



**CITY OF WARRENSBURG, MISSOURI
BOARD OF ADJUSTMENT**

**WARRENSBURG MUNICIPAL CENTER
200 S. HOLDEN ST.
WARRENSBURG, MO 64093**

**JANUARY 17, 2022
6:00 PM
AGENDA**

1. Call To Order
2. Roll Call
3. Election Of Officers
4. Minutes
 - 4.I. Meeting Held November 29, 2021

Documents:

[11-29-21 BOA MINUTES.PDF](#)

5. Other Business
 - 5.I. Resolution For VAR-61-2021
300 W. Pine St.

Documents:

[RESOLUTION VAR-61-2021.PDF](#)

6. Adjourn



CITY OF WARRENSBURG, MISSOURI Board of Adjustment

Minutes of a Meeting Held on November 29, 2021

The meeting was called to order by Chair Anita Love at 6:06 PM.

Roll was called and members Mike Shaw, Mike Greife, Anita Love, Mark Karscig, and Bryon Freeman were in attendance. Adam Sommer, attorney and counsel to the Board of Adjustment; Barbara Carroll, Director of Community Development; and Kristin Dyer, City Planner, were also present. The meeting was recorded by a court reporter.

3. Minutes

3.1 Meeting Held October 14, 2019 & November 4, 2020

Minutes from the October 14, 2019, and the November 4, 2020 Board of Adjustment meetings were reviewed. Shaw moved to approve the minutes for both meetings. Karscig seconded. Approved 5-0.

4. Hearings

4.1 VAR-61-2021: Request for Variance - Multiple 300 W. Pine St.

Carroll summarized the nature of the request. The case is a request to be allowed:

1. To encroach 16.5 ft. into the required 40 ft. setback from the property line adjacent to Pine Street., an arterial street, for the purpose of installing transmission line structures. This request involves Sec. 27-125 (g) (3) (c) of the Code of City Ordinances.
2. To allow an 8 ft. tall fence associated with an electric substation within the 40 ft. front yard setback from a street. This request involves Sec. 27-232 (a) (1) and Sec. 27-125 (g) (3) (c) of the Code of City Ordinances.
3. To encroach 11 ft. into the required 15 ft. setback from the Pine Street right-of-way line for the purpose of installing light standards for lot lighting associated with an electric substation. This request involves Sec. 27-125 (g) (5) (a).
4. To encroach 10 ft. into the required 10 ft. rear setback for a fence exceeding 7 ft. in height above grade level and light standards associated with an electric substation in a LI: Light Industrial District. This request involves Sec. 27-232 (a) (2) (b) and Sec. 27-125 (g) (4) (b).
5. To eliminate the required landscape buffer C (modified by type D) along the north property line adjacent to a R4: Medium-Density Multifamily Residence District. This request involves Sec. 27-561 (a), Sec. 27-561 (c) (1), and Sec. 27-300 (c) (1)(i) (iv) of the Code of City Ordinances.

Barbara Carroll, Justin Harris, Michael Blake, Jason Ringer, and Mark Rothmier were sworn in by the court reporter.

Justin Harris stated he is the attorney for Evergy on this matter and introduced the other representatives of Evergy. Harris stated the basis of the project is Evergy's equipment located across W. Pine St. to the north has reached the end of its life cycle and needs to be replaced, and the proposed property is located at the terminus of the high voltage transmission lines that serve Warrensburg. Harris stated this is part of a multi-step process and briefly explained the rezoning, variance, and conditional use permit process. He detailed the reasoning for each of the variance requests. Michael Blake stated he is an engineer for Burns & McDonnell and briefly explained the site plan and its components.

Carroll offered Exhibits 1-5 to the Board of Adjustment, and they were received by the Chair. Carroll stated the request is to build a substation and currently Evergy owns a portion of the land, and the City of Warrensburg owns a portion of land. In the long-term, if Evergy is successful with the multi-step approval process, they will acquire the properties from the City, and the City would not have any ownership in the substation. Carroll clarified portions of the structure will be tall, and in a LI District, a structure is allowed to be 80 ft. in height by right. Carroll stated portions of the structure will be closer to 90 ft., which will be reviewed by the Planning and Zoning Commission and City Council as part of the Conditional Use Permit process and is not a part of the variance request. Carroll briefly explained each variance request. The Board of Adjustment discussed the height of the substation and future growth, public improvements to be made to Pine Street, snow removal, stormwater runoff, and removal of existing vegetation.

