

Date: May 29, 2019
To: Planning Commission/Board of Zoning Appeals
From: Kelly Passauer, Assistant City Manager/Zoning Administrator
Subject: June 4, 2019 Planning Commission/Board of Zoning Appeals Meeting

Minutes

- a. Consider approving minutes of the May 7, 2019 meeting.**
City staff recommends approving the attached minutes.

MINUTES

Independence Planning Commission
Independence Board of Zoning Appeals

Tuesday, May 7, 2019

Veterans Room

Memorial Hall

5:30 p.m.

Call to Order

Planning Commissioner Present

Mary Jo Meier, Steve McBride, Tony Royse, Philipp Umlauf, Michelle Anderson, Barb Emert, Brent Littleton (outside), and Andy McLenon (outside).

Planning Commissioners Absent

Brian Beecham

Staff Present

Kelly Passauer, Assistant City Manager/Zoning Administrator

Visitors

None.

Minutes

- a. Consider approving minutes from the April 2, 2019 meeting.

Tony Royse made a motion to approve the minutes of the April 2, 2019 meeting, Michelle Anderson seconded the motion. The motion carried 7-0 (Brent Littleton arrived after this item was approved).

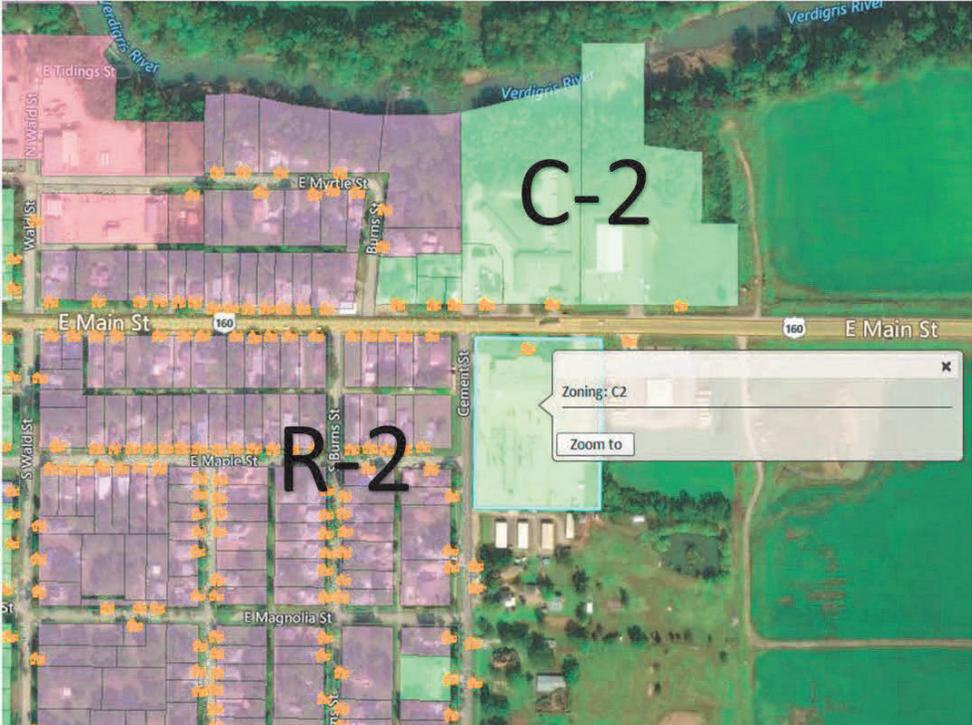
Planning Commission

- 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".

The following staff report was previously provided and summarized by Chair Mary Jo Meier:

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.

Andy McLenon moved to recommend modifying “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. The motion was seconded by Barb Emert. The motion carried 8-0.

- c. Consider a request to rezone a tract of land from O & P, Office and Professional District to C-1, Neighborhood Business District at 309 East Chestnut Street.

Staff advised that they were contacted by the applicant who wished to rescind this request. City staff recommended not rezoning this tract at this time.

On a motion by Andy McLenon, seconded by Tony Royse, the Planning Commission denied the request to rezone 309 East Chestnut Street from O & P to C-1 based on the applicant withdrawing the request. The motion carried 8-0.

- d. Consider initiating a public hearing to consider a text amendment 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 "Bed and breakfast", "Boarding and rooming houses" and other new additional uses.

City staff discussed updating the permitted and conditional use table as it relates to the above listed uses, and other similar type uses relating to short term rentals which the Planning Commission may wish to add to the permitted and conditional use table. City staff recommended initiating a public hearing as recommended.

Barb Emert moved to initiate a public hearing to consider a text amendment 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 "Bed and breakfast", "Boarding and rooming houses" and other new additional uses.

The motion was seconded by Tony Royse. The motion carried 8-0.

Board of Zoning Appeals

- e. None.

Adjournment

The meeting was adjourned with a motion by Andy McLenon, seconded by Philipp Umlauf. The motion carried 8-0.

Mary Jo Meier, Chair

Andy McLenon, Secretary