

CITY COUNCIL AGENDA

**Monday, August 5, 2024
City Council Meeting 6:00 PM**

**201 E Broadway, Hall of Waters Council Chambers, Excelsior
Springs, MO**



NOTICE OF OPEN MEETING

Public Notice is hereby given that the City Council of the City of Excelsior Springs will conduct a **Council Meeting at 6:00 PM, August 5, 2024** 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.

201 E Broadway, Hall of Waters Council Chambers, Excelsior Springs, MO

The tentative agenda of this meeting is as follows.

City Council
City of Excelsior Springs

AGENDA

City Council Meeting, 6:00 PM
Monday, August 5, 2024

201 E Broadway, Hall of Waters Council Chambers, Excelsior Springs, MO

Call to Order

Opening

Pledge of Allegiance

Roll Call

Visitors

Visitors - This time is reserved for public comment addressed to the City Council. Each speaker is limited to 5 minutes. Any agenda item which has a Public Hearing should be reserved until the Public Hearing is opened and comments on such item will be taken at that time.

Minutes of the Budget Work Session of July 12, 2024

Minutes of the Regular City Council Meeting of July 15, 2024

Consideration of Agenda

1. Consideration of Board Re-Appointments to Vintage CID - Resolution No. 1521
2. Consideration of Amendment to the Schedule of Fees Regarding Chicken Permits - Ordinance No. 24-08-01
3. Consideration of Special Use Permit for 706 St. Louis Ave. - Ordinance No. 24-08-02
4. Consideration of Special Use Permit for 205 Woods Ave. - Ordinance No. 24-08-03
5. Consideration of Amending Section 400.130 R-4 Medium Density Residential District of the Municipal Code - Ordinance No. 24-08-04
6. Remarks - City Manager
7. Remarks - City Council
8. Remarks - Mayor
9. 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: Wednesday, July 31, 2024 at 4:45pm

WORK SESSION OF THE CITY COUNCIL
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
July 12, 2024

The City Council of the City of Excelsior Springs, Missouri met in a Work Session at 9:21 am on Friday, July 12, 2024 in the Conference Room of the Hall of Waters Building to discuss the proposed City Budget for a general overview of fiscal year Oct. 1, 2024 to Sept. 30, 2025.

The meeting was called to order by Mayor Mark Spohn.

Roll Call of Members: Present: Mayor Mark Spohn, Mayor Pro-Tem Stephen Spear, Councilman Gary Renne, Councilman Reggie St. John, and Councilman John McGovern.

Absent: None.

Present Representing the City: Molly McGovern, City Manager
 Vonda Floyd, Finance Director
 Greg Dull, Police Chief
 Chad Birdsong, Public Works Director
 Melinda Mehaffy, Economic Development Director
 Shannon Stroud, City Clerk/Human Resources Manager
 Susan Conyers, Executive Secretary

Present Representing PWSD#3 Clay County: Linda Penrod

BUDGET COMMENTS:

Chad Birdsong, Director of Public Works, and City Manager Molly McGovern, began the budget discussion and provided documentation of the following funds within the Public Works Department:

- Water Budget
- Sewer Budget
- Refuse Budget
- Comments

City council members asked questions and discussed the various funds.

With no further business at hand, Mayor Spohn adjourned the Budget Work Session at 10:57 am.

ATTEST:

MARK D. SPOHN, MAYOR

SHANNON STROUD, CITY CLERK

REGULAR CITY COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
July 15, 2024

The City Council of the City of Excelsior Springs, Missouri met in a Regular City Council Meeting at 6:00 pm on Monday, July 15, 2024 in the Council Chambers of the Hall of Waters Building. The meeting was also available virtually. The meeting was called to order by Mayor Spohn.

The opening was led by Pastor Mike Boudreaux of the Crescent Lake Christian Center.

The Pledge of Allegiance was led by Mayor Spohn.

Roll Call of Members: Present: Mayor Mark Spohn, Mayor Pro-Tem Stephen Spear, Councilman Gary Renne, Councilman Reggie St. John, and Councilman John McGovern.

Absent: None.

VISITORS: Trevor Gritton of 724 Hazel Street addressed the Council regarding chickens allowed inside city limits, questioning the lot size, set back requirements, and number of hens allowed. Mr. Gritton stated he is proud to be part of the community, but has qualms after running the numbers, and does not think there are many lots in town that would qualify but thinks this is a step in the right direction. The numbers show that during peak egg production, 3 hens would only lay 21 eggs per week. Those that need the help will not qualify to house hens. The permit and renewal fee seem high when considering the time, hassle, labor, and the cost of buying of supplies is taken into account.

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JULY 1, 2024:

Councilman McGovern made a motion to approve the minutes of the Regular City Council Meeting of July 1, 2024. Motion was seconded by Mayor Pro-Tem Spear. All in favor; say aye.

All in Favor: motion carried.

Minutes of the Regular City Council Meeting of July 1, 2024 passed and approved July 15, 2024.

CONSIDERATION OF AGENDA:

Councilman St. John made a motion to approve the agenda as printed and presented. Motion was seconded by Councilman McGovern.

Roll Call of Votes: Ayes: St. John, McGovern, Renne, Spear, Spohn

Nays: None, motion carried.

The agenda as presented passed and approved July 15, 2024.

PUBLIC HEARING –414 S. THOMPSON AVENUE REDEVELOPMENT AGREEMENT:

Mayor Spohn read by title the consideration to open the public hearing for the 353 Tax Abatement for the 414 S. Thompson Avenue redevelopment agreement.

Mayor Pro-Tem Spear motioned to open the Public Hearing regarding the 353 Tax Abatement for the 414 S. Thompson Avenue redevelopment agreement. Councilman St. John seconded.

Roll Call of Votes: Ayes: McGovern, St. John, Renne, Spear, Spohn

Nays: None, motion carried.

