

CITY OF WARRENSBURG
COMMUNITY DEVELOPMENT

July 7, 2020

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

Dear Mayor and Council Members:

SUBJECT: A Public Hearing on an Ordinance Enlarging an R4: Medium-Density Multi-Family Residence District by Rezoning Land Located at 1610 E. Hale Lake Road from GB: General Business District to R4: Medium-Density Multi-Family Residence District

BACKGROUND:

The applicant, MFM Capital, LLC represented by member Rachel Terry, owns the property at 1610 E. Hale Lake Rd., which is located approximately 250 ft. west of the intersection of E. Hale Lake Road (U.S. Highway DD) and Countryview Lane. The owner has applied for the rezoning to facilitate the redevelopment of this parcel. MFM Capital, LLC has submitted a preliminary plat for the development called The Pines at Hale Lake. The preliminary plat proposes twelve (12) new lots and one (1) new road for a multi-family townhouse development. The preliminary plat will be considered at the August Planning and Zoning Commission and City Council meetings.

Adjacent Zoning

The properties directly to the north are single-family residences in a R1 District. The property to the west is Alpine Boarding and Grooming in a GB district. The property to the east is the Johnson County Fire Protection District and a single family house in a R1 District. The property to the south is undeveloped land in a R4 District.

Compatibility with the Comprehensive City Plan

The 2017 Comprehensive City Plan shows the future land use of this lot as medium density residential. The current trend of the existing development in the area is a mixture of single-family, multi-family, commercial and institutional uses.

Public Notice

The attached list of property owners within 300 ft. were notified of the July 13, 2020 hearing before City Council. At the writing of this report, staff has received the following comments:

Bruce Bradley, 1601 E. Hale Lake Rd., called City Hall and requested general information about the property on June 24, 2020.

Regina Watson, 1904 Ender Ln., called City Hall and requested general information about the property on June 29, 2020.

Gilbert Powers on behalf of U Stor All LLC, 1804 E. Hale Lake Rd., came to City Hall and requested general information about the property on June 30, 2020.

Steven and Camilla Steinman on behalf of Alpine Boarding & Grooming LLC, 1600 & 1640 E. Hale Lake Road, provided the attached written comments in a letter dated June 25, 2020.

Planning and Zoning Commission Action

The Planning & Zoning Commission considered the request at their July 6, 2020, meeting and recommended approval of the request. Their findings and written recommendation is attached.

ISSUE:

To hold a public hearing and consider an ordinance to rezone property from GB: General Business District to R4: Medium-Density Multi-Family Residence District

STRATEGIC PLAN:

This item is not addressed in the City's Strategic Plan.

FISCAL IMPACT:

N/A

ECONOMIC BENEFITS/IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of the ordinance for the following reasons:

1. The proposed zone is an extension of an existing R4 District.
2. The proposed land use is in keeping with the general development trend of the area and the adopted Comprehensive City Plan.

Sincerely,

Barbara Carroll
Director of Community Development

cc: City Manager

- Attachments:
1. Ordinance
 2. Planning & Zoning Commission Findings and Recommendation
 3. Aerial photography of the site
 4. Zoning information
 5. Future Land Use Map from 2017 Comprehensive City Plan Update
 6. List of Property Owners within 300 ft.
 7. Notice to Property Owners within 300 ft.
 8. Public comment letter
 9. Application

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ENLARGING AN R4: MEDIUM-DENSITY MULTI-FAMILY RESIDENCE DISTRICT BY REZONING LAND LOCATED AT 1610 E. HALE LAKE ROAD FROM GB: GENERAL BUSINESS DISTRICT TO R4: MEDIUM-DENSITY MULTI-FAMILY RESIDENCE DISTRICT

WHEREAS, the MFM Capital, LLC filed a zone change application requesting property located at 1610 E. Hale Lake Road, currently zoned as GB: General Business District be rezoned to R4: Medium-Density Multi-Family Residence District; and

WHEREAS, the property is legally described as follows; and

All that part of the Northeast quarter of Section 31, Township 46, Range 25, in the City of Warrensburg, Johnson County, Missouri, more particularly described as;

