

AGENDA

Independence Planning Commission

Independence Board of Zoning Appeals

Tuesday, January 7, 2020

Veterans Room Memorial Hall 5:30 p.m.

I. CALL TO ORDER

II. MINUTES

A. Consider Approving Minutes Of The December 3, 2019 Meeting.

Documents:

[010720-PZ-ITEMA.PDF](#)

B. Reorganization

1. Election of Chair
2. Election of Vice Chair
3. Election of Secretary

Documents:

[010720-PZ-ITEMB.PDF](#)

III. PLANNING COMMISSION

A. Consider A Request For A Conditional Use Permit For An Indoor Firing Range In The C-3, Central Business District At 212 North Pennsylvania Avenue.

Documents:

[010720-PZ-ITEMC.PDF](#)

B. Consider Initiating A Public Hearing To Consider A Text Amendment To Appendix B-Zoning Of The City Code Including, But Not Limited To:

1. Article IV. Rules and Definitions.
2. Appendix A. “Listing of Permitted and Conditional Uses” including, but not limited to “Orphanages” and other new additional use(s).

Documents:

[010720-PZ-ITEMD.PDF](#)

C. Review Vacancies And Expired Terms.

Documents:

[010720-PZ-ITEME.PDF](#)

IV. BOARD OF ZONING APPEALS (Does Not Include Outside City Appointments)

A. None.

V. ADJOURNMENT

DATE: December 31, 2019
TO: Independence City Planning Commission/Board of Zoning Appeals
FROM: Kelly Passauer, Zoning Administrator
SUBJECT: January 7, 2020 Planning Commission/Board of Zoning Appeals meeting

- a. **Consider approving minutes of the December 3, 2019 meeting.**

MINUTES

Independence Planning Commission
Independence Board of Zoning Appeals
Tuesday, December 3, 2019
Veterans Room Memorial Hall 5:30 p.m.

Call to Order

The Planning Commission meeting was called to order by Chair Mary Jo Meier.

Planning Commissioner Present

Mary Jo Meier, Steve McBride, Barb Emert, Michelle Anderson, Tony Royse, Brent Littleton (outside), Andy McLenon (outside), and Lisa Richard.

Planning Commissioners Absent

Philipp Umlauf

Staff Present

Kelly Passauer, Assistant City Manager/Zoning Administrator

Visitors

Robert Deal

Minutes

- a. Consider approving minutes of the October 1, 2019 meeting.

Tony Royse made a motion to approve the minutes of the October 1, 2019 meeting, Steve McBride seconded the motion. The motion carried 8-0.

Planning Commission

- b. Consider a request to rezone tracts of land from R-3, low density multifamily dwelling district to C-2, commercial services district at 611 W. Main Street, 615 W. Main Street and 101 S. 12th Street.

Chair Meier opened the hearing and asked if any of the Commissioners had a conflict of interest, in which no one indicated that they did.

The following staff report was previously provided and reviewed:

Summary Regarding Rezoning Request:

The Planning and Zoning Commission received a request from SimonCRE JC Sparky V, LLC; and property owners Kendall and Sandra Shire; Billy Johnson; and Gregory and Paula Ferguson to rezone a tract of land from R-3, low density multi-family residential district to C-2, commercial services

district at 611 W. Main Street, 615 W. Main Street and 101 S. 12th Street.

The legal descriptions are:

Tract #1: The west 5.5 feet of Lot 4, all of Lots 5 and 6, and the east 11.5 feet of Lot 7, Block 60, Original City of Independence, Montgomery County, Kansas.

Tract #2: The west half of Lot 7 and all of Lots 8 and 9, except the west 2 feet of Lot 9, Block 60, Original City of Independence, Montgomery County, Kansas.

Tract #3: Lots 1, 2 and 3 and the east 17 1/2 feet of Lot 4, in Block 60, Original City of Independence, Montgomery County, Kansas.

Description of the Tract(s):

The area requested to be rezoned consists of a 28,242 square foot tract (.64 of an acre). This lot lies in the central portion of the City. The lot contains three residential homes that would be razed if the rezoning is approved.

Zoning and Uses of Property Nearby:

The property directly north, south and west is zoned R-3, low density multi-family, while the property to the east is zoned C-2, commercial services district.

Character of the Neighborhood

The area generally consists of a mix of commercial and residential.

