

INDEPENDENCE CITY COMMISSION

REGULAR SESSION AGENDA

September 26, 2024

5:30 PM

Commission Room, City Hall

To participate by conference call:
1 785-289-4727 Conference ID: 569 533 576#

The Agenda shall be as follows:

I. REGULAR SESSION

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

II. PRESENTATIONS

- A. Introduction and swearing-in of Independence Police Department's new officers, Officer Chad Simmons and Officer Blake Kirk.

III. CONSENT AGENDA

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

- A. Consider extending curfew on Tuesday, October 22, 2024.
- B. Consider requesting proposals for engineering services related to design and inspection of the low-head dam at the Verdigris River.
- C. Consider authorizing street closure during Zoolloween fundraising event on October 12, 2024.

IV. PUBLIC HEARING

- A. Public Hearing to consider the condemnation of 200 Arco Place as dangerous and unsafe.

V. ITEMS FOR COMMISSION ACTION

- A. Consider approving a Proclamation and Resolution for Neewollah and authorizing street closures in the downtown and Riverside Park areas from October 18th through October 26th for the 2024 Neewollah festival, which includes the carnival, food vendors, parades, and other associated activities.
- B. Consider adopting a Resolution for a Conditional Use Permit for a Recreation Center in the C-3, Central Business District at 106-108 E. Main Street.
- C. Consider adopting a Resolution for 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.
- D. Consider adopting an Ordinance amending the zoning code relating to dwellings in the C-3, Central Business District.
- E. Consider the status of condemned structures at 501 S. 15th and 600 S. 15th Street.
- F. Consider adopting an ordinance amending the Environmental Code.
- G. Consider rescheduling the November 21, 2024 City Commission Meeting.

- VI. REPORTS
 - A. City Board Minutes
 - B. Projects and Public Works Report
 - C. Quarterly Admin and Housing Goals Update
- VII. CITY MANAGER'S COMMENTS
- VIII. COMMISSIONERS' COMMENTS
- IX. PUBLIC CONCERNS
- X. ADJOURNMENT



Presentation
CITY OF INDEPENDENCE
September 26, 2024

Department Police

Director Approval Dustin Stafford

AGENDA ITEM Introduction and swearing-in of Independence Police Department's new officers, Officer Chad Simmons and Officer Blake Kirk.

BACKGROUND The following officers were selected to serve the citizens of Independence as police officers, and both have graduated from the Kansas Law Enforcement Training Center; Officer Chad Simmons and Officer Blake Kirk.

Officer Chad Simmons got into law enforcement because after he got out of the army, he wanted to get into a job that was bigger than himself and that also had a family element to it. He has been married for one year, and in his off time, he enjoys fishing, rodeo and dirt track racing.

Officer Blake Kirk is originally from Lawrence, KS. He moved to Independence in early March. He enjoys going camping and anything that involves doing anything outside with his dog, Clifford. Another hobby that he recently got into is visiting national parks. The reason he got into law enforcement, was to build relationships with the community, as well as being there when needed to have a positive impact on people.

The City Treasurer will swear both officers in: *"I do solemnly swear that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of police officer for the City of Independence, Kansas. So help me God."*

SUPPORTING DOCUMENTS



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 26, 2024

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider extending curfew on Tuesday, October 22, 2024.

SUMMARY RECOMMENDATION The City Staff recommends extending the curfew on October 22, 2024.

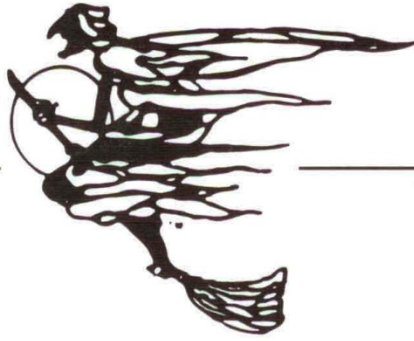
BACKGROUND Molly Reynolds and Abby Emert, on behalf of Neewollah Queens, have requested that the City of Independence extend curfew on October 22, 2024, so that the attendees can attend the Neewollah Coronation Dance at ICC West. The dance is from 10:30 p.m. until 1:00 a.m.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to extend the curfew on October 22, 2024, until 2:00 am.

SUPPORTING DOCUMENTS

1. 2024 Curfew Extension Request



September 5, 2024

Kelly Passauer, City Manager
811 West Laurel
Independence, KS 67301

We are writing this letter to seek permission for an extended curfew on Tuesday, October 22, 2024 for the attendees of the Neewollah Coronation Dance to be held at the ICC West Building. Neewollah has traditionally held a dance for the participants and their dates following the coronation at Memorial Hall.

This dance is chaperoned by many volunteers, but normally does not begin until around 10:30 pm. We would like the dance to be held from 10:30 – 1:00 to give everyone time to enjoy the work that has gone into it! This is traditionally a high point of the coronation event and so we are seeking permission for an extended curfew for the young people attending.

We appreciate your consideration, and welcome any questions you might have. Our contact information is listed below.

Thank you,

Molly Reynolds & Abby Emert

Molly Reynolds, Queens Co-Director, contact 913.907.5091
Abby Emert, Queens Co-Director, contact 620.332.9036



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 26, 2024**

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Consider requesting proposals for engineering services related to design and inspection of the low-head dam at the Verdigris River.

SUMMARY RECOMMENDATION Approve request.

BACKGROUND Previous inspections of the low-head dam at the Verdigris have been at the surface and visual. To fully inspect the dam, a diversion structure is necessary, along with permitting. In order to obtain permitting, a designed diversion structure is required

FINANCIAL INFORMATION There is no cost at this time.

SUGGESTED MOTION I move to request proposals for engineering services related to the design and inspection of the low-head dam at the Verdigris River.

SUPPORTING DOCUMENTS

1. Request for Proposal - Dam Inspection
2. Independence City Dam Evaluation and Maintenance Plan - REVISED 11-10-23 (1) (1)

Request for Proposal (RFP) for Engineering Design and Inspection Services

City of Independence, Verdigris River Low Head Dam

Introduction

The City of Independence invites qualified engineering firms to submit a proposal for the engineering design of a water diversion structure and the required information for permitting for the inspection of the low head dam on the Verdigris River. The proposal shall also include comprehensive inspection services of the existing dam structure.

Project Overview

The Verdigris River low head dam, situated within the jurisdiction of the City of Independence, requires detailed engineering design for a new water diversion structure. Additionally, the project encompasses obtaining necessary permits and conducting thorough inspection services to ensure the structural integrity and compliance with regulatory standards of the existing dam. A copy of the visual inspection report is attached.

Scope of Work

Engineering Design

- Develop detailed engineering plans and specifications for the water diversion structure.
- Ensure designs comply with all applicable federal, state, and local regulations and standards.
- Conduct hydrological and structural analysis to ensure the stability and functionality of the proposed structure.

Permitting

- Identify all necessary permits required for construction and inspection activities.
- Prepare and submit permit applications to relevant authorities.
- Coordinate with regulatory agencies to secure permits in a timely manner.

Inspection Services

- Perform a comprehensive inspection of the existing low head dam.
- Document the current condition and identify any necessary repairs or improvements.
- Provide detailed inspection reports and recommendations for maintenance and safety enhancements.

Proposal Requirements

Firms responding to this RFP must include the following information in their proposal:

- Firm Profile: A brief description of the firm, including its history, size, and areas of expertise.
- Relevant Experience: A summary of the firm's experience with similar projects, including examples and references.
- Project Team: Resumes and qualifications of key personnel who will be involved in the project.
- Approach and Methodology: A detailed description of the firm's approach to the project, including design, permitting, and inspection processes.
- Timeline: An estimated project schedule, highlighting key milestones and deliverables.
- Cost Proposal: A detailed breakdown of costs associated with the project, including design, permitting, and inspection services.

Selection Criteria

The selection of the engineering firm will be based on the following criteria:

- Experience and Qualifications: Demonstrated experience and expertise in similar projects, especially in designing water diversion structures and inspecting low head dams.
- Technical Approach: The firm's proposed methodology and approach to the project, including innovation and adherence to regulations.
- Project Team: Qualifications and experience of the key personnel assigned to the project.
- Past Performance: References and past performance in delivering projects on time and within budget.
- Cost: Competitiveness and transparency of the cost proposal.
- Timeline: The proposed timeline for completing the project.

Submission Details

Proposals must be submitted by October 17, 2024 by 2:00PM to the Independence City Hall, 120 N. 6th, Independence, Kansas, 67301 or via email . Any proposals received after this date will not be considered. For questions regarding this RFP, please contact John Garris at engineer@independenceks.gov.

Independence City Dam Evaluation and Projected Maintenance Plan

Revised – 11-10-23



Completed for the City of Independence, KS

By

Water Resources Solutions, LLC
5000 W. 95th Street, Suite 290
Prairie Village, Kansas 66207
913-302-1030



PROJECT SUMMARY AND SCOPE

This low-head dam visual evaluation of the City of Independence, Kansas, low-head dam investigates the existing condition and lays out further investigations and maintenance solutions to preserve the existing low-head dam and minimize the risk of failure. As this dam creates the water level used by the City of Independence water treatment plant, its failure could result in significant disruption to city infrastructure. This report will include a visual assessment, geomorphic summary, historical data assessment, and a budget and timeline for additional recommended survey and maintenance efforts.

BACKGROUND

As many original sources as possible were consulted in order to best understand the history of the project. In addition to the information provided by the City of Independence, the state and federal regulatory agencies were contacted to see if any additional data was available.

ORIGINAL CONSTRUCTION

The Independence Dam construction on the Verdigris River was originally completed to provide a stable water elevation for the city water service. Historical records date the construction of the water service plant prior to 1912, over 110 years ago. No exact records of the low-head dam construction or plans were found to be available from the State of Kansas or from the Tulsa District U.S. Army Corps of Engineers (USACE).

1986 DAM ASSESSMENT

A diver's assessment of the downstream scour and concrete conditions was performed by Midwest Marine Contraction Inc. in April of 1986, and found extensive damage. The tests they performed found most of the concrete to be in poor condition, including the apron and the wingwalls. the large void under the apron was documented and the extent of the deterioration and undermining lead to the following USACE rehabilitation project.

1988 USACE REHABILITAION PROJECT

Improvements and repairs to the dam were constructed in 1988 in a project that was co-sponsored by the USACE. The City of Independence provided Water Resources Solutions with the restoration plans and the on-site construction observation photography. These photographs and plans detail the gabion bank and bed armoring downstream of the dam, the extension of the downstream concrete apron, the repair of the scour hole under the original foundation of the dam, and the installation of sheet pile to reinforce the east abutment on the

upstream side. The plans for this project do not include any details on the design or construction of the historic dam.

The majority of the original structure remains in place and unaltered from its original construction pre-1912.

GEOMORPHIC SUMMARY

The geology and historical geometry of a river can provide context to the problems faced by some riverine structures. A review of the available information was completed to look for any signs of instability or change in the Verdigris River basin.

GEOLOGY

The geology around Independence, Kansas, is comprised of sandstone, limestone, and layers of shale. Based on the 1996 geologic mapping of Montgomery County as performed by the Kansas Geological Survey, the Verdigris River has incised on to the Drum Limestone Formation of the Kansas City Group of the Missourian Series at the dam location (State of Kansas, 2023). The soils above this limestone layer that comprise the river banks and floodplain appear to be primarily clays, as evidenced by their steep slopes. A profile showing the vertical relationship of the formations is shown on Figure 1.

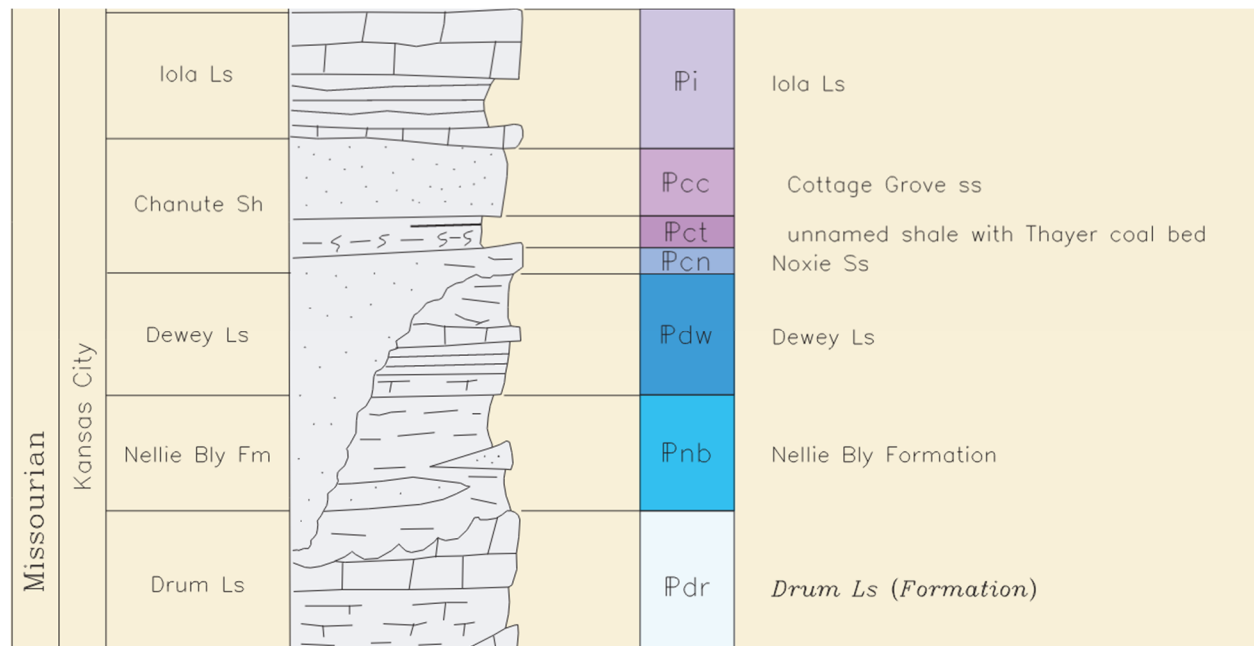


FIGURE 1 - GEOLOGIC PROFILE OF FORMATIONS NEAR DAM SITE (ADAPTED FROM KGS, 1996)

Geological investigation completed for a proposed waterline upstream of the dam site showed in the borings that shale layers comprised the majority of the rock from 20 to 40 feet below

water level. Shale has a tendency to flake off in large portions and can erode quickly under high shear-stress conditions. This increases the risk of scour and is considered in the recommendations.

EFFECTS OF THE INDEPENDENCE DAM

The Independence low-head dam impounds approximately 8 feet of water in the Verdigris river, creating a backwater condition that extends over a mile upstream. This elevation control reduces the velocity of the impounded stream section and reduces the potential for erosive meandering along the 1.3 miles of straight river channel. Historic mapping from 1905 shows how the Verdigris was altered over the course of the city's development, and the creation of the straight portion and the resulting meanders upstream. (See Figure 2.)

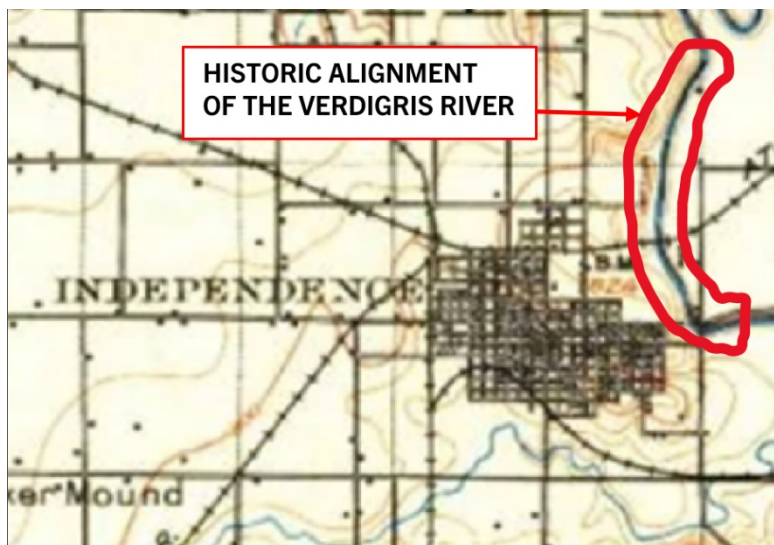


FIGURE 2 - EXCERPT FROM 1905 USGS TOPOGRAPHIC MAPPING OF MONTGOMERY COUNTY SHOWING INDEPENDENCE, KS

VISUAL INSPECTION

WRS reviewed the available plan information and construction photography and performed a visual inspection of the dam using a drone for additional visibility. This section summarizes the findings of that inspection.

REVIEW OF 1988 CONSTRUCTION PLANS AND PHOTOGRAPHY

In order to establish a baseline of deterioration and better recognize any damage of concern, the provided plans were studied, and then the photographs from the 1988 construction observation were reviewed.

The 1988 dam improvement was completed by diverting water across one half of the dam at a time and creating a working space with a levee constructed in the downstream channel. (See Figure 3.)



FIGURE 3 - INITIAL DIVERSION OF THE VERDIGRIS RIVER, SEPTEMBER-7TH 1988

The plans lay out six major changes to the dam site:

- Removal and replacement of the concrete apron with a newly constructed 10-foot-wide section, lowered to the streambed elevation (Figures 4 to 8).
- Reinforcement of the east abutment using 50 linear feet of steel sheet piling and concrete fill on the upstream side (Figure 9).
- Channel bed protection using 36 linear feet of 18-inch blanket gabions and 12 additional linear feet of 12-inch blanket gabions beyond the end of the apron.
- Slope reinforcement on the downstream banks using 3-foot gabion baskets and 12-inch blanket gabions.
- Armoring of the incoming side channel downstream of the west abutment using gabion baskets and blankets.
- Upstream toe reinforcement at the abutments using 50 linear feet of 12-inch riprap (Figure 10).

