

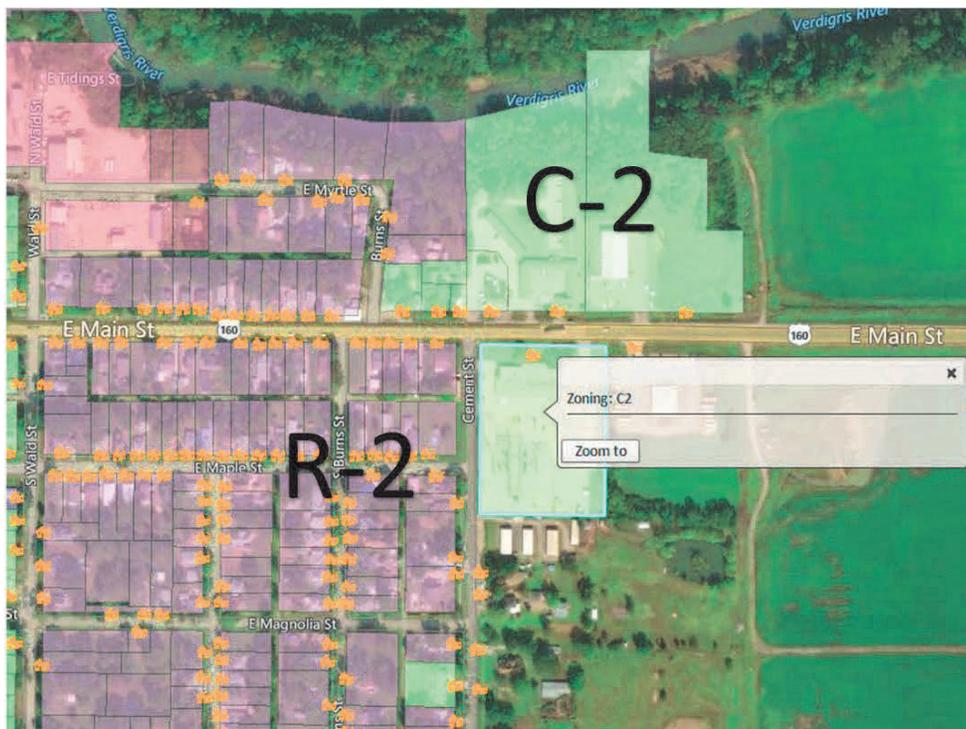
Planning Commission

b. Public hearings to consider text amendments to Appendix B-Zoning of the City Code relating to:

1. Article IV. Rules and Definitions.
2. Article VI. Supplementary District Regulations
3. Article X. Special provisions applying to miscellaneous conditional uses; and
4. Appendix A. “Listing of Permitted and Conditional Uses” including, but not limited to “Communication Towers”.

Request from Tower Company Representative

On April 11, 2019 the City Commission initiated this public hearing at the request of City staff. City staff had been in contact with a representative of a tower company requesting to place a communication tower at the Westar location at 1101 E. Main Street which is zoned C-2. Communications towers are only allowed as conditional uses in A-1 and M-2 districts. Therefore, the options to resolve this include a text amendment to allow communication towers as a conditional use in a C-2 zone, or the applicant could request rezoning to M-2 with a conditional use permit. Below is a map of this area which shows the adjacent properties to be either commercially or residentially zoned:



Specifically, the recommended modification is:

1. Modify “Communication Towers” in the permitted and conditional use table to add C-2 and C-4 as permitted zoning districts for this use with a conditional use permit.

See table below:

Legend:

P = Permitted Use

C = Conditional Use

Land Use Category	Code	Permitted Zoning District													
		A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2	
Communication antenna		C								C	C	C	C		C
Communication towers		C													C

City code 1604.2 provides the following regarding text amendments:

1604.1. Recommendations: Upon the conclusion of the public hearing the planning commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the governing body. Said recommendation may be for approval, disapproval or approval in part and reasons for the recommendations shall be included as appropriate.

1604.2. Amendments to text: When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

- a. Whether such change is consistent with the intent and purpose of these regulations;
- b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and
- c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other social economic conditions in the areas and zoning districts affected.

It should be noted that if this text amendment is ultimately approved by the Commission, it would still require Westar to go through the conditional use permit process, which is similar to the rezoning process. A public hearing would need to be held before the Planning Commission, and their recommendation would be forwarded to the City Commission for final consideration. The recommendation from the Planning Commission could include additional conditions. If the City Commission approved the conditional use permit, they could also modify the conditions recommended.

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct public hearings on:

Tuesday, May 7, 2019, at 5:30 p.m.

To receive comments to consider text amendments to Appendix B-Zoning of the City code including, but not limited to:

1. Article IV. Rules and Definitions.
2. Article VI. Supplementary District Regulations
3. Article X. Special provisions applying to miscellaneous conditional uses; and
4. Appendix A. "Listing of Permitted and Conditional Uses" including, but not limited to "Communication Towers";

Case Number:

2019/ZA/02

The hearing will be conducted in the Veterans Room, Memorial Hall, 410 North Pennsylvania Avenue, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend and they will be heard. Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator