

**Board of Zoning Adjustment
City Council Chambers
Hall of Waters Building
201 East Broadway
Excelsior Springs, MO**



July 18, 2024 at 4:00 PM

1. Zoom Meeting Information
 - a. Zoom Meeting Information
2. Roll Call
3. Approval of Meeting Summary: September 15, 2023
 - a. September 15, 2023 Meeting Summary
4. BZA-24-001 - An application by Quick Trip #279 for a variance from Section 403.100 (3) of the Excelsior Spring City Code, which pertains to signage regulations within the "C-3" Business District. Quik Trip #279 requesting a modification in the height of a sign. Quik Trip #279 is requesting an increase variance of ten (10) feet to a sign height of forty-five (45) feet. This variance request pertains to the property located at 2021 West Jesse James Road.
 - a. BZA-24-001
5. Comments of Board members
6. Staff Comments
7. Adjourn

Copies of this notice are available by contacting the Community Development Department at 201 E. Broadway, Excelsior Springs, MO 64024. (816) 630-0756

Date and time posted: July 9, 2024 at 4:05 p.m.



**Community Development
Board of Zoning Adjustment - 7/18/2024**

To: Board Members

From:

Date

RE: Zoom Meeting Information

Zoom Meeting: Google: Zoom.US

Meeting ID: 441 776 6514

Passcode: Excelsior



**Community Development
Board of Zoning Adjustment - 7/18/2024**

To: Board Members
From:
Date
RE: September 15, 2023 Meeting Summary

ATTACHMENTS:

Description	Type	Upload Date
September 15, 2023 Meeting Summary	Cover Memo	7/11/2024

Board of Zoning Adjustment

Meeting Summary

September 15, 2023, 4:00 p.m.

Item 1. Call to Order

Chairman Dr. Nick Houk called the meeting to order at 3:59 p.m.

Item 2. Roll Call

PRESENT: Tray Harkins, Dr. Nick Houk, John McGovern, Cindy Spellman and Stephen Stubbs

STAFF PRESENT: Melinda Mehaffy, Economic Development Director, Doug Hermes, Planning Consultant, City Council Liaison Gary Renne, Shantele Frie, City Planner and Lisa Morgan, Community Development Administrative Assistant.

ABSENT: Robert McLaughlin and Dr. Kent Powell

VISITORS: 4 and 1 via zoom

Item 4. Approval of Meeting Summary – July 20, 2023

Board Member Harkins made a motion to approve the July 20, 2023 meeting summary.
Board Member Stubbs seconded the motion. Motion carried.

Vote: Motion passed 5-0-0

Yes: Board Members: Harkins, Houk, McGovern, Spellman and Stubbs

No: None

Abstain: None

Item 5. BZA-23-002 – An application by Quik Trip #279 requesting a variance from Section 403.100 (3) of the Excelsior Springs City Code, which pertains to signage regulations within the “C-3” Business District. Quik Trip #279 requesting a modification in the square footage area of a sign. Quik Trip #279 is wanting to increase the sign’s area from the current one-hundred square feet to one-hundred and eighteen point four-five (118.45) square feet. This variance request pertains to the property located at 2021 West Jesse James Road.

Chairman Houk asked Mr. Hermes to present the staff report for BZA-23-002 for a variance from the current square footage area for the sign.

Mr. Hermes presented the staff report stating the City staff recommends that the board approve the variance application and adopt the following Findings of Fact:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved create a particular hardship upon the owner.
2. The conditions of the specific property involved are not applicable generally to other property within the same zoning classification.

Chairman Houk asked if the height of this sign from bottom to top going to be 35 feet? Mr. Hermes said it would be 34 feet and some change it is with in the 35 feet maximum. Chairman Houk did they raise the top part of the sign so they could add the height they are requesting. Mr. Hermes said there have been many discussions with city staff on sign standards and what the city would be willing to consider. They would like to have the sign as high as possible.

