



Tuesday, September 3, 2024

City Commission/Court Room, City Hall 5:30 PM

Independence Planning Commission/Board of Zoning Appeals

To join by Conference Call dial:1-785-289-4727 Conference ID: 820 754 218#

I. REGULAR SESSION

- a. Call to Order

II. MINUTES

- a. Consider approving minutes of the July 30, 2024 and August 6, 2024 Planning Commission/Board of Zoning Appeals meetings.

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

- a. **Case #: 2024VAR06** - Public hearing to consider a variance request to exceed the size and number of wall signs in the C-3, Central Business District at 325 N. Penn Avenue.
- b. **Case #: 2024VAR07** - Public hearing to consider variance requests to exceed the minimum lot area for each dwelling unit and to eliminate the requirement for an elevator for a building more than 2 ½ stories in the C-3, Central Business District at 113 W. Myrtle Street.

IV. PLANNING COMMISSION

- a. **Case #: 2024CUP03** - Public hearing to consider a conditional use permit for a Recreation Center in the C-3, Central Business District located at 106 - 108 E. Main Street.
- b. **Case #: 2024CUP04** - Public hearing to consider a conditional use permit for multi-family dwellings (apartments) in a nonresidential structure in the C-3, Central Business District at 113 W. Myrtle Street.
- c. **Case #: 2024ZA08** - Public hearing to consider a text amendment to the zoning code relating to dwellings in the C-3, Central Business District.
- d. **Case #: 2024ZA09** - Consider initiating a public hearing for October 1, 2024 at 5:30 PM to consider a text amendment relating to "Communication antenna or communication towers" in Appendix B – Zoning of the City Code.
- e. **Case #: 2024ZA10** - Consider initiating a public hearing to rezone the recently annexed property located at 3130 N. 13th Street.
- f. Consider rescheduling the November 5, 2024 meeting to November 12, 2024 due to the General Election.

V. DISCUSSION

VI. ADJOURNMENT



**PLANNING COMMISSION ACTION / BOARD OF
ZONING APPEALS MINUTES
CITY OF INDEPENDENCE
September 3, 2024**

Department City Clerk

Prepared By David Schwenker

AGENDA ITEM Consider approving minutes of the July 30, 2024 and August 6, 2024 Planning Commission/Board of Zoning Appeals meetings.

SUMMARY RECOMMENDATION Approve minutes of the July 30, 2024 and August 6, 2024 Planning Commission/Board of Zoning Appeals meeting.

I move to approve the minutes of the July 30 and August 6, 2024 Planning Commission/Board of Zoning Appeals meetings

SUPPORTING DOCUMENTS

1. July 30, 2024 PZ Special Meeting Minutes
2. August 6 2024 PZ Minutes

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's July 30, 2024 Meeting

I. Call to Order

Present: Lisa Richard by phone, Rita Ortolani, Butch Holum, Mary Jo Dancer, Rachel Lyon, Kym Kays, Michelle Anderson, Gary Hogsett

Absent: Tim Haynes

Guests: Abbey Hebbert and Chris Shires

Rachel Lyon, Chairperson, called the meeting to order.

II. Planning Commission

a. Zoning Code Update Worksession.

With the adoption of the Community Development/Comprehensive Plan on May 23, 2024, the next step is to align the Zoning Code to ensure compliance with the newly adopted plan. Confluence has been hired to update the Zoning Code, and this is the first worksession to discuss this process. The agenda for this initial worksession will be as follows:

- Overview of Scope + Process
 - Overview of zoning code update and planning process
- Review of Existing Code
 - Review of the existing code and some challenges we've identified
- Discussion with the Planning Commission
 - Discussion from the Planning Commission on their experiences with the code
- Next Steps
 - Identifying our next steps and how the process will continue following our initial meeting

Below are related links:

- [Zoning Code](#)
- [Subdivision Regulations](#)
- [Community Development/Comprehensive Plan](#)

Abbey Hebbert and Chris Shires led the discussion.

III. Discussion

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's July 30, 2024
Meeting**

- a. Reminder of August 6, 2024 Planning Commission/Board of Zoning Appeals Meeting at 5:30 PM at City Hall.

Chair Lyons reminded everyone about the next meeting and informed them that four members will not be able to attend because of a primary election being held on the same day and their position as election workers.

IV. Adjournment

Motion:

On the motion of Rachel Lyon, seconded by Butch Holum, the Commission adjourned the meeting.

Aye: Michelle Anderson, Rachel Lyon, Mary Jo Dancer, Lisa Richard, Gary Hogsett, Butch Holum, Kym Kays, Rita Ortolani

Nay: None

Rachel Lyon, Chairperson

Kym Kays, Secretary

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's August 6, 2024 Meeting

I. Call to Order

Present: Michelle Anderson, Tim Haynes, Mary Jo Dancer, Gary Hogsett, Butch Holum

Absent: Rachel Lyon, Lisa Richard, Kym Kays, Rita Ortolani

City Staff Present: Kelly Passauer, City Manager/Zoning Administrator; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk; Maurice Garlet, Building Inspector and Jordan Bagley, IT Technician Coordinator

Guests: Larry McHugh, Miguel Carrunco, Dana Jennings

Tim Haynes called the meeting to order.

II. Minutes

- a. Consider approving minutes of the April 16, 2024 and May 7, 2024 Planning Commission/Board of Zoning Appeals meetings.

Motion:

On the motion of Butch Holum, seconded by Michelle Anderson, the Commission approved the minutes of the April 16 and May 7, 2024 Planning Commission/Board of Zoning Appeals Meetings.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Dancer, Gary Hogsett, Butch Holum

Nay: None

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

- a. Public Hearing to receive comments on variance requests to reduce the setback(s) and exceed the maximum lot coverage in an R-3, low density multi-family dwelling district at 200 South 2nd Street.

Dana Jennings wishes to install a 220 square foot (20' X 11') carport on the south side of her property where the driveway and existing garage are located. She intends to use the carport as an extension of the existing garage (1 car). The existing garage is located within one to three feet of the property line, as is the driveway. She requests a variance to reduce her south side yard setback from eight to zero feet.

504.6. Yard regulations:

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's August 6, 2024 Meeting

a. Minimum front yard:

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

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

b. Minimum side yards:

1. Interior side yards: Eight feet.

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

c. Minimum rear yard: Ten feet.

Exception: On lots of irregular rear property lines or when residence is located on the lot at an angle, rear yard dimensions shall be taken at each end of building parallel to the sides and a perpendicular measurement taken from the rear of building to the furthest point of the lot. The average of these three measurements shall be equal [to] at least 25 feet. However, in no case shall the building or structure be located less than eight feet perpendicular from any property line.

District	Intensity of Use	Minimum Lot Width	Maximum Lot Coverage	Maximum Height		Minimum Yard Requirements	
	Minimum Lot Area			Feet	Stories	Front Yard	Side Yard
R-3	1 fam.. 7,200 sq/du 2 fam.. 4,000 sq/du 3 fam.. 3,000 sq/du	None	35%	35'	2.5	25'	8' Abutting street: 25'

Tim Haynes opened the public hearing.

Tim Haynes asked where the carport would go.

Dana Jennings said it would be placed in front of the existing garage.

Butch Holum asked if the roof would be pitched.

Dana Jennings replied that it would be a pitched roof.

Butch Holum asked if the sides would be open.

Dana Jennings replied that the south side facing the neighbors property would be closed.

Butch Holum asked if the utility connection would still be accessible.

Dana Jennings replied that it would.

Butch Holum asked if that would pose a problem for the Fire Department.

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's August 6, 2024
Meeting**

Assistant City Manager Cowan replied that it would not.

Tim Haynes closed the public hearing.

Motion:

On the motion of Butch Holum, seconded by Tim Haynes, the Commission approved the following variances for the property located at 200 South 2nd Street:

1. Reduce the south side yard setback 7, from 8' to 1'; and
2. Increase the maximum lot coverage from 35% to 46%.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Butch Holum

Nay: None

IV. Planning Commission

- a. Public Hearing to consider a text amendment relating to "Shipping containers" in a residential district as a conditional use.

Phil Eastep has requested a text amendment to the Zoning Code as he wishes to use a shipping container as a garage at his rental home. This is currently not allowed, as when the Planning Commission initially considered the code regarding shipping containers, they were concerned about them popping up in residential areas and creating a blight on the neighborhood. He is requesting that the Planning Commission consider allowing a shipping container to be used as storage in a residential neighborhood with a conditional use permit. Shipping containers are currently permitted as storage in M-1 and M-2 industrial zones. Shipping containers are permitted as storage in C-1, C-2, C-3, C-4, O&P, and A-1 districts with a conditional use permit.

In discussing and passing Ordinance 4455, the board was concerned about allowing shipping containers to be used as an accessory use in a residential neighborhood because of concerns about how they would look. Shipping containers are allowed as dwellings in residential areas with a conditional use permit that requires specific conditions to protect the neighborhood, and they could be allowed as storage containers with a conditional use permit under the same conditions. They are allowed as an accessory use to a dwelling in an A-1 district with a conditional use permit.

Section 607.4 and 613.3 would need to be amended to:

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. Shipping containers as dwellings in R-1, R-2, R-3, R-4, and R-5 residential districts; shipping containers as storage in C-1, C-2, C-3 commercial and business districts; shipping containers as storage in O&P districts; shipping containers as dwellings in A-1 agricultural districts; shipping containers as storage in A-1 agricultural districts; and shipping containers as storage in R-1, R-2, R-3, R-4, and R-5 residential districts.
- f. Shipping containers for temporary storage/office on construction sites in all districts.

613.3. Shipping containers as storage: Shipping containers are permitted as storage in M-1 and M-2 industrial zones. Shipping containers are permitted as storage with a conditional use permit in C-1, C-2, C-3, C-4, O&P, A-1, R-1, R-2, R-3, R-4, and R-5 districts. Shipping containers can be used as permanent or temporary storage, and the following conditions shall apply:

- a. All permanent shipping containers used as an accessory building to a dwelling in A-1, R-1, R-2, R-3, R-4, and R-5 districts shall comply with the following:
 - 1. Siding material shall be wood, masonry, composition board, or finish aluminum lap siding, or other material normally found on site-built homes.
 - 2. Roof may be a flat or pitch roof design meeting IRC design requirements. A minimum roof pitch of 2.5 inches in height to 12 running inches for a pitched roof.
 - 3. Roofing materials shall be wood shingles, asphalt shingles, composition shingles, fiberglass shingles, clay or concrete tile, slate, metal, or TPO or rolled roofing.
 - 4. The shipping container shall be permanently mounted on a foundation or basement that complies with the Independence Building Code.
- b. Must be in compliance with Section 607.0 regarding accessory buildings.
- c. Must be in compliance with all of Independence City Code regarding storage and storage structures, both permanent *and* temporary.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's August 6, 2024
Meeting

- d. In a construction site, shipping containers may be used as temporary storage, but they must be removed within 30 days after a certificate of occupancy is issued.
- e. All other interior *and* exterior conditions must be in compliance with storage requirements and the Independence Building Code.

Tim Haynes opened the public hearing.

The Commission entered into a discussion about the item.

Tim Haynes closed the public hearing.

Motion:

On the motion of Gary Hogsett, seconded by Mary Jo Dancer, the Commission recommended that the City Commission approve a text amendment to Ordinance 4455 to allow shipping containers to be used as storage in residential districts with a conditional use permit meeting the conditions as recommended in the staff report and attached draft ordinance. 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 the residential zones, which will allow shipping containers to be used as an accessory use if they meet certain conditions to ensure they blend into the character of the neighborhood and obtain a conditional use permit; and the proposed amendment is made necessary because of new planning concepts in the areas and zoning districts affected.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Gary Hogsett, Butch Holum
Nay: None

V. Discussion

Kelly Passauer noted that the next meeting is scheduled for September 3, 2024 at 5:30 pm and there will be five public hearings scheduled.

VI. Adjournment

Motion:

On the motion of Gary Hogsett, seconded by Tim Haynes, the Commission adjourned the meeting.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Gary Hogsett, Butch Holum
Nay: None

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's August 6, 2024
Meeting**

Rachel Lyon, Chairperson

Kym Kays, Secretary



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
VARIANCE
CITY OF INDEPENDENCE
SEPTEMBER 3, 2024**

Department Zoning Administration

Prepared By Maurice Garlet

AGENDA ITEM Case #: 2024VAR06 - Public hearing to consider a variance request to exceed the size and number of wall signs in the C-3, Central Business District at 325 N. Penn Avenue.

SUMMARY RECOMMENDATION City Staff recommends approval of the variance.

BACKGROUND Jim Hayward is submitting a sign permit request for 325 N. Penn Avenue and his new business. The building at 325 N. Penn Avenue contains multiple businesses, and the City has received complaints regarding temporary signage on the building for which the property owner has displayed longer than 30 days. The property owners have been notified. Temporary signs are defined by code as follows:

Temporary sign: Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a short period of time, not to exceed 30 days.

The temporary signs were made of hardier material than what was available when the current definition was initiated, therefore the definition of "temporary signs" will be reviewed during the Zoning Code update, which is in process.

It should be noted that the signs inside the window do not count toward the allowable signage.

The sign proposed by Jim Hayward was purchased from Grass Roots Design Group and meets the requirements of the code to be considered a permanent wall sign. Wall signs are defined by code as follows:

Wall sign: Any sign attached to and erected parallel to and within one foot of the face or wall of a building, including signs painted on the walls of buildings.

The code allows in the C-3 District one wall sign per face of the building not to exceed 50 square feet or five percent of the total area, whichever is smaller. There are currently four signs on the north-facing wall (two permanent and two temporary), including the new Hayward permanent sign.

Sign	Permanent	Temporary	Total
Jim Hayward	24		24
Midwest Hearing	36		36
One Stop		24	24
Ane Mae's		48	48
Total	60	72	132

The total square footage of the permanent wall signs is approximately 36 square feet without the Jim Hayward sign, and approximately 60 square feet when including the Jim Hayward sign. Considering both the permanent and temporary signs, the total square footage is approximately 108 without the Hayward sign and approximately 132 when including the Hayward sign. Therefore, a variance before the Board of Zoning Appeals will be required to exceed the number and size of wall signs in the C-3 district.

The Independence Historic Preservation and Resource Commission (IHPRC) approved a certificate of appropriateness for the Jim Hayward sign on August 28, 2023 (staff report and minutes attached). Since then, one of the permanent wall signs on the north wall, which previously stated "Office and Retail Space," has been removed.

BOARD OF ZONING APPEALS CONSIDERATIONS The five considerations that must be considered when reviewing a variance include:

- a. That the variance requested arises from such a condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant; *The building on 325 North Pennsylvania Ave, functions as a mini mall, and it was originally built as such, therefore it houses several businesses that require a sign in order to be located by consumers.*
- b. That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents; *All adjacent businesses form part of the aforementioned mall.*
- c. That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application. *Jim Hayward would be prevented from advertising his business to potential consumers if he couldn't post a sign.*
- d. That the variance desired will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare; *It does not appear that the variance would affect health, safety, morals, order, convenience, prosperity or general welfare of neighboring businesses or the public in general.*
- e. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations; *granting the variance would not be opposed to the general spirit and intent of the zoning regulations, as the area is commercial, and it is in the best interest of consumers to easily locate businesses inside the mall.*

Staff Recommendation:

Staff recommends approval of the variance request for the wall signs at 325 N. Penn Avenue,

allowing a maximum of four wall signs on the north wall of the corner building, with the total square footage of all signs on the north wall not to exceed 132 square feet. This recommendation considers the unique nature of the building, which functions as a mini-mall with multiple businesses requiring visibility and identification, consistent with the intent of the C-3 zoning regulations.

Suggested Motion:

I move to approve the variance request for 325 N. Penn Avenue to allow a maximum of four wall signs on the north wall adjoining Chestnut Street, a corner building in the C-3 Central Business District. The total square footage of all wall signs on the north wall shall not exceed 132 square feet. This motion is based on recognizing the unique multi-use nature of the property and the need for adequate signage for business identification.

SUPPORTING DOCUMENTS

1. 2024VAR06 Public Hearing Notice Size and Number of Signs
2. Location Map for Sign Variance
3. VarianceApplication_Redacted
4. VARIANCE Receipt - 321-325 N PENN_Redacted
5. 325 N Penn Property Ownership
6. 20240729_090434
7. 20240729_090450
8. 20240729_090552
9. 20240729_090709
10. 08282024IHPRCSignRequest
11. Aug282023IHPRCMinutes

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, September 3, 2024, at 5:30 p.m.

To receive comments on a variance request to exceed the size and number of wall signs in the C-3, Central Business District.

