



A GREAT AMERICAN STORY

Planning Commission Agenda

March 26, 2024

6:00 PM, City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

City Code Chapter 14 and the staff reports are entered into the record.

I. CALL TO ORDER

II. ROLL CALL

III. CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a Commissioner or staff member to become part of the regular agenda.

- A. Planning Commission Minutes – March 12, 2024

IV. CASE TO BE CONTINUED – Staff requests this item be continued to the April 9, 2024 meeting.

- A. Continued Case 24-400-04 - Short-Term Rental – 120 E. College Street – A request by Robert Scarborough for a Short-Term Rental.

V. PUBLIC HEARING

- A. Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road – A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential).
- B. Case 24-100-08 – Rezoning – 9519 E. Truman Road – A request by Elevated Spaces LLC to rezone the property from C-2 (General Commercial) and R-12 (Two Family Residential) to R-6 (Single Family Residential).

VI. ROUNDTABLE – Next meeting April 9, 2024

VII. ADJOURNMENT

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Planning Commission Minutes – March 12, 2024

Department:**Contact Person:**

REVIEWERS:

Planning Commission

Approved

Council Action:**Council Action:**

ATTACHMENTS:

- ▣ Draft PC Minutes

MINUTES
INDEPENDENCE CITY PLANNING COMMISSION
March 12, 2024

MEMBERS PRESENT

Cindy McClain, Chair*
Butch Nesbitt, Vice-Chair
Virginia Ferguson
Heather Wiley
Laurie Dean Wiley
Eric Ashbaugh
Dan O'Neill

STAFF PRESENT

Josh Garrett – Planner
Rick Arroyo – Assistant Director
Mitch Langford – City Prosecutor
Adam Dustman – Independence Police Chief*
Mike Jackson – Deputy Municipal Services Director*
Rich Kemple – Deputy Municipal Services Director
Matt McLaughlin - Deputy Municipal Services Director
Jason Newkirk – Technology Services Director
Chris Johnson – IT Manager*
Cindy Gray – Chief Financial Officer
Melissa Sill – Budget Manager
Morris Heide – Parks, Recreation and Tourism Director
Chuck Lauss – Independence Fire Chief
Kirk Stobart – Deputy Fire Chief
Joe Hegendeffner – Power & Light Director

*Attended virtually via Microsoft Teams

A meeting of the Independence City Planning Commission was held at 6:00 p.m. on March 12, 2024, in the Independence City Hall Council Chambers, 111 E. Maple Ave. The meeting was called to order.

CONSENT AGENDA

Planning Commission Minutes – February 27, 2024

Motion

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

CASES TO BE CONTINUED

Case 24-810-01 – Preliminary Development Plan – 20300 E. Jackson Drive

Motion

Commissioner H. Wiley made a motion to continue Case 24-810-01 to the April 9, 2024, Planning Commission meeting. Commissioner L. Wiley seconded the motion. The motion passed with seven affirmative votes.

Case 24-400-04 - Short-Term Rental – 120 E. College Street

Motion

Commissioner H. Wiley made a motion to continue Case 24-400-04 to the March 26, 2024, Planning Commission meeting. Commissioner O'Neill seconded the motion. The motion passed with seven affirmative votes.

OTHER BUSINESS

Capital Improvements Program

Staff Presentation

Rick Arroyo gave an overview of the Capital Improvements Program (CIP) 2024-2030. He noted the CIP is a fluid document and may change due to changes in project scope or funding availability. Mr. Arroyo provided an overview of the 148 projects that will total over \$522 million dollars.

Police Chief Adam Dustman explained this would be a second BearCat added to their fleet. The current BearCat is 19 years old and will serve as a backup and training once a second vehicle is delivered. Commissioner Nesbitt asked if the departments technology needs are being met. Chief Dustman stated if the GO Bond is passed, it would meet all their technology needs. He also said the body camaras should be deployed on May 1.

Commissioner Nesbitt asked about the fire stations proposed in the CIP. Fire Chief Chuck Lauss reviewed the properties that the Fire Department owns where the proposed new Fire Stations would be built. In response to Commissioner Nesbitt's question, Mr. Arroyo stated if additional funds are needed for land purchase the CIP can be updated. Staff agreed to update the language to the Fire Station 11 description to include that additional land purchase may be required. Chief Lauss went over the other Fire Department projects, including the purchase of a new pumper trunk and addition of staff parking for Fire Station 1.

Mr. Arroyo addressed Commissioner L. Wiley question regarding the priority-based budget rating of department projects, stating it is a standardized type scoring.

Commissioner Nesbitt asked why it takes so long for some of proposed capital projects to be completed. Municipal Services, Deputy Director Rich Kemple described the internal process for prioritizing department projects. He reviewed some of the stormwater and sewer projects. Municipal Services, Deputy Director Mike Jackson explained the need for a yard truck. Municipal Services, Deputy Director Matt McLaughlin addressed the Lagoon cleaning process & nutrient removal. Mr. McLaughlin stated if the GO Bond were to pass, they would increase the street overlay project.

Director Morris Heide Parks, Recreation and Tourism states Historic Site Maintenance projects have been moved to their operating budget. Mr. Heide reviewed the other park projects, including maintenance improvements to the Athletic complex. He discussed how the passing of the GO Bond would assist in completing some of the needs outlined in the 2010 Parks Master Plan.

Power & Light Director Joe Hegendefffer stated the projects outlined in the CIP would need to be completed regardless of who owns them. In response to Commissioner Nesbitt's question, Mr. Hegendefffer stated he would need plans submitted for electronic charging stations on any project to proceed with a study on the electrical load requirements.

Technology Services Director Jason Newkirk discussed the data center and two security projects. Commissioner Nesbitt asked about how they are budgeting for their projects. Jason Newkirk discussed they budget yearly to have the funds for the total project cost. Commissioner L. Wiley asked if he has concerns about changing technology. Jason Newkirk explained that much of their technology projects are initiatives that are built into the operation budget. He explained that the three projects are designed to minimize security risk but believes the city is doing a good job of keeping up with technology.

Motion

Commissioner H. Wiley made a motion to recommend approval of the Capital Improvements Program 2024-2030 to the City Council. Commissioner L. Wiley seconded the motion. The motion was approved with seven affirmative votes.

ADJOURNMENT

The meeting was adjourned at 7:37p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road – A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential).

