



CITY OF WARRENSBURG, MISSOURI
PLANNING AND ZONING COMMISSION MINUTES
February 6, 2023

1. Call to Order

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

2. Roll Call

Roll was called and members Casey Lund, Devan Steel, Bruce Uhler, Shari Bax, Andy Kohl, and Jeff Terry were present. Members Don Nimmer, Dewayne Jackson, and Steve Westhead were absent. Also present were Barbara Carroll, Director of Community Development, and Kristin Dyer, City Planner.

3. Minutes of Previous Meetings

Members reviewed the minutes. Kohl moved to approve the minutes from the December 5, 2022, meeting. Lund seconded. Approved 5-0 with Terry abstaining.

4. Requests and Petitions Presented – None.

5. Motions, Resolutions, and Recommendations

**5.1 Southwest Estates, Lots 12A & 13A (Minor Plat)
317, 323, & 325 Jones Ave.**

Carroll stated she believed the property owner, Brandon Whitney, decided not to proceed, but nothing has been received in writing. Per the subdivision regulations, ^{the} once a complete plat application is received the review process must continue to Council consideration unless staff receives a written request to rescind or delay the application. There was a brief discussion about how common it is for a parcel to contain a portion of a previously platted lot. Carroll stated the plat does not meet the design requirement of Chapter 21 of the Code of City Ordinances and recommended denial of the minor plat. Specific items not meeting the requirements were as follows:

1. The existing 15' easement between Lots 12 and 11 must be vacated. Surveyor/Engineer needs to confirm there are no existing utilities within the existing easement in order for the easement to be vacated.
2. Once it is determined that no existing utilities are present, Surveyor/Engineer will need to submit a surveyed legal description and exhibit of the existing easement to be vacated. The City will produce the necessary easement vacate documents and then will take them to City Council by ordinance for approval or rejection.
3. The vacate ordinance can go to the same Council meeting as the plat and will be considered before the plat on the agenda. If approved by City Council, Surveyor/Engineer will need to add a note on the replat stating the easement has been vacated by ordinance # _____ approved by City Council on __ (insert date) _____. The note will need to be added after approval and before the mylar is printed for signatures.
4. Show the easement that is being vacated on the plat with a hatch or gray area and labeled in the legend or a callout label that refers back to the new note that will state the Ordinance vacating it. The area would need to match the exhibit.

5. The plat submitted involves a portion of original Lot 11. The boundary of the plat must be expanded until the current parcels and ownership lines match an original platted lot line. Staff believes that will occur going east at the west right-of-way line of Warren St. The additional 9 lots and owners will need to become a party to the plat.
6. Include the owner name and address for both sets of owners.
7. Include a vicinity map showing the location with the major surrounding streets.
8. Show the names of the adjacent property owners and subdivisions.
9. Show a 30 ft. building setback line from the front property line.
10. Include a note that the zoning is R1: Single-family residence district.
11. Label in the legend for X = Fence
12. Remove the City Tax Release block.
13. Replace the existing County Tax Release signature block with the following Assessor Office signature block:

I hereby certify that all taxes on the property described herein have been paid as of _____.

County Collector Date

14. Replace the existing Warrensburg City Council and Planning & Zoning Commission signature block with the following City Council block:

This certifies that the within plat of Southwest Estates, Lots 12A & 13A was submitted to and duly approved by the Planning and Zoning Commission and the City Council of Warrensburg, Missouri. Approved by Ordinance # _____ on _____ day of _____.

MAYOR Date

ATTEST

City Clerk Date

15. Replace the first paragraph of the Dedication block with the following:

The undersigned proprietors of the real estate described herein have caused the same to be subdivided in the manner shown on this plat, which subdivision and plat shall hereafter be known as "Southwest Estates, Lots 12A & 13A". It shall be a sufficient description of each lot platted hereon to be designated by the number or alpha character which appears on said lot followed by the words "Southwest Estates, Lots 12A & 13A".

An easement is hereby granted to the City of Warrensburg to locate, construct, and maintain, or to authorize the location, construction, and maintenance of conduits, gas, water, sewer, storm drainage, electric, or other public utility and associated utility infrastructure upon, under and through the land designated as "STORM DRAINAGE & UTILITY EASEMENT" (S.D. & U.E.) as shown on the plat.

The streets or roads shown on this plat and adjacent to the platted lots and not heretofore dedicated to the public use, are hereby so dedicated.

The use of all lots shown on this plat shall be subject to any and all restrictions recorded in the Office of the Recorder of Deeds in Johnson County, Missouri.

16. There will need to be two notary blocks since there are two sets of property owners. Since both properties are owned by married couples, use the below notary block for each set.

On this _____ day of _____, 2023, before me personally appeared _____ and _____, husband and wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same, as their free act and deed.

My Commission Expires: _____
Notary Public

Terry moved to approve the minor plat with staff recommendations. Uhler seconded. Motion failed with 0 ayes and 6 nays on a roll call vote. Bax read and completed the Findings and Recommendations.

5.II ,Minor Plat Alex's Addition
707 & 715 E. Young

Carroll stated the proposed plat moves internal lot lines between two existing lots. The applicant, Jeff Terry, stated the owner of the daycare center wants to extend the playground and is purchasing the proposed Lot 2.

Staff recommended approval of the minor plat with the following conditions.

1. Correct the label on the Storm Drainage & Utility Easement along the north side of Lot 2 to S.D. & U.E.
2. Remove the "E." on E. Young St. from the General Note and from the label showing the width of the right-of-way. Correct "Ave." in the General Note to "St." Both should just say Young St.
3. Show the names of the adjacent subdivisions.

Kohl moved to approve the minor plat with staff recommendations. Lund seconded. Approved 5-0 with Terry abstaining on a roll call vote. Bax read and completed the Findings and Recommendations.

5.III An Ordinance Repealing and Replacing Ordinance 5524 of the City of Warrensburg, Missouri Regarding Marijuana-Related Uses

Carroll summarized the previous marijuana-related uses discussions with the Planning and Zoning Commission and City Council. Carroll stated City Council expressed interest in changing the ordinance and requested additional information from staff in December, which is included in the staff report. The Planning and Zoning Commission discussed the liquor by the drink buffer and possible impacts of future federal legislation.

Terry moved to approve the ordinance as written. Uhler seconded. Approved 6-0 on a roll call vote. Bax read and completed the Findings and Recommendations.

6. Other Business and Appearances by the Public – None.

7. Comments of Commissioners and Staff

Shari requested next month's regular meeting be moved due to UCM spring break. The Planning & Zoning Commission agreed to move the March meeting to March 13, 2023, at 5:00 p.m., if needed.

8. Adjournment

Kohl moved to adjourn the meeting. With no objections, the meeting adjourned at 6:01 p.m.

Date: 4 - 3 - 2023



Chair