Common Address:

325 North Pennsylvania Avenue

Legal Description:

Original Plat, S30, T32, R16, Block 18, Lot 1 – 3 to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Jim Hayward - Applicant

MED Advisors LLC, Dynamite Innovations LLC - Owners

Case Number:

2024/VAR/06

The hearing will be conducted in the Commission Room, City Hall, 120 North Sixth Street, 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: 820 754 218# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

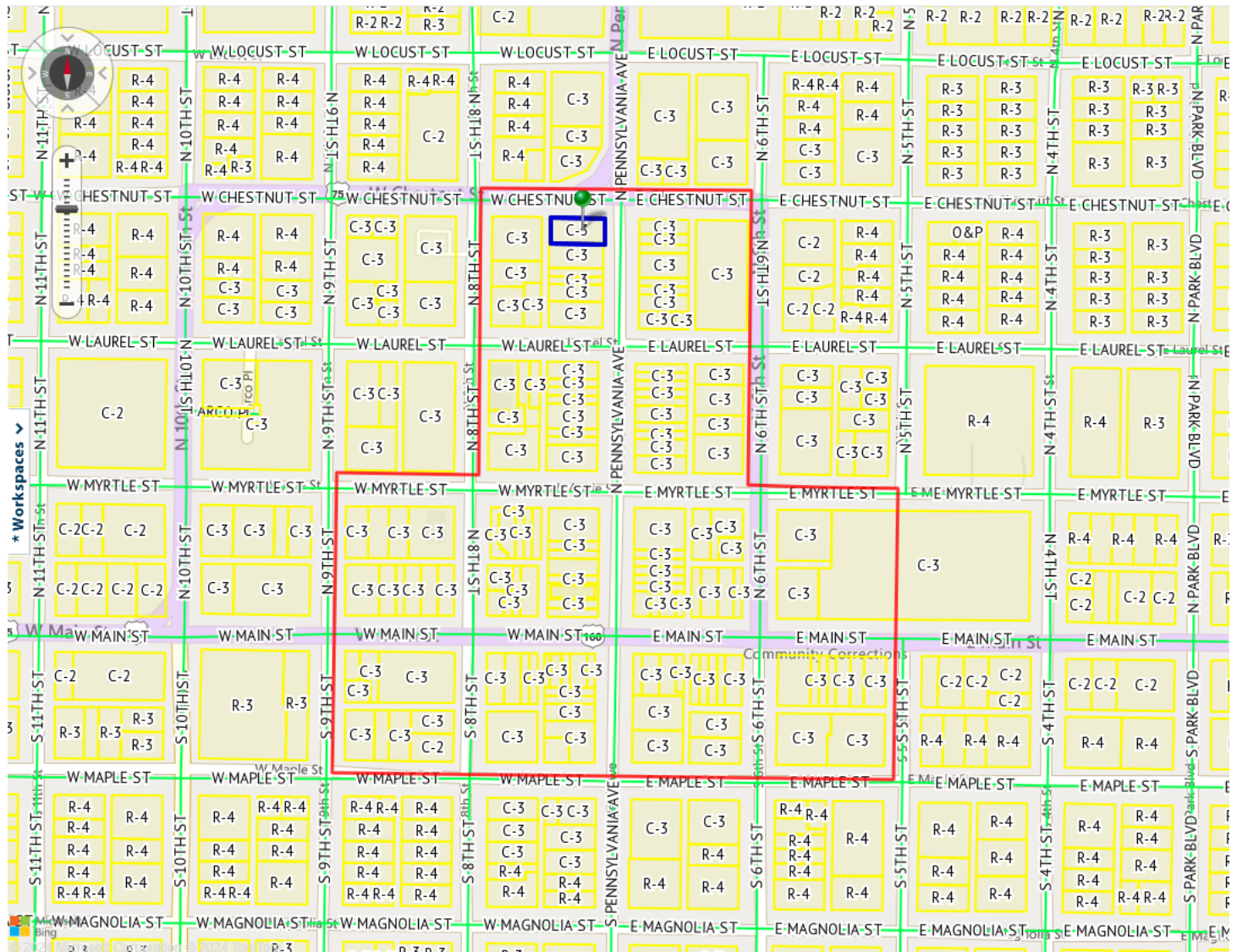
Kelly Passauer
Zoning Administrator
120 North Sixth Street
Independence, KS 67301
(620) 332-2506

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

Location Map of Sign Variance Request (325 N. Penn Avenue)

A map showing the subject property location within the C-3 district and within the Downtown Historic District.



APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: 12/4/2023

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

Dynamite Innovations LLC
325 N. Penn

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

Name:

Address:

Telephone:

Jim Hayward
325 N. Penn Suite 105
() -

4. Common Address of Land Involved:

5. Legal Description of Land Involved:

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

Exceed # of wall signs in a C-3 District.

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:

Multiple businesses in same building

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

no adjacent property owners

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

H. would not allow a sign for my business.

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

does not apply

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

will allow a sign for my business

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.

does not apply

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: _____

Applicant *Jim Hayward*

Case Number: _____

Date Filed: _____

Fee Received: _____

Present Zoning: _____

CITY OF INDEPENDENCE

REC#: [REDACTED] 7/18/2024 11:25 AM
OPER: JESS TERM: 001
REF#:

TRAN: 1.9000 PLANNING AND ZONING
321 N PENN- JIM HAYWARD
VARIANCE FOR SIGN
VARIANCE 100.00CR

TENDERED: 100.00 CHECK
APPLIED: 100.00-

CHANGE: 0.00

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The Parcel Number for this Property is 063-099-30-0-30-33-001.00-0
Quick Ref ID: 6355

Owner Information

Owner Name	MED ADVISORS LLC
Address	325 N PENNSYLVANIA AVE #STE 150 INDEPENDENCE, KS 67301
Owner Name	DYNAMITE INNOVATIONS LLC
Address	325 N PENNSYLVANIA AVE #STE 150 INDEPENDENCE, KS 67301

Property Situs Address

Address	325 N PENNSYLVANIA AVE, Independence, KS 67301
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Land Based Classification System

Function	Downtown row store
Activity	Goods-oriented shopping
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Commercial & Industrial - C
Living Units	
Zoning	
Neighborhood	208.D
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Major Strip or CBD - 1
Location	Central Business District - 1
Parking Type	Off Street - 1
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2024 Appraised Value

Class	Land	Building	Total
Commercial & Industrial - C	12,760	84,160	96,920
Residential - R	4,250	83,270	87,520
Total	17,010	167,430	184,440

2023 Appraised Value

Class	Land	Building	Total
Commercial & Industrial - C	11,580	70,150	81,730
Residential - R	3,860	78,180	82,040

Total		15,440	148,330	163,770
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Tract Description

ORIG PLAT, S30, T32, R16, BLOCK 18, Lot 1 - 3, 10597 SQUARE FEET, LOT WIDTH: 069.0 LOT DEPTH: 140.0 Plat Book/Page 1 /6,7 Deed Book/Page 634 /402 589 /591 589 /590 589 /589 553 /588 552 /369 526 /176 371 /415

Building Permit Information

Permit Number	Amount	Issue Date	Description
20110007	134,800	2/21/2011	

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
634	402	634	402	589	589		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	10597				X	25	5	60		R	4,250
Sqft	Primary Site - 1	10597				X	75	5	60		C	12,760

General Commercial Building Information

General Building Information	
LBCS Structure Code	Downtown row store
Bldg No.	1
Building Name	Ana Maes
Identical units	1
No. of Units	
Unit Type	
MS Mult	
MS Zip	

Apartment Data								
	1	2	3	4	5	6	7	8
Units								
BR Type								
Baths								

Commercial Building Sections & Basements																					
Sec	Occupancy	MSCIs	Rank	Yr Blt	Eff Yr	Levels	Stories	Area	Perim	Hgt	Phys	Func	Econ	OVR%	Rsn	Inc Use	Net Area	Cls	RCN	%Gd	Value
1	Mixed Retail w/ Resid. Units	M	2.00	1900		01/01		7,420	299	14	2.5	3				039			1,076,840	9	96,920
2	Mixed Retail w/ Resid. Units	M	2.00	1900		02/02		4,209	251	12	3.5	3				081		R	612,260	16	97,960
702	Mixed Retail w/ Office Units	M	2.00			1		4,664	275	8											

Commercial Building Section Components							
Sec	Code	Units	Pct	Size	Other	Rank	Year
1	Warmed and Cooled Air		100				
1	Mezzanines-Open	244					
1	Porch, Slab w/ Roof	85					
2	Warmed and Cooled Air		100				
2	Brick, Solid		100				
2	Porch, Slab w/ Roof	144					

Other Building Improvements																					
Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
93	Outbuildings	S	2.00	1	1980			10		8	70 X 31	1	3	3					15,000	14	2,100

Other Building Improvement Components																					
Id	Code							Units		Pct	Size		Other		Rank		Year				
93	Paving, Concrete w/Base							2,170													

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**REQUEST FOR HISTORIC PRESERVATION RESOURCE
COMMISSION (CERTIFIED LOCAL GOVERNMENT)
ACTION
CITY OF INDEPENDENCE
AUGUST 28, 2023**

Department Admin

Prepared By David Cowan

AGENDA ITEM Consider a Sign Permit for Jim Hayward Fine Art.

SUMMARY RECOMMENDATION City Staff recommends approval of the sign permit.

BACKGROUND Jim Hayward is submitting a sign permit request for 325 N. Penn Ave. and his new business. The building at 325 N. Penn Ave contains multiple businesses, and the City has received several complaints regarding temporary signage on the building, and the property owners have been notified. Temporary signs are defined by code as follows:

Temporary sign: Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a short period of time, not to exceed 30 days.

The sign proposed by Jim Hayward was purchased from Grass Roots Design Group and meets the requirements of the code to be considered a permanent sign. The code allows in the C-3 District one wall sign per face of the building not to exceed 50 square feet or five percent of the total area, whichever is smaller. There are currently four permanent signs on the north-facing wall not including the new Hayward permanent sign. The total square footage of the permanent signs is 80.8 without the Hayward sign, and 103.81 when including the Hayward sign. Therefore, a variance before the Board of Zoning Appeals will be required to exceed the number and size of wall signs in the C-3 district.

The criteria that must be considered by the IHPRC for signs in the historic district include:

- a. Harmonious with the character of the building in size, scale and design.
- b. Distinctive, creative (with images and graphics) and simple (4-6 words).
- c. Pedestrian-oriented that respects neighboring buildings
- d. Mounted in such a way not to damage, alter or obscure historic architectural features.

SUGGESTED MOTION SUGGESTED MOTION: I move to approve the sign permit for Jim Hayward Fine Art pending approval of the Board of Zoning Appeals.

SUPPORTING DOCUMENTS

- 1. Sign Complaint - 325 N. Penn Ave - IHPRC 08282023 Agenda
- 2. Sign Permit 325 N. Penn Ave 07312023
- 3. C-3 Sign Regulations
- 4. Historical Pamphlet Draft 8. Final (2)

5. Jim Hayward Sign
6. 325 N. Penn Picture



July 31, 2023

TO: Tom Schwarz
Terry Trout
FROM: Building & Zoning – City of Independence
RE: Signage 325 N. Penn Ave

Dear Tom & Terry,

The City of Independence has received a citizen complaint regarding signage at 325 N. Penn Ave and if the proper historical and sign permitting procedures were followed related to the recent sign placed on the north side of the building at 325 N. Penn Ave.

A review of the building and zoning department applications shows no signage applications at 325 N. Penn Ave. On July 24, 2023, the IHPRC committee noted that they still needed to receive a request for signage at the building.

The IHPRC has directed staff to contact the owner at 325 N. Penn Ave and request that a sign application be submitted for their sign and banners on the north side of the building and provide them a copy of the sign regulations. The IHPRC committee will review the sign application at their August 28, 2023, meeting.

- Sign Regulations:
https://library.municode.com/ks/independence/codes/code_of_ordinances?nodeId=APXBZO_ARTVIIISIRE_801.0APAU
- Addition Sign Regulations – Temporary signs
https://library.municode.com/ks/independence/codes/code_of_ordinances?nodeId=APXBZO_ARTVIIISIRE_803.0ADSIRE
- Sign Application:
<http://www.independenceks.gov/DocumentCenter/View/98/Sign-Permit-Application-PDF>

Please apply by August 23, 2023, to make the August 28, 2023, IHPRC meeting. The meeting is at 410 N. Penn Ave, Veteran's Room, at 12:00 PM. Please have your sign company or building representative present for the agenda item and presentation to the IHPRC.

Thanks,
David Cowan

cc: IHPRC
Kelly Passauer
Jeff Chubb

APPLICATION FOR SIGN PERMIT
CITY OF INDEPENDENCE, KS
620-332-2504

BUSINESS JIM HAYWARD FINE ART
ADDRESS 325 N. PENN AVE, INDEPENDENCE, KS 67301
CONTACT NAME [Business Owner] JIM HAYWARD
PHONE 251-509-4294 City License # 4990
SIGN COMPANY GRASS ROOTS DESIGN GROUP
CONTACT NAME AMY TAYLOR
Location of sign or advertising structure, be specific in detail: NORTH SIDE OF ANE MAE'S BUILDING ON CHESNUT ST. IN LINE WITH EXISTING SIGNS ON BUILDING
Color RED, WHITE, BLACK Dimensions 47" h x 71" w 24 sq ft per face
Construction Material VINYL ON SUBSTRATE Lit Internally? Y/N NO
ELECTRICIAN N.A.
COMPANY NAME NA.
PHONE N.A. City License # N.A.

ADDITIONAL INFORMATION & REQUIREMENTS

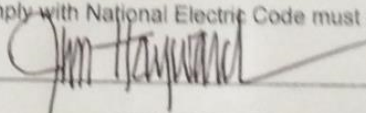
Does this design fit the guidelines of the historical district?

One set of detailed scale drawings and specifications [dimensions] showing proposed structure, method of construction and attachment to building or ground must accompany this application.

Stress and design calculation [if applicable] showing dead load and wind design must accompany this application.

Evidence that sign will comply with National Electric Code must accompany this application [if applicable].

Application submitted by



PERMIT APPROVAL

A \$25.00 fee must be paid and permit must be signed before work is started on installation of sign.

Zoning Administration Date _____ Permit Number _____

a. *Permitted signs:*

1. *[Generally:]* Signs permitted in the C-3 district shall be illuminated signs, nonilluminated signs, marquee signs, temporary signs, wall signs and projecting signs with the exception that no sign shall be mounted, painted or affixed to any surface extending above the transom or storefront beam whichever is higher.
2. *Wall signs:* One sign per face of building not to exceed 50 square feet or five percent of the total area, whichever is smaller.
3. *Corner buildings:* One sign equal to standards above for each wall.
4. *Multiuse signs:* Total sign area for all uses not to exceed above standards.
5. *[Signs hanging from awnings or mounted to storefronts:]* Signs hanging from awnings or mounted to storefronts may not exceed five square feet per face.
6. *[Freestanding buildings:]* Freestanding buildings shall be permitted one freestanding sign not to exceed 80 square feet per face or 160 square feet total of all faces in the sign area. The top of the sign shall not be higher than 25 feet above ground level.
7. *Historical restorations or reproductions:* Historically significant or reproduced signs shall be referred to the Main Street Committee for recommendation to the city commission who may authorize such installation.
8. *[Rear wall signs:]* One rear wall mounted sign not to exceed 18 inches by 36 inches for business identification.

b. *[Poster panels and billboards:]* Poster panels and billboards shall not be permitted in the C-3 zone.

c. *Signs on awnings, canopies, and marquees:*

1. There shall not be more than one sign exceeding an aggregate gross surface area of such awning, canopy or marquee of ten percent of the gross area for each principal building.
2. The gross surface area of a sign shall not exceed 50 percent of the gross surface area of the awning, canopy or marquee to which the sign is fixed.

d. *General standards:*

1. Any awning, canopy, marquee or projecting sign shall not be less than seven feet above the surface of the grade of any street or sidewalk.
2. Awnings and canopies shall be no closer than four feet from the public street curb and in no case extend more than 12 feet from the property line.
3. Marquees shall be no closer than two feet from the property line.

SIGNAGE EXAMPLES



STEPS TO GET A SIGN OR AWNING APPROVED

1. Study the Zoning Regulations- the Zoning Administrator must adhere to these restrictions:

- PERMIT** (803.10) No sign can be installed until a sign permit has been issued by the City of Independence.
- WALL SIGNS** (802.6) The sign cannot exceed 5% or 50 square feet of the total surface area, whichever is smaller.
- CORNER BUILDINGS** (802.6) Allowed one sign per wall. Must also follow "Wall Sign" regulations.
- AWNINGS, CANOPIES, AND MARQUEES** (802.6) The sign shall not exceed more than 10% of the total surface area of the awning, canopy or marquee.

2. The Independence Historic Preservation and Resource Commission (IHPRC) must base their decisions on the Secretary of Interior Standards. Consider these suggestions that signs and awnings should be:

- Harmonious with the character of the building in size, scale and design.
- Distinctive, creative (with images and graphics) and simple (4-6 words).
- Pedestrian-oriented that respects neighboring buildings
- Mounted in such a way not to damage, alter or obscure historic architectural features. (Both the Independence Main Street Office and the IHPRC are more than willing to assist with designing appropriate signs and awnings for historic buildings.)

3. With the assistance of a professional, provide a detailed sketch with dimensions, colors and placement of the proposed sign or awning, along with the application, to the City of Independence.

4. Both the Zoning Administrator and the IHPRC must approve the sign or awning. Once approved by both, a permit will be issued. Then go to a company to have the approved sign or awning constructed and installed.

If you have any questions regarding signs and awnings, the application process, or ordinances, please contact:

City of Independence
(620) 332-2500

Independence Main Street Office
(620)331-2300

“Preservation is not about longing for the past or resisting progress. It’s about building on the past toward the future.”

-Sharon Shea Miller
San Antonio Historic Preservation Officer

Need Ideas on Signs?
Check these websites for helpful ideas!

www.pinterest.com

www.thesignchef.com

www.designshack.net

www.fastsigns.com

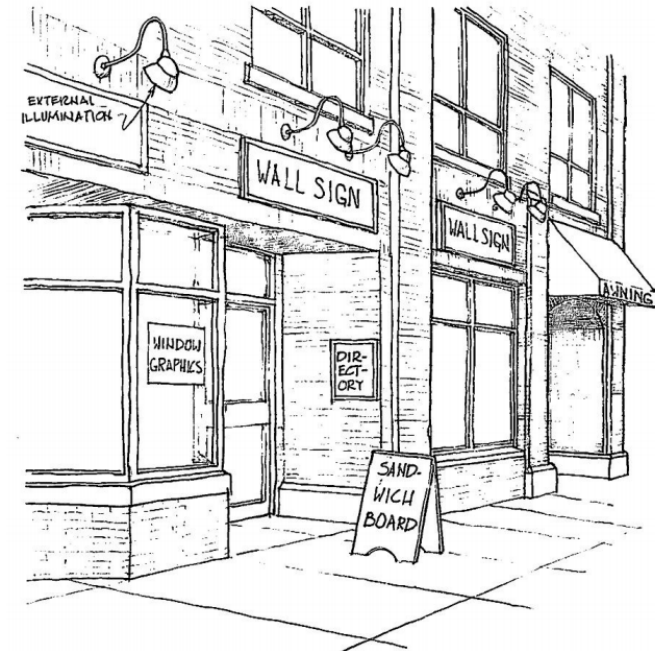
Look at these cities for examples:

Salt Lake City, Utah

Saratoga Springs, New York

San Antonio, Texas

Iowa City, Iowa



Illustrations: Tom Frost of Frost Hurff Architects

**GUIDELINES FOR
SIGNS & AWNINGS
IN HISTORIC
DOWNTOWN**

JIM HAYWARD

FINE ART

PAINTING

SCULPTURE

COLLAGE



Monday, August 28, 2023
Historic Preservation Resource Commission
Meeting Minutes

Members Present: Darin Axthelm, Brea Sanford, Tim White, Jason Rutledge, Gary Hogsett, Bill Gour
City Staff: David Cowan
Ex Officio: Tabatha Snodgrass
Absent: John George
Special Guest: Miranda Bruening, Larin Tucker, Jamie Truelove-Page

Darin called the meeting to order.