It is noted that the detail for the apron replacement calls for total removal of the existing concrete apron and replacement with a new reinforced concrete apron at an elevation to be field verified. (See Figure 4.) Visual inspection of the dam confirmed that total removal did not take place, as the existing bedrock elevation was at the foot of the existing apron. Instead, the apron was extended in 1988, and the original apron is still in place. (See Figure 5.)

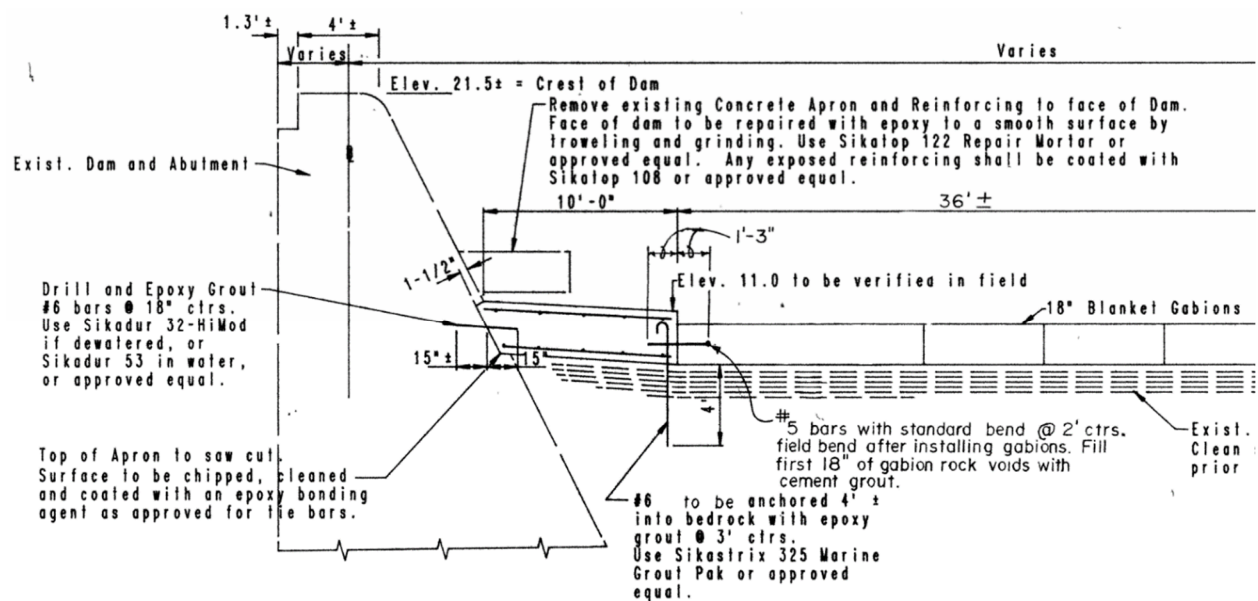


FIGURE 4 - APRON SECTION DETAIL FROM 1988 DAM IMPROVEMENT PLANS



FIGURE 5 - EAST BANK APRON EXTENSION, SEPTEMBER 9, 1988



FIGURE 6 - SCOUR HOLE REVEALED UNDER WEST ABBUTMENT/APRON, SEPTEMBER 12, 1988



FIGURE 7 - SCOUR REPAIR AND APRON EXTENSION UNDERWAY, SEPTEMBER 13, 1988



FIGURE 8 - APRON EXTENSION AND REPAIR COMPLETED, SEPTEMBER 14, 1988



FIGURE 9 - STEEL SHEET PILE DRIVEN UPSTREAM OF EAST ABBUTMENT, NOVEMBER 2, 1988



FIGURE 10 - UPSTREAM RIPRAP PLACED, PROJECT COMPLETION, JANUARY 5, 1989

ON-SITE VISUAL INSPECTION

Drone imagery was used to collect photos of the dam otherwise inaccessible by inspectors on foot, without the need to bring a boat on site. A summary of all deficient conditions noted is provided.

NOTED DEFICIENT CONDITIONS

Several gabion baskets placed in the 1988 rehabilitation and repair of the dam have failed. Figure 11 illustrates examples of these failures, as seen along the downstream east bank. These gabions are intended to prevent erosion of the slopes around the dam; therefore, their failure may not pose an immediate risk to the structure. Their condition is noted because it may suggest that gabions in the bed protection—which could increase the risk of structure failure—are similarly failing.



FIGURE 11 - GABION FAILURES ALONG THE DOWSTREAM EAST BANK

The bank armoring as placed upstream of each abutment in the 1988 rehabilitation has been washed out and is no longer present. (See Figure 12.) Without the riprap in place, erosion along these banks has progressed and is evident from a visual inspection. As progression of this erosion leads to flows previously contained by the banks being directed over the control section of the dam, it may result in further damage to the abutments.



FIGURE 12 - MISSING RIPRAP AND EROSION ALONG THE UPSTREAM WEST BANK

Next to the abutment on the east side, the end of the control section has been completely blown out, as shown in Figures 13 and 14. This damage has caused normal flow to run over an unintended section of the abutment, significantly eroding it. Part of the blown-out section is still partially attached to the abutment and has the reinforcement exposed. The water can be observed flowing under this partially attached concrete. The steel reinforcement is completely exposed in one location where the concrete has been entirely washed out. This section presents a risk to the integrity of the structure as a whole, and especially to the integrity of the reinforcement in the surrounding regions, as the corrosion of the exposed steel can propagate inside the structure.



FIGURE 13 - BLOWOUT AND DISPLACEMENT OF CONTROL SECTION, NEAR EAST ABUTMENT



FIGURE 14 - CONSTRUCTION PHOTO SHOWING CONTROL SECTION PRIOR TO DAMAGE, 1988

Severe concrete cracking and deterioration is observed along the remaining original abutment surface on the east side of the dam. The site, as shown in Figures 15 and 16, is on the downstream side from where the sheet pile abutment improvements were added on the upstream face. This damage can represent structural movement or simple erosion from exposure to high flow events. Left unrepaired, it can threaten to expose the interior reinforcement to moisture and air, accelerating the deterioration of the structure.



FIGURE 15 - STRUCTURAL DETERIORATION OF EAST ABUTMENT



FIGURE 16 - EROSION AND WEATHERING ALONG SURFICIAL CRACKING

LIMITATIONS OF VISUAL INSPECTION

Water conditions do not allow for visual inspection of the gabion blanket bedding, to monitor for scour or to identify any location where undercutting may be occurring. The upstream face of the dam is also not visible under the conditions of the visual inspection, so cracking or spalling on that surface is unknown. Additionally, minor surficial cracking is typically not a sign of structural failure, but it can increase the exposure of the reinforcing steel to the air, accelerating deterioration. In this setting, where water flows against these cracks, it can accelerate the erosion of the concrete.

RECOMMENDED TESTING

Visual inspection is limited in its ability to recognize and diagnose potential problems with an active riverine structure. With the extremely limited information on the existing structure available, many assumptions must be made to estimate and quantify the risk of failure. Considering the recent failure of other low-head dams like the historic dam in Marysville, it is important to identify and address the risks of these aging structures. (See excerpt.) Additional testing can allow dam owners to collect some of the information that is currently unknown and act with much higher confidence on any future rehabilitation plans. The following lays out the recommended tests that should be completed to mitigate risk to the dam's integrity and inform a potential repair schedule, in order of urgency.

BATHYMETRIC SURVEY

The composition of the Verdigris River does not allow for the visual inspection of the dam elements that are underneath the water's surface. A bathymetric survey using low frequency radar could reveal the condition of the upstream pool and downstream bed gabion blanket armoring.

As gabion failure was noted along the bank in several locations, it is likely that the gabion bed armoring has failed, and there is a potential that the rock has scoured and the undercutting that was repaired in 1988 may be progressing again. If the bed armoring has failed, a new plan for scour protection should be created and scheduled for construction depending on the severity of the scouring.

RECENT FAILURE OF LOW-HEAD DAMS

Many low-head dams originally constructed in and around the turn of the 20th century have been failing in the last 20 years. A low-head dam like the one in Independence was constructed on the Big Blue River near Marysville in 1864 and then modified in 1929. Due to increased rainfall, that historic dam experienced significant erosion and eventually failed on May 4, 2018. The City of Marysville had decided not to maintain this dam, as its water supply infrastructure did not depend on it, but the state is now exploring options to restore or replace the dam due to adverse impacts on the water table for nearby agriculture. (Kopp, 2018)

As an undermining of the dam is the most likely failure case, this procedure should be performed as soon as possible. Any signs of undermining should be treated as an immediate risk and emergency actions should be taken to address them as soon as possible.

This bathymetric survey would be one day's work for a crew. The total cost for this survey is estimated to be \$8,000.

TEMPORARY DIVERSION

Any more rigorous tests and inspections will require a diversion of the Verdigris River to be completed. Every passing year increases the risk posed to the structure from deterioration of the materials, and as such this undertaking should be planned for no later than the end of 2024.

Due to the equipment necessary for this level of inspection, and the extreme danger that low-head dams pose to people in the river, it is not feasible to complete these further inspections with divers.

It is recommended to complete a diversion during the winter, as this will have the lowest flows of the year and have the lowest risk of a rain event interrupting the construction and investigation process. If any major damage is identified from this inspection, the construction and repair should be planned to take place immediately thereafter to allow for the same diversion to be used.

In order to expose the entire surface of the dam, a sheetpile cofferdam could be constructed in two phases and the enveloped area drained. This would take roughly 1,500 square feet of piles at \$85 per square foot. With a 25 percent contingency, cost of equipment mobilization and the cost of permitting this work, this could be budgeted for \$165,000.

STRUCTURAL INSPECTION

As over 35 years have passed without any regular maintenance since the last evaluation of this dam, a full structural inspection is recommended. Thorough evaluation of different cracking formations and signs of settlement would take place. It is recommended that this inspection is scheduled no later than the end of 2024.

The condition of concrete structures can deteriorate over time due to many different conditions, especially when water is able to infiltrate cracks and weather concrete by freeze-thaw action or corrosion of the reinforcement steel.

A high-frequency ground-penetrating radar survey can reveal the reinforcement composition of the structure, as well as help to identify any voids or fissures that may have formed within the structure.

Without including the costs for permitting and the diversion of the Verdigris River, a detailed evaluation by a structural engineer and a ground penetrating radar scan of the structure could be completed for \$8,500.

If the results of a GPR scan and impact hammer testing are inconclusive, concrete coring would also allow for integrity testing of the dam material. A test cylinder would be extracted from the dam and analyzed to ensure the material properties are satisfactory and do not warrant a replacement. The cost of core testing is estimated to be an additional \$16,000.

The results of these structural inspections would inform any further rehabilitation action that should be taken for the structure. Any minor maintenance task should be anticipated and addressed immediately following the inspection, and any severe issue identified should be addressed as soon as possible while the temporary diversion is still in place.

GEOTECHNICAL INVESTIGATION

No data concerning the sub-surface geology was found for this dam. If the bathymetric survey shows no signs of scour or piping beneath the dam, this procedure may not be necessary. If any deterioration is suspected, however, it is suggested that a geotechnical investigation be completed, to document the stability and integrity of the rock formation and soil that the dam is set in.

As the 1988 rehabilitation and repair revealed, extensive scouring had taken place and proceeded to erode a substantial portion of the foundational rock, so erosive materials in the foundation are possible.

This additional testing would be completed at the same time as the structural inspection and rock cores in the channel bedrock would be taken for analysis.

The additional cost to do this testing at the time of the structural inspection is estimated to be \$13,000.

MAINTENANCE TIMELINE

In order to establish a timeline of expected maintenance and repair, a simple lifecycle analysis of the structure was performed. Additionally, other dam ownership activities such as inspections and permitting are discussed. Lastly, the cost of notable repairs was estimated and laid out in order of importance.

DESIGN LIFE OF CIVIL CONCRETE STRUCTURES

The majority of civil concrete structures are designed with an expected life of 50 or 100 years. This structure has stood for over a century with a major repair and improvement in 1988, but no other maintenance activity has been documented.

Considering the history of this dam and the major repair, a 50-year design life will be assumed for estimation of maintenance and replacement costs.

The condition of concrete structures can deteriorate over time due to many different conditions, especially when water is able to infiltrate cracks and weather concrete by freeze-thaw action or corrosion of the reinforcement steel. While voids caused by freeze-thaw action

can be located with a structural survey using ground penetrating radar, steel corrosion is difficult to identify unless regular inspections have been performed to monitor for changes.

Several adverse conditions can threaten to shorten the design life of these structures. Increased loading due to heavier rainfall, deterioration due to neglected maintenance, and damage due to settlement or seismic activity can all increase the risk of failure.

If no action is taken to maintain the dam, it should be anticipated that the cost of total replacement at end-of-life failure could be reached in 15 years. This cost can be roughly determined using the approximate volume of the structure at 1,630 cubic yards of structural concrete. Structural concrete projects can cost up to \$1,500 per cubic yard after materials and labor. Totaling this cost and the cost of diverting the river for construction, this undertaking could be completed today for \$2,650,000. In order to project this cost forward 15 years, a 4 percent escalation rate is used and sets a budget of \$4,773,000 in 2038.

SCHEDULED INSPECTIONS

Hydraulic structures require regular inspections to ensure that maintenance activities are addressed before they progress to more serious damage. It is typical for agencies such as the USACE or the State of Kansas to require a periodic thorough inspection by an engineer every 5 years, and to have routine inspections by city staff conducted annually and after any major flow event, to identify any change in condition.

REHABILITATION PERMITTING

Permits for any work that constitutes a modification of this dam will be required from the USACE, and the Kansas Department of Agriculture's Division of Water Resources.

The USACE Section 404 permit is required for any activity that discharges dredged or fill material into a water of the United States. The Verdigris River qualifies as a water of the United States.

A stream obstruction permit will be required from the state Division of Water Resources. This permit will result in the permitting of the structure as a dam since it will be greater than six feet tall and hold back more than 50 acre-feet of water. As part of the permitting process, a dam stability analysis will need to be completed, along with a dam breach analysis that includes flood inundation mapping and an emergency action plan.

Because the project lies within the zone AE floodway defined in the detailed flood insurance study, a permit will be required from the Federal Emergency Management Agency. A floodplain development permit will also likely be required from Montgomery County.

RECOMMENDED REPAIRS

Typically, minor repairs are planned to be completed as necessary to keep up with maintenance. The dam owner is expected to set aside a percentage of the cost of replacement each year such that the cost of replacement is theoretically paid over the design life, and the dam remains in good condition. As the dam has seen no maintenance over the last 35 years since the rehabilitation project in 1988, the cost of maintenance

becomes greater than if preventative maintenance had been completed as new deficiencies were observed.

Repair Control Section

Repairing the damage to the control section near the east embankment would require creating a small diversion of the river flow, saw-cutting or hammering out the compromised concrete, doweling and epoxying in new reinforcement, then re-forming and pouring new concrete to restore the original design shape. This is the most critical repair and presents the largest currently observable threat to the longevity of the structure. The damaged section is approximately 15 feet long and would take around 100 cubic yards of concrete to replace. Budgeting this repair would cost approximately \$190,000.

Every year this damage goes neglected increases the risk of failure for the structure, and as such it is recommended to complete this repair no later than the end of 2024. It should be planned to address this repair directly after the structural inspection, as the cost of the temporary diversion would be accounted for.

Repair Abutment Cracking

Both the east side and west side abutments show significant cracking and spalling in the concrete, which, over time, could lead to more significant damage. Sealing these cracks with epoxy and resurfacing them is a maintenance activity that should be undertaken as new cracking is observed. The widespread and extensive cracking currently observed could be addressed with a budget of \$5,000.

This should be completed routinely, at least every 3 years or whenever new cracking is observed. It is currently most economical to complete what is necessary now while addressing the damage to the control section.

Replace Washed-Out Bank Protection

The rip-rap bank protection that was restored in the 1988 dam rehabilitation has been entirely washed out or displaced. The channel has since eroded away the toe of slope on both sides upstream of the dam. This erosion has begun to cause faster deterioration of the abutments, which is especially noticeable on the west side where the exposed steps now see direct flow. These channel banks 10 feet upstream of the dam on each side could be restored and the toe of slope protected using new longitudinal peaked stone toe protection where the old riprap blanket has washed out. The cost of this earthwork and new rock could be budgeted for \$6,000.

While these repairs are not an immediate threat to the structure, the accelerated damage they cause over time means these banks should be repaired as soon as the temporary diversion suggested is removed. Maintaining this bank armoring every 5 years can mitigate future damage to the structure.

REFERENCES

- State of Kansas, Kansas Geological Survey. (2023). Data Access & Support Center (DASC). Montgomery County Lidar Information. <https://hub.kansasgis.org/>. (accessed September 19, 2023).
- United States Geological Survey. (2023). The National Map. GIS data viewer. <https://apps.nationalmap.gov/viewer/>. (accessed October 9, 2023).
- Association of State Dam Safety Officials. (2021). Inspection of Concrete Structures. <https://damsafety.org/dam-owners/inspection-of-concrete-structures>. (accessed October 10, 2023).
- Kopp, K. (2018). Failure of Marysville's Historic Low-Head Dam on the Big Blue River. <https://krwa.net/portals/krwa/lifeline/1807/MarysvilleHistoricLow.pdf> (accessed October 12, 2023).