Suitability of the Subject Property for the Uses to which it has been Restricted:

The property under consideration is currently zoned for residential. The property is suitable for the present residential use classification.

Length of Time the Property has Remained vacant as Zoned:

The property is not vacant and contains three residential structures.

Extent to which Removal of Restrictions will Detrimentially affect Nearby Property:

With the close location to residential properties directly to the west and south it is recommended that efforts be taken to minimize any negative impacts.

Relative Gain to the Public Health, Safety and Welfare by the Destruction of the Petitioner's Property as Compared to the Hardship Imposed upon the Individual Landowners:

Denial of the proposed rezoning will impact the proposed owner's use of the property as it will not allow them to develop a new retail store on these lots.

Conformance with the Comprehensive Plan:

General Development Goal – To provide ample opportunity for continued community development within an orderly, efficient and environmentally safe planning framework.

Commercial Goal – To provide sufficient neighborhood and community-wide shopping facilities efficiently distributed throughout the community and adequate opportunity for commercial expansion.

The proposal is consistent with general development and commercial goals of the comprehensive plan. The 1982 general development plan map recommends this area be developed as residential, however, it also recommends commercial uses a few blocks to the east.

This development will increase the encroachment of commercial areas on the residential areas within this neighborhood. However, this encroachment should be minimal if the proper restrictions are put into place.

Staff Recommendation

Staff's recommendation is to recommend approving the rezoning from R-3 to C-2 with the following restrictions which shall be binding on all future owners, assigns or heirs:

1. The applicant will obtain all necessary City of Independence and State of Kansas licenses and/or permits to operate the uses proposed.
2. All parking, entrance and exit drives must be designed to minimize traffic congestion on public streets.
3. Areas adjacent to residential districts shall be designed to minimize disturbance of residents by the erection between the commercial and residential uses on the west and south of a sight-obscuring fence of not less than five feet nor more than six feet in height, except where vision clearance is required. Shrubs, trees or hedges as approved by City staff may be substituted in lieu of such sight-obscuring fence.
4. Any additional exterior lighting on site will be designed in such a way that it will not be directed toward or create a nuisance to any

adjoining properties. Such lighting will need to be approved by the Zoning Administrator.

5. To limit noise that could affect adjoining areas there shall be no outside audio or paging equipment that exceeds a volume level that can be heard at any of the adjoining residential dwellings.
6. The location of solid waste equipment shall be designed by the company and will need to be approved by City staff. All solid waste shall be kept in containers which shall be screened from adjoining properties.
7. Any off-street parking areas will meet the minimum off street parking requirements; shall be maintained in appearance and shall be used solely for parking of the customers and employees of the business. Such parking area may not be used for storage of vehicles, equipment or merchandise.
8. A drainage plan designed to adequately handle a 10 year or greater storm event must be submitted by an engineer licensed in the State of Kansas to ensure that any increased runoff will be dealt with in such a way so as not to negatively impact nearby or downstream properties.
9. All property lines must be established by a surveyor licensed in the State of Kansas.
10. A detailed site plan and landscaping plan shall be submitted to and approved by City staff prior to any such work commencing.
11. All improvements will be maintained and kept in serviceable condition; and the property must be kept free of debris and trash.
12. The adjoining alley will be resurfaced and improved by the applicant as part of the project. Such resurfacing will need to meet specifications provided by the City, and such work will need to be approved by the Zoning Administrator.

Chair Meier asked if anyone in the audience wished to speak,

Robert Deal with Budding Web and Company noted that SimonCRE out of Arizona is their client and that the packet presented summarizes things quite well.

Lisa Richard wanted to know if a traffic study had been done and where the ingress and egress locations would be.

Robert Deal replied that they would not be granted access off of Main Street and that the ingress and egress sites would be off of 12th Street.

Lisa Richard had concerns about the traffic with Braums next door.

Robert Deal noted that the traffic for his business would be spread out throughout the day and that Braums traffic is more concentrated around lunch and dinner times.

Andy McLennon asked how goods would be delivered to the store.

Robert Deal replied that Semi-trucks would pull in and back up near the rear entrance, unload and pull back out.

Barb Emert asked what plans they had for the existing building.

Robert Deal stated that they would sell it for a different purpose.

Chair Meier closed the hearing and read through the staff's recommendation.

Lisa Richard asked what makes the restrictions enforceable.

