

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



Meeting Notice

June 24, 2024 at 6:00 PM

Join via Google: Zoom.US
Meeting ID: 831 3363 5337
Passcode: 156892

Agenda

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MEETING SUMMARY: April 29, 2024
 - a. Meeting Summary April 29, 2024
4. COMMENTS OF VISITORS
5. SUP-24-003 - An application by William and Cinthia Molini for a Special Use Permit for the operation of a short-term rental in the R-3 Cluster, Townhouse or Garden Apartment district at 406 E. Broadway, Excelsior Springs Missouri. (Public Hearing)
 - a. SUP 24-003
6. STAFF COMMENTS
7. COMMENTS OF COMMISSIONERS
8. 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: June 18, 2024 at 2:30 p.m.



**Community Development
Planning and Zoning Commission - 6/24/2024**

To: Commission Members
From:
Date
RE: Meeting Summary April 29, 2024

ATTACHMENTS:

Description	Type	Upload Date
Meeting Summary: April 29, 2024	Cover Memo	6/18/2024

PLANNING AND ZONING COMMISSION

MEETING SUMMARY

April 29, 2024

1. CALL TO ORDER

Chairman Simmons called the meeting to order at 6:05 p.m.

2. ROLL CALL

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

STAFF PRESENT: Doug Hermes, Molly McGovern, Melinda Mehaffy and Lisa Morgan.

VISITORS: In person 111 residents, Zoom: 4, live stream: 100+.

3. APPROVAL OF MEETING SUMMARY- February 26, 2024

Commissioner Gerdes made a motion to approve the February 26, 2024 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. APPROVAL OF MEETING SUMMARY- March 25, 2024

Commissioner Van Till made a motion to approve the March 25, 2024 meeting summary.

Commissioner Gerdes seconded. Motion carried.

Vote: Motion passed 5-0-0

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

No: None

Abstain: None

5. COMMENTS OF VISITORS: There were none.

6. 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 Missouri. (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 technical questions for City staff on the staff report.

Commissioner Van Till asked if the proposed plan for this project would be able to meet the ADA requirements. Mr. Hermes replied that would be an expectation. Commissioner Van Till asked about the staff report's calculation of available commercially zoned property in the City to meet the Comprehensive Plan goals. Mr. Hermes replied that it was determined by staff in a brief period of time but it seemed possible that the potential

rezoning of this property from a commercial zoning district would not significantly impact that particular Comprehensive Plan goal.

Chairman Simmons asked if there would be adequate public infrastructure, particularly sanitary sewer and water service, to support residential development in this location.

Mr. Hermes responded that existing sanitary sewer service is available and adequate and that there is water service available but it is not adequate to service development in that entire corridor so certain improvements to the public water distribution system would need to be made.

Commissioner Goldstein asked if Eden Village be able to take on that expense of improvements. Mr. Hermes said that was correct.

Hearing no further technical questions from Commissioners, and prior to opening the public hearing Chairman Simmons instructed the audience of the process for speaking during the public hearing. He said the applicant would be permitted to speak first, then those that were in favor of the zoning change would speak, then those opposed would speak regarding the proposed change of zoning from "C-3" to "R-4". Chairman Simmons then reopened the public hearing at 6:22.

Chairman Simmons invited the applicant to the podium to state her name and address. Kelly Anderson, 801 Dunbar Excelsior Springs, MO. Ms. Anderson presented that Eden Village that will provide quality ultra-affordable rental housing that complies with the Fair Housing Act and American with Disabilities Act, meeting needs identified in the most recent Thrive Community Survey and RHP Data Hub housing data.

Chairman Simmons invited anyone who was in favor of the zoning change from "C-3" to "R-4" to approach the podium, state your name and address.

Don Ledford, 2124 Kearney Rd. Excelsior Springs, President of the board for the Good Samaritan Center. Mr. Ledford said that as long as he has lived here there has never been a business or residence at this location. The possibility of this ever being developed as a "C-3" zoning is nonexistent. He feels this would be a better use of the property and asks for approval of the zoning change.