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 26, 2024

Department Park, Zoo & Cemetery

Director Approval Scott Patton

AGENDA ITEM Consider authorizing street closure during Zoolloween fundraising event on October 12, 2024.

SUMMARY RECOMMENDATION Authorize closure of Miss Able Avenue from Mickey Mantle Way to North 5th Street for the annual Zoolloween event.

BACKGROUND Zoolloween is an annual fundraising event hosted at Ralph Mitchell Zoo and operated by Zoo staff. The event is always held on the second Saturday in October. In the interest of public safety, to prevent traffic congestion, and to allow an accessible route for emergency vehicles in and out of the Zoo, we request permission to close the section of Miss Able Ave between Mickey Mantle Way and North 5th Street from 4:00 p.m to 8:00 p.m on October 12, 2024.

FINANCIAL INFORMATION No financial impact.

SUGGESTED MOTION I move to authorize the closure of Miss Able Avenue from Mickey Mantle Way to North 5th Street from 4:00 pm to 8:00 pm on October 12, 2024 for the annual Zoolloween event.

SUPPORTING DOCUMENTS

1. Zoolloween Barricade Map



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 26, 2024**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider the condemnation of 200 Arco Place as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends adjourning the condemnation until May 22, 2025.

BACKGROUND On September 8, 2022, City staff recommended initiating the condemnation process for the Arco Building due to broken windows, occupancy by homeless individuals, vandalism, and multiple complaints from residents.

On May 16, 2023, Daniel Regan, from Tulsa, Oklahoma, contacted the City and identified himself as the new owner of the building. Mr. Regan has been working on securing financing and preparing the Part 1 application for historical tax credits, with the goal of placing the property on the National Register of Historic Places.

On August 5, 2024 the structure was added to the National Register of Historic Places, making it eligible for historic tax credits, supporting the rehabilitation of this building.

On September 20, 2024, Mr. Regan informed me that the Part 1 application is nearing completion and is expected to be finalized by January 2025. He is also pursuing additional financing and working with the Kansas Housing Resource Commission. His current timeline anticipates starting the design phase in the second quarter of 2025, with the project commencing in the fourth quarter of 2025. However, Mr. Regan emphasized that this timeline is subject to change as he continues to navigate the financing process, building design, and responses from relevant organizations.

FINANCIAL INFORMATION The cost of removal of the building if the owner fails to commence repairs of the building.

SUGGESTED MOTION I move to adjourn the public hearing until May 22, 2025 at 5:30 PM.

SUPPORTING DOCUMENTS

1. Notice of Public Hearing - September 26, 2024. - 09162024
2. ARCO Building



September 16, 2024

Daniel Regan
2944 S. Delaware Ave
Tulsa, Ok. 74114

Dear Daniel:

I am writing to inform you that the City Commission will hold a Public Hearing to consider the **condemnation of 200 Arco Place as dangerous and unsafe** on **September 26, 2024, at 5:30 PM.**

The following action must be taken to avoid having your commercial property condemned as dangerous and unsafe on September 26, 2024.

1. Immediate Repairs needed before September 26, 2024
 - a. Secure the Structure – (visited on September 03, 2024)
2. A timeline of the repairs to the building will be required at the September 26, 2024, meeting.
 - a. Timeline of repairs working towards the occupancy of the building. (Provide an update on your intentions and timeline with the building plans)
3. If no, you do not plan to repair this commercial property.
 - a. The City of Independence will proceed with condemnation of the structure
 - b. The city will hire a company to secure the structure at the owner's expense
4. If I do not hear from you by September 20, 2024, it will be **imperative** that you communicate or attend the September 26, 2024, meeting to avoid condemnation of the property.

Please feel free to contact me by calling 620-332-2528 – office, 620.330.0056 mobile or by email at davidc@independenceks.gov.

Public Hearing Location:

- City Hall – 120 N. 6th Street – Independence, Kansas
- Time: 5:30 PM on September 26, 2024.

Thank You,

David J. Cowan
David Cowan
City of Independence Kansas

August 23, 2024

R.E.M., LLC
2944 S Delaware Ave.
Tulsa, OK 74114

Re: Prairie Oil and Gas Company Building (200 Arco Pl., Independence, Montgomery County)

Dear R.E.M., LLC,

We are pleased to inform you that the *Prairie Oil and Gas Company Building* was listed in the National Register of Historic Places on **August 05, 2024**. The National Register is the country's official list of historically significant properties, and Kansans can feel proud to have a large and growing representation of these tangible links to our past. A copy of the nomination is enclosed for your records and is available on our website (www.kshs.org/14638).

Listing of this property provides recognition of its historic importance and assures that the significance of the property will be considered in federal planning, when applicable. Construction projects involving this property will benefit from review at the state level in accordance with the Kansas Historic Preservation Act (K.S.A. 75-2724 – 75-2725). For more information about state and federal preservation law, please visit our website at www.kshs.org/14658. Contact your local permitting authority to learn of any applicable local preservation ordinances.

In addition to the prestige of inclusion in the National Register, owners of listed properties enjoy a number of other benefits:

- Owners of buildings listed in the National Register may be eligible for a federal rehabilitation tax credit if they are rehabilitated for income-producing purposes. A state tax rehabilitation credit is also available for the rehabilitation of both income and non-income producing properties listed in the State or National Registers of Historic Places. Please contact Ron VanBuskirk, ext. 240 or Kristen Johnston at ext. 213 for applications and more information.
- National Register listing qualifies a property for the Heritage Trust Fund grant program. Please contact KSHS grants administrator, Bethany Falvey at ext. 226 or bethany.falvey@ks.gov for applications and more information.
- The Kansas State Historical Society offers free technical advice to owners of historic properties to help them maintain their properties in a historically accurate manner.

Thank you for your interest in our state's historic resources. If you have any questions concerning this nomination, please contact Jamee Fiore Krivenko, National Register Coordinator, at (785) 272-8681 ext. 216 or jamee.fiore.krivenko@ks.gov. We invite you to join us on Facebook at

National Register of Historic Places listing

www.facebook.com/KSHPO and follow us on X (formally Twitter) at x.com/kansashistory or using the handle @kansashistory.

Sincerely,



Katrina Ringler
Director, Cultural Resources Division
Deputy State Historic Preservation Officer



Jamee Fiore Krivenko
National Register Coordinator

encl: copy of nomination (owner only)

cc: Montgomery County Commission
 Independence Mayor & City Council
 Independence Historical Museum
 CLG, Kelly Passauer
 Independence Main Street
 Amanda Loughlin, Rosin Preservation



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 26, 2024

Department Police

Director Approval Dustin Stafford

AGENDA ITEM Consider approving a Proclamation and Resolution for Neewollah and authorizing street closures in the downtown and Riverside Park areas from October 18th through October 26th for the 2024 Neewollah festival, which includes the carnival, food vendors, parades, and other associated activities.

SUMMARY RECOMMENDATION Staff recommends closing the streets in the requested areas.

BACKGROUND The Neewollah Festival has been a great source of pride for the City of Independence since 1919. The festival includes numerous activities for families, entertainment for the citizens of Independence, and for the neighboring communities to enjoy.

FINANCIAL INFORMATION Estimated \$17,000 for Police Department payroll for straight and overtime and approximately \$1,500 for supplies. This does not include overtime and expenses from other City departments who assist with this festival.

SUGGESTED MOTION I move to authorize the Proclamation and Resolution for the Neewollah Celebration.

SUPPORTING DOCUMENTS

1. 2024 Neewollah Proclamation
2. Resolution 2024-026 - 2024 Neewollah

PROCLAMATION 2024

WHEREAS: The Governing Body of the City of Independence, Montgomery County, Kansas, does recognize with pride the 2024 NEEWOLLAH Celebration; and

WHEREAS: The Governing Body wishes to express, on behalf of the citizens of Independence, our appreciation and gratitude to those many persons who have planned and will carry out this annual event; and

WHEREAS: The Governing Body does acknowledge that NEEWOLLAH serves as a gesture of good will toward our neighboring citizens and communities; and

WHEREAS: The Governing Body wishes to invite all neighbors and friends from surrounding areas to join in the activities of the celebration; and

WHEREAS: The Governing Body recognizes the vital importance of family events and family entertainment,

NOW, THEREFORE, BE IT PROCLAIMED By the Board of City Commissioners of the City of Independence, Montgomery County, Kansas that October 18, 2024, through October 26, 2024, be known as:

NEEWOLLAH

in this City and that the NEEWOLLAH celebration, be permitted to use certain streets and public rights-of-way for the celebration, and to urge all persons to join in the fun and activities of this annual event.

PASSED AND APPROVED THIS 26th day of September, 2024

THE CITY OF INDEPENDENCE, KS

Timothy R. Emert, Mayor

ATTEST:

David Schwenker, City Clerk

RESOLUTION NO. 2024-026

BE IT RESOLVED BY THE Governing Body of the City of Independence, Kansas;

- I. That the following will be the designated parade route and staging area for Neewollah festivities on Saturday, October 26, 2024, beginning at 6:00 a.m.:
 - A. Parade route -- Beginning at Penn Avenue and Sycamore Street, then South on Penn Avenue to Main Street, East on Main Street to 6th Street, South on 6th Street to Maple Street, West on Maple Street to 9th Street, North on 9th Street to Sycamore Street, which is the end of the parade route.
 - B. Staging area -- 100 blocks of East and West Chestnut Street, 100 block of East Locust Street, 100 through 300 blocks of West Locust Street, 100 through 200 blocks of West Pine Street, 100 block of Ash Street and Washington Street from Pine Street to Sycamore Street.
- II. The following will be the location of the carnival, setup beginning after 5p.m. on October 22, 2024, through October 26, 2024:
 - A. Carnival -- Laurel Street, from Penn Avenue, West to 9th and Laurel, North 8th Street from the North side of the intersection of 8th Street and Main Street North to the South side of 8th and Chestnut Street, the municipal parking lot between 8th Street and 9th Street on the south side of Laurel Street, Myrtle Street from Penn Ave to 9th Street.
- III. The following will be the location of concession stands and other activities during NEEWOLLAH festivities:
 - A. Concession stands and other activities – 100 through 700 blocks of North Penn Avenue, 100 block of South Penn Avenue, 100 block of East Laurel Street, 100 block of West Myrtle Street, 100 block of East Myrtle Street and the Municipal Parking Lots: southwest corner of 6th and Myrtle and the northeast corner of 6th and Myrtle, and portions of the southeast corner of 8th and Chestnut. 5th street west of the stadium and the roadway between the stadium and the 4-H buildings. Band shell, Oval & area around the Oval in Riverside Park.
- IV. The following will be the designated parade route for the Kiddy Parade on

Friday, October 25, 2024, beginning at 4:00 p.m. and the Doo-Dah Parade on Thursday, October 24, 2024, beginning at 5:00 p.m.

A. Parade route -- Penn Avenue from Locust Street to Magnolia Street and the 100 block on East and West Chestnut Street.

PASSED AND APPROVED This 26th day of September 2024.

Timothy R. Emert, Mayor

David Schwenker, City Clerk



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 26, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting a Resolution for a Conditional Use Permit for a Recreation Center in the C-3, Central Business District at 106-108 E. Main Street.

SUMMARY RECOMMENDATION Based on the Planning Commission's recommendation and the analysis provided in the staff report, staff recommends that the City Commission adopt a resolution approving the Conditional Use Permit for the Recreation Center at 106-108 E. Main Street, subject to the conditions outlined below.

BACKGROUND The applicant, Samantha Ringle, has requested a CUP to establish a Recreation Center at 106-108 E. Main Street, which will include an indoor playroom for youth aged 1-11 years and a birthday party venue. The property is located in the C-3 Central Business District, and the proposed use is consistent with the goals and objectives outlined in the City's Comprehensive Plan.

The Planning Commission held a public hearing on September 3, 2024, to consider the application for the CUP. The staff report to the Planning Commission included a thorough analysis of the proposal based on the criteria set forth in the City's zoning regulations. The Planning Commission found that the proposed use met all necessary requirements and would contribute positively to the community by providing a needed recreational service for children.

The Planning Commission recommended approval of the CUP 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 comply with all City codes, including the Building and Fire Codes, and 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 that proposed signage and alterations are compatible with the historical character of the district.

FINANCIAL INFORMATION The financial impact on the City from approving the Conditional Use Permit for the Recreation Center is expected to be minimal, with costs primarily related to compliance inspections and enforcement, covered by the General Fund. The applicant and property owner will bear all costs associated with meeting the conditions of the CUP, including safety upgrades, signage, and property maintenance. The City may see slight revenue increases from business licenses, sales tax, and potential property tax growth. No tax or utility rate increases are anticipated as a result of this approval.

SUGGESTED MOTION I move to adopt the resolution approving the Conditional Use Permit for a Recreation Center at 106-108 E. Main Street, subject to the conditions as recommended by the Planning Commission.

SUPPORTING DOCUMENTS

1. Resolution 2024-027 - CUP FOR RECREATION CENTER AT 106-108 E MAIN
2. 2024CUP03 - Recreation Center - 106-108 E Main - Report to PC

RESOLUTION NO. 2024 – 027

A RESOLUTION OF THE CITY OF INDEPENDENCE, KANSAS, APPROVING A CONDITIONAL USE PERMIT FOR A RECREATION CENTER AT 106-108 E. MAIN STREET WITHIN THE C-3 CENTRAL BUSINESS DISTRICT, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, an application has been submitted by Samantha Ringle for a Conditional Use Permit (CUP) to establish a Recreation Center at 106-108 E. Main Street, within the C-3 Central Business District; and

WHEREAS, the Planning Commission of the City of Independence, Kansas, after holding a public hearing on September 3, 2024, has recommended approval of the CUP with certain conditions; and

WHEREAS, the City Commission has reviewed the recommendation of the Planning Commission and finds it appropriate to approve the CUP subject to the recommended conditions to ensure the proposed use is compatible with surrounding properties and consistent with the City's zoning regulations and Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS:

Section 1. Approval of Conditional Use Permit

The Governing Body of the City of Independence, Kansas, hereby approves 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 comply with all City codes, including the Building and Fire Codes, and 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 that proposed signage and alterations are compatible with the historical character of the district.

Section 2. Effective Date

This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Governing Body of the City of Independence, Kansas, on this 26th day of September 2024.

Timothy R. Emert, Mayor

ATTEST:

David Schwenker, City Clerk



**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.

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
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:

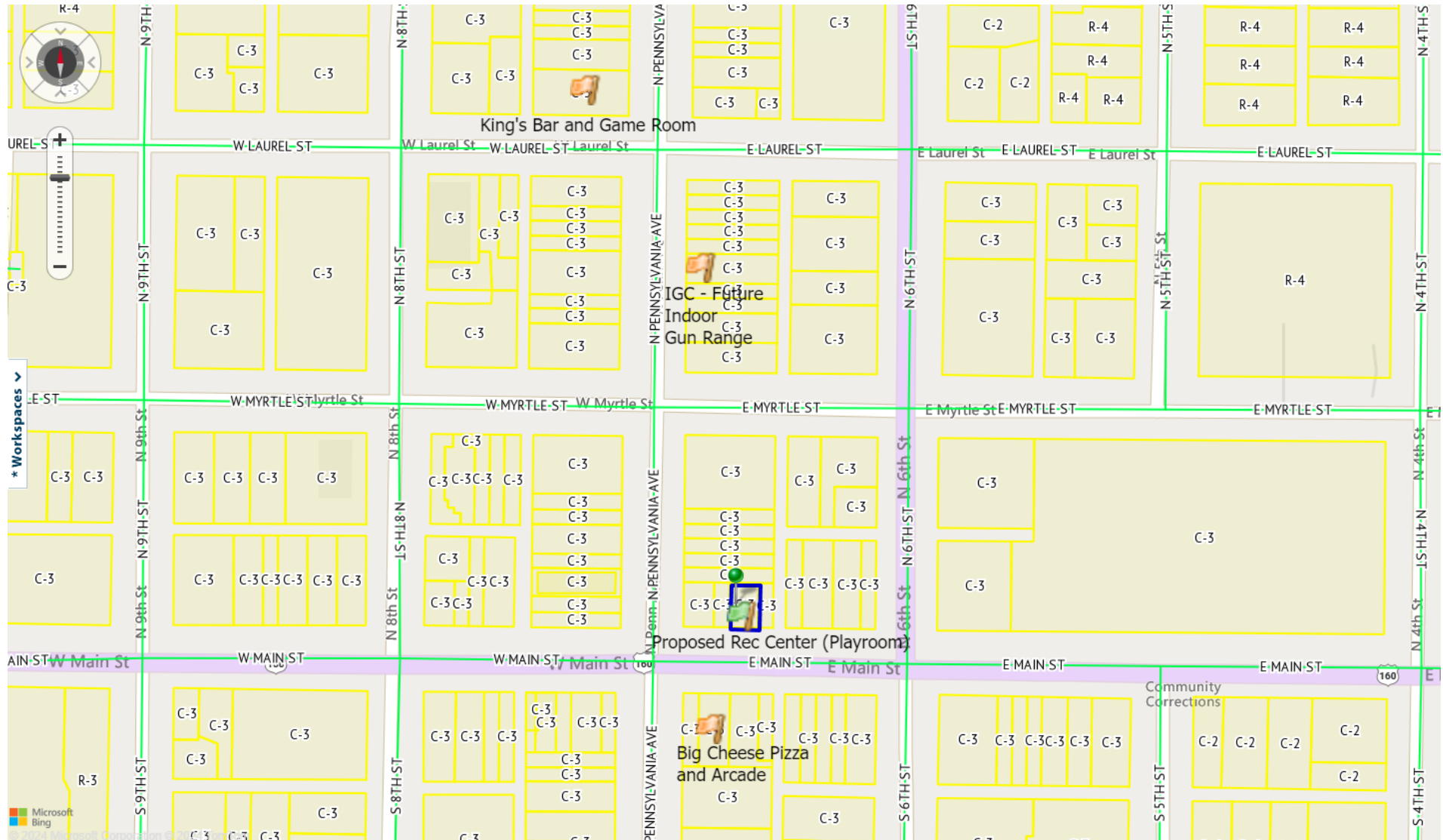
Kelly Passauer
Zoning Administrator
120 N 6th Street
Independence, KS 67301
(620) 332-2506

