

April 30, 2009

7:30 a.m.

Item 1. Roll Call.

PRESENT: Bill Griffey Sr., Rodney Rounkles, Dr. Nick Houk, Richart Andrew, Kenneth Dickey

STAFF PRESENT: Frank Davis, Kathy Twitchell

ABSENT: Jerry Woods, Sonny Parker

Chairman Griffey called the meeting to order and wanted the record to show that Kenneth Dickey, an alternate on the board, was present in Jerry Woods absence. A quorum was present.

Item 2. Approval of Minutes August 21, 2008

MINUTES APPROVED: A motion was made by Commissioner Rounkles to approve the August 21, 2008 minutes; Commissioner Andrew seconded. Motion approved.

Item 3. Public Hearing.

3 A. Variance Hearing Case Number BZA-09-00. Application for variance to display signs for a business with no public street frontage, Zoned C-3, Service Business District. Applicant and Owner: Jerry Bishop, B&B Enterprises.

Frank Davis, Director of Planning and Zoning gave the staff report. The property, owned by Jerry Bishop, is located at 1454 Kearney Road, Excelsior Springs, MO. The request is for a variance from City Code Chapter 403, Section 403.100 (2) for the purpose of displaying signs for a new business without street frontage on which to calculate allowable signage in the existing zoning.

The building and adjacent parking areas are recently completed new construction and are not yet open for business. However, after discussion with the owner, they plan to have the Quick Lube operation open by the first week of May. The remainder of the building that will house the other two businesses are not ready for occupancy.

Based on standards set forth in the city code for the Board, staff has come to the following conclusions.

The physical surroundings and location of the property do create a hardship on the applicant for the displaying of signs as required by city code.

The plight of the owner is due to unique circumstances. It is unusual for a commercial property located in a centralized commercial subdivision to be land locked and not have adjacent street frontage upon which signage can be calculated as outlined by city code.

The variance request, if granted, will not alter the essential character of the locality.

Staff can find no standard based on the facts of the case, environmental considerations, property inspection, or evidence supplied from the applicant that would require a negative recommendation to the Board for this request for variance to display appropriate signage in C-3 zoning.

Therefore, on the evidence of record, the proposal is supportable. Absent new evidence to the contrary at hearing, or otherwise brought to light, staff recommends approval of the requested variance for the enclosed signage as proposed by the owner, based on the Kearney Road frontage that runs parallel to the existing platted lot.

Pictures of the proposed signs were provided in the commissioners packets.

The applicant, Jerry Bishop, stated he owns the three businesses and has one tenant space ready. Mr. Bishop does not plan on expanding this building but may put something further back in the future.

Mr. Davis stated that 600 (six hundred) square foot of signage is allowed in C-3 zoning.

Commissioner Houk wanted verification if this meant the 3 (three) signs could total 600 (six hundred) square feet.

Mr. Davis stated the combined amount of all signs could be up to 600 (six hundred) square feet.

Commissioner Griffey explained that no less then a 4-1 vote is required for approval.

Commissioner Houk asked if any response was received from neighbor letters. Mr. Davis said no comments were received.

Commissioner Rounkles motioned to approve the variance request and Commissioner Andrew seconded. Motion was unanimously approved. Record shows a vote of 5-0 for approval.

Item 4. New Business.

4 A. No new business was presented.

Item 5. Adjourn.

No comments from the commissioners.

Commissioner Houk motioned to adjourn the meeting, Commissioner Andrew seconded. Motion approved. Meeting adjourned at 7:39 a.m.

Kathy Twitchell, Secretary to the Commission

PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

May 19, 2009
p.m.

6:00

Item 1. Roll Call.

PRESENT: Ambrose Buckman, Tim Glenn, Bruce Collins, Sam Hargrove

STAFF PRESENT: Planning & Zoning Director Frank Davis, Kathy Twitchell

ABSENT: Jerry Woods, Gene Deckard

Visitors: Sonny Parker and Bob Craven of CHAPS Land Company, LLC

Item 2. Approval of Minutes.

MINUTES APPROVED: A motion was made by Tim Glen to approve the February 17, 2009 minutes; Ambrose Buckman seconded. Bruce Collins and Sam Hargrove abstained. Quorum was not met to approve the February 17, 2009 minutes. Tim Glen motioned to table the minutes until the next meeting. Sam Hargrove seconded. Motion approved.

Item 3. Election of Chairman

Due to the resignation of Maynard Moore an election for Chairman and Vice Chairman was held.

Sam Hargrove motioned to nominate Gene Deckard as Chairman of the Planning and Zoning Commission. Tim Glenn seconded. Motion approved.

Item 4. Election of Vice-Chairman

Sam Hargrove motioned to nominate Tim Glenn as Vice-Chairman of the Planning and Zoning Commission. Ambrose Buckman seconded. Motion approved.

5 A. P-09-001, Preliminary Plat Application, Ninth Plat, Vintage Plaza; CHAP Land Co., LLC owner and applicant.

Staff Report: Frank Davis presented the staff report. The preliminary and final plat submittals included are concurrent with the City Code and have been by all pertinent internal departments with no reservations being reported. The developer is still working with Public Works and Utilities to establish exact placement of utility lines, however, utilities will be available to the site.

The site is intended to be office/medical development. There are no development plans at this time. However, the general concept is for one building scheduled for 10,000 square feet constructed on a slab to go on the site. The size of the site and the zoning meet the standards for a development of this type.

All public elements and subsequent improvements will be submitted with the site plan for the development once plans are submitted for staff review.

The preliminary and final plats as submitted have been determined by staff to adhere to all applicable City Code regulations and are consistent with land use for C-3 zoning and all other land use considerations for development of the City. Staff feels the preliminary and final plats warrant the Commission's approval at this time with a recommendation to the City Council for approval of the final plat.

Sam Hargrove motioned to open the public hearing. Tim Glenn seconded. Motion approved.

There were no comments from visitors.

Ambrose Buckman motioned to close the public hearing. Tim Glenn seconded. Motion approved.

Tim Glenn asked where the entrance to the cemetery would be located. Sonny Parker said the north entrance would be widened and would become the main entrance.

Ambrose Buckman asked if there would only be one road to the cemetery. Sonny Parker replied there would be one road in and one road out.

Tim Glenn motioned to approve the preliminary plat, ninth plat, Vintage Plaza. Ambrose Buckman seconded. Motion approved.

5 B. P-09-001, Final Plat Application, Ninth Plat, Vintage Plaza

Staff Report: Frank Davis stated the staff report for the final plat had been presented with the preliminary plat application.

Ambrose Buckman motioned to open the public hearing. Tim Glenn seconded. Motion approved.

There were no comments from visitors.

Ambrose Buckman motioned to close the public hearing. Tim Glenn seconded. Motion approved.

Sam Hargrove motioned to approve the final plat, ninth plat, Vintage Plaza. Tim Glenn seconded. Motion approved.

Item 5. Comments of Commissioners

There were no comments from Commissioners.

Item 6. Adjourn

Sam Hargrove motioned to adjourn the meeting, Tim Glen seconded. Motion approved. Meeting adjourned at 6:12 p.m.

Kathy Twitchell, Secretary to the Commission

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PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

March 16, 2010

6:02 p.m.

Item 1. Roll Call.

PRESENT: Ambrose Buckman, Bruce Collins, Tim Glenn, Gene Deckard, Jim Rice

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry; Secretary to Commission Kathy Twitchell

ABSENT: Sam Hargrove and Brent McElwee

Visitors: Eric Bartlett

Item 2. Approval of Minutes.

MINUTES APPROVED: Bruce Collins motioned to approve the January 19, 2010 minutes. Jim Rice seconded. Ambrose Buckman abstained. Motion approved.

Item 3. Discussion-Sketch Plan Review-Subdivision of 101 Ridgeway,

Eric Bartlett was present to answer questions on the review of the subdivision for 101 Ridgeway.

Nick Pappas explained to the commissioners that Bill Hightower owns lots six (6) through ten (10) and would like to re-plat to form three (3) lots in addition to the house. Diagrams of the current lots and proposed lots were supplied to the Commissioners. Nick Pappas also explained they would like a shared drive in the back alley. Currently there is a chain link fence that comes out into the alley and a building on the north side of lot ten (10) is also located in the alley. Most of the alley is in a vegetated state. Nick Pappas suggested the alley be vacated. Eric Bartlett explained they would like to open the alley up for lots six (6) and seven (7). The alley is not currently in use. Nick Pappas explained that per Chad Birdsong, Director of Public Works the alley would need to be open if the alley is going to be used. Commissioner Collins inquired if there was another way to bring the driveway in besides the alley. Eric Bartlett explained that this would help with congestion and it would provide parking for lots six (6) and seven (7). Councilman Buckman asked where will lots eight (8), nine (9) and ten (10) park. Eric Bartlett stated they would have off street parking. Councilman Buckman also asked if the alley is vacated does half of the land go to both the front and back property owners. Nick Pappas stated half would go to each property owner. Commissioner Collins asked how wide the homes on the seventy (70) foot lots would be. Eric Bartlett replied forty eight (48) to fifty (50) feet. Commissioner Collins asked if sewer

and water were currently available. Nick Pappas stated the water department was concerned because the area is nearing capacity. Nick Pappas stated the fire hydrant at the corner of lot six (6) would need to be moved to put in an access road. Since lot six (6) is a corner lot the building will need to be further back for line of sight.

Item 4: Comments of Visitors

No Comments

Item 5. Comments of Commissioners

No comments.

Item 6. Adjourn

Bruce Collins motioned to adjourn the meeting, Jim Rice seconded. Motion approved. Meeting adjourned at 6:17 p.m.

Kathy Twitchell, Secretary to the Commission

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PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

April 20, 2010

6:02 p.m.

Item 1. Roll Call.

PRESENT: Ambrose Buckman, Tim Glenn, Sam Hargrove, Gene Deckard and Brent McElwee

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry; Secretary to Commission Kathy Twitchell

ABSENT: Bruce Collins and Jim Rice

Visitors: Bill Hightower, Owner 101 Ridgeway; Eric Bartlett, Builder 101 Ridgeway; Robert Reynolds, owner Locust Street; Rose Luke, resident 604 Beverly; Brittany Voight, resident 528 Linn Street; Mike Carpenter, resident 402 Linn; Mike Britt, resident 423 N. Kansas City Avenue; Herbert Rowe, resident 708 Ruby; Dan Letcher, resident 425 N. Kansas City Avenue.

Item 2. Approval of Minutes.

MINUTES APPROVED: Tim Glenn motioned to approve the March 16, 2010 minutes. Ambrose Buckman seconded. Motion approved.

Item 3. Preliminary Plat P-10-001 101 Ridgeway

Eric Bartlett and Bill Hightower were present to answer questions on the preliminary plat for the subdivision of 101 Ridgeway.

Nick Pappas stated that Bill Hightower was requesting to re-plat the parcel from five (5) lots to four (4) lots. The preliminary plat has been approved by all internal departments and utilities are available. The re-plat was an agenda item for discussion at the March 16, 2010 meeting.

There was no public comment.

Staff recommended approval of the preliminary plat for 101 Ridgeway.

Commissioner McElwee motioned to approve the preliminary plat for 101 Ridgeway. Commissioner Hargrove seconded. The motion carried.

Item 4: Easement Vacate Request: VAC-10-001 Alley Between Persimmon & Lena, north of Ridgeway

The easement vacate request for the alley between Persimmon and Lena was an agenda item for discussion at the March 16, 2010.

Commissioner Buckman motioned to approve the easement vacate request for the alley between Persimmon and Lena. Commissioner McElwee seconded. The motion carried.

Item 5. Zone Map Amendment: RZ-10-001, Zone Map Amendment Request, Locust Street

Bob Reynolds was present to answer questions.

Nick Pappas, director of Planning and Zoning gave the following staff report: Adjacent property is currently zoned R-2 with the majority of the residences being single family. Currently the southern end of Locust experiences ponding and slight flooding during significant storm events. A storm water study is recommended if zoning were to change. Rezoning only these six blocks would constitute spot zoning.

Several residents were present and spoke against approval. The concerns expressed by the residents were: increase in traffic and parking, roads are narrow and treacherous especially during winter months, property values, drainage problems, sewer systems are currently overloaded, turnover in tenants make it difficult to recognize your neighbors and increase in crime.

