



Tuesday, December 12, 2023
Civic Center, Memorial Hall 5:30 PM

Independence Planning Commission/Board of Zoning Appeals

To join by Conference Call dial:1-785-289-4727 Conference ID: 820 754 218#

- I. CALL TO ORDER
- II. MINUTES
 - a. Consider approving minutes of the November 14, 2023 Planning Commission/Board of Zoning Appeals meeting.
- III. BOARD OF ZONING APPEALS (DOES NOT INCLUDE OUTSIDE CITY APPOINTMENTS)
- IV. PLANNING COMMISSION
 - a. Public Hearing to receive comments on a request for a conditional use permit for "Storage and warehousing of household goods" and "Storage and warehousing of nonhazardous products" in a C-2, commercial services district at 1635 West Main Street.
 - b. Public Hearing to consider a text amendment to modify the permitted and conditional use table relating to the retail sale of aircraft parts.
 - c. 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.
- V. DISCUSSION
- VI. ADJOURNMENT



**PLANNING COMMISSION ACTION / BOARD OF
ZONING APPEALS MINUTES
CITY OF INDEPENDENCE
December 12, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Consider approving minutes of the November 14, 2023 Planning Commission/Board of Zoning Appeals meeting.

SUMMARY RECOMMENDATION Approve the minutes.

I move to approve the minutes of the November 14, 2023 Planning Commission/Board of Zoning Appeals meeting.

SUPPORTING DOCUMENTS

1. November 14, 2023 Planning Commission and Board of Zoning Appeals meeting - Draft

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 14,
2023 Meeting**

I. Call to Order

Tim Haynes, Chairperson, called the meeting to order.

Present: Scott Smith, Lisa Richard, Andy McLenon, Rachel Lyon, Michelle Anderson, Tim Haynes, Brent Littleton, Mary Jo Meier

Absent:

Guests: Corey Hugo, Austin Spivey, Jennifer Christensen, Tim Christensen, Matthew McLenon, Elizabeth Moore, C.L. Parker

II. Minutes

- a. Consider approving minutes of the September 5, 2023 Planning Commission/Board of Zoning Appeals meeting.

Motion:

On the motion of Rachel Lyon, seconded by Scott Smith the Commission approved the September 5, 2023 Minutes.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith

Nay: None

III. 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.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission moved to adjourn the public hearing until December 12, 2023 at 5:30 PM.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith

Nay: None

- b. Public Hearing to receive comments on a request for a conditional use permit for an "Accessory use not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d." in an R-4, medium density multifamily dwelling district at 200 South 5th Street/301 East Maple Street. The specific accessory use requested is a storage shed to serve the primary structure located across the street at 308 East Maple Street, which is also in an R-4, medium density multifamily dwelling district.

Tim Christensen stated that he and Jennifer purchased the lots across the street a couple of years ago and bought a lawnmower and then needed a

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 14, 2023 Meeting

storage shed to put the lawn mower in, so they put one on the property. After realizing that they were in violation of the City code they worked with Kelly Passauer on getting a text amendment to allow the storage shed to be there and are now asking for a conditional use permit.

Motion:

On the motion of Rachel Lyon, seconded by Brent Littleton the Commission recommended the City Commission approve a conditional use permit for a storage shed directly across the street from 308 East Maple Street with the following special conditions as required by Section 1015 of Article X of the Zoning Code:

1. Must be located on an adjacent lot to the principal building or principal use served, excluding public rights-of-way.
2. Must be located in the same zone as required for the principal building or principal use it serves.
3. Must be under the same ownership as the principal building principal use served.
4. Must be located at the rear of the adjacent lot if there is access thereto.
5. Must be in compliance and continue to be in compliance with all other City codes, including Section 607 relating to accessory uses.

If the accessory uses no longer comply with any of the special conditions above, then the conditional use permit will be revoked, and the accessory uses previously allowed will be required to either be removed or otherwise come into compliance with City code.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith

Nay: None

- c. Public hearing to receive comments to consider rezoning a tract of land at 2700 West Main Street from C-4, highway commercial district to M-1, light industrial district; and to receive comments on a request for a conditional use permit for "Retail trade not elsewhere listed".

Corey Hugo stated that they need some more room for storage for Hugo's and discovered that it would make everything easier if they got the entire property zoned the same.

Motion:

On the motion of Lisa Richard, seconded by Mary Jo Meier the Commission approved rezoning the portion of the tract currently zoned C-4, highway commercial district located at 2700 W. Main to M-1, light industrial district.

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 14,
2023 Meeting**

**Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy
McLenon, Mary Jo Meier, Lisa Richard, Scott Smith**

Nay: None

- d. Public Hearing to receive comments on a request for a conditional use permit for "Retail trade not elsewhere listed" at 2700 W. Main Street.

The applicant plans to construct a storage building on their large parcel for storage but also want to obtain a conditional use permit for "Retail trade not elsewhere listed" to be able to sell retail unrelated to their industrial supply wholesale business at a later date if needed.

