

Planning Commission

b. Public hearings to consider a request to rezone tracts of land from County P-1 and Agricultural districts to M-2, Heavy Industrial district at the following locations:

1. **Tract #1: Southwest corner of County Road 3300-Russ Meyer Boulevard/Freedom Drive (Estimated 8.5 acre tract in the Airport Industrial Park)**
2. **Tract #2: 730 North Peter Pan Road (Estimated 39-acre tract in the West Laurel Industrial Park)**

Summary Regarding Rezoning Request:

The City Commission annexed Tract #1 at their June 21, 2012 meeting. The City Commission reannexed Tract #2 at their March 14, 2019 meeting. The Planning and Zoning Commission initiated rezoning of both tracts at their April 2, 2019 meeting. The hearing was originally scheduled for May 7, 2019, however, the publication was not published in time by the official City newspaper so it was rescheduled for June 4, 2019.

The legal descriptions are included with the attached hearing notice.

Description of the Tract(s):

Tract #1: The property consists of an estimated 8.5 acre tract located in the Airport Industrial park. This property was previously annexed into the City in 2012 but has not been rezoned.

Tract #2: This property consists of an estimated 39 acre tract located in the West Laurel Industrial Park. Several years ago, this property was annexed into the City and rezoned to M-2, Heavy Industrial. At the February 25, 2016 meeting the City commission approved a request of the property owner (Independence Action Partnership) to deannex the property so that they could drill oil and/or gas wells. No producing wells were developed. The property was then offered for sale to the City and is currently in a lease purchase agreement. The City reannexed the property into the City earlier this year and it will need to be officially rezoned.

Zoning and Uses of Property Nearby:

Tract #1: This property is zoned as County P-1 (Public Use) District and is included in the Airport Industrial Park. The property to the north is in the County and in the Airport Industrial Park and is utilized for manufacturing. The property to the east is in the County and is used for residential and agricultural purposes. The property to the south is zoned City M-2, heavy industrial and is included in the Airport Industrial Park. The property to the west is in the County and is used for manufacturing and is included in the Airport Industrial Park, and further west the property is zoned City M-2 and included in the Airport Industrial Park.

Tract #2: This property is zoned as County Agricultural District and is included in the West Laurel Industrial Park. The property to the north is in the County and is utilized for agricultural and residential purposes. A portion of the property to the east is in the County and is used for residential and agricultural purposes, while another portion of the property to the east is in the West Laurel Industrial Park and is zoned M-2, heavy industrial and is utilized for industrial type purposes. A portion of the property to the south is zoned C-2 and is utilized for a medical facility, while another portion of the property to the south is included in the West Laurel Industrial Park and is zoned M-2

and is utilized for manufacturing. The property to the west is in the County and is used for residential and agricultural purposes.

Character of the Neighborhood:

Both areas generally consists of manufacturing, agricultural and some residential uses.

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

Both properties are suitable for its previous use, although they have never been formally developed as they are both being utilized for agricultural purposes.

Length of Time the Property has Remained vacant as Zoned:

Both properties are currently vacant and have been utilized for agricultural purposes for several years.

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

The adjoining areas are not densely populated, so it not believed there will be a detrimental effect on those properties. These properties are part of existing Industrial Parks that were established many years ago and are intended for future industrial development.

The M-2 industrial district includes the following use limitations which will apply to these parcels if rezoned:

513.8. Use limitations:

- a. No retail sales or services shall be permitted, except as are incidental or accessory to a permitted use.
- b. No building shall be used for residential purposes except that a watchman may reside on the premises.

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 planned development of these tracts for industrial use.

Conformance with the Comprehensive Plan:

Tract 1: The airport is not included in the Comprehensive Plan.

Tract 2: The general development plan map recommends the area requested to be rezoned be developed as commercial with industrial nearby.

Objective I-1: Target industrial development to locations which maximize efficient usage of public and semi-public land and semi-public facilities necessary and minimize the cost of development. The proposals under consideration will minimize development costs as existing infrastructure is nearby.

Policy I-12: Industrial sites shall have access to arterial streets; preferably those leading directly to major highways. Tract 1: The airport streets are not classified in the Comprehensive Plan. However, improved roads exist which connect to a highway. Tract 2:

The proposal under consideration is on a collector street that is utilized as a minor arterial due to the traffic in this area.

Policy I-13: In addition to highway access, industrial parks and sites preferably shall have access to railroad and airport facilities. Tract 1: This property is located at the airport. Tract 2: A spur line adjoins a portion of this property.

Policy I-14: Whenever possible, public water and sewer service should be provided. City water and sewer service are existing in the area and can be extended to serve these tracts.

Objective I-2: Direct industrial activities to locations offering the least negative impact on surrounding land uses and the environment. The proposed rezoning under consideration should have little impact on the surrounding area if proper screening is implemented.

Police I-21: 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. There are areas with residential structures that are sparsely populated nearby, however, there are no densely populated areas adjoining the tracts.

Policy I-23: Access should be provided to industrial areas in a manner which prevents traffic through residential areas. Neither area is designated primarily as a residential neighborhood.

The proposal is consistent with industrial goals and objectives of the comprehensive plan which primarily set out general geographic criteria for locating industrial facilities.

Staff Recommendation

City staff recommends rezoning both tracts located in existing industrial parks to M-2, heavy industrial district.

NOTE: Due to the publication not being published on time in the Official City Newspaper, these hearings have been rescheduled.

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, June 4, 2019, at 5:30 p.m.

to receive comments on a request to rezone tracts of land from County Agricultural district to M-2, Heavy Industrial district.

The hearing pertains to the following location:

Legal Description:

Tract #1: Legal Description as set forth in Exhibit A attached hereto and incorporated herein by reference.

