

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, November 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

AGENDA



Planning & Zoning Commission Meeting
6:00 PM
Monday, November 24, 2025
City Council Chambers
201 E. Broadway
Excelsior Springs, MO

-
1. CALL TO ORDER
 2. ROLL CALL
 3. APPROVAL OF MEETING SUMMARY OCTOBER 27, 2025
 - A. Meeting Summary October 27, 2025
 4. COMMENTS OF VISITORS
 5. PUBLIC HEARINGS
 - A. ZTA-25-006 – An application by The City of Excelsior Springs to amend the zoning regulations concerning motor vehicle sales.
 - B. ZTA-25-007 – An application by The City of Excelsior Springs to add a new section to the zoning regulations concerning overnight, cold weather warming centers.
 - C. ZTA-25-008 – An application by The City of Excelsior Springs to add a new section to the zoning regulations concerning sober living facilities.
 6. STAFF COMMENTS
 7. COMMISSION COMMENTS
 8. 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: DATE AND TIME November 14, 2025 - 3:00PM

PLANNING AND ZONING COMMISSION

MEETING SUMMARY

October 27, 2025

1. CALL TO ORDER

Chairperson Gehrt called the meeting to order at 6:00 p.m.

2. ROLL CALL

PRESENT: Betty Bissell, Laurie Gehrt, Don Kelley, Christy Marker

ABSENT: Dustin Borchert, Whitney Sparks, and Creyton Vincent

STAFF PRESENT: Joshua Garrett, Julia Goldstein, Mayor Mark Spohn, Councilman Reggie StJohn and Councilman John McGovern

VISITORS: Debbie Elliott, Lillian Hendricks, Kyle Mansell, Drake Sieger, Jim Rice, and Mike Weaver

3. APPROVAL OF MEETING SUMMARY SEPTEMBER 29, 2025

Commissioner Kelley made a motion to approve the meeting summary.
Commissioner Marker seconded the motion. Motion Carried.

Vote: Motion Approved 4-0-0

Yes: Commissioners: Bissell, Gehrt, Kelley, Marker

No: None

4. COMMENTS OF VISITORS:

Kyle Mansell stepped forward and began with questions and concerns regarding traffic; both automobile and pedestrian. He is concerned for safety with increased population related to the project at 2200 Wornall Rd. He was informed that the time for questions regarding agenda items would be at the individual public hearings to follow and the staff report would answer many questions.

5. PUBLIC HEARINGS:

- A. RZ-25-002** – An application by DS Property, LLC for consideration to rezone the properties at 932 and 934 Dunbar Avenue from an R-1 (Single-Family Residential) District to an R-3 (Cluster, Townhouses or Garden Type Residential) District.

Public hearing began at 6:09pm

Staff report was given by Joshua Garrett. Pictures of the neighborhood were presented. Current zoning of R-1 was adopted in 2019 when the property was rezoned from industrial.

Application is requesting change to R-3; however last month the zoning requirements were changed and the property setbacks are now allowable in R-2, so staff is recommending approval of R-2.

Drake Siegel with DS Property LLC addressed the commission. He is planning to place one duplex on each of the lots. The duplexes will face Dunbar. They will be modern design, similar to those already in the area.

Mike Weaver is purchasing 929 Dunbar from Pamela Wood. He asked questions about the location of the duplexes on the lots and the timeline for completion.

Drake Siegel stated that the duplexes would not be back in the treed area. The timing of the project is uncertain as there are multiple steps to go through with the architect, design, bringing utilities to the site, it could take 9-12 months.

Public hearing was closed at 6:16pm

Chairperson Gehrt opened the floor to the commissioners for discussion and or a motion.

Commissioner Marker made a motion to approve RZ-25-002.

Commissioner Kelly offered a second to the motion.

