



CITY COUNCIL Regular Meeting

August 19, 2024

6:00 PM, Council Chambers - 111 E. Maple Ave.

To view a Council meeting agenda, visit <https://independencemo.portal.civicclerk.com/> and select 'Most Recent Council Agenda'.

INVOCATION

1. The Invocation will be given in Spanish by Sergio Quintero

THE PLEDGE OF ALLEGIANCE

ROLL CALL

CITIZEN REQUESTS

PROCLAMATIONS

CONSENT AGENDA

Reports and Recommendations of the City Manager

1. A request for Council approval on the application from KCD KC Disposal, LLC for a Certificate of Public Convenience and Necessity as a refuse and trash collector/hauler.
2. Council action is requested to authorize the City Manager to enter into a design contract with, and issue a purchase order to, Burns & McDonnell, in the amount of \$844,876, authorizing future minor change orders not to exceed \$84,487.60, for engineering and design services as part of the Truman Connected Phase II Project (No. 112401).
3. Council action is requested to authorize the City Manager to approve purchase order change order #2 to the design contract with Renaissance Infrastructure Consulting for an amount not to exceed \$48,245 authorizing future minor change orders not to

exceed \$14,039 as part of the Leslie to Crane at Hereford Drainage Improvement Project (No. 132201).

4. Council action is requested to authorize the City Manager to approve a construction contract with MegaKC Corporation, for an amount not to exceed \$4,060,200 authorizing future minor change orders not to exceed \$406,020 and/or time extensions as part of the Rock Creek Waste Water Treatment Plant Rehabilitation Project (No. 302205).
5. Council action is requested to authorize the City Manager to approve a construction contract with Abay Construction, Inc., for an amount not to exceed \$300,689 authorizing future minor change orders not to exceed \$30,068.90 and/or time extensions for Phase 1 of the Rock Creek CMP Repair and Replacement Project (No. 132402).
6. Council action is requested to authorize the City Manager to approve a construction contract with Infrastructure Solutions, LLC (I-Solutions), for an amount not to exceed \$510,000 authorizing future minor change orders not to exceed \$51,000 and/or time extensions as part of the 23rd St. Main Replacement (R.D. Mize Rd. to Redwood Ave.) Project (No. C24-203-401301).
7. Council action is requested to approve a contract with the Englewood Arts for the license of the Englewood public area for the Englewood ReArt Festival.
8. Council action is requested to issue a purchase order for Black & McDonald in the amount of \$291,016.67, for the Transmission Single Steel Pole Replacement for the Power & Light Department.
9. Council action is requested to award a purchase order to Burns & McDonnell in the amount of \$250,000.00 to cover Transmission Planning Support Services for the Power & Light Department.

RESOLUTIONS

1. 24-755 A Resolution reappointing Steve McLuckie to the Public Utilities Advisory Board
2. 24-756 A Resolution appointing Greg McGhee to the Public Utilities Advisory Board.
3. 24-757 A Resolution reappointing Michael Rose to the City Judicial Commission
4. 24-758 A Resolution reappointing John Lunn to the Sustainability Commission
5. 24-759 A Resolution reappointing Donna Pittman to the Public Safety Tax Oversight Committee

6. 24-760 A Resolution reappointing R. Scott Smith and Timothy Deveney to the Storm Water Oversight Committee

REGULAR AGENDA

PUBLIC HEARING(S)

1. A public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code relating to police facilities. **Full Public Hearing.**

24-069 **2R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to police facilities. **2R**
2. A public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code relating to home-based businesses. **Full Public Hearing.**

24-070 **2R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to home-based businesses. **2R**
3. A public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code relating to small box discount stores, tobacco stores, convenience stores and liquor stores. **Full Public Hearing.**

24-071 **2R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to small box discount, tobacco, convenience and liquor stores. **2R**
4. A public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code relating to recreational vehicle park use. **Full Public Hearing.**

24-072 **2R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to Recreational Vehicle Parks. **2R**
5. A public hearing for the application to rezone the property at 1301 S. Noland Road from C-2, General Commercial, to R-6, Single Family Residential. **New Information Only.**

24-073 **2R** An ordinance approving a rezoning from District C-2 (General Commercial) to R-6 (Single Family Residential) for the property at 1301 S. Noland Road. **2R**
6. A public hearing for the application to rezone the property at 19307 E. Holke Road from R-1, Single Family Residential Estate, to R-6, Single Family Residential. **New**

Information Only.

24-074 **2R** An ordinance approving a rezoning from District R-1 (Single Family Residential Estate) to R-6 (Single Family Residential) for a portion of the property at 19307 E. Holke Road. **2R**

7. A public hearing for the application to rezone the property at 1550 S. Noland Road from C-2, General Commercial, to C-2/PUD, General Commercial/Planned Unit Development, and approve a Preliminary Development Plan. ***New Information Only.***

24-075 **2R** An ordinance approving a rezoning from District C-2 (General Commercial) to District C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan for the property located at 1550 S. Noland Road. **2R**

8. A public hearing for the Special Use Permit application to operate a group home at 801 W. 23rd Street. ***New Information Only.***

24-076 **2R** An ordinance approving a Special Use Permit to operate a group home for transitional housing at 801 W. 23rd Street, in Independence, Missouri. ***Valid legal protest filed - five affirmative votes required to approve.***
2R

9. A public hearing for the application to rezone the property at 13001 E. US 40 Highway from C-1, Neighborhood Commercial, and C-2, General Commercial, to C-2, General Commercial. ***New Information Only.***

24-077 **2R** An ordinance approving a rezoning from District C-2 (General Commercial) and C-1 (Neighborhood Commercial) to C-2 (General Commercial) for the property at 13001 E. US Highway 40. **2R**

ORDINANCES

1. 24-056 **2R** An ordinance authorizing the City Manager to execute a certain grant agreement with the Missouri Highways and Transportation Commission for the Truman Connected Phase II Project (City Project No. 112102 / Federal Project No. CMAQ-3379(441) & CRP 3379 (446)). **2R**
2. 24-068 **2R** An ordinance authorizing acceptance of the 2024 Midwest High Intensity Drug Trafficking Area (HIDTA) Memorandum of Understanding (MOU) for the Kansas City / Overland Park DEA Task Force Initiative, and related documents, with the Kansas Bureau of investigation, for a grant award in the amount of \$163,362.00; making the necessary appropriations; authorizing future change orders for additional funding and/or time extensions; and authorizing

certain future appropriations. **2R**

3. 24-078 **2R** An ordinance amending Article 5 of Chapter 19 of the City Code enacting a maximum number of refuse collection establishments operating in the City. **2R**
4. 24-079 **2R** An ordinance approving a final plat for Behavioral Health, in Independence, Jackson County, Missouri. **2R**
5. 24-080 **2R** An ordinance approving a final plat for Timber Creek Ranch – 3rd Plat, in Independence, Jackson County, Missouri. **2R**
6. 24-081 **2R** An ordinance approving a final plat for Timber Creek Ranch – 4th Plat, in Independence, Jackson County, Missouri. **2R**
7. 24-082 **2R** An ordinance vacating an existing unconstructed right-of-way being part of St Clair Park, on, and across lots 240-248, a subdivision in Independence, Jackson County, Missouri. **2R**
8. 24-083 **2R** An ordinance authorizing an agreement with the Missouri Highways and Transportation Commission for the Public Transit Operating Assistance Grant in the amount of \$141,300.64 for operating expenses associated with transit service for the period July 1, 2024, through June 30, 2025; and making the necessary appropriations. **2R**
9. 24-084 **2R** An ordinance authorizing the City Manager to accept a grant from Mid-America Regional Council in the amount of \$88,007 for the City's senior adult nutrition site program for fiscal year 2024-2025, and execute the amendment community center services agreement; making the necessary appropriations; authorizing future change orders for additional funding and/or time extensions; and, authorizing certain future appropriations. **2R**

FIRST READING(S)

1. 24-085 **1R** An ordinance authorizing the 2024 Midwest High Intensity Drug Trafficking Area (HIDTA) Memorandum of Understanding (MOU) for the Investigative Support Center Initiative, and related documents, with the Kansas Bureau of Investigation, for a grant award in the amount of \$154,459.00; making the necessary appropriations; authorizing future change orders for additional funding and/or time extensions; and authorizing certain future appropriations. **1R**
2. 24-086 **1R** An ordinance authorizing the City Manager to execute a certain grant agreement with the Missouri Highways and Transportation Commission for the Fairmount Loop Project (Project No. 112501 / Federal Project No. TAP-3379(444)).

1R

3. 24-087 **1R** An ordinance approving a rezoning from District C-2 (General Commercial) and R-6 (Single Family Residential) to R-6 (Single Family Residential) for the property at 15552 E. US 24 Highway. **1R**
4. 24-088 **1R** An Ordinance adding a new Article 5, Legal Description, to the Independence City Code, Chapter 10. **1R**

INFORMATION ONLY

1. Municipal Division Monthly Case Report for May, June and July, 2024
2. ***Please Note:*** In accordance with RSMo. 610.021, the City Council may convene in an Executive Session during or after the meeting, in the Council Chambers and move to Conference Room D for the closed meeting, on matters of litigation, legal action, and/or attorney client communications, as permitted by Sec. 610.021(1), on matters of personnel, as permitted by Sec. 610.021(3) and personnel records, as permitted by 610.021(13), on matters of contracts, as permitted by 610.021(12), on matters of real estate, as permitted by 610.021(2) and/or matters of labor negotiations, as permitted by 610.021(9).

COUNCILMEMBER COMMENTS

ADJOURNMENT

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

A request for Council approval on the application from KCD KC Disposal, LLC for a Certificate of Public Convenience and Necessity as a refuse and trash collector/hauler.

Recommendations:

Staff does not recommend approval of this request.

Background:

KCD KC Disposal, LLC has submitted an application requesting City Council approval to provide refuse and trash collection services within the City. If approved the number of licensed trash/refuse haulers in the City will increase from seven to eight.

Section 19.05.007 of the Code states that City Council shall consider said application and shall issue a license here-under when it finds that the public convenience and necessity require the proposed refuse collection service for which application has been submitted. In determining whether public convenience and necessity require the licensing of a proposed refuse collection service, the Council shall consider:

1. Whether the public is at the time adequately served;
2. The number, kind, and type of equipment;
3. The schedule of rates proposed to be charged;
4. Whether the safe and sanitary use of the streets by the public, both vehicular and pedestrian, will be preserved; and
5. Other facts as the Council shall consider relevant.

In addition the Council may consider:

1. That insurance policies as required by City ordinances have been procured.
2. That the applicant is a fit and proper person to conduct or work in the proposed business.
3. That all the requirements of this Article and all other ordinances and laws have been complied with by the applicant.
4. Whether there is more than one collection vehicle for each 1500 residential customers, other than standby units or commercial and industrial units. This factor is merely an indicator of what has been determined to be adequate minimum service. It is a guide and not absolute limitation.

The applicant's business is in Edwardsville, KS. According to their letter of explanation they currently serve in surrounding cities and are receiving requests from potential customers to operate in Independence. KCD KC Disposal, LLC plans to start with one trash/refuse collection truck in Independence. The application includes a certificate of insurance and a copy of current state motor vehicle inspections for the truck. The proposed rate for residential service is \$22.00 per month for trash for 95-gallon container and \$20.00 per month for 65-gallon

container, and \$10 per month for recycling; trash is picked up weekly and recycling would be picked up bi-weekly. The background investigation conducted by the revealed the corporate officers meet the requirements of the Code.

The City currently has seven licensed trash/refuse haulers that provide weekly trash collection with 98 trash refuse/collection trucks licensed among these businesses. With approximately 51,251 households in the City, as reported in the 2022 Census, the current ratio of trash/refuse collection trucks to households is 1 to 523. If this application is approved, the number of trash/refuse collection trucks licensed would be 99, and the ratio of trucks to households would become 1 to 518.

Based upon the Code's reference to an indicator of adequate minimum service, the current number of licensed trash/refuse collection trucks exceeds the City's minimum service standard by over 2.9 times. The guideline seems to indicate that there is not sufficient need for another trash/refuse hauler in the City. The applicant otherwise meets the Code requirements.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Redacted KC Disposal Application
2. Letter of Explanation
3. Redacted Background Check
4. 2024 Dot Inspection KCD 829 5-18-24

Page 9 of 706

Will accounts be residential, commercial, or both? Both

Proposed rate schedule See the attached proposed rate schedule

All certificate holders shall file a record of current price schedules with the City Clerk and shall refile with the City Clerk all new schedules thirty (30) days prior to any proposed rate increase and shall notify all customers by mail within a like period.

Total number of vehicles to be licensed: 1

Description of vehicles to be licensed must include the following information:

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN No.</u>	<u>State License No.</u>
2023	Mack	LR 64	1M2LRGC0PM008158	KS 721338

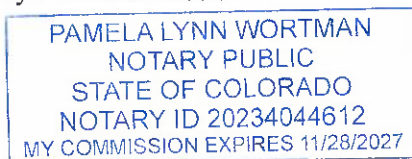
The following items must be attached to this application:

1. A certificate of general liability insurance in the minimum amount of \$500,000. The certificate of insurance must reflect a thirty (30) day cancellation notice.
2. A Certificate of Insurance showing proof of Worker's Compensation Insurance.
3. A Certificate of Good Standing for the corporation, LLC, LC or LP ownerships.
4. A copy of the Missouri State Inspection Certificate, or its equivalent, for the current year for each vehicle.
5. Payment of \$25.00 per vehicle.

Return completed forms and attachments to the Business License window at the second floor of City Hall which is located at 111 E. Maple, Independence, MO. All payments are due with the application.

I, the undersigned, declare to the best of my knowledge and belief, that the statements made herein are true and correct. I fully understand that any license issued pursuant to this application is not transferable or assignable to another person or company without approval of the City of Independence and that any violation of any City ordinance appurtenant to the regulation of or operation of any vehicle for which a license is required may result in the suspension or revocation of any and all such licenses.

I understand that a Business License can only be granted subject to the restrictions upon its use. I hereby agree that I will observe those restrictions as specifically enumerated in Chapter 5 of the City Code of the City of Independence, Missouri. I further agree to submit, prior to any change in location of my business, an application for a license transfer to the City License Officer.



[Signature]
Signature of Owner, Partner or Corporate Officer

Subscribed and sworn to before me, a Notary Public, this 10th day of May, 2024

My Commission Expires: 11-28-2027

[Signature]
Notary Public



Fee Schedule

Garbage Service (trash only)

95 Gallon container - \$22.00 per month

65 Gallon container - \$20.00 per month

Picked up weekly

Recycling

95 Gallon container - \$10 per month

(additional charge and container)

Picked up bi-weekly

NOTE: Monthly pricing. Billed quarterly.

BUSINESS LICENSE APPLICATION

City of Independence, Missouri

Community Development Department – Regulated Industries Division

P O Box 1019, Independence, MO 64051 (Mailing Address)

111 East Maple, Independence, MO 64050 (Street Address)

Web Site Address: www.indepmo.org/businesslicense

Telephone: 816-325-7079

Fax: 816-325-7770

Name of Business Owner/Corporation KCD KC Disposal, LLC
Mailing Address 10011 Woodend Road Suite/Unit #
City & State Edwardsville, Kansas Zip 66111 - Attn: Matt Gibson
Phone # (913) 378-7140 Ext. Fax # ()
Contact Person Matt Gibson Cell Phone # () E-Mail mgibson@kansascitydisposal.com

Business Name KCD KC Disposal, LLC
Business Address 10011 Woodend Road Suite/Unit #
City & State Edwardsville, Kansas Zip 66111 - Attn: Matt Gibson
Phone # (913) 913-378-7140 Ext. Fax # ()
Contact Person Matt Gibson Cell Phone # () E-Mail mgibson@kansascitydisposal.com

Should renewals be mailed to? (Check One) Owner Address Business Address X
Should licenses be mailed to? (Check One) Owner Address Business Address X

Business Ownership (Check One):

(1) Individual (2) Partnership (3) Corporation (4) LP (5) LLC X

Describe type of business Trash collection and disposal

Number of Employees 40 MO Sales Tax No. Taxpayer I.D. or SSN 82-3675110

Date business began operating in Independence, or is expected to begin: approximately 30 days after receiving a permit

Projected Gross Receipts for Next Twelve Months \$ less than \$25,000 *

***Businesses without an office in Independence should project gross receipts for Independence only.**

FEE CALCULATION

The minimum business license fee is \$75.00. The maximum license fee is \$30,000.00. The license fee is calculated as follows: \$75.00 for projected gross receipts of \$1.00 to \$25,000, plus \$0.29 per each \$1,000 in projected annual gross receipts exceeding \$25,000.

Business License Fee (Calculated as set out above-based on gross receipts)	\$ <u>75.00</u>
Vehicle Fee # of trucks (in Independence, MO.) @ \$25.00 each	\$ <u>25.00</u>

TOTAL FEES DUE WITH APPLICATION \$ 100.00



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/25/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Commercial Insurance Associates, LLC
103 Powell Court, Ste 200
Brentwood TN 37027

CONTACT
NAME: Blair PerduePHONE
(A/C, No, Ext): 615-515-6000FAX
(A/C, No): 615-515-6001E-MAIL
ADDRESS: bperdue@com-ins.com

INSURER(S) AFFORDING COVERAGE

NAIC#

INSURER A : Crum & Forster Specialty Ins.

44520

INSURER B : Nat'l Union Fire Ins Co of PA

19445

INSURER C : AGCS Marine Insurance Co

22837

INSURER D :

INSURER E :

INSURER F :

INSURED
Master Holdings, Inc., Master Transfer Co., Inc.
Master Logistics, Inc., MTL Companies, Master Lease, Inc.
7211 Winnetka Ave. North
Brooklyn Park MN 55428

MTLCOMP-01

COVERAGES

CERTIFICATE NUMBER: 1984155832

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☒ PROJECT ☐ LOC OTHER:		EPK-141177	10/1/2022	6/1/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY		AL 5774661	6/1/2023	6/1/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$		EFX-121245	10/1/2022	6/1/2024	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A	WC 080878422	6/1/2023	6/1/2024	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Motor Truck Cargo		MXI93088989	10/1/2022	10/1/2023	In/On Road Vehicles 200,000 Unscheduled Location 200,000 Deductible 10,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Auto Liability policy includes a blanket automatic additional insured endorsement that provides an additional insured status only when there is a written contract between the named insured and the certificate holder that requires such a status subject to the terms and conditions of the policy.

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

STATE OF MISSOURI



John R. Ashcroft
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

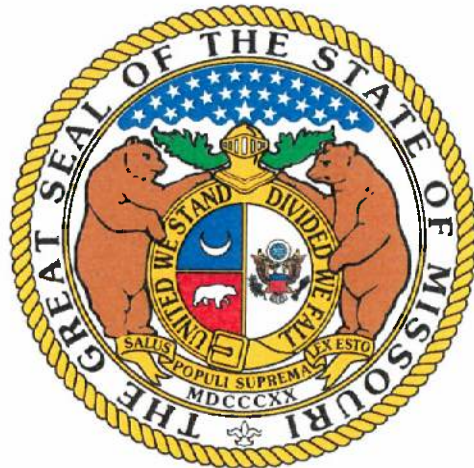
I, JOHN R. ASHCROFT, Secretary of State of the STATE OF MISSOURI, do hereby certify that the records in my office and in my care and custody reveal that

KCD KC Disposal LLC
LC001565374

was created under the laws of this State on the 28th day of November, 2017, and is active, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 30th day of April, 2024.


Secretary of State



Certification Number: CERT-04302024-0134

ANNUAL VEHICLE INSPECTION REPORT

VEHICLE HISTORY RECORD	
REPORT NUMBER	FLEET UNIT NUMBER
10791	829
DATE 6/19/23	

MOTOR CARRIER OPERATOR K.C. D. H.	INSPECTOR'S NAME (PRINT OR TYPE) Nathan Armstrong
ADDRESS 7711 W. 11th Ave. S.	THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.19. ☒ YES
CITY, STATE, ZIP CODE Bloomington, MN 55425	VEHICLE IDENTIFICATION (✓ AND COMPLETE) ☐ LIC. PLATE NO. ☐ VIN ☐ OTHER 1M2LR2GC0PACCS158
VEHICLE TYPE ☐ TRACTOR ☐ TRAILER ☐ TRUCK ☐ BUS ☐ (OTHER)	INSPECTION AGENCY/LOCATION (OPTIONAL)

VEHICLE COMPONENTS INSPECTED											
OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM
1. BRAKE SYSTEM				6. SAFE LOADING				10. TIRES			
✓			a. Service Brakes				a. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway.				a. Tires on any steering axle of a power unit.
✓			b. Parking Brake System				b. Protection against shifting cargo.				b. All other tires.
✓			c. Brake Drums or Rotors	✓			c. Container securement devices on intermodal equipment.				c. Installation of speed-restricted tires unless specifically designated by motor carrier.
✓			d. Brake Hose								
✓			e. Brake Tubing								
✓			f. Low Pressure Warning Device	NA							
✓			g. Tractor Protection Valve								
✓			h. Air Compressor	NA							
✓			i. Electric Brakes								
✓			j. Hydraulic Brakes								
✓			k. Vacuum Systems								
✓			l. Antilock Brake System								
✓			m. Automatic Brake Adjusters								
2. COUPLING DEVICES				7. STEERING MECHANISM				11. WHEELS AND RIMS			
✓			a. Fifth Wheels				a. Steering Wheel Free Play				a. Lock or Side Ring
✓			b. Pintle Hooks				b. Steering Column				b. Wheels and Rims
✓			c. Drawbar/Towbar Eye				c. Front Axle Beam and All Steering Components Other Than Steering Column				c. Fasteners
✓			d. Drawbar/Towbar Tongue				d. Steering Gear Box				d. Welds
✓			e. Safety Devices				e. Pitman Arm				
✓			f. Saddle-Mounts				f. Power Steering				
3. EXHAUST SYSTEM				8. SUSPENSION				12. WINDSHIELD GLAZING			
✓			a. Exhaust system leaking forward of or directly below the driver/sleeper compartment.				a. Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position.				Requirements and exceptions as stated pertaining to any crack, discoloration or vision reducing matter (reference 393.60 for exceptions).
✓			b. Bus exhaust system leaking or discharging in violation of standard.				b. Spring Assembly				
✓			c. Exhaust system likely to burn, char, or damage the electrical wiring, fuel supply, or any combustible part of the motor vehicle.				c. Torque, Radius or Tracking Components				
4. FUEL SYSTEM				9. FRAME				13. WINDSHIELD WIPERS			
✓			a. Visible leak.				a. Frame Members				Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.
✓			b. Fuel tank filler cap missing.				b. Tire and Wheel Clearance				
✓			c. Fuel tank securely attached.				c. Adjustable Axle Assemblies (Sliding Subframes)				
5. LIGHTING DEVICES								14. MOTORCOACH SEATS			
✓			All lighting devices and reflectors required by Part 393 shall be operable.								Any passenger seat that is not securely fastened to the vehicle structure.
								15. OTHER			
								List any other condition(s) which may prevent safe operation of this vehicle.			

INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION: ✓ OK, X NEEDS REPAIR, NA IF ITEMS DO NOT APPLY, REPAIRED DATE

CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION IN ACCORDANCE WITH 49 CFR PART 396.



RECORD OF ANNUAL INSPECTION

(49 CFR, 396.17-23)

Prepare Separate Report for Each Vehicle Inspected
Inspection Performed at:

NEXTRAN TRUCK CENTERS

P.O. BOX 418050

Kansas City, Missouri 64141

816-455-7262

DATE 6-24-23
R.O. # 3161

COMPANY NAME K.C. DISPOSAL	VEHICLE TYPE ☒ Truck ☐ Tractor ☐ Trailer ☐ Converter Dolly		
ADDRESS 144 Woodend RD	VEHICLE MAKE MAZDA	MODEL L64E	YEAR 23
CITY Edwardsville	VEHICLE IDENTIFICATION (Use One: Company No., State Tag No. or VIN) 29		
QUALIFIED INSPECTOR'S NAME (Please Print) Steve Robinson	ID NO. 4102		

REPORT OF CONDITION

(For Detailed Information on Inspection Procedures See FMCSR Section 396, Appendix G.)

	OK	Needs Repair	Repaired Date
BRAKES			
Adjustment	X		
Mechanical Components	X		
Drum/Rotor	X		
Hose/Tubing	X		
Lining	X		
Low Air Warning	X		
Trailer Air Supply	X		
Compressor	X		
Parking Brakes	X		
Other	X		
COUPLERS			
Fifth-Wheel & Mount	X		
Pin/Upper Plate	X		
Pintle-Hook/Eye	X		
Safety Chain(s)	X		
EXHAUST			
Leaks	X		
Placement	X		
LIGHTING			
Headlights	X		
Tail/Stop	X		
Clearance/Marker	X		
Identification	X		
Reflectors	X		
Other	X		
CAB/BODY			
Access	X		
Eqpt./Load Secure	X		
Tie-Downs	X		
Header Board	X		
Other	X		
STEERING			
Adjustment	X		
Column/Gear	X		
Axle	X		
Linkage	X		
Power Steering	X		
Other	X		
FUEL SYSTEM			
Tanks(s)	X		
Lines	X		
SUSPENSION			
Springs	X		
Attachments	X		
Sliders	X		
FRAME			
Members	X		
Clearance	X		
TIRES			
Tread	X		
Inflation	X		
Damage	X		
Other	X		
WHEELS/RIMS			
Fasteners	X		
Disc/Spoke	X		
WINDSHIELD			
WIPERS			
MIRRORS			

Remarks

INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION: X OK, X NEEDS REPAIR, NA IF ITEMS DO NOT APPLY, REPAIRED DATE.

CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION REPORT IN ACCORDANCE WITH 49 CFR396.

QUALIFIED INSPECTOR'S SIGNATURE

DATE

Please type or print

LIMITED LIABILITY COMPANY REAL PROPERTY MANAGER'S
AFFIDAVIT FOR INDEPENDENCE, MISSOURI

Pursuant to §347.048 RSMo.

AFFIDAVIT OF DESIGNATING MANAGER

STATE OF Missouri }

COUNTY OF Jackson }

Limited Liability Company Name (as it appears in the Articles of Organization):

KCD KC Disposal LLC

The undersigned, having been duly sworn and under oath, hereby states that he or she is the person who has management control and responsibility for the real property owned and rented or leased or owned and unoccupied by the limited liability company stated above.

My current address for which I may receive notices is as follows:

21003 W 72nd St Shawnee KS 66218

(Street Address - Must be a street address, no PO Box)

(City)

(State)

(Zip)

I understand that I must update this registration within thirty days following the cessation of management control and responsibility. I further understand that I must update this registration should there be a change in my address.

Signed

SSN

Date of Birth

Printed or typed name of natural person (First, MI, Last)

Subscribed and sworn to before me, a notary public, on this 15th day of May, 2024.

Notary Public

PAULETTE D. MARTIN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124028195
MY COMMISSION EXPIRES 08/28/2024

My commission expires: 08/28/2024

*** Should you wish to provide for emergency contact: Phone: _____

and/or Email: _____



May 15, 2024

Attn: Jill Dodson
City of Independence
Regulated Industries
111 E. Maple Ave
Independence, MO 64050

Dear Ms. Dodson,

KCD KC Disposal, LLC ("KC Disposal") submitted an application to become a refuse and trash collector in the City of Independence, in January 2023. However, it does not appear that the application ever went before the City Council. KC Disposal is still very interested in serving the citizens of Independence and is submitting an updated application.

Enclosed for your consideration are:

- 1) Application for Refuse and Trash Collectors (with rate schedule attached);
- 2) Business License Application;
- 3) A check for \$100.00 for the application fee;
- 4) Certificate of General Liability Insurance and Workers Compensation Insurance;
- 5) A Certificate of Good Standing from the Missouri Secretary of State; and
- 6) Annual vehicle inspection report.

KC Disposal is a Kansas City metropolitan area owned business with over 40 employees who live in the area. Over the past few years, KC Disposal has received calls from both commercial and residential customers within the City of Independence requesting service from KC Disposal. In late 2022, the volume of calls received by KC Disposal increased significantly with customers of other companies operating in Independence not being satisfied with their service. Throughout the past couple of years, large waste haulers have been having difficulty with staffing and customer satisfaction has decreased. For example, here is a [link¹](#) to an article where one local City had to go to court because of problems with service. KC Disposal has adequate staff and is well situated to provide service in Independence to increase citizen satisfaction with waste hauling.

KC Disposal is excited to provide trash service to customers in Independence. We have been hauling trash in the Kansas City metropolitan area for approximately eight years, and we currently provide service in the nearby cities of Raytown, Lee's Summit, and Grandview. We started with one truck in the area and are now operating more than 30. Our success is in large part based upon our reliability and communication with customers. We were able to achieve this by constantly picking up trash, recycling, and compost weekly without service interruptions. Customers in Independence will benefit from KC Disposal's service. They will have another choice in trash collection, which increases competition and can lower costs.

¹ <https://johnsoncountypost.com/2022/11/15/lenexa-republic-trash-court-186927/>



At KC Disposal our core values are: 1) Reliable/Dependable; 2) Always leaving the area cleaner than we found it; 3) Doing things the right way the first time; and 4) Exceeding customer expectations through Cost, Quality, and Service. We look forward to demonstrating those core values to the citizens of Independence.

Safety is our number one priority. All of our trucks have collision avoidance systems, are California-emission compliant, comply with all Department of Transportation rules and regulations, and are maintained and washed regularly.

Communication is key in the trash business, and at KC Disposal, "We Talk Trash". We have a local call center, we are on social media platforms, we provide customers with email and text updates, and our website helps inform customers of collection schedules including holiday scheduling. You can access our website here at www.kansascitydisposal.com.

All of our trucks are 2021 or newer and reliable. Having a newer fleet means less emissions from the trucks, and they are more reliable resulting in less service interruptions due to mechanical breakdowns. Although we only plan on operating one truck in Independence when we first start providing service, we have a fleet of 30 trucks, which in the case of a mechanical issue, allows us to continue service uninterrupted. We also use a camera-based service verification system. We have a full 360-degree view, which increases safety, reduces accidents, and allows us and the customer to track and monitor collections.

We continually look for ways to improve the environment and support the communities in which we work. We are currently working with Continuum Carbo to begin looking into ways we can reduce our carbon footprint for a cleaner tomorrow. We provide local jobs, support local athletic teams, and we have even provided trucks for local children's birthday parties. We look forward to becoming a part of the Independence community.

If you need additional information, you can contact Matt Gibson at (913) 378-7140, or mgibson@kansascitydisposal.com. We have also retained Matthew Geary, of the Dysart Taylor law firm to assist with the application process. You can contact him at 816-714-3030 or mgeary@dysarttaylor.com. He is more than happy to assist in answering any questions you may have.

We also understand that after review by the Chief of Police, our application will go before the City Council. We have prepared a brief presentation for the City Council, and we would welcome the opportunity to present it to the Council and answer any questions the Council may have.

Thank you for your consideration of our application, and we look forward to serving the citizens of Independence.

Very truly yours,

Matt Gibson

Matt Gibson

cc: Mark Master
Matthew W. Geary

10011 Woodend Road Edwardsville, KS 66111 (816)388-9739



No Match Notification

A statewide search of the identifiers below has revealed no criminal conviction or sex offender information on file. Fingerprints were not provided and thus the result of the search cannot be guaranteed.

Date of Search: 05/30/2024

Name (1): CHAD MASTER

Name (2):

Name (3):

Date Of Birth: [REDACTED]

SSN: [REDACTED]

Control Number: 6780788

If you have any questions, please do not hesitate to contact our office at 573-526-6153.

Missouri State Highway Patrol
Criminal Justice Information Services Division
PO BOX 9500
Jefferson City, MO 65102



No Match Notification

A statewide search of the identifiers below has revealed no criminal conviction or sex offender information on file. Fingerprints were not provided and thus the result of the search cannot be guaranteed.

Date of Search: 05/21/2024

Name (1): MATT GIBSON

Name (2):

Name (3):

Date Of Birth: [REDACTED]

SSN: [REDACTED]

Control Number: 6772489

If you have any questions, please do not hesitate to contact our office at 573-526-6153.

Missouri State Highway Patrol
Criminal Justice Information Services Division
PO BOX 9500
Jefferson City, MO 65102



No Match Notification

A statewide search of the identifiers below has revealed no criminal conviction or sex offender information on file. Fingerprints were not provided and thus the result of the search cannot be guaranteed.

Date of Search: 05/30/2024

Name (1): MARK MASTER

Name (2):

Name (3):

Date Of Birth:

SSN:

Control Number: 6780787

If you have any questions, please do not hesitate to contact our office at 573-526-6153.

Missouri State Highway Patrol
Criminal Justice Information Services Division
PO BOX 9500
Jefferson City, MO 65102



RECORD OF ANNUAL INSPECTION

(49 CFR, 396.17-23)

Prepare Separate Report for Each Vehicle Inspected

Inspection Performed at:

NEXTRAN TRUCK CENTERS

3915 Randolph Road

Kansas City, Missouri 64161

816-455-7262

DATE 5-18-24
R.O. # 32754

COMPANY NAME KG DISPATCH	VEHICLE TYPE ☒ Truck ☐ Tractor ☐ Trailer ☐ Converter Dolly		
ADDRESS 10011 Woodend RD	VEHICLE MAKE Mack	MODEL LR64E	YEAR 23
CITY Edwardville IL	VEHICLE IDENTIFICATION (Use One: Company No., State Tag No. or VIN) 829		
QUALIFIED INSPECTOR'S NAME (Please Print) Shane Doda		ID NO. 4102	

REPORT OF CONDITION

(For Detailed Information on Inspection Procedures See FMCSR Section 396, Appendix G.)

	OK	Needs Repair	Repaired Date
BRAKES	☒		
Adjustment	☒		
Mechanical	☒		
Componentis	☒		
Drum/Rotor	☒		
Hose/Tubing	☒		
Lining	☒		
Low Air Warning	☒		
Trailer Air Supply	☒		
Compressor	☒		
Parking Brakes	☒		
Other	☒		
COUPLERS	☒		
Fifth-Wheel & Mount	☒		
Pin/Upper Plate	☒		
Pintle-Hook/Eye	☒		
Safety Chain(s)	☒		
EXHAUST	☒		
Leaks	☒		
Placement	☒		

	OK	Needs Repair	Repaired Date
LIGHTING	☒		
Headlights	☒		
Tail/Stop	☒		
Clearance/Marker	☒		
Identification	☒		
Reflectors	☒		
Other	☒		
CAB/BODY	☒		
Access	☒		
Eqpt./Load Secure	☒		
Tie-Downs	☒		
Header Board	☒		
Other	☒		
STEERING	☒		
Adjustment	☒		
Column/Gear	☒		
Axle	☒		
Linkage	☒		
Power Steering	☒		
Other	☒		

	OK	Needs Repair	Repaired Date
FUEL SYSTEM	☒		
Tanks(s)	☒		
Lines	☒		
SUSPENSION	☒		
Springs	☒		
Attachments	☒		
Sliders	☒		
FRAME	☒		
Members	☒		
Clearance	☒		
TIRES	☒		
Tread	☒		
Inflation	☒		
Damage	☒		
Other	☒		
WHEELS/RIMS	☒		
Fasteners	☒		
Disc/Spoke	☒		
WINDSHIELD	☒		
WIPERS	☒		
MIRRORS	☒		

Remarks _____

INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION: X OK, X NEEDS REPAIR, NA IF ITEMS DO NOT APPLY, _____ REPAIRED DATE.

CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION REPORT IN ACCORDANCE WITH 49 CFR396.

QUALIFIED INSPECTOR'S SIGNATURE

DATE

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to authorize the City Manager to enter into a design contract with, and issue a purchase order to, Burns & McDonnell, in the amount of \$844,876, authorizing future minor change orders not to exceed \$84,487.60, for engineering and design services as part of the Truman Connected Phase II Project (No. 112401).

Recommendations:

Council approval is recommended.

Background:

Approval of this item will authorize the City Manager to direct staff to enter into a design contract with, and issue a purchase order to, Burns & McDonnell for an amount not to exceed \$844,876 as part of the Truman Connected Phase II Project (No. 112401).

This project will be the second phase of the Truman Connected Plan which will connect to the end of the Phase I trail at Winner Road and Sterling Avenue and continue along Sterling Avenue south to US 40 Highway. The project will include, but is not limited to, the addition of ADA-compliant sidewalks, on-street bicycle lanes, pedestrian signal improvements, new green infrastructure, and traffic-calming measures. A unique feature of this project is the intention to remove the traffic signals at the Sterling Avenue and Sheley Road intersection to be replaced with a roundabout.

A request for proposals was issued for the design phase of this project. Three companies submitted proposals for review. City Staff have selected Burns & McDonnell as the most qualified firm and have negotiated a scope and fee for these services.

This project has been awarded federal grant funding from the Mid-America Regional Council's (MARC) Congestion Mitigation Air Quality (CMAQ) fund in the amount of \$719,085, as well as the Carbon Reduction Program (CRP) in the amount of \$3,500,000.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$929,363.60 including contingency. Funding for the Truman Connected Phase II Project (No. 112401) is included in the FY 24-25 adopted budget, page number 183, account number 7011-5406. This project is grant-reimbursable for up to \$4,219,085 in federal funds through CMAQ and CRP.

Council Action:

Department / Contact	Municipal Services /
---------------------------------	----------------------

REVIEWERS

Lisa Reynolds
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Scope of Services - Burns & McDonnell - Truman Connected Phase II Project No. 112401

SCOPE OF WORK

TRUMAN CONNECTED – PHASE 2

REVISION NUMBER 01
REVISION DATE: 4/5/24

CONTENTS

- 1.0 Introduction1
- 2.0 Design Requirements1
 - 2.1 Design Requirements1
 - 2.2 Survey Requirements2
- 3.0 Assumptions & Exclusions.....2
- 4.0 Scope of Work4
- 5.0 Summary of Budgeted Meetings 16
- 6.0 Deliverables 16
- 7.0 Schedule 17
 - 7.1 Project Design Schedule 17
 - 7.2 NEPA Schedule..... 17

APPENDIX A - FEE PROPOSAL
APPENDIX B - TRAFFIC SIGNAL REPAIR NEEDS

FIGURES

No table of figures entries found.

TABLES

No table of figures entries found.

List of Abbreviations

Abbreviation	Term/Phrase/Name
APE	Area(s) of Potential Effects
CATEX	Categorical Exclusion
DOT	US Department of Transportation
EA	Environmental Assessment
ENGINEER	Burns & McDonnell Engineering Company Inc. & sub-consultants
FHWA	Federal Highway Administration
HPS	High Pressure Sodium
IPaC	Information for Planning and Consultation
MDC	Missouri Department of Conservation
MDNR	Missouri Department of Natural Resources
MO	Missouri
MOA	Memorandum of Agreement
MoDOT	Missouri Department of Transportation
MoDOT	Missouri Department of Transportation
MUTCD	Manual on Uniform Traffic Control Devices
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
NTP	Notice to Proceed
OWJ	Official with Jurisdiction
OWNER	City of Independence, Missouri
PA	Programmatic Agreement
PROWAG	Public Right-of-Way Access Guidelines
ROW	Right-of-Way
SHPO	State Historic Preservation Office
St.	Street
USACE	US Army Corps of Engineers
USFWS	US Fish and Wildlife Service

1.0 Introduction

This project will be the second phase of the Truman Connected Plan, which will connect to the end of the Phase 1 trail at Winner Road and Sterling Avenue and continue along Sterling Avenue south to US 40 Highway. The project will include, but is not limited to, the addition of ADA compliant sidewalks, on-street bicycle lanes, pedestrian signal improvements, new green infrastructure, and new traffic calming measures. The City also intends to remove the traffic signals at the Sterling Avenue and Sheley Road intersection and replace this intersection with a roundabout.

Roadway design speed shall be based on the existing posted speed or as defined by the condition.

The phases of the project include:

1. Survey and related services.
2. Assessment of existing conditions and conceptual layout of improvements.
3. Complete design, including field check, office check, and final construction plans.
4. Public engagement, including a public meeting and other possible related services.
5. Environmental Clearance
6. Utility and right-of-way coordination.
7. Pre-construction services, including bid documentation, specifications, and meetings.
8. Design engineer services during construction.

The City of Independence, Missouri (hereinafter called OWNER) and Burns & McDonnell Engineering Company, Inc. (hereinafter called ENGINEER), hereby agree to the information contained in the following sections.

2.0 Design Requirements

2.1 Design Requirements

The ENGINEER shall design the Project following state and federal design criteria appropriate following the current MoDOT EPG, the American Public Works Association *KC Metro Specifications*, the 11th edition of the *Manual on Uniform Traffic Control Devices* (MUTCD), the 2023 version of the Americans with Disabilities Act (ADA) *Public Right-of-Way Access Guidelines* (PROWAG), the current version of the OWNER's Design & Construction Manual, and the current version of the MoDOT *Standard Specifications for State Road Construction with Special Provisions*, and with any necessary Project Special Provisions.

All plans shall be signed and sealed by the licensed Missouri professional engineer responsible for preparing and overseeing the design plans. The licensed Missouri Kansas land surveyor responsible for preparing said documents shall sign and seal the right-of-way descriptions.

2.2 Survey Requirements

All vertical coordinates shall use the Missouri State Plane North (NAD 83) coordinate system.

All horizontal coordinates shall use the Missouri State Plane North (NAD 83) coordinate system. As part of the design project survey, all Section Corners and Quarter Section Corners within the surveyed area and others used for project control must be located with reference and state plane coordinates determined with GPS equipment.

3.0 Assumptions & Exclusions

CAD Format – All project designs will be completed in MicroStation SS2 InRoads or OpenRoads Designer (ORD). The design shall utilize the MoDOT workspace, including the most current MoDOT border. CAD files will not be CAD-conformed. Plans shall be in ENGLISH units with a 34" x 22" plan sheet size (<MoDOT Standard Size).

Electronic Deliverables – CAD files will be prepared in MicroStation (*.DGN) format. Plans will be submitted in PDF format. Final CAD files, along with the existing and proposed surface and associated design files, will be provided to the OWNER as a part of the project closeout process. Files will be made available to bidders as requested.

Decorative Elements – Decorative Street lighting or signals are not assumed unless otherwise requested.

Traffic Signal Design – The ENGINEER will develop traffic signal pedestrian upgrade plans. Signal work shall consist of the Structural Assessment inventory provided by the OWNER.

Construction Inspection – This scope of work includes no construction services other than designer services during construction.

Geotechnical Investigation – No geotechnical investigation services are included in this scope of work.

Street Lighting – No photometric design of street lighting is included in this scope of work. The ENGINEER will observe the corridor nightly to identify areas needing additional street lighting. Existing High-Pressure Sodium (HPS) lighting shall be retrofitted with new bracket arms and LED fixtures.

Right of Way – Right of way will be established from the last deed of record. Obtaining ownership and encumbrance reports and preparing legal exhibits and descriptions are included for up to 20 parcels. It is assumed that the Client will perform or coordinate the acquisition process, including but not limited to appraisals, offers, and condemnation. Participation by the ENGINEER in condemnation proceedings is not included in this scope of work.

Utility Coordination – Utility coordination is included in the scope of work. Utility coordination shall include obtaining existing utility as-built maps, transmittal of plans depicting as-surveyed utilities for confirmation, and regular progress plans, including plans depicting

utilities in color. The ENGINEER will identify preliminary conflicts, but each utility shall be responsible for identifying them. Others shall develop utility relocation plans. No utility potholing is included in this scope of work. The ENGINEER shall review the provided utility relocation plans to coordinate with the project.

Public Involvement – Three public informational meetings are assumed. The initial meeting will occur during the project's design phase, with the remaining two meetings occurring at the construction kick-off for each project. It is assumed that each meeting will be held in person at a location to be determined. The ENGINEER will be responsible for developing meeting materials, including but not limited to meeting notices, display boards, questionnaires and sign-in sheets. The ENGINEER is responsible for sending out mailings and invitations, as needed, to communicate dates of public informational meetings.

Permitting – The ENGINEER shall be responsible for environmental clearance for the project. No additional environmental clearance or permitting activities are included in this proposal other than those identified in later sections.

Construction Phase Services – No participation in regularly scheduled progress meetings between the OWNER, and the Contractor are included in this proposal.

Opinions of Probable Construction Cost - Any opinions of probable project cost or probable construction cost provided by ENGINEER are made based on information available to ENGINEER and based on ENGINEER's experience and qualifications and represent its judgment as an experienced and qualified professional engineer. However, since ENGINEER has no control over the cost of labor, materials, equipment, or services furnished by others, or over the contractor(s') methods of determining prices, or over competitive bidding or market conditions, ENGINEER does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost ENGINEER prepares.

Bids Received – If bids received exceed the prepared final cost estimate and the OWNER chooses to revise the project scope or specifications, or both, as necessary to reduce the construction cost, then the ENGINEER and the OWNER shall mutually agree in writing to the amount of any adjustments to the total fee or schedule required.

Structural Engineering – It is anticipated that retaining walls will be required for the installation of sidewalks in some areas. This will be further determined during the preliminary plan phase. All retaining walls are assumed to be integral to the sidewalk and utilize existing APWA standard details. No special wall design or structural analysis is included for walls that may be required to exceed the allowable heights from the APWA standard details.

NEPA Clearance and Permitting – Burns & McDonnell will conduct desktop and field analyses to support the preparation of an environmental document, anticipated to be a Categorical Exclusion (CATEX), in accordance with the National Environmental Policy Act (NEPA) and the US DOT, Federal Highway Administration (FHWA) implementing guidance. The CATEX and supporting documentation will be submitted to the City for review and comment, followed by submittal to FHWA for approval to support the expenditure of federal grant monies.

NEPA Clearance and Permitting Assumptions:

- Only a minor amount of new permanent ROW, adjacent to existing ROW, is needed for the proposed improvements. The majority of all construction will occur within existing public rights-of-way.
- The City will provide all grant application documents including early due diligence that identified potential issues or constraints.
- The environmental document will list the anticipated permits and other agency approvals required after the NEPA process is completed; but the effort to apply and receive the permits and any additional agency approvals is not included in this scope of work and will be the responsibility of the City or the City's Contractor.
- A CATEX is the scoped level of environmental documentation for this proposed project. If discussions with the FHWA or issues arise during the study that require the project to be elevated to an Environmental Assessment (EA), the additional effort will be scoped and associated costs estimated and approved by the City before the additional work begins.
- The city will provide documentation of all public involvement activities that have occurred related to the project to be included or referenced in the environmental document, as appropriate, to support NEPA clearance.

4.0 Scope of Work

Task 1 – Survey & Related Services

1.01 Project Survey Control & LiDAR Targeting

- A. Survey See Survey Subconsultant Proposal and Scope of Work.

1.02 Mobile LiDAR Data Acquisition

- B. See Survey Subconsultant Proposal and Scope of Work.

1.03 Mobile LiDAR Data Processing

- A. All See Survey Subconsultant Proposal and Scope of Work.

1.04 Mobile LiDAR Extraction

- A. See Survey Subconsultant Proposal and Scope of Work.

1.05 Property Mapping

- A. Existing property lines and right of way shall be determined through traditional survey means and established from the last deed of record.

1.06 Utility Survey

- A. Traditional survey means will be utilized to survey existing utilities.

- B. A project survey one-call will be completed. The field locations of all utilities marked during the one-call process will be collected in the field.

1.07 Field Reconnaissance

- A. The ENGINEER will perform a corridor visit to document any known constraints or design challenges. Prior to performing field reconnaissance, the ENGINEER shall notify the OWNER of the date and time of the field reconnaissance and make every attempt at having a city representative present to collaborate and expedite the project from the reviewed constraints, utility concerns and design challenges.

Task 2 – Preliminary Design (30% Level)

- A. The ENGINEER will develop preliminary plans based on the project typical section and project requirements to an approximate 30% level.
- B. Preliminary Plan Development
 - 1. Title Sheet. The ENGINEER will develop a project Title Sheet.
 - 2. Typical Sections. The ENGINEER will develop the project's Typical sections.
 - 3. Plan & Profile Sheets. The ENGINEER will develop Plan & Profile sheets at 1" = 20' horizontal scale and 1" = 5' vertical scale.
 - 4. Survey Reference Sheets. The ENGINEER will develop Survey Reference sheets to include project control benchmarks, control points, and alignment information.
 - 5. Intersection Details. The ENGINEER will develop Intersection Detail Sheets to illustrate key intersection details such as ADA details, curb radii, etc., at 1" = 10' horizontal scale.
 - 6. Driveway Profiles. The ENGINEER will develop Driveway Profile sheets at 1" = 20' horizontal scale and 1" = 5' vertical scale.
 - 7. Pavement Marking Plans. The ENGINEER will develop preliminary pavement marking plans at a 1" = 20' horizontal scale.
 - 8. Cross Sections (50' Intervals)
- C. Opinion of Probable Construction Cost. The ENGINEER will develop an opinion of probable construction cost based on the Preliminary plans.
- D. Quality Control. The ENGINEER will perform quality control on the developed Preliminary plans following the firm's Quality Management Plan.
- E. Preliminary Plan Submittal. The ENGINEER will submit Preliminary plans to the OWNER for review.

- F. Preliminary Plan Review Meeting. The ENGINEER will participate in a Preliminary Plan review meeting with the OWNER at a location to be determined, which may include a project site meeting.
- G. Preliminary Plan Re-Submittal. The ENGINEER will address the comments received and resubmit the Preliminary plans if requested by OWNER.

Task 3 – Right-of-Way Plan Development (60% Level)

- A. The ENGINEER will advance the preliminary plans to an approximate 60% level to be used to determine and acquire needed easements and right-of-way.
- B. Right-of-Way Plan Development
 - 1. Title Sheet. The ENGINEER will update the project Title Sheet.
 - 2. Typical Sections. The ENGINEER will update the project's Typical sections.
 - 3. Plan & Profile Sheets. The ENGINEER will update Plan & Profile sheets at 1" = 20' horizontal scale and 1" = 5' vertical scale.
 - 4. Survey Reference Sheets. The ENGINEER will update Survey Reference sheets to include project control benchmarks, control points, and alignment information.
 - 5. Intersection Details. The ENGINEER will update Intersection Detail Sheets to illustrate key intersection details such as ADA details, curb radii, etc., at 1" = 10' horizontal scale.
 - 6. Driveway Profiles. The ENGINEER will update Driveway Profile sheets at 1" = 20' horizontal scale and 1" = 5' vertical scale.
 - 7. Miscellaneous Details. The ENGINEER will develop or add miscellaneous details, including OWNER-specific standard details that shall apply to the project.
 - 8. Storm Sewer Profiles. The ENGINEER will develop Storm Sewer Profile sheets at 1" = 20' horizontal scale and 1" = 5' vertical scale.
 - 9. Summary of Quantity Sheets
 - 10. Lighting Plans. The ENGINEER will develop lighting plans to retrofit existing High-Pressure Sodium (HPS) lighting with LED lighting. The ENGINEER will observe the corridor at night during full vegetation to identify any needed supplementary lighting to increase user safety.
 - 11. Signing Plans. The ENGINEER will develop signing plans at a 1" = 20' horizontal scale.
 - 12. Pavement Marking Plans. The ENGINEER will update pavement marking plans.

13. Traffic Signal Plans. The ENGINEER will develop traffic signal pedestrian upgrade plans. Signal work shall consist of the Structural Assessment inventory provided by the OWNER. Pedestrian, accessible signals are required for this project and may require the need to replace or install new pull boxes and conduit. OWNER shall be responsible for signing timing updates.
 14. Traffic Control Plans. The ENGINEER will develop traffic control plans to support construction needs at a 1" = 20' horizontal scale.
 15. Cross Sections (50' Intervals)
- C. Opinion of Probable Construction Cost. The ENGINEER will develop an opinion of probable construction cost based on the Right-of-Way plans.
 - D. Quality Control. The ENGINEER will perform quality control on the developed Right-of-Way plans following the firm's Quality Management Plan.
 - E. Right-of-Way Plan Submittal. The ENGINEER will submit Right-of-Way plans to the OWNER for review.
 - F. Right-of-Way Plan Review Meeting. The ENGINEER will participate in a Right-of-Way plan review meeting with the OWNER at a location to be determined, which may include a project site meeting.
 - G. Right-of-Way Plan Re-Submittal. The ENGINEER will address the comments received during the Right-of-Way plan review and resubmit the plans.

Task 4 – Final Plan Development (100% Level)

- A. Office Check Plan Development
 1. Title Sheet. The ENGINEER will finalize the project Title Sheet.
 2. Typical Sections. The ENGINEER will finalize the project's Typical sections.
 3. Plan & Profile Sheets. The ENGINEER will finalize Plan & Profile sheets at 1" = 20' horizontal scale and 1" = 5' vertical scale.
 4. Survey Reference Sheets. The ENGINEER will finalize Survey Reference sheets to include project control benchmarks, control points, and alignment information.
 5. Intersection Details. The ENGINEER will finalize Intersection Detail Sheets to illustrate key intersection details such as ADA details, curb radii, etc., at 1" = 10' horizontal scale.
 6. Driveway Profiles. The ENGINEER will finalize Driveway Profile sheets at 1" = 20' horizontal scale and 1" = 5' vertical scale.
 7. Miscellaneous Details. The ENGINEER will develop or add miscellaneous details, including OWNER-specific standard details that shall apply to the project.

8. Inlet & Manhole Details. The ENGINEER will develop or add inlet and manhole details as needed based on the project design.
 9. Storm Sewer Profiles. The ENGINEER will finalize Storm Sewer Profile sheets at 1" = 20' horizontal scale and 1" = 5' vertical scale.
 10. Schedule of Inlets & Manholes – The ENGINEER will prepare schedules of inlets and manholes for the proposed storm sewer system.
 11. Summary of Quantity Sheets
 12. Temporary Erosion & Pollution Control. The ENGINEER will develop temporary erosion and pollution control plans.
 13. Lighting Plans. The ENGINEER will finalize lighting plans to retrofit existing High-Pressure Sodium (HPS) lighting with LED lighting. The ENGINEER will observe the corridor at night during full vegetation to identify any needed supplementary lighting to increase user safety.
 14. Signing Plans. The ENGINEER will finalize signing plans at a 1" = 20' horizontal scale.
 15. Pavement Marking Plans. The ENGINEER will finalize pavement marking plans.
 16. Traffic Signal Plans. The ENGINEER will finalize traffic signal pedestrian upgrade plans.
 17. Traffic Control Plans. The ENGINEER will finalize traffic control plans to support construction needs at a 1" = 20' horizontal scale.
 18. Cross Sections (50' Intervals)
- B. Opinion of Probable Construction Cost. The ENGINEER will develop an opinion of probable construction cost based on the Final plans.
 - C. Quality Control. The ENGINEER will perform quality control on the developed Final plans following the firm's Quality Management Plan.
 - D. Office Check Plan Submittal. The ENGINEER will submit Final plans to the OWNER for review.
 - E. Final Plan Review Meeting. The ENGINEER will participate in a Final Plan review meeting with the OWNER at a location to be determined, which may include a project site meeting.
 - F. Final Plan Re-Submittal. The ENGINEER will address the comments received during the Final Plan review and resubmit the plans and Final Plans.

Task 5 – Public Outreach

5.01 Public Information Plan Development. The ENGINEER will develop a public information plan that builds on prior community engagement and outlines engagement activities and project notifications. The ENGINEER will submit it to the OWNER for review before commencing public outreach.

5.02 Content Creation. The ENGINEER will work with OWNER's staff to provide information for inclusion on any OWNER websites, social media channels, or publications, including working with OWNER's communications staff to distribute current and accurate project information. Specific communication materials to be developed will include press releases to announce public meetings, social media posts to promote public meetings, direct mailings to property owners, website content, and email invitations to local officials and key stakeholders.

5.03 Public Informational Meeting #1. The ENGINEER shall plan and attend a design public informational meeting at a location to be determined. The goals of the first public meeting will be to introduce the project team, provide an overview of the project goals, scope and schedule, and gather input from the public. It is assumed that four ENGINEER members will participate in this meeting, with the design public informational meeting being 2 hours long. The ENGINEER will prepare all public meeting material, meeting advertisements, and a public meeting summary.

5.04 Public Informational Meeting #2. The ENGINEER shall plan and attend a public informational meeting to correspond with the construction phase of Sterling Avenue. The goals of the second public meeting will be to provide more detailed design and construction timeline information, including right-of-way and easements needed and construction impacts, gather feedback from effected property owners, and address any concerns or questions from the public. It is assumed that four ENGINEER team members will participate in this meeting, with the public informational meeting being 2 hours long. The ENGINEER will prepare all public meeting material, meeting advertisements, and a public meeting summary.

Task 6 – Utility & Right of Way Coordination

6.01 Utility Coordination

- A. **Utility Contact List.** The ENGINEER will develop a project utility contact list of all known utility agencies in the project limits.
- B. **Utility Mapping Review.** The ENGINEER will review any obtained utility mapping against the field obtained mapping for inconsistencies. The ENGINEER will work with each utility to resolve discrepancies as needed.
- C. **Utility Mapping Plans.** The ENGINEER will prepare an at-scale set of utility plan sheets in color.
- D. **Utility Notification of Project.** After developing the utility contact list, the completed utility survey, and the development of color utility location maps, the ENGINEER will transmit these documents to the known utilities for review and provide notice of the pending project.

- E. Concept Phase Utility Coordination. The ENGINEER will preliminarily identify apparent utility conflicts and distribute plans and design files for review. The ENGINEER will participate in utility coordination meetings individually or in groups (Assume one staff, two meetings, 1.5 hours each).
- F. Field Check Utility Coordination. The ENGINEER will identify additional apparent utility conflicts and distribute plans and design files for review. The ENGINEER will participate in utility coordination meetings individually or in groups (Assume one staff, two meetings, 1.5 hours each).
- G. Office Check Utility Coordination. The ENGINEER will identify additional utility conflicts and distribute plans and design files for review. The ENGINEER will participate in utility coordination meetings individually or in groups (Assume one staff, two meetings, 1.5 hours each).

6.02 Right-of-Way Coordination

- A. Right-of-Way Exhibit & Descriptions. The ENGINEER's survey subconsultant will obtain title work for up to 20 parcels and prepare acquisition documents for up to 20 parcels.
- B. Right-of-Way Meetings. The ENGINEER will meet with the OWNER's Right-of-Way acquisition firm or with selected property owners to facilitate the acquisition of needed easements and right-of-way (Assume five meetings, one staff member, 1.5 hours per meeting).

Task 7 – NEPA Documentation

7.01 Process Kick-Off

- A. Virtual meeting with City to review scope of the grant-funded improvements including project limits, previous due diligence conducted to support grant applications, communications protocols, and anticipated schedule.

7.02 Desktop and Field Data Collection

- A. Collect ARCGIS and other online data sources relevant to resources and properties within and adjacent to the project limits.
- B. Conduct field visit to validate the ARCGIS data, verify general corridor conditions, and photo-document key resources to be assessed in the CATEX.
- C. Develop corridor constraints map, indicating public lands, potential or listed historic resources, major utility crossings (large pipeline, waterline, sanitary sewer, and overhead transmission lines, etc.).

7.03 Impact Assessment

The following tasks will analyze the anticipated effects of the proposed project on key resources. Some resource categories typically reviewed under NEPA (e.g., farmland,

coastal resources, etc.) are not present in the project corridor and will be noted as such in the environmental document. Other resources (e.g., land use/zoning, noise, air quality, visual, etc.) will be addressed within the environmental document, but do not require the same level of effort as the following categories:

A. Cultural Resources – Archeological and Non-Archeological Historic Resources

With project funding through the FHWA, compliance with Section 106 of the National Historic Preservation Act (NHPA) and Section 4(f) of the Department of Transportation (DOT) Act is required. The following subtasks will be undertaken to evaluate the potential effects of the project (direct and visual) on resources that are or may be considered eligible for listing on the National Register of Historic Places (NRHP). A review of previously conducted archeological surveys will be conducted, but no field archeological surveys (shovel tests) are anticipated as the existing and proposed ROW has been previously disturbed.

Agency Consultation - Upon receipt of NTP, the Project's Section 106 lead would initiate consultation with FHWA cultural resources staff to confirm the limits of the Physical (construction footprint) and Non-physical (visual) APEs and to vet the proposed survey methods. Concurrence with the definition of both APEs and research design would be received prior to initiation of field documentation efforts.

Background Review - Prior to initiation of field studies, Burns & McDonnell historians will conduct background research to identify previously recorded historic resources within the APE and a larger Study Area to facilitate contextual development. The review will include architectural survey and inventory records, the NRHP database maintained by the National Park Service, historic period maps and aerial photographs, town and county histories, historic atlases, and other secondary sources regarding regional history. The sources will facilitate development of appropriate field survey strategies, understanding of regional contexts within which to evaluate recorded resources, and identify significant resource types in particular areas.

Field Documentation - In compliance with Section 106 of the NHPA and Section 4(f) of the DOT Act, Burns & McDonnell historians will conduct surveys to identify significant historic (NRHP)-listed or eligible buildings, structures, objects, and districts that could be adversely affected by the proposed Project. The Non-Physical APE is assumed to include parcels immediately adjacent to the existing/proposed ROW.

The surveys would include documentation of all buildings, structures, objects, districts, etc. constructed prior to 1978 (45-years-of-age or older) within Non-Physical APE. The survey will be conducted from the public ROW. All accessible resources within the Non-Physical APE will be photo-documented to state standards and mapped using GIS. Resource documentation will be conducted in accordance with relevant federal and state guidelines.

Reporting - Upon completion of the field survey, an architectural historian meeting the Secretary of the Interior standards will evaluate each recorded resource for its NRHP

eligibility and for its potential to contribute to an NRHP-eligible historic district. In addition to evaluating their NRHP eligibility, the historian will evaluate the Project's potential to adversely affect significant historic (NRHP-listed or eligible) resources either directly or via impacts to character-defining features such as their historic setting. The assessments and evaluations of effect will be included in a cultural resources survey report prepared according to state standards.

Section 106 Compliance Assumptions

- FHWA/SHPO will concur with the proposed Non-Physical APE; assumed to include parcels intersecting and immediately adjacent to the existing/proposed ROW.
- Assessment of potential historic districts would be limited to streetscape level evaluation.
- Background research will be completed using online databases.
- Field documentation would be conducted in one 5-day mobilization of 4 historians.
- Cost does not include intensive-level survey, mitigation activities, or agency coordination to facilitate development of a Memorandum of Agreement (MOA) or Programmatic Agreement (PA).
- Includes documentation and assessment of up to 180 historic-age architectural resources within the Non-Physical APE. The completion of state resource ID forms will not be required and is not included.
- The survey would be conducted from publicly accessible vantage points, i.e. public roadways.
- Field mobilization will be dependent upon weather conditions conducive to walking/driving and photo-documentation of historic-age buildings, structures, objects, etc.
- FHWA/SHPO would concur that no archaeological field survey is necessary.

B. Community Impacts and Environmental Justice

Because of federal funding through FHWA, Executive Order 12989 Environmental Justice and FHWA Order 5610.2 on Environmental Justice must be addressed. Collect and review US Census Bureau American Community Survey 2018-2022 5-Year data for the project area to identify the racial and ethnic, age, income, poverty, language, and social characteristics within the project area. Identify minority and low-income census geographies to demonstrate the project would not disproportionately affect such populations. Identify community facilities along and adjacent to the project to show how access would be maintained during construction and improved as a result of the improvements.

C. Land Use and Public Lands

Desktop analysis and windshield surveys will be conducted to describe the existing land uses along the corridor including identifying public lands (e.g., High Ridge Park

and other city parks, greenbelts, trails, etc.) to determine the effects of the project on them. Review existing city parks and recreation and thoroughfare plans to identify existing and planned parks and trails that may intersect the proposed project.

D. Section 4(f) and Section 6(f) Resources

Based on our understanding of the proposed project, if public lands or NRHP-listed or eligible resources are located along the corridor where improvements would occur with existing ROW, no effects under Section 4(f) are anticipated. If they occur in areas where new ROW would be needed and the acquisition cannot be avoided (including permanent or temporary easements), an analysis to support a Section 4(f) *de minimis* determination is included. If more substantial impacts to such resources occur or the FHWA does not agree with the *de minimis* determination and elevates the analysis, the work to support an individual or programmatic Section 4(f) evaluation would be required. The *de minimis* evaluation includes obtaining written concurrence from the Official with Jurisdiction (OWJ), assumed to be by the city for parks/trails, and the MO State Historic Preservation Officer (SHPO) for historic resources.

E. Vegetation and Land Cover

Review aerial photos and results of field surveys to describe the existing land cover types of vegetated areas to determine if any areas potentially would support migratory birds or federally or state-protected species. Identify areas where vegetation may be cleared to support construction and describe any landscaping or habitat restoration improvements proposed as part of the project.

F. Protected Species

Because of federal funding, clearance under the Endangered Species Act is required. Complete the Information for Planning and Consultation (IPaC) review through the US Fish & Wildlife Service (USFWS) to identify the potential for federally protected species and critical habitat along the project corridor. Review the Missouri Department of Conservation (MDC) data base to determine if state protected species, including species of conservation concern. Submit IPaC and project checklist for USFWS concurrence. If federally protected species are present and the project would result in a *likely to adversely affect* determination, formal consultation with the USFWS and additional studies may be required which are not included in this scope of work. A supplemental scope of work and fee estimate can be provided to support formal consultation, species-specific surveys, and development of a Biological Assessment or Evaluation, if required.

G. Water Resources – Wetlands, Streams, and Floodplains

Because of federal funding, conformance with the Clean Water Act is required. Only a desktop analysis and windshield survey of the project corridor will be conducted to provide a summary of the potential wetland, waters of the US, and floodplain resources crossed by the proposed project. If additional ROW is needed in areas where such features are present, a supplemental scope of work and fee estimate can be provided to conduct full field delineations in accordance with US Army Corps of

Engineers (USACE) standards, develop a delineation report, and coordinate approval of the findings and identify permitting and/or mitigation required for the project.

H. Hazardous Materials and Waste Sites

A database search using a third party provider (EDR) will be conducted to identify properties of potential environmental concern including existing and former underground storage tanks, small or large quantity hazardous material generators, previously closed or remediated sites, and major spills and corrective actions that could affect the soil and groundwater conditions within the existing and proposed ROW. The risks of such properties will be categorized as “low”, “medium” and “high” risk to the project and may require additional investigation or testing by the city prior to construction. This review does not constitute a Phase I Environmental Site Assessment (ESA) conducted to ASTM standards that may be required for the city to purchase new ROW.

I. Visual Effects

An assessment of the visual changes to occur within the corridor following completion of the project will be assessed in coordination with Section 106 and Section 4(f) evaluations described previously. Descriptions of the design features such as new streetlighting, decorative pavement, retaining walls, signage, and landscaping will be included.

J. Other Resources

To complete the CATEX, additional desktop analyses will be conducted to demonstrate that some resources are not present within/along the project corridor or would not be affected by the proposed project including air quality, traffic noise, farmland, coastal resources, etc.

K. Public Involvement

The city will provide a summary of the public involvement and outreach conducted to date for reference in the CATEX. Such activities conducted during the timeframe of the NEPA analysis should include information regarding the project’s potential effects (positive or negative) on historic resources (Section 106) and public lands (Section 4(f)) as these statutes require documentation that project outreach included opportunities for the public to comment on the potential disposition of these resources.

7.04 Environmental Document Development

- A. Develop a draft CATEX for review and comment by the city.
- B. Address city’s comments and submit final CATEX for city to submit to FHWA.
- C. Address comments from FHWA and develop final CATEX for FHWA approval.

Task 8 – Pre-Construction Services

- 8.01 **Pre-Bid Meeting.** The ENGINEER will attend a pre-bid meeting organized by the OWNER in a supporting role and assume two meetings and 2 team members for 90-minute meetings.
- 8.02 **Bid Phase Questions.** The ENGINEER will respond formally to contractors' questions during the project's bid phase.

Task 9 – Design Engineer Services During Construction

- 9.01 **Request for Information or Clarification.** The ENGINEER will support the OWNER during construction and answer questions from contractors or inspectors.
- 9.02 **Shop Drawing Review.** The ENGINEER will review contractor-submitted shop drawings, as requested.
- 9.03 **Project Site Visits.** As requested, the ENGINEER will perform a site visit to support answering project-related questions. Assume four visits by two staff at 2 hours per visit. **The ENGINEER is assumed to not participate in regularly scheduled construction progress meetings.**
- 9.04 **Pre-Construction Meeting.** The ENGINEER will participate in a pre-construction meeting at the project site or the OWNER's offices. Assumed two meetings and 2 team members for 90-minute meetings.
- 9.05 **As-Built Plans.** The ENGINEER will prepare as-built plans that include any field changes as provided by the OWNER or project inspector.

Task 10 – Project Management

- 10.01 **Kick-off Meeting w/City.** The ENGINEER will hold a project kick-off meeting at the OWNER's offices.
- 10.02 **Kick-off Meeting (Internal).** The ENGINEER will hold an internal project kick-off meeting with team members to outline roles, responsibilities, and project requirements.
- 10.03 **Progress Meetings.** The ENGINEER will participate in progress meetings with the OWNER, which will include preparing meeting agendas and minutes. (Virtually every two weeks for six months, then monthly for twelve months with 2 team members for 60 minutes)
- 10.04 **General Project Admin. & Coordination.** The ENGINEER will coordinate the project with survey sub-consultants and OWNER.
- 10.05 **Invoice Preparation & Progress Reporting.** The ENGINEER will prepare monthly invoices and progress reports.

5.0 Summary of Budgeted Meetings

- Kick-Off Meeting w/City (In Person) – 1 Meeting, 90 minutes, 4 team members.
- Progress Meetings w/City – Monthly for twelve months. Assumed 3 team members, 60-minute meetings, 12 total meetings.
- Utility Coordination Meetings – 3 meetings, 1 team member, 90-minute meetings.
- Right-of-Way Coordination Meetings – 2 meetings, 1 team member, 90-minute meetings.
- Preliminary Plan Review Meeting – 1 meeting, 2 team members, 90-minute meeting.
- Right of Way Plan Review Meeting – 1 meeting, 2 team members, 90-minute meeting.
- Final Plan Review Meeting – 1 meeting, 2 team members, 90-minute meeting.
- Pre-Bid Meeting – 1 meeting, 2 team members, 90-minute meetings.
- Pre-Construction Meeting – 1 meeting, 2 team members, 90-minute meetings.
- Construction Phase Meetings – 4 meetings, 2 team members, 120-minute meetings.

6.0 Deliverables

- Design Criteria Memo in Electronic Format (PDF)
- Public Informational Meeting Summaries, including copies of comments received, sign-in sheets etc.
- Construction Plans in Electronic Format (PDF) (Sheet size of 34" x 22")
- Project Specifications in Electronic Format (Word & PDF) (If Applicable)
- Engineer's Opinion of Probable Cost (OPC) in Electronic Format (PDF)
- Public Involvement Plan
- Social Media Posts and Corresponding Graphics (up to 8)
- Press Releases (x2)
- Draft and Final Website Content (up to 2 updates)
- Public Meeting Materials, including boards, presentation slides, sign-in sheets, comment cards, etc. (x2)
- Public Meeting Invitations (postcard and flyer format for mail and email (x2)
- Public Meeting Summaries (x2)
- Draft and Final CATX
- Draft and Final Cultural Resources Report
- Protected Species and Habitat Assessment Memo

- Water Resources Memo
- Community Assessment/EJ Memo
- Hazardous Materials Review Memo

7.0 Schedule

7.1 Project Design Schedule

- Notice to Proceed – May 1st, 2024
- Preliminary Plans Due – TBD
- Public Informational Meeting #1
- Right of Way Plans Due – TBD
- Public Informational Meeting #2
- Final Plans Due – TBD
- Advertise for Bids – Fall 2025
- Bid Opening – Fall 2025
- Construction – 2025 through 2026

7.2 NEPA Schedule

NEPA process will begin upon NTP and should conclude within 12 months from NTP. Burns & McDonnell will expedite tasks where possible to shorten the deliverable and approval timeframes.

APPENDIX A - FEE PROPOSAL

TRUMAN CONNECTED PHASE 2																			
Task No.	Description	Project Manager	Staff Roadway Engineer	Assistant Roadway Engineer	Senior Traffic Engineer	Staff Traffic Engineer	Senior CAD Designer	Staff CAD Designer	Assistant CAD Designer	ENV Lead	CR/BIO Leads	ENV Sci/GIS	Assist ENV Sci	Senior Outreach Specialist	Staff Outreach Specialist	Assistant Outreach Specialist	Labor Hours	Labor Cost	
		R. Williams	S. Gilliam	T. Wilkerson	E. Widder	J. Hartman	L. Rainey	A. Riechart	J. Cram	Cannon-Mackey	Harris/Roh	Holifield	TBD	M. Green	K. Meyer	M. Vanderburg			
	Staff Name	R. Williams	S. Gilliam	T. Wilkerson	E. Widder	J. Hartman	L. Rainey	A. Riechart	J. Cram	Cannon-Mackey	Harris/Roh	Holifield	TBD	M. Green	K. Meyer	M. Vanderburg			
	Bill Rate	\$ 266.00	\$ 188.00	\$ 143.00	\$ 188.00	\$ 166.00	\$ 205.00	\$ 166.00	\$ 104.00	\$ 266.00	\$ 188.00	\$ 143.00	\$ 120.00	\$ 188.00	\$ 143.00	\$ 104.00			
1	Survey & Related Services	0.0	8.0	8.0	8.0	8.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	32.0	\$ 5,480.00	
1.01	Project Survey & LIDAR Targeting																		
1.02	Mobile LIDAR Data Acquisition																		
1.03	Mobile LIDAR Data Processing																		
1.04	Mobile LIDAR Data Extraction																		
1.05	Property Mapping																		
1.06	Utility Survey																		
1.07	Field Reconnaissance																32	\$ 5,480.00	
2	Preliminary Design (30%)	20.0	166.0	168.0	30.0	0.0	192.0	139.0	83.0	0.0	0.0	0.0	0.0	0.0	0.0	6.0	824.0	\$ 141,642.00	
2.00.A	30% Preliminary Design		80.0	80.0			80.0	40.0	40.0								320	\$ 53,680.00	
2.00.B.01	Title Sheet						4.0	4.0									8	\$ 1,484.00	
2.00.B.02	Typical Sections	8.0					4.0										16	\$ 3,612.00	
2.00.B.03	Plan & Profile Sheets		60.0	60.0			52.0	26.0	26.0								224	\$ 37,540.00	
2.00.B.04	Survey Reference Sheets						4.0	4.0									8	\$ 1,484.00	
2.00.B.05	Intersection Details		16.0				16.0	16.0									48	\$ 8,944.00	
2.00.B.06	Driveway Profiles			20.0													20	\$ 2,860.00	
2.00.B.07	Pavement Marking Plans				26.0			13.0	13.0								52	\$ 8,398.00	
2.00.B.08	Cross Sections						16.0	16.0									32	\$ 5,936.00	
2.01.C	Opinion of Probable Construction Cost	4.0	8.0	8.0			8.0	8.0	4.0								40	\$ 7,436.00	
2.01.D	Quality Control	4.0	20.0		4.0		8.0	8.0									48	\$ 8,960.00	
2.01.E	Preliminary Plan Submittal	1.0														4.0	2	\$ 370.00	
2.01.F	Preliminary Plan Meeting	2.0	2.0														4	\$ 908.00	
2.01.G	Preliminary Plan Re-Submittal	1.0														1.0	2	\$ 370.00	
3	Right-of-Way Plan Development (60%)	16.0	142.0	136.0	300.0	60.0	218.0	286.0	228.0	0.0	0.0	0.0	0.0	0.0	0.0	6.0	1392.0	\$ 233,262.00	
3.01.A	60% Right of Way Design		80.0	100.0			80.0	80.0	40.0								380	\$ 63,180.00	
3.01.B.01	Title Sheet						4.0	4.0									8	\$ 1,484.00	
3.01.B.02	Typical Sections	4.0					4.0	4.0									12	\$ 2,548.00	
3.01.B.03	Plan & Profile Sheets						52.0	26.0	26.0								104	\$ 17,680.00	
3.01.B.04	Survey Reference Sheets						2.0	2.0									4	\$ 742.00	
3.01.B.05	Intersection Details		8.0				16.0	16.0									40	\$ 7,440.00	
3.01.B.06	Driveway Profiles			8.0				8.0									16	\$ 2,472.00	
3.01.B.07	Miscellaneous Details		16.0	16.0			16.0	16.0									64	\$ 11,232.00	
3.01.B.08	Storm Sewer Profiles		4.0				8.0										12	\$ 2,096.00	
3.01.B.09	Summary of Quantity Sheets		4.0	4.0													24	\$ 3,980.00	
3.01.B.10	Lighting Plans				52.0			26.0	26.0								104	\$ 16,796.00	
3.01.B.11	Signing Plans				52.0			26.0	26.0								104	\$ 16,796.00	
3.01.B.12	Pavement Marking Plans				52.0			26.0	26.0								104	\$ 16,796.00	
3.01.B.13	Traffic Signal Plans				60.0	20.0			40.0								120	\$ 18,760.00	
3.01.B.14	Traffic Control Plans				80.0	40.0			40.0								160	\$ 25,840.00	
3.01.B.15	Cross Sections						20.0	20.0									40	\$ 7,436.00	
3.02.C	Opinion of Probable Construction Cost	4.0	8.0	8.0			8.0	8.0	4.0								40	\$ 7,096.00	
3.02.D	Quality Control	4.0	20.0		4.0		8.0	8.0								4.0	48	\$ 8,960.00	
3.02.E	Right-of-Way Plan Submittal	1.0														1.0	2	\$ 370.00	
3.02.F	Right-of-Way Plan Review Meeting	2.0	2.0														4	\$ 908.00	
3.02.G	Right-of-Way Plan Re-Submittal	1.0														1.0	2	\$ 370.00	
4	Final Plan Development (100%)	16.0	102.0	40.0	192.0	50.0	141.0	149.0	139.0	0.0	0.0	0.0	0.0	0.0	0.0	6.0	835.0	\$ 142,267.00	
4.01.A	100% Final Plan Design		16.0	16.0			40.0	12.0	12.0								96	\$ 16,736.00	
4.01.B.01	Title Sheet						2.0	2.0									4	\$ 742.00	
4.01.B.02	Typical Sections	4.0					2.0	2.0									8	\$ 1,806.00	
4.01.B.03	Plan & Profile Sheets						20.0	16.0	12.0								48	\$ 8,004.00	
4.01.B.04	Survey Reference Sheets						1.0	1.0									2	\$ 371.00	
4.01.B.05	Intersection Details		4.0				8.0	8.0									20	\$ 3,720.00	
4.01.B.06	Driveway Profiles			4.0				4.0									8	\$ 1,236.00	
4.01.B.07	Miscellaneous Details		8.0	8.0				12.0	12.0								40	\$ 5,888.00	
4.01.B.08	Inlet & Manhole Details						2.0										4	\$ 786.00	
4.01.B.09	Storm Sewer Profiles		4.0				8.0										12	\$ 2,392.00	
4.01.B.10	Schedule of Inlets and Manholes		4.0				8.0										12	\$ 2,392.00	
4.01.B.11	Summary of Quantity Sheets		4.0	4.0				16.0									24	\$ 3,980.00	
4.01.B.12	Temporary Erosion & Pollution Control Plans		26.0				26.0	13.0									65	\$ 12,376.00	
4.01.B.13	Lighting Plans				26.0			13.0	13.0								52	\$ 8,398.00	
4.01.B.14	Signing Plans				26.0			13.0	13.0								52	\$ 8,398.00	
4.01.B.15	Traffic Signal Plans				30.0	10.0		30.0	20.0								60	\$ 9,360.00	
4.01.B.16	Pavement Marking Plans				26.0			13.0	13.0								52	\$ 8,398.00	
4.01.B.17	Traffic Control Plans				80.0	40.0			40.0								160	\$ 25,840.00	
4.01.B.18	Cross Sections		4.0				8.0	8.0									20	\$ 3,720.00	
4.02.C	Opinion of Probable Construction Cost	4.0	8.0	8.0			8.0	8.0	4.0								40	\$ 7,096.00	
4.02.D	Quality Control	4.0	20.0		4.0		8.0	8.0									48	\$ 8,960.00	
4.02.E	Final Plan Submittal	1.0															1.0	2	\$ 370.00
4.02.F	Final Plan Review Meeting	2.0	2.0														4	\$ 908.00	
4.02.G	Final Plan Re-Submittal	1.0														1.0	2	\$ 370.00	
5	Public Outreach	12.0	0.0	0.0	0.0	0.0	16.0	0.0	0.0	0.0	0.0	0.0	0.0	60.0	94.0	30.0	212.0	\$ 34,314.00	
5.01	Public Information Plan Development													12.0	16.0		28	\$ 4,544.00	
5.02	Content Creation													30.0	48.0	18.0	96	\$ 14,376.00	
5.03	Public Information Meeting #1	6.0					8.0							9.0	15.0	6.0	44	\$ 7,697.00	
5.04	Public Information Meeting #2	6.0					8.0							9.0	15.0	6.0	44	\$ 7,697.00	
6	Utility & Right-of-Way Coordination	11.0	4.0	0.0	0.0	0.0	0.0	12.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	4.0	35.0	\$ 6,502.00	
6.01.A	Utility Contact List																2.0	\$ 208.00	
6.01.B	Utility Mapping Review		4.0					4.0									8	\$ 1,416.00	
6.01.C	Utility Mapping Plans							8.0	4.0								12	\$ 1,744.00	
6.01.D	Utility Project Notification	2.0															4	\$ 740.00	
6.01.E	Preliminary Plan Utility Coordination	2.0															2	\$ 532.00	
6.01.F	Right of Way Plan Utility Coordination	2.0															2	\$ 532.00	
6.01.G	Final Plan Utility Coordination	2.0															2	\$ 532.00	
6.02.A	Right-of-Way Exhibit & Descriptions																		
6.02.B	Right-of-Way Meetings	3.0															3	\$ 798.00	
7	Environmental	0.0	0.0	10.0	0.0	0.0	0.0	0.0	0.0	44.0	172.0	518.0	160.0	0.0	0.0	0.0	904.0	\$ 286.00	
7.01	Environmental Coordination Kick-Off			2.0						4.0							6	\$ 286.00	
7.02	Desktop and Field Data Collection			2.0						2.0							4	\$ 286.00	
7.03.A	Impact Assess - Cultural Resources									6.0	130.0	380.0	160.0				676	\$ 99,576.00	
7.03.B	Impact Assess - Community Impacts/EJ									4.0							44	\$ 6,584.00	
7.03.C	Impact Assess - Land Use-Public Lands									2.0							8	\$ 1,390.00	
7.03.D	Impact Assess - Section 4(f)/6(f)									4.0	16.0	4.0					24	\$ 4,644.00	
7.03.E	Impact Assess - Vegetation & Land Cover									2.0	4.0						6	\$ 1,284.00	
7.03.F	Impact Assess - Protected Species									2.0	4.0						6	\$ 1,284.00	
7.03.G	Impact Assess - Water Resources									2.0	4.0						6	\$ 1,284.00	
7.03.H	Impact Assess - Hazardous Materials									2.0		32.0					34	\$ 5,108.00	
7.03.I	Impact Assess - Visual																		



April 02, 2024

Burns & McDonnell
Attn: Ronnie Williams, PE, PTOE – Senior Associate Traffic Engineer/Department Manager
9400 Ward Parkway
Kansas City, MO 64114

Re: Mapping Proposal for S. Sterling Ave. in Independence, MO

Mr. Williams,

Surveying Solutions, Inc. appreciates the opportunity to provide a proposal for completing mapping for a portion of the S. Sterling Ave. project in Independence, MO as shown in the KMZ provided.

Attachment “A” outlines the scope of services that will be performed as requested.

If you have any questions, comments, or concerns, please do not hesitate to call our office. Thank you for the confidence in our firm and the opportunity to provide services to Burns & McDonnell.

Sincerely,

SURVEYING SOLUTIONS, INC.

Kyle Everitt
Project Manager
keveritt@ssi-mi.com
o: (989)-846-6601
m: (989)-387-0701

surveying FOR TODAY... **solutions** FOR THE FUTURE...™

4471 M-61, Standish, Michigan 48658 • tel 989-846-6601 • fax 989-846-6607
1000 S. US-27, St. Johns, Michigan 48879 • tel 989-227-9212 • fax 989-224-2729
3734 Fortune Boulevard, Saginaw, MI 48603 • tel 989-798-0527 • fax 877-581-6645
www.ssi-mi.com

ATTACHMENT “A”

PROJECT DESCRIPTION

SSI will survey and map the limits as shown below regarding the S. Sterling Ave. project in Independence, MO for Burns & McDonnell. SSI will provide a control plan that will be utilized to adjust the LiDAR from the Mobile (MLS) acquisition and perform extraction for mapping purposes.

SURVEY REQUIREMENTS

This survey shall comply with the requirements of the Burns & McDonnell Standards. It is anticipated that the topographic mapping for this project will be acquired using Mobile LiDAR and conventional ground survey methods for the obscured areas in the scan. This data from various sources will be merged to create the final deliverables requested. SSI will be tasked with providing the overall mapping deliverables. A local surveyor will be responsible for the control work and pickup survey of the obscured areas.

PROJECT OVERVIEW

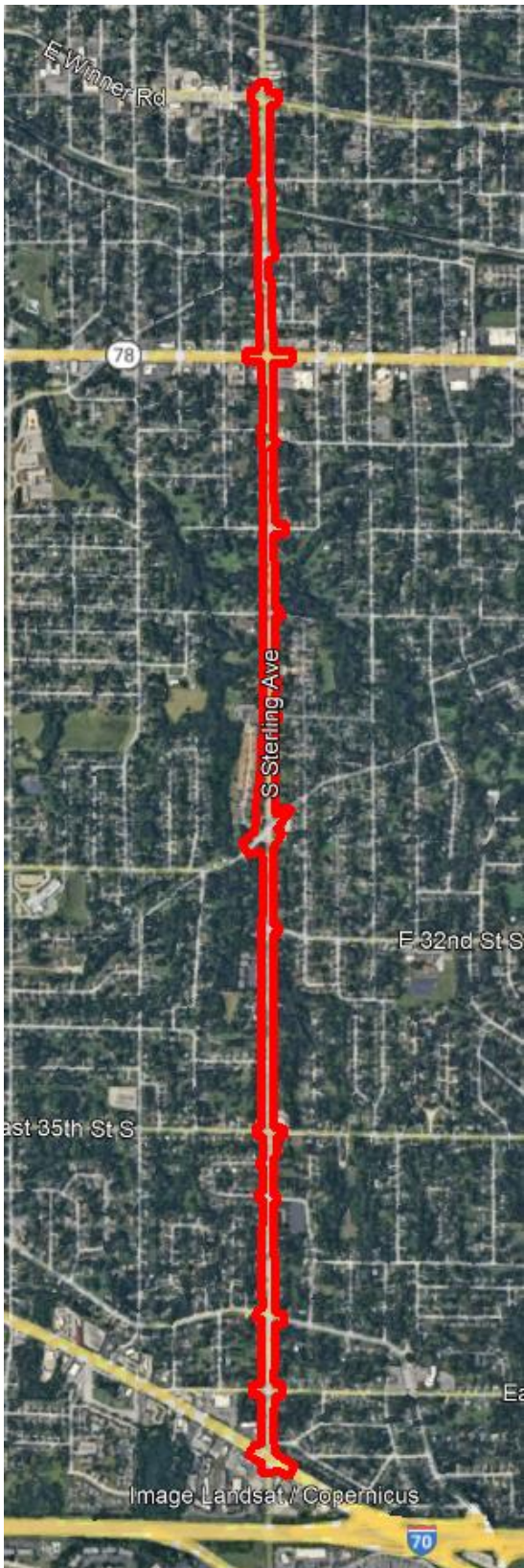
SSI will provide mobile LiDAR surveying and mapping services for the S. Sterling Ave. project. The immediate use of the collected LiDAR data will be to extract the required information on the existing system for design purposes. The LiDAR collected data will also be available for other groups to use when needs arise for survey/mapping data across the system.

Utilizing a standard vehicle, SSI will deploy its mobile LiDAR system to scan and locate all the visible features throughout the project. SSI is proposing to use the Riegl VMX-1HA Mobile LiDAR survey system that has a pulse rate of 2 million points/second and collects digital imagery or video on everything in the line-of-sight of the system. The system will create a rich 3D point cloud of data that effectively models everything it sees in full 3D clarity. The mobile scan occurs from the vehicle moving at maintenance or posted speeds so the system can be scanned very efficiently and quickly. Additionally, this LiDAR application enhances safety by reducing the risks to field personnel. The acquired LiDAR data will be post-processed and prepared to have the specific roadway features (assets) extracted into CADD format. The extraction process works within the MicroStation environment creating DGN files that graphically show the asset feature locations.



LIMITS OF WORK

Based on the information provided, SSI is proposing to map the following (per KMZ file previously provided):



APPROACH

Significant effort has been spent to develop an approach that fully meets the needs and requirements of the project while also minimizing the impact on the roadway.

The main components for the field data acquisition are the setting and surveying of the LiDAR targets and performing the scanning operations. The methodology for this project calls for LiDAR targets to be set and surveyed at +/-500' intervals across the project limits by a local surveyor at intersecting cross streets. LiDAR targets will be set on the shoulder of the roadway that is easily visible to the scanner and safe for the surveyors to set. Since the scanning operation will be completed before the LiDAR points are set, LiDAR points will be visible features along the project corridor. Photo points consist of catch basins, concrete edges, concrete foundation corners, warning devices, paint markings, etc. This is a proven system that has been successful on several projects that SSI has completed work on.

Use of mobile mapping methods will be utilized for completion of most of this project providing a savings in schedule, time and costs, improved safety and reduced traffic control and costs, among other benefits can be shown while providing the required data accuracy.

Project Planning:

SSI will attend a WEBEX meeting with the project team. The purpose of the meeting will be as follows:

- Meet with the Project Manager for the project.
- QA/QC the proposed project limits to make sure that what is proposed will satisfy the designer.
- Discuss the requirements of the control needed for the scan and the limitations of movement that are acceptable. The LiDAR points will be Photo-identifiable objects along the project corridor.
- A Mobile Mapping trajectory plan and a ground control target layout plan can be provided to the Prime for the local surveyor.
- Discuss the need for incorporating in the GPS reference station that SSI will utilize during the scan acquisition into the Primary network.
- Supply an obscure drawing for an area of missing coverage that will need conventional surveying (We anticipate that this will be minimal within the project corridor).

Survey Control:

SSI will provide a Mobile LiDAR targeting plan to Burns and McDonnell that will be completed by others. SSI would need the control values in both Grid and Ground along with the scale factor as a check.

Mobile LiDAR Data Acquisition:

- 1) LiDAR acquisition shall be done when pavement is dry.
- 2) Mobile LiDAR acquisition should be obtained at traffic speeds to avoid impeding traffic but also ensuring adequate spacing from surrounding traffic, so LiDAR collection is not obscured by traffic.
- 3) Multiple passes will be needed to eliminate as many obscured areas as possible. SSI will provide an obscured file to the Prime.
- 4) LiDAR acquisition settings and operating speed shall be done in a manner to maintain accurate data and consistent data spacing throughout the project.
- 5) LiDAR acquisition shall include collecting images along the trajectory routes to colorize the point cloud. Images will also be required for supplemental viewing by designers. These images shall be rotated to an upright view, if needed, indexed, geo-referenced and delivered with associated trajectory and with the LiDAR data.
- 6) Data acquisition of the roadway will proceed according to the plan approved by the project review meeting. The mobile LiDAR system will capture scan data and digital images.

- 7) LiDAR data horizontal and vertical accuracy will be 3mm relatively. The absolute accuracies will be +/-0.06' horizontally and +/-0.02' vertically to the control.
- 8) Spherical imagery will be collected for the project comprised of (6) camera perspectives.

Mobile LiDAR Data Processing:

- 1) All coordinates shall be referenced horizontally to the North American Datum 1983 (NAD 83), and vertically to the North American Vertical Datum 1988 (NAVD 88) utilizing Geoid 2018.
- 2) Utilizing the project GPS control and inertial data, a Smoothed Best Estimate Trajectory (SBET) shows the three-dimensional route of the Mobile.
- 3) A Mapping System will be created and evaluated for accuracies.
- 4) Once the SBET has been created, SSI will spatially reference the laser range data to create the LAS point cloud data to check for data inconsistencies, gaps, and data separations.
- 5) After the laser spatial reference process, SSI will then geo-correct the laser point cloud data to the target points and their corresponding values.
- 6) The trajectories, as driven, shall be processed/refined, combined with the LiDAR data that has been acquired, and shall be registered to the ground control targets. A portion of the ground control targets (typically about 1/3 to 2/3 of the total targets) shall be withheld from the registration process and used as independent points solely for validation of the point cloud and derived project data.

Extraction/Mapping:

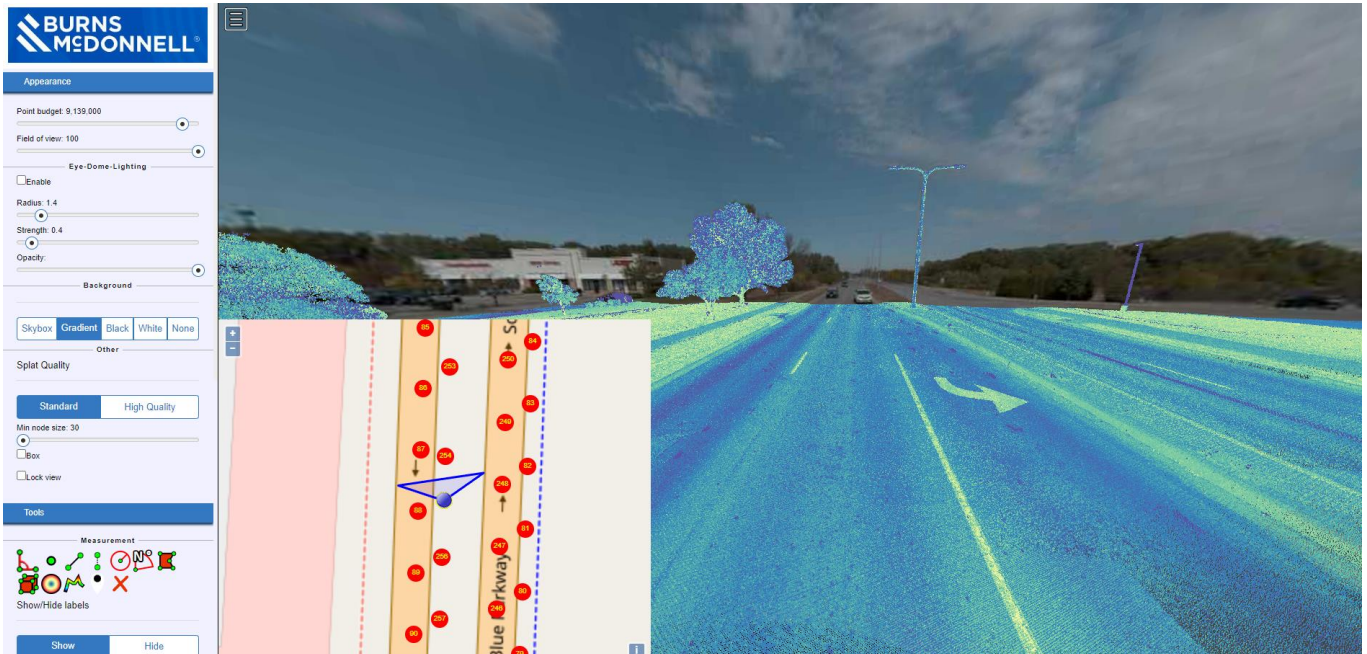
SSI technicians will utilize the adjusted point cloud data to perform the mapping for the project. SSI has been performing this type of work for several years and has established a workflow that provides clients with the best mapping deliverables that are available to the conditions of the scan. Each routine from line work to asset extraction will be extracted by a highly trained technician and reviewed by an additional technician. This provides redundancy that minimizes supplemental surveying during the client's field check. SSI will extract all hard surfaces and features that are visible in the scan as outlined within the KMZ boundary. Data extracted from LiDAR shall be delivered with a consistent spacing used by all operators. No significant spacing differences should be detectable in the extracted mapping throughout the project.

The SSI Mobile mapping system will collect all mapping components including pavement, curb, driveways, sidewalk, and all assets within the project limits. Extraction will extend to the limits of KMZ down sideroads from mainline to provide adequate mapping for ADA. Mapping will also extend to build faces on the project corridor.

Project Deliverables:

SSI will provide the following project deliverables:

- 1) Geo-corrected LAS files and POD files
- 2) Scan adjustment report PDF files.
- 3) Digital imagery obtained during the data acquisition phase in JPG with csv's.
- 4) Final mapping and will include the supplemental mapping by others.
- 5) LiDAR/Imagery viewer of the project's LiDAR and spherical Imagery for one year from the time of the collection. The viewer can be managed up to ten concurrent users and can manage an unlimited number of users assigned to the project. Administrative rights will be provided to one specific person from the client to coordinate permissions.



6) Final Report Containing:

- a) Project report describing in detail how the mobile mapping project was done, number and general location of passes to acquire data, equipment used, datum surveyed on, and results of the processing.
- b) Comparison spreadsheet showing the differences (fit) of the point cloud to the validation points. This spreadsheet shall include a resultant summary in NSSDA format showing the 95% difference in horizontal X and Y, and Vertical Z for the project.

Fees:

SSI fees will be in the Lump Sum amount of **\$99,370** and be invoiced upon the project completion with a net 30 term of payment.

Assumptions:

The following assumptions were made for developing the budget estimates for this proposal. If any of these assumptions prove to be incorrect, additional services and a budget may be required.

- No permit costs are budgeted for this project and associated permit costs would be an additional expense.
- The acquisition crew will not move any stockpiled material or debris to accomplish the survey.
- SSI is assuming that there is no training related to the project.
- If any additional coordinate is needed within the project, the Prime will be responsible for all coordination. SSI is anticipating no coordination is necessary for this type of project.
- SSI is anticipated one day of acquisition related to this project.
- The Grid to Ground scale factor will be provided to SSI by the control team.
- SSI is assuming that their other current insurance coverage will be adequate for the project. See below for SSI's current insurance coverage.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	☒ COMMERCIAL GENERAL LIABILITY			EPP0052155/EBA0052155	01/01/2023	01/01/2026	EACH OCCURRENCE	\$ 1,000,000	
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000	
	Valable Papers \$150,000						MED EXP (Any one person)	\$ 10,000	
	☒ Contractual Liability/XCU Coverage						PERSONAL & ADV INJURY	\$ 1,000,000	
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$ 2,000,000	
	☐ POLICY ☒ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG	\$ 2,000,000	
	OTHER:							\$	
								\$	
A	AUTOMOBILE LIABILITY			EPP0052155/EBA0052155	01/01/2023	01/01/2026	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000	
	☒ ANY AUTO OWNED AUTOS ONLY	☐ SCHEDULED AUTOS NON-OWNED AUTOS ONLY						BODILY INJURY (Per person)	\$
	☒ HIRED AUTOS ONLY	☐ NON-OWNED AUTOS ONLY						BODILY INJURY (Per accident)	\$
								PROPERTY DAMAGE (Per accident)	\$
								PIP-Property damage	\$ 3,000
A	☒ UMBRELLA LIAB	☒ OCCUR		EPP0052155/EBA0052155	01/01/2023	01/01/2026	Each Occurrence	\$ 10,000,000	
	☐ EXCESS LIAB	☐ CLAIMS-MADE						AGGREGATE	\$ 10,000,000
	DED	RETENTION \$							\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			100083551	01/01/2023	01/01/2024	☒ PER STATUTE ☐ OTH-ER		
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y / N	N / A					E.L. EACH ACCIDENT	\$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
								E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
C	Professional Liability			EO000048312-05	01/01/2023	01/01/2024	Per Claim	\$3,000,000	
							Aggregate	\$3,000,000	

If you have any questions, comments, or concerns please reach out.

