

AGENDA
Independence Planning Commission
Independence Board of Zoning Appeals

Tuesday, March 2, 2021

Civic Center Memorial Hall 5:30 p.m.

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

Call to Order

Minutes

- a. Consider approving minutes of the February 2, 2021 meeting.

Planning Commission

- b. Reconsider a request to rezone a tract of land from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District at 2313 North Pennsylvania Avenue.
- c. Public hearing to receive comments on a request for a Planned Unit Development at 2313 North Pennsylvania Avenue.
- d. Consider recommending the City Commission adopt an ordinance establishing a temporary moratorium on commercial cannabis activity, including but not limited to medical marijuana and recreational marijuana.
- e. Report on County Gravel Parking Lot Status -- Conditional Use Permit for Supplementary Parking at the Southwest Corner of Wald Avenue & Myrtle Street
- f. Other discussion.

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

- g. No items.

Adjournment

- a. Consider approving minutes of the February 2, 2021 meeting.**

MINUTES

Independence Planning Commission

Independence Board of Zoning Appeals

Tuesday, February 2, 2021

Civic Center Memorial Hall 5:30 p.m.

Call to Order

The Planning Commission meeting was called to order by Kendall Neill.

Planning Commissioners Present

Michelle Anderson (by phone), Mary Jo Meier (in person), Lisa Richard (in person), Kendall Neill (in person), Anthony Royse (in person), Rachel Lyon (in person), Barb Emert (in person), Brent Littleton (by phone)

Planning Commissioners Absent

Andy McLenon

Staff Present

Kelly Passauer, City Manager (in person); David Cowan, Assistant City Manager (in person); Jeff Chubb, City Attorney (in person), April Nutt, Housing Director (in person), Lydia Collins, Administrative Aide (in person).

Visitors

Larry McManus
Jim Wright
Stacy Boyer
Nancy Clubine
Tamisha Sewell
Kathleen Reynolds
Tim Raglin

Minutes

- a. Consider approving minutes of the January 5, 2021 meeting.**

Tony Royse made a motion to approve the minutes of the January 5, 2021 meeting, Rachel Lyon seconded the motion. The motion carried 8 - 0.

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

- b. Public hearing to receive comments on a variance request to exceed the maximum size allowed for a wall sign in a C-2, commercial services district at 311 East Main Street.**

The following staff report was provided:

Overview of Variance Requested

The Board of Zoning Appeals has received an application from The Tree House of Family Learning Center, represented by Tamisha Sewell, to grant a variance from the sign regulations provided for in the zoning ordinance. Their request is to create a mural of a tree house with a sky background and the name of the daycare on it. The entire mural exceeds sign size regulations for a wall sign.

Section 802.5 subsection “a” provides for the following:

802.5. District C-2, general business district and District C-4, highway commercial district:

a. Wall and marquee sign: Each business or commercial establishment shall be permitted not more than three illuminated or non-illuminated wall or marquee signs, not more than one on a facade, the total area of which sign shall not exceed 20 percent of the total area of the facade upon which it is placed. Such signs shall not extend above the average roof level of a one-story building more than five feet and shall not extend above the average level of a two or more story building. Any signs painted directly upon wall surfaces shall not exceed 20 square feet in area.

Review of Request

The applicant is requesting to paint an 8’ X 33’ or 264 sq. ft. mural on the east side of the building. 20% of the total area of the east façade (approximately 830 sq. ft) is approximately 165 sq. ft. The City Code does not specifically address murals; however, the City Attorney has advised that they are classified as a sign. Painted wall signs that shall not exceed 20 square feet in area is the closest reference to this type of signage.

Board of Zoning Appeals Considerations

In considering the providing of a variance we wish to provide the following information:

- a. *That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant; Other than the very long shape of the building, staff did not find a condition unique to this property not ordinarily found in the C-2 district. There have been community murals painted on downtown buildings in the C-3 zone with City Commission approval.*
- b. *That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents; It is not believed that this mural will create any adverse effects to adjacent property owners.*
- c. *That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application; The hardship would be that the applicant would not be allowed to paint a mural that exceeds the sign regulations. The applicant would consider leaving the name of the business off the mural and placing a sign on the front (north) façade stating the business name.*
- d. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; It does not appear that the variance will affect public health, safety or general welfare.*
- e. *That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations. According to section 801.2 of the zoning code, the intent and purpose of the sign code is: “Regulation of the location, size, placement, and certain*

features of signs is necessary to enable the public to locate goods, services, and facilities in the City of Independence without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein.” The purpose of this sign is to provide a fun theme to a daycare business. It is not clear whether the request is opposed to the general spirit and intent of the zoning regulations since murals which may not include advertising are not clearly addressed.

Staff Analysis

If the Board of Zoning Appeals wishes to approve this request, one option may be to require that any text included in the sign not exceed the 20 square foot maximum.

Possible Motions

To deny:

I move to deny a variance to exceed the maximum size allowed for a wall sign in a C-2, commercial services district at 311 East Main Street due to the size of the proposed sign greatly exceeds what is allowed.

To approve:

I move to approve a variance to exceed the maximum size allowed for a wall sign in a C-2, commercial services district at 311 East Main Street on the condition that any text not exceed 20 square feet.

Kendall Neill opened the hearing.

Tamisha Sewell stated that she wishes to paint the outside of the building to make it look nicer, incorporating the windows into the mural. Tamisha and others will be doing the painting.

Kendall Neill asked what we have done in the past. Kelly Passauer stated that previous murals were not for a specific business as they were community focused art as part of ASTRA. Kendall stated that 165 square feet would be 20% of the building area and that murals are classified as signs. Rachel Lyon asked if the issue was the name of the business. Kelly stated that the entire mural is considered a sign according to the City Attorney. Kendall asked if part of the issue is that part of the labor would cut into the budget. Tamisha said yes and that it is entirely concrete and there is not really room out front and no sign can be put into the right-of-way. Kendall stated this would be a one of a kind in the area and asked if it is in the historical district. Tamisha said it is just outside the historical downtown district. Lisa Richard said the building is ugly and this would be a big improvement. Rachel said she agreed and if they could stay within the 20% it would look great.

Kendall Neill made a motion to approve a variance to exceed the maximum size allowed for a wall sign in a C-2, commercial services district at 311 East Main Street on the condition that any text not exceed 20 square feet, Rachel Lyon seconded the motion. The motion carried 7 – 1 with Michelle Anderson dissenting.

c. Other discussion:

1. County Gravel Parking Lot Status -- Conditional Use Permit for Supplementary Parking at the Southwest Corner of Wald Avenue & Myrtle Street
 - a. County Representative(s) – Jim Wright asked that the City reconsider allowing them to continue with the original conditional use permit. Kelly Passauer said that the City Commission extended the conditional use permit previously. After that there were text amendments recommended by the Planning Commission relating to hard surfacing of parking areas in industrial zones that the City Commission denied. Jim Wright asked the Planning Commission to remove some of the conditions included in the original conditional use permit. Lisa asked who prepared the documentation the County provided at the meeting. Kelly Passauer stated that was what the County previously submitted to the City Commission in 2017 which was tabled. Lisa Richard asked what the changes were from the resolution that was approved. Jim Wright stated that the hard surface, screening, and lighting requirements were removed. Lisa Richard suggested that a new resolution be prepared with the three changes. Kelly Passauer stated that she believes there are more changes than that requested by the County. Lisa Richard asked for a red-line document to compare so that they know exactly what they are considering. Rachel Lyon asked if there had been any other concerns and Jim Wright said not to his knowledge. Lisa Richard asked why the Commission tabled it and Kelly Passauer said she believes it might have been tabled because the Planning Commission was reviewing text amendments regarding gravel parking lots. However, the Commission did not accept the Planning Commission's recommended modifications, so the code stayed the same. Kendall Neill asked if there were any others that had been forced to comply. Tony Royse stated that the City had to comply and concreted their apparatus bay driveway to come into compliance. He also said it is always going to be used as a parking lot so that will not change. Larry McManus, County Commissioner said they were never notified after the item was tabled in 2017 and if the County did not have this parking area it would force their employees to park in the street. Jim Wright said across the street to the east and to the north there is gravel parking. Kelly Passauer said the existing gravel parking lots are grandfathered in. Kendall Neill stated that he did not feel like they had enough information.
2. Tiny houses
 - a. April Nutt, Housing Authority Director – Kelly Passauer stated that she put together the information that had been presented previously, and that information had been shared with April. April stated she was here to answer questions. Rachel Lyon asked April if she saw a benefit to having tiny homes. April said after some research that tiny homes are difficult to get loans on as the County considers them as a glorified shed. They are technically considered an RV by banks and should not be allowed across the community. April brought up concerns about what requirements will

there be as far as foundations, etc. She further stated that a lot of communities are using them for Veterans and underserved people. Long-term she questioned if they would be like a mobile home and if this is this how the community wants to go. Building codes will have to be considered like hooking up to City services or have a compost service. She further stated that they depreciate just like a car and if used to subsidize she would be concerned, but rentals would be a different story.

Rachel asked if a permanent foundation was installed would it still be considered an RV, and April replied that it would. Lisa Richard asked if the City has a minimum size for homes. Kelly Passauer said the current Building Code requires one living area to be a minimum of 120 square feet. However, if the Commission adopted a new Building Code it requires a minimum of 75 square feet for each habitable room. Lisa Richard asked if they had the square footage and hooked up to City services if they might be allowed. David Cowan stated that most of the tiny homes are not going to have one room that is 120 square feet, and there are other building code requirements that might be a challenge. Another concern that was brought up was whether they would devalue a neighborhood. It was discussed to allow them in a specified area which might be more viable.

Further questions were asked about the classification as an RV. Jeff Chub said the banks look at securing collateral and when these homes are brought in and placed on property it is considered personal property. If it is permanently affixed, it can have an elimination affidavit and be changed to real estate.

