

MINUTES
INDEPENDENCE CITY PLANNING COMMISSION
December 14, 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 December 14, 2021. The meeting was called to order.

CONSENT AGENDA

Planning Commission Minutes – November 16, 2021

CASES TO BE CONTINUED

Case 21-310-03 – Preliminary Plat – Meadowbrook Estates, 2nd Plat

Case 21-100-12 – Rezoning – 16813 E. 23rd Street

Case 21-100-17 – Rezoning – 501 & 505 N. Dodgion

Commissioner Preston made a motion to approve the Consent Agenda and to continue Case 21-310-03 to the January 11, 2022, Planning Commission meeting, continue Case 21-100-12 to the January 25, 2022, Planning Commission meeting and to continue Case 21-100-17 to the January 11, 2022, Planning Commission meeting. Commissioner Wiley seconded the motion. The motion passed with seven affirmative votes.

PUBLIC HEARINGS

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

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. Mr. Harker stated staff is not recommending approval of this case; however, if the Planning Commission would like to approve this case, the following eight conditions should be required:

1. Parking and vehicle storage area one of the spaces must be marked as van accessible ADA space with proper marking and signage
2. No vehicles shall be displayed, stored, or parked in the right-of-way
3. Parking lot should be striped in accordance with the UDO

4. Two customer parking spaces shall be provided as handicap with one being the van accessible handicap space as mentioned above
5. Parking lot and building landscaping must be provided in accordance with the UDO
6. Upgrade exterior paint
7. Masonry trash enclosure and trash removal service must be constructed
8. All site improvements should be completed prior to City business license being approved for vehicle sales business

In response to Commissioner Preston's question, Mr. Harker stated nearly the entire parcel is paved. Mr. Harker noted any green space is in the right-of-way.

In response to Commissioner Preston's question, Mr. Harker stated the Comprehensive Plan calls for this property to be designated as residential.

Applicant Comments

Joseph Saitta, 10606 N. Willow Ave., Kansas City, stated he is from the Independence area and is invested in the area. Mr. Saitta reviewed several properties that he has purchased and rehabbed. Mr. Saitta stated he will ensure the conditions as reviewed by staff will be met and listed each condition that he understood what is required.

In response to Commissioner Michell's question, Mr. Saitta stated he will rent this property to a used vehicle tenant. He stated he has someone interested in running the lot and stated he will ensure whatever tenant goes into this property is an asset to the community. Mr. Saitta said he cannot imagine this lot being used for any other commercial use.

Commissioner Preston asked Mr. Saitta if he knew there were six other used vehicle lots nearby when he purchased the property. Mr. Saitta stated this section of US 40 Highway is comparable to Noland Road, where several car sales lots can succeed in a small area.

In response to Commissioner Young's question, Mr. Harker stated there is no cap on the number of used car lots that can have a business license in the city. Commissioner Young stated he would like to see a cap on the number of used car sales lots allowed in the City limits.

Chairwoman McClain asked if he has a backup plan if the Commission and City Council don't approve this use. Mr. Saitta stated without significant investment, this property would not service a different type of business.

In response to Commissioner Young's question, Mr. Saitta stated he agrees with the eight conditions as stated by staff and will work to make this a viable business.

Public Comments

No public comments.

Commissioner Comments

Commissioner Preston stated he believes this is a practical use for this property.

Commissioner Michell stated he also believes this is a practical use for this lot.

Chairwoman McClain stated she is concerned there are already many issues that occur along 40 Highway that the City and police deal with. She added that the course needs to be changed, at some point, in types of businesses going in and people get stuck in doing the same type of

businesses versus reimagining what a space or property could be. Chairwoman McClain feels that car lots are not the answer to change and, as a Planning Commission, their decisions affect the future.

Motion

Commissioner Preston made a motion to approve Continued Case 21-200-08 – Special Use Permit – 9300 E. US 40 Highway, with conditions as stated by staff. Commissioner Michell seconded the motion. The motion passed with five affirmative and two no votes.

Case 21-100-16 – Rezoning – 11445 E. Truman Rd

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 does recommend approval of this application.

Applicant Comments

Kim Scheerer, 6518 Ridgeway Ave, Kansas City, MO, stated her family has been involved with motorsports since the 1990's. She stated they have performance auto parts and relationships with manufactures across the country. They would like to sell new and used high performance parts. They'll be sold in person and online, but the in-person aspect will be by appointment only.

In response to Commissioner Michell's question, Ms. Scheerer confirmed no one will be working on vehicles at the property. She stated they have had an alarm system installed and they have made a significant investment to maintain the building structure.

Public Comments

No public comments.

Commissioner Comments

Commissioner Preston enthusiastically endorsed the project and believe it will be a wonderful addition.

Commissioner Michell echoes Commissioner Preston's sentiments. He stated he has lived in this area for a long time and travels Truman Road frequently and is excited for a business that will improve Truman Road.

Commissioner Wiley stated she is also excited for this business and hope this starts a trend for Truman Road revitalization.

Motion

Commissioner Preston made a motion to approve Case 21-100-16 – Rezoning – 11445 E. Truman Rd. Commissioner Ferguson seconded the motion. The motion passed with seven affirmative votes.

ROUNDTABLE

Chairwoman McClain confirmed and advised next Planning Commission meeting is January 11, 2022.

Chairwoman McClain requested for City Staff to do a report on car lots – like tattoo parlors and car washes. She feels there needs to be more information provided and better decisions made on items such

as number of special use permits allowed for certain types of businesses or number of car lots that a zone can handle and wants to know the best way to ask for this guidance.

Commissioner Michell agreed and expressed there are gray areas on how to move forward as a Commission. He added that it would be helpful to have guidance or instruction in writing on how to proceed with certain items.

Assistant City Attorney Sarah Carnes responded that having Staff provide reports on number of car lots, for example, in the City and in the area that is being discussed would help the Planning Commission make a decision. Using that information, if limitations or requirements want to be put in place as guidelines for applicants, then that can be something that goes before City Council.

Commissioner Michell added that perhaps just a path on how to move forward would help. Chairwoman McClain agreed and added it would be helpful to have the City complete research on how many car lots is too many and, perhaps, using size of the lot as a determination to even apply. She mentioned based on that information and decisions made, recommendations can be made to City Council.

Commissioner Young stated that when hearing cases and learning that applicants have spent a great deal of money on purchasing and improving businesses prior to the Planning Commission hearing the case, he feels at that point, is it not up to him to deny someone. Commissioner Young expressed that the applicants should do their due diligence and research prior to getting started.

In response to Commissioner Young, Commissioner Michell stated that people cannot be forced to call and ask questions or do research so the City and, a team effort with Planning Commission, can come up with guideposts and regulations moving forward. Chairwoman McClain agreed.

Chairwoman McClain brought up next item in asking the Commissioners when they would like to start to meet in person versus virtual. Commissioner Preston feels we are still in the middle of a pandemic as numbers of Covid cases are continuing to increase and does not feel it is best to put Commissioners and public at risk. Commissioner Michell asked if other City groups are meeting in person, and it was confirmed City Council and Board of Adjustment are current meeting in person.

Chairwoman McClain advised this would be revisited during the January Planning Commission meetings and a decision made at that point.

ADJOURNMENT

The meeting was adjourned at 7:25 p.m.