

**Planning & Zoning Commission
Court Room
Hall of Waters Building
201 East Broadway
Excelsior Springs, MO**



October 16, 2018 at 6:00 PM

1. Roll Call
2. Approval of Meeting Summary - September 18, 2018
3. Comments of Visitors
4. Case No. SUP-18-007 - An application by Scott and Lisa Adams for a Special Use Permit for the operation for a vacation rental house in the R-4 Medium Density Residential Zoning District at 521 S. Kansas City Avenue (public hearing)
5. Case No. SUP-18-008 - An application by 401 Regent, LLC for a Special Use Permit for the operation of an office in a residential structure in the R-3 Cluster Townhouse or Garden Apartment Zoning District at 529 Elms Boulevard (public hearing)
6. Case No. ZTA - 18-002 - An application by the City of Excelsior Springs to amend the Excelsior Springs Zoning Ordinance by re-adopting the Zoning District Map (public hearing)
7. Case No. ZTA-18-003 - An application by the City of Excelsior Springs to amend Section 400.240. Accessory Uses of The Excelsior Springs Zoning Ordinance, to permit solar panels accessory uses (public hearing)
8. Comments of Commissioners
9. Staff Comments
10. 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: Thursday, October 11, 2018, 8:30 a.m.

Community Development Department Planning & Zoning

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



October 10, 2018

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case No. SUP-18-007 – An application by Scott & Lisa Adams for a Special Use Permit for a vacation rental house in the R-4 Medium Density Residential District at 521 South Kansas City Avenue (*Public Hearing*)

Applicant: Scott & Lisa Adams

Meeting Date: October 16, 2018

General Information:

Address: 521 South Kansas City Avenue
Current Zoning: R-4 Medium Density Residential District
Historical District: Elms
Current Land Use: Two-family house

Surrounding Zoning & Land Use: North – R-4 - Residential
East – C-2A - Residential
South – R-4 - Residential
West – R-3 - Commercial

Background:

The subject site is occupied by an existing two-family house that the applicant wishes to rent out for defined periods of time to visitors and vacationers. One of the units in the house is currently occupied by a long-term tenant; the other vacant unit is available immediately as a vacation rental. The applicant requests approval for both units to be used as a vacation rental under the SUP.

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.