The public hearing was opened at 6:14pm.

There were no comments or questions from the public.

Councilman St. John motioned to close the Public Hearing regarding the 353 Tax Abatement for the 414 S. Thompson redevelopment agreement. Mayor Pro-Tem Spear seconded.

Roll Call of Votes: Ayes: St. John, Renne, McGovern, Spear, Spohn

Nays: None, motion carried.

The public hearing was closed at 6:15pm.

ORDINANCE NO. 24-07-02, CONSIDERATION OF REDEVELOPMENT AGREEMENT FOR 414 S. THOMPSON AVENUE;

Mayor Spohn read by title Ordinance No. 24-07-02.

Melinda Mehaffy, Director of Economic Development briefed the Council of the Ordinance.

Councilman Renne made a motion to place Ordinance No. 24-07-02 approving the 414 S. Thompson Avenue Project Amendment to the Amended Development Plan submitted by the Excelsior Springs Redevelopment Corporation; authorizing certain tax abatements for the project area; and approving a Redevelopment Agreement on second reading. Motion was seconded by Councilman McGovern.

Roll Call of Votes: Ayes: Renne, McGovern, St. John, Spear, Spohn

Nays: None, motion carried.

Mayor Spohn read by title the second reading of Ordinance No. 24-07-02.

Councilman McGovern made a motion to approve Ordinance No. 24-07-02 approving the 414 S. Thompson Avenue Project Amendment to the Amended Development Plan submitted by the Excelsior Springs Redevelopment Corporation; authorizing certain tax abatements for the project area; and approving a Redevelopment Agreement. Motion was seconded by Mayor Pro-Tem Spear.

Roll Call of Votes: Ayes: St. John, McGovern, Renne, Spear, Spohn

Nays: None, motion carried.

Ordinance No. 24-07-02 passed and approved July 15, 2024.

PUBLIC HEARING –415 SAINT LOUIS AVENUE REDEVELOPMENT AGREEMENT:

Mayor Spohn read by title the consideration to open the public hearing for the 353 Tax Abatement for the 415 Saint Louis Avenue redevelopment agreement.

Councilman Renne motioned to open the Public Hearing regarding the 353 Tax Abatement for the 415 Saint Louis Avenue redevelopment agreement. Mayor Pro-Tem Spear seconded.

Roll Call of Votes: Ayes: McGovern, Renne, St. John, Spear, Spohn

Nays: None, motion carried.

The public hearing was opened at 6:19pm.

Melinda Mehaffy, Director of Economic Development read the staff report. There were no comments or questions from the public.

Councilman St. John motioned to close the Public Hearing regarding the 353 Tax Abatement for the 415 Saint Louis Avenue redevelopment agreement. Mayor Pro-Tem Spear seconded.

Roll Call of Votes: Ayes: St. John, Renne, McGovern, Spear, Spohn

Nays: None, motion carried.

The public hearing was closed at 6:20pm.

ORDINANCE NO. 24-07-03, CONSIDERATION OF REDEVELOPMENT AGREEMENT FOR 415 SAINT LOUIS AVENUE:

Mayor Spohn read by title Ordinance No. 24-07-03.

Melinda Mehaffy, Director of Economic Development briefed the Council of the Ordinance.

Mayor Pro-Tem Spear made a motion to place Ordinance No. 24-07-03 approving the 415 Saint Louis Avenue Project Amendment to the Amended Development Plan submitted by the Excelsior Springs Redevelopment Corporation; authorizing certain tax abatements for the project area; and approving a Redevelopment Agreement on second reading. Motion was seconded by Councilman McGovern.

Roll Call of Votes: Ayes: Renne, McGovern, St. John, Spear, Spohn

Nays: None, motion carried.

Mayor Spohn read by title the second reading of Ordinance No. 24-07-03.

Councilman St. John made a motion to approve Ordinance No. 24-07-03 approving the 415 Saint Louis Avenue Project Amendment to the Amended Development Plan submitted by the Excelsior Springs Redevelopment Corporation; authorizing certain tax abatements for the project area; and approving a Redevelopment Agreement. Motion was seconded by Councilman Renne.

Roll Call of Votes: Ayes: McGovern, St. John, Renne, Spear, Spohn

Nays: None, motion carried.

Ordinance No. 24-07-03 passed and approved July 15, 2024.

RESOLUTION NO. 1520, CONSIDERATION OF POLICE VEHICLES PURCHASE:

Mayor Spohn read by title Resolution No. 1520.

Gregory Dull, Chief of Police briefed the Council of the Resolution.

Councilman McGovern made a motion to approve Resolution No. 1520 approving the purchase of two 2023 Dodge Charger police vehicles from Grapevine Dodge. Motion was seconded by Mayor Pro-Tem Spear.

Roll Call of Votes: Ayes: McGovern, St. John, Renne, Spear, Spohn

Nays: None, motion carried.

Resolution No. 1520 passed and approved July 15, 2024.

ORDINANCE NO. 24-07-04, CONSIDERATION OF ORDINANCE TO ALLOW BACKYARD CHICKENS IN CERTAIN SITUATIONS:

Mayor Spohn read by title Ordinance No. 24-07-04.

Gregory Dull, Chief of Police briefed the Council of the Ordinance. There was a lot of listening done from the Excelsior Springs community and we modeled the process from research from surrounding cities. Mayor Pro Tem Spear appreciates the insight and communication. He says the concern for him is the \$100 fee. He would like to see the permit cost lowered. The city attorney was present and consulted for the process of voting if a change was made. No further questions or comments were presented.

Mayor Pro-Tem Spear made a motion to place Ordinance No. 24-07-04 to allow backyard chickens in certain situations on second reading. Motion was seconded by Councilman St. John.

Roll Call of Votes: Ayes: St. John, Renne, McGovern, Spear, Spohn

Nays: None, motion carried.

