

MINUTES

Independence Planning Commission Independence Board of Zoning Appeals

Tuesday, June 5, 2018

Veterans Room

Memorial Hall

5:30 p.m.

Call to Order

Planning Commissioners Present

Andy McLenon, Jim Hardy, Brian Beechman, Barb Emert and Philipp Umlauf

Planning Commissioners Absent

Mary Jo Meier, John Koschin, Steve McBride and Nick McCollam

Staff Present

Kelly Passauer, Assistant City Manager

Abbey Hebbert, Planning Intern

Visitors

Karen Watson

Avana Pouncil

Ozell Pouncil

Minutes

- a. Consider approving minutes from the April 3, 2018 meeting.**

Barb Emert made a motion to approve the minutes of the April 3, 2018 meeting. Phillip Umlauf seconded the motion. The motion carried 5-0.

- a. Consider approval for the conditional use permit at 301 N. 24th street.**

The following staff report was provided to the board members:

The Planning and Zoning Commission has received a request for a conditional use permit from Clifton Johnson, the Pastor at Saint John Missionary Baptist Church located at 301 North 24th Street. The land is zoned as R-2, single-family dwelling, and will remain as such. Pending the approval of this conditional use, the proposed use for this land is to rebuild the existing church on the same plot.

The applicant intends to remove the existing church building once the new church structure is complete.

Appendix "A" of the Zoning Ordinances allows churches, synagogues, and temples permitted use in O/P, C-1, C-2, and C-3 districts. These structures are allowed conditional use in the A-1, R-1, R-2, R-3, R-4 and R-5 zones. Churches, synagogues and temples are not permitted in M-1 and M-2 zones.

Conditional Use Permit

The zoning ordinance in Section 901.1 describes the purpose of a conditional use as:

"...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 in their 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 on the value of 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 locations and of properties neighboring the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse effect."

Staff Report

The Planning Commission has the authority to place additional conditions on the site that they deem necessary to protect the best interests of the City, the surrounding property and to achieve the objectives of the ordinance. 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.

- b. The proposed conditional use at the specified location will contribute to and promote the welfare and convenience 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.*
- 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 regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:*
 - i. The location, nature and height of buildings, structures, walls and fences on the site, and*
 - ii. The nature and context of landscaping and screening on the site.*
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII).*
- f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.*
- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.*

Staff Recommendation

Churches are subject to conditional use permits when located in R-2 districts, such as this proposed property. The existing structure is already acting as a church and there will be no other changes made to what is occurring on the property apart from the building in which it is taking place in.

City staff recommend granting the conditional use permit with the following conditions:

1. The conditional use permit is not transferable to another location.
2. The applicant must follow all City codes.

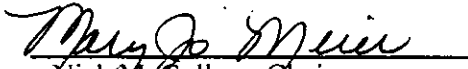
If any of the above conditions are not met, the conditional use permit will no longer be valid. The basis of the staff's recommendation is that granting the conditional use permit is consistent within the criteria of "a through g" of Section 902.2 of the zoning code.

Abbey reviewed the report for the board. Philipp Umlauf made a motion to approve the conditional use permit for 301 N. 24th Street. Kim Hardy seconded the motion to approve the conditional use permit as recommended. The motion carried unanimously.

There was a motion to move the July 3rd meeting to July 2nd at 5:30 p.m. by Brian Beechman. Andy McLenon seconded the motion. The motion carried unanimously.

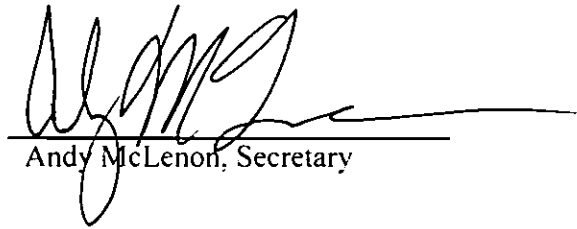
Adjournment

The meeting was adjourned with a motion by Barb Emert, seconded by Philipp Umlauf. The motion carried 5-0.



Nick McCollam, Chair

MARY JO MEIER, VICE-CHAIR



Andy McLenon, Secretary