Commissioner Buckman advised those in attendance the requests presented this evening will go to the City Council for vote on May 3rd.

Commissioner Buckman motioned to deny the request for Zone Map Amendment for Locust Street. Commissioner McElwee seconded. The motion carried.

Item 6. Comments of Visitors

Item 7. Comments of Commissioners

No comments.

Tim Glenn motioned to adjourn the meeting, Brent McElwee seconded. Motion approved. Meeting adjourned at 6:45 p.m.

Kathy Twitchell, Secretary to the Commission

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PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

June 15, 2010

6:10 p.m.

Item 1. Roll Call.

PRESENT: Ambrose Buckman, Tim Glenn, Gene Deckard, and Bruce Collins

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry; Secretary to Commission Kathy Twitchell

ABSENT: Sam Hargrove, Jim Rice and Brent McElwee

Visitors: Nile Brown, Sonya Morgan, Betty Bissell, Darryl Coutts and Earl McElwee representing the Historic Preservation Committee; Keith Winge representing DEP; Brian Rice of The Standard; Clay McQuerrey, executive director of Rebuilding Together Clay County and Greg Martin, Good Samaritan Center.

Item 2. Approval of Minutes.

MINUTES APPROVED: Approval of the May 18, 2010 minutes was tabled due to lack of quorum.

Item 3. RZ-10-002, The Elms Historic District Overlay.

Nick Pappas gave a presentation on the value of historic districts.

Commissioner Collins motioned to open the public hearing. Commissioner Glenn seconded. The motion carried.

Diane Montague of the Elms Neighborhood Association expressed support for the historic district. Teresa Henson also expressed support. Keith Montague was asked to speak on behalf of the President of the Elms Neighborhood Association. Contact was made to those in the Elms Neighborhood Association with the majority in favor of the historic district.

Commissioner Collins motioned to close the public hearing. Commissioner Glenn seconded. The motion carried.

Commissioner Collins asked if a request was made to the Historic Preservation Commission that went against today's building codes, what would the process be. Building Official, Larry Murry stated that a staff member would be present at the Historic Preservation Meetings to give input on building code requirements and that building codes supersede.

Commissioner Collins motioned to approve the Elms Historic District Overlay. Commissioner Glenn seconded. The motion carried.

Item 3A. RZ-10-003, Boarding House Historic Overlay District

Commissioner Collins motioned to open the public hearing for the Boarding House Historic Overlay District. Commissioner Glenn seconded. The motioned carried.

There were no public comments.

Commissioner Collins motioned to close the public hearing. Commissioner Glenn seconded. The motion carried.

Commissioner Collins motioned to approve the Boarding House Historic Overlay District. Commissioner Glenn seconded. The motion carried.

Item 4: Presentation-Temporary Ramps-Rebuilding Together Clay County

Clay McQuerrey, executive director of Rebuilding Together Clay County provided handouts explaining the handicap/elderly ramps they want to start building for the Excelsior Springs residents. The organization is a non-profit and volunteer based. Mr. McQuerrey explained his group chose to use wooden ramps instead of metal ramps due to cost. According to Mr. McQuerrey no permit is needed in Liberty, Gladstone and other communities in Clay County. He wanted to request a streamline process for obtaining permission to build the ramps in Excelsior Springs. Building Official Larry Murry wanted to know how long a temporary ramp would remain on the property and who would remove the ramp once it no longer needed. There is not a set time for removal and the organization does not come back and remove the ramps. After discussion Commissioner Buckman requested Larry Murry to contact the neighboring cities and verify how they issue the permits to Rebuilding Together Clay County and try to work with the group.

Item 5 Comments of Visitors

There were no comments from visitors.

Item 6. Comments of Commissioners

Item 7. Adjourn

Bruce Collins motioned to adjourn the meeting, Tim Glenn seconded. Motion approved. Meeting adjourned at 6:50 p.m.

Kathy Twitchell, Secretary to the Commission

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PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

July 7, 2010

6:00 p.m.

Item 1. Roll Call.

PRESENT: Ambrose Buckman, Gene Deckard, Bruce Collins, Jim Rice and Brent McElwee

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry;

ABSENT: Sam Hargrove and Tim Glenn

Visitors: Ed McDowell

Item 2. Approval of Minutes.

MINUTES APPROVED: Commissioner McElwee motioned to approve the May 18, 2010 minutes. Commissioner Rice seconded. Commissioner Collins abstained. The motion carried.

Commissioner Collins motioned to approve the June 15, 2010 minutes. Commissioner Buckman seconded. Commissioner McElwee abstained. The motion carried.

Item 3. P-10-002, Liberty Carbon Addition Preliminary Plat

Nick Pappas gave the staff report. Jack Lonsinger, owner of Liberty carbon at 1706 Johnson Industrial Drive, is submitting a preliminary and final plat to expand his current lot approximately 180 feet westward. A map and plat was provided to the Commissioners. The final plat as submitted has been determined by staff to adhere to all applicable City Code regulations and is consistent with land use for M-1 zoning and all other land use considerations for development of the City. Therefore, staff feels the final plat warrants the Commission's recommendation to Council at this time.

There were no public comments.

Commissioner McElwee motioned to approve the Preliminary Plat for Liberty Carbon Addition. Commissioner Buckman seconded. The motion carried.

Item 4: P-10-002 Liberty Carbon Addition Final Plat

Commissioner Collins motioned to approve the final plat for Liberty Carbon Addition. Commissioner McElwee seconded. The motion carried.

Item 5 SU-10-002 Special Use Request 1205 N. Jesse James Road

Nick Pappas gave the staff report. Dr. Clinton Watkins is requesting a special use permit for placement of his veterinarian clinic at 1205 N. Jesse James Road. A map was provided to the Commissioners. Based on the City of Excelsior Springs' Zoning Code, Section 400.230 (F) (8), veterinarian clinics may be located within any district with a special use permit. Based on the information provided, the fact that Dr. Watkins has never received a complaint in his 4 years at Vintage Plaza, and an objective analysis on the feasibility of relocating a veterinarian clinic at the proposed location, staff feels this special use request warrants the Commissioner's recommendation to Council at this time.

Commissioner Rice asked if they plan to board dogs or have a doggie daycare. Dr. Watkins said overnight care after surgery and the groomer that is currently housed in his facility would be at this site. The facility would offer what is currently being offered at his present site.

Commissioner Rice asked if Dr. Watkins was purchasing the building. Dr. Watkins stated he was purchasing the building.

Commissioner Collins motioned to open the public hearing. Commissioner Rice seconded.

There were no public comments.

Commissioner Collins motioned to close the public hearing. Commissioner Rice seconded.

Commissioner Collins motioned to approve the special use request at 1205 N. Jesse James Road. Commissioner McElwee seconded. The motion carried.

Item 6. Consideration Of Comprehensive Plan

Nick Pappas gave the staff report on the Comprehensive Plan. Staff has reviewed the Comprehensive Plan and feels that it addresses many of the issues affecting Excelsior Springs today. In addition, the Plan identifies the goals of the City and provides effective policies to help address them, along with implementation strategies. Prior comments from Commissioners were submitted to RDG Design, and the majority of the comments were incorporated into the Plan. The few that were not addressed have been analyzed from both the City's standpoint as well as RDG Design's standpoint. Where a comment was not addressed, it was due to either feasibility concerns or the presence of significant public comments that recommended differently.

Overall, the Comprehensive Plan as submitted is a holistic overview of the City's concerns, goals, and future potential. It addresses virtually every aspect of the City's health from the planning standpoint. Staff encourages the Commission to review the Plan and consider it for approval if there are no major concerns.

Commissioner Collins motioned to open the public meeting. Commissioner Rice seconded. The motion carried.

There were no public comments.

Commissioner Collins motioned to close the public meeting. Commissioner McElwee seconded. The motion carried.

Commissioner Rice motioned to approve the Comprehensive Plan. Commissioner McElwee seconded. The motion carried.

Item 7. Comments of Visitors

Frank McDowell, owner of McDowell Automotive Repair at 501 McCleary Road was present to inquire on zoning for a towing service. Nick Pappas stated zoning for a towing service is not addressed in the zoning chapter. Nick Pappas explained the zoning differences and asked if the Commissioners agreed it should be included under M-1 Zoning. After discussion, the Commissioners agreed towing should be included under M-1 Zoning.

Item 8. Comments of Commissioners

There were no comments.

Item 9. Adjourn

Commissioner McElwee motioned to adjourn the meeting, Commissioner Rice seconded. Motion approved. Meeting adjourned at 6:40 p.m.

Kathy Twitchell, Secretary to the Commission

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PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

August 17, 2010

6:03 p.m.

Item 1. Roll Call.

PRESENT: Gene Deckard, Bruce Collins, Jim Rice, Tim Glenn and Sam Hargrove

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry;
Secretary Kathy Twitchell

ABSENT: Ambrose Buckman and Brent McElwee

Visitors: Editor Standard Newspaper, Eric Copeland; DEP, Keith Winge and Ginger Nelson; Historic Preservation, Betty Bissell, Nile Brown, Jim Bowman and Councilman Jim Nelson

Item 2. Approval of Minutes.

MINUTES APPROVED: Commissioner Rice motioned to approve the July 7, 2010 minutes. Commissioner Collins seconded. Commissioner Glenn and Commissioner Hargrove abstained. The motion carried.

Item 3. SU-10-003 1291 S. Marietta

Larry Fultz, Deffenbaugh Industries, Inc. requested to withdraw the special use request.

Item 3. SU-10-004 111 Ash Street

Nick Pappas gave the staff report. Mr. Anderson is requesting a special use permit to locate a residential facility for “at-risk teenage girls. Based on the City of Excelsior Springs’ Zoning Code, Section 400.230 (F) (8), this use may be located in any zoning district in the City with a special use permit:

17. Hospitals, residential or outpatient facilities for the treatment of alcohol and other drug abuse, penal or correctional institutions; veterinary clinics.

Further, Section 400.230, Subsection D of the City Code-Standards for a Special Use Permit-gives four stipulations for the granting of a special use permit:

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

The applicant was advised of these requirements as it is written on the signed Special Use Permit application, and was urged to be prepared to demonstrate that these findings can be made.

Finding 1: Public Convenience

The City has several existing facilities for troubled youth. Even if there was a need for this additional treatment facility, the location raises doubts with respect to the convenience of the general public. The property is located in a vast residential district that already has problems with accessibility due to the steep topography in the area. Additional traffic in this area would place a burden on the already stressed roadways, not to mention accessibility issues with regard to the fire department. In addition, there is insufficient water pressure in the area. The current water line has a diameter of only six inches, which was deemed too small by the Fire Chief to continue providing the current level of service to residents while also providing for the proposed treatment facility. If granted a Special use permit, water lines in the area will need to be replaced to meet the increased demand.

Finding 2: Public Health, Safety, and Welfare

The application does not mention the number of potential residents at this facility. As such, it is difficult to determine if the health, safety, and welfare will be protected for those that use the treatment program. Additionally, if the facility will house a substantial number of residents, a sprinkler system may be required. In order for this to happen, again, the water lines in the area would need to be updated.

Finding 3: Property Value Impact

Due to the location of the property to other residential properties, neighboring property values have the potential to decrease. Consider, for example, that a

random selection of five residential properties next to the Job Corps center (i.e. within 200 feet) have an average value of \$49,180 while properties a half mile away but in the same functional area (“midtown residential” as the Comprehensive Plan refers to it) have an average value of \$56,540. Variables such as lot size, zoning classification, provision of utilities, and presence of a structure were all held constant to the highest degree possible.

Finding 4: Compliance with Height and Area Regulations

Since no expansion of the current structure is planned, the property meets all zoning requirements except for the parking lot, which will need to be fully paved/cemented and striped. Additional regulations as they pertain to building and fire codes will need to be met if the Special Use permit is granted and plans are submitted to the City.

Letters were sent to all property owners within 200 feet of the subject property (a total of 54), and five comments were received by the Planning & Zoning Department, all requesting that the Commission NOT approve the request. Issues raised include the facility’s potential effects on the Downtown, effects on property values, and the potential for increased crime in the area.