Motion:

On the motion of Scott Smith, seconded by Rachel Lyon the Commission recommended to the City Commission approval of a conditional use permit at 2700 W Main Street for "Retail trade not elsewhere listed" with the following conditions:

- 1. Any retail trade not related to the primary business must be contained in a tenant space meeting the following requirements:**
 - 1. Minimum tenant space: 5,000 square feet, which may be non-contiguous as long as it is within the same building. Each commercial space intended to be occupied by a single commercial user or each commercial space which has separate doorway access from the exterior of the building or from an interior corridor of an enclosed mall shall be considered to be a tenant space. Exception: Businesses catering to the motoring public shall be exempt from the minimum tenant space requirement. Automobile service stations, convenience stores, restaurants, and financial institutions with drive-up or drive-through facilities shall be deemed to be "businesses catering to the motoring public." The determination whether any business constitutes a "business catering to the motoring public" shall be made by the city planner, whose determination shall be appealable to the board of zoning appeals.**
 - 2. The conditional use permit is not transferable to another location.**
 - 3. The applicant must follow all City codes.**

**Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel
Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith**
Nay:

- e. Consider rescheduling the December 5, 2023 meeting.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 14, 2023 Meeting

Kelly Passauer explained that there was a conflict on the 5th and asked the commission if they would consider the 12th as the meeting date for December.

Motion:

On the motion of Mary Jo Meier, seconded by Andy McLenon the Commission moved to reschedule the December 5, 2023 meeting to December 12, 2023 at 5:30 PM in the Veterans Room of Memorial Hall.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith

Nay: None

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

- a. Public hearing to receive comments on a variance request for setbacks in an M-1, light industrial district at 2700 W. Main Street.**

Corey Hugo requested a 5 foot reduction to the west side yard setback and a 10 foot reduction to the front yard setback.

Motion:

On the motion of Tim Haynes, seconded by Scott Smith the Commission approved a variance request to reduce the west side yard setback from 15 feet to 10 feet, and to reduce the front yard setback from 25 feet to 15 feet in an M-1, light industrial district, currently a C-4, highway commercial district being considered for rezoning at 2700 West Main Street, Pending the final approval of the rezoning request.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith

Nay: None

V. Discussion

Kelly Passauer sent a link for the comprehensive plan community feedback. She asked the board members to please fill out the survey. She also let the board members know that Tony Royse had resigned and that Andy McLenon's term expires in January, 2024, so there will be a total of three openings, two inside City limits and one outside City limits.

VI. Adjournment

Motion:

On the motion of Mary Jo Meier, seconded by Michelle Anderson the Commission moved to adjourn the meeting.

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

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 14,
2023 Meeting**

McLenon, Mary Jo Meier, Lisa Richard, Scott Smith
Nay: None

Tim Haynes, Chairperson

Rachel Lyon, Vice Chairperson



REQUEST FOR PLANNING COMMISSION ACTION CONDITIONAL USE PERMIT CITY OF INDEPENDENCE DECEMBER 12, 2023

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to receive comments on a request for a conditional use permit for "Storage and warehousing of household goods" and "Storage and warehousing of nonhazardous products" in a C-2, commercial services district at 1635 West Main Street.

SUMMARY RECOMMENDATION Approve conditional use permit.

BACKGROUND Toby Lawless wants to build new mini storage units at 1635 West Main Street. This is allowed in a C-2, commercial services district with a conditional use permit.

		Permitted Zoning District												
Land Use Category	Code	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
Storage and warehousing of household goods	6375									C		C	P	P
Storage and warehousing of nonhazardous products	6376									C		C	P	P

POLICY EXPLANATION 901.0. - Purpose and authority.

901.1. Purpose: Conditional uses are those types of uses which are considered by the city to be essentially desirable, necessary, or convenient to the community but which by their nature or operation have (1) a tendency to generate excessive traffic, (2) a potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants, (3) a detrimental effect upon the value of or potential development of other properties in the neighborhood, or (4) an extraordinary potential for accidents or danger to the public health or safety. Such conditional uses cannot be allowed to locate as a "right" on any parcel of land within certain districts without consideration of existing conditions at the proposed location and of properties neighboring upon the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse factors.

901.2. Authority to grant permits: The governing body shall have the authority to grant conditional use permits, subject to such conditions of design and operation safeguards and time limitations as it may determine for all conditional uses specified in appendix "A" of this ordinance and for all permitted uses for which the planning and zoning commission has found that by their nature or in their operation have characteristics listed in clauses (1), (2), (3) and (4) of section 901.1 of this article, **provided, however, that said conditional use permits for permitted uses shall not establish standards or conditions that are less restrictive than those set out in the district regulations for the district in which said use is located.**

(Ord. No. 3863, § 1, 12-20-01)

902.0. - Processing procedure.

902.1. Application of conditional use permit: Application for conditional uses, as designated in appendix "A" of this ordinance shall be on forms obtained from the city clerk's office. The application shall be filed with the zoning administrator at least 30 days prior to the regular city planning and zoning commission meeting at which the proposed conditional use will be considered. As determined by the zoning administrator, the application shall include any or all of the following items deemed relevant by the zoning administrator, plus any other information or materials not listed below which the zoning administrator deems relevant:

- a. Statement of intended use of the property.

- b. Site plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting.
- c. Existing and proposed topography, drawn at appropriate contour intervals as specified by the zoning administrator.
- d. Location of, and proposed connections to, existing water supply and sanitary sewer systems.
- e. Description of architecture and exterior materials to be utilized.
- f. Names of the landowner, developer and firm preparing the plan.
- g. Legal description of the tract.
- h. North point, scale and date.

The Planning Commission has the authority to place additional conditions on the site that they deem necessary to protect the best interests of the City, the surrounding property and to achieve the objectives of the ordinance.

In considering those types of uses which may be desirable, necessary or convenient to the community, the Commission should review and make recommendations based in part on 901.1.