Commencing at the Northeast corner of said quarter section; thence South 02 degrees 07 minutes 13 seconds West, along the East line of said quarter section, a distance of 60.00 feet, to a point on the South Right-of-Way line of Highway DD as now established, thence South 02 degrees 07 minutes 13 seconds West, along the East line of said quarter section a distance of 634.00 feet; thence North 87 degrees 58 minutes 28 seconds West, a distance of 355.56 feet, (Deed=344.00'), to the Southeast corner of Lot 2, Means Addition, a subdivision in said city; thence North 02 degrees 41 minutes 58 seconds East, along the Est line of said Lot 2, a distance of 634.04 feet, (Deed=634.00'), to the Northeast corner of said Lot 2, said point also being on the South Right-of-Way line of said Highway DD; thence South 87 degrees 58 minutes 28 seconds East, along said South Right-of-Way line, a distance of 349.15 feet, (Deed=344.00'), to the Point of Beginning. Containing 5.12 acres.

WHEREAS, public notice of the Planning and Zoning Commission's open public meeting to consider the request to rezone was given by letter to property owners within 300 feet of the subject properties on June 19, 2020; and

WHEREAS, the Planning and Zoning Commission, at its meeting on July 6, 2020, recommended approval of the rezoning request by the City Council; and

WHEREAS, public notice of the City Council's public hearing to consider the request to rezone was given by publication in the Daily Star Journal on June 26, 2020; and

WHEREAS, the public hearing has been held and comments received by the City Council from the citizens of the community.

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 rezoning of the above referenced property from GB: General Business District to R4: Medium-Density Multi-Family Residence District and upon careful consideration of the evidence before the City Council, it is found and determined the rezoning requested would promote the health, safety, morals,

and general welfare of the citizens of the City, and the rezoning request is approved.

Section 2. The City Clerk is authorized and instructed to amend the City's zoning maps in accordance with this ordinance and to certify the revised zoning map as required by law.

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

Read two times and passed by the City Council for the City of Warrensburg, Missouri, this ____ day of July, 2020.

ATTEST:

Bryan Jacobs, Mayor

Cindy Gabel, City Clerk

**PLANNING AND ZONING COMMISSION
REZONING FINDINGS AND RECOMMENDATION**

Property owned by: MFM Capital, LLC

Described as: 1610 E. Hale Lake Rd.

All that part of the Northeast quarter of Section 31, Township 46, Range 25, in the City of Warrensburg, Johnson County, Missouri, more particularly described as;

Commencing at the Northeast corner of said quarter section; thence South 02 degrees 07 minutes 13 seconds West, along the East line of said quarter section, a distance of 60.00 feet, to a point on the South Right-of-Way line of Highway DD as now established; thence South 02 degrees 07 minutes 13 seconds West, along the East line of said quarter section a distance of 634.00 feet; thence North 87 degrees 58 minutes 28 seconds West, a distance of 355.56 feet, (Deed=344.00'), to the Southeast corner of Lot 2, Means Addition, a subdivision in said city; thence North 02 degrees 51 minutes 58 seconds East, along the East line of said Lot 2, a distance of 634.04 feet, (Deed=634.00'), to the Northeast corner of said Lot 2, said point also being on the South Right-of-Way line of said Highway DD; thence South 87 degrees 58 minutes 28 seconds East, along said South Right-of-Way line, a distance of 349.15 feet, (Deed=344.00'), to the Point of Beginning. Containing 5.12 acres.

Request to rezone the property at 1610 E. Hale Lake Rd. in the City of Warrensburg from GB: General Business District R4: Medium-Density Multifamily Residence District.

