



A GREAT AMERICAN STORY

Planning Commission Agenda

April 23, 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 – April 9, 2024
- B. Case 24-320-02 – Final Plat – Wader’s Place – Replat A - 816 N. Powell Road – A request by Trent Thompson to replat a tract of land located at 816 N. Powell Road.

IV. CASE TO BE CONTINUED – Staff requests this case be continued to the May 14, 2024 meeting.

- A. Case 24-200-04 – Special Use Permit – 801 W. 23rd Street – A request by Unity Center of Independence to operate a group home.

V. OTHER

- A. Planning Commission Training

VI. ROUNDTABLE – Next meeting May 14, 2024

VII. ADJOURNMENT

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Planning Commission Minutes – April 9, 2024

Department:**Contact Person:**

REVIEWERS:

Planning Commission

Approved

Council Action:**Council Action:**

ATTACHMENTS:

- ▣ Draft PC Minutes

MINUTES
INDEPENDENCE CITY PLANNING COMMISSION
April 9, 2024

MEMBERS PRESENT

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

STAFF PRESENT

Brian Harker – Senior Planner
Josh Garrett – Planner
Rick Arroyo – Assistant Director
Mitch Langford – City Prosecutor

A meeting of the Independence City Planning Commission was held at 6:00 p.m. on April 9, 2024, in the Independence City Hall Council Chambers, 111 E. Maple Ave. The meeting was called to order.

CONSENT AGENDA

Planning Commission Minutes – March 26, 2024

Motion

Commissioner O'Neill made a motion to approve the Consent Agenda. Commissioner Ferguson seconded the motion. The motion passed with five affirmative votes.

CASE TO BE CONTINUED

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

Motion

Commissioner L. Wiley made a motion to continue Case 24-810-01 indefinitely. Commissioner O'Neill seconded the motion. The motion passed with five affirmative votes.

PUBLIC HEARINGS

Case 24-100-09 – Rezoning – 908 N. Liberty Street

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

Bobby Anderson, 908 N. Liberty Street, stated he was unaware of its zoning when he purchased the property and would like it corrected.

Public Comments

No public comments.

Commissioner Comments

In response to Commissioner L. Wiley's question, Mr. Harker stated this area's zoning should be reviewed and eventually updated to its correct zoning.

Motion

Commissioner O'Neill made a motion to approve Case 24-100-09 – Rezoning – 908 N. Liberty Street. Commissioner Ferguson seconded the motion. The motion was approved with five affirmative votes.

Case 24-100-10 – Rezoning – 120 E. College Street**Continued Case 24-400-04 – Short-Term Rental – 120 E. College Street****Staff Presentation**

Josh Garrett presented the case. Mr. Garrett 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. Garrett outlined the following conditions for the Short-Term Rental application:

1. The property shall be rezoned prior to a business license being issued and the short-term rental operating.
2. 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.
3. The business must comply with all safety and other standards established by Section 14-420 of the City Code.
4. The maximum occupancy of the premises shall be limited eight (8) persons total.
5. The maximum number of bedrooms shall be three (3).
6. 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

Robb Scarborough, 603 Quincy Blvd., Smithville, explained the location of the air mattress and when not in use, it will be zipped up and stored in an area in the living room.

In response to Commissioner Wiley's comment, Mr. Garret clarified that the applicant could host six (6) adults and two (2) children. Mr. Scarborough noted and agreed to the requirement.

In response to Vice-Chair Nesbitt's question, Mr. Scarborough stated he was told the property line ended at the fence line and not sure who maintains the property to the west of them.

Public Comments

No public comments.

Motions

Commissioner Ashbaugh made a motion to approve Case 24-100-10 – Rezoning – 120 E. College Street. Commissioner L. Wiley seconded the motion. The motion was approved with five affirmative votes.

Commissioner L. Wiley made a motion to approve Continued Case 24-400-04 – Short-Term Rental – 120 E. College Street, Commissioner O'Neill seconded the motion. The motion was approved with five affirmative votes.