Cameron Huett, 1502 Reed Ct. Excelsior Springs, said the proposed use is fundamentally needed in our community and hopes the commission will move the zoning forward. Eden Village is not looking for public money as it will be funded by donations and also public and private grants. He said they are just looking for land to build on.

Jennifer Chappel, 15023 Salem Rd. Excelsior Springs, employed by the Good Samaritan Center where she has been working on the housing situation for the last 20 years in Excelsior Springs. She said she is having trouble getting landlords to take HUD or Section 8 housing vouchers, so something is needed for the people on these programs.

Mark Donovan, 1701 Wornall Rd. Excelsior Springs, has worked for Habitat for Humanity, and he thinks most of the people in this room are middle to upper-middle class and that there is a need for affordable housing in this community.

Melanie Grooms, 31157 W 159th St. Excelsior Springs, moved to Excelsior in 1993, and said the property has been empty as long as she has lived here. She said this land is a good location for this type of community as it puts them in town so they are not isolated and they would be close to stores, health care, etc. She said she has been to other Eden Villages and they are beautiful and well maintained and that we need this to give the people back their dignity.

Vernon Hendricks, 212 Woods Excelsior Springs, said we are talking about homelessness and he has seen people sleeping in trees and laundromats. He said he hopes the Commission will approve this zoning application.

Joyce McKown, 15311 Old Quarry Rd. Excelsior Springs, said she is a resident for 40 years and has not seen anything on the land since the hotels were torn down. She has done research and Eden Village is a wonderful project and is very successful. She urges the Commission to approve the re-zoning.

Melody Donovan, 1701 Wornall Rd. Excelsior Springs, said she has lived here for 35 years of her life. She has had the opportunity to work with the applicant and she thinks that Excelsior Springs is the greatest city on the planet. She has come here to encourage the Commission to approve the zoning change so we as a people can come together to help the most vulnerable.

Chairman Simmons asked if there were any other people in the audience that would like to speak in favor of the application. Hearing none, Chairman Simmons opened the floor to those that oppose the zoning change.

Brad Eales, 1991 Larkspur Excelsior Springs, said in 1995 he attempted to purchase this property and at that time it was zoned residential and he wanted to change it to a commercial zoning to build a ministorage facility. When he looked further into it he found that there was not a reasonable way to handle the storm water from the property. He said the topography of this land is all uphill close to the fire station and he wonders where all the stormwater is going to go. He said it's a nightmare when you have nowhere for the water to go, and there is a good reason why there is nothing on that land.

Jim Rice, 940 Wornall Rd. Excelsior Springs, said he opposes the rezoning as this would take away a possible commercial resource that would give more tax dollars for our future growth. He noted that there are six (6) acres that are currently zoned "R-4" on Jesse James Road that could be used for this project.

Mark Spohn, 1009 S. Marietta St. Excelsior Springs, said he would like for the Commission to consider what the best and most productive use for this land that is in question to all of the residents of Excelsior Springs. He noted it was said earlier that the land is not developable but he absolutely does not agree with that statement. The reason it has not been developed is another issue. Mr. Spohn said we are at the tip of an iceberg headed toward extensive growth for Excelsior Springs. The taxes that can be produced from that parcel with a commercial building on it could possibly be in the millions of dollars. He asked the Commission to keep that in mind when making its decision.

Katrina Becker, 110 S. Main St. Excelsior Springs, said she is a home healthcare business owner and has dealt with the homeless and disabled. She noted that here in Excelsior Springs there are two (2) high rises to take in the elderly and disabled and there are two (2) other complexes that take in the elderly, disabled and homeless. She said we do have housing already in place for them.

Sonya Schmitz, 905 Elm Rd. Excelsior Springs, said she is a transplant and has only lived in Excelsior Springs since 2020. A couple of times this evening she has heard Eden Village referred to as a housing project and that historically that has not been a favorable term.

David Reeves, 1807 Karlton Excelsior Springs, said he has worked with the Red Cross. He said that Americans are extremely generous and benevolent however he feels that there is a better fit for the use of this land and is not in favor of rezoning.

