

**MEETING DATE:** July 13th, 2021

**STAFF:** Rick Arroyo, Asst. Community  
Development Director

**PROJECT NAME:** UDO Amendment #50

**CASE NUMBER / REQUEST:** 21-175-06 – UDO Amend #50– Administrative Adjustment Appeals

**APPLICANT:** City of Independence

**PUBLIC NOTICE:**

- Public notice published in Independence Examiner – June 26, 2021

**FURTHER ACTION:**

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on August 2nd and the public hearing/second reading on August 16<sup>th</sup>.

## RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

## PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:**

The City proposes Amendment #50 to the Unified Development Ordinance (UDO) related to Non-Residential Administrative Adjustment appeals.

**BACKGROUND & HISTORY:** This amendment modifies language to the UDO in regards to the appeals process for administrative adjustments.

The current UDO under Article 5 Section 14-506 Nonresidential Design Standards allows an applicant the option to apply for a waiver or modification of the Nonresidential Design Standards through the Administrative Adjustment procedures outlined in Section 14-706-01 of the UDO.

Section 14-506 includes design standards for items such as Façade materials, roof forms and heights, building horizontal and vertical wall architecture, building entrance features such as canopies, overhangs, arches, window displays and building projections. This Section also includes guidance for parking lot designs for large stores and shopping centers and building requirements for street façade coverage along minor arterial and collector streets throughout the City.

The Director will compare the adjustment request to criteria set out in Section 14-706-01-F that includes comparing the request with the stated purpose of the development ordinance and making sure the request does not have an appreciable impact on the health, safety, or general welfare of the surrounding property or public.

Currently, if an applicant does not agree with the decision of the Director through the Administrative Adjustment procedures, the applicant may appeal the decision to the Board of Adjustment.

Any requested deviations to the Nonresidential design standards outlined in Section 14-506 includes deviations that may have an impact on the neighboring community's growth, development, redevelopment, aesthetic appeal and welfare of the surrounding properties. One of the core principles of the Planning Commission is to guide land use and development within the City. The Planning Commission also considers how those land uses impact citizens and business owners within the subject area. Considering these factors, it is staff's belief these appeals are better suited for Planning Commission consideration. Therefore, staff recommends amending Section 14-706-01-J of the UDO for Appeal request on Article 5 Subsection 14-506 be taken before the Planning Commission.

#### **EXHIBITS**

Article 7, Section 14-706 Zoning Adjustment and Variances