



Tuesday, November 14, 2023
Civic Center, Memorial Hall 5:30 PM

Independence Planning Commission/Board of Zoning Appeals

To join by Conference Call dial:1-785-289-4727 Conference ID: 652-632-373#

I. CALL TO ORDER

II. MINUTES

- a. Consider approving minutes of the September 5, 2023 Planning Commission/Board of Zoning Appeals meeting.

III. PLANNING COMMISSION

- a. Public Hearing to receive comments on a request for a conditional use permit for "utility substations not elsewhere listed" in an R-4, medium density multifamily dwelling district at 401 North 10th Street.
- b. Public Hearing to receive comments on a request for a conditional use permit for an "Accessory use not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d." in an R-4, medium density multifamily dwelling district at 200 South 5th Street/301 East Maple Street. The specific accessory use requested is a storage shed to serve the primary structure located across the street at 308 East Maple Street, which is also in an R-4, medium density multifamily dwelling district.
- c. Public hearing to receive comments to consider rezoning a tract of land at 2700 West Main Street from C-4, highway commercial district to M-1, light industrial district; and to receive comments on a request for a conditional use permit for "Retail trade not elsewhere listed".
- d. Public Hearing to receive comments on a request for a conditional use permit for "Retail trade not elsewhere listed" at 2700 W. Main Street.
- e. Consider rescheduling the December 5, 2023 meeting.

IV. BOARD OF ZONING APPEALS (DOES NOT INCLUDE OUTSIDE CITY APPOINTMENTS)

- a. Public hearing to receive comments on a variance request for setbacks in an M-1, light industrial district at 2700 W. Main Street.

V. DISCUSSION

VI. ADJOURNMENT



**PLANNING COMMISSION ACTION / BOARD OF
ZONING APPEALS MINUTES
CITY OF INDEPENDENCE
November 14, 2023**

Department

Prepared By Lydia Collins

AGENDA ITEM Consider approving minutes of the September 5, 2023 Planning Commission/Board of Zoning Appeals meeting.

SUMMARY RECOMMENDATION Approve the Minutes

SUPPORTING DOCUMENTS

1. September 5, 2023 Planning Commission Board of Zoning Minutes - Draft

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's September 5,
2023 Meeting**

I. Call to Order

Present: Brent Littleton, Lisa Richard, Scott Smith, Rachel Lyon, Michelle Anderson, Anthony (Tony) Royse, Tim Haynes

Absent: Andy McLennon, Mary Jo Meier

Tim Haynes, Chairperson, called the meeting to order.

II. Minutes

- a. Consider approving minutes of the August 8, 2023 Planning Commission/Board of Zoning Appeals meeting.

Motion:

On the motion of Scott Smith, seconded by Brent Littleton the Commission approved the minutes of the August 8, 2023 Planning Commission/Board of Zoning Appeals meeting.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Rachel Lyon

Nay: None

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

- a. Public Hearing to receive comments on a variance request for the size of electronic signs in a C-3 central business district.

Tim Haynes, Chairperson, opened the public hearing.

Motion:

On the motion of Scott Smith, seconded by Rachel Lyon the Commission approved a variance of 6.98 square feet for the Independence Historical Museum to replace their marquee letterboard with a new digital sign.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Rachel Lyon

Nay: None

IV. Planning Commission

- a. Public Hearing to receive comments on a request for a conditional use permit for "utility substations not elsewhere listed" in an R-4, medium density multifamily dwelling district at 401 North 10th Street.

Tim Haynes, Chairperson, opened the public hearing.

Motion:

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's September 5,
2023 Meeting**

**On the motion of Tim Haynes, seconded by Lisa Richard the Commission
adjourned the public hearing until October 3, 2023 at 5:30 p.m.**

**Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent
Littleton, Anthony (Tony) Royse, Rachel Lyon**

Nay: None

- b. Public hearing to consider a text amendment to the zoning code regarding storage sheds.

Tim Haynes, Chairperson, opened the public hearing.

**Kelly Passauer explained the added language to the code regarding accessory
uses in 1015.0 concerning accessory uses not located on the same lot or
contiguous lot as the principal building or principal use served and 1015.1
special conditions as a conditional use. Storage units are larger than they
have been in the past so the measurement was changed to 300 sq. ft.**

**By requiring the storage shed to be adjacent to the principal building or
principal use served, it will keep the number down. Also, because it requires a
conditional use, all neighbors will be notified.**

**Tim Haynes asked if possession is changed, would the new owner be required
to reapply for a conditional use.**

**Kelly Passauer said that yes, it will not transfer. If the property is sold, the
new owners would have to come into compliance.**

**Scott Smith wants everything left on one lot so there will not be units on
vacant lots.**

**Lisa Richard wants a definition added to the code to clarify the definition of
adjacent.**

Motion:

**On the motion of Rachel Lyon, seconded by Lisa Richard the Commission
recommended the City Commission adopt an ordinance for a text
amendment to the zoning code related to accessory uses as prepared by City
staff, but with the following additional modifications: defining the meaning of
adjacent.**

**Aye: Lisa Richard, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony
(Tony) Royse, Rachel Lyon**

Nay: Scott Smith

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's September 5, 2023 Meeting

- c. Public hearing to consider a text amendment to the zoning code regarding cargo shipping containers, also known as "Conex containers" or "portable steel storage containers."

Tim Haynes, Chairperson, opened the public hearing.

Kelly Passauer reviewed the proposed ordinance with the commissioners.

Tim Haynes asked if the reference to size could be removed from the proposed ordinance. He also asked how the container engineering could be designed without specifying the sizes, i.e. to specify that not all containers that look like shipping containers are actually shipping containers.

Kelly Passauer asked if the building department would address this issue.

David Cowan said this issue would be addressed through the building code.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission recommended the City Commission adopt an ordinance for a text amendment to Article B - Zoning concerning shipping containers pending the removal of size and dimension specifications from the language.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Rachel Lyon

Nay: Anthony (Tony) Royse

- d. Public Hearing to consider a text amendment to off-street parking in residential areas.

Tim Haynes, Chairperson, opened the public hearing.

Kelly Passauer explained the modified language under 403.0 - Definitions. Added for one- and two- dwelling units were open parking spaces off the alley with gravel, ribbon driveways and turf pavers.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Lisa Richard the Commission moved to adopt a text amendment to off-street parking in residential areas as prepared by staff. This change is consistent with the intent and purpose of these regulations; the areas which are most likely to be directly affected by such change are residential zones; and such change is made necessary because of new planning concepts and social economic conditions in the areas and zoning districts affected as it offers a more eco-friendly and cost effective solution to off-street parking..

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's September 5,
2023 Meeting**

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Rachel Lyon
Nay: None

V. Discussion

Kelly Passauer let the Commissioners know that the contract has been signed for the Community Development/Comprehensive Plan.

VI. Adjournment

Motion:

On the motion of Tim Haynes, seconded by Scott Smith the Commission adjourned the meeting.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Rachel Lyon
Nay: None

Tim Haynes, Chairperson

Anthony (Tony) Royse, Secretary



**REQUEST FOR PLANNING COMMISSION ACTION
CONDITIONAL USE PERMIT
CITY OF INDEPENDENCE
NOVEMBER 14, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to receive comments on a request for a conditional use permit for "utility substations not elsewhere listed" in an R-4, medium density multifamily dwelling district at 401 North 10th Street.

SUMMARY RECOMMENDATION Adjourn the hearing until December 5, 2023 at 5:30 PM

BACKGROUND Cox is still reviewing alternative solutions. It is recommended that the hearing be adjourned to December 5, 2023 at 5:30 PM to allow them more time to formalize other potential solutions.

STAFF RECOMMENDATION City staff recommends adjourning the hearing to December 5, 2023 at 5:30 PM.

SUGGESTED MOTION I move to adjourn the public hearing until December 5, 2023 at 5:30 PM.

SUPPORTING DOCUMENTS



**REQUEST FOR PLANNING COMMISSION ACTION
CONDITIONAL USE PERMIT
CITY OF INDEPENDENCE
NOVEMBER 14, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to receive comments on a request for a conditional use permit for an "Accessory use not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d." in an R-4, medium density multifamily dwelling district at 200 South 5th Street/301 East Maple Street. The specific accessory use requested is a storage shed to serve the primary structure located across the street at 308 East Maple Street, which is also in an R-4, medium density multifamily dwelling district.

SUMMARY RECOMMENDATION Approve storage shed.

BACKGROUND Jennifer and Tim Christenson purchased and installed a storage shed across the street from them as they were unaware of the building permit and zoning requirements. In order to allow the storage shed to remain, they will need a conditional use permit as the lot containing the storage shed is not contiguous to their primary property. At the September meeting, the board approved a text amendment allowing for an accessory use not located on the same lot or contiguous lot as the principal building with a conditional use permit, and the City Commission adopted Ordinance 4438 amending the zoning code to include the approved text amendment. The storage unit in question is directly across the street from their address of 308 East Maple Street.

POLICY EXPLANATION 901.0. - Purpose and authority.

901.1. Purpose: Conditional uses are those types of uses which are considered by the city to be essentially desirable, necessary, or convenient to the community but which by their nature or operation have (1) a tendency to generate excessive traffic, (2) a potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants, (3) a detrimental effect upon the value of or potential development of other properties in the neighborhood, or (4) an extraordinary potential for accidents or danger to the public health or safety. Such conditional uses cannot be allowed to locate as a "right" on any parcel of land within certain districts without consideration of existing conditions at the proposed location and of properties neighboring upon the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse factors.

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

(Ord. No. 3863, § 1, 12-20-01)

902.0. - Processing procedure.

902.1. Application of conditional use permit: Application for conditional uses, as designated in

appendix "A" of this ordinance shall be on forms obtained from the city clerk's office. The application shall be filed with the zoning administrator at least 30 days prior to the regular city planning and zoning commission meeting at which the proposed conditional use will be considered. As determined by the zoning administrator, the application shall include any or all of the following items deemed relevant by the zoning administrator, plus any other information or materials not listed below which the zoning administrator deems relevant:

- a. Statement of intended use of the property.
- b. Site plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting.
- c. Existing and proposed topography, drawn at appropriate contour intervals as specified by the zoning administrator.
- d. Location of, and proposed connections to, existing water supply and sanitary sewer systems.
- e. Description of architecture and exterior materials to be utilized.
- f. Names of the landowner, developer and firm preparing the plan.
- g. Legal description of the tract.
- h. North point, scale and date.

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

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

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

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.
- b. The proposed conditional use at the specified location will contribute to and promote the welfare 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.

ACTION BY THE PLANNING COMMISSION Any recommendations regarding a conditional use permit for the subject properties shall be based on Section 902.2 previously outlined in this report. After considering any public comments the Planning Commission may either approve or deny the requests. Following your action, the application and your recommendation will be forwarded to the City Commission at which time they will have 30 days to adopt, modify or deny the Planning Commission's recommendation.

ARTICLE X. SPECIAL PROVISIONS APPLYING TO MISCELLANEOUS CONDITIONAL USES

1015.0. Accessory uses not located on the same lot or contiguous lot as the principal building or principal use served per. 607.1.d.

1015.1. Special conditions: Accessory uses not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d shall meet the following provisions when authorized as a conditional use in any district:

- a. Must be located on an adjacent lot to the principal building or principal use served, excluding public rights- of-way.
- b. Must be located in the same zone as required for the principal building or principal use it serves.
- c. Must be under the same ownership as the principal building or principal use served.
- d. Must be located at the rear of the adjacent lot if there is access thereto.

1015.2. Revocation: Accessory uses granted by conditional use permit per Section 1015 will be required to continue to meet all special conditions per 1015.1. If the accessory uses no longer comply with one or more of the special conditions contained in 1015.1, then the conditional use permit will be revoked, and the accessory uses previously allowed will be required to either be removed or otherwise come into compliance with City code.

STAFF RECOMMENDATION This request fits within the parameters of Article X, Section 1015. City staff recommends approving the conditional use permit for a storage shed directly across the street from 308 East Maple Street.

SUGGESTED MOTION I move to recommend the City Commission approve a conditional use permit for a storage shed directly across the street from 308 East Maple Street with the following special conditions as required by Section 1015 of Article X of the Zoning Code:

- 1. Must be located on an adjacent lot to the principal building or principal use served, excluding public rights- of-way.
- 2. Must be located in the same zone as required for the principal building or principal use it serves.
- 3. Must be under the same ownership as the principal building or principal use served.
- 4. Must be located at the rear of the adjacent lot if there is access thereto.
- 5. Must be in compliance and continue to be in compliance with all other City codes, including Section 607 relating to accessory uses.

If the accessory uses no longer comply with any of the special conditions above, then the conditional use permit will be revoked, and the accessory uses previously allowed will be required to either be removed or otherwise come into compliance with City code.

SUPPORTING DOCUMENTS

1. 111423 CUP S 5th St Christensen Storage Shed
2. 200 S 5th -- 200' Notification Area
3. 200 S 5th St 200 ft Ownership
4. 2023 CUP 06 - Application and Payment
5. 4438 - Text Amendments Relating to Accessory Uses

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, November 14, 2023 at 5:30 p.m.

To receive comments on a request for a conditional use permit for an “Accessory use not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d.” in an R-4, medium density multifamily dwelling district at 200 South 5th Street/301 East Maple Street. The specific accessory use requested is a storage shed to serve the primary structure located across the street at 308 East Maple Street, which is also in an R-4, medium density multifamily dwelling district.

Legal Description:

Lots 9 & 10 & N 30’ Lot 8 Blk 69, Orig Plat to the City of Independence, Montgomery County, Kansas.

