

MINUTES
INDEPENDENCE CITY PLANNING COMMISSION
January 11, 2022

MEMBERS PRESENT

Bill Preston, Vice-Chair
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
Joe Lauber – 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 January 11, 2022. The meeting was called to order.

CONSENT AGENDA

Planning Commission Minutes – December 14, 2021

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

PUBLIC HEARINGS

Case 22-200-01 – Special Use Permit – 217 S. Main Street

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 reviewed several conditions, including:

1. This special use permit is restricted to only 217 S. Main St.
2. An opaque door (wood or metal) shall be installed on the existing trash enclosure.
3. The parking lot shall be clearly striped.
4. A van accessible handicapped space with marking and sign shall be provided.
5. The applicant will obtain and maintain all applicable City and State licenses and comply with all health requirements.

Applicant Comments

Jeremy Taylor, 717 SW 29th Street, Blue Springs, stated the inside will look more like an art gallery than a tattoo shop. He stated this will be a private studio and will focus on both tattoos and art. Mr. Taylor said the shop will operate by appointment only.

Myong Pak-Schuman, 329 SE Chelsea Lane, Lee's Summit, stated she is the owner of the building. She advised the inside has been completely redone. There will be two bathrooms, a mop room, and storage area otherwise; it is one big open space. This will allow the space to have an art gallery feel where tenants can display art and sculpture while providing tattoos.

In response to Commissioner Nesbitt's question, Mr. Taylor stated he and his wife will be the only employees, no other artists, apprentices, or other staff. Mrs. Taylor will mainly do painting and sculpting, and he does most of the tattooing. Adding on, Mr. Taylor responded to Vice Chairman Preston that their hours of operation would be 11:00 am to 4:00 pm but it is a private studio by appointment only.

In response to Commissioner Ferguson's question, Mr. Taylor said there will not be a lot of signage on the building.

In response to Commissioner Wiley's question, Ms. Pac-Schuman stated they were okay with all the conditions as stated by staff.

Public Comments

No public comments.

Motion

Commissioner Wiley made a motion to approve Case 22-200-01 – Special Use Permit – 217 S. Main Street, with conditions as stated by staff. Commissioner Ferguson seconded the motion. The motion passed with five affirmative votes.

Continued Case 21-100-17 – Rezoning – 501 and 505 N. Dodgion Street

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.

Applicant Comments

Christina Leakey, 2310 S. Crenshaw, CEO of Truman Heritage Habitat for Humanity, stated they are excited to have opportunity to restore what the City has designated as a City of Independence landmark and to reuse the space as an education center. This school has a rich history and untold story they are excited to share; a classroom will have the history that will be available to the public. She added this is an opportunity to anchor themselves in the community as part of neighborhood revitalization.

Vice-Chairman Preston asked if this would be the first time Truman Heritage Habitat for Humanity of Eastern Jackson County will have its own home base and Mrs. Leakey confirmed this to be true. She explained the Dodgion property would be their own building and a home of their own. Their organization helps families achieve home ownership they would not normally be able to accomplish and helps those families get established and set up for financial success. Mrs. Leakey feels the Dodgion property will be a wonderful resource to the community.

Commissioner Wiley stated she is excited for this project and stated it will be an asset to the city.

Public Comments

No public comments.

Motion

Commissioner Wiley made a motion to approve Case 21-100-17 – Rezoning – 501 and 505 N. Dodgion Street. Commissioner Nesbitt seconded the motion. The motion passed with five affirmative votes.

Case 22-400-01 – Home Business Permit – 16804 E. Salisbury 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. Mr. Borders outlined several conditions including:

1. The business shall operate only between the hours of 9:00 am through 7:00 pm Monday through Friday, and 9:00 am through 12:00 noon Saturday and Sunday.
2. The applicant's business will only provide grooming service to one dog at a time.
3. No customer dogs will be kept overnight on the premises.
4. Proper permits must be obtained for any plumbing/mechanical/building or related work.
5. No business license may be issued until all work has been completed, inspected, and approved by the Building Permit division.
6. Obtain and maintain all required licenses.

