

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

- d. Consider a variance request to decrease the setbacks in a C-2, commercial services district at 611 W. Main Street, 615 W. Main Street, and 101 S. 12th Street.

Overview of Variance Requested

The Board of Zoning Appeals has received an application from SimonCRE JC Sparky V, LLC to grant a variance from the setback regulations as provided for in the zoning ordinance. Their request is to encroach upon the 10' rear yard setback 8.33' to construct a retail store 1.67' from the rear property line.

Review of Request

The applicant is planning to construct an O'Reilly's Auto Parts Store 1.67' from the rear property line.

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; This lot is 140' deep, which is common for lots in many of the older neighborhoods in the City. This area was originally platted for residential use. The applicant has indicated that they feel the lot is too shallow to fit their desire site layout.*
- b. *That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents; It is not believed that this encroachment 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 the developer to redesign the layout for the auto parts store.*
- 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

If the Board of Zoning Appeals wishes to approve this request, then the recommended motion would be to reduce the rear yard setback on the south 8.5', from 10' to 1.5'.

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, May 5, 2020 at 5:30 p.m.

To receive comments on a variance request to decrease the setbacks in a C-2, commercial services district at the following location:

Common Address:

Tract #1: 611 W. Main Street

Tract #2: 615 W. Main Street

Tract #3: 101 S. 12th Street

Legal Description:

Tract #1: The west 5.5 feet of Lot 4, all of Lots 5 and 6, and the east 11.5 feet of Lot 7, Block 60, Original City of Independence, Montgomery County, Kansas.

Tract #2: The west half of Lot 7 and all of Lots 8 and 9, except the west 2 feet of Lot 9, Block 60, Original City of Independence, Montgomery County, Kansas.

Tract #3: Lots 1, 2 and 3 and the east 17 1/2 feet of Lot 4, in Block 60, Original City of Independence, Montgomery County, Kansas.

Applicant/Owners:

SimonCRE JC Sparky V, LLC

Case Number:

2020/VAR/01

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. However, due to the Governor's executive order limiting gathering to less than 10 individuals, participation is encouraged via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 886 362 748#

All interested persons should participate in the meeting via conference 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

APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: April 6, 2020

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

SimonCFEJC Sparky V, LLC
6900 E2nd Street
Scottsdale, AZ 85251
P: 480-745-1956

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

Name: Anderson Engineering, Inc - Aaron Hargrave
Address: 3213 SWest Bypass, Springfield, MO 65807
Telephone: 417-866-2741

4. Common Address of Land Involved:

SW corner of W Main St & 12th Street

5. Legal Description of Land Involved:

See Attached

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

Reduce rear building setback per the attached sketch.

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:

Shallow lot from Main Street to public alley on south side of the lot creates difficulty in getting commercial site layout with adequate parking to fit the lot

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

The existing alley along the south side of the property provides separation between the adjacent properties and the proposed layout on the subject property.
The layout and intensity of the proposed development is cohesive with the recent, surrounding developments.

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

A lot that has been re-zoned is not able to be developed as planned
Possible reduction in proposed building size and loss of planned revenue by developer

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

The alley along the south side of the development provides adequate separation for the building from the adjacent properties.
The development is similar in intensity and separation as other developments in the area

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

The look and feel of the proposed development will be compatible with the nearby developments because the layout and intensity of proposed development is similar to other developments in the area.

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: _____

Peter Krahenbuhl
VP of Development

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

COMMITMENT LEGAL DESCRIPTION

First American Title Insurance Company File No. NCS-972094-PHX1 dated July 25, 2019, at 8:00 AM

LOTS 1, 2 AND 3 AND THE EAST 17 1/2 FEET OF LOT 4, IN BLOCK 60, IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS.

First American Title Insurance Company File No. NCS-971860-PHX1 dated July 22, 2019, at 8:00 AM

THE WEST 5.5 FEET OF LOT 4, ALL OF LOTS 5 AND 6, AND THE EAST 11.5 FEET OF LOT 7, IN BLOCK 60, ORIGINAL CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS.

First American Title Insurance Company File No. NCS-972391-PHX1 dated July 25, 2019, at 8:00 AM

THE W/2 OF LOT 7 AND ALL OF LOTS 8 AND 9, EXCEPT THE WEST 2 FEET OF LOT 9, BLOCK 60, CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS.