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

1. The relationship of the proposed amendment to the goals and objectives of the City's Comprehensive Plan is such that applicable objectives of the plan will be _____ will not be furthered.
2. The effect of the rezoning upon the existing uses of land within the general area could be minimal, _____ major.
3. The impact the change would have on the character of the neighborhood should be minimal, _____ major.
4. The property is _____ is not suitable for the uses permitted under the existing zoning.
5. The trend of development in the general area of the property is towards:

- low density residential
- medium-density residential ✓
- high density residential
- commercial
- high intensive commercial or industrial
- mixed use

6. Additional Comments: N/A

The Planning and Zoning Commission finds the proposed rezoning

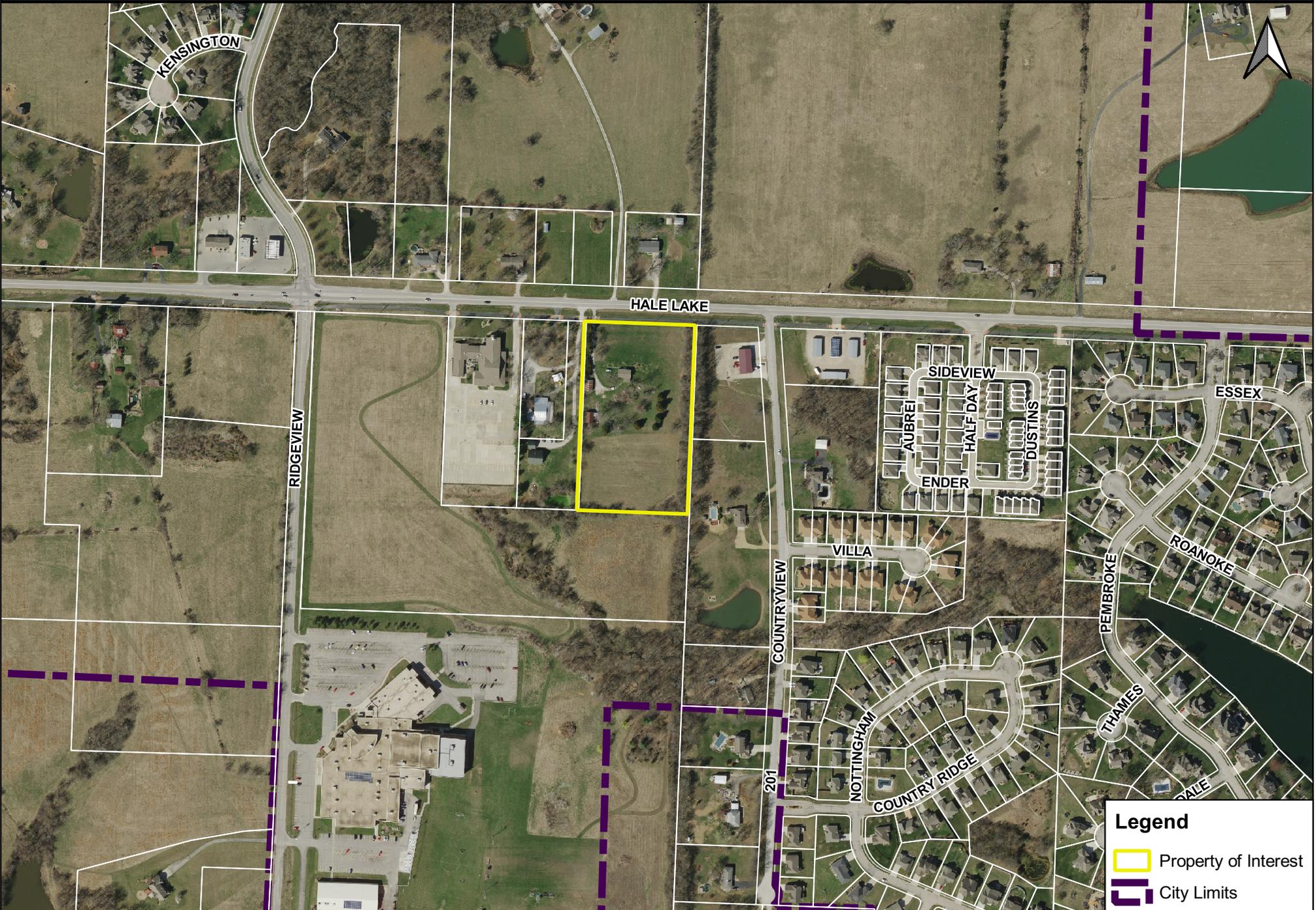
acceptable / not acceptable and recommends

approval / disapproval.

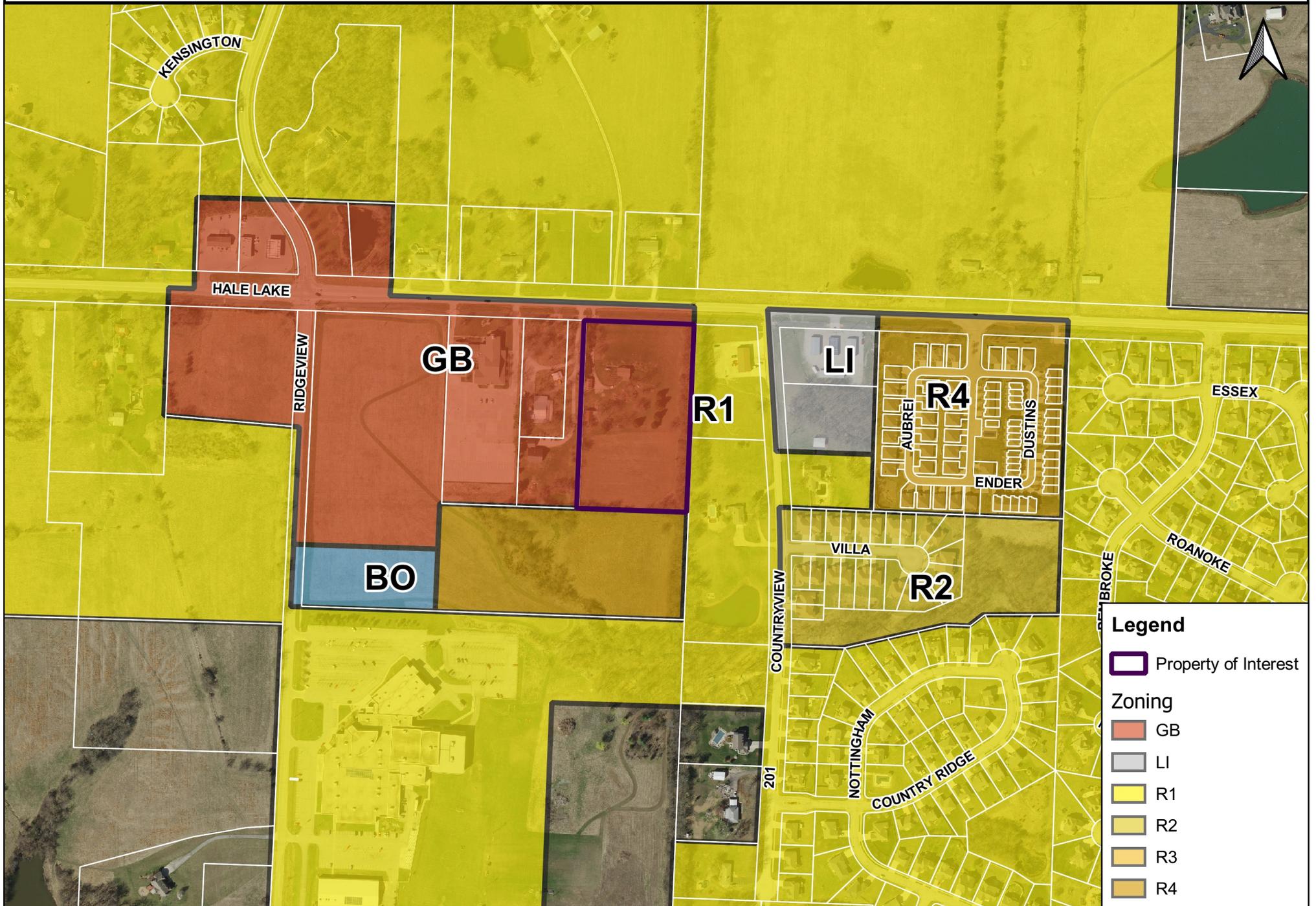
Accepted this 6th day of July, 2020.

