

MINUTES
INDEPENDENCE CITY PLANNING COMMISSION
April 25, 2023

MEMBERS PRESENT

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

STAFF PRESENT

Stuart Borders – Senior Planner
Brian Harker – Planner
Rick Arroyo – Assistant Director
Jeremy Cover – City Attorney

A meeting of the Independence City Planning Commission was held at 6:00 p.m. on April 25, 2023, in the Independence City Hall Council Chambers, 111 E. Maple Ave. The meeting was called to order.

CASE WITHDRAWN - This case was withdrawn prior to the meeting.

Continued Case 23-100-04 – Rezoning – 10110 E. 23rd Street S. & 2214 S. Maywood Avenue
– A request by Gerald Menefee to rezone this property from C-2 (General Commercial) and R-12 (Two-Family Residential) to C-2 (General Commercial).

PUBLIC HEARINGS

Case 23-125-04 – Rezoning – 916 and 1004 W. 23rd Street from C-2 and R-12 to C-2/PUD and 910, 920, 922 W. 23rd Street and 1130 S. Cottage Street from C-2 to C-2/PUD

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 permissible uses for this property includes all C-2 uses permitted by right, or with a special use permit (in accordance with Section 14-704), plus the sale of landscaping materials including river rock, stone, sand, mulch, dirt and related products.
2. The lots must be consolidated into a single lot through the minor subdivision process prior to a business license being approved.
3. All business activities are limited to the southern 275 feet of the property to allow for the stream buffer, and the construction of the detention basin. Selected minor activities may be permitted north of the 275-foot line with the approval by the Community Development Director.
4. All development and building elevations shall be in accordance with the preliminary development plan.
5. Bins that are subject to dust shall be covered with a framed canvas awnings when not in use.
6. The final development plan must include complete building elevations of the office building and bin canopy, based upon the designs shown on the preliminary development plan. The final plan must also include details regarding bin dust containment covers, best

management practices for stormwater management, site lighting, fencing, landscaping, and parking areas.

7. Any trash dumpster must be enclosed in a proper dumpster enclosure per Code Section 14-503-08.
8. Any areas used for the parking/storage of employee's or company vehicles (i.e., dump trucks, backhoes) must be on a paved surface.
9. Business hours being 8:00am to 5:00pm Monday through Friday and 8:00am to 3:00pm Saturday.

Commissioner Nesbitt questioned why we're limiting their hours of operation. Mr. Borders stated these are the hours the business requested to be open. Commissioner Preston noted there are a lot of churches nearby and it would make sense that they are not open on Sundays.

In response to Commissioner H. Wiley's question, Mr. Borders stated the applicant doesn't intend to store dump trucks or backhoes outside. He stated because of their type of business, if they do need to store them outside, they would need to be on a paved surface.

Commissioner Nesbitt said he believes the entire lot needs to be paved to help keep dust down.

Applicant Comments

Carla Ramos, 9035 NE 101st Street, Kansas City, stated they're confident they can abide by all of the conditions outlined by staff. She stated they are hoping to keep some parts of the lot gravel because it will help with the upkeep long term with dump trucks coming and going from the property. Ms. Ramos said they want to add nice landscaping so that customers can see what's possible with their products.

At commission's request, Mr. Borders went over each of the nine conditions and Ms. Ramos confirmed they can abide by each condition as outlined.

In response to Chairwoman McClain's question, Kevin Sterret, 1411 NE Todd George Rd, Lee's Summit, stated the products will be far enough away from the stream buffer that it will not be affected.

Commissioner Nesbitt requested a condition be added that requires the drive areas to be paved. Mr. Borders stated a tenth condition could be added that, chip and seal, chemical seal, or other satisfactory treatment as approved by the Community Development Department should be applied to all drive areas.

In response to Chairwoman McClain's question, Ms. Ramos stated the equipment will be stored near the main building.

Commissioner Nesbitt requested a condition be added that requires all equipment to be stored inside a building. Mr. Borders noted the original plan was for equipment to be stored in a shipping container. Commissioner Nesbitt stated he would be against a shipping container being used to store equipment. Ms. Ramos stated they can alter the main building to add a roll up garage, where they can store equipment. City Attorney Jeremy Cover stated condition eight could be amended to state "must be on a paved surface and enclosed".

Commissioner Nesbitt stated he's still concerned about not having more surface paved around the bins. Ms. Ramos stated they can pave inside the bins if that would be sufficient. Commissioner Nesbitt stated that would be acceptable. Mr. Borders stated condition ten would be added: "Chip

and seal, chemical seal, or other satisfactory treatment approved by the Community Development Department should be applied to all drive areas and bins will have concrete floors.”

Public Comments

No public comments.

