PLANNING AND ZONING COMMISSION
MUNICIPAL CENTER
200 S. HOLDEN ST.
WARRENSBURG, MO 64093

MEETING AGENDA
JANUARY 6, 2020
5:30 PM

1. Call To Order

2. Roll Call

3. Minutes Of Previous Meetings

3.I. December 2, 2019

Documents:

12-02-19 MINUTES.PDF

4. Requests And Petitions Presented

4.I. Request For Conditional Use Permit To Use The Property Located At 123 E. Young St., For A Conforming Purpose Without Correcting The Non-Conforming Situations That Are Not Reasonably Possible To Eliminate.
123 E. Young

Documents:

123 E YOUNG ST CUP DOCUMENTS.PDF

5. Motions, Resolutions, And Recommendations

5.I. Request For Conditional Use Permit To Use The Property Located At 123 E. Young St., For A Conforming Purpose Without Correcting The Non-Conforming Situations That Are Not Reasonably Possible To Eliminate.
123 E. Young

Documents:

123 E YOUNG ST CUP FINDINGS.PDF

5.II. An Ordinance Amending Chapter 27 Of The Code Of City Ordinances Regarding Minimum Lot Size, Setback And Driveway Requirements For Reduced Size Lots

Documents:

MIN LOT SIZE ORD PZ DOCUMENTS.PDF

5.III. An Ordinance Amending Section 27-6 Of Chapter 27 Of The Code Of City Ordinances Pertaining To The Definition Of Halfway Houses And Prerelease Centers

Documents:

HALFWAY HOUSE DEFINITION ORDINANCE PZ DOCUMENTS.PDF

6. Other Business And Appearances By The Public

7. Comments Of Commissioners And Staff

8. Adjournment

The public is invited to speak during the Request and Petitions Presented agenda item. Please sign-up on the sheet in the back of the chamber.
- People wishing to speak for the proposal will be heard first.
- People wishing to speak against the proposal will be heard second
- People will be heard in the order they are signed up on sign-in sheet
- Individuals are encouraged to limit comments to 3 minutes
- After all comments from the public have been heard the applicant will be given an opportunity to address the Planning and Zoning Commission again
- After all comments are received, the Planning and Zoning Commission will close the public comment on portion of the meeting and consider the matter on for action.

CITY OF WARRENSBURG, MISSOURI
PLANNING AND ZONING COMMISSION MINUTES
December 2, 2019

1. Call to Order
The meeting was called to order by Chair Mark Karscig at 5:30 PM at the Warrensburg Municipal Center.

2. Roll Call
Roll was called and members Mark Karscig, Bob Steinkuehler, Steve Westhead, Casey Lund, Dewayne Jackson and Shari Bax were present. Members Bryan Jacobs, Andy Kohl and Jeff Terry 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. Steinkuehler moved to approve the minutes from the November 4, 2019 meeting. Bax seconded. Approved 6-0.

4. Requests and Petitions Presented - *None*

5. Motions, Resolutions, and Recommendations

5.I Minor Plat of Thousand Oaks Meadow
603 E. Hale Lake Rd.

Carroll summarized the staff report. She stated a portion of the land in the plat was the same property the Commission considered previously for a rezoning request. The Planning & Zoning Commission had recommended denial of the rezoning request, however City Council approved it. Carroll recommended approval with 14 conditions. There was a general discussion about landscaping and setback requirements when R3 property is developed adjacent to R1 property. Karen Godfrey was present on behalf of the applicant.

Lund moved to approve the minor plat with the following conditions:

1. Show Curb, Gutter, and Sidewalk on proposed street extending to Zoll Street.
2. Remove the words "(Not developed; vacation unknown)".
3. Show fire hydrant on Lot 2 on the south side of the cul-de-sac as shown on the Fire Department marked up plat. Contact Jeremy VanWey in the Fire Department for approval if you would like it in a different area. With the size of lot 2, additional hydrants may be needed depending on future development of that lot.
4. Future development or construction may require additional Fire Department improvements.
5. Include a vicinity map showing the location and major surrounding streets
6. Show the names of adjacent property owners and complete subdivision names of adjacent properties.
7. Include the 100 year flood plain information in general notes
8. Show the 30’ building setback lines from Thousand Oaks Drive on the north side of Lot 1.
9. Lot 1 is partially zoned GB: General Business and R3: Low-Density Multifamily Residence District. Show in gray scale the separation in zoning and annotate the zoning on each side.

10. Change the 'Residential 3 "R-3"' labels to just say "R3 Zoning"
11. Correct the Utility Easement from 5' to 15' on Lots 21-23 Thousand Oaks.
12. If applicable, include a signature line for each mortgage holder.
13. Change the Dedication Block to the following:
    a. Second paragraph, first line change "easementis" to "easement is" and "f" to "of"
    b. Fourth paragraph, first line change "al" to "all" and "uject" to "subject"
    c. Change first signature line and address line to:

       First Church of the Nazarene of Warrensburg, Missouri
       603 E. Hale Lake Rd.
       Warrensburg, MO 64093

    d. Show the signature lines below the address as following:

       _____ _____
       Typed Name & Position DATE

       ATTEST:

       _____ _____
       Typed Name & Position DATE

14. The Notary statement must read as follows:
    On this ___ day of ____, in the year _____ before me, _____, a Notary Public in and for said state, personally appeared _____ of (name of corporate officer), being the _____ (position held) of _____ (name of corporation) known to me to be the person who executed the within plat in behalf of said corporation and acknowledged to me that he (or she) executed the same for the purposes therein stated. Said Corporation has no seal. (If the corporation does have a seal, then delete the last sentence and seal the plat upon signing.)

Bax seconded. Approved 6-0. Karscig read and completed the Findings and Recommendation sheet.

6. Other Business and Appearances by the Public - *None*

7. Comments of Commissioners and Staff

7.I Discussion and Prioritization of Planning Priorities

Carroll introduced the list of the planning priorities discussed at the November 4, 2019 Planning and Zoning Commission meeting. Staff categorized priorities into groups and Carroll presented the “dot” exercise where the commissioners place dots next to items to prioritize them. The commissioners discussed the priorities as listed, the City Council’s ongoing discussion of reducing minimum lot sizes, the intentions of each priority, and commenced the dot exercise. Each Commission member was given 5 dots. Steinkuehler requested staff take extra lengths to have the newspaper attend the next Planning and Zoning Commission meeting when the minimum lot size ordinance would be considered.

8. Adjournment

Jackson moved to adjourn the meeting. Westhead seconded. Approved 6-0. The meeting adjourned at 6:25 p.m.

Date: _____ _____
Chair

PLANNING AND ZONING COMMISSION

AGENDA REPORT

January 2, 2020

ITEM 4.I & 5.I: Request for Conditional Use Permit to use the property located at 123 E. Young St., for a conforming purpose without correcting the non-conforming situations that are not reasonably possible to eliminate.

APPLICANT: William G. Norvell and Pakaruedee Norvell a/k/a Pat Norvell, Trustees of the Norvell Revocable Trust u/t/a dated June 29, 2011

LOCATION: 123 E. Young St.

ZONING: GB: General Business District

BACKGROUND:
The applicant is requesting a Conditional Use Permit (CUP) to use the property located at 123 E. Young St., for a conforming purpose without correcting the non-conforming situations that are not reasonably possible to eliminate. This request involves a request to use the property for Land Use 4.120 MANUFACTURING, PRINTING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT: Majority of dollar volume of business not done with walk-in trade, and the existing building setbacks as the non-conforming situation. This request involves Section 27-28 (g) (2) of the City Code of Ordinances.

Four Seasons HVAC would like to purchase the property and remodel the existing building, resurface the parking lot with striped parking, and relocate and construct a dumpster enclosure. Use of the building as a repair shop is a use allowed by right in the GB: General Business district.

The property is currently classified as a non-conforming situation because it does not meet the setback requirements between the existing building and dumpster and Young St. and College St., the parking spaces do not meet design and size requirements, and landscaping requirements. Currently, the existing building, as shown on the preliminary site plan, is 27 ft. from E. Young St., and 26 ft. from N. College St. The required setback is 40 ft. from E. Young St. and 30 ft. from N. College St.

Once a non-conforming situation has been discontinued for more than 12 months, the property must comply with zoning regulations to be used again or can apply for a conditional use permit to use the building for an allowed use without correcting the non-conforming situations that are not reasonably possible to eliminate. This property lost its grandfathered status on August 4, 2016.

Four Seasons HVAC has provided the attached development site plan showing they can meet all the current zoning code requirements, including parking and landscaping, except they can't reasonably do anything to move the building to meet the setback requirements. They are not proposing to change the footprint of the building or in anyway make the building closer to College St. or Young St. They will be moving the dumpster enclosure so it is no longer in the College St. setback. In addition to the zoning requirements, the redevelopment of the site triggers right-of-way improvements to the north side of E. Young St., and the west side of N. College St. to include curb, gutter, and sidewalk.

The property is located in a GB: General Business District and all surrounding properties are in the GB district. The surrounding areas include College Park shopping center to the north, NAPA Auto Parts to the east, Big Boy's Toys Auto Sales to the south, and Enterprise Rent-A-Car to the west.

Public Comments Received
The attached list of property owners within 300 ft. were notified of the December 20, 2019, meeting before the Planning and Zoning Commission. At the time of this writing, the following public comment has been received"

> Rick Mills on behalf of The Grizzley LLC, 707 N. Holden St., contacted City Hall on December 23, 2019 for general information regarding the request. Mr. Mills stated he did not have an issue with the proposed request.
>
> Gregory Smith, 90 SW County Rd BB, contacted City Hall on January 2, 2020 for general information regarding the request.

Site Plan
Conditional use permits require preliminary and final site plans be prepared and submitted to the Planning & Zoning Commission for review and approval. Attached is the preliminary site plan submitted by the applicant on December 17, 2019. The site plan shows the lot is of a sufficient size to accommodate the proposed use and will be able to meet the code requirements except for setbacks. As such, staff requests the authority to approve the final site plan as part of the building permit process.

Criteria for Considering a Conditional Use Permit
Section 27-300 (c) (2) outlines the criteria to be considered by the Planning & Zoning Commission when making a recommendation to City Council. A copy of the ordinance is attached for reference and staff has provided additional information as follows:

a. The statement of intent for the GB district, Sec. 27-118(b), states "The GB district is designed to allow general trades and commercial services on major thoroughfares outside of central or neighborhood business districts. To promote in-fill and sustain the mix of residential development within the community, certain residential uses are allowed in the CB district subject to conditions."

b. The 2017 Comprehensive City Plan Update shows the property as neighborhood commercial.

RECOMMENDATION:
Staff recommends approval based on the following:

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 property is located on E. Young St., an arterial street. Staff does not anticipate negative impacts on the surrounding properties or the public health or safety from using the space for Land Use 4.120 or any additional traffic it may generate.
3. Land Use 4.120 MANUFACTURING, PRINTING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT: Majority of dollar volume of business not done with walk-in trade is a conforming use in the GB district.
4. The property with the existing building cannot be developed for any use including the proposed use without setback 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, or create a greater nonconformity with respect to the dimensional setback requirements.

Staff recommends approval of the Conditional Use Permit with the condition that staff be allowed to approve the final site plan and the applicant not be required to meet the setback requirements of Chapter 27 in order to utilize the existing building at 123 E. Young Street for Land Use Land Use 4.120

MANUFACTURING, PRINTING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT: Majority of dollar volume of business not done with walk-in trade.

Attachments:

1. Planning & Zoning Commission Findings & Recommendation Form
2. Zoning information
3. Aerial photograph of site
4. Future Land Use Map from 2017 Comprehensive Plan Update
5. Section 27-300 (c) (2) of the Code of City Ordinances
6. Section 27-28 (g) (2) of the Code of City Ordinances
7. List of property owners within 300 ft
8. Letter to property owners within 300 ft.
9. Application
10. Preliminary site plan

PLANNING AND ZONING COMMISSION
REZONING FINDINGS AND RECOMMENDATION

Property owned by: William G. Norvell and Pakaruedee Norvell a/k/a Pat Norvell, Trustees of the Norvell Revocable Trust u/t/a dated June 29, 2011

Request for Conditional Use Permit to use the property located at 123 E. Young St., for a conforming purpose without correcting the non-conforming situations that are not reasonably possible to eliminate. This request involves a request to use the property for Land Use 4.120 MANUFACTURING, PRINTING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT: Majority of dollar volume of business not done with walk-in trade, and the existing building setbacks as the non-conforming situation. This request involves Section 27-28 (g) (2) of the City Code of Ordinances. The property is legally described as follows:

> Tract 1: The South 125 feet of Lot 41 in Hedges' Addition, as shown by the plat recorded in Plat Book 2, Page 22, in Warrensburg, Johnson County, Missouri, and Part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 46, Range 26, described as: Beginning at the Southwest corner of said Lot 41, thence West, along the North line of Business Route U.S. Highway No. 50, 25 feet, to a point which is 70 feet West of the Southeast corner of said Lot 41; thence North, parallel with the East line of said Lot 41, 125 feet; thence East, parallel with the North line of said highway, 25 feet, to the West line of said Lot 41; thence South, along the West line of said Lot 41, 125 feet, to the point of beginning.
>
> Tract 2: Part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 46, Range 26, in Warrensburg, Johnson County, Missouri, described as: Beginning at the Southeast corner of Lot 41 in Hedges' Addition, as shown by the plat recorded in Plat Book 2, Page 22, thence West, along the North line of Business Route U.S. Highway No. 50, 200 feet; thence North, at right angles, thereto, 125 feet; thence East and parallel with the North line of said Business Route U.S. Highway No. 50, 200 feet, to the East line of said Lot 41; thence South, along the East line of said Lot 41, 125 feet, to the point of beginning; except that part, thereof, conveyed to Chuen Fun Ng, by deed recorded in Book 1434, Page 75, and, further except that part, thereof, conveyed to Tile Time, Inc., by deed recorded in Book 1677, Page 263.

