



Planning Commission Minutes

August 27, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the Planning Commission was held at 6:00 PM on 8/27/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Dan O'Neill, Virginia Ferguson, Jose Torres, Michael Young.

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.

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

1. **Planning Commission Minutes – August 13, 2024**

PUBLIC HEARINGS

1. **Case 24-175-07 – UDO Amendment #70 - Englewood Arts Overlay District (EAOD)** – The City proposes Amendment #70 of the Unified Development Ordinance pertaining to the creation of the Englewood Arts Overlay District.

Staff Presentation

Tom Scannell described what an overlay district is, a planning tool used to create a zoning layer that goes over the top of the base zoning. These are typically used to supplement or supersede the underlying base zoning districts. They may share common zoning boundaries, include or cross multiple zoning boundaries, and are used by cities across the United States.

The purpose of this District is to promote a robust and sustainable mixed-income neighborhood. To sustain great neighborhoods that are safe, walkable and include a mixture of densities and designs encouraging interaction among neighbors. This Overlay District has a focus on housing. It introduces two concepts to encourage revitalization of neighborhoods as well as promote infill housing to include Accessory Dwelling Units (ADU's) and Cottage Neighborhood Cluster. Additional components to include are limiting negative uses such as Payday loans, pawn shops and tow lots, etc. within their neighborhoods.

An accessory dwelling unit (ADU) is a small secondary housing structure located on the lot with a larger primary dwelling. Although they can be known by other names such as granny flat, carriage house, backyard cottage, among others, ADU's are distinguished from other types of accessory buildings in that they must have a separate kitchen, living space, and entrance from the main house.

Mr. Scannell explained the Englewood Arts Overlay District intends to allow accessory dwelling units (ADU's) subject to the following conditions:

- Detached Accessory Dwelling Units are only allowed.
- Minimum/Maximum size limitations. The ADU cannot be smaller than 300 square feet nor larger than 900 square feet. However, an ADU larger than 900 square feet can seek a special use permit.
- Maximum number of ADU's. The maximum number of ADU's is limited to 1 per lot. It would allow more than 1 ADU on a larger lot but only with approval of a special use permit.
- Requires a minimum separation from the primary residence.
- Requires minimum setback from property lines.
- Limits the maximum height to 35 feet.
- Requires 1 parking space for an ADU.
- Prohibits the sale of the ADU separately from the primary residence.
- Would only allow a bed and breakfast subject to approval of a special use permit.
- Requires the owner to live in either the primary or ADU.
- ADU's must be constructed meeting the latest adoptive version of the International Residential Code.
- Allows a home occupation in the ADU.
- ADU's are permitted on lots with a single-family residence and Residential zoning.

Staff reviewed over 20 ADU ordinances from local jurisdictions for best practices. These regulations allow ADU's in certain zoning districts subject to certain requirements. The EAOD ADU regulations are consistent with those requirements found in other local jurisdiction ordinances.

Allowing ADU's is a housing strategy that aims to create additional affordable dwelling units, increase property values and can provide supplemental income for property owners. ADUs build on the traditional development form similar to that found in the Englewood area and promote the efficient use of land. The proposed regulations provide affordable living options in prescribed areas, while protecting the character and maintaining compatibility between uses. ADU's promote livable communities by:

- Providing convenient living arrangements and multi-generational housing options for care and support of family members;
- Promoting intergenerational wealth;
- Enabling “aging-in-place” options for older residents;
- Increasing affordable housing options;
- Expanding the local property tax base.

The EAOD proposes to introduce Cottage Neighborhood Cluster, which is a planned community that consists of a grouping of 3-12 smaller square footage residences, often around a [courtyard](#) or common open outdoor space commonly designed to maximize space and encourage time spent in a community space.

Mr. Scannell stated the purpose of a Cottage Neighborhood Cluster design is to:

1. Encourage a stronger sense of community and security among nearby neighbors while preserving personal privacy;
2. Promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition, and individual needs; especially small households (one to three-person households);
3. Seek to balance projected population growth with the community goal of preventing sprawling development and, to this end, examine opportunities to use land more efficiently for housing.
4. Encourage affordability, innovation, and variety in housing design and site development while ensuring compatibility with surrounding land uses;
5. Encourage the creation of more usable space for residents of the development through flexibility in density and lot standards
6. Maximize resident/pedestrian-oriented outdoor spaces and minimize the impact of automobile traffic and parking.

