

MINUTES
INDEPENDENCE CITY PLANNING COMMISSION
April 26, 2022

MEMBERS PRESENT

Cindy McClain, Chair
Heather Wiley
Paul Michell
Bryce Young
Butch Nesbitt

STAFF PRESENT

Jordan Ellena – Development Manager
Stuart Borders – Senior Planner
Brian Harker – Planner
Joe Lauber – Assistant City Attorney
Rich Wood – Assistant City Attorney

A meeting of the Independence City Planning Commission was held at 6:00 p.m. on April 26, 2022, in the Independence City Hall Council Chambers, 111 E. Maple Ave. The meeting was called to order.

CONSENT AGENDA

- 1. Planning Commission Minutes – April 12, 2022**
- 2. Case 22-310-01 – Preliminary Plat – Jackson Drive Industrial Park – 2808 S. Jackson Drive – Jeremy Hull, Hullmark Construction**

Staff requested Item 2 be removed from the Consent Agenda for discussion.

Motions

Commissioner Nesbitt made a motion to remove Item 2 from the Consent Agenda.
Commissioner Michell seconded the motion. The motion passed with five affirmative votes.

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

CASES TO BE CONTINUED

Staff requested the following case be continued to the May 24, 2022, Planning Commission meeting:

Continued Case 22-125-04 – Rezoning/PUD – 2351 S. Haden Street

Motion

Commissioner Wiley made a motion to continue Case 22-125-04, to the May 24, 2022, Planning Commission meeting. Commissioner Nesbitt seconded the motion. The motion passed with five affirmative votes.

OTHER BUSIENSS

Case 22-310-01 – Preliminary Plat – Jackson Drive Industrial Park – 2808 S. Jackson Drive – Jeremy Hull, Hullmark Construction

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 the following conditions:

1. Add note on final plat that there will no direct vehicular access to Jackson Drive from Lots 1, 2, 3, 4 and 8. Sidewalks are required on all new street frontages.
2. The building lines can be removed from all the lots. Instead of conveying Tract B to the adjoining landowner to the east, include that unplatted parcel into the subdivision to create a single lot.
3. There are small stream buffer areas on the land, show on the final plat.
4. The street name needs to be changed from 'Little Blue Expressway' to 'Jackson Drive'. Final street names and addresses will be assigned during the final plat process.
5. Covenants and restrictions must be created for this development to own and maintain the detention basin. Submit a draft copy with the first final plat submission.
6. The detention basin on Tract A can be utilized, but its condition needs to be confirmed that it is in working order and meets the stormwater design requirements.
7. Industrial lots will need follow water quality Best Management Practices (BMP's). These can be built during the development phase or building permit phase.
8. A looped water main will be required for this development with no dead-end mains.
9. Water mains will be required to maintain a minimum of 10-foot horizontal separation from all storm and sanitary mains and structures, so the water main alignment will need to be revised to reflect that requirement.

Applicant Comments

Jeremy Hull, Hullmark Construction, 2940 S. Jackson Drive, stated he would like to develop this property for industrial uses. He stated he will maintain ownership of the property.

Brett Starr, Missouri RE, 3020 S. Jackson Drive, stated they want to draw business into the area. He said they want to make this a desirable area and plan to include a lot of greenery and trees on the property. Mr. Starr stated they hope to have a park and a place for food trucks.

Commissioner Michell asked if there would be a lot of runoff and if the detention basin would be sufficient. Mr. Hull stated they would build speculative buildings for the most part. He said they received a letter from the City that stated the detention basin could handle the runoff from this project fully developed. Mr. Hull stated a lot of green space will remain. Mr. Borders noted as they submit building plans, City staff will confirm that the detention basin can handle new construction.

In response to Commissioner Nesbitt's question, Mr. Hull stated the public will be able to access the park and food truck area by using R D Mize Road.

Mr. Starr stated there is a need for light industrial use. He said most of the tenants would be small businesses looking for space to hold their product before it sells. Mr. Starr stated the development would allow small business to grow within their facility.

