



Planning Commission

August 25, 2026 6:00 PM

20201 E Jackson Drive, Independence, MO 64057

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 – August 11, 2026
2. **Case 26-320-04 – Final Plat – Jackson Place, 2nd Plat** – A request to approve a final plat located generally southeast of Jackson Drive and south of R. D. Mize Road.

CASE TO BE CONTINUED - STAFF RECOMMENDS THIS CASE BE CONTINUED TO THE SEPTEMBER 15, 2026 MEETING.

1. **Case 26-125-05 – Rezoning/PUD – 934 E 23rd Street S** – A request to rezone the property from C-1 (Neighborhood Commercial) to R-12/PUD (Two Family Residential/Planned Unit Development) and approve a preliminary development plan.

PUBLIC HEARINGS

1. **Continued Case 26-200-04 – Special Use Permit – 1717 S. Appleton Ave** – A request for a Special Use Permit to operate a tattoo shop.
2. **Case 26-100-09 – Rezoning – 17610 E. Bolger Rd** – A request to rezone the property

from R-30/PUD (High Density Residential/Planned Unit Development) to C-2 (General Commercial).

OTHER BUSINESS

1. **Case 26-600-01 – Special Sign Permit – 17610 E. Bolger Rd** – A request by Dillons for approval of a Special Sign.
2. **Case 26-175-04 – UDO Amendment #81 – New Evidence** – A request to amend the Unified Development Ordinance relating to new evidence.

ROUNDTABLE - NEXT MEETING SEPTEMBER 15, 2026

ADJOURNMENT



Planning Commission Minutes

August 11, 2026 6:00 PM

20201 E Jackson Drive, Independence, MO 64057

CALL TO ORDER

A meeting of the Planning Commission was held on 8/11/2026 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, Dan O'Neill, Virginia Ferguson, Jose Torres, Michael Young. Absent - Edward Nesbitt.

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 – July 28, 2026

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

CASE TO BE CONTINUED – Staff requests this case be continued to the August 25, 2026 meeting.

1. **Case 26-200-04 – Special Use Permit – 1717 S. Appleton Ave** – A request for a Special Use Permit to operate a tattoo shop.

Commissioner Michael Young made a motion to continue the case to August 25, 2026. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0,

Abstained 0.

OTHER BUSINESS

1. **Case 26-400-86 – Short-Term Rental – 16012 E 31st St 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

Carolyn Rosetti, 16012 E 31st Street S, appeared regarding her short-term rental request. She stated that the rental was initially intended for FIFA but continued after listing issues limited her bookings. She reported 17 days of successful rentals to five groups from Argentina and Ecuador. Ms. Rosetti clarified that only two bedrooms would be rented, with the third bedroom remaining an office. She also discussed measures taken to address the driveway, including temporary fencing and other barriers.

Public Comments

No public comments.

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.

PUBLIC HEARINGS

1. **Case 26-100-06 – Corrective Rezoning – 221 N. Crysler Avenue** – A request to rezone the property from C-2 (General Commercial) and R-30/PUD (High Density Residential/Planned Unit Development) to R-6 (Single Family Residential).

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.

Applicant Comments

Samuel Gouldsmith, 1519 N Seminal Dr, explained that increasing overhead and property maintenance costs, combined with the inability to refinance the property, had created a financial hardship. He stated that the rezoning would allow the property's zoning to reflect its current use, which was required by his lender.

Public Comments

No public comments.

Motion

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

2. **Case 26-100-07 – Rezoning – 914 & 916 E. Frederick Street** – A request to rezone the property from R-30/PUD (High Density Residential/Planned Unit Development) to R-6 (Single Family Residential).

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.

Applicant Comments

Joren Branstetter, 2003 N. Ponca Drive, stated he plans to construct two single-family homes on the property to be added to their rental portfolio. The proposed homes would be four-bedroom, two-and-a-half-bath, story-and-a-half homes on 50-foot-wide lots.

Mr. Glaser stated staff had no concerns with the rezoning and that the building permits are under review, contingent upon approval of the rezoning. He noted that 50-foot-wide lots are not uncommon in older areas of the City.

Public Comments

No public comments.

Motion

Commissioner Michael Young made a motion to approve the case. Commissioner Jose Torres seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. **Case 26-100-08 – Rezoning – 515 S. Powell Road** – A request to rezone the property from R-12/PUD (Two-Family Residential/Planned Unit Development) to R-A (Residential-Agricultural).

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 explained the rezoning to residential agriculture would allow agricultural structures, including the proposed greenhouse and storage building, without an existing residence on the property.

Applicant Comments

Ryan Jennings, 515 S. Powell Road, stated he plans to construct a greenhouse and storage building for agricultural use. He is applying for a State of Missouri cost-sharing program to assist with the greenhouse, with a portion of the produce to be donated to the community. He stated the produce would be grown organically and used personally or donated, not sold.

Public Comments

No public comments.

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.

ROUNDTABLE - NEXT MEETING AUGUST 25, 2026

ADJOURNMENT

The meeting was adjourned at 6:41 p.m.

MEETING DATE: August 25, 2026

STAFF: Brian L. Harker, Planner

PROJECT NAME: Jackson Place – 2nd Plat

CASE NUMBER/REQUEST: **Case 26-320-04 - Final Plat – Jackson Place, Second Plat** – A request to approve a Final Plat generally located southeast of S. Jackson Drive and south of E. R.D. Mize Road.

APPLICANT/OWNER: James Pollard

PROPERTY LOCATION: Southeast of S. Jackson Drive and south of E. R.D. Mize Road

SURROUNDING ZONING/LAND USE:

North: R-12 (Two-Family Residential)...developing residential development
East: R-6 (Single-Family Residential)...single-family houses
South: R-6 (Single-Family Residential)...railroad right-of-way and undeveloped tract
West: R-6 (Single-Family Residential)...undeveloped tract

FURTHER ACTION:

Following action by the Planning Commission, this application is scheduled for first reading by the City Council on September 21, 2026 and the second reading on October 5, 2026.

RECOMMENDATION

Staff recommends **APPROVAL** of this Final Plat with the following conditions.

1. Provide 7½-foot wide rear general utility easements.
2. Label the cul-de-sac street on the plat as, “S. Glenview Court.”
3. Indicate that the new sidewalk along S. Glenview Court is five feet in width and the existing multiple-purpose path along South Jackson Drive is 8 feet in width.
4. A buffer fence and associated landscaping shall be provided in the street side yards of the lots abutting the S. Jackson Drive rights-of-way. Responsibility and descriptions of the buffer fence and plantings as described in the CC&Rs that was recorded with the First Plat, shall also apply. Further, these improvements will be indicated on each lot’s plot plan. Recorded deed restrictions or other type of guarantees will be necessary to prevent the required buffer fence from being removed.
5. This plat shall also meet the parking requirements of City Code Section 14-501-05, while not obstructing sidewalks. Paved areas of front and street side yards shall meet City Code Section 14-501-10-B.
6. The development entrances shall meet minimum sight-distance requirements.
7. Lots encroaching on the flood plain shall require development flood plain permits and compliance with City of Independence FEMA regulations.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by James Pollard for Final Plat approval of Jackson Place located at southeast S. Jackson Drive and south E. R.D. Mize Road.

Current Zoning: R-12 (Two-Family Residential)

Current Use: Vacant tract

PROPOSAL:

This Final Plat includes 9 duplex lots along with two common area tracts. Each residential unit will have a sprinkler system and there will be a homeowners association established which will maintain the yards and common areas. The townhomes will be offered for sale and priced at approximately \$450,000 and \$225,000 per side.

PHYSICAL CHARACTERISTICS OF PROPERTY:

Both phases of the development have a fairly flat topography. The existing narrow tracts located northwest and southeast of an “S” curve in Jackson Drive will contain two aligned, dead-end streets ending in cul-de-sacs. This Final Plat will be the portion southeast of S. Jackson Drive. Duplexes will have individual single-car garages and contiguous one or two-car wide driveways. Buffer fencing and landscaping will provide screening from the S. Little Blue Parkway rights-of-way.

CHARACTERISTICS OF THE AREA:

To the east of the property sets single-family houses on R-6 (Single-Family Residential) zoned lots. The First Plat, to the north, is currently under construction. To the west is a wooded undeveloped tract zoned R-6 (Single-Family Residential). Undeveloped woodland lies south of the railroad tracks and is zoned R-6 as well.

ANALYSIS

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

All utility services are adjacent to right-of-way or nearby. There are water and electric mains in the new development to the northwest and in the south Jackson Drive right-of-way. There is a sanitary main located along the adjacent creek on the south.

Floodplain/Stream Buffer:

Portions of this Second Plat, along the stream crossing the proposed plat, are in a federally designated floodplain.

There is a third-order stream located within the tract. Third-order streams shall have a minimum average buffer width of 125-feet on each side, with streamside zone of 35-feet, a middle zone of 65-feet, and an outer zone of 25-feet.

Elevations:

The applicant’s applications indicate two styles of duplex, one to be used with the first plat and another with the second plat.

Driveways:

Each individual unit will have one garage and a contiguous one or two-car wide, 25-foot deep driveway, creating as many as two to three parking spaces per unit.

Streets and Access:

The second plat will be accessed by a right-of-way that intersects Jackson Drive at a right angle, aligning with the existing break in the median located near the midpoint of the “S” curve.

Landscaping:

An opaque buffer fence and associated landscaping will be provided in the street side yards of the lots abutting the S. Jackson Drive rights-of-way. Responsibility and descriptions of the buffer fence and plantings were described in the CC&Rs required to be recorded with the Final Plat. Further, these improvements will be indicated on each lot’s plot plan.

Covenants (CC&R’s):

A copy of the CC&R’s was recorded with the First Final Plat.

CIP Investments:

The city does not have any capital improvements projects planned near this area.

EXHIBITS

1. Cover Letter
2. Application
3. Final Plat
4. Legal
5. Duplex Two Design

June 10, 2026, 2026

Jackson Place, Phase 2- Final Plat

Project Narrative

Jackson Place, Phase 2 is the second phase of the Jackson Place development on Jackson Drive, south of R.D.Mize Road. Jackson Place, when fully developed will have 33 duplex lots and 1 commercial lot in 2 phases.

This phase consists of 9 lots for duplexes and 1 tract.

Currently, the utility infrastructure for the second phase is under way with curbing, sidewalk and paving slated to be complete around the first of September, 2026.

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

Jackson Place, Second Plat

Project Name

Jackson Drive at R.D.Mize Drive

Project Address/Location

3300/Duplex

7.7 (Lots & Tracts)

9/1

Yes

Sq. Ft. of Building

Acreage

Number of Lots/Tracts

Steam Buffer (Yes or No)

R-12

R-12

Vacant

MF Duplexes

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

Applicant

Jim Pollard

N/A

Name

Company

Phone

Email

Owner

Same As Applicant

Name

Company

Address

Phone

Email

Architect/Engineer/Surveyor/Other:

Kevin Sterrett

Hg Consult, Inc.

Name

Company

Phone

Email

Architect/Engineer/Surveyor/Other:

Name

Company

Address

Phone

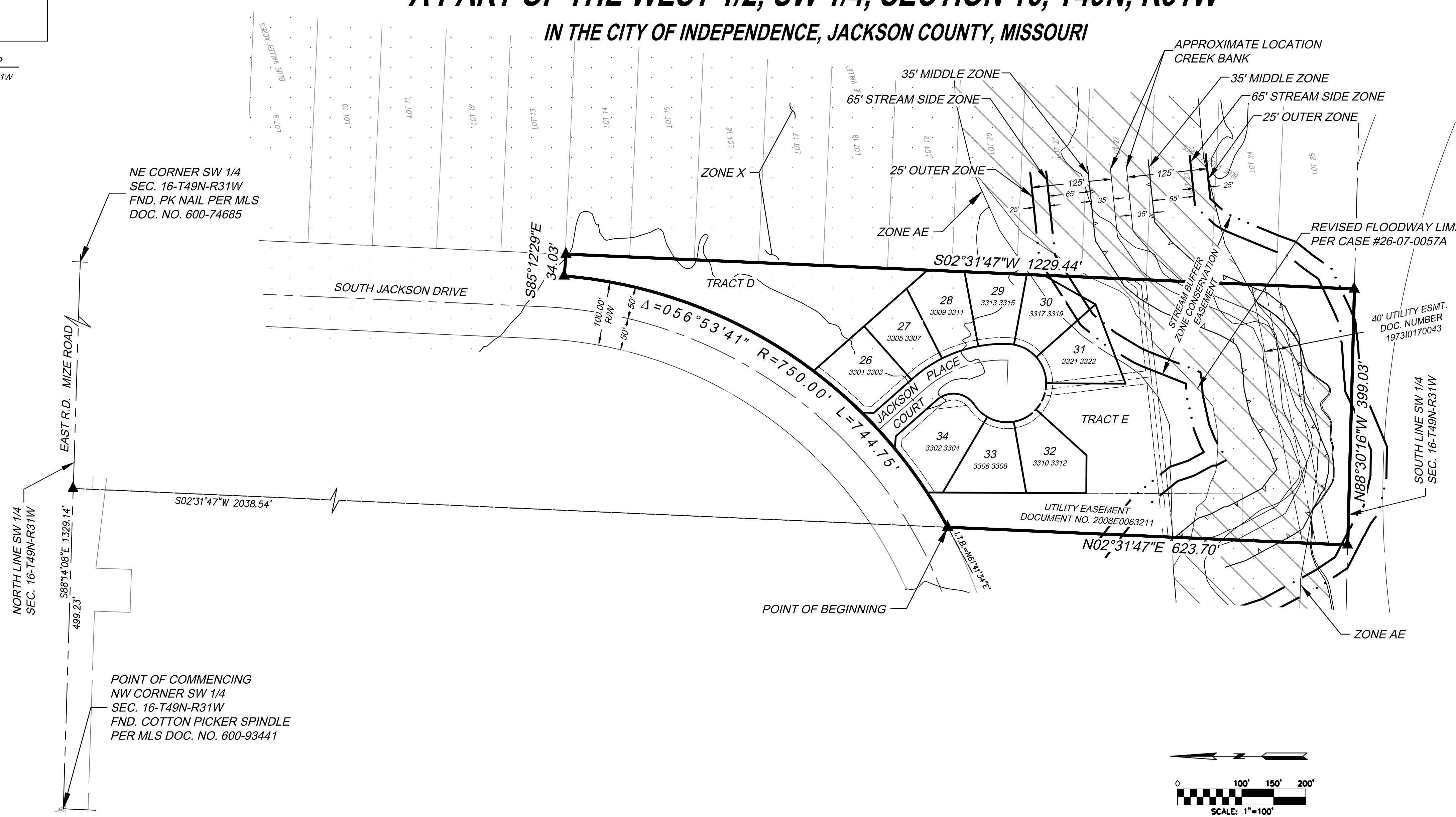
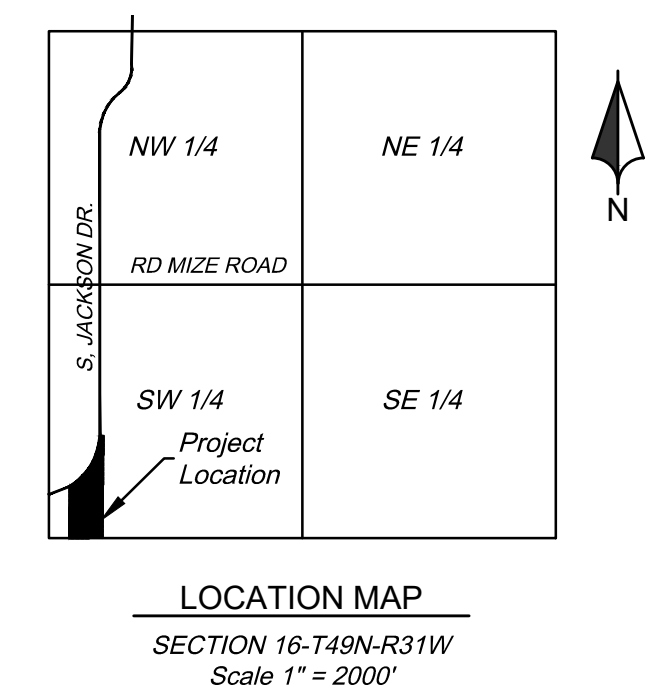
Email

The applicant hereby agrees that the information provided above is accurate.

 6/29/26
Applicant's Signature Date

 6/29/26
Owner's Signature Date

JACKSON PLACE - 2ND PLAT
LOTS 26 THRU 34, TRACTS D & E
A PART OF THE WEST 1/2, SW 1/4, SECTION 16, T49N, R31W
IN THE CITY OF INDEPENDENCE, JACKSON COUNTY, MISSOURI



PROPERTY DESCRIPTION:
All that part of the West Half of the Southwest Quarter of Section 16 Township 49 North, Range 31 West, in the City of Independence, Jackson County, Missouri, more particularly described by R. Kevin Sterrett, Mo. PLS #2469 of Hg Consult, Inc. as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 16; thence South 88 degrees 14 minutes 08 seconds East, along the North line of said Southwest Quarter, a distance of 499.23 feet; thence South 02 degrees 31 minutes 47 seconds West, a distance of 2038.54 feet to the East right-of-way line of South Jackson Drive, as now established and to the POINT OF BEGINNING; thence Northeasterly and Northerly, along said East right-of-way line and along a curve to the left, having a radius of 750.00 feet, and whose initial tangent bearing is North 61 degrees 41 minutes 34 seconds East, and a central angle of 056 degrees 53 minutes 41 seconds, an arc distance of 744.75 feet; thence South 85 degrees 12 minutes 29 seconds East, a distance of 34.03 feet, to the West line of BLUE VALLEY ACRES, a subdivision now in the City of Independence, Jackson County, Missouri; thence South 02 degrees 31 minutes 47 seconds West, along said West line, a distance of 1229.44 feet to the South line of the Southwest Quarter of said Section 16; thence North 88 degrees 30 minutes 16 seconds West, along the South line of said Southwest Quarter, a distance of 399.03 feet; thence North 02 degrees 31 minutes 47 seconds East, a distance of 623.70 feet to the POINT OF BEGINNING. Containing 336,670 square feet or 7.729 acres, more or less.

DEDICATION: THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREIN HAS/HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THIS PLAT AND THE PROPERTY SHALL HEREAFTER BE KNOWN AS "JACKSON PLACE - 2ND PLAT".

IN TESTIMONY WHEREOF, THE UNDERSIGNED OWNERS HAVE HEREUNTO SET THEIR HANDS THIS _____ DAY OF _____, 20 ____.

JAMES W. POLLARD

STATE OF MISSOURI)
COUNTY OF JACKSON) SS:
ON THIS _____ DAY OF _____, 20 ____, BEFORE ME PERSONALLY APPEARED THE ABOVE PERSON(S), TO ME KNOWN TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN SAID COUNTY AND STATE THE DATE AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC MY COMMISSION EXPIRES:

ACKNOWLEDGEMENTS:

THIS CERTIFIES THAT THE WITHIN PLAT OF "JACKSON PLACE - 2ND PLAT" INCLUDING EASEMENTS AND RIGHTS-OF-WAY WAS SUBMITTED AND APPROVED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF INDEPENDENCE, MISSOURI PURSUANT TO ORDINANCE NO. _____.

TOM SCANNELL, DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT DATE

SUSANNE HOLLAND, CITY CLERK DATE

ALEXANDER LOPEZ, CITY ENGINEER DATE

APPROVED BY JACKSON COUNTY ASSESSOR'S OFFICE:

JACKSON COUNTY ASSESSMENT DEPARTMENT DATE

KEY:
m = MEASURED
p = PLATTED
I.T.B = INITIAL TANGENT BEARING
▲ INDICATES MONUMENT FOUND
▲ INDICATES SET 1/2" IRON BAR W/CAP

STREETS: THE STREETS SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

BUILDING LINES: BUILDING LINES OR SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE CONSTRUCTED BETWEEN THIS LINE AND THE STREET RIGHT-OF-WAY LINE.

EASEMENTS: AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY INDEPENDENCE, MISSOURI, TO LOCATE, CONSTRUCT AND MAINTAIN, OR TO AUTHORIZE THE LOCATION, CONSTRUCTION AND MAINTENANCE OF POLES, WIRES, ANCHORS, CONDUITS, AND / OR STRUCTURES FOR WATER, GAS, SANITARY SEWER, STORM SEWER, ELECTRICITY, TELEPHONE, CABLE TELEVISION, OR ANY OTHER NECESSARY PUBLIC UTILITY OR SERVICES, ANY OR ALL OF THEM, UPON, OVER, OR UNDER THOSE AREAS OUTLINED OR DESIGNATED UPON THIS PLAT AS UTILITY EASEMENTS (U/E), SANITARY SEWER EASEMENTS (SSE) OR STORM DRAINAGE EASEMENTS (SDE), OR WITHIN ANY STREET OR THOROUGHFARE DEDICATED TO PUBLIC USE ON THIS PLAT.

GRANTOR, ON BEHALF OF HIMSELF, HIS HEIRS, HIS ASSIGNS AND SUCCESSORS IN INTEREST, HEREBY WAIVES, TO THE FULLEST EXTENT ALLOWED BY LAW, INCLUDING, WITHOUT LIMITATION, SECTION 527.188, RSMO. (2006), ANY RIGHT TO REQUEST RESTORATION OF RIGHTS PREVIOUSLY TRANSFERRED AND VACATION OF THE EASEMENT HEREIN GRANTED.

STORM DRAINAGE: INDIVIDUAL LOT OWNERS SHALL NOT CHANGE OR OBSTRUCT THE FLOW PATH ON LOTS, UNLESS SPECIFIC APPLICATION IS MADE AND APPROVED BY THE CITY ENGINEER.

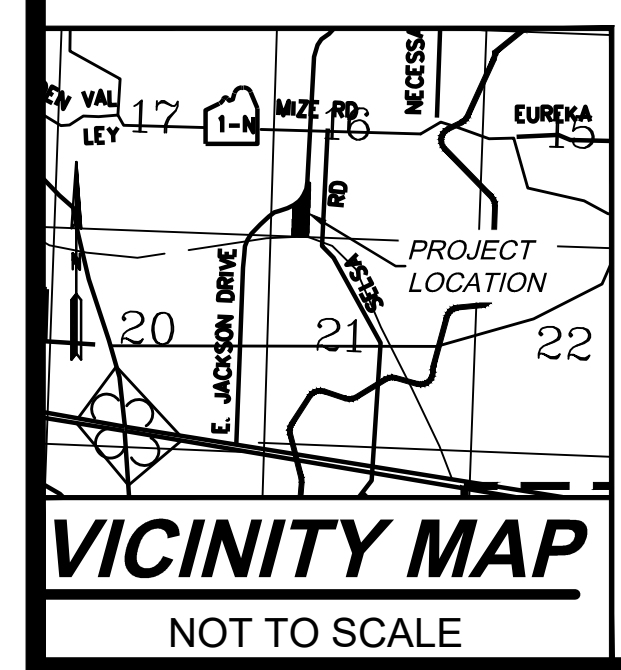
MISSOURI STATE PLANE COORDINATES:
MISSOURI STATE PLANE COORDINATES, WERE OBTAINED USING KC METRO CONTROL MONUMENT, JA-43 MONUMENT
COORDINATES = N 307528.309 M
E 860514.793 M
GRID FACTOR 0.9998981

- NOTES:**
- ▲ DENOTES FOUND MONUMENTATION AS NOTED.
 - ▲ DENOTES 1/2" IRON BAR WITH PLASTIC CAP LS-2469 SET THIS PLAT.
 - ALL MONUMENTATION TO BE SET WITHIN 3 MONTHS OF THE RECORDING OF THIS PLAT.
 - THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN "URBAN PROPERTY" SURVEY.
 - PROPERTY INFORMATION SHOWN HEREON (RECORD DESCRIPTIONS, EASEMENTS, ETC.) WERE PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY BY COMMITMENT FILE NO. 1595739, WITH A COMMITMENT DATE OF SEPTEMBER 20, 2021 AT 8:00 A.M..
 - THE APPROVED DWELLING SIZE CLASSIFICATION FOR THIS PLAT IS: CLASS E 1,400 S.F.
 - ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 28095C0344G, REVISED JANUARY 20, 2017, THIS TRACT GRAPHICALLY LIES IN OTHER AREAS, ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE OF 0.2% ANNUAL CHANCE FLOODPLAIN.
 - THERE ARE NO OIL OR GAS WELLS ON THE SUBJECT PROPERTY AS OF MAY 1, 2023 AS SHOWN BY THE MISSOURI GEOLOGICAL SURVEY GEOSTRAT (GEOSCIENCES TECHNICAL RESOURCE ASSESSMENT TOOL).
 - THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION INSIDE THE STREAM BUFFER ZONES. ANY STREAM BUFFER SHOWN HEREON IS SUBJECT TO CONSERVATION EASEMENTS THAT RESTRICT DISTURBANCE AND USE OF THESE AREAS.

SURVEYORS' CERTIFICATION:
I HEREBY CERTIFY THAT THE WITHIN PLAT OF JACKSON PLACE - 2ND PLAT, LOTS 26 THRU 34, TRACTS D & E IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ADOPTED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS AND THE MISSOURI DEPARTMENT OF NATURAL RESOURCES. I FURTHER CERTIFY THAT THE SECTION AND SECTIONAL SUBDIVISION CORNER MONUMENTS AND SURVEY BOUNDARY CORNER MONUMENTS WERE EITHER FOUND OR SET AS INDICATED ON THIS PLAT; THAT I HAVE COMPLIED WITH ALL STATE AND CITY OF INDEPENDENCE STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND PLATTING OF SUBDIVISIONS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REVIEW COPY

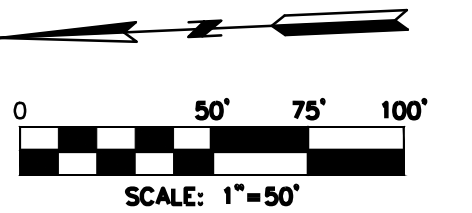
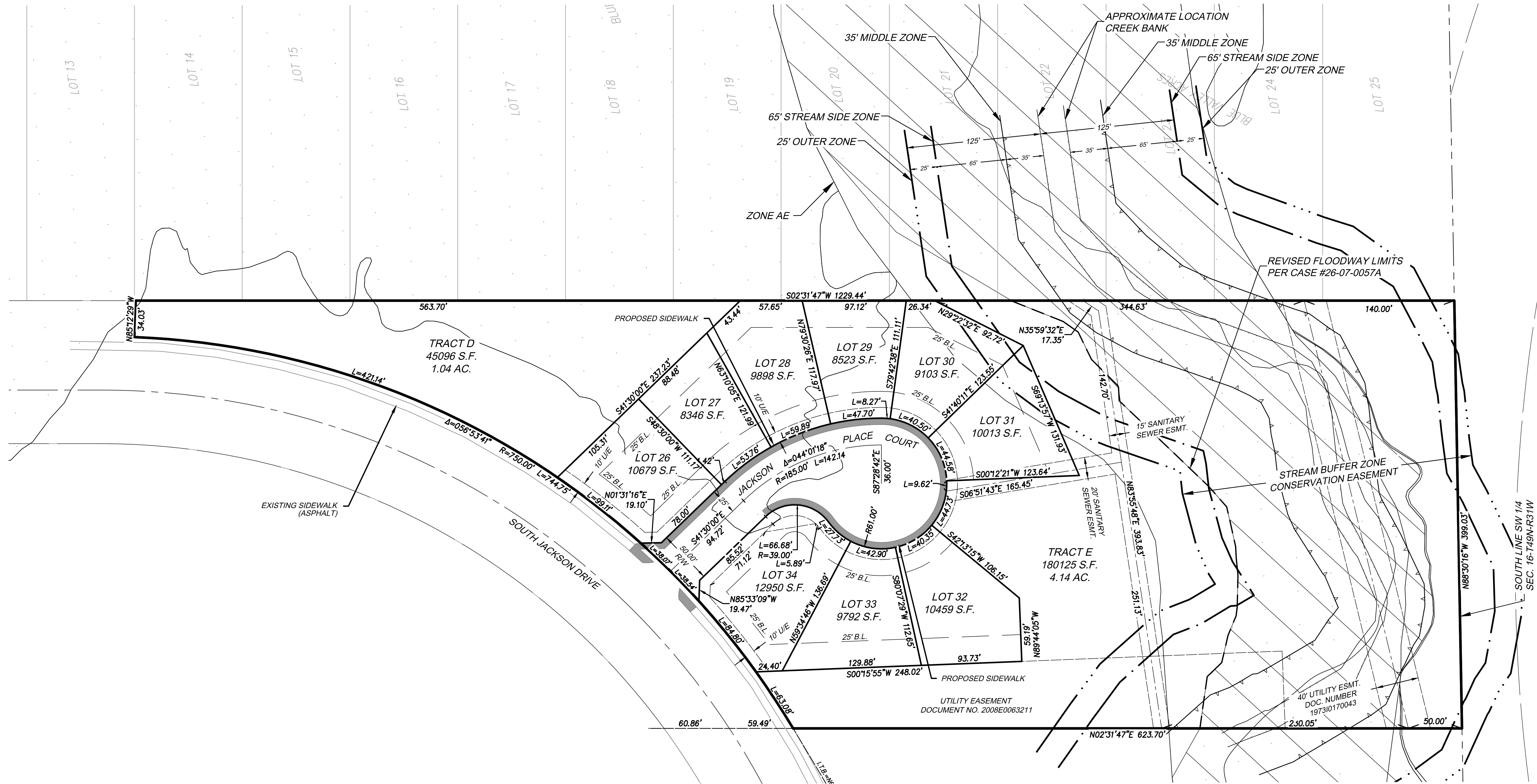
R. KEVIN STERRETT, MO LS-2469 DATE



Hg Consult Inc
engineers planners
1533 Locust Street, Kansas City, Missouri 64108
CORPORATE LICENSE No. E201000573 (MO.) / E-1736 (KS.) / LS 2019005467

PLAT PREPARED FOR:
JIM POLLARD
3030 S. CRENSHAW ROAD
INDEPENDENCE, MISSOURI 64057
SHEET 1 OF 2
PROJECT NO. - 23.072
PREPARED: 06/05/2026
PREPARED BY: SPW

JACKSON PLACE - 2ND PLAT
LOTS 26 THRU 34, TRACTS D & E
A PART OF THE WEST 1/2, SW 1/4, SECTION 16, T49N, R31W
IN THE CITY OF INDEPENDENCE, JACKSON COUNTY, MISSOURI



NOTE:

1. Tract D & E are to be used for open space, utility easement & storm water detention.
2. 25' B.L. = 25' Building Setback Line.

SURVEYORS' CERTIFICATION:

I HEREBY CERTIFY THAT THE WITHIN PLAT OF JACKSON PLACE - 2ND PLAT, LOTS 26 THRU 34, TRACTS D & E IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ADOPTED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS AND THE MISSOURI DEPARTMENT OF NATURAL RESOURCES. I FURTHER CERTIFY THAT THE SECTION AND SECTIONAL SUBDIVISION CORNER MONUMENTS AND SURVEY BOUNDARY CORNER MONUMENTS WERE EITHER FOUND OR SET AS INDICATED ON THIS PLAT; THAT I HAVE COMPLIED WITH ALL STATE AND CITY OF INDEPENDENCE STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND PLATTING OF SUBDIVISIONS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

R. KEVIN STERRETT, MO LS-2469

DATE

PLAT PREPARED FOR:
JIM POLLARD
3030 S. CRENSHAW ROAD
INDEPENDENCE, MISSOURI 64057

SHEET 2 OF 2
PROJECT NO.: 23.072
PREPARED: 06/05/2026
PREPARED BY: SPW



1533 Locust Street, Kansas City, Missouri 64108
CORPORATE LICENSE No. E201000573 (MO.) / E-1736 (KS.) / LS 2019005467

JACKSON PLACE 2ND PLAT BOUNDARY DESCRIPTION

All that part of the West Half of the Southwest Quarter of Section 16 Township 49 North, Range 31 West, in the City of Independence, Jackson County, Missouri, more particularly described by R. Kevin Sterrett, Mo. PLS #2469 of Hg Consult, Inc. as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 16; thence South 88 degrees 14 minutes 08 seconds East, along the North line of said Southwest Quarter, a distance of 499.23 feet; thence South 02 degrees 31 minutes 47 seconds West, a distance of 2038.54 feet to the East right-of-way line of South Jackson Drive, as now established and to the POINT OF BEGINNING; thence Northeasterly and Northerly, along said East right-of-way line and along a curve to the left, having a radius of 750.00 feet, and whose initial tangent bearing is North 61 degrees 41 minutes 34 seconds East, and a central angle of 056 degrees 53 minutes 41 seconds, an arc distance of 744.75 feet; thence South 85 degrees 12 minutes 29 seconds East, a distance of 34.03 feet, to the West line of BLUE VALLEY ACRES, a subdivision now in the City of Independence, Jackson County, Missouri; thence South 02 degrees 31 minutes 47 seconds West, along said West line, a distance of 1229.44 feet to the South line of the Southwest Quarter of said Section 16; thence North 88 degrees 30 minutes 16 seconds West, along the South line of said Southwest Quarter, a distance of 399.03 feet; thence North 02 degrees 31 minutes 47 seconds East, a distance of 623.70 feet to the POINT OF BEGINNING. Containing 336,670 square feet or 7.729 acres, more or less



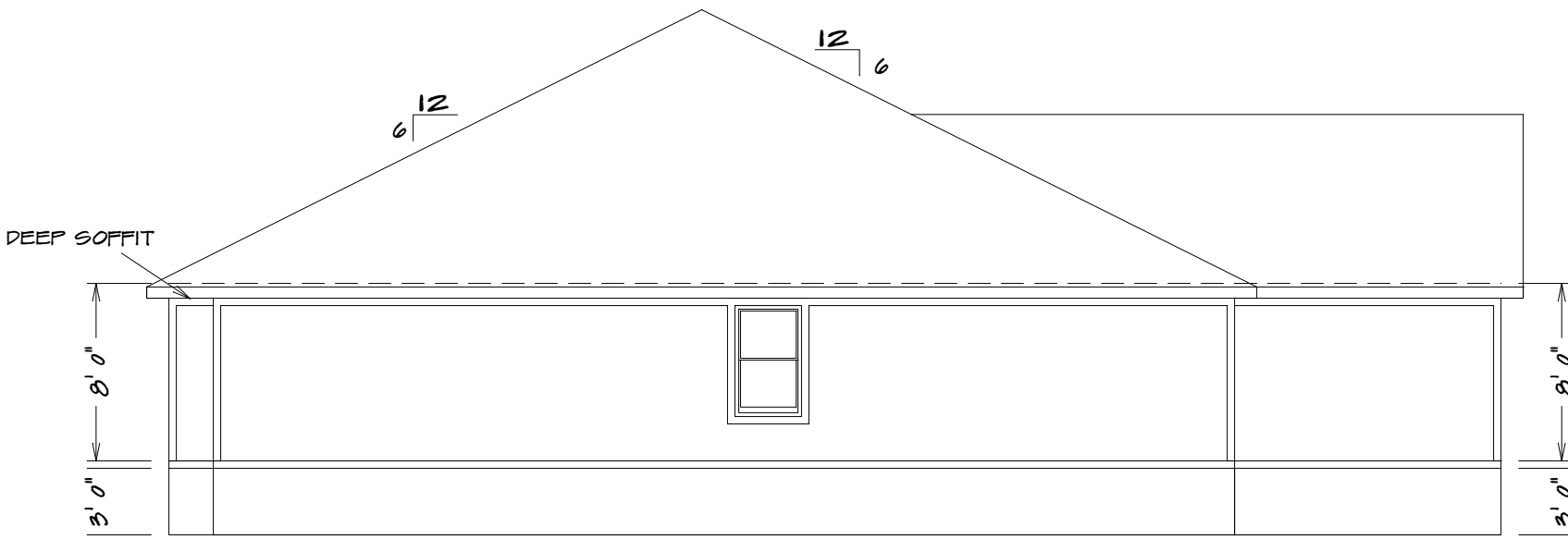
UNIT A
1180 SQ. FT.