The Planning and Zoning Commission has considered the request for a conditional use permit at an open public meeting on January 6, 2020 and makes the following findings and recommendations based upon the evidence presented with respect to these matters:

1. The site plan required to be submitted by Section 27-350 (e) is

   _____ Not waived _____

   _____ Waived because the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting, and other conditions of site plan approval, and the existing facilities do not require upgraded or additional site improvements.

2. The proposed conditional use permit is consistent with the goals of the City's Comprehensive Plan Update and_____ will or _____ will not further the applicable objectives of the plan.

3. The effect of the conditional use permit upon the existing uses of land within the general area could be _____ minimal, _____ major.

4. The impact the change would have on the character of the neighborhood should be _____ minimal, _____ major.

5. Public health and safety _____ will _____ will not be jeopardized if the permit is granted.

6. The existing building on said property is approximately 27 ft. from E. Young St. and 26 ft. from N. College St. The required setback is 40 ft. from E. Young St. and 30 ft. from N. College St. The existing building cannot be developed for any use including the proposed use without setback deviations.

7. The proposed use and redevelopment of the site does not increase the extent of the nonconformity of the nonconforming situation, increase the total amount of space devoted to a nonconforming situation, or create a greater nonconformity with respect to the dimensional setback requirements.

8. The applicant has demonstrated all other non-conforming situations, except setbacks, can be brought into compliance with the current zoning code.

9. Additional Comments: _____

_____

The Planning and Zoning Commission

_____ Recommends Approval of the Conditional Use Permit to allow the use of the existing building and property located at 123 E. Young St., for a conforming purpose, Land Use 4.120 MANUFACTURING, PRINTING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT: Majority of dollar volume of business not done with walk-in trade, without correcting the non-conforming situations that are not reasonably possible to eliminate which are specifically limited to the existing setbacks between the existing building and the property lines adjacent to Young St. and College St.

_____

_____ Does Not Recommend Approval of the Conditional Use Permit to allow the use of the existing building and property located at 123 E. Young St., for a conforming purpose, Land Use 4.120 MANUFACTURING, PRINTING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT: Majority of dollar volume of business not done with walk-in trade, without correcting the non-conforming situations that are not reasonably possible to eliminate which are specifically limited to the existing setbacks between the existing building and the property lines adjacent to Young St. and College St.

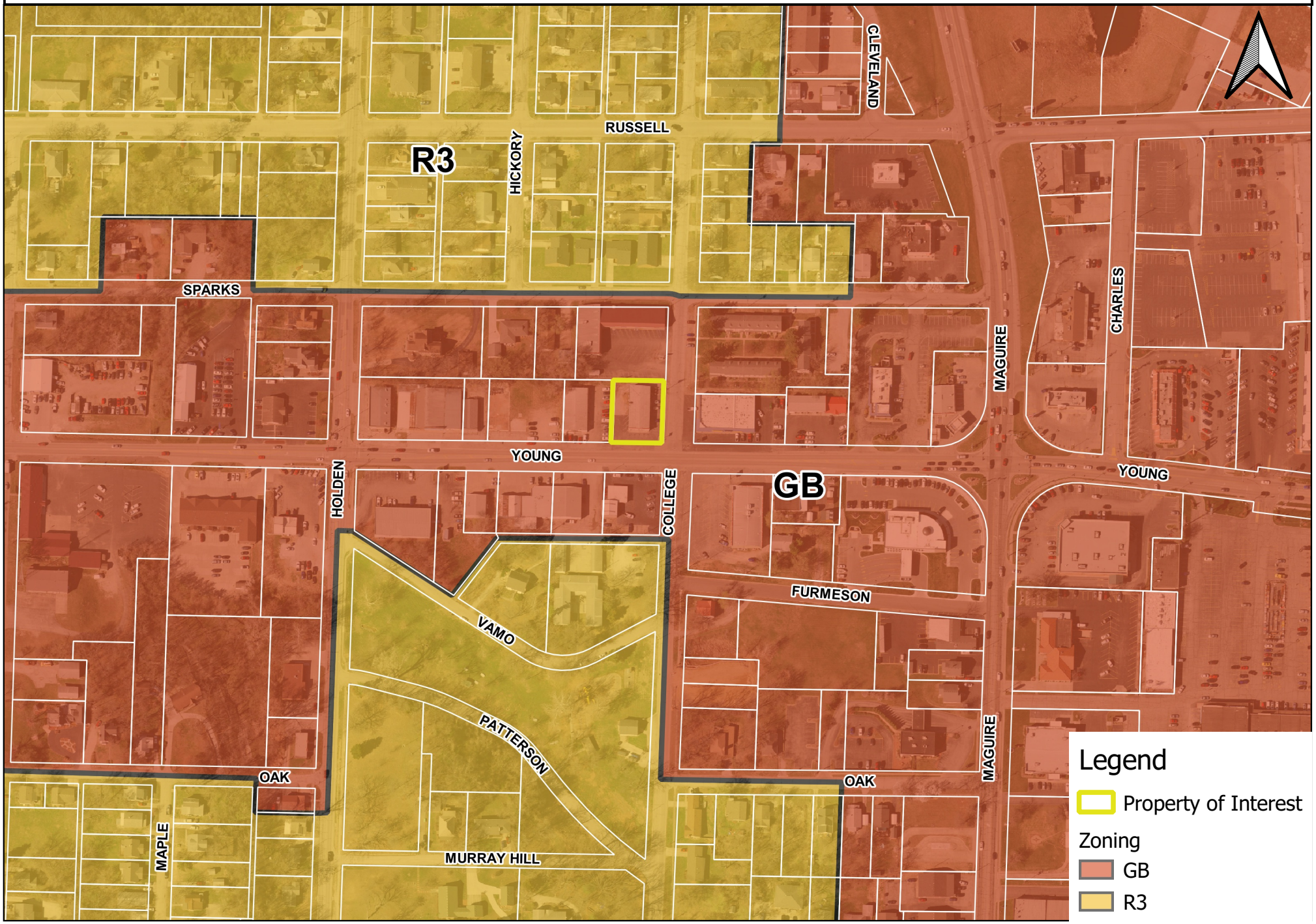
_____

Accepted this _____ day of _____, 2020.

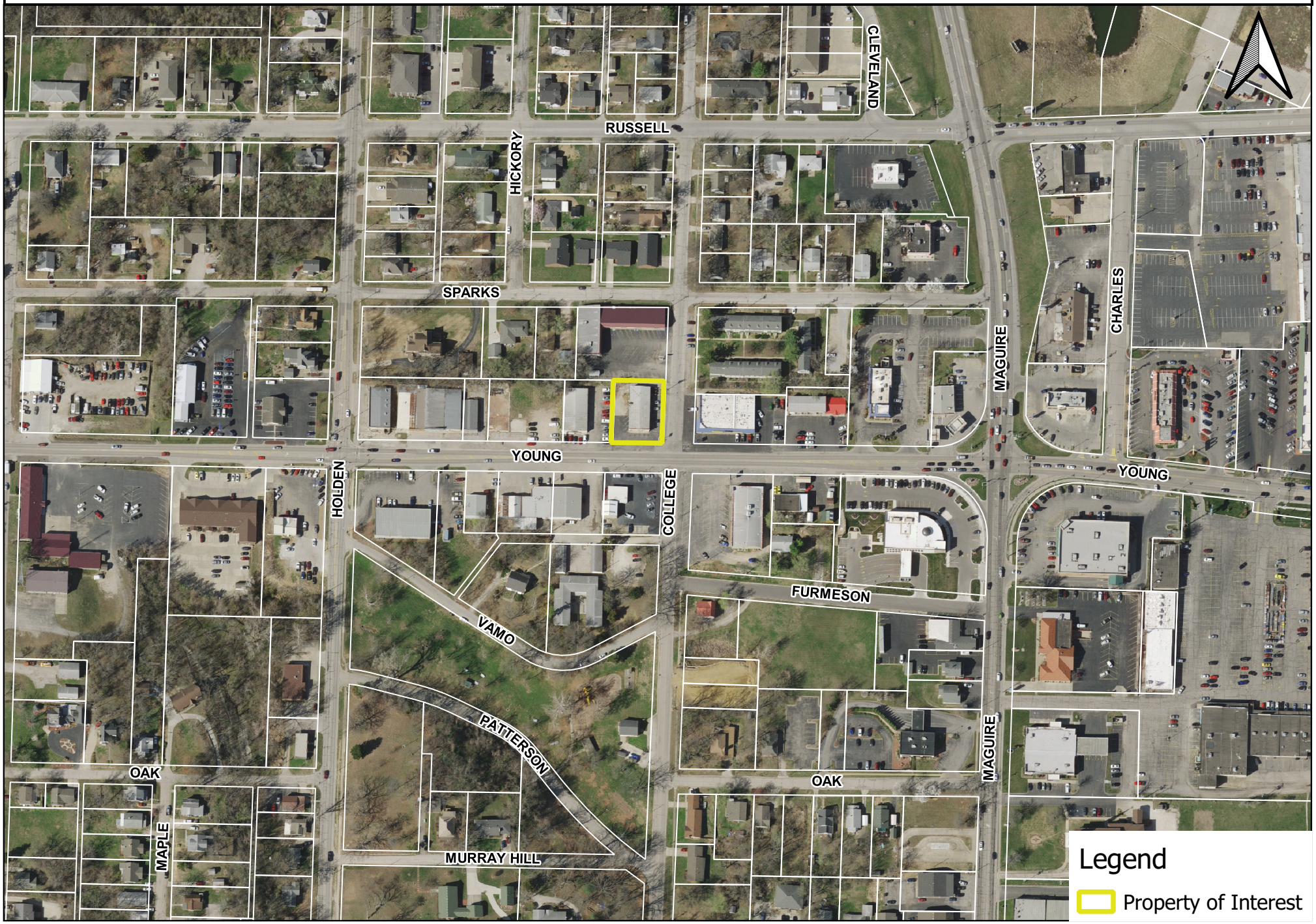
_____

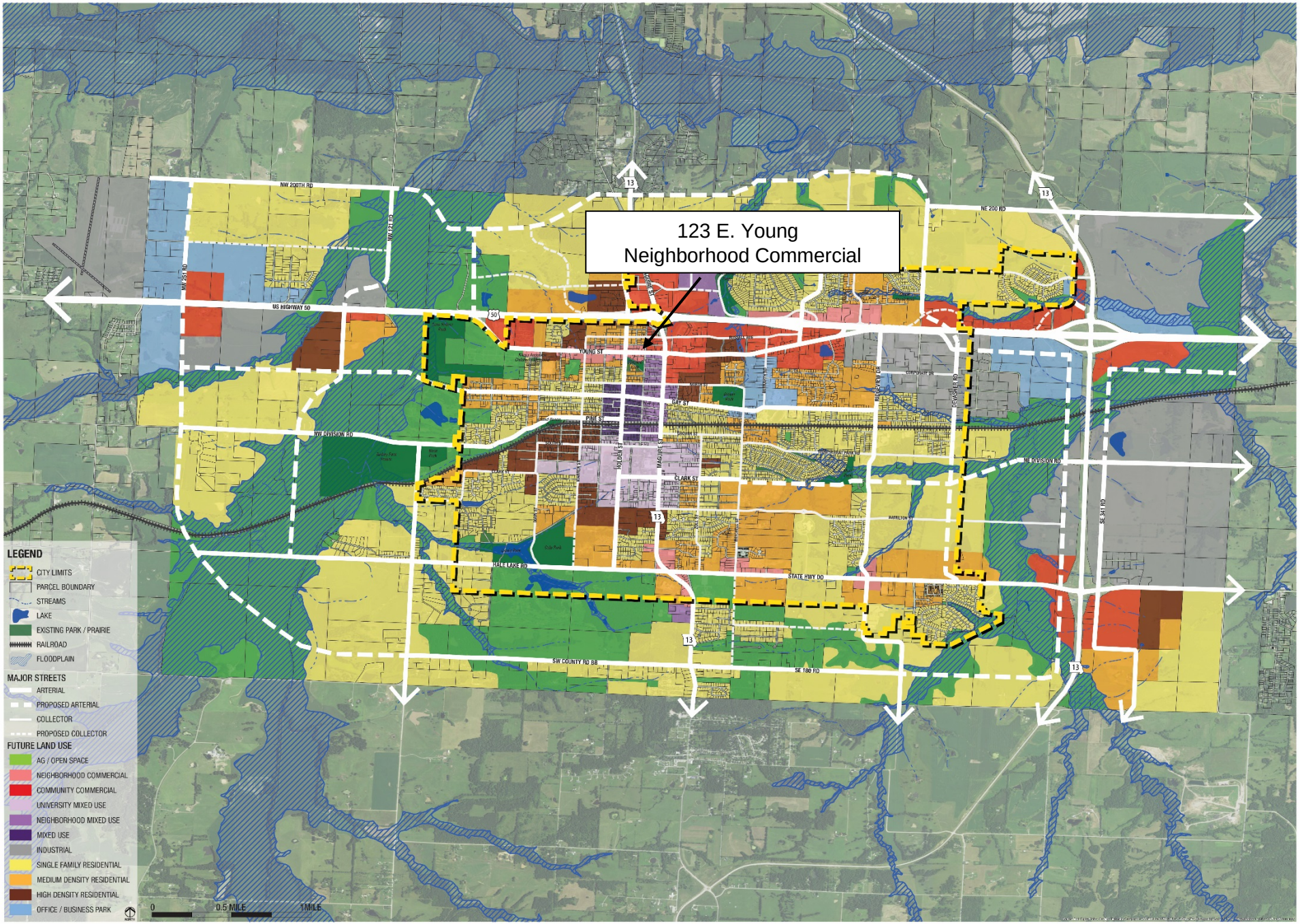
Chairperson, Planning and Zoning Commission

123 E. Young St.
Current Zoning Designation



123 E. Young St.
Aerial Map





Warrensburg MISSOURI City of Warrensburg **FUTURE LAND USE PLAN**

CONFLUENCE

(c) Accessory structures shall not intrude into any public right-of-way and all portions of the structure and supports shall be at least five (5) feet from any front, side, or rear lot line.

(d) The accessory structures shall meet the sight triangle requirements of section 27-231.