Common Address:

200 South 5th Street/301 East Maple Street

Applicant/Owners:

Christensen, Jennifer L & Timothy J Trste The Christensen Family Rev Trst 5/5/22

Case Number:

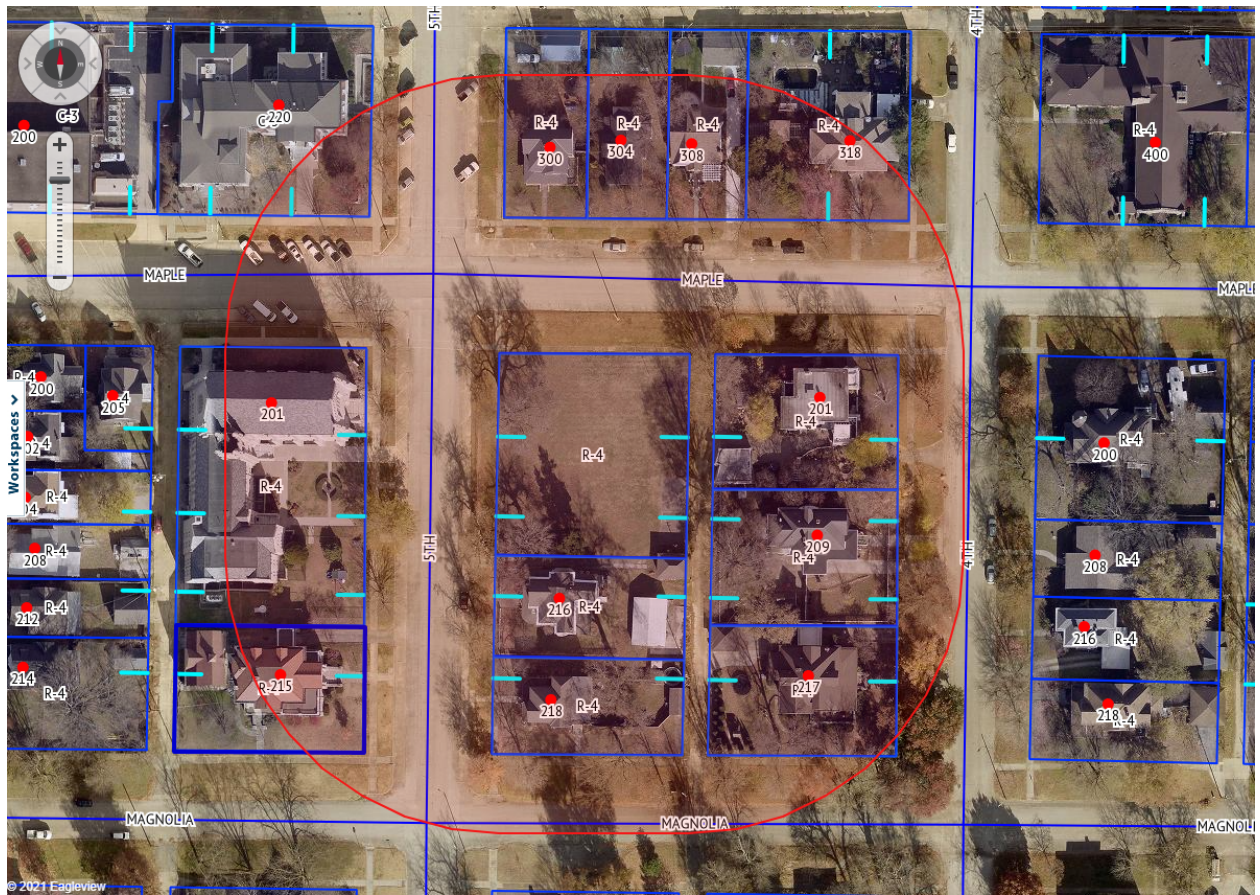
2023/CUP/06

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



Quick Ref	Situs	Owner	Mail 1	Mail City	Mail State	Mail Zip
R7141	215 S 5TH	MERCHAN	215 S 5TH	INDEPEN	KS	67301
R7133	201 S 5TH	FIRST PREPO	BOX 61	INDEPEN	KS	67301
R7051	220 E MAP	INDEPEN	811 W LAU	INDEPEN	KS	67301
R7145	218 S 5TH	DEAN, DO	218 S 5TH	INDEPEN	KS	67301
R7146	217 S 4TH	REYNOLD	217 S 4TH	INDEPEN	KS	67301
R7144	216 S 5TH	MOORE, E	216 S 5TH	INDEPEN	KS	67301
R7143	00000 S 5T	CHRISTEN	308 E MAP	INDEPEN	KS	67301
R7142	201 S 4TH	COOK, DA	201 S 4TH	INDEPEN	KS	67301
R7147	209 S 4TH	MCCAFFR	209 S 4TH	INDEPEN	KS	67301
R7038	300 E MAP	HILYARD, 300 E MAP	INDEPEN	KS	67301	
R7039	304 E MAP	CONWAY, 206 N 2ND	INDEPEN	KS	67301	
R7040	308 E MAP	CHRISTEN	308 E MAP	INDEPEN	KS	67301
R7041	318 E MAP	BUCKLES, 2925 N PEI	INDEPEN	KS	67301	

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED 10-11-23
\$200 FEE PAID 10-11-23

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Tim & Jennifer Christensen
308 E Maple St, Independence KS 67301

LEGAL DESCRIPTION OF LAND INVOLVED:

Orig Plat S31, T32, R16 Lts 9 & 10 E N 30' L + 8, B1K 69, Lot Width 150' Lot
Depth 140'

COMMON ADDRESS OF SAID LAND:

200 S. 5th ST, Independence KS

PRESENT ZONING CLASSIFICATION:

R4

STATEMENT OF INTENDED USE OF PROPERTY:

Open Space, garden space & Storage shed

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

Prefab 12x20 Storage Shed

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.

10-8-2023

Date

Tim Christensen

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

S 5th St.



E Maple St

200 S 5th St

Alley

15' x 5' storage

Existing abandoned
Basketball court



CITY OF INDEPENDENCE

REC#: 01250246 10/11/2023 3:45 PM
OPER: DAVID TERM: 006
REF#:

TRAN: 1.9000 PLANNING AND ZONING
 CUP - CHRISTENSEN
 CONDITIONAL USE PER 200.00CR

TENDERED: 200.00 CHECK
APPLIED: 200.00-

CHANGE: 0.00 Page 17 of 89



Marilyn Calhoun
Marilyn Calhoun, Register of Deeds

ORDINANCE NO. 4438



**An Ordinance Implementing
Text Amendments to the Zoning Code
Relating to Accessory Uses**

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

Section 1. The following portions of Article IV, Article VI and Article X of the Zoning Code are amended to read as set out hereafter. All remaining portions of Article IV, Article V and Article X shall remain as currently stated.

ARTICLE IV. - RULES AND DEFINITIONS

403.0. - Definitions.

Adjacent lot: The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

ARTICLE VI. - SUPPLEMENTARY DISTRICT REGULATIONS

607.0. - Accessory uses.

Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.

607.1. Definitions: An accessory use is a structure or use which shall conform to all of the below:

- a. Is subordinate to and serves a principal building and principal use;
- b. Is subordinate in area, extent or purpose to the principal building or buildings served;
- c. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served;
- d. Is located on the same lot or contiguous lot as the principal building or

principal use served, unless a special conditional use permit is granted in compliance with section 1015.

607.2. Permitted accessory uses: Any structure or use that complies with the definition of section 607.1 may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following list of examples:

- a. Private garages or carports, not to exceed the following capacity:
 - 1. For single-family residence: Four cars.
 - 2. For multifamily residence: Two cars per dwelling unit.
- b. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed 300 square feet in gross floor area.

Exception: Parking garages.

- c. A child's playhouse.
- d. A private swimming pool and bathhouse.
- e. A guesthouse or rooms for guests in accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.
- f. Statuary, arbors, trellises, barbecue stoves, wood piles for home use, flagpoles, fences, walls, hedges and radio and television antennas.
- g. Fallout shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
- h. Signs.
- i. Off-street parking and loading spaces as regulated by article VII of these regulations.
- j. Storage of major recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, shall be at the rear of the premises if there is access thereto, or if there is not access to the rear premises, then such recreational vehicles may be parked in the private driveway of the premises, at the side thereof, or at some other inconspicuous location thereon. In no event, however, shall such recreational vehicles be parked on public property, streets, or thoroughfares for longer than 72 hours.
- k. Restaurants, drugstores, gift shops, swimming pools, tennis courts, clubs

and lounges and newsstands when located in a permitted hotel, motel or office building.

- l. Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.
- m. Offices for permitted business and industrial uses when said office is located on the same site as the business or industry to which it is an accessory.
- n. Retail sales for permitted industrial uses when located on the same site as the industrial use.
- o. The storage of retail merchandise when located within the same building as the principal retail business.
- p. Any wholesale or retail sales activity may also include accessory service or repair activity for goods which are sold on the premises.
- q. A hobby shop may be operated as an accessory use by the occupant of the premises for personal equipment, amusement or recreation; provided that articles produced or constructed are not sold on the premises.
- r. Accessory uses for any agriculturally oriented activity, which is subordinate and incidental to the principal permitted agricultural activity, shall be permitted in the A-1 district.
- s. A tiny house for use by the property owner's family.

607.3. [Storage of trucks, trailers or buses:] Outdoor storage or overnight parking on any public streets in any residential district of trucks, trailers or buses having a hauling capacity of more than one ton is prohibited. Trucks, trailers or buses having a hauling capacity of more than one ton shall only be permitted to be parked on private property in residential districts when there is adequate space on such private property and if the vehicle, truck or trailer does not contain volatile, noxious or hazardous materials and when such vehicle is parked so as not to create a nuisance to adjoining property owners.

607.4. Accessory uses permitted by conditional use: The following accessory uses shall only be permitted upon approval of a conditional use application:

- a. Television receiving tower exceeding district height limitations (see section 601.1).
- b. Amateur radio tower exceeding district height limitations (see section 601.1).
- c. Salvage storage yards, scrap and waste material storage yards when

provided as an accessory use for any manufacturing or wholesale use (see additional requirements in section 1010.0).

- d. A tiny house for *short term rentals not elsewhere listed*.
- e. Accessory use that is not on the same lot or contiguous lot as the principal building or principal use served.

607.5. Height, yard and area requirements for accessory uses: See sections 601, 602 and 603.

(Ord. No. 4383 , § 3, 3-24-22)

ARTICLE X. SPECIAL PROVISIONS APPLYING TO MISCELLANEOUS CONDITIONAL USES

1015.0. Accessory uses not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d.

1015.1. Special conditions: Accessory uses not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d shall meet the following provisions when authorized as a conditional use in any district:

- a. Must be located on an adjacent lot to the principal building or principal use served, excluding public rights-of-way.
- b. Must be located in the same zone as required for the principal building or principal use it serves.
- c. Must be under the same ownership as the principal building or principal use served.
- d. Must be located at the rear of the adjacent lot if there is access thereto.

1015.2. Revocation: Accessory uses granted by conditional use permit per Section 1015 will be required to continue to meet all special conditions per 1015.1. If the accessory uses no longer comply with one or more of the special conditions contained in 1015.1, then the conditional use permit will be revoked, and the accessory uses previously allowed will be required to either be removed or otherwise come into compliance with City code.

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 28th day of September 2023.



Louis Ysusi
LOUIS YSUSI, Mayor

ATTEST:

David W. Schwenker
DAVID W. SCHWENKER, City Clerk



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
REZONING
CITY OF INDEPENDENCE
NOVEMBER 14, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments to consider rezoning a tract of land at 2700 West Main Street from C-4, highway commercial district to M-1, light industrial district; and to receive comments on a request for a conditional use permit for "Retail trade not elsewhere listed".

SUMMARY RECOMMENDATION Rezone 2700 West Main Street from C-4 to M-1.

BACKGROUND The parking lot at 2700 West Main Street is zoned C-4, highway commercial district while the building itself is zoned M-1, light industrial district. The building was rezoned in 2010 with this description:

The area requested to be rezoned totals 5.66 acres and consists of the northern portion of a tract totaling 8.95 acres. The south 3.29 acres of the tract will remain zoned C-4. This unplatted tract lies in the western portion of the City. The tract adjoins West Main Street on the south and has a service drive that accesses Peter Pan Road on the west. The portion of the tract adjoining West Main Street would remain zoned C-4, highway commercial. The portion of the tract which includes the service drive, a portion of the parking lot and the structure which is the former Dillon's grocery store building) is the portion requested to be rezoned to M-1, light industrial.

The property is now owned by a different property owner who wants to utilize the entire parcel for their primary business. Because of this, the applicant wants to rezone the south 3.29 acres to M-1, light industrial district, which will make the entire parcel the same zone, instead of two different zones.

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 Acres 8.67, S 60' N 300' NW4 SW4 SE4 SW4; E/2 SW4 SE4 SW4 EX S 330' of W 50' & EX S 124' of E 186'; Less R/W; Independence City Unplatted to the City of Independence, Montgomery County, Kansas.

DESCRIPTION OF TRACT(S) C-4, highway commercial district.

ZONING AND USES OF PROPERTY NEARBY To the East is C-4, highway commercial district and M-2, heavy industrial district. To the West is C-4, highway commercial district. To the North is M-1, light industrial district, M-2, heavy industrial district and C-4, highway commercial district. To the South is C-4, highway commercial district.

CHARACTER OF THE NEIGHBORHOOD The neighborhood consists of commercial, industrial and residential.

SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED A portion of the property is zoned M-1, light industrial district and rezoning would put the entire property as M-1. The company can then place a storage building on the property.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED None

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY Removal of restrictions will not detrimentally affect the 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 applicant wants to build a storage building which is allowed in an M-1, light industrial district.

CONFORMANCE WITH THE COMPREHENSIVE PLAN The Comprehensive Plan's Industrial Goal is to provide sufficient opportunities for industrial development at locations with suitable access, adequate community facilities and favorable land use and environmental conditions.

STAFF RECOMMENDATION Staff recommends approving the rezoning from C-4 to M-1 based on the current usage. Also bringing this parcel into one zoning classification instead of split into two will eliminate potential issues in the future.

SUGGESTED MOTION I move to recommend the City Commission rezone the portion of the tract currently zoned C-4, highway commercial district located at 2700 W. Main to M-1, light industrial district.

SUPPORTING DOCUMENTS

1. Public Hearing Notice Rezoning and CUP 2700 W Main Street
2. Application for Rezoning
3. 2700 W Main 200 feet Ownership
4. 2700 W Main Payments
5. 020210-packet 2700 W Main Rezoning
6. 4064, REZONING, C LAVINE, 2700 W MAIN

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, November 14, 2023, at 5:30 p.m.

To receive comments to consider rezoning a tract of land at 2700 West Main Street from C-4, highway commercial district to M-1, light industrial district; and to receive comments on a request for a conditional use permit for “Retail trade not elsewhere listed”

Legal Description:

Acres 8.67, S 60’ N 300’ NW4 SW4 SE4 SW4; E/2 SW4 SE4 SW4 EX S 330’ of W 50’ & EX S 124’ of E 186’; Less R/W; Independence City Unplatted to the City of Independence, Montgomery County, Kansas.