Mayor Spohn read by title the second reading of Ordinance No. 24-07-04.

Councilman Renne made a motion to approve Ordinance No. 24-07-04 to allow backyard chickens in certain situations. Motion was seconded by Mayor Pro-Tem Spear.

Roll Call of Votes: Ayes: Renne, St. John, Spear, Spohn

Nays: McGovern, motion carried.

Ordinance No. 24-07-04 passed and approved July 15, 2024.

Mayor Pro-Tem Spear motioned to direct staff to modify the fee structure for chicken permits by lowering the initial Chicken Permit Fee from \$100.00 to \$50.00. Motion was seconded by Councilman Renne.

Roll Call of Votes: Ayes: St. John, Renne, Spear, Spohn

Nays: McGovern, motion carried.

Ordinance No. 24-07-04's fee of \$100 will be modified to \$50 and placed on a future agenda.

ORDINANCE NO. 24-07-05, CONSIDERATION OF ADJUSTMENT TO VIDEO SERVICE PROVIDER FRANCHISE FEE:

Mayor Spohn read by title Ordinance No. 24-07-05.

Molly McGovern, City Manager briefed the Council of the Ordinance.

Councilman McGovern made a motion to place Ordinance No. 24-07-05 amending the City Code regarding the Cable Franchise Fee amount on second reading. Motion was seconded by Mayor Pro-Tem Spear.

Roll Call of Votes: Ayes: McGovern, St. John, Renne, Spear, Spohn

Nays: None, motion carried.

Mayor Spohn read by title the second reading of Ordinance No. 24-07-05.

Mayor Pro-Tem Spear. made a motion to approve Ordinance No. 24-07-05 amending the City Code regarding the Cable Franchise Fee amount. Motion was seconded by Councilman St. John.

Roll Call of Votes: Ayes: St. John, Renne, McGovern, Spear, Spohn

Nays: None, motion carried.

Ordinance No. 24-07-05 passed and approved July 15, 2024.

ORDINANCE NO. 24-07-06, CONSIDERATION OF FISCAL YEAR 2023 BUDGET AMENDMENT:

Mayor Spohn read by title Ordinance No. 24-07-06.

Vonda Floyd, Finance Director briefed the Council of the Ordinance.

Councilman St. John made a motion to place Ordinance No. 24-07-06 approving budget amendments which affect budget surpluses to cover authorized expenditures of funds, amending the appropriate line items and amending Ordinance No. 22-09-06 on second reading. Motion was seconded by Councilman Renne.

Roll Call of Votes: Ayes: McGovern, St. John, Renne, Spear, Spohn

Nays: None, motion carried.

Mayor Spohn read by title the second reading of Ordinance No. 24-07-06.

Mayor Pro-Tem Spear made a motion to approve Ordinance No. 24-07-06 approving budget amendments which affect budget surpluses to cover authorized expenditures of funds, amending the appropriate line items and amending Ordinance No. 22-09-06. Motion was seconded by Councilman St. John.

Roll Call of Votes: Ayes: St. John, Renne, McGovern, Spear, Spohn

Nays: None, motion carried.

Ordinance No. 24-07-06 passed and approved July 15, 2024.

JUNE 2024 REVENUE REPORT AND FINANCIALS FOR REVIEW:

Mayor Spohn read by title the consideration.

Vonda Floyd, Finance Director briefed the Council of the consideration.

The expenditure lists and payroll from June 2024 and the June revenue report were made available for review.

REMARKS – CITY MANAGER AND CITY COUNCIL:

City Manager, Molly McGovern:

1. Transmittals include correspondence about the beginning of the Masonic Lodge project.

Councilman St. John:

1. It is great to hear that Joe Spear has worked for the city for 43 years, and Nate Conyers has for 20 years; some of these people don't look old enough to have worked here that long.
2. The Fire Department received a grant for \$13,136 from Firehouse Subs to make repairs to the pumper.

Councilman Renne:

1. Nothing this evening.

Councilman McGovern:

1. Nothing this evening.

Mayor Pro-Tem Spear:

1. Friday night's Lyrics on the Lawn was an enjoyable evening with kids playing and live music.
2. I was also able to attend Debby Willimetz's retirement party on Friday.

Mayor Spohn:

1. I also attended Lyrics on the Lawn; around 75 people attended.
2. Thank you to Paul Campo for your guidance when we have questions and for making it all work.
3. I wanted to give a shout out to our Police Chief and the Police Department staff on how they handled the case and for keeping the crime scene clean so the indictment of Timothy Haslett, Jr. could be possible and justice could be served.

MOTION TO ADJOURN:

Councilman St. John motioned to adjourn the Regular City Council Meeting of July 15, 2024. Councilman Renne seconded. There was no discussion.

All in favor; motion carried.

The Regular City Council Meeting of July 15, 2024 adjourned at 6:47 pm.

MARK D. SPOHN, MAYOR

ATTEST:

SHANNON STROUD, CITY CLERK



City Council Meetings
Council Meeting 8/5/2024

To: Mayor and City Council
From: Molly McGovern, City Manager
Date: 7/24/2024
RE: Consideration of Board Re-Appointments to Vintage CID - Resolution No. 1521

Regarding the appointment of Board and Commission members, Mayor Spohn plans to make the following re-appointments by Resolution at the Regular City Council Meeting on Monday, August 5, 2024 at six o'clock in the Council Chambers. Appointments and re-appointments are subject to Council approval:

NAME: Mr. Robert Craven
BOARD: Board of the Vintage Plaza Community Improvement District
HISTORY: Member re-appointed until 12/19/27

NAME: Mr. Jeremy Stone
BOARD: Board of the Vintage Plaza Community Improvement District
HISTORY: Member re-appointed until 12/19/27

A motion and vote is necessary to approve the re-appointments.

