

MINUTES
Independence Planning Commission/Board of Zoning Appeals
Tuesday, December 6, 2016
Veterans Room, Memorial Hall 5:30 p.m.

Call to Order

Planning Commissioners Present

Tony Holmes, Mary Schmidt, Darnell Lawrie, Philip Umlauf, Jim Hardy, Mary Jo (Dancer) Meier and Andy McLenon*.

Planning Commissioners Absent

Nick McCollam* and Steve McBride

*Outside Appointments are not on the Board of Zoning Appeals

Staff Present

Kelly Passauer, Assistant City Manager/Zoning Administrator
Micky Webb, City Manager

Visitors Present

None.

a. Consider approving minutes of the August 2, 2016 and October 4, 2016 meetings.

Mary Jo Meier made a motion to approve the corrected minutes of the August 2, 2016 Planning Commission/Board of Zoning Appeals minutes, seconded by Philip Umlauf. The motion carried 7-0.

Jim Hardy made a motion to approve the minutes from the October 4, 2016 Planning Commission/Board of Zoning Appeals meeting. Philip Umlauf seconded the motion to approve the minutes. Motion carried 7-0.

Board of Zoning Appeals

b. Consider a variance request from the hard surface requirement in an O & P zoned district at 900 W. Myrtle Street.

Staff provided the following staff report to the board in written form prior to the meeting:

Overview of Variance Requested

The Board of Zoning Appeals has received an application from the City of Independence to grant a variance from the hard surface requirement in the off-street parking regulations for a temporary driveway at 900 W. Myrtle.

The off street parking regulations require:

705.0. - Design requirements.

705.1 Surface material: Areas used for standing or maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-sealed surfaces, maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks.

Exception: Vehicle storage lots for the overnight storage or long-term warehousing of vehicles under one ownership.

Due to this facility currently being designated as temporary until a long term decision is made regarding the location of Fire/EMS Department, the applicant requests authorization for a gravel driveway until a final decision is made.

Review of Request

The applicant relocated City Hall services, which included the Public Safety Departments to 811 W. Laurel which required a temporary apparatus bay to be constructed as the Fire Trucks and Ambulances cannot sit outside during cold or inclement weather. Fire Services are a permitted use in an O & P district.

Board of Zoning Appeals Considerations

In considering the providing of a variance we wish to provide the following information:

- a. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant; It is a unique situation in that it is not known at this time if the building will be relocated. If it is relocated a hard surface drive would no longer be needed.*
- b. That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents; It is not believed that the gravel driveway will create any adverse effects to adjacent property owners.*
- c. That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application; The hardship would consist of requiring expenditure of public funds for a driveway that may not be needed if the building is relocated. The estimated cost for the hard surface ranges from \$33,400 to \$56,000, depending on whether the hard surface is asphalt, concrete or asphalt/concrete combination.*
- d. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare It does not appear that the variance will affect public health, safety or general welfare.*
- e. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations. City staff feels it is not opposed to the general spirit and intent of the zoning regulations.*

Staff Recommendation

The City Commission requested applying for the variance since the building is temporary and they do not wish to expend public funds for a hard surface driveway if the building is relocated. Since this is an application by the City, staff is not making a recommendation.

City Manager Micky Webb represented the applicant and reviewed the City's request. Questions were asked about reviewing the status in 12 months to ensure if the building is permanent that the hard surface requirement would be met. A motion was made by Darnell Lawrie and seconded by Philip Umlauf to approve the variance request from the hard surface requirement in an O & P zoned district at 900 W. Myrtle Street with a status update in 12 months. The motion carried 6-0.

Planning Commission

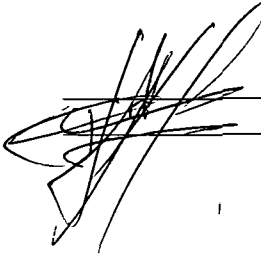
c. Upcoming reorganization and orientation on February 7, 2017.

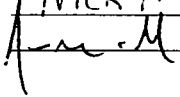
New outside City Planning Commissioner Andy McLenon was introduced. Mary Schmidt indicated that she is resigning and this would be her last meeting as she has taken a job out of

town and will not be able to attend meetings regularly. Mary's term expired January 1, 2018. Mary was thanked for her service and for serving as Chair. Tony Holmes was also recognized as this was his last meeting as he has served two full terms and is not eligible for reappointment. Members Steve McBride and Philip Umlauf's terms are also expiring on January 1, 2017, however, they are eligible for reappointment.

Adjournment

The meeting was adjourned with a motion by Tony Holmes and a second by Darnell Lawrie. The motion carried 7-0.

 Philip Umlauf
_____, Chair

Nick McCollam
_____, Secretary