

INDEPENDENCE CITY COMMISSION
SPECIAL SESSION AGENDA
Worksession with the Planning Commission
Tuesday, January 15, 2019
5:30 PM
Veterans Room Memorial Hall

I. SPECIAL SESSION

A. City Commission Call To Order By The Mayor

1. Planning Commission Call to Order by Vice Chair

Documents:

[SPECIAL MEETING NOTICE - 01152019.PDF](#)

II. WORKSESSION WITH PLANNING COMMISSION

A. Status Of Previous December 28, 2017 Directive By The City Commission To The Planning Commission To Review And Recommend Text Amendments Relating To The Following:

1. Attention-Attracting Devices and Electronic Signs;
2. Downtown Signage;
3. Food Trucks;
4. Gravel parking lots;
5. Recreational vehicles, 5th wheels and travel trailers that are occupied; and
6. Tiny houses.

B. Discussion With The Planning Commission Regarding The Modified Recommendation From The Planning Commission To Adopt An Ordinance Implementing Text Amendments To The Code Of The City Of Independence, Kansas, Specifically Appendix B – Zoning Code Relating To Off-Street Parking Requirements Tabled From The December 13, 2018 City Commission Meeting.

Documents:

**C. Discussion With The Planning Commission Of
Possible Future Directives Or Additional Topics
For The Planning Commission To Review.**

III. ADJOURNMENT

A. Adjournment By The City Commission

1. Adjournment by the Planning Commission

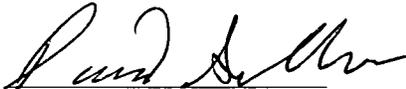
**NOTICE OF SPECIAL MEETING TO THE BOARD OF COMMISSIONERS OF THE
CITY OF INDEPENDENCE, KANSAS**

Notice is hereby given that a special meeting of the board of commissioners of the City of Independence, Kansas, will be held at the Memorial Hall, Penn and Chestnut, Independence, Kansas, at 5:30 p.m., on January 15, 2019, for the following purpose (s):

Items for Commission Action

- A. Work session with the Planning Commission.

Date: January 15, 2019


David Schwenker, City Clerk

CERTIFICATE OF SERVICE OF NOTICE

I, David Schwenker, the duly appointed, qualified and acting City Clerk of the City of Independence, do hereby certify that on this 15th day of January 2019, I served a true copy of the Notice of Special Meeting on each and every member of the Board of Commissioners of the City of Independence in the manner provided by law.

Date: January 15, 2019


David Schwenker, City Clerk

WAIVER OF REGULAR NOTICE OF AND CONSENT TO SPECIAL MEETING

We, the undersigned members of the Board of Commissioners of the City of Independence do hereby accept service of the notice of special meeting waiving any and all irregularities in such service and in such notice and consent and agree that the said members of said Board of Commissioners shall meet at the time and place named in such notice and for the purpose stated therein.

Mayor

Commissioner

Commissioner



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 13, 2018

Department Administration

Director Approval Kelly Passauer

AGENDA ITEM Consider modified recommendation from the Planning Commission to adopt an ordinance implementing text amendments to the Code of the City of Independence, Kansas, specifically Appendix B – Zoning Code relating to Off-street parking requirements.

SUMMARY RECOMMENDATION Approve Planning Commission recommendation.

BACKGROUND Regarding the text amendment for off-street parking (gravel in industrial areas) the following timeline has occurred:

- The original public hearing was July 2, 2018 -- The Planning Commission adjourned to October 2, 2018
- On October 2, 2018 the Planning Commission made a recommendation to the City Commission to modify the language, adding additional definitions related to ADA requirements and gravel, and modified the design requirements in the off-street parking regulations to allow gravel meeting certain specifications in M-1 and M-2 (industrial) districts.
- On November 5, 2018 the City Commission tabled action and returned this item back to the Planning Commission for clarification on specific elements of the original recommendation and provided suggestions.
- On December 4, 2018 the Planning Commission reviewed and responded to the feedback from the City Commission and modified their original recommendation. Their responses to the Commission's questions and their modified recommendation is attached.