Vote: Motion Approved 4-0-0

Yes: Commissioners: Bissell, Gehrt, Kelley, Marker

No: None

- B. PRZ-25-001** An application by Warger Associates, LLC for consideration to rezone the property at 2200 Wornall Road from A (Agricultural) District to a Planned R-1 (Single-Family Residential) District and Planned R-3 (Cluster, Townhouses or Garden Type Residential) District. *(Public Hearing)*

Public hearing began at 6:17pm

Staff report was given by Joshua Garrett. Pictures of the area were presented. He provided information about the proposed development which includes multiplexes on the southern section and single-family lots on the northern portion. The proposal included reduced lot sizes and smaller setbacks than is allowed by current zoning. Joshua explained that with the “planned development” the city has a review process that looks at the site as a whole to insure it aligns with city plans. The developer has already been in contact with public works regarding easements, storm water and maintenance agreements.

Steve Warner, the owner, developer, and engineer for the project spoke to the commission. This is a planned development that has two separate phases. The first phase will have all one-story duplexes, triplexes and perhaps as many as 8 units. This phase is for individuals over 55, empty nesters. The units will be between 1050 and 1080 square feet with an oversized single garage. This will be a maintenance provided community. The roads will be built in the individual phases as the development progresses. The main entrance to the development will be on McCleary Road. The secondary “emergency” entrance on Wornall, for emergency vehicles only, will be gated.

Kyle Mansell and Debbie Elliott both expressed concerns about safety with additional traffic and as well as cyclist and pedestrians. Questions were asked about a storm shelter since there will be no basements. That is something they are considering different options for. There will be a round-about installed and with planned sidewalks on each side of the street, that should improve safety. There will be an HOA for the single-family neighborhood. Houses will be around 1200 square foot. Both phases will share the same stormwater retention basin, where the pond is currently located.

Public hearing was closed at 7:03pm

Chairperson Gehrt opened the floor to the commissioners for discussion and or a motion.

Commissioner Kelly made a motion to approve PRZ-25-001.

Commissioner Marker offered a second to the motion.

Vote: Motion Approved 4-0-0

Yes: Commissioners: Bissell, Gehrt, Kelley, Marker

No: None

6. OTHER BUSINESS

- A. **PP-25-005** – An application by Warger Associates, LLC for consideration of a Preliminary Plat for the property at 2200 Wornall Road.

Chairperson Gehrt asked for a motion regarding PP-25-005.

Commissioner Bissell made a motion to approve PP-25-005

Commissioner Kelly offered a second to the motion.

Vote: Motion Approved 4-0-0

Yes: Commissioners: Bissell, Gehrt, Kelley, Marker

No: None

7. CONTINUED BUSINESS

- A. **RZ-25-001** - An Application by Clay Lodge #207 (Masonic Lodge) consideration of rezoning the property located at the NE corner of US Hwy 69 and Crown Hill Road.

- B. **PP-25-004**-An Application by Clay Lodge #207 (Masonic Lodge) for a preliminary and final plat for the property located at the NE corner of US Hwy 69 and Crown Hill Road.

Public hearing began at 7:05pm

Staff report was given by Joshua Garrett. Pictures of the lot were shown. He explained they want to subdivide the property, leaving the northern portion in the R1 zoning and changing the southwestern portion to C2 zoning.

Jim Rice spoke on behalf of the Masonic Lodge, they want to build their new lodge, a 48' x 72' building in the C2 zoning area. Parking lot will have 15-16 spaces with 2 of them being handicapped.

Debbie Elliott had concerns about lighting, traffic and sewer connectivity. Jim stated there will be minimal security lighting. They do not want to disturb the neighbors or have large electric bills for lighting up the parking lot. There isn't any planned commercial use of the building. Their membership is small and will primarily be there on the 3rd Monday of each month from 6 to 8:30pm. They want the lodge open to membership after funerals for grieving families. Joshua explained that the sewer locations-connections will be discussed and reviewed at the time the site plan is approved.

Public hearing was closed at 7:25pm

Chairperson Gehrt asked for a motion regarding RZ-25-001.

Commissioner Kelly made a motion to approve PP-25-004

Commissioner Marker offered a second to the motion.

Vote: Motion Approved 4-0-0

Yes: Commissioners: Bissell, Gehrt, Kelley, Marker

No: None

Chairperson Gehrt asked for a motion regarding PP-25-004.

Commissioner Bissell made a motion to approve PP-25-004

Commissioner Kelly offered a second to the motion.

