



Planning Commission Minutes

July 14, 2026 6:00 PM

20201 E Jackson Drive, Independence, MO 64057

CALL TO ORDER

A meeting of the Planning Commission was held on 7/14/2026 at 6:00 PM at 20201 E Jackson Drive, Independence, MO 64057. 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 - .

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 23, 2026

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

PUBLIC HEARINGS

1. **Case 26-125-04 – Rezoning/PUD – 19901 E. M-78 Highway** – A request 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

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.

Applicant Comments

Cindy Lombardo, 1617 N. Glenview Court, stated she was representing the church. She stated it is a wonderful church and that members have expressed a need for child care services. She believes the proposed day care would be a great opportunity for local families. She stated the facility would serve fewer than 100 children.

Public Comments

Stephen Newby, 1005 NW Crestwood Drive, Grain Valley, stated he was representing the nearby Beacon Heights Church. He stated the church did not oppose the proposed day care use. He asked whether a future property owner would be required to return for a public hearing if they wanted to change the use allowed under the Planned Unit Development (PUD).

Mr. Glaser explained that the PUD application only permits the additional land use requested in this case. He stated that if a future proposal sought to change the approved use or otherwise modify the development beyond what is permitted, a separate application and review process could be required, depending on the nature of the proposal.

Motion

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

OTHER BUSINESS

1. **Case 26-400-78 – Short-Term Rental – 12808 E. 47th Ter Ct S** – A request to operate a Short-Term Rental at the property.

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

Elaina Gurung, 12808 E. 47th Terrace Court S., stated she conducted a trial short-term rental during June and July for the FIFA World Cup. She stated she remitted transient guest taxes, completed the required inspections, complied with City licensing requirements, utilized a noise monitoring system, and communicated expectations to guests through Airbnb. She stated the experience has gone well and has been a positive opportunity.

Commissioner Nesbitt asked whether Ms. Gurung owned the entire duplex or only one side. Ms.

Gurung stated she owns one side of the duplex and that the adjoining property owner was aware of the short-term rental.

Commissioner Young asked whether Ms. Gurung resided at the property. Ms. Gurung stated she currently resides elsewhere.

Public Comments

Jermaine Wilson, 4746 S. Union Avenue, stated he was representing the Voorheis Vale Board of Directors and Homeowners Association. He stated the HOA opposed the request, citing noise complaints during the trial period and conflicts with the HOA's governing documents.

Jennita Gray, 4743 S. Union Avenue, stated she was the HOA Co-Chairperson. She stated the community is primarily made up of senior citizens and families and that residents value the neighborhood's character. She stated the HOA approved the short-term rental only as a temporary arrangement during the FIFA event and opposed making it permanent due to concerns about noise and preserving the residential nature of the neighborhood. She added additional residents were present in support of the HOA's position, although they did not wish to speak individually.

Valerie Martin, 4738 S. Union Avenue, stated she purchased her home with the understanding that the neighborhood would remain residential. She stated she supports maintaining the community's character and following the HOA's governing documents.

Ms. Gurung stated the property utilizes a noise monitoring system and that the adjoining property owner has her contact information. She stated this was the first time she had heard of any noise complaints and wished those concerns had been brought directly to her. She explained the monitoring system notifies her of elevated noise levels and other activity so she can address issues if they arise.

Commissioner Nesbitt asked whether Ms. Gurung wished to withdraw her application or proceed. Mr. Arroyo clarified that the Planning Commission does not enforce HOA covenants, which are private matters between the property owner and the HOA. He stated the

Commission's role is limited to the City's zoning regulations and that the applicant is responsible for complying with any HOA requirements. He also confirmed that if the request were denied, the applicant could submit a new application in the future.

Ms. Gurung stated she preferred to postpone consideration of the application while addressing the HOA's concerns.

Mr. Scannell suggested postponing the case indefinitely rather than withdrawing it so the applicant would not have to submit a new application or pay another application fee if she wished to return after working with the HOA. Ms. Gurung agreed with the recommendation.

Motion

Commissioner Eric Ashbaugh made a motion to postpone the case indefinitely. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

2. **Case 26-400-80 – Short-Term Rental – 1215 E. South Ave** – A request to operate a Short-Term Rental at the property.

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 and noted the applicant was not in attendance.

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 5, No 2, Abstained 0.

3. **Case 26-175-03 – UDO Amendment #80 – Data Centers & Battery Energy Storage Systems (BESS)** – A request to amend the Unified Development Ordinance relating to Data Centers and Battery Energy Storage Systems.

Staff Presentation

Community Development Director Tom Scannell presented UDO Amendment No. 80, establishing regulations for data processing and hosting facilities (data centers) and battery energy storage systems (BESS). He stated the proposed amendment creates modern, use-specific standards to provide clear expectations for applicants while protecting surrounding neighborhoods, infrastructure, public safety, and the general welfare. He explained the amendment establishes regulations for accessory, small, and major data centers based on facility size and intensity, including zoning restrictions, setbacks, buffering, landscaping, noise, lighting, generator testing, cooling systems, annual compliance reporting, decommissioning requirements, and public notification. He stated the proposed definitions are based on the function and intensity of the facility rather than specific technologies, allowing the regulations to remain flexible as technology evolves. He further explained the amendment creates new standards for utility-scale battery energy storage systems, including setbacks, buffering, screening, emergency response planning, compliance with applicable fire and building codes, annual certifications, financial assurance, and decommissioning requirements. He stated the proposed regulations are intended to provide predictable review standards while supporting economic development and protecting the community.

Commissioner Nesbitt asked how the proposed regulations would be enforced, whether the City has adequate staffing to investigate complaints, how the regulations would apply to existing accessory data centers, and whether vacant buildings could be converted into small data centers. Mr. Scannell stated Community Development, along with other City departments, would enforce the regulations, including investigating noise complaints and monitoring compliance with applicable standards. He explained the accessory data center regulations would apply going

forward and that accessory facilities serving a principal use would not require a Special Use Permit. He further explained that vacant buildings could potentially be repurposed as small data centers if they complied with all applicable zoning, performance, building, fire, and safety requirements. Mr. Scannell stated the proposed regulations include standards related to noise, lighting, generator testing, cooling systems, landscaping, annual compliance reporting, and decommissioning. He also noted the current approved data center project is exempt from the proposed ordinance because it received approvals prior to its adoption, although many similar requirements were incorporated into its development agreement.

Commissioner Ashbaugh asked about long-term maintenance of required landscaping and clarification of the proposed 500-foot separation requirement. Mr. Scannell stated required landscaping must be maintained and is subject to inspection and enforcement if concerns are reported. He explained the proposed 500-foot separation would be measured from property line to property line between a data center and protected uses such as residential properties, schools, hospitals, parks, and similar uses.

Commissioner Young recommended several revisions to the proposed amendment, including requiring Small and Major Data Processing & Hosting facilities to provide financial assurance for decommissioning similar to Battery Energy Storage Systems, requiring parking that meets the City's standard UDO requirements to better accommodate future reuse, increasing the neighborhood meeting notice from 15 days to 30 days with notices sent by certified mail, and clarifying that only projects with an issued building permit prior to the effective date of the ordinance would be exempt from the new regulations.

Commissioner Ashbaugh asked about building height limitations and underground construction. Mr. Scannell explained that major data centers would be subject to the I-1 zoning district regulations, which do not establish a maximum building height, and that underground data centers would not be permitted because they are only allowed within the I-1 zoning district, not the Underground Zoning District.

Chairwoman Wiley asked about the distinction between small and major data centers, utility capacity, the purpose of the proposed amendment, the duration of the moratorium, and whether the ordinance represented an appropriate balance between protecting the public while remaining supportive of economic development. She also expressed concern that the proposed amendment appeared to have been developed too quickly and asked whether additional time would be beneficial before adopting the regulations. Mr. Scannell explained the amendment establishes regulations where none currently exist, balances economic development with public health, safety, and welfare, and was developed after reviewing best practices from other communities. He stated the IPL Director was comfortable with the proposed 2.5-megawatt threshold for small data centers and that requiring closed-loop cooling systems would help preserve the City's water supply. Mr. Scannell stated the moratorium remains in effect for 180 days or until the regulations are adopted, noted the Unified Development Ordinance can be amended in the future as circumstances change, and stated staff believed the proposed amendment was ready for consideration.

Commissioner Nesbitt asked about the operation of closed-loop cooling systems, screening

requirements, disposal of water from cooling systems, and the process for future amendments to the Unified Development Ordinance. Mr. Arroyo explained cooling equipment is typically located outdoors but must comply with applicable screening requirements, and that disposal of water would be subject to applicable environmental regulations.

In response to Commissioner Ashbaugh's question, Mr. Scannell noted the Unified Development Ordinance is regularly amended as needed and that amendment requests may be initiated by staff, citizens, elected officials, or the Planning Commission.

Commissioner Nesbitt asked whether small data centers would require public notification and whether there were any pending Battery Energy Storage System applications. Mr. Scannell explained small data centers would not require a Special Use Permit or public notification if they met the ordinance requirements. He further stated the City does not currently have any Battery Energy Storage System applications but has discussed the concept with Independence Power & Light and is proposing the regulations proactively.

Public Comments

Daniel Morehead, 716 N. Blue Mills Road, stated he was representing the Independence Guard Alliance. He expressed support for establishing regulations for data centers but recommended additional study before adopting the proposed amendment. He stated the ordinance should further distinguish between different types of data centers, incorporate additional performance standards, and require projects without issued building permits to comply with the new regulations. He also expressed concern that the proposed amendment exempted projects with pending applications and stated he had previously submitted recommended ordinance language for the City's consideration.

Commissioner Comments

Commissioner Nesbitt requested additional discussion regarding Mr. Morehead's comments about future use of generators. Mr. Scannell explained residential generators are subject to the City's permitting and inspection requirements but are not specifically regulated under the proposed amendment. Commissioner Nesbitt expressed concern about potential future noise impacts and suggested the City continue monitoring emerging technology.

Chairwoman Wiley asked whether the Planning Commission could postpone consideration of the proposed amendment to allow additional study. Mr. Scannell explained the Planning Commission's options under the Unified Development Ordinance were to recommend approval, approval with modifications, or denial, and that any recommendation would be forwarded to the City Council for final consideration.

Chairwoman Wiley asked Commissioner Young to summarize his proposed amendments for the record. Commissioner Young restated his proposed changes, and Mr. Scannell summarized the amendments to confirm staff's understanding.

Commissioner Nesbitt stated he supported several of the proposed changes but believed additional study was needed before making a recommendation.

Motion

Commissioner Michael Young made a motion to make the following changes to the proposed UDO:

1. Revise the Small and Major Data Processing & Hosting regulations to match the Battery Energy Storage System (BESS) financial assurance requirements, including requiring a bond or irrevocable letter of credit for decommissioning.
2. Require new Small and Major Data Processing & Hosting facilities to provide parking that meets the City's standard UDO requirements to better accommodate future reuse if the facility is decommissioned.
3. Increase the neighborhood meeting notice for Major Data Processing & Hosting facilities from 15 days to 30 days and require notices to be sent by certified mail.
4. Clarify that only projects with an issued building permit prior to the effective date of the ordinance are exempt from the new regulations; projects with pending applications must comply with the updated UDO requirements.

Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

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

ROUNDTABLE - NEXT MEETING JULY 28, 2026

ADJOURNMENT

The meeting was adjourned at 8:11 p.m.

INFO ONLY - CASE WITHDRAWN

Case 26-400-52 – Short-Term Rental – 12305 E 46th Ter S – A request to operate a Short-Term Rental at the property.