

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



Meeting Notice

March 25, 2024 at 6:00 PM

Agenda

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MEETING SUMMARY
 - a. Meeting Summary February 26 2024
4. COMMENTS OF VISITORS
5. RZ-24-002-Application by Eden Village of Excelsior Springs for the rezoning from "C-3"-Service Business District to "R-4"- Medium Density Residential District at 1112 Tracy Avenue, Excelsior Springs Missouri (Public Hearing)
 - a. RZ-24-002
6. ZTA-24-001- An application by the City of Excelsior Springs to amend Chapter 403 Sign Regulation in the Zoning Regulations of the Excelsior Springs City Code. (Public Hearing)(Continued to later Planning and Zoning Meeting)
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: March 22, 2024 at 8:00 am



**Community Development
Planning and Zoning Commission - 3/25/2024**

To: Commission Members
From:
Date
RE: Meeting Summary February 26 2024

ATTACHMENTS:

Description	Type	Upload Date
February 26 2024	Cover Memo	3/24/2024

PLANNING AND ZONING COMMISSION

MEETING SUMMARY

February 26, 2024

1. CALL TO ORDER

Chairman Simmons called the meeting to order at 6:00 p.m.

2. ROLL CALL

PRESENT: Jake Simmons, Dustin Borchert, Bob Gerdes, Julia Goldstein and Jason Van Till.

STAFF PRESENT: Doug Hermes, Melinda Mehaffy, Shantele Frie and Lisa Morgan.

VISITORS: Reggie St. John, Jason Cole, Marilyn Gerdes, Debra Hopkins, Sonya and Chuck Duckworth, Joseph Ruckman and John Clark (via Zoom).

3. APPROVAL OF MEETING SUMMARY- December 19, 2023

Commissioner Gerdes made a motion to approve the December 19, 2023 meeting summary

Commissioner Goldstein seconded. Motion carried.

Vote: Motion passed 5-0-0

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

No: None

Abstain: None

4. COMMENTS OF VISITORS: There were none.

5. ZTA-23-002 – An application by the City of Excelsior Springs to amend Chapter 400.230 Special Use Permits in the Zoning Regulations, pertaining to Short Term Rental Properties, of the Excelsior Springs City Code as part of the City’s Code Review Process. (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 said it had been a while, but he thought that a previously presented map of existing, known short-term rentals indicated that establishing a 1,000 foot distance separation requirement would indeed affect some of the existing, known short-term rentals.

Commissioner Goldstein said that she remembers that a 3,000 foot distance separation requirement would impact existing short-term rentals.

Ms. Mehaffy said City staff reviewed a 1,000-foot distance separation, particularly evaluating the area at St Louis, Cypress and Old Orchard Streets where it would have been of primary concern, and there was no overlap.

Ms. Frie said the only overlap of existing, known short-term rentals is in the Downtown Tourist Area.

Mr. Hermes said existing short-term rentals that had been approved with a Special Use Permit with no time limit would be considered okay as pre-existing. If they are still under a Special Use Permit with a two-year time period, there could be some discretion or discussion if they came back for Special Use Permit renewal and did not meet a new 1,000 distance separation standard.

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

Chairman Simmons asked if anyone would like to address the commission for this case to step to the podium and provide their name and address.

Reggie St John, 160 Rockbridge Parkway, said that the City Council did amend the initial short-term rental ordinance as recommended by the commission by changing the definition to 27 days to avoid any possible confusion with regular month-to-month long-term rentals. Everything else about the initial ordinance he said he likes and with this separation standard amendment he asks the commission to approve it. Mr. St. John said he likes that it basically limits short-term rentals to basically a maximum of one per block.

Joseph Ruckman, 205 S. Francis Street, said he wants to make sure he understands this is not going to affect existing short-term rentals. Also, he wanted to talk about the short-term rental located at 608 Benton. He said it was one of the best kept properties in the neighborhood and everyone that has stayed there has been very nice and friendly people.

Chairman Simmons that is correct about the short-term rentals that are existing. He also thanked Mr. Ruckman for coming and speaking for one of the downtown neighborhoods.

Chairman Simmons asked if anyone else would like to share their comments. Hearing none, the public hearing was closed at 6:15.

Chairman Simmons asked if Commissioners had any further discussion or questions. Hearing none, he called for a motion.

Commissioner Goldstein made the motion to approve Case No. ZTA-23-002 as presented.
Commissioner Gerdes seconded the motion.
Motion carried.

Vote: Motion passed 5-0-0

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

No: Commissioner: None

Abstain: None

6. SUP-24-001 – An application by Sara Pelis for a renewal of Special Use Permit for the use of a short-term rental in the R-2 Two Family residential district located at 608 Benton Avenue. (Public Hearing)

Chairman Simmons asked for the staff report.