Gary Hogsett motioned to accept the minutes of the July 24, 2023 meeting. Bill Gour seconded the motion and it was approved.

Discussion:

Scott Patton, director of Riverside Park and Ralph Mitchell Zoo came to the IHRPC to ask for approval for the Park Office roof to be re-shingled. Seven buildings at the park are on the local register of historic places. The Park Office was once the segregated shower house and changing rooms for the segregated tennis courts that were once where the mini golf course is now. It has been determined that the shingles are constructed of 10% asbestos.

Scott feels that the regular shingles would be more cost effective with the limited budget for the project. Gary Hogsett made a motion to approve the cheaper shingles. Bill Gour seconded the motion and all were in favor.

Jim Hayward was present to present a certificate of appropriateness for the new sign that has been affixed to the north-facing exterior wall of Ane Mae's Coffee and Sandwich Shop. After a brief discussion, Tim White motioned to approve the certificate. Jarson Rutledge seconded the motion and all were in favor.

David Cowan went over the new wording in the City ordinances regarding signage in the Central Business District. The new wording indicates that all signage would be approved by the IHPRC.

Gary Hogsett stated that he has not been able to get ahold of John George. Brea Sanford motioned to proceed with finding a replacement member for George, as he has missed more than three meetings since joining the group. Tim White seconded the motion and all were in favor.



REQUEST FOR BOARD OF ZONING APPEALS ACTION

CITY OF INDEPENDENCE
SEPTEMBER 3, 2024

Department Admin

Prepared By Maurice Garlet

AGENDA ITEM Case #: 2024VAR07 - Public hearing to consider variance requests to exceed the minimum lot area for each dwelling unit and to eliminate the requirement for an elevator for a building more than 2 ½ stories in the C-3, Central Business District at 113 W. Myrtle Street.

SUMMARY RECOMMENDATION City Staff recommends approval of the variance.

BACKGROUND Steve Morrison, through his architect Russ Ehnen, is requesting a variance to exceed the minimum lot area for each dwelling in order to refurbish his property to an eleven-unit multi-tenant residential building. Currently, for a C-3 High Rise building the requirement is 900 sq ft per unit, the project consists of 11 units, which would require a 9,900 sq ft lot. The project site at 113 W Myrtle is only 3,485 sq ft. Additionally, this historic building does not have an elevator, and there is not any practical way to add one.

511.0. -C-3 Central Business District

511.4 Intensity of use regulations

a. Minimum lot area:

1. Minimum lot area for each dwelling unit:

(a) Low-rise apartments—2,000 SF/DU (walkup buildings with maximum height of 2½ stories).

(b) High-rise apartments—900 SF/DU (elevator buildings more than 2½ stories).

2. Minimum lot area for other uses: No limit.

b. Maximum lot coverage: 100 percent.

The proposed project site is a historical building. Constructed as a hotel in 1901 under very different building standards, it was meant to host approximately the same number of tenants as the proposed project, just in a more transient fashion.

Chapter 5 of the International Building Code does not address lot size as a code requirement. Therefore, it seems reasonable to allow a historic high-rise building to remain the way it was built, just in a new use more suitable for the city's present needs.

As per elevators, the International Building Code only requires elevators for buildings with four or more stories.

1009.2.1 Elevators required.

In buildings where a required accessible floor is four or more stories above or below a level of exit discharge or where an accessible occupiable roof is above a story that is three or more stories above the level of exit discharge, not less than one required accessible means of egress shall include an elevator complying with Section 1009.4.

It's worth mentioning that the current project complies with section 905 of the International Existing Building Code (IEBC), providing two means of egress as well as other safety requirements.

BOARD OF ZONING APPEALS CONSIDERATIONS

The five considerations that must be considered when reviewing a variance include:

1. That the variance requested arises from such a condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant; *The building at 113 West Myrtle Street, was constructed in 1901 according to the standards of the time to house a similar number of tenants.*
2. That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents: *The basic use and occupancy of the building would remain unchanged and the new influx of residents will benefit neighboring retail operations.*
3. That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application: *The building owner, Steve Morrison, would be prevented from using the building in the most efficient way for him and for the city.*
4. That the variance desired will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare: *it does not appear that the variance would affect health, safety, morals, order, convenience, prosperity or general welfare of neighboring businesses or the public in general.*
5. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations: *Granting the variance will help to revitalize and modernize the downtown area in a positive way.*

Staff Recommendation:

Staff recommends approval of the variance requests for 113 W. Myrtle Street to exceed the minimum lot area per dwelling unit requirement and to eliminate the requirement for an elevator for a building more than 2 ½ stories in the C-3, Central Business District. The variance is justified due to the historic nature of the building, which was constructed in 1901 with a similar tenant capacity but without current zoning and building code requirements. Adding an elevator is impractical due to structural and economic constraints, and the existing building meets other safety requirements, including two means of egress as per the International Existing Building Code.

Suggested Motion:

I move to approve the variance requests for 113 W. Myrtle Street in the C-3 Central Business District to allow the lot area per dwelling unit to be less than the required 900 square feet and to eliminate the requirement for an elevator for a building more than 2 ½ stories, acknowledging the building's historic significance, the project's compliance with safety codes,

and its continued contribution to the revitalization of downtown Independence.

SUPPORTING DOCUMENTS

1. 2024VAR07 Public Hearing Notice Elevator and Number of Dwellings in a C-3
2. Location Map for 113 W Myrtle Variances
3. 113 West Myrtle Variance Application
4. 2303.10 113WestMyrtle AS1 SitePlan 240804

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, September 3, 2024, at 5:30 p.m.

To receive comments on variance requests to exceed the minimum lot area for each dwelling unit and to eliminate the requirement for an elevator for a building more than 2 ½ stories in the C-3, Central Business District.

Common Address:

113 W. Myrtle Street

Legal Description:

East half of Lot 22, Block 42, Original Plat to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Russ Ehnen, Applicant

Morrison Family Trust, Owner

Case Number:

2024/VAR/07

The hearing will be conducted in the Commission Room, City Hall, 120 North Sixth Street, 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: 820 754 218# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

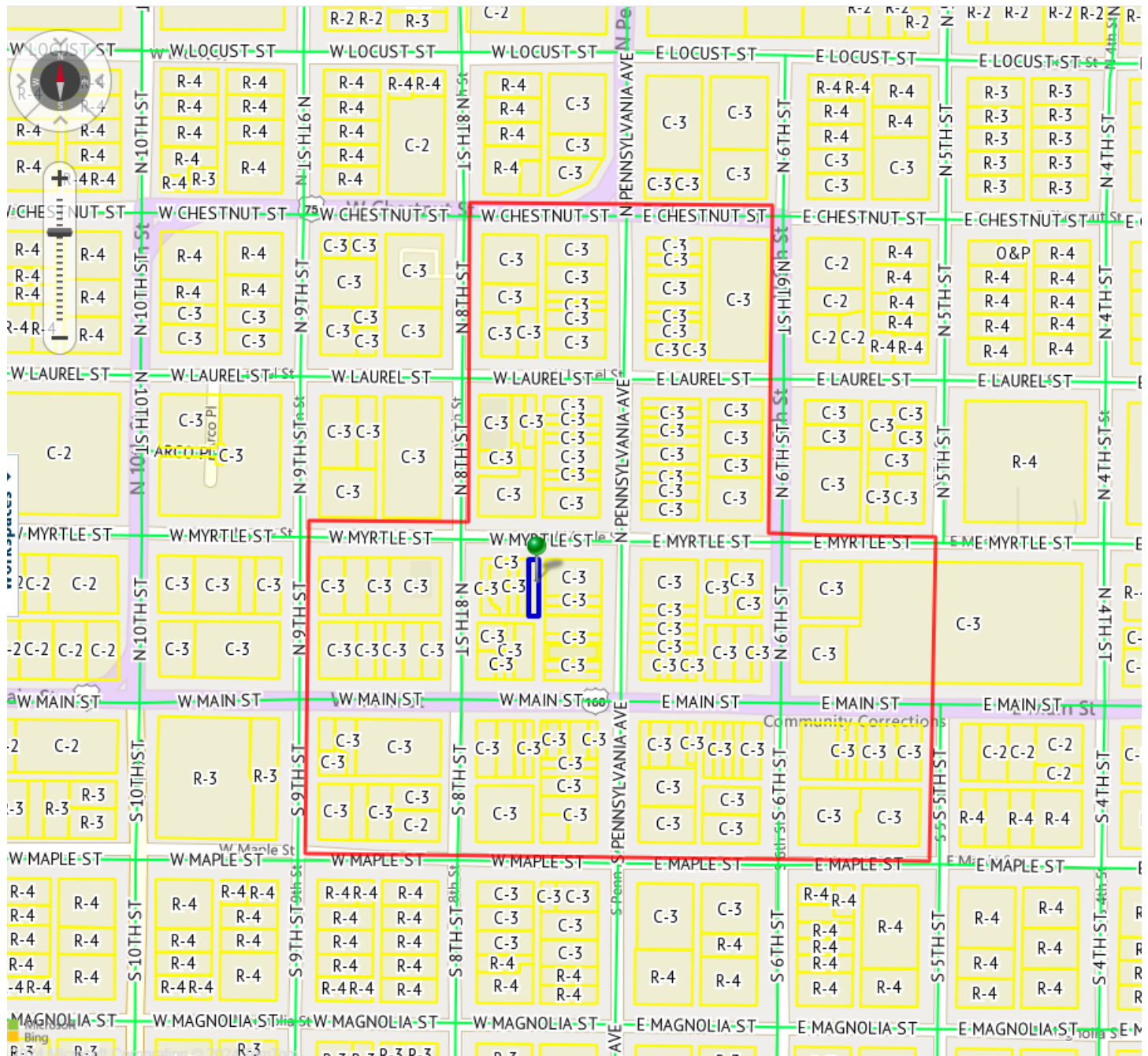
Kelly Passauer
Zoning Administrator
120 North Sixth Street
Independence, KS 67301
(620) 332-2506

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

Location Map of Variance Requests (113 W. Myrtle St.)

A map showing the subject property location within the C-3 district and within the Downtown Historic District.



APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: Monday, August 5, 2024

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

Steve Morrison . Morrison Family Trust . 1036 Biltmore Boulevard . Springdale AR 72762
479-435-0853

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

Name:

Address:

Telephone:

Russ Ehnen Architect . 5702 SW Maple Ridge . Trimble MO 64492
816-786-6300 russehnen@aol.com

4. Common Address of Land Involved:

113 West Myrtle Street

5. Legal Description of Land Involved:

Parcel Number 0630993102010002000

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

C-3 Central Business District Zoning Section 511.4 Intensity of Use a.1(b) limits dwelling units to 1 per 900 square feet of site area, and requires elevator for buildings in excess of 2 1/2 stories in height. Building is currently developed with commercial space on the ground level with 5 vacant dwelling units on each of the upper two levels. Proposed modifications is commercial space on the first floor street frontage, add one dwelling unit and add lobby / stair for upper level apartments. Upper levels will continue to have 10 total dwelling units. +

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:

Existing facility previously contained dwelling units approved which are not in compliance with Intensity of Use requirements.

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

As subject facility has previously been operated as multi family use, no new use or number of occupants is being introduced. Building Code occupant load is lower than with commercial use only on the first floor. Additionally, owner has cross parking agreement with adjacent property, thus preserving street parking for commercial users.

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

Building is not economically feasible as predominantly retail / office use as the market demand is limited and virtually non existent on upper levels. Additionally, per square foot revenue for commercial is significantly less than residential.

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

Building alterations substantially improve general, life and fire safety of the building by adding fire alarm, emergency lighting, additional exit stair, and modern hvac, electrical and plumbing systems. Note the building will be fully compliant with the adopted 2018 International Building Code and 2018 International Existing Building Code.

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

Zoning Ordinances protect adjacent property owners from property devaluation, and City infrastructure and services from excessive demands. Modified and improved building increases the tax base, does not impact adjacent structures and does not impact existing utilities or services beyond existing capacities.

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.

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: Russ Ehnen

Digitally signed by Russ Ehnen
Date: 2024.08.05 17:16:49 -05'00'

Case Number: _____
Date Filed: _____
Fee Received: _____
Present Zoning: _____

Payment Notification - Variance

noreply@municipalonlinepayments.com <noreply@municipalonlinepayments.com>

Mon 8/5/2024 5:30 PM

To:Kelly Passauer <kellyp@independencesks.gov>



Independence, KS

This is your payment receipt.

Confirmation Number	Payer Contact Info	Payment Method
LD6KRMJF5F	russehnen@aol.com	*****8045

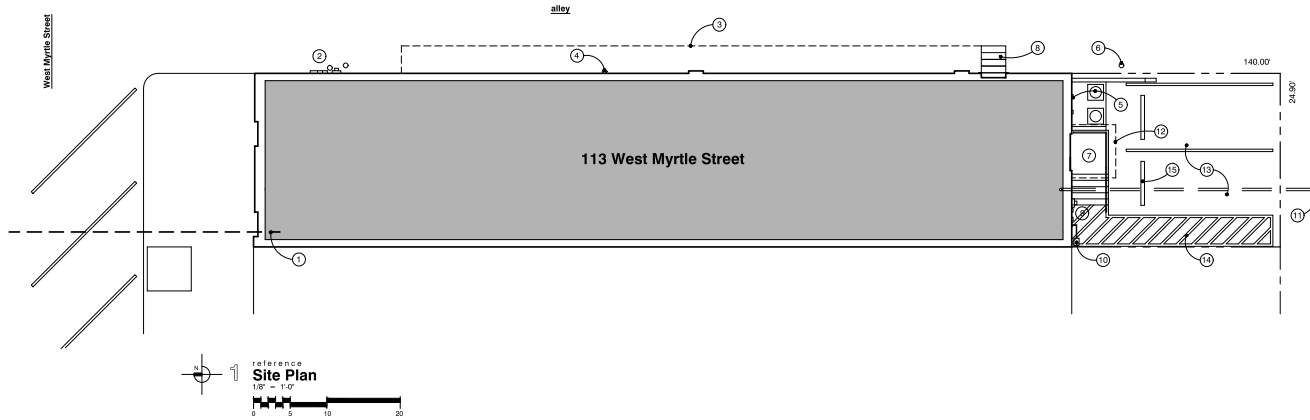
Variance

Name	Russell D Ehnen
Property Address	5702 SW MAPLE RDG
Phone Number	8167866300

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

Municipal Online Services

Login



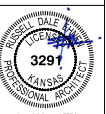
site
Information
Zoning
 C-3 Central Business District
Site Area
 3,402 square feet . 0.08 acre
Tract Number
 0830993102010002000

site plan
Reference Notes

- ① existing 3/4" domestic water service nominally 4' below grade . replace with backflow preventer equipped 1 1/2" service . add manifold with meter for each dwelling unit . commercial tenant . house
- ② existing power poles . overhead serviced electric meter . disconnects
- ③ approximate extent of de commissioned areaway to basement
- ④ vents from gas fired furnaces . air handlers in basement (2 thus serve first floor commercial space . add smoke and CO2 detectors)
- ⑤ condensing units . disconnects serving air handlers in basement
- ⑥ power pole
- ⑦ new or renovated cast in place concrete stair with Code compliant rise-run . steel guardrail . handrail assembly
- ⑧ repair existing concrete stair
- ⑨ existing overhead serviced electric meter . communications boxes
- ⑩ existing natural gas meter . service to furnaces . air handlers in basement (only gas equipment in building)
- ⑪ existing 4" sanitary line to existing main in alley (test . repair as required) nominal depth 18" below grade
- ⑫ new tension rod supported horizontal canopy
- ⑬ paint coat . re stripe at existing asphalt paving . 9' x 20' parking stalls
- ⑭ striped access aisle
- ⑮ parking wheel stop

Russ Ehnen
 architect
 5708 SW Maple Ridge
 Trimble Missouri 64492
 russenhagen@aol.com
 816 . 786 . 6300

Drawings and/or Specifications are original proprietary work and property of the Architect intended for the specifically listed project. Use of items contained herein without consent of Architect for filed or other projects is prohibited. Drawings/Specifications best information available to Architect. Field verification of actual elements, conditions, and dimensions is required.



Project Number 2303.10

ADA Compliance

Certification
 To best of my professional knowledge, the facility as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Accessibility Guidelines.

Russell Dale Ehnen
 Kansas Architect 3291

Revisions

facility modifications
113
lofts
 113 West Myrtle
 Independence . Kansas

sheet
AS1
 Site Plan
 Project Information
 prelim approval
 4 August 2024



**REQUEST FOR PLANNING COMMISSION ACTION
RECREATION CENTER WITH INDOOR PLAYROOM
FOR YOUTH AND BIRTHDAY PARTY VENUE
CITY OF INDEPENDENCE
SEPTEMBER 3, 2024**

Department Admin

Prepared By Kelly Passauer

AGENDA ITEM Case #: 2024CUP03 - Public hearing to consider a conditional use permit for a Recreation Center in the C-3, Central Business District located at 106 - 108 E. Main Street.

SUMMARY RECOMMENDATION Staff recommends approval of the Conditional Use Permit for a Recreation Center at 106-108 E. Main Street, subject to the specific conditions.

BACKGROUND

The applicant, Samantha Ringle, requests a Conditional Use Permit (CUP) for a Recreation Center located at 106-108 E. Main Street. The proposed facility will offer an indoor playroom designed for youth aged 1-11 years and a birthday party venue. The property is located within the C-3 Central Business District.

		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
Recreation centers	7424	C	C	C	C	C	C		P	P	C	P		

Property Description

- **Legal Description:** Lots 17-18, Block 43, Original Plat to the City of Independence, Montgomery County, Kansas.
- **Current Use:** Vacant commercial space.
- **Proposed Use:** Recreation Center providing indoor play facilities and hosting birthday parties for young children.



