

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's September 5,
2023 Meeting**

I. Call to Order

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

Absent: Andy McLenon, Mary Jo Meier

Tim Haynes, Chairperson, called the meeting to order.

II. Minutes

- a. Consider approving minutes of the August 8, 2023 Planning Commission/Board of Zoning Appeals meeting.

Motion:

On the motion of Scott Smith, seconded by Brent Littleton the Commission approved the minutes of the August 8, 2023 Planning Commission/Board of Zoning Appeals meeting.

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

Nay: None

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

- a. Public Hearing to receive comments on a variance request for the size of electronic signs in a C-3 central business district.

Tim Haynes, Chairperson, opened the public hearing.

Motion:

On the motion of Scott Smith, seconded by Rachel Lyon the Commission approved a variance of 6.98 square feet for the Independence Historical Museum to replace their marquee letterboard with a new digital sign.

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

Nay: None

IV. Planning Commission

- a. Public Hearing to receive comments on a request for a conditional use permit for "utility substations not elsewhere listed" in an R-4, medium density multifamily dwelling district at 401 North 10th Street.

Tim Haynes, Chairperson, opened the public hearing.

Motion:

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**On the motion of Tim Haynes, seconded by Lisa Richard the Commission
adjourned the public hearing until October 3, 2023 at 5:30 p.m.**

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

Nay: None

- b. Public hearing to consider a text amendment to the zoning code regarding storage
sheds.**

Tim Haynes, Chairperson, opened the public hearing.

**Kelly Passauer explained the added language to the code regarding accessory
uses in 1015.0 concerning accessory uses not located on the same lot or
contiguous lot as the principal building or principal use served and 1015.1
special conditions as a conditional use. Storage units are larger than they
have been in the past so the measurement was changed to 300 sq. ft.**

**By requiring the storage shed to be adjacent to the principal building or
principal use served, it will keep the number down. Also, because it requires a
conditional use, all neighbors will be notified.**

**Tim Haynes asked if possession is changed, would the new owner be required
to reapply for a conditional use.**

**Kelly Passauer said that yes, it will not transfer. If the property is sold, the
new owners would have to come into compliance.**

**Scott Smith wants everything left on one lot so there will not be units on
vacant lots.**

**Lisa Richard wants a definition added to the code to clarify the definition of
adjacent.**

Motion:

**On the motion of Rachel Lyon, seconded by Lisa Richard the Commission
recommended the City Commission adopt an ordinance for a text
amendment to the zoning code related to accessory uses as prepared by City
staff, but with the following additional modifications: defining the meaning of
adjacent.**

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

Nay: Scott Smith

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- c. Public hearing to consider a text amendment to the zoning code regarding cargo shipping containers, also known as "Conex containers" or "portable steel storage containers."

Tim Haynes, Chairperson, opened the public hearing.

Kelly Passauer reviewed the proposed ordinance with the commissioners.

Tim Haynes asked if the reference to size could be removed from the proposed ordinance. He also asked how the container engineering could be designed without specifying the sizes, i.e. to specify that not all containers that look like shipping containers are actually shipping containers.

Kelly Passauer asked if the building department would address this issue.

David Cowan said this issue would be addressed through the building code.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission recommended the City Commission adopt an ordinance for a text amendment to Article B - Zoning concerning shipping containers pending the removal of size and dimension specifications from the language.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Rachel Lyon

Nay: Anthony (Tony) Royse

- d. Public Hearing to consider a text amendment to off-street parking in residential areas.

Tim Haynes, Chairperson, opened the public hearing.

Kelly Passauer explained the modified language under 403.0 - Definitions. Added for one- and two- dwelling units were open parking spaces off the alley with gravel, ribbon driveways and turf pavers.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Lisa Richard the Commission moved to adopt a text amendment to off-street parking in residential areas as prepared by staff. This change is consistent with the intent and purpose of these regulations; the areas which are most likely to be directly affected by such change are residential zones; and such change is made necessary because of new planning concepts and social economic conditions in the areas and zoning districts affected as it offers a more eco-friendly and cost effective solution to off-street parking..

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Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent
Littleton, Anthony (Tony) Royse, Rachel Lyon
Nay: None

V. Discussion

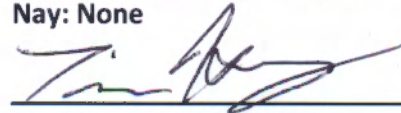
Kelly Passauer let the Commissioners know that the contract has been signed
for the Community Development/Comprehensive Plan.

VI. Adjournment

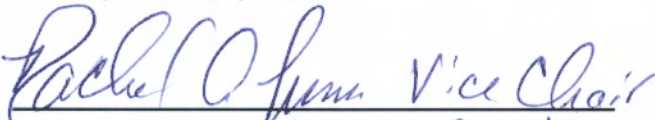
Motion:

**On the motion of Tim Haynes, seconded by Scott Smith the Commission
adjourned the meeting.**

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent
Littleton, Anthony (Tony) Royse, Rachel Lyon
Nay: None



Tim Haynes, Chairperson



~~Anthony (Tony) Royse, Secretary~~ *Rachel Lyon Vice Chair*
Resigned