



PLANNING AND ZONING COMMISSION MEETING

Tuesday, June 04, 2024 at 8:30 AM

Council Chambers - 331 First Street East

AGENDA

MEETING OPENING

1. Roll Call

NEW BUSINESS

- [2.](#) Meeting Minutes – September 5, 2023
- [3.](#) Meeting Minutes – December 5, 2023
- [4.](#) Meeting Minutes – February 6, 2024
- [5.](#) Meeting Minutes – May 7, 2024
- [6.](#) Planning Commission – Selection of Secretary
- [7.](#) MHI Plat of Survey
- [8.](#) Lot Combination Agreement – Hansen

ADJOURNMENT

This agenda is subject to change.



PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matthew R. Schmitz, MPA – City Manager

DATE OF MEETING: June 4, 2024

ITEM TITLE: Meeting Minutes – September 5, 2023

BACKGROUND:

In the past, meeting minutes have not been approved at subsequent meetings, in reviewing how processes should work, etc., we have now added them to the agenda for approval. Minutes from the meeting are attached for review.

RECOMMENDATION:

Staff recommends a motion to approve the meeting minutes of the September 5, 2023, Planning & Zoning Commission Meeting.



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Commission Members

Item #2.

Jane Leaven
Stephanie Sailer
Stephanie Berns
Tami Fenner

Matt Mayner
Bill Lake
Larry Karsten

PLANNING AND ZONING COMMISSION MINUTES

September 5, 2023

The Planning and Zoning Commission was called to order by Larry Karsten at 8:30 a.m. Board members present:, Matt Mayner, Bill Lake, Larry Karsten, Jane Leaven. Absent: Stephanie Sailer, Stephanie Berns, Tami Fenner. Others present:, Todd Sherrets, Matthew Schmitz, Steve Ohl.

The committee looked at the request by Steve Ohl to remove and replace a small house at 814 5th Ave NE. After discussion and confirming setbacks will be followed. Leaven made the motion to recommend to the City Council the approval of the request, seconded by Lake. Mayner, Lake, Karsten, and Leaven all ayes.

The committee discussed and finalized their recommendations to the Council for revision to the Zoning Ordinance regarding signage. Highlighted changes have been made and will be sent to the Council.

Karsten made the motion to adjourn, and Mayner seconded the motion, all ayes. Adjourned at 9:10 am.

The next meeting is scheduled for Tuesday, October 3, at 8:30 a.m.

Todd Sherrets

Building Official



PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matthew R. Schmitz, MPA – City Manager

DATE OF MEETING: June 4, 2024

ITEM TITLE: Meeting Minutes – December 5, 2023

BACKGROUND:

In the past, meeting minutes have not been approved at subsequent meetings, in reviewing how processes should work, etc., we have now added them to the agenda for approval. Minutes from the meeting are attached for review.

RECOMMENDATION:

Staff recommends a motion to approve the meeting minutes of the December 5, 2023, Planning & Zoning Commission Meeting.



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Commission Members

Item #3.

Jane Leaven
Stephanie Sailer
Stephanie Berns
Tami Fenner

Matt Mayner
Bill Lake
Larry Karsten

PLANNING AND ZONING COMMISSION MINUTES

December 5, 2023

The Planning and Zoning Commission was called to order at 8:30 a.m.

The commission reviewed the meeting time currently being utilized at 8:30 a.m. on the first Tuesday of the month. There was no desire to modify this time.

The committee looked at the request by John Marner with MMS Consultants for a proposed preliminary plat within the two-mile area of the Independence City Limits. The Commission moved to recommend approval to the City Council of the preliminary plat.



PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matthew R. Schmitz, MPA – City Manager

DATE OF MEETING: June 4, 2024

ITEM TITLE: Meeting Minutes – February 6, 2024

BACKGROUND:

In the past, meeting minutes have not been approved at subsequent meetings, in reviewing how processes should work, etc., we have now added them to the agenda for approval. Minutes from the meeting are attached for review.

