

Planning Commission

- b. Consider text amendments to Appendix B-Zoning of the City Code relating to:
 1. Appendix A. "Listing of Permitted and Conditional Uses" relating to "Indoor firing ranges",
 2. Article X. Special provisions applying to miscellaneous conditional uses; and
 3. Article IV. Rules and Definitions.

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.

City code 1604.2 provides the following regarding text amendments:

1604.1. Recommendations: Upon the conclusion of the public hearing the planning commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the governing body. Said recommendation may be for approval, disapproval or approval in part and reasons for the recommendations shall be included as appropriate.

1604.2. Amendments to text: When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

- a. Whether such change is consistent with the intent and purpose of these regulations;
- b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and
- c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other social economic conditions in the areas and zoning districts affected.

In order to allow their request, it would require adding "Indoor firing ranges" to the permitted and conditional use table and allowing such use as a conditional use in the C-3 district. If approved, a definition of "Indoor firing ranges" should be added to Article IV. Rules and Definitions.

It should be noted that if this text amendment is ultimately approved by the Commission, it would still require the Independence Gun Club to go through the conditional use permit process, which is similar to the rezoning process. A public hearing would need to be held before the Planning Commission, and their recommendation would be forwarded to the City Commission for final consideration. The recommendation from the Planning Commission could include additional conditions relating to noise, safety/security plan, environmental, ventilation, wall/ceiling construction, prohibition of alcohol on premises,

liability insurance, minors must be accompanied by adults, conformance with specified already established standards such as GSA, NRA, etc. If the City Commission approved the conditional use permit, they could also modify the conditions recommended.

If the Planning Commission wishes to approve adding “Indoor firing ranges” to the permitted and conditional use table and allowing such use as a conditional use in the C-3 district as requested, then it is recommended that the following determinations be included in the motion:

- a. That such change is consistent with the intent and purpose of these regulations;
- b. That the areas which are most likely to be directly affected by such change will include the C-3 which will 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;
- c. The proposed amendment is made necessary because of new planning concepts in the C-3 Central Business District.

In addition, if the Planning Commission wishes to approve this request, the following definition should be added to Article IV. Rules and Definitions:

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

Included for your reference are the following documents:

1. Request for Commission Action (RCA) to the City Commission for their August 22, 2019 meeting.
2. Public Hearing Notice.



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 22, 2019

Department Police Department

Director Approval *Jerry Harrison*

AGENDA ITEM: Consider initiating 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.

SUMMARY RECOMMENDATION: Initiate the hearing.

BACKGROUND: City staff has been in contact with a representative of the Independence Gun Club and they are requesting to place an indoor firing range in a downtown building which is zoned C-3. Indoor firing ranges are not listed on the Conditional Use Table for any zones. We are requesting to initiate a text amendment that would allow them to apply for a conditional use permit for an indoor firing range.

BUDGET IMPACT: No direct budget impact.

SUGGESTED MOTION: I move to initiate 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.

SUPPORTING DOCUMENTS: N/A

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, October 1, 2019, at 5:30 p.m.

To receive comments to consider text amendments to Appendix B-Zoning of the City code relating to:

1. Appendix A. "Listing of Permitted and Conditional Uses" relating to "Indoor firing ranges",
2. Article X. Special provisions applying to miscellaneous conditional uses; and
3. Article IV. Rules and Definitions.

Case Number:

2019/ZA/05

The hearing will be conducted in the Veterans Room, Memorial Hall, 410 North Pennsylvania Avenue, 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