

City of Independence

Planning Commission Agenda

October 10, 2017

6:00 PM, Council Chambers, Independence City Hall

City Code Chapter 14 and the staff reports are entered into the record.

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC HEARING

- A. Case #17-175-03 – UDO Amendment # 29 – Tobacco/Convenience Stores
The City proposes Amendment #29 of the Unified Development Ordinance (UDO) relating to Tobacco/Convenience Stores in Section 14-419.

- B. Case #17-175-04 – UDO Amendment # 30 – Donation Bins
The City proposes Amendment #30 of the Unified Development Ordinance (UDO) relating to Donation Bins in Section 14-400-09.

IV. APPROVAL OF MINUTES

September 12, 2017

V. ROUNDTABLE

VI. ADJOURNMENT

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Case #17-175-03 – UDO Amendment # 29 – Tobacco/Convenience Stores
The City proposes Amendment #29 of the Unified Development Ordinance (UDO) relating to Tobacco/Convenience Stores in Section 14-419.

Department:

Contact Person:

REVIEWERS:

Planning Commission

Approved

Council Action:

Council Action:

ATTACHMENTS:

- ▣ Staff Report
- ▣ Proposed Amendment

City of Independence

Community Development Department

TO: Planning Commission
PREPARED BY: Community Development Department
RE: Case #17-175-03 – Unified Development Ordinance – Amendment #29 – Tobacco/Convenience Stores
DATE: October 10, 2017

GENERAL DESCRIPTION

The City requests the adoption of Amendment #29 to Section 14-419 of the Unified Development Ordinance (UDO).

RECOMMENDATION

Staff recommends **APPROVAL** of the adoption of the proposed Amendment #29 to the Unified Development Ordinance.

REVIEW

According to the Independence Health Department, although progress is being seen in reducing cigarette smoking among U.S. and Independence youth, the use of other tobacco and nicotine products has increased. The government-sponsored Monitoring the Future survey demonstrated an increase in use of other tobacco products, such as electronic cigarettes and flavored cigars. Independence data reflects this increase with more students using electronic cigarettes, than regular cigarettes, and 35% of students believing that electronic cigarettes are less harmful than regular cigarettes. Another study funded by the National Institute on Drug Abuse (NIDA), National Cancer Institute (NCI), the U.S. Food and Drug Administration and Center for Tobacco Products found that students who reported using electronic cigarettes by the time they started high school were more likely to report later use of traditional tobacco products.

Tobacco use continues to be the nation's number one cause of preventable death. As the City continues to try and take action to protect its citizens from tobacco addiction, staff is recommending lowering the number of tobacco and convenience stores (without gasoline sales) from 1 per 8,000 residents to 1 per 15,000 residents. With the last decennial census noting a population of 116,882, this would lower the number of tobacco and convenience stores (without gasoline sales) allowed from the current 14 to 7.

In the attached exhibit, underline indicates the proposed new text, while ~~striketrough~~ indicates proposed deleted text.

EXHIBITS

1. Proposed amendment

14-419 TOBACCO/CONVENIENCE STORE

(History: Ordinance No. 18261)

14-419-01 APPLICABILITY

The standards of this article apply to tobacco and convenience store, as defined by this ordinance.

14-419-02 SEPARATION AND NUMBER OF ESTABLISHMENTS PER CAPITA

14-419-02-A. As a conditional use, a tobacco/convenience store may not locate or expand any existing operation within 500 feet of any residential use or district, church, school, or public park. With Special Use Permit approval, a tobacco/convenience store may locate or expand less than 500 feet of any residential use or district, church, school, or public park. Such Special Use Permit must be approved in accordance with Section 14-704.

14-419-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest exterior structural wall of each building or zoning district.

14-419-02-C. No permit may be issued for a tobacco/convenience store where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per ~~8~~15,000 residents based on the last decennial census.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Case #17-175-04 – UDO Amendment # 30 – Donation Bins
The City proposes Amendment #30 of the Unified Development Ordinance (UDO) relating to Donation Bins in Section 14-400-09.

