



City Planning Commission

June 25, 2024 6:00 PM,

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

CALL TO ORDER

ROLL CALL

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.

1. **Planning Commission Minutes – June 11, 2024**

PUBLIC HEARINGS

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).
2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.
3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.
5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.
6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.
2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.
3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

ADJOURNMENT



City Planning Commission Minutes

June 11, 2024 6:00 PM,

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

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/11/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order. Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

ROLL CALL

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.

1. Planning Commission Minutes – May 14, 2024

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.

CASE WITHDRAWN

This case was withdrawn by the applicant.

Chairwoman McClain noted this case was withdrawn.

1. **Case 24-400-08 – Short Term Rental – 9609 Linwood Blvd** – A request by Heidi Hoggatt for a Short-Term Rental.

CASES TO BE CONTINUED – Staff requests these cases be continued to the June 25, 2024 meeting.

1. **Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Commissioner Edward Nesbitt made a motion to continue the case to the June 25, 2024 meeting. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

2. **Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Commissioner Edward Nesbitt made a motion to continue the case to the June 25, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-125-04 – Rezoning/PUD – 300, 306 & 315 W. Maple Ave** – A request by Polly's Pop to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Chairperson McClain stated that due to a conflict of interest, she will recuse herself. Vice-Chair Nesbitt presided over this case.

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. He outlined the conditions.

Applicant Comments

Calvin Hayes, 146 S. Oxford Ave, stated they've had a big demand for new products and this change would be for additional storage and manufacturing. He clarified this will not look like a warehouse, but will be branded for Polly's Pop and have the ascetic of the Independence Square.

In response to Commissioner O'Neill's question, Mr. Hayes stated they don't anticipate traffic issues on Maple Street.

In response to Vice-Chair Nesbitt's question, Mr. Hayes described the current location and plans for appearance improvements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 1.

OTHER BUSINESS

1. **Case 24-400-10 – Short Term Rental – 16008 E. 25th St S** – A request by Tarus Edwards for a Short-Term Rental.

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 reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated the applicant, requested to allow six (6) people. Commissioner Wiley requested that staff review the allowed number of occupants based on the number of rooms prior to bringing the case before the Commission.

Applicant Comments

Loretha Hayden, 7001 Lakeshore Drive, Raytown stated she helps Mr. Edwards manage the property along with his mother, Willie Ferguson, 14200 E 49th Street Apartment 410, Kansas City. She stated when the home is not being rented out, Mr. Edwards stays at the property. When rented, he resides with Ms. Hayden or Ms. Ferguson. She also requested that the number of occupants be increased to (10) ten.

In response to Commissioner Nesbitt's question, Ms. Hayden stated they have been operating since early 2024, prior to receiving notice they needed to register the rental.

Public Comments

Lorri McCoy, 16000 E 25th St South, stated there have been numerous noise issues coming from this house and does not support the approval of this rental.

In response to Commissioner Nesbitt's question, Ms. Hayden advised she is aware of a party and Mr. Edwards drove by the property twice, knocked on the door and advised the renters that parties are not allowed. She described the security device which allows two-way communication and would install a noise monitoring system.

In response to Commissioner Ashbaugh's question, Ms. Hayden stated there is a chain link fence and a row of trees along the fence line.

Commissioner Wiley requested the applicant to provide proposed tenants with good neighbor's guidelines prior to renting them the property.

City Prosecutor, Mitch Langford went over the noise disturbance ordinance and stated it is difficult to enforce.

Mr. Garrett reviewed the revocation guidelines should violations continue. He noted these complaints are reported to the Regulated Industries Division. Mr. Garrett stated a summary of Short-term Rental code will accompany the approval letter sent to the applicant going forward.

Motion

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

2. **Case 24-400-13 – Short Term Rental – 3822 S. Kiger Rd** – A request by Lucas Gibson for a Short-Term Rental.

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 reviewed the conditions of approval.

Applicant Comments

Lucas Gibson, 19405 E State Route 78, reviewed the history of the home and thought the management company had received the proper City approval. He stated he would like to increase the total occupancy to 10 (6 adults & 4 children). Mr. Gibson said they have been operating for two years and Airbnb collects the Transient Guest Tax and sends it to the City.

Public Comments

No public comments.

Motion

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

ROUNDTABLE

Next meeting June 25, 2024

Mr. Arroyo stated they can provide training on Short-term Rentals. Staff will provide a summary of the City Code for the Commissioners at the dais. Mr. Arroyo reviewed the Short-term Rental application process and how staff makes a determination to recommend or not recommend approval.

ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

MEETING DATE: June 25, 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 date. The applicant was unable to sell the subject property in that timeframe.

The case was heard by the Planning Commission on March 26th, 2024. At this meeting, the applicant requested that the case again be continued to allow time for the sale for the property with its commercial zoning. The Planning Commission agreed to continue the case to the second meeting in June or more specifically June 25th, 2024. The applicant agreed to move forward with the rezoning in the event the property did not sell by that time. The applicant has been unable to sell the property during this period. The case is now back before the Planning Commission. More recently, the property owner has indicated she does not wish to sell the property and wants to continue to live in the structure and operate her business with the property remaining C-2.

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

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RECOMMENDATION SUPPLEMENTAL

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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

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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

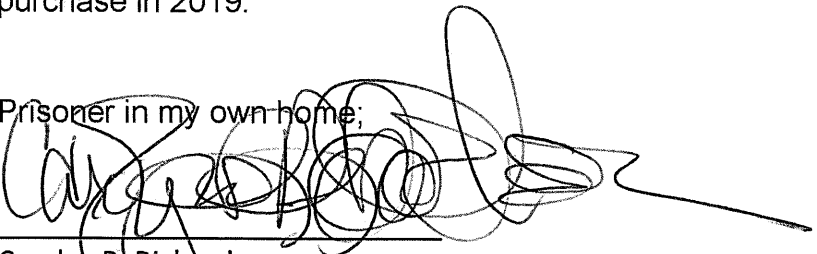
To whom it may concern:

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
☐ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ 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)

☐ Completed & Signed Application Form ☐ Application Fee ☐ Cover Letter Describing Details of Project	☐ One 24" x 36" set of plans for Land Sub. & Site Dev. ☐ One PDF copy of a plat map or site plan ☐ 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.			
Applicant's Signature: <u>Carolyn Richardson</u>	Date: <u>12/7/23</u>	Owner's Signature: <u>Carolyn Richardson</u>	Date: <u>12/7/23</u>

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.

For more information or to get copies of a petition, contact:

David Pacheco for

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

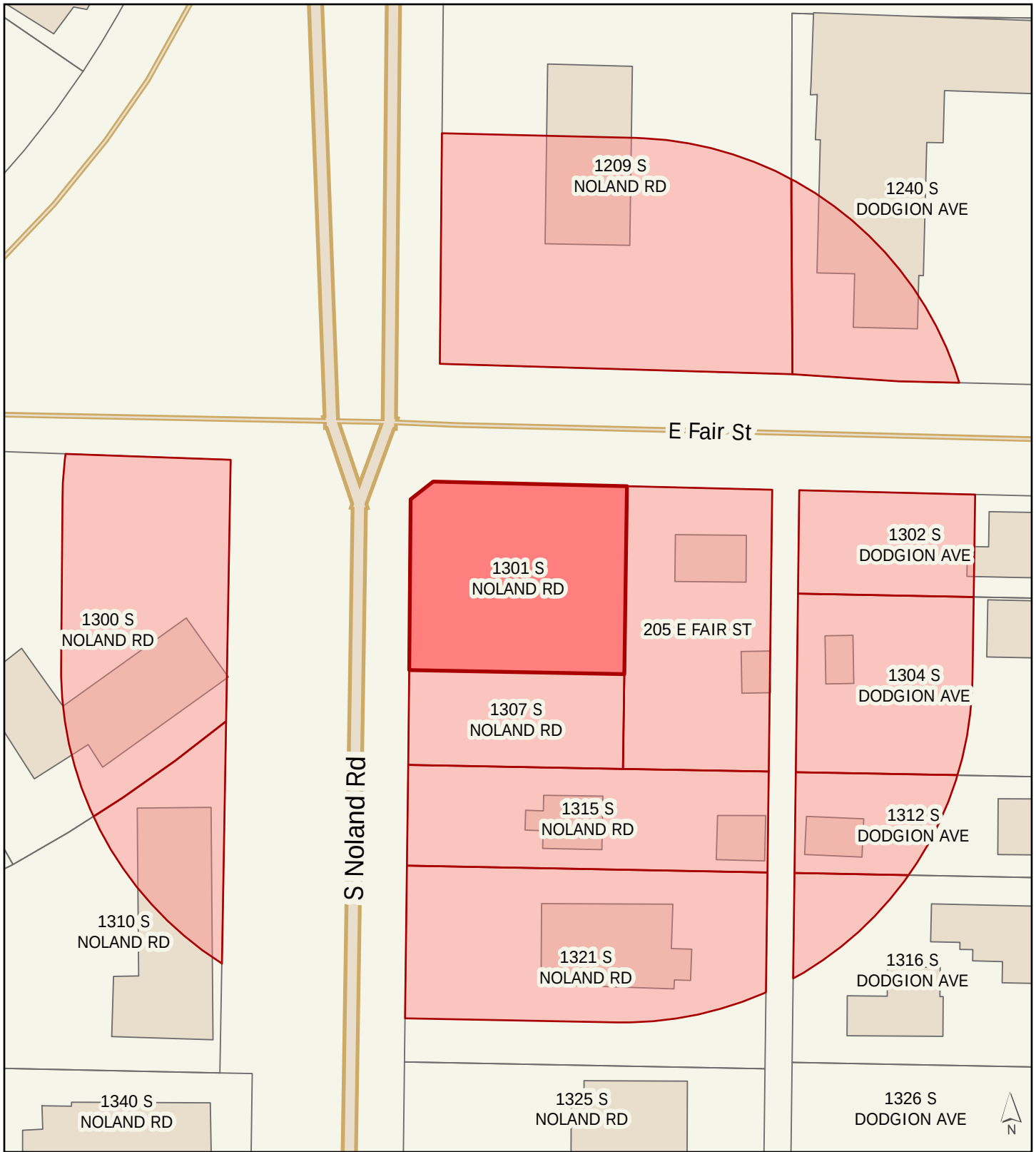
JOSHUA ALEC GARRETT
Notary Public - Notary Seal
State of Missouri
Commissioned for Jackson County
My Commission Expires: August 09, 2027
Commission Number: 23522832

8/9/2027
Commission Expiration Date

Notification Area

24-100-05

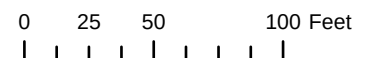
1301 S. Noland Road, Independence, MO 64055



Subject Property



185 ft Buffer Area



Prepared by Joshua Garrett, Community Development
Date: 1/8/2024

Legend

Major Roads



Road Centerline

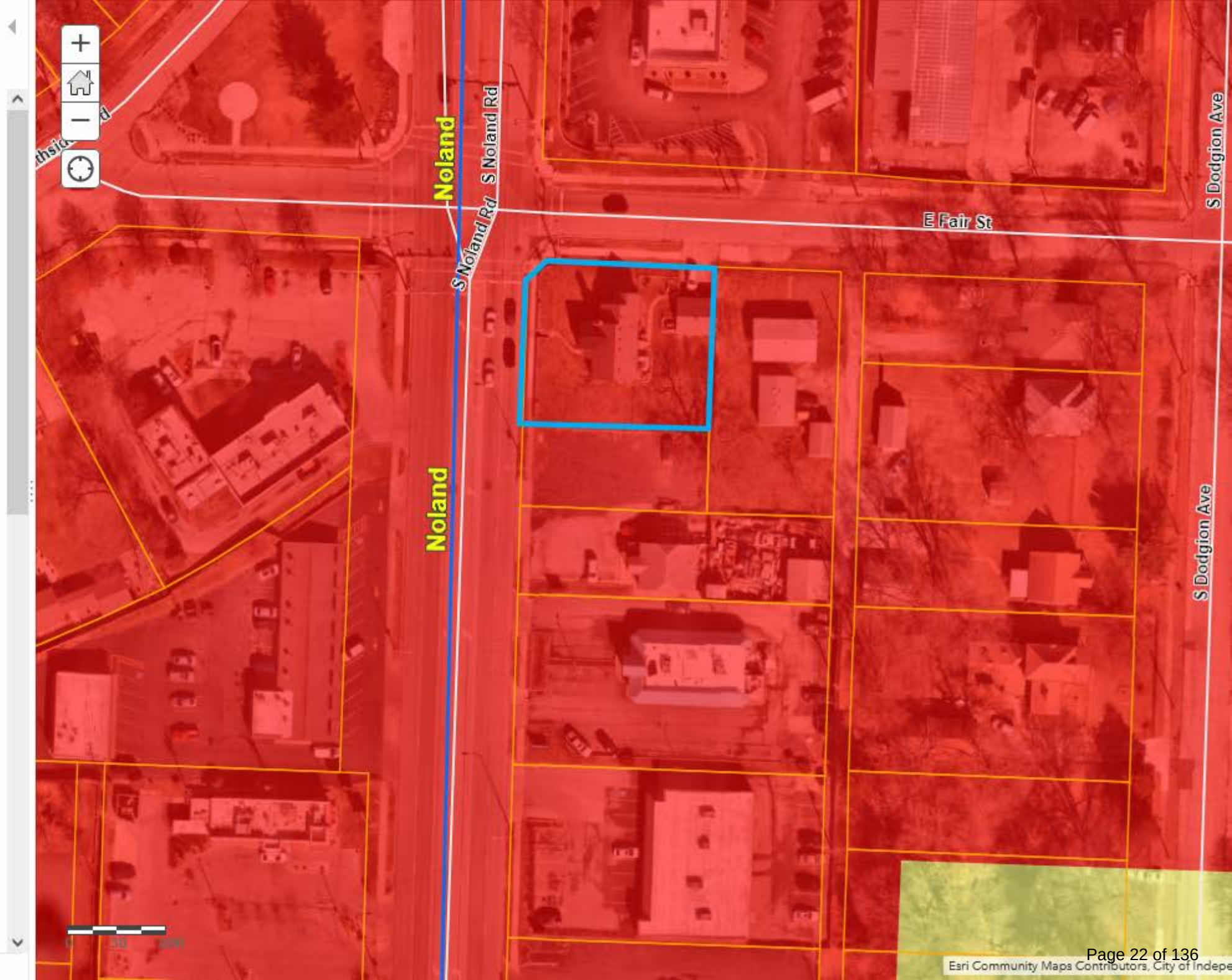


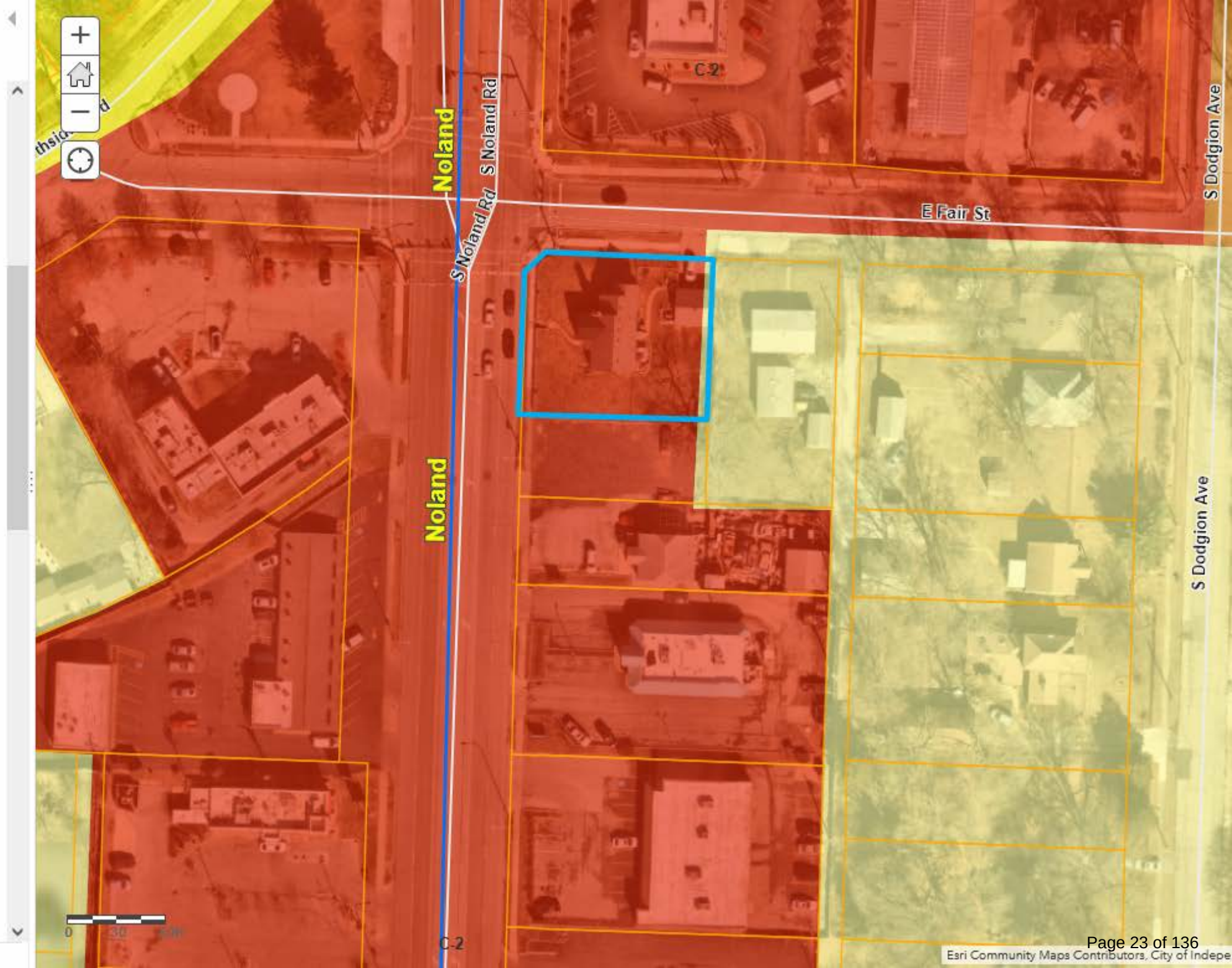
Parcels



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





MEETING DATE: June 25, 2024

STAFF: Brian Harker, Senior Planner

PROJECT NAME: Unity Center of Independence

CASE NUMBER/REQUEST: Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street – A request by Unity Center of Independence to operate a group home for transitional housing

APPLICANT/OWNER: Cheri Tharp

PROPERTY ADDRESS: 801 W. 23rd Street S.

PROPERTY ZONING: C-2 (General Commercial)

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial)...wireless store
East: R-6 (Single-Family Residential)...single-family homes
South: R-6 (Single-Family Residential)...school
West: C-2 (General Commercial)...salon academy

PUBLIC NOTICE

- Letters to property owners within 185 feet – May 13, 2024
- Public Notice published in the Independence Examiner – April 6, 2024
- Sign posted on property – April 5, 2024

FURTHER ACTION:

Following action by the Planning Commission, this Special Use Permit request is scheduled for first reading by the City Council on August 5, 2024, and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this Special Use Permit request with the following conditions:

1. The number of occupants of the group living facility shall not exceed the number of occupants permitted for the subject building by the Building Code or Fire Code, as applicable and HUD standards.
2. The transitional housing program shall not provide housing and accompanying supportive services for program participants for more than 24 months.
3. Provide standard handicapped and van-accessible handicapped parking spaces. Include signage and striping per Code. Stripe 28-standard parking spaces, per Code, as well.
4. The applicant will obtain and maintain all applicable City and State License and comply with all health requirements.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Cheri Tharp to acquire a Special Use Permit to operate a Group Home (for Transitional Housing) at 801 W. 23rd Street S.

Current Zoning: C-2 (General Commercial)

Current Use: Vacant Commercial Space

Proposed Use: Group Home

Acreage: 1.08-acres

Building Square Footage: 10,422-square footage

PROPOSAL:

Unity Center of Independence will provide temporary housing and life skills programs for women who suffer from homelessness, or who have escaped harmful situations like substance use, physical abuse or other “life issues”. They intend to “rebuild shattered lives” via a “Program of Action” based in spiritual principles. “The program is meant to equip and empower women who have experienced life struggles to make an effectual change in their lives, families and communities”. The 30 to 90-day program will focus on spiritual growth, mentoring, work ethic, life skills (i.e. household responsibilities, balancing a checkbook, cleaning your credit, writing resume) and physical well-being.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The use will occupy the northern section of the building. The second floor will have four rooms that will each sleep five to six people. This living area will contain these rooms plus; counselor/mentor rooms, four bathrooms, four showers, and a prayer room. The main floor will be dominated by a kitchen, a dining room, and a health clinic. The facility will house 20 to 30-women; five per room. There will be 24/7 on site security. Southeast of the building lies a large parking lot. Currently, licensed doctors and nurses operate a monthly mobile clinic at this location.

CHARACTERISTICS OF THE AREA:

The property is primarily surrounded by commercial uses, a trade school, an elementary school, churches and single-family residences.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The proposed use is consistent with the *Independence for All*, Strategic Plan. One of the plan objectives is to “stabilize and revitalize neighborhoods.” This long-standing religious facility should assist in that objective.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive Plan envisions the future land use of this property and the surrounding area to be Residential Neighborhood Uses. The religious facility use and associated transitional housing helps to support that land use.

Historic and Archeological Sites:

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

Public Utilities:

All utilities are present on the site and operational.

CIP Investments:

Currently there are no CIP investments along this section of W. 23rd Street S.

REVIEW CRITERIA

Recommendations and decisions on Special Use Permit applications must be based on consideration of all the following criteria:

- 1. Compatibility of the proposed use with the character of the neighborhood.**
This portion of the W. 23rd Street S. corridor is lined with mostly commercial, institutional and religious uses.
- 2. The extent to which the proposed use is compatible with the adjacent zoning and uses.**
The proposed use will not be in the middle of a residential area. It should have minimal impact on the vicinity.
- 3. The impact of the proposed use on public facilities.**
All public facilities are in place here and this proposed use will not be a significant consumer of water, sanitary sewer, and electricity services.
- 4. The suitability of the property for the permitted uses to which it has been restricted under the applicable zoning district regulations.**
This Special Use Permit will allow an additional land use not already permitted by right in the C-2 (General Commercial) district.
- 5. The extent to which the proposed use may injure or detrimentally affect the use of enjoyment of property in the area.**
Based upon the site's zoning and long use as a religious facility, it is not expected to affect any of these issues.
- 6. The extent to which the proposed use will create excessive stormwater runoff, air pollution, noise pollution or other environmental harm.**
As this is a developed site, there will not be any change in stormwater drainage. This use will not create any extensive noise, air, or environmental pollution.
- 7. The extent to which there is a need for the use in the community.**
The applicant's narrative describes the need there is for this use.
- 8. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this article.**
If approved with a Special Use Permit, the application appears to satisfy the requirements Section 14-404 of the Unified Development Ordinance.
- 9. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.**

This is an long existing religious facility, all public facilities in place and operational.

10. Conformance of the proposed use to the comprehensive plan and other adopted plans and polices.

The City's updated Comprehensive Plan envisions Residential Neighborhood Uses for this site.

11. The extent to which the use will impact sustainability or revitalization of a given area.

This Special Use Permit will bring a needed use to an underutilized structure.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Mailing List
5. Affidavit
6. Notification Area Map
7. Photo of Location
8. Floor Plan
9. Comp Plan Map
10. Zoning Map

Unity Center of Independence

"Come just as you are... let the miracle begin!"

30-90 day program for women who need temporary housing, focusing on spiritual growth, recovery from substance use disorders, work ethic, life skills and physical well-being. The women will be adults who may have become homeless, in displaced housing or escaping from a harmful situation.

We will have 2 live in Counselor and mentors. 24/7 on site security. We have 4 shower, 4 bathrooms, onsite kitchen, and laundry facility. We plan on housing 20-30 women with 5 in each room.

They will be required to participate in daily group sessions, attend bible study and church. They will be assigned a mentor to help them through the process. We will have rules and a program that will have to be followed. Each lady will have to sign a contract in order to participate. They will be subject to random drug testing as we have a no tolerance policy.

No men will be allowed in the lady's area on the top floor for them to feel more comfortable. We have licensed doctors and nurses who operate a mobile clinic called Care Beyond the Boulevard for men and women monthly at our current location.

We will also be able to provide clothing if needed to the ladies as well.

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☒ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

801 W 23rd Street South, Independence MO 64055

Project Name

Unity Center Of Independence

Project Address/Location

801 W 23rd Street South 1.08

Sq. Ft. of Building

Acreage

Number of Lots/Tracts

Stream Buffer (Yes or No)

Existing Zoning

Proposed Zoning

Existing Land Use

Proposed Land Use

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

☒ Completed & Signed Application Form ☒ Application Fee ☒ Cover Letter Describing Details of Project	☒ One 24" x 36" set of plans for Land Sub. & Site Dev. ☒ One PDF copy of a plat map or site plan ☒ Legal Description of the property in question
--	--

Contact Information

Applicant

Cheri Tharp Unity Center of Independence

Name

Company

801 W 23rd Street South, Independence MO 64055

Address

816-695-0488

mobilehomies111@aol.com

Phone

Email

Architect/Engineer/Surveyor/Other: _____

Owner

Cheri Tharp

Name

Company

Address

Phone

Email

Architect/Engineer/Surveyor/Other: _____

Name

Company

Address

Phone

Email

Name

Company

Address

Phone

Email

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

Cheri Tharp

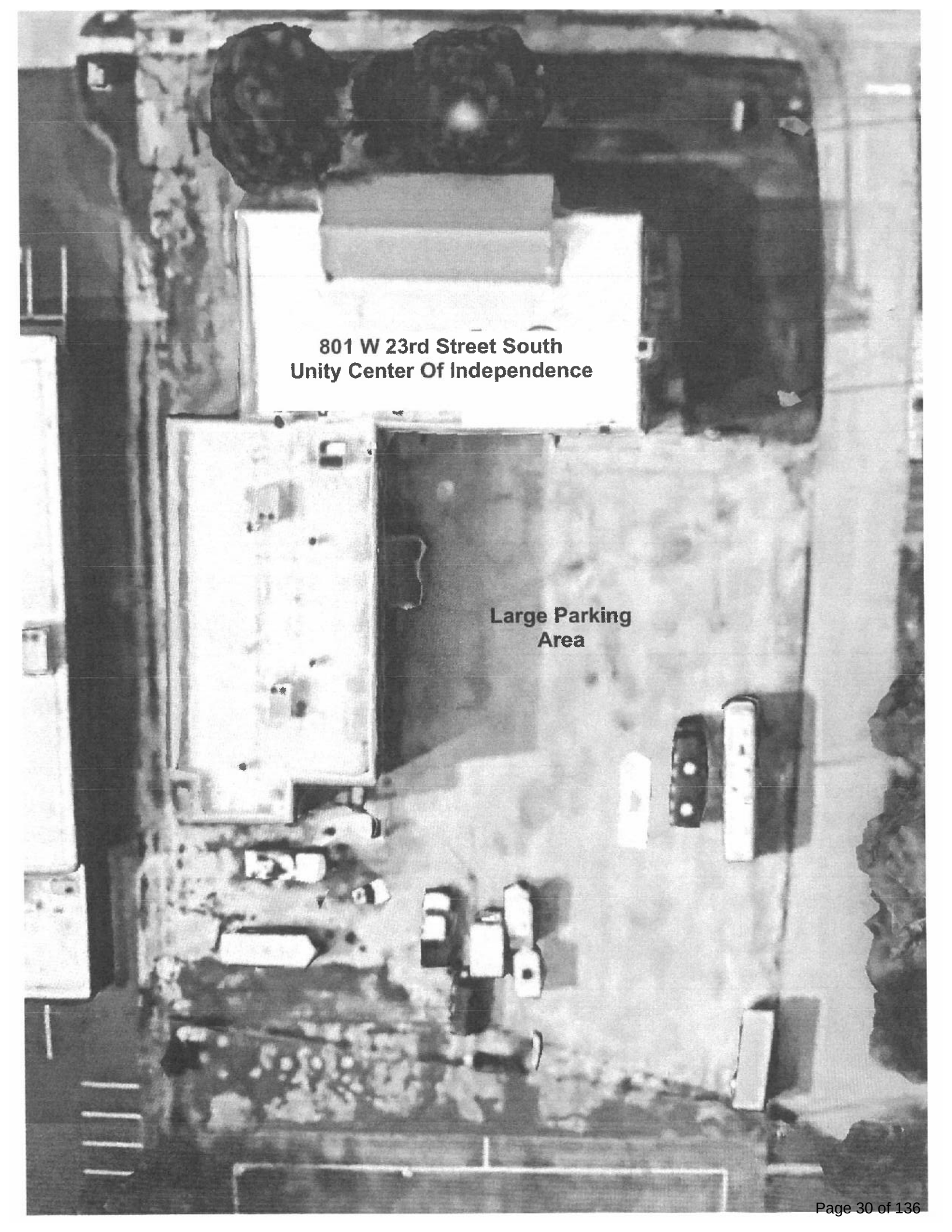
Applicant's Signature

Date

Cheri Tharp

Owner's Signature

Date

An aerial photograph showing a large, light-colored rectangular building with a flat roof. To the right of the building is a large, paved parking area. Several vehicles, including cars and trucks, are parked in the lot. The surrounding area includes some trees and other buildings. The image is in black and white.