UNIT B
1180 SQ. FT.

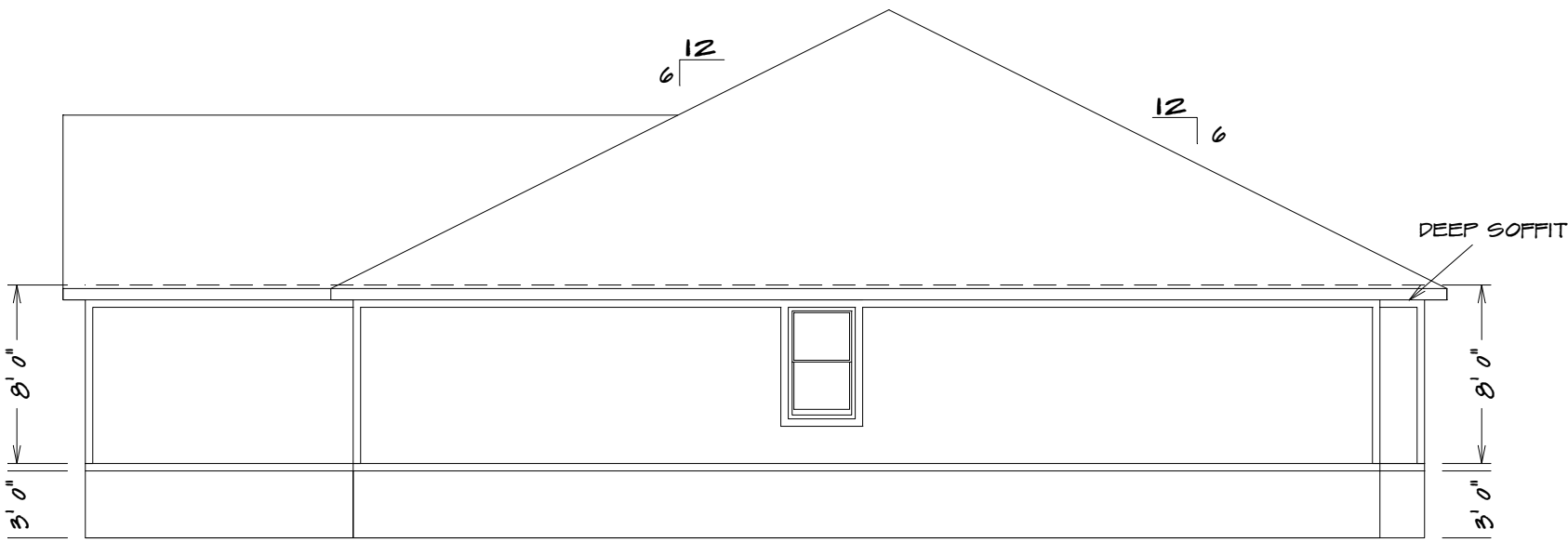
FRONT ELEVATION
1/4" = 1'0"

BUILDER/CONTRACTOR IS RESPONSIBLE TO CHECK ALL DIMENSIONS FOR ACCURACY BETWEEN FLOORS, FOUNDATION, AND ELEVATIONS. ALSO VERIFY ALL BEAM, HEADERS,PAD LOCATIONS, AND COLUMN SIZES.

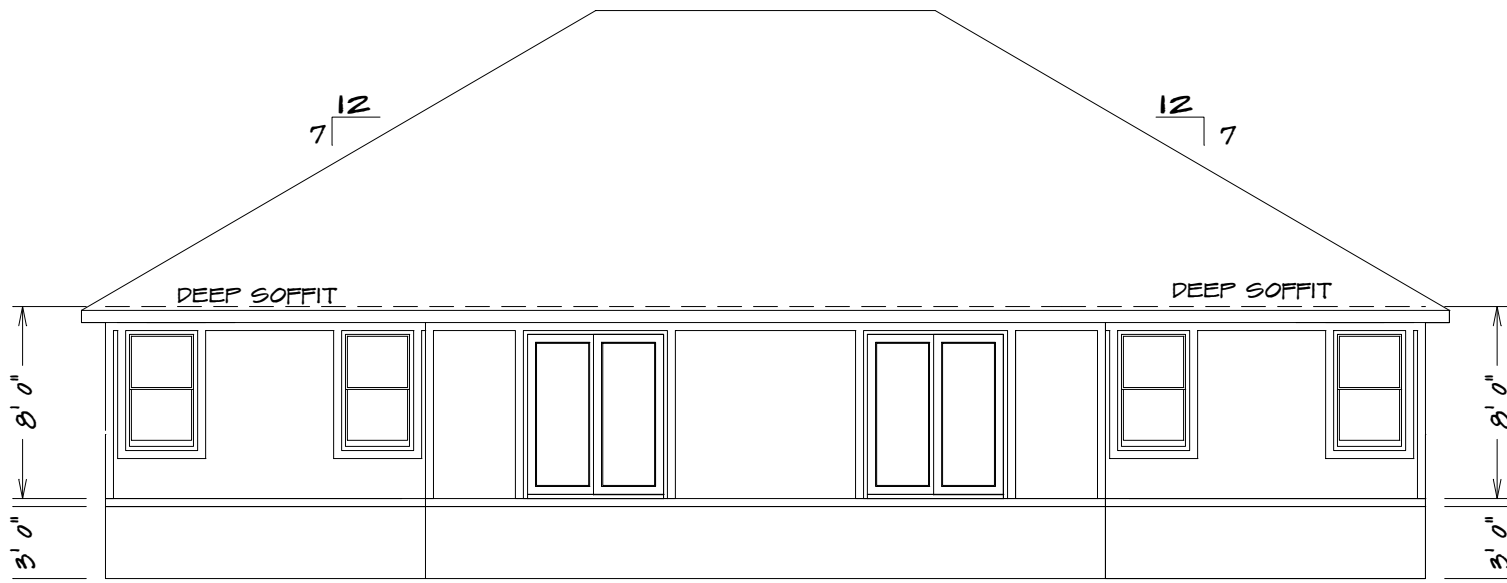
NOTE:
ACTUAL ELEVATIONS MAY VARY FROM ARCHITECTURAL DRAWINGS, DUE TO TERRAIN/BACKFILL PROCESS. FRONT ELEVATION IS ARCHITECTURAL DRAWING AND MAY VARY DUE TO MATERIALS AVAILABILITY.



LEFT ELEVATION
1/8" = 1'0"



RIGHT ELEVATION
1/8" = 1'0"



REAR ELEVATION
1/8" = 1'0"

SQUARE FOOTAGE
LIVING AREA
FIRST FLOOR = (UNIT-A) 1180
(UNIT-B) 1180

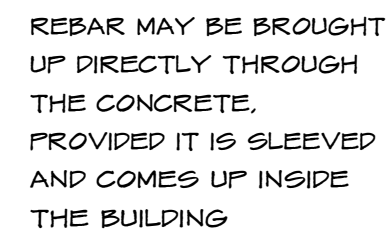
UNFINISHED AREA
GARAGE = (UNIT-A) 262
(UNIT-B) 262

DUP-5022

HOME BUYER:	PHONE:	DATE DRAWN:	PLAN NO.	SHEET NO.
	BUILDER:	DATE REVISED:	DUP-5022	1
	SUB-DIVISION:	DESIGNER:	FILE NAME:	APPROX. SQ.FT.
			5022 ELEV	

BUILDER/CONTRACTOR IS RESPONSIBLE TO CHECK ALL DIMENSIONS FOR ACCURACY BETWEEN FLOORS, FOUNDATION, AND ELEVATIONS. ALSO VERIFY ALL BEAM, HEADERS, PAD LOCATIONS, AND COLUMN SIZES. BUILDER/CONTRACTOR TO CHECK FOR CONFLICTS WITH EXISTING UTILITIES. BUILDER/CONTRACTOR TO VERIFY ALL DIMENSIONS. BUILDER/CONTRACTOR ACCEPTS ALL RESPONSIBILITY FOR LOT PLACEMENT, SETBACKS, AND PLANS. BUILDER/CONTRACTOR AND HOME OWNER ACCEPTS RESPONSIBILITY FOR ANY AND ALL COPYRIGHT INFRINGEMENTS OR RESEMBLANCES TO OTHER COPYRIGHTED PLANS. BUILDER/CONTRACTOR ACCEPTS RESPONSIBILITY FOR ANY ON SITE CHANGES MADE TO STRUCTURE.

S.D.
 = SMOKE DETECTOR



UFER GROUNDING SECTION

2X4 CCA

ANCHOR BOLT
6" O.C. MAX

1 1/2" BLUE BOARD

4" CONCRETE

4" ROCK

GRADE

12" 8"

WATER PROOF

36"

24"

#4 VERTICAL BENT INTO
FLOOR @ 48" O.C.

#3 #4 REBAR CONTINUOUS

16"

1 1/2" BLUE BOARD

(2) #4 REBAR

4" CONCRETE

4" ROCK

8"

16"

$$1/2'' = 1'0''$$
$$1/4'' = 1'0''$$

BUILDER/CONTRACTOR IS RESPONSIBLE TO CHECK ALL DIMENSIONS FOR ACCURACY BEFORE FLOORS, FOUNDATION AND ELEVATIONS ALSO VERIFY ALL BEAM, HEADERS, PAD LOCATIONS, AND COLUMN SIZES BUILDER/CONTRACTOR TO CHECK FOR COMPLIANCE WITH CONTRACTS, CITY, AND NATIONAL CODES. BUILDER/CONTRACTOR ACCEPTS ALL RESPONSIBILITY FOR LOT PLANNING, SET-BACKS, AND FLOOR PLANS. BUILDER/CONTRACTOR AND HOME OWNER ACCEPTS RESPONSIBILITY FOR ANY AND ALL COPYRIGHT INFRINGEMENTS OR RESEMBLANCES TO OTHER COPYRIGHTED PLANS. BUILDER/CONTRACTOR ACCEPTS RESPONSIBILITY FOR ANY ON SITE CHANGES MADE TO STRUCTURE.

SEE ELEVATION FOR WALL HEIGHTS

NOTE.. ELECTRICAL SERVICE TO BE 200 AMP.

NOTE.. DOUBLE JOIST UNDER ALL PARALLEL WALLS ABOVE UNLESS NOTED

S.D.
☐ = SMOKE DETECTOR

GENERAL HEADER SPECIFICATIONS:

REQUIRED AREAS NEEDING HEADERS:	HEADER DESCRIPTIONS:
WINDOWS/DOORS UP TO 38" R.O.	(2) #2 D-FIR 2X10'S
WINDOWS/DOORS 38" UP TO 72" R.O.	(2) #2 D-FIR 2X10'S W/1/2" GLUE PLY
WINDOWS/DOORS 72" UP TO 96" R.O.	(2) 9 1/2" L.V.L.
80" GARAGE DOORS W/CEILING & ROOF LOAD	(2) 9 1/2" L.V.L.
90" GARAGE DOORS W/CEILING & ROOF LOAD	(2) 9 1/2" L.V.L.
80" GARAGE DOORS W/SECOND FLOOR	(2) 9 1/2" L.V.L.
90" GARAGE DOORS W/SECOND FLOOR	(2) 11 7/8" L.V.L.
160" GARAGE DOOR W/NO SECOND FLOOR	(2) 11 7/8" L.V.L.
160" GARAGE DOORS W/SECOND FLOOR	(2) 14" L.V.L.
USE HEADERS FOR OPENINGS ABOVE UNLESS SPECIFIED OTHERWISE.	

- Window sills.
- In dwelling units, where the opening of an operable window is located more than 72 inches (1828 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 24 inches (610 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4-inch-diameter (102 mm) sphere where such openings are located within 24 inches (610 mm) of the finished floor.
- Exceptions:
- Windows whose openings will not allow a 4-inch-diameter (102 mm) sphere to pass through the opening when the opening is in its largest opened position.
 - Openings that are provided with window fall prevention devices that comply with ASTM F 2090.
 - Windows that are provided with window opening control devices that comply with 2018 IRC

Window opening control devices.

Window opening control devices shall comply with ASTM F 2090. The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the minimum net clear opening area of the window unit to less than the area required by 2018 IRC

Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet, one-half of which must be operable.

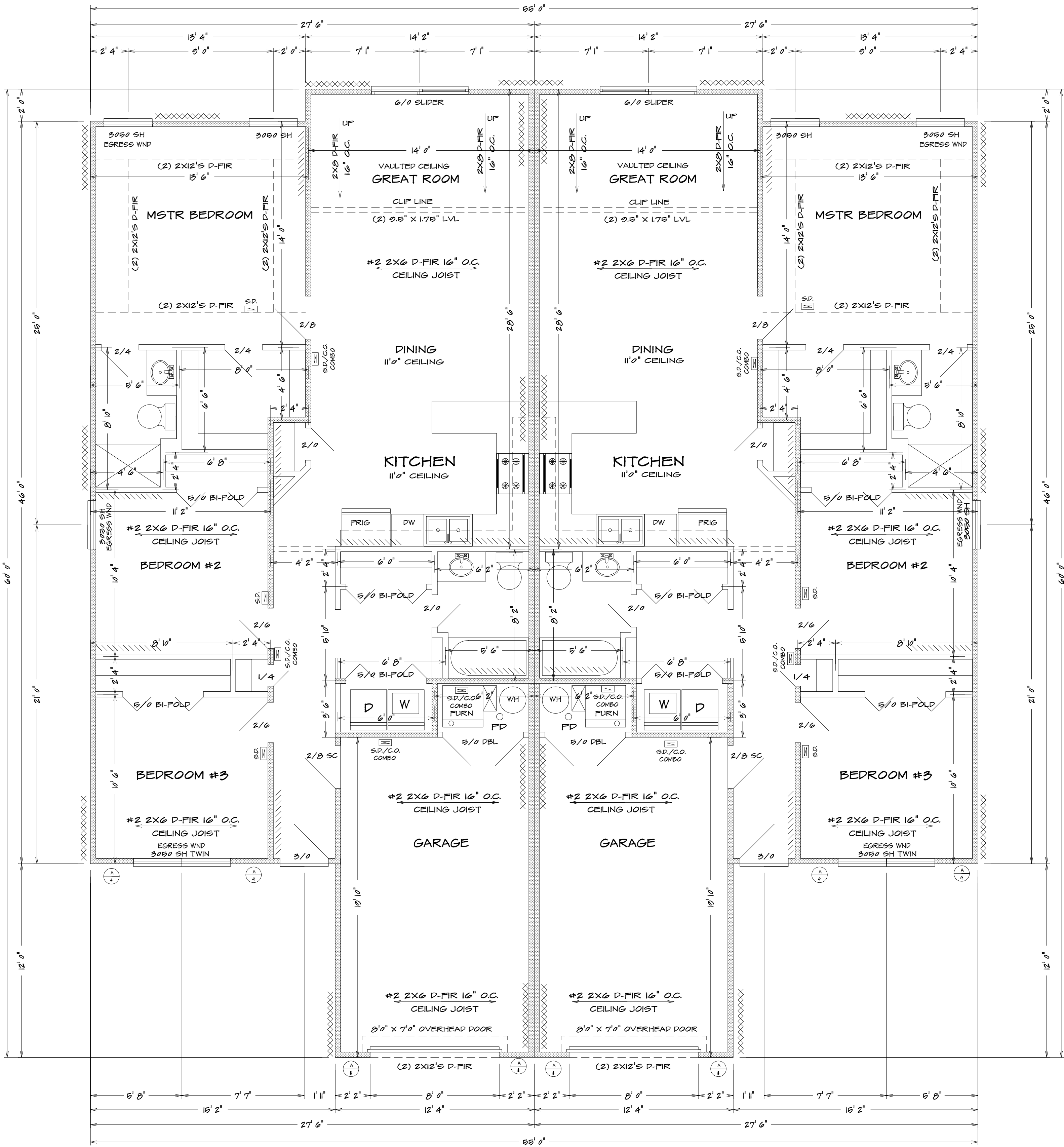
Exception:

The glazed areas shall not be required where artificial light and a local exhaust system are provided.

The minimum local exhaust rates shall be determined in accordance with 2018 IRC

Exhaust air from the space shall be exhausted directly to the outdoors.

BUILDER/CONTRACTOR IS RESPONSIBLE TO CHECK ALL DIMENSIONS FOR ACCURACY BETWEEN FLOORS, FOUNDATION, AND ELEVATIONS. ALSO VERIFY ALL BEAM, HEADERS,PAD LOCATIONS, AND COLUMN SIZES.



