

NOTICE OF OPEN MEETING

Public Notice is hereby given that the Planning & Zoning Commission of the City of Excelsior Springs Regular Meeting **at 6:00 PM, February 24, 2025** to consider and act upon the matters on the following agenda and such other matters as may be presented at the meeting and determined to be appropriate for discussion at the time.

The tentative agenda of this meeting is as follows.

Planning & Zoning Commission City of Excelsior Springs

A G E N D A



Planning & Zoning Commission Meeting

6:00 PM

Monday, February 24, 2025

City Council Chambers

201 E. Broadway

Excelsior Springs, MO

Join via Google: Zoom.US

Meeting ID 831 3363 5337

Passcode: 156892

1. CALL TO ORDER
2. ROLL CALL
3. ELECTION OF OFFICERS
4. APPROVAL OF MEETING SUMMARY
 - A. November 25, 2024 Meeting Summary
5. COMMENTS OF VISITORS
6. SUP-25-001-APPLICATION BY FOUNTAIN OF HUMBER 3, LLC FOR A SPECIAL USE PERMIT FOR THE OPERATION OF A SHORT-TERM RENTAL IN THE R-1 SINGLE -FAMILY RESIDENTIAL DISTRICT AT 817 ROWELL STREET (PUBLIC HEARING)
 - A. SUP-25-001
7. ZTA-24-002 APPLICATION BY THE CITY OF EXCELSIOR SPRINGS TO AMEND CHAPTER 400 R-4 MEDIUM DENSITY RESIDENTIAL DISTRICT IN THE ZONING REGULATIONS OF THE EXCELSIOR SPRINGS CITY CODE. (PUBLIC HEARING)

A. ZTA-24-002

8. ZTA-25-001-APPLICATION BY THE CITY OF EXCELSIOR SPRINGS TO AMEND CHAPTER 400. SECTION 400.240 ACCESSORY USES IN THE ZONING REGULATIONS OF THE EXCELSIOR SPRINGS CITY CODE TO PERMIT ACCESSORY DWELLING UNITS (ADU) IN DISTRICT "A"-AGRICULTURAL DISTRICT. (PUBLIC HEARING)R

A. ZTA-25-001

9. STAFF COMMENTS
10. COMMISSION COMMENTS
11. ADJOURN

Representatives of the news media may obtain copies of this notice by contacting the City Manager's office, 201 East Broadway. Phone (816) 630-0752.

If any accommodations are required in order to attend this meeting (i.e. qualified interpreter, large print, reader, hearing assistance), please notify the City Manager's office no later than 48 hours prior to the beginning of the meeting.

Date and Time of Posting: Thursday, February 20, 2025 at 2:15 pm

PLANNING AND ZONING COMMISSION

MEETING SUMMARY

November 25, 2024

1. CALL TO ORDER

Chairman Simmons called the meeting to order at 6:00 p.m.

2. ROLL CALL

PRESENT: Jake Simmons, Jason Van Till, Bob Gerdes, Julia Goldstein, Don Kelley and Christy Marker.

STAFF PRESENT: Doug Hermes, Melinda Mehaffy, Mayor Spohn, City Councilmember Reggie St John and John McGovern.

VISITORS: Marilyn Gerdes, JC Claypool, Kelly Anderson, Bob and Gene Cox (online)

3. APPROVAL OF MEETING SUMMARY- September 30, 2024

Commissioner Jason Van Till made a motion to approve the September 30, 2024 meeting summary.

Commissioner Gerdes seconded. Motion carried.

Vote: Motion passed 6-0-0

Yes: Commissioners: Simmons, Gerdes, Kelley, Goldstein, Van Till and Marker.

No: None

Abstain: None

4. COMMENTS OF VISITORS: There were none.

5. ZTA-24-003 Application by the City of Excelsior Springs to amend the Zoning Regulations related to the keeping of Backyard Chickens. (Public Hearing)

Chairman Simmons asked for the staff report.

Mr. Hermes presented the information in the staff report.

Chairman Simmons asked the commission if they had any technical questions for City staff.

Chairman Simmons asked if there were any more questions for City staff. Hearing none the public hearing was opened at 6:14 pm

Chairman Simmons closed the public hearing at 6:15 pm.

Chairman Simmons asked for commission discussion on the application.

Hearing none, he called for a motion.

Commissioner Goldstein made the motion to approve ZTA-24-003.

Commissioner Marker second the motion.

Motion Carried.

Vote: Motion passed 6-0-0

Yes: Commissioners Simmons, Gerdes, Goldstein, Kelley, Marker and Van Till.
No: Commissioner: None
Abstain: None

6. **VAC-24-003 – An application by J.C. Claypool, applicant for Gene Cox, property owner a Vacation of right of Way at 331 Persimmon.** (Public Hearing)

Chairman Simmons asked for the staff report.

Mr. Hermes presented the information in the staff report.