This housing type would meet many of the housing needs and strategies identified in various plans covering this area (i.e., Downtown Redevelopment Coordinating Committee Report, US 24 Hwy Plan, City-Wide Housing Study, and the Comprehensive Plan):

- Encourage redevelopment of vacant or underutilized sites.
- Promote in-fill development, where appropriate, to support more compact urban form.
- Promote redevelopment that maximizes existing infrastructure.
- Encourage reinvestment in existing neighborhoods.

- Promote a range of housing options.

Besides meeting several housing needs and strategies identified in various plans, this type of housing fits the characteristics of the area with its representative of older, traditional urban development patterns.

He noted one change to the amendment regarding the UDO amendment that City Council passed in November 2023 for Auto Related Uses and mistakenly the Overlay District prohibited those uses. The intention was to follow the base zoning and the rules and regulations that are currently in the UDO.

In response to Chairperson Wiley, Mr. Scannell explained it would follow base zoning districts. Where those uses are allowed in those districts, the business would have to follow those districts' rules.

In response to Commissioner Ashbaugh's question, Mr. Scannell the base zoning districts allowed in Commercial Districts is C-2 and C-3, within the Industrial Districts it is I-1.

In response to Commissioner Nesbitt's questions, Mr. Scannell explained the minimum side setback is 5 feet, the minimum separation between residents is 10 feet. He described the updates to the amendment being requested for approval.

In response to Commissioner Young's question, Mr. Scannell stated investment firms have been coming in and purchasing single-family homes and renting them out. The ADU would require it to be a local owner-occupied property.

Applicant Comments

Bill Moore, White Goss Law Firm, 4510 Belview Ave, stated he is speaking on behalf of the applicant. Mr. Moore provided the Commission with letters of support. He said Englewood Arts started this conversation many years ago in an effort to improve and enhance the area.

Michael Baxley, Executive Director of Englewood Arts, 10901 E Winner Road, provided some background on the area and where the suggestion of the overlay district came from. He stated they held neighborhood meetings and found about 49% of the homes were rentals.

Tammy Parsons, 11100 E Winner Road, said she believes this grass roots area will improve the community and provide growth opportunities for the neighborhood. Ms. Parsons stated in 2018 they started this effort to create an overlay district. She said there was an increase of vacant lots and out of town owners, which leads to crime and decline in the area. She noted this would create a tool for homeowners.

Teresa Dorsch, 1817 S Ralston Ave, stated three benefits of the overlay are smaller home builds, accessory dwelling houses and cottage neighborhoods. Smaller homes are a great benefit for this area because it makes them more affordable and could create more accessible homes. Ms. Dorsch said ADUs can help with seniors wanting to age in place by allowing a second dwelling

unit on the property. She noted the homeowner would have to live in one of the dwelling units. ADUs would not be allowed to be an Airbnb. Ms. Dorsch said cottage neighborhoods would be required to go through additional approval process.

Mr. Baxley stated this gives freedom back to the homeowner by allow new smaller homes to be built, it does allow for ADUs and for cottage communities. He noted residents can choose to do nothing and it wouldn't affect them. Mr. Baxley said this is a land use change and would not affect property taxes.

Commissioner Nesbitt questioned what neighborhood districts this covers. Ms. Dorsch stated it covers Maywood, Bristol, Englewood and others. Commissioner Nesbitt said he doesn't believe it should encompass one-third of Independence. He noted the Planning Commission asked them to reduce the size and they didn't. Ms. Dorsch stated they did reduce the area and listened to the community on those changes. Mr. Scannell reviewed the changes made to the boundaries.

Commissioner Ashbaugh asked why the City can't define what they want with a cottage neighborhood. Tom advised that if someone applied for a cottage neighborhood, it would go through a full planning review by all City departments and would come before the Planning Commission for consideration. He said ownership and maintenance of common-space would be established during that process.

