

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



December 18, 2018 at 6:00 PM

1. Roll Call
2. Approval of Meeting Summary
 - a. Meeting Summary - November 20, 2018
3. Comments of Visitors
4. SUP-18-009 - An application by United Services, Inc. (United Fiber) for a Special Use Permit for the installation of satellite dishes for an IPTV system in the C-3, Service Business District at 529 St. Joseph (public hearing).
5. Case No. ZTA-18-004 - An application by the City of Excelsior Springs to amend Section 400.270. Height and Area Exceptions of The Excelsior Springs Zoning Ordinance, to exempt ADA accessible ramps from the yard requirements in the R-1, Single-Family and R-2, Two-Family Residential Districts (public hearing).
6. Case No. ZTA-18-005 - An application by the City of Excelsior Springs to amend Section 400.180. District C-2, General Business District of The Excelsior Springs Zoning Ordinance, to allow Mixed Residential and Non-Residential Use as a permitted use in the "Central Business District" (public hearing).
7. Staff Comments
8. Comments of Commissioners
9. 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, December 13, 2018 at 9:00 a.m.

PLANNING AND ZONING COMMISSION

MEETING SUMMARY

November 20, 2018, 6:00 p.m.

Item 1. Roll Call

PRESENT: Sandy Barnes, Bob Gerdes, Bill Griffey, III, Kenny Manley, Jake Simmons and Pat Slusher.

ABSENT: Mark Bullimore.

STAFF PRESENT: Doug Hermes, Planning Consultant, Melinda Mehaffy, Economic Development Director, Sonya Morgan, Councilperson Liaison, and Molly McGovern, City Manager.

VISITORS: 1 member of the public was in attendance.

Item 2. Approval of Meeting Summary – September 18, 2018:

Commissioner Manley made a motion to approve the September 18, 2018 meeting summary. Commissioner Simmons seconded. Motion carried.

Vote: Motion passed 6-0-0

Yes: Commissioners: Barnes, Gerdes, Griffey, Manley, Simmons, and Slusher.

No: None

Abstain: None

Item 3. Approval of Meeting Summary – October 16, 2018:

Commissioner Manley made a motion to approve the October 16, 2018 meeting summary. Commissioner Barnes seconded. Motion carried.

Vote: Motion passed 6-0-0

Yes: Commissioners: Barnes, Gerdes, Griffey, Manley, Simmons, and Slusher.

No: None

Abstain: None

Item 4. COMMENTS OF VISITORS:

There were no comments from visitors.

Item 5. 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 - continued from October 16, 2018).

Doug Hermes presented the information for the Zoning District Map as described in the staff report.

Chairman Gerdes asked if there were any questions for the staff. Seeing none, he opened the public hearing.

Chairman Gerdes asked if any members of the public wished to speak. Seeing none, he closed the public hearing.

After Chairman Gerdes closed the public hearing, he asked if Commissioners had any other questions for staff or the applicant. Seeing none, he asked for a motion.

Commissioner Simmons moved to approve Case No. ZTA-18-002 for the application to amend the Excelsior Springs Zoning Ordinance by re-adopting the Zoning District Map, to be presented to the City Council at their next meeting on December 3, 2018. Commissioner Slusher seconded the motion.

Vote: Motion passed 6-0-0

Yes: Commissioners: Barnes, Gerdes, Griffey, Manley, Simmons, and Slusher.

No: None

Abstain: None

Item 6. Case No. VAC-18-001 – A petition by the City of Excelsior Springs to vacate Clevenger Addition, a subdivision in the City of Excelsior Springs, Clay County, Missouri (public hearing).

Doug Hermes presented the information for the Vacation of the Clevenger Addition as described in the staff report.

Chairman Gerdes asked if there were any questions for the staff. Seeing none, he opened the public hearing.

Chairman Gerdes asked if any members of the public wished to speak. Seeing none, he closed the public hearing.

After Chairman Gerdes closed the public hearing, he asked if Commissioners had any other questions for the staff or the applicant. Seeing none, he asked for a motion.