Mary Jo Meier recommends looking at the place in Bartlesville for the underprivileged. When compared to some of our trailer parks here, it looks nicer. It would meet a need and look nice.

April Nutt said the one in Bartlesville is a rental community, and that these types of developments pop up in larger cities where rent is high. Kendall Neill asked if they were within City limits and if so, we could get with the City of Bartlesville to get some information for them.

Kelly Passauer said the Planning Commission could develop regulations. Rachel Lyon said she could not rebuild on her property because of the size of her lot. Mary Jo Meier asked if anyone had asked about doing a 501(c)3. April Nutt said no one had asked her or the Housing Authority and David Cowan said that he gets about one call a month asking if they can build a tiny house.

Kendall Neill said the houses in Bartlesville are not that tiny. April Nutt said they are 564 sq ft but they will not appreciate or appraise out. Mary Jo Meier said it looks good as a well thought-out pre-planned community, it is very aesthetic and they are prefabbed so you just put them together.

Kendall Neill asked who owned the tiny houses and Mary Jo Meier said it is a corporation. April said she tried to reach out but they have not called her back. The rent includes all utilities which makes it easy for those who have challenged incomes. Barb Emert asked how they are heated and

cooled. April Nutt said they are like a regular home, all electric or gas, you just have to be careful about mold issues. Kelly Passauer asked April if there was a certain minimum size she would recommend. April Nutt said she could research it. Kelly Passauer asked if the board would like to have April Nutt research this topic. Kendall Neill said we could all do some research and get back together to discuss. April Nutt said she could reach out to Lawrence and see why the one there is outside city limits. She can also reach out to the City of Bartlesville. I have not found any communities of our size that have tiny houses. Kelly Passauer asked if David Cowan could research what size of structures are being built. David Cowan said there has been no residential construction in the past year and the newest construction is a very large house. April said you could have an area where tiny homes could remain on wheels. Kelly Passauer suggested that we revisit this at the April meeting.

3. To discuss at the July meeting -- Marijuana dispensaries
 - a. Review the conditional and permitted use table.
 - b. Setting specific restrictions as a special conditional use.
4. To discuss at the March meeting – 2313 N. Penn Avenue Rezoning

Adjournment

Barb Emert moved to adjourn the meeting, with Kendall Neill seconding the motion, which passed 8 - 0.

Kendall Neill, Chair

Rachel Lyon, Secretary

b. Reconsider a request to rezone a tract of land from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District at 2313 North Pennsylvania Avenue.

On January 5, 2021 the Planning Commission held a public hearing regarding a rezoning 2313 North Pennsylvania Avenue from R-1 to C-1. The applicant requested that the hearing be adjourned as they wished to also apply for a PUD overlay because the building they proposed to construct exceeds the size allowed in a C-1 district. However, several residents were in attendance, and a motion to adjourn the hearing as requested died due to a lack of a second and the public hearing commenced. Once the public comments were completed the following motion was made:

Tony Royse moved to deny a request to rezone a tract of land located at 2313 North. Pennsylvania Avenue from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District. Kendall Neill seconded. Lisa Richard and Michelle Anderson dissented. Motion carried 5-2.

This recommendation was forwarded to the City Commission for consideration at their January 28, 2021 meeting. At that meeting, the applicant advised the Commission that they were denied the opportunity to present their requests at the same time for the Planning Commission to consider. The City Commission returned the recommendation to the Planning Commission so that they could consider the rezoning and PUD at the same meeting. Since there was not enough time to meet the publication and notice deadline for the February meeting, this was rescheduled for the March 2, 2021 meeting. Notices were sent out to property owners within 200' and the notice of the PUD hearing was published in the newspaper by the deadline.

The previous staff report is attached. Below are sample motions:

Suggested Motion to approve with restrictions:

I move to recommend approving a request to rezone a tract of land located at 2313 North. Pennsylvania Avenue from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District with the following restrictions which shall be binding on all future owners, assigns or heirs:

1. The applicant will obtain all necessary City of Independence and State of Kansas licenses and/or permits to operate the uses proposed.
2. All parking, entrance and exit drives must be designed to minimize traffic congestion on public streets.
3. Any additional exterior lighting on site will be designed in such a way that it will not be directed toward or create a nuisance to any adjoining properties. Such lighting will need to be approved by the Zoning Administrator.
4. To limit noise that could affect adjoining areas there shall be no outside

audio or paging equipment that exceeds a volume level that can be heard at any of the adjoining residential dwellings under separate ownership other than the auto dealership and service center properties.

5. The location of solid waste equipment shall be designed by the company and will need to be approved by City staff. All solid waste shall be kept in containers which shall be screened from adjoining properties.
6. Any off-street parking areas will meet the minimum off street parking requirements; shall be maintained in appearance and shall be used solely for parking of the customers and employees of the business. Such parking area may not be used for storage of vehicles, equipment or merchandise.
7. A drainage plan designed to adequately handle a 10 year or greater storm event must be submitted by an engineer licensed in the State of Kansas to ensure that any increased runoff will be dealt with in such a way so as not to negatively impact nearby or downstream properties.
8. All property lines must be established by a surveyor licensed in the State of Kansas.
9. A detailed site plan shall be submitted to and approved by City staff prior to any such work commencing.
10. All improvements will be maintained and kept in serviceable condition; and the property must be kept free of debris and trash.
11. The applicant will comply with the C-1 district regulations, unless variances are granted or a P.U.D. is approved modifying such district regulations.

This motion is based on the following findings: [Choose only those that the Planning Commission determines as applicable]

- *Conformance with the Comprehensive Plan*
- *Character of the Neighborhood*
- *Zoning and uses of properties nearby*
- *Availability and adequacy of required utilities and services to serve the proposed use*
- *Staff recommendation*

Suggested Motion to deny:

I move to recommend denying a request to rezone a tract of land located at 2313 North. Pennsylvania Avenue from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District. This motion is based on the following findings: [Choose only those that the Planning Commission determines as applicable]

- *Nonconformance with the Comprehensive Plan*
- *Character of the Neighborhood*
- *Zoning and uses of properties nearby*
- *Availability and adequacy of required utilities and services to serve the proposed use*
- *Staff recommendation*

Planning Commission

- d. **Public hearing to receive comments on a request to rezone a tract of land from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District at 2313 North Pennsylvania Avenue.**

Summary:

The Planning and Zoning Commission received a request from AAB Engineering, LLC, to rezone a tract of land from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District at 2313 N. Pennsylvania Avenue.

The legal description is: The North Half of Lot 7, Block 1, Highland Park Addition to the City of Independence, Montgomery County, Kansas, Except Beginning 100 feet East of the Southwest Corner of the North Half of Lot 7, Thence North 165 feet, Thence West 100 feet to the Place of Beginning; and Except the West 100 feet of the North Half of Lot 7.

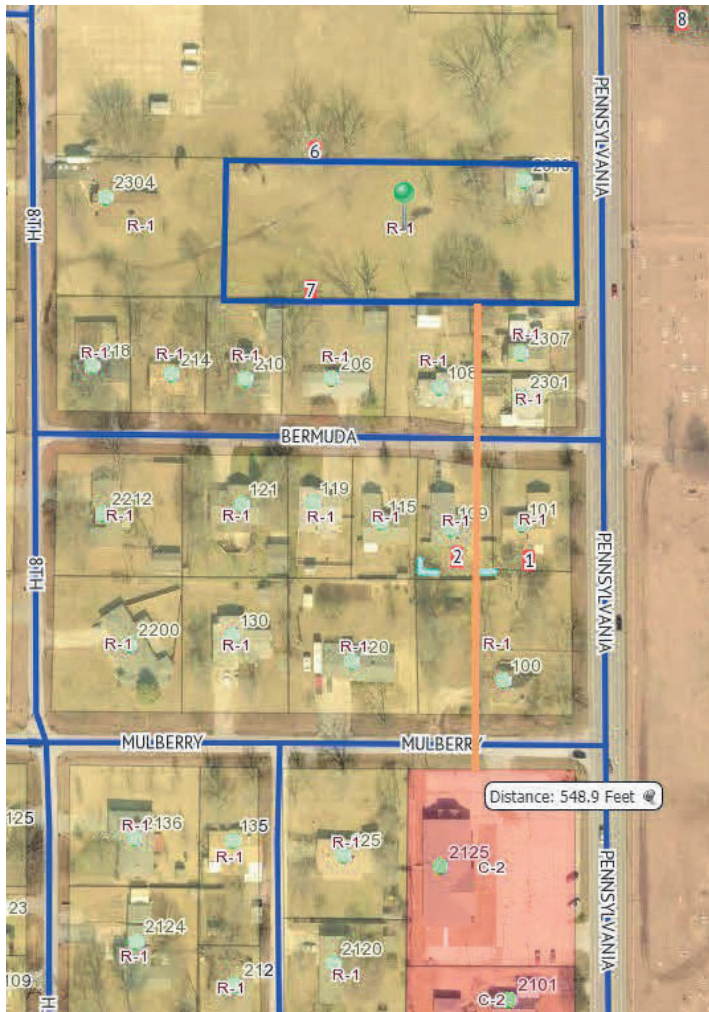
Description of the Tract:

The area requested to be rezoned is 165 feet wide and 400 feet deep. The lot lies in the northern portion of the City. There is a detached one and a half story, finished, single-family residence on the east side of the property. The property is located on a major street, which is also a highway.



Zoning and Uses of Property Nearby:

The property directly north, south and west is zoned R-1, Large Lot Single-Family Dwelling District and is utilized primarily for residential purposes with a church property directly north. The property to the east is Mount Hope Cemetery, Catholic Cemetery and Lutheran Cemetery. Approximately 550 feet south there are C-2 zoned properties starting at Mulberry Street.