**801 W 23rd Street South
Unity Center Of Independence**

**Large Parking
Area**

Appendix B - Property Owner Notification Letter City of Independence, Missouri

Date: May 13, 2024

Case No. 24-200-04

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: Transitional Housing : To provide temporary housing for women in the independence area who are experiencing homelessness or are at risk for being homeless. With the goal of interim stability and support to successfully move and maintain permanent housing.

Applicant: Unity Center of Independence

Location of Property: 803 W 23rd Street S., Independence MO 640544

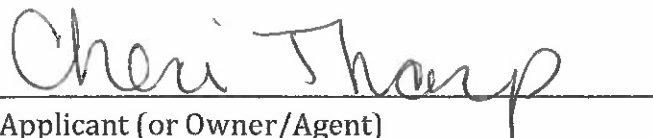
Planning Commission Meeting Date: June 25, 2024, at 6:00 p.m.

City Council Meeting Date: August 19, 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)

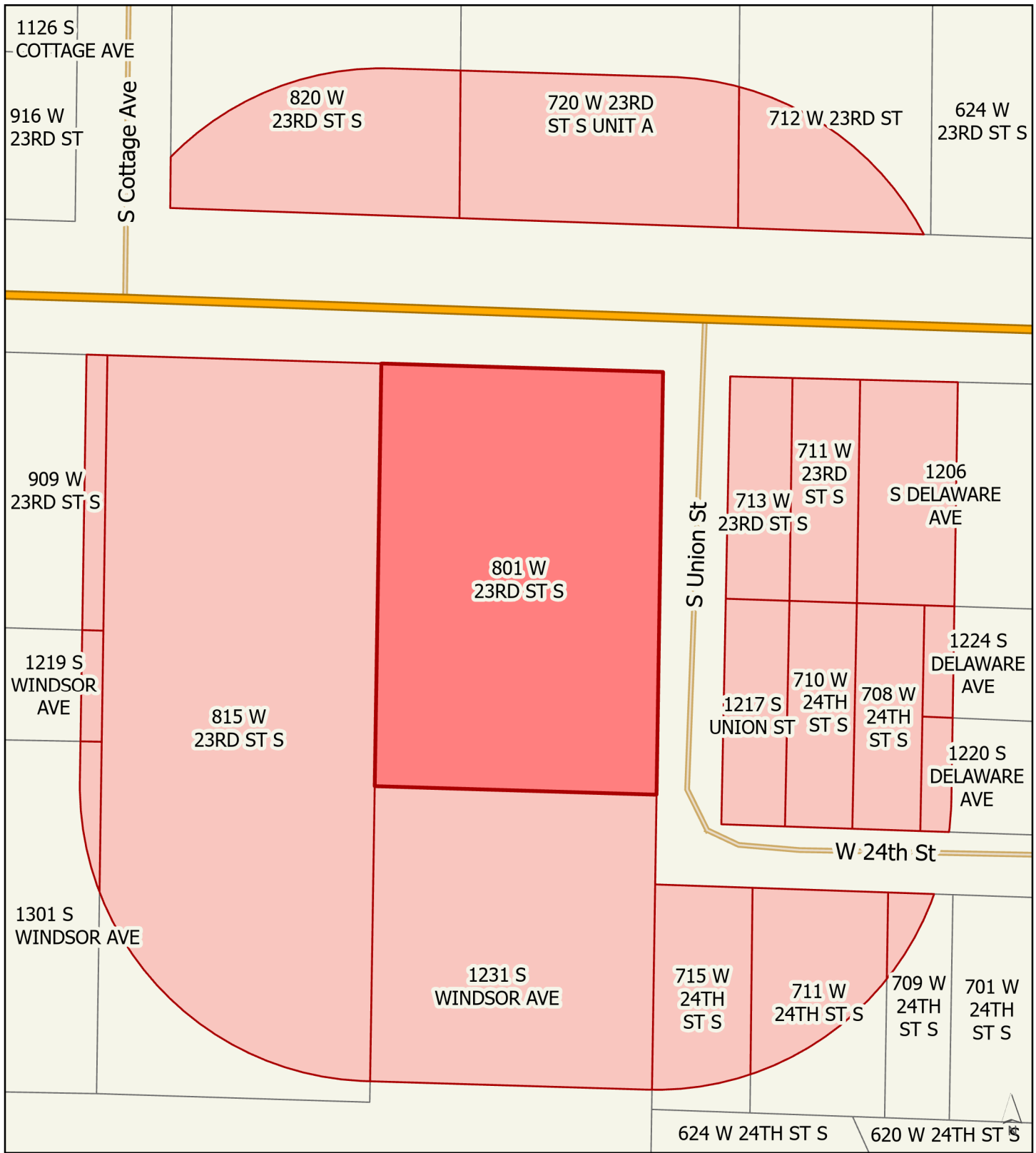
For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
ARF 6 LLC	PO BOX 1127	REDONDO BEACH	CA	90278
BALLMER TERRY	711 W 23RD ST S	INDEPENDENCE	MO	64055
BARTLETT HAROLD	1739 E MECHANIC	INDEPENDENCE	MO	64050
CROCKETT BARBARA R	713 W 23RD ST	INDEPENDENCE	MO	64055
DUTZEL REAL ESTATE LLC	212 SE BATTERY DR	LEES SUMMIT	MO	64063
FINK PETER J & CAROLYN I	1801 S 54TH ST	OMAHA	NE	68106
GILKISON KEVIN	PO BOX 175	BUCKNER	MO	64016
GOD'S LOVE MINISTRIES	803 W 23RD ST	INDEPENDENCE	MO	64055
HOLMAN PHILIP L & ROBIN L	720 W 23RD ST	INDEPENDENCE	MO	64055-1104
INDEPENDENCE SCHOOL DISTRICT	201 N FOREST AVE	INDEPENDENCE	MO	64050
JCKC PROPERTIES LLC	815 W 23RD ST	INDEPENDENCE	MO	64055
LOPES ALEXANDER KAHALELAUNIU III	1220 S DELAWARE AVE	INDEPENDENCE	MO	64055
MCVEY SHARON J	709 W 24TH ST S	INDEPENDENCE	MO	64055
NEMETH WILLIAM R	13000 E 41ST ST S	INDEPENDENCE	MO	64055
RODRIGUEZ VIRGINIA M	711 W 24TH ST	INDEPENDENCE	MO	64055
TAHIR MAJID ALI	10344 BENNET DR	MCKINNEY	TX	75072
TOLEN RONALD COOPER & ANA J	13675 MAPLE DR	TYLER	TX	75709
USC ENTERPRISE LLC	915 W 23RD ST	INDEPENDENCE	MO	64055
WICKMAN WESTONE	1217 S UNION ST	INDEPENDENCE	MO	64055

Notification Area

24-200-04

801 W 23rd Street, Independence, MO 64055



-  Subject Property
-  185 ft Buffer Area

0 25 50 100 Feet

Prepared by Joshua Garrett, Community Development
Date: 4/12/2024

Appendix C - Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-200-04

I, Cheri Tharp, 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.**

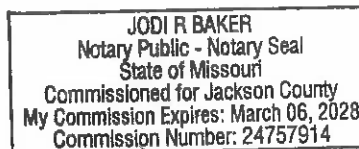
These notices were mailed on the 13 day of May, 2024.

Cheri Tharp

Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 13th day of May, 2024 JB

Jodi R. Baker
Notary Public



March 6, 2028
Commission Expiration Date

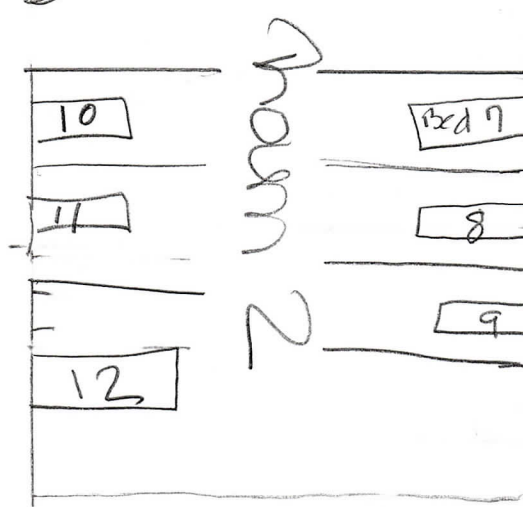
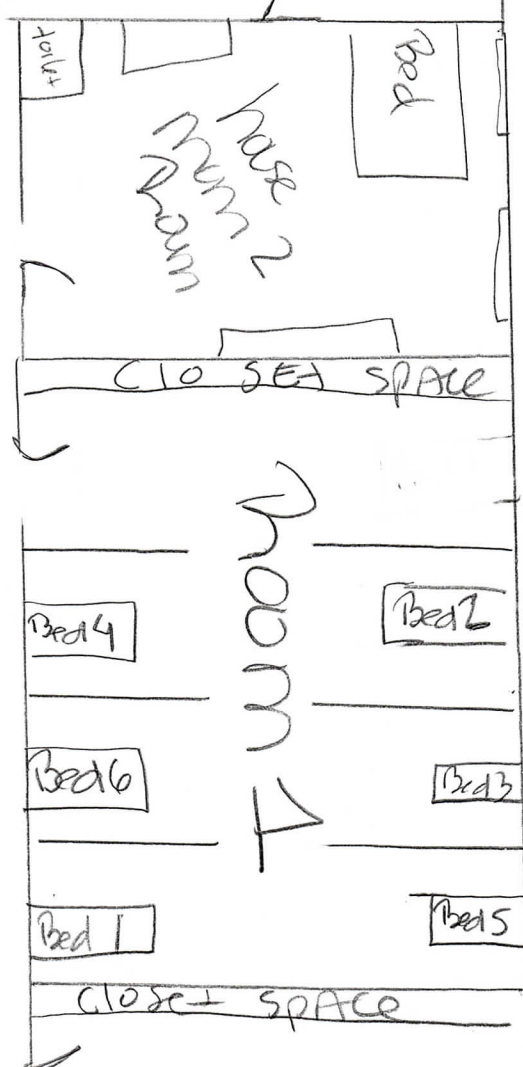
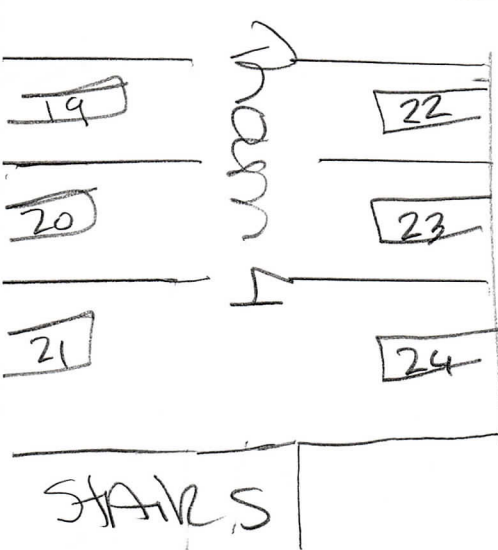
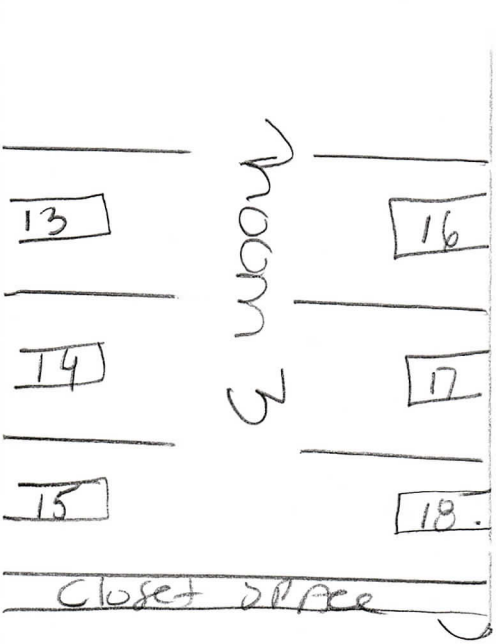
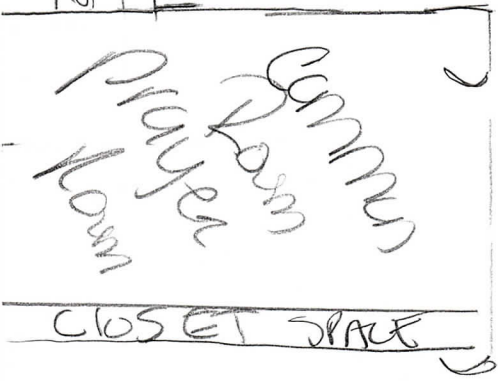


JESU
The Home Above



Summit Solar ACADEMY

UPSTAIRS
Living



← half wall

← half wall

Counseling offices

Security

Front entrance

Stair

Clinic

Health care

Kitchen

Dining Hall

Main Level

4 stall

Women's

Bathroom

4 stall

Men's

Stair

Clinic
Health care

Stair

Legend

Major Roads

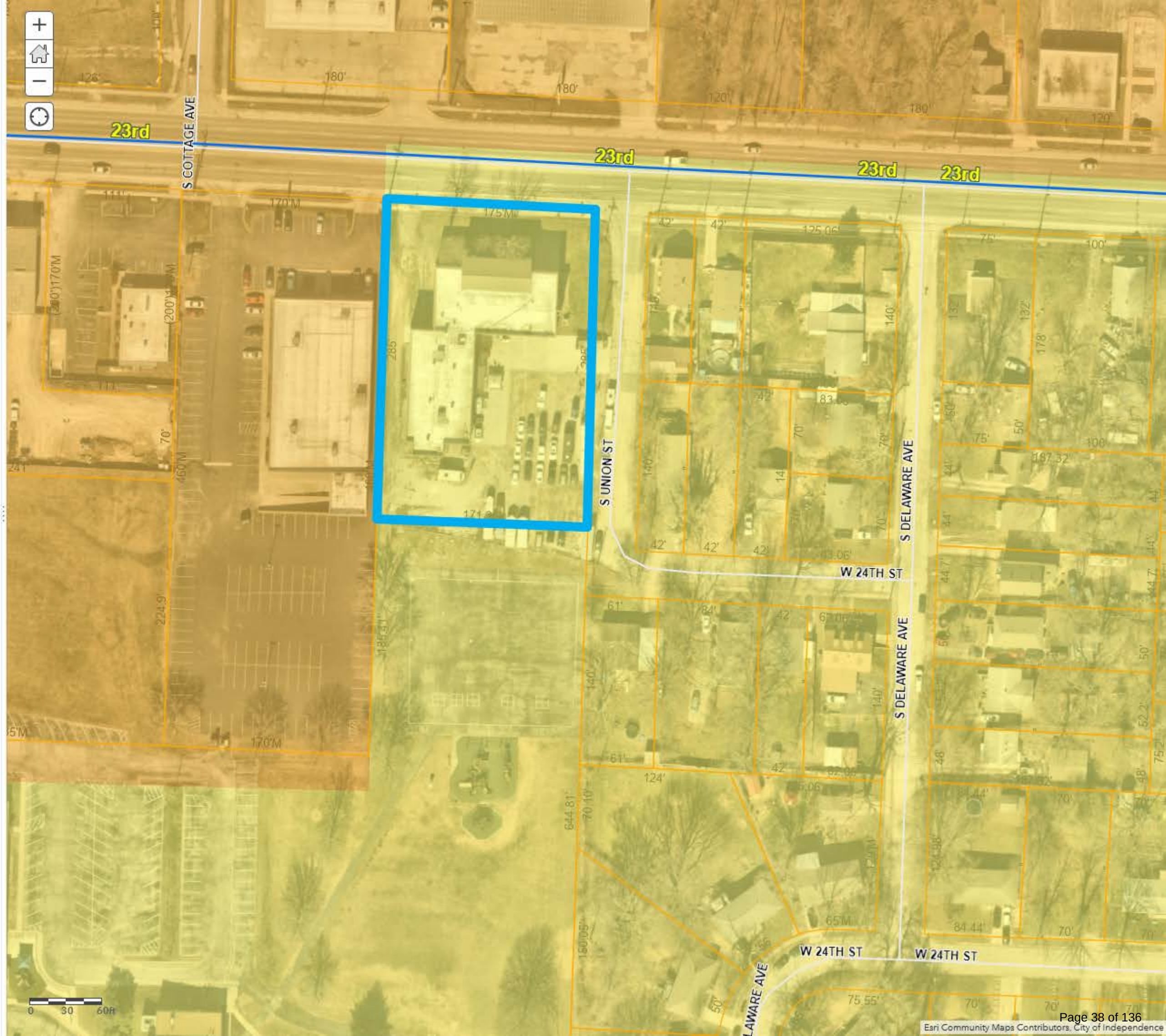
Road Centerline

Parcels

Municipal Boundaries

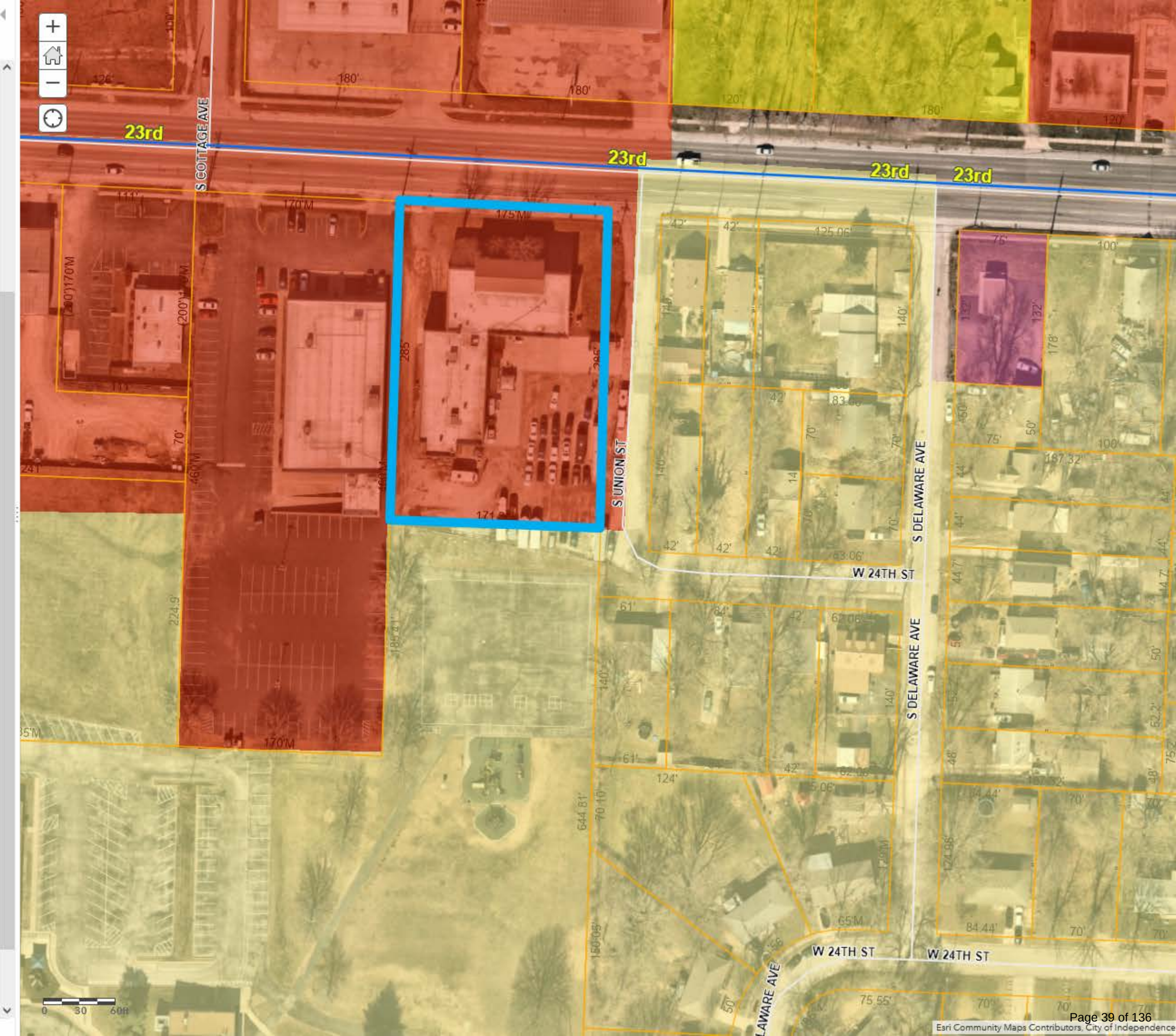
Proposed Land Use (Comp Plan)

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



Legend
Zoning District

- ARTS
- BP
- BP/PUD
- C-1
- 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
- R-4
- R-4/PUD
- R-6
- R-6/HL
- R-6/I-1/U
- R-6/PUD
- R-A



MEETING DATE: June 25, 2024

STAFF: Brian L. Harker, Senior Planner

PROJECT NAME: Cable Dahmer/Crash Champions – Noland Road

CASE NUMBER/REQUEST: **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

APPLICANT: Robert Merritt – Cable-Dahmer, LLC

OWNER: Jackie Davis – Wellington Real Estate, LLC

PROPERTY ADDRESS: 1550 S. Noland Road

SURROUNDING ZONING/LAND USE:

North:	C-2 (General Commercial)...vacant land
South:	C-2 (General Commercial)...car dealership
East:	C-2 (General Commercial)...office and retail uses
West:	C-2 (General Commercial)...vacant land and lake

PUBLIC NOTICE:

- Letters to adjoining property owners – June 7, 2024
- Public Notice published in The Kansas City Star – June 8, 2024
- Signs posted on property – June 7, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request and the preliminary development plan.

1. The general automotive repair use shall be allowed in this C-2/PUD District.
2. The vacation of the easement shall be approved prior to the issuance of a building permit.
3. The proposed project and structure, to set on what is currently multiple-lots and vacated rights-of-way, must be replatted into a new single-lot subdivision. This Minor Subdivision must be completed before Certificate of Occupancy.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

A request by Robert Merritt with Cable-Dahmer, LLC to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a Preliminary Development Plan for property at 1550 S. Noland Road.

Current Zoning:	C-2 (General Commercial)	Proposed Zoning:	C-2/PUD (General Commercial/Planned Unit Development)
Current Use:	Vacant auto parts store	Proposed Use:	Automobile Repair Shop
Acreage:	1.9-acres	Building Square Foot:	21,287-square feet

BACKGROUND:

The intent of this C-2/PUD (General Commercial/Planned Unit Development) application is to allow for Cable Dahmer to relocate the existing Crash Champions facility. The proposed location at 1550 S. Noland Road, is already zoned C-2 (General Commercial), which allows for limited (light) automobile repair. This operation does general (heavy) automotive repair as well; however, C-3 (Service Commercial) zoning would be required for that use. The uses allowed in the C-3 district zoning (which includes a number of industrial and wholesaling uses) are not ones that would be compatible with the other C-2 uses along the corridor. A PUD would allow the existing C-2 uses to remain but could permit a tailored zoning that would narrowly add only the general automotive repair uses.

The services proposed are currently being performed at another location in the City but that location will be shut down and the operation will be relocated to this location where a former auto parts store currently sets. The existing structure will be expanded, doubling in size.

All of the proposed services will be conducted within the building. The temporary storage of wrecked vehicles awaiting repair will be confined to the rear of the property and screened by the building and fencing as required by the City. There are trees, a large pond and a railroad track behind the property that further provides screening and over 500 feet of distance from other uses in the area.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

This application furthers the goal of increasing the economic prosperity of the community and providing additional employment opportunities. It will also support the redevelopment of a key corridor in the city.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

One of the Comprehensive Plan Guiding Principles is to "Provide sufficient opportunities for industrial development sites within the community and promote diversification of the City's commercial/industrial base."

Sub-Area Plans:

The property is located within the Noland Now Plan Area.

Access/Parking:

Noland Road has six lanes, two of which are left-turn lanes. The proposed operation is not a high traffic-generator and the street has turn lanes that allow for the safe and efficient flow of traffic. The existing accesses can serve the proposed use. Few changes are needed for the front and south parking lots. Two handicapped spaces (including one van-accessible) properly marked and signed must be created near the southeast corner of the existing structure. The proposed automotive storage area, for vehicles awaiting repair, will be constructed to the west building expansion.

Sidewalks:

The applicant needs to complete the property's north and south Noland Road sidewalk segments.

Public Utilities:

All utilities that are needed for this development are in place and can serve the operation.

Storm Sewers:

The drawing indicates storm sewers running along the north and south sides of the property sides of the property leading west to the rear of the property where a proposed underground detention basin will be created underneath an opaque, screened auto storage area.

Landscaping:

Most of the new landscaping on the north, east and west sides, to be added to meet the UDO, and will be in the green spaces created by existing islands. Further, additional plantings will abut the opaque screen on the north, west and south sides. A masonry trash enclosure will be constructed at the eastern edge of the south parking aisle.

Historic and Archeological Sites:

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

Replatting:

The site of the existing structure and proposed expansion will set on what is now six-lots, vacated alley and ½ of a soon to be vacated right-of-way. Therefore, the property must be replatted into a new single-lot subdivision. This Minor Subdivision must be completed before Certificate of Occupancy.

REVIEW CRITERIA

Recommendations and decisions for the proposed planned unit development rezoning and its associated preliminary development plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. **The consistency with the Comprehensive Plan.**
Comprehensive Plan Guiding Principles is to "Provide sufficient opportunities for industrial development sites within the community and promote diversification of the City's commercial/industrial base."
2. **The consistency with the PUD standards of Section 14-902, including the statement of purpose.**

Section 14-902 is intended to allow design flexibility that results in greater public benefit than would be achieved using conventional zoning regulations; this project is in conformance with that standard.

3. **The nature and extent of Common Open Space in the PUD.**

This is an infill development on an existing commercial corridor with an existing structure that will be greatly expanded, never-the-less there will be a significant opportunity to create green spaces with planting areas.

4. **The reliability of the proposals for maintenance and conservation of Common Open Space.**

Cable-Dahmer, LLC states that it will manage and own the property.

5. **The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan.**

Not applicable, this is a proposed commercial business.

6. **The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment.**

Public services in the area are adequate to serve this project. This proposed project will not adversely affect the street network in the vicinity of the project. Adequate parking is to be provided internal to the property.

7. **The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.**

The proposed general automotive repair use is in keeping with the automotive uses along this portion of the Noland Road corridor.

8. **Whether potential adverse impacts have been mitigated to the maximum practical extent.**

Mitigation efforts have been planned by the developer to reduce impacts to the area. This would be done by fencing and landscaping and providing adequate stormwater management.

9. **Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations.**

The Planned Unit Development allows for expansion of the C-2 uses to include general automotive repair without allowing more intense industrial and wholesaling uses.

10. **The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period of years.**

The PUD's controls would protect and reinforce the existing uses along the Noland Road corridor.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Address List
5. Notification Map
6. Affidavit
7. Preliminary Development Plan
8. Legal Description
9. Revised Elevations
10. Utility Easement Vacation
11. Vacation Letter of Agreement
12. Comp Plan Map
13. Zoning Map

05/09/2024

Mr Brian Harker
City of Independence – Planning Division
111 E Maple Ave
Independence, MO 64050

**RE: Cable Dahmer – Crash Champions – Statement for C-2/PUD
1550 S Noland Rd
Independence, MO**

The intent of the C-2/PUD application is to allow for Cable Dahmer to relocate an existing Crash Champions operation and stay within the City. Cable Dahmer has met with City staff and reviewed the project with them. Cable Dahmer offers the following for this requested application:

- The development is commercial and is consistent with the City's comprehensive plan.
- City staff supports the use of a C-2/PUD for this development vs. rezoning to C-3.
- The surrounding area is zoned C-2 and limited vehicle repair services are allowed in C-2. Due to the nature of the business, staff believed that the best course of action was to seek a C-2/PUD. This allows the flexibility for future C-2 uses, not C-3 uses, if and when Crash Champions ceases to operate at this location.
- The services proposed are currently being performed at another location in the City, but that location will be shut down and the operation will be relocated to this location. It is a needed service and it will remain in the City if this application is approved.
- All of the proposed services will be conducted within the building. The temporary storage of wrecked vehicles awaiting repair will be confined to the rear of the property and screened by the building and fencing as required by the City. There are trees, a large pond and a railroad track behind the property that further provides screening and over 500 feet of distance to other development in the area.
- Noland Rd has 6 lanes, 2 of which are left-turn lanes. The proposed operation is not a high traffic generator and the street has turn lanes that allow for the safe and efficient flow of traffic.
- All utilities that are needed for this development are in place and can serve the operation.

Please let me know if there is anything else you need (krohner@weareown.com or 913.219.3762).

Sincerely,



Kevin A Rohner, PE
Project Manager

cc: Robert Merritt

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☒ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☒ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Cable Dahmer/Crash Champions - Noland Rd

Project Name

1550 S Noland Rd

Project Address/Location

21,287 SF (Total: Ex + Prop) 1.9 ac

1

No

Sq. Ft. of Building

Acreage

Number of Lots/Tracts

Steam Buffer (Yes or No)

C-2

PUD (in C-2)

Vacant Bldg & Parking

Collision Repair & Office

Existing Zoning

Proposed Zoning

Existing Land Use

Proposed Land Use

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

- ☒ Completed & Signed Application Form
- ☒ Application Fee
- ☒ Cover Letter Describing Details of Project

- ☐ One 24" x 36" set of plans for Land Sub. & Site Dev.
- ☒ One PDF copy of a plat map or site plan
- ☒ Legal Description of the property in question

Contact Information

Applicant

Robert Merritt

Cable-Dahmer LLC

Name

Company

13700 Wyandotte St, Kansas City, MO 64145

Address

816.419.9206

rmerritt@cabledahmer.com

Phone

Email

~~Architect/Engineer/Surveyor/Other:~~ Engineer

Kevin Rohner

OWN Inc

Name

Company

8455 College Blvd, Overland Park, KS 66210

Address

913.219.3762

krohner@weareown.com

Phone

Email

Owner

Jackie Davis

Wellington Real Estate LLC

Name

Company

16500 E 23rd St, Independence, MO 64055

Address

816.372.8343

tiretrend@gmail.com

Phone

Email

~~Architect/Engineer/Surveyor/Other:~~ Owner

Ken McClain

Lakeside Shopping Center

Name

Company

221 W Lexington, Ste 400, Independence, MO 64050

Address

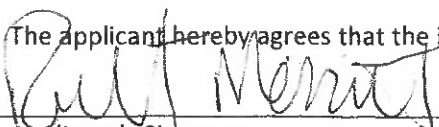
816.225.5444

kbm@hfmlegal.com

Phone

Email

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

 5-8-2024
Applicant's Signature Date

 5-6-2024
Owner's Signature Date

Appendix B - Property Owner Notification Letter

City of Independence, Missouri

Date: June 5, 2024

Case No. 24-125-06

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: Relocation of a Crash Champions operation to include

office, evaluation/estimating, shop & collision repair spaces. Rezoning from C-2 to C-2/PUD

Applicant: Cable-Dahmer LLC (Robert Merritt)

Location of Property: 1550 S Noland Rd

Planning Commission Meeting Date: June 25, 2024, at 6:00 p.m.

City Council Meeting Date: August 19, 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.



OWN, Inc, Agent

Applicant (or Owner/Agent)

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

CABLE DAHMER – CRASH CHAMPIONS

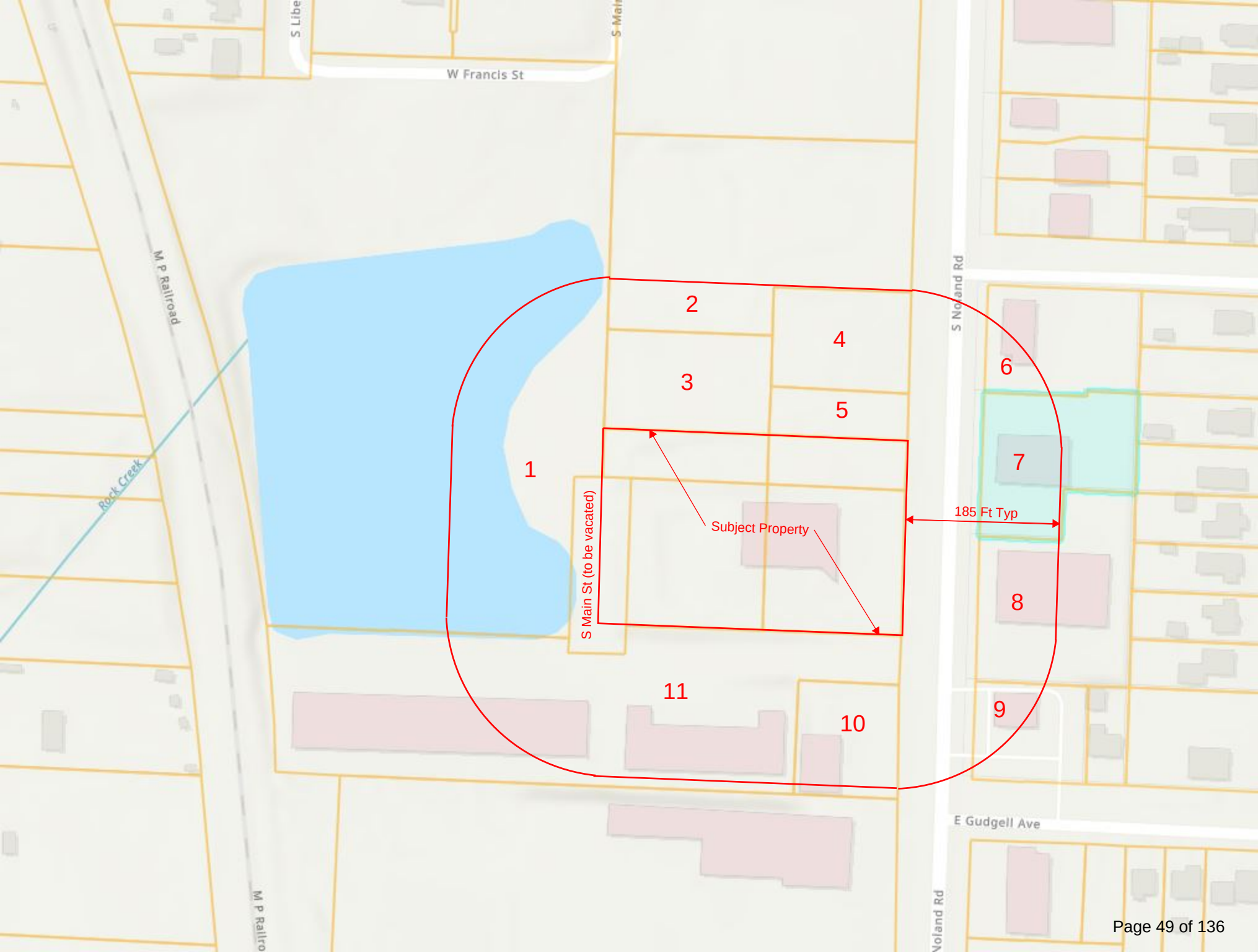
1550 S NOLAND RD

NOTIFICATION MAILING LIST

06/07/2024

(See Notification Map for the listed property locations)

Property No.	Owner	Mailing Address
1	Oakwood Enterprises LLC	PO Box 900 Independence, MO 64051
1	Oakwood Enterprises LLC	c/o Ken McClain 221 W Lexington, Ste 400 Independence, MO 64050
2, 3, 4, 5	Lakeside Shopping Center LLC	c/o Ken McClain 221 W Lexington, Ste 400 Independence, MO 64050
6, 7, 8	JPI LLC	PO Box 901514 Kansas City, MO 64190
9	Budget Noland Rd LLC	8826 Santa Fe Dr, Ste 300 Overland Park, KS 66212
10	Lakeside Shopping Center LLC	5359 Merriam Dr Mission, KS 66205
11	1600 South Noland Road Investments LLC	1600 S Noland Rd Independence, MO 64055



Appendix C - Property Owner Notification Affidavit

STATE OF MISSOURI

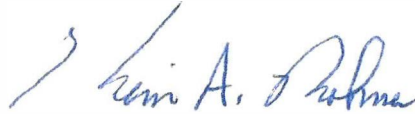
COUNTY OF JACKSON

Case No. 24-125-06

I, Kevin A Rohner w/OWN, Inc, 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.**

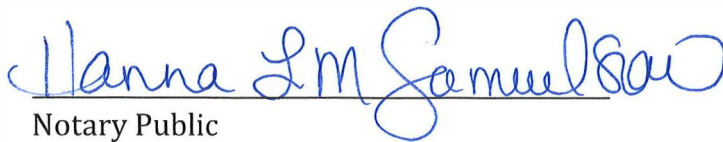
These notices were mailed on the 5th day of June, 2024.



OWN, Inc, Agent

Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 5th day of June, 2024.



Hanna LM Samuelson

Notary Public

04-22-2026

Commission Expiration Date





8455 College Boulevard
Overland Park, KS 66210
816.777.0400
weareown.com

FORMERLY ANDERSON ENGINEERING

CRASH CHAMPIONS
S. NOLAND RD

1550 S. NOLAND RD
INDEPENDENCE, MO 64055

REVISIONS

[illegible]

DRAWING INFORMATION

PROJECT NO: 24KC10005

DRAWN BY: KSC

CHECK BY: KAR

SSUED DATE: 05/09/2024

ISSUED BY: -

LICENSE NO: -

A licensed Missouri
Engineering Corporation
COA# 00062

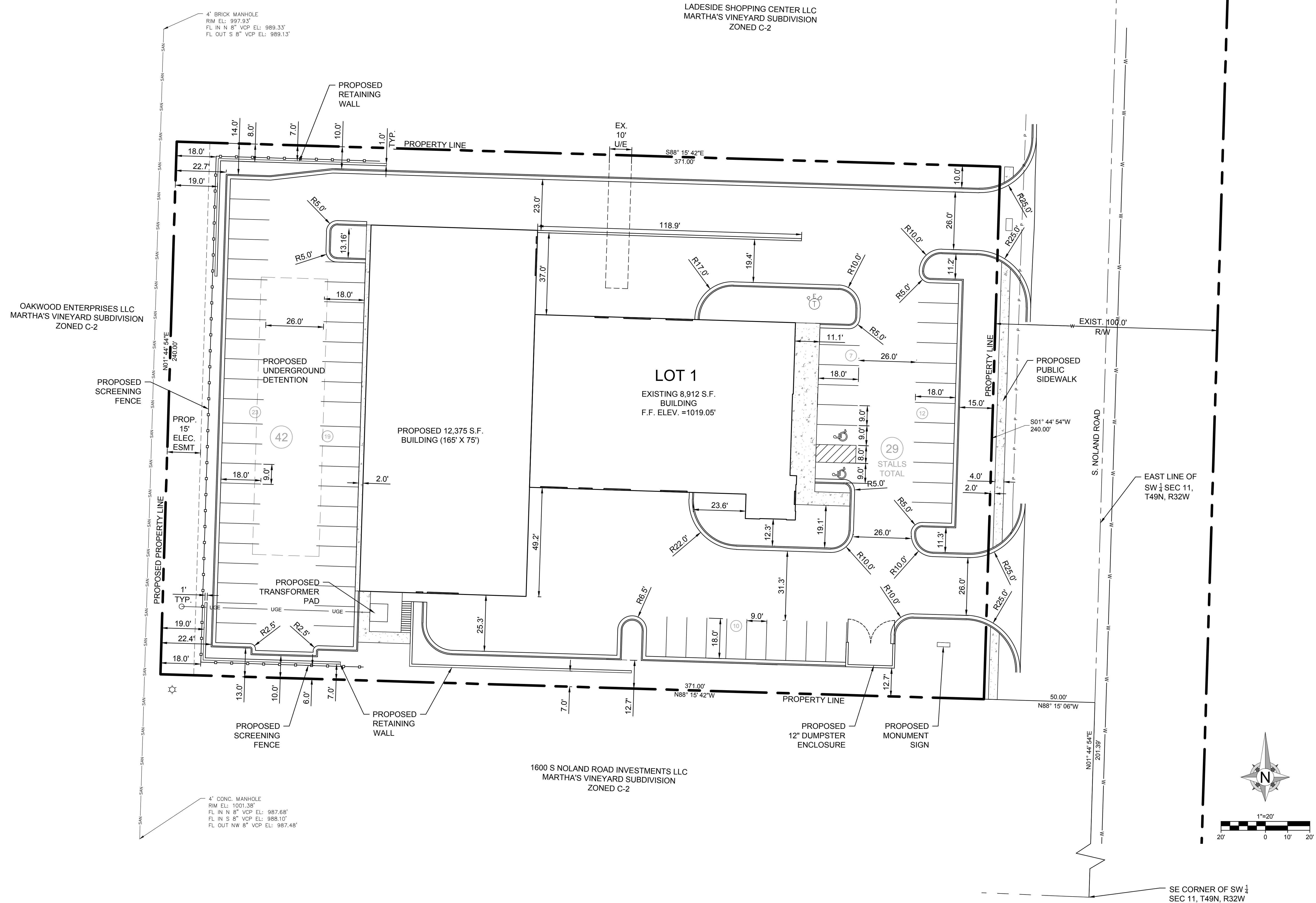
SHEET TITLE

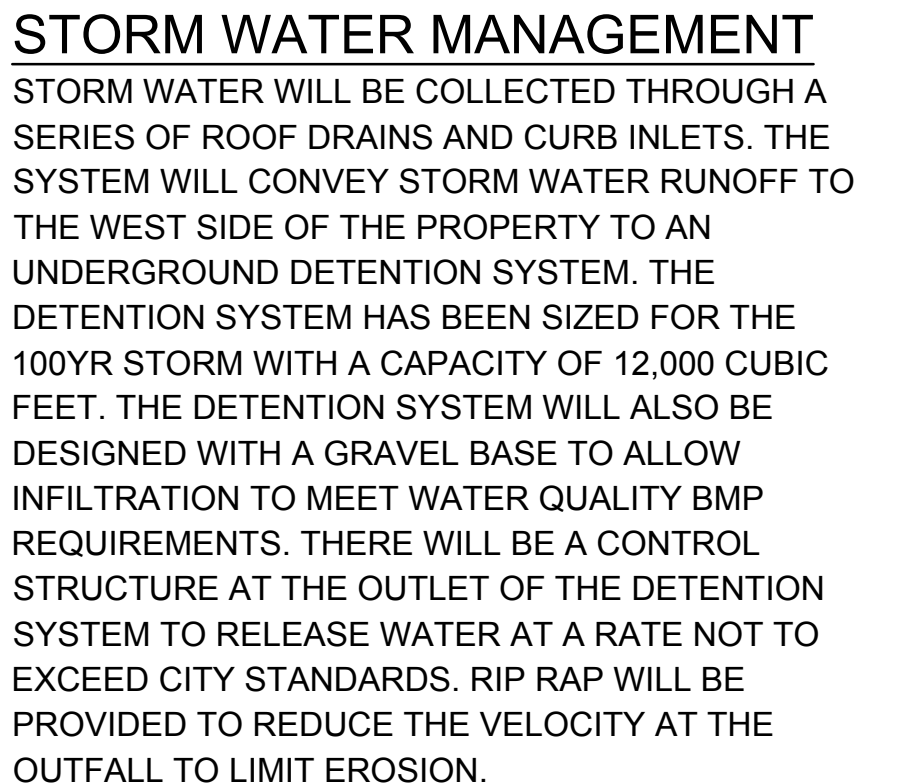
PDP/PREL. PLAT

SITE PLAN

SHEET NUMBER

2





1550 S. NOLAND RD
INDEPENDENCE, MO 64055

DRAWING INFORMATION	
PROJECT NO: 24KC10005	
DRAWN BY: KSC	
CHECK BY: KAR	
ISSUED DATE: 05/09/2024	
ISSUED BY: -	
LICENSE NO: -	
A licensed Missouri Engineering Corporation COA# 00062	

ISSUED BY: -
LICENSE NO: -

A licensed Missouri
Engineering Corporation
COA# 00062

SHEET NUMBER

3

<u>SYMBOL</u>	<u>CODE</u>	<u>QTY</u>	<u>COMMON / BOTANICAL NAME</u>	<u>CONT</u>	<u>CAL</u>	<u>SIZE</u>
<u>DECIDUOUS TREES</u>						
	GP	4	PRINCETON SENTRY MAIDENHAIR TREE / GINKGO BILOBA 'PRINCETON SENTRY'	B & B	2"	CAL
	GI	3	THORNLESS HONEY LOCUST / GLEDITSIA TRIACANTHOS INERMIS "IMPERIAL"	B & B	2"	CAL
	QP	1	AMERICAN DREAM OAK / QUERCUS BICOLOR 'JFS-KW12' TM	B & B	2"	CAL
<u>EVERGREEN TREES</u>						
	JB	5	BLUE POINT JUNIPER / JUNIPERUS CHINENSIS 'BLUE POINT'	B & B		6" TALL
<u>ORNAMENTAL TREES</u>						
	MR2	3	ROYALTY CRABAPPLE / MALUS X 'ROYALTY'	B & B	1.5"	CAL



EXISTING 10" TREE TO SAVE AND PROTECT.

NOTE: CONTRACTOR SHALL INSTALL WOODEN LATH SNOW FENCING, BRIGHTLY COLORED PLASTIC CONSTRUCTION FENCING, CHAIN LINK FENCING, OR AN ALTERNATIVE BARRIER SECURELY ANCHORED TO FENCE POSTS AT THE PERIPHERY OF THE TREE'S DRIP LINE OR BEYOND TO PROTECT THE VEGETATION FROM ALL CONSTRUCTION ACTIVITIES, INCLUDING EARTHWORK OPERATIONS, MOVEMENT AND STORAGE OF EQUIPMENT AND MATERIALS.

TREE PRESERVATION (14-500-03)

PROVIDED:
1 TREE BETWEEN 9-12" DBH = 2 CREDITS

STREET TREES - NONRESIDENTIAL DISTRICTS (15-503-02-D)

REQUIRED:
1 TREE PER 40 FEET OF STREET FRONTAGE:
NOLAND ROAD = 4 TREES

PROVIDED:
NOLAND ROAD = 4 TREES

LANDSCAPED OPEN SPACE (14-503-04-B)

REQUIRED:
MINIMUM 20% OF THE AREA WITHIN 20 FEET OF THE PERIMETER OF ALL BUILDINGS

PROVIDED:
MINIMUM 20% OF THE AREA WITHIN 20 FEET OF THE PERIMETER OF ALL BUILDINGS

PARKING LOT PERIMETER LANDSCAPING (15-503-05)

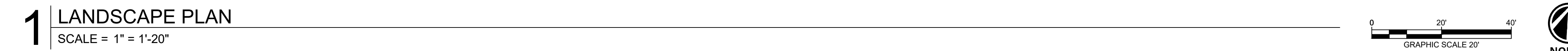
REQUIRED ON SITES WITH OVER 5 ACRES:
1 TREE AND 3 SHRUBS PER 40 FEET OF PARKING LOT PERIMETER:
205 FEET = 5 TREES AND 15 SHRUBS

PROVIDED:
5 TREES AND 15 SHRUBS

PARKING LOT INTERIOR LANDSCAPING (15-503-06)

REQUIRED:
EACH LANDSCAPE ISLAND MUST INCLUDE AT LEAST 1 TREE
1 TREE AND 3 SHRUBS FOR EVERY 20 PARKING SPACES
72 PARKING SPACES = 4 TREES AND 11 SHRUBS

PROVIDED:
4 TREES AND 11 SHRUBS



1550 S. NOLAND RD
INDEPENDENCE, MO 64055

[illegible]

PROJECT NO: 24KC10005

DRAWN BY: EMF

CHECK BY: EMF

ISSUED DATE: 05/9/2024

ISSUED DATE: 05/9/2024

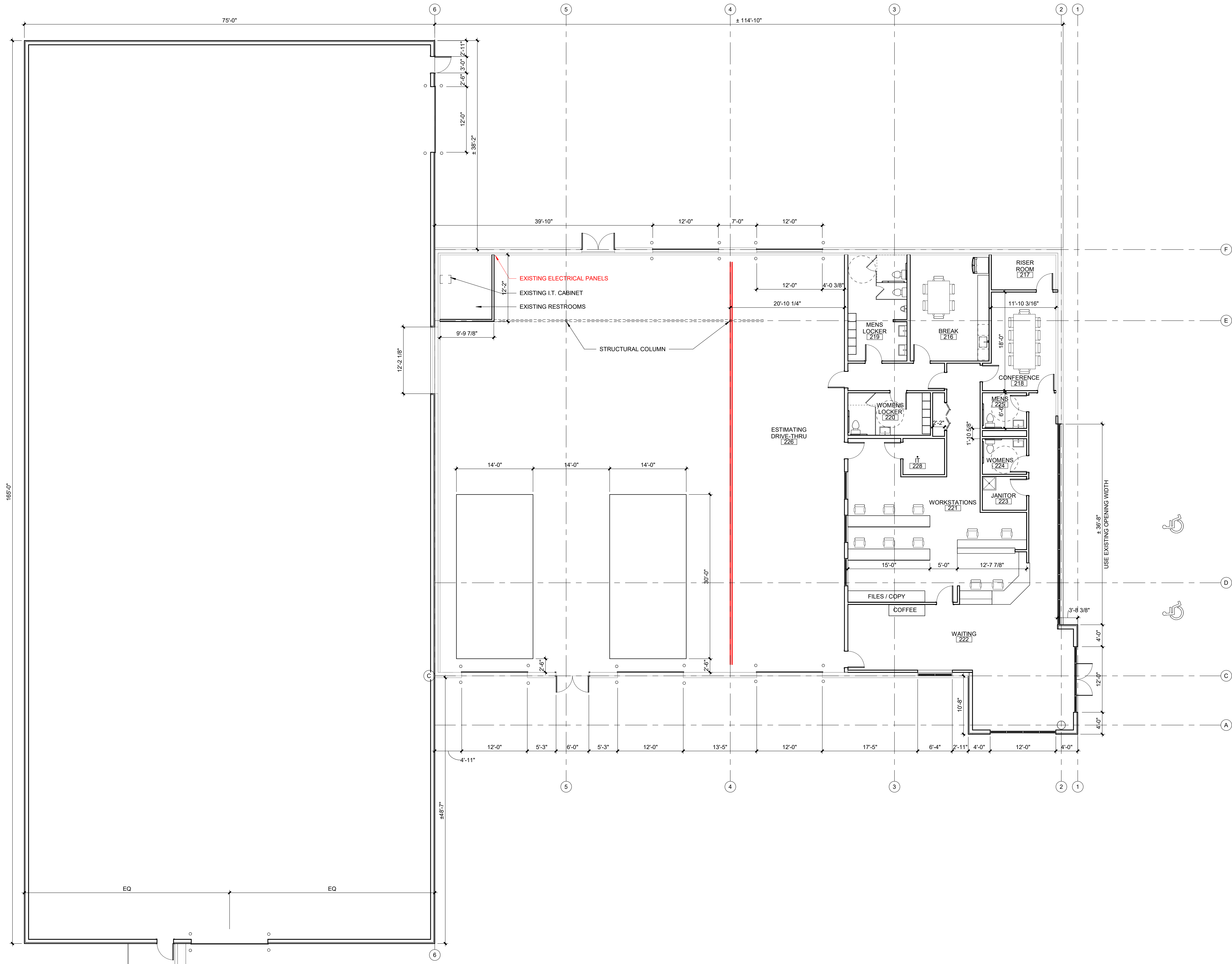
PRELIMINARY
NOT FOR CONSTRUCTION

ISSUED BY: -
LICENSE NO: -

A licensed Missouri
Engineering Corporation
COA# 00062

LANDSCAPE
PLAN

4



CRASH
CHAMPIONS
1550 S NOLAND
RD

1550 S NOLAND RD.
INDEPENDENCE, MO 64055

Project No.: 24003
Date: 5/9/2024
Issued For: 5/9/2024

REVISIONS		
No.	Date	Description

REGISTRATION

NOT FOR CONSTRUCTION

PROJECT TEAM

ARCHITECT	FINKLE+WILLIAMS ARCHITECTURE
CIVIL	OWN, INC.
LANDSCAPE	OWN, INC.
FOUNDATIONS	TBD
STRUCTURAL	TBD
PLUMBING	TBD
MECHANICAL	TBD
ELECTRICAL	TBD
FIRE PROTECTION	TBD
CONTRACTOR	TBD



FINKLE + WILLIAMS
ARCHITECTURE

8787 RENNER BLVD., SUITE 100
LENEXA, KANSAS 66219
913.498.1550
www.finklewilliams.com

SHEET TITLE

PRELIMINARY
FLOOR PLAN

SHEET NUMBER

5

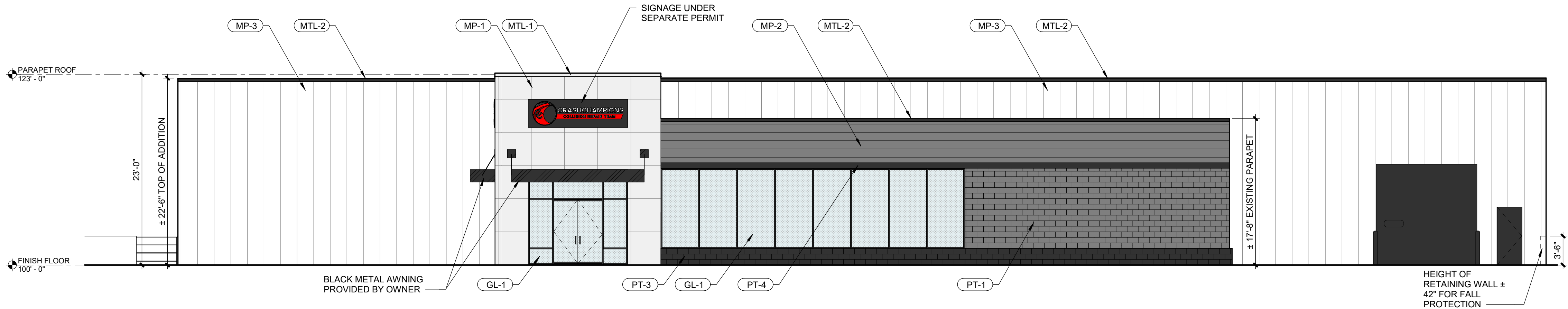
EXTERIOR MATERIAL LEGEND

NOTE: ALL METAL DOORS TO BE PAINTED WITH PRO INDUSTRIAL DTM ACRYLIC PAINT (SHEEN: SEMI-GLOSS) COLOR SW6258 TRICORN BLACK

- MP-1 RYNOBOND ALUMINUM COMPOSITE METAL PANEL
COLOR: "SILVERSMITH"
- MP-2 METAL PANEL HORIZONTAL ELEMENT
COLOR TO MATCH PT-1
- MP-3 METAL PANELS 2'-0" VERTICAL SEAMED PANEL SYSTEM
COLOR: WHITE
- MTL-1 METAL COPING
COLOR TO MATCH MP-1
- MTL-2 METAL COPING
COLOR TO MATCH SW6258 TRICORN BLACK
- PT-1 PRO INDUSTRIAL DTM ACRYLIC (SHEEN: SEMI-GLOSS)
COLOR: SW0768 GRIZZLE GRAY
- PT-2 SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: SATIN)
COLOR: SW7068 GRIZZLE GRAY
- PT-3 SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: SATIN)
COLOR: SW6258 TRICORN BLACK
- PT-4 SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: FLAT)
COLOR: SW6258 TRICORN BLACK
- GL-1 ALUMINUM STOREFRONT GLAZING SYSTEM - LOW-E GLAZING (SOLARBAN 70XL)
COLOR: BLACK ANODIZED FRAMES