Case 24-175-02 – UDO Amendment #65 – Data Center Use

Staff Presentation

Rick Arroyo stated in March 2021, the City proposed an amendment to the UDO dealing with Business Parks to include defined performance standards, added allowed uses, setback modifications, landscaping and screening requirements, and inclusion to the Planned Unit Development specifications of the code. As part of this amendment, the Data Center use was added to the UDO and allowed only in the BP/PUD District.

Mr. Arroyo said the City proposes to add the Data Center use to the I-1 District. This use is appropriate for the I-1 district and would further meet the goals of the Comprehensive Plan as it could promote the retention of and expansion of new industrial development opportunities. Further, this amendment meets one of the stated purposes of the UDO by retaining and expanding the City's business and employment base.

In response Vice-Chair Nesbitt's question, Mr. Arroyo described examples of different types of Data Centers and further explained that they are for business with multiple servers or computer systems in place and people there to manage that system.

In response to Commissioner Ashbaugh's question, Mr. Arroyo explained the landscaping use would fall under industrial use and further outlined the differences between BP & I-1 Districts.

Public Comments

No public comments.

Motion

Commissioner L. Wiley made a motion to approve Case 24-175-02 – UDO Amendment #65 – Data Center Use. Commissioner Ferguson seconded the motion. The motion was approved with five affirmative votes.

OTHER BUSINESS

Case 24-400-05 – Home Business – 1200 N. Ponca Drive

Staff Presentation

Josh Garrett presented the case. Mr. Garrett 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. Garrett outlined the following conditions on the Home Business application:

1. The business shall operate only between the hours of 7:00 am through 6:00 pm, Monday through Friday.
2. The maximum number of nonrelated children in care is limited to not more than 10 and restricted to the number of children as approved by the State of Missouri and the City.
3. The house will pass all City Fire and Health inspections.
4. Maintain all required licenses.

Applicant Comments

Willie Toomer, 1200 N. Pona Drive, stated they completed the requirements for the fire inspection. Mr. Toomer went over the plans for the daycare and future plans for their home business.

In response to Commissioner L. Wiley's question, Mr. Toomer went over which rooms in the home that would be utilized for daycare use and the condition of the backyard fence.

In response to Vice-Chair Nesbitt's question, Mr. Toomer stated they park their cars in the garage to open the driveway for the parents picking up their children to utilize.

Public Comments

No public comments.

Commissioner Comments

In response to Commissioner O'Neill's question, Mr. Garrett stated the basement is not accessible to the children. They would not be issued a business license until the conditions outlined are met.

Motion

Commissioner Ashbaugh made a motion to approve Case 24-400-05 – Home Business – 1200 N. Ponca Drive, with conditions as outlined by staff. Commissioner L. Wiley seconded the motion. The motion was approved with five affirmative votes.

Case 24-400-06 – Short-Term Rental – 300 N. Cedar 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. Mr. Harker outlined the following conditions on the Short-Term Rental application:

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 ten (10) persons total.
4. The maximum number of bedrooms shall be four (4).
5. Remove second kitchen from the plan.
6. Do not use attic room as a bedroom.
7. Pave any current gravel driveway surfaces to be used. Eliminate any gravel parking surfaces not to be improved.
8. Remove the gravel parking spaces along the north side of E. Norledge Avenue.
9. The property must be inspected by the Fire Inspector and pass the Initial Short-Term Rental Fire and Life Safety Inspection.
10. 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.

In response to Commissioner L. Wiley's question, Mr. Harker stated the applicant may be able to provide more details on when the improvements to the house were completed.

Applicant Comments

William Zhong, 300 N. Cedar Avenue, discussed how he operates his Short-Term Rental on Northern. He estimated the improvements in the last 10 years and had acquired building permits. Mr. Zhong said if approved, he will move to Lee's Summit with his wife.

Public Comments

Fred Williams, 308 N. Cedar Avenue, stated his viewpoint on the approval of this case and that it would be a detriment to the neighborhood. His concerns are the proximity of the property to the school, the condition of the wire fence, and the general upkeep of the property. Mr. Williams stated Mr. Zhong does not live at the home and they continually have property maintenance issues.