Additionally, the decision of the Planning Commission to recommend approval or denial of the proposed conditional use shall be based on the following criteria (902.2):

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.
- b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - 1. The location, nature and height of buildings, structures, walls and fences on the site, and
 - 2. The nature and extent of landscaping and screening on the site.
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII).
- f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

ACTION BY THE PLANNING COMMISSION Any recommendations regarding a conditional use permit for the subject properties shall be based on Section 902.2 previously outlined in this report. After considering any public comments, the Planning Commission may either approve or deny the requests. Following your action, the application and your recommendation will be forwarded to the City Commission, at which time they will have 30 days to adopt, modify or deny the Planning Commission's recommendation.

STAFF RECOMMENDATION Staff recommends approving the conditional use permit for "Storage and warehousing of household goods" and "Storage and warehousing of nonhazardous products" in a C-2, commercial services district at 1635 West Main Street.

SUGGESTED MOTION I move to recommend the City Commission approve the conditional use permit for

"Storage and warehousing of household goods" and "Storage and warehousing of nonhazardous products" in a C-2, commercial services district at 1635 West Main Street with the following conditions:

1. The conditional use permit is not transferable to another location.
2. Off-street parking, loading areas, and entrance and exit drives must be installed per code and properly maintained.
3. Drainage shall be designed to a minimum ten-year storm event and properly maintained.
4. The property shall be kept free of debris and trash.
5. Any additional exterior lighting on site will need to be approved by City staff.
6. The property owner must ensure the property is in compliance and remains in compliance with the City code.

Any non-conformance with any of the above conditions may result in revocation of the conditional use permit upon reasonable notice and opportunity to cure by the applicant.

SUPPORTING DOCUMENTS

1. Public Notice CUP 1635 W Main Storage Units
2. CUP Application and Receipt 1635 W Main
3. 1635 W Main Plans and Specs
4. 1635 W Main 200 foot Notification Addresses
5. 1635 W Main 200 Foot Notification Picture

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, December 12, 2023 at 5:30 p.m.

To receive comments on a request for a conditional use permit for “Storage and warehousing of household goods” and “Storage and warehousing of nonhazardous products” in a C-2, commercial services district at 1635 West Main Street.

Legal Description:

Acres 0.59, Lt 3; & Beg NE Cor Lt 3 E 25’ S 199.9’ W 25’ N To POB, Dossville Add No 2 to the City of Independence, Montgomery County, Kansas.

Common Address:

1635 West Main Street

Applicant/Owners:

Toby Lawless
TNA Properties, LLC

Case Number:

2023/CUP/08

The hearing will be conducted in the Veteran’s Room, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+17852894727) Conference ID: 652 632 373#

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

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED 11-8-23
\$200 FEE PAID 11-8-23

NAME AND ADDRESS OF PERSON MAKING APPLICATION:
Toby Lawless 4647 CR 1300 Elk City, KS c/o TNA Properties, LLC

LEGAL DESCRIPTION OF LAND INVOLVED:
DOSSVILLE ADD NO 2, S36, T32, R15, ACRES 0.59, LT 3; & BEG NE COR LT 3 E 25' S 199.9' W 25' N TO POB;
Lot Width: 145.8 Lot Depth: 174.9 Plat Book/Page 5 /93 Deed Book/Page 724 /360 540 /190 502 /356 310 /212

COMMON ADDRESS OF SAID LAND:
1635 W. Main St Independence, KS 67301

PRESENT ZONING CLASSIFICATION: C2

STATEMENT OF INTENDED USE OF PROPERTY:
New construction mini storage units

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:
Frame built with painted rib metal exterior

On the reverse side, please provide the following information: (1) Site Plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting; (2) Existing and proposed topography, drawn at appropriate contour intervals as specified by the Zoning Administrator; (3) Location of, and proposed connections to, existing water supply and sanitary sewage system; (4) North point, scale and date; (5) Names of landowner, developer and firm preparing the plan.

11/7/2023
Date

Toby Lawless
Signature of Applicant

I hereby certify that I have personally verified the dimensions as shown on the attached drawing and find them to be a correct representation of the conditions.

Date

Signature of Building Inspector

Action of Planning and Zoning Commission:

(Approved, Denied --- Date)

Comments:

Chairman

Vice Chairman

Secretary

CITY OF INDEPENDENCE

REC#: 01253933 11/08/2023 8:17 AM
OPER: JESS TERM: 001
REF#:

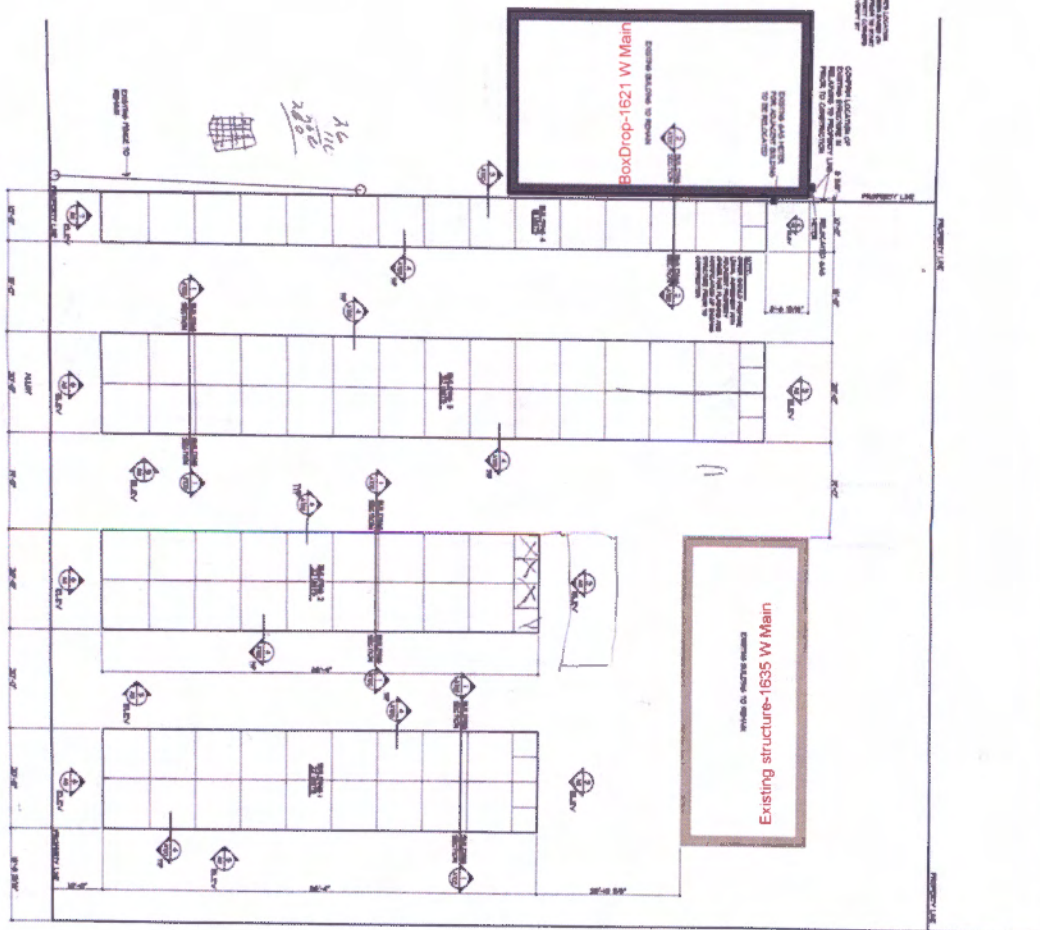
TRAN: 1.9000 PLANNING AND ZONING
1635 W MAIN
CONDITIONAL USE PER 200.00CR

TENDERED: 200.00 CHECK
APPLIED: 200.00-

CHANGE: 0.00

SITE PLAN

Scale: 1" = 10'



sheet
A010
1 of 6

Architectural
collaboration
201 North Penn
620-331-7810
Independence, Kansas
67301

project: 130

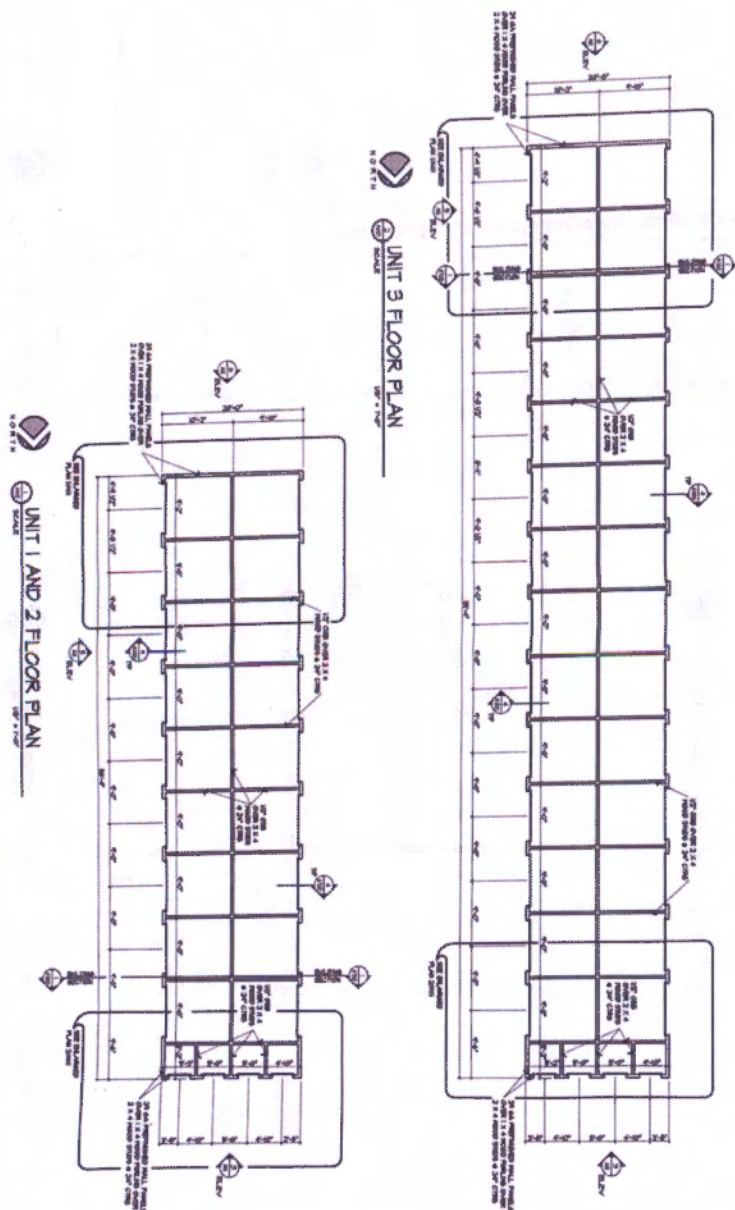
NEW STORAGE UNITS
WEST MAIN AND SOUTH 22ND STREET
INDEPENDENCE, KANSAS

Index of drawings

1	SITE PLAN
2	PLAN - S - S
3	LAL



Typical Box here



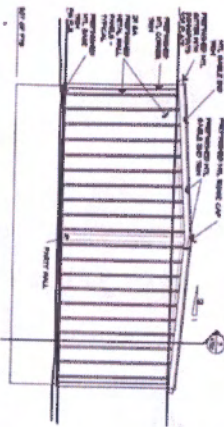
sheet
A110
2 of 6

Architectural
collaboration
201 north penn
620-331-7610
Independence, Kansas
67301

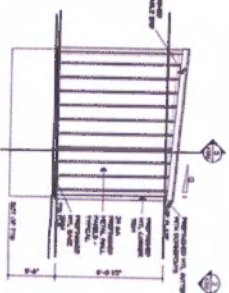
project: 510
NEW STORAGE UNITS
WEST MAIN AND SOUTH 22ND STREET
INDEPENDENCE, KANSAS

Index of drawings
* FLOOR PLAN
01 - 0 - 0 LRG

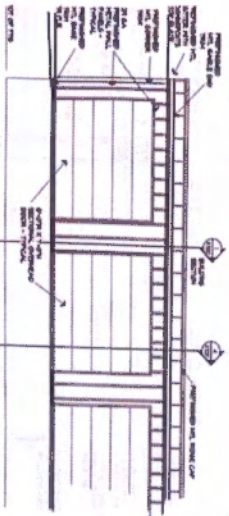




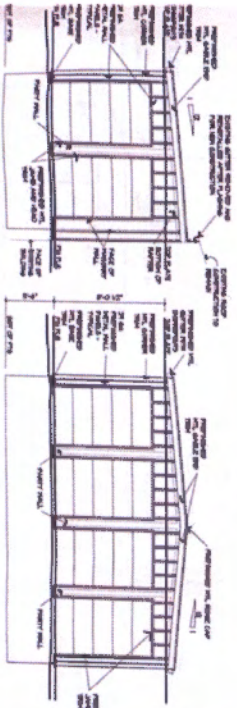
② TYPICAL SOUTH ELEVATION OF TYPICAL UNITS
SCALE
1/8" = 1'-0"



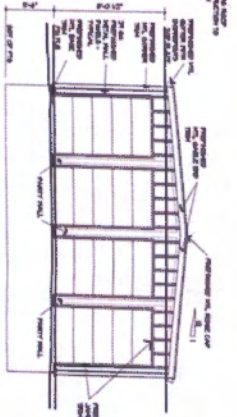
③ SOUTH ELEVATION
SCALE
1/8" = 1'-0"



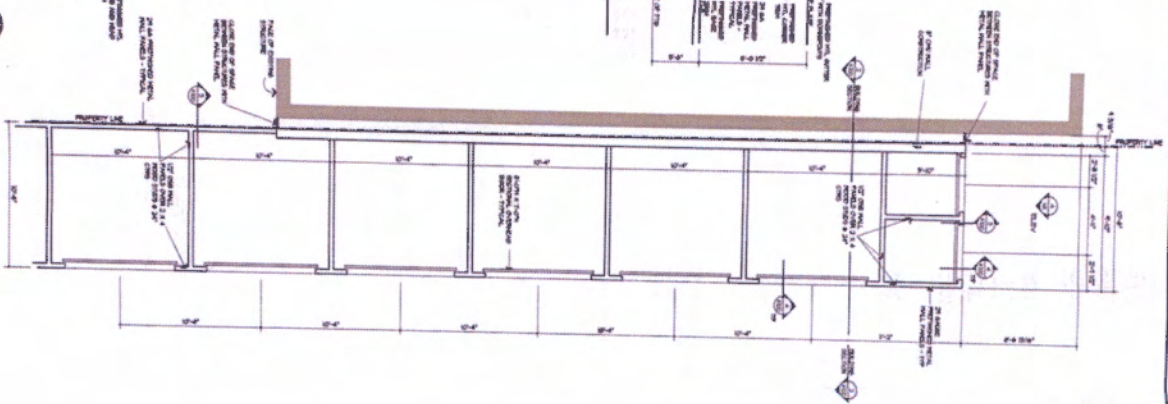
② TYPICAL EAST OR WEST ELEVATION OF UNITS
SCALE
1/8" = 1'-0"



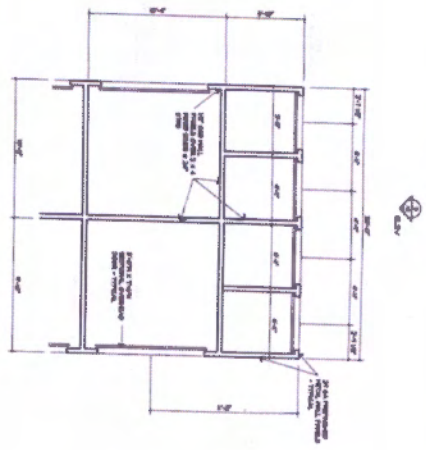
② NORTH 2 UNIT ELEVATION
SCALE
1/8" = 1'-0"



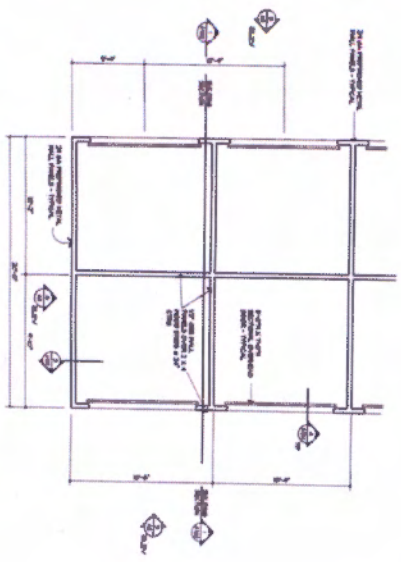
② NORTH 4 UNIT ELEVATION
SCALE
1/8" = 1'-0"



② UNIT 4 FLOOR PLAN
SCALE
1/8" = 1'-0"



② ENLARGED END UNIT FLOOR PLAN
SCALE
1/8" = 1'-0"



② ENLARGED TYPICAL UNIT 1, 2 AND 3 FLOOR PLAN
SCALE
1/8" = 1'-0"

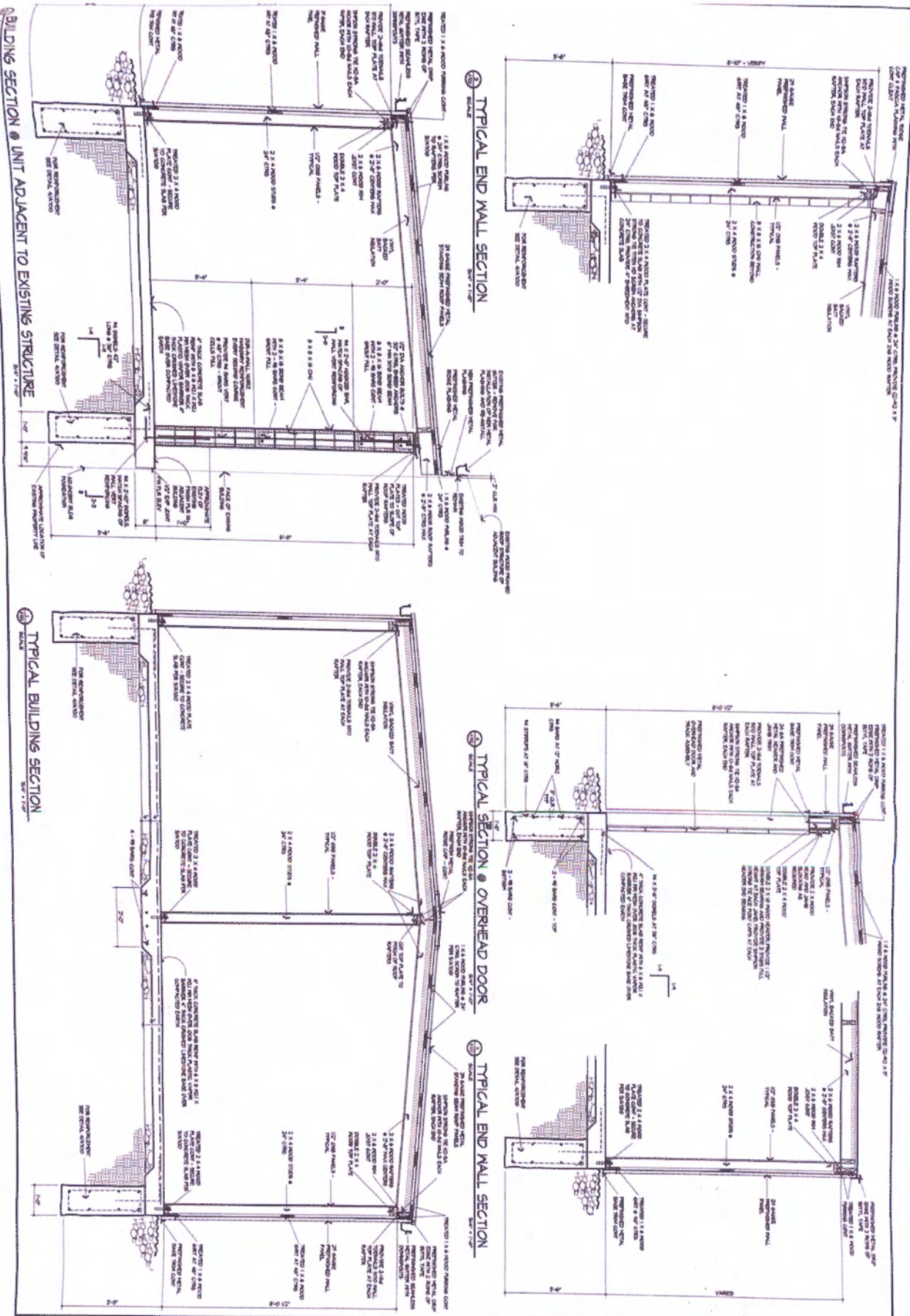
sheet
A111
3 of 6

Architectural
collaboration
201 north penn
620-331-7610
Independence, Kansas
67301

Project: 030
NEW STORAGE UNITS
WEST MAIN AND SOUTH 22ND STREET
INDEPENDENCE, KANSAS

Index of drawings
• FLOOR PLAN
• EXTERIOR ELEVATION
24-0-0 L&D
DATE: 01-01-01





sheet
A700
4 of 6

Architectural
collaboration
201 North Penn
Independence, Kansas
930-331-7610

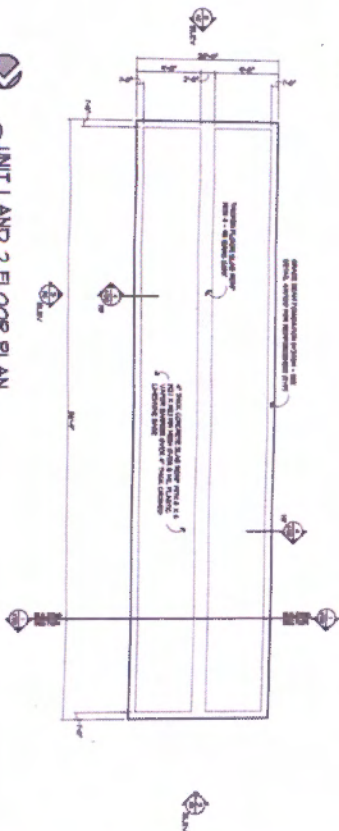
project: 00
NEW STORAGE UNITS
WEST MAIN AND SOUTH 22ND STREET
INDEPENDENCE, KANSAS

Index of drawings

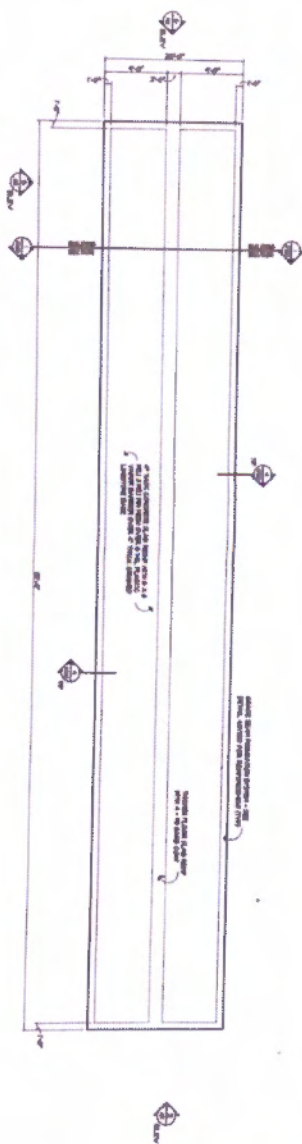
1	2	3	4	5	6	7	8	9	10
1	2	3	4	5	6	7	8	9	10



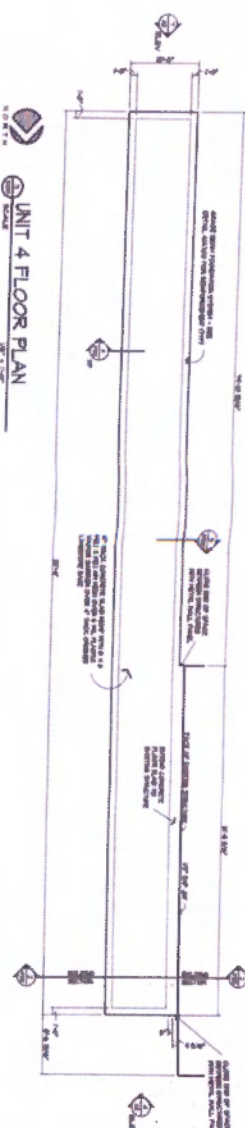
UNIT 1 AND 2 FLOOR PLAN
SCALE 1/8" = 1'-0"



UNIT 3 FLOOR PLAN
SCALE 1/8" = 1'-0"



UNIT 4 FLOOR PLAN
SCALE 1/8" = 1'-0"



sheet
5100
5 of 6

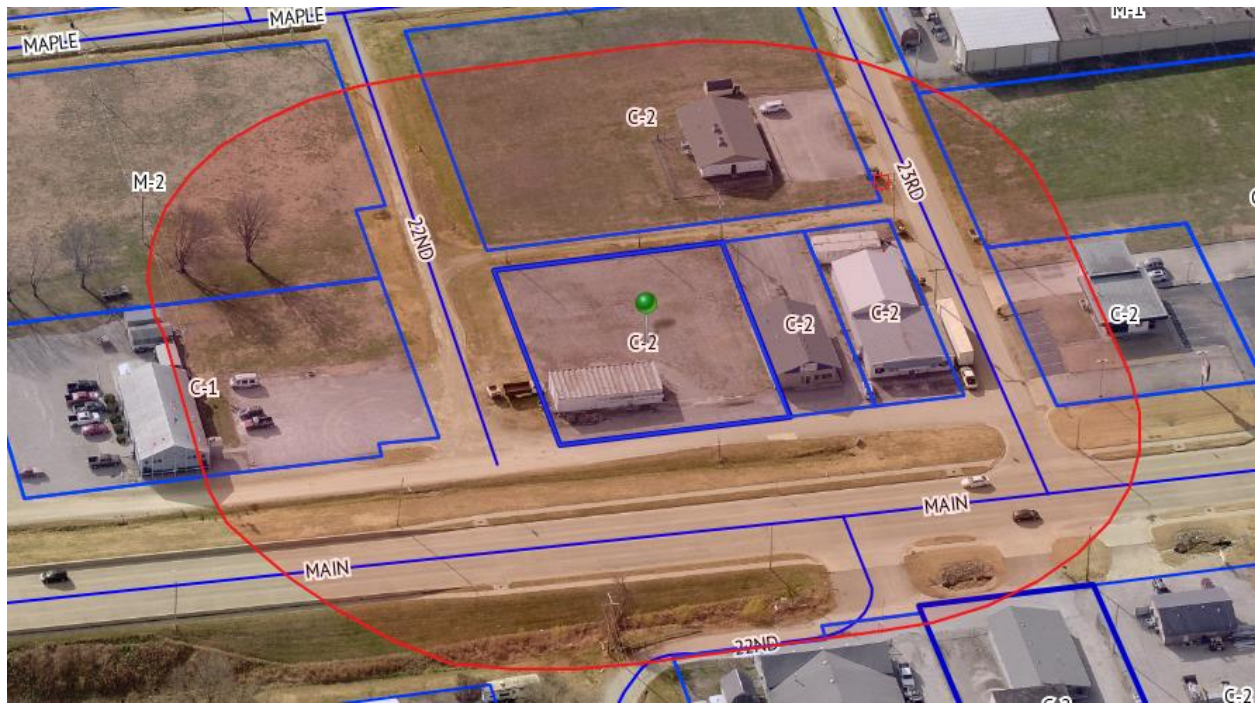
Architectural
collaboration
201 north penn
620-331-7810
independence, kansas
67301

