

**AGENDA**  
**Independence Planning Commission**  
**Independence Board of Zoning Appeals**  
**Tuesday, March 3, 2020**  
**Veterans Room Memorial Hall 5:30 p.m.**

**I. CALL TO ORDER**

**II. MINUTES**

**A. Consider Approving Minutes Of The February 4, 2020 Meeting.**

*Documents:*

[020420-MINUTES.PDF](#)

**III. PLANNING COMMISSION**

**A. Public Hearing To Consider A Request For A Conditional Use Permit For A Daycare In An R-1, Large Lot Single-Family Dwelling District At 609 Mulberry Street.**

*Documents:*

[030320-PACKET-ITEMB.PDF](#)

**B. Annual Review Of The Comprehensive Plan.**

*Documents:*

[030320-PACKET-ITEMC.PDF](#)

**IV. BOARD OF ZONING APPEALS (Does Not Include Outside City Appointments)**

**A. Consider Status Update For 2016/VAR/09 Relating To A Variance From The Hard Surface Requirement In An O & P Zoned District At 900 W. Myrtle.**

*Documents:*

[030320-PACKET-ITEMD.PDF](#)

**V. ADJOURNMENT**

**VI. None.**

**MINUTES**  
**Independence Planning Commission**  
**Independence Board of Zoning Appeals**  
**Tuesday, February 4, 2020**  
**Veterans Room Memorial Hall 5:30 p.m.**

---

**Call to Order – Welcome Kendall Neill**

The Planning Commission meeting was called to order by Chair Andy McLenon. New member Kendall Neill was welcomed, and each member introduced themselves.

**Planning Commissioner Present**

Mary Jo Meier, Steve McBride, Barb Emert, Michelle Anderson, Tony Royse, Kendall Neill, Brent Littleton (outside), Andy McLenon (outside), and Lisa Richard.

**Planning Commissioners Absent**

None

**Staff Present**

Kelly Passauer, Assistant City Manager/Zoning Administrator, and Jeff Chubb, City Attorney

**Minutes**

- a. Consider approving minutes of the January 7, 2020 meeting.

*Mary Jo Meier made a motion to approve the minutes of the January 7, 2020 meeting, Tony Royse seconded the motion. The motion carried 8-0. Member Brent Littleton was not yet in attendance during this vote.*

**Visitors**

Brianne Ford, Jennifer Humphries, Mary Wilson, Jim Papen, Lisa Wilson, Tonda Lawrence, Jeff Clark, Diane Clark, Paige Pierce, Charlotte Caflisch, Leonhard Caflisch.

**Planning Commission**

- b. Public hearing to consider a text amendment to Appendix B-Zoning of the City Code including, but not limited to:
  1. Article IV. Rules and Definitions.
  2. Appendix A. “Listing of Permitted and Conditional Uses” including, but not limited to “Orphanages” and other new additional use(s).

The following staff report was reviewed:

On January 7, 2020 the Planning Commission initiated a public hearing to consider a text amendment that would add “*Children’s Home*” into the permitted and conditional use table which would be a permitted use in an R-5 zone, and a conditional use in the R-3 and R-4 Zones.

As stated in the staff report from your last meeting, this request was initiated by someone wishing to open a “Group Boarding Home” as defined by DCF which means “*Twenty-four hour nonsecure care for five to ten children between the ages of infancy to 16 years of age.*” The individual that contacted staff indicated that they would have five to eight children in foster care ranging in ages from 8 to 18 years of age. Staff found on another DCF document that “*Facilities providing services to children age 16 and older only do not require a license*” so I anticipate that is why the previous DCF definition only addresses children 16 and younger. The individual stated they will have an in-house manager and that the requestor will not live in the house.

City code 1604.2 provides the following regarding text amendments:

*1604.1. Recommendations:* Upon the conclusion of the public hearing the planning commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the governing body. Said recommendation may be for approval, disapproval or approval in part and reasons for the recommendations shall be included as appropriate.

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

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

In order to allow their request, the options are:

1. Classify their requested use as an orphanage and require rezoning to R-5 which is the only permitted zoning district for an orphanage.
2. Approve a text amendment to modify the permitted and conditional uses to more accurately reflect the use requested. If approved, a definition of “Children’s Home” should be added to Article IV. Rules and Definitions.

If a text amendment is ultimately approved by the Commission, it would still require the applicant to go through the conditional use permit process, which is similar to the rezoning process. The conditional use permit could address concerns such as the number of children, maximum ages, etc. The City Attorney has advised that the applicant may proceed with their request at the same meeting as the text amendment as long as the text amendment is heard before the request for rezoning and/or a conditional use permit. Therefore, the applicant did submit a rezoning application which will be considered later on this agenda.

It should be noted that staff is cognizant of the need for foster care and is also supportive of local business opportunities that will bring additional jobs to the community. The City currently requires conditional use permits for daycares, so requiring a conditional use permit and/or rezoning for the requested use would not be out of line with the current code and would ensure that our zoning codes are consistent and fair to all.

If the Planning Commission wishes to approve adding “*Children’s Home*” into the permitted and conditional use table which would be a permitted use in an R-5 zone, and a conditional use in the R-3 and R-4 zones, then it is recommended that the following determinations be included in the motion:

- a. That such change is consistent with the intent and purpose of these regulations;
- b. That the areas which are most likely to be directly affected by such change will include the R-3 and R-4 zones which will allow children’s homes with a conditional use permit which does provide an opportunity for property owners within the notification area to voice any concerns to both the Planning Commission and City Commission prior to approval;
- c. The proposed amendment is made necessary because of new planning concepts in the R-3 and R-4 zones as it relates to a shortage of available foster care for children.

In addition, if the Planning Commission wishes to approve this request, the following definitions should be added to Article IV. Rules and Definitions:

*Children's Home: Any place, home or institution providing twenty-four hour nonsecure care licensed by the state for five or more children under the age of 18 years for compensation in which such children are under the custody of a state agency; provided, however, this definition shall not include children placed in family care in a family foster home, public and private schools organized, operated or approved under the laws of the state, children related by blood or marriage to the provider, caring for children within an institutional building while their parents or legal guardians are attending services, meetings or classes or engaged in church activities.*

*Family Foster Home: A childcare facility that is a private residence, including any adjacent grounds, in which the resident(s) provide family care for 24 hours a day for one or more children in foster care and for which a license is required by the State of Kansas.*

The above definitions were written to ensure that rezoning or conditional use permits would not apply to a family that serves as foster parent(s) in the home the foster parent(s) reside in.

**Suggested Motion:**

***I move to recommend a text amendment adding "Children's Home" into the permitted and conditional use table as a permitted use in an R-5 zone, and a conditional use in the R-3 and R-4 zones based on the determinations included in the staff report; and adding definitions for "Children's Home" and "Family Foster Home" as prepared by staff.***

The public hearing was opened by Chair Andy McLenon. Christina Folk started to speak about the rezoning at 517 S. 4<sup>th</sup> Street which is to be covered in the next agenda item. She was advised that this was a text amendment that did not pertain specifically to that property. Being no other comments were made, the public hearing was closed.

Tony Royse asked if this would automatically allow anyone to come in. Assistant City Manager advised if the text amendment was approved for a conditional use permit, then only in the R-5 district where an orphanage is already permitted. A conditional use permit would be required in the R-3 and R-4 zone if staff's recommendation was approved.

***Tony Royse moved to deny the text amendment, Steve McBride seconded the motion. The motion was not carried as Tony Royse and Steve McBride voted Aye, and the remaining board members voted Nay. The motion did not carry with a vote tally of 2 in favor and 6 against.***

***Lisa Richard recommended approving the text amendment, seconded by Barb Emert. The motion carried 6-2. Member Brent Littleton was not yet in attendance during this vote.***

- c. Public hearing to consider a request to rezone a tract of land located at 517 S. 4st Street from R-3, low density multifamily dwelling district to R-5, high density multifamily district and/or a conditional use permit for an “Orphanage” or other new additional use(s).

The following staff report was provided:

**Rezoning**

***Summary:***

The Planning and Zoning Commission received a request from property owner Brianne Ford to rezone a tract of land from R-3, low density multifamily residential district to R-5, high density multifamily district and/or a conditional use permit for an “orphanage” or other new additional use at 517 S. 4<sup>th</sup> Street.

The legal description is: Lot 3, Out lot 26, Wood Brothers Subdivision to the City of Independence, Montgomery County, Kansas.

***Description of the Tract:***

The area requested to be rezoned consists of a 14,000 square foot tract (.32 of an acre). This lot lies in the southeast portion of the City. The lot contains one residential home.

***Zoning and Uses of Property Nearby:***

The property directly north, east and west is zoned R-3, low density multifamily, while the property to the south is zoned R-2, single family.

***Character of the Neighborhood:***

The area generally consists of single and multifamily residential.

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

The property under consideration is currently zoned for low density multifamily residential. The property is suitable for the present residential use classification.

***Length of Time the Property has Remained vacant as Zoned:***

The property is not a vacant lot as it contains a two-story 2,722 square foot residential structure.

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

Efforts should be taken to minimize any negative impacts on adjoining residential properties.

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

Denial of the proposed rezoning will impact the proposed owner's use of the property as it will not allow them to open a facility to care for foster children.

***Conformance with the Comprehensive Plan:***

*Housing Goal – To provide decent and affordable housing for present and future populations of Independence while preserving and improving existing residential areas.*

*Objective H1 – Maintain or upgrade the condition and particular residential character of existing neighborhoods and residential areas.*

*Objective H3 – To provide adequate amounts of multiple family housing in suitable locations.*

*Policy H12 – Rehabilitation and upgrading of houses shall be encouraged in older areas of the City.*

Rezoning to R-5, high density multifamily would not be consistent with Objective H3 regarding a suitable location for high density multifamily. However, the actual use as proposed would be consistent with the above housing goal, objectives and policy of the comprehensive plan. The 1982 general development plan map recommends this area be developed as residential.

***Staff Recommendation***

Rezoning this lot to R-5 would not fit the character of the neighborhood and would create a spot zone. Also, the intended use of the property by the applicant for up to five children does not match the intent of the R-5 high density multi-family district. Staff's recommendation is to deny the rezoning to R-5.

**Suggested Motion:**

***I move to recommend denying a request to rezone a tract of land located at 517 S. 4<sup>th</sup> Street from R-3, low density multifamily dwelling district to R-5, high density multifamily district.***

**Conditional Use Permit**

The zoning ordinance in section 901.1 (page 87) describes the purpose of a conditional use as:

“...those types of uses which are considered by the City to be essentially desirable, necessary or convenient to the community but which by their nature or in their operation have:

- 1) a tendency to generate excessive traffic,*
- 2) a potential for attracting a large number of persons to the area of the use thus creating noise or other pollutants,*
- 3) a detrimental effect on the value of potential development of other properties in the neighborhood, or*
- 4) an extraordinary potential for accidents or danger to the public health or safety.*

*Such conditional uses cannot be allowed to locate as a ‘right’ on any parcel of land within certain districts without consideration of existing conditions at the proposed locations and of properties neighboring the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse effects.”*

***Staff Report***

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

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

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

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.

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

***Action by the Planning Commission***

Any recommendations regarding a conditional use permit for the subject properties shall be based on Section 902.2 previously outlined in this report. After considering any public comments the Planning Commission may either approve or deny the requests. If the requests are approved the applicants must be required to meet the conditions the Planning Commission wishes to require in order to operate the facility.

Following your action, the application and your recommendation will be forwarded to the City Commission at which time they will have 30 days to adopt, modify or deny the Planning Commission’s recommendation.

***Staff Recommendation***

If the text amendment in the previous agenda item is recommended, an alternative to rezoning would be to grant a conditional use permit for a “Children’s Home” at 517 S. 4<sup>th</sup> Street with the following conditions:

- 1. The facility shall be licensed by the state and shall meet all city, county and state requirements pertaining to operation, facilities, equipment and other features.
- 2. Off-street hard surfaced parking spaces shall be provided to accommodate one vehicle for each six beds. Any fraction shall be rounded up. Such parking shall meet the requirements of the Off-Street Parking and Loading Regulations.

3. A "hard surfaced" loading zone capable of accommodating one car for every ten occupants shall be provided in addition to the required parking spaces in order to provide for easy pickup and discharge of passengers.
4. Any visitors of the facility shall not block the alley or private drives.
5. The total occupant load shall be no greater than ten persons, including staff.
6. The maximum age of residents shall be 18.
7. The residents shall be from the local region serving Independence and classified as a child in need of care by the Kansas Department of Children and Family Services.
8. No occupants may be criminal offenders, juvenile delinquents and/or going through law enforcement proceedings.
9. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
10. The facility shall provide a visual screen along all property lines abutting any residential use.
11. Said facility shall be allowed one sign, not to exceed 18 inches by 36 inches in dimension, which shall be attached to the house.
12. Outdoor storage of materials shall be permitted insofar as such materials or equipment are utilized as part of the facility operation.
13. The conditional use permit is not transferable to another property owner or to another location.
14. The applicants must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.

If any of the above conditions are not met the conditional use permit will no longer be valid.

The basis of staff's recommendation is that granting the conditional use permit is consistent with criteria "a through g" of Section 902.2 of the zoning code.

**Suggested Motion:**

***I move to recommend approving a conditional use permit for a Children's Home at 517 S. 4<sup>th</sup> Street with the conditions as recommended by City Staff.***

Chair Andy McLenon asked if any board members had a conflict of interest, in which none responded. The public hearing was opened. The applicant presented a PowerPoint presentation which is attached to these minutes.

Steve McBride asked if Dr. Ford would reside there, to which she replied that she would not as they would hire a house manager, and someone would be onsite 24 hours a day. Steve McBride asked if they would be trained in childcare, to which she replied they would. Steve asked where the kids would come from. Dr. Ford indicated from the southeast Kansas area. Lisa Richards asked about the turnover in staff. Dr. Ford stated that they plan to combat turnover issues by front loading training and providing a competitive wage. She stated in nursing you see a high turn over because they are in high demand. Lisa Richards asked about the turnover rate for the children, and Dr. Ford replied 3-5 months. Dr. Ford emphasized that the goal is to get the children back into their homes. Steve McBride asked if family members could visit their children. Dr. Ford stated that is DCF's decision, and sometimes they can have visitation and sometimes they cannot. She stated any visitation would be within a specified timeframe and would not be overnight.

Jim Bateman asked about typical behavior issues. Dr. Ford stated that the children are there for a reason, they do not have a criminal record, but you can expect typical teenage behavior. They may be agitated or frustrated, and they may not always get along. She further stated that kids that have not had an authoritative figure, they may not like that authority or structure and could rebel. Steve asked about the age range of the children. Dr. Ford replied that she would like 13-17 but would be licensed by DCF for 8-18. Dr. Ford replied that a CMA would be there at all times, and her husband will stop by every day, although he doesn't have to.

A neighbor who did not identify herself stated that she is a nurse and sometimes CMA's take their jobs seriously and some do not, there is a daycare next door that her son goes to, 7:30 AM until evening, and she was concerned about putting a group home for boys next door. Dr. Ford replied that she could live next door and have 5 teenage boys. The neighbor indicated this was different than kids who have lived in the same household their entire life. Dr. Ford stated that was a valid concern, but they need a place to live and she was concerned that the little kids have a place, and the big kids have no place. Jim Bateman asked the applicant if she would want this next to her and stated it would create different problems. Diane Clark stated that the yard is not big enough and asked about kids over age 16 that can drive. Dr. Ford indicated that they select their residents and they would prefer that they not allow them to drive with the freedom of coming and going. Diane Clark stated that they will want to drive, especially if they are 17 or 18. Diane further stated that there needs to be a place for them, just not in her backyard. She further stated she would be selling her house this Summer and was concerned this would affect potential sales.

Dr. Ford was asked what will happen if the boys get into a fight and she responded that was an issue, but she was not operating on hypotheticals. She stated zoning decisions should not be based on hypotheticals. Diane Clark stated that they needed to think about that.

Mr. Bateman asked Dr. Ford if there was a facility next door to her. Dr. Ford stated that she was selling her house in Kansas City and turning it into a facility like this. She stated this is not a secure facility and it's hard to operate on hypotheticals. She stated she understood their concerns, but it was hard to speak in concrete statements. She stated that she does not live next door to it, but that doesn't mean she is opposed to it.

Mr. Bateman asked about crime data and statistics. Dr. Ford replied she did not have that data and believed that having five kids in the neighborhood would not change any statistics. Mr. Bateman replied maybe not in Kansas City, but it would here.

Jennifer Humphreys asked about other cities in a similar setting. Dr. Ford stated that there was such a facility in Atchison, and it is working well.

Tonda Lawrence stated that she cannot fathom her 8 year old grandchild being in a home with an 18 year old, and was concerned for the daycare next door. She stated boys that get upset would fight and she did not want her 8 year old grandchild to witness two people in a choke hold. She also is concerned with her property taxes. She stated in her block on her side of the street a nice home has set empty for a year, and two directly across the street from her are sitting there empty. She stated that she is in education and she feels every child deserves a home and doesn't want to downgrade that at all. She further stated that there are elderly people in her neighborhood. She stated again her concerns about property taxes and homes not selling. She stated that they are in a quiet neighborhood and she can take her grandkids for a walk down the street. She asked Dr. Ford about young men with pending court cases, and if they get in trouble while in their care what happens. Dr. Ford stated that they can't stay there, but they will still be in the system. Tonda Lawrence further asked what happens if they break into cars and are living in the group home. Dr. Ford stated they cannot stay and will be discharged. Tonda Lawrence questioned if they would really do that. Dr. Ford replied they would not be allowed, and placement providers would make a discharge to secure housing. She stated the only way to stay in the home is not to have a juvenile record, and pending court cases would require the placement provider to find them new housing. Dr. Ford further stated that she is getting approved for ages 8-18, but that is a wide range and DCF will refer kids in a closer age range.

Brent Littleton asked about exterior monitoring. Dr. Ford stated that the outside and common living areas would be monitored, and she can tap into it on her phone. Steve McBride asked Dr. Ford if she had done this before, and Dr. Ford replied this is a new business venture for them. Lisa Richards asked if she would consider having two caretakers in the home. Dr. Ford replied she would, but DCF only requires 1-7, so up to 5. She stated there will be overlap in shifts at peak times, but not while in school. Steve McBride asked since she will not be residing here, if the children come out of trauma, who is going to deal with the school if they have a problem. Dr. Ford stated the House Manager will be staff for the day shift and also

on call 24/7. The house parent is responsible for driving and appointments. Steve McBride asked if they would have the authority to handle the situation.

Lisa Richards asked what improvements are being made to the property. She further asked about solid fencing between the group home and the daycare. Dr. Ford replied that they are making improvements internally but have had trouble finding a painter for the exterior. She further stated that they are hoping to do some exterior things, but the fence is not planned to be put up between them and their neighbor. Lisa Richards stated that there is a condition that is listed to provide a visual screen between property lines and that would be a requirement, it can be a fence. She asked Dr. Ford if she was opposed to the visual screen being a solid fence. Dr. Ford stated she was not opposed to it, and further stated as she works with DCF, the Fire Marshall, and zoning if they tell her to put a fence up, she will do that.

Kendall Neill asked about the 6 positions and if those people will live in Independence. Dr. Ford stated that they hoped to hire locally and use local vendors.

Leonhard Caflisch spoke about the request for rezoning or a conditional use permit. He stated that; "Rezoning is long term effect of the property and once you do that you lose a lot of restrictions, the advantage of a conditional use permit is that it is limited to this one activity, as you have with other conditional use permits you can put conditions as Lisa recommended, with that conditional use permit Dr. Ford mentioned the age of kids and grouping and if they desire to increase the number they have to come back, I live at 600 S. 5th, my concern is changing the zoning and an apartment house can go there and you have no say. Once that becomes multi-family R-5, it's easier to get the property next door rezoned. The conditional use permit is my preference to see as it gives the City more control on the use of the property, I was concerned at first about safety and my neighbor was murdered and they never found who did it, my other neighbor was almost raped, our cars have been broken into, if the kids are there we know where to start looking, with monitoring of it something will be done a lot quicker. I had a Mustang that the windows were broken out and it cost me \$1,500. No one was ever identified as doing that. I hope that if this is granted with a conditional use permit, your house parent and husband make contact to monitor with the neighbors. I was concerned at first, with the conditional use permit and hearing the description of monitoring it, I feel comfortable, I am concerned with rezoning. I hope that is ignored and the conditional use permit is considered if that proceeds."

Assistant City Manager Kelly Passauer recommended that the rezoning be denied as the R-5 zone does not fit the character of this neighborhood.

Tony Royse moved to recommend denying a request to rezone a tract of land located at 517 S. 4th Street from R-3, low density multifamily dwelling district to R-5, high density multifamily district. Lisa Richards seconded the motion which carried 9-0.

Assistant City Manager Kelly reviewed the conditions recommended by staff for the conditional use permit.

Steve McBride wished to modify the age range to 8-16 and limit the number of kids to 5. Kendall Neill asked about siblings in different ages and not separating them. Steve McBride stated that they need to be careful and he was concerned about what happens after they leave. He said he dealt with this situation in his neighborhood, but they had criminal backgrounds so he wanted to make sure they provided the residents with a comfort level and cautioned to be careful of how it might be opened up. Kendall Neill suggested rewriting one of the conditions so that the total resident count shall not exceed 5.

City Attorney Jeff Chubb stated that they can make a requirement for electronic surveillance but didn't know if they can make that available.

Mary Jo reiterated that the following conditions be amended as follows:

- Condition #5 -- "The total number of residents cannot exceed five."
- Condition #10 -- "The facility shall provide a visual screen along all property lines abutting any residential use, such screening shall be a 6' privacy fence on the north property line."
- Condition #15 -- "Video surveillance would be required outside and in common areas, and made available to law enforcement upon request if there is no law that prohibits it."

Lisa Richards asked the City Attorney Jeff Chubb what happens if they do not meet the requirements. City Attorney Jeff Chubb stated that there would be due process, but they would most likely lose their license. Lisa Richards stated that she was concerned it is vague, and she is more interested in things the City is in control of. She asked what would allow the City to terminate the CUP if there is an issue, and she doesn't know that DCF would do the right thing and take care of it. City Attorney Jeff Chubb stated that if the condition is vague, we could beef that up with some suggested language from Kelly Passauer.

Mary Wilson stated that if you had five boys of your own, and a family that was not getting along or well supervised, there is a way to be over legislating.

Brent Littleton stated that if there was an incident, police would investigate it, there is due process the City attorney brought out. He further stated we are going to revoke the conditional use permit if they do not stay in line.

Lisa Richards stated that the conditions have to be specific enough on what they did wrong. She stated if there is excessive noise, dangerous traffic, criminal activity, among other problems, there is a need to make it more specific so staff can enforce it. She further stated that she has written many of these things and she felt it is not legally enforceable. Andy McLennon replied that without statistics they would just

be throwing numbers out there such as murder, vandalism, rape within the neighborhood. Lisa Richards reiterated that it needed to be more specific. Andy McLenon asked if the frequency go up because of the neighborhood and he did not want to be too prescriptive.

***Steve McBride moved to recommend approving a conditional use permit for a Children's Home at 517 S. 4th Street with the conditions as recommended by staff and amended by the Planning Commission as follows:***

- ***Condition #5 -- "The total number of residents cannot exceed five."***
- ***Condition #10 -- "The facility shall provide a visual screen along all property lines abutting any residential use, such screening shall be a 6' privacy fence on the north property line."***
- ***Condition #15 -- "Video surveillance would be required outside and in common areas, and made available to law enforcement upon request if there is no law that prohibits it."***

***Mary Jo Meier seconded the motion. The motion carried 8-1 with Tony Royse casting the dissenting vote.***

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

d. None.

**Adjournment**

***Brent Littleton moved to adjourn the meeting, with Tony Royse seconding the motion, which passed 9-0.***

---

Andy McLenon, Chair

---

Michelle Anderson, Secretary

## **Planning Commission**

### **b. Public hearing to consider a request for a conditional use permit for a daycare in an R-1, large lot single-family dwelling district at 609 Mulberry Street.**

#### ***Summary***

The Planning and Zoning Commission has received a request for a conditional use permit from Aubrey Carpenter for a daycare at 609 Mulberry Street.

City Zoning Code Section 403. 0 defines a day care facility as follows:

*Day care facility. Anyplace, home or institution which receives four or more children under the age of 18 years for any part of the 24- hour day for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of the state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage, to the day care provider, caring for children within an institutional building while their parents or legal guardians are attending services, meetings or classes or engaged in church activities.*

Appendix "A" of the Zoning Ordinance allows a day care facility as a permitted use in the C- 1 and C- 2 districts. Day care facilities are allowed as a conditional use in the A- 1, R- 1, R-2, R-3, R-4, R- 5, O/ P and C- 3 zones. Day care facilities are not permitted in the M- 1 and M-2 zones.

#### ***Conditional Use Permit***

The zoning ordinance in section 901. 1 describes the purpose of a conditional use as:

*"..those types of uses which are considered by the City to be essentially, desirable, necessary or convenient to the community but which by their nature or in their operation have:*

- 1) a tendency to generate excessive traffic,*
- 2) a potential for attracting a large number of persons to the area of the use thus creating noise or other pollutants,*
- 3) a detrimental effect on the value of potential development of other properties in the neighborhood, or*
- 4) an extraordinary potential for accidents or danger to the public health or safety.*

*Such conditional uses cannot be allowed to locate as a `right' on any parcel of land within certain districts without consideration of existing conditions at the proposed locations and of properties neighboring the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse effects."*

#### ***Staff Report***

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

##### ***1001. 0. Purpose.***

*1001.1. Purpose: In granting a conditional use, the city may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be*

*necessary to reduce or minimize any potentially injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. Any lessening or subverting of those limitations and requirements constitutes a variance and must be treated accordingly. The following additional conditions shall be a requirement for the approval of the following conditional uses.*

**1003. 0. Day care facilities for more than four children.**

*1003. 1. Special conditions: Day care facilities for more than four children shall meet the following provisions when authorized as a conditional use in any residential district:*

- a. City, county and state standards: All day care facilities shall be licensed by the state and shall meet all city, county and state health department requirements pertaining to facilities, equipment and other features*
- b. Loading zone: A loading zone capable of accommodating one car for every ten children shall be provided in addition to the required parking area in order to provide for easy pickup and discharge of passengers.*
- c. Operation: Any day care facility shall be operated in a manner that will not adversely affect other properties and uses in the area*
- d. Screening required: Any day care facility located in a building other than a residential dwelling or any residential dwelling used for a day care facility for seven or more children shall provide a visual screen along all property lines abutting any residential use*

Section 610 and 1003 address the minimum provisions the Planning Commission should consider when authorizing a day-care facility in a residential district:

*610.0. Family day care homes.*

*610.1. Definition: A "family day care home" shall be defined as any facility for the care of four or more children, but no more than ten children, including the homeowner's or resident's children, on a professional basis, and subject to state licensing, which is operated out of the residence in which the owner resides.*

*610.2. [Home occupation license.] Each family day care home must obtain a home occupation license and comply with the restrictions, limitations and requirements contained in 605.0 except as modified herein:*

- a. Said facility shall be allowed one sign, not to exceed 18 inches by 36 inches in dimension, which shall be attached to the house.*
- b. Outdoor storage of materials shall be permitted insofar as such materials or equipment are utilized as part of the day care operation.*
- c. The primary resident of the dwelling must operate the facility, who need not be an owner of the dwelling.*
- d. Said facility shall be exempt from all off-street parking requirements included in 701.0*

- e. *Children at play on the exterior of the house shall not be considered visible evidence of the business as provided by section 605.1.*

610.3. *Special conditions*

- a. *No day care home may operate in an apartment or duplex*
- b. *Each applicant for a home occupation license under this section shall be licensed or registered by the State of Kansas prior to receiving such home occupation license.*
- c. *Any family day care home or facility shall be operated in a manner that will not adversely affect other properties and uses in the area.*

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

City staff has reviewed the sites regarding the above special conditions and wishes to provide the following:

- a. *City, county and state standards: The applicant would be required to meet all City, county and state standards which includes receiving a State daycare license and a City occupation license.*
- b. *Loading zone: One off-street loading zone for every ten children is required by code. However, if the daycare facility is only licensed for nine children or less an off-street loading zone is not required.*
- c. *Operation: City staff is not aware of any issues in the operation of this day care that would adversely affect adjoining property owners.*
- d. *Screening required: Screening is only required for seven or more children, if this facility is licensed for six children or less then no screening is required.*

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

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

- a. *The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.*
- b. *The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.*
- c. *The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.*
- d. *The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use*

*will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:*

- 1. The location, nature and height of buildings, structures, walls and fences on the site, and*
- 2. The nature and extent of landscaping and screening on the site.*
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII).*
- f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.*
- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.*

### ***Action by the Planning Commission***

Any recommendations regarding a conditional use permit for the subject properties shall be based on Section 902.2 previously outlined in this report. After considering any public comments the Planning Commission may either approve or deny the requests. If the requests are approved the applicants must be required to meet the special conditions required for a day care facility within a specified period of time in addition to any other conditions the Planning Commission wishes to require. Following your action, the application and your recommendation will be forwarded to the City Commission at which time they will have 30 days to adopt, modify or deny the Planning Commission's recommendation.

### ***Staff Recommendation***

City staff recommends granting the conditional use permit with the following conditions:

- 1. The applicant must meet all the "special conditions" set forth in Section 1003. 1 a, b, c, and d of the Zoning Code as follows:*
  - a. City, county and state standards: All day care facilities shall be licensed by the state and shall meet all city, county and state health department requirements pertaining to facilities, equipment and other features.*
  - b. Loading zone: A "hard surfaced" loading zone capable of accommodating one car for every ten children shall be provided within one year in addition to the required parking area in order to provide for easy pickup and discharge of passengers.*
  - c. Operation: Any day care facility shall be operated in a manner that will not adversely affect other properties and uses in the area.*
  - d. Screening required: Any day care facility located to a building other than a residential dwelling or any residential dwelling used for a day care facility for*

*seven or more children shall provide a visual screen along all property lines abutting any residential use. The applicant will have one year to meet this requirement.*

2. The conditional use permit is not transferable to another property owner or to another location.
3. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.

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

City of Independence, Kansas

**NOTICE TO THE PUBLIC**

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

Tuesday, March 3, 2020 at 5:30 p.m.

To receive comments on a request for a conditional use permit for a daycare in an R-1, large lot single-family dwelling district at 609 Mulberry Street.

**Legal Description:**

Beginning 35' west of the northeast corner of Lot 2, west 131.2', south 110', east 131.2', north 110' to the point of beginning; Block 3, Highland Park Addition to the City of Independence, Montgomery County, Kansas.

**Common Addresses:**

609 Mulberry Street

**Applicant/Owners:**

Aubrey Carpenter, Applicant

Ryan W. and Tammy D. Carpenter, Owners

**Case Number:**

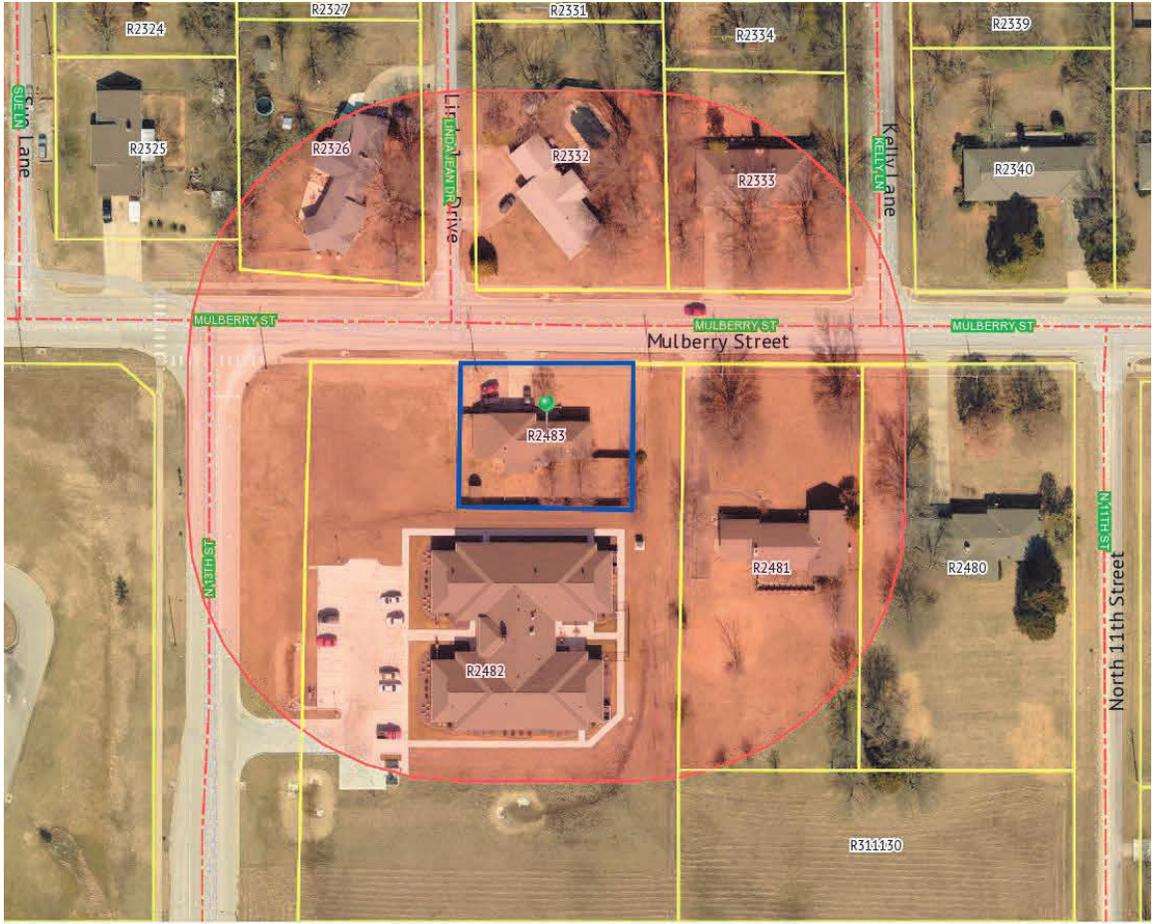
2020/CUP/03

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

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

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

*Kelly Passauer, Zoning Administrator*



These Links May Require Adobe Acrobat Reader, Click [here](#) to Download it.

