

MINUTES  
INDEPENDENCE CITY PLANNING COMMISSION  
May 24, 2022

**MEMBERS PRESENT**

Cindy McClain, Chair  
Bill Preston, Vice-Chair  
Virginia Ferguson  
Heather Wiley  
Bryce Young  
Butch Nesbitt

**STAFF PRESENT**

Rick Arroyo – Assistant Director  
Stuart Borders – Senior Planner  
Brian Harker – Planner  
Rich Wood – Assistant City Attorney

A meeting of the Independence City Planning Commission was held at 6:00 p.m. on May 24, 2022, in the Independence City Hall Council Chambers, 111 E. Maple Ave. The meeting was called to order.

**CONSENT AGENDA**

**Planning Commission Minutes – April 26, 2022**

**Motions**

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

**CASE TO BE WITHDRAWN**

Staff noted the application withdrew the request for the following case:

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

**CASES TO BE CONTINUED**

Staff requested the following cases be continued to the June 14, 2022, Planning Commission meeting:

**Case 22-100-05 – Rezoning – 8712 E. Winner Rd**

**Case 22-100-06 – Rezoning – 13001 E. US 40 Highway**

**Case 22-200-07 – Special Use Permit – 13700 E. US 40 Highway, Suite F**

**Motion**

Commissioner Preston made a motion to continue Cases 22-100-05, 22-100-06 and 22-200-07, to the June 14, 2022, Planning Commission meeting. Commissioner Ferguson seconded the motion. The motion passed with six affirmative votes.

**PUBLIC HEARINGS**

**Case 22-100-07 – Rezoning – 1311 E. US 24 Highway**

### **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**

Bill Moore, 4510 Belleview Ave, Kansas City, stated he is representing the applicant. Mr. Moore stated the applicant is seeking C-3 zoning due to the need for outside storage.

Samuel Dyer, 1622 Highland Drive, stated he has a tenant that is interested in purchasing the property if this rezoning is approved.

Commissioner Nesbitt stated he does not like that the trash is sitting outside. Mr. Dyer said the trash could be moved to the other side of the property.

In response to Commissioner Nesbitt's question, Mr. Borders stated the chain-link fence is grandfather in. If the chain-link fence were ever damaged, it would have to be replaced with a different type of fencing material.

### **Public Comments**

No public comments.

### **Motion**

Commissioner Preston made a motion to approve Case 22-100-07 – Rezoning – 1311 E. US 24 Highway. Commissioner Ferguson seconded the motion. The motion passed with six affirmative votes.

## **Case 22-125-06 – Rezoning/PUD – 316 W. Sea Avenue**

### **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 reviewed the following conditions:

1. Due to the size and configuration of the lot and site improvements, the number of dwelling units on the property shall not exceed four units.
2. Replace or install a privacy fence along the north property line.

Commissioner Preston asked if the applicant considered rezoning this property to R-12 due to the size of the lot. Mr. Borders stated the applicant wanted to keep the four units which would not be allowed in R-12 or R-18 zoning districts. Mr. Borders stated staff does not recommend approval due to the size of the lot and that the surrounding neighborhood is all single-family residential homes. Mr. Borders noted it is not known when the property was converted into four units.

### **Applicant Comments**

Seth Veld, 1304 Southwind Dr, Raymore, stated he purchased the property in 2018 and thought it was zoned for the four units. He said the four units can only be accessed from outside the building. Mr. Veld stated he has no plans to add additional units and has been working to update the four units to comply with building codes. He noted he does not know when the residence was converted to a four-plex. He said the addition on the back of the building has asbestos siding, so they believe some work was done to the building in the 1960's and 1970's.

Commissioner Young stated he believes it is unfair to the applicant since he purchased the property as a four-plex. He said it is difficult because a four-plex does not fit in the neighborhood.

In response to Commissioner Nesbitt's question, Mr. Veld stated there is a full bathroom in each unit. He stated each unit also has a kitchen and water heater. Mr. Veld stated they currently have 100-amps coming to the house. Commissioner Nesbitt stated 100-amp service is not enough for four units. Mr. Veld stated he contacted the City about getting separate service for each of the units. Commissioner Nesbitt expressed concern that the gas and sewer lines are not large enough to provide service to four units.

#### **Public Comments**

No public comments.

#### **Commissioner Comments**

Commissioner Wiley stated this type of case is difficult because a purchase was made, and the new property owner was not aware that the property was improperly zoned.

In response to Commissioner Nesbitt's question, Mr. Borders stated only a single-family residential house can be in an R-6 zoning district.

Chairwoman McClain stated she believes this property should remain in the R-6 zoning district.