Thanks,

Kyle Everitt



KS ENG COA: #3315
KS SUR COA: #363
MO ENG COA: #2022014084
MO SUR COA: #2022014231

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT-LLC.COM

APRIL 3, 2024

Burns and McDonnell
Attn, Ronnie Williams PE
9400 Ward Parkway
Kansas City Mo. 64114

SUBJECT: Independence, MO, Sterling Ave. approximately 2.7 miles from 40 Highway to Winner Road.

Thank you for the opportunity, we look forward to working on this project with you.

SCOPE OF WORK:

Control, BM's and mapping targets

Set permanent control (Horizontal and vertical), locate all mapping points (approximately 111) Vertical level loop with digital level

Field 56 hrs. x \$195 = \$10,920

Office cad tech 24hrs. x \$125 = \$3,000

PLS 4 hrs. x \$150 = \$600

Total \$14,520

Property strip map

Find and locate existing property, create ownership strip map including ROW's.

Field 120 hrs. x \$195 = \$23,400

Office cad tech 100 hrs. x \$125 = \$12,500

PLS 20 hrs. x 150 = \$3,000

Total \$38,900

Utilities including storm and sanitary sewers with inverts.

Field 160 hrs. x \$195 = \$31,200

Office cad tech 100 hrs. x \$125 = \$12,500

PLS 40 hrs. x 150 = \$6,000

Total \$49,700

Survey of obscure areas

Field 24 hrs. x \$195 = \$4,680

Office 16 hrs. x \$125 = \$2,000

PLS 4 hrs. x 150 = \$600

Total \$7,280

Total \$110,400

Preparing legal exhibits & descriptions \$500 per description and exhibit x 20 = \$10,000.

Title report approximately 20 properties x \$300 each = \$6,000.

APPENDIX B – TRAFFIC SIGNAL REPAIR NEEDS

Signal Pole Structural Assessment Details

Summary								Pole and Base Plate Assessment															Mast Arm Assessment			
Object ID	N-S Street	E-W Street	Quadrant	Inspection Date	Priority Ranking	Status	Comments	Paint Required	Corrosion	Luminaire Intact	Cracks / Dents in Pole	Pole Plumb	Puncture in Pole	Anchor Bolts	Base Condition	Hand Hole	UltraSonic Thickness Test Performed	Penetrant Test Performed	Magnetic Particle Test Performed	Photos Taken	Comments	Mast Arm Bolts	Mast Arm Coating	Mast Arm Damage	Comments	
3	Sterling Avenue	35th Street	SW	2022-12-07 4:13	14	schedule for Replacement	Corrosion and puncture	N	MINOR	Y	N	YES	YES	LOOSE	GOOD	GOOD	Y	N	N	Y		ACCEPT	SEVERE	NONE		
4	Sterling Avenue	35th Street	NW	2022-12-06 22:17	15	schedule for Replacement	Puncture	N	NONE	Y	N	YES	YES	GOOD	GOOD	GOOD	Y	N	N	Y		ACCEPT	ACCEPT	NONE		
28	Sterling Avenue	39th Street	SW	2022-12-09 22:55	12	schedule for Replacement	Large dent	N	NONE	Y	N	YES	NO	GOOD	GOOD	GOOD	Y	N	N	Y	Large dent	ACCEPT	ACCEPT	NONE		
26	Sterling Avenue	39th Street	NE	2022-12-09 22:48	16	schedule for Replacement	Puncture	N	NONE	Y	N	YES	YES	GOOD	GOOD	GOOD	Y	N	N	Y		ACCEPT	ACCEPT	NONE		
30	Sterling Avenue	Blue Ridge Boulevard	NW	2022-12-06 23:14	22	Work Needed	Grind corrosion and repair	N	MINOR	N/A	N	YES	NO	GOOD	GOOD	GOOD	Y	N	N	Y		ACCEPT	ACCEPT	NONE		
5	Sterling Avenue	Sheley Road	NE	2022-12-09 22:45	1	schedule for Replacement	Cracks and puncture holes	N	NONE	Y	Y	YES	YES	GOOD	GOOD	LOOSE	Y	N	N	Y	Base appears to be repaired.	ACCEPT	ACCEPT	NONE		
7	Sterling Avenue	Sheley Road	SW	2022-12-09 22:54	10	schedule for Replacement	Puncture	N	NONE	Y	N	YES	YES	GOOD	GOOD	LOOSE	Y	N	N	Y		ACCEPT	ACCEPT	NONE		
8	Sterling Avenue	Sheley Road	NW	2022-12-09 22:58	24	Work Needed	Tighten anchor bolts - M	N	NONE	Y	N	YES	NO	LOOSE	GOOD	GOOD	Y	N	N	Y		ACCEPT	ACCEPT	NONE		
9	Sterling Avenue	Winner Road	SE	2022-12-08 23:15	13	schedule for Replacement	Large dent	N	NONE	Y	N	YES	NO	GOOD	GOOD	GOOD	Y	N	N	Y	Large dent and scratch	ACCEPT	ACCEPT	NONE		
10	Sterling Avenue	Winner Road	NW	2022-12-08 23:21	26	Work Needed	Tighten mast arm bolts	N	NONE	Y	N	YES	NO	GOOD	GOOD	GOOD	Y	N	N	Y			LOOSE	ACCEPT	NONE	

Cell Highlight Legend

Immediate Need

High Priority

Medium Priority

Low Priority

Item of Note



City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to authorize the City Manager to approve purchase order change order #2 to the design contract with Renaissance Infrastructure Consulting for an amount not to exceed \$48,245 authorizing future minor change orders not to exceed \$14,039 as part of the Leslie to Crane at Hereford Drainage Improvement Project (No. 132201).

Recommendations:

Council approval is recommended.

Background:

Approval of change order #2 will add \$48,245 to the existing contract (PO#22000934) with Renaissance Infrastructure Consulting for additional design services as part of the Leslie to Crane at Hereford Drainage Improvement Project (No. 132201). These services include additional surveying, design, plan development, and construction administration.

Original Contract: \$43,485.00

Change Order #1: \$48,660.00

Change Order #2: \$48,245.00

New Contract Total: \$140,390.00 (not including contingency)

This project will construct stormwater drainage improvements to address flooding in a residential neighborhood in the Springbranch Watershed and generally between Fair St. and Hereford Ave. along Pope Ave.

Emergency Justification:**Fiscal Impact:**

The fiscal impact of change order #2 to the City is \$62,284 including a 10% contingency. Funding for the Leslie to Crane at Hereford Drainage Improvement Project (No. 132201) is included in the FY 25 budget, page number 196, account number 0137013-5406.

Council Action:

Department / Contact	Municipal Services /
---------------------------------	----------------------

REVIEWERS

Lisa Reynolds
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Scope of Services - CO#2 - RIC - Lesle to Crane at Hereford - Project No. 132201 - PO#22000934
2. Leslie_to_Crane_and_hereford_location_Map



July 15, 2024

Ted Martin, P.E., CFM
Stormwater Manager – Municipal Services Department
City of Independence, Missouri
17221 E. 23rd St. S
Independence, MO 64057

Re: **Leslie to Crane Drainage Improvements – Additional Services Request**

Mr. Martin:

Renaissance Infrastructure Consulting (RIC) is under contract with the City of Independence Municipal Services Department (MSD) to develop plans, specifications and an engineer's estimate for the Leslie to Crane Storm Drainage Capital Improvement Project (CIP). Based on discussions with you, the City would like modifications made to the final plans based on discussions with residents during the acquisition process.

The City has requested that RIC provide a scope and fee for the addition work required to make these modifications.

Based on discussions had to date, the following is a summary of the changes to be made:

1. Parcel 3
 - Redesign of system at intersection of Pope and Fair to remove system along east side of home.
 - Update alignment table
 - Update DA Map and Calculations
 - Update Demo Plan
 - Update Plan and Profile
 - Update Easement Plan
 - Update Easement Exhibit and Legal Descriptions for Parcel 3.
2. Parcel 27
 - Redesign of culvert under Logan, replace RCB with dual HDPE pipe and extend past resident's shed, and revise associated grading.
 - Update alignment table
 - Update DA Map and Calculations
 - Update Demo Plan
 - Update Plan and Profile
 - Update Easement Plan
 - Update Easement Exhibit and Legal Descriptions for Parcel 7.
3. Add Alternates
 - Revise Plans and Specifications to break project into add alternates.
4. Staking of Easements
 - RIC will provide staking for up to 5 parcels for assistance in Acquisition.
5. RIC understands that the acquisition process is ongoing and additional modifications may be necessary. In an attempt to capture the costs associated with additional revisions, RIC has included a line item for additional modifications that may be necessary.
6. Per discussions with you, RIC has included a task to assist with construction administration to include assistance with submittal reviews, answering RFI's from the contractor, and field visits.



Based on this scope of services we are requesting additional services in the amount of \$48,245.00. A breakdown of the estimated hours are attached for reference.

Please contact me at vzink@ric-consult.com or 816-800-0952 should you have any questions or require any additional information. We look forward to continuing to serve you on this and future projects.

Very Respectfully:

A handwritten signature in black ink, appearing to read 'V. Zink'.

Vincent Zink, P.E.
Vice President – Project Manager

Description Pearl to Crane and Hereford Drainage Improvement Project - Additional Services 2											
TASK ONE	PRELIMINARY DESIGN										
1.1	Parcel 3	2	4		16		2				24
1.2	Parcel 7	2	8		16		2				28
1.3	Add Alternates	8			4						12
1.4	Staking of Easements	2				15					17
1.5	Additional Assistance during Acquisition	12	32		40		8				92
1.6	Construction Administration Assistance	60	60		40						160
Total Hours for Plans Specifications and Estimate		86	104	0	116	15	12				333
Labor Rate		\$ 175.00	\$ 140.00	\$ 90.00	\$ 110.00	\$ 205.00	\$ 150.00				
TASK ONE: Preliminary Design		\$ 15,050.00	\$ 14,560.00	\$ -	\$ 12,760.00	\$ 3,075.00	\$ 1,800.00				
Sub-Total Labor		\$ 15,050.00	\$ 14,560.00	\$ -	\$ 12,760.00	\$ 3,075.00	\$ 1,800.00				
RIC Labor Total		\$ 47,245.00									
Expenses											
Misc Expenses		\$1,000.00									
Total Expenses		\$1,000.00									
Total Fee		\$ 48,245.00									

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to authorize the City Manager to approve a construction contract with MegaKC Corporation, for an amount not to exceed \$4,060,200 authorizing future minor change orders not to exceed \$406,020 and/or time extensions as part of the Rock Creek Waste Water Treatment Plant Rehabilitation Project (No. 302205).

Recommendations:

Council approval is recommended.

Background:

There were 2 construction bids for this project.

MegaKC Corporation: \$4,060,200

Crossland Heavy Contractors: \$4,263,463.10

MegaKC Corporation has successfully and satisfactorily completed other construction contracts for the City. Their bid has been reviewed by the Management Analyst and is being recommended for approval of this contract.

The Rock Creek Waste Water Treatment Plant Rehabilitation Project (No. 302205) will make necessary repairs to the plant to ensure optimal treatment of the City's wastewater continues. The scope of these repairs includes 4 primary clarifiers, a new effluent flow meter, a blow motor replacement, scum pump replacements, and concrete surface and crack repairs.

This is a budgeted Capital Improvement Project.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$4,466,220. Funding for the Rock Creek Wastewater Treatment Plant Rehabilitation Project (No. 302205) is included in the FY 24 adopted budget, page number 182, account number 0307030-5406.

Council Action:

**Department /
Contact**

Municipal Services /

REVIEWERS

Lisa Reynolds
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Memo for RCWWTP
2. Official Bid Tab Summary - ITB #24030 - RCWWTP Clarifier Rehabilitation - Project No. 302205



MEMORANDUM

DATE: August 1st, 2024
TO: Honorable Mayor & Members of the City Council
FROM: Andrew R. Frazier, Management Analyst
SUBJECT: Rock Creek Waste Water Treatment Plant Clarifier Rehabilitation



I have reviewed the bid information to ensure compliance with the contracting process per Section 1.43.007(D) of the City Code. Before you is an ordinance authorizing the City Manager to enter into an agreement with MegaKC Corporation for \$4,060,200.00. The extent of the work includes rehabilitating the clarifier system at Rock Creek Waste Water Treatment Plant. This includes mobilization, rehabilitation of primary clarifiers, new effluent flow meter, blow motor replacement, concrete surface repairs, concrete repair crack injections, replacement of scum pumps, site work, demobilization, and all appurtenant work.

City staff provided the Management Analyst with all applicable documents under the bidding process, including verifying actions related to the bidding process. This is a satisfactory agreement, and all parties have fulfilled their obligations accordingly. The contract with MegaKC Corporation will cover the rehabilitation and construction of the required work outlined above at the Rock Creek Waste Water Treatment Plant.

Per Section 34.040 of the Missouri Revised Statutes regarding Competitive Bidding and Chapter 8, Article 6 of the Independence Code, Municipal Services received two bids after being published on the public purchase website for 30 days. In addition to the MegaKC Corporation bid, Municipal Services received one other bid from Crossland Heavy Contractors totaling \$4,263,463.10, deemed incomplete. Municipal Services staff reviewed each of the firm's qualifications and decided to pursue MegaKC Corporation's bid of \$4,060,200.00. The bid is complete and the lowest of the two finalists.

Mega KC Corporation is headquartered in North Kansas City, MO. They have provided references of their completed WWTF projects in the area, including our Independence, MO; Mission, KS; Unified Government of Wyandotte County, KS; Spring Hill, KS; and Platte County, MO.

Additional bid documentation includes personnel qualifications, a list of current and past projects, worker's compensation data, certificate documentation of authority allowing business in Missouri, and OSHA Form 300A.



All bid documents have been reviewed, and I find no provision that would be considered harmful or unacceptable to the City. As required, a bid bond has been submitted for 5% of the contract.

Please let me know if you should have any further questions regarding this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Andrew R. Frazier".

Andrew R. Frazier, MPA
Management Analyst

- C. Zachary Walker, City Manager
Lisa Reynolds, Assistant City Manager & Director of Municipal Services
Susanne Holland, City Clerk

Invitation to Bid No.: 24030 - Bid Tabulation Results Project Title: RCWWTP Clarifier Rehailitation City Project No.: 302205 Date: 7/26/2024	
<u>Contractor</u>	<u>Bid Total</u>
Mega KC Corporation	\$ 4,060,200.00
Crossland Heavy Contractors (incomplete bid)	\$ 4,263,463.10

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to authorize the City Manager to approve a construction contract with Abay Construction, Inc., for an amount not to exceed \$300,689 authorizing future minor change orders not to exceed \$30,068.90 and/or time extensions for Phase 1 of the Rock Creek CMP Repair and Replacement Project (No. 132402).

Recommendations:

Council approval is recommended.

Background:

There were 5 construction bids for this project:

Abay Construction, Inc.	\$300,689.00
Legacy Underground Construction, Inc.	\$300,709.00
Genesis Environmental Solutions, Inc.	\$308,709.38
Terry Snelling Construction, Inc.	\$310,410.00
Linaweaver Construction, Inc.	\$356,060.00

Abay Construction, Inc. has successfully and satisfactorily completed similar construction projects for neighboring cities. Their bid is being recommended for approval of this contract.

The Rock Creek CMP Repair and Replacement Project (No. 132402) will address the corrosion and structural failure of existing corrugated metal storm drainage pipes throughout the Rock Creek Watershed. This project is eligible for up to \$5 million in American Relief Plan Act (ARPA) funding through the Missouri Department of Natural Resources (MDNR), with 20% in matching City funds up to \$1 million. The project has been broken up into two phases for construction to better meet the timeline set forth by MDNR.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$330,757.90 including a 10% contingency. Funding for the Rock Creek CMP Repair and Replacement Project (No. 132402) is included in the FY 25 proposed budget, page number 196, account number 0137013-5406. This project is eligible for up to

\$5,000,000 in ARPA grant fund reimbursement through MDNR with 20% in matching City funds up to \$1,000,000.

Council Action:

Department / Contact	Municipal Services /
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REVIEWERS

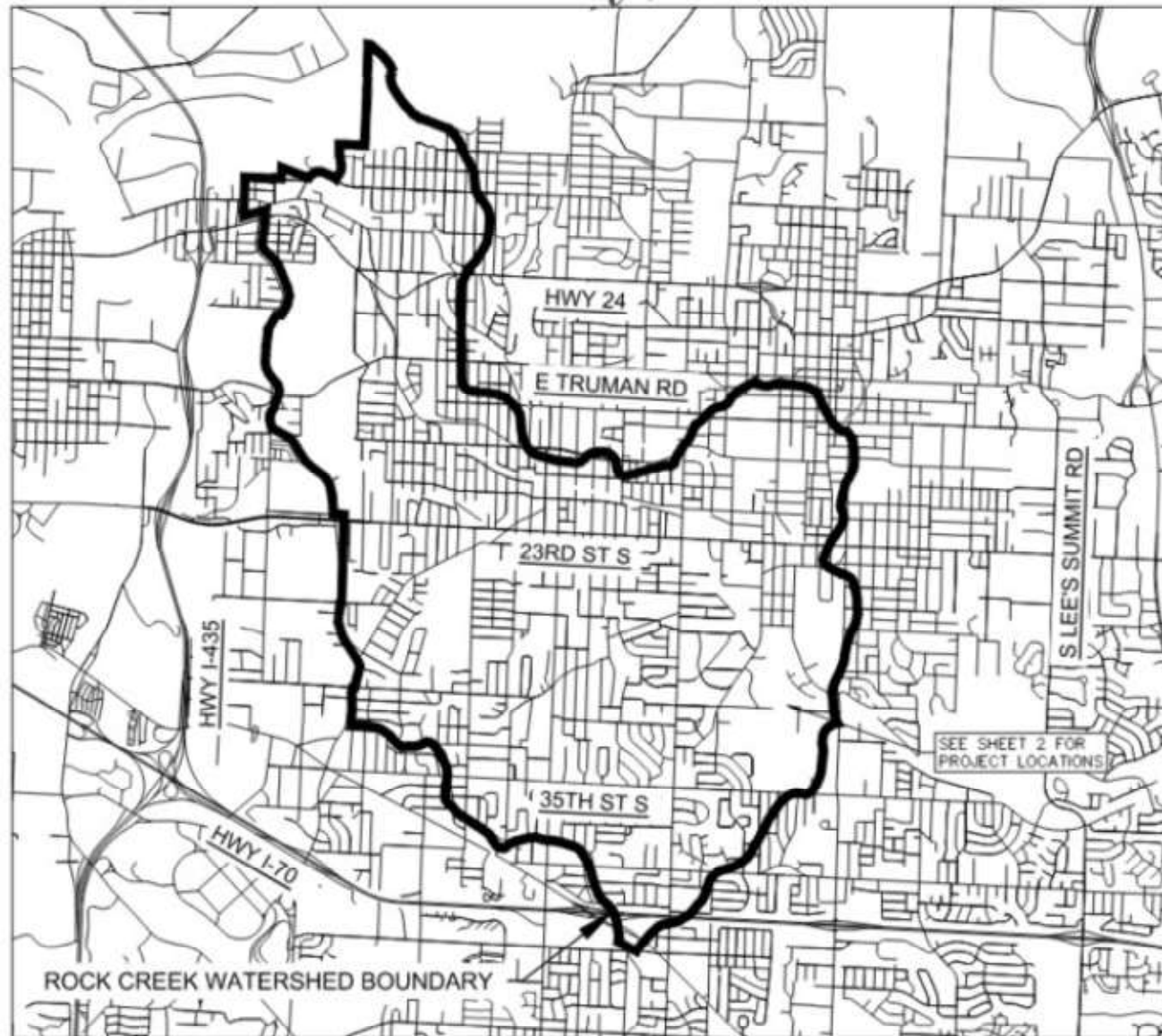
Lisa Reynolds
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Official Bid Tab Summary - ITB #24034 - Rock Creek CMP Repair And Replacement PH. 1-
Project No. 132402
2. Rock Creek Watershed Boundary

Invitation to Bid #24034 - Bid Tabulation Results
Rock Creek CMP Repair and Replacement - Ph. 1
CITY PROJECT NO. 132402
25-Jul-24

<u>Contractor</u>	<u>Bid Total</u>
Abay Construction, Inc.	\$ 300,689.00
Legacy Underground Construction, Inc.	\$ 300,709.00
Genesis Environmental Solutions, Inc.	\$ 308,709.38
Terry Snelling Construction, Inc.	\$ 310,410.00
Linaweaver Construction, Inc.	\$ 356,060.00



LOCATION MAP

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to authorize the City Manager to approve a construction contract with Infrastructure Solutions, LLC (I-Solutions), for an amount not to exceed \$510,000 authorizing future minor change orders not to exceed \$51,000 and/or time extensions as part of the 23rd St. Main Replacement (R.D. Mize Rd. to Redwood Ave.) Project (No. C24-203-401301).

Recommendations:

Council approval is recommended.

Background:

There were 7 construction bids for this project.

I-Solutions	\$510,000.00
Abay Construction, Inc.	\$612,686.00
Linaweaver Construction	\$659,500.00
Hettinger Construction, Inc.	\$708,550.00
Genesis Environmental Solutions, Inc.	\$749,169.85
Leath & Sons, Inc.	\$844,944.00
Redford Construction Co.	\$927,500.00

I-Solutions has successfully and satisfactorily completed other construction contracts for the City. Their bid is being recommended for approval of this contract.

The 23rd St Main Replacement Project (No.C24-203-401301) will replace a section of approximately 1,671 feet of water main along E. 23rd St. from R.D. Mize Rd. to Redwood Ave.

This is a budgeted capital project.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$561,000 including a 10% contingency. Funding for the 23rd St. Main Replacement Project (No. 401301) is included in the FY 24 adopted budget, page number

364, account number 0407040-5406, and will be supplemented by the Water Main Repair and Replacement Project (No. 9749) included in the FY 25 proposed budget, page number 197, account number 0407040-5406.

Council Action:

Department / Contact	Municipal Services /
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REVIEWERS

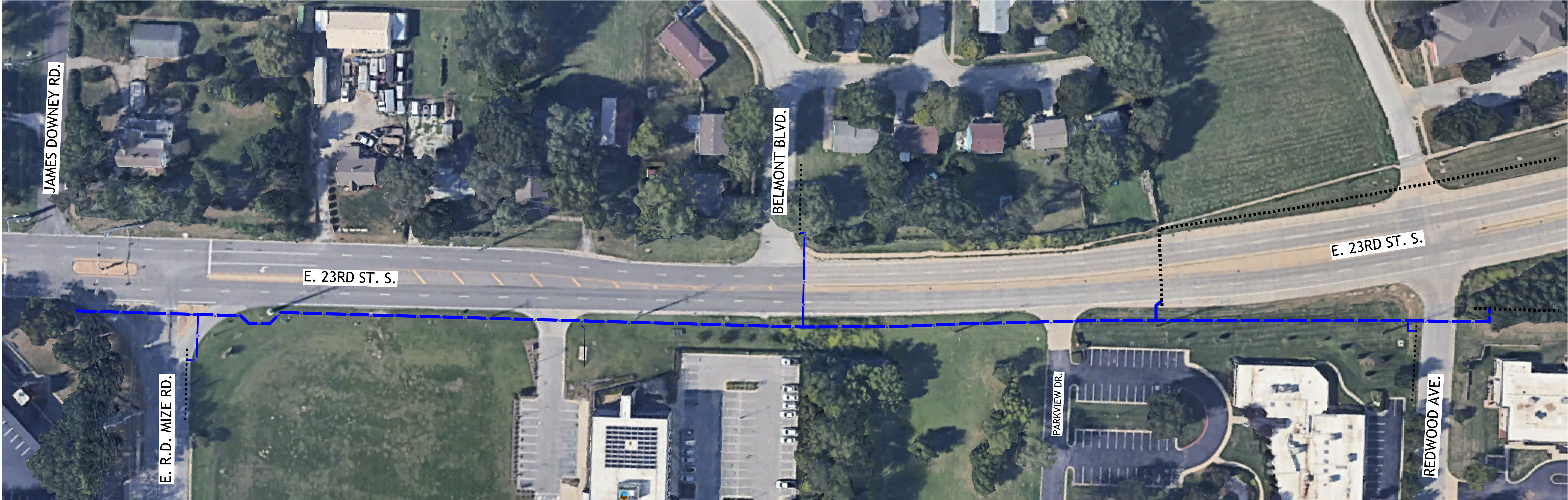
Lisa Reynolds
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Official Bid Tab Summary - ITB #24036 - 12in Water Main Replacement - E. 23rd St - RD Mize to Redwood Ave - Project No. C24-203-401301
2. 23RD ST PROJECT AREA MAP

Invitation to Bid: #24036- Bid Tabulation Results**Project Title: 12" Water Main Replacement - E 23rd St. (RD. Mize Rd. to Redwood Ave)****City Project No.: C24-203-401301****Date: 7/30/2024**

<u>Contractor</u>	<u>Bid Total</u>
I-Solutions	\$ 510,000.00
Abay Construction, Inc.	\$ 612,686.00
Linaweaver Construction	\$ 659,500.00
Hettinger Construction, Inc.	\$ 708,550.00
Genesis Environmental Solutions, Inc.	\$ 749,169.85
Leath & Sons Inc.	\$ 844,944.00
Redford Construction Co.	\$ 927,500.00



JAMES DOWNEY RD.

BELMONT BLVD.

E. 23RD ST. S.

E. 23RD ST. S.

E. R.D. MIZE RD.

PARKVIEW DR.

REDWOOD AVE.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to approve a contract with the Englewood Arts for the license of the Englewood public area for the Englewood ReArt Festival.

Recommendations:

Staff recommends approval.

Background:

The Englewood Arts seeks to host the first annual ReArt Festival, a 2-day festival to bring together the Englewood neighborhood and surrounding communities to celebrate art, culture, and the vibrant community of Independence.

Englewood Arts intends to host the Englewood ReArt Festival utilizing the parking medians, islands, green areas, crosswalks, sidewalks and all other adjoining areas of Winner Road from Harris Street west to Appleton Boulevard. The Festival will feature an anticipated 25-30 artist and vendor booths with a maximum capacity of 40 booths. There will be live music on the porch of Englewood Arts building, food trucks, an upcycled public art sculpture-making showcase, children's activities such as face painter, balloon art, kids' performances (potentially Puppetry Arts) and juggling.

The mission is to bring awareness to the neighborhood and use the Festival as a way to invigorate the community. The festival will be an extended 3rd Friday ArtWalk that will showcase artists and art related vendor booths. The Festival will showcase over 60 artist/makers, kids activities, performances and "upcycled" public art sculpture-making showcase. The Festival is free to the public and is estimated to bring 3,000 to 4,000 visitors. Through fostering, cultivating, and celebrating the artistic creations of the community, Englewood Arts will support restoring homes, increasing housing options, and improving the neighborhood of Englewood. Money raised from the event will go towards community improvement projects through the Rock the Block," a program sponsored by Truman Heritage Habitat. Habitat's' Rock the Block concentrates volunteers on clusters of homes in neighborhoods, making needed repairs of all sizes that helps restore pride in homeownership for the affected families and helps increase community connections along the way.

The proposed contract grants the Englewood Arts exclusive use of the public areas within the area depicted on the map for operating the Englewood ReArt Festival. The contract addresses various operating issues associated with conducting the festival including parking, vendor licensing, trash collection, security, public access, electrical service and use of public spaces for temporary structures. The contract was reviewed by City departments to address various operation issues.

The contract obligates Englewood Arts to obtain liability insurance and indemnify the City from

claims associated with occupancy of the festival grounds. Additionally, Englewood Arts is responsible for additional security personnel, waste and wastewater, fencing, trash and debris, recycling, accessibility, cleaning of the festival area as well as the cost associated with electric and water usage during the festival.

The City is responsible for providing available barricades (subject to availability), water supply to the festival grounds, as well as conducting public health and safety inspections of vendor booths.

Emergency Justification:

Fiscal Impact:

There is no fiscal impact.

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Englewood Arts District Art Festival City Summary
2. Draft Contract for Englewood Arts Festival
3. Art Fest Map

Englewood Arts District Art Festival - Re Art Fest

Organizer: Englewood Arts Inc.

**Primary Benefactor: Truman Heritage Habitat for
Humanity “Rock the Block”**

Event Name: ReArt Fest

Event Dates: Friday, September 20th, 2024. 3:00 PM to 8:00 PM &

Saturday September 21st, 11:00 AM to 8:00 PM

Mission/Vision Statement of the Festival:

Building Community through the Arts. The Englewood Arts ReArt Fest will be an annual event that aims to raise funds for the sustainability and reinvigoration of the Englewood neighborhood of Independence, Missouri.

Our mission is to bring together neighbors and the greater community with the use of repurpose(d) materials to celebrate arts and culture. Through fostering, cultivating, and celebrating the artistic creations of the community, we will support restoring homes, increasing housing options, and improving the neighborhood of Englewood.”

Festival Summary:

The two day festival will bring together the Englewood neighborhood and surrounding communities to celebrate art, culture, and the vibrant community of Independence. However, the purpose of this event goes beyond celebrating arts and culture. Our mission is to bring awareness to the neighborhood and use the festival as a way to invigorate the community and raise money for community improvement projects through the Rock the Block,” a program sponsored by Truman Heritage Habitat. The festival will be an extended 3rd Friday ArtWalk that will showcase artists and art related vendor booths. Also present will be live music, food trucks, kids' activities such as face painters, balloon art, and performance. A focal point will be an upcycled"public art sculpture overseen by local artists with contributions from those attending the fair. This fair aspires to be open to all and will maintain an upscale, family-friendly atmosphere.

Habitat's Rock The Block TM event concentrates volunteers on clusters of homes in strategic neighborhoods, making needed repairs of all sizes. The impact is striking, but it's more than curb appeal that is restored. Rock The Block helps restore pride in homeownership for the affected families and helps increase community connections along the way.

Projected Attendance:

3,000 to 4,000 people. Free Open Air Festival. Rain or Shine event.

Boundaries:

1 block of Winner Road from Harris Street west to Appleton Street. And inclusive of the lot on the NW corner of Appleton & Winner Road for the Food Truck area. Anticipated Winner Road Closing from 12:00 noon on Friday September 20th through Saturday evening September 21st, 11:00 pm. Harris and Appleton to remain fully open at all times.

Activities:

Artists & vendor booths anticipated at 25 to 30 booths with a maximum of 40. There will be live music (porch of Englewood Arts building), food trucks, an upcycled public art sculpture-making showcase, children's activities such as face painter, balloon art, kid's performances (potentially Puppetry Arts) and juggling.

CONTRACT FOR OF ENGLEWOOD DISTRICT PUBLIC AREA FOR RE-ART FESTIVAL

THIS CONTRACT, made and entered into this _____, 2024 by and between the **CITY OF INDEPENDENCE, MISSOURI**, a municipal corporation, the "**City**", party of the first part, and the **ENGLEWOOD ARTS**, 10901 E. Winner Road, Independence, Missouri, a Missouri corporation, the "**Arts**", party of the second part.

WITNESSETH: That the City Council of the City deems it to be in the best interests of the City and its citizens to promote City pride, commerce, art, housing and tourism through cooperation with the Arts, in the production of the Englewood ReArt Festival, the "Festival". In order to further this purpose, the City hereby grants permission and authority to the Arts upon the terms and subject to the conditions of this contract, to use all of the public areas in and around the area generally known as the Englewood Business District, which the City may presently own or controls, and contained within the boundaries as shown on the sketch attached hereto as **Exhibit A**, the "Festival grounds", and made a part hereof by reference for the purpose of conducting the Festival on September 20th and 21st, 2024, tentative festival hours: Friday, 3-8 pm and Saturday, 10 am-8 pm.

SECTION I. In consideration of the granting the use of the "Festival ground," the Arts, its employees, agents, contractors, vendors, exhibitors, and persons or organizations participating in the operation of the Festival hereby agree and covenant:

A. Festival Grounds. The Festival grounds shall be used only for the purposes of conducting the Festival, with the following definitions of the grounds and accompanying restrictions:

Festival Grounds Definition: Parking medians, islands, green areas, crosswalks, sidewalks and all other adjoining areas of Winner Road from Harris Street west to Appleton St.

1. Public Streets and City Parking Lots. The Arts will neither drill holes nor allow any of its contractors, vendors or exhibitors to drill holes for anchoring or stabilizing any structure or device in any public street or City parking lot.

Only the use of white chalk location markings on asphalt is authorized. Vendor location markings must be visible until inspections are complete. Markings on the curbs or sidewalks must be removed by 6:00 PM on Monday following the close of the Festival.

2. The Arts, further agrees that upon the termination of the Festival, all booths shall be promptly removed from the Festival grounds not later than 10:00 AM on Sunday, the day after the festival ends. The sidewalks, steps, crosswalks, and other areas of the Festival grounds used for foot traffic shall be cleared prior to 10:00 AM on Sunday, the day after the festival ends.

B. To provide for the conduct of the Festival, **ARTS** agrees that:

1. Emergency Action Plan. Englewood Arts shall coordinate with the City's Emergency Preparedness division to develop an Emergency Action Plan for the Englewood Arts Festival. The Emergency Action Plan shall be completed at least 30 days prior to the Englewood Arts Festival.
2. Security. The Arts shall provide necessary security in quantity and during hours of operation, as specified by the Chief of Police.
3. Waste and Wastewater. Arts shall provide for a system of disposal of waste and wastewater for the Festival grounds acceptable to the City. The Arts shall prohibit all vendors and exhibitors from disposing of waste or wastewater into the storm sewers.
4. Trash and Debris – Festival Area. The Arts shall during the course of the Festival, provide a sufficient number of dumpsters for depositing trash and debris resulting from the Festival and shall further provide for the removal of said trash and debris from said dumpsters. The Arts shall provide, while the Festival is in operation, sufficient personnel for the removal of trash. Liners for the trash containers shall be provided by the Arts. The City shall deliver trash containers to the Festival grounds prior to the Festival and remove them following the Festival.
5. Electrical Service. Englewood Arts shall coordinate with Independence Power and Light staff on planning the electrical service for the Festival. This coordination shall be completed with enough time to account for material and/or installation/modification lead times. Englewood Arts shall be responsible for the payment of the energy used during the Festival and any material/installation/ service/repairs. All charges shall be billed at the current IPL rate.
6. Accessibility. The Arts shall do all things necessary to assure handicap access to the Festival grounds is maintained. At least one ADA compliant restroom facility shall be made available at every bank of restrooms.
7. Handwash or Sanitizer Stations outside of Restroom Facilities. The Arts shall provide handwash or sanitizer stations outside of the restroom facilities.
8. Emergency vehicle accessibility: The Arts shall maintain booth spacing along streets to allow for clear access for emergency vehicles to enter the fairgrounds area. A minimum of 20 feet should remain clear of any obstructions that would inhibit emergency vehicle access.
9. Police Command Post Vehicles. Not Applicable
10. City Sponsor. The Arts shall include the name of the City as a sponsor in all media and promotional campaigns the same as any other sponsor. This may include, but is not limited to; pre-program publicity; on the Main Stage Banner, in theme oriented signage, festival t-shirts, information booth signage, festival programs; and other advertisements.

- 11 Vendors and Exhibitors Rules and Regulations. All vendors and exhibitors will operate under the rules and regulations of the 2024 Arts vendor contract including requirements for inspections by city departments, hours of operation, parking and vehicle restriction inside festival grounds as outlined. Vendors profiting by sales of items or services will be considered to be a regular vendor of the event and must register and pay for the booth space, electric, insurance and related costs per current Arts vendor contract.
- 12 Food Service and Vendor booth Inspections. The City shall conduct the necessary inspections to ensure compliance with applicable City Codes.
- 13 Post Festival Clean Up. The Arts shall provide the personnel, equipment and materials necessary to clean the Festival area at the conclusion of the Festival event. Final clean-up shall be complete by 10:00 a.m. Sunday September 22nd, 2024. Such cleanup will also include a good-faith effort to remove grease and other food debris from the festival grounds and public right-of-way.

C. Compliance With Law:

1. Arts, vendors, and exhibitors shall use and occupy the Festival grounds in a safe and careful manner and shall comply with all applicable municipal, state, and federal laws and rules and regulations pertaining to the carnival, food establishments, exhibits, and temporary structures as prescribed by the City, its employees and agents including those laws or ordinances regarding sale of alcoholic beverages and distribution of pornographic materials. It shall be the responsibility of the Arts to inspect all temporary installations, tents, other enclosures and structures for suitability and safety. The Arts shall require any vendor or exhibitor to remove or correct any unsightly or hazardous structure or condition which is so deemed by the City.

The City shall have the power to immediately close or prevent the opening to the public of any vendor or exhibitor which may be in violation of federal or state law or City ordinance. The Arts and its contractors, vendors and exhibitors agree to abide by the decision of the City in this regard and shall not make any claim or bring any action against the City, or its agents or employees, in regard to any such action taken by the City.

2. City Inspections During the Event. The Arts agrees that the City shall have the right to designate certain of its employees or agents as inspectors, and Arts agrees that such inspectors shall have the right at any time, and as often as the City may consider necessary, to inspect any property, and services being rendered, any riding devices, shows, displays, food establishments, or any activities of the Arts or the vendors, or exhibitors located on the Festival grounds, and the Arts, vendors, or exhibitors located on the Festival grounds shall give said inspectors free access to any space used or occupied by them or under their control for the purpose of such inspection and shall, upon request of such inspector, operate or demonstrate any machinery, mechanical devices, or electrical appliances owned, maintained, or in the possession of the Arts, vendors, or exhibitors located on the Festival grounds, or demonstrate or operate any process or activities being carried on by Arts, vendors, or exhibitors located on the Festival grounds.

3. Contractors Permits and Licenses. The Arts shall require all contractors and subcontractors of the Arts to obtain all necessary permits and licenses before providing contracted services at the Festival. The Arts shall submit a list of all contractors and subcontractors to the Regulated Industries Division of the Community Development Department a minimum of twenty (20) days before the Festival. The City reserves the right to immediately cease the operations or prevent the operation of any contractor or subcontractor that has not obtained all necessary permits and licenses required by the City.

All permits shall be obtained and license fees shall be paid prior to use of any device, show or display or food establishment which are required to be obtained or secured.

3. Temporary Health Permits. The granting of this license to the Arts shall be in lieu of all other business licenses required by vendors under Chapter 5 of the City Code of the City. The Arts shall provide to all food vendors instructions for obtaining a Temporary Health Permit along with guidelines for operating a food booth. Food service booths operating during the Festival will not be allowed to open until a Temporary Health Permit is obtained, the fee is paid, and a satisfactory inspection has been completed. (To assist with the orderly conduct of the Festival starting in June the Arts will provide to the Community Development Department a list of all vendor applicants denoting which ones that will be sampling/serving food. Designated City staff will have online access to all vendors serving or sampling food or beverages and a map of booth locations. (with monthly updates through July and then during August notification of applicants when received.) The Arts will provide to the Health Department a minimum of ten (10) days prior to the Festival a location map of the vendor booths providing food service to the public. This location map will be updated by the Arts as necessary.)
4. Vendor Sales Tax. The Arts will submit to the City at least ten (10) business days before the Festival a list of all vendors, including their contact information as on file with the Arts and their Missouri Retail Sales Numbers. Within ten (10) business days after the Festival, the Arts shall provide follow up list of all vendors attending the festival that includes Missouri Retail Sales Tax numbers. The Arts shall inform all vendors of the applicable sales tax rate within the Festival area.
5. Alcoholic Beverages. The Arts shall limit the number of temporary vendors that sell alcoholic beverages to no more than two (2) at a maximum of four (4) locations. These vendors must obtain all state and local licenses and shall be restricted to the sale of non-intoxicating or intoxicating beer by the drink, or malt liquor and light wine by the drink as provided for in Chapter 2 of the Code of the City.

The Arts may apply for and be approved for the appropriate liquor license if they become engaged in the sale or serving of alcoholic beverages. Said license shall define the open carry area if different from the Festival area. Signage must be present at all exits to the Festival area and entrances to the Carnival grounds prohibiting alcohol beyond this point. Only sales from the Arts and/or authorized vendors may be utilized in the Festival area. All signage must be approved by the City. Any existing business in the Festival grounds with an existing liquor license may request approval from the City to be included in the open

carry area.

D. Liabilities:

1. The Arts shall secure from each vendor or exhibitor on the Festival grounds, an agreement absolving the City of any liability for theft, loss or damage to property of vendor or exhibitor on the Festival grounds, irrespective of the cause thereof except for liability arising from any occurrence directly involving the gross negligence or intentional act of an employee or agent of the City. Each such agreement to release and waive all rights and claims against the City, and its agents and employees with respect to such theft, loss or damage shall also include release as to any liability for loss to an exhibit or other installation that results from shutdown by the City.
2. If the Festival grounds, or any portion thereof, during the term of this license, shall be damaged by the act, default or negligence of the Arts, its employees or agents, vendors, exhibitors, or any occupants and users of the Festival grounds, the Arts shall pay to the City, upon demand, such sum as shall be necessary to restore the Festival grounds to its previous condition. The Arts hereby assumes full responsibility for the character, acts and conduct of all its employees or any person acting for and on behalf of the Arts.
3. The Arts shall obtain "Commercial General Liability and Liquor Liability insurance coverage for the period of Friday prior to the Festival through the Monday following the Festival of at least \$1,000,000 aggregate limit for bodily injury and property damage under a Special Event policy issued to the Arts with an owner's protective liability provision to indemnify and save harmless the City, and its agents and employees, from and against any and all claims, actions, damages, liability and expense in connection with loss of life, personal injury, and/or damage to property arising from or out of any occurrence in, upon or at the Festival grounds (except for any occurrence directly involving the gross negligence or intentional act of an employee or agent of the City), or arising out of the occupancy or use of the Festival grounds or any part thereof by the Arts, its employees or agents, vendors, exhibitors, or any other occupant or user thereof, or occasioned wholly or in part by any act or omission by the Arts, its employees and agents, and any other occupant or user of all or any part of the Festival grounds, and their agents, servants, contractors and employees. The Arts, vendors, exhibitors, and those occupants and users of the Festival grounds, upon receiving written notice thereof, agree to defend such action or proceeding at its own expense by counsel satisfactory to the City. For the purpose of this contract occupants and users shall be limited to those individuals or entities who participate in the Festival by virtue of a contract, license or agreement with the Arts. Said definition shall not include members of the general public who attend the Festival or individuals who are otherwise on the Festival grounds not as a result of any contract, license or agreement with the Arts.
4. The Arts will name the City as an additional insured on all Arts liability insurance policies. The Arts will provide the City with a copy of the Arts Additional Insured – Owners, Lessee or Contractors' Endorsement for the dates of the festival..

E. Notices:

1. The Arts shall notify all property owners and tenants within the Festival grounds of the dates of the Arts Festival.
2. The Arts shall provide a listing including each vendor and their location on the festival map to the Police Chief, Fire Chief, Community Development Director, Health Department, Emergency Manager and Director of Municipal Services to assist with regulatory enforcement and public information. The listing should be sent at least two weeks prior to festival set-up.

SECTION II. For its part, the **CITY** agrees to contribute services as provided below.

- A. Police Protection. The City's Police Department shall provide the police protection necessary to handle and govern the conduct of those attending the Festival and to maintain public order during the following hours. In addition, the Police Department shall provide the enforcement and traffic control, including that required during the set-up and dismantling of the Festival.

The police protection to be provided shall be determined by the Chief of Police or his designee in consultation with the Arts.

- B. Water Supply. The City shall provide a water supply to the Festival grounds subject to the following terms and conditions:
- a. The Arts shall notify the City, in a timely fashion, of the number and location of temporary water supply spigots on existing fire hydrants and of the date needed.
 - b. The Arts shall be responsible for the reasonable and ordinary costs of the installation of the supply spigots and the cost of water consumption in accordance to the Rate A Commodity Charge schedule at an amount of \$45.00 per temporary connection. This rate includes water consumed.
 - c. The Arts shall be responsible for any damage to the City's water supply equipment assigned to them.
- C. Barricades/Traffic Control. Subject to availability, the City shall provide barricades to Englewood Arts for the purpose of traffic control. The number and location of the barricades shall be determined by Municipal Services staff. If additional barricade and concrete blocks are needed as determined by Municipal Services staff, the Englewood Arts shall be responsible to provide acceptable barricades and concrete blocks for the Festival. Barricades provided by the City shall not be used to limit access to parking areas where a fee to park will be charged. The City reserves the right to remove such barricades immediately.

SECTION III. The City and the Arts further agree to the following:

- A. Temporary Vendors. This contract also grants a right to the businesses located within the Festival grounds to lease private property to temporary vendors for operation during the dates authorized by this contract. It will be the responsibility of the City to inspect and license for the period of the Festival these temporary vendors. The Arts shall not be billed for these inspections or time.
- B. Examination of Records. The Arts shall, upon request of the City or the City's authorized representative, permit inspection of all books, records or other information that the City deems necessary to determine the receipts and expenses and resulting profits or losses associated with the Arts production of this and the previous two (2) Arts Festivals. The City agrees that any financial or other information obtained during this inspection that does not relate to the Arts Festival shall be kept confidential by the City.

SECTION IV. Contract Termination.

The City and Arts hereby agree that if the City fails to appropriate the funds necessary to provide the services as identified in the Contract during the fiscal year of the Contract, City shall not be required to provide such services and this Contract shall be terminated effective July 1 after the failure to appropriate the funds for that fiscal year.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the day and year first above written.

CITY OF INDEPENDENCE, MISSOURI

INDEPENDENCE ARTS FESTIVAL

By: _____
Zachary Walker, City Manager

By: _____
Michael Baxley, E.D.

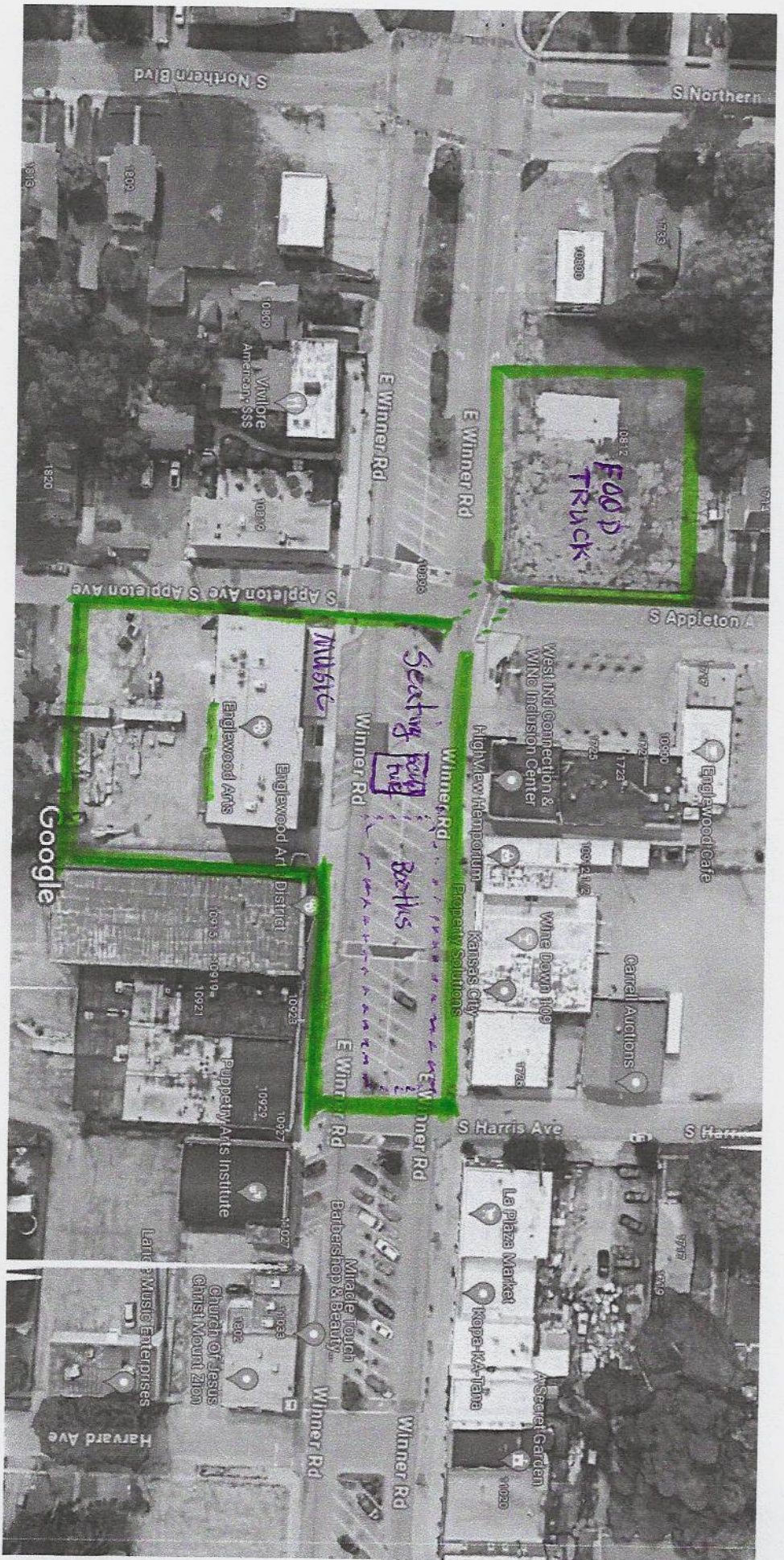
ATTEST:

City Clerk

APPROVED AS TO FORM ONLY:

City Counselor





City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to issue a purchase order for Black & McDonald in the amount of \$291,016.67, for the Transmission Single Steel Pole Replacement for the Power & Light Department.

Recommendations:

Staff recommends the issuance of a purchase order.

Background:

This is part of the Transmission Pole Replacement project. At intervals of about 5 years, wood pole inspections are done to determine the suitability of the poles to sustain the required load. In the fall of 2021, an inspection was completed with a list of recommended replacements. These poles are in critical need of replacement and are integral to IPL system reliability. A total of 41 poles are in this project with 27 scheduled for replacement by IPL T&D staff and the remaining 14 scheduled for outside contracting and are the subject of this request.

The labor to replace 14 of these poles was bid out due to the labor being outside the IPL crew's capability. T & D specifically selected these fourteen for construction by outside contractors, and Engineering agrees.

Four bids were received for the Transmission Single Steel Pole Replacement. Black & McDonald provided the lowest cost qualified bid with no exceptions.

Black & McDonald's bid of \$291,016.67 is \$34,483.33 below the engineering estimate of \$325,500.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$291,016.67. Funding for the Transmission Single Steel Pole Replacement construction is included in the fiscal year 22/23 adopted budget, page number 243, updated account number 0217021-5406-202111-C, Transmission Pole Replacement Program, IPL Fund 021.

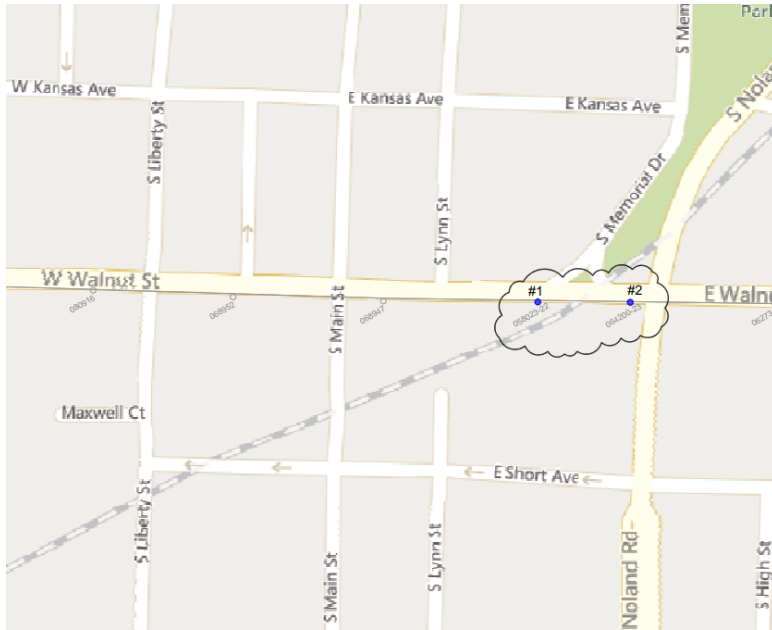
Council Action:

REVIEWERS

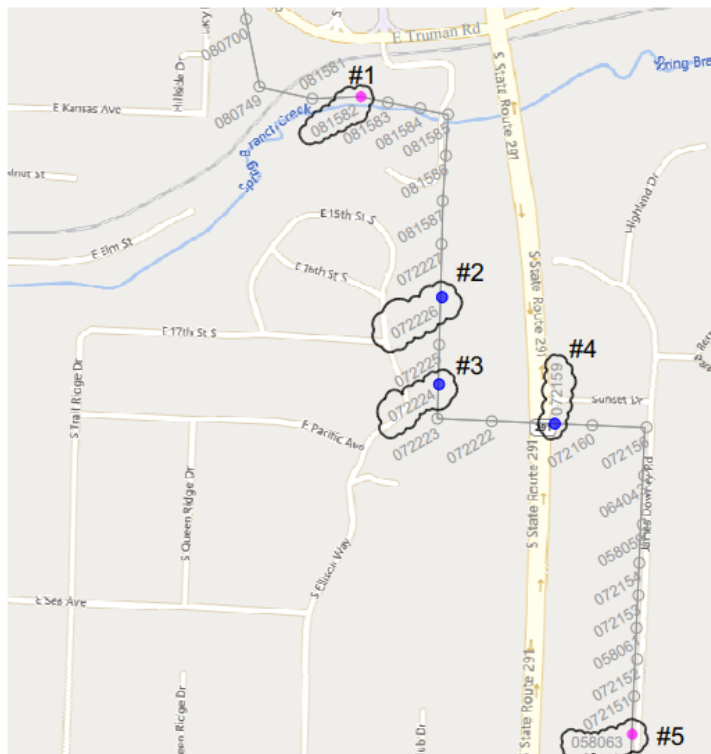
Khristina Irvine
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

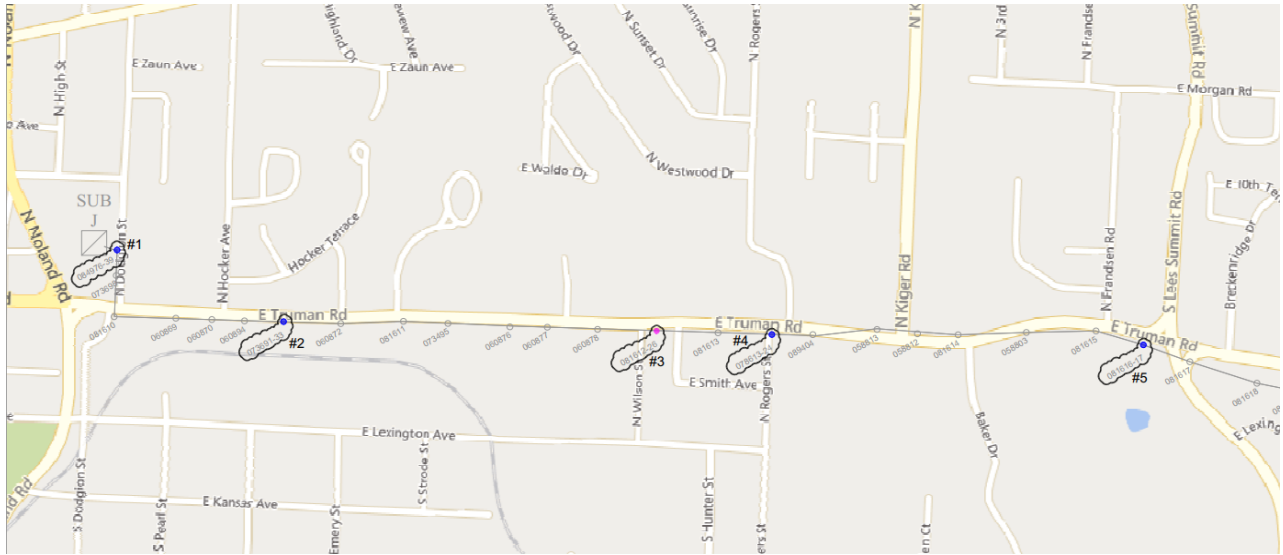
1. Transmission Single Pole Replacement AREA MAP
2. Transmission Single Pole Replacement Bid Tabulation



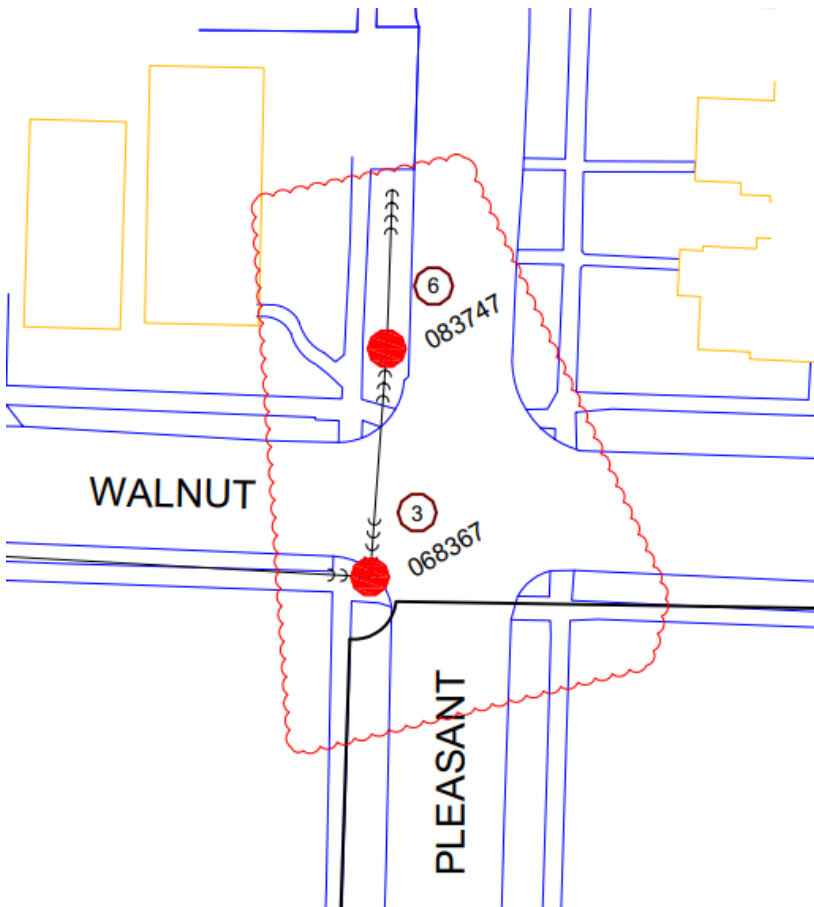
Above: Sub B to Sub J, highlighted poles to be replaced.



Above: Sub M to Shrank Rd JCT, highlighted poles to be replaced



Above: Sub M to Sub J, highlighted poles to be replaced



Above: Walnut & Pleasant, highlighted poles to be replaced

City of Independence
Invitation to Bid 24032 - Transmission Single Steel Pole Replacement

	Black & McDonald	BBC	kV Power LLC	PAR
Not to Exceed Cost	\$291,016.67	\$487,300.00	\$686,285.02	\$989,982.14
Estimated Manhours	1450	2300	2340	4000
Accepted T&C	Yes	Yes	Yes	Yes
Meets technical requirements	Yes	Yes	Yes	Yes
Percent of Estimated Labor Cost	89.4%	149.7%	210.8%	304.1%

Engineering and T&D recommend to award to Black & McDonald.

Estimated Labor Cost
 \$ 325,500.00

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

Council action is requested to award a purchase order to Burns & McDonnell in the amount of \$250,000.00 to cover Transmission Planning Support Services for the Power & Light Department.

Recommendations:

IPL staff recommends issuing a contract to Burns & McDonnell for these services.

Background:

IPL has engaged Burns & McDonnell for support services for the transmission planning studies for over 7 years. These studies include Annual Transmission Assessment, SPP Random Data requests (model builds, database updates & verifications), Winter Peak Operating Study (WPOS), Summer Peak Operating Study (SPOS), and transmission engineering support for items unrelated to the above that require attention. Each year, SPP studies the power grid and requires responses from members to support engineering studies related to the SPP power grid. These studies and responses are a requirement of IPL and COI participation in the SPP energy market and the overall SPP reliability area. As the market has been evolving, more and more studies and models are required to keep pace with the changing environment of power supply and transmission grid requirements. The contract proposal calls for a not-to-exceed amount of \$250,000. Actual expenditures in Fiscal 2024 were more than \$240,000. The transmission assessment rotates each year, with Fiscal 2024 being the year to revise and update, but 2025 is a new complete study (requirement of NERC).

The contract and PO with Burns & McDonnell is for engineering support services to respond to both routine SPP data requests and on demand requests. On demand requests are becoming more frequent due to member activities to supply generation and transmission facilities to the SPP energy market. Total annual responses exceed 70 per year and are constant and frequent. Existing IPL engineering staff requires supplemental support in order to meet SPP deadlines for responses to these data requests. Burns and McDonnell have the skill sets and the experience to assist IPL in these data requests from SPP. Examples include maximum system fault current studies, resource adequacy submissions, several system model builds, stability studies and load shedding.

Burns & McDonnell is an approved A/E vendor and have been supplying these services to IPL for several years, have the skill sets, software, and systems in place to provide the required support efficiently and economically. IPL System Operations and T & D concur with the use of Burns & McDonnell for these services.

The requested services are to be performed and included in fiscal 2025.

Approval of this item authorizes change orders up to ten (10) percent of the authorized amount, providing appropriations are available.

Emergency Justification:

Fiscal Impact:

The fiscal impact to the City totals \$250,000.00. Funding for the transmission planning support is included in the fiscal year 2024-25 budget, page 257, account number 0206160-5226, Engineering – Professional Services, IPL Fund 020.

Council Action:

Department / Contact	Power and Light /
---------------------------------	-------------------

REVIEWERS

Khristina Irvine
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 1898Co - 2024-25 Transmission Planning Support Proposal_2024-07-29 BMcD signed 7-31
2. Sole - Emergency Source Form - BMAC FY 2025 Transmission Studies Support Services 7.29.24

CONTRACT FOR PROFESSIONAL SERVICES

This contract, made by and between the City of Independence, Missouri (hereinafter called City) and, 1898 & Co, a Burns & McDonnell Engineering Company Inc., a Missouri Corporation (hereinafter called Consultant).

WITNESSETH:

WHEREAS, City requires consulting services for transmission planning support and,
WHEREAS, consultant is prepared to provide said professional services and shall give consultation and advice to City during the performance of said services;
NOW THEREFORE, City and Consultant in consideration of the mutual covenants contained in this contract, agree as follows:

ARTICLE 1 – EFFECTIVE DATE

The effective date of this contract shall be August 1, 2024.

ARTICLE 2 – SERVICES TO BE PERFORMED BY CONSULTANT

Consultant shall perform the services set forth in the documents attached hereto and made a part of this contract, which include one or more of these documents: Request for Proposals, scope of work, statement of work, consultant's proposal, and pricing. (See attached Consultants Proposal dated July 29, 2024)

ARTICLE 3 – PERIOD OF SERVICE

The services shall be completed by July 1, 2025.

ARTICLE 4 – COMPENSATION

For services performed, the City shall pay the consultant, an amount not to exceed \$250,000.00.

Regular (e.g. monthly) invoices shall be submitted by the Consultant to the City for payment of services performed and expenses incurred during the preceding month. Invoices shall indicate the hours expended for each individual person, the total labor billing, and a summary of other expenses and charges with supporting documentation.

The City's payment terms are Net 30. Payment will be made by the City within thirty (30) days of receipt of the complete invoice. The City's preferred method of payment is via City credit card with no added fees. If credit is not acceptable, payment will be made by check.

The City is exempt from State of Missouri sales and use taxes on purchases made directly for the City. Consultant shall not include any sales or use taxes on transactions between the Consultant and City.

ARTICLE 5 – PERMITS AND LICENSES

The Consultant shall procure all necessary local construction permits and licenses and a City of Independence occupation license, unless exempt under state law. Consultant will abide by all applicable laws, regulations, and ordinances of all federal, state, and local governments in which work under this contract is performed, and will require the same of all sub-consultants. The consultant must furnish and maintain certification of authority to conduct business in the State of Missouri.

ARTICLE 6 – OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Except as otherwise provided herein, documents, drawings, and specifications prepared by Consultant as part of the services shall become the property of City, provided Consultant has the unrestricted right to their use. Notwithstanding the foregoing, City accepts that any re-use of the documents or intellectual property shall be at City's sole risk and liability.

ARTICLE 7 – CHANGES, DELETIONS, OR ADDITIONS TO CONTRACT

Either party may request changes within the general scope of this Contract. If a requested change causes an increase or decrease in the cost or time required to perform this contract, City and Consultant will agree to an equitable adjustment of the contract price, period of service, or both, and will reflect such adjustment in a change order or formal modification.

ARTICLE 8 – STANDARD OF CARE

Consultant shall exercise the same degree of care, skill, and diligence in the performance of the services as is ordinarily possessed and exercised by a peer professional under similar circumstances. If Consultant fails to meet the foregoing standard of care, Consultant will re-perform the services which are necessary to correct failures of this standard of care, at its own cost, and without reimbursement from City. Failures to meet this standard of care shall be reported to the Consultant in writing within one (1) year from the performance of the Services. This obligation to re-perform the services is Consultant's sole obligation and City's sole and exclusive remedy with respect to defects in the quality of the services.

ARTICLE 9 – LIABILITY AND INDEMNIFICATION

Having considered the potential liabilities that may exist during the performance of this contract and the consultant's fee, and in consideration of the mutual covenants contained in the contract, City and consultant agree to allocate and limit such liabilities in accordance with this article.

Consultant agrees, to the fullest extent permitted by law, to indemnify and hold harmless the City, its officers, directors, and employees against all damages, liabilities, or costs, including reasonable attorney fees and defense costs, to the extent caused by the consultant's negligent performance of professional services under this contract and that of its sub-consultants or anyone for whom the consultant is legally liable. Consultant shall indemnify City against legal liability for damages arising out of claims by consultant's employees.

Except in cases of gross negligence or willful misconduct and except to the extent such damages are otherwise covered by the insurance requirements set forth herein, in no event will either party be liable under this agreement to the other party or its affiliates for any special, indirect, consequential, including, without limitation, damages or losses in the nature of increase project costs, loss of revenue or profit, lost production, claims by customers of city, or governmental fines or penalties.

To the fullest extent permissible by law, the total liability, in the aggregate, of Consultant, its officers, directors, shareholders, employees, agents, affiliates, subcontractors and subconsultants, and any of them, to City and anyone claiming by, through or under City, for any and all claims, losses, liabilities, costs or damages whatsoever arising out of, resulting from or in any way related to the services or this Agreement, including, but not limited to, tort claims, claims of negligence (of any degree), professional errors or omissions, breach of contract, breach of warranty, indemnity claims and strict liability of Consultant, its officers, directors, shareholders, employees, agents, subcontractors and subconsultants, and any of them, or otherwise shall not exceed the total compensation actually received by Consultant

for the price of the work order which references this Agreement under which the subject services are being performed.

ARTICLE 10 – INSURANCE

Architect, Engineering, and Survey Services

The Consultant shall procure and maintain insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the materials, equipment or supplies provided to the City. The insurer(s) must be licensed for business in the State of Missouri and maintain an A.M. Best rating of no less than A: VII; or an insurer approved by the City. Each policy requires a minimum cancellation notification of at least thirty (30) days' advance written notice to the City.

(1) General Liability Insurance, with bodily injury and property damage limits of \$1,000,000 for each occurrence with a \$2,000,000 general aggregate and \$2,000,000 products and completed operations aggregate.

(2) Professional Liability or Errors and Omissions Insurance, with a limit of \$1,000,000 annual aggregate.

(3) Automobile Liability Insurance, with bodily injury limits of \$1,000,000 for each person and \$1,000,000 for each accident, and with property damage limits of \$1,000,000 for each accident.

The City is to be named as an additional insured as the City's interest may appear for the General Liability. The Consultant's insurance shall be primary and any insurance or self-insurance maintained by the City shall be excess for the City and not contribute with the coverage maintained by the Consultant.

The City shall not obtain worker's compensation insurance on behalf of the Consultant or the employees of the Consultant. The Consultant shall comply with the worker's compensation law concerning its business and its employees.

ARTICLE 11 – SHIPPING, TITLE AND RISK OF LOSS

All sales and deliveries are F.O.B. City.

ARTICLE 12 – DELAY IN PERFORMANCE

Neither City nor consultant shall be considered in default of this contract for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this contract, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restrains; and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or consultant under this contract. If such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this contract.

ARTICLE 13 – TERMINATION

City may terminate or suspend performance of this contract for City's convenience upon written notice to consultant. Consultant shall terminate or suspend performance of the services on a schedule acceptable to City. If termination or suspension is for City's convenience, City shall pay consultant for all

the services performed until the date of the termination by the City or suspension expenses. If contract is restarted, an equitable adjustment shall be made to Consultant's compensation.

This contract may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this contract. The nonperforming party shall have 15 calendar days from the date of the termination notice to cure or to submit a plan for cure acceptable to the other party. In the event that funding for the contract is discontinued, City shall have the right to terminate this contract immediately upon written notice to Consultant.

ARTICLE 14 – WAIVER

A waiver by either City or Consultant of any breach of this contract shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 15 – SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this contract or the occurrence of any event rendering any portion or provision of this contract void shall in no way affect the validity or enforceability of any other portion or provision of this contract. Any void provision shall be deemed severed from this contract, and the balance of this contract shall be construed and enforced as if this contract did not contain the particular portion or provision held to be void. The parties further agree to amend this contract to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this article shall not prevent this entire contract from being void if a provision which is of the essence of this contract be determined void.

ARTICLE 16 – SUCCESSORS AND ASSIGNS

City and Consultant each binds itself and its directors, officers, partners, successors, executors, administrators, assigns, and legal representatives to the other party to the contract and to the directors, officers, partners, successors, executors, administrators, assigns, and legal representatives of such other party in respect to all provisions of this contract.

ARTICLE 17 – ASSIGNMENT

Neither City nor Consultant shall assign any rights or duties under this contract without the prior written consent of the other party. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this contract.

ARTICLE 18 – THIRD PARTY RIGHTS

Nothing in this contract shall be construed to give any rights or benefits to anyone other than City and Consultant.

ARTICLE 19 – INDEPENDENT CONSULTANTS

Each party shall perform its activities and duties hereunder only as an independent consultant. The parties and their personnel shall not be considered to be employees or agents of the other party. Nothing in this contract shall be interpreted as granting either party the right or authority to make commitments of any kind for the other. This contract shall not constitute, create, or in any way be interpreted as a joint venture, partnership or formal business organization of any kind.

ARTICLE 20 – AUDIT

Consultant agrees that the City, or a duly authorized representative, shall, until the expiration of three (3) years after final payment under this contract have access to and the right to examine and copy any

pertinent books, documents, papers, records, or electronic records of the Consultant involving transactions related to this contract.

ARTICLE 21 – OWNER’S ENGINEER

Consultant is directed to rely upon information provided by or through City, without independent verification. When Consultant services require Consultant to view or observe work product prepared by the City or others working on behalf of City, the parties agree that such observation is solely for the purpose of understanding the information and work product. The review is not intended to be exhaustive and the observation was not invasive; nor is the limited review to validate, confirm, or assure another engineer’s calculations, design or efficacy, nor done as a QA/QC process, and thus should not be considered as recommendations to change design or as necessary to be implemented. Rather the limited review is solely to provide the City opinions and/or considerations that the City may or may not want to consider. No action or implementation regarding any opinion, recommendation, or observation expressed should be implemented without the involvement of the design engineer. Nothing provided herein or in any report or deliverable to City shall be interpreted by any party as Consultant taking responsibility for the design, and/or being the engineer of record or responsible charge; any comments etc., are strictly for City consideration, and may only be properly considered and incorporated into the design by the engineer of record. Consequently, the parties agree that Consultant has no duty to discover defects, deficiencies or problems that may exist in any work product that is observed.

ARTICLE 22 – EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract or purchase order, the Consultant agrees as follows: The Consultant will not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, national origin or any other legally protected category. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated fairly during employment, without regard to their race, age, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

The Consultant will, in all solicitations or advertisements for employees placed by or on behalf of the Consultant, state that all qualified applicants will receive consideration for employment without regard to race, age, color, religion, sex, or national origin.

The Consultant will send to each labor union or representative of workers with which Consultant has a collective bargaining agreement or other contract or understanding, a notice to be provided by a contract compliance officer advising the said labor union or workers' representatives of the Consultant's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The Consultant will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

The Consultant will furnish all information and reports required by Executive Order 11246 of

September 24, 1965, and by rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his or her books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

In the event of the Consultant's noncompliance with the non-discrimination clauses of this contract or purchase order with any of the said rules, regulations, or orders, this contract or purchase order may be canceled, terminated, or suspended in whole or in part, and the organization may be declared ineligible for any further government contracts or purchase order or federally assisted contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, or by rules, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

The Consultant will include the entire text of this Equal Employment Opportunity section and its subsections in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each sub-consultant or vendor. The Consultant will take such action with respect to any sub-consultant or purchase order as the City may direct as a means of enforcing such provisions, including sanctions of noncompliance; provided, however, that in the event a consultant becomes involved in, or is threatened with litigation with a sub-consultant or vendor as a result of such direction by the City, the Consultant may request the United States to enter into such litigation to protect the interest of the United States.

ARTICLE 23 – GOVERNING LAW

This contract shall be governed by the laws of the State of Missouri. The City and the Consultant agree that the performance of this contract will be deemed to have occurred in the State of Missouri and that consultant's performance under this contract will be deemed the transaction of business in Missouri. Jurisdiction and venue for any claim or cause of action arising under this contract shall be exclusively in the Sixteenth Judicial Circuit of Missouri and the Consultant submits to personal jurisdiction of and waives any personal jurisdiction or inconvenient forum objection to, that court.

ARTICLE 24 – COMMUNICATIONS

Any communication required by this contract to the Consultant shall be made in writing to the authorized representative named on the completed front page or response page of the solicitation. Any communication required by this contract with the City shall be to:

Mitch Krysa, P.E.
Power Engineering Manager
Independence Power & Light
17221 E 23rd Street South
Independence, MO 64051
mkrysa@indepmo.org
816-525-7468

Nothing contained in this article shall be construed to restrict the transmission of routine communications between representatives of Consultant and City.

ARTICLE 25 – SEPARATE CONTRACTS

City and Consultant each reserve the right to, from time to time, enter into other contracts for specific projects. If such contracts are separately approved in writing by the parties, the terms and conditions of those contracts shall prevail for the specific projects set forth therein.

ARTICLE 26 – ENTIRE CONTRACT

This contract represents the entire agreement between the City and Consultant. All previous or contemporaneous agreements, representations, promises and conditions relating the Consultant's services described herein are superseded. The RFP including the terms and conditions, the Consultant's response and written proposal, and purchase order (where applicable) shall constitute the entire contract. If these General Terms & Conditions be in conflict with any attached Special Conditions, the Special Conditions will supersede the General Terms & Conditions. In case of a discrepancy, the purchase order shall take precedence over the RFP and the RFP shall take precedence over the Consultant's response and written proposal.

ARTICLE 27 – SURVIVAL OF TERMS

The following provisions shall survive the expiration or termination of this contract for any reason: if any payment obligations exist, Article 4 – Compensation; Article 5 – Permits and Licenses; Article 9 – Liability and Indemnification; Article 14 – Waiver; Article 15 – Severability; Article 17 – Assignment; Article 19 – Independent Consultants; Article 23 – Governing Law; Article 26 – Entire Contract; and this Article 27 – Survival of Terms.

IN WITNESS WHEREOF, City and consultant, by and through their authorized officers, have made and executed this contract.

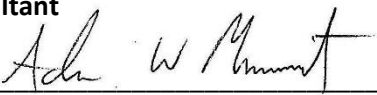
City

By: _____

Title: _____

Date: _____

Consultant

By:  _____

Title: Associate Project Manager

Date: 7/31/2024



July 29, 2024

Mr. Mitch Krysa
Engineering Manager
Independence Power & Light
17221 E 23rd St. S.
Independence, MO 64051

Re: Proposal for 2024-25 Transmission Planning Support

Dear Mr. Krysa:

1898 & Co.SM, a division of Burns & McDonnell Engineering Company, Inc. is pleased to submit this letter proposal to the Independence Power & Light (IPL) for planning and consulting services for the 2024-2025 fiscal year. 1898 & Co. is well qualified and prepared in continuing to assist IPL with performing the required work. 1898 & Co. has not only supported IPL in previous study efforts but has also served in similar roles for other utilities across the nation and welcome this continued opportunity. The sections below outline the proposed scope, schedule, and cost for the support.

We are excited about this opportunity and look forward to putting our experience to work for you! The following Scope of Work describes the components of the proposal, which is divided into five (5) top tasks:

- Task 1: 2024 Transmission Assessment
- Task 2: 2024-25 Winter Peak Operating Study
- Task 3: 2025 Summer Peak Operating Study
- Task 4: 2024-2025 SPP Engineering Data Request Support
- Task 5: General Planning Support

Task 1: 2024 Transmission Assessment

1898 & Co. will perform the Study adhering to the requirements as outlined in the NERC TPL-001-5 Reliability Standard (TPL Standard). The 2024 Transmission Assessment consists of the following sub tasks:

9400 Ward Parkway
Kansas City, MO

816-605-7800

1898andCo.com

1898 & Co.SM is a service mark of Burns & McDonnell Engineering Company, Inc.





Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

- Steady State Analysis
- Short Circuit Analysis

Each sub task is described in further detail below.

Steady State Analysis

Steady State Model Development

The objective will be to develop the baseline models to be used for the steady state analysis. Consistent with the TPL-001-5 Reliability Standard, analysis will include evaluation of impacts for the near-term and long-term planning horizons. 1898 & Co. will communicate with IPL to reach agreement on the appropriate SPP power flow models to use for the steady state analysis. Consideration will be given to the MDAG and ITP Base Reliability power flow models. At a minimum, the years and seasons outlined in Table 1 will be required.

Table 1: Steady State Base Cases

Horizon	Study Year	Season
Near-term	Year 1 or 2	Summer
	Year 5	Summer
	Year 1-5 (only one)	Off Peak
Long-term	Year 10	Summer

Each of the baseline models will be reviewed and discussed with IPL to confirm the following normal system conditions are properly modeled:

- Existing facilities
- Known outage(s) of generation or transmission facility(ies)
- New planned facilities and changes to existing facilities
- Real and reactive load forecasts
- Known commitments for firm transmission service and interchange
- Resources (supply or demand side) required for load



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

Sensitivity cases will be developed for each of the near-term system conditions to include a variation of one of the following:

- Real and reactive forecasted load
- Expected transfers
- Expected in service dates of new or modified Transmission Facilities
- Reactive resource capability
- Generation additions, retirements, or other dispatch scenarios
- Controllable loads and demand side management
- Duration or timing of known transmission outages

In total, four base cases and three sensitivity cases will be analyzed for the steady state analysis.

Perform Steady State Analysis

The objective will be to perform steady state analysis using the models selected and events defined in Table 2 below, using PTI PSS/E software.

Table 2: Steady State Analysis Events

Category	Type	Initial Condition	Event
P0	N-0	Normal System	None
P1	N-1	Normal System	Loss of generator, transmission circuit, transformer, shunt device, or single pole of a DC line
P2	N-1	Normal System	Opening of a line section w/o a fault; Bus section fault; Internal breaker fault (bus-tie and non-bus-tie);
P3	N-G-1	Loss of generator unit followed by system adjustments	Loss of generator, transmission circuit, transformer, shunt device, or single pole of a DC line
P4	N-2	Normal System	Loss of generator, transmission circuit, transformer, shunt device, or bus section <u>with stuck breaker under normal clearing</u>
P5	N-1	Normal System	Failure of a non-redundant component of a Protection System
P6	N-1-1	Loss of transmission circuit, transformer, shunt device, or single pole of a DC line followed by system adjustments	Loss of transmission circuit, transformer, shunt device, or single pole of a DC line



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

Category	Type	Initial Condition	Event
P7	N-2	Normal System	Loss of common structure or bipolar DC line
EE2c	Extreme	Normal System	Loss of a switching station or substation (loss of one voltage level plus transformers)

The applicable SPP Zonal Planning Criteria IPL planning criteria will be used to evaluate the system performance for thermal loadings and voltage violations. In any instance where the analysis indicates an inability of the system to meet the performance requirements outlined in Table 1 of the TPL Standard, 1898 & Co. will work in close communication with IPL to develop corrective action plans addressing how the performance requirements will be met, including but not limited to load shed, generation dispatch, and/or circuit switching. PowerGEM TARA software will be utilized to help develop the corrective action plans.

Project Development

The objective will be to develop system improvements to address reliability violations reported for events that do not allow for non-consequential load loss or interruption of firm-service. Solutions may consist of reconductoring or rebuilding existing facilities, development of new facilities, or upgrading terminal equipment of a facility to meet the required system performance. 1898 & Co. will work in close communication with IPL to determine the limiting element on a reported transmission facility as the starting point of developing possible solutions to address the need. Development of solutions will focus on the long-term needs while using the near-term results for staging as appropriate. Analysis will be performed on the developed solution(s) to confirm the system performance requirements are met.

Short Circuit Analysis

Model Development

The objective will be to develop the baseline models to be used for the short circuit analysis, following the same procedure as in the steady state analysis. Modeling assumptions incorporated into the steady state power flow models will be incorporated into the short circuit models. 1898 & Co. will communicate with IPL to reach agreement on the appropriate short circuit case(es) as developed by the MDAG for the short circuit analysis.

Perform Short Circuit Analysis

The objective will be to determine over-dutied circuit breakers on IPLs transmission system under the system conditions defined above. Based on the equipment ratings provided by IPL, 1898 & Co. will determine



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

whether circuit breakers have interrupting capability for faults that they will be expected to interrupt with any planned generation and transmission facilities in-service which could impact the Study area.

For any instance where short circuit current interrupting duty on a circuit breaker exceeds the corresponding equipment rating, corrective action plans will be developed and coordinated with IPL to address the equipment rating violation as required by the TPL-001-5 Reliability Standard.

2024 Transmission Assessment Deliverables

After completing the Study, 1898 & Co. will provide a draft report summarizing the assumptions, methodology, results, and conclusions. 1898 & Co. will also include a TPL-001-5 compliance index as an appendix to the report. After receiving comments from IPL on the draft report, 1898 & Co. will incorporate the changes and provide a final report in electronic format.

Task 2: 2024-25 Winter Peak Operating Study

The Winter Peak Operating Study is performed on an annual basis and completed in the fall. 1898 & Co. will perform the Study adhering to the requirements as outlined in the NERC TPL-001-5 Reliability Standard (TPL Standard). The Winter Peak Operating Study consists of the following sub tasks:

- Project Management, Initiation, and Coordination
- Steady State Analysis
- Operating Guide Development
- Transformer Tap Adjustment Table Development

Each sub task is described in further detail below.

Steady State Analysis

Power flow analysis will be performed for the current year using a regional SPP transmission model. 1898 & Co. will facilitate communication with IPL to determine the appropriate load and generation modifications to reflect the upcoming season and will apply these modifications to the model. Each of the baseline models will be reviewed and discussed with IPL to confirm the following normal system conditions are properly modeled:

- Existing facilities



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

- Known outage(s) of generation or transmission facility(ies)
- New planned facilities and changes to existing facilities
- Real and reactive load forecasts
- Known commitments for firm transmission service and interchange
- Resources (supply or demand side) required for load

Consideration will be given to planned outages on neighboring systems to IPL. From this review, if appropriate, a maximum of two sensitivities will be developed.

Each operating assessment will be performed in accordance with the planning events and extreme events defined in the NERC TPL-001-5 transmission planning reliability standard on the IPL system and portions of neighboring systems. Defined events from previous efforts will be reviewed and addressed during the discussion at the kick-off meeting.

Applicable loading and voltage criteria will be determined and agreed upon through discussion with IPL at the time of the study. Loading and voltage violations will be reported for 69 kV and above facilities on IPL's system and portions of neighboring areas, specifically Evergy and Associate Electric Cooperative Inc. (AECI). Mitigations to the reported violations on IPL's system will be developed with allowable system adjustments within IPL, as defined in the NERC TPL reliability standard. The mitigations will be captured and documented for development of new operating guides.

Operating Guide Development

In connection with developing mitigation measures to address the power flow violations, 1898 & Co. will develop detailed operating guides for each violation. The operating guides will include at a minimum the following:

- Primary facility outage
- Mitigating action that is required to prevent the reported violation
- Minimum IPL system load at which the mitigating action is required (i.e. no mitigating action is required if the IPL system load is below this value)

An Appendix will be provided that includes the above information as well as the following:



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

- The facility that was reported as the violation
- Secondary facility outage that resulted in the reported violation (if applicable)
- The percent loading or per unit voltage of the facility reported as the violation
- Additional data as requested from IPL Operations

1898 & Co. will continue to improve the data summary captured in the operating guides and cover letter based on the feedback received from IPL Operations.

Operating Guides will be developed for the baseline models only.

Transformer Tap Adjustment Table Development

In connection with developing the mitigation measures to address the power flow violations, 1898 & Co. will develop detailed transformer tap adjustment tables for each violation for which the operating guide specifies transformer tap adjustment as the mitigation. Transformer Tap Adjustment Tables will be developed for the baseline models only.

Summer Peak Operating Study Deliverables

The deliverables of the steady state analysis will include the following:

- Tabulation of all observed facility overloads or voltage violations under “normal” operating conditions and possible mitigation and/or upgrade strategies.
- Tabulation of all observed facility overloads or voltage violations under contingency operating conditions and possible mitigation and/or upgrade strategies.
- Summary of new operating guides detailing the information as outlined above, including transformer taps tables.

After completing the analysis, 1898 & Co. will provide a draft report to IPL summarizing the assumptions, methodology, results, and conclusions of the assessment. After receiving comments from IPL on the draft report, 1898 & Co. will incorporate the changes and provide a final report in electronic format.



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

Task 3: 2025 Summer Peak Operating Study

The Summer Peak Operating Study is performed on an annual basis and completed in the spring. 1898 & Co. will perform the Study adhering to the requirements as outlined in the NERC TPL-001-5 Reliability Standard (TPL Standard). The Summer Peak Operating Study consists of the following sub tasks:

- Project Management, Initiation, and Coordination
- Steady State Analysis
- Operating Guide Development
- Transformer Tap Adjustment Table Development

Each sub task is described in further detail below.

Steady State Analysis

Power flow analysis will be performed for the current year using a regional SPP transmission model. 1898 & Co. will facilitate communication with IPL to determine the appropriate load and generation modifications to reflect the upcoming season and will apply these modifications to the model. Each of the baseline models will be reviewed and discussed with IPL to confirm the following normal system conditions are properly modeled:

- Existing facilities
- Known outage(s) of generation or transmission facility(ies)
- New planned facilities and changes to existing facilities
- Real and reactive load forecasts
- Known commitments for firm transmission service and interchange
- Resources (supply or demand side) required for load

Consideration will be given to planned outages on neighboring systems to IPL. From this review, if appropriate, a maximum of two sensitivities will be developed.

Each operating assessment will be performed in accordance with the planning events and extreme events defined in the NERC TPL-001-5 transmission planning reliability standard on the IPL system and portions of



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

neighboring systems. Defined events from previous efforts will be reviewed and addressed during the discussion at the kick-off meeting.

Applicable loading and voltage criteria will be determined and agreed upon through discussion with IPL at the time of the study. Loading and voltage violations will be reported for 69 kV and above facilities on IPL's system and portions of neighboring areas, specifically Evergy and Associate Electric Cooperative Inc. (AECI). Mitigations to the reported violations on IPL's system will be developed with allowable system adjustments within IPL, as defined in the NERC TPL reliability standard. The mitigations will be captured and documented for development of new operating guides.

Operating Guide Development

In connection with developing the mitigation measures to address the power flow violations, 1898 & Co. will develop detailed operating guides for each violation. The operating guides will include at a minimum the following:

- Primary facility outage
- Mitigating action that is required to prevent the reported violation
- Minimum IPL system load at which the mitigating action is required (i.e. no mitigating action is required if the IPL system load is below this value)

An Appendix will be provided that includes the above information as well as the following:

- The facility that was reported as the violation
- Secondary facility outage that resulted in the reported violation (if applicable)
- The percent loading or per unit voltage of the facility reported as the violation
- Additional data as requested from IPL Operations

1898 & Co. will continue to improve the data summary captured in the operating guides and cover letter based on the feedback received from IPL Operations.

Operating Guides will be developed for the baseline models only.



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

Transformer Tap Adjustment Table Development

In connection with developing the mitigation measures to address the power flow violations, 1898 & Co. will develop detailed transformer tap adjustment tables for each violation for which the operating guide specifies transformer tap adjustment as the mitigation. Transformer Tap Adjustment Tables will be developed for the baseline models only.

Summer Peak Operating Study Deliverables

The deliverables of the steady state analysis will include the following:

- Tabulation of all observed facility overloads or voltage violations under “normal” operating conditions and possible mitigation and/or upgrade strategies.
- Tabulation of all observed facility overloads or voltage violations under contingency operating conditions and possible mitigation and/or upgrade strategies.
- Summary of new operating guides detailing the information as outlined above, including transformer taps tables.

After completing the analysis, 1898 & Co. will provide a draft report to IPL summarizing the assumptions, methodology, results, and conclusions of the assessment. After receiving comments from IPL on the draft report, 1898 & Co. will incorporate the changes and provide a final report in electronic format.

Task 4: 2024-2025 SPP Engineering Data Request Support

SPP requests specific data necessary to commence engineering studies and assessments. SPP also requires members to participate in multiple model build processes for compliance with MOD-032. 1898 & Co. will support IPL’s participation in these SPP efforts as outlined in the following sections.

Annual Data Requests

The annual data requests are distributed throughout the calendar year with set milestone dates. 1898 & Co. will assist IPL in developing and providing the data for many requests throughout the year. Based on previous conversations with IPL, 1898 & Co. will support the data preparations for the following requests during IPL’s 2024 fiscal year, ending June 30, 2025:

Table 1: Data Request Items



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

Item	Anticipated Due Date
2024 TPL-001-5 Steady State Corrective Action Plans	7/19/2024
FAC-001 Transmission Owner Interconnection Requirements	7/31/2024
Quarterly Project Tracking Data Q4	8/9/2024
2024 Facilities Data	8/16/2024
2025 ITP/TPL Steady State TPL-001-5 P1, P2, P3, P4, P5, P6, P7 and Extreme Events	8/30/2024
2025 ITP 69 kV Contingencies For Assessments	9/1/2024
Transmission Operating Guides	9/17/2024
2024 Invalid Steady State Contingencies	9/23/2024
October NITSA Data Submittal	10/4/2024
2024 ITP/TPL BES Inclusion /Exclusion List	10/18/2024
2025 ITP/TPL TPL-001-5 Spare Equipment Strategy List	10/18/2024
2025 ITP/TPL Steady State and Stability PTPL-001-5 First Tier Contingencies	10/20/2024
2024 TPL-001-5 Stability Corrective Action Plans and System Adjustments	10/21/2024
NERC TPL-007-1 GIC Modeling Data Collection for GMD Assessment	11/1/2024
Quarterly Project Tracking Data Q1	11/8/2024
2025 ITP/TPL TPL-001-5 Short Circuit ANSI Fault Current Calculations Parameters	11/15/2024
PRC-006 UFLS	12/2/2024
PRC-010 UVLS	12/2/2024
MOD-030-3 Subsystem Files	1/19/2025
Quarterly Project Tracking Data Q2	2/15/2025
MDAG Dynamic Model Build	2/20/2025
2024 ITP/TPL-001-5 Short Circuit Needs	2/20/2025
2024 TPL-001-5 Short Circuit Corrective Action Plans	2/20/2025
2025 MDAG Powerflow and Short Circuit Model Build	3/1/2025
2025 TPL-001-5 Stability P1, P2, P3, P4, P5, P6, P7 and Extreme Events	3/1/2025
Zonal Planning Criteria	4/5/2025
Quarterly Project Tracking Data Q3	5/10/2025



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

Item	Anticipated Due Date
Resource Adequacy Data Submissions	5/15/2025
2025 TPL-001-5 Protection Scheme Contingencies	5/31/2025
NERC Compliance Contacts	6/1/2025
Zero Sequence Data	6/27/2025
2025 ITP Market Economic Model Generation and Load Review	2 weeks
Max Fault Exceptions	30 days
MOD-033-2	30 days
MW-Mile Owner Length Data	90 days

Each of the items referencing year 2025 are anticipated to occur in the same month as outlined in the 2024 SPP Data Request schedule. 1898 & Co. will stay abreast of any change in the 2025 dates once issued by SPP. Each item is described in full detail in the 2024 SPP Annual Engineering Data Request and Schedule document that is attached to this proposal.

SPP Model Build Process Support

1898 & Co. will support IPL’s participation in the SPP annual model build process. This will include supporting data preparations for data requests in addition to those listed above and reviewing posted models to ensure the accuracy of IPL’s portions of the models.

SPP ITP Process Support

1898 & Co. will support IPL’s participation in the SPP Integrated Transmission Planning Process (ITP). This will include supporting data preparations for data requests in addition to those listed above, review of posted ITP files to ensure the files used in the ITP process accurately reflect IPL’s system, review of posted ITP needs and portfolios for impacts to IPL’s system, and preparation of ITP Detailed Project Proposals (DPPs) for projects to address needs on IPL’s system (should any such needs be identified).



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

SPP General Support

1898 & Co. will support IPL in reporting SPP working group activity, responding to general SPP data requests in addition to those outlined in the above sections, and provide other support relating to SPP transmission planning efforts.

2024-2025 SPP Engineering Data Request Support Deliverables

For each of the data categories, 1898 & Co. will prepare the requested data in the proper format as instructed and provided by SPP. 1898 & Co. will also prepare an annual data record report that tabulates and tracks the details of the data that was submitted to SPP through the Annual Engineering Data Request process and other data requests.

Task 5: General Planning Support

IPL may desire assistance from time to time to receive services related to transmission planning, transmission and distribution consultation, neighboring utilities data requests and correspondence.

General Planning Support Scope of Services

All tasks will be performed in cooperation between IPL and 1898 & Co. for the period of July 1, 2024 through June 30, 2025. The intention is to work as a team, with 1898 & Co. staff responsible for the accomplishment of each requested task while working with IPL staff and keeping management apprised of the process, status, and results of the work. The requested tasks will be assigned based on individual expertise, with meetings and/or conference calls scheduled as necessary to coordinate activities and check the progression of the work. Transmission planning studies from previous general planning support engagements have included:

- Sub M 69 kV Bus Outage Impact Study
 - Evaluated the impact of disconnecting the Sub M 69 kV ring bus under winter peak conditions to replace breakers 2, 5, and 8. Several potential configurations were studied.
- Sub M to Hawthorn 161 kV Line Outage Impact Study
 - Evaluated the impact of a proposed outage plan that would remove the Sub M to Hawthorn 161 kV transmission line and the Sub F to Hawthorn 69 kV transmission line from service under May load conditions due to a KCPL maintenance outage at the Hawthorn substation.

Other requested ad hoc support from previous general planning support engagements has included:



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

- Continued support relating to the potential future Sub S substation
- Environmental raptor protection support
- Updating and revising IPL planning criteria
- Updating and revising IPL interconnection requirements
- Zonal Planning Criteria Due Diligence

General Planning Support Deliverables

The deliverables will be developed collaboratively and presented to IPL management and staff as required by the requested task. Meetings and/or conference calls will be scheduled at a mutually agreeable frequency to coordinate the activities.

Project Management, Coordination, and Schedule

Mr. Justin Helt will serve as the project manager and will be responsible for the proposed services. Mr. Helt is a Project Manager and has worked closely with IPL planning staff over the past several years in support of transmission planning services. Mr. Helt can be reached at (816) 800-9442 | justin.helt@1898andco.com.

The Project Manager will maintain project files as appropriate including, but not limited to, formal correspondence, conference memoranda, telephone memoranda, reports, manuals, calculations, technical data, action item lists and other relevant project information. Project communication will be accomplished via written and verbal communication as required by task and/or IPL request.

1898 & Co. will coordinate with IPL to identify an appropriate schedule for each deliverable requested within the identified Scope of Services. For SPP data request as outlined in Task 4, 1898 & Co. anticipates preparing the required data within the allotted time before the milestone dates issued by SPP.

Compensation

1898 & Co. will perform the Services described herein for a not-to-exceed fee of \$250,000, subject to the clarifications and assumptions noted herein. This fee includes travel expenses, as necessary and coordinated with the IPL. 1898 & Co. shall seek pre-approval from IPL should the level of effort required for the Scope of Services exceed the estimated fee. All services provided under this proposal are expected to be performed on a "time and expenses" basis according to the attached "Schedule of Hourly Professional Billing Rates". 1898 & Co. will notify IPL should the level of effort exceed the estimated fee.



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

Terms and Conditions

All services in this letter proposal will be performed under the latest approved terms and conditions of the Contract for Professional Services between Burns & McDonnell Engineering Company Inc. and the City of Independence, Missouri ("Contract").

Acceptance

If this letter proposal is acceptable, please issue a Contract for execution, including this proposal as an attachment, and subsequent purchase order upon counter execution of the Contract.

1898 & Co. appreciates the opportunity to present its proposal for services and continue building upon the partnership of transmission planning services between 1898 & Co. and IPL. If you have any questions as you review our proposal, please feel free to contact Justin Helt at (816) 800-9442 | justin.helt@1898andco.com. We look forward to working with you!

Sincerely,

Adam W. Mummert
Associate Project Manager

Justin Helt
Project Manager

COVID-19 Notification

The uncertainty and potential disruptions to the labor force and supply chain caused by the global outbreak and spread of COVID-19 ("coronavirus") may have an impact on this Project, the exact cost and duration of which we can neither predict nor control. Government orders and restrictions may also delay or prevent performance as anticipated. Therefore, this Proposal is conditioned upon an appropriate force majeure clause being included in the contract, which will grant the consultant a period of relief in performance and appropriate cost relief where circumstances arise that are beyond our control due to COVID-19 related events. In general, force majeure applies when an "act of God," labor shortages, governmental order or regulation, or other extraordinary event prevents performance. The outbreak and spread of COVID-19 is just such an event, the impact of which nobody can predict at this time. To the extent applicable, the doctrines of



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

“commercial impracticability” or “frustration of purpose” under the Uniform Commercial Code (“UCC”) may also excuse performance if delivery pursuant to our contract’s terms has been made “impracticable” by the occurrence of a contingency, the non-occurrence of which both parties assumed when the contract was made. At this time, it is impossible to foresee or to predict the full impact of COVID-19 around the world and, therefore, have not included a contingency specifically for COVID-19.



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

ATTACHMENT A - RATE SHEET

Schedule of Hourly Professional Service Billing Rates

Position Classification	Classification Level	Hourly Billing Rate
General Office *	5	\$84.00
Technician *	6	\$105.00
Assistant *	7	\$128.00
	8	\$175.00
	9	\$209.00
Staff *	10	\$241.00
	11	\$264.00
Senior	12	\$299.00
	13	\$324.00
Associate	14	\$331.00
	15	\$333.00
	16	\$335.00
	17	\$339.00

NOTES:

1. Position classifications listed above refer to the firm's internal classification system for employee compensation. For example, "Associate", "Senior", etc., refer to such positions as "Associate Engineer", "Senior Architect", etc.
2. For any nonexempt personnel in positions marked with an asterisk (*), overtime will be billed at 1.5 times the hourly labor billing rates shown.
3. For outside expenses incurred by Burns & McDonnell, such as authorized travel and subsistence, and for services rendered by others such as subcontractors, the client shall pay the cost to Burns & McDonnell plus 10%.
4. A charge will be applied at a rate of \$9.95 per labor hour for technology usage, software, hardware, printing & reprographics, shipping and telecommunications. Specialty items are not included in the technology charge.
5. Monthly invoices will be submitted for payment covering services and expenses during the preceding month. Invoices are due upon receipt. A late payment charge of 1.5% per month will be added to all amounts not paid within 30 days of the invoice date.
6. The services of contract/agency and/or any personnel of a Burns & McDonnell parent, subsidiary or affiliate shall be billed to Owner according to the rate sheet as if such personnel is a direct employee of Burns & McDonnell.