Board member Harkins asked if the square footage is the sign, itself not the pole. Mr. Hermes said that is correct.

Hearing no further questions from the Board, Chairman Houk asked if the applicant would like to present testimony to the Board.

Quik Trip representee Caitlenn Helsper thought Mr. Hermes did a really good job of covering everything for the application and definitely appreciates the boards consideration. It has been really hard to find a good sign location trying not to block any neighboring properties, Quik Trip is in a unique situation with the tall trees that are in the area and also the power poles have created a little bit of a hardship for sign placement. Power poles require a specified distance from the sign which also affected sign placement.

Chairman Houk asked if there were any questions for the applicant. There were none.

Board Member Stubbs moved to approve Case No. BZA-23-002 and adopt the following Findings of Fact:

1. The particular physical surrounding, shape and topographical conditions of the specific property involved create a particular hardship upon the owner.
2. The conditions of the specific property involved are not applicable generally to other property within the same zoning classification.

Board Member Harkins seconded the motion.
Chairman Houk called for the vote.

Vote: Motion passed 5-0-0

Yes: Board Members: Harkins, Houk, McGovern, Spellman and Stubbs

No: None

Abstain: None

Item 6. Comment from Public

Steve and Martha Platt, the owner of neighboring property is requesting information we have from MODOT. Mr. Hermes said that the site plan is in the packet and shows the road layout, City staff will work with Mr. Platt on requested information.

Item 7. COMMENTS OF BOARD MEMBERS

There were none

Item 8. STAFF COMMENTS

There were none

Item 9. ADJOURN

Meeting was adjourned at 4:11 p.m.

The next meeting of the Board will be called when needed to review future applications.

Meeting Summary prepared by Lisa Morgan, Community Development Administrative Assistant.



**Community Development
Board of Zoning Adjustment - 7/18/2024**

To: Board Members
From:
Date
RE: BZA-24-001

ATTACHMENTS:

Description	Type	Upload Date
BZA-24-001	Cover Memo	7/11/2024



**COMMUNITY DEVELOPMENT
PLANNING & ZONING**
201 East Broadway
Excelsior Springs, MO 64024
Phone: (816) 630-9594
Fax: (816) 630-9572

FOR OFFICE USE ONLY	
Fee:	\$225.00
Date Received:	6-25-24
Public Notice Date:	6-28-24
BZA Meeting:	7-18-2024

Variance Application Board of Zoning Adjustment (BZA) *BZA-24-001*

Applicant Name (Please Print): QuikTrip Corporation - Tara Limbach

Applicant Address: 5725 Foxridge Drive, Mission KS 66202

Applicant Phone: 913-905-2070 **Applicant Email:** tlimbach@quiktrip.com

Applicant's standing as appellant (Owner, contract purchaser, lessee, attorney, developer, etc. – all that apply):

Real Estate Project Manager QuikTrip

Property Location: 2021 W Jesse James Road, Excelsior Springs, Clay County, MO 64024

Requested Variance: Proposing an additional 10' in height to our sign for QT #279. Code allows 35'. We would request a 45' tall sign so patrons exiting the highway have visibility to our business. With a 35' tall sign, it is blocked by trees, over head power lines and the current Burger King sign.

Present Zoning: C3-Service Business

- Please attach a copy of the owner's **WARRANTY DEED** or a **TITLE REPORT** with the complete and correct legal description for the subject property.
- Copies of any covenants or deed restrictions pertaining to the subject property must be provided to the Planning and Zoning office.
- Site plans must be to scale. Applicant must include an 8 ½ x 11 copy.
- A copy of the staff report and the agenda will be provided to the address prior to the meeting.