Commissioner Collins motioned to open the public hearing. Commissioner Hargrove seconded. The motion carried.

Ginger Nelson a business owner, resident and DEP member read a letter in opposition. No one was present to answer questions from Teen Challenge of Florida, Inc. Commissioner Rice expressed concern that approving this request was not in line with the master plan.

Commissioner Collins motioned to close the public hearing. Commissioner Glenn seconded. The motion carried.

Commissioner Collins motioned to deny the request. Commissioner Rice seconded. The motion carried.

Representatives from Teen Challenge of Florida arrived after the vote. Nick Pappas asked they would like to speak and which they did not.

Item 4. Comments of Visitors

There were no visitor comments.

Item 5. Comments of Commissioners

There were no comments.

Item 6. Adjourn

Commissioner Rice motioned to adjourn the meeting, Commissioner Collins seconded. Motion approved. Meeting adjourned at 6:35 p.m.

Kathy Twitchell, Secretary to the Commission

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PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

January 25, 2011

6:03 p.m.

Item 1. Roll Call.

PRESENT: Gene Deckard, Jim Rice, Tim Glenn, Ambrose Buckman, Bob Gerdes and Brent McElwee

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry; Secretary Kathy Twitchell

ABSENT: Bruce Collins and Sam Hargrove

Visitors: Eric Copeland and Keith Winge

Item 2. Approval of Minutes.

MINUTES APPROVED: Commissioner Rice motioned to approve the October 19, 2010 minutes. Commissioner McElwee seconded. Commissioner Buckman and Commissioner Gerdes abstained. The motion carried.

Item 3. Easement Vacate Request: SU-11-001

Nick Pappas gave the staff report for case Su-11-001 Special Use Permit for 237 E. Broadway.

Applicant: Stacy Cahalan was not present. Keith Winge, Executive director for DEP was present to answer questions for Ms. Cahalan.

The special use application for 237 E. Broadway is concurrent with the intent of the City Code and has been approved by all internal departments. The owner will be utilizing the available space on the property to construct an off-street parking pad, accessible by the alley. The square footage of the one bedroom unit will be 756 square feet, and all other Codes will be satisfied. Some exterior alteration will occur on this building. The Historic Preservation Commission has already reviewed this special use request and has recommended approval of the request at the January 12, 2011 meeting.

In accordance with Section 400.180, Subsection F #4: Ground floor spaces shall not be used for residential purposes in buildings with mixed residential and non-residential uses approved hereunder to protect the continuity of streetside commercial activity in this district.

Staff report:

- a. This requirement necessitates an interpretation of the intent of the Code. By the literal meaning, living units should be atop commercial uses to maintain storefront continuity. However, regardless of where the living unit is in relation to the storefront (above or below), so long as streetside commercial uses are maintained at the Broadway Avenue level there should be no issue regarding continuity.

- b. Since the Code was most likely written at a time when commercial continuity was a problem in the Downtown, and since the vast majority of properties along Broadway, Thompson, Spring, and South streets have the topography that supports the literal meaning of this requirement, it is likely that properties such as 237 E. Broadway were overlooked.
- c. Ms. Cahalan will be utilizing the streetside floor of her building for retail/service uses with an apartment below.

Staff feels this special use request warrants the Commission's recommendation to Council at this time.

Commissioner Buckman asked if the apartment downstairs was finished and if it would be a rental or residence. Keith Winge stated the apartment would be finished and it would be a rental.

Commissioner McElwee suggested that the ordinance be updated.

Commissioner McElwee motioned to approve SU-11-001 request. Commissioner Rice seconded. The motion carried.

Item 4. Comments of Visitors

There were no visitor comments.

Item 5. Comments of Commissioners

Commissioner Buckman stated the city crews have done a great job during the recent snow storms.

Item 6. Adjourn

Commissioner McElwee motioned to adjourn the meeting, Commissioner Rice seconded. Motion approved. Meeting adjourned at 6:09 p.m.

Kathy Twitchell, Secretary to the Commission

PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

March 15, 2011

6:02 p.m.

Item 1. Roll Call.

PRESENT: Ambrose Buckman, Tim Glenn, Gene Deckard, Bruce Collins, Jim Rice and Bob Gerdes

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry; Secretary to Commission Kathy Twitchell

ABSENT: Sam Hargrove and Brent McElwee

Visitors: No visitors.

Item 2. Approval of Minutes.

MINUTES APPROVED: Commissioner Rice motioned to approve the January 25, 2011 minutes. Commissioner Glenn seconded. Commissioner Collins abstained. The motion carried.

Item 3. VAC-11-001 Easement Vacate Request-Alley Miller Ave. & Jesse James Rd.

Nick Pappas gave the staff report.

This easement vacate request application for the alley immediately to the east of N. Jesse James Rd. and south of Miller Ave. is concurrent with City Code and has been approved by all internal departments. The alley is not paved and has substantial vegetation. No utilities are located along the alley.

Pending approval of this easement vacation, this site is proposed to become the new location for Anytime Fitness, currently located at 225 N. Jesse James Rd.

This easement vacate request application as submitted has been determined by staff to adhere to all applicable City Code regulations and is consistent with all other land use considerations for development of the City. Therefore, staff feels this request warrants the Commission's recommendation to council.

Commissioner Gerdes asked if this was the old car wash. Nick Pappas advised it was. Commissioner Collins wanted to know if the alley would be split between adjacent land owners. Nick Pappas stated it would be.

Commissioner Gerdes motioned to approve the easement vacate request. Commissioner Rice seconded. The motion carried.

Item 4 Comments of Visitors

There were no comments from visitors.

Item 5. Comments of Commissioners

Commissioner Glenn asked for an update on the old Sonic building. Are there plans for the building or will it be torn down? Larry Murry will call the owner.

Commissioner Buckman stated the economic tax would be on the upcoming ballot and needs everyone's support.

Commissioner Gerdes asked if there was an ordinance about the hours of operation for business and contractors. He was concerned about a contractor working early morning hours. Larry Murry stated there was an ordinance and a copy was available in his office.

Item 6. Adjourn

Jim Rice motioned to adjourn the meeting, Bruce Collins seconded. Motion approved. Meeting adjourned at 6:10 p.m.

Kathy Twitchell, Secretary to the Commission

PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

May 17, 2011

6:02 p.m.

Item 1. Roll Call.

PRESENT: Gene Deckard, Jim Rice, Tim Glenn, Bob Gerdes, Sam Hargrove and Brent McElwee

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry; Secretary Kathy Twitchell

ABSENT: Bruce Collins and Ambrose Buckman

Visitors: Dane Gerdes; Nancy Nolker, Executive Director of the Housing Authority; Brian Thompson, Christine Kagle, 742 Magnolia and Brad Eales

Item 2. Approval of Minutes-March 15, 2011.

MINUTES APPROVED: Commissioner Gerdes motioned to approve the March 15, 2011 minutes. Commissioner Rice seconded. Commissioner Hargrove and Commissioner McElwee abstained. The motion carried.

Item 3. Consideration Of Revised Sign Ordinance

Nick Pappas gave the staff report for Zone Text Amendment and Sign Ordinance Revision.

A copy of the current ordinance and proposed changes (highlighted in red) were provided. Nick Pappas explained that the need for a new zoning district was because lots were platted before 1960 with smaller widths compared to today's standards. Both requested changes are in line with the city's master plan.

Changes to the Zoning Districts included adding a new R-1A District Single Family Residential Traditional District. The lot area per family, lot width, floor area, parking regulations, side yards, front yards building heights were addressed.

Changes to the sign ordinance included: abandoned billboards, landscaping, lighting, number of temporary sign permits and length of time allowed, spacing of billboards, setbacks, clearances and height. Liberty, Gladstone and Kearney ordinances were reviewed.

Commissioner McElwee motioned to approve the revisions. Commissioner Glenn seconded. The motion carried.

Item 4. Consideration Of Zone Text Amendment

Consideration and vote covered in Item 3.

Item 5. Consideration Of Special Use Request: Case Number SU-11-002

Nick Pappas gave the following staff report. The special use application for 301 E. Broadway raises a number of questions that the Planning & Zoning Commission may want to consider.

Currently, the City allows beekeeping in any agriculturally zoned area. However, Mr. Gerdes is requesting that the City permit beekeeping activities in an R-4 zoning district. The primary concern is to what effect honey bees will have on tourists, residents, and especially the tenants of the Excelsior Springs Housing Authority. Mr. Gerdes asserts that honey bees are nearly harmless (a report was attached), but even in the report it is stated that 1 out of every 2,500 people (less than 1%) may have an allergic reaction (anaphylactic shock) to honey bees. Although this statistic is debatable at best, the fact that anyone could be harmed by an action that the City makes requires that extreme caution be taken.

In an independent review by City staff, the following statistics were found:

- Between 1% and 15% of the population of the United States can be considered “at risk” for having an anaphylactic reaction if they are exposed to one or more allergens, which include bee stings. Of those people who actually experience anaphylaxis, up to 1% may die as a result.
- Anaphylaxis results in approximately 1,500 deaths per year in the U.S.
- In England, mortality rates for anaphylaxis have been reported as up to 0.05 per 100,000 population, or around 10-20 a year.
- Anaphylactic reactions requiring hospital treatment appear to be increasing, with authorities in England reporting a threefold increase between 1994 and 2004.

The facts being noted the primary purpose of zoning is to preempt any nuisance that can affect the health, safety, or general welfare of the City’s residents. As such, beekeeping is seen as a nuisance that should only take place in agriculturally zoned areas where large expanses of land would mitigate any unforeseen nuisance. While Mr. Gerdes that land within the City Limits is zoned agricultural-and, therefore, is suitable for honey bee farming-makes the actual need for honey bees in this particular location minimal. Instead, beekeeping should only be permitted in sparsely populated areas where the risk of endangering the public-especially uninformed pedestrians in a dense, downtown area-is mitigated.

It is the primary recommendation of staff that this application be denied on the grounds that beekeeping in the downtown area has the potential to harm the public, or, at the very least, become a nuisance. In addition, neither the Master Plan nor the Downtown Strategic Plan mentions the need for agricultural uses (aside from a Farmer’s Market) in the downtown.

It is also the recommendation of staff that weight be given to the concerns of the Housing Authority since the residents of the Ruey Anne will likely bear any and most of the unanticipated consequences of this use. At the very least, if the Commission desires to

recommend this request to the Council, staff recommends that conditions be placed on this permit, including:

- Ongoing inspection by City staff to ensure that the honey bees do not become a nuisance.
- Significant screening mechanisms that shield the honey bees from Broadway (including sidewalks) as well as the Ruey Anne high rise.
- Detailed warning signs that alert the public to the presence of honey bees.
- A plan of action that will detail how the bees will be handled, contained, and what will be done in the case of an emergency.

Commissioner Rice discussed his positive experiences with beekeeping. Commissioner Decker expressed concern for the residents at Ruey Anne. Nancy Nolker, Executive Director for the housing authority explained that the residents at Ruey Anne would be very curious about the bee hives and would not leave them alone. She also stated one resident was highly allergic to bees. She asked if anyone would like to have 30,000 or more bees in their yard. Commissioner McElwee asked if there was an alternate location. Mr. Gerdes stated he had not considered another location.

Commissioner Rice motioned to approve special use request 11-002. Commissioner Glenn seconded. Commissioner Gerde abstained. Commissioner Deckard voted against the request and Commissioner McElwee was undecided.

On May 18th Nick Pappas informed the Commission that the request did not pass with the required vote of four in favor. On May 20th an email was received with the request to withdraw the request for Special Use 11-002.

Item 6. Discussion Of Section 400.280

Nick Pappas gave the following staff report. Residents of Magnolia Street are petitioning the City to allow gravel driveways in back yards. This request, according to their petition, is due to the cost of concrete/asphalt and the circumstance that parking on Magnolia Street is causing neighborhood volatility. Current City Code regulations require asphalt or concrete, regardless of where the driveway is location on the property.

Residents from Magnolia Street voiced concerns that with current parking conditions emergency vehicles have a difficult time responding. Most of the occupied homes have multiple vehicles which are all parking on the street. They also stated at least one multi-family apartment and one house are currently empty-once these are occupied the parking problem will compound even more.

