

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



Meeting Notice

June 28, 2021 at 6:00 PM

Agenda

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MEETING SUMMARY
 - a. Meeting Summary 4/26/21
4. COMMENTS OF VISITORS
5. SUP-21-003- Application by Johnathan Mings for a Special Use Permit for the storage of large equipment at 300 Milwaukee St.
 - a. SUP-21-003 Application
 - b. SUP-21-003
6. SUP-19-002- Application by Brian Harris for a Special Use Permit Renewal for the use of a short term rental at 512 Elms Boulevard.
 - a. SUP-19-002 Application
 - b. SUP-19-002
7. VAC-21-002- A petition by Jason and Stefanie Jones with POA- Bart Butler to vacate an unbuilt subdivision of land on S. Titus known as Lookout Heights lots 1, 12-27 and the surrounding unbuilt streets- Lake Dr., Hillcrest St., and Crescent Dr.
 - a. VAC-21-002 Application
 - b. VAC-19-002
8. STAFF COMMENTS
9. COMMENTS OF COMMISSIONERS
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:



**Community Development
Planning and Zoning Commission - 6/28/2021**

To: Commission Members
From:
Date
RE: Meeting Summary 4/26/21

ATTACHMENTS:

Description	Type	Upload Date
Meeting Summary 4/26/21	Exhibit	6/21/2021

PLANNING AND ZONING COMMISSION

MEETING SUMMARY

April 26, 2021, 6:00 p.m.

Chairman Simmons Called the meeting to order at 6:16 p.m.

1. ROLL CALL

PRESENT: Bob Gerdes, Bill Griffey, Jake Simmons, Pat Slusher and, Jason Van Till,

ABSENT: Mark Bullimore and Kenneth Manley

STAFF PRESENT: Doug Hermes, Planning Consultant, Molly McGovern City Manager, Melinda Mehaffy, Economic Development Director, Logan Sours, City Planner, Mayor Pro-Tem Sonya Morgan, Council member liaison, Brandon Carte Code Compliance and Lisa Morgan Administrative Assistant.

VISITORS: Shawn Hansell, Aaron Day, Ryan and Kristina Radecki

2. APPROVAL OF MEETING SUMMARY – February 22, 2021

Commissioner Gerdes made a motion to approve the February 22, 2021 meeting summary with the amendment to correct page 4 second paragraph to say Commissioner Slusher seconded the motion.

Commissioner Griffey seconded. Motion carried.

Vote: Motion passed 5-0-0

Yes: Commissioners: Gerdes, Griffey, Slusher, Simmons and Van Till

No: None

Abstain: None

3. COMMENTS OF VISITORS

There were no comments from visitors

4. Case No. ZTA-20-001: An application by The City of Excelsior Springs Historic Preservation Commission for a zoning text amendment approval of Section 402.190. Design Guidelines of the City Code by adopting additional design guidelines for the Boarding House, Elms and Hall of Waters Historic Districts. (Public Hearing)

Chairman Simmons asked for the staff report.

Mr. Hermes presented the information in the staff report for Case No. ZTA-20-001.

Chairman Simmons asked if there were any questions for the staff. There were none.

Chairman Simmons opened the public hearing at 5:06 pm and asked if anyone wished to speak regarding the application. Hearing none, he closed the public hearing at 5:07 pm.

Chairman Simmons asked if the commissioners had any further questions or comments. Hearing none, he called for a motion on the application.

Commissioner Gerdes made a motion to approve case No. ZTA-20-001.

Commissioner Van Till seconded the motion and the motion carried.

Vote: Motion passed 5-0-0

Yes: Commissioners Gerdes, Griffey, Simmons, Slusher and Van Till

No: None

Abstain: None

5. **Case No. PP/FP-21-001: An application by Pat Slusher for preliminary and final plat approval of a subdivision of land located at 1900 W 69 Highway along Lodwick Lane.**

Commissioner Slusher Abstained from this portion of the meeting and recused himself from the panel.

Chairman Simmons asked for the staff report.

Mr. Sours presented the information in the staff report for Case No. PP/FP-21-001.

Chairman Simmons asked if there were any questions for the staff. There were none

Chairman Simmons invited the applicant to speak on the matter.

Mr. Slusher said he would be happy to answer any questions the Commission might have. There were none.

Commissioner Gerdes made a motion to approve case No. PP/FP-21-001

Commissioners Griffey seconded the motion and the motion carried.

Vote: Motion passed 4-0-0

Yes: Commissioners Gerdes, Griffey, Simmons and Van Till

No: None

Abstain: Slusher

6. **Case No. PP/FP-21-002: An application by The City of Excelsior Springs Parks and Recreation Department for preliminary and final plat approval of a tract of land located at 300 Sherri Lane.**

Chairman Simmons asked for the staff report.

Mr. Sours presented the information in the staff report for Case No. PP/FP-21-002.

Chairman Simmons opened the floor to the commissioners for comments, Chairman Simmons stated that he is the acting President of the Parks and Rec commission and would be able to assist in answering any questions. He also said it was a great opportunity for active use and fun for our kids.

Commissioner Griffey asked if the Splash Park will just be for humans or will animals be allowed he has received several phone calls asking this question. Chairman Simmons said he would check on that and get back with the Commissioner. It is for all ages and ADA accessible. Hearing no further questions Chairman Simmons asked for a motion.

Commissioner Slusher made a motion to approve case No. PP/FP-21-002
Commissioners Van Till seconded the motion and the motion carried.

Vote: Motion passed 5-0-0

Yes: Commissioners Gerdes, Griffey, Simmons, Slusher and Van Till

No: None

Abstain: None

7. **Case No. SUP-19-001: An application by Melissa Norton for a renewal of a special use permit for a vacation rental facility in the R-3-Cluster Townhouse or Garden Apartment District at 103 Temple Avenue (public hearing).**

Chairman Simmons asked for the staff report.

