

MINUTES
INDEPENDENCE CITY PLANNING COMMISSION
January 10, 2023

MEMBERS PRESENT

Bill Preston, Vice-Chair
Virginia Ferguson
Heather Wiley
Butch Nesbitt
Laurie Dean Wiley

STAFF PRESENT

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

A meeting of the Independence City Planning Commission was held at 6:00 p.m. on January 10, 2023, in the Independence City Hall Council Chambers, 111 E. Maple Ave. The meeting was called to order.

CONSENT AGENDA

1. Planning Commission Minutes – December 13, 2022

Motion

Vice-Chair Preston heard no objections to the minutes and advised they were approved as presented.

PUBLIC HEARINGS

Continued Case 22-100-20 – Rezoning – 701 N. Forest 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.

Applicant Comments

Erwin Gard, 1040 SW Luttrell, Blue Springs, stated his applicant would like to build two duplex structures. He said if you look at the surrounding zoning, this request does fit with the neighborhoods, and he doesn't believe it's spot zoning. Mr. Gard said if someone is looking to purchase a single-family home on this street, they would be more worried about the apartments that could be built on the property next door to this property. He doesn't believe single-family housing on this property would be financially feasible.

In response to Commissioner Nesbitt's question, Mr. Gard stated he believes each unit would be around 800 to 900 square feet.

In response to Vice-Chair Preston's question, Mr. Gard said any new construction in this area will help the neighborhood. Mr. Gard said the R-18 zoning next to this property makes it less appealing to those seeking single-family housing.

Public Comments

Scott O'Brien, 1505 W. College Terrace, stated he converted his home back to a single-family residence. He stated he and his neighbors have been restoring their houses and have seen their property values increase. Mr. O'Brien said he's opposed to this rezoning because it's slowly been improving, and he's also concerned about parking.

Frank Smith, 1403 W. College Street, said he's opposed to having more rental units in the neighborhood. He clarified there is already an apartment complex on that R-18 property. Mr. Smith stated he used to mow the apartment property and from the subject property, you can't see the apartment complex. He said he believes the neighborhood is improving and would like to see more single-family homes in the area.

Commissioner L. Wiley asked what is causing the parking issues. Mr. Smith said he believes is due to the number of duplexes in the neighborhood. Mr. O'Brien stated he lives next to two large families who have a shared driveway, which contributes to the parking issues.

Commissioner Comments

Commissioner Nesbitt said he's torn because he'd like to see the new construction but understands no one would want to build a single-family home on those properties. He noted, if a single-family home was built on this property, it would be too expensive for the area.

Mr. Borders clarified that all residential standards require off street parking, so any new construction would require driveways.

Commissioner H. Wiley noted the Commission is making the choice between duplexes or vacant land.

Commissioner Nesbitt said he believes duplexes would be better than a vacant lot.

Motion

Commissioner H. Wiley made a motion to approve Continued Case 22-100-20 – Rezoning – 701 N. Forest Avenue. Commissioner Ferguson seconded the motion. The motion passed with four affirmative votes.

Continued Case 22-100-23 – Rezoning – 9607 E. US 24 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.

Applicant Comments

Nubia Gomez, 618 NE 114th Terrace, Kansas City, stated she and her partner Francisco Salcedo purchased this property with plans to build two houses. She said when they applied for permits, they discovered they had a zoning issue.

In response to Vice-Chair Preston's question, Ms. Gomez confirmed there is a non-conforming use on the property and this application would help them correct that issue.

Public Comments

No public comments.

Commissioner Comments

Commissioner Nesbitt asked if those buildings could be rehabbed. Mr. Harker provided pictures and stated the existing structures are in disrepair.

Motion

Commissioner Nesbitt made a motion to approve Continued Case 22-100-23 – Rezoning – 9607 E. US 24 Highway. Commissioner H. Wiley seconded the motion. The motion passed with five affirmative votes.

Case 23-100-01 – Rezoning – 916 and 1004 W. 23rd Street from C-2 and R-12 to C-3 and 910, 920, 922 W. 23rd Street and 1130 S. Cottage Street from C-2 to C-3

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

Julio Banales, 1903 James Downey Road, stated he is one of the owners of Royal Stone. He said his family has created this business to resell rock, mulch, and dirt for landscaping. Mr. Banales said they only sell small quantities and they've been building bin enclosures to retain the materials. He showed the Commission their submitted plot plan and provided pictures of the kind of materials they'll have for sale.