Commissioner Simmons moved to approve Case No. VAC-18-001 for the application by the City of Excelsior Springs to vacate Clevenger Addition, a subdivision in the City of Excelsior Springs, Clay County, Missouri, to be presented to the City Council at their next meeting on December 3, 2018. Commissioner Manley seconded the motion.

Vote: Motion passed 6-0-0

Yes: Commissioners: Barnes, Gerdes, Griffey, Manley, Simmons, and Slusher.

No: None

Abstain: None

Item 8. COMMENTS OF COMMISSIONERS

No comments at this time

Item 9. STAFF COMMENTS

No comments at this time.

Item 10. ADJOURN

Meeting was adjourned at 6:06 p.m.

The next meeting of the Commission is scheduled for December 18 at 6 p.m. at the Hall of Waters, 201 East Broadway, Excelsior Springs, Missouri, in the Council Chambers.

Minutes prepared by Robin Curfman, Secretary of Planning & Zoning Commission.

Community Development Department Planning & Zoning

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



December 12, 2018

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case No. SUP-18-009 – An application by United Services, Inc. (United Fiber) for a Special use Permit for the installation of satellite dishes for an IPTV system in the C-3, Service Business District at 529 St. Joseph Avenue (*Public Hearing*).

Applicant: United Services, Inc.

Meeting Date: December 12, 2018

General Information:

Address: 529 St. Joseph Avenue
Current Zoning: C-3 Service Business District
Current Land Use: Commercial

Surrounding Zoning & Land Use: North – C-3 – School District
East – C-2A – Motorcycle Sales & Service
South – C-3 – School District
West – C-3 – School District

Background:

A special use permit was issued on this property to Kennis Mann in 2016 for installation of satellite dishes. Due to its location adjacent to the Elms Historic District, and to minimize visual impact to the surrounding neighborhood, a stipulation was added for installation of a view-obscuring fence. The satellite dishes were installed and are currently on the property but the view-obscuring fence was never erected. A new company has acquired the business and has applied to renew the special use permit.

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.

As the satellite dishes have been on site for several years now with no discernable concerns, 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.

The applicant has stated their willingness to erect the view-obscuring fence within the next couple of months, weather permitting.

With new ownership and the issue of the view-obscuring fence still outstanding, staff would suggest an initial time limit of two years to allow for appropriate review.

Staff Recommendation/Action Requested:

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

1. The applicant shall install an 8 foot wooden shadowbox style fence to aid in screening the satellites from the neighboring residential properties.