RECOMMENDATION:

Staff recommends a motion to approve the meeting minutes of the February 6, 2024, Planning & Zoning Commission Meeting.



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Commission Members

Item #4.

Jane Leaven
Stephanie Sailer
Stephanie Berns
Tami Fenner

Matt Mayner
Bill Lake
Larry Karsten

PLANNING AND ZONING COMMISSION MINUTES

February 6, 2024

The Independence Planning & Zoning Commission met in the Council Chambers at 8:30 a.m., on Tuesday, February 6, 2024.

Stephanie Berns called the meeting to order with Matt Mayner and Tami Fenner in attendance. Larry Karsten via phone. Bill Lake, Jane Leaven, and Stephanie Sailer were absent. Also in attendance were City Manager Matthew Schmitz and John Marner with MMS Consultants.

Discussion was held about the proposed final plat within the two-mile area of the Independence City Limits.

Mayner with a motion to make the recommendation to City Council for approval of the final plat, second by Fenner. Ayes: All.

The meeting adjourned at 8:34 am.



PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matthew R. Schmitz, MPA – City Manager

DATE OF MEETING: June 4, 2024

ITEM TITLE: Meeting Minutes – May 7, 2024

BACKGROUND:

In the past, meeting minutes have not been approved at subsequent meetings, in reviewing how processes should work, etc., we have now added them to the agenda for approval. Minutes from the meeting are attached for review.

RECOMMENDATION:

Staff recommends a motion to approve the meeting minutes of the May 7, 2024, Planning & Zoning Commission Meeting.



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Commission Members

Item #5.

Jane Leaven
Stephanie Sailer
Stephanie Berns
Tami Fenner

Matt Mayner
Bill Lake
Larry Karsten

PLANNING AND ZONING COMMISSION MINUTES

May 7, 2024

The Independence Planning & Zoning Commission met in the Council Chambers at 8:37 AM, on Tuesday, May 7, 2024.

Larry Karsten called the meeting to order with Jane Leaven, Matt Mayner, Tami Fenner, and Bill Lake in attendance. Stephanie Burns and Stephanie Sailer were absent. Also in attendance were Matthew Schmitz, City Manager, and Matt Chesmore, Building Official.

An introduction was made for Matt Chesmore, the City's new Building Official.

Discussion was held about proposed revisions to the rear setback requirements for C-2, M-1, and M-2 zoning. Recommendation was made to remove the setback requirements, but still require a 15-foot setback if the rear of a parcel fronts a residentially zoned parcel.

Leaven with a motion to make the recommendation to City Council for modification of the rear setback requirement to reduce the setback to zero, except when fronting a residential property which shall then be no less than 15 feet, second by Mayner. Ayes: All.

The meeting adjourned at 8:42 AM.



PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matthew R. Schmitz, MPA – City Manager

DATE OF MEETING: June 4, 2024

ITEM TITLE: Planning Commission – Selection of Secretary

BACKGROUND:

The Planning & Zoning Commission, as outlined in Section 21.04.02 - Membership of the City of Independence Zoning Ordinances shall have a Secretary who is selected by the members of the Commission.

The responsibilities of the Secretary are as follows (enumerated in Section 21.06): “The Secretary of the Planning and Zoning Commission shall attend all meetings of the Commission, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the Commission and perform such duties and functions as may be necessary for the orderly recording of the business of the Commission.”

RECOMMENDATION:

Staff recommends a motion to appoint a member of the Planning & Zoning Commission as Secretary.



PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matthew R. Schmitz, MPA – City Manager

DATE OF MEETING: June 4, 2024

ITEM TITLE: MHI Plat of Survey

BACKGROUND:

The State of Iowa is interested in dividing the ground owned at the Mental Health Institute. It is important to note that this property is not in the City Limits, but does fall within the two-mile zone surrounding the City and is therefore subject to review by the Planning & Zoning Commission and the City Council.