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 COMMISSIONDATE 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
DateSamantha Kingle
Signature of ApplicantKen Miller

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

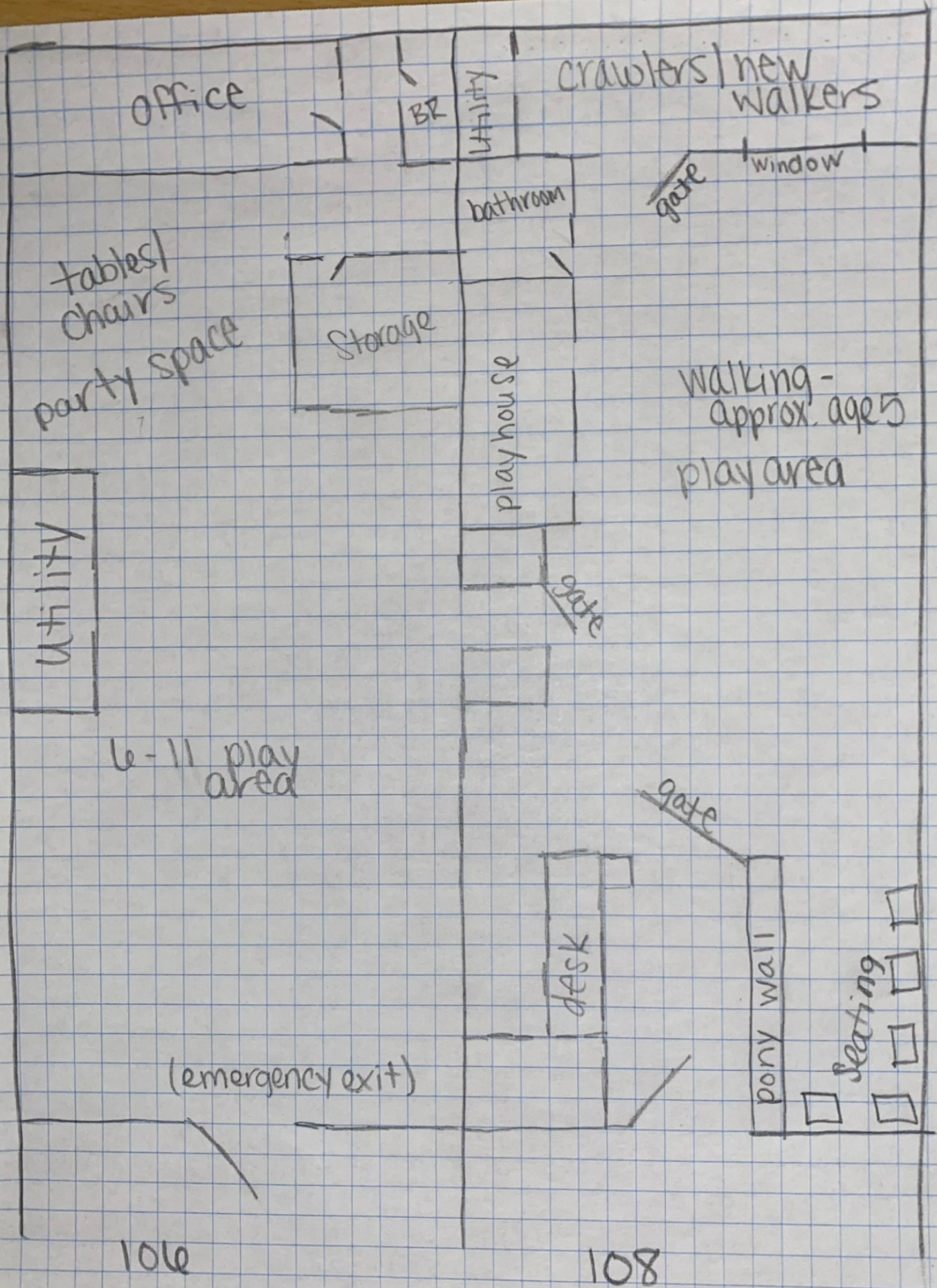
CITY OF INDEPENDENCE

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 50 of 141



Conditional Use

Samantha Crittenden [REDACTED]

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.

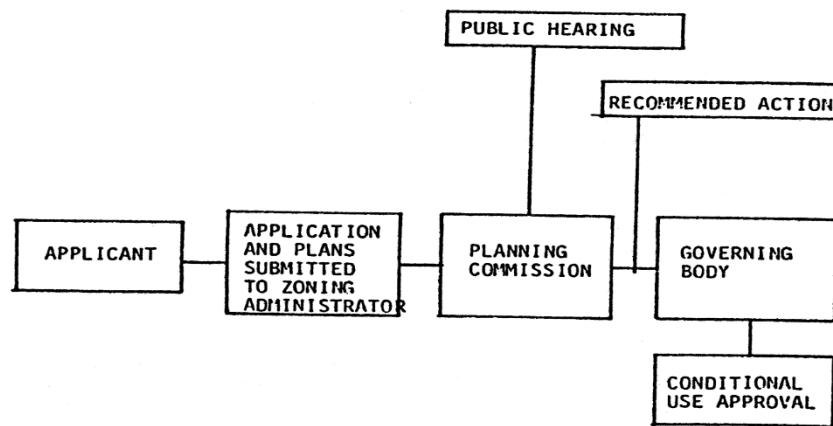
902.7. Final approval: The applicant's compliance with all terms and conditions of the conditional use permit shall be the responsibility of the zoning administrator. The zoning administrator shall communicate with the building inspector for the city regarding compliance prior to issuance of a building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

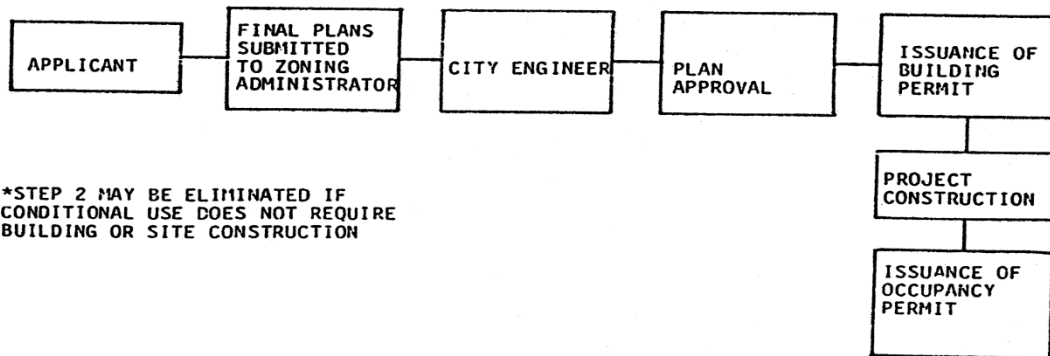
STEP 1

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 COMMISSION ACTION
CITY OF INDEPENDENCE
September 26, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting a Resolution for 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 that the City Commission adopt a resolution approving a Conditional Use Permit (CUP) for the establishment of multi-family dwellings (apartments) in a nonresidential structure located at 113 W. Myrtle Street in the C-3 Central Business District. The Planning Commission approved this recommendation on September 3, 2024, following a public hearing and a thorough review of the proposal.

BACKGROUND The applicant, Steve Morrison, through his architect Russ Ehnen, has requested a CUP to convert the building at 113 W. Myrtle Street into a mixed-use structure, featuring eleven studio apartments and one commercial space. The building, originally constructed as a hotel in 1910, is a historical structure and is exempt from many modern building codes, though it has been reviewed under the standards of the International Existing Building Code (IEBC). The project aligns with the City's Comprehensive Plan by promoting a healthy mix of land uses, encouraging the adaptive reuse of a historic property, and contributing to the residential diversity within the downtown area.

The Planning Commission has recommended approval of the Conditional Use Permit, subject to the following conditions:

1. **Storefront Maintenance:** The applicant must maintain a storefront on the first floor, which will consist of not less than 50% of the entire first floor area.
2. **Separate Entrances:** The resident's entry into the building must be separated from the entryway utilized by the storefront, ensuring distinct access for commercial and residential uses.
3. **Preservation of Historical Features:** The applicant shall maintain and preserve the historical features of the building as much as possible, ensuring that any renovations or modifications are in keeping with the building's historical character.

The applicant has received variances from the C-3 regulations regarding the 900 sq. ft. lot requirement per unit and the elevator requirement, so that condition was not included as it has already been met. However, City staff would like to add three additional conditions:

1. **Landlord License:** The applicant must maintain a current Landlord license and any other licenses as required by City Code.
2. **Certificate of Appropriateness:** Any exterior modifications or signage will require a Certificate of Appropriateness from the Independence Historic Preservation and Resource Commission to ensure compatibility with the historical character of the district.

3. **Compliance with City Codes:** The applicant shall ensure that all renovations and operations comply with the applicable City codes, including but not limited to the Building Code, Fire Code, and any other relevant regulations.

FINANCIAL INFORMATION The financial impact on the City from approving the Conditional Use Permit is expected to be minimal. The applicant will be responsible for all costs associated with renovating the building to meet the conditions of the permit, including any necessary safety upgrades and compliance with City codes. The City may see increased revenue from property taxes as the value of the property improves and from business licensing fees associated with the commercial space. No increase in taxes or utility rates is anticipated as a result of this project.

SUGGESTED MOTION I move to adopt the resolution approving the Conditional Use Permit for multi-family dwellings at 113 W. Myrtle Street, subject to the conditions as recommended by the Planning Commission and City staff.

SUPPORTING DOCUMENTS

1. Resolution 2024-028 - CUP FOR MULTI-FAMILY DWELLINGS AT 113 W MYRTLE
2. 2024CUP04 - Multi-Family Dwellings - 113 W Myrtle - Report to PC

RESOLUTION NO. 2024 - 028

A RESOLUTION OF THE CITY OF INDEPENDENCE, KANSAS, APPROVING A CONDITIONAL USE PERMIT FOR MULTI-FAMILY DWELLINGS IN A NONRESIDENTIAL STRUCTURE AT 113 W. MYRTLE STREET WITHIN THE C-3 CENTRAL BUSINESS DISTRICT, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, an application has been submitted by Steve Morrison for a Conditional Use Permit to establish multi-family dwellings (apartments) in a nonresidential structure located at 113 W. Myrtle Street, within the C-3 Central Business District; and

WHEREAS, the Planning Commission of the City of Independence, Kansas, after holding a public hearing on September 3, 2024, has recommended approval of the Conditional Use Permit with certain conditions; and

WHEREAS, the City Commission has reviewed the recommendation of the Planning Commission and finds it appropriate to approve the Conditional Use Permit subject to the recommended conditions to ensure the proposed use is compatible with surrounding properties and consistent with the City's zoning regulations and Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS:

Section 1. Approval of Conditional Use Permit

The Governing Body of the City of Independence, Kansas, hereby approves the Conditional Use Permit for multi-family dwellings in a nonresidential structure at 113 W. Myrtle Street, subject to the following conditions:

1. **Storefront Maintenance:** The applicant must maintain a storefront on the first floor, which will consist of not less than 50% of the entire first floor area.
2. **Separate Entrances:** The resident's entry into the building must be separated from the entryway utilized by the storefront, ensuring distinct access for commercial and residential uses.
3. **Preservation of Historical Features:** The applicant shall maintain and preserve the historical features of the building as much as possible, ensuring that any renovations or modifications are in keeping with the building's historical character.

4. **Landlord License:** The applicant must maintain a current Landlord license and any other licenses as required by City Code.
5. **Certificate of Appropriateness:** Any exterior modifications or signage will require a Certificate of Appropriateness from the Independence Historic Preservation and Resource Commission to ensure compatibility with the historical character of the district.
6. **Compliance with City Codes:** The applicant shall ensure that all renovations and operations comply with the applicable City codes, including but not limited to the Building Code, Fire Code, and any other relevant regulations.

Section 2. Effective Date

This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Governing Body of the City of Independence, Kansas, on this 26th day of September 2024.

Timothy R. Emert, Mayor

ATTEST:

David Schwenker, City Clerk



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

russehnen@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

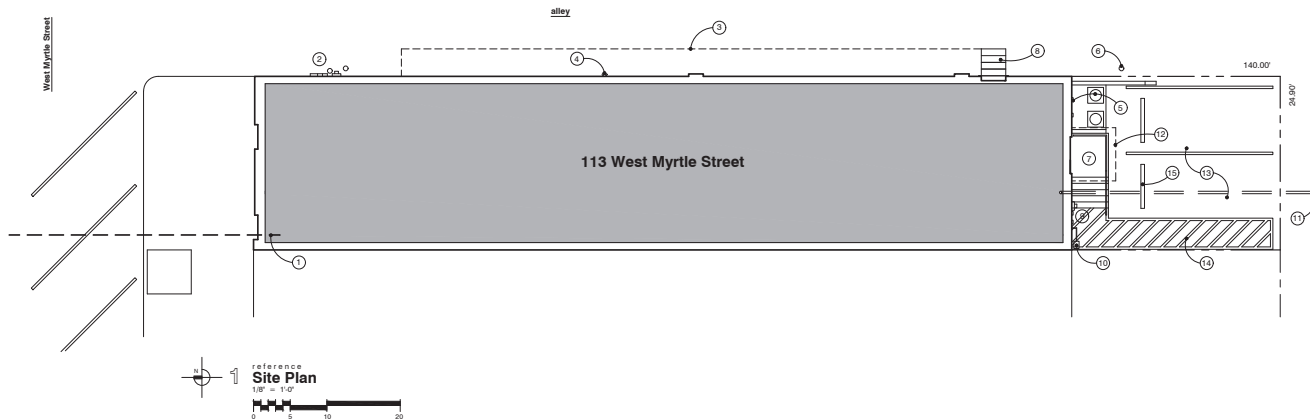
Conditional Use

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

Municipal Online Services

Login



site
Information
Zoning
 C-3 Central Business District
Site Area
 0.485 square feet . 0.08 acre
Tract Number
 0630993 10201 0002000

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 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

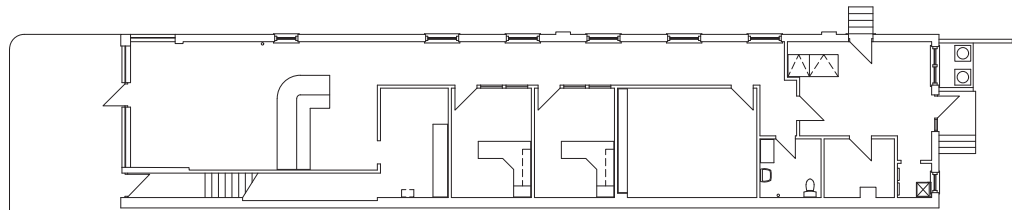
ADA Compliance
Certification
 To best of my professional knowledge, the facility as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title II Design Guidelines.