No public comment was received during the hearing. Ex-parte contacts were disclosed by board members. None was indicated. Love closed the public hearing. Karscig moved to approve all five portions of variance as requested. Greife seconded.

A roll call vote was taken as follows:

Mark Karscig:	Yes
Bryon Freeman:	Yes
Mike Greife:	Yes
Mike Shaw:	Yes
Anita Love:	Yes

The motion was approved 5-0 on a roll call vote. The variance was approved.

5. Other Business – None.

6. Adjourn

Greife moved to adjourn the meeting. Freeman seconded. Approved 5-0 and the meeting adjourned at 6:48 PM.

Date: _____

Chair



CITY OF WARRENSBURG, MISSOURI
Community Development Department

BOARD OF ADJUSTMENT

RESOLUTION

Case No.: VAR-61-2021

Request for Variance: 300 W. Pine St.

ALL THAT PART OF THE NORTH ONE HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 46 NORTH, RANGE 26 WEST, IN THE CITY OF WARRENSBURG, JOHNSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST LINE OF SAID QUARTER QUARTER LYING S 1°59'08" W, 1516.53 FEET FROM THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE N 87°27'55" W, A DISTANCE OF 18.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY TO BE HEREIN DESCRIBED; THENCE CONTINUING N 87°27'55" W, A DISTANCE OF 152.78 FEET; THENCE N 88°29'36" W, A DISTANCE OF 55.71 FEET; THENCE N 88°37'43" W, A DISTANCE OF 61.55 FEET; THENCE N 88°18'21" W, A DISTANCE OF 62.86 FEET; THENCE N 89°52'27" W, A DISTANCE OF 49.98 FEET; THENCE S 89°56'50" W, A DISTANCE OF 222.35 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 2 IN PHILIP GROSS' ADDITION TO THE TOWN OF WARRENSBURG, A SUBDIVISION IN SAID CITY, COUNTY AND STATE; THENCE S 1°59'08" W, ALONG THE WEST LINE OF SAID LOT 2 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 188.86 FEET TO THE NORTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, 50 FEET NORTH OF THE CENTERLINE THEREOF; THENCE NORTHEASTERLY, ALONG SAID RIGHT OF WAY LINE, ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF N 79°30'41" E, A RADIUS OF 2551.11, A CENTRAL ANGLE OF 10°25'25" FOR AN ARC DISTANCE OF 464.11 FEET TO A POINT OF TANGENCY; THENCE N 89°56'06" E, CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 145.39 FEET TO THE WEST RIGHT OF WAY LINE OF WARREN STREET; THENCE N 1°59'08" E, ALONG SAID WEST RIGHT OF WAY LINE, BEING 18 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID QUARTER QUARTER, A DISTANCE OF 134.58 FEET TO THE POINT OF BEGINNING.

THE PART AS DESCRIBED ABOVE CONTAINS 93,361 SQUARE FEET OR 2.143 ACRES, MORE OR LESS.

Applicant: City of Warrensburg and Evergy Missouri West Inc. formerly known as Aquila Inc.

Hearing Date: November 29, 2021
6:00 p.m.
Warrensburg Municipal Center, 200 S. Holden St.