Common Address:

2700 West Main Street

Applicant/Owners:

City of Independence
Corey Hugo

Case Number:

2022/ZA/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

**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: Corey Hugo
2. Applicant's address: 2700 W Main St. Independence, KS 67301 Phone: 620-330-2081
3. Address of property proposed for rezoning: 2700 W Main St. Independence, KS 67301
4. Present owner's name: Corey Hugo
5. Present zoning: C-4 Proposed zoning: M-1
6. Legal description of property proposed for rezoning (if more space is required, use back of form):
See attached
7. Present use of property (check one of the following): _____
 (a) Vacant ☐ (b) Residential ☐ (c) Commercial ☒ (d) Industrial ☐
8. Desired use of property: Storage facility
9. Use and zoning of adjacent property:
- North: Use Commercial Zoning _____
- South: Use Commercial Zoning _____
- East: Use Commercial Zoning _____
- West: Use Commercial Zoning _____
10. List reasons for this request:
Construction of a Pre-Engineered Metal Building

Date: 10-16-2023

Signature: Corey Hugo

Planning Commission Action – do not write in this space

1. Facts found: _____
2. Determination: _____



State of Kansas, Montgomery County
This instrument was filed for
Record on December 16, 2016 02:25:00 PM
Recorded in Book 655 Page 877-880
Fee: \$48.00 201604690



Marilyn Calhoun
Marilyn Calhoun, Register of Deeds

A Real Estate Sales Questionnaire is not required because this deed is made solely for the purpose of securing or releasing security for a debt or other obligation. See K.S.A. 79-1437e(a)(2).

WARRANTY DEED
(Kansas Statutory Form)

CALCOR, LLC, Grantor,

CONVEYS AND WARRANTS TO

THE CITY OF INDEPENDENCE, KANSAS, Grantee, the following described real estate in Montgomery County, Kansas:

See Exhibit A attached hereto

for the sum of \$10.00 and other good and valuable consideration;

EXCEPT AND SUBJECT TO: encumbrances, easements and rights-of-way of record.

[balance of this page intentionally left blank]

EXHIBIT A

The following described real estate in Montgomery County, Kansas:

Parcel 1: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, thence S 89°33'22" E 1980.10 feet to the Southwest corner of the E/2 of the SE/4 of the SW/4 of Section 26, Township 32, Range 15, thence N 00°01'38" W 45 feet along the West line of said E/2 of the SE/4 of the SW/4 to the North highway right of way of U.S. 75 and 160 Highway, thence N 00°01'38" W 615 feet, thence S 89°33'22" E 330 feet, parallel to the South section line, thence S 00°01'38" E 610 feet to the North Highway right of way of U.S. 75 and 160; thence N 89°33'22" W 125 feet, thence S 00°01'38" E 5 feet, thence N 89°33'22" W 205 feet to the point of beginning

Parcel 2: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East, Montgomery County, Kansas, thence S 89°33'22" E 1320.07 feet to the Southwest corner of the SE/4 of the SW/4 of said Section, thence N 00°00'00" E 361.02 feet along the West line of said SE/4 of the SW/4 to a point 300 feet South of the Northwest corner of the SW/4 of the SE/4 of the SW/4 of Section 26, Township 32 South, Range 15 East to the true point of beginning, thence N 00°00'00" E 60 feet, thence S 89°34'32" E 330 ft., parallel to the North line of said SW/4 of the SE/4 of the SW/4, thence S 00°00'00" E 60 feet, then N 89°34'32" W 330.00 feet to the true point of beginning

Parcel 3: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, thence S 89°33'22" E 1320.07 feet to the Southwest corner of the SE/4 of the SW/4 of said Section, thence N 00°00'00" E 361.02 feet along the West line of said SE/4 of the SW/4, thence S 89°34'22" E 330 feet parallel to the North line of the SW/4 of the SE/4 of the SW/4 to the true point of beginning, thence N 00°00'00" E 300 feet to the North line of said SW/4 of the SE/4 of the SW/4, thence S 89°34'32" E 329.72 feet to the Northeast corner of the SW/4 of the SE/4 of the SW/4 of Section 26, Township 32 South, Range 15 East, S 00°01'38" E 496.78 feet along the East line of said SW/4 of the SE/4 of the SW/4 to a point 164 feet North of the Southeast corner of the SW/4 of the SE/4 of the SW/4, thence N 89°33'22" W 185.58 feet, thence S 01°25'47" W 124 feet to the North US 75 and 160 Highway right-of-way thence West 99.25 feet along the Highway right of way to a point 372 feet East of the West line of the SE/4 of the SW/4, thence N 01°25'47" E 320.46 feet, thence N 89°34'32" W 50 feet to the true point of beginning

ALL OF THE ABOVE ALSO DESCRIBED AS:

A tract of land located in a portion of the SW/4 of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, and being more particularly described as follows:

Commencing at the SW corner of the SE/4 of the SW/4 of said Section 26, thence N 00°00'00" E (assumed bearing) along the West line of the SE/4 of the SW/4 of said Section 26 a distance of 360.95 feet to a point 300.00 feet South of the NW corner of the SW/4 of the SE/4 of the SW/4 of said Section 26, said point being the point of beginning;

thence continuing N 00°00'00" E a distance of 60.00 feet,

thence S 89°34'29" E parallel with the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26 a distance of 330.00 feet;

thence N 00°00'00" E a distance of 240.00 feet to the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26;

thence S 89°34'29" E along said North line a distance of 659.76 feet to a point 330.00 feet East of the East line of the SW/4 of the SE/4 of the SW/4 of said Section 26;

thence S 00°00'33" E parallel with the East line of the SW/4 of the SE/4 of the SW/4 of said Section 26, a distance of 610.43 feet to the North right-of-way of U.S. 75 and 160 Highway;

thence N 89°36'17" W along said North right-of-way a distance of 120.15 feet;

thence S 00°23'43" W along said right-of-way a distance of 10.00 feet;

thence N 89°36'17" W along said right-of-way a distance of 209.78 feet to a point on the East line of the SW/4 of the SE/4 of the SW/4 of said Section 26,

thence N 00°00'33" W along said East line a distance of 124.00 feet;

Thence N 89°36'17" W a distance of 185.58 feet;

Thence S 01°25'47" W a distance of 124.02 feet to the North right-of-way of U.S. 75 and 160 Highway;

Thence N 89°36'17" W along said North right-of-way a distance of 99.16 feet;

Thence N 01°25'47" E a distance of 320.80 feet to a point 300.00 feet South of the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26;

Thence N 89°34'29" W parallel with the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26 a distance of 380.00 feet to the point of beginning

Quick Ref	Situs	Owner	Mail 1	Mail City	Mail State	Mail Zip
3571	564 Peter Pan Rd	Labette Health Foundation, Inc	1902 S US HWY 59	Parsons	KS	67357
3573	410 Peter Pan Rd	Schmidtberger Family Investments, LLC	PO Box 424	Pratt	KS	67124
3573	410 Peter Pan Rd	Huitt Family Investments, LLC	211 S Oak	Pratt	KS	67124
3574	2800 W Main St	Austin's Independence, LLC	711 S Dewey Ave	Bartlesville	OK	74003
3575	2746 W Main St	Miller Bros West LLC	2743 W Main St	Independence	KS	67301
3577	2500 W Laurel St	JAG Investments Inc	2500 W Laurel St	Independence	KS	67301
		Tharp, Jeana G Rev Trust Attn: Kenneth				
3576	2600 W Laurel St	Tharp	515 W Washington	Fredonia	KS	66736
3710	2801 W Main St	M & C Rental Leasing Co, LLC	3839 CR 3720	Independence	KS	67301
			7777 Bonhomme Ave			
3711	102 S Peter Pan Rd	Pool 6 Properties, LLC	#STE 1700	St Louis	MO	63105



Independence, KS

This is your payment receipt.

Confirmation Number
4X5VDNGNGT

Payer Contact Info
corey.hugo@thehugos.com

Payment Method
*****7795

Variance

Name	Corey Hugo
Property Address	2700 W MAIN ST
Phone Number	16203316050

Base Price	\$100.00
Convenience Fee	\$1.25
Municipal Online Payments Fee	\$1.25
Total	\$102.50



Independence, KS

This is your payment receipt.

Confirmation Number
4FQGHJTRHJ

Payer Contact Info
corey.hugo@thehugos.com

Payment Method
*****7795

Rezoning

Name	Corey Hugo
Property Address	2700 W MAIN ST
Phone	16203316050

Base Price	\$200.00
Convenience Fee	\$1.25
Municipal Online Payments Fee	\$1.25
Total	\$202.50

AGENDA
Independence Planning Commission
Independence Board of Zoning Appeals
Tuesday, February 2, 2010
Veterans Room Memorial Hall 5:30 p.m.

Call to Order

Minutes

- a. Consider approving minutes of the January 5, 2010 meeting.

Planning Commission

- b. Consider a text amendment in Appendix "A" of the zoning code to provide for "aircraft assembly of premanufactured parts" as a permitted use in the M-1, light industrial district.
- c. Consider a request from Curtis Lavine, M & C Rental Leasing Co., LLC to rezone a tract of land from C-4, highway commercial district to M-1, light industrial district at 2700 West Main Street.

Board of Zoning Appeals

None.

Adjournment

DATE: January 27, 2010
TO: Independence Planning Commission
FROM: Kelly Passauer, Assistant City Manager/Zoning Administrator
SUBJECT: February 2, 2010 Planning Commission meeting

- a. **Consider approving minutes of the January 5, 2010 meeting.**
- b. **Consider a text amendment in Appendix "A" of the zoning code to provide for "aircraft assembly of premanufactured parts" as a permitted use in the M-1, light industrial district.**

As indicated at the last meeting you initiated a public hearing for a text amendment to allow "aircraft assembly of premanufactured parts" in an M-1 zone as a permitted use. Currently the permitted and conditional use table only allows aircraft manufacturing in an M-2 zone. A local entrepreneur is wishing to perform this type of activity, however, since this particular use will be more consistent with light industrial (M-1), which is a more restrictive use than heavy industrial (M-2), City staff recommends adding "aircraft assembly of premanufactured parts" as a permitted use in the M-1 zone.

When considering a text amendment the Planning Commission needs to consider the following:

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

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

Based on the above criteria City staff would like to provide the following:

1. **Whether such change is consistent with the intent and purpose of these regulations.**

The change is consistent with the intent and purpose of the regulations as the intent is to allow a specific light industrial use in an M-1 zone which is a more restrictive zone than M-2.

2. The areas which are most likely to be directly affected by such change and in what way they will be affected.

The areas affected will be those areas zoned M-1. They will be affected by adding a new permitted use in this zoning district. M-1 zoning is generally found in the following areas of the City:

- a. Along the Watco railroad (east/west) right-of-way between North 4th (east) and North 20th (west). North 4th is platted, but actually is not developed. It is in the middle of Central Park.
- b. Along the Union Pacific railroad (north/south) right-of-way between approximately Cherry (south) and West Hickory (north).
- c. Along the river bend on the east side of the City limits on Myrtle from N. 1st to an area between Burns and Wald (Montgomery County Public Works facilities)
- d. In several locations along the south City limits.

3. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other social economic conditions in the areas and zoning districts affected.

Aircraft manufacturing is a heavy industrial use allowed in the M-2 zone. By allowing "aircraft assembly of premanufactured parts" in an M-1 it allows zoning for a lighter industrial use that is more restrictive than M-2 which would allow heavy industrial uses. The need to permit such use has evolved due to a newer aviation industrial concept which manufactures the parts off-site for assembly elsewhere.

City staff recommends approval of the text amendment to allow "aircraft assembly of premanufactured parts" in an M-1, light industrial zone which includes the above determinations per Section 1604.2.

c. Consider a request from Curtis Lavine, M & C Rental Leasing Co., LLC to rezone a tract of land from C-4, highway commercial district to M-1, light industrial district at 2700 West Main Street.

Summary:

The Planning and Zoning Commission received a request from Curtis Lavine who owns M & C Rental Leasing Co., LLC to rezone the following described property from C-4, highway commercial district to M-1, light industrial district:

A tract of land located in a portion of the SW 1/4 of Section 26, Township 32 South, Range 15 East of the 6th Principal Meridian, Montgomery County, Kansas, and being more particularly described as follows:

*COMMENCING at the SW corner of the SE 1/4 of the SW 1/4 of said Section 26;
THENCE N 00°00'00" E (assumed bearing) along the West line of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 360.95 feet to a point 300.00 feet South of the NW corner of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26, said point being the POINT OF BEGINNING;*

THENCE continuing N 00°00'00" E a distance of 60.00 feet;
 THENCE S 89°34'29" E parallel with the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 330.00 feet;
 THENCE N 00°00'00" E a distance of 240.00 feet to the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;
 THENCE S 89°34'29" E along said North line a distance of 659.76 feet to a point 330.00 feet East of the East line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;
 THENCE S 00°00'33" E parallel with the East line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 347.54 feet;
 THENCE N 89°33'12" W a distance of 610.99 feet;
 THENCE N 01°25'47" E a distance of 47.32 feet to a point 300.00 feet South of the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;
 THENCE N 89°34'29" W parallel with the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 380.00 feet to the POINT OF BEGINNING and containing 246,677 square feet or 5.66 acres, more or less, including that portion used for public road right-of-way purposes.

Description of the Tract:

The area requested to be rezoned totals 5.66 acres and consists of the northern portion of a tract totaling 8.95 acres. The south 3.29 acres of the tract will remain zoned C-4. This unplatted tract lies in the western portion of the City. The tract adjoins West Main Street on the south and has a service drive that accesses Peter Pan Road on the west. The portion of the tract adjoining West Main Street would remain zoned C-4, highway commercial. The portion of the tract which includes the service drive, a portion of the parking lot and the structure (which is the former Dillon's grocery store building) is the portion requested to be rezoned to M-1, light industrial. A drawing has been included in your packets which illustrates the area.

Zoning and Uses of Property Nearby:

The properties directly to the east, west and south are zoned C-4, highway commercial. The property to the north is primarily is zoned M-2, heavy industrial with a portion along Peter Pan zoned R-4, medium density multi-family residential. The property to the northeast is zoned County R-1, single family residential, County AG, agricultural and County R-4, mobile home residential.

