

PLANNING AND ZONING COMMISSION

MEETING SUMMARY

October 30, 2023

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT: Jake Simmons, Sandy Barnes, Dustin Borchert, Bob Gerdes and Jason Van Till.

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

VISITORS: Mark Spohn, Reggie St. John, Elizabeth Barnt, Marilyn Gerdes, Jason Cole and TR Kennedy.

3. APPROVAL OF MEETING SUMMARY- September 11, 2023

Commissioner Gerdes made a motion to approve the September 11, 2023 meeting summary
Commissioner Van Till seconded. Motion carried.

Vote: Motion passed 5-0-0

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

No: None

Abstain: None

4. COMMENTS OF VISITORS:

There were no comments from visitors.

5. Case No. RZ-23-003 – An application by CONAGACTIONS.COM LLC to rezone a tract of land located at 1401 N Jesse James Road from District “C-3” – Service Business District to District “M-1” – Light Industrial District. (Public Hearing)

Chairman Simmons said that he would be abstaining from the vote for this case due to his affiliation with the case but will remain in the Chair for the case unless anyone has an objection. There were no objections.

Chairman Simmons asked for the staff report.

Ms. Frie presented the information in the staff report.

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

Hearing none, Chairman Simmons opened the public hearing at 6:04. There were no comments or questions from the public. Chairman Simmons closed the public hearing at 6:05 and asked the commission if they had any questions or comments on the application.

Commissioner Borchert asked for clarification on where the property is located. Chairman Simmons pointed out on the map where it was.

Chairman Simmons asked if there were any more questions or discussion from the commission. There was none.

Commissioner Borchert made the motion to approve Case No. RZ-23-003.

Commissioner Barnes seconded the motion.

Motion carried.

Vote: Motion passed 4-0-1

Yes: Commissioners Barnes, Borchert, Gerdes and Van Till

No: Commissioner None

Abstain: Chairman Simmons

6. **Case No. ZTA-23-002 – An application by the City of Excelsior Springs to amend Chapter 400.230 Special Use Permits in the Zoning Regulations, pertaining to Short Term Rental Properties, of the Excelsior Springs City Code as part of the City’s Code Review Process. (Public Hearing)**

Chairman Simmons asked for the staff report.

Mr. Hermes presented the information in the staff report.

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

Chairman Simmons asked if a short-term rental did have three or more violations of a particular type is there a process in place for considering revocation of the business license or special use permit? Mr. Hermes said that a STR license or permit holder would be afforded due process either administratively when considering a potential business license revocation or through the formal planning and zoning commission process when considering a potential special use permit revocation. Mr. Hermes noted that the language proposed in that particular clause was developed by the community development and public safety development team members.

Commissioner Van Till asked if the revocation would be three citations and not just three noise complaints. Mr. Hermes said that was correct. It is the same process on the property maintenance side.

Commissioner Van Till asked if there would be a set time frame for the number of violations that could possibly lead to license or permit revocation? The process now he said is for a special use permit to come back before the commission after an initial two years for review so would it be the same? Mr. Hermes said it could be an annual time period to coincide with the annual period for a business license.

Hearing no other questions from the commission Chairman Simmons opened the public hearing at 6:25 and asked for any members of the public to approach the lectern, provide their name and address and provide their comments on the application to the commission.

Reggie St. John, Rock Bridge Parkway, said his neighborhood has short term rentals in the subdivision. His concerns are for the subdivisions outside of the proposed downtown tourist area, since there would not be any restrictions on the number of short-term rentals that can be in a neighborhood. Mr. St. John said under the proposed rules someone could currently come in and set up an entire neighborhood of nothing but short-term rentals, and he does not think that would be good for the city. He asked if the proposed rules could establish some sort of limitation on the number of short-term rentals within a particular neighborhood.

Commissioner Geredes said that was a good point.

Chairman Simmons asked if there was anyone else from the public that would like to address the commission. No one else came forward to address the commission. Chairman Simmons opened the floor to the commission for questions prior to closing the public hearing.