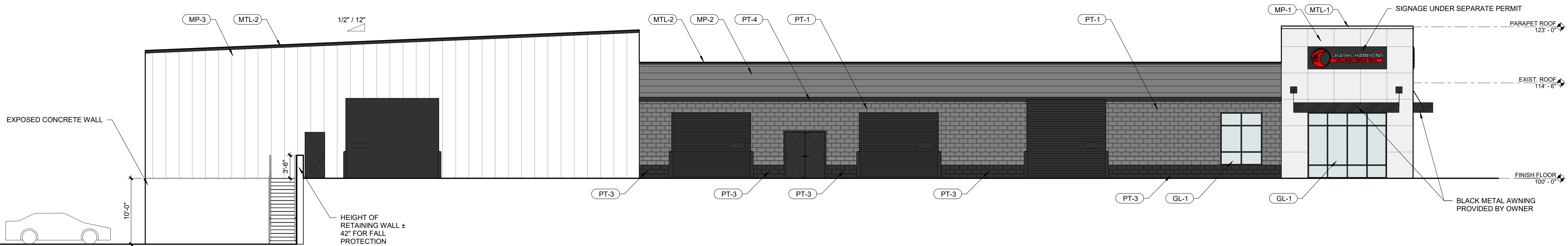
1 EAST ELEVATION

SCALE : 1/8" = 1'-0"



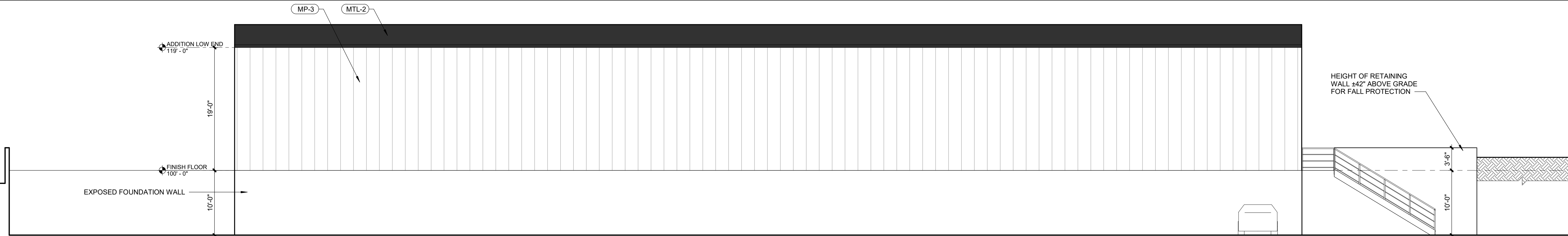
2 SOUTH ELEVATION

SCALE : 1/8" = 1'-0"



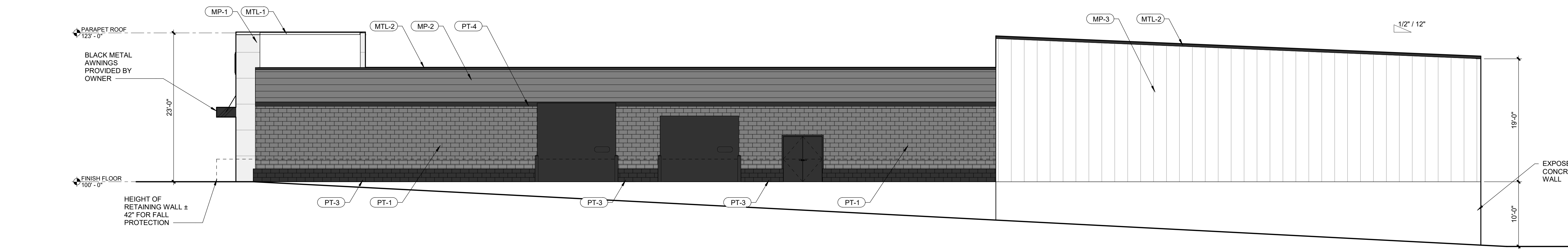
3 WEST ELEVATION

SCALE : 1/8" = 1'-0"



4 NORTH ELEVATION

SCALE : 1/8" = 1'-0"



CRASH CHAMPIONS 1550 S NOLAND RD

1550 S NOLAND RD.
INDEPENDENCE, MO 64055

Project No.: 24003
Date: 5/9/2024
Issued For: 5/9/2024

REVISIONS		
No.	Date	Description

REGISTRATION

PROJECT TEAM

ARCHITECT	FINKLE+WILLIAMS ARCHITECTURE
CIVIL	OWN, INC.
LANDSCAPE	OWN, INC.
FOUNDATIONS	TBD
STRUCTURAL	TBD
PLUMBING	TBD
MECHANICAL	TBD
ELECTRICAL	TBD
FIRE PROTECTION	TBD
CONTRACTOR	TBD



SHEET TITLE

ELEVATIONS

SHEET NUMBER

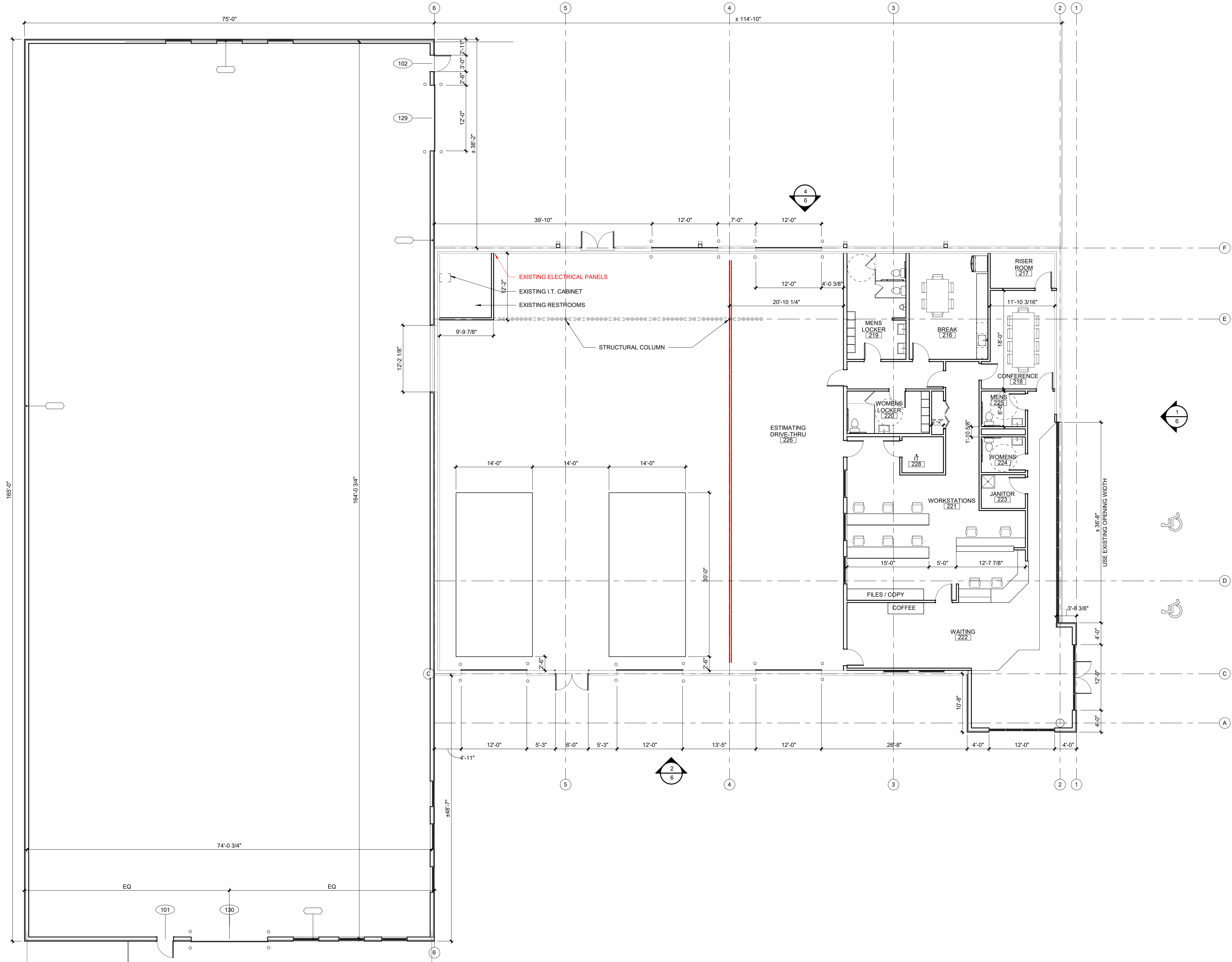
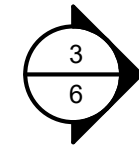
6

OVERALL BOUNDARY

All of Lots 21 through 24 , Lots 31 through 34, and all that part of the vacated South Main Street all in Martha's Vineyard, a subdivision in the City of Independence, Jackson County, Missouri, being more particularly described as follows: commencing at the southeast corner of said Lot 24; thence North 88 degrees 15 minutes 42 seconds West, with the south line of Lots 24 and 31, a distance of 371.00 feet to the centerline of vacated South Main Street; thence North 01 degrees 44 minutes 54 seconds East, with the centerline of South Main Street, a distance of 240.00 feet, to a point on the westerly prolongation of the north line of Lot 34 Martha's Vineyard; thence South 88 degrees 15 minutes 42 seconds East, with the north lines of Lots 34 and 21, and their westerly prolongation, a distance of 371.00 feet to the northeast corner of Lot 21; thence South 01 degrees 44 minutes 54 seconds West, with the east lines of Lots 21, 22, 23, and 24, a distance of 240.00 feet to the point of beginning. The above described tract contains 89,404 square feet or 2.04 acres.



05/07/2024



CRASH CHAMPIONS 1550 S NOLAND RD

1550 S NOLAND RD.
INDEPENDENCE, MO 64055

Project No.: 24003
Date: 6/13/2024
Issued For: 6/13/2024

REVISIONS		
No.	Date	Description

REGISTRATION

NOT FOR CONSTRUCTION

PROJECT TEAM

ARCHITECT	FINKLE+WILLIAMS ARCHITECTURE
CIVIL	OWN, INC.
LANDSCAPE	OWN, INC.
FOUNDATIONS	TBD
STRUCTURAL	TBD
PLUMBING	TBD
MECHANICAL	TBD
ELECTRICAL	TBD
FIRE PROTECTION	TBD
CONTRACTOR	TBD



FINKLE + WILLIAMS
ARCHITECTURE

8787 RENNER BLVD., SUITE 100
LENEXA, KANSAS 66219
913.498.1550
www.finklewilliams.com

SHEET TITLE

PRELIMINARY
FLOOR PLAN

SHEET NUMBER

5

UTILITY EASEMENT VACATION

All that part of a vacated alley in Martha's Vineyard, a subdivision in the City of Independence, Jackson County, Missouri (as recorded in Document No. I-76697 in Book I230 at page 1483), being more particularly described as follows: commencing at the southeast corner of Lot 24 thence North 88 degrees 15 minutes 42 seconds West with the south line of Lot 24 a distance 176.00 feet to the southeast corner of Lot 34, said point being on the west line of aforesaid alley; thence North 01 degrees 44 minutes 54 seconds East, with the east lines of Lots 31, 32, and 33, Martha's Vineyard and the west line of said vacated 16.00 foot alley, a distance of 180.00 feet to the southeast corner of Lot 34, said point also being the point of beginning; thence continuing North 01 degrees 44 minutes 54 seconds East, with the east line of Lot 34, a distance of 60.00 feet to the northeast corner of said Lot 34; thence South 88 degrees 15 minutes 42 seconds East, with the easterly prolongation of the north line of said Lot 34, a distance of 10.00 feet; thence South 01 degrees 44 minutes 54 seconds West, and no longer with the easterly prolongation of the north line of said Lot 34, a distance of 60.00 feet; thence North 88 degrees 15 minutes 42 seconds West, with the easterly prolongation of the south line of Lot 34, a distance of 10.00 feet to the point of beginning. The above described tract of land contains 600 square feet or 0.01 acres.



05/07/2024

City of Independence Municipal Services

Right-of-Way Division

111 E. Maple Ave., Independence, MO 64050

Date: 5/6/2024

Re: Proposed Easement/Street Vacation

I, Jackie Davis, as managing member of Wellington Real Estate LLC, the owner of the property located at 1550 S Noland Rd, Assessor's Parcel No.26-530-16-27-00-0-00-000 AND 26-530-16-10-00-0-00-000 located in the City of Independence, County of Jackson, State of Missouri. I have reviewed the attached Exhibit B that indicates the location of the proposed vacation of Easement. I agree with and support the request for the proposed Easement Vacation.

Signed

Jackie Davis

Wellington Real Estate LLC



Date

5-6-2024





Legend
Zoning District

- ARTS
- BP
- BP/PUD
- C-1
- 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



MEETING DATE: June 25, 2024

STAFF: Tom Scannell, Community Development Director

PROJECT NAME: UDO Amendment #66

CASE NUMBER / REQUEST: **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

APPLICANT: City of Independence

PUBLIC NOTICE:

- Public notice published in Independence Examiner – June 8th 2024.

FURTHER ACTION:

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

The City proposes Amendment #66 to the Unified Development Ordinance (UDO) to address police facilities.

BACKGROUND & HISTORY:

The City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions found in 14-415.

EXHIBITS

1. Proposed Amendments to 14-200-04
2. Proposed Amendments to 14-302-03
3. Proposed Amendments to 14-415

14-200 USE GROUPS AND CATEGORIES

14-200-04 Public and civic use group

The public and civic use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

14-200-04-C. Detention and Correctional Facilities, Other. Facilities for the ~~judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by peace officers, except when on an approved leave.~~ confinement of persons charged with or convicted of a crime or otherwise confined under a court order and includes but is not limited to ~~Examples include~~ prisons, jails, probation centers and juvenile detention homes.

14-200-04-K. Government Buildings/Facilities. Government buildings and related facilities utilized for its operations. Typical uses include City halls, courthouses, animal shelters, maintenance garages, police buildings, detention and facilities, and training facilities but exclude facilities relating to utility services and parks and recreation.

14-302 INDUSTRIAL DISTRICTS

14-302-03 Uses

14-302-03-A. Use Table. Uses are allowed in I zoning districts in accordance with Table 302-1, below.

14-302-03-B. Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 302-1 lists the groups, categories and types allowed in one or more I districts.

14-302-03-C. Permitted Uses. Uses identified with a "P" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-302-03-D. Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of Table 302-1, and all other applicable standards of this development ordinance.

14-302-03-E. Special Uses. Uses identified with an "S" in Table 302-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-302-03-F. Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-302-03-G. Use Standards. The "use standards" column of Table 302-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 302-1 Industrial Districts Use Table					
P: Permitted		S: Special Use Permit Required		C: Conditional Uses	—: Not Allowed
<i>Use Category</i> <i>Specific use type</i>	Zoning District			Use Standards	
	B-P/PUD	I-1	I-2		
PUBLIC/CIVIC					
Detention/Correctional Facility, <u>Other</u>	—	—	S	14-407 , 14-415	

14-415 DETENTION AND CORRECTIONAL FACILITIES, OTHER

14-415-01 Standards

Detention and correctional facilities, and recovery centers are subject to the following minimum standards:

14-415-01-A. The property must have a minimum lot area of two acres.

14-415-01-B. No such facility may be located on property located within 1,000 feet of residential zoning district or within 1,000 feet of any residential dwelling unit; school; library, museum, community center; park; religious assembly; or day care use.

14-415-01-C. All outdoor recreation areas and all structures to be occupied by inmates must be set back a minimum of 50 feet from all property lines.

14-415-01-D. The property on which the facility is to be located must provide a minimum lot area of 350 square feet per occupant.

14-415-02 – City Facilities Exempt

Any detention or correctional facility owned by the City of Independence shall not be subject to the standards listed in Section 14-415-01.

MEETING DATE: June 25, 2024

STAFF: Tom Scannell, Community Development Director

PROJECT NAME: UDO Amendment #67

CASE NUMBER / REQUEST: **Case 24-175-04 – UDO Amendment #67 – Home Based Businesses** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

APPLICANT: City of Independence

PUBLIC NOTICE:

- Public notice published in Independence Examiner – June 8th 2024

FURTHER ACTION:

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

The City proposes Amendment #67 to the Unified Development Ordinance (UDO) to update the home-based businesses regulations.

BACKGROUND & HISTORY:

In 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

- A. Restricting the hours of operation for any home-based work; or
- B. Prohibiting or requiring any structural modifications to the home or accessory structure; or
- C. Prohibiting service by appointment within the home or accessory structure; or
- D. Prohibiting any particular occupation from being home-based work; or
- E. Prohibiting mail order or telephone sales for home-based work; or
- F. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a “no-impact home-based business,” cities are further prohibited from:

- A. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
- B. Requiring that the business activities occur only within the residence, although the city may prohibit activities that can be viewed from the street; or
- C. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces with regulations in compliance with State Statute.

House Bill 1662 does allow a political subdivision to establish reasonable regulations on a home-based business if the regulations are narrowly tailored for the purpose of protecting the public health and safety, including regulations related to fire, building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control; or ensuring that the business activity is compliant with state and federal law and paying applicable taxes.

EXHIBITS

1. Proposed Amendments to 14-400-03

ARTICLE 4. USE REGULATIONS

14-400 ACCESSORY USES AND STRUCTURES

14-400-03 Home businesses

~~14-400-03-A. General. Some types of business operations can be conducted at home with little or no effect on the surrounding neighborhood. The regulations of this article are intended to permit home based businesses while ensuring that the businesses will not be detrimental to the character and livability of the surrounding area. The regulations require that home businesses remain subordinate and secondary to the principal residential use of the property and that the viability of the primary residential use is maintained. Two classifications of home business are allowed: "major" and "minor." All home businesses are subject to the regulations and procedures of this section.~~

~~14-400-03-B. Permits Required.~~

- ~~1. Unless otherwise exempted by the City Code, all home businesses must maintain a valid Business License, which must be renewed annually. No business license may be issued until a home business permit is first approved in accordance with the procedures of this section.~~
- ~~2. An applicant need apply only once for a home business permit provided that the location and the business activity remains the same. If the applicant moves to a different location or the business activity changes, the existing home business permit will lapse and become null and void, and a new home business permit will be required. A home business permit is granted to an individual and is not transferable.~~

~~14-400-03-C. Termination of Primary Use on Property. All home businesses are subordinate and incidental to the primary use of the property. If the primary use of the property terminates, the home business on the site must also terminate.~~

~~14-400-03-D. Where Allowed. Home businesses are allowed in any zoning district that permits household living, provided that the home business complies with all applicable standards and requirements, including the home business permit requirements of this section.~~

~~For the purposes of this section, businesses that seek to operate from a place of religious assembly on residentially zoned land shall be considered a major home business and be subject to all the provisions of a major home business, excepted as noted.~~

~~14-400-03-E. General Standards and Requirements. All home businesses are subject to the general standards and requirements set forth in this subsection.~~

- ~~1. Number. There may not be more than one major home business or two minor home businesses in any dwelling unit.~~
- ~~2. Prohibited Uses. The following uses are prohibited as home businesses:~~
 - ~~(a) Automotive and vehicle service and repair including, but not limited to: engine work, body work, painting, washing and detailing services, window glass replacement, accessory parts sales and installation.~~
 - ~~(b) Employee dispatch centers.~~
 - ~~(c) Animal boarding, kennels, veterinarian clinics and animal hospitals in residential districts.~~
 - ~~(d) Medical/dental offices or clinics.~~
 - ~~(e) Funeral homes.~~

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- ~~(f) — Bail bonding.~~
 - ~~(g) — Equipment rental and sales.~~
 - ~~(h) — Radio, television, and similar electronic device sale and repair.~~
 - ~~(i) — Appliance sale and repair.~~
 - ~~(j) — Vehicle tow operations including, but not limited to, a tow service, tow service office, tow dispatch center and tow lot.~~
3. ~~Number of Persons/Employees. Only one person living outside of the dwelling unit and members of the immediate family thereby residing, may be engaged in the operation of a home business at any one time on the premises. This residency requirement is not required for businesses operated from a place of religious assembly. The Planning Commission may approve a home business:~~
- ~~(a) — Which operates from a place of religious assembly to have up to six total employees.~~
 - ~~(b) — To allow one additional person living outside of the dwelling unit for every acre of land the dwelling unit sits on to be engaged in the operation of a home business at any one time, not to exceed a total of six employees that live outside of the dwelling unit engaged in the operation of a home business at any one time on the premises.~~
4. ~~Floor Area Limit. Either up to 25 percent of the total floor area of the dwelling unit, or place of religious assembly, may be used in conjunction with a home business, or one accessory structure, such as a freestanding garage, may be used for a home business. The Planning Commission may approve a home business:~~
- ~~(a) — That exceeds 25 percent of the total floor area of the dwelling unit, given that the minimum floor area for single-family detached houses required in Section 14-505-03 is not used in conjunction with the home business.~~
 - ~~(b) — That uses more than one accessory structure in conjunction with a home business.~~
5. ~~Enclosed Structures. All activities and storage areas associated with such businesses must be conducted in completely enclosed structures.~~
6. ~~Operational Performance Standards. No home business or equipment used in conjunction with a home business may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the property on which the home business is conducted. The Fire Department will review and approve the use and/or storage of materials used in conjunction with a home business.~~
7. ~~Sales. The selling of stocks of merchandise, supplies, or products is prohibited, except through sales methods such as the phone or internet that do not require the customer to come to the dwelling unit, and incidental retail sales which may be made in conjunction with other permitted home business operations, (e.g., a single chair hair salon may sell combs, hair spray, and other miscellaneous items to its customers. However, a dressmaker would be required to do only custom work for specific clients, and would not be allowed to develop stocks of garments for sale to the general public on site).~~
8. ~~Signs. No sign, nameplate, or any other form of advertising may be displayed on the premises in connection with any home business (in this section, premises means land, buildings and vehicles).~~
9. ~~Exterior Alterations. No exterior additions to the building structure are permitted in connection with any home business. An existing accessory building may be used for a home business, as provided for in this section, but a new accessory building may not be built for a home business. The Planning Commission may approve an exterior addition to the building structure, or a new accessory building, in connection with any home business.~~
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~~10. Service by Vehicles. Vehicles used to deliver goods to a major home business are limited to passenger vehicles, mail carrier, and express carrier, such as the United Parcel Service, and FedEx. The Planning Commission may approve a home business permit to allow businesses operating from a place of religious assembly to utilize an unmarked cargo van, or similar vehicle, in its business operations provided the vehicle is not stored on-site on a full time basis.~~

~~11. Day Care Homes. In residential dwelling units, only a family day care home may be permitted as a major home business. They are subject to all applicable City Code standards including Section 14-401.~~

~~A family day care or group day care may be operated from a place of religious assembly. They are subject to all applicable City Code standards including Section 14-401.~~

~~14-400-03 F. Special Standards and Requirements for Minor Home Business. Minor home businesses are subject to all of the general standards and requirements of Section 14-400-03E, with the following exceptions and additional restrictions:~~

- ~~1. No equipment, machinery, vehicles, materials, parts or other items relating to the business may be kept, stored, parked or maintained outside of the residential structure.~~
- ~~2. No customers/clients/employees may come to the site at any time for any purpose. Contact with customers/clients/employees must be made off site or by phone, fax, internet, mail service, or parcel service.~~
- ~~3. Only one room of the dwelling unit may be used for the business. No accessory out buildings may be used in the conduct of business.~~
- ~~4. Not more than two minor home businesses may be operated from a single dwelling unit.~~

~~14-400-03 G. Minor Home Business Permits, Application.~~

- ~~1. A minor home business is a home business that complies with the general home business standards and requirements of Section 14-400-03E and the special standards and requirements for minor home businesses in Section 14-400-03F. Because of these limitations, minor permits are approved administratively, in conjunction with a City business license.~~
- ~~2. Upon reviewing the application and considering the circumstances of the case, the application may be approved, approved with conditions, or denied by the department. If an application is denied, or approved with conditions unacceptable to the applicant, applicants in an R zoning district may apply for a major home business permit from the Planning Commission in accordance with the procedures of Section 14-400-03I. If an application is denied for a site in an O, C or I zoning district, the applicant must comply with all requirements attributable to the respective O, C or I district, including the provision of parking, landscaping and other related requirements.~~

~~14-400-03 H. Major Home Business Permits, Application.~~

- ~~1. A major home business is a home business that complies with the general home business standards and requirements of Section 14-400-03E but does not comply with one or more of the special standards and requirements for minor home businesses in Section 14-400-03F.~~
- ~~2. Applications for major home businesses must be made to the Department of Community Development upon forms provided by the department. The applicant must furnish the names and addresses of all property owners within an area determined by lines drawn parallel to and 185 feet from the boundaries of the parcel proposed for a major home business permit. The Community Development Department must notify these property owners by mail of the required public hearing for the permit application.~~
- ~~3. After the submission of an application, the permit must be reviewed by City officials to determine that all requirements of this section and other codes have been, or can be, met.~~

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4. ~~The Planning Commission must conduct a public hearing and review the major home business permit application. The Planning Commission may establish specific requirements as to operation and conduct of a home business so as to assure that it will not have a disruptive effect on the neighborhood. Those major home business applications that would, in the judgment of the Planning Commission, create excessive noise, pedestrian or vehicular traffic, or any other condition that would interfere with the safety and general welfare of the surrounding neighborhood, may not be approved. The major home business permit must be approved, approved with conditions, or denied by the Planning Commission. Should the Planning Commission either deny, or approve a major home business permit application with conditions unsuitable to the applicant, the applicant may appeal the application to the City Council requesting that it consider and take final action on the permit application.~~
 5. ~~If a legal protest petition against the major home business permit is submitted and validated before the action of the Planning Commission, any action of the Planning Commission will constitute only a recommendation, with the final decision made by the City Council. In such case when a legal protest has been filed, the Planning Commission may recommend approval, approval with conditions, denial, or it may continue an application for further consideration. A protest against a major home business permit presented to the Planning Commission, duly signed and acknowledged by the owners of 25 percent or more of the land within an area determined by lines drawn parallel and 185 feet from the boundaries of the parcel proposed for the major home business permit, will constitute a legal protest. A legal protest must be presented to the Planning Commission no later than the beginning of the meeting at which the proposed home business application will be considered.~~
 6. ~~The City Council must consider and take final action on a major home business permit application on an appeal from an action of the Planning Commission or when a valid legal protest petition was submitted. The City Council must act on a resolution after reviewing the record of the proceedings from the Planning Commission, and may approve, approve with conditions, deny, or remand such application to the Planning Commission for further consideration. No additional public testimony before the City Council will be accepted. A major home business permit, which is the subject of a legal protest petition, will become effective only by the favorable vote of six of all the members of the City Council.~~
 7. ~~After investigation and report of the Community Development Department of any home business that results in an undesirable condition interfering with the general welfare of the surrounding residential area, said home business may be terminated and the business license therefore revoked by the City Council after a hearing before and recommendation of the Planning Commission. A copy of the transcript of the hearing must be submitted to the City Council for its deliberation before it votes on termination. The act of termination is not exclusive, and the City retains the right to pursue municipal court action and other court proceedings to enforce this section.~~

14-400-03 – Home-Based Businesses

14-400-03-A. Definitions.