Applicant Comments

Gwen Walters, 16804 E. Salisbury Road, stated she has no additional information to provide and is available for any questions.

Public Comments

Mr. Borders read a letter received from Sally Crane, 16808 E. Salisbury Road, which staff received in support of this application. Ms. Crane stated she supports Ms. Walters and believes her grooming business out of her home will not disrupt the neighborhood.

Anthony Mitchell, 117 N. Kendall Drive, stated he has rented his home for 17 years and knows Ms. Walters. Mr. Mitchell is concerned, however, because Ms. Walters has five dogs of her own. He said when the dogs get excited, they bark, and it is a constant issue and a nuisance. Mr. Mitchell stated he knows animal control has told her she is over the legal limit. He stated he is also concerned that people will use his driveway or on or near his property if she has too many visitors at one time.

Vice-Chairman Preston asked Mr. Mitchell if he is concerned with the dog grooming business, or the number of dogs Ms. Walters owns. Mr. Mitchell responded by saying he is concerned about both. Her dogs will be outside while Ms. Walters is inside working and grooming.

In response to Vice-Chairman Preston's question, Ms. Walters stated she did not have any response in reference to Mr. Mitchell's comments.

Commissioner Comments

Responding to Commissioner Nesbitt's question, Mr. Borders stated he had not checked in to the number of dogs Ms. Walters owns or obtained any information from animal control; the meeting is the first he is hearing of it. Commissioner Nesbitt went on to say it is an issue with her being over the legal limit regarding number of dogs.

Vice-Chairman Preston asked Staff and Legal if an application can be entertained if an applicant is in violation of City code or ordinance. Assistant City Attorney Joe Lauber responded that it does not pertain to the application and case being heard if an applicant is in violation of City Code or ordinance; however, a neighbor's concern of a violation of a City code or ordinance may be worth investigating and postponing the application hearing to a later date.

Commissioner Wiley stated she believes the complaint on the number of dogs is a separate issue from this Home Business application.

Commissioner Young commended Ms. Walters for what she is trying to do with her life and praised The Grooming Project as an excellent organization in changing lives for the better. He did agree the number of dogs and homebased business application are separate issues but feels if a continuance is needed he is supportive of that.

Mr. Lauber clarified with the Commissioners that these two items are separate issues, and the number of dogs is not enforced through this department that handles the application. Mr. Lauber explained he was only trying to point out that if the applicant is in violation of the number of dogs allowed in the City and then adding more dogs with her business, it could be something to investigate further. He feels this would be the responsibility of Staff and not the Planning Commission.

Vice-Chairman Preston stated he believes these matters are connected and should give the applicant an opportunity to remedy the possible code violation then come back in front of the Commission.

Commissioner Wiley stated shelters are full and there is no room anywhere in metro area. Her concern is what happens to the extra dogs; these dogs are in a home and safe.

Ms. Walters stated she had four dogs and her best friend died last August and she took in her dog. Ms. Walters said animal control suggested she take her 12-year-old dog to the vet to have him put to sleep, since she has too many. Ms. Walters fostered a dog for someone that was in temporary housing, but this person's new home did not allow dogs, so Ms. Walters ended up keeping that dog as well which is how she came to be over the legal limit for number of dogs.

Rick Arroyo stated there is a condition that Ms. Walters only have one dog at a time and no dog can be kept overnight when it comes to her grooming business. He stated if a problem comes up with those conditions, there are remedies that could revoke a business license.

Motion

Commissioner Nesbitt made a motion to add a condition to add a privacy fence or slats to the existing fence to the rear yard. This motion died for lack of a second.

Commissioner Wiley made a motion to approve Case 22-400-01 – Home Business Permit – 16804 E. Salisbury Road, with conditions as stated by staff. Commissioner Ferguson seconded the motion. The motion passed with four affirmative vote and one no vote.

OTHER BUSINESS

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

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.

In response to Vice-Chairman Preston's question Rick Arroyo explained that RD Mize is a 35-mph hour roadway in both directions. When looking at the current curves radius at this location, it does not meet those speed requirements and the recommendation was to reconstruct the curve with a larger radius to meet the design speed.

