



City Planning Commission Minutes

June 25, 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 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

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

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

Motion

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

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

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

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

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

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).

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.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

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.

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

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

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

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.

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

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

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

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).

Staff Presentation

Joshua 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.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

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

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.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

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

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

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

Staff Presentation

Rick Arroyo stated 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.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

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

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.

Staff Presentation

Mr. Arroyo stated 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:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. 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:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. 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 them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

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 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.