Mr. Mitch Krysa
Independence Power & Light
July 29, 2024

ATTACHMENT B - 2024 SPP ANNUAL ENGINEERING DATA REQUEST SCHEDULE

SPP ANNUAL ENGINEERING DATA REQUEST SCHEDULE

2024

12/28/2023

SPP Engineering

REVISION HISTORY

DATE	AUTHOR	CHANGE DESCRIPTION	COMMENTS
2/15/2016	SPP Engineering	Initial Draft	
2/15/2017	SPP Engineering	Added New Sections	October NITSA Data Submittal, Corrective Action Plans, NERC TPL-001 GIC Data Collection for modeling for GMD Assessment, PRC-006-2 UFLS, PRC-021-1 UVLS
2/12/2018	SPP Engineering	Added New Sections	MOD-030-3 Subsystem Files, Facilities Data, Quarterly Project Tracking Data, Resource Adequacy Requirement and EIA-411 Data Submissions, MDAG Dynamic Model Data, MDAG Powerflow and Short Circuit Model Data, Steady State Corrective Action Plans, Stability Corrective Action Plans, Short Circuit Corrective Action Plans,
2/1/2019	SPP Engineering	Added New Sections	MOD-033-1, Generation and Load Review
1/24/2020	SPP Engineering		Updated Section 1. Added Section 27.
1/29/2021	SPP Engineering		Added Short Circuit Needs Identification, Transmission Owner Interconnection Requirements, and NERC Compliance Contacts
02/01/2023	SPP Engineering	Added New Sections	Transmission Operating Guides, Zero Sequence Data
12/28/2023	SPP Engineering		Updates listed from feedback

CONTENTS

Section 1: Engineering Data Request Schedule.....	5
GlobalScape.....	5
RMS	5
Section 2: 2024 Invalid Steady State Contingencies	6
Section 3: MOD-030-3 Subsystem Files.....	7
Section 4: MOD-033-2.....	8
Section 5: 2024 Facilities Data.....	11
Section 6: 2025 ITP Market Economic Model Generation and Load Review.....	12
Section 7: Quarterly Project Tracking Data	13
Section 8: 2025 ITP/TPL Steady State TPL-001-5 P1, P2, P3, P4, P5, P6, P7 and Extreme Events	15
Section 9: 2025 ITP/TPL Steady State and Stability TPL-001-5 First-Tier Contingencies.....	18
Section 10: Zonal Planning Criteria.....	19
Section 11: 2024 ITP/TPL BES Inclusion / Exclusion list.....	20
Section 12: 2025 ITP/TPL TPL-001-5 Spare Equipment Strategy List.....	21
Section 13: 2024 TPL-001-5 Protection Scheme Contingencies.....	22
Section 14: 2024 TPL-001-5 Stability P1, P2, P3, P4, P5, P6, P7 and Extreme Events.....	23
Section 15: 2025 ITP/TPL TPL-001-5 Short Circuit ANSI Fault Current Calculation Parameters	24
Section 16: MW-Mile Owner Length Data	25
Section 17: October NITSA Data Submittal.....	26
Section 18: Resource Adequacy Data Submissions	27
Section 19: MDAG Dynamic Model Build.....	29
Section 20: 2024 MDAG Powerflow and Short Circuit Model Build.....	32
Section 21: 2024 TPL-001-5 Steady State Corrective Action Plans.....	35
Section 22: 2024 TPL-001-5 Stability Corrective Action Plans and System Adjustments	36
Section 23: 2024 TPL-001-5 Short Circuit Corrective Action Plans.....	37
Section 24: 2024 ITP/TPL-001-5 Short Circuit Needs.....	38
Section 25: NERC TPL-007 GIC MODELING Data Collection for GMD Assessment.....	39
Section 26: PRC-006 UFLS	40
Section 27: PRC-010 UVLS.....	41
Section 28: Max Fault Exceptions	42
Section 29: FAC-001 Transmission Owner Interconnection Requirements.....	43
Section 30: NERC Compliance Contacts	44

Section 31: Transmission Operating Guides	45
Section 32: 2025 ITP 69kV Contingencies for assessments	46
Section 33: Zero Sequence Data	48
Section 34: Nuclear Facility Voltage Criteria	49
Appendix A: NERC TPL-001-5 Steady State Contingency Request.....	50
Appendix B: SPP Contingency Naming Convention	52
Appendix C: BES Quick Reference Guide	57
Appendix D: NERC TPL-001-5 Stability Contingency Request.....	60

SECTION 1: ENGINEERING DATA REQUEST SCHEDULE

Annually, SPP requests data necessary to commence engineering studies and assessments. SPP developed this document to minimize duplicate engineering data requests while providing transparency for data submittal milestones. The requested data will be disseminated, as needed, within the SPP Engineering department.

The sections below list and describe what engineering data is being requested for various studies and assessments and provides the milestone date for submittal to SPP. **These milestone dates for data submittal are our best current estimates and are subject to change.** Each section in this document describes a different data request with specific request dates and milestone dates. In some cases, especially for request dates beyond the initial annual data request date, a more detailed subsequent data request will be communicated to the entities for clarification purposes. As you submit the engineering data to SPP, please notify the contacts listed in the sections below.

GLOBALSCAPE

For those requests requiring [GlobalScape](#) access, stakeholders must provide SPP with a signed [confidentiality agreement](#). Instructions can be obtained by clicking on the link. Please submit these forms via [SPP's Request Management System \(RMS\)](#) through the "GlobalScape (Docushare/State Estimator/RA) Access" Quick Pick. After the executed confidentiality agreement is received, an account will be created for the requester on [GlobalScape](#) and an email with instructions for logging on will be sent to the requester. For those that already have a [GlobalScape](#) account, no additional action is necessary.

RMS

[RMS](#) is the preferred method for receiving all inquiries and many of the requests below designate [RMS](#) as their preferred method for receiving data as well. To create a new [RMS](#) account:

- Click on Register Now
- Enter Login Name — This should be your company email address.
- Create a password — Your password must contain at least 8 characters, contain upper and lowercase letters and at least one number. You are required to change your RMS password every 90 days.
- Enter required information (name, address, etc.)
- Click Create My Account button

Upon creation of an account, you are able to immediately submit an inquiry or Request.

To submit an inquiry, select "Submit Request" in the left-hand menu on the Home page. The first drop-down item is "Quick Pick." Selecting the "Engineering Planning" Quick Pick ensures your request or inquiry gets to the appropriate SPP staff quickly.

For additional tips, an [RMS Job Aid](#) can be found on [spp.org](#).

SECTION 2: 2024 INVALID STEADY STATE CONTINGENCIES

MILESTONE: Invalid Steady State Contingencies

Request Date: 08/23/2024

Due by: 09/23/2024

SPP Contacts

[Maurisa Hughes](#)

[Josh Pilgrim](#)

Entity Scope:

[SPP Transmission Planners](#)

SPP will post the list of existing invalid contingencies and solicit stakeholder review of this list as well as the identification of additional invalid contingencies. These invalid contingencies will be excluded from Planning analyses, including the 2024 ITP. **For new invalid contingencies, a justification must be provided.**

The Invalid Contingency list can be found on [GlobalScape](#) at this path:

ITP (CEIL, RSD) → ITP → Non-Competitive → NDA → 2024 ITP → Invalid Contingencies

Please submit questions and updates to the invalid contingencies list via [RMS](#) through the “ITP Submittal > Data Submittal” Quick Pick.

SECTION 3: MOD-030-3 SUBSYSTEM FILES

MILESTONE: MOD-030-3 Subsystem Files

Request Date: 01/5/2024

Due by: 01/19/2024

SPP Contacts

Will Sayers

Planning Coordinator

Entity Scope:

SPP Transmission Operators

SPP First-Tier Balancing Authority

In order to simulate transfers between areas, participation points of MW decrease/increase should be specified in the subsystem file(s).

The subsystem file should contain the following:

- Provide units to participate in transfers including participation points. If absent from list, all units in area will participate.
- Provide a list of Independent Power Producers (IPPs) and wind farms that are in-service in the current study ITP model set to be included/excluded (2024 Fall, 2024 Summer, 2024 Winter, 2024 Spring)
- TOPs can specify generators to be excluded from use as participation points, such as generators that serve base load. The generation reduction should be based on economics, operating constraints or other criteria as specified by the Transmission Owner. The participation points used for import will be consistent for all transfer directions. Please use the format below to specify the generators being excluded from participation, circuit ID and reason for exclusion:

SYSTEM 'TEST-E-ALL'

AREA 900

SCALE ALL FOR EXPORT EXCEPT	Generator	Ckt	Reason for exclusion
BUS 999000 /	Name of Gen 34.500	1	wind.distribution
BUS 999001 /	Name of Gen 34.500	2	DVAR device

- Specify whether the subsystem file can be used on all four seasons. If not, provide separate subsystem files per season.

SPP Planning Criteria 6.4.2.3 default parameters will be used if the subsystem file is not reviewed and feedback provided to SPP staff in a timely manner.

SECTION 4: MOD-033-2

MILESTONE: MOD-033-2

Request Date: As Needed

Due by: 30 days after Request Date

SPP Contacts

Eric Sullivan

Zach Sabey

Entity Scope:

SPP Transmission Operators

Per NERC Standard MOD-033-2, Planning Coordinators are required to establish consistent validation requirements to facilitate the collection of accurate data and building of planning models to analyze the reliability of the interconnected transmission system. As such, SPP, as the PC, must validate powerflow and dynamic model performance against actual system behavior/response in order to determine if there are unacceptable differences.

For the dynamics validation, the target of validation are the events that SPP determines are dynamic local events (which are disturbances on the power system that produce some measurable transient response, such as oscillations) or events which have significant impact on system performance.

The planning model validation requires a comparison of the performance of SPP's portion of the existing system in a planning dynamic model to actual system response during a dynamic event. **Once SPP has selected a system event for validation, event sequence data will be requested from the Transmission Operators. This data may be submitted to SPP in the form of logs, text files, or emails.**

SPP is requesting the following data initially from RC and TOP(s), but may request additional information at a later date:

- Bus voltage magnitude and angle
- Bus frequency
- Real power flow
- Reactive power flow
- Normal loading

The data provided should reflect a timeline of **5 minutes prior to the event through 10 minutes** after the event to adequately review the response of the BES elements on the SPP PC transmission system. Requested data can be provided via one or more of the following sources:

- EMS/State Estimator Data^[1]
 - Load (RC/TOP)
 - Generation Dispatch (RC/TOP)
 - Area Interchange (RC/TOP)
 - Transmission System Topology (RC/TOP)
 - Transmission/Generation Outages (RC/TOP)
 - Transmission/Generation Status (RC/TOP)
- EMS to Planning Model Mapping
 - Including summary of items translated and items that are not during mapping
 - Guidance on remaining components of the model for mapping to the planning model
 - Description of planning model used for mapping. This step should be coordinated with SPP Modeling contacts listed below.

The requested format for the data is summarized in the following table:

DATA	REQUIRED FOR	PROVIDED BY	REQUESTED FORMAT
EMS State Estimator Case	Steady State Validation	SPP EMS Modeling	PSSE .raw format
EMS to Planning Mapping	Mapping the topology, load, generation, interchange, and other model elements	SPP EMS Modeling, SPP Planning Modeling	Text, Microsoft Excel
Outage Information	Steady State Validation, Dynamic Model Validation,	SPP Outage Coordination Group (CROW)	Outages Mapped to PSSE models in EMS State Estimator Case
Synchrophasor Data*	Dynamic Model Validation	SPP Real-Time Engineering Support, TOP in SPP PC footprint	Per unit, Positive sequence data, Text, CSV, or Microsoft Excel
Dynamic DR/ DFR data*	Dynamic Model Validation	TOP in SPP PC footprint	Per unit, Positive sequence data

^[1] EMS/State Estimator Data can be provided as part of the EMS to Planning Model Mapped Case

Sequence of Event	Dynamic Model	SPP RC, TOP in SPP	Log files, text, email.
	Validation, Steady State		
	Validation		

* This information should include the PMU location, PMU bus number, any pi data (SCADA measurement), and single line diagram.

If you are unable to provide this data related to the event being requested, you must provide a written response to SPP indicating such within 30 days of the date of this request.

Please submit questions and updates by contacting the [SPP MOD-033 Team](#).

SECTION 5: 2024 FACILITIES DATA

MILESTONE: Facilities Data

Request Date: 8/2/2024

Due by: 8/16/2024

SPP Contacts

Joshua Pilgrim
Reliability Planning

Entity Scope:

SPP Transmission Owners

The facilities data request provides planning engineers a detailed list of which reactive devices can be adjusted to maintain reliability during a contingency. This list helps reduce the number of invalid needs that make their way to the Needs Assessment. SPP transmission owners will be requested to provide updates to any facility data previously submitted, including new installations or removals of equipment. This information will include technical specifications for the following equipment types:

- Generators
- Transformers
- Switched shunts
- Conductors

SECTION 6: 2025 ITP MARKET ECONOMIC MODEL GENERATION AND LOAD REVIEW

MILESTONE: Market Economic Model Generation and Load Review

Pass 1 Trial 1

Request Date: TBD

Due by: 2 weeks after request date

Pass 2

Request Date: TBD

Due by: 2 weeks after request date

SPP Contacts

[David Duhart](#)

[Estevan Padilla](#)

Entity Scope:

[SPP Generator Owners](#)

[SPP Resource Planners](#)

[SPP Load Responsible Entities](#)

[SPP Load Serving Entities](#)

SPP staff requests review of the economic parameters for generation and load model data to be utilized in the Integrated Transmission Planning (ITP) market economic models. An Excel workbook will be provided and will contain data to be reviewed and data to be surveyed.

Data to be reviewed is provided to SPP Stakeholders for review and does not require updates. Data to be surveyed is data that should be reviewed and updated as necessary and is provided by SPP Stakeholders to SPP.

SECTION 7: QUARTERLY PROJECT TRACKING DATA

MILESTONE: Quarterly Project Tracking

Q1 2024 Request Date: 10/27/2024

Due by: 11/10/2024

Q2 2024 Request Date: 2/1/2024

Due by: 2/15/2024

Q3 2024 Request Date: 4/26/2024

Due by: 5/10/2024

Q4 2024 Request Date: 7/26/2024

Due by: 8/9/2024

Q1 2024 Request Date: 11/1/2024

Due by: 11/8/2024

SPP Contacts

Reagan Jones

Adam Bell

Entity Scope:

SPP Transmission Owners

SPP's Project Tracking program actively monitors the progress of approved SPP Transmission Expansion Plan (STEP), SPP Aggregate Study and TO planned projects. Each quarter, SPP staff polls transmission owners to determine the progress made on each approved project. This data is then compiled into a quarterly report for the Markets and Operations Policy Committee (MOPC), Regional State Committee (RSC), and SPP Board of Directors.

On a quarterly basis, the initial Project Tracking portfolio will be sent via email with a due date for requested updates. Staff will then request cost variance justifications for Applicable Projects with estimates outside their respective bandwidth thresholds. SPP Staff will notify TOs and the PCWG of cost estimates outside the precision bandwidth of +/- 20%.

Please make all updates in [TRAC](#). If you make any changes to the in-service dates of projects, please make these changes in Model on Demand (MOD), as well.

Southwest Power Pool, Inc.

Please refer to the [Project Tracking & NTCs page](#) of spp.org and the 2024 Quarterly Project Tracking Schedule located under 'Related Documents' for a more information.

SECTION 8: 2025 ITP/TPL STEADY STATE TPL-001-5 P1, P2, P3, P4, P5, P6, P7 AND EXTREME EVENTS

MILESTONE: Steady State TPL-001-5 P1, P2, P3, P4, P5, P6, P7 and Extreme Events

Request Date: 08/02/2024

Due by: 8/30/2024

SPP Contacts

Joshua Pilgrim
Planning Coordinator
Reliability Planning

Entity Scope: **SPP Transmission Planners**

Integrated Transmission Planning (ITP) and Transmission Planning (TPL) assessments require specific data sets for contingent elements. Additionally, the TPL studies utilize contingencies specified by Table 1 of the NERC TPL-001-5 standard. Steady State TPL-001-5 Table 1 P1, P2, P3, P4, P5, P6, P7 and Extreme Events are required to commence various system planning studies. Contingencies must include circuit IDs where applicable.

Please refer to the [NERC TPL-001-5 Contingency Steady State Request](#) and the [Contingency Naming Convention](#) sections below for specifics of contingency creation. Note that the requests for kV level and special cons have been added to the naming convention instructions.

Please also include:

- Rationale for contingencies integrated as comments or holistic explanation statements in an additional document.
- The P3 and P6 events are optional as SPP will pair the applicable P1 events to simulate P3 and P6 events. If any member plans to submit additional P3 and/or P6 events, member submitted contingencies should be submitted as two (2) individual P1 events, with the generator outage occurring first. The contingencies should be named in a manner to indicate their pairing (i.e. contingency P11:__:__:_____-1 and P11:__:__:_____-2"
- P5 events due to Single Point of Failure of BES protection system per TPL-001-5 Table 1, footnote 13
- To provide better clarity for ITP vs TPL applicability in contingency naming and classification, please **populate a "Field 7" with the designations of "HV" or "EHV"** following the lowest kV applicable for any element contained in the contingency definition. SPP staff will use the EHV and HV designation to identify events in Table 1 of the NERC Standard TPL-001 that do not allow for non-consequential load loss (NCLL) or the interruption of firm transmission service (IFTS). In

determining the EHV and HV designation, please ensure consistency with the following Table 1 items of the NERC Standard TPL-001 considering how events are simulated in PSSE and ability to apply Footnote 1 and 5 based on the PSSE contingency definition of event to remove only those elements “that Protection Systems and other controls are expected to automatically disconnect for each event”.

- Ex.

```
CONTINGENCY 'PXX:230:AREA:NAME::DESC:HV:'
TRIP BRANCH FROM BUS 666666 TO BUS 666667 CKT 1      (230kV line)
TRIP BRANCH FROM BUS 777777 TO BUS 777778 CKT 1      (345kV line)
END

CONTINGENCY 'PXX:345:AREA:NAME::DESC:EHV:'
TRIP BRANCH FROM BUS 888888 TO BUS 888889 CKT 1      (345kV line)
TRIP BRANCH FROM BUS 999999 TO BUS 999990 CKT 1      (345kV line)
END
```

- To assist in **probabilistic planning** efforts and the requirements for **MOPC AI 302** (*TWG and ESWG to develop approaches that address winter peaking and cold-weather driven reliability issues for incorporation in SPP's normal planning processes*), SPP is also requesting the submission of **additional contingencies driven by extreme and cold weather initiated events specifically resulting in dispatch changes**. The goal of these additional contingencies is to provide additional system operating points post contingency without full model builds to accommodate altered dispatch situations across the footprint. Contingency events of this nature would include but not be limited to generation scaling, transfer/system swing alterations, etc.

- Requirements:

- Inclusion of “RBP” acronym for “Risk-Based Planning” in the contingency name, Field 8
- Inclusion of justification and rationale for the generator related outage/re-dispatch of the system commented in the con file
- Inclusion of comments for any seasonal or model specificity

- Ex.

```
COM Only Applicable to Case Years: 5+, 10+, Summer/LightLoad only
COM Breaker Fault at Plant XX, followed by system re-dispatch

CONTINGENCY 'P23:345:AREA:PlantXX::Breaker Fault Plant XX:EHV:RBP'
REMOVE UNIT S1 FROM BUS 111111 MW
REMOVE UNIT S1 FROM BUS 222222 MW
SET BUS 333333 GENERATION TO 40 MW
SET BUS 444444 GENERATION TO 0 MW
SET BUS 555555 GENERATION TO 40 MW
TRIP BRANCH FROM BUS 666666 TO BUS 666667 CKT 1
TRIP BRANCH FROM BUS 777777 TO BUS 777778 CKT 1
END
```

Below are some additional reminders for syntax requirements of contingencies submitted based on SPP's automation which validates and processes contingencies and inconsistencies. SPP will change the contingency names and definitions to match standard inputs following these inclusion or exclusion guidelines when not followed.

INCLUDE:

- All eight fields, leaving blanks as placeholders
 - o Ex. P12:138:TO::Description → P12:138:TO::Description::
- Apostrophes around the P event name if spaces are in any of the fields
 - o Ex. Contingency P12:138:TO::Description of something:: → Contingency 'P12:138:TO::Description of something::' or Contingency P12:138:TO::Description_of_something::
- Contingencies separated by P type, not model applicability, in .con files
 - o Ex. TO_P1.con, TO_P2.con, etc.

EXCLUDE:

- Any additional comments in the same line as data for P names or definitions (usually with '/' preceding)
 - o Ex. P12:138:TO::Description:: / Extra comment here → P12:138:TO::Description::
- Any "end of file" cons
- Any auto single contingency commands which are standardly taken in ITP/TPL ACCCs
- Contents other than "EHV" or "HV" in field 7, or, Contents other than "RBP" (Risk Based Planning) or "LLT" (Long Lead Time) in field 8
 - o Ex. P12:138:TO::Description:Comment:CommentAgain → Ex. P12:138:TO::Description_Comment_CommentAgain::
- Field 7 and 8 descriptors not in the correct field
 - o Ex. P12:138:TO::Description:EHV:: → P12:138:TO::Description:EHV:

SECTION 9: 2025 ITP/TPL STEADY STATE AND STABILITY TPL-001-5 FIRST-TIER CONTINGENCIES

MILESTONE: Steady State and Stability TPL-001-5 First-Tier Contingencies

Request Date: 09/15/2024

Due by: 10/20/2024

SPP Contacts

Neil Robertson
Reliability Planning
Scott Jordan
Nathan Bean
Planning Coordinator

Entity Scope:

SPP PC First-Tier Planning Coordinators, SPP PC First-Tier Transmission Planners
SPP TP First-Tier Planning Coordinators, SPP TP First-Tier Transmission Planners

Per the NERC TPL-001-5 standard R3.4.1 and R4.4.1, SPP PC is required to coordinate with adjacent Planning Coordinators (PCs) and Transmission Planners (TPs) (First-Tier entities) to ensure that contingencies on adjacent Systems which may impact the SPP System are included in the contingency file used in SPP transmission planning studies. Steady State and Stability TPL-001-5 First-Tier contingencies are required to commence various system planning studies. Contingencies must include circuit IDs where applicable.

Steady State contingencies

3.4.1. The Planning Coordinator and Transmission Planner shall coordinate with adjacent Planning Coordinators and Transmission Planners to ensure that Contingencies on adjacent Systems which may impact their Systems are included in the Contingency list.

Stability contingencies

4.4.1. Each Planning Coordinator and Transmission Planner shall coordinate with adjacent Planning Coordinators and Transmission Planners to ensure that Contingencies on adjacent Systems which may impact their Systems are included in the Contingency list.

Please refer to the [NERC TPL-001-5 Contingency Steady State Request](#) section and the [Contingency Naming Convention](#) section for specifics of contingency creation.

SECTION 10: ZONAL PLANNING CRITERIA

MILESTONE: Company-Specific Planning Criteria

Request Date: 02/16/2024

Due by: 04/05/2024

SPP Contact(s)

Joshua Pilgrim
Reliability Planning

Entity scope:

SPP Transmission Owners

The Integrated Transmission Plan (ITP) studies include local planning criteria to monitor facilities at a more stringent voltage criteria as well as implement local planning requirements. Attachment O, Section II.5 of the [SPP Tariff](#) requires that SPP Transmission Owners provide their local planning criteria to the Transmission Provider at least once a year, by April 1, in order for Zonal Reliability Upgrades to be assessed and included in the SPP Transmission Expansion Plan.

If an SPP Transmission Owner has an established waiver to allow local planning criteria that is less stringent than SPP Criteria, this waiver should be provided to SPP Engineering for consideration in the engineering planning studies.

NOTE: This data will be used for the 2024 ITP needs assessment. If there are any changes to your criteria between April 1 and September 1, please communicate them to the SPP Contact(s) above.

SECTION 11: 2024 ITP/TPL BES INCLUSION / EXCLUSION LIST

MILESTONE: BES Inclusion/Exclusion list

Request Date: 09/13/2024

Due by: 10/18/2024

SPP Contact

Jonathan Hayes
Planning Coordinator

Entity Scope:

SPP Transmission Planners

Entities have the option to include facilities that would normally not be included as a Bulk Electric System facility (Inclusions) or to exclude facilities that would normally not be excluded as a Bulk Electric System facility (Exclusions) in system planning studies.

Inclusions:

- I1:** Transformers – 2 winding need to have both windings over 100kV, 3 winding at least two windings need to be over 100kV.
- I2:** Generators – 20MW single, 75MW aggregate through the high side of the step-up transformer.
- I3:** Blackstart resources.
- I4:** Wind and solar, other renewables – 75MW aggregate or more connected at 100kV or higher.
- I5:** SVCs, Cap banks, Reactors – connected at 100kV either directly or through step-up transformers.

Exclusions:

- E1:** Radials with the listed criteria.
- E2:** Behind the meter generation.
- E3:** Local networks.
- E4:** SVCs or Cap banks used for local voltage support, not on the BES.

The NERC BES reference document can be found [here](#).

The SPP BES Quick Reference Guide can be found [here](#).

SECTION 12: 2025 ITP/TPL TPL-001-5 SPARE EQUIPMENT STRATEGY LIST

MILESTONE: TPL-001-5 Spare Equipment Strategy List

Request Date: 09/13/2024

Due by: 10/18/2024

SPP Contact

Planning Coordinator

Entity Scope:

SPP Transmission Planners

The NERC TPL-001-5 R2.1.5 standard states: “When an entity’s spare equipment strategy could result in the unavailability of major Transmission equipment that has a lead time of one year or more (such as a transformer), the impact of this possible unavailability on System performance shall be studied. The studies shall be performed for the P0, P1, and P2 categories identified in Table 1 with the conditions that the System is expected to experience during the possible unavailability of the long lead time equipment.”

Suggested format for data submittal:

Three Winding Transformers							
From Bus Number	From Bus Name	To Bus Number	To Bus Name	Last Bus Number	Last Bus Name	Id	Name

Two Winding Transformers				
From Bus Number	From Bus Name	To Bus Number	To Bus Name	Equipment

SECTION 13: 2024 TPL-001-5 PROTECTION SCHEME CONTINGENCIES

MILESTONE: TPL-001-5 Base and Sensitivity Models Protection Scheme Contingencies

Request Date: 05/17/2024

Due by: 05/31/2024

SPP Contact
Planning Coordinator

Entity Scope:
SPP Transmission Planners

Steady State Contingencies

3.3.1 Simulate the removal of all elements that the Protection System and other automatic controls are expected to disconnect for each Contingency without operator intervention. The analyses shall include the impact of subsequent:

3.3.1.1. Tripping of generators where simulations show generator bus voltages or high side of the generation step up (GSU) voltages are less than known or assumed minimum generator steady state or ride through voltage limitations. Include in the assessment any assumptions made.

3.3.1.2. Tripping of Transmission elements where relay loadability limits are exceeded.

Stability contingencies

4.3.1. Simulate the removal of all elements that the Protection System and other automatic controls are expected to disconnect for each Contingency without operator intervention. The analyses shall include the impact of subsequent:

4.3.1.1. Successful high speed (less than one second) reclosing and unsuccessful high speed reclosing into a Fault where high speed reclosing is utilized.

4.3.1.2. Tripping of generators where simulations show generator bus voltages or high side of the GSU voltages are less than known or assumed generator low voltage ride through capability. Include in the assessment any assumptions made.

4.3.1.3. Tripping of Transmission lines and transformers where transient swings cause Protection System operation based on generic or actual relay models.

Contingencies must include circuit IDs where applicable.

Please refer to the [NERC TPL-001-5 Contingency Steady State Request](#) section and the [Contingency Naming Convention](#) section for specifics of contingency creation.

SECTION 14: 2024 TPL-001-5 STABILITY P1, P2, P3, P4, P5, P6, P7 AND EXTREME EVENTS

MILESTONE: Stability TPL-001-5 P1, P2, P3, P4, P5, P6, P7 and Extreme Events

Request Date: 02/02/2024

Due by: 03/01/2024

SPP Contacts

Scott Jordan

Nathan Bean

Reliability Assurance

Entity Scope:

SPP Transmission Planners

An Excel workbook (Stability Contingency Form.xlsx) will be provided in a subsequent data request by the data request date.

Contingencies must include circuit IDs where applicable.

SECTION 15: 2025 ITP/TPL TPL-001-5 SHORT CIRCUIT ANSI FAULT CURRENT CALCULATION PARAMETERS

MILESTONE: TPL-001-5 Short Circuit ANSI Fault Current Calculation Parameters

Request Date: 10/11/2024

Due by: 11/15/2024

SPP Contact

Nathan Bean
Reliability Assurance

Entity Scope:

SPP Transmission Planners

Transmission Planners (TPs) that require ANSI Fault Current calculation will provide to the Planning Coordinator (PC) the following ANSI Fault Current Calculation parameters to be used for each bus within the TP area:

- Divisors
 - For branches in positive sequence
 - For machines in positive sequence
 - For branches in zero sequence
 - For machines in zero sequence
- Fault multiplying factors
 - DC decrement only or AC and DC decrement
- Max operating voltage, in PU
- Contact parting times, in seconds

SECTION 16: MW-MILE OWNER LENGTH DATA

MILESTONE: MW-Mile Owner Length Data

Request Date: First of the month following finalization of ITP Model

Due by: 90 days after initial request

SPP Contacts

Fredrick Kolp

Entity Scope:

SPP Transmission Owners

SPP utilizes MW-Mile analysis to determine proper allocation for the Billing and Revenue Distribution Process. Accurate Transmission Owner data and correct line length for each transmission branch in the SPP footprint are essential for this allocation process. Transmission line owner length format will be provided in a subsequent data request by the data request date.

If the submitting entity has verified that the branch data in the 2024 ITP Model can be used to accurately represent the MW-Mile owner data, an email attestation may be submitted in lieu of the additional data requested.

SECTION 17: OCTOBER NITSA DATA SUBMITTAL

MILESTONE: NITSA DATA SUBMITTAL

Request Date: 09/06/24

Due by: 10/04/24

SPP Contacts

Bryce Bowie

Entity Scope:

SPP Transmission Customers

System Planning & Protection

The Network Customer shall provide the Transmission Provider and Host Transmission Owner the following information:

A ten (10) year projection by summer and winter peak for the following:

- a. Demands with the corresponding power factors and annual energy requirements on an aggregate basis for each delivery point. If there is more than one delivery point, the Network Customer shall provide the summer and winter peak demands and energy requirements at each delivery point for the normal operating configuration;
- b. Planned generating capabilities and committed transactions with third parties for which resources are expected to be used by the Network Customer to supply the peak demand and energy requirements provided in (a);
- c. Estimated maximum demand in kilowatts that the Network Customer plans to acquire from the generation resources owned by the Network Customer, and generation resources purchased from others; and
- d. A projection for each of the next ten (10) years of transmission facility additions to be owned and/or constructed by the Network Customer for which facilities are expected to affect the planning and operation of the transmission system within the Host Transmission Owner's Zone.

Please refer to the [Open Access Transmission Tariff Attachment G Section 4.1a – 4.1d](#). The template can be found [here](#).

SECTION 18: RESOURCE ADEQUACY DATA SUBMISSIONS

MILESTONE: Attachment AA and NERC Standard MOD-031-2 data submissions

Due by: May 15

Submission Occurrence: Annual

SPP Contact(s)

Alex Crawford

Bradley Payne

Resource Adequacy

Entity scope:

Market Participants

Generator Owners

Load Responsible Entities

Data submitted for Resource Adequacy is used to validate the requirements outlined in Attachment AA of the SPP Open Access Transmission Tariff (OATT) and NERC Standard MOD-031-2. The data is submitted through the Engineering Data Submission Tool (EDST) and contains, but is not limited to, resource specific information (including Deliverability Study results), purchases and sales information, and demand information for the previous year, current year, and future 10 years. GlobalScape is also used to submit documents for verifying requirements in Attachment AA that cannot be submitted through EDST. Any questions about Resource Adequacy or gaining access to EDST or GlobalScape for Resource Adequacy should be directed to the SPP contacts listed in this section.

Attachment AA can be located on the SPP Website using the following path;

<https://www.spp.org> → Engineering → Resource Adequacy → Attachment AA Tariff.pdf

NERC Standard MOD-031-2 can be located using the following link;

<https://www.nerc.com> → Reliability Standards → United States → MOD-031-2 - Demand and Energy Data

The EDST can be located using the following link:

<https://edstool.spp.org/EDST/>

The Data Instruction Manual and User Guide for the EDST can be located on the SPP Website using the following paths:

<https://www.spp.org> → Engineering → Resource Adequacy → ResourceAdequacyWorkbookInstructionManual.docx

<https://www.spp.org> → Engineering → Resource Adequacy → EDST Materials → EDST User Guide V6.docx

Globalscape can be located using the following link:

<https://sppdocushare.spp.org/EFTClient/Account/Login.htm>

SECTION 19: MDAG DYNAMIC MODEL BUILD

MILESTONE: MDAG Dynamic Model Data

Request Date: 01/09/2024

Due by: 02/20/2024

SPP Contact(s)

Zach Sabey

Theo Brown

Entity scope:

This data request typically goes out to all entities applicable to NERC standard **MOD-032** and/or entities defined in the SPP Open Access Transmission Tariff which are required to provide modeling data in accordance with the SPP MDAG Model Development Procedure Manual.

- Data Submitter entities as defined in the Scope of Applicability section of the SPP MDAG Model Development Procedure Manual.

All Powerflow and Short Circuit Data submitted to SPP Modeling shall conform to the requirements guidelines set forth in the [SPP MDAG Model development Procedure Manual](#) posted on the *MDAG Reference Documents* link under the Model Development Advisory Group (MDAG) page on [SPP website](#). A detailed schedule comprising a set of models to be built is created by the MDAG on an annual basis based on the corresponding MDAG powerflow model build series. Once finalized by the Model Development Advisory Group (MDAG), the 2024 Series MDAG model build schedule will be posted to the SPP website at the following link: [2024 Series MDAG Dynamics Model Build Schedule](#). The model build typically starts mid-January and completes around the December timeframe of the same year.

Requested Data:

- 1) All dynamic and power flow data submitted to SPP Modeling Staff should conform to the guidelines set forth in the [SPP MDAG Model Development Procedure Manual](#) posted on the MDAG Documents Link under the MDAG area on SPP.ORG.
- 2) MDAG recognizes the NERC acceptable model list in accordance with the language contained in the MDAG manual section 4.
- 3) Please supply any dynamic data changes for machine models listed in the posted DOCU output files (from the final 2023 series MDAG dynamic models). The dynamic DOCU files contain machine data based on last year's models can be found on [GlobalScape: Modeling \(CEIL, RSD\)→MDAG Series →Dynamics→2023 Series →A. Initial Member Data Update](#). The updates should be supplied in member feedback subfolder.
- 4) The dyre file update submissions should include:

- Outdated generator, exciter, governor, and power system stabilizer models commented out with the “/old/” tag at the beginning of the line of the model data

```

/OLD/ 999999 'LCFBI' '1' 1 1 0.01 1.0 0.01 0.1 0.5 0.005 0.05 / \ 01/01/1996 12/31/2300
/OLD/ 999999 'GENROU' '1' 7.9 0.04 0.54 0.085 5.489 0.0 1.8 1.72 0.21 0.405 0.155 0.115
/OLD/ 0.0731 0.3945 / GENROU UPDATE \ 01/01/1996 12/31/2300
/OLD/ 999999 'GAST' '1' 0.05 0.4 0.1 3.0 1.0 2.0 1.0 -0.05 0.0 / \ 01/01/1996 12/31/2300
/OLD/ 999999 'EXAC2' '1' 0.01 1.0 1.0 1000.0 0.01 8.6 -8.6 1.0 13.9 -13.9 0.66 4.0 0.0 0.05
/OLD/ 1.0 0.1 0.8 1.0 10.79 4.73 0.02 3.55 0.01 / \ 01/01/1996 12/31/2300

999999 'USRMDL' '1' 'GENTPJUL' 1 1 0 16 6 1 7.9 0.04 0.54 0.085 5.489 0.0 1.8 1.547 0.21 0.405 0.155
0.155 0.115 0.0600 0.4000 0 / UPDATE \
999999 'AC7B' '1' 0 27.241 27.241 0 0.45 60.3 -54.1 90.8 82.6 60.3 -54.1 0 99 0 0.7 0 1 1
2.1 1 1.2 99 0 4.5 0.001 6 0.01 / \
999999 'PSS2B' '1' 1 0 3 0 5 1 2.0 2.0 0.0 2.0 2.0 0.4555 1.0 0.5 0.1 10.0 0.2
0.03 0.15 0.02 1 1 2 -2 2 -2 0.1 -0.01 / \
999999 'GGOV1' '1' 1 0 0.05 2.5 0.05 -0.05 6 1.4 0 0.05 1 0.15 0.5 1.55 0.13 0.5 0 0
3 2 0.67 1 0 0.1 -0.1 0 0.01 10 0.1 0 0.00025 4 5 99 -99 / \ 01/01/1996 12/31/2300

```

- Parameter changes
 - Renamed or renumbered units
- 5) In addition to updating existing dynamic information, please provide dynamic data for new generators and dynamic devices introduced in the 2024 MDAG power flow models that are subject to NERC standards for inclusion in dynamic models.
 - 6) Machines that are over 20 MVA will need to have a detailed model associated with them.
 - 7) Review of renewable energy resource machine power flow updates:
 - Power flow data updates in PSS/E version 35.3.2 format to accurately model facilitates at the generator kV bus which is typically below 1 kV are required. SPP power flow DocuCheck reports are provided to associated data submitters on [GlobalScape: Modeling \(CEII, RSD\)→MDAG Series →Dynamics→2023 Series→A. Initial Member Data Update→Powerflow_DocuCheck.xlsx](#). Data submitters should provide detail and updates to accurately model the renewable energy resources at their appropriate generator kV level. The appropriate wind flag, power factor, and voltage schedule set point should be modeled based on PSS/E documentation and dynamic model manufacturer’s recommendations.
 - 8) Governor Response Type for Frequency Response:
 - Provide and update governor response type for frequency response as part of MMWG data collection requirements
 - 9) CMLD data:
 - The SPP Dynamic Load Task Force (DLTF) has developed and benchmarked Industrial load representations for the CMLD_2 dyre file representing 3-phase motor and electronic loads. The CMLD_2 load model is being added in order to comply with a TPL-001-5 Requirement 2.4.1 that the dynamic simulations take into account the expected dynamic behavior of Loads that could impact the study area, considering the behavior of induction motor Loads. The MDAG approved an addition to the MDAG Manual stating non-scalable loads greater than or equal to 10 MW are required to have a dynamic load model representation. CLOD and CMLD_1 models are considered obsolete and should be replaced with CMLD_2 models.

The CMLD workbook is located at [GlobalScape](#): Modeling (CEII, RSD)→MDAG Series
→Dynamics→2023 Series→A. Initial Member Data Update→ CMLD2_Workbooks.zip

SECTION 20: 2024 MDAG POWERFLOW AND SHORT CIRCUIT MODEL BUILD

MILESTONE: MDAG Powerflow and Short Circuit Model Data

Request Date: 07/2024

Due by: 03/2024

SPP Contact(s)

Becca McCann

Eric Sullivan

Lottie Jones

Entity scope:

This data request typically goes out to all entities applicable to NERC standard [MOD-032](#) and/or entities defined in the SPP Open Access Transmission Tariff which are required to provide modeling data in accordance with the SPP MDAG Model Development Procedure Manual.

- Data Submitter entities as defined in the Scope of Applicability section of the SPP MDAG Model Development Procedure Manual.

All Powerflow and Short Circuit Data submitted to SPP Modeling shall conform to the requirements guidelines set forth in the [SPP Model development Procedure Manual](#) posted on the MDAG Reference Documents link under the Model Development Advisory Group (MDAG) page on [SPP website](#). A detailed schedule comprising a set of models to be built, is created by the MDAG on an annual basis prior to the commencement of the model build. Once finalized by the Model Development Advisory Group (MDAG), the 2024 Series MDAG model build schedule will be posted to the SPP website at the following link: [2024 Series MDAG Powerflow and Short Circuit Model Build Schedule](#). The model build typically starts mid-July and completes around the March timeframe of the following year.

The model build normally entails several passes/iterations where Data Submitters have a chance to submit data, review the models developed by SPP staff, and provide corrections congruent with the approved schedule. Depending on the type of modeling data, SPP utilizes the following avenues to collect updates:

- [Model On Demand \(MOD\)](#).
 - This is a database with a web-based interface through which Data Submitters can upload the following information (**steady state and short circuit**):
 - Future planned projects (generation resources, transmission)
 - As-built information of transmission and generation projects
 - Load and Generation profiles up to 10 years out

- Device Control profiles such as transformer taps, switchable shunt voltage bands, etc.
 - Short Circuit information (mutual, positive, negative & zero sequence data)
 - ETC
- All Data Submitters are expected to do MOD training in order to submit projects and profile data directly through the MOD web interface.
- **NOTE:** The MOD hyperlink may not be active when the new model build starts so make sure to contact SPP staff for an updated link.
- [GlobalScape](#)
 - Secure file-share site used by SPP to store confidential data
 - SPP uses this site to share model data with Data Submitters and vice versa
 - Model information is stored on GlobalScape such as PSSE models, supplemental model data, SPP modeling contact list, EDST training material, MOD training material.
- [Engineering Data Submission Tool \(EDST\)](#)
 - This tool replaced the old Data Submittal Workbook and is used primarily to coordinate and store transactions, PC-PC tie lines, and other data not readily found in the PSSE models (Refer to the SPP Model Development Procedure Manual for more details on EDST).
 - Data Submitters who are unsure of whether they need to submit information through EDST should contact SPP staff
 - EDST material can be found on both the SPP website
 - [EDST 2.0 Material](#)
 - EDST Training
 - Please contact SPP Modeling to schedule training on the tool at the following email:
 - SPPEngineeringModeling@spp.org

The models will be built using Siemens PTI PSS/E software (PSSE V35) and the data below is normally requested congruent with the format specified in the MDAG manual.

- Data Coordination Workbook: MOD-032-1 applicable entities are required to fill out this workbook to let SPP know if they'll be submitting data for themselves or on behalf of other entities as well.
 - The *MOD-032 Data Submitter Designee Letter of Notice* (can be found in the appendix section of the model development manual) is also required in addition to the *Data Coordination Workbook*.
- Powerflow and Short Circuit Data in accordance with Attachment 1 of NERC standard MOD-032-1 and the SPP Model Development Procedure manual.

Furthermore, status calls are held during the data submission period of each pass to solicit feedback and discuss any issues or questions about the model build. Detailed data request emails will be sent out to all Data Submitters throughout the model building process to signify the beginning of each pass.

If you are an applicable Data Submitter and need to be added to the modeling contacts distribution list, please contact the SPP staff listed in this section. Furthermore, Data Submitters unacquainted

with the SPP modeling process are encouraged to sign up for the MDAG Exploder list on the SPP website to stay abreast of anything modeling related in SPP's Planning department.

The MDAG Procedure Manual can be found on the SPP Website at this path:

<https://www.spp.org> → Engineering → Modeling → Reference Documents → SPP Model Development Procedure Manual 2021 V5.0 (OR LATESET VERSION)

OR

<https://www.spp.org> → Organizational Groups → Model Development Advisory Group → MDAG Reference Documents → SPP Model Development Procedure Manual 2021 V5.0 (OR LATESET VERSION)

SECTION 21: 2024 TPL-001-5 STEADY STATE CORRECTIVE ACTION PLANS

MILESTONE: TPL-001-5 R2.7 Corrective Action Plan

Request Date: 05/17/2024

Due by: 07/19/2024

SPP Contacts

[Will Sayers](#)

[Samantha Dix](#)

[Planning Coordinator](#)

Entity Scope:

[SPP Transmission Planners](#)

See the TPL-001-5 Scope document for details about the format in which CAPs will need to be submitted.

SECTION 22: 2024 TPL-001-5 STABILITY CORRECTIVE ACTION PLANS AND SYSTEM ADJUSTMENTS

MILESTONE: TPL-001 R2.7 Corrective Action Plans and System Adjustments

Request Date: 9/16/2024

Due by: 10/21/2024

SPP Contacts

Scott Jordan

Nathan Bean

Reliability Assurance

Entity Scope:

SPP Transmission Planners

See the TPL-001-5 Scope document for details about the format in which CAPs and system adjustments will need to be submitted.

SECTION 23: 2024 TPL-001-5 SHORT CIRCUIT CORRECTIVE ACTION PLANS

MILESTONE: TPL-001-5 R2.7 Corrective Action Plan

Request Date: 02/23/2024

Due by: 03/27/2024

SPP Contacts

[Nathan Bean](#)

[Reliability Assurance](#)

Entity Scope:

[SPP Transmission Planners](#)

See the TPL-001-5 Scope document for details about the format in which CAPs will need to be submitted.

SECTION 24: 2024 ITP/TPL-001-5 SHORT CIRCUIT NEEDS

MILESTONE: Short Circuit Needs Identification

Request Date: 1/19/2024

Due by: 2/20/2024

SPP Contacts

Nathan Bean
Reliability Assurance

Background:

As outlined in the TPL-001-5 Scope, stakeholders are to provide the applicable analysis type (ANSI or ASCC), fault type (3 phase or Single line-to-ground), fault current exceeded, and the value being exceeded (duty rating) for each Short Circuit analysis results provided. Note: Please identify all breakers where the equipment rating is exceeded. Models are preliminary Short Circuit analysis results will be posted on GlobalScape. This information is needed in order for SPP to post the identified facilities as ITP Needs.

SECTION 25: NERC TPL-007 GIC MODELING DATA COLLECTION FOR GMD ASSESSMENT

MILESTONE: GIC Data Collection in Support of TPL-007-4

Request Date: September 2024

Due by: November 2024

SPP Contacts

Scott Jordan, Technical Questions

Eric Sullivan, GIC Data Template

Background:

A GMD model-based set of steady-state models that incorporate GIC-related effects. The GMD Model Set is developed in two stages. First, the GIC System model containing GIC-related system information (such as substation grounding values, latitude/longitude, etc.) is used to determine the magnitude of GIC currents. Second, GIC currents are integrated into System models, translating GIC effects to the AC power system representations. The resultant set of System models, containing the GIC-related impacts, is referred to as the GMD Model Set. The Requirements R2 of the NERC TPL-007-3 standard (standard) became effective July 1, 2019. SPP, the Planning Coordinator (PC), with guidance from the SPP TPL Task Force, requests Table 1 contingencies from the Transmission Planners (TPs) for the annual TPL assessment.

Entity Scope:

SPP Transmission Owners and Generation Owners

SPP, as Planning Coordinator (PC), requests that Transmission Owners and Generation Owners within the SPP PC area provide to SPP, as a Planning Coordinator:

- Data and information in support of the SPP GMD Model Set, or
- An explanation of the technical basis for an exception within 90 days of receipt of written notification from SPP

A “GIC Data Collection Template” will be sent out by SPP in a data request to facilitate the gathering of the necessary GIC data.

SECTION 26: PRC-006 UFLS

MILESTONE: Updated Information for Under Frequency Load Shed Database for PRC-006 R8

Request Date: 10/02/2024

Due by: 12/2/2024

SPP Contact(s)

Nathan Bean

Scott Jordan

Reliability Assurance

Entity Scope:

SPP Transmission Owners, Distribution Providers, and Generator Owners

R8. Each UFLS entity shall provide data to its Planning Coordinator(s) according to the format and schedule specified by the Planning Coordinator(s) to support maintenance of each Planning Coordinator's UFLS database.

All TO/DP/GO Entities that fall within the SPP PC footprint are required to complete and upload a "UFLS Attestation Form" form via [GlobalScape](#). This form indicates if the Entity owns/operates:

- Armed UFLS relays
- Armed Automatic Load Restoration (ALR) relays
- Generator protective relays (set within the no-trip zone, PRC-006, Attachment 1), and/or
- Automatic equipment used to control over-voltage as a result of Under-frequency load shedding in the SPP PC footprint.

1. **Updated Model Database:** The UFLS Model Database (DB) contains the current powerflow model bus, load, machine, branch, and transformer data. The SPP PC UFLS Entities will mark all their entity loads in the UFLS Model DB.
2. **Updated Inventory Database:** Entities who own and operate *UFLS relays, Automatic Load Restoration, and/or generator protective relays (set within the no-trip zone, PRC-006, Attachment 1), Automatic equipment used to control over-voltage as a result of Under-frequency load shedding* in the SPP PC footprint equipment shall complete their "Inventory Database." Instructions for completing and posting the Inventory Database will be in the Reporting Instructions.

Previous data in support of PRC-006 will be provided by the PC at the time of the formal request.

SECTION 27: PRC-010 UVLS

MILESTONE: Updated Under-Voltage Load Shed Information for PRC-010

Request Date: 10/2/2024

Due by: 12/2/2024

SPP Contact(s)

Nathan Bean

Scott Jordan

Reliability Assurance

Entity Scope:

SPP Transmission Planners and Under-Voltage Load Shed Entities (Distribution Providers and Transmission Owners)

R1. Each Transmission Owner and Distribution Provider that owns a UVLS program to mitigate the risk of voltage collapse or voltage instability in the BES shall annually update its UVLS data to support the Regional UVLS program database. The following data shall be provided to the Regional Reliability Organization for each installed UVLS system:

R1.1. Size and location of customer load, or percent of connected load, to be interrupted.

R1.2. Corresponding voltage set points and overall scheme clearing times.

R1.3. Time delay from initiation to trip signal.

R1.4. Breaker operating times.

R1.5. Any other schemes that are part of or impact the UVLS programs such as related generation protection, islanding schemes, automatic load restoration schemes, UFLS and Special Protection Systems.

Previous data in support of PRC-010 will be provided upon request to the PC.

SECTION 28: MAX FAULT EXCEPTIONS

MILESTONE: Max Fault Exceptions

Request Date: Summer 2024

Due by: 30 days after request date

SPP Contact(s)

[Eric Sullivan](#)

[Nathan Bean](#)

Entity Scope:

[Data Submitters*](#)

In the Max Fault Short Circuit models, all available transmission and generation facilities are put in service to provide the maximum fault current possible in the transmission system. In certain scenarios Data Submitters request that particular facilities remain out of service for indicated reasons, e.g. a Normally Open transmission line. These facilities that Data Submitters request to not be put in service in the Max Fault Short Circuit model should be submitted to SPP as part of the Max Fault Exceptions file, so that these facilities will not be put in service during the Max Fault Short Circuit model build.

Any facilities that should be included in the Max Fault Exceptions file should be submitted to SPP per the applicable MDAG / ITP Short Circuit Model build schedule. This request for these exceptions will be included in the model data request during the MDAG / ITP Short Circuit Model build.

SECTION 29: FAC-001 TRANSMISSION OWNER INTERCONNECTION REQUIREMENTS

MILESTONE: Transmission Owner Interconnection Requirements

Request Date: July 2024

Due by: 30 days from Request Date

Submission Occurrence: Annual

SPP Contact(s)

Reagan Jones

Entity Scope:

SPP Transmission Owners

Background:

FAC-001-3 requires Transmission Owners to make interconnection requirements available so that entities seeking to interconnect will have the necessary information. SPP gathers this information from all TOs in order to document in one place on OASIS to provide a central point of information for all SPP stakeholders.

SECTION 30: NERC COMPLIANCE CONTACTS

MILESTONE: NERC Compliance Contacts

Request Date: May 2024

Due by: 30 days after Request Date

SPP Contact(s)

Amber Wallace

Entity Scope:

Generator Owners

Generator Operators

Transmission Owners

Transmission Operators

Transmission Planners

Background:

In order to ensure proper delivery of NERC compliance-related items, SPP will be sending a formal request for appropriate contacts from registered GOs, GOPs, TOs, TOPs, and TPs. These contacts will be used for future SPP NERC compliance coordination.

SECTION 31: TRANSMISSION OPERATING GUIDES

MILESTONE: Transmission Operating Guides

Request Date: 9/3/2024

Due by: 9/17/2024

SPP Contacts

Joshua Pilgrim
Reliability Planning

Entity Scope:

SPP Transmission Owners

Transmission owners and operators shall provide a list of the operating guides that are applicable to the transmission planning process, as well as withdraw any operating guides that are no longer valid for usage. These operating guides can be used as potential mitigations for violations observed in the ITP study.

These operating guides should consist of a .pdf file as well as any applicable idevs for applying the post-contingency actions listed in the operating guide. More details can be found in Section 5 of the ITP manual.

SECTION 32: 2025 ITP 69KV CONTINGENCIES FOR ASSESSMENTS

MILESTONE: 69kV Contingencies for Assessments

Request Date: 9/2024

Due by: 9/2024

SPP Contacts

Reliability Planning

Entity Scope:

All interested stakeholders

SPP Staff is requesting stakeholders to submit 69 kV contingencies, monitored elements, or mon/con pairs for staff consideration to be included in the 2024 ITP Constraint Assessment and Market Powerflow Needs Assessment. This request is in concurrence with the ITP Manual section 2.2.3.2 and section 4.2.2. All submittals must be accompanied by justification to be included in the 2024 ITP Constraint Assessment and Market Powerflow Needs Assessment. Permanent and temporary 69kV flowgates as identified in SPP Operations will be included as flowgates in the 2024 ITP Assessments. The request form will also be posted to [GlobalScape](#).

P0, P1, P2.1		
	Monitored Element	Contingent Element
Reference Case Year 2 Peak	100 kV+ with select 69 kV facilities	100 kV+ with select 69 kV facilities
Reference Case Year 2 Off-Peak		
Reference Case Year 5 Peak		
Reference Case Year 5 Off-Peak		
Reference Case Year 10 Peak	100 kV+	100 kV+
Reference Case Year 10 Off-Peak		
F _x Year 5 Peak		
F _x Year 5 Off-Peak		
F _x Year 10 Peak		
F _x Year 10 Off-Peak		

Table 6: NERC Standard TPL-001 Planning Events as Monitored and Contingent Elements
ITP Manual v2.8 – Section 4.2.2 Market Powerflow Model (page 30)

Please provide all applicable modeling data in the provided Excel template in order to facilitate staff implementation of constraints and AC contingency analysis. SPP Staff is available to answer any questions regarding this data request.

SECTION 33: ZERO SEQUENCE DATA

MILESTONE: Final Reliability Assessment

Request Date: 5/6/2024

Due by: 6/27/2024

SPP Contacts

[Eric Sullivan](#)

Entity Scope:

[SPP Transmission Operators](#)

Zero sequence data is required to evaluate the effectiveness of an ITP solution and to determine if any new short circuit violations arise as the result of the solutions implementation. Each ITP, SPP identifies top solutions and requests study cost estimates for them. Zero sequence data will be requested at the same time as study cost estimates, but in a separate request. As applicable, SPP will request zero sequence data from the transmission owner of the facilities included these solutions, if it has not already been provided as part of the original solution submission.

Please submit questions and updates via [RMS](#) through the "ITP Submittal > Data Submittal" Quick Pick.

SECTION 34: NUCLEAR FACILITY VOLTAGE CRITERIA

MILESTONE: Zonal & Company-Specific Planning Criteria

Request Date: 08/01/2024

Due by: 08/30/2024

SPP Contact(s)

Joshua Pilgrim
Reliability Planning

Entity scope:

SPP Transmission Owners

The Integrated Transmission Plan (ITP) assessment includes local planning criteria to monitor nuclear facilities at a more stringent voltage criteria. Transmission Owners shall provide all applicable NUC-001 voltage criteria to the Transmission Provider by August 30, 2024. This data will be used for the 2025 ITP needs assessment.

APPENDIX A: NERC TPL-001-5 STEADY STATE CONTINGENCY REQUEST

The initial requirements of the NERC TPL-001-5 standard (standard) becomes effective January 1, 2024. SPP, the Planning Coordinator (PC), with guidance from the SPP TPL Task Force, requests Table 1 contingencies from the Transmission Planners (TPs) for the annual TPL assessment.

The PC requests that the TPs provide one contingency file per Table 1 'P' event (P1, P2, P4, P5, and P7) and one contingency file for all Table 1 steady state extreme events. The table below defines the naming convention of each file that the TPs will provide. Contingency file name example: XXXX is the PSS/E control area, e.g., NPPD_P1.con. Contingencies must include circuit IDs where applicable.

File name	Voltage level	Description
Not applicable	N/A	P0: No contingency
XXXX_P1.con	All	P1.1: Single Contingency (Generator)
	All ¹	P1.2: Single Contingency (Transmission Circuit)
	100 kV+	P1.3: Single Contingency (Transformer ²)
	100 kV+	P1.4: Single Contingency (Shunt)
	All	P1.5: Single Contingency (Single Pole of a DC line)
XXXX_P2.con	100 kV+	P2.1: Single Contingency (No fault line section)
	100 kV+	P2.2: Single Contingency (Bus section)
	100 kV+	P2.3: Single Contingency (Internal Breaker Fault [non-Bus-tie breaker])
	100 kV+	P2.4: Single Contingency (Internal Breaker Fault [Bus-tie breaker])
XXXX_P4.con	100 kV+	P4.1: Multiple Contingency ³ (Fault ⁴ on Generator, Stuck Breaker)
	100 kV+	P4.2: Multiple Contingency ³ (Fault ⁴ on Transmission Circuit, Stuck Breaker)
	100 kV+	P4.3: Multiple Contingency ³ (Fault ⁴ on Transformer ² , Stuck Breaker)
	100 kV+	P4.4: Multiple Contingency ³ (Fault ⁴ on Shunt, Stuck Breaker)
	100 kV+	P4.5: Multiple Contingency ³ (Fault ⁴ on Bus Section, Stuck Breaker)
	100 kV+	P4.6: Multiple Contingency ³ (Fault on Bus-tie Breaker Bus, Stuck Bus-tie Breaker)
XXXX_P5.con	100 kV+	P5.1: Multiple Contingency ³ (Fault on Generator, Primary relay failure on Generator)
	100 kV+	P5.2: Multiple Contingency ³ (Fault on Transmission Circuit, Primary relay failure on Transmission Circuit)
	100 kV+	P5.3: Multiple Contingency ³ (Fault on Transformer ² , Primary relay failure on Transformer)
	100 kV+	P5.4: Multiple Contingency ³ (Fault on Shunt, Primary relay failure on Shunt)

¹ This voltage level has been updated from the previous TPL study P1.2 events

² Low side voltage

³ All elements in this contingency must be at or above the associated Voltage level

⁴ Non-Bus-tie Breaker

File name	Voltage level	Description
	100 kV+	P5.5: Multiple Contingency ³ (Fault on Bus Section, Primary relay failure on Bus Section)
XXXX_P7.con	100 kV+	P7.1: Multiple Contingency (Any two adjacent circuits on common structure)
	All	P7.2: Multiple Contingency (Loss of a bipolar DC line)
XXXX_EExxx.con	All	EExxx 1-3b: See TPL-001-5 Standard page 25 for the event types needed

Software Generated Contingencies

When developing the contingency files, keep in mind that the PC will be automatically analyzing many contingencies through automatic N-1 & N-2 simulations. The auto-contingency feature allows all single contingencies (N-1) and combination of single contingencies (N-2) to be taken. It is important to note the contingency name of the auto-contingency analysis will not follow the recommended contingency naming convention. **To avoid duplicate results, a Transmission Planner may exclude a contingency in the applicable contingency file if the contingency will be analyzed during the auto-contingency analysis⁵.** The contingencies that will be captured during the auto-contingency analysis are listed below.

N-1 contingencies⁶:

1. Generator
2. Shunt device
3. Single Pole of a DC line
4. Transmission branch⁷

N-2 contingencies will be generated in the POM software using the following conditions:

1. All Generators – All Generators
2. All Generators – Transmission branch⁶ in same Area
3. All Generators – Shunt device in same Zone
4. Transmission branch⁶ – Transmission branch⁶ in same Zone
5. Transmission branch⁶ – Shunt device in same Zone
6. Shunt device – Shunt device in same Zone

Contingency Naming

The PC requests that the TPs follow the [SPP Contingency Naming Convention document](#) when naming each contingency that will be submitted to the PC per this request.

Invalid Contingencies

The PC requests that the TPs provide a current list of invalid contingencies formatted as specified in the SPP Contingency Naming Convention document.

⁵ Transmission Planner submitted contingency names will be retained.

⁶ P1.2 is considered a breaker to breaker contingency and therefore not included in the automatic contingency simulation unless breakers are at each end of the transmission line segment.

⁷ Transmission branch = Transformer or Transmission line segment.

APPENDIX B: SPP CONTINGENCY NAMING CONVENTION

Naming Structure

At a minimum, the required and optional fields of the contingency names should follow this structure:

1. Contingency name lengths are limited to 128 characters⁸.
2. Use colon ":" as a field delimiter (to separate fields).
3. Use back-to-back colons "::" for empty fields (null fields).

Required Field Descriptions

Fields one through three are considered static fields, meaning that the field types should be consistent for all contingencies.

Field 1: TPL-001-5 Table 1 Planning Event

For Planning Events P1, P2, P4, P5, P7, provide the Category and Event type with no delimiter. For example, a Category P1 paired with Event 1 should be listed as P11. Other examples include: P12, P13, P14, P15, P21, P23, etc.

For Extreme Event contingencies provide the event type "EExxx." For example, the loss of all transmission lines on a common right-of-way should be listed as EE2B. Other examples include: EE1, EE2A, EE2C, EE2D, EE2E, EE3A1, EE3A2, etc.

Field 2: Nominal Voltage

For Planning Events P1, P2, P4, P5, P7 and Extreme Events, provide the Nominal Voltage per the guidelines below.

- Numerical voltages should be given as a three-digit integer in kV, with a leading zero for sub-BES voltages, e.g., 069, 161.
- For contingencies that involve generators and GSUs, the generator high-side voltage is the nominal voltage⁹.
- For contingencies that involve non-GSU transformers, both low-side and high voltages with a dash "-" between the voltages, in that order, are the nominal voltage.

⁸ PSS/E 33 limitation; Contingency names may be truncated in PSS/E standard reports. However, PSS/E will import and export the full 128-character name. MUST runs will limit the Contingency naming to 42 characters.

⁹ TPL-001-5 Table 1, footnote 5

- For contingencies that involve any two adjacent circuits on a common structure and are different voltage levels, both low-side and high voltages with a dash “-” between the voltages, in that order, are the nominal voltage.

Field 3: Transmission Owner

For Planning Events P1, P2, P4, P5, P7 and Extreme Events, provide the Transmission Owner abbreviation per the guidelines below.

- Provide the TO abbreviation as listed in the planning model.
- For jointly owned facilities, provide each TO abbreviation separated by a dash “-” with the Contingency Owner listed first.

Optional Field Descriptions

Fields four through six are considered dynamic fields and can be used to help improve communications between two entities sharing contingency information.

Field 4: Operational Facility Names

For Planning Events P1, P2, P4, P5, P7 and Extreme Events, Field 4 may be used to link the contingency with familiar historical or Operations naming conventions.

- Line Name
- EMS Station Name
- Event Name
- Existing Shorthand Contingency Name
- Etc.

Field 5: Nameplate Values

For Planning Events P1, P2, P4, P5, P7 and Extreme Events, Field 5 may be used to list PMAX of generators, QMAX of shunt device.

Field 6: Event Description

For Planning Events P1, P2, P4, P5, P7 and Extreme Events, Field 6 may be used to list the applicable descriptions of the event.

- For contingencies that involve a generator, provide Unit PSSE Bus Name and Unit ID.
- For contingencies that involve a transmission line, provide the From and To PSSE Bus Names and Circuit ID.
- For contingencies that involve a transformer, provide the PSSE Transformer name and Circuit ID.
- For contingencies that involve a shunt device, provide the PSSE Bus Name.
- For contingencies that involve a DC line, provide the From and To PSSE Bus Name.
- When opening a line section without a fault, provide the Opened End and Closed End PSSE Bus Names.
- For a loss of two adjacent circuits on a common structure, provide Lower kV Line Name, and Higher kV Line Name.

Field 7: Voltage Level Designation

For Planning Events P1, P2, P4, P5, P7 and Extreme Events, Field 7 may be used to list the kV level applicability for the event following footnotes 1 and 5 of NERC TPL-001-5. These must either be “EHV” or “HV” level descriptions in order to properly categorize ITP and TPL applicability.

Field 8: Special Contingency Flag

For Planning Events P1, P2, P4, P5, P7 and Extreme Events, Field 8 may be used designate special contingencies for additional analysis which can be included or excluded from study analysis when applicable. Currently, there are only two flags that may be used as options:

- “RBP” for Risk Based Planning regarding cold weather driven or risk-based contingencies and any system adjustments following
- “LLT” for Long Lead Time

EXAMPLES:

“P11:345:AEPW: *Optional Descriptor(s)*” (*Generator Contingency*)

(Contingency Type: P1.1, Point of Interconnection voltage kV: 345, Transmission Owner: AEPW, Optional Descriptor(s))

“P12:345:GRDA: *Optional Descriptor(s)*” (*Transmission Circuit Contingency*)

(Contingency Type: P1.2, kV: 345, Transmission Owner: GRDA, Optional Descriptor(s))

“P13:069-138:SPRM: *Optional Descriptor(s)*” (*Transformer Contingency*)

(Contingency Type: P1.3, Secondary kV: 69, “-”, Primary kV: 138, Transmission Owner: SPRM, Optional Descriptor(s))

“P14:345:WAPA: *Optional Descriptor(s)*” (*Shunt Device Contingency*)

(Contingency Type: P1.4, highside connected kV: 345, Transmission Owner: WAPA, Optional Descriptor(s))

“P15:350:WERE: *Optional Descriptor(s)*” (*Single Pole of a DC Line Contingency*)

(Contingency Type: P1.5, kV:350, Transmission Owner: WERE, Optional Descriptor(s))

“P21:345:SPS: *Optional Descriptor(s)*” (*Opening of a line section w/o fault*)

(Contingency Type: P2.1, kV: 345, Transmission Owner: SPS, Optional Descriptor(s))

“P22:115:NPPD: *Optional Descriptor(s)*” (*Bus Section Fault Contingency*)

(Contingency Type: P2.2, kV: 115, Transmission Owner: NPPD, Optional Descriptor(s))

“P23:115:LES: *Optional Descriptor(s)*” (*Internal non-Bus-tie Breaker Fault Contingency*)

(Contingency Type: P2.3, kV: 115, Transmission Owner: LES, Optional Descriptor(s))

“P24:161:EMDE: *Optional Descriptor(s)*” (*Internal Bus-tie Breaker Fault Contingency*)

(Contingency Type: P2.4, kV: 161, Transmission Owner: EMDE, Optional Descriptor(s))

"P41:138:OMPA: *Optional Descriptor(s)*" (Stuck non-Bus-tie breaker attempting to clear a generator Fault)

(Contingency Type: P4.1, Point of Interconnection voltage kV: 138, Transmission Owner: OMPA, Optional Descriptor(s))

"P42:138:MIDW: *Optional Descriptor(s)*" (Stuck non-Bus-tie breaker attempting to clear a Transmission Circuit Fault)

(Contingency Type: P4.2, kV: 138, Transmission Owner: MIDW, Optional Descriptor(s))

"P43:161-345:SUNC: *Optional Descriptor(s)*" (Stuck non-Bus-tie breaker attempting to clear a Transformer Fault)

(Contingency Type: P4.3, Secondary kV: 161, "-", Primary kV: 345, Transmission Owner: ITCM, Optional Descriptor(s))

"P44:345:KCPL: *Optional Descriptor(s)*" (Stuck non-Bus-tie breaker attempting to clear a Shunt Device Fault)

(Contingency Type: P4.4, highside connected kV: 345, Transmission Owner: KCPL, Optional Descriptor(s))

"P45:115:KACY: *Optional Descriptor(s)*" (Stuck non-Bus-tie breaker attempting to clear a Bus Section Fault)

(Contingency Type: P4.5, kV: 115, Transmission Owner: KACY, Optional Descriptor(s))

"P46:138:EMDE: *Optional Descriptor(s)*" (Stuck Bus-tie breaker attempting to clear an associated Bus Fault)

(Contingency Type: P4.6, kV: 138, Transmission Owner: EMDE, Optional Descriptor(s))

"P51:138:SPS: *Optional Descriptor(s)*" (Failure of a non-redundant relay protecting a generator)

(Contingency Type: P5.1, Point of Interconnection voltage kV: 138, Transmission Owner: SPS, Optional Descriptor(s))

"P52:138:AEPW: *Optional Descriptor(s)*" (Failure of a non-redundant relay protecting a Transmission Circuit)

(Contingency Type: P5.2, kV: 138, Transmission Owner: AEPW, Optional Descriptor(s))

"P53:161-345:OPPD: *Optional Descriptor(s)*" (Failure of a non-redundant relay protecting a Transformer)

(Contingency Type: P5.3, Secondary kV: 161, Primary kV: 345, Transmission Owner: OPPD, Optional Descriptor(s))

"P54:345:WAPA: *Optional Descriptor(s)*" (Failure of a non-redundant relay protecting a Shunt Device)

(Contingency Type: P5.4, highside connected kV: 345, Transmission Owner: WAPA, Optional Descriptor(s))

"P55:138:LES: *Optional Descriptor(s)*" (Failure of a non-redundant relay protecting a Bus Section)

(Contingency Type: P5.5, kV: 138, Transmission Owner: LES, Optional Descriptor(s))

"P71:115-230:OKGE-WFEC: *Optional Descriptor(s)*" (Loss of 2 adjacent circuits on a common structure)

(Contingency Type: P7.1, Lower kV: 115,"-", Higher kV: 230, Transmission Owner: OKGE and WFEC, Optional Descriptor(s))

"P72:350:NPPD: *Optional Descriptor(s)*" (Loss of a bipolar DC Line)

(Contingency Type: P7.2, kV: 350, Transmission Owner: NPPD, Optional Descriptor(s))

"EE2A:161:SWPA: *Optional Descriptor(s)*" (Steady State Extreme Event)

(Contingency Type: Extreme Event, kV: 161, Transmission Owner: SWPA, Optional Descriptor(s))

APPENDIX C: BES QUICK REFERENCE GUIDE

Definition:

Bulk Electric System (BES): Unless modified by the lists shown below, all Transmission Elements operated at 100 kV or higher and Real Power and Reactive Power resources connected at 100 kV or higher. This does not include facilities used in the local distribution of electric energy.

Inclusions:

I1 – Transformers with the primary terminal and at least one secondary terminal operated at 100 kV or higher unless excluded by application of Exclusion E1 or E3.

I2 – Generating resource(s) including the generator terminals through the high-side of the step-up transformer(s) connected at a voltage of 100 kV or above with:

- a) Gross individual nameplate rating greater than 20 MVA; or
- b) Gross plant/facility aggregate nameplate rating greater than 75 MVA.

I3 – Blackstart Resources identified in the Transmission Operator's restoration plan.

I4 – Dispersed power producing resources that aggregate to a total capacity greater than 75 MVA (gross nameplate rating), and that are connected through a system designed primarily for delivering such capacity to a common point of connection at a voltage of 100 kV or above. Thus, the facilities designated as BES are:

- a) The individual resources, and
- b) The system designed primarily for delivering capacity from the point where those resources aggregate to greater than 75 MVA to a common point of connection at a voltage of 100 kV or above.

I5 – Static or dynamic devices (excluding generators) dedicated to supplying or absorbing Reactive Power that are connected at 100 kV or higher, or through a dedicated transformer with a high-side voltage of 100 kV or higher, or through a transformer that is designated in Inclusion I1 unless excluded by application of Exclusion E4.

Exclusions:

E1 – Radial systems: A group of contiguous transmission Elements that emanates from a single point of connection of 100 kV or higher and:

- a) Only serves Load, or
- b) Only includes generation resources, not identified in Inclusions I2, I3, or I4, with an aggregate capacity less than or equal to 75 MVA (gross nameplate rating), or
- c) Where the radial system serves Load and includes generation resources, not identified in Inclusions I2, I3 or I4, with an aggregate capacity of non-retail generation less than or equal to 75 MVA (gross nameplate rating).

Note 1 – A normally open switching device between radial systems, as depicted on prints or one-line diagrams, for example, does not affect this exclusion.

Note 2 – The presence of a contiguous loop, operated at a voltage level of 50 kV or less, between configurations being considered as radial systems, does not affect this exclusion.

E2 – A generating unit or multiple generating units on the customer's side of the retail meter that serve all or part of the retail Load with electric energy if: (i) the net capacity provided to the BES does not exceed 75 MVA, and (ii) standby, back-up, and maintenance power services are provided to the generating unit or multiple generating units or to the retail Load by a Balancing Authority, or provided pursuant to a binding obligation with a Generator Owner or Generator Operator, or under terms approved by the applicable regulatory authority.

E3 – Local networks (LN): A group of contiguous transmission Elements operated at less than 300 kV that distribute power to Load rather than transfer bulk power across the interconnected system. LNs emanate from multiple points of connection at 100 kV or higher to improve the level of service to retail customers and not to accommodate bulk power transfer across the interconnected system. The LN is characterized by all of the following:

- a) Limits on connected generation: The LN and its underlying Elements do not include generation resources identified in Inclusions I2, I3, or I4 and do not have an aggregate capacity of non-retail generation greater than 75 MVA (gross nameplate rating);
- b) Real Power flows only into the LN and the LN does not transfer energy originating outside the LN for delivery through the LN; and
- c) Not part of a Flowgate or transfer path: The LN does not contain any part of a permanent Flowgate in the Eastern Interconnection, a major transfer path within the Western Interconnection, or a comparable monitored Facility in the ERCOT or Quebec Interconnections, and is not a monitored Facility included in an Interconnection Reliability Operating Limit (IROL).

E4 – Reactive Power devices installed for the sole benefit of a retail customer(s).

Note – Elements may be included or excluded on a case-by-case basis through the Rules of Procedure exception process.

Quick reference:

Inclusions:

- I1:** Transformers – 2 winding need to have both windings over 100kV, 3 winding at least two windings need to be over 100kV.
- I2:** Generators – 20MW single, 75MW aggregate through the high side of the step-up transformer.
- I3:** Blackstart resources.
- I4:** Wind and solar, other renewables – 75MW aggregate or more connected at 100kV or higher.
- I5:** SVCs, Cap banks, Reactors – connected at 100kV either directly or through step-up transformers.

Exclusions:

- E1:** Radials with the listed criteria.
- E2:** Behind the meter generation.
- E3:** Local networks.
- E4:** SVCs or Cap banks used for local voltage support, not on the BES.

The better document for this is the NERC guidance document “[Bulk Electric System Definition Reference Document](#).”

Key to diagram color coding:

- **Blue** indicates that an Element is included in the BES
- **Green** indicates that an Element is not included in the BES
- **Orange** indicates ‘points of connection’
- **Black** indicates Elements that are not evaluated for the specific inclusion depicted in the individual diagrams being shown

APPENDIX D: NERC TPL-001-5 STABILITY CONTINGENCY REQUEST

The initial requirements of the NERC TPL-001-5 standard (standard becomes effective January 1, 2024. SPP, the Planning Coordinator (PC), with guidance from the SPP TPL Task Force, requests Table 1 contingencies from the Transmission Planners (TPs) for the annual TPL assessment.

The PC requests on annual basis that the TPs provide a contingency spreadsheet per Table 1 for all 'P' events (P1, P2, P4, P5, and P7) and Table 1 steady state Extreme Events. The table below defines the naming convention for of each contingency that the TPs can provide in the spreadsheet. The spreadsheet tab labeled "form" is the location that the TP will insert the time domain description of the fault definition (sequence of events) or actions taken on the topology contained in the power flow model. SPP Staff will provide the necessary support to TPs in order to compile the fault definitions within the spreadsheet by request. The spreadsheet tab labeled "Submitter" is the location that the TP will insert their name, contact information, and the case or cases the contingency is to be applied. The number of contingencies requested will vary by year and will be contained in the formal request sent out via e-mail. The list below summarizes the type of contingency data the PC expects to receive during the annual contingency request:

- Events Expected to Produce More Severe Impacts (includes events coordinated with adjacent systems)
 - Rationale for Event Selections
- Relay models
 - PSS/E Dynamic Relay Models for DYRE file, and/or
 - Description of time domain relay actions that replicate the expected removal of elements
- Description of successful and unsuccessful high speed (less than one (1) second) reclosing
- Description of generator low voltage ride through characteristics if not already contained in DYRE file
- Remedial Action Schemes
- Generic or actual relay models for tripping of transmission lines and transformers where transient swings cause protection system operations
- Specific generator scaling that will be required to balance generation/load when generation is removed as a "prior outage" for a contingency.

Category	Initial Condition	Category	Event	Fault Type
P0 No Contingency	Normal System			
P1 Single Contingency	Normal System	P1_1	Generator	3ø
		P1_2	Transmission Circuit	3ø
		P1_3	Transformer	3ø
		P1_4	Shunt Device	3ø
		P1_5	Single pole of DC line	SLG
P2 Single Contingency	Normal System	P2_1	Opening a line section w/o a Fault	N/A
		P2_2	Bus section fault	SLG
		P2_3	Internal Breaker Fault (non-Bus-tie Breaker)	SLG
		P2_4	Internal Breaker Fault (Bus-tie Breaker)	SLG
P3 Multiple Contingencies	Loss of Generator followed by System Adjustment	P3_1	Generator	3ø
		P3_2	Transmission Circuit	3ø
		P3_3	Transformer	3ø
		P3_4	Shunt Device	3ø
		P3_5	Single pole of DC line	SLG
P4 Multiple Contingencies (Fault plus stuck breaker)	Normal System	P4_1	Generator	SLG
		P4_2	Transmission Circuit	SLG
		P4_3	Transformer	SLG
		P4_4	Shunt Device	SLG
		P4_5	Bus section fault	SLG
		P4_6	Loss of multiple elements caused by a stuck breaker	SLG
P5 Multiple Contingencies (Fault plus relay failed to operate)	Normal System	P5_1	Generator	SLG
		P5_2	Transmission Circuit	SLG
		P5_3	Transformer	SLG
		P5_4	Shunt Device	SLG
		P5_5	Bus section fault	SLG
P6 Multiple Contingencies (Two overlapping singles)	Loss of a Transmission Circuit followed by a System adjustment	P6_1		
		P6_1_1	Transmission Circuit	3ø
		P6_1_2	Transformer	3ø
		P6_1_3	Shunt Device	3ø
		P6_1_4	Single pole of DC line	SLG
	Loss of a Transformer followed by a System adjustment	P6_2		
		P6_2_1	Transmission Circuit	3ø
		P6_2_2	Transformer	3ø
		P6_2_3	Shunt Device	3ø
		P6_2_4	Single pole of DC line	SLG
		P6_3		

Category	Initial Condition	Category	Event	Fault Type
	Loss of a Shunt Device followed by a System adjustment	P6_3_1	Transmission Circuit	3 ϕ
		P6_3_2	Transformer	3 ϕ
		P6_3_3	Shunt Device	3 ϕ
		P6_3_4	Single pole of DC line	SLG
	Loss of a Single Pole of DC line followed by a System adjustment	P6_4		
		P6_4_1	Transmission Circuit	3 ϕ
		P6_4_2	Transformer	3 ϕ
		P6_4_3	Shunt Device	3 ϕ
		P6_4_4	Single pole of DC line	SLG
P7 Multiple Contingencies (Common Structure)	Normal System	P7_1	Any two adjacent circuits on common structure	SLG
		P7.2	Loss of bipolar DC line	SLG
Extreme Events (EE) A. Simulate the removal of all elements that Protection Systems and automatic controls are expected to disconnect. B. Simulate Normal Clearing unless otherwise specified		Extreme_1		
	Local or wide area events affecting the Transmission System	Extreme_2		
	3 ϕ fault on generator with stuck breaker or a relay failure resulting in Delayed Fault Clearing	Extreme_2_a		
	3 ϕ fault on Transmission Circuit with stuck breaker or a relay failure resulting in Delayed Fault Clearing	Extreme_2_b		
	3 ϕ fault on generator with stuck breaker or a relay failure resulting in Delayed Fault Clearing	Extreme_2_c		

Category	Initial Condition	Category	Event	Fault Type
	3 ø fault on bus section with stuck breaker or a relay failure resulting in Delayed Fault Clearing	Extreme_2_d		
	3 ø internal breaker fault	Extreme_2_e		
	Other events based on operating experience	Extreme_2_f		

PROCUREMENT SOURCE JUSTIFICATION

For Sole Source or Emergency Purchases Above \$10,000

A sole source is defined as: Only one vendor that possesses the unique and singularly available capability to meet the requirement of the procurement	
An emergency purchase is defined as: A purchase necessary to alleviate a situation in which there is a threat to health, welfare, or safety, and/or where time does not allow time for normal procurement procedures.	
All purchases shall follow the City of Independence Procurement Policy.	
I REQUEST THAT THE REFERENCED PURCHASE BE DECLARED A SOLE SOURCE OR EMERGENCY PURCHASE.	
Proposed supplier name and address: Burns & McDonnell Engineering Company, Inc. 9400 Ward Parkway, KCMO 64114	Munis Vendor ID # Or attach Supplier's W-9 Form
Purchase Requisition #:	Estimated cost: \$250,000.00
If this is a sole source purchase, check all that apply: ☐ Licensed or patented – supplier has a license or patent that makes them the Limited provider. ☐ One-of-a-kind – there are no competitive alternatives available on the market. Limited ☐ Distributor – Supplier is the Limited distributor for the region or municipality Compatibility ☐ – must match existing brand or equipment for compatibility. Warranty/Replacement part – ☐ for a specific brand or factory authorized warranty services. ☐ Grant – Requirements for specific goods/services established in the grant language. Attach grant for support. ☐ Unique design – must meet physical design or quality standards. ☐ Public Utility Services – Necessary adjustment of utility facilities. ☐ Other – Burns & McDonnell has been supplying transmission studies support services for several years and as a result are very familiar with the IPL transmission system, transmission substations and related interconnects. This knowledge will serve as an efficient and economical method of providing the SPP and ☐ NERC required transmission studies. Therefore, recommend limiting the engineering services for the ☐ transmission studies support services only to Burns & McDonnell. Using other consultants will require ☐ substantially more engineering services and cause increased costs to IPL.	
If this is an emergency purchase, check all that apply and give a brief description of the situation: Response to a threat to health, welfare or public safety	
Protection of preservation of public property	
Major project's timeline does not allow for normal procedures in order to be completed	
Description –	
STATEMENT OF NEED AND CERTIFICATION: My department's recommendation for this expenditure is based upon an objective review of the product/service required and appears to be in the best interest of the City of Independence. I know of no conflict of interest with this request. No gratuities, favors or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to source this purchase when there are other known suppliers to exist. By submitting this form to Munis, I hereby certify that this justification for procurement is accurate and complete to the best of my knowledge and belief.	
Department Head Authorization	
Name: Joseph Hegendeffner	Department: Independence Power & Light
Signature:	Title: Director
City Manager Authorization (Emergency Purchases Only)	

Signature:	Date:
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City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-755 A Resolution reappointing Steve McLuckie to the Public Utilities Advisory Board

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Zachary Walker
Susanne Holland

ATTACHMENTS:

1. McLuckie Reappt Res PUAB

PUAB
Reappt. McLuckie
8/12/24

BILL NO. _____
RESOLUTION NO. _____

A RESOLUTION REAPPOINTING STEVE MCLUCKIE AS A MEMBER OF THE PUBLIC UTILITIES ADVISORY BOARD OF THE CITY OF INDEPENDENCE, MISSOURI.

WHEREAS, the City Council of the City of Independence, Missouri, did pursuant to Ordinance No. 427, passed on the 27th day of September, 1963, as amended (Section 1.14.001 of the City Code), and the City Charter, Article 3, Section 3/15, create the Public Utilities Advisory Board (PUAB) of the City of Independence, Missouri; and,

WHEREAS, one expiration of a term limit has created a vacancy; and

WHEREAS, the City Council deems it necessary and advisable to appoint Steve McLuckie to said Public Utilities Advisory Board to fill said vacancy because of their qualities of leadership, temperance and judgment; and,

WHEREAS, said individual is duly qualified to so serve, according to the Charter and ordinances of this City, and the City Council wishes to affirm this appointment by Councilmember Bridget McCandles.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby appoints the following individual(s) to the Public Utilities Advisory Board, to serve without compensation for the indicated term or until duly succeeded by another person properly appointed and qualified:

Name	Address	Term Expiration	Appointed By
Steve McLuckie	300 N. Main St	7/01/2028	Bridget McCandles

PASSED THIS ____ DAY OF AUGUST, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-756 A Resolution appointing Greg McGhee to the Public Utilities Advisory Board.

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Zachary Walker
Susanne Holland

ATTACHMENTS:

1. McGhee Appt Res PUAB 2024

PUAB
Appt. Greg McGhee
8/19/24

BILL NO. _____
RESOLUTION NO. _____

A RESOLUTION APPOINTING GREG MCGHEE AS A MEMBER OF THE PUBLIC UTILITIES ADVISORY BOARD OF THE CITY OF INDEPENDENCE, MISSOURI.

WHEREAS, the City Council of the City of Independence, Missouri, did pursuant to Ordinance No. 427, passed on the 27th day of September, 1963, as amended (Section 1.14.001 of the City Code), and the City Charter, Article 3, Section 3/15, create the Public Utilities Advisory Board (PUAB) of the City of Independence, Missouri; and,

WHEREAS, one resignation of a term limit has created a vacancy; and

WHEREAS, the City Council deems it necessary and advisable to appoint Greg McGhee to said Public Utilities Advisory Board to fill said vacancy because of their qualities of leadership, temperance and judgment; and,

WHEREAS, said individual is duly qualified to so serve, according to the Charter and ordinances of this City, and the City Council wishes to affirm this appointment by Councilmember Jared Fears.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby appoints the following individual(s) to the Public Utilities Advisory Board, to serve without compensation for the indicated term or until duly succeeded by another person properly appointed and qualified:

Name	Address	Term Expiration	Appointed By
Greg McGhee	220 W. Jones St.	7/01/2028	Jared Fears

PASSED THIS ____ DAY OF AUGUST, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-757 A Resolution reappointing Michael Rose to the City Judicial Commission

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Michael Rose Reappt Res 2024

BILL NO. _____
RESOLUTION NO. _____

A RESOLUTION REAPPOINTING MICHAEL ROSE TO THE CITY JUDICIAL
COMMISSION OF THE CITY OF INDEPENDENCE, MISSOURI

WHEREAS, Section 4.1 of the City Charter of the City of Independence, Missouri, provides that the City Judicial Commission shall consist of five members; and,

WHEREAS, the expiration of a term has created a vacancy on the Commission; and

WHEREAS, the City Council deems it advisable to reappoint Michael Rose to the City Judicial Commission because of their qualities of leadership, temperance and judgment; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby affirms the reappoint the following individual(s) to the City Judicial Commission to serve without compensation for the indicated term or until duly succeeded by another person properly reappointed and qualified:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Michael Rose	14601 E. Berkshire Dr.	8/11/2028

PASSED THIS _____ DAY OF AUGUST 2024 BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-758 A Resolution reappointing John Lunn to the Sustainability Commission

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Lunn Reappt Res 2024

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION APPOINTING JOHN LUNN TO THE SUSTAINABILITY COMMISSION
OF THE CITY OF INDEPENDENCE

WHEREAS, the Sustainability Commission was created on September 17, 2018, by Resolution No. 6367 to advise the City Council on information regarding sustainable growth and development, the preservation of natural resources, strategies around litter reduction and recycling, and additional things that contribute to enhancing the appearance of the public realm; and

WHEREAS, two vacancies have been created; and,

WHEREAS, the City Council deems it necessary and advisable to reappoint John Lunn as a member of the Sustainability Commission of the City of Independence, Missouri, and;

WHEREAS, said individual is duly qualified to so serve, according to the Charter and ordinances of this City;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby reappoints the following person(s) to the Sustainability Commission of the City of Independence, Missouri each to serve without compensation for the indicated term or until duly succeeded by another person properly appointed and qualified:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
John Lunn	15408 E. 35 th St. S.	10/1/2026

PASSED THIS _____ DAY OF AUGUST, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-759 A Resolution reappointing Donna Pittman to the Public Safety Tax Oversight Committee

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Donna Pittman Reappt Res to PSTOC

PSTOC

Reappointment Pittman

8/19/2024 SH

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION REAPPOINTING DONNA PITTMAN AS A MEMBER OF THE PUBLIC SAFETY TAX OVERSIGHT COMMITTEE OF THE CITY OF INDEPENDENCE, MISSOURI

WHEREAS, the City Council of the City of Independence, Missouri, did pursuant to Resolution No. 5075, passed on the 17th day of May 2004, create the Public Safety Tax Oversight Committee within and for the City of Independence, Missouri, and,

WHEREAS, Donna Pittman was a member of the Public Safety Tax Oversight Committee, and her term has expired, and

WHEREAS, the City Council deems it advisable to reappoint Donna Pittman to said Public Safety Tax Oversight Committee because of their qualities of leadership, temperance, judgment, and interest in promoting education regarding purchase, construction, repair, maintenance, reconstruction of facilities and equipment and training, as well as observation of the collection and expenditures of the Fire Protection Sales Tax, the Public Safety Capital Improvements Sales Tax and the Use Tax for police personnel; and,

WHEREAS, said individual is duly qualified to serve, according to the Charter and ordinances of this City, and the Council affirms the individual appointments made by each councilmember.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby reappoints the following individual to the Public Safety Tax Oversight Committee to serve without compensation for the indicated term or until duly succeeded by another person properly appointed and qualified:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Donna Pittman	1404 W. Scott Pl.	November 15, 2026

PASSED THIS _____ DAY OF AUGUST 2024 BY THE CITY COUNCIL OF THE
CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-760 A Resolution reappointing R. Scott Smith and Timothy Deveney to the Storm Water Oversight Committee

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Smith and Deveney Reappt Res to Storm Water Comm

BILL NO. _____

RESOLUTION NO. _____

**A RESOLUTION REAPPOINTING R. SCOTT SMITH AND TIMOTHY DEVENEY AS
MEMBERS OF THE STORM WATER CONTROL OVERSIGHT COMMITTEE**

WHEREAS the City Council of the City of Independence, Missouri, did, pursuant to Resolution No. 4956, Passed on the 16th day of January 2003, create the Storm Water Control Oversight Committee within and for the City of Independence, Missouri; and

WHEREAS, R. Scott Smith and Timothy Deveney were members of the Storm Water Control Oversight Committee, and their term has expired, and

WHEREAS, the City Council deems it advisable to reappoint R. Scott Smith and Timothy Deveney to said Storm Water Control Oversight Committee because of their qualities of leadership, temperance, judgment, and interest in fostering good personnel administration for employees of the City of Independence; and

WHEREAS, said individuals are duly qualified to serve, according to the Charter and ordinances of this City, and the Council does hereby affirm the individual appointments made by each Councilmember;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri, hereby reappoints the following individuals to the Storm Water Control Oversight Committee to serve without compensation for the indicated term or until duly succeeded by another person properly reappointed and qualified:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
R. Scott Smith	3411 Shady Bend Dr.	12/16/2025
Timothy Deveney	3201 S. Overton Ave.	12/16/2026

PASSED THIS ____ DAY OF AUGUST 2024 BY THE CITY COUNCIL OF THE
CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

A public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code relating to police facilities. ***Full Public Hearing.***

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 06-25-24 Public Notice Submitted to Examiner

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Examiner** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(816) 254-8600**.

Notice ID: viYeD8HWWurzImJXDy8s | **Proof Updated: Jun. 04, 2024 at 11:14am CDT**
Notice Name: PC 6/25/24

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Jodi Baker
jbaker@indepmo.org
(816) 325-7109

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Examiner

Columns Wide: 1 **Ad Class:** Legals

Total Column Inches: 11.26

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06/08/2024: Other 145.53

Subtotal	\$145.53
Tax	\$0.00
Processing Fee	\$0.00
Total	\$145.53

Notice of Public Hearing

Notice is hereby given that a public hearing will be held by the Independence City **Planning Commission** at 6 p.m., Tuesday, June 25, 2024, and by the Independence **City Council** at 6 p.m., Monday, August 19, 2024, in the Independence City Hall City Council Chambers (lower level, north entrance) 111 E. Maple Avenue, in Independence, Missouri on the following matter(s):

Case 24-100-05 – Rezoning – 1301 S. Noland Road – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Case 24-100-11 – Rezoning – 19307 E. Holke Road – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Case 24-125-06 – Rezoning/ PUD – 1550 S. Noland Road – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/ PUD (General Commercial/ Planned Unit Development) and approving a preliminary development plan.

The Planning Commission will conduct full public hearing on these applications. The City Council will only hear new information that was not presented at the Planning Commission's public hearing if such facts were not reasonably available at the time of the Planning Commission hearing. Any new information proposed to be presented to the City Council must be submitted in writing to the Community Development Department and Law Department at least seven (7) days prior to the City Council meeting.

Case 24-175-03 – UDO Amendment #66 – Police Facilities – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Case 24-175-04 – UDO Amendment #67 – Home Based Business – The City proposes Amendment #67 of the Unified Development Ordinance pertain-

ing to home based businesses.

The Planning Commission and City Council will conduct a full public hearing on these items.

Witness my hand this 4th day of June, 2024.

Tom Scannell, Community Development Director
The City of Independence, Missouri is an Equal Opportunity Employer/Contractor/MFD

Published in the Examiner, Jun 8, 2024

#####

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-069 **2R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to police facilities. **2R**

Recommendations:

Commissioner Nesbitt made a motion to recommend approval of case 24-175-03, UDO Amendment #66 Police Facilities.

A second to the motion was made by Commissioner Wiley. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner Nesbitt – Yes

Commissioner O’Neill – Yes

Commissioner Torres - Yes

Commissioner Wiley – Yes

Commissioner McClain - Yes

The motion passed and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

The City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions found in 14-415.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:**Fiscal Impact:****Council Action:**

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-175-03
2. Staff Report UDO Amendment 66 Police Facilities
3. City Code 14-200-04 - Public and civic use group
4. City Code 14-302-03 - Industrial Uses
5. City Code 14-415 - Detention and Correctional Facilities Other
6. Planning Commission Meeting Minutes 6-25-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE CITY CODE PERTAINING TO POLICE FACILITIES.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on June 25, 2024, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 7-0; and,

WHEREAS, City Council has authority under RSMo. Ch. 89.020 to enact and amend zoning ordinances to promote health, safety, morals, and the general welfare of the community; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 14-200-04 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-200 USE GROUPS AND CATEGORIES

14-200-04 Public and civic use group

The public and civic use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

14-200-04-C. Detention and Correctional Facilities, ~~Other~~. Facilities for the ~~judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers, except when on an approved leave.~~ confinement of persons charged with or convicted of a crime or otherwise confined under a court order and includes but is not limited to ~~Examples include~~ prisons, jails, probation centers and juvenile detention homes.

14-200-04-K. Government Buildings/Facilities. Government buildings and related facilities utilized for its operations. Typical uses include City halls, courthouses, animal shelters, maintenance garages, **police buildings, detention and facilities**, and training facilities but exclude facilities relating to utility services and parks and recreation.”

SECTION 2. That Section 14-302-03 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-302 INDUSTRIAL DISTRICTS

14-302-03 Uses

14-302-03-A. Use Table. Uses are allowed in I zoning districts in accordance with Table 302-1, below.

14-302-03-B. Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 302-1 lists the groups, categories and types allowed in one or more I districts.

14-302-03-C. Permitted Uses. Uses identified with a "P" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-302-03-D. Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of Table 302-1, and all other applicable standards of this development ordinance.

14-302-03-E. Special Uses. Uses identified with an "S" in Table 302-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-302-03-F. Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-302-03-G. Use Standards. The "use standards" column of Table 302-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.”

Table 302-1 Industrial Districts Use Table				
P: Permitted	S: Special Use Permit Required	C: Conditional Uses		—: Not Allowed
Use Category Specific use type	Zoning District			Use Standards
	B-P/PUD	I-1	I-2	
PUBLIC/CIVIC				
Detention/Correctional Facility, Other	—	—	S	14-407 , 14-415

SECTION 3. That Section 14-415 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-415 DETENTION AND CORRECTIONAL FACILITIES, OTHER

14-415-01 Standards

Detention and correctional facilities, and recovery centers are subject to the following minimum standards:

14-415-01-A. The property must have a minimum lot area of two acres.

14-415-01-B. No such facility may be located on property located within 1,000 feet of residential zoning district or within 1,000 feet of any residential dwelling unit; school; library, museum, community center; park; religious assembly; or day care use.

14-415-01-C. All outdoor recreation areas and all structures to be occupied by inmates must be set back a minimum of 50 feet from all property lines.

14-415-01-D. The property on which the facility is to be located must provide a minimum lot area of 350 square feet per occupant.

14-415-02 – City Facilities Exempt

Any detention or correctional facility owned by the City of Independence shall not be subject to the standards listed in Section 14-415-01.”

SECTION 4. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 5. That correction of any scriveners’ errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through are being removed from this ordinance and words underscored and bolded are being added to this ordinance.

MEETING DATE: June 25, 2024

STAFF: Tom Scannell, Community Development Director

PROJECT NAME: UDO Amendment #66

CASE NUMBER / REQUEST: **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

APPLICANT: City of Independence

PUBLIC NOTICE:

- Public notice published in Independence Examiner – June 8th 2024.

FURTHER ACTION:

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

The City proposes Amendment #66 to the Unified Development Ordinance (UDO) to address police facilities.

BACKGROUND & HISTORY:

The City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions found in 14-415.

EXHIBITS

1. Proposed Amendments to 14-200-04
2. Proposed Amendments to 14-302-03
3. Proposed Amendments to 14-415

14-200 USE GROUPS AND CATEGORIES

14-200-04 Public and civic use group

The public and civic use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

14-200-04-C. Detention and Correctional Facilities, Other. Facilities for the ~~judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by peace officers, except when on an approved leave.~~ confinement of persons charged with or convicted of a crime or otherwise confined under a court order and includes but is not limited to ~~Examples include~~ prisons, jails, probation centers and juvenile detention homes.

14-200-04-K. Government Buildings/Facilities. Government buildings and related facilities utilized for its operations. Typical uses include City halls, courthouses, animal shelters, maintenance garages, police buildings, detention and facilities, and training facilities but exclude facilities relating to utility services and parks and recreation.

14-302 INDUSTRIAL DISTRICTS

14-302-03 Uses

14-302-03-A. Use Table. Uses are allowed in I zoning districts in accordance with Table 302-1, below.

14-302-03-B. Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 302-1 lists the groups, categories and types allowed in one or more I districts.

14-302-03-C. Permitted Uses. Uses identified with a "P" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-302-03-D. Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of Table 302-1, and all other applicable standards of this development ordinance.

14-302-03-E. Special Uses. Uses identified with an "S" in Table 302-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-302-03-F. Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-302-03-G. Use Standards. The "use standards" column of Table 302-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 302-1 Industrial Districts Use Table					
P: Permitted		S: Special Use Permit Required		C: Conditional Uses	—: Not Allowed
<i>Use Category</i> <i>Specific use type</i>	Zoning District			Use Standards	
	B-P/PUD	I-1	I-2		
PUBLIC/CIVIC					
Detention/Correctional Facility, <u>Other</u>	—	—	S	14-407 , 14-415	

14-415 DETENTION AND CORRECTIONAL FACILITIES, OTHER

14-415-01 Standards

Detention and correctional facilities, and recovery centers are subject to the following minimum standards:

14-415-01-A. The property must have a minimum lot area of two acres.

14-415-01-B. No such facility may be located on property located within 1,000 feet of residential zoning district or within 1,000 feet of any residential dwelling unit; school; library, museum, community center; park; religious assembly; or day care use.

14-415-01-C. All outdoor recreation areas and all structures to be occupied by inmates must be set back a minimum of 50 feet from all property lines.

14-415-01-D. The property on which the facility is to be located must provide a minimum lot area of 350 square feet per occupant.

14-415-02 – City Facilities Exempt

Any detention or correctional facility owned by the City of Independence shall not be subject to the standards listed in Section 14-415-01.



City Planning Commission Minutes

June 25, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – June 11, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

Commissioner Edward Nesbitt made a motion to dismiss the case. Commissioner Dan O'Neill seconded the motion. The motion for dismissal was approved Yes 7, No 0, Abstained 0.

