



CITY OF WARRENSBURG, MISSOURI
PLANNING AND ZONING COMMISSION MINUTES
August 5, 2019

1. Call to Order

Acting as Chair, 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, Casey Lund, Dewayne Jackson, Jeff Terry, Andy Kohl and Bryan Jacobs were present. Member Mark Karscig was absent. Also present were Barbara Carroll, Director of Community Development; Marvin Coleman, Directory of Public Works; and Kristin Dyer, City Planner.

3. Minutes of Previous Meetings

Members reviewed the minutes. Jackson moved to approve the minutes from the July 1, 2019 meeting. Terry seconded. Approved 4-0 with Jacobs and Kohl abstaining.

4. Requests and Petitions Presented

- 4.I Request to Establish a GB: General Business District
Southwest corner of 141 NW 21st Rd adjacent to N. Holden St.

Carroll stated the request involved 1,757 sq. ft. tract of land located at southwest corner of 141 NW 21st Rd adjacent to N. Holden St. The triangular piece of land, is part of a larger tract that was annexed in 2017. However, this portion was not in the legal description of the land annexed in 2017 so it was not annexed at that time. This small portion was successfully annexed into city limits on June 10, 2019. Staff recommended approval for the following reasons:

1. The requested zone is a reasonable extension of an adjacent, existing GB district.
2. The proposal is compatible with the surrounding and existing land uses.

- 4.II Request to Establish a GB: General Business District
Portion of County Road Northwest 21 (N. Holden St.) located adjacent to 129 NW 21 Rd and 1105 N. Holden St.

Carroll stated the Johnson County Commission has requested the portion of County Road Northwest 21 located adjacent to 129 NW 21 Rd and 1105 N. Holden St. be annexed into the City of Warrensburg. The property was successfully annexed into city limits on June 24, 2010. Staff recommended approval for the following reasons:

1. The requested zone is a reasonable extension of an adjacent, existing GB district.
2. The proposal is compatible with the surrounding and existing land uses.

- 4.III Request to Rezone R1: Single Family Residence District to GB: General Business District
309 E. Market St.

Carroll summarized the request. Carroll stated due to an error with the local newspaper running the public notice the August 12 City Council public hearing on the matter would

be opened and continued to August 26. Staff recommended approval for the rezoning request to GB for the following reasons:

1. The proposed zone is an extension of an existing GB District.
2. The proposed land use is in keeping with the general development trend of the area.

Jeff Laubach spoke on behalf of Casey's and the property owners, He explained the overall proposed development of the properties as a convenience store and gas sales. He stated the current gas pump canopy is encroaching into the right-of-way for Maguire St. The redevelopment of the site will push everything to the east and leave one driveway on Maguire St. and have one entrance on the north and one entrance on the south. The current access points are problematic with today's traffic engineering standards. Some of the lots are going to be used as buffer space since the City requires a 30 ft. buffer from residential zones. The parking lot curb line is a little over 60 ft. from 310 E. Gay St., and there is a trash enclosure on the northeast side of the property. There will be landscaping and a fence along the east property line running from Gay St. to Market St. Currently, there is no buffer between the existing store and 309 E. Market St.

Upon questioning by the board, Laubach stated the fence would be 6 ft. tall, the driveway on Gay St. could not be moved further east because of the grade elevations between the street and site, and the sign would be a pole sign not a ground mounted sign.

Public comment was received as follows:

Wilson Hurst, 214 E. Gay St., brought a written document for the record and stated he had no intention for using his property as a bed and breakfast as permitted by a previous conditional use permit. Hurst stated the goal for the Highway 13 Bypass was to reduce traffic on Maguire St. If we continue to build new businesses on Maguire it is never going to reduce traffic and will make it worse. It has a negative impact on the existing residential buildings. Many of the homes are over 100 years old and if the area becomes less suitable for residential, owners will not reinvest in the old homes and the community will lose them too. If we value history in Warrensburg, then we should not let businesses clog these areas.