Vice-Chair Preston asked Mr. Banales how this business would not be a nuisance to the adjoining properties and the nearby residential properties. Mr. Banales said they will not open before 8 a.m. and they will use bobcats to move the materials. He stated they won't use big machinery after the complete the building of the bins.

Commissioner H. Wiley asked how long they've been operating. Mr. Banales said they've been building the bins but have not been operating a business.

Commissioner Nesbitt said they have been operating a business because they had signs up and he observed them loading someone's trailer with rock. Mr. Banales said they have given materials to friends but have not been in business. Commissioner Nesbitt noted the business has been cited by the City for running this business without a license. Mr. Banales stated they do take materials directly from the quarry to customers, but don't use the land in question for that part of their business.

In response to Commissioner Nesbitt's question, Mr. Banales said 3-axel trucks would be used to deliver the materials to this property. Commissioner Nesbitt said he's concerned about the noise from the trucks delivering the materials to this property and said the nearby neighbors would hear a lot of noise especially with the tailgates slamming the back of trucks. Commissioner Nesbitt said they may need to look at an 8 or 10-foot fence to help keep the noise away from the residential properties.

Commissioner L. Wiley asked Mr. Banales to explain his passion for this business and why they picked this location. Mr. Banales stated his family really enjoys this business and this is the type of business they ran in their home country. He said they saw this vacant land and believe it's a good location.

In response to Commissioner Nesbitt's question, Mr. Borders said any type of outside landscaping business with outside storage would require C-3 zoning. Mr. Borders stated some of the lot would need to be paved and landscaping added.

Mr. Borders stated the City also must consider about what will happen to that property if this business fails and you have a large C-3 lot that can have a variety of uses that might be detrimental to the neighborhood.

Public Comments

No public comments.

Commissioner Comments

Commissioner Nesbitt stated he's concerned about the amount of dust this business will create, along with the noise. He said he's also concerned that C-3 isn't a good zoning for this property in the event this business fails, and another C-3 use could go in. Commissioner Nesbitt stated he received a call from a citizen that is concerned that they've been running this business without a license.

Commissioner H. Wiley said she's surprised no neighbors are in attendance.

Commissioner L. Wiley stated she believes this applicant should be given a chance.

In response to Vice-Chair Preston's question, Mr. Borders stated they will have to pave a large part of this land and add landscaping, in an attempt to cut down on the dust and debris. Vice-Chair Preston asked if we could ask the applicant to add additional trees to help with buffering and reduce the footprint of the business. Mr. Borders said staff could work with the applicant to create updated plans.

Mr. Banales stated he would like an opportunity to work with staff to update these plans.

Mr. Borders clarified this is a rezoning application so no site plan would be required, nor could it be upheld if the applicant didn't follow through with it. He said if the applicant wanted to change his application, it could be brought forward as a PUD application that would keep the zoning as C-2 but allow this use for this property. Mr. Borders noted he would need to re-apply or change his application to a PUD application.

Vice-Chair Preston said this could be a great project for the land.

Mr. Banales stated he would like to request this case be continued so he can work with staff to update his application.

Rick Arroyo noted this is a proposed outdoor storage business, even with a PUD application, the City may not be able to resolve the concerns. He stated it would be difficult to mitigate sound and dust from an outdoor business such as this. Mr. Arroyo noted, as an example, this business may need to be significantly smaller than proposed and may not resolve the ultimate issues.

Motion

Commissioner Nesbitt made a motion to continue Case 23-100-01 – Rezoning – 916 and 1004 W. 23rd Street from C-2 and R-12 to C-3 and 910, 920, 922 W. 23rd Street and 1130 S. Cottage Street from C-2 to C-3, to the March 14, 2023, Planning Commission meeting. Commissioner H. Wiley seconded the motion. The motion passed with five affirmative votes.

ELECTION OF OFFICERS

Commissioner H. Wiley made a motion to retain Cindy McClain as Chair and Bill Preston as Vice-Chair. Commissioner Ferguson. The motion passed with four affirmative votes.

ROUNDTABLE

Commissioner H. Wiley questioned if there was a meeting on Valentine's Day. Mr. Arroyo stated there is one case on the agenda.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.