BUDGET IMPACT The future budget impact would consist of the economic benefits of encouraging expansion of our industrial areas by allowing alternatives to hard surfacing.

SUGGESTED MOTION I move to adopt an ordinance implementing text amendments to the Code of the City of Independence, Kansas, specifically Appendix B – Zoning Code relating to Off-street parking requirements as recommended by the Planning Commission.

SUPPORTING DOCUMENTS

1. December 4, 2018 Planning Commission responses and recommendation.
2. Modified proposed ordinance.

Planning Commission Recommendations

Yellow with Black Lettering Indicates Modifications Recommended on October 2, 2018

Yellow with Green Lettering Indicates Modifications Recommended on December 4, 2018

Feedback from November 5, 2018 City Commission Meeting

- They want to know the initial intent and purpose of the text amendment.
- They want to know if it will attract new businesses.
- 12/04/2018 Response from the Planning Commission:
 - To make the City more attractive, to recruit new businesses to the City and to enable flexibility for existing businesses to expand their parking area if need be for growth in alignment with the Economic Development Strategic Directive No 1 of the Community Based Strategic Plan.
- They had the following concerns:
 - The appearance of large gravel parking lots.
 - Gravel running off in heavy rains.
 - Ability to adequately mark ADA spots.
- 12/04/2018 Response from the Planning Commission:
 - Non-ADA off-street parking areas shall be graded, paved or otherwise improved with an all-weather, dustless material that is contained in such a manner as to not allow surface material to wash off during heavy rains, and so drained as to avoid flow of water across sidewalks. ADA compliant parking and accessible paths to an entrance to the facility served by off-street parking shall be hard-surfaced.
- They provided the following suggestions:
 - Limiting the size of gravel parking lots to a maximum number of spaces.
 - Continue to require new buildings or new industries to hard surface required off-street parking to City code standards but allow existing industries that already have a gravel parking lot that is grandfathered in (a non-conforming use) to expand (enlarge) their existing gravel parking lot.
 - However, if they have an existing hard-surfaced parking lot any expansion (enlargement) would have to be hard surfaced.
- 12/04/2018 Response from the Planning Commission:
 - They unanimously approved a motion to not limit the size of non-hard surface parking lots to a maximum number of spaces, nor require new businesses or industries to hard surface, or business expansions to hard surface.
The exceptions to this would be:

Planning Commission Recommendations

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- If the business has an existing hard surface parking area, they cannot remove it and replace it with a non-hard surface material.
- If a business expands an existing hard surfaced parking area, they may do so with non-hard surface material for a period of up to two years, after that the expanded parking area must be removed or hard surfaced.

December 4, 2018 Recommended Modifications from the Planning Commission

- **ARTICLE IV. – RULES AND DEFINITIONS**
 - **403.0. – Definitions.**
 - **ADA:** The Americans with Disabilities Act of 1990 and any subsequent revisions and updates as administered by the United States Department of Justice.
 - **Gravel:** Any use of the term gravel shall be defined as crushed stone, AB3, or any other rock that is ADA compliant for the use of off-street parking materials compacted enough to be compliant with ADA guidelines for levelness, materials, and accessibility.
 - **Parking space, off-street:** A permanently surfaced dust free area (concrete, asphaltic concrete, or other comparable surface), located on property other than a public street, enclosed or unenclosed, to store one automobile, to which an automobile has direct access from a permanently surfaced drive. Such parking space shall meet the minimum "off-street parking standards" contained in article VII of this ordinance. (See also Exceptions to Section 705.1 of the Code, ~~Gravel, and~~ Vehicle storage lots and M-1 and M-2 districts).
- **ARTICLE VII. – OFF-STREET PARKING AND LOADING REGULATIONS**
 - 705.0. - Design requirements.
 - **705.1 Surface material:** Areas used for standing or maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-sealed surfaces, maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks.
 - **Exceptions:**
 - Vehicle storage lots for the overnight storage or long-term warehousing of vehicles under one ownership.