[View Sketch](#) --- [Back to Search Page](#) --- [Home](#)

**The Parcel Number for this Property is 063-086-24-0-40-02-004.00-0  
Quick Ref ID: 2483**

**Owner Information**

<b>Owner Name</b>	CARPENTER, RYAN W & TAMMY D
<b>Address</b>	609 MULBERRY ST INDEPENDENCE, KS 67301

**Property Situs Address**

<b>Address</b>	609 MULBERRY ST, Independence, KS 67301
----------------	---

**Land Based Classification System**

<b>Function</b>	Single family residence (detached)
<b>Activity</b>	Household activities
<b>Ownership</b>	Private-fee simple
<b>Site</b>	Developed site - with buildings

**General Property Information**

<b>Prop Class</b>	Residential - R
<b>Living Units</b>	1
<b>Zoning</b>	
<b>Neighborhood</b>	108.A
<b>Tax Unit Group</b>	108

**Property Factors**

<b>Topography</b>	Level - 1
<b>Utilities</b>	All Public - 1
<b>Access</b>	Paved Road - 1
<b>Fronting</b>	Residential Street - 4
<b>Location</b>	Neighborhood or Spot - 6
<b>Parking Type</b>	On and Off Street - 3
<b>Parking Quantity</b>	Adequate - 2
<b>Parking Proximity</b>	On Site - 3
<b>Parking Covered</b>	
<b>Parking Uncovered</b>	

**2019 Appraised Value**

Class	Land	Building	Total
Residential - R	8,770	94,130	102,900
<b>Total</b>	<b>8,770</b>	<b>94,130</b>	<b>102,900</b>

**Tract Description**

HIGHLAND PARK ADD, S24, T32, R15, BEG 35' W NE COR LT 2 BLK 3 W 131.2' S 110' E 131.2' N 110' TO POB; LOT WIDTH: 131.2 LOT DEPTH: 110.0 Plat Book/Page 6 /25 Deed Book/Page 630 /437 621 /630 580/113 559 /140 550 /164 527 /288 522 /095 381 /140 359 /174

**Deed Information**

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
630	437	621	630	580	113		

**Market Land Information**

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	14410										8,770

**Dwelling Information**

Dwelling Information	
<b>Res Type</b>	Single-family Residence
<b>Quality</b>	AV
<b>Year Built</b>	1980
<b>Eff Year</b>	
<b>MS Style</b>	One Story
<b>LBCSStruct</b>	Detached SFR unit
<b>No. of Units</b>	
<b>Total Living Area</b>	
<b>Calculated Area</b>	1,520
<b>Main Floor Living Area</b>	1,520
<b>Upper Floor Living Area Pct.</b>	
<b>CDU</b>	AV
<b>Phys/Func/Econ</b>	AV/ /
<b>Ovr Pct Gd/RCN</b>	/164,280
<b>Remodel</b>	1986
<b>Percent Complete</b>	
<b>Assessment Class</b>	
<b>MU Cls/Pct</b>	

Comp Sales Information	
<b>Arch Style</b>	Ranch
<b>Bsmt Type</b>	Crawl - 2
<b>Total Rooms</b>	7
<b>Bedrooms</b>	3
<b>Family Rooms</b>	1
<b>Full Baths</b>	2
<b>Half Baths</b>	
<b>Garage Cap</b>	2
<b>Foundation</b>	Block - 3

Dwelling Components				
Code	Units	Pct	Quality	Year
Raised Slab Porch (SF) with Roof	6			
Wood Deck (SF) with Roof	200			
Veneer, Brick		25		
Attached Garage (SF)	1,032			
Garage Finish, Attached (SF)	1,032			
Paving, Flagstone (SF)	154		2	1980
Frame, Cement Fiber Siding		75		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Warmed & Cooled Air		100		
Plumbing Fixtures (#)	8			
Plumbing Rough-ins (#)	1			
Single 1-Story Fireplace (#)	1			
Automatic Floor Cover Allowance				
Open Slab Porch (SF)	55		2	1980

Building Improvements																					
Id	Occupancy	MSCIs	Rank	Qty	Yr BIt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
68	Prefabricated Storage Shed	D	1.00	1	1985			64	32	6	8 X 8	1	2	3					1,070	20	210

These Links May Require Adobe Acrobat Reader, Click [here](#) to Download it.

[View Sketch](#) --- [Back to Search Page](#) --- [Home](#)

APPLICATION FOR CONDITIONAL USE PERMIT  
PLANNING AND ZONING COMMISSION

DATE FILED \_\_\_\_\_  
\$200 FEE PAID \_\_\_\_\_

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Aubrey Carpenter  
609 Mulberry

LEGAL DESCRIPTION OF LAND INVOLVED:

Residence

COMMON ADDRESS OF SAID LAND:

609 Mulberry

PRESENT ZONING CLASSIFICATION:

R-1

STATEMENT OF INTENDED USE OF PROPERTY:

Daycare

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.

2.3.20  
Date

Aubrey Carpenter  
Signature of Applicant

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Building Inspector

Action of Planning and Zoning Commission:

(Approved, Denied --- Date)

Comments:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Secretary

CITY OF INDEPENDENCE

REC#: 01079679 2/03/2020 3:27 PM  
OPER: JESS TERM: 001  
REF#:

TRAN: 1.9000 VARIANCE  
AUBREY CARPENTER 609 MULBERRY  
CONDITIONAL USE PERMIT  
MISC FEES 200.00CR

TENDERED: 200.00 CASH  
APPLIED: 200.00-  
CHANGE:            0.00

**c. Annual review of the Comprehensive Plan.**

By State statute the Planning Commission is required to review the Comprehensive Plan annually. In previous years the Planning Commission has recommended to the City Commission that the Comprehensive Plan be updated. Due to budget constraints funding has not been allocated for this purpose. The estimated cost to update the plan would be approximately \$100,000.

The page features a series of diagonal stripes running from the top-left to the bottom-right. The stripes consist of alternating bands of solid black, light gray, and white. The text 'INDEPENDENCE, KANSAS' is centered within these stripes.

# INDEPENDENCE, KANSAS

## COMPREHENSIVE PLAN

PREPARED BY

**BUCHER & WILLIS**

CONSULTING ENGINEERS, PLANNERS & ARCHITECTS

ORDINANCE NO. 3610

**AN ORDINANCE ADOPTING THE COMPREHENSIVE PLAN OF THE CITY OF INDEPENDENCE, KANSAS, BY REFERENCE, PURSUANT TO K.S.A. 12-747.**

WHEREAS, K.S.A. 12-747 grants a municipality the authority to adopt it's Comprehensive Plan by ordinance, and,

WHEREAS, the governing body of the City of Independence, Kansas, finds that the Comprehensive Plan of the City of Independence, Kansas, should be adopted by ordinance rather than by resolution.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, THAT,

**SECTION I: ADOPTION OF COMPREHENSIVE PLAN.** The Comprehensive Plan of the City of Independence, Kansas, is hereby adopted as an ordinance of the City of Independence, Kansas.

**SECTION II: INCORPORATION BY REFERENCE INTO THE ORDINANCES AND CODES OF THE CITY OF INDEPENDENCE, KANSAS.** It is hereby incorporated by reference into the codes and ordinances of the City of Independence, The Comprehensive Plan of the City of Independence, Kansas, dated the 2nd day of September, 1981. Copies of said Comprehensive Plan shall be marked or stamped "official copy" as adopted by the governing body of the City of Independence, Kansas, and shall be attached to a copy of this ordinance and filed with the City Clerk to be open for inspection and available to the public at all reasonable hours.

**SECTION III: EFFECTIVE DATE:** This ordinance adopting and incorporating said Comprehensive Plan, into the codes and ordinances of the City of Independence, by reference, shall take effect and shall be in full force and effect after its publication in the Independence Daily Reporter.

Passed by the City Commission of the City of Independence, Kansas, this 11th day of March, 1992.

*G. Burke Sherman*  
MAYOR

ATTEST:

*Anthony D. Royce*  
CITY CLERK



# INDEPENDENCE COMPREHENSIVE PLAN

Independence, Kansas

February 1982

PREPARED BY  
**BUCHER & WILLIS**  
CONSULTING ENGINEERS, PLANNERS & ARCHITECTS

#CPA/KC/07/16/1051 - This planning grant is contracted through the Kansas Department of Economic Development. The preparation of this report was financed in part through a Comprehensive Planning Grant from the Department of Housing and Urban Development.

ACKNOWLEDGEMENTS

INDEPENDENCE CITY OFFICIALS

Mayor ..... Chet Dunbar  
Commissioner ..... Wayne Reed  
Commissioner ..... Robert Jost  
  
City Manager ..... Paul A. Sasse  
City Clerk ..... Fred Gress  
City Engineer ..... Ted Dieffenderfer

INDEPENDENCE PLANNING COMMISSION

Chairman ..... John Koschin  
Members ..... Mike Flood  
..... Ron Gatz  
..... Jack Hansen  
..... Retha Keeley  
..... John Pittman  
..... Frank Stark  
..... V. L. Tweedie  
..... Pete Wedelin

BUCHER & WILLIS STAFF

Partner-In-Charge ..... Ronald A. Williamson  
Project Manager ..... Myles Schachter  
Project Planner ..... Donna Goltry  
Project Planner ..... Douglas R. Johnson  
Draftsman ..... Sheila Lewis  
Clerical ..... Lynne Wilhelm

A RESOLUTION APPROVING AND ADOPTING  
THE COMPREHENSIVE PLAN FOR THE CITY OF INDEPENDENCE, KANSAS

WHEREAS, the City of Independence has a duly constituted planning Commission as required by law; and

WHEREAS, the Planning Commission has caused a Comprehensive Plan to be prepared for said City and the surrounding growth area; and

WHEREAS, the Comprehensive Plan includes the report titled Independence, Kansas Comprehensive Plan, and all maps included therein; and

WHEREAS, proper notice was published in the official City newspaper once at least twenty (20) days prior to the public hearing; and

WHEREAS, a quorum of the City Planning Commission was present to constitute a meeting; and

WHEREAS, the chairman called the meeting to order and declared the public hearing open; and

WHEREAS, the Comprehensive Plan and maps therein were discussed; and

WHEREAS, it was moved and seconded that the report titled Independence, Kansas Comprehensive Plan, and all maps included herein, be approved as the Comprehensive Plan for the City of Independence, Kansas, and said growth area, and that copies be certified to the City Commission and all other legislative and administrative agencies affected by the Plan; and other legislative and administrative agencies affected by the Plan; and

WHEREAS, the motion carried unanimously.

NOW, THEREFORE, be it resolved by the Planning Commission of the City of Independence, Kansas, that said Comprehensive Plan and all maps included therein are hereby approved.

APPROVED at Independence, Kansas, this 2 day of September, 1981.

ATTEST:  
Ronald F. Gutz  
Secretary

INDEPENDENCE PLANNING COMMISSION  
By [Signature]  
Chairman

ADOPTED at Independence, Kansas, this 22 day of December, 1981.

ATTEST:  
Ronald F. Gutz  
Secretary

INDEPENDENCE PLANNING COMMISSION  
By [Signature]  
Chairman

## TABLE OF CONTENTS

	<u>Page No.</u>
INDEPENDENCE COMPREHENSIVE PLAN .....	1
THE PLANNING PROCESS .....	1
HOUSING PLAN .....	3
OVERVIEW .....	3
EXISTING HOUSING CONDITIONS .....	3
Size and Composition of the Housing Stock .....	3
Structural Conditions .....	6
Economic Conditions .....	8
PROJECTED HOUSING NEEDS .....	10
Long-Term Housing Needs .....	10
Long-Term Needs of Lower Income Households .....	13
Short-Term Housing Assistance Program -- Three Years .....	13
HOUSING PLAN - GOAL, OBJECTIVES AND POLICIES .....	15
Objectives for Residential Character .....	15
Policies for Improving Residential Character in Independence ...	16
Objectives for Providing a Range of Housing Choices .....	19
Policies for Providing a Range of Housing Choices .....	20
PROPOSED ACTIONS .....	21
PUBLIC FACILITIES PLAN .....	25
OVERVIEW .....	25
COMMUNITY FACILITIES .....	25
Police Facilities .....	25
Fire Protection .....	25
Municipal Offices .....	27
School Facilities .....	28
PARKS AND RECREATION SERVICES .....	29
Park Land and Facilities .....	29
Recreation Program .....	33
WATER AND SEWER FACILITIES .....	34
Sanitary Sewer System .....	34
Water System .....	35
Summary .....	36
TRANSPORTATION AND THOROUGHFARE PLAN .....	39
STREET SYSTEM IDENTIFICATION .....	39
Principal Arterial .....	39
Minor Arterial .....	40
Collector Street .....	40
Local Street .....	41
TRAFFIC VOLUME .....	42
Volume/Capacity Relationship .....	42
THOROUGHFARE PLAN AND STREET FUNCTIONAL CLASSIFICATIONS .....	45
Principal Arterial Street System .....	45
Minor Arterial Street System .....	46
Collector Street System .....	48
STREET FUNCTIONAL CLASSIFICATION SUMMARY .....	50
THOROUGHFARE RECOMMENDATIONS .....	51
ALTERNATE MODES OF TRANSPORTATION .....	51
RAILROAD GRADE CROSSINGS .....	52

	<u>Page No.</u>
CENTRAL BUSINESS DISTRICT .....	53
CURRENT STATUS .....	53
KEY ISSUES .....	54
Short Term Issues .....	55
Long Term Issues .....	56
IMPLEMENTATION .....	58
SUMMARY .....	59
 GENERAL DEVELOPMENT PLAN .....	 61
PLANNING PRINCIPLES .....	61
Neighborhood Concept .....	61
Transportation and Utility Network .....	62
Environmental Considerations .....	64
Economic Activities .....	66
GOALS, OBJECTIVES AND POLICIES .....	67
GENERAL DEVELOPMENT PLAN MAP .....	77
Demand for Land .....	77
Environmental Characteristics .....	80
General Development Plan Map .....	82
Residential .....	82
Commercial .....	83
Industrial .....	83
Parks and Recreation .....	83
CONCLUSION .....	84

INDEX TO TABLES AND FIGURES

	<u>Page No.</u>
Table 1-1	NUMBER OF HOUSING UNITS ..... 4
Table 1-2	TENANCY BY HOUSING TYPE ..... 5
Table 1-3	HOUSING INVENTORY - JANUARY, 1981 ..... 7
Table 1-4	HOUSING CONDITIONS BY TENANCY - JANUARY, 1981 ..... 8
Table 1-5	HOUSING ASSISTANCE NEEDS ..... 10
Table 1-6	PROJECTED HOUSING DEMAND ..... 11
Table 1-7	HOUSING LOSSES THROUGH ATTRITION ..... 12
Table 1-8	LONG-TERM HOUSING NEEDS, 1981-2000 ..... 12
Table 1-9	LOW INCOME FAMILY HOUSING NEEDS ..... 13
Table 1-10	ONE AND THREE-YEAR HOUSING ASSISTANCE GOAL, 1982-1984 .. 14
Table 1-11	PROPOSED FUTURE ACTIONS, 1981-2000 ..... 22
Table 2-1	ENROLLMENT IN INDEPENDENCE UNIFIED SCHOOL DISTRICT 446 ..... 29
Table 2-2	INVENTORY OF PARK FACILITIES IN INDEPENDENCE, 1981 ..... 31
Table 2-3	INDEPENDENCE PARK NEEDS ..... 32
Table 2-4	STANDARDS FOR RECREATIONAL FACILITIES ..... 33
Table 2-5	RECREATION PROGRAMS IN INDEPENDENCE, 1980-1981 ..... 33
Table 2-6	PUBLIC FACILITY RECOMMENDATIONS ..... 36
Table 3-1	INTERSECTION GEOMETRIC CAPACITY ..... 44
Table 3-2	INTERSECTIONS WARRANTING POSSIBLE IMPROVEMENTS ..... 45
Table 5-1	GOALS AND OBJECTIVES ..... 68
Table 5-2	POLICIES FOR IMPLEMENTING GOALS AND OBJECTIVES ..... 69
Table 5-3	EXISTING LAND USE, 1980 ..... 78
Table 5-4	LAND USE COMPOSITION ..... 79
Table 5-5	5-YEAR INCREMENTAL LAND USE ..... 80
Figure 1-1	HOUSING SURVEY - JANUARY, 1981 ..... 7
Figure 1-2	POINTS OF NEIGHBORHOOD CONFLICT ..... 17
Figure 5-1	THE NEIGHBORHOOD CONCEPT ..... 63
Figure 5-2	SLOPE LIMITATIONS TO DEVELOPMENT ..... 81

INDEX TO MAPS

	<u>Following Page No.</u>
HOUSING CONDITIONS MAP (IN CITY) .....	6
HOUSING CONDITIONS MAP (IN PLANNING AREA) .....	6
MAJOR THOROUGHFARE PLAN .....	52
GENERAL DEVELOPMENT PLAN .....	84



# INTRODUCTION

# INDEPENDENCE COMPREHENSIVE PLAN

## THE PLANNING PROCESS

The comprehensive plan is a meaningful and highly visible part of the local planning process. The role of the comprehensive plan, as a part of the planning process, is to recognize a consensus among local citizens of the community's desired path for future growth and development.

The planning process incorporates:

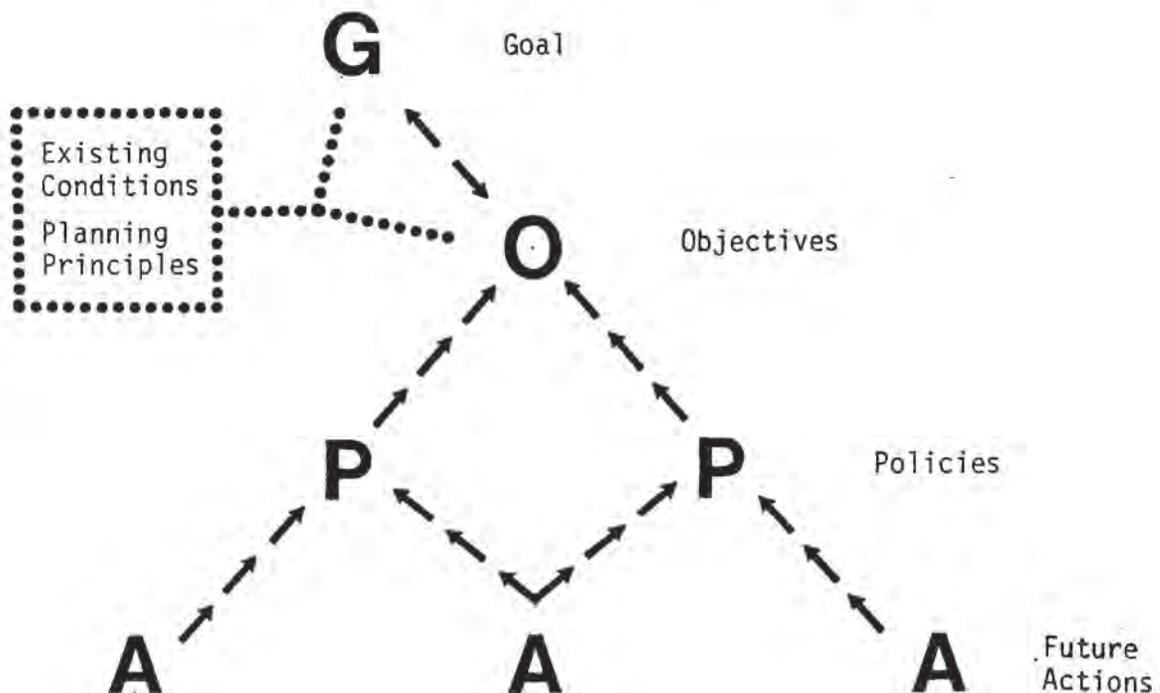
- \* existing conditions and characteristics of the community;
- \* accepted planning principles, and
- \* goals and objectives for future development.

Goals and objectives, plus the two background factors of existing conditions and planning principles, serve as the framework for the comprehensive plan. From this framework, policies for directing future land use and development decisions in accord with goals and objectives are defined.

Future actions consist of recommendations for programs or projects to be undertaken to carry out the policies of the comprehensive plan.

Because the comprehensive plan gives a long-range perspective for directing the course of future growth, it is sometimes difficult to understand the plan's interrelationships. Key words have been underlined in these introductory paragraphs.

## INTERRELATIONSHIPS OF THE COMPREHENSIVE PLAN



The Independence Comprehensive Plan is designed to provide the City of Independence with a set of development policies, recommendations for future actions and a general development plan map to guide the growth and development of the City and its surrounding area through the period of 1981-2000. The plan can be used by local officials to guide them in dealing with the year-to-year decisions of where to concentrate on road construction, whether to rezone a property, where to locate a neighborhood park, and other land use decisions. By following the policies and recommendations for future action of the comprehensive plan, it is possible to create a city where residential, commercial and industrial uses enjoy mutually beneficial interrelationships and reduce land use conflicts. It is possible to reduce the cost of providing adequate city services such as streets, water, sewer lines, fire protection, etc.

Because the character of the City is created by the composite of each separate development project, the policies of the comprehensive plan are implemented incrementally. It must be remembered that the comprehensive plan is a part of a continuing planning process. As local conditions change, goals and objectives should be reevaluated to ensure that policies and recommendations for future actions reflect local needs. This makes the planning process a dynamic (or changing) process.

The Independence Comprehensive Plan has been separated into five sections.

- Housing
- Public Facilities
- Transportation
- Central Business District
- General Development Plan

Existing conditions in the Independence area were discussed in the 1980 report entitled Comprehensive Development Plan Phase I: Population, Economy, Environment, Land Use.<sup>1</sup> The results of this analysis of existing conditions were used in developing the goals, objectives and policies. Due to the length of the report, it was not possible to repeat its specific findings, but rather to recommend that the reader refer to the original document.

The General Development Plan is the summary section of the Comprehensive Plan. It consists of two components. First it has a plan map which provides an overall perspective of the City. More importantly, this section of the Plan contains a set of goals, objectives and policies for Independence. It is these goals, objectives and policies which must be referred to and carefully considered when evaluating individual decisions pertaining to zoning, subdivision, annexation, capital improvements or other community change proposals.

---

<sup>1</sup>Comprehensive Development Plan Phase I: Population, Economy, Environment, Land Use; Southeast Kansas Regional Planning Commission, 1980.

HOUSING PLAN

## HOUSING PLAN

### OVERVIEW

Residential development is the predominant land use in the City of Independence. It occupies 44% of the developed land. The home serves as the focal point for most households, whether the households consist of families with children, single persons, or other types of households. Crime, illness and accidents are all highly correlated to local housing conditions. When a city initiates an active housing development and maintenance program, it improves the choice of housing available for residents and reduces the occurrence of these and other problems.

Because of the substantial influence of housing on people's lives and the City's development pattern, this chapter is included as a separate part of the comprehensive plan. This housing plan contains a discussion of existing housing conditions and a projection of future housing trends. It identifies a housing goal and housing objectives and policies for Independence. Specific recommendations for future actions to implement the objectives are included within this housing plan. These recommendations are to be used by City officials and neighborhood improvement groups to upgrade the condition of housing in Independence.

The data base for this plan is from several sources. A windshield survey of exterior housing conditions was made by Bucher & Willis in January, 1981. An inventory of land development patterns was compiled by the Southeast Kansas Regional Planning Commission in June, 1980. Statistics from the preliminary counts of the 1980 U.S. Census were used when available. The 1970 U.S. Census was used also. Although this material is older, it was the best statistical information available until additional 1980 Census information is released in the mid-Eighties.

### EXISTING HOUSING CONDITIONS

#### Size and Composition of the Housing Stock

During the decade of the Seventies, there were shifts in the amount and kind of housing available for residents of Independence. The total number of housing units increased 12%, from 4,324 units to 4,842. The population growth of 5% during this decade was much lower. As a result, the average number of persons living in each housing unit decreased from 2.6 persons in 1970 to 2.4 persons in 1980. The smaller household size can be attributed to the high proportion of elderly residents in Independence plus the nationwide trends for more single persons living alone, families with fewer children and more single-parent families.

During the Seventies, there were many apartment units built. The greater need for apartments can be linked with the large elderly population and more single persons living alone. Between 1973-1980, 224 apartment units were constructed.<sup>1</sup> Penn Terrace, south of the downtown area, at Penn and Poplar,

<sup>1</sup>City of Independence, building permit data. No data was available for 1970-1972.

accounts for 100 of these units. Penn Terrace is reserved for occupancy by elderly, handicapped and disabled residents.<sup>2</sup>

Most of the mobile homes are in commercial mobile home parks located within a few blocks of Main Street west of the Missouri-Pacific right-of-way. The number of mobile homes increased from 70 in 1970 to 219 in 1980.<sup>3</sup> Single-family homes remained the predominant type of housing, although this category showed the slowest growth. The number of single-family residences constructed from 1973 through 1980 was 321.<sup>4</sup> By comparing with the 1980 U.S. Census preliminary count of total housing units, it appears the number of demolitions would be at least 176.

The changes in the composition of the housing stock from 1970 to 1980 are summarized in Table 1-1.

Table 1-1  
NUMBER OF HOUSING UNITS  
Independence, Kansas

	All Housing Units	Single-Family Units	Multiple-Family Units	Mobile Homes
Total Units, 1970	4,324	3,715	539	70
Activity during 1970-1980:				
New Construction	694	321	224	149
Demolitions (estimated)	-176	-148	- 28	—
Net Change - 1970-1980	+518	+173	+196	+149
Total Units, 1980	4,842	3,888	735	219
Percent Change - 1970-1980	12.0%	4.7%	36.4%	212.9%

<sup>2</sup>HUD section of rental subsidies are available for lower income tenants in this project.

<sup>3</sup>Southeast Kansas Regional Planning Commission, Independence, Kansas Comprehensive Development Plan Phase I: Population, Economy, Environment, Land Use, June, 1980.

<sup>4</sup>City of Independence, building permit data, 1973-1980.

The vacancy rate is the percent of units which are not occupied. In Independence, the vacancy rate remained high throughout the decade. It was pegged at 10% in 1970 and estimated at 10.4% for 1980.<sup>5</sup> This is well above the desirable vacancy level. A three to four percent vacancy rate is sufficient to offer a range of choices for persons desiring to find a new residence. The excessive vacancy rate indicates there is a surplus of housing, although many of the vacant units are probably in substandard condition. These units would require rehabilitation before being suitable for occupancy.

Abandoned and unoccupied buildings contribute to vagrancy and are a blight on surrounding residences. Some of the effects of abandoned and vacant residences on the surrounding neighborhood are to lead to a decline in property and housing values, discourage reinvestment in houses, and cause an acceleration of blight.

Table 1-2

TENANCY BY HOUSING TYPE

	All Housing Types	Single-Family Units	Multiple-Family Units	Mobile Homes
Total Occupied, 1970	3,890	3,369	451	70
Total Occupied, 1980	4,340	3,484	659	197
Owner-Occupied, 1970	2,663	2,532	76	55
Owner-Occupied, 1980	2,886	2,620	111	155
% of Housing Type	66.5%	75.2%	16.8%	78.7%
Renter-Occupied, 1970	1,227	837	375	15
Renter-Occupied, 1980	1,454	864	548	42
% of Housing Type	33.5%	24.8%	83.2%	21.3%

- Assumption: 1. 1980 vacancy rate of 10.4% for each type of housing (single-family, multiple-family, mobile homes).  
 2. The proportion of owner- and renter-occupied units for each housing type in 1980 was equivalent as in 1970.

Source: U.S. Census, Report HC(1)A18, 1970, Table 18.

<sup>5</sup>1980 U.S. Census, Preliminary Report.

Approximately two-thirds (66.5%) of the occupied housing in Independence is estimated to be owner-occupied. The balance of 33.5% is estimated as rental units.<sup>6</sup> This is comparable to the percent of homeowners in other southeast Kansas towns, such as in Coffeyville where 68% of housing units are owner-occupied and Chanute where 70% are owner-occupied. Most single-family homes and mobile homes are occupied by home owners. As would be expected, almost all apartments are occupied by renters. Table 1-2 identifies the division between owner and renter occupancy for different housing types in 1970, and estimates this information for 1980.

### Structural Conditions

Housing conditions in Independence range from exceptional to very marginal. Most of the well-kept new subdivisions are being developed in the north and northwest part of the City. In the older residential areas near the railroad rights-of-way and industrial tracts, many houses are in a serious state of decline.

A block-by-block survey was made of housing conditions during January, 1981. The survey identified areas with concentrations of housing units in need of repair or replacement. The results are shown on the Housing Conditions Map, Figure 1-1.

All housing units were classified as being in sound condition, needing minor rehabilitation, needing major rehabilitation or dilapidated. The definitions of the categories are as follows:

Sound - A structure that had no apparent structural defects and appeared durable for occupancy for a minimum of 20 additional years.

Minor Rehabilitation - A structure with apparent weaknesses in the exterior surfacing (exterior coating, porches, doors and windows, etc.) but that had no apparent structural weaknesses (foundation, exterior walls). This structure will require improvements during the planning period to retain its value and usefulness.

Major Rehabilitation - A structure with apparent structural weakness. This structure will require considerable expense to rehabilitate and will become dilapidated within the planning period if it is not rehabilitated.

Dilapidated - A structure with a substantial structural weakness rendering it not worth rehabilitation. The structure should not be considered as part of the housing stock and should be removed as soon as possible.

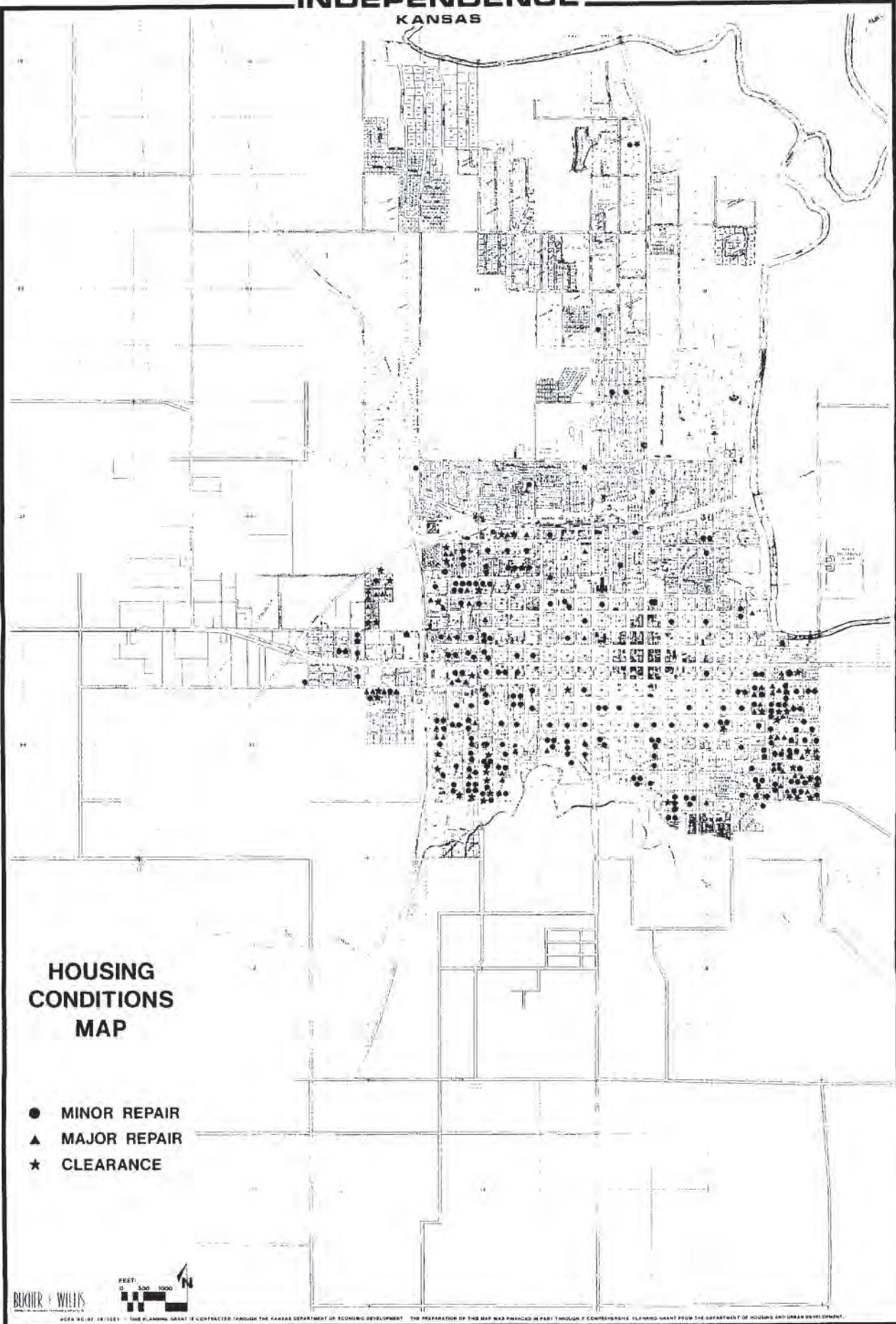
The method used for classifying the condition of a dwelling unit is illustrated in Figure 1-2.

Results from the housing conditions survey documented that 38 houses were dilapidated and beyond the scope of being repaired. These units should be razed. Another 53 houses showed substantial deterioration requiring

---

<sup>6</sup>U.S. Census, Report HC(1)A18, 1970, Table 18.

# INDEPENDENCE KANSAS

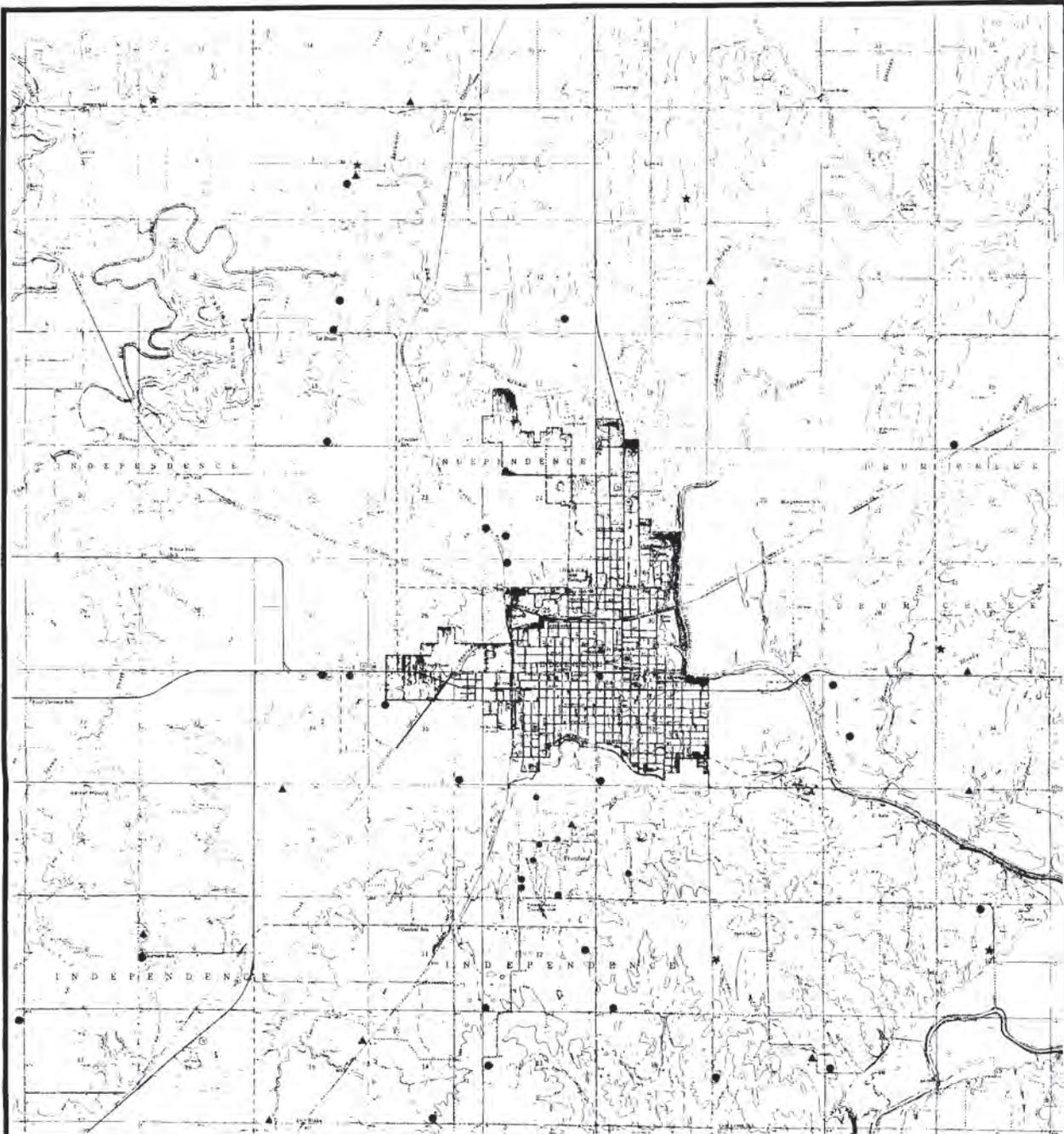


## HOUSING CONDITIONS MAP

- MINOR REPAIR
- ▲ MAJOR REPAIR
- ★ CLEARANCE

BUCHER & WILLIS  
FEET  
0 500 1000  
N

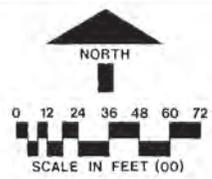
KSPA 82-07 18 (12) - THIS PLANNING GRANT IS CONTRACTED THROUGH THE KANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT. THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH A COMPREHENSIVE PLANNING GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.



