



City Planning Commission

July 23, 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 25, 2024 and July 9, 2024

NOTE OF CASES WITHDRAWN

1. **Continued Case 24-200-05 – Special Use Permit – 4503 S. Chrysler Ave** – A request by Suita Diaz-Dawson to operate a Bed & Breakfast.
2. **Case 24-100-15 – Rezoning – 11222 E. Winner Road** – A request by Cheri Beavers to rezone the property from R-6 (Single Family Residential) to R-12 (Two Family Residential).

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

1. **Case 24-125-07 – Rezoning/PUD – Jackson Drive & R. D. Mize Road** – A request by Jim Pollard to rezone the property from C-2 (General Commercial) and R-6 (Single Family Residential) to C-2 (General Commercial) and R-12/PUD (Two-Family Residential/Planned Unit Development) and approving a preliminary development

plan.

2. **Case 24-125-08 – Rezoning – 2710 S. Westport Road** – A request by Rosemary Hoover to rezone the property from R-6 (Single Family Residential) to R-6/PUD (Single Family Residential/Planned Unit Development) and approve a preliminary development plan.

PUBLIC HEARING

1. **Case 24-100-16 – Rezoning – 15552 E. US 24 Highway** – A request by Robert and Carolyn Rogers to rezone the property from C-2 (General Commercial) and R-6 (Single Family Residential) to R-6 (Single Family Residential).

ROUNDTABLE - PLANNING COMMISSION ESSENTIALS MARC TRAINING & NEXT MEETING AUGUST 13, 2024

ADJOURNMENT



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.



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

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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.

MEETING DATE: July 23, 2024

STAFF: Brian Harker, Senior Planner

PROJECT NAME: Rezone from C-2 (General Commercial) & R-6 (Single-Family Residential) to R-6

CASE NUMBER/REQUEST: **Case 24-100-16 – Rezoning – 15552 E. US 24 Highway** – A request by Robert and Carolyn Rogers to rezone the subject property from C-2 (General Commercial) and R-6 (Single-Family Residential) to R-6 (Single-Family Residential).

APPLICANTS/OWNERS: Robert and Carolyn Rogers

PROPERTY ADDRESS: 15552 E. US 24 Highway

APPLICANTS/OWNERS' ADDRESS: 1718 N. Lake City Valley Road

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial) and R-6 (Single-Family Residential)...used car sales

South: C-2 (General Commercial) and R-6 (Single-Family Residential)...automotive repair

East: O-1 (Office-Residential) and C-2 (General Commercial)...multiple-family and sheds

West: R-6 (Single-Family Residential)...single-family residences

PUBLIC NOTICE

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

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 19, 2024, and the public hearing/second reading on Sept 3, 2024.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Robert and Carolyn Rodgers to rezone the property from C-2 (General Commercial) and R-6 (Single-Family Residential) to R-6 (Single-Family Residential).

Current Zoning: C-2 (General Commercial) and R-6 (Single-Family Residential)

Proposed Zoning: R-6 (Single-Family Residential)

Prior to 1980: The C-2 zoning was C-3 (Commercial)

Current Use: Single-Family Home

Former Use: Beauty Shop

Proposed Use: Single-Family Home

Building Square Footage: 854-square feet

Lot Acreage: 1.01-acres

PROPOSAL:

The applicants seek to rezone the property at 15552 E. US 24 Highway from C-2 (General Commercial) and R-6 (Single-Family Residential) to R-6 (Single-Family Residential) so that they can again use the property as a residence.

PROPERTY HISTORY:

The residential lot, Lot 77 in W. B. Dickinson, was platted in October of 1949. The addition was annexed into the city in 1955. In 1965, it was zoned C-3 (Commercial). In 1980 the zoning was updated to be C-2 (General Commercial).

The property then had a legal unconfirming residential use and later a beauty salon along with the residential use. Due to Covid 19 (and the applicant not wanting to comply with partition and spacing expenses) she ceased her operations and decided to retire. Currently, there is not a commercial business on the property and the legal nonconforming residential use has expired.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The internal layout of the old house is still mostly residential, although the entirety of the front yard is a paved surface. The great bulk of this property (much of which is already zoned R-6) is a deep backyard with some wooded area.

CHARACTERISTICS OF THE AREA:

The house sets on the west side of US 24 Highway about a half a block south the offices for the Mid-Continent library system. The area is largely commercial in nature, although many of the properties are converted, old homes and the City's Comprehensive Plan envisions residential uses for the area. Ribbons of commercial zoning flank both sides of the corridor, but the rear of most properties are zoned R-6 (Single-Family Residential). A used car lot lies to the north and an automobile repair shop lies to the south. Across US 24 Highway is a shed dealership and a townhouse development owned in a condominium manner.