Tract #2: NE/4 SW/4 of Section 26, Township 32 South, Range 15 East, Montgomery County, Kansas; also described as Lots 14 and 15, West Laurel Street Industrial Park, City of Independence, Montgomery County, Kansas.

Common Address:

Tract #1: Southwest corner of County Road 3300-Russ Meyer Boulevard/Freedom Drive (Estimated 8.5 acre tract in the Airport Industrial Park)

Tract #2: 730 North Peter Pan Road (Estimated 39-acre tract in the West Laurel Industrial Park)

Applicant(s):

City of Independence, Kansas

Case Numbers:

2019/ZA/03

The hearings will be conducted in the Veterans Room, Memorial Hall, Penn/Locust, 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 these hearings, should provide their written comments to:

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

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

Kelly Passauer, Zoning Administrator

EXHIBIT A

Being an 8.489 tract of land located in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 21, Township 33 South, Range 15 East of the 6th Principal Meridian and being a portion of that tract of land conveyed by quit claim deed to the City of Independence, and recorded in Book 235, Page 275, Montgomery County Register of Deeds and being more particularly described as follows:

Commencing at a 1 $\frac{1}{2}$ " square iron bar found at the Southeast corner of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 21, said point also being located in County Road No. 3300;

thence N 00°06'02" W (an assumed bearing) along the East line of said SE/4 of the SE/4, Section 21 a distance of 546.75 feet to a point for corner in said county road;

thence S 89°53'05" W a distance of 90.13 feet to a 5/8" iron rod set for the POINT OF BEGINNING of said 8.489 acre tract;

thence S 89°53'05" W a distance of 679.14 feet to a 5/8" iron rod set for the Southwest corner of said tract;

thence N 00°19'2" W a distance of 450.00 feet a 5/8" iron rod set at a point 40.00 feet South of the center line of a 22.00 foot wide asphalt road known as "E" Street in City of Independence airport;

thence N 89°53'05" E a distance of 109.34 feet to a 5/8" iron rod set at the point of curvature of a tangent circular curve to the left with a central angle of 40°18'24", a radius of 291.36 feet and a tangent length of 106.93 feet;

thence along said tangent circular curve an arc length of 204.97 feet and a chord bearing and distance of N 69°43'55" E 200.77 feet, to a 5/8" iron rod set at the point of tangency of said curve;

thence N 49°34'47" E parallel with the centerline of said "E" Street a distance of 85.39 feet to a 5/8" iron rod set at the point of curvature of a tangent circular curve to the right with a central angle of 40° 18'24", a radius of 211.36 feet and a tangent length of 77.57 feet;

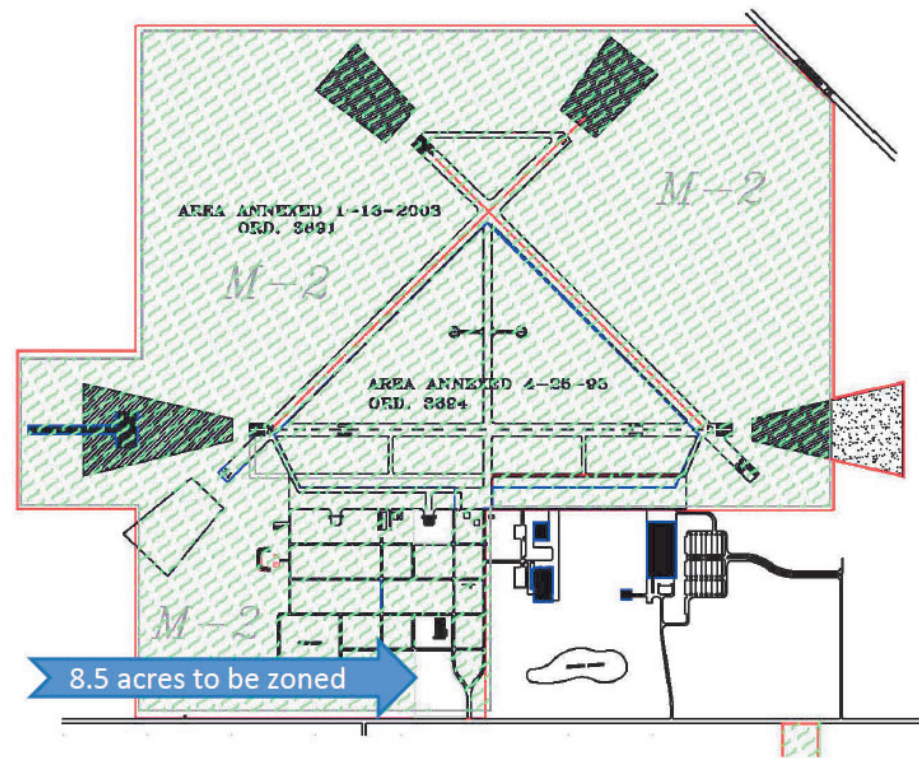
thence along said tangent circular curve an arc length of 148.69 feet and a chord bearing and distance of N 69°43'55" E, 145.65 feet to a 5/8" iron rod set at the point of tangency of said curve;

thence N 89°53'05" E parallel with the centerline of said "E" Street a distance of 181.26 feet to a 5/8" iron rod set at the Northeast corner of said 8.489 acre tract;

thence S 00°06'02" E parallel with the East line of said SE/4 of the SE/4 of Section 21, a distance of 624.58 feet to the POINT OF BEGINNING

Public Hearings to consider rezoning of the following tracts annexed into the City:

1. Estimated 8.5 acre tract at the Airport Industrial Park; and



Public Hearings to consider rezoning of the following tracts annexed into the City:

2. Estimated 39 acre tract at the West Laurel Industrial Park.