In response to Commissioner Young, Mr. Scannell advised an ADU cannot be subdivided off of a property. He noted a cottage neighborhood would go through the full planning process. In response to Commissioner Young's question, Mr. Moore stated this is an overlay district which has land use regulations, but those are for those property owners that want to take advantage of them. Mr. Moore said if someone wants to build a garage today, citizens cannot protest that because it's not a rezoning. Mr. Young noted that the support letters are mainly from businesses and not property owners. Ms. Dorsch said that those are all individuals who were in favor but may also have a business name attached to their letter.

In response to Commissioner Nesbitt's question, Ms. Dorsch counted over 165 vacant lots. Ms. Dorsch said she doesn't know exactly how many vacant lots there are in the Englewood neighborhood. She stated some of the vacant lots are too small to build a single-family residence. In response to Commissioner Nesbitt's question, Mr. Baxley stated this is for land use only, and there's no possibility to add a tax. Mr. Moore reiterated that this is not a tax document and there is no purpose or need for additional taxes to improve the area. He said this is giving property owners in the Englewood Overlay District more options if they should choose to participate.

Commissioner Nesbitt said this needs to be made into a small area to see if it works, before bringing this large area forward. Commissioner Torres stated he would like to hear from the public before forming an opinion on the case. Commissioner Ashbaugh stated he also wanted to see it be a smaller area, but would like to hear both sides before making a decision.

Motion

Commissioner Edward Nesbitt made a motion to postpone this case indefinitely. Commissioner Michael Young seconded the motion. The motion failed Yes 3, No 4, Abstained 0.

Chairwoman Wiley called for a break at 7:14 p.m. The meeting was called back to order at 7:20 p.m.

Chairwoman Wiley stated each speaker would be allowed three minutes to speak, so everyone would have an opportunity to speak. In response to Commissioner Nesbitt's question, Assistant City Counselor Langford confirmed the Chairwoman could limit the amount of time for speakers to ensure everyone can be heard.

Public Comments

GK Callahan, 9509 E 13th St S, Arlington Heights neighborhood and would like to speak in favor. He said this community helped him purchase a home. Mr. Callahan said he's worked in community development and thinks it's a wonderful opportunity. He noted the community asked for this, and it's a tool that will improve future generations.

Christina Leakey, 2310 S Crenshaw, CEO of Truman Heritage Habitat for Humanity and their work is mainly in northwest Independence. She noted they help provide homeownership and work with home preservation efforts. Ms. Leakey said the City has made northwest Independence a priority and believes this supports that effort. She said the proposal is a great tool to help create community development solutions.

Benjamin Dawson, 1605 S Northern Blvd, said he loves art and volunteers in the community. Mr. Dawson said he loves living in Englewood and noted there have been significant improvements in the area in the past five years. He said there are a lot of vacant lots, and the overlay would expand the rights of homeowners and would make it easier to build on smaller lots. He noted it can also help the small businesses in Englewood and reduce blight.

Mark Simcosky, 1720 S Ann Ct, said he would like to move back to the Englewood area. He said he has a daughter with special needs, and she lives in her own apartment currently. He stated he would love the opportunity to be closer and the ADU changes would allow both he and his daughter to live separately but to age in place. It would create more safety for her and would be easy to manage a small place to live. Mr. Simcosky said the ADU part of this amendment is important to his family.

Jason White, 1024 S Forest, stated he appreciates that this was community-driven and asked those that were in support to stand up in the audience. He said there is a lot of misinformation being spread. He said this is not a taxing jurisdiction and there would have to be petitions, and it would have to be put on the ballot to be voted on. Mr. White said it gives the property owners back their rights that the City took away many years ago. He stated he should be able to keep his mother close to him to age in place, but he currently cannot do so. He reiterated that this is a property rights issue.

Bill Moore, stated this would help restore property rights to the Englewood Community and

professional staff. The smaller homes on vacant lots will help improve the area and allowing residents to build ADUs on their properties will help those aging in place.

Terry Snapp, 1809 Norwood, stated he and his wife Betty have lived in the area for almost 50 years and have been very active in the improvement of the area. He said he is enthusiastic about this opportunity for the community. Mr. Snapp said this is the beginning of great things for the neighborhood and will create sustainable and affordable housing. He said this is based on hope, not on fear and was created to bring the neighborhood together.