Russell Dale Ehnen
 Kansas Architect 3291

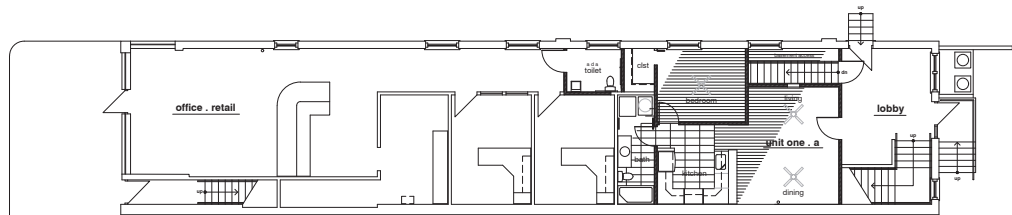
Revisions

facility modifications
113
lofts
 113 West Myrtle
 Independence . Kansas

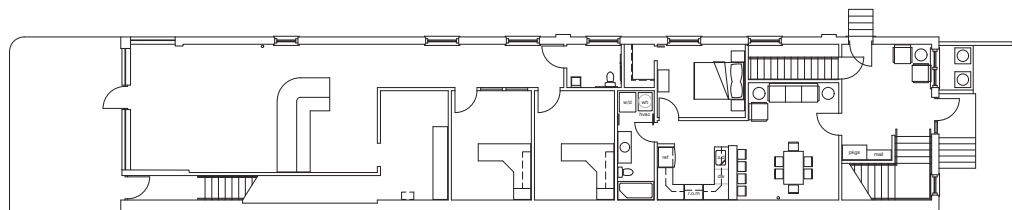
sheet
AS1
 Site Plan
 Project Information
 prelim approval
 4 August 2024



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)

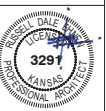
office - retail	1,120 net square feet	28.17%
unit one - a	272 net square feet	6.84%
common	207 net square feet	5.20%

Legend

- existing walls to remain
- new wall construction
- existing ceiling
- new ceiling
- existing floor
- new floor
- water features
- heat
- cooling

Russ Ehn
rchitect
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rusehnen@aol.com
816 . 786 . 6300

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Project Number 2303.10

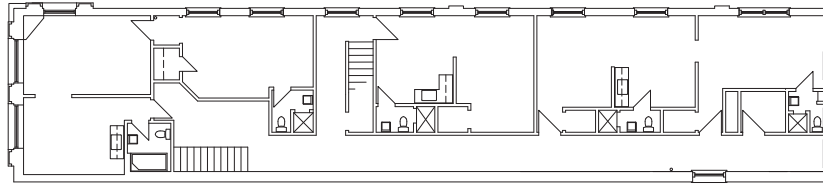
ADA Compliance
Certification
To best of my professional knowledge, this facility as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title II Design Guidelines.
Russell Dale Ehnen
Kansas Architect 3291

Revisions

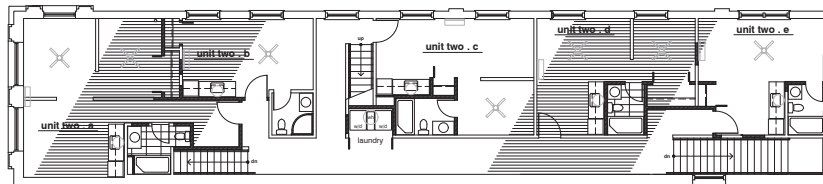
facility modifications
113
lofts
113 West Myrtle
Independence, Kansas

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)



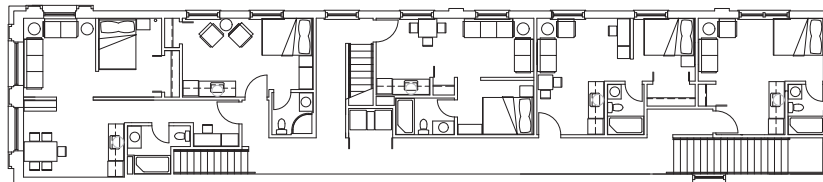
2 construction
Second Floor Plan
1/8" = 1'-0"
0 5 10 20
all dwelling units 'studio' type

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

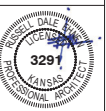
- existing walls to remain
- new wall construction
- existing flooring
- new flooring
- ceiling fans
- water fixtures
- new
- move up



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

Russ Ehn
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5138 SW Maple Ridge
Trimble, Missouri 64492
rusehnen@aol.com
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Project Number 2303.10

August 4 August 2024

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

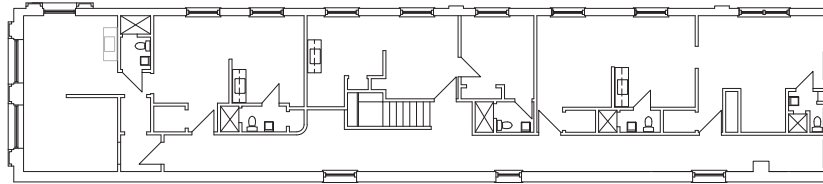
facility modifications
113
lofts
113 West Myrtle
Independence, Kansas

sheet

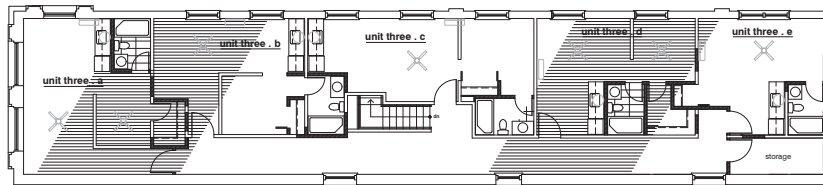
A3

Second Floor Plan

prelim approval
4 August 2024



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



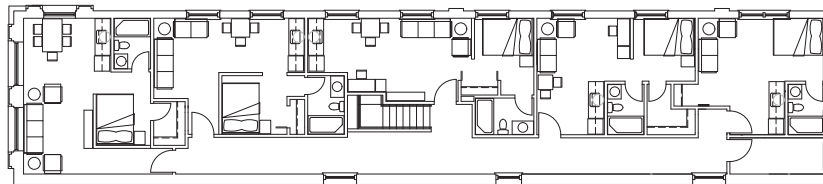
2 construction
Third Floor Plan
1/8" = 1'-0"
0 5 10 20

Net Area
(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

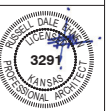
- existing walls to remain
- new wall construction
- existing flooring
- new flooring
- ceiling fans
- water fixtures
- new
- move up/dn



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

Russ Ehnen
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5102 SW Maple Ridge
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rusehnen@aol.com
816 . 786 . 6300

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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

site plan
Reference Notes

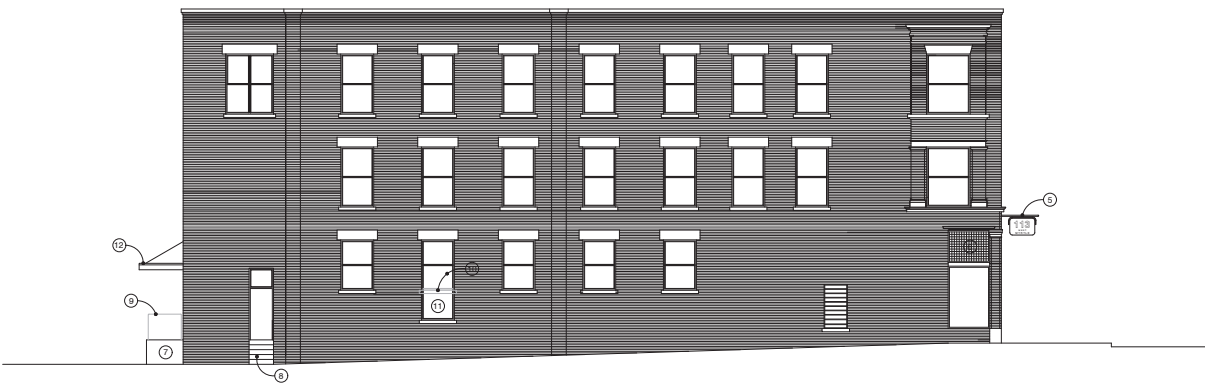
- ① new vinyl address numerals for commercial tenant
- ② new vinyl graphic available locations for commercial tenant (signage applied to glass)
- ③ new vinyl graphic signage for apartments
- ④ frame mounted apartment access card reader
- ⑤ existing blade sign frame with new frame, panel, graphics
- ⑥ 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



1
proposed
North Elevation
1/8" = 1'-0"
0 5 10 20



2
proposed
South Elevation
1/8" = 1'-0"
0 5 10 20



3
proposed
East Elevation
1/8" = 1'-0"
0 5 10 20



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 26, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting an Ordinance amending the zoning code relating to dwellings in the C-3, Central Business District.

SUMMARY RECOMMENDATION City staff recommends that the City Commission adopt an ordinance amending the zoning code to allow upper-story dwellings as a permitted use in the C-3 Central Business District and to remove the elevator requirement for buildings more than 2 1/2 stories. This recommendation follows the Planning Commission's approval on September 3, 2024.

BACKGROUND The City of Independence has been experiencing a growing interest in downtown development, with particular focus on converting existing nonresidential buildings into mixed-use structures. 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. Recognizing the need to support ongoing and future downtown development, the Planning Commission initially recommended a 24-month moratorium on the requirement to obtain a conditional use permit for upper-story dwellings in the C-3 District, which expired on May 17, 2024.

In response to the expiration of the moratorium and the continued interest in upper-story residential development, City staff has proposed a permanent text amendment to the zoning code. The proposed amendment would allow upper-story dwellings (located on the second floor and above) as a permitted use in the C-3 Central Business District, while retaining the requirement for a conditional use permit for dwellings on the ground floor and basement levels. This amendment aligns with the City's Comprehensive Plan, which emphasizes the importance of mixed-use development, historic preservation, and increasing housing options in the downtown area.

Additionally, the proposed amendment includes the removal of the elevator requirement for buildings more than 2 1/2 stories in the C-3 District. This requirement currently conflicts with the International Existing Building Code (IEBC), which only mandates elevators for buildings more than four stories. By removing this requirement, the amendment aims to reduce barriers to redevelopment and support the adaptive reuse of older structures.

The proposed text amendment is consistent with the City's goals to promote a vibrant downtown, increase residential diversity, and encourage the adaptive reuse of historic buildings. With two developers currently working on upper-story housing projects involving seven downtown buildings, the adoption of this ordinance will provide a clear regulatory path for these and future developments.

FINANCIAL INFORMATION The financial impact on the City from adopting this text amendment is expected to be positive. By allowing upper-story dwellings as a permitted use,

the amendment could lead to increased property values, higher occupancy rates, and greater economic activity in the downtown area. The removal of the elevator requirement will reduce construction costs for developers, potentially leading to more investment in the district. Overall, this amendment supports the long-term economic vitality of the downtown area without requiring additional City funding.

SUGGESTED MOTION I move to adopt an ordinance amending the zoning code to allow upper-story dwellings as a permitted use in the C-3 Central Business District and to remove the elevator requirement for buildings more than 2 1/2 stories within the C-3 Central Business District, as recommended by the Planning Commission.

SUPPORTING DOCUMENTS

1. Ordinance 4467 - TEXT AMENDMENT PERMITTING UPPER-STORY DWELLINGS AND REMOVAL OF ELEVATOR REQUIREMENTS IN C-3
2. 2024ZA08 - Text Amendment Dwellings in C-3 - Report to PC

ORDINANCE NO. 4467

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF INDEPENDENCE, KANSAS, TO ALLOW UPPER-STORY DWELLINGS AS A PERMITTED USE AND TO REMOVE THE ELEVATOR REQUIREMENT FOR BUILDINGS MORE THAN 2 1/2 STORIES IN THE C-3 CENTRAL BUSINESS DISTRICT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS:

Section 1. Amendment to Article V District Regulations, Section 511, C-3 Central Business District

The Zoning Code of the City of Independence, Kansas, is hereby amended as follows:

A. Removal of Elevator Requirement in Section 511.4.a.1(b)

Section 511.4.a.1(b) of the Zoning Code, pertaining to "High-rise apartments," is hereby amended to read as follows:

"High-rise apartments - 900 SF/DU (buildings more than 2 1/2 stories)."

This amendment removes the requirement for elevators in buildings more than 2 1/2 stories in the C-3 Central Business District.

Section 2. Amendment to Appendix A, Listing of Permitted and Conditional Uses

The Zoning Code of the City of Independence, Kansas, is further amended by revising Appendix A, Listing of Permitted and Conditional Uses, to add the following:

1. **Dwelling, upper-story in nonresidential structure** is hereby added as a permitted use in the C-3 Central Business District.
2. **Dwelling, upper-story multifamily** is hereby added as a permitted use in the C-3 Central Business District.

Section 3. Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date

This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Independence, Kansas, this 26th day of September, 2024.

Timothy R. Emert, Mayor

ATTEST:

David Schwenker, City Clerk



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.

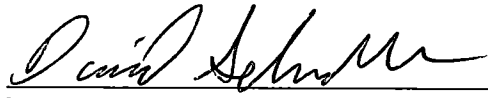
Section 3. This Ordinance shall take effect upon its publication in the official City newspaper.

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 COMMISSION ACTION
CITY OF INDEPENDENCE
September 26, 2024

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider the status of condemned structures at 501 S. 15th and 600 S. 15th Street.

SUMMARY RECOMMENDATION City staff did not receive an update prior to this report and will provide a recommendation at the meeting.

BACKGROUND The properties located at 501 S. 15th Street and 600 S. 15th Street were condemned, and demolition bids were awarded on March 14, 2024. Subsequently, the structures were sold at the County tax sale. Brett Hein then requested that the commission halt the demolition and allow 60 days for revitalization efforts. On June 13, 2024, we informed the Commission that Mr. Hein was experiencing difficulties obtaining legal title to the properties. As a result, the Commission granted an additional 60 days for the restoration of 600 S. 15th Street and the removal of the structure at 501 S. 15th Street.

As of September 20, 2024, the staff has not received a response from Brett Hein regarding the structures. If we receive an update before the Commission meeting on the status of these structures, staff will report at the meeting.

Staff recommends that JRB remove the structure at 501 S. 15th for \$6,500.00 if the contractor agrees to honor his previous bid. The structure at 600 S. 15th has been secured, a new roof installed, and the debris removed from the yard. It is staff's recommendation to work with the owner on a timeline to complete this structure.

FINANCIAL INFORMATION The cost of removing the structure at 501 S. 15th Street is \$6,500. The general fund will cover the cost until the owner reimburses it.

SUGGESTED MOTION I move to award the demolition of 501 S. 15th Street to JRB in the amount of \$6,500.00, and have staff work with the owner on a timeline for 600 S. 15th Street.

SUPPORTING DOCUMENTS

1. June 13, 2024 - 501 & 600 S. 15th Agenda Item
2. Brett Hein - Correspondence 09182024_Redacted



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 13, 2024

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider demolition bids for the removal of previously condemned structures located at 501 and 600 S. 15th St.

SUMMARY RECOMMENDATION City staff is meeting with the contractor and will update the Commission at the meeting.

BACKGROUND The City of Independence received bids for the demolition of 501 and 600 S. 15th Street on March 7, 2024. During the April 28, 2024 Commission meeting, Brett Hein presented a letter to the City stating that he had acquired the properties at the recent Montgomery County Tax Sale and expressed his interest in rehabilitating both residences. The City Commission authorized holding the demolition contract until June 13, 2024. By that time, Brett would need to show significant improvement to the properties, or a notice to proceed would be given to the contractor to remove the properties.

A review of the properties revealed significant progress at 600 S. 15th Street. The property has been cleared of all debris, trailers, and tents, and the process of rehabilitating the house has begun, including installing a new roof and gutting the interior back to the studs. On the other hand, a review of 501 S. 15th Street found that the property's condition remains unchanged, with no work done at this location.

I was unable to contact Brett before preparing this document. I will try to meet with him before the Commission meeting and provide a staff recommendation on 501 S. 15th Street.

City Staff recommends an additional 60 days to finish 600 S. 15th. If the Commission decides to give Brett more time, and he fails to commence repairs, the City will need to rebid the property for removal.

FINANCIAL INFORMATION The cost of demolition if the owner fails to commence repair to the structures.

SUGGESTED MOTION

1. I move to extend the deadline by 60 days for commencing repairs on the structures located at 600 S. 15th Street.
2. I move to extend the deadline by 60 days for commencing repairs on the structures located at 501 S. 15th Street; or I move to award the bid for removal of all structures located at 501 S. 15th Street to JRB in the amount of \$6,500.

SUPPORTING DOCUMENTS

1. 501 and 600 S. 15th Street

03/13/2024

Dear Members of the Independence City Commission,

I am writing to request your attention and consideration regarding the properties purchased at the Montgomery County tax sale, specifically 501 and 600 South 15th Street. As the new owner of these properties, I am committed to restoring them to a condition that is beneficial to the community and in compliance with local ordinances.

However, upon assessment, it has come to my attention that these properties require significant repairs and maintenance to meet the standards expected by the city. I understand that there is a risk of these properties being scheduled for demolition due to their current condition. Therefore, I am reaching out to request time to undertake the necessary repairs and improvements before any such action is taken.

To address the immediate concerns, I assure you that within the next 30 days, all garbage and debris will be removed from the properties. Additionally, within 60 days, substantial improvements to the exterior will be evident. These improvements will not only enhance the aesthetic appeal of the properties but also contribute positively to the surrounding neighborhood.

I am fully aware of the importance of maintaining the integrity of our community and the significance of these properties in that context. If, despite our efforts, the required improvements are not achieved within the stipulated timeframe, I am prepared to take responsibility for the properties and ensure that they do not become a burden to the city. Therefore, if the improvements are not evident within the specified timeframe, I am willing to donate the properties back to the city's land bank at a loss.

I believe that through collaboration and cooperation, we can transform these properties into assets that benefit the community as a whole. I am open to discussing this matter further and providing any additional information or documentation necessary to support my request.

Thank you for considering my request. I look forward to a favorable response and the opportunity to contribute positively to the revitalization efforts in our city.

Sincerely,

Brett Hein

[REDACTED]

City of Independence Commission Meeting June 13th 501 & 600 S. 15th

David Cowan <davidc@independencels.gov>

Mon 2024-06-03 4:08 AM

Brett & Tom,

Please be advised that on June 13, 2024, at 5:30 PM, the City Commission will convene to deliberate the demolition bids pertaining to the properties at 501 and 600 S. 15th St. During the meeting held on March 24, 2024, you submitted a correspondence affirming your commitment to ensure the removal of all refuse and debris from the aforementioned properties within a 30-day period, and to effect noticeable enhancements to the exterior within 60 days. substantial improvements to the exterior would be visible within 60 days.

I intend to conduct property visits today to capture photographs for the upcoming meeting. I kindly request a written timeline outlining the property improvements to be submitted by Friday, June 7, 2024. This information will be included in the commission packet.