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion failed Yes 0, No 7, Abstained 0.

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Staff Presentation

Rick Arroyo stated the City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities' definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

Staff Presentation

Mr. Arroyo stated in 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

A public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code relating to home-based businesses. ***Full Public Hearing.***

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 06-25-24 Public Notice Submitted to Examiner

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Examiner** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(816) 254-8600**.

Notice ID: viYeD8HWWurzImJXDy8s | **Proof Updated: Jun. 04, 2024 at 11:14am CDT**
Notice Name: PC 6/25/24

See Proof on Next Page

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FILER

Jodi Baker
jbaker@indepmo.org
(816) 325-7109

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Examiner

Columns Wide: 1 **Ad Class:** Legals

Total Column Inches: 11.26

Number of Lines: 90

06/08/2024: Other 145.53

Subtotal	\$145.53
Tax	\$0.00
Processing Fee	\$0.00
Total	\$145.53

Notice of Public Hearing

Notice is hereby given that a public hearing will be held by the Independence City **Planning Commission** at 6 p.m., Tuesday, June 25, 2024, and by the Independence **City Council** at 6 p.m., Monday, August 19, 2024, in the Independence City Hall City Council Chambers (lower level, north entrance) 111 E. Maple Avenue, in Independence, Missouri on the following matter(s):

Case 24-100-05 – Rezoning – 1301 S. Noland Road – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Case 24-100-11 – Rezoning – 19307 E. Holke Road – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Case 24-125-06 – Rezoning/ PUD – 1550 S. Noland Road – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/ PUD (General Commercial/ Planned Unit Development) and approving a preliminary development plan.

The Planning Commission will conduct full public hearing on these applications. The City Council will only hear new information that was not presented at the Planning Commission's public hearing if such facts were not reasonably available at the time of the Planning Commission hearing. Any new information proposed to be presented to the City Council must be submitted in writing to the Community Development Department and Law Department at least seven (7) days prior to the City Council meeting.

Case 24-175-03 – UDO Amendment #66 – Police Facilities – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Case 24-175-04 – UDO Amendment #67 – Home Based Business – The City proposes Amendment #67 of the Unified Development Ordinance pertain-

ing to home based businesses.

The Planning Commission and City Council will conduct a full public hearing on these items.

Witness my hand this 4th day of June, 2024.

Tom Scannell, Community Development Director
The City of Independence, Missouri is an Equal Opportunity Employer/Contractor/MFD

Published in the Examiner, Jun 8, 2024

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City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-070 **2R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to home-based businesses. **2R**

Recommendations:

Commissioner Ashbaugh made a motion to recommend approval of case 24-175-04, UDO Amendment #67 Home-Based Businesses.

A second to the motion was made by Commissioner Wiley. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner Nesbitt – Yes

Commissioner O’Neill – Yes

Commissioner Torres - Yes

Commissioner Wiley – Yes

Commissioner McClain - Yes

The motion passed and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

In 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri’s cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

- A. Restricting the hours of operation for any home-based work; or
- B. Prohibiting or requiring any structural modifications to the home or accessory structure; or
- C. Prohibiting service by appointment within the home or accessory structure; or
- D. Prohibiting any particular occupation from being home-based work; or
- E. Prohibiting mail order or telephone sales for home-based work; or
- F. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a “no-impact home-based business,” cities are further prohibited from:

- A. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
- B. Requiring that the business activities occur only within the residence, although the city may prohibit activities that can be viewed from the street; or
- C. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces with regulations in compliance with State Statute.

House Bill 1662 does allow a political subdivision to establish reasonable regulations on a home-based business if the regulations are narrowly tailored for the purpose of protecting the public health and safety, including regulations related to fire, building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control; or ensuring that the business activity is compliant with state and federal law and paying applicable taxes.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-175-04
2. Staff Report UDO Amendment 67 Home Based Businesses
3. City Code 14-400-03 - Home based businesses revised
4. Planning Commission Meeting Minutes 6-25-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE,
CHAPTER 14, OF THE CITY CODE PERTAINING TO HOME-BASED
BUSINESSES.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, the Missouri General Assembly has passed, and Governor Parson has signed House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's Cities to regulate and control home-based occupations; and

WHEREAS, under the provisions of HB 1662, the City of Independence is prohibited from:

- A. Restricting the hours of operation for any home-based work; or
- B. Prohibiting or requiring any structural modifications to the home or accessory structure; or
- C. Prohibiting service by appointment within the home or accessory structure; or
- D. Prohibiting any particular occupation from being home-based work; or
- E. Prohibiting mail order or telephone sales for home-based work; or
- F. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building; and

WHEREAS, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business" the City is further prohibited from:

- A. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
- B. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
- C. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on June 25, 2024, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 7-0; and,

WHEREAS, the City Council has authority under RSMo. Ch. 89.020 to enact and amend zoning ordinances to promote health, safety, morals, and the general welfare of the community; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Independence Section 14-400-03 is hereby repealed and shall be replaced as follows:

“14-400-03 – Home-Based Businesses

14-400-03-A. Definitions.

The following terms shall be given the definitions ascribed below:

GOODS. Any merchandise, equipment, products, supplies, or materials.

HOME-BASED BUSINESS. A business operating in a residential dwelling within the City of Independence that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

HOME-BASED WORK. Any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

NO-IMPACT, HOME-BASED BUSINESS. A home-based business qualifies as a no-impact, home based business if:

- 1. The total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling; and**
- 2. The activities of the business:**
 - a. Are limited to the sale of lawful goods and services; and**
 - b. May involve having more than one client on the property at one time; and**
 - c. Do not cause a substantial increase in traffic through the residential area; and**
 - d. Do not violate any parking regulations established by this City’s Code; and**
 - e. Occur inside the residential dwelling or in the yard of the residential dwelling; and**
 - f. Are not visible from any public street; and**
 - g. Do not use any equipment that produces noise, light, odor, smoke, gas, or vibrations that can be seen, felt, heard, or smelled by a person of ordinary senses outside of the property where the business is located; and**

- h. Do not sell any goods or services for which a health inspection would be required if the business were not located in a residence unless the owner or tenant provides written consent for the Department of Health to inspect the business during normal business hours or at any other time the business is operating.**

14-400-03-B. – No-Impact Home-Based Businesses

- 1. Permitted in Residential Districts, when.**
No-Impact Home-Based Businesses shall be permitted in all residential districts and in accordance subject to the restrictions and limitations of this Chapter. No other business may be operated in a residence at any time.
- 2. Restrictions And Limitations.**

 - (a) A No-Impact Home-Based business must be incidental and subordinate to the principal residential use of the premises and shall not change the residential character of the surrounding neighborhood.**
 - (b) The owner or operator of the No-Impact Home-Based Business must be an owner or tenant of the residence and must reside at the residence.**
 - (c) The owner or operator of the No-Impact Home-Based Business may employ others to work in the No-Impact Home-Based Business as long as the occupancy limits are not in excess of what is allowed pursuant to fire and building codes.**
 - (d) The home occupation may be conducted in an existing detached accessory building that existed at the time this Chapter was adopted. A new accessory building shall not be constructed to house a home occupation.**
 - (e) Outdoor storage of materials or equipment used in the home occupation shall not be permitted if such storage is visible from the street. Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.**
 - (f) The owner or operator must provide adequate parking for the No-Impact Home-Based Business. Parking for the No-Impact Home-Based Business may include the driveway or garage of the residence, or a paved parking area located behind the front plane of the residence. Adequate parking may also include parking on the street so long as:**

 - i. Parking is limited to the side of the street the No-Impact Home-Based Business is located on, between the lot lines of the residence, if parking at that location is otherwise lawful.**
 - ii. If any parking regulations established by the City Code are routinely violated, the business shall not be considered a No-Impact Home-Based Business. For the purposes of this section, the term “routinely” shall mean more than twice in a seven-day period.**
 - (g) The total number of employees and clients in the home at one time may not exceed the maximum occupancy of the residence.**
 - (h) All No-Impact Home-Based Businesses shall follow all lawfully applicable regulations and requirements enacted in the City Code and required by state and federal laws and regulations.**

14-400-03-C. – Other Home-Based Businesses

1. This Section shall not apply to No-Impact Home-Based Businesses as defined in this Chapter.
2. All persons operating a Home-Based Business are required to obtain a City occupation license in accordance with Article 1 of Chapter 5 of this Code.
3. All Home-Based Businesses must be operated in a way that does not constitute a public nuisance under this Code.
4. No exterior additions to the building structure are permitted in connection with any Home-Based Business without a permit. An existing accessory building may be used for a Home-Based Business, as provided for in this section, but a new accessory building may not be built for a Home-Based Business without a permit. The Planning Commission may approve an exterior addition to the building structure, or a new accessory building, in connection with any Home-Based Business.
5. Vehicles used to deliver goods to a major home business are limited to passenger vehicles, mail carrier, and express carrier, such as the United Parcel Service, and FedEx.
6. Owners/operators of a Home-Based Business shall provide adequate off-street parking to accommodate as many customers/clients as will be expected to be on the property at one time. No more than one on-street parking space shall be used for customer/client parking.
7. Either up to 25 percent of the total floor area of the dwelling unit may be used in conjunction with a Home-Based Business, or one accessory structure, such as a freestanding garage, may be used for a Home-Based Business.
8. All Home-Based Businesses shall follow all lawfully applicable regulations and requirements enacted in the City Code and required by state and federal laws and regulations.

All Home-Based Business applications to the Planning Commission shall follow the review and application process outlined in Chapter 14, Article 4, Section 14-424-23-B of the Independence Unified Development Ordinance.

Sec. 14-400-03-D. – Penalties

Any person who operates a business in violation of this Article shall, upon conviction, be subject to a fine of not less than \$100.00 and up to ninety (90) days in jail or both. Each day of violation shall be considered a separate offense.”

SECTION 2. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 3. That correction of any scriveners’ errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS ____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through are being removed from this ordinance and words underscored and bolded are being added to this ordinance.

MEETING DATE: June 25, 2024

STAFF: Tom Scannell, Community Development Director

PROJECT NAME: UDO Amendment #67

CASE NUMBER / REQUEST: **Case 24-175-04 – UDO Amendment #67 – Home Based Businesses** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

APPLICANT: City of Independence

PUBLIC NOTICE:

- Public notice published in Independence Examiner – June 8th 2024

FURTHER ACTION:

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

The City proposes Amendment #67 to the Unified Development Ordinance (UDO) to update the home-based businesses regulations.

BACKGROUND & HISTORY:

In 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

- A. Restricting the hours of operation for any home-based work; or
- B. Prohibiting or requiring any structural modifications to the home or accessory structure; or
- C. Prohibiting service by appointment within the home or accessory structure; or
- D. Prohibiting any particular occupation from being home-based work; or
- E. Prohibiting mail order or telephone sales for home-based work; or
- F. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a “no-impact home-based business,” cities are further prohibited from:

- A. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
- B. Requiring that the business activities occur only within the residence, although the city may prohibit activities that can be viewed from the street; or
- C. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces with regulations in compliance with State Statute.

House Bill 1662 does allow a political subdivision to establish reasonable regulations on a home-based business if the regulations are narrowly tailored for the purpose of protecting the public health and safety, including regulations related to fire, building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control; or ensuring that the business activity is compliant with state and federal law and paying applicable taxes.

EXHIBITS

1. Proposed Amendments to 14-400-03

ARTICLE 4. USE REGULATIONS

14-400 ACCESSORY USES AND STRUCTURES

14-400-03 Home businesses

~~14-400-03-A. General. Some types of business operations can be conducted at home with little or no effect on the surrounding neighborhood. The regulations of this article are intended to permit home based businesses while ensuring that the businesses will not be detrimental to the character and livability of the surrounding area. The regulations require that home businesses remain subordinate and secondary to the principal residential use of the property and that the viability of the primary residential use is maintained. Two classifications of home business are allowed: "major" and "minor." All home businesses are subject to the regulations and procedures of this section.~~

~~14-400-03-B. Permits Required.~~

- ~~1. Unless otherwise exempted by the City Code, all home businesses must maintain a valid Business License, which must be renewed annually. No business license may be issued until a home business permit is first approved in accordance with the procedures of this section.~~
- ~~2. An applicant need apply only once for a home business permit provided that the location and the business activity remains the same. If the applicant moves to a different location or the business activity changes, the existing home business permit will lapse and become null and void, and a new home business permit will be required. A home business permit is granted to an individual and is not transferable.~~

~~14-400-03-C. Termination of Primary Use on Property. All home businesses are subordinate and incidental to the primary use of the property. If the primary use of the property terminates, the home business on the site must also terminate.~~

~~14-400-03-D. Where Allowed. Home businesses are allowed in any zoning district that permits household living, provided that the home business complies with all applicable standards and requirements, including the home business permit requirements of this section.~~

~~For the purposes of this section, businesses that seek to operate from a place of religious assembly on residentially zoned land shall be considered a major home business and be subject to all the provisions of a major home business, excepted as noted.~~

~~14-400-03-E. General Standards and Requirements. All home businesses are subject to the general standards and requirements set forth in this subsection.~~

- ~~1. Number. There may not be more than one major home business or two minor home businesses in any dwelling unit.~~
- ~~2. Prohibited Uses. The following uses are prohibited as home businesses:~~
 - ~~(a) Automotive and vehicle service and repair including, but not limited to: engine work, body work, painting, washing and detailing services, window glass replacement, accessory parts sales and installation.~~
 - ~~(b) Employee dispatch centers.~~
 - ~~(c) Animal boarding, kennels, veterinarian clinics and animal hospitals in residential districts.~~
 - ~~(d) Medical/dental offices or clinics.~~
 - ~~(e) Funeral homes.~~

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- ~~(f) — Bail bonding.~~
 - ~~(g) — Equipment rental and sales.~~
 - ~~(h) — Radio, television, and similar electronic device sale and repair.~~
 - ~~(i) — Appliance sale and repair.~~
 - ~~(j) — Vehicle tow operations including, but not limited to, a tow service, tow service office, tow dispatch center and tow lot.~~
3. ~~Number of Persons/Employees. Only one person living outside of the dwelling unit and members of the immediate family thereby residing, may be engaged in the operation of a home business at any one time on the premises. This residency requirement is not required for businesses operated from a place of religious assembly. The Planning Commission may approve a home business:~~
- ~~(a) — Which operates from a place of religious assembly to have up to six total employees.~~
 - ~~(b) — To allow one additional person living outside of the dwelling unit for every acre of land the dwelling unit sits on to be engaged in the operation of a home business at any one time, not to exceed a total of six employees that live outside of the dwelling unit engaged in the operation of a home business at any one time on the premises.~~
4. ~~Floor Area Limit. Either up to 25 percent of the total floor area of the dwelling unit, or place of religious assembly, may be used in conjunction with a home business, or one accessory structure, such as a freestanding garage, may be used for a home business. The Planning Commission may approve a home business:~~
- ~~(a) — That exceeds 25 percent of the total floor area of the dwelling unit, given that the minimum floor area for single-family detached houses required in Section 14-505-03 is not used in conjunction with the home business.~~
 - ~~(b) — That uses more than one accessory structure in conjunction with a home business.~~
5. ~~Enclosed Structures. All activities and storage areas associated with such businesses must be conducted in completely enclosed structures.~~
6. ~~Operational Performance Standards. No home business or equipment used in conjunction with a home business may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the property on which the home business is conducted. The Fire Department will review and approve the use and/or storage of materials used in conjunction with a home business.~~
7. ~~Sales. The selling of stocks of merchandise, supplies, or products is prohibited, except through sales methods such as the phone or internet that do not require the customer to come to the dwelling unit, and incidental retail sales which may be made in conjunction with other permitted home business operations, (e.g., a single chair hair salon may sell combs, hair spray, and other miscellaneous items to its customers. However, a dressmaker would be required to do only custom work for specific clients, and would not be allowed to develop stocks of garments for sale to the general public on site).~~
8. ~~Signs. No sign, nameplate, or any other form of advertising may be displayed on the premises in connection with any home business (in this section, premises means land, buildings and vehicles).~~
9. ~~Exterior Alterations. No exterior additions to the building structure are permitted in connection with any home business. An existing accessory building may be used for a home business, as provided for in this section, but a new accessory building may not be built for a home business. The Planning Commission may approve an exterior addition to the building structure, or a new accessory building, in connection with any home business.~~
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~~10. Service by Vehicles. Vehicles used to deliver goods to a major home business are limited to passenger vehicles, mail carrier, and express carrier, such as the United Parcel Service, and FedEx. The Planning Commission may approve a home business permit to allow businesses operating from a place of religious assembly to utilize an unmarked cargo van, or similar vehicle, in its business operations provided the vehicle is not stored on-site on a full time basis.~~

~~11. Day Care Homes. In residential dwelling units, only a family day care home may be permitted as a major home business. They are subject to all applicable City Code standards including Section 14-401.~~

~~A family day care or group day care may be operated from a place of religious assembly. They are subject to all applicable City Code standards including Section 14-401.~~

~~14-400-03 F. Special Standards and Requirements for Minor Home Business. Minor home businesses are subject to all of the general standards and requirements of Section 14-400-03E, with the following exceptions and additional restrictions:~~

- ~~1. No equipment, machinery, vehicles, materials, parts or other items relating to the business may be kept, stored, parked or maintained outside of the residential structure.~~
- ~~2. No customers/clients/employees may come to the site at any time for any purpose. Contact with customers/clients/employees must be made off site or by phone, fax, internet, mail service, or parcel service.~~
- ~~3. Only one room of the dwelling unit may be used for the business. No accessory out buildings may be used in the conduct of business.~~
- ~~4. Not more than two minor home businesses may be operated from a single dwelling unit.~~

~~14-400-03 G. Minor Home Business Permits, Application.~~

- ~~1. A minor home business is a home business that complies with the general home business standards and requirements of Section 14-400-03E and the special standards and requirements for minor home businesses in Section 14-400-03F. Because of these limitations, minor permits are approved administratively, in conjunction with a City business license.~~
- ~~2. Upon reviewing the application and considering the circumstances of the case, the application may be approved, approved with conditions, or denied by the department. If an application is denied, or approved with conditions unacceptable to the applicant, applicants in an R zoning district may apply for a major home business permit from the Planning Commission in accordance with the procedures of Section 14-400-03I. If an application is denied for a site in an O, C or I zoning district, the applicant must comply with all requirements attributable to the respective O, C or I district, including the provision of parking, landscaping and other related requirements.~~

~~14-400-03 H. Major Home Business Permits, Application.~~

- ~~1. A major home business is a home business that complies with the general home business standards and requirements of Section 14-400-03E but does not comply with one or more of the special standards and requirements for minor home businesses in Section 14-400-03F.~~
- ~~2. Applications for major home businesses must be made to the Department of Community Development upon forms provided by the department. The applicant must furnish the names and addresses of all property owners within an area determined by lines drawn parallel to and 185 feet from the boundaries of the parcel proposed for a major home business permit. The Community Development Department must notify these property owners by mail of the required public hearing for the permit application.~~
- ~~3. After the submission of an application, the permit must be reviewed by City officials to determine that all requirements of this section and other codes have been, or can be, met.~~

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4. ~~The Planning Commission must conduct a public hearing and review the major home business permit application. The Planning Commission may establish specific requirements as to operation and conduct of a home business so as to assure that it will not have a disruptive effect on the neighborhood. Those major home business applications that would, in the judgment of the Planning Commission, create excessive noise, pedestrian or vehicular traffic, or any other condition that would interfere with the safety and general welfare of the surrounding neighborhood, may not be approved. The major home business permit must be approved, approved with conditions, or denied by the Planning Commission. Should the Planning Commission either deny, or approve a major home business permit application with conditions unsuitable to the applicant, the applicant may appeal the application to the City Council requesting that it consider and take final action on the permit application.~~
 5. ~~If a legal protest petition against the major home business permit is submitted and validated before the action of the Planning Commission, any action of the Planning Commission will constitute only a recommendation, with the final decision made by the City Council. In such case when a legal protest has been filed, the Planning Commission may recommend approval, approval with conditions, denial, or it may continue an application for further consideration. A protest against a major home business permit presented to the Planning Commission, duly signed and acknowledged by the owners of 25 percent or more of the land within an area determined by lines drawn parallel and 185 feet from the boundaries of the parcel proposed for the major home business permit, will constitute a legal protest. A legal protest must be presented to the Planning Commission no later than the beginning of the meeting at which the proposed home business application will be considered.~~
 6. ~~The City Council must consider and take final action on a major home business permit application on an appeal from an action of the Planning Commission or when a valid legal protest petition was submitted. The City Council must act on a resolution after reviewing the record of the proceedings from the Planning Commission, and may approve, approve with conditions, deny, or remand such application to the Planning Commission for further consideration. No additional public testimony before the City Council will be accepted. A major home business permit, which is the subject of a legal protest petition, will become effective only by the favorable vote of six of all the members of the City Council.~~
 7. ~~After investigation and report of the Community Development Department of any home business that results in an undesirable condition interfering with the general welfare of the surrounding residential area, said home business may be terminated and the business license therefore revoked by the City Council after a hearing before and recommendation of the Planning Commission. A copy of the transcript of the hearing must be submitted to the City Council for its deliberation before it votes on termination. The act of termination is not exclusive, and the City retains the right to pursue municipal court action and other court proceedings to enforce this section.~~

14-400-03 – Home-Based Businesses

14-400-03-A. Definitions.

The following terms shall be given the definitions ascribed below:

GOODS. Any merchandise, equipment, products, supplies, or materials.

HOME-BASED BUSINESS. A business operating in a residential dwelling within the City of Independence that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

HOME-BASED WORK. Any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

NO-IMPACT, HOME-BASED BUSINESS. A home-based business qualifies as a no-impact, home based business if:

1. **The total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling; and**
2. **The activities of the business:**
 - a. **Are limited to the sale of lawful goods and services; and**
 - b. **May involve having more than one client on the property at one time; and**
 - c. **Do not cause a substantial increase in traffic through the residential area; and**
 - d. **Do not violate any parking regulations established by this City's Code; and**
 - e. **Occur inside the residential dwelling or in the yard of the residential dwelling; and**
 - f. **Are not visible from any public street; and**
 - g. **Do not use any equipment that produces noise, light, odor, smoke, gas, or vibrations that can be seen, felt, heard, or smelled by a person of ordinary senses outside of the property where the business is located; and**
 - h. **Do not sell any goods or services for which a health inspection would be required if the business were not located in a residence unless the owner or tenant provides written consent for the Department of Health to inspect the business during normal business hours or at any other time the business is operating.**

14-400-03-B. – No-Impact Home-Based Businesses

1. **Permitted in Residential Districts, when.**

No-Impact Home-Based Businesses shall be permitted in all residential districts and in accordance subject to the restrictions and limitations of this Chapter. No other business may be operated in a residence at any time.
2. **Restrictions And Limitations.**
 - (a) **A No-Impact Home-Based business must be incidental and subordinate to the principal residential use of the premises and shall not change the residential character of the surrounding neighborhood.**
 - (b) **The owner or operator of the No-Impact Home-Based Business must be an owner or tenant of the residence and must reside at the residence.**
 - (c) **The owner or operator of the No-Impact Home-Based Business may employ others to work in the No-Impact Home-Based Business as long as the occupancy limits are not in excess of what is allowed pursuant to fire and building codes.**

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- (d) The home occupation may be conducted in an existing detached accessory building that existed at the time this Chapter was adopted. A new accessory building shall not be constructed to house a home occupation.
 - (e) Outdoor storage of materials or equipment used in the home occupation shall not be permitted if such storage is visible from the street. Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.
 - (f) The owner or operator must provide adequate parking for the No-Impact Home-Based Business. Parking for the No-Impact Home-Based Business may include the driveway or garage of the residence, or a paved parking area located behind the front plane of the residence. Adequate parking may also include parking on the street so long as:
 - i. Parking is limited to the side of the street the No-Impact Home-Based Business is located on, between the lot lines of the residence, if parking at that location is otherwise lawful.
 - ii. If any parking regulations established by the City Code are routinely violated, the business shall not be considered a No-Impact Home-Based Business. For the purposes of this section, the term "routinely" shall mean more than twice in a seven-day period.
 - (g) The total number of employees and clients in the home at one time may not exceed the maximum occupancy of the residence.
 - (h) All [No-Impact] Home-Based Businesses shall follow all lawfully applicable regulations and requirements enacted in the City Code and required by state and federal laws and regulations.

14-400-03-C. – Other Home-Based Businesses

- 1. This Section shall not apply to No-Impact Home-Based Businesses as defined in this Chapter.
- 2. All persons operating a Home-Based Business are required to obtain a City occupation license in accordance with Article 1 of Chapter 5 of this Code.
- 3. All Home-Based Businesses must be operated in a way that does not constitute a public nuisance under this Code.
- 4. No exterior additions to the building structure are permitted in connection with any Home-Based Business without a permit. An existing accessory building may be used for a Home-Based Business, as provided for in this section, but a new accessory building may not be built for a Home-Based Business without a permit. The Planning Commission may approve an exterior addition to the building structure, or a new accessory building, in connection with any Home-Based Business.
- 5. Vehicles used to deliver goods to a major home business are limited to passenger vehicles, mail carrier, and express carrier, such as the United Parcel Service, and FedEx.
- 6. Owners/operators of a Home-Based Business shall provide adequate off-street parking to accommodate as many customers/clients as will be expected to be on the property at one time. No more than one on-street parking space shall be used for customer/client parking.

-
7. Either up to 25 percent of the total floor area of the dwelling unit may be used in conjunction with a Home-Based Business, or one accessory structure, such as a freestanding garage, may be used for a Home-Based Business.
 8. All Home-Based Businesses shall follow all lawfully applicable regulations and requirements enacted in the City Code and required by state and federal laws and regulations.

All Home-Based Business applications to the Planning Commission shall follow the review and application process outlined in Chapter 14, Article 4, Section 14-424-23-B of the Independence Unified Development Ordinance.

Sec. 14-400-03-D. – Penalties

Any person who operates a business in violation of this Article shall, upon conviction, be subject to a fine of not less than \$100.00 and up to ninety (90) days in jail or both. Each day of violation shall be considered a separate offense.



City Planning Commission Minutes

June 25, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – June 11, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

Commissioner Edward Nesbitt made a motion to dismiss the case. Commissioner Dan O'Neill seconded the motion. The motion for dismissal was approved Yes 7, No 0, Abstained 0.

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion failed Yes 0, No 7, Abstained 0.

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Staff Presentation

Rick Arroyo stated the City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities' definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

Staff Presentation

Mr. Arroyo stated in 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

A public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code relating to small box discount stores, tobacco stores, convenience stores and liquor stores. ***Full Public Hearing.***

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 07-09-24 Public Notice Submitted to Examiner

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Examiner** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(816) 254-8600**.

Notice ID: vKou4GA5MeQmxaEdUUuJ | **Proof Updated: Jun. 18, 2024 at 10:09am CDT**
Notice Name: PC 07/09/2024

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See Proof on Next Page

Notice of Public Hearing

Notice is hereby given that a public hearing will be held by the Independence City **Planning Commission** at 6 p.m., Tuesday, July 9, 2024, and by the Independence **City Council** at 6 p.m., Monday, August 19, 2024, in the Independence City Hall City Council Chambers (lower level, north entrance) 111 E. Maple Avenue, in Independence, Missouri on the following matter(s):

Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy – A request by Carajoto, LLC amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Case 24-100-12 – Rezoning – 21101 E. 78 Hwy – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

The Planning Commission will conduct full public hearing on these applications. The City Council will only hear new information that was not presented at the Planning Commission's public hearing if such facts were not reasonably available at the time of the Planning Commission hearing. Any new information proposed to be presented to the City Council must be submitted in writing to the Community Development Department and Law Department at least seven (7) days prior to the City Council meeting.

Case 24-175-05 – UDO Amendment #68 – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the Unified Development Ordinance pertaining to recreational vehicle park use.

The Planning Commission and

City Council will conduct a full public hearing on these items.

Witness my hand this 18th day of June, 2024.

Tom Scannell, Community Development Director
The City of Independence, Missouri is an Equal Opportunity Employer/Contractor/MFD

Published in the Examiner, Jun 22, 2024

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City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-071 **2R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to small box discount, tobacco, convenience and liquor stores. **2R**

Recommendations:

Commissioner Wiley made a motion to recommend approval of case 24-175-05, UDO Amendment #68 – small box discount, tobacco, convenience and liquor stores.

A second to the motion was made by Commissioner O'Neill. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner Nesbitt – Absent

Commissioner O'Neill – Yes

Commissioner Torres - Yes

Commissioner L. Wiley – Yes

Commissioner McClain - Yes

The motion passed and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

The City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In

addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and

7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-175-05
2. Staff Report 24-175-05
3. City Code 14-201 - GENERAL TERMS
4. City Code 14-419 - TOBACCO STORE
5. City Code 14-425 - LIQUOR STORE
6. City Code 14-426 - CONVENIENCE STORE
7. City Code 14-427 - SMALL BOX DISCOUNT STORE
8. Dollar Stores Independence 2 Mile Buffer

9. City Code 14 -301-03 - Uses
10. City Code 14-302-03 - Uses
11. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE CITY CODE PERTAINING TO SMALL BOX DISCOUNT, TOBACCO, CONVENIENCE AND LIQUOR STORES.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on July 9, 2024, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 6-0; and,

WHEREAS, City Council has authority under RSMo. Ch. 89.020 to enact and amend zoning ordinances to promote health, safety, morals, and the general welfare of the community; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 14-201-01 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-201-01 General terms

Unless otherwise noted, the following words and terms shall apply to this chapter.

CONVENIENCE STORE. A retail establishment that sells ~~prepackaged food items, package liquor, tobacco products, periodicals and tangible consumer goods, primarily for self-service by the consumer, including hot beverages, fountain beverages and pastries. Such businesses may also sell site-prepared food items including, but not limited to, hot dogs, salads and popcorn.~~ limited grocery items, magazines, newspapers, and other limited items where there is no dispensing or sales of vehicular fuels and/or vehicle charging. If at any time, tobacco or alcohol becomes the primary sales category, the business can no longer be construed as a convenience store.

LIQUOR STORE. An establishment or place of business primarily engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

SMALL BOX DISCOUNT STORE. A retail establishment with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority of the items in its inventory for sale at a price per item of \$10.00 or less, adjusted for inflation. Small box discount store does not include (1) a grocery store; (2) a store that contains a pharmacy where prescription drugs are compounded, dispensed, or distributed; or (3) a retail store where the majority of the products sold are personal hygiene products or cosmetics.

TOBACCO STORE. A commercial establishment primarily for the sale of tobacco related products. Tobacco related products shall include, but not limited to: cigarettes, cigars, pipe tobacco, loose tobacco, cigarette papers, ~~and~~ pipes **and any smokable product**. This definition shall also include electronic and vapor cigarettes.”

SECTION 2. That Section 14-419 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-419 TOBACCO/~~CONVENIENCE~~ STORE

14-419-01 Applicability

The standards of this article apply to tobacco ~~and convenience~~ store, as defined by this ordinance.

14-419-02 Separation and number of establishments per capita

14-419-02-A. As a conditional use, a tobacco/~~convenience~~ store may not locate or expand any existing operation within 500 feet of any residential use or district, church, school, or public park **whether such other use or district is located within the City or outside of the City.** With special use permit approval, a tobacco/~~convenience~~ store may locate or expand less than 500 feet of any residential use or district, church, school, or public park **whether such other use is located within the City or outside of the City.** Such special use permit must be approved in accordance with Section 14-704.

14-419-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest **property line to closest property line exterior structural wall of each building** or zoning district.

14-419-02-C. No permit may be issued for a tobacco/~~convenience~~ store where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per 15,000 residents based on the last decennial census.

14-419-03. Video surveillance required

All tobacco stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-419-04 Minimum lighting levels

14-419-04.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and shall comply with Section 14-508.

14-419-05. Visibility maintained.

14-419-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from posters, flyers and other such visibility blockers.

14-419-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-419-06. Alarm system required.

14-419-06.A. All liquor stores shall provide an alarm system.

14-419-06.B. The alarm system shall be monitored off-site.

14-419-06-C. A silent panic alarm shall be provided at each cash register.

14-419-06-D. Employees shall be provided a remote alarm to wear on their person.

14-419-07. Automatic door lock required.

All tobacco stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-419-08. Height strips

All tobacco stores shall provide height strips at each public entrance in direct view of employees.

14-419-09. "No loitering/trespass" signs

All tobacco stores shall post at the front entry to the building "No loitering/trespass" signs.

14-419-10. Application to Existing Businesses.

14-419-10.A. All tobacco stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Section 14-419-04 within two (2) years from the effective date.

14-419-10.B. All tobacco stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-419-05 through 14-419-09 within six (6) months from the effective date."

SECTION 3. That Section 14-425 of Chapter 14, Unified Development Ordinance, is hereby added to read as follows:

“14-425 LIQUOR STORE

14-425-01 Applicability

The standards of this article apply to liquor store, as defined by this ordinance.

14-425-02 Separation from other uses

14-425-02.A. No liquor store shall locate or expand within 1,500 feet of another liquor store whether such other liquor store is located within the City or outside of the City.

14-425-02-B. The distance between these uses shall be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-425-03. Video surveillance required

All liquor stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-425-04 Minimum lighting levels

14-425-03.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and shall comply with Section 14-508.

14-425-05. Visibility maintained.

14-425-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from advertisements, posters, flyers and other such visibility blockers.

14-425-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from advertisements, posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-425-05-C. The Community Development Director is authorized to approve alternative plans if the applicant demonstrates to the satisfaction of the Community Development Director that the proposed plan:

- 1. Will comply with all other applicable requirements of this section;**
- 2. Is consistent with the stated purpose of this development ordinance;**
- 3. Does not adversely affect visibility considerations; and**
- 4. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum practical extent.**

14-425-06. Alarm system required.

14-425-06.A. All liquor stores shall provide an alarm system.

14-425-06.B. The alarm system shall be monitored off-site.

14-425-06-C. A silent panic alarm shall be provided at each cash register.

14-425-06-D. Employees shall be provided a remote alarm to wear on their person.

14-425-07. Automatic door lock required.

All liquor stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-425-08. Height strips

All liquor stores shall provide height strips at each public entrance in direct view of employees.

14-425-09. "No loitering/trespass" signs

All liquor stores shall post at the front entry to the building "No loitering/trespass" signs.

14-425-10. Application to Existing Businesses.

14-425-10.A. All liquor stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-425-04 within two (2) years from the effective date.

14-425-10.B. All liquor stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-425-03 and 14-425-05 through 14-425-09 within six (6) months from the effective date."

SECTION 4. That Section 14-426 of Chapter 14, Unified Development Ordinance, is hereby added to read as follows:

"14-426 CONVENIENCE STORE

14-426-01 Applicability

The standards of this article apply to convenience store, as defined by this ordinance.

14-426-02 Separation requirements

14-426-02-A. As a conditional use, a convenience store may not locate or expand any existing operation within 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. With special use permit approval, a convenience store may locate or expand less than 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. Such special use permit must be approved in accordance with Section 14-704.

14-426-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-426-03. Video surveillance required

All convenience stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-426-04 Minimum lighting levels

14-426-03.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and comply with Section 14-508.

14-426-05. Visibility maintained.

14-426-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from advertisements, posters, flyers and other such visibility blockers.

14-426-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from advertisements, posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-426-06. Alarm system required.

14-426-06.A. All liquor stores shall provide an alarm system.

14-426-06.B. The alarm system shall be monitored off-site.

14-426-06-C. A silent panic alarm shall be provided at each cash register.

14-426-06-D. Employees shall be provided a remote alarm to wear on their person.

14-426-07. Automatic door lock required.

All convenience stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-426-08. Height strips

All convenience stores shall provide height strips at each public entrance in direct view of employees.

14-426-09. "No loitering/trespass" signs

All convenience stores shall post at the front entry to the building "No loitering/trespass" signs.

14-426-10. Application to Existing Businesses.

14-426-10.A. All convenience stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Section 14-426-04 within two (2) years from the effective date.

14-426-10.B. All convenience stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-426-05 through 14-426-09 within six (6) months from the effective date."

SECTION 5. That Section 14-427 of Chapter 14, Unified Development Ordinance, is hereby added to read as follows:

”14-427 SMALL BOX DISCOUNT STORE

14-427-01 Applicability

The standards of this article apply to small box discount store, as defined by this ordinance.

14-427-02 Separation requirements

14-427-02-A. No small-box discount store shall locate within 10,560 feet of any other small-box discount store, whether such other small-box discount store is located within the City or outside of the City.

14-427-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-427-03. Video surveillance required

All small box discount stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.”

SECTION 6. That Section 14-301-03 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-301-03 Uses

14-301-03-A.Use Table. Uses are allowed in O and C zoning districts in accordance with Table 301-1, below.

14-301-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 301-1 lists the groups, categories and types allowed in one or more O/C districts.

14-301-03-C.Permitted Uses. Uses identified with a "P" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-301-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of the Table, and all other applicable standards of this development ordinance.

14-301-03-E.Special Uses. Uses identified with an "S" in Table 301-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-301-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-301-03-G.Use Standards. The "use standards" column of Table 301-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.”

Table 301-1 Office and Commercial Districts Use Table						
P: Permitted		S: Special Use Permit Required		C: Conditional Uses		—: Not Allowed
Use Category Specific use type	Zoning District					Use Standards
	O-1	O-2	C-1	C-2	C-3	
COMMERCIAL						
Food and Beverage Retail Sales	P	—	P	P	—	
Liquor Store	—	—	—	C	—	14-425
Retail Sales	—	—	P	P	P	
Tobacco/Convenience Store	—	—	C/S	C/S	—	14-419
Convenience Store	—	—	C/S	C/S	—	14-426
Small Box Discount Store	—	—	C	C	—	14-427

SECTION 7. That Section 14-302-03 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-302 INDUSTRIAL DISTRICTS

14-302-03 Uses

14-302-03-A.Use Table. Uses are allowed in I zoning districts in accordance with Table 302-1, below.

14-302-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 302-1 lists the groups, categories and types allowed in one or more I districts.

14-302-03-C.Permitted Uses. Uses identified with a "P" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-302-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of Table 302-1, and all other applicable standards of this development ordinance.

14-302-03-E.Special Uses. Uses identified with an "S" in Table 302-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-302-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-302-03-G.Use Standards. The "use standards" column of Table 302-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 302-1 Industrial Districts Use Table						
P: Permitted S: Special Use Permit Required C: Conditional Uses —: Not Allowed						
Use Category Specific use type	Zoning District					Use Standards
	B-P/PUD	I-1	I-2			

COMMERCIAL				
Retail Sales [1]	P	—	—	
<u>Tobacco Store</u>	—	—	—	14-419
<u>Convenience Store</u>	—	—	—	14-426
<u>Small Box Discount Store</u>	—	—	—	14-427

Notes to Table 302-1:

- [1] Retail sales establishments may not exceed 5,000 square feet (gross floor area). Sales include commodities manufactured, processed, fabricated, assembled, warehoused or stored on the premises. Business machines or office supplies; sales and repair. Appliances; sales and repair. Electronics; sales and repair.”

SECTION 8. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 9. That correction of any scriveners’ errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through are being removed from this ordinance and words underscored and bolded are being added to this ordinance.

MEETING DATE: July 9, 2024

STAFF: Tom Scannell, Community Development Director

PROJECT NAME: UDO Amendment #68

CASE NUMBER / REQUEST: **Case 24-175-05 – UDO Amendment #68 – Small Box Discount, Tobacco, Convenience and Liquor Stores** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount, tobacco, convenience and liquor stores.

APPLICANT: City of Independence

PUBLIC NOTICE:

- Public notice published in Independence Examiner – June 22, 2024

FURTHER ACTION:

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

The City proposes Amendment #68 to the Unified Development Ordinance (UDO) to update the regulations pertaining to small box discount, tobacco, convenience and liquor stores.

BACKGROUND & HISTORY:

The City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

EXHIBITS

1. Proposed Amendments to 14-201
2. Proposed Amendments to 14-419
3. Proposed Amendments to 14-425
4. Proposed Amendments to 14-426
5. Proposed Amendments to 14-427

14-201 GENERAL TERMS

14-201-01 General terms

Unless otherwise noted, the following words and terms shall apply to this chapter.

CONVENIENCE STORE. A retail establishment that sells ~~prepackaged food items, package liquor, tobacco products, periodicals and tangible consumer goods, primarily for self service by the consumer, including hot beverages, fountain beverages and pastries. Such businesses may also sell site prepared food items including, but not limited to, hot dogs, salads and popcorn.~~ limited grocery items, magazines, newspapers, and other limited items where there is no dispensing or sales of vehicular fuels and/or vehicle charging. If at any time, tobacco or alcohol becomes the primary sales category, the business can no longer be construed as a convenience store.

LIQUOR STORE. An establishment or place of business primarily engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

SMALL BOX DISCOUNT STORE. A retail establishment with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority of the items in its inventory for sale at a price per item of \$10.00 or less, adjusted for inflation. Small box discount store does not include (1) a grocery store; (2) a store that contains a pharmacy where prescription drugs are compounded, dispensed, or distributed; or (3) a retail store where the majority of the products sold are personal hygiene products or cosmetics.

TOBACCO STORE. A commercial establishment primarily for the sale of tobacco related products. Tobacco related products shall include, but not limited to: cigarettes, cigars, pipe tobacco, loose tobacco, cigarette papers, ~~and~~ pipes and any smokable product. This definition shall also include electronic and vapor cigarettes.

14-419 TOBACCO/~~CONVENIENCE~~ STORE

14-419-01 Applicability

The standards of this article apply to tobacco ~~and convenience~~ store, as defined by this ordinance.

14-419-02 Separation and number of establishments per capita

14-419-02-A. As a conditional use, a tobacco/~~convenience~~ store may not locate or expand any existing operation within 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. With special use permit approval, a tobacco/~~convenience~~ store may locate or expand less than 500 feet of any residential use or district, church, school, or public park whether such other use is located within the City or outside of the City. Such special use permit must be approved in accordance with Section 14-704.

14-419-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line ~~exterior structural wall of each building~~ or zoning district.

14-419-02-C. No permit may be issued for a tobacco/~~convenience~~ store where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per 15,000 residents based on the last decennial census.

14-419-03. Video surveillance required

All tobacco stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-419-04 Minimum lighting levels

14-419-04.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and shall comply with Section 14-508.

14-419-05. Visibility maintained.

14-419-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from posters, flyers and other such visibility blockers.

14-419-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-419-06. Alarm system required.

14-419-06.A. All liquor stores shall provide an alarm system.

14-419-06.B. The alarm system shall be monitored off-site.

14-419-06-C. A silent panic alarm shall be provided at each cash register.

14-419-06-D. Employees shall be provided a remote alarm to wear on their person.

14-419-07. Automatic door lock required.

All tobacco stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-419-08. Height strips

All tobacco stores shall provide height strips at each public entrance in direct view of employees.

14-419-09. "No loitering/trespass" signs

All tobacco stores shall post at the front entry to the building "No loitering/trespass" signs.

14-419-10. Application to Existing Businesses.

14-419-10.A. All tobacco stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Section 14-419-04 within two (2) years from the effective date.

14-419-10.B. All tobacco stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-419-05 through 14-419-09 within six (6) months from the effective date.

14-425 LIQUOR STORE

14-425-01 Applicability

The standards of this article apply to liquor store, as defined by this ordinance.

14-425-02 Separation from other uses

14-425-02.A. No liquor store shall locate or expand within 1,500 feet of another liquor store whether such other liquor store is located within the City or outside of the City.

14-425-02.B. The distance between these uses shall be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-425-03. Video surveillance required

All liquor stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-425-04 Minimum lighting levels

14-425-03.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and shall comply with Section 14-508.

14-425-05. Visibility maintained.

14-425-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from advertisements, posters, flyers and other such visibility blockers.

14-425-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from advertisements, posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-425-05-C. The Community Development Director is authorized to approve alternative plans if the applicant demonstrates to the satisfaction of the Community Development Director that the proposed plan:

1. Will comply with all other applicable requirements of this section;
2. Is consistent with the stated purpose of this development ordinance;
3. Does not adversely affect visibility considerations; and
4. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum practical extent.

14-425-06. Alarm system required.

14-425-06.A. All liquor stores shall provide an alarm system.

14-425-06.B. The alarm system shall be monitored off-site.

14-425-06-C. A silent panic alarm shall be provided at each cash register.

14-425-06-D. Employees shall be provided a remote alarm to wear on their person.

14-425-07. Automatic door lock required.

All liquor stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-425-08. Height strips

All liquor stores shall provide height strips at each public entrance in direct view of employees.

14-425-09. "No loitering/trespass" signs

All liquor stores shall post at the front entry to the building "No loitering/trespass" signs.

14-425-10. Application to Existing Businesses.

14-425-10.A. All liquor stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-425-04 within two (2) years from the effective date.

14-425-10.B. All liquor stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-425-03 and 14-425-05 through 14-425-09 within six (6) months from the effective date.

14-426 CONVENIENCE STORE

14-426-01 Applicability

The standards of this article apply to convenience store, as defined by this ordinance.

14-426-02 Separation requirements

14-426-02-A. As a conditional use, a convenience store may not locate or expand any existing operation within 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. With special use permit approval, a convenience store may locate or expand less than 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. Such special use permit must be approved in accordance with Section 14-704.

14-426-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-426-03. Video surveillance required

All convenience stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-426-04 Minimum lighting levels

14-426-03.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and comply with Section 14-508.

14-426-05. Visibility maintained.

14-426-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from advertisements, posters, flyers and other such visibility blockers.

14-426-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from advertisements, posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-426-06. Alarm system required.

14-426-06.A. All liquor stores shall provide an alarm system.

14-426-06.B. The alarm system shall be monitored off-site.

14-426-06-C. A silent panic alarm shall be provided at each cash register.

14-426-06-D. Employees shall be provided a remote alarm to wear on their person.

14-426-07. Automatic door lock required.

All convenience stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-426-08. Height strips

All convenience stores shall provide height strips at each public entrance in direct view of employees.

14-426-09. "No loitering/trespass" signs

All convenience stores shall post at the front entry to the building "No loitering/trespass" signs.

14-426-10. Application to Existing Businesses.

14-426-10.A. All convenience stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Section 14-426-04 within two (2) years from the effective date.

14-426-10.B. All convenience stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-426-05 through 14-426-09 within six (6) months from the effective date.

14-427 SMALL BOX DISCOUNT STORE

14-427-01 Applicability

The standards of this article apply to small box discount store, as defined by this ordinance.

14-427-02 Separation requirements

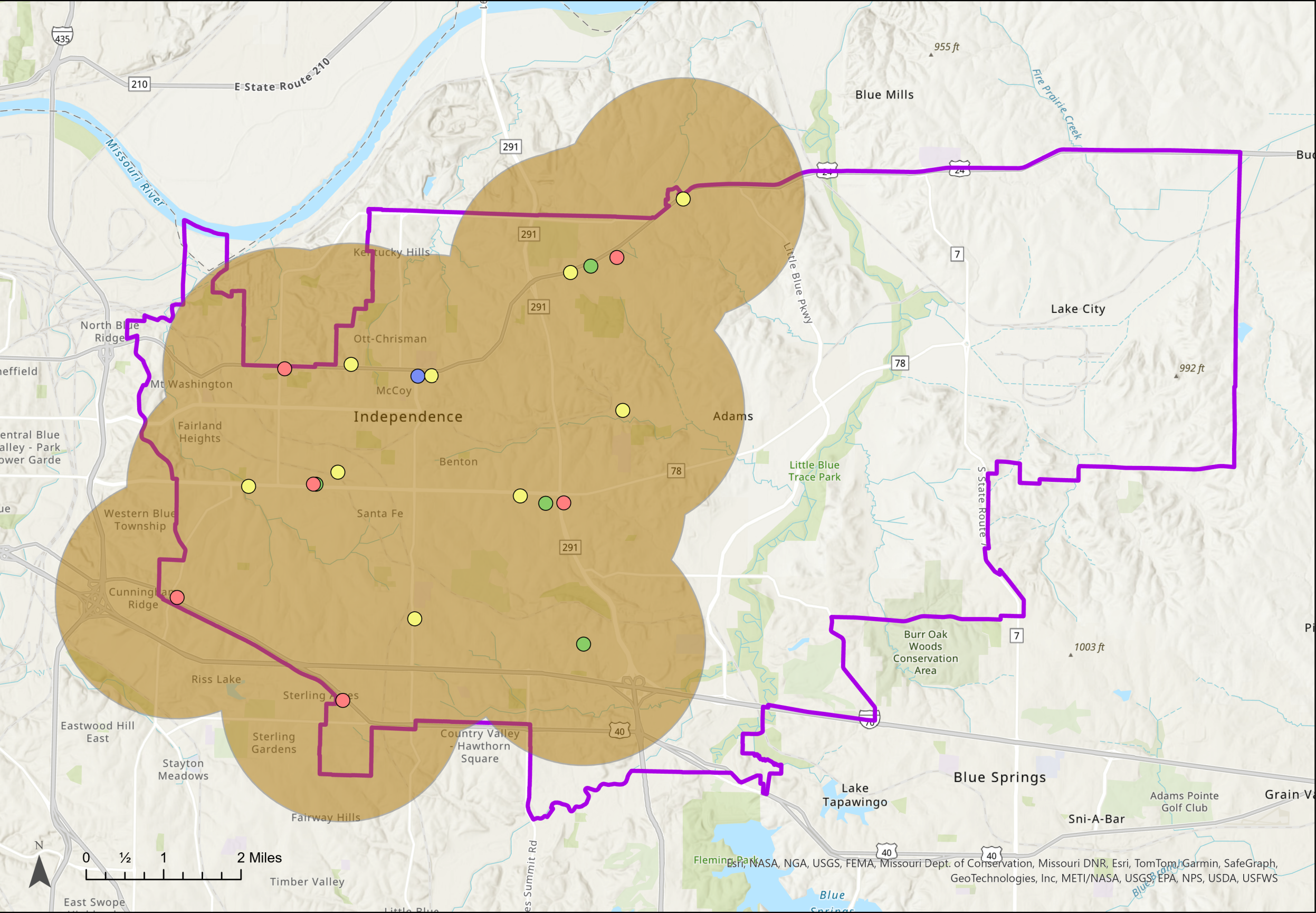
14-427-02-A. No small-box discount store shall locate within 10,560 feet of any other small-box discount store, whether such other small-box discount store is located within the City or outside of the City.

14-427-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-427-03. Video surveillance required

All small box discount stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

Dollar Stores in Independence



14-301 OFFICE AND COMMERCIAL DISTRICTS

14-301-03 Uses

14-301-03-A.Use Table. Uses are allowed in O and C zoning districts in accordance with Table 301-1, below.

14-301-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 301-1 lists the groups, categories and types allowed in one or more O/C districts.

14-301-03-C.Permitted Uses. Uses identified with a "P" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-301-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of the Table, and all other applicable standards of this development ordinance.

14-301-03-E.Special Uses. Uses identified with an "S" in Table 301-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-301-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-301-03-G.Use Standards. The "use standards" column of Table 301-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 301-1 Office and Commercial Districts Use Table						
P: Permitted S: Special Use Permit Required C: Conditional Uses —: Not Allowed						
Use Category Specific use type	Zoning District					Use Standards
	O-1	O-2	C-1	C-2	C-3	
COMMERCIAL						
Food and Beverage Retail Sales	P	—	P	P	—	
<u>Liquor Store</u>	—	—	—	<u>C</u>	—	<u>14-425</u>
Retail Sales	—	—	P	P	P	
Tobacco/ Convenience Store	—	—	C/S	C/S	—	14-419
<u>Convenience Store</u>	—	—	<u>C/S</u>	<u>C/S</u>	—	<u>14-426</u>
<u>Small Box Discount Store</u>	—	—	<u>C</u>	<u>C</u>	—	<u>14-427</u>

14-302 INDUSTRIAL DISTRICTS

14-302-03 Uses

14-302-03-A.Use Table. Uses are allowed in I zoning districts in accordance with Table 302-1, below.

14-302-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 302-1 lists the groups, categories and types allowed in one or more I districts.

14-302-03-C.Permitted Uses. Uses identified with a "P" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-302-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of Table 302-1, and all other applicable standards of this development ordinance.

14-302-03-E.Special Uses. Uses identified with an "S" in Table 302-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-302-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-302-03-G.Use Standards. The "use standards" column of Table 302-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 302-1 Industrial Districts Use Table					
P: Permitted		S: Special Use Permit Required		C: Conditional Uses	—: Not Allowed
Use Category Specific use type	Zoning District			Use Standards	
	B-P/PUD	I-1	I-2		
COMMERCIAL					
Retail Sales [1]	P	—	—		
<u>Tobacco Store</u>	—	—	—	14-419	
<u>Convenience Store</u>	—	—	—	14-426	
Small Box Discount Store	—	—	—	14-427	

Notes to Table 302-1:

- [1] Retail sales establishments may not exceed 5,000 square feet (gross floor area). Sales include commodities manufactured, processed, fabricated, assembled, warehoused or stored on the premises. Business machines or office supplies; sales and repair. Appliances; sales and repair. Electronics; sales and repair.



City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

A public hearing for the amendment to the Unified Development Ordinance, Chapter 14, of the Independence City Code relating to recreational vehicle park use. ***Full Public Hearing.***

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 07-09-24 Public Notice Submitted to Examiner

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Examiner** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(816) 254-8600**.

Notice ID: vKou4GA5MeQmxaEdUUuJ | **Proof Updated: Jun. 18, 2024 at 10:09am CDT**
Notice Name: PC 07/09/2024

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

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(816) 325-7109

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Columns Wide: 1 **Ad Class:** Legals

Total Column Inches: 10.63

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06/22/2024: Other 137.45

Subtotal	\$137.45
Tax	\$0.00
Processing Fee	\$0.00
Total	\$137.45

See Proof on Next Page

Notice of Public Hearing

Notice is hereby given that a public hearing will be held by the Independence City **Planning Commission** at 6 p.m., Tuesday, July 9, 2024, and by the Independence **City Council** at 6 p.m., Monday, August 19, 2024, in the Independence City Hall City Council Chambers (lower level, north entrance) 111 E. Maple Avenue, in Independence, Missouri on the following matter(s):

Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy – A request by Carajoto, LLC amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Case 24-100-12 – Rezoning – 21101 E. 78 Hwy – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

The Planning Commission will conduct full public hearing on these applications. The City Council will only hear new information that was not presented at the Planning Commission's public hearing if such facts were not reasonably available at the time of the Planning Commission hearing. Any new information proposed to be presented to the City Council must be submitted in writing to the Community Development Department and Law Department at least seven (7) days prior to the City Council meeting.

Case 24-175-05 – UDO Amendment #68 – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the Unified Development Ordinance pertaining to recreational vehicle park use.

The Planning Commission and

City Council will conduct a full public hearing on these items.

Witness my hand this 18th day of June, 2024.

Tom Scannell, Community Development Director
The City of Independence, Missouri is an Equal Opportunity Employer/Contractor/MFD

Published in the Examiner, Jun 22, 2024

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City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-072 **2R** An ordinance amending the Unified Development Ordinance, Chapter 14, of the City Code pertaining to Recreational Vehicle Parks. **2R**

Recommendations:

Commissioner O'Neill made a motion to recommend approval of case 24-175-06, UDO Amendment #69 Recreational Vehicle Parks.

A second to the motion was made by Commissioner Ashbaugh. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner Nesbitt – Absent

Commissioner O'Neill – Yes

Commissioner Torres - Yes

Commissioner L. Wiley – Yes

Commissioner McClain - Yes

The motion passed and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

With the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-175-06
2. Staff Report 24-175-06
3. City Code 14-301-03 - Uses - Revised
4. City Code 14-405-01 - Recreational vehicle parks - Revised
5. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO RECREATIONAL VEHICLE PARKS.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on July 9, 2024, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 6-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 14-301-03 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

"14-301-03 Uses

14-301-03-A.Use Table. Uses are allowed in O and C zoning districts in accordance with Table 301-1, below.

14-301-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 301-1 lists the groups, categories and types allowed in one or more O/C districts.

14-301-03-C.Permitted Uses. Uses identified with a "P" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-301-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of the Table, and all other applicable standards of this development ordinance.

14-301-03-E.Special Uses. Uses identified with an "S" in Table 301-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-301-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-301-03-G.Use Standards. The "use standards" column of Table 301-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited."

Table 301-1 Office and Commercial Districts Use Table						
P: Permitted		S: Special Use Permit Required		C: Conditional Uses		—: Not Allowed
<i>Use Category</i> <i>Specific use type</i>	Zoning District					Use Standards
	O-1	O-2	C-1	C-2	C-3	
COMMERCIAL						
Lodging						
Short-Term Rental	—	—	C	C	—	14-424
Bed and Breakfast	—	—	C	C	—	14-420
Hotel/motel	—	—	—	P	—	
Recreational vehicle park	—	—	—	C <u>S</u>	C <u>S</u>	14-405

SECTION 2. That Section 14-405-01 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-405-01 Recreational vehicle parks

14-405-01-A.No person, firm or corporation shall occupy any recreational vehicle as living quarters located outside an approved recreational vehicle park.

14-405-01-B.An application for a recreational vehicle park must be accompanied by a ~~site plan~~ **Special Use Permit** application, pursuant to Section ~~14-705~~ **14-704**, and include the following information **prepared by an architect, engineer, landscape architect, or other qualified professional:**

1. North point.
2. Name of builders, developers and existing property owners.
3. Recreational vehicle park site dimensions.
4. Existing topography with a contour interval of not more than five feet.
5. Proposed arrangement of interior drives and streets.
6. Ingress and egress from adjoining streets.
7. Location of proposed sidewalks.
8. Location of proposed structures, recreational areas and parking areas.
9. Location of proposed sewage treatment facility.
10. Proposed arrangement and dimensions of recreational vehicle spaces.
11. Proposed landscaping.
12. Proposed street lighting system.
13. Stages and times of development.
14. Development of areas within 200 feet of the recreational vehicle park site.
- 15. Location of existing and proposed utilities and easements.**
- 16. Location, height, and material for screening walls, fences and retaining walls.**
- 17. Location, size and type of ground mounted equipment; (see Section 14-503 for location and screening requirements).**
- 18. Location of trash dumpsters/bins (see Section 14-503 for location and screening requirements).**
- 19. Proposed storm drainage flow (using directional arrows) on and off the site.**
- 20. Supplemental storm water information required by City regulations.**

- 14-405-01-C.**Land that the City Council finds to be detrimental to the public interest if developed as a recreational vehicle park may not be developed as a recreational vehicle park unless and until such objectionable features are corrected.
- 14-405-01-D.**Recreational vehicle spaces must be provided with a hard surfaced area on which a recreational vehicle may be parked and each space must be clearly and permanently marked and delineated.
- 14-405-01-E.**Individual recreational vehicles must be so situated on each space that there is at least 14 feet between recreational vehicles and between recreational vehicles and all permanent structures.
- 14-405-01-F.**Minimum seven-foot setbacks must be maintained along all interior property lines. Minimum 25-foot setbacks must be maintained along all exterior property lines. All required setback areas must be kept free of all structures and recreational vehicles.
- 14-405-01-G.**On-site open space equal to at least ten percent of the total recreational vehicle park area must be provided. Required setbacks may not be counted toward satisfying on-site open space requirements.
- 14-405-01-H.**An opaque screen or buffer zone at least eight feet in height must be maintained along all interior property lines. Such screen may be in the form of walls, fencing or landscaping.
- 14-405-01-I.**Each recreational vehicle park must have a minimum frontage of 200 feet upon a public street.
- 14-405-01-J.**Each recreational vehicle space within a recreational vehicle park must have direct access to an interior paved drive or street. The minimum width of one-way interior drives serving enclaves of recreational vehicle spaces and permitting no parking is 14 feet, measured from back-to-back of curb. The minimum width of two-way interior drives permitting no parking is 26 feet, measured from back-to-back of curb. The minimum width of one-way interior drives permitting parking on one side only is 18 feet, measured from back-to-back of curb. The minimum width of interior two-way drives permitting parking on one side only is 28 feet, measured from back-to-back of curb. The minimum width of one-way interior drives permitting parking on both sides is 28 feet, measured from back-to-back of curb. All interior drives and public streets must be designed and paved according to City specifications for residential streets contained in the ~~Public Works~~ **City of Independence Design and Construction** Manual and this development ordinance.
- 14-405-01-K.**Street lights approved by the City staff must be provided.
- 14-405-01-L.**For recreational vehicle spaces provided with electrical service, the distribution system must be installed according to City specifications. All utilities must be placed underground.
- 14-405-01-M.**For recreational vehicle spaces provided with a supply of potable water, the supply system must be installed in accordance with City specifications.
- 14-405-01-N.**For recreational vehicle spaces provided with a sewer, the sewer system must be installed in accordance with City specifications. The sanitary sewer system and sewage treatment system must be **designed and installed per the City of Independence Design and Construction Manual**, ~~approved by the City Engineer.~~
- 14-405-01-O.**Fire hydrants must be located in accordance with the fire code and adopted City standards.
- 14-405-01-P.**Tip-proof garbage and recycling containers with tight-fitting covers must be provided for disposal of all garbage and recyclables. Containers must be kept in a sanitary condition at all times. Garbage and recycling must be collected as frequently necessary to insure that containers do not overflow.
- 14-405-01-Q.**Service buildings containing separate toilet and shower facilities for each gender and an adequate supply of potable water must be provided. Service buildings must be located not farther than 200 feet from recreational vehicle spaces without sanitary facilities, and must be constructed in accordance with the Building Code.
- 14-405-01-R.**The maximum length of stay by a recreational vehicle in a recreational vehicle park shall be 14 days within any consecutive 60-day period.

14-405-01-S. Every owner or operator of a recreational vehicle park must maintain an open register containing a record of all recreational vehicles and occupants. The register must be available to any authorized person inspecting the recreational vehicle park. The register must contain (1) the name and permanent address of the owner or operator of all recreational vehicles and the number of occupants; (2) the make, model and license number of the recreational vehicle; and (3) the dates of arrival and departure of a recreational vehicle or its occupants.

14-405-01-T. It is unlawful for any person, firm or corporation to operate a recreational vehicle park within the City of Independence unless the recreational vehicle park is licensed by the City of Independence. A business license to operate a recreational vehicle park will be issued by the License Officer in accordance with the procedures and requirements of Chapter 5 of the City Code.

14-405-01-U. The grounds of the recreational vehicle park and all buildings and structures thereon must be maintained in a clean, visually attractive condition and kept free of any condition that will menace the health of any occupant or the public or create a nuisance.”

SECTION 3. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 4. That correction of any scriveners’ errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF
THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through are being removed by this ordinance and words underscored and bolded are being added by this ordinance.

MEETING DATE: July 9, 2024

STAFF: Rick Arroyo, Assistant Community
Development Director

PROJECT NAME: UDO Amendment #69

CASE NUMBER / REQUEST: **Case 24-175-06 – UDO Amendment #69 – Recreational Vehicle Park Use**
– The City proposes Amendment #69 of the Unified Development
Ordinance pertaining to recreational vehicle parks.

APPLICANT: City of Independence

PUBLIC NOTICE:

- Public notice published in Independence Examiner – June 22, 2024

FURTHER ACTION:

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

The City proposes Amendment #69 to the Unified Development Ordinance (UDO) to update the recreational vehicle park regulations.

BACKGROUND & HISTORY:

With the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is

recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

EXHIBITS

1. Proposed Amendments to 14-301_03_Uses
2. Proposed Amendments to 14_405-01_Recreational_vehicle_parks

14-301-03 Uses

14-301-03-A.Use Table. Uses are allowed in O and C zoning districts in accordance with Table 301-1, below.

14-301-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 301-1 lists the groups, categories and types allowed in one or more O/C districts.

14-301-03-C.Permitted Uses. Uses identified with a "P" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-301-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of the Table, and all other applicable standards of this development ordinance.

14-301-03-E.Special Uses. Uses identified with an "S" in Table 301-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-301-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-301-03-G.Use Standards. The "use standards" column of Table 301-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 301-1 Office and Commercial Districts Use Table						
P: Permitted		S: Special Use Permit Required		C: Conditional Uses		—: Not Allowed
<i>Use Category</i> <i>Specific use type</i>	Zoning District					Use Standards
	O-1	O-2	C-1	C-2	C-3	
COMMERCIAL						
Lodging						
Short-Term Rental	—	—	C	C	—	14-424
Bed and Breakfast	—	—	C	C	—	14-420
Hotel/motel	—	—	—	P	—	
Recreational vehicle park	—	—	—	CS	CS	14-405

14-405 RECREATIONAL VEHICLE PARKS

14-405-01 Recreational vehicle parks

14-405-01-A.No person, firm or corporation shall occupy any recreational vehicle as living quarters located outside an approved recreational vehicle park.

14-405-01-B.An application for a recreational vehicle park must be accompanied by a ~~site plan~~ **Special Use Permit** application, pursuant to Section ~~14-705~~ **14-704**, and include the following information **prepared by an architect, engineer, landscape architect, or other qualified professional:**

1. North point.
2. Name of builders, developers and existing property owners.
3. Recreational vehicle park site dimensions.
4. Existing topography with a contour interval of not more than five feet.
5. Proposed arrangement of interior drives and streets.
6. Ingress and egress from adjoining streets.
7. Location of proposed sidewalks.
8. Location of proposed structures, recreational areas and parking areas.
9. Location of proposed sewage treatment facility.
10. Proposed arrangement and dimensions of recreational vehicle spaces.
11. Proposed landscaping.
12. Proposed street lighting system.
13. Stages and times of development.
14. Development of areas within 200 feet of the recreational vehicle park site.
- 15. Location of existing and proposed utilities and easements.**
- 16. Location, height, and material for screening walls, fences and retaining walls.**
- 17. Location, size and type of ground mounted equipment; (see Section 14-503 for location and screening requirements).**
- 18. Location of trash dumpsters/bins (see Section 14-503 for location and screening requirements).**
- 19. Proposed storm drainage flow (using directional arrows) on and off the site.**
- 20. Supplemental storm water information required by City regulations.**

14-405-01-C.Land that the City Council finds to be detrimental to the public interest if developed as a recreational vehicle park may not be developed as a recreational vehicle park unless and until such objectionable features are corrected.

14-405-01-D.Recreational vehicle spaces must be provided with a hard surfaced area on which a recreational vehicle may be parked and each space must be clearly and permanently marked and delineated.

14-405-01-E.Individual recreational vehicles must be so situated on each space that there is at least 14 feet between recreational vehicles and between recreational vehicles and all permanent structures.

-
- 14-405-01-F.** Minimum seven-foot setbacks must be maintained along all interior property lines. Minimum 25-foot setbacks must be maintained along all exterior property lines. All required setback areas must be kept free of all structures and recreational vehicles.
- 14-405-01-G.** On-site open space equal to at least ten percent of the total recreational vehicle park area must be provided. Required setbacks may not be counted toward satisfying on-site open space requirements.
- 14-405-01-H.** An opaque screen or buffer zone at least eight feet in height must be maintained along all interior property lines. Such screen may be in the form of walls, fencing or landscaping.
- 14-405-01-I.** Each recreational vehicle park must have a minimum frontage of 200 feet upon a public street.
- 14-405-01-J.** Each recreational vehicle space within a recreational vehicle park must have direct access to an interior paved drive or street. The minimum width of one-way interior drives serving enclaves of recreational vehicle spaces and permitting no parking is 14 feet, measured from back-to-back of curb. The minimum width of two-way interior drives permitting no parking is 26 feet, measured from back-to-back of curb. The minimum width of one-way interior drives permitting parking on one side only is 18 feet, measured from back-to-back of curb. The minimum width of interior two-way drives permitting parking on one side only is 28 feet, measured from back-to-back of curb. The minimum width of one-way interior drives permitting parking on both sides is 28 feet, measured from back-to-back of curb. All interior drives and public streets must be designed and paved according to City specifications for residential streets contained in the ~~Public Works~~ City of Independence Design and Construction Manual and this development ordinance.
- 14-405-01-K.** Street lights approved by the City staff must be provided.
- 14-405-01-L.** For recreational vehicle spaces provided with electrical service, the distribution system must be installed according to City specifications. All utilities must be placed underground.
- 14-405-01-M.** For recreational vehicle spaces provided with a supply of potable water, the supply system must be installed in accordance with City specifications.
- 14-405-01-N.** For recreational vehicle spaces provided with a sewer, the sewer system must be installed in accordance with City specifications. The sanitary sewer system and sewage treatment system must be designed and installed per the City of Independence Design and Construction Manual, ~~approved by the City Engineer.~~
- 14-405-01-O.** Fire hydrants must be located in accordance with the fire code and adopted City standards.
- 14-405-01-P.** Tip-proof garbage and recycling containers with tight-fitting covers must be provided for disposal of all garbage and recyclables. Containers must be kept in a sanitary condition at all times. Garbage and recycling must be collected as frequently necessary to insure that containers do not overflow.
- 14-405-01-Q.** Service buildings containing separate toilet and shower facilities for each gender and an adequate supply of potable water must be provided. Service buildings must be located not farther than 200 feet from recreational vehicle spaces without sanitary facilities, and must be constructed in accordance with the Building Code.
- 14-405-01-R.** The maximum length of stay by a recreational vehicle in a recreational vehicle park shall be 14 days within any consecutive 60-day period.
- 14-405-01-S.** Every owner or operator of a recreational vehicle park must maintain an open register containing a record of all recreational vehicles and occupants. The register must be available to any authorized person inspecting the recreational vehicle park. The register must contain (1) the name and permanent address of the owner or operator of all recreational vehicles and the number of occupants; (2) the make, model and license number of the recreational vehicle; and (3) the dates of arrival and departure of a recreational vehicle or its occupants.

14-405-01-T.It is unlawful for any person, firm or corporation to operate a recreational vehicle park within the City of Independence unless the recreational vehicle park is licensed by the City of Independence. A business license to operate a recreational vehicle park will be issued by the License Officer in accordance with the procedures and requirements of Chapter 5 of the City Code.

14-405-01-U.The grounds of the recreational vehicle park and all buildings and structures thereon must be maintained in a clean, visually attractive condition and kept free of any condition that will menace the health of any occupant or the public or create a nuisance.



City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

A public hearing for the application to rezone the property at 1301 S. Noland Road from C-2, General Commercial, to R-6, Single Family Residential. ***New Information Only.***

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 06-25-24 Public Notice Submitted to Examiner

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Examiner** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(816) 254-8600**.

Notice ID: viYeD8HWWurzImJXDy8s | **Proof Updated: Jun. 04, 2024 at 11:14am CDT**
Notice Name: PC 6/25/24

See Proof on Next Page

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Total Column Inches: 11.26

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Subtotal	\$145.53
Tax	\$0.00
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Total	\$145.53

Notice of Public Hearing

Notice is hereby given that a public hearing will be held by the Independence City **Planning Commission** at 6 p.m., Tuesday, June 25, 2024, and by the Independence **City Council** at 6 p.m., Monday, August 19, 2024, in the Independence City Hall City Council Chambers (lower level, north entrance) 111 E. Maple Avenue, in Independence, Missouri on the following matter(s):

Case 24-100-05 – Rezoning – 1301 S. Noland Road – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Case 24-100-11 – Rezoning – 19307 E. Holke Road – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Case 24-125-06 – Rezoning/ PUD – 1550 S. Noland Road – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/ PUD (General Commercial/ Planned Unit Development) and approving a preliminary development plan.

The Planning Commission will conduct full public hearing on these applications. The City Council will only hear new information that was not presented at the Planning Commission's public hearing if such facts were not reasonably available at the time of the Planning Commission hearing. Any new information proposed to be presented to the City Council must be submitted in writing to the Community Development Department and Law Department at least seven (7) days prior to the City Council meeting.

Case 24-175-03 – UDO Amendment #66 – Police Facilities – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Case 24-175-04 – UDO Amendment #67 – Home Based Business – The City proposes Amendment #67 of the Unified Development Ordinance pertain-

ing to home based businesses.

The Planning Commission and City Council will conduct a full public hearing on these items.

Witness my hand this 4th day of June, 2024.

Tom Scannell, Community Development Director
The City of Independence, Missouri is an Equal Opportunity Employer/Contractor/MFD

Published in the Examiner, Jun 8, 2024

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City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-073 **2R** An ordinance approving a rezoning from District C-2 (General Commercial) to R-6 (Single Family Residential) for the property at 1301 S. Noland Road. **2R**

Recommendations:

Commissioner Ashbaugh made a motion to recommend approval of case 24-100-05, the rezoning of 1301 S. Noland Road. A second to the motion was made by Commissioner O'Neill. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – No

Commissioner O'Neill – Yes

Commissioner Torres – Yes

Commissioner Wiley – Yes

The motion was approved, and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

The applicant purchased this property in 2019 and has been living in the building, in addition to operating her business. According to the applicant, there have been several security issues on the property. To address this, the applicant applied for a building permit for a commercial fence. The fence, as proposed, was not approved because of the limitations placed on commercial fences per Section 14-400-02-C of the Unified Development Ordinance. Although not approved, the applicant began erecting a fence on the property. A stop-work-order was placed on the property on November 27th, 2023. After receiving the order, the applicant came to City Hall to discuss the options available to continue to erect the fence and to use the property as a residence. Rezoning the property to R-6 (Single-Family Residential) will allow the applicant to continue to live on the property and build a fence in accordance with the residential fencing standards.

The applicant will be able to continue to operate her business as a “minor home business” as it meets all the requirements outlined in Section 14-400-03-G of the Unified Development Ordinance.

PROPERTY HISTORY:

This property was platted in 1887 as part of the Walnut Park subdivision. The history of the property is difficult to determine. Jackson County's parcel viewer map does not have information regarding year that the structure was built. However, it has clearly been on the property for several decades and is residential in its appearance. In 1965 when zoning was

introduced, this property was designated as R-1 (Single-Family Residential). A city-wide rezoning was initiated in 1980. At this time this property was rezoned to C-2 (General Commercial). Throughout the 80s and 90s this property was an office building for The International University – Missouri, a Christian ministry and non-traditional higher-education institution. In 2009, with the adoption of the current version of the Unified Development Ordinance, this property remained C-2 (General Commercial.) The property remained vacant and for-sale for several years. The applicant purchased the property in 2019 at began living and operating her business at the property.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The subject property has the appearance of a single-family home with a garage in the rear. The primary structure on the property is a large building with a stone façade that faces Noland Road. The front yard of the property is raised a few feet with a retaining wall adjacent to the sidewalk. A two-car garage faces Fair Street on the north side of the property. The size of the property is just shy of a quarter acre at 0.225 acres.

CHARACTERISTICS OF THE AREA:

The properties along Noland are almost entirely commercial properties. A small park sits on the northwest corner of the Noland and Fair intersection. McDonalds and QuikTrip operate on the properties north of Fair Street. Taco Bell, Pizza Hut, and a variety of business in a strip map operate on the west side of Noland. The Chop Shop, a clothing apparel store and Captain D's lie directly south of the subject property. East of the property is primary Residential. A small apartment complex lies on the northeast corner of Fair and Dodgion. The other properties to the east are mostly single-family residences.

REQUEST:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that she can continue to live at this location and construct a fence in accordance with the residential fencing standards.

ANALYSIS:

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the Independence for All, Strategic Plan. One of the objectives of the plan is to "increase the perception of safety." One of the primary reasons that applicant has applied for the property to be rezoned, is so that a six-foot privacy fence can be built in accordance with the residential fencing standards. The applicant has indicated that having such a fence will help her feel safe in her home.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be Community Commercial. However, the property, in its current state, is not well suited for commercial use. The existing structures are better suited for residential functions.

Zoning:

If rezoned, the property would be congruent with the neighboring R-6 area to the east and southeast.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in on the property.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA:

Recommendations and decisions on rezoning applications must be based on consideration of all of the following criteria.

1. Conformance of the requested zoning with the comprehensive plan.

The Comprehensive Plan envisions this area to be Community Commercial. This might be the ideal case; however, exceptions may need to be made to solve specific problems.

2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.

This property is within the Noland Road Community Improvement District. Rezoning this property is not in alignment with the CID Corridor Improvement Plan.

3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.

If rezoned, the property would be congruent with the neighboring R-6 area to the east and southeast.

4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.

The existing character of the neighborhood to the east is that of a single-family residential neighborhood. Rezoning to R-6 (Single-Family Residential) is not compatible with other properties on Noland Road.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

With the current zoning in place, single-family homes are not permitted. Further, the residential fence that the applicant intends to build is not allowed. By rezoning to R-6, the applicant will be able to continue to live on the property and build the fence to the residential fencing standards.

6. The length of time the subject property has remained vacant as zoned.

Prior to the applicant purchasing the property in 2019, the property sat vacant for many years.

7. The extent of which approving the rezoning will detrimentally affect nearby properties.

Rezoning this property to R-6 will not have a detrimental affect on the nearby properties. This is because the use of the property will not change. The applicant has been using this property as a single-family home since 2019.

8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.

Denial of this zoning will require the applicant to find a new location to live. This will place a significant difficulty upon the applicant.

SUPPLEMENTAL STAFF REPORT:

The originally scheduled public hearing for this case was January 23, 2024. Currently the property is being utilized as a single-family home with the applicant living at the property and operating a home business. Rezoning this property from C-2 to R-6 would correct code violations currently on hold pending the outcome of this rezoning.

Prior to the originally scheduled public hearing, the applicant decided to sell the property as C-2 zoning and locate her residence and business elsewhere. A request was made to staff to withdraw the case rather than be rezoned. Staff informed the applicant that if the case is

withdrawn, the applicant will be in violation of City Code by residing at the property zoned C-2 (Generally Commercial) which does not allow for residential uses. Also, any fence on the property would need to follow the commercial fence regulations by requiring a permit and meeting the UDO section 14-400-02 for commercial fences and locations.

With this in mind, the applicant requested the application be continued while the property was listed for sale. At the January 23, 2024, Planning Commission meeting, the Planning Commission voted to continue the case to the February 27, 2024, meeting. At the February 27, 2024, meeting the case was again continued by the Commission to the March 26, 2024, meeting date. The applicant was unable to sell the subject property in that timeframe.

The case was heard by the Planning Commission on March 26th, 2024. At this meeting, the applicant requested that the case again be continued to allow time for the sale for the property with its commercial zoning. The Planning Commission agreed to continue the case to the second meeting in June or more specifically June 25th, 2024. The applicant agreed to move forward with the rezoning in the event the property did not sell by that time. The applicant has been unable to sell the property during this period. The case is now back before the Planning Commission. More recently, the property owner has indicated she does not wish to sell the property and wants to continue to live in the structure and operate her business with the property remaining C-2.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-100-05
2. Staff Report Supplemental_24-100-05 - June 25th Meeting
3. Staff Report Supplemental_24-100-05_March 26th Meeting
4. Staff Report_24-100-05_Original
5. Narrative Cover Letter
6. Application
7. Notification Letter
8. Address_List
9. Notification Affidavit
10. Notification Area Map
11. Comp Plan Map
12. Zoning Map
13. Planning Commission Meeting Minutes 6-25-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO R-6 (SINGLE FAMILY RESIDENTIAL) FOR THE PROPERTY AT 1301 S. NOLAND ROAD.

WHEREAS, an application submitted by Carolyn Richardson is requesting approval of a rezoning from District C-2 (General Commercial) to District R-6 (Single-Family Residential) for the property at 1301 S. Noland Road was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on June 25, 2024, and rendered a report to the City Council recommending the rezoning be approved by a vote of 6-1; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning was consistent with the review criteria in Section 14-701-02; and,

WHEREAS, no legal protests were signed, acknowledged, and presented for the application; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the rezoning of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the following legally described property is hereby rezoned from C-2 (General Commercial) to District R-6 (Single-Family Residential) and shall be subject to the regulations of said district:

WALNUT PARK---W 100.75' LOTS 2 AND 3 BLK 9 AND E 7' VAC ST W AND ADJ (EX PT IN ROW)

SECTION 2. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 3. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 4. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: June 25, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Rezoning to R-6 Single-Family Residential

CASE NUMBER/REQUEST: **Case 24-100-05 – Rezoning – 1301 S. Noland** – A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential)

APPLICANT/OWNER: Carolyn Richardson

PROPERTY ADDRESS: 1301 S. Noland Road, Independence, MO 64055

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial) / Fast-Food and Gas Station

South: R-6 (Single-Family Residential) / Single Family Homes

East: C-2 (General Commercial) / Various Businesses

West: C-2 (General Commercial) / Fast-Food and Strip Mall

PUBLIC NOTICE

- Letters to property owners within 185 feet – January 8, 2024
- Public Notice published in the Independence Examiner – January 2, 2024
- Sign posted on property – January 5, 2024

RECOMMENDATION SUPPLEMENTAL

The originally scheduled public hearing for this case was January 23, 2024. Currently the property is being utilized as a single-family home with the applicant living at the property and operating a home business. Rezoning this property from C-2 to R-6 would correct code violations currently on hold pending the outcome of this rezoning.

Prior to the originally scheduled public hearing, the applicant decided to sell the property as C-2 zoning and locate her residence and business elsewhere. A request was made to staff to withdraw the case rather than be rezoned. Staff informed the applicant that if the case is withdrawn, the applicant will be in violation of City Code by residing at the property zoned C-2 (Generally Commercial) which does not allow for residential uses. Also, any fence on the property would need to follow the commercial fence regulations by requiring a permit and meeting the UDO section 14-400-02 for commercial fences and locations.

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MEETING DATE: March 26, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Rezoning to R-6 Single-Family Residential

CASE NUMBER/REQUEST: **Case 24-100-05 – Rezoning – 1301 S. Noland** – A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential)

APPLICANT/OWNER: Carolyn Richardson

PROPERTY ADDRESS: 1301 S. Noland Road, Independence, MO 64055

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial) / Fast-Food and Gas Station

South: R-6 (Single-Family Residential) / Single Family Homes

East: C-2 (General Commercial) / Various Businesses

West: C-2 (General Commercial) / Fast-Food and Strip Mall

PUBLIC NOTICE

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RECOMMENDATION SUPPLEMENTAL

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As outlined in Section 14-700-09 of the Unified Development Ordinance, further continuances of this case require a majority vote of the hearing body present at the meeting. “The record will indicate a reason for the continuance and any stipulations or conditions placed upon the continuance” if the body deems it appropriate.

Staff **does not** recommend granting a continuance to this case.

However, if the Planning Commission wishes to continue the case, staff recommends the following:

1. The case shall only be continued for one additional continuance to a date certain. At that date, the public hearing shall be heard.
2. The case shall be continued to the next available meeting on April 9, 2024.

MEETING DATE: March 26, 2024 **STAFF:** Joshua Garrett, Planner

PROJECT NAME: Rezoning to R-6 Single-Family Residential

CASE NUMBER/REQUEST: **Case 24-100-05 – Rezoning – 1301 S. Noland** – A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential)

APPLICANT/OWNER: Carolyn Richardson

PROPERTY ADDRESS: 1301 S. Noland Road, Independence, MO 64055

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial) / Fast-Food and Gas Station

East: R-6 (Single-Family Residential) / Single Family Homes

South: C-2 (General Commercial) / Various Businesses

West: C-2 (General Commercial) / Fast-Food and Strip Mall

PUBLIC NOTICE

- Letters to property owners within 185 feet – January 8, 2024
- Public Notice published in the Independence Examiner – January 2, 2024
- Sign posted on property – January 5, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on February 19, 2024, and the public hearing/second reading on March 4, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request.

STANDARD REQUIREMENTS OF APPROVAL

1. A change of use permit application shall be submitted and approved to change the occupancy classification from Office to Residential.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential).

Current Zoning: C-2 (General Commercial)

Current Use: Single-Family Home

Acreage: 0.52 Acres

Proposed Zoning: R-6 (Single-Family Residential)

Proposed Use: Single-Family Homes

Building Square Footage: 720 sq feet

BACKGROUND:

The applicant purchased this property in 2019 and has been living in the building, in addition to operating her business. According to the applicant, there have been several security issues on the property. To address this, the applicant applied for a building permit for a commercial fence. The fence, as proposed, was not approved because of the limitations placed on commercial fences per Section 14-400-02-C of the Unified Development Ordinance. Although not approved, the applicant began erecting a fence on the property. A stop-work-order was placed on the property on November 27th, 2023. After receiving the order, the applicant came to City Hall to discuss the options available to continue to erect the fence and to use the property as a residence. Rezoning the property to R-6 (Single-Family Residential) will allow the applicant to continue to live on the property and build a fence in accordance with the residential fencing standards.

The applicant will be able to continue to operate her business as a “minor home business” as it meets all the requirements outlined in Section 14-400-03-G of the Unified Development Ordinance.

PROPERTY HISTORY:

This property was platted in 1887 as part of the Walnut Park subdivision. The history of the property is difficult to determine. Jackson County’s parcel viewer map does not have information regarding year that the structure was built. However, it has clearly been on the property for several decades and is residential in its appearance. In 1965 when zoning was introduced, this property was designated as R-1 (Single-Family Residential). A city-wide rezoning was initiated in 1980. At this time this property was rezoned to C-2 (General Commercial). Throughout the 80s and 90s this property was an office building for The International University – Missouri, a Christian ministry and non-traditional higher-education institution. In 2009, with the adoption of the current version of the Unified Development Ordinance, this property remained C-2 (General Commercial.) The property remained vacant and for-sale for several years. The applicant purchased the property in 2019 at began living and operating her business at the property.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The subject property has the appearance of a single-family home with a garage in the rear. The primary structure on the property is a large building with a stone façade that faces Noland Road. The front yard of the property is raised a few feet with a retaining wall adjacent to the sidewalk. A two-car garage faces Fair Street on the north side of the property. The size of the property is just shy of a quarter acre at 0.225 acres.

CHARACTERISTICS OF THE AREA:

The properties along Noland are almost entirely commercial properties. A small park sits on the northwest corner of the Noland and Fair intersection. McDonalds and QuikTrip operate on the properties north of Fair Street. Taco Bell, Pizza Hut, and a variety of business in a strip map operate on the west side of Noland. The Chop Shop, a clothing apparel store and Captain D’s lie directly south of the subject property. East of the property is primary Residential. A small apartment complex lies on the northeast corner of Fair and Dogion. The other properties to the east are mostly single-family

residences.

PROPOSAL:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that she can continue to live at this location and construct a fence in accordance with the residential fencing standards.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the *Independence for All*, Strategic Plan. One of the objectives of the plan is to “increase the perception of safety.” One of the primary reasons that applicant has applied for the property to be rezoned, is so that a six-foot privacy fence can be built in accordance with the residential fencing standards. The applicant has indicated that having such a fence will help her feel safe in her home.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be Community Commercial. However, the property, in its current state, is not well suited for commercial use. The existing structures are better suited for residential functions.

Zoning:

If rezoned, the property would be congruent with the neighboring R-6 area to the east and southeast.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

- 1. Conformance of the requested zoning with the comprehensive plan.**

The Comprehensive Plan envisions this area to be Community Commercial. This might be the ideal case; however, exceptions may need to be made to solve specific problems.

- 2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**

This property is within the Noland Road Community Improvement District. Rezoning this

property is not in alignment with the CID Corridor Improvement Plan.

- 3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.**

If rezoned, the property would be congruent with the neighboring R-6 area to the east and southeast.

- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**

The existing character of the neighborhood to the east is that of a single-family residential neighborhood. Rezoning to R-6 (Single-Family Residential) is not compatible with other properties on Noland Road.

- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**

With the current zoning in place, single-family homes are not permitted. Further, the residential fence that the applicant intends to build is not allowed. By rezoning to R-6, the applicant will be able to continue to live on the property and build the fence to the residential fencing standards.

- 6. The length of time the subject property has remained vacant as zoned.**

Prior to the applicant purchasing the property in 2019, the property sat vacant for many years.

- 7. The extent of which approving the rezoning will detrimentally affect nearby properties.**

Rezoning this property to R-6 will not have a detrimental affect on the nearby properties. This is because the use of the property will not change. The applicant has been using this property as a single-family home since 2019.

- 8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.**

Denial of this zoning will require the applicant to find a new location to live. This will place a significant difficulty upon the applicant.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Mailing List
5. Affidavit
6. Notification Area Map
7. Aerial View

8. Comp Plan Map
9. Zoning Map

Carolyn Richardson
1301 S. Noland Rd.
Independence, Mo. 64055
678-579-6998

December 7, 2023

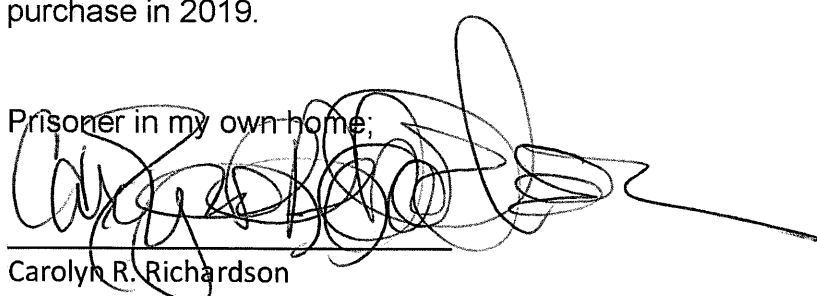
To whom it may concern:

My name is Carolyn Richardson-Owner of 1301 S. Noland Road, Independence Mo. 64055. I wish to submit this application to rezone this property to **residential** in order to put a 6ft around the property. In June I was asked to get a survey and stamped plans by your building permit office in order to move forward with fencing off this property for protection. Mr. Garrett and I have spoken in detail of all the things happening from being approached from strangers asking me to pay for protection, cutting my screen windows, and removing bolts from the security bars, finding syringes throughout my back yard, busting my ring camera's on both front and back doors, tearing up my fence around the water faucet, damaging my door knobs, stealing my water, destroying my pad locks to access the water and outdoor electricity, breaking my garage window, destroying another pad lock on the attic to the garage, damaging my key pad on both the garage, and back doors. I have dogs who will protect my property but they are confined to a kennel and therefore can only bark at intruders. I have had issues with someone flashing flash lights around my bedroom windows then cutting the screens and loosening and removing the bolts.

These situations has caused great hardship into this once distressed property. Sadly, I've haven't been unable to enjoy it, I can't go out at night for fear of stepping on one of many syringes, used condoms, or other drug paraphernalia in the rear of my yard. I just want to be able to enjoy my home and live in peace, in the absence of all these invasions. I've already applied for a fence permit and was unaware that I couldn't at least move forward with fencing off the back yard where most of the uncomfortable things have happened to feel safe. Although, I am grateful and appreciative for Mr. Garrett allowing the monies paid for a variance hearing months ago to be used towards the fees for applying for rezoning; having to constantly replace, fix or repair things from being tampered with and vandalized has caused a strain and financial hardship.

Lastly, it has been my understanding this property was rezoned in 2018 to Commercial/Residential and I was reassured by Mr. Mike Stuart in 2020\2021 there was no issues with me residing and working here; therefore I do not understand why I am having to rezone a property that was already rezoned by Mr. Ralph Roberts prior to purchase in 2019.

Prisoner in my own home;



Carolyn R. Richardson

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Project Name: Carolyn Richardson

Project Address/Location: 1301 S. Noland Rd, Independence Mo. 64055

Sq. Ft. of Building: <u>1,512</u>	Acreage: <u>0.22</u>	Number of Lots/Tracts: <u>1</u>	Stream Buffer (Yes or No): <u>NO</u>
Existing Zoning: <u>C-2</u>	Proposed Zoning: <u>R-16</u>	Existing Land Use: <u>Comm./Residential</u>	Proposed Land Use: <u>Residential</u>

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☐ Completed & Signed Application Form ☐ Application Fee ☐ Cover Letter Describing Details of Project	☐ One 24" x 36" set of plans for Land Sub. & Site Dev. ☐ One PDF copy of a plat map or site plan ☐ Legal Description of the property in question
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Contact Information

Applicant		Owner	
Name: <u>Carolyn Richardson</u>	Company: _____	Name: <u>Same as applicant</u>	Company: _____
Address: <u>1301 S. Noland Rd, Indep. Mo. 64055</u>		Address: _____	
Phone: <u>678-579-6998</u>	Email: <u>carolynrena@gmail.com</u>	Phone: _____	Email: _____
Architect/Engineer/Surveyor/Other: _____		Architect/Engineer/Surveyor/Other: _____	
Name: _____	Company: _____	Name: _____	Company: _____
Address: _____		Address: _____	
Phone: _____	Email: _____	Phone: _____	Email: _____
The applicant hereby agrees that the information provided above is accurate.			
Applicant's Signature: <u>Carolyn Richardson</u>	Date: <u>12/7/23</u>	Owner's Signature: <u>Carolyn Richardson</u>	Date: <u>12/7/23</u>

Property Owner Notification Letter

City of Independence, Missouri

Date: 1/8/2024

Case No. 24-100-05

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

- ☒ Rezoning ☐ Rezoning/PUD ☐ Special Use Permit
☐ Preliminary Development Plan

Proposed project description: Rezone from C-2 (General Commercial) to R-6 (Single Family Residential).

Applicant: Carolyn Richardson

Location of Property: 1301 S. Noland Road

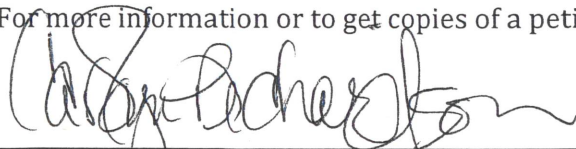
Planning Commission Meeting Date: January 23rd, 2024, at 6:00 p.m.

City Council Meeting Date: March 4th, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
 111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.



Applicant (or Owner/Agent)

For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
REVEST LLC	1000 SCOTT DR	LIBERTY	MO	64068
TALLGRASS HOLDINGS LLC	8100 E 22ND ST N BLDG 300-100	WICHITA	KS	67226
HEARTLAND MANAGEMENT GROUP LLC	14112 W 141ST PL	OLATHE	KS	66062
HUDDLESTON ADRIAN	1304 S DODGION AVE	INDEPENDENCE	MO	64055
WOLFF HOLDINGS LLC	8600 LEES SUMMIT RD	KANSAS CITY	MO	64139
FENTON GARY W & GERALDINE C	1316 S DODGION AVE	INDEPENDENCE	MO	64055
COMBS CINDY A	1312 S DODGION AVE	INDEPENDENCE	MO	64055
LINRAY CORP	4321 S AVON DR	INDEPENDENCE	MO	64055
CORDAS VERONICA J	PO BOX 6966	LEES SUMMIT	MO	64064
KING KONG PROPERTIES LP	12903 E 35TH TER S	INDEPENDENCE	MO	64055
PERSAUD ENTERPRISES INC	3604 S GRAND AVE	SEDALIA	MO	65301

Appendix C - Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-100-05

I, Carolyn Richardson, of lawful age being first duly sworn upon oath, state:

That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

These notices were mailed on the 6 day of Jan, 2024.