Mr. Sours presented the information in the staff report for Case No. SUP-19-001.

Chairman Simmons asked the commissioners if there were any questions.

Commissioner Slusher asked if the applicant has made any attempts to purchase the lot next to it for parking. Mr. Sours said that they have not done anything since he had last seen them. They are mostly doing inside work right now.

Chairman Simmons asked if they removed the garage in the back due to structural integrity. Mr. Sours they did remove it. This property is also located in our Historic District so any exterior alterations will go before the Historic Commission.

Hearing no further questions Chairman Simmons opened the public hearing at 6:23 pm and asked if anyone wished to speak hearing none the public hearing was closed at 6:24 pm.

Chairman Simmons asked if the commissioners had any further questions or comments. Hearing none, he called for a motion on the application.

Commissioner Van Till made a motion to approve case No. SUP-19-001 for a 2-year term. Commissioners Gerdes seconded the motion and the motion carried.

Vote: Motion passed 5-0-0

Yes: Commissioners Gerdes, Griffey, Simmons, Slusher and Van Till

No: None

Abstain: None

8. **Case No. SUP-21-001: An application by Shawn Hansell for a Special Use Permit for the operation of a Tattoo shop and retail sales store at 1097 Italian Way. (public hearing).**

Chairman Simmons asked for the staff report.

Mr. Sours presented the information in the staff report for Case No. SUP-21-001.

Chairman Simmons asked the commissioners if there were any questions.

Commissioner Slusher what will the retail sells be. Mr. Hansell body jewelry, t-shirts, tattoo supplies, normal items that would be in a tattoo shop.

Chairman Simmons asked if there were any further questions hearing none he opened the public hearing at 6:28 pm.

Chairman Simmons invited Mr. Hansell of 121 Ridgeway, Wood Heights, Mo to approach the podium and address the commission.

Mr. Hansell said they would like to open a tattoo shop also offering cosmetic makeup, body jewelry, T-shirts also tattoo equipment.

Chairman Simmons are you confident that you have a client base to sustain this type business. Mr. Hansell said yes he has been tattooing for over 13 years and has people that drive from Kansas to have him do there tattoos and others that drive for a long distance.

Aaron Day (Co-owner) 3225 Magnolia Lane, Wood Heights, Mo. helps with the Youth program in Excelsior Springs, grew up here and wants to help out. Many other businesses will benefit from their clients.

Mr. Sours said that he heard from the neighboring business 'And Hair We Are' and they have no issue with the tattoo business going in beside them.

The public hearing was closed at 6:32 pm

Chairman Simmons asked if the commissioners had any further questions or comments. Hearing none, he called for a motion on the application.

Commissioner Slusher made a motion to approve case No. SUP-21-001 for a 2-year term. Commissioners Griffey seconded the motion and the motion carried.

Vote: Motion passed 5-0-0

Yes: Commissioners Gerdes, Griffey, Simmons, Slusher and Van Till

No: None

Abstain: None

9. **Case No. SUP-21-002: An application by Ryan and Kristina Radecki for a Special Use Permit for the use of a private, Apiary (bee keeping) for the production of honey, honey comb, other bee related by products at 120 Bluff Ave. (public hearing).**

Chairman Simmons asked for the staff report.

Mr. Sours presented the information in the staff report for Case No. SUP-21-002.

Chairman Simmons asked if there were any further questions hearing none he opened the public hearing at 6:38 pm.

Chairman Simmons invited Mr. and Mrs. Radecki of 3537 Harrison, KC, Mo to approach the podium and address the commission.

Chairman Simmons asked the Radecki's if they are required to follow State regulations. Mrs. Radecki yes.

Mr. Radecki this is the first step on the property, they have already started cleaning the lot.

Chairman Simmons asked what brought them down this road of bee keeping. Mrs. Radecki said she has been interested in bugs since she was 16 she was doing something else for a while and came back to them, this is her passion. She has trained with bee keeping and enjoys being with bugs. Since she could not do butterfly's she opted to do bees.

Commission Slusher will they be selling the honey local. Mr. Radecki yes to local shops and restaurants. It can also be used in beer making.

Commissioner Gerdes what is the distance of the bees from residential housing. Mr. Radecki it will be 100 feet from any residential structure this is a state law. When bees leave the nest they go 35 feet in the air to travel.

Chairman Simmons asked if they would be doing tours. Mr. Radecki said once up and running would work with the City in setting something up. He said they are in the Historic District so would be working with them and is hoping to eventually have a retail space.

Commissioner Slusher said that honey has a health benefit as well.

Hearing no further questions Chairman Simmons closed the public hearing at 6:46 pm.

Chairman Simmons asked if the commissioners had any further questions or comments. Hearing none, he called for a motion on the application.

Commissioner Gerdes made a motion to approve case No.SUP-21-002 for a 2-year term. Commissioners Slusher seconded the motion and the motion carried.

Vote: Motion passed 5-0-0

Yes: Commissioners Gerdes, Griffey, Simmons, Slusher and Van Till

No: None

Abstain: None

10. STAFF COMMENTS

None

11. COMMENTS OF THE COMMISSIONERS

None

12. ADJOURN

The meeting was adjourned at 6:48 p.m.

The next study session meeting of the commission is scheduled for May 10th of 2021 at 6:00 p.m. and the regular meeting is scheduled for May 24, 2021 at 6:00 in the council chambers.

Meeting Summary prepared by Lisa Morgan Administrative Assistant.