**INDEPENDENCE**  
KANSAS

**HOUSING CONDITIONS MAP**

- MINOR REPAIR
- ▲ MAJOR REPAIR
- ★ CLEARANCE



BY BURKH & WILLIS  
ENGINEERS, PLANNERS & ARCHITECTS

THE PREPARATION OF THIS MAP WAS PROVIDED IN PART THROUGH A COMPREHENSIVE PLANNING GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. THIS PROGRAM IS ADMINISTERED IN KANSAS BY THE PLANNING DIVISION OF THE KANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT.

Figure 1-1

HOUSING SURVEY - INDEPENDENCE, KANSAS  
January, 1981

Building Condition	Building Condition				Building Structure Rating:	
	Good 0	Fair 1	Poor 2	Very Poor 3	Factor	Def.
Foundation	x	—	—	—	x 6 = 0	Sound 0-5
Structural Coat	—	—	—	x	x 1 = 3	Minor Rehab 6-19 x
Exterior Walls	x	—	—	—	x 6 = 0	Major Rehab 20-40
Roof	—	x	—	—	x 5 = 5	Dilapidated 41+ —
Doors & Windows	x	—	—	—	x 3 = 0	
Porch & Steps	—	x	—	—	x 2 = 2	
Chimney & Trim	—	—	x	—	x 2 = 4	
TOTAL =					14	

structural repairs on foundations or exterior walls plus other extensive repairs. A large number of dwellings (246) showed signs of deterioration with need for repairs such as to roofs, doors and windows, chimney and trim, surface coating or porch and steps. Altogether, 7% of the dwellings in Independence are in need of rehabilitation or replacement. This is a fairly high proportion of substandard units. In comparison less than 2.5% of the housing in Pratt was found to be substandard in 1979. Table 1-3 summarizes the findings of the housing conditions survey in the City limits. Recommendations for reducing the amount of substandard housing will be included in the program for future action.

Table 1-3

HOUSING INVENTORY - JANUARY, 1981  
Independence, Kansas

	Sound	Minor Deterioration	Major Deterioration	Dilapidated	Total
No. of Units	4,505	246	53	38	4,842
% of Units	93.0%	5.1%	1.1%	0.8%	100%

In addition to these substandard units, there are 42 other houses which are also located in the floodway. Over time these units should also be encouraged to relocate for both their owners' protection as well as to improve the water-carrying capacity of the floodplain. Since these 42 relatively sound structures might not be removed for many years, they will be subtracted from the inventory of existing stock gradually at an assumed rate of about two per year.

It should also be noted that there are a few substandard housing units in the three-mile area surrounding the City. There were 35 residences in need of minor repair, 11 units in need of major repair and 7 units which can be classified as dilapidated.

As was presented in Table 1-2 of the preceding discussion in the size and composition of the housing stock, approximately two-thirds (66.5%) of the housing units in Independence are estimated as owner-occupied and the balance of 33.5% are estimated as renter-occupied. Using these estimates, Table 1-4 has been prepared. Table 1-4 gives a closer look at the City's housing assistance needs in terms of the number of units needing rehabilitation and the occupancy status of the units.

Table 1-4

HOUSING CONDITIONS BY TENANCY - JANUARY, 1981  
Independence, Kansas

	All Units		Owner Units		Renter Units	
	Total	Suitable for Rehabilitation	Total	Suitable for Rehabilitation	Total	Suitable for Rehabilitation
Occupied Units:						
Substandard	302	268	207	184	95	84
Standard	4,036		2,772		1,264	
Total	4,338		2,979		1,359	
Vacant Units:						
Substandard	35	31	24	21	11	10
Standard	469		322		147	
Total	504		346		158	
Total Available Stock:						
Substandard	337	299	231	205	106	94
Standard	4,505		3,094		1,411	
TOTAL	4,842		3,325		1,517	
1980 Vacancy Rate:	10.4%		10.4%		10.4%	

- Sources: 1. Total number of units - 1980 Census preliminary count.  
2. Substandard units - deteriorated and dilapidated units identified in windshield survey for rehabilitation.  
3. 1970 Census split for owner/renter occupancy.  
4. Uniform vacancy rate of 10.4% from 1980 Census preliminary count.

### Economic Conditions

Housing needs in Independence are determined not only by the physical condition and availability of housing. Perhaps even more significant in determining housing needs is the affordability of housing relative to the economic status of residents.

In most communities, there is a shortage of decent and safe housing which is affordable for low to moderate income households. These households occupy most of the substandard and dilapidated housing, live in overcrowded conditions, or pay an excessive portion of their incomes for mortgage payments or rent. Twenty-five percent of total income is considered the maximum that should be spent on housing. By devoting more than 25% of income on housing costs, they must cut corners on other essentials such as food and utilities.

The 1970 median family income of \$7,590 for Independence is substantially (13%) lower than that of the State of Kansas, which is \$8,693. The gap in

the percentage of families with incomes less than the poverty level is even greater. State-wide, 10 out of 100 families earned below the poverty level. In Independence, this level increased to 14 out of 100, a nearly 50% greater incidence of poverty.

The U.S. Department of Housing and Urban Development (HUD) has defined low and moderate income households as those households earning less than 80% of the median income of the region. Under current housing assistance programs of HUD, these households are eligible for various kinds of housing assistance. In 1980, a household of four persons living in Independence who earned below \$14,900 was considered eligible for housing assistance.<sup>7</sup>

For a family of four with a total income of \$14,900 to spend 25% or less of its income on rent or mortgage payments, the family would have to limit its housing budget to \$310 per month. This would mean renting a residence for up to \$310.00 a month or buying a house selling for approximately \$25,000.

In Independence there is a good supply of houses priced below \$25,000. Currently it is estimated that about 75 houses are offered for sale at a price of \$25,000 or lower.<sup>8</sup> Most of these houses are older. This means maintenance and repair costs are higher than for newer homes. Rental units are more difficult to find, indicating a need to expand the supply of lower-priced rental units.

Using the income guidelines and statistics on income levels for different types of households provided by HUD, it is estimated that there were 2,247 low and moderate income households in Independence in 1970. This was 58% of all households. This high percentage of households classified as low or moderate income reiterates the relatively low median income levels in Independence compared with the State of Kansas as discussed previously. The composition of low and moderate income households are as follows:

Elderly and handicapped -----	1,227 (55%)
Smaller families of four or less persons --	767 (34%)
Larger families of five or more -----	253 (11%)

Of all households qualifying for housing assistance, 1,398 (62%) own their own homes and 849 (38%) rent. Black households represent 11% of all low and moderate income households in Independence. Single women and families with a woman as the head of the household comprise 30% of these low income households. Assistance needs are presented in greater detail in Table 1-5. It is anticipated that these needs will be applicable for at least the next few years until detailed data is available from the 1980 Census. It is not anticipated that the needs will be increased because of any displacement plans, such as road relocations or other local, state or federal projects.

A further breakdown of minority households was not possible. Because the other minority populations were so small as to make it possible to identify particular households from the data, information was available only for black minority households.

<sup>7</sup>\$14,900 income in 1980 is equivalent to \$7,500 income in 1970, due to amount of inflation during the decade.

<sup>8</sup>Informal discussion with realtors in the Independence area.

Table 1-5

**HOUSING ASSISTANCE NEEDS**  
**Independence, Kansas (1981-1983)**

Status of Households Requiring Assistance	Number of Households Eligible for Assistance											
	All Households				All Minority Households				All Female-Headed Households			
	Total	Elderly Handicapped	Small Family	Large Family	Total	Elderly Handicapped	Small Family	Large Family	Total	Elderly Handicapped	Small Family	Large Family
Total Owner Households	1,398	893	361	144	169	97	53	19	417	266	108	43
Percentage of Total by Household Type	100%	64%	26%	10%	100%	58%	31%	11%	100%	64%	26%	10%
Total Renter Households	849	334	406	109	81	29	34	18	253	100	121	32
Percentage of Total by Household Type	100%	39%	48%	13%	100%	36%	42%	22%	100%	39%	48%	13%
Expected to Reside	0	0	0	0								

- Sources: 1. All Households - Data provided by HUD for Montgomery Co. Ratios of owner and renter occupied housing in Independence compared to Montgomery Co. established from data provided in the U.S. Census, Report HC(1)A18, 1970, Table 18.  
 2. All Minority Households - Data provided by HUD for Montgomery Co. Ratios of owner and renter occupied minority households in Independence compared to Montgomery Co. established from data provided in the U.S. Census, Report HC(1)A18, 1970, Table 18.  
 3. All Female-headed Households - Equivalent ratio of female-headed households to all households established from data in U.S. Census, Report PC(1)B18, Table 107.

### PROJECTED HOUSING NEEDS

The availability and current condition of housing in Independence was discussed in the previous section. This background information on housing conditions in Independence provides a profile to use in projecting future housing needs for the short range period of 1982-1984 and over the long-term time span of 1981-2000.

Demand for housing is generated by growth in population, changes in the composition of the population and from people seeking to occupy better housing as their income increases. Another contributor to the need for new housing is the aging and deterioration of existing structures.

#### Long-Term Housing Needs

A continued but moderate growth in population for Independence has been projected by the Southeast Kansas Regional Planning Commission's background study for the comprehensive plan on population, economy, environment and land use. SEKRPC predicts Independence's population to rise to 12,000 by the year 2000.

During the past two decades, the size of households has been declining. It decreased from 2.59 in 1970 to 2.37 in 1980, reflecting the large number of elderly persons living alone plus smaller families. It is expected that the size of households will continue to decline during the planning period, but to decrease at a slower pace. This will be a result of a growth in the elderly population and a stable or declining birth rate.

Table 1-6 combines population projections, assumed household size, and projected vacancy rates to predict the amount of housing that will be needed to meet housing demands for future populations in Independence.

Table 1-6  
PROJECTED HOUSING DEMAND

	Existing		Year			
	1970	1980	1985	1990	1995	2000
TOTAL POPULATION	10,347	10,603	11,100	11,500	11,750	12,000
% of Population in Group Quarters	2.8%	2.8%	2.8%	2.8%	2.8%	2.8%
Population in Local Housing	10,061	10,306	10,789	11,178	11,421	11,664
Population per Occupied Unit	2.59	2.37	2.32	2.28	2.24	2.20
Occupied Housing Units	3,890	4,340	4,650	4,903	5,099	5,302
Vacant Units	434	502	404	341	268	221
Vacancy Rates	10.0%	10.4%	8.0%	6.5%	5.0%	4.0%
TOTAL HOUSING NEEDS	4,324	4,842	5,054	5,244	5,367	5,523

- Assumptions:
1. Population in group quarters kept constant at 2.8%.
  2. Population per unit to decline to 2.20 persons.
  3. Vacancy rate to decrease to a normal 4% level.
  4. All existing units taken out of the market will be replaced.

Source: 1970 U.S. Census and 1980 Preliminary Census counts; Bucher & Willis; Southeast Kansas Regional Planning Commission.

The total housing needs projected for Independence in Table 1-6 will be met from continued use of structures built prior to 1980 and new construction. The amount of new construction needed to satisfy this demand will depend on the number of existing housing units which are allowed to deteriorate and are removed from the housing market. This loss through attrition generates pressure for new construction. Projected housing losses through a normal rate of attrition is shown in Table 1-7.

While most new construction will be priced to appeal to middle and upper income households, most of the removed units are deteriorated structures which provided inexpensive shelter for low income residents. This tightens the supply of housing available for households at the lower end of the income scale. A vigorous rehabilitation program can reduce the loss of structures from attrition. By pursuing a balanced policy of rehabilitation and new construction, the City can decrease low income housing deficiencies.

Table 1-7

## HOUSING LOSSES THROUGH ATTRITION

Year	Housing Condition				Removal by Flooding	Total Available	Replacement Units Needed
	Sound	Fair	Poor	Dilapidated			
1980	4,505	246	53	38	--	4,842	38
1985	4,055	671	65	13	11	4,804	24
1990	3,649	1,010	116	16	11	4,780	27
1995	3,284	1,513	237	29	10	4,753	39
2000	2,956	1,659	329	59	10	4,714	69
TOTAL							197

- Assumptions:
1. Normal attrition will result in loss of:
    - a. 10% sound to fair every 5 years.
    - b. 10% fair to poor every 5 years.
    - c. 25% poor to dilapidated every 5 years.
  2. All dilapidated housing units will leave the market.
  3. Residences in the floodway (42 units) will leave market over 20-year period.

Source: Bucher & Willis.

By combining the projected housing demand for Independence shown in Table 1-6 and the predicted housing losses through attrition from Table 1-7, long-term housing needs for new construction and rehabilitation can be estimated. Table 1-8 summarizes long-term housing needs for five-year periods beginning with 1985. Figures shown for 1981 are short-term needs already documented by the housing conditions survey.

Table 1-8

LONG-TERM HOUSING NEEDS  
1981-2000

	Existing 1981	Years				Total
		1982-1985	1986-1990	1991-1995	1996-2000	
New Housing Demand	0	212	190	123	156	681
Replacement Units from Attrition	38	24	27	39	69	197
Total New Construction	38	236	217	162	225	878
Major Rehabilitation	53	12	51	121	92	329
Minor Rehabilitation	246	425	339	503	146	1,659

- Assumptions:
1. All growth in total housing demand from Table 1-6 will be met through new construction.
  2. All replacement units from Table 1-7 will be new construction.
  3. Housing units shown in fair condition in Table 1-7 will need minor rehabilitation.
  4. Housing units shown in poor condition in Table 1-7 will need major rehabilitation.

Source: Bucher & Willis.

## Long-Term Needs of Lower Income Households

Based upon the population projections and existing ratios of low income individuals and families, future housing assistance needs are forecast in Table 1-9. The ratios supplied by HUD in Table 1-5 identified 55% of lower income households as being elderly, 34% as being small families and 11% as being large families. These ratios were used to anticipate the probable distribution of lower income households.

Future actions to assist low income households to find livable and affordable housing will be specified in the policies and recommendations section of the housing plan. The types of actions suggested will be keyed on a vigorous rehabilitation and maintenance program to preserve the greatest amount of low cost, decent housing. Other actions would include special housing projects such as the Penn Terrace apartment complex.

Table 1-9

### LOW INCOME FAMILY HOUSING NEEDS

Year	Elderly & Handicapped Units Needed	Small Family Units Needed	Large Family Units Needed	Total Low-Income Units Needed	Increase over Existing Stock
1980	1,227	767	253	2,247	
1985	1,307	808	262	2,377	130
1990	1,361	841	272	2,474	97
1995	1,402	867	280	2,549	75
2000	1,444	893	289	2,626	77

Assumption: Total low income units remains the same as the equivalent ratio for 1980.

Source: Department of Housing and Urban Development and Bucher & Willis.

## Short-Term Housing Assistance Program -- Three Years

For the immediate future, a housing assistance program geared to alleviating the specific needs identified in the housing conditions survey is proposed. The time frame for the short range housing assistance program is for a three-year period.

### Assistance Objectives:

1. Construct 144 new housing units between 1982-1984, or an average of 48 per year. This is to satisfy demand generated by population growth as well as loss of units through attrition.
2. Target at least 25% of new construction to providing units for lower income households. With the new construction goal of 144 units, this would indicate a goal of 36 units for lower income households. About 20 units would need to be designed for the elderly or handicapped, 12 units for smaller families (4 or less persons) and 4 units for larger families to reflect assistance needs documented previously.

3. Construct a special housing project in the near future for elderly to address housing needs documented by the current waiting list of approximately 100 persons for Penn Terrace Apartments.
4. Rehabilitate 160 housing units between 1982-1984. Forty of these units are structures presently in need of major repair. These units should be undertaken first before they fall into a dilapidated condition.

First Year: 20 units - major repair  
 20 units - minor repair  
 Second Year: 20 units - major repair  
 30 units - minor repair  
 Third Year: 10 units - major repair  
 60 units - minor repair

For the first year of the housing assistance program, several strategies should be undertaken. First, the City should provide administrative aid to the private sector to encourage the development of new housing units. This could include assistance with obtaining building permits and use of special assessments for installing improvements. Second, the City should attempt to recruit a developer from the private sector to participate in the construction of 12 units of housing for low income households, with the possibility of coordinating private capital, municipal administrative assistance and federal financial participation in the units. Third, neighborhood groups should be encouraged to organize in areas with a substantial need for rehabilitation. The neighborhood associations should be encouraged to spur private interest in upkeep of properties plus utilize City administrative assistance and possible federal financial assistance to undertake a rehabilitation program for housing occupied by lower income households. City assistance for rehabilitation could include assistance similar to that provided to the private sector for new construction projects. In addition, municipally sponsored revolving loan funds and work crews could be utilized.

Table 1-10

ONE AND THREE-YEAR HOUSING ASSISTANCE GOAL  
 Independence, Kansas (1982-1984)

Year	Total	Elderly and Handicapped	Small Families	Large Families
<b>Three-Year:</b>				
Homeowner Assistance (rehabilitation)	178	98	60	20
Renter Assistance				
New Units	36	20	12	4
Rehabilitation	82	45	28	9
<b>Total</b>	<b>296</b>	<b>163</b>	<b>100</b>	<b>33</b>
<b>%</b>	<b>100%</b>	<b>55%</b>	<b>34%</b>	<b>11%</b>
<b>First-Year:</b>				
Homeowner Assistance (rehabilitation)	41	23	14	4
Renter Assistance				
New Units	12	7	4	1
Rehabilitation	19	10	7	2
<b>Total</b>	<b>72</b>	<b>40</b>	<b>25</b>	<b>7</b>
<b>%</b>	<b>100%</b>	<b>55%</b>	<b>35%</b>	<b>10%</b>

When choosing specific sites for new development, certain criteria should apply. To lower the impact of the City's housing assistance needs, new development should be scattered throughout the community. This strategy also affords locational choice to potential residents of the units. Existing services and utilities should be adequate for the proposed development. Parks and schools should be relatively close. The developer should have the approvals to tie onto nearby water, sewer and electric lines. The sites should be protected from flooding and incompatible surrounding land uses. Elderly and handicapped units may still be scattered but generally through areas which are close to the downtown.

It should be noted that the cost of making improvements to existing residential areas will be substantial. It is envisioned that federal assistance will be necessary to carry out most of the assistance objectives of the 3-year housing assistance program.

#### HOUSING PLAN - GOAL, OBJECTIVES AND POLICIES

TO PROVIDE DECENT AND AFFORDABLE HOUSING FOR PRESENT AND FUTURE POPULATIONS OF INDEPENDENCE WHILE PRESERVING AND IMPROVING EXISTING RESIDENTIAL AREAS.

This statement serves as the goal for Independence's housing plan. It is a two-part statement. First, it commits the City to addressing housing needs of present and future residents in Independence. Housing needs are defined as the availability of dwellings in decent condition and offered at realistic and affordable selling prices and rent levels. A second emphasis of the goal is to create a network of cohesive but distinctive residential neighborhoods and areas throughout the City.

In the following section, objectives are specified for the housing goal. Objectives can be defined as statements of what is to be accomplished in order to achieve the housing goal. Objectives can be thought of as a bridge between the goal and policies, with policies serving as the specific mandates governing future land use decisions and housing programs.

#### Objectives for Residential Character

OBJECTIVE H1 MAINTAIN OR UPGRADE THE CONDITION AND PARTICULAR RESIDENTIAL CHARACTER OF EXISTING NEIGHBORHOODS AND RESIDENTIAL AREAS.

OBJECTIVE G1 DIRECT THE LOCATION AND SUBDIVISION DESIGN OF NEW DEVELOPMENT IN ORDER TO MINIMIZE INITIAL AND FUTURE PUBLIC AND PRIVATE COSTS.

Neighborhoods play a crucial role in relation to housing patterns. In a city with a strong neighborhood network, citizens gain a greater sense of social interaction with the people in surrounding residences. An increased level of interaction and sense of belonging can create a communal sense of pride for individual neighborhoods. This sense of pride has an important

role in encouraging residents to maintain or improve properties. Neighborhood improvement objectives can be incorporated into community-wide improvement programs related to water and sewer needs, sidewalks, neighborhood parks, street lighting, etc.

There are land use problems affecting the improvement of existing neighborhoods (Objective H1) and creation of well planned new residential areas (Objective G1) which occur outside the boundaries of residential neighborhoods and areas. In Independence, two major contributors to neighborhood decline are access to industrial employment centers through residential areas and lack of buffering between residential areas and adjacent railroad, heavy industrial and commercial land uses.

Figure 1-3 shows the areas where there is conflict from non-residential traffic intrusion and lack of buffering from non-residential use.

#### Policies for Improving Residential Character in Independence

Specific policies are defined in this section of the housing plan. The policies are designed to guide the City in meeting its objectives for improving the character of existing residential areas and developing well-planned new residential areas.

#### OBJECTIVE H1 MAINTAIN OR UPGRADE THE CONDITION AND PARTICULAR RESIDENTIAL CHARACTER OF EXISTING NEIGHBORHOODS AND RESIDENTIAL AREAS.

Policy H11 Neighborhood associations or need groups shall be organized for each neighborhood or need. If overall City needs are to be evaluated, these associations should represent the entire City and not just a particular section of the community. For certain needs, neighborhood coalitions should be formed. The intended accomplishments of these groups should be established before they are formed. Organizing methods should also be defined to assure the attainment of stated objectives.

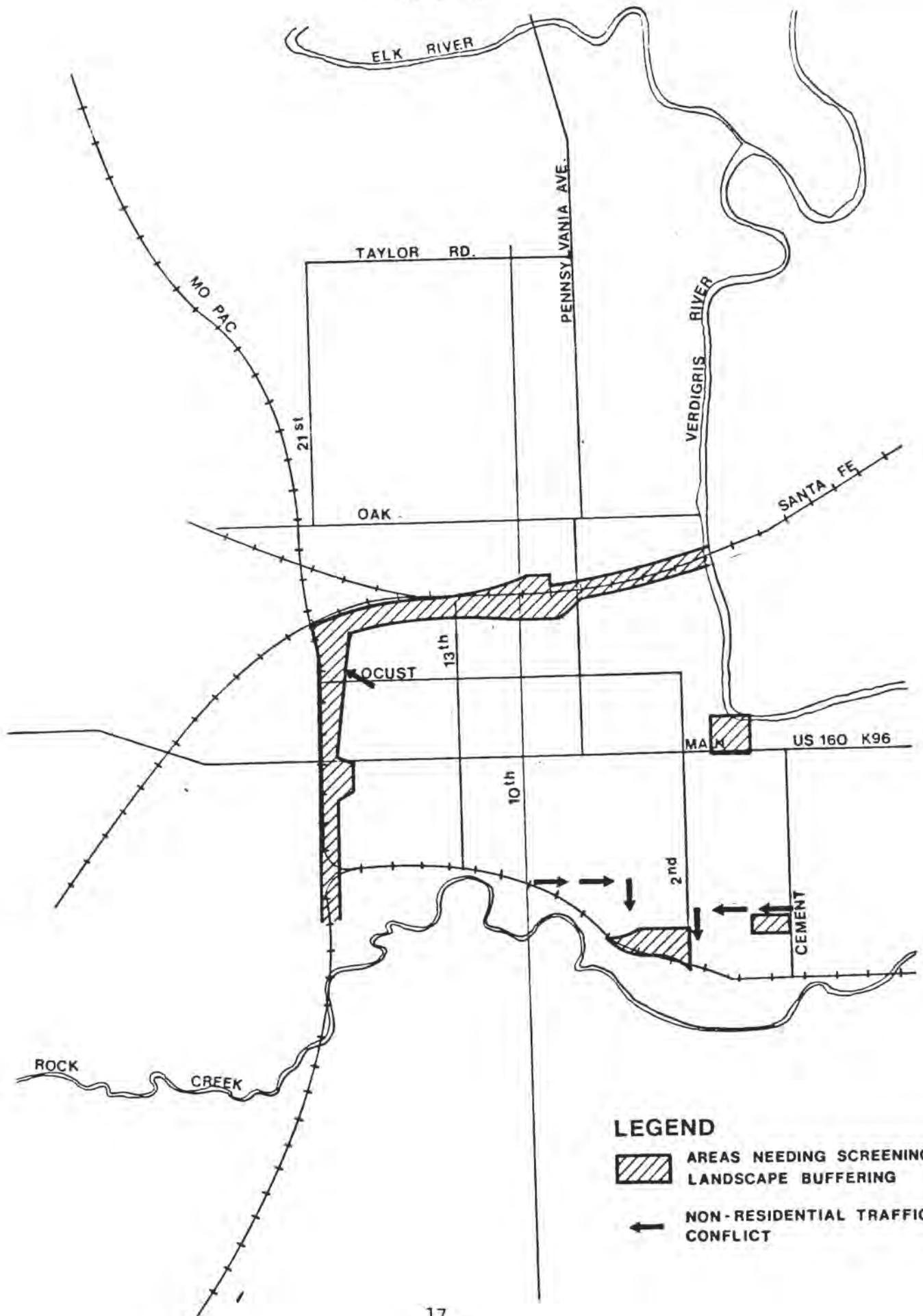
Policy H12 Rehabilitation and upgrading of houses shall be encouraged in older areas of the City.

Policy H13 Preservation of historic structures shall be encouraged.

Policy H14 Vacant areas within predominantly developed residential areas should be encouraged to be developed in a manner that is similar in character to surrounding areas; all new development shall meet minimum housing codes.

Policy H15 Where a new residence, a multiple-family project or a mobile home park would occupy several previously platted lots, replatting should be considered to assure that the individual lots cannot be individually developed or sold, and to ensure better access and site design is provided.

Figure 1-2



**LEGEND**

-  AREAS NEEDING SCREENING OR LANDSCAPE BUFFERING
-  NON-RESIDENTIAL TRAFFIC CONFLICT

Policy H16 Buffers, either as intermediate land uses or as sufficient landscaped areas, shall be provided between residential and either commercial or industrial uses.

Residential or other uses may sometimes be buffered from each other by placing them back-to-back rather than face-to-face.

Policy H17 Non-conforming commercial and industrial uses in residential areas should eventually be phased out and replaced with appropriate land uses.

OBJECTIVE G1 DIRECT THE LOCATION AND SUBDIVISION DESIGN OF NEW DEVELOPMENT IN ORDER TO MINIMIZE INITIAL AND FUTURE PUBLIC AND PRIVATE COSTS.<sup>9</sup>

Policy G11 New development shall be required to locate in areas where municipal services and public facilities are already present or where service extension can be easily accomplished and to expand in a compact and orderly progression. Rural development shall not be encouraged north of the Elk River or east of the Verdigris River. No subdivisions shall occur outside the City limits unless they conform to extraterritorial subdivision standards and the City provides for the extension of public services.

Policy G12 Streets and utility extensions shall be designed to provide service to the maximum area with the least length of extension. Cul-de-sac streets, shared parking and the clustering of housing units will be encouraged.

Policy G15 The cost of most required subdivision improvements exclusively to serve the property owner of that subdivision shall be borne by the developer or those property owners in accordance with the City's utility extension policy.

Policy G16 All subdivision lots shall have direct access onto a public right-of-way.

Policy G17 Curb cuts onto arterial streets shall be kept to a minimum.

Policy G18 New developments shall be required to provide adequate street right-of-way for public use.

Policy G19 There shall be provision for maintenance of minor drainageways by abutting property owners.

Policy G20 New residential developments shall be accompanied by covenants for private enforcement only which provide for maintenance of common areas, easements and drainage.

---

<sup>9</sup>Policies G13 and G14 do not deal with residential development and will not be included in this housing study.

Policy G21 Affected individuals, groups or agencies should be consulted on development proposals to assure community-wide coordination.

Objectives for Providing a Range of Housing Choices

OBJECTIVE H2 ENCOURAGE THE DEVELOPMENT OF A WIDE RANGE OF HOUSING CHOICES.

OBJECTIVE H3 PROVIDE AMPLE AMOUNTS OF MULTIPLE-FAMILY HOUSING IN SUITABLE LOCATIONS.

OBJECTIVE H4 PROVIDE ADEQUATE OPPORTUNITY FOR MOBILE HOME DEVELOPMENT IN SUITABLE LOCATIONS.

The housing stock of a community should include residences with a full range of selling prices and rent levels. The amount of decent but lower priced houses for sale or rent should be ample to supply the housing needs of lower income households. Most often, the biggest shortage of decent housing is in the lower price range. With limited income to spend on mortgage payments or rent, families may be forced to settle for substandard or overcrowded residences or devote excessive proportions of their income on housing.

There are alternatives to expand the supply of decent lower priced housing. One option is to build new houses with fewer or slightly smaller rooms or to eliminate nonessential features such as dishwashers, two full baths, etc. This is the approach some developers follow when constructing FHA-insured or FMHA-financed houses.

Another approach to purchasing more house for the same dollar is to buy an older residence -- one where the original construction cost was lower than today's costs, and where market value per square foot of floor space is lower than for comparable new residences. This option is instrumental in satisfying housing needs of lower to moderate income households. However, older housing will require continuing maintenance and upkeep to prevent it from becoming substandard. It requires an emphasis on housing rehabilitation.

Housing requirements vary for different types of households. The problem for many elderly residents who own their own homes is that utility and upkeep costs are rising faster than retirement income. Assistance through housing rehabilitation programs or some type of income supplement is a possible approach to help these elderly residents. The problem for other elderly residents is that they are no longer able to maintain their houses and their yards. For these elderly persons, an apartment at a project such as Penn Terrace is the answer.

A well-balanced housing stock includes a mix of different types of dwellings. This would include single-family residences, duplexes, mobile homes and apartments.

## Policies for Providing a Range of Housing Choices

Policies are defined to insure a mix of housing types for the City of Independence plus to encourage a balanced split between home owner and rental units and the broad price range for residences.

### OBJECTIVE H2 ENCOURAGE THE DEVELOPMENT OF A WIDE RANGE OF HOUSING CHOICES.

Policy H21 The opportunity shall be provided for owner-occupied and rental housing in a variety of residential housing types, including multiple-family, mobile homes and small-lot development. Moderate- and high-density uses shall be clustered at appropriate locations and be buffered from low-density residential areas by landscaping or back-to-back separation.

Policy H22 New construction of low-income housing and housing for the elderly shall be encouraged in diverse locations across the community, rather than only in a few isolated locations.

Policy H23 Rehabilitation programs for housing in older areas, particularly in the Central, North Central, East Central, West Central and Southwest neighborhoods shall be supported by City administrative assistance, as discussed in the short-range housing assistance program, and Federal or State financial assistance when possible, to increase the amount of standard housing available to low- and moderate-income families.

### OBJECTIVE H3 PROVIDE ADEQUATE AMOUNTS OF MULTIPLE-FAMILY HOUSING IN SUITABLE LOCATIONS.

Policy H31 To avoid large amounts of traffic traversing single-family areas, medium to high density multiple-family projects should be located on a major street specifically designated as a collector or arterial. High density multiple-family projects shall be encouraged to be in the area immediately surrounding the CBD, but not limited to this area.

Policy H33 The site should be able to provide safe access to the adjacent major streets. Larger projects should be provided access via a frontage road, a side street, or through a limited number of shared curb cuts. Smaller projects such as single duplexes should not have direct vehicular access onto arterial streets except in older areas where frontage roads cannot be reasonably required.

Policy H34 The site should be of adequate size to provide required setbacks and off-street parking.

- Policy H35 All projects should be within one mile of convenience-type shopping facilities, within one and one-half miles of a fire station, and, except projects for the elderly, within one mile of an elementary school.
- Policy H36 Public sewer service should be available and lines, lift stations, and treatment plants should be capable of carrying additional anticipated loads.
- Policy H37 Public water service should be available and line size and storage facilities should be capable of providing adequate water pressure and supply.
- Policy H38 All medium to high density multiple-family developments shall be located within the City.

OBJECTIVE H4 PROVIDE ADEQUATE OPPORTUNITY FOR MOBILE HOME DEVELOPMENT IN SUITABLE LOCATIONS.

- Policy H41 Mobile homes shall be encouraged only in mobile home parks/subdivisions and shall not be intermixed with other housing types.
- Policy H42 Mobile home developments, like other medium-density housing, should be within one mile of convenience shopping, within one and one-half miles of a fire station, and within one mile of an elementary school.
- Policy H43 Mobile home parks/subdivisions should be tied onto public water and sewer lines capable of accommodating the additional load.
- Policy H44 Mobile home developments shall be a minimum of 4 acres in size and have a maximum density of 8 units per acre.
- Policy H45 Mobile home developments shall have direct access to a collector or arterial street.
- Policy H46 Mobile home developments should be provided with adequate landscaping to improve the aesthetics of the use, to absorb additional stormwater runoff, and to reduce summer surface temperatures.

PROPOSED ACTIONS

There are many actions which can be taken to implement the housing policies of this housing plan. Some specific suggestions for a long-term implementation program spanning the planning period of 1981-2000 are listed in Table 1-11.

There is a critical need for some of these actions to be undertaken as soon as possible. High priority actions are indicated in Table 1-11 also.

Some actions represent a one-time action program. Other actions can be characterized as more of a continuous effort for achieving the housing goal, objectives and policies.