William Baker, 311 E. Gay St., stated we [he and his wife] are opposed to the rezoning of 310 E. Gay St. and 309 E. Market St. for obvious and numerous reasons. Baker stated his parents purchased the house when he was 2 years old and would like to see the neighborhood stay friendly. Baker read a letter to the Planning and Zoning Commission with a list of property owners and submitted the letter for the record.

Karen Williamson, 315 E. Gay St., stated she is opposed to the rezoning of 310 E. Gay St. and 309 E. Market St. Williamson stated she moved to her house and this neighborhood because of the integrity of the older homes and believes in the history of the older buildings and the value they bring to the town. By rezoning 310 E. Gay St. and 309 E. Market St. to commercial, it will make the neighborhood less desirable for living and the property values will go down. It will increase traffic, lights and sounds. Williamson stated she didn't see why it couldn't be the same size of the current store or a nice quaint shop. Williamson read a letter to the Planning and Zoning Commission and submitted the letter for the record.

Carol E. Smith, 321 E. Gay St., read a letter from Senator Denny Hoskins and Mrs. Michelle Hoskins and submitted the letter for the record. Next, Smith read a letter she wrote to the Planning and Zoning Commission and submitted it for the record.

There was a general discussion about the requirements for hours of operation, lighting, sign regulations, location of the proposed tanks and other GB: General Business District regulations.

Jacobs asked staff if the Traffic Commission needed to look at the proposed development. Staff clarified it does not go to Traffic Commission for review. When the building plans are submitted, staff will determine if a Traffic Impact Study is required based on the number of trips per hour and the size of the building. Williamson stated she lives on Gay St., and the current gas station is very busy, and she can't imagine that much traffic on that side of street with the bank on the other side.

Rory Shelby, 303 S. Maguire St., stated he owns the current convenience store, and it is 4,000 sq. ft. The proposed building is 6,000 sq. ft. which is not a huge increase. Shelby stated he would like to see the City get a new addition. The house next door has been raided several times. He is getting out of the business so he will be selling it or leaving it vacant.

4.IV Request to Rezone R2: One- and Two-Family Residence District to GB: General Business District
310 E. Gay St.

Carroll summarized the application. Staff recommended approval for the rezoning request to GB for the following reasons:

1. The proposed zone is an extension of an existing GB District.
2. The proposed land use is in keeping with the general development trend of the area.

Steinkuehler asked if there are any new comments not heard on the previous application.

Public comment was received as follows:

Wilson Hurst, 214 E. Gay St., stated he lived in Warrensburg for 12 years, and the traffic has gotten worse. There has been no change in traffic patterns and more enticements will cause more traffic.

Carol E Smith, 321 E. Gay St., stated she had to use an alternate route around the Casey's on Burkarth Rd. six evenings a week. Once a month there was a big automobile accident where people tried to get on Burkarth Rd. out of Casey's. Those are two busy streets just like this and Casey's put out a lot of traffic.

5. Motions, Resolutions, and Recommendations

- 5.I Request to Establish a GB: General Business District
Southwest corner of 141 NW 21st Rd adjacent to N. Holden St.

Kohl moved to approve the GB Zoning designation for the reasons stated in the staff report. Jackson seconded. Approved 5-0 with Terry abstaining. Steinkuehler read and completed the Findings and Recommendation sheet.

- 5.II Request to Establish a GB: General Business District
Portion of County Road Northwest 21 (N. Holden St.) located adjacent to 129 NW 21 Rd and 1105 N. Holden St.

Kohl moved to approve the GB Zoning designation for the reasons stated in the staff report. Jacobs seconded. Approved 6-0. Steinkuehler read and completed the Findings and Recommendation sheet.

- 5.III Request to Rezone R1: Single Family Residence District to GB: General Business District
309 E. Market St.