In response to Commissioner Nesbitt's question, Mr. Borders stated he's not aware of any plans for the City to turn Jackson Drive into a Boulevard. Mr. Borders noted Jackson Drive was constructed in the last ten years. Commissioner Nesbitt asked if Jackson Drive could support heavy semi-tractor trailer traffic. Mr. Starr stated this will not be a distribution center. He said a

semi may come in once a week to deliver goods, but it will mostly be smaller trucks moving the product as it is sold or installed.

In response to Commissioner Wiley's question, Mr. Borders stated the property has been zoned Industrial for at least the past 22 years.

Public Comments

Randall Pratt, 214 S. Spring Street, stated he would like to support this application with conditions. He reviewed the surrounding area and said the area should be carefully planned. Mr. Pratt said the City recently outlined what a Business Park should look like. He stated he believes this project should adhere to Business Park standards.

Shelly Lee, 2400 S. Glenview Avenue, stated she has concerns about the traffic on Jackson Drive. Ms. Lee stated there are school bus stops in the area and she's had discussions with the City about keeping trucks off Jackson Drive. She said she would be in favor of this development if it was a smaller Business Park and not an Industrial Park.

Bob Webb, 2333 S. Old Mill Avenue, stated he agrees with Ms. Lee's comments. He stated his greatest concern are the bus stops and children in the neighborhood, along with increased truck traffic.

Commissioner Michell asked if there is any intention to connect Tract B with Lots 7 and 8. Robert Walquist, Quist Engineering, 821 NE Columbus Street, Lee's Summit, stated they initially planned to have a connecting street for those lots. He said City staff was concerned about its proximity to Jackson Drive and they felt it was a valid concern, so it was removed from the plans.

In response to Commissioner Michell's question, Mr. Hull stated they would use premanufactured metal buildings.

Commissioner Comments

In response to Commissioner Wiley's question, Assistant City Attorney Joe Lauber stated if the Commission would like staff and the applicant to consider rezoning this for a Business Park, he would suggest the case be continued to the next Planning Commission meeting.

In response to Commissioner Young's question, Mr. Borders stated there will be an interior street connecting the lots and there will be access to Jackson Drive from the existing curb cut.

Commissioner Young stated he would like to know what the area would look like if all the existing applications going through the City Council and Planning Commission are approved.

Commissioner Nesbitt stated he would like to know if the City plans to make Jackson Drive a Boulevard.

Commissioner Michell asked if a traffic study should be required for this application. Mr. Borders stated the traffic engineer did not request a traffic study due to the limited access and there being an existing driveway.

Motion

Commissioner Nesbitt made a motion to continue Case 22-310-01 – Preliminary Plat – Jackson Drive Industrial Park – 2808 S. Jackson Drive, to the May 24, 2022, Planning Commission

meeting. Commissioner Michell seconded the motion. The motion passed with five affirmative votes.

PUBLIC HEARINGS

Case 22-125-05 – Rezoning/PUD – 19515 & 19601 E. R.D. Mize Road

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 outlined the following conditions:

1. The property must complete the Final Platting prior to the approval of any building permit;
2. Provide utility easements for water and sewer to serve the neighboring property to the east of the development;
3. The street names and addresses will be assigned during the final development stage;
4. The Final Plat must include covenants to ensure the long-term maintenance of both portions of the two-lot development. The Final Plat should have text indicating the two-lots, when sold, must be sold together;
5. The Final Plat must provide 15-foot utility easements for both public water and public sewer utilities within the development;
6. The project shall include an additional amenity to serve the development;

Applicant Comments

Ali Karolczak, Redwood Living, 7007 E. Pleasant Valley Rd, Independence, Ohio, reviewed Redwood's background and core values. She noted Redwood was founded in 1991 and have developed over 100 neighborhoods. Ms. Karolczak stated they have over 14,000 apartment homes in 8 states, and they have never sold a neighborhood they have built. She noted their typical residents are empty nesters, young professionals and those that want a maintenance-free lifestyle. Ms. Karolczak said their average renter is 50 years old, and they have an average of 7 school age children per 100 homes. She reviewed their standard lease and stated 12% of residents stay in their homes for more than five years. Ms. Karolczak stated they do background screens of their potential renters. She provided pictures of their existing neighborhoods and outlined the maintenance provided to all residents.