Comprehensive Plan Consistency

The proposed use aligns with the goals, strategies, and metrics outlined in the City's Comprehensive Plan, including:

- **Future Land Use Goal 1: Grow Efficiently and Promote a Healthy Mix of Land Uses.**
 - *Metric 1:* Fewer developments disconnected from the built environment
 - *Metric 3:* Consistency with the Growth Themes Map, supporting active and vibrant commercial uses within the downtown core.
 - *Strategy 1:* Encourage a mix of development types identified in the Future Land Use Plan, including encouraging the adaptive reuse of vacant commercial properties within the Downtown Commercial district.
- **Future Land Use Goal 2: Promote Strong Neighborhoods and Residential Diversity.**
 - *Metric 1:* Increased housing choice through diverse community amenities and resources that serve the public.
 - *Metric 3:* Support community and recreational developments to enhance the overall quality of the neighborhood.
- **Economic Development Goal 4: Continue to Support Independence's Retail Corridors and Districts**
 - *Metric 2:* Low vacancy and turnover in Downtown businesses
 - *Strategy 1:* Continue to promote Downtown Independence as the cultural heart of Independence.
- **Community Character Goal 2: Highlight Independence's Vibrant Past and Community Character**
 - *Metric 2:* Support for creative initiatives, such as adaptive reuse, for historic preservation
 - *Strategy 3:* Allow and support creative initiatives to take place in an effort to preserve the historic character of Independence.
 - *Strategy 7:* Continue to celebrate Independence's history and character through events and creative placemaking efforts.

Analysis of Conditional Use Permit Request

Per Article IX of the City's zoning ordinance, the Planning Commission must evaluate the proposed Conditional Use Permit based on several criteria:

1. Compliance with Zoning Regulations:

The Recreation Center is located in a C-3 district where similar recreational commercial uses exist. King's Bar and Game Room (301 N. Penn Avenue) operates as a permitted use as a tavern and offers cornhole and pool activities, while Big Cheese Pizza (103 E. Main Street) is a permitted use as a restaurant and features an arcade. Additionally, a conditional use permit was granted in 2019 for IGC - Sporting Heritage Center (212 N. Penn Avenue) for a future Indoor Firing Range. The proposed use as a Recreation Center is consistent with these types of entertainment-focused operations within the C-3 district. Other than the arcade at Big Cheese, the proposed Recreation Center will be the only other entertainment option specifically for children in the district, filling an important recreational gap within the downtown area. The proposed use is in an existing historic district complies with all

intensity and yard regulations of the C-3 district, and is consistent with the surrounding commercial development.

2. Promotion of Public Welfare and Convenience:

The Recreation Center will provide a valuable community asset, offering a safe, indoor play space for children. It will contribute to the public welfare by promoting physical activity and providing a venue for social gatherings, such as birthday parties.

3. Impact on Property Values:

The proposed Recreation Center is not anticipated to cause substantial injury to the value of nearby properties. Similar recreational uses exist in the district and have demonstrated that they can coexist with surrounding commercial and residential properties without negatively impacting values.

4. Neighborhood Dominance:

The Recreation Center's size and scope are appropriate for the C-3 district. Due to its modest scale and indoor focus, the proposed use will not dominate the surrounding area. The operation's nature aligns with other commercial activities in the downtown district.

5. Parking and Access:

The C-3 zoning district is exempt from off-street parking regulations, so no additional parking is required. The existing public parking infrastructure is sufficient to accommodate the expected clientele.

6. Utilities and Infrastructure:

The site has adequate access to existing water, sewer, and drainage facilities. No upgrades to public infrastructure are required for the proposed use.

Staff Recommendation

Based on the analysis above, staff recommends approval of the Conditional Use Permit for a Recreation Center at 106-108 E. Main Street, subject to the following conditions:

1. **Operating Hours:** The Recreation Center shall operate no earlier than 7:00 a.m. and no later than 11:00 p.m.
2. **Compliance with Noise Ordinance:** The applicant shall comply with the City's noise ordinance to minimize potential disturbances to neighboring businesses and residences.
3. **Site Maintenance:** The applicant shall maintain the property in a clean and orderly condition, including regular upkeep of the interior and exterior.
4. **Safety Measures:** The applicant shall implement safety measures, including the installation of child-safe equipment and fixtures in accordance with relevant safety standards.
5. **Code Compliance:** The applicant shall be in compliance with all City codes, including the Building and Fire Codes, and the requirement to obtain an occupancy license which shall be renewed annually. All signage shall meet the sign regulations for the C-3 district unless a variance is granted by the Board of Zoning Appeals.
6. **Certificate of Appropriateness:** Any permits for signs or building modifications will require a Certificate of Appropriateness from the Independence Historic Preservation and Resource Commission, ensuring the proposed signage and alterations are compatible with the historical character of the district.

Next Steps

The Planning Commission's recommendation will be forwarded to the City's governing body for final approval. Should the governing body approve the Conditional Use Permit, the Building Inspector will ensure compliance with all terms and conditions of the permit prior to issuing any building permits or certificates of occupancy.

Suggested Motion: I move to recommend approval of the Conditional Use Permit for a Recreation Center located at 106-108 E. Main Street, subject to the conditions as recommended by City staff. This recommendation is based on the finding that the proposed use is consistent with the goals and strategies outlined in the Comprehensive Plan and complies with the criteria set forth in Article IX of the City's zoning ordinance for Conditional Use Permits.

SUPPORTING DOCUMENTS

1. Public Hearing Notice 106-108 E Main CUP Recreation Center
2. Location Map of Proposed Recreation Center
3. 2024-CUP-03 - Conditional Use Permit Application - 106-108E Main-Recreation Center
AKA Indoor Children's Playroom
4. Recreation Center Layout
5. Samantha Crittenden-Playroom Description
6. Mavericks Playroom 106 - Sample Big Kid Toys
7. Mavericks Playroom 108 - Sample Toddler Toys
8. 106-108 E Main-Property Owner Information
9. ARTICLE_IX.___PROCESSING_PROCEDURES_FOR_CONDITIONAL_USES

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, September 3, 2024 at 5:30 p.m.

To receive comments on a request for a conditional use permit for a “Recreation Center” in the C-3, central business district. The Recreation Center will contain a Children’s Indoor Playroom.

Legal Description:

Lots 17-18, Block 43, Original Plat to the City of Independence, Montgomery County, Kansas.

Common Address:

106-108 E. Main Street

Applicant/Owners:

Samantha Ringle, Applicant

Beet’s Place, LLC, Owner

Case Number:

2024/CUP/03

The hearing will be conducted in the Commission/Municipal Court Room, City Hall, 120 North 6th Street, 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:+17852894727) Conference ID: 820 754 218# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

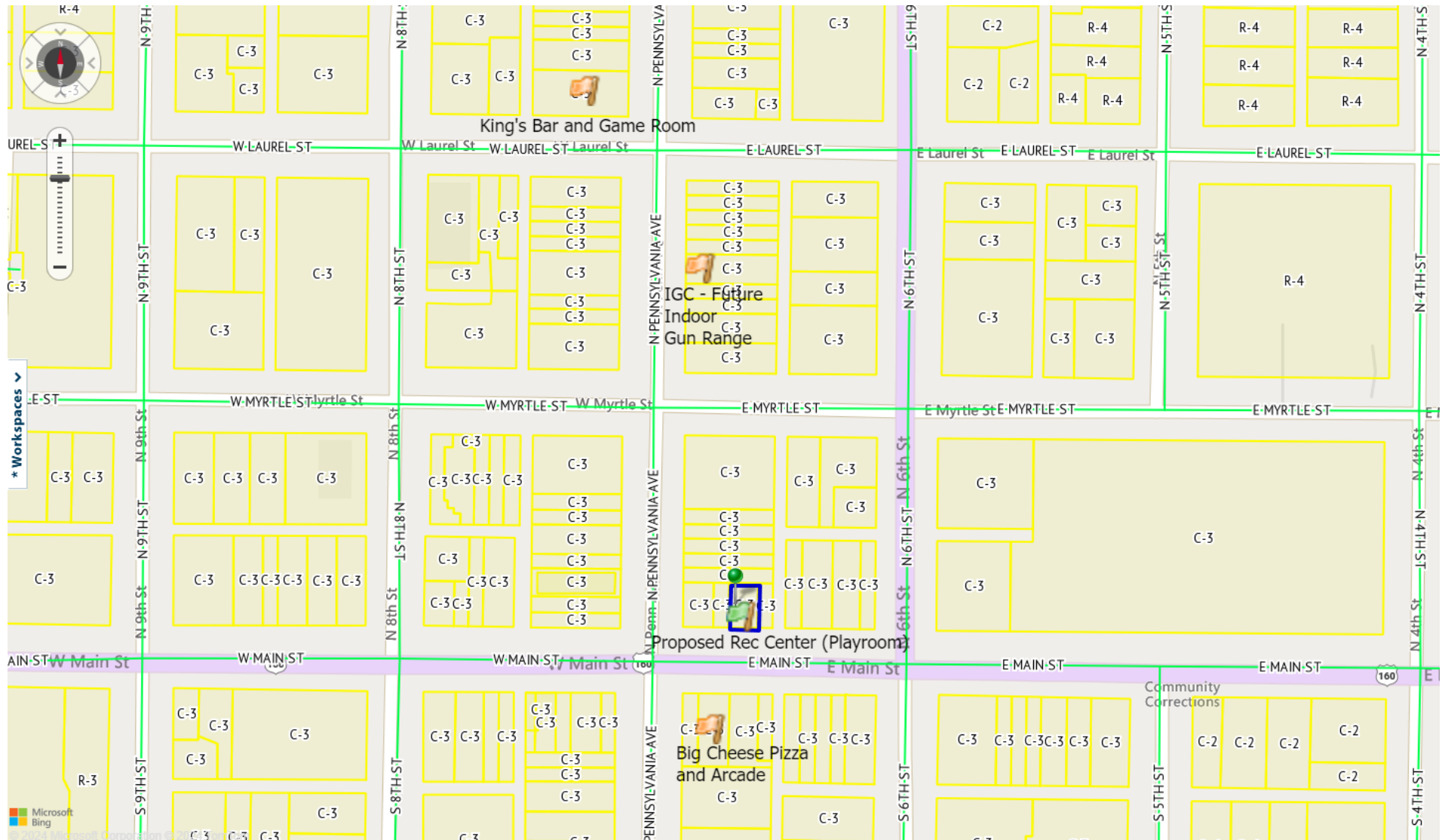
Kelly Passauer
Zoning Administrator
120 N 6th Street
Independence, KS 67301
(620) 332-2506

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

Location Map of Proposed Recreation Center (Playroom)

A map showing the subject property location within the C-3 district and its proximity to other relevant commercial and recreational sites (e.g., Big Cheese Pizza, King's Bar and Game Room, IGC - Sporting Heritage Center).



APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED 7/29/24
\$200 FEE PAID ✓



NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Samantha Kingle 2015 N 10th St Independence, KS 67301

LEGAL DESCRIPTION OF LAND INVOLVED:

Lots 17-18, Block 43, Original Plat to the City of Independence, KS.

COMMON ADDRESS OF SAID LAND:

106-108 E Main St, Independence, KS 67301

PRESENT ZONING CLASSIFICATION:

STATEMENT OF INTENDED USE OF PROPERTY:

Recreation. Indoor playroom for youth approximate ages 1-11. Birthday party venue.

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.

7/29/24
Date

Samantha Kingle
Signature of Applicant

[Signature]

I hereby certify that I have personally verified the dimensions as shown on the attached drawing and find them to be a correct representation of the conditions.

Date

Signature of Building Inspector

Action of Planning and Zoning Commission:

(Approved, Denied --- Date)

Comments:

Chairman

Vice Chairman

Secretary

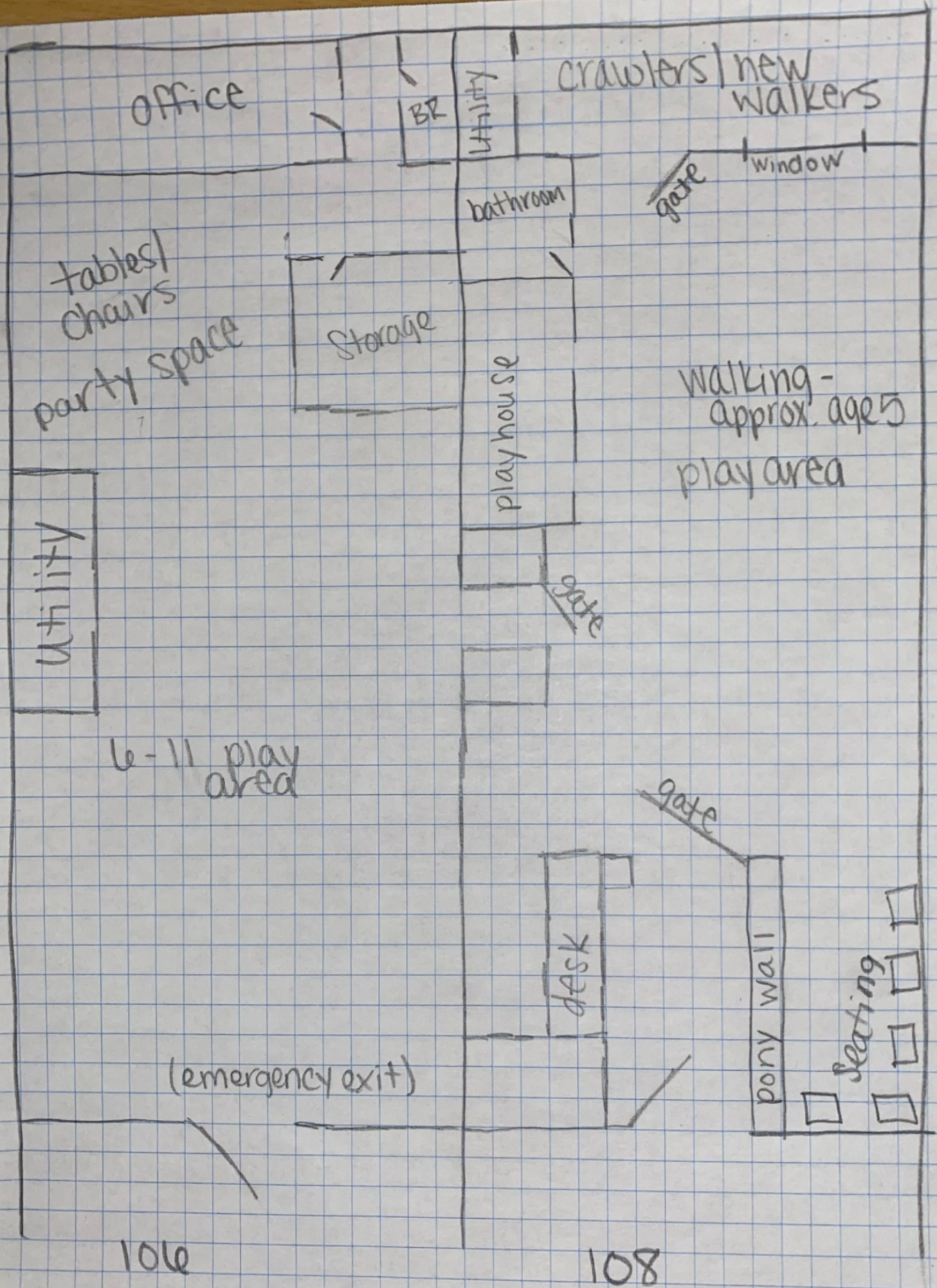
CITY OF INDEPENDENCE

REC#: 01286403 7/29/2024 8:08 AM
OPER: JESS TERM: 001
REF#:

TRAN: 1.9000 PLANNING AND ZONING
 2015 N 10TH
 CONDITIONAL USE PER 200.00CR

TENDERED: 200.00 CHECK
APPLIED: 200.00-

CHANGE: 0.00 Page 52 of 106



Conditional Use

Samantha Crittenden

Tue 8/6/2024 5:31 PM

To: Kelly Passauer <kellyp@independenceks.gov>

Kelly, here is a little tidbit to include where you need to in regards to my zoning. Thank you!

My name is Samantha Ringle and I have been an Independence resident for the past 33 years. I'm a wife, mom of 2 and have been employed by Woods Lumber for the past five years. My intentions are simple. I want to provide the community with a much needed service while being able to prioritize spending time with my young children.

My vision for the playroom is to create a clean, safe, climate controlled environment where kids are free to use their imagination through role play, pretend play and open ended toys. It will aid small minds and bodies in developing cognitive, gross motor and social skills. The welcoming environment will be exactly as it sounds, a playroom, full of toys that do not require batteries but instead are put to work by the children themselves.

I mentioned before that I am a mom of 2. The before mentioned concept is a GREAT space and idea for those age 1-5ish which is perfect for my almost 2 year old daughter but that leaves my 8 year old son sitting on the sidelines with all the other older siblings and I cannot have that which is why I chose the location I did. 106-108 E Main St, spanning two store fronts and including two separate sides joined by an opening in the middle will allow me to jazz up half of the business for those older siblings. The 106 portion would consist of giant board games, table type games (think foosball, ping pong or air hockey), indoor football or basketball throw game among other things. That side will also be renovated to serve as a birthday party venue rental. A place for cake and presents, tables and chairs. I have included links to the Amazon lists that I have been using as a vision board if you'd like to get an idea of what type of toys and equipment I have in mind to furnish the playroom. Thank you for your time as I am REALLY hoping I can make Mavericks Playroom, LLC a destination for the citizens of Independence and surrounding towns.