Table 1-11

PROPOSED FUTURE ACTIONS  
Independence, Kansas (1981-2000)

Action to be Taken	High Priority	Type of Action
1. Determine the need for neighborhood associations or Improvement Boards and establish as necessary.	*	Continuous
2. Work with county to develop similar land development standards for subdivisions, roads and utility extensions.	*	Continuous
3. Target initial housing rehabilitation and neighborhood development efforts to EC and WC areas.	*	Short-term Project
4. Consider seeking a HUD Community Development Block Grant to assist in rehabilitating housing occupied by lower-income households.	*	Short-term Project
5. In target neighborhoods, make infrastructure improvements, including street repaving and widening, water line improvements to assure adequate water pressure and storm drainage to eliminate flood hazards. Consider seeking a HUD Community Development Block Grant to assist in making improvements.	*	Short-term Project
6. Develop a minimum housing code which defines the minimum standards of occupancy to protect the health, safety and general welfare of residents.	*	Short-term Project
7. Form a preservation committee to consider designation and recognition of specific historic districts.		Short-term Project
8. Revise the zoning ordinance to include a mobile home park and/or subdivision district.		Short-term Project
9. Designate zoning areas for mobile home park(s)/subdivision(s). Encourage developers to create well-planned sites for mobile homes.		Short-term Project
10. Improve traffic access to the industrial area south of Cherry Street.		Short-term Project

Action to be Taken	High Priority	Type of Action
11. Develop neighborhood rehabilitation programs in the southern and central neighborhoods of the community.	*	Long-term Program
12. Gradually eliminate non-conforming uses in residential areas in accordance with zoning ordinance provisions.		Long-term Program
13. Phase out commercial mobile home parks and mobile homes scattered through conventional housing areas.		Long-term Program
14. Develop a program to landscape the Santa Fe right-of-way along a path east of the Missouri Pacific right-of-way and continuing easterly to the Verdigris River.		Long-term Program
15. Concentrate high-density residential uses toward the central area.		Long-term Program
16. Encourage private developers to construct multiple-family housing which offers a range of rent levels. Assist developers to seek federal financial assistance, when desired.		Long-term Program
17. Target single-family housing developments in the area lying generally between Oak and Taylor Road and east of 24th St. Road. Avoid development in the Whiskey Creek floodplain area.		Long-term Program
18. Exercise extraterritorial subdivision control on new rural subdivisions platted within at least 1-1/2 miles of the City limits.		Long-term Program
19. Control subdivision development or annex properties prior to development to avoid costly deficiencies in public service and access.		Long-term Program
20. Evaluate the zoning district map periodically to provide sufficient zoning for projected developments. Do not overzone to prevent scattered, random development patterns.		Long-term Program

PUBLIC FACILITIES PLAN

## PUBLIC FACILITIES PLAN

### OVERVIEW

Public facilities and services are the foundation of the City's development pattern. Public facilities and services include water and sewer systems, educational facilities, administrative governmental functions, police and fire protection, parks and recreation services and the transportation network. This chapter on public facilities will describe present conditions and discuss future needs for:

Community Facilities; Including Municipal Offices, Police, School  
Facilities and Fire Protection  
Parks and Recreation Facilities  
Water and Sewer Services

A separate chapter will be devoted to the transportation network and future transportation needs.

### COMMUNITY FACILITIES

#### Police Facilities

The Independence Police Department is headquartered at City Hall. Office space for the department is split between the first and second floors. Currently the functions of administration, communications, records and a room for filing reports are on the first floor. Training and detectives' offices are on the second floor. The City keeps its prisoners at the county jail. This arrangement should be continued because it benefits the City by eliminating the high cost of maintaining and staffing a jail for a small number of prisoners.

It would be desirable to consolidate the existing police functions into a single area of City Hall because of its central location and proximity to the county jail. Since most space in the upper two floors of City Hall is already in use, it would be necessary to look toward remodeling the basement for conversion to office use or relocating other departments within City Hall for a more efficient utilization of space.

#### Fire Protection

Fire protection for City residents is provided by the Independence Fire Department. The department is staffed by 17 full time employees. This includes a chief, assistant chief, three company officers and 12 firefighters.

The fire department is equipped with four fire trucks ranging in age from 8-25 years. A brief description of the trucks are:

1973 Ford Pumper	1,000 gpm pump	500 gallon tank
1968 Ford Pumper	750 gpm pump	500 gallon tank
1963 Ford Snorkle	33,000 lb. gpm pump	700 gallon tank
1956 Ford Pumper	22,000 lb. gpm pump	500 gallon tank

All trucks plus a station wagon and a car are housed at the central fire station.

Generally, there is a need to replace or renovate firefighting equipment after 15-20 years of use. The 1963 Ford Snorkle was just renovated. Future expenditures for renovation or replacement of other pieces of equipment should be included in a capital improvements program.

The proper spacing of fire hydrants is essential to have adequate water pressure and accessibility for fighting fires. As a general rule, hydrants should be spaced 600 feet apart. Actual placement depends on the size of the water lines and other water flow constraints. There are areas in Independence where hydrants are several blocks apart. Additional fire hydrants are needed to decrease distances between hydrants.

The acceptable maximum distance of firefighting equipment (pumper trucks) from urban residential areas is two miles. Much of the new development in the northwest part of Independence is beyond a two-mile response distance from the central fire station.

In rural residential areas, where homes are more than 100 feet apart, the acceptable maximum response distance can be increased to four miles. This four-mile response distance includes most of the developing areas beyond the City limits of Independence.

A shorter response distance of one and one-half miles is applicable for industrial, commercial, or high density residential uses such as apartments or mobile home parks. If high value development expands further than the recommended one and one-half mile distance from the nearest fire station, necessary fire protection equipment such as a sprinkler system should be installed. This situation can be avoided for commercial and high density residential development by adhering to policies requiring new development to be located within one and one-half miles of a fire station.

Because urban residential development is beginning to expand beyond the two-mile response distance, the City should consider acquiring land for a new fire station northwest of the present site. Three factors should be considered in selecting this site. First, the location should expand the total amount of land available for urban residential development within a reasonable distance from a fire station. Secondly, the amount of overlap in service areas with the central fire station should be kept as low as possible.

Using only these two criteria, the best location would appear to be a rural site two miles northwest of the service area of the central fire station, somewhere north of the intersection of Peter Pan Road and Taylor Road. But the placement of a fire station in a rural area would not be cost effective because of the high cost of staffing and outfitting a fire station to serve the low density of surrounding development. This emphasizes the importance of a third criteria specifying that the site should be kept within the area designated for urban use by the general development plan.

In Independence, the area to be developed for urban use can be defined roughly as the area between the Elk River on the north, the Verdigris River on the east, and the Missouri-Pacific right-of-way on the west. A good

location for a new fire station would be a site which lies roughly half the distance between Spruce Avenue (the boundary of the central fire station's 1-1/2 mile response distance) and the Elk River. A site along Taylor Road between 10th Street and 21st Street would be recommended because of the better accessibility and faster travel times along this major thoroughfare. The site would provide good coverage for the northwest part of Independence and would overlap slightly on the south with the central fire station's response area.

Time-wise, the City should consider construction of the new northwest station in five years or as growth dictates. Anticipated growth during this time would generate the greater density of development necessary to justify the increased costs of providing better fire protection. Beyond the year 2000 a new location for the central fire station may need to be found. This location should remain close to the downtown but be moved in a southwesterly direction to avoid overlap with the northern fire station and to better serve the areas south of Rock Creek.

### Municipal Offices

The Independence City Hall is a two-story building. It houses most administrative offices of the City including the City Manager, Clerk, Engineer and Public Works offices, as well as the Police and Fire Departments. The second floor of the building also has two meeting rooms, one for Commissioners and a smaller one for the Municipal Court. In addition, the basement of the building is occupied by the Red Cross and a family planning counseling service.

In total area, City Hall is large enough to accommodate the existing and future administrative space needs of the City of Independence. A reorganization of this space, however, is necessary for a more efficient functioning of City departments.

As previously mentioned, the Police Department is split between the first and second floors of the building. It is recommended that this department be moved to the basement of City Hall into a single set of offices. There is an exterior entrance to the basement which should be designated as the main entrance for police services. If room is available, the Fire Chief's office can also be located in this area close to the dispatching center.

The second problem is the location of the City Commission and Municipal Court meeting rooms on the second floor of a building without elevators. It would be preferable to have these chambers on the first floor. The simplest solution here is to utilize the vacated police offices on the south side of the building for a combined meeting room. Since City Commission and court activities rarely overlap, two individual meeting rooms are not necessary and quite rare for cities this size. The new meeting room should be of adequate size to seat board members and an audience of about 40 people (larger meetings can be held in Memorial Hall). If the former police area cannot accommodate a room of this size, the City should consider using the large clerical room in the northeast corner of the first floor of City Hall.

With the proposed relocation of the Police Department, the first floor would consist of the City Manager and City Clerk offices, the sewer and water billing services, and a new City Commission/Municipal Court meeting room. In

addition, a set of restrooms would have to be added on the first floor to replace those removed from the basement to make room for the Police Department. These restrooms should also have outside entrances to serve needs of downtown shoppers.

The second floor of this building would continue to house the City Engineer and the Public Works Department, as well as housing other clerical functions and possibly a staff lunch room. A surplus of available office space on this floor can be provided for public agencies such as the Red Cross and the family planning health service until such time as more space is needed. There would still be an access problem to these semi-public services, but it would not be cost-effective or justified to install an elevator.

### School Facilities

The public school system includes three elementary schools: (1) Lincoln at 13th and Laurel, (2) Riley at 10th and Oak, and (3) Washington at 5th and Myrtle. School boundaries correspond closely with neighborhood boundaries proposed in the housing study. Children in the north and north central neighborhoods attend Riley School. Children in the west central, southwest and part of the central neighborhood attend Lincoln School. Most children from the east central and central areas attend Washington School.

The Junior High School serves all Independence public school children and is located at 10th and Locust. Independence High School is located at 10th and Oak, across the street from Riley Elementary.

There are two parochial schools. St. Andrews, a Catholic school, is located at Laurel and Park. Zion Lutheran School is located at Magnolia and 11th Street.

Independence Community College is located west of 10th Street Road about 1-1/2 miles south of Rock Creek. It is not in the City limits, but is within the urbanizing fringe outside of Independence.

The school administration is considering the need to construct a new elementary school as well as several improvements at the high school. Riley School is the oldest elementary school building. Its close proximity to the high school suggests a possible reuse of the site or structure in conjunction with the high school. Enrollment figures shown in Table 2-1 for 1970-1979 indicate that the school population remained stable at Riley and at Washington School and declined at Lincoln School. If future residential growth in the northwest part of the City leads to a growth in the school-age children, it might be desirable to consider construction of a new elementary school in this area.

Table 2-1

## ENROLLMENT IN INDEPENDENCE UNIFIED SCHOOL DISTRICT 446

	Lincoln	Rifley	Washington	Junior High	Senior High
September, 1970	597	370	376	669	668
September, 1971	560	364	368	687	625
September, 1972	557	377	412	694	625
September, 1973	575	343	369	712	629
September, 1974	619	348	390	652	677
September, 1975	567	318	429	675	665
September, 1976	521	366	430	660	680
September, 1977	512	345	425	651	658
September, 1978	483	403	401	626	672
September, 1979	492	377	386	594	643

Source: Southeast Kansas Regional Planning Commission, Independence, Kansas Comprehensive Development Plan Phase I: Population, Economy, Environment, Land Use, 1980.

## PARKS AND RECREATION SERVICES

### Park Land and Facilities

A well-balanced park system offers a range of recreation opportunities distributed throughout the community. A city-wide park serves the entire community and usually ranges in size from 10-100 acres. City-wide parks feature special recreation facilities such as a zoo or swimming pool. These are facilities which appeal to a broad cross-section of city residents, accommodate large numbers of people and cannot be economically placed in all parts of the city. The city-wide park also contains facilities that would be found in neighborhood parks, such as playground equipment, playfields and tennis courts.

Neighborhood parks are designed to serve local residents within a distance of about 1/2 mile. These parks are usually 5-15 acres in size and are developed with open playfields, playground equipment and possibly with baseball fields, basketball courts, tennis courts or other recreation equipment. Smaller parks, often called tot lots, are interspersed between neighborhood parks. Tot lots are usually small (0.5-1.5 acres) and provide play space and playground equipment for residents in the immediate vicinity. School playgrounds generally are used for this function also.

Independence has an excellent city-wide park to serve community-wide open space needs and recreation purposes. Riverside Park is an exceptional facility for a city the size of Independence. The park contains the Ralph Mitchell Zoo, Kiddie Land, a swimming pool, a band shell, stadium and open playfield, a miniature golf course and miniature train, Horner Playground, 4-H buildings, Stich Shelter House, some picnic areas and other recreation facilities. There also are open space and picnic sites along the Verdigris River. The Independence Bicentennial Park and Recreation Plan<sup>1</sup> and the Zoo Tuning Study<sup>2</sup> developed detailed proposals for future improvements at Riverside Park and the Ralph Mitchell Zoo.

<sup>1</sup>Independence Bicentennial Park and Recreation Plan, July 4, 1975, prepared for the City of Independence, Kansas, by Black & Veatch Consulting Engineers.

<sup>2</sup>Zoo Tuning Study - Ralph Mitchell Zoo, Zooplan Associates Incorporated.

City-wide baseball and softball programs are conducted at Sinclair Field and Clark James Little League fields. These ball diamonds are located on an 8.6-acre tract in the east central part of Independence. There is a 9-hole golf course, Pleasant View, three miles north of the City. Memorial Hall, in downtown Independence, is used for a broad range of indoor recreation programs and civic events. It has an auditorium, gymnasium and meeting rooms.

Several tot lots are located on scattered sites in the City. An undeveloped tract in the north part of the City is available for development of a tot lot. Table 2-2 gives an inventory of the City's park facilities.

The amount of land in neighborhood parks and tot lots is below recommended guidelines in the State Comprehensive Outdoor Recreation Plan for Kansas.<sup>3</sup> Table 2-3 identifies existing deficiencies, according to state standards, and projected needs for park facilities during the planning period.

There are no neighborhood parks in the western and southern parts of the City. The West Central neighborhood would be high priority for establishing a neighborhood park in the immediate future. A park site of around 10 acres would be desirable. Suggested improvements would include playground equipment, a playfield, tennis courts and a volleyball court. An estimated cost of acquiring 10 acres of land and developing it with these improvements would be \$76,000 at current costs.

In the next decade, the City should consider adding a neighborhood park in the east central part of the City.

There is a need for more tot lots to be developed on small, scattered sites between the larger neighborhood parks. It is suggested that the City acquire and develop three tot lots with playground equipment such as swings, slides, and climbing forms during the next two decades. Neighborhoods which would benefit from location of a tot lot are:

West Central - north of Main  
East Central  
North Central

The estimated cost of acquiring a 1.5-acre site and developing it with playground equipment would be \$15,100 at current construction costs. Another option for improving tot lot facilities would be to add playground equipment to the school yards if space were found to be available.

The baseball park (Sinclair Field and Clark James Field) is designated as a city park in Table 2-2. Functionally, it is limited to use for baseball and basketball. It does not offer the range of services desirable for a neighborhood park, such as playground equipment and open space for free play. Estimated cost of adding playground equipment would be \$4,000. If additional acreage were acquired, the park could be expanded to serve the function of a

---

<sup>3</sup>State Comprehensive Outdoor Recreation Plan for Kansas, Kansas Parks and Resources Authority, August, 1975.

neighborhood park as well. It should be noted, however, that there is a flooding problem with this site. Possible flood protection measures should be investigated before acquisition of additional acres. There is also a need to improve car parking facilities at this park.

Table 2-2  
INVENTORY OF PARK FACILITIES IN INDEPENDENCE, 1981

Classification	Location	Size (Acres)	Equipment	Responsibility for Maintenance
Tot Lots	Pride Park	1.6	Some playground equip., handball court, playfield.	City
	Coffeyville	0.9	Full basketball court, some playground equip., playfield.	City
	Poplar	0.3	Playground equip., 2 basketball courts.	City
	Riley School	1.0*		School
	Washington	1.0*		School
	Lincoln	1.0*		School
	North Site	1.9	Not developed.	City
Neighborhood Parks	Riverside	(acreage listed below)	This park listed as a city park. Its large size makes suitable to serve neighborhood park needs, as well as City-wide needs.	City
City Park	Riverside	123.0	Zoo, swimming pool, band shell, miniature golf, train, picnicking, stadium, playground equip., add merry-go-round, 6 tennis courts.	City
	Sinclair Field & Clark James Little League	8.6	4 ballfields (2 lighted), 2 basketball courts.	City

\*Size of the elementary school playground areas is estimated at one acre at each school.

Riverside Park and the baseball park are 25.6 acres larger than recommended standards for the City's current population. This extra size is desirable to provide room for expansion of recreation facilities as the population of Independence and recreation needs increase. In the interim, Riverside could be considered as serving neighborhood park functions for the north and north central areas. After the higher priority neighborhood park needs for the western and southern areas are alleviated, the City should seek neighborhood park site for these neighborhoods. With the acquisition of 3-4 tot lots and 3 neighborhood parks during the next two decades, the City should have ample land for recreation facilities.

Table 2-3

## INDEPENDENCE PARK NEEDS

Park Classification	Recommended		Existing		1981 Deficiencies		Projected Needs in 2000		Growth in Need 1981-2000	
	Acreage/Population	Acreage/Park	Parks	Acres	Parks	Acres	Parks	Acres	Parks	Acres
Tot Lots	1/1,000	0.5-1.5	7	7.7	2	2.9	10	12	1	1.4
Neighborhood	5/1,000	5-15	0	0	1-2	27.4	3-4	60	1-2	22.0
City	10/1,000	10 or more	2	131.6	0	-25.6	2	120	0	-11.6

- Assumptions:
1. The playgrounds of Lincoln, Riley and Washington Schools are counted as 1 acre tot lots, thus reducing the City's responsibility to provide more tot lots.
  2. At the present population level of Independence, Riverside Park and the baseball park are sufficiently large to serve as both city-wide and neighborhood parks.

In addition to acquiring land for park facilities, the City must develop the land with recreation facilities such as playground equipment, baseball diamonds, tennis courts, and picnic areas. Table 2-4 gives standards for the number and type of park facilities to provide a balanced array of recreation opportunities. This information indicates the need for two additional tennis courts during the planning period. Also it would be desirable to add lighting to some of the tennis courts. According to standards used to compute Table 2-4, the City is deficient in basketball courts. The availability of six basketball courts in public school gymnasiums takes care of most of the need for basketball courts. As long as the school gyms are available for the recreation program, the actual deficiency is much less than indicated on Table 2-4. One public volleyball court would probably be desirable and all that is necessary for local needs. There are four ball diamonds and many playfields in the City. As the population and demand grows, it is anticipated that there will be a need for a new baseball and softball field.

There is an immediate need to improve the playground equipment on all of the City's tot lots. Most of the tot lots have only a few pieces of equipment and much of this equipment is in deteriorated condition. The problem is not simply a matter of the City purchasing and installing new equipment. Vandalism and abuse have been major factors in the deterioration of playground equipment. Unless the vandalism and abuse can be controlled, newly installed equipment soon would be deteriorated again. It is suggested that the neighborhood improvement associations, recommended to be organized in the Housing Plan, be called upon to supervise play and monitor use of playground equipment in tot lots. A vigilance by local residents would be a key step to solving vandalism problems.

The natural scenic areas along the Verdigris and Elk Rivers could be better utilized as open space facilities. A nature trail/bikeway along the riverfront at Riverside Park could be the beginning of a linear parkway system at minimal expense. Other trails and picnic areas are available at scenic Elk City Reservoir near Independence.

Table 2-4

## STANDARDS FOR RECREATIONAL FACILITIES

Facility	Standard/ Population	Existing	Projections			
			Need		Deficiency	
			1981	2000	1981	2000
Baseball Diamonds	1/6,000	1	1	2	0	1
Softball Diamonds <sup>1</sup>	1/3,000	3 <sup>2</sup>	3	4	0	1
Tennis Courts	1/1,500	6 <sup>3</sup>	7	8	1	2
Volleyball Courts	1/6,000	1 <sup>3</sup>	0	1	0	0
Basketball Courts	1/500	14 <sup>4</sup>	21	24	7	10
Community Center	1/10,000	1 <sup>5</sup>	1	1	0	0
Public Golf Course	1/25,000	1 <sup>5</sup>	0	0	0	0
Picnic Areas	1 Ac/30 persons for 5% of pop.	4 Ac <sup>6</sup> (approx.)	18 Ac	20 Ac	14 Ac	16 Ac
Swimming Pool (25 yd.)	15 sq. ft. of water for 3% of pop.	1	1	1	0	0

Source: National Recreation and Park Association (NRPA), June, 1971, as adjusted by Bucher & Willis.

<sup>1</sup>The high school field is used for baseball and softball in the summer.

<sup>2</sup>There are 8 private tennis courts in addition to the 6 public courts.

<sup>3</sup>There are volleyball courts in the public school gyms available for use by participants in the Independence recreation program.

<sup>4</sup>There are 6 basketball courts in public school gyms available for use by participants in the Independence recreation program.

<sup>5</sup>There is a private golf course at the Independence Country Club.

<sup>6</sup>There are picnic facilities at nearby Elk City Reservoir, thus eliminating most of the need for additional picnic sites.

Recreation Program

The recreation program in Independence is geared to serving leisure needs of all ages and a broad span of interests of the population. Although there are a few programs for the elderly, these programs will need to be expanded as this segment of the population continues to grow. Recreation programs sponsored by the City's Recreation Commission in 1980-81 are summarized in Table 2-5.

Table 2-5

RECREATION PROGRAMS IN INDEPENDENCE  
1980-1981

Program	Sex	Age/Grade	Season
Baseball	Boys	8-18	Summer
Softball	Girls	8-15	Summer
	Womens	16+	Summer
	Men	16+	Summer
	Mixed	Adults	Fall
Little League	Boys	5th-6th	Summer
Basketball	Boys	9-High School	Winter
	Girls	4th-7th	Winter
	Mens	Open	Winter
	Mens	30+	Winter
	Womens	Open	Winter
Volleyball	Mens	Open	Fall
	Womens	Open	Fall
	Mixed	Open	Spring
Tennis	Youth-Mixed	Open	Summer
	Adults-Mixed	Open	Summer
	Tournament		Summer
Swimming	Mixed	All ages	Summer
Golf	Womens	Open	Summer
	Youth-Mixed	Open	Summer
Gymnastics	Mixed	Youth	Summer/Winter
Tumbling Tots	Mixed	Pre-School thru 3rd	Summer/Winter
Hobby Crafts	Mixed	Youth	Summer/Winter
Exercise	Women	Adults	Year-round
Athletic Club	Mixed	Adults	Year-round
Sr. Citizens Program	Mixed	Sr. Citizens	Year-round
Disco Dancing	Mixed	Open	Summer
Square Dancing	Mixed	Open	Summer
Bridge	Mixed	Open	Year-round

The continued offering of a diverse recreation program depends on the availability of good parks and recreation facilities and adequate revenues. The two major sources for revenues are general tax levies on the total population and special user fees. Presently, the Independence Recreation Commission receives a one mill levy on all properties within the Independence School District. It generates \$42,000 in annual revenues. The State of Kansas permits up to two mills to be levied for recreation. This would yield a maximum amount of \$84,000 in revenue at current assessment rates and assessed valuations.

In 1980, it was necessary to increase users fees on recreation programs to meet program expenses. The high cost of users fees apparently is reducing participation in activities and the lack of revenue is causing elimination of some programs. If the City desires to maintain an active recreation program, it should consider raising the mill levy. The State statutes allow up to a levy of two mills and other cities in the area have higher levies with Chanute levying the maximum.

## WATER AND SEWER FACILITIES

### Sanitary Sewer System

The Independence sanitary sewer system serves the developed areas within the City limits. It also serves an area southwest of the City limits extending from Rock Creek to Independence Community College. The system consists of a wastewater treatment plant located in the floodplain of the Verdigris River east of the City, seven pumping stations and a network of lateral, trunk and interceptor sewer mains.<sup>4</sup>

The wastewater treatment plant uses an extended aeration process followed by two stages of lagoons. The plant will require only minor modifications during the planning period to be able to accommodate the expected volumes of wastewater. These modifications would be for treating wet weather flows.

The distribution network operates primarily as a gravity flow sewer system. For the most part, laterals, trunk and interceptor lines follow natural drainage patterns. The pumping stations are used to force the flow of wastewater across the drainage basin boundaries.

There are 5.6 miles of concrete pipe sewer lines. The sections in worst condition are 3.2 miles of sewer lines in the southwest, southeast and central area along the Santa Fe tracks. Most of these lines date to 1920 or post-World War II. The concrete pipe is deteriorating due to corrosion from the dilute acids in the wastewater. It was recommended by the Black & Veatch sewer report that these concrete pipes be replaced. In addition, the remaining 2.4 miles of concrete sewer lines will need to be incorporated into a long-range capital improvements program.

---

<sup>4</sup>Report on Sewerage Improvements for Independence, Kansas, Black & Veatch Consulting Engineers, 1974.

A second problem noted by the consultant's study was excessive infiltration and inflow<sup>5</sup> of storm waters into the northeast interceptor and the Wald Avenue pumping station. Certain improvements would be necessary to prevent overflowing manholes and basement flooding in these areas.

As well as line problems, the community has septic tank problems. Most of the area is unsuitable for septic tank use. Until the public sewerage can be extended to new areas, development should be minimal.

Although the sewer line improvements recommended in the 1974 studies are numerous, they appear to be in need of immediate attention. It is recommended that these improvements be listed in order of priority and undertaken, a few a year. Sewer rates will need to be reevaluated and a capital improvement fund established.

### Water System

The Independence water system consists of four components: supply, purification, storage and distribution. Each of these segments must be adequate to meet the water demands of the City for household, industrial or firefighting purposes.

The City's water supply comes from the Verdigris River. This supply has been and is expected to remain adequate. The only deficiencies of the supply source occur during periods of drought. Upstream reservoirs, such as the Elk City Reservoir, however, are used to resupply the river during those periods. It is in the City's interest to maintain the useability of these backup supplies.

The purification of the City's water occurs at the water treatment plant on the east side of the City. The plant was built in 1968 and has a capacity to provide 6 million gallons of water per day. Since the peak day demand in 1980 was 3.9 million gallons and based on the anticipated growth rate, available plant capacity will be adequate well beyond the planning period. If the plant should need to be expanded, however, it is sized to treat 12 million gallons per day with the addition of one new pump and four filters.

To maintain adequate water pressure, to provide sufficient surplus supply during periods of exceptionally high demand, and to retain a source of water which would be accessible to fight fires during a power outage, the City must maintain storage tanks. Currently, the City has a one million gallon below ground clearwell or storage tank. Not being above ground, this tank cannot alone meet the City's storage needs. In addition, there is a 750,000 gallon elevated water tank in the northwest corner of the downtown area. Another 300,000 gallon tank is at the Junior College. As a general rule, a City should have one to one and one-half gallons water storage capacity for each gallon of average daily demand. Since in 1980 the average daily water demand in Independence was 2,012,000 gallons, the City should have between 250,000 and 750,000 gallons additional storage capacity over its current 1,750,000 gallon capacity. In the near future, another 750,000 gallon elevated tank might be considered in the growing northwest area. The location of this tank would also act to increase pressure to an area distant from both pumps and other elevated storage.

---

<sup>5</sup>Infiltration/Inflow Analysis for Independence, Kansas, Black & Veatch, 1974.

The largest deficiency in the City's water system is its distribution component. Particularly in the southern sections of the City, water lines are undersized (4" to 6"), old and therefore significantly clogged with deposits, and inadequately looped or interconnected creating exceptionally low pressure areas. A study undertaken several years ago on this problem recommended a large (12") loop line entering the southeast area, cutting across to the west roughly on Cherry Street and then connecting back up north to an existing large main. After this main is installed, individual lines would need to be replaced. These improvements are long overdue. Two blocks of this loop will be constructed this year.

In addition to the distribution problems in the south part of the City, other line improvements are needed. In particular, the approximately 12 block area from 4th to 6th Streets and from Oak to Parkhurst Streets needs line replacements. Hickory Street from 8th to 13th Streets also needs the installation of a new 8" water line. There are lines in the CBD that need replacement. Also, there is a need to loop the water system in the north part of the City.

### Summary

This chapter has discussed the types of public facilities available in Independence. The study has described municipal offices, including police, fire protection, parks and recreation facilities, water and sewer service, and school facilities. Recommendations for future actions to improve and expand public facilities have been included. These recommendations are summarized on the following page.

Table 2-6

### PUBLIC FACILITY RECOMMENDATIONS

Type of Facility	Major Recommendations
Police	Consolidate offices in basement of City Hall.
Fire Protection	Develop fire substation in Northwest Independence along Taylor Road between 10th Street & 21st Street.
Municipal Offices	Construct a City Commission/Municipal Courtroom on 1st Municipal Courtroom on 1st floor of City Hall; renovate.
School Facilities	Possibility of a new elementary school if need increases in northwest area.
Parks & Recreation	Neighborhood park in west central neighborhood; install equipment at existing tot lots and neighborhood park; 3-4 new tot lots (possibly at schools).
Sewer Facilities	Replace all concrete pipes; reduce inflow of storm waters into northeast interceptor sewer and Wald Avenue Pumping Station.
Water Facilities	Increase water storage capacity by 750,000 gallons; install 12" loop water main in southeast area; misc. water line replacements in older area of City.

A time frame has been identified for carrying out some of these recommendations. It was suggested that the City begin to install new playground equipment at existing tot lots and begin development of a new neighborhood park in the next five years. Many of the proposed water and sewer improvements are overdue. They would be considered projects for the immediate future.

It is further recommended that a capital improvements program be developed. The capital improvements program would define the scope of each project, proposed timing for construction, estimated cost and financing. The capital improvements program can serve as the vehicle for improving the overall status of public facilities while keeping the burden of these improvements to a more affordable level. The capital improvements program can be instrumental in directing the orderly expansion of public facilities and implementing the City's policies for future development.



TRANSPORTATION & THOROUGHFARE PLAN

# TRANSPORTATION AND THOROUGHFARE PLAN

## STREET SYSTEM IDENTIFICATION

The functional importance of each street in a city is generally defined by its classification, which is based on the street characteristics of traffic volume, travel mobility and property accessibility. The 1975 Independence Traffic Safety Study classifies all streets as principal arterial, minor arterial, collector, or local streets.

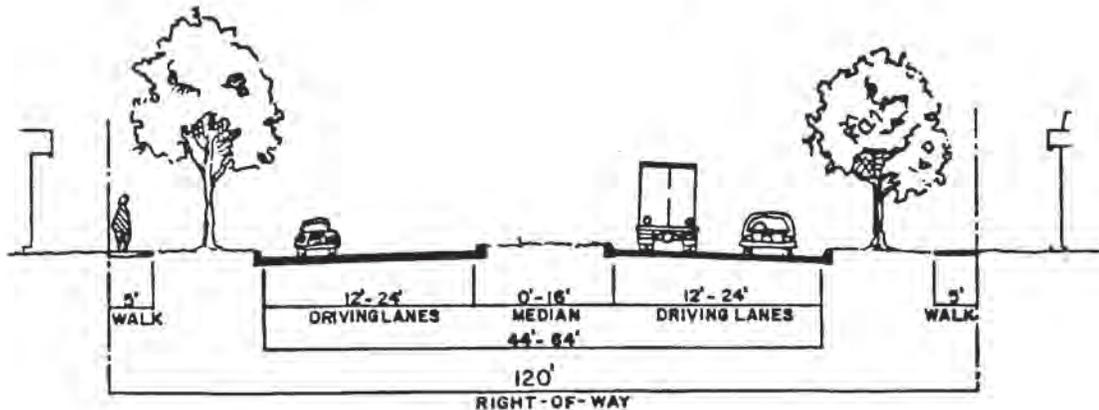
Generally speaking, the purpose for street classification is to group the streets and roadways into classes according to the character of service they are intended to provide. The thoroughfare system is one of the major structural elements of the urban community and is an important determinant of the physical development of the City. Therefore, careful street system planning is essential in order to achieve long-range development goals.

Street design standards should be derived from the function which must be performed by the facility. The following street design standards for the City of Independence are recommended for various street classifications in the City as identified in the later part of this chapter.

### Principal Arterial

This roadway system carries the major portion of trips entering and leaving the City. It largely consists of extensions of rural arterials into and through the City. The concept of service to abutting land should be subordinate to that of travel service for major traffic movements. The following design criteria is recommended for principal arterial streets:

Right-of-Way.....	100-120 feet
Moving Lanes.....	4-6 lanes
Moving Lane Width.....	12 feet per lane
Design Speed.....	45 MPH
Design Hourly Volume Lane....	600-800 VPHPL (Vehicles Per Hour Per Lane)
Number of Parking Lanes.....	None
Maximum Grade.....	4%
Minimum Grade.....	0.5%

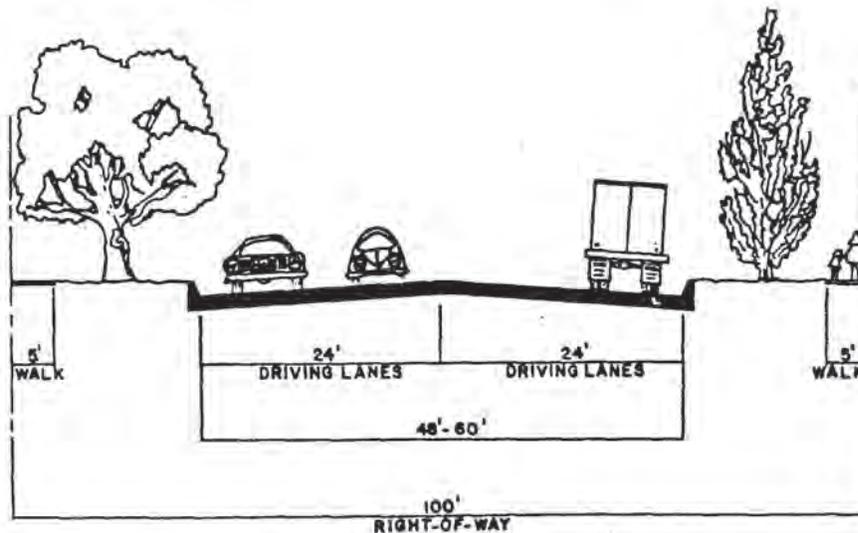


**PRINCIPAL ARTERIAL STREET**

### Minor Arterial

This roadway system provides service for trips of moderate length of a somewhat lower level of travel mobility than major arterials. It contains facilities that place more emphasis on land access than the higher system, and offers a lower level of travel mobility. This system should include urban connections to rural collector roads. The following design criteria are recommended for minor arterial streets:

Right of Way.....	80-100 feet
Moving Lanes.....	4 lanes
Moving Lane Width.....	12 feet per lane
Design Speed.....	40 MPH
Design Hourly Volume Lane.....	400-600 VPHPL
Number of Parking Lanes.....	1-2 when provided
Width of Parking Lanes.....	10 feet
Maximum Grade.....	6%
Minimum Grade.....	0.5%

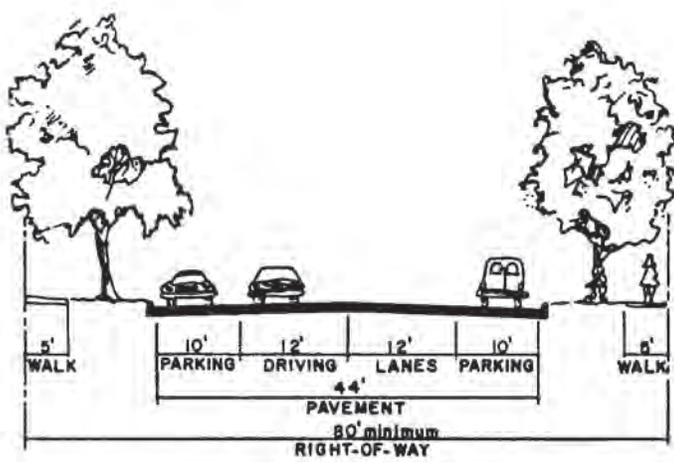


**ARTERIAL STREET**

### Collector Street

This roadway system provides both land access service and traffic circulation within residential neighborhoods, commercial and industrial areas, and may penetrate residential neighborhoods, distributing trips from the arterials through the area to their ultimate destinations. It also collects traffic from local streets in residential neighborhoods and channels this traffic to arterial streets. The following design criteria are recommended for collector streets:

Right-of-Way.....	80 feet
Moving Lanes.....	2-4 lanes
Moving Lane Width.....	12 feet
Design Speed.....	30-35 MPH
Design Hourly Volume Lane.....	300 VPHPL
Number of Parking Lanes.....	1-2 when provided
Width of Parking Lanes.....	10 feet
Maximum Grade.....	8%
Minimum Grade.....	0.5%



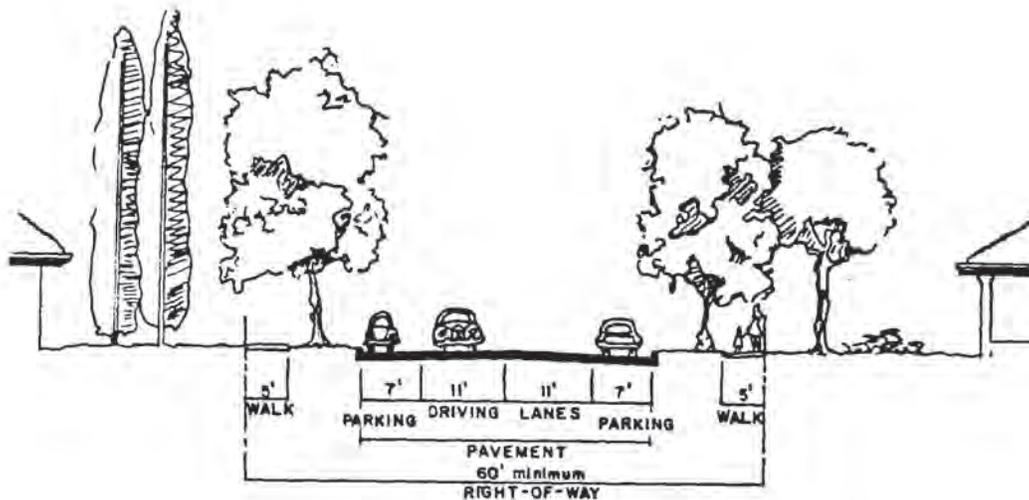
**COLLECTOR STREET**

Local Street

This roadway system comprises all facilities not on one of the higher systems and serves primarily to provide direct access to abutting land and access to the higher order systems. It offers the lowest level of mobility, and the service to through traffic movement usually is deliberately discouraged. The following design criteria are recommended for local streets:

Right-of-Way.....	60 feet
Moving Lanes.....	2 lanes
Moving Lane Width.....	11 feet
Design Speed.....	25-30 MPH
Design Hourly Volume Lane.....	100 VPHPL*
Number of Parking Lanes.....	1-2 lanes
Width of Parking Lanes.....	7-8 feet
Maximum Grade.....	10%
Minimum Grade.....	0.5%

\*Maximum desirable traffic volume on local streets is 1,500 VPD.