Commissioner Rice stated that most city alleys are gravel and the city should be held at the same standards as the citizens. Commissioner McElwee is open to the idea. Larry Murry, Building Official asked how would you keep gravel off the streets, monitor the thickness of the gravel and keep weeds from growing. After discussing other alternatives the Commission requested Nick Pappas to research and give a presentation at the June meeting.

Item 7. Comments of Visitors

There were no visitor comments.

Item 8. Comments of Commissioners

There were no comments from the Commissioners.

Item 9. Adjourn

Commissioner Rice motioned to adjourn the meeting, Commissioner McElwee seconded. Motion approved. Meeting adjourned at 7:25 p.m.

Kathy Twitchell, Secretary to the Commission

PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

July 19, 2011

6:04 p.m.

Item 1. Roll Call

PRESENT: Gene Deckard, Jim Rice, Tim Glenn and Sam Hargrove

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry; Police Chief John McGovern and Secretary, Kathy Twitchell

ABSENT: Bruce Collins, Ambrose Buckman and Bob Gerdes

Visitors: Eric Copeland, Betty Bissell, Keith Winge, Edna Whitmore, Laura Hollen, Gerald Edwards, Margaret McElwee, Barbara Vermillon, Laura Kingery, Tammy Creason several residents of Northview neighborhood.

Item 2. Approval of Minutes-June 21, 2011

MINUTES APPROVED: Commissioner Rice motioned to approve the July 19, 2011 minutes. Commissioner Hargrove seconded. The motion carried.

Item 3. Special Use Request: SU-11-003 Dog Kennel at 102 Northview Dr.

Nick Pappas gave the staff report for the Special Use Request: SU-11-003 Dog Kennel at 102 Northview Drive. The special use application for 102 Northview Drive is in response to Chapter 200 of the City Code which restricts the number of dogs a household can have. Currently, the owner has in excess of six dogs and has been instructed by Animal Control to conform to the code requirements of having no more than two dogs. The only possible exemption to this rule is to acquire a special use permit to operate a dog kennel.

Aside from the fact that the State of Missouri has implemented an array of stipulations for the operation of dog kennels, there are a number of additional considerations the Commission may want to ask the applicant (issues which she has not yet addressed) due to the particular location of the property:

How will the property be insulated to reduce or eliminate noise to neighbors within this residential neighborhood?

How will waste be disposed?

How will the owner ensure the health, safety, and welfare of the dogs?

Will the property be used for both residential and non-residential purposes? If so, how will the uses be separated?

Additionally, according to Section 400.230 of the Zoning Chapter, 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; and

Will comply with the height and area regulations of the district in which it is located unless specifically granted otherwise.

A notice was placed in the July 5, 2011 Standard and letters were sent to property owners within 200 feet of the location. Eight phone calls were received by the Planning & Zoning Department, six of which recommended against this request and two of which simply wanted more information.

Unless compelling information is brought to the Commission at the time of this public hearing, staff is recommending against this special use request.

Edna Whitmore, 106 Southview, spoke in favor of the special use request.

Applicant, Laura Hollon explained to the Commission that she had lived at 102 Northview Drive for four years, had six dogs and would like to keep the animals at her residence.

Commissioners asked how she got this many dogs and she cleaned up the waste from the animals. Ms. Hollon explained she took the dogs in because they were either sick or abandoned and she cleaned up after the animals.

Gerald Edwards, 424 N. Kimball told the Commission that if they granted this special use request they would be setting a poor precedence and property values would decline.

Margaret McElwee, 428 N. Kimball told the Commission that the dogs bark so frequently that the neighbors cannot enjoy their yards. She also stated that if the law states two dogs why did she have four dogs for four years?

Commissioner Decker was given a petition with twenty eight signatures requesting the special use request be denied.

Commissioner Rice motioned to deny Special Use Request: SU-11-003. Commissioner Hargrove seconded. The motion carried.

Item 4. Preliminary And Final Plat: P-11-002 Villas Downtown

Nick Pappas gave the staff report for Gardner Capital Preliminary & Final Plat: P-11_002 Villas Downtown. Gardner Capital, Inc., owner of numerous properties in the downtown area, is requesting plat approval for an infill housing project that will result in thirty new single-family houses and the construction of one new commercial building. The area in question is generally bound between Main Street on the west, Bluff Street on the north, Broadway Avenue on the south, and Linden Avenue on the East.

With regard to environmental issues, the site is bound by residential neighborhoods to the east and west, the Central Business District to the south, and a greenway/conservation area to the north. There are significant drainage issues in the neighborhood, and Gardner Capital, Inc. will be installing new storm drains as well as upgrading infrastructure to address these challenges. In addition, the developer has complied with all EPA mandates, has completed soil borings, and has proactively gained approval from various entities having a stake in this project: the National Advisory Council on Historic Preservation, the Excelsior Springs Historic Preservation Commission, and various Native American tribes that have expressed interest in the Excelsior Springs area. Ultimately, the project area is ready for excavation.

In addition to grading that will take place to reduce the need for retaining walls, the developer will be installing new water, sewer, and electrical throughout the project area as well as upgrading fire hydrants to current city standards. Street lights and landscaping will also be installed. Design-wise, this plat adheres to the size and area requirements that were developed for the new R-1A: Single Family Traditional District earlier this year. With regard to traffic, improvements in the widening of Foley and Excelsior Streets-as well as the closing of Kugler Street and part of Penn Street-will improve the overall flow for the neighborhood. With this development, both Foley Street and Excelsior Street will become two-way streets that will help ease congestion during parades in the downtown.

Notice of this request was posted in the Excelsior Springs Standard on July 5, 2011 and letters were sent to property owners within 200 feet of the project area. No comments were received by the Planning & Zoning Department from the general public.

Ultimately, the final plat as submitted has been determined by staff to adhere to all applicable City Code regulations and is consistent with the regulations of the R-1A and C-2 zoning districts and all other land use considerations for development of the City. Therefore, staff feels the final plat warrants the Commission's recommendation to Council at this time.

Tammy Creason with Gardner Capital was present to answer questions.

Commissioner Deckard asked if the plans for the winery were still intact and if contact had been made with the Historic District. Tammy Creason stated Gardner Capital was working with the winery and the Excelsior Springs Historic Commission along with the State Historic Office had both approved the plans.

Resident, Betty Bissell was concerned with parking. Nick Pappas explained that there would be a community parking lot and actually one more parking spot would be added compared to the current parking spaces.

Commissioner Glen motioned to approve the request for Preliminary and Final Plat: P-11-002 Villas Downtown. Commissioner Rice seconded. The motion carried.

Item 5. Zoning Text Amendment: Restrictions on payday and title loan businesses

Nick Pappas gave the following staff report. At a previous Council meeting, it was requested that the Planning & Zoning Commission consider implementing an ordinance restricting Payday/Title Loan establishments in the city. Using both Gladstone and Liberty as a guide, the following ordinances have been created for your consideration.

Section 40.030: Definitions

The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural singular;
2. The present tense includes the past and future tenses and the future present;
3. The word “shall” in mandatory while the word “may” is permissive;
4. The masculine gender includes the feminine and neuter;
5. Wherever a word or term defined hereinafter appears in the text of this Chapter its meaning shall be constructed as set forth in the definition thereof;
6. All measured distances shall be to the nearest integral foot; if a fraction is one-half (1/2) foot or more, the integral foot next above shall be taken;
7. The following words and terms, wherever they occur in this Chapter, shall be construed as herein defined.

Payday Loan Business: The business of making loans for a period of 30 days or less in duration, intended to coincide with the period from one payday of the borrower to the next, and in principle amounts of \$500.00 or less.

Title Loan Business: The business of lending money with the pledge of personal property as collateral, evidence by a certificate of title issued by the state, and regulated under RSMo 367.500-367.533, as from time-to-time amended.

To be added to Section 400.230: Special use Permits

F. Uses Which May be Permitted. Any of the following uses may be located in any district by Special Use Permit:

27. Pay loan and title loan businesses in accordance with the following provisions:
 - a. The business is not located within 5,280 feet of any other payday or title loan business;
 - b. The business is not located within 200 feet of a residential, church, park or school property; and
 - c. The business shall be located within a multi-tenant commercial building, housing not less than four separate occupancies.

Commissioner Rice expressed reservations about the ordinance holding up in a court of law. Nick Pappas explained the ordinance had been reviewed by the city attorney and it was in compliance with Missouri State Statues.

Commissioner Rice motioned to table the request. Commissioner Hargrove seconded. The motion carried to table the request with Tim Glenn abstaining.

Item 6. Comments of Visitors

There were no comments from visitors.

Item 7. Comments of Commissioners

There were no comments from the Commissioners.

Item 8. Adjourn

Commissioner Rice motioned to adjourn the meeting, Commissioner Glen seconded. Motion approved. Meeting adjourned at 6:38 p.m.

Kathy Twitchell, Secretary to the Commission

PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

August 16, 2011

6:01 p.m.

Item 1. Roll Call

PRESENT: Gene Deckard, Jim Rice, Tim Glenn and Stephanie Hughes

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry; and Secretary, Kathy Twitchell

ABSENT: Bruce Collins, Ambrose Buckman, Sam Hargrove and Bob Gerdes

Visitors: Eric Copeland, Nile Brown and Keith Winge

Item 2. Approval of Minutes-July 19, 2011

MINUTES APPROVED: Commissioner Rice motioned to approve the July 19, 2011 minutes. Commissioner Glen seconded. Commissioner Hughes abstained. The motion carried.

Item 3. Special Use Request: SU-11-004 Mixed Use at 109 E. Broadway

Nick Pappas advised the Commission that the applicant withdrew her request at this time

Item 3. Special Use Request: SU-11-005 Location of rehabilitation agency on S. Marietta

Nick Pappas gave the following staff report. The final component of the year-long Excelsior Street redevelopment project is relocating the Kansas City Community Center-the alcohol and drug rehabilitation center currently located at 106 Elizabeth Street. Since the KCCC needs to secure another location to build within Excelsior Springs prior to selling 106 Elizabeth Street to Gardner Capital, the Planning & Zoning Department has reviewed over 4,000 parcels within the city that would best serve the interests of both the city and the KCCC.

Based on the City of Excelsior Springs' Zoning Code, Section 400.230 (F) (17), this use may be located in any zoning district in the City with a special use permit:

17. Hospitals, residential or outpatient facilities for the treatment of alcohol and other drug abuse, penal or correctional institutions; veterinary clinics.

The site on S. Marietta (a map of the parcel was provided) is the most promising location for a number of reasons and fulfills the requirements set out in Section 400.230, Subsection D of the City Code-Standards for a Special Use Permit-which gives four stipulations for the granting of a special use permit:

1. The use must be deemed necessary for the public convenience at that location;

2. The use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
3. The use will not cause substantial injury to the value of other property in the neighborhood in which it is located; and
4. The use will comply with the height and area regulations of the district in which it is located unless specifically granted otherwise.

Finding 1: Public Convenience

The rural setting of this location is ideal for a rehabilitation use such as the KCCC. The fact that only three property owners needed to be notified of this special use request due to location attests that little to no adverse effects will be felt by the community at large. In fact, even the three neighboring property owners—all of whom had no comment on this request—have enough buffering between their houses and this site so as to not be affected in any way.

Finding 2: Public Health, Safety, and Welfare

The KCCC has been operating in Excelsior Springs for well over a decade and has a record of protecting the health, safety, and welfare of its patients. Additionally, since the location is far removed from the downtown core, it will more easily allow for the rehabilitation of its patients. There is less temptation for the patients to resort to drugs or alcohol at this site than at 106 Elizabeth Street.

Finding 3: Property Value Impact

Due to the location of the property near a trash transfer station, an animal control center, a bus barn, and a public works complex, neighboring residential property values will not be substantially impacted more than they already have been with these uses already in operation.

Finding 4: Compliance with Height and Area Regulations

Since the property is zoned for agriculture uses—which includes houses—the construction of a 3,000 square foot two-level building is appropriate with regard to height and area regulations. The 5-acre parcel allows for ample room to build a structure that will house not more than 16 patients, which should be a special condition of this special use permit.

It is the opinion of city staff that the Commission recommends approval of this request to the City Council with the condition that not more than 16 patients be allowed at this site at a time for alcohol or drug rehabilitation and that all other city codes be followed.