Respectfully submitted,

Molly McGovern, City Manager

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution Letter	8/1/2024

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE BOARD RE-APPOINTMENTS OF
ROBERT CRAVEN AND JEREMY STONE TO THE VINTAGE PLAZA
COMMUNITY IMPROVEMENT DISTRICT.**

WHEREAS, on August 5, 2024, the City Council of the City of Excelsior Springs, Missouri (the “City”) re-appoints Board and Commission Representatives Robert Craven and Jeremy Stone to the Vintage Plaza Community Improvement District.

BE IT RESOLVED, that after August 5, 2024, the Mayor and members of the Excelsior Springs City Council will observe the re-appointments of Robert Craven and Jeremy Stone to the Vintage Plaza Community Improvement District.

THIS RESOLUTION PASSED AND APPROVED THIS ____ DAY OF _____, 2024.

APPROVED:

Mark D. Spohn, Mayor

ATTEST:

Shannon Stroud, City Clerk

REVIEWED BY:

Molly McGovern, City Manager



Police

Council Meeting 8/5/2024

To: Mayor and City Council

From:

Date

RE: Consideration of Amendment to the Schedule of Fees Regarding Chicken Permits -
Ordinance No. 24-08-01

ATTACHMENTS:

Description	Type	Upload Date
Amend Initial Chicken Permit Fee	Cover Memo	7/24/2024

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SCHEDULE OF FEES REGARDING CHICKEN PERMITS

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

Section 1. That the Excelsior Springs Municipal Code Schedule of Fees, Title 1, Appendix A, Animal Control, Table A-1, is hereby amended as follows (additions contain are underlined; deletions contain a strikethrough):

Animal Control Fee Schedule – Generally	Fees	Code Reference
Chicken Permit, initial	\$100.00 <u>\$50.00</u>	210.125
Chicken Permit, renewal	\$50.00	210.125

Section 2. This Ordinance shall be in full force and effect from and after the date of its passage.

INTRODUCED IN WRITING, read by title two times, passed and approved this _____ day of _____, 2024.

Mark D. Spohn, Mayor

ATTEST:

Shannon Stroud, City Clerk

REVIEWED BY:

Molly McGovern, City Manager



City Council Meetings
Council Meeting 8/5/2024

To: Mayor and City Council
From: Melinda Mehaffy, Director of Economic Development
Date: 7/31/2024
RE: Consideration of Special Use Permit for 706 St. Louis Ave. - Ordinance No. 24-08-02

Re: Staff Report for Case Number SUP-24-004 Application by Lee Watkins for the renewal of a Special Use Permit for the operation of a short-term rental in the R-4 Medium Density Apartment District at 706 St. Louis Ave. (Public Hearing was held 7/29/24).

Applicant: Lee Watkins, owner

General Information:

Address: 706 St. Louis Avenue, Excelsior Springs
Current Zoning: R-4 Medium Density Apartment District
Current Land Zone: R-1 Single-Family Residential District

Surrounding Zoning & Land Use: North: R-4; Medium Density Apartment District
East: C-0; Non-Retail Business District
South: R-4; Medium Density Apartment District
West: R-4; Medium Density Apartment District

Background:

The property located at 706 St. Louis Ave is presently being used as a short-term rental and is a single-family residence. In 2022, the City Council granted a Special Use Permit for two years, allowing the operation of this short-term rental.

Staff Analysis:

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

In the two years since the issuance of the Special Use Permit for the short-term rental operation, there have been no reported conflicts or adverse effects of the nearby neighborhood, as per staff knowledge. Staff conducted a verification with Excelsior Springs Police Department regarding any service calls at this property, and confirmed that there have been no calls indicating a negative impact on the surrounding area.

Staff finds that the short-term rental appears to be in compliance with all other city codes and standards.

Staff Recommendation/Action Requested:

City staff recommends approval of the Special Use Permit renewal with no stipulations and no time limit.

Respectfully submitted,

Melinda Mehaffy, Director of Economic Development

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Ordinance	7/31/2024
P&Z Meeting Excerpt	Backup Material	7/31/2024
Vicinity Map - 706 St. Louis Ave.	Backup Material	7/31/2024

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A SHORT-TERM RENTAL IN DISTRICT “R-4”, MEDIUM DENSITY APARTMENT DISTRICT AT 706 ST. LOUIS AVENUE, CITY OF EXCELSIOR SPRINGS, CLAY COUNTY, MISSOURI

WHEREAS, the Planning and Zoning Commission of Excelsior Springs, Missouri (the “Commission”) considered the application by Lee Watkins (the “Applicant”) for a Special Use Permit for a Short-Term Rental in District “R-4”, Medium Density Apartment District at 706 St. Louis Avenue, Excelsior Springs, Missouri; and

WHEREAS, the Commission held a public hearing on the application on July 29, 2024, and recommended approval of the Special Use Permit with no time limit; and

WHEREAS, proper public notice of the public hearing was published one (1) time in the official newspaper of the City.

NOW THEREFORE, be it ordained by the City Council of the City of Excelsior Springs, Missouri, as follows:

Section 1. Subject to the conditions and restrictions herein set forth, the Applicant’s request for a special use permit for a Short-Term Rental in District “R-4”, Medium Density Apartment District at 706 St. Louis Avenue, Excelsior Springs, Missouri is hereby approved, with no time limit.

Section 3. The Applicant shall comply with all other Municipal Code requirements.

Section 4. The Mayor, the City Manager, the City Clerk and other appropriate City officials are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance and to execute and deliver for and on behalf of the City all certificates, instruments, agreements and other documents, as may be necessary or convenient to perform all matters herein authorized.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval.

INTRODUCED IN WRITING, read by title two times, passed and approved the _____ day of _____, 2024.