Carolyn Richardson

Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 8 day of January, 2024

Joshua Alec Garrett
Notary Public

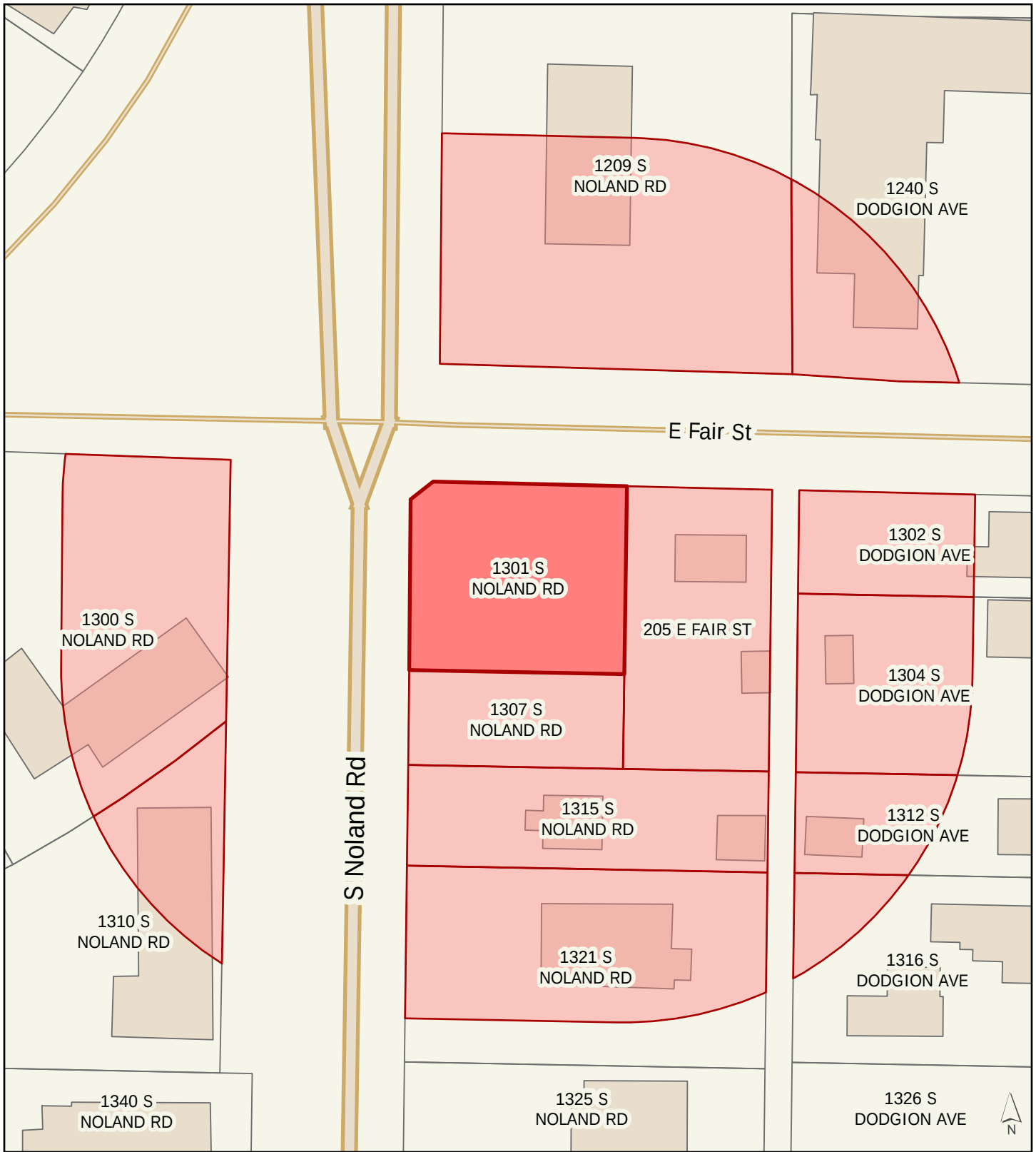
JOSHUA ALEC GARRETT
Notary Public - Notary Seal
State of Missouri
Commissioned for Jackson County
My Commission Expires: August 09, 2027
Commission Number: 23522832

8/9/2027
Commission Expiration Date

Notification Area

24-100-05

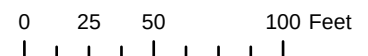
1301 S. Noland Road, Independence, MO 64055



Subject Property



185 ft Buffer Area



Prepared by Joshua Garrett, Community Development
Date: 1/8/2024

Legend

Major Roads



Road Centerline

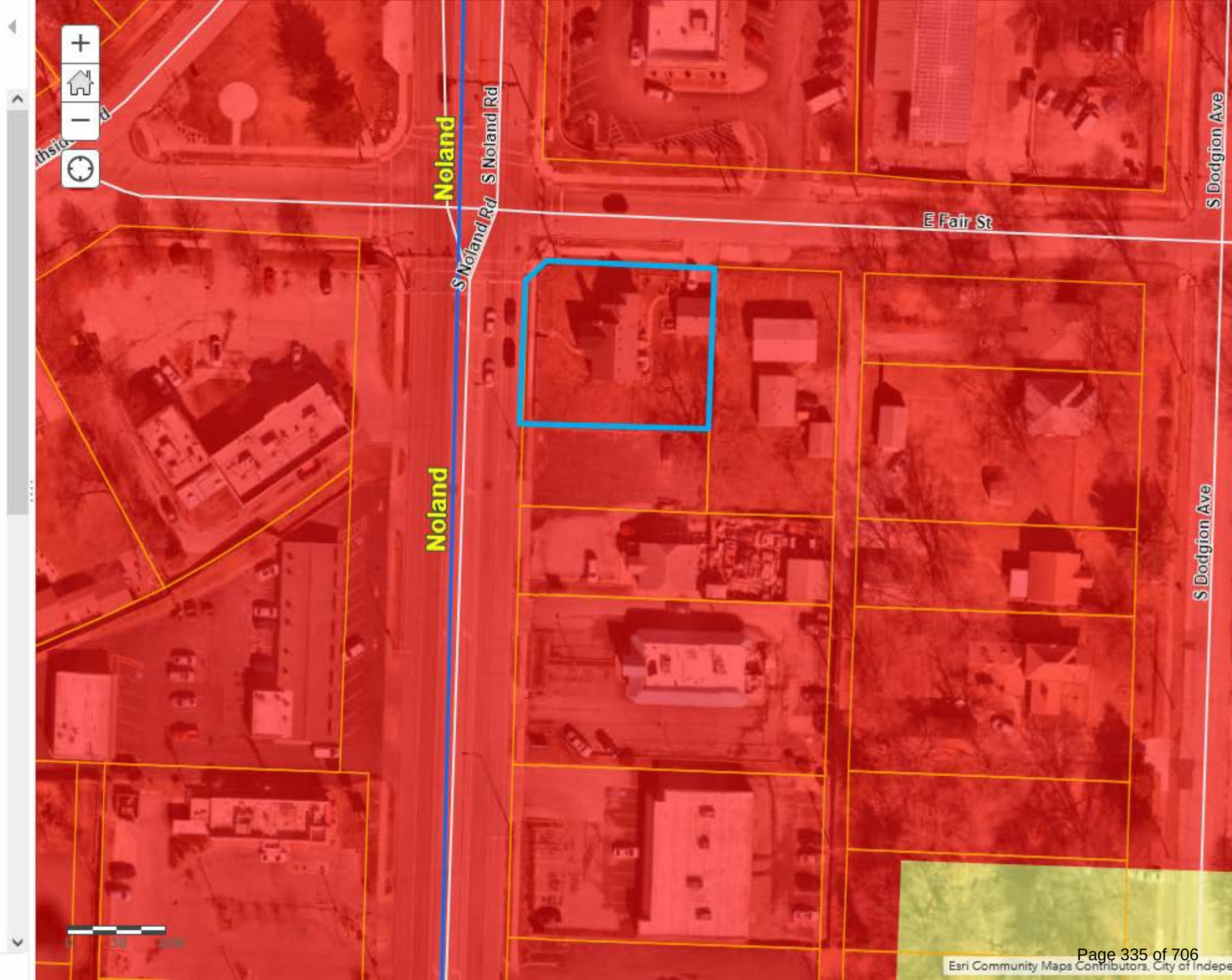


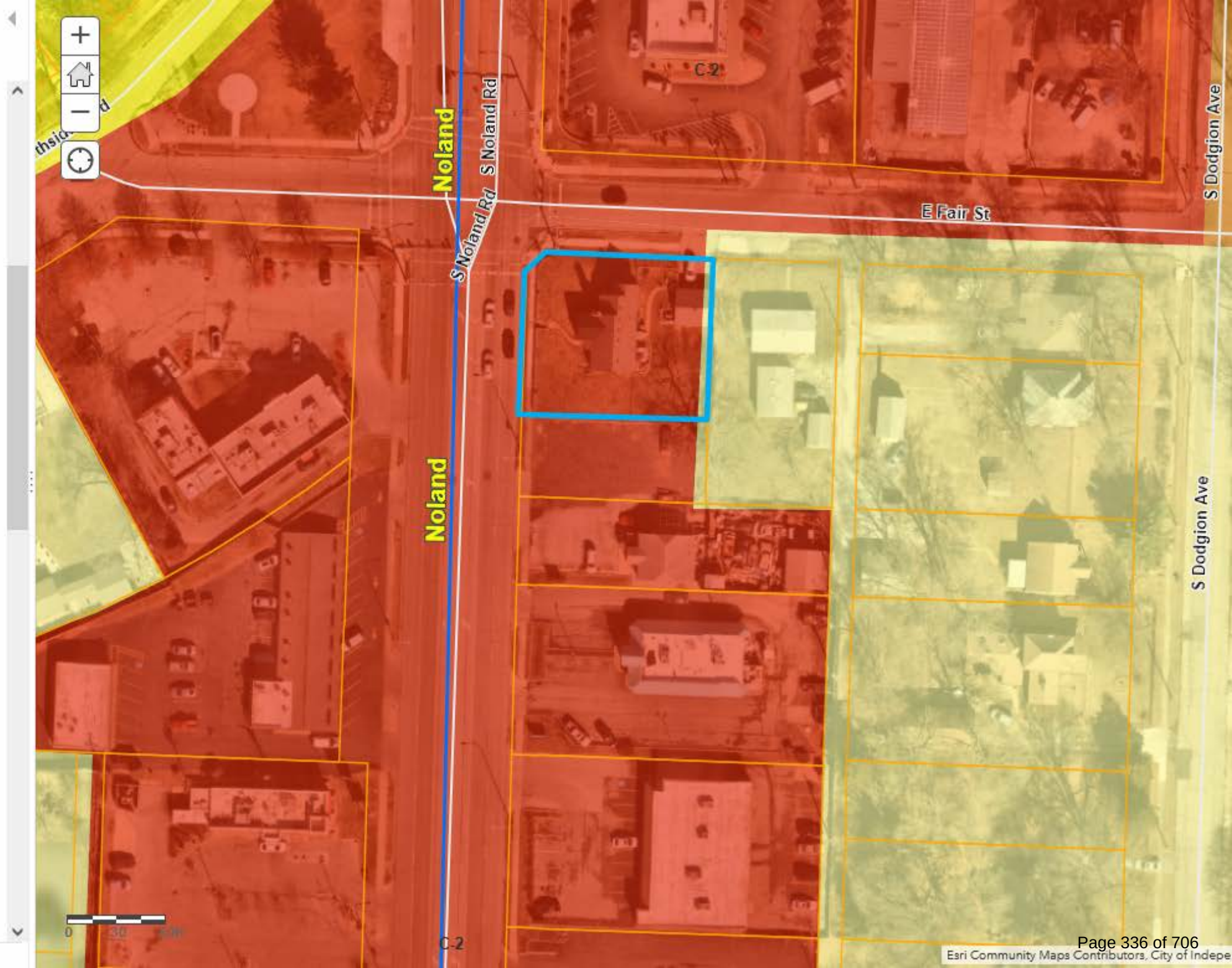
Parcels



Proposed Land Use (Comp Plan)

- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural







City Planning Commission Minutes

June 25, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – June 11, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

Commissioner Edward Nesbitt made a motion to dismiss the case. Commissioner Dan O'Neill seconded the motion. The motion for dismissal was approved Yes 7, No 0, Abstained 0.

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion failed Yes 0, No 7, Abstained 0.

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Staff Presentation

Rick Arroyo stated the City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities' definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

Staff Presentation

Mr. Arroyo stated in 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

A public hearing for the application to rezone the property at 19307 E. Holke Road from R-1, Single Family Residential Estate, to R-6, Single Family Residential. ***New Information Only.***

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 06-25-24 Public Notice Submitted to Examiner

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Examiner** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(816) 254-8600**.

Notice ID: viYeD8HWWurzImJXDy8s | **Proof Updated: Jun. 04, 2024 at 11:14am CDT**
Notice Name: PC 6/25/24

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

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jbaker@indepmo.org
(816) 325-7109

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Examiner

Columns Wide: 1 **Ad Class:** Legals

Total Column Inches: 11.26

Number of Lines: 90

06/08/2024: Other 145.53

Subtotal	\$145.53
Tax	\$0.00
Processing Fee	\$0.00
Total	\$145.53

Notice of Public Hearing

Notice is hereby given that a public hearing will be held by the Independence City **Planning Commission** at 6 p.m., Tuesday, June 25, 2024, and by the Independence **City Council** at 6 p.m., Monday, August 19, 2024, in the Independence City Hall City Council Chambers (lower level, north entrance) 111 E. Maple Avenue, in Independence, Missouri on the following matter(s):

Case 24-100-05 – Rezoning – 1301 S. Noland Road – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Case 24-100-11 – Rezoning – 19307 E. Holke Road – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

The Planning Commission will conduct full public hearing on these applications. The City Council will only hear new information that was not presented at the Planning Commission's public hearing if such facts were not reasonably available at the time of the Planning Commission hearing. Any new information proposed to be presented to the City Council must be submitted in writing to the Community Development Department and Law Department at least seven (7) days prior to the City Council meeting.

Case 24-175-03 – UDO Amendment #66 – Police Facilities – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Case 24-175-04 – UDO Amendment #67 – Home Based Business – The City proposes Amendment #67 of the Unified Development Ordinance pertain-

ing to home based businesses.

The Planning Commission and City Council will conduct a full public hearing on these items.

Witness my hand this 4th day of June, 2024.

Tom Scannell, Community Development Director
The City of Independence, Missouri is an Equal Opportunity Employer/Contractor/MFD

Published in the Examiner, Jun 8, 2024

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City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-074 **2R** An ordinance approving a rezoning from District R-1 (Single Family Residential Estate) to R-6 (Single Family Residential) for a portion of the property at 19307 E. Holke Road. **2R**

Recommendations:

Commissioner Nesbitt made a motion to recommend approval of case 24-100-11, the rezoning of 19307 E. Holke Road. A second to the motion was made by Commissioner Ferguson. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – Yes

Commissioner O'Neill – Yes

Commissioner Torres – Yes

Commissioner Wiley – Yes

The motion was approved, and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

The property at 19307 E. Holke Road is currently a three-acre flag lot zoned R-1 Single Family Residential. The property owners, Mel Olsen and his wife, are looking relocate to Independence to be closer to family. Currently the property is undevelopable as building permits are not permitted to be issued on flag lots in R-1 zones (See. 14-300-06-E). To address this issue the applicant has applied for a minor subdivision to subdivide the land in such a way that a home may be built on the property.

The minor subdivision grants the “flag” portion of the existing lot to Mr. Olsen’s daughter and her husband, who own the adjacent property. This will leave the remainder of the existing lot along Holke Road on which the applicant may build a house.

However, to create this smaller lot requires the property to be rezoned prior to the approval of the minor subdivision. The smaller lot does not meet the minimum lot size standards for the current R-1 (Single-Family Residential Estate) zoning. To meet the standards outlined in the code (See 14-300-05), the property must be rezoned to R-6 (Single-Family Residential). The approval of the minor subdivision is conditioned on the approval of rezoning the property to R-6.

PROPERTY HISTORY:

The subject property was first platted in 2004 as part of the Valley View Ridge Plat. That same year the property was rezoned to R-E (Residential Estate). Prior to this change in 2004, the property was zoned R-1b (Single-Family Residential). When the current version of the UDO was

adopted in 2009, this designation was updated to be R-1 (Single-Family Residential Estate). Despite platting and rezoning the property, the subject property remained undeveloped.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The subject property is a vacant lot. The portion of the property that is to be rezoned abuts Holke Road and sits between two single-family residences.

CHARACTERISTICS OF THE AREA:

North of the subject property, across Holke Road, lies the Beacon Heights Community of Christ church. The south side of Holke Road features several single-family homes on larger than average lots.

REQUEST:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that the property can be used for a new single-family residence.

ANALYSIS:

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the Independence for All, Strategic Plan. One of the objectives of the plan is to improve the visual appearance of the community. Rezoning this property will allow the applicant to build a single-family home on the property which will be a visual improvement over the existing vacant lot.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be residential neighborhoods. Rezoning the property to allow for the construction of a single-family home aligns with the vision of the comprehensive plan.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA:

Recommendations and decisions on rezoning applications must be based on consideration of all of the following criteria.

1. Conformance of the requested zoning with the comprehensive plan.

The Comprehensive Plan envisions this area to be Residential Neighborhoods.

2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.

There are no recent neighborhood or sub-area plans for this area.

3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.

The surrounding area is a mix of residential zoning districts. The adjacent properties are R-6 (Single-Family Residential). There are also properties designated as R-1 (Single-Family Residential Estate) in the area. Rezoning this property to be R-6 will make it consistent with the other adjacent R-6 properties.

4. The compatibility of the proposed zoning and allowed uses with the character of the

neighborhood.

The existing character of the neighborhood to the east is that of a single-family residential neighborhood. Rezoning to R-6 (Single-Family Residential) is not compatible with other properties on Noland Road.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

With the current zoning in place, the property cannot be subdivided. This prevents the use of the property as a single-family home. By rezoning the property, the existing property can be subdivided and a single-family home may be built on the property. This is a preferable alternative to the current vacant lot.

6. The length of time the subject property has remained vacant as zoned.

The property has been vacant for many years. The property was initially platted and zoned for Single Family Res. Estate since 2004 and has remained undeveloped.

7. The extent of which approving the rezoning will detrimentally affect nearby properties.

Rezoning this property to R-6 will not have a detrimental effect on the nearby properties. If anything, the affect will be positive.

8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.

Denial of the rezoning will prevent the submitted minor subdivision from being approved. This will also mean that the property will not be able to be developed as it is a flag lot. Rezoning to R-6 ensures that the property will be used for Single-Family Residential uses.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-100-11
2. Staff Report 24-100-11
3. Cover Letter
4. Application
5. Notification Letter
6. Address List
7. Notification Area Map
8. Affidavit
9. MS - Olsen - Valley View Rdg Replat 2 - City App - 4-29-24
10. Existing Zoning Prop Lines
11. Proposed Property Lines
12. Comp Plan Map
13. Zoning Map
14. Planning Commission Meeting Minutes 6-25-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT R-1 (SINGLE FAMILY RESIDENTIAL ESTATE) TO R-6 (SINGLE FAMILY RESIDENTIAL) FOR A PORTION OF THE PROPERTY AT 19307 E. HOLKE ROAD.

WHEREAS, an application submitted by Melvin Olsen is requesting approval of a rezoning from District R-1 (Single-Family Residential Estate) to R-6 (Single-Family Residential) for a portion of the property at 19307 E. Holke Road was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on June 25, 2024, and rendered a report to the City Council recommending the rezoning be approved by a vote of 7-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning was consistent with the review criteria in Section 14-701-02; and,

WHEREAS, no legal protests were signed, acknowledged, and presented for the application; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the rezoning of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the following legally described property is hereby rezoned from District R-1 (Single Family Residential Estate) to District R-6 (Single-Family Residential) and shall be subject to the regulations of said district:

VALLEY VIEW RIDGE REPLAT LOTS 1-00 AND 1-01; THE N 170 FT OF LOT 1-00

SECTION 2. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 3. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 4. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the

Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE
CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: June 25, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Mel Olsen Rezone

CASE NUMBER/REQUEST: **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the subject property from R-1 (Single-Family Residential Estate) to R-6 (Single-Family Residential).

APPLICANT/OWNER: Melvin Olsen

PROPERTY ADDRESS: 19307 E. Holke Road, Independence, MO 64057

SURROUNDING ZONING/LAND USE:

North: R-6 (Single Family Residential) – Religious Assembly

South: R-1 (Single Family Residential Estate) – Single Family Homes/ Vacant Lot

East/West: R-6 (Single Family Residential) – Single Family Residences

PUBLIC NOTICE

- Letters to property owners within 185 feet – May 14, 2024
- Public Notice published in the Independence Examiner – June 4, 2024
- Sign posted on property – June 7, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 5, 2024, and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Mel Olsen to rezone the property from R-1 (Single-Family Residential Estate) to R-6 (Single-Family Residential).

Current Zoning:

R-1 (Single-Family Res. Estate)

Proposed Zoning:

R-6 (Single-Family Residential)

Current Use: Vacant Lot

Proposed Use: Single-Family Home

Acreage: 0.3044 Acres

Building Square Footage: N/A

BACKGROUND:

The property at 19307 E. Holke Road is currently a three-acre flag lot zoned R-1 Single Family Residential. The property owners, Mel Olsen and his wife, are looking relocate to Independence to be closer to family. Currently the property is undevelopable as building permits are not permitted to be issued on flag lots in R-1 zones (See. 14-300-06-E). To address this issue the applicant has applied for a minor subdivision to subdivide the land in such away that a home may be built on the property.

The minor subdivision grants the “flag” portion of the existing lot to Mr. Olsen’s daughter and her husband, who own the adjacent property. This will leave the remainder of the existing lot along Holke Road on which the applicant may build a house.

However, to create this smaller lot requires the property to be rezoned prior to the approval of the minor subdivision. The smaller lot does not meet the minimum lot size standards for the current R-1 (Single-Family Residential Estate) zoning. To meet the standards outlined in the code (See 14-300-05), the property must be rezoned to R-6 (Single-Family Residential). The approval of the minor subdivision is conditioned on the approval of rezoning the property to R-6.

PROPERTY HISTORY:

The subject property was first platted in 2004 as part of the Valley View Ridge Plat. That same year the property was rezoned to R-E (Residential Estate). Prior to this change in 2004, the property was zoned R-1b (Single-Family Residential). When the current version of the UDO was adopted in 2009, this designation was updated to be R-1 (Single-Family Residential Estate). Despite platting and rezoning the property, the subject property remained undeveloped.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The subject property is a vacant lot. The portion of the property that is to be rezoned abuts Holke Road and sits between to single-family residences.

CHARACTERISTICS OF THE AREA:

North of the subject property, across Holke Road, lies the Beacon Heights Community of Christ church. The south side of Holke Road features several single-family homes on larger than average lots.

PROPOSAL:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that the property can be used for a new single-family residence.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the *Independence for All*, Strategic Plan. One of the objectives of the plan is to improve the visual appearance of the community. Rezoning this property will allow the applicant to build a single-family home on the property which will be a visual improvement over the existing vacant lot.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be residential neighborhoods. Rezoning the property to allow for the construction of a single-family home aligns with the vision of the comprehensive plan.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

1. Conformance of the requested zoning with the comprehensive plan.

The Comprehensive Plan envisions this area to be Residential Neighborhoods.

2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.

There are no recent neighborhood or sub-area plans for this area.

3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.

The surrounding area is a mix of residential zoning districts. The adjacent properties are R-6 (Single-Family Residential). There are also properties designated as R-1 (Single-Family Residential Estate) in the area. Rezoning this property to be R-6 will make it consistent with the other adjacent R-6 properties.

4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.

Rezoning to R-6 (Single-Family Residential) will ensure the character of the neighborhood is retained.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

With the current zoning in place, the property cannot be subdivided. This prevents the use of the property as a single-family home. By rezoning the property, the existing property can be subdivided and a single-family home may be built on the property. This is a preferable alternative to the current vacant lot.

6. The length of time the subject property has remained vacant as zoned.

The property has been vacant for many years. The property was initially platted and zoned for Single Family Res. Estate since 2004 and has remained undeveloped

7. The extent of which approving the rezoning will detrimentally affect nearby properties.

Rezoning this property to R-6 will not have a detrimental affect on the nearby properties. If anything, the affect will be positive.

8. **The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.**

Denial of the rezoning will prevent the submitted minor subdivision from being approved. This will also mean that the property will not be able to be developed as it is a flag lot. Rezoning to R-6 ensures that the property will be used for Single-Family Residential uses.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Addresses
5. Notification Area Map
6. Affidavit
7. Plat Map
8. Existing Zoning and Prop Lines
9. Proposed Property Lines
10. Comp Plan Map
11. Zoning Map

March 8, 2024

City of Independence
Community Development
111 E Maple Ave.
Independence, MO 64050

Re: Attached Zoning application

My wife and I want to build a new house on the narrow piece of land at 19307 E Holke Rd and existing R-1 zoning with 35' side setbacks would leave only 8' for our house.

Please rezone this ¼ acre piece to R-6 with 5' side setbacks so there is enough space for our house.

Enclosed please find my check #1009 in the amount of \$500 for the application fee.

Sincerely,



Melvin E. Olsen

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☒ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Mel Olsen Rezone
Project Name

19307 E. Holke Rd
Project Address/Location

Sq. Ft. of Building	Acreage	Number of Lots/Tracts	Steam Buffer (Yes or No)
<u>R-1</u>	<u>1/4</u>	<u>1</u>	<u>No</u>
<u>Existing Zoning</u>	<u>Proposed Zoning</u>	<u>Existing Land Use</u>	<u>Proposed Land Use</u>
<u>R-1</u>	<u>R-6</u>	<u>Vacant</u>	<u>my house</u>

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☐ Completed & Signed Application Form ☐ Application Fee ☐ Cover Letter Describing Details of Project	☐ One 24" x 36" set of plans for Land Sub. & Site Dev. ☐ One PDF copy of a plat map or site plan ☐ Legal Description of the property in question
---	---

Contact Information

Applicant		Owner	
<u>Melvin E. Olsen</u>		<u>Same</u>	
Name	Company	Name	Company
<u>1251 Teton Dr., Lindon, UT 84042</u>		<u>1251 Teton Dr., Lindon, UT 84042</u>	
Address		Address	
<u>801-687-6021 melvinolsen@gmail.com</u>		<u>801-687-6021 melvinolsen@gmail.com</u>	
Phone	Email	Phone	Email
Architect/Engineer/Surveyor/Other: _____		Architect/Engineer/Surveyor/Other: _____	
Name		Name	
Company		Company	
Address		Address	
Phone		Phone	
Email		Email	

The applicant hereby agrees that the information provided above is accurate.

<u>Melvin E. Olsen</u>	<u>3/8/24</u>	<u>Melvin E. Olsen</u>	<u>3/8/24</u>
Applicant's Signature	Date	Owner's Signature	Date

Property Owner Notification Letter

City of Independence, Missouri

Date: 5/14/24

Case No. 24-100-11

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

- ☒ Rezoning ☐ Rezoning/PUD ☐ Special Use Permit
☐ Preliminary Development Plan

Proposed project description: Rezoning a portion of the property at 19307 E Holke Road from R-1(Single Family Residential Estate) to R-6 (Single Family Residential).

Applicant: Melvin Olsen

Location of Property: 19307 E Holke Road

Planning Commission Meeting Date: June 25, 2024, at 6:00 p.m.

City Council Meeting Date: August 19, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.


Applicant (or Owner/Agent)

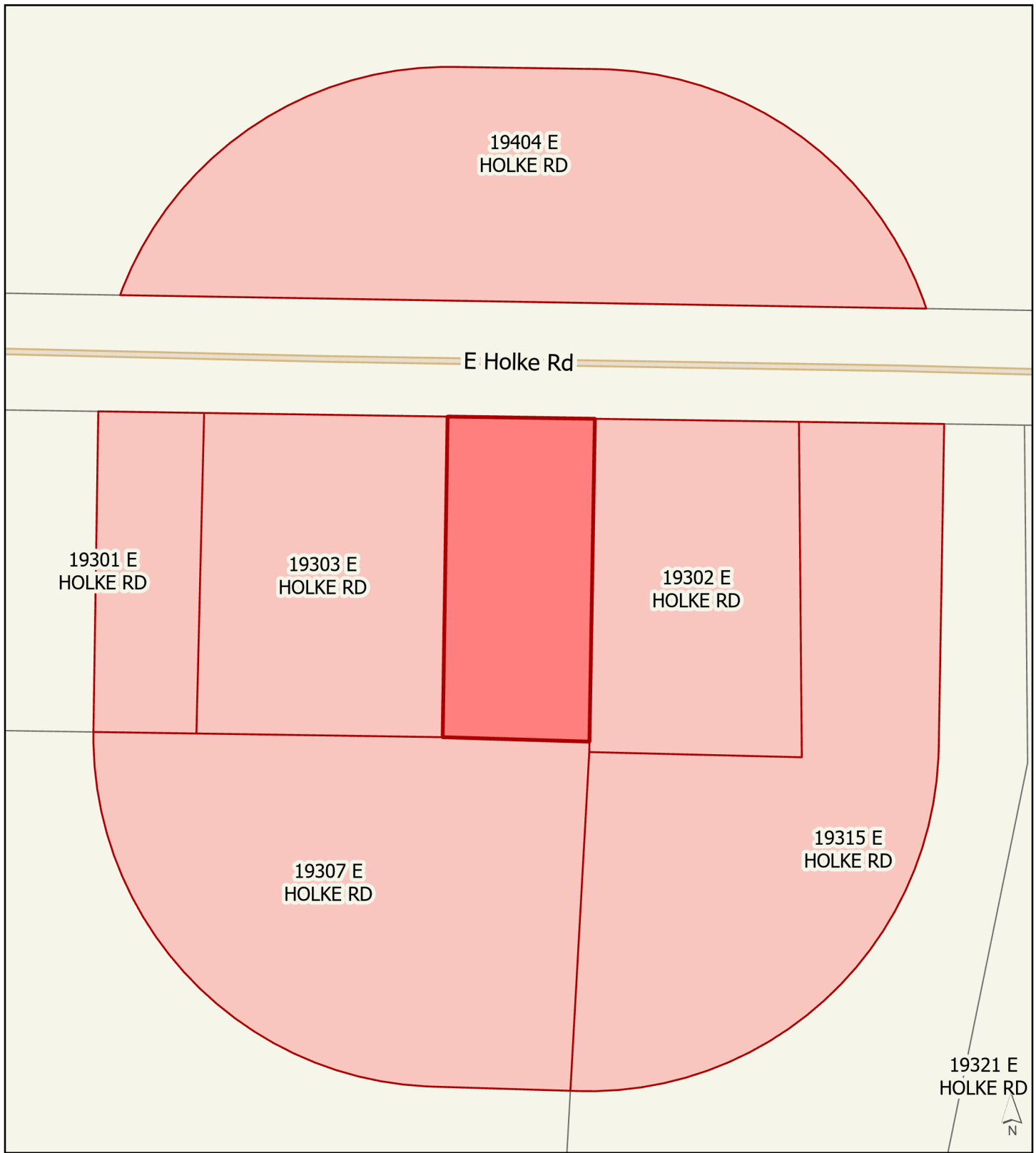
For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
PALMER MICHAEL LEE	19302 HOLKE RD	INDEPENDENCE	MO	64057
BARE MARSHALL E & AMANDA O	19315 HOLKE RD	INDEPENDENCE	MO	64057
DON M SALTER TRUST AGREEMENT	19303 E HOLKE RD	INDEPENDENCE	MO	64057
BLAND DAVID C & JOAN P	19301 E HOLKE RD	INDEPENDENCE	MO	64057-1405
REORGANIZED CHURCH OF JESUS	PO BOX 1059	INDEPENDENCE	MO	64051

Notification Area

24-100-11

19307 E. Holke Road, Independence, MO 64057



 Subject Property

 185 ft Buffer Area

0 25 50 100 Feet

Prepared by Joshua Garrett, Community Development
Date: 5/14/2024

Property Owner Notification Affidavit

STATE OF MISSOURI

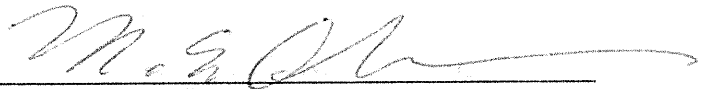
COUNTY OF JACKSON

Case No. 24-100-11

I, Melvin E. Olsen, of lawful age being first duly sworn upon oath, state:

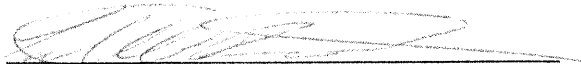
That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

These notices were mailed on the 14 day of MAY, 2024.



Signature of Agent, Owner or Attorney

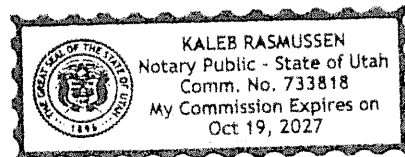
Subscribed and sworn to before me this 14th day of May, 2024.

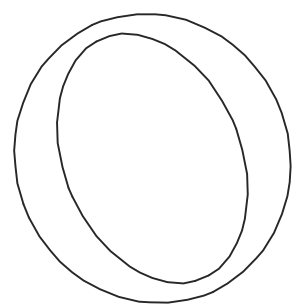


Notary Public

10/19/27

Commission Expiration Date

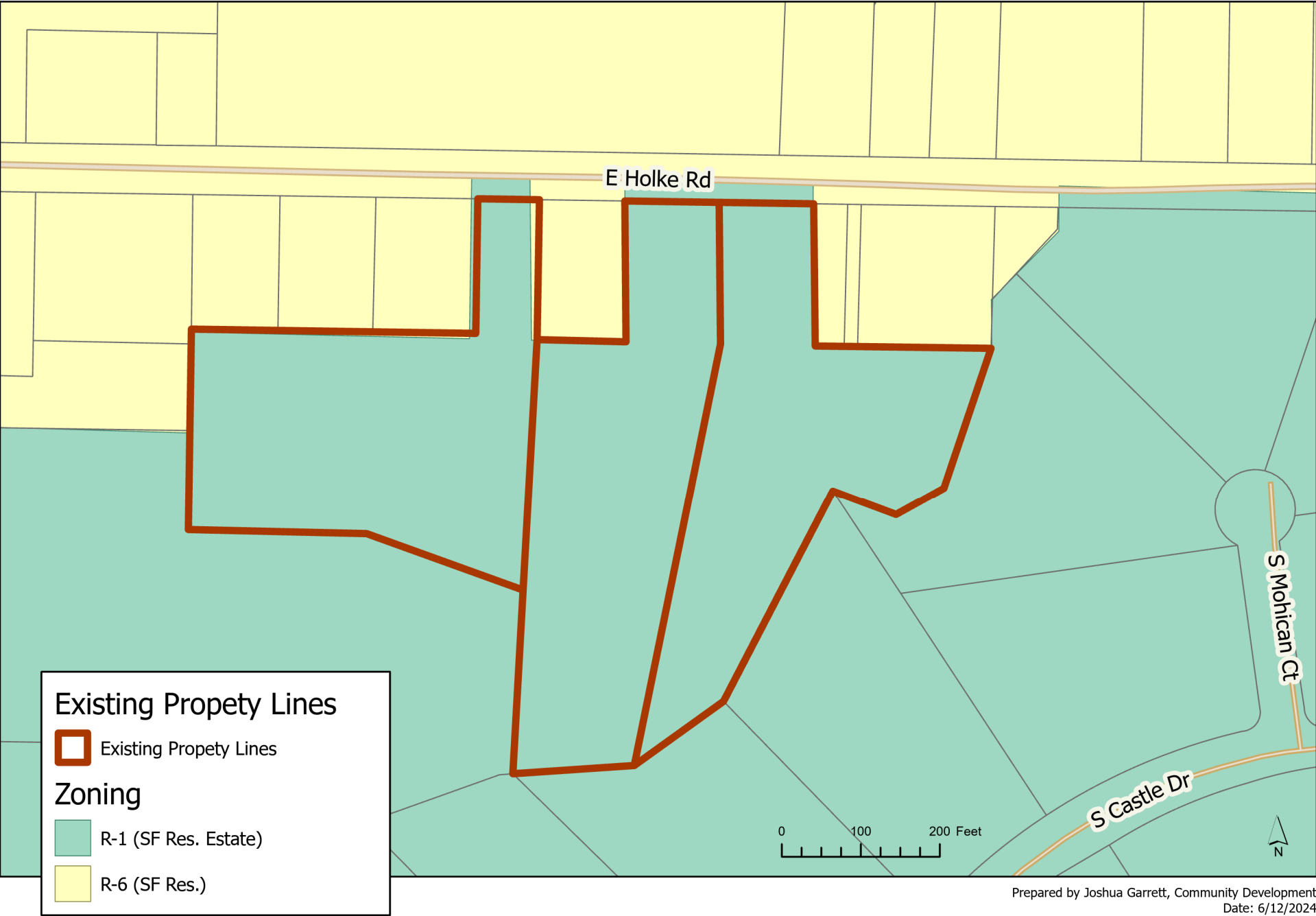




6. THE SURVEYOR'S "CERTIFICATION" STATEMENT USED HEREON IS MADE TO THE PARTIES NAMED HEREIN AND IS NOT TRANSFERABLE TO ADDITIONAL PARTIES, INSTITUTIONS, OR SUBSEQUENT OWNERS AND MEANS AN EXPRESSION OF PROFESSIONAL BELIEF REGARDING THE DATA SHOWN ON THIS PLAT AND DOES NOT REPRESENT A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

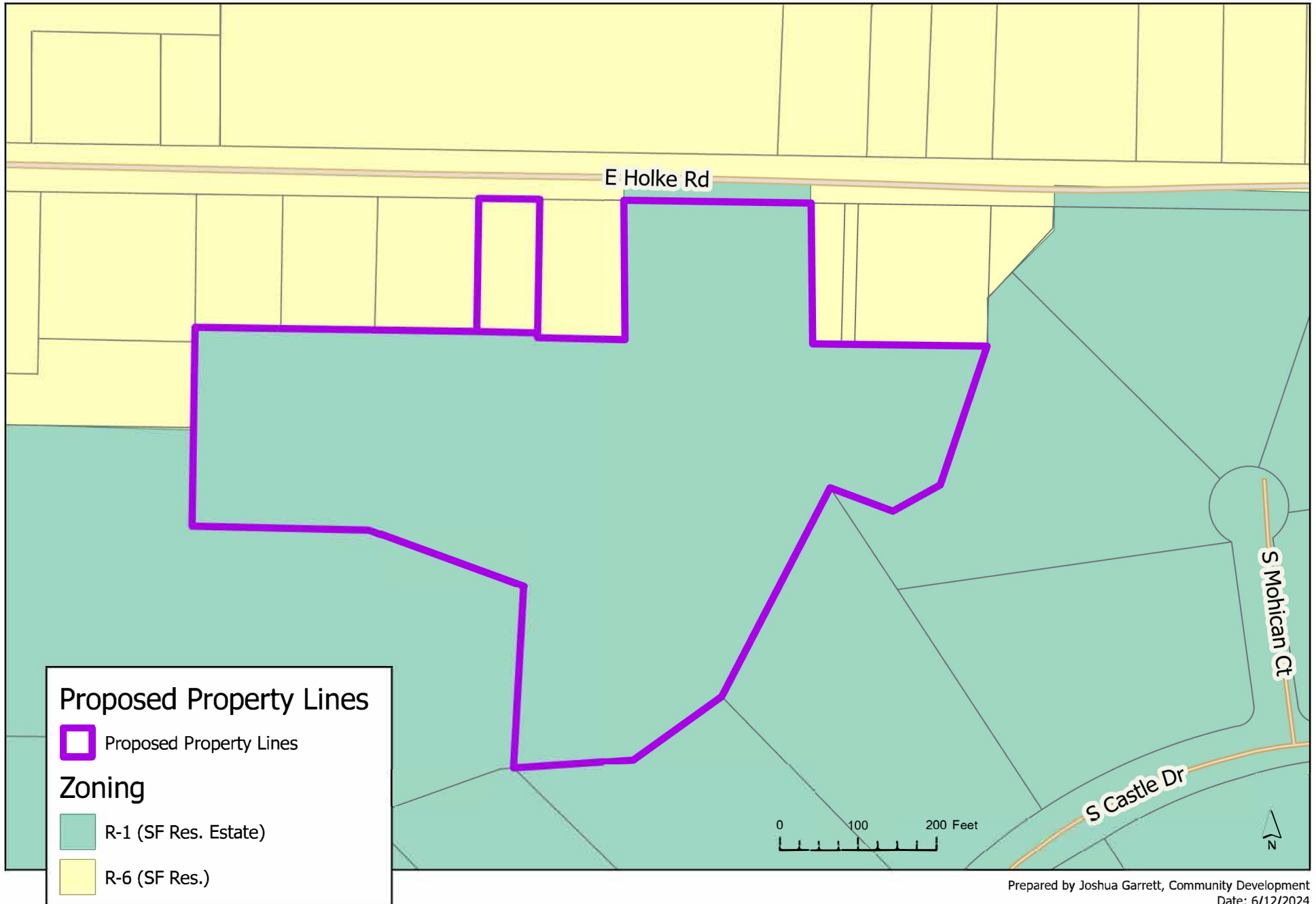
Existing Zoning and Property Lines

24-100-11



Proposed Property Lines

24-100-11



Legend

Road Centerline

Parcels

Municipal Boundaries

Proposed Land Use (Comp Plan)

- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural

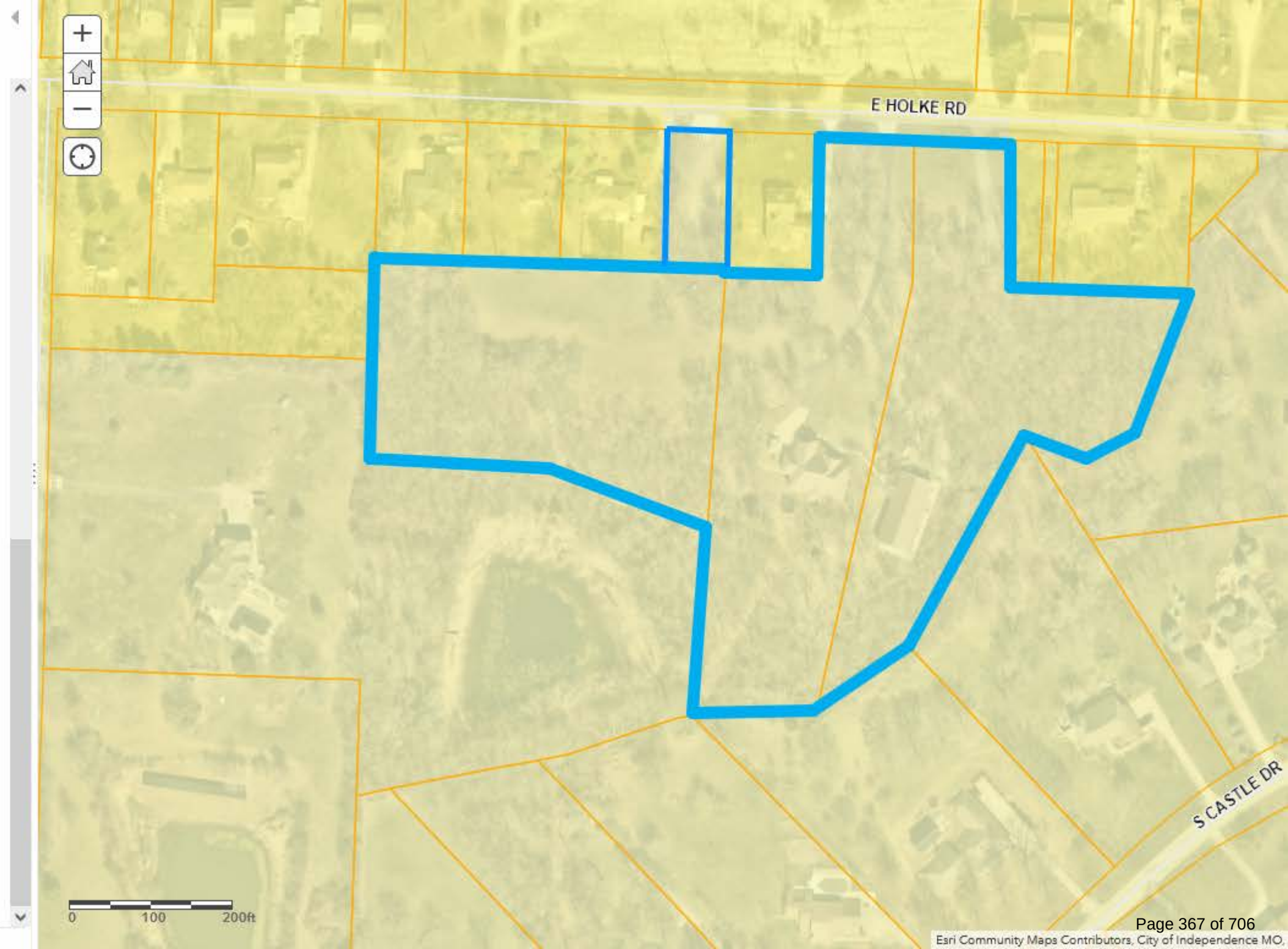
0 100 200ft

E HOLKE RD

S CASTLE DR

Legend

- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2
- R-2/PUD
- R-30/PUD
- R-4
- R-4/PUD
- R-6
- R-6/HL
- R-6/I-1/U
- R-6/PUD
- R-A
- R-A/I-2/U
- R-A/PUD





City Planning Commission Minutes

June 25, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – June 11, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

Commissioner Edward Nesbitt made a motion to dismiss the case. Commissioner Dan O'Neill seconded the motion. The motion for dismissal was approved Yes 7, No 0, Abstained 0.

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion failed Yes 0, No 7, Abstained 0.

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Staff Presentation

Rick Arroyo stated the City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities' definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

Staff Presentation

Mr. Arroyo stated in 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

A public hearing for the application to rezone the property at 1550 S. Noland Road from C-2, General Commercial, to C-2/PUD, General Commercial/Planned Unit Development, and approve a Preliminary Development Plan. ***New Information Only.***

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 06-25-24 Public Notice Submitted to Examiner

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Examiner** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(816) 254-8600**.

Notice ID: viYeD8HWWurzImJXDy8s | **Proof Updated: Jun. 04, 2024 at 11:14am CDT**
Notice Name: PC 6/25/24

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Jodi Baker
jbaker@indepmo.org
(816) 325-7109

FILING FOR

Examiner

Columns Wide: 1 **Ad Class:** Legals

Total Column Inches: 11.26

Number of Lines: 90

06/08/2024: Other 145.53

Subtotal	\$145.53
Tax	\$0.00
Processing Fee	\$0.00
Total	\$145.53

Notice of Public Hearing

Notice is hereby given that a public hearing will be held by the Independence City **Planning Commission** at 6 p.m., Tuesday, June 25, 2024, and by the Independence **City Council** at 6 p.m., Monday, August 19, 2024, in the Independence City Hall City Council Chambers (lower level, north entrance) 111 E. Maple Avenue, in Independence, Missouri on the following matter(s):

Case 24-100-05 – Rezoning – 1301 S. Noland Road – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Case 24-100-11 – Rezoning – 19307 E. Holke Road – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Case 24-125-06 – Rezoning/ PUD – 1550 S. Noland Road – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/ PUD (General Commercial/ Planned Unit Development) and approving a preliminary development plan.

The Planning Commission will conduct full public hearing on these applications. The City Council will only hear new information that was not presented at the Planning Commission's public hearing if such facts were not reasonably available at the time of the Planning Commission hearing. Any new information proposed to be presented to the City Council must be submitted in writing to the Community Development Department and Law Department at least seven (7) days prior to the City Council meeting.

Case 24-175-03 – UDO Amendment #66 – Police Facilities – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Case 24-175-04 – UDO Amendment #67 – Home Based Business – The City proposes Amendment #67 of the Unified Development Ordinance pertain-

ing to home based businesses.

The Planning Commission and City Council will conduct a full public hearing on these items.

Witness my hand this 4th day of June, 2024.

Tom Scannell, Community Development Director
The City of Independence, Missouri is an Equal Opportunity Employer/Contractor/MFD

Published in the Examiner, Jun 8, 2024

#####

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-075 **2R** An ordinance approving a rezoning from District C-2 (General Commercial) to District C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan for the property located at 1550 S. Noland Road. **2R**

Recommendations:

Commissioner Nesbitt made a motion to recommend **APPROVAL** of this rezoning request, for property located at 1550 S. Noland Road, with the following conditions be included with the preliminary development plan:

1. The general automotive repair use shall be allowed in this C-2/PUD District.
2. The vacation of the easement shall be approved prior to the issuance of a building permit.
3. The proposed project and structure, to set on what is currently multiple-lots and vacated rights-of-way, must be replatted into a new single-lot subdivision. This Minor Subdivision must be completed before Certificate of Occupancy.

A second to the motion was made by Commissioner O'Neill. The Independence Planning Commission voted as follows:

Commissioner Nesbitt – Yes

Commissioner Wiley – Yes

Commissioner McClain – Yes

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner O'Neil – Yes

Commissioner Torres - Yes

The motion passed 7-0 and such application is forwarded to the City Council for its consideration. Staff concurs with the recommendation of the Planning Commission.

Background:

A request by Robert Merritt with Cable-Dahmer, LLC to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a Preliminary Development Plan for property at 1550 S. Noland Road.

The intent of this C-2/PUD (General Commercial/Planned Unit Development) application is to allow for Cable Dahmer to relocate the existing Crash Champions facility. The proposed location at 1550 S. Noland Road, is already zoned C-2 (General Commercial), which allows for limited (light) automobile repair. This operation does general (heavy) automotive repair as well; however, C-3 (Service Commercial) zoning would be required for that use. The uses allowed in the C-3 district zoning (which includes a number of industrial and wholesaling uses)

are not ones that would be compatible with the other C-2 uses along the corridor. A PUD would allow the existing C-2 uses to remain but could permit a tailored zoning that would narrowly add only the general automotive repair uses.

The services proposed are currently being performed at another location in the City but that location will be shut down and the operation will be relocated to this location where a former auto parts store currently sets. The existing structure will be expanded, doubling in size.

All of the proposed services will be conducted within the building. The temporary storage of wrecked vehicles awaiting repair will be confined to the rear of the property and screened by the building and fencing as required by the City. There are trees, a large pond and a railroad track behind the property that further provides screening and over 500 feet of distance from other uses in the area.

ANALYSIS:

Consistency with *Independence for All*, Strategic Plan:

This application furthers the goal of increasing the economic prosperity of the community and providing additional employment opportunities. It will also support the redevelopment of a key corridor in the city.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

One of the Comprehensive Plan Guiding Principles is to “Provide sufficient opportunities for industrial development sites within the community and promote diversification of the City’s commercial/industrial base.”

Sub-Area Plans:

The property is located within the Noland Now Plan Area.

Access/Parking:

Noland Road has six lanes, two of which are left-turn lanes. The proposed operation is not a high traffic-generator, and the street has turn lanes that allow for the safe and efficient flow of traffic. The existing accesses can serve the proposed use. Few changes are needed for the front and south parking lots. Two handicapped spaces (including one van-accessible) properly marked and signed must be created near the southeast corner of the existing structure. The proposed automotive storage area, for vehicles awaiting repair, will be constructed to the west building expansion.

Sidewalks:

The applicant needs to complete the property’s north and south Noland Road sidewalk segments.

Public Utilities:

All utilities that are needed for this development are in place and can serve the operation.

Storm Sewers:

The drawing indicates storm sewers running along the north and south sides of the property sides of the property leading west to the rear of the property where a proposed underground detention basin will be created underneath an opaque, screened auto storage area.

Landscaping:

Most of the new landscaping on the north, east and west sides, to be added to meet the UDO, and will be in the green spaces created by existing islands. Further, additional plantings will abut the opaque screen on the north, west and south sides. A masonry trash enclosure will be

constructed at the eastern edge of the south parking aisle.

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Replatting:

The site of the existing structure and proposed expansion will set on what is now six-lots, vacated alley and ½ of a soon to be vacated right-of-way. Therefore, the property must be replatted into a new single-lot subdivision. This Minor Subdivision must be completed before Certificate of Occupancy.

Recommendations and decisions for proposed planned unit development rezoning and its accompanying preliminary development plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. The consistency with the Comprehensive Plan.*Comprehensive Plan Guiding Principles is to "Provide sufficient opportunities for industrial development sites within the community and promote diversification of the City's commercial/industrial base."*

2. The consistency with the PUD standards of Section 14-902, including the statement of purpose.*Section 14-902 is intended to allow design flexibility that results in greater public benefit than would be achieved using conventional zoning regulations; this project is in conformance with that standard.*

3. The nature and extent of Common Open Space in the PUD.*This is an infill development on an existing commercial corridor with an existing structure that will be greatly expanded, nevertheless there will be a significant opportunity to create green spaces with planting areas.*

4. The reliability of the proposals for maintenance and conservation of Common Open Space.*Cable-Dahmer, LLC states that it will manage and own the property.*

5. The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan.*Not applicable, this is a proposed commercial business.*

6. The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment.*Public services in the area are adequate to serve this project. This proposed project will not adversely affect the street network in the vicinity of the project. Adequate parking is to be provided internal to the property.*

7. The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.*The proposed general automotive repair use is in keeping with the automotive uses along this portion of the Noland Road corridor.*

8. Whether potential adverse impacts have been mitigated to the maximum practical extent.*Mitigation efforts have been planned by the developer to reduce impacts to the area. This would be done by fencing and landscaping and providing adequate stormwater management.*

9. Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations.*The Planned Unit Development allows for expansion of the C-2 uses to include general automotive repair without allowing more intense industrial and wholesaling uses.*

10. The sufficiency of the terms and conditions proposed to protect the interest of the public

and the residents of the PUD in the case of a plan that proposes development over a period of years. The PUD's controls would protect and reinforce the existing uses along the Noland Road corridor.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-125-06
2. Staff Report 24-125-06
3. Narrative 2024-05-09 Cable Dahmer Crash Champ
4. Application
5. Notification Letter
6. Address List
7. Notification Area Map
8. Affidavit
9. 1550 S Noland Rd COMBINED PDP-PREL.PLAT
10. Legal Description of Property
11. Revised Elevations
12. Utility Easement Vacation
13. Wellington Owner Letter Agreeing to Vacation
14. Comp Plan Map
15. Zoning Map
16. Planning Commission Meeting Minutes 6-25-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) TO DISTRICT C-2/PUD (GENERAL COMMERCIAL/PLANNED UNIT DEVELOPMENT) AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 1550 S. NOLAND ROAD.

WHEREAS, the application submitted to the Cable Dahmer/Crash SB Champions, LLC requesting approval of a rezoning from District C-2 (General Commercial) to District C-2/PUD (General Commercial/Planned Unit Development) and a preliminary development plan for property located at 1550 S. Noland Road was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and preliminary development plan following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held public hearings for the consideration of the request on June 25, 2024, and rendered a report to the City Council with its vote to recommend approval of this application passed by a vote of 7-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning and preliminary development plan was consistent with the review criteria in Section 14-701-02 and 14-703-05 respectively; and,

WHEREAS, no legal protests were signed, acknowledged, and presented for the application; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the rezoning PUD and preliminary development plan of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the following legally described tracts of real estate is hereby rezoned from District C-2 (General Commercial) to District C-2/PUD (General Commercial/Planned Unit Development) and shall be subject to the regulations of said district:

All of Lots 21 through 24 , Lots 31 through 34, and all that part of the vacated South Main Street all in Martha's Vineyard, a subdivision in the City of Independence, Jackson County, Missouri, being more particularly described as follows: commencing at the southeast corner of said Lot 24; thence North 88 degrees 15 minutes 42 seconds West, with the south line of Lots 24 and 31, a distance of 371.00 feet to the centerline of vacated South Main Street; thence North 01 degrees 44 minutes 54 seconds East, with the centerline of South Main Street, a distance of 240.00 feet, to a point on the westerly prolongation of the north line of Lot 34 Martha's Vineyard; thence South 88 degrees 15 minutes 42 seconds East, with the north lines of Lots 34 and 21, and their westerly prolongation, a distance of 371.00 feet to the northeast corner of Lot 21; thence South 01 degrees 44 minutes 54 seconds West, with the east lines of Lots 21, 22, 23, and 24,

a distance of 240.00 feet to the point of beginning. The above-described tract contains 89,404 square feet or 2.04 acres.

SECTION 2. That the Preliminary Development Plan, is attached hereto and is incorporated by reference as if fully set out herein, is hereby approved with the following conditions:

- 1) The general automotive repair use shall be allowed in this C-2/PUD District.
- 2) The vacation of the easement shall be approved prior to the issuance of a building permit.
- 3) The proposed project and structure, to set on what is currently multiple-lots and vacated rights-of-way, must be replatted into a new single-lot subdivision. This Minor Subdivision must be completed before Certificate of Occupancy.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 5. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: June 25, 2024

STAFF: Brian L. Harker, Senior Planner

PROJECT NAME: Cable Dahmer/Crash Champions – Noland Road

CASE NUMBER/REQUEST: **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

APPLICANT: Robert Merritt – Cable-Dahmer, LLC

OWNER: Jackie Davis – Wellington Real Estate, LLC

PROPERTY ADDRESS: 1550 S. Noland Road

SURROUNDING ZONING/LAND USE:

North:	C-2 (General Commercial)...vacant land
South:	C-2 (General Commercial)...car dealership
East:	C-2 (General Commercial)...office and retail uses
West:	C-2 (General Commercial)...vacant land and lake

PUBLIC NOTICE:

- Letters to adjoining property owners – June 7, 2024
- Public Notice published in The Kansas City Star – June 8, 2024
- Signs posted on property – June 7, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 5, 2024 and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request and the preliminary development plan.

1. The general automotive repair use shall be allowed in this C-2/PUD District.
2. The vacation of the easement shall be approved prior to the issuance of a building permit.
3. The proposed project and structure, to set on what is currently multiple-lots and vacated rights-of-way, must be replatted into a new single-lot subdivision. This Minor Subdivision must be completed before Certificate of Occupancy.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

A request by Robert Merritt with Cable-Dahmer, LLC to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a Preliminary Development Plan for property at 1550 S. Noland Road.

Current Zoning:	C-2 (General Commercial)	Proposed Zoning:	C-2/PUD (General Commercial/Planned Unit Development)
Current Use:	Vacant auto parts store	Proposed Use:	Automobile Repair Shop
Acreage:	1.9-acres	Building Square Foot:	21,287-square feet

BACKGROUND:

The intent of this C-2/PUD (General Commercial/Planned Unit Development) application is to allow for Cable Dahmer to relocate the existing Crash Champions facility. The proposed location at 1550 S. Noland Road, is already zoned C-2 (General Commercial), which allows for limited (light) automobile repair. This operation does general (heavy) automotive repair as well; however, C-3 (Service Commercial) zoning would be required for that use. The uses allowed in the C-3 district zoning (which includes a number of industrial and wholesaling uses) are not ones that would be compatible with the other C-2 uses along the corridor. A PUD would allow the existing C-2 uses to remain but could permit a tailored zoning that would narrowly add only the general automotive repair uses.

The services proposed are currently being performed at another location in the City but that location will be shut down and the operation will be relocated to this location where a former auto parts store currently sets. The existing structure will be expanded, doubling in size.

All of the proposed services will be conducted within the building. The temporary storage of wrecked vehicles awaiting repair will be confined to the rear of the property and screened by the building and fencing as required by the City. There are trees, a large pond and a railroad track behind the property that further provides screening and over 500 feet of distance from other uses in the area.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

This application furthers the goal of increasing the economic prosperity of the community and providing additional employment opportunities. It will also support the redevelopment of a key corridor in the city.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

One of the Comprehensive Plan Guiding Principles is to "Provide sufficient opportunities for industrial development sites within the community and promote diversification of the City's commercial/industrial base."

Sub-Area Plans:

The property is located within the Noland Now Plan Area.

Access/Parking:

Noland Road has six lanes, two of which are left-turn lanes. The proposed operation is not a high traffic-generator and the street has turn lanes that allow for the safe and efficient flow of traffic. The existing accesses can serve the proposed use. Few changes are needed for the front and south parking lots. Two handicapped spaces (including one van-accessible) properly marked and signed must be created near the southeast corner of the existing structure. The proposed automotive storage area, for vehicles awaiting repair, will be constructed to the west building expansion.

Sidewalks:

The applicant needs to complete the property's north and south Noland Road sidewalk segments.

Public Utilities:

All utilities that are needed for this development are in place and can serve the operation.

Storm Sewers:

The drawing indicates storm sewers running along the north and south sides of the property sides of the property leading west to the rear of the property where a proposed underground detention basin will be created underneath an opaque, screened auto storage area.

Landscaping:

Most of the new landscaping on the north, east and west sides, to be added to meet the UDO, and will be in the green spaces created by existing islands. Further, additional plantings will abut the opaque screen on the north, west and south sides. A masonry trash enclosure will be constructed at the eastern edge of the south parking aisle.

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Replatting:

The site of the existing structure and proposed expansion will set on what is now six-lots, vacated alley and ½ of a soon to be vacated right-of-way. Therefore, the property must be replatted into a new single-lot subdivision. This Minor Subdivision must be completed before Certificate of Occupancy.

REVIEW CRITERIA

Recommendations and decisions for the proposed planned unit development rezoning and its associated preliminary development plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. **The consistency with the Comprehensive Plan.**
Comprehensive Plan Guiding Principles is to "Provide sufficient opportunities for industrial development sites within the community and promote diversification of the City's commercial/industrial base."
2. **The consistency with the PUD standards of Section 14-902, including the statement of purpose.**

Section 14-902 is intended to allow design flexibility that results in greater public benefit than would be achieved using conventional zoning regulations; this project is in conformance with that standard.

3. **The nature and extent of Common Open Space in the PUD.**

This is an infill development on an existing commercial corridor with an existing structure that will be greatly expanded, never-the-less there will be a significant opportunity to create green spaces with planting areas.

4. **The reliability of the proposals for maintenance and conservation of Common Open Space.**

Cable-Dahmer, LLC states that it will manage and own the property.

5. **The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan.**

Not applicable, this is a proposed commercial business.

6. **The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment.**

Public services in the area are adequate to serve this project. This proposed project will not adversely affect the street network in the vicinity of the project. Adequate parking is to be provided internal to the property.

7. **The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.**

The proposed general automotive repair use is in keeping with the automotive uses along this portion of the Noland Road corridor.

8. **Whether potential adverse impacts have been mitigated to the maximum practical extent.**

Mitigation efforts have been planned by the developer to reduce impacts to the area. This would be done by fencing and landscaping and providing adequate stormwater management.

9. **Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations.**

The Planned Unit Development allows for expansion of the C-2 uses to include general automotive repair without allowing more intense industrial and wholesaling uses.

10. **The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period of years.**

The PUD's controls would protect and reinforce the existing uses along the Noland Road corridor.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Address List
5. Notification Map
6. Affidavit
7. Preliminary Development Plan
8. Legal Description
9. Revised Elevations
10. Utility Easement Vacation
11. Vacation Letter of Agreement
12. Comp Plan Map
13. Zoning Map

05/09/2024

Mr Brian Harker
City of Independence – Planning Division
111 E Maple Ave
Independence, MO 64050

**RE: Cable Dahmer – Crash Champions – Statement for C-2/PUD
1550 S Noland Rd
Independence, MO**

The intent of the C-2/PUD application is to allow for Cable Dahmer to relocate an existing Crash Champions operation and stay within the City. Cable Dahmer has met with City staff and reviewed the project with them. Cable Dahmer offers the following for this requested application:

- The development is commercial and is consistent with the City's comprehensive plan.
- City staff supports the use of a C-2/PUD for this development vs. rezoning to C-3.
- The surrounding area is zoned C-2 and limited vehicle repair services are allowed in C-2. Due to the nature of the business, staff believed that the best course of action was to seek a C-2/PUD. This allows the flexibility for future C-2 uses, not C-3 uses, if and when Crash Champions ceases to operate at this location.
- The services proposed are currently being performed at another location in the City, but that location will be shut down and the operation will be relocated to this location. It is a needed service and it will remain in the City if this application is approved.
- All of the proposed services will be conducted within the building. The temporary storage of wrecked vehicles awaiting repair will be confined to the rear of the property and screened by the building and fencing as required by the City. There are trees, a large pond and a railroad track behind the property that further provides screening and over 500 feet of distance to other development in the area.
- Noland Rd has 6 lanes, 2 of which are left-turn lanes. The proposed operation is not a high traffic generator and the street has turn lanes that allow for the safe and efficient flow of traffic.
- All utilities that are needed for this development are in place and can serve the operation.

Please let me know if there is anything else you need (krohner@weareown.com or 913.219.3762).

Sincerely,



Kevin A Rohner, PE
Project Manager

cc: Robert Merritt

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☒ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☒ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Cable Dahmer/Crash Champions - Noland Rd

Project Name

1550 S Noland Rd

Project Address/Location

21,287 SF (Total: Ex + Prop) 1.9 ac

1

No

Sq. Ft. of Building

Acreage

Number of Lots/Tracts

Steam Buffer (Yes or No)

C-2

PUD (in C-2)

Vacant Bldg & Parking

Collision Repair & Office

Existing Zoning

Proposed Zoning

Existing Land Use

Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

- ☒ Completed & Signed Application Form
- ☒ Application Fee
- ☒ Cover Letter Describing Details of Project

- ☐ One 24" x 36" set of plans for Land Sub. & Site Dev.
- ☒ One PDF copy of a plat map or site plan
- ☒ Legal Description of the property in question

Contact Information

Applicant

Robert Merritt

Cable-Dahmer LLC

Name

Company

13700 Wyandotte St, Kansas City, MO 64145

Address

816.419.9206

rmerritt@cabledahmer.com

Phone

Email

~~Architect/Engineer/Surveyor/Other:~~ Engineer

Kevin Rohner

OWN Inc

Name

Company

8455 College Blvd, Overland Park, KS 66210

Address

913.219.3762

krohner@weareown.com

Phone

Email

Owner

Jackie Davis

Wellington Real Estate LLC

Name

Company

16500 E 23rd St, Independence, MO 64055

Address

816.372.8343

tiretrend@gmail.com

Phone

Email

~~Architect/Engineer/Surveyor/Other:~~ Owner

Ken McClain

Lakeside Shopping Center

Name

Company

221 W Lexington, Ste 400, Independence, MO 64050

Address

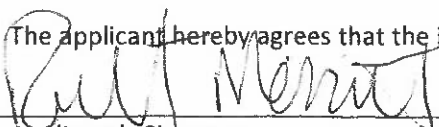
816.225.5444

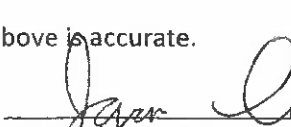
kbm@hfmlegal.com

Phone

Email

The applicant hereby agrees that the information provided above is accurate.

 5-8-2024
Applicant's Signature Date

 5-6-2024
Owner's Signature Date

Appendix B - Property Owner Notification Letter

City of Independence, Missouri

Date: June 5, 2024

Case No. 24-125-06

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

☐ Rezoning ☒ Rezoning/PUD

☐ Special Use Permit

☒ Preliminary Development Plan

Proposed project description: Relocation of a Crash Champions operation to include

office, evaluation/estimating, shop & collision repair spaces. Rezoning from C-2 to C-2/PUD

Applicant: Cable-Dahmer LLC (Robert Merritt)

Location of Property: 1550 S Noland Rd

Planning Commission Meeting Date: June 25, 2024, at 6:00 p.m.

City Council Meeting Date: August 19, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.



OWN, Inc, Agent

Applicant (or Owner/Agent)

For more information, contact the Community Development Department at 816-325-7421.

CABLE DAHMER – CRASH CHAMPIONS

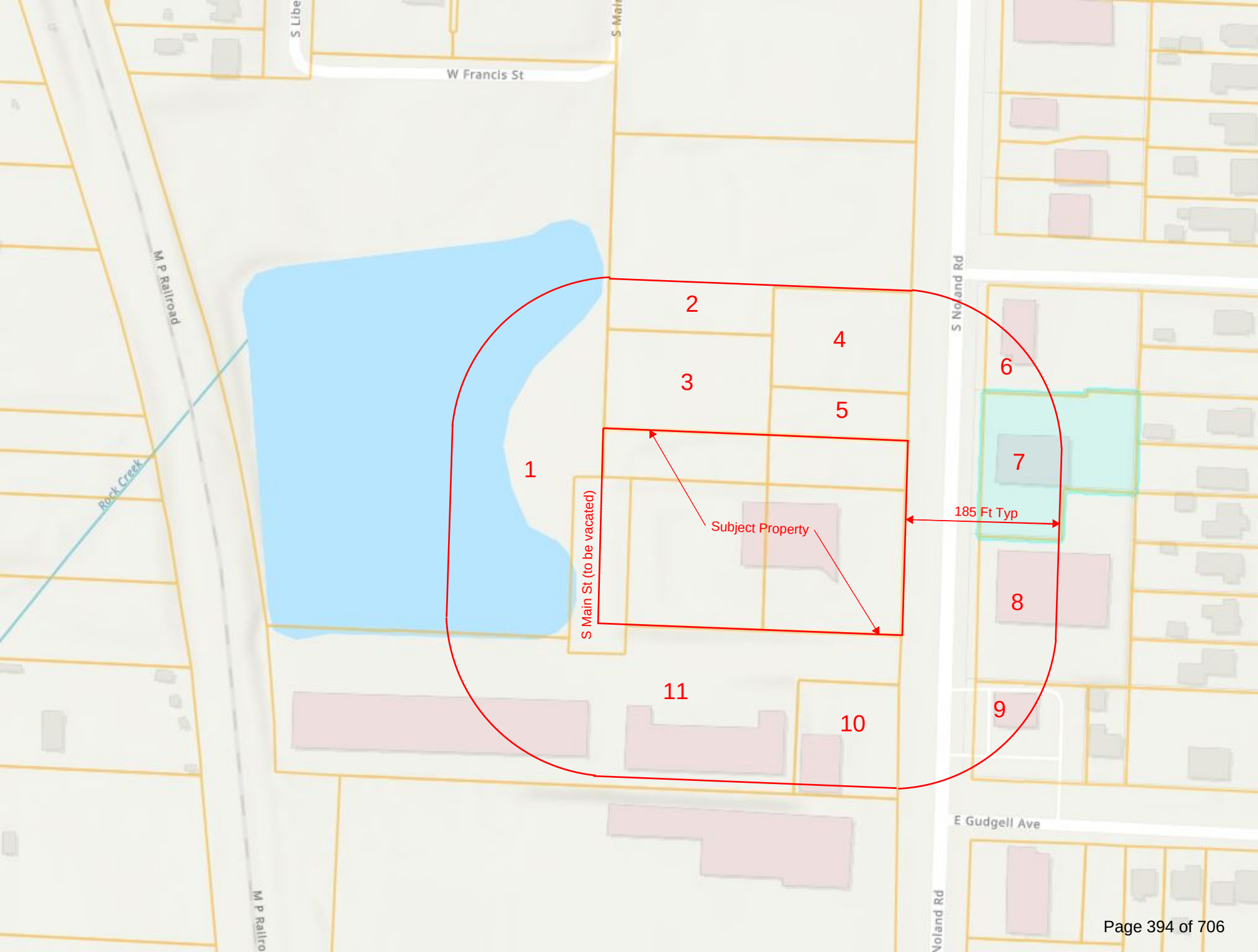
1550 S NOLAND RD

NOTIFICATION MAILING LIST

06/07/2024

(See Notification Map for the listed property locations)

Property No.	Owner	Mailing Address
1	Oakwood Enterprises LLC	PO Box 900 Independence, MO 64051
1	Oakwood Enterprises LLC	c/o Ken McClain 221 W Lexington, Ste 400 Independence, MO 64050
2, 3, 4, 5	Lakeside Shopping Center LLC	c/o Ken McClain 221 W Lexington, Ste 400 Independence, MO 64050
6, 7, 8	JPI LLC	PO Box 901514 Kansas City, MO 64190
9	Budget Noland Rd LLC	8826 Santa Fe Dr, Ste 300 Overland Park, KS 66212
10	Lakeside Shopping Center LLC	5359 Merriam Dr Mission, KS 66205
11	1600 South Noland Road Investments LLC	1600 S Noland Rd Independence, MO 64055



Appendix C - Property Owner Notification Affidavit

STATE OF MISSOURI

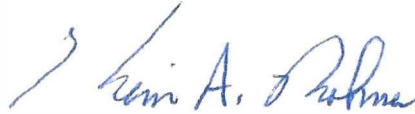
COUNTY OF JACKSON

Case No. 24-125-06

I, Kevin A Rohner w/OWN, Inc, of lawful age being first duly sworn upon oath, state:

That I am the (agent, ~~owner~~, ~~attorney~~) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

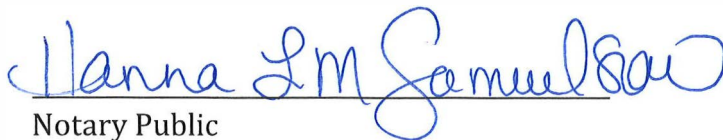
These notices were mailed on the 5th day of June, 2024.



OWN, Inc, Agent

Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 5th day of June, 2024.



Hanna LM Samuelson

Notary Public



04-22-2026

Commission Expiration Date



FORMERLY ANDERSON ENGINEERING

1550 S. NOLAND RD
INDEPENDENCE, MO 64055

[illegible]

DRAWING INFORMATION

PROJECT NO: 24KC10005

DRAWN BY: KSC

CHECK BY: KAR

SSUED DATE: 05/09/2024

ISSUED BY: -

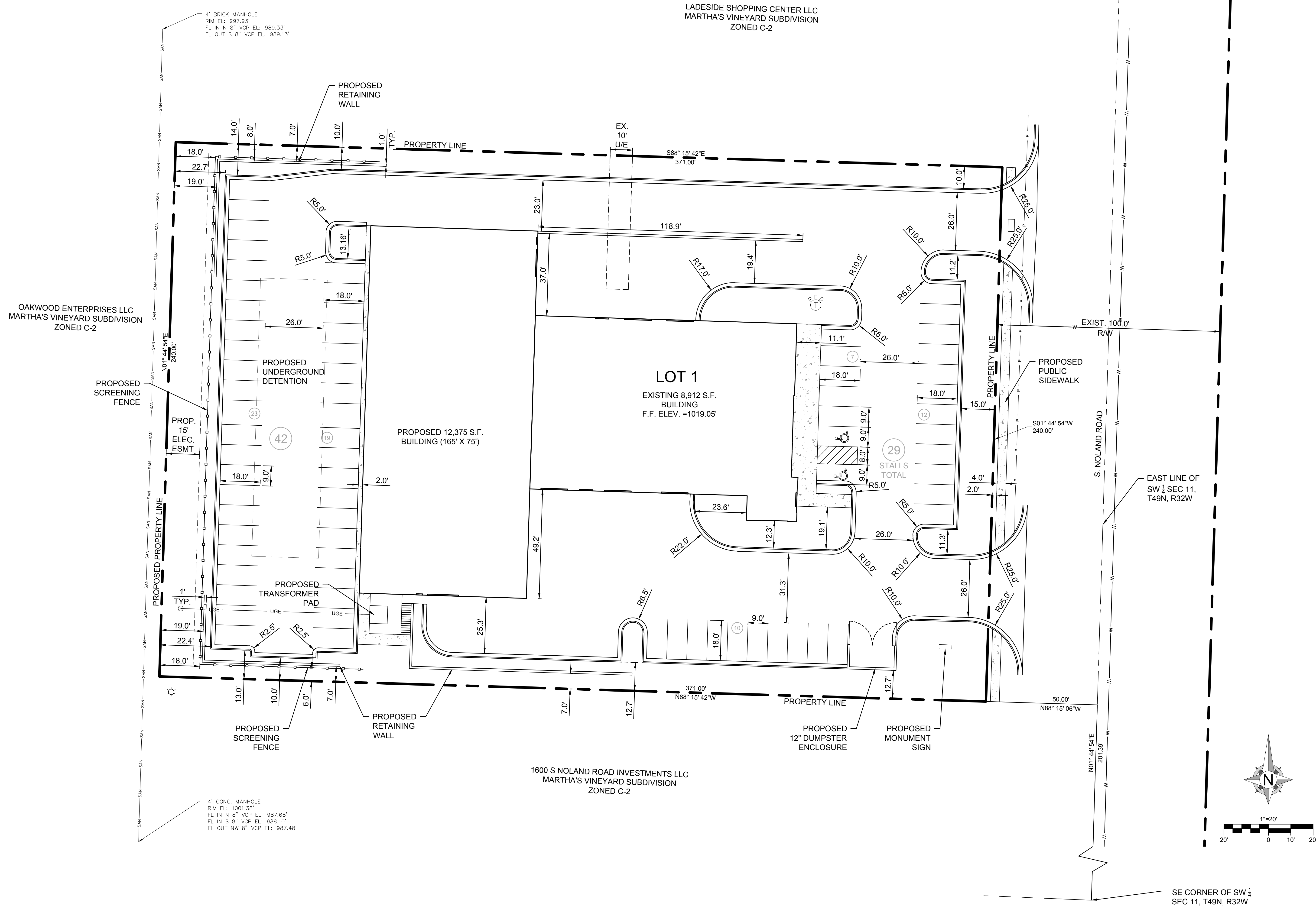
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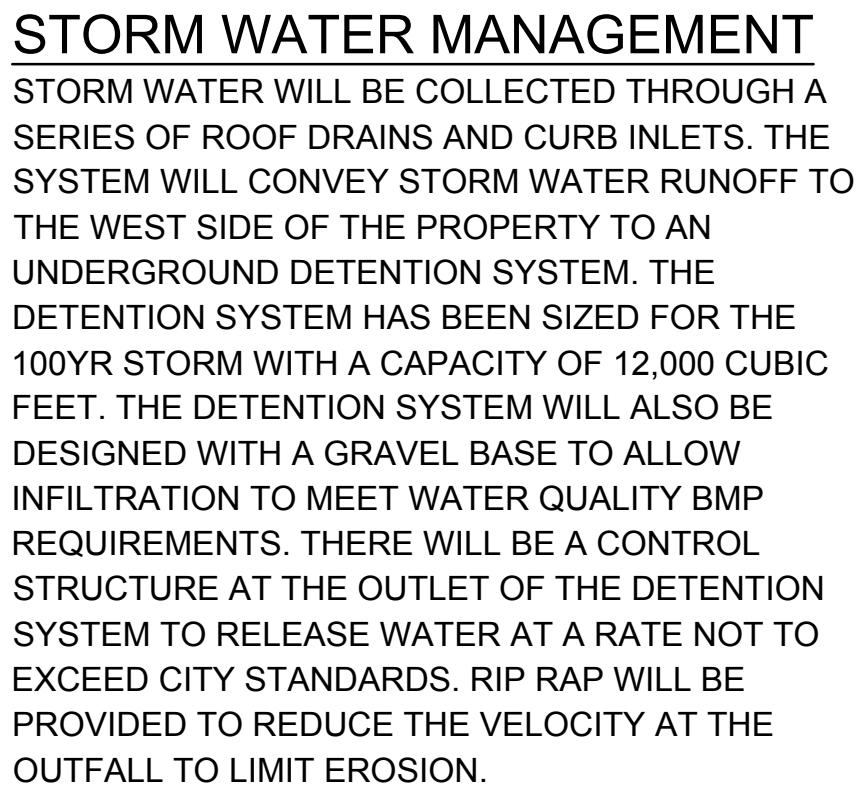
A licensed Missouri
Engineering Corporation
COA# 00062

SHEET TITLE

SHEET NUMBER

2





1550 S. NOLAND RD
INDEPENDENCE, MO 64055

DRAWING INFORMATION

PROJECT NO: 24KC10005

DRAWN BY: KSC

CHECK BY: KAR

ISSUED DATE: 05/09/2024

ISSUED BY: -

LICENSE NO: -

**PRELIMINARY
NOT FOR CONSTRUCTION**

A licensed Missouri
Engineering Corporation
COA# 00062

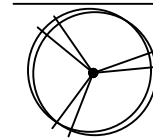
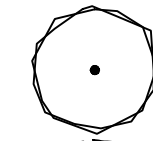
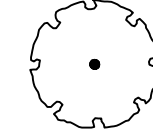
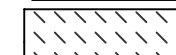
ISSUED BY: -
LICENSE NO: -

A licensed Missouri
Engineering Corporation
COA# 00062

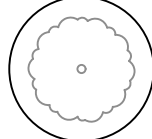
SHEET NUMBER

3

PLANT SCHEDULE

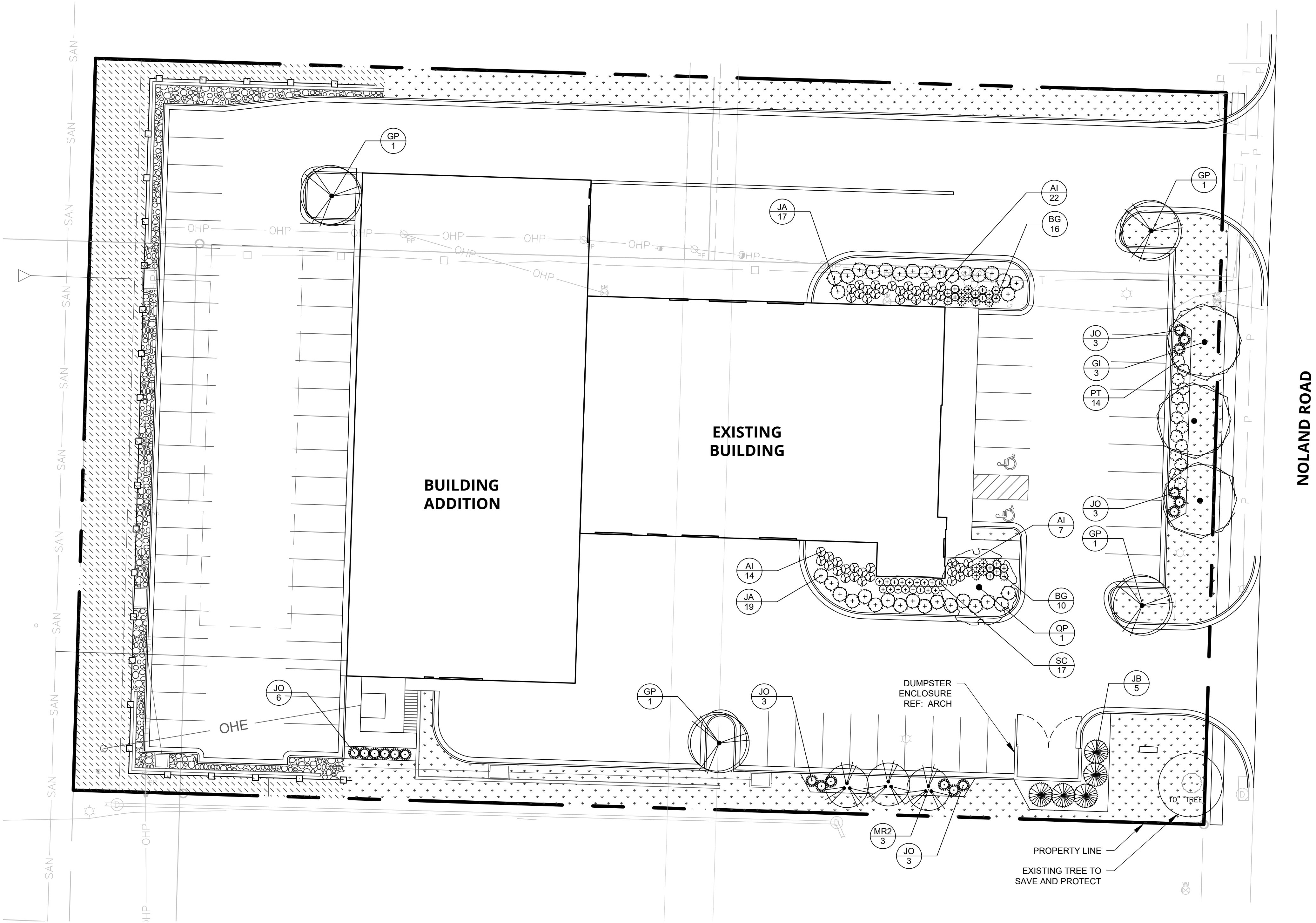
SYMBOL	CODE	QTY	COMMON / BOTANICAL NAME	CONT	CAL	SIZE	SHRUBS					
DECIDUOUS TREES								JA	36	ANDORRA JUNIPER / JUNIPERUS HORIZONTALIS 'ANDORRA'	3 GAL	
	GP	4	PRINCETON SENTRY MAIDENHAIR TREE / GINKGO BILOBA 'PRINCETON SENTRY'	B & B	2" CAL			JO	18	GREY OWL EASTERN REDCEDAR / JUNIPERUS VIRGINIANA 'GREY OWL'	3 GAL	
	GI	3	THORNLESS HONEY LOCUST / GLEDITSIA TRIACANTHOS INERMIS 'IMPERIAL'	B & B	2" CAL			PT	14	TINY WINE® NINEBARK / PHYSOCARPUS OPULIFOLIUS 'SMPOTW'	3 GAL	
	QP	1	AMERICAN DREAM OAK / QUERCUS BICOLOR 'JFS-KW12' TM	B & B	2" CAL		GRASSES & PERENNIALS					
								AI	43	SHINING BLUE BLUESTAR / AMSONIA ILLUSTRIS	1 GAL	
								BG	26	BLONDE AMBITION BLUE GRAMA / BOUTELOUA GRACILIS	1 GAL	
								SC	17	CAROUSEL LITTLE BLUESTEM / SCHIZACHYRIUM SCOPARIUM 'CAROUSEL'	1 GAL	
EVERGREEN TREES												
	JB	5	BLUE POINT JUNIPER / JUNIPERUS CHINENSIS 'BLUE POINT'	B & B		6' TALL	SYMBOL	CODE	QTY	COMMON / BOTANICAL NAME	CONT	SPACING
ORNAMENTAL TREES							GROUND COVERS					
	MR2	3	ROYALTY CRABAPPLE / MALUS X 'ROYALTY'	B & B	1.5" CAL			EP	5,415	PURPLE WINTERCREEPER / EUONYMUS COLORATUS	PLUGS	12" o.c.
								ROCK2	1,309 SF	ROUND SMOOTH STONE 1-3" / MISSOURI RAINBOW	ROCK	
								SOD	8,777 SF	TALL FESCUE / TURF TYPE TALL FESCUE	SOD	

LEGEND

- 
- EXISTING 10" TREE TO SAVE AND PROTECT.
- NOTE: CONTRACTOR SHALL INSTALL WOODEN LATH SNOW FENCING, BRIGHTLY COLORED PLASTIC CONSTRUCTION FENCING, CHAIN LINK FENCING, OR AN ALTERNATIVE BARRIER SECURELY ANCHORED TO FENCE POSTS AT THE PERIPHERY OF THE TREE'S DRIP LINE OR BEYOND TO PROTECT THE VEGETATION FROM ALL CONSTRUCTION ACTIVITIES, INCLUDING EARTHWORK OPERATIONS, MOVEMENT AND STORAGE OF EQUIPMENT AND MATERIALS.

LANDSCAPE SUMMARY

- TREE PRESERVATION (14-500-03)
PROVIDED:
1 TREE BETWEEN 9-12" DBH = 2 CREDITS
- STREET TREES - NONRESIDENTIAL DISTRICTS (15-503-02-D)
REQUIRED:
1 TREE PER 40 FEET OF STREET FRONTAGE:
NOLAND ROAD = 4 TREES
PROVIDED:
NOLAND ROAD = 4 TREES
- LANDSCAPED OPEN SPACE (14-503-04-B)
REQUIRED:
MINIMUM 20% OF THE AREA WITHIN 20 FEET OF THE PERIMETER OF ALL BUILDINGS
PROVIDED:
MINIMUM 20% OF THE AREA WITHIN 20 FEET OF THE PERIMETER OF ALL BUILDINGS
- PARKING LOT PERIMETER LANDSCAPING (15-503-05)
REQUIRED ON SITES WITH OVER 5 ACRES:
1 TREE AND 3 SHRUBS PER 40 FEET OF PARKING LOT PERIMETER:
205 FEET = 5 TREES AND 15 SHRUBS
PROVIDED:
5 TREES AND 15 SHRUBS
- PARKING LOT INTERIOR LANDSCAPING (15-503-06)
REQUIRED:
EACH LANDSCAPE ISLAND MUST INCLUDE AT LEAST 1 TREE
1 TREE AND 3 SHRUBS FOR EVERY 20 PARKING SPACES
72 PARKING SPACES = 4 TREES AND 11 SHRUBS
PROVIDED:
4 TREES AND 11 SHRUBS



1 LANDSCAPE PLAN
SCALE = 1" = 1'-20"





Engineering beyond.

8455 College Boulevard
Overland Park, KS 66210
816.777.0400
wearcown.com

FORMERLY ANDERSON ENGINEERING

CRASH CHAMPIONS
S. NOLAND RD

1550 S. NOLAND RD
INDEPENDENCE, MO 64055

REVISIONS		
NO.	DESCRIPTION	DATE

DRAWING INFORMATION

PROJECT NO: 24KC10005

DRAWN BY: EMF

CHECK BY: EMF

ISSUED DATE: 05/9/2024

ISSUED BY: -

LICENSE NO: -

A licensed Missouri
Engineering Corporation
COA# 00062

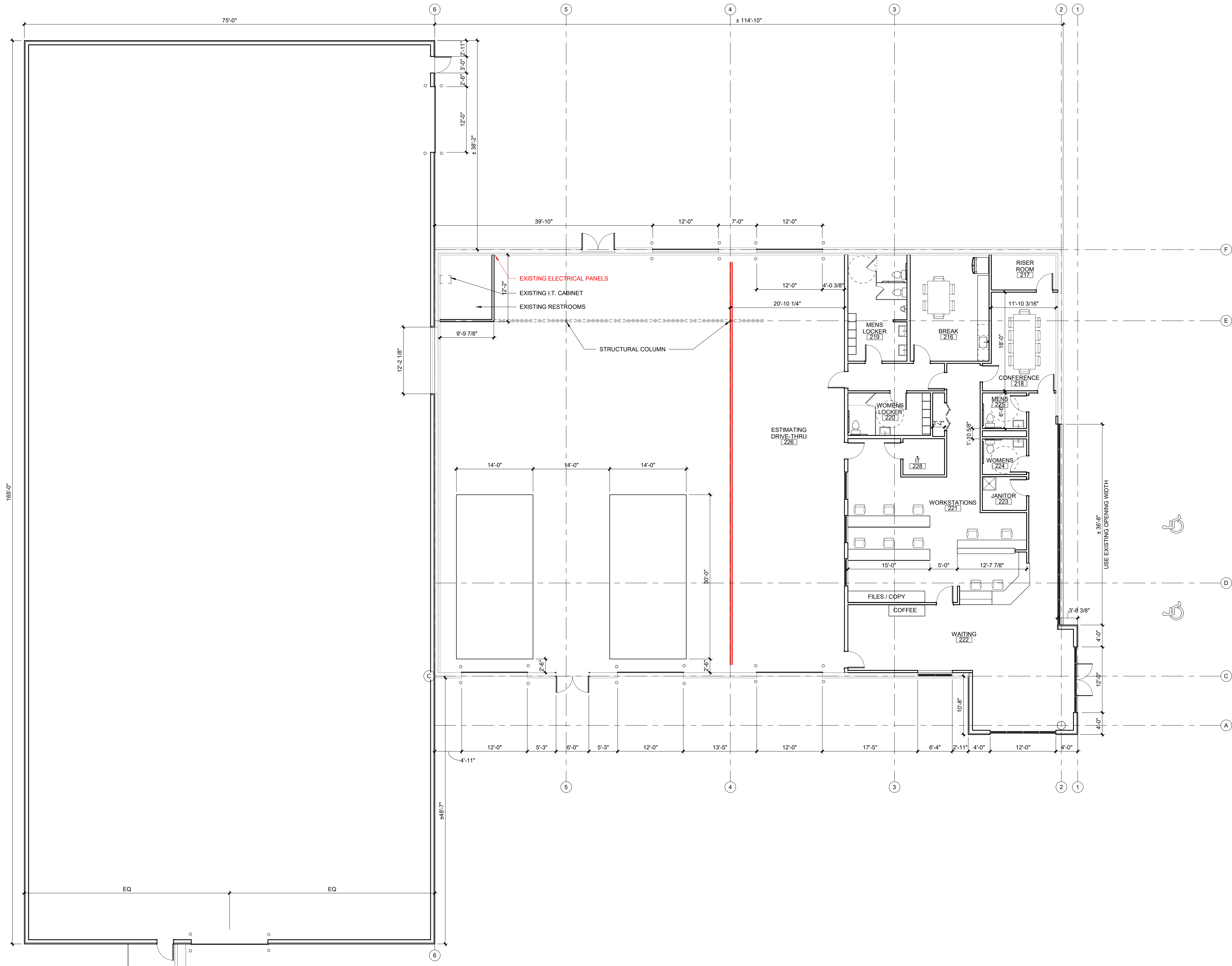
PRELIMINARY
NOT FOR CONSTRUCTION

SHEET TITLE

LANDSCAPE
PLAN

SHEET NUMBER

4



CRASH CHAMPIONS 1550 S NOLAND RD

1550 S NOLAND RD.
INDEPENDENCE, MO 64055

Project No.: 24003
Date: 5/9/2024
Issued For: 5/9/2024

REVISIONS		
No.	Date	Description

REGISTRATION

NOT FOR CONSTRUCTION

PROJECT TEAM

ARCHITECT	FINKLE+WILLIAMS ARCHITECTURE
CIVIL	OWN, INC.
LANDSCAPE	OWN, INC.
FOUNDATIONS	TBD
STRUCTURAL	TBD
PLUMBING	TBD
MECHANICAL	TBD
ELECTRICAL	TBD
FIRE PROTECTION	TBD
CONTRACTOR	TBD



8787 RENNER BLVD., SUITE 100
LENEXA, KANSAS 66219
913.498.1550
www.finklewilliams.com

SHEET TITLE

PRELIMINARY
FLOOR PLAN

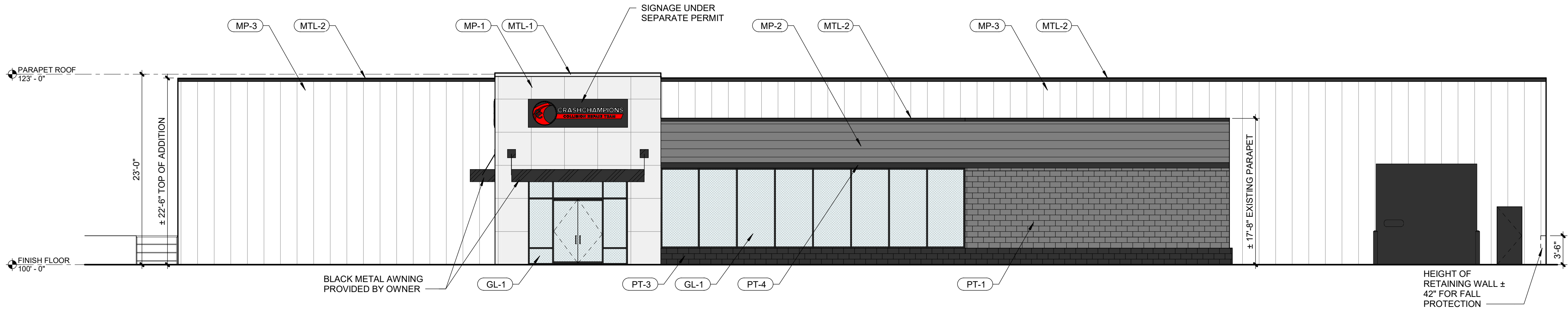
SHEET NUMBER

5

EXTERIOR MATERIAL LEGEND

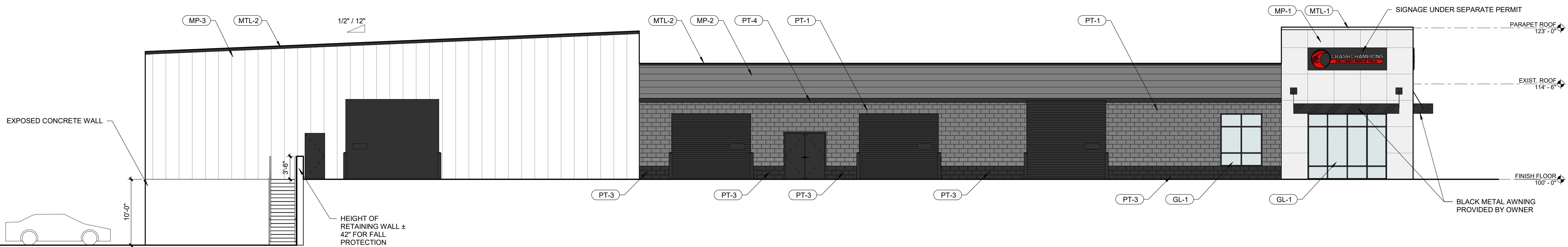
NOTE: ALL METAL DOORS TO BE PAINTED WITH PRO INDUSTRIAL DTM ACRYLIC PAINT (SHEEN: SEMI-GLOSS) COLOR SW6258 TRICORN BLACK

- MP-1 RYNOBOND ALUMINUM COMPOSITE METAL PANEL
COLOR: "SILVERSMITH"
- MP-2 METAL PANEL HORIZONTAL ELEMENT
COLOR TO MATCH PT-1
- MP-3 METAL PANELS 2'-0" VERTICAL SEAMED PANEL SYSTEM
COLOR: WHITE
- MTL-1 METAL COPING
COLOR TO MATCH MP-1
- MTL-2 METAL COPING
COLOR TO MATCH SW6258 TRICORN BLACK
- PT-1 PRO INDUSTRIAL DTM ACRYLIC (SHEEN: SEMI-GLOSS)
COLOR: SW0768 GRIZZLE GRAY
- PT-2 SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: SATIN)
COLOR: SW7068 GRIZZLE GRAY
- PT-3 SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: SATIN)
COLOR: SW6258 TRICORN BLACK
- PT-4 SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: FLAT)
COLOR: SW6258 TRICORN BLACK
- GL-1 ALUMINUM STOREFRONT GLAZING SYSTEM - LOW-E GLAZING (SOLARBAN 70XL)
COLOR: BLACK ANODIZED FRAMES



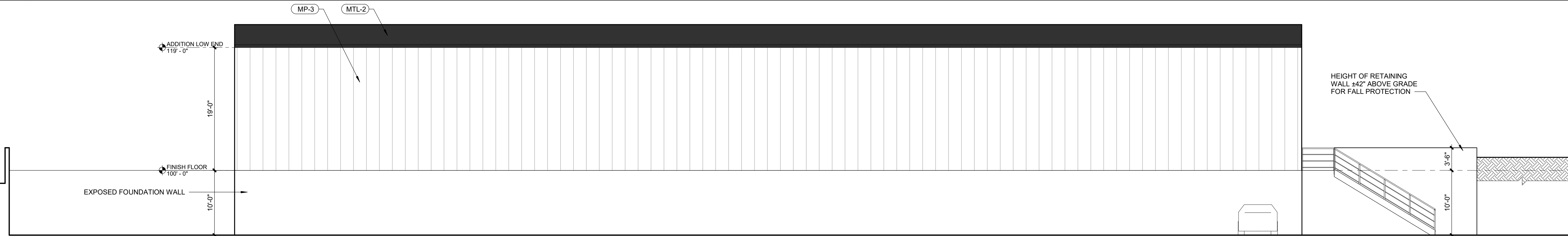
1 EAST ELEVATION

SCALE : 1/8" = 1'-0"



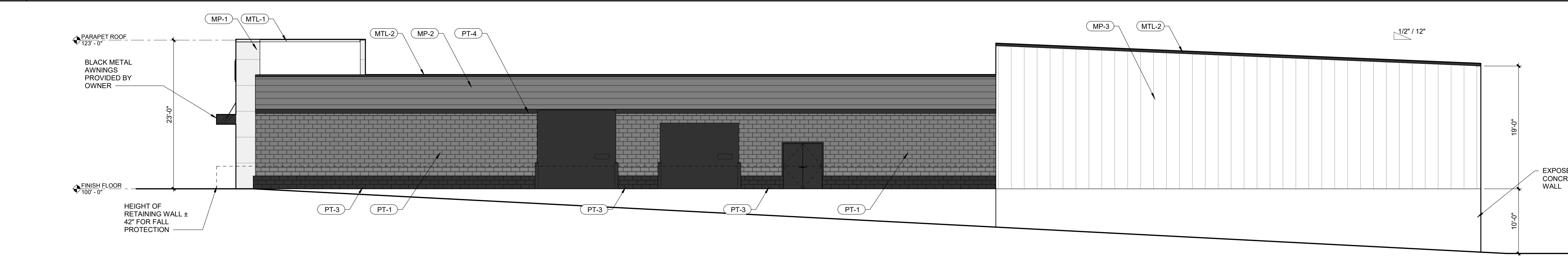
2 SOUTH ELEVATION

SCALE : 1/8" = 1'-0"



3 WEST ELEVATION

SCALE : 1/8" = 1'-0"



4 NORTH ELEVATION

SCALE : 1/8" = 1'-0"

CRASH CHAMPIONS 1550 S NOLAND RD

1550 S NOLAND RD.
INDEPENDENCE, MO 64055

Project No.: 24003

Date: 5/9/2024

Issued For: 5/9/2024

REVISIONS

No.	Date	Description

REGISTRATION

NOT FOR CONSTRUCTION

PROJECT TEAM

ARCHITECT FINKLE+WILLIAMS ARCHITECTURE

CIVIL OWN, INC.

LANDSCAPE OWN, INC.

FOUNDATIONS TBD

STRUCTURAL TBD

PLUMBING TBD

MECHANICAL TBD

ELECTRICAL TBD

FIRE PROTECTION TBD

CONTRACTOR TBD



FINKLE + WILLIAMS
ARCHITECTURE

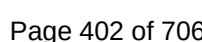
8787 RENNER BLVD., SUITE 100
LENEXA, KANSAS 66219
913.498.1550
www.finklewilliams.com

SHEET TITLE

ELEVATIONS

SHEET NUMBER

6

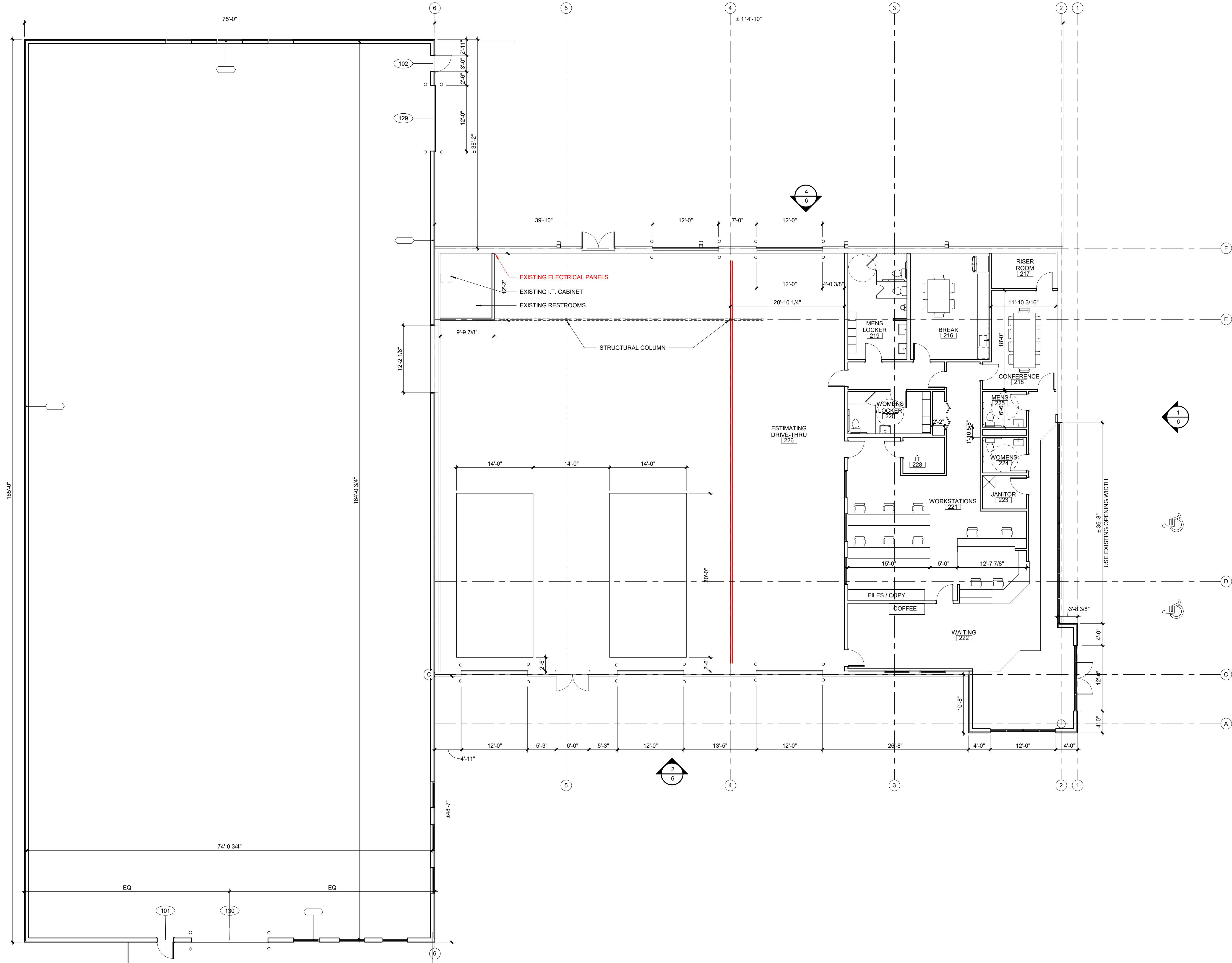
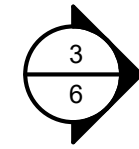


OVERALL BOUNDARY

All of Lots 21 through 24 , Lots 31 through 34, and all that part of the vacated South Main Street all in Martha's Vineyard, a subdivision in the City of Independence, Jackson County, Missouri, being more particularly described as follows: commencing at the southeast corner of said Lot 24; thence North 88 degrees 15 minutes 42 seconds West, with the south line of Lots 24 and 31, a distance of 371.00 feet to the centerline of vacated South Main Street; thence North 01 degrees 44 minutes 54 seconds East, with the centerline of South Main Street, a distance of 240.00 feet, to a point on the westerly prolongation of the north line of Lot 34 Martha's Vineyard; thence South 88 degrees 15 minutes 42 seconds East, with the north lines of Lots 34 and 21, and their westerly prolongation, a distance of 371.00 feet to the northeast corner of Lot 21; thence South 01 degrees 44 minutes 54 seconds West, with the east lines of Lots 21, 22, 23, and 24, a distance of 240.00 feet to the point of beginning. The above described tract contains 89,404 square feet or 2.04 acres.



