



CITY OF MARYVILLE, MISSOURI COUNCIL ACTION REPORT

Title: A Resolution Authorizing the Issuance of a Special Use Permit for Jeremy and Julie Simmerman for the Property Located at 730 Prather Avenue

Council Bill No. 2026'79

Agenda Date: September 28, 2026

Presented by: Matt Smith, Public Works Director

BACKGROUND

Jeremy and Julie Simmerman, owners of 730 Prather Avenue, have applied for a special use permit to continue operating the property as a short-term rental. They acquired the property in May 2026. The previous owner, Walter Brothers Properties, LLC, operated it as a short-term rental beginning in November 2021.

Section 405.380(C) provides: “A special permit granted under this Article is a permit issued to the individual applying for the special use. As such, said permit shall not run with the property, but shall be personal unto the applicant. Any applicant shall not have the right to assign, transfer, barter, or sell said Special Use Permit, and said Special Use Permit shall terminate upon any transfer of the property by the applicant, including by sale or lease.”

Provided below is a summary of the adjacent zoning and land uses surrounding the subject site:

Location	Existing Land Use	Comprehensive Plan Designation	Current Zoning
Subject Site	Single-Family Dwelling/Rentals	Medium-Density Residential (MDR)	R-2, Single-Family Residential University Neighborhood Overlay (UNO)
North	Single-family Residential/Rentals	Low-Density Residential (LDR)	R-2, Single-Family Residential University Neighborhood Overlay (UNO)
South	Multi-Family/Apartments	High Density Residential (HDR)	R-4, Multi-Family Campus Town Overlay (CTO)
East	Single-Family Residential/Rentals	Medium Density Residential (MDR)	R-2, Single-Family Residential University Neighborhood Overlay (UNO)
West	Single-Family Residential/Rentals	Medium-Density Residential (MDR)	R-2 Single-Family Residential University Neighborhood Overlay (UNO)

Land uses in the area are single-family dwellings with a mix of rentals. The properties to the south consist of multi-family apartments and are located in an R-4 Multi-Family zone and in the Campus Town Overlay (CTO) District.

FINANCIAL CONSIDERATIONS

None

LEGAL CONSIDERATIONS

Section 405.380-405.430 of the Maryville Municipal Code contains special use permit information.

Section 405.380: Special Use Permits

- A. The development and administration of the Zoning Ordinance is based on the division of the City into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use or the particular location. Such special uses fall into three categories:
1. Uses operated by a public agency or public-regulated utilities, or uses traditionally affected by a public interest.
 2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
 3. Uses which are of a short duration and short-range impact on the community.

Section 405.390: Standards

1. It is deemed necessary for the public convenience at that location.
2. Is so designed, located, and proposed to be operated that public health, safety, and welfare will be protected.
3. Will not cause substantial injury to the value of other property in the neighborhood in which it is located.
4. Will comply with the height and area regulations of the districts in which it is located unless specifically granted otherwise.

Section 405.400: Conditions

The Planning and Zoning Commission may recommend, and the City Council may provide, such conditions and restrictions upon the construction, location, and operation of a special use, including time limits, provisions for off-street parking and loading, and other conditions as may be deemed necessary to promote the general objectives of this Title and to minimize any injury to the value of property in the neighborhood. Failure to maintain such conditions or restrictions

as may have been imposed shall constitute grounds for revocation of the permit for such special use.

COMPREHENSIVE PLAN:

The following policies in the Maryville Comprehensive Plan apply to the project:

- Managing Incremental Land Use Decisions (Chapter 52, p. 59)
 - This issue focuses on establishing criteria for the location of individual uses or project types. While big ideas and directions matter, community development unfolds over time through hundreds of individual decisions, from where to locate a business to granting rezoning and subdivision approval. The Land Use Decision Matrix presented in this section provides context for these decisions.
- Plan Categories and Use Criteria (Chapter 5, p. 61)
 - Low-Density Residential (LDR)
 - Restrictive land uses, emphasizing single-family detached development, although innovative single-family forms may be permitted with special review.
 - Should be insulated from adverse environmental effects, including noise, smell, air pollution, and light pollution.
 - Typical densities range from 1 to 6 units per acre, although individual attached projects may include densities up to 6 units per acre in small areas.

