



Planning Commission Minutes

August 26, 2025 6:00 PM

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

CALL TO ORDER

A meeting of the Planning Commission was held at 6:00 PM on 8/26/2025, in the 111 E Maple Avenue, Independence, MO 64050. The meeting was called to order.

ROLL CALL

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

ELECTION OF OFFICERS

Chair and Vice-Chair

Motion

Commissioner Dan O'Neill made a motion to appoint Commissioner Laurie Dean Wiley as Chair and Commissioner Ashbaugh as Vice-Chair. Commissioner Jose Torres seconded the motion. The motion was approved Yes 7, 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.

1. **Planning Commission Minutes – August 12, 2025**

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

1. **Case 25-175-04 - UDO Amendment #75 – Fuel Sales & Auto Repair** – An Amendment to the Unified Development Ordinance pertaining to fuel sales and auto repair.

Staff Presentation

Rick Arroyo presented the case. Mr. Arroyo explained in 2023 amendments were made to the UDO to help prevent land use conflicts with auto related uses and the potential of altering the character of commercial corridors. One such amendment added a 750-foot separation requirement from other auto related uses for gasoline and fuel sales, and motor vehicle repair.

Since that time staff have recommended amendments to exempt this separation requirement for long-standing business along the Noland Road corridor, better known as the Miracle Mile, to help alleviate building challenges for businesses wishing to expand.

Mr. Arroyo stated this amendment seeks to expand this exemption to properties within four hundred (400) feet of an interstate. This amendment will better assist new fueling stations or vehicle repair businesses to invest and build within 400 ft of an interstate. This amendment would also allow these uses to expand and upgrade, if necessary, in the future.

In response to a question from Commissioner Nesbitt, Mr. Arroyo stated that reducing the distance requirement from 750 feet to 400 feet would still serve to prevent over-saturation of uses. Commissioner Nesbitt then asked whether the amendment would allow gas stations to be developed on all four corners of an interstate interchange. Mr. Arroyo responded that it would depend on the distance between intersections.

Commissioner Ashbaugh expressed concern with setting a strict distance requirement, stating he would prefer to evaluate each case on its own merits rather than by a fixed standard.

Regarding public comment, Commissioner Nesbitt stated that he is opposed to placing time limits on individual speakers. Commissioner Ashbaugh added that if a speaker is providing new or important information, they should be allowed to continue beyond any set timeframe.

Motion

Commissioner Eric Ashbaugh made a motion to limit the speakers to five minutes. He noted if new information was being provided, they could be allowed to speak longer. Commissioner Michael Young seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

Public Comments

Robert Merrit, 1834 S. Noland, representing Cable Dahmer, addressed the Commission. Mr. Merrit questioned the origin of the 400-foot requirement and asked why the proposed amendment also includes changes to the automotive/mechanic portion of the code.

Mr. Arroyo responded that the 400-foot standard is intended to apply not only to the current project but also to future projects along the I-70 corridor. He explained that the City has received

input from business owners who have expressed support for such an amendment, noting it would provide additional flexibility for businesses considering locating within the City.

Commissioner Comments

Commissioner Ashbaugh inquired whether the item could be tabled until the following case is decided. Mr. Arroyo clarified that the related Special Use Permit could not proceed without first adopting the proposed UDO amendment. In response to a question from Commissioner Nesbitt, Mr. Arroyo noted that QuikTrip is located approximately 410 feet from the interstate. He further explained that the measurement is taken from the MoDOT right-of-way.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Case 25-200-07 – Special Use Permit - 4023 S. Noland Road** – A request by Wally’s to operate a gas station.

Staff Presentation

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

In response to Commissioner Nesbitt’s question, Mr. Glaser confirmed the site has not yet been platted and noted that this plan would dedicate the streets to the City of Independence. Commissioner Nesbitt questioned why the City would want to assume responsibility for street maintenance.

Commissioner Ashbaugh commented that in his experience, he had never seen so many conditions contingent on additional plan submissions and reviews. Mr. Arroyo responded that this is a very complex project and emphasized that the plan before the Commission is preliminary in nature.

Commissioner Nesbitt observed that both K-Mart and Venture previously drew heavy traffic at this site without causing issues. He stated that traffic should be viewed positively, as it indicates business activity in Independence. Mr. Arroyo clarified that the proposed use differs significantly from past retail uses, and traffic patterns and study methodologies have since evolved.

Applicant Comments

Michael Rubenstein, CEO and Co-Founder of Wally’s, thanked the City for its collaboration and the citizens for participating in a community meeting held to discuss the project and answer questions. He shared the history of Wally’s and emphasized the company’s alignment with Independence’s legacy as the starting point of the great American road trip.

Mr. Rubenstein stated that the project will create over 200 jobs paying at or above minimum

wage, with a preference for using local contractors. He noted that Wally's paid for the demolition of the existing building as part of the acquisition, and the company is investing \$5–7 million in off-site improvements. He highlighted that Wally's is designed to be a travel destination known for its food, retail offerings, and clean restrooms, while prohibiting semi-tractor trailer traffic. Renderings of the proposed store and site were presented to the Commission.