William McLeod, 1716 S Scott Ave, said his family has lived in the area for many generations. He stated they purchased their dream home in the area. Mr. McLeod reviewed the history of the area and said it's a gem of a neighborhood and said the area is built with natural boundaries.

Commissioner Nesbitt left the meeting at 7:47 p.m. and returned at 7:48 p.m.

Marvin Sands, 153 E 33rd St, with the AARP stated ADUs can help those in the Englewood community. He noted many cities have ADU opportunities in residential areas. It provides livable communities and gives those people options to age in place. Mr. Sands noted it will also make more affordable housing options.

Grant Watkins Davis, 4621 Apartment 1131, stated this should be citywide and not just in the Englewood area. He said this would take away the property owner rights which make it difficult to build small and or affordable houses for people his age. Mr. Watkins said this is about the future of Independence and would help the growth of the community. He stated he is in support of this proposal and believes it will help the elderly age in place.

Melanie Jackels, 2737 Glendale Ave, stated she supports this proposal and said she's a homeowner and was born and raised here. She said that Englewood businesses have helped her daughter in school. Ms. Jackels said artists lead the way in helping to improve neighborhoods. This proposal would create so much more opportunity.

Andres, 824 S Queen Ridge, stated his father, who lives at 1943 S Harvard has a little cottage in the back yard. He stated he thought they were against this rezoning but have discovered they cannot fix up the cottage for someone to live in without this passing.

William Curly, 10808 E. Westport Rd, said he wants to bring up that with a higher load on the infrastructure, light and gas prices will go up because of the ADUs. Mr. Arroyo said any time a building permit comes forward for an ADU, the building permit would look at the load requirement for that unit. Mr. Scannell said that in preparation for this case, IPL said they have enough power to provide it to ADUs.

Helen Hurley, 1701 S Evanston Ave, stated she is in favor and moved to this community 15 years ago. She said she has volunteered for this proposal because it creates a good future for residents. Affordable housing is very difficult to find, and this would create those opportunities. She said this provides a greater good and would bring more people into the area.

Hannah Finnin, 169 Beach Street, Gardner, KS, stated she is 22 years old and said she's found a family with this community. She said she wants to move closer to this community but is unable to do so at this time due to the cost to rent or purchase a house.

Mr. Martinez, 115 S Park Ave, said he became a Habitat for Humanity homeowner and is very thankful for the opportunity to own a home for him and his six children. He said the Englewood Arts area includes all nationalities in their involvement in the neighborhood. They made efforts to translate the documents for those that couldn't read or understand English. He's in favor of this project and would like to see it passed.

Chairwoman Wiley stated Leigh Phillips is representing a large group in opposition and will not have a time limit to speak.

Leigh Phillips, 1423 S Maywood Ave, stated she is representing a large group of citizens that are not in favor of this proposal. She requested those that were in opposition to stand up. Ms. Phillips said the applicants make it appear they have the support of the community. She said they don't have the support of the community based on the number that stood up in opposition and the over 200 signed protest petitions she's obtained. Ms. Phillips said there is confusion and that this needs to be tabled until there is more clarity on this project. She believes since the Planning Commission put this case on hold indefinitely in 2023, it should not have been brought forward again. She said the plans provided to the Planning Commission are different than the plans on the Englewood Arts District website. Ms. Phillips said the Englewood Arts District should not be allowed to apply for this rezoning since they don't own her home and the City Code says only the owner of the land or the City can be the applicant. She stated the applicant did not have neighborhood meetings pursuant to City Code and this application should be denied. She noted there should have been an affidavit stating when and where that meeting was held, along with those that were invited to the meeting. Ms. Phillips said that notices were only mailed to registered voters and not to the property owners. She is concerned that no traffic study was required or an impact assessment for electrical and sewer impact. Ms. Phillips believes the City should allow smaller homes and ADUs to all residents in the city and noted that then individual property owners could decide if they want to be rezoned to allow for those units. Ms. Phillips requested this case be denied.

Cheri Battrick, stated she was never notified of the neighborhood meeting. She said she went door to door and could not find one resident that was made aware of this proposal. Ms. Battrick said the yellow notification signs went up the same date as the Charter amendment. She said she was originally told that there was no protest petition for those in the 185 feet area.

