

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 18<sup>th</sup> Nick Pappas informed the Commission that the request did not pass with the required vote of four in favor. On May 20<sup>th</sup> 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