(e) Accessory structures shall not serve or enhance a commercial purpose.

(f) Only one (1) de minimis accessory structure within the setback shall be permitted for each lot.

Accessory structures that do not meet the above requirements are allowed per the requirements of the underlying zoning district.
(Ord. No. 4977, § 1, 7-14-14)

Sec. 27-245. Pet daycare centers.

Pet daycare centers, as defined in section 27-6 shall meet the following performance standards in order to operate within the City of Warrensburg:

(a) Maximum occupancy shall be one (1) domestic animal per seventy-five (75) square feet of indoor pet dedicated space.

(b) The pet daycare shall provide at minimum one (1) staff person per twenty (20) pets or fraction thereof.

(c) If a notice of violation is issued for animal noise or general nuisance, the zoning official may require measures to be taken by the provider to mitigate adverse impacts.

(d) Outdoor areas shall be located in the rear yard behind a solid barrier constructed to a minimum height of six (6) feet.

(e) Pet daycare centers shall conform to the provisions of Chapter 5, Article III when dogs are kept on the premises.

(f) All remaining requirements of the underlying zoning district shall apply.

(Ord. No. 5171, § 3, 9-28-15)

Secs. 27-246—27-299. Reserved.

ARTICLE VI. CONDITIONAL USE PERMIT

Sec. 27-300. Conditional use permit procedure (CUP).

(a) *Scope of provisions.* This section contains the regulations of the conditional use permit procedure. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this chapter which are incorporated as part of this section by reference.

(b) *Statement of intent.* It is hereby declared that certain land uses and developments present unique problems with respect to their proper location and relationship to other land uses. Therefore, analysis and judgment of the consequences of each development and use is necessary to preserve and to promote the public health, safety, and general welfare. Such land uses and developments are identified in the table of permissible uses (section 27-200) by the notation "C."

(c) *Procedure.* The granting of a conditional use permit may be initiated by a verified application of one (1) or more of the owners of record of a lot or tract of land, or their authorized representatives, or by a resolution by the planning commission or the city council. Procedures for application, review and approval of a conditional use permit shall be as follows:

(1) *Application.* Application for a conditional use permit for a specific tract of land shall be filed in the office of zoning official. The application shall be filed on forms prescribed for that purpose by the zoning official and be accompanied by the following:

a. Filing fee.

b. The correct legal description of the property.

c. The present zoning district for the property.

d. The typewritten names, addresses and telephone numbers of all owners and their attorney and their designated representative, if any.

e. The signatures of all owners, their attorney or their designated representative.

f. The designated representative shall present proper power of attorney signed by all owners and notarized showing authorization to act on behalf of all owners.

g. Attached to the application shall be a plat showing the real estate for which a conditional use permit is desired. The plat shall be drawn to scale and shall show the dimensions of the property along with sufficient neighborhood information to readily identify the property's boundary lines.

h. Names and addresses of adjacent property owners within three hundred (300) feet of the subject property.

i. Preliminary development plan, including, but not limited to the following:

i. Proposed uses. Approximate location and designated uses of buildings and other structures as well as parking and open areas shall be indicated.

ii. Proposed ingress and egress to the site, including adjacent streets.

iii. Preliminary plan for provisions of utilities.

iv. Proposed landscaping and screening.

j. The application for a conditional use permit shall be filed with the zoning official. After checking the application for accuracy, the zoning official shall file one (1) copy of the application with the city clerk and place the matter on the agenda of the planning and zoning commission for their review and recommendation. To be considered by the commission at their next regular meeting an application shall be received by the dates and times established by the commission.

(2) *Review by planning commission.* Before making a recommendation to the city council, the planning and zoning commission shall review and consider the application for a conditional use permit in an open public meeting. At such meeting, both those in favor of and those opposed to the conditional use permit will be given reasonable opportunity to be heard. The commission shall transmit its recommendations to the city council in writing.

The criteria to be considered by the planning commission shall include, but not be limited to the following:

a. If the proposed conditional use complies with all applicable provisions of chapter 27 and will conform to the general intent and purpose of chapter 27 and the zoning district in which the proposed conditional use will be located;

b. If the proposed conditional use is in accordance with the intent of, and furthers and promotes the goals of the City's Land Use Plan;

c. If the proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public;

d. If the proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;

e. If the location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it

are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will dominate the immediate neighborhood, consideration shall be given to:

1. The location, nature and height of buildings, structures, walls, and fences on the site; and
2. The nature and extent of proposed landscaping and buffering on the site.

f. If adequate utility, drainage, and other such necessary facilities have been or will be provided; and

g. If adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

(3) *Public hearing.* A public hearing on the application shall be held by the city council in accordance with the provisions of section 27-29, Procedure for amending the zoning ordinance, except that the public notices (published and posted) shall indicate that the public hearing is for conditional use permit. The public hearing shall be held within sixty (60) days of verification by the zoning official that the petition meets the minimum application.

(Ord. No. 2748, § 2, 6-22-92; Ord. No. 3792, § 1, 6-9-03; Ord. No. 4465, § 2, 6-8-09)

Secs. 27-301—27-349. Reserved.

ARTICLE VII. SITE PLAN REQUIREMENTS

Sec. 27-350. Site plan review.

(a) *Purpose.* For the purpose of assuring good arrangement, appearance, function, harmony with surrounding and adjacent uses and the objectives of the comprehensive plan, and compliance with the requirements of these regulations, site plans shall be submitted and reviewed in accordance with the requirements and procedures of this section.

(b) *Application.* A site plan shall be submitted in each of the following instances:

(1) With every building permit application received by the city under Chapter 6 of this Code.

(2) Redevelopment of existing nonresidential uses.

(3) The conversion of a single-family or two-family use to another use.

(4) The demolition or removal of any structure or building.

(5) The addition of dwelling units to an existing dwelling unit.

(6) To change a building location or size.

(7) New construction of residential and nonresidential uses, structures, and buildings.

(8) Addition of accessory uses, structures and buildings to lots.

(9) Addition or reconfiguration of parking lots.

(10) Addition or change in location or configuration of freestanding or ground mounted signs on lots.

(c) *Reviewing authority.*

(1) *Administrative site plans.* Administrative site plans may be reviewed by the city's plan review team. The approving authority for compliance with Chapters 21 and 27 of this Code for administrative site plans shall be the city planner or his or her designee. Decisions of the public works director may be appealed before the board of adjustment in the manner outlined in sections 27-56 through 27-63.

(2) *Major site plans.* Conditional use permits and planned unit developments shall be reviewed by the city's plan review team,

(g) *Abandonment and discontinuance of nonconforming situations.*

(1) When a nonconforming use is discontinued for a continuous period of twelve (12) months, whether or not any existing personal property or fixtures are removed, the property thereafter shall be used only for uses permitted in the zoning district in which the property is located.

(2) If the principal activity on property where a nonconforming situation (other than a nonconforming use) is discontinued for a continuous period of twelve (12) months the property may thereafter be used only in conformity with a new zoning authorization or conditional use permit. The conditional use permit may allow the property to be used for a conforming purpose, without correcting the nonconforming situations, and may only be issued if the permit-issuing authority finds that eliminating a particular nonconformity is not reasonably possible. The permit shall specify which nonconformities need not be corrected in order for the use to occur. The permit-issuing authority shall find that the proposed use will not be in violation of subsection (d) of this section before the permit is issued.

(3) For purposes of determining whether a right to continue a nonconforming situation or nonconforming use is lost pursuant to this section, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one (1) apartment in a nonconforming apartment building for twelve (12) months shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

(4) When a structure or operation made nonconforming by this chapter is vacant or discontinued at the effective date of this chapter, the twelve-month period for purposes of this section begins to run on the effective date of this chapter.

(h) *Existence of a nonconforming use.* Whether a nonconforming use exists shall be a question of fact and shall be decided by the board of adjustment after public notice and hearing and in accordance with the rules of the board.
(Ord. No. 2748, § 2, 6-22-92; Ord. No. 4164, § 1, 8-26-06; Ord. No. 5198, § 1, 2, 1-11-16)

Sec. 27-29. Change of zoning district and other amendments to the zoning ordinance.

(a) *Amendments in general.* The city council may from time to time amend, supplement, or change the district boundaries or regulations contained in this chapter. Proposals for amendments to the text of this chapter or to the official zoning map, including zoning district boundaries, classification of property, or conditional use permits may be made in accordance with the provisions of this section.

(b) *Initiation of amendments.*

(1) Whenever a request to amend this chapter is initiated by the city council, the planning commission, the board of adjustment, or the city administration, the city counselor in consultation with the zoning official shall draft an appropriate ordinance and first present that ordinance to the planning commission for review and recommendation.

(2) Any other person may also petition the City of Warrensburg to amend this chapter. The application shall be filed with the zoning official. The application shall be upon forms prescribed for that purpose, and shall be filed at least thirty (30) calendar days before the commission meeting at which consideration is desired. The petition shall be accompanied by the following:

a. Filing fee as set by resolution of the city council.

Request for Conditional Use Permit: Use the property for a conforming purpose without correcting the non-conforming situations
123 E. Young St.

The following property owners own land within 300 ft. of the property in question.

ACTION ESTATES INC
PO BOX 431
WARRENSBURG MO 64093-0431

APG PROPERTIES LLC
PO BOX L
WARRENSBURG MO 64093

BRENTWOOD DEVELOPMENT LLC
PO BOX 632
WARRENSBURG MO 64093

BRIAN GILLESPIE
506 ASPEN WAY
WARRENSBURG MO 64093

CENTRAL MISSOURI COMMUNITY
CREDIT UNION
620 N MAGUIRE ST
WARRENSBURG MO 64093

CHRISTIAN LEE SCHWENSEN
6852 CORAL GUM CT
GARDEN GROVE CA 92845

CYNTHIA A JONES
400 E HALE LAKE RD
WARRENSBURG MO 64093

DAVID E & KATHY L OSBORN
10510 HWY D
NAPOLEON MO 64074

DIANE L BURNETT
2514 STEPHENSON AVE
SEDALIA MO 65301

DIEHL TIRE CENTER INC
401 NW 21ST RD
WARRENSBURG MO 64093

DONALD L & GERTRUDE L QUIBELL
249 NE STATE ROUTE 13
WARRENSBURG MO 64093

ERIC J SHAWVER
710 HICKORY ST
WARRENSBURG MO 64093

FRANCIS M & LAURA E FITZGERALD
633 RIVER BEND ESTATES DR
ST CHARLES MO 63303

GREGORY H & CARYEE D SMITH TRUST
90 SW COUNTY ROAD BB
WARRENSBURG MO 64093

HUGH A HANNA GST TRUST &
RAGLAND FAMILY TRUST
C/O RYAN LLC
15 W 6TH ST STE 2400
TULSA OK 74119

JEROME J & JANET A RICHTER
15 SW 600TH RD
WARRENSBURG MO 64093

JL GROUP HOLDINGS I LLC
C/O TASTY KING LLC
6701 CENTER DR W STE 1450
LOS ANGELES CA 90045

LEROY H & KAREN K WEGNER
C/O CENTRAL MO STATE AUTO PART
203 E YOUNG AVE
WARRENSBURG MO 64093

LINDEMUTH INC
PO BOX 67028
TOPEKA KS 66667

LOVERTA DEGRAITIS
706 HICKORY ST
WARRENSBURG MO 64093

CITY OF WARRENSBURG, MISSOURI

NOTICE TO PROPERTY OWNERS WITHIN 300 FEET

December 20, 2019

«NAME»
«IN_CARE_NAME»
«ADDRESS»
«CITY_STATE_ZIP_CODE»

Dear Property Owner (s):

The City of Warrensburg has received an application from William G. Norvell and Pakaruedee Norvell a/k/a Pat Norvell, Trustees of the Norvell Revocable Trust u/t/a dated June 29, 2011 for a Conditional Use Permit to use the property located at 123 E. Young St., for a conforming purpose without correcting the non-conforming situations that are not reasonably possible to eliminate. This request involves Section 27-28 (g) (2) of the City Code of Ordinances. This request involves a request to use the property for Land Use 4.120 MANUFACTURING, PRINTING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT: Majority of dollar volume of business not done with walk-in trade, and the existing building setbacks as the non-conforming situation. The property is legally described on the back of this letter.

The Planning and Zoning Commission will consider the request at an open public meeting on **Monday, January 6, 2020, at 5:30 p.m.** at the Warrensburg Municipal Center, 200 S. Holden Street, Warrensburg, Missouri. At this meeting and after receiving public comments, the Planning & Zoning Commission will vote to make a recommendation to the City Council.

The City Council will consider the request at a public hearing on **Monday, January 13, 2020, at 7:00 p.m.** at the Warrensburg Municipal Center, 200 S. Holden Street, Warrensburg, Missouri.

At one or both of these meetings, you may submit your views in person, by writing, or by representative. For further information, please contact Kristin Dyer, City Planner, at 660-747-9135.

Sincerely,

CITY OF WARRENSBURG

BY: Kristin Dyer, City Planner

NOTE: The property in questions is legally described as:

Tract 1: The South 125 feet of Lot 41 in Hedges' Addition, as shown by the plat recorded in Plat Book 2, Page 22, in Warrensburg, Johnson County, Missouri, and Part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 46, Range 26, described as: Beginning at the Southwest corner of said Lot 41, thence West, along the North line of Business Route U.S. Highway No. 50, 25 feet, to a point which is 70 feet West of the Southeast corner of said Lot 41; thence North, parallel with the East line of said Lot 41, 125 feet; thence East, parallel with the North line of said highway, 25 feet, to the West line of said Lot 41; thence South, along the West line of said Lot 41, 125 feet, to the point of beginning.

Tract 2: Part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 46, Range 26, in Warrensburg, Johnson County, Missouri, described as: Beginning at the Southeast corner of Lot 41 in Hedges' Addition, as shown by the plat recorded in Plat Book 2, Page 22, thence West, along the North line of Business Route U.S. Highway No. 50, 200 feet; thence North, at right angles, thereto, 125 feet; thence East and parallel with the North line of said Business Route U.S. Highway No. 50, 200 feet, to the East line of said Lot 41; thence South, along the East line of said Lot 41, 125 feet, to the point of beginning; except that part, thereof, conveyed to Chuen Fun Ng, by deed recorded in Book 1434, Page 75, and, further except that part, thereof, conveyed to Tile Time, Inc., by deed recorded in Book 1677, Page 263.