Commissioner Preston stated the new property owner should have questioned the zoning prior to the purchase. He said he does not believe the zoning should change.

#### **Motion**

Commissioner Preston made a motion to approve Case 22-125-06 – Rezoning/PUD – 316 W. Sea Avenue, with conditions as outlined by staff. Commissioner Ferguson seconded the motion. The motion failed with one affirmative vote and five votes in opposition.

#### **Case 22-200-05 – Special Use Permit – 1337 S. Noland 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 reviewed the following conditions:

1. A Municipal Services Environmental site inspection will be required as part of the Business License Review. If deficiencies are found, they will need to be addressed before business license approval.
2. All required licenses shall be maintained.

In response to Commissioner Nesbitt's question, Mr. Harker stated he is not sure when the parking was added to the north part of the parking lot.

#### **Applicant Comments**

Shane Davolt, 8544 N. Donnelly, Kansas City, stated his office mistakenly did not renew their business license and lost their Special Use Permit.

#### **Public Comments**

No public comments.

### **Motion**

Commissioner Wiley made a motion to approve Case 22-200-05 – Special Use Permit – 1337 S. Noland Road, with conditions as outlined by staff. Commissioner Ferguson seconded the motion. The motion passed with six affirmative votes.

### **Case 22-200-06 – Special Use Permit – 203 N. M-291 Highway**

#### **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 reviewed the following conditions:

1. No vehicles shall be displayed, stored, or parked in the right-of-way or in the gravel/grass area on the sides and rear of the building.
2. The parking lot shall be resealed and re-striped in accordance with City Code requirements with one of the spaces must be designated a van-accessible ADA space with proper markings and signage with at least three customer parking spaces shall be provided.
3. Landscaping must be provided in accordance with City Code standards.
4. If a trash dumpster is to be placed on the site, a masonry trash enclosure must be constructed.
5. All site improvements shall be completed prior to a City business license being approved for the vehicles sales business.
6. The trailer/shed currently along the highway used for signage must be removed and replaced with a sign in accordance with the UDO. The use of this trailer/shed for a sign is not permitted by the City Sign Code.
7. The drive entrance width from 3<sup>rd</sup> Street shall be reduced to provide better safety at this offset intersection.

Commissioner Preston stated the Planning Commission struggles with the number of used car lots in the City of Independence. He stated they have had no guidance from the City Council. He said this proposal does not have a good appearance.

In response to Commissioner Nesbitt's question, Mr. Arroyo stated the intent of condition number seven, is to move the entrance away from M-291 Highway.

#### **Applicant Comments**

Gus Salman, 1329 NE 106<sup>th</sup> Place, Kansas City, stated used cars are his passion. He said he would like to bring a nice dealership and auto service shop to the area. Mr. Salman he will have good deals for those looking for a used vehicle. He said he will work with local businesses on purchasing goods to bring more revenue to the City.

In response to Chairwoman McClain's question, Mr. Salman stated they will offer oil changes, brake service, and other basic services. Mr. Salman stated he's not sure how many cars they will have for sale or service. He said it will just depend on the demand. Mr. Salman stated there may 5-15 vehicles there for service. He noted they are under contract to purchase this property. Mr. Salman said he wants to have a beautiful business and does not want it to look like a junk yard.

In response to Commissioner Nesbitt's question, Mr. Salman stated the parking lot just needs to be sealed. Commissioner Nesbitt asked about his plan for the trash enclosure. Mr. Salman stated he plans to have the trash in the back of the building with an enclosure within the staff guidelines.

Mr. Salman stated he owns several businesses and is prepared to create another successful business.

In response to Chairwoman McClain's question, Mr. Salman stated he does not own any other used car lots. He said he has worked in used cars in the past and enjoys this type of business.

Mr. Salman stated they are okay with the conditions outlined by staff.

### **Public Comments**

James White, 107 N Broadway, Oak Grove, stated he owns the building to the south of this location. He said his business is currently a restaurant and is in favor of this application. He said a service business would help his restaurant.

Ghazi Dinn, 9024 Kentucky Avenue, Kansas City, stated he owns a nearby property. He stated he is not opposed to having a dealership in this location.

Sandy Jordan, 16418 E. 3<sup>rd</sup> Terrace Ct N, stated she lives around the corner from this location. Ms. Jordan said she is opposed to this application due to safety concerns. She stated the entrance on 3<sup>rd</sup> Street is a busy intersection and already causes confusion with drivers. Ms. Jordan is also concerned that the applicant does not know how many cars may be sitting on the lot for service.