Ms. Karolczak stated although they were not required to have a neighborhood meeting, they did host a virtual neighborhood meeting for surrounding residents. She said they were able to answer questions from nearby residents and most of the neighbors did not express concerns.

Ms. Karolczak reviewed the topography issues with the land and stated they will have a walking trail and pergola for residents to enjoy. She said they will have a total of 34 buildings with 182 units over 44.7 acres. She stated 67% of the property will be open space. Ms. Karolczak reviewed the available floorplans and stated all units will have a two-car garage.

In response to Commissioner Michell's question, Ms. Karolczak stated they did do a wetland report and they will work with the Army Corps to ensure permitting is appropriate.

Ms. Karolczak stated they are seeking to split the lot into two because of their financing requirements. She said the once they close on the land, it is generally one year before the first Certificate of Occupancy is issued. She said it will take approximately three years to building a project of this size to completion.

In response to Commissioner Nesbitt's question, Greg Watson, McClue Engineering, 11031 Strang Line Road, Lenexa, Kansas, stated the setback is 33 feet on one side and 37 feet on the other side, the difference being the sidewalk with the larger setback. He stated the setback will allow two vehicles, side by side, in the driveway, in addition to their two-car garage. Ms. Karolczak noted they have overflow parking areas and they do not allow street parking.

Public Comments

Randall Pratt, 214 S. Spring Street, stated there is often opposition to multi-family housing. He stated multi-family housing is important and there are not enough multi-family housing options in Independence. Mr. Pratt stated the cost of owning and building a house is going up and a development like this is good for the City because it's maintenance free.

Mark Mayfield, 3329 S. Sioux Court, stated he is not in favor of this project because he likes the seclusion, quiet and wildlife in the area. Mr. Mayfield said there are bald eagles that live at the pond on that property. He said all the people that live on his street are against this project because it will decrease his property value. Mr. Mayfield stated his neighborhood already has a walking trail.

In response to Commissioner Nesbitt's question, Ms. Karolczak stated they have done a comprehensive analysis of nearby rent rates and the rent prices are in line with those in Independence. Ms. Karolczak stated although you can a mortgage for less than the rent prices, homeownership is not maintenance free.

Commissioner Nesbitt asked how far away this development is from the nearby neighborhood. Ms. Karolczak stated there is a 370-foot buffer, which is mainly a hill.

Ms. Karolczak said the neighbor to the east did ask for water and sewer to be subbed at his property. She stated they plan to stub the utilities to that property, but she is not aware of the owner's plans for that property.

In response to Chairwoman McClain's question, Ms. Karolczak stated they will be adding a pergola to their walking trail as an added amenity, per condition number six outlined by staff.

Commissioner Comments

Commissioner Michell asked to add a seventh condition added: The project shall adhere to established wetland strategies. He also suggested language be added to condition two: wherever final engineering determines is appropriate.

Motion

Commissioner Michell made a motion to approve Case 22-125-05 – Rezoning/PUD – 19515 & 19601 E. R.D. Mize Road, with the conditions as outlined and amended by staff. Commissioner Wiley seconded the motion. The motion passed with five affirmative votes.

Case 22-400-05 – Short-Term Rental – 16308 E. 31st Terrace S

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 the following conditions:

1. The Short-Term Rentals shall obtain a business license in accordance with the City Code and comply with Article 3, Chapter 5 of the City Code. The occupation license number shall be listed on all advertisements and online platforms.
2. The business must comply with all safety and other standards established by Section 14-420 of the City Code.
3. The maximum occupancy of the premises shall be limited to six adults with a combined total of ten persons.
4. The gravel parking area adjacent to the house/driveway cannot be used for guest parking unless it is paved with a hard, all-weather surface (asphalt, concrete).
5. The owner of the rentals will provide means to address immediate emergencies and disturbances on the property.

Applicant Comments

Betsy Allgeyer, 616 NE Fairington Ct., Lee's Summit, and property manager, Rob Scarborough, 603 Quincy Blvd., Smithville are present. Mr. Scarborough did advise his property management company does currently operate a short-term rental in Independence located at 2603 S. Overton Circle. He added that his company provides high quality and affordable short-term rentals. During the week usually renting to construction crews while working, and to families on weekends in town to enjoy the area. Mrs. Allgeyer commented that she grew up in Independence and went to Truman High School and is fond of Independence and is very proud of this house.