Commissioner Rice asked how this request falls into the master plan. Nick Pappas stated the area is designated as civic use.

The Commissioner's asked how many would reside at the facility and if there were future plans to expand. Nick Pappas said the facility would house sixteen and to his knowledge there were no plans to expand.

Commissioner Rice motioned to approve the special use request with the stipulation that the facility would house sixteen residents. Commissioner Hughes seconded. The motion carried.

Item 4. Zoning Text Amendment: Restrictions on payday and title loan businesses

Nick Pappas gave the following staff report. At a previous Council meeting, it was requested that the Planning & Zoning Commission consider implementing an ordinance restricting Payday/Title Loan establishments in the city. Using both Gladstone and Liberty as a guide, the following ordinances have been created for your consideration.

Section 40.030: Definitions

The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural singular;
2. The present tense includes the past and future tenses and the future present;
3. The word “shall” in mandatory while the word “may” is permissive;
4. The masculine gender includes the feminine and neuter;
5. Wherever a word or term defined hereinafter appears in the text of this Chapter its meaning shall be constructed as set forth in the definition thereof;
6. All measured distances shall be to the nearest integral foot; if a fraction is one-half (1/2) foot or more, the integral foot next above shall be taken;
7. The following words and terms, wherever they occur in this Chapter, shall be construed as herein defined.

Payday Loan Business: The business of making loans for a period of 30 days or less in duration, intended to coincide with the period from one payday of the borrower to the next, and in principle amounts of \$500.00 or less.

Title Loan Business: The business of lending money with the pledge of personal property as collateral, evidence by a certificate of title issued by the state, and regulated under RSMO 367.500-367.533, as from time-to-time amended.

To be added to Section 400.230: Special use Permits

F. Uses Which May be Permitted. Any of the following uses may be located in any district by Special Use Permit:

27. Pay loan and title loan businesses in accordance with the following provisions:
 - a. The business is not located within 5,280 feet of any other payday or title loan business;
 - b. The business is not located within 200 feet of a residential, church, park or school property; and
 - c. The business shall be located within a multi-tenant commercial building, housing not less than four separate occupancies.

Commissioner Rice expressed his reservations again about the ordinance holding up in a court of law. Nick Pappas explained the ordinance had been reviewed by the city attorney and it was in compliance with Missouri State Statutes.

Commissioner Rice motioned to deny the request to change the zoning text and place restrictions on payday & title loan business. A second was not received. A motion to approve the request was not entered.

Item 4. Zoning Text Amendment: Amending gravel driveway restrictions

Nick Pappas gave the following staff report. As directed by the Planning & Zoning Commission, a variety of exceptions to the Section 400.280 driveway requirements in the Zoning Chapter were presented. Legal counsel has noted the only option that is legally defensible in court is one that allows gravel in all residential areas in the city.

The proposed changes: 400.280 A. Improvements of Parking Areas #7. Lots in existing subdivisions in which paved driveways were/are not required, MAY be exempt from the requirement in the following instances:

c. (Option 1) In Districts “R-1” to “R-2” inclusive, a parking area not to exceed 400 square feet may be maintained with compacted gravel at a depth of at least four (4) inches. Barriers acceptable to the Building Official shall be installed to contain the gravel. Right-of-way approaches leading to such gravel parking areas shall conform to the concrete or asphalt requirements of this chapter.

c. (Option 2) In subdivisions platted prior to 1950, a parking area not to exceed 400 square feet may be maintained with compacted gravel at a depth of at least four (4) inches. Barriers acceptable to the Building Official shall be installed to contain the gravel. Right-of-way approaches leading to such gravel parking areas shall conform to the concrete or asphalt requirements of this chapter.

c. (Option 3) In older areas where two-way streets have widths under twenty-five (25) feet, a parking area not to exceed 400 square feet may be maintained with compacted gravel at a depth of at least four (4) inches. Barriers acceptable to the Building Official shall be installed to contain the gravel. Right-of-way approaches leading to such gravel parking areas shall conform to the concrete or asphalt requirements of this chapter.

Nick Pappas explained the Commission can make any changes it feels is necessary. If the Commission votes to approve any of the changes, the Council will consider the amendment on September 6, 2011.

Commissioner Hughes expressed her concern that if we allow gravel driveways in all areas we will be the gravel pit of Missouri. Commissioner Rice requested to add that the driveway has to be behind the home.

Commissioner Rice motioned to approve option #3 and add the subdivision has to be platted prior to 1950 and wit rear access or alleyway access only. Commissioner Hughes seconded. The motion failed to get a majority vote. Voting to approve the motion was Commission Rice

and Hughes. Voting to deny the motion was Commissioner Glenn and Deckard. Nick Pappas explained the amendment would be presented to the Council on September 6 with the noted votes.

Item 5. Comments of Visitors

Nile Brown wanted the Commission to know that the house next to his parks five cars in the alley.

Item 6. Comments of Commissioners

There were no comments from the Commissioners.

Item 7. Adjourn

Commissioner Deckard adjourned the meeting at 6:40

Kathy Twitchell, Secretary to the Commission

PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

November 15, 2011

6:00 p.m.

Item 1. Roll Call

PRESENT: Ambrose Buckman, Bruce Collins, Tim Glenn, Joe Arnold, Mark Seneker, Jim Rice, Bob Gerdes

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry; and Secretary, Cheryl Walters

ABSENT: Stephany Hughes

Visitors: Eric Copeland, Damielle Fields, Kim McCroskie

Item 2. Approval of Minutes – August 16, 2011

MINUTES APPROVED: Commissioner Gerdes motioned to approve the August 16, 2011 minutes. Commissioner Buckman seconded. The motion carried.

Item 3. Special Use Request: SU-11-006 at 1345 N. Jesse James Rd.

Nick Pappas stated that based on the City of Excelsior Springs' Zoning Code, Section 400.230 (F) (21), this use may be located in any zoning district in the City with a special use permit: The above referenced site is located in a vast C-3 zoning district with the only neighboring uses being offices that front a relatively quiet section of N. Jesse James Rd. Unlike most requests for day care facilities of this nature, this operation will not have any adverse impact on a residential neighborhood. With the findings of: Public Convenience, Public Health, Safety, and Welfare, Property Value Impact, and Compliance with Height and Area Regulations taken into consideration it is the opinion that the request has merit.

Commissioner Glenn asked about the noise level of the daycare and if there was a big enough space between them and the

Nick Pappas answered that there was ample space between businesses for noise level.

Commissioner Rice asked to see the floor plan to see where the entrance was.

Commissioner Gerdes motioned to approve the Special Use Request: SU-11-006. Commissioner Rice seconded. The motion carried.

Item 4. Chair Election:

Commissioner Gerdes motioned that Commissioner Glenn be elected as Chair. Commissioner Rice seconded the motion. The motion carried

Vice Chair Election:

Commissioner Rice motioned that Commissioner Gerdes be elected as Vice Chair. Commissioner Arnold seconded the motion. The motion carried

Item 5. Comments of Commissioners:

Commissioner Buckman asked that if any commissioner were not able to attend a meeting that they please contact someone to let them know so there were no surprises for voting.

Item 6. Meeting Adjourn:

Meeting was adjourned at 6:12 p.m.

PLANNING AND ZONING COMMISSION

MINUTES OF MEETING

December 13, 2011

6:00 p.m.

Item 1. Roll Call

PRESENT: Joe Arnold, Mark Seneker, Jim Rice, Stephany Hughes, Bob Gerdes

STAFF PRESENT: Planning & Zoning Director Nick Pappas, Building Official Larry Murry, and Secretary, Cheryl Walters

ABSENT: Ambrose Buckman, Bruce Collins, Tim Glenn

VISITORS: Eric Copeland and Keith Winge

Item 2. Approval of Minutes – November 15, 2011

MINUTES APPROVED: Commissioner Rice motioned to approve the November 15, 2011 minutes. Commissioner Arnold seconded. The motion carried.

Item 3. Easement Vacation Request: Case Number VAC-11-002 “Downtown Villas”

Nick Pappas took the floor to inform the commission of the newly revised plat. The plat is similar to the original plat, but includes vacation of certain roadway that will help facilitate the development of a potential winery at the northeast corner of Main Street and Excelsior Street.

With regard to environmental issues, the site is bound by residential neighborhoods to the east and west, the Central Business District to the south, and a greenway/conservation area to the north. There are significant drainage issues in the neighborhood, and Gardner Capital, Inc. will be installing new storm drains as well as upgrading infrastructure to address these challenges. In addition, the developer has complied with all EPA mandates, has completed soil borings, and has proactively gained approval from various entities that have a stake in this project: The National Advisory Council on Historic Preservation, the Excelsior Springs Historic Preservation Commission, and various Native American tribes that have expressed interest in the Excelsior Springs area. Ultimately, the project area is ready for excavation.

In addition to grading that will take place to reduce the need for retaining walls, the developer will be installing new water, sewer, and electrical throughout the project area as well as upgrading fire hydrants to current city standards. Street lights and landscaping will also be installed.

Commissioner Arnold asked about parking.

Mr. Pappas replied that each house will have a two car garage and two off street parking.

Commissioner Gerdes asked that they take a vote to accept the Easement Vacation Request.

Commissioner Arnold motioned to approve the Easement Vacation Request. Commissioner

Rice seconded the motion. The motion carried

Item 4. Final Plat: Case Number P-11-002 "Downtown Villas Redevelopment"

Commissioner Seneker asked about the drainage issues that were in the summary.

Nick Pappas replied that Gardner Capital will vacate the road and then re grade for erosion and storm water.

No other discussion on Redevelopment.

Commissioner Rice motioned to approve the Downtown Villas Redevelopment? Case Number P-11-002. Commissioner Arnold seconded the motion. The motion carried.

Item 5. COMMENTS FROM VISITORS:

No comments

Item 6. COMMENTS FROM COMMISSIONERS:

No comments

Item 7. Meeting Adjourn:

Meeting was adjourned at 6:11 p.m.

PLANNING AND ZONING COMMISSION

MINUTES OF MEETING

January 24, 2012

6:00 p.m.

Item 1. Roll Call

PRESENT: Joe Arnold, Jim Rice, Stephany Hughes, and Bob Gerdes

STAFF PRESENT: Zoning Administrator Bill Ahrens, Building Official Larry Murry, GIS Coordinator Nick Pappas, Bill Aherns Zoning Administrator and Secretary Cheryl Walters

ABSENT: Ambrose Buckman, Bruce Collins, Time Glenn and Mark Seneker.

VISITORS: Eric Copeland, Betty Bissell, and Toni Holland

Item 2. Approval of Minutes – December 13, 2011

Minutes had not been mailed in packets to commissioners to review so they will be review and approved at Feb. meeting.

Item 3. Special Use Request: Case Number SU-12-001 “Internet tower for 501 McCleary Rd”

Nick Pappas took the floor to inform the commission of the proposal to install a 70-foot wireless internet tower at 501 S. McCleary Rd. He stated that the tower would be located near the center of the property and will be at least 80 feet away from all property lines. Based on the City’s zoning code Section 400.230(F) (21) this use may be located in any zoning district in the city with a special use permit: The use must be deemed necessary for the public convenience at that location; The use is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected; The use will not cause substantial injury to the value of other property in the neighborhood in which it is located; The use will comply with the height and area regulations of the district in which it is located unless specifically granted otherwise.

The findings where that the broadband internet access would aid in economic development in the area, negative impacts, if any at all, would be minimal, and that towers generally benefits neighboring uses and property values.

Commissioner Arnold asked if the housing in the area have internet access or possible to make available to residents?

Mr. Toni Holland stood up and stated his company has high speed broadband but that they just don't market to be well known.

Commissioner Rice asked if this was approved would the tower be FCC and under the lighting for neighboring airports?

The representative for Mr. Curt Mayes said all would be done according to the FCC ruling.

Commissioner Rice made the motion. Commissioner seconded the motion. The motion carried.

Item 4. Special Use Request: Case Number SU-12-002; Mixed-use for 246 E Broadway Ave

Nick Pappas stated that the special use application for a mixed-use apartment and business at 246 E Broadway in concurrent with the City Code and has been approved by all internal departments. The issue with this is that it is hard to implement. We do need to spell out what is temporary.