Tara Limbach

Applicant

Owner (If different from applicant)

6-18-2024

Date

Date

PAID

JUN 24

BY: *[Signature]*

The Board of Zoning Adjustment must make a finding that the request meets at least one of the following circumstances:

- 1. That there are special circumstances or conditions affecting the property which are not typical of other properties in the City.**
- 2. That the variance is necessary for the reasonable and acceptable development of the property.**
- 3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity.**

Please explain which of the three findings you are requesting the application be considered under and explain how your request meets the finding requirements.

#3

QuikTrip is formally requesting the granting of a 10' variance to our proposed sign. This variance request will not be detrimental to the public welfare or injurious to other properties in the vicinity. Giving patrons driving down 69 Hwy the ability to know a business is there, is crucial to any business going into a new city they are not established in. It is important to QuikTrip that the safety of patrons is top priority. By promptly notifying them we are there, they can have time to make a safe exit off the highway and to our store. The addition of the 10' would give those who are unfamiliar with us being in Excelsior Springs the option to visit our destination. This pole sign location has been strategically placed to ensure that it does not prohibit visibility to neighboring properties. The Excelsior Springs code allows a 35' sign. We placed our sign at the highest point possible on the site to try to stay within that code requirement. There is significant grade drop from the corner where the sign is placed, to the northeast - 11' drop total along that frontage. If we picked any other spot, our sign would be even lower and less visible, needing a larger variance to be seen. The view of our current approved sign at 35' is completely blocked by the current Burger King sign, trees and overhead power lines. We flew a sign in the location using a crane and that is when our concern grew for how hidden the sign would be. I have submitted those photos with this application to show the lack of visibility. I also provided a video to the city showing the proposed 45' sign and how it would sit just above the Burger King sign, no longer being completely blocked from view and allowing us to compete with neighboring fast food restaurants and gas stations in the area. Thank you for your consideration. QuikTrip is excited to get our first store open in your city and hope to have your support on this matter that is very important to us.

Sara Linbach

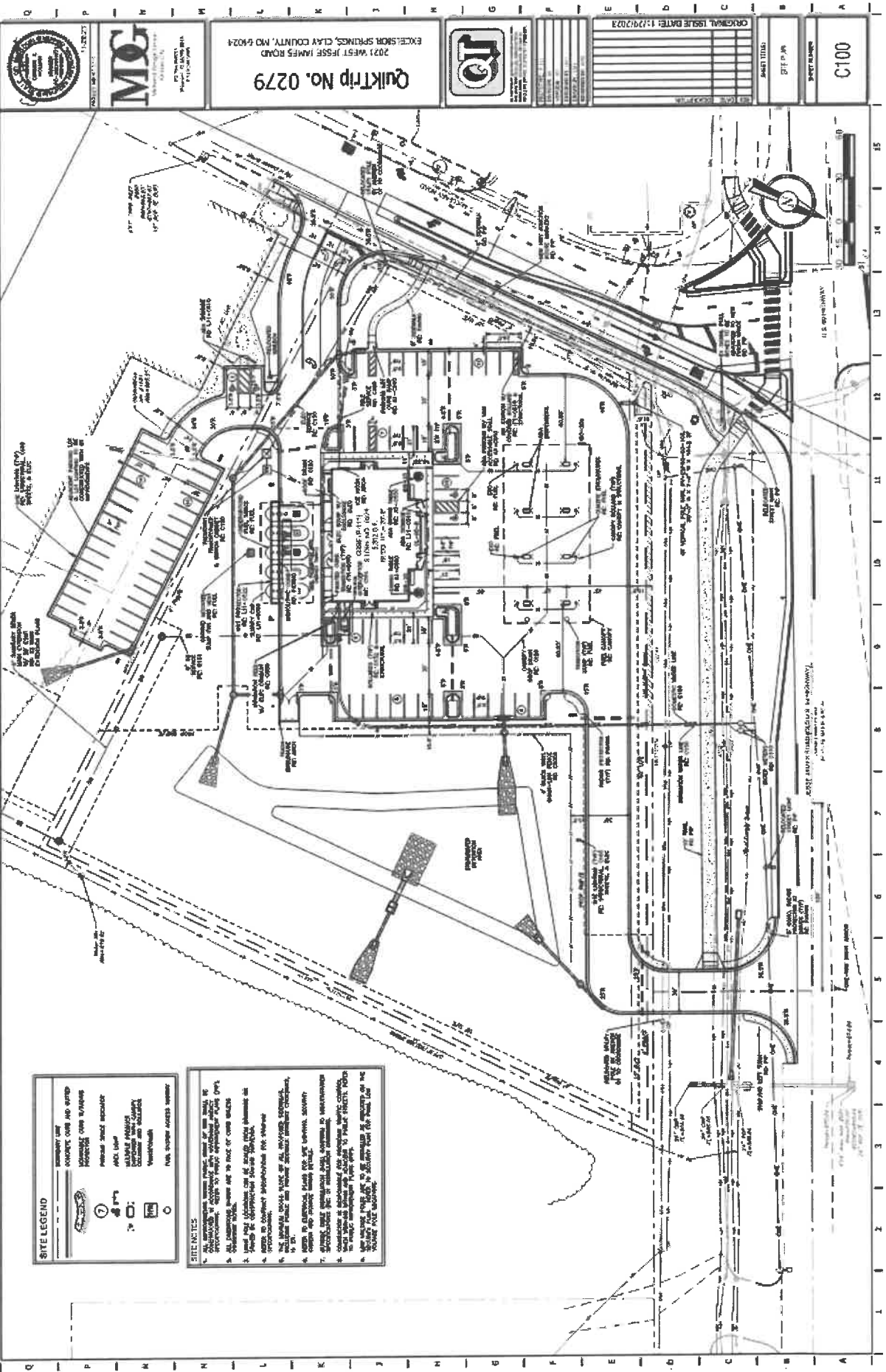
Applicant

Owner (If different from applicant)

6-18-24

Date

Date



MOG
 Mechanical, Electrical, Plumbing
 11000 Greenleaf Drive
 Rockville, MD 20850
 Phone: 301-981-1100
 Fax: 301-981-1101

QuikTrip No. 0279
 2021 WEST JESSE JAMES ROAD
 EXCELSIOR SPRINGS, CLAY COUNTY, MO 64024



DATE	11/11/2023
PROJECT	QUIKTRIP NO. 0279
CLIENT	QUIKTRIP
DESIGNER	J.T. ENGINEERING, INC.
CHECKER	J.T. ENGINEERING, INC.
SCALE	AS SHOWN
STATUS	FINAL

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/11/2023
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C100
 SHEET TITLE
 SHEET NO.
 SHEET TOTAL

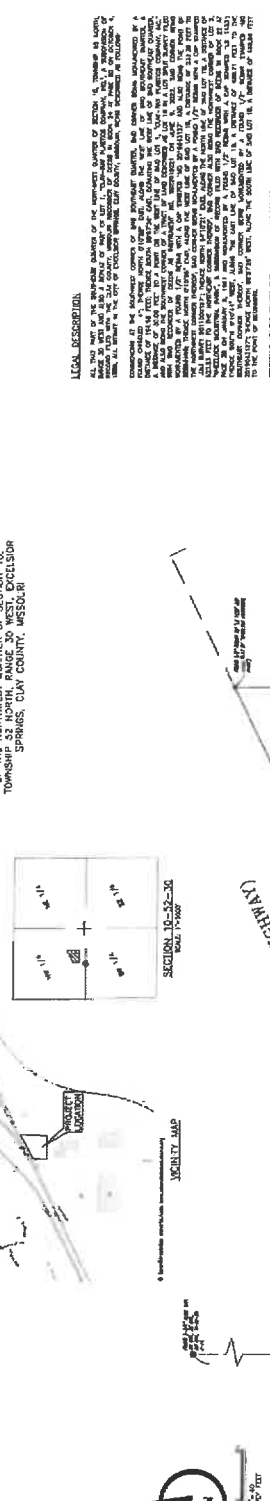
SITE LEGEND

	EXISTING LOT
	PROPOSED CURB AND GUTTER
	PROPOSED CURB RETURNS
	PROPOSED STREET MEDIANS
	FIRE HYDRANT
	MANHOLE
	UTILITY VAULT
	UTILITY ACCESS MARKER