Warrensburg
MISSOURI

City of Warrensburg
102 S. Holden
Warrensburg, MO 64093
PH: 660.747.9135
FX: 660.747.2349

CONDITIONAL USE PERMIT APPLICATION

PLANNING & ZONING COMMISSION

Date: 11/26/2019

To the Honorable Mayor and City Council
City of Warrensburg, Missouri

The undersigned hereby state that they are the owners of the following described real estate:
123 E. Young St., Warrensburg, MO 64093

HEDGES^LT 041 S 125' . PT NE NW BEG SW COR LT 41 55'X125'^^^

(Legal description of real estate and location map may be attached as exhibits)

The undersigned hereby petition the City Council of the City of Warrensburg, Missouri, for a Conditional Use Permit for the above described real estate for the following purpose:
The owner is requesting the property be used for a conforming purpose without correcting the nonconforming situations that are not reasonably possibly to eliminate, referencing Section 27-28(g)(2) of the Code of City Ordinances.

Included with this application are the following attachments:

1. The names and addresses of ALL property owners within 300 feet of the above described real estate determined by lines drawn parallel to and three hundred (300) feet distant from the property lines of the property in question; and,
2. A development site plan; and
3. Filing fee as follows:
   a. General Conditional Use Permit = $200 per application
   b. Conditional Use Permit for a Telecommunications Tower = $500
   c. Conditional Use Permit for an Adult Use = $500
   d. Planned Unit Development Conditional Use Permit = $300 base fee + $15/lot

OWNER (S) OF REAL ESTATE: (Attach additional sheets if necessary.)

Wm G Norvell — Wm G Norvell Trustee
Name (type or print) — Signature

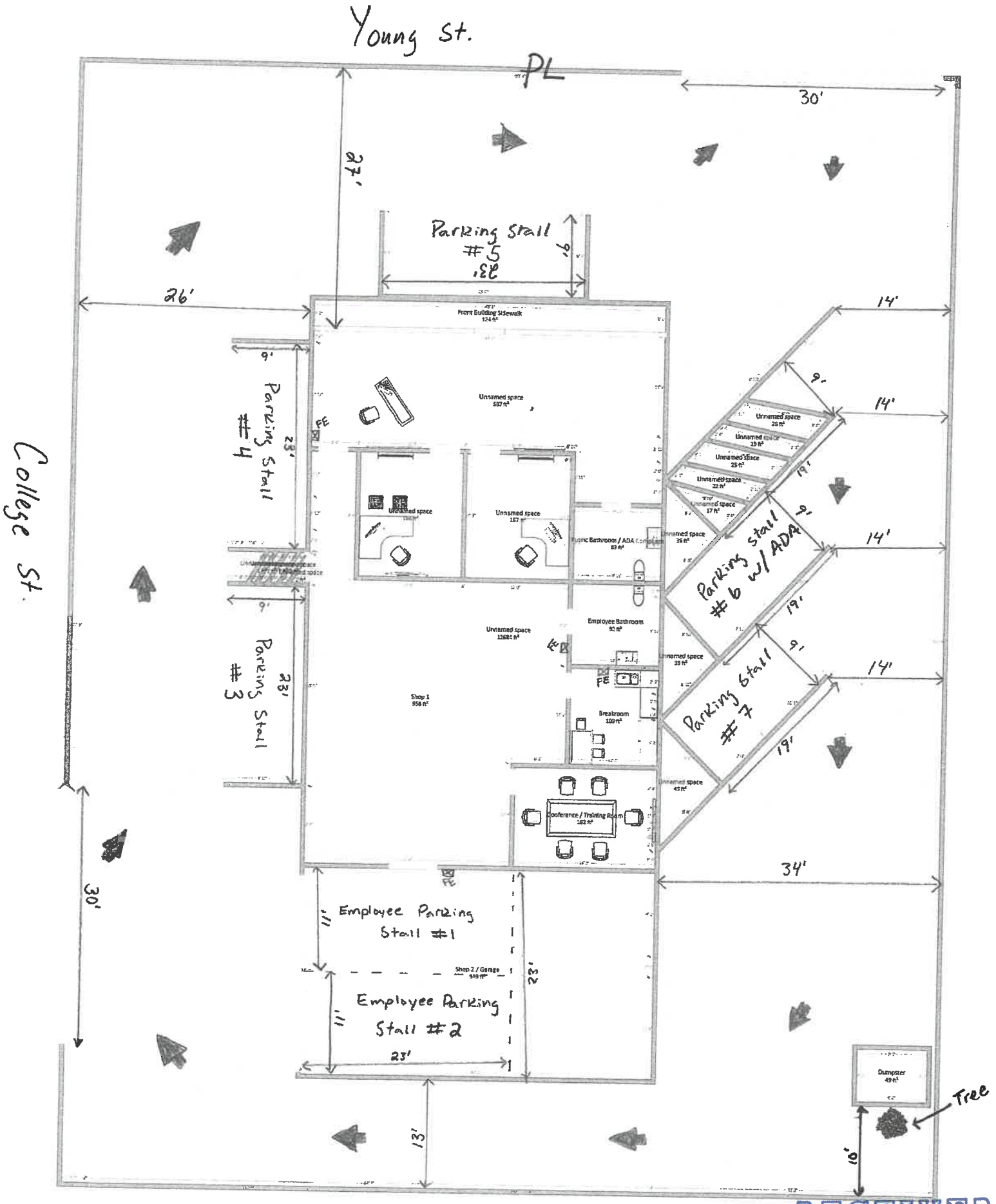
Name (type or print) — Signature

56023 Horseshoe Ct. — (951) 461-6806
Address — Phone No.
Wildomar, CA 92595

For Office Use Only: Submit completed application to Planner

Case Number: CUP 42-2019 — Date Paid: _____

RECEIVED
DEC 17 2019
BY: KD



123 E. Young

RECEIVED
DEC 17 2019
BY: KD

PLANNING AND ZONING COMMISSION
REZONING FINDINGS AND RECOMMENDATION

Property owned by: William G. Norvell and Pakaruedee Norvell a/k/a Pat Norvell, Trustees of the Norvell Revocable Trust u/t/a dated June 29, 2011

Request for Conditional Use Permit to use the property located at 123 E. Young St., for a conforming purpose without correcting the non-conforming situations that are not reasonably possible to eliminate. This request involves a request to use the property for Land Use 4.120 MANUFACTURING, PRINTING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT: Majority of dollar volume of business not done with walk-in trade, and the existing building setbacks as the non-conforming situation. This request involves Section 27-28 (g) (2) of the City Code of Ordinances. The property is legally described as follows:

> Tract 1: The South 125 feet of Lot 41 in Hedges' Addition, as shown by the plat recorded in Plat Book 2, Page 22, in Warrensburg, Johnson County, Missouri, and Part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 46, Range 26, described as: Beginning at the Southwest corner of said Lot 41, thence West, along the North line of Business Route U.S. Highway No. 50, 25 feet, to a point which is 70 feet West of the Southeast corner of said Lot 41; thence North, parallel with the East line of said Lot 41, 125 feet; thence East, parallel with the North line of said highway, 25 feet, to the West line of said Lot 41; thence South, along the West line of said Lot 41, 125 feet, to the point of beginning.
>
> Tract 2: Part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 46, Range 26, in Warrensburg, Johnson County, Missouri, described as: Beginning at the Southeast corner of Lot 41 in Hedges' Addition, as shown by the plat recorded in Plat Book 2, Page 22, thence West, along the North line of Business Route U.S. Highway No. 50, 200 feet; thence North, at right angles, thereto, 125 feet; thence East and parallel with the North line of said Business Route U.S. Highway No. 50, 200 feet, to the East line of said Lot 41; thence South, along the East line of said Lot 41, 125 feet, to the point of beginning; except that part, thereof, conveyed to Chuen Fun Ng, by deed recorded in Book 1434, Page 75, and, further except that part, thereof, conveyed to Tile Time, Inc., by deed recorded in Book 1677, Page 263.

The Planning and Zoning Commission has considered the request for a conditional use permit at an open public meeting on January 6, 2020 and makes the following findings and recommendations based upon the evidence presented with respect to these matters:

1. The site plan required to be submitted by Section 27-350 (e) is

   _____ Not waived _____

   _____ Waived because the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting, and other conditions of site plan approval, and the existing facilities do not require upgraded or additional site improvements.

2. The proposed conditional use permit is consistent with the goals of the City's Comprehensive Plan Update and_____ will or _____ will not further the applicable objectives of the plan.

3. The effect of the conditional use permit upon the existing uses of land within the general area could be _____ minimal, _____ major.

4. The impact the change would have on the character of the neighborhood should be _____ minimal, _____ major.

5. Public health and safety _____ will _____ will not be jeopardized if the permit is granted.

6. The existing building on said property is approximately 27 ft. from E. Young St. and 26 ft. from N. College St. The required setback is 40 ft. from E. Young St. and 30 ft. from N. College St. The existing building cannot be developed for any use including the proposed use without setback deviations.

7. The proposed use and redevelopment of the site does not increase the extent of the nonconformity of the nonconforming situation, increase the total amount of space devoted to a nonconforming situation, or create a greater nonconformity with respect to the dimensional setback requirements.

8. The applicant has demonstrated all other non-conforming situations, except setbacks, can be brought into compliance with the current zoning code.

9. Additional Comments: _____

_____

The Planning and Zoning Commission

_____ Recommends Approval of the Conditional Use Permit to allow the use of the existing building and property located at 123 E. Young St., for a conforming purpose, Land Use 4.120 MANUFACTURING, PRINTING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT: Majority of dollar volume of business not done with walk-in trade, without correcting the non-conforming situations that are not reasonably possible to eliminate which are specifically limited to the existing setbacks between the existing building and the property lines adjacent to Young St. and College St.

_____

_____ Does Not Recommend Approval of the Conditional Use Permit to allow the use of the existing building and property located at 123 E. Young St., for a conforming purpose, Land Use 4.120 MANUFACTURING, PRINTING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT: Majority of dollar volume of business not done with walk-in trade, without correcting the non-conforming situations that are not reasonably possible to eliminate which are specifically limited to the existing setbacks between the existing building and the property lines adjacent to Young St. and College St.

_____

Accepted this _____ day of _____, 2020.

_____

Chairperson, Planning and Zoning Commission

PLANNING AND ZONING COMMISSION

AGENDA REPORT

January 2, 2020

ITEM 5.II: An Ordinance Amending Chapter 27 of the Code of City Ordinances Regarding Minimum Lot Size, Setback and Driveway Requirements for Reduced Size Lots

BACKGROUND:
At the September 9, 2019 City Council meeting, Brian Colson appeared and asked the City Council to consider allowing smaller size lots in residential districts in order to lower the cost of constructing a home. Council directed staff to bring back additional information to a future Council meeting. At the October 28, 2019 City Council meeting, City Manager Harold Stewart gave the attached presentation which asked the Council to consider several regulatory approaches to the issue as follows:

- Across the Board Decrease in Lot Size
- New Specific Zoning Designation and Location
- Mixed Development
- Land Bank/Density Program/Conservation District
- Planned Urban Development (PUD)
- No Change

There was a discussion at the meeting of each of the approaches and their impact on encouraging construction of affordable housing. The consensus of the Council was to proceed with ordinance changes that would result in subdivisions with mixed lot sizes. Following the October meeting, staff reviewed the subdivision and zoning ordinances and on December 9, 2019 proposed a zoning scheme to City Council that would include the following changes.

1. Allow subdivisions with a mix of standard and reduced size single-family lots in all R1, R2, R3, and R4 zoning districts.
2. Mixed lot subdivisions with standard and reduced size single-family lots will be required to complete the typical subdivision platting process.
3. 1 reduced size single-family lot (5,500 s.f.) will be allowed per 3 standard size single-family lots (7,000 s.f.). This could result in as much at 25% of the lots in a subdivision being reduced size and 75% of the lots being standard size.
4. For the reduced size single-family lots (5,500 s.f.) other zoning ordinance requirements will be amended as follows:
    a. Reduce minimum lot width to 50’
    b. Reduce side setback requirement to 5’
    c. Add a maximum driveway width of 20’

Council directed staff to write said ordinance and bring it to Planning and Zoning Commission and City Council for consideration. The intent of the ordinance is to see an increase in single family homes constructed at the “starter” home price in new subdivisions. It was also discussed at the December Council meeting that this ordinance does not fully address all the concerns of the original developer or some of the Council members and might be seen only as a first step.

RECOMMENDATION:
Staff recommends approval of the attached ordinance.

Attachments:

1. Findings & Recommendations
2. Ordinance
3. September 9, 2019 PowerPoint presentation to City Council
4. Comparison of # of Single Family Lots Per Acre by Subdivision Type
5. Lot size and setback illustrations
6. Census population data

PLANNING AND ZONING COMMISSION
FINDINGS AND RECOMMENDATION

Request to consider An Ordinance Amending Chapter 27 of the Code of City Ordinances Regarding Minimum Lot Size, Setback and Driveway Requirements for Reduced Size Lots

The Planning and Zoning Commission has considered the ordinance at an open public meeting and makes the following findings and recommendations based upon the evidence presented with respect to these matters:

1. On January 6, 2020, the Planning & Zoning Commission considered An Ordinance Amending Section 27-6 of Chapter 27 of the Code of City Ordinances Pertaining to the Definition of Halfway Houses and Prerelease Centers.

2. The proposed ordinance _____ will _____ will not further the goals and objectives of the City's Comprehensive Plan.

3. The proposed ordinance _____ will _____ will not contribute to and promote the welfare and convenience of the public if the ordinance is passed.

