

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's September 2, 2025 Meeting

I. Call to Order

Present: Rachel Lyon, Kym Kays, Gary Hogsett, Lisa Richard, Butch Holum, Rita Ortolani and Michelle Avery

Absent: Tim Haynes and Anita Chappuie

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; David Schwenker, City Clerk; April Nutt, Director of Housing Authority and Kayla Schabel, Executive Assistant

Guests: Larry McHugh, Roxey Smith, Teresa Davison, William Davison and Owen Davison

Chairperson Lyon called the meeting to order.

II. Minutes

- a. Consider approving minutes of the August 5th, 2025 meeting.

Motion:

On the motion of Gary Hogsett, seconded by Lisa Richard the Commission approved the minutes of the August 5th, 2025 meeting as presented.

Aye: Rachel Lyon, Lisa Richard, Kym Kays, Gary Hogsett, Butch Holum, Rita Ortolani

Nay: None

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

IV. Planning Commission

- a. Public hearing to receive comments to consider rezoning a tract of land at 604 East Cedar 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 "Retail trade not elsewhere listed".

Theresa Davidson purchased 604 E Cedar, which was formally a church and has been vacant for approximately 4-6 months. She intends to use it for retail sales. In order to do that, she has requested the property be rezoned to C-1, neighborhood business district and has requested a conditional use permit.

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There was a letter sent in opposition to the rezoning.

Motion:

On the motion of Lisa Richard, seconded by Butch Holum, the Commission recommended the City Commission rezone 604 E Cedar 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 "Retail trade not elsewhere listed" in a C-1, neighborhood business district, subject to compliance with all City Codes.

Aye: Rachel Lyon, Lisa Richard, Kym Kays, Michelle Avery, Gary Hogsett, Butch Holum, Rita Ortolani

Nay: None

Motion:

On the motion of Lisa Richard, seconded by Rachel Lyon, the Commission recommended the City Commission approve the request for a conditional use permit for a "Retail trade not elsewhere listed" in a C-1, neighborhood business district, subject to compliance with all City Codes and inventory will not be stored outside for more than 24 hours.

Aye: Rachel Lyon, Lisa Richard, Kym Kays, Michelle Avery, Gary Hogsett, Butch Holum, Rita Ortolani

Nay: None

- b. **Public Hearing to receive comments on variance request to waive the requirement for construction of sidewalks within the Country Village Subdivision, originally platted in 2005.**

The City of Independence Landbank is requesting a variance from the Subdivision Regulations to waive the requirement for sidewalk construction within the Country Village Subdivision, which was originally platted in 2005. At the time of development, a benefit district was created to fund streets, curbs and gutters, and sanitary sewer improvements. While the engineering agreement referenced the preparation of sidewalk plans, sidewalks were not constructed, and bond documents reflected a zero-dollar allocation for sidewalks. The Subdivision Regulations in effect require sidewalks on one side of all streets (Appendix A, Article X, Section 1(f)), and there is no record that a formal variance was granted to eliminate this requirement. Several homes have been constructed in the subdivision without sidewalks, creating a precedent but not eliminating the regulatory requirement. The subdivision's rural layout and lower density, along with the existing street and utility infrastructure, complicate the potential for consistent, effective sidewalk

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installation at this time.

Motion:

On the motion of Gary Hogsett, seconded by Butch Holum, the Commission recommended approval of a variance to the City Commission to waive the requirement for sidewalks within the Country Village Subdivision.

Aye: Rachel Lyon, Lisa Richard, Kym Kays, Michelle Avery, Gary Hogsett,
Butch Holum, Rita Ortolani

Nay: None

- c. Public hearing to consider amending Appendix A-Subdivisions and Appendix B-Zoning of the City Code.

The zoning board has been working on the updated zoning code and would like to present it to the Planning Commission for approval.

Motion:

On the motion of Lisa Richard, seconded by Butch Holum, the Commission recommended the City Commission adopt the text amendments, with the three alterations, #1: section 607.2 Section A will read private garages or carports. Section B will read a structure for storage incidental to a permitted use. #2: on page 36 in the permitted and conditional usage table, A "C" will be added in the 2nd to the bottom line mini warehouse indoor only. The "C" will be added under O&P. #3: under 607.2 on page 45, sub item J will read storage of major recreational equipment when in compliance with Section 606 above. #4: with all of the alterations that were made since our prior meeting to Appendix A and Appendix B of the City Code.

Aye: Rachel Lyon, Lisa Richard, Kym Kays, Michelle Avery, Gary Hogsett,
Butch Holum, Rita Ortolani

Nay: None

- d. Public hearing to consider amending the Community Development/Comprehensive Plan.

The City is reviewing proposed amendments to the Community Development/Comprehensive Plan. In accordance with statutory and municipal notice requirements, a public hearing must be scheduled to allow for public input on the proposed changes.

Motion:

On the motion of Lisa Richard, seconded by Rachel Lyon, the Commission

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approved amending the Community Development/Comprehensive Plan.

**Aye: Rachel Lyon, Lisa Richard, Kym Kays, Michelle Avery, Gary Hogsett,
Butch Holum, Rita Ortolani**

Nay: None

V. Discussion


VI. Adjournment

Motion:

**On the motion of Gary Hogsett, seconded by Rita Ortolani, the Commission
adjourned the meeting.**

**Aye: Rachel Lyon, Lisa Richard, Kym Kays, Michelle Avery, Gary Hogsett,
Butch Holum, Rita Ortolani**

Nay: None



Rachel Lyon, Chairperson



Lisa Richard, Vice-Chair