Samantha Ringle

Toddler

amazon.com



Big kid

amazon.com



Sent from my iPhone

Mavericks Playroom 106

	Title	Comments	Price	Quantity	Has
	GAMESUN Official Tournament Foosball Table Balls, Commercial Quality,pros Design by GAMESUN (Sports)		\$19.99	1	0
	VINGLI Folding Chairs with Padded Seats, Metal Frame with Pu Leather Seat & Back, Capacity 350 lbs, White, Set of 10 by VINGLI		\$170.99	5	0
	Costzon Giant 4-in-A-Row, Jumbo 4-to-Score Giant Games for Kids & Adults, Indoor Outdoor Party Family Connect Plastic Game, 4 Feet Wide by 3.5 Feet Tall w/42 Jumbo Rings & Quick-Release Slider by Costzon (Toy)		\$138.35	1	0
	GRIP KIDS Jumbo Checkers Set with Storage Bag - 58 inch mat - Outdoor & Indoor Play Toys, Backyard Board Games Kids Activities, Family Party, Birthday for Toddlers Ages 5 6 7 8 Year Old by Grip Kids (Toy)		\$38.49	1	0
	Giant Sorry Classic Family Board Game Indoor Outdoor Retro Party Activity Summer Toy with Oversized Gameboard, for Adults and Kids Ages 6 and up by Spin Master Games (Toy)		\$19.89	1	0
	TRIUMPH SPORTS USA Play Maker Double Shootout Basketball Game Includes 4 Game-Ready Basketballs and Air Pump and Needle, Black by Triumph Sports (Sports)		\$108.26	1	0
	Hasbro Gaming Twister Ultimate: Bigger Mat, More Colored Spots, Family, Kids Party Game Age 6+; Compatible with Alexa (Amazon Exclusive) by Hasbro Gaming (Toy)		\$21.89	1	0
	The Crew Furniture Classic Video Rocker Floor Gaming Chair, Kids and Teens, Racing Stripe PU Faux Leather & Polyester Mesh, Black/Red by THE CREW FURNITURE (Kitchen)		\$39.60	2	0
	The Crew Furniture Classic Video Rocker Floor Gaming Chair, Kids and Teens, Racing Stripe PU Faux Leather & Polyester Mesh, Black/Blue by THE CREW FURNITURE (Kitchen)		\$39.60	2	0
	GoSports 2 ft x 1 ft Portable Size Cornhole Game Set with 6 Bean Bags - Great for Indoor & Outdoor Play (Choose Between Classic or Wood Designs) by GoSports (Sports)		\$39.99	1	0
	SereneLife Air Hockey Game Table, Digital LED & Accessories by SereneLife (Sports)		\$109.99	1	0



GoSports 6 x 3 ft Mid-Size Table Tennis Table Set with Adjustable Height - Green or Blue
by GoSports (Sports) |

\$124.99 1 0

Mavericks Playroom 108

	Title	Comments	Price	Quantity	Has
	Learning Resources Snap-n-Learn Surprise Squirrels, 15 Pieces, Ages 18 Months+, Fine Motor Skills Toys, Colors and Numbers Recognition, Learning & Education Toys, Baby and Toddler Toys by Learning Resources (Toy)		\$13.99	1	0
	Squishy Sensory Toys for Kids - 4 Pack Fidget Toy Sensory Maze Filled with Colorful Goo, Glitter, Sensory Calming Toys for Kids with Autism, ADHD - Classroom Prizes, Goodie Bag Stuffers by Demilong		\$15.99	1	0
	Melissa & Doug Shape Sorting Cube - Classic Wooden Toy With 12 Shapes by Melissa & Doug (Toy)		\$12.51	1	0
	JOYIN 18 Pcs Pull Back City Cars and Trucks Toy Vehicles Set, Friction Powered Cars Toys for Toddlers, Boys, Girls' Educational Play, Goodie Bags Stuffers by JOYIN		\$19.99	1	0
	Little Tikes First Dishwasher by Little Tikes (Toy)		\$49.99	1	0
	Melissa & Doug Laundry Basket Pretend Play Set With Wooden Iron, Ironing Board, and Accessories (14 Pcs) For Kids by Melissa & Doug (Toy)		\$18.49	1	0
	Bright Starts Bounce Bounce Baby 2-in-1 Activity Center Jumper & Table - Playful Pond (Green), 6 Months+ by Bright Starts (Baby Product)		\$79.99	1	0
	Delta Children MySize 9 Bin Plastic Toy Organizer - Greenguard Gold Certified, Grey by Delta Children (Kitchen)		\$49.99	3	0
	Babebay Baby Play Mat, Soft Baby Mat for Floor, Foldable Playmat for Babies Toddlers and Infants, Reversible Foam Play Mat, Waterproof Baby Crawling Mat for Indoor & Outdoor (Leaf Pattern,78x50) by Babebay (Unknown Binding)		\$44.99	3	0
	Delta Children Kids Table and Chair Set (4 Chairs Included), White/Pink by Delta Children (Kitchen)		\$78.17	2	0
	New Bounce Toddler Climbing Toys - Soft Play Set for Kids - Foam Climbing Blocks - Safe Soft Tunnel Gym Equipment - Great for All Ages by New Bounce (Toy)		\$199.99	1	0
	TEMI 7 Piece Realistic Dinosaur Toy Set for Kids - Large Figures for Dinosaur Lovers, Perfect Dinosaur Party Favors and Gifts by TEMI (Toy)		\$29.99	1	0

	TEMI 7 Piece Jumbo Dinosaur Toys for kids 3-5, Large Soft Dinosaur Toys for Dinosaur Lovers, Dinosaur Toys for Boys Kids Toddler Ages 5-7 Years, Perfect Dinosaur Party Favors, Birthday Gifts by TEMI (Unknown Binding)	\$26.99	1	0
	ECR4Kids SoftZone Patchwork Toddler Building Blocks, Foam Cubes, Contemporary, 12-Piece by ECR4Kids (Office Product)	\$69.99	2	0
	STARUIA Round Boho Rug 6 Ft Washable Round Area Rug for Playroom, Sunshine Circle Rug for Kids Room, Non-Slip Circular Rainbow Carpet Soft Large Kids Rug for Classroom Dorm Bedroom by STARUIA	\$69.99	1	0
	9 Labeled Sensory Mats w/Lesson Plans Autism Sensory Products Preschool Classroom Must Haves Montessori Toys Sensory Tiles for Sensory Wall Toys by Playful Prodigies (Toy)	\$49.97	1	0
	Learning Resources Spike The Fine Motor Hedgehog - Toddler Learning Toys, Fine Motor and Sensory Toys for Kids Ages 18+ Months, Montessori Toys by Learning Resources (Toy)	\$9.82	1	0
	Playskool Sit 'n Spin Classic Spinning Activity Toy for Toddlers Ages Over 18 Months (Amazon Exclusive) by Playskool (Toy)	\$38.33	1	0
	Flash Furniture Emmy Adjustable Classroom Activity Table with 6 Stackable Chairs, Rectangular Plastic Activity Table for Kids, 23.625" W x 47.25" L, Blue/Gray by Flash Furniture (Kitchen)	\$176.99	2	0
	Coogam Wooden Rainbow Stacker Nesting Puzzle Blocks - Tunnel Stacking Game Building Creative Color Shape Matching Jigsaw Learning Toy Set Board Early Development Gift for Kids Boy Girl by Coogam (Toy)	\$15.99	1	0
	Yetonamr Montessori Toys for 1 2 3 Years Old Boys Girls Birthday Gifts, Wooden Sensory Toys for Ages 2-4 Toddlers Kids Baby, Toddler Learning Toy Activities Puzzles Ages 1-3 by Yetonamr (Toy)	\$11.99	1	0
	Melissa & Doug Magnetic Car Loader Wooden Toy Set With 4 Cars and 1 Semi-Trailer Truck by Melissa & Doug (Toy)	\$19.99	1	0
	Melissa & Doug Wooden Emergency Vehicle Carrier Truck With 1 Truck and 4 Rescue Vehicles by Melissa & Doug (Toy)	\$15.44	1	0
	Melissa & Doug Wooden Scoop and Serve Ice Cream Counter (28 pcs) - Play Food and Accessories - Pretend Food Toys, Ice Cream Shop Toys For Kids Ages 3+ by Melissa & Doug (Kitchen)	\$41.99	1	0
	Melissa & Doug Let's Play House Dust! Sweep! Mop! 6 Piece Pretend Play Set - Toddler Toy Cleaning Set, Pretend Home Cleaning Play Set, Kids Broom And Mop Set For Ages 3+ by Melissa & Doug (Toy)	\$27.89	1	0

	S&S Worldwide Unfinished Wood Letter/Mail Box. Fully Assembled & Ready to Decorate With Paint, Stain, Markers & More, Great For Kids Play Mailbox, Sandpaper Included, 12"W x 3-1/2" D x 8" H. by S&S Worldwide (Kitchen)	\$14.90	1	0
	Keymall Kids Mailman Costume Mail Carrier Hat Mr. Postman Canvas Bag Vest Envelopes For Halloween Career Day Postal Costume by Keymall (Apparel)	\$30.99	1	0
	Playmags Building Board - Magnetic Starting Building Plate or Other Magnetic Tiles - Great Add on to Any Magnetic Tile Toy (1 Pack - Colors May Vary) by Playmags (Toy)	\$17.99	1	0
	Little Tikes Backyard Barbeque Get Out 'N Grill by Little Tikes (Toy)	\$39.99	1	0
	Buself Shoe Covers Disposable Non Slip - Pack of 100 (50 Pairs), Premium Waterproof and Recyclable Shoe Booties Covers for Indoors, Fits Up To 11 US Men and 13 US Women Size by Buself (Tools & Home Improvement)	\$12.99	5	0
	Durable Pound A Ball Toys for Toddler, Stacking, Learning, Active, Early Developmental Hammer Montessori Toys, Fun Gifts for Boy & Girl - STEM Educational Toy - Great Birthday Gift Ages 1 2 3 by Playkidz (Toy)	\$29.99	1	0
	Little Tikes Bouncing Fun! Blue Hopper 9301B - Mega 18" Inflatable Heavy Gauge Durable Vinyl Ball - Deflates Easily for Storage - Exercise Learning Fun? YES - Use That Energy! for Kids Ages 4-8 by Little Tikes (Sports)	-	1	0
	SEREED Baby Balance Bike for 1 Year Old Boys Girls 12-24 Month Toddler Balance Bike, 4 Wheels Toddler First Bike, First Birthday Gifts by SEREED (Sports)	\$49.99	1	0
	SEREED Baby Balance Bike for 1 Year Old Boys Girls 12-24 Month Toddler Balance Bike, 4 Wheels Toddler First Bike, First Birthday Gifts by SEREED (Sports)	\$49.99	1	0
	Step2 Up & Down Roller Coaster Kids Toy, Ride On Push Car, Indoor/Outdoor Playset, Toddlers 2-5 Years Old, Compact Storage, Max Weight 50 lb., Multicolor by Step2 (Kitchen)	\$139.99	1	0
	VEVOR Caterpillar Tunnel for Kids, Outdoor Indoor Climb and Crawl Through, Play Equipment for Toddler,Boys,Girls,Baby 3-6, 4 Sections, for Daycare, Preschool, Playground, Multicolor by VEVOR (Toy)	\$157.68	1	0
	MEGA BLOKS First Builders Toddler Blocks Toys Set, Big Building Bag with 80 Pieces and Storage, Blue, Ages 1+ Years by Mega (Toy)	\$16.00	2	0

	Lissi Shopping Cart with 16" Baby Doll by Lissi (Toy)	\$29.99	1	0
	Liberty Imports 5-in-1 Deluxe Newborn Baby Doll Stroller Nursery Playset with Play Mat, Playard, Baby Carrier, and Travel Bag (Doll Included) by Liberty Imports (Toy)	\$54.99	1	0
	Simplay3 Two Sided Rock and Roll Teeter Totter Seesaw and Climbing Bridge, Fits up to Four Children and Kids for Rocking and Climbing - Indoor/Outdoor - Blue, Made in USA by Simplay3 (Toy)	\$99.99	1	0
	Delta Children Kids Table and Chair Set (4 Chairs Included), Grey/Blue by Delta Children (Kitchen)	\$76.98	2	0
	Prepac White Hall Bench with Storage and Seating: 24-Shoe Cubby Bench, Ideal White Shoe Rack for Entryway, Sized 15.5" D x 60" W x 20.25" H by Prepac (Kitchen)	\$131.99	1	0
	LENDOD Classic (12-Pack) Twisty Fidget Toys Multicolored Quiet Fidget Toys, Brain Imagination Tools for Kids and Adults - Fidget Toy for School - Gift for Teens and Adults by LENDOD	\$12.99	1	0
	5 Pack Silicone Bubble Sensory Pop Fidget Toy, Stress Reliever, Office Toys, Anxiety Relief Squeeze Sensory , Autism, ADHD and Special Needs Stress Reliever, 5 Colors Including Rainbow by Treycer by Treycer (Toy)	\$9.98	1	0
	CHENGU 20 Sets 1640 ft 1000 Pcs Flag Pennants Bulk Pennant Banner Multicolor Outdoor Garland Grand Opening Banner Nylon Triangle Flag Banner for Birthday Carnival Theme Party Decorations (Colorful) by CHENGU (Unknown Binding)	\$17.99	1	0
	Vanplay Montessori Toy Steering Wheel Wooden Busy Board Wooden Sensory Toys for Toddlers 3 Preschool Learning Activities for Fine Motor Skills Travel (Busy Board) by Vanplay (Unknown Binding)	-	1	0
	KC CUBS ABC Alphabet, Numbers and Shapes Educational Learning & Fun Game Play Area Non Slip Boy Girl Kids Rug Carpet for Children Bedroom, Toddler Classroom Baby Playroom Mat, Playtime Activity by KC Cubs (Kitchen)	\$199.99	1	0
	Little Tikes Rocking Horse Blue, 33.00 L x 10.00 W x 17.50 H Inches by Little Tikes (Toy)	\$33.05	1	0
	Little Tikes First Slip And Slide, Easy Set Up Playset for Indoor Outdoor Backyard, Easy to Store, Safe Toy for Toddler,Kids (Red/Blue), 39.00"L x 18.00"W x 23.00"H by Little Tikes (Toy)	\$34.88	1	0
	GENTABY Kids Socks 25 Pairs Boys Girls Toddler Ankle Socks Solid Soft Children School Low Cut Socks Age 1-14 Years by GENTABY	\$14.49	1	0

	GENTABY Kids Socks 25 Pairs Boys Girls Toddler Ankle Socks Solid Soft Children School Low Cut Socks Age 1-14 Years by GENTABY	\$14.49	1	0
	Hanes Girls' No Show Socks Super Value 20-Pair Packs by Hanes (Apparel)	-	1	0
	Amazon Basics Grocery Store Checkout Counter with Shopping Cart, Kids Supermarket Pretend Play Store Cash Register, Gift for Age 3Y+, Multicolor by Amazon Basics (Toy)	\$153.99	1	0
	Melissa & Doug Wooden Get Well Doctor Activity Center - Waiting Room, Exam Room, Check-In Area - FSC Certified by Melissa & Doug (Toy)	\$130.99	1	0
	Hungdao 6 Sets Kids Dressing up Costumes, Toddler Dressing up and Pretend for Age 6-10 for Dress up Police,fireman, Doctor,construction Worker, Chef and Explorer by Hungdao (Apparel)	\$56.99	1	0
	Simplay3 Two Sided Rock Around Wobble Disk and Climbing Dome for Toddlers and Kids - Rocking and Climbing - Indoor/Outdoor - Green, Made in USA by Simplay3	\$49.99	1	0
	Kids Corner Climber 4-Piece Set Climbing Toys for Toddlers 1-3, Soft Babies Climb Foam Play Set Indoor Baby Crawling Foam Blocks Children Foam Toys for Kids Crawling and Sliding, Red by BLKMTY (Toy)	\$88.99	1	0
	Simplay3 Rock and Roll Teeter Totter Seesaw - Rocking Fun for Two Toddlers or Kids - Sapphire, Made in USA by Simplay3	\$49.99	1	0

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The Parcel Number for this Property is 063-099-31-0-20-11-009.00-0
Quick Ref ID: 7014

Owner Information

Owner Name	BEET'S PLACE, LLC
Address	223 N PENNSYLVANIA AVE INDEPENDENCE, KS 67301

Property Situs Address

Address	106 E MAIN ST, Independence, KS 67301
----------------	---------------------------------------

Land Based Classification System

Function	Downtown row store
Activity	Goods-oriented shopping
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Commercial & Industrial - C
Living Units	
Zoning	
Neighborhood	208.D
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Major Strip or CBD - 1
Location	Central Business District - 1
Parking Type	Off Street - 1
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2024 Appraised Value

Class	Land	Building	Total
Commercial & Industrial - C	11,800	42,400	54,200
Total	11,800	42,400	54,200

2023 Appraised Value

Class	Land	Building	Total
Commercial & Industrial - C	10,080	41,490	51,570
Total	10,080	41,490	51,570

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
714	098	712	334				

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	3159				5	50					11,800

General Commercial Building Information

General Building Information	
LBCS Structure Code	Downtown row store
Bldg No.	1
Building Name	INDY BOOKS & MORE
Identical units	1
No. of Units	
Unit Type	
MS Mult	
MS Zip	

Apartment Data								
	1	2	3	4	5	6	7	8
Units								
BR Type								
Baths								

Commercial Building Sections & Basements																					
Sec	Occupancy	MSCIs	Rank	Yr Blt	Eff Yr	Levels	Stories	Area	Perim	Hgt	Phys	Func	Econ	OVR%	Rsn	Inc Use	Net Area	Cls	RCN	%Gd	Value
1	Mixed Retail w/ Office Units	M	2.00	1900		01/01		3,102	136	12	2.5	3				039			427,410	9	38,470
2	Mixed Retail w/ Office Units	M	2.00	1900		02/02		3,102	136	14	1	1				086			393,020	1	3,930

Commercial Building Section Components							
Sec	Code	Units	Pct	Size	Other	Rank	Year
1	Warmed and Cooled Air		100				
1	Brick, Solid		100				
1	Canopy, Retail Wood Frame	188				1.00	
2	No HVAC		100				
2	Brick, Solid		100				

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ARTICLE IX. PROCESSING PROCEDURES FOR CONDITIONAL USES

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.

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

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.
- b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 1. The location, nature and height of buildings, structures, walls and fences on the site, and
 2. The nature and extent of landscaping and screening on the site.
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII).
- f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

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

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

902.4. Time limit: The planning commission may recommend to the governing body a time limitation on the conditional uses specified in appendix "A" of this ordinance. Said conditional use permit shall be renewable at the discretion of the governing body.

902.5. Action by the governing body: Upon hearing and consideration of the proposed conditional use, the planning commission shall at the earliest date possible, submit its recommendation to the governing body for final action along with the reasoning for its recommendation plus all materials considered by it in reaching its recommendation. Within 30 days of receipt of the recommendation from the planning commission, the governing body shall adopt, modify or deny the planning commission recommendation. The action of the governing body shall be final.