Character of the Neighborhood:

The area generally consist of a mix of commercial, industrial, residential and agricultural.

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

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

Length of Time the Property has Remained vacant as Zoned:

This property is not vacant and is currently being utilized as a warehousing business. This use was previously approved as a conditional use in the C-4 zone. Warehousing is a permitted use in the M-1 zone.

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

C-4 zoned property is restricted to primarily commercial uses. M-1 zoned properties allow for light industrial uses, but do not generally allow for commercial uses. The applicant has indicated their intent is to expand their current warehousing operation to allow light assembly. It is not known what impact this light industrial use will have on the existing commercial uses or how the rezoning request will affect any future potential commercial development in the area. However, the proposed M-1, light industrial zoning will provide a buffer between the M-2, heavy industrial zoning in the adjoining West Laurel Industrial Park and adjoining C-4, highway commercial zoning.

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

Denial of the proposed rezoning will impact the owner's use of the property as it will not allow them to expand their business for light assembly.

Of concern to the Planning & Zoning Commission is whether there will be any negative impact to the City or adjoining properties due to the light industrial development of this portion of the tract. Based on the intended use by the applicant it is not anticipated that traffic or other City services would need to be increased above the levels that the infrastructure is currently designed for. The applicant will not be creating any noise or air pollution. In addition the applicant will not be storing any products on site without proper screening.

Conformance with the Comprehensive Plan:

The evaluation of the conformance to the City's Comprehensive Plan considers policies concerning whether the area can be properly served with public utilities including water, sewer and an appropriate transportation network. The existing infrastructure serving this tract is sufficient for the requested use. The general development plan map recommends this area be developed as commercial with industrial uses on the north and east.

The request does conform with the Industrial Goal in the Comprehensive Plan, which states:

To provide sufficient opportunities for industrial development at locations with suitable access, adequate community facilities and favorable land use and environmental conditions.

Staff Recommendation:

Staff recommends approval of the proposed rezoning from C-4, highway commercial district to M-1, light industrial district. This recommendation is based on the facts that this request does conform with the comprehensive plan, sufficient infrastructure exist in the area to support the proposed light industrial use, rezoning the property is not likely to have a negative effect on the existing uses in the area and this project is consistent with the City's efforts to provide opportunities for new industrial development.

MINUTES
Independence Planning Commission
Independence Board of Zoning Appeals
Tuesday, January 5, 2010
Veterans Room Memorial Hall 5:30 p.m.

Planning Commissioners Present:

Bill Rollison John Koschin Ron Goins
Phillip Schroeder Tim Knoles

Planning Commissioners Absent:

Phillip Chappuie David Torbett Tony Christian
Michelle Chambers

Staff Present:

Kelly Passauer, Assistant City Manager/Zoning Administrator

Visitors Present:

Allen Smith Jim Wright

Call to Order

Minutes

a. Consider approving minutes of the December 1, 2009 meeting.

Board of Zoning Appeals

b. Consider a request to rezone a tract of land located on the southwest corner of Wald & Myrtle from R-3, low density multi-family residential district to M-1, light industrial; and to issue a conditional use permit for supplemental parking.

The public hearing was opened. Jim Wright representing the applicant advised the Commission that they no longer wished to request the rezoning, however, they were still seeking a conditional use permit for the the parking lot. The public hearing was closed.

The following staff report was presented:

Summary

The Planning and Zoning Commission received a request from Jim Wright, representing Montgomery County to rezone a 90' X 50' (4,500 square foot) lot located on the southwest corner of Wald and Myrtle from R-3, low density multi-family to M-1, light industrial; and issue a conditional use permit for the purpose of utilizing this lot for supplementary parking. The proposed parking lot would serve their maintenance facilities located across the street on the north and east sides of the proposed parking lot which are located in an M-1, light industrial zone.

Section 704.5 of the Off-Street Parking and Loading Regulations state; *"...any off-street parking spaces not located on the same lot, as permitted by ordinance, must be located in the same zone as required for the building or facility it serves."* However, 701.0 states that the Off-Street Parking and Loading Regulations are only applicable; *"At the time of erection of a new structure, or at the time of enlargement to the extent of 25% or more, or change in use of an existing structure within any district in the City . . ."* Since none of these conditions apply as they are not planning on modifying their existing facilities it is staff's opinion that the Off-Street Parking and Loading Regulations are not applicable and rezoning is not required. However, if there are elements within the Off-Street Parking and Loading Regulations that the Planning Commission wishes to require these elements may be included in a conditional use permit.

Furthermore, Section 1013.2B5 provides for; *"All off-street parking facilities permitted to be located in a zone other than the zone required for the building or facility it serves shall be immediately adjacent or touching such lots on which such building or facility is located, excluding public rights-of-way"*. Since the only separation between the parcel the Montgomery County facilities are located on and proposed parking lot to serve such facilities is a street, or public right-of-way, it further reiterates that rezoning the proposed lot is not required. In reviewing the neighborhood the proposed parking lot adjoins residential uses on two sides, therefore not rezoning the property from R-3 to M-1 further protects the residential neighborhood since a residential zone is more restrictive than an industrial zone.

In speaking with the applicant and advising them that rezoning is not required for the development of a parking lot to serve their facilities they have withdrawn their rezoning request. Therefore this report will only address their request for a conditional use permit for supplementary parking in accordance with the Golden factors.

Conditional Use Permit

The zoning ordinance in section 901.1 describes the purpose of a conditional use as: *"those types of uses which are considered by the City to be essentially desirable, necessary or convenient to the community but which by their nature or in their operation have: 1) a tendency to generate excessive traffic, 2) a potential for attracting a large number of persons to the area of the use thus creating noise or other pollutants, 3) a detrimental effect on the value of potential development of other properties in the neighborhood, or 4) an extraordinary potential for accidents or danger to the public health or safety. Such conditional uses cannot be allowed to locate as a 'right' on any parcel of land within certain districts without consideration of existing conditions at the proposed locations and of properties neighboring the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse affects."*

Appendix A of the zoning ordinance describes those uses in which a conditional use permit may be considered. As you will note, the application is for the construction of a parking lot to serve the existing Montgomery County Public Works operation on the adjoining property. Appendix A under off-street parking for buildings and facilities for public assembly, commercial, industrial and institutional purposes allows a parking lot as a conditional use in all zones within the City.

Staff Report

In considering an application for a conditional use permit the Planning Commission should consider the factors as included in the Golden Case and requirements as provided for in City code.

Article X of the Zoning Ordinance addresses special provisions applying to miscellaneous conditional uses:

1001.0. Purpose.

1001.1. Purpose: In granting a conditional use, the city may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to reduce or minimize any potentially injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. Any lessening or subverting of those limitations and requirements constitutes a variance and must be treated accordingly. The following additional conditions shall be a requirement for the approval of the following conditional uses.

Section 1013.2B addresses the minimum provisions the Planning Commission should consider when authorizing supplementary parking as a conditional use in any zoning district that is not required to comply with the Off Street Parking and Loading Regulations (Article VII):

- B. All requests for supplemental off-street parking not required by Article VII of the city zoning ordinance shall comply with the following minimum design criteria:*
- 1. Surface material: Areas used for standing and maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-seal surfaces maintained adequately for all-weather use, and so drained as to avoid flow of water across sidewalks.*
 - 2. Screening and buffer setback required:*
 - a. Parking and loading areas adjacent to or within residential districts or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five feet nor more than six feet in height, except where vision clearance is required, in lieu of such sight-obscuring fence, shrubs, trees or hedges may be substituted as approved by the conditional use permit.*
 - b. No off-street parking will be permitted within less than four feet of the property line under separate ownership.*
 - 3. Lighting: Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential district, on any adjacent dwelling, or create glare for oncoming traffic on city streets.*
 - 4. Service drives:*
 - a. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety for pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated. Service*

drives shall not be more than 30 feet in width, nor less than 25 feet for two-way drives, nor less than 16 feet for one-way drives. In the case of a corner lot, service drives shall be located not closer than 30 feet to the intersecting street line. Service drives shall be located not closer than four feet to a side lot line, except that a common service drive of two adjacent properties with width not exceeding 30 feet may be provided at the common lot line.

- b. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 30 feet from their intersection.*
 - c. Service drives shall be from the street to the parking and shall have concrete, asphalt concrete, or asphalt double-seal surfaces, maintained adequately for all-weather use, and so drained as to avoid flow of water across sidewalks.*
5. *[Facilities overlapping zones:] All off-street parking facilities permitted to be located in a zone other than the zone required for the building or facility it serves shall be immediately adjacent or touching such lots on which such building or facility is located, excluding public rights-of-way.*

Section 1013.3b requires the following:

- b. A plan drawn to scale showing the following:*
 - 1. Delineation of individual parking and loading spaces by adequate striping.*
 - 2. Circulation area necessary to serve spaces.*
 - 3. Access to streets and property to be served.*
 - 4. Curb cuts.*
 - 5. Dimensions, continuity, and substance of required screening.*
 - 6. Grading, drainage, surfacing and subgrading details.*
 - 7. Delineation of obstacles to parking and circulation in finished parking area.*
 - 8. Specification as to signs and bumper guards.*
 - 9. The nature and extent of landscaping and screening on the site.*

Regarding the plan, the applicant has advised that they would prefer to provide this information after the conditional use is approved, as they are concerned on expending public funds on a project that may or may not be approved. However, they will provide a preliminary sketch for the Planning Commission's review.

In addition to the above special conditions required by the zoning code, the Planning Commission has the authority to place additional conditions on the site that they deem necessary to protect the best interests of the City, the surrounding property and to achieve the objectives of the ordinance.

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

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

- a. *The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.*
- b. *The proposed conditional use at the specified location will contribute to and promote the welfare 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.*

Action by the Planning Commission

Any recommendations regarding a conditional use permit for the subject property shall be based on Section 902.2 previously outlined in this report. After considering any public comments the Planning Commission may either approve or deny the request. If the request is approved the applicants must be required to meet the special conditions required for supplementary parking when developing the parking lot in addition to any other conditions the Planning Commission wishes to require. Following your action, the application and your recommendation will be forwarded to the City Commission at which time they will have 30 days to adopt, modify or deny the Planning Commission's recommendation.

Staff Recommendation

City staff recommends denying the rezoning request based on the applicant's withdrawal; and approving the request for a conditional use permit with the following conditions:

1. The applicant must meet the conditions set forth in "Section 1013.0 Supplementary Parking" of the Zoning Code, including, but not limited to the following requirements:
 - a. Surface material: Areas used for standing and maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-seal surfaces maintained

adequately for all-weather use, and so drained as to avoid flow of water across sidewalks.

- b. Screening and buffer setback required:
 - i. Parking and loading areas adjacent to or within residential districts or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five feet nor more than six feet in height, except where vision clearance is required, in lieu of such sight-obscuring fence, shrubs, trees or hedges may be substituted as approved by City staff.
 - ii. No off-street parking will be permitted within less than four feet of the property line under separate ownership.
- c. Lighting: Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential district, on any adjacent dwelling, or create glare for oncoming traffic on City streets.
- d. Service drives:
 - i. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety for pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated. Service drives shall not be more than 30 feet in width, nor less than 25 feet for two-way drives, nor less than 16 feet for one-way drives. In the case of a corner lot, service drives shall be located not closer than 30 feet to the intersecting street line. Service drives shall be located not closer than four feet to a side lot line, except that a common service drive of two adjacent properties with width not exceeding 30 feet may be provided at the common lot line.
 - ii. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 30 feet from their intersection.
 - iii. Service drives shall be from the street to the parking and shall have concrete, asphalt concrete, or asphalt double-seal surfaces, maintained adequately for all-weather use, and so drained as to avoid flow of water across sidewalks.
- e. Plan: A plan drawn to scale shall be approved by the City prior to developing the proposed parking lot. Such plan shall include the following:
 - i. Delineation of individual parking and loading spaces by adequate striping.
 - ii. Circulation area necessary to serve spaces.
 - iii. Access to streets and property to be served.
 - iv. Curb cuts.
 - v. Dimensions, continuity, and substance of required screening.

- vi. Grading, drainage, surfacing and subgrading details.
 - vii. Delineation of obstacles to parking and circulation in finished parking area.
 - viii. Specification as to signs and bumper guards.
 - ix. The nature and extent of landscaping and screening on the site.
2. Drainage plan: The applicant shall provide a drainage plan prepared by a licensed engineer and construct those improvements designed to limit an increase in runoff drainage from the property above its current rate.
 3. Minimum parking space dimensions: The minimum parking space dimensions shall be approved by the City prior to development.
 4. Compliance with City Codes: The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes including the requirement to obtain any required permits; such as a demolition permit, curb cut permit, etc.
 5. Utility location: The applicant will notify Kansas One-Call and have the utilities located prior to construction.
 6. Restrictions on use: The lot will be utilized for Montgomery County employee parking only and will not be utilized for storage of materials, equipment or disabled vehicles.
 7. Sound system: There will be no sound amplification to be placed on the parking lot.
 8. Landscaping and structures: Any landscaping or structures that are constructed adjoining any other properties will be the responsibility of Montgomery County to maintain and keep in good repair.
 9. Litter: The applicant shall police the parking lot and adjoining areas to remove any litter.
 10. Signage: If the applicant wishes to provide signage on this lot, such signage shall be limited to informational signs, i.e. directional signs and exiting and entrance signs. The size, type and placement of such signage shall be approved by the City.
 11. Parking lot construction and all requirements of the conditional use permit shall be completed within one year of the approval of the conditional use permit, or the conditional use permit will be void, unless such delay is approved by the City.
 12. If the applicant changes the use of the facilities served by the parking lot to any other use then the continuation of the conditional use permit will require review and approval by the City.
 13. If the applicant sells the adjoining facilities and the sale does not include the parking lot or if the parking lot is no longer needed to serve the adjoining facilities then the lot will be cleared of all improvements and returned to an unimproved tract containing grass.
 14. The Planning Commission may review continuation of this conditional use permit at its discretion for continuation of the conditional use. Such approval shall not be unreasonably withheld.
 15. The conditional use permit is not transferable to another location.

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

A motion was made Ron Goins, seconded by Tim Knoles to accept staff's recommendation. The motion passed unanimously.

c. Consider initiating a text amendment to allow aircraft assembly in an M-1, light industrial zone.