Department:

Contact Person:

REVIEWERS:

Planning Commission

Approved

Council Action:

Council Action:

ATTACHMENTS:

- ▣ Staff Report Supplemental
- ▣ Staff Report
- ▣ Letter from Applicant
- ▣ Application
- ▣ Notification Letter
- ▣ Notification Information
- ▣ Notification Affidavit
- ▣ Notification Area Map
- ▣ Comp Plan Map
- ▣ Zoning Map

MEETING DATE: March 26, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Rezoning to R-6 Single-Family Residential

CASE NUMBER/REQUEST: **Case 24-100-05 – Rezoning – 1301 S. Noland** – A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential)

APPLICANT/OWNER: Carolyn Richardson

PROPERTY ADDRESS: 1301 S. Noland Road, Independence, MO 64055

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial) / Fast-Food and Gas Station

South: R-6 (Single-Family Residential) / Single Family Homes

East: C-2 (General Commercial) / Various Businesses

West: C-2 (General Commercial) / Fast-Food and Strip Mall

PUBLIC NOTICE

- Letters to property owners within 185 feet – January 8, 2024
- Public Notice published in the Independence Examiner – January 2, 2024
- Sign posted on property – January 5, 2024

RECOMMENDATION SUPPLEMENTAL

The originally scheduled public hearing for this case was January 23, 2024. Currently the property is being utilized as a single-family home with the applicant living at the property and operating a home business. Rezoning this property from C-2 to R-6 would correct code violations currently on hold pending the outcome of this rezoning.

Prior to the originally scheduled public hearing, the applicant decided to sell the property as C-2 zoning and locate her residence and business elsewhere. A request was made to staff to withdraw the case rather than be rezoned. Staff informed the applicant that if the case is withdrawn, the applicant will be in violation of City Code by residing at the property zoned C-2 (Generally Commercial) which does not allow for residential uses. Also, any fence on the property would need to follow the commercial fence regulations by requiring a permit and meeting the UDO section 14-400-02 for commercial fences and locations.

With this in mind, the applicant requested the application be continued while the property was listed for sale. At the January 23, 2024 Planning Commission meeting, the Planning Commission voted to continue the case to the February 27, 2024, meeting. At the February 27, 2024 meeting the case was again continued by the Commission to the March 26, 2024 meeting. The applicant has been unable to sell the subject property in this timeframe. For this reason, the applicant is requesting an additional continuance.

As outlined in Section 14-700-09 of the Unified Development Ordinance, further continuances of this case require a majority vote of the hearing body present at the meeting. “The record will indicate a reason for the continuance and any stipulations or conditions placed upon the continuance” if the body deems it appropriate.

Staff **does not** recommend granting a continuance to this case.

However, if the Planning Commission wishes to continue the case, staff recommends the following:

1. The case shall only be continued for one additional continuance to a date certain. At that date, the public hearing shall be heard.
2. The case shall be continued to the next available meeting on April 9, 2024.

MEETING DATE: March 26, 2024 **STAFF:** Joshua Garrett, Planner

PROJECT NAME: Rezoning to R-6 Single-Family Residential

CASE NUMBER/REQUEST: **Case 24-100-05 – Rezoning – 1301 S. Noland** – A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential)

APPLICANT/OWNER: Carolyn Richardson

PROPERTY ADDRESS: 1301 S. Noland Road, Independence, MO 64055

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial) / Fast-Food and Gas Station

East: R-6 (Single-Family Residential) / Single Family Homes

South: C-2 (General Commercial) / Various Businesses

West: C-2 (General Commercial) / Fast-Food and Strip Mall

PUBLIC NOTICE

- Letters to property owners within 185 feet – January 8, 2024
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FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on February 19, 2024, and the public hearing/second reading on March 4, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request.

STANDARD REQUIREMENTS OF APPROVAL

1. A change of use permit application shall be submitted and approved to change the occupancy classification from Office to Residential.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential).

Current Zoning: C-2 (General Commercial)

Current Use: Single-Family Home

Acreage: 0.52 Acres

Proposed Zoning: R-6 (Single-Family Residential)

Proposed Use: Single-Family Homes

Building Square Footage: 720 sq feet

BACKGROUND:

The applicant purchased this property in 2019 and has been living in the building, in addition to operating her business. According to the applicant, there have been several security issues on the property. To address this, the applicant applied for a building permit for a commercial fence. The fence, as proposed, was not approved because of the limitations placed on commercial fences per Section 14-400-02-C of the Unified Development Ordinance. Although not approved, the applicant began erecting a fence on the property. A stop-work-order was placed on the property on November 27th, 2023. After receiving the order, the applicant came to City Hall to discuss the options available to continue to erect the fence and to use the property as a residence. Rezoning the property to R-6 (Single-Family Residential) will allow the applicant to continue to live on the property and build a fence in accordance with the residential fencing standards.

The applicant will be able to continue to operate her business as a “minor home business” as it meets all the requirements outlined in Section 14-400-03-G of the Unified Development Ordinance.

PROPERTY HISTORY:

This property was platted in 1887 as part of the Walnut Park subdivision. The history of the property is difficult to determine. Jackson County’s parcel viewer map does not have information regarding year that the structure was built. However, it has clearly been on the property for several decades and is residential in its appearance. In 1965 when zoning was introduced, this property was designated as R-1 (Single-Family Residential). A city-wide rezoning was initiated in 1980. At this time this property was rezoned to C-2 (General Commercial). Throughout the 80s and 90s this property was an office building for The International University – Missouri, a Christian ministry and non-traditional higher-education institution. In 2009, with the adoption of the current version of the Unified Development Ordinance, this property remained C-2 (General Commercial.) The property remained vacant and for-sale for several years. The applicant purchased the property in 2019 at began living and operating her business at the property.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The subject property has the appearance of a single-family home with a garage in the rear. The primary structure on the property is a large building with a stone façade that faces Noland Road. The front yard of the property is raised a few feet with a retaining wall adjacent to the sidewalk. A two-car garage faces Fair Street on the north side of the property. The size of the property is just shy of a quarter acre at 0.225 acres.

CHARACTERISTICS OF THE AREA:

The properties along Noland are almost entirely commercial properties. A small park sits on the northwest corner of the Noland and Fair intersection. McDonalds and QuikTrip operate on the properties north of Fair Street. Taco Bell, Pizza Hut, and a variety of business in a strip map operate on the west side of Noland. The Chop Shop, a clothing apparel store and Captain D’s lie directly south of the subject property. East of the property is primary Residential. A small apartment complex lies on the northeast corner of Fair and Dogion. The other properties to the east are mostly single-family

residences.

PROPOSAL:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that she can continue to live at this location and construct a fence in accordance with the residential fencing standards.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the *Independence for All*, Strategic Plan. One of the objectives of the plan is to “increase the perception of safety.” One of the primary reasons that applicant has applied for the property to be rezoned, is so that a six-foot privacy fence can be built in accordance with the residential fencing standards. The applicant has indicated that having such a fence will help her feel safe in her home.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be Community Commercial. However, the property, in its current state, is not well suited for commercial use. The existing structures are better suited for residential functions.

Zoning:

If rezoned, the property would be congruent with the neighboring R-6 area to the east and southeast.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

- 1. Conformance of the requested zoning with the comprehensive plan.**

The Comprehensive Plan envisions this area to be Community Commercial. This might be the ideal case; however, exceptions may need to be made to solve specific problems.

