



Tuesday, March 1, 2022
Civic Center, Memorial Hall 5:30 p.m.
Independence Planning Commission/Board of Zoning Appeals

MINUTES

Call to Order

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

Planning Commissioners Present

Michelle Anderson (by phone)

Anthony Royse (by phone)

Kendall Neill

Mary Jo Meier

Andy McLenon

Rachel Lyon

Lisa Richard

Tim Haynes

Brent Littleton came in at 6:30 PM

Planning Commissioners Absent

None

Staff Present

Kelly Passauer, City Manager

David Cowan, Assistant City Manager

April Nutt, Housing Director

Jeff Chubb, City Attorney

Lydia Collins, Administrative Aide

Visitors Present

John Mautino with Stinson LLP (by phone)

Minutes

- a. Consider approving minutes of the February 1, 2022, meeting.

Motion

Andy McLenon moved to approve the minutes of the February 1, 2022 meeting. Kendall Neill seconded the motion. Motion carried 8-0.

Reorganization

- a. Election of Chair – Andy McLenon nominated Kendall Neill for Chair, Rachel Lyon seconded. Motion carried.



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- b. Election of Vice Chair – Lisa Richard nominated Rachel Lyon for Vice Chair, Tim Haynes seconded. Motion carried.
- c. Election of Secretary – Kendall Neill nominated Tim Haynes for Secretary, Rachel Lyon seconded. Motion carried.

Planning Commission

- a. A public hearing to receive comments to consider text amendments to Article B. – Zoning on the subject of tiny houses.

At the February 1, 2022, meeting you set the date of March 1, 2022, for a public hearing to receive comments to consider text amendments to Article B. – Zoning on the subject of tiny houses.

History:

At the December 7, 2021, meeting the Planning Commission provided feedback on what they would like to see regarding a text amendment regarding Tiny Houses. The City requested the assistance of Stinson LLP to assist us with this text amendment. Below and attached is the information they provided:

Attached for review are drafts of the following documents: i) a proposed Ordinance amending provisions of the City's Zoning Code in order to allow for "tiny houses"; and ii) a comparison draft, in Word, showing proposed changes to Section 507.0 of the Zoning Code (Residential Planned Unit Developments). The latter can either be incorporated into the proposed Ordinance as an exhibit or inserted directly into the body of the ordinance, depending upon your preference. The revisions to Section 507 are currently set up as an exhibit for ease of review.

The goal was to follow the apparent consensus from the December Planning and Zoning meeting. Accordingly, the Ordinance provides as follows:

1. Tiny houses must be on permanent foundations (Ordinance, Section 1).
2. A tiny house for use by the property owners' family is a permitted accessory use (Ordinance, Section 2).
3. A tiny house for "short term rentals not elsewhere listed" is a conditional accessory use (Ordinance, Section 3). This seemed like the best way to accommodate an Airbnb type use. If there are special provisions that the City would like to impose for such a use, they can be inserted into Article X of the Zoning Code. There aren't any special provisions listed for Bed and Breakfasts, which is the most similar conditional use.



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4. Tiny houses must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City (Ordinance, Section 4). If there are any known issues with respect to tiny houses under codes currently adopted by the City, it would be possible to address such issues through an amendment. In addition, the 2018 Edition of the International Residential Code contains an Appendix specific to Tiny Houses. It appears that this Appendix helped resolve issues confronted by cities in applying prior building codes to tiny houses.
5. The revisions to Section 507 allow for a Tiny Houses/PUD. Minimum PUD size is one acre (Section 507.2.d). Permitted dwelling units is determined by doubling the amount of dwelling units that would be calculated if it was a normal residential PUD (Section 507.2.h). Please note that the numbers only reflect a general assessment of what I thought might be appropriate. Adjusting zoning ordinances to accommodate tiny houses appears to be a relatively new concept, and there isn't much in the way of relevant examples.

Attachments:

Proposed Ordinance amending provisions of the City's Zoning Code in order to allow for "tiny houses"

A comparison draft, in Word, showing proposed changes to Section 507.0 of the Zoning Code (Residential Planned Unit Developments.)

Hearing Notice

Chair Kendall Neill opened the Public Hearing.

John Mautino explained the proposed ordinance and revisions to be made to allow tiny houses.

Tony Royse verified that the only place other than with a mother-in-law house that would be permitted would be in a PUD.

Lisa Richard asked how density is determined for a PUD.

John Mautino said there is a formula for each district for a residential area. There is a minimum land area for each district. The residential area is divided by the average land area per dwelling unit.

Lisa Richard said they should be single-family and the motion should be changed accordingly.

Kelly Passauer said R3, R4, and R5 districts on the district regulations in the code designate single-family as 7,200 square feet per family. It is in the district code but not in the PUD table. The table needs to be amended to add the 7,200 square feet on those so that it equals the district regulations.



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Kelly Passauer asked John Mautino if a mother-in-law house is allowed for one property owner and then the lot is sold, would that tiny house become a non-conforming use.

John Mautino said it would become a conditional accessory use. I do not know if the conditional use would transfer.

Kelly Passauer asked if it would be a permitted accessory use if it was used for the property owner's family.

John Mautino said it could only be used for the current property owner's family, transferred for the same use when sold. It could not be used as a rental without a conditional use permit.