Vote: Motion Approved 4-0-0

Yes: Commissioners: Bissell, Gehrt, Kelley, Marker

No: None

C. STAFF COMMENTS

Joshua Garrett thanked everyone for being here and for being so patient. Next month there will be several zoning text amendments, but no other applications to consider. There will also be a joint meeting with the Planning and Zoning Committee and the City Council at 6pm on December 4, 2025

D. COMMISSIONER COMMENTS

The December meeting falls on the 29th. Is the meeting normally held that week or moved? It depends on if we have any applications to be heard that month. Sometimes there is holiday travel and we don't have a quorum.

E. ADJOURN.

Commissioner Kelley Motioned to adjourn.

Commissioner Marker seconded the motion.

Vote: Motion Approved 4-0-0

Yes: Commissioners: Bissell, Gehrt, Kelley, Marker

No: None

The meeting was adjourned at 07:36PM

The next meeting of the Commission is November 24, 2025, at 6:00 p.m.

Meeting Summary prepared by Julia Goldstein, Administrative Assistant.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AMENDING TITLE IV, CHAPTER 400 OF THE CODE OF ORDINANCES REGARDING MOTOR VEHICLE SALES AND OTHER RELATED LAND USES

WHEREAS, the City of Excelsior Springs, Missouri, periodically reviews and updates its Code of Ordinances to ensure consistency and alignment with the City’s Comprehensive Plan and long-term goals; and

WHEREAS, the Planning and Zoning Commission of the City of Excelsior Springs, Missouri, after due public notice, held a public hearing on November 24, 2025, to consider proposed amendments to Chapter 400, specifically concerning the motor vehicle sales and related land uses; and

WHEREAS, the Planning and Zoning Commission, following said public hearing, recommended approval of the proposed amendments to the City Council by a vote of 6-0; and

WHEREAS, the City Council of the City of Excelsior Springs, Missouri, after due public notice, held a public hearing on December 1, 2025 to consider the proposed amendments and the recommendation of the Planning and Zoning Commission; and

WHEREAS, the City Council finds that the proposed amendment will modernize the zoning code by separating incompatible uses, provide greater flexibility for pedestrian-oriented retail in the downtown core, and ensure commercial regulations are clear and consistent for staff, businesses, and property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AS FOLLOWS:

Section 1. Amendments. Chapter 400 of Title IV of the Code of Ordinances is hereby amended to read as written in Exhibit A, which is attached and incorporated into the Ordinance.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Errors. That correction of any scrivener’s errors identified within these articles are hereby authorized by this ordinance.

Section 5. Effective Date. This ordinance shall be in full force and effect from and after its passage and approval by the City Council.

PASSED AND APPROVED by the City Council of the City of Excelsior Springs, Missouri, this ____ day of _____, 2025.

Mark D. Spohn, Mayor

ATTEST:

REVIEWED BY:

Shannon Stroud, City Clerk

Molly McGovern, City Manager

EXHIBIT A

Section 400.180. District "C-2" – General Business District.

- A. Permitted Uses. In District "C-2," no building, structure, land premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one (1) or more of the following uses:
1. Any use permitted in District "C-1";
 2. Shops and stores for the sale at retail or wholesale of department store merchandise, furniture and appliances, ~~new motor vehicles and trucks, used car lots, motor vehicle supplies, motorcycles, petroleum products (bulk plants not permitted)~~, newspapers, pets, books, stationery, handcraft, office and hotel supplies;
 3. Services such as assembly and meeting halls, clubs, hotels and motels, ~~motor vehicle repair in connection with new auto sales~~, dry cleaning and laundries, appliance and small equipment repair, printing and publishing, custom maintenance, on-site handcrafting, health spa, delivery services, radio and television broadcasting studios, public or private entertainment and recreation, places where alcoholic beverages are served;
 4. Mixed residential and non-residential use as provided in Subsection (F) hereunder.
 5. Medical marijuana dispensaries, microbusiness dispensary facilities, comprehensive marijuana dispensary facilities, subject to the further requirements and restrictions of Section 400.300.
[Ord. No. 23-11-05, 11-6-2023]

B. Performance Standards.

1. Drive-through or drive-in services may be provided, except where alcoholic beverages in any form are served, dispensed or otherwise change hands;
2. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and not dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced;
- ~~3. Motor vehicles and trucks for sale may be stored or displayed outside a building but not within five (5) feet of a street line. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that required by this Chapter.~~

-- (Please note that Section 400.190 contains subsections C, D, E, and F. These subsections are not included in the amendment. Only the subsections to be amended are displayed here.)

Section 400.200. District "C-3" – Service Business District.

- A. Permitted Uses. In District "C-3," no building, structure, land premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one (1) or more of the following uses:
1. Any use permitted in District "C-2";
 2. Shops, stores and yards for the sale at retail or wholesale, or the rental of such items as automotive equipment, trucks, trailers, boats, camping accessories, tools, farm machinery, and supplies, building supplies, ~~and~~ lawn accessories, **motor vehicle supplies, and motor vehicle fuel sales;**
 3. Services such as assembly and meeting halls, motor vehicle repair and washing, farm machinery repair, pop bottling, miniature golf and commercial recreational parks, drive-in theaters, general repair and fix-it shops, frozen foods, including lockers, swimming pools, and trade schools;
 4. Nurseries, greenhouses and bakeries;
 5. Manufacture or assembly of products to be sold only at retail on the premises;
 6. Recycling, subject to special use permit.
 7. **Establishments for the sales and leasing of new motor vehicles, including but not limited to passenger vehicles, trucks, motorcycles, and recreational vehicles. The sale of used vehicles is permitted only as an accessory use incidental to the primary business of new vehicle sales, and all used vehicle inventory must be located on the same site as the new vehicle inventory. Establishments for the sales and leasing of used motor vehicles as a principal use are permitted only by approval of a Special Use Permit pursuant to Section 400.230.**

-- (Please note that Section 400.190 contains subsections B, C, and D. These subsections are not included in the amendment. Only the subsections to be amended are displayed here.)

Section 400.230. Special Use Permits.

-- (Please note that Section 400.190 contains subsections A, B, C, D, and E. These subsections are not included in the amendment. Only the subsections to be amended are displayed here.)

- F. Uses Which May Be Permitted. Any of the following uses may be located in any district, **unless otherwise stated**, by Special Use Permit:

-- (Items 1 – 28 are not included in the amendment. Only the text to be amended is displayed here.)

29. **Used motor vehicle sales, as a principal use, only in C-3 and M-1 Districts. This special use permit shall be valid for a period not to exceed two (2) years, but may be renewed after a full and complete review by the Planning and Zoning Commission and City Council.**

RESOLUTION NO. PZC-25-011

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI RECOMMENDING THE CITY COUNCIL APPROVE THE PROPOSED AMENDMENTS TO TITLE IV, CHAPTER 400 OF THE CODE OF ORDINANCES CONCERNING MOTOR VEHICLE SALES

WHEREAS, the City of Excelsior Springs, Missouri, periodically reviews and updates its Code of Ordinances to ensure consistency and alignment with the City's Comprehensive Plan and long-term goals; and

WHEREAS, in accordance with Section 404.090(A) of the City's Code of Ordinances, City staff have prepared an application to amend Chapter 400, specifically concerning motor vehicle sales; and

WHEREAS, City staff have prepared the application assigned case number ZTA-25-006 to amend Chapter 400 and have presented a staff report for the Planning and Zoning Commission's consideration; and

WHEREAS, the Planning and Zoning Commission of the City of Excelsior Springs, Missouri, after due public notice, held a public hearing on November 24, 2025 to consider proposed amendments; and

WHEREAS, the Planning and Zoning Commission finds that the proposed amendments will modernize the zoning code by separating incompatible uses, provide greater flexibility for pedestrian-oriented retail in the downtown core, and ensure commercial regulations are clear and consistent for staff, businesses, and property owners.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AS FOLLOWS:

Recommendation. The Planning and Zoning Commission recommends that the City Council approve the application assigned case number ZTA-25-006 to amend Title IV, Chapter 400 of the Code of Ordinances.

PASSED AND APPROVED by the Planning and Zoning Commission of the City of Excelsior Springs, Missouri, this 24th day of November, 2025.

Laurie Gehrt,
Planning and Zoning Commission Chairman

Mallory Brown,
Community Development Director

Planning and Zoning Commission

Staff Report



Meeting Date: November 24, 2025

Staff: Joshua Garrett, City Planner

Case Number: ZTA-25-006

Application Type: Zoning Text Amendment

Applicant: City of Excelsior Springs, Community Development Department

Proposal Summary: City staff proposes an amendment to Chapter 400 of the Code of concerning motor vehicle sales.

AMENDMENT DESCRIPTION

The proposed amendment modernizes the zoning code by relocating motor vehicle sales uses to more appropriate zoning districts. Specifically, it removes "new motor vehicle and truck sales" and "used car lots" as permitted uses in the "C-2" General Business District. These uses are reintroduced and redefined in the "C-3" Service Business District.

Key changes include:

- Permitting establishments for the sales and leasing of new motor vehicles by-right in the C-3 District.
- Allowing the sale of used vehicles as an accessory use only when incidental to a primary new vehicle sales business.
- Requiring a Special Use Permit for establishments dealing exclusively in used motor vehicle sales as a principal use, and only within the C-3 and M-1 Districts. These permits would be valid for a two-year period and subject to review for renewal.
- Removing outdated or redundant performance standards for outdoor display in the C-2 District.

BACKGROUND INFORMATION

The City's current zoning code permits both new and used motor vehicle sales in C-2 (General Commercial) Districts, which are almost entirely concentrated in the Downtown Tourist District and Historic Districts. Unless the zoning code is amended, this may lead to land use conflicts, as auto-oriented uses with large lot requirements and significant vehicular traffic can be incompatible with the pedestrian-oriented retail and mixed-use character the City aims to foster and protect in these areas.

The proposed amendment is a proactive measure to implement the City's Comprehensive Plan by separating these potentially incompatible uses. By concentrating new vehicle dealerships in the C-3 Service Business District and requiring a special use permit for standalone used vehicle lots, the amendment provides greater flexibility for pedestrian-friendly retail in the C-2 district while ensuring that motor vehicle sales are located in areas with a land use character and infrastructure better suited to their operational needs

STAFF RECOMMENDATION

Staff recommends approval of the proposed Zoning Text Amendment.

EXHIBITS

- A. Draft Ordinance
- B. Resolution

BILL NO. ____

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CITY CODE BY ADDING REGULATIONS GOVERNING THE TEMPORARY USE OF PROPERTY AS A OVERNIGHT WARMING CENTER.

WHEREAS, pursuant to Chapter 89, RSMo, the City is authorized to regulate land uses within its corporate limits to promote the public health, safety, and welfare; and

WHEREAS, the City recognizes the need for temporary overnight warming centers to provide safe, heated facilities to members of the public during periods of extreme cold;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AS FOLLOWS:

Section 1. That Section 400.231 is hereby added to Title IV, Chapter 400 of the City Code to read as follows:

400.231 Conditional Community and Emergency Uses

A. Warming Centers.

1. Purpose and Findings.

- a. To authorize the temporary operation of overnight warming centers under conditions that protect public health and safety, ensure coordination with emergency services, and maintain compliance with applicable building, fire, and zoning codes.
- b. The City Council finds that the temporary use of any facility as a overnight warming center, whether or not the building was originally designed or constructed for assembly purposes, including but not limited to older churches, community halls, and similar structures must be regulated and coordinated with the Building and Fire Officials to ensure compliance with the International Building Code (IBC) and International Fire Code (IFC), and to prevent such temporary uses from expanding into overnight or institutional operations without appropriate safeguards.

2. Definition.

“Overnight Warming Center” means a facility that temporarily provides short-term, emergency overnight accommodations for individuals seeking protection from extreme cold weather conditions.. A overnight warming center:

- a. Is non-residential in nature and operated only under a temporary authorization issued pursuant to this Section;

- b. May permit sleeping or resting by occupants during the hours of 5:00 p.m. – 8:00 a.m.;
- c. Operates only when the Community Development Director determines that forecasted ambient air temperatures will be at or below 20°F, or wind chill values will be at or below 20°F, for conditions posing a risk of hypothermia or frostbite to exposed persons, and for limited hours and days necessary to respond to that event.