- 2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**

This property is within the Noland Road Community Improvement District. Rezoning this

property is not in alignment with the CID Corridor Improvement Plan.

- 3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.**

If rezoned, the property would be congruent with the neighboring R-6 area to the east and southeast.

- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**

The existing character of the neighborhood to the east is that of a single-family residential neighborhood. Rezoning to R-6 (Single-Family Residential) is not compatible with other properties on Noland Road.

- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**

With the current zoning in place, single-family homes are not permitted. Further, the residential fence that the applicant intends to build is not allowed. By rezoning to R-6, the applicant will be able to continue to live on the property and build the fence to the residential fencing standards.

- 6. The length of time the subject property has remained vacant as zoned.**

Prior to the applicant purchasing the property in 2019, the property sat vacant for many years.

- 7. The extent of which approving the rezoning will detrimentally affect nearby properties.**

Rezoning this property to R-6 will not have a detrimental affect on the nearby properties. This is because the use of the property will not change. The applicant has been using this property as a single-family home since 2019.

- 8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.**

Denial of this zoning will require the applicant to find a new location to live. This will place a significant difficulty upon the applicant.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Mailing List
5. Affidavit
6. Notification Area Map
7. Aerial View

8. Comp Plan Map
9. Zoning Map

Carolyn Richardson
1301 S. Noland Rd.
Independence, Mo. 64055
678-579-6998

December 7, 2023

To whom it may concern:

My name is Carolyn Richardson-Owner of 1301 S. Noland Road, Independence Mo. 64055. I wish to submit this application to rezone this property to **residential** in order to put a 6ft around the property. In June I was asked to get a survey and stamped plans by your building permit office in order to move forward with fencing off this property for protection. Mr. Garrett and I have spoken in detail of all the things happening from being approached from strangers asking me to pay for protection, cutting my screen windows, and removing bolts from the security bars, finding syringes throughout my back yard, busting my ring camera's on both front and back doors, tearing up my fence around the water faucet, damaging my door knobs, stealing my water, destroying my pad locks to access the water and outdoor electricity, breaking my garage window, destroying another pad lock on the attic to the garage, damaging my key pad on both the garage, and back doors. I have dogs who will protect my property but they are confined to a kennel and therefore can only bark at intruders. I have had issues with someone flashing flash lights around my bedroom windows then cutting the screens and loosening and removing the bolts.

These situations has caused great hardship into this once distressed property. Sadly, I've haven't been unable to enjoy it, I can't go out at night for fear of stepping on one of many syringes, used condoms, or other drug paraphernalia in the rear of my yard. I just want to be able to enjoy my home and live in peace, in the absence of all these invasions. I've already applied for a fence permit and was unaware that I couldn't at least move forward with fencing off the back yard where most of the uncomfortable things have happened to feel safe. Although, I am grateful and appreciative for Mr. Garrett allowing the monies paid for a variance hearing months ago to be used towards the fees for applying for rezoning; having to constantly replace, fix or repair things from being tampered with and vandalized has caused a strain and financial hardship.

Lastly, it has been my understanding this property was rezoned in 2018 to Commercial/Residential and I was reassured by Mr. Mike Stuart in 2020\2021 there was no issues with me residing and working here; therefore I do not understand why I am having to rezone a property that was already rezoned by Mr. Ralph Roberts prior to purchase in 2019.

Prisoner in my own home;



Carolyn R. Richardson

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
<input type="checkbox"/> Rezoning <input type="checkbox"/> PUD Rezoning	<input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Final Site Plan <input type="checkbox"/> Preliminary Dev Plan <input type="checkbox"/> Final Dev Plan (PUD)	<input type="checkbox"/> Special Use <input type="checkbox"/> Homebased Business <input type="checkbox"/> Short-Term Rental	<input type="checkbox"/> Admin. Adjustment <input type="checkbox"/> Variance <input type="checkbox"/> Street Name Change <input type="checkbox"/> Special Sign Permit

Project Information and Location

Project Name: Carolyn Richardson

Project Address/Location: 1301 S. Noland Rd, Independence Mo. 64055

Sq. Ft. of Building: <u>1,512</u>	Acreage: <u>0.22</u>	Number of Lots/Tracts: <u>1</u>	Stream Buffer (Yes or No): <u>NO</u>
Existing Zoning: <u>C-2</u>	Proposed Zoning: <u>R-16</u>	Existing Land Use: <u>Comm./Residential</u>	Proposed Land Use: <u>Residential</u>

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

<input type="checkbox"/> Completed & Signed Application Form <input type="checkbox"/> Application Fee <input type="checkbox"/> Cover Letter Describing Details of Project	<input type="checkbox"/> One 24" x 36" set of plans for Land Sub. & Site Dev. <input type="checkbox"/> One PDF copy of a plat map or site plan <input type="checkbox"/> Legal Description of the property in question
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Contact Information

Applicant		Owner	
Name: <u>Carolyn Richardson</u>	Company: _____	Name: <u>Same as applicant</u>	Company: _____
Address: <u>1301 S. Noland Rd, Indep. Mo. 64055</u>		Address: _____	
Phone: <u>678-579-6998</u>	Email: <u>carolynrena@gmail.com</u>	Phone: _____	Email: _____
Architect/Engineer/Surveyor/Other: _____		Architect/Engineer/Surveyor/Other: _____	
Name: _____	Company: _____	Name: _____	Company: _____
Address: _____		Address: _____	
Phone: _____	Email: _____	Phone: _____	Email: _____

The applicant hereby agrees that the information provided above is accurate.

Carolyn Richardson 12/7/23
 Applicant's Signature Date

Carolyn Richardson 12/7/23
 Owner's Signature Date

Property Owner Notification Letter

City of Independence, Missouri

Date: 1/8/2024

Case No. 24-100-05

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

- ☒ Rezoning ☐ Rezoning/PUD ☐ Special Use Permit
☐ Preliminary Development Plan

Proposed project description: Rezone from C-2 (General Commercial) to R-6 (Single Family Residential).

Applicant: Carolyn Richardson

Location of Property: 1301 S. Noland Road

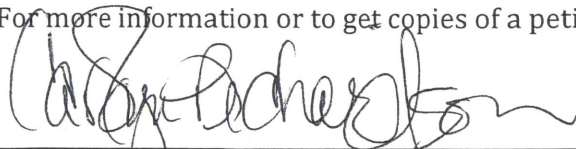
Planning Commission Meeting Date: January 23rd, 2024, at 6:00 p.m.

City Council Meeting Date: March 4th, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
 111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.