In response to Commissioner Nesbitt's question, Mr. Scarborough advised a cleaning crew is contracted that comes in between each stay and currently cleaning with CDC guidelines.

Mr. Borders asked the applicant to comment on how they plan to handle emergencies and disturbances. Mr. Scarborough explained he is available through Airbnb messaging, phone, and text and then by phone during emergencies. For disturbances they are performing beta testing on a noise monitoring hardware and software system. If the guests are too loud, they will receive messages advising them of the noise ordinance and to quiet down. For disturbances they are currently interviewing security companies that will come on site if there is a disturbance and put a stop to it.

In response to Commissioner Michell's question, Mr. Scarborough advised they are currently managing 14 properties.

In response to Commissioner Michell's question Mr. Borders confirmed 4 cars can be parked in driveway and 2 in the garage as well as the street.

Public Comments

Bob Page, 16300 E. 31st Terr., has lived in the neighborhood over 40 years. At one point in time the neighborhood had gone downhill and there was discussion of moving. Once new neighbors moved in, and the neighborhood turned around they decided to stay. Mr. Page is concerned with a short-term rental being on their street. There are small children, and he feels you never know what type of renters there will be with people coming and going constantly. Mr. Page does not feel this fits in to the neighborhood.

Commissioner Nesbitt asked Mr. Page how many rentals are on his street. He replied he thinks a couple are but mostly are owner occupied. That it is important to the neighbors to keep it nice for those who own the homes and have worked hard to have a nice neighborhood.

Mirella Guzman, 16304 E. 31st Terr. S., lives next door to the short-term rental. She is opposed to the short-term rental as it is like having a hotel next door; strangers next to their homes and children every three days.

Koda Bertoldie, 16309 E. 31st Terr. S., lives across the street from the short-term rental. He has same concerns as neighbors and references a night that woke his children up from renters being loud and causing disturbance. Mr. Bertoldie is uncomfortable with the strangers coming and going and questionable character. The neighborhood is full of single-family homes. He does mention long-term rentals in the area, but those neighbors have lived there for years. He feels that short-term renters overall will not care about the house or the neighborhood.

Mrs. Allgeyer apologized for issues and was unaware. Mr. Scarborough explained he wants to be first phone call and references a soft opening to get feedback. He explains they want to be good neighbors and work closely with those in the neighborhood.

Commissioner Young inquired about the property already being a functioning short-term rental. Mr. Scarborough confirmed guests are staying are for free.

In response to Commissioner Wiley's question, Mr. Scarborough advised the soft opening happened mid-March.

Commissioner Young asked how many groups have stayed since the soft opening and Mr. Scarborough responded six groups.

Chairwoman McClain inquired how these groups are getting booked. Mr. Scarborough said he has a direct book website, and those times are blocked for parties to stay and test out the property to provide feedback.

Commissioner Michell expressed concern about construction companies renting the home versus construction crews staying in the home. He discussed those placing the rental are vetted and if crews are staying in the home, which is different than those who book the reservation, then the owner and property management do not know who is staying. Mr. Scarborough's response was that is no different than two families staying in same rental: one person from one family books the rental.

Mr. Borders advised that it cannot be prohibited to park on the street since code allows for it per Commissioner Michell's question.

Commissioner Comments

Commissioner Nesbitt feels a business is being ran with no business license; a soft opening could have taken place after a valid business license was issued and it not good business practice.

Motion

Commissioner Wiley made a motion to approve Case 22-400-05 – Short-Term Rental – 16308 E. 31st Terrace S, with the conditions as outlined by staff. Commissioner Michell seconded the motion. The motion failed with no affirmative votes.

ROUNDTABLE

Assistant City Attorney Joe Lauber introduced Assistant City Attorney Rich Wood who may assist with the Planning Commission in the future.

Several Planning Commissioners expressed interest in training. Mr. Lauber stated they will work with staff to provide training in the future.

ADJOURNMENT

The meeting was adjourned at 8:32 p.m.