

MINUTES  
INDEPENDENCE CITY PLANNING COMMISSION  
July 27, 2021

**MEMBERS PRESENT**

Cindy McClain, Chair  
Bill Preston, Vice-Chair  
Rick Dreher  
Virginia Ferguson  
Heather Wiley  
Bryce Young

**STAFF PRESENT**

Rick Arroyo – Assistant Community Development Director  
Jordan Ellena – Development Manager  
Stuart Borders – Senior Planner  
Brian Harker - Planner  
Mitch Langford – City Prosecutor

A meeting of the Independence City Planning Commission was held via GoToMeeting, due to the City of Independence State of Emergency, at 6:00 p.m. on July 27, 2021. The meeting was called to order.

Chairwoman McClain suggested to rearrange cases from Agenda to hear citizen cases first then City cases. Commissioner Preston made a motion. Commissioner Wiley seconded the motion. The motion passed by voice vote.

**PUBLIC HEARINGS**

**Case 21-200-04 – Special Use Permit – 10701 E. Winner Rd., Suite 220**

**Staff Presentation**

Stuart Borders presented the case. Mr. Borders presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Borders recommended the approval of the application with following conditions:

1. Special Use Permit is restricted to Suite 220 only at 10701 E. Winner Rd.
2. Applicant will obtain and maintain all applicable City and State licenses and comply with all health regulations
3. ADA parking spaces on east side of building must be updated to current standards. Signage is not proper, and spaces need painting.

Mr. Borders advised there are seven (7) possible positions for body art shops for the City. If this is approved this would make five (5) tattoo shops operating.

**Applicant Comments**

Donte Goodwin, 9508 Freemont Ave., Kansas City, MO, has a business named The Penmanship, LLC. He is an artist; besides tattooing, he is a painter, draws, and customizes clothes with his art. He stated that he has a vision for a successful tattoo shop in this location and wants to bring revenue to the City of Independence.

**Public Comments**

Scott Cauger, 10912 ½ E. Winner Rd., feels a tattoo shop is incompatible with the character of the neighborhood and adjoining zoning uses referring to residential areas with vintage homes as well as two churches near the proposed location. Mr. Cauger stated that a tattoo shop is not part of the comprehensive plan of the Englewood Arts District. He also added that he is a representative of the Stonehouse Bed & Breakfast, and as an establishment they, too, are against this application. He added that a tattoo shop does not conform to the statutory ordinance that created the special arts district. Mr. Cauger also has a concern about signage and the tattoo shop sign being able to be seen from the churches and other spots in the art district.

In response to Mr. Cauger's comments Mr. Goodwin feels that Mr. Cauger is simply against tattoo shops. He explained that the tattoo shop will be near the end of the arts district and the vision for the district would not be affected.

### **Commissioner Comments**

In response to Commissioner Preston's question, Mr. Borders explained that a tattoo shop would be an allowed business for this Special Use Permit and location. City ordinance allows for seven (7) tattoo shops to operate in the City. If approved there would be room for two (2) more.

In response to Commissioner Young's question, Mr. Goodwin advised his signage would not be large and would be located right outside the door of the suite.

### **Motion**

Commissioner Preston made a motion to approve Case 21-200-04 – Special Use Permit – 10701 E. Winner Rd., Suite 220 with the conditions made by Staff. Commissioner Wiley seconded the motion. The motion passed with six affirmative votes.

## **OTHER HEARINGS**

### **Case 21-400-06 – Home Business Permit – 1614 W. Short Ave.**

#### **Staff Presentation**

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. This will be used a short-term rental. Mr. Harker advised Staff recommends approval with the following conditions:

1. Obtain a business license and occupation license number shall be listed on all advertisements and online platforms
2. Business must comply with all safety standards of Section 14.240 of the City code
3. House can accommodate 10 people total, maximum of 6 adults
4. No customers will stay at home when occupied by property owners; owners indicated they may stay in home when in town

#### **Applicant Comments**

Joseph & Julie Lopez, 908 Foothill Blvd., Pocatello, ID, purchased this home 20 years ago and love Independence, the history, and have family here locally. Mrs. Lopez explained their short-term rental will be an option for larger families that want to stay somewhere other than a hotel and be close to historic Independence.

In response to Commissioner Preston's question, Jordan Ellena confirmed that Staff is mindful of previously approved short-term rentals in one area. He confirmed there is a short-term rental a few blocks from this address and the City is working on GIS maps of a short-term rental layer that will be available to public.