Respectfully Submitted,

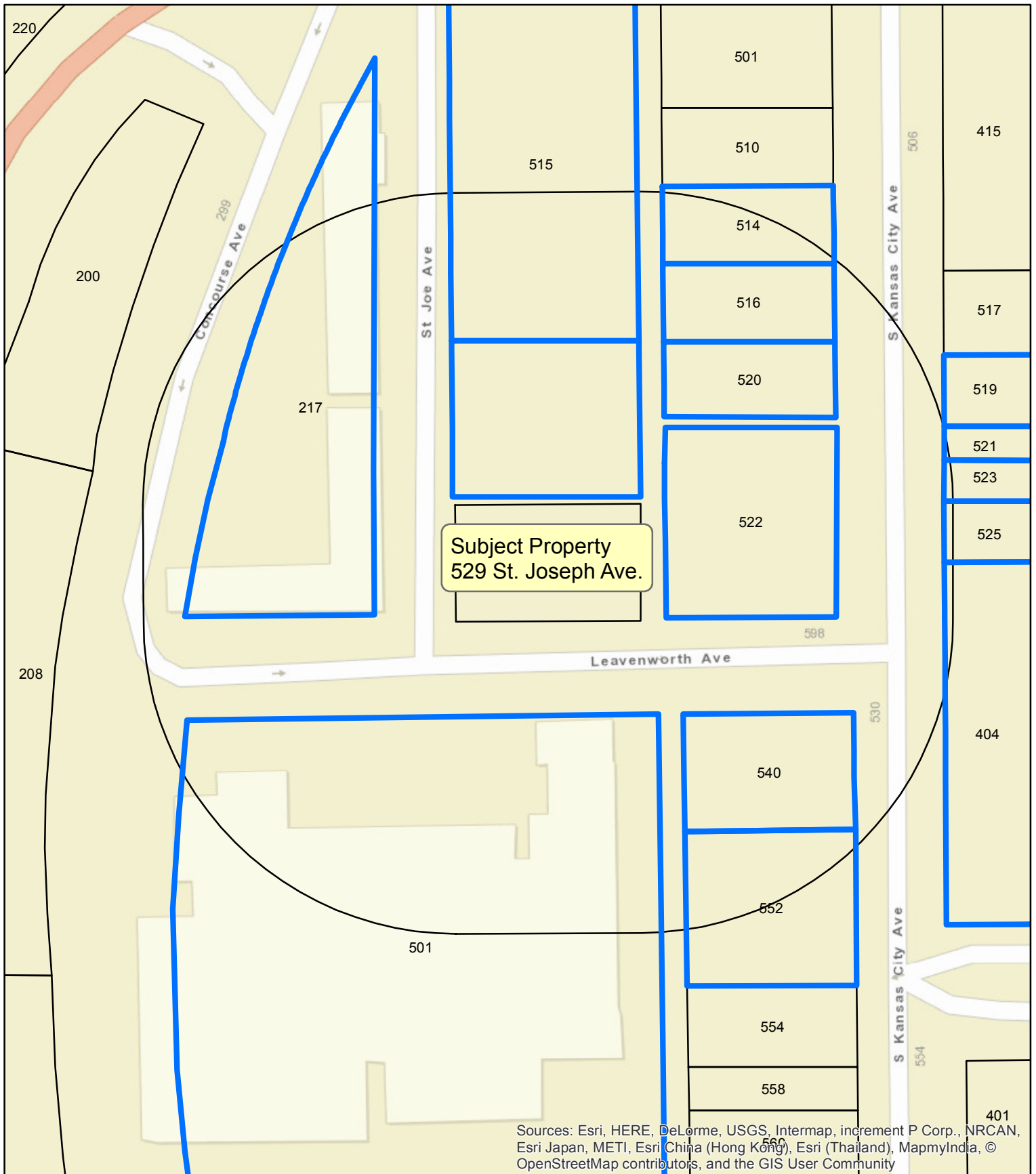
Doug Hermes
City of Excelsior Springs
Planning Consultant

Attachments:

Exhibit A – Vicinity Map



SUP for 529 St. Joseph 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

0 25 50 100 150 200 Feet

Legend

 Properties to be Notified  200 FT Buffer



**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: 11-7-18

Public Notice Date: _____

P&Z Hearing: _____

Council: _____

Special Use Permit Application

Address of proposed Special Use: 529 St. Joseph

Applicant Name (Please Print): Ken Smith

Applicant Address: 529 St. Joseph, ES MO 64024

Phone Number: 816-344-0425 Email: ksmith@ueei.coop

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: Property is zoned C-3

Applicants are proposing to install (continue to have)
satellite dishes for IPTV system. Will install 8' black
chain link with privacy slats.
Current use of property: Same as above.

- 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: Ken Smith

Date: 11-7-18

Community Development Department Planning & Zoning

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



December 12, 2018

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case No. ZTA-18-004 – An application by the City of Excelsior Springs to amend Section 400.270. Height and Area Exceptions of The Excelsior Springs Zoning Ordinance, to exempt ADA accessible ramps from the yard requirements in the R-1, Single-Family and R-2, Two-Family Residential Districts (*Public Hearing*).

Applicant: City of Excelsior Springs

Meeting Date: December 12, 2018

General Information:

Zoning Regulations: Section 400.270. Height and Area Exceptions.

