

MINUTES
Independence Planning Commission
Independence Board of Zoning Appeals
Tuesday, April 20, 2021

Veterans Room Memorial Hall 5:30 p.m.

Call to Order

The Planning Commission meeting was called to order by Kendall Neill.

Planning Commissioners Present

Lisa Richard (via phone)	Kendall Neill (in person)
Rachel Lyon (via phone)	Barb Emert (in person)
Michelle Anderson (via phone)	Mary Jo Meier (in person)

Planning Commissioners Absent

Anthony Royse
Brent Littleton
Andy McLenon

Staff Present

Kelly Passauer, City Manager	David Cowan, Assistant City Manager
Jeff Chubb, City Attorney	Lydia Collins, Administrative Aide

Visitors

Doug Stacy, Labette Health

Minutes

- a. Consider approving minutes of the March 2, 2021 meeting.**

Kendall Neill made a motion to approve the minutes of the March 2, 2021, meeting, as amended, Mary Jo Meier seconded the motion. The motion carried 6 - 0.

Planning Commission

- b. Public hearing to receive comments to consider text amendments to Appendix B-Zoning of the City code including, but not limited to Appendix A. "Listing of Permitted and Conditional Uses" including, but not limited to "Medical clinics, outpatient services" and "Medical laboratory services."**

Labette Health has approached the City concerning the use of the building at 2700 W. Main Street, Suite A, to provide physical therapy and other related rehabilitation services.

Kendall Neill opened the public hearing.

Doug Stacy, representative of Labette Health, stated that they want to continue to provide and add services and they have run out of room. They had been looking for space for occupational and speech therapy and this store by Hugo's opened which is right next door to Labette. This is basically going to be for rehabilitation services.

The following staff report was provided.

City code 1604.2 provides the following regarding text amendments:

1604.1. Recommendations: Upon the conclusion of the public hearing the planning commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the governing body. Said recommendation may be for approval, disapproval or approval in part and reasons for therecommendations shall be included as appropriate.

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 asto 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.

In order to allow their request a text amendment must be approved to modify the permitted and conditional use table to more accurately reflect the use requested. If a text amendment is ultimately approved by the Commission to require a conditional use for "Medical clinics, outpatient services" and "Medical laboratory services" in an M-1 zone, it would still require the applicant to go through the conditional use permit process, which is similar to the rezoning process. The conditional use permit could address any additional concerns.

Kendall Neill move to recommend a text amendment adding "Medical clinics, outpatient services" and "Medical laboratory services" into the permitted and conditional use table as a conditional use in an M-1 zone on the basis that this change is consistent with the intent and purposes of these regulations; the areas most affected are the M-1 zones; and the proposed amendment is not related to changed or changing social values, new planning concepts or other social economic conditions in the areas and zoning districts affected. Lisa Richard seconded. Motion carried 6-0.

c. Public hearing to receive comments on a request for a conditional use permit for “Medical clinics, outpatient services” and “Medical laboratory services” in an M-1, Light Industrial District at 2700 West Main Street, Suite A.

Kendall Neill opened the public hearing. There were no public comments and no additional questions for the applicant. The following staff report was provided:

Conditional Use Permit

The zoning ordinance in section 901.1 (page 87) describes the purpose of a conditional use as:

“...those types of uses which are considered by the City to be essentially desirable, necessary or convenient to the community but which by their nature or in their operation have:

- 1) *a tendency to generate excessive traffic,*
- 2) *a potential for attracting a large number of persons to the area of the use thus creating noise or other pollutants,*
- 3) *a detrimental effect on the value of potential development of other properties in the neighborhood, or*
- 4) *an extraordinary potential for accidents or danger to the public health or safety.*

Such conditional uses cannot be allowed to locate as a ‘right’ on any parcel of land within certain districts without consideration of existing conditions at the proposed locations and of properties neighboring the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse effects.”

Staff Report

The Planning Commission has the authority to place additional conditions on the site that they deem necessary to protect the best interests of the City, the surrounding property and to achieve the objectives of the ordinance.

In considering those types of uses which may be desirable, necessary or convenient to the community, the Commission should review and make recommendations based in part on 901.1.

Additionally, the decision of the Planning Commission to recommend approval or denial of the proposed conditional use shall be based on the following criteria (902.2):

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.
- b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving

access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

1. The location, nature and height of buildings, structures, walls and fences on the site, and
 2. The nature and extent of landscaping and screening on the site.
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII).
- f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

Action by the Planning Commission

Any recommendations regarding a conditional use permit for the subject properties shall be based on Section 902.2 previously outlined in this report. After considering any public comments the Planning Commission may either approve or deny the requests. If the requests are approved the applicants must be required to meet the conditions the Planning Commission wishes to require to operate the facility.

Following your action, the application and your recommendation will be forwarded to the City Commission at which time they will have 30 days to adopt, modify or deny the Planning Commission's recommendation.

Staff Recommendation

City staff recommends granting the conditional use permit with the following conditions:

1. The conditional use permit is not transferable to another location.
2. The applicant must follow all City codes.

If any of the above conditions are not met, the conditional use permit will no longer be valid. The basis of the staff's recommendation is that granting the conditional use permit is consistent within the criteria of "a through g" of Section 902.2 of the zoning code.

Kendall Neill moved to recommend approving a conditional use permit for "Medical clinics, outpatient services" and "Medical laboratory services" in an M-1, Light Industrial District at 2700 West Main Street, Suite A on the basis that the conditional use permit is consistent with criteria "a" through "g" of Section 902.2 of the zoning code, with the following conditions:

- 1. The conditional use permit is not transferable to another location.***
- 2. The applicant must follow all City codes.***

Mary Jo Meier seconded. Motion carried 6 – 0.

d. Other discussion

Kendall Neill authorized Mary Jo Meier to sign the Minutes of March 2, 2021, in lieu of Rachel Lyon since Rachel was joining the meeting by phone.

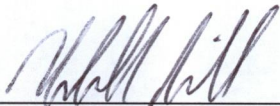
City Manager Kelly Passauer advised that Housing Director April Nutt will be bringing more information concerning Tiny Houses at a future meeting.

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

e. None

Adjournment

Kendall Neill moved to adjourn the meeting, with Barb Emert seconding the motion, which passed 6 - 0.



Kendall Neill, Chair



Rachel Lyon, Secretary