UNIT A

1180 SQ. FT.

UNIT B

1180 SQ. FT.

BEARING WALL LINES

FIRST FLOOR PLAN

1/4" = 1'0"

BUILDER/CONTRACTOR IS RESPONSIBLE TO CHECK ALL DIMENSIONS FOR ACCURACY BETWEEN FLOORS, FOUNDATION AND ELEVATIONS ALSO VERIFY ALL BEAM, HEADERS, PAD LOCATIONS, AND COLUMN SIZES. BUILDER/CONTRACTOR TO CHECK FOR COMPLIANCE WITH CONTRACTS, CITY, AND NATIONAL CODES. BUILDER/CONTRACTOR RESPONSIBILITY FOR ALL PERMITS, SETBACKS, AND FLOOD PLANS. BUILDER/CONTRACTOR SHALL PROVIDE ACCESS TO OTHER COPYRIGHTED PLANS. BUILDER/CONTRACTOR ACCEPTS RESPONSIBILITY FOR ANY ON SITE CHANGES MADE TO STRUCTURE.

HOME BUYER:

BUILDER:

SUB-DIVISION:

PHONE:

PHONE:

LOT NO.

DATE DRAWN:

DATE REVISED:

DESIGNER:

PLAN NO.

DUP-5022

FILE NAME:

5022 FLR1

SHEET NO.

3

APPROX. SQ.FT.

MEETING DATE: August 25, 2026

STAFF: Gabe Glaser, Planner

PROJECT NAME: Unbound Tattoo and Art Studio

CASE NUMBER/REQUEST: **Case 26-200-04 – Special Use Permit – 1717 S. Appleton Ave – A**
request for a Special Use Permit to operate a tattoo shop.

APPLICANT: Ronald Ashley Emerson

OWNER: Montacie Development

PROPERTY ADDRESS: 1717 S Appleton Ave

SURROUNDING ZONING/LAND USE:

North: R-12 (Two-Family Residential)...Single-family residences
East: ARTS (Arts District)...General Retail, and Food and Drink Establishments
South: ARTS (Arts District)...Civic Institution
West: ARTS (Arts District)/R-12 (Two-Family Residential)...Vacant Land and single-family residences

PUBLIC NOTICE:

- Letters to property owners – July 16, 2026
- Public Notice published in the Independence Examiner – July 25, 2026
- Signs posted on property – July 23, 2026

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on September 21, 2026 and the public hearing/second reading on October 5, 2026.

RECOMMENDATION

Staff recommends **APPROVAL** of this Special Use Permit request, subject to the following conditions:

1. All operations of the business shall be in accordance with Section 14-416 of the Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Special Use Permit approval to operate a body art service establishment.

Current Zoning: ARTS (Arts District)

Current Use: Office space, personal services, art gallery, and a restaurant.

Proposed Use: Body art service establishment

Zoning History:

The subject site was annexed in 1948. Jackson County records indicate the commercial space was built in 1960. In 1965, upon adoption of the Zoning Ordinance, the subject site was assigned a C-2 (General Commercial) zoning district classification. This designation remained the same until 2011 when the City Council approved a rezoning of the site to ARTS (Arts District).

Proposal:

The Arts District zoning designation requires any body art establishment to obtain special use permit approval. Unbound Tattoo and Art Studio propose to operate their business from an existing commercial strip center at the corner of Appleton Avenue and Winner Road.

Physical Characteristics of Property:

The subject site is an irregular shaped parcel of land consisting of +/-33,000 square feet of land area and a mix of land uses. A commercial strip center houses several businesses including an art gallery, massage therapy, bookstore, office space and a restaurant.

Characteristics of the Area:

The broader area exhibits a mixed land use pattern, with a strong commercial corridor running along Winner Road. Commercial uses dominate property along Winner Road and include personal services, general retail, civic organizations, food and drink establishments, and restaurants. Residential neighborhoods occupy the areas to the north and south of the corridor, consisting primarily of single-family subdivisions.

ANALYSIS**Consistency with *Independence for All*, Strategic Plan:**

Independence for All Strategic Plan 2022-2026 provides an objective to attract and retain quality employers with the goal of increasing the economic prosperity of the community. Approval of the special use permit will allow a new business in this corridor.

Comprehensive Plan Tools and Policies for the Current Designation:

Imagine Independence Comprehensive Plan 2040 envisions a combination of mixed use and residential urban neighborhoods for this parcel. The Business & Jobs element of the comprehensive plan provides a tool & policy to promote the expansion of small businesses. The plan recognizes the importance of small-scale businesses integrated into walkable neighborhoods.

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Public utilities are available to serve the subject site.

Floodplain/Stream Buffer:

The property is not located within any floodplains nor is it affected by stream buffers.

CIP Investments:

Winner Road Complete Streets is planned for fiscal year 2029-2030 and aims to improve both vehicular and non-motorized mobility by connecting existing sidewalks, placing crosswalks and new pedestrian signals, and adding bike lanes.

REVIEW CRITERIA

Recommendations and decisions on special use permit applications must be based on consideration of all the following criteria:

1. **Compatibility of the proposed use with the character of the neighborhood.**
The subject site is located within the Arts District , which is characterized by a variety of uses including personal services, general retail, food and drink establishments, and civic uses. The proposed body arts establishment is consistent with the corridor and does not introduce a new or unfamiliar intensity of commercial use into the area.
2. **The extent to which the proposed use is compatible with the adjacent zoning and uses.**
The proposed body arts establishment is located within and supports an already commercially zoned corridor and matches the character of surrounding commercial uses.
3. **The impact of the proposed use on public facilities.**
All existing public facilities can easily accommodate the use without requiring upgrades or expansions.
4. **The suitability of the property for the permitted uses to which it has been restricted under the applicable zoning district regulations.**
The Arts District zoning district designation requires special use permit approval for body arts establishments. The commercial strip center can adequately support the operational, functional, and customer needs associated with the use.
5. **The extent to which the proposed use may injure or detrimentally affect the use of enjoyment of property in the area.**
No detrimental effects to the surrounding properties in the area are envisioned as a result of the proposed use.
6. **The extent to which the proposed use will create excessive stormwater runoff, air pollution, noise pollution or other environmental harm.**
No additional impervious coverage is planned for this site. And the business activity aligns with the zoning district classifications and land uses of the surrounding commercial corridor. The proposed use is not expected to adversely impact neighboring properties.
7. **The extent to which there is a need for the use in the community.**
Imagine Independence Comprehensive Plan 2040 recognizes the importance of small-scale establishments in walkable neighborhoods. Approval of the Special Use Permit supports the continued viability and active use of the commercial strip center by filling a tenant space with a compatible arts-related business.
8. **The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this article.**
The body arts establishment will need to comply with all applicable regulations of the Health Department.

9. **The extent to which public facility and services are available and adequate to meet the demand for facilities and services generated by the proposed use.**
Public facilities and infrastructure exist at the site and can easily accommodate any demand of the proposed use.
10. **Conformance of the proposed use to the comprehensive plan and other adopted plans and policies.**
Approval of this Special Use Permit conforms with the comprehensive plan's tools and policies to promote the expansion of small businesses in walkable neighborhoods.
11. **The extent to which the use will impact sustainability or revitalization of a given area.**
Approval of this Special Use Permit will support the stability of commerce in this commercial corridor.

EXHIBITS

1. Narrative
2. Application
3. Notification letter
4. Address List
5. Notification Area Map
6. Affidavit
7. Site Plan
8. Landscape Plan
9. Comprehensive Plan map
10. Zoning map

Unbound Tattoo and Art Studio



To whom it may concern:

First I would like to thank you for your time. My name is Ronald Ashley Emerson and I am applying for a special use permit to open a tattoo shop at 1717 Appleton Ave.

I've been tattooing professionally for seventeen years and have been making art professionally since the early nineties. As a tattooer I've won awards, tattooed across the western hemisphere and built countless relationships. As a business professional I've managed Tattoos by Ashley LLC. successfully for eight years and was co-owner of Definitive Tattoo Gallery LLC. for five years.

I've lived in Independence since 2019 and it has become my home. I volunteer with the Englewood Community Garden, volunteer with Community Services League, work with WInC and the Englewood Arts Center. Englewood has welcomed me in and I feel woven into the fiber of the community.

Unbound Tattoo and Art Studio is not a quantity driven tattoo shop. We are a community driven shop. Giving back to our community is one of our core values. Our platform gives us the opportunity to sponsor events, perform community service and pursue philanthropic endeavors. As a member of the Englewood Arts District I plan to be engaged with the Business Association as well as the Independence Chamber of Commerce. I believe the more we work together the more we can succeed.

The shop itself will have room for two more artists, but there is nobody currently in those work spaces. I will be starting off privately and letting the studio grow when the right artist comes along. The right artist will be experienced, professional and active in the community.

Thank you again for your time and support. I believe we can work together and make great things for the city of Independence.

Sincerely,

Ronald Ashley Emerson

Unbound Tattoo and Art Studio

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	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Unbound Tattoo and Art Studio
Project Name

1717 Appleton Ave
Project Address/Location

Sq. Ft. of Building Acreage Number of Lots/Tracts Steam Buffer (Yes or 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 ☐ Application Fee ☐ Cover Letter Describing Details of Project	☐ One 24" x 36" set of plans for Land Sub. & Site Dev. ☐ One PDF copy of a plat map or site plan ☐ Legal Description of the property in question
---	---

Contact Information

Applicant

Ronald Ashley Emerson
Name Company
133 N Davidson Ave
Address

Owner

Montacie Development
Name Company
10900 E. Winner Road
Address

Architect/Engineer/Surveyor/Other: _____

Name Company

Address

Phone Email

Architect/Engineer/Surveyor/Other: _____

Name Company

Address

Phone Email

The applicant hereby agrees that the information provided above is accurate.

[Signature] 6-15-26
Applicant's Signature Date

[Signature] 6-16-26
Owner's Signature Date

Property Owner Notification Letter

City of Independence, Missouri

Date: 08/05/2026

Case No. 26-200-04

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: Custom tattoo and art studio.

Applicant: Ronald Ashley Emerson

Location of Property: 1717 S Appleton Ave.

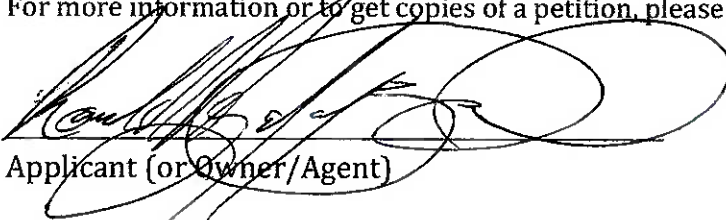
Planning Commission Meeting Date: 08/25, 2026, at 6:00 p.m.

City Council Meeting Date: 10/05, 2026, at 6:00 p.m.

Location of public hearings: Independence Municipal Commons
20201 E. Jackson Drive, Independence, Missouri, 64057

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.



Applicant (or Owner/Agent)

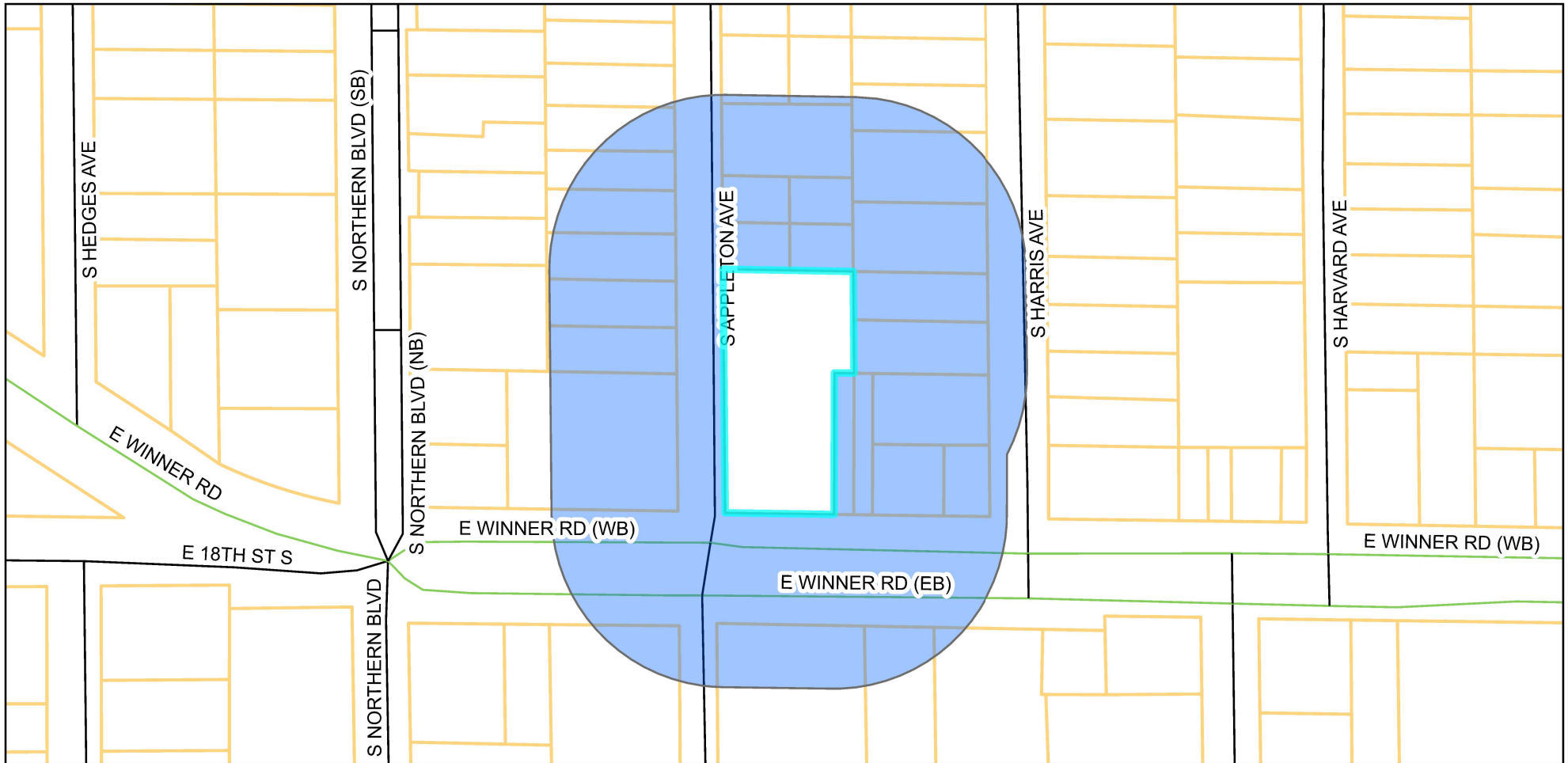
For more information, contact the Community Development Department at 816-325-7421.

Parcel ID	Property Address	Property Owner	Owner Address	City	State	ZIP Code
27-140-21-46-00-0-00-000	10900 E WINNER RD	MONTACIE DEVELOPMENT CORP	10900 E WINNER RD	INDEPENDENCE	MO	64052
27-610-04-25-00-0-00-000	10815 E WINNER RD	HASTING HOLDINGS LLC	2528 NE ANGEL FISH PL	LEES SUMMIT	MO	64086
27-140-21-27-00-0-00-000	1722 S HARRIS AVE	ENGLEWOOD PROPERTIES LLC	923 NE WOODS CHAPEL RD #164	LEES SUMMIT	MO	64064
27-140-21-17-00-0-00-000	1707 S APPLETON AVE	ARF2 LLC	16657 E 23RD ST S STE 370	INDEPENDENCE	MO	64055
27-610-05-05-00-0-00-000	10901 E WINNER RD	ENGLEWOOD ARTS	10900 E WINNER RD	INDEPENDENCE	MO	64052
27-140-09-26-00-0-00-000	1714 S APPLETON AVE	CAIN PROPERTIES LLC	17 M STREET, LAKE SHORE DR LAKE	LOTAWANA	MO	64086
27-610-05-03-00-0-00-000	10923 E WINNER RD	BAMBAM TRUST DATED 02/23/2023	3859 W 95TH ST	OVERLAND PARK	KS	66204
27-140-09-28-00-0-00-000	1710 S APPLETON AVE	CEDARWOOD PROPERTIES KC LLC	P.O. BOX 184	INDEPENDENCE	MO	64051
27-140-09-31-00-0-00-000	1704 S APPLETON AVE	LUGENBEEL DONALD L JR	1704 APPLETON	INDEPENDENCE	MO	64053
27-140-21-26-00-0-00-000	10922 E WINNER RD	ENGLEWOOD PROPERTIES LLC	923 NE WOODS CHAPEL RD #164	LEES SUMMIT	MO	64064
27-140-21-31-00-0-00-000	1710 S HARRIS AVE	GIBSON ROGER D & ALICE	1714 HARRIS	INDEPENDENCE	MO	64052
27-140-21-30-00-0-00-000	1714 S HARRIS AVE	GIBSON ROGER D & ALICE	1714 HARRIS	INDEPENDENCE	MO	64052
27-140-21-43-00-0-00-000	10910 E WINNER RD	ENGLEWOOD PROPERTIES LLC	923 NE WOODS CHAPEL RD #164	LEES SUMMIT	MO	64064
27-140-21-29-00-0-00-000	1716 S HARRIS AVE	HAMPTON RICKY LEE	1716 S HARRIS AVE	INDEPENDENCE	MO	64052
27-140-21-28-00-0-00-000	1718 S HARRIS AVE	ENGLEWOOD PROPERTIES LLC	923 NE WOODS CHAPEL RD #164	LEES SUMMIT	MO	64064
27-140-21-32-00-0-00-000	1704 S HARRIS AVE	SANTIBANEZ JOSE	704 E WALNUT ST	INDEPENDENCE	MO	64050
27-140-09-46-00-0-00-000	1712 S APPLETON AVE	TREJO O FELIA	1712 APPLETON AVE	INDEPENDENCE	MO	64052
27-140-21-42-00-0-00-000	10912 1/2 E WINNER RD	ENGLEWOOD PROPERTIES LLC	923 NE WOODS CHAPEL RD #164	LEES SUMMIT	MO	64064
27-140-21-20-00-0-00-000	1709 S APPLETON AVE	ISSARA REAL ESTATE LLC	13883 W 57TH ST	SHAWNEE	KS	66216
27-140-21-45-00-0-00-000	1705 S APPLETON AVE	WARD NICHOLE M	1705 APPLETON AVE	INDEPENDENCE	MO	64052
27-140-21-14-00-0-00-000	1701 S APPLETON AVE	THURMAN RICHARD G & ELIZABETH D	1701 APPLETON	INDEPENDENCE	MO	64052
27-140-21-25-00-0-00-000	10914 E WINNER RD	ENGLEWOOD PROPERTIES LLC	923 NE WOODS CHAPEL RD #164	LEES SUMMIT	MO	64064
27-140-21-18-00-0-00-000	1707 S APPLETON AVE	ARF2 LLC	PO BOX 1127	REDONDO BEACH	CA	90278
27-140-09-30-00-0-00-000	1706 S APPLETON AVE	BRADLEY KEITH DAVID	1706 S APPLETON AVE	INDEPENDENCE	MO	64052
27-610-05-04-01-0-00-000	10917 E WINNER RD	FRIENDS OF ENGLEWOOD THEATER	3704 S GRAND AVE	INDEPENDENCE	MO	64055
27-140-09-49-00-0-00-000	10812 E WINNER RD	HASTING HOLDINGS LLC	2528 NE ANGEL FISH PL	LEES SUMMIT	MO	64086
27-140-21-13-00-0-00-000	1701 S APPLETON AVE	THURMAN RICHARD G & ELIZABETH D	1701 APPLETON	INDEPENDENCE	MO	64052
27-140-21-19-00-0-00-000	1709 S APPLETON AVE	ORELLANA MIRNA FIGUEROA	1709 S APPLETON AVE	INDEPENDENCE	MO	64052
27-140-09-32-00-0-00-000	1702 S APPLETON AVE	BROWN JAMES M	1702 APPLETON AVE	INDEPENDENCE	MO	64052
27-140-09-29-00-0-00-000	1708 S APPLETON AVE	MENSSSEN ANTHONY & TRACEY	1708 S APPLETON AVE	INDEPENDENCE	MO	64052