- SITE NOTES**
1. ALL UTILITIES SHOWN ARE BASED ON THE MOST RECENT AVAILABLE RECORD DRAWINGS AND FIELD SURVEY DATA. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
 2. ALL UTILITIES SHALL BE DEPT. 48" UNLESS OTHERWISE NOTED.
 3. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MDP UTILITIES CODES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
 5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES.
 7. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES.
 8. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES.
 9. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES.
 10. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES.

LAMP RYNEARSON
SURVEYORS & ENGINEERS
1500 W. WASHINGTON ST.
DENVER, COLORADO 80202
PH: 303-733-1111
FAX: 303-733-1112
WWW.LAMPRYNEARSON.COM

FINAL PLAT OF
QUIKTRIP 279
A SUBDIVISION OF LAND IN THE SOUTHEAST QUARTER
OF SECTION 10, TOWNSHIP 35 NORTH, RANGE 30 WEST,
SPRINGS, CLAY COUNTY, MISSOURI



SECTION 10-32-30
SECTION 10-32-31
TOTAL 17.86 AC

LEGAL DESCRIPTION:
A SUBDIVISION OF LAND IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 35 NORTH, RANGE 30 WEST, SPRINGS, CLAY COUNTY, MISSOURI, AS SHOWN ON THE PLAN HEREIN.

GENERAL NOTE:
THE SURVEY WAS MADE IN ACCORDANCE WITH THE MISSOURI CONSTITUTION AND THE MISSOURI SURVEYING ACTS. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE MISSOURI SURVEYING ACTS.

EXISTING RECORDS:
THE SURVEY WAS MADE IN ACCORDANCE WITH THE MISSOURI CONSTITUTION AND THE MISSOURI SURVEYING ACTS. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE MISSOURI SURVEYING ACTS.

CONVEYANCE:
THE SURVEY WAS MADE IN ACCORDANCE WITH THE MISSOURI CONSTITUTION AND THE MISSOURI SURVEYING ACTS. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE MISSOURI SURVEYING ACTS.

RECORDED DOCUMENTS USED:
1. DEED FROM [Name] TO [Name], 1911, BOOK 12, PAGE 123.
2. DEED FROM [Name] TO [Name], 1923, BOOK 15, PAGE 156.
3. DEED FROM [Name] TO [Name], 1935, BOOK 18, PAGE 189.

GENERAL NOTE:
THE SURVEY WAS MADE IN ACCORDANCE WITH THE MISSOURI CONSTITUTION AND THE MISSOURI SURVEYING ACTS. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE MISSOURI SURVEYING ACTS.

EXHIBIT:
THE SURVEY WAS MADE IN ACCORDANCE WITH THE MISSOURI CONSTITUTION AND THE MISSOURI SURVEYING ACTS. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE MISSOURI SURVEYING ACTS.

EXECUTION:
I, THE SURVEYOR, HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF MISSOURI AND THAT I HAVE PERSONALLY AND INDEPENDENTLY MADE THE SURVEY AND THAT THE SAME IS TRUE AND CORRECT.

WITNESSETH:
I, THE SURVEYOR, HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF MISSOURI AND THAT I HAVE PERSONALLY AND INDEPENDENTLY MADE THE SURVEY AND THAT THE SAME IS TRUE AND CORRECT.

NOTARIAL PUBLIC:
I, THE SURVEYOR, HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF MISSOURI AND THAT I HAVE PERSONALLY AND INDEPENDENTLY MADE THE SURVEY AND THAT THE SAME IS TRUE AND CORRECT.