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,

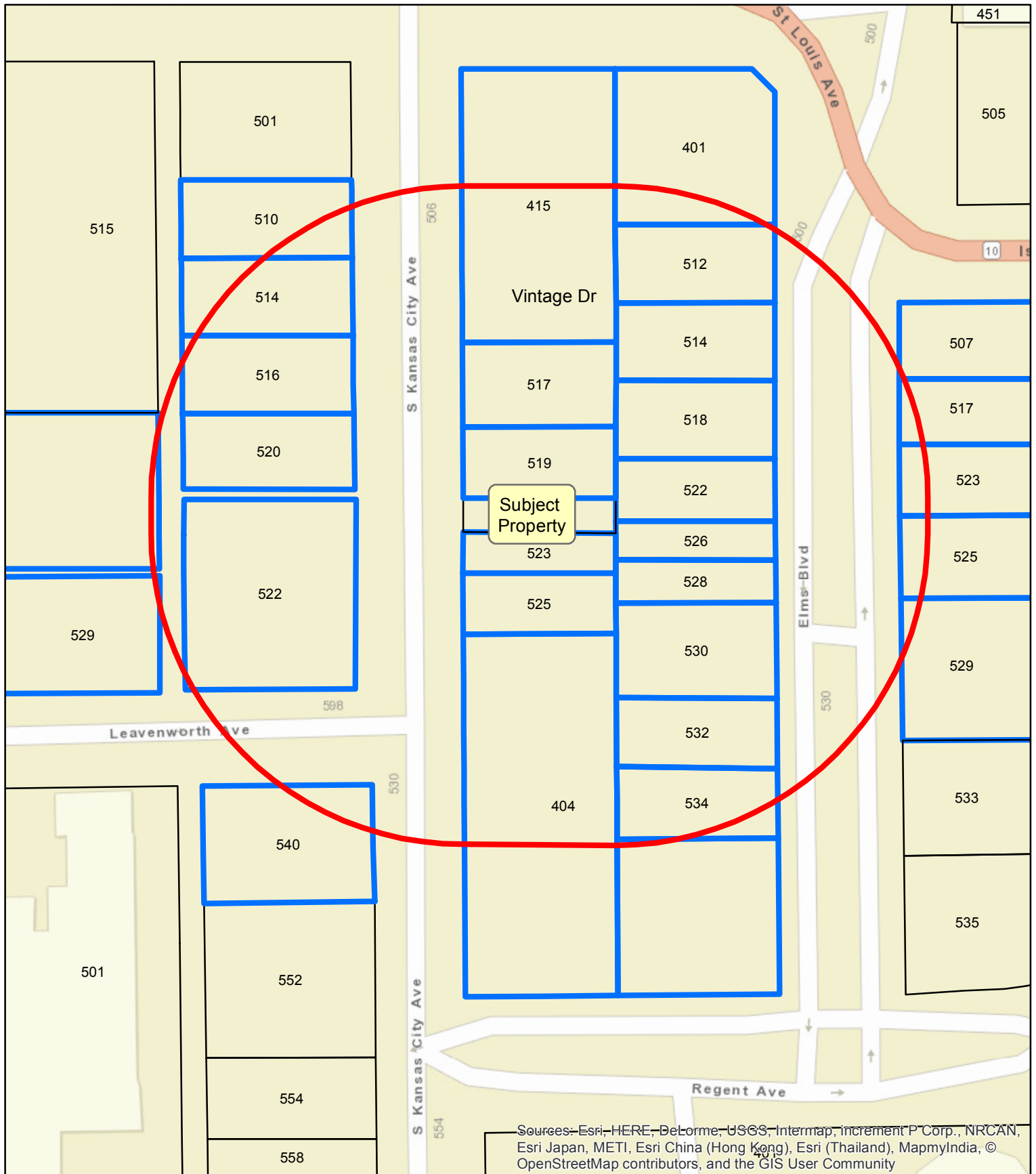
Doug Hermes
City of Excelsior Springs
Planning Consultant

Attachments:

Exhibit A – Vicinity Map



SUP 521 S. Kansas City Ave.




Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Legend

0 25 50 100 150 200 Feet

 200 FT Buffer

 Properties to be Notified

SUP 18-007



**COMMUNITY DEVELOPMENT
PLANNING & ZONING**
201 East Broadway
Excelsior Springs, MO 64024
Phone: (816) 630-0756
Fax: (816) 630-9572

FOR OFFICE USE ONLY	
Fee: \$400	
Date Received: 9-11-18	
Public Notice Date: _____	
P&Z Hearing: _____	
Council: _____	

Special Use Permit Application

Address of proposed Special Use: 521 S Kansas City Ave

Applicant Name (Please Print): Scott & Lisa Adams

Applicant Address: 32302 W. 231st Lawson MO 64062

Phone Number: 816 507 9943 Email: Lgadams14@yahoo.com

Property Owner Name, Address & Phone (If different from applicant):

Applicant requests a Special Use Permit as allowed in Chapter 404 of Excelsior Springs Code. Describe nature and operation of the Special Use: _____

Short term vacation rental

Current use of property: _____

- 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.
- Please include a list of the name and address of all neighboring property owners within 185 feet of the subject property. This information must be obtained from either the County Assessor's office or a local title company.

It is the applicant's responsibility to show that the use:

1. Is deemed necessary for the public convenience at that location;
2. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected;
3. Will not cause substantial injury to the value of other property in the neighborhood in which it is located;
4. Will comply with the height and area regulations of the district in which it is located unless specifically granted otherwise.

Applicant Signature: _____

Date: _____

Still Need Business License

Community Development Department Planning & Zoning

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



October 10, 2018

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case No. SUP-18-008 – An application by 401 Regent LLC for a Special Use Permit for the operation of an office in a residential structure in the R-3 Cluster Townhouse or Garden Apartment District at 529 Elms Boulevard (*Public Hearing*)

Applicant: 401 Regent LLC

Meeting Date: October 16, 2018

General Information:

Address: 529 Elms Boulevard
Current Zoning: R-3 Cluster Townhouse or Garden Apartment District
Historical District: Elms
Current Land Use: Single-family house

Surrounding Zoning & Land Use: North – R-3 - Residential
East – R-3 - Vacant
South – R-3 – Parking Lot
West – R-3 - Residential

Background:

The subject site is occupied by an existing single-family house that has been vacant for at least the past five years. There have been certain code violations on the property over these years. The applicant has a proposed two-year lease on the property.