ZONING CODE

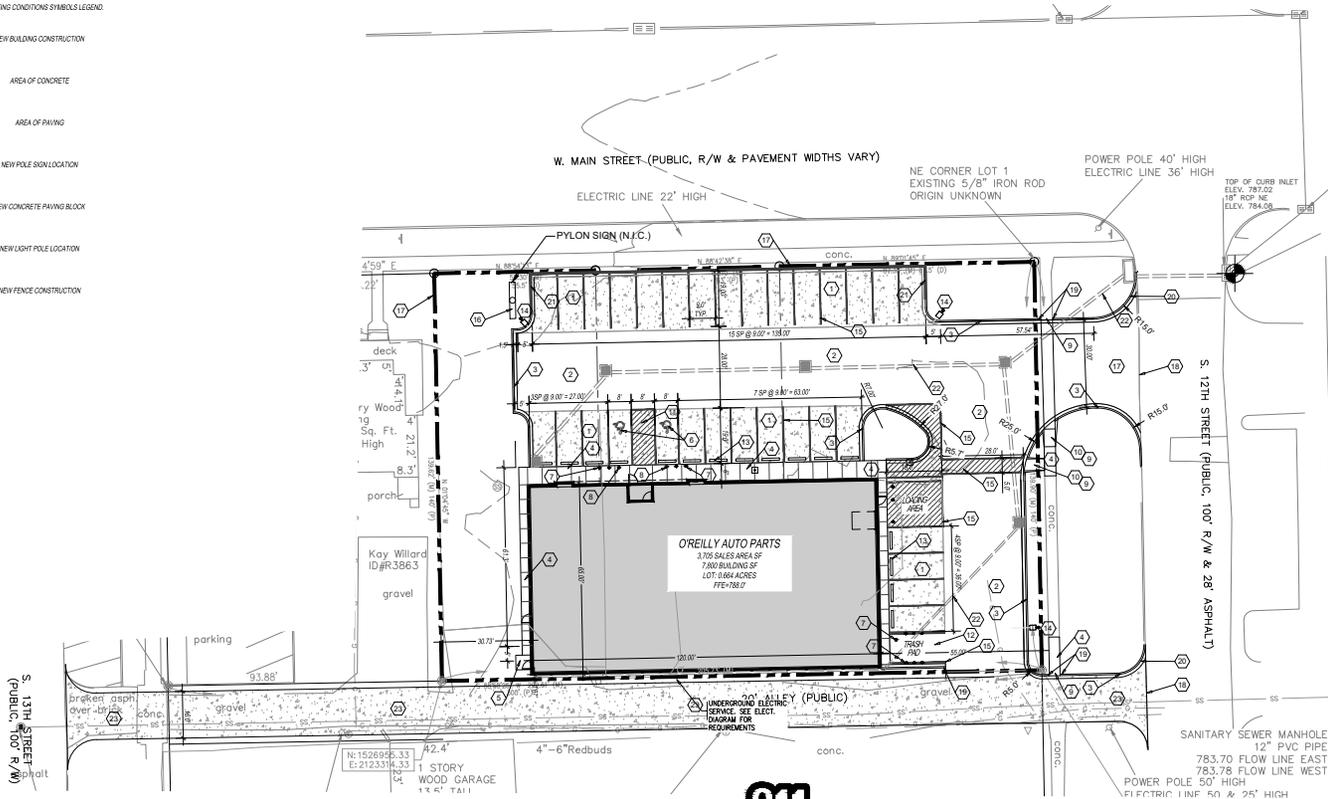
ZONING CLASSIFICATION: GENERAL COMMERCIAL (C-3)
 (REFER SURVEY)
 PROPERTY AREA: 22,199 SQ. FT.

PARKING SUMMARY
 PARKING FORMULA: 1 SP. PER 200 SQ. FT. GFA
 SPACE SIZE: 9' x 20'
 SPACES REQUIRED: 38
 SPACES PROVIDED: 46
 H.C. SPACES PROVIDED: 2

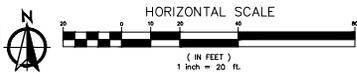
SYMBOLS LEGEND

NOTE: REFER TO SURVEY FOR EXISTING CONDITIONS SYMBOLS LEGEND.