Planning Commission Recommendations

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- ~~In M-1 and M-2 districts gravel may be substituted in lieu of concrete, asphalt concrete, or asphalt double-sealed surfaces for off-street parking and the required accessible path to an entrance to the facility served by such off-street parking. Such gravel shall be compliant with ADA guidelines, including, but not limited to materials, levelness, compaction and accessibility; maintained adequately for all weather use; and so drained as to avoid flow of water across sidewalks.~~ In M-1 and M-2 districts other material may be substituted in lieu of concrete, asphalt concrete, or asphalt double-sealed surfaces for non-ADA off-street parking spaces for new parking areas and expansion of non-hard surfaced parking areas that are grandfathered in. If a business currently has a hard-surfaced parking lot, and needs to expand that parking area, they can expand it using a non-hard surfaced parking material for up to 2 years, at which time they will need to hard surface the expanded parking area [meeting the surface material requirements of 705.1] or remove the expanded parking area.
- The exceptions only apply to new or expanded parking areas and do not allow for the removal and replacement of existing concrete, asphalt concrete, or asphalt double-sealed surfaces with other material.
- The exceptions shall meet the following requirements:
 - Non-ADA off-street parking areas shall be graded, paved or otherwise improved with an all-weather, dustless material that is contained in such a manner as to not allow surface material to wash off during heavy rains, and so

Planning Commission Recommendations

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- drained as to avoid flow of water across sidewalks.
 - ADA compliant parking and accessible paths to an entrance to the facility served by off-street parking shall be hard-surfaced.
 - 705.4. *Service drives:*
 - c. Service drives shall be from the street to the parking and shall have concrete, asphalt concrete, or asphalt double-seal surfaces, maintained adequately for all-weather use, and so drained as to avoid flow of water across sidewalks.
 - ~~Exception: In M-1 and M-2 districts gravel may be substituted in lieu of concrete, asphalt concrete, or asphalt double-sealed surfaces for service drives and the required accessible path to an entrance to the facility served by such service drive. Such gravel shall be compliant with ADA guidelines, including, but not limited to materials, levelness, compaction and accessibility; maintained adequately for all-weather use; and so drained as to avoid flow of water across sidewalks.~~
 - 705.5. *Minimum parking space dimensions:*
 - a. If 90-degree parking space,
 - stall depth—19' 0"
 - stall width—9' 0"
 - aisle width—25' 0"
 - b. If 60-degree parking space,
 - stall depth—19' 0"
 - stall width—9' 0"
 - aisle width—18' 6"
 - c. If 45-degree parking space,
 - stall depth—19' 6"
 - stall width—9' 0"
 - aisle width—13' 6"
 - d. If 30-degree parking space,
 - stall depth—19' 0"
 - stall width—9' 0"
 - aisle width—11' 0"
 - e. If parallel parking space,

Planning Commission Recommendations

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stall depth—8' 0"
curb length—23' 0"
aisle width—12' 0", or if adjacent to angle parking, use largest width

- f. If 90-degree ADA car accessible space,
 - stall depth—19' 0"
 - stall width —9' 0" with 5' 0" access aisle
 - aisle width—25' 0"
- g. If 90-degree ADA van accessible parking space,
 - stall depth—19' 0"
 - stall width—11' 0" with 5' 0" access aisle
 - Vertical clearance – 8' 2"
 - aisle width—25' 0"

- **705.6. Striping required:** Open parking spaces for dwellings (containing three or more dwelling units) shall be delineated by pavement striping and must meet minimal parking stall sizes as described above in section 705.5.
 - **Exceptions:**
 1. Open parking spaces for one- and two-family dwellings.
 2. Gravel parking lots meeting an exception in 705.1, except for markings and identifying signage for any required ADA accessible stalls.
- **705.7. ADA Accessibility:**
 - a. All off-street parking lots or garages shall meet the minimum number of accessible parking spaces as required by the ADA.
 - b. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance.
 - c. Accessible parking spaces shall have markings and identifying signage as required by the ADA.
 - Exception: Open parking spaces for one- and two-family dwellings.