Due to expansion of the spa facilities within the Elms Hotel & Spa into the existing business office space, the applicant is requesting this special use permit in order to relocate their business office operations on a temporary basis until such time more permanent arrangements can be made. The applicant reviewed relocating the business office into an existing carriage house building on their site but found it did not have adequate space.

The applicant is not proposing any building renovations or modifications beyond those necessary to satisfy current City life-safety codes.

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.

It is not uncommon in neighborhood areas of mixed uses and adjacent to commercial activity for residential structures to be used for non-residential purposes on a temporary basis. It is expected in these circumstances that the structure remain as close as possible to its residential character to mitigate visual impacts to surrounding properties and facilitate its return to residential use in the future.

Operational impacts to surrounding properties should also be minimized. In this case, parking for office employees should be accommodated off-site except perhaps for a vehicle or two on the existing driveway.

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.

As a temporary use, staff would suggest a time limit of two years.

Staff Recommendation/Action Requested:

City staff recommends approval of the Special Use Permit for a two (2) year time period with the following stipulations:

1. The structure shall comply with all applicable life-safety codes for an office use.
2. No office related parking shall be permitted in the Elms Neighborhood parking lot.
3. No commercial grade trash disposal facilities shall be permitted.
4. No signage shall be permitted.
5. All current City code violations related to the property and structure shall be appropriately addressed prior to office occupancy.

Respectfully Submitted,

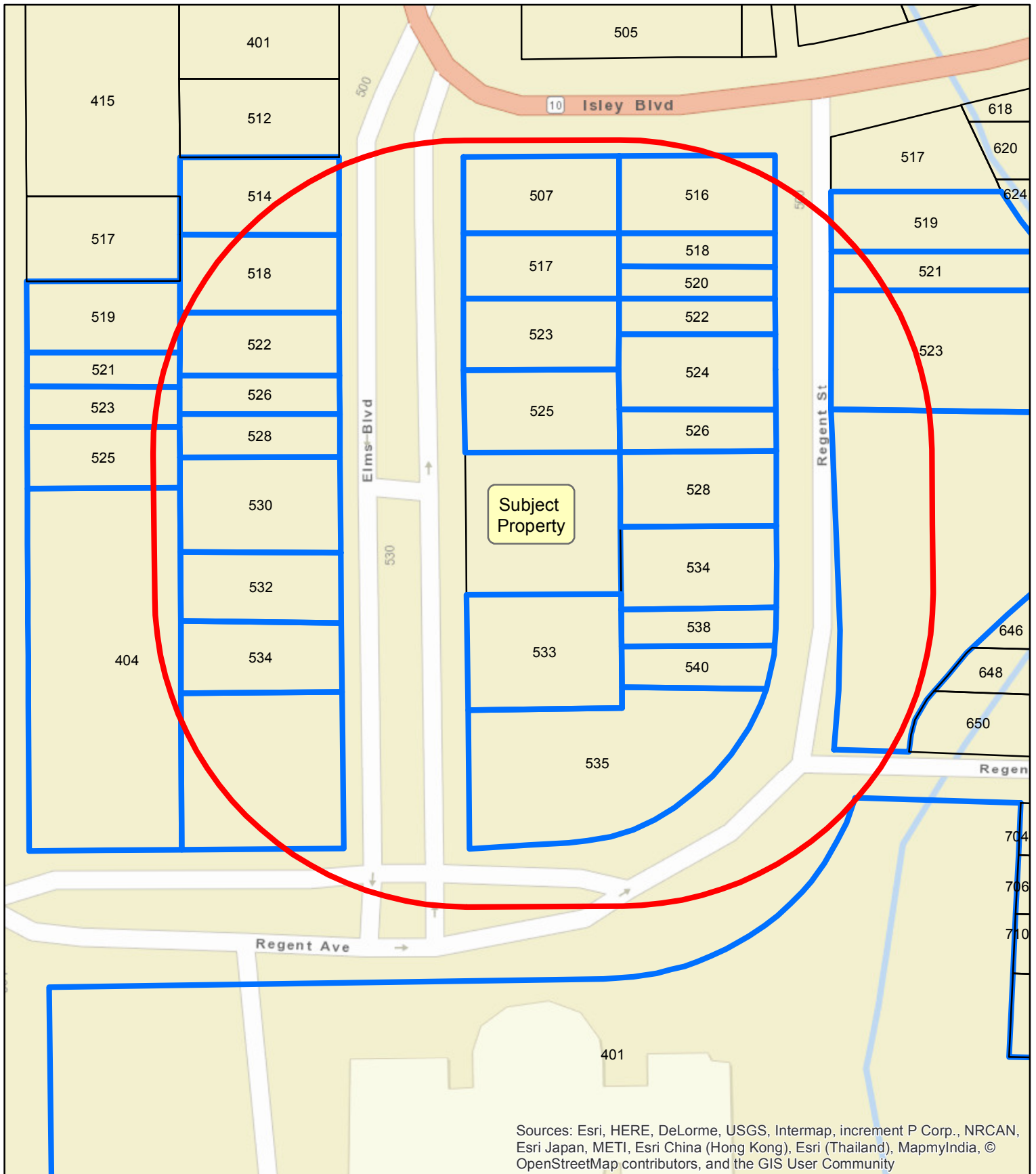
Doug Hermes
City of Excelsior Springs
Planning Consultant