Zoning Administrator Passauer explained that the zoning is contingent on the conditions being met.

Lisa Richard voiced her concerns about commercial development into historic residential neighborhoods but, also saw that commercial property available for development is limited and announced that she was in favor of the rezoning.

Brent Littleton moved to approve the rezoning from R-3 to C-2 based on the staff's recommendation with the restrictions. The motion was seconded by Barb Emert and approved 8-0.

The Planning Commission portion of the meeting was closed

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

c. None.

City Attorney Jeff Chubb reminded the members present not to hit reply all when responding to an email and that would be a violation of the KOMA rules.

Lisa Richard asked if it was okay to talk to members of the public about rezoning issues.

City Attorney Chubb replied that it was okay.

Adjournment

The meeting was adjourned with a motion by Andy McLenon, seconded by Brent Littleton. The motion carried 8-0.

Mary Jo Meier, Chair

Andy McLenon, Secretary

b. Reorganization

- 1. Election of Chair**
- 2. Election of Vice Chair**
- 3. Election of Secretary**

Planning Commission

c. Consider a request for a conditional use permit for an Indoor firing range in the C-3, Central Business District at 212 North Pennsylvania Avenue.

Background

On August 22, 2019 the City Commission initiated a public hearing before the Planning Commission to consider a text amendment to the Conditional Use Table to allow indoor firing ranges as a conditional use in the C-3 Central Business District. The request to the Commission was submitted by the Independence Gun Club who was represented by Police Chief Harrison.

On October 1, 2019 the Planning Commission conducted a public hearing amending Appendix B-Zoning of the City Code relating to “Indoor firing ranges.” On a 6-1 vote the following was motion was approved:

To recommend that the City Commission approve adding “Indoor firing ranges” to the permitted and conditional use table and allowing such use as a conditional use in the C-3 Central Business District with the following determinations:

- a. That such change is consistent with the intent and purpose of these regulations because it contains a retail element, and will attract people to the downtown;
- b. That the areas which are most likely to be directly affected by such change will include the C-3 Central Business district, which generally consists of the core downtown. The amendment will only allow indoor firing ranges with a conditional use permit which does provide an opportunity for property owners within the notification area to voice any concerns to both the Planning Commission and City Commission prior to approval and allows the City to impose conditions to address those concerns;
- c. The proposed amendment is made necessary because of new planning concepts in the C-3 Central Business District by adding a new use to the table of uses for indoor firing ranges, addresses higher downtown vacancy rates than existed when the Comprehensive Plan was adopted, by recognizing changes in Kansas legislation which now authorizes concealed carry without a permit, and providing for firearm training for public safety.

To recommend that the City Commission add the following definition to Article IV. Rules and Definitions:

Indoor Firing Range: means an indoor area or facility designated or operated primarily for the use of firearms.

On October 23, 2019 the City Commission accepted the recommendation of the Planning Commission and adopted Ordinance 4315.

Overview of the Request

On November 20, 2019 the Zoning Administrator received a request from Mark Leaman representing the Independence Gun Club to issue a conditional use permit for the following described property which is currently zoned C-3, central business district:

Lots 12 and 13, Block 30, Original Plat to the City of Independence, Montgomery County, Kansas.

The applicant intends to operate an indoor firing range and retail store in a downtown commercial building at 212 N. Penn Avenue.

Conditional Use Permit

Article IX of the Zoning Ordinance addresses purpose and authority for granting conditionals uses.

901.0. Purpose and authority.

901.1. Purpose: Conditional uses are those types of uses which are considered by the city to be essentially desirable, necessary, or convenient to the community but which by their nature or operation have (1) a tendency to generate excessive traffic, (2) a potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants, (3) a detrimental effect upon the value of or potential development of other properties in the neighborhood, or (4) an extraordinary potential for accidents or danger to the public health or safety.

Such conditional uses cannot be allowed to locate as a "right" on any parcel of land within certain districts without consideration of existing conditions at the proposed location and of properties neighboring upon the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse factors.

901.2. Authority to grant permits: The governing body shall have the authority to grant conditional use permits, subject to such conditions of design and operation safeguards and time limitations as it may determine for all conditional uses specified in appendix "A" of this ordinance and for all permitted uses for which the planning and zoning commission has found that by their nature or in their operation have characteristics listed in clauses (1), (2), (3) and (4) of section 901.1 of this article, provided, however, that said conditional use permits for permitted uses shall not establish standards or conditions that are less restrictive than those set out in the district regulations for the district in which said use is located.

