



CITY OF WARRENSBURG, MISSOURI
PLANNING AND ZONING COMMISSION MINUTES
April 5, 2021

1. Call to Order

The meeting was called to order by Bob Steinkuehler at 5:30 PM via a video conference call.

2. Roll Call

Roll was called and members Bob Steinkuehler, Dewayne Jackson, Don Nimmer, Casey Lund, Shari Bax, and Andy Kohl were present. Members Jeff Terry, Bryan Jacobs, 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 October 5, 2020 meeting. Nimmer seconded. Approved 6-0.

4. Requests and Petitions Presented

- 4.1 Request for Conditional Use Permit to Use the Property Located At 201 N. Maguire St., for a Fraternity Use (Land Use 1.520) in a GB: General Business District and to Use the Property for a Conforming Purpose Without Correcting the Non-Conforming Situations that are not Reasonably Possible to Eliminate
201 N. Maguire St.

Carroll summarized the request to use the property for a fraternity use and explained three parking spaces will be provided on site and 12 parking spaces provided with a shared parking agreement with AutoZone. The non-conforming situations are it does not meet the setback required setback along Maguire St., and the north parking lot does not meet the design and size requirements. There was additional public comment received after the agenda was posted: Rhonda Gelbach contacted City Hall with concerns about the parking and traffic congestion along Culton St.

Staff recommended approval for the following reasons:

1. The proposal is in keeping with the intent of the GB: General Business District and the general trend of development in that area.
2. The proposal is in keeping with the intent of the Neighborhood Mixed Use category of the 2017 Comprehensive Plan. Neighborhood Mixed Use allows for "greater flexibility in uses and building design to allow either mixed use or single-use buildings and developments. Allowable uses include multifamily residential, office and retail as well as convenience stores, fast-food restaurants, and other uses with vehicle drive-up and drive-thru service. Buildings may be one to three stories in height with shared off-street surface or structured parking."
3. The property is located on Maguire St., which is an arterial street.
4. The property with the existing building cannot be developed for any use including the proposed use without setback deviations or parking dimension deviations.
5. The proposed use and redevelopment of the site does not increase the extent of the nonconformity of the nonconforming situation, does not increase the total amount of space devoted to a nonconforming situation, create a greater

nonconformity with respect to the dimensional setback requirements, or create additional nonconformities.

David Sheehan spoke on behalf of Sheehan Property Holdings LLC. He stated he is proud of what he has done with the building and explained the parking on the south side of the building does not count, but it is not going away. He explained there is a lot of space to turn around without backing onto Culton St., and it is a lot easier to park at AutoZone and walk across the street. Sheehan stated he did not rent the upstairs because it was too rough, and now it is cleaned up and presentable. Sheehan presented pictures of the upstairs to the Planning and Zoning Commission.

Nimmer commented that in time, residents will park along Culton St instead of using AutoZone since people tend to gravitate to the closest parking space. Steinkuehler asked Sheehan how long the parking agreement runs, and Sheehan stated that it is indefinite.

Public comment was received as follows:

Cory Davis spoke on behalf of Tau Kappa Epsilon (TKE). Davis stated he is an alum of TKE and attends the University of Central Missouri. Davis stated that partying and fraternities are synonymous, and it is a stigma they continue to squash. Davis stated the intent of the building is to give alumni a place to come back to, and the new accommodations provided by the university would not meet their standards. The current members living in the building rent directly from Sheehan, and there is an agreement to rent office space to the fraternity for business use, a place to display memorabilia, and self-manage the building with Sheehan's rental company.

Tom Carey on behalf of Vaughan Trust, 303 E. Culton St., stated their property is next door, and the police had to be called multiple times for people parking in the driveway. Carey stated it is not safe to have people walking across Maguire Street at night.

5. Motions, Resolutions, and Recommendations

- 5.I Request for Conditional Use Permit to Use the Property Located At 201 N. Maguire St., for a Fraternity Use (Land Use 1.520) in a GB: General Business District and to Use the Property for a Conforming Purpose Without Correcting the Non-Conforming Situations that are not Reasonably Possible to Eliminate
201 N. Maguire St.

Lund moved to approve the application for the reasons stated in the staff report. Bax seconded. Approved 5-1 on a roll call vote. Steinkuehler read and completed the Findings and Recommendation sheet.

- 5.II An Ordinance Amending Chapter 27 of the Code of City Ordinances of the City of Warrensburg, Missouri, Regarding Shooting, Archery, or Weapons Ranges

Carroll introduced the ordinance and explained this ordinance would amend the definition for shooting and archery range to allow the discharge of projectile weapons at targets to allow axe-throwing. No public comment was received. Nimmer moved to approve the ordinance as presented. Lund seconded. Approved 6-0 on a roll call vote. Steinkuehler read and completed the Findings and Recommendation sheet.

- 5.III An Ordinance Repealing and Replacing Section 27-203 of the Code of City Ordinances of the City of Warrensburg Regarding Home Occupations in Residential Districts

Carroll introduced the ordinance and summarized the changes to ordinance. Some of the changes included streamlining the language, updating uses, and requiring off-street parking based on nonresident employees or square footage used. Lund moved to approve the ordinance as presented. Jackson seconded. Approved 6-0 on a roll call vote. Steinkuehler read and completed the Findings and Recommendation sheet.

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

7. Comments of Commissioners and Staff

8. Adjournment

Nimmer moved to adjourn the meeting. Jackson seconded. The meeting adjourned at 6:34 p.m.

Date: _____

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Chair