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 "stabilize and revitalize neighborhoods."

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.

Zoning:

Section 14-300-02 of the Unified Development Ordinance (UDO) outlines the purpose of Independence's zoning districts by stating that they "are intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain the desired physical

character of existing neighborhoods.” By rezoning this property to R-6 (Single-Family Residential), the zoning will match the structure’s design and nearby single-family uses.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on this property.

Public Utilities:

All utilities are present in on the property.

CIP Investments:

Currently there are no CIP investments along US 24 Highway; however, MoDOT has planned improvements envisioned.

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 Established Neighborhoods.
- 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 not located within any subarea plan area.
- 3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.**
The existing zoning and uses of the surrounding neighborhood are commercial, but the uses are not intense and many of the structures were built as residences.
- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**
The existing character of the vicinity is largely commercial, but their uses are not intense.
- 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 existing single-family home is nonconforming. By rezoning the property to R-6, the applicant will be able to live in the house and at some future date, sell it as a conforming residence.
- 6. The length of time the subject property has remained vacant as zoned.**
The property has been vacant since the rise of Covid.
- 7. The extent of which approving the rezoning will detrimentally affect nearby properties.**
Rezoning this property to R-6 will not have a detrimental effect on the nearby properties. This is because the residential use will not be intrusive to the existing uses.

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 inhibit the ability of the applicant to live in the structure and to get future building permits, mortgages and refinancing.

- 9.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Mailing List
5. Notice Area Map
6. Affidavit
7. Aerial Image
8. Comp Plan Map
9. Zoning Map

June 5, 2024

I, Carolyn Rogers used 15552 E. US 24 Hwy.
as a Beauticians spot. I had my little
business under Commercial.

Due to Covid 19 and not wanting to comply
with partician and spacing expenses I ceased
operation and decided to retire.

I am requesting zoning to be 100% Residential.

Carolyn S Rogers
June 5, 2024

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

15552 E. US 24 Highway

Project Address/Location

Sq. Ft. of Building

C2nd R6

Acreage

R6

Number of Lots/Tracts

1 HOUSE

Stream Buffer (Yes or No)

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

Contact Information

Applicant

ROBERT L., Carolyn S. Rogers

Owner

Name

Company

155 1718 N. Lake City Valley Rd

Name

Company

Buckner, MO 64016

Address

Address

816-461-6822 ranchr888@gmail.com

Phone

Email

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.

Carolyn S. Rogers

Applicant's Signature

Date

Same

Owner's Signature

Date

Appendix B - Property Owner Notification Letter

City of Independence, Missouri

Date: July 5, 2024

Case No. 24-100-16

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 property from C-2
(General Commercial) and R-6 (Single-Family) to R-6 (Single-Family)

Applicant: Carolyn Rogers

Location of Property: 15552 E. US 24 Highway

Planning Commission Meeting Date: July 23, 2024, at 6:00 p.m.

City Council Meeting Date: Sept 3, 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.

Carolyn Rogers *Thank you!*
Applicant (or Owner/Agent)

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

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	A	B	C	D	E	F	G
1	Owner	Address	City	State	Zip Code		
2	WOODWIND TOWNHOMES ASSOCIATION	229 WARD PKWY UNIT 303B	KANSAS CITY	MO	64112		
3	GARCIGA JULIO CESAR	1304 SE PRINCETON PL	LEES SUMMIT	MO	64081		
4	HAMLIN ANTOINE ALEXANDER	7902 E 89TH ST	KANSAS CITY	MO	64138		
5	WALTER JOHN DOUGLAS & SUSAN JANE	116 S PLEASANT	INDEPENDENCE	MO	64050		
6	DR MORTGAGE LIMITED LLC	2601 AIRPORT DR STE 290	TORRANCE	CA	90505		
7	DR MORTGAGE LIMITED LLC	2601 AIRPORT DR 290	TORRANCE	CA	90505		
8	WOODWIND TOWNHOMES ASSOCIATION	15609 E US 24 HWY	INDEPENDENCE	MO	64050		
9	HOLMQUEST JAMES S & DEBORA K	15413 MAYES RD	INDEPENDENCE	MO	64050		
10	ROGERS ROBERT L & CAROLYN S	1718 N LAKE CITY VALLEY RD	BUCKNER	MO	64016		
11	DR MORTGAGE LIMITED LLC	2601 AIRPORT DR 290	TORRANCE	CA	90505		
12	PETTY ELMER L	15411 MAYES RD	INDEPENDENCE	MO	64050		
13	BROWN JAMES M	12210 LYNDEL CIR	INDEPENDENCE	MO	64052		
14	AYLER DEBORAH K	15503 MAYES RD	INDEPENDENCE	MO	64050		
15	MCBEE PROPERTIES LC	1203 E US 24 HWY	INDEPENDENCE	MO	64050		
16	GILLEN GERALD A & A KATHER	15615 E US 24 HWY	INDEPENDENCE	MO	64050		
17	CONSOLIDATED LIBRARY DISTRICT NO 3	15616 E US 24 HWY	INDEPENDENCE	MO	64050		
18	RAMOS PROPERTIES LLC	111 E MAPLE AVE	INDEPENDENCE	MO	64050		
19	CAPELL WESTERN L	741 E WALNUT	INDEPENDENCE	MO	64050		