John Pettit, 307 N. Cedar Avenue, stated he is concerned about the past tenants allowed to occupy the property and that the ATF did raid in the recent past. He also confirmed that Mr. Zhong does not live at the house and mentioned the continuous property violations. Mr. Pettit said the house is not well maintained and is concerned about the clientele that it would attract.

Karen Williams, 308 N. Cedar Avenue, stated she agrees with Mr. Williams & Mr. Pettit's concerns.

In response to the public hearing, Mr. Zhong stated he had issues with long-term tenants at this property and apologized to the neighbors. He stated in-leu of rent he would allow the tenants to upgrade the home and they may not have gotten building permits. He further stated the tenants promised to mow the lawn and did not follow through. Mr. Zhong stated that if approved as a Short-Term Rental he will better maintain the property.

In response to Vice-Chair Nesbitt's question, Mr. Zhong stated he is not living at the address and is living at 2400 SW Golden Eagle Rd, Lee's Summit.

Commissioner Comments

Commissioner O'Neill expressed concerns about the condition of the property and confirmed with Mr. Harker that Staff does recommend approval of the case. Mr. Harker clarified that Mr. Zhong will have to meet all inspection requirements to obtain a business license to operate.

Vice-Chair Nesbitt is concerned about the amount of time it will take to make the necessary improvements to the property. He also stated he would like additional information on whether permits were obtained for the porch & carport conversion improvements.

Commissioner L. Wiley agrees with Vice-Chair Nesbitt and feels improvements need to be made before approval of a Short-Term Rental license. After conferring with Staff, Commissioner L. Wiley asked Mr. Zhong if he would be willing to have this case continued while he makes improvements to the property.

Mr. Zhong stated he would like the case continued and will start to make improvements.

Motion

Commissioner L. Wiley made a motion to continue Case 24-400-06 indefinitely. Commissioner Ferguson seconded the motion. The motion passed with five affirmative votes.

ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Case 24-320-02 – Final Plat – Wader’s Place – Replat A - 816 N. Powell Road – A request by Trent Thompson to replat a tract of land located at 816 N. Powell Road.

Department:

Contact Person:

REVIEWERS:

Planning Commission

Approved

Council Action:

Council Action:

ATTACHMENTS:

- ▣ Staff Report
- ▣ Letter from Applicant
- ▣ Application
- ▣ Plat
- ▣ Comp Plan
- ▣ Zoning Map

MEETING DATE: April 23, 2024

STAFF: Brian L. Harker, Senior Planner

PROJECT NAME: Wader's Place – Replat A

CASE NUMBER/REQUEST: **Case 24-320-02 – Final Plat – Waders Place – Replat A**, a request by Trent Thompson for approval of a Final Plat.

APPLICANT/OWNER: Trent Thompson

PROPERTY ADDRESS: 816 N. Powell Road

SURROUNDING ZONING/LAND USE:

North: R-A (Residential-Agriculture)...rural residence and woodland
East: R-A (Residential-Agriculture)...woodland and pasture
South: R-A (Residential-Agriculture)...woodland and pasture
West: R-6 (Single-Family Residential)...undeveloped land

FURTHER ACTION:

Following action by the Planning Commission, this Final Plat is scheduled for review and approval by the City Council on June 3, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this Final Plat with the following conditions:

1. Title the drawing, "Final Plat."
2. The approval should read, "Approved on the ____ day of _____ by the City Council and Mayor of the City of Independence, Missouri pursuant to Ordinance No. _____;
3. The first signature should not have Lisa Phelps and say, "Municipal Services Designee;"
4. The second signature line should say, "Susanne," not "Suzanne;"
5. The side title block shall match the top label of the drawing;
6. Label the right-of-way to the east, N. Powell Road;
7. Lot 1C should be labeled 816 N. Powell Road, Lot 1B should be 850 N. Powell Road and Lot 1A should be 20401 E. Bundschu Road.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Trent Thompson for approval of a Final Plat for tract of land located at 816 N. Powell Road.