Sincerely,
David Cowan



David Cowan
Asst. City Manager
davidc@independencels.gov

P +1.620.332.2528 | M +1.620.330.0056 | F + 1.620.331.1628

City of Independence | 120 N. 6th Street | Independence, Kansas 67301

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Demo Bids										
MEGA			G&G			JRB				
	Individual	Combined		Individual	Combined		Individual	Combined	Fast Track Services	Sound Ground
427 S. 15th	\$6,600.00		427 S. 15th	\$6,600.00		427 S. 15th	\$8,500.00	\$8,000.00	\$15,950.00	\$23,000.00
501 S. 15th	\$6,600.00		501 S. 15th	\$5,600.00		501 S. 15th	\$6,500.00	\$6,000.00	\$15,550.00	\$23,000.00
600 S. 15th	\$7,200.00		600 S. 15th	\$7,600.00		600 S. 15th	\$6,000.00	\$6,000.00	\$14,050.00	\$23,000.00
601 S. 15th	\$6,600.00		601 S. 15th	\$8,600.00		601 S. 15th	\$7,000.00	\$7,000.00	\$18,750.00	\$23,000.00
201 S. 14th	\$6,900.00		201 S. 14th	\$5,600.00		201 S. 14th	\$6,500.00	\$6,000.00	\$16,250.00	\$23,000.00
700 E. Edison	\$5,900.00		700 E. Edison	\$5,600.00		700 E. Edison	\$8,500.00	\$8,000.00	\$16,650.00	\$23,000.00
408 S. 8th	\$7,800.00		408 S. 8th	\$4,600.00		408 S. 8th	\$9,500.00	\$9,000.00	\$15,470.00	\$23,000.00
217 S. 2nd	\$7,700.00		217 S. 2nd	\$4,600.00		217 S. 2nd	\$8,000.00	\$8,000.00	\$11,550.00	\$23,000.00
919 E. Birch	\$4,600.00		919 E. Birch	\$5,600.00		919 E. Birch	\$7,000.00	\$7,000.00	No Bid	\$23,000.00
1005 E. Birch	\$8,100.00		1005 E. Birch	\$6,600.00		1005 E. Birch	\$8,500.00	\$8,000.00	No Bid	\$23,000.00
Total Low Bid	\$47,300.00	\$66,600.00	Total	\$60,000.00		Total Low Bid	\$0.00	\$73,000.00	\$124,220.00	\$230,000.00
Previous Comm Action	\$11,200.00		Award	\$0.00		Previous Comm Action	\$0.00			
Additional Comm Action	\$36,100.00					Additional Comm Action	\$6,500.00			

























Re: City of Independence - Demolition Update

From David Cowan <davidc@independencesks.gov>

Date Fri 20-Sep-24 08:28

To Brett Hein <[REDACTED]> tom.kecp@gmail.com [REDACTED]

Cc April Nutt [REDACTED]

Brett,

Any update you can provide, if not, I am assuming they will have the contractor remove 501 S. 15th at your expense?

Thx,
David



David Cowan
Asst. City Manager
davidc@independencesks.gov

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City of Independence | 120 N. 6th Street | Independence, Kansas 67301

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From: David Cowan

Sent: Wednesday, September 18, 2024 13:02

To: Brett Hein [REDACTED] > [REDACTED]

Cc: April Nutt [REDACTED]

Subject: City of Independence - Demolition Update

Brett & Tom:

The City of Independence had waived demolition for 501 and 600 S. 15th Street until August 2024. I have this scheduled for review on September 26, 2024, with the Commission.

- 501 S. 15th - we informed the commission in June that the house would be removed by August 2024. I do not believe any work has been done. The commission may proceed with demolition, if desired, with the awarded contractor for \$6,500.00. This would be billed to you.
 - **I need an update for the commission regarding the removal of this structure for their consideration.**
- 600 S. 15th - You have cleaned the lot, placed a new roof, and secured the structure. I am not sure if any further work has occurred. The contractor that was awarded the house bid was \$6,600.00. (The last update to the commission was the house would be completed by June 2024).
 - **I need an update for the commission regarding this structure for their consideration.**

I need a response by 5:00 PM Friday 9/20/2024.

Feel free to contact me with any questions.

Thanks,
David Cowan



David Cowan
Asst. City Manager
davidc@independenceks.gov

P +1.620.332.2528 | M +1.620.330.0056 | F + 1.620.331.1628
City of Independence | 120 N. 6th Street | Independence, Kansas 67301

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REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 26, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting an ordinance amending the Environmental Code.

SUMMARY RECOMMENDATION Based on an initiative established by the City Commission, City staff recommends the adoption of the proposed ordinance amending the Environmental Code, which pertains to exterior property conditions, abandoned motor vehicles, and other environmental nuisances within the City of Independence. The proposed ordinance includes updates to the right of entry, exterior structure standards, notice procedures, abatement processes, and the introduction of a hardship clause. The ordinance aims to enhance the enforcement and administration of environmental standards, thereby promoting the health, safety, and general welfare of the community.

BACKGROUND The Environmental Code of the City of Independence is designed to regulate exterior property conditions, address nuisances, and ensure that properties are maintained in a manner that is safe and aesthetically pleasing. The existing code has served the community well but requires updates to address evolving community needs and to streamline the enforcement process. The proposed ordinance introduces several key amendments:

1. **Right of Entry:** Clarifies the conditions under which a code official may enter private property to enforce the provisions of the Environmental Code.
2. **Exterior Structure Standards:** Updates and elaborates on the requirements for maintaining exterior structures, including specific standards for structural members, foundation walls, exterior walls, roofs, drainage, and other components.
3. **Notice Procedures:** Enhances the procedures for notifying property owners or occupants of violations, including the timeline for compliance and the right to request a hearing.
4. **Abatement Process:** Strengthens the City's ability to abate nuisances while ensuring due process for property owners and occupants, including procedures for disposing of confiscated items and assessing abatement costs.
5. **Hardship Clause:** Introduces a new provision allowing for exemptions from strict code compliance in cases where undue hardship would result from enforcement.

The proposed amendments include detailed standards for maintaining exterior structures. These standards cover:

- **Structural Members:** Must be maintained free from deterioration and capable of supporting imposed loads.
- **Foundation Walls:** Must be free from open cracks and breaks, preventing the entry of rodents and pests.
- **Exterior Walls:** Must be weatherproof, free from holes and rotting materials.

- **Roofs and Drainage:** Must be sound and not allow rain to enter the structure, with adequate drainage to prevent interior deterioration.
- **Overhang Extensions:** Must be properly anchored and in good repair.
- **Stairways, Decks, Porches, and Balconies:** Must be structurally sound and capable of supporting imposed loads.
- **Chimney and Towers:** Must be maintained structurally safe and in good repair.
- **Handrails and Guards:** Must be firmly fastened and in good condition.
- **Windows, Skylights, and Doors:** Must be weathertight and in good repair.
- **Basement Hatchways:** Must prevent the entrance of rodents, rain, and surface drainage water.

The hardship clause is a critical addition to the Environmental Code. It provides a mechanism for property owners or occupants to request an exemption from strict compliance with the code's requirements when unique and undue hardship would result from enforcement. The intent is to ensure that the code is applied fairly and that individuals facing genuine hardships are not unduly penalized. The key justifications of the hardship clause include:

- **Fairness:** The hardship clause ensures that the code does not impose unreasonable burdens on property owners or occupants who are unable to comply due to circumstances beyond their control.
- **Flexibility:** It allows for temporary exemptions while encouraging property owners or occupants to come into full compliance within a reasonable timeframe.
- **Protection of Public Interest:** The hardship clause includes safeguards to ensure that exemptions do not compromise public health, safety, or welfare.

The hardship clause balances the need for strict code enforcement with the recognition that some situations may require flexibility. It allows the City to maintain high standards while providing relief in appropriate cases.

The proposed ordinance amendments to the Environmental Code are essential to maintaining the health, safety, and welfare of the community. The updates to the standards for exterior property maintenance, the clarified enforcement procedures, and the introduction of the hardship clause will enhance the City's ability to address nuisances and ensure that properties are well-maintained.

FINANCIAL INFORMATION The adoption of the proposed ordinance will involve some financial costs, primarily related to enforcement and abatement activities, which are funded by the General Fund. While no immediate tax increases are anticipated, the City will monitor the financial impacts and explore funding options to ensure the ordinance is effectively implemented without placing undue financial burden on the City's resources. Cost recovery mechanisms will be utilized to offset abatement expenses where possible.

SUGGESTED MOTION I move to adopt Ordinance No. 4466, amending the Environmental Code, as revised by the City Attorney.

SUPPORTING DOCUMENTS

1. City-revised amended environ code ord
2. City-environ code ordinance-strikeout

ORDINANCE NO. 4466

AN ORDINANCE AMENDING THE ENVIRONMENTAL CODE OF THE CITY OF INDEPENDENCE, KANSAS

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

Section 1. The following city code sections of the environmental code are hereby amended as follows:

A. Section 42-66 of the environmental code is hereby amended to read as follows:

Sec. 42-66. Right of Entry.

Where it is necessary to make an inspection to enforce the provisions of this code or where the code enforcement officer has reasonable cause to believe that there exists in a structure or on any premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous, or hazardous, the code enforcement officer is authorized to enter the structure or premises at all reasonable times to inspect or perform the duties imposed by this code. If such structure or premises is occupied, the code enforcement officer shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code enforcement officer shall first make a reasonable effort to locate the owner, owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the code enforcement officer shall have recourse to every remedy provided by the law to secure entry.

B. Section 42-67 of the environmental code is hereby amended to read as follows:

Sec. 42-67. Exterior conditions.

It shall be unlawful for any person, either as owner, tenant, or occupant of any premises, to allow to exist on any residential, commercial, or industrial premises conditions that are injurious to the health, safety, or general welfare of the residents of the community or conditions that are detrimental to adjoining property, the neighborhood, or the city. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:

(1) **Sanitation:** Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. Occupants shall keep that part of the exterior property that they occupy or control in a clean and sanitary condition.

(2) **Grading and Drainage:** Premises shall be graded and maintained to prevent soil erosion and the accumulation of stagnant water on the premises or within any structure.

(3) **Sidewalks and Driveways:** Sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in proper repair and maintained free from hazardous conditions.

(4) **Weeds, Debris, and Trees:** Premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. Noxious weeds are prohibited. Debris, including but not limited to lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk, garbage, trash, abandoned vehicles, furniture, and appliances, must be cleared. Dead trees in the right-of-way shall be removed by the owner.

(5) **Rodent Harborage:** Structures and exterior property shall be kept free from rodent harborage and infestation. Extermination shall be conducted by approved processes that do not harm human health.

(6) **Exhaust Vents:** Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other wastes onto abutting or adjacent public or private property.

(7) **Accessory Structures:** Accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.

(8) **Defacement of Property:** It is unlawful to damage, mutilate, or deface any exterior surface of any structure or building on private or public property by marking, carving, or graffiti.

(9) **Exterior of Structure:** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary to avoid posing a threat to public health, safety or welfare.

a. **Structural Members:** Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

b. **Foundation Walls:** Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition as to prevent the entry of rodents and other pests. Trees causing damage to a foundation shall be considered a violation.

- c. Exterior Walls: Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.
- d. Roofs and Drainage: The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- e. Overhang Extensions: Overhang extensions or projections, including but not limited to trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts, shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.
- f. Stairways, Decks, Porches, and Balconies: Stairways, decks, porches, balconies, and all appurtenances attached thereto shall be maintained structurally sound, in good repair, with proper anchorage, and capable of supporting the imposed load.
- g. Chimneys and Towers: Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound and in good repair.
- h. Handrails and Guards: Handrails and guards shall be firmly fastened, capable of supporting normally imposed loads, and shall be maintained in good condition.
- i. Windows, Skylights, and Doors: Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weathertight.
- j. Basement Hatchways: Basement hatchways shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

(10) Exterior Property Storage: No person shall allow on any yard, unenclosed porch, deck, balcony, unenclosed trailer, or other exterior property areas the storage or accumulation of building materials, bulky waste, garbage, household appliances, lawn equipment, rubbish, salvage materials, tree waste, vehicle parts, or similar items unless permitted by the zoning ordinance.

(11) Tarpaulin Restricted Exterior Use: A tarpaulin may be used for exterior protection of a structure or other property only on a temporary basis, not exceeding thirty (30) consecutive days, unless otherwise approved by the code enforcement officer.

(12) **Temporary Housing:** No tent or recreational vehicle shall be moved upon any premises within the city, and used for dwelling purposes for more than seventy-two (72) hours out of any thirty (30) day period. No tent or recreational vehicle shall be moved upon any city property and used for dwelling purposes, except for activities approved by the governing body. As used in this section, recreational vehicle shall mean a vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth-wheel trailers, travel trailers, and tent trailers. The provisions of this section shall not apply to any recreational vehicle situated within a lawfully zoned mobile home court.

C. Section 42-73 of the environmental code is hereby amended to read as follows:

Sec. 42-73. Notice.

Any person found to be in violation of any portion of this article by the code enforcement officer shall be served a notice in a manner hereinafter set forth. The notice shall substantially state the following:

- (1) A description of the real estate sufficient for identification; and
- (2) The condition which has caused the violation; and
- (3) That the person in violation shall have seven (7) days from the date of the notice to correct or alleviate the violation; in the event that the violation concerns the exterior conditions of a structure, the notice shall provide the person forty-five (45) days from the date of the notice to correct or alleviate the violation; and
- (4) That the person may request in writing a hearing before the city manager, or their designee, to contest the violation, provided the written request is served upon the city clerk no later than seventy-two (72) hours from the date of service of the notice; and
- (5) After seven (7) days from the date of the notice, if the exterior violation is not abated, a second notice shall be issued and served giving notice that the City will abate the violation, and that all items constituting the violation will be considered trash and disposed of if not corrected within ten (10) days, and
- (6) That failure to correct or alleviate the violation may result in issuance of a complaint for prosecution through the municipal court and/or abatement of the condition by city staff with costs assessed back to the person upon whom notice has been served.

D. Section 42-75 of the environmental code is hereby amended to read as follows:

Sec. 42-75. Service of Notice.

The code enforcement officer, or their designee shall serve any notice of violation upon the person being cited in any of the following manners:

(1) By personal service; or

(2) By physically posting a copy of the notice on or near the door of the structure located on the premises or property followed by mailing a copy of the notice by first-class mail to the person being cited; or

(3) Certified mail, return receipt requested.

(4) There shall be a presumption that any notice sent by first-class mail was delivered unless the letter is returned as undeliverable. Only those persons served with the notice of violation may be held responsible for the assessment of the costs of abatement.

E. Section 42-82 of the environmental code is hereby amended to read as follows:

Sec. 42-82. Abatement.

In addition, to or as an alternative to, all other remedies of the city for violations of the environmental code, the code enforcement officer or their designee may take reasonable steps to abate the violation in the following manner;

(1) **Abatement Process:** When abatement is utilized, the following procedure shall be observed:

a. If a person to whom a notice has been served has neither abated or removed the conditions causing the violation nor has requested a hearing before the city manager or their designee within the time periods specified in Section 42-73, the code enforcement officer may proceed to have the nuisance removed and abated from the lot or parcel of ground and report the cost thereof to the city clerk.

b. Any items removed from the premises during the abatement process shall be disposed of at a location permitted by law.

(2) **Unlawful Interference:** It shall be unlawful for any person to interfere with or attempt to prevent the public officer or the public officer's authorized representative from entering upon any lot or parcel of land or from proceeding with abatement of the violation(s) pursuant to Sec. 42-67.:

F. Section 42-86 of the environmental code is hereby amended to read as follows:

Sec. 42-86. Hardship Clause.

The purpose of this hardship exemption is to provide relief from strict compliance with the environmental code enforcement provisions in situations where unique and undue hardship would result from enforcement. The intent is to ensure fairness while maintaining the public health, safety, and welfare of the community.

(1) Eligibility for Hardship Exemption: A property owner or occupant may apply for a hardship exemption from specific environmental code enforcement requirements if the following conditions are met:

a. **Undue Hardship:** The enforcement of the code would result in significant economic, physical, or other personal hardship that is unique to the applicant's circumstances and not generally applicable to other properties or individuals subject to the code.

b. **Good Faith Effort:** The applicant has made a good faith effort to comply with the code requirements to the extent reasonably possible under the circumstances.

c. **No Adverse Impact:** Granting the hardship exemption will not pose a significant risk to public health, safety, or welfare and will not result in a condition that is dangerous or detrimental to the community.

d. **Temporary Nature:** The hardship is temporary and the applicant has a reasonable plan to come into full compliance with the code within a defined period.

(2) Application Process:

a. **Submission:** The applicant must submit a written request for a hardship exemption to the city clerk, including all relevant documentation and evidence supporting the claim of hardship.

b. **Review:** The city clerk's office will review the application, considering the nature of the hardship, the applicant's efforts to comply, and the potential impact on the community.

c. **Decision:** The City shall make a determination on the hardship exemption within ten (10) days of the application. The decision may include specific conditions or limitations as deemed necessary to protect the public interest.

d. **Appeal Process:** The applicant or any aggrieved party may appeal the decision of the city clerk's office to the city manager within two (2) days of the decision. The appeal must be in writing and must state the grounds for the appeal. The decision of the city manager shall be final.

Section 2. Repeal.

All ordinances, in whole or in part, which are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date.

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

ADOPTED by the Governing Body of the City of Independence, Kansas, this 26th day of September, 2024.