05/07/2024



CRASH CHAMPIONS 1550 S NOLAND RD

1550 S NOLAND RD.
INDEPENDENCE, MO 64055

Project No.: 24003
Date: 6/13/2024
Issued For: 6/13/2024

REVISIONS		
No.	Date	Description

REGISTRATION

NOT FOR CONSTRUCTION

PROJECT TEAM

ARCHITECT	FINKLE+WILLIAMS ARCHITECTURE
CIVIL	OWN, INC.
LANDSCAPE	OWN, INC.
FOUNDATIONS	TBD
STRUCTURAL	TBD
PLUMBING	TBD
MECHANICAL	TBD
ELECTRICAL	TBD
FIRE PROTECTION	TBD
CONTRACTOR	TBD



FINKLE + WILLIAMS
ARCHITECTURE

8787 RENNER BLVD., SUITE 100
LENEXA, KANSAS 66219
913.498.1550
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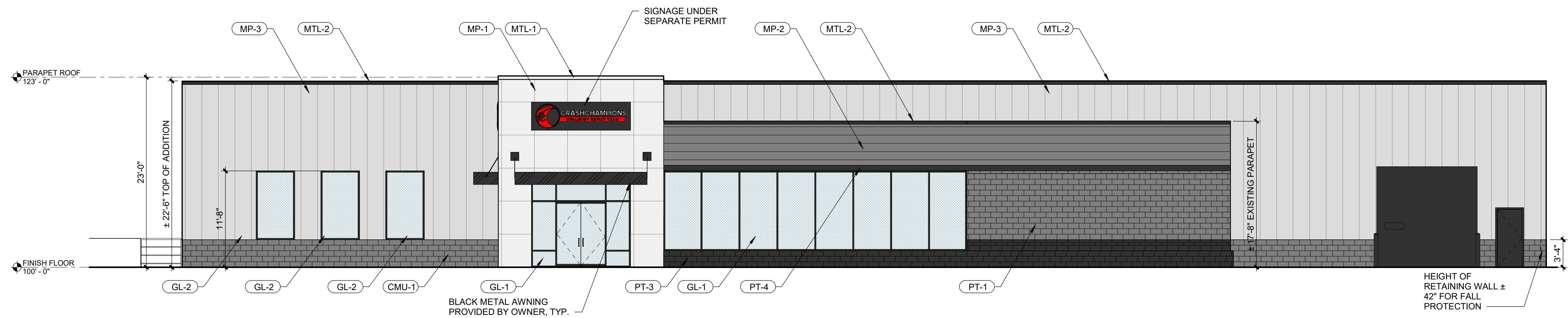
SHEET TITLE

PRELIMINARY
FLOOR PLAN

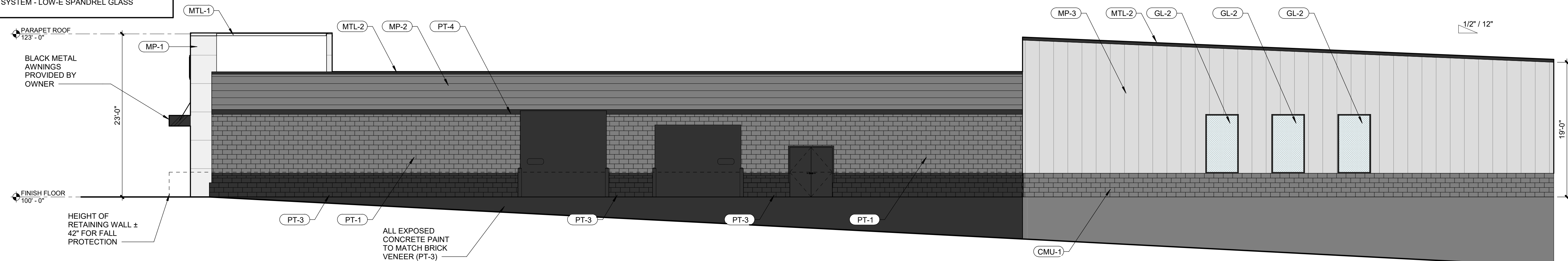
SHEET NUMBER

5

CMU-1	CMU BLOCK VENEER 2" x 8" x 16 PAINTED W/ PT-3
MP-1	RYNOBOND ALUMINUM COMPOSITE METAL PANEL COLOR: "SILVERSMITH"
MP-2	METAL PANEL HORIZONTAL ELEMENT COLOR TO MATCH PT-3
MP-3	INSULATED METAL PANEL WITH STUCCO-LIKE FINISH COLOR: LIGHT GRAY
MTL-1	METAL COPING COLOR TO MATCH MP-1
MTL-2	METAL COPING COLOR TO MATCH SW6258 TRICORN BLACK
PT-1	PRO INDUSTRIAL DTM ACRYLIC (SHEEN: SEMI-GLOSS) COLOR: SW0768 GRIZZLE GRAY
PT-2	SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: SATIN) COLOR: SW7068 GRIZZLE GRAY
PT-3	SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: SATIN) COLOR: SW6258 TRICORN BLACK
PT-4	SUPERPAINT EXTERIOR ACRYLIC LATEX (SHEEN: FLAT) COLOR: SW6258 TRICORN BLACK
GL-1	ALUMINUM STOREFRONT GLAZING SYSTEM - LOW-E GLAZING (SOLARBAN) COLOR: BLACK ANODIZED FRAMES
GL-2	ALUMINUM STOREFRONT GLAZING SYSTEM - LOW-E SPANDREL GLASS COLOR: BLACK ANODIZED FRAMES



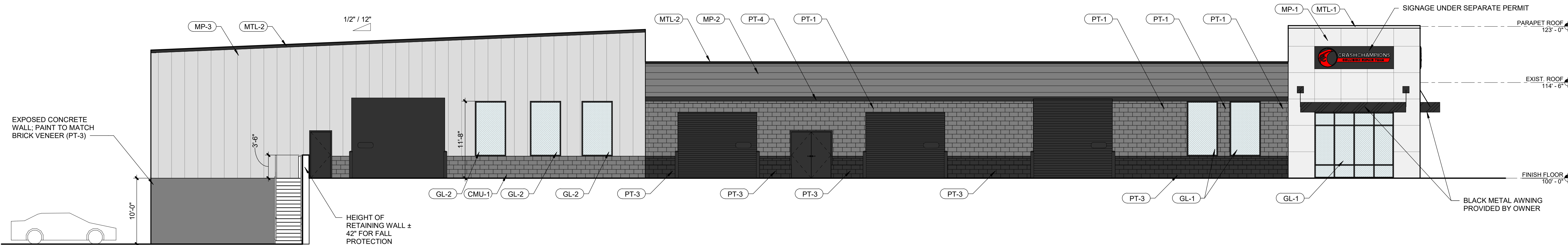
6	SCALE : 1/8" = 1'-0"
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6	SCALE : 1/8" = 1'-0"
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6	SCALE : 1/8" = 1'-0"
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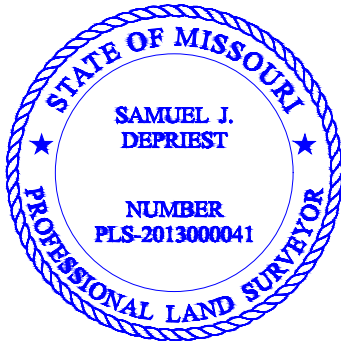


6	SCALE : 1/8" = 1'-0"
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6

UTILITY EASEMENT VACATION

All that part of a vacated alley in Martha's Vineyard, a subdivision in the City of Independence, Jackson County, Missouri (as recorded in Document No. I-76697 in Book I230 at page 1483), being more particularly described as follows: commencing at the southeast corner of Lot 24 thence North 88 degrees 15 minutes 42 seconds West with the south line of Lot 24 a distance 176.00 feet to the southeast corner of Lot 34, said point being on the west line of aforesaid alley; thence North 01 degrees 44 minutes 54 seconds East, with the east lines of Lots 31, 32, and 33, Martha's Vineyard and the west line of said vacated 16.00 foot alley, a distance of 180.00 feet to the southeast corner of Lot 34, said point also being the point of beginning; thence continuing North 01 degrees 44 minutes 54 seconds East, with the east line of Lot 34, a distance of 60.00 feet to the northeast corner of said Lot 34; thence South 88 degrees 15 minutes 42 seconds East, with the easterly prolongation of the north line of said Lot 34, a distance of 10.00 feet; thence South 01 degrees 44 minutes 54 seconds West, and no longer with the easterly prolongation of the north line of said Lot 34, a distance of 60.00 feet; thence North 88 degrees 15 minutes 42 seconds West, with the easterly prolongation of the south line of Lot 34, a distance of 10.00 feet to the point of beginning. The above described tract of land contains 600 square feet or 0.01 acres.



05/07/2024

City of Independence Municipal Services

Right-of-Way Division

111 E. Maple Ave., Independence, MO 64050

Date: 5/6/2024

Re: Proposed Easement/Street Vacation

I, Jackie Davis, as managing member of Wellington Real Estate LLC, the owner of the property located at 1550 S Noland Rd, Assessor's Parcel No.26-530-16-27-00-0-00-000 AND 26-530-16-10-00-0-00-000 located in the City of Independence, County of Jackson, State of Missouri. I have reviewed the attached Exhibit B that indicates the location of the proposed vacation of Easement. I agree with and support the request for the proposed Easement Vacation.

Signed

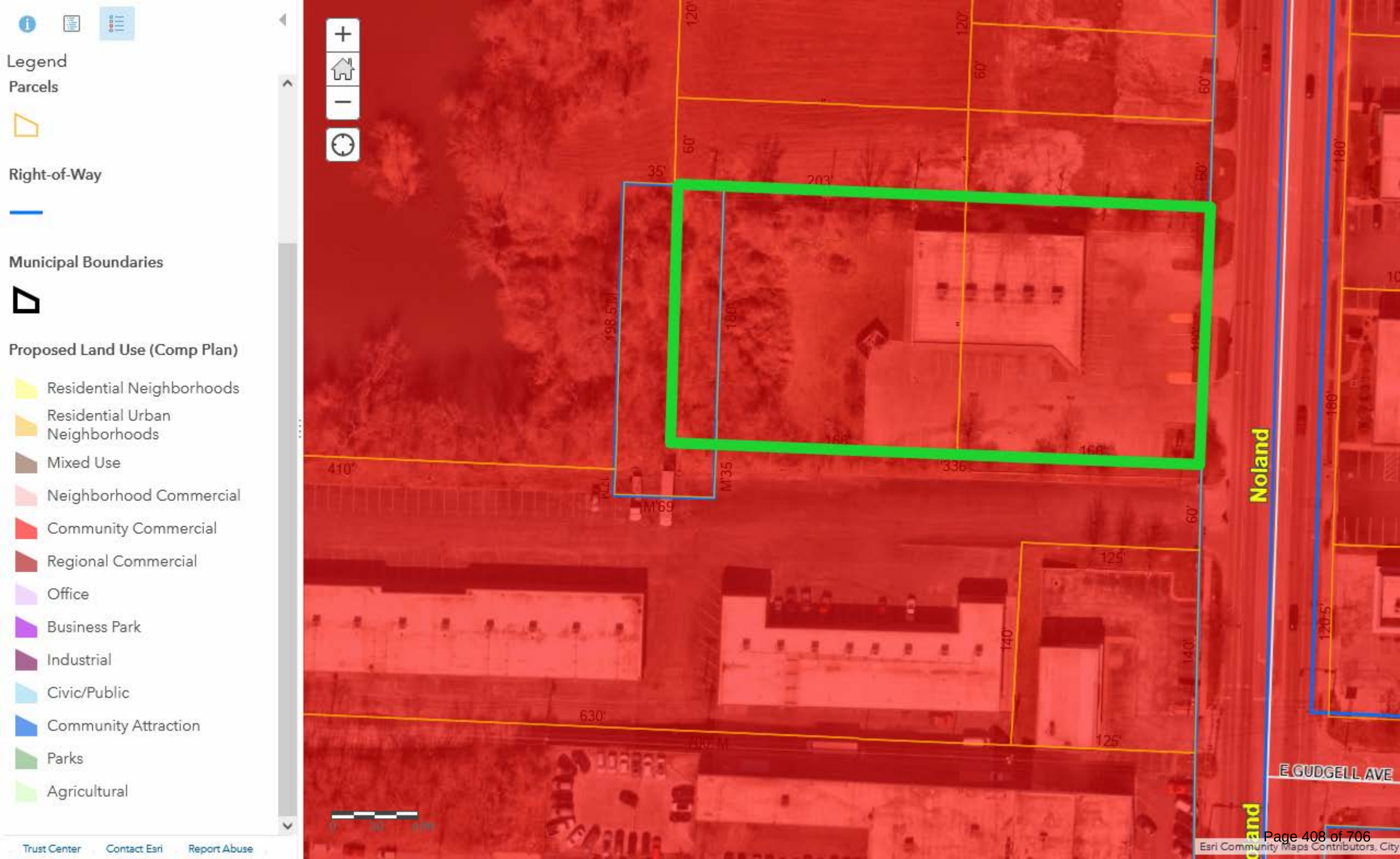
Jackie Davis

Wellington Real Estate LLC



Date

5-6-2024





Legend
Zoning District

- ARTS
- BP
- BP/PUD
- C-1
- C-2
- C-2/HL
- C-2/I-1/U
- C-2/PUD
- C-2/SUP
- C-3
- C-3/SUP
- DFD
- I-1
- I-1/HL
- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL





City Planning Commission Minutes

June 25, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – June 11, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

Commissioner Edward Nesbitt made a motion to dismiss the case. Commissioner Dan O'Neill seconded the motion. The motion for dismissal was approved Yes 7, No 0, Abstained 0.

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion failed Yes 0, No 7, Abstained 0.

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Staff Presentation

Rick Arroyo stated the City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities' definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

Staff Presentation

Mr. Arroyo stated in 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

A public hearing for the Special Use Permit application to operate a group home at 801 W. 23rd Street. ***New Information Only.***

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 04-23-24 Public Notice Submitted to Examiner

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Examiner** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(816) 254-8600**.

Notice ID: 7ZliogNA3eEpaKmFx8QP | **Proof Updated: Apr. 02, 2024 at 10:55am CDT**
Notice Name: PC 4/23/24

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Jodi Baker
jbaker@indepmo.org
(816) 325-7109

FILING FOR

Examiner

Columns Wide: 1 **Ad Class:** Legals

Total Column Inches: 6.38

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04/06/2024: Other 82.47

Subtotal	\$82.47
Tax	\$0.00
Processing Fee	\$0.00
Total	\$82.47

Notice of Public Hearing

Notice is hereby given that a public hearing will be held by the Independence City **Planning Commission** at 6 p.m., Tuesday, April 23, 2024, and by the Independence **City Council** at 6 p.m., Monday, June 3, 2024, in the Independence City Hall City Council Chambers (lower level, north entrance) 111 E. Maple Avenue, in Independence, Missouri on the following matter(s):

Case 24-200-04 – Special Use Permit – 801 W. 23rd Street –
A request by Unity Center of Independence to operate a group home.

The Planning Commission will conduct full public hearing on this application. The City Council will only hear new information that was not presented at the Planning Commission's public hearing if such facts were not reasonably available at the time of the Planning Commission hearing. Any new information proposed to be presented to the City Council must be submitted in writing to the Community Development Department and Law Department at least seven (7) days prior to the City Council meeting.

Witness my hand this 2nd day of April, 2024.

Tom Scannell, Community Development Director
The City of Independence, Missouri is an Equal Opportunity Employer/Contractor/MFD

Published in the Examiner, Apr 6, 2024

#####

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-076 **2R** An ordinance approving a Special Use Permit to operate a group home for transitional housing at 801 W. 23rd Street, in Independence, Missouri. ***Valid legal protest filed - five affirmative votes required to approve. 2R***

Recommendations:

Commissioner Wiley made a motion to recommend approval of case 24-200-04, an application for a Special Use Permit to allow a group home for transitional housing at 801 W.23rd Street S. with the following conditions:

1. The number of occupants of the group living facility shall not exceed the number of occupants permitted for the subject building by the Building Code or Fire Code, as applicable and HUD standards.
2. The transitional housing program shall not provide housing and accompanying supportive services for program participants for more than 24 months.
3. Provide standard handicapped and van-accessible handicapped parking spaces. Include signage and stripping per Code. Stripe 28-standard parking spaces, per Code, as well.
4. The applicant will obtain and maintain all applicable City and State License and comply with all health requirements.

A second to the motion was made by Commissioner Nesbit. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – Yes

Commissioner O’Neil – Yes

Commissioner Wiley – Yes

Commissioner Torres – Yes

The motion passed 7-0 and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

PROJECT DESCRIPTION: A request by Cheri Tharp to acquire a Special Use Permit to operate a Group Home (for Transitional Housing) at 801 W. 23rd Street S.

PROPOSAL: Utility Center of Independence will provide temporary housing and life skills programs for women who suffer from homelessness, or who have escaped harmful situations like substance use, physical abuse or other “life issues”. They intend to “rebuild shattered lives” via a “Program of Action” based in spiritual principles. “The program is meant to equip

and empower women who have experienced life struggles to make an effectual change in their lives, families and communities”. The 30 to 90-day program will focus on spiritual growth, mentoring, work ethic, life skills (i.e. household responsibilities, balancing a checkbook, cleaning your credit, writing resume) and physical well-being.

PHYSICAL CHARACTERISTICS OF THE PROPERTY: The use will occupy the northern section of the building. The second floor will have four rooms that will each sleep five to six people. This living area will contain these rooms plus; counselor/mentor rooms, four bathrooms, four showers, and a prayer room. The main floor will be dominated by a kitchen, a dining room, and a health clinic. The facility will house 20 to 30-women; five per room. There will be 24/7 on site security. Southeast of the building lies a large parking lot. Currently, licensed doctors and nurses operate a monthly mobile clinic at this location.

CHARACTERISTICS OF THE AREA: The property is primarily surrounded by commercial uses, a trade school, an elementary school, churches and single-family residences.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The proposed use is consistent with the *Independence for All*, Strategic Plan. One of the plan objectives is to “stabilize and revitalize neighborhoods.” This long-standing religious facility should assist in that objective.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive Plan envisions the future land use of this property and the surrounding area to be Residential Neighborhood Uses. The religious facility use and associated transitional housing helps to support that land use.

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

All utilities are present on the site and operational.

CIP Investments:

Currently there are no CIP investments along this section of W. 23rd Street S.

REVIEW CRITERIA:

Recommendations and decisions on special use permit applications must be based on consideration of all the following criteria:

- 1. Compatibility of the proposed use with the character of the neighborhood.***This portion of the W. 23rd Street S. corridor is lined with mostly commercial, institutional and religious uses.*
- 2. The extent to which the proposed use is compatible with the adjacent zoning and uses.***The proposed use will not be in the middle of a residential area. It should have minimal impact on the vicinity.*
- 3. The impact of the proposed use on public facilities.***All public facilities are in place here and this proposed use will not be a significant consumer of water, sanitary sewer, and electricity services.*
- 4. The suitability of the property for the permitted uses to which it has been restricted under the applicable zoning district regulations.***This Special Use Permit will allow an additional land use not already permitted by right in the C-2 (General Commercial) district.*
- 5. The extent to which the proposed use may injure or detrimentally affect the use of enjoyment of property in the area.***Based upon the site’s zoning and long use as a religious facility, it is not expected to affect any of these issues.*
- 6. The extent to which the proposed use will create excessive stormwater runoff, air**

pollution, noise pollution or other environmental harm. *As this is a developed site, there will not be any change in stormwater drainage. This use will not create any extensive noise, air, or environmental pollution.*

7. The extent to which there is a need for the use in the community.*The applicant's narrative describes the need there is for this use.*

8. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this article.*If approved with a Special Use Permit, the application appears to satisfy the requirements Section 14-404 of the Unified Development Ordinance.*

9. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.*This is an long existing religious facility, all public facilities in place and operational.*

10. Conformance of the proposed use to the comprehensive plan and other adopted plans and policies.*The City's updated Comprehensive Plan envisions Residential Neighborhood Uses for this site.*

11. The extent to which the use will impact sustainability or revitalization of a given area. *This Special Use Permit will bring a needed use to an underutilized structure.*

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-200-04
2. Staff Report 24-200-04
3. Cover Letter Unity Center of Independence SUP Letter
4. Application

5. Revised Notification
6. Revised Address List
7. Notice Area Map
8. Revised Affidavit
9. Front Image
10. Floor Plan One
11. Floor Plan Two
12. Comp Plan Map
13. Zoning Map
14. Planning Commission Meeting Minutes 6-25-24
15. Legal Protest Petition
16. Protest Petition Map

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A GROUP HOME FOR TRANSITIONAL HOUSING AT 801 W. 23RD STREET, IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by the City of Independence, requesting approval of a Special Use Permit to allow for the operation of a group home for transitional housing at 801 W. 23rd Street, was referred to the Planning Commission; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a Special Use Permit by the City following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on June 25, 2024 and rendered a report to the City Council recommending the Special Use Permit be approved by a vote of 7-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request was consistent with the review criteria in Section 14-704-09.

WHEREAS, a legal protest was signed, acknowledged, and presented for the application; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the Special Use Permit of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. The following described tract of real estate is hereby declared subject to the Special Use Permit approved by this ordinance. The site is legally described as follows:

SEC-10 TWP-49 RNG-32; TH PT NE 1/4 SE 1/4 DAF: BEG AT A PT ON S ROW LI 23RD ST; SD PT 704.56' W AND 45.22' S OF NE COR SD 1/4 1/4 TH S; 265' TH N 87 DE W 171.34' TH N 265' TO SD S ROW LI; TH S 87 DEG E 171.35' TO POB (KNOWN AS ALTON TRACT ON; CERT SUR T-6 PG-93)

SECTION 2. That the Special Use Permit is hereby approved with the conditions listed below.

1. The number of occupants of the group living facility shall not exceed the number of occupants permitted for the subject building by the Building Code or Fire Code, as applicable and HUD standards.
2. The transitional housing program shall not provide housing and accompanying supportive services for program participants for more than 24 months.
3. Provide standard handicapped and van-accessible handicapped parking spaces. Include signage and stripping per Code. Stripe 28-standard parking spaces, per Code, as well.
4. The applicant will obtain and maintain all applicable City and State License and comply with all health requirements.

SECTION 3. Any other uses on the property described by Section 1 of this Ordinance shall be governed by the base zoning district and other applicable regulations of the Unified Development Ordinance.

SECTION 4. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 6. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: June 25, 2024

STAFF: Brian Harker, Senior Planner

PROJECT NAME: Unity Center of Independence

CASE NUMBER/REQUEST: Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street – A request by Unity Center of Independence to operate a group home for transitional housing

APPLICANT/OWNER: Cheri Tharp

PROPERTY ADDRESS: 801 W. 23rd Street S.

PROPERTY ZONING: C-2 (General Commercial)

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial)...wireless store
East: R-6 (Single-Family Residential)...single-family homes
South: R-6 (Single-Family Residential)...school
West: C-2 (General Commercial)...salon academy

PUBLIC NOTICE

- Letters to property owners within 185 feet – May 13, 2024
- Public Notice published in the Independence Examiner – April 6, 2024
- Sign posted on property – April 5, 2024

FURTHER ACTION:

Following action by the Planning Commission, this Special Use Permit request is scheduled for first reading by the City Council on August 5, 2024, and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this Special Use Permit request with the following conditions:

1. The number of occupants of the group living facility shall not exceed the number of occupants permitted for the subject building by the Building Code or Fire Code, as applicable and HUD standards.
2. The transitional housing program shall not provide housing and accompanying supportive services for program participants for more than 24 months.
3. Provide standard handicapped and van-accessible handicapped parking spaces. Include signage and stripping per Code. Stripe 28-standard parking spaces, per Code, as well.
4. The applicant will obtain and maintain all applicable City and State License and comply with all health requirements.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Cheri Tharp to acquire a Special Use Permit to operate a Group Home (for Transitional Housing) at 801 W. 23rd Street S.

Current Zoning: C-2 (General Commercial)

Current Use: Vacant Commercial Space

Proposed Use: Group Home

Acreage: 1.08-acres

Building Square Footage: 10,422-square footage

PROPOSAL:

Unity Center of Independence will provide temporary housing and life skills programs for women who suffer from homelessness, or who have escaped harmful situations like substance use, physical abuse or other “life issues”. They intend to “rebuild shattered lives” via a “Program of Action” based in spiritual principles. “The program is meant to equip and empower women who have experienced life struggles to make an effectual change in their lives, families and communities”. The 30 to 90-day program will focus on spiritual growth, mentoring, work ethic, life skills (i.e. household responsibilities, balancing a checkbook, cleaning your credit, writing resume) and physical well-being.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The use will occupy the northern section of the building. The second floor will have four rooms that will each sleep five to six people. This living area will contain these rooms plus; counselor/mentor rooms, four bathrooms, four showers, and a prayer room. The main floor will be dominated by a kitchen, a dining room, and a health clinic. The facility will house 20 to 30-women; five per room. There will be 24/7 on site security. Southeast of the building lies a large parking lot. Currently, licensed doctors and nurses operate a monthly mobile clinic at this location.

CHARACTERISTICS OF THE AREA:

The property is primarily surrounded by commercial uses, a trade school, an elementary school, churches and single-family residences.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The proposed use is consistent with the *Independence for All*, Strategic Plan. One of the plan objectives is to “stabilize and revitalize neighborhoods.” This long-standing religious facility should assist in that objective.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive Plan envisions the future land use of this property and the surrounding area to be Residential Neighborhood Uses. The religious facility use and associated transitional housing helps to support that land use.

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

All utilities are present on the site and operational.

CIP Investments:

Currently there are no CIP investments along this section of W. 23rd Street S.

REVIEW CRITERIA

Recommendations and decisions on Special Use Permit applications must be based on consideration of all the following criteria:

- 1. Compatibility of the proposed use with the character of the neighborhood.**
This portion of the W. 23rd Street S. corridor is lined with mostly commercial, institutional and religious uses.
- 2. The extent to which the proposed use is compatible with the adjacent zoning and uses.**
The proposed use will not be in the middle of a residential area. It should have minimal impact on the vicinity.
- 3. The impact of the proposed use on public facilities.**
All public facilities are in place here and this proposed use will not be a significant consumer of water, sanitary sewer, and electricity services.
- 4. The suitability of the property for the permitted uses to which it has been restricted under the applicable zoning district regulations.**
This Special Use Permit will allow an additional land use not already permitted by right in the C-2 (General Commercial) district.
- 5. The extent to which the proposed use may injure or detrimentally affect the use of enjoyment of property in the area.**
Based upon the site's zoning and long use as a religious facility, it is not expected to affect any of these issues.
- 6. The extent to which the proposed use will create excessive stormwater runoff, air pollution, noise pollution or other environmental harm.**
As this is a developed site, there will not be any change in stormwater drainage. This use will not create any extensive noise, air, or environmental pollution.
- 7. The extent to which there is a need for the use in the community.**
The applicant's narrative describes the need there is for this use.
- 8. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this article.**
If approved with a Special Use Permit, the application appears to satisfy the requirements Section 14-404 of the Unified Development Ordinance.
- 9. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.**

This is an long existing religious facility, all public facilities in place and operational.

10. Conformance of the proposed use to the comprehensive plan and other adopted plans and polices.

The City's updated Comprehensive Plan envisions Residential Neighborhood Uses for this site.

11. The extent to which the use will impact sustainability or revitalization of a given area.

This Special Use Permit will bring a needed use to an underutilized structure.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Mailing List
5. Affidavit
6. Notification Area Map
7. Photo of Location
8. Floor Plan
9. Comp Plan Map
10. Zoning Map

Unity Center of Independence

"Come just as you are... let the miracle begin!"

30-90 day program for women who need temporary housing, focusing on spiritual growth, recovery from substance use disorders, work ethic, life skills and physical well-being. The women will be adults who may have become homeless, in displaced housing or escaping from a harmful situation.

We will have 2 live in Counselor and mentors. 24/7 on site security. We have 4 shower, 4 bathrooms, onsite kitchen, and laundry facility. We plan on housing 20-30 women with 5 in each room.

They will be required to participate in daily group sessions, attend bible study and church. They will be assigned a mentor to help them through the process. We will have rules and a program that will have to be followed. Each lady will have to sign a contract in order to participate. They will be subject to random drug testing as we have a no tolerance policy.

No men will be allowed in the lady's area on the top floor for them to feel more comfortable. We have licensed doctors and nurses who operate a mobile clinic called Care Beyond the Boulevard for men and women monthly at our current location.

We will also be able to provide clothing if needed to the ladies as well.

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☒ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

801 W 23rd Street South, Independence MO 64055

Project Name

Unity Center Of Independence

Project Address/Location

801 W 23rd Street South 1.08

Sq. Ft. of Building

Acreage

Number of Lots/Tracts

Stream Buffer (Yes or No)

Existing Zoning

Proposed Zoning

Existing Land Use

Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

- ☒ Completed & Signed Application Form
- ☒ Application Fee
- ☒ Cover Letter Describing Details of Project

- ☒ One 24" x 36" set of plans for Land Sub. & Site Dev.
- ☒ One PDF copy of a plat map or site plan
- ☒ Legal Description of the property in question

Contact Information

Applicant

Cheri Tharp Unity Center of Independence

Name

Company

801 W 23rd Street South, Independence MO 64055

Address

816-695-0488

mobilehomies111@aol.com

Phone

Email

Architect/Engineer/Surveyor/Other:

Owner

Cheri Tharp

Name

Company

Address

Phone

Email

Architect/Engineer/Surveyor/Other:

Name

Company

Address

Phone

Email

Name

Company

Address

Phone

Email

The applicant hereby agrees that the information provided above is accurate.

Cheri Tharp

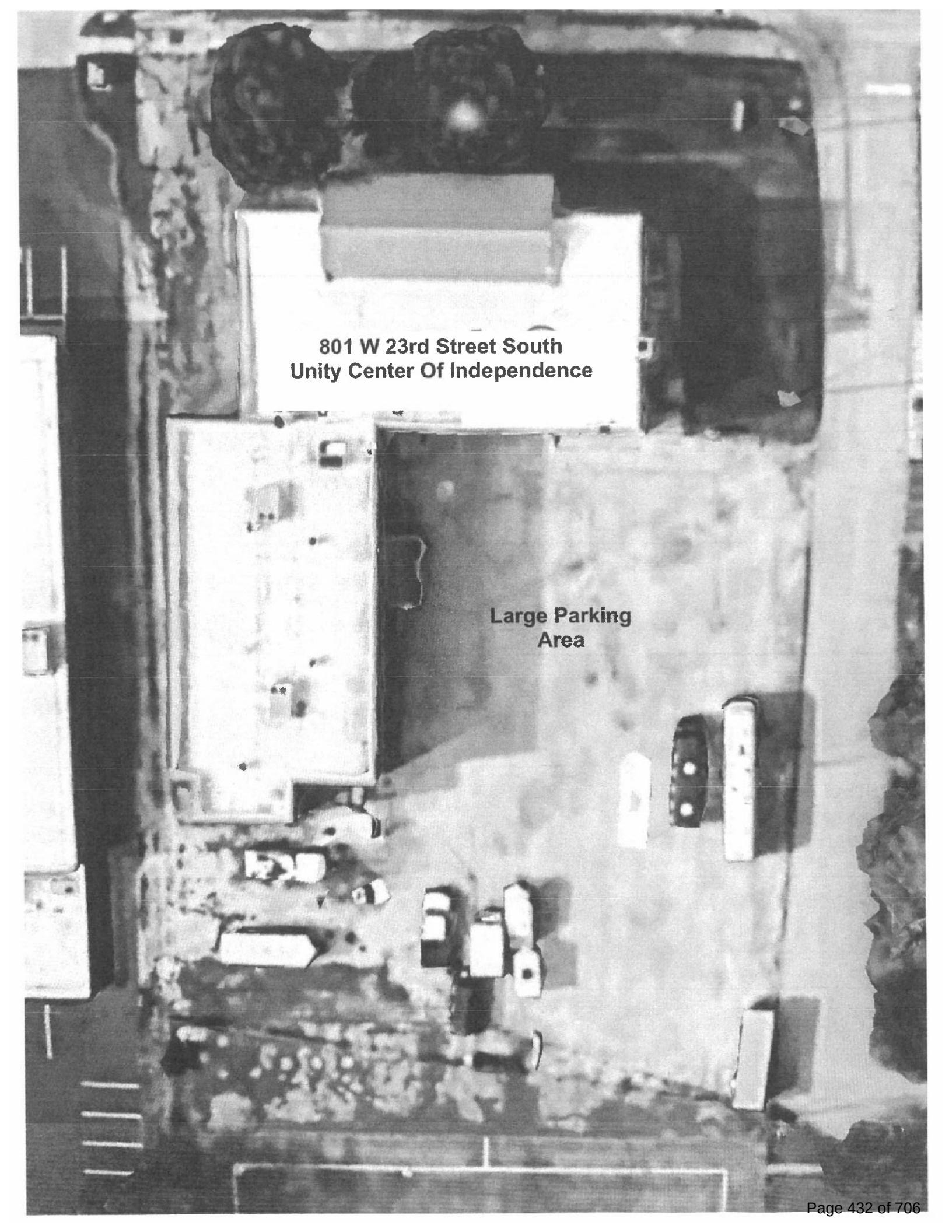
Applicant's Signature

Date

Cheri Tharp

Owner's Signature

Date

An aerial photograph showing a large, light-colored rectangular building with a flat roof. To the right of the building is a large, paved parking area. Several vehicles, including cars and trucks, are parked in the lot. The surrounding area includes some trees and other buildings. The image is in black and white.

**801 W 23rd Street South
Unity Center Of Independence**

**Large Parking
Area**

Appendix B - Property Owner Notification Letter City of Independence, Missouri

Date: May 13, 2024

Case No. 24-200-04

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

- ☐ Rezoning ☐ Rezoning/PUD ☒ Special Use Permit
☐ Preliminary Development Plan

Proposed project description: Transitional Housing : To provide temporary housing for women in the independence area who are experiencing homelessness or are at risk for being homeless. With the goal of interim stability and support to successfully move and maintain permanent housing.

Applicant: Unity Center of Independence

Location of Property: 803 W 23rd Street S., Independence MO 640544

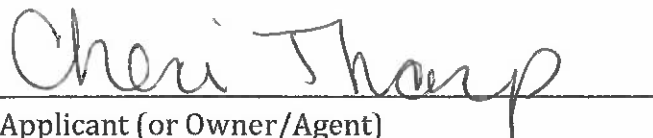
Planning Commission Meeting Date: June 25, 2024, at 6:00 p.m.

City Council Meeting Date: August 19, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.


Applicant (or Owner/Agent)

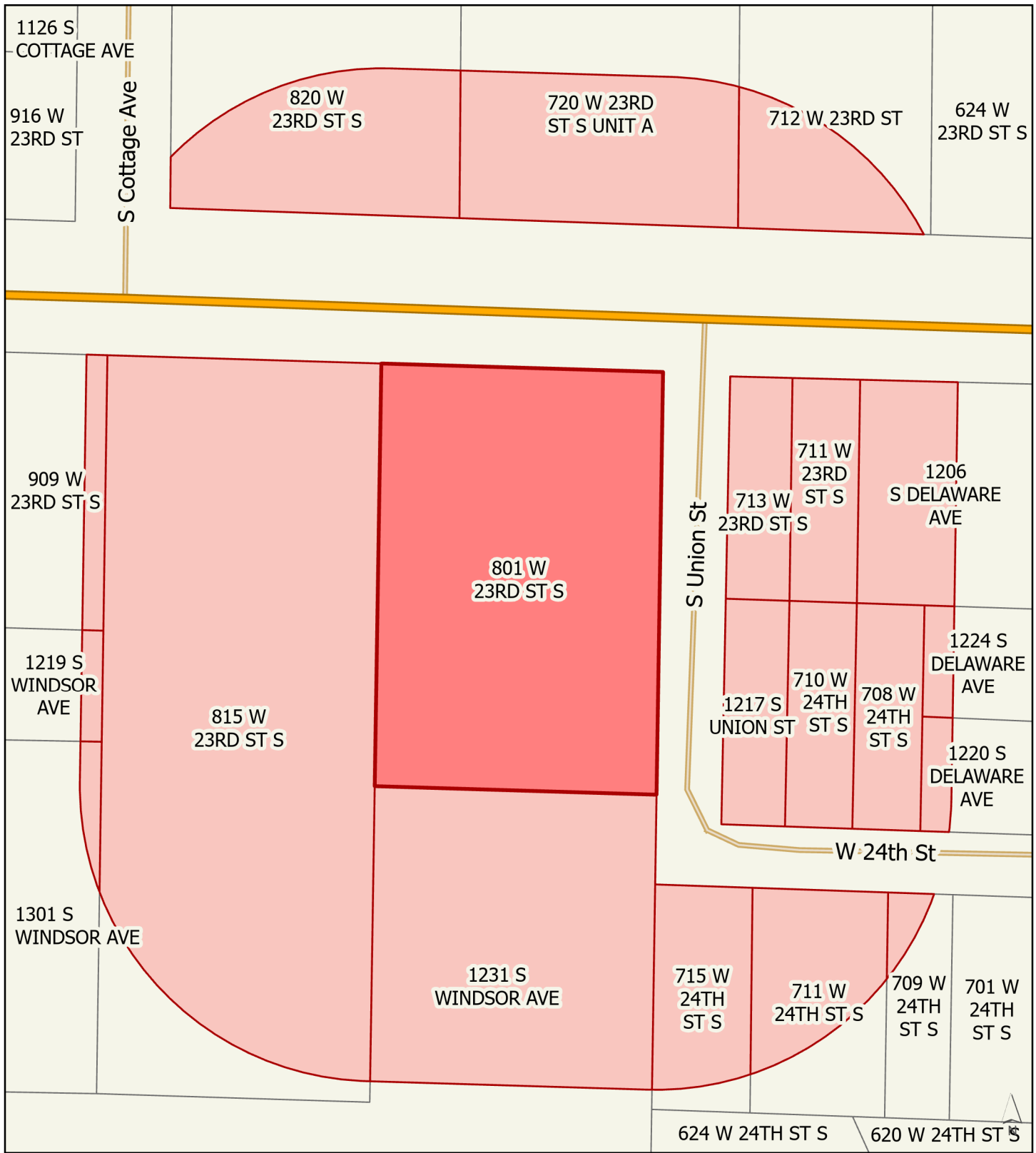
For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
ARF 6 LLC	PO BOX 1127	REDONDO BEACH	CA	90278
BALLMER TERRY	711 W 23RD ST S	INDEPENDENCE	MO	64055
BARTLETT HAROLD	1739 E MECHANIC	INDEPENDENCE	MO	64050
CROCKETT BARBARA R	713 W 23RD ST	INDEPENDENCE	MO	64055
DUTZEL REAL ESTATE LLC	212 SE BATTERY DR	LEES SUMMIT	MO	64063
FINK PETER J & CAROLYN I	1801 S 54TH ST	OMAHA	NE	68106
GILKISON KEVIN	PO BOX 175	BUCKNER	MO	64016
GOD'S LOVE MINISTRIES	803 W 23RD ST	INDEPENDENCE	MO	64055
HOLMAN PHILIP L & ROBIN L	720 W 23RD ST	INDEPENDENCE	MO	64055-1104
INDEPENDENCE SCHOOL DISTRICT	201 N FOREST AVE	INDEPENDENCE	MO	64050
JCKC PROPERTIES LLC	815 W 23RD ST	INDEPENDENCE	MO	64055
LOPES ALEXANDER KAHALELAUNIU III	1220 S DELAWARE AVE	INDEPENDENCE	MO	64055
MCVEY SHARON J	709 W 24TH ST S	INDEPENDENCE	MO	64055
NEMETH WILLIAM R	13000 E 41ST ST S	INDEPENDENCE	MO	64055
RODRIGUEZ VIRGINIA M	711 W 24TH ST	INDEPENDENCE	MO	64055
TAHIR MAJID ALI	10344 BENNET DR	MCKINNEY	TX	75072
TOLEN RONALD COOPER & ANA J	13675 MAPLE DR	TYLER	TX	75709
USC ENTERPRISE LLC	915 W 23RD ST	INDEPENDENCE	MO	64055
WICKMAN WESTONE	1217 S UNION ST	INDEPENDENCE	MO	64055

Notification Area

24-200-04

801 W 23rd Street, Independence, MO 64055



-  Subject Property
-  185 ft Buffer Area

0 25 50 100 Feet

Prepared by Joshua Garrett, Community Development
Date: 4/12/2024

Appendix C - Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-200-04

I, Cheri Tharp, of lawful age being first duly sworn upon oath, state:

That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

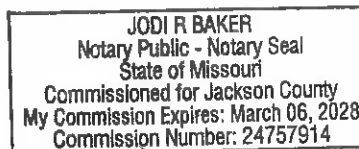
These notices were mailed on the 13 day of May, 2024.

Cheri Tharp

Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 13th day of May, 2024 JB

Jodi R. Baker
Notary Public



March 6, 2028
Commission Expiration Date

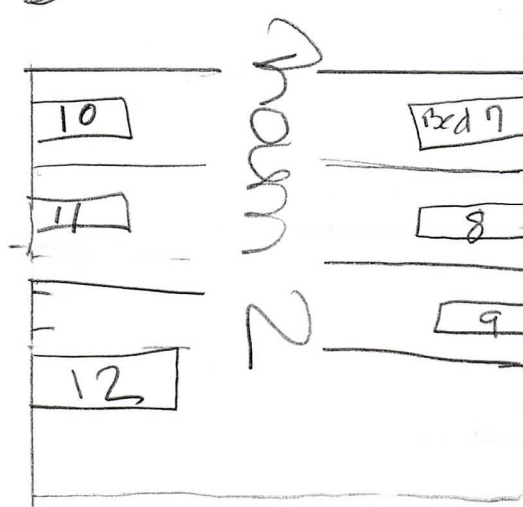
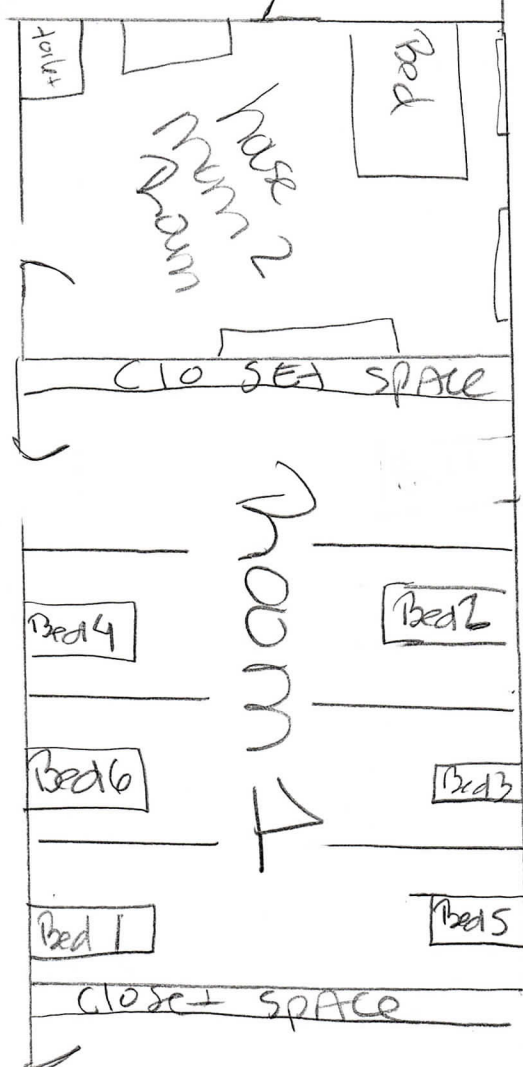
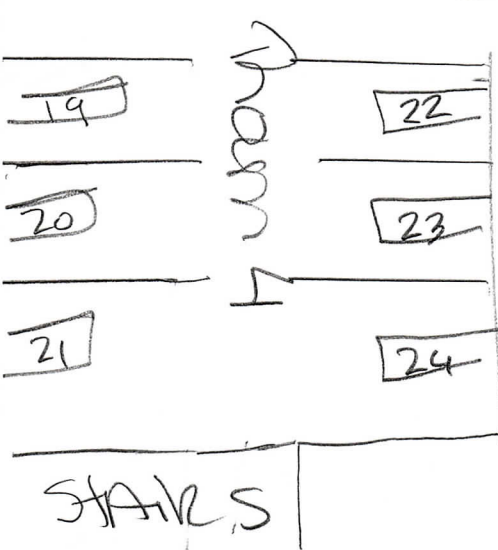
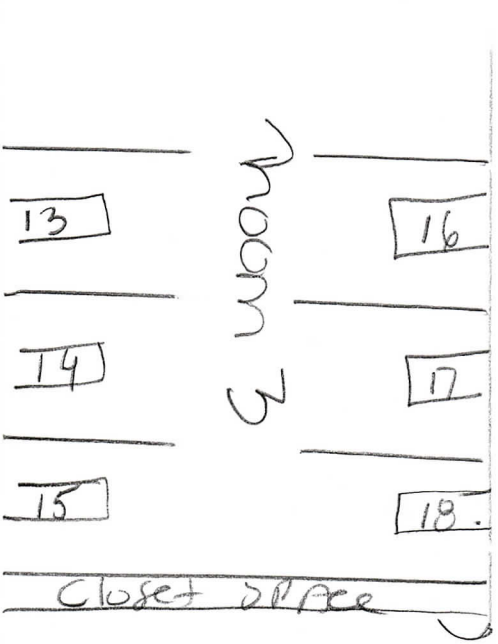
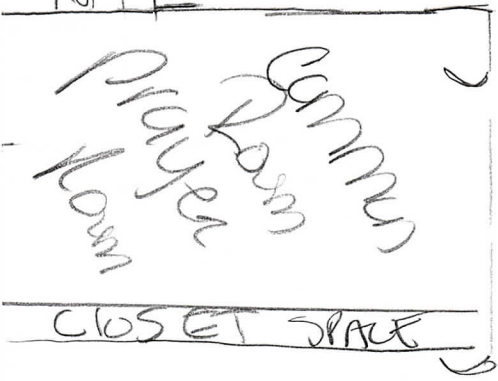


JESU
The Home Above



Summit Solar ACADEMY

UPSTAIRS
Living



← half wall

← half wall

Counseling offices

Security

Front entrance

Stair

Clinic

Health care

Kitchen

Dining Hall

Main Level

4 stall

Women's

Bathroom

4 stall

Men's

Bathroom

Stair

Clinic
Health care

Stair

Legend

Major Roads

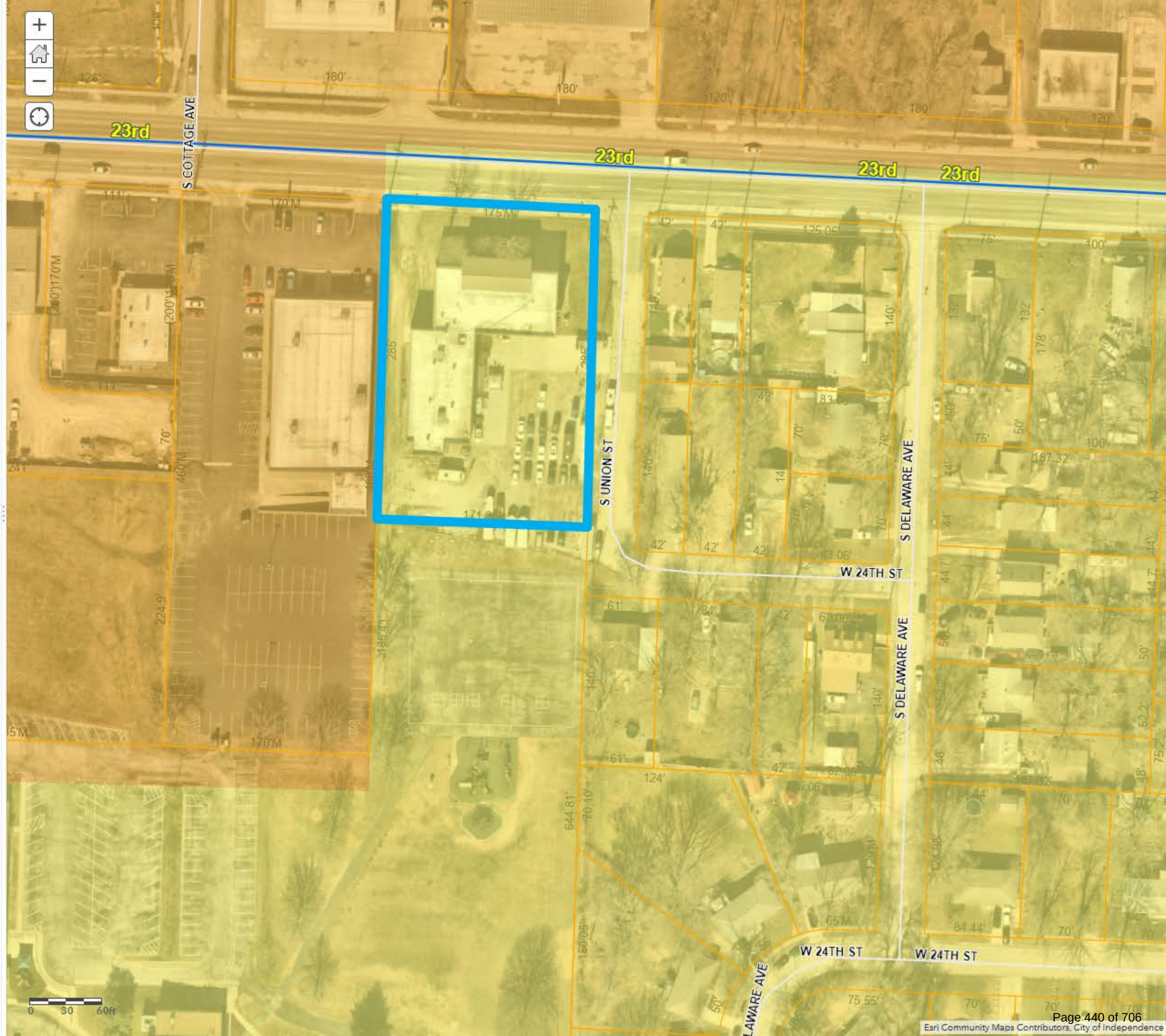
Road Centerline

Parcels

Municipal Boundaries

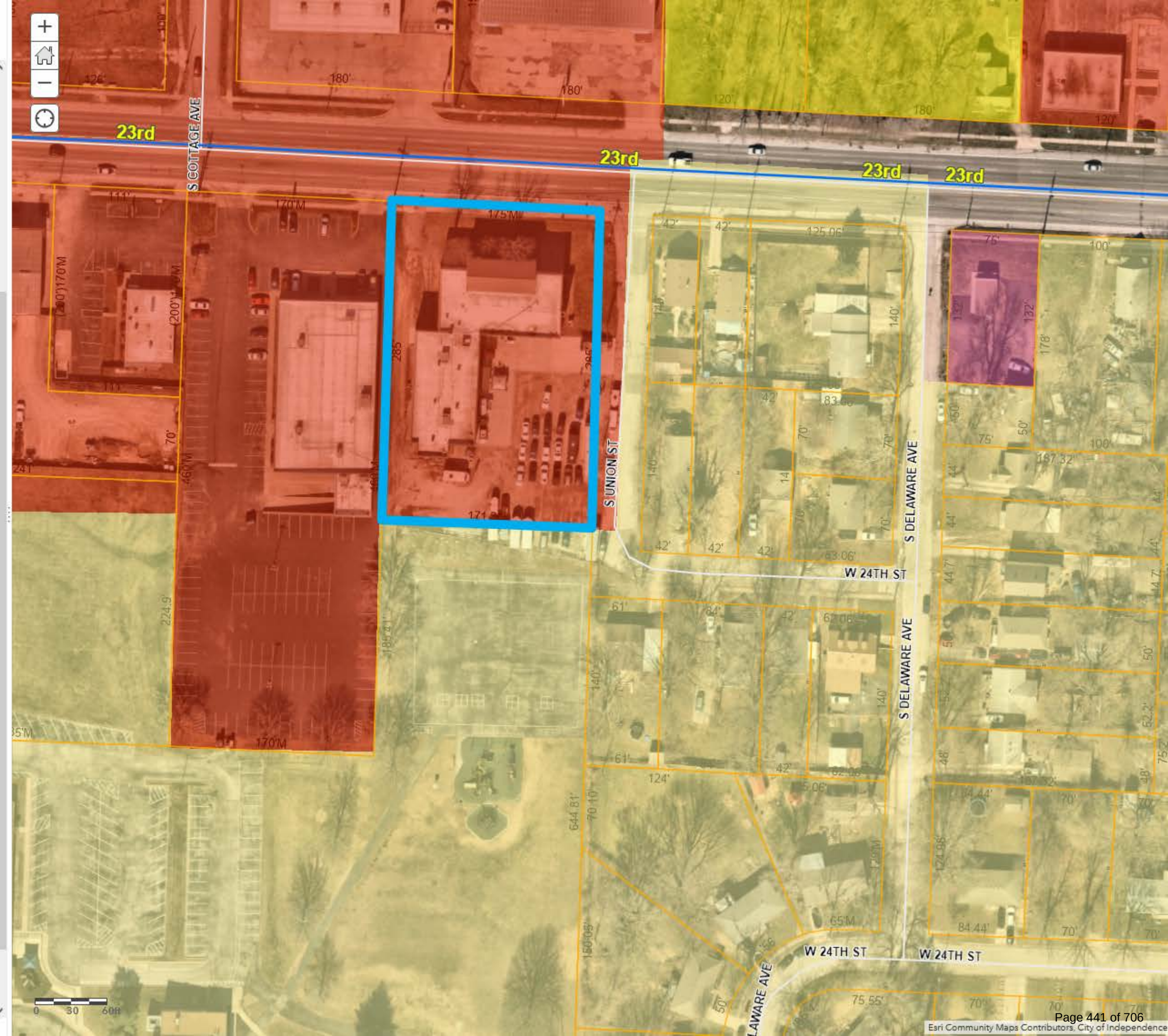
Proposed Land Use (Comp Plan)

- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural



Legend
Zoning District

- ARTS
- BP
- BP/PUD
- C-1
- C-2
- C-2/HL
- C-2/I-1/U
- C-2/PUD
- C-2/SUP
- C-3
- C-3/SUP
- DFD
- I-1
- I-1/HL
- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2
- R-2/PUD
- R-30/PUD
- R-4
- R-4/PUD
- R-6
- R-6/HL
- R-6/I-1/U
- R-6/PUD
- R-A





City Planning Commission Minutes

June 25, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 6/25/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

1. Planning Commission Minutes – June 11, 2024

Motion

Commissioner Edward Nesbitt made a motion to approve the Consent Agenda. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

PUBLIC HEARINGS

Commissioner Edward Nesbitt made a motion to move UDO Amendment Cases 24-175-03 & 24-175-04 to the end of the docket. Commissioner Virginia Ferguson seconded the motion. The motion to move the UDO cases to the end of the meeting was approved Yes 7, No 0, Abstained 0.

2. **Continued Case 24-400-12 – Short Term Rental – 8841 E. 16th St S** – A request by Curzon Properties for a Short-Term Rental.

Josh Garrett advised the Commission that this case was withdrawn before the meeting.

Commissioner Edward Nesbitt made a motion to dismiss the case. Commissioner Dan O'Neill seconded the motion. The motion for dismissal was approved Yes 7, No 0, Abstained 0.

1. **Continued Case 24-100-05 – Rezoning – 1301 S. Noland Road** – A request by Carolyn Richards to rezone the property from C-2 (General Commercial) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Carolyn Richardson, 1301 S. Noland Road, stated she is requesting a rezoning to a mixed zoning of residential and commercial. Ms. Richardson explained what she has been through and her safety concerns.

In response to Chairperson McClain's question, Ms. Richardson stated she is ok with changing to residential and would like to put up additional fencing.

In response to Commissioner Nesbitt's question, Mr. Garrett explained that if rezoned to residential, code would allow for a three-foot fence in the front yard. Mr. Harker stated in response to Commissioner Ashbaugh's question, the fence would have to be 50% see through and cannot be opaque. The applicant was in agreement with meeting these requirements.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 1, Abstained 0.

2. **Continued Case 24-200-04 – Special Use Permit – 801 W. 23rd Street** – A request by Unity Center of Independence to operate a group home for transitional housing.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Billy Tharp, 803 W 23rd Street, described their community relationships and what their

organization is wanting to accomplish for community members that need additional support. Their hope is to provide a short-term transitional facility for those in need. Barbie Miller, 3910 S. Chrysler Ave, stated the benefits of the program and how she feels it could benefit the community.

Mr. Tharp returned to the podium to speak and provide additional information. The microphone went out and sound was inaudible.

The meeting can be viewed in its entirety on
YouTube: <https://www.youtube.com/watch?v=TKYsfKer33M>

Public Comments

Inaudible, 1:12:31, <https://youtu.be/TKYsfKer33M?t=4351>

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

3. **Case 24-125-06 – Rezoning/PUD – 1550 S. Noland Road** – A request by Cable Dahmer to rezone the property from C-2 (General Commercial) to C-2/PUD (General Commercial/Planned Unit Development) and approving a preliminary development plan.

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker reviewed the conditions of approval.

Applicant Comments

Robert Merritt, Inaudible, Time 1:33:36, Inaudible, <https://youtu.be/TKYsfKer33M?t=5616>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

6. **Case 24-100-11 – Rezoning – 19307 E. Holke Road** – A request by Mel Olsen to rezone the property from R-1 (Single Family Residential Estate) to R-6 (Single Family Residential).

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Inaudible, 1:49:51, <https://youtu.be/TKYsfKer33M?t=6591>

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

OTHER BUSINESS

1. **Continued Case 24-400-09 – Short Term Rental – 2118 N. McBride Ave** – A request by Manifest BNB for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett stated they are currently operating as a Short-Term Rental and were notified that they needed to get a business license and have not ceased operations.

Applicant Comments

Not present

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion failed Yes 0, No 7, Abstained 0.

3. **Case 24-400-14 – Short-Term Rental – 105 N. Hawthorne Avenue** – A request by Donald Nelson for a Short-Term Rental.

Staff Presentation

Joshua Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map

indicating the project area and explained the surrounding land uses. Mr. Garrett reviewed the conditions of approval.

In response to Commissioner Wiley's question, Mr. Garrett clarified the parking.

In response to Commissioner O'Neill's question, Mr. Garrett explained the owner, Don Nelson, resides in Colorado and coordinates the bookings. His tenant located in unit 107 is listed as the responsible agent and will respond to issues.

Applicant Comments

Don Nelson, 2:14:59, Inaudible, <https://youtu.be/TKYsfKer33M?t=8099>

Public Comments

Speaking against case, Inaudible, <https://youtu.be/TKYsfKer33M?t=8328>

No sound from 2:20:01 through 2:27:28

Commissioner Comments

In response to Commissioner Wiley's comment, the applicant addressed the concerns made by the first citizen. Inaudible, <https://youtu.be/TKYsfKer33M?t=8900>

In response to Commissioner Nesbitt's question, the applicant agreed to continue the case.

In response to Commissioner Ashbaugh's questions, the applicant went over rates and noise monitoring.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to the July 9, 2024 meeting. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

4. **Case 24-175-03 – UDO Amendment #66 – Police Facilities** – The City proposes Amendment #66 of the Unified Development Ordinance pertaining to police facilities.

Staff Presentation

Rick Arroyo stated the City proposes to clarify the government buildings/facility definition as well as the detention and correctional facilities' definition. First, police buildings, detention and facilities are added to the government building/facility definition. Secondly, the detention and correctional facilities exempts any City facility from those restrictions.

In response to Commissioner Wiley's question, Mr. Arroyo confirmed that the proposed changes will clean up and make the ordinance clearer as well as provide more options for relocation of the Police Station.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

5. **Case 24-175-04 – UDO Amendment #67 – Home Based Business** – The City proposes Amendment #67 of the Unified Development Ordinance pertaining to home based businesses.

Staff Presentation

Mr. Arroyo stated in 2022, the Missouri General Assembly has passed, House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's cities to regulate and control home-based occupations. Under the provisions of HB 1662, the cities are prohibited from:

1. Restricting the hours of operation for any home-based work; or
2. Prohibiting or requiring any structural modifications to the home or accessory structure; or
3. Prohibiting service by appointment within the home or accessory structure; or
4. Prohibiting any particular occupation from being home-based work; or
5. Prohibiting mail order or telephone sales for home-based work; or
6. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building;

In addition, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business," cities are further prohibited from:

1. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
2. Requiring that the business activities occur only within the residence, although the City may prohibit activities that can be viewed from the street; or
3. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license;

This proposed amendment repeals the existing home-based business regulations and replaces them with regulations in compliance with State Statute.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated, the City will still be regulating items that are in City Code. However, if their business had no impact, they would not be required to get a business license unless it became an issue. There is also language that if someone wants to add an accessory building or expansion to their home, the statute allows language that it would need to go before the Planning Commission to get approval.

In response to Commissioner Wiley's question, Mr. Arroyo stated, on the surface, if the business is creating loud issues at night, then that business would no longer fall under the no impact

category.

Commissioner Torress commented on the benefits this will have for the citizens in the community.

In response to Commissioner Ashbaugh's comment, Mr. Arroyo mentioned they are actively looking at getting the Community Development page on the website updated and guiding the community to better understand the codes.

Public Comments

No public comments.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 7, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 9, 2024

Commissioners and City Staff discussed when a case would be re-advertised and maximum occupancy for Short-Term Rental applicants.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

We the undersigned, being property owners within 185 feet of subject property described as 803 W 23rd St S Indep MO 640544 hereby protest the application of Transitional Housing, City Case number 24-200-04 asking the Independence City Council deny the requested rezoning from District _____ to District Special Use Permit

Name Property Address Date of Signing

1. Jason York 815 W 23rd St S 7-1-24
Print Name
[Signature]
Signature
Independence MO 64055
2. _____
Print Name

Signature
3. _____
Print Name

Signature

CONTACT PERSON: Jason York PHONE: 816-416-6364

On this 2nd day of July, 20 24, before me, the undersigned, a Notary Public, personally appeared Jason York to me known to be the person(s) described in and who executed the foregoing instrument and acknowledge that they executed the same as their free act and deed.

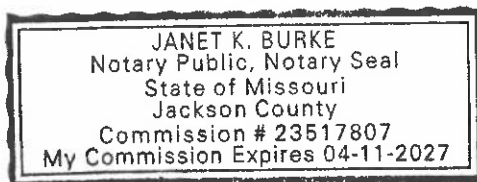
In testimony whereof, I have hereunto set my hand and affixed the official seal of my office the day and year first above written.

[Signature]
Notary Public
Janet K. Burke

My Commission Expires

4/11/2027

Updated 4/13



Legal Protest Petition Information for Special Use Permits

The Missouri Statutes and the Independence City Code provide for the filing of a protest petition against Special Use Permit applications. After an application has been filed for a particular property, notices are sent by the applicant to the owners of real property located within 185 feet of the boundaries of the tract for which the application is filed. The notices give some brief information about the request and invite the owners of the surrounding property to attend the public hearing before the Planning Commission. A notice of these hearings is also published in the local newspaper, posted in City Hall, and on the City website. At these public hearings, people in favor of, against, or wishing more information about an application, can address the Planning Commission. Generally, the Planning Commission holds its regularly scheduled meetings at 6:00 P.M. on the second and fourth Tuesdays of each month, and the City Council's regular meetings are at 6:00 P.M. on the first and third Mondays. Regular meetings for the Planning Commission and City Council are held in the Council Chambers on the first floor of City Hall, 111 E. Maple Avenue.

Opponents to such requested Special Use Permit may submit a protest petition signed by the owners of the property within 185 feet of the boundaries of the subject property which an application has been made. This petition, if determined valid, will require the affirmative vote of at least five members of the City Council rather than a simple majority approval. Only those signatures of the property owners of the land within 185 feet of the boundaries of the property however, qualify as valid per Section 14-700-13 of the Independence City Code. This section of the City Code is as follows:

14-700-13 PROTESTS

In the event a protest petition against any application for a rezoning, including a PUD, is presented to the City Clerk at least 48 hours prior to the final decision of the City Council that bears the notarized signatures of the owners of 30 percent or more, either of the areas of the land exclusive of streets and alleys included in such proposed change or within an area determined by lines drawn parallel with and 185 feet distant from the boundaries of the district proposed to be changed, such amendment will not become effective except by the favorable vote of two-thirds of all of the members of the City Council.

In the above section:

1. "Owners" refers to the owners of the land not the owners of a business or personal property on the land, nor renters of the land. Owners' names are derived from the Jackson County property tax records.
2. The term "... favorable vote of two-thirds of all members of the City Council." means an affirmative vote of at least five members of the Council, regardless of the number of Councilmembers present at the meeting when the final vote is taken.
3. For the specification of "...thirty percent (30%) or more... within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed..." means:
 - a) In most cases this excludes the area contained in the parcel of land for which the request is made, but rather only the area included in the 185-foot strip of land surrounding the parcel.
 - b) The area of streets, highways, alleys and other right-of-ways are excluded when calculating

the total area of the 185-foot strip of land surrounding the parcel.

c) The specification requires signatures of the owners of at least thirty percent (30%) or more of the land area, not thirty percent (30%) or more of the land owners.

d) If the 185-foot strip splits a property, only that part of the property which is located within the 185-foot line is considered in the area calculations.

An example of a protest petition is attached and may be used as necessary. If a petition is created by the protesting body, the petition must clearly refer to the specific application for which the request is made, including the legal description or address. Each signature of any submitted petition must be notarized. Petition circulators are advised to submit the completed and notarized petition to the City staff for review at least four (4) days before the date of the City Council hearing in order that the petition may be verified for accuracy.

In filling out this form please:

1. Enter the information about the property against which the protest is made, include the site's location or address and the applicant's name or company. This information can be found in the notice which you received on this case.
2. Submit the full name of the owner(s), address of their respective properties, and their signatures acknowledged by a notary public.
3. The owners of each property should file a separate protest petition for each tract or property protesting. If the property owner is a corporation, an affidavit must be attached, stating that the corporation has authorized the signature.
4. If the property is in multiple ownerships, all owners must sign. If the property is listed on the Jackson County tax records as owned by husband and wife, then both must sign. A husband cannot sign for his wife, or vice-versa.
5. The signature must be identical, or nearly identical, to the name of the owner(s) as it appears on the deed (and corresponding tax records). For example, if the name on the deed is John J. Doe, then Jack Doe would not be acceptable, whereas John Jacob Doe would be.
6. In the case of property listed in co-ownership by a husband and wife in whom one of the spouses is deceased, the surviving spouse must list the date and place (city/county/state) in which the deceased spouse died and then sign the statement. Example: "My husband, William J. Smith, died October 2, 1977 in Independence, Jackson County, Missouri"... signed Mary M. Smith.

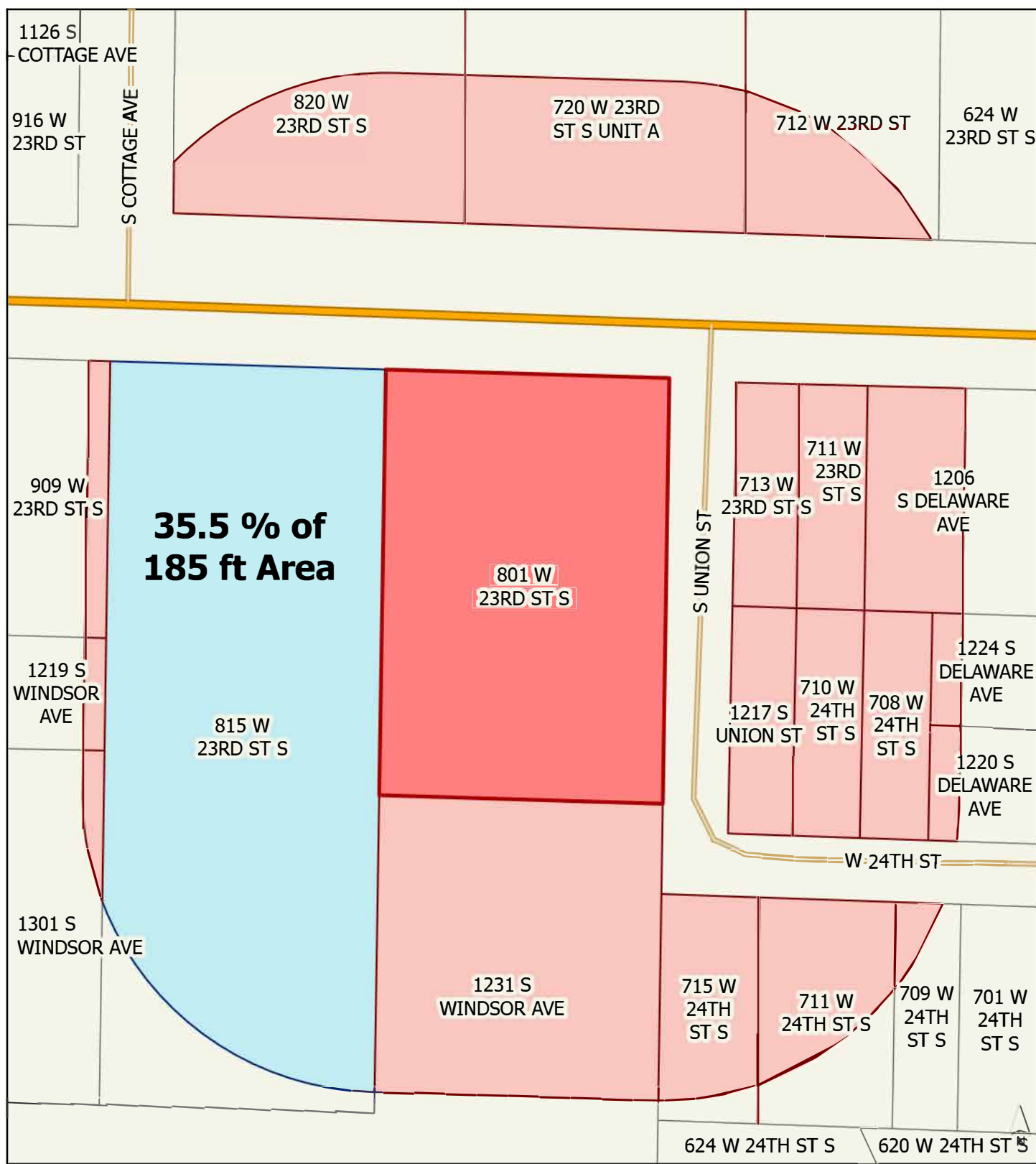
If you have any questions concerning this information, please contact the Community Development Department at City Hall building, 111 E. Maple, or call 816-325-7421.

LEGAL PROTEST PETITION

Notification Area

24-200-04

801 W 23rd Street S , Independence, MO 64052



Subject Property



Protest Properties



185 ft Notification Area

0 25 50 100 Feet
|-----|-----|-----|-----|

Prepared by Joshua Garrett, Community Development
Date: 7/22/2024

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

A public hearing for the application to rezone the property at 13001 E. US 40 Highway from C-1, Neighborhood Commercial, and C-2, General Commercial, to C-2, General Commercial. ***New Information Only.***

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

Department / Contact	Community Development /
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REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 07-09-24 Public Notice Submitted to Examiner

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Examiner** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(816) 254-8600**.

Notice ID: vKou4GA5MeQmxaEdUUuJ | **Proof Updated: Jun. 18, 2024 at 10:09am CDT**
Notice Name: PC 07/09/2024

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jbaker@indepmo.org
(816) 325-7109

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Examiner

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Total Column Inches: 10.63

Number of Lines: 85

06/22/2024: Other 137.45

Subtotal	\$137.45
Tax	\$0.00
Processing Fee	\$0.00
Total	\$137.45

See Proof on Next Page

Notice of Public Hearing

Notice is hereby given that a public hearing will be held by the Independence City **Planning Commission** at 6 p.m., Tuesday, July 9, 2024, and by the Independence **City Council** at 6 p.m., Monday, August 19, 2024, in the Independence City Hall City Council Chambers (lower level, north entrance) 111 E. Maple Avenue, in Independence, Missouri on the following matter(s):

Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy – A request by Carajoto, LLC amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Case 24-100-12 – Rezoning – 21101 E. 78 Hwy – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

The Planning Commission will conduct full public hearing on these applications. The City Council will only hear new information that was not presented at the Planning Commission's public hearing if such facts were not reasonably available at the time of the Planning Commission hearing. Any new information proposed to be presented to the City Council must be submitted in writing to the Community Development Department and Law Department at least seven (7) days prior to the City Council meeting.

Case 24-175-05 – UDO Amendment #68 – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the Unified Development Ordinance pertaining to recreational vehicle park use.

The Planning Commission and

City Council will conduct a full public hearing on these items.

Witness my hand this 18th day of June, 2024.

Tom Scannell, Community Development Director
The City of Independence, Missouri is an Equal Opportunity Employer/Contractor/MFD

Published in the Examiner, Jun 22, 2024

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City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-077 **2R** An ordinance approving a rezoning from District C-2 (General Commercial) and C-1 (Neighborhood Commercial) to C-2 (General Commercial) for the property at 13001 E. US Highway 40. **2R**

Recommendations:

Commissioner Ashbaugh made a motion to recommend approval of case 24-100-14, the rezoning of 13001 E. US Highway 40. A second to the motion was made by Commissioner Ferguson. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – Absent

Commissioner O'Neill – Yes

Commissioner Torres – Yes

Commissioner Wiley – Yes

The motion was approved, and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:

The property at 13001 E. US 40 Highway currently has two zoning designations. The portion of the property nearest 40 Highway that is mostly paved surface, but also contains a small part of the building is zoned C-1 (Neighborhood Commercial). The remainder of the lot, which includes the majority of the building and the portion of the parking lot with frontage along 47th Street S., is designated C-2 (General Commercial). For any use to be permitted on the property as it is currently zoned, the use must be allowed in both C-1 (Neighborhood Commercial) and C-2 (General Commercial) zones.

The applicant, Hi-Tech Machinery, Inc, is a business that sells used metalworking machinery. They have been operating out of two other locations within the City of Independence. Hi-Tech Machinery is intending to purchase and use the subject property to consolidate their inventory and use the building as a sales floor for their retail operation. City code defines this type of use as "Business Equipment Sales and Services." This use is permitted in C-2 (General Commercial) districts, but not allowed in districts designated C-1 (Neighborhood Commercial). Thus, the intended use of the property is not allowed on the property with the current zoning designation. The applicant seeks to have the zoning amended so that the entire property is designated as C-2 (General Commercial).

PROPERTY HISTORY:

The subject property was platted in 1954 as parts of lot 2 and 3 of the Twiehaus Addition.

However, the property has been bought and sold numerous times throughout the previous seven decades with complicated legal descriptions and little regard to the platted lot lines. This is ultimately how the subject property came to have mixed zoning.

The area that is now part of the subject property also had two zoning designations when zoning was introduced in 1965. The southern portion of Twiehaus Addition, Lot 3 was designated C-3 (Commercial) while the remainder of the area was C-1 (Neighborhood Commercial). In the late 1960s the property was part of rezoning case that established the current zoning configuration of the property. Area designated as C-1 (Neighborhood Commercial) was its own separate property at the time. Only later, in the 1980s, were the properties sold together establishing the current property boundaries. This created a situation where a single property contained two zoning designations.

For many years the property housed a bowling alley called "Strike and Spare." The bowling alley closed in 2020. In 2021, KC Floorworx, a carpet and flooring company opened at the location. Although, the issuance of the business license was in error because carpet and floor covering retail sales is also not permitted in C-1 (Neighborhood Commercial) districts.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The majority of the property is a paved parking lot with frontage on US 40 Highway and 47th Street currently the drives that allow the property to be accessed from 47th Street are blocked by large concrete blocks. The only way to access the property is via US 40 Highway. A large building approximately 30,000 square feet in size sits on the eastern part of the property. The building has been painted a light grey color and features an awning over the entrance that reads "KC Floorworx." The rear of the building can be accessed from 47th Street and features rolling garage door and an additional rear entrance.

CHARACTERISTICS OF THE AREA:

The area along US 40 Highway features various commercial uses typical of a commercial corridor. On either side of the street sits used car lots. West of the subject property is a restaurant. However, northwest of the subject property, across 40 highway lies two single-family homes. South of the subject property, across 47th street lies a single-family residential subdivision called Voorheis Vale.

REQUEST:

The applicant seeks to have the entire property rezoned to C-2 (General Commercial) so that he can purchase the property and operate a use metalworking machine retail sales floor.

ANALYSIS:

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the Independence for All, Strategic Plan. One of the objectives of the plan is to grow business and industry. The applicant, Hi-Tech Machinery, is a local business that has been operating in Independence for several years. By rezoning the property to accommodate the use of this business will allow them to continue to grow and expand their operation within our community.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be residential neighborhoods. While the comprehensive plan intends for this to be a residential area, it is unlikely that this property or the surrounding properties could be use as such without significant redevelopment. This property has been used for commercial purposes for many years. Realistically, it will remain a commercial property for some time.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in on the property and in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA:

Recommendations and decisions on rezoning applications must be based on consideration of all of the following criteria.

1. Conformance of the requested zoning with the comprehensive plan.

The Comprehensive Plan envisions this area to be Residential Neighborhoods. The proposed zoning does not conform to the comprehensive plan; however, commercial uses are practical for the property given the historical uses of the subject property and surrounding area.

2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.

There are no recent neighborhood or sub-area plans for this area.

3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.

The surrounding area is a mix of C-1 (Neighborhood Commercial), C-2 (General Commercial), and R-6 (Single-Family Residential). C-2 (General Commercial) is compatible with the adjacent commercial zoning districts. Generally, C-2 is not compatible with R-6 (Single Family Residential) zoning districts. However, the US 40 Highway and 47th Street rights-of-way provide a buffer from the subject property. By blocking the drives that access 47th street, the negative impact of a C-2 uses can be further separated from the adjacent residential homes.

4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.

The surrounding area is a mix of commercial and residential uses. C-2 (General Commercial) is compatible with the adjacent commercial uses. Generally, C-2 is not compatible with single-family residential homes. However, the US 40 Highway and 47th Street rights-of-way provide a buffer from the subject property. By blocking the drives that access 47th street, the negative impact of a C-2 uses can be further separated from the adjacent residential homes.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

The two most recent uses of the property were a bowling alley and a flooring store. Neither of these uses are allowed in C-1 (Neighborhood Commercial). The historical and current land use of the property has been more compatible with C-2 (General Commercial) than C-1 (Neighborhood Commercial). By rezoning the property to C-2 (General Commercial) the de facto land use of the property will be allowed de jure.

6. The length of time the subject property has remained vacant as zoned.

The subject property is not vacant and has not been vacant, except for a brief period in 2021. The property is currently being used as carpet and flooring store. If the property is rezoned, the applicant will purchase the property and begin operations shortly after purchasing the property..

7. The extent of which approving the rezoning will detrimentally affect nearby properties. Given that the de facto land use of the property has been uses compatible with C-2 (General

Commercial) districts, rezoning the property to be entirely C-2 (General Commercial) will not affect the adjacent properties any more than any previous use at this property.

8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.

The two zoning designations on this property create an undue burden on businesses looking to operate on the property. Denial of the rezoning will limit the allowed uses of this property to those uses that are allowed in both C-1 (Neighborhood Commercial) and C-2 (General Commercial.) This is more restrictive than what is intended by City Code. By rezoning the property to C-2 (General Commercial) property owners will be able to use the property as intended in the Unified Development Ordinance.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-100-14
2. Staff Report_24-100-14
3. Cover Letter
4. Application
5. Notification Letter
6. Address List
7. Affidavit
8. Notice Area Map

9. Comp Plan Map
10. Zoning Map
11. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) AND C-1 (NEIGHBORHOOD COMMERCIAL) TO C-2 (GENERAL COMMERCIAL) FOR THE PROPERTY AT 13001 E. US HIGHWAY 40.

WHEREAS, an application submitted by Hi-Tech Machinery, Inc is requesting approval of a rezoning from District C-2 (General Commercial) and C-1 (Neighborhood Commercial) for the property at 13001 E. US Highway 40 was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on July 9, 2024, and rendered a report to the City Council recommending the rezoning be approved by a vote of 6-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning was consistent with the review criteria in Section 14-701-02; and,

WHEREAS, no legal protests were signed, acknowledged, and presented for the application.

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the rezoning of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the following legally described property is hereby rezoned from C-2 (General Commercial) and C-1 (Neighborhood Commercial) to C-2 (General Commercial) and shall be subject to the regulations of said district:

TWIEHAUS ADD; PT LOTS 2 AND 3 DAF: BEG SE COR LOT 3 TH N 197.53' TH W 160'; TH N TO SLY LI HWO 40 TH NWLY ALG SLY LI 169.9' TO NE COR; LOT 2 TH SLY ALG E LI 175' TH NWLY 105' TH S 340' TO N LI; OLD HWY 40 TH E ALG N LI 408.7' TO POB

SECTION 2. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 3. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 4. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: July 9, 2024

STAFF: Joshua Garrett, Planner

PROJECT NAME: Hi-Tech Machinery, Inc Rezoning Request

CASE NUMBER/REQUEST: **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery, Inc to rezone the subject property from C-1(Neighborhood Commercial) and C-2(General Commercial) to C-2(General Commercial).

APPLICANT/OWNER: Hi-Tech Machinery, Inc

PROPERTY ADDRESS: 13001 E. US 40 Highway, Independence, MO 64055

SURROUNDING ZONING/LAND USE:

North: R-6 (Single Family Residential) and C-1 (Neighborhood Commercial) – Single Family Residences and Use Auto Lot

South: R-6 (Single Family Residential) – Single Family Homes

East/West: C-1 (Neighborhood Commercial) and C-2 (General Commercial) – Various Commerical Businesses

PUBLIC NOTICE

- Letters to property owners within 185 feet – May 30, 2024
- Public Notice published in the Independence Examiner – June 18, 2024
- Sign posted on property – June 21, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 5, 2024, and the public hearing/second reading on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Hi-Tech Machinery, Inc to rezone the subject property from C-1(Neighborhood Commercial) and C-2(General Commercial) to C-2(General Commercial).

Current Zoning:

C-1 (Neighborhood Commercial) &
C-2 (General Commercial)

Proposed Zoning:

C-2 (General Commercial)

Current Use: Carpet and Flooring Retail Sales

Proposed Use: Business Equipment Sales and Services

Acreage: 3.04 Acres

Building Square Footage: ≈ 30,000 Square Feet

BACKGROUND:

The property at 13001 E. US 40 Highway currently has two zoning designations. The portion of the property nearest 40 Highway that is mostly paved surface, but also contains a small part of the building is zoned C-1 (Neighborhood Commercial). The remainder of the lot, which includes the majority of the building and the portion of the parking lot with frontage along 47th Street S., is designated C-2 (General Commercial). For any use to be permitted on the property as it is currently zoned, the use must be allowed in both C-1 (Neighborhood Commercial) and C-2 (General Commercial) zones.

The applicant, Hi-Tech Machinery, Inc, is a business that sells used metalworking machinery. They have been operating out of two other locations within the City of Independence. Hi-Tech Machinery is intending to purchase and use the subject property to consolidate their inventory and use the building as a sales floor for their retail operation. City code defines this type of use as “Business Equipment Sales and Services.” This use is permitted in C-2 (General Commercial) districts, but not allowed in districts designated C-1 (Neighborhood Commercial). Thus, the intended use of the property is not allowed on the property with the current zoning designation. The applicant seeks to have the zoning amended so that the entire property is designated as C-2 (General Commercial).

PROPERTY HISTORY:

The subject property was platted in 1954 as parts of lot 2 and 3 of the Twiehaus Addition. However, the property has been bought and sold numerous times throughout the previous seven decades with complicated legal descriptions and little regard to the platted lot lines. This is ultimately how the subject property came to have mixed zoning.

The area that is now part of the subject property also had two zoning designations when zoning was introduced in 1965. The southern portion of Twiehaus Addition, Lot 3 was designated C-3 (Commercial) while the remainder of the area was C-1 (Neighborhood Commercial). In the late 1960s the property was part of rezoning case that established the current zoning configuration of the property. Area designated as C-1 (Neighborhood Commercial) was its own separate property at the time. Only later, in the 1980s, were the properties sold together establishing the current property boundaries. This created a situation where a single property contained two zoning designations.

For many years the property housed a bowling alley called “Strike and Spare.” The bowling alley closed in 2020. In 2021, KC Floorworx, a carpet and flooring company opened at the location. Although, the issuance of the business license was in error because carpet and floor covering retail sales is also not permitted in C-1 (Neighborhood Commercial) districts.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The majority of the property is a paved parking lot with frontage on US 40 Highway and 47th Street currently the drives that allow the property to be accessed from 47th Street are blocked by large concrete blocks. The only way to access the property is via US 40 Highway. A large building approximately 30,000 square feet in size sits on the eastern part of the property. The building has been painted a light grey color and features an awning over the entrance that reads “KC Floorworx.” The rear of the building can be accessed from 47th Street and features rolling garage door and an additional rear entrance.

CHARACTERISTICS OF THE AREA:

The area along US 40 Highway features various commercial uses typical of a commercial corridor. On either side of the street sits used car lots. West of the subject property is a restaurant. However, northwest of the subject property, across 40 highway lies two single-family homes. South of the subject property, across 47th street lies a single-family residential subdivision called Voorheis Vale.

PROPOSAL:

The applicant seeks to have the entire property rezoned to C-2 (General Commercial) so that he can purchase the property and operate a use metalworking machine retail sales floor.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the *Independence for All*, Strategic Plan. One of the objectives of the plan is to grow business and industry. The applicant, Hi-Tech Machinery, is a local business that has been operating in Independence for several years. By rezoning the property to accommodate the use of this business will allow them to continue to grow and expand their operation within our community.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be residential neighborhoods. While the comprehensive plan intends for this to be a residential area, it is unlikely that this property or the surrounding properties could be use as such without significant redevelopment. This property has been used for commercial purposes for many years. Realistically, it will remain a commercial property for some time.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present on site and in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

- 1. Conformance of the requested zoning with the comprehensive plan.**

The Comprehensive Plan envisions this area to be Residential Neighborhoods. The proposed zoning does not conform to the comprehensive plan; however, commercial uses are practical for the property given the historical uses of the subject property and surrounding area.

2. **Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**

There are no recent neighborhood or sub-area plans for this area.

3. **The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.**

The surrounding area is a mix of C-1 (Neighborhood Commercial), C-2 (General Commercial), and R-6 (Single-Family Residential). C-2 (General Commercial) is compatible with the adjacent commercial zoning districts. Generally, C-2 is not compatible with R-6 (Single Family Residential) zoning districts. However, the US 40 Highway and 47th Street rights-of-way provide a buffer from the subject property. By blocking the drives that access 47th street, the negative impact of a C-2 uses can be further separated from the adjacent residential homes.

4. **The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**

The surrounding area is a mix of commercial and residential uses. C-2 (General Commercial) is compatible with the adjacent commercial uses. Generally, C-2 is not compatible with single-family residential homes. However, the US 40 Highway and 47th Street rights-of-way provide a buffer from the subject property. By blocking the drives that access 47th street, the negative impact of a C-2 uses can be further separated from the adjacent residential homes.

5. **The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**

The two most recent uses of the property were a bowling alley and a flooring store. Neither of these uses are allowed in C-1 (Neighborhood Commercial). The historical and current land use of the property has been more compatible with C-2 (General Commercial) than C-1 (Neighborhood Commercial). By rezoning the property to C-2 (General Commercial) the de facto land use of the property will be allowed de jure.

6. **The length of time the subject property has remained vacant as zoned.**

The subject property is not vacant and has not been vacant, except for a brief period in 2021. The property is currently being used as carpet and flooring store. If the property is rezoned, the applicant will purchase the property and begin operations shortly after purchasing the property.

7. **The extent of which approving the rezoning will detrimentally affect nearby properties.**

Given that the de facto land use of the property has been uses compatible with C-2 (General Commercial) districts, rezoning the property to be entirely C-2 (General Commercial) will not affect the adjacent properties any more than any previous use at this property.

8. **The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.**

The two zoning designations on this property create an undue burden on businesses looking to operate on the property. Denial of the rezoning will limit the allowed uses of this property to those uses that are allowed in both C-1 (Neighborhood Commercial) and C-2 (General Commercial.) This is more restrictive than what is intended by City Code. By rezoning the property to C-2 (General Commercial) property owners will be able to use the property as intended in the Unified Development Ordinance.

Further, the applicant is under contract to purchase the property. If the rezoning is denied the applicant will not purchase the property and look elsewhere. This will require the current property owner to continue to look for a buyer, who will likely encounter the same limitations of the property as the applicant.

EXHIBITS

1. Cover Letter
2. Application
3. Notification Letter
4. Mailing List
5. Affidavit
6. Notice Area Map
7. Comp Plan Map
8. Zoning Map

May 16, 2024

Mr. Joshua Garrett, Planner
Community Development - Planning Division
111 E. Maple Avenue
Independence, Missouri 64050

RE: Request for Rezoning – 13001 E US 40 Highway, Independence MO 64055

Dear Mr. Garrett,

On behalf of Hi-Tech Machinery Inc., we respectfully request the rezoning of the property at 13001 E US 40 Hwy Independence MO 64055, from its current C-2 General Commercial and C-1 Neighbourhood Commercial, to a unified C-2 General Commercial zone. After discussion with City staff, we understand that in order to be issued a business license to operate a retail business of Used Metalworking Machinery at said location, the entire property must be zoned as a C-2 General Commercial Zone. This change is a requirement by the City of Independence .

Hi-Tech Machinery, Inc. already operates two warehouses in Independence, Missouri, (14914 E Truman Rd and 301 N Kiger Rd) demonstrating our ongoing investment and commitment to the city's economic growth. Our expansion within the city with a retail location of a Used Metalworking Machinery, underscores our confidence in Independence as a strategic location for business development. The proposed rezoning and development of our business will further stimulate local economic activity and provide additional employment opportunities, benefiting the community.

We have attached the required rezoning application & Application Fee with this letter for your review. Should you have any questions or require additional information, please feel free to contact me at info@hitechmachineryinc.com or 913-306-1377.

Thank you for your attention to this matter.

Respectfully submitted,



Gurpreet Singh
President



Planning and Zoning Application Form

Community Development
111 E. Maple Avenue
Independence, MO 64050
(816) 325-7421
cdplanning@indepmo.org

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☒ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

HI-TECH MACHINERY INC.

Project Name

13001 E US 40 HWY, INDEPENDENCE MO 64055

Project Address/Location

30854

Sq. Ft. of Building

3.06

Acreage

1

Number of Lots/Tracts

No

Stream Buffer (Yes or No)

C1/C2

Existing Zoning

C2

Proposed Zoning

CARPET RETAIL

Existing Land Use

USED MACHINERY SALES

Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☒ Completed & Signed Application Form	☐ One 24" x 36" set of plans for Land Sub. & Site Dev.
☒ Application Fee	☐ One PDF copy of a plat map or site plan
☒ Cover Letter Describing Details of Project	☐ Legal Description of the property in question

Contact Information

Applicant

HI-TECH MACHINERY INC

Name

Company

14914 E TRUMAN RD, INDEPENDENCE MO 64050

Address

913-306-1377 INFO@HYTECHMACHINERYINC.COM

Phone

Email

Architect/Engineer/Surveyor/Other: _____

Name

Company

Address

Phone

Email

The applicant hereby agrees that the information provided above is accurate.

[Signature]
Applicant's Signature

05/16/24
Date

Owner

Joseph M Bartels II KC Floorworks

Name

Company

13001 E US 40 HWY, Independence Mo 64055

Address

913-904-6497 jbartels@kcfloorworks.com

Phone

Email

Architect/Engineer/Surveyor/Other: _____

Name

Company

Address

Phone

Email

[Signature]
Owner's Signature

05/16/24
Date

May 2022

Property Owner Notification Letter

City of Independence, Missouri

Date: 5/30/2024

Case No. 24-100-14

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

- ☒ Rezoning ☐ Rezoning/PUD ☐ Special Use Permit
☐ Preliminary Development Plan

Proposed project description: Rezone the property from C-1 (Neighborhood Comm.)

and C-2 (General Commercial) to C-2 (General Commercial).

Applicant: HI-TECH MACHINERY INC

Location of Property: 13001 E US 40 HWY

Planning Commission Meeting Date: July 9th, 2024, at 6:00 p.m.

City Council Meeting Date: August 19th, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.



Applicant (or Owner/Agent)

For more information, contact the Community Development Department at 816-325-7421.

Owner	Address	City	State	Zip Code
40 HWY CARWASH LLC	3635 BELLEVIEW AVE	KANSAS CITY	MO	64111
BRATKOVIC LINDA	4719 S UNION AVE	INDEPENDENCE	MO	64055
CLA REALTY LLC	2600 GRAND BLVD STE 1000	KANSAS CITY	MO	64108
D & S INVESTING LLC	404 NE FOX TRAIL DR	BLUE SPRINGS	MO	64014
ESTB LLC	17910 W 154TH ST	OVERLAND PARK	KS	66223
FRED J HANEY REVOCABLE TRUST AGREEMENT	12712 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
GURGUNG KUSHAL	12808 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
HART KRISTINE M	4715 S UNION AVE	INDEPENDENCE	MO	64055
HEIPLE JANET LEA	12622 RAGSDALE RD	LONE JACK	MO	64070
HENSLEY ELSIE F	12802 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
IREY BEVERLY A	4717 S UNION	INDEPENDENCE	MO	64055
JB'S ENTERPRISE LLC	1025 MAPLE WOODS DR	LIBERTY	MO	64068
JOHNSON ELOISE M--TRUSTEE	12806 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
KING KONG PROPERTIES LP	12903 E 35TH TER S	INDEPENDENCE	MO	64055
KUFAHL AMY C	12710 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
MERRYMAN LISA	12804 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
MIDWEST MHP LINDALE LLC	355 RAMBLEWOOD LN	SHERMAN	IL	62684
RENSHAW LISA M & DAVID M JR	12714 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
RHEAUME LUKE	12800 E 47TH TERCT S	INDEPENDENCE	MO	64055
RUSHTON TYLER C	13002 E 40 HIGHWAY	INDEPENDENCE	MO	64055
TAYLOR JOLENE K	12706 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
VOORHEIS VALE CONDOMINIUM ASSOCIATION	2134 NW 7 HWY	BLUE SPRINGS	MO	64014
VOORHEIS VALE CONDOMINIUM ASSOCIATION	9230 PFLUMM RD	LENEXA	KS	66215
W A ELLIS CONSTRUCTION CO	21500 E US 24 HWY	INDEPENDENCE	MO	64056
WALKER CUSTOM HOMES LLC	4210 NW LAKE DR	LEES SUMMIT	MO	64064
WHITE LAURA	12810 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
WOFFORD BARBARA JO	12708 E 47TH TERRACE CT S	INDEPENDENCE	MO	64055
WOODWARD DALLAS	12910 E US 40 HWY	INDEPENDENCE	MO	64055

Property Owner Notification Affidavit

STATE OF MISSOURI

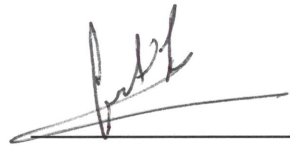
COUNTY OF JACKSON

Case No. 24-100-14

I, GURPREET SINGH, of lawful age being first duly sworn upon oath, state:

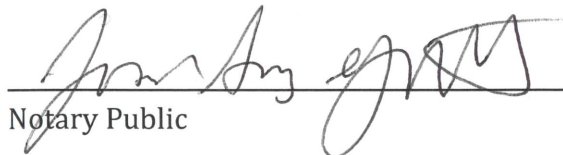
That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

These notices were mailed on the 31ST day of MAY, 2024.



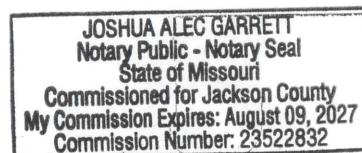
Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 31 day of May, 2024.