4. The proposed ordinance _____ will _____ will not cause substantial injury to the value of property in the community.

5. Additional Comments: _____

Concerning the proposed ordinance, the Planning and Zoning Commission:

___Recommends Approval

___Disapproves _____

Passed by the Planning & Zoning Commission this _____ day of _____, 2020.

_____
Chair

BILL NO. _____ **ORDINANCE NO. _____**

AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF CITY ORDINANCES REGARDING MINIMUM LOT SIZE, SETBACK AND DRIVEWAY REQUIREMENTS FOR REDUCED SIZE LOTS

WHEREAS, the City of Warrensburg seeks to incentivize the construction and development of single family homes that are more affordable for those entering the housing market in the City of Warrensburg; and

WHEREAS, City Council has discussed options for creating said housing at public meetings held on October 28, 2019 and December 9, 2019; and

WHEREAS, the Planning and Zoning Commission, at its meeting on January 6, 2020, recommended the approval of the herein ordinance; and

WHEREAS, public notice of the City Council's public hearing to consider the proposed ordinance was given by publication in the Daily Star Journal on December 27, 2019; and

WHEREAS, the public hearing was held on January 13, 2020 by the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARRENSBURG AS FOLLOWS:

Section 1. That Section 27-105 (g) is amended to read as follows leaving all other provisions of Section 27-105 in effect, unaltered:

(g) *Lot area and lot dimension requirements.* The minimum lot area and yard requirements for land uses and development in the R-1 residence district shall be as set out below. In a mixed lot size subdivision created per the plat and subdivision procedures of Chapter 21 of the Code of City Ordinance, one reduced size lot is allowed per every three standard size residential use lots.

(1) Minimum lot area requirements:

a. Standard size lot: One (1) dwelling—Seven thousand (7,000) square feet.
b. Reduced size lot: One (1) dwelling –Five thousand five hundred (5,500) square feet.
c. Nonresidential uses—Nine thousand (9,000) square feet.

(2) Minimum lot dimension requirements:

a. Standard size lots: every lot or tract of land shall have a minimum width of sixty (60) feet at the front building line.
b. Reduced size lots: every lot or tract of land shall have a minimum width of fifty (50) feet at the front building line.
c. Every lot on a cul-de-sac shall have a minimum width of thirty-five (35) feet, as measured by the length of the arc at the street right-of-way line.

(3) Any lot or tract of record on the effective date of this chapter which contains at least five thousand (5,000) square feet in area, may nevertheless be used for a single-family dwelling.

Section 2. That Section 27-105 (h) (2) (a) is amended to read as follows leaving all other provisions of Section 27-105 (h) in effect, unaltered:

(2) Setback from lot boundary lines:

a. Setback from side lot boundary lines:
    1. Standard size lots: No structure is allowed within seven and one-half (7½) feet of a side lot boundary line.
    2. Reduced size lots: No Structure is allowed within five (5) feet of a side lot boundary line.

Section 3. That Section 27-106 (g) is amended to read as follows leaving all other provisions of Section 27-106 in effect, unaltered:

(g) *Lot area and lot dimension requirements.* The minimum lot area and yard requirements for land uses and development in the R-2 district shall be as set out below. In a mixed lot size subdivision created per the plat and subdivision procedures of Chapter 21 of the Code of City Ordinance, one reduced size lot is allowed per every three standard size residential use lots.

(1) Minimum lot area requirements per dwelling unit:

a. One (1) dwelling unit:
    1. Standard size lot: One (1) dwelling—Seven thousand (7,000) square feet.
    2. Reduced size lot: One (1) dwelling –Five thousand five hundred (5,500) square feet.
b. Two (2) dwelling units—Four thousand two hundred fifty (4,250) square feet.

(2) Minimum lot area requirements for nonresidential uses—Nine thousand (9,000) square feet.

(3) Minimum lot dimension requirements:

a. Standard size lots: every lot or tract of land shall have a minimum width of sixty (60) feet at the front building line.
b. Reduced size lots: every lot or tract of land shall have a minimum width of fifty (50) feet at the front building line.
c. Every lot on a cul-de-sac shall have a minimum width of thirty-five (35) feet, as measured by the length of the arc at the street right-of-way line.

(4) Any lot or tract of record on the effective date of this chapter which contains at least five thousand (5,000) square feet in area, may nevertheless be used for a single-family dwelling.

Section 4. That Section 27-106 (h) (2) (a) is amended to read as follows leaving all other provisions of Section 27-106 (h) in effect, unaltered:

(2) Setback from lot boundary lines:

a. Setback from side lot boundary lines:
   1. Standard size lots: No structure is allowed within seven and one-half (7½) feet of a side lot boundary line.
   2. Reduced size lots: No Structure is allowed within five (5) feet of a side lot boundary line.

Section 5. That Section 27-107 (g) is amended to read as follows leaving all other provisions of Section 27-107 in effect, unaltered:

(g) *Lot area and lot dimension requirements.* The minimum lot area, lot dimension, and density requirements for land uses and developments in the R-3 residence district shall be as set out below. In a mixed lot size subdivision created per the plat and subdivision procedures of Chapter 21 of the Code of City Ordinance, one reduced size lot is allowed per every three standard size residential use lots.

(1) Minimum lot area requirements per dwelling unit:

a. For efficiency apartments, twelve hundred (1,200) square feet per unit.
b. For dwelling units of five hundred (500) or greater square feet, exclusive of basements, open or screened porches, and garages:

Dwelling Units	*Minimum Lot Area (in square feet)*
Standard size lot: One (1) dwelling	7,000
Reduced size lot: One (1) dwelling	5,500
Two	4,250
Three or more	3,500

(2) Minimum lot area requirements for nonresidential uses—Nine thousand (9,000) square feet.

(3) Minimum lot dimension requirements:

a. Standard size lots: every lot or tract of land shall have a minimum width of sixty (60) feet at the front building line.
b. Reduced size lots: every lot or tract of land shall have a minimum width of fifty (50) feet at the front building line.
c. Every lot on a cul-de-sac shall have a minimum width of thirty-five (35) feet, as measured by the length of the arc at the street right-of-way line.

(4) Any lot or tract of record on the effective date of this chapter which contains at least five thousand (5,000) square feet in area, may nevertheless be used for a single-family dwelling.

Section 6. That Section 27-107 (h) (2) (a) is amended to read as follows leaving all other provisions of Section 27-107 (h) in effect, unaltered:

(2) Setback from lot boundary lines:

a. Setback from side lot boundary lines:
   1. Standard size lots: No structure is allowed within seven and one-half (7½) feet of a side lot boundary line.
   2. Reduced size lots: No Structure is allowed within five (5) feet of a side lot boundary line.

Section 7. That Section 27-108 (g) is amended to read as follows leaving all other provisions of Section 27-108 in effect, unaltered:

(g) *Lot area and lot dimension requirements.* The minimum lot area, lot dimension, and density requirements for land uses and developments in the R-4 Residence District shall be as set out below. In a mixed lot size subdivision created per the plat and subdivision procedures of Chapter 21 of the Code of City Ordinance, one reduced size lot is allowed per every three standard size residential use lots.

(1) Minimum lot area requirements for residential uses:

a. For efficiency apartments, twelve hundred (1,200) square feet per unit.
b. For dwelling units of five hundred (500) or greater square feet, exclusive of basements, open or screened porches, and garages:

Dwelling Units	*Minimum Lot Area (in square feet)*
Standard size lot: One (1) dwelling	7,000
Reduced size lot: One (1) dwelling	5,500
Two	8.500
Three	10,000
Four	11,500
Five	13,0000
Six or more	14,000 plus 1,000 square feet of lot area for each additional unit over six.

(2) Minimum lot area requirements for nonresidential uses—Nine thousand (9,000) square feet.

(3) Minimum lot dimension requirements:

a. Standard size lots: every lot or tract of land shall have a minimum width of sixty (60) feet at the front building line.

b. Reduced size lots: every lot or tract of land shall have a minimum width of fifty (50) feet at the front building line.
c. Every lot on a cul-de-sac shall have a minimum width of thirty-five (35) feet, as measured by the length of the arc at the street right-of-way line.

(4) Any lot or tract of record on the effective date of this chapter which contains at least five thousand (5,000) square feet in area, may nevertheless be used for a single-family dwelling.

Section 8. That Section 27-108 (h) (2) is amended to read as follows leaving all other provisions of Section 27-108 (h) in effect, unaltered:

(2) Setback from lot boundary lines:

a. Setback from lot boundary lines for lots with one dwelling unit:
    1. Standard size lots with one dwelling unit: No structure is allowed within seven and one-half (7½) feet of a side or rear lot boundary line.
    2. Reduced size lots with one dwelling unit: No structure is allowed within five (5) feet of a side or rear lot boundary line.
b. Setback from lot boundary lines for lots with two or more dwelling units:
    1. Structures two (2) stories in height or less shall be located no closer than seven and one-half (7½) feet from the nearest side or rear boundary line of the plot of land on which any such structure is situated.
    2. Apartment houses and townhouse dwellings two (2) stories in height or less shall be located no closer than ten (10) feet from the nearest side or rear boundary line of the plot of land on which any such structure is situated.
    3. Structures of not more than three (3) stories shall be located no closer than twelve and one-half (12½) feet from the nearest side or rear boundary line of the plot of land on which any such structure is situated.
    4. Structures more than three (3) stories in height shall be located no closer than fifteen (15) feet from the nearest side or rear boundary line of the plot of land on which any such structure is situated.
    5. Whenever two (2) or more residence structures are erected on one (1) plot of land under single ownership, the distance between such main buildings shall be two (2) times the side setback distances required respectively in subsections (h)(2)(b) (1-4) respectively.
c. Buildings used for nonresidential purposes shall be located no closer than forty (40) feet from the nearest residence structure not used for similar purposes, or twelve and one-half (12½) feet from the boundary line of the plot of land where situated, whichever requirement produces the greatest setback distance.
d. A patio is allowed within two (2) feet of a rear or side lot line.

Section 9. That Section 27-404 is amended to add a subsection (h) to read as follows leaving all other provisions of Section 27-404 in effect, unaltered:

(h) The maximum width of a driveway on a reduced size lot with a lot area between five thousand five hundred (5,500) square feet and seven thousand (7,000) square feet shall be twenty (20) feet wide.

Section 10. If any clause, section or other part of this section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 11. It is intended that Sections 1-9 of this ordinance be incorporated into the Code of Ordinances of the City of Warrensburg.

Section 12. That this ordinance shall become effective immediately upon its passage.

Read two times and passed by the City Council this _____ day of _____, 2020.

_____
Casey Lund, Mayor

ATTEST:

_____
Cindy Gabel, City Clerk

Minimum Residential Lot Size Requirements

Presented

by

Harold Stewart, City Manager

Outline of Discussion

- General Considerations
- Across the Board Decrease in Lot Size
- New Specific Zoning Designation and Location
- Mixed Development
- Land Bank/Density Program/Conservation District
- Planned Urban Development (PUD)
- No Change

General Considerations

- Parking
- Streets
- Setbacks
- Privacy
- Public Space
- Impact on Property Values (real or perceived)

Parking

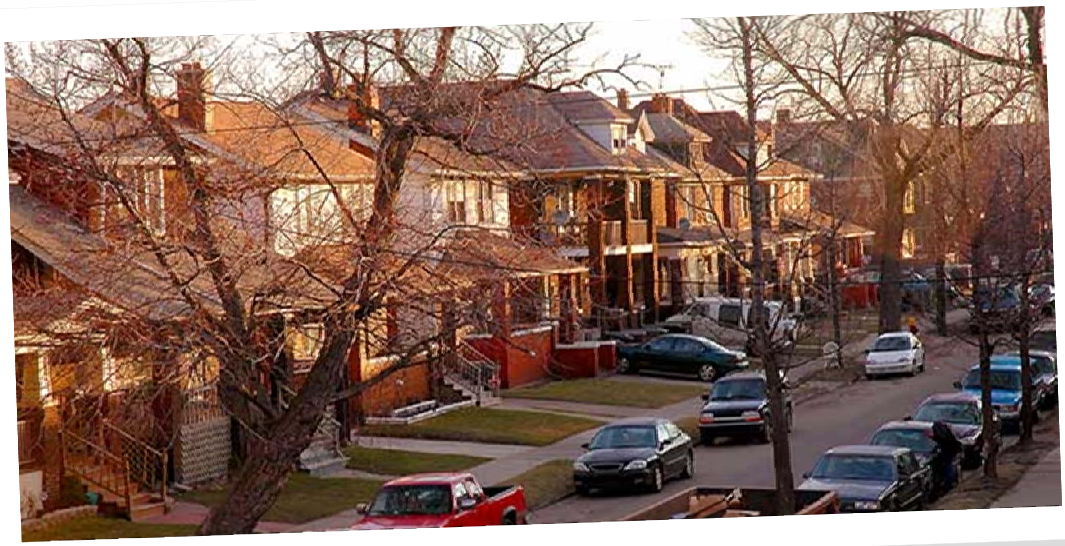
- Harder to require off street parking
- Transportation availability for non-car owners

Streets

Width for Snow Removal and Fire Trucks

Other General Considerations

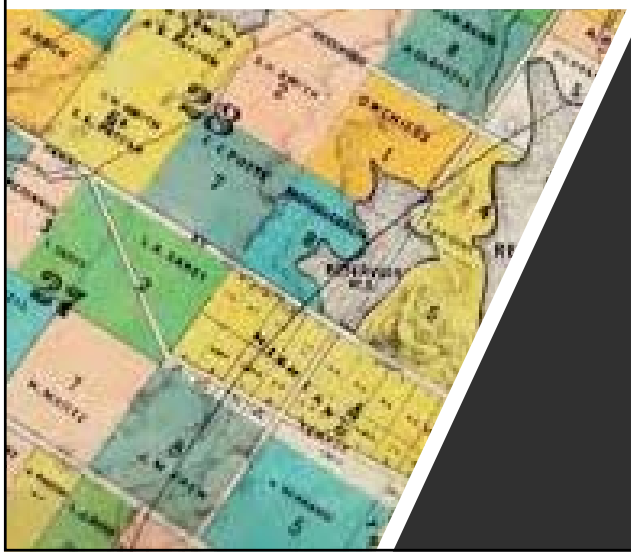
- Setbacks
  - Size and height of Houses
  - Public Safety (Fire response and spread of fires from structure to structure)
- Privacy
  - Windows
  - Doors
  - Proximity
- Public Space
  - Need for more parks, community centers, and public gathering places
- Impact on Property Values (real or perceived)