This type of density is most closely related to Medium Density Occupancy

- Medium Density Occupancy
 - Typical maximum density is 6 to 12 units per acre, typical in the middle range. Within the Campus Town area, higher densities should be encouraged with proper off-street parking,
 - Projects at this density may be incorporated in a limited way into single-family neighborhoods.
- In accordance with Figure 5.2 Compatibility Matrix (Chapter 5, p. 65), a Low Density Residential (LDR) and a Medium Density Residential (MDR) have a compatibility rating key of 4.
- Neighborhood Conversation (Chapter 5, p. 80)
 - Land Use Policies: Maryville should maintain zoning and land use policies that protect the integrity of its neighborhoods. New zoning proposals should be evaluated for their effect on surrounding neighborhoods. The zoning ordinance should encourage project design that reduces land-use conflicts between residential and other uses and establish buffering and screening standards to minimize external effects on neighborhoods.

RECOMMENDED ACTION

The Planning and Zoning Commission met on September 16, 2026, and voted not to recommend approval of the requested special use permit.

The property operated as a short-term rental beginning in November 2021. Because a special use permit is personal to the permit holder and terminates when the property is transferred, the applicants must obtain a new permit to continue the use.

As part of its review, City staff contacted the Maryville Police Department, which reported no recorded incidents at 730 Prather Avenue during the period the property operated as a short-term rental.

Based on the neighborhood opposition expressed regarding the proposed short-term rental, City staff concurs with the Planning and Zoning Commission's recommendation and recommends that the City Council deny the requested special use permit.

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A SPECIAL USE
PERMIT FOR JEREMY AND JULIE SIMMERMAN FOR PROPERTY
LOCATED AT 730 PRATHER AVENUE, MARYVILLE, MISSOURI**

WHEREAS, the Planning and Zoning Commission of the City of Maryville, Missouri, held a public hearing on September 16, 2026, to consider a Special Use Application from Jeremy and Julie Simmerman for property located at 730 Prather Avenue for a proposed short-term rental; and,

WHEREAS, the Planning and Zoning Commission referred the application to the City Council with the unanimous recommendation to not approve; and,

WHEREAS, the City Council, at a regular meeting on September 28, 2026, held a public hearing on said application for which public notice was given as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARYVILLE, MISSOURI, as follows:

SECTION 1: That a Special Use Permit is hereby authorized to Jeremy and Julie Simmerman for property located at 730 Prather Avenue, Maryville, Missouri, for a short-term rental.

PASSED AND ADOPTED this 28th day of September, 2026.

John J. McBride, Mayor

ATTEST:

Stacy Wood, City Clerk

CITY OF MARYVILLE, MISSOURI
PLANNING AND ZONING COMMISSION

APPLICATION FOR SPECIAL USE PERMIT

APPLICANT: Jeremy and Julie Simmerman
APPLICANT'S ADDRESS 30539 300th St, Conception Jct, mo 64434
TELEPHONE NO. (HOME) 816-813-3534 (WORK) 816-813-3544

Instructions: All information required must be furnished before the application can be accepted.

Attach a plot plan drawn to scale showing dimensions of the property, dimensions and locations of buildings and structures, street and driveway access, drives and off-street parking, public right-of-way and easements.

Attach a list (certified by a qualified abstractor or by the Nodaway County Assessor's Office) of names, legal description and mailing address of OWNERS of ALL property within 185 feet of the exterior limits of the property, exclusive of public right-of-ways.

LOCATION OF PROPERTY: 730 Prather Ave, Maryville mo 64468

LEGAL DESCRIPTION: See attached legal description

(Attach additional sheet, if necessary)

PRESENT OWNER: Jeremy and Julie Simmerman

PRESENT ZONING: R-2

PROPOSED ZONING: N/A

PRESENT USE: Short term rental

PROPOSED SPECIAL USE short term rental

JUSTIFICATION FOR: PROPOSAL Bought as short term rental
and would like to continue that use.

LIST ANY SPECIAL CONDITIONS OF PROPOSED SPECIAL USE, (i.e., signs, stocks of goods, emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical, or electronic disturbance, etc.) _____

730 Prather Avenue

Special Use Permit



Recorded in Nodaway County, Missouri

Recording Date/Time: 05/21/2026 at 11:58:34 AM

Instr #: 20261034

Book: 1061 Page: 38

Pages: 2

Fee: \$27.00 S



Electronically Recorded
NODAWAY COUNTY ABSTRACT

Lisa James
Recorder of Deeds

LIMITED LIABILITY COMPANY WARRANTY DEED

THIS DEED is made on this 20 day of May, 2026, by and between **Walter Brothers Properties LLC**, a limited liability company organized under the laws of the State of Missouri, hereinafter referred to as **Grantor**, and **Jeremy Simmerman and Julie Simmerman**, a married couple, hereinafter referred to as **Grantees**.

(Mailing address of Grantees is 30539 300th St. Conception Jct.
MO 64434)

WITNESSETH: Grantor, in consideration of the sum of One Hundred Dollars (\$100.00) and other valuable consideration, to it paid by Grantees, the receipt of which is hereby acknowledged, does grant, bargain, sell, convey and confirm to Grantees, their heirs and assigns, the following described real estate located in Nodaway County, Missouri, to-wit:

Lot Four (4), of W.H. Culver's Addition to the City of Maryville, Nodaway County, Missouri. Also: Commencing at the Northeast Corner of Lot Four (4) of W.H. Culver's Addition to Maryville, thence running East along the South Line of Prather Avenue 40 feet, thence South 140 feet, thence West 40 feet, thence North 140 feet to the Place of Beginning; all being a part of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section Eighteen (18), Township Sixty-four (64), Range Thirty-five (35), Nodaway County, Missouri.

TO HAVE AND TO HOLD the real estate to Grantees and their heirs and assigns forever, Grantor hereby covenanting that it lawfully owns said real estate in fee simple absolute; that it has good right to convey the same; that the premises are free and clear from any encumbrance done or suffered by it or those under whom it claims; and that Grantor will warrant and defend the title of the premises to Grantees and to their heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.

Grantor further acknowledges that Walter Brothers Properties LLC was not formed by merger with an existing general or limited partnership or an existing limited liability company, that no acts of winding up of Walter Brothers Properties LLC have been filed

**Planning and Zoning Commission
Minutes
September 16, 2026**

The Planning and Zoning Commission for the City of Maryville met in a regular session on Wednesday, September 16, 2026, at 5:00 PM in the Meeting Room at Public Safety, 101 North Vine Street, Maryville, Missouri. The following members were present: Spencer McGinness, Derek DeMott, Travis Pierson, and Kathy Rice. Others attending the meeting included Jim Wiederholt, Code Enforcement Officer for the City of Maryville; Nathan Osborn, Code Inspector; Laura Mooney, Public Works Administrative Assistant; and several citizens.

Chairwoman Rice called the meeting to order and the following items were discussed

Chairwoman Rice stated the first thing on the agenda was to approve the minutes from May 4, 2026 minutes

Member Pierson made a motion to approve the May 4, 2026 minutes as mailed
Member DeMott seconded the motion

The Members unanimously approved the May 4, 2026 minutes as mailed

Chairwoman Rice stated the next agenda item was the request for a Special Use Permit for R Double T Holdings, LLC

Applicant: R Double T Holdings, LLC
914 East 17th Street
Columbus, NE 68601

Location: 1021 Wilson Industrial Road

Jim Wiederholt stated that R Double T Holdings, LLC wishes to develop up to a 100-space RV Park on the east side of their office/storage development at 1021 Wilson Industrial Road. The property is located in an M-2, General Industrial Zone. An RV Park is not allowed by right in any of Maryville's zones. The City of Maryville recognizes that there are special uses which, because of their unique nature, cannot be properly classified in any particular district without consideration of the impact of these uses upon neighboring lands and upon public need for the particular use at the particular location.

Thus, R double T Holdings, LLC has applied for a special use permit to construct an RV Park. The proposed five-acre project is primarily for construction workers on upcoming projects in the area.

The phased development will begin with 25 sites, with a maximum of 100 sites total. This is a temporary project and will be reevaluated in seven years. The property could be returned to vacant developable ground in the future.

Jim Wiederholt stated that the area to the north and east is used for agriculture, and the area to the south and west is used for agriculture and manufacturing.

Jim Wiederholt stated that the Planning and Zoning Commission may recommend, and the City Council may provide, such conditions and restrictions upon the construction, location, and operation of a special use, including time limits, provisions for off-street parking and loading, and other conditions as may be deemed necessary to promote the general objectives of this Title and to minimize any injury to the value of property in the neighborhood. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the permit for such special use.

Jim Wiederholt states that the Maryville Industrial Development Corporation (MIDC) previously

owned the property, and it is located within the Maryville Industrial Park. The property is specifically designated for manufacturing-based development, and other uses are not permitted.

If the request is approved, staff recommends authorizing the use only temporarily, with a seven-year termination date. Staff further recommends requiring the development to comply with the applicable recommendations outlined in the Maryville Fire Department's August 19, 2026, memorandum.

Member Pierson asked if this property is supposed to be for industrial needs

Jim Wiederholt stated that it is

Rob Sanders, owner, stated it is, but the acreage is small for industries. They will not stop looking for new industries to come in

Member McGinness asked what would prevent citizens from camping at this RV Park

Rob Sanders, owner, stated that they will have special requirements to camp

Chairwoman Rice asked so that not just anyone can pull into the RV Park

Rob Sanders, owner, stated that is correct

Josh McKim, MIDC, stated that they are not in support of the RV Park and wish that they would bring in an industry

Kirby Stiens, 30088 Kite Road, Conception Junction, MO 64434, doesn't support the RV Park; he doesn't believe that the property is a good place for one

Mark Hoover, River Valley Ag Services, 25199 Jet Road, Maryville, MO 64468, stated that it would be hard to spray around the area with an RV Park located there. Was also concerned with all the traffic it would bring. He is not in support of the SUP

Chairwoman Rice asked, after 7 years, how the city will make sure the land is cleared

Jim Wiederholt stated that with the SUP permit, it will specifically state that after 7 years, the property will go back to developable ground

Chairwoman Rice asked for a discussion

With no discussion, Member Demott made a motion to approve the Special Use Permit
Member McGinness seconded the motion

The motion did not pass; vote 0-4

Chairwoman Rice stated the next agenda item was the request for a Special Use Permit for 730 Prather Avenue

Applicant: Jeremy and Julie Simmerman
30539 300th Street
Conception Junction, MO 64434

Location: 730 Prather Avenue

Nathan Osborn, Code Inspector, stated that Jeremy & Julie Simmerman, owners of 730 Prather Avenue, are requesting permission to use their property as a short-term rental. Mr. and Mrs. Simmerman acquired this property in May of 2026. Since November 2021, the previous owners, Walter Brothers Properties, LLC, have used it as a short-term rental. Mr. and Mrs. Simmerman wish to continue this operation with a new Special Use Permit.

Section 405.380 (C) states: "A special permit granted under this Article is a permit issued to the individual applying for the special use. As such, said permit shall not run with the property, but shall be personal unto the applicant. Any applicant shall not have the right to assign, transfer, barter, or sell said Special Use Permit, and said Special Use Permit shall terminate upon any transfer of the property by the applicant, including by sale or lease."

Nathan Osborn stated that the land uses in the area are single-family dwellings with a mix of rentals. The properties to the south consist of multi-family apartments and are located in an R-4 multi-family zone and in the Campus Town Overlay (CTO) District.

Nathan Osborn states that this property has operated as a short-term rental since November 2021. Mr. and Mrs. Simmerman are requesting a Special Use Permit to continue operating the property as a short-term rental after purchasing it. As part of the review, City staff contacted the Maryville Police Department to determine whether any incidents had been recorded at 730 Prather Street during the period the property has operated as a short-term rental. The Police Department reported no recorded incidents at this address during that time. Based on the information above, City staff leaves the decision on this request to the Planning and Zoning Commission.

Chairwoman Rice asks for discussion

Steve Howard, 630 Prather Avenue, says that the previous short-term rental was loud but never called it in. Steve also thinks it will lower their property value. He opposes the SUP

Chairwoman Rice asked if the board previously approved this property for short-term rental

Jim Wiederholt stated yes

David Howell, 711 Prather Avenue, asked why the board would approve 730 Prather Avenue if it did not approve the property at 724 Prather Avenue last time. He is against the SUP

Leon and Sharon McIntyre, 718 Prather Avenue, stated that it is a family area and they are opposed to the SUP

Chairwoman Rice asked for a discussion

With no discussion, Member Pierson made a motion to approve the Special Use Permit
Member DeMott seconded the motion

The motion was not approved, with the vote of 1-3

Chairwoman Rice stated the next agenda item was the request for a Special Use Permit for 1021 Elm Street

Applicant: Phillip and Diane Jensen
3156 Street Hwy B
Stanberry, MO 64489

Location: 1021 Elm Street

Nathan Osborn states that Phillip and Diane Jensen, owners of 1021 North Elm Street, are seeking a Special Use Permit to operate a short-term rental out of the residence. This address is in R-2 zoning, which does not allow short-term rentals by right. Mr. and Ms. Jensen currently own and operate a short-term rental in Stanberry, Missouri. Mr. and Mrs. Jensen state that they have owned and operated a short-term rental in Stanberry, Missouri, and have maintained it as a long-term rental for approximately 15 years. They believe demand for short-term lodging in Maryville is increasing and intend to provide clean, well-maintained accommodations while remaining responsible property owners.

Nathan Osborn states that land uses in the area include single-family dwellings, rental properties, multi-family apartments, and a commercial business. The subject property is located adjacent to the Campus Town Overlay (CTO). The properties to the south consist of multi-family apartments and are zoned R-4 multi-family.

Nathan Osborn states that city staff did not identify any information indicating that the proposed Special Use Permit fails to satisfy the applicable standards of Section 405.390. Therefore, City staff recommends approval of the Special Use Permit.

Chairwoman Rice asked for a discussion

Bill Miller, 1015 Elm Street, stated he was there to see the process of a SUP; he has a property that he might want a SUP for

Phillip Jensen, owner, stated they have owned the property for 15 years. He states short-term renters are easier to deal with than long-term renters. He says there is a demand for short-term rentals in Maryville

Diane Jensen, owner, stated that going through Airbnb, there are several guidelines you have to follow

Chairwoman Rices asked for discussion

With no discussion, member Pierson made a motion to approve the Special Use Permit

Member DeMott seconded the motion

The motion was unanimously approved

Chairwoman Rice asked if there was any miscellaneous business

Jim Wiederholt stated that we will have a zoning confirmation for Calvary Church on North Dewey

With no other discussion, the meeting was adjourned

Laura Mooney, Secretary

Kathy Rice, Chairwoman of Planning & Zoning Commission