Notification Area Map

1717 S Appleton Ave

Case #26-200-04



Meeting Date: August 25, 2026
Prepared For: Planning Commission



Property Owner Notification Affidavit

STATE OF MISSOURI

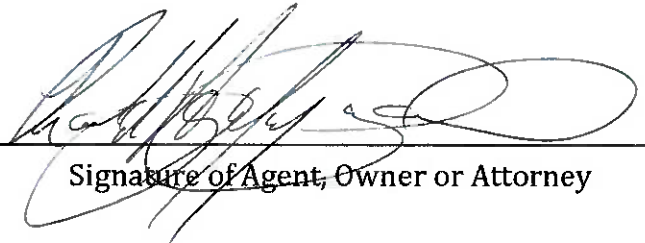
COUNTY OF JACKSON

Case No. 26-200-04

I, Ronald Ashley Emerson, 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.**

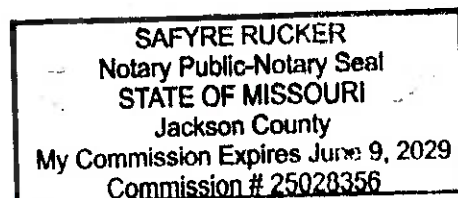
These notices were mailed on the 6 day of August, 2026.


Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 6 day of August, 2026.


Notary Public

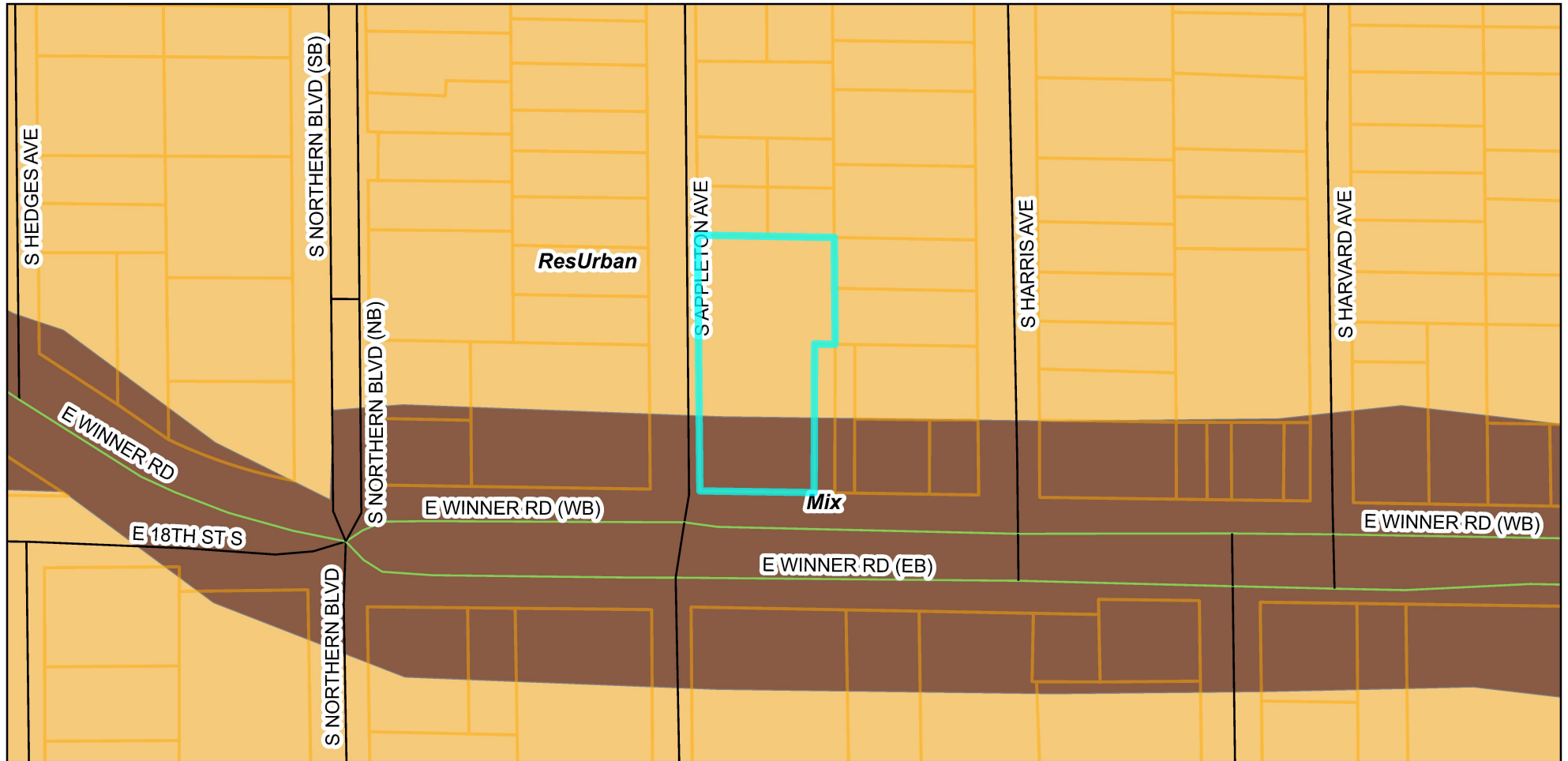
June 9, 2029
Commission Expiration Date



Comprehensive Plan

1717 S Appleton Ave

Case #26-200-04



 Parcels

Comprehensive Plan

 Mixed Use

 Residential Urban
Neighborhoods

0 125 250 500 US Feet



Prepared For: Planning Commission

Meeting Date: August 25



Zoning Map

1717 S Appleton Ave

Case #26-200-04



Parcels

Zoning District

ARTS

C-2

R-12

R-30/PUD

0 125 250 500 US Feet

Prepared For: Planning Commission

Meeting Date: August 25, 2026



MEETING DATE: August 25, 2026

STAFF: Gabe Glaser, Planner

PROJECT NAME: Dillons Grocery Store

CASE NUMBER/REQUEST: **Case 26-100-09 – Rezoning – 17610 E. Bolger Rd** – A request to rezone the property from R-30/PUD (High Density Residential/Planned Unit Development) to C-2 (General Commercial).

APPLICANT: Bill Moore, Rouse Frets White, P.C.

PROPERTY LOCATION: 17610 E Bolger Rd

SURROUNDING ZONING/LAND USE:

- North:** R-18/PUD (Moderate Density Residential/Planned Unit Development) and C-2 (General Commercial)...Condominiums and landscaping business
East: C-2 (General Commercial)...General retail sales and restaurant
South: C-2 (General Commercial)...Gas station, car wash, and medical service
West: C-2 (General Commercial)...Gym and general retail sales

PUBLIC NOTICE:

- Letters to property owners – July 22, 2026
- Public Notice published in the Independence Examiner – August 7, 2026
- Signs posted on property – August 6, 2026

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on September 21, 2026 and the public hearing/second reading on October 5, 2026

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request to rezone the property from R-30/PUD (High-Density Residential/Planned Unit Development) to C-2 (General Commercial).

Current Zoning: R-30/PUD

Proposed Zoning: C-2

Current Use: Vacant

Proposed Use: Grocery Store

Zoning History: 1965 – 1969: R-1 (Single-Family Residential)

1969 – 1980: C-3 (Commercial)

1980 - 2009: C-2 (General Commercial)

2009 – 2023: C-2 (General Commercial)

2023 – Present: R-30/PUD (High-Density Residential/Planned Unit Development)

Property History:

The subject property was annexed into the City of Independence in 1960. When the City adopted the Zoning Ordinance in 1965, the property was assigned an R-1 (Single-Family Residential) zoning classification. In 1969, at the property owner's request, the City Council approved a rezoning of the property from R-1 to C-3 (Commercial). In anticipation of large-scale commercial and multi-family development, the city encouraged development at the intersection of I-70 and the U.S. 71 By-Pass (now Missouri Route 291). The site remained undeveloped following the commercial rezoning. In 1980, following an amendment to the Zoning Ordinance, the zoning classification of the site changed from C-3 to C-2 (General Commercial). City records indicate that the property remained agricultural until 1995, when the city approved a site plan application for Bolger Square, a shopping center with a cumulative building footprint of approximately 300,000 square feet.

In 2023, following the closure of the JCPenney store, the City Council approved a rezoning of the site from C-2 (General Commercial) to R-30/PUD (High-Density Residential/Planned Unit Development). The Council also approved a preliminary development plan for a 358-unit multi-family complex. This plan has not been implemented, and the zoning classification of the site remains high-density residential.

Proposal:

The applicant proposes an adaptive reuse of the site by rehabilitating the existing building for a grocery store. Fueling stations are proposed at the southwest corner of the property as an accessory use for grocery store patrons. A drive-through pharmacy is also proposed on the west side of the building, with access proposed from Crackerneck Road.

Physical Characteristics of Property:

The subject site is located on the north side of 39th Street and contains approximately 123,000 square feet of building area on a parcel of approximately 10 acres. The site is bound by Crackerneck Road on the west, Bolger Road on the north and east, and 39th Street on the south.

Characteristics of the Area:

The surrounding area contains a diverse mix of land uses and zoning district classifications. East 39th Street serves as the primary arterial for the commercial corridor, which consists of shopping centers with similar development patterns. Multi-family residential developments are located north and south of the site. Single-family subdivisions, arranged in traditional street-grid patterns, characterize the areas to the north, west, and south.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Independence for All, Strategic Plan provides a goal to increase the economic prosperity of the community by attracting and retaining quality employers and growing business and industry. In addition, the plan encourages enhancing public health and stabilizing and revitalizing neighborhoods. Approval of this rezoning request serves to prepare this vacant site to be rehabilitated for a grocery store and supports the goals and objectives of the strategic plan.

Comprehensive Plan Tools and Policies for the Current Designation:

Imagine Independence 2040 designates a regional commercial future land use classification for the subject site and surrounding properties. The regional commercial land use category includes major commercial areas with a variety of large format retailers located along arterials and state highways. The rezoning request supports the comprehensive plan's directive to foster redevelopment opportunities in an effort to revitalize unused or underused property.

Sub-Area Plans:

The subject site is not located within any sub area plans.

Zoning:

The current zoning district designation reserves the site for multi-family land use. Rezoning the property to commercial is appropriate for the applicant's proposal and matches the surrounding land use and zoning classifications.

Public Utilities:

All utilities are available to serve the site.

Floodplain/Stream Buffer:

The subject site is not affected by floodplains or stream buffers.

CIP Investments:

There are no capital projects planned for this area.

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 regional commercial land uses for the area. Imagine Independence 2040 guides the City to foster redevelopment opportunities in an effort to revitalize unused or underused property.

2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.

The subject site is not located within any sub area plans.

3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.

The property is located within a commercial corridor consisting of shopping centers with similar characteristics. The proposed rezoning is compatible with the surrounding zoning classifications and land uses in the area.

4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.

The site is located within a commercial corridor characterized by large format shopping centers. Surrounding neighborhoods and multi-family developments are poised to support the proposed grocery store use.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

Approval of this rezoning request will permit the rehabilitation of an existing vacant commercial building for use as a grocery store.

6. The length of time the subject property has remained vacant as zoned.

The existing commercial store has been vacant for at least 6 years.

7. The extent to which approving the rezoning will detrimentally affect nearby properties.

The rezoning should have no detrimental effect on area properties. The proposed rezoning fits within the allowed uses and character of the surrounding corridor.

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, as a result of denial of the application.

If rezoning is denied, the property will not be rehabilitated as proposed by the applicant.

EXHIBITS

1. Cover Letter
2. Application
3. Notification letter
4. Address List
5. Notification Area Map
6. Affidavit
7. Site Plan
8. Comprehensive Plan map
9. Zoning map

July 6, 2026

City of Independence
Community Development
111 E. Maple Avenue
Independence, MO, 64050

Re: Dillons Grocery Store – Rezoning Request

To Whom It May Concern:

Phillips Edison Group LLC is under contract to purchase the property located at 17610 E. Bolger Road, Independence, Missouri ("Property"). We respectfully request that the Property be rezoned from R-30/PUD (Residential Planned Unit Development) to C-2 (General Commercial) to facilitate the redevelopment of the former JC Penney building.

Phillips Edison proposes to repurpose the existing structure as a Dillon's Grocery Store, including full-service grocery retail sales, a drive-through pharmacy, online order pickup, and an accessory fuel center. The project will return a vacant building to a productive use, create employment opportunities, generate additional tax revenue, and provide a valuable grocery shopping destination for the community.

We respectfully request the City's consideration and approval of the proposed rezoning from R-30/PUD to C-2. Should you have any questions or require additional information, please do not hesitate to contact me at 513.338.2802.

Sincerely,

The Phillips Edison Group LLC,



Tim Goyette
Vice President of Design, Development, & Construction

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

Dillons Grocery Store

Project Name

17610 E. Bolger Road, Bolger Square, (former J.C. Penney)

Project Address/Location

121,796	10.06	1	No
Sq. Ft. of Building	Acreage	Number of Lots/Tracts	Steam Buffer (Yes or No)
R	C-2	Retail Store	Retail Store
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 ☒ Application Fee ☒ Cover Letter Describing Details of Project	☐ One 24" x 36" set of plans for Land Sub. & Site Dev. ☒ One PDF copy of a plat map or site plan ☒ Legal Description of the property in question
--	---

Contact Information

Applicant

Bill Moore

Phone

Email

Architect/Engineer/Surveyor/Other: Engineer

Marvin Brown

Pickering Firm, Inc.

Name

Company

Owner

RW Bolger Square LLC

Phone

Email

Architect/Engineer/Surveyor/Other: Other

Tim Goyette

The Phillips Edison Group

Name

Company

Phone

The applicant hereby agrees that the information provided above is accurate.

William B. Moore

7-6-26

Applicant's Signature

Date

Paul G. Goyette

Owner's Signature

2 July 26

Date

Property Owner Notification Letter

Date: July 22, 2026

Case No. 26-100-09

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: Dillons Grocery Store
Applicant: Phillips Edison & Company (c/o Bill Moore)
Location of Property: 17610 E. Bolger Rd (Bolger Square)
Planning Commission Meeting Date: August 25, 2026 at 6:00 p.m.
City Council Meeting Date: October 5, 2026 at 6:00 p.m.
Location of Public Hearing: 20201 E. Jackson Drive, Independence, MO 64057

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.



