

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's May 7, 2024
Meeting**

I. Call to Order

Rachel Lyon, Chairperson, called the meeting to order.

Present: Lisa Richard, Rita Ortolani, Butch Holum, Mary Jo Dancer, Tim Haynes, Rachel Lyon, Kym Kays, Michelle Anderson, Gary Hogsett

Absent:

Guests: Geneva Duke, Cody Cook, Twila Augustine, Jamie Clubine, Angie & Toshio Sharp, Mike Passauer, Curtis Belt, Fred Meier, Mike & Kim Dodson, Amber & Jason Kuehn, 3790 CR 4055 name illegible, Ron Wood, Steve & Penny Lumbley, Mike Cordday, Bruce & Mandi Hargis, Ken DeVore, name illegible, name illegible, Phil Loveless, Josh & Wynter Krisha, Andy G & Carol Gerstenkorn, Ryan York, Kevin & Elena Elias, Scott Smith, Phil Clubine, Joe Douglass, 5506 CR 6200 name illegible, 4032 CR 3985 name illegible, Greg Knisley, Jeff Clark, Cynthia Ross, Amy & David Bales, Keith Stone, Harold & Linda Groth, Greg & Lori Knisley, Shirley Knisley, Wayne Blaes, Kay Willard, Phil & Stephanie Groth, Ernie Loganbill, 5564 CR 6200 Rachelle last name illegible & name illegible, Rob & Stephanie Williams, Wayne Stephany, Paul Vaughn, name illegible & phone number, Jeques Brown.

II. Minutes

- a. Consider approving minutes of the April 2, 2024 meeting and the amended minutes of the March 5, 2024 meeting.

Motion:

On the motion of Tim Haynes, seconded by Rita Ortolani the Commission approved the minutes of the April 2, 2024 meeting and the amended minutes of the March 5, 2024 Planning Commission/Board of Zoning Appeals meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Dancer, Lisa Richard, Gary Hogsett, Butch Holum, Kym Kays, Rita Ortolani

Nay: None

III. Planning Commission

- a. Public hearing to receive comments to consider rezoning a tract of land at 401 South 13th Street from R-2, single-family dwelling district to C-1, neighborhood business district; and to receive comments on a request for a conditional use permit for a "Restaurant" in a C-1, neighborhood business district, defined as Restaurant: A public eating establishment at which the primary function is the preparation and serving of food.

Rachel Lyon, Chairperson, opened the public hearing.

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Tim Haynes asked if the water and electric service is adequate for the intended use or if it needs commercial electric.

David Cowan stated that it is adequate.

Butch Holum asked about where the access is, from the alley or were there curb cuts.

Kevin Elias said that they could put a parking place just off the alley off of Walnut.

Jim Padley, 413 S 13th, stated that the lot floods whenever it rains. He feels like there will be too much traffic and too much trash.

Carol Holt, 400 S. 13th, agreed with Jim Padley.

Kevin Esias said that the heavy rain has only caused minimal standing water.

Rachel Lyon asked what the ground clearance is on the structure.

Kevin Elias stated that it is no more than 8 inches.

Tim Haynes asked if it is on a concrete slab, on grade or a wood subfloor.

Kevin Elias stated that it is a wood subfloor and he could raise it if need be.

Gary Hogsett asked if there is a precedent for this.

Rachel Lyon stated that not that she is aware of.

The public hearing was closed.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission approved recommending the City Commission rezone 401 South 13th Street from R-2, single-family dwelling district to C-1, neighborhood business district; and to approve the request for a conditional use permit for a "Restaurant" in a C-1, neighborhood business district, adding a Section H to the conditional use criteria under Section 902.2 that reads: The owner shall comply with all local, state and federal rules and regulations and meeting all City codes including off-street parking unless a waiver has been approved by the City Commission.

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Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Dancer, Lisa Richard, Gary Hogsett, Butch Holum, Kym Kays, Rita Ortolani
Nay: None

- b. Public hearing to consider adopting a Community Development/ Comprehensive Plan.

Jeff Chubb reminded the audience of the rules of decorum.

Rachel Lyon, Chairperson, opened the public hearing.

54 people signed the sign-in sheet and 16 speakers got up to speak about the City not annexing their properties, not contacting them about meetings directly and encroaching on other water districts. There were more than 54 people in the audience.

The public hearing was closed.

The guests began to leave and the meeting had to be delayed by a few minutes because of the noise interrupting the meeting from proceeding.

After the public hearing was closed, Ken Devore stayed and began asking more questions, further interrupting the meeting.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission moved to authorize a resolution adopting the new Comprehensive Plan titled Independence Community Development Plan, as presented, and recommend that the Governing Body of the City of Independence, Kansas, adopt the same in accordance with K.S.A. 12-747.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Lisa Richard, Gary Hogsett, Butch Holum, Kym Kays, Rita Ortolani
Nay: Mary Jo Dancer

- c. Public Hearing for a text amendment relating to "Shipping containers" in the C-4, highway commercial district.

Rachel Lyon, Chairperson, opened the public hearing.

The public hearing was closed.

Motion:

On the motion of Rachel Lyon, seconded by Rita Ortolani the Commission moved to add C-4, highway commercial district to Section 607.4.e and 613.3, to the list of district regulations pertaining to "Shipping container".

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Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Dancer, Lisa Richard, Gary Hogsett, Butch Holum, Kym Kays, Rita Ortolani
Nay: None

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

- a. Public Hearing to receive comments on a variance request to reduce the setback(s) in an R-3, low density multi-family dwelling district at 301 North Park Blvd.

Rachel Lyon, Chairperson, opened the public hearing.

Lisa Richard asked if any of the neighbors have any concerns.

Mike Passauer said no, there is one neighbor on the other side so is not concerned.

The public hearing was closed.

Motion:

On the motion of Tim Haynes, seconded by Kym Kays the Commission approved a 15 foot variance, reducing the 25-foot setback to 10 feet from the property line along Laurel Street at 301 North Park Blvd.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Dancer, Lisa Richard, Kym Kays, Rita Ortolani
Nay: None

V. Discussion

- a. The next meeting has been rescheduled for Tuesday, June 11, 2024 at 5:30 PM.

Rachel Lyon reminded everyone that the next meeting has been rescheduled for Tuesday, June 11, 2024 at 5:30 p.m.

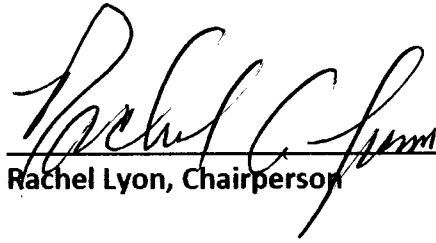
VI. Adjournment

Motion:

On the motion of Tim Haynes, seconded by Mary Jo Dancer the Commission adjourn.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Dancer, Lisa Richard, Gary Hogsett, Butch Holum, Kym Kays, Rita Ortolani
Nay: None

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Rachel Lyon, Chairperson



Lisa Richard, Vice-Chair