Mr. Salman stated if the intersection needs a stop sign or better signage, it will need to be improved for any type of business that would go in this location. He said he will only have one bay for car service, so it will not be a large operation. Mr. Salman stated they do have room to expand in the back of the lot, if they were to need more room.

Commissioner Ferguson stated she would feel more comfortable if the business was only able to service the vehicles on the lot for sale. Mr. Salman stated if the Planning Commission wants to make that a condition, he will abide by it.

In response to Commissioner Preston's question, Mr. Salman said the current parking lot is a mix of concrete and asphalt. He stated the current lot will be resurfaced with a tar asphalt surface.

### **Motion**

Commissioner Preston made a motion to approve Case 22-200-06 – Special Use Permit – 203 N. M-291 Highway, with conditions as outlined by staff. Commissioner Wiley seconded the motion. The motion failed with one affirmative vote and five votes in opposition.

## **OTHER BUSINESS**

**Continued Case 22-310-01 – Preliminary Plat – Jackson Drive Industrial Park – 2808 S. Jackson Drive**

### **Staff Presentation**

Stuart Borders presented an update on the case. Mr. Borders answered some of the questions raised at the previous Planning Commission meeting. He stated the City does not have a boulevard classification and noted when Jackson Drive was constructed in 2008, it was built to the Major Arterial Street standards. Mr. Borders stated this property has been zoned industrial since at least May 1980. He noted any conditions placed upon the approval of the preliminary plat must be related to the dividing of the land into lots, public improvements, and utility services. Mr. Borders reviewed design of site/building standards. Mr. Borders stated there is limited information on the existing detention basin on the north end of the site, but it appears to have

been constructed in conjunction with Jackson Drive about 12 years ago. He noted a full stormwater study will be required with the engineering plans and an agreement for the maintenance and ownership of the basin will be reviewed and approved by the City and recorded with the final plat.

Chairwoman McClain stated one resident requested to speak on this item and would be allowed to do so.

### **Public Comments**

Randy Williamson, 2700 S. Mohican, stated his house is less than 50 yards from the proposed Jackson Drive Industrial Park. He said he has concerns about the stormwater detention basin on the property. Mr. Williamson stated he does not believe there has been enough done to ensure the surface and ground water table levels will not be impacted. He said since the current detention basin was built, several surrounding homeowners have had foundation issues. Mr. Williamson stated he is not in favor of this case and requests more studies be done to ensure the detention basin is fixed properly. Mr. Williams said the neighborhood also has street issues. He stated the streets were built with 18 inches of concrete and then the City put 2 inches of asphalt on top of it. Mr. Williamson said the street is now caving in.

Commissioner Nesbitt stated the City needs to investigate the street and detention basin issues.

Commissioner Young noted that reviewing issues with the detention basin or streets is not part of the Planning Commission's purview.

Assistant City Attorney Rich Wood noted the vote on this case is a ministerial decision. Mr. Wood stated the Planning Commission should only consider if the plat complies with all requirements of the City Code for a plat. Mr. Wood said part of that does include the utility infrastructure.

Mr. Arroyo stated with this type of development, stormwater mitigation is a requirement. He stated by approving the preliminary plat, it allows the engineers to start their work at studying the site to determine the best place for the detention basin.

Mr. Wood noted this is a preliminary plat and once this is approved, the next level of analysis is started. He stated after the engineering reports are complete, the Final Plat will come forward for approval.

Mr. Williamson said there are legal actions they can take as a group because of the issues they are having.

Mr. Wood stated this application will go to the City Council for approval.

### **Motion**

Commissioner Nesbitt made a motion to approve Case 22-310-01 – Preliminary Plat – Jackson Drive Industrial Park – 2808 S. Jackson Drive, with conditions as outlined by staff.

Commissioner Wiley seconded the motion. The motion passed with six affirmative votes.

### **ROUNDTABLE**

Commissioner Nesbitt expressed concerns about the streets around the Cargo Largo development. Mr. Arroyo stated the street improvements are some of the last improvements that will be made, per the development agreement.

Commissioner Nesbitt expressed concern about the façade of the Ansley Apartments. Mr. Arroyo stated staff cannot remember off hand what façade was approved. He said staff will ensure the approved façade is installed.

Commissioner Preston stated he frequently travels but would like to still participate in the Planning Commission meetings. Mr. Arroyo said staff will look into allowing Planning Commissioners to participate virtually in the future.

Mr. Borders stated in the past meeting Commissioner Young requested more information on the developments in the east part of the city. He provided the Planning Commissioners with a packet of information on the upcoming developments. Mr. Borders stated some of the developments were approved 15 years ago but are just now starting construction.

#### **ADJOURNMENT**

*The meeting was adjourned at 7:53 p.m.*