**Community Development
Planning and Zoning Commission - 6/28/2021**

To: Commission Members
From:
Date
RE: SUP-21-003 Application

ATTACHMENTS:

Description	Type	Upload Date
SUP-21-003 Application	Exhibit	6/21/2021



MAY - 5 2021

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

SUP 21-003

PP

FOR OFFICE USE ONLY	
Fee: 1 st time \$400	
Renewal \$100	
Home Occupation \$75	
Date Received: 5-5-2021	
Public Notice Date: _____	
P&Z Hearing: _____	
Council: _____	

Special Use Permit Application

Initial: [Signature]
Address of proposed Special Use: 300 Milwaukee St., Milwaukee Heights NE Ly 220, SE 20, NE Ly 210, N 25,

Miller Ave, Milwaukee Heights LT 3, 4 & 5 Blk 3 Sully 70,
W 161.75,
S 378 TO POB

Applicant Name (Please Print): Jonathan Mings

Applicant Address: 119 May Street

Phone Number: 816-447-7978

Email: liveoutloud.mingsfam@gmail.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. Please make sure to address the questions on the bottom of this application. Attach to this application the following: Describe nature and operation of the Special Use:

- Requesting to park bucket truck & business trailer, and RV on the land behind
our house, which we also own. No foreseeable public threat, nuisance or discrepancy to my knowledge.

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.

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: [Signature]

Date: 3/30/21

SCHEDULE A

Name and Address of Title Insurance Company: ALLIANT NATIONAL TITLE INSURANCE COMPANY
1831 Lefthand Circle Suite G
Longmont, CO 80501

Policy Number: 1819585
File Number: 19-1035
Address Reference: 300 Milwaukee St. & Miller Ave.
Excelsior Springs, MO 64024
Amount of Insurance: \$25,000.00 Premium: \$21.25
Date of Policy: November 13, 2019 at 10:13 AM

1. Name of Insured:
JONATHAN MINGS AND HOLLY MINGS, HUSBAND AND WIFE
2. The estate or interest in the Land that is insured by this policy is:
Fee Simple
3. Title is vested in:
JONATHAN MINGS AND HOLLY MINGS, HUSBAND AND WIFE
4. The Land referred to in this policy is described as follows:

All of Lots 3, 4, 5, 6, 7, 8, 9 and 10, Block 3, MILWAUKEE HEIGHTS ADDITION, an addition to the City of Excelsior Springs, Clay County, Missouri. according to the recorded plat thereof.

ALSO, a tract of ground described as follows: Beginning at the Southeast corner of said Lot 9, thence in a Southeasterly direction on a line at right angles with the Northwestern line of Milwaukee Avenue, a distance of 20 feet to the center of the vacated street known as Milwaukee Avenue; thence in the center of said vacated street and parallel to the Northwestern line of said vacated street to a point that is due South of the Southeast corner of said Lot 5, thence North to the Southeast corner of said Lot 5; thence in a Southwesterly direction along the Northwestern line of said Milwaukee Avenue to the point of beginning.

ALLIANT NATIONAL TITLE INSURANCE COMPANYBy: 

Ray County Land Title, LLC

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AMERICAN
LAND TITLE
ASSOCIATION



(19-1035.PFD/19-1035/13)



Recording Date/Time: 11/13/2019 at 10:13:54 AM

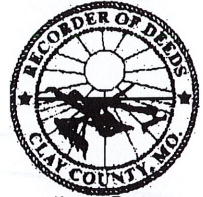
Instr #: 2019034200

Book: 8544 Page: 136

Type: WD

Pages: 3

Fee: \$30.00 S 20190030553



Katee Porter
Recorder of Deeds

CORPORATION WARRANTY DEED

File# 19-1035

Ray County Land Title, LLC

This indenture is Made on this 8th day of November, 2019 by and between

BMJ ENTERPRISES, INC.

as GRANTOR a corporation duly organized under the laws of the State of Missouri
party of the first part, and

JONATHAN MINGS AND HOLLY MINGS, husband and wife

as GRANTEE:

parties of the second part

Mailing address of grantee is: 119 May St., Excelsior Springs, MO 64024

WITNESSETH: THAT THE SAID PARTY OF THE FIRST PART, (hereinafter singular or plural referred to as GRANTOR) in consideration of the sum of Ten Dollars and Other Valuable Considerations, paid by said party of the second part (hereinafter singular or plural referred to as GRANTEE) (receipt of which is hereby acknowledged), do by these presents, GRANT, BARGAIN SELL, CONVEY AND CONFIRM unto the said GRANTEES heirs and assigns, the following described real property lying, being and situate in the County of CLAY and State of Missouri, to-wit:

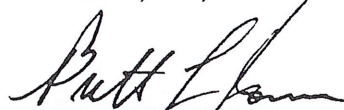
See Attached Exhibit A, Page # 3

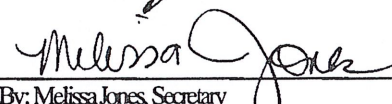
Subject to Reservations, Restrictions Easements and Covenants of record, if any.

Web Copy

IN WITNESS WHEREOF, The said GRANTOR has caused these presents to be signed by its President the day and year first above written.

BMJ ENTERPRISES, INC., a Missouri Corporation


By: Brett L. Jones, President


By: Melissa Jones, Secretary

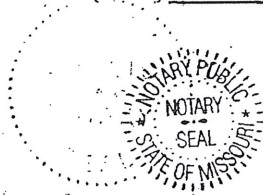
MISSOURI CORPORATION ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss.
COUNTY OF RAY)


On this 8th day of November, 2019, before me the undersigned, a Notary Public, personally appeared Brett L. Jones and Melissa Jones to me personally known, who being by me duly sworn, did say that Brett M. Jones is the President and Melissa Jones is the Secretary of BMJ Enterprises, Inc., a Missouri Corporation and that the said instrument was signed by authority of its Board of Directors, and said President and Secretary acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

{SEAL} 8-27-21



R. SMITH
My Commission Expires
August 21, 2021
Ray County
Commission #13485626


Notary Public

Web Copy

EXHIBIT "A"

All of Lots 3, 4, 5, 6, 7, 8, 9 and 10, Block 3, MILWAUKEE HEIGHTS ADDITION, an addition to the City of Excelsior Springs, Clay County, Missouri. according to the recorded plat thereof.

