



PLANNING AND ZONING COMMISSION

AGENDA REPORT

July 27, 2020

ITEM 4.I/5.I: Request for Conditional Use Permit for a Motor Vehicle Painting and Body Work facility in a GB: General Business District

APPLICANT: NDS Investments, LLC

LOCATION: 812 E. Young St.

ZONING: GB: General Business District

BACKGROUND:

The applicant is requesting a Conditional Use Permit (CUP) to be allowed to operate a motor vehicle painting and body work facility in a GB: General Business District. Section 27-200 of the Code of City Ordinances requires a Conditional Use Permit for Land Use 9.400 motor vehicle painting and body work in a General Business District. NDS Investments, LLC plans to use the existing building including rear outbuildings for overflow parking and storage.

The property is surrounded by GB: General Business District. The property to the north is E. Young St. with the ramp leading to U.S. Highway 50. The property to the east is Elks Lodge 673. The properties to the west and south are United Rentals and undeveloped land.

Public Comments Received

The attached list of property owners within 300 ft. were notified of the August 3, 2020, meeting before the Planning and Zoning Commission. At the time of this writing, no public comment has been received.

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 June 25, 2020. The site plan shows the lot is of a sufficient size to accommodate the proposed use and meet the requirements of the existing codes adopted by the City of Warrensburg.

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 GB district subject to conditions."
- b. The 2017 Comprehensive City Plan Update shows the property as industrial.

RECOMMENDATION:

Staff recommends approval based on the following:

1. The proposal is in keeping with the intent of the GB district regulations and the general trend of development in that area.
2. The proposal is in keeping with the intent of the Future Land Use Plan as an industrial use.
3. The property is located on E. Young St., an arterial street and near the U.S. Highway 50 ramp. The street classification is designed to accommodate traffic that may result from more intensive development of the site.
4. The surrounding properties are zoned GB: General Business and developed with commercial and motor vehicle uses such as heavy equipment rentals that should not be negatively impacted from more intensive development of the site and additional traffic.

Staff recommends approval of the Conditional Use Permit with the following condition:

1. Staff be granted the authority to approve the final site plan as part of the building permit process.

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

The Planning and Zoning Commission

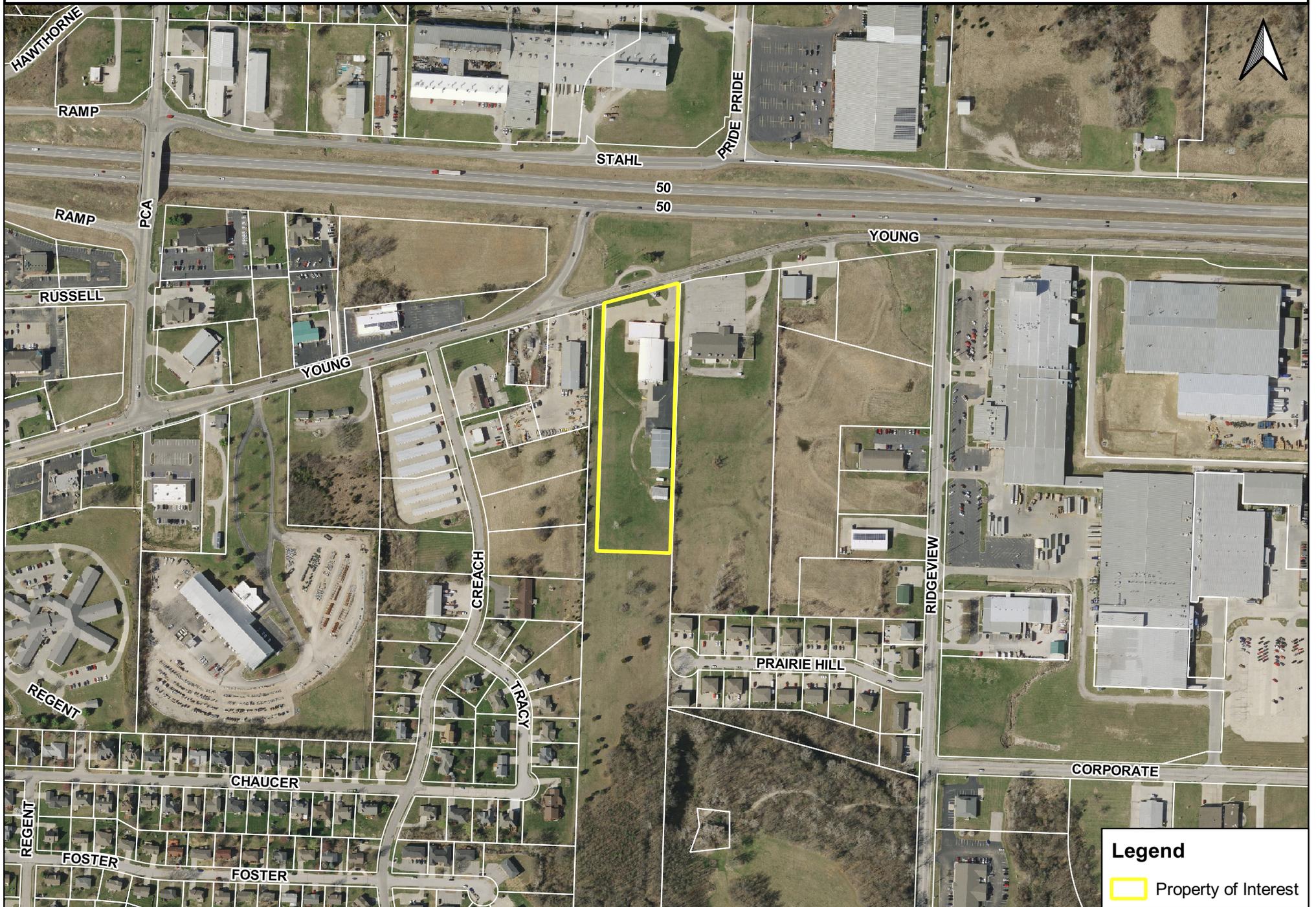
_____ Recommends Approval of the Conditional Use Permit for Land Use 9.400 Motor Vehicle Painting and Body Work in a GB: General Business District for property located at 812 E. Young St., as legally described above.

_____ Does Not Recommend Approval of the Conditional Use Permit for Land Use 9.400 Motor Vehicle Painting and Body Work in a GB: General Business District for property located at 812 E. Young St., as legally described above.

Accepted this _____ day of _____, 2020.