### LOCAL STREET

#### TRAFFIC VOLUME

Traffic volume is the fundamental element in establishing the usage of streets and roadways as an indication of travel patterns and characteristics. Information concerning urban travel characteristics is essential in general transportation planning. This section describes various measurements of traffic volume and identifies traffic patterns in the City of Independence.

The Kansas Department of Transportation conducted comprehensive 24-hour mechanical traffic counts on major City streets in June and July, 1980, and in January and February, 1981. These counts were compared with the 1974 24-hour counts in the Independence Traffic Safety Study at 66 locations, revealing an average annual growth rate of 5.5 percent. The 24-hour traffic volume, however, does not indicate the patterns of variation in traffic demand during various hours of the day.

Closely related to the fluctuations in traffic flow is the selection of the specific hourly volume which should be used for design basis. Peak-hour traffic volume is the basis for geometric design with respect to width of street, channelization, intersection design, and similar geometric features of the roadway. Therefore, knowledge of brief, but frequently occurring, peak-hour volume is necessary. The hourly traffic volume variation percentages recorded in the 1975 Traffic Safety Study were applied to the 1980 and 1981 24-hour traffic counts to approximate current peak-hour volumes. These peak-hour traffic volumes were then analyzed to determine deficiencies in the existing street system. The findings of the analysis will be described in the next section.

#### Volume/Capacity Relationship

The adequacy of the existing street system is measured directly from the level of traffic operations. In determining the level of traffic operations, a design or operating "capacity" of each street segment is selected to provide a desirable level of service. This "capacity" is closely associated with the combined elements of traffic control devices, traffic operating speeds, traffic density, traffic conflict points, street physical characteristics, and street illumination at night.

Traffic operating conditions within a street corridor are rarely uniform, generally fluctuating from lower speeds and inter-vehicular conflicts at some critical points to a less congested condition between these points. Nevertheless, the operating capacity of each street section is generally controlled at critical points, such as intersections. The capacity of any approach at an intersection is governed by the portion of flow time allotted to that approach, and the width of the approach, this in turn being affected by overall street width and parking characteristics. The City supplied the Consultant with the current inventory describing street width and parking characteristics necessary for this analysis.

Based on the current 24-hour traffic counts, the Consultant selected 13 critical intersections to analyze for traffic capacity. The capacity of these intersections was determined first with the assumption that parking characteristics along each approach would remain as they currently are. Then reducing the 24-hour volumes to peak-hour volumes as described above, the 5.5 percent per year growth factor was applied to project peak-hour volumes into the future. Thus, the number of years until each intersection would statistically reach capacity was determined. Based on the future land use growth projections as described in the previous chapter, the estimated 5.5 percent per year traffic growth factor should be a liberal projection.

Because the altering of parking characteristics is more easily and economically accomplished than actual geometric changes, the same analysis procedure was applied to each intersection under the assumption that all parking at these intersections had been eliminated. Thus, for example, the years to capacity at 10th and Main are extended from 6 years if parking remains the same, to 15 years if parking is removed. The results of the capacity analysis are summarized in Table 3-1.

Based on the above analysis, four intersections will probably need intersection improvements during the planning period. In addition, the City has noted two intersections which are congested during peak hours and should also be monitored for their need for intersection improvements. These intersections are shown in Table 3-2.

Table 3-1

INTERSECTION GEOMETRIC CAPACITY  
Independence, Kansas

Inter- section	Width/ Parking	1980 Peak-Hr. Volume*** (8.5% ADT)	Capa- city (Present)	Years to Exceed Capa- city (Pre- sent Cond.)	Capacity Eliminating Parking	Years to Exceed Capacity (No Parking Cond.)
Main & Laurel	46/N 40/N* 38/N	649	2120	41	2120	41
Main & 10th	56/P 56/P** 45/P 50/P	1669	2180	6	3005	15
Main & Penn.	68/P 68/P 68/P 68/P	1370	2940	21	3980	35
Main & Park	48/P 40/P 40/P 48/P	870	2350	31	3210	49
Main & 2nd	40/P 40/P 40/P 30/P	716	2135	36	2690	50
Penn & Chestnut	68/N 68/P 68/P 68/P	1205	3200	30	3980	42
Penn & Sycamore	60/P 55/P 30/P 40/P	1069	2550	25	3375	39
Penn & Oak	62/P 44/N 44/P 48/N	1108	3110	33	3620	41
Penn & Taylor	45/N 42/N 18/N 48/N	581	2810	70	2810	70
10th & Taylor	48/N 48/N 48/N 20/N	269	3005	185	3005	185
10th & Oak	48/P 45/P 30/N 44/P	641	2310	47	3055	68
10th & Sycamore	42/P 40/P 40/P 40/P	700	2155	38	2915	58
10th & Laurel	50/N 40/N 40/P 72/P	998	2510	28	2940	35

\*N = No Parking

\*\*P = Parking

\*\*\* = Volume includes all approaches

Table 3-2

INTERSECTIONS WARRANTING POSSIBLE IMPROVEMENTS

Pennsylvania and Sycamore	10th and Oak
Park and Main	Main and Hardy
10th and Sycamore	Pennsylvania and Locust

The above intersections appear to have the highest potential in the City for short-range transportation improvement. It is recommended that the City continue to monitor the traffic operations and traffic demand at these intersections, so that timings for improvement needs can be acknowledged.

THOROUGHFARE PLAN AND STREET FUNCTIONAL CLASSIFICATIONS

An adequate thoroughfare plan should parallel the anticipated land use expansion and population growth to the City. With an estimated population growth of 1,500 in the next 20 years, from 10,500 in the year of 1980 to 12,000 in the year of 2000, expansion of the existing street system is inevitable.

Principal Arterial Street System

- (1) Main Street -- Main Street (Highway 160) is the only east-west thoroughfare which presently serves as a principal arterial street in the City. It is a major inter-city highway route as well as a principal internal traffic movement corridor. Main Street connects two prominent commercial areas in the City together, and it will continue to serve as an east-west principal arterial street in the City.

In order to provide better accessibility and increase the traffic service volume, prohibiting parking on both sides of Main Street should be considered.

- (2) Pennsylvania Avenue -- Pennsylvania Avenue to the north of Main Street is the combination of U.S. Highway 75 and State Highway 96, and it is the only direct access to the City from the north. Pennsylvania Avenue presently carries approximately 400 external (from outside the City) heavy commercial trucks per day. This inter-city truck traffic, as well as the through-city passenger traffic on Pennsylvania Avenue, is guided by highway route signs to by-pass the CBD area through Chestnut Street (three blocks north of Main Street) to both 6th Street on the east, and 10th Street on the west. The three-block corridor of Pennsylvania Avenue between Chestnut Street and Main Street is intended and should remain as a collector street for the traffic generated from the CBD. The present principal arterial grid system bounded by Chestnut Street to the north, Main Street to the south, 6th Street to the east, and 10th Street to the west should be used to provide for east-west and north-south through

traffic. The intersections of this arterial grid, however, should be upgraded to improve both the turning movements and traffic operation for this through traffic and truck traffic.

One alternative to manage the external traffic through the City, but a less desirable option with respect to long-range planning, is to by-pass this external traffic through other roadway facilities in the City. Such bypass routes can be Park Boulevard to the east and Peter Pan Road to the west. This alternative is not preferred due to the fact that additional traffic, particularly truck traffic, could have significant social and economic impact to the abutting residential neighborhood and properties. The existing highway routes are primarily abutting commercial properties and, therefore, their continued use would be least disruptive.

- (3) 10th Street -- 10th Street south of Main Street is a vital link between the City and large rural residential subdivisions and a junior college 1-1/2 miles south of the City limits. This segment of 10th Street is also essential for the development of the south part of the City, and its function as a principal arterial street should be maintained.

#### Minor Arterial Street System

Minor arterial streets usually provide adequate roadway facilities and moderate traffic volumes but consist of limited truck traffic and external or inter-city traffic. In the City of Independence only three street corridors -- 10th Street from Taylor Road to Chestnut Street, Oak Street from Park Boulevard to Peter Pan Road, and Laurel Street from 10th Street to Main Street -- are recommended for the classification of minor arterial street.

- (1) 10th Street -- The 10th Street corridor from Taylor Road to Chestnut Street is parallel to and only three blocks west of Pennsylvania Avenue. It serves as an alternate route for north-south travel between the CBD area and the north side of the City. The function of 10th Street cannot be downgraded due to the following reasons:
  - (a) It is a four-lane facility with adequate accessibility.
  - (b) It is vital for the development of the northwest part of the City.
  - (c) It serves and will continue to serve as a relief route for Pennsylvania Avenue.

The intersection of 10th Street and Oak Street is critical in the traffic operation of the 10th Street corridor, as well as Oak Street. Both the High School and Riley Grade School are located at this intersection which creates substantial vehicular traffic and children crossing problems during the peak periods. An adequate traffic control system other than the present four-way stop, such as a conventional traffic signal, needs to be considered in order to maintain the integrity of traffic operation throughout this corridor.

- (2) Oak Street -- Oak Street is located approximately one-mile south of Taylor Road and one mile north of Main Street. It is the only thoroughfare connecting both the east and west sides of the City in this area. The east end of Oak Street is connected with the City Park and the west end of Oak Street intersects Peter Pan Road. The function of Oak Street is important in the development of an access road to the industrial area west of the Missouri Pacific Railroad tracks.
- (3) Laurel Street -- Laurel Street is parallel to and located only two blocks north of Main Street. It intersects and merges with Main Street at the west end of the City. Although Laurel Street is too close to Main Street, the existence and service of Laurel Street is essential and vital to the City due to the following two reasons:
  - (a) It provides direct linkage between the CBD and the industrial/commercial area to the west.
  - (b) It provides a relief or bypass route for local traffic that otherwise would use Main Street, thereby creating substantial traffic problems on Main Street.

Laurel Street, west of 17th Street, should be considered for future widening to a five-lane facility. This segment of Laurel Street can possibly serve as a bypass route for north-south traffic via 19th Street to the north and 17th Street to the south.

The intersection of Laurel Street and Main Street at the west end of the corridor should be improved because of their awkward intersection. Such improvement might include signalization or geometric realignment in order to provide a safer and more attractive route.

- (4) 21st Street -- This street currently serves as a collector street connecting the north part of the City to Laurel Street jogging at one point to 20th then 19th Streets. If the alignment of the street were improved and the street upgraded to a minor arterial, it could provide more direct access from this northwest area to Main Street. The most substantial required improvement will be the continuation of 21st Street directly south of the A.T. and S.F. tracks along Whiskey Creek. This alignment would not only improve traffic movement along this corridor but could also be designed to contain some of the flooding along Whiskey Creek.

An alternative to the 21st Street arterial could be the use of Peter Pan and Taylor Roads as an outlet to the western commercial and industrial areas. This road system would avoid the central residential areas of the City and utilize currently available rights-of-way. It would also encourage college-bound traffic to cut over to 10th Street rather than going south on 17th Street, a collector street. The major disadvantage of this alternative is the residential character of Taylor Road. This right-of-way would have to

be widened if used as an arterial street which would result in several conflicts with existing houses. Additionally, this arterial alternative would force some traffic further west than they intend to go. It is for these reasons that the 21st Street alignment is shown as this west side arterial for the planning period.

### Collector Street System

A collector street merely serves as an intermediate travel route between a residential area or local street and higher classes of streets and highways. While the continuity of the collector street system is not important, the intersections of collector streets with arterial streets should be carefully planned. The collector street system in the City is described as follows:

- (1) Spruce Street -- The westward expansion of Spruce Street is inevitable and necessary for the development of the northwest part of the City. Spruce Street is located halfway between Taylor Road and Oak Street. It should be programmed to extend west to 21st Street from Pennsylvania Avenue along with the residential development in the area.
- (2) Sycamore Street -- Sycamore Street is located in the primarily developed areas of the City. This street appears to adequately serve as a collector street at the present time. If traffic congestion occurs in the future, parking prohibition can be considered to maintain its level of service. The potential traffic signal need at the intersection of Sycamore Street and 10th Street requires close monitoring as concluded in the previous section.
- (3) Poplar Street -- Poplar Street between Cement Street and 13th Street is a collector street located in the south part of the City. This corridor is abutting a developed residential area. It currently functions as a collector street and should continue to provide the service.
- (4) Cement Street -- This street extends to the rural county area in the southeast part of the City. It is the primary access to a large quarry plant outside the City limit. The street is presently in a deteriorating condition which requires immediate upgrading and maintenance.
- (5) 2nd Street -- 2nd Street south of Main Street provides more than an adequate facility for collector street operation. It also provides a direct access to a small industrial area to the south of the City. Second Street has improvement potential to the south across the floodplain outside the City limits; however, its function as a higher class street is not recommended if the residential area it traverses is to be protected from heavier traffic.
- (6) Park Boulevard -- The Park Boulevard corridor between Oak Street and Main Street has the physical and locational characteristics to be a minor arterial street, but is classified as a collector street due to the following reasons:

- (a) The existing Santa Fe Railroad overpass above Park Boulevard does not provide adequate vertical clearance for trucks and is therefore not suitable for use as a highway bypass route without regrading.
- (b) The adjacent land use is of a residential nature, and areas immediately south of the railroad overpass contain major park and recreation facilities which create substantial pedestrian traffic across the street. An arterial street designation on Park Boulevard could impose additional social problems and traffic conflicts.

Park Boulevard south of Main Street is also a wide street and suitable for collector street use. However, 2nd Street, which is a collector street, is only one block to the east. In order to discourage the usage of Park Boulevard as a thoroughfare or local bypass, this segment of Park Boulevard south of Main Street should be classified and designed as a local street.

- (7) 13th Street -- 13th Street between Oak Street and Poplar Street is located in the developed area of the City and it provides the only north-south railroad grade crossing between 10th Street and 21st Street. The 13th Street corridor has narrow pavement width and has slight potential for future widening. However, its present street condition should be adequate for a collector street operation.
- (8) 17th Street corridor south of Laurel Street -- 17th Street is the only linkage in the southwest connecting the City with the community college and a large rural residential subdivision outside the City limits. However, the accessibility and service adequacy on 17th Street between the City and the college area is not critical because 10th Street to the east provides direct and convenient highway-type access to the college area. The concentration of traffic on 10th Street, an already designated arterial street, is also preferred to lessen traffic through the residential southwest area of the City. Since 17th Street does serve a collector function for this southwest residential area, it should be designated and maintained as such but not be developed or encouraged to be used as an arterial route to the Fruitland-Junior College area.
- (9) Taylor Road -- This street will be one of the main exit corridors from the northern section of the City east to Highway 75. This street should therefore be a collector street from the Missouri-Pacific railroad tracks to Highway 75.
- (10) Peter Pan Road -- This road will continue to carry traffic from Oak Street to the industrial and commercial areas on the west side of the City. Peter Pan should therefore be classified as a collector street from Oak to Main Streets.

## STREET FUNCTIONAL CLASSIFICATION SUMMARY

The street functional classifications in the City of Independence for the year 2000, based on the future land use projections and analysis in the previous section, are summarized as follows: (See General Development Plan for street delineations.)

### (1) Principal Arterial Streets

- (a) Pennsylvania Avenue, north of Chestnut Street; and the bypass route of Pennsylvania Avenue on 10th Street and 6th Street (north of Main Street)
- (b) Main Street

### (2) Minor Arterial Streets

- (a) 10th Street, between Taylor Road and Chestnut Street
- (b) Oak Street
- (c) Laurel Street, between 10th Street and Main Street
- (d) 21st Street

### (3) Collector Streets

- (a) Spruce Street, between Pennsylvania Avenue and 21st Street
- (b) Sycamore Street, between Park Boulevard and 21st Street
- (c) Poplar Street, between Cement Street and 21st Street
- (d) Cement Street
- (e) 2nd Street, south of Main Street
- (f) Pennsylvania Avenue, between Chestnut Street and Poplar Street
- (g) 13th Street
- (h) 17th Street, between Laurel Street and south City limits
- (i) Taylor Road, west of the Missouri-Pacific railroad tracks
- (j) Peter Pan Road, Oak to Main Street

## THOROUGHFARE RECOMMENDATIONS

It appears, from the results of traffic volume/capacity analysis, that traffic signal feasibility should be reviewed immediately at the two intersections of Pennsylvania Road and Sycamore Street, and Park Boulevard and Main Street. If the traffic signals at these two intersections are found unwarranted at the present time based on the actual manual counts, the volume then should be monitored annually at these two intersections to assure adequate traffic operations. Traffic signals might also be considered at the intersections of 10th and Oak Streets and Main and Laurel Streets due to traffic operational problems during certain hours of the day.

The existing street system in the City of Independence appears to be adequate to serve long-range traffic demand if the traffic volume growth holds at 5.5 percent per year. Specific street widening or geometric alteration is not recommended for the foreseeable future. However, any sudden change in land use pattern can easily alter the traffic demand within the street network, which should be reviewed carefully prior to any land use changes.

## ALTERNATE MODES OF TRANSPORTATION

In addition to the private automobile, shared transportation systems can be explored for use in Independence. The many forms of mass transportation can be divided into two types: intra-city or within Independence, and inter-city or between cities. The most common and practical inter-city system for cities the size of Independence is that of private bus systems. The City is fortunate to be well served in this respect with six stops a day by both the Greyhound and the K-G bus lines.

A second inter-city system would be that of rail service. Although the City does have adequate freight service on Missouri Pacific and Sante Fe lines, it does not have passenger rail service. Although such service is desirable, it is unlikely that it will be economically practical to institute in the near future.

A final inter-city transportation mode available in Independence is that of air service. A recently improved 5,500-foot runway at the Independence Airport provides service for all general aviation up to twin-engine planes. In addition, commuter service is conveniently available at Tri-City Airport located north of Cherryville about 16 miles from the City of Independence.

Intra-city mass transit modes are far more difficult to justify in cities of 10,000 to 20,000 persons. Personal schedules and destinations are just too scattered to support large scale shared local systems. Currently the City has a taxi service. This dial-a-call type service is the only mode which is justified in the City of Independence. The only disadvantage of such a private system is often its cost. Senior or low-income citizens may find it difficult to afford necessary fares for other than emergency or shopping trips. It is for this reason the City and the County have joined in a subsidy program to help pay senior citizen cab fares. This subsidy currently amounts to 70% of the fare cost with the qualifying citizen paying \$0.45 for most rides. Unfortunately, as operating costs, and in particular fuel costs rise, the cost of this service will likewise increase. The alternatives here

are to initiate a public dial-a-ride system or continually re-evaluate the subsidy assistance to the taxi system. Since a public system will not necessarily lower costs, the continued subsidy system is preferable for Independence.

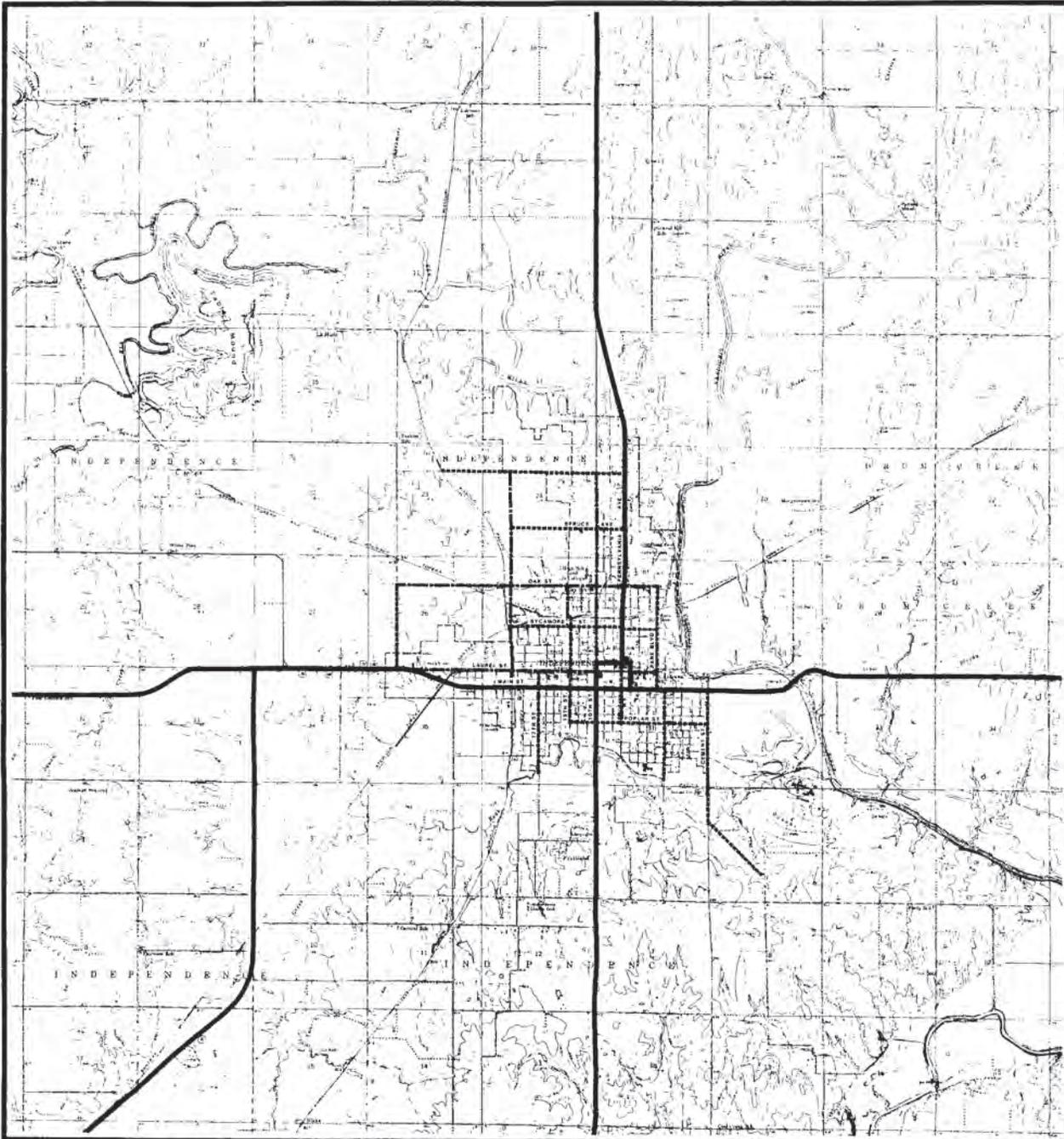
A second intra-city mass transit mode that has been discussed in the City is that of a commuter bus from residential to industrial areas. For cities the size of Independence such "peak hour" buses usually are not economical because of the need for a high degree of service for a relatively small portion of the day. Unless these systems are heavily subsidized by these local industries, they will probably have financial difficulties. An alternative to these commuter buses, however, is the development of a unified car or van pooling system. By coordinating employee-trip information, better ride-sharing can be encouraged. Local employers should consider offering "initiatives" for workers to use such systems. Such initiatives often include bonus off-time, gasoline subsidies or even the provision of a company car or van to perform this function. Most important, however, employers should actively promote car-pooling by forming a worker data bank and "trip matching" service.

#### RAILROAD GRADE CROSSINGS

As vehicular and aerial transportation systems advance with the technology, railroad services are no longer a blessing to the City's growth and development. On the contrary, railroad grade crossings often create severe traffic conflict problems and reduce the level of service in the thoroughfare and, therefore, transportation systems.

There are a total of 19 railroad grade crossings in the City of Independence, and the previous inventory has revealed that only one of these 19 crossings is in satisfactory condition. The City should coordinate with two railroad companies to improve these grade crossings and close unnecessary ones. When considering which crossings to eliminate, those on local streets should be removed first. Major thoroughfares should be kept open and the crossings improved.

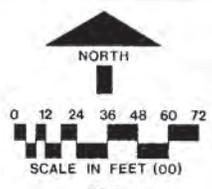
The City should work with the railroads to undertake necessary engineering studies to begin a detailed inventory of crossing and site conditions and problems and to design necessary improvements.



**INDEPENDENCE**  
KANSAS

**THOROUGHFARE PLAN**

- MAJOR ARTERIALS
- - - -** MINOR ARTERIALS
- .....** COLLECTORS



**BUCHER & WILLIS**  
CONSULTING ENGINEERS & ARCHITECTS

THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH A COMPREHENSIVE PLANNING GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. THIS PROGRAM IS ADMINISTERED IN KANSAS BY THE PLANNING DIVISION OF THE KANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT.

CENTRAL BUSINESS DISTRICT

## CENTRAL BUSINESS DISTRICT

The Independence Central Business District is, and should continue to be, the retail and office core of the City. Although the foundations of this downtown core are strong, recent events and development trends have begun to lessen the strength and vitality of the area. The intent of this chapter is to serve as a preliminary analysis of the viability of the Central Business District (CBD), particularly with regard to its current assets and deficiencies, its short- and long-term needs, and its potential implementation techniques. This chapter is not a final "master plan", but rather the first step in an on-going planning and revitalization effort.

### CURRENT STATUS

The current strength of the downtown was evaluated using several economic indicators and visual survey techniques. In general, the Independence CBD is in relatively good shape. This is not to imply, however, that all is well. Several existing problems were discovered along with several potential problems which may have to be faced in the near future. The most notable assets and deficiencies are as follows:

- (a) Retail sales have remained fairly strong. Between 1972 and 1977, retail sales in the City increased by roughly 24 percent (in constant dollars) despite only a one to two percent increase in population. In addition, the proportion of the trade area captured by Independence retailers increased during the same period. Unfortunately, a significant part of this retail strength may be due to commercial activity outside the downtown area. The strongest segments of the retail sector are furniture and home furnishings, general merchandise, and eating and drinking establishments. The weakest segment is apparel and accessories. Based upon these findings and the mix of stores currently in the downtown, the following types of retail activity appear to need further expansion:
  - (1) apparel and accessory stores,
  - (2) convenience stores, and
  - (3) a family-style restaurant (with banquet or meeting rooms).
- (b) The stock of buildings in the downtown is generally good. There is a reasonable variety of sizes and types of buildings in good condition. Several buildings, however, need a minor to moderate amount of repair and refurbishing to improve their appearance. In addition, the historic character of many of the structures should be carefully examined and recorded to promote the preservation and enhancement of the original store fronts rather than the current trend toward false facades.
- (c) The overall layout of the downtown is well organized. There are several strong support uses appropriately located on the periphery of the CBD and only few major uses which are inappropriately located in the retail core. The Arco office building, Civic Center, City Hall and County Courthouse are all major uses which will support downtown retailing. The most serious location problem is the drive-

in bank at Pennsylvania and Myrtle. It not only creates traffic problems, but it also represents a sizeable retail "dead spot" in the core of the CBD. The Post Office is also in a poor location, although for-tunately it is not located on either Main or Pennsylvania.

- (d) The expansion of "strip" commercial development on Main and Pennsylvania is weakening the edges of the downtown. This diffusion of commercial activity lessens the compactness and intensity necessary for retail vitality. Although the tendency is to allow this type of development because it seems to have few short-term drawbacks, over the long-run it will seriously lessen the retail viability of downtown businesses.

The outer limits of the CBD are roughly defined by the traffic bypass system: Sixth Street to Tenth Street and Chestnut Street to the south side of Main Street. Within these boundaries, however, are areas with varying levels of retail importance. The most important area, or retail core, includes both sides of Pennsylvania from Laurel to Main. The area with the next level of importance includes an additional block north on Pennsylvania to Chestnut and Main Street from Sixth to Ninth. The focus of pedestrian-oriented retail activity should not be shifted outside these areas.

- (e) The environment for pedestrians in the downtown is only fair at best. The street trees and sidewalk benches are positive steps toward improving that environment. Unfortunately, the trees were improperly planted and are not likely to survive much longer. Larger openings in the pavement will be needed to permit adequate amounts of air and water to reach the root system. Pedestrian travel is discouraged further by numerous blank facades and boarded up windows and by sidewalks in need of repair.
- (f) The overall supply of parking spaces in the CBD is adequate. However, some areas are not as conveniently served by parking as others. As an example, the occupants of the Professional Building usurp a substantial number of parking spaces on the 200 block of Pennsylvania. Since this is also the prime retailing block, this creates a shortage of spaces for shoppers. This shortage is worsened by shop owners and clerks who park on Pennsylvania as well. The public parking lots are a partial solution to the parking problem but they do not contain enough spaces to solve the problem completely. Finally, the absence of a comprehensive parking plan has resulted in some lost opportunities for additional off-street parking lots due to an inability to act quickly when these opportunities arose.

#### KEY ISSUES

In order to improve the economic vitality of downtown, there are certain key issues which must be addressed. These issues should be the focus of revitalization efforts. Unfortunately, there are no easy solutions. The problems did not develop overnight and thus they will not be resolved quickly. Instead, it will require a concerted effort on the part of downtown businessmen and City officials. Although the current situation is not exceptionally dire, it is important not to become complacent. If no action

is taken, the problems facing the downtown are likely to worsen substantially. It is far easier to strengthen the CBD now than it will be in the future if the situation is allowed to deteriorate.

### Short-Term Issues

Of the spectrum of issues facing the downtown, some can and should be addressed in the near future. Actions to resolve these short-term problems should be taken within the next six to twelve months. In addition to easing some of the most pressing problems, addressing these short-term issues will have two important side effects. First, it will require the downtown businessmen to organize into a broadly based, action-oriented group. This will facilitate the building of a consensus and development of an organizational capabilities necessary to successfully complete some of the more complex implementation strategies. Second, the solutions to the short-term issues will in many cases serve as important first steps in the solution of the long-term issues.

- (a) The recent trend toward an increasing number of retail vacancies must be reversed. To a certain extent, this trend is a sign of the economic times. It is all the more reason, however, why the downtown business community should aggressively seek new retail businesses. National or regional chain stores may find it easiest to expand during an economic slump, but local merchants who want to expand should not be overlooked.
- (b) The trend of retail uses being replaced with non-retail uses must also be reversed. Retail uses must be clustered tightly together in order to maintain an appealing shopping environment. Replacing retail uses with non-retail uses creates "dead spots" in the shopping area and tends to dissipate or disperse retail activity. If this trend continues, the downtown will lose its ability to generate multi-purpose or comparison shopping trips. Non-retail uses and retail uses which are not pedestrian-oriented should be encouraged to locate adjacent to rather than in the retail core.
- (c) An informal and voluntary parking program should be initiated to lessen the shortage of parking spaces on Pennsylvania. Office workers, store owners and clerks should be strongly encouraged to park along streets other than Pennsylvania to provide more space for shoppers. Enforcement of this program should be through peer pressure.
- (d) The condition of the sidewalks and street trees should be systematically improved. A comprehensive, long-range program should be developed to determine where improvements should be made, who should pay for them and when they should be made. At a minimum, sidewalks should be made safe for pedestrian travel and the trees should be replanted in a manner which provides at least a reasonable chance for their survival.
- (e) City officials and downtown businessmen should decide on the types of incentives which they are willing and able to offer to facilitate prospective development. In order to maximize the effectiveness of the incentives offered, the emphasis of the programs should be two-fold.

First, incentives should be directed toward long-term rather than short-term development. Second, incentives should always be used to "leverage" as much private investment as possible.

### Long-Term Issues

Beyond the short-term issues, there are several long-term problems which probably will take several years to resolve. Some of the issues, in fact, will be on-going concerns and thus may never be entirely eliminated. Solutions to many of these issues will require that the businessmen be able to act quickly to take advantage of various opportunities as they arise. Thus, careful planning is necessary to determine exactly what the desired result is and what can be done to achieve that result.

- (a) A city the size of Independence can support only one major retail center. Therefore, the expansion of commercial land uses in the community must be very carefully controlled. If the Central Business District is to remain a viable retail area, it should not be undermined by other commercial centers in the City. Specifically, the commercial development along the highway to the west is particularly dangerous to the downtown. If general retail uses are allowed to expand in that area, major downtown stores may be forced to move to remain competitive; thus destroying the viability of the CBD. Similarly, retail uses which are normally found downtown should not be allowed to locate in strip commercial centers along arterial streets. These areas should contain only highway service uses such as service stations and drive-in restaurants, convenience uses such as grocery stores and dry cleaners, and large lot uses such as lumber yards. The primary tools to achieve this control are the comprehensive plan and the zoning ordinance. Before it can become a workable tool, however, the commercial sections of the zoning ordinance will need to be more narrowly defined making permitted uses more mutually exclusive.
- (b) It is important to maintain and enhance the major retail stores. The most important concern in the near future will be keeping the Penney's store in downtown. They are currently in a "wait-and-see" position, and their eventual action may depend upon the success of initial efforts at resolving the other problems. Essentially, the strategy of major retail chains is to maximize the retail strength of their location and minimize the number and effect of uncontrollable risks. The degree to which commercial development outside the CBD is minimized and the retail activity inside the CBD is strengthened, may be the key to the locational decision of Penney's.

In the longer term, an additional major "anchor" should be encouraged to locate in downtown. One possibility would be to convince either Sears or Montgomery Wards to open a full line store to replace their current catalog store.

- (c) A long-range parking plan should be developed to guide the location and construction of off-street parking facilities. This should include a determination of the type (long-term vs. short-term), the location and the amount of parking demand. From this information,

the number of off-street spaces needed can be determined, potential sites can be targeted and financing strategies can be arranged so that an effective program of acquisition and construction can be initiated.