	NEW BUILDING CONSTRUCTION
	AREA OF CONCRETE
	AREA OF PAVING
	NEW POLE SIGN LOCATION
	NEW CONCRETE PAVING BLOCK
	NEW LIGHT POLE LOCATION
	NEW FENCE CONSTRUCTION



1 SITE DEVELOPMENT PLAN
 C2.1 SCALE: 1" = 20'-0"



811
 Know what's below
 Call before you dig.

GENERAL NOTES

- (A) REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS. ALL ON-SITE CONCRETE TO BE 4,000 PSI.
- (B) SITE DIMENSIONS TO FACE OF CONCRETE FOUNDATION, SIDEWALK, CURB, GUTTER LINE, PROPERTY LINE, OR CENTER LINE OF STRIPING UNLESS OTHERWISE NOTED.
- (C) COORDINATE WORK WITH OTHER SITE RELATED DEVELOPMENT DRAWINGS.
- (D) REFER TO STRUCTURAL DRAWINGS FOR BUILDING DIMENSIONS AND LAYOUT OF SIDEWALKS ADJACENT TO BUILDING PERIMETER.
- (E) PRIOR TO INSTALLATION, CONTRACTOR TO VERIFY LOCATIONS OF LIGHT POLES, LANDSCAPING, AND UTILITIES DO NOT CONFLICT WITH SITE SIGN LOCATION SHOWN. IF CONFLICT IS DISCOVERED, CONTRACTOR TO NOTIFY OWNER'S REPRESENTATIVE PRIOR TO PROCEEDING WITH THE WORK.
- (F) FOR BUILDING FRONT SIDEWALK GENERAL DEVELOPMENT LAYOUT CONCEPT, REFER TO DETAIL 10C2.2.

KEY NOTES

- (1) CONCRETE PAVING (STANDARD DUTY) AT PARKING AREAS. REFER TO DETAIL 10C2.2.
- (2) CONCRETE PAVING (HEAVY DUTY) AT DRIVE AREAS, DRIVE APPROXS, FIRE LANES, AND REFUSE AREA. REFER TO DETAIL 10C2.2.
- (3) CONCRETE CURB. REFER TO DETAIL 30C2.2.
- (4) CONCRETE SIDEWALK CURB. REFER TO DETAIL 40C2.2 AND TO STRUCTURAL DRAWINGS FOR LAYOUT OF CURB, AND EXPANSION JOINTS ADJACENT TO BUILDING PERIMETER.
- (5) CONCRETE SIDEWALK OR DOOR LANDING. REFER TO DETAIL 50C2.2 AND STRUCTURAL DRAWINGS FOR LAYOUT OF CURB, AND EXPANSION JOINTS ADJACENT TO BUILDING PERIMETER.
- (6) ACCESSIBLE PARKING SYMBOL, PAVEMENT STRIPING. REFER TO DETAIL 60C2.2.
- (7) STEEL BOLLARD. REFER TO DETAIL 70C2.2. PROVIDE (2) AT REFUSE CONTAINER AREA, (2) AT SECTIONAL DIVISIONS, PRESSURE DOOR, AND (2) AT FRONT ENTRY. REFER TO STRUCTURAL DRAWINGS FOR LAYOUT OF BOLLARDS ADJACENT TO BUILDING PERIMETER.
- (8) ACCESSIBLE PARKING SIGN. REFER TO DETAIL 80C2.2.
- (9) ACCESSIBLE TRANSITION. REFER TO DETAIL 90C2.2.
- (10) ACCESSIBLE CONCRETE CURB RAMP TO BE INSTALLED PER CITY AND/OR STATE DESIGN STANDARDS. IF NO STANDARDS PROVIDE CONCRETE CONSTRUCTION PER DETAIL 10C2.2.
- (11) ACCESSIBLE PARKING SPACE WITH ACCESSIBLE ADA COMPLIANT TO SLOPE 2% MAXIMUM IN ALL DIRECTIONS. PROVIDE PAVEMENT MARKINGS TO MATCH STRIPING COLOR UNLESS OTHERWISE REQUIRED TO COMPLY WITH GOVERNING ACCESSIBILITY REGULATIONS.
- (12) REFUSE ENCLOSURE. REFER TO 11C2.3.
- (13) CONCRETE BUMPER BLOCK (8" W X 5" H X 6'-0" LONG) ANCHORED TO PAVING WITH (2) 1/2" LONG #4 REBAR.
- (14) PARKING LOT LIGHTING. REFER TO SITE UTILITY PLAN FOR TYPE AND CONSTRUCTION.
- (15) IN-PAVEMENT STRIPING AS SHOWN USING HIGHWAY MARKING PAINT - YELLOW (2 COATS).
- (16) SITE SIGN. REFER TO SHEET 801 FOR TYPE, CONSTRUCTION AND LOCATION. SIGN OWNER PROVIDED AND INSTALLED. REFER TO SCOPE OF WORK SCHEDULE. REFER TO SITE UTILITY PLAN FOR ADDITIONAL REQUIREMENTS.
- (17) CONCRETE DRIVE APPROX TO BE INSTALLED PER CITY AND/OR STATE DESIGN STANDARDS. IF NO STANDARDS PROVIDE CONCRETE CONSTRUCTION PER DETAIL 10C2.2.
- (18) LIMITS OF NEW PAVING MATCH EXISTING PAVEMENT TRANSITION ELEVATIONS AT TRANSITIONS OF NEW CONCRETE TO EXISTING CONCRETE PAVEMENT, EPOXY DOVELE PAVEMENT INTO EXISTING WITH 1/4" X 1/4" SMOOTH DOVELES MATCHING NEW PAVEMENT REINFORCEMENT STRIPING. PROVIDE SLOPE AT JOINTS.
- (19) ROLL DOWN CURB END TRANSITION SLOPING 1:2.
- (20) CONCRETE CURB IN RIGHT-OF-WAY TO MATCH EXISTING PER CITY AND/OR STATE DESIGN STANDARDS.
- (21) RETAINING CURB PER GRADING PLAN.
- (22) DRAINAGE STRUCTURES. REFER TO SHEET C1.1.
- (23) CONCRETE ALLEY PAVEMENT. REFER TO DETAIL 14C2.2.