Commissioner Comments

Commissioner Preston stated he’s happy with this project and believes it will be good for the area.

Motion

Commissioner Preston made a motion to approve Case 23-125-04 – Rezoning – 916 and 1004 W. 23rd Street from C-2 and R-12 to C-2/PUD and 910, 920, 922 W. 23rd Street and 1130 S. Cottage Street from C-2 to C-2/PUD, with the conditions as outlined by staff and the amendment to condition eight and the addition of condition ten. Commissioner H. Wiley seconded the motion. The motion passed with six affirmative votes.

Case 23-100-09 – Rezoning – 907 & 907 ½ S. Chrysler Avenue

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

Jose Prieto, 841 Osage Ave, Kansas City, KS, stated he has two potential tenants, but needs to have the building rezoned. The tenant on one side would be a church and another tenant would sell essential oils.

Public Comments

No public comments.

Motion

Commissioner H. Wiley made a motion to approve Case 23-100-09 – Rezoning – 907 & 907 ½ S. Chrysler Avenue. Commissioner Nesbitt seconded the motion. The motion passed with six affirmative votes.

Case 23-100-11 – Rezoning – Farmer Street Corridor

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.

In response to Commissioner Preston’s question, Mr. Harker confirmed this rezoning is to reinforce and preserve the single-family neighborhood.

Public Comments

Roxanne Robinson, 131 E. Farmer, stated she’s for this rezoning, but is concerned that the vacant properties in the neighborhood weren’t included.

Mr. Harker stated this is a corrective rezoning, to correct the zoning of those properties with already established uses. He said this will help those property owners for when they go to sell or refinance their property.

Mr. Preston stated this rezoning will help stabilize what we've got, and the vacant properties could be looked at as a separate matter.

Rick Arroyo stated the goal isn't to force zoning on those property owners of the vacant land. He said this will correct the zoning of those properties that are already single-family homes.

Emmett Morris, 508 N. Liberty Street, spoke in favor of this rezoning and keeping this area single family.

Motion

Commissioner Preston made a motion to approve Case 23-100-11 – Rezoning – Farmer Street Corridor. Commissioner L. Wiley seconded the motion. The motion passed with six affirmative votes.

Case 23-850-01 - Historic/Landmark Designation – 1114 S. Noland 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.

Applicant Comments

Charles and Amy Kistler, 1114 S. Noland Rd, provided a background on the property.

Public Comments

No public comments.

Motion

Commissioner H. Wiley made a motion to approve the Resolution from the Independence Heritage Commission is designating the overlay of Historic/Landmark Designation for 1114 S. Noland Road. Commissioner Preston seconded the motion. The motion passed with six affirmative votes.

Case 23-400-06 – Short-Term Rental – 646 S. Lake Drive

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 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 14-424 of the City Code.
3. The maximum occupancy of the premises shall be limited to six adults (ten total persons).
4. Pave the street side pull-off area.

5. The noise monitoring system shall be installed and activated, the Good Neighbor Guidelines, evacuation plan and other notices must be properly posted, prior to approval of the business license.

Applicant Comments

Jacob Chancellor and Luke Wendt, 400 W. Southside Blvd, stated they were available for any questions. Mr. Chancellor stated they purchased the house to update it and thought it would be perfect for a Short-Term Rental. Mr. Wendt said they've made a significant investment in this property and believes this would be a great place for people to stay when visiting Independence. Mr. Wendt said his sister now lives directly across the street and all of the neighbors have their phone number in case issues arise.

In response to Commissioner Nesbitt's question, Mr. Wendt said they have five cameras on site to monitor activity at the home. Mr. Chancellor stated they have ordered the noise monitoring device and they live only five minutes away if there's a noise issue.

In response to Commissioner L. Wiley's question, Mr. Chancellor said they were not aware of the permitting process when they started hosting guests. He stated as soon as they were made aware of the permit required, they applied to be in compliance.

In response to Commissioner Preston's question, Mr. Wendt stated they have read the City Code and they will be in compliance with all of the stipulations and they're okay with the City's conditions.

In response to Commissioner Preston's question, Mr. Wendt said they did have one issue with a large party at the residence. He advised they saw the issue coming with the cameras and they immediately called the police to shut it down. Mr. Wendt stated the guests were immediately removed from the property and they were banned from the Airbnb platform.

Public Comments

No public comments.

Motion

Commissioner Nesbitt made a motion to approve Case 23-400-06 – Short-Term Rental – 646 S. Lake Drive, with the conditions as outlined by staff. Commissioner Ferguson seconded the motion. The motion passed with six affirmative votes.

ROUNDTABLE

Commissioner L. Wiley requested some training for the Planning Commission. Mr. Cover stated they will work with staff to get some training on the agenda.

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.