Kendall Neill said they could use it as an Air B & B, but they would have to apply for a conditional use permit.

April Nutt asked if a conditional use is used for an Air B & B can I later turn it into a traditional rental property and get a conditional use for that, for long-term use.

John Mautino said no, they cannot use it long-term, only short-term.

Lisa Richard moved to recommend the Governing Body adopt an ordinance implementing the text amendments to Article B. – Zoning on the subject of tiny houses as prepared by Anna Krstulic, Stinson LLP and to add 7,200 square feet in the table for minimum average land area by unit type in PUD districts in the R3, R4 and R5 zones. Tim Haynes seconded. Motion carried.

b. Introduction of members

Each member introduced themselves.

c. Orientation by City Attorney Jeff Chubb

City Attorney Jeff Chubb led an orientation session with the Planning Commission.

d. Consider initiating a public hearing on April 5, 2022 to consider a text amendment to the zoning code relating to dwellings in a C-3, Central Business District.

Background:

Currently the permitted and conditional use table (shown below) does not allow any type of dwelling in the C-3, Central Business District that is not already grandfathered in without a conditional use permit.



Land Use Category	Code	Permitted Zoning District												
		A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	G-3	G-4	M-1	M-2
Dwelling, elderly	1100				P	P					C			
Dwelling, in nonresidential structure	1190								C	C		C		
Dwelling, mobile home not on permanent foundation	1151					C	C							
Dwelling, mobile home on permanent foundation	1152					C	C							
Dwelling, multifamily	1130				P	P	P	P			C			
Dwelling, single-family attached	1113				P	P	P	P			C			
Dwelling, single-family detached	1111	C	P	P	P	P	P				C			
Dwelling, two-family	1120				P	P	P				C			

The lack of quality housing is a major deterrent to growing the population of Independence. The Historic Downtown District located in the C-3, Central Business District Zone is the heart and soul of Independence. A mixed-use concept with an integral upper story housing component is vital to the future sustainability of the downtown.

*"Downtown housing appeals to different age groups, young, middle-aged, and seniors, as well as different income levels. The individuals renting or buying these upper story units appreciate the ambiance, arts and cultural opportunities, shopping venues, restaurants, and service businesses that exist in revitalized downtown districts." -- **Five Projects with Unique Challenges and Creative Solutions***

(https://www.iowaeda.com/UserDocs/Summary_UpperStoryHousingCaseStudies.pdf)

*"During a time when communities of all sizes are facing a workforce housing shortage, these spaces can provide high-quality, affordable options, meaning that fewer new subdivisions or expensive new roads or utilities need to be developed. And given the proximity to downtown pharmacies, groceries and parks, many empty-nesters and retirees are choosing to live downtown as well. These spaces are often perfect for single professionals who aren't ready or don't have the time to own or maintain a single-family home on a large lot." -- **Upper-floor***

housing on Main Street (<https://wecd.org/blog/upper-floor-housing-on-main-street/>)

One of the top three challenges to revitalizing upper story residential in a downtown area includes architectural and code compliance which consists of a "...complex mix of local, state and federal zoning, land use, ADA and building codes..." -- **Addressing the Top 3 Challenges to Revitalizing Upper Story Residential** (<https://www.vierbicher.com/addressing-the-top-3-challenges-to-revitalizing-upper-story-residential/>)

To encourage redevelopment of the downtown area, the City previously established a neighborhood revitalization zone that provides a rebate of increased property taxes after the improvements are made over a specified period of time. In addition, the Housing Authority has implemented a grant program to specifically encourage upper story housing. Most recently, on February 24, 2022 the City Commission adopted a resolution establishing Rural Housing Incentive Districts to encourage housing development within



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the community. The Downtown Historic District was included as one of the Rural Housing Incentive Districts for the development of upper-story housing units. To further support these efforts, it is recommended that a text amendment be considered that would allow upper story housing in the C-3, Central Business District as a permitted use, which would not require a conditional use permit.

Kelly Passauer explained that the code for a C-3 central business district requires a conditional use permit for any type of downtown dwelling. The City and the Housing Authority are encouraging an upper housing initiative in the downtown area. The hearing would be to modify the language to allow upper story housing in the central business district as a permitted use.

Questions and concerns were brought up about boarding houses being permitted, other stories (such as the first floor and basement), being permitted, fire codes and parking. Boarding houses, while permitted, have other codes associated that have to be followed as well as fire codes being followed. Staff recommended all upper stories be permitted and reminded the board that there are no off-street parking requirements in a C-3 district.

Attachments:

Hearing Notice

Motion:

Kendall Neill moved to set the date of April 5, 2022 for a public hearing to consider initiating a text amendment to the zoning code relating to dwellings in the C-3, Central Business District. Rachel Lyon seconded.

Andy McLenan moved that we invite downtown building owners to the meeting through a letter. Kendall Neill seconded. Motion carried.

e. Other discussion.

There was no other discussion.

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

There were no items before the Board of Zoning Appeals.

Adjournment

Motion

Brent Littleton moved to adjourn, Tim Haynes seconded. Motion carried 9-0.

A red ink signature of Brent Littleton.

A blue ink signature of Tim Haynes.



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Kendall Neill, Chairperson

Rachel Lyon, Secretary