Jean Libby, 1909 S Ash, stated she agrees with Commissioner Nesbitt that the area is far too large, and she doesn't live in the arts area. She said she believes this will affect their property taxes. She said she's feeling pressured to be in the Englewood Arts District.

Yvette Riddle, 1421 S Willow, stated Englewood has had six years to prepare, but those not in favor only had weeks. She reviewed what she found about mixed use in low density and said there is a big difference between low intensity and low density. Ms. Riddle said there is concern that a dispensary will open up in this area due to a loophole. She doesn't want additional

vehicles and foot traffic in this area because children are playing in the yards and riding their bikes in the street.

Edward Lee, 1900 S Hawthorne Ave, said he's not against all of it, but doesn't understand why the City can say that a house is too small. Mr. Lee said the City is overstepping and isn't in favor of cluster homes. He said he's already having issues with water and is worried about additional issues coming up.

Jeff Ruoff, 11503 E 15th Street, stated they moved here four years ago and believes this area is too large. Mr. Ruoff stated he is worried about parking in the neighborhoods.

Mike Talcott, 1901 S Lake Drive, said that this would take away property owner rights and would create a large business district. He noted homeowners around the area won't have any say if these businesses go in next door. Mr. Talcott said this will hurt property values and will greatly increase traffic and noted there is already a lack of sidewalks. He said mixed use is bad for neighborhoods and will have double the regulations. Mr. Talcott stated he is also upset that no studies have been done to support traffic and infrastructure.

Mark Hoskins, 1440 S Cedar, stated he grew up in this neighborhood and would like to note that there are good people on both sides, but he disagrees with this proposal. He said he's against having ADUs and having businesses with up to 20 people at their homes. Mr. Hoskins said there were viable businesses in Englewood that are now gone because they didn't fit with what the Arts district wanted.

Angela Carter, 1401 S Ralston Ave, stated there is a lot of detail lacking in this proposal. She said she's not opposed to the Arts District but is opposed to changes this large. Ms. Carter said this is being forced on these residents and there is not support by the residents. She noted she and her neighbors were not notified of these meetings.

Sharon Fisher, 1815 S Vassar Ave, said she lives in Proctor Neighborhood and named several other neighborhoods in this proposal. She said she doesn't believe it's a good proposal and is not in favor of ADUs or cottage neighborhoods. Ms. Fisher stated this is an experiment and it's a mistake to rezone this area.

Elisia Breitenbach, 1110 W Walnut St, questioned that she's still confused on if this will require an HOA for the area. She said they have worked hard to create a good community and this overlay could crush someone's dream by taking away their business. Ms. Breitenbach said the City is very difficult to work with and citizens deserve better. She said there is nowhere to park and the area floods constantly.

Martain Breitenbach, 1110 W Walnut, stated he purchased a condemned house and fixed it up to live in it. He said the applicant has done things that are very good by helping people buy homes. Mr. Breitenbach said they don't have the right to put an overlay over their home. He said there are different sized homes in this large area, and it should be taken on a case-by-case basis.

Ron VanFleet, 800 N Union, stated he works with real estate in the area and questioned the infrastructure. He said since there could be two houses on one lot, it will make it very difficult to appraise. Mr. VanFleet talked about property values and his concerns about small houses.

Dan Sunderland, 1507 S Logan, stated he's here on behalf of his client at 1224 Cedar, stated he's worked on tiny homes and while they sound good, ownership cannot be controlled. He discussed possible worst-case scenarios and believes corporations would come in to purchase more properties. He said it should be looked at one by one.

Edward Norman, 1808 S Cedar Ave, said he's concerned about HOAs and is concerned about community sheds and pizza ovens, but wonders who will replace tools and other things when they're stolen.

Paula Thomas, 2121 S Sterling Ave, stated they have cluster homes all around them and they're called duplexes. She said they cannot control crime in the area and believes property taxes will go up. Ms. Thomas stated she believes this will increase blight in the area.

Mary Wilcox, 18707 E 28th St S, stated she has six pages of contradictions and they're concerned they don't have the correct documents of what's being proposed. Ms. Wilcox said if a senior needs to build an ADU, what would they do with the main house. She said Lees's Summit came up with this overlay and added it City wide. Ms. Wilcox said this is unconstitutional to place these restrictions.