Current Zoning: R-A (Residential-Agriculture)

Current Use:	Undeveloped crop, pasture and woodland	Proposed Use:	Large lot rural residences
Acreage:	24.35-acres	Number of lots	Three lots

PROPOSAL:

The applicant intends to split the existing Lot 1 of Wader Place into a three-lot subdivision (Lots 1A, 1B and 1C). The replat will facilitate the development of three large-lot, rural residences. Lot 1A will be 5.68-acres, Lot 2B will be 3.31-acres and Lot 2C will be 15.36 acres in area.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed three lot, 24.35-acre plat is a mixture of pasture and woodland. The property is an undeveloped, hilly tract easily accessible to E. Bundschu Road and N. Powell Road.

CHARACTERISTICS OF THE AREA:

The surrounding properties are similar to the subject tract, largely consisting of pasture and woodland. North of Lots 1B and 1C is a rural residence and a vacant tract.

ANALYSIS

Consistency with *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 for the Current Designation:

The City Comprehensive Plan recommends Residential Neighborhood uses for this site.

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Water and electrical services are available along the N. Powell Road and the E. Bundschu Road rights-of-way. Sanitary sewer is available along the creek but would require a sewer utility extension for connection into the city sewer system. A 30-foot wide easement crossing Lot 1C will provide for sewer access to Lot 1B, as well as to the two lots to the north abutting E. Bundschu Road.

Stream Buffers and Flood Plain Area:

Stream Buffers, the 100-year flood plain and floodway are confined to the very southwestern portions of Lot 1C and the southern portion of Lot 1A. Lot 1C and 1A are within the federally designated flood plain area and within the City’s designated Stream Buffer Area.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

EXHIBITS

1. Cover Letter
2. Application
3. Final Plat
4. Comp Plan Map
5. Zoning Map

To City Planning Commission-

816 N Powell Rd Independence MO 64056

Attached is my application to split my current land into 3 new lots for a simple subdivision. The land will be used as residential land in the very near future. Jeremy Nickols from CFRS Engineering will be handling survey work for this project. The lots will be one lot on the front of Bundschu Rd with 249 ft of frontage roughly that results in a 5.68 acre lot. The other lot will be on Powell Rd. It is 3.31 Acres with 240 ft of frontage. The 3rd lot will be the remaining of the initial land. 15.36 Acres.

Thank you

Any questions can be directed to me. 816-377-7118 or via email
Trent@rph123.com

Trent Thompson

A handwritten signature in blue ink, appearing to be 'Trent Thompson', with a stylized, flowing script.

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 checked="" type="checkbox"/> Final Plat <input checked="" 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 816 N Powell Rd Indyp MO 64056 64056			
Project Address/Location 3 yes			
Sq. Ft. of Building	Acreage	Number of Lots/Tracts Ag	Stream Buffer (Yes or No) Ag
Existing Zoning	Proposed Zoning	Existing Land Use	Proposed Land Use