ALSO, a tract of ground described as follows: Beginning at the Southeast corner of said Lot 9, thence in a Southeasterly direction on a line at right angles with the Northwesternly line of Milwaukee Avenue, a distance of 20 feet to the center of the vacated street known as Milwaukee Avenue; thence in the center of said vacated street and parallel to the Northwesternly line of said vacated street to a point that is due South of the Southeast corner of said Lot 5, thence North to the Southeast corner of said Lot 5; thence in a Southwesterly direction along the Northwesternly line of said Milwaukee Avenue to the point of beginning.

GIS/Mapping, Clay County Assessor





**Community Development
Planning and Zoning Commission - 6/28/2021**

To: Commission Members
From:
Date
RE: SUP-21-003

ATTACHMENTS:

Description	Type	Upload Date
SUP-21-003	Exhibit	6/21/2021

**Community Development Department
Planning & Zoning**

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



May 3, 2021

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff report for case No. SUP-21-003 Application by Johnathan Mings for a Special Use Permit for the storage of large equipment at 300 Milwaukee St.
(*Public Hearing*)

Applicant: Johnathan Mings

General Information:

Address: 300 Milwaukee
Current Zoning: C-3, Service Business District
Current Land Use: Vacant (previously feed store)

Surrounding Zoning & Land Use: North – C-3; Single Family Residential
East – RP-3/M-1; Railroad/ Vacant
South – R-1; Railroad/ Single Family Residential
West – R-1; Single Family Residential

Background:

The applicant is requesting a special use permit to allow the storage of a bucket truck, flatbed trailer and a personal recreational vehicle on the currently vacant tract of land. The truck and trailer are associated with the applicant's lawn care service business.

The applicant's house is located on a separate tract of land to the north and the special use permit would permit the storage of these items in close proximity to the residence.

The subject tract of land is currently vacant and is located adjacent to a railroad line. There are several single-family residences across the street.

Staff Analysis:

In the performance standards of the C-3 zoning district would not necessarily permit the outside storage of this type of equipment. The Future Land Use Map of the Comprehensive Plan identifies this area for future low-density residential development so a rezoning to an industrial zoning district would appear inconsistent. Providing a special use permit appears to be the least intrusive way to accommodate the applicant while maintaining future growth opportunities consistent with the Future Land Use Map.

To protect the surrounding neighborhood's residential character, adequate parking surface and appropriate screening should be expected. This would mean visibility of the equipment should be limited by screening and the drive and parking surface of the equipment is a paved hard surface of concrete or asphalt.

Being the first consideration of this special use permit request, per city practice staff would recommend an initial two (2) year period for the permit with the option for the applicant to request renewal at the end of that time period.

Staff Recommendation/Action Requested:

City staff recommends approval of the Special Use Permit for an initial two (2) year time period with the condition that the use is screened in accordance with city code section 400.280 Parking, Loading and Driveways Regulations sub section 17 Screening and Landscaping.

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

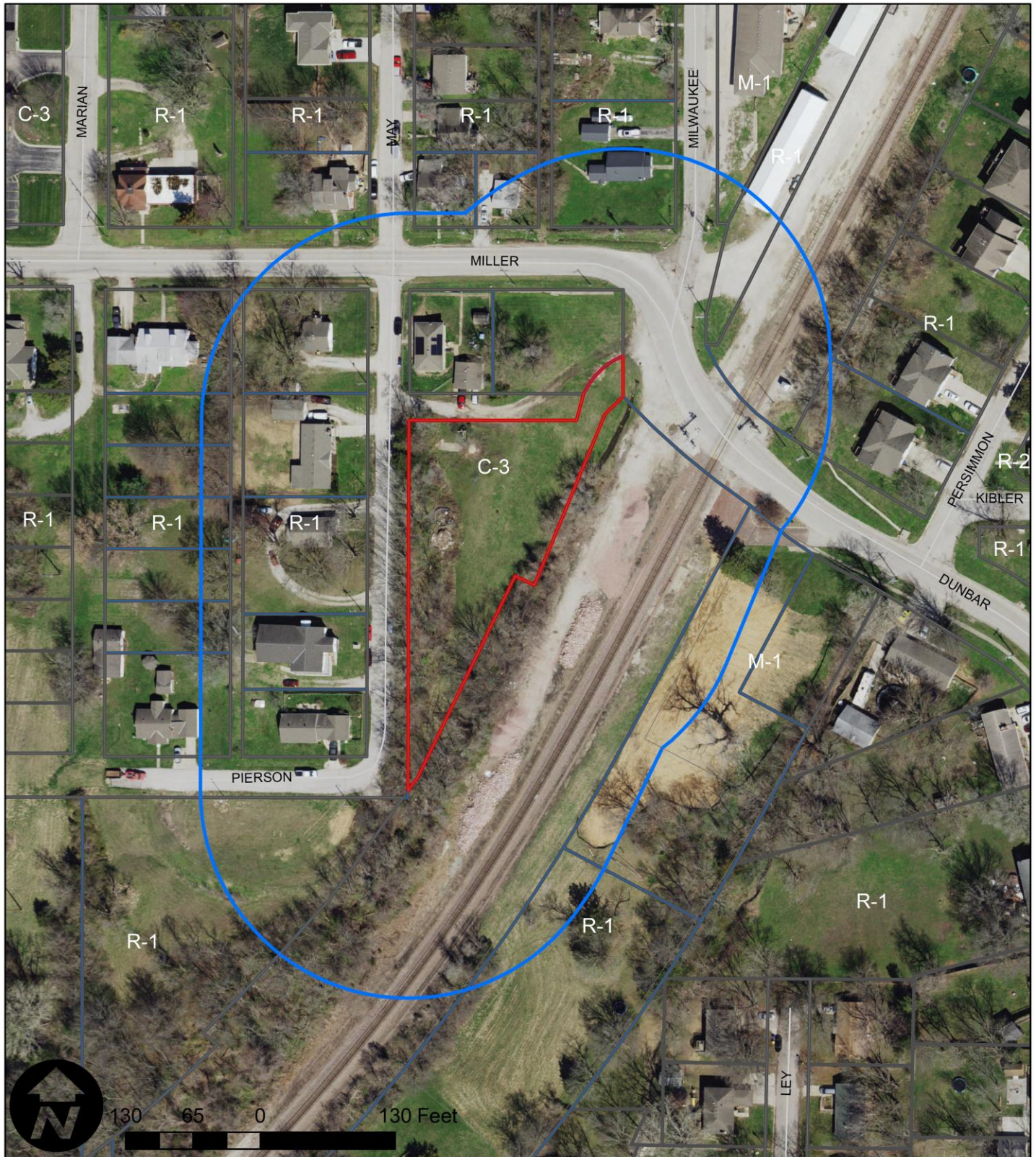
1. The storage area is screened in accordance with section 400.280 Parking, Loading and Driveways Regulations so that it is not visible off site.
2. The storage area parking surface and drive approach is a paved hard surface of concrete or asphalt.