- (d) The pedestrian environment should be enhanced as much as possible to encourage extended shopping trips in the downtown area. The emphasis should be on creating a pedestrian atmosphere which is as pleasant as possible by designing a visual environment which is both enjoyable and stimulating, a climatic environment which is as comfortable as possible, and a functional environment which is both convenient and understandable. This includes not only Pennsylvania and Main but also the pedestrian paths to parking areas and to major traffic generators such as City Hall, the County Courthouse and the Arco office building. Where opportunities present themselves, pedestrian gathering places, such as a "vestpocket" park, can be created. Finally, the downtown businessmen could sponsor community activities of interest to pedestrians such as parades, band concerts or carnivals.
- (e) The owners of downtown buildings should use the upper stories more intensively. Although commercial uses will not be feasible in very many cases, this space could easily be used for offices or apartments. In certain situations it may even be feasible to connect the second stories of adjacent buildings to create an unbroken string of second-story uses. Using this space more intensively will increase the "built-in" market for downtown retailers.
- (f) Finally, the areas of downtown which are weakest from a physical or retail viewpoint should be considered potential redevelopment sites. The areas which currently appear to have the most redevelopment potential include the following:
  - (1) The block directly west of the Civic Center could be developed as a motel/restaurant combination to provide more complete convention facilities;
  - (2) The drive-in bank at Myrtle and Pennsylvania should be redeveloped as pedestrian-oriented retail to fill in the current retail "dead spot";
  - (3) Both southern corners at the intersection of Main and Pennsylvania are occupied by older buildings with relatively modest retail uses instead of the major retail uses which this corner should support; and
  - (4) The block between 8th and 9th, and Myrtle and Laurel is a potential location for a redevelopment project which requires a large site.

Although these sites appear to have the most potential for redevelopment at this time, each opportunity which arises should be carefully evaluated whether it has been discussed here or not.

## IMPLEMENTATION

In order to be successful, all revitalization plans must be capable of being implemented. Again, however, there are no easy solutions, particularly during a period of slow economic growth. Successful implementation will require careful planning, creativity and a strong commitment by both downtown businessmen and City officials. Among the numerous implementation strategies which could be used, there are some which should be the primary responsibility of the businessmen or of the City. Most implementation techniques, however, will require the close cooperation of both parties.

- (a) The downtown businessmen can form a local development corporation to serve as an interim vehicle in a development package. This corporation can be either for-profit, limited profit or not-for-profit.
- (b) A similar, although riskier, strategy is to form a corporation in which local businessmen or investors could buy stock. This capital could then be used to finance development directly.
- (c) A downtown businessmen's organization or the Chamber of Commerce should take the lead in recruiting new businesses and developers interested in downtown Independence and should provide relocation assistance to businesses affected by redevelopment projects.
- (d) The businessmen could agree to form a benefit district to pay for certain capital improvements including, for example, off-street parking lots.
- (e) The businessmen could also agree to form a special service district. This is similar to a benefit district except that the revenue does not need to be based on property taxes and can be spent on services rather than capital improvements.
- (f) Large scale redevelopment projects can be implemented using tax increment financing. Essentially, this allows the City to issue bonds to pay for part of a development and use the increase in property taxes to pay off the bonds.
- (g) The City can become a limited partner in the development during the construction phase which, in effect, provides a property tax abatement since municipal property is exempt from taxation.
- (h) The City can provide the interim financing for a project thus allowing the developer to avoid the high cost of a construction loan.
- (i) Using its power of eminent domain, the City can acquire land for a redevelopment project and then either sell it or lease it to the developer. This sale or lease can be either at cost or at a reduced cost.
- (j) The City can issue Industrial Revenue Bonds to lower the financing costs of development as compared with a conventional loan.

- (k) Finally, the City can lower the interest rate on a development loan by guaranteeing the loan much the same way FHA guarantees home mortgages.

No matter which combination of implementation techniques is finally used, it is important that as broad a segment of the community as possible invest either time or money in the development of the project. This "buying-in" process ensures that a large number of people have some stake in making the project a success rather than only a relative few. It is also important that implementation incentives be used selectively and only when a significant amount of private investment is being leveraged.

#### SUMMARY

The Independence Central Business District appears to be at a pivotal point in its development. Retail sales are relatively strong and it has several distinct assets such as the government offices, the Civic Center and the Arco office building on its perimeter. However, there are some disturbing trends which could be disastrous to the future of the downtown. For example, recent commercial development has largely occurred outside the downtown area leaving buildings inside the downtown increasingly vacant or occupied with non-retail uses.

Several short-term and long-term issues have been identified which will have to be addressed if the current trends are to be reversed. In addition, numerous implementation and incentive techniques have been discussed. However, solutions to the problems in downtown are not likely to be easy. They will require the concerted and on-going efforts of downtown businessmen and City officials.

GENERAL DEVELOPMENT PLAN

## GENERAL DEVELOPMENT PLAN

The General Development Plan consists of two parts. The latter part which follows at the end of this section is the Plan Map. This map is provided to give an overall perspective of the community. This map is preceded, however, with the goals, objectives and policies for Independence -- the important guidelines developed for making everyday decisions. It is these guidelines which give the reasons for taking certain actions and suggest the long-term implications of immediate changes.

Before reviewing these planning tools, general planning principles should be outlined.

### PLANNING PRINCIPLES

In the previous section describing the planning process, it was stated that a comprehensive plan is intended to achieve a development pattern which minimizes land use conflicts and reduces the cost of providing city services. There are some widely accepted theories, referred to hereafter as planning principles, on how this can be accomplished.

The planning principles will be summarized into four different groups: those dealing with the neighborhood concept, transportation, the environment, and economic activities.

#### Neighborhood Concept

A city is only as strong as its individual neighborhoods. It is the physical and social structure of these neighborhoods which give the community its overall character and which are responsible for most of its assets and liabilities.

The strength of a neighborhood can be defined as the amount of respect its residents have for it. A weak neighborhood is typified by high vacancy rates, deteriorated or dilapidated housing and a general transient attitude on the part of its remaining inhabitants. A strong neighborhood is characterized by a high degree of civic pride, the maintenance of properties and active social organizations. The land use pattern of a neighborhood plays a major role in determining these strengths and weaknesses.

Neighborhoods vary in size depending on natural and man-made obstacles which define their boundaries. These boundaries may be major arterials, water courses, sudden changes in topography, railroads, or open spaces. When planning for new neighborhoods or altering old ones, new barriers should not be introduced that might break the cohesiveness of that area. Only local and collector roads should be permitted to traverse a neighborhood.

In large cities, it is felt that ideally neighborhoods would cover an area of about one square mile and contain from 4,000-6,000 people. Each neighborhood would be large enough to support an elementary school and convenience shopping stores, plus have a neighborhood park. This size is out of scale for southeast Kansas cities. Although the total population of Independence is slightly more than 10,000, physical and social barriers have caused

residents to develop an identity to smaller-scale neighborhoods, with less population. Often loosely-defined neighborhoods in the fringe areas of the city cover a larger area. But these neighborhoods generally lack the strong cohesive social bonds of more compactly developed residential neighborhoods.

The residential land use pattern of a neighborhood depends on both the road configuration and housing market conditions. Usually, multiple-family units are located along the major arterials bordering neighborhoods. This placement can buffer single-family units from streets with heavy traffic, provide a marketable use for peripheral lands and minimize the amount of multiple-family traffic traversing the neighborhoods. In addition, multiple-family housing should be located near employment centers such as the Central Business District, an industrial park, or other shopping areas.

Mobile homes need special mention as they are a type of single-family housing which differs in several respects from conventionally constructed single-family residences. They are factory-built, portable and generally located on smaller lots than conventional single-family dwellings. As a result, they do not mix well in a dispersed pattern throughout a conventional housing area.

The fact that mobile homes do not mix well when interspersed with conventional housing has led to the creation of separate zoning classifications for mobile home parks and mobile home subdivisions. They are considered a medium-density residential use similar to garden apartments. The density of mobile homes should not exceed 5 to 8 units per acre. The economics of a mobile home park suggest that their minimum size should be 20 spaces, utilizing approximately 4 to 10 acres of land. The Planning Commission should be firm in accepting these as minimum standards. Finally, as mobile homes are considered a form of multiple-family residential development, and they do generate higher traffic volumes than lower density residential areas, they should be located adjacent to, or near, major thoroughfares.

#### Transportation and Utility Network

The City is forged together by the street network which interconnects all areas and land uses. The street network functions best when it is developed with a balance of local, collector and arterial streets.

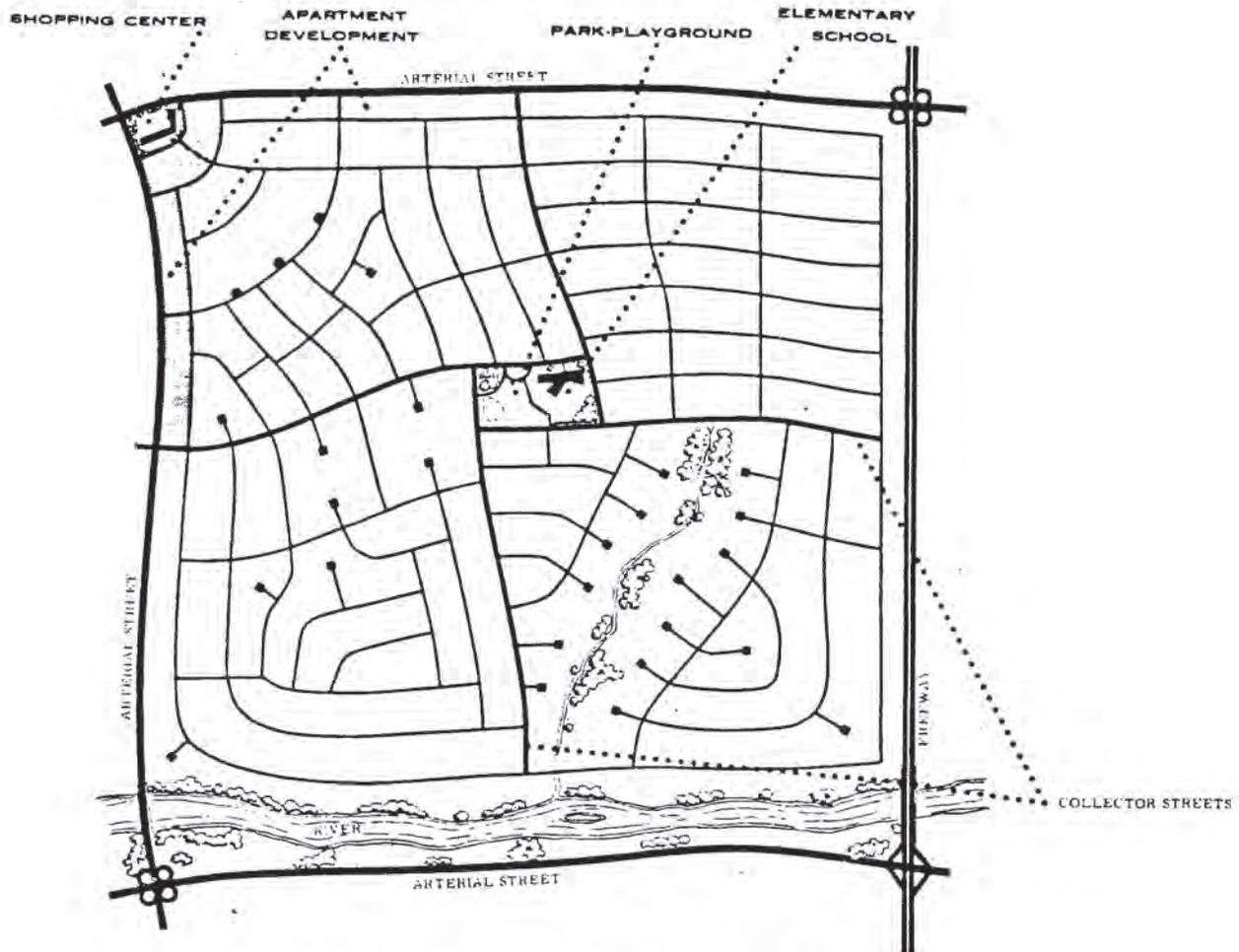
The greatest proportion of street mileage is local streets serving as the means of access to adjacent land uses. Generally, local streets represent two-thirds or more of total street mileage. Collector streets serve two functions: (1) means of access for adjacent land uses and (2) funnel traffic from local streets onto arterials. Roughly 5-10 percent of the street network should be designed to serve as collector streets.

The primary function of arterials is to serve as the major thoroughfares carrying high volumes of traffic from one area of the City to another and expediting the flow of traffic along highways through the City.

Sites along high volume thoroughfares are often sought after by businesses because of the need for high visibility. Unfortunately, when a number of businesses have direct access on high volume streets, traffic is slowed by

Figure 5-1

THE NEIGHBORHOOD CONCEPT



congestion caused from vehicles entering and leaving adjacent businesses. This makes travel difficult for all; both the people shopping at the adjacent businesses and those using the road as a thoroughfare. It is important to keep entrances and driveways onto thoroughfares to a minimum. A group of businesses can benefit from having access from a frontage road alongside a thoroughfare. Further, such strip commercial development should be limited to West Main Street.

As previously mentioned, residential areas benefit from the least intrusion of arterial traffic. High traffic volumes associated with arterials create barriers to communication among residential use. This inhibits the social interactions which are necessary for cohesive neighborhoods. Access to residences with driveways entering directly onto arterials is dangerous. This discourages the use of adjacent properties for residences and can lead to pressure for converting residential properties to commercial use.

The City could not survive without an adequate utility network. The water and sewer system should serve all areas with medium or higher density residential development and commercial development. This is necessary to prevent sanitary health hazards caused by the consumption of unsafe drinking

water or discharge of untreated waste materials. Since it is costly to extend water and sewer lines long distances, new residential and commercial development should be channeled to locations where services are installed or can be extended easily. This results in a more compact development pattern for the City.

Industrial uses should be on the public water and wastewater systems unless special circumstances prevent the City from providing service. In those cases, the industrial plants should use private water wells and/or wastewater treatment package plants. These private facilities should always meet or exceed state health standards. Special circumstances occur when a particular firm requires such a large volume of water that it would strain the capacity of the public facility to meet other water consumption needs. Another situation would be if an industrial plant generated the types of waste materials which could not be treated safely by the public sewerage treatment plant. Unless the plant produced such a large quantity of waste that it would overload the public treatment plant, the firm should pretreat its effluent to a level which could be handled by the public system.

#### Environmental Considerations

A wide array of physical characteristics affect the development of the man-made environment. Six of the most important environmental characteristics are water resources, topography, soil, climate, natural resources and the presence of special natural, historic or cultural amenities.

Water Resources. Rivers and major streams are barriers for separating neighborhoods and limiting urban expansion. Because there are so few points of crossing along rivers and major streams, developments on opposite sides have little connection or interaction even though the actual distance separating the areas may be short. In Independence, there is one highway bridge across each river and scattered development north and east along these highways. Almost all development has occurred west of the Verdigris and south of the Elk River. Rock Creek also serves as a neighborhood boundary.

The floodprone areas around Independence lie within the floodplains of the Elk and Verdigris Rivers, Rock Creek and Whiskey Creek. The floodplains can be divided into the 100-year floodplain, the floodway and the river channel. The floodway is the area immediately adjacent to the river channel where the river spills whenever flooding occurs. This land needs to be available for the discharge of floodwaters. If buildings or land obstructions are placed in the floodway, it causes greater upstream flooding damage. If a sizeable portion of the floodway is cleared, then downstream flooding is increased. In order to keep private activities from affecting downstream or upstream properties, development of any kind should be prohibited in the floodplains. Development should be limited within the area between the floodway and the 100-year flood elevation. Since this is the area of floodplain which has a one percent or greater chance of flood in any given year, all construction should be specially designed to withstand the effects of flooding. All residential uses should be discouraged from placement within the 100-year floodplain.

Drainage basins formed by the tributaries of rivers and streams significantly affect the most efficient layout for gravity flow sanitary

sewers. By evaluating drainage patterns, subdivision developments can be platted in a more efficient manner.

Topography. Drainage patterns and the topography are closely related. Topography refers to the amount of slope and the increase of elevation in the landscape. Development costs for streets and foundations increase in areas with steep slopes. On particularly steep sites (generally more than 15% slope), poor building conditions are caused by unstable soil conditions due to erosion or possibility of landslide. These areas should be preserved as open spaces. In areas with moderate slope, it is possible to construct attractive residential developments. It is desirable to design a curvilinear street network which follows the terrain to keep street improvement costs to a minimum. Grid street networks are excessively costly in areas with hilly terrain, plus grid networks require more street mileage to serve adjacent properties than curvilinear streets.

Soil. Soil conditions which affect development are (1) its permeability or amount of water which can filter through, (2) its compactibility which affects its load-bearing strength for building construction, (3) the depth to bedrock, and (4) the depth to the water table.

When a site has poor compactibility or a shallow depth to the water table, the foundation must be designed to counteract the site weaknesses. Poorly drained sites also cause foundation problems, as well as landscaping difficulties. A shallow depth to bedrock can mean high excavation costs. By directing community growth to areas with more advantageous soil conditions, site development, building costs and the costs of installing public facilities can be reduced.

Climate. Until recently, there was little consideration given to the effect of the climate on development patterns. With the rapid rise in energy costs during the past decade, developers are becoming conscious of how to construct buildings to utilize wind and solar energy. Passive solar heat can be increased simply by siting a building to receive maximum winter sun. This would suggest a southwesterly orientation of subdivision lots. Site techniques related to the placement of landscaping to serve as a wind buffer in winter time and as a screen for summer sun can reduce energy consumption. Future development in Independence could benefit from being designed to take advantage of natural climatic conditions.

Natural Resources. Minerals, oil or gas, timber or other raw materials suitable for extraction represent a potential natural resource. Urban development should be avoided in areas with potential for extraction of natural resources. The presence of urban development makes it more difficult to conduct mining activities and the mining activities usually are bad neighbors for urban uses.

Unique Areas. Areas with special physical constraints or with unique amenities should be preserved in open spaces. In Independence, this might apply to some of the scenic vistas along the river bluffs. This principle also can be applied to man-made amenities. Special cultural or historical buildings and/or sites should be preserved for the benefit of future generations.

## Economic Activities

The strength of a community depends upon the presence of a strong economic base. The economy (1) provides jobs for residents and (2) offers goods and services to residents and other businesses. There are ways to concentrate economic activities in areas of the community to enhance the business environment and protect surrounding residential areas.

Commercial activities fall into three basic categories for cities in the size range of Independence. There are (1) neighborhood businesses to provide convenience goods and services to nearby residential neighborhoods, (2) community-wide shopping centers, and (3) highway-oriented businesses.

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.

The central business district functions as the community-wide shopping center for Independence. It offers a wide array of retail and personal services. It is also the hub of government services and office buildings. The CBD benefits from having the greatest level of diversity in goods and services that the community can support. Typical types of businesses are banks, department stores, clothing, shoes, jewelry, housewares, hardware, restaurants, variety stores, specialty shops and insurance. When community-wide shopping facilities are divided among a number of locations, none of the facilities can offer a wide enough variety to attract shoppers. This emphasizes the need to adhere to the planning principle of clustering retail stores and services in one central location, the CBD.

Two types of businesses are better located along major arterials. Those are businesses which require especially large buildings or directly serve the motoring public, including motels and fast food restaurants. These commercial activities should be clustered along the major arterials leading into and out of town to prevent long strip commercial zones. Strip commercial zones cause traffic congestion and generate noise and visual conflicts with surrounding land uses. These side effects are minimized when the highway commercial zones are clustered to utilize shared curb cuts, frontage roads, or local commercial streets and when proper buffering is established.

It is preferable that office uses be concentrated in the CBD. This reinforces the CBD as the community-wide center which offers goods and services. It concentrates parking needs and traffic demands on the high capacity street network in the CBD.

Industrial centers of employment benefit from a different type of location. Industry requires good transportation access for the work force and suppliers. This calls for a location along a major arterial, preferably near the highway, and preferably near rail lines and/or airport service. Site requirements include the type of land which is relatively free of costly building design requirements. Locations away from residential areas are preferred since industrial plants generate traffic and additional noise or other types of pollution.

Because industrial and commercial activities are vitally important to the local economy, it is desirable to identify areas most suited for this type of development. These areas can be reserved for future industrial or commercial use. It is not desirable to open all of reserved lands for development at once. This spreads the distance for providing water and sewer services and leads to sporadic land use patterns. It is preferable to concentrate activities on the sites nearest current areas of development.

#### GOALS, OBJECTIVES AND POLICIES

Community goals are broad statements about the future development or redevelopment of the City. The goals reflect a consensus on how residents feel about the community's future pattern of land use, housing, transportation network, public facilities, commercial and industrial activities. These broad statements, or goals, define an overall picture of the character and extent of the City during the time period covered by the general plan.

Community goals are defined more specifically by statements of objectives. For example, objectives translate the community's housing goal of having decent and affordable housing available for all households into several objectives. These objectives might deal with 1) improving existing residential areas, 2) expanding the types of housing, and 3) diversifying the location of housing types.

The goals and objectives included in the Independence General Plan provide guidelines for directing all aspects of the City's future development. They are a cohesive but short statement of the City's plan for growth. Table 5-1 outlines goals and objectives for Independence.

Table 5-1

GOALS AND OBJECTIVES  
Independence, Kansas

General Development Goal

To provide ample opportunity for continued community development within an orderly, efficient and environmentally safe planning framework.

Objectives

- 1) Direct the location and subdivision design of new development in order to minimize initial and future public and private costs.
- 2) Direct development to areas with few environmental hazards and minimize the loss of natural resources from future development.
- 3) Encourage site design and urban design practices which preserve or enhance the character of the community.

Housing Goal

To provide decent and affordable housing for present and future populations of Independence while preserving and improving existing residential areas.

Objectives

- 1) Maintain or upgrade the condition and particular residential character of existing neighborhoods and residential areas.
- 2) Encourage the development of a wide range of housing choices.
- 3) Provide adequate amounts of multiple-family housing in suitable locations.
- 4) Provide adequate opportunity for mobile home development in suitable areas.

Commercial Goal

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

Objectives

- 1) Encourage the development of businesses downtown.
- 2) Provide areas away from downtown for clustered and coordinated commercial development to serve businesses with acreage requirements that cannot be accommodated downtown.
- 3) Provide neighborhood convenience shopping adjacent to residential areas but discourage "spot commercial" zoning.
- 4) Limit strip commercial development along major streets to businesses directly serving the motoring public.

Industrial Goal

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

Objectives

- 1) Target industrial development to locations which maximize efficient usage of public and semi-public facilities and minimize the costs of development.
- 2) Direct industrial activities to locations offering the least negative impact on surrounding land uses and the environment.

Parks and Recreation Goal

To provide adequate recreational opportunities for all sectors of the community and preserve scenic open space.

Objectives

- 1) Develop a balanced neighborhood and all community-wide system of parks and recreational facilities.
- 2) Preserve and enhance areas of natural scenic beauty.

While objectives provide the broad, overall statements on future development, policies are more specific. Policies translate objectives into tangible recommendations governing land use decisions. Local officials can use policy recommendations to help decide issues related to zoning, subdivision, capital improvements, commercial and industrial development, neighborhood and residential concerns. Table 5-2 defines policies for implementing goals and objectives.

Table 5-2

POLICIES FOR IMPLEMENTING GOALS AND OBJECTIVES  
Independence, Kansas

GENERAL DEVELOPMENT PLAN

TO PROVIDE AMPLE OPPORTUNITY FOR CONTINUED COMMUNITY DEVELOPMENT WITHIN AN ORDERLY, EFFICIENT AND ENVIRONMENTALLY SAFE PLANNING FRAMEWORK.

OBJECTIVE G1 Direct the location and subdivision design of new development in order to minimize initial and future public and private costs.

POLICY G11 New development shall be required to locate in areas where municipal services and public facilities are already present or where service extensions can be easily accomplished. Rural development shall not be encouraged north of the Elk River or east of the Verdigris River. No subdivision shall occur outside the city limits unless they conform to extraterritorial subdivision standards and the City provides for the extension of public services.

POLICY G12 Streets and utility extensions shall be designed to provide service to the maximum area with the least length of extension. Cul-de-sac streets, shared parking, and the clustering of housing units will be encouraged.

POLICY G13 Overzoning should be avoided to prevent a scattering of uses and a reduced marketability of land within the City.

POLICY G14 Land in agricultural production shall be protected from premature conversion to urban use.

POLICY G15 The cost of required subdivision improvements exclusively to serve the property owners of that subdivision shall be borne by the developer or those property owners.

POLICY G16 All subdivision lots shall have direct access onto a public right-of-way.

POLICY G17 Curb cuts onto arterial streets shall be kept to a minimum.

POLICY G18 New developments shall be required to provide adequate street right-of-way for public use.

POLICY G19 There shall be provisions for the maintenance of minor drainageways by abutting property owners.

POLICY G20 New residential developments shall be accompanied by covenants for private enforcement only which provide for maintenance of common areas, easements and drainage.

POLICY G21 Affected individuals, groups or agencies should be consulted on development proposals to assure community-wide coordination.

OBJECTIVE G2 Direct development to areas with few environmental hazards and minimize the loss of natural resources due to future development.

POLICY G22 New developments shall be located in areas which are relatively free of environmental problems relating to soil, slope, bedrock and water table. Generally, areas in the Bates-Collinsville soil classification (soil type 2) are preferred. Soil type 3 (Dennis-Kenoma-Woodson) is also suitable.

POLICY G23 Residential development shall be avoided in the 100-year floodplain. Under no circumstances shall development be allowed in the floodway.

POLICY G24 New development shall avoid, where practicable, significant natural resources including mineral deposits and prime agricultural land (soil types 3 and 4) in areas west of the Missouri-Pacific right-of-way and north of the Elk River.

POLICY G25 Increased storm water runoff attributable to new development should not adversely affect downstream properties or structures.

OBJECTIVE G3 Encourage site design and urban design practices which preserve or enhance the character of the community.

POLICY G31 All development should be provided with adequate landscaping to improve the aesthetics of the use, to absorb additional stormwater runoff, and to reduce summer surface temperatures.

POLICY G32 Site design and building placement of new development should be oriented to benefit from solar and/or wind energy. Access of surrounding properties to solar and/or wind energy resources should not be blocked by new development.

POLICY G33 Signs shall provide the necessary information to the motorist or the pedestrian without increasing the probability of accidents by causing too much visual confusion.

## HOUSING GOAL

TO PROVIDE DECENT AND AFFORDABLE HOUSING FOR PRESENT AND FUTURE POPULATIONS OF INDEPENDENCE WHILE PRESERVING AND IMPROVING EXISTING RESIDENTIAL AREAS.

OBJECTIVE H1 Maintain or upgrade the condition and particular residential character of existing neighborhoods and residential areas.

POLICY H11 Neighborhood associations or need groups shall be organized for each neighborhood or need. If overall City needs are to be evaluated, these associations should represent the entire City and not just a particular section of the community. For certain needs, neighborhood coalitions should be formed. The intended accomplishments of these groups should be established before they are formed. Organizing methods should also be defined to assure the attainment of stated objectives.

POLICY H12 Rehabilitation and upgrading of houses shall be encouraged in older areas of the City.

POLICY H13 Preservation of historic structures shall be encouraged.

POLICY H14 Vacant areas within predominantly developed residential areas should be encouraged to be developed in a manner that is similar in character to surrounding areas; all new development shall meet minimum housing codes.

POLICY H15 Where a new residence, a multiple-family project or a mobile home park would occupy several previously platted lots, replatting should be considered to assure that the individual lots cannot be individually developed and sold, and to ensure better access and site design is provided.

POLICY H16 Buffers, either as intermediate land uses or as sufficient landscaped areas, shall be provided between residential and either commercial or industrial uses. Residential and other uses may sometimes be buffered from each other by placing them back-to-back rather than face-to-face.

POLICY H17 Nonconforming commercial and industrial uses in residential areas should be eventually phased out and replaced with appropriate land uses.

POLICY H18 New residential developments should be accompanied by covenants which provide for the maintenance of common areas, easements and drainage.

OBJECTIVE H2 Encourage the development of a wide range of housing choices.

POLICY H21 The opportunity shall be provided for owner-occupied and rental housing in a variety of residential uses including multiple-family, mobile homes and small-lot housing development. Moderate- and high-density residential uses shall be clustered at appropriate locations and be buffered from low-density residential areas by landscaping or back-to-back separation.

POLICY H22 New construction of low-income housing and housing for the elderly shall be encouraged in diverse locations across the community, rather than only in a few isolated locations.

POLICY H23 Rehabilitation programs for housing in older areas, particularly in the central, north central, east central, west central and southwest neighborhoods shall be supported by City administrative assistance, as discussed in the short-range housing assistance program, and Federal or State financial assistance when possible, to increase the amount of standard housing available to low- and moderate-income families.

OBJECTIVE H3 Provide adequate amounts of multiple-family housing in suitable locations.

POLICY H31 To avoid large amounts of traffic traversing single-family areas, medium to high density multiple-family projects should be located on a major street specifically designated as a collector or arterial. High density multiple-family projects shall be encouraged to be in the area immediately surrounding the CBD, but not limited to this area.

POLICY H32 The site should be able to provide safe access to the adjacent major streets. Larger projects should be provided access via a frontage road, a side street, or through a limited number of shared curb cuts. Smaller projects such as single duplexes should not have direct vehicular access onto arterial streets except in older areas where frontage roads cannot be reasonably required.

POLICY H33 The site should be of adequate size to provide required setbacks and off-street parking.

POLICY H34 All projects should be within one mile of convenience-type shopping facilities, within one and one-half miles of a fire station, and, except projects for the elderly, within one mile of an elementary school.

POLICY H35 Public sewer service should be available and lines, lift stations, and treatment plants should be capable of carrying additional anticipated loads.

POLICY H36 Public water service should be available and line size and storage facilities should be capable of providing adequate water pressure and supply.

POLICY H37 All medium to high density multiple-family developments shall be located within the City.

OBJECTIVE H4 Provide adequate opportunity for mobile home development in suitable locations.

POLICY H41 Mobile homes shall be encouraged only in mobile home parks/subdivisions and shall not be intermixed with other housing types.

POLICY H42 Mobile home developments, like other medium-density housing, should be within one mile of convenience shopping, within one and one-half miles of a fire station, and within one mile of an elementary school.

POLICY H43 Mobile home parks/subdivisions should be tied onto public water and sewer service lines capable of accommodating the additional load.

POLICY H44 Mobile home developments shall be a minimum of four acres in size and have a maximum density of eight units per acre.

POLICY H45 Mobile home developments shall have direct access to a collector or arterial street.

POLICY H46 Mobile home developments should be provided with adequate landscaping to improve the aesthetics of the use, to absorb additional stormwater runoff, and to reduce summer surface temperatures.

#### 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 businesses 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.

POLICY C13 Other compatible and supporting uses such as office buildings, community-wide civic structures and government functions shall be encouraged to locate in the downtown area.

POLICY C14 While expansion of the downtown shall be encouraged, the boundaries of adjacent residential neighborhoods should be clearly defined when considering such expansions.

POLICY C15 The character of the downtown should be preserved by maintaining some degree of conformity of design and scale. Structures of local historic or architectural significance should be preserved, whenever practicable.

POLICY C16 Office development shall be encouraged to locate in the Central Business District. The number of areas and acres available for office complex development outside of the CBD shall be kept to a minimum.

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.

#### INDUSTRIAL GOAL

TO PROVIDE SUFFICIENT OPPORTUNITIES FOR INDUSTRIAL DEVELOPMENT AT LOCATIONS WITH SUITABLE ACCESS, ADEQUATE COMMUNITY FACILITIES AND FAVORABLE LAND USE AND ENVIRONMENTAL CONDITIONS.

OBJECTIVE I1 Target industrial development to locations which maximize efficient usage of the public and semi-public facilities necessary and minimize the costs of development.

POLICY I11 Sufficient areas with public facilities and environmental conditions suitable for industrial use should be reserved for industrial development.

POLICY I12 Industrial sites shall have access to arterial streets; preferably those leading directly to major highways.

POLICY I13 In addition to highway access, industrial parks and sites preferably shall have access to railroad and airport facilities.

POLICY I14 Wherever possible, public water and sewer service should be provided.

POLICY I15 Industrial development shall be located or designed so as to be afforded adequate police and fire protection.

OBJECTIVE I2 Direct industrial activities to locations offering the least negative impact on surrounding land uses and the environment.

POLICY I21 New industrial uses shall be separated or buffered from surrounding non-industrial uses. Heavy industrial uses shall be located away from existing or projected residential growth areas and opposite the prevailing winds.

POLICY I22 Future industrial expansion areas shall be evaluated in light of existing soil, slope, bedrock, water table conditions, and flooding conditions. Industrial development shall not be allowed in areas where substantial, long-term environmental damage will result.

POLICY I23 Access should be provided to industrial areas in a manner which prevents traffic through residential areas.

POLICY I24 Industrial uses such as salvage yards should be located and screened so as to minimize their visual impact upon the community.

POLICY I25 Areas with the public facilities and environmental conditions suitable for industrial development should not be developed for residential or other low-intensity purposes.

#### PARKS AND RECREATION GOAL

TO PROVIDE ADEQUATE RECREATIONAL OPPORTUNITIES FOR ALL SECTORS OF THE COMMUNITY AND PRESERVE SCENIC OPEN SPACE AREAS.

OBJECTIVE P1 Develop a balanced system of neighborhood and community-wide parks and recreational facilities.

POLICY P11 Neighborhood parks and recreational facilities shall be provided within walking distance of all residences. Safe and unobstructed pedestrian and bicycle access shall be provided to these parks where possible.

POLICY P12 Parks and recreational facilities which serve community-wide needs shall be centrally located and have access from at least one major street.

POLICY P13 The diversity of recreational opportunities shall be expanded to ensure that the needs of all age groups are being met for both active and passive recreational activities.

POLICY P14 The expansion of private recreational facilities such as bowling alleys and skating rinks should be encouraged.

OBJECTIVE P2 Preserve and enhance areas of natural scenic beauty.

POLICY P21 Where possible, areas of natural scenic beauty should be preserved through land or easement acquisition or through development restrictions.

POLICY P22 Where possible, public access to and enjoyment of areas of natural scenic beauty should be promoted by providing the necessary improvements.

#### GENERAL DEVELOPMENT PLAN MAP

The goals, objectives and policies for the comprehensive plan given above are guidelines directing the future growth and development of Independence. These statements can be presented visually as recommendations for the use of land in the Independence area through the General Development Plan Map.

The General Development Plan Map represents a composite of the demand for land for the future development of the area, the environmental constraints and the availability of public facilities.

It is important to note here that the general development plan does not attempt to set a specific use for each and every parcel in the study area. The plan indicates uses by area and not by individual property. A specific lot-by-lot assignment would both remove the competitive element from the market and suggest overly restrictive limitations to the different uses of a given piece of land. The General Development Plan Map should be used to establish the general character and needs of an area. When the plan is implemented through rezoning, platting or ultimately development, each parcel should be evaluated by the application of the policies and principles outlined in the comprehensive plan.

#### Demand for Land

A moderate rate of growth is forecast for Independence during the planning period of 1981-2000. The Comprehensive Development Plan Phase I: Population, Economy, Environment and Land Use<sup>1</sup>, projects growth in population from 10,598 in the year 1980 to 12,000 in 2000. The implications of this forecast is a moderate level of demand for new land for development.