Background:

At a recent Planning & Zoning Commission Study Session, the Commission discussed the matter of residential ADA accessible ramps. Accessible ramps are being added to better accommodate residents who through age and/or physical concerns have increased challenges navigating stairs to and from their homes.

These accessible ramps require a building permit and must meet current yard setback requirements of the respective residential zoning district. Because of the gradient requirements of a ramp and physical features of the house and lot, complying with yard setback requirements is not often easy.

The City is a “Community for All Ages” through a Mid-America Regional Council (MARC) initiative – a program started in 2005 to provide tools to cities to help them create a “great place to live and age well.” The initiative encourages cities to consider modifying regulatory barriers that might impact the ability of older residents to stay in their homes and help create an age-friendly community.

The Commission recognized the challenges sometimes associated with building an accessible ramp within the existing yard requirements and suggested staff propose ways to make this easier. The Commission also noted that the most common ramps are of wood construction, not attached to the buildings or requiring piers and could be considered somewhat temporary in nature. Concrete or other more permanent ramp structures may not be viewed as appropriate to encroach on the yard setback requirements.

Since that P&Z Commission Study Session, the Board of Zoning Adjustments approved two (2) requests for variance from the yard setback requirements for residential

accessible ramps due to unique and exceptional circumstances of the respective applicants' lots.

Staff Analysis:

Residential ADA accessible ramps are only going to be more common as the city's population ages particularly in older residential neighborhoods. This trend can be anticipated in both the single and two-family residential zoning districts.

Yard setback requirements are established so the primary use structure (house) and accessory use buildings leave adequate light and space in the neighborhood environment. Almost all accessible ramps are un-covered and, not requiring piers or permanent affixture to the house, could be considered somewhat temporary in nature.

It would be possible to better accommodate accessible ramps in *single and two-family residential districts* (Districts R-1 and R-2) by exempting them from the residential district yard requirements in the Zoning Ordinance. This could be accomplished by an amendment to Section 400.270. Height and Area Exceptions, Par. C.4. *Required yard or court to be open — exceptions*, by adding an additional subparagraph d.:

Notwithstanding the previous exceptions, in District R-1 and District R-2 ADA accessible ramps of wood construction, not enclosed with a wall or other structure that extends more than forty-two (42) inches above the ramp floor, and not requiring piers may extend into the required front, side and/or rear yards but not closer than five (5) feet to any property line.

A minimum five-foot setback would still apply to any property line to comply with building and fire code requirements. And accessible ramps would still need to remain off existing easements. This accommodation, as with any Zoning Ordinance standard, would not impact current or future homeowner association by-laws or requirements in those neighborhoods covered by private covenants.

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 – Section 400.270. Height and Area Exceptions Par. C. *Yard Exceptions*.

Section 400.270 Height and Area Exceptions.

[R.O. 2012 §400.270; Ord. No. 88-5-5 §§I — III, 5-16-1988; Ord. No. 98-9-10, 9-21-1998; Ord. No. 2011-11-06-05 §2, 6-20-2011]

C. *Yard Exceptions.*

1. *Residential districts.* In Districts "R-1", "R-2", "R-3", "R-4" and "R-5" where lots comprising forty percent (40%) or more of the frontage, on the same side of a street between two (2) intersecting streets (excluding reverse corner lots), are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, provided that the Board of Adjustment may establish a reasonable setback in case of hardship or where the configuration of the ground and buildings is such as to make conformity with the front yard requirements impractical.
2. *"C-O" to "M-2" districts.* In Districts "C-O" to "M-2" inclusive, where buildings located in the same block on the same side of a street have provided front yards of greater or less depth than herein required, the Board of Adjustment may establish setbacks for buildings or structures constructed hereafter.
3. *Official line for future widening or opening of street.* Where an official line has been established by the City Council or State Highway Commission for future widening or opening of a street upon which a lot abuts, then the depth or width of a yard shall be measured from such official right of way line to the nearest line of the building.
4. *Required yard or court to be open — exceptions.* Every part of a required yard shall be open from its lowest point to the sky unobstructed, with the following exceptions:
 - a. Ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves may extend into a minimum yard up to but not more than twenty-four (24) inches.
 - b. In residential districts, canopies or open porches having a roof area not exceeding one hundred twenty (120) square feet may project a maximum of ten (10) feet into the required rear yard.
 - c. In residential districts, open, uncovered porches, balconies and decks may extend into the required front yard or the required side street yard on a corner lot, up to but not more than eight (8) feet or half (½) of an existing yard, whichever is less; such balconies or