Respectfully submitted,

Logan Sours
Planner - City of Excelsior Springs

Attachments:

Exhibit A – Vicinity Map



SUP-21-003 300 Milwaukee St.

GIS MAP DISCLAIMER

Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, The City of Excelsior Springs cannot assume liability for any damages caused by any errors or omissions in the data, nor as a result of the failure of the data to function on a particular system. The City of Excelsior Springs makes no warranty, expressed or implied, nor does the fact of distribution constitute such a warranty.

Legend

- 300 Milwaukee (1)
- 200' Buffer (1)
- Parcels within 200' (27)



**Community Development
Planning and Zoning Commission - 6/28/2021**

To: Commission Members
From:
Date
RE: SUP-19-002 Application

ATTACHMENTS:

Description	Type	Upload Date
SUP-19-002 Application	Exhibit	6/21/2021



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

FOR OFFICE USE ONLY
Fee: 1 st time \$400
Renewal \$100
Home Occupation \$75
Date Received: 5-13-2021
Public Notice Date:
P&Z Hearing: 6-28-2021
Council:

SUP-19002 Renewal

Special Use Permit Application

Address of proposed Special Use: 512 Elms Blvd Excelsior Springs MO 64024

Applicant Name (Please Print): Brian Harris

Applicant Address: 3708 NW 52nd terrace Kansas City MO 64151

Phone Number: 785-979-3530 Email: bhbh311@aol.com

Property Owner Name, Address & Phone (If different from applicant):
BKH EEE LLC 512 Elms Blvd Excelsior Springs MO 64024

Applicant requests a Special Use Permit as allowed in Chapter 404 of Excelsior Springs Code. Please make sure to address the questions on the bottom of this application. Attach to this application the following: Describe nature and operation of the Special Use:

Current use of property: Short term rental

- 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.

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

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

Applicant Signature: B [Signature]

Date: 5-13-21

Web Copy

Recorded in Clay County, Missouri

Date and Time: 04/16/2018 at 08:03:04 AM

Instrument Number: 2018011348

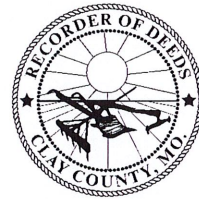
Book: 8178

Page: 48

Instrument Type: WD

Page Count: 2

Recording Fee: \$27.00 S



Electronically Recorded

Katee Porter, Recorder

General Warranty Deed (Individual)

This Deed, made and entered into on April 11, 2018, by and between **Grantor(s)**: Nora L Reed, an unmarried person whose address is 512 Elms Boulevard, Excelsior Springs, MO 64024 of the county of Clay, State of MO and **Grantee(s)**: BKH EEE LLC of the county of Clay, State of MO. **Mailing Address of the Grantee(s)**: 912 Plum Rose Dr., Liberty, MO 64068

Witnesseth, that the Grantor(s), for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid by the Grantee(s), the receipt of which is hereby acknowledged, do(es) by these presents **Grant, Bargain and Sell, Convey and Confirm** unto the Grantee(s), the following described Real Estate, situated in the County of Clay and State of Missouri, to-wit:

LOT 36, BLOCK A, ELMS ADDITION, A SUBDIVISION IN THE CITY OF EXCELSIOR SPRINGS, CLAY COUNTY MISSOURI.

Subject to Building lines, easements, restrictions and conditions of record, if any, and to any zoning law or ordinance affecting the herein described property.

To Have and To Hold the same, together with all rights and appurtenances to the same belonging, unto the Grantee(s) and to the heirs and assigns of such Grantee(s) forever.

The Grantor(s) hereby covenanting that Grantor(s) and the heirs, executors, administrators, and assigns of such Grantor(s), shall and will **Warrant and Defend** the title to the premises unto the Grantee(s), and to the heirs and assigns of such Grantee(s) forever, against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the calendar year 2017 and thereafter, and special taxes becoming a lien after the date of this deed.

FIRST AMERICAN TITLE
INSURANCE COMPANY

Web Copy

In Witness Whereof, the Grantor(s) has or have hereunto set their hand or hands the day and year first above written.

