

BILL NO._____

ORDINANCE NO._____

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR LAND USE 8.100 IN AN LI: LIGHT INDUSTRIAL DISTRICT LOCATED AT 1095 SOUTH MITCHELL STREET IN THE CITY OF WARRENSBURG, MISSOURI

WHEREAS, J. C. Myers Construction Company, Inc., filed a request for a Conditional Use Permit for Land Use 8.100 in an LI: Light Industrial District Located at 1095 South Mitchell Street, also described as

A part of the South half of the Southwest quarter of Section 30, Township 46, Range 25 described as beginning at a point 10.72 chains North of the Southwest corner thereof, thence South 135 feet, thence East 430 feet, thence South 185 feet, thence East 100 feet, thence North 320 feet, thence West 520 feet to the point of beginning; and

WHEREAS, public notice of the Planning and Zoning Commission's open public meeting to consider the request was given by letter to property owners within 300 feet of the subject tract on December 21, 2018; and

WHEREAS, the Planning and Zoning Commission considered the request at its meeting on January 7, 2019; and

WHEREAS, public notice of the City Council's public hearing to consider the request for a Conditional Use Permit was given by publication in the Daily Star Journal on December 25, 2018; and

WHEREAS, the public hearing was held on January 14, 2019 by the City Council.

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

Section 1. Following the consideration of the public comments received on the proposed Conditional Use Permit and upon careful consideration of the evidence, the City Council finds the following:

- A. The current building has two dimensional nonconformities that create a nonconforming situation by definition in Section 27-28 (a) of the Code of City Ordinances. Both of these nonconformities existed as of the effective date of Chapter 27 of the Code of City Ordinances. They are: 1)the building does not meet the 30 ft. setback from the north property line that is required because it is adjacent to a residential district (Section 27-125(g)(4)(a)); and 2) the building does not meet the 35 ft. setback from the west property line that is required because it is adjacent to a collector street right-of-way (Section 27-125(g)(3)(b).
- B. The proposed conditional use permit is consistent with the goals of the City's Comprehensive Plan Update and will further the applicable objectives of the plan.
- C. The effect of the conditional use permit upon the existing uses of land within the general area could be minimal.
- D. The impact the change would have on the character of the neighborhood should be minimal.

- E. The proposed CUP and request to use the existing building for a rental event center does not in any way increase the nonconforming situation either in dimension, frequency, intensity or square footage/space devoted to the nonconforming situation. The building is not being enlarged or moved closer to the north or west property lines.
- F. Once the parking requirement has been met, the intended additional use and CUP will not result in a violation of Section 27-28 (c) of the Code of City Ordinances.
- G. Once the parking requirement has been met, the CUP does not create a nonconforming lot and is conforming in all other respects but the applicable setback requirement which cannot be reasonably complied with.
 - 1) The property with the existing building cannot be reasonably developed for any use including the proposed without such setback deviations. Said deviations are necessary due to size of the lot and the relationship between the existing building and the land.
 - 2) The property, building, proposed use and location of the rental event center is adjacent to LI: Light Industrial and GB: General Business and can be developed as a rental event center without significantly adverse impact on the surrounding properties or the public health or safety.
- H. Once the parking requirement has been met, all the applicable requirements of Chapter 27 that can be reasonably complied with, will be complied with.

Section 2. That a Conditional Use Permit for Land Use 8.100 Restaurants, Bars, Night Clubs, sit-down establishment (indoor or outdoor) with no drive-thru, drive-in, delivery service, or substantial carry-out service in an LI: Light Industrial District Located at 1095 South Mitchell Street, and described as above, is hereby granted with the following conditions:

- A. Staff be allowed to approve the final site plan.
- B. Applicant be required to meet the off-street parking requirement by either 1) reducing the square footage for the rental event center to no more than 1,360 sq. ft. or 2) providing additional parking by adding to the existing parking lot in accordance with Section 27-410 of the Code of City Ordinances and the building permit process.

Section 3: This ordinance shall be in full force and effect after passage by the City Council.

Read two times and passed by the City Council for the City of Warrensburg, Missouri, this ____ day of January, 2019.

Attest:

Danielle Johnston, Mayor

Cindy Gabel, City Clerk