Department:

Contact Person:

REVIEWERS:

Planning Commission

Approved

Council Action:

Council Action:

ATTACHMENTS:

- ▣ Staff Report
- ▣ Proposed Amendment

City of Independence

Community Development Department

TO: Planning Commission
PREPARED BY: Community Development Department
RE: Case #17-175-04 – Unified Development Ordinance – Amendment #30 -
Donations Bins
DATE: October 10, 2017

GENERAL DESCRIPTION

The City requests the adoption of Amendment #30 to Section 14-400-09 of the Unified Development Ordinance (UDO) regarding Donation Bins.

RECOMMENDATION

Staff recommends **APPROVAL** of the adoption of the proposed Amendment #30 to the Unified Development Ordinance.

REVIEW

In continuing efforts to improve the overall appearance of the City, this amendment is proposed to require that all donation bins which are located in commercial and industrial zoned areas are accessory to an active and open business. Currently, donation bins may be located in parking lots of permanently closed businesses. In these situations, there is little to no oversight on the donation bin, and has led to donation bins that are filled to capacity, and overflowing onto the ground around the donation bin. This proposed amendment will assist in the City's effort to improve the overall appearance of the City by providing a level of oversight on these donations bins from open businesses.

This amendment also adds a new subsection (14-400-09-F), which gives guidelines for the removal of a non-compliant donation bin. This subsection states the property owner would be given ten (10) days to remove the donation bin after written notice from the Community Development Director. Upon failure to comply with the notice from the Director, the Director may cause removal of the donation bin, and all related expenses paid by the property owner.

In the attached exhibit, underline indicates the proposed new text, while ~~strikethrough~~ indicates proposed deleted text.

EXHIBITS

1. Proposed amendment

14-400-09 DONATION BINS

14-400-09-A. Donation bins may be kept on property zoned Commercial (O/C) or Industrial (I) when on a parking lot adjacent to the building/tenant space, and on a property, of a business with a valid City business license. However, such bins may also be kept on properties used for religious assembly, institutional or community service uses regardless of the property's zoning or business license status.

14-400-09-B. Bins are limited to maximum height of seven feet with a maximum area of 25 square feet. Bins that exceed this maximum height or area shall be considered an accessory building and comply with the standards of Section 14-400-01.

14-400-09-C. Donation bins are prohibited from collecting hazardous materials. All donated items should fit inside the bin. All bins must be kept clean and in good repair.

14-400-09-D. Sites of one acre or less are limited to two donation bins, sites over one acre up to five bins. Bins shall be grouped together on the property.

14-400-09-E. Bins must not be located in any drive aisle, required parking or loading space, walkway, or impede vehicular or pedestrian traffic.

14-400-09-F. Donations bins not in full compliance with the regulations set herein shall be removed. Removal of a donation bin must occur within 10 days after written notification from the Community Development Director. Upon failure to comply with the notice within the time specified in the notice, the Community Development Director may cause removal of the donation bin. Any expenses related to removal must be paid by the property owner where the donation bin is located.

_(History: Ordinance No. 17782)

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

September 12, 2017

Department:

Contact Person:

REVIEWERS:

Planning Commission

Approved

Council Action:

Council Action:

ATTACHMENTS:

- ▣ Minutes

MINUTES
INDEPENDENCE CITY PLANNING COMMISSION
September 12, 2017

MEMBERS PRESENT

Eric Ashbaugh, Chair
Cindy McClain, Vice Chair
Travis Boley
Virginia Ferguson
John Goldesberry
Bill Preston
Tina Read

MEMBERS ABSENT

None

STAFF PRESENT

Charlie Dissell – Assistant Director
Stuart Borders – Senior Planner
Brian Harker - Planner
Dayla Bishop-Schwartz- City Counselor

A meeting of the Independence City Planning Commission was held at 6:00 p.m., September 12, 2017 in the Independence City Hall Council Chambers (lower level, north entrance), 111 E. Maple Street in Independence, Missouri. The meeting was called to order.