Wendy P. Kaus
Chairperson, Planning and Zoning Commission

1610 E HALE LAKE RD AERIAL MAP

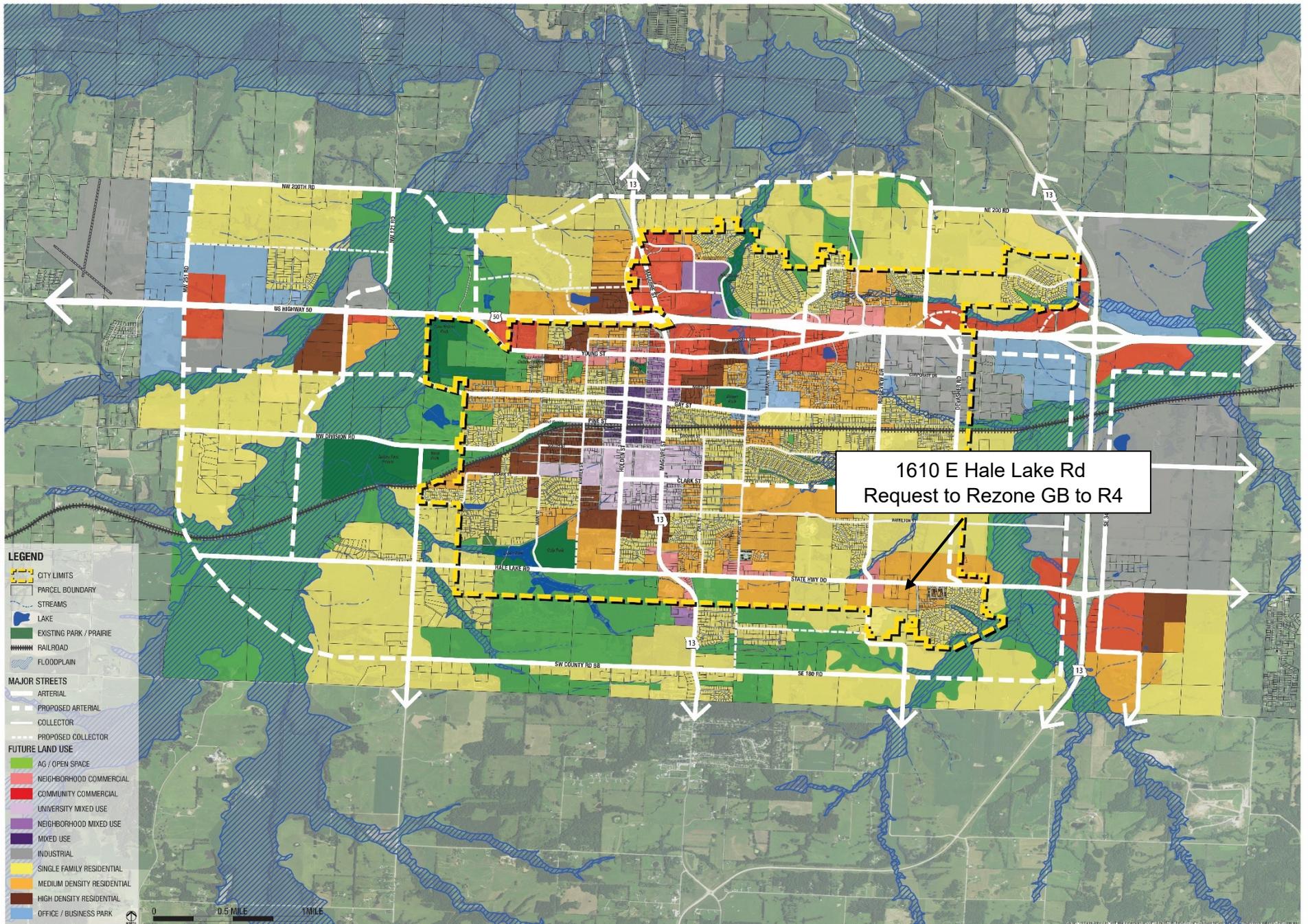


1610 E HALE LAKE RD CURRENT ZONING DESIGNATION



Legend

- Property of Interest
- Zoning**
- GB
- LI
- R1
- R2
- R3
- R4



Request to Rezone from GB: General Business District to R4: Medium-Density Multifamily Residence District
1610 E. Hale Lake Rd.