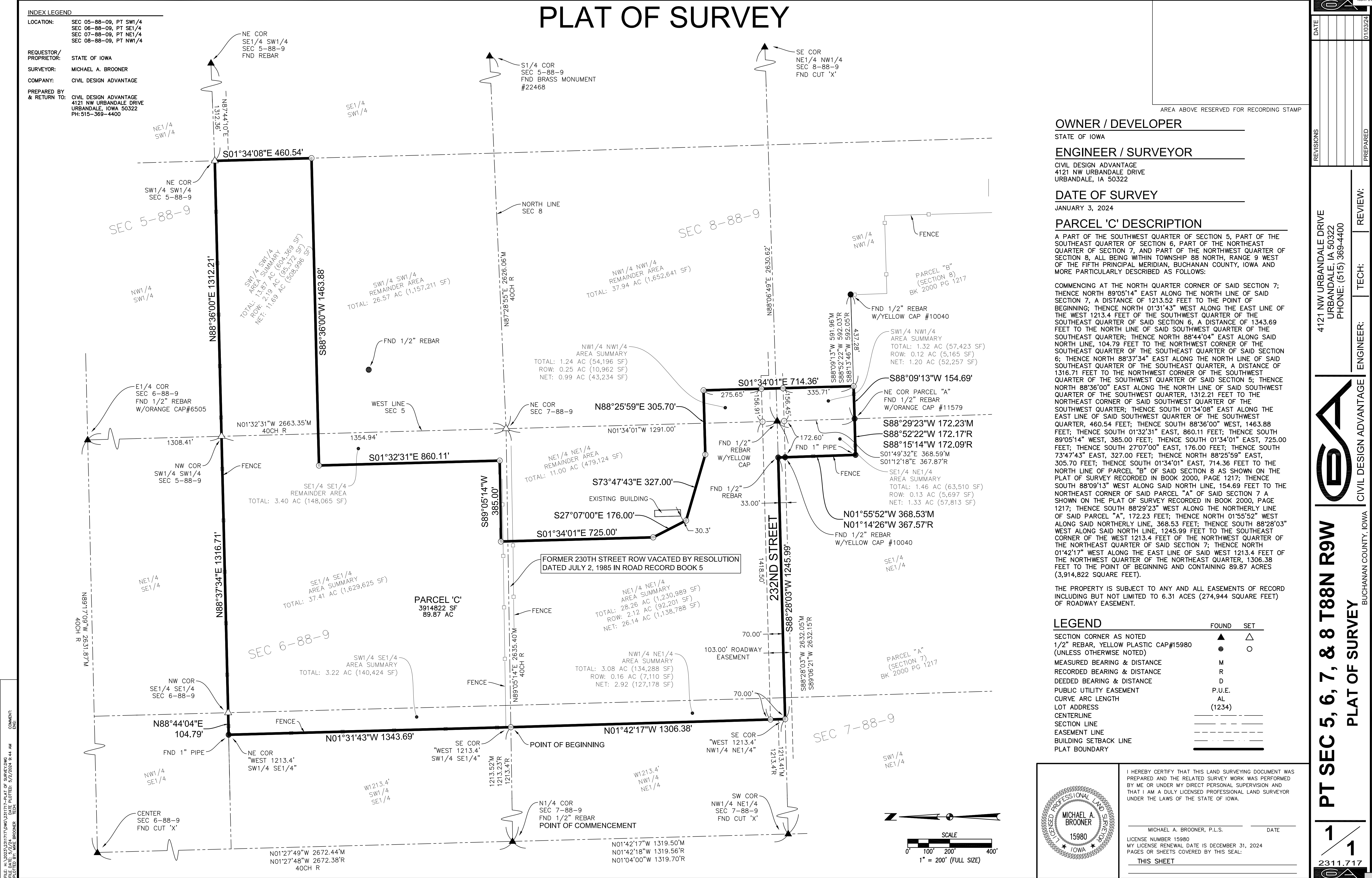
Mike Brooner, PLS Vice President of Civil Design Advantage has submitted a Plat of Survey to facilitate this division of property. The State intends to sell this property to a private individual once the division is complete.