Commissioner Gerdes replied that needed to be put in the motion.

Commissioner Arnold motioned to accept the request with the temporary permit being 90 days. Commissioner Rice seconded the motion. The motion carried.

Item 5. Easement Vacation Request: Case Number VAC-12-001 "Alley between Broadway Ave. and Excelsior St. East of Linden Ave.

Nick Pappas said that currently the alley has substantial vegetation and is not used by the residents or maintained by the City. Both the City Council and internal City staff have determined that vacating this alley will aid in easing traffic congestion on Linden Avenue, as more resident will now have room for parking on their private properties.

This easement vacate request application as submitted has been determined by staff to adhere to all applicable City Code regulations and is consistent with all other land use considerations for development of the City. Therefore, staff feels this request warrants the Commission's recommendation to council.

Commissioner Rice made the motion to accept the request. Commissioner Hughes seconded the motion. The motion carried.

Item 6. Easement Vacate Request: Case No VAC-12-002 "Bluff Street (low Bluff)"

Commissioner Arnold made the motion to approve. Commissioner Rice seconded. The motion carried.

Item 7. COMMENTS OF VISITORS

No Comments

Item 8. COMMENTS OF COMMISSIONERS

Commissioner Rice stated that the hillside down town looks a lot different now, Amazing. How is the Elms project coming along?

Commissioner Arnold answered that they say they are on time but I believe they'll have to hurry to catch up.

Item 9. ADJOURN

Meeting was adjourned at 6:25

PLANNING AND ZONING COMMISSION

MINUTES OF MEETING

February 28, 2012

6:00 p.m.

Item 1. Roll Call

PRESENT: Ambrose Buckman, Tim Glenn, Joe Arnold, Mark Seneker, Stephany Hughes, Bob Gerdes

STAFF PRESENT: Zoning Administrator Bill Ahrens, Building Official Larry Murry, and Secretary Cheryl Walters

ABSENT: Bruce Collins, Jim Rice

VISITORS: Eric Copeland and Keith Winge

Item 2. Approval of Minutes – December 13, 2012

MINUTES APPROVED: Commissioner Seneker motioned to approve the December 13, 2011 minutes. Commissioner Gerdes seconded. The motion carried.

MINUTES APPROVED: Commissioner Gerdes motioned to approve the January 24, 2012 minutes. Commissioner Seneker seconded. Commissioner Glenn abstained. The motion carried.

Item 3. Zoning Text Amendment: Section 400.180: District "C-2" – General Business District

Bill Ahrens took the floor to give overview of proposed amendment. You will find a revision to the city zoning ordinance Section 400.180 District C-2, General Business District that provides clarifying language to 400.180.A.4 – mixed residential and non-residential use, by special permit. These changes are the result of issues that have indicated a need to more precisely define the conditions under which residential use may be permitted in the C-2 zone. The text revision adds language to state that upper floor residential use may be approved, as a special use, when the ground floor space is either a) currently occupied by an operating business, or b) has been improved to "white box" standard and satisfying all current city building codes, standards, and regulations and may be considered ready for lease and tenant improvements.

Commissioner Gerdes asked if the wording could be changed to include the few business' that have a living space under the business.

Keith Winge suggested that they also input that there is to be no street level living.

Commissioner Gerdes inquired if they would still need a special use permit to allow part of the buildings as living areas.

Bill Ahrens answered the question by stating that the verbiage could be changed to include the living spaces under the business, no street level living and that they would still have to obtain the permit so each situation could be considered on its own.

Commissioner Gerdes motioned to accept the amendment with the verbiage changes. Commissioner Arnold seconded the motion with the same stipulation. Ambrose Buckman abstained. The motion carried.

Item 4. Text Amendment to City of Excelsior Springs Zoning Ordinance; Section 407: /u, Underground Overlay District

Mr. Ahrens took the floor to propose the revision to the city zoning ordinance to create Section 407: / U, Underground Overlay District. The developer for a proposed annexation to the City has indicated that they may wish to use part of the property for surface mining and possible underground mining and subsequent re-use of underground spaces. The city currently has no zoning or regulations of underground mining or underground spaces. The overlay district can be designated in areas where the surface land has an "A" Agriculture, or "M" Industrial zoning. Allowed uses would be any use permitted by right under the surface zoning category or approved by the city council as a special use.

Commissioner Arnold question that as a city are we prepared to deal with this? Maybe we should contact other cities like NKC that work with this issue.

Commissioner Glenn suggested even contacting Hunt Midwest.

Bill stated that this was just a first step since the city doesn't currently have regulations pertaining to this.

Mayor Buckman said that the reason this is being brought up is the proposed annexation that includes the property w/mining questions so we should have regulations in place before this occurs.

Bill agreed that the regulations needed to be in place before annexation comes about.

Commissioner Arnold made the motion to accept the revision and to create the Section 407: /U Underground Overlay District. Commissioner Gerdes seconded the motion. Ambrose Buckman abstained. The motion carried.

Item 5. COMMENTS FROM VISITORS:

No comments

Item 6. COMMENTS FROM COMMISSIONERS:

No comments

Item 7. MEETING ADJOURNS:

Meeting was adjourned at 6:20 p.m.

PLANNING AND ZONING COMMISSION

MINUTES OF MEETING

March 20, 2012

6:00 p.m.

Item 1. Roll Call

PRESENT: Ambrose Buckman, Bruce Collins, Tim Glenn, Mark Seneker, Stephany Hughes, Bob Gerdes

STAFF PRESENT: Zoning Administrator Bill Ahrens, Building Official Larry Murry, and Secretary Cheryl Walters

ABSENT: Joe Arnold, Jim Rice

VISITORS: Eric Copeland, Bryan Jeffers

Item 2. Approval of Minutes – February 28, 2012

MINUTES APPROVED: Commissioner Gerdes motioned to approve the February 28, 2012 minutes. Commissioner Hughes seconded. The motion carried.

Item 3. Zoning Text Amendment: Section 408: Telecommunications Facilities

Bill Ahrens took the floor to give overview of proposed amendment. Over the years, cities have been dealing with requests to locate radio and microwave towers, cell towers, and now internet towers. The City is interested in accommodating businesses wishing to provide communication services, but we also wish to see that towers are properly located and designed. Ahrens said that he contacted ten other cities in the region and reviewed their zoning code requirements. Our draft code is very consistent with those found in other communities. In general, we will require that antennas be co-located on existing facilities whenever possible, new towers will be of monopole design, maximum tower height of 150', safety fall zones equal to ½ the tower height in C or M zones and full height in A or R zones, and the SUP valid for 10 years with 5-year renewals if the conditions of approval remain met.

Commissioner Gerdes asked if we don't inspect the tower for 10 years until the SUP is renewed? Larry Murry replied that it would be inspected during initial construction and that we can require an inspection at any time.

Commissioner Seneker asked if there was a reason for the 10 year and 5 year times for the SUP issuance. Ahrens replied that that was common among the zoning codes reviewed and that businesses wouldn't locate if a special use was only issued for a few years.

Commissioner Seneker asked if we can add language about plans for structural reviews or routine inspections. Ahrens replied that when a tower is inspected by the owning company, the city will receive a copy of the report. That type language has been in existing tower/antenna leases for the city.

Bryan Jeffers addressed the commission. Mr. Jeffers has worked for AT&T and Black & Veatch doing microwave engineering and plan preparation, and after-the-fact inspections. FCC guidelines are being proposed to be modified to allow amateur radio groups to put up towers that wireless or internet companies can then use. Generally, the higher the tower, the more profitable because of coverage and more carriers can locate. His wife owns a company that provides internet service but has only put up one new tower in 6-7 years; most antennas are co-located.

Commissioner Buckman mentioned that under 408.070 on the last page under exemptions, might want to add exemption for other government communication purposes to cover beyond what's already listed.

Commissioner Seneker said we maybe want to make sure towers are inspected in the 5-20 year time frame. Murry said it should be after the initial 10 years and as a condition of SUP renewal..

Commissioner Buckman said to state that the initial special use would go before city council after P&Z approval and the 5-year renewals can be admin approval.

Commission Gerdes moved to approve the draft zoning chapter, with changes, and to forward to city council with recommendation for approval. Commissioner Hughes seconded. Motion carried unanimously. Thank you to Mr. Jeffers for coming and explaining technical matters.

Item 5. COMMENTS FROM VISITORS:

No comments

Item 6. COMMENTS FROM COMMISSIONERS:

No comments

Item 7. MEETING ADJOURNS:

Meeting was adjourned at 6:29 p.m.

PLANNING AND ZONING COMMISSION

MINUTES OF MEETING

September 18, 2012

6:00 p.m.

Item 1. Roll Call

PRESENT: Tim Glenn, Jim Rice, Bob Gerdes, Kenneth Manley, Brad Eales Council Liaison

STAFF PRESENT: Zoning Administrator Bill Ahrens, Secretary Jaime Blackburn

ABSENT: Joe Arnold, Mark Seneker, Stephany Hughes

VISITORS: Eric Copeland, Benjamin Mook

Item 2. Approval of Minutes – March 20, 2012

MINUTES APPROVED: Commissioner Gerdes motioned to approve the March 20, 2012 minutes. Commissioner Rice seconded. The motion carried.

Item 3. Special Use Permit Request: Mixed Use, 103 N. Main

Bill Ahrens took the floor to give an overview of a Special Use Permit requesting approval for a second-floor residential use at 103 N. Main. Section 400.180.F Mixed residential and non-residential use contains five stipulations for a C-2 commercial building to include a residential component.

1. The owner will be securing 1-2 off-street parking spaces.
2. The apartment unit is approximately 3,200 square feet and meets code requirements. In addition, a rental inspection is required to be conducted and any code requirements addressed prior to occupancy.
3. N/A- No exterior modifications are anticipated.
4. The apartment is on the second floor of the building, ensuring that street side commercial activity is preserved.
5. The street-level businesses are operating with current city business licenses.

Notice was posted in the Excelsior Springs Standard on September 3, 2012. No comments were received by the Planning & Zoning Department.

STAFF RECOMMENDATION

The special use application as submitted has been determined by the staff to adhere to all pertinent city codes and requirements and is consistent with land use for C-2 zoning, the City Comprehensive Plan, all other land use considerations. Staff recommends that the Planning & Zoning Commission approve the application for a Special Use Permit and recommend approval by the City Council.

Commissioner Gerdes asked if there was off street parking. Benjamin Mook stated they will lease spaces in the same parking lot they used for their Law Office. Commissioner Rice asked if this was the area that you once occupied as a law office. Mr. Mook said yes.

Commissioner Rice moved to approve the special use permit for a second floor residential use at 105 N. Main. Commissioner Gerdes seconded. Motion carried unanimously. 4 ayes and 0 nay.

Item 4. COMMENTS FROM VISITORS:

No comment.

Item 5. COMMENTS FROM COMMISSIONERS:

Commissioner Manley questioned if the parking spaces were temporary? Mook said no, we've had this space for quite a while. Manley asked if there was enough room for one or two spots. Mr. Mook mentioned the Atlas customers park there of an evening and holds a dozen or better spaces.

Commissioner Glenn asked if they would be electing a new chairman at the next meeting. Bill Ahrens mentioned if nothing comes in to review then there will be a short meeting for elections in October or November.

Item 6. MEETING ADJOURN:

Meeting was adjourned at 6:13 p.m.

PLANNING AND ZONING COMMISSION

MINUTES OF MEETING

March 19, 2013
p.m.

6:17

Item 1. Roll Call

PRESENT: Joe Arnold, Bob Gerdes, Kenny Manley, Mark Seneker, and Brad Eales, Council Liaison

STAFF PRESENT: Zoning Administrator, Bill Ahrens; Building Official, Larry Murry; Public Works Director, Chad Birdsong and Secretary Jaime Blackburn

ABSENT: Tim Glenn, Stephanie Hughes, and Jim Rice

VISITORS: Cecil Troutwine

Item 2. Approval of Minutes – September 18, 2012

MINUTES APPROVED: Commissioner Manley motioned to approve the September 18, 2012 minutes. Commissioner Arnold seconded. The motion carried.

Item 3. Election of Officers

Election of officers postponed until the next Planning and Zoning meeting.