Ashley Frazier, 1319 Tracy Ave. Excelsior Springs, said that the Commission should ask who would be living on this property. She said she has selfish reasons as this would be very close to her house and does not want the type of development there.

Norma Thomas, 1231 N. Jesse James Rd. Excelsior Springs, said she has a number of questions. Chairman Simmons said the Commission would take a list of questions and address them as best as possible after the public hearing is closed.

1. Is there going to be a vote on the application tonight?
2. Have all the surrounding property owners been notified of the public hearing?
3. Is Excelsior Springs still listed as one (1) of two (2) cities in the state of Missouri with the lowest income per capita?
4. How many HUD vouchers are currently in Excelsior Springs? And is Section 8 different than HUD housing?

She said as a tax payer there are enough not-for-profit organizations in this town and it hurts the community.

Jim McCollough, 1104 N. Golf Hill & 15306 Old Quarry Rd. Excelsior Springs, asked if there are other “R-4” zoned properties in the City available? He said the answer is yes, there are some available. He said according to the City’s master plan for this community this rezoning should not be happening. He said the City needs to stay on track with the master plan.

Ryan McCollough, 100 Sherri Ln. Excelsior Springs, asked how many people will be living at this location? He said the City is already short on paramedics, firemen and police, so how can City public safety support new residential development on this site?

Chairman Simmons asked if anyone else wanted to speak in opposition to the application. Hearing none, Chairman Simmons closed the public hearing at 7:24.

Chairman Simmons said the questions that were asked during the public hearing would now be addressed by the Commission or City Staff.

1. Will there be a vote on the rezoning tonight? Chairman Simmons answered yes, the Commission intends to vote on the application this evening.
2. Have all the surrounding property owners been notified of this public hearing? Melinda Mehaffy replied yes, there was a public notice published in the local newspaper and it was also listed on the Excelsior Citizen and the city website.
3. Is Excelsior Springs still one (1) of two (2) cities in Missouri that are low income per capita? Ms. Mehaffy replied that City staff is not aware of this but will check.
4. How many HUD vouchers are currently in the City of Excelsior Springs? Ms. Mehaffy answered that this is not managed as a City program and they would need to check with the Excelsior Springs Housing Authority.
5. Is Section 8 different than HUD? Ms. Mehaffy replied that this is an Excelsior Springs Housing Authority question as it is not managed as a City program.
6. How many “R-4” zoned properties are there currently in the city? Ms. Mehaffy replied that there are currently available properties in the City that are available that are zoned “R-3” and “R-4”.
7. Are there enough emergency staff to support the proposed residential development? Ms. Mehaffy replied that City staff would have to do additional research to answer that question.

Chairman Simmons thanked the City staff for their replies to the questions.

Chairman Simmons asked for further Commission discussion on the application or if they had any additional questions for City staff. Hearing none, he called for a motion.

Commissioner Gerdes made the motion to recommend approval of Case No. RZ-24-002.

No second was provided to the motion.

Chairman Simmons declared the motion died for lack of a second.

Commissioner Goldstein made the motion to recommend denial of Case No. RZ-24-002 based on its lack of conformance with the City's Comprehensive Plan and that there are other properties available in the City that are currently zoned for multi-family residential that can support the applicant's intended project.

Commissioner Borchert second the motion stating his agreement with the rationale provided by Commissioner Goldstein.

Motion carried for denial.

Vote: Motion passed 4-1-0

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

No: Commissioner Gerdes

Abstain: None

7. ZTA-24-001 – An application by the City of Excelsior Springs to amend Chapter 403 Sign Regulations in the Zoning Regulations 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 technical questions of City staff.

Hearing none, Chairman Simmons re-opened the public hearing at 7:49.

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 7:50.

Chairman Simmons asked for Commission discussion on the application.

Commissioner Van Till asked if any old signs that are existing would be exempt from the new code.

Mr. Hermes said pre-existing permanent signs would be considered legal non-conforming uses, however, for instance, feather flags are considered to be temporary that are erected then removed and would fall under the revised code.