Across the Board Decrease in Lot Size

- Current Minimum lot size requirement for a single residential structure is 7,000 square feet
- Council could change this to a lower number
- This would allow any single family residential structure be built on a smaller size lot anywhere Zoning allows for such structures
- Studies show that Developers will build to the minimum lot size a significant majority of the time, and rarely plat lots larger than the minimum lot size requirement

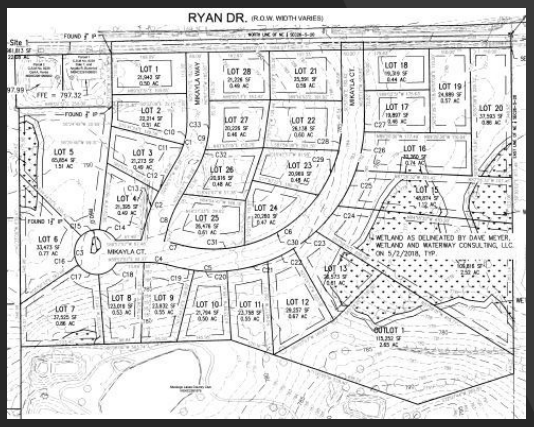
New Specific Zoning Designation and Location



- Council could create a new Residential Zoning Designation that allows for smaller lots only in areas given this Zoning
- Council could control where is zoned for this use
- This would likely require updating the Comprehensive Plan and Zoning Map
- This approach would likely increase gentrification within the community

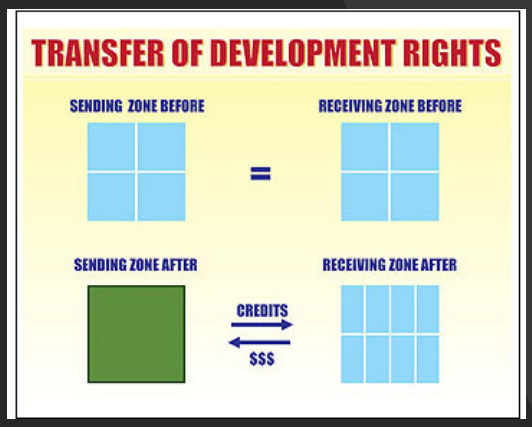
Mixed Development

- This approach would set allowances within current Zoning Designations to allow for some smaller lots
- Example: For every 5 lots platted at the current minimum lot size, an allowance for one 6,000 sqft will be given
- Council would have to consider if it wants to set parameters as to where within the development these lots are allowed: consolidated versus spread out throughout the development
- The better the mix the stronger the cultural, social, and socioeconomic aspects of the community will be



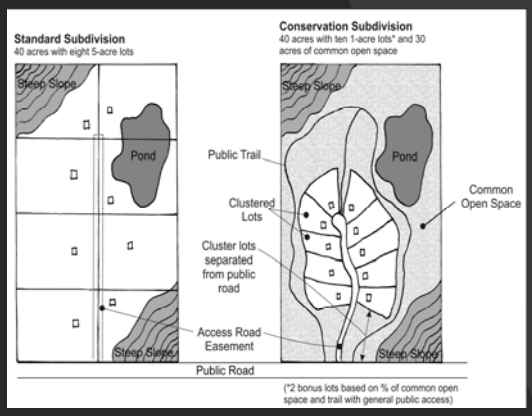
Land Bank/Density Program/Conservation District

- This concept has been used with some success on the East Coast. This allows a developer to separate the development rights of one piece of property (usually within a land bank to maintain green space) and transfer the rights to another property to build at a greater density than would usually be allowed by zoning restrictions
- This has the greatest chance of success in a larger metropolitan area
- Legal sustainability of this concept?



Planned Urban Development (PUD)

- Warrensburg currently allows this type of development by Code
- Allows for a developer to develop a tract with less restrictions when they provide an overall development design that is reviewed and approved by staff and Council
- Council could consider changes to the current code to make this more viable
- Currently the lending institutions discomfort with this type of development is one of the major hurdles

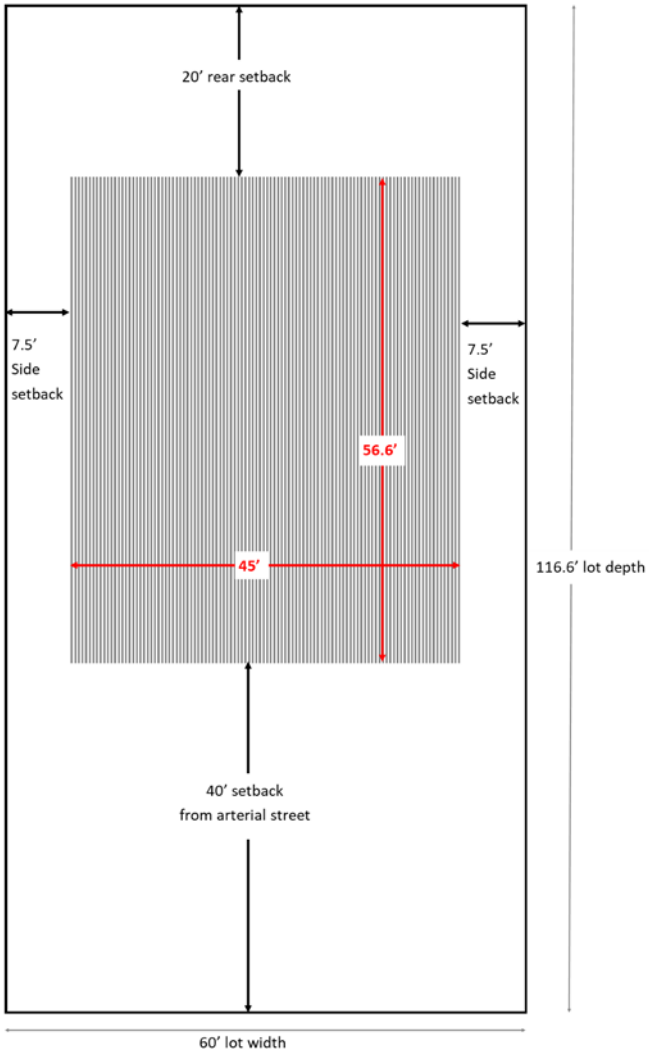


Reference Articles

- https://www.strongtowns.org/journal/2019/6/19/do-minimum-lot-size-rules-matter
- https://www.forbes.com/sites/adammillsap/2019/05/08/minimum-lot-size-regulations-mean-less-housing/#35a88e8e575b
- https://www.curbed.com/2019/1/9/18175780/minneapolis-2040-real-estate-rent-development-zoning
- https://www.forbes.com/sites/adammillsap/2018/09/21/vancouver-cincinnati-show-cities-can-improve-land-use-regulations/#44aa49cb4aba
- https://oldurbanist.blogspot.com/2015/03/single-family-zoning-its-all-about-lot.html
- https://www.des.nh.gov/repp/documents/ilupt_chpt_1.2.pdf
- https://www.yourconroenews.com/neighborhood/moco/news/article/Conroe-City-Council-considers-smaller-lot-size-13337051.php
- http://www.seattleforgrowth.org/initiatives/
- https://bangordailynews.com/2019/01/15/news/midcoast/rockland-zoning-tweaks-could-add-tiny-houses-more-affordable-homes/
- https://www.psrc.org/sites/default/files/hip_small_lots.pdf
- https://planning.lacity.org/policyinitiatives/Housing/SmallLot/SmallLotPolicy_DesignGuide.pdf
- https://www.smartgrowthamerica.org/app/legacy/documents/transfer-development-rights-policy-toolkit.pdf

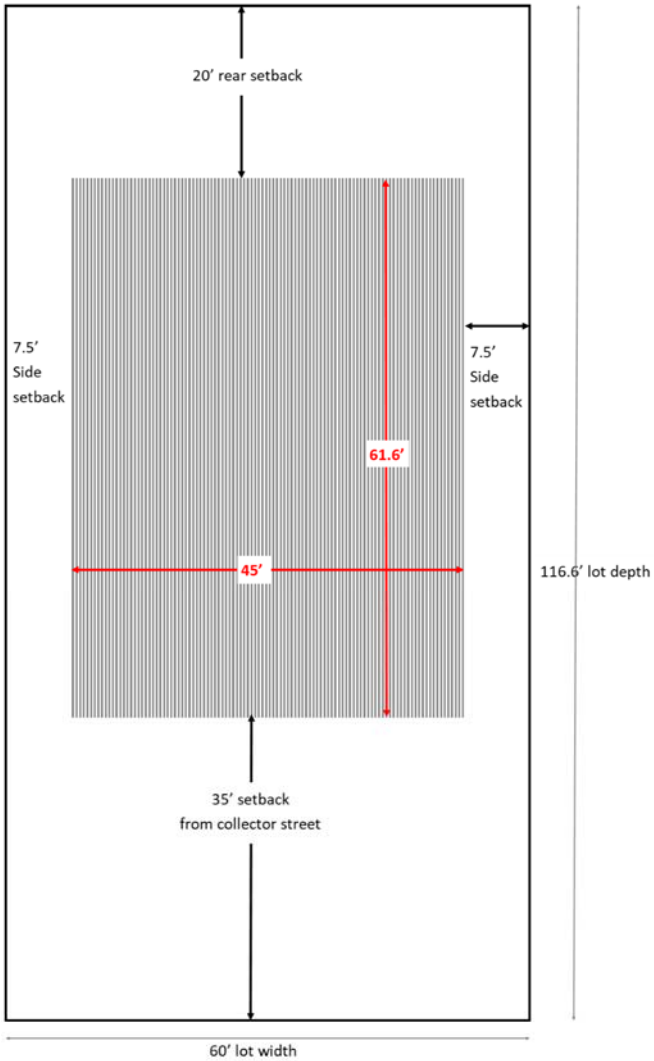
Comparison of # of Single Family Lots Per Acre by Subdivision Type

# of Acres	Type of Subdivision	# of SF Lots		# of Additional Lots
1 acre	Standard Subdivision	6		
	Mixed Subdivision	6	5 standard & 1 reduced	0 additional
2 acres	Standard Subdivision	12		
	Mixed Subdivision	13	10 standard & 3 reduced	1 additional
3 acres	Standard Subdivision	18		
	Mixed Subdivision	19	15 standard & 4 reduced	1 additional
4 acres	Standard Subdivision	24		
	Mixed Subdivision	26	20 standard & 6 reduced	2 additional
5 acres	Standard Subdivision	31		
	Mixed Subdivision	32	24 standard & 8 reduced	1 additional
6 acres	Standard Subdivision	37		
	Mixed Subdivision	39	30 standard & 9 reduced	2 additional
7 acres	Standard Subdivision	43		
	Mixed Subdivision	45	34 standard & 11 reduced	2 additional
8 acres	Standard Subdivision	49		
	Mixed Subdivision	52	39 standard & 13 reduced	3 additional
9 acres	Standard Subdivision	56		
	Mixed Subdivision	59	45 standard & 14 reduced	3 additional
10 acres	Standard Subdivision	62		
	Mixed Subdivision	65	49 standard & 16 reduced	3 additional
11 acres	Standard Subdivision	68		
	Mixed Subdivision	72	54 standard & 18 reduced	4 additional
12 acres	Standard Subdivision	74		
	Mixed Subdivision	78	59 standard & 19 reduced	4 additional