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

A PAULINE HIBDON
406 N WASHINGTON AVE
WARRENSBURG, MO 64093

ACTION ESTATES INC
PO BOX 431
WARRENSBURG, MO 64093-0431

ALPINE BOARDING & GROOMING
LLC
1600 E HALE LAKE RD
WARRENSBURG, MO 64093

BRUCE ALAN BRADLEY
1601 E HALE LAKE RD
WARRENSBURG, MO 64093-3033

CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS
C/O REAL ESTATE DIV
50 E N TEMPLE RE 519-9565
SALT LAKE CITY, UT 84150

HANNA FAMILY TRUST
991 S MITCHELL
WARRENSBURG, MO 64093

HUGH A HANNA GST TRUST
991 S MITCHELL ST
WARRENSBURG, MO 64093-2809

JIMMIE R & LENA SPROAT
1613 E HALE LAKE RD
WARRENSBURG, MO 64093

JOHNSON COUNTY FIRE
PROTECTION DISTRICT
122 W YOUNG
WARRENSBURG, MO 64093

LUCAS A & ALISHA W BOHANNON
1202 COUNTRYVIEW LANE
WARRENSBURG, MO 64093

MFM CAPITAL, LLC
RACHEL L. TERRY
1204 LIVE OAK LANE
WARRENSBURG, MO 64093

R LAVERNE MCCULLOCH
PO BOX 125
WARRENSBURG, MO 64093-0125

RUTH LAVERNE MCCULLOCH
PO BOX 125
WARRENSBURG, MO 64093-0125

STEVEN & CAMILLE STEINMAN
1604 E HALE LAKE RD
WARRENSBURG, MO 64093

THOMAS R & JEANNE L
COLLISON
1203 S COUNTRYVIEW LN
WARRENSBURG, MO 64093

U STOR ALL LLC
218 NE 95TH RD
WARRENSBURG, MO 64093



CITY OF WARRENSBURG, MISSOURI

www.warrensburg-mo.gov

NOTICE TO PROPERTY OWNERS WITHIN 300 FEET

June 19, 2020

«owner_name»
«co_name»
«street_address»
«city», «state» «zip»

Dear Property Owner(s):

A rezoning request has been filed with the City of Warrensburg by the MFM Capital, LLC. The property requested to be rezoned is located at 1610 E. Hale Lake Road. The request is to change the zoning classification from GB: General Business District to R4: Medium-Density Multifamily Residence District. The property in question is legally described as follows:

All that part of the Northeast quarter of Section 31, Township 46, Range 25, in the City of Warrensburg, Johnson County, Missouri, more particularly described as;

Commencing at the Northeast corner of said quarter section; thence South 02 degrees 07 minutes 13 seconds West, along the East line of said quarter section, a distance of 60.00 feet, to a point on the South Right-of-Way line of Highway DD as now established, thence South 02 degrees 07 minutes 13 seconds West, along the East line of said quarter section a distance of 634.00 feet; thence North 87 degrees 58 minutes 28 seconds West, a distance of 355.56 feet, (Deed=344.00'), to the Southeast corner of Lot 2, Means Addition, a subdivision in said city; thence North 02 degrees 51 minutes 58 seconds East, along the East line of said Lot 2, a distance of 634.04 feet, (Deed=634.00'), to the Northeast corner of said Lot 2, said point also being on the South Right-of-Way line of said Highway DD; thence South 87 degrees 58 minutes 28 seconds East, along said South Right-of-Way line, a distance of 349.15 feet, (Deed=344.00'), to the Point of Beginning. Containing 5.12 acres.