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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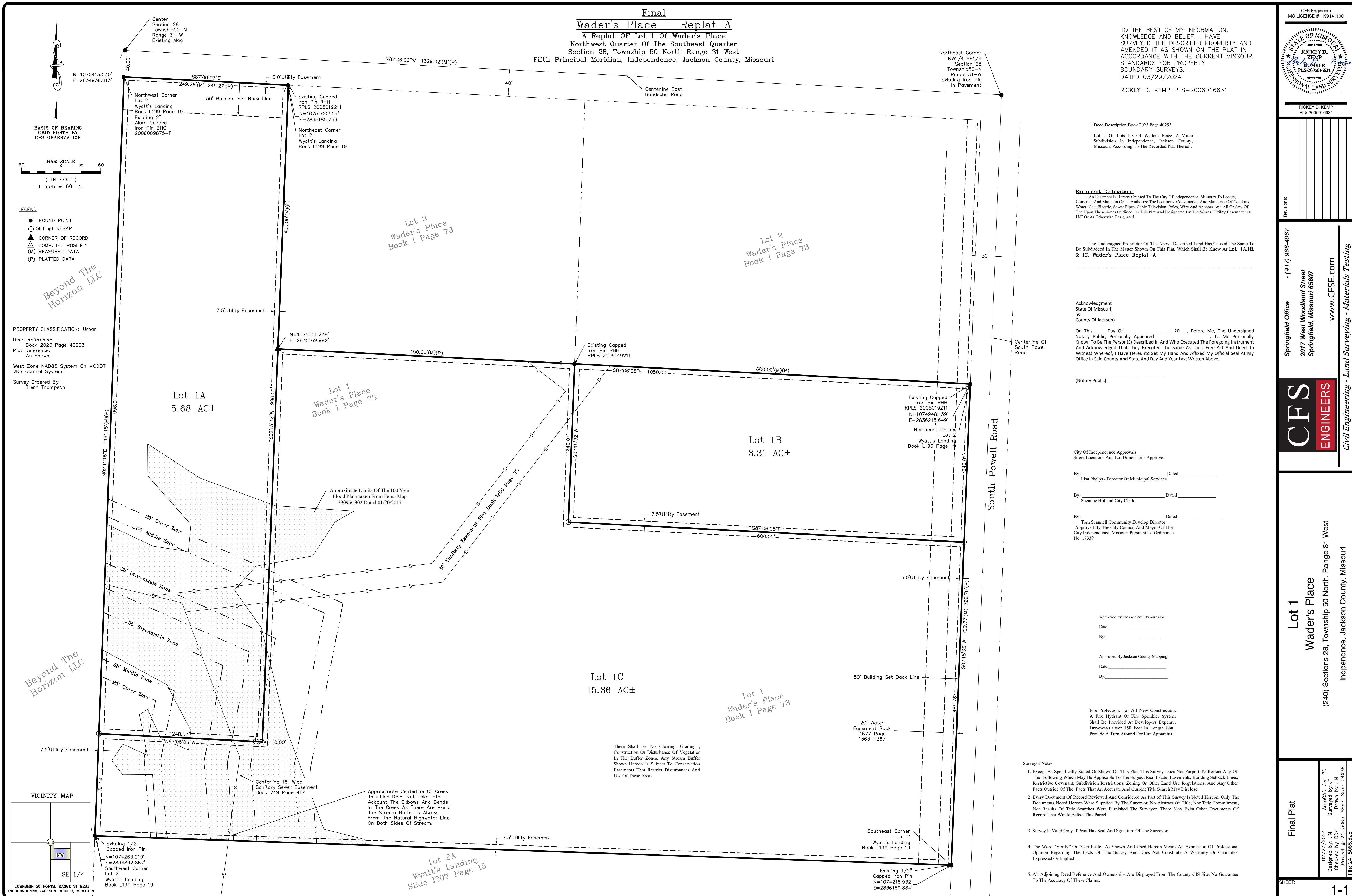
Contact Information