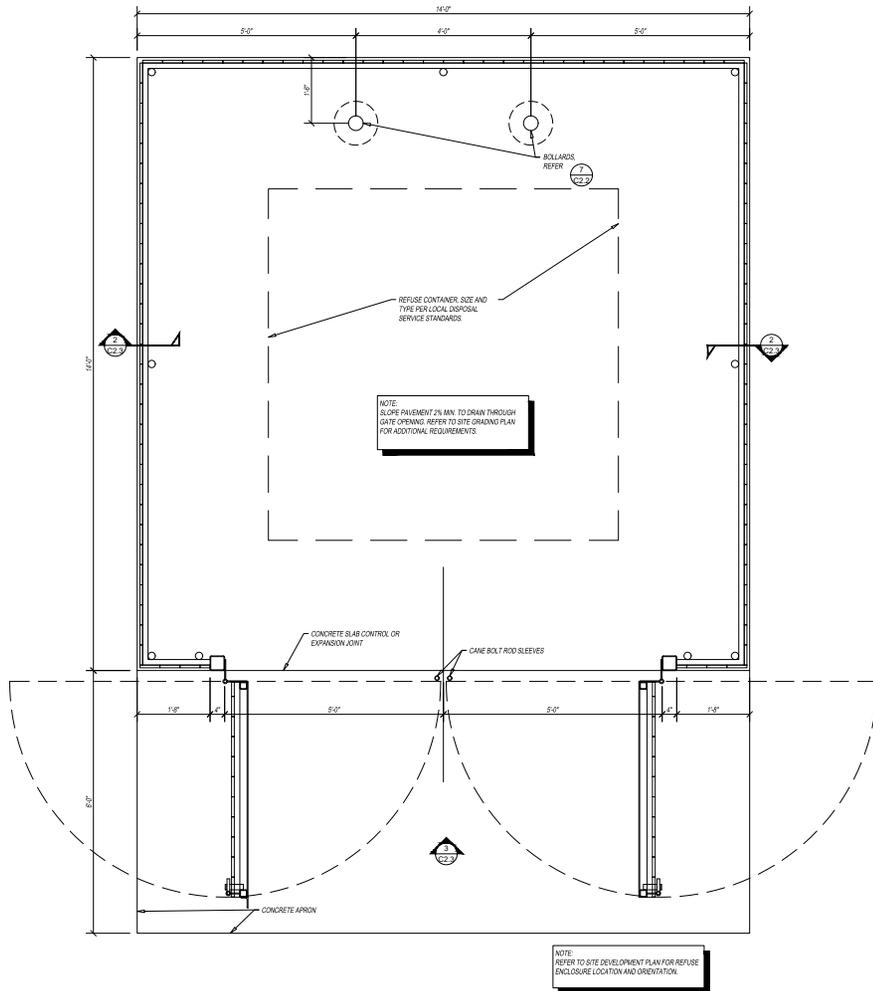
PROJECT:
O'REILLY AUTO PARTS STORE
MAIN ST & 12TH ST,
INDEPENDENCE, KANSAS
SITE DEVELOPMENT PLAN



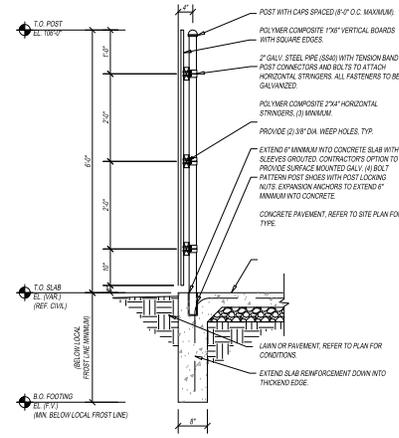
DRAWN BY: DJG
 CHECKED BY: JMD
 DATE: 02-28-20
 REVISION:

PROJECT NUMBER:

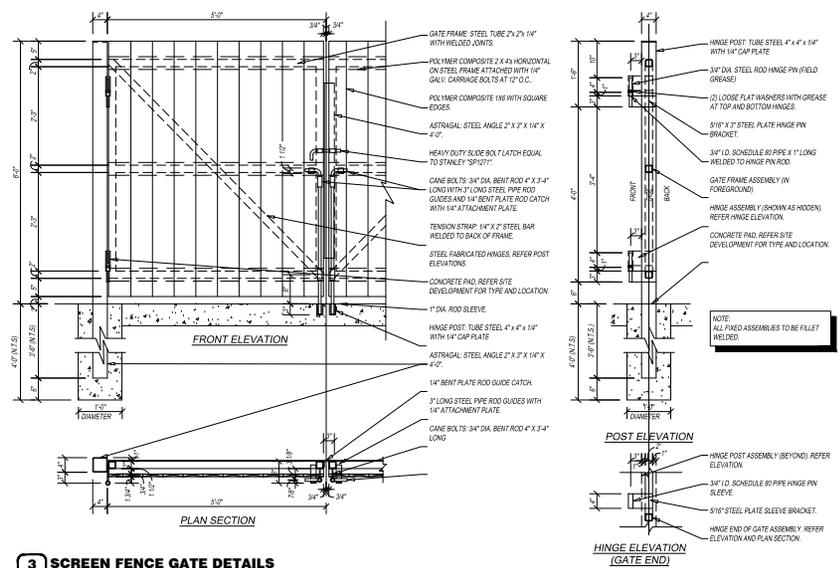
SHEET NUMBER
C2.1



1 POLYMER COMPOSITE MATERIAL SCREEN FENCE REFUSE ENCLOSURE PLAN
 CS.3 SCALE: 3/4" = 1'-0"



2 SCREEN FENCE SECTION
 CS.3 SCALE: 3/4" = 1'-0"



3 SCREEN FENCE GATE DETAILS
 CS.3 SCALE: 3/4" = 1'-0"

GENERAL NOTES

- 1 REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
- 2 DIMENSIONS ARE TO ROUGH FACE OF CONCRETE, FRAMING, OR CENTER LINE OF STRUCTURE UNLESS OTHERWISE INDICATED.
- 3 REFER TO CIVIL DRAWINGS FOR ADDITIONAL REQUIREMENTS.
- 4 REFER TO ARCHITECTURAL EXTERIOR FINISH SCHEDULE FOR MATERIAL TYPES, COLORS, AND FINISHES. UNLESS OTHERWISE INDICATED PROVIDE FINISHES AS FOLLOWS:
 - 1. ALL NON-GALVANIZED METAL PARTS TO BE PRIMED AND PAINTED; (2) COATS SHERWIN WILLIAMS SBR48 "MILK CLUST"
 - 2. POLYMER COMPOSITE MATERIAL COLOR TO BE EQUAL TO "TREN" SELECT SERIES "PHEBE GREY". FINAL COLOR TO BE SELECTED BY OWNER FROM MANUFACTURER'S STANDARD SAMPLES.



PROJECT: O'REILLY AUTO PARTS STORE
 MAIN ST & 12TH ST.
 INDEPENDENCE, KANSAS
SITE DEVELOPMENT DETAILS

MO ANDERSON ENGINEERING
 ENGINEERS & ARCHITECTS
 2810 W. WOODLAND AVE. SUITE 100
 INDEPENDENCE, MO 64601
 PH: 816.833.8888 FAX: 816.833.8889
 WWW.MOANDERSONENGINEERING.COM

DRAWN BY: DJG
 CHECKED BY: JMD
 DATE: 02-28-20
 REVISION:

PROJECT NUMBER:

SHEET NUMBER
C2.3

CITY OF INDEPENDENCE

REC#: 01087812 4/07/2020 12:37 PM

OPER: JESS TERM: 001

REF#:

ACCT #: XXXX-XXXX-XXXX-7747

AUTH #: 82746P

TRAN #: 000000004616

TYPE: PURCHASE

TRAN: 1.9000 VARIANCE

VARIANCE FEE

OREILY AUTO PARTS

MISC FEES

100.00CR

TENDERED: 100.00 CREDIT CARD

APPLIED: 100.00-

CHANGE:
 0.00