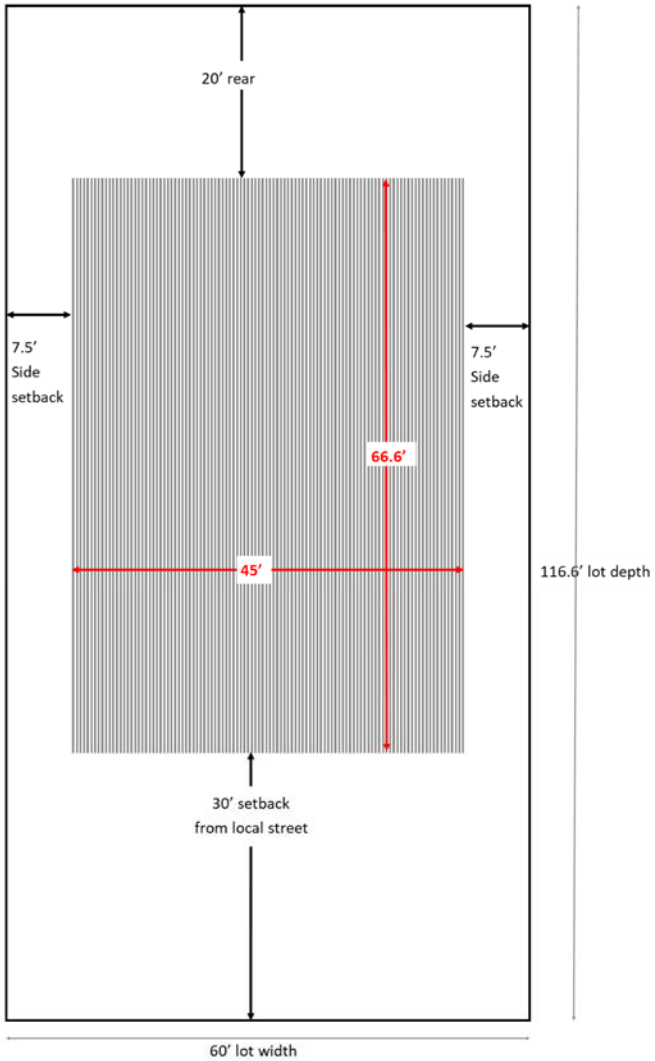
ARTERIAL STREET

7,000 s.f. lot
2,547 s.f. buildable area



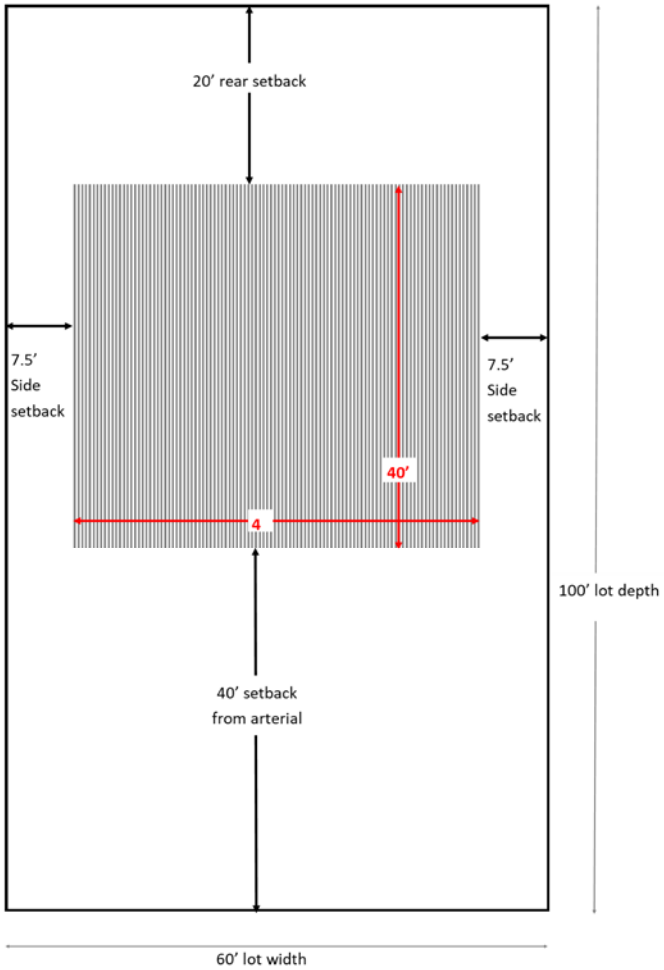
COLLECTOR STREET

7,000 s.f. lot
2,772 s.f. buildable area



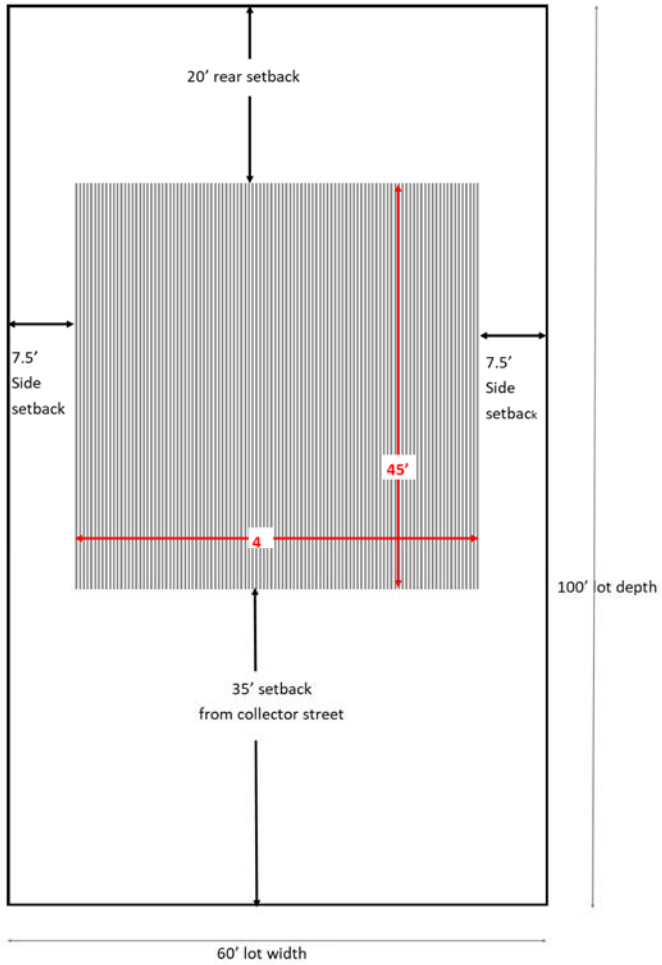
LOCAL STREET

7,000 s.f. lot
2,997 s.f. buildable



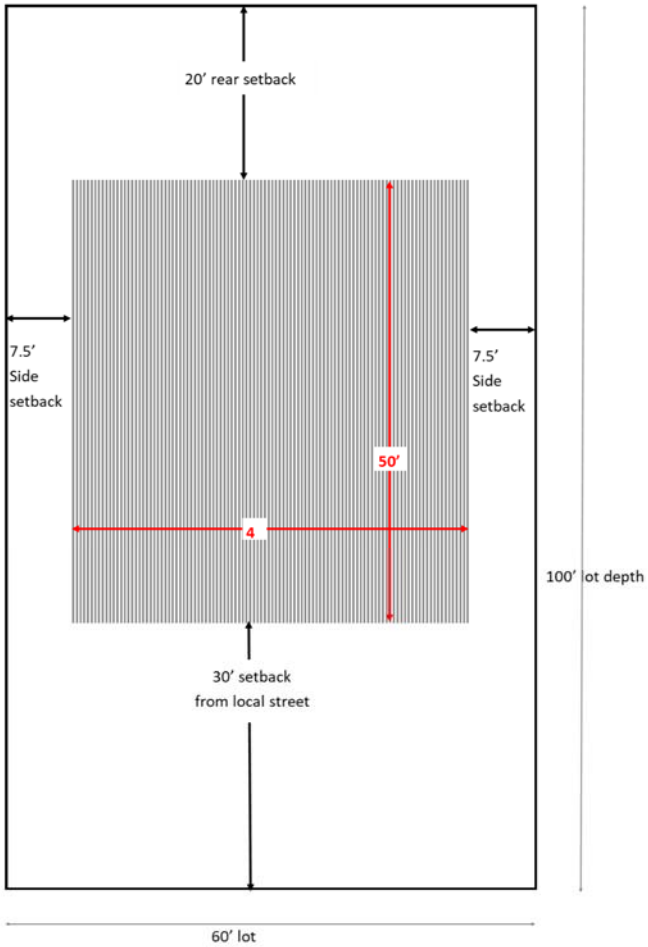
ARTERIAL STREET

6,000 s.f. lot
1,800 s.f. buildable area



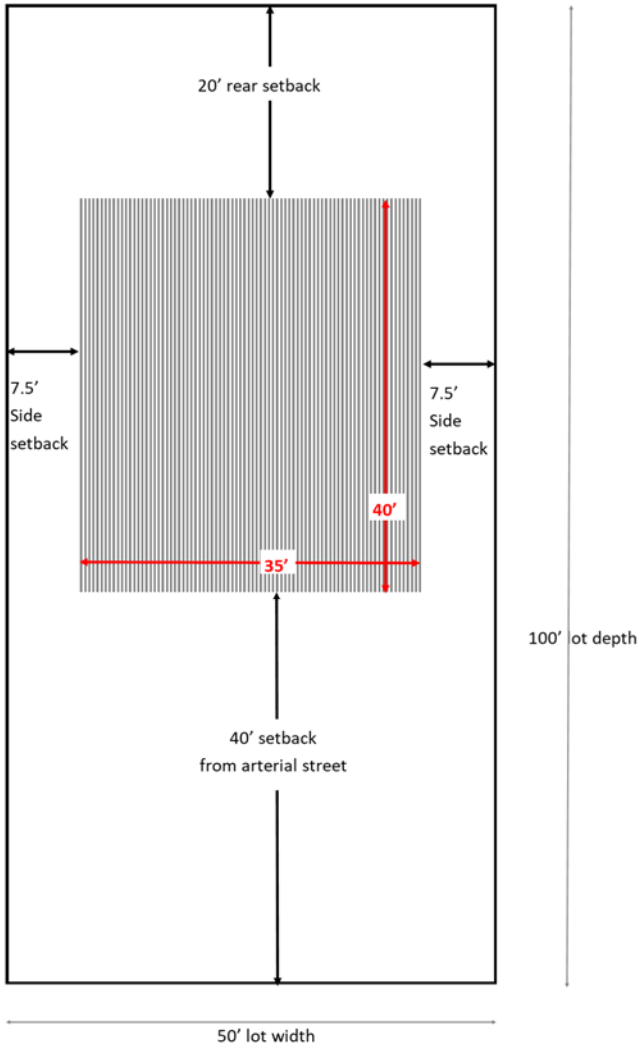
COLLECTOR STREET

6,000 s.f. lot
2,025 s.f. buildable area



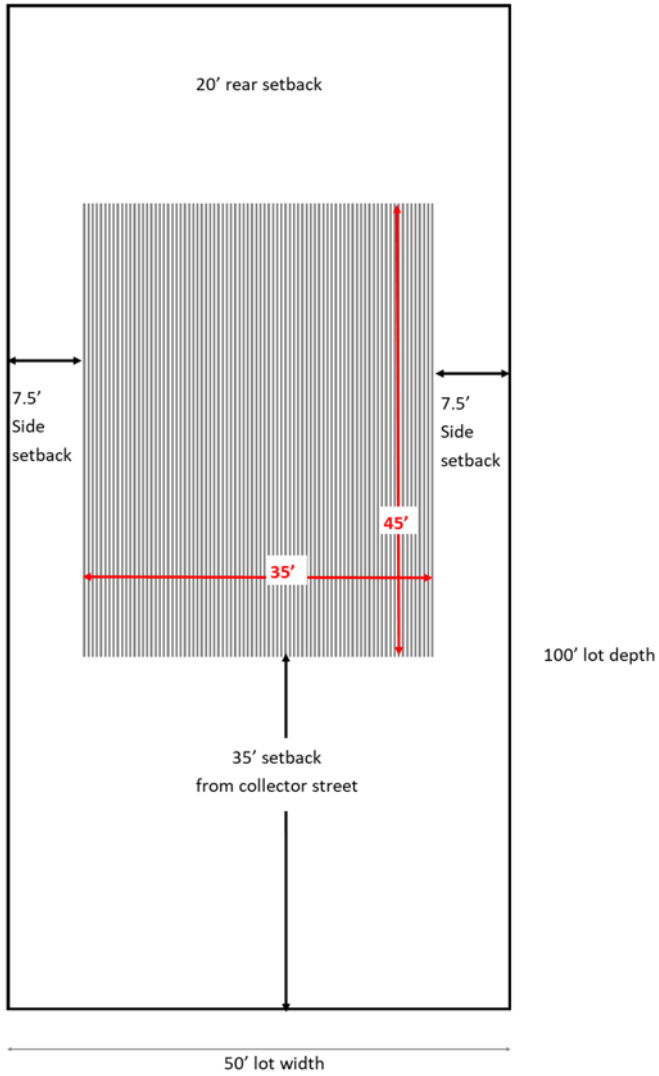
LOCAL STREET

6,000 s.f. lot
2,000 s.f. buildable area



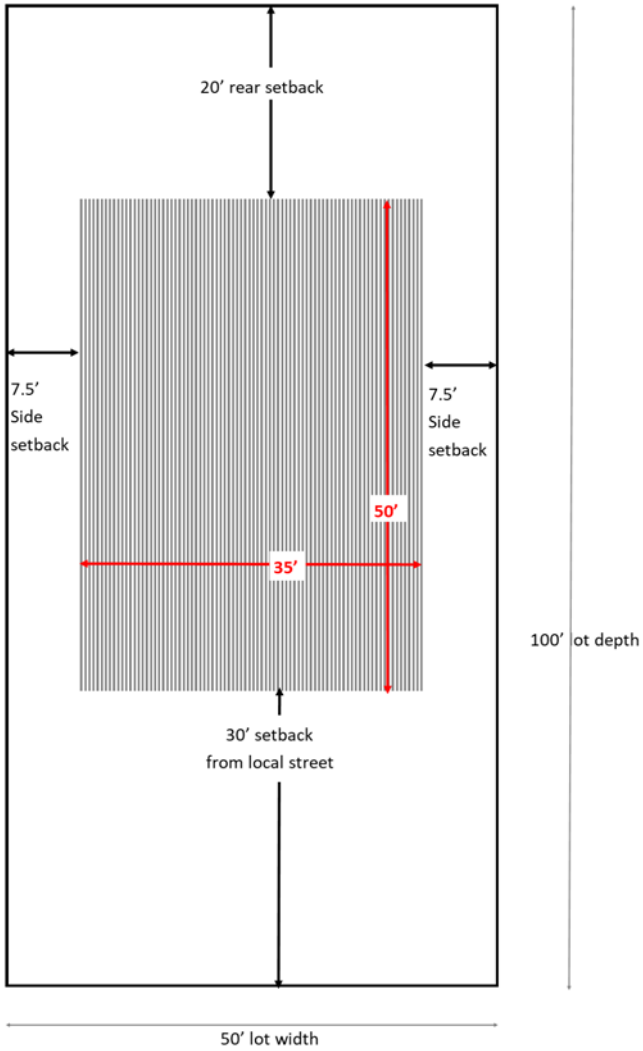
ARTERIAL STREET

5,000 s.f. lot
1,400 s.f. buildable area



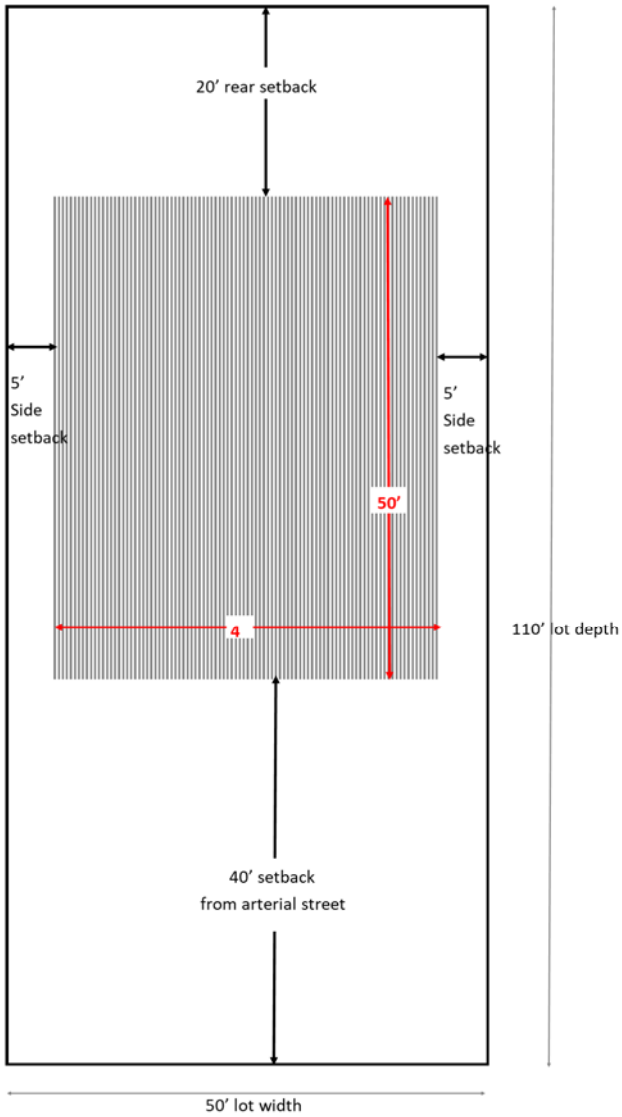
COLLECTOR STREET

5,000 s.f. lot
1,575 s.f. buildable area



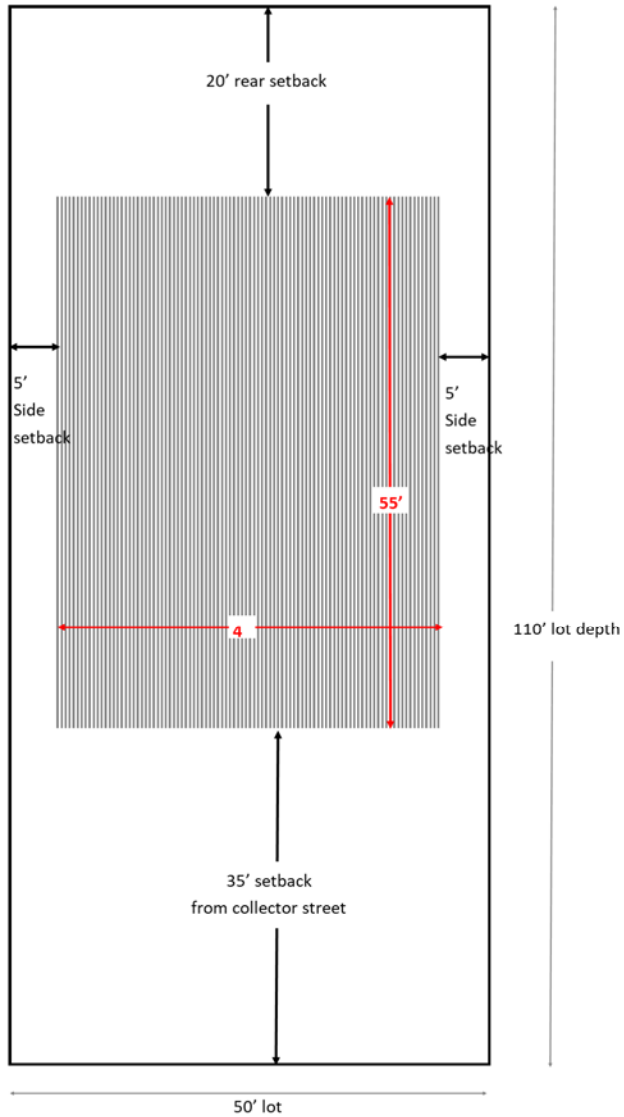
LOCAL STREET

5,000 s.f. lot
1,750 s.f. buildable area



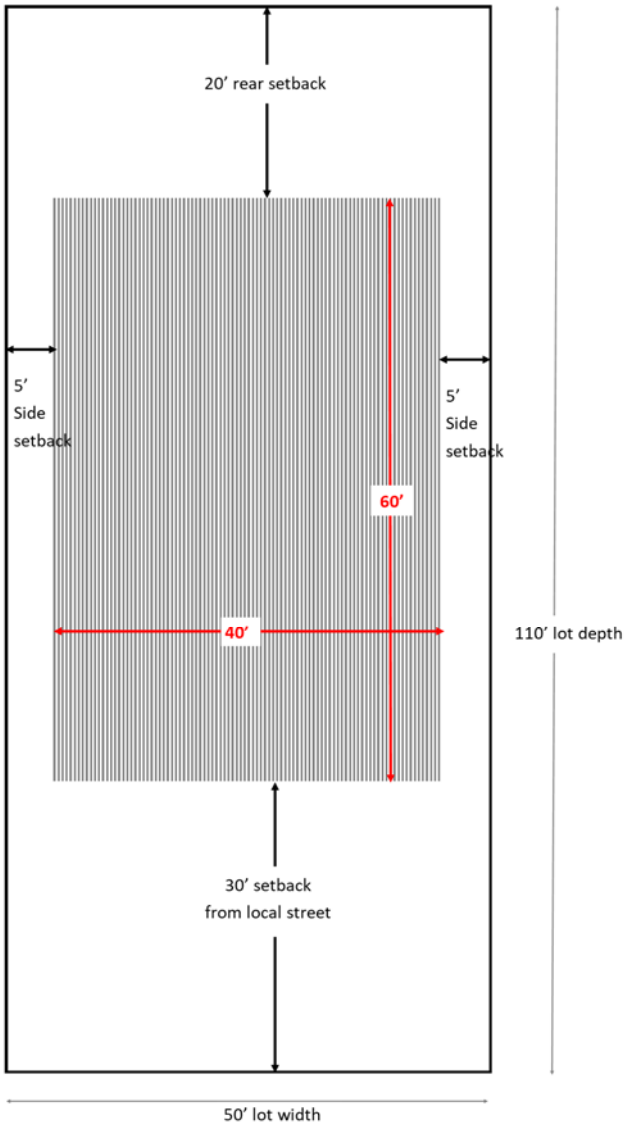
ARTERIAL STREET

5,500 s.f. lot
2,000 s.f. buildable area



COLLECTOR STREET

5,500 s.f. lot
2,200 s.f. buildable area



LOCAL STREET

5,500 s.f. lot
2,400 s.f. buildable area

Barbara Carroll

From: Kristin Dyer
Sent: Thursday, January 02, 2020 4:24 PM
To: Barbara Carroll
Subject: quick look

Barb,

I pulled the owner-occupied vs. renter-occupied demographics. The average household size is approximately 3 across the board with more rental properties than owner-occupied properties. The trend is housing is becoming more costly with the median household size not increasing at the same rate.

2007 Comp Plan
Median household income: $29,332
Median house price: $91,600

2017 Comp Plan Update (using 2013 demographics)
Median household income: $38,290
Median house price: $141,367

2017 Comp Plan Update
PDF PG 20: Residents feel that the current traffic, zoning, transient population, and walkability are all areas that do not currently work and need greater focus when it comes to future planning. Responses also stated that there is a lack of affordable housing close to services in Warrensburg.

2000 Census:
Total housing units (vacant, rental, owner-occupied, etc..): 6,380
Total Owner-Occupied housing units: 2,521 (39.%)
Total Renter-occupied housing units: 3,430 (53.7%)

2010 Census:
Total housing units (vacant, rental, owner-occupied, etc..): 7,450
Total Owner-Occupied housing units: 2,850 (38.3%)
Total Renter-occupied housing units: 3,953 (53%)

2013-2017 ACS:
Total occupied housing units: 7,271
Total Owner-Occupied housing units: 3,091 (42.5%)
Total Renter-occupied housing units: 4,180 (57.5%)
Majority of homeowners with a mortgage pay $500-$1,999 for their “monthly owner costs”
Majority of renters pay $500-$999 a month on gross rent.

2006-2010 ACS:
Majority of homeowners with a mortgage pay $1,000-$1,499 for their “monthly owner costs”
Majority of renters pay $500-$999 a month on gross rent.

Sincerely,

Kristin Dyer, City Planner
City of Warrensburg, Missouri
Phone: (660) 747-9135
TTY: 660-422- 5635

PLANNING AND ZONING COMMISSION

AGENDA REPORT

January 2, 2020

ITEM 5.III: An Ordinance Amending Section 27-6 of Chapter 27 of the Code of City Ordinances Pertaining to the Definition of Halfway Houses and Prerelease Centers

BACKGROUND:
Over the last several months, staff has had both internal and external conversations with groups in town concerning homeless shelters and other community residences in Warrensburg. Several community residences exist in Warrensburg that serve people in some form of crisis or need other than homelessness such as Recovery Lighthouse, Survival, and Victory House. Currently, the City's zoning ordinance defines the term Halfway houses and prerelease centers very broadly. It can be interpreted that any residence that has a person living in it that has 1) been incarcerated and 2) is still on parole would be defined as a Halfway houses and prerelease center and allowed only in the Heavy Industrial zoning district. This could capture a case were a family member in a single family residence could trigger that house to be considered a Halfway houses and prerelease center. It could also mean that intermittently, depending on the population at any given time, the existing community residences listed above could be considered a Halfway houses and prerelease center.

Staff has worked with the City Attorney to draft a more narrow definition of Halfway houses and prerelease centers in the attached, proposed ordinance. This ordinance requires the *primary purpose* of the facility be to house individuals that have a) have been incarcerated in a facility operated by or contracted by, a state or the federal government, and b) who are still under the jurisdiction of the Missouri State Department of Corrections, the Federal Bureau of Prisons, or any other state or federal correctional authority. If it is not the *primary purpose* of the facility to serve persons that meet both criteria, but an individual living there happens to meet both criteria, it does not cause the facility to be a Halfway houses and prerelease center by definition. However, if serving people that meet both criteria is the *primary purpose* of the facility, the facility will be considered a Halfway houses and prerelease center and will continue to be allowed only in Heavy Industrial districts.