Nora L Reed
Nora L Reed

STATE OF MO }
 } ss.
County of Jackson }

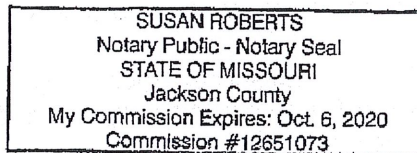
On April 11, 2018, before me personally appeared Nora L Reed, an unmarried person to me known to be the persons(s) described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal in the county and State aforesaid, the day and year first above written.

[Signature]

Notary Public

My term expires:





**Community Development
Planning and Zoning Commission - 6/28/2021**

To: Commission Members
From:
Date
RE: SUP-19-002

ATTACHMENTS:

Description	Type	Upload Date
SUP-19-002	Exhibit	6/21/2021

Community Development Department Planning & Zoning

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



April 26th, 2021

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case Number SUP-19-002 – Application by Brian Harris for a Special Use Permit Renewal for the use of a short term rental at 512 Elms Blvd. (*public hearing*).

Applicant: Brian Harris

General Information:

Address: 512 Elms Boulevard
Current Zoning: R-3 – Cluster Townhouse or Garden Apartment District
Current Land Use: Short Term Rental
Historic District: Elms

Surrounding Zoning & Land Use: North – C-3; Automotive Repair
East – C-3; Floral Shop
South – C-2A; Multifamily housing
West – C-3; Parking Lot

Background:

The initial special use permit was approved by the city in June 2019. Since then the applicant has finished renovations and began the short term rental to visitors and vacationers.

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.

There have been no complaints or concerns with the neighboring properties regarding the special use since the initial special use permit was issued.

Staff Recommendation/Action Requested:

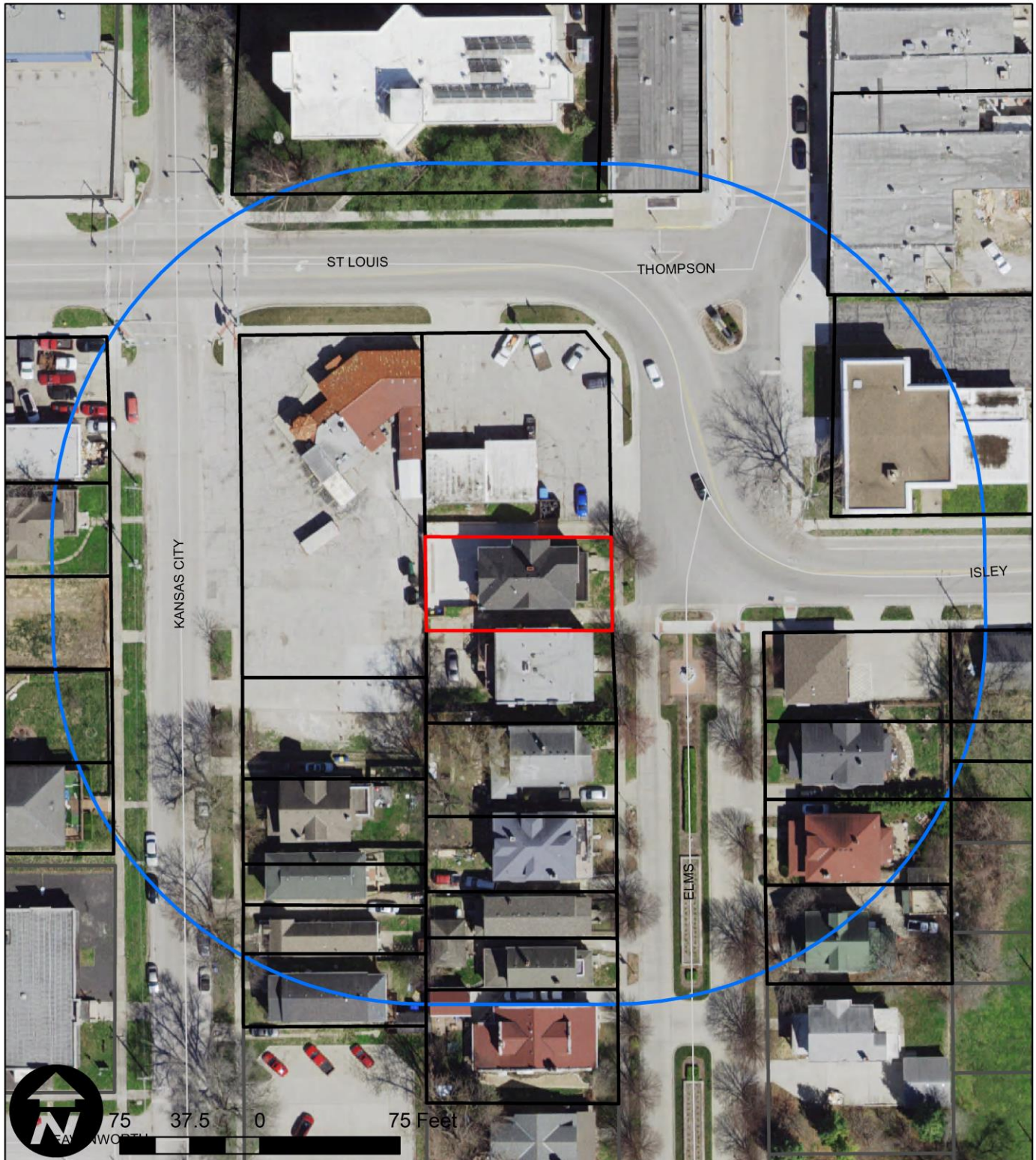
City staff recommends approval of the Special Use Permit with no time limitation.