The following terms shall be given the definitions ascribed below:

GOODS. Any merchandise, equipment, products, supplies, or materials.

HOME-BASED BUSINESS. A business operating in a residential dwelling within the City of Independence that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

HOME-BASED WORK. Any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

NO-IMPACT, HOME-BASED BUSINESS. A home-based business qualifies as a no-impact, home based business if:

1. **The total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling; and**
2. **The activities of the business:**
 - a. **Are limited to the sale of lawful goods and services; and**
 - b. **May involve having more than one client on the property at one time; and**
 - c. **Do not cause a substantial increase in traffic through the residential area; and**
 - d. **Do not violate any parking regulations established by this City's Code; and**
 - e. **Occur inside the residential dwelling or in the yard of the residential dwelling; and**
 - f. **Are not visible from any public street; and**
 - g. **Do not use any equipment that produces noise, light, odor, smoke, gas, or vibrations that can be seen, felt, heard, or smelled by a person of ordinary senses outside of the property where the business is located; and**
 - h. **Do not sell any goods or services for which a health inspection would be required if the business were not located in a residence unless the owner or tenant provides written consent for the Department of Health to inspect the business during normal business hours or at any other time the business is operating.**

14-400-03-B. – No-Impact Home-Based Businesses

1. **Permitted in Residential Districts, when.**

No-Impact Home-Based Businesses shall be permitted in all residential districts and in accordance subject to the restrictions and limitations of this Chapter. No other business may be operated in a residence at any time.
2. **Restrictions And Limitations.**
 - (a) **A No-Impact Home-Based business must be incidental and subordinate to the principal residential use of the premises and shall not change the residential character of the surrounding neighborhood.**
 - (b) **The owner or operator of the No-Impact Home-Based Business must be an owner or tenant of the residence and must reside at the residence.**
 - (c) **The owner or operator of the No-Impact Home-Based Business may employ others to work in the No-Impact Home-Based Business as long as the occupancy limits are not in excess of what is allowed pursuant to fire and building codes.**

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- (d) The home occupation may be conducted in an existing detached accessory building that existed at the time this Chapter was adopted. A new accessory building shall not be constructed to house a home occupation.
 - (e) Outdoor storage of materials or equipment used in the home occupation shall not be permitted if such storage is visible from the street. Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.
 - (f) The owner or operator must provide adequate parking for the No-Impact Home-Based Business. Parking for the No-Impact Home-Based Business may include the driveway or garage of the residence, or a paved parking area located behind the front plane of the residence. Adequate parking may also include parking on the street so long as:
 - i. Parking is limited to the side of the street the No-Impact Home-Based Business is located on, between the lot lines of the residence, if parking at that location is otherwise lawful.
 - ii. If any parking regulations established by the City Code are routinely violated, the business shall not be considered a No-Impact Home-Based Business. For the purposes of this section, the term “routinely” shall mean more than twice in a seven-day period.
 - (g) The total number of employees and clients in the home at one time may not exceed the maximum occupancy of the residence.
 - (h) All [No-Impact] Home-Based Businesses shall follow all lawfully applicable regulations and requirements enacted in the City Code and required by state and federal laws and regulations.

14-400-03-C. – Other Home-Based Businesses

- 1. This Section shall not apply to No-Impact Home-Based Businesses as defined in this Chapter.
- 2. All persons operating a Home-Based Business are required to obtain a City occupation license in accordance with Article 1 of Chapter 5 of this Code.
- 3. All Home-Based Businesses must be operated in a way that does not constitute a public nuisance under this Code.
- 4. No exterior additions to the building structure are permitted in connection with any Home-Based Business without a permit. An existing accessory building may be used for a Home-Based Business, as provided for in this section, but a new accessory building may not be built for a Home-Based Business without a permit. The Planning Commission may approve an exterior addition to the building structure, or a new accessory building, in connection with any Home-Based Business.
- 5. Vehicles used to deliver goods to a major home business are limited to passenger vehicles, mail carrier, and express carrier, such as the United Parcel Service, and FedEx.
- 6. Owners/operators of a Home-Based Business shall provide adequate off-street parking to accommodate as many customers/clients as will be expected to be on the property at one time. No more than one on-street parking space shall be used for customer/client parking.

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7. Either up to 25 percent of the total floor area of the dwelling unit may be used in conjunction with a Home-Based Business, or one accessory structure, such as a freestanding garage, may be used for a Home-Based Business.
 8. All Home-Based Businesses shall follow all lawfully applicable regulations and requirements enacted in the City Code and required by state and federal laws and regulations.

All Home-Based Business applications to the Planning Commission shall follow the review and application process outlined in Chapter 14, Article 4, Section 14-424-23-B of the Independence Unified Development Ordinance.

Sec. 14-400-03-D. – Penalties

Any person who operates a business in violation of this Article shall, upon conviction, be subject to a fine of not less than \$100.00 and up to ninety (90) days in jail or both. Each day of violation shall be considered a separate offense.

MEETING DATE: June 25, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Mel Olsen Rezone

CASE NUMBER/REQUEST: **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the subject property from R-1 (Single-Family Residential Estate) to R-6 (Single-Family Residential).

APPLICANT/OWNER: Melvin Olsen

PROPERTY ADDRESS: 19307 E. Holke Road, Independence, MO 64057

SURROUNDING ZONING/LAND USE:

North: R-6 (Single Family Residential) – Religious Assembly

South: R-1 (Single Family Residential Estate) – Single Family Homes/ Vacant Lot

East/West: R-6 (Single Family Residential) – Single Family Residences

PUBLIC NOTICE

- Letters to property owners within 185 feet – May 14, 2024
- Public Notice published in the Independence Examiner – June 4, 2024
- Sign posted on property – June 7, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 5, 2024, and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Mel Olsen to rezone the property from R-1 (Single-Family Residential Estate) to R-6 (Single-Family Residential).

Current Zoning:

R-1 (Single-Family Res. Estate)

Proposed Zoning:

R-6 (Single-Family Residential)

Current Use: Vacant Lot

Proposed Use: Single-Family Home

Acreage: 0.3044 Acres

Building Square Footage: N/A

BACKGROUND:

The property at 19307 E. Holke Road is currently a three-acre flag lot zoned R-1 Single Family Residential. The property owners, Mel Olsen and his wife, are looking relocate to Independence to be closer to family. Currently the property is undevelopable as building permits are not permitted to be issued on flag lots in R-1 zones (See. 14-300-06-E). To address this issue the applicant has applied for a minor subdivision to subdivide the land in such away that a home may be built on the property.

The minor subdivision grants the “flag” portion of the existing lot to Mr. Olsen’s daughter and her husband, who own the adjacent property. This will leave the remainder of the existing lot along Holke Road on which the applicant may build a house.

However, to create this smaller lot requires the property to be rezoned prior to the approval of the minor subdivision. The smaller lot does not meet the minimum lot size standards for the current R-1 (Single-Family Residential Estate) zoning. To meet the standards outlined in the code (See 14-300-05), the property must be rezoned to R-6 (Single-Family Residential). The approval of the minor subdivision is conditioned on the approval of rezoning the property to R-6.

PROPERTY HISTORY:

The subject property was first platted in 2004 as part of the Valley View Ridge Plat. That same year the property was rezoned to R-E (Residential Estate). Prior to this change in 2004, the property was zoned R-1b (Single-Family Residential). When the current version of the UDO was adopted in 2009, this designation was updated to be R-1 (Single-Family Residential Estate). Despite platting and rezoning the property, the subject property remained undeveloped.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The subject property is a vacant lot. The portion of the property that is to be rezoned abuts Holke Road and sits between to single-family residences.

CHARACTERISTICS OF THE AREA:

North of the subject property, across Holke Road, lies the Beacon Heights Community of Christ church. The south side of Holke Road features several single-family homes on larger than average lots.

PROPOSAL:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that the property can be used for a new single-family residence.

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 improve the visual appearance of the community. Rezoning this property will allow the applicant to build a single-family home on the property which will be a visual improvement over the existing vacant lot.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be residential neighborhoods. Rezoning the property to allow for the construction of a single-family home aligns with the vision of the comprehensive plan.

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 Residential Neighborhoods.

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

There are no recent neighborhood or sub-area plans for this area.

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

The surrounding area is a mix of residential zoning districts. The adjacent properties are R-6 (Single-Family Residential). There are also properties designated as R-1 (Single-Family Residential Estate) in the area. Rezoning this property to be R-6 will make it consistent with the other adjacent R-6 properties.

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

Rezoning to R-6 (Single-Family Residential) will ensure the character of the neighborhood is retained.

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 property cannot be subdivided. This prevents the use of the property as a single-family home. By rezoning the property, the existing property can be subdivided and a single-family home may be built on the property. This is a preferable alternative to the current vacant lot.

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

The property has been vacant for many years. The property was initially platted and zoned for Single Family Res. Estate since 2004 and has remained undeveloped

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. If anything, the affect will be positive.

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 the rezoning will prevent the submitted minor subdivision from being approved. This will also mean that the property will not be able to be developed as it is a flag lot. Rezoning to R-6 ensures that the property will be used for Single-Family Residential uses.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Addresses
5. Notification Area Map
6. Affidavit
7. Plat Map
8. Existing Zoning and Prop Lines
9. Proposed Property Lines
10. Comp Plan Map
11. Zoning Map

March 8, 2024

City of Independence
Community Development
111 E Maple Ave.
Independence, MO 64050

Re: Attached Zoning application

My wife and I want to build a new house on the narrow piece of land at 19307 E Holke Rd and existing R-1 zoning with 35' side setbacks would leave only 8' for our house.

Please rezone this ¼ acre piece to R-6 with 5' side setbacks so there is enough space for our house.

Enclosed please find my check #1009 in the amount of \$500 for the application fee.

Sincerely,



Melvin E. Olsen

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☒ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Mel Olsen Rezone
Project Name

19307 E. Holke Rd
Project Address/Location

Sq. Ft. of Building	Acreage	Number of Lots/Tracts	Steam Buffer (Yes or No)
<u>R-1</u>	<u>1/4</u>	<u>1</u>	<u>No</u>
<u>Existing Zoning</u>	<u>Proposed Zoning</u>	<u>Existing Land Use</u>	<u>Proposed Land Use</u>
<u>R-1</u>	<u>R-6</u>	<u>Vacant</u>	<u>my house</u>

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

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

Applicant

Melvin E. Olsen
Name

1251 Teton Dr., Lindon, UT 84042
Address

801-687-6021 melvinolsen@gmail.com
Phone Email

Architect/Engineer/Surveyor/Other:

Name Company

Address

Phone Email

Owner

Same
Name

1251 Teton Dr., Lindon, UT 84042
Address

801-687-6021 melvinolsen@gmail.com
Phone Email

Architect/Engineer/Surveyor/Other:

Name Company

Address

Phone Email

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

Melvin Olsen 3/8/24 Melvin Olsen 3/8/24
Applicant's Signature Date Owner's Signature Date

Property Owner Notification Letter

City of Independence, Missouri

Date: 5/14/24

Case No. 24-100-11

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: Rezoning a portion of the property at 19307 E Holke Road from R-1(Single Family Residential Estate) to R-6 (Single Family Residential).

Applicant: Melvin Olsen

Location of Property: 19307 E Holke Road

Planning Commission Meeting Date: June 25, 2024, at 6:00 p.m.

City Council Meeting Date: August 19, 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)

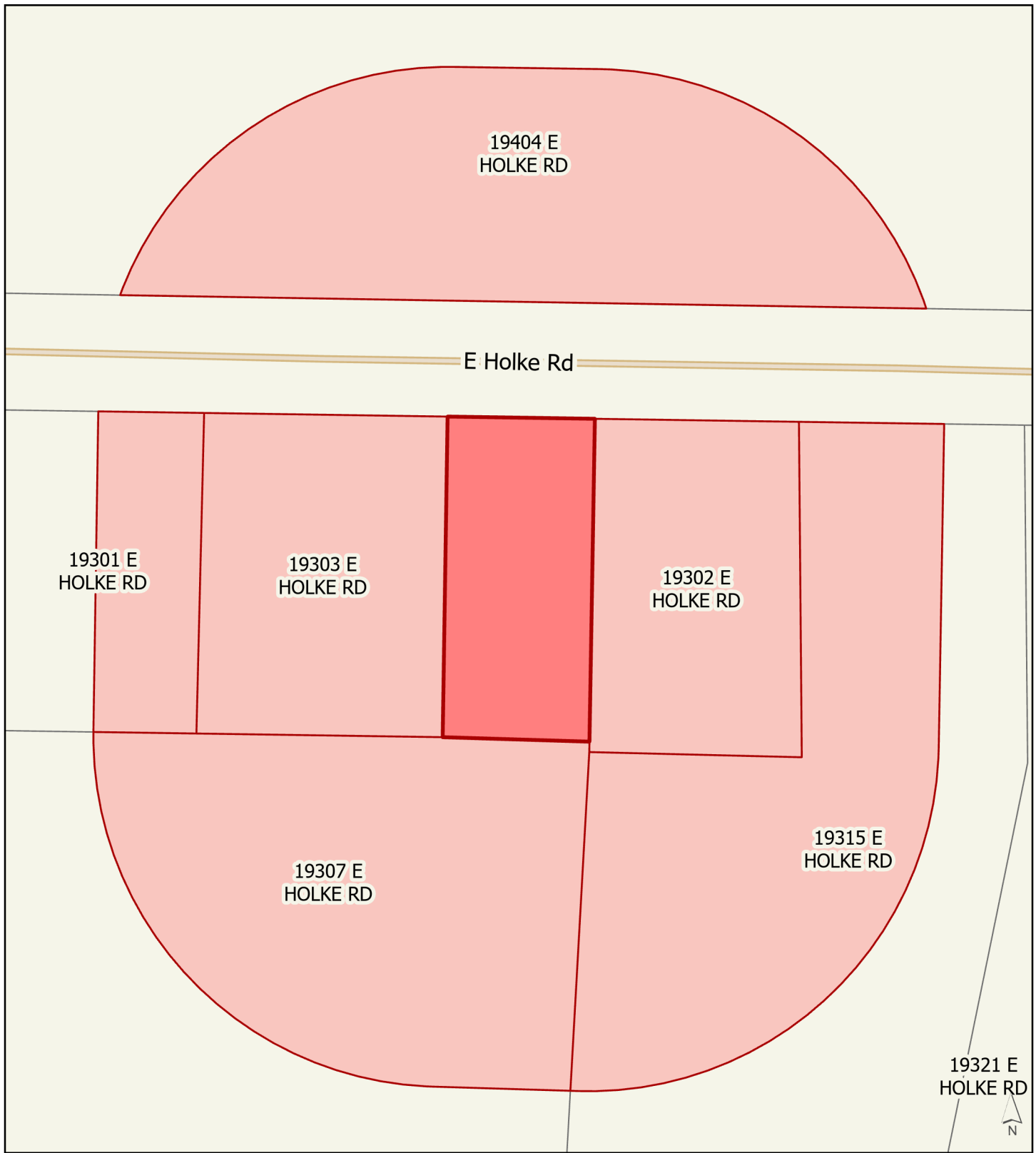
For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
PALMER MICHAEL LEE	19302 HOLKE RD	INDEPENDENCE	MO	64057
BARE MARSHALL E & AMANDA O	19315 HOLKE RD	INDEPENDENCE	MO	64057
DON M SALTER TRUST AGREEMENT	19303 E HOLKE RD	INDEPENDENCE	MO	64057
BLAND DAVID C & JOAN P	19301 E HOLKE RD	INDEPENDENCE	MO	64057-1405
REORGANIZED CHURCH OF JESUS	PO BOX 1059	INDEPENDENCE	MO	64051

Notification Area

24-100-11

19307 E. Holke Road, Independence, MO 64057



 Subject Property

 185 ft Buffer Area

0 25 50 100 Feet


Prepared by Joshua Garrett, Community Development
Date: 5/14/2024

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-100-11

I, Melvin E. Olsen, of lawful age being first duly sworn upon oath, state:

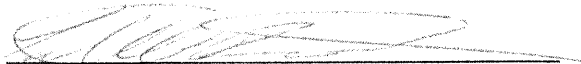
That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property.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

These notices were mailed on the 14 day of MAY, 2024.



Signature of Agent, Owner or Attorney

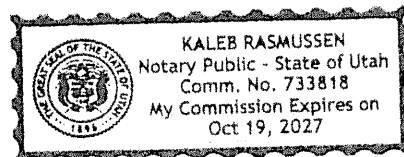
Subscribed and sworn to before me this 14th day of May, 2024.

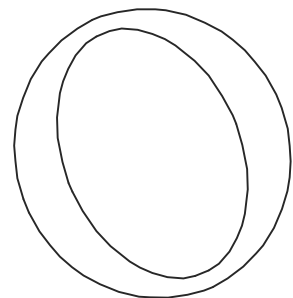


Notary Public

10/19/27

Commission Expiration Date





6. THE SURVEYOR'S "CERTIFICATION" STATEMENT USED HEREON IS MADE TO THE PARTIES NAMED HEREIN AND IS NOT TRANSFERABLE TO ADDITIONAL PARTIES, INSTITUTIONS, OR SUBSEQUENT OWNERS AND MEANS AN EXPRESSION OF PROFESSIONAL BELIEF REGARDING THE DATA SHOWN ON THIS PLAT AND DOES NOT REPRESENT A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

SUSANNE HOLLAND CITY CLERK	DATE
-------------------------------	------

ASSESSOR'S OFFICE DATE

Y

SCRIBED IN THIS PLAT HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN

AMANDA O. BARE

IN TESTIMONY THEREOF:
I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THE DAY AND YEAR LAST WRITTEN
ABOVE.

I HEREBY CERTIFY THAT I'VE PERFORMED A SURVEY OF THE PROPERTY DESCRIBED HEREIN
AND PREPARED THIS DRAWING IN ACCORDANCE WITH THE CURRENT "MISSOURI STANDARDS
FOR PROPERTY BOUNDARY SURVEYS" AS JOINTLY ESTABLISHED BY THE MISSOURI BOARD FOR
ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE
ARCHITECTS AND THE MISSOURI DEPARTMENT OF AGRICULTURE, LAND SURVEY PROGRAM TO
THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

ERWIN W. GARD, PLS-1449 DATE

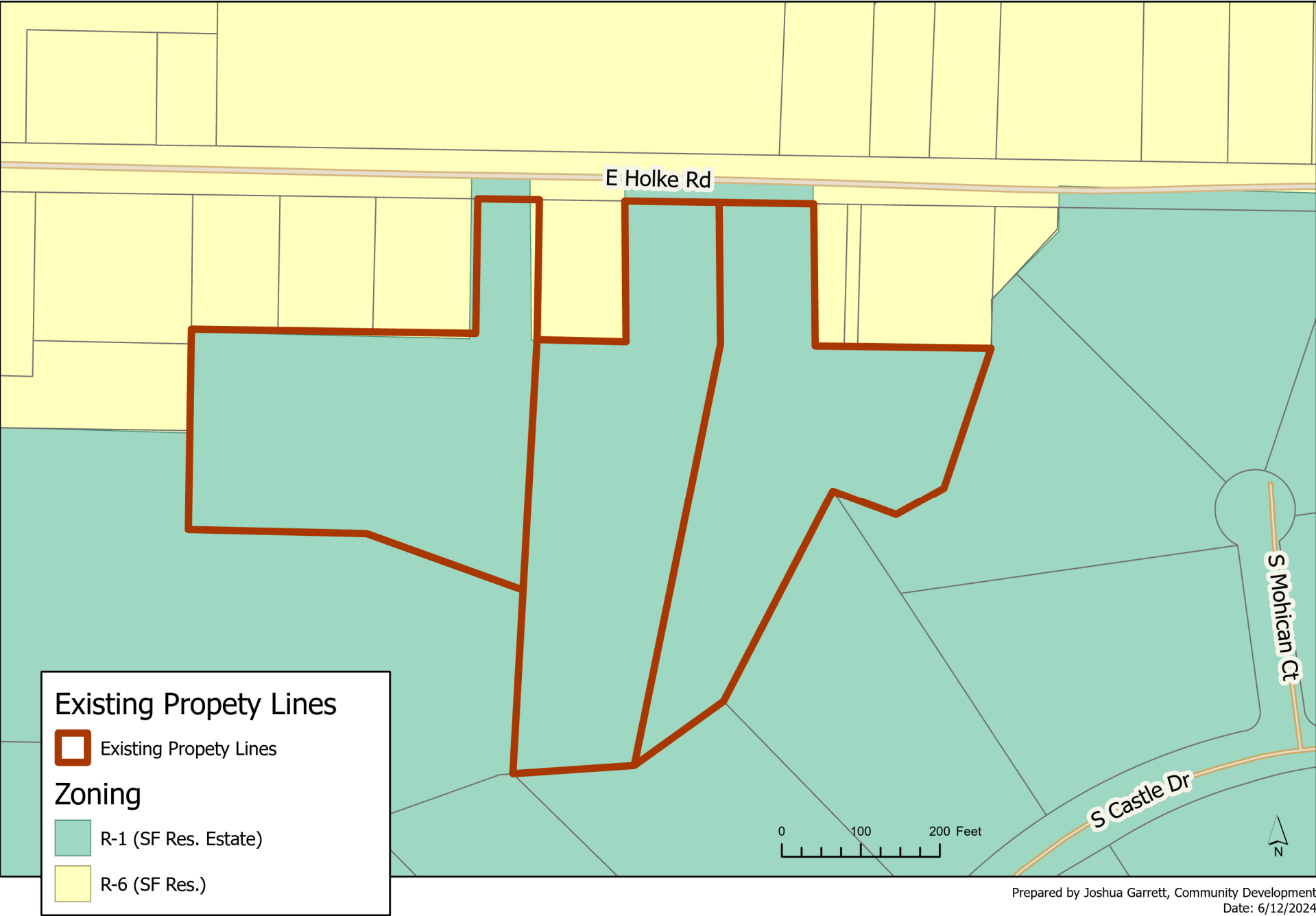
MINOR SUBDIVISION
19307 & 19315 EAST HOLKE ROAD
ALL OF LOT 1-00, VALLEY VIEW RIDGE REPLAT, AND LOTS 2 & 3,
VALLEY VIEW RIDGE, INDEPENDENCE, JACKSON COUNTY, MISSOURI

MARSHALL E. & AMANDA O. BARE
19307 EAST HOLKE ROAD
INDEPENDENCE, MISSOURI 64057

Page 88 of 136

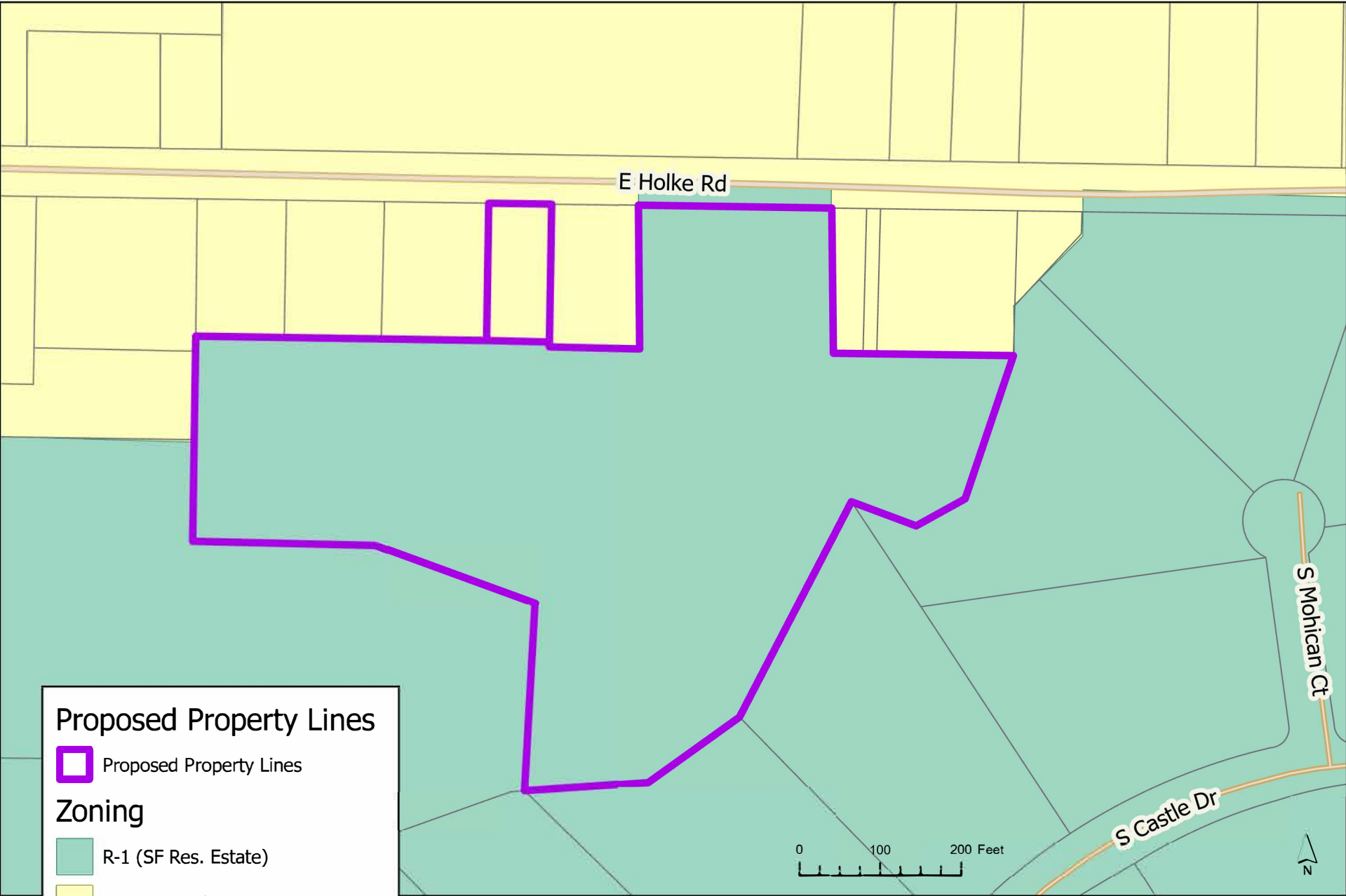
Existing Zoning and Property Lines

24-100-11



Proposed Property Lines

24-100-11



Prepared by Joshua Garrett, Community Development
Date: 6/12/2024

Legend

Road Centerline

Parcels

Municipal Boundaries

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

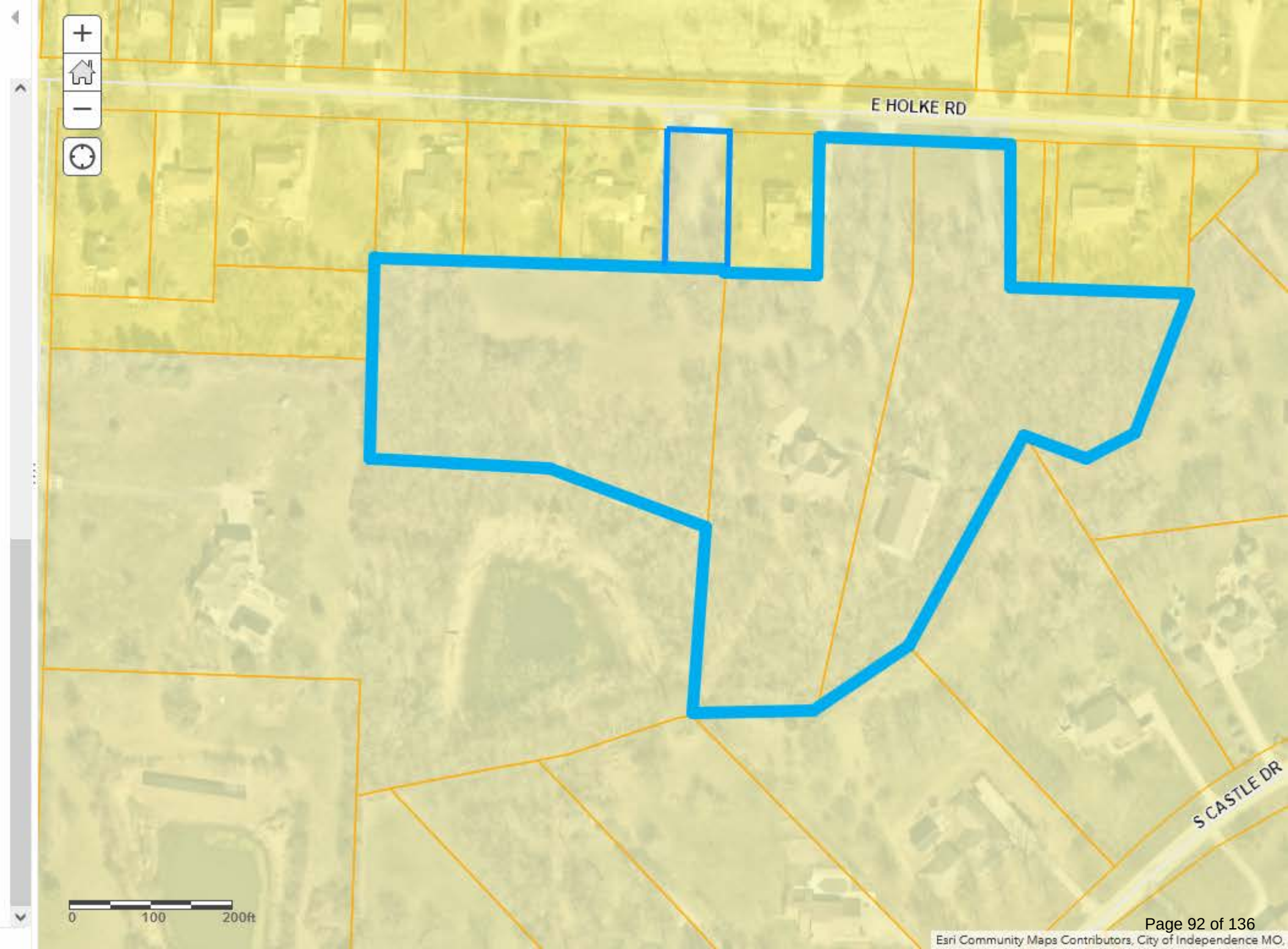
0 100 200ft

E HOLKE RD

S CASTLE DR

Legend

- 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
- 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