PREPARED BY:
LAMP RYNEARSON SURVEYORS & ENGINEERS
1500 W. WASHINGTON ST.
DENVER, COLORADO 80202
PH: 303-733-1111
FAX: 303-733-1112
WWW.LAMPRYNEARSON.COM

DATE OF SURVEY:
MAY 15, 2004

DATE OF RECORDING:
MAY 15, 2004

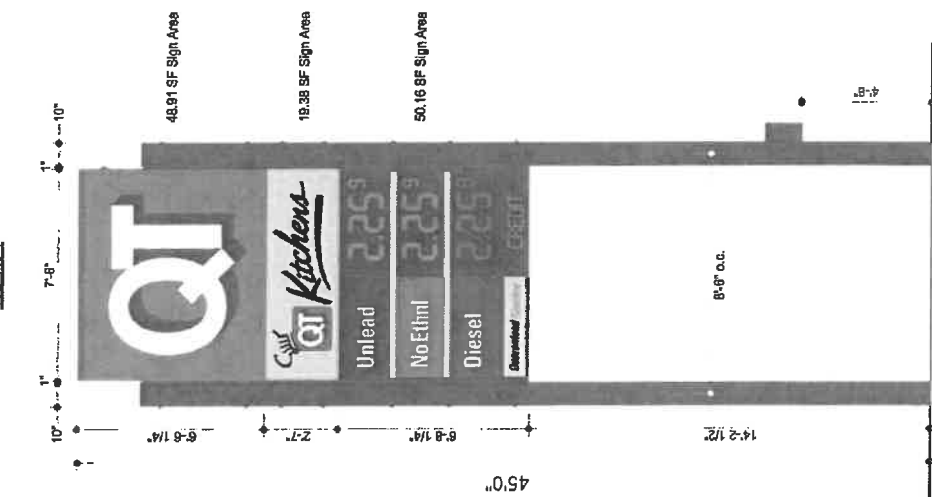
RECORDING OFFICE:
CLAY COUNTY RECORDER'S OFFICE
1000 W. WASHINGTON ST.
SPRINGS, MISSOURI 65758

PLAT NO.:
QUIKTRIP 279

FINAL PLAT OF QUIKTRIP 279
A SUBDIVISION OF LAND IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 35 NORTH, RANGE 30 WEST, SPRINGS, CLAY COUNTY, MISSOURI



Top View
Scale: 1/4" = 1'-0"



Front Elevation
Scale: 1/4" = 1'-0"



Side Elevation
Scale: 1/4" = 1'-0"

PV-E3PQQ-CC-119
Vertical Pole Sign

- QT Logo
- Three (3) Product LED Gas Price Sign with Cash & Credit
- QT Kitchens
- Guaranteed Gasoline
- 118.45 Square Feet Sign Area

Notes:

- 1.) Engineering provided by QT.
- 2.) Steel supports provided by sign installer.



Item **PQT-PV-E3PQQ-CC-118**
Project Information
Client
CulKiThp
Location

Store House Design Project Manager
CT QT James Gentry

Date	Description	Issue Date
12/2/19		
01/27/20	Rev. 1	

Notes

Store #

XXXX

Destination

Copyright © 2019 Allen Industries, Inc.
This is an original computer drawing created by Allen Industries, Inc.
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and not to be shown to any other party or to be reproduced in any way.
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other party. All rights reserved. Allen Industries, Inc. is the sole proprietor of
this drawing. Allen Industries, Inc. is a registered trademark of Allen Industries, Inc.

Color Specifications

All Paints Finishes to be Akzo Nobel

- Opague Silver
- Translucent White
- Black - Low Gloss
- Matte White (Interior of Sign)
- Match 3M Cardinal Red #3652-53
- Match PMS 348C

Mounting Fabrication Flt. & Finish of All QT Signs

- Visible fabrication seams and welded joints are to be sanded smooth, filled and finished to QT specifications.
- Any visible fasteners are to be countersunk and flared.
- Painted heads.
- Piece joiners must fit flush and have even, minimal seams.
- Any variation from this directive must be brought to the attention of the QT Quality Control Manager without delay.