3. Zoning Districts Permitted.

Overnight Warming centers may be authorized only in the following zoning districts: C-3.

4. Temporary Use Authorization Required.

- a. Operation requires a Temporary Use Authorization issued by the Community Development Director.
- b. Each Authorization shall specify: Location and sponsoring entity; approved maximum occupancy as determined by the Fire Official; and any conditions necessary for compliance with the IBC and IFC.

5. Coordination with Fire Department.

- a. Prior to operation, the Community Development Department shall notify the Fire Department of the proposed activation.
- b. The Fire Department shall verify that means of egress, heating equipment, detection devices, and electrical systems meet life-safety standards.
- c. The Building Official may require a temporary occupancy classification consistent with IBC Chapter 3 for assembly use, when applicable.
- d. No warming center may open to the public until first receiving a Temporary Use Authorization.
- e. Alternative Fire Protection / Fire Watch. Where a facility lacks an automatic sprinkler system or other required fire-protection feature, the Fire Department may authorize a continuous fire watch under the following conditions:
 - i. The occupancy does not exceed the limit established by the Fire Official;
 - ii. The facility provides functioning smoke detection, illuminated exits, and adequate exit signage;
 - iii. Fire-watch personnel are trained, remain on duty throughout occupancy, maintain hourly patrol logs, and have immediate communication with 911;
 - iv. Authorization of a fire watch shall not constitute a waiver of any permanent code requirement; and

- v. The Fire Chief shall document such approval in writing pursuant to IFC § 901.7, and the record shall be kept with the Temporary Use Authorization.

6. Operational Standards.

- a. Facility must be ADA-compliant with safe ingress, egress, and accessible restrooms.
- b. Facility shall not exceed the approved occupancy or operating hours.
- c. Maintain minimum of 68°F while occupied.
- d. A responsible representative shall be on site during all hours of operation.
- e. Post hours of operation, emergency contacts, and behavioral or pet rules.

7. Approval Criteria.

- a. The Community Development Director shall issue an Authorization only upon finding that:
 - i. The building meets applicable health, safety, and accessibility standards;
 - ii. The use will not adversely affect the public welfare through noise, traffic, or parking impacts; and
 - iii. All conditions of this Section, including any fire-watch requirements, are satisfied.

8. Revocation.

The Director, after consultation with the Fire Chief or Building Official, may suspend or revoke an Authorization upon finding that continued operation poses a hazard to life or property or violates the terms of approval.

9. Penalties.

Operation of a overnight warming center without a valid Temporary Use Authorization, or in violation of any condition imposed thereunder, shall constitute a zoning violation and an unlawful use of property. Each day of unauthorized operation shall be deemed a separate offense, enforceable under § 89.120, RSMo and § 404.100 of this Code, and subject to all remedies available to the City at law or in equity, including the issuance of a stop-use order, citation, or injunction.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

RESOLUTION NO. PZC-25-012

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI RECOMMENDING THE CITY COUNCIL APPROVE THE PROPOSED AMENDMENTS TO TITLE IV, CHAPTER 400 OF THE CODE OF ORDINANCES CONCERNING OVERNIGHT WARMING CENTERS

WHEREAS, the City of Excelsior Springs, Missouri, periodically reviews and updates its Code of Ordinances to ensure consistency and alignment with the City's Comprehensive Plan and long-term goals; and

WHEREAS, in accordance with Section 404.090(A) of the City's Code of Ordinances, City staff have prepared the application assigned case number ZTA-25-007 to amend Chapter 400 and have presented a staff report for the Planning and Zoning Commission's consideration; and

WHEREAS, the Planning and Zoning Commission of the City of Excelsior Springs, Missouri, after due public notice, held a public hearing on November 24, 2025 to consider proposed amendments; and

WHEREAS, the Planning and Zoning Commission finds that the proposed amendments will address a regulatory gap by establishing a clear and safe process for the temporary operation of overnight warming centers, thereby protecting public health and safety during periods of extreme cold.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AS FOLLOWS:

Recommendation. The Planning and Zoning Commission recommends that the City Council approve the application assigned case number ZTA-25-007 to amend Title IV, Chapter 400 of the Code of Ordinances.