Attachments:

Exhibit A – Vicinity Map



SUP 529 Elms Blvd.



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Legend

0 25 50 100 150 200 Feet

200 FT Buffer

Properties to be Notified

SUP-18-008



COMMUNITY DEVELOPMENT
PLANNING & ZONING
201 East Broadway
Excelsior Springs, MO 64024
Phone: (816) 630-0756
Fax: (816) 630-9572

FOR OFFICE USE ONLY

Fee: \$400.00
Date Received: 9/21/18
Public Notice Date:

Special Use Permit Application

Address of proposed Special Use: 529 ELMS BLVD., Excelsior Springs, Mo. 64024

Applicant Name (Please Print): 401 REGENT LLC

Applicant Address: 401 REGENT ST, Excelsior Springs, MO. 64024

Phone Number: 816-629-2510 Email: b.smith@destinationhotels.com

Property Owner Name, Address & Phone (If different from applicant):
SAME

Applicant requests a Special Use Permit as allowed in Chapter 404 of Excelsior Springs Code. Describe nature and operation of the Special Use: ~~Vacation Rental~~ OFFICE SPACE

Current use of property: VACANT

- 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.
- Please include a list of the name and address of all neighboring property owners within 185 feet of the subject property. This information must be obtained from either the County Assessor's office or a local title company.

It is the applicant's responsibility to show that the use:

1. Is deemed necessary for the public convenience at that location;
2. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected;
3. Will not cause substantial injury to the value of other property in the neighborhood in which it is located;
4. Will comply with the height and area regulations of the district in which it is located unless specifically granted otherwise.

Applicant Signature: Brenda Smith

Date: 9-18-18

**Community Development Department
Planning & Zoning**

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



October 10, 2018

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case No. ZTA-18-002 – An application by the City of Excelsior Springs to amend the Excelsior Springs Zoning Ordinance by re-adopting the Zoning District Map (*Public Hearing*)

Applicant: City of Excelsior Springs

Meeting Date: October 16, 2018

General Information:

Zoning Regulations: Section 400.060. Par. G. *Map*

Background:

The Excelsior Springs Zoning Ordinance establishes the location and boundaries of various zoning districts as set forth in the “Zoning District Map.” The “Zoning District Map” is an official part of the zoning ordinance and is filed with the Office of the City Clerk and copies available in the Community Development Department and open to public reference at all times City Hall is open. The City also maintains a current copy of the “Zoning District Map” online for public access.

Staff Analysis:

While the “Zoning District Map” is updated every time a rezoning is approved by the City Council, it is common practice to periodically officially re-adopt the map to ensure all locations and boundaries of the various zoning districts are proper.

The map includes the land use zoning districts as well as the “overlay” zoning districts of the Historic Preservation District and the Floodway and Floodway Fringe District.

