

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's February 7, 2023 Meeting

I. Call to Order

Present: Tim Haynes, Anthony (Tony) Royse, Lisa Richard, Brent Littleton, Andy McLenon, Michelle Anderson, Rachel Lyon

Absent: Mary Jo Meier

Guests: Kyle Owens, Anna Krstulic

Tim Haynes, Chairperson, called the meeting to order.

II. Minutes

- a. Consider approving minutes of the January 3, 2023 Planning Commission/Board of Zoning Appeals meeting.

Motion:

On the motion of Andy McLenon, seconded by Brent Littleton the Commission approved the January 3, 2023 minutes.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Lisa Richard, Anthony (Tony) Royse

Nay: None

III. Board of Zoning Appeals (Does not include outside City appointments)

- a. Public Hearing to receive comments on a variance request to reduce the number of parking spaces in a C-4, highway commercial district at 510 North Peter Pan Road.

Tim Haynes, Chairperson opened the public hearing.

There was no discussion.

Tim Haynes, Chairperson, closed the public hearing.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Rachel Lyon the Commission approved a variance to allow Labette Health Independence Healthcare Center to use the occupied square footage for calculating the number of spaces and then to reduce that number from the required 87 parking spaces by 27 to 60 parking spaces in a C-4, highway commercial district at 510 North Peter Pan Road.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Lisa Richard, Anthony (Tony) Royse

Nay: None

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- b. Public Hearing to receive comments on a variance request to reduce the setback(s) in a C-2 commercial services district at 600, 606, and 610 West Main Street.

Tim Haynes, Chairperson, opened the public hearing.

Kyle Owens explained to the board about needing the extra 15 feet of room the variance would give him for turning space, since they are using 12th Street as the ingress and egress.

Tim Haynes, Chairperson, closed the public hearing.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Rachel Lyon the Commission approved the variance to reduce the rear yard setback 15 feet on the north side of the properties next to the alley from 25 feet to 10 feet at 600, 606, and 610 West Main Street.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Lisa Richard, Anthony (Tony) Royse

Nay: None

- c. Public Hearing to receive comments on a variance request to exceed size and number of signs in a C-3, business district zone at 113 W. Myrtle Street.

Tim Haynes, Chairperson, opened the public hearing.

The applicants asked the meeting to be adjourned until the March 7, 2023 Planning and Zoning Meeting.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission adjourned the public hearing until March 7, 2023 at 5:30 p.m.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Lisa Richard, Anthony (Tony) Royse

Nay: None

IV. Planning Commission

- a. Public Hearing to consider a text amendment to modify Appendix B - Zoning of the City Code relating to off-street parking in an industrial area and any additional modifications.

Tim Haynes, Chairperson, opened the public hearing.

Andy McLenon stated that in the past the discussion centered on smaller companies going in like incubation of a business from Fab Lab at ICC. The

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board considered that they would potentially develop prototypes and a business could be formed and operate without too much overhead cost. He further stated that the City will lose out on revenue if smaller businesses are not allowed some say in how their employee parking lots are constructed.

Anthony (Tony) Royse said that all the businesses have been required to abide by the City code with hard-surfacing and he was not aware of any business lost because of the code. He asked the board to picture how it would look with all the dust and mess of gravel versus hard-surfacing.

Brent Littleton explained that one of the issues is maintaining the hard-surface because there is no one in the immediate area that covers that. He further stated that it costs tens or even hundreds of thousands of dollars to put in hard-surfaced areas.

Lisa Richard stated that she would like to see water be able to absorb into the ground in a gravel space which can not happen in hard-surface spaces.

Tim Haynes, Chairperson, closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Brent Littleton the Commission approved to recommend the City Commission adopt an ordinance implementing text amendments to the Code of the City of Independence, Kansas, specifically Appendix B - Zoning Code relating to Off-street parking requirements as previously recommended by the Planning Commission on December 4, 2018.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Lisa Richard

Nay: Anthony (Tony) Royse

- b. Consider approving a Focus of Study for the Comprehensive Plan Update.

Kelly Passauer explained that in order to apply for the EDA grant to help fund the cost of the respective Comprehensive Plan Updates, the administrator needs information to prepare the application including the focus of study.

Anna Krstulic explained the focus study for the Comprehensive Plan update and answered questions from the board. It was decided to add public facilities, airport/aerospace, rail service, bike lanes, historical resources, emergency planning, accessibility to healthcare, livability, economic development and sustainability, including the environment and open spaces.

Andy McLenon asked that the board look at linking Independence to Elk City

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Reservoir.

Motion:

On the motion of Rachel Lyon, seconded by Anthony (Tony) Royse the Commission approved the Focus of Study for the Comprehensive Plan Update with the following modifications with specific consideration to public facilities, aerospace rail service by planes, emergency planning, historic resources, economic development, sustainability including cultural sustainability, access to healthcare and livability with approval and review by the Zoning Administrator.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Lisa Richard, Anthony (Tony) Royse

Nay: None

- c. **Public Hearing to receive comments on a request for a modified conditional use permit for a "Children's Home" in an R-3, low density multifamily dwelling district at 517 South 4th Street.**

Tim Haynes, Chairperson, opened the public hearing.

The applicant withdrew their request for a conditional use permit on January 30, 2023.

Tim Haynes, Chairperson, closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission recommended the City Commission deny the request for a modified conditional use permit for a "Children's Home" in an R-3, low density multifamily dwelling district at 517 S. 4th Street because the applicant withdrew the request.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Lisa Richard, Anthony (Tony) Royse

Nay: None

V. Discussion

- a. **Urban Heat Islands -- Information provided by Lisa Richard.**

Lisa Richard shared information concerning Urban Heat Islands, saying that this issue does not mean just urban areas, it can happen anywhere. She asked that the board members please read it and keep it in consideration for the future.

VI. Adjournment

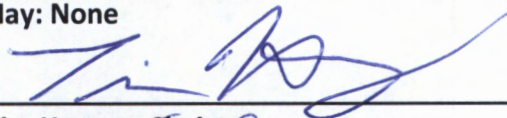
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Motion:

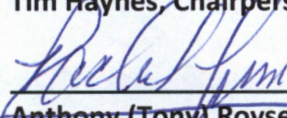
**On the motion of Brent Littleton, seconded by Andy McLenon the
Commission adjourned the meeting.**

**Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy
McLenon, Lisa Richard, Anthony (Tony) Royse**

Nay: None



Tim Haynes, Chairperson



Anthony (Tony) Royse, Secretary
Vice Chair