Bobbi Bryant, 3201 Queen Ridge Drive, said there isn't the infrastructure and is worried about water and sewer backups. She's also concerned about fires with the houses being so close together.

Kristi Nichols, 17407 E 43rd Terr S, stated there are details missing and there is a big homeless and illegal immigrant problem in the area. She said the property owners were not properly informed of these meetings. This is taking away their property rights and devaluing their properties.

Steve Williams, 908 W Maple, said there are nearly 4,000 homes in this area. Mr. Williams said this is a very dense area and there is a need for infill development. He noted he was forced to rezone his property to single-family and duplexes should not be allowed.

Jeannie Dennis, 1703 S Ash Ave, stated she's still in her starter home that she purchased in 1987. She noted she is frequently told how nice her home is and while walking the streets, she noticed one block can be beautiful, but on another block it's full of trash and vacant homes. Ms. Dennis said the City needs to look for flippers to make this better for families. She stated out of town landlords also need to be held accountable.

Patti Allred, 1819 S Claremont, stated she moved from Texas two years ago and they have a beautiful block. Ms. Alred is very concerned about the parking issues in the neighborhood, even with having single-family homes on her block. She noted there are no sidewalks and doesn't believe this is actually a grassroots effort.

Lucinda Johnson, 1218 S Cunningham Ave, stated she's never heard of rezoning an area and is not in favor of proposal.

Chairwoman Wiley called for a break at 9:33 p.m. The meeting was called back to order at 9:40 p.m.

Carl Blair, 2201 S Overton Ave, stated Habitat for Humanity didn't help him, but their program Brush with Kindness has helped him. He said his neighborhood is diverse and he doesn't want businesses in the homes in the neighborhood.

Angela Skulavik, 10724 E 19th Ter, stated she has not received any notification about this proposal. She asked if she's subject to Rental Ready and business licensing regulations with an ADU. She asked if there would need to be health inspections.

Fred King, 2006 S Vermont, said they want to spend money to get this overlay, but they don't have money for the theater.

Carla Jones, 1920 S Hardy Ave, asked who would oversee the EAOD and questioned how income would be increased when ADUs cannot be used as Airbnbs.

Jennifer Marrow, 1402 W Walnut, stated she was not given adequate time to research ADUs. She said this is deceptive that property owners were only made aware of this 22 days ago.

Tom Trudeau, 1901 S Ralston, stated he agrees with a lot of the disagreement. He said if zoning is wrong, we just need to change it for those houses. Mr. Trudeau said the City should allow small houses and ADUs for everyone in the city.

Sam Wade, 1216 S Cunningham, stated he's concerned about his property value and water issues off Truman Road.

Laura Arnote, 1925 S Willow, stated she doesn't think the smaller houses is a bad idea, but is concerned that IPL will have to purchase additional power from KCPL which will increase her rates. She stated she's also concerned about parking and school buses being able to get down the street.

Lamonte Chesnut, 1011 S Woodland Ave, stated he doesn't understand why someone can say what he can or cannot do with his property and it's not fair. He said they have some good ideas, but this is not a good proposal for such a large area.

Lucy Trudeau, 1901 S Ralston, stated she's lived there 22 years and is opposed to this proposal. She said if Englewood Arts wants to help people, they should do so without this overlay district.

Mr. Baxley thanked all those that spoke at tonight's meeting. He said they started notifying residents last year and they've had six town hall meetings where they've mailed out notices for

each one. Mr. Baxley stated this proposal would not address any home-based businesses within his district. He said it does require off street parking for the cottage houses. He noted this is not new information and these are happening close to home and as far away as Seattle. Mr. Baxley said the utilities will ensure they can provide service so infrastructure will not be an issue.

Lastly, Mr. Baxley stated this gives property owners more options for their properties, and that it does not restrict any property owner rights.

Ms. Dorsch said the reason there have been different versions of the documents is because they've worked on this for several years and have taken feedback from the community to establish this proposal.

Mr. Moore restated that this is an opportunity to give more rights to property owners.

In response from Commissioner Nesbitt, Mr. Baxley said new homes can sometimes be \$300,000, and they're hoping to bring homes around \$180,000 for 900 square foot home. The notices for the community meetings were put on social media, postcards were mailed to homeowners, notices were sent through a newsletter. Commissioner Nesbitt and Commissioner Young stated they own properties in this area, and they did not receive notification of the community meetings. Ms. Dorsch said the business part of the plan was removed a few months ago because of an ordinance change.

In response to Commissioner O'Neill's question, Mr. Scannell stated that in order to have an overlay, there has to be a rezoning as well. Mr. Scannell stated the zoning is not changing with this proposal, the overlay is on top of this zoning that allows additional rights to homeowners.

Commissioner O'Neill clarified and Mr. Scannell confirmed that this gives more rights to property owners.

In response to Commissioner Ashbaugh's questions, Mr. Scannell said staff would be overseeing this overlay district and would enforce any issues and ensure the proper planning process is being followed. Mr. Scannell stated the advantages of an overlay district is that it keeps the base zoning district and can supplement those regulations. Mr. Scannell noted they will still need to meet all City standards when completing construction. He said this encourages infill development in older neighborhoods and most homes were platted in the 1950s or before. Mr. Scannell reviewed the recent changes to the home-based business regulations.

Mr. Arroyo reviewed those cities in the metro and across the country that have similar overlay districts or have ADUs allowed. Mr. Scannell stated of the 22 communities that they reviewed; they did not encounter any cities that had a sunset. Mr. Scannell reminded everyone that the UDO is a living document and if the Planning Commission, City Council or staff can request research and changes could come about if something in the UDO is not working.

In response to Commissioner Young's question, Mr. Scannell said not all properties would be eligible for an ADU because of setback requirements. He said all requests for an ADU would be looked at on a case-by-case basis.

In response to Commissioner Nesbitt's questions, Mr. Scannell said this application is not

violating City Code. Mr. Scannell stated the state requires a 15-day notice of property owners and surrounding 185-foot property owners and those affidavits were completed by the applicant. Mr. Scannell said if there were a Historic property, the Heritage Commission would have to review any building changes.

In response to Chairwoman Wiley's questions, Mr. Scannell stated IPL has no concerns about providing power to additional ADUs. He noted the building permits would require the same level review of current building permits. Mr. Scannell stated they would be required to have an off-street parking spot for an ADU.

In response to Commissioner Young's question, Mr. Scannell said if someone builds an ADU, there would be an affidavit recorded stating that there is an ADU on the property. If an out-of-town investor purchased the property, the City would work to get them into compliance.

In response to Commissioner Ashbaugh's question, Mr. Scannell stated a Short-Term Rental would not be allowed in an ADU. Mr. Scannell confirmed that the house and ADU would still be on one lot. He stated if they do rent out the ADU, they would have to comply with Rental Ready regulations.

Commissioner Comments

Commissioner Ashbaugh stated overall this is not a bad thing. He said he wishes we had more people to oversee things like this. Commissioner Ashbaugh said everyone needs to work together and believes Englewood Overlay District did attempt to bring forward a good plan.

Commissioner Nesbitt said he doesn't know why staff didn't get involved to make this area smaller and this upsets him.

Commissioner Young stated he knows a lot of people that were not made aware of this proposal.

Motion

Commissioner Dan O'Neill made a motion to add the amendment to the UDO Amendment #70.

Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 4, No 3, Abstained 0.

Commissioner Dan O'Neill made a motion to approve Case 24-175-07 UDO Amendment #70, with the amendment approved above. Commissioner Jose Torres seconded the motion. The motion was approved Yes 4, No 3, Abstained 0.

2. **Case 24-100-21 – Rezoning – Englewood Arts Overlay District (EAOD)** - The City proposes the creation of an Englewood Arts Overlay District (EAOD) bound by Truman Road on the north, Chrysler Avenue, Lexington Avenue, Walnut Street and Chrysler Avenue on the east, 23rd Street on the south, and Arlington Avenue, 20th Street, Crescent Avenue, 18th Street and Brookside Avenue on the west.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Jose Torres seconded the motion. The motion failed Yes 3, No 4, Abstained 0.

ROUNDTABLE - NEXT MEETING SEPTEMBER 10, 2024

ADJOURNMENT

The meeting was adjourned at 10:40 p.m.