



Planning Commission Minutes

September 10, 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 9/10/2024, 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. Absent - .

Commissioner Nesbitt apologized for his actions at the August 27th Planning Commission meeting. He said he understands some of his comments may have been considered offensive and that was not his intention.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE OCTOBER 15, 2024 MEETING.

1. **Case 24-100-18 – Rezoning – 12880 E. Kentucky Road** – A request by Jim Gamble to rezone the property from I-1 (Industrial) to C-3 (Service Commercial).

Motion

Commissioner Eric Ashbaugh made a motion to continue the case to October 15, 2024.

Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

2. **Case 24-125-05 – Rezoning/PUD – 19300 E. 37th Terrace** – A request by JC Weston Construction to rezone the property from C-2 (General Commercial) to R-30/PUD (High Density Residential/Planned Unit Development) and approving a preliminary development plan.

Motion

Commissioner Eric Ashbaugh made a motion to continue the case to October 15, 2024.

Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Continued Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** - A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Staff Presentation

Brian Harker presented the case and noted this case would be presented with case 24-150-01.

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

George Kapke, 15800 E 27th Street, and Anthony Privitera, 9900 W 159th Street, Overland Park, KS, both stated they were available for any questions.

Public Comments

No public comments.

Motion

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

2. **Continued Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Motion

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

3. **Case 24-100-20 – Rezoning – 9300 E. 9th Street S** – A request by Janet Thrasher to rezone the property from R-30/PUD (High Density Residential/Planned Unit Development) to R-6 (Single Family Residential).

Staff Presentation

Gabe Glaser presented the case. Mr. Glaser 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.

Public Comments

No public comments.

Commissioner Comments

In response to Commissioner Ashbaugh's question, Mr. Harker stated the city will continue to

bring forward city-initiated cases to correct zoning in residential neighborhoods.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-100-22 – Rezoning – 1235 & 1239 W. South St** – A request by Brandon Fryer to rezone the properties from I-1 (Industrial) to R-6 (Single Family Residential).

Staff Presentation

Gabe Glaser presented the case. Mr. Glaser 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

Brandon Fryer, 6601 Harvard Ave, Raytown, stated he'd like it down-zoned so they can get an FHA loan on the property. He stated they cannot get the loan with it zoned as Industrial.

In response to Commissioner Ashbaugh's question, he stated he doesn't have plans to replat the property at this time.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Michael Young seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-100-23 – Rezoning – 11301 & 11303 E. Truman Road & 11300 E. Aaron Lane**
- A request by Brandon Fryer to rezone the properties from I-1 (Industrial) to C-2 (General Commercial).

Staff Presentation

Gabe Glaser presented the case. Mr. Glaser presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

In response to Chairwoman Wiley's question, Mr. Glaser stated he doesn't believe the structure is historic.

Applicant Comments

Brandon Fryer, 6601 Harvard, Raytown, stated he's available for any questions. In response to Commissioner Nesbitt's question, Mr. Fryer stated he's hoping to clean up the property and make it usable.

Public Comments

No public comments.

Motion

Commissioner Michael Young made a motion to approve the case. Commissioner Jose Torres seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-19 – Rezoning – Jackson Drive & R.D. Mize Road** – A request by Jim Pollard to rezone the property from C-2 (General Commercial) and R-6 (Single Family Residential) to C-2 (General Commercial) and R-12 (Two-Family Residential).

Staff Presentation

Brian Harker presented the case and noted it would be presented with Case 24-310-05. 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 reviewed the conditions of approval for the preliminary plat.

In response to Commissioner Ashbaugh's question, Mr. Harker explained the difference between what is typically called a townhouse versus a duplex. Mr. Harker stated these would be duplexes. He explained that some of the drawings are drafts and final plans will still have to come forward for approval.

In response to Commissioner Nesbitt's question, Mr. Harker stated the conditions are items that staff would like to review before the final plans are developed. Commissioner Nesbitt stated he would like to see better renderings and more finalized plans before this case is heard.

Applicant Comments

Jim Pollard, 3030 S Crenshaw, stated he has a similar project on Powell Road that has 20 units already completed. He said he would like to see the rezoning approved before additional funds are spent on producing a more detailed preliminary plat. Mr. Pollard said he may need to obtain a variance for the driveways.

Commissioner Ashbaugh stated it appears these are pretty tight quarters for this many units. In response to Commissioner Ashbaugh's question, Mr. Pollard said the engineer is available to speak and he does believe they have enough space for that number of units.

Kevin Sterrett, 1411 NE Todd George, Lee's Summit, stated they have a lot of detail on these preliminary plats and have labeled all the berms. He said they've gone back several times with Mr. Harker and have attempted to address all of his concerns. Mr. Sterrett said all the units will fit and the line of sight will be met as the City has required.

In response to Chairwoman's Wiley's question, Mr. Pollard stated he likes to go above and beyond the City Code and stated he does not like residents to park on the street. He said he plans to exceed the parking requirement and will abide by the other conditions outlined by staff. Mr. Harker clarified that the berms are on individual lots, not on common lots, so the city would like assurance that those berms will not be removed.

In response to Commissioner O'Neill's question, Mr. Pollard stated the C-2 zoning is existing and there is a stream buffer around that part of the property.

In response to Commissioner Nesbitt's question, Mr. Pollard stated some of the lots would like a variance for the parking. Mr. Arroyo said the development will have to meet the 1.4 parking requirement and 40% of the front yard will have to be green space. He noted preliminary plats typically have conditions and if there are substantial changes, they would have to come back to the Planning Commission before being considered for a final plat.

In response to Chairwoman Wiley's question, Mr. Pollard stated the project would still be viable even if they had to downsize the number of units.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Case 24-310-05 – Jackson Drive and RD Mize Road – Jackson Place Preliminary Plat –**
A request by James Pollard for a Preliminary Plat called Jackson Place located at Jackson Drive and RD Mize Road

Commissioner Comments

In response to Commissioner Ashbaugh's question, Mr. Harker stated anyone looking to develop this property would have to come forward with a preliminary plat. Mr. Arroyo stated if the preliminary plat is approved, they would start the engineering design. If the case meets the conditions and requirements, the Planning Commission will see the final plat. If it was substantially different, the Planning Commission would see a new preliminary plat. Mr. Arroyo said if the approval is postponed, they would have to start the engineering process early, to get those details.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Michael Young seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

2. **Case 24-400-20 – Short-Term Rental – 3912 Circle Drive –** A request by Adam Austin to operate a Short-Term Rental.

Staff Presentation

Gabe Glaser presented the case. Mr. Glaser 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. Glaser reviewed the conditions of approval.

Applicant Comments

Adam Austin, 622 SW Lemans Ln, Lee's Summit, stated he has removed the pavers and put in asphalt.

In response to Commissioner Nesbitt's question, Mr. Austin described where he had asphalt put in at the house. Mr. Austin said one of the smaller bedrooms upstairs will not be used as a bedroom. Mr. Glaser said staff will go inspect the new asphalt and will determine if any permits are required.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated he may have to dig out the sides for the city to inspect and determine its depth. If it's not up to code, he will have to bring it up to City Code.

In response to Mr. Austin's question, Mr. Glaser stated if someone is living at the home, the other rooms could not be rented out individually.

Public Comments

Jesse Stamps, 11205 E 40th St, stated she has a young daughter and is concerned about their safety. Ms. Stamps said she's in opposition due to the possible traffic and parties that could be held at the home.

Chasity Valaquez, 3904 Circle Drive, stated she is also concerned about her safety. She said owners don't typically care about the appearance, noise or what type of tenants they rent to. In response to Commissioner Nesbitt's question, Ms. Valaquez has seen an improvement to the driveway.

Mr. Austin stated they've spent about \$50,000 on improving the property, and he would not want tenants to cause an issue with the neighbors or to leave the property damaged. Mr. Austin said they will use Airbnb and VRBO. He noted they will also screen them and not take automatic bookings.

In response to Commissioner Young's question, Mr. Austin said he will not rent to local people because they are typically looking for a place to have a party.

Commissioner Comments

In response to Chairwoman Wiley's question, Mr. Arroyo said if a Short-Term Rental gets complaints, the City would hold a revocation hearing at the Planning Commission.

Commissioner Nesbitt asked if a condition could be added requiring a sign that no street parking is allowed. Assistant City Counselor Langford noted he cannot put up a sign, but could be required to add "no street parking" to his advertisement. The condition will be changed to state that two additional off-street parking spaces are required.

Motion

Commissioner Dan O'Neill made a motion to approve the case, with conditions as stated by staff and amended to require two additional off-street parking spaces. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE

Mr. Arroyo noted the September 24, 2024 meeting will be canceled.

ADJOURNMENT

The meeting was adjourned at 8:16 p.m.