General Statement of Case:

1. To encroach 16.5 ft. into the required 40 ft. setback from the property line adjacent to Pine Street., an arterial street, for the purpose of installing transmission line structures. This request involves Sec. 27-125 (g) (3) (c) of the Code of City Ordinances.
2. To allow an 8 ft. tall fence associated with an electric substation within the 40 ft. front yard setback from a street. This request involves Sec. 27-232 (a) (1) and Sec. 27-125 (g) (3) (c) of the Code of City Ordinances.
3. To encroach 11 ft. into the required 15 ft. setback from the Pine Street right-of-way line for the purpose of installing light standards for lot lighting associated with an electric substation. This request involves Sec. 27-125 (g) (5) (a).
4. To encroach 10 ft. into the required 10 ft. rear setback for a fence exceeding 7 ft. in height above grade level and light standards associated with an electric substation in a LI: Light Industrial District. This request involves Sec. 27-232 (a) (2) (b) and Sec. 27-125 (g) (4) (b).
5. To eliminate the required landscape buffer C (modified by type D) along the north property line adjacent to a R4: Medium-Density Multifamily Residence District. This request involves Sec. 27-561 (a), Sec. 27-561 (c) (1), and Sec. 27-300 (c) (1)(i) (iv) of the Code of City Ordinances.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Testimony was taken at the public hearing at 200 S. Holden Street on November 29, 2021. At that hearing Barbara Carroll, Director of Community Development represented the City of Warrensburg. Justin Harris, Michael Blake, Jason Ringer, Mark Rothmeier, and Danielle Dulin were present on behalf of the applicants. Adam Sommer was present as Counsel to the Board of Adjustment.

The following information was presented at the hearing:

1. The property in question is located at 300 W. Pine St. in a LI: Light Industrial District.
2. At the time of the public hearing and deliberation by the Board, one lot was owned by Evergy Missouri West Inc. formerly known as Aquila Inc. and three lots were owned by the City of Warrensburg.
3. Sec. 27-125 (g) (3) (c) states no structure is allowed within forty (40) feet of an arterial street right-of-way.
4. Sec. 27-232 (a) (1) states no fence two (2) feet or higher in height above the grade level of land on both sides thereof is allowed to be located within the front yard setback from a street, except as allowed specifically in this section.
5. Sec. 27-125 (g) (5) (a) states gas pumps, canopies over gas pumps, and light standards for parking lot lighting are allowed no closer than fifteen (15) feet from any street right-of-way line.
6. Sec. 27-232 (a) (2) (b) states a fence more than seven (7) feet in height above the grade level of the land on both sides thereof shall not be located in the rear yard setback required by the district regulations of any zoning district. This standard includes double frontage lots.
7. Sec. 27-125 (g) (4) (b) states for land uses adjacent to remaining district, the following setback from lot lines shall apply to the structures, storage and parking or display of merchandise, equipment or vehicles. The rear setback adjacent to a LI District is 10 feet.
8. Sec. 27-561 (a) states a LI: Light Industrial District is required to install the landscape buffer type C (modified by type D) along the property line adjacent to the R4: Medium Density Multi-Family Residence District.

