

MINUTES

Independence Planning Commission/Board of Zoning Appeals

Tuesday, June 6, 2017

Veterans Room Memorial Hall 5:30 p.m.

Call to Order

Planning Commissioners Present

Philip Umlauf, Jim Hardy, Andy McLenon*, Steve McBride, Brent Littleton, Barbara Emert and Mary Jo (Dancer) Meier.

Planning Commissioners Absent

Brian Beecham and Nick McCollam*

*Outside Appointments are not on the Board of Zoning Appeals

Staff Present

Kelly Passauer, Assistant City Manager/Zoning Administrator
Chase Cushing, City Planning Summer Intern

Visitors Present

None

a. Consider approving minutes of the May 2, 2017 meeting.

Philip Umlauf made a motion to approve the minutes of the May 2, 2017 Planning Commission/Board of Zoning Appeals minutes, seconded by Bret Littleton. The motion carried 7-0.

Planning Commission

b. Consider text amendments to the zoning code; specifically, Article IV, Section 403 and Article VII, Section 803.4, relating to Banners.

Philip Umlauf reviewed the request. Staff provided the following staff report to the board in written form prior to the meeting:

Summary Regarding Text Amendments:

The City has received a request from R-Turn to beautify the railroad trestle on North Penn Avenue. The railroad bridge is owned by Watco who has granted their permission, the City Manager by code can approve banners hung over City street rights-of-way. They have proposed a vinyl banner designed to welcome people to Independence by featuring local attractions such as the Inge Theatre, Elk City Reservoir, Little House on the Prairie and Neewollah. The south side of the overpass would feature Riverside Park and Ralph Mitchell Zoo.

One of the requirements for a banner is the information must be for civic functions of “nonprofit” groups. Since Neewollah is one of the entities that is proposed to be displayed and is technically a “for profit” entity, if R-Turn requests that the Neewollah advertising be included it would require a text amendment be considered by the Planning Commission for final approval by the City Commission. Such language would allow an exception for community celebrations that are officially endorsed by the City, as a proclamation and resolution is passed each year by the City Commission for Neewollah activities.

The following motion was unanimously approved in regards to initiating the text amendment at the May 11, 2017 Independence City Commission Meeting:

On the motion of Mayor Meier, seconded by Commissioner Hogsett, the commission authorized City staff to initiate a text amendment and forward it to the Planning & Zoning Commission for approval and then return it to the City Commission.

Definition of a Banner in Independence Code:

403.0. - Definitions. *Banner*: A sign intended to be hung with or without a frame, possessing character[s,] letters or illustrations applied to paper, plastic or fabric of any kind excluding flags, emblems and insignia or political, professional, religious, education, or corporate organizations and which are displayed for noncommercial purposes.

803.4 [Banners:] Banners advertising civic functions of nonprofit groups may be hung over street rights-of-way upon the approval of the city manager.

Action by the Planning Commission

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 Recommended Text Amendment:

403.0. – Definitions. *Banner*: A sign intended to be hung with or without a frame, possessing character[s,] letters or illustrations applied to paper, plastic or fabric of any kind excluding, flags, emblems and insignia of political, professional, religious, education, or corporate organizations **with the exception of logos for the city or organizations endorsed by the city**; and which are displayed for noncommercial purposes, **excluding community celebrations that are officially endorsed by the city**.

803.4 [Banners:] Banners advertising civic functions of nonprofit groups **and community celebrations that are officially endorsed by the City** may be hung over street rights-of-way upon the approval of the city manager.

- 1. Whether such change is consistent with the intent and purpose of these regulation**

Currently the code does not allow for banners to promote city endorsed celebrations such as Neewollah, which is technically a "for-profit" entity. While Neewollah is a for profit entity, it is also a civic function that attracts people to Independence. The wording of the amendment will be made as to allow only city endorsed celebrations, and not specific local businesses, therefore maintaining the intent of these regulations.

2. **The areas which are most likely to be directly affected by such change and in what way will be affected.**

The area affected will be any area where banners are hung.

3. **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.**

The purpose of the text amendment would be to allow for City endorsed celebrations on banners while preserving the spirit of the regulation.

City staff recommends authorizing community celebrations endorsed by the City, as well as their respective logos to be included on banners to promote important civic events, such as Neewollah, to those entering the community. R-Turn's proposed banner will be conforming by including city logos and celebrations endorsed by the city into City code. Future banners will continue with their purpose of not being advertisements for businesses by allowing only city endorsed celebrations as well as civic functions of nonprofit groups.

The Planning Commissioners discussed what constitutes "city endorsement" and what banners would be able to advertise.

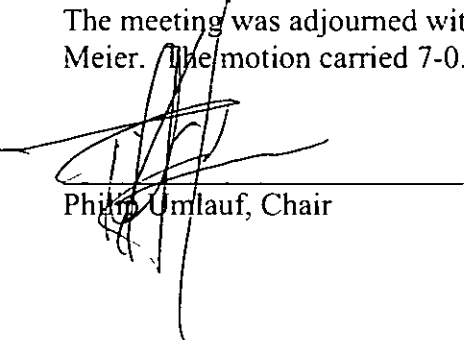
A motion was made by Andy McLenon and seconded by Barbara Emert to recommend that the City Commission approve text amendments to the zoning code; specifically, Article IV, Section 403 and Article VII, Section 803.4, relating to Banners with the conditions recommended by staff. The motion carried 7-0.

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

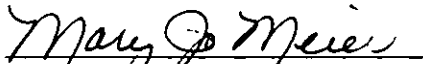
d. None.

Adjournment

The meeting was adjourned with a motion by Andy McLenon and a second by Mary Jo (Dancer) Meier. The motion carried 7-0.



Philip Umlauf, Chair



Nick McCollam, Secretary