Notary Public

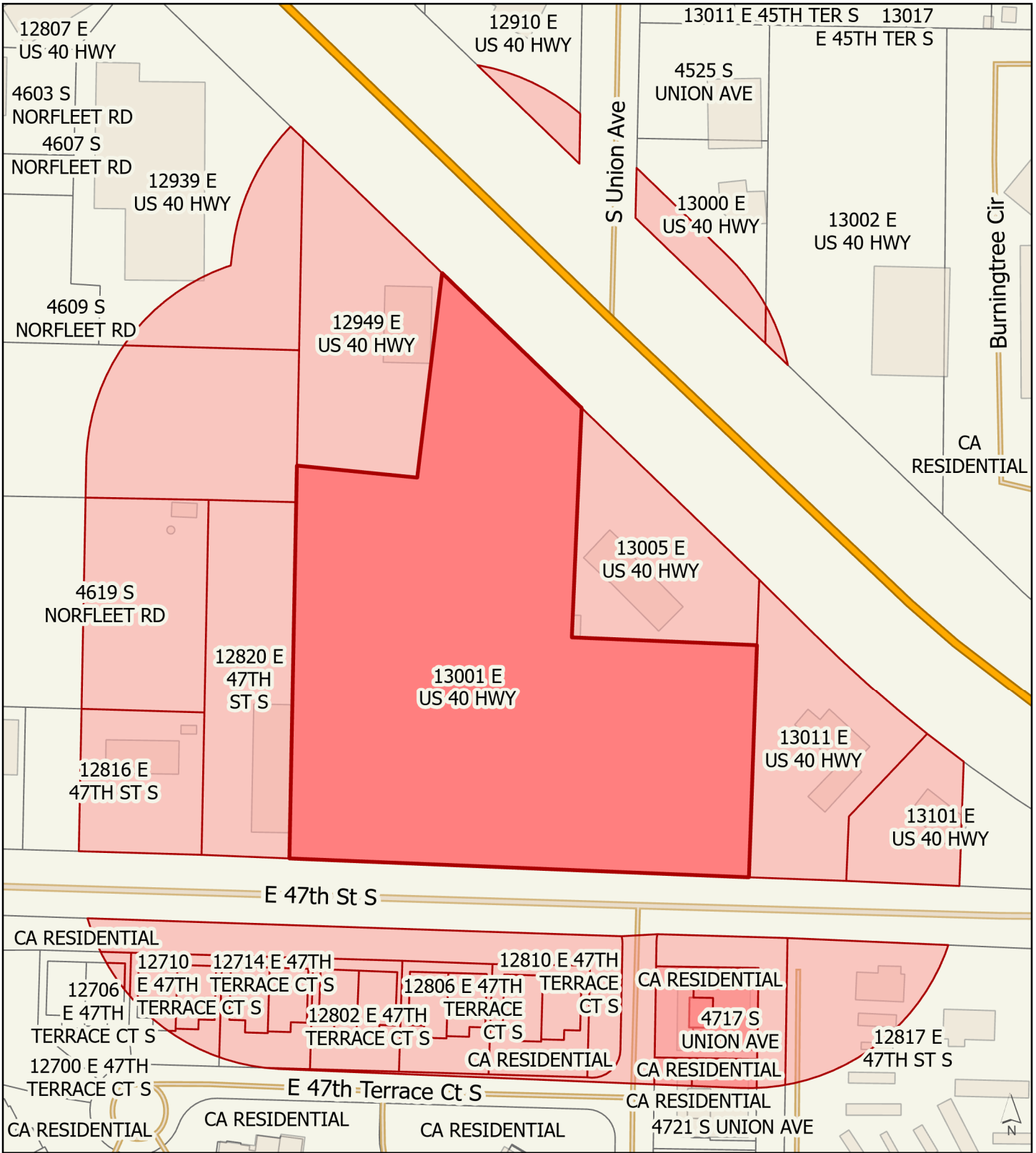
August 9, 2027
Commission Expiration Date



Notification Area

24-100-14

13001 E US 40 Highway, Independence, MO 64055



Subject Property



185 ft Buffer Area

0 25 50 100 Feet

Prepared by Joshua Garrett, Community Development
Date: 6/6/2024



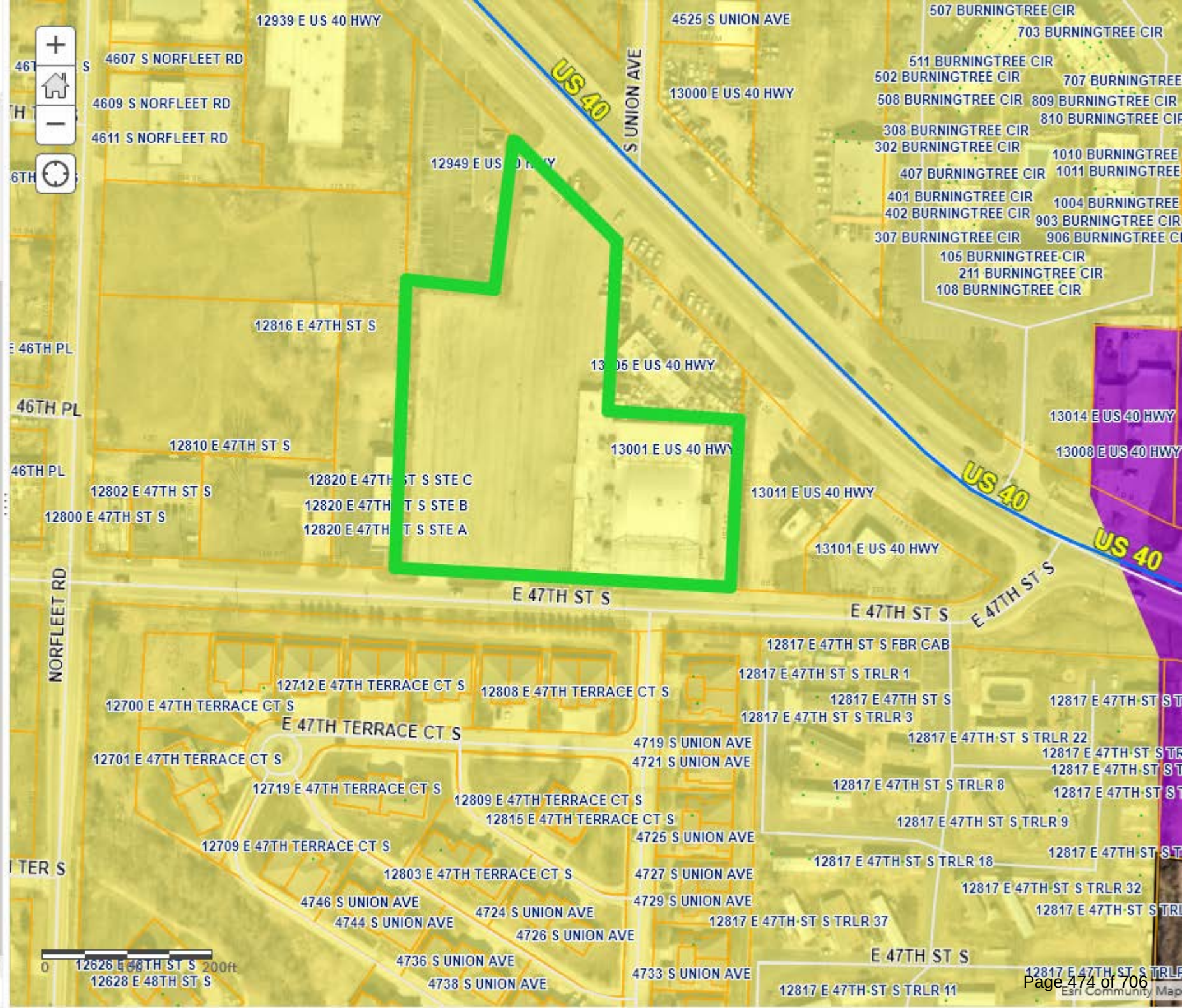
Legend

Parcels

Municipal Boundaries

Proposed Land Use (Comp Plan)

- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural





City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-056 **2R** An ordinance authorizing the City Manager to execute a certain grant agreement with the Missouri Highways and Transportation Commission for the Truman Connected Phase II Project (City Project No. 112102 / Federal Project No. CMAQ-3379(441) & CRP 3379 (446)). **2R**

Recommendations:

Council approval is recommended.

Background:

Approval of this ordinance will authorize the City Manager to enter into a grant agreement with the Missouri Highway and Transportation Commission for the Truman Connected Phase II Project (No. 112102) to receive funds in the amount of \$4,219,085.

This grant agreement is an up to 80% match in federal funds for the project. The City will be responsible for the other 20%, or approximately \$843,817, to receive full grant reimbursement.

The Truman Connected Phase II Project (no. 112102) will connect to the end of the Phase 1 trail at Winner Road and Sterling Avenue and continue south along Sterling Avenue to US 40 Highway. The project will include, but is not limited to, the addition of ADA-compliant sidewalks, on-street bicycle lanes, pedestrian signal improvements, new green infrastructure, and new traffic-calming measures. The City intends to remove the traffic signals at the Sterling Avenue and Sheley Road intersection and replace this intersection with a roundabout.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$4,219,085. Expenses for the Truman Connected Phase II Project will run through account 112102-C-0117011-5406. The Revenue from grant reimbursements on this project will be deposited directly into the Street Sales Tax Fund.

Council Action:

Department / Contact	Municipal Services /
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REVIEWERS

Lisa Reynolds
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. MS.Truman Connected Phase 2 Project 112102 - CMAQ & CRP Funding Grant Agreement Ordinance
2. Truman Connect Phase 2 CMAQ and CRP Funding Agreement

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTAIN GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE TRUMAN CONNECTED PHASE II PROJECT (CITY PROJECT NO. 112102 / FEDERAL PROJECT NO. CMAQ-3379(441) & CRP 3379(446)).

WHEREAS, the Truman Connected Phase II Project (No. 112102) has been awarded a Congestion Mitigation and Air Quality (CMAQ) grant in the amount of \$719,085; and

WHEREAS, the Truman Connected Phase II Project (No. 112102) has been awarded a Carbon Reduction Program (CRP) grant in the amount of \$3,500,000; and

WHEREAS, the City Council of the City of Independence, Missouri finds it desirable to enter into Missouri Highways and Transportation Commission Grant Agreement No. CMAQ-3379(441) & CRP 3379(446) to receive these funds.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Manager of the City of Independence, Missouri, is authorized to sign and execute for and on behalf of the City of Independence a certain grant agreement (No. CMAQ-3379(441) & CRP 3379(446)) with the Missouri Highways and Transportation Commission.

SECTION 2. That the City Manager will direct City Staff to appropriate this grant funding, in the amount of \$4,219,085 to the Truman Connected Phase II Project (No. 112102).

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

CCO Form: FS15
Approved: 10/96 (KMH) Revised: 03/24 (TLP)
Modified: 05/24 (MWH)

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: CMAQ-3379(441) & CRP 3379(446)
Award Year: 2024
Federal Agency: Federal Highway Administration, Department of Transportation

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION CONGESTION MITIGATION AND AIR QUALITY AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and City of Independence (hereinafter, "City").

WITNESSETH:

WHEREAS, the Infrastructure Investment and Jobs Act (IIJA), Title 23 United States Code (USC) §149 authorizes the funding of projects providing for congestion mitigation and air quality (CMAQ); and

WHEREAS, IIJA § 11403, 23 USC 175 established the Carbon Reduction Program (CRP), which provides funds for projects designed to reduce transportation emissions, defined as carbon dioxide (CO₂) emissions from on-road highway sources; and

WHEREAS, the Commission is the agency designated to receive and dispense such funds; and

WHEREAS, the Commission has determined that **Truman Connect Phase II** is consistent with the goals of the CMAQ funding; and

WHEREAS, the City has the resources to develop and provide such services.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) **PURPOSE**: The United States Congress has authorized, in 23 U.S.C. §149, funds to be used for activities for CMAQ and CRP. The purpose of this Agreement is to grant the use of such funds to create a portion of a multi-modal spine along Sterling Ave. between Winner Road and 23rd Street, in western Independence.

(2) **SCOPE OF WORK**: City shall provide planning and implementation of an multi-modal spine in the Sterling Avenue area as more fully described in the attached Exhibit A which is incorporated herein by reference.

(3) REASONABLE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline within Exhibit B conflict, the final deadline within Exhibit B controls. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City.

(4) INDEMNIFICATION: To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(5) INSURANCE:

(A) The City is required or will require any contractor procured by the City to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$600,000 per claimant and \$4,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(B) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(6) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(7) COMMISSION REPRESENTATIVE: The Commission's Kansas City District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(8) NONDISCRIMINATION ASSURANCE: with regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, *et seq.*), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, *et seq.*). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation (USDOT) relative to nondiscrimination in federally-assisted programs of the USDOT (Title 49 Code of Federal Regulations (CFR) Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR §21.5, including employment practices.

(D) Solicitations for subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and

its facilities as may be determined by the Commission or the USDOT to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the USDOT as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include provisions of paragraph (8) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission of the USDOT. The City will take such action with respect to any subcontract or procurement as the Commission or the USDOT may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(9) DISADVANTAGED BUSINESS ENTERPRISES (DBE): It is the policy of the U.S. Department of Transportation and the Commission that businesses owned by socially and economically disadvantaged individuals (DBE's), as defined in 49 CFR. Part 26, have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds.

(10) ASSIGNMENT: The City shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(11) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(12) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(13) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations by providing the City with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the City.

(14) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the Federal Highway Administration (FHWA) and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(15) BUDGET: The City shall incur obligations in connection with the performance of the period only in conformity with the latest budget approved by the Commission as specified in Appendix A - Project Budget. This budget may be revised as necessary; however, no budget or revision shall be effective unless approved by the Commission's representative and FHWA.

(16) ELIGIBLE EXPENDITURES: No expenditure or charges shall be eligible for reimbursement that are contrary to the provisions of this Agreement or not required for the carrying out of the project.

(17) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. The federal share for this project will be 80% percent not to exceed **\$719,085** (seven hundred nineteen thousand eighty-five dollars) in CMAQ funds. The CRP funding for the project will be eighty percent (80%) not to exceed **\$3,500,000** (three million five hundred thousand dollars). The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of the City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(18) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. All progress payment

requests must be submitted for reimbursement within 90 days of the project completion date for the final phase of work. The City shall repay any progress payments which involve ineligible costs.

(19) PROMPT PAYMENTS: Progress invoices submitted to MoDOT for reimbursement more than thirty (30) calendar days after the date of the vendor invoice shall also include documentation that the vendor was paid in full for the work identified in the progress invoice. Examples of proof of payment may include a letter or e-mail from the vendor, lien waiver or copies of cancelled checks. Reimbursement will not be made on these submittals until proof of payment is provided. Progress invoices submitted to MoDOT for reimbursement within thirty (30) calendar days of the date on the vendor invoice will be processed for reimbursement without proof of payment to the vendor. If the City has not paid the vendor prior to receiving reimbursement, the City must pay the vendor within two (2) business days of receipt of funds from MoDOT.

(20) PERMITS: The City shall secure any necessary approvals or permits from any federal or state agency as required for the completion of this project.

(21) INSPECTION OF CONTRACTOR'S RECORDS: The City shall assure that its contractors, and all subcontractors, if any, maintain all books, documents, papers and other evidence pertaining to costs incurred in connection with this Agreement. The City shall make such materials available at such contractor's office at all reasonable times during the contract period, and for three (3) years from the date of final payment under the contract, for inspection by the Commission, FHWA or any authorized representatives of the Federal Government and the State of Missouri. Copies thereof shall be furnished at no charge, upon request, to authorized representatives of the Commission, State, FHWA, or other Federal agencies.

(22) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(23) AUDIT REQUIREMENTS: If the City expend(s) seven hundred fifty thousand dollars (\$750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars (\$750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(24) FHWA APPROVAL: This Agreement is made and entered into subject to the approval of the FHWA.

(25) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the USDOT Form FHWA 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(26) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 CFR Part 170.

(27) ACQUISITION OF RIGHT OF WAY: With respect to the acquisition of right of way necessary for the completion of the project, the City shall acquire any additional necessary right of way required for this project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 USC 4601-4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act. However, upon written request by the City and written acceptance by the Commission, the Commission shall acquire right of way for the City. Upon approval of all agreements, plans and specifications by the Commission and by the FHWA, the Commission will file copies of said plans in the office of the County clerk: and proceed to acquire by negotiation and purchase or by condemnation any necessary right of way required for the construction of the improvement contemplated herein. All right of way acquired by negotiation and purchase will be acquired in the name of the City, and the City will pay to grantors thereof the agreed upon purchase prices. All right of way acquired through condemnation proceedings will be acquired in the name of the State of Missouri and subsequently released to the City. The City shall pay into court all awards and final judgments in favor of any such condemnees. The City shall also reimburse the Commission for any expense incurred by the Commission in acquiring said right of way, including but not limited to the costs of surveying, appraisal, negotiation, condemnation, and relocation assistance benefits. Unless otherwise agreed to in writing the Commission shall have the final decision regarding the settlement amount in condemnation.

(28) CONFLICT OF INTEREST: The City shall comply with conflict of interest policies identified in 23 CFR 1.33. A conflict of interest occurs when an entity has a financial or personal interest in a federally funded project.

(29) MANDATORY DISCLOSURES: The City shall comply with 2 CFR 200.113 and disclose, in a timely manner, in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this _____ day of _____, 20____.

Executed by the Commission this _____ day of _____, 20____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

City of Independence

By _____

Title _____

Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title _____

Appendix A - Project Budget

Phase	Year of Obligation	Type	Source	Cost (<i>IN THOUSANDS</i>)
Engineering	2023	Non-Federal	LOCAL	\$120.00
Right-of-Way	2024	Non-Federal	LOCAL	\$20.00
Construction	2024	Non-Federal	LOCAL	\$280.92
Construction	2024	Federal	CMAQ-MO	\$719.09
Federal Total: \$719.09		Non-Federal Total: \$420.92		Total: \$1,140.00

Exhibit A – Scope of Work

The project would create a portion of a multi-modal spine along Sterling Ave between Winner Rd & 23rd St in western Independence. The project would convert the existing 4-lane to a 3-lane street (2 through lanes with a center turn lane) with bicycle facilities, pedestrian and transit improvements.

Truman Connected
Location Map

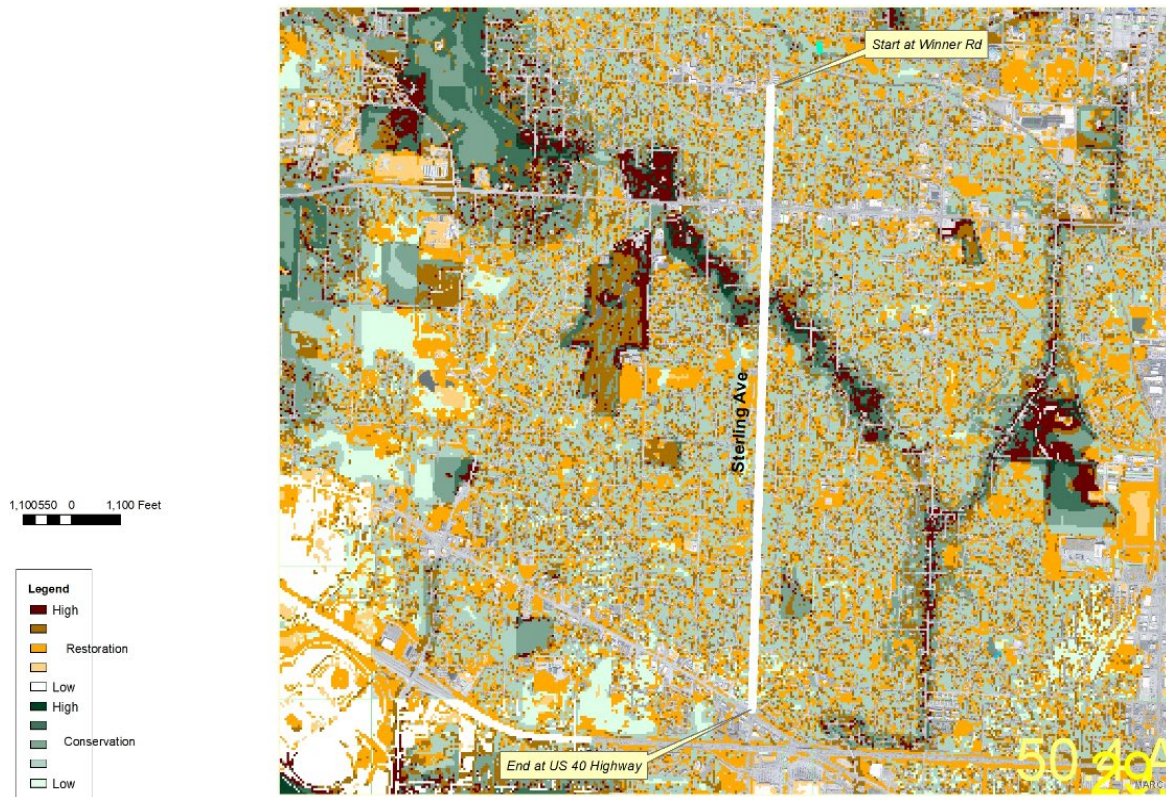


Exhibit B – Project Schedule

Project Description: CMAQ- 3379(441) Truman Connect Phase II

Task	Date
Date funding is made available or allocated to recipient	4/19/2023
Engineering Services Contract Approved	10/19/2023
Preliminary and Right-of-Way Plans Submittal (if Applicable)	4/19/2024
Plans, Specifications & Estimate (PS&E) Submittal	10/19/2024
Plans, Specifications & Estimate (PS&E) Approval	11/19/2024
Advertisement for Letting	12/19/2024
Bid Opening	1/19/2025
Construction Contract Award or Planning Study completed (REQUIRED)	12/19/2025

*Note: the dates established in the schedule above will be used in the applicable ESC between the sponsor agency and consultant firm.

**Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and requires request to adjust.

Exhibit C - Required Contract Provisions
Federal-Aid Construction Contracts

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-068 **2R** An ordinance authorizing acceptance of the 2024 Midwest High Intensity Drug Trafficking Area (HIDTA) Memorandum of Understanding (MOU) for the Kansas City / Overland Park DEA Task Force Initiative, and related documents, with the Kansas Bureau of investigation, for a grant award in the amount of \$163,362.00; making the necessary appropriations; authorizing future change orders for additional funding and/or time extensions; and authorizing certain future appropriations. **2R**

Recommendations:

The Police Department recommends approval and acceptance of this MOU and grant funding.

Background:

The Police Department first received funding to participate in the Midwest HIDTA Kansas City / Overland Park DEA Task Force in 1999 through a grant from the Office of National Drug Control Policy (ONDCP). Since that time, the department has had two detectives assigned to this Task Force full-time, to combat the manufacture and importation of methamphetamine and disrupt poly-drug trafficking organizations in the metropolitan area. In return, the department is reimbursed for part of the detectives' salaries and benefits, as well as expenses for overtime, vehicle leases, and fuel. The current contract will continue the department's involvement in the HIDTA DEA Task Force, with total reimbursement up to \$163,362.00. Additional funding has been included in the Police Department's 2023/2024 and 2024/2025 fiscal year Operating Budgets to cover the amount of salaries and benefits not covered by the grant.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$163,362.00. The Police Department will request reimbursement from the Kansas Bureau of Investigation for actual expenses on a monthly basis. This revenue will need to be deposited in the 015 Grant Fund, subledger HIDTA, and appropriated as follows:

0154550-5100	Salaries	\$74,050
0154550-5102	Overtime	\$41,414
0154550-5109	Benefits	\$20,898
0154550-5236	Leases	\$18,000
0154550-5316	Fuel	\$9,000
Total Amount		\$163,362

No local match is required. However, grant funding only partially covers the salary and benefits of the two detectives assigned to this Task Force. Supplemental funding is budgeted each year

in the Police Department's General Fund (02) Investigations (0024534) cost center to cover the balance of these two positions. For FY 2024-25, this is included on page 236 (Investigations Salary and Benefits) of the Adopted Budget.

Council Action:

Department / Contact	Police Department /
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REVIEWERS

Dennea Leap
Adam Dustman
Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 2024 HIDTA DEA TF Ordinance
2. HIDTA 2024 MOU INDEPENDENCE PD - DEA

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING ACCEPTANCE OF THE 2024 MIDWEST HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) MEMORANDUM OF UNDERSTANDING (MOU) FOR THE KANSAS CITY / OVERLAND PARK DEA TASK FORCE INITIATIVE, AND RELATED DOCUMENTS, WITH THE KANSAS BUREAU OF INVESTIGATION, FOR A GRANT AWARD IN THE AMOUNT OF \$163,362.00; MAKING THE NECESSARY APPROPRIATIONS; AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING AND/OR TIME EXTENSIONS; AND AUTHORIZING CERTAIN FUTURE APPROPRIATIONS.

WHEREAS, it is the desire of the various law enforcement agencies in the Kansas City Metropolitan Area to combine resources against individuals involved in the manufacture and distribution of methamphetamine, for the purpose of arrest, conviction and long-term incarceration of these individuals through careful application of the most effective Federal/State criminal statutes; and,

WHEREAS, the City Council does wish to accept this grant funding and has concluded the Special Conditions of the grant award can be met.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the Independence City Council hereby authorizes the City Manager to sign and execute, for and on behalf of said City, a Midwest High Intensity Drug Trafficking Area (HIDTA) Memorandum of Understanding (MOU) for the Midwest HIDTA Kansas City / Overland Park DEA Task Force Initiative, and related documents, with the Kansas Bureau of Investigation, to accept a grant in the amount of One Hundred Sixty-Three Thousand Three Hundred Sixty-Two and NO/100 Dollars (\$163,362.00) to partially fund two police detectives while assigned to HIDTA and support equipment, a copy of said MOU being attached hereto, incorporated by reference thereto, and made a part hereof as though fully set out herein.

SECTION 2. That appropriations are hereby increased in the Police Department Grant Fund Operating Budget in the amount One Hundred Sixty-Three Thousand Three Hundred Sixty-Two and NO/100 Dollars (\$163,362.00) from increased grant revenues, to be received from the Kansas Bureau of Investigation, for operating costs related to participation in the Midwest HIDTA Kansas City / Overland Park DEA Task Force Initiative.

SECTION 3. That the City Manager is further authorized to approve future change orders, extensions, amendments or addendums to this agreement without Council approval, or an extension of time for completing the terms of the grant or for the receipt of additional funding for this same grant project, provided there are no changes in the terms and/or conditions or responsibilities to the City and provided each and every such change order, extension, amendment or addendum is approved by the City Manager, does not add more than 90% to the length of time of the grant or more than 50% to the original funding, is identified as being authorized by this ordinance and a copy is filed with the City Clerk.

SECTION 4. That the City Manager is hereby authorized to increase appropriations by the amount of any increased grant awards authorized by change order, extension, amendment or addendum for any increased funding under the terms of the previous section, provided a copy of that action is also provided to the Finance Department.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL
OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

I hereby certify that there is a balance,
otherwise unencumbered, to the credit of
the appropriation to which the foregoing
expenditure is to be charged, and a cash
balance, otherwise unencumbered, in the
treasury, to the credit of the fund from
which payment is to be made, sufficient
to meet the obligation hereby incurred.

Source is: As Indicated Above

Director of Finance and Administration
City of Independence, Missouri



Kansas Bureau of Investigation

Tony Mattivi
Director

Kris W. Kobach
Attorney General

July 5, 2024

Zachary Walker, City Manager
City of Independence
111 East Maple St, 3rd floor
Independence Missouri 64050

Dear Mr. Walker:

Attached for your review and signatures are documents relating to the Independence Police Department's 2024 operating budget for the Midwest HIDTA Kansas City / Overland Park DEA Task Force Initiative.

Please review the documents carefully, as signatures are required on several separate documents. Return to our office a copy of the original signature pages. After all other signatures are acquired a copy of the signature pages only will be returned for your files.

If your agency has any prior year HIDTA funds available, those funds must be exhausted before the 2024 funds can be used.

Please forward a copy of this MOU to your fiscal office.

Thank you for your continuing support of the Midwest HIDTA.

Award #: G24MW0003A

Initiative: Kansas City / Overland Park DEA Task Force

Award Maximum: \$163,362.00

Award Period: January 1, 2024 - December 31, 2025

Sincerely,

A handwritten signature in blue ink, which appears to read "Teresa Goza", is positioned above the printed name and title.

Teresa Goza
HIDTA Accountant IV
Kansas Bureau of Investigation

MIDWEST HIGH INTENSITY DRUG TRAFFICKING AREA (Midwest HIDTA)

MEMORANDUM OF UNDERSTANDING

KANSAS CITY/OVERLAND PARK DEA TASK FORCE

G23MW0003A

01-01-2024 / 12-31-2025

CFDA number 95.001

The Office of National Drug Control Policy (ONDCP) has awarded High Intensity Drug Trafficking area (HIDTA) funding to federal, state and local law enforcement agencies in the region comprised of the states of Kansas, Missouri, Nebraska, Iowa, South Dakota and North Dakota for the purpose of combating the manufacture and importation of methamphetamine and the disruption of poly-drug trafficking organizations. The Kansas Bureau of Investigation (KBI) has been designated as the fiscal agent for award proceeds to be distributed to state and local agencies participating in the Midwest HIDTA program within Kansas and in selected regional initiatives. These funds shall be used for purposes designated in the KANSAS CITY/OVERLAND PARK DEA TASK FORCE INITIATIVE (Appendix A) and associated budget (Appendix B), as approved by ONDCP.

Scope of Service

The services carried out under this Memorandum of Understanding shall be consistent with those contained in the initiative proposal and budget as approved for funding by ONDCP. Changes shall not be made in the subject or the proposed objectives of the initiative without prior written approval from The Midwest HIDTA State Coordinator for Kansas, the Midwest HIDTA Executive Director and the Midwest HIDTA Executive Committee.

The signatories agree to provide written notice to the KBI and to the Midwest HIDTA Kansas State Coordinator, at least (30) days in advance of any planned withdrawal from this agreement. In the event of withdrawal from this initiative by any party, all property and equipment acquired with HIDTA funds by the withdrawing party shall be re-distributed as per Midwest HIDTA policy and procedure. Upon the date specified in the written notice of withdrawal, this agreement shall become void with respect to the agency giving notice but shall remain in effect for all other participants. The KBI shall process all allowable reimbursement requests for the withdrawing agency through the date of the withdrawal.

Reprogramming of Funds

Reprogramming of funds within a HIDTA award requires different levels of approval based upon the amount to be reprogrammed and whether the reprogramming is inter-agency or inter-initiative. In all cases the recipient agency is responsible for forwarding a request for authorization for reprogramming to the KBI to be forwarded to the Midwest HIDTA State Coordinator for Kansas, the Midwest HIDTA Executive Director and Midwest HIDTA Executive Committee. The recipient agency is also responsible for maintaining detailed records of any reprogramming activities.

Reporting Requirement

All participants may be required to prepare a final report of initiative expenditures, which shall be submitted to the KBI within 30 days of the close of the program fiscal year. The financial report will be of a form approved by the KBI and shall contain a listing of expenditures/costs by cost category from the approved initiative budget (Appendix B). The report shall also contain a comparison of actual costs/expenditures against budget estimates. Failure to submit reports on a timely basis may result in the interruption or termination of the initiative funding for your agency. Detailed information on the financial reporting requirements is found in the HIDTA Program Policy and Budget Guidance (PPBG) publication and the Midwest HIDTA Policies and Standard Operating Procedures document (SOP).

G24MW0003A

Program Standards

Each agency agrees to abide by the standards and rules defined in the HIDTA Program Policy and Budget Guidance (PPBG) publication and the Midwest HIDTA Policies and Standard Operating procedures document as well as all formal written program guidance regarding financial management standards, reporting, records retention, equipment, vehicles, and procurement and supplanting requirements for any agency accepting HIDTA funds. You can download the full version from National HIDTA Assistance Center (NHAC) at nhac.org.

Assurances

Each agency agrees to abide by the terms and conditions set out in Application for Federal Assistance SF 424, Assurances - Non-Construction Programs (Appendix D) and Assurances – Construction Programs (Appendix E). Each agency will also submit the signed OMB forms, Certification Regarding Lobbying (Appendix F) and Disclosure of Lobbying Activities (Appendix G) and will abide by all applicable special conditions included as a part of the award agreement (Appendix I).

Invoicing

Each agency receiving reimbursements will invoice on the fifteenth of every month for expenditures incurred during the prior month. Reimbursement form shall be a form approved by the KBI (Appendix H) and shall contain a listing of expenditures by category. Each agency shall retain the original supporting documentation and provide a copy to the KBI with the monthly report. Each agency agrees that the NHAC and Midwest HIDTA Executive Director and Midwest HIDTA Executive Committee have the right to terminate suspend or delay any payment to sub-recipient if the reimbursements clearly fails to meet HIDTA PPBG. In the event that such an act is necessary the agency will be notified within three days of the decision.

Inventory

Equipment purchased with HIDTA funds shall be identified by cost, type and serial number and reported to the Kansas State Coordinator on the Midwest HIDTA Inventory Form (Appendix C). The Kansas State Coordinator shall maintain an inventory of all equipment purchased and provide the same to HIDTA. A copy of all inventory transactions shall be provided to the KBI. Any change to the inventory of HIDTA purchased equipment shall be reported promptly and in writing to the KBI.

Audit Readiness and Compliance

Each agency agrees to maintain appropriate and detailed records of its receipt and use of the funds, in accordance with the generally accepted accounting principles applying to government agencies. Each agency understands that it may be subject to an audit. Each agency also understands that there will be a site audit every two years for awardees that receive \$25,000 or more, and every three years for awardees that receive \$25,000 or less.

As the fiduciary, the KBI is required to provide certain information in an audit. The Single Audit Certification (Appendix K) provides part of the information needed. The Risk Assessment Tool (Appendix J) helps to ensure proper accountability and compliance with the program.

Operations

1. Individual agencies shall be responsible for the initial payment of costs for phones, pagers, travel and overtime associated with their agent/officer. All equipment purchases shall be made in accordance with the HIDTA program policy. Each agency agrees to compile those costs on a monthly basis and submit the same to the KBI for reimbursement as per the section of this document titled Invoicing. In the event all available travel funds for non-federal participants are expended, the DEA will assume responsibility for all necessary travel costs associated with this initiative. Reimbursement to each agency is limited to the amount specified in the respective funding category, for that agency, as set out in the approved initiative budget and this agreement.

2. Signatories agree to provide all required statistical, financial and programmatic documentation to the Midwest HIDTA, including but not limited to non-supplanting agreements, monthly performance reports and yearly threat assessment information.
3. Signatories agree to participate in and support all Midwest HIDTA information and intelligence programs, including but not limited to, HIDTA SAFETNET, EPIC NCLSS.
4. The signatories agree that in event that any additional funds are received from HIDTA for the benefit of the initiative, those funds shall be distributed pursuant to the written award authorizing those additional funds.
5. **Independence Police Department** shall agree to designate two commissioned officers to the Kansas City/Overland Park DEA HIDTA Task Force pursuant to the terms and conditions of the DEA document titled State and Local HIDTA Task Force Agreement.

Acceptance

Acceptance of this MOU by participating agencies is acceptance of all standards and conditions of the HIDTA Award, included as Appendix A, B, C, D, E, F, G, H, I, J and K.

Appendix A: Task Force Initiative

Appendix B: Task Force Budget

Appendix C: Midwest HIDTA Inventory Form

Appendix D: OMB Form 4040-0007, Assurances – Non-Construction Programs

Appendix E: OMB Form 4040-0009, Assurances – Construction Programs

Appendix F: OMB Form, Certification Regarding Lobbying

Appendix G: OMB Form, Disclosure of Lobbying Activities

Appendix H: HIDTA Reimbursement Form

Appendix I: HIDTA Award Agreement

Appendix J: FAPO Risk Assessment Tool

Appendix K: HIDTA Single Audit Certification

Fiscal Contact KBI:

Teresa Goza
Kansas Bureau of Investigation
15700 College Blvd., Suite 100
Lenexa, KS 66219-1473
913-609-1272
teresa.goza@kbi.ks.gov

Project Manager KBI:

Kelly Ralston, Assistant Director
Kansas Bureau of Investigation
625 Washington
Great Bend, KS 67530-5442
kelly.ralston@kbi.ks.gov

State Coordinator: Steve Riley
Midwest HIDTA
10220 NW Ambassador Dr., Suite 700
Kansas City, MO 64153
816-891-5217
sriley@midwest-hidta.org

Fiscal Contact IPD: Dennea Leap
Independence Missouri Police Department
223 N Memorial Drive
Independence, Missouri 64050
816-325-7315
dleap@indepmo.org

Participating Agency: Zachary Walker, City Manager
City of Independence
111 East Maple St, 3rd floor
Independence Missouri 64050
816-325-7019
816-325-7024 (FAX)

Participating Agency:
City of Independence Missouri

Zachary Walker, City Manager

Date

Through Independence Police Department

Adam Dustman, Chief

Date

Fiscal Agent:
Kansas Bureau of Investigation

Tony Mattivi, Director

Date

FY 2024 ENFORCEMENT INITIATIVE DESCRIPTION BUDGET PROPOSAL (INVESTIGATIVE)

HIDTA: Midwest HIDTA
INITIATIVE TITLE: Kansas City/Overland Park DEA Task Force
LEAD AGENCY(S): Drug Enforcement Administration
CO-LOCATION SITE: Overland Park, KS

DESCRIPTION

Initiative Purpose

The Kansas City/Overland Park DEA Task Force is a DEA led initiative that was created and funded in 1999. The Initiative is a cooperative partnership between federal and state and local law enforcement agencies in the Kansas City metropolitan area (KS: Johnson Co. and Wyandotte Co. / MO: Jackson Co. and Cass Co.). The Initiative is comprised of Task Force Group 41 (OCDETF Strike Force Group 1), Task Force Group 43 (OCDETF Strike Force Group 2), an intelligence group and a financial investigation contractor which all share collocated space at the DEA's Kansas City District Office. The task force focuses on significant Mexican methamphetamine and poly-drug trafficking organizations (DTOs) operating in its area of responsibility. Groups 43 and 41 are part of the multi-agency Kansas City Metropolitan OCDETF Strike Force. Group 43 also occupies space at the collocated OCDETF Strike Force, while Group 41 is host to the District of Kansas Title III (wire intercept) room in Overland Park, KS. All enforcement and investigative operations are coordinated through the deconfliction services provided by the Midwest HIDTA ISC, which assist in enhancing officer safety and increase efficiency by reducing duplication of effort.

Threat Priorities

International, regional and local DTOs affiliated with Mexican transnational criminal organizations (TCOs) that distribute methamphetamine, heroin/synthetic opioids, cocaine, as well as other drugs are the primary threat in the Initiative's area of responsibility. In addition to conducting investigations targeting PTOs, CPOTs, RPOTs, DTOs and major methamphetamine and poly-drug trafficking Mexican TCOs, the Initiative also investigates the sale and diversion of precursor and essential chemicals utilized in the manufacture of methamphetamine and the investigation of individuals and criminal organizations involved in the clandestine manufacture and distribution of poly-drugs and methamphetamine. The task force initiates investigations of DTOs operating in its area of responsibility, which primarily consists of the greater Kansas City metropolitan area.

Investigative Approach

The Kansas City/Overland Park DEA Task Force utilizes a variety of investigative techniques that include traditional undercover operations where controlled substances are purchased from investigative targets, physical and electronic surveillance, controlled deliveries and Title IIIs. HIDTA funding is used to enhance the Initiative's efforts and consists of PE/PI, salary, fringe and overtime for state and local investigators, investigative travel, investigative supplies and equipment, and various office supplies and services.

Budget Detail

2024 - Midwest

Initiative - Kansas City/Overland Park DEA Task Force

Award Recipient - Kansas Bureau of Investigation (G24MW0003A)

Resource Recipient - Kansas Bureau of Investigation

Input **\$369,569.00**

Personnel	Quantity	Amount
Investigative - Law Enforcement Officer	4	146,559.00
Total Personnel	4	\$146,559.00
Fringe	Quantity	Amount
Investigative - Law Enforcement Officer	4	42,823.00
Total Fringe	4	\$42,823.00
Overtime	Quantity	Amount
Investigative - Law Enforcement Officer	6	103,688.00
Total Overtime	6	\$103,688.00
Services	Quantity	Amount
Vehicle lease - passenger	6	45,000.00
Total Services	6	\$45,000.00
Supplies		Amount
Investigative/Operational		31,499.00
Total Supplies		\$31,499.00
Total		\$369,569.00

Midwest HIDTA Equipment Inventory
Additions/Transfers/Disposals

Purchase Date:	
Manufacturer's Serial Number:	
Manufacturer/Vendor:	
Cost:	
Purchase Condition:	
HIDTA #:	
Description:	
Purchasing Agency:	
HIDTA Funding %:	
Agency Asset #:	
Title Holder:	
Initiative:	
Custodian Agency:	
Physical Location:	
City:	
State	
Transferred From:	
Current Condition:	
Surplus Date:	
Reason for Disposal:	
Disposal Method:	
Notes:	
Name:	

View Burden Statement

OMB Number: 4040-0007
Expiration Date: 02/28/2025**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4783) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
- Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
X_____	City Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Independence Missouri through Independence Missouri Police Department	

View Burden Statement

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2025

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
- Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
- Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
- Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1988 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
X _____	City Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Independence Missouri through Independence Missouri Police Department	

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
X _____	City Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Independence Missouri through Independence Missouri Police Department	

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C.1352

OMB Number: 4040-0013
Expiration Date: 02/28/2025

1. * Type of Federal Action: ☐ a. contract ☒ b. grant ☐ c. cooperative agreement ☐ d. loan ☐ e. loan guarantee ☐ f. loan insurance	2. * Status of Federal Action: ☐ a. bid/offer/application ☒ b. initial award ☐ c. post-award	3. * Report Type: ☒ a. initial filing ☐ b. material change
--	--	--

4. Name and Address of Reporting Entity:
☐ Prime ☒ SubAwardee Tier if known: ☐

* Name:

* Street 1: Street 2:

* City: State: Zip:

Congressional District, if known:

5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:

* Name:

* Street 1: Street 2:

* City: State: Zip:

Congressional District, if known:

6. * Federal Department/Agency: ONDCP	7. * Federal Program Name/Description: HIDTA CFDA Number, if applicable: 95.001
--	--

8. Federal Action Number, if known:

9. Award Amount, if known:
 \$

10. a. Name and Address of Lobbying Registrant:
 Prefix * First Name Middle Name
 * Last Name Suffix
 * Street 1 Street 2
 * City State Zip

b. Individual Performing Services (including address if different from No. 10a)
 Prefix * First Name Middle Name
 * Last Name Suffix
 * Street 1 Street 2
 * City State Zip

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

* Signature:

* Name: Prefix * First Name Middle Name
 * Last Name Suffix

Title: Telephone No.: Date:

Federal Use Only:

Authorized for Local Reproduction
 Standard Form - LLL (Rev. 7-97)

Midwest HIDTA Reimbursement Request Form

Agency

Independence Missouri Police Department
223 N. Memorial Drive
Independence MO 64050-3013

Ord. 18570

Dept. Code

KBI use only
S-40378-1-001
Grant # 2403

Invoice for the month of:

2024 Funding Year 01/01/2024 to 12/31/2025

Initiative: Kansas City/Overland Park DEA Task Force G24MW0003A

CFDA # 95.001

Enter Data in This
Column only

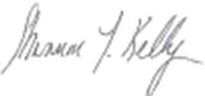
Category	Beginning Allocation	Cumulative Expenses through	Expenditures This Month	Remaining Balance
Personnel - Philip	\$ 40,450.00			\$ 40,450.00
Personnel - Pfeifer	\$ 33,600.00			\$ 33,600.00
Fringe - Philip	\$ 10,449.00			\$ 10,449.00
Fringe - Pfeifer	\$ 10,449.00			\$ 10,449.00
Overtime - Winans	\$ 20,707.00			\$ 20,707.00
Overtime - Pfeifer	\$ 20,707.00			\$ 20,707.00
Vehicle Lease - Winans	\$ 9,000.00			\$ 9,000.00
Vehicle Lease - Pfeifer	\$ 9,000.00			\$ 9,000.00
Supplies/Fuel	\$ 9,000.00			\$ 9,000.00
Total	\$ 163,362.00	\$ -	\$ -	\$ 163,362.00

Agency Authorization / Date	Midwest HIDTA Authorization/Date	KBI Authorization / Date
Adam Dustman, Chief		
Finance Officer Please Print Dennea Leap	(816) 325-7315	Fax 816-325-7316

Reimbursement forms are due by the 15th of the month.

Please attach all supporting documents

Appendix H

Executive Office of the President Office of National Drug Control Policy		Grant Agreement							
1. Recipient Name and Address Anthony Mattivi Director Kansas Bureau of Investigation 1620 SW Tyler Topeka, KS 66612-1837	4. Award Number (FAIN): G24MW0003A		5. Period of Performance: From 01/01/2024 to 12/31/2025						
2. Total Amount of the Federal Funds Obligated: \$3,844,727.00	6. Federal Award Date: April 29, 2024	7. Action: Initial							
2A. Budget Approved by the Federal Awarding Agency \$3,844,727.00	8. Supplement Number								
3. CFDA Name and Number: <i>High Intensity Drug Trafficking Areas Program - 95.001</i>	9. Previous Award Amount:								
3A. Project Description <i>High Intensity Drug Trafficking Areas (HIDTA) Program</i>	10. Amount of Federal Funds Obligated by this Action: \$3,844,727.00								
	11. Total Amount of Federal Award: \$3,844,727.00								
12. This Grant is non-R&D and approved subject to such conditions or limitations as are set forth on the attached pages.									
13. Statutory Authority for Grant: <i>Public Law 118-47</i>									
AGENCY APPROVAL		RECIPIENT ACCEPTANCE							
14. Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Office of National Drug Control Policy		15. Typed Name and Title of Authorized Official Anthony Mattivi Director Kansas Bureau of Investigation							
16. Signature of Approving ONDCP Official 		17. Signature of Authorized Recipient/Date  5/3/2024							
AGENCY USE ONLY									
18. Accounting Classification Code UEI: MQ3SSN5SNG84 DUNS: 150943496 EIN: 1486029925L2		19. HIDTA AWARD <i>OND1070DB2425XX 2024 OND6113</i> <i>OND2000000000 OC 410001</i>							

GRANT CONDITIONS

A. General Terms and Conditions

1. This award is subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. § 200 (the “§ 200 Uniform Requirements”), as adopted and implemented by the Office of National Drug Control Policy (ONDCP) in 2 C.F.R. §3603. For this award, the § 200 Uniform Requirements supersede, among other things, the provisions of 28 C.F.R. §§ 66 and 70, as well as those of 2 C.F.R. §§ 215, 220, 225, and 230. For more information on the § 200 Uniform Requirements, see <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>. For specific, award-related questions, recipients should contact ONDCP promptly for clarification.
2. This award is subject to the following additional regulations and requirements:
 - 28 C.F.R. § 69 – “New Restrictions on Lobbying”
 - 2 C.F.R. § 25 – “Universal Identifier and System of Award Management”
 - Conflict of Interest and Mandatory Disclosure Requirements
 - Non-profit Certifications (when applicable)
3. Audits conducted pursuant to 2 C.F.R. § 200, Subpart F, “Audit Requirements” must be submitted no later than 9 months after the close of the grantee’s audited fiscal year to the Federal Audit Clearinghouse (fac.gov)
4. Grantees are required to submit Federal Financial Reports (FFR) to the Department of Health and Human Services, Payment Management System (HHS-PMS). The Federal Financial Report is required to be submitted quarterly and within 90 days after the grant is closed out.
5. The recipient gives the awarding agency or the Government Accountability Office, through any authorized representative, access to, and the right to examine, all paper or electronic records related to the grant.
6. Recipients of HIDTA funds are not agents of ONDCP. Accordingly, the grantee, its fiscal agent(s), employees, contractors, as well as state, local, and Federal participants, either on a collective basis or on a personal level, shall not hold themselves out as being part of, or representing, the Executive Office of the President or ONDCP.
7. These general terms and conditions, as well as archives of previous versions of these general terms and conditions, are available online at <https://www.whitehouse.gov/ondcp/grant-programs/>.

8. Failure to adhere to the General Terms and Conditions as well as the Program Specific Terms and Conditions may result in the termination of the grant or the initiation of administrative action. ONDCP may also terminate the award if it no longer effectuates program goals or agency priorities. See 2 CFR 200.340.
9. Conflict of Interest and Mandatory Disclosures

A. Conflict of Interest Requirements

As a non-federal entity, you must follow ONDCP's conflict of interest policies for federal awards. Recipients must disclose in writing any potential conflict of interest to an ONDCP Program Officer; recipients that are pass-through entities must require disclosure from sub-recipients or contractors. This disclosure must take place immediately whether you are an applicant or have an active ONDCP award.

The ONDCP conflict of interest policies apply to sub-awards as well as contracts, and are as follows:

- i. As a non-federal entity, you must maintain written standards of conduct covering conflicts of interest and governing the performance of your employees engaged in the selection, award, and administration of sub-awards and contracts.
- ii. None of your employees may participate in the selection, award, or administration of a sub-award or contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an organization considered for a sub-award or contract. The officers, employees, and agents of the non-federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from sub-recipients or contractors or parties to sub-awards or contracts.
- iii. If you have a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, you must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, you are unable or appear to be unable to be impartial in conducting a sub-award or procurement action involving a related organization.

B. Mandatory Disclosure Requirement

As a non-federal entity, you must disclose, in a timely manner, in writing to ONDCP all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Non-federal entities that have received a federal award including the terms and conditions outlined in appendix XII of this part are required to report certain civil, criminal, or administrative proceedings to the System for Award Management (SAM), currently the Federal Awardee Performance and Integrity Information System. Failure to make required disclosures can result in any of the remedies described in § 200.339. (See also 2 C.F.R. §180, 31 U.S.C. § 3321, and 41 U.S.C. § 2313.)

None of the funds appropriated or otherwise made available by this grant or any other Act may be used to fund a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information. This limitation shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

10. Federal Funding Accountability and Transparency (FFATA) / Digital Accountability and Transparency Act (DATA Act). Each applicant is required to (i) be registered in SAM before submitting its application; (ii) provide a valid Unique Entity Identifier number in its application; (iii) continue to maintain an active SAM registration with current information at all times during which it has an active federal award; and (iv) provide all relevant grantee information required for ONDCP to collect for reporting related to FFATA and DATA Act requirements.
11. Subawards are authorized under this grant award. Subawards must be monitored by the award recipient as outlined in 2 C.F.R. § 200.331.
12. Recipients must comply with the Government-wide Suspension and Debarment provision set forth at 2 C.F.R. §180, dealing with all sub-awards and contracts issued under the grant.
13. As specified in 2 CFR 200.303 Internal Controls, recipient must:

- a) Establish and maintain effective internal controls over the federal award that provides reasonable assurance that federal award funds are managed in compliance with federal statutes, regulations and award terms and conditions. These internal controls should be in compliance with the guidance in “Standards for Internal Control in the federal Government,” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework,” issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
 - b) Comply with federal statutes, regulations, and the terms and conditions of the Federal awards.
 - c) Evaluate and monitor the non-federal entity’s compliance with statute, regulations, and the terms and conditions of the federal award.
 - d) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
 - e) Take reasonable measures to safeguard protected personally identified information (PII) and other information ONDCP or pass-through entity designates as sensitive or the non-federal entity considers sensitive consistent with applicable federal, state, and local laws regarding privacy and obligations of confidentiality.
14. Recipients are prohibited from using federal grant funds to purchase certain telecommunication and video surveillance services or equipment in alignment with § 889 of the National Defense Authorization Act of 2019, Pub. L. No. 115-232. See 2 C.F.R. § 200.216. See also, HIDTA PPBG, § 7.20, Prohibited Uses of HIDTA Funds.
15. Grantees should provide a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States. See 2 C.F.R. § 200.322.
16. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, shall clearly state—
- a) the percentage of the total costs of the program or project which will be financed with federal money;
 - b) the dollar amount of Federal funds for the project or program; and
 - c) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

B. Recipient Integrity and Performance Matters

Reporting of Matters Related to Recipient Integrity and Performance

1. *General Reporting Requirement*

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then you as the recipient during that period of time must maintain the currency of information reported to SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under § 872 of Public Law 110-417, as amended (41 U.S.C. § 2313). As required by § 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for federal procurement contracts, will be publicly available. See 2 C.F.R. Part 200, Appendix XII.

2. *Proceedings About Which You Must Report*

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent 5-year period; and
- c. Is one of the following:
 - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
 - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - (3) An administrative proceeding, as defined in paragraph 5 of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 - (4) Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
 - (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

(iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. *Reporting Procedures*

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under federal procurement contracts that you were awarded.

4. *Reporting Frequency*

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent 5-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. *Definitions*

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and state level, but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—
 - (1) Only the federal share of the funding under any federal award with a recipient cost share or match; and
 - (2) The value of all expected funding increments under a federal award and options, even if not yet exercised.

C. Program Specific Terms and Conditions

The grant condition is as follows:

1. This award is subject to the requirements in the SUPPORT for Patients and Communities Act, 21 U.S.C. §§ 1701 *et seq.* and in the ONDCP National HIDTA Program Office HIDTA *Program Policy and Budget Guidance* (September 9, 2021) (PPBG). The HIDTA PPBG is issued pursuant to authority granted the Director of ONDCP by the SUPPORT for Patients and Communities Act (21 U.S.C. § 1706) and the Uniform Administration Requirements (2 C.F.R. § 200) which provide the Director of ONDCP authority to coordinate funds and implement oversight and management function with respect to the HIDTA Program. The HIDTA PPBG can be accessed at the following website:
[Program Policy and Budget Guidance2021.pdf \(nhac.org\)](#)
 In addition, as a condition for receiving this award, recipients must complete safe and healthy workplace trainings as outlined in the PPBG.

D. Federal Award Performance Goals

HIDTA award recipients must adhere to the performance measures, goals and requirements set forth in the PPBG Performance Management chapter (§ 10.0) and the HIDTA Performance Management Process (PMP) database.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
X _____	City Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Independence Missouri through Independence Missouri Police Department	

FAPO RISK ASSESSMENT TOOL

Key Risk Areas and Underlying Factors	EXAMPLES				Lower	Risk Level				Higher
		Lower Risk State	Moderate Risk State	Higher Risk State	1	2	3	4	5	
AREA 1: COMPLIANCE – risk of non-compliance with specific laws, regulations and other rules affecting this process and its financial reporting										
Characteristics of the applicable laws, regulations, policies & rules impacting financial reporting for this business process										
Level of Clarity		Clear & precise	Open to interpretation/generic	Unclear and imprecise						
Degree of maturity/stability		Well-established & time-tested	Recently enacted/evolving (<3 years)	Brand New or unestablished						
Complexity		Simple & straight forward	Involves judgement & some complexity	Highly complicated or judgmental						
AREA 2: HUMAN CAPTIAL – risk posed by the knowledge, skills and capacities of the people involved in this process who can effect financial assistance										
Knowledge/familiarity of staff with process		Highly knowledgeable & familiar	Average familiarity	Staff are new or unfamiliar						
Degree of management process ownership/control		Processes fully in-sourced and under management’s direct control	Mixed in & out-sourced processing or some control delegated to others	Significant outsourcing or delegation of processes to others’ control						
Workload Stress		Low staff turnover; no workforce constraints or other stressors	Moderate staff turnover: some workforce constraints	High staff turnover; notable workforce constraints adding stress						
AREA 3: OPERATIONS – risk posed by the characteristics of the manual/automated activities & IT applications involved in this process impacting financial assistance										
Characteristics of the manual and automated activities & technology applications comprising this business process										
Uniformity		Highly standardized	Some variations occur	Highly variable						
Complexity		Simple & straightforward	Moderately complicated	Complicated/cumbersome/ error prone						
Regularity		Routine	Periodic/infrequent	Non-routine/Rare						
Maturity or Stability		Stable, well-established, time-tested	Evolving/in transition (<3 years)	Brand new, unestablished, unstable						
Extent of handling		One/two “Touch-points”	Multiple processing steps/applications	Many people/steps/apps involved						
Dispersion		Centralized within one location/function	Moderately dispersed among multiple locations/function	Highly dispersed among many different location/functions						
AREA 4: NATURE OF TRANSACTIONS – risk posed by the qualitative and quantitative characteristics of transactions generated by the process										
Transaction volume		Extensive transactions (1000+)	Many transactions (100+)	Few transactions (10+)						
Transaction Frequency		Systematic/recur on a regular basis	Happens periodically/cyclically	Happens infrequently or rarely						
Individual transaction sizes		Small dollar (< 1/1000 th of materiality)	Moderate dollar (>1/1000 th of materiality & <1/100 th of materiality)	Large dollar (>1/100 th of materiality)						
Impact of estimates on financial reporting transactions		Little/no impact of estimates/all transaction variable are known/no estimation judgement involved	Moderate impact of estimates/most transaction variables are known/some estimation judgement involved	Significant impact of estimates/some transaction variables are derived amounts/high judgement required						
Propensity for fraud, waste or misappropriation of assets or information given safeguarding or other security issues		Assets are immoveable or have no intrinsic value/information is easily safeguarded/low risk of concealable theft or diversion	Assets are moveable and have some intrinsic value/information is capable of diversion/moderate risk of concealable theft or diversion	Assets are moveable and have a significant intrinsic valuable/information is capable of diversion/high risk of concealable theft or diversion						

FAPO RISK ASSESSMENT TOOL

APPENDIX J

AREA 5: MANAGEMENT'S RECENT EXPERIENCE – indications of possible lingering risks based upon management's experience with events during the pasts 3 years								
Prior annual financial statement or other audit results								
Controls & Compliance issues raised	No findings related to this process	Management letters comments or other similar findings provided by auditors for this process	Reportable conditions, material weaknesses, non-compliance or "high-risk" matters cited by auditors for this process					
Adjustments by auditors	None	Few adjustments/not material in the aggregate	Significant number of adjustments; aggregate value of adjustments exceed planning materiality					
Adjustments by management	Few adjustments/routine in nature/mall dollar amounts involved	Moderate adjustments/moderate dollar amounts involved	Significant number or dollar amount of adjustments required/non-routine in nature					
Results of management's recent Statement of Assurance assessments	No findings related to this process	Some findings, though insignificant in scale/impact	Reportable conditions, material weaknesses & no-compliance matters found by management for this process					
Management's day-to-day experience								
Accounting errors or irregularities (known fraud)	Few error/adjustments	adjustments	Significant errors/adjustments					
Information available to monitor performance	Readily available/useable by management on a timely basis	Somewhat available for use by management/information is of mixed quality or is untimely	Unavailable for use by management/information is hard to understand or apply on a timely basis					
Typical accounting analysis needed by management in this area	Few calculations/analysis	Moderate calculations/analysis	Extensive calculations/analysis					
Overall nature of issues, errors or adjustments	A virtually problem free area	Problems occur from time to time of varying significance	Problems persist, can be significant/demand high management intervention					
AREA 6: MANAGEMENT'S CURRENT OUTLOOK – overall perceived likelihood of material adverse financial reporting risks within the next year for this process								
Management overall prognosis of material adverse risks for this process	Remote	Reasonably Possible	More Likely than Not					

Assessment performed by: _____

Date: _____

Single Audit Certification

Sub-Recipient Audit Requirements of the A-133

Single Audit (2 C.F.R. Part 200, Subpart F)

Agreement between the City of Independence and the Kansas Bureau of Investigation under the Midwest HIDTA CFDA #95.001 for the period of 01/01/2024 to 12/31/2025 in the amount of \$163,362.00.

The Kansas Bureau of Investigation is subject to the requirements of the U.S. Office of Management and Budget (OMB) Circular A-133: Audits of States, Local Governments and Nonprofit Organizations. As such, OMB Circular A-133 requires the Kansas Bureau of Investigation to monitor our sub recipients of federal awards and determine whether they have met the audit requirements of the circular and whether they are in compliance with federal laws and regulations. This document must be completed and signed by the fiscal agent's organization.

Accordingly, we are requesting that you circle one of the numbers below, provide all appropriate documentation regarding your organization's compliance with the audit requirements, This is part of the sub recipient's grant agreement with the Kansas Bureau of Investigation.

Name of organization: City of Independence

Sub recipient's SAM UEI # _____ expires _____

Federal Employer Identification Number (FEIN): _____

Signature: _____

1. We have completed our OMB Circular A-133 audit for the fiscal year ending _____
 Here is the link to our audit report. _____ If material exceptions were noted please enclose a copy of the responses and corrective actions taken.
2. We expect our OMB Circular A-133 audit for the fiscal year ending _____
 to be completed by _____. A copy of our audit report will be forwarded to the Kansas Bureau of Investigation within 30 days of receipt of the report.
3. We are not subject to Circular A-133 audit because:
 - a) We are a for-profit organization.
 - b) We expend less than \$750,000 in federal awards annually.
 - c) Other (*please explain*): _____

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-078 **2R** An ordinance amending Article 5 of Chapter 19 of the City Code enacting a maximum number of refuse collection establishments operating in the City. **2R**

Recommendations:

Staff recommends approval.

Background:

At the July 1, 2024 City Council meeting, it was requested that staff bring forward an amendment to the City Code to enact a limit on the number of refuse collectors operating with the City.

The City currently has eight (8) refuse collectors operating in the City. The proposed amendment leaves in place the Certificate of Public Convenience and Necessity process and establishes a limit based on a population density factor of one (1) refuse collection establishment per 15,500 population based on the last decennial census.

With the adjustable factor, as the residential population grows, there could be need for additional refuse collection establishments in the future. However, with the Certificate of Public Convenience and Necessity process, the decision to review additional establishment will still be made by the City Council.

Emergency Justification:**Fiscal Impact:**

There is no fiscal impact to the City.

Council Action:

**Department /
Contact**

Community Development /

REVIEWERS

Tom Scannell

Jeremy Cover

Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance Enacting Maximum Number of Trash Collectors
2. City Code Article 5. Refuse Collectors

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 5 OF CHAPTER 19 OF THE CITY
CODE ENACTING A MAXIMUM NUMBER OF REFUSE COLLECTORS
OPERATING IN THE CITY.

WHEREAS, the City of Independence has regulated trash collectors since the 1940s; and may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, since the adoption, there have been several amendments to the refuse collectors article mostly dealing with singular topics; and,

WHEREAS, City Council desires to update these regulations to enact a maximum number of refuse collectors that can operate in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Independence Section 19.05.002 shall hereby be amended as follows:

Sec. 19.05.002. Certificate of public convenience and necessity required **and number of establishments.**

No person, firm or corporation shall engage in the business of regularly collecting refuse without first obtaining a certificate of public convenience and necessity from the City Council for each vehicle to be operated as a refuse collection vehicle. The certificate shall be in addition to any business or occupational license required by other ordinances. **No certificate of public convenience and necessity shall be approved where it is determined that the total number of such establishments operating within the City of Independence will exceed the population density factor of one refuse collection establishment per 17,500 residents based on the last decennial census. Should the maximum number of establishments decrease due to a decrease in the City's decennial census decrease, those lawfully licensed refuse collection establishments shall be allowed to continue operations subject to provisions in the City Code.**

SECTION 2. This Ordinance shall be in full force and effect from and after passage.

SECTION 3. Correction of any scrivener's' errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY

City Manager

NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.

ARTICLE 5. REFUSE COLLECTORS

Sec. 19.05.001. Definitions.

Whenever the following words and phrases are used in this article, they shall have the meanings set out herein:

CERTIFICATE HOLDER means any person to whom a certificate of public convenience and necessity has been issued under the provisions of this article and which certificate has not been revoked or suspended.

COLLECTION VEHICLE means any self-propelled or drawn vehicle engaged or capable of being engaged in the collection, transportation and disposal of refuse.

COLLECTOR means any person engaged in the business of collecting, transporting and disposing of refuse over a regular route within the City of Independence or upon call.

COMPLIANCE STICKERS will be issued to each vehicle in a form prescribed by the License Officer as evidence that the vehicle owner has a certificate therefore, that all fees have been paid, and the vehicle is in compliance with this article.

DESIGNATE shall mean the individual duly appointed by, and authorized to act on behalf of, any officer or employee assigned specific duties and responsibilities under this chapter.

LICENSE OFFICER means the proper designee of the City Manager.

OPERATING WITHIN THE CITY OF INDEPENDENCE means receiving, picking up, or otherwise collecting, within the corporate limits of the City of Independence, Missouri, any such refuse, and the hauling of such over the streets of the City to any point within or without the City.

PREMISES means business establishments, boarding houses, rooming houses, offices, theaters, hotels, tourist camps, apartments, restaurants, cafes, bars, hospitals, schools, private residences, vacant lots or other places within the City limits of the City of Independence, Missouri.

REFUSE shall include putrescible animal or vegetable wastes resulting from the handling, preparation, cooking and the consumption of food; all solid wastes; small tree limbs, tree prunings, shrubbery trimmings, and small crating materials of wood and/or cardboard; brush, wood, cardboard boxes, heavy yard trimmings which cannot be conveniently cut into five foot lengths, discarded fence posts, old lumber, and other earthen, wooden or metal materials; all organic or inorganic matter, which has been discarded, damage thrown away or which no longer has value or use, or is inoperative or unworkable.

Sec. 19.05.002. Certificate of public convenience and necessity required and number of establishments.

No person, firm or corporation shall engage in the business of regularly collecting refuse without first obtaining a certificate of public convenience and necessity from the City Council for each vehicle to be operated as a refuse collection vehicle. The certificate shall be in addition to any business or occupational license required by other ordinances. No certificate of public convenience and necessity shall be approved where it is determined that the total number of such establishments operating within the City of Independence will exceed the population density factor of one refuse collection establishment per 17,500 residents based on the last decennial census. Should the maximum number of establishments decrease due to a decrease in the City's decennial census decrease, those lawfully licensed refuse collection establishments shall be allowed to continue operations subject to provisions in the City Code.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-079 **2R** An ordinance approving a final plat for Behavioral Health, in Independence, Jackson County, Missouri. **2R**

Recommendations:

Commissioner O’Neil made a motion to recommend approval of the final plat of Behavioral Health with the following conditions:

1. Situs Addresses for the Lots and Tracts on the Final Plat shall be as follows:

Lot 1 20501 E. 42nd Street S.

Lot 2 will be 20500 E. 42nd Street S.

2. Provide State Plane Coordinates.

3. The first signature block should read, “City Engineer,” not, “Municipal Services Director”.

4. Commercial lots will need follow water quality Best Management Practices (BMP’s). These can be built during the development phase or building permit phase.

A second to the motion was made by Commissioner Ashbaugh. The City Planning Commission voted as follows:

Commissioner Wiley - Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – Absent

Commissioner O’Neil – Yes

Commissioner Ashbaugh – Yes

Commissioner Torres - Yes

The motion passed with a recommendation for approval to be forwarded to the City Council for consideration. Staff concurs with the recommendation of the Planning Commission.

Background:

PROJECT DESCRIPTION: A request by Sean Ray, of Kimley-Horn, to approve a Final Plat the property located at 20441 E. 42ND Street S. (to be readdressed as 20501 and 20500 E. 42nd Street S.).

PROPOSAL:

The project entails the construction of a new Behavioral Health Facility on 8.36-acres of the remaining unplatted Trinity Development. Lot 2, north of E. 42nd Street S., will remain undeveloped at this time.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed two lot plat will be a 12.37-acre property, consisting of the unplatted remainder of the Trinity Development located northeast of the intersection E. Valley View Parkway and E. Trinity Place.

CHARACTERISTICS OF THE AREA:

The Trinity Development contains restaurant, hotel, banking, office, multiple-family, library and medical uses. To the north Lot 2 is Interstate 70. The properties to the west of Lot 2 are a vacant lot and a hotel. To the west of Lot 1 is a children's hospital. To the east of both proposed lots is a nursing home. To the south of Lot 1 across E. Trinity Place is an undeveloped property.

The topography to the rises to the west. The new subdivision will be located in the relatively flat Little Blue Valley.

PROPOSED DEVELOPMENT:

The proposed development project entails the construction of a new Behavioral Health Facility on a greenfield site in southeast Independence. This 78,534-square foot one-story facility will provide treatment for 120 inpatients.

The 8.36-acre site will include parking for 180 vehicles, drop-off for passenger vehicles and ambulances, truck loading and pedestrian circulation. The secured exterior activity yards will include sidewalks, table seating, sports courts, and natural grass with additional landscaping. A schematic design of detention areas has been developed.

ANALYSIS**Consistency with *Independence for All*, Strategic Plan:**

The application is within keeping with the Measures for Success for, "Improve...major commercial corridors."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Mixed Uses for this site. The Guiding Principles state the need to, "Ensure that opportunities for convenient and concentrated commercial developments are provided to support both the local and regional market."

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Water, sanitary and electrical services are available along the E. 42nd Street S. and E. Trinity Place rights-of-way and nearby easements.

Stream Buffers and Flood Plain Area:

There are not any Stream Buffer zones within the plat area. However, portions of Lot 1 are within both the 100 and 500-year flood plains.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:**Fiscal Impact:**

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-320-03
2. Staff Report 24-320-03
3. Narrative
4. Application
5. Final Plat
6. Zoning Map
7. Comp Plan Map
8. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A FINAL PLAT FOR BEHAVIORAL HEALTH, IN
INDEPENDENCE, JACKSON COUNTY, MISSOURI.

WHEREAS, the application submitted by UHS Behavioral Health Facility, requesting approval of the final plat entitled "Behavioral Health," was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Planning Commission considered the final plat on July 9, 2024, and rendered a report to the City Council recommending the plat be approved by a vote of 6-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the final plat is consistent with the approval criteria in Section 14-702-04.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the final plat entitled "Behavioral Health" is a subdivision located in part of Section 28, Township 49 North, Range 31 West, in Independence, Jackson County, Missouri and being more particularly described as follows:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 12, TRINITY 2ND PLAT, LOTS 6-12, A SUBDIVISION OF LAND AS RECORDED AT THE JACKSON COUNTY, MISSOURI RECORDER OF DEEDS OFFICE; THENCE NORTH 88°20'54" EAST, 521.31 FEET; THENCE ALONG A CURVE TO THE RIGHT, BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 215.00 FEET, AN ARC LENGTH OF 162.85 FEET, TO THE NORTHERLY CORNER OF EAST TRINITY PLACE, AS NOW ESTABLISHED, AND AS SHOWN ON THE FINAL PLAT OF, TRINITY WOODS, SECOND PLAT- LOT 4, A SUBDIVISION OF LAND AS RECORDED IN SAID OFFICE, THENCE, ALONG THE WESTERLY AND NORTHERLY SIDE OF SAID EAST TRINITY PLACE, THE FOLLOWING SIX (6) COURSES, SOUTH 41°44'45" WEST, 50.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 48°15'15" EAST, A RADIUS OF 165.00 FEET, AN ARC LENGTH OF 240.12 FEET; THENCE, TANGENT TO THE LAST DESCRIBED CURVE, SOUTH 35°07'38" WEST, 146.71 FEET; THENCE ALONG A CURVE TO THE RIGHT, BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 238.50 FEET, AN ARC LENGTH OF 228.41 FEET; THENCE, TANGENT TO THE LAST DESCRIBED CURVE, NORTH 90°00'00" WEST, 359.35 FEET; THENCE, ALONG A CURVE TO THE LEFT, BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 145.33 FEET TO THE SOUTHEAST CORNER OF LOT 23, TRINITY 3RD PLAT, LOTS 22-23, A SUBDIVISION OF LAND AS RECORDED AT SAID OFFICE; THENCE ALONG THE EAST LINE OF SAID LOT 23, NORTH 06° 19'30" WEST, 278.14 FEET TO THE SOUTHEAST CORNER OF LOT 22 OF SAID TRINITY 3RD PLAT, LOTS 22-23; THENCE, ALONG THE EAST LINE OF SAID LOT 22, NORTH 01°39'06" WEST, 209.82 FEET TO A POINT ON THE SOUTH LINE OF EAST 42ND STREET SOUTH, AS NOW ESTABLISHED; THENCE ALONG THE SOUTH LINE OF SAID EAST 42ND STREET SOUTH, NORTH 88°20'54" EAST, 157.30 FEET; THENCE, ALONG THE EAST LINE OF SAID EAST 42ND STREET SOUTH, NORTH 01 °39'06" WEST, 50.00 FEET TO THE POINT OF BEGINNING.

SECTION 2. All of the conditions of approval have been resolved by the applicant except for the conditions listed below:

1. Situs Addresses for the Lots and Tracts on the Final Plat shall be as follows:
Lot 1 20501 E. 42nd Street S.
Lot 2 will be 20500 E. 42nd Street S.
2. Provide State Plane Coordinates.
3. The first signature block should read, "City Engineer," not, "Municipal Services Director".
4. Commercial lots will need follow water quality Best Management Practices (BMP's). These can be built during the development phase or building permit phase.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 5. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: July 9, 2024

STAFF: Brian Harker, Senior Planner

PROJECT NAME: UHS Behavioral Health Facility

CASE NUMBER/REQUEST: Case 24-320-03 - Final Plat – Behavioral Health – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.

APPLICANT: UHS Behavioral Health Facility

OWNER: Universal Health Services

LOCATION: 20441 E. 42nd Street S.

SITE ACREAGE: 12.37-acres

NUMBER OF LOTS: 2-lots

PROPERTY ZONING: C-2 (General Commercial)

SURROUNDING ZONINGS/LAND USES:

North: Interstate 70...Freeway

East: C-2 (General Commercial)...nursing home

South: C-2 (General Commercial)...vacant land

West: C-2 (General Commercial)...childrens hospital

CURRENT USE: Undeveloped land

FURTHER ACTION:

Following action by the Planning Commission, this final plat request is scheduled for consideration by the City Council on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this Final Plat subject to the conditions listed below:

1. Situs Addresses for the Lots and Tracts on the Final Plat shall be as follows:
Lot 1 20501 E. 42nd Street S.
Lot 2 will be 20500 E. 42nd Street S.
2. Provide State Plane Coordinates.
3. The first signature block should read, "City Engineer," not, "Municipal Services Director".
4. Commercial lots will need to follow water quality Best Management Practices (BMP's) and City Specifications as per engineering approval. These can be built during the development phase or building permit phase.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Sean Ray, of Kimley-Horn, to approve a Final Plat the property located at 20441 E. 42ND Street S. (to be readdressed as 20501 and 20500 E. 42nd Street S.).

Current Zoning: C-2 (General Commercial)

Current Use: Undeveloped lots

Acreage: 12.37-acres

Proposed Use: Mental health facility

Number of lots Two lots

PROPOSAL:

The project entails the construction of a new Behavioral Health Facility on 8.36-acres of the remaining unplatted Trinity Development. Lot 2, north of 42nd Street, will remain undeveloped at this time.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed two lot plat will be a 12.37-acre property, consisting of the unplatted remainder of the Trinity Development located northeast of the intersection Valley View Parkway and Trinity Place.

CHARACTERISTICS OF THE AREA:

The Trinity Development contains restaurant, hotel, banking, office, multiple-family, library and medical uses. To the north Lot 2 is Interstate 70. The properties to the west of Lot 2 are a vacant lot and a hotel. To the west of Lot 1 is a children's hospital. To the east of both proposed lots is a nursing home. To the south of Lot 1 across Trinity Place is an undeveloped property.

The topography to the west rises. The new subdivision will be located in the relatively flat Little Blue Valley.

PROPOSED DEVELOPMENT:

The proposed development project entails the construction of a new Behavioral Health Facility on a greenfield site in southeast Independence. This 78,534-square foot one-story facility will provide treatment for 120 inpatients.

The 8.36-acre site will include parking for 180 vehicles, drop-off for passenger vehicles and ambulances, truck loading and pedestrian circulation. The secured exterior activity yards will include sidewalks, table seating, sports courts, and natural grass with additional landscaping. A schematic design of detention areas has been developed.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Measures for Success for, "Improve...major commercial corridors."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Mixed Uses for this site. The Guiding Principles state the need to, "Ensure that opportunities for convenient and concentrated commercial developments are provided to support both the local and regional market."

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Water, sanitary and electrical services are available along the 42nd Street and Trinity Place rights-of-way and nearby easements.

Stream Buffers and Flood Plain Area:

There are not any Stream Buffer zones within the plat area. However, portions of Lot 1 are within both the 100 and 500-year flood plains.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

EXHIBITS

1. Narrative
2. Application
3. Final Plat
4. Zoning Map
5. Comprehensive Plan Map

October 26, 2023

Joshua Garrett
Community Development, Planning Division
111 East Maple Avenue
Independence, Missouri 64050

Joshua-

We are submitting plans for the UHS Behavioral Health Facility at roughly 20441 East 42nd Street South. This application is for both a Preliminary Plan and Preliminary Development Plan.

This project entails the construction of a new Behavioral Health Facility on a greenfield site in southeast Independence. This 78,534 GSF one-story facility will provide treatment for 120 inpatients configured in five units comprised of sleeping rooms, day rooms, consult, and clinical support spaces. All the patients will have access to secured exterior activity yards containing different types of amenities. The facility will also provide the following departments: Administration, Outpatient, Admissions, Recreational Therapy including a half-court gymnasium, Dietary including a commercial kitchen and dining for patient and staff use, as well as ancillary support spaces.

The 8.36 acre site includes parking for 180 vehicles, dropoff for passenger vehicles and ambulances, truck loading, and pedestrian circulation. The secured exterior activity yards will include sidewalks, table seating, sports courts, and natural grass with minimal additional landscaping. Preliminary site landscaping is shown to meet code requirements, and schematic design of detention areas has been developed.

A new roadway connection between East 42nd Street South and East Trinity Place is shown, along with new public sidewalks. These construction plans will be submitted as part of a public improvement package.

Please reach out with any questions.



Sean Ray
Landscape Architect / Project Applicant
Kimley-Horn
805 Pennsylvania Avenue, Suite 150
Kansas City, Missouri 64105

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☒ Preliminary Plat ☒ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☒ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

UHS Behavioral Health Facility

Project Name

20441 E 42nd Street S (TBD)

Project Address/Location

78,534	8.36 AC	2	No
Sq. Ft. of Building	Acreage	Number of Lots/Tracts	Steam Buffer (Yes or No)
C-2	C-2	None	Behavioral Health Facility
Existing Zoning	Proposed Zoning	Existing Land Use	Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☒ Completed & Signed Application Form	☒ One 24" x 36" set of plans for Land Sub. & Site Dev.
☒ Application Fee	☒ One PDF copy of a plat map or site plan
☒ Cover Letter Describing Details of Project	☒ Legal Description of the property in question

Contact Information

Applicant

Sean Ray	Kimley-Horn
Name	Company
805 Pennsylvania Avenue, Suite 150, KC MO 64105	
Address	
816-319-2182	sean.ray@kimley-horn.com
Phone	Email

Architect/Engineer/Surveyor/Other: Architect

Charles Hill	Stengel Hill Architecture
Name	Company
613 West Main Street, Louisville KY 40202	
Address	
502-893-1875	chip@stengelhill.com
Phone	Email

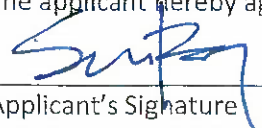
Owner

Brad Durham	Universal Health Services
Name	Company
367 South Gulph Road, King of Prussia PA 19406	
Address	
610-768-3300	brad.durham@uhsinc.com
Phone	Email

Architect/Engineer/Surveyor/Other:

Name	Company
Address	
Phone	Email

The applicant hereby agrees that the information provided above is accurate.

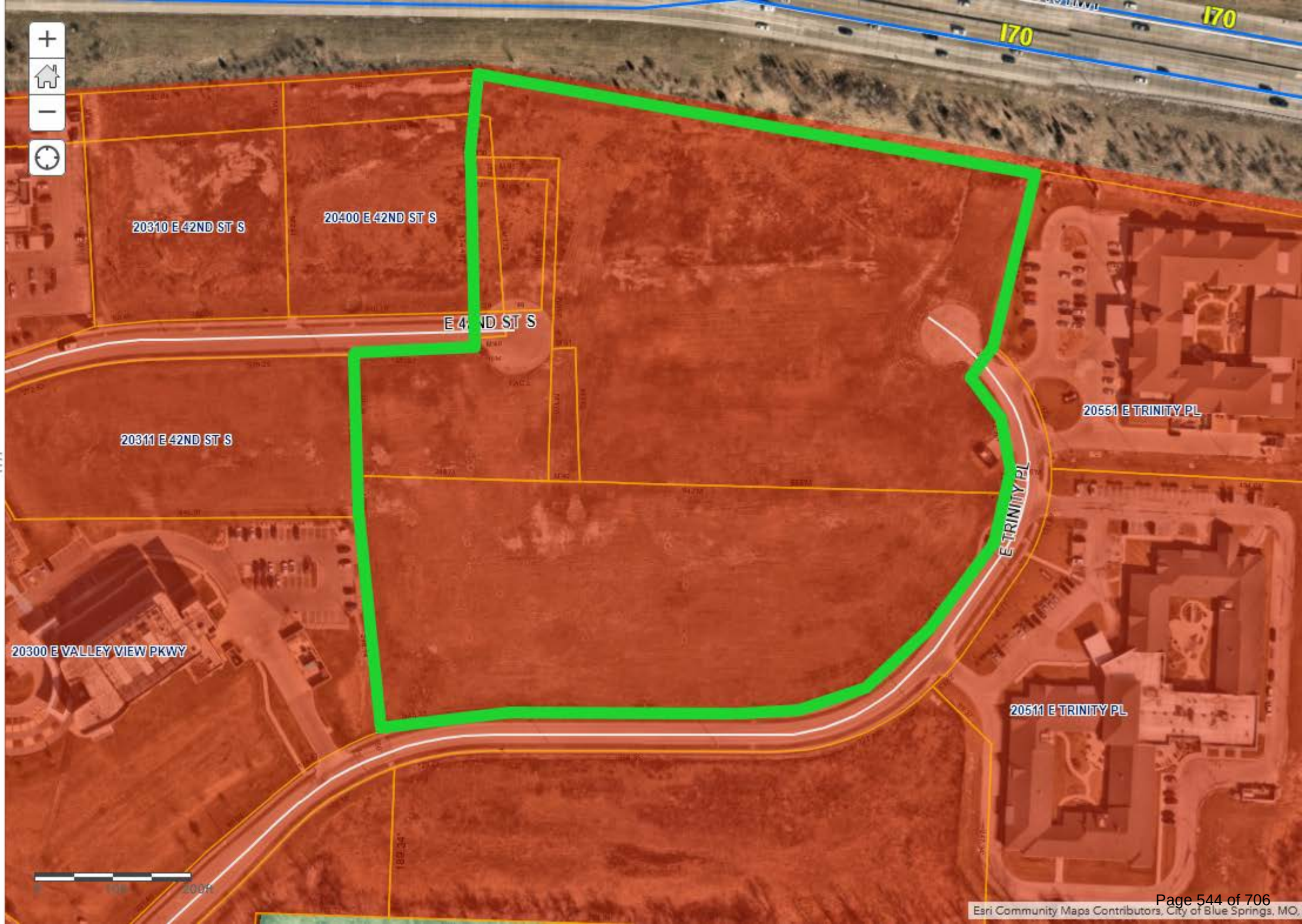
 10/26/2023
Applicant's Signature Date

Owner's Signature Date

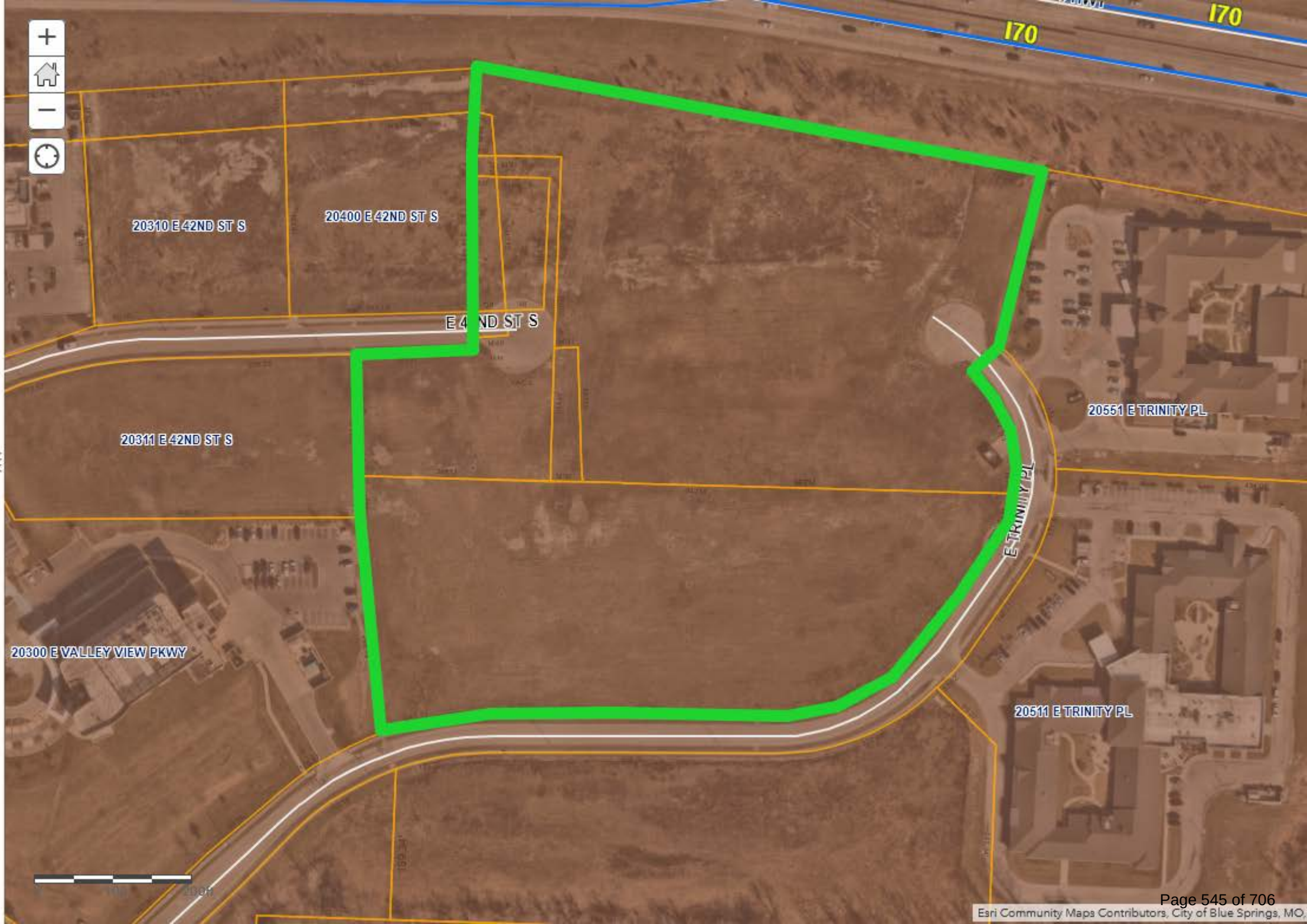


Legend
Zoning District

- ARTS
- BP
- BP/PUD
- C-1
- C-2
- C-2/HL
- C-2/I-1/U
- C-2/PUD
- C-2/SUP
- C-3
- C-3/SUP
- DFD
- I-1
- I-1/HL
- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL



- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural





City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-080 **2R** An ordinance approving a final plat for Timber Creek Ranch – 3rd Plat, in Independence, Jackson County, Missouri. **2R**

Recommendations:

Commissioner O’Neil made a motion to recommend approval of the final plat of Timber Creek Ranch – 3rd Street with the following conditions:

1. Situs Addresses for the Lots on the Final Plat shall be as follows:
Lots 130 through 140 will be 1305 through 1349 N. Holland Court (odd every fourth).
Lots 141 through 152 will be 1348 through 1304 N. Holland Court (even every fourth).
Lots 133 and 134 will also be 20001 and 20000 E. 13th Street N.
2. Show sidewalks on the west and north sides of the rights-of-way;
3. Improvements are needed for Bundschu Road in conjunction with the construction of Phase 3 per engineering requirements.

A second to the motion was made by Commissioner Ashbaugh. The City Planning Commission voted as follows:

Commissioner Wiley - Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – Absent

Commissioner O’Neil – Yes

Commissioner Ashbaugh – Yes

Commissioner Torres - Yes

The motion passed with a recommendation for approval to be forwarded to the City Council for consideration. Staff concurs with the recommendation of the Planning Commission.

Background:**PROJECT DESCRIPTION:**

A request by Jim Pollard, Pollard Development, Inc., to approve a Final Plat the property located at Holland Court and 13th Street.

PROPOSAL:

This is part of the final build out of 64-lots for Timber Creek Ranch to finish out the subdivision.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed 23-lot plat is a 6.356-acre phase, located north of 12th Terrace. It has fairly flat topography and some trees along the property’s west and north perimeters abutting neighboring single-family additions.

CHARACTERISTICS OF THE AREA:

The properties to the north and west are developed single-family residential neighborhoods. To the east are undeveloped phases of Timber Creek Ranch. To the south is the developed portion of the subdivision.

The topography generally slopes to the southeast. The existing homes in the area are a mixture of ranch and two-story homes with siding and brick wainscots.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Measures for Success for, "Improved housing conditions."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Residential Uses for this site. The Guiding Principles state the need to, "Facilitate the development of connected...neighborhoods;"

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Both water and sanitary services are available along the Holland Court and 13th Street rights-of-way and in the general area. Electrical service will be available in easements at the rear of the property.

Homes Association:

The existing homes association with its covenants and restrictions will be updated with these lots added. Annual dues are collected to maintain the detention basins, entrances and pay taxes on the common tracts.

Storm Water Detention, Stream Buffers and Flood Plain Area:

The development drains to detention basins located in the east central and southern portions of the property located in a creek basin within a stream buffer area. Stream Buffers, the 100-year flood plains and floodway are confined to east central, southern and southwestern portions of the property. The common tracts are within the federally designated flood plain area and within the City's designated Stream Buffer Area.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-320-04
2. Staff Report 24-320-04
3. Narrative
4. Application
5. Revised Preliminary Plat
6. Final Plat
7. Comp Plan Map
8. Zoning Map
9. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A FINAL PLAT FOR TIMBER CREEK RANCH – 3rd
PLAT, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

WHEREAS, the application submitted by Pollard Development, LLC, requesting approval of the final plat entitled “Timber Creek Ranch - 3rd Plat,” was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Planning Commission considered the final plat on July 9, 2024, and rendered a report to the City Council recommending the plat be approved by a vote of 6-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the final plat is consistent with the approval criteria in Section 14-702-04.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the final plat entitled “Timber Creek Ranch – 3rd Plat” is a subdivision located in part of the Northwest Quarter of Section 28, Township 50 North, Range 31 West, in Independence, Jackson County, Missouri and being more particularly described as follows:

That part of the East Half of the Northwest Quarter of Section 28, Township 50 North, Range 31 West of the 5th Principal Meridian, Independence, Jackson County, Missouri, described as follows: Commencing at the Northeast corner of said Northwest Quarter; THENCE N87°42’42”W on the north line of said Northwest Quarter, 1028.80 feet to the POINT OF BEGINNING; THENCE continuing N87°42’42”W on said north line, 293.64 feet to the Northwest corner of the East Half of said Northwest Quarter; THENCE S02°15’58”W on the west line of said East Half, 933.10 feet to the northwest corner of Lot 50, Timber Creek Ranch 2nd Plat, a subdivision of record; THENCE S87°55’55”E on the north line of said Lot 50 and its easterly extension, 171.87 feet to the east right of way line of North Holland Drive; THENCE S02°04’05”W on said east right of way line, 12.34 feet to the northwest corner of Lot 51, Timber Creek Ranch 2nd Plat; THENCE S87°55’55”E on the north line of said Lot 51, 125.00 feet to the southwest corner of Lot 67, Timber Creek Ranch 2nd Plat; THENCE N02°04’05”E on the west line of said Lot 67 and its northerly extension, 944.31 feet to the POINT OF BEGINNING. Containing 6.356 acres more or less. All bearings herein are referenced to the Missouri State Plane Coordinated System of 1983, West Zone.

SECTION 2. All of the conditions of approval have been resolved by the applicant except for the conditions listed below:

1. Situs Addresses for the Lots on the Final Plat shall be as follows:
Lots 130 through 140 will be 1305 through 1349 N. Holland Court (odd every fourth).
Lots 141 through 152 will be 1348 through 1304 N. Holland Court (even every fourth).
Lots 133 and 134 will also be 20001 and 20000 E. 13th Street N.
2. Show sidewalks on the west and north sides of the rights-of-way;
3. Improvements are needed for E. Bundschu Road in conjunction with the construction of Phase 3 and the above per engineering requirements.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 5. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: July 9, 2024

STAFF: Brian Harker, Senior Planner

PROJECT NAME: Timber Creek Ranch 3rd Plat

CASE NUMBER/REQUEST: **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.

APPLICANT: Timber Creek Ranch 3rd Plat

OWNER: Pollard Development, LLC

LOCATION: Timber Creek Ranch 3rd Plat

SITE ACREAGE: 6.356-acres

NUMBER OF LOTS: 23-lots

PROPERTY ZONING: R-4 (Single-Family Residential)

SURROUNDING ZONINGS/LAND USES:

North: R-6 (Single-Family Residential)...single-family homes

East: R-4 (Single-Family Residential)...undeveloped

South: R-4 (Single-Family Residential)...single-family homes

West: R-6 (Single-Family Residential)...single-family homes and undeveloped

CURRENT USE: Undeveloped land

FURTHER ACTION:

Following action by the Planning Commission, this Final Plat request is scheduled for consideration by the City Council on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this Final Plat subject to the conditions listed below:

1. Situs Addresses for the Lots on the Final Plat shall be as follows:
Lots 130 through 140 will be 1305 through 1349 N. Holland Court (odd every fourth).
Lots 141 through 152 will be 1348 through 1304 N. Holland Court (even every fourth).
Lots 133 and 134 will also be 20001 and 20000 E. 13th Street N.
2. Show sidewalks on the west and north sides of the rights-of-way;
3. Improvements are needed for Bundschu Road in conjunction with the construction of Phase 3 per engineering requirements.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Jim Pollard, Pollard Development, Inc., to approve a Final Plat the property located at Holland Court and 13th Street.

Current Zoning: R-4 (Single-Family Residential)

Current Use: Undeveloped lots

Acreage: 6.356-acres

Proposed Use: Single-Family Homes

Number of lots 23-lots

PROPOSAL:

This is part of the final build out of 64-lots for Timber Creek Ranch to finish out the subdivision.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed 23-lot plat is a 6.356-acre phase, located north of 12th Terrace. It has fairly flat topography and some trees along the property's west and north perimeters abutting neighboring single-family additions.

CHARACTERISTICS OF THE AREA:

The properties to the north and west are developed single-family residential neighborhoods. To the east are undeveloped phases of Timber Creek Ranch. To the south is the developed portion of the subdivision.

The topography generally slopes to the southeast. The existing homes in the area are a mixture of ranch and two-story homes with siding and brick wainscots.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Measures for Success for, "Improved housing conditions."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Residential Uses for this site. The Guiding Principles state the need to, "Facilitate the development of connected...neighborhoods;"

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Both water and sanitary services are available along the Holland Court and 13th Street rights-of-way and in the general area. Electrical service will be available in easements at the rear of the property.

Homes Association:

The existing homes association with its covenants and restrictions will be updated with these lots added. Annual dues are collected to maintain the detention basins, entrances and pay taxes on the common tracts.

Storm Water Detention, Stream Buffers and Flood Plain Area:

The development drains to detention basins located in the east central and southern portions of the property located in a creek basin within a stream buffer area. Stream Buffers, the 100-year flood plains and floodway are confined to east central, southern and southwestern

portions of the property. The common tracts are within the federally designated flood plain area and within the City's designated Stream Buffer Area.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

EXHIBITS

1. Narrative
2. Application
3. Preliminary Plat
4. Final Plat
5. Comp Plan Map
6. Zoning Map

POLLARD DEVELOPMENT, LLC
Jim Pollard
3030 S. Crenshaw
Independence, Missouri 64057

June 17, 2024

To: City of Independence

This is the final build out of 64 lots for Timber Creek Ranch to finish out the subdivision. The engineering for the 3 final phases have been submitted and phase 3 and 4 have been approved. I have submitted corrections on comments on phase 5.

The existing homes association with its covenants and restrictions will be updated with these lots added. Annual dues are collected to maintain the detention basins, entrances and pay taxes on the common tracts.

Jim Pollard

Developer

24-320-04



Planning and Zoning

Application Form

Community Development
111 E. Maple Avenue
Independence, MO 64050
(816) 325-7421
cdplanning@indepmo.org

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☒ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

TIMBER CREEK RANCH 3RD PLAT
Project Name

THE END OF N HOLLAND CT AND E 13TH ST N
Project Address/Location

Sq. Ft. of Building	Acreage	Number of Lots/Tracts	Stream Buffer (Yes or No)
		23 LOTS	

Existing Zoning	Proposed Zoning	Existing Land Use	Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☐ Completed & Signed Application Form ☐ Application Fee ☐ Cover Letter Describing Details of Project	☐ One 24" x 36" set of plans for Land Sub. & Site Dev. ☐ One PDF copy of a plat map or site plan ☐ Legal Description of the property in question
---	---

Contact Information

Applicant

TIM POLLARD - Pollard Development LLC
Name Company
3030 S. CRAWFORD RD. INDEP MO 64057
Address
816-686-8800 tim@dreams68@gmail.com
Phone Email

Owner

SAME AS APPLICANT
Name Company
Address
Phone Email

Architect/Engineer/Surveyor/Other:

TODD REIK CRS ENGINEERS
Name Company
3015 E CARO ST SPRINGFIELD MO 65802
Address
417-986-4067 treak@crs.com
Phone Email

Architect/Engineer/Surveyor/Other:

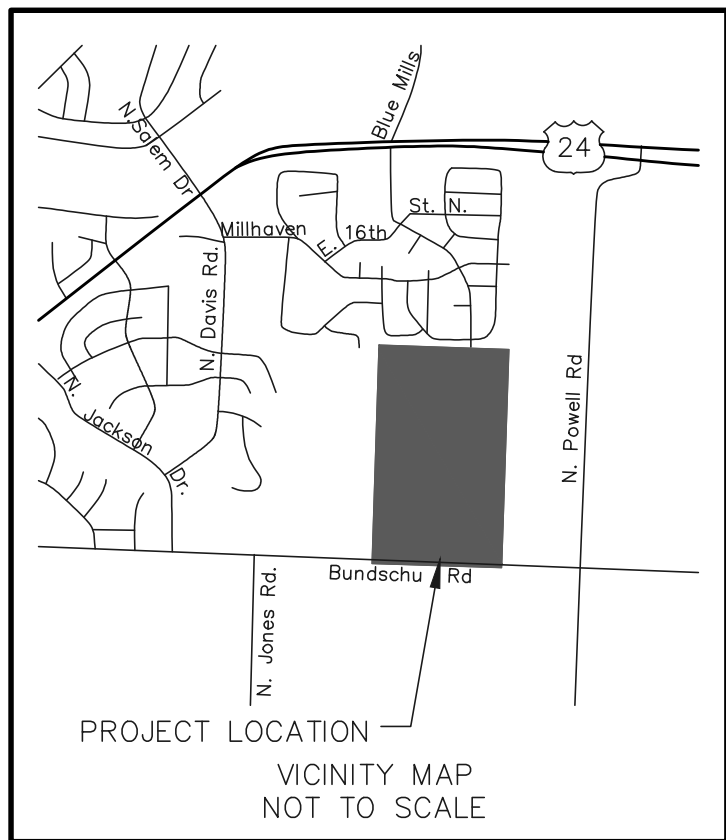
BRIAN GLENN
Name Company
PHOENIX ENG & SURVEY LLC
Address
3855 S NORTHERN BLVD INDEP MO 64052
Phone 816-743-9000 Email BRIAN@PHOENIX-LLC.COM

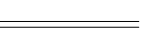
The applicant hereby agrees that the information provided above is accurate.

[Signature] June 17, 2024
Applicant's Signature Date

[Signature] June 17, 2024
Owner's Signature Date

THE EAST 1/2 OF THE NW 1/4 OF SEC. 28 T2N 50N R3E, A SUBDIVISION
OF LAND IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.



PROPOSED		EXISTING		
●	Manhole	○		
●	Curb Inlet	⌘		
■	Field Inlet	△		
▲	Flared End Section	△		
■	Fire Hydrant	⌘		
⌘	Blow Off	⌘		
⌘	Water Valve	⌘		
⌘	Water Meter	⌘		
●	Straddle	○		
=====	4' Sidewalk	=====		
=====	2' Curb	=====		
				
HCR		Handicap Ramp	HCR	

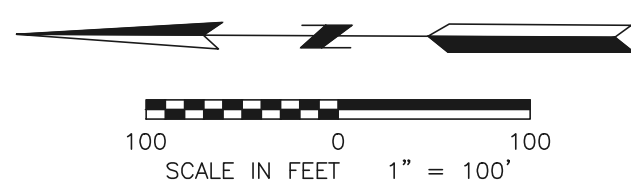
LOT#	OWNER/ADDRESS
34	Juliana Bryon T. & Jill R. 1401 Old Mill Ct. Independence, MO. 64056
35	Cape Kent K. 1403 Old Mill Ct. Independence, MO. 64056
130	Kellis Michael D. & Katherine F. 1404 Holland Dr. Independence, MO. 64056
131	Hernandez Jorge H. & Veronica 1404 Holland Dr. Independence, MO. 64056
484	US SFE Asset Company 5 LLC 20307 E. 14th St. N. Independence, MO 64056
485	Harp Matthew E. & Jennifer 20305 E. 14th St. N. Independence, MO. 64056
486	Wilson Larry Raymond & Deborah S. 20307 E. 14th St. N. Independence, MO. 64056

LOT#	OWNER/ADDRESS
487	Howell Scott D. Jr. & Stacy A. 20301 S 14th St. N. Independence, MO 64056
535	Farmer Jared. 20225 E 14th St. N. Independence, MO 64056
536	Highland Scott A. 20221 E 14th St. N. Independence, MO 64056
537	D'Arcy Investments LLC 20219 E Burgess Rd Buckner, MO 64016
538	Oliver Gayle R. 20213 E 14th St. N. Independence, MO 64056
539	Schumacher George L. & Lisa M. 20209 E 14th St. N. Independence, MO 64056
540	Turner Travis L. & Trina D.. 20203 E 14th St. N. Independence, MO 64056

LOT#	OWNER/ADDRESS
541	Allison Joshua 20205 E 14th St. N. Independence, MO. 64056
542	Gotway Robert L. 20303 E 14th St. N. Independence, MO. 64056
543	Lloyd Clayton E. & Susan A. 20103 E 14th St. N. Independence, MO. 64056
544	Oliver Charles K. & Amanda L. 20101 E 14th St. N. Independence, MO. 64056
545	Jorgensen Benjamin & Diana 20056 E 14th St. N. Independence, MO. 64056
546	Andrews Michael D. 2033 S 17th TER. N. Independence, MO. 64056
547	MacDonald Larry B. & Nancy 20001 E 14th St. N. Independence, MO. 64056

LOT#	OWNER/ADDRESS
548	Helm Bradley W. 1400 N Holland Dr. Independence, MO. 64056

CONSTRUCTION PHASE	# OF LOTS
PHASE 1	41 LOTS
PHASE 2	46 LOTS
PHASE 3	23 LOTS
PHASE 4	20 LOTS
PHASE 5	21 LOTS
PHASE 6	2 LOTS



LEGAL DESCRIPTION:
THE EAST HALF OF THE NORTHWEST QUARTER OF
SECTION 28, TOWNSHIP 50 NORTH, RANGE 31 WEST
OF THE 5TH PRINCIPAL MERIDIAN, INDEPENDENCE,
JACKSON COUNTY, MISSOURI, CONTAINING 80.4 ACRES,
MORE OR LESS.