project: 030
NEW STORAGE UNITS
WEST MAIN AND SOUTH 22ND STREET
INDEPENDENCE, KANSAS

Index of drawings
• FUNDATION PLAN
• EX-0-0
• L&I



Quick Ref	Situs	Owner	Mail 1	Mail City	Mail State	Mail Zip
R4237	1700 W MAIN ST	COX, DENNIS E DEC'D	P.O. BOX 74	SYCAMORE	KS	67363
R4238	1600 W MAIN ST	DAVES RENTAL PROPERTIES, LLC	1600 W MAIN ST	INDEPENDENCE	KS	67301
R303135	1701 W MAIN ST	WRIGHT, KIRK L & DEBRA L REV LIV TRUST 4/30/2020	3825 CR 3725	INDEPENDENCE	KS	67301
R4302	120 S 24TH ST	SEKTAM OF INDEPENDENCE INC	120 S 24TH ST	INDEPENDENCE	KS	67301
R4301	1717 W MAIN ST	LAY, JOHN F & CHRISTINE D	4111 CR 1600	COFFEYVILLE	KS	67337
R4299	1625 W MAIN ST	RAGAN, RACHEL ANNE	1002 ELM	NEODESHA	KS	66757
R4298	1621 W MAIN ST	FASTRAC RAILROAD CONSTRUCTION CO	4523 W ADOBE DR	ELOY	AZ	85131
R4297	1635 W MAIN ST	TNA PROPERTIES, LLC	4647 CR 1300	ELK CITY	KS	67344
R4294	1531 W MAIN ST	HAROLD ANDREWS POST 139 AMERICAN LEGION INC	PO BOX 252	INDEPENDENCE	KS	67301





REQUEST FOR PLANNING COMMISSION ACTION TEXT AMENDMENT CITY OF INDEPENDENCE DECEMBER 12, 2023

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to consider a text amendment to modify the permitted and conditional use table relating to the retail sale of aircraft parts.

SUMMARY RECOMMENDATION Approve the text amendment as recommended.

BACKGROUND We have been approached by a local business that is expanding and moving downtown. The business provides consulting services, which is allowed in a C-3 district. However, they also sell aircraft parts which is not specifically allowed in the C-3 district.

		Permitted Zoning District												
Land Use Category	Code	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
Aircraft and accessories--retail	5560	C											P	P

		Permitted Zoning District												
Land Use Category	Code	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
Automobile parts and supplies--retail	5520									P	P	P	P	P

POLICY EXPLANATION 1601.2. Proposal of amendments: Amendments may be initiated by the governing body, the planning commission, or upon application by the owners of the property affected.

1602.3. Disposition of amendment proposals: Upon receipt of the proposed amendment from the zoning administrator, the planning commission shall hold a public hearing on the proposed amendment, and forward to the governing body its findings and recommendations with respect to the proposed amendment.

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.

STAFF RECOMMENDATION Since the sale of Automobile parts and supplies is a permitted use in the C-3 district, City staff believes that this should be considered as a permitted use. It is suggested that "Aircraft and accessories -- retail" be modified to "Aircraft -- Retail" and another category for "Aircraft parts and supplies--retail" be added with the same requirements as "Automobile parts and supplies--retail." The nature and effect of such proposed amendment and determinations are as follows:

- a. Whether such change is consistent with the intent and purpose of these regulations; **Yes. The modification for the retail sale of aircraft parts will be consistent with the retail sale of automobile parts.**
- b. The areas which are most likely to be directly affected by such change and in what way they will be affected; **The areas most likely affected will be the commercial zones, as aircraft accessories were already permitted to be sold in industrial zones.**
- 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. **No, this changed is not related to social values, new planning concepts, or other social economic conditions.**

SUGGESTED MOTION I move to recommend modifying the permitted and conditional use table as follows:

1. "Aircraft and accessories -- retail" be modified to "Aircraft -- Retail" with the same permitted and conditional uses.
2. "Aircraft parts and supplies-- retail" be added with the same requirements as "Automobile parts and supplies--retail."

SUPPORTING DOCUMENTS

1. Public Hearing Notice Text Amendment Aircraft Parts

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, December 12, 2023 at 5:30 p.m.

To consider a text amendment to modify the permitted and conditional use table relating to the retail sale of aircraft parts.

Case Number:

2023/ZA/08

The hearing will be conducted in the Veterans Room, Memorial Hall, 410 N Pennsylvania Ave, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+17852894727) Conference ID: 652 632 373#

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



REQUEST FOR PLANNING COMMISSION ACTION

**CITY OF INDEPENDENCE
DECEMBER 12, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM 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.

SUMMARY RECOMMENDATION Adjourn the hearing.

BACKGROUND Cox continues to seek another location. City staff recommends adjourning the hearing until February.

I move to adjourn the hearing until February 6, 2024 at 5:30 PM

SUPPORTING DOCUMENTS