Applicant (or Owner/Agent)

For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
REVEST LLC	1000 SCOTT DR	LIBERTY	MO	64068
TALLGRASS HOLDINGS LLC	8100 E 22ND ST N BLDG 300-100	WICHITA	KS	67226
HEARTLAND MANAGEMENT GROUP LLC	14112 W 141ST PL	OLATHE	KS	66062
HUDDLESTON ADRIAN	1304 S DODGION AVE	INDEPENDENCE	MO	64055
WOLFF HOLDINGS LLC	8600 LEES SUMMIT RD	KANSAS CITY	MO	64139
FENTON GARY W & GERALDINE C	1316 S DODGION AVE	INDEPENDENCE	MO	64055
COMBS CINDY A	1312 S DODGION AVE	INDEPENDENCE	MO	64055
LINRAY CORP	4321 S AVON DR	INDEPENDENCE	MO	64055
CORDAS VERONICA J	PO BOX 6966	LEES SUMMIT	MO	64064
KING KONG PROPERTIES LP	12903 E 35TH TER S	INDEPENDENCE	MO	64055
PERSAUD ENTERPRISES INC	3604 S GRAND AVE	SEDALIA	MO	65301

Appendix C - Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-100-05

I, Carolyn Richardson, of lawful age being first duly sworn upon oath, state:

That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

These notices were mailed on the 6 day of Jan, 2024.

Carolyn Richardson

Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 8 day of January, 2024

Joshua Alec Garrett
Notary Public

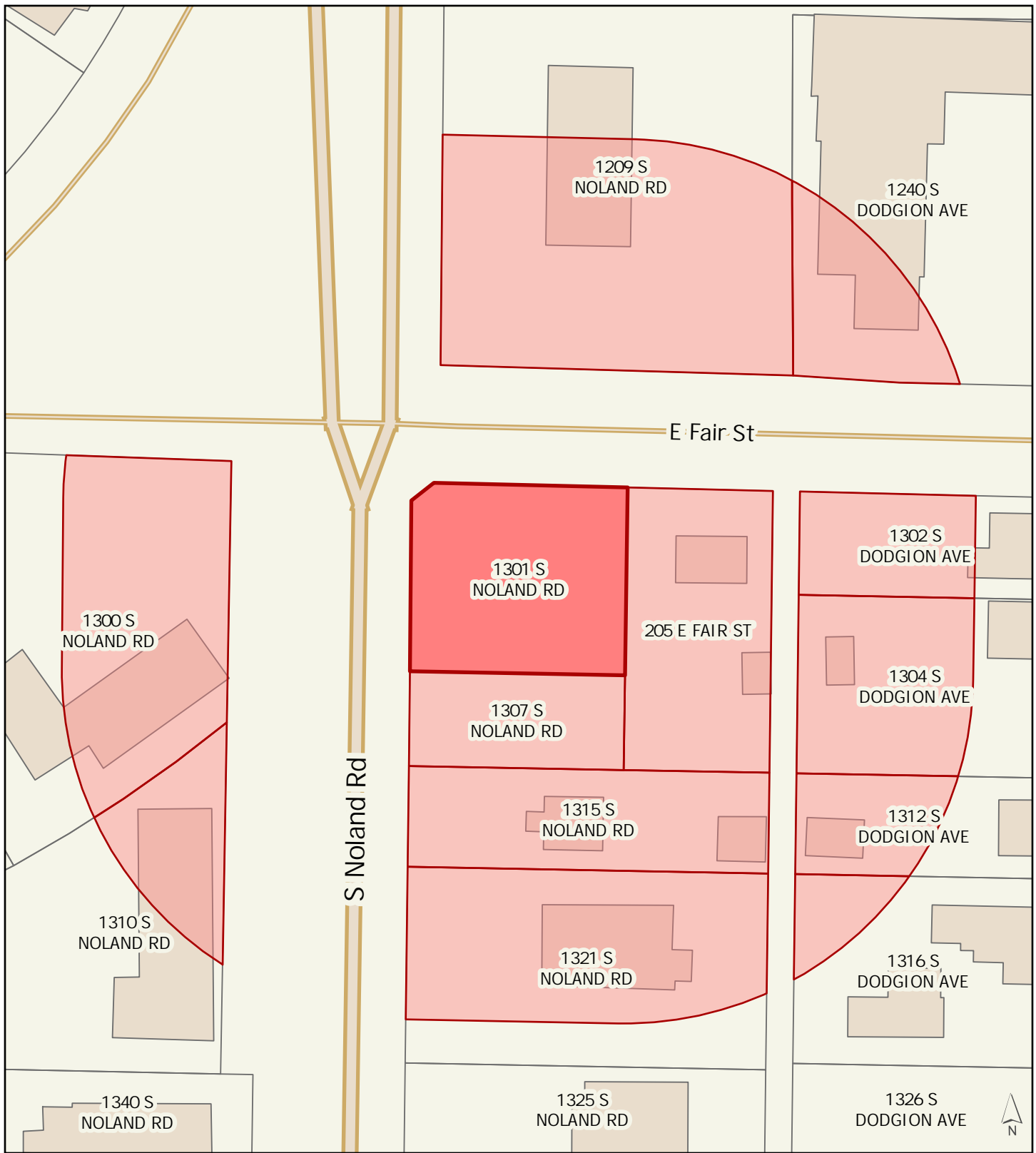
JOSHUA ALEC GARRETT
Notary Public - Notary Seal
State of Missouri
Commissioned for Jackson County
My Commission Expires: August 09, 2027
Commission Number: 23522832