Commissioner Young inquired what school district this would be: Independence or Blue Springs? Mr. Borders responded the district would be Blue Springs Schools.

Applicant Comments

Steven A. McBee, 1400 N. Bill Johnson Road, explained his business has taken over this development and explained the original plat was 145 lots and is now down to 100 lots. Mr. McBee clarified Independence would benefit from tax revenue base even though Blue Springs School District. He also understands there have been complaints about water running down hill and feels that development the remaining 47 lots will help mitigate the water issues from the rock hill. He also added that a pool will be built, and the development will be finished as it should be and was intended.

Robert Walquist with Quist Engineering, 821 N. Columbus, Lee's Summit, explained the first developer agreed to improve the curve on RD Mize and connect the sidewalk. There is a creek that goes 15 feet down for at least 300 – 400 feet and there is no way to put in a sidewalk. The second concern is landscaping that is being asked to be completed but there is a 15-foot drop, and the sidewalk will not be flat. Mr. Walquist explained those are the conditions they have issues with.

Commissioner Comments

Assistant City Attorney Joe Lauber asked for clarification from Staff about having the plat indicate no permanent structures placed in the drainage easement and if trees are considered a permanent structure. Mr. Borders responded that trees or shrubs are not considered permanent structures. Mr. Borders went on to explain the concern is there needs to be a buffer and if a future landowner wants to cut down those trees but added that the City can work with them to insure that does not happen or there will always be a buffer in place.

In response to Vice-Chairman Preston's question Rick Arroyo responded there were concerns about walkability and connectivity from residents. Mr. Arroyo stated now that it has been confirmed there are sidewalks in the development it may not be much of an issue. When this started in 2019 there was an expectation that the developer would grade the land for sidewalks and the City would install them, but funds for that is no longer available. Mr. Arroyo explained that the curve has been Staff's biggest concern.

Assistant City Attorney Joe Lauber asked if City Staff is comfortable with developer addressing curve but not sidewalk, for the future, is the real issue with adding a sidewalk financial or because there is a rock wall? Steven McBee explained that the amount of work and the land to work with would never meet requirements. Mr. Arroyo added the sidewalk was a way to mitigate walkability but was comfortable with additional right-of-way for future sidewalk. Mr. Lauber wanted clarification that the second sentence of recommendations be stricken and that the scope of work would only include the curve.

In response to Commissioner Nesbitt's question, Rick Arroyo confirmed there would be no curbs added. Commissioner Nesbitt went on to ask why curbs would not be added if the road is being fixed. Mr. Walquist said the radius of the street is what is being addressed. Mr. Arroyo added that Municipal Services felt there is nothing to connect the curbs to so adding them could cause excessive erosion.

Motion

Commissioner Nesbitt made a motion to modify recommendation number 1, second sentence, to add the language of “additional 10-feet of right-of-way for future sidewalk”. Commissioner Wiley seconded the motion. The motion passed with five affirmative votes.

Commissioner Nesbitt made a motion to approve Case 21-310-03 – Preliminary Plat – Meadowbrook Estates, 2nd Plat, as amended. Commissioner Ferguson seconded the motion. The motion passed with five affirmative votes.

ROUNDTABLE

Rick Arroyo made a presentation on Used Car Lots and Special Use Permits.

Mr. Arroyo spoke about how permits are approved in Independence. In C-2 and C-3 zonings those applicants are required to meet specific criteria. For Special Use Permit those car lots need to meet Section 14-409 conditions and 14-704-09 criteria.

Mr. Arroyo advised there are 66 used car lots in Independence and provided a comparison from neighboring cities for number of car lots vs population. He mentioned, in conclusion, that Cities are following similar processes as Independence but could consider adding more conditions for approval.

Commissioner Young inquired about how to go about adding more conditions and restrictions. Mr. Arroyo explained it would be a code amendment that would go before Planning Commission and then City Council.

Vice-Chairman Preston addressed going back to in person meetings. Commissioner Wiley felt it is better to wait to go to in person meetings and Mr. Arroyo added internal Staff is currently only having virtual meetings rather than in person.

ADJOURNMENT

The meeting was adjourned at 8:44 p.m.