Mark D. Spohn, Mayor

ATTEST:

Shannon Stroud, City Clerk

REVIEWED BY:

Molly McGovern, City Manager

PLANNING AND ZONING COMMISSION

MEETING SUMMARY EXCERPT

July 29, 2024

1. SUP-24-004 – An application by Lee Watkins for the renewal of a Special Use Permit for the operation of a short-term rental in the R-4 Medium Density Apartment District at 706 St Louis Avenue. (Public Hearing)

Chairman Simmons asked for the staff report.

Mr. Hermes presented the information in the staff report.

Chairman Simmons asked the commission if they had any questions.

Hearing no questions, Chairman Simmons opened the public hearing at 6:04.

Chairman Simmons asked if anyone from the general public would like to speak regarding the application.

Hearing none. Chairman Simmons closed the public hearing at 6:05.

Chairman Simmons asked for commission discussion on the application. Hearing none, he called for a motion.

Commissioner Van Till made the motion to approve SUP-24-004 with no time limit.

Commissioner Borchert second the motion

Motion Carried.

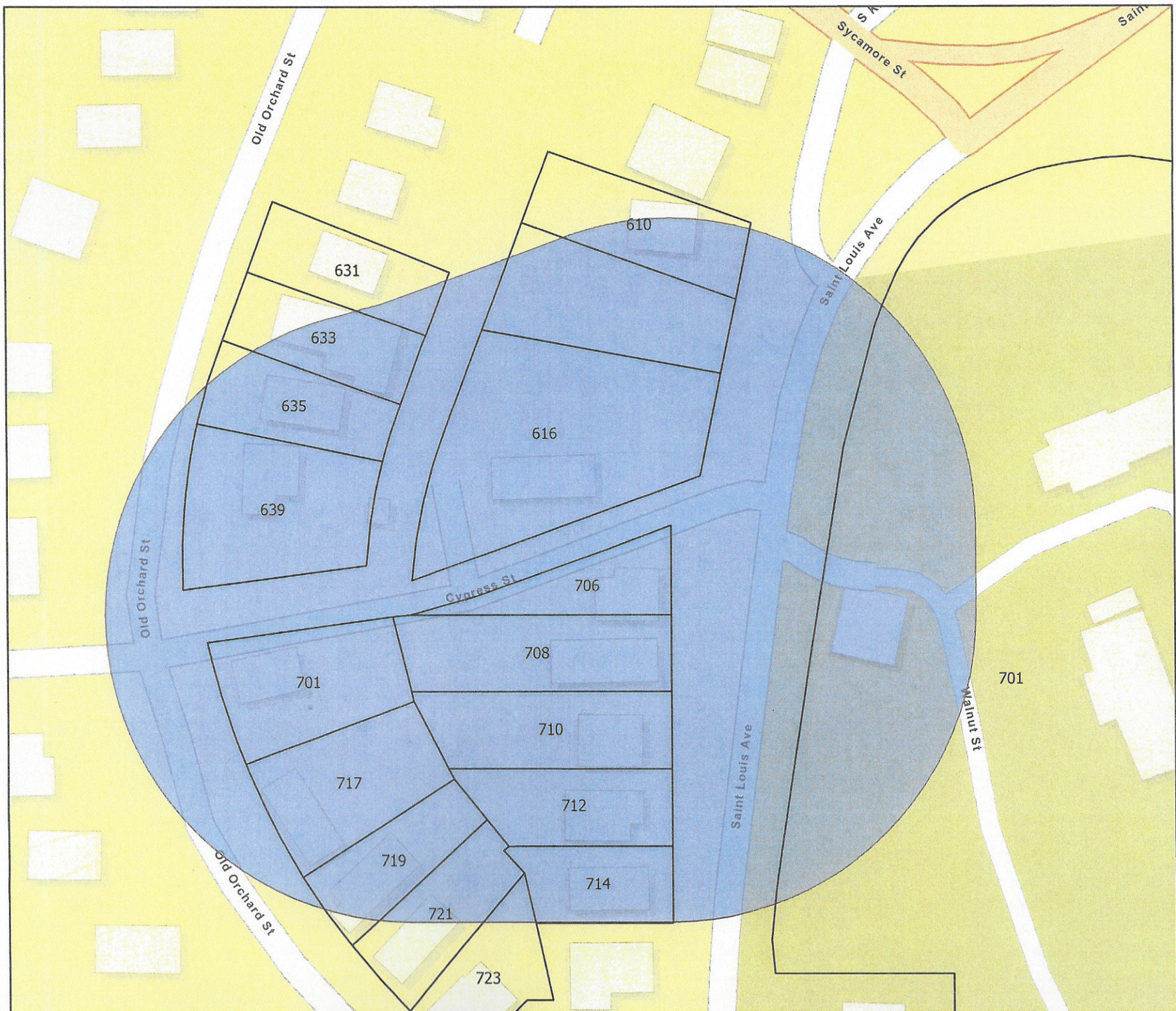
Vote: Motion passed 5-0-0

Yes: Commissioners Simmons, Borchert, Gerdes, Kelley and Van Till.

No: Commissioner: None

Abstain: None

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City Council Meetings
Council Meeting 8/5/2024

To: Mayor and City Council
From: Melinda Mehaffy, Director of Economic Development
Date: 7/31/2024
RE: Consideration of Special Use Permit for 205 Woods Ave. - Ordinance No. 24-08-03

Re: Staff Report for Case Number SUP-24-005 - Application by Fountain of Humber 2, LLC for a Special Use Permit for the operation of a short-term rental in tr
Applicant: Fountain of Humber 2, LLC, owner

General Information:

Address: 205 Woods Ave, Excelsior Springs
Current Zoning: R-1 Single-Family Residential District
Current Land Use: R-1 Single-Family Residential District (Vacant)

Surrounding Zoning & Land Use: North: R-1; Single-Family Residential District
East: R-1; Single-Family Residential District
South: R-1; Single-Family Residential District
West: R-1; Single-Family Residential District

Background:

The applicant is requesting to operate this single-family residence as a short-term rental to allow the renting out for defined periods of time 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 appropriately classified as single-family residential. The property located at 205 Woods Ave has been used previously as a single-family residence. The applicant is requesting to use the property as a short-term rental. A Short-Term Rental outside the Downtown Tourist Area may only be permitted through the Special Use Permitting Process. Applicants outside the tourist area are not eligible for a Short-Term Rental. Staff finds that the proposed special use can be compatible with the surrounding properties and can be operated in an appropriate manner so as not to cause concerns. 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,

Melinda Mehaffy, Director of Economic Development

ATTACHMENTS:

Description
Ordinance
P&Z Meeting Summary Excerpt
Vicinity Map - 205 Woods Ave.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A SHORT-TERM RENTAL IN DISTRICT “R-1”, SINGLE-FAMILY RESIDENTIAL DISTRICT AT 205 WOODS AVENUE, CITY OF EXCELSIOR SPRINGS, CLAY COUNTY, MISSOURI

WHEREAS, the Planning and Zoning Commission of Excelsior Springs, Missouri (the “Commission”) considered the application by Fountain of Humber 2, LLC (the “Applicant”) for a Special Use Permit for a Short-Term Rental in District “R-1”, Single-Family Residential District at 205 Woods Avenue, Excelsior Springs, Missouri; and

WHEREAS, the Commission held a public hearing on the application on July 29, 2024, and recommended approval of the Special Use Permit for a two-year time period; and

WHEREAS, proper public notice of the public hearing was published one (1) time in the official newspaper of the City.

NOW THEREFORE, be it ordained by the City Council of the City of Excelsior Springs, Missouri, as follows:

Section 1. Subject to the conditions and restrictions herein set forth, the Applicant’s request for a special use permit for a Short-Term Rental in District “R-1”, Single-Family Residential District at 205 Woods Avenue, Excelsior Springs, Missouri is hereby approved.

Section 2. The Special Use Permit shall be granted for a period of two (2) years. Prior to expiration of the Special Use Permit, the applicant may apply for extension/renewal.

Section 3. The Applicant shall comply with all other Municipal Code requirements.

Section 4. The Mayor, the City Manager, the City Clerk and other appropriate City officials are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance and to execute and deliver for and on behalf of the City all certificates, instruments, agreements and other documents, as may be necessary or convenient to perform all matters herein authorized.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval.

INTRODUCED IN WRITING, read by title two times, passed and approved the _____ day of _____, 2024.

Mark D. Spohn, Mayor

ATTEST:

Shannon Stroud, City Clerk

REVIEWED BY:

Molly McGovern, City Manager

PLANNING AND ZONING COMMISSION

MEETING SUMMARY EXCERPT

July 29, 2024

1. **SUP-24-005 – An application by Fountain of Humber 2, LLC for a Special Use Permit for the operation of a short-term rental in the R-1 Single Family Residential District at 205 Woods Avenue. (Public Hearing)**

Chairman Simmons asked for the staff report.

Mr. Hermes presented the information in the staff report.

Chairman Simmons asked the commission if they had any questions.

Commissioner Van Till asked if this property had been a short-term rental before?

Mr. Hermes said City staff believes it has not been a short-term rental before.

Hearing no additional questions from the commission, Chairman Simmons opened the public hearing at 6:11.

Chairman Simmons invited the applicant to address the Commission.

Randall Bateman, the manager of 205 Woods, said the property is currently a three (3) bedroom, one (1) bath, upstairs is finished and they have plans on putting an additional bathroom in the basement. It's a nice property and it has two (2) driveways and there is plenty of off street parking as the driveways should be able to accommodate four (4) cars. He said there should not be much street parking. Mr. Bateman said when they came to visit Excelsior Springs there really weren't too many options for hotels and they stayed at a hotel in Kearney, that's when they decided to have a short-term rental in Excelsior Springs. He said he is hoping to be able to rent the property to traveling nurses to keep it a nice quiet neighborhood.

Commissioner Van Till asked Mr. Bateman how many short-term rentals he manages?

Mr. Bateman said this would be his first short term rental though he has had other rental properties before.

Chairman Simmons asked if anyone else in the audience would like to speak regarding the application.

Vernon Hedricks, 212 Woods, and has lived there thirty-nine (39) years, and is here to speak on behalf of Joyce Lynn who lives at 210 Woods and has resided there forty-five (45) years and Teresa Wilson who lives at 212 Woods and she has resided there for thirty-one (31) years. They are concerned about losing their quiet street and she said they don't have much traffic on the street. Some neighborhoods that open up to Air B&B go downhill on the up keep of the property, she said, and the other concern is the property values that could be impacted.

Stacy Hutchings, 203 Woods, directly next door, said to answer Commissioner Van Till's question, the property has been empty since the death of Mr. Martin who owned it previously. And then it was remodeled by a gentleman out of Kearney and then he sold it to this guy. She said her number one concern is who is going to maintain the property? Ms. Hutchings said the yard has not been mowed since this LLC has purchased the property. Someone finally came on July 17 and slaughtered the yard, didn't mow it correctly. She said the other day she took her mower and mowed some of the property because she has dogs. Snakes, mice and rabbits were coming onto my property from the property. She asked who is going to maintain the yard while it's going to be a short-term rental if the application is approved. Another concern she has is what will it do to property taxes? Ms. Hutchings said she pounded the pavement in the neighborhood last week and that is what everyone is concerned with. She also noted that the other thing is parking as the driveway on the right-hand side is very narrow and it

would have to be smaller cars that park in that driveway and the other driveway has a steep incline and would be difficult to get out of if you park there. She would like the commissioners to drive by there before possibly recommending approval of a two-year special use permit. Ms. Hutchings said the neighborhood is hearing that everyone is wanting to do short-term rentals because of the Ray Rocks ATV/UTV park and there are not many hotels for those people. Richmond doesn't have many places for people that are going to that park to stay at either. She said that is not the kind of traffic that we want in the neighborhood as it will cause a lot of wear and tear on our street and the neighbors don't want that.