Allen Industries
YOUR BRAND AT THE BEST!
1-800-967-2553
www.allenindustries.com

Web Copy

Recorded in Clay County, Missouri

Date and Time: 07/25/2022 at 02:29:28 PM

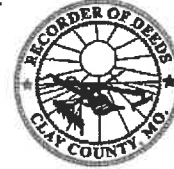
Instrument Number: 2022024484

Book: 9414 Page: 102

Instrument Type: WD

Page Count: 2

Recording Fee: \$27.00 S



Electronically Recorded

Katee Porter, Recorder

(above reserved for recorder of deeds use)

Special Warranty Deed

This Indenture is made on July 25, 2022, by and between

1. Excelsior Plastics Industries, Inc., whose address is 201 S. McCleary Rd., Excelsior Springs, MO 64024 ("Grantor"), and
2. Shooting Star Development, LLC, whose address is 244 W. Mill, Ste. 101, Liberty, MO 64068 ("Grantee").

Witnesseth:

Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid to Grantor by Grantee (the receipt and sufficiency of which consideration being hereby acknowledged by Grantor), does by these presents Bargain and Sell, Convey and Confirm to said Grantee, and said Grantee's heirs, successors and assigns, the following described lots, tracts and parcels of land lying, being and situated in the County of Clay, State of Missouri, to wit:

A tract of land being part of Lot 1, EXCELSIOR PLASTICS, a subdivision in the City of Excelsior Springs, Clay County, Missouri, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 1;
Thence South 88°57'28" East, along the North line of said Lot 1, 190.00 feet;
Thence South 00°10'49" West, continuing along said North line, 165.00 feet;
Thence North 88°57'28" West, 190.00 feet, to the West line of said Lot 1;
Thence North 00°10'49" East, 165.00 feet, to the Point of Beginning.
Contains 31,347 square feet or 0.72 acres more or less.

Prepared By: John B. Young, PLS- 2006016647

To have and to hold the premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any way appertaining unto said Grantee and unto said Grantee's heirs, successors and assigns forever, the said Grantor hereby covenanting and warranting only that Grantor shall and will Warrant and Defend the title to the aforesaid premises unto Grantee and to Grantee's heirs, successors and assigns forever, against the lawful claims of all persons claiming by, through or under Grantor (but not any predecessors in interest or title of Grantor), provided however, the aforesaid limited and special warranty is subject to the following exception(s) and exclusions with respect to the foregoing premises, to wit: easements, reservations and restrictions of record; general and special real estate taxes and assessments for the fiscal tax year in which this instrument is delivered to Grantee (and subsequent years); overlaps, visible and apparent easements, encroachments and boundary line disputes which would be revealed upon the conduct of an accurate survey with respect to the above described real property; zoning laws and land use regulations and ordinances; leases and tenancies; building lines and easements as shown on any plat embracing all or any part of the above property; and homes association, condominium or similar types of community or association dues and assessments (general or special) applicable with respect to the property described above. This conveyance is subject to any part of the above property in roads, roadways and streets (whether dedicated or actually used by members of the public).

In Witness Whereof, Grantor has hereunto set his, her, its or their hand the day and year first above written.