PASSED AND APPROVED by the Planning and Zoning Commission of the City of Excelsior Springs, Missouri, this 24th day of November, 2025.

Laurie Gehrt,
Planning and Zoning Commission Chairman

Mallory Brown,
Community Development Director

Planning and Zoning Commission

Staff Report



Meeting Date: November 24, 2025

Staff: Joshua Garrett, City Planner

Case Number: ZTA-25-007

Application Type: Zoning Text Amendment

Applicant: City of Excelsior Springs, Community Development Department

Proposal Summary: City staff proposes an amendment to Chapter 400 of the Code that adds a new section concerning overnight warming centers.

AMENDMENT DESCRIPTION

The proposed amendment creates a new Section 400.231 to establish a clear and safe regulatory framework for the temporary operation of overnight warming centers. These facilities provide critical, short-term emergency shelter during periods of extreme cold. The amendment defines an "Overnight Warming Center" and outlines a Temporary Use Authorization process administered by the Community Development Director.

Key provisions include:

- Permitting warming centers only in the C-3 (Service Business) zoning district.
- Requiring coordination with the Fire Department to verify life-safety standards, including provisions for a fire watch in facilities without automatic sprinklers.
- Establishing operational standards for occupancy, temperature, accessibility, and on-site management.
- Limiting operation to days when forecasted temperatures or wind chill pose a risk of hypothermia or frostbite.
- Providing clear approval criteria and a process for revocation if public health or safety is jeopardized.

BACKGROUND INFORMATION

Currently, the City's Code of Ordinances lacks specific provisions for the temporary use of properties as overnight warming centers. This creates a regulatory gap, leaving potential operators without clear guidance and the City without a standardized process to ensure these temporary facilities operate safely. The proposed amendment proactively addresses this by establishing a process that balances community need with vital health and safety protections. It ensures that any facility used as a warming center, particularly those not originally designed for

assembly, is properly coordinated with building and fire officials to comply with applicable codes and protect occupants.

STAFF RECOMMENDATION

Staff recommends approval of the proposed Zoning Text Amendment.

EXHIBITS

- A. Draft Ordinance
- B. Resolution

BILL NO. ____

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CITY CODE BY ADDING A DEFINITION FOR “SOBER LIVING FACILITY” AND ESTABLISHING STANDARDS FOR REGISTRATION, SEPARATION, AND ENFORCEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AS FOLLOWS:

Section 1. That Section 400.030, Definitions, of the Code of Ordinances is hereby amended by adding the following definition, to appear alphabetically:

Sober living facility means a dwelling unit occupied by a group of not more than four unrelated individuals, unless a reasonable accommodation allowing more than four unrelated individuals to occupy a dwelling unit is granted, all of whom are in recovery from chemical dependency and considered disabled under the Federal Fair Housing Act Amendments of 1988 wherein the dwelling unit provides a noninstitutional residential environment in which the occupants willingly subject themselves to rules and conditions intended to encourage and sustain their recovery. The residents of a sober house are similar to a family unit and share kitchen and bathroom facilities and other common areas of the unit. Sober houses are financially self-supporting. This definition does not include facilities that receive operating revenue from governmental sources or those that provide on-site supportive services to residents, including but not limited to the following: mental health services; clinical rehabilitation services; social services; legal services; medical, dental, nutritional, and other health care services; financial management services; legal services; vocational services; and other similar supportive services.

Section 2. That Subsection B of Section 400.231 is hereby added to Title IV, Chapter 400 of the City Code to read as follows:

400.231 Conditional Community and Emergency Uses

B. Sober Living Facilities

1. The purpose of this Section is to regulate the establishment and operation of sober living facilities in a manner consistent with the Federal Fair Housing Act Amendments of 1988 and the Americans with Disabilities Act, while promoting compatibility with surrounding neighborhoods.
2. Any person or entity establishing or operating a sober living facility shall file a registration statement with the Community Development Director identifying the property address, property owner, operator contact information, and anticipated number of residents.
3. No sober living facility shall be located within one thousand (1,000) feet of another sober living facility, as measured property line to property line.