Respectfully Submitted,

Logan Sours
City of Excelsior Springs- Planner

Attachments:

Exhibit A – Vicinity Map



SUP-19-002 512 Elms BLVD

GIS MAP DISCLAIMER

Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, The City of Excelsior Springs cannot assume liability for any damages caused by any errors or omissions in the data, nor as a result of the failure of the data to function on a particular system. The City of Excelsior Springs makes no warranty, expressed or implied, nor does the fact of distribution constitute such a warranty.

Legend

- 512 Elms BLVD
- 200'
- Parcels within 200'



**Community Development
Planning and Zoning Commission - 6/28/2021**

To: Commission Members
From:
Date
RE: VAC-21-002 Application

ATTACHMENTS:

Description	Type	Upload Date
VAC-21-002 Application	Exhibit	6/22/2021

Community Development Department Planning & Zoning

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



June 28, 2021

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case No. VAC-21-002: A petition by Jason and Stefanie Jones with POA- Bart Butler to vacate an unbuilt subdivision of land on S. Titus known as Lookout Heights lots 1, 12-27 and the surrounding unbuilt streets- Lake Dr., Hillcrest St., and Crescent Dr. in the City of Excelsior Springs, Clay County, Missouri (*public hearing*).

Applicant: Bart Butler

General Information:

This section of the Lookout Heights Subdivision, originally platted in 1959, is two tracts of land. The larger of the two is 5.84 acres comprising Lots 12 to 27 and the dedicated rights-of-way of Lake Drive, Hillcrest Street and Crescent Drive, while the smaller of the two is .33 acres consisting of the vacant Lot 1 fronting South Titus. The land is located on the western side of South Titus and primarily sits behind a row of single family houses on Lots 1 to 9 that face South Titus.

Background:

The petition to vacate is being proposed to allow the two tracts of land, along with vacated public right-of-way, to be combined via the administrative lot split procedure into one lot to accommodate construction of one single-family house, with access from South Titus through the original Lot 1.

Following subdivision platting in 1959, only those lots directly fronting South Titus were developed and the public streets and utilities necessary to serve the interior lots were never constructed. If approved, ownership of the vacated public rights-of-way will revert to the adjacent property owners.

Staff Analysis:

It is not uncommon for older subdivision plats to remain undeveloped particularly when designed not fully considering the challenges of topography and the provision of public service. In the case of the Lookout Heights Subdivision, only those lots fronting South Titus were developed. It does not appear that the balance of the subdivision could reasonably be developed in its current layout. Accommodating the creation of a single lot for construction of one single-family house might be the most appropriate development of the tract.

It appears that the proposed petition will not be detrimental to the surrounding neighborhoods or obstruct the interconnectivity of the street system. The public notice

procedures have been satisfied and City staff finds that the formal vacation of the subdivision and rights-of-way would be appropriate.

Staff Recommendation/Action Requested:

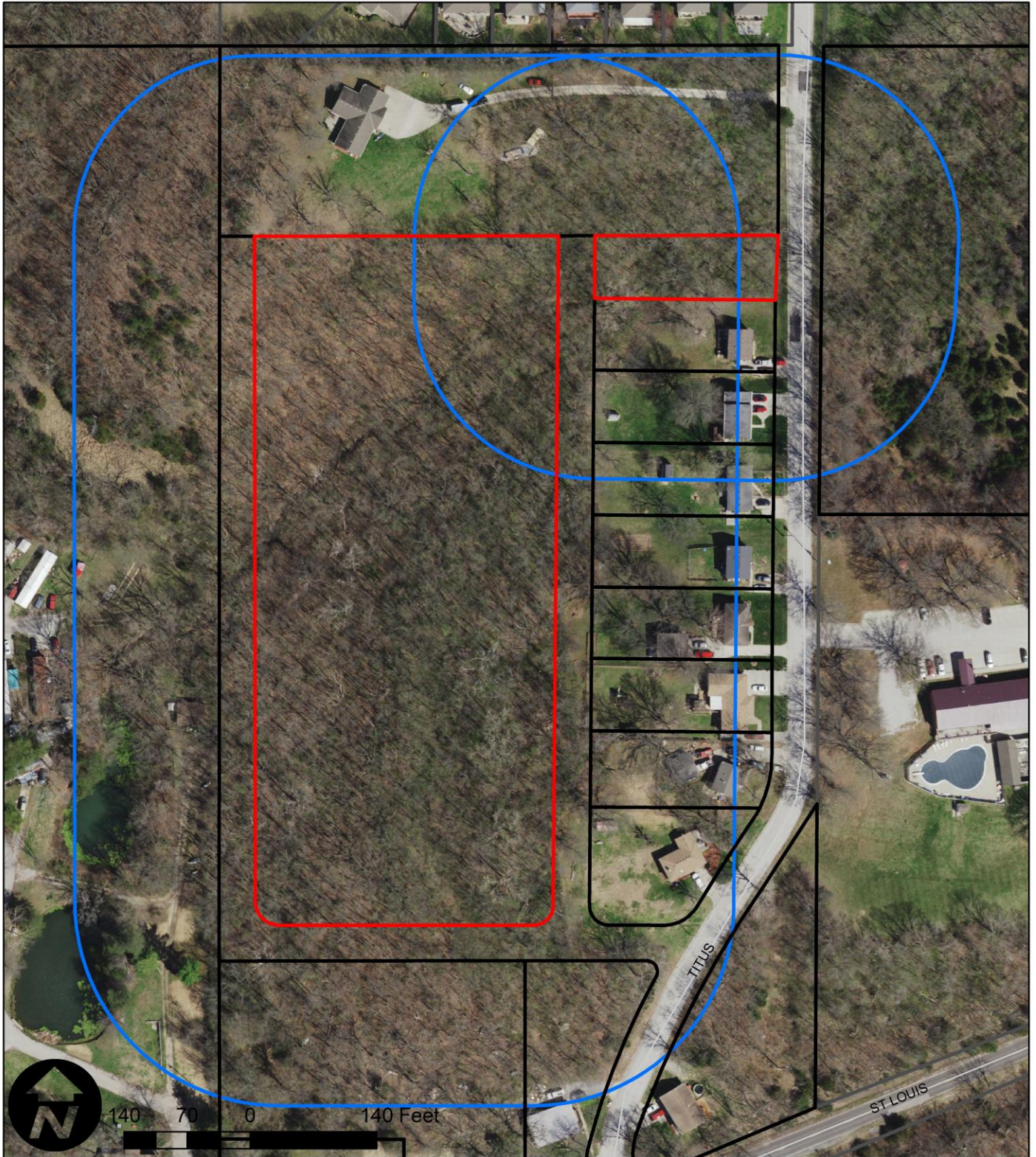
City staff recommends approval of the right-of-way vacation petition.