8/9/2027
Commission Expiration Date

Notification Area

24-100-05

1301 S. Noland Road, Independence, MO 64055



-  Subject Property
-  185 ft Buffer Area

0 25 50 100 Feet

Legend

Major Roads



Road Centerline

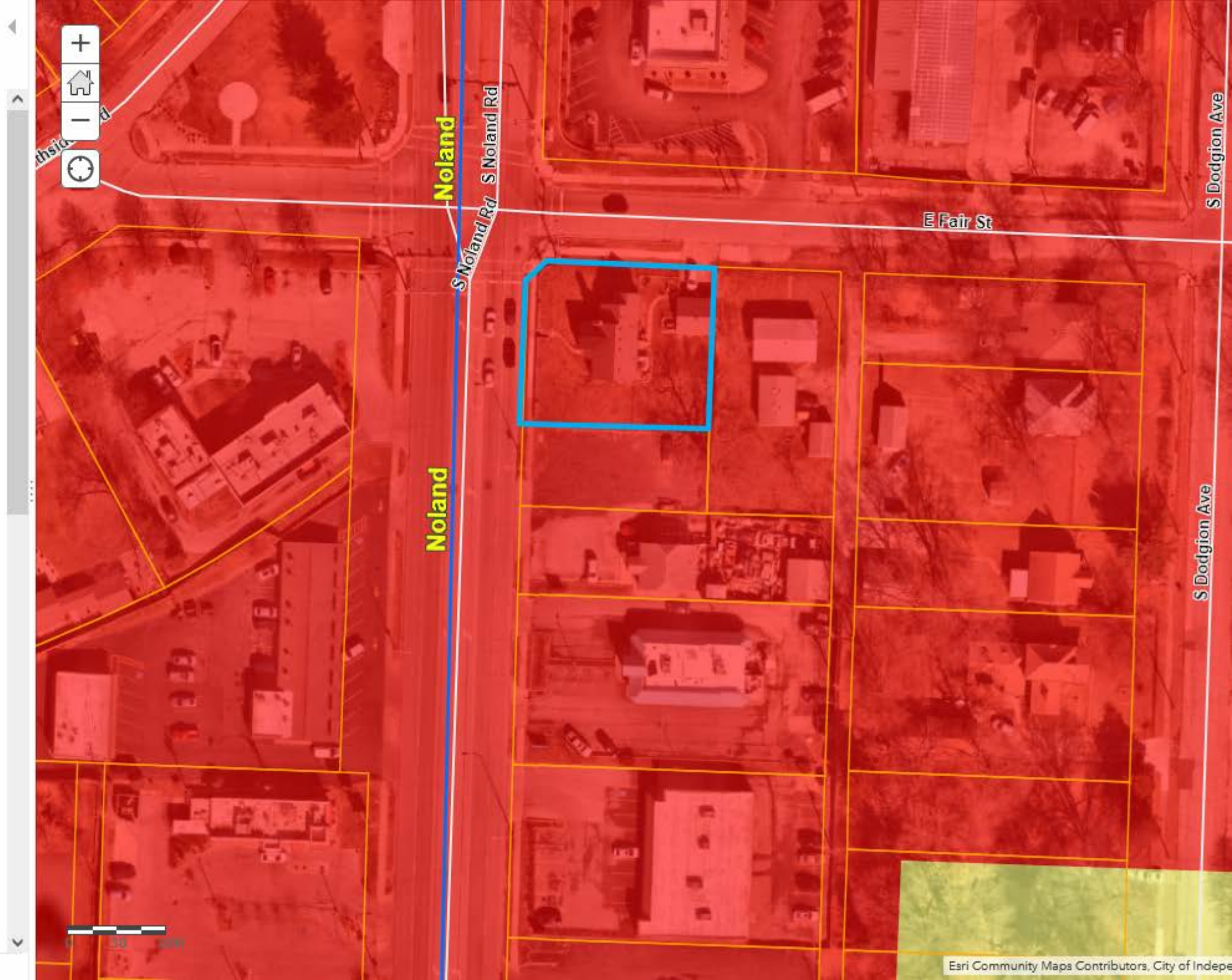


Parcels



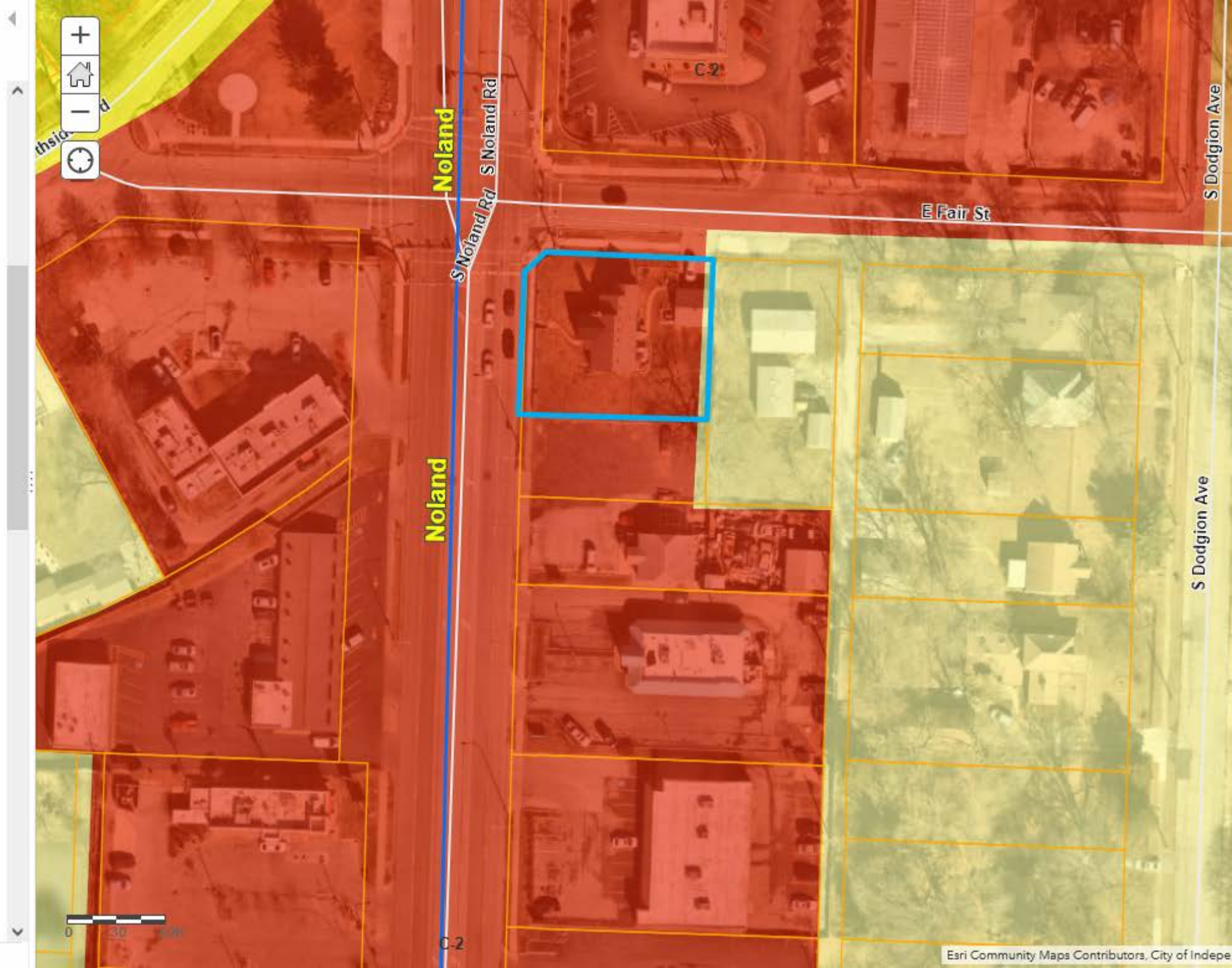
Proposed Land Use (Comp Plan)

- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural



Legend

- C-2
- C-2/HL
- C-2/I-1/U
- C-2/PUD
- C-2/SUP
- C-3
- C-3/SUP
- DFD
- I-1
- I-1/HL
- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2
- R-2/PUD
- R-30/PUD



City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Case 24-100-08 – Rezoning – 9519 E. Truman Road – A request by Elevated Spaces LLC to rezone the property from C-2 (General Commercial) and R-12 (Two Family Residential) to R-6 (Single Family Residential).