Kohl moved to approve the GB Zoning designation for the reasons stated in the staff report. Lund seconded. Approved 5-1. Steinkuehler read and completed the Findings and Recommendation sheet.

- 5.IV Request to Rezone R2: One- and Two-Family Residence District to GB: General Business District
310 E. Gay St.

Jacobs said he was struggling with the findings and the impact on other properties. Lund stated he thinks the new convenience store is an improvement on the one that is there because lighting, landscaping, buffers and traffic flow can be improved with the redevelopment design. Kohl moved to approve the GB Zoning designation for the reasons stated in the staff report. Jackson seconded. Approved 5-1. Steinkuehler read and completed the Findings and Recommendation sheet.

Carroll restated due to an error with the local newspaper running the public notice the August 12 City Council public hearing on the matter would be opened and continued to August 26.

- 5.V Final Plat of CWW, LLC ADDITION
524 & 528 N. Warren St.

Carroll summarized the staff report and stated this minor plat would take three lots and create two lots. Carroll stated staff recommends approval of the minor plat as presented.

Jackson moved to approve the minor plat as presented. Jacobs seconded. Approved 6-0.

6. Other Business and Appearances by the Public

- 6.I Discussion on Holiday Inn Construction and Neighbor Concerns
Request by David Ewing

David Ewing stated everyone was aware of his concerns regarding the hotel. He stated he believes there were changes in the agreement between the architect and the neighbors and he was not notified the changes would be discussed at the meeting. Changes to the berm and lighting were slipped in. Ewing stated he was trying to get

something positive out of it. He stated the Commissioners have 5 interests on behalf of citizens: safety and security; health; help with pollution and annoyances like lights, sounds, odors; privacy; and retaining investment.

Ewing asked the Planning & Zoning Commission to consider three things: notification of the people and the community, look at the types of commercial zoning, and provide appropriate buffers. The buffers are out-of-date when there are 24-hour businesses. An 8-hour or 24-hour business should require different types of buffers. Ewing questioned if realtors are required to tell future property owners what the adjacent land is zoned. Jacobs replied no and Ewing said the City should require realtors to tell buyers that information. Ewing stated for the four-story hotel the notification went out to property owners within 300 ft. but it impacts more. The distance should be larger. When there are changes in the request, it is only reasonable to be notified. Ewing asked the City to look at the types of buffers that are required such as the regulation of signs and lights. He stated the City has certain obligations to the citizens, and he and the neighbors have invested their time and deserve to have all those things protected.

There was a general discussion about the current notice requirements, any civil recourse neighbors might have about statements made in the neighborhood meeting with the architect, and realtor disclosures. Steinkuehler asked the Planning & Zoning Commission if they wanted to give any direction to Staff. Terry asked about mitigation measures for light intensive businesses, and larger setbacks and going out a greater distance with notification letters for taller buildings. The Commission directed staff to research these and similar concepts and bring back to a future meeting for further discussion.

7. Comments of Commissioners and Staff

Steinkuehler asked if staff met with the Myers as directed at the last meeting. Carroll stated that condition was included in the ordinance approving the plat that was presented to Council. Following discussion at the Council meeting, the ordinance was amended to remove that condition and then the ordinance was approved. As such, staff did not have the conversation with the Myers.

7.I September Meeting Date Due to Labor Day

Carroll stated the next regularly scheduled meeting of the Planning and Zoning Commission is on Labor Day and asked the Planning and Zoning if they wished to meet a different day. The Planning and Zoning Commission agreed to September 3, 2019 at 5:30 pm.

7.II Schedule a Special Meeting Date

Carroll addressed scheduling a special meeting for an upcoming final plat, so it may go to the second City Council meeting in September. The Planning and Zoning Commission agreed to meet on September 16, 2019 at 5:00 pm.

8. Adjournment

Jackson moved to adjourn the meeting. Kohl seconded. Approved 6-0. The meeting adjourned at 7:00 p.m.

Date: _____

9/3/19

Chair