RECOMMENDATION:
Staff recommends approval of the attached ordinance.

Attachments:
1. Findings & Recommendations
2. Ordinance
3. Redline ordinance

PLANNING AND ZONING COMMISSION
FINDINGS AND RECOMMENDATION

Request to consider An Ordinance Amending Section 27-6 of Chapter 27 of the Code of City Ordinances Pertaining to the Definition of Halfway Houses and Prerelease Centers

The Planning and Zoning Commission has considered the ordinance at an open public meeting and makes the following findings and recommendations based upon the evidence presented with respect to these matters:

1. On January 6, 2020, the Planning & Zoning Commission considered An Ordinance Amending Section 27-6 of Chapter 27 of the Code of City Ordinances Pertaining to the Definition of Halfway Houses and Prerelease Centers.

2. The proposed ordinance _____ will _____ will not further the goals and objectives of the City's Comprehensive Plan.

3. The proposed ordinance _____ will _____ will not contribute to and promote the welfare and convenience of the public if the ordinance is passed.

4. The proposed ordinance _____ will _____ will not cause substantial injury to the value of property in the community.

5. Additional Comments: _____

Concerning the proposed ordinance, the Planning and Zoning Commission:

___Recommends Approval

___Disapproves _____

Passed by the Planning & Zoning Commission this _____ day of _____, 2020.

_____
Chair

BILL NO. _____ **ORDINANCE NO. _____**

AN ORDINANCE AMENDING SECTION 27-6 OF CHAPTER 27 OF THE CODE OF CITY ORDINANCES PERTAINING TO THE DEFINITION OF HALFWAY HOUSES AND PRERELEASE CENTERS

WHEREAS, a public hearing was held in front of the City Council of the City of Warrensburg on January 13, 2020, regarding amending the definition of the term Halfway houses and prerelease centers:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARRENSBURG AS FOLLOWS:

Section 1. That Section 27-6 Definitions is amended to modify the following definition leaving all other provisions of Section 27-6 in effect, unaltered:

Halfway houses and prerelease centers, A facility, whether or not licensed or contracted by a state or federal government, whose primary purpose is the housing of persons who a) have been incarcerated in a facility operated by or contracted by, a state or the federal government, and b) who are still under the jurisdiction of the Missouri State Department of Corrections, the Federal Bureau of Prisons, or any other state or federal correctional authority.

Section 2. If any clause, section or other part of this section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 3. It is intended that Section 1 of this ordinance be incorporated into the Code of Ordinances of the City of Warrensburg.

Section 4. That this ordinance shall become effective immediately upon its passage.

Read two times and passed by the City Council this _____ day of January, 2020.

_____
Casey Lund, Mayor

ATTEST:

_____
Cindy Gabel, City Clerk

BILL NO. _____ **ORDINANCE NO. _____**

AN ORDINANCE AMENDING SECTION 27-6 OF CHAPTER 27 OF THE CODE OF CITY ORDINANCES PERTAINING TO THE DEFINITION OF HALFWAY HOUSES AND PRERELEASE CENTERS

WHEREAS, a public hearing was held in front of the City Council of the City of Warrensburg on January 13, 2020, regarding amending the definition of the term Halfway houses and prerelease centers:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARRENSBURG AS FOLLOWS:

Section 1. That Section 27-6 Definitions is amended to modify the following definition leaving all other provisions of Section 27-6 in effect, unaltered:

Halfway houses and prerelease centers, A facility, ~~housing persons who~~ **whether or not licensed or contracted by a state or federal government, whose primary purpose is the housing of persons who** a) have been incarcerated **in a facility operated by or contracted by, a state or the federal government,** and b) who are still under the jurisdiction of the Missouri State Department of Corrections, the Federal Bureau of Prisons, or any other **state or federal** correctional authority.

Section 2. If any clause, section or other part of this section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 3. It is intended that Section 1 of this ordinance be incorporated into the Code of Ordinances of the City of Warrensburg.

Section 4. That this ordinance shall become effective immediately upon its passage.

Read two times and passed by the City Council this _____ day of January, 2020.

_____
Casey Lund, Mayor

ATTEST:

_____
Cindy Gabel, City Clerk