4. Sober living facilities meeting the requirements of this Section shall be considered a permitted residential use in all “R” zoning districts. Such facilities shall be subject to the same building, occupancy, and property-maintenance standards applicable to other dwellings in the same district.
5. Violation of this Section shall constitute a zoning violation enforceable through the remedies provided in this Code.

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

DRAFT

RESOLUTION NO. PZC-25-013

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI RECOMMENDING THE CITY COUNCIL APPROVE THE PROPOSED AMENDMENTS TO TITLE IV, CHAPTER 400 OF THE CODE OF ORDINANCES CONCERNING SOBER LIVING FACILITIES

WHEREAS, the City of Excelsior Springs, Missouri, periodically reviews and updates its Code of Ordinances to ensure consistency and alignment with the City's Comprehensive Plan and long-term goals; and

WHEREAS, in accordance with Section 404.090(A) of the City's Code of Ordinances, City staff have prepared the application assigned case number ZTA-25-008 to amend Chapter 400 and have presented a staff report for the Planning and Zoning Commission's consideration; and

WHEREAS, the Planning and Zoning Commission of the City of Excelsior Springs, Missouri, after due public notice, held a public hearing on November 24, 2025 to consider proposed amendments; and

WHEREAS, the Planning and Zoning Commission finds that the proposed amendments will provide necessary clarity and establish reasonable standards for the integration of sober living facilities into residential neighborhoods, ensuring compliance with federal law while promoting neighborhood compatibility.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AS FOLLOWS:

Recommendation. The Planning and Zoning Commission recommends that the City Council approve the application assigned case number ZTA-25-008 to amend Title IV, Chapter 400 of the Code of Ordinances.

PASSED AND APPROVED by the Planning and Zoning Commission of the City of Excelsior Springs, Missouri, this 24th day of November, 2025.

Laurie Gehrt,
Planning and Zoning Commission Chairman

Mallory Brown,
Community Development Director

Planning and Zoning Commission

Staff Report



Meeting Date: November 24, 2025

Staff: Joshua Garrett, City Planner

Case Number: ZTA-25-008

Application Type: Zoning Text Amendment

Applicant: City of Excelsior Springs, Community Development Department

Proposal Summary: City staff proposes an amendment to Chapter 400 of the Code that adds a new section concerning sober living facilities.

AMENDMENT DESCRIPTION

The proposed amendment adds a precise definition of "Sober Living Facility" to Chapter 400 and establishes it as a permitted residential use in all "R" zoning districts, subject to specific standards. The definition clarifies that these facilities are non-institutional, financially self-supporting residences for individuals in recovery and distinguishes them from facilities that provide on-site supportive services.

Key provisions include:

- Defining a sober living facility as a dwelling unit for a group of not more than four unrelated individuals in recovery, consistent with a family-like living arrangement.
- Requiring a registration statement to be filed with the Community Development Director to ensure the City has basic contact and operational information.
- Establishing a separation requirement of 1,000 feet between any two sober living facilities to prevent over-concentration and support their integration into the community.
- Ensuring these facilities are subject to the same building, occupancy, and property maintenance standards as all other dwellings in their district.

BACKGROUND INFORMATION

Currently, the City's Code of Ordinances does not contain a specific definition or regulatory framework for sober living facilities. This lack of clarity can create challenges for residents, operators, and City staff in understanding how these facilities fit within the City's zoning scheme. The proposed amendment proactively addresses this by creating a clear and compliant regulatory pathway. The standards are designed to be consistent with the Federal Fair Housing

Act Amendments of 1988 and the Americans with Disabilities Act, while also promoting neighborhood compatibility and the successful integration of these residential uses.

STAFF RECOMMENDATION

Staff recommends approval of the proposed Zoning Text Amendment.

EXHIBITS

- A. Draft Ordinance
- B. Resolution