William B. Moore
Applicant /Agent / Attorney

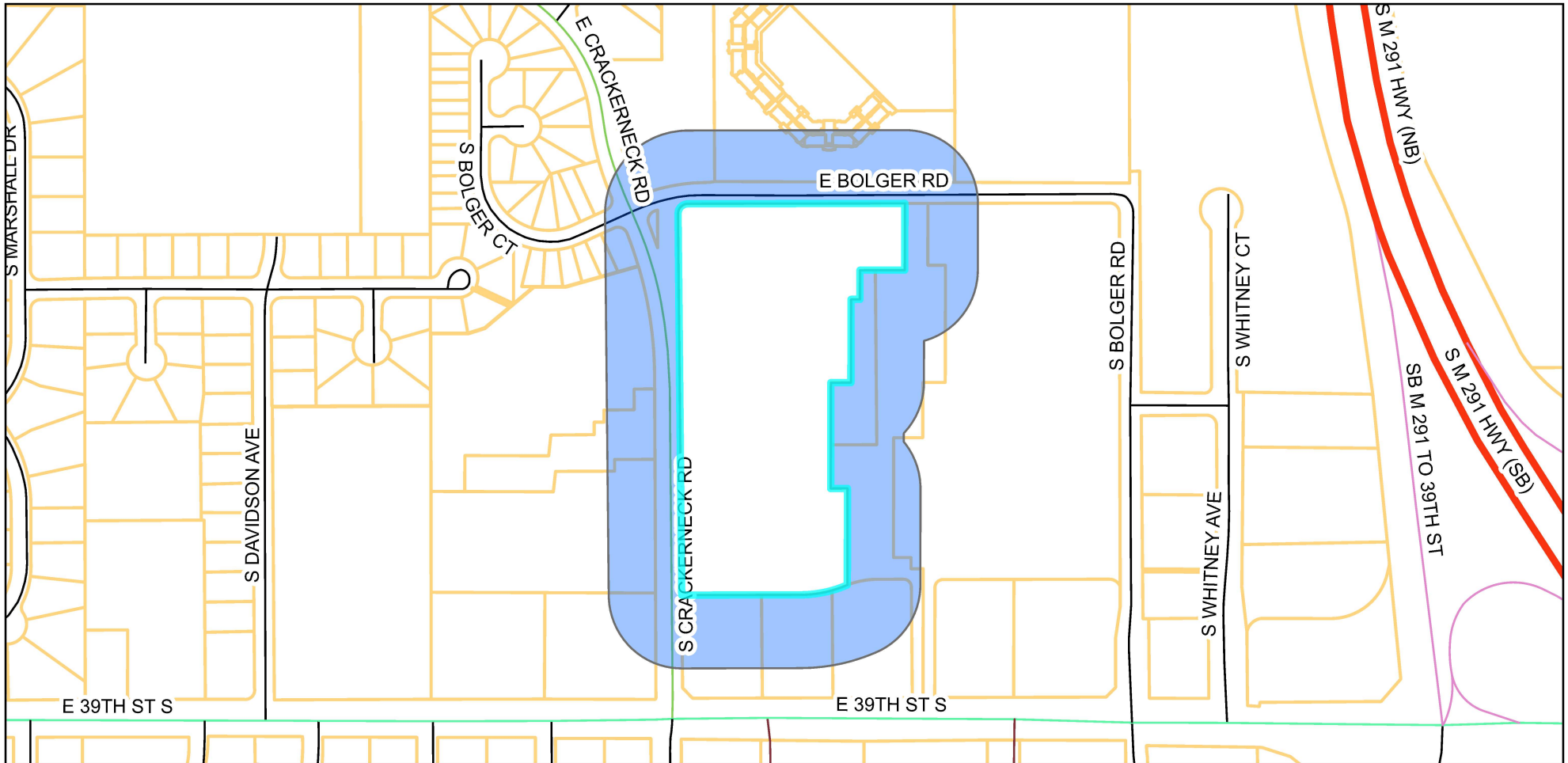
For more information, contact the Community Development Department at 816-325.7421.

Parcel ID	Property Address	Property Owner	Owner Address	City	State	ZIP Code
34-310-04-21-00-0-00-000	17610 E BOLGER RD	RW BOLGER SQUARE LLC	353 W LANCASTER AVE STE 300	WAYNE	PA	19087
34-310-08-52-00-0-00-000	CA RESIDENTIAL	APPLE TREE MANOR CONDO ASSOC	17800 BOLGER RD 001-B	INDEPENDENCE	MO	64055
34-310-03-36-00-0-00-000	3830 S CRACKERNECK RD	ASPEN ESTATES LLC	808 E 8TH ST	GILLETTE	WY	82716
34-310-08-52-00-0-00-000	CA RESIDENTIAL	APPLE TREE MANOR CONDO ASSOC	17800 BOLGER RD 001-B	INDEPENDENCE	MO	64055
34-310-04-09-00-0-00-000	17620 E 39TH ST	MDC COAST 16 LLC	11995 EL CAMINO REAL SAN	DIEGO	CA	92130
34-310-02-24-00-0-02-008	17800 E BOLGER RD UNIT 247	TRUSTEE OF THE DORIS A BROWN ASSET PROTECTION TRUST DATED APRIL 22 2021	17800 E BOLGER RD UNIT 247	INDEPENDENCE	MO	64055
34-310-02-24-00-0-02-009	17800 E BOLGER RD UNIT 245	TOWLER FAMILY TRUST DATED 05/04/2026	4100 NE KENNESAW RDG	LEES SUMMIT	MO	64064
34-310-02-24-00-0-03-006	17800 E BOLGER RD UNIT 303	PORTER KATHLEEN CONWAY	17800 BOLGER RD BLDG A #303	INDEPENDENCE	MO	64055
34-310-08-58-00-0-00-000	17608 S CRACKERNECK RD	CRACKERNECK MGMT CORP	17608 S CRACKERNECK RD	INDEPENDENCE	MO	64055
34-310-08-52-00-0-00-000	CA RESIDENTIAL	APPLE TREE MANOR CONDO ASSOC	17800 BOLGER RD 001-B	INDEPENDENCE	MO	64055
34-310-02-24-00-0-01-009	17800 E BOLGER RD UNIT 145	MCCOY MARY JO	17800 E BOLGER RD UNIT 145A	INDEPENDENCE	MO	64055
34-310-02-24-00-0-02-002	17800 E BOLGER RD UNIT 246	HAMMETT SUSAN A	17800 E BOLGER RD APT 246A	INDEPENDENCE	MO	64055
34-310-02-24-00-0-03-002	17800 E BOLGER RD UNIT 346	CLAUDER MAX & DONNA	17800 E BOLGER RD UNIT 346A	INDEPENDENCE	MO	64055
34-310-02-24-00-0-01-006	17800 E BOLGER RD UNIT 103	TALLY JOYCE A	17800 E BOLGER RD UNIT 103A	INDEPENDENCE	MO	64055
34-310-02-24-00-0-03-009	17800 E BOLGER RD UNIT 345	PRESTON JERROLD	17800 E BOLGER RD UNIT 345	INDEPENDENCE	MO	64055
34-310-12-01-00-0-00-000	CA RESIDENTIAL	WEATHERSTONE DEVELOPMENT	601 S CENTRAL	BLUE SPRINGS	MO	64015
34-310-03-82-00-0-00-000	3724 S BOLGER CT	ALEXANDRIA RITA D	3724 S BOLGER CT	INDEPENDENCE	MO	64055
34-310-04-10-00-0-00-000	17700 E 39TH ST	US STABLE P2 17700 EAST 39TH STREET SOUTH INDEPENDENCE LLC	PO BOX 1128	BUDA	TX	78610
34-310-04-05-00-0-00-000	17810 E 39TH ST	DAYTON HUDSON CORP	P O BOX 9456	MINNEAPOLIS	MN	55440-9456
34-310-02-24-00-0-01-002	17800 E BOLGER RD UNIT 146	REIMAL JO MARIE	1553 S ASH AVE	INDEPENDENCE	MO	64052
34-310-03-38-02-0-00-000	3723 S BOLGER CT	THOMPSON BRINDA E	3723 S BOLGER CT	INDEPENDENCE	MO	64055
34-310-02-24-00-0-01-003	17800 E BOLGER RD UNIT 104	KEAIRNES HAROLD W & PATRICIA-TRUSTEES	17800 E BOLGER RD UNIT 104A	INDEPENDENCE	MO	64055
34-310-03-38-01-0-00-000	3725 S BOLGER CT	CHILDERS CINDY A	3725 S BOLGER CT	INDEPENDENCE	MO	64055
34-310-02-24-00-0-01-007	17800 E BOLGER RD UNIT 101	TONNIES MATTHEW & CAROL D	17800 E BOLGER RD UNIT 101	INDEPENDENCE	MO	64055
34-310-04-19-00-0-00-000	17710 E 39TH ST	WESMOR RENTALS 1 LLC	1509 N ARIZONA AVE 100	CHANDLER	AZ	85225
34-310-03-35-00-0-00-000	3850 S CRACKERNECK RD	GENESIS HEALTH CLUBS CRACKERNECK LLC	6100 E CENTRAL STE 3	WICHITA	KS	67208
34-310-03-37-00-0-00-000	3810 S CRACKERNECK RD	CAPITAL GROUP NEVADA INC	3501 SW FAIRLAWN RD STE 200	TOPEKA	KS	66614
34-310-08-54-00-0-00-000	17900 E BOLGER RD	CONESTOGA PROPERTIES LLC	132 WESTWOODS DR	LIBERTY	MO	64068
34-310-02-24-00-0-02-007	17800 E BOLGER RD UNIT 201	BELL JOHN L & DORIS E-TRUSTEES	17800 E BOLGER APT 201A	INDEPENDENCE	MO	64055
34-310-03-33-00-0-00-000	17430 E 39TH ST	HAWTHORN BANK	132 E HIGH ST	JEFFERSON CITY	MO	65101
34-310-08-52-00-0-00-000	CA RESIDENTIAL	APPLE TREE MANOR CONDO ASSOC	17800 BOLGER RD 001-B	INDEPENDENCE	MO	64055
34-310-02-24-00-0-03-008	17800 E BOLGER RD UNIT 347	GODBEE PATTY	17800 E BOLGER RD APT 347A	INDEPENDENCE	MO	64055
34-310-02-24-00-0-03-003	17800 E BOLGER RD UNIT 304	HAM WAYNE A & MARLIENE M	17800 BOLGER RD 304	INDEPENDENCE	MO	64055
34-310-08-52-00-0-00-000	CA RESIDENTIAL	APPLE TREE MANOR CONDO ASSOC	17800 BOLGER RD 001-B	INDEPENDENCE	MO	64055
34-310-02-24-00-0-02-003	17800 E BOLGER RD UNIT 204	DOUGHERTY SANDRA O-TRUSTEE	17800 E BOLGER RD #204A	INDEPENDENCE	MO	64055
34-310-04-16-00-0-00-000	17730 E 39TH ST	WESMOR RENTALS 1 LLC	1509 N ARIZONA AVE 100	CHANDLER	AZ	85225
34-310-02-24-00-0-02-006	17800 E BOLGER RD UNIT 203	EDWIN L & GEORGIA R TOWERS FAMILY TRUST AGREEMENT DATED 9/19/1997	17800 E BOLGER RD 203A	INDEPENDENCE	MO	64055
34-310-04-08-00-0-00-000	17600 E 39TH ST	CASEYS MARKETING COMPANY	PO BOX 54288 # 4342	LEXINGTON	KY	40555
34-310-02-24-00-0-03-007	17800 E BOLGER RD UNIT 301	CRAIG KAREE J	17800 E BOLGER RD UNIT 301	INDEPENDENCE	MO	64055
34-310-02-24-00-0-01-008	17800 E BOLGER RD UNIT 147	HICKMAN KENT A & DONNA M	17800 E BOLGER RD UNIT 147	INDEPENDENCE	MO	64055

Notification Area Map

17610 E BOLGER RD

Case #26-100-09



Prepared For: Planning Commission
Meeting Date: August 25, 2026



PROPERTY OWNER NOTIFICATION AFFIDAVIT

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 26-100-09

I, William B. Moore, of lawful age being first duly sworn upon oath, state:

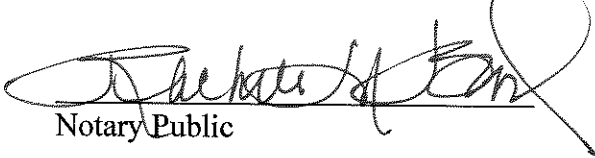
That I am the attorney for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Plan Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property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

These notices were mailed on the 22nd day of July, 2026.

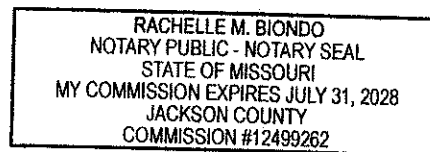


William B. Moore, Agent

Subscribed and sworn to before me this 22nd day of July, 2026.


Notary Public

7/31/28
Commission Expiration Date



CONCEPTUAL DOCUMENTS & IDEAS SHOWN FOR ILLUSTRATION PURPOSES ONLY & ARE OWNED BY PHILLIPS EDISON & CO. DRAWING SHALL NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION BY OWNER.



PROJECT NOTES:

- ZONING
- JURISDICTION:
 - CURRENT ZONING: RESIDENTIAL
 - PROPOSED ZONING: COMMERCIAL
 - DEVIATIONS FROM BANNER GUIDELINES
 - RENOVATION OF EXISTING JCP STORE.

SITE AREA TABLE:

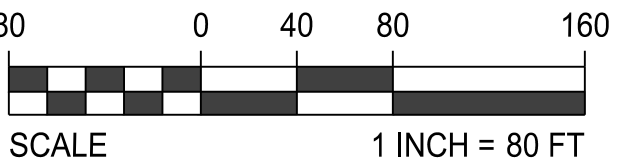
PARCEL	ACRE	SQ. FT.
#1	10.06	438,410

PARKING ANALYSIS:

BLDG	USE	REQ'D	PROP.
123,205	GROCERY	493	446
53,011	RETAIL	212	250
135,314	RETAIL	541	686
GROCERY RATIO:		4.00	3.62
184	FUEL	1	7
SUB TOTAL:		1	7
SUB RATIO:		4.00	38.04
SITE TOTAL:		1,247	1,389
SITE RATIO:		4.00	4.46

GRAPHIC LEGEND:

- SITE PROPERTY LINE
- BANNER PROPERTY LINE
- ➡ FULL ACCESS
- ➡ RESTRICTED ACCESS (RI/RO)
- ➡ 3/4 ACCESS
- 🚦 TRAFFIC CONTROL SIGNAL
- DEVELOPMENT SIGN
- PARCEL SIGN
- EXISTING BUILDING



Project Information

BOLGER SQUARE

Independence,
MO

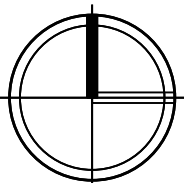
Sheet Issue Information

OVERALL
SITEPLAN

JULY 17, 2026

REVISION #

SCALE: 1" = 80'