(Ord. No. 3863, § 1, 12-20-01)

In considering those types of uses which may be desirable, necessary or convenient to the community, the Commission should review and make recommendations based in part on 901.1.

Additionally, the decision of the Planning Commission to recommend approval or denial of the proposed conditional use shall be based on the following criteria (902.2):

- a. *The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.*

The requested location is in an existing building in the C-3 zone which has zero lot lines.

- b. *The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.*

The requested location will provide additional activity to the downtown and provide an opportunity for gun safety and training opportunities in a controlled environment. However, the Planning Commission could include additional conditions to further protect the welfare of the public.

- c. *The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.*

It is unknown if this type of use will create substantial injury to the value of other downtown properties.

- d. *The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:*

1. *The location, nature and height of buildings, structures, walls and fences on the site, and*
2. *The nature and extent of landscaping and screening on the site.*

The requested location is in an existing building in the C-3 zone which has zero lot lines.

- e. *Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII).*
The requested location is in an existing building in the C-3 zone which is exempt from the Off-street parking and loading regulations.

- f. *Adequate utility, drainage, and other such necessary facilities have been or will be provided.*
The requested location is in an existing building in the C-3 zone which is already constructed with existing utilities and drainage systems. Additional necessary facilities may include those that deal with safety, noise, air and other environmental concerns.

- g. *Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.*
The requested location is in an existing building in the C-3 zone which is exempt from the Off-street parking and loading regulations, therefore no entrance or exit drives will be required.

Action by the Planning Commission

Any recommendations regarding a conditional use permit for the subject property shall be based on Section 902.2 previously outlined in this report. Following your action, the application and your recommendation will be forwarded to the City Commission at which time they will have 30 days to adopt, modify or deny the Planning Commission's recommendation.

Staff Recommendation

If the Planning Commission determines to approve the request for a conditional use permit for an indoor firing range at 212 N. Penn Avenue the following conditions are recommended for consideration:

1. Applicant shall comply with all applicable Federal, State and local statutes, laws, ordinances or codes, including but limited to:
 - a. Building codes,
 - b. Fire codes,
 - c. Zoning codes,
 - d. U.S. Department of Labor Occupational Safety and Health Administration (OSHA) regulations,
 - e. U.S. Environmental Protection Agency (EPA) regulations,
 - f. Kansas Department of Health and Environment (KDHE) regulations.

7. Eye and hearing protection shall be required within the shooting range enclosure whenever firing is conducted. OSHA compliant signs shall be posted requiring eye protection and hearing protection.
8. No outdoor shooting of any kind, regardless of whether said shooting is connected to the commercial use of the property, shall be allowed, permitted, or conducted on the property at any time under any conditions.
9. Fully automatic firearms are prohibited. Firearm use shall be limited to .45 caliber or less, provided that the facility is designed to meet all conditions listed.
10. The facility must be under its ownership's supervision and control while open and in use.
11. The indoor firing range shall not create a nuisance that interferes with others' rights to safety and enjoyment of their own property.
12. The business is to maintain at least a \$2,000,000 commercial liability policy.
13. The applicant shall submit to the City for approval prior to operation, and maintain as a condition for operation, a Range Safety Plan that establishes rules and regulations which must be complied with. Such rules and regulations shall be prominently posted at the facility and shall address the following at a minimum:
 - a. Firearm Handling Rules
 - i. Address how firearms will be handled on site in a safe manner.
 - ii. Guns shall be stored where they are not accessible to unauthorized persons.
 - b. General Range Rules
 - i. Range commands.
 - ii. Designated range officer.
 - iii. Downrange safety measures.
 - c. Specific Range Rules based on type of facility
 - i. Types of firearms permitted on site.
 - ii. Types of activities permitted on site.
 - iii. Caliber restrictions.
 - d. Administrative Rules and Regulations
 - i. Who is authorized to use the facilities? (members, public, law enforcement, etc.)
 - ii. How are authorized personnel identified?
 - iii. Who will enforce rules and penalties?
 - iv. What type of targets will be used?
 - v. Hours of operation?
 - vi. Barrier free accessibility shall be provided for use of the facility.