Chairman Simmons asked the commission if they had any technical questions for City staff.

Hearing no questions Chairman Simmons opened the public hearing at 6:23 pm.

Chairman Simmons recognized the applicant for the property owner and the property owners who were attending online.

J.C. Claypool, 4586 SE Crabtree Lane, stated that Dr. Phan, the property owner to the north of the property was okay with the Right of Way vacation and has been kept apprised of the process. He was going to try to attend however works evenings and was unable to be present.

With no other comments, Chairman Simmons closed the public hearing at 6:25 pm.

Hearing no further comments, he called for a motion.

Commissioner Van Till made the motion to approve ZTA-24-003.
Commissioner Gerdes second the motion.
Motion Carried.

Commissioner Goldstein second the motion.
Motion Carried.

Vote: Motion passed 5-0-0
Yes: Commissioners Simmons, Gerdes, Kelley, Goldstein and Marker.
No: Commissioner: None
Abstain: None

STAFF COMMENTS:

Melinda Mehaffy thanked staff for the commitment of time to the Commission and wished them happy holidays. The Planning and Zoning meeting next month will be held on Monday, December 30. She asked if anyone knew if they were unable to attend. Commissioners Marker and Van Till will not be able to attend.

7. **ADJOURN** The meeting was adjourned at 6:29 p.m.

Community Development Department Planning & Zoning

Phone: 816-630-0756; Fax: 816-630-9572



February 24, 2025

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case Number SUP-25-001 - Application by Fountain of Humber 3, LLC for a Special Use Permit for the operation of a short-term rental in the R-1 Single-Family Residential District at 817 Rowell Street. (Public Hearing)

Applicant: Fountain of Humber 3, LLC

Meeting Date: February 24, 2025

General Information:

Address: 817 Rowell Street
Current Zoning: R-1 Single-Family Residential District
Current Land Use: Single-family house

Surrounding Zoning & Land Use: North – R-1; Single-family house
East – R-1; Single-family house
South – R-1; Single-family house
West – R-1; Single-family house

Background:

The subject site is occupied by an existing single-family house. The applicant wishes to change the use to a short-term rental to allow the renting out for defined periods of time to visitors and vacationers commonly known as an 'Airbnb' or 'VRBO'.

Staff Analysis:

The Zoning Regulations recognize that there are special land uses and circumstances which, because of their unique character, cannot be properly classified in any particular zoning district(s) without special consideration in each case of the impact of those uses upon neighboring property. These cases can be reviewed individually for their appropriateness and authorized through a Special Use Permit.

Under the City's Short-Term Rental standards, short-term rentals located outside of the Downtown Tourist Area are permitted with a special use permit and upon compliance with certain site standards and separation standards. In this case, the subject site can satisfy the necessary onsite, off-street parking requirements of a minimum of two onsite off-street parking spaces (covered or uncovered) for Short-Term Rentals with up to three

bedrooms. And the proposed short-term rental would be located well in excess of the 1,000-foot separation standard from any existing STR.

Staff finds that the proposed special use can be compatible with the surrounding properties and can be operated in an appropriate manner as to not cause concern for the public health and safety and adjacent land uses.

Being a new special use permit, staff would suggest an initial time limit to allow for appropriate review after it has been in operation for a couple of years.

Staff Recommendation/Action Requested:

City staff recommends approval of the Special Use Permit for a two (2) year time period.

Respectfully Submitted,

Doug Hermes
Planning Consultant
City of Excelsior Springs

Attachments:

Exhibit A – Vicinity Map

817 Rowell

Apple Blossom St

Apple Blossom St

Apple Blossom St

Rowell St

Rowell St

819

821

823

825

827

816

818

820

822

824

826

Rowell St

Rowell St

340

339

817

815

813

811

337

335

920

916

328

333

Tracy Ave

Sources: Esri, TomTom, Garmin, FAD, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

**Community Development Department
Planning & Zoning**

Phone: 816-630-0756; Fax: 816-630-9572



February 24, 2025

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case No. ZTA-24-002 – Application by the City of Excelsior Springs to amend Chapter 400 “R-4” Medium Density Residential District in the Zoning Regulations of the Excelsior Springs City Code. (*Public Hearing*)

Applicant: City of Excelsior Springs

General Information:

This application is to correct an element in the initial adopted Ordinance as part of the City’s Code Review Process.

Background:

A City Code review process focusing on the Zoning & Subdivision Regulations and development-related code sections had been identified as an action item in the Community Development Department Work Plan. The review process began in 2022. The last element of the review process concluded earlier this year with consideration and adoption of certain amendments to the Sign Regulations.

When the initial, comprehensive Ordinance was adopted in 2022, all “Permitted Uses” allowed in the “R-4” Medium Density Residential District were errantly deleted.