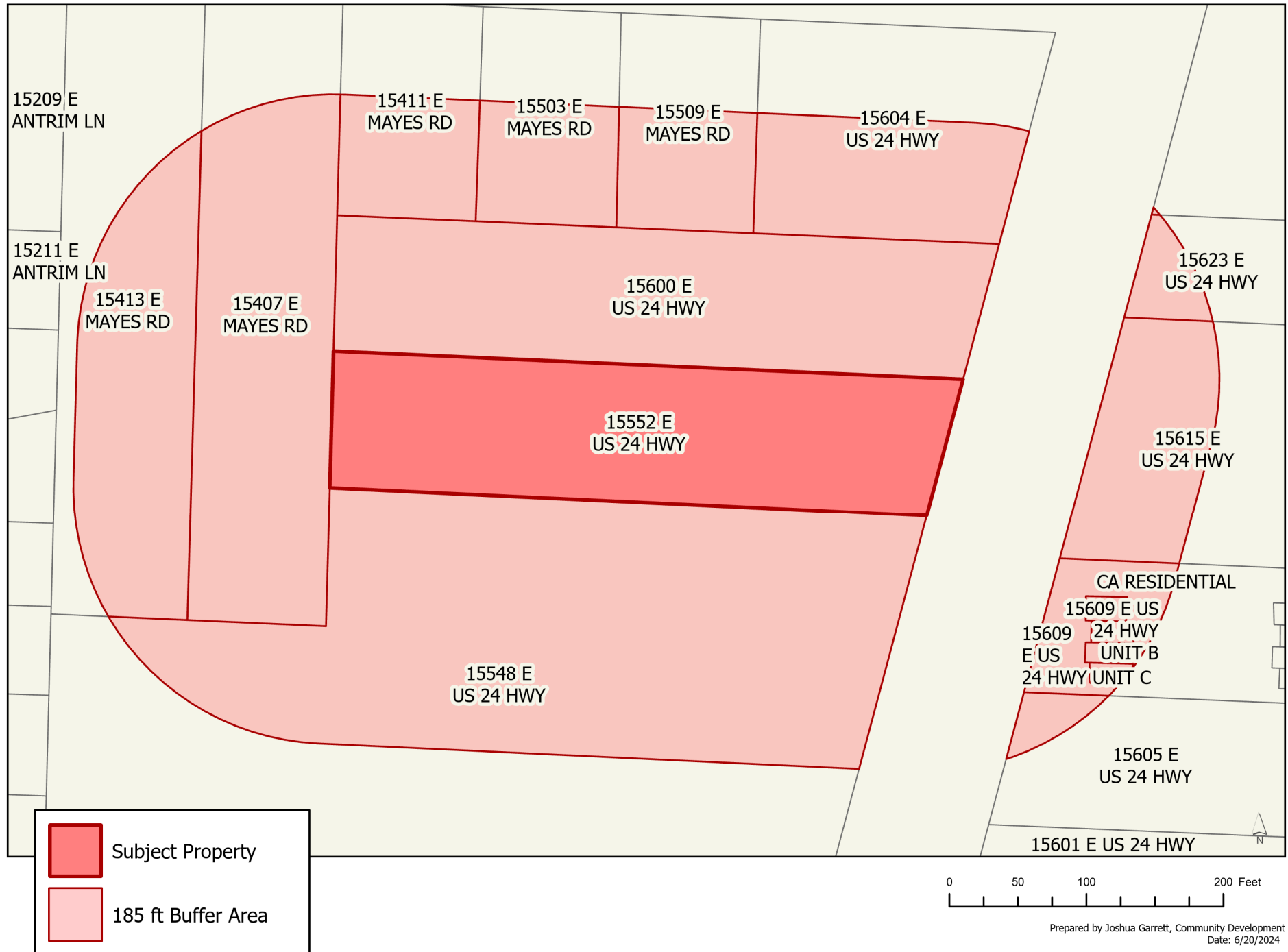
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Notification Area

24-100-16

15552 E US 24 Hwy, Independence, MO 64050



Appendix C - Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-100-16

I, Carolyn Rogers, of lawful age being first duly sworn upon oath, state:

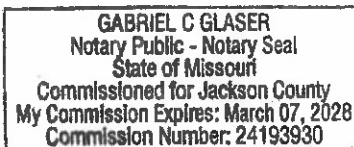
That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property.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

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

Carolyn Rogers
Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 12 day of July, 2024.

