

MINUTES
INDEPENDENCE CITY PLANNING COMMISSION
October 11, 2022

MEMBERS PRESENT

Cindy McClain, Chair
Virginia Ferguson
Heather Wiley
Paul Michell
Laurie Dean Wiley

STAFF PRESENT

Rick Arroyo – Assistant Director
Stuart Borders – Senior Planner
John Mautino – Assistant City Attorney

A meeting of the Independence City Planning Commission was held at 6:00 p.m. on October 11, 2022, in the Independence City Hall Council Chambers, 111 E. Maple Ave. The meeting was called to order.

Chairwoman McClain welcomed Commissioner L. Wiley to the Planning Commission.

CONSENT AGENDA

1. Planning Commission Minutes – September 27, 2022

Motion

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

PUBLIC HEARINGS

Due to the applicant not being present, Case 22-400-10 was moved to the end of the agenda.

Case 22-400-11 – Short-Term Rental – 4408 S. Mills Street

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 Rental 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.

Applicant Comments

Cindy Murphy, 4408 S. Mills St., purchased property 28 years ago and wants to try this endeavor by sharing her home and providing hospitality. She plans on posting quiet hours and installing cameras in home along with Ring cameras in front and back. Mrs. Murphy has also advised she has purchased noise devices to alert if noise gets too loud inside or outside of the home. She will be living about 25 minutes away from property and she will accessible anytime. Mrs. Murphy has a friend that lives around the corner from the property who will be accessible quicker in an

urgent situation. Mrs. Murphy will screen the guests and will put penalties in place for breaking number of guests allowed rule.

Commissioner Michell asked if guests will only be able to use the upper level of the house and Mrs. Murphy confirmed that is correct. Mrs. Murphy explained her lower level and garage is where her home business was located and that is closed off.

Chairwoman McClain inquired that there is an additional exit since lower level closed off and Mrs. Murphy said there is.

Commissioner H. Wiley made sure she understood that there is no management company and Mrs. Murphy is the one handling the property and Mrs. Murphy confirmed that is correct.

Commissioner L. Wiley inquired about feedback from other neighbors and Mrs. Murphy advised she has not had any feedback from anyone.

Public Comments

No public comments.

Commissioner Comments

Commissioner L. Wiley had a question for Staff regarding short-term rental policies and procedures and how this application fits in. Mr. Borders explained there is a section in City Zoning Code on how to apply for homebased businesses and rules for short-term rentals and if those are not adhered to the licensing can be revoked. Commissioner L. Wiley asked how many AirBNBs are in Independence and Mr. Borders estimated 35 that have applied, and he cannot speak to those that have not gone through the process. She asked if Staff could research those operating without licensing. Mr. Rick Arroyo explained there are limitations on what the City can do legally in trying to determine where short-term rentals are operating illegally.

Motion

Commissioner H. Wiley made a motion to approve Case 22-400-11 – Short-Term Rental – 4408 S. Mills Street, with conditions as outlined by staff. Commissioner Ferguson seconded the motion. The motion passed with five affirmative votes.

Case 22-200-12 – Special Use Permit – 116 W. 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. Mr. Borders outlined the following conditions:

1. This Special Use Permit is restricted to 116 W. US 24 Highway.
2. Construct a masonry trash enclosure adjacent to the alley or in the southwest parking lot.
3. Provide additional shrubs around the property where possible (particularly in the small planting areas in east, north and south of the commercial building and along the fence between the parking lot and the house).
4. Mark and sign all standard and handicapped parking spaces.
5. Seal the cracks in the parking lot.
6. The applicant will obtain and maintain all applicable City and State licenses and comply with all health requirements.

Applicant Comments

Sarah Bay, 816 S. Ash Ave., explained she was a critical care nurse during covid and decided she needed a career change. She wants to open a tattoo shop that is clean, safe, and a friendly and comfortable environment. Ms. Bay has contacted several asphalt companies for bids and reached out to trash company. She explained in terms of landscaping she will make sure all areas are cleaned up and kept weed free. She advised she is an avid gardener and knows what she wants to plant; some can be planted this fall and others will have to wait until spring. Ms. Bay's plan is to only have herself and another tattoo artist in the shop.

Chairwoman McClain mentioned to Ms. Bay there is a potential that the building may not exist when renovations are completed on the 24 Hwy. corridor. It was asked of Staff if any information is available. Mr. Arroyo responded that there would most likely be impact to that building but unsure what that is yet.

Public Comments

No public comments.

Motion

Commissioner Michell made a motion to approve Case 22-200-12 – Special Use Permit – 116 W. US 24 Highway, with conditions as outlined by staff. Commissioner H. Wiley seconded the motion. The motion passed with five affirmative votes.

Case 22-400-10 – Short-Term Rental – 2712 S. Brookside 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 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.

Applicant Comments

Rob Scarborough, 603 Quincy Blvd., Smithville, MO 64089, with Just Like Home Vacation Rentals, has been hosting short-term rentals for about 4 years. He feels they have perfected being good neighbors with every home they own or manage and there is always at least one neighbor that takes them up on the offer for a friends and family discount. That neighbor will keep an eye and will reach out if something seems out of place. Mr. Scarborough explained Icenhower Holdings is the owner of the property and he is co-hosting with them.

Commissioner H. Wiley stated Mr. Scarborough has been before Planning Commission before and asked how many properties he manages in Independence. Mr. Scarborough advised he has one located on Overton and this property would be the second short-term rental. There is a third property that is a medium-term rental of a 30-day minimum and explained that property is the property that was denied by Planning Commission earlier in 2022 as a short-term rental. Commissioner H. Wiley confirmed with Staff there is a 5-property maximum being an owner of short-term rental.

Public Comments

No public comments.

Commissioner Comments

Commissioner Michell inquired on why prior short-term rental was denied by Planning Commission that Mr. Scarborough had appeared on. Commissioner H. Wiley explained there were a lot of neighbors present at the meeting to speak against the property and the short-term rental had been operating before being licensed and there had been problems and complaints.

Commissioner L. Wiley asked Staff about the condition of six being maximum occupancy but how can property support that with no street parking and the driveway does not provide six spaces. Mr. Borders explained the driveway will hold three cars and there is a driveway that can hold one car.

Motion

Commissioner H. Wiley made a motion to approve Case 22-400-10 – Short-Term Rental – 2712 S. Brookside Avenue, with conditions as outlined by staff. Commissioner Michell seconded the motion. The motion passed with five affirmative votes.

ADJOURNMENT

The meeting was adjourned at 6:51 p.m.