

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
MONDAY, NOVEMBER 14, 2011 – 7:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Phillips at 7:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips and Commissioners Gardner, Olson, Palmquist, and Triplett  
STAFF: Planner Kaltsas, Administrative Asst. Olson, Commission Liaison Spencer  
ABSENT: None  
VISITORS: None

3. APPROVAL OF MINUTES – OCTOBER 10, 2011

**Motion by Gardner, seconded by Triplett, to approve the minutes. Ayes: Gardner, Olson, Palmquist, and Triplett. Nays: None. Abstained: Phillips. MOTION DECLARED CARRIED.**

4. PUBLIC HEARING. A PROPOSED TEXT AMENDMENT TO THE CITY OF INDEPENDENCE ZONING ORDINANCE PERTAINING TO SECTION 510.05, DEFINITIONS (GUEST HOUSE, NON-RENTAL GUEST APARTMENT).

Kaltsas reported this is a second reading for this text amendment. He stated staff has been approached by residents because there is a need for a “mother-in-law” type unit that includes a kitchen. The current language for guest house and non-rental guest apartment does not allow for a kitchen area. He stated there are many Accessory Dwelling Units (ADU) ordinances in the surrounding communities, but Independence is a bit more unique as it has very different housing stock than that of many first ring cities. Lot sizes are much larger in Independence.

Kaltsas reported the point of an ADU ordinance is to distinguish the ADU from spare rooms and to have it looked upon as independent from the principal structure.

Kaltsas suggested the minimum size be set at 400 square feet. Current building code establishes the minimum dimensions for bedrooms, kitchen and bath. The total minimum square footage is near 400 square feet when there is two bedrooms, kitchen and bath. He proposed a maximum size of 33% of the above ground living area. Currently, most sites in the City that have an ADU are using about 15-25% of the principal structure living area.

Kaltsas stated there is a proposed condition to limit persons residing in the ADU to the homesteaded family or their family members and is not to exceed the number allowed in the ordinance for household size.

Kaltsas reported the building code limits the amount of detached accessory building size based on lot size so he is suggesting that the total square footage of the ADU not exceed that which is permitted in a given district. He also recommends that properties less than 2.5 acres not be allowed a detached ADU unless it is within an existing detached accessory building such as being above a garage.

Olson inquired if the living area was calculated by the house's footprint or vertical living areas. Kaltsas clarified that it is all above ground living area and does not include below ground basements or walkouts.

Kaltsas reported staff received one comment about the ADU language in support of it.

### Public Hearing

There was no one present to speak at the public hearing.

Phillips was concerned with the maximum ADU square footage being expressed as a percentage. He felt some houses would qualify for very large ADU's and would like to see the maximum set at a specific amount. He was concerned with owners renting out either the ADU or the principal structure. Kaltsas reported they could include a non-rental condition. The Planning Commission discussed rentals between family members.

Phillips would also like to see the septic system come into compliance regardless of whether the ADU is connected to the septic or uses a holding tank. His goal is to see conforming and performing septic systems in the City.

Olson questioned the need for a separate entrance. Kaltsas reported it is an attempt to help identify these ADU structures and is also to create a standard of living for those living in the ADU. The Planning Commission discussed it and felt the language should be removed. Phillips stated the ability to make a separate entrance will not be precluded if that language is not in ordinance.

. Olson stated that in some of the larger properties, such a limited size would be disproportionate. Phillips stated he does not want to see a 3,000 square foot ADU; it would be the same as building another house on the property. Gardner suggested a cap of 1,500 square feet and Triplett suggested slightly smaller at 1,200 square feet. Olson was not in favor of limiting the ADU size to 1,000 or 1,200 square feet. Palmquist questioned why other cities had a maximum of 800 square feet. Kaltsas replied those cities are facing different issues and have smaller lot sizes. He clarified that this text amendment does not limit a resident's ability to add onto their existing home.

### **Motion to approve a new ordinance provision for Accessory Dwelling Units (ADU) with the following changes:**

- **Remove item (d) language requiring a separate entrance from the primary dwelling unit**
- **Change (f) to read: " No greater than 33% of the above ground living are of the principal structure to a maximum of 1,200 square feet, and no less than 400 square feet; and"**
- **Add language restricting rental of the ADU or primary dwelling**
- **Add language requiring septic compliance**

**Ayes: Gardner, Olson, Palmquist, Phillips, and Triplett. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Kaltsas clarified this will create a new provision within the ordinance and the language regarding “guest house” and “non-rental guest apartment” will also remain in the ordinance.

5. PUBLIC HEARING. A PROPOSED TEXT AMENDMENT TO THE CITY OF INDEPENDENCE ZONING ORDINANCE PERTAINING TO SECTION 530 LAND USE DISTRICTS (ADDING TWO NEW LAND USE DISTRICTS, URBAN RESIDENTIAL AND URBAN COMMERCIAL, AS GUIDED IN THE COMPREHENSIVE PLAN).

Kaltsas reported that the Comprehensive Plan identified two new land use designations in the city: Urban Commercial and Urban Residential. There is currently no zoning district or set of standards for these two new land uses and it is necessary for the City to establish consistency between the land uses identified in the Comp Plan and the Zoning Ordinance. He stated that they will not be able to rezone or develop the properties until this is done.

Kaltsas reported that it is difficult to foresee what would be coming to these districts in the future or how the properties will be serviced by utilities. In speaking with the City Attorney, staff felt it was in the best interest of the City to adopt conceptual language such as intent for the areas, baseline directions for standards and maximum/minimum density and lot sizes. Staff also suggested allowing no permitted uses in the areas other than Planned Unit Developments. At that time, a “master plan” would be brought forward by both the developer and the city. This would also be a cost savings to the City.

Phillips wanted to ensure the Planning Commission would have the opportunity to review the PUD when submitted. He stated it is important they have a chance to approve or deny any PUD application.

Gardner stated that the language recommended will allow the city and developer to work together and gives the city the power to ultimately approve or deny any application. He stated some cities can get carried away with very minor details of a development. The way the language is written it allows the city to develop standards that are current.

Palmquist had several concerns. He asked if sanitary sewer and utility costs would be born by the developer. Kaltsas replied they would. Palmquist stated he is concerned with the term “walkable”, meaning he did not want to see sidewalks to nowhere. He would like to use the term “first class retail” rather than “complement existing conditions”. He also did not want to see berms to screen parking from the highways. He was concerned that visibility is important to retailers and he also does not want store fronts blocked.

The Planning Commission questioned the 10 acre minimum parcel size. Kaltsas reported the 10 acre minimum on the Urban Commercial area is important because they don’t want just one business or restaurant to come in. Gardner stated that a 10 acre minimum would get the proposal to the table, but not necessarily approval.

### Public Hearing

There was no one present to speak at the meeting.

Phillips suggested continuing the discussion to the next Planning Commission meeting. He felt they were on a good track here. Palmquist inquired if there is any urgency to complete this. Kaltsas stated it was fully his intention to continue the discussion to a later meeting. Phillips encouraged the members of the Planning Commission to think about minimum lot size requirements prior to the next meeting and bring their suggestions to the meeting.

**Motion made by Gardner, seconded by Olson, to continue the public hearing to the December meeting. Ayes: Gardner, Olson, Palmquist, Phillips, and Triplett. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

6. DISCUSSION ON A PROPOSED TEXT AMENDMENT TO THE CITY OF INDEPENDENCE ZONING ORDINANCE PERTAINING TO SECTION 515.07, NON-CONFORMING USES.

Kaltsas reported that this is the second reading for these text amendment. The purpose of the amendment is to keep the City's Zoning Ordinance in line with state guidelines.

Kaltsas stated a non-conforming use that is in place prior to the adoption of the Zoning Ordinance in 1976 may be expanded so long as the expansion itself meets current ordinance requirements. However, a variance will be required if the expansion will intrude into one or more setback areas or if height or size is greater than the existing structure.

**Motion by Palmquist, seconded by Gardner, to forward the text amendment to the City Council for adoption. Ayes: Gardner, Olson, Palmquist, Phillips, and Triplett. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

7. Open/Misc.

There were no items.

8. ADJOURN

**Motion by Olson, seconded by Gardner, to adjourn the Planning Commission meeting at 8:54 p.m. Ayes: Gardner, Olson, Palmquist, Phillips and Triplett. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Respectfully submitted

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Kimberly A. Olson, Recording Secretary