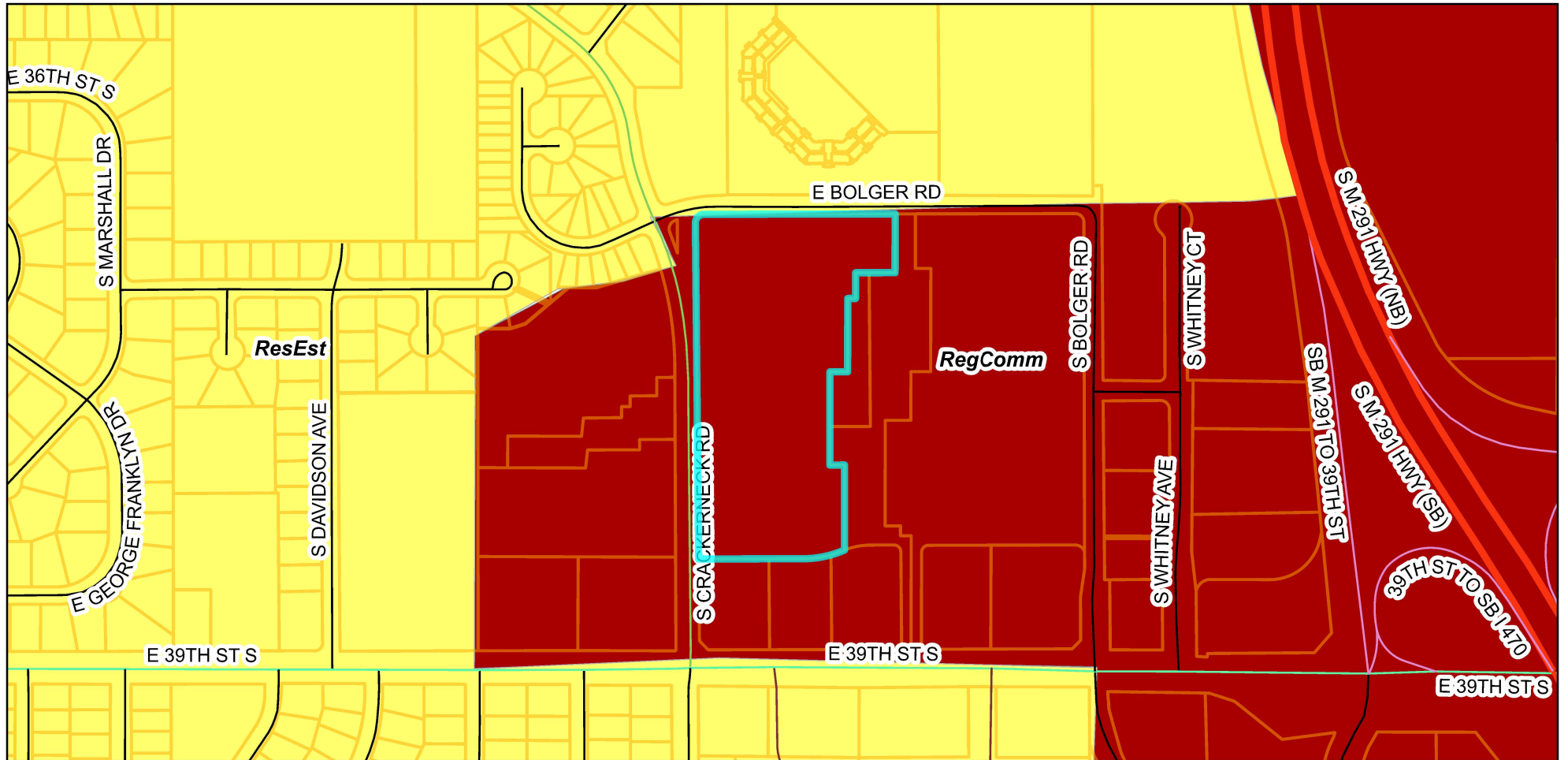
TRUE NORTH

C2

Comprehensive Plan

17610 E Bolger Rd

Case #26-100-09



 Parcels

Comprehensive Plan

 Regional Commercial

 Residential Neighborhoods

0 500 1,000 2,000 US Feet

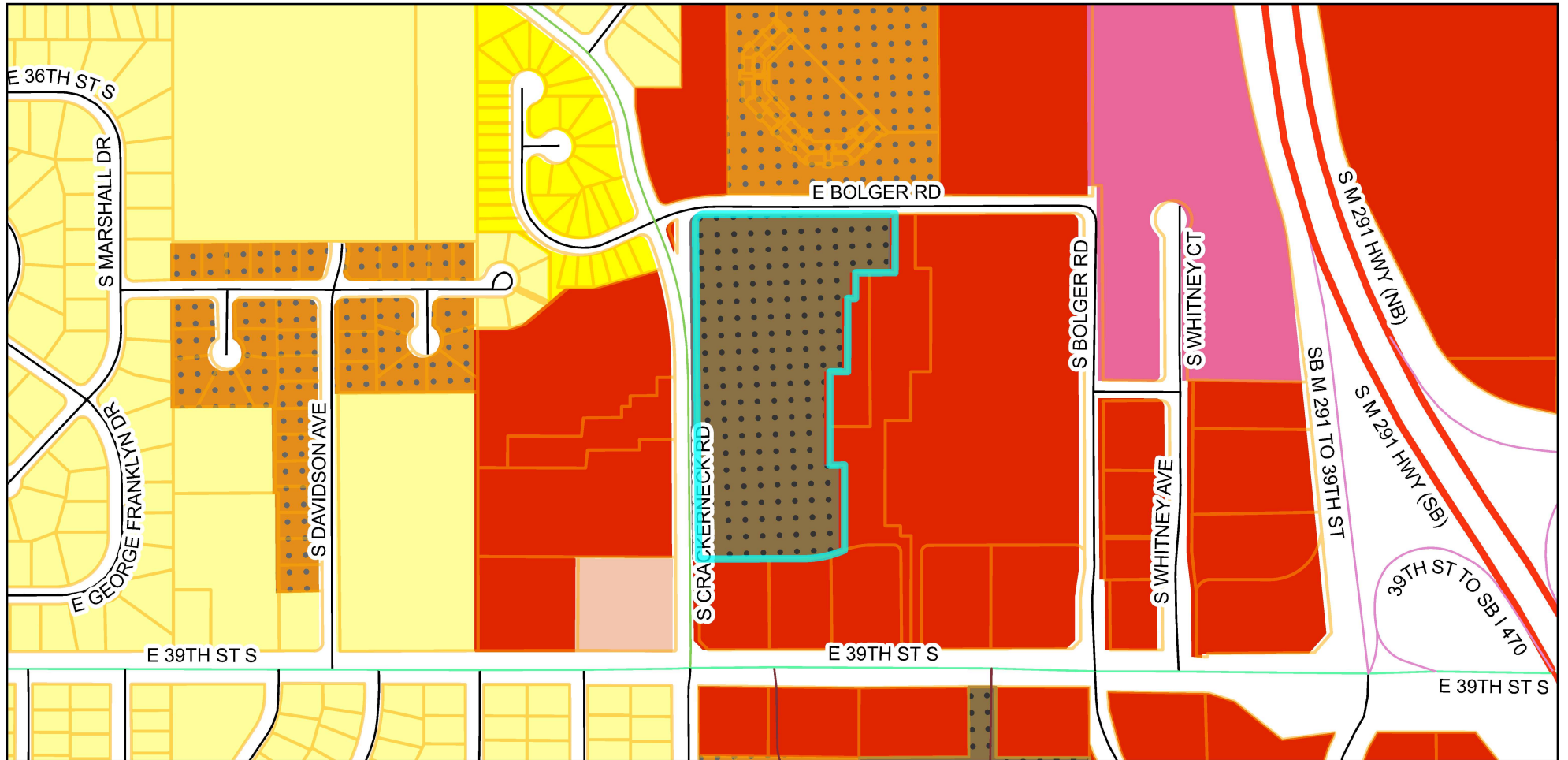
Prepared For: Planning Commission
 Meeting Date: August 25, 2026



Zoning Map

17610 E Bolger Rd

Case #26-100-09



 Parcels

Zoning District

 C-1

 C-2

 O-1

 R-12

 R-18/PUD

 R-30/PUD

 R-6

0 500 1,000 2,000 US Feet

Prepared For: Planning Commission
 Meeting Date: August 25, 2026



MEETING DATE: August 25, 2026

STAFF: Gabe Glaser, Planner

PROJECT NAME: Unbound Tattoo and Art Studio

CASE NUMBER/REQUEST: **Case 26-200-04 – Special Use Permit – 1717 S. Appleton Ave – A**
request for a Special Use Permit to operate a tattoo shop.

APPLICANT: Ronald Ashley Emerson

OWNER: Montacie Development

PROPERTY ADDRESS: 1717 S Appleton Ave

SURROUNDING ZONING/LAND USE:

North: R-12 (Two-Family Residential)...Single-family residences
East: ARTS (Arts District)...General Retail, and Food and Drink Establishments
South: ARTS (Arts District)...Civic Institution
West: ARTS (Arts District)/R-12 (Two-Family Residential)...Vacant Land and single-family residences

PUBLIC NOTICE:

- Letters to property owners – July 16, 2026
- Public Notice published in the Independence Examiner – July 25, 2026
- Signs posted on property – July 23, 2026

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on September 21, 2026 and the public hearing/second reading on October 5, 2026.

RECOMMENDATION

Staff recommends **APPROVAL** of this Special Use Permit request, subject to the following conditions:

1. All operations of the business shall be in accordance with Section 14-416 of the Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Special Use Permit approval to operate a body art service establishment.

Current Zoning: ARTS (Arts District)

Current Use: Office space, personal services, art gallery, and a restaurant.

Proposed Use: Body art service establishment

Zoning History:

The subject site was annexed in 1948. Jackson County records indicate the commercial space was built in 1960. In 1965, upon adoption of the Zoning Ordinance, the subject site was assigned a C-2 (General Commercial) zoning district classification. This designation remained the same until 2011 when the City Council approved a rezoning of the site to ARTS (Arts District).

Proposal:

The Arts District zoning designation requires any body art establishment to obtain special use permit approval. Unbound Tattoo and Art Studio propose to operate their business from an existing commercial strip center at the corner of Appleton Avenue and Winner Road.

Physical Characteristics of Property:

The subject site is an irregular shaped parcel of land consisting of +/-33,000 square feet of land area and a mix of land uses. A commercial strip center houses several businesses including an art gallery, massage therapy, bookstore, office space and a restaurant.

Characteristics of the Area:

The broader area exhibits a mixed land use pattern, with a strong commercial corridor running along Winner Road. Commercial uses dominate property along Winner Road and include personal services, general retail, civic organizations, food and drink establishments, and restaurants. Residential neighborhoods occupy the areas to the north and south of the corridor, consisting primarily of single-family subdivisions.

ANALYSIS**Consistency with *Independence for All*, Strategic Plan:**

Independence for All Strategic Plan 2022-2026 provides an objective to attract and retain quality employers with the goal of increasing the economic prosperity of the community. Approval of the special use permit will allow a new business in this corridor.

Comprehensive Plan Tools and Policies for the Current Designation:

Imagine Independence Comprehensive Plan 2040 envisions a combination of mixed use and residential urban neighborhoods for this parcel. The Business & Jobs element of the comprehensive plan provides a tool & policy to promote the expansion of small businesses. The plan recognizes the importance of small-scale businesses integrated into walkable neighborhoods.

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Public utilities are available to serve the subject site.

Floodplain/Stream Buffer:

The property is not located within any floodplains nor is it affected by stream buffers.

CIP Investments:

Winner Road Complete Streets is planned for fiscal year 2029-2030 and aims to improve both vehicular and non-motorized mobility by connecting existing sidewalks, placing crosswalks and new pedestrian signals, and adding bike lanes.

REVIEW CRITERIA

Recommendations and decisions on special use permit applications must be based on consideration of all the following criteria:

1. **Compatibility of the proposed use with the character of the neighborhood.**
The subject site is located within the Arts District , which is characterized by a variety of uses including personal services, general retail, food and drink establishments, and civic uses. The proposed body arts establishment is consistent with the corridor and does not introduce a new or unfamiliar intensity of commercial use into the area.
2. **The extent to which the proposed use is compatible with the adjacent zoning and uses.**
The proposed body arts establishment is located within and supports an already commercially zoned corridor and matches the character of surrounding commercial uses.
3. **The impact of the proposed use on public facilities.**
All existing public facilities can easily accommodate the use without requiring upgrades or expansions.
4. **The suitability of the property for the permitted uses to which it has been restricted under the applicable zoning district regulations.**
The Arts District zoning district designation requires special use permit approval for body arts establishments. The commercial strip center can adequately support the operational, functional, and customer needs associated with the use.
5. **The extent to which the proposed use may injure or detrimentally affect the use of enjoyment of property in the area.**
No detrimental effects to the surrounding properties in the area are envisioned as a result of the proposed use.
6. **The extent to which the proposed use will create excessive stormwater runoff, air pollution, noise pollution or other environmental harm.**
No additional impervious coverage is planned for this site. And the business activity aligns with the zoning district classifications and land uses of the surrounding commercial corridor. The proposed use is not expected to adversely impact neighboring properties.
7. **The extent to which there is a need for the use in the community.**
Imagine Independence Comprehensive Plan 2040 recognizes the importance of small-scale establishments in walkable neighborhoods. Approval of the Special Use Permit supports the continued viability and active use of the commercial strip center by filling a tenant space with a compatible arts-related business.
8. **The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this article.**
The body arts establishment will need to comply with all applicable regulations of the Health Department.

9. **The extent to which public facility and services are available and adequate to meet the demand for facilities and services generated by the proposed use.**
Public facilities and infrastructure exist at the site and can easily accommodate any demand of the proposed use.
10. **Conformance of the proposed use to the comprehensive plan and other adopted plans and policies.**
Approval of this Special Use Permit conforms with the comprehensive plan's tools and policies to promote the expansion of small businesses in walkable neighborhoods.
11. **The extent to which the use will impact sustainability or revitalization of a given area.**
Approval of this Special Use Permit will support the stability of commerce in this commercial corridor.

EXHIBITS

1. Narrative
2. Application
3. Notification letter
4. Address List
5. Notification Area Map
6. Affidavit
7. Site Plan
8. Landscape Plan
9. Comprehensive Plan map
10. Zoning map

Unbound Tattoo and Art Studio



To whom it may concern:

First I would like to thank you for your time. My name is Ronald Ashley Emerson and I am applying for a special use permit to open a tattoo shop at 1717 Appleton Ave.

I've been tattooing professionally for seventeen years and have been making art professionally since the early nineties. As a tattooer I've won awards, tattooed across the western hemisphere and built countless relationships. As a business professional I've managed Tattoos by Ashley LLC. successfully for eight years and was co-owner of Definitive Tattoo Gallery LLC. for five years.

I've lived in Independence since 2019 and it has become my home. I volunteer with the Englewood Community Garden, volunteer with Community Services League, work with WInC and the Englewood Arts Center. Englewood has welcomed me in and I feel woven into the fiber of the community.

Unbound Tattoo and Art Studio is not a quantity driven tattoo shop. We are a community driven shop. Giving back to our community is one of our core values. Our platform gives us the opportunity to sponsor events, perform community service and pursue philanthropic endeavors. As a member of the Englewood Arts District I plan to be engaged with the Business Association as well as the Independence Chamber of Commerce. I believe the more we work together the more we can succeed.

The shop itself will have room for two more artists, but there is nobody currently in those work spaces. I will be starting off privately and letting the studio grow when the right artist comes along. The right artist will be experienced, professional and active in the community.

Thank you again for your time and support. I believe we can work together and make great things for the city of Independence.

Sincerely,

Ronald Ashley Emerson

Unbound Tattoo and Art Studio

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	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Unbound Tattoo and Art Studio

Project Name

1717 Appleton Ave

Project Address/Location

Sq. Ft. of Building

Acreage

Number of Lots/Tracts

Stream Buffer (Yes or 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
- ☐ Application Fee
- ☐ Cover Letter Describing Details of Project

- ☐ One 24" x 36" set of plans for Land Sub. & Site Dev.
- ☐ One PDF copy of a plat map or site plan
- ☐ Legal Description of the property in question

Contact Information

Applicant

Ronald Ashley Emerson

Name

Company

133 N Davidson Ave

Address

Owner

Montacie Development

Name

Company

10900 E. Winner Road

Address

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.

[Signature]
Applicant's Signature

6-15-26
Date

[Signature]
Owner's Signature

6-16-26
Date

Property Owner Notification Letter

City of Independence, Missouri

Date: 08/05/2026

Case No. 26-200-04

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: Custom tattoo and art studio.

Applicant: Ronald Ashley Emerson

Location of Property: 1717 S Appleton Ave.

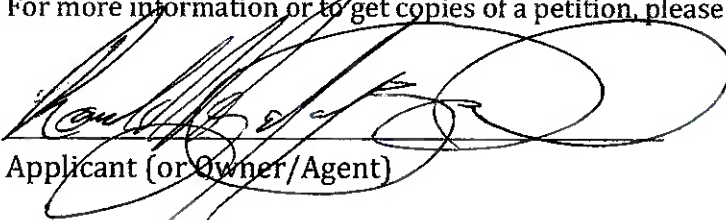
Planning Commission Meeting Date: 08/25, 2026, at 6:00 p.m.

City Council Meeting Date: 10/05, 2026, at 6:00 p.m.

Location of public hearings: Independence Municipal Commons
20201 E. Jackson Drive, Independence, Missouri, 64057

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.



Applicant (or Owner/Agent)

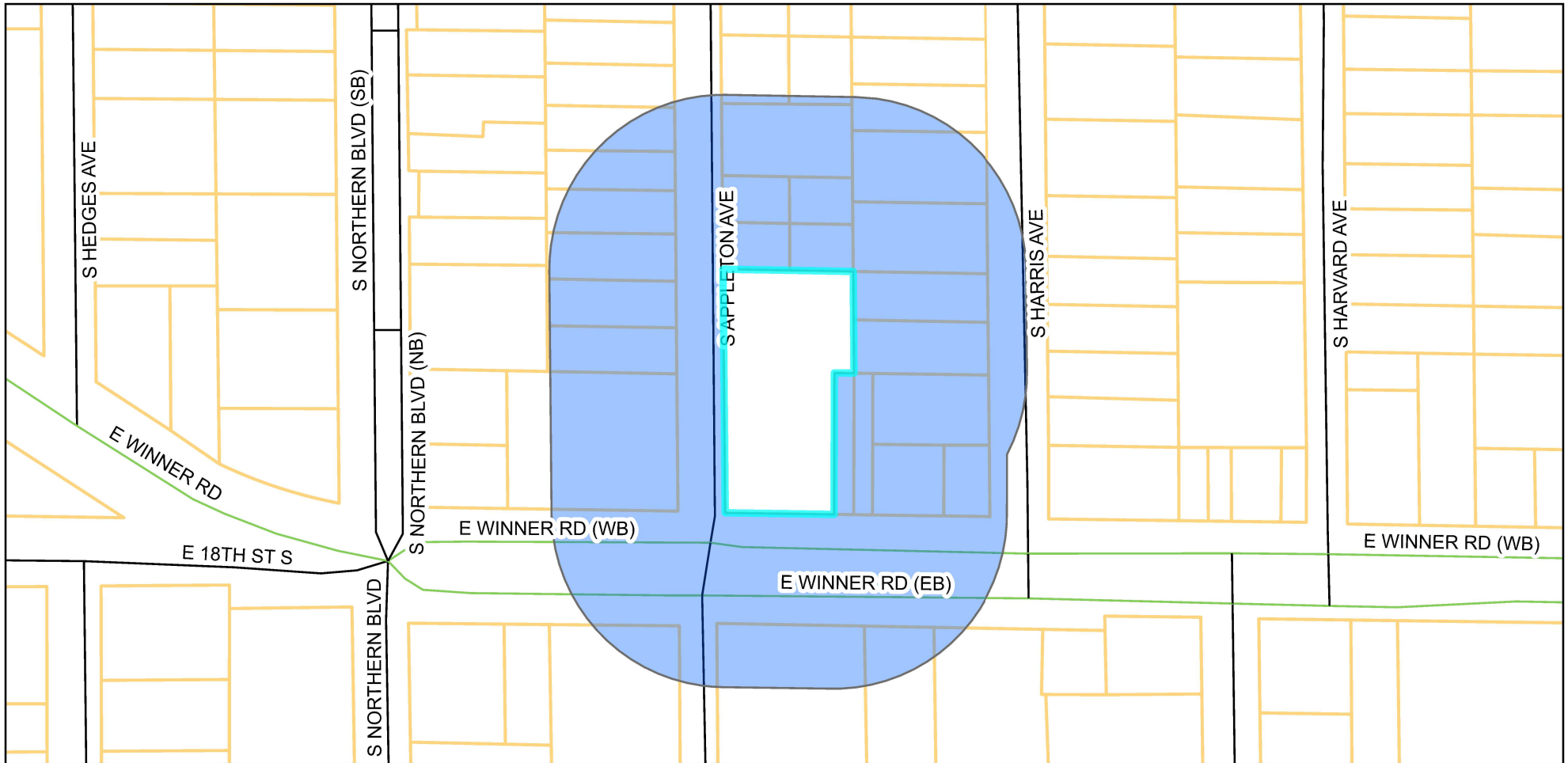
For more information, contact the Community Development Department at 816-325-7421.