Character of the Neighborhood:

This area is in the northern part of the City and is primarily residential. There are C-2 commercial businesses along North Pennsylvania Avenue 1 ½ block south of the location.



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

The property under consideration is currently zoned R-1, Large Lot Single-Family Dwelling District. The property is suitable for the present residential use classification.

Length of Time the Property has Remained vacant as Zoned:

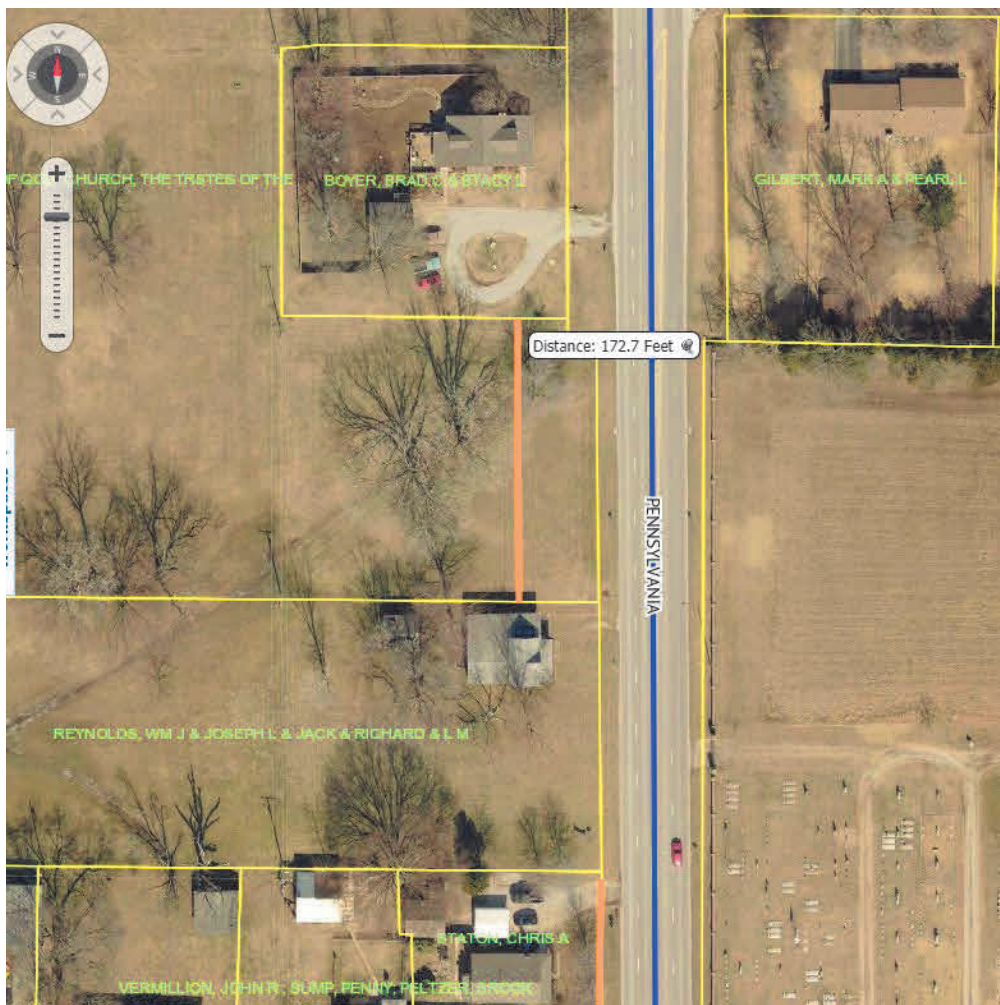
The property is not vacant as it currently contains a residential structure. However, we believe the structure has not been occupied since approximately 2014.





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

Since North Penn is also a highway this area is already a high traffic area. Although the proposed store will generate additional traffic, it is not anticipated to significantly increase the daily traffic counts on North Penn



Avenue. It is anticipated the neighbors to the south would be most affected, as the church property directly to the north is primarily undeveloped which serves as a buffer to the residential structure that is approximately 170 feet north.

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

The property is presently zoned for residential use; therefore, it is not likely that the value of the petitioner's property will be reduced. It is also anticipated that permitting the rezoning as requested would have minimal impact on the public health, safety and welfare. Denial of the proposed rezoning will impact the proposed owner's use of the property as they would like to enhance their facilities without restrictions included in the R-1 zone, which would not allow a Commercial Retail Store. Development of such a store in this location would be a gain to the welfare of those in the residential neighborhoods in the north portion of the City, as it would provide the availability of daily necessities closer to their residences. This was a concern previously voiced by residents residing in the northern portion of the City after Braum's moved from North Penn to West Main. Also, since there is already an established Dollar General Store located on East Main that serves the central and southern portions of the City, this will ensure the local traffic generated by the proposed new location will be primarily those that live in the northern portions of the City.

Conformance with the Comprehensive Plan:

Commercial Goal – To provide sufficient neighborhood and community-wide shopping facilities efficiently distributed throughout the community and adequate opportunity for commercial expansion.

Objective C1 – Encourage the development of business downtown.

Policy C11 – The Central Business District (CBD) shall be the primary regional retail center in the City.

Policy C12 – The enhancement of the CBD to attract both shoppers and prospective businesses through development and redevelopment efforts of the private and public sectors shall be encouraged.

Objective C2 – Provide areas away from downtown for clustered and coordinated commercial development to serve businesses with acreage requirements that cannot be accommodated in downtown.

Policy C21 – Planned commercial areas shall be provided for large lot users (i.e., lumber yards, auto and farm implement dealers). These uses shall be clustered along U.S. 75 west of the Missouri-Pacific right-of-way but no further than 1/2 mile west of Peter Pan Road to minimize their impact on surrounding uses and traffic patterns rather than being allowed to form a long commercial strip and be limited to properties having direct vehicular access to the highway.

Objective C3 – Provide neighborhood convenience shopping adjacent to residential areas but discourage “spot commercial” zoning.

Policy C31 -- Coordinated neighborhood shopping centers or groups of stores which primarily provide goods and services to local residents only, such as grocery stores, pharmacies and laundromats, shall be allowed in residential areas, but no individual store may exceed 5,000 S.F. in total floor area. Such shopping facilities should be encouraged in the southeast, southwest and Fruitland areas of the community.

Policy C32 -- Neighborhood shopping centers should not be larger than 12 acres in area.

Policy C33 -- The enhancement of neighborhood shopping centers shall be encouraged to attract both shoppers and prospective businesses through the development and redevelopment efforts of the private and public sectors.

Objective C4 – Limit strip commercial development along the major streets to business directly serving the motoring public.

Policy C41 -- Strip commercial development, single commercial uses stringing out along a street, shall be limited to those uses directly serving the motoring public such as motels, service stations and fast-food restaurants.

Policy C42 -- Strip commercial development shall be limited to major highway entrances to the City and shall be permitted only limited access to Major streets via frontage roads. Generally, commercial use shall be confined to the west side of Pennsylvania between Oak and Mulberry, west on U. S. 75 as far as 1/2 mile west of Peter Pan Road.

Policy C43 -- The Zoning Ordinance should be updated to limit the types of businesses located on the highways outside of the Central Business District.

The uses in the C-1 district provide commercial locations for small areas of convenience shopping facilities in and near residential neighborhoods. Such convenience shopping facilities will often occupy a small area, frequently at an intersection or on a major street, in an area that is otherwise wholly residential.

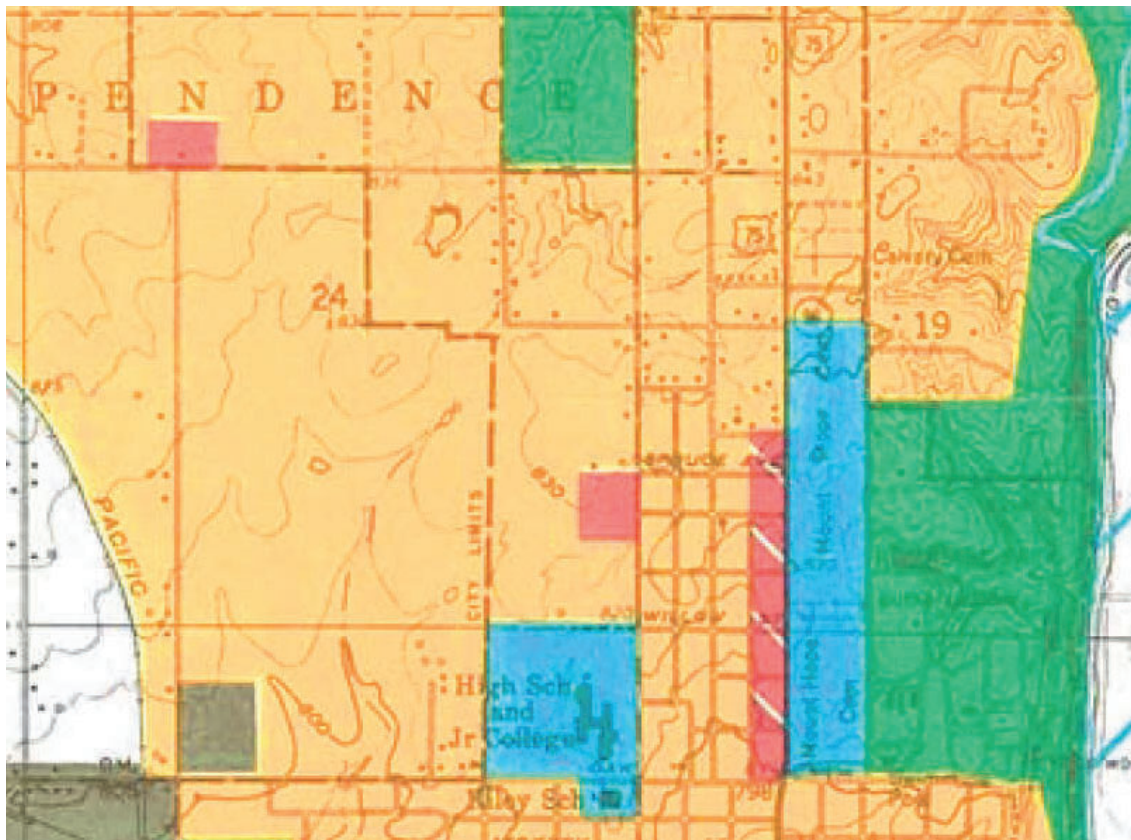
The City's Comprehensive Plan indicates that residential areas are compatible with neighborhood commercial developments, and commercial developments on North Penn are addressed to infill the commercial strip opposite the cemetery (pages 66 and 83, of the 1982 Comprehensive Plan):

“The convenience shopping facilities consist of a small commercial center. It should contain adequate parking areas and is usually patronized by two or more neighborhoods no further than one mile from the furthest home. These small commercial centers would not draw any

substantial business from downtown, but rather only provide daily necessities. Their uses could include a grocery store, a dry-cleaners, a pharmacy, and a service station.”

