke in favor of the request. She stated she works for the Myers. She explained the history of previous tenants and said state requirements did not allow the space to be used for a daycare any longer. She said the request is more about redecorating than remodeling. She explained there is already a fence along the north property line and she will try to grow vines on it for privacy. There might be a grill outside but no plans for drunken parties.

Sara Moulder, 1103 Pine Court, spoke against the request. She owns the townhome immediately north of the property and her bedroom is adjacent to 1095 S. Mitchell St. She is concerned about parties and noise at all hours of the day and night.

5. Motions, Resolutions, and Recommendations

- 5.I Request to Rezone GB: General Business District to R3: Low-Density Multi-Family Residence District
615 Lakeview Drive

Jackson moved to approve the R3 Zoning designation for the reasons stated in the staff report. Terry seconded. Steinkuehler asked if Laurel St. should also be rezoned and staff indicated not at this time. Approved 7-0. Steinkuehler read and completed the Findings and Recommendation sheet.

- 5.II Request for Conditional Use Permit for Rental Event Center
1095 South Mitchell Street

Steinkuehler asked staff if a landscape buffer is required for the use. Staff stated it would not be required in this case. Jackson moved to approve the Conditional Use Permit with recommendations from staff. Watts seconded. Approved 6-1. Steinkuehler read and completed the Findings and Recommendation sheet.

- 5.III Preliminary Plat of Hunter Hollow, 3rd Plat
891-901 West Gay Street

Carroll summarized the staff report and the remaining corrections requested by City Staff. Carroll stated the engineer, Kevin Skerret, was present to answer any questions. There was a general discussion about the history of the application and the street and lot lay-out of the development. Skerret stated Tract A is not considered developable ground due to the grading and the expense to fix the grading issues.

Kohl moved to approve the preliminary plat with the conditions below:

1. Provide two mortgage holder signature lines since there are two separate owners. These are lines for the banks to sign, not the owners.
2. Draw the SD & UE easements lines on both sides of the lot line between Lots 9 and 10.
3. Show the label "SSE" on the Sanitary Sewer Easement on Tract A. Where the existing sewer line is not in the existing easement a new SSE must be dedicated, labeled and centered on the sewer line so the entire line is in a

Sanitary Sewer Easement. Provide on the plat the width and length of each segment of the SSE.

4. Since an easement is to be vacated by the Plat, write the words on the Plat that will actually vacate the easement. This is different than the label itself. The words below must appear on the plat. The words in italics need to be replaced with the specific physical description of the easement location and the easement instrument information.

"(Describe easement to be vacated) heretofore dedicated by (describe easement instrument) lying within the boundaries of the hereon Hunter Hollow, 3rd Plat is hereby vacated."

5. Designate a SD & UE on Tract A for storm drainage. It cannot be the whole Tract. The existing ditch needs to be shown in a new SD & UE.
6. Surveyor must sign and seal a copy of the Preliminary Plat.

Terry seconded. Approved 7-0. Steinkuehler 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

Watts moved to adjourn the meeting. Terry seconded. Approved 7-0, and the meeting adjourned at 6:27 p.m.

Date:

2/4/19

Chair