Lindsey Diekemper, Civil Engineer with Cole & Associates, explained that screening for adjacent residential properties will include a 6-foot masonry wall, along with canopy plantings and trees. She stated that 51% of the site is dedicated to detention and green space, and the site will feature three access points, each with one entry lane and one exit lane.

In response to Commissioner Nesbitt, Ms. Diekemper confirmed discussions with staff are ongoing to address sanitary concerns. Mr. Arroyo added that the CIP project is in the design phase, and City staff will coordinate improvements with the applicant.

Julie Nolfo, Traffic Engineer with Lochmueller Group, summarized the traffic impact study, noting discussions with MoDOT and the City began in 2023. Data was collected while schools were in session, and five traffic scenarios—more than typically required—were analyzed, covering 21 intersections. A 10% traffic increase was factored in for conservatism.

Ms. Nolfo emphasized the need for acceleration and deceleration lanes off Noland Road and I-70. She stated that Wally's cannot be directly compared to QuikTrip or Buc-ee's, as their business model lies in between. She explained that Noland Road will be the primary access point, with recommended roadway and interchange improvements.

In response to Commissioner Nesbitt, Mr. Rubenstein confirmed that right-of-way acquisition will be necessary, but only after approval of the preliminary plan.

Chairwoman Wiley called a recess at 7:30 p.m. The meeting reconvened at 7:38 p.m.

Public Comments

Lucy Young, 2320 Viking Drive, expressed excitement about the development, noting the private investment without TIF support. She stated it aligns with the City's Strategic Plan and will provide an economic boost.

Bob Stikeleather, 16915 E. 54th Street, questioned whether the project will be included in the Noland Road Community Improvement District and asked when road improvements would occur and if all four ramps would be improved.

Mike Talcott, 1901 S. Lake Drive, supported the project as a way to reinforce Independence's identity as the "Queen City of the Trails," noting rejection might discourage future businesses.

Becky Hake, 10516 E. 26th Terrace, stated interstate travelers will benefit nearby restaurants and businesses, and may be encouraged to visit historic sites.

Wes Epperson, 3600 Poplar Ave, supported the project, citing Wally's investment in demolition and street improvements as a sign of commitment. He added the development would generate tax revenue otherwise lost to the proposed Lee's Summit Costco.

Robert Merritt, representing Cable Dahmer, said the business is neutral on the project. While additional traffic may help, he questioned whether the proposal fits the long-term needs of Noland Road. He also raised concerns about City street maintenance and the impact on food trucks currently using the area.

Robert Defuente, 211 E. Water Street, Springfield, representing Andy's Frozen Custard, spoke in favor, but expressed concern about customer awareness during construction. He stated Wally's has committed to keeping lanes open for their business.

Karen Downey, 5441 Phelps Road, Kansas City, and a property owner on Noland Road, opposed the proposal, citing traffic concerns and that the intersection is at max capacity, environmental concerns, and uncertainty about Wally's track record. She expressed concern about Wally's potential creation of a separate CID.

William Torres, 11504 E. 33rd Terrace, an engineer, stated it may be premature to approve. While mega-gas stations are popular, he said the corridor itself needs cleanup. He also questioned if this is what we want has our front door.

Dee Pack, 3206 Noland Road, CEO of Cargo Largo, voiced concerns that the project could undermine years of improvements led by the Noland Road CID. He questioned the sufficiency of the proposed \$5-7 million for roadway improvements believing it may cost twice that based on his recent construction experience and described the business as transient in nature.

Mr. Rubenstein reiterated that discussions with MoDOT will continue throughout the project. He noted Wally's first store, located at the start of Route 66, spurred significant economic growth.

Ms. Nolfo confirmed that all four interstate ramps will be improved as part of the project and stated MoDOT's second review is underway. Improvements are expected to be complete when Wally's opens. She again emphasized that Wally's should not be compared to Buc-ee's in terms of traffic impacts.

Commissioner Comments

In response to Commissioner Nesbitt, Nate Hale, Director of Construction with Wally's, stated that a sign package has not yet been submitted. He said they will aim to comply with the City's sign regulations and do not anticipate requesting a variance. He noted Wally's does not advertise gas prices but have tossed the idea around, confirmed sufficient power exists for EV charging, and stated both types of EV charging ports will be provided.

In response to Commissioner Nesbitt, Mr. Rubenstein stated Wally's will have security, extensive lighting, and cameras to ensure patron safety.

Commissioner Ashbaugh asked if Wally's would consider participation in the Noland Road

CID. Mr. Rubenstein confirmed they are currently members and are exploring funding options. He stressed they are not seeking a City-backed TIF.

Commissioner Nesbitt asked if they would be considering any economic incentives, yes or no, Mr. Rubenstein stated yes.

Chairwoman Wiley announced that she would abstain from voting on this case.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 5, No 1, Abstained 1.

ROUNDTABLE - NEXT MEETING SEPTEMBER 9, 2025

ADJOURNMENT

The meeting was adjourned at 8:44 p.m.