“Commercial development along Pennsylvania is shown as being limited to infilling of the commercial strip opposite the cemetery. A small neighborhood shopping center site is shown at 10th and Spruce and Taylor and 21st Streets.”

While the 1982 General Development Plan map shows the specific area for this development as residential, the majority of the area on North Penn opposite the cemetery is shown as commercial.



The Comprehensive Plan recognizes the fact that all businesses will not be accommodated by the central business district and indicates that the Commercial Goal is to provide sufficient neighborhood and community wide shopping facilities efficiently distributed throughout the City and adequate opportunity for commercial expansion. (Table 5-1, page 68 of the 1982 Comprehensive Plan).

Staff Analysis

Rezoning this lot to C-1 would fit the character of the neighborhood as properties on the north, south and west are zoned R-1 where a C-1 Neighborhood Business would be allowed. The intended continued use of the property by the applicant for a retail store does

match the intent of the C-1 Neighborhood Business district. The proposed store would retail daily necessities, which would consist of primarily grocery and apparel type merchandise. The permitted and conditional use table permits both of these uses in a C-1 zone:

		Permitted Zoning District												
Land Use Category	Code	A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
Groceries—retail	5410								P	P	P	P		

		Permitted Zoning District												
Land Use Category	Code	A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
Apparel and accessories—retail	5610								P	P	P	P		

However, the size of the store proposed is 130' X 70, or 9,100 square feet which exceeds the use limitations for the C-1 zone in Section 509.8.a. which states; *“No separate business establishment shall occupy more than 5,000 square feet of floor space. Each separate business establishment shall operate independently from adjacent business establishments.”* This is consistent with the Comprehensive Plan which states in Policy C31, *“Coordinated neighborhood shopping centers or groups of stores which primarily provide goods and services to local residents only, such as grocery stores, pharmacies and laundromats, shall be allowed in residential areas, but no individual store may exceed 5,000 S.F. in total floor area.”*

In speaking with the applicant, I advised them that if the C-1 zoning was approved it would require a variance from the 5,000 square feet use limitation in Section 509.8.a. The applicant advised that they may wish to pursue a P.U.D. designation along with the C-1 zoning, which would include the requirements of the C-1 district, with the exception of the square footage limitation. The P.U.D. process requires a preliminary and final plat, which could be reviewed and approved at the same meeting. If this option is taken, then the hearing for the P.U.D. could not be held sooner than the February 2, 2021 Planning Commission meeting, if the information is received in time to meet the publication requirements for that meeting.

Another option would be for the applicant to request rezoning to C-2, commercial services district. This zone is already located on North Penn approximately 1 ½ blocks or 550 feet south of the tract requested for rezoning. Section 510.1 describes the intent as; *“District C-2 is intended primarily for general trades and commercial services located at specific points on major thoroughfares outside of central or neighborhood business districts. This district is particularly appropriate adjoining a major highway. Such an area draws highway trade uses such as restaurants, service stations, and motels which are not totally compatible with shopping center developments but which may be grouped together quite advantageously as highway service centers.”* Staff’s concern with this option is since it is not directly adjoining an existing C-2 district, it would be a spot zone within an area primarily zoned residential with less restrictions than a C-1 district. Staff is further concerned this could open the door for additional uses in the future that may not be compatible with the nearby residential properties.

The Planning Commission has the following options:

1. Approve the rezoning to C-1 and include restrictions that require meeting the C-1 district regulations, which would require complying with the C-1 district regulations, unless variances are granted or a P.U.D. is approved modifying such district regulations.
2. Adjourn the public hearing to allow the applicant time to apply for a variance or P.U.D. so that all matters could be considered at the same meeting.
3. Deny the request. If the Commission accepted this recommendation and the applicant wished to proceed with this project, this would require the applicant to restart the zoning process over.

Suggested Motion to approve with restrictions:

I move to recommend approving a request to rezone tracts of land located at 2313 North Pennsylvania Avenue from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District with the following restrictions which shall be binding on all future owners, assigns or heirs:

1. The applicant will obtain all necessary City of Independence and State of Kansas licenses and/or permits to operate the uses proposed.
2. All parking, entrance and exit drives must be designed to minimize traffic congestion on public streets.
3. Any additional exterior lighting on site will be designed in such a way that it will not be directed toward or create a nuisance to any adjoining properties. Such lighting will need to be approved by the Zoning Administrator.
4. To limit noise that could affect adjoining areas there shall be no outside audio or paging equipment that exceeds a volume level that can be heard at any of the adjoining residential dwellings under separate ownership other than the auto dealership and service center properties.
5. The location of solid waste equipment shall be designed by the company and will need to be approved by City staff. All solid waste shall be kept in containers which shall be screened from adjoining properties.
6. Any off-street parking areas will meet the minimum off street parking requirements; shall be maintained in appearance and shall be used solely for parking of the customers and employees of the business. Such parking area may not be used for storage of vehicles, equipment or merchandise.
7. A drainage plan designed to adequately handle a 10 year or greater storm event must be submitted by an engineer licensed in the State of Kansas to ensure that any increased runoff will be dealt with in such a way so as not to negatively impact nearby or downstream properties.
8. All property lines must be established by a surveyor licensed in the State of Kansas.
9. A detailed site plan shall be submitted to and approved by City staff prior to any such work commencing.
10. All improvements will be maintained and kept in serviceable condition; and the property must be kept free of debris and trash.
11. The applicant will comply with the C-1 district regulations, unless variances are granted or a P.U.D. is approved modifying such district regulations.

Suggested Motion to adjourn:

I move to adjourn the public hearing to Tuesday, February 2, 2020 at 5:30 PM for a request to rezone a tract of land located at 2313 North. Pennsylvania Avenue from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District.

Suggested Motion to deny:

I move to deny a request to rezone a tract of land located at 2313 North. Pennsylvania Avenue from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District.

NOTICE TO THE PUBLIC

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

Tuesday, January 5, 2021, at 5:30 p.m.

to receive comments on a request to rezone a tract of land from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District.

The hearing pertains to the following location:

Legal Description:

THE NORTH HALF OF LOT 7, BLOCK 1, HIGHLAND PARK ADDITION TO THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, EXCEPT BEGINNING 100 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH HALF OF LOT 7, THENCE NORTH 165 FEET, THENCE EAST 100 FEET, THENCE SOUTH 165 FEET, THENCE WEST 100 FEET TO THE PLACE OF BEGINNING; AND EXCEPT THE WEST 100 FEET OF THE NORTH HALF OF LOT 7.

Common Address:

2313 North Pennsylvania Avenue

Applicant(s):

William J. Reynolds, Jack L Reynolds, Richard A. Reynolds, Loretta M. Reynolds, and Joseph L. Reynolds, Owners

AAB Engineering, LLC, Applicant

Case Number:

2021/ZA/01

The hearings will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. Alternatively, remote participation is available through Teams by calling: 1-785-289-4727 Conference ID: 652 632 373#

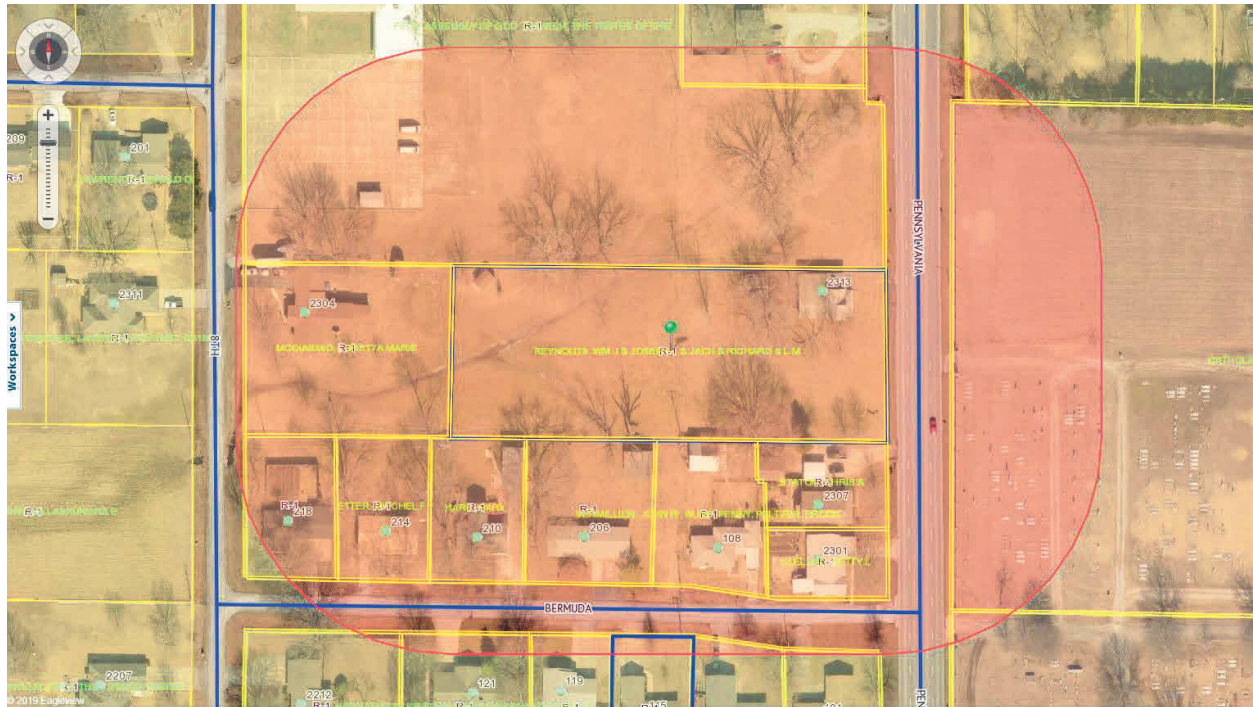
All interested persons should attend, and they will be heard. Persons wishing to comment, but who cannot attend these hearings, should provide their written comments to:

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

Information regarding these applications is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

200' Notification Area



INDEPENDENCE
PLANNING & ZONING
COMMISSION

APPLICATION
FOR
REZONING

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

To be filled out by applicant

1. Applicant's name: AAB Engineering, LLC - Kristina Tucker
2. Applicant's address: PO Box 2136 Sand Springs, OK 74063 Phone: 918-514-4283
3. Address of property proposed for rezoning: 2313 N Pennsylvania Ave 67301
4. Present owner's name: William J. Reynolds, Jack L. Reynolds, Richard A. Reynolds, Loretta M. Reynolds, and Joseph L. Reynolds
5. Present zoning: R1 Proposed zoning: C1
6. Legal description of property proposed for rezoning (if more space is required, use back of form):
See attached legal description
7. Present use of property (check one of the following): Single Family Residence
(a) Vacant ☐ (b) Residential ☐ (c) Commercial ☒ (d) Industrial ☐
8. Desired use of property: Commercial Retail Store
9. Use and zoning of adjacent property:
- | | |
|---|-------------------|
| North: Use <u>Vacant</u> | Zoning <u>R1</u> |
| South: Use <u>Single Family Residence</u> | Zoning <u>R1</u> |
| East: Use <u>Cemetery</u> | Zoning <u>N/A</u> |
| West: Use <u>Single Family Residence</u> | Zoning <u>R1</u> |
10. List reasons for this request:
Rezone property from R1 to C1 to allow a proposed Dollar General retail store to be built and provide goods and services to the surrounding community

Date: 10-9-20 Signature: [Signature]

Planning Commission Action – do not write in this space

1. Facts found: _____
2. Determination: _____

INDEPENDENCE PLANNING & ZONING COMMISSION APPLICATION FOR REZONING	1. Case #: _____ 2. Date Filed: _____ 3. Fee Paid: _____ 4. Hearing: _____ 5. Published: _____
---	--

To be filled out by applicant

1. Applicant's name: AAB Engineering, LLC - Kristina Tucker
2. Applicant's address: PO Box 2136 Sand Springs, OK 74063 Phone: 918-514-4283
3. Address of property proposed for rezoning: 2313 N Pennsylvania Ave 67301
4. Present owner's name: William J. Reynolds, Jack L. Reynolds, Loretta M. Reynolds, and Joseph L. Reynolds
5. Present zoning: R1 Proposed zoning: C1
6. Legal description of property proposed for rezoning (if more space is required, use back of form):
See attached legal description
7. Present use of property (check one of the following): Single Family Residence
(a) Vacant ☐ (b) Residential ☐ (c) Commercial ☒ (d) Industrial ☐
8. Desired use of property: Commercial Retail Store
9. Use and zoning of adjacent property:
North: Use Vacant Zoning R1
South: Use Single Family Residence Zoning R1
East: Use Cemetery Zoning N/A
West: Use Single Family Residence Zoning R1
10. List reasons for this request:
Rezone property from R1 to C1 to allow a proposed Dollar General retail store to be built and provide goods and services to the surrounding community

Date: 10-9-20Signature: Loretta M. McDiarmid12-9-20Loretta M. McDiarmidLoretta M. McDiarmid**Planning Commission Action - do not write in this space**

1. Facts found: _____
2. Determination: _____

Independence, KS LEGAL DESCRIPTION:

Tract 1:

THE NORTH HALF OF LOT 7, BLOCK 1, HIGHLAND PARK ADDITION TO THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, EXCEPT BEGINNING 100 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH HALF OF LOT 7, THENCE NORTH 165 FEET, THENCE EAST 100 FEET, THENCE SOUTH 165 FEET, THENCE WEST 100 FEET TO THE PLACE OF BEGINNING; AND EXCEPT THE WEST 100 FEET OF THE NORTH HALF OF LOT 7.

CITY OF INDEPENDENCE

REC#: 01116605 12/04/2020 10:50 AM
OPER: JESS TERM: 001
REF#:

ACCT #: XXXX-XXXX-XXXX-9568
AUTH #: 01615G
TRAN #: 000000004959
TYPE: PURCHASE

TRAN: 1.9000 VARIANCE
AAB ENGINEERING LLC
2313 N PENN -DG
MISC FEES 200.00CR

TENDERED: 200.00 CREDIT CARD
APPLIED: 200.00-

CHANGE: 0.00

OWNER/DEVELOPER
INDEPENDENCE XXXXX, LLC
P.O. BOX 35366
TULSA, OK 74135
PHONE: 918.749.1880
ATTN: MIKE MANTLE

ENGINEER
AAB ENGINEERING, LLC
SAND SPRINGS, OK 74063
PHONE: 918.514.4283
FAX: 918.514.4288

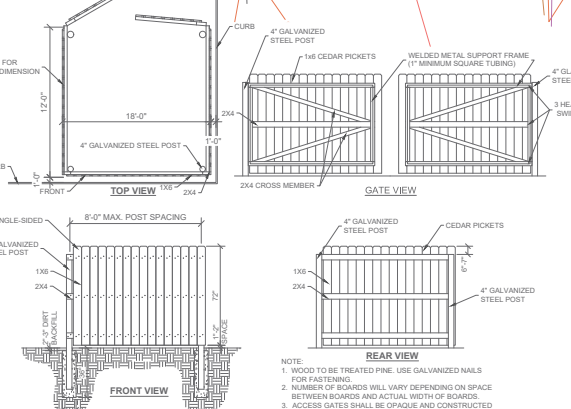
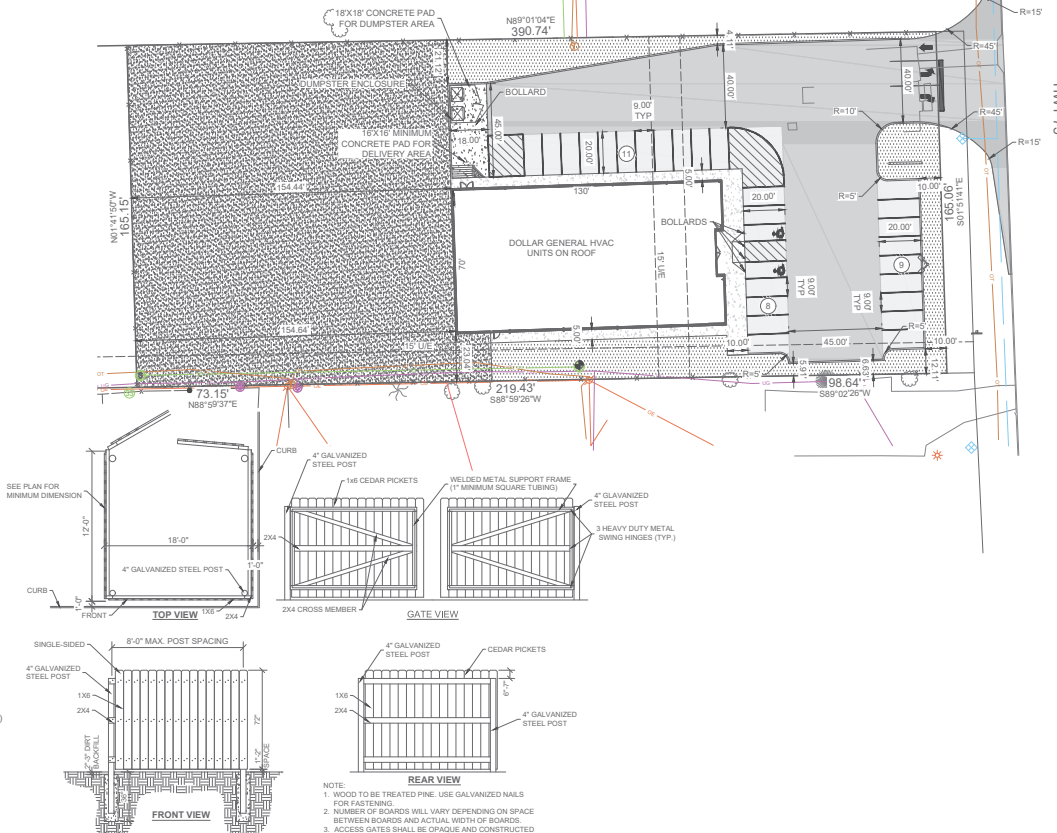
SURVEYOR
AAB ENGINEERING, LLC
P.O. BOX 2136
SAND SPRINGS, OK 74063
PHONE: 918.514.4283
FAX: 918.514.4288