decks shall not be enclosed with a wall or other structure that extends more than forty-two (42) inches above the floor or which is perforated over its entire surface less than twenty-five percent (25%).

- d. **Notwithstanding the previous exceptions, in District R-1 and District R-2 ADA accessible ramps of wood construction, not enclosed with a wall or other structure that extends more than forty-two (42) inches above the ramp floor, and not requiring piers may extend into the required front, side and/or rear yards but not closer than five (5) feet to any property line.**

5. *Fire escapes and stairways.* An open fire escape may project into a required side yard not more than half (½) the width of such yard, but not more than four (4) feet from the building. In non-residential districts, fire escapes, solid floored balconies and enclosed outside stairways may project not more than four (4) feet into a required rear yard.
6. *Detached accessory buildings.* In any district, a detached accessory building not exceeding twenty-four (24) feet or two (2) stories in height, or in any case not higher than the main building may occupy not more than thirty percent (30%) of a rear yard.
7. *Sight distance on corner lots.* All corner lots shall provide sight distance triangles, extending in all directions of vehicle approach, the short leg of which shall be twenty (20) feet, and the long leg of which shall be one hundred forty (140) feet measured along the curb line or edge of the pavement. Such area shall be and remain free of shrubbery, fences or other obstruction to vision more than two (2) feet in height measured from the roadway. This requirement shall not apply to lots in an "R-1A" zoning district if the intersection in question is a four-way stop.
8. *Rear yards in districts "C-1" to "M-2".* No rear yard shall be required in Districts "C-1" to "M-2" inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right of way or which has a rear railway track connection.
9. *Through lot with one (1) end abutting a limited access highway.* A through lot having one (1) end abutting a limited access highway, or thoroughfare with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.

Community Development Department Planning & Zoning

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



December 12, 2018

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case No. ZTA-18-005 – An application by the City of Excelsior Springs to amend Section 400.180. District C-2, General Business District of The Excelsior Springs Zoning Ordinance, to allow Mixed Residential and Non-residential Use as a permitted use in the “Central Business District” (*Public Hearing*).

Applicant: City of Excelsior Springs

Meeting Date: December 12, 2018

General Information:

Zoning Regulations: Section 400.180. District C-2, General Business District.

Background:

“Mixed residential and non-residential use” as stated in the Zoning Regulations refers to the use of upper floor spaces in commercial buildings for residential use. In zoning district “C-2” – General Business District, mixed residential and non-residential uses may be permitted by special use permit under certain standards (Section 400.180. Par. F). The C-2 zoning district is primarily located in and around the downtown area but can be applied in other parts of the city. These special use permits are issued specifically to the current property owner and are not transferable to new property owners.

At a recent Planning & Zoning Commission Study Session, the Commission discussed the possibility of perhaps permitting such uses outright, under the existing standards, for properties within the *central business district*. The Commission generally felt this was appropriate and requested staff further review the off-street parking standard and the definition of “*white box*” condition for the street level commercial space.

The “*central business district*” is specifically defined in Section 400.280. Par. H. where reference is made to the downtown parking requirements. This boundary definition encompasses those commercial areas commonly thought of as the city’s historic downtown and mostly comprises locations in the C-2 zoning district.

Staff Analysis:

It appears appropriate to permit mixed residential and non-residential uses in the downtown area as a permitted use and to maintain the existing standards. This could be accomplished by amending Section 400.180. Par. F. by adding the following provision as Paragraph 6:

Notwithstanding previous provisions of this paragraph, mixed residential and non-residential uses in the “central business district”, as defined in Section 400.280 Par. H, are permitted outright without special use permit provided all standards listed above are satisfied.