902.6. Remand: In lieu of making a final decision, the governing body may elect to remand the matter to the planning commission for further consideration. In doing so, the governing body shall provide its reason for remand

to the planning commission. The planning commission shall then reconsider the application at its first available meeting and follow the procedures outlined in section 902.2. The planning commission shall adopt a recommendation which shall be again submitted to the governing body which shall follow the procedures outlined in section 902.5.

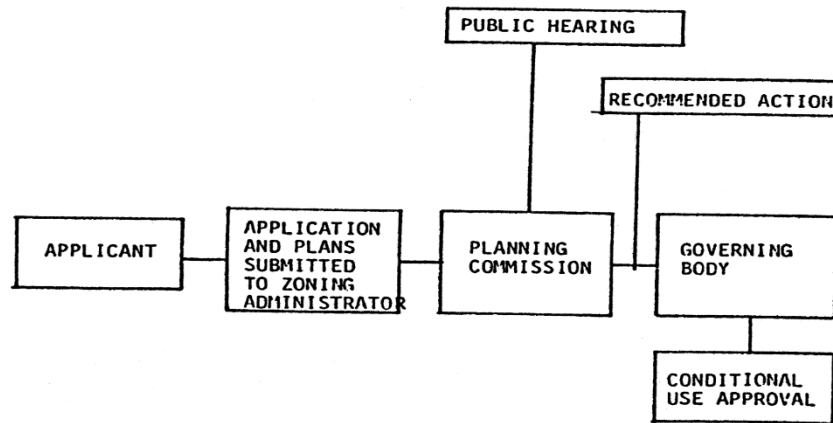
902.7. Final approval: The applicant's compliance with all terms and conditions of the conditional use permit shall be the responsibility of the zoning administrator. The zoning administrator shall communicate with the building inspector for the city regarding compliance prior to issuance of a building permit to the applicant.

(Ord. No. 3613, §§ 1, 2, 5-20-92; Ord. No. 4378, § 1, 12-23-21)

PROCESSING PROCEDURES FOR CONDITIONAL USE PERMIT

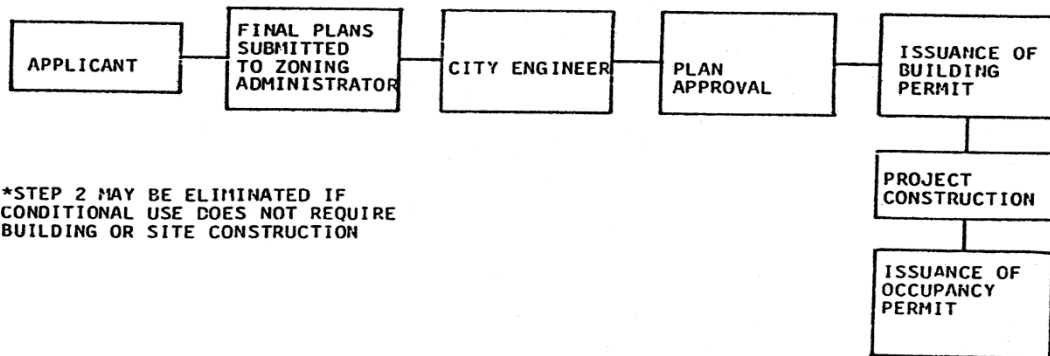
STEP 1

PRELIMINARY PLAN APPROVAL



STEP 2*

FINAL PLAN APPROVAL



*STEP 2 MAY BE ELIMINATED IF
CONDITIONAL USE DOES NOT REQUIRE
BUILDING OR SITE CONSTRUCTION

Conditional Use Permit



REQUEST FOR PLANNING COMMISSION ACTION

**CITY OF INDEPENDENCE
SEPTEMBER 3, 2024**

Department Admin

Prepared By Maurice Garlet

AGENDA ITEM Case #: 2024CUP04 - Public hearing to consider a conditional use permit for multi-family dwellings (apartments) in a nonresidential structure in the C-3, Central Business District at 113 W. Myrtle Street.

SUMMARY RECOMMENDATION City Staff recommends approval of the conditional use.

BACKGROUND Steve Morrison, through his architect, Russ Ehnen, is requesting a conditional use permit for a project consisting of eleven studio/apartments and one commercial space in his building situated at 113 West Myrtle Street. The aforementioned building was originally constructed as a hotel in 1910 with similar occupancy to the proposed project, just of a more transient form.

The building in question is considered historical and therefore exempt from most sections of the IBC. The proposed project has been evaluated by the building inspector and considered within the norms of section 905 of the IEBC. The owner of the building and his architect have expressed their interest in making this building safe for its occupants while maintaining most of the historical features.

Mr. Morrison and Mr. Ehnen had also manifested their willingness and interest in adhering to the standard requirements of the City. Plans that reflect such intent are included with this request.

Comprehensive Plan Consistency:

- **Future Land Use Goal 1: Grow Efficiently and Promote a Healthy Mix of Land Uses.**
 - *Metric 1:* Fewer developments disconnected from the built environment
 - *Metric 3:* Consistency with the Growth Themes Map, supporting active and vibrant commercial uses within the downtown core.
 - *Strategy 1:* Encourage a mix of development types identified in the Future Land Use Plan, including encouraging the adaptive reuse of vacant commercial properties within the Downtown Commercial district.
 - *Strategy 2:* Promote a mix of residential uses for increased housing choice.

- *Strategy 11:* Support historic preservation initiatives throughout the planning boundary to maintain the historic character of Independence.
- **Future Land Use Goal 2: Promote Strong Neighborhoods and Residential Diversity.**
 - *Metric 1:* Increased housing choice through diverse community amenities and resources that serve the public.
 - *Metric 3:* Support community and recreational developments to enhance the overall quality of the neighborhood.
 - Strategy 1: Promote residential development as proposed in the Future Land Use Plan.
 - Strategy 2: Support the development of medium- and high-density residential uses.
 - Strategy 8: Promote residential rehabilitation to preserve the historic character of neighborhoods and quality of the existing housing stock.
- **Community Character Goal 2: Highlight Independence's Vibrant Past and Community Character**
 - *Metric 2:* Support for creative initiatives, such as adaptive reuse, for historic preservation
 - *Strategy 3:* Allow and support creative initiatives to take place in an effort to preserve the historic character of Independence.
 - *Strategy 4-5:* Support the Independence Local Historic Register initiative to qualify for preservation efforts.

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 limitations.
- 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 should be designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

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 The recommendation to approve the proposed conditional use is 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, and use limitations.
- 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.
- e. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- f. Adequate access roads or entrance and exit drives will be provided and should be designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

SUGGESTED MOTION:

I move to approve the conditional use permit for 113 West Myrtle Street for a high-rise multifamily dwelling in accordance with the submitted plans and background with the following conditions:

- 1. Maintaining a storefront, consisting of not less than 50% of the entire first floor.
- 2. The resident's entry into the building will be separated from the entryway utilized by the storefront.
- 3. Maintain and preserve the historical features of the building as much as possible.
- 4. Obtain variances from the C-3 regulations regarding the 900 sq ft lot area requirement per unit and the elevator requirement.

SUPPORTING DOCUMENTS

- 1. Public Hearing Notice CUP 04 113 W Myrtle St
- 2. 113 West Myrtle CUP Application

3. 113WMyrtle CUP Drawings

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, September 3, 2024, at 5:30 p.m.

To receive comments on a request for a conditional use permit for multi-family dwellings (apartments) in a nonresidential structure in the C-3, Central Business District. The apartments are proposed to be located on the ground floor and upper stories.

Common Address:

113 W. Myrtle Street

Legal Description:

East half of Lot 22, Block 42, Original Plat to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Russ Ehnen, Applicant

Morrison Family Trust, Owner

Case Number:

2024/CUP/04

The hearing will be conducted in the Commission/Municipal Court Room, City Hall, 120 North 6th Street, 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:+17852894727) Conference ID: 820 754 218#

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

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED _____
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Russ Ehnen . Architect 5702 SW Maple Ridge Trimble . Missouri 64492
russehn@aol.com 816-786-6300

LEGAL DESCRIPTION OF LAND INVOLVED:

Tract 0630993102010002000

Owner: Morrison Family Trust 1036 Biltmore Boulevard Springdale . Arkansas 72762

COMMON ADDRESS OF SAID LAND:

113 West Myrtle Street Independence . Kansas 67301

PRESENT ZONING CLASSIFICATION: C-3 Central Business District

STATEMENT OF INTENDED USE OF PROPERTY:

First Level: Office / Retail Tenant Space . One Apartment . Apartment Entry / Lobby

Second Level: Five Loft Style Apartments

Third Level: Five Loft Style Apartments

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

Existing early 20th Century streamlined Greek revival with modular face brick field, cast and cut stone trims, with metal cornices and entablatures. Generally unmolested and intact.

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.

4 August 2024

Date

Russ Ehnen

Signature of Applicant

Digitally signed by Russ Ehnen
Date: 2024.08.04 19:08:43 -05'00'

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

Payment Notification - Conditional Use

noreply@municipalonlinepayments.com <noreply@municipalonlinepayments.com>

Mon 8/5/2024 1:53 PM

To:Kelly Passauer <kellyp@independenceks.gov>



Independence, KS

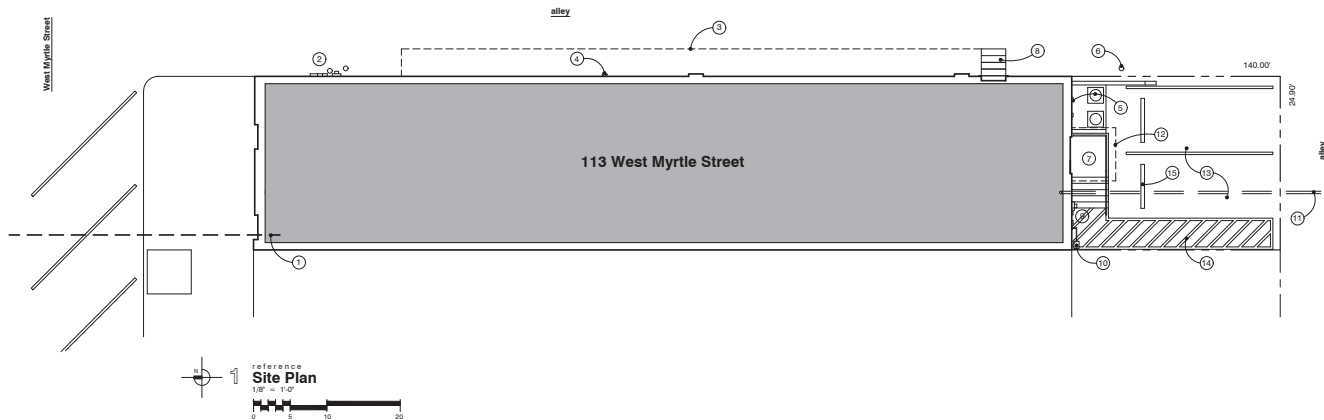
This is your payment receipt.

Confirmation Number	Payer Contact Info	Payment Method
F757PLVHY6	russehnen@aol.com	*****8045

Conditional Use

Name	Russ Ehnen
Property Address	5702 SW Maple Rdg
Phone	8167866300

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



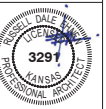
site
Information
Zoning
 C-3 Central Business District
Site Area
 0.485 square feet . 0.08 acre
Tract Number
 0630993102010002000

site plan
Reference Notes

- 1 existing 3/4" domestic water service nominally 4' below grade . replace with backflow preventer equipped 1 1/2" service . add manifold with meter for each dwelling unit . commercial tenant . house
- 2 existing power poles . overhead serviced electric meter . disconnects
- 3 approximate extent of de-commissioned areaway to basement
- 4 vents from gas fired furnaces . air handlers in basement [2 thus serve first floor commercial space . add smoke and CO2 detectors]
- 5 condensing units . disconnects serving air handlers in basement
- 6 power pole
- 7 new or renovated cast in place concrete stair with Code compliant rise-run . steel guardrail - handrail assembly
- 8 repair existing concrete stair
- 9 existing overhead serviced electric meter . communications boxes
- 10 existing natural gas meter . service to furnaces . air handlers in basement [only gas equipment in building]
- 11 existing 4" sanitary line to existing main in alley [seal . repair as required] nominal depth 18" below grade
- 12 new tension rod supported horizontal canopy
- 13 seal coat . re stripe at existing asphalt paving . 9' x 20' parking stalls
- 14 striped access aisle
- 15 parking wheel stop

Russ Ehnen
 architect
 5708 SW Maple Ridge
 Trimble . Missouri 64492
 russ@ehnen.com
 816 . 786 . 6300

Drawings and/or Specifications are original proprietary work and property of the Architect intended for the specifically listed project. Use of same contained herein without consent of Architect for filed or other projects is prohibited. Drawings/Specifications based information available to Architect. Field verification of actual elements, conditions, and dimensions is required.



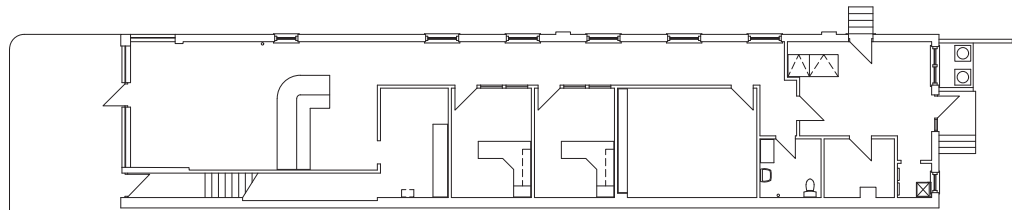
Project Number 2303.10

ADA Compliance
Certification
 To best of my professional knowledge, the building as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title II Design Guidelines.
Russell Dale Ehnen
 Kansas Architect 3291

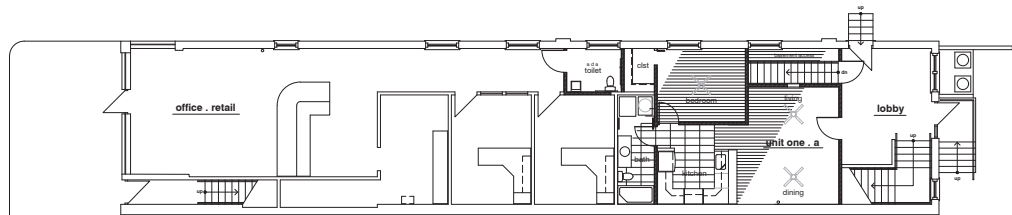
Revisions

facility modifications
113
lofts
 113 West Myrtle
 Independence . Kansas

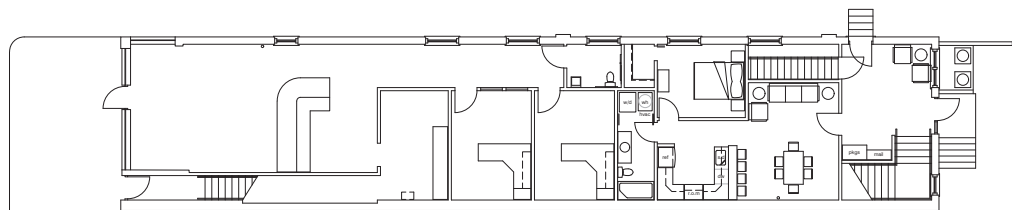
sheet
AS1
 Site Plan
 Project Information
 prelim approval
 4 August 2024



1 **Existing First Floor Plan**
1/8" = 1'-0"
0 5 10 20
2,640 gross square feet
(calculated to nominal exterior face of building)



2 **Construction First Floor Plan**
1/8" = 1'-0"
0 5 10 20



3 **Fixture First Floor Plan**
1/8" = 1'-0"
0 5 10 20

Net Areas
(calculated to nominal interior face of demising walls)

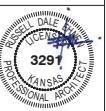
office - retail	1,120 net square feet	28.17%
unit one - a	272 net square feet	6.84%
common	207 net square feet	5.26%

Legend

- existing walls to remain
- new wall construction
- existing ceiling
- new ceiling
- existing floor
- new floor
- existing stairs
- new stairs
- existing ramp
- new ramp
- existing door
- new door
- existing window
- new window
- existing door
- new door
- existing window
- new window

Russ Ehn
rchitect
5708 SW Maple Ridge
Timber, Missouri 64492
russehn@aol.com
816 . 786 . 6300

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Project Number 2303.10

ADA Compliance

Certification
To best of my professional knowledge, this building as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title II Design Guidelines.