Parcel ID	Property Address	Property Owner	Owner Address	City	State	ZIP Code
27-140-21-46-00-0-00-000	10900 E WINNER RD	MONTACIE DEVELOPMENT CORP	10900 E WINNER RD	INDEPENDENCE	MO	64052
27-610-04-25-00-0-00-000	10815 E WINNER RD	HASTING HOLDINGS LLC	2528 NE ANGEL FISH PL	LEES SUMMIT	MO	64086
27-140-21-27-00-0-00-000	1722 S HARRIS AVE	ENGLEWOOD PROPERTIES LLC	923 NE WOODS CHAPEL RD #164	LEES SUMMIT	MO	64064
27-140-21-17-00-0-00-000	1707 S APPLETON AVE	ARF2 LLC	16657 E 23RD ST S STE 370	INDEPENDENCE	MO	64055
27-610-05-05-00-0-00-000	10901 E WINNER RD	ENGLEWOOD ARTS	10900 E WINNER RD	INDEPENDENCE	MO	64052
27-140-09-26-00-0-00-000	1714 S APPLETON AVE	CAIN PROPERTIES LLC	17 M STREET, LAKE SHORE DR LAKE	LOTAWANA	MO	64086
27-610-05-03-00-0-00-000	10923 E WINNER RD	BAMBAM TRUST DATED 02/23/2023	3859 W 95TH ST	OVERLAND PARK	KS	66204
27-140-09-28-00-0-00-000	1710 S APPLETON AVE	CEDARWOOD PROPERTIES KC LLC	P.O. BOX 184	INDEPENDENCE	MO	64051
27-140-09-31-00-0-00-000	1704 S APPLETON AVE	LUGENBEEL DONALD L JR	1704 APPLETON	INDEPENDENCE	MO	64053
27-140-21-26-00-0-00-000	10922 E WINNER RD	ENGLEWOOD PROPERTIES LLC	923 NE WOODS CHAPEL RD #164	LEES SUMMIT	MO	64064
27-140-21-31-00-0-00-000	1710 S HARRIS AVE	GIBSON ROGER D & ALICE	1714 HARRIS	INDEPENDENCE	MO	64052
27-140-21-30-00-0-00-000	1714 S HARRIS AVE	GIBSON ROGER D & ALICE	1714 HARRIS	INDEPENDENCE	MO	64052
27-140-21-43-00-0-00-000	10910 E WINNER RD	ENGLEWOOD PROPERTIES LLC	923 NE WOODS CHAPEL RD #164	LEES SUMMIT	MO	64064
27-140-21-29-00-0-00-000	1716 S HARRIS AVE	HAMPTON RICKY LEE	1716 S HARRIS AVE	INDEPENDENCE	MO	64052
27-140-21-28-00-0-00-000	1718 S HARRIS AVE	ENGLEWOOD PROPERTIES LLC	923 NE WOODS CHAPEL RD #164	LEES SUMMIT	MO	64064
27-140-21-32-00-0-00-000	1704 S HARRIS AVE	SANTIBANEZ JOSE	704 E WALNUT ST	INDEPENDENCE	MO	64050
27-140-09-46-00-0-00-000	1712 S APPLETON AVE	TREJO O FELIA	1712 APPLETON AVE	INDEPENDENCE	MO	64052
27-140-21-42-00-0-00-000	10912 1/2 E WINNER RD	ENGLEWOOD PROPERTIES LLC	923 NE WOODS CHAPEL RD #164	LEES SUMMIT	MO	64064
27-140-21-20-00-0-00-000	1709 S APPLETON AVE	ISSARA REAL ESTATE LLC	13883 W 57TH ST	SHAWNEE	KS	66216
27-140-21-45-00-0-00-000	1705 S APPLETON AVE	WARD NICHOLE M	1705 APPLETON AVE	INDEPENDENCE	MO	64052
27-140-21-14-00-0-00-000	1701 S APPLETON AVE	THURMAN RICHARD G & ELIZABETH D	1701 APPLETON	INDEPENDENCE	MO	64052
27-140-21-25-00-0-00-000	10914 E WINNER RD	ENGLEWOOD PROPERTIES LLC	923 NE WOODS CHAPEL RD #164	LEES SUMMIT	MO	64064
27-140-21-18-00-0-00-000	1707 S APPLETON AVE	ARF2 LLC	PO BOX 1127	REDONDO BEACH	CA	90278
27-140-09-30-00-0-00-000	1706 S APPLETON AVE	BRADLEY KEITH DAVID	1706 S APPLETON AVE	INDEPENDENCE	MO	64052
27-610-05-04-01-0-00-000	10917 E WINNER RD	FRIENDS OF ENGLEWOOD THEATER	3704 S GRAND AVE	INDEPENDENCE	MO	64055
27-140-09-49-00-0-00-000	10812 E WINNER RD	HASTING HOLDINGS LLC	2528 NE ANGEL FISH PL	LEES SUMMIT	MO	64086
27-140-21-13-00-0-00-000	1701 S APPLETON AVE	THURMAN RICHARD G & ELIZABETH D	1701 APPLETON	INDEPENDENCE	MO	64052
27-140-21-19-00-0-00-000	1709 S APPLETON AVE	ORELLANA MIRNA FIGUEROA	1709 S APPLETON AVE	INDEPENDENCE	MO	64052
27-140-09-32-00-0-00-000	1702 S APPLETON AVE	BROWN JAMES M	1702 APPLETON AVE	INDEPENDENCE	MO	64052
27-140-09-29-00-0-00-000	1708 S APPLETON AVE	MENSSSEN ANTHONY & TRACEY	1708 S APPLETON AVE	INDEPENDENCE	MO	64052

Notification Area Map

1717 S Appleton Ave

Case #26-200-04



 Notification Area
 Parcels

Meeting Date: August 25, 2026
Prepared For: Planning Commission



Property Owner Notification Affidavit

STATE OF MISSOURI

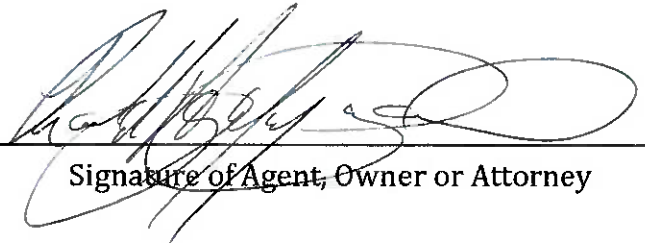
COUNTY OF JACKSON

Case No. 26-200-04

I, Ronald Ashley Emerson, 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.**

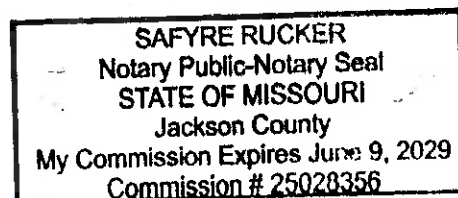
These notices were mailed on the 6 day of August, 2026.


Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 6 day of August, 2026.


Notary Public

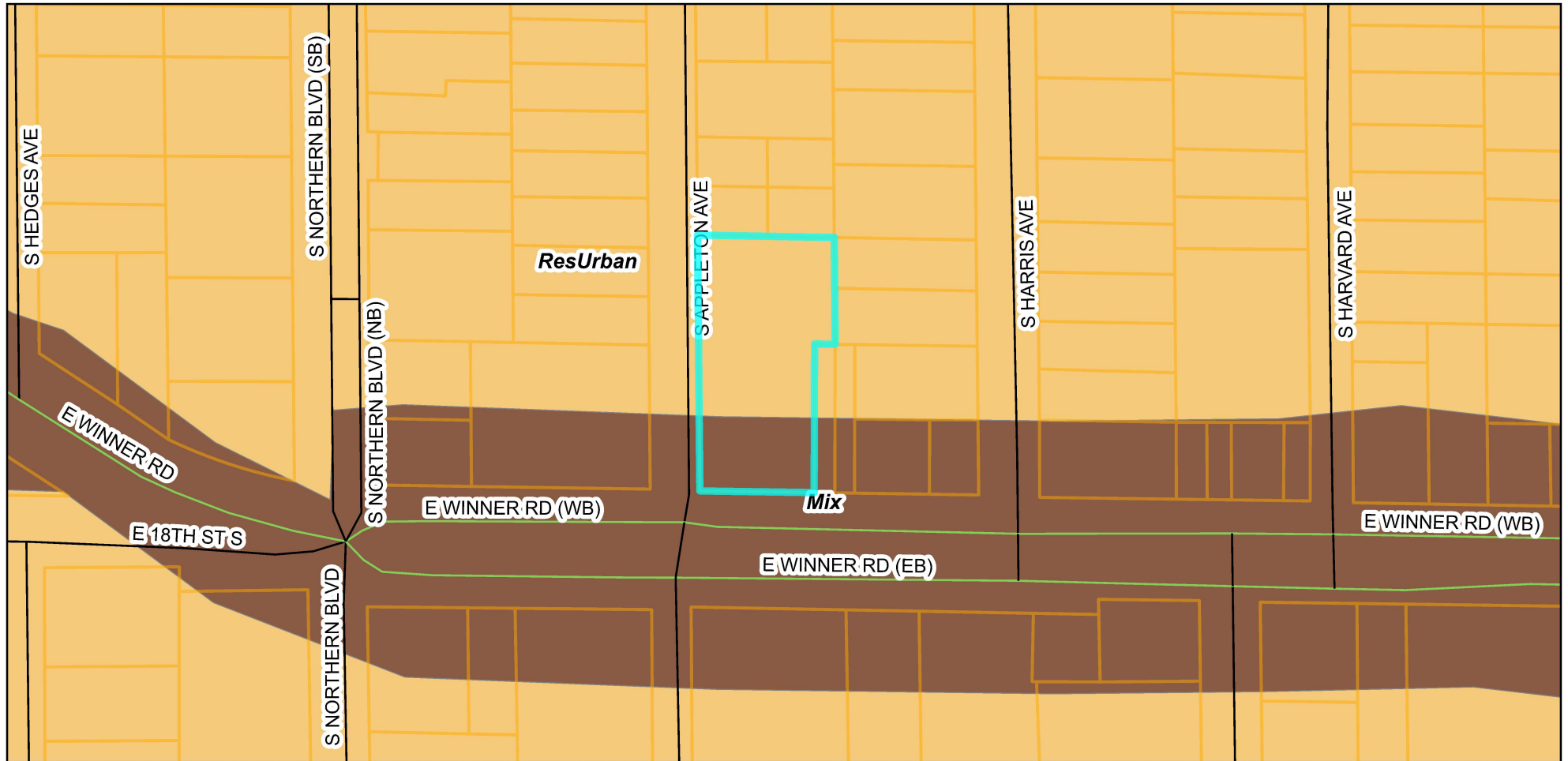
June 9, 2029
Commission Expiration Date



Comprehensive Plan

1717 S Appleton Ave

Case #26-200-04



Parcels

Comprehensive Plan

Mixed Use

Residential Urban
Neighborhoods

0 125 250 500 US Feet

Prepared For: Planning Commission

Meeting Date: August 25



Zoning Map

1717 S Appleton Ave

Case #26-200-04



Parcels

Zoning District

ARTS

C-2

R-12

R-30/PUD

0 125 250 500 US Feet

Prepared For: Planning Commission

Meeting Date: August 25, 2026



MEETING DATE: August 25, 2026

STAFF: Tom Scannell, Community Development Director

PROJECT NAME: UDO Amendment #81

CASE NUMBER / REQUEST: **Case 26-175-04 – UDO Amendment #81 – New Evidence** – A request to amend the Unified Development Ordinance relating to new evidence.

APPLICANT: City of Independence

PUBLIC NOTICE:

- Public notice published in Independence Examiner – August 7, 2026

FURTHER ACTION:

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on September 21, 2026 and the public hearing/second reading on October 5, 2026.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

The City proposes Amendment #81 to the Unified Development Ordinance (UDO) to amend new evidence regulations. The proposed amendment establishes a more defined process governing the consideration of newly discovered evidence by the City Council following a recommendation from the Planning Commission.

BACKGROUND & HISTORY:

The Unified Development Ordinance currently provides procedures for public hearings and establishes a process by which the City Council may consider evidence not presented during the Planning Commission's public hearing. The existing language references "new evidence" but provides limited guidance regarding what qualifies as new evidence or the procedures for its submission and consideration.

Because zoning decisions considered by the Planning Commission and City Council are quasi-judicial in nature, it is important that the record established before the Planning Commission serve as the basis for the City Council's review. At the same time, there may be rare circumstances in which material evidence could not reasonably have been discovered or presented during the Planning Commission hearing.

The proposed amendment modernizes and clarifies the City's procedures by establishing objective criteria for determining when newly discovered evidence may be considered by the City Council while preserving the integrity of the Planning Commission record.

PROPOSED AMENDMENT

The proposed amendment modifies Section 14-700-09(C) by:

- Establishes that the City Council's review shall be based upon the record established before the Planning Commission.
- Replaces the existing "new evidence" standard with a more clearly defined "newly discovered evidence" standard.
- Defines the criteria that evidence must satisfy before it may be considered by the City Council.
- Requires that any proposed newly discovered evidence be submitted to the Community Development Department within fourteen (14) days following the Planning Commission recommendation.
- Requires the Community Development Department, in consultation with the Law Department, to determine whether the submitted information satisfies the ordinance criteria.
- Provides that if qualifying newly discovered evidence exists, the City Council will conduct a public hearing limited solely to presentation of that newly discovered evidence before considering the application.
- Provides that if no qualifying newly discovered evidence exists, the City Council shall consider the application based solely upon the record established before the Planning Commission and no additional public hearing shall be required.

The proposed amendment improves both the transparency and predictability of the City's land use review process while reinforcing the Planning Commission's role as the primary fact-finding body for zoning and land use applications.

Under the proposed language, evidence may only be considered by the City Council if it is:

- Material to the issues before the City Council;
- Not merely cumulative of evidence previously submitted; and
- Evidence that could not have been discovered and presented during the Planning Commission public hearing through the exercise of reasonable diligence.

The amendment establishes a clear and objective standard for the consideration of newly discovered evidence and reinforces the Planning Commission's role as the primary fact-finding body. Further, the amendment creates a more efficient hearing process by requiring a City Council public hearing only when qualifying newly discovered evidence exists. If no such evidence is submitted or if the submission fails to meet the ordinance criteria, the City Council will consider the application based solely on the Planning Commission record, avoiding unnecessary duplication of testimony while maintaining the integrity of the process.

EXHIBITS

1. Section 14-700-09 Public Hearing

14-700 GENERAL/COMMON PROCEDURES

14-700-09 Public hearings

14-700-09-A. General Procedures. When the consideration of an application requires a public hearing, the following provisions apply:

1. The purpose of a public hearing is to provide the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application and to rebut evidence presented by others.
2. Rules of procedure may be adopted by the hearing body.
3. A written summary of the proceedings must be made for all public hearings.

14-700-09-B. Continuances. A public hearing may be continued under the following circumstances:

1. Any applicant or authorized agent will have the right to one continuance of a required public hearing provided that a written request therefore is filed with the Community Development Director at least three business days prior to the date of the scheduled hearing. The applicant must make every reasonable effort to notify interested parties of the request.
2. In addition to the procedure provided for above, the hearing body may grant a continuance on its own initiative or other circumstances the body deems appropriate. A majority vote of those members of the official body present at the meeting is required to grant a continuance. The record will indicate the reason for the continuance and any stipulations or conditions placed upon the continuance.
3. If an item that is subject to a public hearing is continued or otherwise carried over to a subsequent date and the public hearing has been opened, the public hearing will not be deemed concluded until the date on which the hearing is formally closed. If a continuance provides the date on which the matter will be heard, re-publication of notice is not required. If a continuance does not specify a date on which the matter will be heard, public notice pursuant to Section 14-700-08, as applicable, must be provided prior to the date on which the matter is heard.

~~**14-700-09-C. New Evidence Hearing.** The City Council will only hear evidence that was not presented at the Planning Commission's public hearing if such evidence was not reasonably available at the time of the hearing before the Planning Commission. New evidence proposed to be presented to the City Council at its hearing must be submitted in writing to the Community Development Department and Law Department at least seven days before such hearing by the City Council for a determination of whether such proposed evidence is both new evidence and was not reasonably available at the time of the hearing before the Planning Commission. Both the Community Development Department and Law Department will submit their findings to the City Council, who will make the final determination of whether the proposed evidence is new and was not reasonably available at the time of the hearing before the Planning Commission.~~

14-700-09-C. Newly Discovered Evidence. The City Council's review shall be based on the record established before the Planning Commission. Evidence not presented at the Planning Commission public hearing may be considered only if it qualifies as newly discovered evidence that:

1. Is material to the issues before the City Council;
2. Is not merely cumulative of evidence previously submitted; and
3. Could not have been discovered and presented at the Planning Commission public hearing through the exercise of reasonable diligence.

Chapter 14 - UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 7. - REVIEW AND APPROVAL PROCEDURES
14-700 GENERAL/COMMON PROCEDURES

Any proposed newly discovered evidence shall be submitted in writing to the Community Development Department no later than fourteen (14) days after the date of the Planning Commission's recommendation. The Community Development Department, in consultation with the Law Department, shall review the submission and determine whether it satisfies the criteria for newly discovered evidence established in this subsection.

If the Community Development Department and Law Department determine that a submission qualifies as newly discovered evidence, the City Council shall conduct a public hearing limited to the Community Development Department presentation of the newly discovered evidence before considering the application. Any public hearing conducted pursuant to this subsection shall comply with the notice requirements applicable to City Council public hearings under this Ordinance.

If no newly discovered evidence is submitted, or if the Community Development Department and Law Department determine that a submission does not satisfy the criteria of this subsection, the City Council shall consider the application based solely on the record established before the Planning Commission, and no City Council public hearing shall be required.