

INDEPENDENCE CITY COMMISSION

REGULAR SESSION AGENDA

November 17, 2022

5:30 PM

Civic Center Memorial Hall

To participate by conference call:
1 785-289-4727 Conference ID: 592 706 042#

The Agenda shall be as follows:

I. REGULAR SESSION

- A. Call to Order
- B. Pledge of Allegiance to the United States of America
- C. Adoption of Agenda

II. CONSENT AGENDA

(*Consent* is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Consent Agenda are adopted by a single motion unless removed from the Consent Agenda.)

- A. Consider adopting a resolution rescinding the Burning Ban.
- B. Consider paint color schemes and logos for the North Water Tank.

III. ITEMS FOR COMMISSION ACTION

- A. Consider a Development Agreement with VSE Aviation Services, LLC (a KS Corporation) and its parent company VSE Aviation, Inc.
- B. Consider adopting an ordinance authorizing the issuance of the City's Taxable Industrial Revenue Bonds, series 2022 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2022 Bonds.
- C. Consider authorizing Main Street Bucks as an Employee Appreciation Bonus.
- D. Consider Change Order for City Hall Phase II.
- E. Consider change orders for the evidence project.
- F. Consider allowing the Independence Gun Club to add a berm at the shooting range.
- G. Consider adopting an ordinance rezoning a tract of land at 211 Taylor Road from R-1, large lot single-family dwelling district to C-1, neighborhood business district.
- H. Consider adopting a resolution for a conditional use permit for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street.
- I. Consider adopting a resolution for a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 W. Laurel Street.
- J. Consider adopting a resolution for a conditional use permit for "coffee roasting and coffee products – small scale roasting and retail sales" in a C-3, central business district at 107-109 E. Main Street.

IV. REPORTS

- A. Monthly Public Works and Projects Report

V. CITY MANAGER'S COMMENTS

VI. COMMISSIONERS' COMMENTS

VII. PUBLIC CONCERNS

VIII. ADJOURNMENT



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
November 17, 2022

Department Fire-EMS

Director Approval Shawn Wallis

AGENDA ITEM Consider adopting a resolution rescinding the Burning Ban.

SUMMARY RECOMMENDATION It is my recommendation that we dissolve Resolution 2022-052 which established a Burn Ban within the City limits of Independence.

BACKGROUND On October 13, 2022, the City Commission established a Burn Ban (Resolution # 2022-052) due to the extreme lack of moisture in the vegetation and a diminishing water supply. We have recently received rainfall with more predicted in the forecast, which has helped the situation tremendously. I have been receiving numerous calls and texts from citizens wanting to have pit fires due to the weather change. I feel that it would be safe for this to be once again allowed.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to adopt a resolution rescinding the burning ban.

SUPPORTING DOCUMENTS

1. Resolution 2022-059 - Burning Ban Rescind
2. 2022-052 - Burning Ban

RESOLUTION NO. 2022-059

**A RESOLUTION RESCINDING
A BURNING BAN WITHIN THE CITY OF INDEPENDENCE**

BE IT RESOLVED by the governing body of the City of Independence, Kansas:

Section 1. The burning ban established by resolution number 2022-059 is hereby rescinded.

Section 2. This Resolution shall take effect immediately upon its adoption.

ADOPTED by the governing body of the City of Independence, Kansas, on the 17th day of November, 2022.

Dean A. Hayse, Mayor

ATTEST:

David W. Schwenker, City Clerk



State of Kansas, Montgomery County
This instrument was filed for
Record on October 18, 2022 9:06 AM
Recorded in Book 720 Page 336 - 337
Fee: \$0.00 202203926



Marilyn Calhoun
Marilyn Calhoun, Register of Deeds

RESOLUTION NO. 2022-052

**A RESOLUTION ESTABLISHING
A BURNING BAN WITHIN THE CITY OF INDEPENDENCE**

BE IT RESOLVED by the governing body of the City of Independence, Kansas:

Section 1. Due to public safety concerns based upon the extremely dry weather conditions and low moisture content in vegetation, dangerous fire conditions exist.

Section 2. A burning ban on all recreational burning including, but not limited to, pit fires, bonfires, campfires, fires in outdoor fireplaces, fires in pits or chimney-type devices, is hereby enacted.

Section 3. The burning ban does not prohibit cooking in propane, gas or charcoal barbecues approved for that type of use consistent with existing city ordinances.

Section 4. The burning ban shall remain in effect until rescinded either by a Resolution of the governing body, or by a directive issued by the Fire Chief.

Section 5. Violation of the burning ban constitutes a Class A violation under recently enacted City Ordinance 4408 punishable by up to \$1,000 in fines and/or imprisonment not exceeding six (6) months.

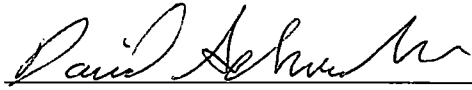
Section 6. This Resolution shall take effect immediately upon its adoption.

ADOPTED by the governing body of the City of Independence, Kansas, on the 13th day of October, 2022.



Dean A. Hayse
Dean A. Hayse, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "David W. Schwenker", is written over a horizontal line.

David W. Schwenker, City Clerk



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
November 17, 2022**

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Consider paint color schemes and logos for the North Water Tank.

SUMMARY RECOMMENDATION In order to be consistent with the water tower in the West Laurel Industrial Park, it would be recommended to paint two logos on both sides of the North Water Tower for \$19,000, and not paint the bottom of the tank or surrounding legs blue.

BACKGROUND The City has other water tanks that show a logo on the tank. The cost to paint a logo was requested from the contractor that will be doing the water tank maintenance work during the spring of 2023. The contractor voluntarily provided prices on additional options that were consistent with aesthetic choices made by other entities. Drawings of the logo and examples of the aesthetic painting follow.

The tank does not now have a logo, as this tank was installed before the current logo was adopted.

There are several options that have been provided:

1. Logo on one side of the tank: \$9,500
2. Logo on both sides of the tank: \$19,000
3. Bottom of tank painted blue: \$12,000
4. Bottom of tank and supporting legs painted blue: \$15,000

There is no engineering or functional impact, this is entirely an aesthetic and branding decision.

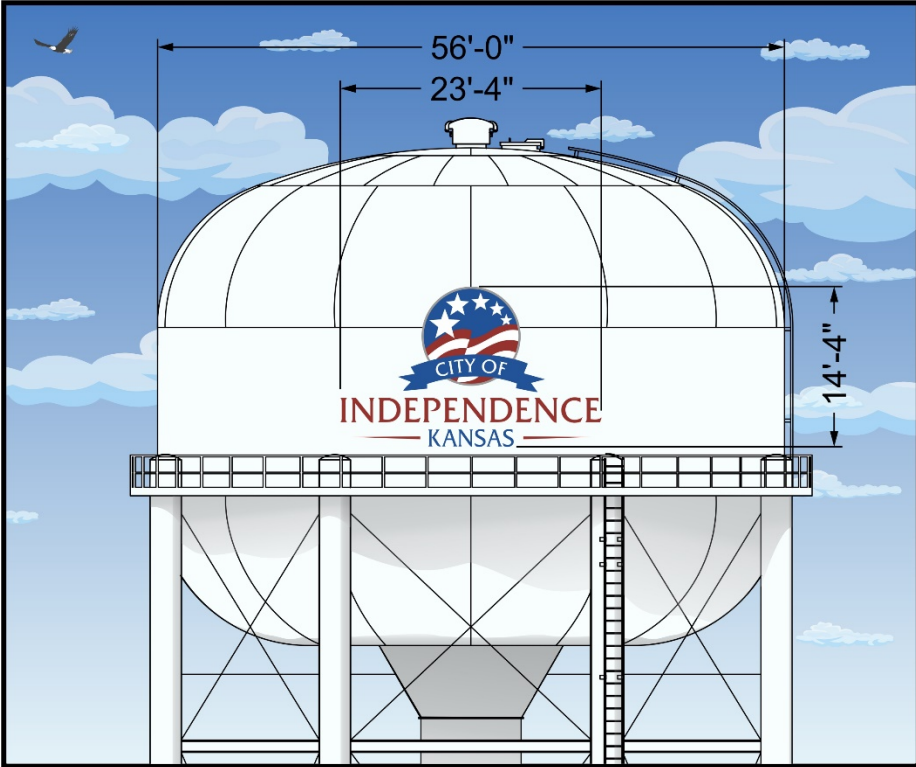
FINANCIAL INFORMATION Costs would be covered by water and sewer fund balances. There are adequate funds to cover the staff's recommended option for a total of \$19,000.

SUGGESTED MOTION I move to approve a contract with Maguire Iron, Inc. to paint City logos on both sides of the North Water Tower for \$19,000.

SUPPORTING DOCUMENTS

1. Tank Painting Examples

Logo:

	Orientation TBD In Field Quantity (2)
	 Colors  Tnemec White 00WH  Grey TBD  Tnemec KC Blue  Tnemec Safety Red

 Danny McKinney / Owner 1375 N. Beglis Pkwy Sulphur, LA 70663 (337) 625-4179 (337) 794-1564 dannymc@lakeareasignco.com	Client: Maguire Iron Design: Independence, KS (Draft 1) Designer: Ethan McKinney Date: 10/27/2022	Date: _____ Signature: _____ ☐ Approved ☐ Resubmit	Notice: Colors shown are close approximations. Printer and media variations may distort colors from actual paint colors slightly. Renderings are approximate and are provided for a visual aid. Field verify tank shell height before installing patterns.
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Bottom and Structure:



Bottom and Riser:





**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
November 17, 2022**

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Consider a Development Agreement with VSE Aviation Services, LLC (a KS Corporation) and its parent company VSE Aviation, Inc.

SUMMARY RECOMMENDATION Authorize entering into a Development Agreement with VSE Aviation Services, LLC (a KS Corporation) and its parent company VSE Aviation, Inc.

BACKGROUND VSE is looking to expand its field office and MRO (Maintenance, Repair, & Overhaul) facility in Independence, KS where the firm repairs and distributes aviation equipment to regional, national, and international customers. The project's intent is to increase capacity in order to meet market demand. This proposed expansion project requires road upgrades to service the expansion and add additional capacity. This proposed expansion is important to the City of Independence to retain 100 jobs, bring in an anticipated 39 additional jobs, investment, and economic activity to the City. These road improvements include reconstructing 1st Avenue, and a concrete intersection at 1st Avenue and Freedom Drive.

FINANCIAL INFORMATION The estimated project cost is \$434,000, which will be paid for by Economic Development funds. The amount will be reimbursed to the City via an increase in the Company's Ad Valorem taxes due to annexation and five annual payments made by the Company to the City.

SUGGESTED MOTION I move to enter into a Development Agreement with VSE Aviation Services, LLC (a KS Corporation) and its parent company VSE Aviation, Inc.

SUPPORTING DOCUMENTS

1. 2022.10-4 Develop Agreement - VSE 11 10 22 v2
2. Attachment A

DEVELOPMENT AGREEMENT

This Agreement is entered into by and between the **City of Independence, Kansas**, a municipal corporation, hereafter CITY, and **VSE Aviation Services, LLC** (a KS single member LLC) and its parent company **VSE Aviation, Inc.** (a DE Corporation), hereafter collectively COMPANY.

Whereas, COMPANY desires to expand its business operation located in the Independence Municipal Airport by constructing an addition to the existing facility currently located thereon.

And Whereas, CITY is collaborating with COMPANY in terms of certain incentives for economic development purposes.

And Whereas, COMPANY has requested certain street and road improvements to be made adjacent to or near COMPANY'S facilities.

And Whereas, the parties wish to reduce to writing their understanding as to the construction of certain street and road improvements and payment for the improvements.

Now Therefore, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree to the following:

1. **Scope.** CITY and COMPANY have agreed to the scope of work outlined in Attachment A.
2. **Payment.** The upfront cost and expense for the street and road improvements shall be paid by CITY for the benefit of COMPANY.
3. **Repayment.** COMPANY will repay CITY the cost of the street and road improvements, interest free, in accordance with the payment schedule in Attachment A, amortized over five (5) years, interest free, beginning February 1, 2025, and for each year thereafter to be paid in full no later than five (5) years from the starting date of the payments. The CITY will give the COMPANY an annual credit of \$17,031.13, which represents the increase in the COMPANY'S base year property taxes due to annexation of its current facility.

4. **Binding Effect.** This agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

SELLER – City of Independence, Kansas

DATE

By: _____
Dean A. Hayse, Mayor

ATTEST:

David W. Schwenker, City Clerk

BUYER – VSE Aviation Services, LLC

DATE

By: _____
Name:
Title:

**Opinion of Probable Construction Cost
City of Independence
1st Avenue Project**

Reconstruct 1st Avenue (6" Asphalt); Concrete Intersection at 1st and Freedom, and at Building location.

ITEM NO.	BID ITEM	UNIT	UNIT BID PRICE	QUANTITY	COST
1	Contractor Construction Staking	LS	\$7,500.00	1.0	\$ 7,500.00
2	Mobilization	LS	\$25,000.00	1.0	\$ 25,000.00
3	Common Excavation	C.Y.	\$20.00	800.0	\$ 16,000.00
4	Rock Excavation	C.Y.	\$25.00	280.0	\$ 7,000.00
5	Earthwork	C.Y.	\$25.00	1500.0	\$ 37,500.00
6	24" RCP	L.F.	\$50.00	300.0	\$ 15,000.00
7	Asphlat pavement, 6 inch depth (1st Avenue)	Tons	\$110.00	600.0	\$ 66,000.00
8	Concret Paving at intersections, 8 inch depth	S.Y.	\$100.00	880.0	\$ 88,000.00
9	Granular Base (6")	S.Y.	\$12.00	2500.0	\$ 30,000.00
10	Temporary Erosion Control	LS	\$20,000.00	1.0	\$ 20,000.00
11	Traffic Control	LS	\$10,000.00	1.0	\$ 10,000.00
12	Pavement Marking	LS	\$2,500.00	1.0	\$ 2,500.00
13	Signing	LS	\$4,000.00	1.0	\$ 4,000.00

Construction Cost \$ 328,500.00

Contingencies \$ 32,500.00

Design \$ 33,000.00

Inspection \$ 40,000.00

Estimated Total \$ 434,000.00

Est. Total Cost \$ 434,000.00

Increase in Property Tax Due to Annexation \$ (85,155.65)