Shelia McGaugh, 208 Woods, has lived there five (5) years. She said she purchased the house in that neighborhood because it's very quiet and there is not a whole lot that goes on. The house across the street from her is a long-term rental and the house is kept up and the yard is mowed every week and a half they. She said they are good property owners and are local. Ms. McGaugh said she does not have a problem with long term rentals just short-term rentals. She said she does not want to see police officers over there. If short-term tenants are coming for Ray Rocks, they cannot fit the types of vehicles they drive in the driveway and would be forced to park in the street. The other thing that concerns her is the company that purchased this property is out of Utah and they just opened an office in Kansas City a month ago. Ms. McGaugh said she is not very confident that they are going to take care of this property.

Mr. Hermes presented two email comments sent directly to City staff.

Mr. Hermes said a comment email was received from Bailey Coleman, 200 N Titus. The first concern stated is property taxes; second is companies from outside the state buying up local properties and raising rental rates; third is human trafficking rings; and, fourth is owner not taking care of the property.

Mr. Hermes said a comment email was received from Anita Heckenbach, 304 Woods. She said she has lived there for thirty (30) years and Woods is a quiet street. She feels a better location for a short-term rental would be the downtown area within walking distance to the shops and restaurants.

Chairman Simmons asked if anyone else would like to speak on the application. Hearing none, he stated that the questions that were asked will now be answered:

Question 1. What would happen to property values when short term rentals come into neighborhoods? Mr. Hermes said that is established by the county. That is not something the city is directly involved in.

Question 2. Who will be maintaining the property? Mr. Hermes said that property maintenance is the responsibility of the property owner.

Question 3. What would happen to property taxes once short-term rental come into the neighborhood? Chairman Simmons referred to the answer to Question 1.

The applicant Randall Bateman asked Chairman Simmons if he could address some of the neighbors' concerns? Chairman Simmons yielded the floor to Mr. Bateman.

Mr. Bateman apologized to the neighbors regarding lawn maintenance. He said he is from Utah and they don't have grass, and he is working on selling his property in Utah and moving to Missouri so he is going between the two states. He said he wasn't thinking about mowing grass and he committed to take care of that this week and will be looking for a lawn service to keep the yard up. He is hoping to rent to visiting nurses so there should be no disruptive renters in the home.

Chairman Simmons asked if anyone else wanted to speak. Hearing none, Chairman Simmons closed the public hearing at 6:29.

Chairman Simmons asked for commission discussion on the application. Hearing none, he called for a motion.

Commissioner Gerdes made the motion to approve SUP-24-005 with a two (2) year time limit.

Commissioner Van Till second the motion
Motion Carried.

