



CITY OF WARRENSBURG, MISSOURI Board of Adjustment

Minutes of a Meeting Held on July 12, 2018

Acting as Chair, the meeting was called to order by Vice-Chair Anita Love at 6:02 PM.

Prior to the Board's attorney arriving, and without opposition from the applicants or the Board, staff requested to present items under "Other Business" on the agenda. Carroll introduced the new City website where the Board may review the agenda and packets online. She stated for the Board of Adjustment, paper packets will continue to be sent. Secondly, the August 6 Planning and Zoning Commission will include an online webinar for ethics training. Board of Adjustment members are invited to attend. Lastly, the City may use an online app called "Doodle" to set-up meetings in the future. This would be in place of the Permit Clerk calling individual members to check their availability for different meeting dates and times.

Adam Sommer, attorney and counsel to the Board of Adjustment arrived at 6:15 p.m.

Roll was called and members Willie Crespo, Bryon Freeman, Anita Love, Nancy Knight, and Lynn Solomon were present. Barbara Carroll, Director of Community Development; and Kristin Pack, City Planner, were present. Jerry Franklin and Barry Glasscock were present as the applicants. The hearings were recorded by a court reporter.

Minutes from the January 29, 2018, Board of Adjustment meeting were reviewed. Love asked under paragraph two, whether Sandi Bryan or Bryon Freeman's name was supposed to be corrected. The Board agreed it was Bryon Freeman's name to be corrected. Second, under Item 4, it should state "written applicant" and not "written application" as stated. Solomon moved to make the stated corrections to the minutes. Crespo seconded. Love called for a vote on the motion. Approved 5-0. Crespo moved to approve the amended minutes. Knight seconded. Love called for a vote on the motion. Approved 5-0.

4. Hearings

4.1 VAR-06-2018: Request for Variance-Signs

321 E. Young Ave.

Barbara Carroll, Barry Glasscock, Kristin Pack and Dan Hurley were sworn in by the court reporter. Carroll entered Exhibits 1-4 to the Board of Adjustment, and they were received by the Board. Carroll summarized the nature of the request. She stated the staff report includes two resolutions that are the Board's previous decisions on the property from 2002 and 2006. Those two resolutions are referenced under 709 and 715 N. Charles. Carroll clarified in 2016 the property was re-addressed as 321 E. Young with suite numbers, thus the current case is for the current address.

Glasscock entered Exhibits A-C to the Board of Adjustment, and they were received. Glasscock made arguments on behalf of Glasscock Plaza, LLC and stated the reason for the request is there is no other place for the signage. The awning was installed before the sign ordinance was adopted, and there are rooftop signs currently there. There is space between Bread of Life Books and Serenity Spa where Metro PCS wants to install a rooftop sign. The signs would be the same height of 4 ft., but the lengths would be different, and there is not viable place to up a sign and make it uniform in appearance.

There was a general discussion between the board members and the applicant about how the signs are attached to the roof, the mansard roof over the walkway, and the aesthetics and location of the other signs already installed on the roof.

Carroll entered Exhibits 5-7 to the Board of Adjustment, and they were received. Carroll summarized the information in the staff report. Carroll reviewed the history of the prior sign variances for this property and the reason for the three applications in the staff report. Carroll stated staff was looking for a decision that would comprehensively address sign needs for a strip mall wherein the tenants change, the interior walls delineating the tenant spaces change, and the addresses change, which make it physically difficult to determine where variances have been granted. There was a general discussion about the range of sizes for tenant spaces

Ex-parte contacts were disclosed by board members. None was indicated.

No public comment was received in the meeting. Love closed the public hearing. Solomon moved to approve variance to allow the installation of 4 ft. tall signs for each suite that can be extended to cover the length of the suite for an unlimited number of suites. Crespo seconded.

A roll call vote was taken as follows:

Lynn Solomon:	Yes
Nancy Knight:	Yes
Bryon Freeman:	Yes
Willie Crespo:	Yes
Anita Love:	Yes

The motion was approved 5-0. The variance was granted.

4.II VAR-07-2018: Request for Variance-Setbacks

Tract A of Keystone Development - 2nd Plat

Northeast corner of Russell Ave. and Missouri Business Route 13/Maguire Street

Jerry Franklin was sworn in by the court reporter. Dan Hurley, Kristin Pack and Barbara Carroll having been sworn in earlier in the meeting. Pack entered Exhibits 1-5 to the Board of Adjustment, and they were received. Pack summarized the nature of the request and stated Tract A is separate from the previous variance application for 305 E. Russell Ave. and 315 E. Russell Ave.

Franklin entered Exhibit A, which included 6 items, to the Board of Adjustment, and they were received. Franklin made arguments on behalf of Keystone Hospitality, LLC and stated the sign will not encroach into the right-of-way, and it will be placed in Tract A. He stated the old sign encroached 3 ft. into the right-of-way and that was no burden to the community. Franklin stated there is an old utility pole in front of the middle of the tract. He further described the site and the proposed sign.

There was a general discussion between board members and Franklin regarding what businesses or events will be advertised on the sign, the off-premise sign permit from the Missouri Department of Transportation (MoDOT), the fact that it includes an electronic message board, other off-premise signs nearby, the impact on southbound traffic's visibility, and the ability to relocate the existing utility pole and on-site storm water infrastructure.

Carroll made arguments on behalf of the City and summarized the staff report. Carroll stated previously the Board approved a 40 ft. encroachment into the 40 ft. setback from

Maguire St. for the two lots north of Tract A. Tract A is a different piece of land requesting a variance from the 10 ft. setback requirement for a sign which is technically a different section of the zoning ordinance but physically in-line with the previously approved variance in the real world. The signs previously located on the property was removed by the applicant earlier this year; therefore, there is no non-conforming or grandfathered status in place. Carroll stated a smaller sign would fit as the tract is currently platted, or the sign could be located to another lot where it could fit at the proposed dimensions; however, it would limit the number of signs for a future business on the other property.

Franklin stated one reason the sign cannot be smaller is because it would not be useful to moving traffic with a smaller electronic message center. City code requires an electronic message center to be 50% or less of the surface display area of the overall sign. Future businesses would not like if they could not have their own sign on their lot.

Love opened the meeting for public comment. Dan Hurley stated the electronic message center is 5 ft. by 10 ft., and with moving traffic that is the minimal video size. There was a general discussion about the variance granted on Lots 4 and 5, future buildings and uses for those sites and possible signs for those properties. Love closed the public hearing. Ex-parte contacts were disclosed by board members. None was indicated.

Crespo moved to approve variance as requested. Solomon seconded.

A roll call vote was taken as follows:

Lynn Solomon:	Yes
Nancy Knight:	Yes
Bryon Freeman:	Yes
Willie Crespo:	Yes
Anita Love:	Yes

The motion was approved 5-0. The variance was granted.

5. Other Business

B. Resolution for BA 2017-03

Carroll introduced the resolution that contains the findings for approving the variance for BA 2018-01 regarding property 305 E. Russell Ave. and 315 E. Russell Ave. Carroll asked the Board if the resolution accurately reflected the reasons for their action. No changes were brought forward. Solomon moved to approve the resolution. Crespo seconded.

Nimmer called for the question and a roll call vote was taken as follows:

Lynn Solomon:	Yes
Nancy Knight:	Yes
Bryon Freeman:	Yes
Willie Crespo:	Yes
Anita Love:	Yes

The motion carried. The resolution approving the variance for BA 2018-01 was approved 5-0.

6. Adjourn

Solomon moved to adjourn the meeting. Freeman seconded. Approved 5-0. The meeting adjourned at 7:35 PM.

Date: _____

Chair