

MINUTES

Independence Planning Commission Independence Board of Zoning Appeals

Tuesday, September 4, 2018

Veterans Room

Memorial Hall

5:30 p.m.

Call to Order

Planning Commissioner Present

Andy McLenon (outside), Jim Hardy, Barb Emert, Steve McBride, Philipp Umlauf, Nick McCollam (outside) and Michelle Anderson

Planning Commissioners Absent

Mary Jo Meier and Brian Beecham

Staff Present

Kelly Passauer, Assistant City Manager

Visitors

Harry Smith and Mya Rincker

Minutes

- a. Consider approving minutes from the August 7, 2018 meeting.

Andy McLenon made a motion to approve the minutes of the August 7, 2018 meeting, Philipp Umlauf seconded the motion. The motion carried 7-0.

Planning Commission

- b. Consider a request from Harry Smith, Precision Railway Equipment Company, LLC and the City of Independence to rezone a tract of land from R-2, single family dwelling district to M-1, light industrial district at 800-814 S. 19th Street.

The following staff report was provided:

Summary Regarding Rezoning Request:

The Planning and Zoning Commission received a request from Harry Smith, Precision Railway Equipment Company, LLC and the City of Independence to rezone the above listed property from R-2, single family dwelling district to M-1, light industrial district at 800-814 S. 19th Street in order to build a storage building that will have no vehicular access, only fork lift access.

The legal description is:

Lots 15-18, Block 17, Bloom's Addition, City of Independence, Montgomery County, Kansas.

Description of the Tract:

The property requested to be zoned lies in the southwest portion of the City. The parcels were previously utilized for residential type uses. This property was previously zoned M-1, and in 2000 was rezoned to R-2 for future single-family development which never occurred.

Zoning and Uses of Property Nearby:

The property to the north is a mix of R-2 and M-1. The property to the east is a mixture of R-2 and R-1. The property to the south is zoned M-1. The property to the west is predominantly M-2.

Character of the Neighborhood:

The area generally consists of industrial and residential uses.

Suitability of the Subject Property for the Uses to which it has been Restricted:

This property is suitable for its previous residential use.

Length of Time the Property has Remained vacant as Zoned:

The property is currently vacant which previously contained residential homes that became blighted over the years and were removed. No other development has occurred on this property for several years.

Extent to which Removal of Restrictions will Detrimentally affect Nearby Property:

The adjoining areas are not densely populated, so it not believed there will be a detrimental effect.

Relative Gain to the Public Health, Safety and Welfare by the Destruction of the Petitioner's Property as Compared to the Hardship Imposed upon the Individual Landowners:

Denial of the proposed rezoning will impact the owner's use of the property as it will not allow them to construct a storage facility to enhance their existing industrial operations across the street.

Conformance with the Comprehensive Plan:

The general development plan map recommends the area requested to be rezoned be developed as residential.

Objective I-1: Target industrial development to locations which maximize efficient usage of public and semi-public land and semi-public facilities necessary and

minimize the cost of development. The proposal under consideration will minimize development costs as existing infrastructure already exists.

Policy I-12: *Industrial sites shall have access to arterial streets; preferably those leading directly to major highways.* The proposal under consideration is within eight blocks of U.S.160/75.

Policy I-13: *In addition to highway access, industrial parks and sites preferably shall have access to railroad and airport facilities.* The proposal under consideration is adjacent to a railroad, however, it does not appear that access has been established.

Objective I-2: *Direct industrial activities to locations offering the least negative impact on surrounding land uses and the environment.* The proposal under consideration should have little impact on the surrounding area. Any activity and inventory on site should be indoors or within a fenced yard.

Policy I-23: *Access should be provided to industrial areas in a manner which prevents traffic through residential areas.* The proposal under construction has access to a route that does not pass through residential areas via West Cherry to the west. It also has a route commonly used which does pass through a residential area bordering an arterial street (17th Street).

The proposal is consistent with industrial goals and objectives of the comprehensive plan which primarily set out general geographic criteria for locating industrial facilities within the City. However, the application is not consistent with the General Development Plan Map which indicates this area as residential.

This development will increase the current encroachment of industrial areas on the residential areas within this neighborhood. Since no vehicles are planned to be utilized to access the storage, only fork lifts, the encroachment should be minimal.

Staff Recommendation

City staff recommends rezoning the property to M-1, light industrial district.

The applicant Harry Smith was present and advised he was requesting the rezoning on order to install a 160' X 50' building for storage of machine parts to supplement his existing business across the street.

A motion was made by Philipp Umlauf, seconded by Jim Hardy to accept staff's recommendation and approve the rezoning request from Harry Smith, Precision Railway Equipment Company, LLC and the City of Independence to rezone a tract of land from R-2, single family dwelling district to M-1, light industrial district at 800-814 S. 19th Street. The motion carried 7-0.

- c. Consider a request for no parking stalls for a storage building to be constructed in the 800 block of South 19th Street that will have no vehicular access.

The following staff report was provided:

City staff is reviewing a request regarding off-street parking requirements from Harry Smith and Precision Railway Equipment Company, LLC regarding construction of a storage building with no vehicular access that is to be located in the 800 block of South 19th Street if the previous rezoning action is approved. The specific type of storage building is not listed in the off-street parking regulations. The code states:

704.1.g. Unlisted uses: Requirements for types of buildings and uses not specifically listed herein shall be determined by the governing body, after a report and recommendation from the planning commission, based upon the requirements of comparable uses listed.

In visiting with the City Attorney, he indicated that if industrial/manufacturing forklift traffic was the only traffic accessing the storage facility and lot that the applicant could request that no parking stalls be required.

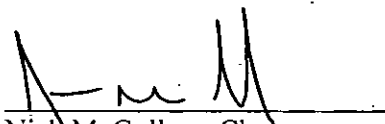
A motion was made by Barb Emert to approve the request from Harry Smith for no parking stalls for a storage building to be constructed in the 800 block of South 19th Street that will have no vehicular access, seconded by Michelle Anderson. The motion carried 7-0.

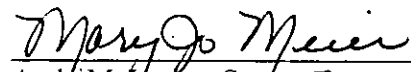
Board of Zoning Appeals

- d. None.

Adjournment

The meeting was adjourned with a motion by Philipp Umlauf, seconded by Andy McLenon. The motion carried 8-0


Nick McCollam, Chair


Andy McLenon, Secretary
MARY JO MEIER, VICE CHAIR