Detailed Site Plan
for

DG Independence

SURVEY LEGEND

- 15" SANITARY SEWER SERVICE
- 15" WATERLINE SERVICE
- 15" UNDERGROUND ELECTRIC SERVICE
- 15" GAS SERVICE
- 15" UNDERGROUND COMMUNICATIONS SERVICE
- 15" OVERHEAD ELECTRIC SERVICE
- EXISTING FENCE
- MINOR CONTOUR
- MAJOR CONTOUR
- FIRE HYDRANT
- POWER POLE
- WATER METER
- GAS METER
- LIGHT POLE
- ELECTRIC METER
- FOUND MONUMENT
- SET MONUMENT
- CONTROL POINT
- SANITARY SEWER MANHOLE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLENAOUT
- STORM SEWER MANHOLE
- TRANSFORMER
- IRRIGATION CONTROL VALVE
- DOWNSPOUT
- DECIDUOUS TREE (SIZE AS NOTED)
- BUSH
- PVC PIPE
- STREET SIGN
- AIR CONDITIONER PAD
- ELECTRIC TRANSFORMER
- 1% CHANCE FLOODPLAIN(100 YEAR)
- CONCRETE PAVEMENT
- ASPHALT PAVEMENT
- GRAVEL
- RIP RAP
- A/C
- 4-GRADE AREA INLET
- ACCESS MANHOLE
- BUILDING SETBACK LINE
- BARBED WIRE FENCE
- BENCHMARK
- POB
- CONC.
- CPED
- EC
- EPED
- F/E
- FL
- FP
- FLT
- GLT
- GRSR
- GUY
- GV
- HDPE
- HDRL
- LNA
- MB
- OE
- TD
- TP
- HWY
- CL
- IPF
- IPF W/ CAP
- PKF
- PKS
- IPSW/CAP
- CMP
- RCP



NOTE:
1. WOOD TO BE TREATED PINE. USE GALVANIZED NAILS FOR FASTENING.
2. NUMBER OF BOARDS WILL VARY DEPENDING ON SPACE BETWEEN BOARDS AND ACTUAL WIDTH OF BOARDS.
3. ACCESS GATES SHALL BE OPAQUE AND CONSTRUCTED IN A MANNER SIMILAR TO THE SCREENING FENCE. ALL GRATES SHALL BE STEEL FRAME.

B Dumpster Enclosure Detail
Scale: None



DOLLAR GENERAL BROKEN ARROW

EXISTING ZONING: R-1
PROPOSED ZONING: C-1
EXISTING USE: VACANT
PROPOSED USE: DOLLAR GENERAL
CONSTRUCTION START: APRIL 2021
CONSTRUCTION END: AUGUST 2021

LANDSCAPE AREA SUMMARY
LANDSCAPE AREA (TOTAL LOT AREA: 64,544 SF)
PROPOSED: 32,803 SF

FRONTAGE YARD SUMMARY
WEST SIDE OF PROPERTY LINE TREE REQUIREMENT (1/20 LF): 3 TREES
SOUTH SIDE OF PROPERTY LINE TREE REQUIREMENT (1/50 LF): 8 TREES
NORTH SIDE OF PROPERTY LINE TREE REQUIREMENT (1/50 LF): 8 TREES

SHEET LEGEND

- PARKING COUNT
- TRASH ENCLOSURE PAD PAVEMENT
- CONCRETE SIDEWALK
- STANDARD DUTY CONCRETE PAVEMENT
- HEAVY DUTY CONCRETE PAVEMENT
- IRRIGATED SODDED AREA
- NON-IRRIGATED SEEDED AREA
- LOBLOLLY PINE (2" CALIPER MIN, 7' HEIGHT) (PINUS TAEDA)
- ENGLISH DWARF BOXWOOD SHRUB (5 GALLON MIN.) (BUXUS SEMPERVIRENS 'SMUTRICOSA')

LEGAL DESCRIPTION
THE WEST 100 FEET OF THE NORTH HALF OF LOT 7, BLOCK 1, HIGHLAND PARK ADDITION TO THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS AND BEGINNING 100 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH HALF OF LOT 7, BLOCK 1, HIGHLAND PARK ADDITION TO THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, THENCE NORTH 165 FEET, THENCE EAST 100 FEET, THENCE SOUTH 165 FEET, THENCE WEST 100 FEET TO THE PLACE OF BEGINNING

IMPERVIOUS CALCULATIONS:

TOTAL AREA:	64,544 SF
EXISTING IMPERVIOUS AREA:	420 SF
PROPOSED IMPERVIOUS AREA:	34,282 SF
TOTAL IMPERVIOUS INCREASE:	33,862 SF

AAB Engineering, LLC
AAB
Engineering • Surveying • Land Planning
P.O. Box 2136 Sand Springs, OK 74063
OK CARS 118 Exp. June 30, 2020
KS CARS 292 Exp. Dec. 31, 2020
KS L.S. 320 Exp. Dec. 31, 2020
Office: (918) 514-4283 Fax: (918) 514-4288

REVISIONS

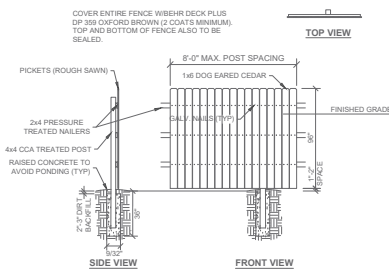
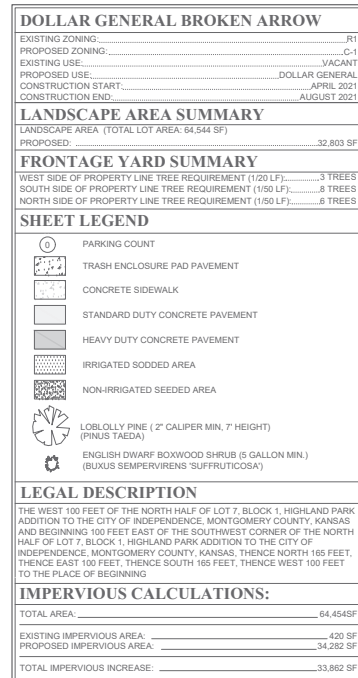
STORE #XXXX
2313 N PENNSYLVANIA
AND HWY 75
INDEPENDENCE, KANSAS

DOLLAR GENERAL
70'-0"x130'-0" 9,100 SF PROTOTYPE "B"

DATE: 05-06-2020
SHEET NO: 1
SHEET TOTAL: 1
SHEET NAME: SITE PLAN
DRAWN BY: CROSBY
CHECKED BY: CROSBY

C1

DATE: 05-06-2020
SHEET NO: 1
SHEET TOTAL: 1
SHEET NAME: SITE PLAN
DRAWN BY: CROSBY
CHECKED BY: CROSBY



AAB Engineering, LLC

Engineering • Surveying • Land Planning
 PO Box 2136 Sand Springs, OK 74063
 OK CA#6318 Exp: June 30, 2020
 KS CA#2252 Exp: Dec. 31, 2020
 KS L&S-200 Exp: Dec. 31, 2020
 Office: (918) 514-4283 Fax: (918) 514-4288

REVISIONS	



STORE #XXXX
2313 N PENNSYLVANIA
AND HWY 75
INDEPENDENCE, KANSAS

DOLLAR GENERAL

70'-0"x130'-0" 9,100 SF PROTOTYPE "B"

DATE:	05-06-2020
DRAWING TITLE	LANDSCAPE PLAN
DRAWN BY - CHECKED BY	
SHEET NO.	

C2



811 or
-800-DIG-SAFE
1-800-344-7233

SET "X" CUT ON NORTH RIM MANHOLE
ELEV.833.64 (NAVD 88)

c. Public hearing to receive comments on a request for a Planned Unit Development at 2313 North Pennsylvania Avenue.

The applicant has submitted a PUD (Planned Unit Development) and Preliminary Plat for consideration by the Planning Commission. The PUD under Development Standards indicates that the PUD shall comply with the C-1 district development regulations except for modifying the maximum building square footage from 5,000 to 9,100 square feet. The process for approving PUD's includes a public hearing before the Planning Commission. After the public hearing, the Planning Commission makes a recommendation to the governing body with any suggested changes to the PUD and/or Preliminary Plat. After that, the final plat and plan are considered by the Planning Commission for final review. The zoning ordinance does not require any public hearings during the final plat and plan stage.

It should be noted that the PUD and Preliminary Plat as presented is dependent on the rezoning to C-1 being approved by the City Commission. Staff recommends if the preliminary plat is approved that it be subject to receipt of a drainage study as part of the final plat.

The Planning Commission has the following options:

1. Recommend the City Commission approve the Preliminary Plat subject to the developer submitting a drainage study prepared by a licensed professional engineer for a ten-year storm event.
2. Recommend the City Commission deny the Preliminary Plat as presented.
3. Table any action for specific recommended changes and additional information relating to the PUD and/or Preliminary Plat.

Suggested Motion to approve subject to completing a drainage study:

I move to recommend approving a preliminary plat as part of a PUD for Dollar General Independence subject to the developer submitting a drainage study prepared by a licensed professional engineer for a ten-year storm event as part of the final plat.

Suggested Motion to deny:

I move to recommend denying a preliminary plat as part of a PUD for Dollar General Independence due to the required rezoning to C-1 was not recommended by the Planning Commission.

Suggested Motion to table:

I move to table action regarding a preliminary plat as part of a PUD for Dollar General Independence and request the following changes (list specific requested changes) and/or additional information (list specific additional information requested from the developer) for review at the next meeting.

