

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO USE THE PROPERTY LOCATED AT 123 E. YOUNG STREET, WARRENSBURG, MISSOURI FOR A CONFORMING PURPOSE WITHOUT CORRECTING THE NON-CONFORMING SITUATIONS THAT ARE NOT REASONABLY POSSIBLE TO ELIMINATE

WHEREAS, pursuant to Section 27-28 (g) (2) of the City Code of Ordinances, William G. Norvell and Pakaruedee Norvell a/k/a Pat Norvell, Trustees of the Norvell Revocable Trust u/t/a dated June 29, 2011 filed a request 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 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 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.

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 20, 2019; and

WHEREAS, the Planning and Zoning Commission, at its meeting on January 6, 2020, recommended the approval of the Conditional Use Permit with a condition; 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 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. Following the consideration of the public comments received on the proposed Conditional Use Permit and upon careful consideration of the evidence before the City Council, the City Council finds as follows:

- A. The Conditional Use Permit requested would promote the health, safety, and general welfare of the citizens of the City.
- B. 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.
- C. 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.
- D. The applicant has demonstrated all other non-conforming situations, except setbacks, can be brought into compliance with the current zoning code.
- E. Eliminating the non-conforming setback violations between the existing building and the property lines adjacent to Young St. and College St. is not reasonably possible.

Section 2. That a 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., is hereby granted with the following condition:

- A. Staff is granted the authority to approve the final site plan as part of 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, 2020

Attest:

Casey Lund, Mayor

Cindy Gabel, City Clerk