



Planning Commission Minutes

August 13, 2024 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 8/13/2024, 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, Dan O'Neill, Virginia Ferguson, Jose Torres, Michael Young.

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 Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

1. Planning Commission Minutes – July 23, 2024

CASES TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE SEPTEMBER 10, 2024 MEETING.

1. **Continued 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).

Motion

Commissioner Laurie Dean Wiley made a motion to continue the case to the September 10, 2024 meeting. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

2. **Continued 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.

Motion

Commissioner Dan O'Neill made a motion to continue the case to the September 10, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ELECTION OF OFFICERS

Motion

Commissioner Eric Ashbaugh made a motion for suspension of rules and to move the Election of Officers prior to the Public Hearing to provide experience for those newly elected. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

Commissioner Eric Ashbaugh made a motion to nominate Laurie Dean Wiley to be Chair. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 4, No 3, Abstained 0.

Commissioner Virginia Ferguson made a motion to nominate Edward Nesbitt as Chair. No Second. The motion was denied Yes 3, No 4, Abstained 0.

Chairperson Laurie Dean Wiley made a motion to nominate Eric Ashbaugh as Vice-Chair. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

Chairperson Wiley announced a five-minute recess to realign the Dias.

PUBLIC HEARINGS

1. **Continued Case 24-125-08 – Rezoning/PUD – 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.

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 condition of approval.

Applicant Comments

Rosemary Hoover, 3365 Blue Ridge Blvd., described why she felt her case was denied by City Council last year and respectfully asked that the re-zoning be approved.

Public Comments

No public comments.

Commissioner Comments

In response to Vice-Chair Ashbaugh's question, Mr. Harker stated their recommendation is based on previous comments made by multiple people at the Public Hearing and deliberations at the City Council Hearing, and it was not based on only one opinion or person's comment.

In response to Chairperson Wiley's question, Mr. Harker confirmed that at one time there was no electricity or heat at the property. Mr. Harker stated there are currently open code violations. The applicant returned to the podium and stated she was not aware of any code violations.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Jose Torres seconded the motion. The motion was denied Yes 3, No 4, Abstained 0.

OTHER BUSINESS

1. **Case 24-400-16 – Short-Term Rental – 601 S Main Street** – A request by Nicholas Brady to operate 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

Sharon & Gerad Brady, 19503 Navidad Bend Court, Cypress, TX, parents of the applicant, Nicholas Brady. Mrs. Brady described their excitement for this venture and showing their support for their son. They have processes in place to meet the City requirements and make sure they are being good neighbors. As well as bringing guests to the City of Independence to learn about it's history.

In response to Commissioner Nesbitt's question, Mrs. Brady confirmed their status for adding additional parking. She stated they will be adding a garage door opener and keypad to the existing garage. The guests will be made aware of the no parking area and cameras will be in place to help monitor this. Mr. Harker confirmed they will have the updated responsible agent listed on the license.

In response to the public comments, Mrs. Brady stated the platforms used would help hold one person responsible when renting out. She also explained the landscaping plans if approved and that the ramp would be removed. Mr. Brady addressed the tree's condition.

Public Comments

Anisha Zarigoza, 605 S Main Street, expressed her concern for privacy since there is no separation between her home and the potential rental. Ms. Zarigoza also mentioned a tree in the front yard in poor condition.

Nancy Bar, 519 S Main, expressed concern about adding pavement to the backyard for the additional parking as well as her concern about bringing short-term renters to the neighborhood.

Motion

Commissioner Edward Nesbitt made a motion to approve the case with Staff recommendations. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Case 24-400-17 - Short-Term Rental – 3021 S Ralston Ave** – A request by Terimbere Holdings LLC to operate 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

Arnauld Nakaha, 744 S 160 W American Fork, UT, described his history of rentals and his business process for short-term renting.

In response to Commissioner Ashbaugh & Nesbitt's questions, Mr. Nakaha addressed the condition of the curb in front and the fence line.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case with Staff recommendations. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-400-18 - Short-Term Rental – 4444 S. College Ave** – A request by Shawn Foster to operate 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

Shawn Foster, 3909 S Phelps Road, explained the home has been in his family since the 1950s and maintaining peace and not having issues is very important. He lives five minutes from the property and further described his experience and other rental properties he currently oversees.

In response to the citizen's concern, Mr. Foster stated he was not concerned about the dogs as long as they are behind the fence and not running free.

In response to Vice-Chair Ashbaugh's question, Mr. Foster stated he does not anticipate any issues meeting the Staff's conditions for approval.

Public Comments

Haley Tonavasa, 4440 S. College Ave., owns dogs and was concerned about the guests being disturbed by them. She also had letters from neighbors in opposition to the rental. The addresses are 4441 S. College Ave. & 4445 S. College Ave.

Motion

Commissioner Edward Nesbitt made a motion to approve the case with changes to #5 of the Staff Report to show 3 bedrooms and #4 to allow 8 person's total. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-400-19 - Short-Term Rental – 2311 S. Norwood Ave** – A request by Sadie Redmond to operate 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

Deshaun Amua, 11001 E 24th St., they own four other homes on that street and would like to turn this property into a short-term rental.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case with Staff recommendations.

Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING AUGUST 27, 2024

Chairperson Laurie Dean Wiley thanked everyone for their vote. She looks forward to working with everyone in this role. She encouraged everyone to complete their Mid-America Regional Council Training.

Rick Arroyo welcomed Commissioner Michael Young to the committee. Mr. Arroyo presented Cindy McClain with a plaque, thanking her for her nearly nine years of service.

ADJOURNMENT

Meeting adjourned at 8:19pm