Ms. Frie 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 6:20.

Chairman Simmons asked if there was anyone in the audience that wanted to provide comments during the public hearing.

Hearing none, Chairman Simmons closed the public hearing at 6:21.

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

Commissioner Borchart made the motion to approve Case No. SUP-24-001 with no time limit.

Commissioner Gerdes seconded the motion.

Motion carried.

Vote: Motion passed 5-0-0

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

No: Commissioner: None

Abstain: None

7. SUP-24-002 – An application by Kirk Dutcher for a renewal of Special Use Permit for the use of a short-term rental in R-1 single-family residential district at 1012 Sunset Strip. (Public Hearing)

Chairman Simmons asked for the staff report.

Ms. Frie presented the information in the staff report.

Chairman Simmons asked the commission if they had any questions of City staff.

Hearing none, Chairman Simmons opened the public hearing at 6:23.

Chairman Simmons asked if there was anyone in the audience that wanted to provide comments during the public hearing.

Hearing none, Chairman Simmons closed the public hearing at 6:24.

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

Commissioner Gerdes made the motion to approve the renewal of Case No. SUP-24-002 with no time limit.

Commissioner Borchert seconded the motion.

Motion carried.

Vote: Motion passed 5-0-0

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

No: Commissioner: None

Abstain: None

8. RZ-24-001 — An application by TD Sylla LLC-RA: Chuck Duckworth to rezone a tract of land located at 517 S Kansas City Avenue from District “C-2A”-Special Business District to District “C-3”-Service Business District. (Public Hearing)

Chairman Simmons asked for the staff report.

Ms. Frie presented the information in the staff report.

Chairman Simmons asked the commission if they had any questions.

Commissioner Goldstein asked to confirm that everything on the site will remain the same and the commission is just asked to consider rezoning the parking area at this time. Ms. Frie said yes, the application is only for the rezoning.

Chairman Simmons asked if there were any more questions from commissioners. There were none.

Chairman Simmons opened the public hearing at 6:28.

Debra Hopkins, 529 Elms Blvd., asked if there is going to be a barrier between the parking lot and the residential property to the south, for example some type of fence? She asked what will separate the commercial zoning from the residential zoning to the south?

Ms. Frie read a letter from John and Jill Clark, 519 S Kansas City Avenue. Ms. Frie said they said they are not able to attend the meeting in person.

Mrs. Sonya Duckworth, 624 Patrick Drive, said she is the applicant and the plan is requesting the rezoning in order to do a Lot Split combining the two lots into one. She said they want to restore the property so it will be beautiful. Ms. Duckworth said there will be no large trash dumpster placed at the back of the property as previously mentioned. She said the plan is to put a fence on the property so it is not a hindrance to any of the residents in the area. She said they want to be considerate to the residents around them and actually want to make it look very pretty. She said they have discussed this topic with the residents to the south and the goal is to make it pretty. Ms. Duckworth said they will be coming back to the Historic Preservation Commission for consideration of other site improvements in the future.

Commissioner Goldstein asked where would the proposed fence be situated in relationship to the shared drive?

Mrs. Duckworth replied that she did not think it was actually a shared drive but that adjacent residents were using her property. She said they are going to be doing a survey to determine where the real property line is and that is where they would want to locate the fence. She said the residents next door asked if they could use the property to park on and they said yes. Ms. Duckworth said she thinks the fear is that their driveway is on her property and the survey will identify where the true property line is and that will determine where the fence will go.

Commissioner Van Till said at one time prior to the house being demolished at 517 S Kansas City there most likely was a shared drive and that changed when the parking lot was put in its place.

Jason Cole, 518 Elms Blvd., said he lives right behind the location being discussed. He said his understanding from a survey done a long time ago showed it as a shared drive. All the houses on Elms Blvd, he said, are the same way they have a shared driveway between the houses.

Ms. Frie said a survey is required.

Ms. Hopkins said as long as she has lived there, there has always been a shared driveway, and the previous owner, Evelyn Coursen, told her the intention was for it to remain a shared driveway when she sold it.

Mr. Duckworth said their intentions are a complete survey of the property, and based on the results of the survey that is where the line will be drawn and that is where the fence will be built.

Commissioner Goldstein asked is there is a reason the rezoning has to take place prior to a survey.

Ms. Frie said the rezoning is first then the survey so it can be a seamless process and both parcels would be located in the same zoning district. Then the lot split can be done to combine it all into one lot.

Commissioner Van Till asked that once the rezoning and survey are completed can the fence be installed.

Ms. Frie said the fence would require Historic Preservation Commission consideration and once approved and a survey is provided, a fence permit can be issued.

Chairman Simmons asked if there were any further public comments during the public hearing.