This would permit mixed residential and non-residential uses in the downtown as long as they comply with all current standards without having City review of each situation through the special use permit process. But formal special use permit review would still be required for the rare instances where there is a proposed mixed residential and non-residential use proposed in the C-2 zoning district outside of the downtown area.

Current standards require “at least one (1) off-street parking space, within convenient walking distance, shall be available at all times for each residential unit.” The purpose of this standard is to ensure tenants have a parking space available if street parking is full, and to hopefully limit excessive parking on the street for residential purposes in front of commercial establishments. Overnight parking on Broadway and Thompson Streets is currently not permitted but it is not limited on other streets within the downtown area. Current special use permits for mixed residential and non-residential uses have easily satisfied this standard by obtaining a “parking permit” from the City for a parking space in nearby public lots. City staff feels this arrangement is simple enough and can remain in place to avoid potential future parking conflicts as this land use option becomes more prevalent.

The standard for improving, at minimum, the ground floor space to “white box” standard helps ensure this space will be all ready for the finishing touches to accommodate a commercial business. While a simple “white box” definition is include in the current provisions, city staff is developing a more detailed definition that will be applied administratively.

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 – Section 400.180. Par. F. *Mixed Residential and Non-Residential Use.*

Section 400.180.Par.F

F. Mixed Residential And Non-Residential Use. Other provisions of this Chapter notwithstanding, the City Council may authorize residential use of parts of buildings housing commercial uses within the Central Business District, with no minimum per-unit land area requirement, as a specially permitted use. An application for such use, filed with the Zoning Administrator, shall proceed in the manner prescribed herein and according to Section [404.090](#). Approval shall depend, at minimum, on findings that the following standards are met:

1. At least one (1) standard off-street parking space, within convenient walking distance, shall be available at all times for each residential unit.
2. Each residential unit shall conform to building and other applicable codes and shall be afforded adequate natural light, ventilation, access, security, hazard detection for non-residential spaces in the same structure, and proper means of fire escape. Each residential unit shall have a minimum of seven hundred fifty (750) square feet of usable living area, with its own kitchen and bath facilities, and an additional two hundred fifty (250) square feet of usable living area per occupant for each occupant in excess of three (3). Unit occupancy in conjunction with common kitchen or bath facilities for units shall not be authorized hereunder.
3. Architectural character and physical integrity of historically significant structures, including structures within or adjacent to designated historic districts, shall be protected in renovation, conversion and mixed use of building spaces.
4. Ground floor spaces shall not be used for residential purposes in buildings with mixed residential and non-residential uses approved hereunder to protect the continuity of streetside commercial activity in this district.
5. Residential use shall not be considered unless the ground floor space(s) meet one (1) of the following conditions:
 - a. Currently occupied by an operating business with a current City business license; or
 - b. If vacant, ground floor space shall be improved, at minimum, to "white box" standard and satisfying all current City building codes, standards, and regulations. "White box" condition is defined to mean improvements made to a building resulting in a minimally finished interior, to include demising walls, ceilings, lighting, plumbing, heating and cooling (HVAC), interior walls (painted or unpainted), electrical outlets, restrooms, and floor. A white shell is considered ready to lease and ready for tenant improvements.

The City Council may impose conditions of approval as it deems appropriate to the particulars of the request. Approval of mixed residential and non-residential use is at the sole discretion of the City Council and is not a use of right. Such approval, when given, shall be solely for the location proposed, and shall not be transferable voluntarily or involuntarily or by operation of law; but shall be personal to the permittee to whom such special use permit is granted. The city Council may revoke a special use permit for cause shown, after a hearing. Failure to meet minimum requirements of the law or conditions of the special use permit shall be ground for revocation.

6. **Notwithstanding previous provisions of this paragraph, mixed residential and non-residential uses in the “central business district”, as defined in Section 400.280 Par. H, are permitted outright without special use permit provided all standards listed above are satisfied.**