Est. Pmt 5-year \$ 69,768.87

Estimated Payment Schedule

2/1/2025 \$ 69,768.87

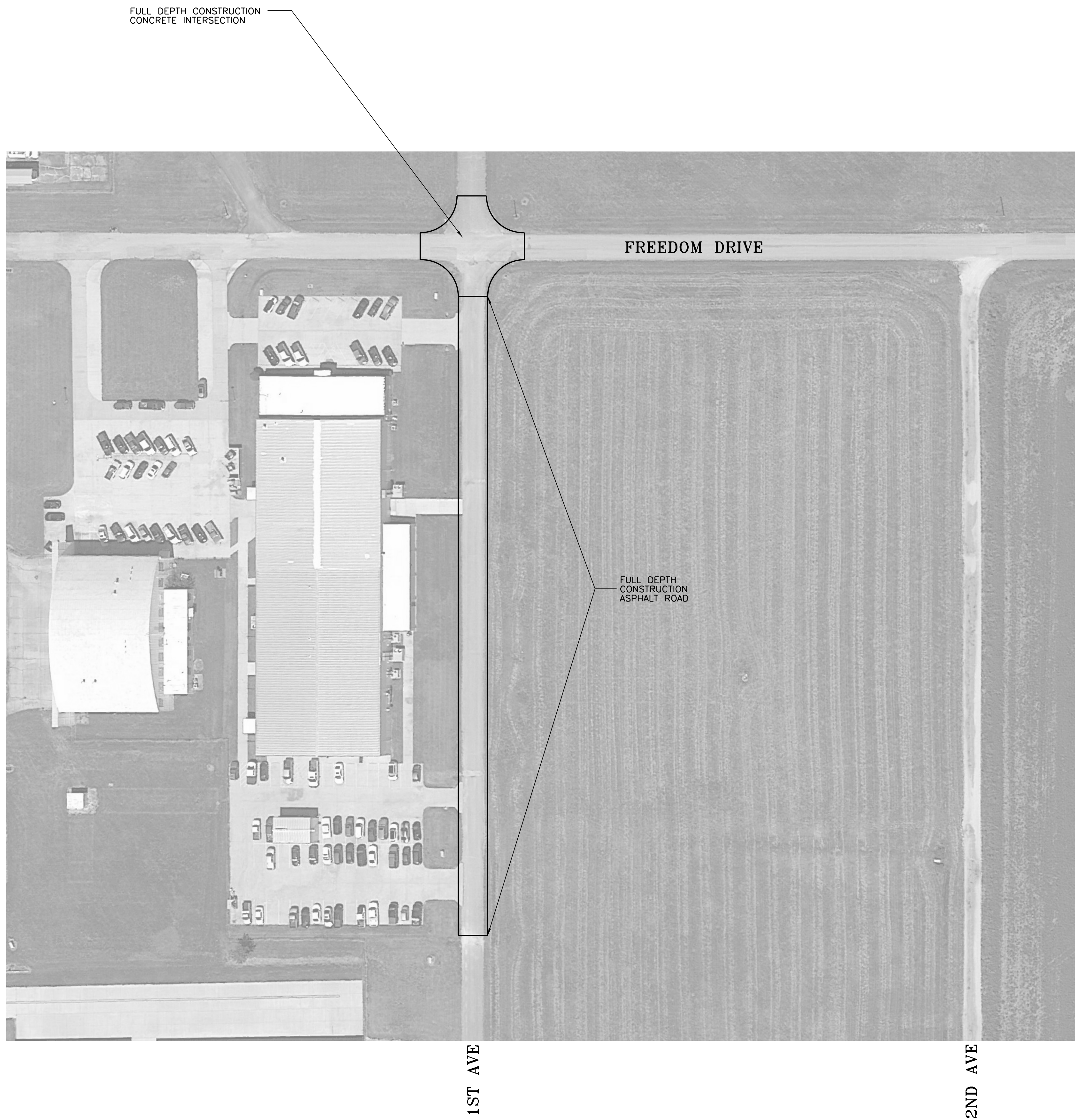
2/1/2026 \$ 69,768.87

2/1/2027 \$ 69,768.87

2/1/2028 \$ 69,768.87

2/1/2029 \$ 69,768.87

\$ 348,844.35



FULL DEPTH CONSTRUCTION
CONCRETE INTERSECTION

FREEDOM DRIVE

FULL DEPTH
— CONSTRUCTION
ASPHALT ROAD

1ST AVE

2ND AVE



CONSULTANTS:

[illegible]

PROJ NO:
SCALE:
DATE:
DESIGNED BY:
DRAWN BY:
CHECKED BY:

SHEET TITLE:

SHEET NO.

SHEET OF



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
November 17, 2022**

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Consider adopting an ordinance authorizing the issuance of the City's Taxable Industrial Revenue Bonds, series 2022 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2022 Bonds.

SUMMARY RECOMMENDATION Staff recommends approval.

BACKGROUND The City of Independence, Kansas (the "City" or "Issuer") is authorized by K.S.A. 12-1740 *et seq.*, and K.S.A. 10-116a, all as amended (the "Act"), to acquire, renovate and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, and to enter into leases and lease-purchase agreements with any person, firm or corporation for said facilities, and to issue revenue bonds for the purpose of paying the cost of any such facilities and to refund such revenue bonds previously issued; and pursuant to Resolution Nos. 5-07, 2000-36, 2004-29, 2006-62, and 2013-09 the City has heretofore found and determined that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the City and the State of Kansas that the City issue, in one or more series, its taxable industrial revenue bonds for the purpose of purchasing, acquiring, constructing and installing certain industrial and commercial facilities for the production of single engine piston and jet aircraft (the "Facility"), said Facility to be leased by the City to Textron Aviation Inc., successor by merger to Cessna Aircraft Company, a Kansas corporation, its successor and assigns (the "Company"); and pursuant to such authorization, the City has heretofore issued eighteen series of its taxable industrial revenue bonds in the aggregate principal amount of \$118,582,705; and

The City does hereby find and determine that it is desirable to issue an additional series of bonds under the authorization granted by above described resolutions, such bonds to be designated its Taxable Industrial Revenue Bonds, Series 2022 (Textron Aviation Inc.) in the aggregate principal amount not to exceed \$5,000,000 (the "Series 2022 Bonds") for the purpose of purchasing, acquiring, constructing and installing certain equipment, tooling and improvements at the Facility (the "2022 Project Additions").

The Ordinance to be considered by the City Commission authorizes the issuance of the Series 2022 Bonds; (1) to execute and deliver the Nineteenth Supplemental Trust Indenture for the purpose of issuing and securing the Series 2022 Bonds and (2) to enter into the Nineteenth Supplemental Lease pursuant to which the City shall cause the 2022 Project Additions to be leased to the Company in consideration of payments of Supplemental Basic Rent, Supplemental Additional Rent and other charges provided for therein.

FINANCIAL INFORMATION Approval does not commit the City to any financial obligations for this issuance.

SUGGESTED MOTION I move to approve an ordinance authorizing the issuance of the

City's Taxable Industrial Revenue Bonds Series 2022 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2022 Bonds.

SUPPORTING DOCUMENTS

1. City Signature Pages
2. ORDINANCE No. 4418

ADOPTED by the Governing Body of the City of Independence, Kansas this 17th day of November, 2022.

CITY OF INDEPENDENCE, KANSAS

[Seal]

Mayor

Attest:

City Clerk

CERTIFICATE

I hereby certify that the attached copy is a true and correct copy of Ordinance No. 4418 of the City of Independence, Kansas duly passed by the governing body, signed by the Mayor and published in the official City newspaper on the respective dates stated in this ordinance, and that the signed original of such Ordinance is on file in my office.

[SEAL]

City Clerk

**CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES**

I hereby certify that the following is a true and correct Excerpt of Minutes of the November 17, 2022, meeting of the City Commission of the City of Independence, Kansas, relating to the adoption of Ordinance No. 4418.

David Schwenker, City Clerk

(Published in *The Independence Daily Reporter*, November 23, 2022)

SUMMARY OF ORDINANCE NO. 4418

On November 17, 2022, the governing body of the City of Independence, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE CITY OF INDEPENDENCE, KANSAS, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2022 (TEXTRON AVIATION INC.), FOR THE PURPOSE OF PURCHASING, ACQUIRING, CONSTRUCTING, INSTALLING AND EQUIPPING CERTAIN MODIFICATIONS AND ADDITIONS TO AN EXISTING AIRCRAFT MANUFACTURING FACILITY; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

The Taxable Industrial Revenue Bonds approved by the Ordinance are being issued by the City in the aggregate principal amount not to exceed \$5,000,000 for the purpose of paying the costs of purchasing, acquiring, constructing and installing modifications and additions to certain industrial and commercial facilities for the production of single engine piston and jet aircraft (the “Project”) located in Montgomery County, Kansas within three miles of the city limits of the City and leased to Textron Aviation Inc., as successor by merger to Cessna Aircraft Company. The Bonds will be special limited obligations of the Issuer payable solely from the revenues of the Lease of the Project. The Taxable Industrial Revenue Bonds approved by the Ordinance will be secured on a parity with previous series of Taxable Industrial Revenue Bonds issued by the City for the purpose of financing portions of the Project. A complete text of the Ordinance may be obtained or viewed free of charge of the office of the City Clerk, 811 West Laurel Street, Independence, Kansas 67301. A reproduction of the Ordinance is available for not less than seven days following the publication date of this Summary at www.independenceks.org.

The Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 17, 2022

City Attorney

IN WITNESS WHEREOF, the City of Independence, Kansas, has caused this Nineteenth Supplemental Trust Indenture to be signed in its name and behalf by the Mayor and its corporate seal to be hereunto affixed and attested by the City Clerk, and to evidence its acceptance of the trusts hereby created, The Bank of New York Mellon Trust Company, N.A. has caused this Nineteenth Supplemental Trust Indenture to be signed in its name and behalf and its official seal to be hereunto affixed and attested by its duly authorized officers, all as of the date first above written.

CITY OF INDEPENDENCE, KANSAS,
as Issuer

(Seal)

By _____
Dean A. Hayse, Mayor

ATTEST:

David Schwenker, City Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS:
MONTGOMERY COUNTY)

BE IT REMEMBERED, that on this _____ day of November, 2022, before me, the undersigned, a Notary Public in and for said County and State, came Dean A. Hayse, Mayor of the City of Independence, Kansas, and David Schwenker, City Clerk of said City, who are personally known to me to be such officers, and who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Notary Public in and for
said County and State

My Appointment expires:

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

CITY OF INDEPENDENCE, KANSAS

[SEAL]

By: _____
Dean A. Hayse, Mayor

ATTEST:

David Schwenker, City Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS:
MONTGOMERY COUNTY)

BE IT REMEMBERED that on this ____ day of November, 2022, before me, a notary public in and for said County and State, came Dean A. Hayse, Mayor of the City of Independence, Kansas, a municipal corporation of the State of Kansas, and David Schwenker, City Clerk of said City, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Notary Public in and for
said County and State

Upon the Purchaser signing the form of acceptance on the enclosed counterparts of the Agreement and returning counterparts to the City, this Agreement shall become a binding agreement between the parties hereto as of the date first above written.

CITY OF INDEPENDENCE, KANSAS

Attest:

By _____
Dean A. Hayse, Mayor

David Schwenker, City Clerk

WITNESS OUR HANDS and the seal of the Issuer, concurrently with the issuance and delivery of the Series 2022 Bonds.

[Seal]

CITY OF INDEPENDENCE, KANSAS

By: _____
Dean A. Hayse, Mayor

Attest:

David Schwenker, City Clerk

Executed by authority of the governing body of the City of Independence, Kansas, for delivery concurrently with the issuance and delivery of the Series 2022 Bonds.

CITY OF INDEPENDENCE, KANSAS

By: _____
Dean A. Hayse, Mayor

Attest:

David Schwenker, City Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS:
COUNTY OF MONTGOMERY)

BE IT REMEMBERED that on this ____ day of November 2022, before me, a notary public in and for the County and State aforesaid, came Dean A. Hayse, Mayor of the City of Independence, Kansas, and David Schwenker, City Clerk of the City of Independence, Kansas, to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same, for and on behalf and as the act and deed of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Notary Public in and for
said County and State

My Appointment Expires:

**BEFORE THE BOARD OF TAX APPEALS
OF THE STATE OF KANSAS**

**CERTIFICATE OF ISSUANCE OF TAXABLE
INDUSTRIAL REVENUE BONDS**

Pursuant to the provisions of K.S.A. 12-1744c, this is to certify that:

The City of Independence, Kansas issued its Taxable Industrial Revenue Bonds, Series 2022, (Textron Aviation Inc.), in the aggregate principal amount not to exceed \$5,000,000, Board of Tax Appeals File No. 2022-_____-IRB, on the 15th day of December, 2022.

CITY OF INDEPENDENCE, KANSAS

By: _____
Dean A. Hayse, Mayor

VERIFICATION

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

Sarah O. Steele, of Gilmore & Bell, P.C., Wichita, Kansas, of lawful age, being first duly sworn upon oath, deposes and state:

That the law firm of Gilmore & Bell, P.C., served as Bond Counsel for the above-mentioned issue of Taxable Industrial Revenue Bonds; and that she has read the foregoing Certificate of Issuance and knows of her own personal knowledge that the statements set forth therein are true and correct.

By _____
Sarah O. Steele

SUBSCRIBED AND SWORN to before me this December __, 2022.

Notary Public in and for said County and State

VERIFICATION

I, David Schwenker, do solemnly swear or affirm that the information set forth herein is true and correct, to the best of my knowledge and belief. So help me God.

Signature of Applicant

David Schwenker, City Clerk
Printed Name and Title

State of Kansas)
County of Montgomery)

This instrument was acknowledged before me on November ____, 2022 by David Schwenker, City Clerk.

Seal

Signature of Notary Public

My appointment expires: _____

Send this statement along with the filing fee of \$500.00 to:

Kansas Board of Tax Appeals
Eisenhower State Office Building
700 SW Harrison, 10th Floor, Suite 1022
Topeka, KS 66603

IN WITNESS WHEREOF, the parties hereto have executed these presents for delivery on or after January 1, 2023.

CITY OF INDEPENDENCE, KANSAS

[Seal]

By: _____
Dean A. Hayse, Mayor

ATTEST:

David Schwenker,
City Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
COUNTY OF MONTGOMERY)

BE IT REMEMBERED that on November _____, 2022 before me, a notary public in and for said County and State, came Dean A. Hayse, Mayor of the City of Independence, Kansas, a municipal corporation of the State of Kansas, and David Schwenker, City Clerk of said City, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Notary Public in and for
said County and State

My Appointment expires:

ORDINANCE NO. 4418

**OF THE
CITY OF INDEPENDENCE, KANSAS**

**AUTHORIZING THE ISSUANCE OF
CITY OF INDEPENDENCE, KANSAS
TAXABLE INDUSTRIAL REVENUE BONDS
SERIES 2022
(TEXTRON AVIATION INC.)**

ORDINANCE NO. 4418

AN ORDINANCE AUTHORIZING THE CITY OF INDEPENDENCE, KANSAS, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2022 (TEXTRON AVIATION INC.), FOR THE PURPOSE OF PURCHASING, ACQUIRING, CONSTRUCTING, INSTALLING AND EQUIPPING CERTAIN MODIFICATIONS AND ADDITIONS TO AN EXISTING AIRCRAFT MANUFACTURING FACILITY; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Independence, Kansas (the "City" or "Issuer") is authorized by K.S.A. 12-1740 *et seq.*, and K.S.A. 10-116a, all as amended (the "Act"), to acquire, renovate and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, and to enter into leases and lease-purchase agreements with any person, firm or corporation for said facilities, and to issue revenue bonds for the purpose of paying the cost of any such facilities and to refund such revenue bonds previously issued; and

WHEREAS, pursuant to Resolution Nos. 5-07, 2000-36, 2004-29, 2006-62, and 2013-09 the City has heretofore found and determined that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the City and the State of Kansas that the City issue, in one or more series, its taxable industrial revenue bonds for the purpose of purchasing, acquiring, constructing and installing certain industrial and commercial facilities for the production of single engine piston and jet aircraft (the "Facility"), said Facility to be leased by the City to Textron Aviation Inc., successor by merger to Cessna Aircraft Company, a Kansas corporation, its successor and assigns (the "Company"); and

WHEREAS, pursuant to such authorization, the City has heretofore issued eighteen series of its taxable industrial revenue bonds in the aggregate principal amount of \$119,382,705; and

WHEREAS, the City does hereby find and determine that it is desirable to issue an additional series of bonds under the authorization granted by above described resolutions, such bonds to be designated its Taxable Industrial Revenue Bonds, Series 2022 (Textron Aviation Inc.) in the aggregate principal amount not to exceed \$5,000,000 (the "Series 2022 Bonds") for the purpose of purchasing, acquiring, constructing and installing certain equipment, tooling and improvements at the Facility (the "2022 Project Additions"); and

WHEREAS, the Series 2022 Bonds are more fully described in the Nineteenth Supplemental Trust Indenture dated as of the Issue Date by and between the City and the Trustee (the "Nineteenth Supplemental Trust Indenture"), which Nineteenth Supplemental Trust Indenture further supplements and amends the Trust Indenture dated as of December 20, 1996 (the "1996 Indenture") by and between the City and Boatman's National Bank, predecessor trustee to The Bank of New York Mellon Trust Company, N.A. (the "Trustee") (the 1996 Indenture, as supplemented from time to time in accordance with the provisions thereof, hereinafter referred to as the "Indenture"), and in the Nineteenth Supplemental Lease hereinafter authorized; and

600324.20154\ORDINANCE V.1

WHEREAS, the 2022 Project Additions shall be leased by the City to the Company pursuant to the Nineteenth Supplemental Lease dated as of the Issue Date by and between the City and the Company (the "Nineteenth Supplemental Lease"), which Nineteenth Supplemental Lease further supplements and amends the Lease Agreement dated as of December 20, 1996 (the "1996 Lease") by and between the City and the Company (the 1996 Lease, as supplemented and amended from time to time in accordance with the provisions thereof, hereinafter referred to as the "Lease"); and

WHEREAS, the Series 2022 Bonds and the interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional provision or statutory limitation, shall not constitute nor give rise to a pecuniary liability of the City, nor shall any Series 2022 Bond or the interest thereon be a charge against the general credit or taxing powers of the City; and

WHEREAS, the Series 2022 Bonds are not general obligations of the City and are payable solely from certain fees, rentals, revenues and other amounts derived by the City pursuant to the Lease and, under certain circumstances, from the proceeds of the Series 2022 Bonds and insurance and condemnation awards; and

WHEREAS, pursuant to the Indenture, the Series 2022 Bonds shall be equally and ratably secured and on a parity with the City's outstanding Series 2012 Bonds, Series 2014 Bonds, Series 2015 Bonds, Series 2016 Bonds, Series 2017 Bonds, Series 2018 Bonds, Series 2019, Series 2020, Series 2021 and any other Additional Bonds (as such terms are defined in the Indenture); and

WHEREAS, the City further finds and determines that it is necessary and desirable in connection with the issuance of the Series 2022 Bonds: (1) to execute and deliver the Nineteenth Supplemental Trust Indenture for the purpose of issuing and securing the Series 2022 Bonds, and (2) to enter into the Nineteenth Supplemental Lease pursuant to which the City shall cause the 2022 Project Additions to be leased to the Company in consideration of payments of Supplemental Basic Rent, Supplemental Additional Rent and other charges provided for therein.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS AS FOLLOWS:

Section 1. Definition of Terms. All terms and phrases not otherwise defined herein shall have the respective meanings set forth in the Indenture and Lease.

Section 2. Authority to Cause the 2022 Project Additions to be Purchased, Acquired, Constructed and Installed. The City is hereby authorized to cause the 2022 Project Additions to be purchased, acquired, constructed and installed all in the manner and as more particularly described in the Nineteenth Supplemental Trust Indenture and in the Nineteenth Supplemental Lease hereinafter authorized.

Section 3. Authorization of and Security for the Series 2022 Bonds. There is hereby authorized and directed to be issued the series of revenue bonds to be designated "City of Independence, Kansas, Taxable Industrial Revenue Bonds, Series 2022 (Textron Aviation Inc.)" in the aggregate principal amount of not to exceed \$5,000,000 the purpose of paying the cost of purchasing, acquiring, constructing and installing the 2022 Project Additions. The Series 2022 Bonds shall be in such final principal amount, shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Nineteenth Supplemental Trust Indenture. The Series 2022 Bonds shall be equally and ratably secured and on a parity with the Series 2012

600324.20154\ORDINANCE V.1

Bonds, the Series 2014 Bonds, the Series 2015 Bonds, Series 2016 Bonds, the Series 2017 Bonds, the Series 2018 Bonds, the Series 2019 Bonds, the Series 2020 Bonds, the Series 2021 Bonds and any other Additional Bonds (collectively, the “Bonds”), all as more specifically set forth in the Nineteenth Supplemental Trust Indenture herein authorized. The Series 2022 Bonds shall be special limited obligations of the City payable solely from the revenues derived by the City pursuant to the Lease or otherwise in connection with the Facility. The Series 2022 Bonds shall not be general obligations of or constitute a pledge of the faith and credit of the City within the meaning of a constitutional or statutory provision and shall not be payable in any manner from tax revenues. The Series 2022 Bonds shall be secured under the provisions of the Indenture and are authorized thereby.

Section 4. Authorization of Nineteenth Supplemental Trust Indenture. The City is hereby authorized to enter into the Nineteenth Supplemental Trust Indenture, under which the City shall pledge and assign to the Trustee, for the benefit of the holders of the Series 2022 Bonds, the Trust Estate created thereby, all upon the terms and conditions set forth in the Indenture.

Section 5. Lease of the 2022 Project Additions. The City shall cause the 2022 Project Additions to be leased by the City to the Company pursuant to and in accordance with the provisions of the Nineteenth Supplemental Lease.

Section 6. Authorization of Bond Purchase Agreement. The Series 2022 Bonds shall be sold and delivered to Textron Aviation Inc., upon the terms and subject to the provisions of the Bond Purchase Agreement dated as of the Issue Date (the “Bond Purchase Agreement”), herein authorized, by and between the City and the Company, as Purchaser.

Section 7. Authorization of Release Documents. The City is hereby authorized to execute a Bill of Sale conveying the 2012 Project from the City to the Company, a Termination of Tenth Supplemental Lease and a Cancellation of Tenth Supplemental Trust Indenture (as all such terms are defined in the Indenture) (collectively, the “Release Documents”) and to deliver such Release Documents upon receipt of Certification by the Trustee that none of the Issuer’s Taxable Industrial Revenue Bonds, Series 2012 (Cessna Aircraft Company) remain Outstanding and upon receipt from the Company of the other consideration required under the Lease, and performance by the Company of all conditions precedent to exercise of its purchase option under the Lease.

Section 8. Execution of Series 2022 Bonds and Agreements. The Mayor or Vice Mayor of the City of Independence, Kansas, is hereby authorized and directed to execute the Series 2022 Bonds and deliver the same to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Mayor or Vice Mayor is hereby further authorized and directed to execute and deliver the Nineteenth Supplemental Trust Indenture, the Nineteenth Supplemental Lease, the Bond Purchase Agreement and the Release Documents for and on behalf of and as the act and deed of the City with such minor corrections or amendments thereto as the Mayor or Vice Mayor shall approve, which approval shall be evidenced by his or her execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance. The City Clerk or the Deputy City Clerk of the City are hereby authorized and directed to attest the execution of the Series 2022 Bonds, the Nineteenth Supplemental Trust Indenture, the Nineteenth Supplemental Lease, the Bond Purchase Agreement, the Release Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 9. Pledge of the Project. The City hereby pledges the 2022 Project Additions and the net revenues therefrom to the payment of the Bonds, including the Series 2022 Bonds, in accordance with 600324.20154/ORDINANCE V.1

K.S.A. 12-1744. The lien created by such pledge shall be discharged when all of the Bonds shall be deemed to have been paid within the meaning of the Indenture.

Section 10. Further Authority. The City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Series 2022 Bonds, the Nineteenth Supplemental Trust Indenture and the Nineteenth Supplemental Lease all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 11. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the Issuer and publication once in the official newspaper of the Issuer.

[Remainder of this page intentionally left blank]

ADOPTED by the Governing Body of the City of Independence, Kansas this 17th day of November, 2022.

CITY OF INDEPENDENCE, KANSAS

[Seal]

Mayor

Attest:

City Clerk

CERTIFICATE

I hereby certify that the attached copy is a true and correct copy of Ordinance No. 4418 of the City of Independence, Kansas duly passed by the governing body, signed by the Mayor and published in the official City newspaper on the respective dates stated in this ordinance, and that the signed original of such Ordinance is on file in my office.

[SEAL]

City Clerk



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
November 17, 2022**

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Consider authorizing Main Street Bucks as an Employee Appreciation Bonus.

SUMMARY RECOMMENDATION Authorize issuing Main Street Bucks as an Employee Appreciation Bonus

BACKGROUND The City of Independence would like to show appreciation to the dedicated staff by authorizing a bonus for each full-time regular employee in the form of Main Street Bucks to be utilized at numerous establishments in the community. In 2021, the commission authorized \$100 in Main Street Bucks for each full-time employee.

FINANCIAL INFORMATION

		Certificates	\$100	\$110	\$120
		Gross			
		Bonus	\$110	\$121	\$132
		(Taxable)			
Fund	Est. # of Employees	\$100	\$110	\$120	
General Fund	79	\$8,690		\$9,559	\$10,428
Airport	1	\$110		\$121	\$132
Water/Sewer	21	\$2,310		\$2,541	\$2,772
Sanitation	8	\$880		\$968	\$1,056
Total	109	\$11,990		\$13,189	\$14,388

SUGGESTED MOTION I move to authorize Main Street Bucks in the amount of (\$100, \$110, or \$120) for each full-time employee.

SUPPORTING DOCUMENTS



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
November 17, 2022

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider Change Order for City Hall Phase II.

SUMMARY RECOMMENDATION City Staff recommends approval of the change order

BACKGROUND The fire sprinkler bid at City Hall had a standard system running across the ceiling. Upon review, it was determined the sprinkler system must be in the soffit area because of the historical value of the plaster ceilings. The CO is to relocate the piping to the soffit with sidewall sprinkler heads. The additional cost is mainly labor as we tried to offset the cost with using PVC pipe in lieu of standard iron pipe.

FINANCIAL INFORMATION The \$14,652.00 cost will be covered with contingency funds, leaving a balance of \$251,703.44

SUGGESTED MOTION I move to approve the change order for fire sprinkler relocation.

SUPPORTING DOCUMENTS

1. ICH COR01
2. COR - 22 Sidewall sprinkler heads



Kyle Myers

3857 S Midco Wichita KS 67215

Phone: (316) 833-3215 E-Mail: MyersAFP@gmail.com

Date: October 3, 2022

Project: Independence City Hall

Trade: Fire Protection

CHANGE ORDER REQUEST 01

We are requesting payment to cover the cost of the additional labor, material and engineering necessary for concealing sprinkler system inside of soffits throughout the building as opposed to leaving the system exposed.

Labor: \$15,200.00

Engineering: \$4,600.00

Sub total: \$19,800.00

10% OHP: N/A

Sub Total: \$19,800.00

Deduct to allow CPVC piping: -\$5,400.00

Total CO amount: \$14,400.00

***Project is tax exempt.**

Sincerely,

Myers Automatic Fire Protection LLC

ACCEPTANCE:

McCownGordon
255 N. Mead, Suite #200
Wichita, Kansas 67202
Phone: (316) 202-5611
Fax: (316) 221-1021

Project: 1-07-1388 - Independence City Hall & Fire/EMS Add'n/Remodel
120 N 6th St (City Hall)900 Block of Myrtle St (Fire/EMS)
Independence, Kansas 67301

DRAFT

Prime Contract Change Order Request #022: CE #059 - Sprinkler Heads

TO:	City of Independence Kansas 811 W. Laurel St. Independence, Kansas 67301	FROM:	McCownGordon Construction, LLC 850 Main Street Kansas City, Missouri 64105
CHANGE ORDER REQUEST NUMBER / REVISION:	022 / 0	PRIME CONTRACT CHANGE ORDER:	None
STATUS:	Draft	CREATED BY:	Brandon Brinker (McCownGordon - Wichita)
SCHEDULE IMPACT:		DATE CREATED:	11/8/2022
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$14,652.00

CHANGE ORDER REQUEST TITLE: CE #059 - Sprinkler Heads

CHANGE ORDER REQUEST DESCRIPTION:

CE #059 - Sprinkler Heads

We are not able to run sprinkler lines through the middle of rooms like we typically would due to the plaster ceilings having historical value. The main increase is due to the extra labor running them in soffits. We tried to offset the cost with using PVC pipe in lieu of the standard iron pipe.

ATTACHMENTS:

[ICH COR01.pdf](#)

POTENTIAL CHANGE ORDERS IN THIS CHANGE ORDER REQUEST:

PCO #	Contract Company	Title	Schedule Impact	Amount
025	City of Independence Kansas	CE #059 - Sprinkler Heads		\$14,652.00
Total:				\$14,652.00

CHANGE ORDER REQUEST LINE ITEMS:

PCO # 025: CE #059 - Sprinkler Heads

#	Budget Code	Description	Amount
1	CH.15-30001.S City Hall Main Job.Fire Protection - Myers.Subcontractor	Sidewall sprinkler heads	\$14,400.00
Subtotal:			\$14,400.00
General Liability (0.00% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Builders Risk (0.00% Applies to Material, Subcontractor, Labor, Labor Overtime, Fee, and Contingency.):			\$0.00
Bonds (0.00% Applies to Material, Subcontractor, Labor, Labor Overtime, Fee, and Contingency.):			\$0.00
Subguard (1.75% Applies to Subcontractor.):			\$252.00
Warranty (0.00% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Fee (0.00% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Construction Contingency (0.00% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Grand Total:			\$14,652.00

Vance Kelley (TreanorHL - Topeka)
719 SW Van Buren St., Suite 200
Topeka, Kansas 66603

City of Independence Kansas
811 W. Laurel St.
Independence, Kansas 67301

McCownGordon Construction, LLC
850 Main Street
Kansas City, Missouri 64105

SIGNATURE **DATE**
McCownGordon

SIGNATURE **DATE**
Page 2 of 2

SIGNATURE **DATE**
Printed On: 11/8/2022 10:40 AM
Page 42 of 119



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
November 17, 2022**

Department Police

Director Approval Jerry Harrison

AGENDA ITEM Consider change orders for the evidence project.

SUMMARY RECOMMENDATION City staff recommends approving change orders that resolve issues discovered during demolition and to address concerns of HVAC reliability.

BACKGROUND We are requesting the Commission authorize city staff to proceed with the following items in the file named "Change Order #2."

During demolition, a cold water supply line was found to have frozen and burst. The line needs to be replaced.

The overhead door costs less than the authorized amount giving a credit (\$2,290).

For security purposes, city staff recommends removing the skylight and patching the hole. Even with the addition of patching the hole and replacing the line this change order notes an overall project cost reduction of \$662.50.

City staff also recommend that the Commission consider purchasing a new HVAC system versus installing a used system. The current project calls for a used HVAC system to be installed. The copper lines for this need to be replaced, and two new remote controls and a condensate pump need to be provided for a total cost of \$1,437 (Change Request 11-9-22). The contractor's concern is that this system has been sitting open for a significant period of time, and there is no guarantee the system will work once installed.

The cost to purchase a complete, new, two-ton unit with condensate pump is \$3,795. The cost of installation for either unit is built into the project. To install a new system with warranty protection is \$2,358 more than the used option. However, if the used system is inoperative, we will have to fund removing it and replacing it, including installation costs as only one installation and no removal was built into the project. From a cost-effective perspective, City staff recommends installing a new system.

With the cost reduction of \$662.50 from Change Order #2 the total additional project costs for both change orders will be \$3,132.50 if we opt for the new system, or \$774.50 if we risk installing the used system.

FINANCIAL INFORMATION Change Order #2 is a reduction of \$662.50
Change Order 11-9-22 is \$3,795 for new system
Total additional project cost for new HVAC system \$3,132.50

SUGGESTED MOTION I move to authorize the items in Change Order #2 and the purchase of the new HVAC system as priced in Change Request 11-9-22.

SUPPORTING DOCUMENTS

1. Change Request 11-9-22
2. Change Order 2 Evidence
3. Splits and tubing



1215 E. 8TH
COFFEYVILLE, KS 67337
Ph : (620)251-7693

Change Request

To: MIRANDA BRUNING
ECHELON ARCH & DESIGN
107 N. PENN AVE
INDEPENDENCE, KS 67301

Number: 2
Date: 11/9/22
Job: 22-009 Independence Evidence Storage
Phone:

Description: PR2 - Mini Split Options

We are pleased to offer the following specifications and pricing to make the following changes:

Item 1 - Replace the line sets for the existing mini split, provide two new remotes to control the units, provide condensate pump = \$1,437.00 (PLEASE NOTE THIS IS NO GUARANTEE THIS SYSTEM WILL WORK. THIS UNIT HAS BEEN SITTING FOR A PERIOD OF TIME WITH OPEN LINES)

Item 2 - Provide a complete new 2 ton single zone mini split with condensate pump = \$3,795.00

If you have any questions, please contact me at 620-251-7693.

Submitted by: JASON MCVEY

Approved by: _____
Date: _____

**AIA**[®]**Document G701™ – 2017****Change Order****PROJECT:** *(Name and address)*Evidence Storage Building
225 E. Main
Independence, KS 67301**CONTRACT INFORMATION:**Contract For: General Construction
Date:**CHANGE ORDER INFORMATION:**Change Order Number: 002
Date: November 7, 2022**OWNER:** *(Name and address)*City of Independence
City Hall
800 W. Laurel
Independence, KS 67301**ARCHITECT:** *(Name and address)*Echelon Arch + Design
PO Box 373
Independence, KS 67301**CONTRACTOR:** *(Name and address)*Decker Construction, Inc
P. O. Box 254
1215 East 8th St.
Coffeyville, KS 67337**THE CONTRACT IS CHANGED AS FOLLOWS:***(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)*

Replace the cold water supply line that was frozen and broke. \$977.50

Credit of overhead door allowance of (\$2,290.00)

Remove Skylight and patch hole for security purposes \$650.00

The original Contract Sum was	\$	149,900.00
The net change by previously authorized Change Orders	\$	11,985.00
The Contract Sum prior to this Change Order was	\$	161,885.00
The Contract Sum will be decreased by this Change Order in the amount of	\$	662.50
The new Contract Sum including this Change Order will be	\$	161,222.50

The Contract Time will be increased by Zero (0) days.

The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Echelon Arch + Design

ARCHITECT *(Firm name)*

Decker Construction, Inc

CONTRACTOR *(Firm name)*

City of Independence

OWNER *(Firm name)***SIGNATURE**

Miranda Bruening, Owner

PRINTED NAME AND TITLE**SIGNATURE**

Jason A. McVey

PRINTED NAME AND TITLE**SIGNATURE****PRINTED NAME AND TITLE****DATE****DATE****DATE**





**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
November 17, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider allowing the Independence Gun Club to add a berm at the shooting range.

SUMMARY RECOMMENDATION City Staff recommends approval of the berm.

BACKGROUND The City was contacted by the Gun Club regarding adding a berm to the west side of the current shooting range berm at the airport. The additional berm would offer protection to the airport runway and maintenance building located west of the shooting range berm. Precision Railway is donating to the Gun Club dirt from the new construction project on Enterprise Drive. The Gun Club will be responsible for the construction and hauling of the dirt to the airport and will not harm the current berm. A berm on the west side of the shooting range has been requested by our insurance carrier, and in my research, this will meet that requirement. City Staff will also work with the Gun Club to ensure proper signage is installed at the site to ensure only the south end of the berm is used for target practice.

The City staff has reviewed this with the City Attorney and our environmental attorney, who have no concerns. Mike Borovetz, with Precision Railway, confirmed the donation of the dirt to the Gun Club. Mark Leaman will be present to answer any questions the Commission may have.

FINANCIAL INFORMATION No City funds are being used for this project

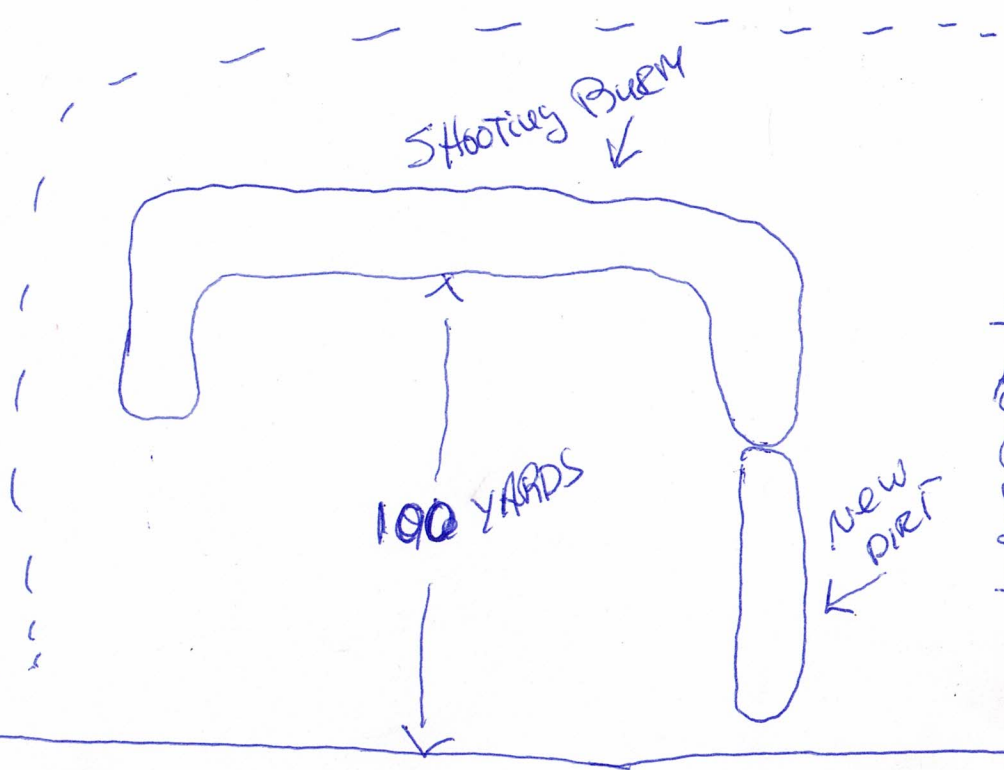
SUGGESTED MOTION I move to allow the Independence Gun Club to construct a berm on the west side of the current shooting range.

SUPPORTING DOCUMENTS

1. Shooting Berm Sketch



FARM
Ground



SHOTGUN
RANGE

FARM
Ground

un used
Ground



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
November 17, 2022

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting an ordinance rezoning a tract of land at 211 Taylor Road from R-1, large lot single-family dwelling district to C-1, neighborhood business district.

SUMMARY RECOMMENDATION Adopt an ordinance approving the rezoning.

BACKGROUND On November 1, 2022 the Planning Commission voted 6 - 0 to recommend approving rezoning a tract of land at 211 Taylor Road from R-1, large lot single-family dwelling district to C-1, neighborhood business district. City staff recommends the following restrictions be included which will 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. This would include the requirement to acquire a City occupation license which must be renewed annually. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes.
2. All parking, entrance and exit drives must be designed to minimize traffic congestion on public streets.
3. 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.
4. The applicant must continue to meet all the "special conditions" set forth in Section 1003.1 a, b, c and d of the Zoning Code as follows:
 - a. City, county and state standards: All day care facilities shall be licensed by the state and shall meet all city, county and state health department requirements pertaining to facilities, equipment and other features.
 - b. Loading zone: A "hard surfaced" loading zone capable of accommodating one car for every ten children shall be provided in addition to the required parking area in order to provide for easy pickup and discharge of passengers.
 - c. Operation: Any day care facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
 - d. Screening required: Any day care facility located in a building other than a residential dwelling or any residential dwelling used for a day care facility for seven or more children shall provide a visual screen along all property lines abutting any residential use.

The proposed ordinance, draft minutes, and staff report to the Planning Commission are attached.

FINANCIAL INFORMATION An application fee of \$200 was received.

SUGGESTED MOTION I move to accept the recommendation of the Planning Commission with the modification as suggested by staff and adopt an ordinance rezoning a tract of land from R-1, large lot single-family dwelling district to C-1, neighborhood business district at 211 Taylor Road with conditions which shall be binding on all future owners, assigns or heirs.

SUPPORTING DOCUMENTS

1. Ordinance 4419 - Rezoning 211 Taylor Road
2. 110122 PZ Minutes Draft
3. 11012022 - Staff Report to Planning Commission - Rezone 211 Taylor Road

ORDINANCE NO. 4419

An Ordinance Rezoning Land from R-1, large lot single-family dwelling district to C-1, neighborhood business district.

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. The following described real estate is hereby rezoned from R-1, large lot single-family dwelling district to C-1, neighborhood business district:

Lot 2, A Doss Addition to the City of Independence, Montgomery County, Kansas. to the City of Independence, Montgomery County, Kansas, commonly known as 211 Taylor Road.

Section 2. The following conditions and restrictions shall apply to the property being rezoned 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. This would include the requirement to acquire a City occupation license which must be renewed annually. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes.
2. All parking, entrance and exit drives must be designed to minimize traffic congestion on public streets.
3. 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.
4. The applicant must continue to meet all the “special conditions” set forth in Section 1003.1 a, b, c and d of the Zoning Code as follows:
 - a. City, county and state standards: All day care facilities shall be licensed by the state and shall meet all city, county and state health department requirements pertaining to facilities, equipment and other

features.

- b. Loading zone: A "hard surfaced" loading zone capable of accommodating one car for every ten children shall be provided in addition to the required parking area in order to provide for easy pickup and discharge of passengers.
- c. Operation: Any day care facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- d. Screening required: Any day care facility located in a building other than a residential dwelling or any residential dwelling used for a day care facility for seven or more children shall provide a visual screen along all property lines abutting any residential use.

Section 3. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 17th day of November, 2022.

DEAN A. HAYSE, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

I. Call to Order

Present: Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard, Tim Haynes, Michelle Anderson

Absent: Anthony (Tony) Royse, Brent Littleton, Andy McLenon

Guests: George Eisele, Julie Eisele, Jason Elmore, Patrick Conway

II. Minutes

- a. Consider approving minutes of the October 4, 2022 meeting.

Motion:

On the motion of Tim Haynes, seconded by Kendall Neill the Commission approved the minutes of the October meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

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

- a. Public hearing to receive comments on a variance request to exceed size and number of signs in a C-3, business district zone at 113 E. Myrtle Street.

David Cowan requested the Board of Zoning Appeals to adjourn the public hearing to December 6, 2022.

Motion:

On the motion of Kendall Neill, seconded by Lisa Richard the Commission adjourned the public hearing to December 6, 2022.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

IV. Planning Commission

- a. Public hearing to receive comments to consider rezoning a tract of land at 211 Taylor Road from R-1, large lot single-family dwelling district to C-1, neighborhood business district; and/or a conditional use permit for a "Daycare Center" in an R-1, large lot single-family dwelling district.

Kendall Neill opened the public hearing.

Miranda Bruening spoke on behalf of Sadie Sewell saying that there are two

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

options, one to rezone the property and two to issue a conditional use permit. The applicant would like the property rezoned to a C-1, neighborhood business district.

Tim Haynes asked if there is an additional building to be built.

Miranda Bruening stated that the applicant wants a separate structure on the property. By building a separate structure, all fire code requirements will have to be met.

Lisa Richard asked about the difference in setbacks between C-1 and R-1 and Kendall Neill referred her to the packet.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved rezoning the R-1, large lot single-family dwelling district at 211 Taylor Road to C-1, neighborhood business district to allow a daycare center in the neighborhood.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

- b. Public hearing to receive comments on a request for a conditional use permit for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street.

Kendall Neill opened the public hearing.

George Eisele stated that he was the previous owner of this property and he had been issued a conditional use permit to operate as an Airbnb. He stated that it worked out very well for them, there were no incidents for anyone. He further stated that he thinks the community needs a place like that to stay. It sleeps approximately 7 people.

Lisa Richard asked if they had already sold the property and Mr. Eisele said yes. Lisa then stated that this is basically transferring a conditional use permit because the new owner did not come in before the Planning Commission.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Kendall Neill the Commission

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2022 Meeting**

approved a conditional use permit for "Short-term Rentals Not Elsewhere Listed" with the same conditions as previously included in Resolution No. 2019-037, to wit, The applicant must meet the following requirements: 1. Off street parking will be provided on the applicant's private property. 2. Exterior lighting will not have an adverse effect by shining onto any neighboring properties. 3. The conditional use permit is not transferable to another property owner or to another location. 4. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes, in an R-3, low density multi-family dwelling district at 305 S. 10th Street.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

Abstain: Rachel Lyon

- c. Public hearing to receive comments on a request for a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 West Laurel Street.

Kendall Neill opened the public hearing.

Miranda Bruening spoke on behalf of the applicant and stated that they wish to have a retail property management business in the front of the building and a 2 bedroom executive residence and private garage in the middle and rear of the building.

Lisa Richard asked which building is 113 West Laurel Street and Miranda said it is the Eagles building. The rear of the property had a horse carriage and they will preserve the doors.

Kendall Neill closed the public hearing.

Motion:

On the motion of Michelle Anderson, seconded by Tim Haynes the Commission approved the conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 West Laurel Street, with the added conditions in staff's recommendation, to wit, 1. The conditional use permit shall be issued solely to the applicant and/or property owner and is not transferable to another location. 2. With this conditional use permit, the storefront shall strictly be used for retail or service establishments dealing directly with consumers, defined for this conditional use permit as a property management company, with 888 square feet of the first-floor storefront to be used for the company with the remaining 2,368 square feet to be used as a 2 bedroom apartment and private garage. 3. The

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

residential area of 1,549 square feet in the center of the building must meet life safety and building code requirements. 4. The upper-story apartment must meet life safety and building code requirements. 5. Any additional exterior lighting on site will need to be approved by City staff. 6. IHPRC approval and a City Building Permit are required before work can begin.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

- d. Public hearing to receive comments on a request for a conditional use permit for "Coffee Roasting" in a C-3, central business district at 107-109 East Main Street.

Kendall Neill opened the public hearing.

Lisa Richard asked Jason Elmore if he had been told the conditions he would need to follow.

Jason Elmore said the only thing he would change on the conditions would be the daily roasting amount from 20 lbs to 25 lbs.

Lisa Richard said that the conditions seemed to be flexible and good for the neighborhood and asked if she amended the motion to 25 lbs would Jason be comfortable with that.

Jason Elmore said yes and that most all of the conditions he would meet anyway.

Kendall Neill closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission approved the conditional use permit for "Coffee Roasting" in a C-3, central business district at 107-109 East Main Street with the amended added conditions in Staff's recommendation, to wit, 1. The maximum amount of coffee beans that will be processed at this location will not exceed 50,000 pounds total per calendar year. Batches processed at any one time shall be not more than 25 pounds each. 2. The operation shall be accompanied by a retail component. 3. The applicant shall ensure that material efforts are made to substantially reduce coffee roasting odors, and any emissions from the site shall be in compliance with all laws and regulations. 4. The operation shall produce minimal off-site impacts and be compatible with office, retail and service uses. 5. The applicant will work with City staff to ensure the exhaust is vented in a manner to minimize impacts to residential units within the vicinity. 6. That no change in the coffee roasting equipment to increase

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
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roasting capacity above 25 pounds shall be allowed unless approved by the Planning Commission following a public hearing. Modifications to equipment to improve exhaust quality may be considered as minor alterations by the Zoning Administrator following a recommendation by the Building Inspector.

7. The conditional use permit is not transferable to another property owner or to another location. 8. The applicant 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.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

Abstain: Rachel Lyon

V. Discussion

- a. Report on status of conditional use permit at 401 N. 8th Street

David Cowan said that the 401 N. 8th Street property owners have now finished with fencing and shrubbery and are in compliance with the conditional use permit.

- b. Status on budget for Comprehensive Plan.

Kendall Neill asked David Cowan about the budget and whether the update for the Comprehensive Plan was going through.

David Cowan stated that the budget had passed the City Commission with the update and Kelly Passauer would be sending out a request for proposals.

VI. Adjournment

Motion:

On the motion of Kendall Neill, seconded by Tim Haynes the Commission adjourned the meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

Kendall Neill, Chairperson

Tim Haynes, Secretary



**REQUEST FOR PLANNING COMMISSION ACTION
REZONING AND/OR CONDITIONAL USE
CITY OF INDEPENDENCE
NOVEMBER 1, 2022**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments to consider rezoning a tract of land at 211 Taylor Road from R-1, large lot single-family dwelling district to C-1, neighborhood business district; and/or a conditional use permit for a "Daycare Center" in an R-1, large lot single-family dwelling district.

SUMMARY RECOMMENDATION Approve the rezoning at 211 Taylor Road from R-1, large lot single-family dwelling district to C-1, neighborhood business district; or approve the conditional use permit to operate a daycare center at 211 Taylor Road.

BACKGROUND 502.0. - R-1, large lot single-family dwelling district.

502.1. Intent: The purpose of this district is to provide for large lot single-family residential development of low population density and relatively spacious character together with such public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings.

502.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

502.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

502.4. Intensity of use regulations:

a. *Minimum lot area:* Single-family dwellings—10,000 square feet.

Exception: Where a use is not connected to a public sewer, lot area shall be increased to area determined as adequate by the city engineer to meet current health standards, as provided for in the city's subdivision regulations.

b. *Minimum lot width:* 80 feet at the front building line, except cul-de-sac lots may have 35 feet at the building line.

c. *Maximum lot coverage:* 30 percent.

502.5. Height regulations:

a. *Maximum structure height:* 35 feet or 2½ stories (whichever is smaller).

502.6. Yard regulations:

a. *Minimum front yard:*

1. The front yard shall be a minimum of 25 feet in depth from the front lot line.

2. Where lots have a double frontage, the required front yard shall be provided on both streets.

b. *Minimum side yards:*

1. Interior side yards: Eight feet.

2. Where the side yard fronts on a street, the minimum front yard shall be provided.

c. *Minimum rear yard:* Ten feet.

Exception: On lots of irregular rear property lines or when residence is located on the lot at an angle, rear yard dimensions shall be taken at each end of building parallel to the sides and a perpendicular measurement taken from the rear of building to the furthest point of the lot. The average of these three measurements shall equal at least ten feet. However, in no case shall the building or structure be located less than eight feet perpendicular from any property line.

502.7. Parking regulations:

a. *Off-street parking:* Two spaces for each single-family dwelling. (See article VII for additional parking requirements.)

509.0. - C-1, neighborhood business district.

509.1. Intent: The intent of this district is to provide commercial locations for small areas of convenience shopping facilities in and near residential neighborhoods. Such convenience shopping facilities will often occupy a small area, frequently at an intersection or on a major street, in an area that is otherwise wholly residential.

509.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

509.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

509.4. Intensity of use regulations:

a. *Maximum lot coverage:* 50 percent.

509.5. Height regulations:

a. *Maximum structure height:* 35 feet or 2½ stories (whichever is smaller).

509.6. Yard regulations:

a. *Minimum front yard:* 25 feet measured from property line.

b. *Minimum side yard:* None.

Exception: 15 feet where abutting a side street or residential zone.

c. *Minimum rear yard:* Ten feet.

Exception: 25 feet where abutting a residential zone.

509.7. Parking and loading regulations: See article VII.

509.8. Use limitations:

a. No separate business establishment shall occupy more than 5,000 square feet of floor space. Each separate business establishment shall operate independently from adjacent business establishments.

b. No structure shall be used for residential purposes except by the owner, owner's agent or the operator of the business located on the premises.

c. All business establishments shall be retail or service establishments dealing directly with customers.

d. All business, servicing, storage and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed structures.

e. No business establishments shall offer goods or services, other than motor fuels, directly to customers waiting in parked motor vehicles or sell beverages or food for consumption on the premises in parked vehicles.

f. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district.

Acceptance of a Conditional Use Permit must be based on the following factors: A) Ability to comply with all applicable codes and regulations, B) Contribution to and promotion of the welfare or convenience of the public, C) Lack of substantial injury to the value of other property in the neighborhood, D) Proposed use will not dominate the immediate use of the neighboring property, E) Off-street parking and loading areas provided in accordance with code, 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 traffic hazards and to minimize traffic congestion, H) Other.

The applicant wants to build a daycare center in her backyard, which will have to adhere to the Building Department Codes. Under the R-1 zoning, a conditional use would be necessary to allow this facility. If the area were to be rezoned, it would not need a conditional use permit as a daycare center is permitted in a C-1.

		Permitted Zoning District												
Land Use Category	Code	A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
Day care centers—more than four children	6811	C	C	C	C	C	C	C	P	P	C	P		

POLICY EXPLANATION Acceptance of a rezoning request must be based on the following factors: A)

Character of the neighborhood, B) Zoning and uses of properties nearby, C) Suitability of the subject property for the uses to which it has been restricted, D) Extent to which the proposed use will detrimentally affect nearby property, E) Length of time the subject property has remained vacant as zoned, F) Public gain versus private hardship, G) Economic impact on the owner of the subject property and the economic impact on the surrounding properties, H) Recommendation of City's permanent staff, I) Conformance with the comprehensive plan, J) Availability and adequacy of required utilities and services to serve the proposed use, K) Impact on streets and parking, L) Environmental impacts, M) Ability to meet requirements of applicable codes.

LEGAL ADDRESS Lot 2, A Doss Addition to the City of Independence, Montgomery County, Kansas.

DESCRIPTION OF TRACT(S) One large lot in a Residential neighborhood with a single-family dwelling

ZONING AND USES OF PROPERTY NEARBY R-1, large lot single-family dwelling district

CHARACTER OF THE NEIGHBORHOOD Residential

SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED The subject property is suitable as a residential area property.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED Not vacant

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY The purpose of a C-1 zoning is to fit into a residentially zoned area so it will not detrimentally affect nearby property.

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 The property will need to be fenced in and will allow for more child care opportunities in the community. The use is currently not existing, so there is no destruction of the petitioner's property. Depending upon the number of children, it could create additional noise in the neighborhood. However, it would be considerably less than a school which is allowed in residential zones.

CONFORMANCE WITH THE COMPREHENSIVE PLAN The General Development Plan Map should be used to establish the general character and needs of an area. When the plan is implemented through rezoning, platting or ultimately development, each parcel should be evaluated by the application of the policies and principles outlined in the comprehensive plan.

A daycare center can operate in an R-1, large lot single-family dwelling district with a conditional use. A daycare center is permitted in a C-1, neighborhood business district.

POLICY EXPLANATION 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.

ACTION BY THE PLANNING COMMISSION Upon receiving the application for conditional use permit from the zoning administrator, the planning commission shall publish notice and hold public hearing on the proposal. Procedures for public hearings shall be handled the same as a zoning amendment as described in [section 1603.0](#) of the zoning code. If the planning commission determines that additional information should be provided to it before making a decision, the planning commission may adjourn the public hearing to a new date and require the applicant to provide such additional information. The decision of the planning commission to recommend approval or denial of the proposed conditional use shall be based on any or all of the following criteria which the planning commission determines to be relevant:

- 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 or 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 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.
- 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 traffic hazards and to minimize traffic congestion in public streets and alleys.

902.3. *Additional requirements:* In consideration of requests for any conditional use permits the planning commission shall recommend to the governing body such conditions of use as it deems necessary to protect the best interests of the city, and the surrounding property and to achieve the objectives of this ordinance. These additional requirements shall include, but not be limited to, those special provisions applying the miscellaneous conditional uses, specified in article X.

A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance, and grounds for the zoning administrator to terminate and cancel such conditional use permit.

STAFF RECOMMENDATION If the Planning Committee wishes the daycare center to be constructed, they can choose to rezone the property to C-1, neighborhood business district, eliminating the need for a conditional use permit, or choose not to rezone and allow a conditional use permit for this address.

SUGGESTED MOTION I move to rezone the R-1, large lot single-family dwelling district at 211 Taylor Road to C-1, neighborhood business district to allow a daycare center in the neighborhood; or, I move to approve a conditional use permit in an R-1, large lot single-family dwelling district to allow a daycare center at 211 Taylor Rd.

SUPPORTING DOCUMENTS

1. 211 Taylor Daycare CUP and Rezoning Application
2. Sewell Daycare Zoning Site Plan
3. Public Hearing Notice Rezoning 06 211 Taylor Road

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSIONDATE FILED _____
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Sadie Sevell - 211 Taylor Rd, Independence ks 67301

LEGAL DESCRIPTION OF LAND INVOLVED:

A-Doss, S19, T32, R16, Lot 2

COMMON ADDRESS OF SAID LAND:

211 Taylor Rd
Independence ks 67301

PRESENT ZONING CLASSIFICATION:

R

STATEMENT OF INTENDED USE OF PROPERTY:

To build a building for educational learning center /
daycare.

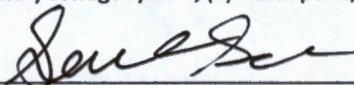
DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

See

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.

9-29-22

Date



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

**INDEPENDENCE
PLANNING & ZONING
COMMISSION**

**APPLICATION
FOR
REZONING**

1. Case #: _____
 2. Date Filed: _____
 3. Fee Paid: _____
 4. Hearing: _____
 5. Published: _____

To be filled out by applicant

1. Applicant's name: Sadie Sewell
 2. Applicant's address: 211 Taylor Rd, Independence KS Phone: 620-205-9921
 3. Address of property proposed for rezoning: 211 Taylor Rd, Independence KS 67301
 4. Present owner's name: Sadie Sewell
 5. Present zoning: R Proposed zoning: C1
 6. Legal description of property proposed for rezoning (if more space is required, use back of form):
A - DOSS, S 19, T-32 - R 16 - Lot 2

7. Present use of property (check one of the following): _____

(a) Vacant ☐ (b) Residential ☒ (c) Commercial ☐ (d) Industrial ☐

8. Desired use of property: Build building for educational learning center/Daycare

9. Use and zoning of adjacent property:

North: Use	<u>R</u>	Zoning	<u>R</u>
South: Use	<u>R</u>	Zoning	<u>R</u>
East: Use	<u>R</u>	Zoning	<u>R</u>
West: Use	<u>R</u>	Zoning	<u>R</u>

10. List reasons for this request:

To run a educational learning center/daycare

Date: 9-29-22

Signature: [Signature]

Planning Commission Action – do not write in this space

1. Facts found: _____

2. Determination: _____

CITY OF INDEPENDENCE

REC#: 01201657 9/29/2022 1:13 PM
OPER: JESS TERM: 001
REF#:

TRAN: 1.9000 VARIANCE
CONDITIONAL USE- REZONING
MISC FEES 200.00CR

TENDERED: 200.00 CHECK
APPLIED: 200.00-

CHANGE: 0.00



1 ARCHITECTURAL SITE PLAN - R1
1" = 10'-0"

ECHELON

ARCH + DESIGN

107 1/2 N. PENNSYLVANIA AVE.
SUITE 2F
INDEPENDENCE, KANSAS 67301
620-331-6171
www.EchelonAD.com

CERTIFIED BY

PRELIMINARY
DOCUMENTS FOR
REVIEW ONLY -

NOT FOR
CONSTRUCTION

NEW CONSTRUCTION

SEWELL DAYCARE

211 TAYLOR RD INDEPENDENCE, KS 67301

DRAWING

SITE PLAN - R1

MANAGER

MDB

DRAWN BY

SAC

REVISIONS

PROJECT NUMBER

22-85

DATE

9/28/2022

SHEET NUMBER

SD100

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1 ARCHITECTURAL SITE PLAN - C1
1" = 10'-0"

ECHELON

ARCH + DESIGN

107 1/2 N. PENNSYLVANIA AVE.
SUITE 2F
INDEPENDENCE, KANSAS 67301
620-331-6171
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PRELIMINARY
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REVIEW ONLY -

NOT FOR
CONSTRUCTION

NEW CONSTRUCTION

SEWELL DAYCARE

211 TAYLOR RD INDEPENDENCE, KS 67301

DRAWING

SITE PLAN - C1

MANAGER

MDB

DRAWN BY

SAC

REVISIONS

PROJECT NUMBER

22-85

DATE

9/28/2022

SHEET NUMBER

SD101

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City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, November 1, 2022, at 5:30 p.m.

To receive comments to consider rezoning a tract of land at 211 Taylor Road from R-1, large lot single-family dwelling district to C-1, neighborhood business district; and/or a conditional use permit for “Daycare Facilities” in an R-1, large lot single-family dwelling district.

Legal Description:

Lot 2, A Doss Addition to the City of Independence, Montgomery County, Kansas.

Common Address:

211 Taylor Road

Applicant/Owners:

Sadie Sewell

Case Number:

2022/ZA/06

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# 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



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
November 17, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting a resolution for a conditional use permit for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street.

SUMMARY RECOMMENDATION Adopt the resolution authorizing the conditional use permit.

BACKGROUND On November 1, 2022 the Planning Commission voted 5 - 0, with 1 abstaining, to recommend a conditional use permit with conditions for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street. The proposed resolution, draft minutes, and staff report to the Planning Commission are attached.

FINANCIAL INFORMATION A \$200 fee was received for the conditional use permit application.

SUGGESTED MOTION I move to accept the recommendation of the Planning Commission and adopt Resolution 2022-060 for a conditional use permit for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street.

SUPPORTING DOCUMENTS

1. RESOLUTION NO 2022-060 - CUP 305 S 10TH
2. 110122 PZ Minutes Draft
3. 11012022 - Staff Report to Planning Commission - CUP 305 S. 10th

RESOLUTION NO. 2022-060

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL NOT ELSEWHERE LISTED AT 305 SOUTH 10TH STREET.

WHEREAS, at a public hearing conducted on November 1, 2022, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit for a short-term rental in an R-3 zoned district at 305 South 10th Street.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Independence, Kansas:

The recommendation of the Independence Planning & Zoning Commission to issue a conditional use permit for a short term rental in an R-3 zoned district at 305 South 10th Street, is approved as hereinafter modified.

The property in question has the following legal description:

Lots 2, North 5' of Lot 3, Block 82, Original Plat to the City of Independence, Montgomery County, Kansas.

The applicant must meet the following requirements:

1. Off street parking will be provided on the applicant's private property.
2. Exterior lighting will not have an adverse effect by shining onto any neighboring properties.
3. The conditional use permit is not transferable to another property owner or to another location.
4. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes.

Adopted and approved by the Governing Body of the City of Independence,
Kansas, on this 17th day of November 2022.

(Attest)

Dean A. Hayse, Mayor

David Schwenker, City Clerk/City Treasurer

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

I. Call to Order

Present: Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard, Tim Haynes, Michelle Anderson

Absent: Anthony (Tony) Royse, Brent Littleton, Andy McLenon

Guests: George Eisele, Julie Eisele, Jason Elmore, Patrick Conway

II. Minutes

- a. Consider approving minutes of the October 4, 2022 meeting.

Motion:

On the motion of Tim Haynes, seconded by Kendall Neill the Commission approved the minutes of the October meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

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

- a. Public hearing to receive comments on a variance request to exceed size and number of signs in a C-3, business district zone at 113 E. Myrtle Street.

David Cowan requested the Board of Zoning Appeals to adjourn the public hearing to December 6, 2022.

Motion:

On the motion of Kendall Neill, seconded by Lisa Richard the Commission adjourned the public hearing to December 6, 2022.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

IV. Planning Commission

- a. Public hearing to receive comments to consider rezoning a tract of land at 211 Taylor Road from R-1, large lot single-family dwelling district to C-1, neighborhood business district; and/or a conditional use permit for a "Daycare Center" in an R-1, large lot single-family dwelling district.

Kendall Neill opened the public hearing.

Miranda Bruening spoke on behalf of Sadie Sewell saying that there are two

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

options, one to rezone the property and two to issue a conditional use permit. The applicant would like the property rezoned to a C-1, neighborhood business district.

Tim Haynes asked if there is an additional building to be built.

Miranda Bruening stated that the applicant wants a separate structure on the property. By building a separate structure, all fire code requirements will have to be met.

Lisa Richard asked about the difference in setbacks between C-1 and R-1 and Kendall Neill referred her to the packet.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved rezoning the R-1, large lot single-family dwelling district at 211 Taylor Road to C-1, neighborhood business district to allow a daycare center in the neighborhood.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

- b. Public hearing to receive comments on a request for a conditional use permit for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street.

Kendall Neill opened the public hearing.

George Eisele stated that he was the previous owner of this property and he had been issued a conditional use permit to operate as an Airbnb. He stated that it worked out very well for them, there were no incidents for anyone. He further stated that he thinks the community needs a place like that to stay. It sleeps approximately 7 people.

Lisa Richard asked if they had already sold the property and Mr. Eisele said yes. Lisa then stated that this is basically transferring a conditional use permit because the new owner did not come in before the Planning Commission.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Kendall Neill the Commission

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

approved a conditional use permit for "Short-term Rentals Not Elsewhere Listed" with the same conditions as previously included in Resolution No. 2019-037, to wit, The applicant must meet the following requirements: 1. Off street parking will be provided on the applicant's private property. 2. Exterior lighting will not have an adverse effect by shining onto any neighboring properties. 3. The conditional use permit is not transferable to another property owner or to another location. 4. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes, in an R-3, low density multi-family dwelling district at 305 S. 10th Street.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

Abstain: Rachel Lyon

- c. Public hearing to receive comments on a request for a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 West Laurel Street.

Kendall Neill opened the public hearing.

Miranda Bruening spoke on behalf of the applicant and stated that they wish to have a retail property management business in the front of the building and a 2 bedroom executive residence and private garage in the middle and rear of the building.

Lisa Richard asked which building is 113 West Laurel Street and Miranda said it is the Eagles building. The rear of the property had a horse carriage and they will preserve the doors.

Kendall Neill closed the public hearing.

Motion:

On the motion of Michelle Anderson, seconded by Tim Haynes the Commission approved the conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 West Laurel Street, with the added conditions in staff's recommendation, to wit, 1. The conditional use permit shall be issued solely to the applicant and/or property owner and is not transferable to another location. 2. With this conditional use permit, the storefront shall strictly be used for retail or service establishments dealing directly with consumers, defined for this conditional use permit as a property management company, with 888 square feet of the first-floor storefront to be used for the company with the remaining 2,368 square feet to be used as a 2 bedroom apartment and private garage. 3. The

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

residential area of 1,549 square feet in the center of the building must meet life safety and building code requirements. 4. The upper-story apartment must meet life safety and building code requirements. 5. Any additional exterior lighting on site will need to be approved by City staff. 6. IHPRC approval and a City Building Permit are required before work can begin.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

- d. Public hearing to receive comments on a request for a conditional use permit for "Coffee Roasting" in a C-3, central business district at 107-109 East Main Street.

Kendall Neill opened the public hearing.

Lisa Richard asked Jason Elmore if he had been told the conditions he would need to follow.

Jason Elmore said the only thing he would change on the conditions would be the daily roasting amount from 20 lbs to 25 lbs.

Lisa Richard said that the conditions seemed to be flexible and good for the neighborhood and asked if she amended the motion to 25 lbs would Jason be comfortable with that.

Jason Elmore said yes and that most all of the conditions he would meet anyway.

Kendall Neill closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission approved the conditional use permit for "Coffee Roasting" in a C-3, central business district at 107-109 East Main Street with the amended added conditions in Staff's recommendation, to wit, 1. The maximum amount of coffee beans that will be processed at this location will not exceed 50,000 pounds total per calendar year. Batches processed at any one time shall be not more than 25 pounds each. 2. The operation shall be accompanied by a retail component. 3. The applicant shall ensure that material efforts are made to substantially reduce coffee roasting odors, and any emissions from the site shall be in compliance with all laws and regulations. 4. The operation shall produce minimal off-site impacts and be compatible with office, retail and service uses. 5. The applicant will work with City staff to ensure the exhaust is vented in a manner to minimize impacts to residential units within the vicinity. 6. That no change in the coffee roasting equipment to increase

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

roasting capacity above 25 pounds shall be allowed unless approved by the Planning Commission following a public hearing. Modifications to equipment to improve exhaust quality may be considered as minor alterations by the Zoning Administrator following a recommendation by the Building Inspector.

7. The conditional use permit is not transferable to another property owner or to another location. 8. The applicant 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.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

Abstain: Rachel Lyon

V. Discussion

- a. Report on status of conditional use permit at 401 N. 8th Street

David Cowan said that the 401 N. 8th Street property owners have now finished with fencing and shrubbery and are in compliance with the conditional use permit.

- b. Status on budget for Comprehensive Plan.

Kendall Neill asked David Cowan about the budget and whether the update for the Comprehensive Plan was going through.

David Cowan stated that the budget had passed the City Commission with the update and Kelly Passauer would be sending out a request for proposals.

VI. Adjournment

Motion:

On the motion of Kendall Neill, seconded by Tim Haynes the Commission adjourned the meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

Kendall Neill, Chairperson

Tim Haynes, Secretary



REQUEST FOR PLANNING COMMISSION ACTION CONDITIONAL USE PERMIT CITY OF INDEPENDENCE NOVEMBER 1, 2022

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments on a request for a conditional use permit for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street.

SUMMARY RECOMMENDATION Approve a conditional use permit for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 S. 10th Street.

BACKGROUND The new owner wants to make 305 S. 10th Street into a VRBO (vacation rental by owner) or Airbnb, which falls under "Short-term Rentals Not Elsewhere Listed" and needs a conditional use permit in an R-3, low density multi-family dwelling district. There are no plans to change the architecture. This structure was previously granted a conditional use permit as a short term rental in 2019, and to staff's knowledge no issues occurred. Because there is a new owner, the conditional use permit is not transferrable and a new conditional use permit must be considered.

Short term rentals not elsewhere listed: A property or space offered for rent to a transient guest(s) for overnight stays consisting of 30 consecutive days or less that is not located in a hotel, tourist court, or motel.

Land Use Category	Code	Permitted Zoning District												
		A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
Short term rentals not elsewhere listed		C	C	C	C	C	C	C	C	P	P	P		

504.0. - R-3, low density multifamily dwelling district.

504.1. Intent: The intent of this district is to provide for areas moderate density residential development that would provide a transition between low density single-family and high density multifamily areas. The principal use of land is for two-family and three-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced residential area.

POLICY EXPLANATION 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.

ACTION BY THE PLANNING COMMISSION 902.2. *Action by the planning commission:* Upon receiving the application for conditional use permit from the zoning administrator, the planning commission shall publish notice and hold public hearing on the proposal. Procedures for public hearings shall be handled the same as a zoning amendment as described in [section 1603.0](#) of the zoning code. If the planning commission determines that additional information should be provided to it before making a decision, the planning commission may adjourn the public hearing to a new date and require the applicant to provide such additional information. The decision of the planning commission to recommend approval or denial of the proposed conditional use shall be based on any or all of the following criteria which the planning commission determines to be relevant:

- 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 or 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 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.
- 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 traffic hazards and to minimize traffic congestion in public streets and alleys.

902.3. *Additional requirements:* In consideration of requests for any conditional use permits the planning commission shall recommend to the governing body such conditions of use as it deems necessary to protect the best interests of the city, and the surrounding property and to achieve the objectives of this ordinance. These additional requirements shall include, but not be limited to, those special provisions applying the miscellaneous conditional uses, specified in article X.

A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance, and grounds for the zoning administrator to terminate and cancel such conditional use permit.

STAFF RECOMMENDATION Staff recommends approving a conditional use permit for "Short-term Rentals Not Elsewhere Listed" with the same conditions as previously included in Resolution No. 2019-037 in an R-3, low density multi-family dwelling district at 305 South 10th Street.

SUGGESTED MOTION I move to approve a conditional use permit for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street with the same conditions previously included in Resolution No. 2019-037

SUPPORTING DOCUMENTS

1. CUP 305 S. 10th Short Term Rental Application
2. Public Hearing Notice CUP 5 Short Term Rental

3. 2019-037 CUP - 305 SOUTH 10TH STREET AIRBNB

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED _____
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:
CURTIS STRUYK PO BOX 605 MOREHEAD CITY, NC 28557

LEGAL DESCRIPTION OF LAND INVOLVED:
RESIDENTIAL PROPERTY AT 305 S. 10TH STREET INDEPENDENCE, KS 67301

COMMON ADDRESS OF SAID LAND:
305 S. 10TH STREET INDEPENDENCE, KS 67301

PRESENT ZONING CLASSIFICATION: RESIDENTIAL

STATEMENT OF INTENDED USE OF PROPERTY:
SHORT TERM RENTAL PROPERTY, VRBO OR SIMILAR

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

No architectural changes per Jessica Tilton.

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.

9/12/22

Date

Curtis Struyk

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:

*Questions can be directed to Jessica -
734.945.1634 JTilton@tmxship.com*

Chairman

Vice Chairman

Secretary

CITY OF INDEPENDENCE

REC#: 01201304 9/26/2022 11:06 AM
OPER: JESS TERM: 001
REF#:

Conditional Use
VARIANCE

TRAN: 1.9000
305 S 10TH
MISC FEES 200.00CR

TENDERED: 200.00 CHECK
APPLIED: 200.00-

CHANGE: 0.00

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, November 1, 2022, at 5:30 p.m.

To receive comments on a request for a conditional use permit for “Short-term Rentals Not Elsewhere Listed” in an R-3, low density multi-family dwelling district at 305 South 10th Street.

Legal Description:

Lot 2, N 5’ Lot 3 Block 82, Original Plat to the City of Independence, Montgomery County, Kansas.

Common Address:

305 South 10th Street

Applicant/Owners:

Curtis Struyk

Case Number:

2022/CUP/05

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# 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

RESOLUTION NO. 2019-037

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL NOT ELSEWHERE LISTED AT 305 SOUTH 10TH STREET.

WHEREAS, at a public hearing conducted on September 3, 2019, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit for a short-term rental in an R-3 zoned district at 305 South 10th Street.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Independence, Kansas:

The recommendation of the Independence Planning & Zoning Commission to issue a conditional use permit for a short term rental in an R-3 zoned district at 305 South 10th Street, is approved as hereinafter modified.

The property in question has the following legal description:

Lots 2, North 5' of Lot 3, Block 82, Original Plat to the City of Independence, Montgomery County, Kansas.

The applicant must meet the following requirements:

1. Off street parking will be provided on the applicant's private property.
2. Exterior lighting will not have an adverse effect by shining onto any neighboring properties.
3. The conditional use permit is not transferable to another property owner or to another location.
4. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes.



State of Kansas, Montgomery County
This instrument was filed for
Record on September 30, 2019 2:09 PM
Recorded in Book 684 Page 971 - 972
Fee: \$0.00 201903305

Marilyn Calhoun
Marilyn Calhoun, Register of Deeds



RESOLUTION NO. 2019-037

Adopted and approved by the Governing Body of the City of Independence,
Kansas, on this 26th day of September 2019.

(Attest)

Louis Yano
Mayor

Dan Schuch
City Clerk/City Treasurer



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
November 17, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting a resolution for a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 W. Laurel Street.

SUMMARY RECOMMENDATION Accept the recommendation of the Planning Commission and authorize the conditional use permit.

BACKGROUND On November 1, 2022 the Planning Commission voted 6 - 0 to recommend a conditional use permit with conditions for single-family and multi-family dwellings in a C-3, central business district at 113 W. Laurel Street. The proposed resolution, draft minutes, and staff report to the Planning Commission are attached.

FINANCIAL INFORMATION A \$200 fee was paid for the conditional use permit application.

SUGGESTED MOTION I move to accept the recommendation of the Planning Commission and adopt Resolution 2022-061 for a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 W. Laurel Street.

SUPPORTING DOCUMENTS

1. Resolution 2022-061 - CUP - 113 W Laurel
2. 110122 PZ Minutes Draft
3. 11012022 - Staff Report to Planning Commission - CUP 113 W. Laurel

RESOLUTION NO. 2022 – 061

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR SINGLE-FAMILY AND MULTI-FAMILY DWELLINGS IN THE C-3, CENTRAL BUSINESS DISTRICT AT 113 WEST LAUREL STREET

WHEREAS, at a public hearing conducted on November 1, 2022, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit for single-family and multi-family dwellings in the C-3, central business district at 113 West Laurel Street.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Independence, Kansas:

The recommendation of the Independence Planning & Zoning Commission to issue a conditional use permit for single-family and multi-family dwellings in the C-3, central business district at 113 West Laurel Street, is approved as hereinafter modified.

The property in question has the following legal description:

E 30' N 10' Lot 16; E 30' Lots 17 & 18 Block 31, Original Plat to the City of Independence, Montgomery County, Kansas.

The applicant must meet the following requirements:

1. The conditional use permit shall be issued solely to the applicant and/or property owner and is not transferable to another location.
2. With this conditional use permit, the storefront shall strictly be used for retail or service establishments dealing directly with consumers, defined for this conditional use permit as a property management company, with 888 square feet of the first-floor storefront to be used for the company with the remaining 2,368 square feet to be used as a 2 bedroom apartment and private garage.
3. The residential area of 1,549 square feet in the center of the building must meet life safety and building code requirements.

4. The upper-story apartment(s) must meet life safety and building code requirements.
5. Any additional exterior lighting on site will need to be approved by City staff.
6. Independence Historic Preservation and Resource Commission approval and a City Building Permit are required before work can begin.

A violation of any of the conditions will constitute a violation of the Conditional Use Permit and could lead to its revocation.

Adopted and approved by the Governing Body of the City of Independence, Kansas, on this 17th day of November, 2022.

(Attest)

Dean A. Hayse, Mayor

David Schwenker, City Clerk

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

I. Call to Order

Present: Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard, Tim Haynes, Michelle Anderson

Absent: Anthony (Tony) Royse, Brent Littleton, Andy McLenon

Guests: George Eisele, Julie Eisele, Jason Elmore, Patrick Conway

II. Minutes

- a. Consider approving minutes of the October 4, 2022 meeting.

Motion:

On the motion of Tim Haynes, seconded by Kendall Neill the Commission approved the minutes of the October meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

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

- a. Public hearing to receive comments on a variance request to exceed size and number of signs in a C-3, business district zone at 113 E. Myrtle Street.

David Cowan requested the Board of Zoning Appeals to adjourn the public hearing to December 6, 2022.

Motion:

On the motion of Kendall Neill, seconded by Lisa Richard the Commission adjourned the public hearing to December 6, 2022.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

IV. Planning Commission

- a. Public hearing to receive comments to consider rezoning a tract of land at 211 Taylor Road from R-1, large lot single-family dwelling district to C-1, neighborhood business district; and/or a conditional use permit for a "Daycare Center" in an R-1, large lot single-family dwelling district.

Kendall Neill opened the public hearing.

Miranda Bruening spoke on behalf of Sadie Sewell saying that there are two

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

options, one to rezone the property and two to issue a conditional use permit. The applicant would like the property rezoned to a C-1, neighborhood business district.

Tim Haynes asked if there is an additional building to be built.

Miranda Bruening stated that the applicant wants a separate structure on the property. By building a separate structure, all fire code requirements will have to be met.

Lisa Richard asked about the difference in setbacks between C-1 and R-1 and Kendall Neill referred her to the packet.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved rezoning the R-1, large lot single-family dwelling district at 211 Taylor Road to C-1, neighborhood business district to allow a daycare center in the neighborhood.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

- b. Public hearing to receive comments on a request for a conditional use permit for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street.

Kendall Neill opened the public hearing.

George Eisele stated that he was the previous owner of this property and he had been issued a conditional use permit to operate as an Airbnb. He stated that it worked out very well for them, there were no incidents for anyone. He further stated that he thinks the community needs a place like that to stay. It sleeps approximately 7 people.

Lisa Richard asked if they had already sold the property and Mr. Eisele said yes. Lisa then stated that this is basically transferring a conditional use permit because the new owner did not come in before the Planning Commission.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Kendall Neill the Commission

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

approved a conditional use permit for "Short-term Rentals Not Elsewhere Listed" with the same conditions as previously included in Resolution No. 2019-037, to wit, The applicant must meet the following requirements: 1. Off street parking will be provided on the applicant's private property. 2. Exterior lighting will not have an adverse effect by shining onto any neighboring properties. 3. The conditional use permit is not transferable to another property owner or to another location. 4. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes, in an R-3, low density multi-family dwelling district at 305 S. 10th Street.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

Abstain: Rachel Lyon

- c. Public hearing to receive comments on a request for a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 West Laurel Street.

Kendall Neill opened the public hearing.

Miranda Bruening spoke on behalf of the applicant and stated that they wish to have a retail property management business in the front of the building and a 2 bedroom executive residence and private garage in the middle and rear of the building.

Lisa Richard asked which building is 113 West Laurel Street and Miranda said it is the Eagles building. The rear of the property had a horse carriage and they will preserve the doors.

Kendall Neill closed the public hearing.

Motion:

On the motion of Michelle Anderson, seconded by Tim Haynes the Commission approved the conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 West Laurel Street, with the added conditions in staff's recommendation, to wit, 1. The conditional use permit shall be issued solely to the applicant and/or property owner and is not transferable to another location. 2. With this conditional use permit, the storefront shall strictly be used for retail or service establishments dealing directly with consumers, defined for this conditional use permit as a property management company, with 888 square feet of the first-floor storefront to be used for the company with the remaining 2,368 square feet to be used as a 2 bedroom apartment and private garage. 3. The

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

residential area of 1,549 square feet in the center of the building must meet life safety and building code requirements. 4. The upper-story apartment must meet life safety and building code requirements. 5. Any additional exterior lighting on site will need to be approved by City staff. 6. IHPRC approval and a City Building Permit are required before work can begin.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

- d. Public hearing to receive comments on a request for a conditional use permit for "Coffee Roasting" in a C-3, central business district at 107-109 East Main Street.

Kendall Neill opened the public hearing.

Lisa Richard asked Jason Elmore if he had been told the conditions he would need to follow.

Jason Elmore said the only thing he would change on the conditions would be the daily roasting amount from 20 lbs to 25 lbs.

Lisa Richard said that the conditions seemed to be flexible and good for the neighborhood and asked if she amended the motion to 25 lbs would Jason be comfortable with that.

Jason Elmore said yes and that most all of the conditions he would meet anyway.

Kendall Neill closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission approved the conditional use permit for "Coffee Roasting" in a C-3, central business district at 107-109 East Main Street with the amended added conditions in Staff's recommendation, to wit, 1. The maximum amount of coffee beans that will be processed at this location will not exceed 50,000 pounds total per calendar year. Batches processed at any one time shall be not more than 25 pounds each. 2. The operation shall be accompanied by a retail component. 3. The applicant shall ensure that material efforts are made to substantially reduce coffee roasting odors, and any emissions from the site shall be in compliance with all laws and regulations. 4. The operation shall produce minimal off-site impacts and be compatible with office, retail and service uses. 5. The applicant will work with City staff to ensure the exhaust is vented in a manner to minimize impacts to residential units within the vicinity. 6. That no change in the coffee roasting equipment to increase

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

roasting capacity above 25 pounds shall be allowed unless approved by the Planning Commission following a public hearing. Modifications to equipment to improve exhaust quality may be considered as minor alterations by the Zoning Administrator following a recommendation by the Building Inspector.

7. The conditional use permit is not transferable to another property owner or to another location. 8. The applicant 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.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

Abstain: Rachel Lyon

V. Discussion

- a. Report on status of conditional use permit at 401 N. 8th Street

David Cowan said that the 401 N. 8th Street property owners have now finished with fencing and shrubbery and are in compliance with the conditional use permit.

- b. Status on budget for Comprehensive Plan.

Kendall Neill asked David Cowan about the budget and whether the update for the Comprehensive Plan was going through.

David Cowan stated that the budget had passed the City Commission with the update and Kelly Passauer would be sending out a request for proposals.

VI. Adjournment

Motion:

On the motion of Kendall Neill, seconded by Tim Haynes the Commission adjourned the meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

Kendall Neill, Chairperson

Tim Haynes, Secretary



**REQUEST FOR PLANNING COMMISSION ACTION
CONDITIONAL USE PERMIT
CITY OF INDEPENDENCE
NOVEMBER 1, 2022**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments on a request for a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 West Laurel Street.

SUMMARY RECOMMENDATION Approve a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 West Laurel Street.

BACKGROUND Chris Stemler/Trident Partnerships is wanting to renovate the building at 113 West Laurel Street for commercial use on the street side front of the building, residential use in the middle of the building and private garage at the back of the building on the first floor.

511.0. - C-3, central business district.

511.1. Intent: District C-3 is intended primarily for major business services and retail business activity related to the core of the central business district serving the metropolitan trade area. Because this district is a major employment and shopping area within the community, relatively large building volumes and high residential density is permitted for transient and apartment accommodations. The high volume of pedestrian movement generated within this district will be facilitated as much as possible by the separation of pedestrian and vehicular traffic.

POLICY EXPLANATION 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.

ACTION BY THE PLANNING COMMISSION Upon receiving the application for conditional use permit from the zoning administrator, the planning commission shall publish notice and hold public hearing on the proposal. Procedures for public hearings shall be handled the same as a zoning amendment as described in [section 1603.0](#) of the zoning code. If the planning commission determines that additional information should be provided to it before making a decision, the planning commission may adjourn the public hearing to a new date and require the applicant to provide such additional information. The decision of the planning commission to recommend approval or denial of the proposed conditional use shall be based on any or all of the following criteria which the planning commission determines to be relevant:

- 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 or 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 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.
- 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 traffic hazards and to minimize traffic congestion in public streets and alleys.

902.3. Additional requirements: In consideration of requests for any conditional use permits the planning commission shall recommend to the governing body such conditions of use as it deems necessary to protect the best interests of the city, and the surrounding property and to achieve the objectives of this ordinance. These additional requirements shall include, but not be limited to, those special provisions applying the miscellaneous conditional uses, specified in article X.

A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance, and grounds for the zoning administrator to terminate and cancel such conditional use permit.

STAFF RECOMMENDATION This is an existing structure in the Downtown Historic District. The property owner wants to use 888 square feet in the storefront to serve as retail as a property management company. He wants to use the first-floor center 1,549 square foot area as a 2 bedroom executive residence and the alley area, 819 square feet, as a private garage. The upstairs will be used as a single-family residence for rental. In reviewing the policies included in the comprehensive plan and provisions of Section 901 of the zoning ordinance, the Planning Commission must consider whether the intended use of this tract will be compatible with other adjoining uses and code requirements. In reviewing the building codes and life safety, the sleeping area is allowed in the middle of the building because there is egress. The store front of this structure must be retained for commercial purposes in order to maintain the character of the downtown as included in Policy C15 of the Comprehensive Plan. This would include a

retail or service type business that must occupy 888 square feet or more of the 1st floor space.

Staff's recommendation is to approve the conditional use permit with the following conditions:

1. The conditional use permit shall be issued solely to the applicant and/or property owner and is not transferable to another location.
2. With this conditional use permit, the storefront shall strictly be used for retail or service establishments dealing directly with consumers, defined for this conditional use permit as a property management company, with 888 square feet of the first-floor storefront to be used for the company with the remaining 2,368 square feet to be used as a 2 bedroom apartment and private garage.
3. The residential area of 1,549 square feet in the center of the building must meet life safety and building code requirements.
4. The upper-story apartment must meet life safety and building code requirements.
5. Any additional exterior lighting on site will need to be approved by City staff.
6. IHPRC approval and a City Building Permit are required before work can begin.

SUGGESTED MOTION I move to approve a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 West Laurel Street, with the added conditions in staff's recommendation.

SUPPORTING DOCUMENTS

1. 113 W Laurel CUP Application
2. Public Hearing Notice CUP 7 First Floor Resident 113 W Laurel

**APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION**

DATE FILED _____
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Echelon Arch + Design-PO BOX 373 Independence, KS 67301 on Behalf of Chris Stemler-Trident Partnerships
113 W. Laurel Independence, KS 67301

LEGAL DESCRIPTION OF LAND INVOLVED:

ORIG PLAT, S31, T32, R16, E 30' N 10' LT 16; E 30' LTS 17 & 18 BLK 31; LOT WIDTH: 630.0 LOT DEPTH:
130.0 Plat Book/Page 1 /6&7 Deed Book/Page 634 /506 601 /1169 569 /624 380 /244 095 /251

COMMON ADDRESS OF SAID LAND:

113 W. Laurel Independence, KS 67301

PRESENT ZONING CLASSIFICATION: C

STATEMENT OF INTENDED USE OF PROPERTY:

Renovation of building for commercial use on street facing side and residential use in the back of the building on
the first floor.

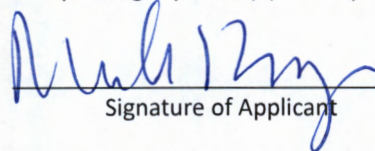
DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

Type V-B

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.

10/3/2022

Date


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:

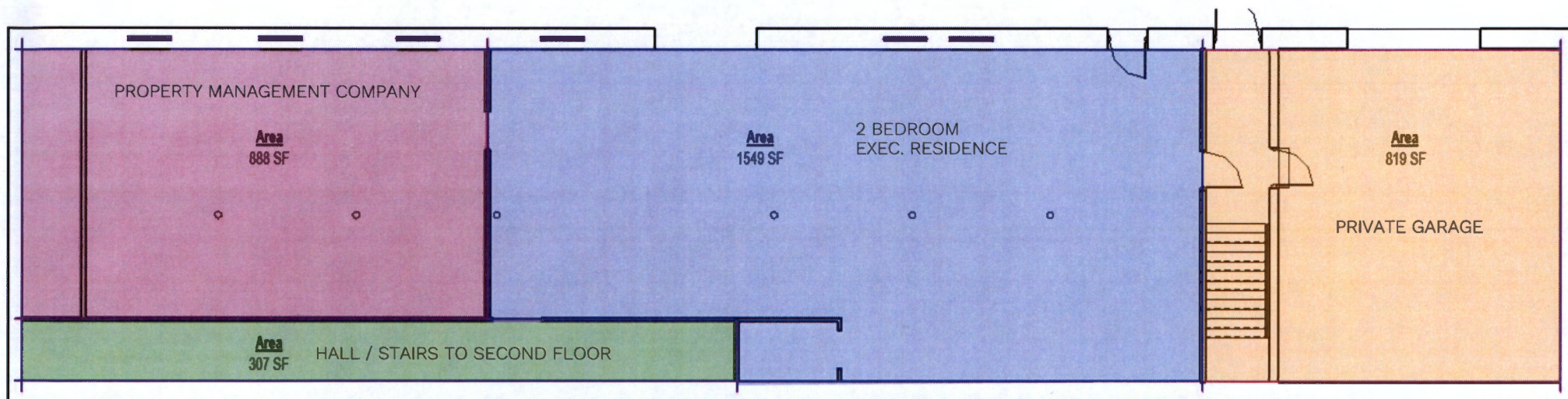
(Approved, Denied --- Date)

Comments:

Chairman

Vice Chairman

Secretary



CITY OF INDEPENDENCE

REC#: 01202220 10/03/2022 11:04 AM
OPER: JESS TERM: 001
REF#:

ACCT #: XXXX-XXXX-XXX1-018
AUTH #: 890298
TRAN #: 000782799996

TYPE: PURCHASE
APP NAME: American Express
ENTRY MODE: CHIP

AMOUNT USD\$ 200.00

EMV DETAILS:
AC: 9519D95E4750A76E

TRAN: 1.9000 VARIANCE
113 W LAUREL
CONDITIONAL USE PERMIT
MISC FEES 200.00CR

TENDERED: 200.00 CREDIT CARD
APPLIED: 200.00-

CHANGE: 0.00

CHARGE TOTAL:
200.00

Cardmember acknowledges receipt of
goods and/or services in the amount of
the total shown hereon and agrees to
perform the obligations set forth by the
cardmember's agreement with the issuer.

X _____

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, November 1, 2022, at 5:30 p.m.

To receive comments on a request for a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 West Laurel Street.

Legal Description:

E 30' N 10' Lot 16; E 30' Lots 17 & 18 Block 31, Original Plat to the City of Independence, Montgomery County, Kansas.

Common Address:

113 West Laurel Street

Applicant/Owners:

Chris Stemler

Case Number:

2022/CUP/07

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# 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



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
November 17, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting a resolution for a conditional use permit for "coffee roasting and coffee products – small scale roasting and retail sales" in a C-3, central business district at 107-109 E. Main Street.

SUMMARY RECOMMENDATION Adopt the resolution as recommended by the Planning Commission.

BACKGROUND On November 1, 2022 the Planning Commission voted 5 - 0, with 1 abstaining, to recommend a conditional use permit with conditions for coffee roasting and coffee products – small scale roasting and retail sales at 107 - 109 East Main Street. The proposed resolution, draft minutes, staff report to the Planning Commission, and ordinance establishing "coffee roasting and coffee products – small scale roasting and retail sales" as a conditional use permit in the C-3 district are attached.

FINANCIAL INFORMATION An application fee of \$200 was received for the processing of the conditional use permit application.

SUGGESTED MOTION I move to accept the recommendation of the Planning Commission and adopt Resolution 2022-062 for a conditional use permit for "coffee roasting and coffee products – small scale roasting and retail sales" in a C-3, central business district at 107-109 E. Main Street.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-062 - CUP - COFFEE ROASTING - 107-109 E Main
2. 110122 PZ Minutes Draft
3. 11012022 - Staff Report to Planning Commission - CUP 107-109 E. Main
4. 4413 - Small Scale Coffee Roasting

RESOLUTION 2022-062

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR COFFEE ROASTING AND COFFEE PRODUCTS – SMALL SCALE ROASTING AND RETAIL SALES AT 107 – 109 EAST MAIN STREET

WHEREAS, at a public hearing conducted on November 1, 2022, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit for coffee roasting and coffee products – small scale roasting and retail sales at 107 – 109 East Main Street.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Independence, Kansas:

The recommendation of the Independence Planning & Zoning Commission to issue a conditional use permit for coffee roasting and coffee products – small scale roasting and retail sales at 107 – 109 East Main Street, is approved as hereinafter modified.

The property in question has the following legal description:

Lots 8 & 9; E70' Lot 13 Ex N 13' of E 25' Block 54, Original Plat to the City of Independence, Montgomery County, Kansas.

The applicant must meet the following requirements:

1. The maximum amount of coffee beans that will be processed at this location will not exceed 50,000 pounds total per calendar year. Batches processed at any one time shall be less than 25 pounds each.
2. The operation shall be accompanied by a retail component.
3. The applicant shall ensure that material efforts are made to substantially reduce coffee roasting odors, and any emissions from the site shall be in compliance with all laws and regulations.
4. The operation shall produce minimal off-site impacts and be compatible with office, retail and service uses.
5. The applicant will work with City staff to ensure the exhaust is vented in a manner to minimize impacts to residential units within the vicinity.

6. That no change in the coffee roasting equipment to increase roasting capacity above 25 pounds shall be allowed unless approved by the Planning Commission following a public hearing. Modifications to equipment to improve exhaust quality may be considered as minor alterations by the Zoning Administrator following a recommendation by the Building Inspector.
7. The conditional use permit is not transferable to another property owner or to another location.
8. The applicant 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.

Adopted and approved by the Governing Body of the City of Independence, Kansas, on this 17th day of November, 2022.

(Attest)

Dean A. Hayse, Mayor

David Schwenker, City Clerk

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

I. Call to Order

Present: Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard, Tim Haynes, Michelle Anderson

Absent: Anthony (Tony) Royse, Brent Littleton, Andy McLenon

Guests: George Eisele, Julie Eisele, Jason Elmore, Patrick Conway

II. Minutes

- a. Consider approving minutes of the October 4, 2022 meeting.

Motion:

On the motion of Tim Haynes, seconded by Kendall Neill the Commission approved the minutes of the October meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

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

- a. Public hearing to receive comments on a variance request to exceed size and number of signs in a C-3, business district zone at 113 E. Myrtle Street.

David Cowan requested the Board of Zoning Appeals to adjourn the public hearing to December 6, 2022.

Motion:

On the motion of Kendall Neill, seconded by Lisa Richard the Commission adjourned the public hearing to December 6, 2022.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

IV. Planning Commission

- a. Public hearing to receive comments to consider rezoning a tract of land at 211 Taylor Road from R-1, large lot single-family dwelling district to C-1, neighborhood business district; and/or a conditional use permit for a "Daycare Center" in an R-1, large lot single-family dwelling district.

Kendall Neill opened the public hearing.

Miranda Bruening spoke on behalf of Sadie Sewell saying that there are two

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

options, one to rezone the property and two to issue a conditional use permit. The applicant would like the property rezoned to a C-1, neighborhood business district.

Tim Haynes asked if there is an additional building to be built.

Miranda Bruening stated that the applicant wants a separate structure on the property. By building a separate structure, all fire code requirements will have to be met.

Lisa Richard asked about the difference in setbacks between C-1 and R-1 and Kendall Neill referred her to the packet.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved rezoning the R-1, large lot single-family dwelling district at 211 Taylor Road to C-1, neighborhood business district to allow a daycare center in the neighborhood.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

- b. Public hearing to receive comments on a request for a conditional use permit for "Short-term Rentals Not Elsewhere Listed" in an R-3, low density multi-family dwelling district at 305 South 10th Street.

Kendall Neill opened the public hearing.

George Eisele stated that he was the previous owner of this property and he had been issued a conditional use permit to operate as an Airbnb. He stated that it worked out very well for them, there were no incidents for anyone. He further stated that he thinks the community needs a place like that to stay. It sleeps approximately 7 people.

Lisa Richard asked if they had already sold the property and Mr. Eisele said yes. Lisa then stated that this is basically transferring a conditional use permit because the new owner did not come in before the Planning Commission.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Kendall Neill the Commission

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

approved a conditional use permit for "Short-term Rentals Not Elsewhere Listed" with the same conditions as previously included in Resolution No. 2019-037, to wit, The applicant must meet the following requirements: 1. Off street parking will be provided on the applicant's private property. 2. Exterior lighting will not have an adverse effect by shining onto any neighboring properties. 3. The conditional use permit is not transferable to another property owner or to another location. 4. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes, in an R-3, low density multi-family dwelling district at 305 S. 10th Street.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

Abstain: Rachel Lyon

- c. Public hearing to receive comments on a request for a conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 West Laurel Street.

Kendall Neill opened the public hearing.

Miranda Bruening spoke on behalf of the applicant and stated that they wish to have a retail property management business in the front of the building and a 2 bedroom executive residence and private garage in the middle and rear of the building.

Lisa Richard asked which building is 113 West Laurel Street and Miranda said it is the Eagles building. The rear of the property had a horse carriage and they will preserve the doors.

Kendall Neill closed the public hearing.

Motion:

On the motion of Michelle Anderson, seconded by Tim Haynes the Commission approved the conditional use permit for single-family and multi-family dwellings in a C-3, central business district at 113 West Laurel Street, with the added conditions in staff's recommendation, to wit, 1. The conditional use permit shall be issued solely to the applicant and/or property owner and is not transferable to another location. 2. With this conditional use permit, the storefront shall strictly be used for retail or service establishments dealing directly with consumers, defined for this conditional use permit as a property management company, with 888 square feet of the first-floor storefront to be used for the company with the remaining 2,368 square feet to be used as a 2 bedroom apartment and private garage. 3. The

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

residential area of 1,549 square feet in the center of the building must meet life safety and building code requirements. 4. The upper-story apartment must meet life safety and building code requirements. 5. Any additional exterior lighting on site will need to be approved by City staff. 6. IHPRC approval and a City Building Permit are required before work can begin.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

- d. Public hearing to receive comments on a request for a conditional use permit for "Coffee Roasting" in a C-3, central business district at 107-109 East Main Street.

Kendall Neill opened the public hearing.

Lisa Richard asked Jason Elmore if he had been told the conditions he would need to follow.

Jason Elmore said the only thing he would change on the conditions would be the daily roasting amount from 20 lbs to 25 lbs.

Lisa Richard said that the conditions seemed to be flexible and good for the neighborhood and asked if she amended the motion to 25 lbs would Jason be comfortable with that.

Jason Elmore said yes and that most all of the conditions he would meet anyway.

Kendall Neill closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission approved the conditional use permit for "Coffee Roasting" in a C-3, central business district at 107-109 East Main Street with the amended added conditions in Staff's recommendation, to wit, 1. The maximum amount of coffee beans that will be processed at this location will not exceed 50,000 pounds total per calendar year. Batches processed at any one time shall be not more than 25 pounds each. 2. The operation shall be accompanied by a retail component. 3. The applicant shall ensure that material efforts are made to substantially reduce coffee roasting odors, and any emissions from the site shall be in compliance with all laws and regulations. 4. The operation shall produce minimal off-site impacts and be compatible with office, retail and service uses. 5. The applicant will work with City staff to ensure the exhaust is vented in a manner to minimize impacts to residential units within the vicinity. 6. That no change in the coffee roasting equipment to increase

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 1,
2022 Meeting**

roasting capacity above 25 pounds shall be allowed unless approved by the Planning Commission following a public hearing. Modifications to equipment to improve exhaust quality may be considered as minor alterations by the Zoning Administrator following a recommendation by the Building Inspector.

7. The conditional use permit is not transferable to another property owner or to another location. 8. The applicant 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.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

Abstain: Rachel Lyon

V. Discussion

- a. Report on status of conditional use permit at 401 N. 8th Street

David Cowan said that the 401 N. 8th Street property owners have now finished with fencing and shrubbery and are in compliance with the conditional use permit.

- b. Status on budget for Comprehensive Plan.

Kendall Neill asked David Cowan about the budget and whether the update for the Comprehensive Plan was going through.

David Cowan stated that the budget had passed the City Commission with the update and Kelly Passauer would be sending out a request for proposals.

VI. Adjournment

Motion:

On the motion of Kendall Neill, seconded by Tim Haynes the Commission adjourned the meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Kendall Neill, Lisa Richard

Nay: None

Kendall Neill, Chairperson

Tim Haynes, Secretary



**REQUEST FOR PLANNING COMMISSION ACTION
CONDITIONAL USE PERMIT
CITY OF INDEPENDENCE
NOVEMBER 1, 2022**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments on a request for a conditional use permit for "Coffee Roasting" in a C-3, central business district at 107-109 East Main Street.

SUMMARY RECOMMENDATION Approve a conditional use permit, with restrictions, for "Coffee Roasting" in a C-3, central business district at 107-109 East Main Street.

BACKGROUND Jason Elmore would like to roast coffee and sell it at 107-109 East Main Street. He will begin by using a 5 lb electric roaster and wants to expand to a 12 lb electric roaster. They are both in house Air/Fluid Bed Roasters used in coffee shops. Green coffee beans are put into the roaster and the blower pushes the heated air into the hopper, heating and circulating the green coffee beans. Once it reaches optimal heating temperatures, the beans are dropped into a cooling tray which pulls the remaining heat off the beans within minutes. The cooling tray blower pulls the heat from the hopper while the beans are roasting, thus venting the whole process. They plan to vent the roaster through the roof using a double walled vent pipe. Per the manufacturer, they are able to vent as high as necessary to meet the code. Also, the equipment's footprint and venting pipe size meets manufacturer standards. An afterburner is not necessary due to the small volume of roasting and the height of the vent. If the company were to roast any significant amount of coffee, say 50,000 lbs, they would purchase a roasting facility in an industrial area. The company currently uses a chaff collection system and will be adding a second dust collection system to the process.

POLICY EXPLANATION 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.

ACTION BY THE PLANNING COMMISSION Upon receiving the application for conditional use permit from the zoning administrator, the planning commission shall publish notice and hold public hearing on the proposal. Procedures for public hearings shall be handled the same as a zoning amendment as described in [section 1603.0](#) of the zoning code. If the planning commission determines that additional information should be provided to it before making a decision, the planning commission may adjourn the public hearing to a new date and require the applicant to provide such additional information. The decision of the planning commission to recommend approval or denial of the proposed conditional use shall be based on any or all of the following criteria which the planning commission determines to be relevant:

- 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 or 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 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.
- 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 traffic hazards and to minimize traffic congestion in public streets and alleys.

902.3. Additional requirements: In consideration of requests for any conditional use permits the planning commission shall recommend to the governing body such conditions of use as it deems necessary to protect the best interests of the city, and the surrounding property and to achieve the objectives of this ordinance. These additional requirements shall include, but not be limited to, those special provisions applying the miscellaneous conditional uses, specified in article X.

A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance, and grounds for the zoning administrator to terminate and cancel such conditional use permit.

STAFF RECOMMENDATION Staff recommends approving the conditional use, adding the following conditions to those already listed:

1. The maximum amount of coffee beans that will be processed at this location will not exceed 50,000 pounds total per calendar year. Batches processed at any one time shall be less than 20 pounds each.
2. The operation shall be accompanied by a retail component.
3. The applicant shall ensure that material efforts are made to substantially reduce coffee roasting odors, and any emissions from the site shall be in compliance with all laws and regulations.

4. The operation shall produce minimal off-site impacts and be compatible with office, retail and service uses.
5. The applicant will work with City staff to ensure the exhaust is vented in a manner to minimize impacts to residential units within the vicinity.
6. That no change in the coffee roasting equipment to increase roasting capacity shall be allowed unless approved by the Planning Commission following a public hearing. Modifications to equipment to improve exhaust quality may be considered as minor alterations by the Zoning Administrator following a recommendation by the Building Inspector.
7. The conditional use permit is not transferable to another property owner or to another location.
8. The applicant 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.

SUGGESTED MOTION I move to approve the conditional use permit for "Coffee Roasting" in a C-3, central business district at 107-109 East Main Street with the added conditions in Staff's recommendation.

SUPPORTING DOCUMENTS

1. 107-109 E Main St CUP Application Coffee Roasting
2. Public Hearing Notice CUP 6 Coffee Roasting
3. 6 lb coffee roaster (Sample Only - Not Actual Roaster)
4. 12 lb coffee roaster (Sample Only - Not Actual Roaster)

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSIONDATE FILED _____
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Jason & Erika Elmore
700 W. Beech St. Independence, KS 67301

LEGAL DESCRIPTION OF LAND INVOLVED:

ORIG PLAT, S31, T32, R16, LOTS 8+9, E 70' LOT 13 EX N 13' OF E 25' BLK; LOT WIDTH:
046.0 LOT DEPTH: 116.0 PLAT Book/Page 1 / 6+7 Deed Book/Page 677/1254 578/24 513/217 483/574 368/290

COMMON ADDRESS OF SAID LAND:

109+107 E MAIN ST, Independence, KS 67301PRESENT ZONING CLASSIFICATION: C

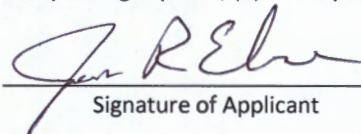
STATEMENT OF INTENDED USE OF PROPERTY:

We are planning to open both a coffee roasting business alongside a
coffee shop. We understand to roast our coffee, in-house, we
must apply for a conditional use permit.

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

N/A

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.

Oct. 3, 2022
Date
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#: 01202135 10/03/2022 9:26 AM
OPER: JESS TERM: 001
REF#:

TRAN: 1.9000 VARIANCE
~~700 W BEECH~~ 109 E Main
CONDITIONAL USE PERMIT
MISC FEES 200.00CR

TENDERED: 200.00 CHECK
APPLIED: 200.00-

CHANGE: 0.00

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, November 1, 2022, at 5:30 p.m.

To receive comments on a request for a conditional use permit for “Coffee Roasting” in a C-3, central business district at 107-109 East Main Street.

Legal Description:

Lots 8 & 9; E70’ Lot 13 Ex N 13’ of E 25’ Block 54, Original Plat to the City of Independence, Montgomery County, Kansas.

Common Address:

107-109 East Main Street

Applicant/Owners:

Jason and Erika Elmore

Case Number:

2022/CUP/06

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

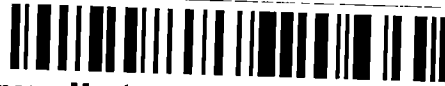
Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

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







State of Kansas, Montgomery County
This instrument was filed for
Record on October 31, 2022 11:21 AM
Recorded in Book 720 Page 857 - 857
Fee: \$0.00 202204072



Marilyn Calhoun
Marilyn Calhoun, Register of Deeds

ORDINANCE NO. 4413

**An Ordinance Having to do with Small Scale Coffee Roasting
In the C-3 Central Business District.**

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. Zoning code, Appendix A, Listing of Permitted and Conditional Uses, is amended to add the following new use as a conditional use in the C-3 district:

Coffee roasting and coffee products – small scale roasting and retail sales (annual roasting volume not to exceed 100,000 lbs).

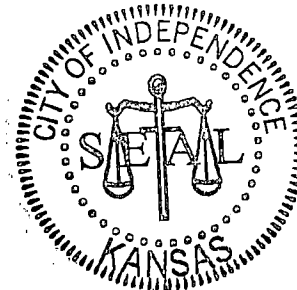
Section 2. This ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 26th day of October, 2022.


DEAN A. HAYSE, Mayor

ATTEST:


DAVID W. SCHWENKER, City Clerk





Report
CITY OF INDEPENDENCE
November 17, 2022

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Monthly Public Works and Projects Report

BACKGROUND

SUPPORTING DOCUMENTS

1. Project Status 11-2022CC

	Project Title	Project Description/Scope	Approx. Cost (000's)	Grant Portion	Arch. or Eng. Partner	Status	Last Month Progress	Next Month Plan/Issues	Projected Const Start	Projected Compl.
1	KDOT CCLIP	Main Street - 8th to 2nd, two projects	\$1,000	\$800	TranSystems	Pre-design.	CCLIP funds accepted.	Prepare contracts with TranSystems.	3Q23	2Q24
2	Transp. Alt. Grant	8' sidewalk to Wal-Mart	\$1,350	\$980	TranSystems	Pre-design.	Grant awarded, accepted	Prepare contracts with TranSystems.	1Q24	2Q24
3	Zoo and Park Power	Move power feed for Zoo and Park underground	\$300		PEC	Alternative review.	Scope revised with Evergy.	Receive draft final report.	1Q22	4Q22
4	Zoo Master Plan	Create Master Plan for the future of the Zoo.	\$80		PGAV	Alternative review.	Final draft review held, comments being incorporated.	RCA for Master Plan adoption.	4Q21	4Q22
5	Communication Tower	Build new communication tower for emergency services north of historic City Hall.	TBD	TBD	TUSA	Alternative review.	Reviewing scope alternatives.	Cancel project, move to digital UHF system at substantially lower cost.	TBD	TBD
6	Parking Lot N. of City Hall	Design and construct new parking lot north of historic City Hall.	\$600	TBD	Treanor	Alternative review.	Prepare alternatives table.	Evaluating alternatives.	1Q23	2Q23
7	Central Park	New soccer fields, revamp existing ball fields.	\$7,500	TBD	Indigo	Design in progress.	On hold.	RCA for grant acceptance, bid in December.	1Q23	4Q23
8	CCLIP Grant	Reconstruct Penn from Morningside to City Limits	\$500	\$370	TranSystems	Pre-bid.	Final comments from KDOT received.	Prepare bid documents, RCA for bid.	1Q23	2Q23
9	CCLIP Grant	Mill and overlay Chestnut from 9th to Penn	\$220	\$150	TranSystems	Pre-bid.	Final comments from KDOT received.	Prepare bid documents, RCA for bid.	1Q23	2Q23
10	Waterline/Meter Project	New Water Meters, Replace Some Water Main	\$3,400		PEC	Design complete.	100% plan review, in to KDHE.	Awaiting KDHE approval. RFP prepared for inspection.	1Q23	3Q23
11	Water Plant Next Phase	Water Plant Capital Work Per Master Plan	\$6,000		PEC	Design complete.	Reviewing/incorporating scope additions per KDHE.	Responding to additional KDHE requests. RFP prepared for residual	1Q23	4Q26
12	KDHE Wastewater Loan	New sewer lines around 1st and Birch and around the Westminster area.	\$3,000		TranSystems	Pre-bid.	Waiting on final loan document (waiting on KDHE). Working on obtaining easements.	Receive final loan document (waiting on KDHE). Working on obtaining easements, six left. Preparing contract	1Q23	2Q23
13	Water Tower Maint.	Maintain and Coat North Water Tower	\$240		N/A	Pre-construction.	Work in Spring, 2023.	Prepare RCA for logo addition.	1Q23	2Q23
14	Evidence Building	Buildout of existing building for evidence storage.	\$180		Echelon	In construction.	In construction.	Occupy mid-December.	3Q22	1Q23
15	CDBG	Lakeview lift station, I and I abatement.	\$1,700	\$700	TranSystems	In construction.	Working Lakeview new structure, set concrete. Started sewer lining.	Continue lift station, lining work.	3Q22	2Q23
16	City Hall/Fire/EMS	Refinish City Hall, construct new Fire/EMS personnel spaces.	\$10,000		Treanor	In construction.	Construction in progress.	Construction in progress, start City Hall work; working interiors at EMS.	1Q22	2Q23
17	Enterprise Drive	Buildout of street, utilities	\$1,700	\$1,100	TranSystems	In construction.	Easements complete.	Start remaining intersection work.	1Q22	4Q22
18	KDOT: Maple Street Cost Share	Complete rebuild, 17th Street to City Limits	\$3,100	\$1,600	TranSystems	In construction.	RR permits approved. Change order cost received.	Complete paving, open road fully to public. Review and decide on storm sewer change order.	1Q22	1Q23
A	Airport Terminal	Upgrades/Remodel	\$100	TBD	In-House	Hold.	RCA for FAA terminal replacement.	Apply for grant, wait.	TBD	TBD
B	Whiskey Creek	Artificial lake for runoff water impoundment	TBD		TranSystems	Hold.	Fifth meeting in July.	Sixth meeting TBD.	TBD	TBD
C	KDOT Bridge Grant	Replace Cherry Street bridge with box culvert.	\$400	TBD	TranSystems	Hold.	New grant application submitted.	Wait.	TBD	TBD
D	KDOT KAIP	Airport Projects	TBD	TBD	Lochner	Prepare Grant.	RCA to Commission.	Grant applied for. Wait.	TBD	TBD
E	Public Works Building	New building for Water, Street, and Sanitation	\$4,000		Echelon	Hold.	Hold.	Hold.	TBD	TBD
F	Airport	Paving at airport to support business.	\$900	\$900	TranSystems	Applied for.	Grant application not approved.	Revised scope, proposal from VSE.	TBD	TBD

Green shade denotes changed/new information from last month.