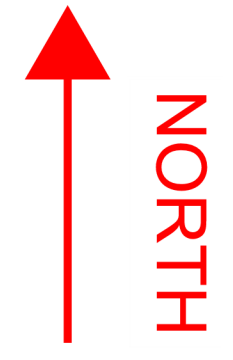
The City does have a water line that runs across the property along the former road right of way for 230th Street – which has been abandoned. We have requested that a 15' easement covering this waterline be granted to the City of Independence to protect the City's infrastructure in this area, and the State has agreed.

The plat and an aerial map showing the City's water lines in this area are attached for review.

RECOMMENDATION:

Staff recommends a motion to recommend approval of the MHI Plat of Survey, contingent upon the easement to protect the City's waterline, to the City Council.







PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matthew R. Schmitz, MPA – City Manager

DATE OF MEETING: June 4, 2024

ITEM TITLE: Lot Combination Agreement – Hansen

BACKGROUND:

Nathan Hansen would like to construct a home on Lots 11 and 12 in the Pines First Addition – at approximately 800 Pine Dr. In reviewing what he would like to construct, we realized that the house would cross the property line between Lot 11 and Lot 12. While those two lots have been joined together according to the Amendment to Restrictive Covenants for The Pines First Addition in File No. 2010R02098, they have never been joined together according to the City's regulations. This agreement remedies this situation by allowing the Planning & Zoning Commission and the City Council to officially recognize the joining of these properties – without the owner having to submit a full plat of survey or something similar to perform this action.

Staff is very supportive of this action as it will allow Mr. Hansen to build a large home on this property adding more housing inventory to the City.

RECOMMENDATION:

Staff recommends a motion to recommend approval of the Lot Combination Agreement for Mr. Hansen to the City Council.

Prepared by: Benjamin M. Lange
222 1st St E
Independence, IA 50644

Taxpayer/Return Address: 804 Pine Dr.
Independence, IA 50644

Agreement Re: Lot Combination

State of Iowa)
)§
County of Buchanan)

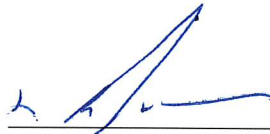
We, the undersigned, owners of the following described property located in **Lots 11 and 12, The Pines First Addition to the City of Independence, County, Iowa** ("Property"), do hereby agree to the following terms and provisions:

The purpose of this Agreement is to set forth our understanding and agreement to bind our "Property", made up of more than one platted lot, together as one, to agree to at no time transfer one lot without the other, in recognition of the fact that to do so would be violative of the Independence, Iowa Code of Ordinances, and to further acknowledge our understanding and Agreement is irrevocable and shall run with the land in perpetuity, binding our heirs, transferees, and successors in interest. The Property was combined pursuant to the Amendment to Restrictive Covenants for The Pines First Addition to the City of Independence, Iowa in File No. 2010R02098 in the records of the Buchanan County Recorder (the "Amendment"). While the Amendment attempted to combine the lots, the City does not recognize this as the City was not a party to the Amendment. Due to this fact, the Amendment effectively only restricted the ability of the owners of the Property to build a separate primary structure on each lot, and therefore this agreement is needed by the City to combine said lots together in order to build a single-family residence on the Property.

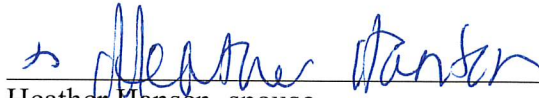
The City Council of the City of Independence approved this agreement by Resolution 2024-_____ on the ____ day of _____, 2024, in lieu of requiring Owners to obtain a survey officially combining said lots into one parcel, as a means of resolving side yard setback concerns where one house is proposed to be constructed on the Property, over the shared lot line of the lots described above.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: May 29, 2024



Nathan Hansen



Heather Hansen, spouse

STATE OF IOWA)
) §
COUNTY OF BUCHANAN)

On this 29 day of May, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Nathan and Heather Hansen husband and wife, to me known to be the identical persons named in and who executed the above and foregoing as an expression of their voluntary act and deed.



Notary Public in and for State of Iowa