City staff provided the following staff report:

City staff is working with a local entrepreneur who is interested in starting a new business consisting of aircraft assembly of premanufactured parts. Currently the permitted and conditional use table allows aircraft manufacturing in an M-2 zone. However, since this particular use will be more consistent with light industrial (M-1), which is a more restrictive use than heavy industrial (M-2), City staff recommends adding "aircraft assembly of premanufactured parts" as a permitted use in the M-1 zone. In order to accomplish this the Planning Commission needs to initiate a text amendment which will require publication and a hearing. City staff recommends setting the date of February 2, 2010 at 5:30 PM for a public hearing to consider allowing aircraft assembly of premanufactured parts as a permitted use in an M-1 zone.

A motion was made by Bill Rollison, seconded by Ron Goins to accept staff's recommendation. The motion passed 5-0.

Adjournment

Ron Goins made a motion to adjourn, seconded by Tim Knoles which passed 5-0.

Phillip Chappuie, Chair

Michelle Chambers, Secretary

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, February 2, 2010, at 5:30 p.m.

To receive comments on considering a text amendment in Appendix "A" of the zoning code to provide for "aircraft assembly of premanufactured parts" as a permitted use in the M-1, light industrial district.

Case Number:

2010/ZA/01

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

Kelly Passauer
Zoning Administrator
120 North 6th 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

		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	M-1	M-2
Agricultural fertilizers, nonhazardous--retail	5255									P	P	P	P
Air conditioning, heating and plumbing contracting services	6621									P	C	P	P
Air conditioning, refrigerated equipment and supplies--wholesale	5173											P	P
Aircraft and accessories--retail	5560	C										P	P
Aircraft and parts--manufacturing	3442												P
Aircraft storage and equipment maintenance	4315	C										C	P
Airports and flying fields	4311	C										C	C
Airport freight terminals	4313	C										P	P
Airport passenger terminals	4312	C										P	P

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, February 2, 2010 at 5:30 p.m.

To receive comments on a request to rezone a tract of land from C-4, highway commercial district to M-1, light industrial district at the following location:

Legal Description:

Legal description available in the City's Clerk's Office (not published due to length).

Common Address:

2700 West Main Street

Applicant:

Curtis Lavine, M & C Rental Leasing Co., LLC

Case Number:

2010/ZA/02

The hearing will be conducted in the Veterans Room, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 6:00 p.m. All interested persons should attend and they will be heard. Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
120 North 6th 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

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: M+C Rental & Leasing Company LLC
2. Applicant's address: 2700 Quail Run - Independence Phone: 331-2374
3. Address of property proposed for rezoning: 2700 W. Main
4. Present owner's name: M+C Rental Leasing
5. Present zoning: _____ Proposed zoning: _____
6. Legal description of property proposed for rezoning (If more space is required, use back of form):

"see attached"

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

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

8. Desired use of property: light industrial

9. Use and zoning of adjacent property: _____

Direction _____ Use _____ Zoning _____

North R-4 & M-2

South C-4

East C-4 & M-2

West C-4

10. List reasons for this request: to expand warehousing business
to include light assembly.

Date: 1-27-2010 Signature: Curtis Lane

Planning Commission Action -- do not write in this space

1. Facts found: _____

2. Determination: _____

TRACT PROPOSED FOR REZONING TO M-1, LIGHT INDUSTRIAL

A tract of land located in a portion of the SW 1/4 of Section 26, Township 32 South, Range 15 East of the 6th Principal Meridian, Montgomery County, Kansas, and being more particularly described as follows:

COMMENCING at the SW corner of the SE 1/4 of the SW 1/4 of said Section 26;

THENCE N 00°00'00" E (assumed bearing) along the West line of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 360.95 feet to a point 300.00 feet South of the NW corner of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26, said point being the POINT OF BEGINNING;

THENCE continuing N 00°00'00" E a distance of 60.00 feet;

THENCE S 89°34'29" E parallel with the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 330.00 feet;

THENCE N 00°00'00" E a distance of 240.00 feet to the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;

THENCE S 89°34'29" E along said North line a distance of 659.76 feet to a point 330.00 feet East of the East line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;

THENCE S 00°00'33" E parallel with the East line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 347.54 feet;

THENCE N 89°33'12" W a distance of 610.99 feet;

THENCE N 01°25'47" E a distance of 47.32 feet to a point 300.00 feet South of the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;

THENCE N 89°34'29" W parallel with the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 380.00 feet to the POINT OF BEGINNING and containing 246,677 square feet or 5.66 acres, more or less, including that portion used for public road right-of-way purposes.

TRACT PROPOSED TO REMAIN ZONED C-4, HIGHWAY COMMERCIAL

A tract of land located in a portion of the SW 1/4 of Section 26, Township 32 South, Range 15 East of the 6th Principal Meridian, Montgomery County, Kansas, and being more particularly described as follows:

COMMENCING at the SW corner of the SE 1/4 of the SW 1/4 of said Section 26;

THENCE N 00°00'00" E (assumed bearing) along the West line of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 360.95 feet to a point 300.00 feet South of the NW corner of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;

THENCE S 89°34'29" E parallel with the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 380.00 feet;

THENCE S 01°25'47" W a distance of 47.32 feet to the POINT OF BEGINNING;

THENCE S 89°33'12" E a distance of 610.99 feet;

THENCE S 00°00'33" E parallel with the East line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 262.89 feet to the North right-of-way of U.S. 75 and 160 Highway;

THENCE N 89°36'17" W along said North right-of-way a distance of 120.15 feet;

THENCE S 00°23'43" W along said right-of-way a distance of 10.00 feet;

THENCE N 89°36'17" W along said right-of-way a distance of 209.78 feet to a point on the East line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;

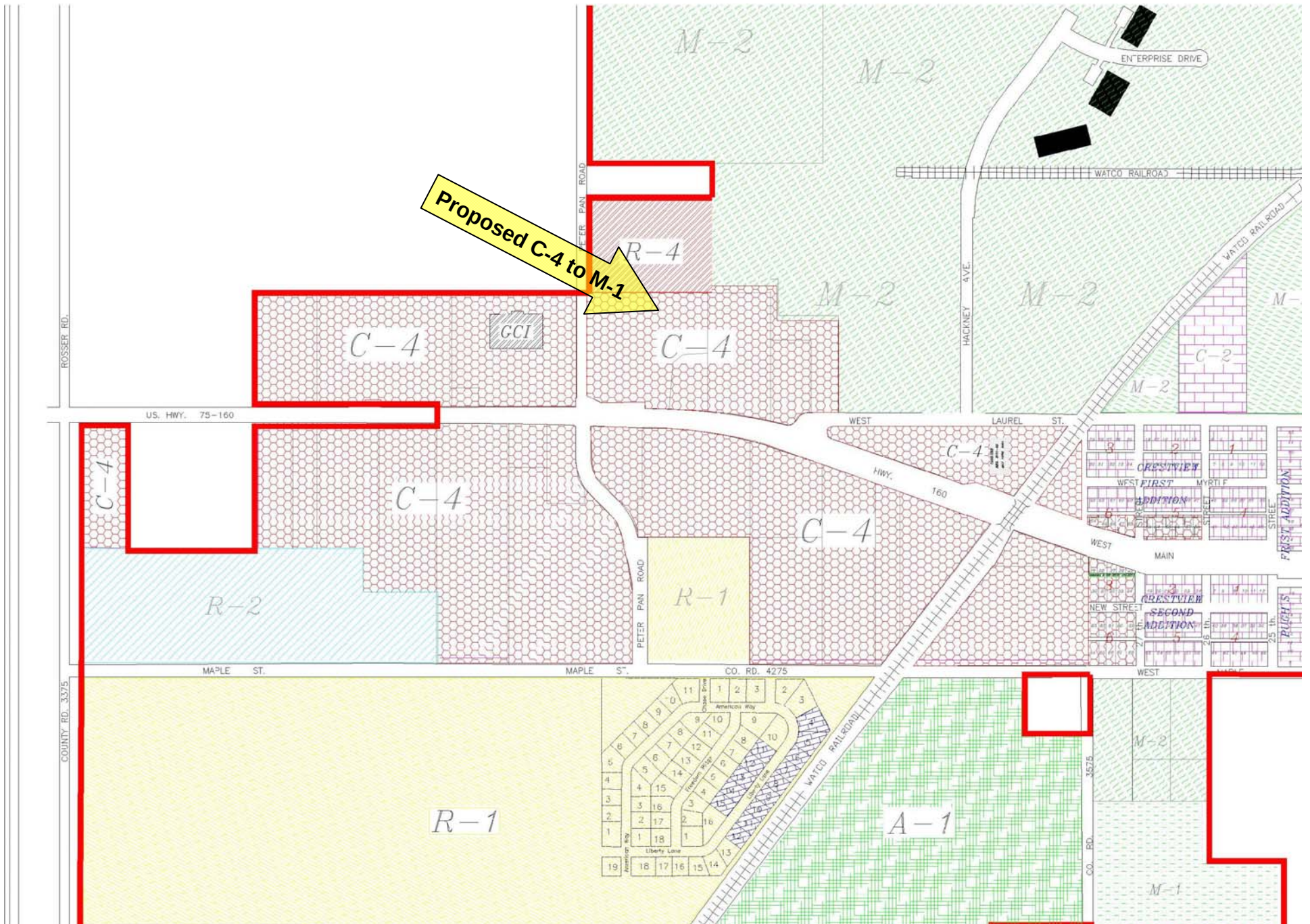
THENCE N 00°00'33" W along said East line a distance of 124.00 feet;

THENCE N 89°36'17" W a distance of 185.58 feet;

THENCE S 01°25'47" W a distance of 124.02 feet to the North right-of-way of U.S. 75 and 160 Highway;

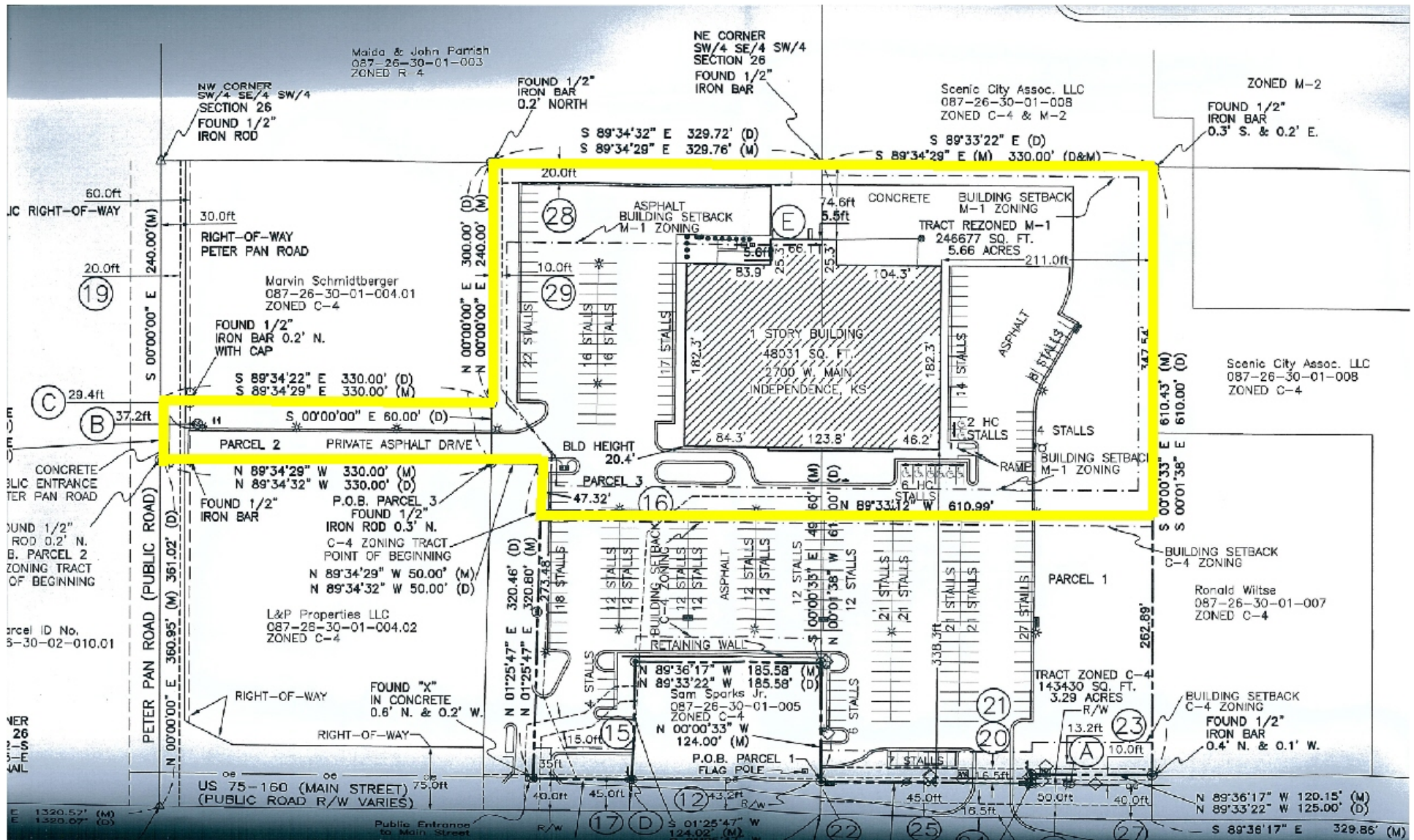
THENCE N 89°36'17" W along said North right-of-way a distance of 99.16 feet;

THENCE N 01°25'47" E a distance of 273.48 feet to the POINT OF BEGINNING and containing 143,430 square feet or 3.29 acres, more or less



2700 West Main Street

Portion of tract to be rezoned from C-4 to M-1





ORDINANCE NO. 4064

Page 1 of 1



STATE OF KANSAS MONTGOMERY COUNTY
FILED FOR RECORD

MARILYN CALHOUN, REGISTER OF DEEDS

9:27:20 AM, 2/24/2010 Receipt No.: 40042

ORDINANCE

\$0.00

BOOK: **588** PAGE: **781**

AN ORDINANCE PROVIDING FOR THE REZONING OF A CERTAIN TRACT OF LAND IN THE CITY OF INDEPENDENCE, KANSAS FROM C-4, HIGHWAY COMMERCIAL DISTRICT TO M-1, LIGHT INDUSTRIAL DISTRICT, AS HEREINAFTER SET FORTH AND AMENDING THE OFFICIAL ZONING DISTRICT MAP INCORPORATED BY REFERENCE BY SECTION 303.0 OF THE ZONING ORDINANCE OF THE CITY OF INDEPENDENCE.

Section 1. The heretofore existing zoning of the following described real property be modified, amended and changed from C-4, Highway Commercial District to M-1, Light Industrial District:

Legal Description

See Exhibit "A"

Section 2. The Planning and Zoning Commission recommended approving the rezoning to M-1, Light Industrial District.

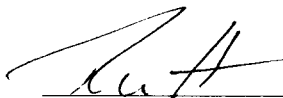
Section 3. The zoning recommendations came before the governing body of the City of Independence, Montgomery County, Kansas, and after due consideration and deliberation, the governing body, voted to accept the Planning and Zoning Commission recommendation and approved the rezoning.

Section 4. That the zoning map of the City of Independence, Kansas, referred to and made a part of the Code of the City of Independence, Kansas, Appendix B, Zoning, Article III, Section 303.0 be and the same is hereby amended by changing the zoning designation of the above described real property from C-4, Highway Commercial District to M-1, Light Industrial District.

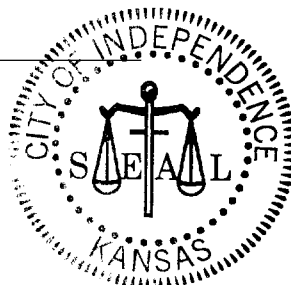
Section 5. That upon the taking effect of this ordinance the above zoning change shall be entered and shown on the Zoning Map of the City of Independence, Kansas, and after such change is reflected on said zoning map, the zoning map as amended, is hereby reincorporated by reference in the Code of the City of Independence, Kansas, Appendix B, Zoning, Article III, Section 303.0.

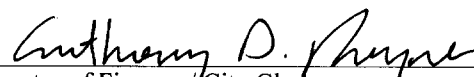
Section 6. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this 18th day of February 2010.



Mayor





Director of Finance / City Clerk

TRACT PROPOSED FOR REZONING TO M-1, LIGHT INDUSTRIAL

A tract of land located in a portion of the SW 1/4 of Section 26, Township 32 South, Range 15 East of the 6th Principal Meridian, Montgomery County, Kansas, and being more particularly described as follows:

COMMENCING at the SW corner of the SE 1/4 of the SW 1/4 of said Section 26;

THENCE N 00°00'00" E (assumed bearing) along the West line of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 360.95 feet to a point 300.00 feet South of the NW corner of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26, said point being the POINT OF BEGINNING;

THENCE continuing N 00°00'00" E a distance of 60.00 feet;

THENCE S 89°34'29" E parallel with the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 330.00 feet;

THENCE N 00°00'00" E a distance of 240.00 feet to the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;

THENCE S 89°34'29" E along said North line a distance of 659.76 feet to a point 330.00 feet East of the East line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;

THENCE S 00°00'33" E parallel with the East line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 347.54 feet;

THENCE N 89°33'12" W a distance of 610.99 feet;

THENCE N 01°25'47" E a distance of 47.32 feet to a point 300.00 feet South of the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;

THENCE N 89°34'29" W parallel with the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 380.00 feet to the POINT OF BEGINNING and containing 246,677 square feet or 5.66 acres, more or less, including that portion used for public road right-of-way purposes.

Exhibit "A"

Affidavit of Publication

STATE OF KANSAS
Montgomery County, ss:

Herbert A. Meyer III, being first duly sworn, deposes and says: That he is the **publisher** of the
Independence Daily Reporter

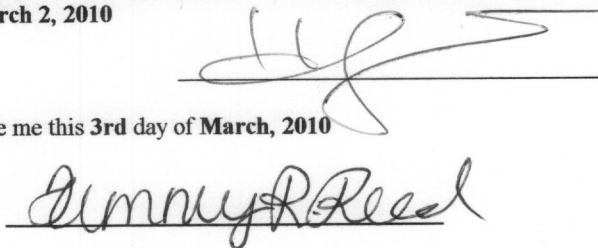
a daily newspaper printed in the state of Kansas, and published in and of general circulation in Montgomery County, Kansas, with a general paid circulation on a daily basis in Montgomery County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Independence in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper **1 time on March 2, 2010**

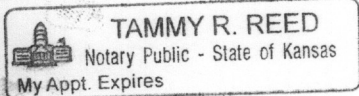
Subscribed and sworn to before me this **3rd day of March, 2010**

Printer's fee: \$ 69.52
Account No: 11295



Notary Public

My commission expires: **September 10, 2011**



(First published in the Independence Daily Reporter March 2, 2010)

ORDINANCE NO. 4064

AN ORDINANCE PROVIDING FOR THE REZONING OF A CERTAIN TRACT OF LAND IN THE CITY OF INDEPENDENCE, KANSAS FROM C-4, HIGHWAY COMMERCIAL DISTRICT TO M-1, LIGHT INDUSTRIAL DISTRICT, AS HEREINAFTER SET FORTH AND AMENDING THE OFFICIAL ZONING DISTRICT MAP INCORPORATED BY REFERENCE BY SECTION 303.0 OF THE ZONING ORDINANCE OF THE CITY OF INDEPENDENCE.

Section 1. The heretofore existing zoning of the following described real property be modified, amended and changed from C-4, Highway Commercial District to M-1, Light Industrial District:

Legal Description:

TRACT PROPOSED FOR REZONING TO M-1, LIGHT INDUSTRIAL

A tract of land located in a portion of the SW 1/4 of Section 26, Township 32 South, Range 15 East of the 6th Principal Meridian, Montgomery County, Kansas, and being more particularly described as follows:

COMMENCING at the SW corner of the SE 1/4 of the SW 1/4 of said Section 26; THENCE N 00 degrees 00'00" E (assumed bearing) along the West line of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 360.95 feet to a point 300.00 feet South of the NW corner of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26, said point being the POINT OF BEGINNING;

THENCE continuing N 00 degrees 00'00" E a distance of 60.00 feet;

THENCE S 89 degrees 34' 29" E parallel with the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 330.00 feet;

THENCE N 00 degrees 00'00" E a distance of 240.00 feet to the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;

THENCE 89 degrees 34'29" E along said North line a distance of 659.76 feet

to a point 330.00 feet East of the East line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;

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THENCE N 89 degrees 33'12" W a distance of 610.99 feet;

THENCE N 01 degrees 25'47" E a distance of 47.32 feet to a point 300.00 feet South of the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26;

THENCE N 89 degrees 34'29" W parallel with the North line of the SW 1/4 of the SE 1/4 of the SW 1/4 of said Section 26 a distance of 380.00 feet to the POINT OF BEGINNING and containing 246.677 square feet or 5.66 acres, more or less, including that portion used for public road right-of-way purposes.

Section 2. The Planning and Zoning Commission recommended approving the rezoning to M-1, Light Industrial District.

Section 3. The zoning recommendations came before the governing body of the City of Independence, Montgomery County, Kansas, and after due consideration and deliberation, the governing body, voted to accept the Planning and Zoning Commission recommendation and approved the rezoning.

Section 4. That the zoning map of the City of Independence, Kansas, referred to and made a part of the Code of the City of Independence, Kansas, Appendix B, Zoning, Article III, Section 303.0 be and the same is hereby amended by changing the zoning designation of the above described real property from C-4, Highway Commercial District to M-1, Light Industrial District.

Section 5. That upon the taking effect of this ordinance the above change shall be entered and shown on the Zoning Map of the City of Independence, Kansas, and after such change is reflected on said zoning map, the zoning map as amended, is hereby reincorporated by reference in the Code of the City of Independence, Kansas, Appendix B, Zoning, Article III, Section 303.0.

Section 6. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this 18th day of February 2010.

/s/ Rick Mott
Mayor

/s/ Arlene
Director of Finance/City Clerk
(SEAL)



REQUEST FOR PLANNING COMMISSION ACTION CONDITIONAL USE PERMIT CITY OF INDEPENDENCE NOVEMBER 14, 2023

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to receive comments on a request for a conditional use permit for "Retail trade not elsewhere listed" at 2700 W. Main Street.

SUMMARY RECOMMENDATION Approve conditional use permit for "Retail trade not elsewhere listed" for 2700 W Main.

BACKGROUND The conditional use permit for "Retail trade not elsewhere listed" should only be considered if the rezoning from C-4 to M-1 was recommended for approval in the previous public hearing. This is due to the Use limitations per 513.8 in the M-1, light industrial district:

- a. All operations and activities shall be conducted within a building or buildings. Storage may be maintained outside said building or buildings provided the view of said storage area is properly screened from adjacent streets and residential areas.
- b. **No retail sales or service shall be permitted except when incidental or accessory to a permitted use.**
- c. No building shall be used for residential purposes except that a watchman may reside on the premises.

If not, then the conditional use permit for "Storage warehousing for non-hazardous products" should be considered as the portion of the property containing the storage facility would be located in the C-4 district which requires this conditional use permit, and the business that it would serve would be located in the M-1 district which allows "Storage warehousing for non-hazardous products" as a permitted use. If rezoning the remainder of the parcel to M-1 is approved, then the conditional use permit for "Storage warehousing for non-hazardous products" is not needed as it is a permitted use in the M-1 zone.

		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
Storage and warehousing of hazardous products	6377													C
Storage and warehousing of household goods	6375									C		C	P	P
Storage and warehousing of nonhazardous products	6376									C		C	P	P

The applicant plans to construct a storage building on their large parcel, and also obtain a conditional use permit for "Retail trade not elsewhere listed" to be able to sell retail unrelated to their industrial supply wholesale business at a later date if needed.

		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
Retail trade not elsewhere listed	5990	C							C	P	P	P	C	C

At this point, the applicant wants to use the storage building as an accessory to the main building, which they can do in an M-1, light industrial district. If at some point they wish to have retail on this large parcel in any portion of their buildings, which currently is allowed only if it pertains directly to their industrial supply

wholesale business, they would need to get a conditional use permit. Approving this use now gives them the ability to have retail sales that are not directly related to their industrial supply wholesale business. Since commercial zoning is currently adjacent to this location on three sides, this would be conducive to the mixed neighborhood.

Currently, this property has an existing conditional use permit for Medical Clinics, Outpatient Services and Medical Laboratory Services as they lease space in the building to Labette Health for this purpose. Rezoning the remainder of the lot to M-1 and issuing a new conditional use permit for "Retail trade not elsewhere listed" will not invalidate this existing conditional use permit. It will allow them the flexibility to lease a portion of their building in the future to an unrelated retailer if they so choose.

Since the adjoining commercial zones are C-4, which contain a requirement for a minimum tenant space of 5,000 square feet, the Planning Commission should consider including this as a condition for the unrelated retail space to ensure a level playing field with the other commercial businesses in this neighborhood.

POLICY EXPLANATION 901.0. - Purpose and authority.

901.1. Purpose: Conditional uses are those types of uses which are considered by the city to be essentially desirable, necessary, or convenient to the community but which by their nature or operation have (1) a tendency to generate excessive traffic, (2) a potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants, (3) a detrimental effect upon the value of or potential development of other properties in the neighborhood, or (4) an extraordinary potential for accidents or danger to the public health or safety. Such conditional uses cannot be allowed to locate as a "right" on any parcel of land within certain districts without consideration of existing conditions at the proposed location and of properties neighboring upon the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse factors.

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

(Ord. No. 3863, § 1, 12-20-01)

902.0. - Processing procedure.

902.1. Application of conditional use permit: Application for conditional uses, as designated in appendix "A" of this ordinance shall be on forms obtained from the city clerk's office. The application shall be filed with the zoning administrator at least 30 days prior to the regular city planning and zoning commission meeting at which the proposed conditional use will be considered. As determined by the zoning administrator, the application shall include any or all of the following items deemed relevant by the zoning administrator, plus any other information or materials not listed below which the zoning administrator deems relevant:

- a. Statement of intended use of the property.
- b. Site plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting.
- c. Existing and proposed topography, drawn at appropriate contour intervals as specified by the zoning administrator.
- d. Location of, and proposed connections to, existing water supply and sanitary sewer systems.
- e. Description of architecture and exterior materials to be utilized.
- f. Names of the landowner, developer and firm preparing the plan.
- g. Legal description of the tract.
- h. North point, scale and date.

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

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

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

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.
- b. The proposed conditional use at the specified location will contribute to and promote the welfare 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.

ACTION BY THE PLANNING COMMISSION Any recommendations regarding a conditional use permit for the subject properties shall be based on Section 902.2 previously outlined in this report. After considering any public comments, the Planning Commission may either approve or deny the requests. Following your action, the application and your recommendation will be forwarded to the City Commission, at which time they will have 30 days to adopt, modify or deny the Planning Commission's recommendation.

STAFF RECOMMENDATION If the rezoning to M-1 was approved in the previous hearing, staff recommends approving a conditional use permit for "Retail trade not elsewhere listed" at 2700 W. Main Street. The proposed use meets the proposed criteria listed in Section 902.2. This is a mixed neighborhood with commercial and industrial uses adjoining.

If the rezoning to M-1 was not approved in the previous hearing, staff recommends approving a conditional use permit for "Storage warehousing for non-hazardous products" with the following conditions:

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

SUGGESTED MOTION I move to recommend to the City Commission approval of a conditional use permit at 2700 W. Main Street for "Retail trade not elsewhere listed" with the following conditions:

1. Any retail trade not related to the primary business must be contained in a tenant space meeting the following requirements:
 - a. Minimum tenant space: 5,000 square feet, which may be non-contiguous as long as it is within the same building. Each commercial space intended to be occupied by a single commercial user or each commercial space which has separate doorway access from the exterior of the building or from an interior corridor of an enclosed mall shall be considered to be a tenant space.
 - b. Exception: Businesses catering to the motoring public shall be exempt from the minimum tenant space requirement. Automobile service stations, convenience stores, restaurants, and financial institutions with drive-up or drive-through facilities shall be deemed to be "businesses catering to the motoring public." The determination whether any business constitutes a "business catering to the motoring public" shall be made by the city planner, whose determination shall be appealable to the board of zoning appeals.
2. The conditional use permit is not transferable to another location.
3. The applicant must follow all City codes.

SUPPORTING DOCUMENTS

1. Public Hearing Notice Rezoning and CUP 2700 W Main Street
2. Application for Conditional Use Permit for Storage and Warehousing of Non Hazardous Products (Not Needed If Rezoned to M-1)
3. Application for Conditional Use Permit for Retail Trade Not Elsewhere Listed (Needed for M-1 zone)
4. 2700 W Main 200 feet Ownership
5. 2700 W Main Payments
6. Conditional Use Permit Issued in 2021 for Labette Health

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, November 14, 2023, at 5:30 p.m.

To receive comments to consider rezoning a tract of land at 2700 West Main Street from C-4, highway commercial district to M-1, light industrial district; and to receive comments on a request for a conditional use permit for “Retail trade not elsewhere listed”

Legal Description:

Acres 8.67, S 60' N 300' NW4 SW4 SE4 SW4; E/2 SW4 SE4 SW4 EX S 330' of W 50' & EX S 124' of E 186'; Less R/W; Independence City Unplatted to the City of Independence, Montgomery County, Kansas.

Common Address:

2700 West Main Street

Applicant/Owners:

City of Independence
Corey Hugo

Case Number:

2022/ZA/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

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED _____
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Corey Hugo

2700 W Main St Independence, KS 67301

LEGAL DESCRIPTION OF LAND INVOLVED:

Commercial lot. See attached Deed

COMMON ADDRESS OF SAID LAND:

2700 W Main St Independence, KS 67301

PRESENT ZONING CLASSIFICATION: C-4

STATEMENT OF INTENDED USE OF PROPERTY:

Storage warehouse for non hazardous material

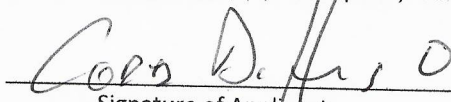
DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

Pre-Engineered Metal Building with Overhead Garage Doors and Loading Docks

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.

10-16-2023

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:

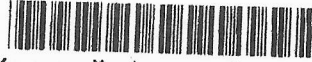
(Approved, Denied --- Date)

Comments:

Chairman

Vice Chairman

Secretary



State of Kansas, Montgomery County

This instrument was filed for

Record on December 16, 2016 02:25:00 PM

Recorded in Book 655 Page 877-880

Fee: \$48.00 201604690



Marilyn Calhoun

Marilyn Calhoun, Register of Deeds

A Real Estate Sales Questionnaire is not required because this deed is made solely for the purpose of securing or releasing security for a debt or other obligation. See K.S.A. 79-1437e(a)(2).

WARRANTY DEED
(Kansas Statutory Form)

CALCOR, LLC, Grantor,

CONVEYS AND WARRANTS TO

THE CITY OF INDEPENDENCE, KANSAS, Grantee, the following described real estate in Montgomery County, Kansas:

See Exhibit A attached hereto

for the sum of \$10.00 and other good and valuable consideration;

EXCEPT AND SUBJECT TO: encumbrances, easements and rights-of-way of record.

[balance of this page intentionally left blank]

Dated this ____ day of December, 2016

CALCOR, LLC

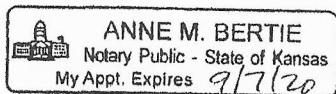
By: Corey Hugo
Name: Corey Hugo
Title: Managing Member

ACKNOWLEDGMENT

STATE OF KANSAS)
COUNTY OF MONTGOMERY) SS:
)

This instrument was acknowledged before me on the 8 day of December, 2016 by
Corey Hugo, Managing Member of Calcor, LLC

[NOTARY SEAL]



Anne M. Bertie
Notary Public
Anne M. Bertie
Typed or Printed Name of Notary Public

My Appointment Expires:

9/7/20

EXHIBIT A

The following described real estate in Montgomery County, Kansas:

Parcel 1: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, thence S 89°33'22" E 1980.10 feet to the Southwest corner of the E/2 of the SE/4 of the SW/4 of Section 26, Township 32, Range 15, thence N 00°01'38" W 45 feet along the West line of said E/2 of the SE/4 of the SW/4 to the North highway right of way of U.S. 75 and 160 Highway, thence N 00°01'38" W 615 feet, thence S 89°33'22" E 330 feet, parallel to the South section line, thence S 00°01'38" E 610 feet to the North Highway right of way of U.S. 75 and 160; thence N 89°33'22" W 125 feet, thence S 00°01'38" E 5 feet, thence N 89°33'22" W 205 feet to the point of beginning

Parcel 2: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East, Montgomery County, Kansas, thence S 89°33'22" E 1320.07 feet to the Southwest corner of the SE/4 of the SW/4 of said Section, thence N 00°00'00" E 361.02 feet along the West line of said SE/4 of the SW/4 to a point 300 feet South of the Northwest corner of the SW/4 of the SE/4 of the SW/4 of Section 26, Township 32 South, Range 15 East to the true point of beginning, thence N 00°00'00" E 60 feet, thence S 89°34'32" E 330 ft., parallel to the North line of said SW/4 of the SE/4 of the SW/4, thence S 00°00'00" E 60 feet, then N 89°34'32" W 330.00 feet to the true point of beginning

Parcel 3: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, thence S 89°33'22" E 1320.07 feet to the Southwest corner of the SE/4 of the SW/4 of said Section, thence N 00°00'00" E 361.02 feet along the West line of said SE/4 of the SW/4, thence S 89°34'22" E 330 feet parallel to the North line of the SW/4 of the SE/4 of the SW/4 to the true point of beginning, thence N 00°00'00" E 300 feet to the North line of said SW/4 of the SE/4 of the SW/4, thence S 89°34'32" E 329.72 feet to the Northeast corner of the SW/4 of the SE/4 of the SW/4 of Section 26, Township 32 South, Range 15 East, S 00°01'38" E 496.78 feet along the East line of said SW/4 of the SE/4 of the SW/4 to a point 164 feet North of the Southeast corner of the SW/4 of the SE/4 of the SW/4, thence N 89°33'22" W 185.58 feet, thence S 01°25'47" W 124 feet to the North US 75 and 160 Highway right-of-way thence West 99.25 feet along the Highway right of way to a point 372 feet East of the West line of the SE/4 of the SW/4, thence N 01°25'47" E 320.46 feet, thence N 89°34'32" W 50 feet to the true point of beginning

ALL OF THE ABOVE ALSO DESCRIBED AS:

A tract of land located in a portion of the SW/4 of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, and being more particularly described as follows:

Commencing at the SW corner of the SE/4 of the SW/4 of said Section 26, thence N 00°00'00" E (assumed bearing) along the West line of the SE/4 of the SW/4 of said Section 26 a distance of 360.95 feet to a point 300.00 feet South of the NW corner of the SW/4 of the SE/4 of the SW/4 of said Section 26, said point being the point of beginning;

thence continuing N 00°00'00" E a distance of 60.00 feet,

thence S 89°34'29" E parallel with the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26 a distance of 330.00 feet;

thence N 00°00'00" E a distance of 240.00 feet to the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26;

thence S 89°34'29" E along said North line a distance of 659.76 feet to a point 330.00 feet East of the East line of the SW/4 of the SE/4 of the SW/4 of said Section 26;

thence S 00°00'33" E parallel with the East line of the SW/4 of the SE/4 of the SW/4 of said Section 26, a distance of 610.43 feet to the North right-of-way of U.S. 75 and 160 Highway;

thence N 89°36'17" W along said North right-of-way a distance of 120.15 feet;

thence S 00°23'43" W along said right-of-way a distance of 10.00 feet;

thence N 89°36'17" W along said right-of-way a distance of 209.78 feet to a point on the East line of the SW/4 of the SE/4 of the SW/4 of said Section 26,

thence N 00°00'33" W along said East line a distance of 124.00 feet;

Thence N 89°36'17" W a distance of 185.58 feet;

Thence S 01°25'47" W a distance of 124.02 feet to the North right-of-way of U.S. 75 and 160 Highway;

Thence N 89°36'17" W along said North right-of-way a distance of 99.16 feet;

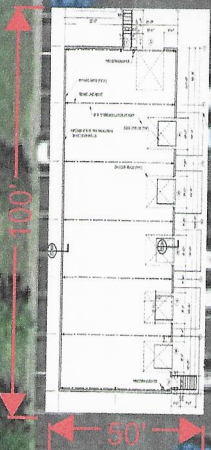
Thence N 01°25'47" E a distance of 320.80 feet to a point 300.00 feet South of the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26;

Thence N 89°34'29" W parallel with the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26 a distance of 380.00 feet to the point of beginning

Labette
Health-Indy CORE

Hugo's Industrial Supply

Site Plan. Drawn at
appropriate scale.



NORTH

CAUTION:

EROSION CONTROL & MAINTENANCE PLAN NOTES:

- [illegible]

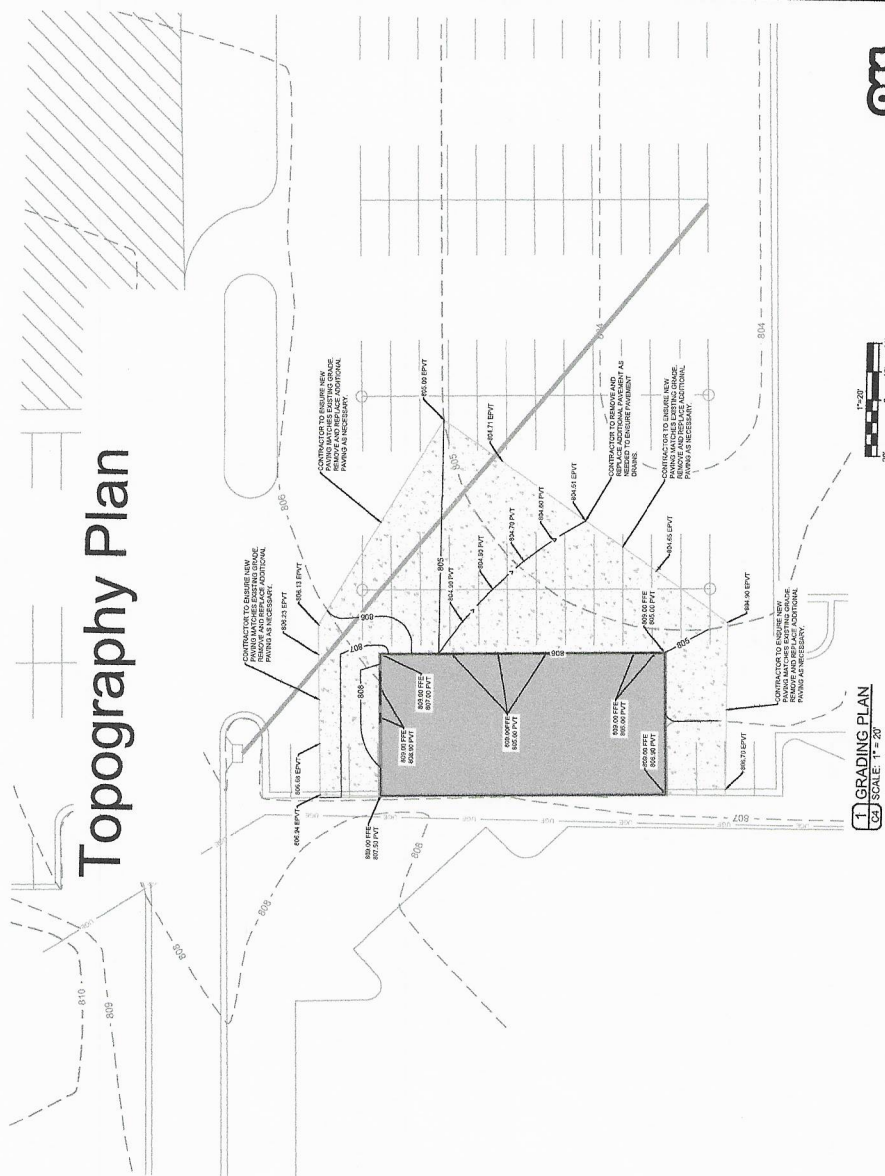
GENERAL NOTES:

- A. REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
- B. FIELD CONDITIONS BASED UPON SURVEY SUBMITTED BY OWNER. FIELD VERIFY EXISTING CONDITIONS BY DETAILED SITE INSPECTION PRIOR TO SUBMITTING BID AND BEGINNING CONSTRUCTION.
- C. FIELD VERIFY SANITARY SEWER SERVICE CONNECTION INVERT PRIOR TO ESTABLISHING FINAL FINISH FLOOR ELEVATION.
- D. COORDINATE WORK WITH OTHER SITE RELATED DEVELOPMENT DRAWINGS.

SPECIAL NOTE:
CONTRACTOR TO PERFORM DETAILED SITE
CONSTRUCTION TO LOCATE ALL EXISTING
UTILITIES AND VERIFY ANY POSSIBLE
CONFLICTS WITH PROPOSED IMPROVEMENTS
PRIOR TO BEGINNING ANY CONSTRUCTION.
CONTACT ENGINEER WITH ANY CONFLICTS.

SPECIAL NOTE:
CONTRACTOR SHALL FIELD VERIFY PROPOSED GRADES MATCH EXISTING PAVEMENT AT DRIVEWAY ENTRANCES, SIDEWALK CONNECTIONS, AND ALL CONNECTION POINTS PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL NOTIFY ENGINEER IF DISCREPANCY OCCURS.

Topography Plan



1 GRADING PLAN
C4 SCALE: 1" = 20'

SYMBOLS LEGEND

NOTE: REFER TO SURVEY FOR EXISTING CONDITION SYMBOLS' LEGEND AND SITE CONTROL.