The amount of land which will be required to satisfy development needs can be estimated by looking at the existing land use pattern in Independence and comparing this with expected growth and typical land use patterns of other similar-sized cities. Existing land use patterns were surveyed by the Southeast Kansas Regional Planning Commission. Results of the field survey are contained in Table 5-3.

---

<sup>1</sup>SEKRPC, Ibid.

Table 5-3

EXISTING LAND USE  
Independence, Kansas  
1980

Land Use	Independence		Extraterritorial Area <sup>1</sup>		Total	
	Acres	% of Developed Land	Acres	% of Developed Land	Acres	% of Developed Land
Developed Land						
Residential						
Single-Family	897	41.4	475	48.0	1,372	43.5
Multi-Family	21	1.0	0	0.0	21	0.7
Mobile Home	31	1.4	26	2.6	57	1.8
Commercial	79	3.6	35	3.5	114	3.6
Industrial	55	2.5	28	2.8	83	2.6
Public Parks	345 (139)	15.9 ( 6.4)	269	27.2	614	19.4
Transportation						
Streets	664	30.6	149	15.1	813	25.7
Railroad	77	3.6	8	0.8	85	2.7
Total Developed Land	2,169	100.0	990	100.0	3,159	100.0
Agriculture or Vacant	345	13.7	2,419	71.0	2,764	46.7
Developed Land	2,169	86.3	990	29.0	3,159	53.3
Total Land	2,154	100.0	3,409	100.0	5,923	100.0

<sup>1</sup>SEKRPC Field Survey included only the urbanizing areas outside the City limits of Independence as the extraterritorial land area. The total amount of land within the 3-mile limit of Independence is approximately 69 square miles of 44,160 acres.

To better understand the significance of land use in Independence, this land use profile can be compared to a typical city of similar size. This comparison will help to identify distinct characteristics, assets and deviations in the land use pattern from that of the average city. Table 5-4 is this comparison with the "typical city". In actuality, this typical city is the average of land use distribution in 17 Midwest cities ranging in population from 2,000 to 40,000.

Overall, Independence has about the average amount of developed acreage per capita of 20.5 acres per 100 persons, as compared with the typical city having 21.6 acres per 100 persons. It must be emphasized that the statistical comparison with a "typical city" is primarily to determine where Independence deviates in its development from other similar-sized communities. The "typical city" statistics are not goals to be achieved but are merely a method of comparison. Each city is unique. For Independence, the acreages occupied by single-family residences, parks, and streets are higher than average. Railroads, multi-family, public and semi-public, commercial and

Table 5-4

LAND USE COMPOSITION  
Independence vs. The Typical City

Land Use	Independence			Typical City	
	Area (Acres)	% of Developed Land	Acres/100 Persons	% of Developed Land	Acres/100 Persons
Residential					
Single-Family & Mobile Home	928	42.8%	8.8	33.0%	7.2
Multi-Family <sup>1</sup>	21	1.0%	0.2	2.1%	0.4
Park & Recreation	139	6.4%	1.3	5.3%	1.2
Public & Semi-Public	206	9.5%	1.9	15.2%	3.5
Commercial	79	3.6%	0.8	4.8%	1.0
Industrial	55	2.5%	0.5	5.2%	0.7
Railroad	77	3.6%	0.7	5.5%	1.2
Streets	664	30.6%	6.3	28.9%	6.4
Developed Area	2,169	100.0%	20.5	100.0%	21.6
Vacant or Agricultural	345				
TOTAL	2,514				

<sup>1</sup>Includes two-family houses.

Source: SEKRPC land use survey (1980) and Bucher & Willis survey of 17 Midwest cities with populations between 2,000 and 40,000.

industrial uses occupy less acreage than average. The most striking deviation is the high proportion of land devoted to single-family residences. This indicates a preference for large lots. The amount of land in public and semi-public use is low, probably due to the location of many of these functions outside the City limits, including the Independence Community College and Independence Country Club, rather than an actual deficiency in providing for public uses.

Other land use categories with less than average levels per capita might be indicative of a deficiency at this time and eventually approach the average. To assure that sufficient acreage for each land use category is reserved for future development, the higher of the two per capita estimators from Table 5-4 was used to yield the probable maximum future land use distribution estimated in Table 5-5.

Table 5-5

5-YEAR INCREMENTAL LAND USE  
Independence, Kansas

	Factor <sup>1</sup> (acres/100)	Minimum Incremental Needs				Total
		1985 (p=11,100)	1990 (p=11,500)	1995 (p=11,750)	2000 (p=12,000)	
Residential						
S-F	8.8 (I)	49	35	22	22	128
M-F	0.4 (T)	23	2	1	1	27
Parks & Recreation	1.3 (I)	5	6	3	3	17
Public & Semi-Public	3.5 (T)	183 <sup>2</sup>	14	8	9	214
Commercial	1.0 (T)	32	4	3	2	41
Industrial	0.7 (T)	23	3	1	2	29
Streets	6.4 (T)	46	26	16	16	104
	22.1	361	90	54	55	560

p=estimated population for that year.

<sup>1</sup>Factor used is highest existing from Independence (I) or typical city (T).

<sup>2</sup>Note that most of this incremental need reflects the amount of acreage outside the City limits used for public and semi-public uses which would typically be located within the City; i.e., Independence Community College.

### Environmental Characteristics

As was discussed previously, physical characteristics affect future use of the land. Types of soils, flood-proneness of land and slope affect the potential of land for development. The general development plan recommends uses for land which are compatible with these physical characteristics.

There are four major soil groups in the Independence area.<sup>2</sup> The major characteristics of these soil groups are briefly described.

1. Lawton-Osage-Verdigris - Severe flood hazard (these are the flood plains of the Verdigris River, Elk River and Rock Creek); agricultural land.

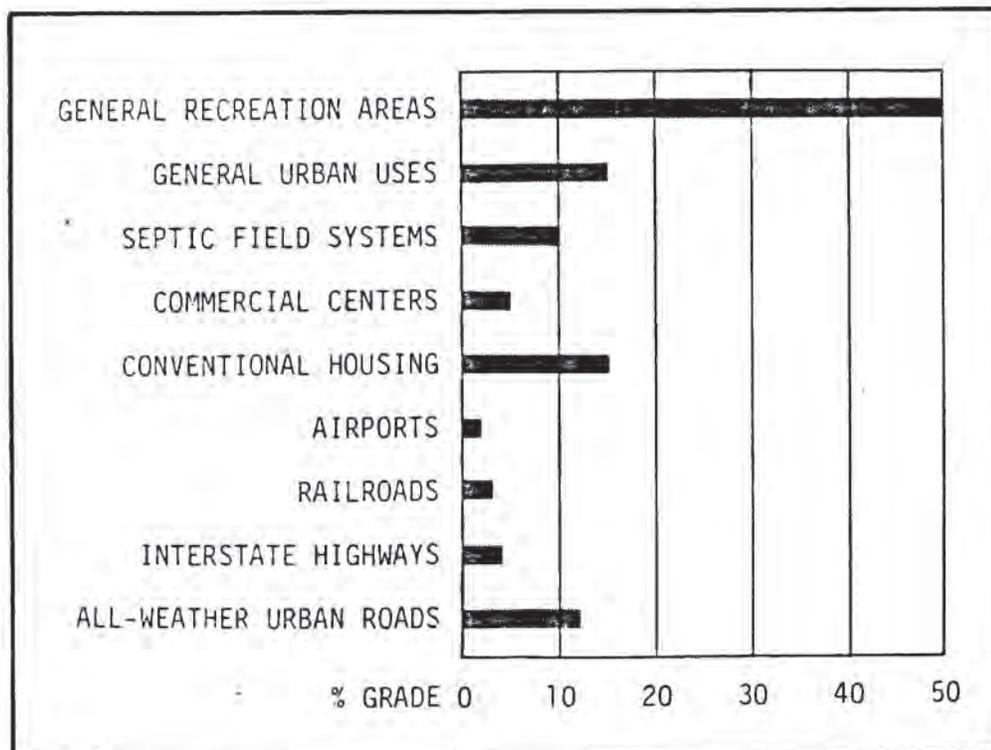
<sup>2</sup>SEKRPC, Ibid.

2. Bates-Collinsville - Shallow depth to bedrock but bedrock is generally rippable with heavy equipment making basements feasible; severe septic tank problems due to shallow depths to bedrock; approximately 50% of area is prime farmland.
3. Dennis-Kenoma-Woodson - Severe septic tank problems due to slow percolation qualities of soils; basement or cement-floor slab problems due to shrink-swell qualities can be overcome if builder excavates to the zone of seasonal expansion, installs floor drains and fills the excavation with porous materials; severe limitations to streets due to low strength -- can be overcome with proper engineering design; 90% is prime farmland.
4. Catoosa-Shidler - Shallow depth to hard limestone bedrock which is not rippable makes development difficult except in areas with deeper soils; portions provide Drum Limestone for quarrying purposes.

A soil map in the SEKRPC report showed the geographic distribution of these soils.

Figure 5-2

SLOPE LIMITATIONS TO DEVELOPMENT



Source: U.S. Geological Survey

The floodplains in the Independence area were mapped in the previously mentioned report. The width of the Elk and Verdigris floodplains makes them excellent barriers for containing urban expansion to the north and east. The floodplains of Whiskey Creek and that portion of Rock Creek west of 10th Street are narrower. They represent areas which should be avoided for future development. However, development can be channeled to areas west and south of these creeks after public water and sewer services to serve new residential areas are extended beyond the floodplains.

Some types of land uses are hampered by the presence of moderate to steep slopes. Figure 5-2 identifies land use limitations caused by topography.

Slopes in excess of 15% present hazards to almost all development. Most of the areas around Independence with excessive slopes are the bluffs rising from the river valleys or creeks to the adjacent plateau. In the area south of Independence there is gently rolling terrain with slopes ranging from 5-10%. These areas are suitable for construction of structures, but, only after installation of public utilities. The slopes of roads can be minimized by generally platting the rights-of-way along the ridges rather than cross-cutting the terrain.

Railroad lines represent significant man-made barriers. The presence of railroad lines can be used as boundaries for separating dissimilar land uses.

Many of the high bluffs along the rivers and at Elk City Reservoir provide scenic vistas of Independence and the surrounding countryside. These are prime areas to preserve as open space and for recreational use.

#### General Development Plan Map

This map is a pictorial representation of the policy recommendations given previously, plus the estimated demand of the amount of land needed for future growth and the environmental characteristics of the areas. As was previously stated, it does not attempt to set a specific use for each and every parcel in the study area. It is designed to serve as the geographic development pattern for the future growth and development of the Independence area through the years of 1981-2000.

The following is a review of the general development plan recommendations for each major type of land use.

#### Residential

Residential expansion is shown for the area to the northwest of the existing development. The land lying between Oak Street, the Missouri-Pacific right-of-way, the bluffs of the Elk River, and existing residential development includes approximately 350 acres of developable land. The Whiskey Creek floodplain which traverses this area is not included for development due to its flooding problems. The area south of Independence surrounding Independence Community College and Fruitland Addition is shown as residential. There is a sizable amount of acreage available for infill in this area. The expansion potential of these two areas is more than triple the anticipated need for residential development during the planning period of 1981-2000.

## Commercial

The CBD is shown as the regional shopping area for Independence and the surrounding area. It should generally be bound by 10th, 6th, Chestnut and Maple Streets. The specific improvements to this district are described in the chapter on the Central Business District.

Expansion of large lot commercial uses is designated along U.S. 75 from the Missouri-Pacific right-of-way to approximately 1/2 mile west of Peter Pan Road. This commercial zone should range in depth from 300 to 1,200 feet and provide ample space (50 acres) for the anticipated increase in commercial acreage. There is a substantial amount of non-commercial uses (primarily mobile homes) which should be phased out of this area to make additional room for commercial growth. 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. There is a potential need for a neighborhood convenience shopping center south of the City. This need should be met by development of a small shopping center, not by strip commercial development along the highway.

In addition to these neighborhood centers, small convenience store areas might be provided in the southeast and southwest residential areas of the City. Those smaller centers should not be larger than one-half acre and should contain stores which do not exceed 5,000 square feet in area. These size limitations can be used to assure that commercial centers do not draw community-wide traffic to residential areas.

## Industrial

Industrial expansion is designated for the large tract immediately north of the existing industrial area on Walnut, extending as far west as Peter Pan Road and north to the Santa Fe right-of-way. Within this 250 acres is ample room for expansion. To provide for industrial expansion well beyond this need, a large area is reserved around West Maple Street. Although this area also has many favorable conditions for industrial development such as flat topography and rail access, an alternative road system should be provided directly north to Main Street before this area is opened to such development.

Three existing industrial areas are shown for continued industrial use. These areas are (1) along the Santa Fe right-of-way from 10th Street to 21st Street, (2) along the Missouri-Pacific right-of-way from Sycamore, south to Poplar, and (3) the area between Rock Creek, Cherry Street and 2nd Street.

## Parks and Recreation

The General Development Plan Map highlights areas to be considered for expansion of the park system during the planning period. Two potential neighborhood park sites are identified: Whiskey Creek Park southwest of Cherry and 17th Street, and Crest Park between Circle Drive and the Santa Fe tracks in Crest Subdivision.

A large open space follows the bluffs and the floodplains of the Elk and Verdigris Rivers. This open space serves as the northern and eastern edges of the City. It represents a significant natural scenic resource which could be used for developing a trail system.

Specific sites for smaller parks and other public facilities, such as a fire station, are not designated on the map in order to provide greater flexibility in the site selection process. Site selection should reflect the objectives and policies of this plan.

#### CONCLUSION

The General Development Plan and Map are a long range, overall perspective of the Independence Community. Its recommendations will only be achieved through the proper guidance of incremental changes to the area. These changes might include annexations, rezonings, proposed subdivisions, capital improvements, dedications or a variety of other physical changes. In each case, the detailed policies contained in this chapter should be carefully referenced to assure compliance with the intent of this Comprehensive Plan.

In addition to monitoring incremental changes, the City should proceed to develop the necessary tools to oversee change. A capital improvements program should be developed to budget needed public improvements such as streets, the new fire station or water line replacement. The zoning ordinance should be carefully reviewed and modified to achieve the policies herein established. Other codes and financial programs should be considered with respect to these plans. Through this continued effort of coordinating various City functions and regulations, the long-term goals recognized in the Comprehensive Plan will eventually be attained.

ORDINANCE NO. 3610

AN ORDINANCE ADOPTING THE COMPREHENSIVE PLAN OF THE  
CITY OF INDEPENDENCE, KANSAS, BY REFERENCE,  
PURSUANT TO K.S.A. 12-747.

WHEREAS, K.S.A. 12-747 grants a municipality the authority to adopt it's Comprehensive Plan by ordinance, and,

WHEREAS, the governing body of the City of Independence, Kansas, finds that the Comprehensive Plan of the City of Independence, Kansas, should be adopted by ordinance rather than by resolution.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, THAT,

SECTION I: ADOPTION OF COMPREHENSIVE PLAN. The Comprehensive Plan of the City of Independence, Kansas, is hereby adopted as an ordinance of the City of Independence, Kansas.

SECTION II: INCORPORATION BY REFERENCE INTO THE ORDINANCES AND CODES OF THE CITY OF INDEPENDENCE, KANSAS. It is hereby incorporated by reference into the codes and ordinances of the City of Independence, The Comprehensive Plan of the City of Independence, Kansas, dated the 2nd day of September, 1981. Copies of said Comprehensive Plan shall be marked or stamped "official copy" as adopted by the governing body of the City of Independence, Kansas, and shall be attached to a copy of this ordinance and filed with the City Clerk to be open for inspection and available to the public at all reasonable hours.

SECTION III: EFFECTIVE DATE: This ordinance adopting and incorporating said Comprehensive Plan, into the codes and ordinances of the City of Independence, by reference, shall take effect and shall be in full force and effect after its publication in the Independence Daily Reporter.

Passed by the City Commission of the City of Independence, Kansas, this 11th day of March, 1992.

G. Brooks Shivers  
MAYOR

ATTEST:

Anthony D. Royle  
CITY CLERK  
CITY\COMPORD



**CERTIFIED COPY**  
*Anthony D. Royse*  
*4-24-95*  
**ANTHONY D. ROYSE**  
**CITY CLERK**

**AMENDMENT TO THE  
COMPREHENSIVE PLAN**

**INDEPENDENCE, KANSAS  
ORDINANCE NO. 3689**

STATE OF KANSAS  
MONTGOMERY COUNTY, } ~~SS Fee~~ ~~No Fee~~

This instrument was filed for record on the  
24 day of Apr. A.D., 1995 at  
2:00 o'clock P.M. and duly record-  
ed in book 427 on page 197

*Jeanne Burton*  
JEANNE BURTON Register

An Ordinance to amend the Comprehensive Plan of the City of Independence, Kansas.

WHEREAS, The City of Independence, Kansas, in 1982, adopted a Comprehensive Plan titled the Independence, Kansas Comprehensive Plan; and

WHEREAS, The City of Independence Planning Commission recognizes the importance of amending the plan from time to time to assure that it remains current and viable; and

WHEREAS, It is deemed desirable to amend the Comprehensive Plan as it relates to certain areas within three miles of the City Limits of the City of Independence:

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

That the Comprehensive Plan of the city of Independence, be and hereby is amended to as follows:

1. The text in the introductory paragraph on page 61, entitled GENERAL DEVELOPMENT PLAN, is amended to read as follows:

The General Development Plan consists of two parts. The latter part which follows at the end of this section is the Plan Map. This map is provided to give an overall perspective of the community. This map is preceded, however, with the goals, objectives and policies for Independence – the important guidelines developed for making everyday decisions. These guidelines should provided the reasons for taking certain actions that affect the land use and development of the planning area. These goals, objectives and policies should guide decision making that affects the City of Independence and the unincorporated area of Montgomery County within three miles of the Independence City Limits.

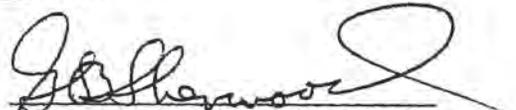
2. The text in the first paragraph under the title GENERAL DEVELOPMENT PLAN MAP is amended to read as follows:

The goals objectives and policies for the comprehensive plan given above are guidelines directing the future growth and development of Independence. These statements can be presented visually as recommendations for the use of

land in the Independence area through the General Development Plan Map. The map designates, generally the areas that are desirable for certain land uses in the future. Lands within the planning area that are not color coded on the map are designated for agricultural use.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND PUBLICATION AS PROVIDED BY LAW.

ADOPTED THIS 6TH DAY OF APRIL, 1995

  
Mayor - G. BURKS SHERWOOD

ATTEST:

  
City Clerk - ANTHONY D. ROYSE



# Affidavit of Publication

STATE OF KANSAS,  
Montgomery County, } ss:

Herbert A. Meyer III, being first duly sworn,  
deposes and says: That he is the Publisher  
of the

## Independence Daily Reporter

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive day, the first publication thereof being made as aforesaid on the 28th day of April, 1995, with subsequent publications being made on the following dates:

\_\_\_\_\_ 19\_\_\_\_\_, \_\_\_\_\_ 19\_\_\_\_\_  
\_\_\_\_\_ 19\_\_\_\_\_, \_\_\_\_\_ 19\_\_\_\_\_  
\_\_\_\_\_ 19\_\_\_\_\_, \_\_\_\_\_ 19\_\_\_\_\_

Subscribed and sworn to before me this 2nd day of May,  
1995.  
Micha Millis  
Notary Public

My commission expires: August 5, 1997 **MICHA M. MILLIS**  
Notary Public - State of Kansas  
Printer's fee \$ 33.92  
Additional Copies \$ \_\_\_\_\_  
Not Exp. 8-5-97

(First published in the Independence Daily Reporter April 28, 1995)

### AMENDMENT TO THE COMPREHENSIVE PLAN INDEPENDENCE, KANSAS ORDINANCE NO. 3689

An Ordinance to amend the Comprehensive Plan of the City of Independence, Kansas.

WHEREAS, The City of Independence, Kansas, in 1982, adopted a Comprehensive Plan titled the Independence, Kansas Comprehensive Plan; and

WHEREAS, The City of Independence Planning Commission recognizes the importance of amending the plan from time to time to assure that it remains current and viable; and

WHEREAS, It is deemed desirable to amend the Comprehensive Plan as it relates to certain areas within three miles of the City Limits of the City of Independence;

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

That the Comprehensive Plan of the city of Independence, be and hereby is amended to as follows:

1. The text in the introductory paragraph on page 61, entitled GENERAL DEVELOPMENT PLAN, is amended to read as follows:

The General Development Plan consists of two parts. The latter part which follows at the end of this section is the Plan Map. This map is provided to give an overall perspective of the community. This map is preceded, however, with the goals, objectives and policies for Independence — the important guidelines developed for making everyday decisions. These guidelines should provide the reason for taking certain actions that affect the land use and development of the planning area. These goals, objectives and relating should guide decision making that affects the City of Independence and the unincorporated area of Montgomery County within three miles of the Independence City Limits.

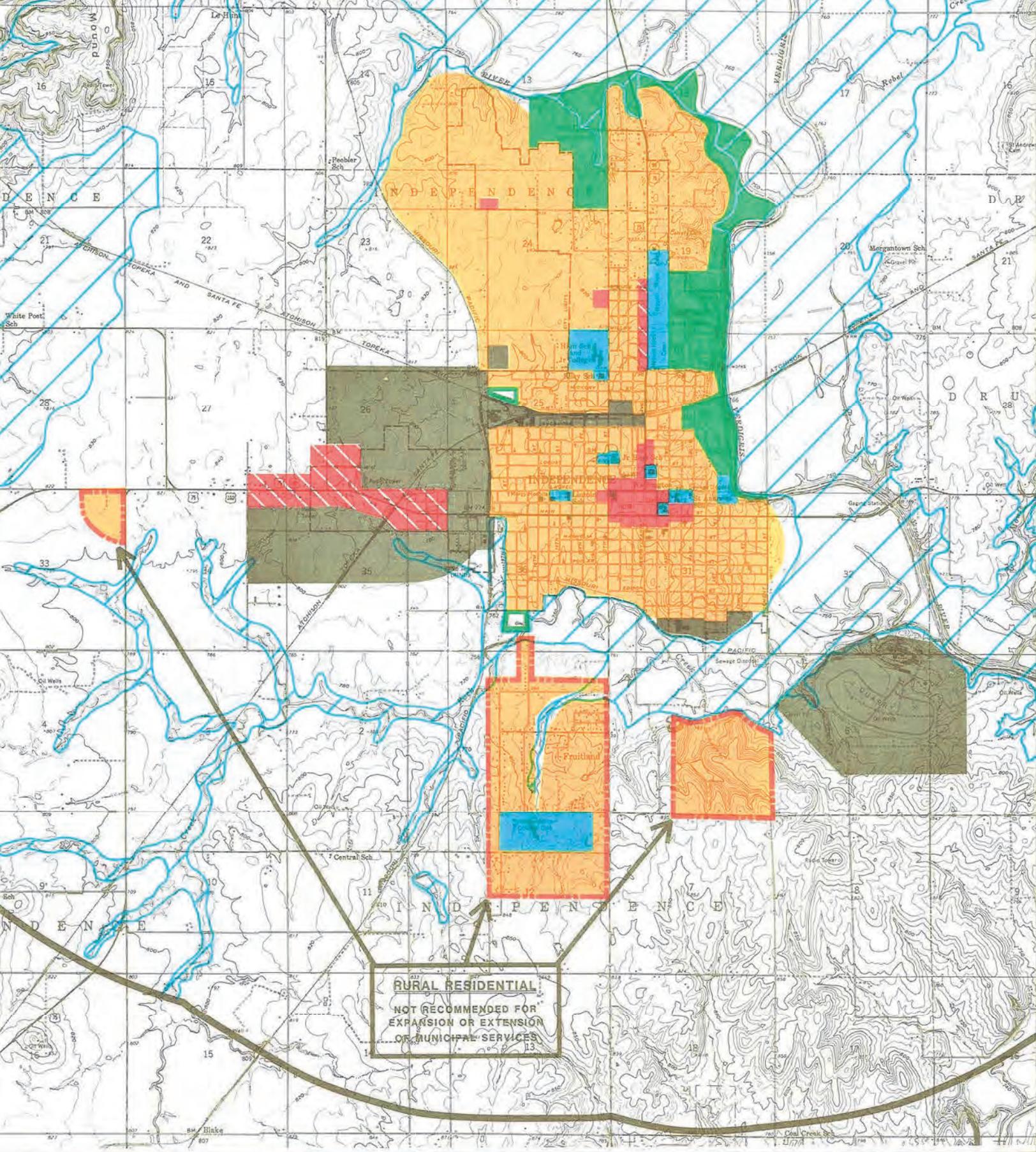
2. The text in the first paragraph under the title GENERAL DEVELOPMENT PLAN MAP is amended to read as follows:

The goals objectives and policies for the comprehensive plan given above are guidelines directing the future growth and development of Independence. These statements can be presented visually and recommendations for the use of land in the Independence area through the General Development Plan Map. The map designates, generally the areas that are deemed desirable for certain land uses in the future. Lands within the planning area that are not colored on the map are designated agricultural use.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND PUBLICATION PROVIDED BY LAW.  
ADOPTED THIS 6TH DAY OF APRIL 1995

Attest:  
s: Mayor — G. BURKS SHERWOOD  
SEAL:  
s: City Clerk — ANTHONY D. ROYSE

April 28, 1995



ANCE

## GENERAL DEVELOPMENT PLAN

- RESIDENTIAL
  - RURAL RESIDENTIAL
  - COMMERCIAL
- FUTURE PARKS
  - PUBLIC & SEMI-PUBLIC

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

**d. Consider status update for 2016/VAR/09 relating to a variance from the hard surface requirement in an O & P zoned district at 900 W. Myrtle.**

On December 6, 2016 the Board of Zoning Appeals approved a variance from the hard surface requirement in an O & P district at 900 W. Myrtle. This variance was requested due to the cost of up to \$56,000 to hard surface a driveway for a building that was intended to be temporary. As part of the approval, the Board of Zoning Appeals requested a status update in 12 months.

Since the initial approval in 2016 the Steering Committee appointed by the City Commission recommended rehabilitating the 1916 City Hall and building a new Public Safety facility across the street in the existing municipal parking lot located on the northeast corner of 6th and Myrtle. If that occurred, there was a possibility of moving the temporary apparatus bay to the sanitation yard at 21st and Maple, which was the original plan when it was constructed with sanitation funds, then the area would have been returned to its previous condition. If the temporary apparatus bay is not relocated, then the City will be required to hard surface the drive to comply with City code.

On February 6, 2018 when this item was reviewed by the Board of Zoning Appeals it was reported that the City Commission had indicated they wish to move forward with the Steering Committee's recommendation, and the location was still temporary at that time. A motion was made to review the status in one year, which passed 6-0.

On March 5, 2019 the Board of Zoning Appeals reviewed the status again and voted 6-0 with one member abstaining to review the status in one year.

Currently Phase I which consists of interior demolition, window and roof replacement for 1916 City Hall is under construction with an anticipated completion date of Summer 2020. The design and programming have yet to be approved for Phase II. However, discussions have evolved to an alternative that would continue to utilize the existing apparatus bay for the Fire/EMS Department.

The Board of Zoning Appeals may wish to request an additional update in one year as has been approved in the past.

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

- b. Consider a variance request from the hard surface requirement in an O & P zoned district at 900 W. Myrtle Street.**

***Overview of Variance Requested***

The Board of Zoning Appeals has received an application from the City of Independence to grant a variance from the hard surface requirement in the off-street parking regulations for a temporary driveway at 900 W. Myrtle.

The off street parking regulations require:

***705.0. - Design requirements.***

*705.1 Surface material: Areas used for standing or maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-sealed surfaces, maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks.*

*Exception: Vehicle storage lots for the overnight storage or long-term warehousing of vehicles under one ownership.*

Due to this facility currently being designated as temporary until a long term decision is made regarding the location of Fire/EMS Department, the applicant requests authorization for a gravel driveway until a final decision is made.

***Review of Request***

The applicant relocated City Hall services, which included the Public Safety Departments to 811 W. Laurel which required a temporary apparatus bay to be constructed as the Fire Trucks and Ambulances cannot sit outside during cold or inclement weather. Fire Services are a permitted use in an O & P district.

***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; It is a unique situation in that it is not known at this time if the building will be relocated. If it is relocated a hard surface drive would no longer be needed.*
- 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 the gravel driveway 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 consist of requiring expenditure of public funds for a driveway that may not be needed if the building is relocated. The estimated cost for the hard surface ranges from \$33,400 to \$56,000, depending on whether the hard surface is asphalt, concrete or asphalt/concrete combination.*

*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.* City staff feels it is not opposed to the general spirit and intent of the zoning regulations.

***Staff Recommendation***

The City Commission requested applying for the variance since the building is temporary and they do not wish to expend public funds for a hard surface driveway if the building is relocated. Since this is an application by the City, staff is not making a recommendation.

APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: Thursday, October 27, 2016

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

City of Independence, Kansas  
811 W. Laurel Street  
Independence, KS 67301 620-332-2506

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

Name: Micky Webb, City Manager  
Address: 811 W. Laurel Street  
Telephone: Independence, KS 67301 620-332-2506

4. Common Address of Land Involved:

900 W. Myrtle Street

5. Legal Description of Land Involved:

ALL OF BLOCK 2; AND EAST HALF OF VACATED 15TH STREET AND ALL VACATED ALLEY, CONCANNONS ADDITION TO THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KS

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

Construct a gravel drive for a temporary Fire/EMS apparatus building at 900 W. Myrtle.

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

The building is temporary at this time until the Citizens Committee makes a recommendation and the City Commission takes action.

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

A Fire/EMS facility is allowed in any zone.

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

Hard surfacing the drive could cost up to \$56,000 for concrete; \$33,400 for asphalt; \$43,700 for asphalt/concrete combination while utilizing gravel will cost approximately \$7,000 if done by City crews.

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

Placing gravel in the drive is not anticipated to create any health, safety, moral or general welfare issues.

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

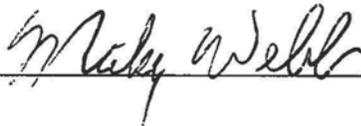
The request for gravel is temporary. If for any reason this facility at this location becomes permanent in the future the City will need to hard surface the area as code requires.

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

See attached.

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

Signature of Property Owner: \_\_\_\_\_



Case Number: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Fee Received: \_\_\_\_\_

Present Zoning: \_\_\_\_\_



City of Independence, Kansas

**NOTICE TO THE PUBLIC**

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

Tuesday, December 6, 2016 at 5:30 PM

To receive comments on a variance request from the hard surface requirement in an O & P zoned district at the following location:

**Legal Description:**

ALL OF BLOCK 2; AND EAST HALF OF VACATED 15TH STREET AND ALL VACATED ALLEY, CONCANNONS ADDITION TO THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KS

**Common Address:** 900 W. Myrtle Street

**Applicant:**

City of Independence, Kansas, Owner

**Case Number:**

2016/VAR/09

The hearing will be conducted in the Veterans Room, Memorial Hall, Penn/Locust Streets, Independence, Kansas, and will begin at 5:30 PM. All interested persons should attend and they will be heard. Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

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

Information regarding this application is available in the Zoning Administrator's office. If a special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Cafilisch, the commission changed the start time of the November 10<sup>th</sup> meeting to 6:15pm, and changed the December 22<sup>nd</sup> meeting to December 19<sup>th</sup>, 2016.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

**Reports**

- r. Report on Montgomery County zoning application for airport property [BUSINESS & INDUSTRY].

Attached is a zoning application for property located at the Independence Municipal Airport that has not been annexed into the City. The County Zoning designation is P-1 (public) and City staff is requesting it be modified to I-2 (industrial) to be compatible with the actual uses that are occurring on these properties.

- s. Update on City projects [CITIZENS].

The City Manager will provide an update on current City projects.

**City Staff explained to the Commission that a decision needs to be made on the driveway for the Fire/EMS building. For an estimated \$7,000 the city could do gravel, for an estimated \$33,000 the city could do asphalt, for an estimated \$43,700 the city could do a mix of asphalt and cement, and over \$50,000 for a cement driveway.**

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Cafilisch, the commission authorized City staff to submit an application to the Board of Zoning Appeals for a variance to allow gravel at the temporary Fire/EMS building.**

**Aye: Cafilisch, Hogsett, Meier**

**Nay: None**

- t. Report on 10/20/16 Montgomery County Chronicle Letter to the Editor as requested by Commissioner Cafilisch [CITIZENS].

Commissioner Cafilisch requested the attached letter to the editor be addressed at the Commission meeting.



Photo by John Koschin



**Temporary Building Entrance**

**Preliminary Cost Estimate**

**Option A: All Concrete: 100 feet by 54 feet.**

**OPINION OF PROBABLE COST**

10/26/2015

<b>ITEM NO.</b>	<b>ITEM DESCRIPTION</b>	<b>UNIT</b>	<b>UNIT COST</b>	<b>ESTIMATED QUANTITY</b>	<b>TOTAL COST</b>
1	Mobilization	LS	\$ 2,000.00	1	\$ 5,000.00
2	Excavation	LS	\$ 3,000.00	1	\$ 3,000.00
3	Granular Stone Base	SY	\$ 10.00	600	\$ 6,000.00
4	Concrete	SY	\$ 600.00	60	\$ 36,000.00
5	Finish Grading/Seeding	LS	\$ 1,000.00	1	\$ 1,000.00
			<b>Construction Subtotal:</b>		\$51,000.00
			<b>Contingency</b>		\$5,000.00
			<b>Construction Total:</b>		<u>\$56,000.00</u>

**Temporary Building Entrance**

**Preliminary Cost Estimate**

**Option B: All Asphalt**

**OPINION OF PROBABLE COST**

10/26/2015

ITEM NO.	ITEM DESCRIPTION	UNIT	UNIT COST	ESTIMATED QUANTITY	TOTAL COST
1	Mobilization	LS	\$ 3,000.00	1	\$ 5,000.00
2	Excavation	LS	\$ 3,000.00	1	\$ 3,000.00
3	Granular Stone Base	SY	\$ 10.00	600	\$ 6,000.00
4	Asphalt (4")	Tons	\$ 110.00	140	\$ 15,400.00
5	Finish Grading/Seeding	LS	\$ 1,000.00	1	\$ 1,000.00
			<b>Construction Subtotal:</b>		\$30,400.00
			<b>Contingency</b>		\$3,000.00
			<b>Construction Total:</b>		<u>\$33,400.00</u>

**Temporary Building Entrance**

**Preliminary Cost Estimate**

**Option C: Half Concrete/Half Asphalt**

**OPINION OF PROBABLE COST**

10/26/2015

<b>ITEM NO.</b>	<b>ITEM DESCRIPTION</b>	<b>UNIT</b>	<b>UNIT COST</b>	<b>ESTIMATED QUANTITY</b>	<b>TOTAL COST</b>
1	Mobilization	LS	\$ 3,000.00	1	\$ 5,000.00
2	Excavation	LS	\$ 3,000.00	1	\$ 3,000.00
3	Granular Stone Base	SY	\$ 10.00	600	\$ 6,000.00
4	Concrete	SY	\$ 60.00	300	\$ 18,000.00
4	Asphalt (4")	Tons	\$ 110.00	70	\$ 7,700.00
5	Finish Grading/Seeding	LS	\$ 1,000.00	1	\$ 1,000.00
			<b>Construction Subtotal:</b>		\$40,700.00
			<b>Contingency</b>		\$3,000.00
			<b>Construction Total:</b>		<u>\$43,700.00</u>

**MINUTES**  
**Independence Planning Commission/Board of Zoning Appeals**  
**Tuesday, December 6, 2016**  
**Veterans Room, Memorial Hall 5:30 p.m.**

---

**Call to Order**

**Planning Commissioners Present**

Tony Holmes, Mary Schmidt, Darnell Lawrie, Philip Umlauf, Jim Hardy, Mary Jo (Dancer) Meier and Andy McLenon\*.