Respectfully Submitted,
Logan Sours- City Planner

City of Excelsior Springs

Attachments:

Exhibit A – Vicinity Map



VAC-21-002 S. Titus

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Legend

- S Titus
- Parcels within 200'
- 200'



**Community Development
Planning and Zoning Commission - 6/28/2021**

To: Commission Members
From:
Date
RE: VAC-19-002

ATTACHMENTS:

Description	Type	Upload Date
VAC-19-002	Exhibit	6/21/2021

Community Development Department Planning & Zoning

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



June 28, 2021

To: Chairman and Commissioners
Planning & Zoning Commission

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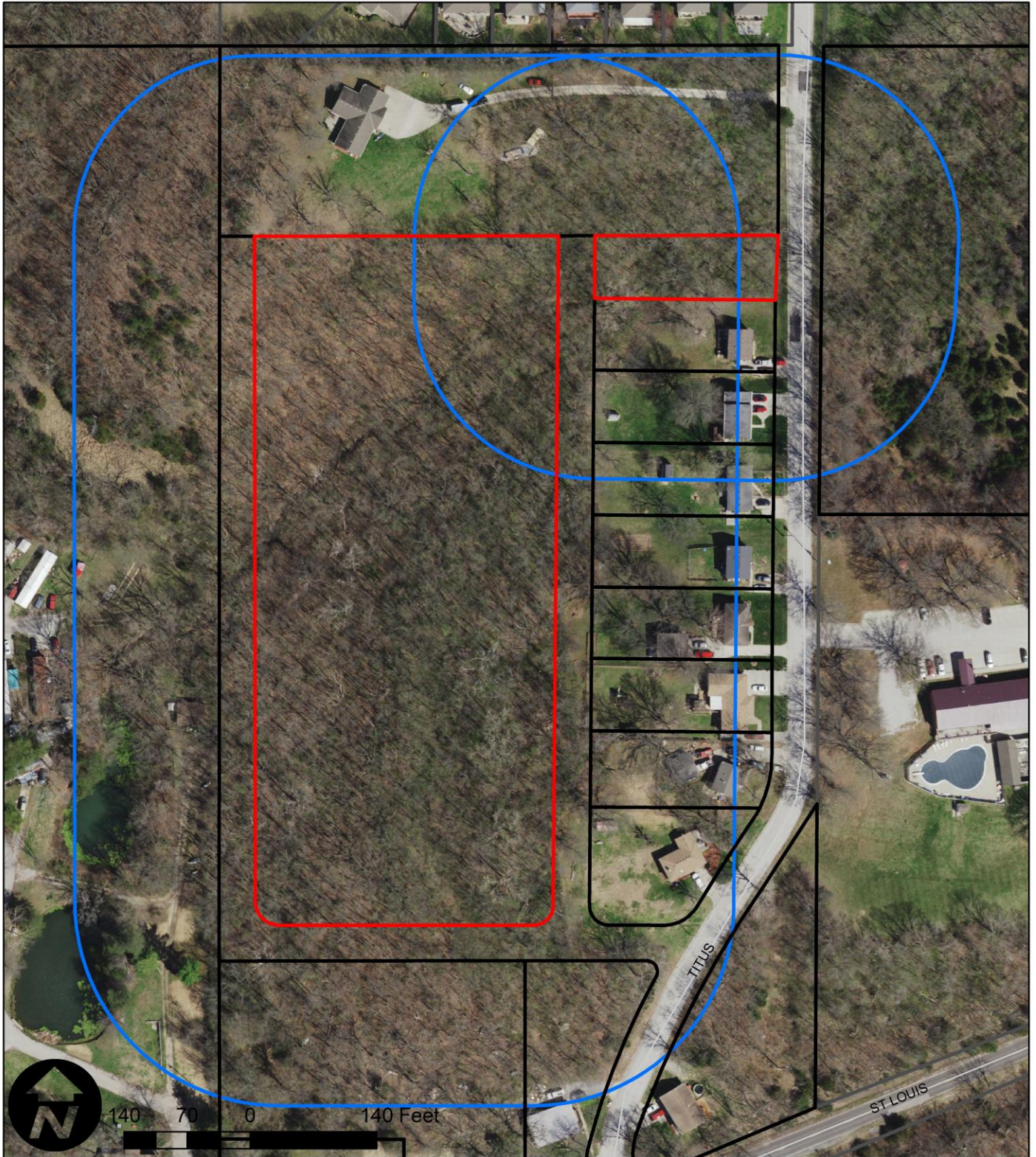
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Respectfully Submitted,
Logan Sours- City Planner

City of Excelsior Springs

Attachments:

Exhibit A – Vicinity Map



VAC-21-002 S. Titus

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Legend

- S Titus
- Parcels within 200'
- 200'