The Planning and Zoning Commission and City Council considered this ZTA in 2024 and requested further discussion on whether additional housing styles at an appropriate density level could be considered as permitted uses in this zoning district.

The Planning and Zoning Commission discussed this matter further in a study session with City staff introducing general concepts of mixed housing systems to be incorporated into the “R-4” zoning district.

Discussion:

Upon further City staff review, permitting mixed housing elements in the “R-4” zoning district may have an unintended result of de-emphasizing the potential for the initial

intention of the zoning district of medium-density apartments. The “R-3” Cluster, Townhouse or Garden Apartment District currently permits “mixed housing systems” with a minimum density level of 3,000 square feet per family. This appears to be a more appropriate zoning district to explore these forms of housing development. The initial intent of the Planning and Zoning Commission to focus the “R-4” zoning district for medium density apartments can then remain.

The Planning and Zoning Commission initial review of the “R-4” zoning district standards through the Code Review Process accepted the idea to remove single-family and two-family houses as permitted uses, and to remove the requirement for planned zoning for any medium density apartment buildings.

The application basically reestablishes the District “R-4” permitted uses as they were, with those two modifications noted above:

Section 400.130. “R-4” Medium Density Residential District

A. *Permitted Uses.* In a District “R-4” no building, structure, land or premises shall be used and no structure shall be hereafter erected, constructed, reconstructed, or altered except for one (1) or more of the following uses:

- ~~1. Single family dwellings under regulations of District “R-1”~~
- ~~2. Two family dwellings under the regulations of District “R-2”~~
3. Medium density apartment buildings. [*Removed requirement for Planned District zoning*]
4. Housing which shall be considered congregate living for senior adults and of a multi-family nature shall be limited to a Planned District.

Staff Analysis:

This correction appears to reflect the initial intent of the Planning and Zoning Commission and City Council through the City’s Code Review Process as related to District “R-4”. The “mixed housing systems” with appropriate minimum density levels are a permitted use in District “R-3”.

Staff Recommendation/Action Requested:

Staff recommends approval of the application.

Respectfully submitted,
Doug Hermes
Planning Consultant
City of Excelsior Springs

**Community Development Department
Planning & Zoning**

Phone: 816-630-0756; Fax: 816-630-9572



February 24, 2025

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case No. ZTA-25-001 – Application by the City of Excelsior Springs to amend Chapter 400. Section 400.240 Accessory Uses in the Zoning Regulations of the Excelsior Springs City Code to permit Accessory Dwelling Units (ADU) in District “A”-Agricultural District. (Public Hearing)

Applicant: City of Excelsior Springs

Background:

In 2022, the City Zoning Regulations were amended to permit accessory dwelling units (ADU), accessory to an occupied single-family dwelling unit, in the “R-1”, “R-1A” and “R-2” zoning districts, under certain standards.

City staff has explored whether ADUs could also be permitted in District “A” – Agriculture District, where single-family dwelling units are also common.

When these standards were adopted, City staff applied the interpretation that detached ADUs are considered “accessory use buildings” and thus were subject to the standard that such buildings shall be “located behind the front building line as established by the principal structure” e.g. Single-family dwelling unit. Therefore, a detached ADU could not extend in front of the existing house on the lot.

Discussion:

As a significant amount of the District “A” zoned property in the City is occupied by a single-family dwelling unit, it would appear appropriate that these situations could take advantage of the ADU accessory use. As current District “A” zoned property is largely unplatted and consists of larger tracts of ground, the existing standards would remain appropriate.

It appears that the interpretation requiring the setback of detached ADUs behind the single-family dwelling unit is consistent with City intent. This standard has been applied

since adoption of the ADU accessory use standards. It might be more efficient to explicitly state this standard within the ADU accessory use paragraph for clarity.

The application would amend the ADU accessory use paragraph as follows:

Section 400.240. Accessory Uses

- C. Districts “A”, “R-1”, “R-1A” and R-2” If a lot is occupied by a single-family dwelling unit as the principal use, one (1) accessory dwelling unit (ADU) is permitted under the following standards:
- a. An ADU may be located within the principal single-family dwelling or a detached building.
 - b. Either the principal single-family dwelling or the ADU shall be occupied by the property owner.
 - c. An ADU shall be limited to sixty percent (60%) of the total square footage of the principal single-family dwelling but shall not exceed one thousand (1,000) square feet.
 - d. A detached ADU shall exceed the height of the principal single-family dwelling.
 - e. **A detached ADU shall be located behind the front building line as established by the principal structure.**
 - f. Construction of an ADU shall comply with all building code requirements for multi-family structures.

Staff Analysis:

Staff believes these two modifications will improve administration and use of the ADU accessory use opportunity and are consistent with the initial purpose and intent of the ADU standards.

Staff Recommendation/Action Requested:

Staff recommends approval of the application.

Respectfully submitted,

Doug Hermes
Planning Consultant
City of Excelsior Springs