Item 4. Text Amendment: Zoning Code, Chapter 406: Subdivision Regulations, Section 406.040:

Bill Ahrens, Planning & Zoning Administrator presented text amendment to the City of Excelsior Springs Zoning Code Chapter 406, Section 406.040.D. revising the minimum design standards for easements. Current easement language in the Subdivision Regulations specifies that “permanent easements of not less than ten feet in width shall be provided... where necessary, for utility poles, wires, conduits, storm and sanitary mains, gas, water mains, and other utilities. These easements shall provide for a continuous right of way at least twenty feet in width”. While this is adequate for most utilities, sanitary sewer mains are often much deeper than other types of utilities. To provide adequate room within the easement for possible repair work and to provide safer working conditions for crews, current practice in many jurisdictions is to specify wider easements where sanitary sewer lines are deeper.

The proposed amendment also adds language to state that no additional amounts of overburden shall be placed on a utility easement that would increase the depth of the utility from the approved design plans, unless approved by the Public Works Director. The easement section is further amended to state that all building setbacks must be at least 10 feet from storm easements.

Commissioner Arnold asked what the setback off the street per house would be. Bill Ahrens said it depended on the zoning, but generally it is around 30-35 feet. Commissioner Arnold asked if the sewer line is 32 feet deep then we have to have 40 feet easement. So if you set a house back 50 feet, then you will have no backyard. Are there many sewers that are 32 feet deep?

Chad Birdsong, Public Works Director stated that there are a few newer sewers that deep. An example out at the Vintage some of the main lines are that deep. Typically most are in the 8-12 foot range. A lot of your trunk lines get into excessive depths. One thing too, instead of just an easement itself, we broke it down into utilities easement, sanitary sewer easement and storm sewer easements. Again, some storm sewer lines are based on upgrades that are flow lines, so it separates them out. Several developers or engineers that design a plat will go ahead and break those out. You typically have your utility easement follow the curvature of the road; the main trunk lines may follow the flow of the land. So many plans already have this, but it is not required. This text amendment is only for future projects.

Bill Ahrens said existing lines are not affected.

Brad Eales, Council Liaison, stated his opinion that safety is big issue, but his only concern is that some of the setbacks are going to make some of the land undevelopable.

Staff recommends that the Planning & Zoning Commission approve the proposed amendment to the City of Excelsior Springs Zoning Code Chapter 406, Section 406.040.D. revising the minimum design standards for easements and forward a recommendation for approval of the proposed amendment to the City Council.

Commissioner Arnold motioned to approve item #4. Commissioner Seneker seconded. Motion carried unanimously. 4 ayes and 0 nays.

Item 5. Zoning: Case Number RZ-13-001- Consideration of proposed zoning of certain properties annexed into the City of Excelsior Springs, Missouri:

Bill Ahrens presented proposed zoning of certain properties annexed into the City of Excelsior Springs, Missouri. In January 2013, at the request of owner Mr. Cecil Troutwine, two tracts of land situated generally north of US-69 and west of Cameron Road were annexed into the City of Excelsior Springs. The annexation agreement contained a recommendation for zoning of the properties to be C-3: Service Business and M-1: Light Industrial.

M-1 zoning is recommended for the 176.71 acre Tract A located west of Cameron Road and north of US-69.

C-3 zoning is recommended for the 86.98 acre Tract B located west of Cameron Road between the northbound and southbound lanes of US-69.

Attached you will find a plat map with legal descriptions and a proposed zoning map for the properties.

Staff recommends that the Planning and Zoning Commission approve the proposed zoning of properties and forward a recommendation for approval to the City Council.

Commissioner Arnold motioned to approve item #5. Commissioner Manley seconded. The motion carried unanimously. 4 ayes and 0 nays.

Item 6. COMMENTS OF VISITORS:

No comments.

Item 7. COMMENTS OF COMMISSIONERS:

No comments.

Item 8. ADJOURN:

Meeting was adjourned at 6:39 p.m.

Minutes prepared by Jaime Blackburn, Secretary of Planning & Zoning Commission.

PLANNING AND ZONING COMMISSION

MINUTES OF MEETING

May 23, 2013

6:05 p.m.

Item 1. Roll Call

PRESENT: Joe Arnold, Bob Gerdes, Jim Rice and Mark Seneker.

STAFF PRESENT: Zoning Administrator, Bill Ahrens; and Secretary Jaime Blackburn

ABSENT: Tim Glenn, Stephany Hughes, Kenny Manley and Brad Eales, Council liaison.

VISITORS: Craig Nessa and Valerie Densmore.

Item 2. Approval of Minutes – March 19, 2013.

MINUTES APPROVED: Commissioner Arnold motioned to approve the March 19, 2013 minutes. Commissioner Seneker seconded. The motion carried.

Item 3. Election of Officers

Election of officers tabled until the next Planning and Zoning meeting.

Item 4. Zoning: RZ-13-002- Proposed rezoning of property adjacent to 1905 Joy Circle:

Bill Ahrens, Planning and Zoning Administrator presented application to the committee. The request to rezone approximately 3.42 +/- acres from RP-3 (Planned cluster, townhouse or garden residential) District to A (Agriculture) District. Parcel ID #08-914-00-06-017.00, adjacent to 1905 Joy Circle which is owned by Craig Nessa.

The property is zoned RP-3. While the property is bounded on the south side by a vacant street right-of-way, the City has completed construction of a recreational walk trail in the right-of-way, making it unlikely that a public street will be constructed on that alignment and effectively land-locking the property.

Applicant has been using the property as a fruit orchard and wished to rezone the property to a zoning category appropriate for the use. There would be no adverse impact to surrounding properties. Staff consulted with the City Attorney and was advised that the proposed zoning change would be appropriate for the use and would not violate any city or state laws or ordinances. Staff consulted with the City County Assessor concerning the requested zoning change and was advised that the proposed zoning change would be appropriate for the use. At some point in the past, this property was zoned RP-3 (townhouse residential). It was originally planned to be townhomes for senior residents, but since Mr. Nessa has owned it, it has been an orchard.

Staff recommends that the Planning & Zoning Commission approve the proposed zoning

change for this property and forward a recommendation for approval to the City Council.

Commissioner Seneker asked if all property owners within 200 feet of the property were contacted and no comments were received. He asked if this was still the case. Mr. Ahrens said yes. Commissioner Rice commented the property is well-maintained.

Commissioner Arnold motioned to approve item #4. Commissioner Rice seconded. Motion carried unanimously. 4 ayes and 0 nays.

Item 5. Special Use Permit: SU-13-001- Proposed consulting office, 1097 Italian Way:

Consideration of a request for a Special Use Permit for consulting and advising office at 1097 Italian Way. The property is a multi-tenant building owned by Mr. Jagtap Prabhakar. Applicant is leasing office space in the building. The property is zoned C-3. Because this proposed use does not precisely fit within the list of uses described in Section 400.200.A permitted uses, the City Attorney has advised that an application for a Special Use Permit is required.

Mr. Ahrens said the applicant is proposing to operate an office to provide consulting and advising services for people with life-area problems and issues. This office will operate during normal business hours and clients will be seen by appointment. There will be no clinical services provided, no overnight stays by clients, no rehab services or treatment, and no medications administered, per the recommended Conditions of Approval.. There would be no adverse impact to surrounding properties.

Commissioner Seneker asked if the property owners within 200 feet of the applicant's property were contacted. Also two favorable comments were received. He asked if that was still the same and Mr. Ahrens said yes.

Commissioner Rice motioned to approve item #5. Commissioner Arnold seconded. The motion carried unanimously. 4 ayes and 0 nays.

Item 6. COMMENTS OF VISITORS:

No comments.

Item 7. COMMENTS OF COMMISSIONERS:

Bill Ahrens let the committee know there is one case filed for next month's meeting in June. Commissioner Seneker asked what was going on Cameron Road. Ahrens said a rock quarry was going in. Commissioner Arnold asked why Public Works is mowing MODOT right-of-ways and if the City was paying for that to be done. Chad Birdsong was not available to answer the question. Commissioner Gerdes asked Bill Ahrens to find out why the City did not require the alley between Penn and Linden St to be paved. Commissioner Gerdes helps a handicapped gentleman that lives in an apartment. He has a difficult time walking on the graveled area. Bill will look into the issue.

Item 8. ADJOURN:

Meeting was adjourned at 6:23 p.m.

The next regular meeting of the Commission is scheduled for 6:00 pm., Tuesday, June 18, 2013, Hall of Waters, 201 East Broadway, Excelsior Springs, Missouri, in the Council Chambers.

Minutes prepared by Jaime Blackburn, Secretary of Planning & Zoning Commission.

PLANNING AND ZONING COMMISSION

MINUTES OF MEETING

June 18, 2013

5:59 p.m.

Item 1. Roll Call

PRESENT: Joe Arnold, Bob Gerdes, Stephany Hughes, Kenny Manley, Jim Rice and Mark Seneker.

STAFF PRESENT: Zoning Administrator, Bill Ahrens; Brad Eales, Council Liaison; Larry Murry, Building Official; and Secretary Jaime Blackburn

ABSENT: Tim Glenn.

VISITORS: Dana and Pete Starns, Dave Lawrence, Keith Bowen, Eric Copeland, and Gary and Kim Sanson.

Item 2. Approval of Minutes – May 23, 2013.

MINUTES APPROVED: Commissioner Rice motioned to approve the May 23, 2013 minutes. Commissioner Arnold seconded. The motion carried.

Item 3. Election of Officers

Due to work obligations, Tim Glenn is stepping down from the Commission and as Chairman.

Commissioner Arnold motioned to approve Commissioner Gerdes as Chairman for the Committee. Commissioner Seneker seconded. Motion carried.

Commissioner Arnold motioned to approve Commissioner Rice as Vice-Chairman to the Committee. Commissioner Manley seconded. Motion carried.

Item 4. Zoning: RZ-13-003- Proposed rezoning of property, 522 S. Kansas City Ave:

Consideration of a request to rezone 522 S. Kansas City Ave. from R-4 (Medium Density Residential). While property is zoned R-4, the building is not a residential building and has never had residential uses. The property has had several different uses that operated on special use permits.

The applicant wishes to rezone the property to a zoning category appropriate for the structure and for the intended use. Applicant is proposing to operate a retail store for motorcycles, parts and accessories and to also offer scooter rentals by partnering with local hotels and B&Bs. Staff consulted with the City Attorney and was advised that the proposed zoning change would be appropriate for the use and would be appropriate due to proximity of other C-3 zoning.

Due to proximity to a school, churches, and residences, staff is recommending the following Conditions of Approval be added in order to minimize potential impact on surrounding properties. Those conditions will be:

- Business shall operate during normal and customary business hours, not later than 7:00 p.m.
- There shall be no maintenance or repair work on motorcycles.
- There shall be no storage of fuel, oil, solvents, or chemicals.

Existing and proposed zoning maps for the property attached. All property owners within 200 feet of the applicant's property were sent a letter concerning this application and a legal notice of public hearing was published in the Excelsior Springs Standard. We received one comment from a neighbor concerned with potential noise from the business. Several phone calls from neighboring property owners that had no issue and two other comments from residence concerned about potential noise. When staff explained the Conditions of Approval that seemed to satisfy their concerns.

The application has been determined by staff to be consistent with land use of C-3 zoning, the City Comprehensive Plan, and all other land use considerations. Staff recommends that the Planning & Zoning Commission approve the application for a rezoning, subject to the Conditions of Approval listed above, and forward a recommendation for approval to the City Council.

Commissioner Arnold stated that 7:00 p.m. may or may not be late enough if they are renting out scooters to hotel patrons. Is there a reason why we put that as a condition?

Bill Ahrens said it was to try and keep possible motorcycle noise down.

Commissioner Arnold said that he was not sure that was a realistic expectation of a retail business that we can tell them when they can operate and when they cannot.

Dana Starns, owner of Starns and Sons, LLC also thought 7:00 p.m. was early. She said she has sat in front of her building and counted 150 motorcycles drive by on the way to Wabash and she does not think it is going to add any extra noise at this point. Additionally, they do not intend to do any motorcycle engine testing outside or anything of that nature. The noise they do generate would just be a motorcycle coming out of the building for a test drive. With regards to the two other stipulations she would like to propose some additional changes to the wording. First, mechanical/repair work; they are going to need to do some minor repair work to the bikes they bring in. They purchase used bikes and they will have to do some minor mechanical/repair work. She explained they do not do engine work or transmission work, but some minor repairs such as changing out handle bars or turn signals. She proposed to change the wording to no major mechanical/repair work and allow minor repair and general maintenance be allowed.