Timothy R. Emert, Mayor

ATTEST:

David Schwenker, City Clerk

ORDINANCE NO. 4466

AN ORDINANCE AMENDING ~~ARTICLE III OF THE ENVIRONMENTAL CODE OF THE CITY OF INDEPENDENCE, KANSAS; RELATING TO EXTERIOR PROPERTY CONDITIONS, ABANDONED MOTOR VEHICLES, AND OTHER ENVIRONMENTAL NUISANCES.~~

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

Section 1. The following city code sections of the environmental code are hereby amended as follows: Amendment to Section 42-66 – Right of Entry.

- A. Section 42-66 of the ~~e~~Environmental ~~c~~Code is hereby amended to read as follows:

Sec. 42-66. Right of Entry.

____ Where it is necessary to make an inspection to enforce the provisions of this code or where the ~~code enforcement officer~~ ~~code official~~ has reasonable cause to believe that there exists in a structure or on any premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous, or hazardous, the code ~~enforcement officer~~ ~~official~~ is authorized to enter the structure or premises at all reasonable times to inspect or perform the duties imposed by this code. If such structure or premises is occupied, the code ~~enforcement officer~~ ~~official~~ shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code ~~enforcement officer~~ ~~official~~ shall first make a reasonable effort to locate the owner, owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the code ~~enforcement officer~~ ~~official~~ shall have recourse to every remedy provided by the law to secure entry.

~~Section 2. Amendment to Section 42-67 – Exterior Conditions.~~

- B. Section 42-67 of the ~~E~~environmental ~~C~~code is hereby amended to read as follows:

Sec. 42-67. Exterior conditions.

____ It shall be unlawful for any person, either as owner, tenant, or occupant of any premises, to allow to exist on any residential, commercial, or industrial premises conditions that are injurious to the health, safety, or general welfare of the residents of

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the community or conditions that are detrimental to adjoining property, the neighborhood, or the city. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:

(1) ~~Sanitation-Exterior Property Maintenance~~: Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. Occupants shall keep that part of the exterior property that they occupy or control in a clean and sanitary condition.

(2) **Grading and Drainage**: Premises shall be graded and maintained to prevent soil erosion and the accumulation of stagnant water on the premises or within any structure.

(3) **Sidewalks and Driveways**: Sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in proper repair and maintained free from hazardous conditions.

(4) **Weeds, Debris, and Trees**: Premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. Noxious weeds are prohibited. Debris, including but not limited to lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk, garbage, trash, abandoned vehicles, furniture, and appliances, must be cleared. Dead trees in the right-of-way shall be removed by the owner.

(5) **Rodent Harborage**: Structures and exterior property shall be kept free from rodent harborage and infestation. Extermination shall be conducted by approved processes that do not harm human health.

(6) **Exhaust Vents**: Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other wastes onto abutting or adjacent public or private property.

(7) **Accessory Structures**: Accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.

(8) **Defacement of Property**: It is unlawful to damage, mutilate, or deface any exterior surface of any structure or building on private or public property by marking, carving, or graffiti.

(9) **Exterior of Structure**: The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary to avoid posing a threat to public health, safety, or welfare.

a. **Structural Members**: Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

b. Foundation Walls: Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition as to prevent the entry of rodents and other pests. Trees causing damage to a foundation shall be considered a violation.

c. Exterior Walls: Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

d. Roofs and Drainage: The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

e. Overhang Extensions: Overhang extensions or projections, including but not limited to trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts, shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

f. Stairways, Decks, Porches, and Balconies: Stairways, decks, porches, balconies, and all appurtenances attached thereto shall be maintained structurally sound, in good repair, with proper anchorage, and capable of supporting the imposed load.

g. Chimneys and Towers: Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound and in good repair.

h. Handrails and Guards: Handrails and guards shall be firmly fastened, capable of supporting normally imposed loads, and shall be maintained in good condition.

i. Windows, Skylights, and Doors: Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weathertight.

j. Basement Hatchways: Basement hatchways shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

(10) **Exterior Property Storage:** No person shall allow on any yard, unenclosed porch, deck, balcony, unenclosed trailer, or other exterior property areas the storage or accumulation of building materials, bulky waste, garbage, household appliances, lawn equipment, rubbish, salvage materials, tree waste, vehicle parts, or similar items unless permitted by the zoning ordinance.

(11) **Tarpaulin Restricted Exterior Use:** A tarpaulin may ~~only~~ be used for exterior protection of a structure or other property only on a temporary basis, not exceeding thirty (30) consecutive days, unless otherwise approved by the code enforcement officer. ~~official~~.

(12) **Temporary Housing:** No tent or recreational vehicle shall be moved upon any premises within the ~~City of Independence, Kansas~~, and used for dwelling purposes for more than seventy-two (72) hours out of any thirty (30) day period. No tent or recreational vehicle shall be moved upon any ~~City~~ property ~~or parks~~ and used for dwelling purposes, except for activities approved by the governing body. ~~exception is Commission-approved activities~~. As used in this section Ordinance, recreational vehicle shall mean a vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth-wheel trailers, travel trailers, and tent trailers. The provisions of this section Ordinance shall not apply to any recreational vehicle situated within a lawfully zoned ~~Mmobile Hhome Ccourt~~.

Section 3. Amendment to Section 42-73—Notice.

C. Section 42-73 of the ~~E~~environmental ~~C~~code is hereby amended to read as follows:

Sec. 42-73. Notice.

Any person found to be in violation of any portion of this article by the code enforcement officer shall be served a notice in a manner hereinafter set forth. The notice shall substantially state the following:

(1) A description of the real estate sufficient for identification; and

(2) The condition which has caused the violation ~~of the ordinance~~; and

(3) That the person in violation shall have seven (7) days from the date of the notice to correct or alleviate the violation; in the event that the violation concerns the exterior conditions of a structure, the notice shall provide the person forty-five (45) days from the date of the notice to correct or alleviate the violation; and

(4) That the person may request in writing a hearing before the city manager, or their designee, to contest the violation, provided the written request is served upon the city clerk made no later than seventy-two (72) hours from the date of service of the notice; and

(5) After seven (7) days from the date of the notice, if the exterior violation is not abated, a second notice shall be issued and served giving notice that the City will abate the violation, and that all items constituting the violation will be considered trash and

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disposed of ~~at the landfill or approved disposal location used by the contractor~~ if not corrected within ten (10) days, ~~and~~.

(65) That failure to correct or alleviate the violation may result in issuance of a complaint for prosecution through the municipal court and/or abatement of the condition by city staff with costs assessed back to the person upon whom notice has been served.

~~Section 4. Amendment to Section 42-75—Service of Notice.~~

D. Section 42-75 of the ~~e~~Environmental ~~C~~Code is hereby amended to read as follows:

Sec. 42-75. Service of Notice.

____ The code enforcement officer, ~~or their designee~~ shall serve any notice of violation upon the person being cited in any of the following manners:

(1) By personal service; or

(2) By physically posting a copy of the notice on or near the door of the structure located on the premises or property followed by mailing a copy of the notice by first-class mail to the person being cited; or

(3) Certified mail, return receipt requested.

~~The notice shall be in writing and shall include all the following:~~

~~a. A description of the real estate sufficient for identification.~~

~~b. A statement of the violation or violations and why the notice is being issued.~~

~~c. A correction order allowing reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.~~

(4) There shall be a presumption that any notice sent by first-class mail was delivered unless the letter ~~is was~~ returned as undeliverable. Only those persons served with the notice of violation may be held responsible for the assessment of the costs of abatement.

~~Section 5. Amendment to Section 42-82—Abatement.~~

E. Section 42-82 of the ~~E~~environmental ~~C~~code is hereby amended to read as follows:

Sec. 42-82. Abatement.

____ In addition, to or as an alternative to, all other remedies of the city for violations of ~~the environmental code this article~~, the code enforcement officer ~~or their designee or any member of city staff~~ may take reasonable steps to abate the violation ~~in the following manner; If a person to whom notice has been provided has neither alleviated the condition nor requested a hearing within the time stated in the notice, the code enforcement officer or any member of city staff may take the necessary steps to abate the violation.~~

(1) Abatement Process: When abatement is utilized, the following procedure shall be observed:

a. If a person to whom a notice has been served has neither abated or removed the conditions causing the violation nor has requested a hearing before the city manager or their designee within the time periods specified in Section 42-73, the code enforcement officer may proceed to have the nuisance removed and abated from the lot or parcel of ground and report the cost thereof to the city clerk.

b. Any items removed from the premises during the abatement process shall be disposed of at a location permitted by law.

(42) Unlawful Interference: It shall be unlawful for any person to interfere with or attempt to prevent the public officer or the public officer's authorized representative from entering upon any lot or parcel of land or from proceeding with abatement of the violation(s) pursuant to Sec. 42-67.

~~(2) Abatement Process: When abatement is utilized, the following procedure shall be observed:~~

~~a. If a person to whom a notice and order has been served pursuant to Section 42-67 has neither abated nor removed the conditions causing the alleged violation nor requested a hearing before the city manager or their designee within the time periods specified in Section 42-73, the code enforcement officer may proceed to have the nuisance removed and abated from the lot or parcel of ground and report the cost thereof to the city clerk.~~

~~b. Any items removed or confiscated from the premises shall be disposed of by the City or contractor at the County landfill or proper disposal facility.~~

~~Section 6. Amendment to Section 42-86—Hardship Clause.~~

F. Section 42-86 of the ~~E~~nvironmental ~~C~~ode is hereby amended to read as follows:

Sec. 42-86. Hardship Clause.

____ The purpose of this ~~h~~Hardship ~~e~~Exemption is to provide relief from strict compliance with the ~~environmental~~ code enforcement ~~provisions regulations~~ in situations where unique and undue hardship would result from ~~the enforcement of such codes~~. The intent is to ensure fairness while maintaining the public health, safety, and welfare of the community.

(1) Eligibility for Hardship Exemption: A property owner or occupant may apply for a hardship exemption from specific ~~environmental~~ code enforcement requirements if the following conditions are met:

a. **Undue Hardship:** The enforcement of the code would result in significant economic, physical, or other personal hardship that is unique to the applicant's circumstances and not generally applicable to other properties or individuals subject to the code.

b. **Good Faith Effort:** The applicant has made a good faith effort to comply with the code requirements to the extent reasonably possible under the circumstances.

c. **No Adverse Impact:** Granting the hardship exemption will not pose a significant risk to public health, safety, or welfare and will not result in a condition that is dangerous or detrimental to the community.

d. **Temporary Nature:** The hardship is temporary and the applicant has a reasonable plan to come into full compliance with the code within a defined period.

(2) Application Process:

a. **Submission:** The applicant must submit a written request for a hardship exemption to the City Clerk, including all relevant documentation and evidence supporting the claim of hardship.

b. **Review:** The City Clerk's office will review the application, considering the nature of the hardship, the applicant's efforts to comply, and the potential impact on the community.

c. **Decision:** The City shall make a determination on the hardship exemption within ten (10) days of the application. The decision may include specific conditions or limitations as deemed necessary to protect the public interest.

d. **Appeal Process:** The applicant or any aggrieved party may appeal the decision of the City Clerk's Office to the City Manager within two (2) days of the decision. The appeal must be in writing and must state the grounds for the appeal. The decision of the City Manager shall be final.

Section 27. Repeal of Conflicting Ordinances.

All ordinances, ~~in whole or in part, which are in conflict with this or parts of ordinances in conflict with this~~ ordinance are hereby repealed.

Section ~~3~~8. Effective Date.

This ordinance shall take effect upon its publication in the official city newspaper. ~~and be in force from and after its publication in the official city newspaper.~~

~~ADOPTED PASSED AND APPROVED~~ by the Governing Body of the City of Independence, Kansas, this ~~12~~26th day of September, 2024.

Timothy R. Emert, Mayor

ATTEST:

David Schwenker, City Clerk



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 26, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider rescheduling the November 21, 2024 City Commission Meeting.

SUMMARY RECOMMENDATION Reschedule the Commission meeting if possible.

BACKGROUND While attending the MCAC Quarterly meeting last week in Cherryvale, staff learned that the next quarterly MCAC meeting is scheduled in Independence on November 21, 2024, the same evening as the City Commission meeting. If the Commission wishes to reschedule the November 21, 2024 City Commission meeting at 5:30 PM, here are some options:

1. Tuesday, November 26, 2024, at 5:30 PM - Rescheduling for the following week would also allow the items from the November 12th Planning Commission meeting (delayed one week due to the general election) to be considered before the December 12th City Commission meeting due to the 14-day protest period. However, it is also two days before Thanksgiving, and if any Commissioners are traveling for the holidays, this may not be possible.
2. Move the time of the November 21, 2024 meeting to 4 PM—Since there is already a City Commission meeting on November 14th, the November 21st meeting is anticipated to have a light agenda. This should allow staff and Commissioners to attend the MCAC meeting at 5:30 PM.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION Options:

1. I move to reschedule the November 21, 2024 City Commission meeting to _____ date and _____ time.
2. I move to not reschedule the November 21, 2024 City Commission meeting.

SUPPORTING DOCUMENTS



Report
CITY OF INDEPENDENCE
September 26, 2024

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM City Board Minutes

BACKGROUND

SUPPORTING DOCUMENTS

1. City Rec Com Sept 18, 2024 Monthly Meeting Budget & RNR Hearing

INDEPENDENCE RECREATION COMMISSION

Monthly Meeting & RNR/Budget Hearing September 18, 2024

Ash Youth Center
1501 N. 10th Street
Independence, KS 67301

Members Present:

Christy Mavers
Joe Housel
Greg Kelley
Moises Rivera

Others Present:

Brent Julian
Lori Bromley
Nick McBride
Jim Butts
Galen Palmer
Lacey Lies

Christy Mavers opened the commission meeting at 11:30 a.m.

ROUTINE

Agenda

Greg Kelley moved to approve the agenda as printed. Moises Rivera seconded. Motion carried 3-0.

Minutes

Greg Kelley moved to approve the minutes from the August 21, 2024 board meeting. Moises Rivera seconded. Motion carried 3-0.

Bills

Moises Rivera moved to approve the September 2024 invoices and checks for payment as presented in the amount of \$4,614.82 as well as bills and employee benefits paid since the last board meeting in the amount of \$32,414.57. Greg Kelley seconded. Motion carried 3-0.

Treasurer's Report

Galen Palmer reported the following bank balances as of August 31, 2024: First Oak Bank - Checking: \$82,423.93; First Oak - Petty Cash: \$500.00; Equity Bank - Savings \$90,798.07. Moises Rivera moved to approve the treasurer's report as presented. Greg Kelley seconded. Motion carried 3-0.

Joe Housel arrived at the meeting and Moises Rivera left the meeting.

REVENUE NEUTRAL RATE HEARING

Revenue Neutral Rate Review

Director, Brent Julian, discussed the revenue neutral tax rate (RNTR) with the commission and answered any questions. Brent stated that the RNR senate bill 13 is still relatively new, however IRC is not requesting to raise any mills but rather asking to go above the revenue neutral rate due to an increase in property tax valuations, which is a difference of approximately \$23,000 per mill this year.

Community Input

One member of the community was present and asked for an explanation on the Revenue Neutral Rate and what that will mean for her property taxes as well as the Independence Recreation Commission. Brent answered any questions from the community and informed the guest that IRC will not raise their taxes and it will remain at 4 mills in the general fund and 1 mill in employee benefits as it has been for many years. Lacey Lies with the city of Independence was present at the hearing and provided additional information regarding the Revenue Neutral Rate as calculated by the County Clerk.

Commission Input

The commission had no further questions. On the motion of Greg Kelley, seconded by Joe Housel, the Independence Recreation Commission adopted to exceed the Revenue Neutral Rate.

Aye: Christy Mavers, Greg Kelley, Joe Housel

Nay: None

BUDGET HEARING

Budget Review

Director, Brent Julian, handed out copies and reviewed the 2024-2025 budget with the commission members and answered any questions. Brent stated that IRC will remain at 5 mills and a total overall budget of \$1,194,550.00. Brent informed the board that he has included in the budget capital improvements in the amount of \$176,000.00 for upgrades at the Ash Youth Center, the ball fields and refurbishing the restroom floors.

Community Input

There was no community input at the meeting.

Commission Input

The board reviewed the 2024-2025 budget with Brent and addressed any concerns. Christy Mavers stated she would like to see improvements to the concession stands at the ball fields and Greg Kelly stated he would like Brent to look into security cameras for the outside area of the Ash Center. On the motion of Joe Housel, seconded by Greg Kelley, the Independence Recreation Commission adopted the 2024-2025 budget as presented.

Aye: Christy Mavers, Greg Kelley, Joe Housel

Nay: None

PROGRAMS/OPERATIONS

Maintenance Report

Jim Butts answered any questions the board had on the maintenance report. Jim informed the board that the pump went out on the indoor pool and he has taken it to Zimmerman Electric in Chanute. Jim stated that unfortunately the back-up pump seized up and will not work either, so he will have Zimmerman look at it as well. The indoor pool is down for the time being but Jim hopes to have it ready to go again next week.

Programs Report

Nick McBride answered any questions the board had on the programs report. Christy Mavers asked about the participation numbers for fall sports. Nick stated that all numbers are up except for flag football, stating that some class sizes are smaller in certain groups which could account for some of the decline, but overall the soccer numbers are the largest they've ever been in the fall, and youth volleyball is also up this year. Nick informed the board the IRC still offers tackle football; however no other recreation departments do in this area and with the football club still being active, IRC just does not have the participation numbers needed for a successful program. Christy stated that the only complaint she has heard about playing the fall sports on the Arco Complex is the parking situation.