MEETING DATE: June 25, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Manifest BNB Short-Term Rental

CASE NUMBER/REQUEST: **Case 24-400-09 – Short-Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

PROPERTY ADDRESS: 2118 N. McBride Avenue, Independence, MO 64050

APPLICANT: Joy Stamps, Manifest BNB

APPLICANT ADDRESS: 11205 E 40th Street S, Independence, MO 64052

PROPERTY OWNER/RESPONSIBLE AGENT: Alisha Perez

OWNER ADDRESS: 20771 George Rd, Tonganozie, KS 66086

SUBJECT PROPERTY ZONING/LAND USE: R-12 (Two-Family Residential)/Duplex

SURROUNDING ZONINGS/LAND USES:

N: R-12 (Two-Family Res.) /Duplexes

S: R-6 (Single-Family Res.)/Baseball Fields

E: R-12 & R-6 / Duplex and Single Family Res.

W: City of Sugar Creek / Single Family Res

PUBLIC NOTICE:

- Letters to property owners within 185 feet were mailed May 20, 2024
- Notification signs were posted on the property May 24, 2024

FURTHER ACTION:

Unless a valid protest petition is submitted, or the applicant seeks to appeal the action of the Planning Commission, this application is not reviewed by the City Council.

RECOMMENDATION

Staff **DOES NOT** recommend approval of this Short-Term Rental. If approved, the following conditions shall apply:

1. The Short-Term Rental shall obtain a business license in accordance with the City Code and comply with Article 3, Chapter 5 of the City Code. The occupation license number shall be listed on all advertisements and online platforms.
2. The business must comply with all safety and other standards established by Section 14-424 of the City Code.
3. The maximum occupancy of the premises shall be limited four (4) persons total.
4. The maximum number of bedrooms shall be two (2).
5. The noise monitoring system shall be installed and activated, the Good Neighbor Guidelines, evacuation plan and other notices must be properly posted, prior to approval of the business

license. The property must be inspected by the Fire Inspector and passed the Initial Short-Term Rental Fire and Life Safety Inspection.

6. The property owner must obtain a landlord license for the adjacent duplex unit at 2120 N. McBride Avenue.

PROJECT DESCRIPTION

PROJECT DESCRIPTION:

Joy Stamps seeks approval of a Short-Term Rental at 2118 N. McBride Avenue

Current Zoning:	R-12 (Two-Family Residential)	Current Use:	Duplex – Short Term Rental
Former Zoning:	Prior to 2009: R-2 (2F. Res) Prior to 1980: R-1 (S.F. Res.) Prior to 1965: Not Zoned	Proposed Use:	Short-Term Rental

BACKGROUND INFORMATION

PROPOSAL:

The applicant seeks approval by the Planning Commission to legally use this property as a Short-Term Rental.

PROPERTY HISTORY:

In 1965, the land was zoned R-1 (Single-Family Residential). The residential lot was platted in 1970 as Lot 4 of Silver Lane Lawn Annex. In 1980 the zoning was updated to be R-2 (Two-Family Residential) and in 2009, when the current version of the UDO was adopted, the zoning was updated to R-12 (Two-Family Residential). The zoning of the property has remained unchanged since this update in 2009.

Neither the applicant nor the property owner have applied for a landlord license for the adjacent unit at 2120 N. McBride Avenue. The applicant has been informed that a business license cannot be issued for the STR until the property owner obtains a landlord license for the adjacent property. Further, despite being notified to cease operations and remove the online listings, the applicant has continued to operate without a business license.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The duplex sits on a lot that is just over 1/3 of an acre. Each side of the duplex is 885 square feet. The structure has brick and white siding. It has a two-car drive that leads to a garage door for each side of the duplex. The main floor has a living room, dining room, kitchen, bathroom and two bedrooms. The basement of the property has a large open area that the applicant had listed as a bedroom. The basement may not be used as a bedroom because it does not meet the requirements of the fire code.

CHARACTERISTICS OF THE AREA:

The area surrounding the subject property features other duplexes of similar age, size, and design. To the south of the property lies the Mill Creek Park Baseball Fields.

PARKING:

The driveway is two cars wide, but this is split between each half of the duplex. The driveway and garage can easily accommodate two vehicles.

UNRULY GUESTS/SECURITY:

The property owner and responsible agent lives in Tonganoxie, KS, roughly a 50-minute drive from the subject property. Property management will be handled by the property owner. While booking will be handled by the applicant, Joy Stamps and Manifest BNB. The applicant indicates that the property has noise monitoring device in place. The applicant has stated that they use a SimpliSafe security system that has noise monitoring included. (The applicant will need to provide evidence that this complies with code.) In the event of an emergency, and the owner is needed, they have indicated the ability to respond to issues or concerns.

SHORT TERM RENTAL REQUIREMENTS:

The applicant must address the following topics:

- **Noise monitoring** – The applicant already has noise monitoring devices in place. It is a SimpliSafe Device. The applicant will need to provide evidence that this complies with code or otherwise install an approved noise monitoring device.
- **Trash Removal** - Trash pick-up is scheduled as a weekly service on Thursday to be picked up by Waste Management.
- **Property listing** - The property will be listed on AirBNB.
- **Business operations/security** – The applicant will oversee site security and general business operations, including screening customers, and coordinating bookings.
- **City's Short Term Rental checklist** – The form was completed by the applicant covering licensing, future inspections, insurance, on-site information posting, and so forth.
- **Fire safety** – A fire evacuation plan had been submitted along with floor plans of the house. The fire escape plan must also be posted per Code requirement.
- **City inspection** – The property must be inspected by the Fire Inspector and passed the Initial Short-Term Rental Fire and Life Safety Inspection.

There are no other Short-Term rentals in this area, therefore this application follows the density limitations of the City Code.

EXHIBITS

1. Online Application
2. Notification Letter
3. Addresses
4. Notification Area Map
5. Affidavit
6. Floor Plan Upstairs
7. Floor Plan Basement
8. Fire Plan Upstairs
9. Fire Plan Basement
10. Parking Plan
11. Nearest Short Term Rental Map

2118 N Mcbride Ave Independence MO 64050

STR License

Submitted

Application number

A00123

Applicant name

Manifest BNB

Application date

2024-04-08

▼ Collapse details

Submitted

Send license

Edit

Property Address

2118 N MCBRIDE AVE INDEPENDENCE MO 64050

Unit Number

2118-2120

Parcel Number

15910021500000000

Permit Held By

Property Manager

Rental Structure

Duplex

Permit Holder

First Name

Manifest

Last Name

BNB

Phone Number

816-423-0056

Email

joystamps@yahoo.com

Mailing Address

11205 E 40th St S, Independence, MO 64052

Property Owner(s)

Property Owner #1

First Name

Alisha

Last Name

Perez

Phone Number

913-306-7845

Email

apjpdpip@gmail.com

Mailing Address

20771 George Rd, Tonganoxie, KS 66086

Property Manager

First Name

Manifest

Last Name

BNB

Phone Number

816-423-0056

Email

joystamps@yahoo.com

Mailing Address

11205 E 40th St S, Independence, MO 64052

Responsible Agent

First Name

Manifest

Last Name

BNB

Phone Number

816-423-0056

Email

joystamps@yahoo.com

Mailing Address

11205 E 40th St S, Independence, MO 64052

Verification Documents

- Floor Plan

[floor_plan_2024-04-08-233436.pdf](#)

[floor_plan_2024-04-08-233436.pdf](#)

[floor_plan_2024-04-08-233436.pdf](#)

[floor_plan_2024-04-08-233436.pdf](#)
- Evacuation Plan

[fire_safety_2024-04-08-233436.pdf](#)

[fire_safety_2024-04-08-233436.pdf](#)

[fire_safety_2024-04-08-233436.pdf](#)

[fire_safety_2024-04-08-233436.pdf](#)
- Parking Plan

Possible Violations

- ⚠ Permit Number Not Displayed in Listing

🔗 686892227076680991
- ⚠ Excess Bedrooms

🔗 686892227076680991
- ⚠ > 30 Days Per Year

🔗 686892227076680991
- ⚠ Potential event booking - 5+ bedroom property booked for upcoming weekend

🔗 686892227076680991

Add Note

Notes

Add

Supplemental Questions

▼ Collapse all

What is the total number of bedrooms?

3

Total number of parking spaces available on the property?

4

What is your proposed total occupancy?

6

Is street parking allowed?

Yes

Please provide your Noise Management Plan:

There will be cameras on the property to management people coming from and to the property. We can detect noise levels from the cameras.

Please provide your Trash Disposal & Collection Plan:

Trash is collected every thursday from waste management. The trash is put out the night before pickup.

Please provide all platforms that you plan to advertise on.

Airbnb



PROPERTY OWNER NOTIFICATION LETTER
For a Short-Term Rental Business

Date: May 20, 2024

Case Number: 24-400-09

Dear Property Owner:

This is to notify you that an application has been submitted for the consideration of a short-term rental business at the following address. A public hearing will be held for this application by the Independence Planning Commission at the date and time listed below.

Address of proposed Short-Term Rental: 2118 N McBride Ave

Total Maximum occupancy: Six (6) total guests

Number of bedrooms used: Three (3)

PROPERTY OWNER:

Name: Alisha Perez

Phone: (913) 306-7845

E-Mail: apjdpdp@gmail.com

Planning Commission Meeting Date: June 11, 2024, at 6:00 p.m.

Location of public hearing: City Council Chambers, City Hall
111 E. Maple Ave, Independence, MO 64050

All interested persons are invited to participate and will have an opportunity to be heard at the public hearing. If you have questions regarding this short-term rental operation, you may wish to contact the property owner or manager, as listed above. For information regarding the filing of a protest petition, please contact the Community Development Department at 816-325-7421.

Joshua Garrett

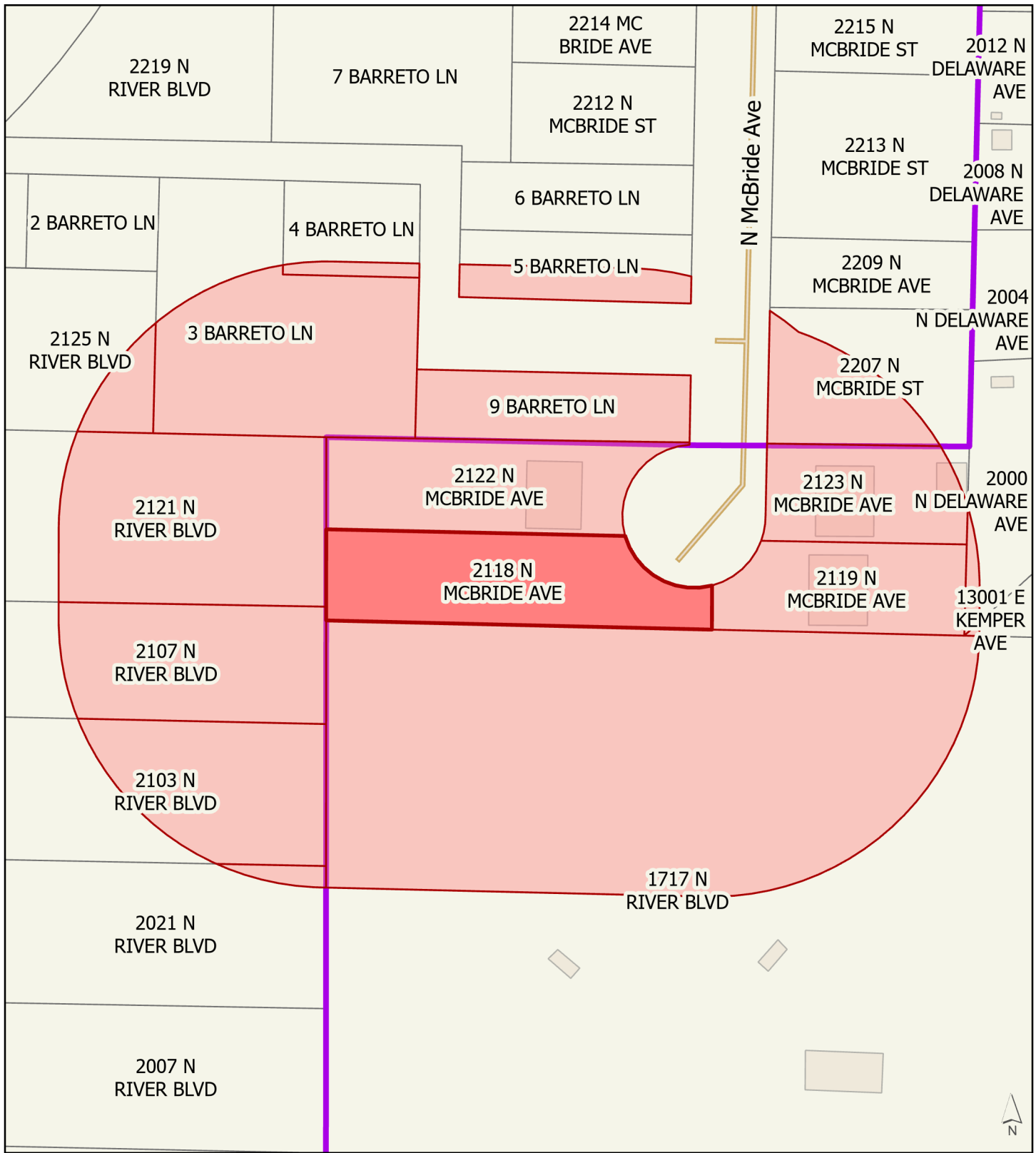
Joshua Garrett
Planner

Owner	Address	City	State	Zip Code
GRINDEL PETER G	2119 MCBRIDE ST	INDEPENDENCE	MO	64050
JC MANAGEMENT GROUP LLC	7715 SHAWNEE MISSION PKWY	OVERLAND PARK	KS	66202
VANCE KACY	2103 N RIVER BLVD	SUGAR CREEK	MO	64050
ANDERSON CRAIG M	14084 E PLACITA RACIMO	BELLO VAIL	AZ	85641
HAHS FLOYD A & W MAXINE-TR	2107 N RIVER BLVD	INDEPENDENCE	MO	64050
POLINA GLEN R	4 BARRETO LN	SUGAR CREEK	MO	64050
MEADE CARL J & LINDA A	2 BARRETO LN	SUGAR CREEK	MO	64054
GRINDEL PETER G	2123 MCBRIDE ST	INDEPENDENCE	MO	64050
CAMPBELL CHESTER E & EDITH LEIVA	3741 SWEETWATER RD	BONITA	CA	91902
FLEISSNER GERHARD H & LISA A	13001 KEMPER	INDEPENDENCE	MO	64050
MICHAEL AND JANET KRAATZ LIVING TRUST DATED 10/17/2023	2000 N DELAWARE ST	INDEPENDENCE	MO	64050
STEPHEN M GULICK IRREVOCABLE TRUST DATED 08-02-2022	10325 E 36TH ST S	INDEPENDENCE	MO	64052
CITY OF INDEPENDENCE	111 E MAPLE AVE	INDEPENDENCE	MO	64050
DICKERSON DAVID E & JANA J	2207 MCBRIDE ST	SUGAR CREEK	MO	64050
WILLIAMS WENDY A	2125 N RIVER BLVD	SUGAR CREEK	MO	64050
ANDERSON DAVID P & CATHERINE F	12109 E 45TH TER	KANSAS CITY	MO	64133

Notification Area

24-400-09

2118 N. McBride, Independence, MO 64050



Subject Property

185 ft Buffer Area

Prepared by Joshua Garrett, Community Development
Date: 5/30/2024

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-400-09

I, Jodi Baker, 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 21 day of May, 2024.



Signature of Agent, Owner or Attorney

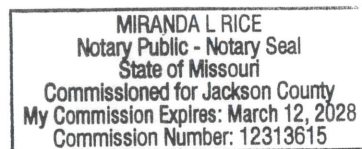
Subscribed and sworn to before me this 21 day of May, 2024.



