



CITY OF WARRENSBURG, MISSOURI
PLANNING AND ZONING COMMISSION MINUTES
October 3, 2022

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, Jeff Terry, and Dewayne Jackson were present. Members Steve Westhead and Don Nimmer 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. Jackson moved to approve the minutes from the September 7, 2022 meeting. Lund seconded. Approved 6-0 with Terry abstaining.

4. Requests and Petitions Presented

- 4.I Request for Conditional Use Permit to Operate a Motor Vehicle Painting and Body Work Facility (Land Use 9.400) in a GB: General Business District
812 E. Young

Carroll stated a conditional use permit application was granted two years ago for the same use at this address. The applicant is ready to split the lot into two lots, and the lot split will change the boundaries of the original lot and nullify the previous conditional use permit. Therefore, the applicant has applied for a new conditional use permit. The Planning and Zoning Commission discussed the ingress/egress easement for the two lots and the procedural process for the plat and conditional use permit.

Staff recommended approval based on the following:

1. The proposal is in keeping with the intent of the GB district regulations and the general trend of development in that area.
 2. The proposal is in keeping with the intent of the Future Land Use Plan for industrial use.
 3. The property is located on E. Young St., an arterial street, and near the U.S. Highway 50 ramp. The street classification is designed to accommodate traffic that may result from more intensive development of the site.
 4. The surrounding properties are zoned GB: General Business and developed with commercial and motor vehicle uses such as heavy equipment rentals that should not be negatively impacted by more intensive development of the site and additional traffic.
- 4.II Request for Conditional Use Permit: Land Use 1.330 Multi-Family Apartments, Street Level, in a GB: General Business District
West side of the 1100 block of S. Mitchell St.

Carroll clarified the applicant owns all the properties, and there was a request in January of this year to rezone the properties to a R4 District. The rezoning was denied by City

Council. The applicant has come forward with multifamily project in a GB District and a replat that is later on the agenda.

Staff recommends approval based on the following:

1. The proposal is in keeping with the intent of the GB: General Business District of Chapter 27 of the Code of City Ordinances and the general trend of development in the area.
2. The proposed multi-family use is consistent with the medium density residential use shown for this land on the Future Land Use Plan in the 2017 Comprehensive City Plan Update.
3. The property is adjacent to S. Mitchell St., a collector street, and within proximity of E. Hale Lake Rd., an arterial street, on the adopted Major Street Plan. Both roads provide adequate access to the site and accommodate a large volume of daily vehicle traffic.

Member Kohl asked about private driveways versus city streets and if there will be a sidewalk and parking on the side of the private drives. Staff explained the setback requirements from city streets and stated sidewalks are not required on the interior.

Mr. Warger, the engineer for the project, provided a hand-out showing the 2-bedroom plan and stated he was still working on the 1-bedroom plan. The garages are oversized, because it is a 55 and older development, and there will be sidewalks so the residents can mingle together. Mr. Warger stated there will be private streetlights, and they are working on getting the landscaping addressed.

Member Uhler asked about the stormwater detention, and Mr. Warger stated it is a dry detention and potentially it could go underground.

Anita Love, 1012 Deer Run, appeared and stated she was against the request. She would like to see the lots be single-family. She stated the City rezoned the lots behind her house to multi-family and she does not also want multi-family across the street from her front yard.

Carroll read the public comment provided by Bob Shane via e-mail that was included in the packet.

5. Motions, Resolutions, and Recommendations

5.I Minor Plat NDS Industrial 808 & 812 E. Young

Carroll stated it is the same plat that was part of the conditional use permit review, and the applicant has made all the corrections previously requested by staff.

Kohl moved to approve the minor plat as presented. Lund seconded. Approved 6-0 on a roll call vote with Terry abstaining. Bax read the Findings and Recommendations.

5.II Request for Conditional Use Permit to Operate a Motor Vehicle Painting and Body Work Facility (Land Use 9.400) in a GB: General Business District 812 E. Young

Kohl moved to approve the conditional use permit with the following two staff conditions:

1. Staff be granted the authority to approve the final site plan as part of the building permit process.
2. The required number of parking lot trees will be field inspected for compliance. One tree is required for every ten parking spaces, or a fraction thereof.

Lund seconded. On a roll call vote, the Commission voted 3 in favor, 3 opposed with Terry abstaining and thereby neither recommended approval or denial of the application. Bax read the Findings and Recommendations.

5.III Final Plat Deer Run Cottages
West side of the 1100 block of S. Mitchell St.

Carroll stated the minor plat is in conjunction with the conditional use permit requested for Deer Run Cottages.

Staff recommends approval of the minor plat with the following conditions:

1. Under the owner's name, show the owner's address.
2. Under the developer's name, show the developer's address.
3. Show the names of the property owners for all adjacent lots including platted lots.
4. Remove 7.5' S.D. & U.E. west of lots 52-54, 40' existing S.D. & U.E. to remain.
5. Change all easement labels from "U.E." to "S.D. & U.E." as they are being rededicated on this plat and must be labeled "S.D. & U.E." to be covered by the dedication statement.

Terry moved to approve the minor plat with staff's conditions. Uhler seconded. Approved 7-0 on a roll call vote. Bax read the Findings and Recommendations.

5.IV Request for Conditional Use Permit: Land Use 1.330 Multi-Family Apartments, Street Level, in a GB: General Business District
West side of the 1100 block of S. Mitchell St.

Terry moved to approve the conditional use permit with the following staff conditions:

1. Staff be granted the authority to approve the final site plan and landscape plan as part of the building permit process.
2. Staff review items listed above must be satisfactorily addressed on the final site plan and landscape plan.

Uhler seconded. Member Kohl asked how long can staff enforce the 55 and over restriction. Staff clarified staff cannot enforce an age restriction. It is up to the owner to enforce any age restrictions.

Approved 7-0 on a roll call vote. Bax read the Findings and Recommendations.

5.V An Ordinance Amending Chapter 27 of the Code of City Ordinances of the City of Warrensburg, Missouri, Regarding Home-Based Businesses

Carroll reviewed the reason for the proposed ordinance and highlighted the major changes between the proposed ordinance and current requirements. There was a general discussion concerning whether or not the new state law impacts homeowner association regulations, how staff would enforce the ordinance, and potential reasons the legislature might have had for adopting the new state laws.

Terry moved to approve the proposed ordinance as presented. Jackson seconded. Approved 7-0 on a roll call vote. Bax read the Findings and Recommendations.

6. Other Business and Appearances by the Public

7. Comments of Commissioners and Staff

Staff stated there will be a meeting in November.

8. Adjournment

Jackson moved to adjourn the meeting. Kohl seconded. Approved 7-0. The meeting adjourned at 6:30 p.m.

Date: 11-7-2022



Chair