The Planning and Zoning Commission will consider the zoning request at an open public meeting on **Monday, July 6, 2020, at 5:30 p.m.** at the Warrensburg Municipal Center, 200 S. Holden Street, Warrensburg, Missouri. The meeting will be a virtual meeting conducted via the electronic Zoom platform. Commission members, City staff, applicants and the public will all attend electronically. Information on how to join the meeting will be stated on the meeting agenda when it is posted on the City's website on Thursday, July 2, 2020. At the 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 zoning request at a public hearing on **Monday, July 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: Barbara Carroll, AICP
Director of Community Development

Alpine Boarding and Grooming LLC

1600 E. Hale Lake Road, Warrensburg, MO, 64093
Tel: (660) 747- 2413 Email: alpineboarding@yahoo.com

June 25, 2020

RECEIVED
6-29-20
HL

City of Warrensburg
Director of Community Development
102 South Holden St.
Warrensburg, MO 64093

Att: Barbara Carroll

Re: Rezoning Request for 1610 East Hale Lake Road

Dear Ms. Carroll,

We have received the Notice to Property Owners regarding the rezoning request for the property just to the east of our facility.

While we do not currently have an opinion regarding the rezoning request, we do want to make everyone aware that we are currently operating a commercial venture at 1600 East Hale Lake Road, and that the nature of our business could be an issue with a residential neighbor.

We operate a pet care facility doing primarily boarding and grooming of dogs and cats. At certain times throughout the year we can have up to 70 dogs boarding with us- and these guests of ours have no problem calling out to each other, or to anyone or thing they may spy in the area. While we have many times asked our guests to keep their conversations down, there are times that our guests get somewhat vociferous.

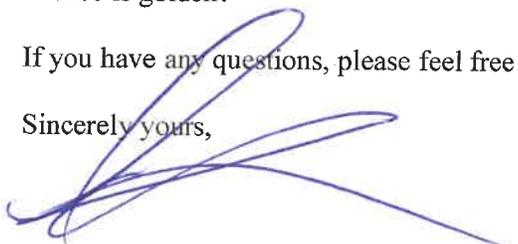
This had not been an issue in the past as the previous owners went back 50 or more years with a pet care facility as their neighbors. We do not know if the principles at MFM Capital LLC are aware that at given time some 30 or 40 or more dogs may be announcing themselves. It is not a constant event happening at all times, and the principles may not have been here during peak conversation hours.

Our peak seasons are Holidays and weekends- we always have more boarders for weekends than during the week and most major holidays we are sold to capacity. A typical 4th of July morning, or Labor Day, or Thanksgiving morning will be alive with the greetings of our guests with our arrival at work each day at sunrise or before.

Can you please make everyone involved aware of the fact that not all our guests believe in the adage that silence is golden?

If you have any questions, please feel free to contact me by email, mail, or telephone.

Sincerely yours,



Camilla & Steven Steinman



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

APPLICATION FOR CHANGE OF ZONING DISTRICT
PLANNING & ZONING COMMISSION

Date: 6/16/2020

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:
MFM Capital, LLC

(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, to
rezone the above described real estate from its present status of GB district to -
R-4 district.

The purpose of this request is to:

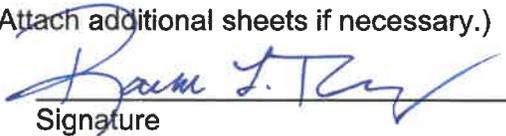
CHANGE THE ZONING IN ORDER TO FACILITATE THE DEVELOPMENT OF 12 TOWNHOME
BUILDINGS WITH 48 HOUSING UNITS IN TOTAL.

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. Check in the amount of \$200.00 payable to the City of Warrensburg.

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

Rachel L. Terry Member
Name (type or print)


Signature

Name (type or print)

Signature

1204 Live Oak Lane, Warrensburg MO 64093

660-747-8194

Address

Phone No.

For Office Use Only: Submit completed application to Planner

Case Number: _____

Date Paid: 6-17-20