Notary Public

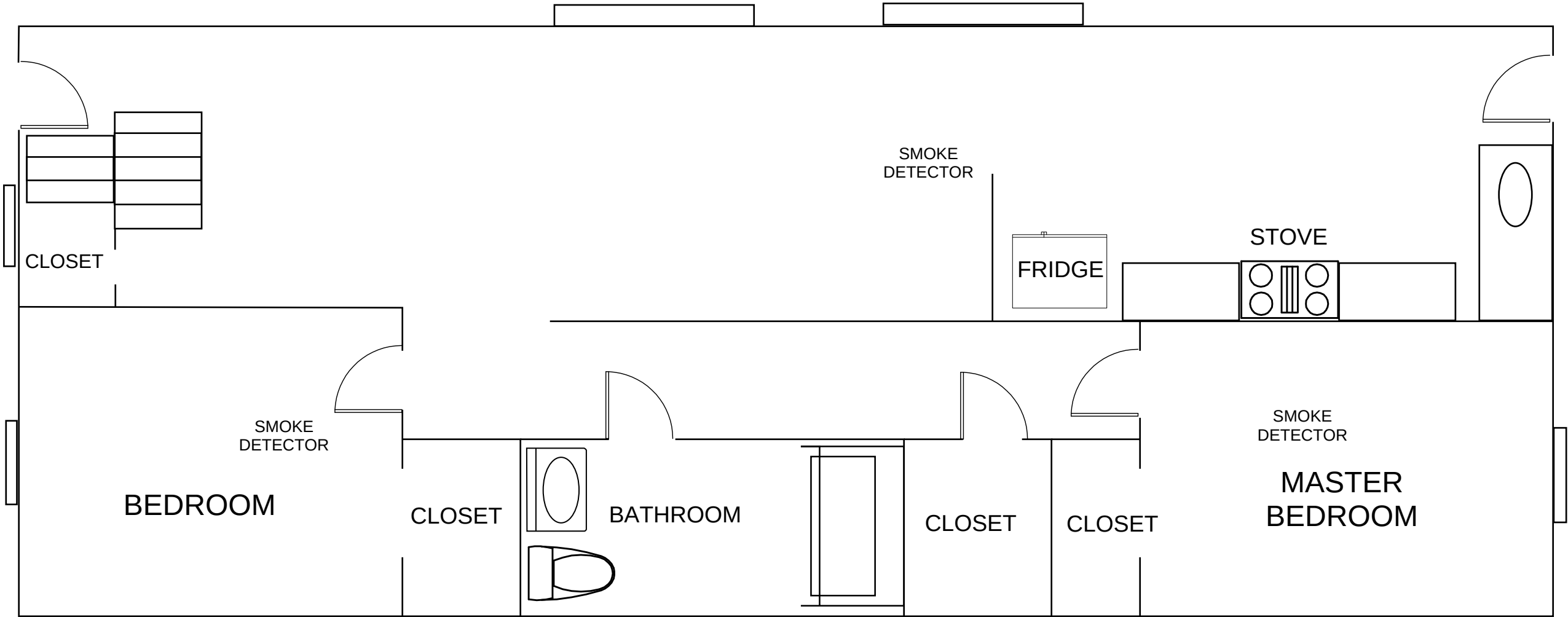
03/12/2028

Commission Expiration Date



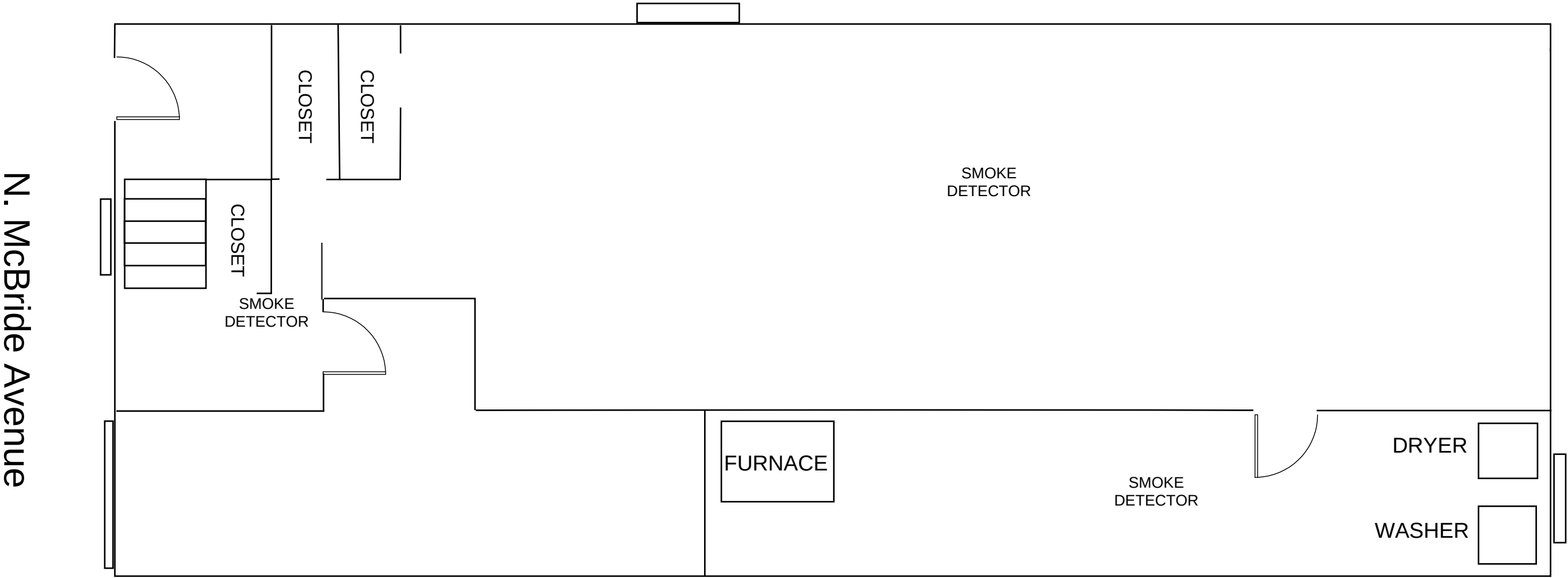
Floor Plan

N. McBride Avenue



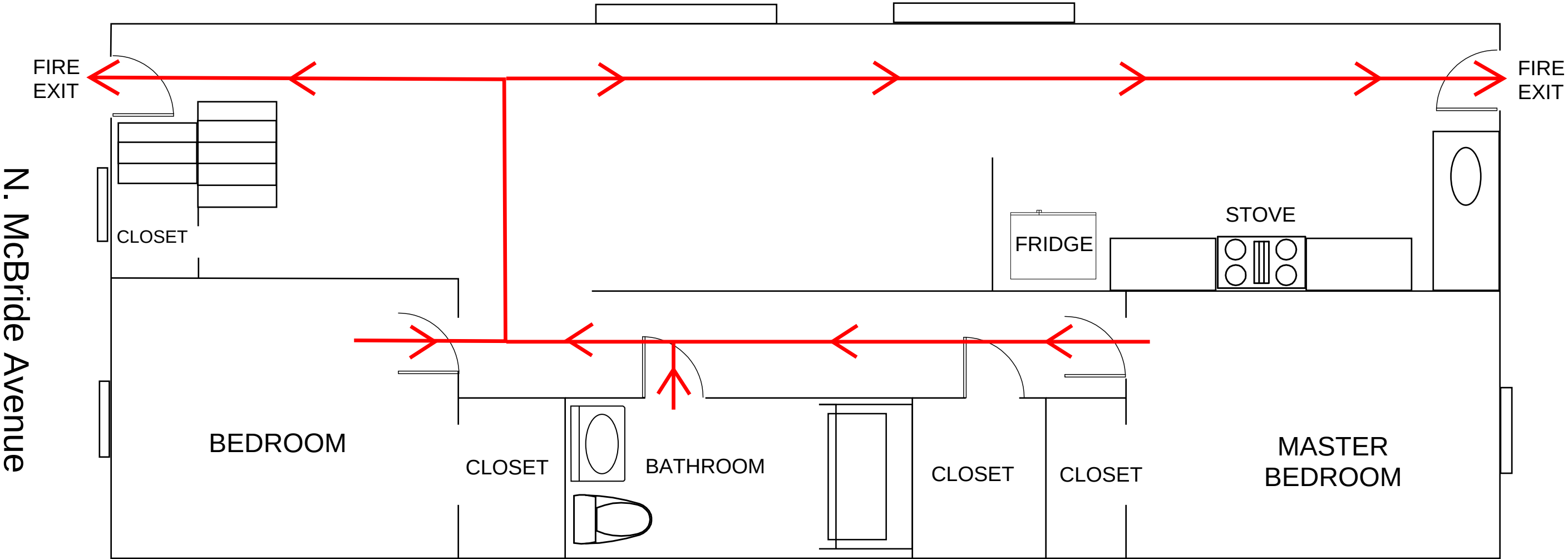
Upstairs

Floor Plan



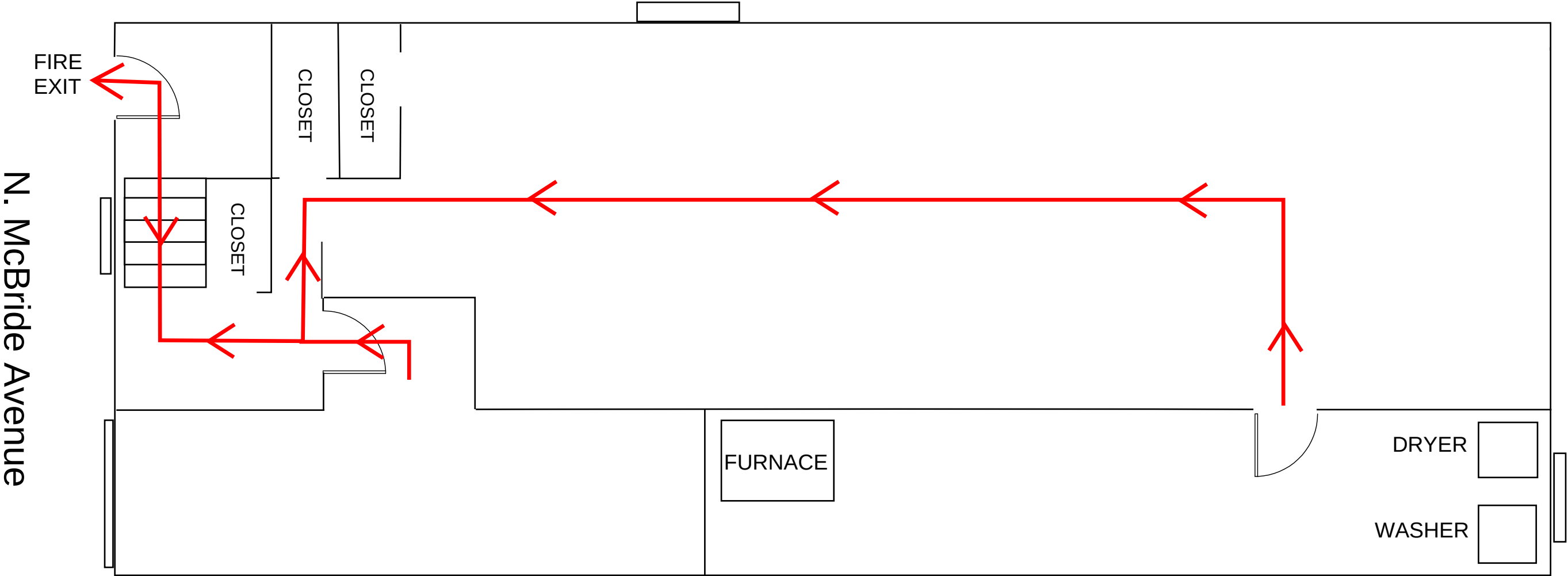
Downstairs

Evacuation Plan



Upstairs

Evacuation Plan



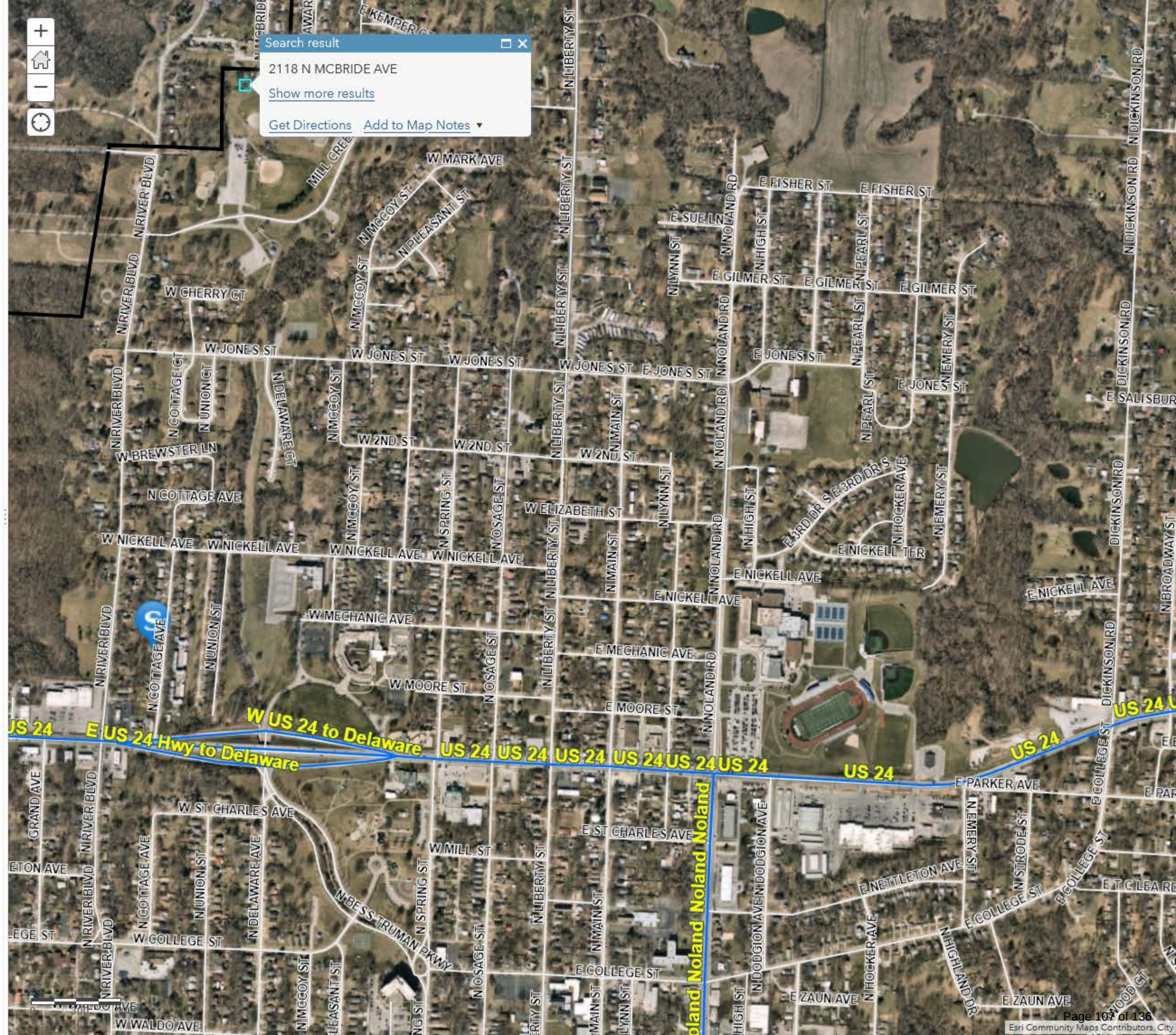
Downstairs

1 car garage

1 car garage

Paved
Driveway
for 4 additional
vehicles

N. McBride Avenue



MEETING DATE: June 25, 2024

STAFF: Brian L. Harker, Senior Planner

PROJECT NAME: Jennifer Curzon Short-Term Rental

CASE NUMBER/REQUEST: **Case 24-400-12 – Short-Term Rental – 8841 E. 16th Street S.** – A request by Curzon Properties for a Short-Term Rental.

PROPERTY ADDRESS: 8841 E. 16th Street S., Independence, MO 64055

APPLICANT/PROPERTY MANAGER: Jennifer Curzon

APPLICANT ADDRESS: 8847 E. Truman Road, Independence, MO 64052

SUBJECT PROPERTY ZONING: R-2 (Two-Family Residential)

SURROUNDING ZONINGS/LAND USES:

- North:** R-2 (Two-Family Residential) – single-family home
- South:** R-2 (Two-Family Residential) – undeveloped
- East:** R-2 (Two-Family Residential) – single-family home
- West:** R-30/PUD (Moderate Density Family Residential/Planned Unit Developed)-apartment complex

PUBLIC NOTICE:

- Letters to property owners within 185 feet were mailed May 21, 2024
- Notification signs were posted on the property May 24, 2024

FURTHER ACTION:

Unless a valid protest petition is submitted, or the applicant seeks to appeal the action of the Planning Commission, this application is not reviewed by the City Council.

RECOMMENDATION

Staff recommends **APPROVAL** of this Short-Term Rental with the following conditions:

1. The Short-Term Rental shall obtain a business license in accordance with the City Code and comply with Article 3, Chapter 5 of the City Code. The occupation license number shall be listed on all advertisements and online platforms.
2. The business must comply with all safety and other standards established by Section 14-424 of the City Code.
3. The maximum occupancy of the premises shall be limited six (6) adults and (4) Children five years of age or less; ten (10) persons total.
4. The maximum number of bedrooms shall be three (3).
5. A trash service provider shall be obtained per code.

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.
7. The property must be inspected by the Fire Inspector and pass the Initial Short-Term Rental Fire and Life Safety Inspection.
8. The applicant owns an adjacent property at 8845 E. 16th Street S. that has been listed live on Airbnb. The short-term rental listing for this property shall remain inactive as the existing reservations are completed; then it shall be removed from the rental site.

PROJECT DESCRIPTION

PROJECT DESCRIPTION:

Jennifer Curzon seeks approval of a Short-Term Rental at 8841 E. 16th Street S.

Current Zoning:	R-12 (Two-Family Residential)	Current Use:	Single-Family Residential
Former Zoning:	Prior to 2009: R-2 (S.F. Res) Prior to 1965: Not Zoned	Proposed Use:	Short-Term Rental

BACKGROUND INFORMATION

PROPOSAL:

The applicant seeks approval by the Planning Commission to legally use this property as a Short-Term Rental.

PROPERTY HISTORY:

The residential lot was platted on July 14, 1886, as Lot 19 of Parkview. In 1965, the land was zoned R-2 (Two-Family Residential). In 2009, when the current version of the UDO was adopted, the zoning was updated to R-12 (Two-Family Residential). The zoning of the property has remained unchanged since this update in 2009.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The home sets on an 0.48-acre lot. It is a 1,395-square foot ranch-style home with a basement. The house has white siding. It has a single-car driveway. The main floor has a living room, dining room, kitchen, laundry room, two bathrooms, three bedrooms and a deck.

CHARACTERISTICS OF THE AREA:

The area surrounding the subject property features a couple of single-family homes of similar size and layout. The architectural design of the nearby single-family homes is similarly ranch-style. A large apartment complex lies to the west. On the large lot to the north lies a large ranch-style house.

PARKING:

The single-car driveway can easily accommodate three vehicles. Parking on the narrow street is legal, but not advisable.

UNRULY GUESTS/SECURITY:

The applicant resides at 8847 E. Truman Road on the large property immediately to the north. Property management and booking will be handled by the applicant. The applicant indicates that the property does not yet have any noise monitoring device in place. In the event of an emergency, and the applicant is needed, she has indicated the ability to respond to issues or concerns quickly given the proximity of the properties to one another.

SHORT TERM RENTAL REQUIREMENTS:

The applicant must address the following topics:

- **Noise monitoring** – The applicant does not have a noise monitoring device in place at the moment but must install one as required by code. This will have to be completed before the business license is issued.
- **Trash Removal** – The applicant states that her guests will notify her via text if there is any trash to be removed. She will conduct all property cleaning herself, however, per code section 14-424-19, a refuse collection service shall be secured.
- **Property listing** - The property will be listed on AirBNB and VRBO. The second listed short-term rental property at 8845 E. 16th Street S. shall be taken down on all rental sites as a short-term-rental as it would not be in compliance with the density limitations in codes section 14-424-06.
- **Business operations/security** – The applicant will oversee site security and general business operations, including screening customers, and coordinating bookings.
- **City's Short Term Rental checklist** – The form was completed by the applicant covering licensing, future inspections, insurance, on-site information posting, and so forth.
- **Fire safety** – A fire evacuation plan had been submitted along with floor plans of the house. The fire escape plan must also be posted per Code requirement.
- **City inspection** – The property must be inspected by the Fire Inspector and pass the Initial Short-Term Rental Fire and Life Safety Inspection.

There are no other Short-Term rentals in this area, therefore this application follows the density limitations of the City Code.

EXHIBITS

1. Online Application
2. Notification Letter
3. Addresses
4. Notification Area Map
5. Affidavit
6. Floor Plan
7. Fire Plan
8. Parking Plan
9. Nearest Short Term Rental Map

8841 E 16Th St S Independence MO 64052

STR License

Submitted

Application number	A00127	Applicant name	JENNIFER CURZON
Application date	2024-04-24		

▼

Collapse details

Submitted

▼

Send license

Edit

Property Address	8841 E 16TH ST S INDEPENDENCE MO 64052	Permit Held By	Owner
Parcel Number	272300603000000000	Rental Structure	Single family

Permit Holder

First Name	JENNIFER
Last Name	CURZON
Company Name	Curzon Properties LLC
Phone Number	816-665-3388
Email	jencurzon@gmail.com
Mailing Address	8847 E Truman Rd, Independence, MO 64052

Property Owner(s)

Property Owner #1

First Name	JENNIFER
Last Name	CURZON
Company Name	Curzon Properties LLC
Phone Number	816-665-3388
Email	jencurzon@gmail.com
Mailing Address	8847 E Truman Rd, Independence, MO 64052

Property Manager

First Name	JENNIFER
Last Name	CURZON
Company Name	Curzon Properties LLC
Phone Number	816-665-3388
Email	jencurzon@gmail.com
Mailing Address	8847 E Truman Rd, Independence, MO 64052

Responsible Agent

First Name	JENNIFER
Last Name	CURZON
Company Name	Curzon Properties LLC
Phone Number	816-665-3388
Email	jencurzon@gmail.com
Mailing Address	8847 E Truman Rd, Independence, MO 64052

Verification Documents

Floor Plan	floor_plan_2024-04-24-175621.pdf
Evacuation Plan	fire_safety_2024-04-24-175621.pdf
Parking Plan	parking_spaces_2024-04-24-175622.pdf

Supplemental Questions

Possible Violations

- ⚠

Permit Number Not Displayed in Listing

📍

744985909503924549

📍

3115697
- ⚠

> 30 Days Per Year

📍

744985909503924549

📍

3115697

Add Note

Notes

Add

What is the total number of bedrooms? ^

3

Total number of parking spaces available on the property? ^

2

What is your proposed total occupancy? ^

6

Is street parking allowed? ^

Yes

Please provide your Noise Management Plan: ^

We live right across the street from this property and monitor noise ourselves. We have quiet hours listed in our home and on our listing that our guests abide by. We do not allow parties, gatherings or events at our listing and have NEVER had a complaint.

Please provide your Trash Disposal & Collection Plan: ^

This home sits on an acre of land surrounded by woods and having a trash dumpster on site is ill-advised by pest control services due to the potential to attract pests, wildlife, and strays. Our guests typically do not produce more than one or two kitchen garbage bags of trash during the average 3-day stay. Our house instructions include that our guests notify me via text if they have trash that needs removed and I come and retrieve the trash from them personally. I conduct all property cleaning myself and remove any trash during each cleaning.

Please provide all platforms that you plan to advertise on. ^

I have a listing on VRBO and Airbnb.



PROPERTY OWNER NOTIFICATION LETTER
For a Short-Term Rental Business

Date: May 20, 2024

Case Number: 24-400-12

Dear Property Owner:

This is to notify you that an application has been submitted for the consideration of a short-term rental business at the following address. A public hearing will be held for this application by the Independence Planning Commission at the date and time listed below.

Address of proposed Short-Term Rental: 8841 E 16th Street S

Total Maximum occupancy: Six (6) total guests

Number of bedrooms used: Three (3)

PROPERTY OWNER:

Name: Jennifer Curzon

Phone: (816) 665-3388

E-Mail: jencurzon@gmail.com

Planning Commission Meeting Date: June 11, 2024, at 6:00 p.m.

Location of public hearing: City Council Chambers, City Hall
111 E. Maple Ave, Independence, MO 64050

All interested persons are invited to participate and will have an opportunity to be heard at the public hearing. If you have questions regarding this short-term rental operation, you may wish to contact the property owner or manager, as listed above. For information regarding the filing of a protest petition, please contact the Community Development Department at 816-325-7421.

Joshua Garrett

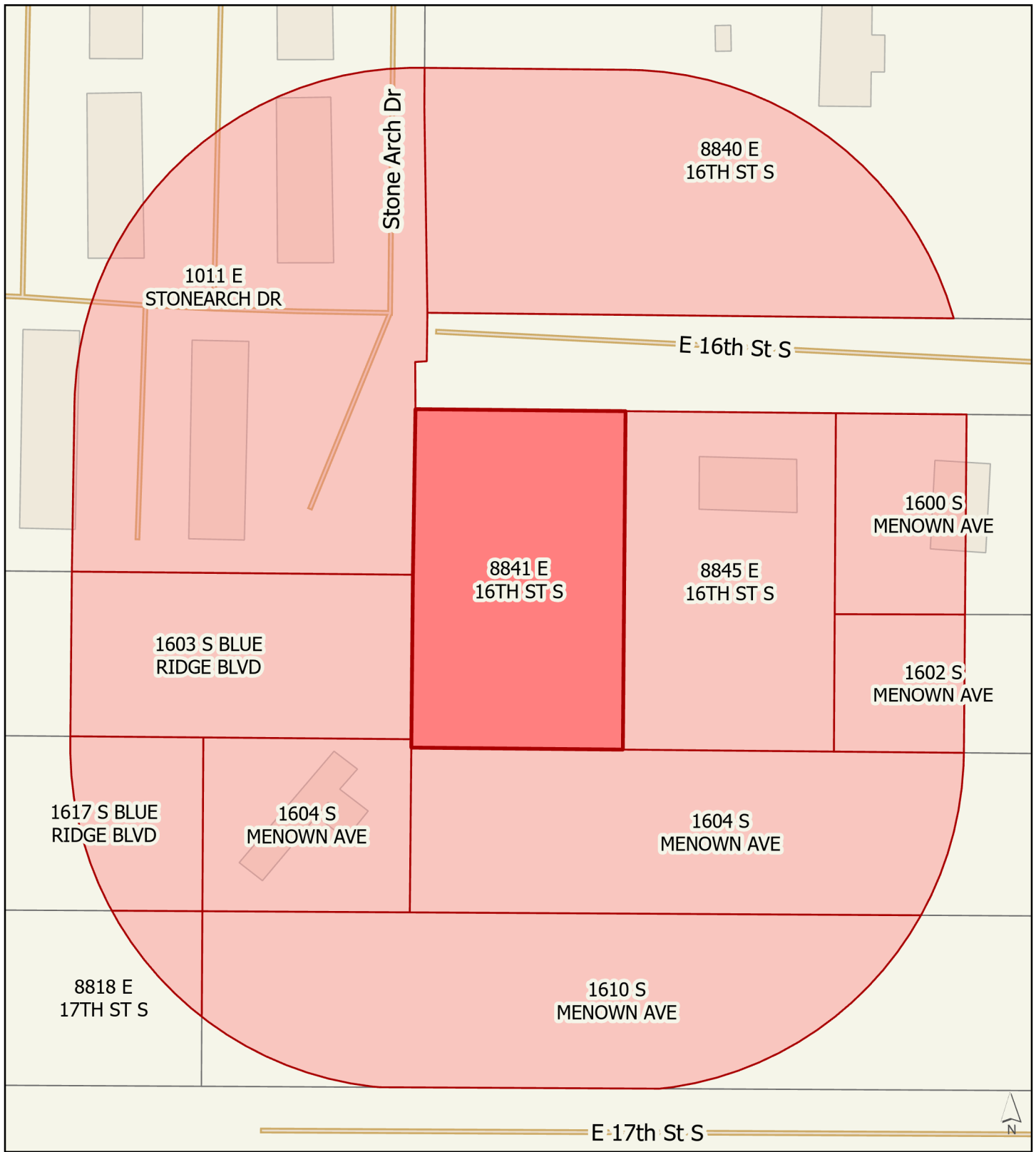
Joshua Garrett
Planner

Owner	Address	City	State	Zip Code
HERRICK BRIAN D	1600 S MENOWN AVE	INDEPENDENCE	MO	64052
CIM EXPO LLC	4741 CENTRAL AVE STE 2300	KANSAS CITY	MO	64112
FERRON DAVID	103 CIRCLE DR	LIBERTY	MO	64068
HERRICK BRIAN D & MASLAK BETH K	1600 MENOWN AVE	INDEPENDENCE	MO	64052
CURZON PROPERTIES LLC	8847 E TRUMAN RD	INDEPENDENCE	MO	64052
LAND TRUST OF JACKSON COUNTY MISSOURI	4035 CENTRAL ST	KANSAS CITY	MO	64111-2207
CURZON SIMON & JENNIFER	PO BOX 520942	INDEPENDENCE	MO	64052
MALLORY JEFF	1604 MENOWN 1/2	INDEPENDENCE	MO	64052
CEDILLO JOE	518 PROSPECT AVE	KANSAS CITY	MO	64124
HERRICK BRIAN D	1600 S MENOWN AVE	INDEPENDENCE	MO	64052
FERRON DAVID	103 CIRCLE DR	LIBERTY	MO	64068

Notification Area

24-400-12

8841 E. 16th Street, Independence, MO 64052



-  Subject Property
-  185 ft Buffer Area

0 25 50 100 Feet

Prepared by Joshua Garrett, Community Development
Date: 5/30/2024

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-400-12

I, Jodi Baker, 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 21 day of May, 2024.



Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 21 day of May, 2024.