Gabriel C Glaser
Notary Public



03/07/2028
Commission Expiration Date





Parcels



Residential Neighborhoods

 Residential Urban Neighborhoods

Mixed Use

Neighborhood Commercial

Community Commercial

Regional Commercial

Office

 Business Park

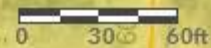
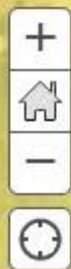
 Industrial

Civic/Public

 Community Attraction

 Parks

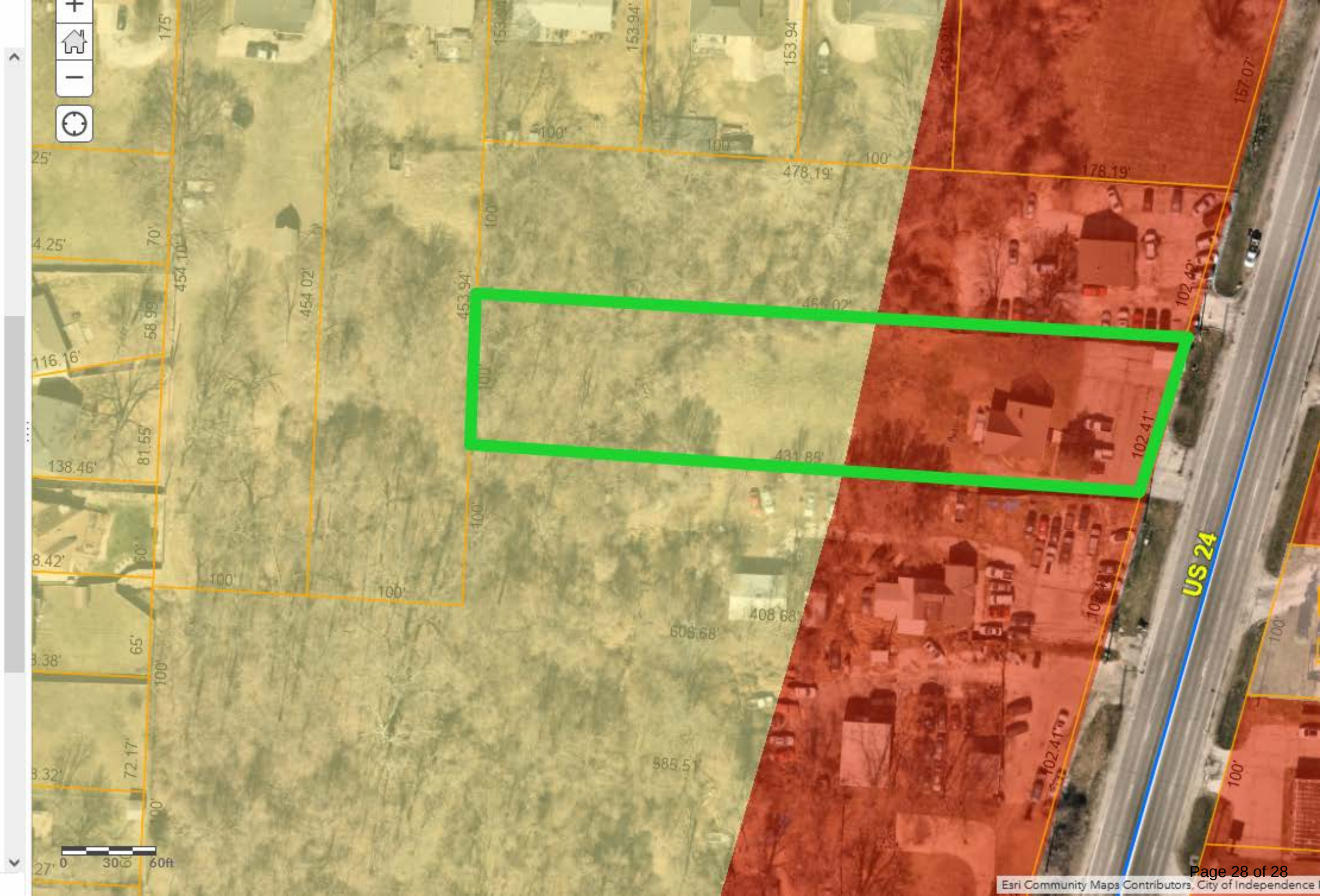
Agricultural



US 24

Legend

- 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



US 24