Mr. Hermes reminded the commission that a density standard was one of the policy questions the commission discussed during its study sessions on the matter and the commission concluded at that time that such a requirement would not be necessary. He noted that STR density standards are something that some other communities have established. Mr. Hermes said that if a STR density standard is something the commission is interested in once again considering as part of the particular application, City staff would not be prepared this evening to proceed with a formal recommendation and would request a continuance of the case until a future commission meeting.

Commissioner Gerdes asked if other cities have density standards in place for short term rentals? Mr. Hermes said some other cities have established density standards.

Chairman Simmons said that Kansas City has addressed matters of concern such as off-street parking and shared drives for short term rentals since those are things it felt are priorities issues. Other communities have set other restrictions in place. He noted that this land use is something that is ongoing and going to continue to evolve. A number of cities are addressing these same issues because it is so new.

Commissioner Van Till said he feels comfortable that the current proposal would work well for short-term rentals outside of the downtown tourist area as owners would still need to apply for a special use permit.

Chairman Simmons noted that neighborhoods can still establish neighborhood covenants addressing STRs if all of the property owners agree. Chairman Simmons said he is okay with the current proposal as written.

Hearing no further questions or comments from the public or commissioners, Chairman Simmons closed the public hearing at 6:36 and asked for any final commission comments or for a motion.

Commissioner Gerdes made the motion to continue consideration of Case No. ZTA-23-002 to the November 27, 2023 Planning and Zoning Commission regular session in order for City staff to prepare language establishing a short-term rentals density standard in the area outside of the downtown historic area for commission consideration.

Commissioner Barnes seconded the motion.
Motion carried.

Vote: Motion passed 3-2-0
Yes: Commissioners Barnes, Borchert, Gerdes
No: Commissioner Simmons, Van Till
Abstain: None

7. **Case No. ZTA-23-003 – An application by the City of Excelsior Springs to amend Chapter 400.300 Medical Marijuana Facilities of the Excelsior springs City Code as part of the City’s Code Review Process. (Public Hearing)**

Chairman Simmons asked for the staff report.

Mr. Hermes presented the information in the staff report.

Chairman Simmons opened the floor for technical questions for City staff from commissioners.

Commissioner Van Till asked if the technical change in how to measure the buffer distance requirements would affect any of the existing medical marijuana businesses? And would that buffer distance requirement be checked at the time of business license application?

Mr. Hermes said yes, that would be checked at the time of business license application and the City staff would verify information. Mr. Hermes also said that the buffer distance requirements would not appear to impact the one medical marijuana business currently in city limits.

Hearing no further questions from commissioners, Chairman Simmons opened the public hearing at 6:47. Chairman Simmons asked if anyone from the public would like to address the commission. There were no comments from the public. Chairman Simmons closed the public hearing at 6:48.

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

Commissioner Van Till made the motion to approve case No. ZTA-23-003.
Commissioner Borchert seconded the motion.
Motion carried.

Vote: Motion passed 5-0-0
Yes: Commissioners Simmons, Barnes, Borchert, Gerdes and Van Till
No: Commissioner None
Abstain: None

8. STAFF COMMENTS:

Ms. Mehaffy said the staff wanted to thank each of the commissioners for attending the meeting this evening and for all their dedicated volunteer service to the community.

Ms. Mehaffy said that Clay County is currently updating their comprehensive plan, last completed in 2008 while the City's comprehensive plan was last updated in 2009. She noted that Clay County is starting that plan update process now and if you would like to participate the information can be found on claycountycompass.com. Ms. Mehaffy said that both she and Shantele Frie are on the technical team so they will start attending meetings that are starting in November. The City will be hosting an open house in December at the Community Center for the county's planning process.

Ms. Mehaffy said that Shantele Frie, City Planner, just returned from a week-long training in Washington DC, after receiving a scholarship from the Housing Assistance Council and has spent time with individuals from all over the United States talking about affordable housing in rural communities. She will be returning sometime in February somewhere in the United States for additional training.

Ms. Mehaffy said she had the opportunity to attend Kansas City, Kansas' "Neighborhoods Summit" on Saturday to observe the process.

9. STAFF COMMENTS: There were none.

Chairman Simmons thank City staff for their hard behind the scenes work.

10. ADJOURN

The meeting was adjourned at 6:52 p.m.