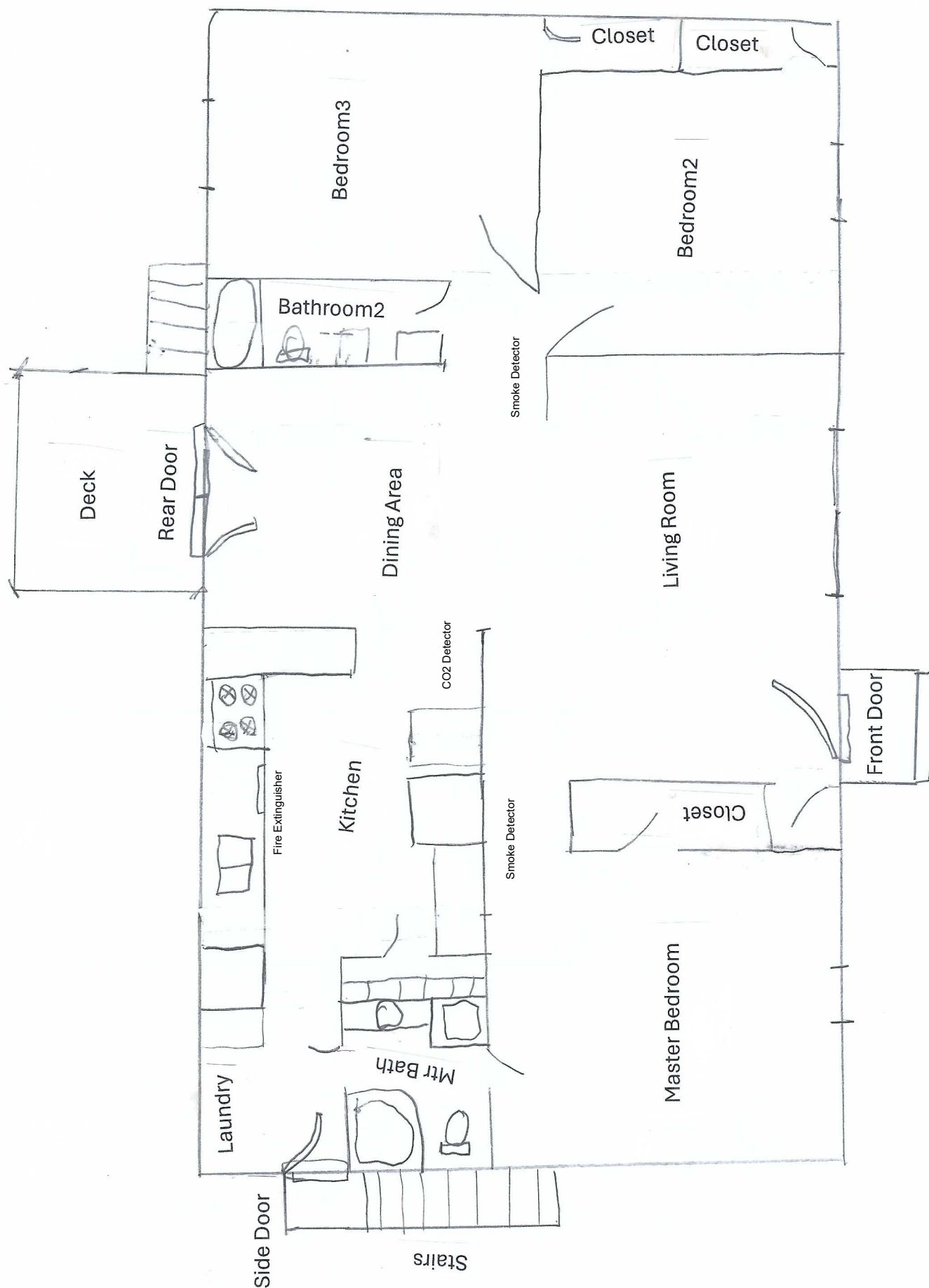


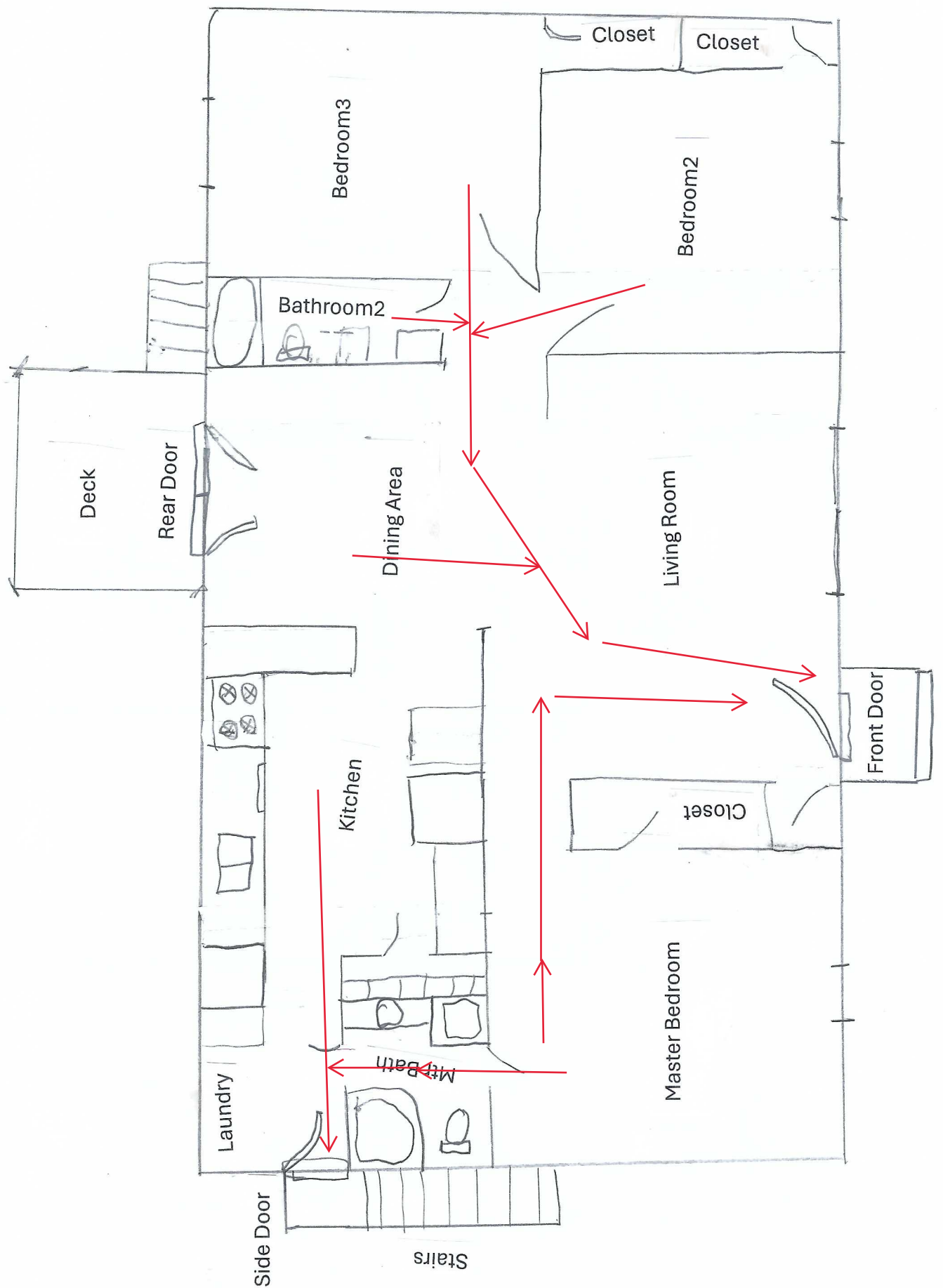
Notary Public

03/12/2028

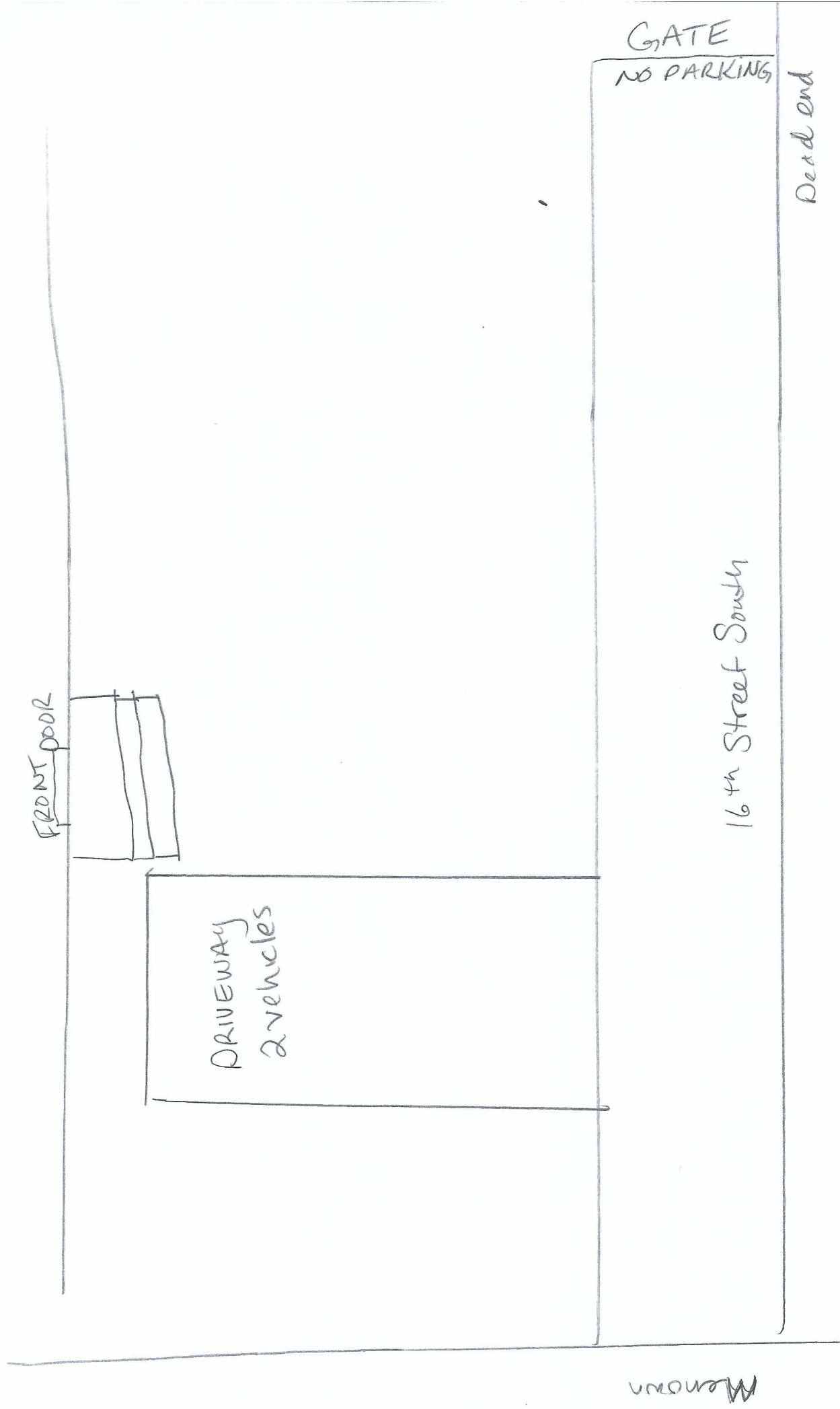
Commission Expiration Date







Parking Plan 8841 E. 16th St.



MEETING DATE: June 25, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Fir Mountain LLC Short-Term Rental

CASE NUMBER/REQUEST: Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Ave – A request by Don Nelson for a Short-Term Rental.

PROPERTY ADDRESS: 105 N. Hawthorne Ave, Independence, MO 64053

APPLICANT/PROPERTY OWNER: Donald Nelson, Fir Mountain, LLC

APPLICANT ADDRESS: PO Box 64112, Colorado Springs, CO 80962

RESPONSIBLE AGENT: Westley Rustenhaven

AGENT ADDRESS: 107 N. Hawthorne Ave, Independence, MO 64053

SUBJECT PROPERTY ZONING/LAND USE: R-12 (Two-Family Residential)/Duplex

SURROUNDING ZONINGS/LAND USES:

N/S/E/W: R-12 (Two-Family Res.) – Duplex & S.F. Residences

PUBLIC NOTICE:

- Letters to property owners within 185 feet were mailed June 4, 2024
- Notification signs were posted on the property June 7, 2024

FURTHER ACTION:

Unless a valid protest petition is submitted, or the applicant seeks to appeal the action of the Planning Commission, this application is not reviewed by the City Council.

RECOMMENDATION

Staff recommends **APPROVAL** of this Short-Term Rental with the following conditions:

1. The Short-Term Rental shall obtain a business license in accordance with the City Code and comply with Article 3, Chapter 5 of the City Code. The occupation license number shall be listed on all advertisements and online platforms.
2. The business must comply with all safety and other standards established by Section 14-424 of the City Code.
3. The maximum occupancy of the premises shall be limited four (4) adults and six (6) children five years of age or under.
4. The maximum number of bedrooms shall be two (2).
5. Parking area shall be repaired in accordance with City Code.
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. The property must be inspected by the Fire Inspector and passed the Initial Short-Term Rental Fire and Life Safety Inspection.

PROJECT DESCRIPTION

PROJECT DESCRIPTION:

Don Nelson seeks approval of a Short-Term Rental at 105 N. Hawthorne Ave.

Current Zoning:	R-12 (Two-Family Residential)	Current Use:	Duplex – Short Term Rental
Former Zoning:	Prior to 2009: R-2 (2F. Res) Prior to 1980: R-2 (2F Res.) Prior to 1965: Not Zoned	Proposed Use:	Short-Term Rental

BACKGROUND INFORMATION

PROPOSAL:

The applicant seeks approval by the Planning Commission to legally use this property as a Short-Term Rental.

PROPERTY HISTORY:

The property was originally platted as Lot 5 of Block 8 of the Mount Washington subdivision. In 1965, the land was zoned R-1 (Single-Family Residential). The residential lot was platted in 1970 as Lot 4 of Silver Lane Lawn Annex. In 1980 the zoning was updated to be R-2 (Two-Family Residential) and in 2009, when the current version of the UDO was adopted, the zoning was updated to R-12 (Two-Family Residential). The zoning of the property has remained unchanged since this update in 2009.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The duplex is a brick building with blue doors. The entry for each unit is on the ground floor, while the driveway goes behind the house to two garages, one for each unit, that are below each unit. The unit at 105 has 2 bedrooms, a living room, a kitchen, and a bathroom.

CHARACTERISTICS OF THE AREA:

The area surrounding the subject property is primarily smaller single-family homes of a similar age. This is the only duplex in the immediate area.

PARKING:

The driveway serves both sides of the duplex but appears large enough to accommodate up to three extra vehicles. The driveway will need to be repaired in accordance with Section 14-424-18 of the City Code.

UNRULY GUESTS/SECURITY:

The responsible agent is Westley Rustenhaven, the tenant on the other side of the Duplex. He will be able to respond to unruly guests or security concerns if they arise. The applicant indicates that the property has a Minut noise monitoring device in place. In the event of an emergency Mr. Rustenhaven has the ability to respond to issues or concerns.

SHORT TERM RENTAL REQUIREMENTS:

The applicant must address the following topics:

- **Noise monitoring** – The applicant already has noise monitoring devices in place. It is a Minut device that alerts the property owner of noises exceeding 85 decibels.
- **Trash Removal** - Trash pick-up is scheduled as a weekly service on Tuesday to be picked up by Ted's Trash.

- **Property listing** - The property will be listed on AirBNB.
- **Business operations/security** – The applicant will oversee site security and general business operations, including screening customers, and coordinating bookings.
- **City's Short Term Rental checklist** – The form was completed by the applicant covering licensing, future inspections, insurance, on-site information posting, and so forth.
- **Fire safety** – A fire evacuation plan has been submitted along with floor plans of the house. The fire escape plan must also be posted per Code requirement.
- **City inspection** – The property has inspected by the Fire Inspector and passed the Initial Short-Term Rental Fire and Life Safety Inspection.

There are no other Short-Term rentals in this area, therefore this application follows the density limitations of the City Code.

EXHIBITS

1. Online Application
2. Notification Letter
3. Addresses
4. Notification Area Map
5. Affidavit
6. Floor Plan
7. Parking Plan
8. Fire Escape Plan
9. Front of House Image
10. Aerial View
11. Nearest Short Term Rental Map

105 N Hawthorne Ave Independence MO 64053

STR License

Submitted

Application number	A00130	Applicant name	Donald Nelson
Application date	2024-05-06		

▼ Collapse details

Submitted ▼

Send license

Edit

Property Address
105 N HAWTHORNE AVE INDEPENDENCE MO 64053

Parcel Number
14810120800000000

Permit Held By
Owner

Rental Structure
Duplex

Permit Holder

First Name
Donald

Last Name
Nelson

Company Name
Fir Mountain, LLC

Phone Number
303-506-0211

Email
dnelsonrealty@gmail.com

Mailing Address
PO Box 64112, Colorado Springs, CO 80962

Property Owner(s)

Property Owner #1

First Name
Donald

Last Name
Nelson

Company Name
Fir Mountain, LLC

Phone Number
303-506-0211

Email
dnelsonrealty@gmail.com

Mailing Address
PO Box 64112, Colorado Springs, CO 80962

Property Manager

First Name
Donald

Last Name
Nelson

Company Name
Fir Mountain, LLC

Phone Number
303-506-0211

Email
dnelsonrealty@gmail.com

Mailing Address
PO Box 64112, Colorado Springs, CO 80962

Responsible Agent

First Name
Donald

Last Name
Nelson

Company Name
Fir Mountain, LLC

Phone Number
303-506-0211

Email
dnelsonrealty@gmail.com

Mailing Address
PO Box 64112, Colorado Springs, CO 80962

Verification Documents

- Floor Plan
[floor_plan_2024-05-06-173052.pdf](#)
- Evacuation Plan
[fire_safety_2024-05-06-173052.pdf](#)
- Parking Plan
[parking_spaces_2024-05-06-173052.pdf](#)

Supplemental Questions

Possible Violations

We found no violations for this property

Add Note

Notes

Add

What is the total number of bedrooms? ^

2

Total number of parking spaces available on the property? ^

3

What is your proposed total occupancy? ^

4

Is street parking allowed? ^

Yes

Please provide your Noise Management Plan: ^

Install MINUT noise monitoring device and app. Local observation from next door tenant.

Please provide your Trash Disposal & Collection Plan: ^

Tuesday collection of all trash by Ted's Trash Service. Large trash bin located behind fence in back yard. All types of trash that will fit in the bin. House rules will require tenant to put bin back after receptacle has been emptied.

Please provide all platforms that you plan to advertise on. ^

Airbnb



PROPERTY OWNER NOTIFICATION LETTER
For a Short-Term Rental Business

Date: June 3, 2024

Case Number: 24-400-14

Dear Property Owner:

This is to notify you that an application has been submitted for the consideration of a short-term rental business at the following address. A public hearing will be held for this application by the Independence Planning Commission at the date and time listed below.

Address of proposed Short-Term Rental: 105 N. Hawthorne Avenue

Total Maximum occupancy: Four(4) total guests

Number of bedrooms used: Two(2)

PROPERTY OWNER:

Name: Donald Nelson, Fir Mountain, LLC

Phone: (303) 506-0211

E-Mail: dnelsonrealty@gmail.com

Planning Commission Meeting Date: June 25, 2024, at 6:00 p.m.

Location of public hearing: City Council Chambers, City Hall
111 E. Maple Ave, Independence, MO 64050

All interested persons are invited to participate and will have an opportunity to be heard at the public hearing. If you have questions regarding this short-term rental operation, you may wish to contact the property owner or manager, as listed above. For information regarding the filing of a protest petition, please contact the Community Development Department at 816-325-7421.

Joshua Garrett

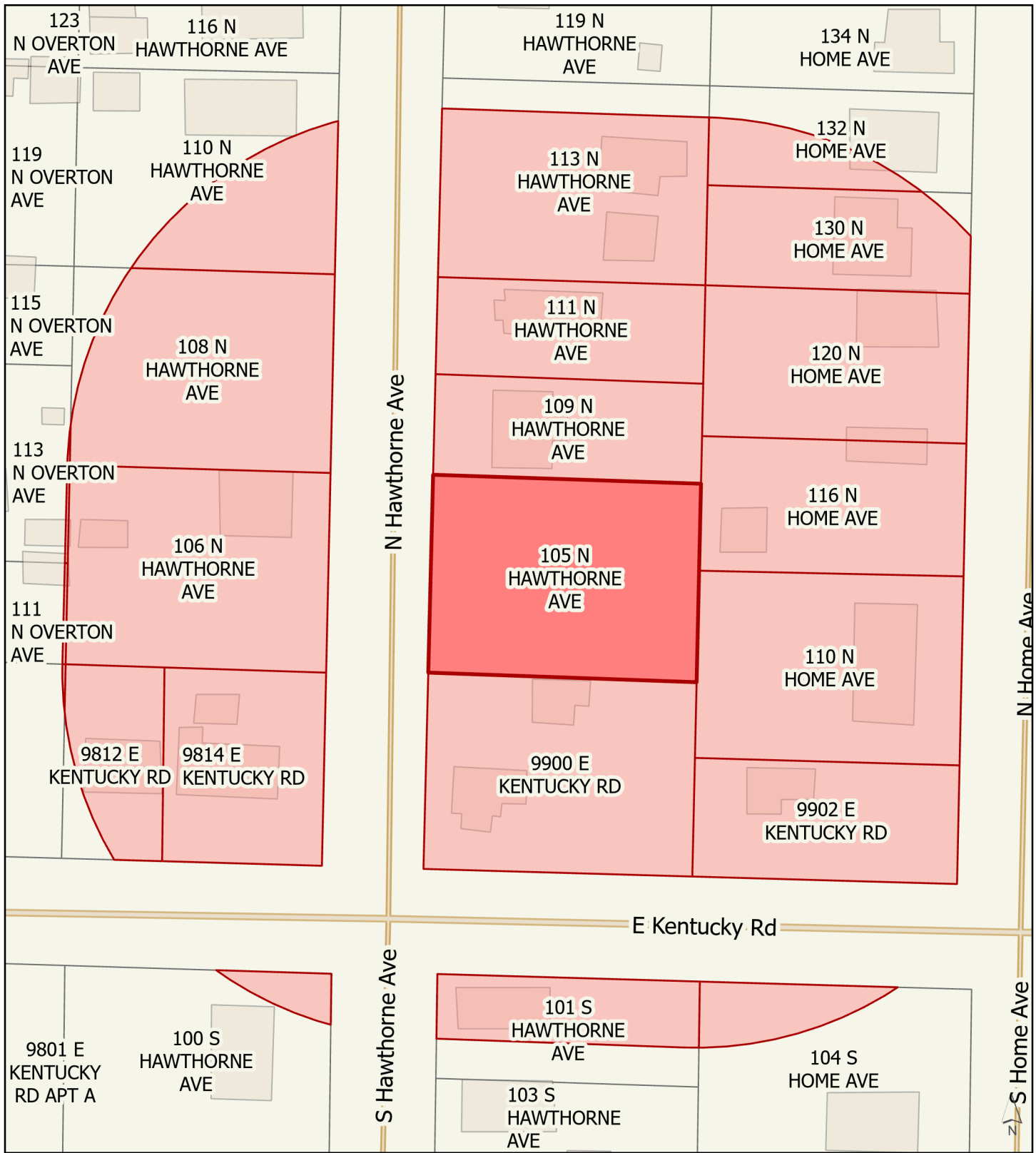
Joshua Garrett
Planner

Owner	Address	City	State	Zip Code
2113H LLC	3225 MCLEOD DR STE 100	LAS VEGAS	NV	89121
2118 FUND LLC	113 N 6TH ST	WINDSOR	CO	80550
BIRCH LARRY	111 N OVERTON	INDEPENDENCE	MO	64053
CUSTIS CLEO M & MILDRED TRUSTEE	110 N HAWTHORNE	INDEPENDENCE	MO	64053
DUNFEE WILLIAM C	109 N HAWTHORNE	INDEPENDENCE	MO	64053
HERNANDEZ MIGUEL & LAURA	130 N HOME AVE	INDEPENDENCE	MO	64053
HOLT CHARLES C & THELMA J-TRUSTEES	113 N OVERTON AVE	INDEPENDENCE	MO	64053
HOPKINS DWAYNE	110 N HOME AVE	INDEPENDENCE	MO	64053
JORDAN ANTHONY	9900 E KENTUCKY RD	INDEPENDENCE	MO	64053
LEIVA ESTHELA J	11107 W 113TH ST	OVERLAND PARK	KS	66210
PADILLA DAMIEN	116 N HOME AVE	INDEPENDENCE	MO	64053
PEREZ GILBERTO	311 N CEDAR	INDEPENDENCE	MO	64053
PSKC PROPERTIES LLC	1501 NW MOCK AVE	BLUE SPRINGS	MO	64051
RAMOS WALTER ERNESTO RAMOS & YAHAIRA ESPERANZA TORRES RAMOS	104 S HOME AVE	INDEPENDENCE	MO	64053
REVECO ENTERPRISES LLC	1318 S POPE AVE	INDEPENDENCE	MO	64055
SFR3-050 LLC	228 PARK AVE S STE 73833	NEW YORK	NY	10003
STEELE JANET LEA	111 N HAWTHORNE AVE	INDEPENDENCE	MO	64053
TRUCIOS ROBERT F	455 E OCEAN BLVD	LONG BEACH	CA	90802
TURLIN CHERYL L	120 N HOME	INDEPENDENCE	MO	64053
VONDA J WILLIAMS REVOCABLE TR AGREEMNT DATED 06-03-2020	3804 S ROGERS CIR	INDEPENDENCE	MO	64055

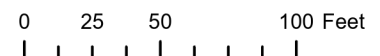
Notification Area

24-400-14

105 N. Hawthorne Avenue, Independence, MO 64053



-  Subject Property
-  185 ft Buffer Area



Prepared by Joshua Garrett, Community Development
Date: 6/3/2024

Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-400-14

I, Jodi Baker, 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 4th day of May, 2024.

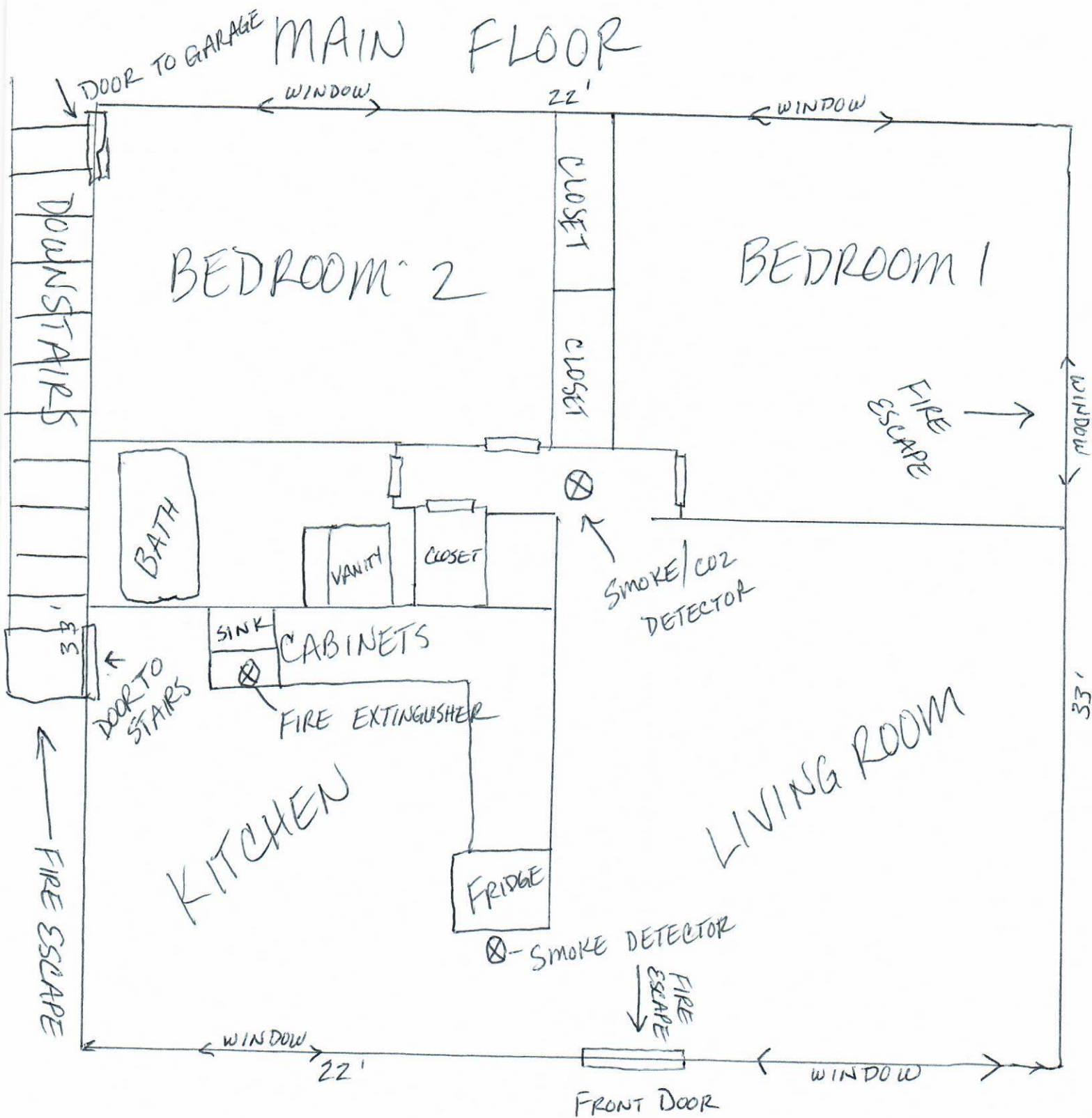
Jodi Baker
Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 4th day of May, 2024.

Joshua Alec Garrett
Notary Public

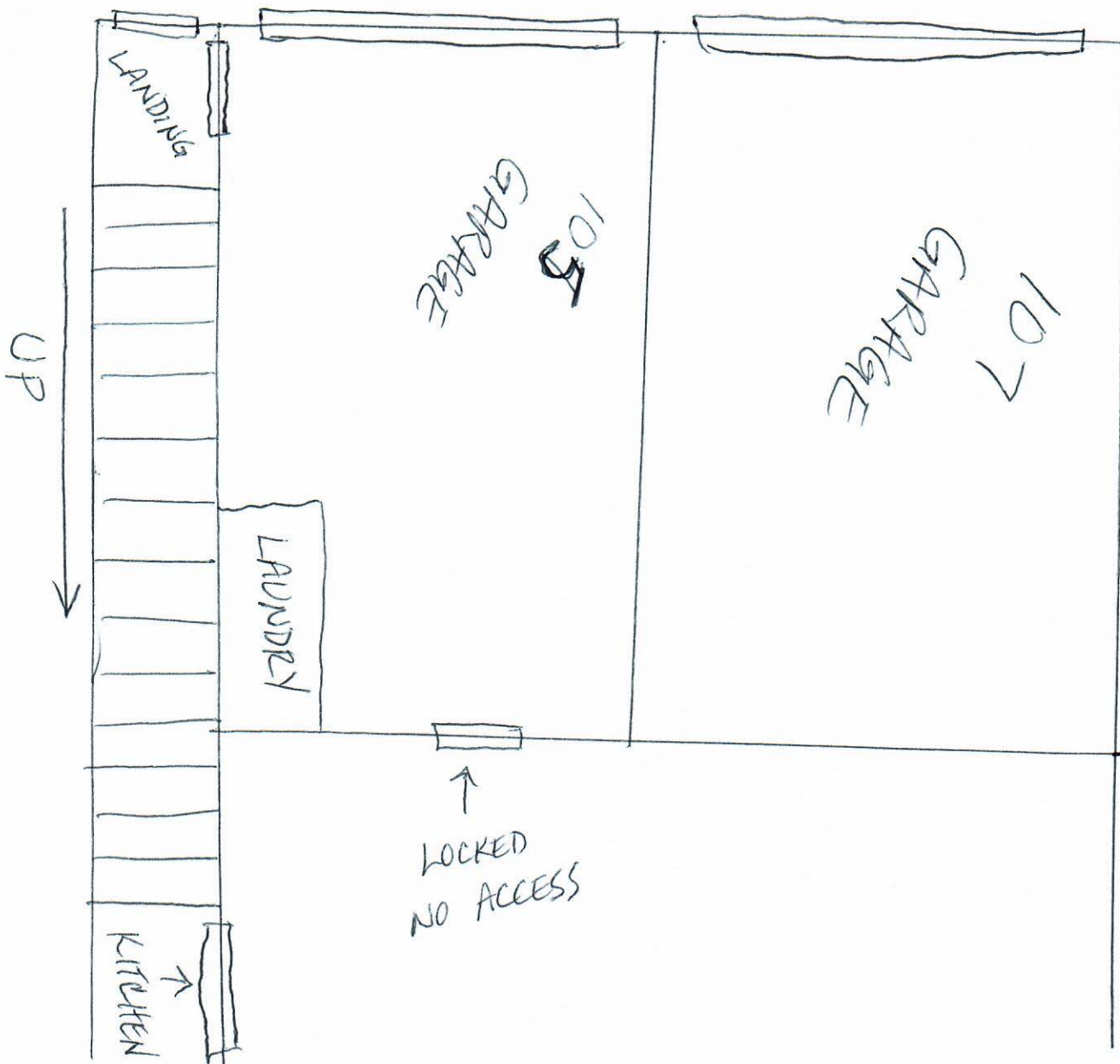
August 9, 2027
Commission Expiration Date





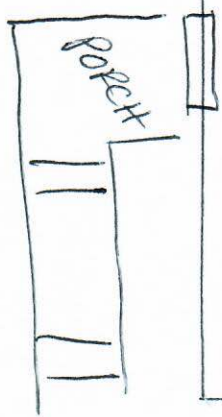
LOWER/GARAGE FLOOR

FIRE
ESCAPE
→



STREET PARKING
(HAUTHORNE AVE)

PROPERTY



DRIVEWAY