Hearing no further comments or questions, Chairman Simmons closed the public hearing at 6:43.

Chairman Simmons asked for any further commission comments regarding the application. Hearing none, he called for a motion.

Commissioner Borchert made the motion to approve case No. RZ-24-001.

Commissioner Van Till seconded the motion.

Motion carried.

Vote: Motion passed 4-1-0

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

No: Commissioner: Goldstein

Abstain: None

Chairman Simmons asked Commissioner Goldstein if she would like to explain the reason for her vote.

Commissioner Goldstein said she voted no on the motion as she feels the current zoning of the property is most appropriate for the neighborhood.

9. STAFF COMMENTS:

Melinda Mehaffy said that the City's volunteer dinner will be on April 18th at 6:00 pm and all the Commissioners should be receiving an invitation.

10. COMMISSION COMMENTS: None

11. ADJOURN The meeting was adjourned at 6:46 p.m.



**Community Development
Planning and Zoning Commission - 3/25/2024**

To: Commission Members
From:
Date
RE: RZ-24-002

ATTACHMENTS:

Description	Type	Upload Date
RZ-24-002	Cover Memo	3/24/2024

**Community Development Department
Planning & Zoning**

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



March 25, 2024

To: Chairman and Commissioners
Planning & Zoning Commission

Re: **Staff Report for Case No. RZ-24-002**– An application by Eden Village of Excelsior Springs for the rezoning from “C-3”-Service Business District to “R-4”-Medium Density Residential District at 1112 Tracy Avenue, Excelsior Springs (*Public Hearing*)

Applicant: Eden Village of Excelsior Springs-Kelly Anderson

General Information:

Address: 1112 Tracy Avenue **Parcel ID: 08918000800700**
Current Zoning: C-3, Service Business District
Current Land Use: Vacant lot

Surrounding Zoning & Land Use: North – C-3; Service Business District
East – C-3; Service Business District
South – R-4; Medium Density Residential District
West – C-3; Service Business District

Background:

The subject property, located at 1112 Tracy Avenue, is a vacant lot spanning approximately 3.98 acres. The applicant is proposing the rezoning to “R-4”- Medium Density Residential District. This site is a proposed development by Eden Village of Excelsior Springs, a planned gated duplex community. This development is to offer a transformative living environment for individuals who have been classified as chronically homeless. The development plan includes 20-units of housing and a community center for residents providing services needed by residents. There is a Phase II plan that would include an additional 10 units in the future.

Public Infrastructure:

Streets: The current site is well-served in terms of transportation infrastructure. Tracy Avenue, classified as a collector street, provides adequate access to the site, facilitating efficient movement of traffic to and from the area. Additionally, the site benefits from its proximity to N Hwy 69 to the west, which functions as the arterial street, offering broader connectivity to the surrounding regions. The presence of existing trails in the vicinity further enhances the site’s accessibility, providing additional options for pedestrian and non-motorized traffic.

Public Water and Sanitary Sewer: The current site under consideration lacks access to public water and sanitary sewer facilities. However, the applicant has proactively addressed this concern by submitting a letter of intent. This document confirms their commitment to constructing the necessary water main improvements essential for the site's future development. The letter assures that the development will be equipped with adequate water utilities, ensuring a reliable supply not only to all residential units but also to the community center building, and importantly, meeting the requirement for fire safety. The commitment aligns with city standards for sustainable development and adheres to our community's infrastructure standards.

Comprehensive Plan:

The Future Land Use Map identifies this area for future mixed-use development.

Staff Analysis:

City staff believes the rezoning would be appropriate for this parcel of land and consistent with the surrounding areas.

City staff feels the application conforms substantially to the Comprehensive Plan and can meet the city's development standards.

Staff Recommendation/Action Requested:

City staff recommends approval of the rezoning application.

Respectfully submitted,

Shantele Frie
City Planner
City of Excelsior Springs

Attachments:

Exhibit A-Letter of Intent



Eden Village of Excelsior Springs

PO Box 301
Excelsior Springs, MO64024
edenvillageofes@gmail.com

March 20, 2024

Dear Ms. Frie,

This is a letter of intent for the proposed project at 1112 Tracy Avenue, Excelsior Springs, MO. Eden Village of Springs intends to construct the water main improvements, as outlined in the documents provided, necessary for the future development of our proposed site, to ensure that adequate water utilities are available to our residential units, the community building and fire hydrants. Eden Village of Excelsior Springs acknowledges that we bear the full financial responsibility for the cost of the water main improvements. We understand, should The Flats development not commence first, that we will be required to construct an 8" water main along the main roadway, as a contingency requirement, irrespective of the sequencing of nearby projects.

Sincerely,

Kelly Anderson

Board President