Department:

Contact Person:

REVIEWERS:

Planning Commission

Approved

Council Action:

Council Action:

ATTACHMENTS:

- ▣ Staff Report
- ▣ Letter from Applicant
- ▣ Application
- ▣ Notification Information & Affidavit
- ▣ Notification Area Map
- ▣ Aerial Photograph
- ▣ Site Plan
- ▣ Comp Plan Map
- ▣ Zoning Map

MEETING DATE: March 26, 2024 **STAFF:** Brian Harker, Senior Planner

PROJECT NAME: Rezoning to R-6 Single-Family Residential

CASE NUMBER/REQUEST: **Case 24-100-08 – Rezoning – 9519 E. Truman Road** – A request by Elevated Spaces LLC to rezone the property from C-2 (General Commercial) and R-12 (Two Family Residential) to R-6 (Single Family Residential).

APPLICANT/OWNER: April Mote

PROPERTY ADDRESS: 9519 E. Truman Road

SURROUNDING ZONING/LAND USE:

North: C-2...automotive repair
East: C-2 and R-12...restaurant and single-family residences
South: R-12...single-family residences
West: C-2 and R-12...undeveloped lot and single-family residences

PUBLIC NOTICE

- Letters to property owners within 185 feet – February 26, 2024
- Public Notice published in the Independence Examiner – March 6, 2024
- Sign posted on property – March 8, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on May 6, 2024, and the public hearing/second reading on May 20, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by April Mote to rezone the property from C-2 (General Commercial) and R-12 (Two-Family Residential) to R-6 (Single-Family Residential).

Current Zoning: C-2 (General Commercial)
and R-12 (Two-Family Residential)

Prior to 2009: R-12 was R-2 (Two-Family Residential)

Prior to 1980: C-2 was C-3 (Commercial)

Current Use: Single-Family Home

Acreage: 1.89-acres

Proposed Zoning: R-6 (Single-Family Residential)

Proposed Use: Single-Family Home

Building Square Footage: 1,368-square feet

BACKGROUND:

The applicant recently purchased this dilapidated and vacant commercial/residential property and wants to rezone to permit the property to be rehabilitated for residential use. The north 225 feet of this 570-foot-deep lot is zoned C-2 (General Commercial) and the remainder is zoned R-12 (Two-Family Residential). The vacant house, a usable accessory structure, and a portion of a dilapidated commercial structure is on the commercially zoned portion of the property. The remainder of that commercial structure and four other dilapidated accessory structures are on the southern residentially zoned portion of the property. It is believed in the past, a machine shop existed on the property. In contemporary times, the site has been used to store assorted junk and vehicles.

NECESSARY IMPROVEMENTS FOR A BUILDING PERMIT:

The applicant will need to take care of three major issues before any building permits are issued. First, the property will need to be rezoned from two to one single zoning district (being addressed with this application). Second, the gravel driveway must be paved, and any portion of the driveway (dirt or gravel) not improved must be eliminated. Third, except for the northern most accessory building, all other accessory structures (which are dilapidated and/or commercial in nature) will need to be removed.

Additionally, all code violation issues need to be addressed or enforcement actions may be initiated.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The subject property sets on higher ground to the south of Truman Road. At the top of the embankment, approximately 50 feet back from the roadway, sets the two-story pink house. Access to the property is via an existing gravel driveway along the east side of the property passing the house and leading to a loop that is not only unimproved, but simply dirt in place and is flanked by dilapidated commercial/industrial/buildings and sheds. Large shade trees are spaced throughout the property.

CHARACTERISTICS OF THE AREA:

The Truman Road corridor across the street to the north and going eastward along the street have long been commercial. (There is a high school property as well). Many of the brick and wood buildings, most with very little setback from the road, have been there for decades. The buildings to the north were either built or modified for automotive uses. The blocks immediate to the west and northwest along Truman Road have been either undeveloped or contain single-family residences. Single-family lots flank the south and most of the east and west sides of the property.

REQUEST:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that this property containing a house with two zonings can be rehabilitated for single-family residential use.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the *Independence for All*, Strategic Plan. The application is

within keeping with the Measures for Success for, “Improved housing conditions.”

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be Mixed Use.

Zoning:

If rezoned, the single-residential zoning would be consistent with the surrounding single-family uses neighboring to the west, south and east.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

- 1. Conformance of the requested zoning with the comprehensive plan.**

The Comprehensive Plan envisions this area to be Mixed Use. However, rezoning would support a continued attempt to reverse the creation of “stripped-out” commercial along the corridor and instead encourage commercial to be concentrated in nodes at major intersections.

- 2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**

This property is located within the Truman-Winner Road sub-area plan area. This purpose of this plan was to explore ways to incorporate amenities and infrastructure to support multiple transportation options including enhanced vehicular, bus, bicycle, and pedestrian transportation. Of particular importance was enhancing pedestrian transportation.

- 3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.**

If rezoned, the property would be congruent with the neighboring R-6 area to the east, west and south.

4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.

The existing character of the surrounding neighborhood is that of a single-family residential neighborhood.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

With the current zoning in place, the existing single-family home along Truman Road is not permitted. By rezoning the entirety of the property to R-6, the applicant will be able to use the property for residential uses.

6. The length of time the subject property has remained vacant as zoned.

The property (residential and commercial) has sat vacant for a number of years.

7. The extent of which approving the rezoning will detrimentally affect nearby properties.

Rezoning this property to R-6 will not have a detrimental effect on the nearby properties. This is because the residential use of the property will not be all that different from what has already existed there before and currently exists in the surrounding neighborhoods.

8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.

Denial of this rezoning will prevent this property from being used at all because you cannot have two zonings on the same property.

EXHIBITS

1. Narrative
2. Application
3. Notification/Addresses/Affidavit
4. Aerial Photo
5. Site Plan
6. Comp Plan Map
7. Zoning Map

I Am trying to turn the
house into Residential zoning
so I can rehab the house
and then sell the entire
property as one parcel.

Currently mil-zoned.

