



City Planning Commission Minutes

July 9, 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 7/9/2024, 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, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

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

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

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

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

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

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

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

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

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

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.