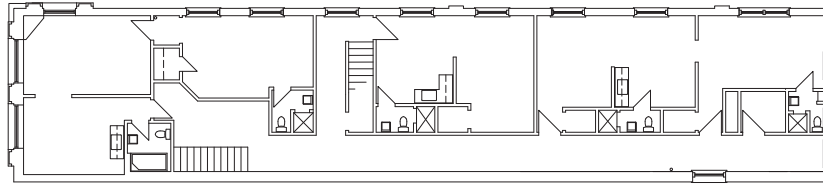
Russell Dale Ehn
Kansas Architect 2024

Revisions

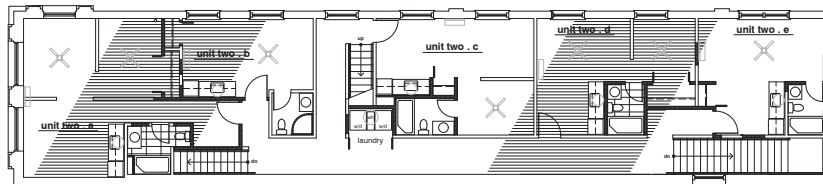
facility modifications
113
lofts
113 West Myrtle
Independence, Kansas

sheet
A2
First Floor Plan

prelim approval
4 August 2024



1 existing
Second Floor Plan
1/8" = 1'-0"
0 5 10 20
2,940 gross square feet
(calculated to nominal exterior face of building)



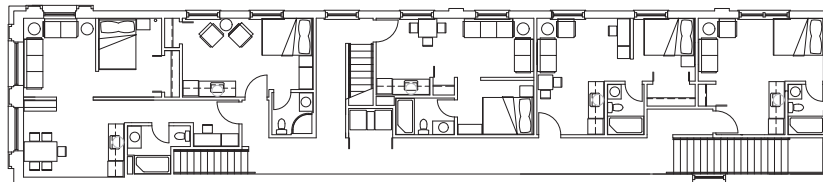
2 construction
Second Floor Plan
1/8" = 1'-0"
0 5 10 20
all dwelling units 'studio' type

Net Areas
(calculated to nominal interior face of demising walls)

unit two . a	455 net square feet	22.8%	(all units)
unit two . b	250 net square feet		
unit two . c	250 net square feet		
unit two . d	250 net square feet		
unit two . e	250 net square feet		
common	615 net square feet	31.3%	

Legend

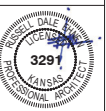
- existing walls to remain
- new wall construction
- existing flooring
- new flooring
- ceiling fans
- water fixtures
- new
- move up



3 fixture
Second Floor Plan
1/8" = 1'-0"
0 5 10 20

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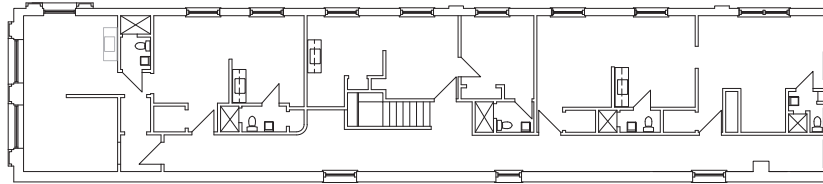
signed 4 August 2024
Project Number 2303.10
ADA Compliance
Certification
To best of my professional knowledge, this facility as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title II Design Guidelines.
Russell Dale Ehn
Kansas Architect 3291

Revisions

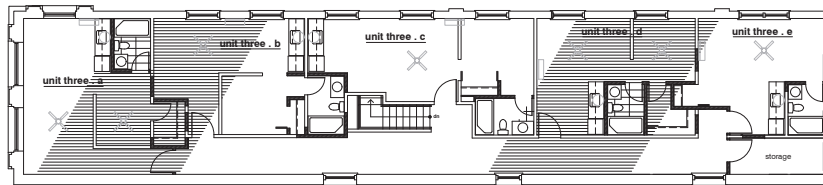
facility modifications
113
lofts
113 West Myrtle
Independence, Kansas

sheet
A3
Second Floor Plan

prelim approval
4 August 2024



1 existing
Third Floor Plan
1/8" = 1'-0"
0 5 10 20



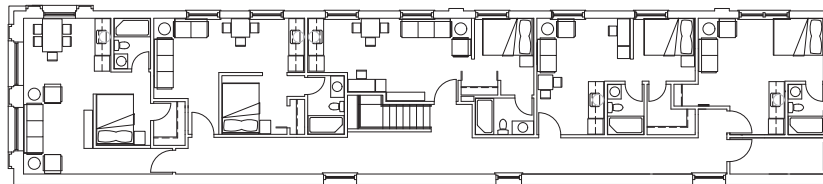
2 construction
Third Floor Plan
1/8" = 1'-0"
0 5 10 20

Net Areas
(calculated to nominal interior face of demising walls)

unit three . a	415 net square feet	72.88% (all units)
unit three . b	265 net square feet	
unit three . c	265 net square feet	
unit three . d	265 net square feet	
unit three . e	265 net square feet	
common	620 net square feet	77.12%

Legend

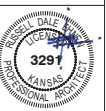
- existing walls to remain
- new wall construction
- existing flooring
- new flooring
- ceiling fans
- water fixtures
- new
- move up/dn



3 fixture
Third Floor Plan
1/8" = 1'-0"
0 5 10 20

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Project Number 2303.10

ADA Compliance

Certification
To best of my professional knowledge, this facility as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title II Design Guidelines.

Russell Dale Ehn
Kansas Architect 3291

Revisions

facility modifications
113
lofts
113 West Myrtle
Independence, Kansas

sheet

A4

Third Floor Plan

prelim approval
4 August 2024



1 proposed
North Elevation
1/8" = 1'-0"



2 proposed
South Elevation
1/8" = 1'-0"

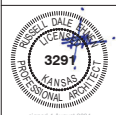


3 proposed
East Elevation
1/8" = 1'-0"

- site plan
Reference Notes
- 1 new vinyl address numerals for commercial tenant
 - 2 new vinyl graphic available locations for commercial tenant (signage applied to glass)
 - 3 new vinyl graphic signage for apartments
 - 4 frame mounted apartment access card reader
 - 5 existing blade sign frame with new frame , panel , graphics
 - 6 perform maintenance , repair measures at existing prismatic tie transom panels
 - 7 new or renovated cast in place concrete stair with Code compliant new-run , steel guardrail , handrail assembly
 - 8 repair existing concrete stair
 - 9 outline of new stair guardrail , handrail assembly
 - 10 remove existing window , stone sill , face brick (salvage sill , brick for re use)
 - 11 new operable window (match existing detailing) for egress at apartment unit one , a
 - 12 new tension rod supported horizontal canopy

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rusehnen@aol.com
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Project Number 2303.10
ADA Compliance
Certification
To best of my professional knowledge, the building as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title II Design Guidelines.
Russell Dale Ehnen
Kansas Architect 2091

Revisions

facility modifications
113
lofts
113 West Myrtle
Independence , Kansas

sheet
A5
Exterior Elevations
prelim approval
4 August 2024



REQUEST FOR PLANNING COMMISSION ACTION TEXT AMENDMENT PUBLIC HEARING CITY OF INDEPENDENCE SEPTEMBER 3, 2024

Department Admin

Prepared By Kelly Passauer

AGENDA ITEM Case #: 2024ZA08 - Public hearing to consider a text amendment to the zoning code relating to dwellings in the C-3, Central Business District.

SUMMARY RECOMMENDATION In order to support ongoing and future downtown development, Staff recommends a permanent amendment to allow upper-story dwellings as a permitted use in the C-3 Central Business District, excluding ground floor and basement dwellings, and to eliminate the elevator requirement for buildings more than 2 1/2 stories.

BACKGROUND

On April 5, 2022, the Planning Commission conducted a public hearing to consider a text amendment to the zoning code relating to dwellings in the C-3 Central Business District. The staff recommended modifying the permitted and conditional use table to allow upper story housing as a permitted use in the C-3 District and establishing a definition of "Upper Story Dwelling" as applying to the 2nd-floor story and above, not including the ground floor or basement.

Currently, the zoning regulations do not allow any type of dwelling in structures located in the C-3, Central Business District, that is not already grandfathered in without a conditional use permit. In response to this, the Planning Commission recommended a 24-month moratorium on the requirement to obtain a conditional use permit for upper story dwellings on the 2nd-floor story and above in the C-3, Central Business District, which expired on May 17, 2024.

Land Use Category	Code	Permitted Zoning District												
		A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
Dwelling, in nonresidential structure	1190							C	C		C			
Dwelling, mobile home not on permanent foundation	1151					C	C							
Dwelling, mobile home on permanent foundation	1152					C	C							
Dwelling, multifamily	1130				P	P	P	P			C			

Proposed Amendment

The Planning Commission has two options regarding upper-story dwellings in the C-3 Central Business District:

1. **Extend the Moratorium:** The Commission could extend the moratorium on the requirement to obtain a conditional use permit for upper story dwellings. This would allow continued development while the zoning regulations are further reviewed and updated.
2. **Permanent Modification:** Staff recommends permanently amending the zoning regulations to allow upper story dwellings on the 2nd-floor story and above as a permitted use, rather than extending the moratorium. This recommendation is based on current development trends and interest in the downtown area.

The definition of "Upper Story Dwelling" has already been established by ordinance on May 12, 2022, and applies to dwellings located on the second floor and above, excluding the ground floor and basement. This definition will not need to be re-established.

Currently, there are two developers actively working on upper-story housing projects involving seven downtown buildings. One of these developers is on your agenda this evening seeking a conditional use permit. Their development includes not only upper-story dwellings but also a ground floor apartment, which would still require a conditional use permit if the proposed amendment is approved, as any proposed development that includes a dwelling on the first floor or in the basement will continue to require a conditional use permit.

Staff recommends proceeding with a permanent modification to the zoning code rather than another temporary moratorium to provide a clear path for these and future upper-story housing developments in the C-3 Central Business District.

In addition, staff recommends removing the elevator requirement for high-rise apartment buildings more than 2 1/2 stories in the C-3 intensity of use regulations found in Article V. - District Regulations. This portion of the zoning code conflicts with current building regulations, requiring an elevator for buildings four stories or more. When the zoning code update is done, the Planning Commission can also remove this requirement from the R-5 district regulations; however, since the publication for the public hearing was for dwellings in the C-3 district, they cannot take that action at this meeting.

511.4. Intensity of use regulations:

a. Minimum lot area:

1. Minimum lot area for each dwelling unit:

- (a) Low-rise apartments—2,000 SF/DU (walkup buildings with maximum height of 2½ stories).*
- (b) High-rise apartments—900 SF/DU (~~elevator~~ buildings more than 2½ stories).*

2. Minimum lot area for other uses: No limit.

b. Maximum lot coverage: 100 percent.

Comprehensive Plan Consistency:

- **Future Land Use Goal 1: Grow Efficiently and Promote a Healthy Mix of Land Uses.**
 - *Metric 1:* Fewer developments disconnected from the built environment
 - *Metric 3:* Consistency with the Growth Themes Map, supporting active and vibrant commercial uses within the downtown core.
 - *Strategy 1:* Encourage a mix of development types identified in the Future Land Use Plan, including encouraging the adaptive reuse of vacant commercial properties within the Downtown Commercial district.
 - *Strategy 2:* Promote a mix of residential uses for increased housing choice.
 - *Strategy 11:* Support historic preservation initiatives throughout the planning boundary to maintain the historic character of Independence.
- **Future Land Use Goal 2: Promote Strong Neighborhoods and Residential Diversity.**
 - *Metric 1:* Increased housing choice through diverse community amenities and resources that serve the public.
 - *Metric 3:* Enhance the overall visual and physical quality of the neighborhood.
 - *Strategy 1:* Promote residential development as proposed in the Future Land Use Plan.
 - *Strategy 2:* Support the development of medium- and high-density residential uses.
 - *Strategy 8:* Promote residential rehabilitation to preserve the historic character of neighborhoods and quality of the existing housing stock.

- **Housing + Neighborhoods Goal 1: Expand + Maintain Housing Types + Availability**
 - *Metric 1:* New development improves shares towards the residential target mix.
 - *Metric 2:* Renter and owner-occupied unit counts increase
 - *Metric 3:* Residential permit activity increases
 - Strategy 1: Encourage medium- and high-density developments in identified areas from the Future Land Use Plan.
 - Strategy 2: Support unique and creative housing developments, such as cottage courts and New Urbanist neighborhoods, that expand housing choice.
- **Housing + Neighborhoods Goal 2: Reduce Barriers for Residential Development**
 - *Metric 1:* Update the zoning code's residential guidelines
 - *Metric 2:* Increase housing development
 - *Metric 3:* Reduce the number of variances granted for residential projects
 - *Strategy 1:* Update the zoning code, with a special focus of the residential sections to incorporate the recommendations of the Comprehensive Plan.
 - *Strategy 6:* Review and amend the code to support varied housing types and styles, such as cottage courts and historic-style neighborhoods.
- **Economic Development Goal 2: Encourage New and Updated Housing as a Form of Economic Development**
 - *Metric 1:* New housing at all density levels and varied typologies
 - *Strategy 2:* Encourage medium- and high-density residential in strategic locations, as identified in the Future Land Use Plan, to provide more housing choice and flexibility for new and future residents.
- **Community Character Goal 2: Highlight Independence's Vibrant Past and Community Character**
 - *Metric 2:* Support for creative initiatives, such as adaptive reuse, for historic preservation
 - *Strategy 3:* Allow and support creative initiatives to take place in an effort to preserve the historic character of Independence.
 - *Strategy 4-5:* Support the Independence Local Historic Register initiative to qualify for preservation efforts.

Analysis According to Section 1604.2 of the Zoning Amendment Procedure

1. Consistency with the Intent and Purpose of the Regulations:

The proposed amendment aligns with the intent and purpose of the zoning regulations, which aim to promote the development and revitalization of the C-3 Central Business District. Allowing upper story dwellings supports the mixed-use nature of the district, encouraging a vibrant downtown environment by integrating residential use with commercial activities. Removing the elevator requirement will resolve a conflict between the zoning code and the current building codes. This change will help in meeting the housing goals outlined in the Comprehensive Plan, such as promoting strong neighborhoods and residential diversity (Future Land Use - Goal 2).

2. Areas Most Likely to be Directly Affected and How They Will be Affected:

The areas most directly affected by this amendment are properties within the C-3 Central Business District. By permitting upper-story dwellings, property owners will have new opportunities to utilize existing buildings for residential purposes, potentially increasing property values and occupancy rates. This change will also enhance the vibrancy of the downtown area by increasing foot traffic and supporting local businesses. The upper-story residential use will not alter the commercial nature of the ground floor, maintaining the district's commercial viability.

3. Necessity Due to Changed or Changing Social Values, New Planning Concepts, or Other Socio-Economic Conditions:

The amendment is necessary due to evolving social and economic conditions that emphasize the importance of downtown living and the adaptive reuse of existing structures. The lack of quality housing options in Independence has been identified as a major deterrent to population growth. Integrating upper-story housing supports a new resurgence of planning concepts for mixed-use development, which fosters sustainable urban environments and aligns with contemporary housing demands. Additionally, this amendment responds to community feedback favoring more flexible housing options in the downtown area.

Recommendation

Staff recommends that the Planning Commission approve the proposed text amendments to allow upper-story dwellings on the 2nd-floor story and above as a permitted use in the C-3 Central Business District, and to remove the elevator requirement for high-rise apartment buildings more than 2 1/2 stories in the C-3 Central Business District. This recommendation will be forwarded to the City Commission for final adoption. This change will enhance downtown Independence by promoting a healthy mix of land uses, supporting economic development, and aligning with the community's vision as outlined in the Comprehensive Plan.

Suggested Motion:

I move to recommend approval of the following text amendments to the zoning code: 1) To allow upper-story dwellings on the 2nd-floor story and above as a permitted use in the C-3 Central Business District while retaining the conditional use permit requirement for dwellings on the ground floor and basement levels; and 2) to remove the elevator requirement in the C-3 district regulations for high-rise apartment buildings more than 2 1/2 stories. The staff analysis and recommendation include the nature and effect of such proposed amendments.

SUPPORTING DOCUMENTS

1. Public Hearing Notice ZA08 Text Amendment
2. 4388 - Defining an Upper Story Dwelling
3. 4389 - Moratorium Against Enforcement of CUP for Upper Story Dwelling

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, September 3, 2024, at 5:30 p.m.

To receive comments to consider a text amendment to the zoning code relating to dwellings in the C-3, Central Business District.

Case Number:

2024/ZA/08

The hearing will be conducted in the Commission/Municipal Court Room, City Hall, 120 North 6th Street, 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:+17852894727) Conference ID: 820 754 218#

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



State of Kansas, Montgomery County
This instrument was filed for
Record on May 13, 2022 10:33 AM
Recorded in Book 715 Page 196 - 196
Fee: \$0.00 202201754



Marilyn Calhoun
Marilyn Calhoun, Register of Deeds

ORDINANCE NO. 4388

An Ordinance Defining an Upper Story Dwelling

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

Section 1. Article 4 of Appendix B of the Zoning Code is amended to add a definition of the term “upper story dwelling” as follows:

Upper Story Dwelling: A dwelling unit located on the second floor story and above, but not including the ground floor or basement of any structure.

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 12th day of May, 2022.



ATTEST:

Dean A. Hayse
DEAN A. HAYSE, Mayor

David W. Schwenker
DAVID W. SCHWENKER, City Clerk



State of Kansas, Montgomery County
This instrument was filed for
Record on May 13, 2022 10:34 AM
Recorded in Book 715 Page 197 - 198
Fee: \$0.00 202201755



Marilyn Calhoun

Marilyn Calhoun, Register of Deeds

ORDINANCE NO. 4389

An Ordinance Establishing a Moratorium Against the Enforcement of a Portion of the Zoning Code

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

Section 1. A moratorium is hereby imposed on the enforcement of Appendix A of the Zoning Code which lists the permitted and conditional uses of each zoning district as to the requirement of a conditional use permit for any “Dwelling, in nonresidential structure” that meets the definition of an “Upper Story Dwelling” located in the C-3, Central Business District and as defined in Article 4 of Appendix B of the Zoning Code.

Section 2. The moratorium imposed by this ordinance shall expire twenty-four (24) months from its effective date.

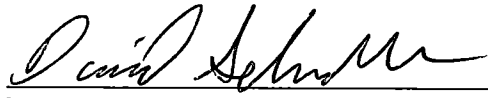
Section 3. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 12th day of May, 2022.



Dean A. Hayse
DEAN A. HAYSE, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "David W. Schwenker", written in black ink.

DAVID W. SCHWENKER, City Clerk



**REQUEST FOR PLANNING COMMISSION ACTION
TEXT AMENDMENT
CITY OF INDEPENDENCE
SEPTEMBER 3, 2024**

Department Admin

Prepared By Kelly Passauer

AGENDA ITEM Case #: 2024ZA09 - Consider initiating a public hearing for October 1, 2024 at 5:30 PM to consider a text amendment relating to “Communication antenna or communication towers” in Appendix B – Zoning of the City Code.

SUMMARY RECOMMENDATION Initiate a public hearing for a text amendment relating to "Communication antenna or communication towers"

BACKGROUND We have received a request from a cellular company to place a communication antenna on Penn Terrace, which is located in the R-5, high-density residential dwelling district. The permitted and conditional use table does not allow "Communication antennas or communication towers" in any residential district. A text amendment would be needed to allow them to apply for a conditional use permit. The Housing Authority is currently negotiating a lease with the company that is contingent upon the conditional use permit being approved.

Suggested Motion: I move to set a public hearing for October 1, 2024 at 5:30 PM to consider a text amendment relating to “Communication antenna or communication towers” in Appendix B – Zoning of the City Code.

SUPPORTING DOCUMENTS

1. Public Hearing Notice Text Amendment-Communication Antenna

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, October 1, 2024 at 5:30 p.m.

