

MINUTES  
INDEPENDENCE CITY PLANNING COMMISSION  
September 15, 2020

**MEMBERS PRESENT**

Cindy McClain, Chair  
Billie Preston, Vice Chair\*  
Virginia Ferguson  
Joe Weir  
Rick Dreher  
Paul Michell  
Heather Wiley

**STAFF PRESENT**

Stuart Borders – Senior Planner  
Brian Harker - Planner  
Jordan Ellena – Development Manager  
Rick Arroyo – Assistant Community Development Director  
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 September 15, 2020. The meeting was called to order.

Commissioner Dreher made a motion to change the order of the cases being heard. Commissioner Wiley seconded the motion. The motion passed with six affirmative votes.

\*Commissioner Preston entered the meeting at 6:09 p.m.

**OTHER BUSINESS**

**Case 20-400-08 – Home Business Permit – 11223 E. 24<sup>th</sup> Street S.**

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 reviewed several conditions including the hours of operation, improvements to the driveway, and licensing requirements.

**Applicant Comments**

Mahoganie Horn, 11223 E. 24<sup>th</sup> Street, stated she is licensed with the State and would like to become licensed with the City so she can accommodate additional children.

In response to Commissioner Michell's question, Ms. Horn stated the children do not have to go through the house to get to the classroom area. She stated there is a door from the bedroom to the back door.

**Public Comments**

No public comments.

**Motions**

Commissioner Wiley made a motion to approve Case 20-400-08 – Home Business Permit – 11223 E. 24<sup>th</sup> Street S, with conditions as stated by staff. Commissioner Ferguson seconded the motion. The motion passed with seven affirmative votes.

## **CONTINUED CASE**

### **Case 20-810-02 – Preliminary Development Plan (PUD) – 3206 N. Spring Street**

#### **Commissioner Comments**

Chairwoman McClain stated there was a lot of information provided at the last meeting and the commissioners needed some time to review the case. She noted the public hearing portion of the case was closed at the last meeting, so this would be an opportunity for commissioners to discuss and ask questions.

Commissioner Weir asked staff who would maintain the detention basin. Mr. Harker stated it would be located on a separate lot from the duplexes and would be the responsibility of the HOA, which is why the City would require a Homeowners Association for this project. Commissioner Weir asked who would determine where the detention basin would be located. Mr. Arroyo stated the location of the detention pond would be determined in the permitting and planning stages with the engineering plans submittal.

In response to Commissioner Michell's question, Mr. Harker confirmed the detention basin could be located in the southwest or southeast corner of the lot.

Chairwoman McClain asked if there are natural springs on the property. Mr. Harker stated there are springs on the property. Commissioner Michell stated he drove through the neighborhood this morning and he could see wetlands where water naturally flows.

Commissioner Wiley asked if the applicant could provide additional information on if a property manager will be overseeing these properties. Chairwoman McClain asked the applicant for additional information. John Roe, Roe Law Firm, 4444 S. Belleview, Kansas City, MO, stated the applicant will have a property manager for this development.

Commissioner Michell requested additional information on who the property manager will be and what kind of response time is expected for maintenance issues. Ryan Raeder, 1308 NE Windsor Drive, Lee's Summit, MO, stated his property manager is an attorney in Lee's Summit and will be approximately 15 minutes away from the property. Mr. Raeder noted the attorney specializes in property management and has a maintenance staff.

In response to Chairwoman McClain's question, Mr. Raeder stated the HOA will decide who receives the maintenance contracts.

In response to Commissioner Michell's question, Mr. Raeder stated it's impossible to predict how long a property manager would be needed. He noted the market will determine how long a property manager is needed, possibly one to two years. Commissioner Michell stated he believes there should be a percentage of ownership that determines if the property manager or HOA provides maintenance. Mr. Raeder stated it sounds reasonable to have a percentage based rule.

Commissioner Preston stated this project was presented as a senior living development. He stated this project has had substantial resistance from the neighboring residents and the Independence School District. Commissioner Preston stated this project does seem to have a desirable mix of housing, it does not appear to be compatible with the existing neighborhood. He noted this project has been brought forward as a senior living development, but the applicant stated that they would avoid potential litigation for discrimination by selling the units to any qualified buyer without regard to age. Commissioner Preston stated he cannot support this project for these reasons.

Commissioner Weir stated he believes this land was meant for community green space. He stated he believes the project is still too big and would like to see something smaller. Commissioner Weir would like to see more community green space available.

Commissioner Michell stated he is having a hard time because duplexes are allowed in the current zoning. He stated he drove through the neighborhood and there is a mixed variety of single family homes in the area. Commissioner Michell asked if the project had a variety of design, if staff would be more inclined to support the development. He questioned if parking in the rear, would fit better with the neighborhood. Commissioner Michell noted there was one amenity, a gazebo, on the suggested development. He stated he agrees with staff and would like to see more amenities that would be more connective for the neighborhood. Commissioner Michell noted there may still be sewage, storm water and spring issues.

Chairwoman McClain noted churches are frequently zoned for high density. She stated as churches move online and buildings are not utilized, more of these zoning changes may come forward in the future.

Commissioner Michell's asked staff if the applicant were to make changes (as he suggested earlier) to the proposed plan, if staff might support the development. Mr. Arroyo stated the change in materials were an improvement to the plan. Mr. Arroyo stated the question remains how the development connects the community.

#### **MOTION**

Commissioner Preston made a motion to approve Case 20-810-02 – Preliminary Development Plan (PUD) – 3206 N. Spring Street. Commissioner Wiley seconded the motion. The motion failed with zero affirmative votes.

#### **APPROVAL OF MINUTES**

The minutes of the August 25, 2020 Planning Commission meetings were approved as presented.

#### **ADJOURNMENT**

*The meeting was adjourned at 6:50 p.m.*