



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**February 27, 2020**

**Department** Administration

**Director Approval** Kelly Passauer

**AGENDA ITEM** Consider recommendations from the Planning Commission regarding the following:

1. A request to rezone a tract of land located at 517 S. 4<sup>th</sup> Street from R-3, low density multifamily dwelling district to R-5, high density multifamily district; and/or
2. A request for a conditional use permit for an “Orphanage” or other new additional use(s) at 517 S. 4<sup>th</sup> Street.

**SUMMARY RECOMMENDATION** Approve the recommendation.

**BACKGROUND** On February 4, 2020 the Planning Commission a public hearing and recommended the following action:

1. Accepting the recommendation of the Planning Commission to deny a request to rezone a tract of land located at 517 S. 4th Street from R-3, low density multifamily dwelling district to R-5, high density multifamily district; and
2. Accepting the recommendation of the Planning Commission to approve a conditional use permit for a “Children’s Home” At 517 S. 4th Street with the following conditions:
  - a. The facility shall be licensed by the state and shall meet all city, county and state requirements pertaining to operation, facilities, equipment and other features.
  - b. Off-street hard surfaced parking spaces shall be provided to accommodate one vehicle for each six beds. Any fraction shall be rounded up. Such parking shall meet the requirements of the Off-Street Parking and Loading Regulations.
  - c. A "hard surfaced" loading zone capable of accommodating one car for every ten occupants shall be provided in addition to the required parking spaces in order to provide for easy pickup and discharge of passengers.
  - d. Any visitors of the facility shall not block the alley or private drives.
  - e. The total number of residents cannot exceed five.
  - f. The maximum age of residents shall be 16.
  - g. The residents shall be from the local region serving Independence and classified as a child in need of care by the Kansas Department of Children and Family Services.

- h. No occupants may be criminal offenders, juvenile delinquents and/or going through law enforcement proceedings.
- i. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- j. The facility shall provide a visual screen along all property lines abutting any residential use, such screening shall be a 6' privacy fence on the north property line.
- k. Said facility shall be allowed one sign, not to exceed 18 inches by 36 inches in dimension, which shall be attached to the house.
- l. Outdoor storage of materials shall be permitted insofar as such materials or equipment are utilized as part of the facility operation.
- m. The conditional use permit is not transferable to another property owner or to another location.
- n. The applicants must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.
- o. Video surveillance is required outside and in common areas and will be made available to law enforcement upon request if there is no law that prohibits it.

**BUDGET IMPACT** N/A

**SUGGESTED MOTION** I move to accept the recommendations from the Planning Commission and adopt a resolution approving a conditional use permit for a "Children's Home" At 517 S. 4th Street with conditions.

**SUPPORTING DOCUMENTS**

1. Staff Report to the Planning Commission
2. Resolution for 517 S. 4<sup>th</sup> Street