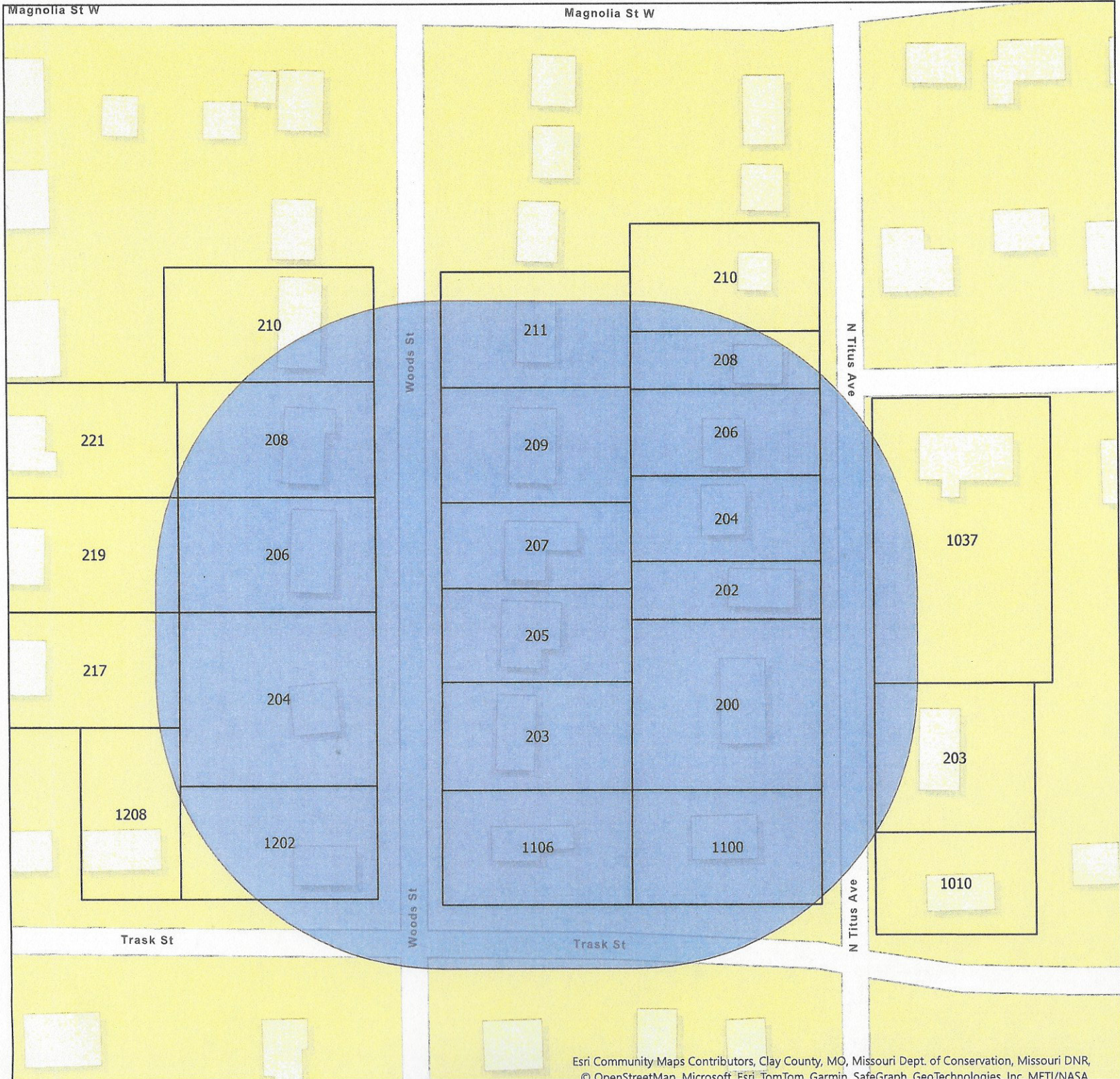
Vote: Motion passed 5-0-0

Yes: Commissioners Simmons, Borchert, Gerdes, Kelley and Van Till.

No: Commissioner: None

Abstain: None

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City Council Meetings
Council Meeting 8/5/2024

To: Mayor and City Council
From: Doug Hermes, Planning Consultant
Date: 7/31/2024
RE: Consideration of Amending Section 400.130 R-4 Medium Density Residential District of the Municipal Code - Ordinance No. 24-08-04

Re: Staff Report for Case No. ZTA-24-002 - Application by the City of Excelsior Springs to amend Chapter 400 "R-4" Medium Density Residential District in the Zoning Regulations of the Excelsior Springs City Code (Public Hearing was held 7/29/24).

Applicant: City of Excelsior Springs

General Information:

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

Background:

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

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

Discussion:

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

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

Section 400.130. "R-4" Medium Density Residential District

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

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

Staff Analysis:

This correction appears to reflect the initial intent of the Planning and Zoning Commission and City Council through the City's Code Review Process as related to District "R-4".

Staff Recommendation/Action Requested:

Staff recommends approval of the application.

Respectfully submitted,

Doug Hermes, Planning Consultant

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Ordinance	7/31/2024
P&Z Meeting Summary Excerpt	Backup Material	7/31/2024

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE IV, CHAPTER 400 ZONING REGULATIONS, OF THE MUNICIPAL CODE BY AMENDING SECTION 400.130 “R-4” MEDIUM DENSITY RESIDENTIAL DISTRICT

WHEREAS, at its meeting on July 29, 2024, the Planning and Zoning Commission of the City of Excelsior Springs, Missouri (the "Commission") conducted a public hearing wherein it considered and reviewed amendments to Chapter 400 Zoning Regulations of the Municipal Code by amending Section 400.130 “R-4” Medium Density Residential District, Paragraph A. Permitted Uses; and

WHEREAS, the Commission approved the proposed amendment at its regular meeting on July 29, 2024, and recommended approval of the amendment to the City Council; and

WHEREAS, the proposed amendment will promote the development, rehabilitation, restoration, and preservation of property in the City and the educational, cultural, economic, health, safety and general welfare of the City.

WHEREAS, the City Council of the City of Excelsior Springs, Missouri has determined that the Municipal Code of the City should be revised as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Excelsior Springs, Missouri, as follows:

Section 1. Chapter 400 Zoning Regulations of the Municipal Code is hereby amended by amending Section 400.130 “R-4” Medium Density Residential District, Paragraph A. Permitted Uses, as attached in Exhibit A.

Section 2. Should any provision hereof for any reason be deemed or ruled illegal, invalid or unconstitutional by any court of competent jurisdiction, no other provision of this Ordinance shall be affected; and this Ordinance shall then be construed and enforced as if such illegal or invalid or unconstitutional provision had not been contained herein.

Section 3. The Mayor, the City Manager, the City Clerk and other appropriate City officials are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance and to execute and deliver for and on behalf of the City all certificates, instruments, agreements and other documents, as may be necessary or convenient to perform all matters herein authorized.

Section 4. This Ordinance overrides any conflicting provision or regulation with the Municipal Code of the City of Excelsior Springs, Missouri.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval.

INTRODUCED IN WRITING, read by title two times, passed and approved the _____ day of _____, 2024.

ATTEST:

Mark D. Spohn, Mayor

Shannon Stroud, City Clerk

REVIEWED BY:

Molly McGovern, City Manager

EXHIBIT A

Chapter 400 Zoning Regulations

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

Amend Paragraph A. so that the same shall read as follows:

- A. *Permitted Uses.* In a District “R-4” no building, structure, land or premises shall be used and no structure shall be hereafter erected, constructed, reconstructed, or altered except for one (1) or more of the following uses:
1. Medium density apartment buildings.
 2. Housing which shall be considered congregate living for senior adults and of a multi-family nature shall be limited to a Planned District.

PLANNING AND ZONING COMMISSION

MEETING SUMMARY EXCERPT

July 29, 2024

1. ZTA-24-002 – An application by the City of Excelsior Springs to amend Chapter 400 “R-4” Medium Density Residential District in the Zoning Regulation of the Excelsior Springs City Code. (Public Hearing)

Chairman Simmons asked for the staff report.

Mr. Hermes presented the information in the staff report.

Chairman Simmons asked the commission if they had any questions.

Hearing no questions, Chairman Simmons opened the public hearing at 6:36.

Chairman Simmons asked if anyone would like to speak regarding the application.

Hearing none, Chairman Simmons closed the public hearing at 6:37.

Chairman Simmons asked for commission discussion on the application. Hearing none, he called for a motion.

Commissioner Borchert made the motion to approve ZTA-24-002

Commissioner Kelley second the motion

Motion Carried.

Vote: Motion passed 5-0-0

Yes: Commissioners Simmons, Borchert, Gerdes, Kelley and Van Till.

No: Commissioner: None

Abstain: None

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