PUBLIC HEARING

1. Case #17-100-08 – Rezoning – 14400 East US 40 Highway

Oakview Capital Partners, LLC requests a rezoning from C-2, General Commercial to C-3, Service Commercial for property at 14400 East US 40 Highway

Staff Presentation

Brian Harker reviewed the rezoning request. Mr. Harker noted the request is for the repurposing of an existing building. The proposed use is an indoor climate controlled storage facility, which requires C-3 zoning. Mr. Harker added there are single family uses to the north, and Kansas City is on the south side of US Highway 40. Mr. Harker presented the Commission with the proposed site layout. Mr. Harker noted that additional landscaping will be required to buffer from the residential properties to the north. Mr. Harker presented the Commission with photos of the site. Staff is recommending approval of this rezoning application.

Applicant Comments

Brad Tidwell (201 Hawks Ridge Trail, Colleyville, Texas) representing Oakview Capital spoke on the proposed application. Oakview Capital develops climate controlled storage facilities in the Dallas area, and know in the Kansas City area. Mr. Tidwell noted that most their projects are built from the ground up, but occasionally, a reuse of an existing building is used, such as in this case. Mr. Tidwell noted the building on this site is in great condition, and noted there is a demand for this type of facility in this location. Mr. Tidwell added that there will be approximately 600 storage units in this facility on 2 floors, all indoor units. Mr. Tidwell noted this facility will not be a 24-hour facility and is a low traffic generator. Mr. Tidwell stated that they did meet with the Homeowners Association of the Tomasha

Neighborhood. Mr. Tidwell has also meet with the neighboring commercial properties. Mr. Tidwell noted that he has not heard any opposition to their request.

Chairman Ashbaugh asked if there are a certain percentage of units that need to be rented for the business to be viable. Mr. Tidwell stated that 50% is the goal in 18 months, and within 2.5 years be at 80%. He anticipates in this property, they will be up to 50% in the first year, and 80% in the second year. Mr. Tidwell noted that the company Cubesmart will be the third party manager of this property.

Commissioner Read asked if the construction contractors will be local. Mr. Tidwell stated they would be, and their General Contractor is out of Kansas City.

Public Comments

There were no public comments.

Discussion

Commissioner McClain noted she was excited about the reuse of the building.

Motion (Case #17-100-08 – Rezoning – 14400 East US 40 Highway)

Commissioner Preston made a motion to approve the case as presented. Commissioner Ferguson seconded the motion. The motion passed with seven affirmative votes.

2. Case #17-125-03 – Rezoning/PUD – 3655 South Ponca Drive

Drumm Center for Children, Inc. requests a rezoning from C-2, General Commercial to R-18 PUD, Moderate Density Residential PUD, and approval of a preliminary development plan, at 3655 South Ponca Drive.

Staff Presentation

Stuart Borders reviewed the rezoning request. Mr. Borders explain the properties location, zoning, and surrounding zoning. Independence Center is to the southeast of this site. Mr. Borders presented the Commission with the Preliminary Development Plan, including site layout and building elevations. Mr. Borders also presented the Commission with the proposed landscaping plan. Mr. Borders presented the Commission with current site photos. Staff recommends approval of this application, with the following conditions:

1. The addresses are as follows: Phase 1 – 3645 S. Ponca Drive; Phase 2 – 3635 S. Ponca Drive; Phase 3 – 3655 S. Ponca Drive; Phase 4 - 3625 S. Ponca Drive
2. Landscape buffers are required on the east and south sides of this project along with parking lot landscaping. See Code Section 14-503 for further details.
3. Street/alley improvements may be needed to bring this site up to Code.
4. The City Code says five foot sidewalks are required along the streets now. There are some on the east side of this loop and at newer construction sites in the area.
5. Sewer mains may need to be extended to serve some of these buildings.
6. All requirements of the City Water Department must be met including, but not limited to: the design and construction of water services (mains and fire hydrants), the provision of adequate easements, and the use of backflow prevention devices.