Chairperson, Planning and Zoning Commission

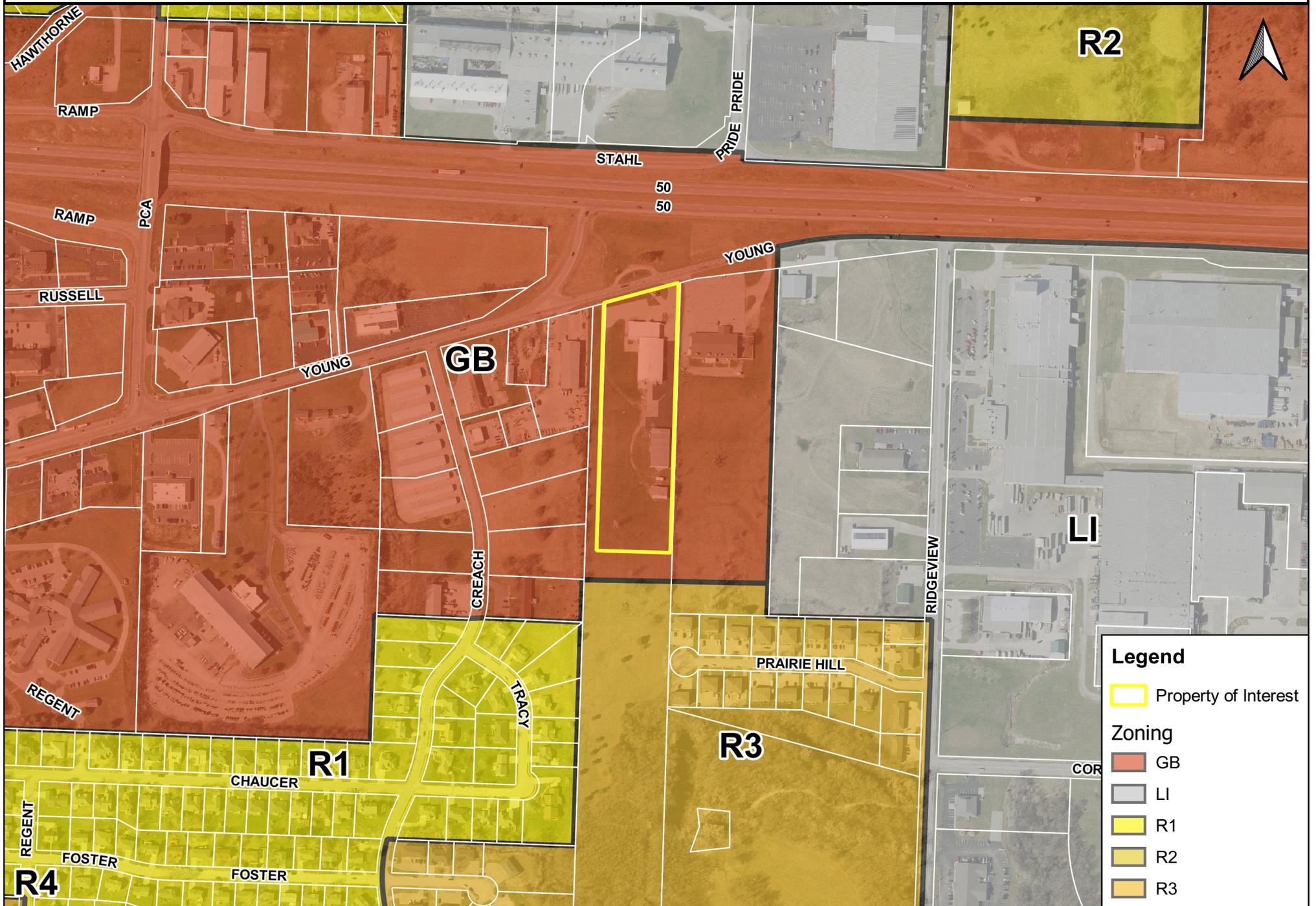
812 E YOUNG ST AERIAL MAP



Legend

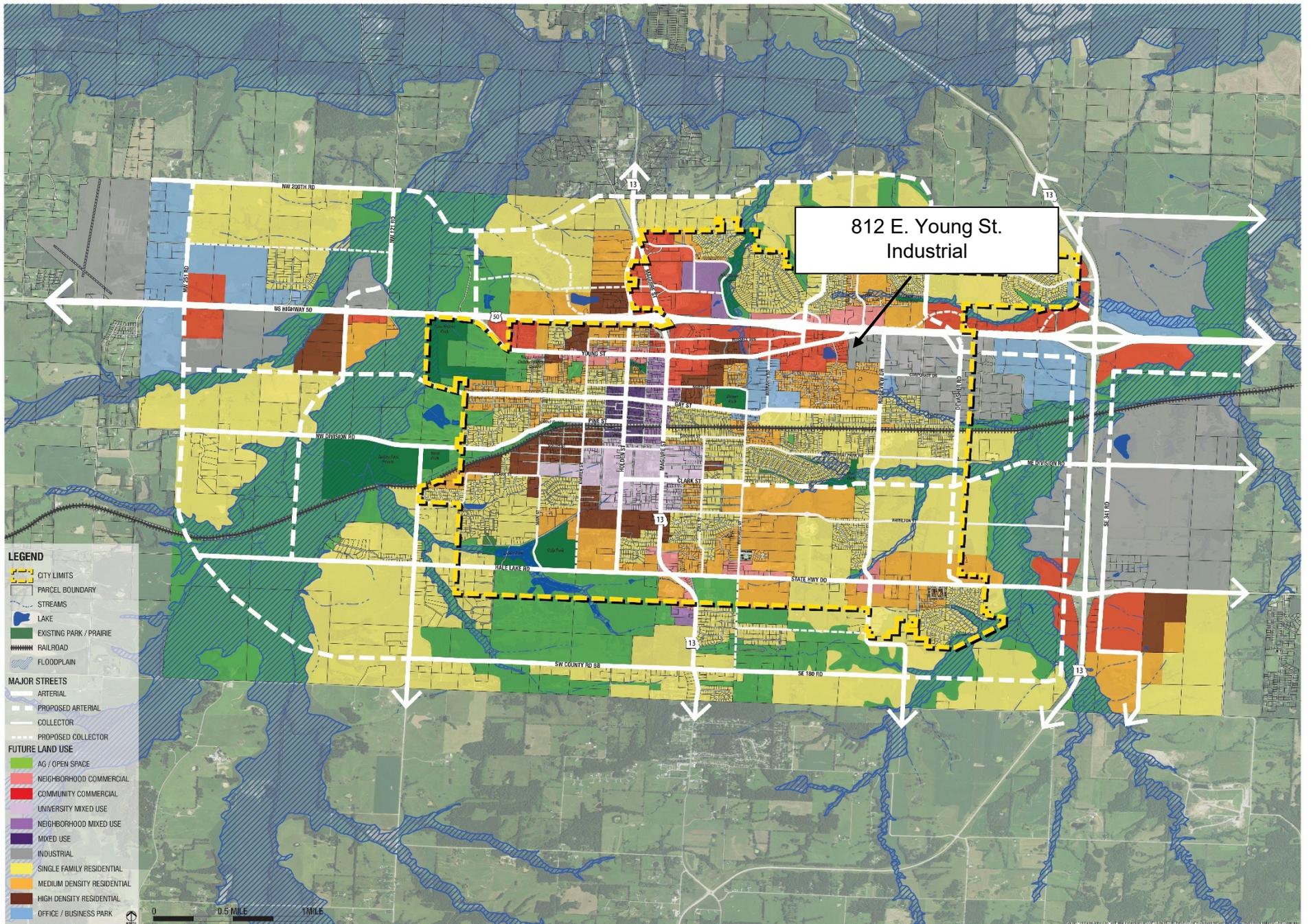
 Property of Interest

812 E YOUNG ST CURRENT ZONING DESIGNATION



Legend

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



- (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

arc 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 objec-

tives 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,

Request for Conditional Use Permit: Land use 9.400 Motor Vehicle Painting and Body Work
812 E. Young St.

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

AMERICAN LEGION BUILDING
CORPORATION
733 E YOUNG ST
WARRENSBURG MO 64093

BOURLAND PROPERTIES LLC
605 SHADOW HILL DR
CLINTON MO 64735

BRISTOL CARE INC
DBA BRISTOL MANOR OF
WBG
501 S OHIO ST STE 200
SEDALIA MO 65301

ELKS LODGE 673
822 E YOUNG ST
WARRENSBURG MO