Dollar General Independence 75

Planned Unit Development

Submitted
January 5th, 2021

Location
2313 North Pennsylvania Avenue
Independence, Kansas

Owner
Independence 22800, LLC
P.O. Box 35366
Tulsa, OK 74135

Prepared By:
AAB Engineering, LLC



Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063
Office: (918) 514-4283 Fax: (918) 514-4288

Development Concept

This PUD is a zoning overlay of a 1.5+/- acre site in Independence, Kansas. The tract is approximately 175' north of the intersection of Bermuda Drive and Highway 75 along the west side of Highway 75 (Pennsylvania Ave). The site is currently a single family residence and is abutted by single family homes to the south and west and by vacant land owned by the nearby church to the north. See Exhibit A for the overall site plan showing the surrounding areas. The property is currently zoned R-1 Large Lot Single Family but is proposed to be zoned C-1, Neighborhood Commercial, concurrently with this PUD. See attached Exhibit C for the surrounding zoning classifications. The project proposes a Dollar General retail store with an access to Highway 75 near the northern property line. This PUD sets out several additional provisions that will help ensure integration into the existing neighborhood setting with little disturbance as well as grant relief from the maximum floor area requirements set out in the C-1 zoning district provisions. See the attached Exhibit D for a conceptual site plan of the development.

Development Standards

This PUD is intended to allow the construction of a Dollar General store generally conforming to the conceptual site plan shown in Exhibit C. The PUD shall be developed in accordance with the use and development regulations of the C-1 district of the Independence, KS zoning regulations, except as modified by this document.

Maximum Building Square Footage:

9,100 sq. ft.

Architectural Standards

All north, east, and south facing walls shall be constructed of masonry materials. Masonry walls may be constructed of a combination of EIFS, stucco, brick, or block. Metal accent panels, awnings, and canopies may be used. Exhibit F depicts the conceptual elevations proposed for the project.

Landscape and Screening Standards

In order to integrate the proposed use into the existing neighborhood with minimal impact a 6' screening fence will be provided along the southern western and northern property lines. The residential properties abutting the property on the south will be further screened using trees of not less than 7' in height at time of planting spaced no more than 20' apart. To further enhance the curb appearance of the project a single continuous row of shrubs will be planted along the Highway 75 right of way, except where access is proposed. In addition to these shrubs 4 large trees will be evenly spaced along the ROW. See the attached Exhibit D for conceptual landscape and screening plans.

Access and Circulation

Access to the site will be derived via a single drive connection to Highway 75 along the northern property line. This access will be permitted through the Kansas Department of Transportation and will conform to their access management criteria.

Utilities and Drainage

Water service is provided by the City of Independence via existing lines along highway 75. Sanitary sewer service will be provided via an existing 10" line that bisects the site. This line will be relocated to allow building construction. Franchise utilities currently serve the project area with

communications, natural gas, and electricity. Many of these utilities will also need to be relocated during the construction process as well. These relocations will be coordinated during site design. We anticipate underground services throughout the development.

The site drains generally to the west, away from Highway 75. A relatively significant drainage feature enters the property near the center of the northern line and traverses to the southwest corner of the lot. The existing drainage patterns will largely be maintained with onsite detention being provided to reduce the peak runoff rates to predeveloped conditions. Exhibit E depicts the existing site topography in relation to the surrounding areas.

Lighting

All site lighting shall be down facing and shielded. A photometric plan demonstrating zero light bleed to the south shall be provided along with the construction plans.

Site Plan Review

No building permit shall be issued until a detailed site plan and detailed landscape plan is submitted to and approved by the City of Independence as conforming to these PUD restrictions.

Schedule of Development

Construction is expected to occur in Spring 2021.

Exhibit A

Legal Description
for

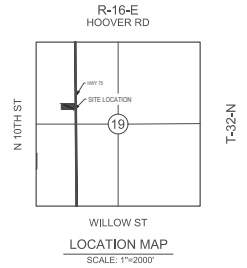
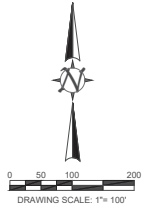
Dollar General Independence

THE NORTH HALF OF LOT 7, BLOCK 1 HIGHLAND PARK ADDITION TO THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, EXCEPT BEGINNING 100 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH HALF OF LOT 7, THENCE NORTH 165 FEET, THENCE EAST 100 FEET, THENCE SOUTH 165 FEET, THENCE WEST 100 FEET TO THE PLACE OF BEGINNING; AND EXCEPT THE WEST 100 FEET OF THE NORTH HALF OF LOT 7.

Exhibit B

Surrounding Areas
for

Dollar General Independence



FILE # KANSAS PROJECTS/2019/05/01/INDEPENDENCE/DOLLAR GENERAL - P140

AAB Engineering, LLC

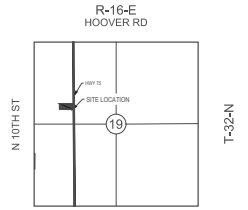
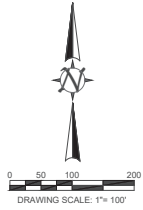
AAB

Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063
OK CA#0318 Exp: June 30, 2020
KS CA#2292 Exp: April 30, 2022
Office: (918) 514-4283 Fax: (918) 514-4288

Exhibit C

Existing Zoning for



WILLOW ST
LOCATION MAP
SCALE: 1"=2000'

LEGEND

-  ZONED R1 (LARGE LOT SINGLE-FAMILY DWELLING DISTRICT)
 ZONED C2 (COMMERCIAL SERVICES DISTRICT)
 UNZONED
 PROPOSED PUD LOCATION (C-1 UNDERLYING ZONING)



811 or
1-800-ONE-CALL
(1-800-344-7233)

AAB Engineering, LLC



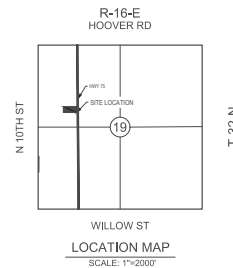
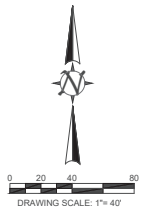
The logo features the letters 'AAB' in a large, bold, blue serif font. A thick blue horizontal bar runs behind the letters, extending slightly beyond the left and right edges of the 'A's. Below the 'AAB' text, the words 'Engineering • Surveying • Land Planning' are written in a smaller, blue, sans-serif font, separated by blue dots.

Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063
OK CA#65318 Exp. June 30, 2020
KS CA#2292 Exp. April 30, 2022
Office: (918) 514-4283 Fax: (918) 514-4288

Exhibit D

Conceptual Development Plan for



811 or
800-DIG-SAFE
(800-344-7233)



AAB Engineering, LLC

Engineering • Surveying • Land Planning

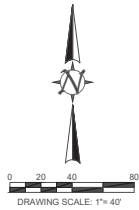
P.O. Box 2136 Sand Springs, OK 74063
OK CA#6318 Exp: June 30, 2020
KS CA#2292 Exp: April 30, 2022

Office: (918) 514-4283 Fax: (918) 514-4288

Exhibit E

Existing Topo & Aerial
for

Dollar General Independence



811 or
1-800-800-4545
(1-800-364-7233)

AAB Engineering, LLC



Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063

OK CA#6318 Exp: June 30, 2020

KS CA#2292 Exp: April 30, 2022

Office: (918) 514-4283 Fax: (918) 514-4288

STANDING SEAM METAL ROOF PANELS
INTERIOR SALES AND RECEIVING FLOOR LINER PANELS



A2

PRELIMINARY PLAT

Dollar General Independence 22800

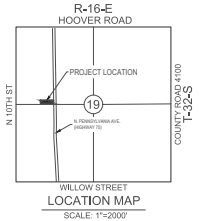
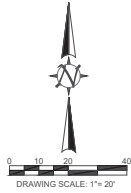
A PART OF OF LOT SEVEN (7), BLOCK ONE (1), HIGHLAND PARK ADDITION TO
CITY OF INDEPENDENCE, MONTGOMERY COUNTY, STATE OF KANSAS

OWNER/DEVELOPER

INDEPENDENCE 22800, LLC.
P.O. BOX 35366
TULSA, OK 74153
PHONE: 918.749.1880
ATTN: MIKE MANTLE

ENGINEER/SURVEYOR

AAB ENGINEERING LLC
PO BOX 2136
SAND SPRINGS, OK 74063
PHONE: 918.514.4283
FAX: 918.514.4288



SUBDIVISION STATISTICS

SUBDIVISION CONTAINS 1 LOT IN 1 BLOCK
AREA: 1.48 ACRES (64,532 SF)

UTILITY CONTACTS

ELECTRIC EVERGY ELECTRIC CONTACT: KEVIN EDWARDS PHONE: 620.235.2503	SEWER & WATER CITY OF INDEPENDENCE CONTACT: TERRY LYBARGER PHONE: 620.332.2542
TELEPHONE AT&T PHONE: 1-800-944-6447	GAS ATMOS ENERGY CONTACT: KEVIN JONES PHONE: 918.830.2148

LEGEND

BL BUILDING LINE
LNA LIMITS OF NO ACCESS
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
ROW RIGHT OF WAY
L/E UTILITY EASEMENT
FFE FINISH FLOOR ELEVATION
IPS SET 1/2" X 24" IRON ROD/CAP

SITE DATA

BENCHMARK
SET "X" CUT ON NORTH RIM MANHOLE
ELEV +833.64 (NAVD 1988)

BASIS OF BEARINGS
KANSAS STATE PLANE COORDINATE SYSTEM

LAND AREA
64,532 SF ± / 1.48 ACRES ±

SOIL TYPE
BATES-URBAN LAND COMPLEX PER NATURAL RESOURCES
CONSERVATION SERVICE, MONTGOMERY COUNTY, VERSION 18,
JUN 19, 2020

