

MINUTES
INDEPENDENCE CITY PLANNING COMMISSION
November 16, 2021

MEMBERS PRESENT

Cindy McClain, Chair
Bill Preston, Vice-Chair
Paul Michell
Virginia Ferguson
Heather Wiley
Bryce Young
Edward Nesbitt

STAFF PRESENT

Rick Arroyo – Assistant Community Development Director
Stuart Borders – Senior Planner
Brian Harker – Planner
Miranda Rice – Assistant to the Director
Sarah Carnes – Assistant City Attorney

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 October 12, 2021. The meeting was called to order.

CONSENT AGENDA

Planning Commission Minutes – October 26, 2021

Case 21-320-05 – Final Plat – Noland Fashion Square – 13920 E. US 40 Highway

Case 21-320-06 – Final Plat – Trail Ridge Plaza Replat – 15904 E. 23rd St.

Commissioner Preston made a motion to approve the Consent Agenda. Commissioner Ferguson seconded the motion. The motion passed with seven affirmative votes.

CASES TO BE CONTINUED & WITHDRAWN

Case 21-200-08 – Special Use Permit – 9300 E. US 40 Highway

Commissioner Preston made a motion to continue Case 21-200-08 to the December 14, 2021, Planning Commission meeting. Commissioner Young seconded the motion. The motion passed with seven affirmative votes.

PUBLIC HEARINGS

Case 21-100-15 – Rezoning – 2400 S. Lee's Summit Road

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.

Applicant Comments

Chad Gunna, owner of 2400 S. Lee's Summit Road and representative of GMC 2400, LLC, purchased property unaware that the building is in two different zones.

Public Comments

No public comments.

Motion

Commissioner Preston made a motion to approve Case 21-100-15 – Rezoning – 2400 S. Lee’s Summit Road. Commissioner Young seconded the motion. The motion passed with seven affirmative votes.

Case 21-200-07 – Special Use Permit – 2400 S. Lee’s Summit Road, Suite 150**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. Staff reviewed two conditions, including: proper licensing be obtained and that the Special Use Permit will only apply to suite 150.

Applicant Comments

Lacie Greer, 1734 N Pleasant St, stated she has been tattooing for a long time. She said she felt this would be a great location for a shop. Ms. Greer stated they won’t do piercing. She noted she will be alone for a while and may add one or two other artists. Ms. Greer stated she is okay with the conditions as stated by staff.

Public Comments

No public comments.

Commissioner Comments

In response to Commissioner Ferguson’s question, Ms. Greer stated the signage would match the rest of the businesses in the center.

Commissioner Young stated he appreciates the applicants experience and that she wants to bring her business to Independence.

Motion

Commissioner Preston made a motion to approve Case 21-200-07 – Special Use Permit – 2400 S. Lee’s Summit Road, Suite 150, with conditions as stated by staff. Commissioner Michell seconded the motion. The motion passed with seven affirmative votes.

Case 21-400-13 – Short-Term Rental – 1511 S. Scott 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. Staff does not recommend approval of this application; applicant does not want to comply with certain conditions. Mr. Harker reviewed several conditions including:

1. Obtain a business license in accordance with City Code and occupation license number shall be listed on all advertisements and online platforms
2. Must comply with all safety and other standards of City Code
3. Maximum occupancy is limited to 2 adults, 4 people total with children
4. Applicant must pave existing gravel driveway
5. Applicant cannot stay in home while it used as a short-term rental
6. Applicant shall provide an offsite property manager when applicant is out of town

7. Applicant will provide means to address immediate emergencies and disturbances on the property

Commissioner Preston asked where in the City Code is it stated that a Short-Term Rental should have a paved driveway. Mr. Harker explained he does not believe it is explicit in the City Code, but conditions can be added, and the precedent has been set for prior short-term rentals. Assistant City Attorney Sarah Carnes stated that while it's not explicit in the City Code a short-term rental is a use regulation, and the City can require those types of uses to meet City Code. She also explained a gravel driveway can be a potential safety concern.

Commissioner Young had asked if there were any prior cases where the applicant lived in the property full time and only rented on weekends. Commissioner Preston and Chairwoman McClain had responded they do not believe so.

Commissioner Michell inquired if it is a requirement that a property management be involved with short-term rentals. Mr. Harker responded if the owner is located near by and can handle issues it would potentially not be a requirement; however, if the applicant is located out of town or out of state then a property management company needs to be available locally. Commissioner Michell asked if this is outlined in the UDO. Assistant City Attorney Sarah Carnes responded that under the definition of short-term rental it states there needs to be a property owner or management company but does not make the distinction if someone is out of town or local. She believes this would fall under health and safety concerns for someone to be available for any emergencies.

Applicant Comments

Tim Blackwell, 1511 S. Scott Ave., advised he is from Jefferson City and obtained a job in Kansas City. He purchased a home in Independence to live during the week and returns home on weekends to Jefferson City. He feels he has improved the area with the purchase of the home based on renovations done. He does not know anyone in the area to have someone to call locally in the event of an emergency for property management. Mr. Blackwell also went on to state that he would like to pave the driveway but has already spent a lot of money on the property.

Commissioner Preston asked Mr. Blackwell if he understands the City's position regarding paved driveway and an available property manager. Mr. Blackwell explained he does not understand why those items would be conditions.

Public Comments

No public comments.

Motion

Commissioner Preston made a motion to approve Case 21-400-13 – Short-Term Rental – 1511 S. Scott Ave, with conditions as stated by staff. Commissioner Ferguson seconded the motion. The motion failed with two affirmative votes and five no votes.

ADJOURNMENT

The meeting was adjourned at 7:06 p.m.