City staff has reviewed the current map in detail over the past several months and cross-referenced to past City Council zoning actions.

Staff Recommendation/Action Requested:

City staff recommends re-adoption of the Zoning District Map.

Respectfully Submitted,

Doug Hermes
City of Excelsior Springs
Planning Consultant

Attachments:

Exhibit A – Zoning District Map ([link](#))

**Community Development Department
Planning & Zoning**

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



October 10, 2018

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case No. ZTA-18-003 – An application by the City of Excelsior Springs to amend Section 400.240. Accessory Uses of The Excelsior Springs Zoning Ordinance, to permit solar panels accessory uses (*Public Hearing*)

Applicant: City of Excelsior Springs

Meeting Date: October 16, 2018

General Information:

Zoning Regulations: Section 400.240. Accessory Uses.

Background:

At the June 19, 2018 Study Session, the Planning & Zoning Commission discussed the current city zoning regulations regarding “solar panel accessory uses”. In particular, the Commission discussed the appropriateness of explicitly permitting solar panel accessory uses as a permitted accessory use in all zoning districts. Following this discussion, the Commission asked staff to research other communities’ zoning standards and present a proposed zoning ordinance amendment that would permit such accessory uses.

Current city zoning standards do not specifically address solar panel accessory uses. There are currently several locations of such uses in place throughout the city. These uses do have to comply with all applicable building and life-safety codes.

The Mid-America Regional Council (MARC) has been working with area communities to promote more permissive regulatory frameworks as pertaining to solar panel accessory uses. City staff has been able to review the MARC research as well as reviewing current examples from other cities and counties.

Staff Analysis:

Staff feels that certain modifications can be made to the existing zoning regulations that could explicitly permit solar panel accessory uses in all zoning districts in a permissive manner while still maintaining certain expectations to limit potential adverse impact to surrounding properties.

The proposed zoning ordinance amendment would create a new “solar panel” paragraph under the Accessory Uses section. The amendment would permit solar panel accessory uses in all zoning districts, including roof, wall or ground mounted, with certain standards to help mitigate visual impact from surrounding properties. These standards include

limitations on height for roof-mounted units and limitations on height, location and setback for ground-mounted units.

The proposed zoning text amendment has been reviewed by both the City's Building Division and Fire Department.

The entire proposed zoning text amendment is attached.

Staff Recommendation/Action Requested:

City staff recommends approval of the zoning ordinance amendment.

Respectfully Submitted,

Doug Hermes
City of Excelsior Springs
Planning Consultant

Attachments:

Exhibit A – Zoning Ordinance Amendment Section 400.240. Accessory Uses

City of Excelsior Springs Zoning Ordinance

Section 400.240. Accessory Uses

Par. K. *Solar Panels*

- A. Solar panels shall be permitted as an accessory use in all zoning districts subject to the following performance standards:
1. Solar panels must be located on the premises
 2. Solar panels may be mounted on roofs or walls subject to:
 - a. Roof-mounted residential building solar panels located on front or side building roofs visible from the public right-of-way shall not extend above the peak of the roof plane where it is mounted and no portion of any such solar panel shall extend more than 24 inches as measured perpendicularly to the roof at the point where it is mounted.
 - b. Roof-mounted residential building solar panels located on the rear or interior side building roofs shall not extend above the peak of the roof plane where it is mounted and no portion of any such solar panel shall extend more than four (4) feet as measured perpendicularly to the roof at the point where it is mounted.
 3. Solar panels may be ground-mounted subject to:
 - a. Ground-mounted solar panels shall not exceed eight (8) feet in total height and shall be located within the rear yard at least 12 feet inside the property lines.
 - b. All utility service lines serving ground-mounted solar panels shall be located underground.
 4. Any system incorporated into a nonresidential building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building shall not be permitted.
 5. Roof mounted solar panels mounted on "accessory buildings" are permitted.
 6. Solar panels may be mounted on light poles as a source of power for the light fixtures if they are designed as part of the fixtures.
 7. All exposed metal, including the framework of active solar panels or exposed mullions and framework of passive systems shall be colored to visually blend into the surroundings.
- B. Exceptions to these standards may be considered for approval through special use permit if the city finds there would be no detrimental impact to the public health, safety, welfare or public interest.