2023-03018



Planning and Zoning

Application Form

Community Development
111 E. Maple Avenue
Independence, MO 64050
(816) 325-7421
cdplanning@indepmo.org

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
<input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> PUD Rezoning	<input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Final Site Plan <input type="checkbox"/> Preliminary Dev Plan <input type="checkbox"/> Final Dev Plan (PUD)	<input type="checkbox"/> Special Use <input type="checkbox"/> Homebased Business <input type="checkbox"/> Short-Term Rental	<input type="checkbox"/> Admin. Adjustment <input type="checkbox"/> Variance <input type="checkbox"/> Street Name Change <input type="checkbox"/> Special Sign Permit

Project Information and Location

Project Name: Residential
9519 E Truman Road

Project Address/Location: 1368 St
1.89

Sq. Ft. of Building: 1368 St Acreage: 1.89 Number of Lots/Tracts: 1 Steam Buffer (Yes or No):

Existing Zoning: C-2/R-12 Proposed Zoning: R-6 Existing Land Use: House & Storage Proposed Land Use: House & Residential accessory building

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

<input checked="" type="checkbox"/> Completed & Signed Application Form	<input type="checkbox"/> One 24" x 36" set of plans for Land Sub. & Site Dev.
<input type="checkbox"/> Application Fee	<input type="checkbox"/> One PDF copy of a plat map or site plan
<input type="checkbox"/> Cover Letter Describing Details of Project	<input type="checkbox"/> Legal Description of the property in question

Contact Information

Applicant

Name: April Mote Company: Elevated Spaces LLC

Address: 17200 E 23rd St S

Phone: 816-527-6037 Email: Purposednrendesign.kc@gmail.com

Architect/Engineer/Surveyor/Other: _____

Name _____ Company _____

Address _____

Phone _____

Email _____

Owner

Name: D+S Investing LLC Company: D+S Investing LLC

Address: 404 NE Fox Trail BSMO 64014

Phone: 816 888 9798 Email: Simon Aulo LLC @ gmail.com

Architect/Engineer/Surveyor/Other: _____

Name _____ Company _____

Address _____

Phone _____

Email _____

The applicant hereby agrees that the information provided above is accurate.

Applicant's Signature: [Signature] Date: 2/8/2023

Owner's Signature: [Signature] Date: _____

Property Owner Notification Letter
City of Independence, Missouri

Date: 2/26/24

Case No. 24-100-08

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

- ☒ Rezoning ☐ Rezoning/PUD ☐ Special Use Permit
☐ Preliminary Development Plan

Proposed project description: Change the house from
Commercial zoning to Residential zoning

Applicant: D+S Investing LLC

Location of Property: 9519 E Truman Rd Ind MO 64052

Planning Commission Meeting Date: March 26, 2024 at 6:00 p.m.

City Council Meeting Date: MAY 20, 2024 at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.

Auburn E. Stiner
Applicant (or Owner/Agent)

For more information, contact the Community Development Department at 816-325-7421.

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-100-08

I, Auburn Stiner, of lawful age being first duly sworn upon oath, state:

That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

These notices were mailed on the 26 day of February, 2024.

Auburn E Stiner

Signature of Agent, Owner or Attorney

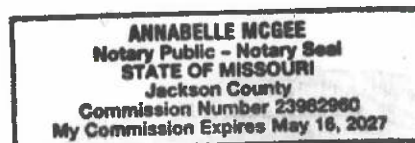
Subscribed and sworn to before me this 26 day of February, 2024.

Annabelle McGee

Notary Public

May 16th, 2027

Commission Expiration Date



Brian Harker

From: Auburn Stiner <dandsinvesting@gmail.com>
Sent: Friday, March 15, 2024 5:00 PM
To: Brian Harker
Subject: Re: rezoning letters

You don't often get email from dandsinvesting@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL] CAUTION: This email originates from an EXTERNAL source. Do not reply, click links, scan QR codes, or open attachments unless you trust the source and know the content is safe. Report suspicious messages using the PAB or forward to phish-report@indepmo.org

John Parks
1215 & 1217 S Glenwood Ave
Indep, Mo 64052

Ana Garcia for 1219 S Glenwood Ave
1329 W 30th St S
Indep, Mo 64052

Sandra Viera
1221 S Glenwood Ave
Indep, Mo 64052

Ronny Britain
1223 S Glenwood Ave
Indep, Mo 64052

Elizabeth Jaeger
1225 S Glenwood Ave
Indep, Mo 64052

Shawn Sood for 1227 S Glenwood Ave
14008 W 72nd St
Shawnee, KS 66216

Diana Sanchez
1229 S Glenwood Ave
Indep, Mo 64052

Timothy Severt
9508 E 13th St
Indep, Mo 64052

Racheal Seek
9510 E 13th St
Indep, Mo 64052

Paul Cooper Jr & Evelyn Cooper
9516 E 13th St
Indep, Mo 64052

Chris Daniel
9753 Winner Rd
Indep, Mo 64052

Randall Pyle
9751 Winner Rd
Indep, Mo 64052

Dionne Peterson & Brian Schneider
9735 E Winner Rd
Indep, Mo 64052

Tracy Leavey
9733 E Winner Rd
Indep, Mo 64052

Brian & Peggy Kearney
9725 E Winner Rd
Indep, Mo 64052

Jamisha Hattley
9717 E Winner Rd
Indep, Mo 64052

Be Independence LLC for 9541 E Truman Rd
9665 Wilshire Blvd Ste 200
Beverly Hills, CA 90212

Donald Mann for 9520, 9510, 9514 E Truman Rd
3722 Davidson Rd
Indep, Mo 64055

Brandon Fryer for 9508 & 9510 E Truman Rd
16514 E Mechanic Ave
Indep, Mo 64050

Isaac & Sara Mayfield for 9420 E Truman Rd
10016 E Truman Rd
Indep, Mo 64052

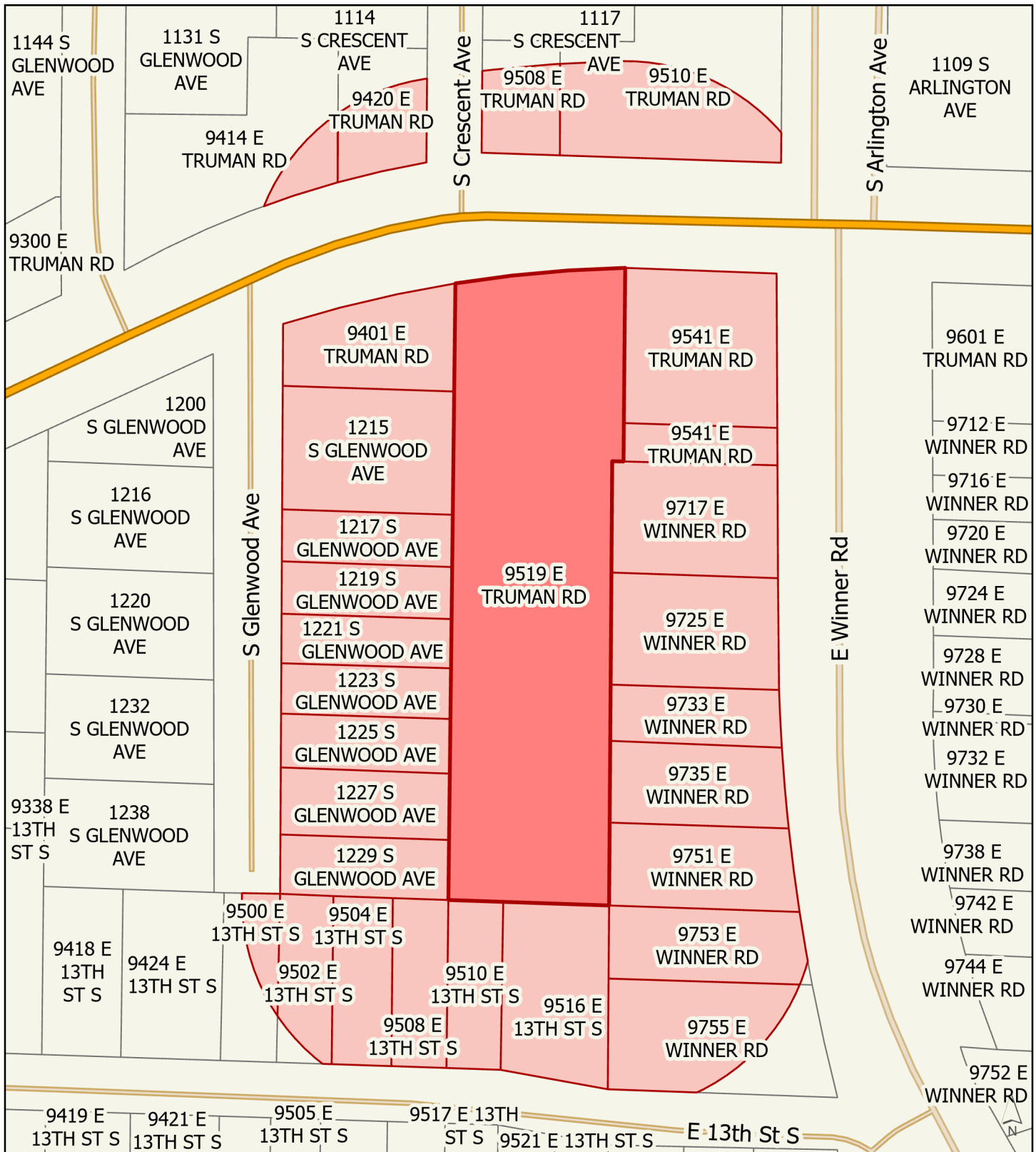
Church of God
9414 E Truman Rd
Indep, Mo 64052