EXISTING GRADE LINES		PROPOSED NEW GRADE LINES		NEW SPOT ELEVATIONS		LIST		ABBREVIATION	
---	500	---	500						NONE
									5W
									TC
									PVT
									NEW GRADE
									GD
									EXISTING PAVEMENT
									EPVT

500 ± 0.00' PVT

**Know what's below.
Call before you dig.**

[illegible]

DRAWING INFORMATION

PROJECT NO: 23JO10053
DRAWN BY: SW
CHECK BY: JO
ISSUED DATE: 08/31/2023
FIELD BOOK: XXX



ISSUED BY: JOSHUA OATHOUT
LICENSE NO: 28574

A licensed Missouri
Engineering Corporation

SHEET TITLE
GRADING PLAN

SHEET NUMBER

Requested Information for Conditional Use Permit

Location of, and proposed connections to,
existing water supply and sanitary sewage
system: Not Applicable. No water or sewage in
building

Names of landowner, developer, and firm preparing the plan:

Landowner: Corey Hugo

Developer: Crossland

Firm Preparing the Plan: Crossland

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED _____
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:
Corey and/or Lisa Hugo

LEGAL DESCRIPTION OF LAND INVOLVED:
Commercial lot. See attached Deed

COMMON ADDRESS OF SAID LAND:
2700 W. Main Street

PRESENT ZONING CLASSIFICATION: C-4 (However, being rezoned concurrently as M-1)

STATEMENT OF INTENDED USE OF PROPERTY:
"Retail trade not elsewhere listed" per the "Listing of Permitted and Conditional Uses" per the Zoning Code.

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.

10-2-2023
Date

Corey Hugo
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

Quick Ref	Situs	Owner	Mail 1	Mail City	Mail State	Mail Zip
3571	564 Peter Pan Rd	Labette Health Foundation, Inc	1902 S US HWY 59	Parsons	KS	67357
3573	410 Peter Pan Rd	Schmidtberger Family Investments, LLC	PO Box 424	Pratt	KS	67124
3573	410 Peter Pan Rd	Huitt Family Investments, LLC	211 S Oak	Pratt	KS	67124
3574	2800 W Main St	Austin's Independence, LLC	711 S Dewey Ave	Bartlesville	OK	74003
3575	2746 W Main St	Miller Bros West LLC	2743 W Main St	Independence	KS	67301
3577	2500 W Laurel St	JAG Investments Inc	2500 W Laurel St	Independence	KS	67301
		Tharp, Jeana G Rev Trust Attn: Kenneth				
3576	2600 W Laurel St	Tharp	515 W Washington	Fredonia	KS	66736
3710	2801 W Main St	M & C Rental Leasing Co, LLC	3839 CR 3720	Independence	KS	67301
			7777 Bonhomme Ave			
3711	102 S Peter Pan Rd	Pool 6 Properties, LLC	#STE 1700	St Louis	MO	63105



Independence, KS

This is your payment receipt.

Confirmation Number
4X5VDNGNGT

Payer Contact Info
corey.hugo@thehugos.com

Payment Method
*****7795

Variance

Name	Corey Hugo
Property Address	2700 W MAIN ST
Phone Number	16203316050

Base Price	\$100.00
Convenience Fee	\$1.25
Municipal Online Payments Fee	\$1.25
Total	\$102.50



Independence, KS

This is your payment receipt.

Confirmation Number
4FQGHJTRHJ

Payer Contact Info
corey.hugo@thehugos.com

Payment Method
*****7795

Rezoning

Name	Corey Hugo
Property Address	2700 W MAIN ST
Phone	16203316050

Base Price	\$200.00
Convenience Fee	\$1.25
Municipal Online Payments Fee	\$1.25
Total	\$202.50

RESOLUTION NO. 2021 – 014

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO OPERATE MEDICAL CLINICS, OUTPATIENT SERVICES AND MEDICAL LABORATORY SERVICES AT 2700 W. MAIN STREET.

WHEREAS, at a public hearing conducted on April 20, 2021, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit to operate Medical clinics, outpatient services and Medical laboratory services at 2700 W. 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 to operate Medical clinics, outpatient services and Medical laboratory services at 2700 W. Main Street, is approved as hereinafter modified.

The property in question has the legal description as described in the attached Exhibit A

The applicant must meet the following requirements:

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

Adopted and approved by the Governing Body of the City of Independence, Kansas, on this 13th day of May, 2021.

(Attest)



Louis Ysusi
Louis Ysusi, Mayor

David Schwenker
David Schwenker, City Clerk



State of Kansas, Montgomery County
This instrument was filed for
Record on May 18, 2021 10:26 AM
Recorded in Book 702 Page 1483- 1483
Fee: \$0.00 202101979



Marilyn Calhoun
Marilyn Calhoun, Register of Deeds



REQUEST FOR PLANNING COMMISSION ACTION

**CITY OF INDEPENDENCE
NOVEMBER 14, 2023**

Department Admin

Prepared By Kelly Passauer

AGENDA ITEM Consider rescheduling the December 5, 2023 meeting.

SUMMARY RECOMMENDATION Reschedule the December meeting.

BACKGROUND Some members, staff, and the City Attorney have a conflict on December 5, 2023 due to the annual Rotary Christmas Banquet. We are requesting the meeting be either pushed back one week or moved to an earlier time.

Suggested Motion: I move to reschedule the December 5, 2023 meeting to
_____.

SUPPORTING DOCUMENTS



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
VARIANCE
CITY OF INDEPENDENCE
NOVEMBER 14, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments on a variance request for setbacks in an M-1, light industrial district at 2700 W. Main Street.

SUMMARY RECOMMENDATION Approve variance for setback(s).

BACKGROUND 513.6. Yard regulations:

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

b. *Minimum side yard:* 15 feet for any building or structure.

Exception: 25 feet when abutting a street; 30 feet when abutting any "R" district.

c. *Minimum rear yard:* Ten feet.

Exception: 80 feet when abutting any "R" district.

The applicant wants to construct a storage building 10 feet from the property line to the west and therefore are requesting a 5 foot reduction to the west side yard setback required of 15 feet. They also wish to construct the storage building 15 feet from the property line to the south and therefore are requesting a 10 foot reduction to the front yard setback required of 25 feet.

BOARD OF ZONING APPEALS CONSIDERATIONS Acceptance of a variance must be based on the following factors:

A) Unique condition to the property in question which is not ordinarily found in the same zone and is not created by any action of the property owner. *In order to keep the number of parking spaces the code calls for, the company needs to get the variance.*

B) The variance will not adversely affect the rights of adjacent property owner. *The variance does not appear to adversely affect the rights of adjacent property owner(s).*

C) The strict enforcement of the regulations would cause an unnecessary hardship. *The company wants the building to be 5,000 sq. ft. and needs the extra space to keep as many parking spaces as possible.*

D) The variance would not adversely affect public health, safety and morals. *The variance does not appear to affect public health, safety and morals.*

E) The variance will be in keeping with the general intent and spirit of the zoning regulations. *The variance will be in keeping with the general intent and spirit of the zoning regulations.*

STAFF RECOMMENDATION City staff recommends approving the variances to reduce the west side yard setback 5 feet and front yard setback 10 feet.

SUGGESTED MOTION I move to approve a variance request to reduce the west side yard setback from 15 feet to 10 feet, and to reduce the front yard setback from 25 feet to 15 feet in an M-1 light industrial district, currently a C-4 highway commercial district being considered for rezoning at 2700 West Laurel Street, pending the final approval of the rezoning request.

SUPPORTING DOCUMENTS

1. VAR 1123 Public Hearing Notice 2700 W Main setbacks
2. Variance Application 2700 W Main
3. Payment Receipt - Variance 2700 W Main
4. Variance 2700 W Main

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Board of Zoning Appeals will conduct a public hearing on:

Tuesday, November 14, 2023 at 5:30 p.m.

To receive comments on a variance request for setbacks in an M-1 light industrial district.

Common Address:

2700 W Main Street

Legal Description:

Acres 8.67, S 60' N 300' NW4 SW4 SE4 SW4; E/2 SW4 SE4 SW4 EX S 330' of W 50' & EX S 124' of E 186'; Less R/W; Independence City Unplatted to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

City of Independence

Corey Hugo

Case Number:

2023/VAR/11

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

APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: October 16th, 2023

2. Name, Address and Telephone Number of Property Owner:

Corey Hugo
2700 W Main St. Independence, KS 67301
620-330-2081

3. I appoint the following person as my agent during consideration of my request:

Name:
Address:
Telephone:

4. Common Address of Land Involved:

2700 W Main St. Independence, KS 67301

5. Legal Description of Land Involved:

See attached

6. Describe what you wish to do which the zoning code prohibits:

Placement of a new pre-engineered metal building structure outside of yard regulations parameters per 513.6

7. The following condition(s), which were not created by the owner's actions, are unique to the property in question and are not commonly found in the same zone or district:

Not applicable

8. The proposed development would not adversely affect the rights of the adjacent property owners or residents because:

The construction of a new 5,000 SF storage building does not adversely affect the adjacent land owners.

9. The literal enforcement of the zoning regulations will result in the following unnecessary hardships:

The enforcements of the existing yard regulations will force the placement of the new building to protrude more into the parking lot of the existing Hugo's Industrial Warehouse lot. This will unnecessarily take parking spots away from the retail store

10: The proposed development will not be contrary to the public health, safety, morals, or general welfare because:

There will be no impact on public health, safety, morals, or general welfare in regards to the new development

11: The proposed development will not be contrary to the general spirit and intent of the zoning ordinance because:

There will be no impact on general spirit

12: Please attach a site plan showing the dimensions of the lot, the location of building (both existing and proposed), and the location of existing buildings on adjacent property.

Attached

If the space provided is not sufficient, the applicant may attach additional pages. The applicant also may submit any other pertinent information including photographs, drawings, maps, statistics, legal documents, and letters of support.

Signature of Property Owner:

Cory D. H, O

Case Number: _____

Date Filed: _____

Fee Received: _____

Present Zoning: _____

Labette
Health-Indy CORE

Hugo's Industrial Supply

Site Plan. Drawn at
appropriate scale.

NORTH



State of Kansas, Montgomery County
This instrument was filed for
Record on December 16, 2016 02:25:00 PM
Recorded in Book 655 Page 877-880
Fee: \$48.00 201604690



Marilyn Calhoun
Marilyn Calhoun, Register of Deeds

A Real Estate Sales Questionnaire is not required because this deed is made solely for the purpose of securing or releasing security for a debt or other obligation. See K.S.A. 79-1437e(a)(2).

WARRANTY DEED
(Kansas Statutory Form)

CALCOR, LLC, Grantor,

CONVEYS AND WARRANTS TO

THE CITY OF INDEPENDENCE, KANSAS, Grantee, the following described real estate in Montgomery County, Kansas:

See **Exhibit A** attached hereto

for the sum of \$10.00 and other good and valuable consideration;

EXCEPT AND SUBJECT TO: encumbrances, easements and rights-of-way of record.

[balance of this page intentionally left blank]

Dated this ____ day of December, 2016

CALCOR, LLC

By: Corey Hugo
Name: Corey Hugo
Title: Managing Member

ACKNOWLEDGMENT

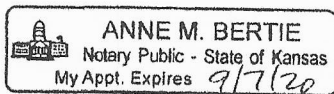
STATE OF KANSAS

COUNTY OF MONTGOMERY

)
) SS:
)

This instrument was acknowledged before me on the 8 day of December, 2016 by
Corey Hugo, Managing Member of Calcor, LLC

[NOTARY SEAL]



My Appointment Expires:

9/7/20

Quinn Anai

Notary Public

Anne M. Bertie

Typed or Printed Name of Notary Public

EXHIBIT A

The following described real estate in Montgomery County, Kansas:

Parcel 1: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, thence S 89°33'22" E 1980.10 feet to the Southwest corner of the E/2 of the SE/4 of the SW/4 of Section 26, Township 32, Range 15, thence N 00°01'38" W 45 feet along the West line of said E/2 of the SE/4 of the SW/4 to the North highway right of way of U.S. 75 and 160 Highway, thence N 00°01'38" W 615 feet, thence S 89°33'22" E 330 feet, parallel to the South section line, thence S 00°01'38" E 610 feet to the North Highway right of way of U.S. 75 and 160; thence N 89°33'22" W 125 feet, thence S 00°01'38" E 5 feet, thence N 89°33'22" W 205 feet to the point of beginning

Parcel 2: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East, Montgomery County, Kansas, thence S 89°33'22" E 1320.07 feet to the Southwest corner of the SE/4 of the SW/4 of said Section, thence N 00°00'00" E 361.02 feet along the West line of said SE/4 of the SW/4 to a point 300 feet South of the Northwest corner of the SW/4 of the SE/4 of the SW/4 of Section 26, Township 32 South, Range 15 East to the true point of beginning, thence N 00°00'00" E 60 feet, thence S 89°34'32" E 330 ft., parallel to the North line of said SW/4 of the SE/4 of the SW/4, thence S 00°00'00" E 60 feet, then N 89°34'32" W 330.00 feet to the true point of beginning

Parcel 3: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, thence S 89°33'22" E 1320.07 feet to the Southwest corner of the SE/4 of the SW/4 of said Section, thence N 00°00'00" E 361.02 feet along the West line of said SE/4 of the SW/4, thence S 89°34'22" E 330 feet parallel to the North line of the SW/4 of the SE/4 of the SW/4 to the true point of beginning, thence N 00°00'00" E 300 feet to the North line of said SW/4 of the SE/4 of the SW/4, thence S 89°34'32" E 329.72 feet to the Northeast corner of the SW/4 of the SE/4 of the SW/4 of Section 26, Township 32 South, Range 15 East, S 00°01'38" E 496.78 feet along the East line of said SW/4 of the SE/4 of the SW/4 to a point 164 feet North of the Southeast corner of the SW/4 of the SE/4 of the SW/4, thence N 89°33'22" W 185.58 feet, thence S 01°25'47" W 124 feet to the North US 75 and 160 Highway right-of-way thence West 99.25 feet along the Highway right of way to a point 372 feet East of the West line of the SE/4 of the SW/4, thence N 01°25'47" E 320.46 feet, thence N 89°34'32" W 50 feet to the true point of beginning

ALL OF THE ABOVE ALSO DESCRIBED AS:

A tract of land located in a portion of the SW/4 of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, and being more particularly described as follows:

From: noreply@municipalonlinepayments.com
To: [Corey Hugo](#)
Subject: Payment Receipt - Variance
Date: Monday, October 16, 2023 3:55:45 PM



Independence, KS

This is your payment receipt.

Confirmation Number
4X5VDNGNGT

Payer Contact Info
corey.hugo@thehugos.com

Payment Method
*****7795

Variance

Name	Corey Hugo
Property Address	2700 W MAIN ST
Phone Number	16203316050

Base Price	\$100.00
Convenience Fee	\$1.25
Municipal Online Payments Fee	\$1.25
Total	\$102.50

[Municipal Online Services](#)

[Login](#)