9. Sec. 27-561 (c) (1) states landscape buffer type C requires screened by plantings to 90% opacity to 7' height with, at minimum, 30% of plantings reaching 40' in height at maturity, and a minimum 6' solid barrier. This is reduced by landscape buffer type D when a property line requiring a landscape buffer is adjacent to a street, no solid barrier shall be required and required plantings shall be reduced by fifty (50) percent. Requirements of Sec. 27-552 Landscaping and screening in parking lots shall not be reduced.
10. Sec. 27-300 (c) (1) (i) (iv) states the preliminary development plan for a Conditional Use Permit application shall include the proposed landscaping and screening.
11. The applicants are requesting a variance to be allowed to:
 - (a) To encroach 16.5 ft. into the required 40 ft. setback from the property line adjacent to Pine Street., an arterial street, for the purpose of installing transmission line structures. This request involves Sec. 27-125 (g) (3) (c) of the Code of City Ordinances.
 - (b) To allow an 8 ft. tall fence associated with an electric substation within the 40 ft. front yard setback from a street. This request involves Sec. 27-232 (a) (1) and Sec. 27-125 (g) (3) (c) of the Code of City Ordinances.
 - (c) To encroach 11 ft. into the required 15 ft. setback from the Pine Street right-of-way line for the purpose of installing light standards for lot lighting associated with an electric substation. This request involves Sec. 27-125 (g) (5) (a).
 - (d) To encroach 10 ft. into the required 10 ft. rear setback for a fence exceeding 7 ft. in height above grade level and light standards associated with an electric substation in a LI: Light Industrial District. This request involves Sec. 27-232 (a) (2) (b) and Sec. 27-125 (g) (4) (b).
 - (e) To eliminate the required landscape buffer C (modified by type D) along the north property line adjacent to a R4: Medium-Density Multifamily Residence District. This request involves Sec. 27-561 (a), Sec. 27-561 (c) (1), and Sec. 27-300 (c) (1)(i) (iv) of the Code of City Ordinances.
12. The current Evergy substation across the street to north is reaching the end of its life cycle and needs to be replaced.
13. The proposed location for the new substation is unique because it is at the terminus of the high voltage transmission lines that serve Warrensburg.
14. Locating the substation elsewhere in Warrensburg would require moving existing high voltage transmission lines around town, which would require easements and potentially going through neighborhoods.
15. The proposed substation will not place any burden on public utilities and will have larger transformers to account for future growth.
16. The proposed substation is situated to meet as much of the setback requirements as possible, such as the 35 ft. setback from Warren St.
17. The landscape buffer requirement would be detrimental to the safety and operation of the facility and would interfere with the lines and equipment, and it could be hazardous to the community's safety.
18. Pine Street is classified as an arterial street.
19. Warren Street is classified as a collector street.
20. The properties directly to the north are zoned R4: Medium-Density Multi-Family Residence District and HI: Heavy Industrial District. The property to the east is zoned LI: Light Industrial District. The property to the west is zoned HI: Heavy Industrial District. The property to the south is zoned HI: Heavy Industrial District. Land uses in these zones are a substation, storage units and railroad tracks.

21. Property is a long, narrow property with increased setbacks from both an arterial street and a collector street.
22. The design and operation of the substation requires access on all sides of the structure.
23. Notice of the hearing on this matter was published in the Daily Star Journal on November 12, 2021.
24. Notice was also posted on the property on November 10, 2021.
25. Notice was mailed to property owners within 300 ft. on November 10, 2021.
26. The Code of Ordinances of the City of Warrensburg, Missouri, provides as follows:
 - a. Section 27-61 (a) (2) provides that the Board of Adjustment may grant a variance "in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would deprive the owner of the reasonable use of the land or building involved...."
 - b. Section 27-61 (a) (2) further requires the Board to find that:
 - a. There are special circumstances or conditions "... applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that such circumstances or conditions are such that the application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building;"
 - b. "...the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the board of adjustment is the minimum variance that will accomplish this purpose;" and
 - c. "...the granting of the variance will be in harmony with the general purpose and intent of this chapter, will not be injurious to the neighborhood or otherwise detrimental to the public welfare."

Based upon this information and its interpretation of the cited code provisions, the Board finds that:

1. Moving the substation across the street is ideal due to the minimal disturbance on the Warrensburg community while relocating the substation would require moving high voltage transmission lines around Warrensburg.
2. The property is situated on the corner of W. Pine St. and Warren St., which have required setbacks from major streets.
3. The granting of the variance is necessary for the reasonable use of the land for an industrial use, and the variance requested is the minimum variance that will accomplish this purpose.
4. The granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
5. The variance will result in better service to the community through an increase in the reliability of the power grid in Warrensburg.

IT IS THEREFORE RESOLVED BY THE BOARD that the requested variance be granted for the above described property at 300 W. Pine St. to allow:

1. To encroach 16.5 ft. into the required 40 ft. setback from the property line adjacent to Pine Street., an arterial street, for the purpose of installing transmission line structures. This request involves Sec. 27-125 (g) (3) (c) of the Code of City Ordinances.
2. To allow an 8 ft. tall fence associated with an electric substation within the 40 ft. front yard setback from a street. This request involves Sec. 27-232 (a) (1) and Sec. 27-125 (g) (3) (c) of the Code of City Ordinances.

3. To encroach 11 ft. into the required 15 ft. setback from the Pine Street right-of-way line for the purpose of installing light standards for lot lighting associated with an electric substation. This request involves Sec. 27-125 (g) (5) (a).
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Passed by the Board of Adjustment this _____ day of _____, 2022.

Chair