Katee Porter, Recorder of Deeds

Web Copy

Recorded in Clay County, Missouri

Date and Time: 07/25/2022 at 02:29:28 PM

Instrument Number: 2022024485

Book: 9414 Page: 103

Instrument Type: QC

Page Count: 1

Recording Fee: \$24.00 S



Electronically Recorded

Katee Porter, Recorder

Above Area Reserved for Recorder of Deeds Quitclaim Deed

This Indenture is made effective at July 25, 2022, by and between:

1. Excelsior Plastics Industries, Inc., whose address is 201 S. McCleary Rd., Excelsior Springs, MO 64024 ("Grantor"), and
2. Shooting Star Development, LLC, whose address is 244 W. Mill, Ste. 101, Liberty, MO 64068 ("Grantee"), and

Witnesseth:

Grantor, for valuable consideration, does by these presents remise, release and forever quitclaim to said Grantee, and said Grantee's successors and assigns, the following described lots, tracts and parcels of land lying, being and situated in the County of Clay, State of Missouri, to wit:

Lot 1B, Excelsior Plastics Second Plat, a subdivision of land in Excelsior Springs, Clay County, Missouri.

To have and to hold the premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any way appertaining unto said Grantee and unto said successors and assigns forever, so that neither Grantor nor any persons or entities claiming under Grantor shall or will hereafter claim or demand any right or title to the aforesaid premises or any part thereof, but the said Grantor shall by these presents be excluded and forever barred.

In Witness Whereof, Grantor has hereunto set his hand the day and year first above written.

Excelsior Plastics Industries, Inc.

By: [Signature]
Carey Bisbee, President

Missouri Acknowledgment-Corporate (no seal)

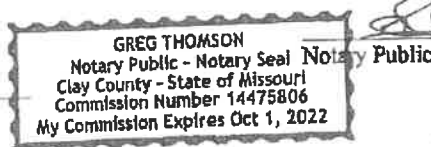
State of Missouri)
County of Clay)

On July 25, 2022, before me, the undersigned, a Notary Public, personally appeared Carey S. Bisbee, to me known, who, being by me duly sworn, did say that he/she is the President of Excelsior Plastics Industries, a Missouri corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and the said individual last named acknowledged that he/she executed the same as the free act and deed of such corporation, and the said individual last named stated that the aforesaid corporation has no corporate seal.

In Witness Whereof, I have hereunto set my hand and affixed my official seal at my office in said county and state, the day and year last above written.

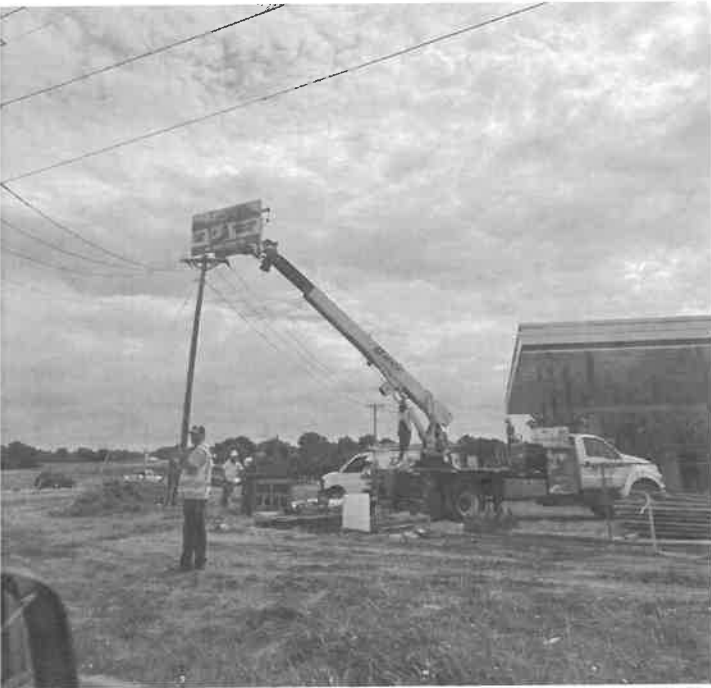
My Commission Expires:

10-01-2022



Katee Porter, Recorder of Deeds

Sign Raised on Crane 35'



Sign Flown at 35' and blocked by BK Sign



Sign Flown at 35' and blocked by BK Sign



Sign Flown at 45' & Visible