To receive comments on a request for a text amendment relating to “Communication antenna or communication towers” in Appendix B – Zoning of the City Code.

Case Number:

2024/ZA/09

The hearing will be conducted in the Commission/Municipal Court Room, City Hall, 120 North 6th Street, 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:+17852894727) Conference ID: 820 754 218# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
120 N 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



**REQUEST FOR PLANNING COMMISSION ACTION
INITIATE REZONING OF NEWLY ANNEXED
PROPERTY.
CITY OF INDEPENDENCE
SEPTEMBER 3, 2024**

Department Admin

Prepared By Kelly Passauer

AGENDA ITEM Case #: 2024ZA10 - Consider initiating a public hearing to rezone the recently annexed property located at 3130 N. 13th Street.

SUMMARY RECOMMENDATION Initiate the rezoning.

BACKGROUND This property was recently annexed into the City and needs to be rezoned. Because the owner plans to construct a house on this lot, it is recommended that the property be rezoned from County R-1, Residential—Low Density District, to City R-1, Large Lot Single-Family Dwelling District.

Suggested Motion: I move to schedule a public hearing for October 1, 2024 at 5:30 PM to consider rezoning 3130 North 13th Street from County R-1, Residential—Low Density District, to City R-1, Large Lot Single-Family Dwelling District.

SUPPORTING DOCUMENTS

1. Public Hearing Notice Rezoning 3130 N 13th St
2. 2024-08-28 - Staff Report to the City Commission

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, October 1, 2024 at 5:30 p.m.

To receive comments to consider rezoning recently annexed tract(s) of land at 3130 N. 13th Street from County R-1, Residential – Low Density District to City R-1, Large Lot Single-Family Dwelling District.

Legal Description:

Tract 1: Being a tract of land located in a portion of the SE/4 of Section 13, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the NE/4 of the SE/4 of said Section 13, thence N 00°10'54" W along the West line of said NE/4 of the SE/4 a distance of 809.30 to the point of beginning, thence N 00°10'54" W along said West line a distance of 513.22 feet to a point on the North line of said SE/4, thence S 89°49'34" E along said North line a distance of 155.28 feet, thence S 03°01'47" W a distance of 367.12 feet, thence S 61°58'13" E a distance of 172.00 feet, thence S 57°28'13" E a distance of 122.00 feet, thence N 89°57'26" W a distance of 388.94 feet to the point of beginning

Tract 2: A tract of land located in a portion of the NW/4 of the SE/4 of Section 13, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of the NW/4 of the SE/4, thence S 00°14'54" E. along the East line of the NW/4 of the SE/4, a distance of 43.22 feet to the point of beginning; thence continuing S 00°14'54" E. along said East line a distance of 470.00 feet, thence S 89°55'26" W, a distance of 50.13 feet; thence N. 23°33'03" W, a distance of 251.00 feet; thence N 03°27'03" W a distance of 150.00 feet; thence N 60°10'27" E, a distance of 181.44 feet to the point of beginning

Common Address:

3130 N. 13th Street

Applicant/Owners:

Trevor and Miranda Bruening

Case Number:

2024/ZA/10

The hearing will be conducted in the Commission/Municipal Court Room, City Hall, 120 North 6th Street, Independence, Kansas, on October 1, 2024 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](#) Conference ID: 820 754 218# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
120 N 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



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 8, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider an ordinance annexing property located on CR 3775, previously known as the 3100 block of North 13th Street.

SUMMARY RECOMMENDATION Adopt the ordinance.

BACKGROUND The County Commission has approved the annexation of the property that was petitioned to be annexed by Trevor and Miranda Bruening. The next step is to adopt an ordinance finalizing the annexation.

FINANCIAL INFORMATION There is no significant financial impact regarding this annexation.

SUGGESTED MOTION I move to adopt Ordinance No. 4459 annexing property located on CR 3775, previously known as the 3100 block of North 13th Street.

SUPPORTING DOCUMENTS

1. Ordinance 4459 - Annexing Property Located on CR 3775 - 3100 N 13th
2. 072524-BrueningAnnexation

ORDINANCE NO. 4459

Be it ordained by the governing body of the City of Independence, Kansas:

Section 1. Trevor Jay Bruening Miranda Dawn Bruening, husband and wife, have consented in writing to annexation by the City of the hereinafter described real estate owned by them. On July 25, 2024, the governing body adopted Resolution No. 2024-018 requesting the Board of County Commissioners of Montgomery County, Kansas to find and determine that the annexation of the Bruening's property will not hinder or prevent the proper growth and development of the area, and that the annexation be approved. On August 5, 2024, The Board of County Commissioners of Montgomery County, Kansas made the necessary findings and approved the annexation.

Section 2. Having complied with all statutory requirements, the following described real estate is hereby annexed by the City:

Tract 1: Being a tract of land located in a portion of the SE/4 of Section 13, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the NE/4 of the SE/4 of said Section 13, thence N 00°10'54" W along the West line of said NE/4 of the SE/4 a distance of 809.30 to the point of beginning, thence N 00°10'54" W along said West line a distance of 513.22 feet to a point on the North line of said SE/4, thence S 89°49'34" E along said North line a distance of 155.28 feet, thence S 03°01'47" W a distance of 367.12 feet, thence S 61°58'13" E a distance of 172.00 feet, thence S 57°28'13" E a distance of 122.00 feet, thence N 89°57'26" W a distance of 388.94 feet to the point of beginning

Tract 2: A tract of land located in a portion of the NW/4 of the SE/4 of Section 13, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of the NW/4 of the SE/4, thence S 00°14'54" E. along the East line of the NW/4 of the SE/4, a distance of 43.22 feet to the point of beginning; thence continuing S 00°14'54" E. along said East line a distance of 470.00 feet, thence S 89°55'26" W, a distance of 50.13 feet; thence N. 23°33'03" W, a distance of 251.00 feet; thence N 03°27'03" W a distance of 150.00 feet; thence N 60°10'27" E, a distance of 181.44 feet to the point of beginning

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

Adopted by the governing body of the City of Independence, Kansas on the 8th day of August, 2024.

Timothy R. Emert, Mayor

ATTEST:

David Schwenker, City Clerk



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
July 25, 2024

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider revising the ordinance to include an additional parcel as part of a previously approved request from Trevor and Miranda Bruening to annex their property located on CR 3775, previously known as the 3100 block of North 13th Street.

SUMMARY RECOMMENDATION City Staff recommends the Commission approve Resolution 2024-018, amending Resolution 2024-016.

BACKGROUND On June 27, 2024 the City Commission previously approved Resolution 2024-016 to petition Montgomery County to allow the annexation of this property. Upon review by Montgomery County, it was discovered we were missing a parcel. The City Attorney has prepared a new petition including both parcels. The staff is asking the Commission to approve Resolution 2024-018, amending Resolution 2024-016.

The staff has provided the following background from the previous request for the annexation of this property for the Commission's review:

Trevor and Miranda Bruening have requested the City of Independence to annex a property located in the 3100 block of North 13th Street or 3775 CR 4840 area to build a private residence. The property is not adjacent to the City limits and currently lacks access to City utilities as well as water. The area is currently served by a 2" private water line that is at capacity, and neighbors have objected to further access to the line. Trevor and Miranda have obtained an easement and plan to install a private water line that reaches the current City limits by Birdie Drive. Additionally, a City water meter would be installed at that location to serve the residence. Trevor and Miranda would be responsible for any repairs to that private line, and the City does not assume any responsibility for the maintenance.

The City staff has consulted with County officials regarding this annexation, and it has been agreed that any septic system installed at this location would adhere to Montgomery County requirements for permitting and inspection. If the annexation is approved, other City services, including Police, Fire, and Sanitation, will be provided. The approval of the Resolution to annex will allow the City to petition Montgomery County for their approval to allow the City of Independence to annex the property into the City limits.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to approve Resolution 2024-018, which amends Resolution 2024-016 to add a parcel to the petition to Montgomery County to allow the annexation of this property into the City limits of Independence, Kansas, as requested by the property owners.

SUPPORTING DOCUMENTS

1. City-Bruening-res-
2. City-Bruening annex-
3. Resolution 2024-016 - Annexation - Bruening
4. Trevor & Miranda - N. 13th Area
5. Consent to Annex - Bruenings

RESOLUTION NO. 2024-018

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

Section 1. This resolution is made to amend Resolution No. 2024-016 to include additional real estate which was inadvertently omitted.

Section 2. Trevor Jay Bruening and Miranda Dawn Bruening have requested and consented to the annexation of the following described real estate by the City of Independence, Kansas:

Tract 1: Being a tract of land located in a portion of the SE/4 of Section 13, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the NE/4 of the SE/4 of said Section 13, thence N 00°10'54" W along the West line of said NE/4 of the SE/4 a distance of 809.30 to the point of beginning, thence N 00°10'54" W along said West line a distance of 513.22 feet to a point on the North line of said SE/4, thence S 89°49'34" E along said North line a distance of 155.28 feet, thence S 03°01'47" W a distance of 367.12 feet, thence S 61°58'13" E a distance of 172.00 feet, thence S 57°28'13" E a distance of 122.00 feet, thence N 89°57'26" W a distance of 388.94 feet to the point of beginning

Tract 2: A tract of land located in a portion of the NW/4 of the SE/4 of Section 13, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of the NW/4 of the SE/4, thence S 00°14'54" E. along the East line of the NW/4 of the SE/4, a distance of 43.22 feet to the point of beginning; thence continuing S 00°14'54" E. along said East line a distance of 470.00 feet, thence S 89°55'26" W, a distance of 50.13 feet; thence N. 23°33'03" W, a distance of 251.00 feet; thence N 03°27'03" W a distance of 150.00 feet; thence N 60°10'27" E, a distance of 181.44 feet to the point of beginning

Section 3. The Bruening property is not adjacent to the current city boundaries of the City of Independence, Kansas and is considered noncontiguous land which requires the consent of the Board of County Commissioners of Montgomery County, Kansas before annexation can occur.

Section 4. Pursuant to K.S.A. 12-520c, the City of Independence requests that the Board of County Commissioners find and determine that the annexation of the Bruening property will not hinder or prevent the proper growth and development of the area or that of any other incorporated city, and that the annexation be approved.

Section 5. In support of the request for annexation, the following information is provided:

- a. The property is currently vacant and unimproved.
- b. The property owners intend to construct their personal residence on the property.
- c. The property owners are connecting to City water at their own expense and intend to install a septic system at their own expense.
- d. The property is bounded on the north by the Elk River, on the west by the Independence Country Club golf course, on the east by an unimproved area and on the south by a residence.
- e. The property is located on a dead-end road.

Section 6. The City Clerk is directed to file a certified copy of this resolution with the Montgomery County Clerk.

Adopted by the Governing Body of the City of Independence, Kansas, on the 25th day of July, 2024.

Timothy R. Emert, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk

AMENDED CONSENT TO ANNEXATION

Come Now, Trevor Jay Bruening and Miranda Dawn Bruening, husband and wife, and hereby consent to annexation of the following described real estate owned by them by the City of Independence, Kansas:

Tract 1: Being a tract of land located in a portion of the SE/4 of Section 13, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the NE/4 of the SE/4 of said Section 13, thence N 00°10'54" W along the West line of said NE/4 of the SE/4 a distance of 809.30 to the point of beginning, thence N 00°10'54" W along said West line a distance of 513.22 feet to a point on the North line of said SE/4, thence S 89°49'34" E along said North line a distance of 155.28 feet, thence S 03°01'47" W a distance of 367.12 feet, thence S 61°58'13" E a distance of 172.00 feet, thence S 57°28'13" E a distance of 122.00 feet, thence N 89°57'26" W a distance of 388.94 feet to the point of beginning

Tract 2: A tract of land located in a portion of the NW/4 of the SE/4 of Section 13, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of the NW/4 of the SE/4, thence S 00°14'54" E. along the East line of the NW/4 of the SE/4, a distance of 43.22 feet to the point of beginning; thence continuing S 00°14'54" E. along said East line a distance of 470.00 feet, thence S 89°55'26" W, a distance of 50.13 feet; thence N. 23°33'03" W, a distance of 251.00 feet; thence N 03°27'03" W a distance of 150.00 feet; thence N 60°10'27" E, a distance of 181.44 feet to the point of beginning

DATE

Trevor Jay Bruening

DATE

Miranda Dawn Bruening

STATE OF KANSAS)
) SS:
COUNTY OF _____)

Be It Remembered that on this ____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **Trevor Jay Bruening and Miranda Dawn Bruening**, husband and wife, who are personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

In Witness Whereof, I have hereunto set my hand and affixed my seal, the day and year last above written.

My commission expires:

NOTARY PUBLIC



State of Kansas, Montgomery County
This instrument was filed for
Record on June 28, 2024 10:39 AM
Recorded in Book 737 Page 738 - 739
Fee: \$0.00 202402410



Marilyn Calhoun
Marilyn Calhoun, Register of Deeds

RESOLUTION NO. 2024-016

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

Section 1. Trevor Jay Bruening and Miranda Dawn Bruening have requested and consented to the annexation of the following described real estate by the City of Independence, Kansas:

Being a tract of land located in a portion of the SE/4 of Section 13, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the NE/4 of the SE/4 of said Section 13, thence N 00°10'54" W along the West line of said NE/4 of the SE/4 a distance of 809.30 to the point of beginning, thence N 00°10'54" W along said West line a distance of 513.22 feet to a point on the North line of said SE/4, thence S 89°49'34" E along said North line a distance of 155.28 feet, thence S 03°01'47" W a distance of 367.12 feet, thence S 61°58'13" E a distance of 172.00 feet, thence S 57°28'13" E a distance of 122.00 feet, thence N 89°57'26" W a distance of 388.94 feet to the point of beginning

Section 2. The Bruening property is not adjacent to the current city boundaries of the City of Independence, Kansas and is considered noncontiguous land which requires the consent of the Board of County Commissioners of Montgomery County, Kansas before annexation can occur.

Section 3. Pursuant to K.S.A. 12-520c, the City of Independence requests that the Board of County Commissioners find and determine that the annexation of the Bruening property will not hinder or prevent the proper growth and development of the area or that of any other incorporated city, and that the annexation be approved.

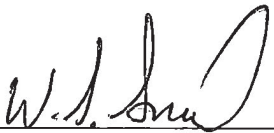
Section 4. In support of the request for annexation, the following information is provided:

- a. The property is currently vacant and unimproved.
- b. The property owners intend to construct their personal residence on the property.
- c. The property owners are connecting to City water at their own expense and intend to install a septic system at their own expense.
- d. The property is bounded on the north by the Elk River, on the west by the Independence Country Club golf course, on the east by an unimproved area and on the south by a residence.
- e. The property is located on a dead-end road.

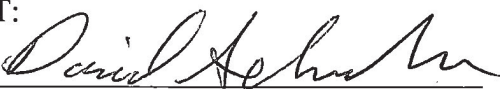
Section 5. The City Clerk is directed to file a certified copy of this resolution with the Montgomery County Clerk.

Adopted by the Governing Body of the City of Independence, Kansas, on the 27th day of June 2024.




W. S. Smith, Vice-Mayor

ATTEST:


DAVID W. SCHWENKER, City Clerk



CR 3775

4830

4834

4838

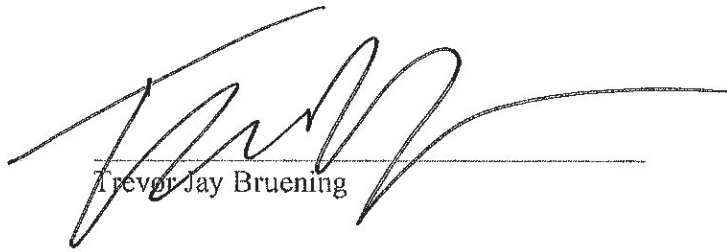
AMENDED CONSENT TO ANNEXATION

Come Now, Trevor Jay Bruening and Miranda Dawn Bruening, husband and wife, and hereby consent to annexation of the following described real estate owned by them by the City of Independence, Kansas:

- Tract 1:** Being a tract of land located in a portion of the SE/4 of Section 13, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as follows:
Commencing at the Southwest corner of the NE/4 of the SE/4 of said Section 13, thence N 00°10'54" W along the West line of said NE/4 of the SE/4 a distance of 809.30 to the point of beginning, thence N 00°10'54" W along said West line a distance of 513.22 feet to a point on the North line of said SE/4, thence S 89°49'34" E along said North line a distance of 155.28 feet, thence S 03°01'47" W a distance of 367.12 feet, thence S 61°58'13" E a distance of 172.00 feet, thence S 57°28'13" E a distance of 122.00 feet, thence N 89°57'26" W a distance of 388.94 feet to the point of beginning
- Tract 2:** A tract of land located in a portion of the NW/4 of the SE/4 of Section 13, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of the NW/4 of the SE/4, thence S 00°14'54" E. along the East line of the NW/4 of the SE/4, a distance of 43.22 feet to the point of beginning; thence continuing S 00°14'54" E. along said East line a distance of 470.00 feet, thence S 89°55'26" W, a distance of 50.13 feet; thence N. 23°33'03" W, a distance of 251.00 feet; thence N 03°27'03" W a distance of 150.00 feet; thence N 60°10'27" E, a distance of 181.44 feet to the point of beginning

7.17.24
DATE

7.16.24
DATE


Trevor Jay Bruening


Miranda Dawn Bruening



**REQUEST FOR PLANNING COMMISSION ACTION
RESCHEDULE THE NOVEMBER MEETING.
CITY OF INDEPENDENCE
SEPTEMBER 3, 2024**

Department Admin

Prepared By Kelly Passauer

AGENDA ITEM Consider rescheduling the November 5, 2024 meeting to November 12, 2024 due to the General Election.

SUMMARY RECOMMENDATION Reschedule the November Meeting.

BACKGROUND Due to the General Election scheduled for November 5, 2024, it is recommended that the November meeting be rescheduled to November 12, 2024, at 5:30 PM at City Hall. This is recommended because several board members who are also poll workers would not be available for the regular meeting date.

Suggested Motion: I move to reschedule the November 5, 2024 Planning Commission/Board of Zoning Appeals meeting to November 12, 2024 due to the General Election.

SUPPORTING DOCUMENTS