In response to Chairwoman McClain's question, Mrs. Lopez explained there is a larger area for parking behind and in the back of the house; cars can layer as well in driveway if needed.

#### **Public Comments**

No public comments.

### **Commissioner Comments**

Commissioner Preston commented that this couple is the reason this Commission embraced the short-term rental concept. This couple can preserve their home and live elsewhere but still able to return to our beloved Independence.

### **Motion**

Commissioner Preston made a motion to approve Case 21-400-06 – Home Business Permit – 1614 W. Short Ave. Commissioner Ferguson seconded the motion. The motion passed with six affirmative votes.

## **CONTINUED PUBLIC HEARINGS**

### **Case 21-100-08 – Rezoning – Oxford Avenue Rezoning**

#### **Staff Presentation**

Stuart Borders presented the case. Mr. Borders presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

#### **Public Comments**

No public comments.

#### **Motion**

Commissioner Preston made a motion to approve Case 21-100-08 – Rezoning – Oxford Avenue Rezoning. Commissioner Wiley seconded the motion. The motion passed with six affirmative votes.

### **Case 21-125-02 – Rezoning/PUD – Oxford Avenue Rezoning**

#### **Staff Presentation**

Stuart Borders presented the case. Mr. Borders presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

#### **Public Comments**

No public comments.

#### **Motion**

Commissioner Preston made a motion to approve Case 21-125-02 – Rezoning/PUD – Oxford Avenue Rezoning. Commissioner Ferguson seconded the motion. The motion passed with six affirmative votes.

## **PUBLIC HEARINGS**

### **Case 21-175-04 – UDO Amendment #48 – Sign Permits**

#### **Staff Presentation**

Jordan Ellena explained this is an amendment to the UDO regarding variances from sign regulations and implements a new review and approval process via Special Sign Permit application. Currently an application is made for a variance and the case is heard by the Board of Adjustment. Under a previous zoning ordinance, the Planning Commission reviewed special sign permit applications and Staff believes returning to this process will deliver better outcomes for the community. This would amend Section 14-504-14 & 14-708-02 of the UDO.

#### **Public Comments**

No Public Comments

#### **Commissioner Comments**

Chairwoman McClain and Commissioner Preston both felt it makes sense for the Planning Commission to hear these cases.

#### **Motion**

Commissioner Preston made a motion to approve Case 21-175-04 – UDO Amendment #48 – Sign Permits. Commissioner Wiley seconded the motion. The motion passed with six affirmative votes.

### **Case 21-175-05 – UDO Amendment #49 – Sign Regulations**

#### **Staff Presentation**

Rick Arroyo advised this amendment would modify language to the UDO regarding Electronic Message Center signs. The current City code does not cover use of electronic message boards to promote areas of our City using public right-of-way or public spaces except for purpose of federal law. This amendment would increase the face size of any changeable sign from 25 percent to 65 percent and provide guidance on the construction of freestanding electronic message centers regarding materials and specifications. The amendment also addresses safety of brightness and would prevent scrolling, flashing, or any appearance of movement. These measurement standards are in line with neighboring communities. This would be under Section 14-505-14 of the UDO.

**Public Comments**

No public comments.

**Motion**

Commissioner Preston made a motion to approve Case 21-175-05 – UDO Amendment #49 -Sign Regulations. Commissioner Ferguson seconded the motion. The motion passed with six affirmative votes.

**APPROVAL OF MINUTES**

Commissioner Ferguson asked it to be noted for the July 13, 2021 meeting that she was present at 6:00 p.m. but had technical issues and was unable to vote on the first case. The minutes of the July 13, 2021 Planning Commission meeting were approved as amended.

**ROUNDTABLE**

Jordan Ellena advises the Commission to bring their code books to the next in person meeting and leave them so they can be updated. Staff can get the updated chapters added to their books to provide to them.

Mr. Ellena also asked the Commission to think about how they would like the cases presented they will start to hear. This includes the appeal cases on non-residential design standards that was heard and approved at the July 13, 2021 Planning Commission meeting as well as sign permit cases that was covered and approved in the July 27, 2021 meeting.

Chairwoman McClain states the more pictures the better when reviewing cases; seeing surrounding signage, and something to help with scale in photos as a suggestion when hearing future cases.

**ADJOURNMENT**

*The meeting was adjourned at 7:31 p.m.*