Commissioner Borchert made the motion to approve Case No. ZTA-24-001.

Commissioner Van Till 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. STAFF COMMENTS:

Melinda Mehaffy said thank you to Jason Cole and Excelsior Citizen so more people could attend online. And appreciated the public that attended and were patient while we set up extra chairs. She also thanked the Commission for its time and the serious consideration for the issues that came before them this evening. She said Doug Hermes said there would come a day when you would have a room full of people and today was that day and you all did an excellent job.

Ms. Mehaffy said last night the City hosted a Pizza and Planning event at City Hall at 4:00 p.m. with 20 people in attendance. She said it was the first public engagement meeting for the Comprehensive Plan update.

Ms. Mehaffy said there will be another Pizza and Planning event on May 16th at the Community Center beginning at 6:00 p.m. and Commissioners are encouraged to attend. The discussion will be about the Comprehensive Plan and how cities do planing. City staff would love to see Commissioners there.

City staff is planning to schedule a joint Planning and Zoning Commission and City Council session about the Comprehensive Plan later this Summer.

As of today, we have no cases for the May 28th Planning and Zoning Commission meeting and the deadline is end of day tomorrow for submittal. If there are no applications, staff will be contacting Chairman Simmons for permission to cancel the May meeting.

9. COMMISSION COMMENTS:

Chairman Simmons thanked City staff for all their hard work and all the hidden behind the scenes work. Also, he likes all the work that has been done for the growth of the city and encourages the Commissioners to participate in the Comprehensive Plan process.

10. ADJOURN: The meeting was adjourned at 7:58 p.m.



**Community Development
Planning and Zoning Commission - 6/24/2024**

To: Commission Members
From:
Date
RE: SUP 24-003

ATTACHMENTS:

Description	Type	Upload Date
SUP 24-003	Cover Memo	6/18/2024

**Community Development Department
Planning & Zoning**

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



June 12, 2024

To: Chairman and Commissioners
Planning & Zoning Commission

Re: Staff Report for Case Number SUP-24-003- Application by William and Cinthia Molini for a Special Use Permit for the operation of a short-term rental in the R-3 Cluster, Townhouse or Garden Apartment District at 406 E. Broadway. (*Public Hearing*)

Applicant: William and Cinthia Molini, owner

Meeting Date: June 24, 2024

General Information:

Address: 406 E Broadway, Excelsior Springs
Current Zoning: R-3 Single-Family Residential District
Current Land Use: R-1 Single-Family Residential District (new construction)

Surrounding Zoning & Land Use: North: R-3; Cluster, Townhouse or Garden Apartment District
East: R-3; Cluster, Townhouse or Garden Apartment District
South: R-3; Cluster, Townhouse or Garden Apartment District
West: R-3; Cluster, Townhouse or Garden Apartment 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, commonly known as an 'Airbnb' or 'VRBO.'

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.

The property located at 406 E. Broadway has been used previously as a single-family residence. The applicant is requesting to use the property as a short-term rental. In January 2024, the City Council approved Ordinance 24-01-02 which provides definition and standards for Short Term Rentals.

A Short-Term Rental within the Downtown Tourist Area may be permitted outright when the property can meet the defined site standards. Those site standards include sufficient off-street parking, a minimum of two onsite off-street parking spaces for up to three bedrooms and a City rental license.

The property at 406 E. Broadway has no off-street parking. In December 2012 the City vacated the alleyway which eliminates parking at the rear of the property. There is no access off of Broadway onto the property for parking nor is there enough space to provide off-street parking from Broadway. Residences on E. Broadway have typically parked along E. Broadway if there was not an option for parking off-street. The street allows parking on both sides of the street.

The property at 406 E. Broadway is a two-bedroom home that will house no more than four individuals. This would imply that no more than two vehicles would be necessary to park at the residence during stays, certainly no more than four.

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 concern for the public health and safety and adjacent land uses.

Staff has shared this application with the Historic Preservation Commission at the June 12 meeting and did not receive any comments.

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,

City of Excelsior Springs

Attachments:

Exhibit A – Vicinity Map