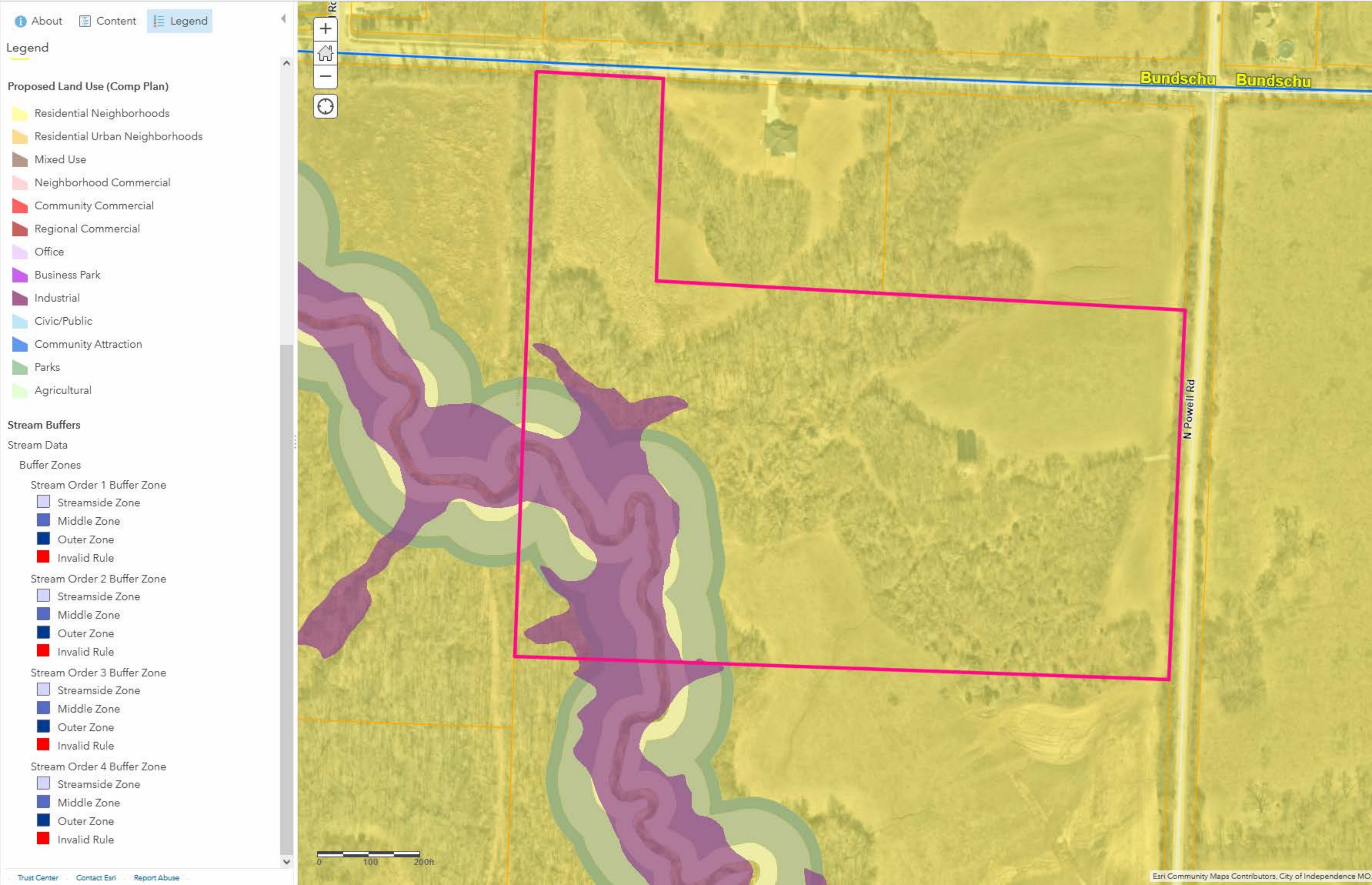
Applicant		Owner	
Name Trent Thompson		Name Sam	
Company 705 N Cloverdale Ave Indyp MO 64056		Company Sam	
Address 816-377-7118 Trent@RPH123.com		Address Sam	
Phone	Email	Phone	Email
Architect/Engineer/Surveyor/Other: Jeremy Nickols CFS Engineering		Architect/Engineer/Surveyor/Other:	
Name 3015 E Cairo Street Springfield MO 65802		Name	
Company 417-872-6488 JNickols@CFSE.com		Company	
Address		Address	
Phone	Email	Phone	Email

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

Applicant's Signature  Date 3-4-24

Owner's Signature  Date 3-4-24





Legend

- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2
- R-2/PUD
- R-30/PUD
- R-4
- R-4/PUD
- R-6
- R-6/HL
- R-6/I-1/U
- R-6/PUD
- R-A
- R-A/I-2/U
- R-A/PUD

Stream Buffers

Stream Data

Buffer Zones

Stream Order 1 Buffer Zone

- Streamside Zone
- Middle Zone
- Outer Zone
- Invalid Rule

Stream Order 2 Buffer Zone

- Streamside Zone
- Middle Zone
- Outer Zone
- Invalid Rule

Stream Order 3 Buffer Zone

- Streamside Zone
- Middle Zone
- Outer Zone
- Invalid Rule

Stream Order 4 Buffer Zone

- Streamside Zone
- Middle Zone
- Outer Zone