**Planning Commissioners Absent**

Nick McCollam\* and Steve McBride

\*Outside Appointments are not on the Board of Zoning Appeals

**Staff Present**

Kelly Passauer, Assistant City Manager/Zoning Administrator  
Micky Webb, City Manager

**Visitors Present**

None.

**a. Consider approving minutes of the August 2, 2016 and October 4, 2016 meetings.**

Mary Jo Meier made a motion to approve the corrected minutes of the August 2, 2016 Planning Commission/Board of Zoning Appeals minutes, seconded by Philip Umlauf. The motion carried 7-0.

Jim Hardy made a motion to approve the minutes from the October 4, 2016 Planning Commission/Board of Zoning Appeals meeting. Philip Umlauf seconded the motion to approve the minutes. Motion carried 7-0.

**Board of Zoning Appeals**

**b. Consider a variance request from the hard surface requirement in an O & P zoned district at 900 W. Myrtle Street.**

Staff provided the following staff report to the board in written form prior to the meeting:

***Overview of Variance Requested***

The Board of Zoning Appeals has received an application from the City of Independence to grant a variance from the hard surface requirement in the off-street parking regulations for a temporary driveway at 900 W. Myrtle.

The off street parking regulations require:

***705.0. - Design requirements.***

*705.1 Surface material: Areas used for standing or maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-sealed surfaces, maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks.*

*Exception: Vehicle storage lots for the overnight storage or long-term warehousing of vehicles under one ownership.*

Due to this facility currently being designated as temporary until a long term decision is made regarding the location of Fire/EMS Department, the applicant requests authorization for a gravel driveway until a final decision is made.

### ***Review of Request***

The applicant relocated City Hall services, which included the Public Safety Departments to 811 W. Laurel which required a temporary apparatus bay to be constructed as the Fire Trucks and Ambulances cannot sit outside during cold or inclement weather. Fire Services are a permitted use in an O & P district.

### ***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;* It is a unique situation in that it is not known at this time if the building will be relocated. If it is relocated a hard surface drive would no longer be needed.
- 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 the gravel driveway 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 consist of requiring expenditure of public funds for a driveway that may not be needed if the building is relocated. The estimated cost for the hard surface ranges from \$33,400 to \$56,000, depending on whether the hard surface is asphalt, concrete or asphalt/concrete combination.
- 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.* City staff feels it is not opposed to the general spirit and intent of the zoning regulations.

### ***Staff Recommendation***

The City Commission requested applying for the variance since the building is temporary and they do not wish to expend public funds for a hard surface driveway if the building is relocated. Since this is an application by the City, staff is not making a recommendation.

City Manager Micky Webb represented the applicant and reviewed the City's request. Questions were asked about reviewing the status in 12 months to ensure if the building is permanent that the hard surface requirement would be met. **A motion was made by Darnell Lawrie and seconded by Philip Umlauf to approve the variance request from the hard surface requirement in an O & P zoned district at 900 W. Myrtle Street with a status update in 12 months. The motion carried 6-0.**

### **Planning Commission**

#### **c. Upcoming reorganization and orientation on February 7, 2017.**

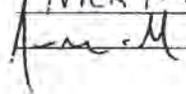
New outside City Planning Commissioner Andy McLenon was introduced. Mary Schmidt indicated that she is resigning and this would be her last meeting as she has taken a job out of

town and will not be able to attend meetings regularly. Mary's term expired January 1, 2018. Mary was thanked for her service and for serving as Chair. Tony Holmes was also recognized as this was his last meeting as he has served two full terms and is not eligible for reappointment. Members Steve McBride and Philip Umlauf's terms are also expiring on January 1, 2017, however, they are eligible for reappointment.

**Adjournment**

The meeting was adjourned with a motion by Tony Holmes and a second by Darnell Lawrie. The motion carried 7-0.

  
Philip Umlauf  
\_\_\_\_\_, Chair

Nick McCollam  
  
\_\_\_\_\_, Secretary

## MINUTES

**Independence Planning Commission/Board of Zoning  
Appeals Tuesday, February 6, 2018  
Veterans Room Memorial Hall 5:30 p.m.**

---

### Call to Order

#### Planning Commissioners Present

Andy McLenon\*, Jim Hardy, Barbara Emert, Mary Jo Dancer, Steve McBride, John Koschin, Brian Beecham, Nick McCollam\*

#### Planning Commissioners Absent

Philipp Umlauf

\*Outside Appointments are not on the Board of Zoning Appeals

#### Staff Present

Kelly Passauer, Assistant City Manager/Zoning Administrator

#### Visitors Present

None

#### a. Consider approving minutes of the November 7, 2017 meeting.

Barb Emert made a motion to approve the minutes of the November 7, 2017 Planning Commission/Board of Zoning Appeals minutes, seconded by Steve McBride. The motion carried 8-0.

#### Planning Commission

#### b. Welcome new member John Koschin.

John Koschin was welcomed as a new member.

#### c. Reorganization

1. Election of Chair – Andy McLenon nominated Philip Umlauf, and Steve McBride nominated Nick McCollam. Barb Emert moved to cease nominations. There was one vote in favor of Philip Umlauf continuing as Chair for the next year by Nick McCollam. There was seven votes in favor of Nick McCollam which passed 7-1.
2. Election of Vice Chair – Steve McBride nominated current Vice Chair Mary Jo Meier. Barb Emert seconded. Andy McLenon moved to close nominations. Barb Emert moved to accept that nomination by acclamation. Motion carried 8-0.
3. Election of Secretary – Steve McBride nominated Andy McLenon, Barb seconded. The motion carried 8-0.

- d. Consider text amendments to the zoning code; specifically, Article VIII, Sign Regulations, including but not limited to 802.6 (District C-3, central commercial district), and 803.6 (Attention-attracting devices).

Staff provided the following staff report to the board in written form prior to the meeting:

**802.6 (District C-3, central commercial district)**

City staff has received concerns from downtown business owners regarding the sign regulations in the downtown area (C-3, central commercial district) as being too strict.

When considering possible text amendments to any sign regulations it is important to consider the intent and purpose of sign regulations as provided for in Section 801.2:

*801.2. Intent and purpose:* 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. Accordingly, it is the intention of this ordinance to establish regulations governing the display of signs which will:

- a. Promote and protect the public health, safety, comfort, morals and convenience;
- b. Enhance the economy and the business and industry of the city by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public;
- c. Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision;
- d. Reduce conflict among signs and light between public and private information systems; and
- e. Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

The C-3 district regulations are provided for in section 802.6 as follows:

*802.6. District C-3, central commercial district:*

- a. *Permitted signs:*
  1. *[Generally:]* Signs permitted in the C-3 district shall be illuminated signs, nonilluminated signs, marquee signs, temporary signs, wall signs and projecting signs with the exception that no sign shall be mounted, painted or affixed to any surface extending above the transom or storefront beam whichever is higher.
  2. *Wall signs:* One sign per face of building not to exceed 50 square feet or five percent of the total area, whichever is smaller.
  3. *Corner buildings:* One sign equal to standards above for each wall.
  4. *Multiuse signs:* Total sign area for all uses not to exceed above standards.
  5. *[Signs hanging from awnings or mounted to storefronts:]* Signs hanging from awnings or mounted to storefronts may not exceed five square feet per face.

6. *[Freestanding buildings:]* Freestanding buildings shall be permitted one freestanding sign not to exceed 80 square feet per face or 160 square feet total of all faces in the sign area. The top of the sign shall not be higher than 25 feet above ground level.
  7. *Historical restorations or reproductions:* Historically significant or reproduced signs shall be referred to the Main Street Committee for recommendation to the city commission who may authorize such installation.
  8. *[Rear wall signs:]* One rear wall mounted sign not to exceed 18 inches by 36 inches for business identification.
- b. *[Poster panels and billboards:]* Poster panels and billboards shall not be permitted in the C-3 zone.
- c. *Signs on awnings, canopies, and marquees:*
1. There shall not be more than one sign exceeding an aggregate gross surface area of such awning, canopy or marquee of ten percent of the gross area for each principal building.
  2. The gross surface area of a sign shall not exceed 50 percent of the gross surface area of the awning, canopy or marquee to which the sign is fixed.
- d. *General standards:*
1. Any awning, canopy, marquee or projecting sign shall not be less than seven feet above the surface of the grade of any street or sidewalk.
  2. Awnings and canopies shall be no closer than four feet from the public street curb and in no case extend more than 12 feet from the property line.
  3. Marquees shall be no closer than two feet from the property line.

I am also including the definitions of signs in the zoning code as they may also relate to this review:

*Sign:* Any words, numerals, figures, devices, designs, or trademarks by which information is made known to the public outside a building and including, but not limited to, the following:

1. *Detached sign:* Any sign located on the ground or on a structure located on the ground and not attached to a building. Multiple signs on one detached structure not attached to a building shall be considered one sign.
2. *Electronic sign:*
  - a. *LED/Reader Board (Electronic Changeable Copy) Sign:* A sign in which the copy is changed electronically, uses changing lights to form the message or text form wherein the sequence of messages and rate of change is electronically programmed and modified.
  - b. *Electronic Display Center (Video Display Sign):* A sign that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays.
3. *Illuminated sign:* Any sign which has characters, letters, figures, designs, or outlines illuminated directly, such as spotlights, or by electric lights or luminous tubes as a part of the sign proper.
4. *Nonilluminated sign:* Any sign which is lighted by natural sunlight only.
5. *Marquee sign:* Any sign attached flat against a marquee.

6. *Portable sign:* A sign not permanently affixed to the ground or to a building or structure, such as signs mounted on vehicles, wheels, or any type of support not permanently attached to a structure or to the ground.
7. *Poster panel or billboard:* An illustration of approximate dimension of 12 feet by 24 feet or multiples thereof mounted on a semipermanent structure and depicting information not directly related to the property upon which it is placed.
8. *Projecting sign:* Any sign extending more than one foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of the building shall be included in the definition.
9. *Roof sign:* Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof as a principal means of support.
10. *Temporary sign:* Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a short period of time, not to exceed 30 days.
11. *Wall sign:* Any sign attached to and erected parallel to and within one foot of the face or wall of a building, including signs painted on the walls of buildings.

*Sign area:* That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included as a part of the sign area.

In addition to the Zoning Code regulations, signs in the Downtown Historic District must also be reviewed by the Independence Historical Preservation and Resource Commission (IHPRC). IHPRC is a Certified Local Government (CLG), which basically means the review of sign, building or demolition permits in the Downtown Historic District can be performed by the IHPRC rather than the State Historic Preservation Officer (SHPO). The IHPRC are required to consider certain criteria and guidelines. City code relating the IHPRC can be found at this link:

[https://library.municode.com/ks/independence/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH50INHIPRECO](https://library.municode.com/ks/independence/codes/code_of_ordinances?nodeId=PTIICO_CH50INHIPRECO)

Please note, the code creating the IHPRC is not under the Zoning Code, therefore, the Planning Commission does not have authority to recommend text amendments to City code relating to the IHPRC.

Any modifications in the C-3 Central Business District Sign Regulations should encourage the following attributes:

1. An attractive downtown that enables shoppers to easily locate goods and services without confusion;
2. Allow proprietors to express their identity; and
3. Promote the preservation of the Downtown Historic District.

In consideration of the above, City staff believes it is important to hear from the downtown property and business owners, Main Street, the Chamber and IHPRC. Therefore, it is staff's recommendation to adjourn the portion of the public hearing regarding any text amendments to Section 802.6 (District C-3, central commercial district) to April 3, 2018 to allow for additional feedback from these groups.

Brian Beecham and Andy McLennon both commented that it would be good to update downtown, times are changing and they would like to hear from property owners. It was also discussed that this might be a good topic for First Friday. A motion was made by Barbara Emert, seconded by Brian Beecham to adjourn this portion of the hearing to April 3, 2018 to allow feedback from Main Street working with the IHPRC and downtown property owners. The motion carried 8-0.

**803.6 (Attention-attracting devices)**

At your September 5, 2017 Planning Commission meeting the following text amendment was recommended to the City Commission:

803.6 Attention – Attracting Devices and Electronic Signs:

- a. Any attention-attracting device, as defined in Section 403.0, Definitions, of this ordinance, is hereby prohibited from use except as hereinafter provided.
- b. Attention-attracting devices and electronic signs as defined in Section 403.0, Definitions, shall be permitted in any zoning district for non-commercial purposes if such signs designate time, date, temperature, community service and/or other similar information regarding a non-profit or charitable organization, receive approval of the City Commission, and if the electronic signs follow all requirements and standards designated for their use as set forth in Section 802.5.

The City Commission considered this recommendation at their September 28, 2017 meeting, at which time Ordinance 4252 was adopted with the following amended language:

803.6. Attention-Attracting Devices and Electronic Signs:

- a. Any attention-attracting device, as defined in Section 403.0, is hereby prohibited from use except as hereinafter provided.
- b. Attention-attracting devices and electronic signs, as defined in Section 403. 0, shall be permitted in any zoning district for noncommercial purposes if:
  1. Such devices or signs designate time, date, temperature, community service and/or other similar information regarding a non-profit or charitable organization; and
  2. Receive approval of the City Commission; and
  3. Comply with and follow all requirements and standards designated for their use as set forth in Section 802.5,

It has come to staff's attention that the highlighted text should have read Section 802.5.c to be clear that it is referring specifically to electronic signs. City staff recommends the Planning Commission recommend approval of a text amendment by the City Commission as follows:

803.6. Attention-Attracting Devices and Electronic Signs:

- a. Any attention-attracting device, as defined in Section 403.0, is hereby prohibited from use except as hereinafter provided.
- b. Attention-attracting devices and electronic signs, as defined in Section 403. 0, shall be permitted in any zoning district for noncommercial purposes if:

1. Such devices or signs designate time, date, temperature, community service and/ or other similar information regarding a non-profit or charitable organization; and
2. Receive approval of the City Commission; and
3. Comply with and follow all requirements and standards designated for their use as set forth in Section 802.5.c.

A motion was made by Steve McBride to modify Section 803.6.b.3. to “*Comply with and follow all requirement and standards designated for their use as set forth in Section 802.5.c.*” Seconded by Andy McLenon. The motion passed 8-0.

**e. Discuss upcoming items.**

Staff indicated that the orientation originally planned for this meeting had been postponed to March 6, 2018 as the City Attorney was not available for the February meeting. City staff also advised that the Comprehensive Plan would be on the next agenda for annual review.

Staff reviewed several items that the City Commission would like the Planning Commission to review.

Andy McLenon moved, seconded by Nick McCollam to prioritized the items as follows:

1. Downtown Signage.
2. Attention-Attracting Devices and Electronic Signs.
3. Food trucks.
4. Recreational vehicles, 5<sup>th</sup> wheels and travel trailers that are occupied.
5. Tiny houses.
6. Gravel parking lots.

Motion carried 8-0.

**Board of Zoning Appeals**

**f. Consider status update for 2016/VAR/09 relating to a variance from the hard surface requirement in an O & P zoned district at 900 W. Myrtle.**

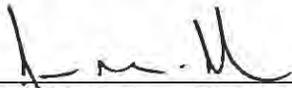
The status was reviewed and staff indicated that the location is still temporary at this time. A motion was made by John Koschin to review the status in one year, seconded by Barb Emert. The motion carried 6-0.

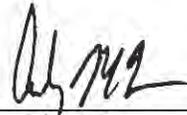
**g. Upcoming public hearing on March 6, 2018 for a variance request from Truth Tabernacle UPC, Inc. regarding an electronic church sign in a residential zoned district at 1825 North 10th Street.**

Staff advised the Board of Zoning Appeals that a hearing had been scheduled for this variance request.

**Adjournment**

The meeting was adjourned with a motion by Andy McLenon, seconded by Barb Emert. The motion carried 6-0.

  
\_\_\_\_\_  
Nick McCollam, Chair

  
\_\_\_\_\_  
Andy McLenon, Secretary

## MINUTES

Independence Planning Commission  
Independence Board of Zoning Appeals

Tuesday, March 5, 2019

Veterans Room

Memorial Hall

5:30 p.m.

---

### Call to Order

### Planning Commissioner Present

Mary Jo Meier, Barb Emert, Steve McBride, Jim Hardy, Philipp Umlauf, Brian Beecham, Michelle Anderson, Andy McLenon (outside), and Brent Littleton (outside)

### Planning Commissioners Absent

None

### Staff Present

Kelly Passauer, Assistant City Manager/Zoning Administrator

### Visitors

Rusty Arnold, Beth Kelley, Robert Box, and Norman Chambers.

### Minutes

- a. Consider approving minutes from the December 4, 2018 and January 15, 2019 meetings.

Philipp Umlauf made a motion to approve the minutes of the December 4, 2018 meeting, Steve McBride seconded the motion. The motion carried 9-0.

Brent Littleton made a motion to approve the minutes of the January 15, 2019 meeting, Philip Umlauf seconded the motion. The motion carried 9-0.

### Planning Commission

- b. Welcome new member Brent Littleton.

New member Brent Littleton was welcomed. Vice Chair Mary Jo Meier asked all the members to introduce themselves, which they did.

- c. Reorganization

- a. Election of Chair

Philip Umlauf nominated Mary Jo Meier, seconded by Steve McBride. Barb Emert moved the nominations cease by acclamation, Philip Umlauf seconded.

- b. Election of Vice Chair

Mary Jo Meier nominated Steve McBride as Vice Chair, seconded by Barb Emert. The motion carried 9-0.

c. Election of Secretary

Mary Jo Meier nominated Andy McLennon as Secretary. Barb Emert seconded the nomination and moved the nominations cease by acclamation.

- d. Consider a request for conditional use permits for Microbreweries; Bottling and canning soft drinks and carbonated waters; and Beer, wine and alcoholic beverages – wholesale establishment in a C-3 district at 223-225 West Main Street.

The following staff report was read by Chair Mary Jo Meier:

**Summary**

The Planning and Zoning Commission has received the attached request for a conditional use permit for Microbreweries; Bottling and canning soft drinks and carbonated waters; and Beer, wine and alcoholic beverages – wholesale establishment in a C-3 district from Robert Box representing Morrison Builders, Inc. for property located at 223-225 West Main Street.



Appendix “A” of the Zoning Ordinances was recently amended and allows Microbreweries; Bottling and canning soft drinks and carbonated waters; and Beer, wine and alcoholic beverages – wholesale establishment as conditional uses in a C-3 district.

**Conditional Use Permit**

The zoning ordinance in section 901.1 describes the purpose of a conditional use as:

*"...those types of uses which are considered by the City to be essentially desirable, necessary or convenient to the community but which by their nature or in their operation have:*

- 1) a tendency to generate excessive traffic,*
- 2) a potential for attracting a large number of persons to the area of the use thus creating noise or other pollutants,*
- 3) a detrimental effect on the value of potential development of other properties in the neighborhood, or*
- 4) an extraordinary potential for accidents or danger to the public health or safety.*

*Such conditional uses cannot be allowed to locate as a 'right' on any parcel of land within certain districts without consideration of existing conditions at the proposed locations and of properties neighboring the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse effects."*

#### ***Staff Report***

The Planning Commission has the authority to place additional conditions on the site that they deem necessary to protect the best interests of the City, the surrounding property and to achieve the objectives of the ordinance. In considering those types of uses which may be desirable, necessary or convenient to the community, the Commission should review and make recommendations based in part on 901.1

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

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

*determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:*

- i. The location, nature and height of buildings, structures, walls and fences on the site, and*
  - ii. The nature and context 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 hazards and to minimize traffic congestion in public streets and alleys.*

### ***Action by the Planning Commission***

Recommendations regarding the conditional use permit for the given subject properties shall be based on Section 902.2, previously outlined in this report. After consideration of all factors, the Planning Commission may either approve or deny the conditional use permit. 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***

Microbreweries; Bottling and canning soft drinks and carbonated waters; and Beer, wine and alcoholic beverages – wholesale establishment are permitted as conditional uses in a C-3 district, such as this proposed property. The existing structure will also be modified to accommodate multi-family loft apartments and an existing barber shop in addition to the new requested uses.

City staff recommend granting the conditional use permit with the following conditions:

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

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

The applicant, Robert Box, was present at the hearing. Steve McBride asked Mr. Box about the fencing, to which Mr. Box indicated that belonged to the neighbor. Steve McBride asked about a beer garden, and Mr. Box stated that they were exploring that. Brent Littleton stated that he was familiar with the building and what they were doing

with it will be a tremendous asset to the community which also included apartments in addition to the brewery. Brian Beecham said the breweries in Kansas City were a definite asset when he lived there. Steve McBride said based on land usage he did not see any problems with this at all. Brent Littleton asked what days they would be open, and Mr. Box indicated that they would brew on Mondays and Tuesdays, and be open Thursday through possibly Sunday afternoon. He further stated that their goal was to produce a product that represented the community that they will also distribute in other communities. Chair Mary Jo Meier asked if there were any further comments, to which there were none. She then reread the staff recommendation.

Brent Littleton moved to accept staff's recommendation to approve the conditional use permit with the recommended conditions. The motion was seconded by Philipp Umlauf. The motion carried 9-0.

- e. Consider a request from Norman Chambers representing Gran Villas to initiate a public hearing to consider a text amendment to the zoning code regarding signs.

Norman Chambers was present. Mary Jo read the email from Norman Chambers which stated:

*"Kelly, as you suggested this email will summarize the conversations you and I have been having regarding a directional sign for Gran Villas on south 2nd street. About 5 years ago Medical Lodges purchased Bradford Place, an assisted living facility, and re-named it Gran Villas. This facility is in the midst of a residential neighborhood on south 2nd street and is not well known by the general community as Gran Villas. Our discussions have centered around the possibility of installing a directional sign on East Main street near the corner of Main and 2nd streets. The proposal is the sign would be similar to the Humane Society directional sign on West Main (see attached). The current sign ordinance does not address signage of this nature for private business. There are many similar signs around the City providing direction to City owned facilities. It would seem that a variance to the current ordinance would not be in order because the ordinance does not address this specific situation. The method for addressing this would be a text amendment to the current ordinance that would address this situation.*

*Please use this email as a formal request for the Planning and Zoning Commission to consider creating a text amendment to allow Gran Villas to appropriately install a directional sign near the corner of East & Main and 2<sup>nd</sup> Street. The attached example for the Humane Society has the Humane Society name on both sides of the sign. That would be the choice of Gran Villas."*

Norman Chambers stated that he would answer any questions and that this was an issue brought up from Gran Villas, further stating that his experience has been in the last 90 days that 5-6 people out of 10 do not know where Gran Villas is, but they know where Bradford Place is. He stated that it is in a residential district in the 600 block of South 2<sup>nd</sup> and that is the reason they would like to have a sign and announce where they are.

Andy McLenon asked if Gran Villas was a private business, and Norman said it was. Norman Chambers said he toured the town and there were no similar situations. The only other one he mentioned was the industrial park by Hackney with a large sign with the businesses listed in the industrial park. He stated that was a City owned park and he understood the purpose of placing there. Further stating that the example on West Laurel is the only one that would be close. Kelly Passauer stated that the City obtained an easement from Matcor to place the sign at that location. Barb Emert asked for the capacity of residents, and Norman said 36 and that it was an assisted living facility and they are trying to get the word out.

Brian Beecham was concerned about opening up the flood gates. He stated the he likes signage that lets people know where gas and food is located on interstates, however, the company should educate the public about their location. He felt it was a gray area. He was further concerned that once you have several signs nobody pays attention to them. Steve McBride said that Montgomery Place will want one on 8th Street and Medical Lodges will want one on 10th Street. Barb Emert said Eagle Estates will want one too. Steve McBride said he applauds Norman Chambers for bringing this to the Planning Commission, but we should consider it, and look at the sign ordinance before making a rash judgement.

Norman Chambers stated that he was on the Planning Commission for 9 years and his recommendation was to proceed with a text amendment. He further stated that it could be worded broadly and narrowly, and if they wanted to look at every case they could make the language as such.

Philipp Umlauf asked how this would relate to signage similar to letting people know where hospitals are, hospitals are not City owned. He felt it was a gray area because it is health related.

Mary Jo Meier asked for a motion and there was a long pause of silence. Then, Steve McBride moved to initiate a public hearing to consider a text amendment to the zoning code regarding signs. Philipp Umlauf seconded. The motion carried 5-4, with Andy McLenon, Jim Hardy, Barb Emert and Michelle Anderson voting against the motion.

f. Additional Item: Request from Rusty Arnold to address the Planning Commission.

Superintendent Rusty Arnold was present and provided the Planning Commission an overview regarding the bus barn project. He stated that he appreciated that they voted earlier to rezone the property to allow them to place their transportation facility south of Pheasant Point, but dismayed that the City Commission motion to approve died due to a lack of a second. He stated they went to Plan B, which was the soccer fields, and gave the Recreation Commission \$25,000 for the rights to water and sewer. He stated that the Westar property there is commercial, so they thought it would go well there. However, the County Planning Commission denied their request to allow the area to be rezoned west of the power station, on a 3-2 vote. He stated that last night at their board meeting they discussed their options. He stated that the sad thing was that their board president suggested moving it to Wilson county as their next option. He further stated that the City Planning Commission supported

it, but yet the City commission could not get a second to move forward, and there was no petition against it. He stated that there was a man that described water would flow on his property, but that was shown as inaccurate and not true as it would go down to Whiskey Creek. He stated that they were going to dig a pond, but it didn't get anywhere. He stated that they are now trying to figure out what to do. He further stated that that was an off the cuff comment, they are not going to Wilson County, they need to do it as close to possible to the schools. He said if they had to evacuate kids they cannot be in Wilson county, the cost to drive 16 busses, 5 miles, every day in and out, is a lot of fuel, over 174 school days times 16 busses. The cost to the taxpayer is money they do not have. He said one of their options is to sue the City. Stating that the Planning Commission recommended it, and the only rational reason the school was given was they did not want it to be there. He stated that is not consistent and that they don't want to sue the school or county, but they need a bus barn, they send \$225,000 to California every year for bus services. They wish to recoup that money and save \$225,000 to \$300,000 per year and have a place to service their vehicles. However, they do not have a place to go and they really need a place to go. He stated that they would love to go back to the Biller property which is near Jefferson school, which if they ever open that road up we would be very close to that school.

Rusty Arnold stated that they would like to request the Planning Commission initiate a text amendment that would allow a bus garage as a conditional use in an R-4 zone. He further stated that they have another option they are looking at, but if it fails then it would be one no one likes, but it would put them near the schools and have a bus barn. He further stated that the property they own on North 21<sup>st</sup> Street is 6 acres now as Pheasant Point obtain a portion of the property as part of their office building was on their property. He stated that they would not use all of the 6 acres. He stated that he certainly hoped the Planning Commission would allow them to go through this process again and come out with a better result in the end as it would be close to the schools to save tax dollars. He stated that they do not need to drive busses empty to get to the school.

Brent Littleton asked about the bus barn that currently exists, and Rusty Arnold said that that facility is available, but they will not sell it unless it is "as is". He stated that they want an environmental study, but the owners will not allow them to do that as they are concerned about environmental issues. Rusty said he was not saying it is contaminated, but he was not going to be the one that buys it and has to clean it up. He further stated that Durham is in California, David Crabtree Trust owns it. Durham would have to clean up any contamination, but they will not allow them to have it looked at so they are not interested in buying it. Brent Littleton said considering the Verdigris River and farm land is close, they should take care of it before they leave town.

Andy McLenon asked if it was going to be hard surfaced. Rusty Arnold said since the vehicles are under one ownership that portion does not have to be paved, but the employee parking would be.

Jim Hardy asked about the soccer fields. Rusty Arnold said they will be moved in between the Soccer Fields and Baseball Fields. He stated that the problem with having them by the Ash Youth Center is the band practices and football practices. Andy McLenon asked why

the soccer fields are moving. Rusty Arnold said they owned it in title only and they bought their sewer and water rights and got \$25,000 out of us. Brian Beecham asked how much they are investing in this project. Rusty Arnold said \$500,000 for the facility, and that they borrowed \$2 million for the facility and busses. Brian Beecham said he took a look, and there are not a lot of options in town. Rusty Arnold said he looked at 18 locations. Brian Beecham asked how many GC's bid, and Rusty Arnold said 6. Brian Beecham said people were trying to come here to go to work and it was frustrating having a unanimous vote of the Planning Commission, and in the work session believing that everyone was working together.

Rusty Arnold stated that he did not know why they could not get a second. He said the County Planning Commission asked eight questions, six they answered positive, the only two that were negative were a 3-2 split. They were concerned about traffic, the other was very positive, and they were told everyone was against it. There were three households, then one other person spoke that lives in Liberty, works in Coffeyville, but his father was a County Commissioner and he spoke against it. We do not know that going to the County Commission is going to be any better. We cannot go outside the County zoning, and if you think how far that is, that is not fair to taxpayers.

Rusty Arnold said he looked at five acres by Fed Ex, there is one way in and one way out which is a problem because of the railroad tracks. If it had two entrances or exits it would work. He stated that he knows it is in the City's plans to extend Hackney to Oak Street, but they are not ready to do it right now. He stated Matco had two big yellow things that pull train cars off there was out there on Monday morning there were two of them out there working. He said he cannot allow the busses to get stuck back there. He did speak about obtaining five acres along Peter Pan, but the City wanted to keep that 40 acres together future economic development purposes.

Rusty Arnold stated that they intended to have this built by June 1 when our busses arrive. Jim Hardy asked if they had a contract with Harmon, and Rusty said no. He said the busses have already been ordered. The State reimburses them when they buy a new bus for \$84,000 they get 87.5% reimbursement, the district cost is 12 ½% for that bus. He stated that they purchased new busses and are getting the bulk of the money back. He stated he would rather have a new one if his cost is within \$2,000. He said he plans to park the busses until a permanent location is determined.

Philipp Umlauf moved to approve a request from USD 446 to initiate a public hearing to consider a text amendment that would allow "Bus garaging and equipment maintenance" as a conditional use in an R-4, medium density multifamily dwelling district. The motion was seconded by Andy McLenon. The motion carried 9-0.

g. Annual review of the Comprehensive Plan.

Staff provided a review which stated that by State statute the Planning Commission is required to review the Comprehensive Plan annually. In previous years the Planning Commission has recommended to the City Commission that the Comprehensive Plan be

updated. Due to budget constraints funding has not been allocated for this purpose. The estimated cost to update the plan would be approximately \$100,000.

Barb Emert moved that the Planning Commission would like to request the City Commission consider funding an update to the Comprehensive Plan, Brent Littleton seconded the motion. The motion carried 8-0 (Philip Umlauf had stepped outside and was absent for this vote).

### **Board of Zoning Appeals**

- h. Consider status update for 2016/VAR/09 relating to a variance from the hard surface requirement in an O & P zoned district at 900 W. Myrtle.**

The following staff report was provided and read by Chair Mary Jo Meier:

On December 6, 2016 the Board of Zoning Appeals approved a variance from the hard surface requirement in an O & P district at 900 W. Myrtle. This variance was requested due to the cost of up to \$56,000 to hard surface a driveway for a building that was intended to be temporary. As part of the approval, the Board of Zoning Appeals requested a status update in 12 months.

Since the initial approval in 2016 the Steering Committee appointed by the City Commission recommended rehabilitating the 1916 City Hall and building a new Public Safety facility across the street in the existing municipal parking lot located on the northeast corner of 6<sup>th</sup> and Myrtle. On February 6, 2018 when this item was last reviewed by the Board of Zoning Appeals it was reported that the City Commission had indicated they wish to move forward with the Steering Committee's recommendation. However, discussions are evolving to an alternative that may utilize the existing apparatus bay. Currently bids have been received on Phase I for 1916 City Hall. Therefore, it is still unknown at this time when and if the temporary apparatus bay will be needed by the Fire/EMS Department.

If the temporary apparatus bay is moved to the sanitation yard at 21<sup>st</sup> and Maple, which was the original plan when it was constructed with sanitation funds, then the area will be returned to its previous condition. If the temporary apparatus bay is not relocated, then the City would be required to hard surface the drive to comply with City code.

The Board of Zoning Appeals may wish to request an additional update in a specific period of time.

Jim Hardy stated that we need to review it in another year. Philipp Umlaff said he is inclined to not continue the variance as they had already been given a 12 month extension and are now on year 3. Brent Littleton said at the end of the day it cost the taxpayers. Philipp Umlauf said he agreed. Brian Beecham said the \$25,000 the school district spent is costing the taxpayers too, and it is going no where. Steve McBride said it is costing money, but until they are verified I am inclined to go with the temporary parking lot then throw \$56,000 in there and then move it to sanitation. He stated they need to keep it

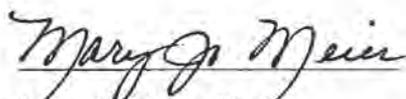
temporary and extend their variance one more year. Brian Beecham said he is frustrated that the City gets it one way, and businesses get a different standard. He stated that the taxpayers should not bear this, but at the some point it is frustrating, to see the environment. Steve McBride said it has been frustrating for nine years. Brian Beecham said their recommendation was rejected, and he would like to see it as a two way street. He stated one of the members of their board had to build a parking area, and we have a school district that cannot build a bus barn to serve our kids. Steve McBride said we are an advisory board. Mary Jo Meier said what impressed her at the work session was that they were clear as a group, and it reiterated to her, that the City Commission understood what the Planning Commission meant. She further stated it was unfortunate that the City Commission does not value their recommendations. Philipp Umlauf stated that it is not a lack of value, it is a lack of respect. Steve McBride said we need to move forward, and he is not going to judge somebody sitting on a Commission; "We need to take a stand and do what is best for us right now, as we do not have the authority, on this particular issue, as we see things always evolving, and no solid decisions have been made, we do the best thing, extend for one more year, but tell them that this is it. One more year only, and put hard surface in". Mary Jo Meier stated that we could word that motion similar to brewery and limit the variance to one year only. Philip Umlauf said one year is almost the second quarter of 2020, and wanted it hard dated to December 31<sup>st</sup>, 2019. Brent Littleton it did not think that they would have it hard surfaced by that time. Philipp Umlauf stated that the only caveat would be if they have a firm date when the new apparatus date will be complete and in service, at which time they can request an extension by that date. Further stating that; "We finally made a decision, we moved forward with this, this is the date we expect it be completed". Steve McBride said he didn't know if we can set a date. Philipp Umlauf said this is the date we project. Jim Hardy said regarding the Comprehensive Plan that he didn't see the City spending \$100,000, but they could put back \$10,000 a year for ten years. He said with the water treatment plant, City Hall and road conditions they have had a plan for five years and asked what the benefit of that was.

Steve McBride suggested reviewing the status in one year. Philipp Umlauf wanted the applicant to follow City codes or have a projected construction date at that time. Steve McBride said next year they could just deny the request.

Jim Hardy made the motion to review the status in one year, seconded by Michelle Anderson. The motion passed 6-0, with Philipp Umlauf abstaining.

### Adjournment

The meeting was adjourned with a motion by Barb Emert, seconded by Philipp Umlauf. The motion carried unanimously.

  
Mary Jo Meier, Chair

  
Andy McLenon, Secretary