Commissioner Arnold said the verbiage is too broad and would be hard to enforce.

Commissioner Rice stated he would like the verbiage changed from no mechanical work to allowing cosmetic work.

Commissioner Arnold thought that would handicap Planning & Zoning to say you can do some work. Where's the line?

Bill Ahrens said these are conditions that the City Attorney and him discussed and are possibly arbitrary.

Commissioner Rice thinks mechanical would leave out transmission or motor, in general but cosmetic would include handle bars, turn signals, or bearings that would be non-functional, non-mechanical.

Dana Starns said they do intend to farm out all that type of work. They use Bobby Hyatt a lot for mechanical work or larger shops to accommodate what they need done. She says they are not mechanics in any way, shape or form. They buy it, fix it up and do minor repairs and send them on their way.

Commissioner Rice asked if they are going to do oil changes.

Dana Starns said they will not be doing oil changes in the building. This brought up the second condition about no oil, fuel or solvents. She proposed that it say "no bulk" quantities. They will need some oil and fuel to obviously run the bikes and maintain the bikes. They plan to use the gas station down the street for fuel.

Commissioner Rice said they will be required to keep it locked in fire cabinet. Commissioner Rice also wondered if a privacy fence would deflect some of the noise and activity of scooters coming in and out. The only door he saw was on the north coming out next to a residence property.

Commissioner Hughes asked if they took the bikes out for a trial run or the potential buyers.

Dana Starns said potential buyers and themselves will be taking bikes out.

Commissioner Rice asked if they had any agreements or consignments with larger dealers over stock.

The owner stated not at this point and time. They are buying from auctions and secondary markets. They are currently getting a dealer license so they can purchase from auction houses. The owner stated they are not big enough to have any type of agreements with larger dealers, maybe in the future.

Commissioner Seneker wondered if the address on the building was 526 S Kansas City Ave and if they were conducting a similar business somewhere else.

Dana Starns said this is a hobby right now. Their plan is to become legal and become an actual business because they have gotten to the point that they have exceeded the "hobby mark".

Commissioner Seneker had two concerns with changing zoning for a bike shop. The owners have already purchased the building. The majority of the bikes they said go by the shop headed to the Wabash are on the weekend and not a routine deal. Wondered if anything else the potential owners could say to try to influence that they should put a bike shop there.

Dana Starns thinks this is an opportunity to bring business and commerce to the city. This is a very large bike community. They have the potential to grow and bring more jobs to the city.

They are not going to have bike parties or rallies. On occasion they will have a bike out for a test drive. She does not think noise will be a factor at all. We are a very small business just getting started it would be a travesty for the city not to have another opportunity for commerce.

Peter Starns said his hours will be Monday through Friday 9:00 a.m. to 2:00 p.m. and they are not allowed to be open on Sundays per the State.

Commissioner Gerdes asked Bill Ahrens how realistic it was to try and enforce a condition.

Bill Ahrens said it would be very difficult to enforce.

Commissioner Gerdes said this is the part that bothered him if we are changing a zoning and he knows that Larry Murry tries to enforce, but do you see that this is practical as far as even discussing conditions.

Larry Murry, Building Official, said it would be hard to enforce noise if you allow them to be there.

Councilman Eales said we have a noise ordinance in Excelsior Springs and it's impossible to enforce, but on the other hand if the Police Department gets multiple complaints then Chief McGovern said they go out on it rapidly. After discussing with two other council members we feel that you cannot run the business successfully without doing minor mechanical repairs. So with this type of stipulation you will not succeed and he agreed with them that they got to have fuel and oil.

Commissioner Rice asked if the issue is zoning or the stipulations.

Commissioner Gerdes feels the issue is the zoning for that neighborhood. It is primarily residential. Across the street maybe apartments but it's still residential area. We have an obligation to keep the entire community somewhat peaceful. If you bring a motorcycle shop right in the middle of schools, churches and motels in a residential area then I think we are just asking for trouble. If we cannot enforce it then why pass it and Planning and Zoning is merrily a recommendation to the City Council and if they think they can control it then let them try and control it.

Dave Lawrence, Deputy Superintendent of Excelsior Springs School District had two concerns with allowing this business in that building. First, the noise was an issue with school next door. Classes start around 8:40 a.m. to 3:40 p.m. and during those hours we are trying to teach kids. The library is at the same end as the proposed motorcycle shop and could possibly be a factor. Second, is the traffic and kids walking to and from school, it will be hard for customers to get to the business during that hour of the day.

Keith Bowen also had concerns living next door to the building. His master bedroom window is 10 feet from the building. Noise bounces between the two buildings. He said he will support the City with whatever decision they make.

Commissioner Manley asked the potential owners if they thought the committee should pass this because "you do not think there is an issue".

Pete Starns does not think the school has heard him start a bike in the past three months at the building. He said he has 10 bikes there now.

Commissioner Manley said if you were to propose this as an accessory shop and rental for scooters and take out mechanical he thought you would have a better chance. You want us to change it to commercial to accommodate your business. You have to bring bikes out for test drives, and our kids are in that school and that's extra noise.

Dana Starns said they will not do mechanical work; it's all going to be cosmetic and general maintenance for the up keep of the bike.

Pete Starns said they are zoned commercial with the County already and just trying to get zoned through the City.

Commissioner Rice asked Bill Ahrens if they would have more control with a special use permit versus zoning change.

Bill Ahrens said you can set at time limit on special use permit and make the business come back and reapply for special use, but would still be hard to enforce noise complaints.

Commissioner Arnold again explained they are just making a recommendation to the City Council.

Commissioner Rice also stated if this was approved he would like to see the owners be mindful that they are in a residential neighborhood.

Commissioner Gerdes said we can table it and they can come back with a different proposal or we can vote it down or vote it in.

Commissioner Hughes motioned to turn it down. Commissioner Seneker seconded her motion. 4 ayes and 2 nays. Rezoning at 522 S Kansas City Ave was denied.

Bill Ahrens let the applicant know they had several options. They can accept the ruling and re-apply for a Special Use Permit or they can appeal to the City Council.

Item 5. Special Use Permit: SU-13-002- Proposed residential use, 255 E. Broadway:

Bill Ahrens presented overview of proposed special use. The applicant is requesting approval of a special use permit for second-floor residential use for two one bedroom guest quarters at 255 E. Broadway. Section 400.180.F. of the city zoning code requires approval of a special use permit for mixed residential and non-residential uses in C-2 zoning districts. The City Attorney has determined that this application is consistent with the zoning code, subject to approval of a Special Use Permit. There are five stipulations for a C-2 commercial building to include a residential component: Must have at least one standard off-street parking space within convenient walking distance. Each residential unit shall have a minimum of 750 square feet of useable living area. The apartments are approximately 1,029 and 802 square feet.

Architectural character and physical integrity of historically significant structures, including structures within or adjacent to designated historic districts, shall be protected in renovation. No exterior modifications are anticipated. Ground floor spaces shall not be used for residential purposes in buildings with mixed residential and non-residential. The apartments are on the second floor of the building ensuring that street side commercial activity is preserved. Residential use shall not be considered unless the ground floor space meets one of the following requirements which are they are currently occupied by an operating business or if vacant the ground floor space shall be "white box" condition. City Inspections staff has stated that the street-level space meets "white box" standard and satisfies city building codes, standards and regulations.

Notice was posted in Excelsior Springs Standard on June 3, 2013. No comments were received by the Planning and Zoning Department.

The special use application submitted has been determined by staff to adhere to all pertinent city codes and requirements and is consistent with land use for C-2 zoning, the City Comprehensive Plan, and all other land use considerations. Staff recommends that the Planning & Zoning Commission approve the application for a Special Use Permit and recommend approval by the City Council.

Kim Sanson, owner of the building stated this town is a wedding destination and not everyone can afford to stay at The Elms.

Commissioner Arnold asked Kim if they had any prospects down below.

Kim said she had a couple of businesses looking to move into the space below.

Commissioner Rice motioned to approve item #5. Commissioner Manley seconded. The motion carried unanimously. 6 ayes and 0 nays.

Item 6. COMMENTS OF VISITORS:

No comments.

Item 7. COMMENTS OF COMMISSIONERS:

No comments.

Item 8. ADJOURN:

Meeting was adjourned at 6:53 p.m.

The next regular meeting of the Commission is scheduled for 6:00 pm., Tuesday, July 16, 2013, Hall of Waters, 201 East Broadway, Excelsior Springs, Missouri, in the Council Chambers.

Minutes prepared by Jaime Blackburn, Secretary of Planning & Zoning Commission.

PLANNING AND ZONING COMMISSION

MINUTES OF MEETING

September 17, 2013

6:01 p.m.

Item 1. Roll Call

PRESENT: Joe Arnold, Bob Gerdes, Stephany Hughes, David Ishmael, Kenny Manley, and Jim Rice.

STAFF PRESENT: Zoning Administrator, Bill Ahrens; Brad Eales, Councilman Liaison; Larry Murry, Building Official; Chad Birdsong, Public Works Director; and Secretary Jaime Blackburn

ABSENT: Mark Seneker.

VISITORS: No visitors.

Item 2. Approval of Minutes – June 18, 2013.

MINUTES APPROVED: Commissioner Rice motioned to approve the June 18, 2013 minutes. Commissioner Hughes seconded. The motion carried.

Item 3. Text Amendment: Zoning Code, Chapter 400: Zoning Regulations, Section 400.280: Parking, Loading & Driveway Regulations.

Bill Ahrens presented the proposed amendment to the Commission. This section is being renamed to add requirements for driveways and will henceforth be Parking, Loading and Driveway Regulations. Changes include: revised parking ratios for certain land uses, revised pavement design criteria, allows alternative pavements, i.e. permeable pavement, in some areas, provides greater specificity on geometrics, walkways, slopes, etc., allows common-access, aka shared driveways in certain instances, provides additional requirements for parking lot landscaping, and adds requirements for vehicle stacking at drive-through facilities. New text is shown in red, with deletions shown by strikethrough.

Chad Birdsong and I spent a fair amount of time researching Parking, Loading and Driveway Regulations of other communities. We have had some issues in the past year with some development within the City where we found that our parking regulation fell short in situations where there was not enough parking being provided, where we did not have landscaping around parking areas, and after requests from several property owners, needed to add language to allow alternative pavements for parking areas.

Staff recommends that the Planning & Zoning Commission approve the proposed amendment to the City of Excelsior Springs Zoning Ordinance to revise Section 400.280: Parking, Loading & Driveway Regulations and forward a recommendation for approval of the proposed amendment to the City Council.

Commissioner Rice wanted to know what communities the City compared parking regulations.

Bill Ahrens said Lee's Summit, Independence, Liberty, Kearney, Olathe, Lenexa, Grandview and Harrisonville.

Commissioner Rice asked where the City fell in with the parking ratio of the other communities.

Bill Ahrens stated they went in the middle of parking ratios used from other communities.

Commissioner Hughes wondered why we were changing the regulations.

Bill Ahrens explained when the Vintage was looking at adding another building; we realized how inadequate our parking requirements were and needed to be revised.

Chad Birdsong noted under F Improvement Parking Areas #8 with question mark in parentheses will be taken out.

Bill Ahrens also stated that they would change the wording in Section B to "reconfiguring" instead of "restriping". This will be brought up at the City Council meeting.

Commissioner Rice motioned to adopt proposed Zoning Regulations. Commissioner Hughes seconded. Motion carried. 6- Ayes, 0-nayes.

Item 4. COMMENTS OF VISITORS:

No comments.

Item 5. COMMENTS OF COMMISSIONERS:

No comments.

Item 6. ADJOURN:

Meeting was adjourned at 6:21 p.m.

The next regular meeting of the Commission is scheduled for 6:00 pm., Tuesday, October 15, 2013, Hall of Waters, 201 East Broadway, Excelsior Springs, Missouri, in the Council Chambers.

Minutes prepared by Jaime Blackburn, Secretary of Planning & Zoning Commission.