ELVIN L MALONEY TRUST
PO BOX 431
WARRENSBURG MO 64093

G & G INVESTMENT
COMPANY LLC
C/O JASON & AMY WILSON
548 SE COUNTY ROAD Y
WARRENSBURG MO 64093

J C MYERS CONSTRUCTION INC
1111 S MITCHELL ST
WARRENSBURG MO 64093-2813

JOHN W & THEODORE &
FRED E MANLEY
C/O THEODORE MANLEY
906 E 5TH ST
LEES SUMMIT MO 64063

L & C LLC
484 NE 251ST RD
WARRENSBURG MO 64093

MEYER PARK DEVELOPMENT
LLC
PO BOX L
WARRENSBURG MO 64093

NDS INVESTMENTS LLC
229 NW 31ST RD
WARRENSBURG MO 64093

RAYMOND M & CYNTHIA J
URBANSKI
62 NW 575TH RD
WARRENSBURG MO 64093

RILEY & ELIZABETH YUNG
509 TRACY LN
WARRENSBURG MO 64093

TROY D & LEOLANDA A SNIPES
511 TRACY LN
WARRENSBURG MO 64093

WILLIAM A III & SHARI ANN
DOUTT
1103 NW 50TH RD
HOLDEN MO 64040



CITY OF WARRENSBURG, MISSOURI
www.warrensburg-mo.gov

NOTICE TO PROPERTY OWNERS WITHIN 300 FEET

July 17, 2020

«OWNER»
«IN_CARE_OF_»
«ADDRESS»
«CITY_STATE_ZIP_CODE»

Dear Property Owner(s):

The City of Warrensburg has received an application from NDS Investments, LLC for a Conditional Use Permit to operate a motor vehicle painting and body work facility (Land Use 9.400) in a GB: General Business District. The property is located at 812 E. Young St. The property in question is legally described on the back of this letter.

The Planning and Zoning Commission will consider the zoning request at an open public meeting on **Monday, August 3, 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 30, 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, August 10, 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 Barbara Carroll, Community Development Director at 660-747-9135.

Sincerely,

CITY OF WARRENSBURG

BY:Kristin Dyer
City Planner

NOTE: The property in questions is legally described as:

Part of the West Half of the Northeast Quarter of Section 19, Township 46 North, Range 25 West of the 5th Principal Meridian, city of Warrensburg, Johnson County, Missouri, being more particularly described as follows: Commencing at a 3/4" iron rebar at the North Quarter corner of said Section 19 (Mo Document No. 600-91700), thence S89°21'40"E, along the North line of said Section 19, a distance of 149.70 feet; thence leaving said North line, S00°17'20"W, a distance of 293.36 feet, to a 1/2" iron bar with plastic stamped cap on the Southerly line of U.S. Highway Business Route No. 50; thence N73°20'28"E, along the Southerly line of U.S. Highway Business Route No. 50, a distance of 51.59 feet, to a 1/2" iron bar with plastic stamped cap, at the Northwest corner of a tract of land described in Johnson County Deed Book 1831, Page 98, and the point of beginning; thence N73°20'28"E, along the Southerly line of U.S. Highway Business Route No. 50, a distance of 262.08 feet, to a 1/2" iron bar with plastic stamped cap, at the Northeast corner of said tract; thence leaving said Southerly line, S00°20'04"W, along East line of said tract, a distance of 909.63 feet; thence leaving said East line, N89°36'34"W, a distance of 250.44 feet, to the West line of a tract of land described in Johnson County Deed Book 1831, Page 98; thence N00°29'04"E, along the West line of said tract, a distance of 832.79 feet, to the point of beginning.

**CONDITIONAL USE PERMIT APPLICATION
PLANNING & ZONING COMMISSION**

Date: 7/7/2020

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:

(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:

Auto Body Repair and Paint

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.

It is the applicant's responsibility to provide the ownership information for property owners within 300' of the subject property. If the applicant chooses to have the City access the ownership information from the Johnson County GIS and real estate systems, the City cannot guarantee the accuracy of the information for purposes of providing legal notice. The applicant acknowledges that it is the applicant's responsibility to provide accurate information, which can impact the legality of the CUP process, and assumes all responsibility for information which the City might obtain via the County's databases.

NS (initial here to have the City access the information)

2. A development site plan.
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.)

Bryan M Sams
Name (type or print)


Signature

Natalie D. Sams
Name (type or print)


Signature

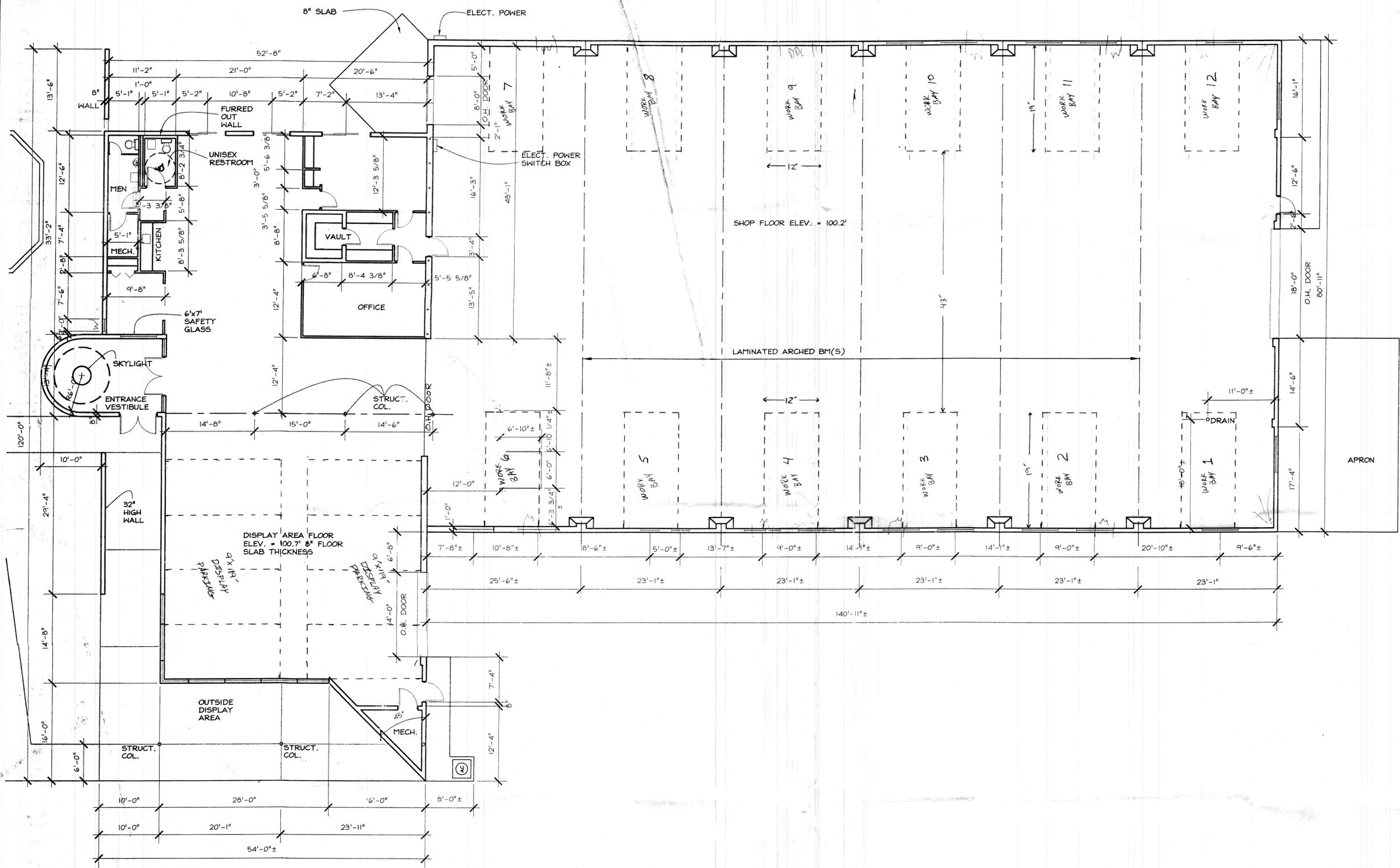
812 E. Young Ave. Warrensburg
Address
MO. 64093

660-429-1142
Phone No.

For Office Use Only: Submit completed application to Planner

Case Number: CUP 48-2020

Date Paid: 7-7-2020



FLOOR PLAN
1/8" = 1'-0"

Sq Ft
Shop 11,399
Front 4,703

PRELIMINARY
NOT FOR CONSTRUCTION

NO:	DATE:	REVISIONS:

SEPTAGON
DESIGN GROUP
113 East Third Street
Sedalia, MO 65301
Office: (660) 827-2115
Fax: (660) 826-6038



SEPTAGON
CONSTRUCTION CO., INC.
117 East Third Street
Sedalia, MO 65301
Office: (660) 827-5955
Fax: (660) 826-8038



PROJECT NAME
STREET ADDRESS
CITY, STATE

SDD PROJ.	2001-025
SCC PROJ.	1-00-000
DATE:	21/03/01
DRAWN BY:	CLC
REVIEWED BY:	

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