7. All sanitary sewer and stormwater management requirements of the Public Works Department must be met including, but not limited to: the design and construction of sanitary sewer and stormwater lines, sewer clean outs, the provision of adequate easements, and the design and construction of detention basins.

Commissioner McClain asked if curbs are required. Mr. Borders confirmed they would be.

Applicant Comments

Brad Smith (3220 S Lees Summit Rd.) representing Drumm Center for Children spoke on the proposed application. The property has been donated to Drumm, contingent on the rezoning request. The proposed facilities is used as transitional housing for young residents who have aged out of foster care and are homeless. Rent will be controlled by Drumm, and is based off a percentage of the renters income. There will be Drumm staff living on site. Education and counseling support services will be available to residents. Most of the residents who live on this site will be close to independent living status.

Chairman Ashbaugh asked if there would be an onsite manager. Mr. Smith confirmed. Chairman Ashbaugh asked if this facility is intended to be around long term. Mr. Smith noted that Drumm Farm has been around for 98 years, and keeps growing.

Commissioner Preston noted the Independence School District has identified about 120 students in the school district who are homeless. Mr. Smith added with the Fort Osage school districts in the City, their estimate is 150. Preston asked what the current service level is to this population. Mr. Smith explained the staffing structure of Drumm, and what staff members do. Mr. Smith noted this area, being in a commercial area, is a great access for the residents to work. Mr. Smith noted that Drumm is currently providing service to about 8% of the youth homeless in Independence, and this facility will help increase that number.

Public Comments

There were no public comments.

Discussion

Chairman Ashbaugh noted that since Drumm is building this, he is in support.

Motion (Case #17-125-03 – Rezoning/PUD – 3655 South Ponca Drive)

Commissioner Read made a motion to approve the case as presented with conditions. Commissioner Preston seconded the motion. The motion passed with seven affirmative votes.

OTHER BUSINESS

3. Case #17-400-03 - Home Business Permit – 11321 East 15th Street South

Cynthia Jones requests a Home Business Permit for Sweet Memories Forever Photography at 11321 East 15th Street South.

Staff Presentation

Stuart Borders reviewed the home business request. Mr. Borders showed the commission the proposed area and surrounding zoning. R-12 zoning completely surrounds this property. Mr. Borders presented the Commission with current site pictures. Staff recommends approval of the home business permit application with the following conditions:

1. Not more than two clients shall be on-site at any one time.
2. The business will only operate between 9:00 AM and 7:00 PM, Monday through Saturday.
3. All pertinent State and local licenses and certifications must remain current.

Applicant Comments

Cynthia Jones (11321 East 15th Street South) spoke on the proposed application. Ms. Jones explained that photography has been a hobby for years, and she now wants to create her own business. Ms. Jones explained her business model.

Chairman Ashbaugh asked if she was OK with the conditions. Ms. Jones confirmed she was.

Public Comments

Steven Jones (11321 East 15th Street South) explained that Cynthia has been working at making this business a reality for 20 years, and asked the Commission to approve the application.

Discussion

Commissioner Ferguson asked if there would be nude photos taken. Ms. Jones noted she would not. Chairman Ashbaugh asked if there were any restrictions in City Code about nude photography. Mr. Borders does not believe there are any restrictions.

Motion (Case #17-400-03 - Home Business Permit – 11321 East 15th Street South)

Commissioner McClain made a motion to approve the case as presented, with conditions. Commissioner Read seconded the motion. The motion passed with seven affirmative votes.

APPROVAL OF MINUTES

The minutes of the August 22, 2017 Planning Commission meeting were approved.

ADJOURNMENT

The meeting was adjourned at 6:50 p.m.