Director/Aquatics/Special Events Report

Brent Julian answered any questions the board had on the director/aquatics/special events report. Christy Mavers asked if Gloria Price was still running the Buddy Ball program for IRC and Brent stated that she is with the help of the ICC softball team. Brent stated the program just got started for the season and so far so good. A discussion was held on the Pickleball program at the Ash Center; Brent went over the days and times with the commission.

BUSINESS/FINANCE

Approval of the 2024-2025 Budget

Joe Housel moved to approve the fiscal year 2025 budget as presented. Greg Kelley seconded. Motion carried 3-0.

Ash Center Pool Update

Brent informed the board that he hopes to have the indoor pool back up and operating by the first of next week. Brent stated the pool is back open for fall hours with open swim on Saturday and Sunday 1:00-5:00 p.m.

RBFAC Update

Brent informed the commission that the pool closed for the season on Sunday, August 11th. Brent stated that he and Jim went on a walk-thru with city officials to discuss important projects to improve Riverside Beach Family Aquatic Center. Brent stated that the city discussed the pump which goes to the main play feature as well as the slides; they also have deck lights on their to-do list, and repairing the cracked countertops in the concession stand. Brent stated the diving boards just came in and they will be replaced before opening next summer and he also would like IRC to move forward and pay for the deck lighting asap. Brent informed the board that the financial reports on the pool should be ready to discuss by the October meeting.

EXECUTIVE SESSION

Greg Kelley moved to approve going into an executive session for approximately ten minutes. Joe Housel seconded. Motion carried 3-0. The regular meeting re-convened at 12:28 p.m.

ITEMS FROM THE COMMISSION

There were no items from the commission

ADJOURNMENT

The meeting was adjourned at 12:32 p.m.

Respectfully Submitted,

Joe Housel
Secretary



Report
CITY OF INDEPENDENCE
September 26, 2024

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Projects and Public Works Report

BACKGROUND

SUPPORTING DOCUMENTS

1. Project Status 9-2024cc

	Project Title	Project Description/Scope	Approx. Cost (000's)	Grant Portion	Arch. or Eng. Partner	Status	Last Month Progress	Next Month Plan/Issues	Projected Const Start	Projected Compl.
1	SS4A	Safe Streets for All grant.	\$1,605	\$1,605	TranSystems	Pre-grant.	Wait for FHWA feedback. (Reached out to FHWA)	Contacted FHWA, awaiting feedback.	TBD	TBD
2	Whiskey Creek	Artificial lake for runoff water impoundment	TBD	TBD	TranSystems	Conceptual Design.	Received comments on environmental report.	Complete environmental report (incorporate comments) and PER for grant application, conceptual layouts.	TBD	TBD
3	CCLIP Grant - 10th	Reconstruct 10th between Main and Laurel	\$1,700	\$1,500	TBD	Pre-design.	1302 sent to KDOT.	After KDOT adds project to program, will work RFP for design construction with KDOT	3Q26	2Q27
4	Water Plant Next Phase	Water Plant Capital Work Per Master Plan	\$7,000	n/a	PEC	Design.	Reviewed DHS report, sent to PEC for potential inclusion.	Held update with PEC, preparing for bid. November?	3Q24	4Q26
5	Big Straw	Water pipeline to Bartlett.	\$11,000	All (via Bartlett)	EBH	Phase II Design.	Pumphouse design review held.	Receive pumphouse bids. (Pipeline construction 5% under budget)	4Q23	2Q25
6	SPCC - Airport	Containment upgrades for fueling	\$150	n/a	TranSystems	Pre-bid.	Reviewed documents, requested revisions.	RCA for permission to bid in October?	4Q24	1Q25
7	Transp. Alt. Grant	8' sidewalk to Wal-Mart and Labette	\$1,350	\$980	TranSystems	Pre-bid.	Start ROW acquisition (temporary work space more than originally anticipated).	Start ROW acquisition (temporary work space more than originally anticipated).	4Q24	2Q25
8	KDHE Wastewater Loan	New sewer lines around 1st and Birch and around the Westminster area.	\$3,000	TBD	TranSystems	Pre-bid.	Reached out to KDHE. Some portion of the project may be subject to loan forgiveness.	KDHE sent out approval document, requesting permission to bid.	1Q25	2Q25
9	FAA - Rehab Pavement	Rehabilitate portions of the taxiways at Independence Municipal Airport.	\$645	\$65	Lochner	Pre-construction.	Award project, work contracts.	Wait for construction (2Q25).	2Q25	3Q25
10	Enterprise Drive	Buildout of street, utilities	\$1,700	\$1,300	TranSystems	In construction.	Preparing additional response.	Preparing additional response.	1Q22	1Q25
11	Incubator HVAC	Buildout of HVAC, Incubator Building.	\$250		n/a	In construction.	Commission approved.	In construction	3Q24	4Q24
12	KDOT: Maple Street Cost Share	Complete rebuild, 17th Street to City Limits	\$3,780	\$1,600	TranSystems	In construction.	Preparing for condemnation of Atmos if required.	Atmos has responded.	1Q22	4Q24
13	CCLIP Grant - Main	Main Street - 8th to 2nd, mill and overlay	\$1,297	\$800	TranSystems	In construction.	Setting up preconstruction conference.	Project in construction.	3Q24	3Q24
14	Precision Rail	Rail work to be paid for by KDOT grant and precision, contract with City.	\$1,000	\$1,000	(Precision)	In construction.	Nearly complete.	Nearly complete.	3Q23	4Q24
15	Waterline/Meter Project	New Water Meters, Replace Some Water Main	\$3,600		PEC	In construction.	Project in progress.	Project in progress, October completion (RR permit delays).	1Q24	3Q24
16	Jefferson Subdivision	Streets and infrastructure for new subdivision.	\$1,100		TBD	In construction.	Paving complete.	Finish sidewalks.	1Q24	3Q24
17	CCLIP Grant - Penn	Reconstruct Penn from Morningside to City Limits	\$500	\$370	TranSystems	Complete.	Project under construction, September completion.	Project complete.	3Q24	3Q24
18	KDOT KAIP	New Beacon	\$120	\$108	Lochner	Complete.	Erect beacon early October.	Beacon arrived early. Complete.	3Q24	3Q24
19	Airport Infrastructure	Paving at airport to support business.	\$360	\$275	Echelon	Complete.	Awaiting schedule for work.	Work substantially complete.	3Q24	3Q24
20	2024 Mill and Overlay	Mill and Overlay Oak St. from Penn to 13th, Residential Streets.	\$300		TranSystems	Complete.	Schedule precon.	Complete.	3Q24	3Q24
A	KDOT Cost Share	RCA for Cost Share	TBD	TBD	TranSystems	Developing.	RCA for Commission Approval.	Apply for grant.	2025	2026

Green shade denotes changed/new information from last month.



Report
CITY OF INDEPENDENCE
September 26, 2024

Department Admin

Director Approval Kelly Passauer, April Nutt

AGENDA ITEM Quarterly Admin and Housing Goals Update

BACKGROUND

SUPPORTING DOCUMENTS

1. 2024-Q3-Admin
2. 2024-Q3-Housing

Initiative	Step	Owner	09/26/2024 Status	06/27/2024 Status	Type - Administrative, Process or Capital	Approximate Cost (000s)	Target Completion	Related Commission Goal #	Related Commission Goal Subset
1 Decide on Maintenance Code	Present and Adopt Maintenance Code Based on Pittsburgh	David Cowan	Draft ordinance completed by staff. Waiting legal review for possible action on the 09/26/2024 Commission meeting.	In legal review.	Administrative		1Q25	2	a
2 Beautification - Demolition	Develop Process - Blight to Redevelopment	David Cowan and April Nutt	In the 2025 budget, \$75,000 has been allocated for the demolition of blighted properties, with an additional \$25,000 secured from the Housing Authority. This total of \$100,000 will allow accelerate the removal of an estimated 20 - 25 unsafe and unsightly structures. The Housing Steering Committee plans to finalize a matrix to help prioritize which houses will be demolished in 2025 now that the amount of funding has been established.	Staff identified 326 potentially vacant houses, 35 of which the Code Enforcement office determined should be considered for demolition. Partnering with the Housing Authority, additional funds are being requested in 2025. The Housing Steering Committee will finalize a matrix to help prioritize which houses will be demolished in 2025 based on the available funding.	Administrative	\$210	Ongoing.	4	a
3 ADUs	Adopt New Zoning Standards	Kelly Passauer	The Planning Commission held a work session with the consultants on July 30, 2024. Staff met with the consultants on September 18, 2024. The new zoning regulations are expected to be adopted in the first quarter of 2025.	Contract approved by the Commission on 03/14/2024. Update scheduled to start in July and be completed in November.	Administrative	\$25	1Q25	10	a
4 Infrastructure Priorities	Extend sewer in existing neighborhood for additional housing (potentially seek public-private partnership)	John Garris and April Nutt	Funds were included in the 2025 adopted budget for this project.	It has been requested in the 2025 budget.	Capital	\$100	4Q25	11	a
5 Artificial Lake	Research Grant Opportunities and Other Funding Sources	Lacey Lies	PER and Environmental study are near completion (within the next month), but not yet complete.	Contracted for the Preliminary Engineering Report (PER) and environmental study needed before we can apply for grant funding.	Administrative		TBD	11	c
6 Artificial Lake	Develop Plan - Artificial Lake, include Flood Control, Streets, Drainage, Housing, Recreation	John Garris	Initial concepts were reviewed by the Housing Steering Committee and feedback was provided. We have recently received additional alternatives that the Housing Steering Committee will review at their next meeting.	Contracted with two firms to provide alternatives for a preliminary overall project layout which is needed to move forward.	Capital	TBD	3Q24 for Preliminary Concepts	11	d
7 Infrastructure Priorities	Water Improvements in Neighborhoods with Low Water Volume	John Garris	\$75,000 was included in the approved 2025 budget for the master plan.	Funds have been requested in the 2025 budget to develop a master plan.	Administrative	TBD	Ongoing	12	b
8 Infrastructure Priorities	Plan for Future Downtown Streetscape	David Cowan	The CCLIP project is under construction. TranSystems has been requested to provide a design contract for the SE and SW corners of Penn/Chestnut.	Stamped concrete brick design selected to match existing brick pattern downtown. Planned implementation in CCLIP project this Summer at Main/Penn in 3Q24, and in 2025 at SE and SW corners of Penn/Chestnut.	Administrative		Concept Completed	12	c
9 Incubator Building	Identify and Implement Feasible Projects to Lower Maintenance and Energy Costs	John Garris	On 9/12/2024, the Commission authorized the first phase of converting the building to a less complex conventional HVAC system with the end goal of getting the building off the energy center.	All low/no-cost actions recommended by the engineering firm have been implemented. Waiting on additional recommendations for further modifications to the mechanical system.	Administrative		Low/No-Cost Actions Completed	18	a
10 Incubator Building	Continue to Coordinate with Potential Buyers	Kelly Passauer and David Cowan	On 9/12/2024 the Commission authorized a lease for a portion of the first floor to Kansas Medical Center (Cardiology). City staff will update the RFP to contract with a Realtor for the future sale or lease of the building.	The City is currently in discussions with three potential businesses regarding the possibility of a long-term lease and the buildout of their rental space. This will make the building more attractive to potential investors in the future.	Administrative		Until sold or removed.	18	b
11 Incubator Building	Performance Stipulations in Purchase Agreement (POLICY)	Jeff Chubb	The City Attorney will work with the Ec Dev Subcommittee to prepare the performance stipulations.	Pending sale.	Administrative		With Sale	18	c
12 Infrastructure Priorities	Evaluate Stormwater Collection Fee	John Garris	City staff reviewed the websites of other cities in the County to determine if they were charging a stormwater fee, and found the following: 1) Originally established in 2006, the City of Coffeyville's current Stormwater Utility Fee as of 09/13/2013 is \$7 per month (\$84 annually) to all residential customers and \$15 per month (\$180 annually) to non-residential customers; 2) Since 01/01/2021, the City of Cherryvale has assessed a Stormwater Development Assessment Fee of \$1.67 per month (\$20.04 annually) to all of its customers. 3) No such fee was found for Caney.	The City Attorney recommends not pursuing this.	Administrative		1Q24	20	a
13 Growth of Tax Base	Extension of Service Plan, Review and Update Pre-Annexation Policy	Kelly Passauer	Start after Zoning Code Update.	Start after comp plan adopted.	Administrative		3Q24	20	b
Green shade denotes changed/new information from previous quarter.									

	Initiative	Step	Owner	09/26/2024 Status	06/27/2024 Status	Type - Administrative, Process or Capital	Approximate Cost (000s)	Target Completion	Related Commission Goal #	Related Commission Goal Subset
1	Explore Housing Initiatives	Give extra attention to Middle income housing such as moderate-high end rental units, townhomes	April Nutt	Construction on the Jefferson Subdivision infrastructure will be completed September 2024. Housing Authority approved First Step Builders to construct five homes in the first phase. IHA Board has approved going out for bid on 8 -12 homes in the first phase. Bids should be let October 2024.	Construction on the Jefferson Subdivision infrastructure continues. Final Plat approved. Housing Authority approved First Step Builders to construct five homes in the first phase, along with the Housing Authority constructing 7-10 homes (total of 12 - 15 total).	Administrative		4Q24	1	a
2	Explore Housing Initiatives	Give extra attention to Middle income housing such as moderate-high end rental units, townhomes	April Nutt	NEW - Upper Story Housing Downtown: 1) Trident (6 buildings, 20 apartments) - The first project will be 106-108 North 8th. Bids have been received for exterior work, developer is currently waiting on paperwork approval from the Department of Commerce; 2) Morrison (1 building, 11 apartments) - CUP approval on 9/26/2024 City Commission agenda, construction to start soon after.				TBD		
3	Explore Housing Initiatives	Give extra attention to Middle income housing such as moderate-high end rental units, townhomes	April Nutt	NEW - Working to establish an RHID for Rainbow Drive and Morrison Builders downtown building located at 113 West Myrtle.		Administrative	N/A	4Q24	1	a
4	Financing - Down Payment Assistance Plan	Partner w/ Housing Authority, MCAC (Similar)	April Nutt	The Housing Steering Committee plans to explore Employer Assisted Housing that could help offset Down Payment Costs.	No action this period.	Administrative		4Q24	1	b
5	Beautification - Assist Homes	Partner w/ Civic Groups to target homes for beautification	April Nutt	IHA in partnership with CMIH have been working each Wednesday morning in rehabilitating 705 North Penn. Currently 3/4 of the first floor has been fully gutted.	The Independence Housing Authority (IHA) purchased one house (705 N. Penn) from the Independence Landbank. In partnership with CMIH, the remodeling has begun on the IHA-purchased home.	Administrative		1Q25	2	c
6	Beautification - Assist Homes	Infill & Rehab - Target high traffic corridors	April Nutt	One house on a high-traffic corridor (705 North Penn) continues to be rehabbed.	One house on a high-traffic corridor was purchased from the tax sale by the Landbank and is in the process of being rehabbed by IHA.	Process	Normal budget.	1Q25	2	d
7	Land Bank	Bolster and raise seed money	April Nutt	The Landbank has approved the sale of two homes purchased at the tax sale to private individuals and the two remaining homes to community organizations for rehabilitation. The Landbank continues to market the downtown vacant lot.	The Landbank continues to market the sale of an available downtown vacant lot. While some activity has occurred with an interested party, a contract for sale has not been finalized.	Capital	TBD	4Q24	3	a
8	Explore Housing Incentives	Partner with Housing Authority, EDAB, and Land Bank (Similar)	April Nutt	The adopted 2025 budget included the following funding related to improving housing: 1) \$25,000 additional for demolition to be matched by the Housing Authority; 2) \$50,000 additional funding for a total of \$100,000 for the Neighborhood Exterior Grant for 2025 as recommended by EDAB for 2024; and 3) \$100,000 for extending utilities to undeveloped property subject to the Housing Authority purchasing the property.	Additional funding is being requested in the 2025 budget: 1) \$25,000 additional for demolition to be matched by the Housing Authority; 2) \$50,000 additional funding for a total of \$100,000 for the Neighborhood Exterior Grant for 2025 as recommended by EDAB for 2024; and 3) \$100,000 for extending utilities to undeveloped property subject to the Housing Authority purchasing the property.	Administrative		4Q24	6	a
9	Beautification - Assist Homes	Promote existing incentives	April Nutt	There are 23 approved Neighborhood Exterior Grant applications with committed funding of \$90,106.80. 12 of the 23 applications have been completed and closed.	There are 13 approved Neighborhood Exterior Grant applications with committed funding of \$47,041.80. Two applications were denied as they did not meet program guidelines.	Administrative		4Q24	8	a
10	Financing - Down Payment Assistance Plan	Housing Initiatives (Similar)	April Nutt	The Housing Steering Committee plans to identify down payment assistance programs and compile the data into a marketing brochure.	No action this period.	Administrative		4Q24	9	a
11	Beautification - Assist Homes	Establish RHID in Older Neighborhoods	April Nutt	The Housing Steering Committee plans to identify the perimeter of the proposed RHID in older neighborhoods, with a focus on the areas along the highway corridor and surrounding the historic downtown.	No action this period.	Administrative		2Q25	12	a
Green shade denotes changed/new information from previous quarter.										