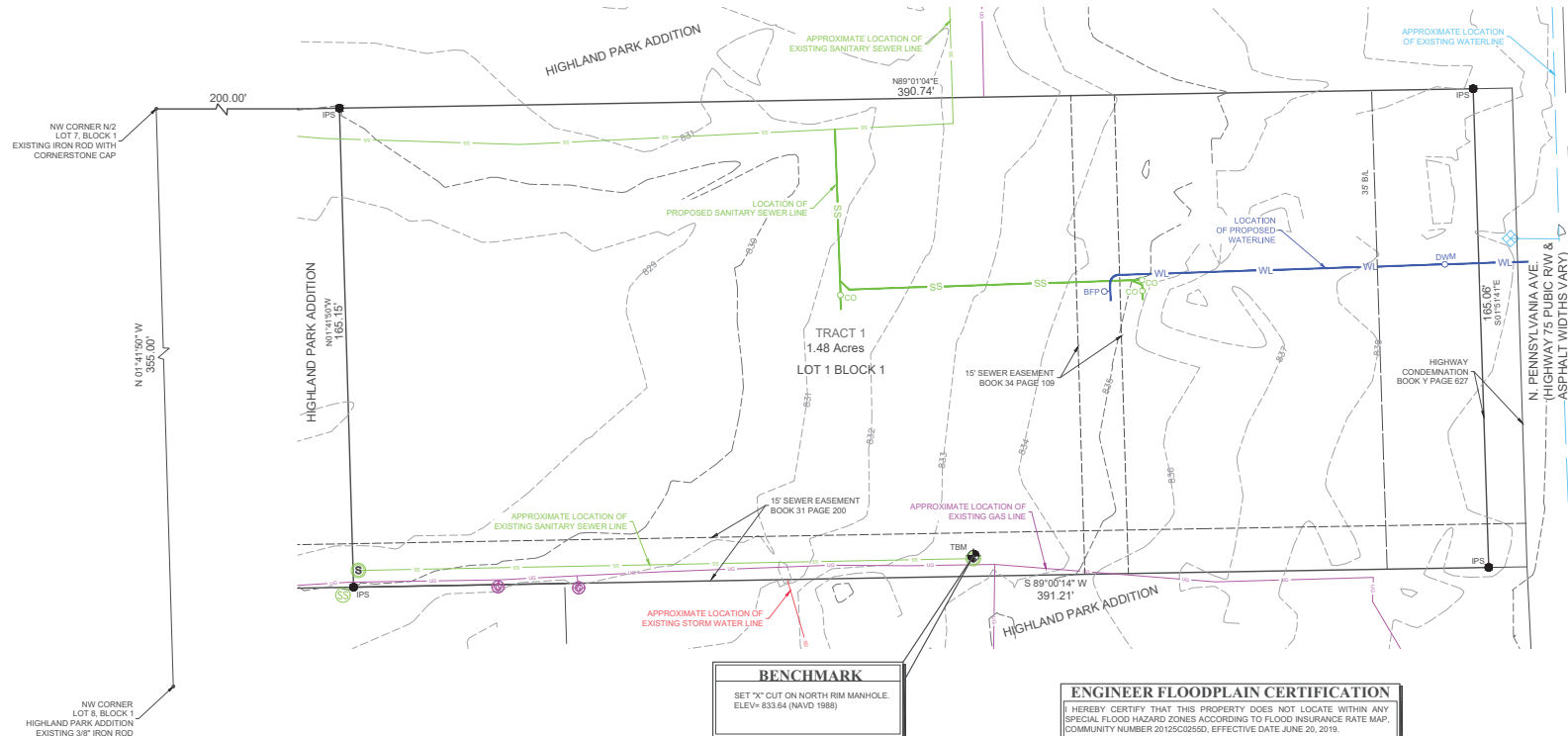
ADDRESSES
ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE
TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO
CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL
DESCRIPTION.

BENCHMARK

SET "X" CUT ON NORTH RIM MANHOLE.
ELEV + 833.64 (NAVD 1988)

ENGINEER FLOODPLAIN CERTIFICATION

I HEREBY CERTIFY THAT THIS PROPERTY DOES NOT LOCATE WITHIN ANY
SPECIAL FLOOD HAZARD ZONES ACCORDING TO FLOOD INSURANCE RATE MAP,
COMMUNITY NUMBER 2015SC02550, EFFECTIVE DATE: JUNE 20, 2019.



PRELIMINARY PLAT

Dollar General Independence 22800

A PART OF OF LOT SEVEN (7), BLOCK ONE (1), HIGHLAND PARK ADDITION TO
CITY OF INDEPENDENCE, MONTGOMERY COUNTY, STATE OF KANSAS

OWNER/DEVELOPER

INDEPENDENCE 22800, LLC.
P.O. BOX 35366
TULSA, OK 74153
PHONE: 918.749.1880
ATTN: MIKE MANTLE

ENGINEER/SURVEYOR

AAB ENGINEERING LLC
PO BOX 2136
SAND SPRINGS, OK 74863
PHONE: 918.514.4283
FAX: 918.514.4288

LEGAL DESCRIPTION

TRACT 1:
THE NORTH HALF OF LOT 7, BLOCK 1, HIGHLAND PARK ADDITION TO THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, EXCEPT BEGINNING 100 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH HALF OF LOT 7, THENCE NORTH 185 FEET, THENCE EAST 100 FEET, THENCE SOUTH 165 FEET, THENCE WEST 100 FEET TO THE PLACE OF BEGINNING, AND EXCEPT THE WEST 100 FEET OF THE NORTH HALF OF LOT 7.

SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF MONTGOMERY) SS
CITY OF INDEPENDENCE)

I, JAY P. BISSELL, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF KANSAS, WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING; THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME, OR UNDER MY SUPERVISION, THAT ALL SUBDIVISION REGULATIONS OF THE CITY OF INDEPENDENCE, KANSAS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT; AND THAT ALL OF THE MONUMENTS SHOWN HEREIN ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GIVEN UNDER MY HAND AND SEAL AT INDEPENDENCE, KANSAS THIS _____ DAY OF _____, 2021 A.D.

OWNER'S CERTIFICATION AND DEDICATION

STATE OF KANSAS)
COUNTY OF INDEPENDENCE) SS
CITY OF MONTGOMERY)

THIS IS TO CERTIFY THAT THE UNDERSIGNED OWNER(S) OF THE LAND DESCRIBED IN THE SURVEY CERTIFICATE, HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED ON THE ACCOMPANYING PLAT INTO LOTS, BLOCKS, STREETS AND OTHER PUBLIC WAYS UNDER THE NAME OF: DOLLAR GENERAL INDEPENDENCE THAT ALL HIGHWAYS, STREETS, ALLEYS, EASEMENTS AND PUBLIC GROUNDS AS DENOTED ON THE PLAT ARE HEREBY DEDICATED TO FOR THE USE OF THE PUBLIC FOR THE PURPOSE OF CONSTRUCTING, OPERATING, MAINTAINING, REPAIRING PUBLIC IMPROVEMENTS; AND FURTHER THAT THE LAND CONTAINED HERE IN IS HELD AD SHALL BE CONVEYED SUBJECT TO ANY RESTRICTIONS, RESERVATIONS, AND COVENANTS ON FILE OR HEREAFTER FILE IN THE OFFICE OF THE REGISTER OF DEEDS OF MONTGOMERY COUNTY, KANSAS.

MARK HELMER, MANAGER

NOTARY CERTIFICATE

STATE OF KANSAS)
COUNTY OF MONTGOMERY) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021 A.D.
BY _____

NOTARY PUBLIC

MY APPOINTMENT EXPIRES: _____

I, THE UNDERSIGNED, JAY P. BISSELL DO HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT IN COMPLIANCE WITH THE SURVEYING STANDARDS. I HERETO SET MY SEAL ON THE _____ DAY OF _____, 2021 A.D.

JAY P. BISSELL
LS. NO. 1697

TRANSFER RECORD

ENTERED ON TRANSFER RECORD THIS _____ DAY OF _____, 2021 A.D.

COUNTY CLERK

CITY COUNCIL'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF MONTGOMERY) SS
CITY OF INDEPENDENCE)

THIS PLAT APPROVED AND ALL DEDICATION SHOWN ON THIS PLAT, IF ANY, ARE HEREBY ACCEPTED BY THE CITY COUNCIL, CITY OF INDEPENDENCE, KANSAS, THIS _____ DAY OF _____, 2021.

MAYOR

CITY CLERK

CERTIFICATE OF THE CITY ATTORNEY

STATE OF KANSAS)
COUNTY OF MONTGOMERY) SS
CITY OF INDEPENDENCE)

APPROVED THIS _____ DAY OF _____, 2021 A.D., CITY ATTORNEY FOR THE CITY OF INDEPENDENCE, KANSAS.

CITY ATTORNEY

DATE

COUNTY CLERK

STATE OF KANSAS)
COUNTY OF MONTGOMERY) SS
CITY OF INDEPENDENCE)

I DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT.

I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONJUNCTION WITH THE PLAT.

GIVEN UNDER MY HAND AND SEAL AT _____, KANSAS, THIS DAY _____ OF _____, 2021 A.D.

COUNTY CLERK

REGISTERED OF DEEDS CERTIFICATE

STATE OF KANSAS)
COUNTY OF MONTGOMERY) SS
CITY OF INDEPENDENCE)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE, _____ A.M./P.M. ON THE _____ DAY OF _____, 2021 A.D.

REGISTER OF DEEDS

- d. Consider recommending the City Commission adopt an ordinance establishing a temporary moratorium on commercial cannabis activity, including but not limited to medical marijuana and recreational marijuana.**

At the previous meeting, the topic of developing zoning regulations in the event that marijuana is legalized was on the agenda and it was suggested to delay further discussion on this topic until July. However, staff is aware that there is some interest in the community to establish these types of businesses. At a previous meeting Lisa Richard suggested a moratorium be considered. City staff has discussed this further with the City Attorney and this is something that could be done until regulations are established. This would eliminate the potential of grandfathering existing or new businesses that may sell marijuana if it is legalized in the State before the City has an opportunity to develop regulations.

e. Report on County Gravel Parking Lot Status -- Conditional Use Permit for Supplementary Parking at the Southwest Corner of Wald Avenue & Myrtle Street.

City staff will provide an update on this agenda item at the Planning Commission meeting.

f. Other Discussion.