ORDINANCE NO. _____

**An Ordinance Implementing
Text Amendments to the Zoning Code
Relating to Off Street Parking Requirements**

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. The following portions of Article IV and Article VII of the Zoning Code are amended to read as set out hereafter. All remaining portions of Article IV and Article VII shall remain as currently stated.

ARTICLE IV. - RULES AND DEFINITIONS

403.0. - Definitions.

ADA: The Americans with Disabilities Act of 1990 and any subsequent revisions and updates as administered by the United States Department of Justice.

Parking space, off-street: A permanently surfaced dust free area (concrete, asphaltic concrete, or other comparable surface), located on property other than a public street, enclosed or unenclosed, to store one automobile, to which an automobile has direct access from a permanently surfaced drive. Such parking space shall meet the minimum "off-street parking standards" contained in article VII of this ordinance. (See also Exceptions to Section 705.1 of the Code, *Vehicle storage lots, and M-1 and M-2 districts*).

ARTICLE VII. - OFF-STREET PARKING AND LOADING REGULATIONS

705.0. - Design requirements.

705.1 Surface material: Areas used for standing or maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-sealed surfaces, maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks.

Exceptions:

Vehicle storage lots for the overnight storage or long-term warehousing of vehicles under one ownership.

In M-1 and M-2 districts other material may be substituted in lieu of concrete, asphalt concrete, or asphalt double-sealed surfaces for non-ADA off-street parking spaces for new parking areas and expansion of non-hard surfaced parking areas that are grandfathered in. If a business currently has a hard-surfaced parking lot, and needs to expand that parking area, they can expand it using a non-hard surfaced parking material for up to 2 years, at which time they will need to hard surface the expanded parking area [meeting the surface material requirements of 705.1] or remove the expanded parking area.

The exceptions only apply to new or expanded parking areas and do not allow for the removal and replacement of existing concrete, asphalt concrete, or asphalt double-sealed surfaces with other material.

The exceptions shall meet the following requirements:

Non-ADA off-street parking areas shall be graded, paved or otherwise improved with an all-weather, dustless material that is contained in such a manner as to not allow surface material to wash off during heavy rains, and so drained as to avoid flow of water across sidewalks.

ADA compliant parking and accessible paths to an entrance to the facility served by off-street parking shall be hard-surfaced.

705.5. Minimum parking space dimensions:

- f. If 90-degree ADA car accessible space,
 - stall depth-19' 0"
 - stall width -9' 0" with 5' 0" access aisle
 - aisle width-25' 0"

- g. If 90-degree ADA van accessible parking space,
 - stall depth-19' 0"
 - stall width-11' 0" with 5' 0" access aisle
 - Vertical clearance - 8' 2"
 - aisle width-25' 0"

705.6. Striping required: Parking spaces for dwellings shall be delineated by pavement striping and must meet minimal parking stall sizes as described above in section 705.5.

Exceptions:

Open parking spaces for one- and two-family dwelling units.

Parking lots meeting an exception in 705.1, except for markings and identifying signage for any required ADA accessible stalls.

705.7. ADA Accessibility:

a. All off-street parking lots or garages shall meet the minimum number of accessible parking spaces as required by the ADA.

b. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance.

c. Accessible parking spaces shall have markings and identifying signage as required by the ADA.

Exception: Open parking spaces for one- and two-family dwelling units.

Section 2. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 13th day of December, 2018.

LEONHARD CAFLISCH, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk