

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

Property owned by: Sheehan Property Holdings LLC

Request for Conditional Use Permit to use the property located at 201 N. Maguire St., for a fraternity use (Land Use 1.520) in a GB: General Business District and to use the property conforming purpose without correcting the non-conforming situations that are not reasonably possible to eliminate. This request involves Section 27-28 (f) of the City Code of Ordinances. The property is legally described as follows:

That part of the Southeast Quarter of Section 24, Township 46, Range 26, in Warrensburg, Johnson County, Missouri, described as: Beginning at the intersection of the East line of Maguire Street and the North line of Culton Street, in the city of Warrensburg, thence North 90 feet, more or less, to a point 388 feet North of the center line of Missouri Pacific Railroad tract, 106 feet, to the Northwest corner of the tract conveyed to Ed Mass, by deed recorded in Book 236, Page 23; thence South, to the North line of Culton Street; thence West to the point of beginning.

The Planning and Zoning Commission has considered the request for a conditional use permit at an open public meeting on April 5, 2021 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 32 ft. from Maguire St. The required setback is 40 ft. from N. Maguire St. The existing building cannot be developed for any use including the proposed use without setback deviations.
7. The existing north parking lot drive aisle is approximately 21 ft. wide. The required drive aisle for 90-degree angled parking is 24 ft. The existing drive aisle cannot be expanded to meet conformity with Sec. 27-411: Parking lot design because of the existing location of the building, improvements, and the north lot line.
8. 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, create a greater nonconformity with respect to the dimensional setback requirements, or create additional nonconformities.

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

10. 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 201 N. Maguire St. for a fraternity use (Land Use 1.520) in a GB: General Business District and to use the property for a conforming purpose without correcting the non-conforming situations that are not reasonably possible to eliminate. The existing building setback along Maguire St. and the north parking lot drive aisle are the non-conforming situations.

_____ Does Not Recommend Approval of the Conditional Use Permit to allow the use of the existing building and property located at 201 N. Maguire St. for a fraternity use (Land Use 1.520) in a GB: General Business District and to use the property for a conforming purpose without correcting the non-conforming situations that are not reasonably possible to eliminate. The existing building setback along Maguire St. and the north parking lot drive aisle are the non-conforming situations.

Accepted this _____ day of _____, 2021.

Chairperson, Planning and Zoning Commission