- vii. What shooting activities are allowed and not allowed?
 - viii. Alcohol and controlled substances shall not be permitted at the facility.
 - ix. What age restrictions will be utilized for the facility or what safety procedures will be in place for minors?
 - x. How will firearms be transported into the facility?
 - xi. What procedures will be utilized to protect patrons and employees from health hazards such as lead contamination that includes but is not limited to, lead contamination monitoring, disposal methods, etc. to ensure a safe environment?
 - xii. Will food be served on site?
14. The Independence Chief of Police or his or her designee shall be made available a minimum of two times a year at a time of their choosing to perform an inspection of the facility to make sure the firearm range safety plan is being followed and that the facility is safe for use.
15. The above-listed conditions of approval shall be tied to the current applicant and not transferrable to any future property owners.
- Staff's recommendation is based on the criteria set forth in 902.2, "a through g" of the zoning code.

Suggested Motion:

I move to recommend approving a conditional use permit for an Indoor firing range in the C-3, Central Business District at 212 North Pennsylvania Avenue with the conditions recommended by City staff.

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, January 7, 2019 at 5:30 p.m.

To receive comments on a request for a conditional use permit for an Indoor firing range in a C-3, Central Business District at 212 North Pennsylvania Avenue.

Legal Description:

Lots 12 and 13, Block 30, Original Plat to the City of Independence, Montgomery County, Kansas.

Common Addresses:

212 North Pennsylvania Avenue

Applicant/Owners:

Mark Leaman, Applicant

Shawn Schabel, Owner

Case Number:

2020/CUP/01

The hearing will be conducted in the Veterans Room, Memorial Hall, 410 N. Penn, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend and they will be heard. Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W. Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

Parcels within 200' of 212 N Penn



APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED 11-20-19
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:
MARK LEAMAN 3429 CR 3900 INDEP. KS. 67301
INDEP. GUN CLUB President

LEGAL DESCRIPTION OF LAND INVOLVED:

COMMON ADDRESS OF SAID LAND: 212 NORTH PENN.

PRESENT ZONING CLASSIFICATION: _____

STATEMENT OF INTENDED USE OF PROPERTY:
Indoor shooting range and retail store

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

On the reverse side, please provide the following information: (1) Site Plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting; (2) Existing and proposed topography, drawn at appropriate contour intervals as specified by the Zoning Administrator; (3) Location of, and proposed connections to, existing water supply and sanitary sewage system; (4) North point, scale and date; (5) Names of landowner, developer and firm preparing the plan.

11-20-19
Date

Mark Leaman
Signature of Applicant

I hereby certify that I have personally verified the dimensions as shown on the attached drawing and find them to be a correct representation of the conditions.

Date

Signature of Building Inspector

Action of Planning and Zoning Commission: .

(Approved, Denied --- Date)

Comments:

Chairman

Vice Chairman

Secretary

CITY OF INDEPENDENCE

REC#: 01070077 11/20/2019 1:55 PM
OPER: DONNA TERM: 002
REF#:

TRAN: 1.0000 VARIANCE
IRONWORKS WELDING & FAB-COND
USE PERMIT-SHOOTING RANGE
MISC FEES 200.00CR

TENDERED: 200.00 CHECK
APPLIED: 200.00-

CHANGE: 0.00

d. Consider initiating a public hearing to consider a text amendment to Appendix B-Zoning of the City Code including, but not limited to:

- 1. Article IV. Rules and Definitions.**
- 2. Appendix A. “Listing of Permitted and Conditional Uses” including, but not limited to “Orphanages” and other new additional use(s).**

The City Commission or Planning Commission may initiate text amendments to the zoning code. Recently staff was contacted by someone wishing to open a “Group Boarding Home” as defined by DCF which means “*Twenty-four hour nonsecure care for five to ten children between the ages of infancy to 16 years of age.*” The individual that contacted staff indicated that they would have five to eight children in foster care ranging in ages from 8 to 18 years of age. Staff found on another DCF document that “*Facilities providing services to children age 16 and older only do not require a license*” so I anticipate that is why the previous DCF definition only addresses children 16 and younger. The individual stated they will have an in-house manager and that the requestor will not live in the house.

According to the City Attorney, this request does not meet the statutory definition of a “Group Home” which has additional requirements as it pertains to municipalities, since the requestor does not plan to house disabled children.