Francene Eubanks for 9401 E Truman Rd
1525 S Arlington Ave
Indep, Mo 64052

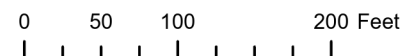
Notification Area

24-100-08

9519 E Truman Road, Independence, MO 64052



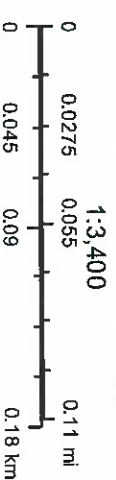
-  Subject Property
-  185 ft Buffer Area





2/8/2024, 3:48:20 PM

Municipal Boundaries 2023



Community Development Front Counter Map



3/15/2024, 3:44:07 PM

Parcels

Municipal Boundaries 2023

Legend

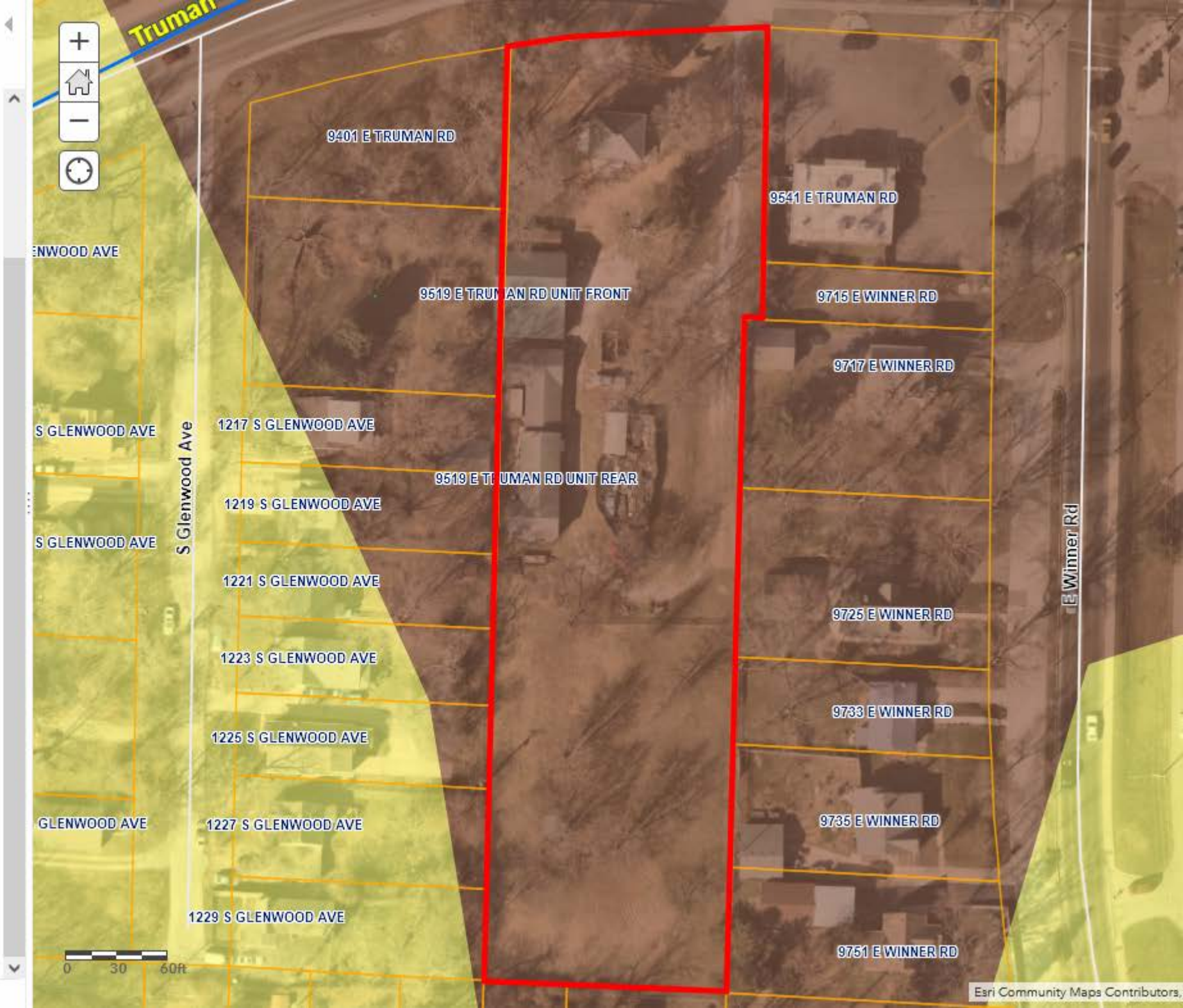
Road Centerline

Parcels

Proposed Land Use (Comp Plan)

- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural

Municipal Boundaries 2023



Legend
Zoning Districts view

- ARTS
- BP
- BP/PUD
- C-1
- C-2
- C-2/HL
- C-2/I-1/U
- C-2/PUD
- C-3
- DFD
- I-1
- I-1/HL
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2