The only other previous zoning case I could find that compares to this request was in 2013 when a company came in and wanted to buy a nursing home at 715 S. 2nd and turn it into a Boys’ Home in which they requested the property be rezoned from R-2 to R-4. Action by the Planning Commission was initially tabled at their September 10, 2013 hearing pending more information and the requirement of a conditional use permit. On October 1, 2013 the Planning Commission approved a conditional use permit with several conditions but failed to address the rezoning. A valid petition was filed by the property owners within 200’. On October 23, 2013 the City Commission denied the rezoning on a unanimous vote stating that “*this use did not fit the character of the neighborhood.*”

In reviewing the current conditional and permitted table of uses, the closest uses staff was able to locate include “*Day care centers – more than four children*” and “*Orphanages*”.

Staff recommends that a public hearing be initiated to consider a text amendment that would add “*Children’s Home*” into the permitted and conditional use table which would be a permitted use in an R-5 zone, and a conditional use in the R-3 and R-4 Zones. It is suggested to either modify “*Orphanage*” to match the suggested permitted uses of a “*Children’s Home*” or combining it “*Children’s Home/Orphanage*” or deleting “*Orphanage*” as a use since the “*Children’s Home*” definition should cover both.

The following definitions are also proposed:

Children’s Home: Any place, home or institution providing twenty-four hour nonsecure care to five or more children under the age of 18 years for compensation in

which such children are under the custody of a state agency; provided, however, this definition shall not include children placed in family care in a family foster home, public and private schools organized, operated or approved under the laws of the state, children related by blood or marriage to the provider, caring for children within an institutional building while their parents or legal guardians are attending services, meetings or classes or engaged in church activities.

Family Foster Home: A child care facility that is a private residence, including any adjacent grounds, in which the resident(s) provide family care for 24 hours a day for one or more children in foster care and for which a license is required by the State of Kansas.

The above definitions were written to ensure that rezoning or conditional use permits would not apply to a family that serves as foster parent(s) in the home the foster parent(s) reside in.

In speaking with the City Attorney, if the applicant wishes to proceed with their request at the same meeting as the text amendment that can be permissible as long as the text amendment is heard before the request for rezoning or a conditional use permit. Since currently the closest use to the applicant's request is an "Orphanage", it has been suggested to the applicant to apply for rezoning to R-5 for an "Orphanage". The Planning Commission can recommend a lesser zoning classification with a conditional use permit after they have held the public hearing for the text amendment.

It should be noted that staff is cognizant of the need for foster care and is also supportive of local business opportunities that will bring additional jobs to the community. The City currently requires conditional use permits for daycares, so requiring a conditional use permit and/or rezoning for the requested use would not be out of line with the current code and would ensure that our zoning codes are consistent and fair to all.

Suggested Motion:

I move to initiate a public hearing to consider a text amendment to Appendix B-Zoning of the City Code including, but not limited to:

- 1. Article IV. Rules and Definitions.*
- 2. Appendix A. "Listing of Permitted and Conditional Uses" including, but not limited to "Orphanages" and other new additional use(s).*

e. Review vacancies and expired terms.

PLANNING & ZONING COMMISSION (3 year terms -- 9 members)			
Members	Term	Expires	Appointed/ Eligible to be Reappointed
Mary Jo (Dancer) Meier Chair	1st term*	January 1, 2022	
Philip Umlauf	1st term*	January 1, 2020	August 20, 2015 Resigned December 2, 2019
Brent Littleton**	1st term	January 1, 2022	January 25, 2019
Tony Royse	1st term	January 1, 2022	March 28, 2019
Andy McLenon** Secretary	1st term*	January 1, 2021	October 26, 2016 January 8, 2018
Michelle Anderson	Unexpired	January 1, 2021	June 28, 2018
Barbara Emert	1st term*	January 1, 2021	March 7, 2017 January 8, 2018
Lisa Richard	1st term*	January 1, 2023	August 8, 2019 December 19, 2019
Steve McBride Vice Chair	2nd term	January 1, 2020	Nov 20, 2013 Effective 1/1/2014
*Served an unexpired term.			
**Outside City Appointment. Not on Board of Zoning Appeals.			
Meeting Place: Veterans Room, Memorial Hall Meeting Date: First Tuesday of each month Meeting Time: 5:30 p.m.			

Applications are being received until January 17, 2020. The application may be found at this link: <https://www.independencesks.gov/DocumentCenter/View/1814/PZApplication-Due01172020>