DEVELOPER:
ANDACHTER-POLLARD DEVELOPMENT LLC
3030 S. CRENSHAW ROAD
INDEPENDENCE, MO. 64057
PH. 816-686-8800
FAX 816-795-6360

TIMBER CREEK RANCH

THE EAST 1/2 OF THE NW 1/4 OF
SEC. 28 T2N 50N R31W,
A SUBDIVISION OF LAND IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

[illegible]PRELIMINARY
PLAT

C1.0

NOT FOR
CONSTRUCTION

[illegible]

Designed by: TRP	Date: 5/18/2022
Dwn by: DJS	Project No. 22-5321
Submitted by: TRP	Plot scale: NA
File name: DJS_22-5321 TOR Prelat.dwg	

CFS ENGINEERS

cfse.com

FINAL PLAT

TIMBER CREEK RANCH 3RD PLAT

LOTS 130 THROUGH 152

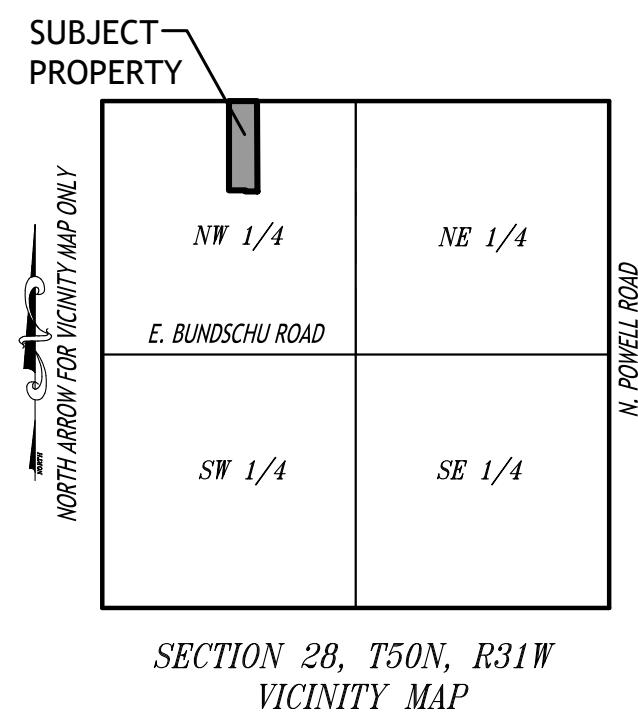
PART OF THE NW 1/4 OF SEC 28, TOWNSHIP 50N, RANGE 31W,
INDEPENDENCE, JACKSON COUNTY, MISSOURI

LEGAL DESCRIPTION:

THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 50 NORTH, RANGE 31 WEST OF THE 5TH PRINCIPAL MERIDIAN, INDEPENDENCE, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N87°42'42"W ON THE NORTH LINE OF SAID NORTHWEST QUARTER, 1028.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N87°42'42"W ON SAID NORTH LINE, 293.64 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHWEST QUARTER; THENCE S02°15'58"W ON THE WEST LINE OF SAID EAST HALF, 933.10 FEET TO THE NORTHWEST CORNER OF LOT 50, TIMBER CREEK RANCH 2ND PLAT, A SUBDIVISION OF RECORD; THENCE S87°55'55"E ON THE NORTH LINE OF SAID LOT 50 AND ITS EASTERLY EXTENSION, 171.87 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH HOLLAND DRIVE; THENCE S02°04'05"W ON SAID EAST RIGHT OF WAY LINE, 12.34 FEET TO THE NORTHWEST CORNER OF LOT 51, TIMBER CREEK RANCH 2ND PLAT; THENCE S87°55'55"E ON THE NORTH LINE OF SAID LOT 51, 125.00 FEET TO THE SOUTHWEST CORNER OF LOT 67, TIMBER CREEK RANCH 2ND PLAT; THENCE N02°04'05"E ON THE WEST LINE OF SAID LOT 67 AND ITS NORTHERLY EXTENSION, 944.31 FEET TO THE POINT OF BEGINNING, CONTAINING 6.356 ACRES MORE OR LESS. ALL BEARINGS HEREIN ARE REFERENCED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE.

NOTES

- THIS DOCUMENT WAS PREPARED FROM INFORMATION PROVIDED BY AND THE LAND REFERRED TO IN FIRST AMERICAN TITLE INSURANCE COMPANY'S CONDITION OF TITLE - GUARANTEE NO.: 1638315, EFFECTIVE DATE JULY 13, 2023.
- THIS SURVEY MEETS OR EXCEEDS THE MISSOURI DEPARTMENT OF NATURAL RESOURCES MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEY REQUIREMENTS FOR URBAN CLASS PROPERTY.
- BEARINGS SHOWN HEREON ARE REFERENCED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE BY UTILIZATION OF NATIONAL GEODETIC SURVEY - NGS DATA SHEET "SHROUT AZ MK" 2023 ADJUSTMENT DATA.
- THE SUBJECT TRACT CONTAINS 6.356 ACRES MORE OR LESS.
- ITEM NO. 1 OF THE ABOVE REFERENCED TITLE COMMITMENT SCHEDULE B REFERS TO A SEWER EASEMENT TO THE CITY OF INDEPENDENCE, MISSOURI CITY RECORDED AS DOCUMENT NO. 19740181899. SAID EASEMENT DOES NOT CROSS THE SUBJECT PROPERTY AND THEREFORE IS NOT SHOWN HEREON.
- ITEM NO. 2 OF THE ABOVE REFERENCED TITLE COMMITMENT SCHEDULE B REFERS TO A SEWER EASEMENT TO THE CITY OF INDEPENDENCE, MISSOURI CITY RECORDED AS DOCUMENT NO. 19740181900. SAID EASEMENT DOES NOT CROSS THE SUBJECT PROPERTY AND THEREFORE IS NOT SHOWN HEREON.
- ITEM NO. 3 OF THE ABOVE REFERENCED TITLE COMMITMENT SCHEDULE B REFERS TO A SEWER EASEMENT TO THE CITY OF INDEPENDENCE, MISSOURI CITY RECORDED AS DOCUMENT NO. 19760263962. SAID EASEMENT DOES NOT CROSS THE SUBJECT PROPERTY AND THEREFORE IS NOT SHOWN HEREON.
- THE SUBJECT PROPERTY IS LOCATED WITHIN "ZONE X" (UNSHADED); AN AREA DESIGNATED AS AN AREA OF MINIMAL FLOODING ACCORDING TO THE JACKSON COUNTY, MISSOURI AND INCORPORATED AREAS, FLOOD INSURANCE RATE MAPS (FIRM), MAP NUMBER 29095C01906 MAP REVISED DATE: JANUARY 20, 2017 & MAP NUMBER 20905C20302G MAP REVISED DATE: JANUARY 20, 2017
- ALL REAR LOT CORNERS SHALL BE SET WITH 1/2" IRON BAR & CAP UPON SUBSTANTIAL COMPLETION OF GRADING AND THE PROLONGATION OF THE SIDE LOT LINES SHALL BE MONUMENTED BY A CHISELED CUT ON THE CURB.



DEDICATION:

THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH PLAT AND SUBDIVISION SHALL HEREFTER BE KNOWN AS "TIMBER CREEK RANCH 3RD PLAT".

STREETS: STREETS SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

EASEMENTS: AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF INDEPENDENCE, MISSOURI, TO LOCATE, CONSTRUCT AND MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION AND MAINTENANCE AND USE OF CONDUITS FOR ALL OR ANY PURPOSE, WATER, GAS, SEWER MAINS, POLES AND WIRES TO ALL OR ANY OF THEM OVER, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" (U/E) OR WITHIN ANY STREET OR THOROUGHFARE DEDICATED TO PUBLIC USE ON THIS PLAT.

BUILDING LINES: BUILDING LINES OR SET BACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE CONSTRUCTED BETWEEN THIS LINE AND THE STREET RIGHT OF WAY LINE.

EXECUTIONS:

IN TESTIMONY WHEREOF: JAMES POLLARD OF POLLARD DEVELOPMENT, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS ____ DAY OF ____, 20__.

POLLARD DEVELOPMENT, LLC

JAMES POLLARD ATTEST

STATE OF MISSOURI)
COUNTY OF JACKSON) SS

BE IT REMEMBERED: THAT ON THIS ____ DAY OF ____, 20__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, APPEARED JAMES POLLARD OF POLLARD DEVELOPMENT, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED HEREIN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND BEING DULY SWORN BY ME ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED AND ON BEHALF OF SAID LLC.

IN WITNESS THEREOF: I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN SAID COUNTY, THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE MY COMMISSION EXPIRES

ACKNOWLEDGMENT:

THIS CERTIFIES THAT THE PLAT OF TIMBER CREEK RANCH 3RD PLAT, WAS SUBMITTED TO AND DULY APPROVED BY THE CITY OF INDEPENDENCE, MISSOURI, THIS ____ DAY OF ____, 20__, BY ORDINANCE NO. ____.

BY: ____
CITY CLERK

CITY OF INDEPENDENCE, MISSOURI APPROVALS:
STREET LOCATIONS AND LOT DIMENSIONS APPROVED

BY: ALEX LOPEZ
MUNICIPAL SERVICES DIRECTOR DESIGNEE

BY: TOM SCANNELL
DIRECTOR OF COMMUNITY DEVELOPMENT

BY: JACKSON COUNTY ASSESSOR

PREPARED BY:

PHOENIX ENGINEERING
& SURVEYING, LLC

3855 S. NORTHERN BLVD., INDEPENDENCE, MO 64052
(816) 743-9000 FAX: (816) 743-9700

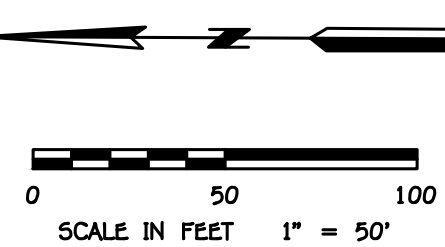
DEVELOPER

POLLARD DEVELOPMENT, LLC
ATTENTION: JAMES POLLARD
3030 S. CHRNSHAW ROAD
INDEPENDENCE, MO 64057
PHONE: 816-686-8800
FAX: 816-795-6360

PROJECT NO. 040028 DATE PREPARED: 08-14-2023 DATE REVISED: 04-25-2024
PROJECT NAME: TIMBER CREEK RANCH 3RD PLAT
DIR. & DWG. NAME: S:\PROJECTS\2004\040028 - Timber Creek Ranch 3rd\dwg\TCR3FINALPLAT.DWG

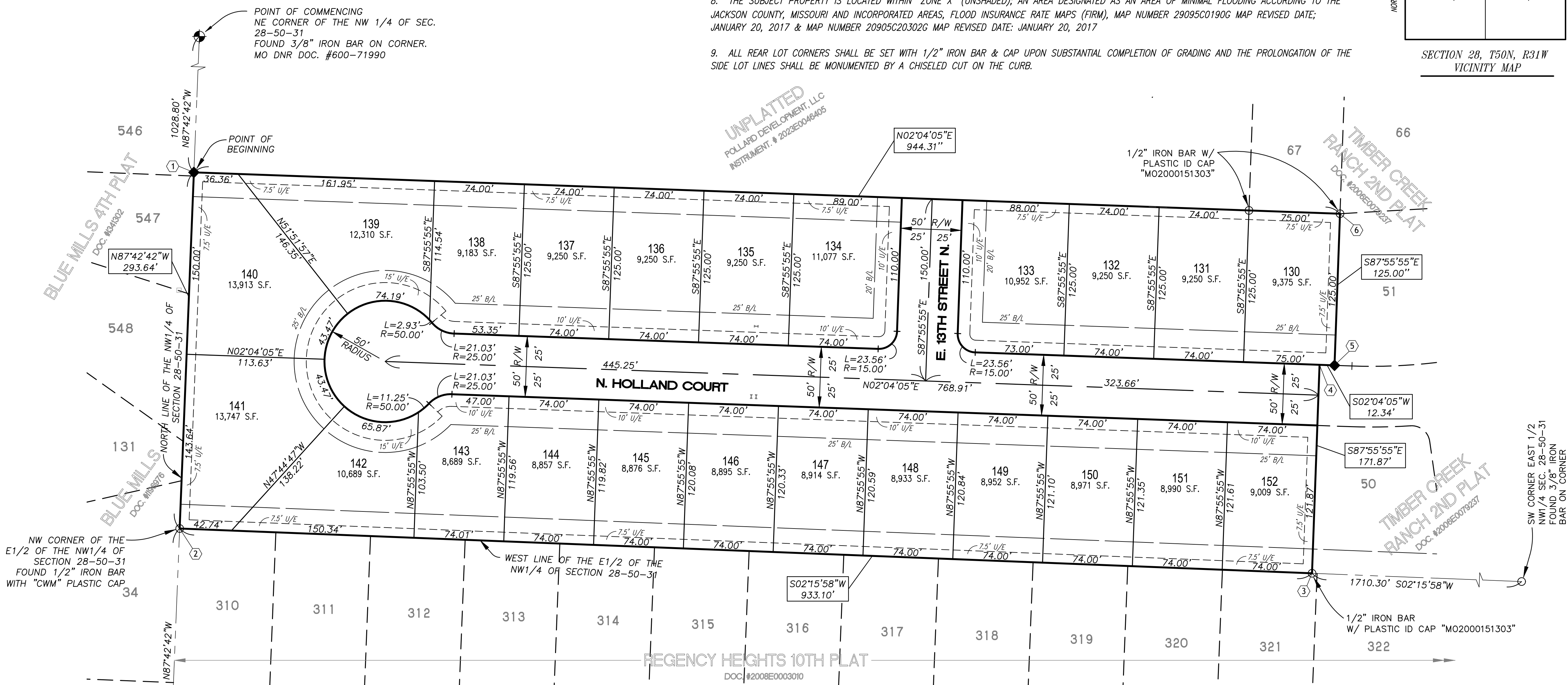
M5031-28

SHEET 1 of 1



LEGEND

- FOUND SECTION CORNER / 1/4 SECTION CORNER MONUMENT AS NOTED
- SET MONUMENT: 5/8" IRON BAR WITH ALUMINUM CAP STAMPED "M02000 151303"
- SET MONUMENT: 1/2" IRON BAR WITH PLASTIC CAP STAMPED "M02000 151303"
- FOUND SURVEY MONUMENT AS NOTED
- MEASURED DIMENSION
- DEED DIMENSION
- C/L = CENTERLINE
- R/W = RIGHT OF WAY
- D/E = DRAINAGE EASEMENT
- L/E = LANDSCAPE EASEMENT
- U/E = UTILITY EASEMENT
- B/L = BUILDING SETBACK LINE
- (NR) = NON-RADIAL
- R = RADIUS
- L = ARC LENGTH
- Pr. O.S. = PRIVATE OPEN SPACE



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY: THAT THIS PLAT OF "TIMBER CREEK RANCH 3RD PLAT", IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI CODE OF STATE REGULATIONS (DIVISION 203.0, CHAPTER 16) TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

STATE PLANE COORDINATE INFORMATION:

ALL BEARINGS AND STATE PLANE COORDINATES SHOWN ARE BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE. SAID COORDINATES WERE ESTABLISHED USING THE NATIONAL GEODETIC SURVEY - NGS DATA SHEET - SHROUT AZ MK - 2023 ADJUSTMENT DATA. THE PUBLISHED GRID FACTOR FOR THE MONUMENT IS 0.99990533 (NGS DATA SHEET).

MISSOURI STATE PLANE TRAVERSE TABLE

COORDINATES SHOWN ARE IN METERS ON
MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE.

POINT	NORTHING (m)	EASTING (m)	GRID AZIMUTH	GRID DISTANCE (m)
SHROUT AZ MK	329,413.278	863,764.576	176° 47'17"	799.757
①	328614.742	863808.739	272° 17'18"	89.494
②	328618.315	863719.316	182° 15'58"	284.382
③	328334.155	863708.072	92° 04'05"	52.380
④	328332.265	863760.418	182° 04'05"	3.761
⑤	328328.506	863760.282	92° 04'05"	38.096
⑥	328327.131	863798.353	02° 04'05"	287.798
①	328614.742	863808.739		

06/01/2023

Date of Survey

Wesley Scroggins M.O.L.S. 2184
as agent of Phoenix Engineering & Surveying, L.L.C.
M.O.L.S. 2000151303



Legend



Parcels



Municipal Boundaries



Proposed Land Use (Comp Plan)

 Residential Neighborhoods

 Residential Urban Neighborhoods

 Mixed Use

 Neighborhood Commercial

 Community Commercial

 Regional Commercial

 Office

 Business Park

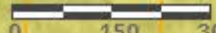
 Industrial

 Civic/Public

 Community Attraction

 Parks

 Agricultural



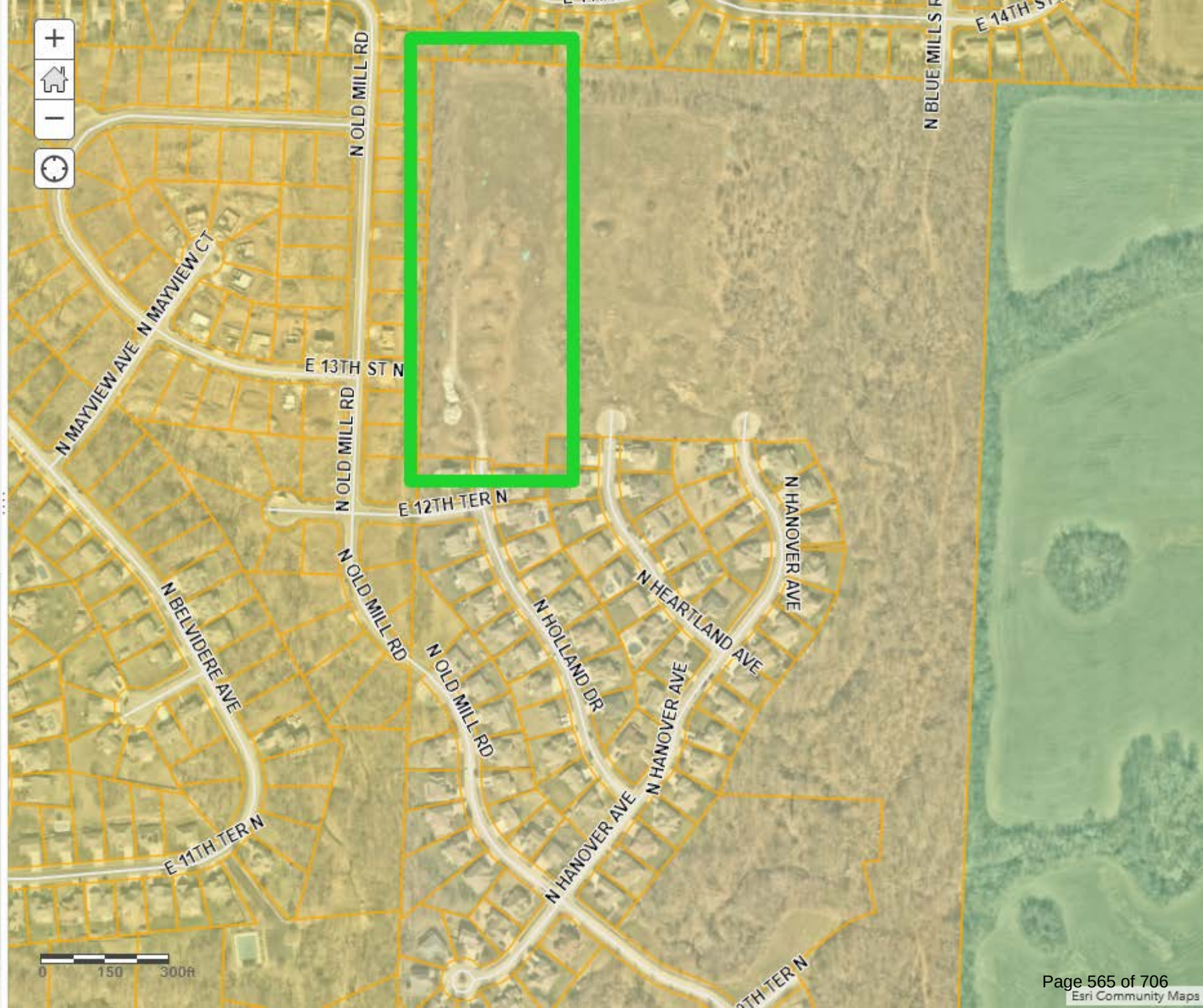
0 150 300ft

[Trust Center](#)

[Contact Esri](#)

[Report Abuse](#)

- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2
- R-2/PUD
- R-30/PUD
- R-4
- R-4/PUD
- R-6
- R-6/HL
- R-6/I-1/U
- R-6/PUD
- R-A
- R-A/I-2/U
- R-A/PUD





City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-081 **2R** An ordinance approving a final plat for Timber Creek Ranch – 4th Plat, in Independence, Jackson County, Missouri. **2R**

Recommendations:

Commissioner O’Neil made a motion to recommend approval of the final plat of Timber Creek Ranch – 4th Street with the following conditions:

1. Situs Addresses for the Lots on the Final Plat shall be as follows:
Lots 130 through 140 will be 1305 through 1349 N. Holland Court (odd every fourth).
Lots 141 through 152 will be 1348 through 1304 N. Holland Court (even every fourth).
Lots 133 and 134 will also be 20001 and 20000 E. 13th Street N.
2. Show sidewalks on the west and north sides of the rights-of-way;
3. Improvements are needed for Bundschu Road in conjunction with the construction of Phase 3 per engineering requirements.
4. Show the portions of the Stream Buffer outer zone located within the two southeastern most lots.

A second to the motion was made by Commissioner Ashbaugh. The City Planning Commission voted as follows:

Commissioner Wiley - Yes
Commissioner Ferguson – Yes
Commissioner McClain – Yes
Commissioner Nesbitt – Absent
Commissioner O’Neil – Yes
Commissioner Ashbaugh – Yes
Commissioner Torres - Yes

The motion passed with a recommendation for approval to be forwarded to the City Council for consideration. Staff concurs with the recommendation of the Planning Commission.

Background:

PROJECT DESCRIPTION: A request by Jim Pollard, Pollard Development, Inc., to approve a Final Plat the property located at Heartland Court and 13th Street.

PROPOSAL:

This is part of the final build out of 64-lots for Timber Creek Ranch to finish out the subdivision.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed 17-lot plat is a 5.252-acre area, located north of the terminuses of Heartland Court and Hanover Court. It has slightly sloping topography that slopes eastward toward a creek basin.

CHARACTERISTICS OF THE AREA:

The property to the north (across an undeveloped tract) is developed single-family residential neighborhood. To the west and north is an undeveloped phase of Timber Creek Ranch. To the east is a creek. To the south is the developed portion of the subdivision.

The topography generally slopes to the southeast. The existing homes in the area are a mixture of ranch and two-story homes with siding and brick wainscots.

ANALYSIS**Consistency with *Independence for All*, Strategic Plan:**

The application is within keeping with the Measures for Success for, "Improved housing conditions."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Residential Uses for this site. The Guiding Principles state the need to, "Facilitate the development of connected...neighborhoods;"

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Both water and sanitary services are available along the Hanover Court, Heartland Court and 13th Street rights-of-way and in the general area. Electrical service will be available in easements at the rear of the property.

Homes Association:

The existing homes association with its covenants and restrictions will be updated with these lots added. Annual dues are collected to maintain the detention basins, entrances and pay taxes on the common tracts.

Storm Water Detention, Stream Buffers and Flood Plain Area:

The development drains to detention basins located in the east central and southern portions of the property located in a creek basin within a stream buffer area. Stream Buffers, the 100-year flood plains and floodway are confined to east central, southern and southwestern portions of the property. The common tracts are within the federally designated flood plain area and within the City's designated Stream Buffer Area. Portions of the Stream Buffer's outer zone are located within the two southeastern most lots.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:**Fiscal Impact:****Council Action:**

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-320-05
2. Staff Report 24-320-05
3. Narrative
4. Application
5. Revised Preliminary Plat
6. Final Plat
7. Comp Plan Map
8. Zoning Map
9. Planning Commission Meeting Minutes 7-9-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A FINAL PLAT FOR TIMBER CREEK RANCH – 4th
PLAT, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

WHEREAS, the application submitted by Pollard Development, LLC, requesting approval of the final plat entitled “Timber Creek Ranch – 4th Plat,” was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Planning Commission considered the final plat on July 9, 2024, and rendered a report to the City Council recommending the plat be approved by a vote of 6-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the final plat is consistent with the approval criteria in Section 14-702-04.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the final plat entitled “Timber Creek Ranch – 4th Plat” is a subdivision located in part of the Northwest Quarter of Section 28, Township 50 North, Range 31 West, in Independence, Jackson County, Missouri and being more particularly described as follows:

That part of the East half of the Northwest Quarter of Section 28, Township 50 North, Range 31 West of the Fifth Principal Meridian, Independence, Jackson county, Missouri described as follows: Commencing at the Northeast Corner of said Northwest Quarter; thence North 87 degrees 42 minutes 42 seconds West on the North Line of said Northwest Quarter, 1028.80 feet to the northerly extension of the west line of Lot 67, Timber Creek Ranch 2nd Plat, a subdivision of record; thence South 02 degrees 04 minutes 05 seconds West on said extension, 494.31 feet to the Point of Beginning; thence continuing South 02 degrees 04 minutes 05 seconds West on said extension, 375.00 feet to the northwest corner of said Lot 67; thence South 87 degrees 55 minutes 55 seconds East on the north line of said Lot 67 and it’s easterly extension, 175.00 feet to the east right of way line of North Heartland Avenue; thence South 02 degrees 04 minutes 05 seconds West on said east right of way line, 2.21 feet to the northwest corner of Lot 68, Timber Creek Ranch 2nd Plat; thence South 87 degrees 55 minutes 55 seconds East on the north line of said Lot 68, 125.00 feet to the northwest corner of Lot 77, Timber Creek Ranch 2nd Plat; thence North 89 degrees 39 minutes 06 seconds East on the north line of said Lot 77 and it’s easterly extension, 190.32 feet to the east right of way line of North Hanover Avenue; thence Southerly on a curve to the left on said east right of way line (said curve having an initial tangent bearing of South 0 degrees 20 minutes 54 seconds East, a radius of 175.00 feet, a chord bearing of South 01 degrees 26 minutes 33 seconds East, a chord distance of 6.68 feet) an arc length of 6.68 feet to the northwest corner of Lot 78, Timber Creek Ranch 2nd Plat; thence North 87 degrees 27 minutes 48 seconds East on the north line of said Lot 78, 122.72 feet; thence North 02 degrees 04 minutes 05 seconds East, 362.15 feet; thence North 87 degrees 55 minutes 55 seconds West, 122.88 feet; thence North 02 degrees 04 minutes 05 seconds East, 3.85 feet; thence North 87 degrees 55 minutes 55 seconds West, 490.00 feet to the Point of Beginning. Contains 5.252 acres more or less.

SECTION 2. All of the conditions of approval have been resolved by the applicant except for the conditions listed below:

1. Situs Addresses for the Lots on the Final Plat shall be as follows:

Lots 130 through 140 will be 1305 through 1349 N. Holland Court (odd every fourth).
Lots 141 through 152 will be 1348 through 1304 N. Holland Court (even every fourth).
Lots 133 and 134 will also be 20001 and 20000 E. 13th Street N.

2. Show sidewalks on the west and north sides of the rights-of-way;
3. Improvements are needed for E. Bundschu Road in conjunction with the construction of Phase 3 and the above per engineering requirements.
4. Show the portions of the Stream Buffer outer zone located within the two southeastern most lots.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 5. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: July 9, 2024

STAFF: Brian Harker, Senior Planner

PROJECT NAME: Timber Creek Ranch 4th Plat

CASE NUMBER/REQUEST: Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.

APPLICANT: Timber Creek Ranch, 4th Plat

OWNER: Pollard Development, LLC

LOCATION: Timber Creek Ranch, 4th Plat

SITE ACREAGE: 5.252-acres

NUMBER OF LOTS: 17-lots

PROPERTY ZONING: R-4 (Single-Family Residential)

SURROUNDING ZONINGS/LAND USES:

North: R-4 (Single-Family Residential)...undeveloped
East: R-4 (Single-Family Residential)...undeveloped
South: R-4 (Single-Family Residential)...single-family homes
West: R-4 (Single-Family Residential)...undeveloped

CURRENT USE: Undeveloped land

FURTHER ACTION:

Following action by the Planning Commission, this Final Plat request is scheduled for consideration by the City Council on August 19, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this Final Plat subject to the conditions listed below:

1. Situs Addresses for the Lots on the Final Plat shall be as follows:
Lots 89 through 93 will be 1305 through 1321 N. Hanover Court (odd every fourth).
Lots 106 through 109 will be 1320 through 1304 N. Hanover Court (even every fourth).
Lots 110 through 113 will be 1307 through 1323 N. Heartland Court (odd every fourth).
Lots 126 through 129 will be 1322 through 1306 N. Heartland Court (even every fourth).
Lots 126, 127, 112, 113, 107 and 106 will also be 20050, 20051, 20101, 20100, 20151 and 20150 E. 13th Street N.
2. Show sidewalks on the west and north sides of the rights-of-way;

3. Improvements are needed for Bundschu Road in conjunction with the construction of Phase 3 and above per engineering requirements.
4. Show the portions of the Stream Buffer outer zone located within the two southeastern most lots.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Jim Pollard, Pollard Development, Inc., to approve a Final Plat the property located at Heartland Court and 13th Street.

Current Zoning: R-4 (Single-Family Residential)

Current Use: Undeveloped lots

Acreage: 5.252-acres

Proposed Use: Single-Family Homes

Number of lots 23-lots

PROPOSAL:

This is part of the final build out of 64-lots for Timber Creek Ranch to finish out the subdivision.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The proposed 17-lot plat is a 5.252-acre area, located north of the terminuses of Heartland Court and Hanover Court. It has slightly sloping topography that slopes eastward toward a creek basin.

CHARACTERISTICS OF THE AREA:

The property to the north (across an undeveloped tract) is developed single-family residential neighborhood. To the west and north is an undeveloped phase of Timber Creek Ranch. To the east is a creek. To the south is the developed portion of the subdivision.

The topography generally slopes to the southeast. The existing homes in the area are a mixture of ranch and two-story homes with siding and brick wainscots.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Measures for Success for, "Improved housing conditions."

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Residential Uses for this site. The Guiding Principles state the need to, "Facilitate the development of connected...neighborhoods;"

Historic and Archeological Sites:

There are no apparent historic or archeological issues with this property.

Public Utilities:

Both water and sanitary services are available along the Hanover Court, Heartland Court and 13th Street rights-of-way and in the general area. Electrical service will be available in easements at the rear of the property.

Homes Association:

The existing homes association with its covenants and restrictions will be updated with these lots added. Annual dues are collected to maintain the detention basins, entrances and pay taxes on the common tracts.

Storm Water Detention, Stream Buffers and Flood Plain Area:

The development drains to detention basins located in the east central and southern portions of the property located in a creek basin within a stream buffer area. Stream Buffers, the 100-year flood plains and floodway are confined to east central, southern and southwestern portions of the property. The common tracts are within the federally designated flood plain area and within the City's designated Stream Buffer Area. Portions of the Stream Buffer's outer zone are located within the two southeastern most lots.

Right-of-Way to be Dedicated:

The streets to be built will be dedicated public rights-of-way.

CIP Investments:

The City does not have any capital improvements projects planned near this area.

EXHIBITS

1. Narrative
2. Application
3. Preliminary Plat
4. Final Plat
5. Comp Plan Map
6. Zoning Map

POLLARD DEVELOPMENT, LLC
Jim Pollard
3030 S. Crenshaw
Independence, Missouri 64057

June 17, 2024

To: City of Independence

This is the final build out of 64 lots for Timber Creek Ranch to finish out the subdivision. The engineering for the 3 final phases have been submitted and phase 3 and 4 have been approved. I have submitted corrections on comments on phase 5.

The existing homes association with its covenants and restrictions will be updated with these lots added. Annual dues are collected to maintain the detention basins, entrances and pay taxes on the common tracts.

Jim Pollard

Developer

24-320-05



INDEPENDENCE
MISSOURI

Planning and Zoning

Application Form

Community Development
111 E. Maple Avenue
Independence, MO 64050
(816) 325-7421
cdplanning@indepmo.org

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☐ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☒ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

TIMBER CREEK RANCH 4th PLAT

Project Name

THE END OF N HEARTLAND COURT AND E 13th ST N

Project Address/Location

E NITOLLAND CT

17 LOTS

Sq. Ft. of Building

Acreage

Number of Lots/Tracts

Stream Buffer (Yes or No)

Existing Zoning

Proposed Zoning

Existing Land Use

Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☐ Completed & Signed Application Form ☐ Application Fee ☐ Cover Letter Describing Details of Project	☐ One 24" x 36" set of plans for Land Sub. & Site Dev. ☐ One PDF copy of a plat map or site plan ☐ Legal Description of the property in question
---	---

Contact Information

Applicant

JIM POLLARD - Pollard Development LLC

Name

Company

3030 S. CRAWFORD RD. INDEP MO 64057

Address

816-686-8800

Phone

jim@dreamsb6@gmail.com

Email

Architect/Engineer/Surveyor/Other: _____

Todd Polk CRS Engineers

Name

Company

3015 E CAIRO ST SPRINGFIELD MO 65802

Address

417-986-4067 tpolk@crs-engineers.com

Phone

Email

Owner

SAME AS APPLICANT

Name

Company

Address

Phone

Email

Architect/Engineer/Surveyor/Other: _____

BRIAN GLENN

Name

Company

PHOENIX ENG & SURVEY LLC

Address

3855 S NORTHERN BLVD INDEP MO 64052

Phone

Email

816-743-9000

BRIAN@PHOENIX-LLC.COM

The applicant hereby agrees that the information provided above is accurate.

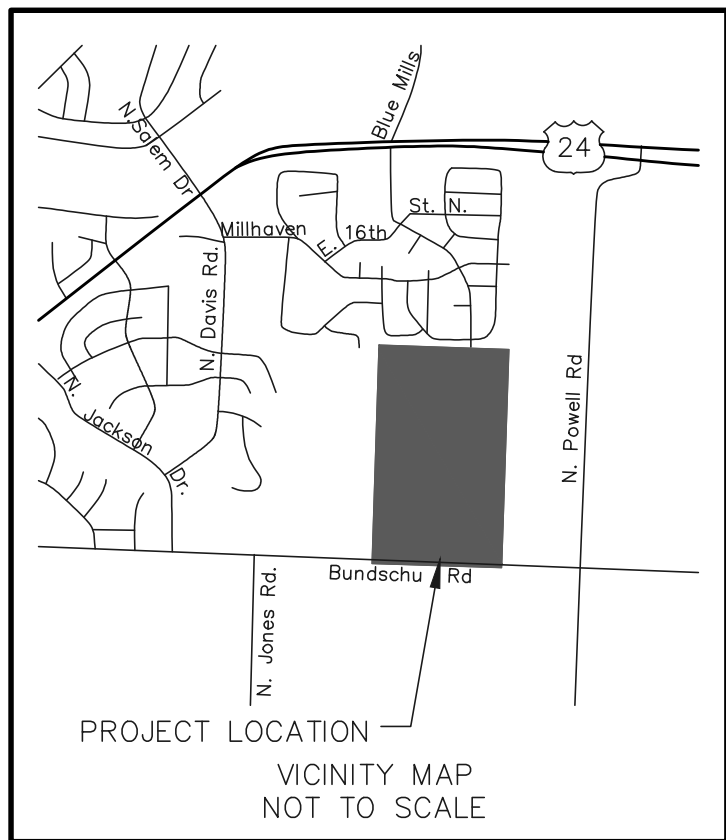
Applicant's Signature

Date

Owner's Signature

Date

THE EAST 1/2 OF THE NW 1/4 OF SEC. 28 T2N 50N R3E 31W, A SUBDIVISION
OF LAND IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.



PROPOSED		EXISTING	
●	Manhole	○	
●	Curb Inlet	⌘	
■	Field Inlet	△	
▲	Flared End Section	△	
■	Fire Hydrant	⌘	
⌘	Blow Off	⌘	
⌘	Water Valve	⌘	
⌘	Water Meter	⌘	
●	Straddle	○	
●	4' Sidewalk	○	
●	2' Curb	○	

LOT#	OWNER/ADDRESS
34	Juliana Bryon T. & Jill R. 1401 Old Mill Ct. Independence, MO. 64056
35	Cape Kent K. 1403 Old Mill Ct. Independence, MO. 64056
130	Kellis Michael D. & Katherine F. 1404 Holland Dr. Independence, MO. 64056
131	Hernandez Jorge H. & Veronica 1404 Holland Dr. Independence, MO. 64056
484	US SFE Asset Company 5 LLC 20307 E. 14th St. N. Independence, MO 64056
485	Harp Matthew E. & Jennifer 20305 E. 14th St. N. Independence, MO. 64056
486	Wilson Larry Raymond & Deborah S. 20307 E. 14th St. N. Independence, MO. 64056

LOT#	OWNER/ADDRESS
487	Howell Scott D. Jr. & Stacy A. 20301 S 14th St. N. Independence, MO 64056
535	Farmer Jared. 20225 E 14th St. N. Independence, MO 64056
536	Highland Scott A. 20221 E 14th St. N. Independence, MO 64056
537	D'Arcy Investments LLC 20219 E Burgess Rd Buckner, MO 64016
538	Oliver Gayle R. 20213 E 14th St. N. Independence, MO 64056
539	Schumacher George L. & Lisa M. 20209 E 14th St. N. Independence, MO 64056
540	Turner Travis L. & Trina D.. 20207 E 14th St. N. Independence, MO 64056

LOT #	OWNER/ADDRESS
541	Allison Joshua 20205 E 14th St. N. Independence, MO. 64056
542	Gotway Robert L. 20203 E 14th St. N. Independence, MO. 64056
543	Lloyd Clayton E. & Susan A. 21013 E 14th St. N. Independence, MO. 64056
544	Oliver Charles K. & Amanda L. 21111 E 14th St. N. Independence, MO. 64056
545	Jorgensen Benjamin & Diana. 20005 E. 14th St. N. Independence, MO. 64056
546	Andrews Michael D. 20313 E. 17th TER. N. Independence, MO. 64056
547	Macdonald Larry B. & Nancy 20111 E. 14th St. N. Independence, MO. 64056

LOT#	OWNER/ADDRESS
548	Helm Bradley W. 1400 N Holland Dr. Independence, MO. 64056



CONSTRUCTION PHASE	# OF LOTS
PHASE 1	41 LOTS
PHASE 2	46 LOTS
PHASE 3	23 LOTS
PHASE 4	20 LOTS
PHASE 5	21 LOTS
PHASE 6	2 LOTS

LEGAL DESCRIPTION:
THE EAST HALF OF THE NORTHWEST QUARTER OF
SECTION 28, TOWNSHIP 50 NORTH, RANGE 31 WEST
OF THE 5TH PRINCIPAL MERIDIAN, INDEPENDENCE,
JACKSON COUNTY, MISSOURI, CONTAINING 80.4 ACRES,
MORE OR LESS.

DEVELOPER:
ANDACHTER-POLLARD DEVELOPMENT LLC
3030 S. CRENSHAW ROAD
INDEPENDENCE, MO. 64057
PH. 816-686-8800
FAX 816-795-6360

TIMBER CREEK RANCH

THE EAST 1/2 OF THE NW 1/4 OF
SEC. 28 T2N 50N R6E 31W,
A SUBDIVISION OF LAND IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

[illegible]

PRELIMINARY
PLAT

C1.0

NOT FOR
CONSTRUCTION

[illegible]

Designed by: TRP	Date: 5/18/2022
Dwn by: DJS	Project No. 22-5321
Submitted by: TRP	Plot scale: NA
File name: DJS_22-5321 TOR Prelat.dwg	

CFS ENGINEERS

cfse.com

LEGAL DESCRIPTION:

THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 50 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, INDEPENDENCE, JACKSON COUNTY, MISSOURI DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 87 DEGREES 42 MINUTES 42 SECONDS WEST ON THE NORTH LINE OF SAID NORTHWEST QUARTER, 1028.80 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 67, TIMBER CREEK RANCH 2ND PLAT, A SUBDIVISION OF RECORD; THENCE SOUTH 02 DEGREES 04 MINUTES 05 SECONDS WEST ON SAID EXTENSION, 494.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 02 DEGREES 04 MINUTES 05 SECONDS WEST ON SAID EXTENSION, 375.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 67; THENCE SOUTH 87 DEGREES 55 MINUTES 55 SECONDS EAST ON THE NORTH LINE OF SAID LOT 67 AND IT'S EASTERLY EXTENSION, 175.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH HEARTLAND AVENUE; THENCE SOUTH 02 DEGREES 04 MINUTES 05 SECONDS WEST ON SAID EAST RIGHT OF WAY LINE, 2.21 FEET TO THE NORTHWEST CORNER OF LOT 68, TIMBER CREEK RANCH 2ND PLAT; THENCE SOUTH 87 DEGREES 55 MINUTES 55 SECONDS EAST ON THE NORTH LINE OF SAID LOT 68, 125.00 FEET TO THE NORTHWEST CORNER OF LOT 77, TIMBER CREEK RANCH 2ND PLAT; THENCE NORTH 89 DEGREES 39 MINUTES 06 SECONDS EAST ON THE NORTH LINE OF SAID LOT 77 AND IT'S EASTERLY EXTENSION, 190.32 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH HANOVER AVENUE; THENCE SOUTHERLY ON A CURVE TO THE LEFT ON SAID EAST RIGHT OF WAY LINE (SAID CURVE HAVING AN INITIAL TANGENT BEARING OF SOUTH 0 DEGREES 20 MINUTES 54 SECONDS EAST, A RADIUS OF 175.00 FEET, A CHORD BEARING OF SOUTH 01 DEGREES 26 MINUTES 33 SECONDS EAST, A CHORD DISTANCE OF 6.68 FEET) AN ARC LENGTH OF 6.68 FEET TO THE NORTHWEST CORNER OF LOT 78, TIMBER CREEK RANCH 2ND PLAT; THENCE NORTH 87 DEGREES 27 MINUTES 48 SECONDS EAST ON THE NORTH LINE OF SAID LOT 78, 122.72 FEET; THENCE NORTH 02 DEGREES 04 MINUTES 05 SECONDS EAST, 362.15 FEET; THENCE NORTH 87 DEGREES 55 MINUTES 55 SECONDS WEST, 122.88 FEET; THENCE NORTH 02 DEGREES 04 MINUTES 05 SECONDS EAST, 3.85 FEET; THENCE NORTH 87 DEGREES 55 MINUTES 55 SECONDS WEST, 490.00 FEET TO THE POINT OF BEGINNING. CONTAINS 5.252 ACRES MORE OR LESS.

NOTES

- THIS DOCUMENT WAS PREPARED FROM INFORMATION PROVIDED BY AND THE LAND REFERRED TO IN FIRST AMERICAN TITLE INSURANCE COMPANY'S CONDITION OF TITLE - GUARANTEE NO.: 1638315, EFFECTIVE DATE JULY 13, 2023.
- THIS SURVEY MEETS OR EXCEEDS THE MISSOURI DEPARTMENT OF NATURAL RESOURCES MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEY REQUIREMENTS FOR URBAN CLASS PROPERTY.
- BEARINGS SHOWN HEREON ARE REFERENCED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE BY UTILIZATION OF NATIONAL GEODETIC SURVEY - NGS DATA SHEET "SHROUT AZ MK" 2023 ADJUSTMENT DATA.
- THE SUBJECT TRACT CONTAINS 5.252 ACRES MORE OR LESS.
- ITEM NO. 1 OF THE ABOVE REFERENCED TITLE COMMITMENT SCHEDULE B REFERS TO A SEWER EASEMENT TO THE CITY OF INDEPENDENCE, MISSOURI CITY RECORDED AS DOCUMENT NO. 197410181899. SAID EASEMENT DOES NOT CROSS THE SUBJECT PROPERTY AND THEREFORE IS NOT SHOWN HEREON.
- ITEM NO. 2 OF THE ABOVE REFERENCED TITLE COMMITMENT SCHEDULE B REFERS TO A SEWER EASEMENT TO THE CITY OF INDEPENDENCE, MISSOURI CITY RECORDED AS DOCUMENT NO. 197410181900. SAID EASEMENT DOES NOT CROSS THE SUBJECT PROPERTY AND THEREFORE IS NOT SHOWN HEREON.
- ITEM NO. 3 OF THE ABOVE REFERENCED TITLE COMMITMENT SCHEDULE B REFERS TO A SEWER EASEMENT TO THE CITY OF INDEPENDENCE, MISSOURI CITY RECORDED AS DOCUMENT NO. 197610263962. SAID EASEMENT DOES NOT CROSS THE SUBJECT PROPERTY AND THEREFORE IS NOT SHOWN HEREON.
- THE SUBJECT PROPERTY IS LOCATED WITHIN "ZONE X" (UNSHADED); AN AREA DESIGNATED AS AN AREA OF MINIMAL FLOODING ACCORDING TO THE JACKSON COUNTY, MISSOURI AND INCORPORATED AREAS, FLOOD INSURANCE RATE MAPS (FIRM), MAP NUMBER 29095C01906 MAP REVISED DATE: JANUARY 20, 2017 & MAP NUMBER 20905C20302G MAP REVISED DATE: JANUARY 20, 2017
- ALL REAR LOT CORNERS SHALL BE SET WITH 1/2" IRON BAR & CAP UPON SUBSTANTIAL COMPLETION OF GRADING AND THE PROLONGATION OF THE SIDE LOT LINES SHALL BE MONUMENTED BY A CHISELED CUT ON THE CURB.

LEGEND

- FOUND SECTION CORNER / 1/4 SECTION CORNER MONUMENT AS NOTED
- SET MONUMENT, 5/8" IRON BAR WITH ALUMINUM CAP STAMPED "M02000 151303"
- SET MONUMENT, 1/2" IRON BAR WITH PLASTIC CAP STAMPED "M02000 151303"
- SET MONUMENT, 1/2" IRON BAR WITH PLASTIC CAP STAMPED "M02000 151303" UNLESS NOTED OTHERWISE

- (M) = MEASURED DIMENSION
- (D) = DEED DIMENSION
- C/L = CENTERLINE
- R/W = RIGHT OF WAY
- D/E = DRAINAGE EASEMENT
- L/E = LANDSCAPE EASEMENT
- U/E = UTILITY EASEMENT
- B/L = BUILDING SETBACK LINE
- (NR) = NON-RADIAL
- R = RADIUS
- L = ARC LENGTH
- Pr. O.S. = PRIVATE OPEN SPACE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF "TIMBER CREEK RANCH 4TH PLAT", IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI CODE OF STATE REGULATIONS (DIVISION 2030, CHAPTER 16) TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

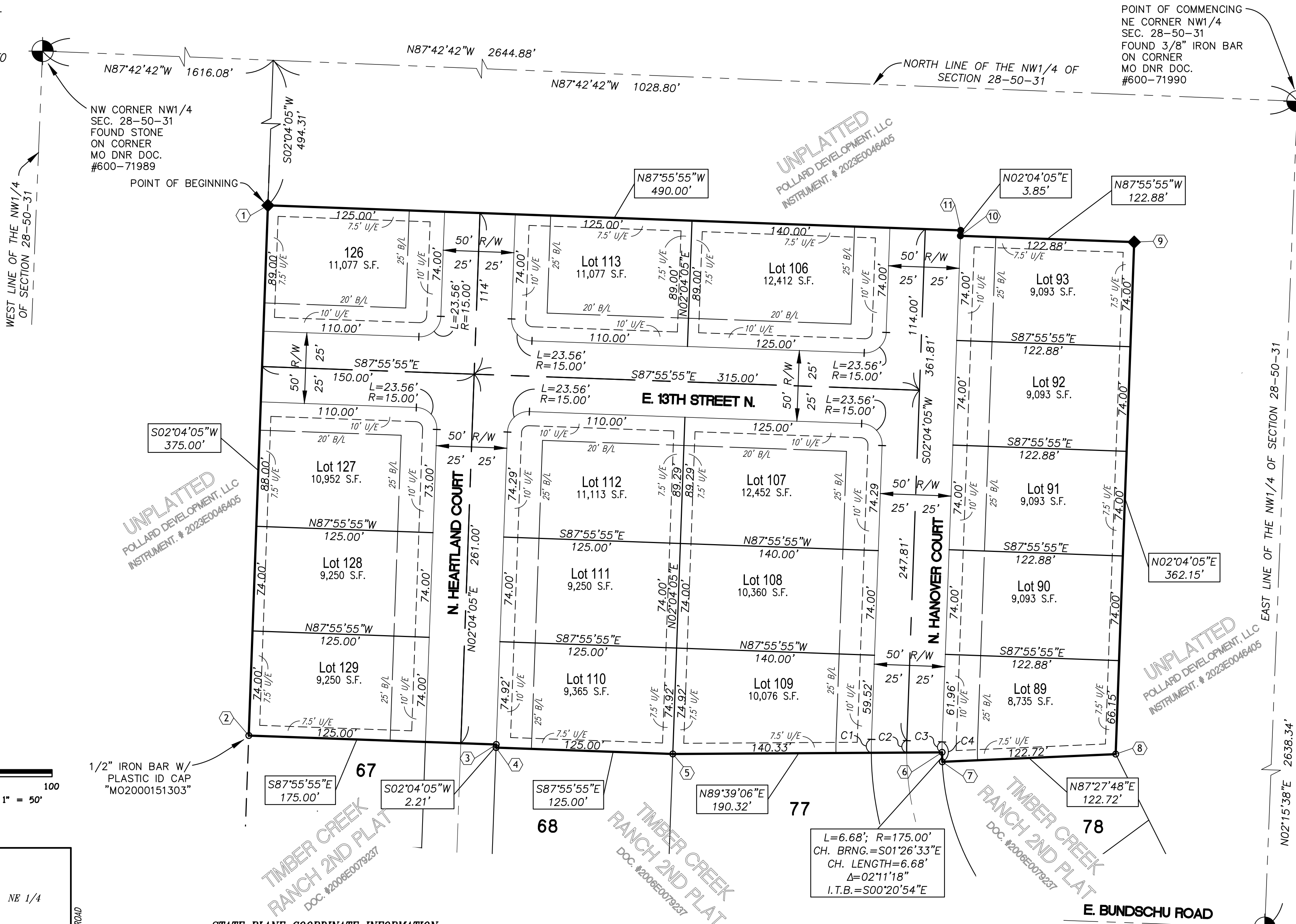
Wesley Scroggiam M.O.L.S. 2184
as agent of Phoenix Engineering & Surveying L.L.C. M.O.L.S. 2000151303

06/01/2023

Date of Survey

FINAL PLAT TIMBER CREEK RANCH 4TH PLAT LOTS 89 THROUGH 129

PART OF THE NW 1/4 OF SEC 28, TOWNSHIP 50N, RANGE 31W,
INDEPENDENCE, JACKSON COUNTY, MISSOURI



STATE PLANE COORDINATE INFORMATION:

ALL BEARINGS AND STATE PLANE COORDINATES SHOWN ARE BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE. SAID COORDINATES WERE ESTABLISHED USING THE NATIONAL GEODETIC SURVEY - NGS DATA SHEET - SHROUT AZ MK - 2023 ADJUSTMENT DATA. THE PUBLISHED GRID FACTOR FOR THE MONUMENT IS 0.99990533 (NGS DATA SHEET).

CURVE DATA						
CURVE	CURVE LENGTH	CURVE RADIUS	CHORD BEARING	CHORD LENGTH	CENTRAL ANGLE	INITIAL TANGENT BEARING
C1	9.49'	225.00'	S0°51'35\"W	9.49'	02°24'29\"	S02°04'05\"W
C2	8.43'	200.00'	S0°51'35\"W	8.43'	02°24'29\"	S02°04'05\"W
C3	7.38'	175.00'	S0°51'35\"W	7.38'	02°24'29\"	S02°04'05\"W
C4	14.06'	175.00'	S0°14'04\"E	14.06'	04°36'17\"	S02°04'05\"W

MISSOURI STATE PLANE TRAVERSE TABLE

COORDINATES SHOWN ARE IN METERS ON MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE.

POINT	NORTHING (m)	EASTING (m)	GRID AZIMUTH	GRID DISTANCE (m)
SHROUT AZ MK	329413.278	863764.576	177°39'48\"	949.879
①	328464.189	863803.302	182°04'05\"	114.289
②	328349.974	863799.178	92°04'05\"	53.335
③	328348.050	863852.478	182°04'05\"	0.674
④	328347.376	863852.454	92°04'05\"	38.096
⑤	328346.001	863890.526	89°39'06\"	58.006
⑥	328346.354	863948.530	178°33'27\"	2.037
⑦	328344.317	863948.581	87°27'48\"	37.400
⑧	328345.972	863985.945	02°04'05\"	110.374
⑨	328456.275	863989.928	272°04'05\"	37.452
⑩	328457.626	863952.501	02°04'05\"	1.175
⑪	328458.800	863952.543	272°04'05\"	149.338
①	328464.189	863803.302		

DEDICATION:

THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH PLAT AND SUBDIVISION SHALL HEREAFTER BE KNOWN AS "TIMBER CREEK RANCH 4TH PLAT".

STREETS: STREETS SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

EASEMENTS: AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF INDEPENDENCE, MISSOURI, TO LOCATE, CONSTRUCT AND MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION AND MAINTENANCE AND USE OF CONDUITS FOR ALL OR ANY PURPOSE, WATER, GAS, SEWER MAINS, POLES AND WIRES TO ALL OR ANY OF THEM OVER, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" (U/E) OR WITHIN ANY STREET OR THOROUGHFARE DEDICATED TO PUBLIC USE ON THIS PLAT.

BUILDING LINES: BUILDING LINES OR SET BACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE CONSTRUCTED BETWEEN THIS LINE AND THE STREET RIGHT OF WAY LINE.

EXECUTIONS:

IN TESTIMONY WHEREOF: JAMES POLLARD OF POLLARD DEVELOPMENT, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS ____ DAY OF ____, 20__.

POLLARD DEVELOPMENT, LLC

JAMES POLLARD ATTEST

STATE OF MISSOURI)

COUNTY OF JACKSON)

BE IT REMEMBERED: THAT ON THIS ____ DAY OF ____, 20__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, APPEARED JAMES POLLARD OF POLLARD DEVELOPMENT, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED HEREIN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND BEING DULY SWORN BY ME ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED AND ON BEHALF OF SAID LLC.

IN WITNESS THEREOF: I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN SAID COUNTY, THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE MY COMMISSION EXPIRES

ACKNOWLEDGMENT:

THIS CERTIFIES THAT THE PLAT OF TIMBER CREEK RANCH 3RD PLAT, WAS SUBMITTED TO AND DULY APPROVED BY THE CITY OF INDEPENDENCE, MISSOURI, THIS ____ DAY OF ____, 20__, BY ORDINANCE NO. _____.

BY: _____

CITY CLERK

CITY OF INDEPENDENCE, MISSOURI APPROVALS:

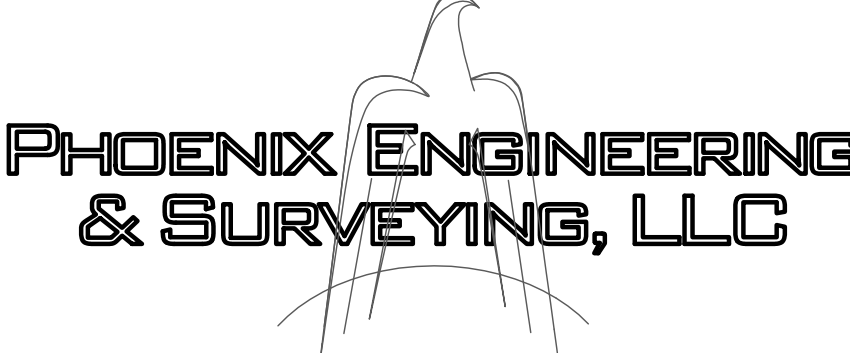
STREET LOCATIONS AND LOT DIMENSIONS APPROVED

BY: ALEX LOPEZ
MUNICIPAL SERVICES DIRECTOR DESIGNEE

BY: TOM SCANNELL
DIRECTOR OF COMMUNITY DEVELOPMENT

BY: JACKSON COUNTY ASSESSOR

PREPARED BY:



DEVELOPER

POLLARD DEVELOPMENT, LLC
ATTENTION: JAMES POLLARD
3030 S. CRENSHAW ROAD
INDEPENDENCE, MO 64057
PHONE: 816-686-8800
FAX: 816-795-6360

3855 S. NORTHERN BLVD., INDEPENDENCE, MO 64052
(816) 743-9000 FAX: (816) 743-9700

PROJECT NO.	040028	DATE PREPARED: 10-25-2023	DATE REVISED: 04-25-2024
PROJECT NAME	TIMBER CREEK RANCH 4TH PLAT		
DIR. & DWG. NAME	S:\PROJECTS\2004\040028 - Timber Creek Ranch 3rd\dwg\TCR4\FINALPLAT.DWG		

M5031-28

SHEET 1 of 1



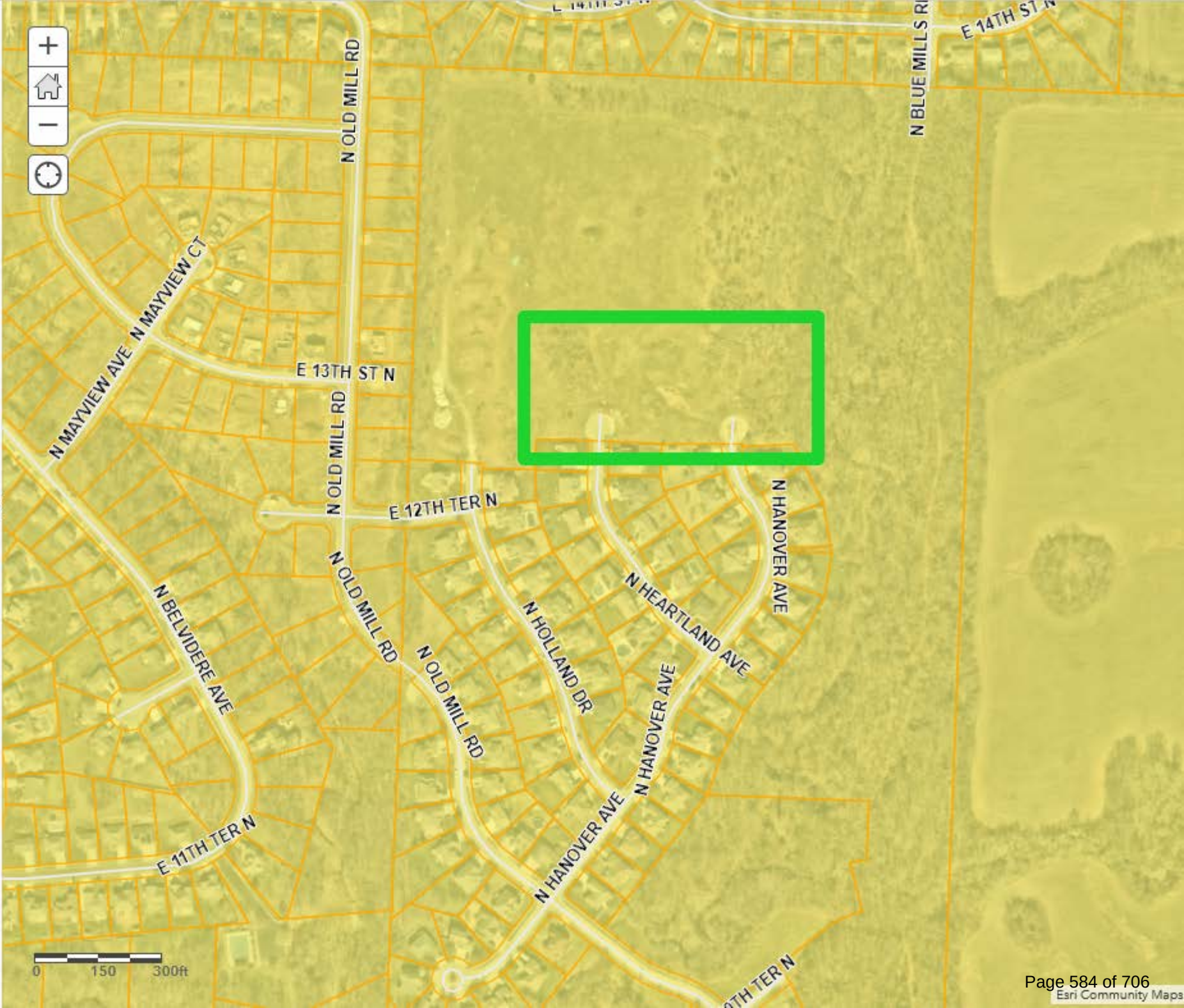
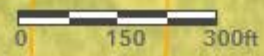
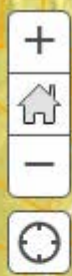
Legend

Parcels

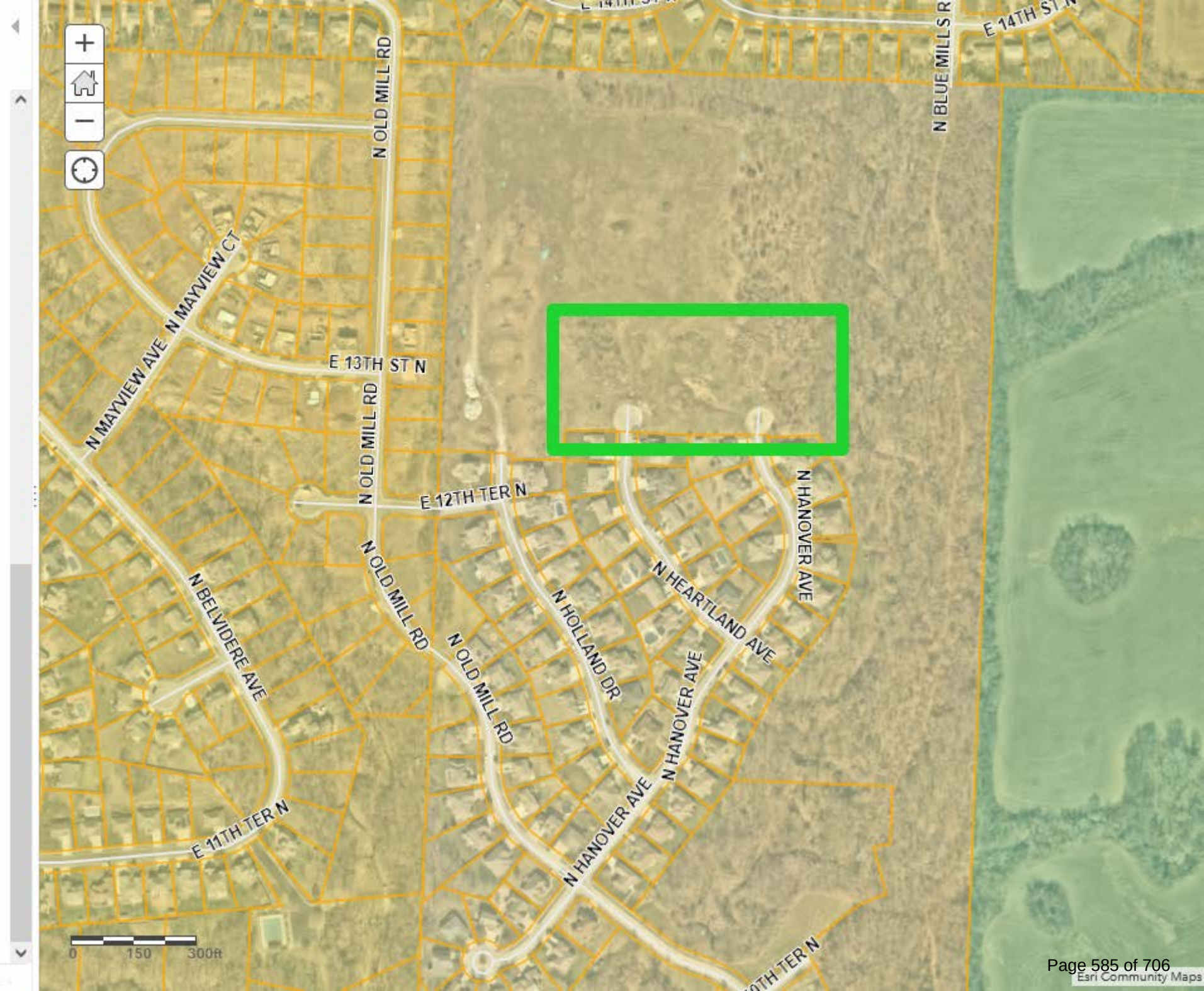
Municipal Boundaries

Proposed Land Use (Comp Plan)

- Residential Neighborhoods
- Residential Urban Neighborhoods
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Office
- Business Park
- Industrial
- Civic/Public
- Community Attraction
- Parks
- Agricultural



- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2
- R-2/PUD
- R-30/PUD
- R-4
- R-4/PUD
- R-6
- R-6/HL
- R-6/I-1/U
- R-6/PUD
- R-A
- R-A/I-2/U
- R-A/PUD





City Planning Commission Minutes

July 9, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the City Planning Commission was held at 6:00 PM on 7/9/2024, in the 111 E Maple Avenue City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Cindy McClain, Dan O'Neill, Virginia Ferguson, Jose Torres. Absent - Edward Nesbitt.

ELECTION OF OFFICERS

Commissioner Laurie Dean Wiley made a motion to continue the Election of Officers to the September 10, 2024 meeting.. Commissioner Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Dan O'Neill made a motion to approve the Consent Agenda. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. **Case 24-310-03 - Preliminary Plat – Behavioral Health** – A request for preliminary plat approval located generally south and east I-70 and Little Blue Parkway.
2. **Case 24-320-03 - Final Plat – Behavioral Health** – A request for Final Plat approval located generally south and east I-70 and Little Blue Parkway.
3. **Case 24-320-04 - Final Plat – Timber Creek Ranch, 3rd Plat.** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
4. **Case 24-320-05 - Final Plat – Timber Creek Ranch, 4th Plat** – A request for Final Plat approval located generally north and east of Bundschu and Jackson Drive.
5. **Case 24-600-03 – Special Sign Permit – 19100 E. Valley View Parkway** – A request for approval of a special sign permit.

CASE TO BE CONTINUED - STAFF RECOMMENDS THESE CASES BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-150-01 – Comprehensive Plan Amendment – 21101 E. 78 Hwy** – A request by Anthony Privitera to amend the Future Land Use Plan map for 21101 E. 78 Hwy.

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-100-12 – Rezoning – 21101 E. 78 Hwy** – A request by Carajoto, LLC to rezone the property from R-6 (Single Family Residential) to I-1 (Industrial).

Commissioner Dan O'Neill made a motion to continue the case to August 13, 2024. Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARINGS

1. **Case 24-100-14 – Rezoning – 13001 E. US 40 Hwy** – A request by Hi-Tech Machinery to rezone the property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Gurpreet Singh 508 N White Circle, Gardner, KS, stated they're under contract for the building

and would like to expand their business. He said they sell used machinery and there is a high demand for a showroom to see the machines before they purchase them.

In response to Commissioner O'Neill's question, Mr. Singh stated they usually receive machinery from a trailer or a semi-trailer. He said there is room for a semi in their parking lot.

In response to Commissioner Wiley's question, he stated all vehicles will enter from 40 Highway and the back entrance will stay blocked with concrete.

Public Comments

David Ridgeshaw, Jr., 12714 47th NE Court South, stated the concrete barriers along 47th were because of motorcycle issues from a past business. In response to Mr. Ridgeshaw's question, Mr. Garrett explained where the notification area is located.

Brent Hearn, 13011 E US 40, stated 47th Street cannot handle semi trailers and said his lot is frequently blocked because of traffic at this business. He said he sees semi's several times a week. In response to Commissioner Wiley's question, Mr. Hearn stated his current parking issue is with the current tenant, but stated there is no way to get equipment in the front of the building and will have to use 47th Street.

In response to Commissioner Wiley's question, Mr. Garrett said he doesn't believe semi's should use 47th Street.

Mr. Singh stated there is no way for his trucks to use 47th Street, and they will use the main parking lot. He said they will not be using the back door for deliveries. He said vehicles delivering equipment will only occur a few times a month. Customers may come once or twice a day, but they won't always purchase the equipment.

In response to Commissioner Ashbaugh's question, Mr. Singh stated they use forklifts to move the machinery. Mr. Singh stated most customers will call and make appointments to come in and look at a specific piece of machinery.

In response to Commissioner Wiley's question, Mr. Singh stated he always wants to have happy neighbors and will work to make sure Mr. Harden's business isn't affected by his deliveries.

Motion

Commissioner Eric Ashbaugh made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-175-05 – UDO Amendment #68** – The City proposes Amendment #68 of the Unified Development Ordinance pertaining to small box discount stores, tobacco stores, convenience stores and liquor stores.

Staff Presentation

Rick Arroyo stated, the City's Unified Development Ordinance (UDO) has regulated tobacco stores for several years. However, small box discount stores (i.e., dollar stores) and liquor stores

are allowed by right in office and commercial zoning districts.

Dollar Stores

Both nationally and in Independence dollar stores have multiplied rapidly. In 2018, the City had a total of twelve (12) dollar stores with the number of stores expanding to twenty (20) dollar stores. These establishments have opened stores at such a density that they crowd out full-service grocery stores and make it difficult for new and small businesses to start and grow.

The City is proposing a dollar store dispersal ordinance which sets a limit on how close new dollar stores can be to existing ones; staff has recommended a 2 mile separation between dollar stores. A number of communities across the United States have already adopted such regulations to help ensure that these chains cannot be developed at such a density that they impede opportunities for grocery stores and other businesses to take root and grow.

Tobacco Stores

Currently, the UDO combines regulations for tobacco and convenience stores; these regulations were first enacted in 2014 with an amendment in 2017. The City proposes to separate these 2 uses. As part of this amendment, staff proposes to separate these 2 uses. In addition, this amendment clarifies how the separation between stores is measured and adds the following new regulations:

- Minimum exterior lighting levels. This would require a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Window visibility. This would require no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Convenience Stores

As mentioned above, this amendment would separate tobacco and convenience store uses and thus this new section was created. This amendment would:

- Requires a special use permit if the proposed use is within 500 feet of residential use, church, school or park. **Note:** this requirement is the same for current convenience store uses.
- Requires compliance with the video surveillance requirements. **Note:** this requirement is the same for current convenience store uses.
- Requires a minimum of 5 footcandles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters.

Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement.

- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

Liquor Stores

This is an entirely new section. This amendment would:

- Require a minimum of 1,500-foot separation between liquor stores.
- Requires compliance with the video surveillance requirements.
- Requires a minimum of 5 foot candles at the front entrance and compliance with the lighting requirements in the UDO. Existing uses are given two (2) year to come into compliance with this requirement.
- Requires no more than 25% of the window area to be covered with flyers or posters. Additionally, it requires a clear window area between the height of 3 feet and 7 feet for visibility into and out of the store. Existing uses are given six (6) months to come into compliance with this requirement. Lastly, the Community Development Director can approve alternative plans to this requirement.
- Requires alarm system, automatic door locks, height strips at the front entry and the posting of no loitering signs. Existing uses are given six (6) months to come into compliance with this requirement.

General Terms

As part of this amendment, staff updated several terms. The convenience store definition was updated and clarified. New definitions were added for liquor stores and small box discount stores. Lastly, the tobacco store definition was updated to include smokable products.

Mr. Arroyo responded to Commissioner O'Neill's question, explaining that a height strip is typically hung on a door to identify the height of someone in the event of a robbery.

In response to Commissioner Ashbaugh's question, Mr. Arroyo stated the alarm system notifies authorities if triggered.

In response to Chairperson McClain, Mr. Arroyo commented the 3-7 foot clear space on the windows is security for both the store clerk and the customers entering the store.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the case. Commissioner Dan O'Neill seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

3. Case 24-175-06 – UDO Amendment #69 – The City proposes Amendment #69 of the

Unified Development Ordinance pertaining to Recreational Vehicle Park Use.

Staff Presentation

Rick Arroyo stated, with the adoption of revised Chapter 20 and Chapter 17 regulations, staff has continued to review existing section of the UDO to verify code language is in compliance with all other revised sections of the City Code.

The City Code prior to the adoption of the UDO in 2009, had all site plans follow a process of approval through the Planning Commission and City Council similar to a special use permit. The site plan review and approval process under the current UDO is administrative. While reviewing the recreational vehicle park regulations, it was discovered that section 14-405-01-C of the existing UDO requires approval of the City Council for any recreational vehicle park application. Staff is recommending the language of Section 14-405-01-B be updated with language that follows the special use permit application process for recreational vehicle park applications.

Additional criteria in Section 14-405-01-B have been added to be in compliance with the updates adopted in Chapter 20 and Chapter 17 of the City Code.

In response to Commissioner Wiley's comment, Mr. Arroyo went over the requirements needed in order to have an RV Park.

Motion

Commissioner Dan O'Neill made a motion to approve the case. Commissioner Eric Ashbaugh seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

ROUNDTABLE - NEXT MEETING JULY 23, 2024

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-082 **2R** An ordinance vacating an existing unconstructed right-of-way being part of St Clair Park, on, and across lots 240-248, a subdivision in Independence, Jackson County, Missouri. **2R**

Recommendations:

Council approval is recommended.

Background:

City Staff have received a request for vacation from the majority property owner of an unconstructed right-of-way. This vacation will support additional development of this property located at 8903 E. Winner Road. Staff recommend approval of this vacation.

Emergency Justification:**Fiscal Impact:**

There is no fiscal impact to the City.

Council Action:

Department / Contact	Municipal Services /
---------------------------------	----------------------

REVIEWERS

Lisa Reynolds
Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. 8903 E Winner Road Vacation Ordinance
2. 8903 E Winner Road Vacation - Boundary Survey

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE VACATING AN EXISTING UNCONSTRUCTED RIGHT-OF-WAY BEING PART OF ST CLAIR PARK, ON, AND ACROSS LOTS 240-248, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

WHEREAS the unconstructed Right-Of-Way was recorded in 1908 on page 79 in Book 4 of the Jackson County, Missouri Deed Records; and,

WHEREAS the vacation of the Unconstructed Right-Of-Way will support additional development of the property; and,

WHEREAS, the City has received a request for vacation from a majority of the abutting property owners.

WHEREAS, the entirety of the vacated right of way will be reserved as a general utility easement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of Independence, Missouri does hereby vacate the Unconstructed Right-Of-Way, Recorded in Book 4, Page 79 in its entirety and described as follows:

DESCRIPTION OF UNCONSTRUCTED RIGHT-OF-WAY TO BE VACATED

BEING A PART OF ST. CLAIR PARK, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 241, OF SAID ST. CLAIR PARK; THENCE ALONG THE EASTERLY RIGHT OF WAY OF KENTUCKY AVENUE, NORTH 14 DEGREES 26 MINUTES 14 SECONDS EAST, A DISTANCE OF 40.78 FEET; THENCE LEAVING SAID RIGHT OF WAY, SOUTH 86 DEGREES 47 MINUTES 01 SECOND EAST, 186.42 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF HWY 24 A.K.A. EAST WINNER ROAD; THENCE ALONG SAID RIGHT OF WAY, SOUTH 55 DEGREES 27 MINUTES 38 SECONDS EAST, 76.94 FEET TO THE NORTH CORNER OF LOT 248; THENCE LEAVING SAID RIGHT OF WAY, NORTH 86 DEGREES 47 MINUTES 01 SECOND WEST, 260.08 FEET TO THE POINT OF BEGINNING.

SECTION 2. That the Municipal Services Department is directed to file for record a certified copy of this ordinance in the Office of the Division of Property Records, in and for the County of Jackson, State of Missouri, at Independence.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

ATTEST:

City Clerk

Presiding Officer of the City Council
of the City of Independence, Missouri

APPROVED - FORM AND LEGALITY:

City Counselor
City of Independence, Missouri

Director of Finance and Administration
City of Independence, Missouri

REVIEWED BY:

City Manager

BOUNDARY SURVEY

PROPERTY DESCRIPTION

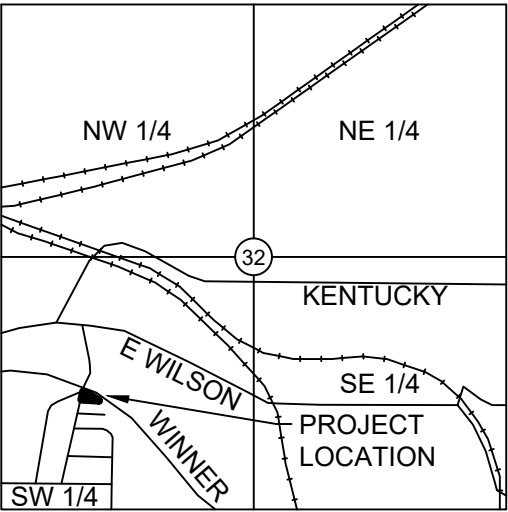
ALL OF LOTS 239 AND 240, ST. CLAIR PARK, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI.

RIGHT OF WAY TO BE VACATED

BEING A PART OF ST. CLAIR PARK, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 241, OF SAID ST. CLAIR PARK; THENCE ALONG THE EASTERLY RIGHT OF WAY OF KENTUCKY AVENUE, NORTH 14 DEGREES 26 MINUTES 14 SECONDS EAST, A DISTANCE OF 40.78 FEET; THENCE LEAVING SAID RIGHT OF WAY, SOUTH 86 DEGREES 47 MINUTES 01 SECOND EAST, 186.42 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF HWY 24 A.K.A. EAST WINNER ROAD; THENCE ALONG SAID RIGHT OF WAY, SOUTH 55 DEGREES 27 MINUTES 38 SECONDS EAST, 76.94 FEET TO THE NORTH CORNER OF LOT 248; THENCE LEAVING SAID RIGHT OF WAY, NORTH 86 DEGREES 47 MINUTES 01 SECOND WEST, 260.08 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PART IN ROADS.

GENERAL NOTES

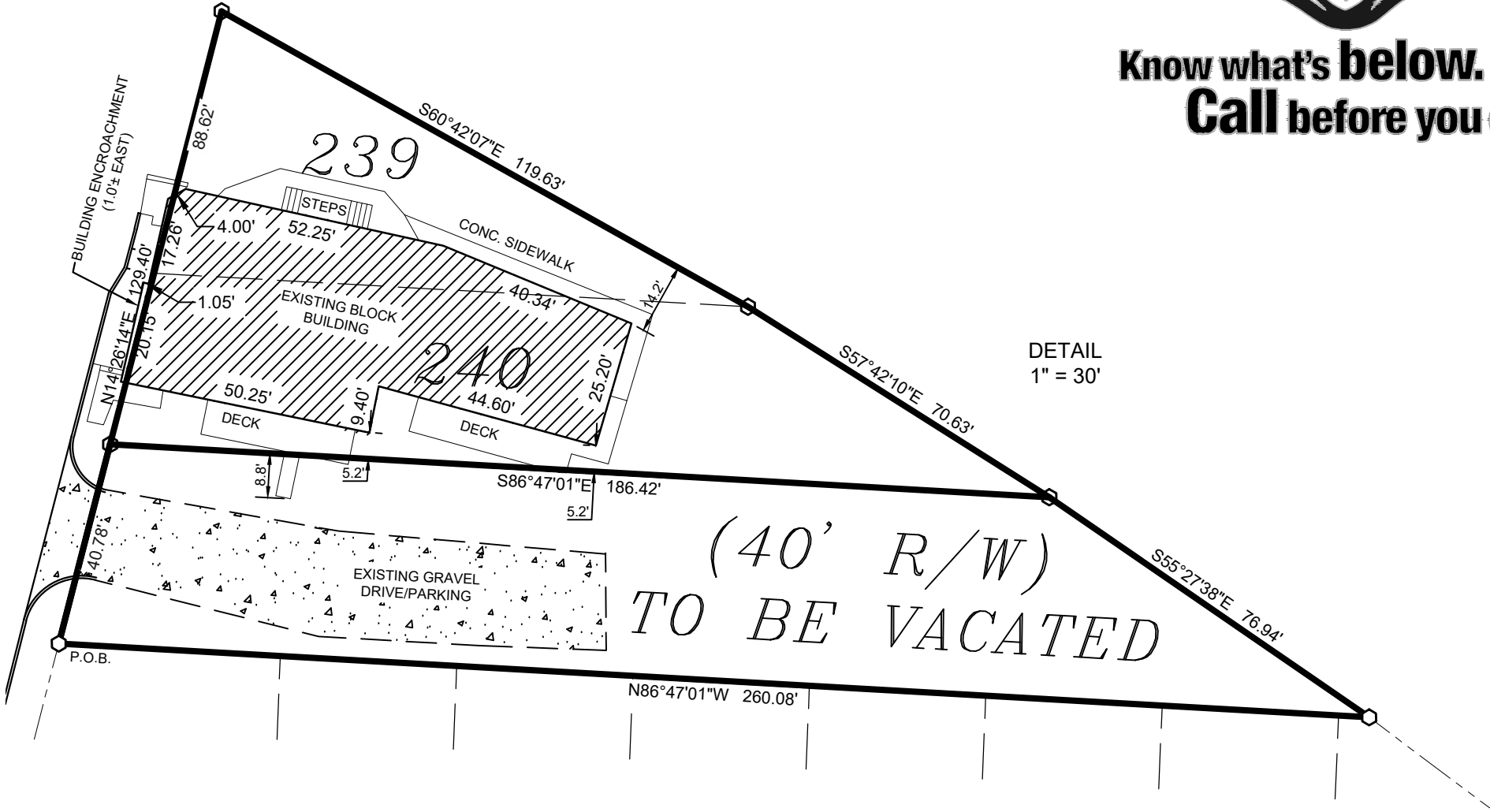
- 1. NO TITLE REPORT WAS PROVIDED FOR THIS SURVEY. THEREFORE, ALL EASEMENTS OF RECORD MAY NOT BE SHOWN.
- 2. BASIS OF BEARING: MISSOURI STATE PLANE COORDINATE SYSTEM.
- 3. LOTS 239 AND 240 CONTAINS 8323.41 SQUARE FEET OR 0.19 ACRES, MORE OR LESS. RIGHT OF WAY TO BE VACATED CONTAINS 8930.08 SQUARE FEET OR 0.21 ACRES, MORE OR LESS.
- 4. NO UNDERGROUND UTILITIES WERE LOCATED FOR THIS SURVEY. MISSOURI LAW REQUIRES THE USE OF THE MISSOURI ONE CALL SYSTEM (TOLL FREE 1-800-344-7483) PRIOR TO ANY EXCAVATING OR DIGGING. IT IS THE EXCAVATOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF AND PROTECT ALL UTILITIES WHETHER SHOWN OR NOT.



LOCATION MAP
SECTION 32-50-32
(NOT TO SCALE)



Know what's below.
Call before you dig.

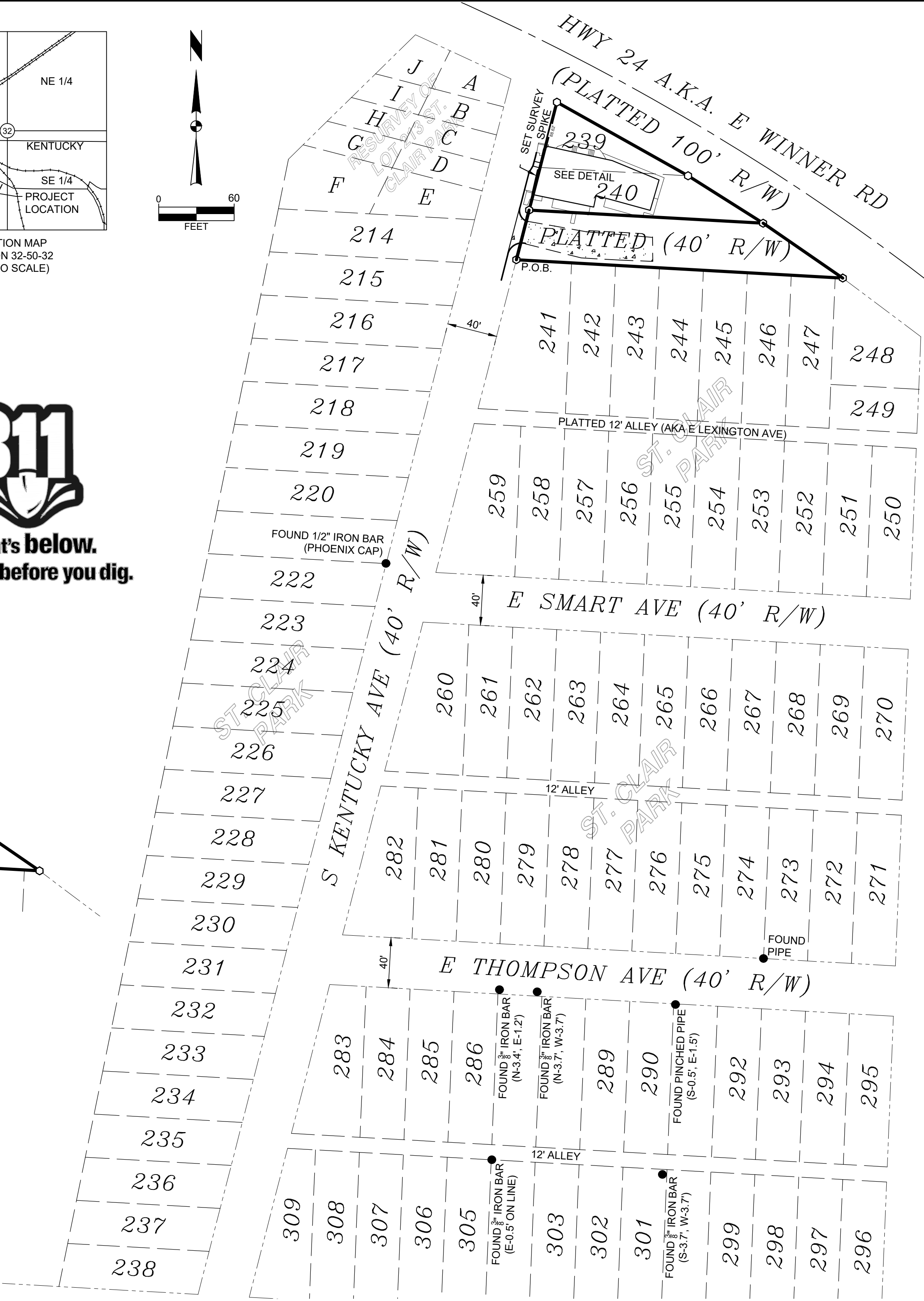
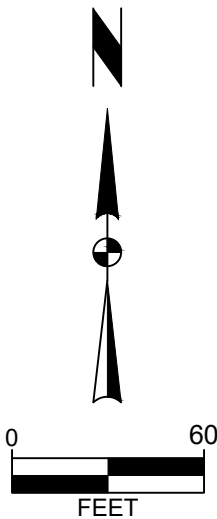


NOTE: THIS SURVEY MEETS THE ACCURACY REQUIREMENTS FOR AN URBAN CLASS OF PROPERTY.

I HEREBY STATE THAT THIS BOUNDARY SURVEY IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MISSOURI SURVEY STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI DEPARTMENT OF AGRICULTURE, LAND SURVEY DIVISION, AND MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS, ESTABLISHED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS. I FURTHER STATE THAT I HAVE COMPLIED WITH ALL STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND THE PLATTING OF SUBDIVISIONS TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

DATE: _____

ZACHARY A. BRINKER - LS 2016042019
CERTIFICATE OF AUTHORITY - LS 2013023732



BOUNDARY SURVEY - LOTS 239 AND 240, ST. CLAIR PARK

PIE2REI, LLC.



SNYDER & ASSOCIATES

Project No: 124.0555.13

Sheet 1 OF 1

MISSOURI

802 FRANCIS STREET
ST. JOSEPH, MISSOURI 64501
816-364-5222 | www.snyder-associates.com

SNYDER & ASSOCIATES

Project No: 124.0555.13

Sheet 1 OF 1

MARK

REVISION

DATE

BY

Surveyor: ZAB

Checked By: ZAB

Date: 06/10/2024

Scale: 1" = 60'

Technician: MNW

T-R-S:

Snyder & Associates Engineers & Planners, Inc.

Missouri State Certificate of Authority #2013023732

Sheet 1 OF 1

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-083 **2R** An ordinance authorizing an agreement with the Missouri Highways and Transportation Commission for the Public Transit Operating Assistance Grant in the amount of \$141,300.64 for operating expenses associated with transit service for the period July 1, 2024, through June 30, 2025; and making the necessary appropriations. **2R**

Recommendations:

Staff recommends approval.

Background:

Transit operating assistance from the Missouri Highways and Transportation Commission is a program offered to cities and agencies providing fixed-route transit service in their respective service areas. The amount of the award is \$141,300.64 and is applied beginning immediately through June 30, 2025 until funds are exhausted.

The Missouri Highways and Transportation Commission announced availability of limited funding for the operation of fixed-route transit systems for fiscal year 2024-2025. The Commission awarded the City of Independence \$141,300.64 for transit operated in the City. Matching funds are not required as part of this grant agreement, and the grant will provide reimbursement for actual expenses as they occur.

Emergency Justification:**Fiscal Impact:**

The Public Transit Operating Assistance Grant will off-set previously approved budgeted costs for the operation of public transit system in Independence. The fiscal impact to the City is \$141,300.64. The Revenue will be deposited in account 4414 in the General Fund.

Council Action:

**Department /
Contact**

Community Development /

REVIEWERS

Tom Scannell

Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance
2. Draft Agreement

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE PUBLIC TRANSIT OPERATING ASSISTANCE GRANT IN THE AMOUNT OF \$141,300.64 FOR OPERATING EXPENSES ASSOCIATED WITH TRANSIT SERVICE FOR THE PERIOD JULY 1, 2024, THROUGH JUNE 30, 2025; AND MAKING THE NECESSARY APPROPRIATIONS.

WHEREAS, the transit operating assistance from the Missouri Highways and Transportation Commission is a program offered to cities and agencies providing fixed-route transit service in their respective service areas.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Manager of the City of Independence, Missouri, shall be and is hereby authorized and directed to execute in the name and on behalf of said City a certain agreement with the Missouri Highways and Transportation Commission providing for public transit assistance in the amount of One Hundred Forty-One Thousand Three Hundred and 64/100 Dollars (\$141,300.64) for the purpose of supporting bus service for the period of July 1, 2024 through June 30, 2025, to be reimbursed to the City of Independence, Missouri for the operation of local fixed route transit service, said grant agreement being substantially the same form as the copy attached hereto.

SECTION 2. That appropriations are hereby increased in the Community Development Department Operating Budget within the Grants Fund in the amount of One Hundred Forty-One Thousand Three Hundred and 64/100 Dollars (\$141,300.64) for operating expenses associated with transit service from grant revenues received from the Missouri Highways and Transportation Commission for Public Transit Operating Assistance.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED – FORM AND LEGALITY

City Counselor

REVIEWED BY:

City Manager

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, sufficient to meet the obligation hereby incurred.

Source is: Community Development
Operating Budget

Director of Finance and Administration
City of Independence, Missouri

CCO Form: MO79
Approved: 06/96 (RMH)
Revised: 05/24 (MWH)
Modified:

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
PUBLIC TRANSIT OPERATING
ASSISTANCE GRANT AGREEMENT**

THIS AGREEMENT is entered into between the Missouri Highways and Transportation Commission (hereinafter, "Commission") and City of Independence (hereinafter, "Grantee").

WITNESSETH:

WHEREAS, the purpose of this Agreement is to provide financial assistance to the Grantee as appropriated from the State Fund and to set forth the conditions upon which the assistance will be provided;

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations in this Agreement, the parties agree as follows:

(1) SCOPE OF WORK: The Grantee shall provide general public transportation in accordance with the "Missouri State Transit Assistance Application" which is attached and made a part of this Agreement as Attachment A.

(2) AMOUNT OF GRANT: The Commission awards the Grantee the sum of one hundred forty-one thousand three hundred dollars and sixty-four cents (\$141,300.64) during the period from July 1, 2024, to June 30, 2025.

(3) PERFORMANCE OF AGREEMENT: The Grantee shall immediately notify the Commission in writing of any condition or event which may significantly affect its ability to perform the required activities in accordance with the provisions of this Agreement.

(4) RETENTION AND AUDIT OF RECORDS:

(A) The Grantee shall maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its representatives during the period of this Agreement and any extension thereof, and for three (3) years after the date of final payment made under this Agreement.

(B) The Grantee shall submit to the Commission such data, reports, documents, and other information relating to the Grantee's activities as the Commission may require at any time.

(C) At any time during or after the grant period provided in this Agreement, the Commission may inspect, copy, and audit all records possessed by or available to the Grantee, which may be pertinent to this Agreement. If the Commission notifies the Grantee of its specific intention to inspect, copy or audit any of these records, then the Grantee shall retain all of the records pertinent to this Agreement until the Commission notifies the Grantee that it has completed its inspection, copying, or audit.

(5) THIRD PARTY CONTRACTS:

(A) Prior to execution by either party, the Grantee shall submit to the Commission for review, comment and approval all contracts for services included in the Public Transportation Budget and Service Statement to be provided to the Grantee by a third party.

(B) The Commission shall not be liable to contractors or subcontractors of the Grantee or any other person not a party to this Agreement in connection with the performance of the project.

(6) PAYMENTS:

(A) Limitations on Commission Contribution: Funds made available to the Commission and the Grantee are subject to appropriations made by the General Assembly. In the event state funds available to the Commission are reduced so that the Commission is incapable of completely satisfying its obligations to all the Grantees for the current state fiscal year, the Commission may recompute and reduce this grant. When added to federal operating assistance funds available and applied to the same operating period, the maximum Commission payment on any monthly or quarterly request shall not cause the total of state and federal operating assistance to exceed the amount of operating assistance for which the Grantee would have qualified in federal funds had additional federal funds been available.

(B) Progress Payments: Progress payments, based upon actual allowable costs, for not less than one (1) month and for no more than three (3) months may be made upon receipt of an itemized invoice from the Grantee in an appropriate format approved by the Commission. The itemized invoice shall be reviewed by the Commission prior to payment and must include a certification that costs have been incurred in the performance of the Agreement and a record of the actual costs. Any costs deemed ineligible for reimbursement by the Commission in accordance with the terms of this Agreement shall be deducted from the itemized invoice before payment is made. Any rejected or unaccepted costs shall be borne by the Grantee.

(C) Availability of Funds: The Commission's duty to pay the Grantee as provided in this Agreement is subject to the availability of funds appropriated by the Missouri General Assembly to and from the State Transportation Fund and any

subsequent directives mandated by the Governor regarding the withholding of appropriations.

(7) ASSIGNMENT: The Grantee shall not assign, transfer or delegate any interest in this Agreement, or its performance of any work required by this Agreement, without the prior written consent of the Commission.

(8) INDEMNIFICATION: To the extent allowed or imposed by law, the Grantee shall defend, indemnify, and hold harmless the Commission, including its members and the Missouri Department of Transportation ("MoDOT" or "Department") employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Grantee's wrongful or negligent performance of its obligations under this Agreement.

(8) INDEMNIFICATION: To the extent allowed or imposed by law, the Grantee shall defend, indemnify, and hold harmless the Commission, including its members and the Missouri Department of Transportation ("MoDOT" or "Department") employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Grantee's wrongful or negligent performance of its obligations under this Agreement.

(9) INSURANCE:

(A) The Grantee is required or will require any contractor procured by the Grantee to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the MoDOT and its employees, as additional insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$600,000 per claimant and \$4,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to section 537.610 RSMo.

(B) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(10) RIGHT OF COMMISSION TO TERMINATE AGREEMENT: Upon written notice to the Grantee, the Commission may suspend or terminate all or part of the financial assistance provided for in this Agreement when the Grantee is, or has been, in violation of any of the terms of this Agreement.

(11) COMMISSION'S REPRESENTATIVE: The Commission's chief engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(12) NONDISCRIMINATION CLAUSE: The Grantee shall comply with all state and federal statutes applicable to the Grantee relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 USC §2000d and §2000e, *et seq.*); and with every applicable provision of the "Americans with Disabilities Act" (42 USC §12101, *et seq.*).

(13) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Grantee shall comply with all local, state, and federal laws and regulations relating to the performance of this Agreement.

(14) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or respecting its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(15) NONSOLICITATION: The Grantee warrants that it has not employed or retained any company or person, other than a bona fide employee working for the Grantee, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the Commission shall have the right to annul this Agreement without liability, or in its discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gifts, or contingent fee.

(16) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment or supplemental agreement signed and approved by the duly authorized representatives of the Grantee and the Commission.

(17) DISPUTES: Any disputes that arise under this Agreement shall be decided by the Commission or its representative.

(18) LACK OF WAIVER: In no event shall payment of grant funds to the Grantee by the Commission constitute or be construed as a waiver by the Commission of any breach of covenants, or any default which may exist on the part of the Grantee, and the making of any such payment by the Commission while any such breach or default shall exist shall in no way impair or prejudice any right or remedy available to the Commission with respect to such breach or default.

(19) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

(A) To the Grantee:
City of Independence
111 E. Maple Ave.
Independence, MO 64050
Facsimile No.:816-325-7400

(B) To the Commission:
Missouri Department of Transportation
105 W. Capitol Ave
Jefferson City, MO 65102
Facsimile No.:573-751-6555

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

[Remainder of page intentionally left blank]

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-084 **2R** An ordinance authorizing the City Manager to accept a grant from Mid-America Regional Council in the amount of \$88,007 for the City's senior adult nutrition site program for fiscal year 2024-2025, and execute the amendment community center services agreement; making the necessary appropriations; authorizing future change orders for additional funding and/or time extensions; and, authorizing certain future appropriations. **2R**

Recommendations:

Staff recommends Council approval of this Ordinance.

Background:

This grant through Mid-America Regional Council (MARC) helps make possible the City's Nutrition Site Program offered through the Parks/Recreation/Tourism Department's Senior Adult Services Division. The Program is offered to area seniors, 60 years and over and their spouses, as well as disabled individuals, 18 years and over. Lunches are offered at the Palmer Recreation Center, Monday through Friday. Home delivered meals are available to those individuals that are homebound and meet program guidelines.

In previous years, the City has applied for and received grant funding annually from MARC for operating expenses associated with salaries for personnel to operate the Nutrition Site. In March 2024, the Parks/Recreation/Tourism Department staff submitted a Request for Proposal response to MARC for The Palmer Center. Following review by the Board of Directors of MARC, the City was selected to provide Community Center Services for up to \$33,000 annually in grant funding for up to three years for administering the program. This amount was included in the adopted current fiscal year budget.

The proposed Ordinance also includes appropriations of up to \$55,007 for Senior Adult Services, designated as follows: up to \$18,365 for transportation, up to \$26,642 for Frozen Home Delivered Meal Delivery and up to \$10,000 for evidenced-based programming.

Emergency Justification:**Fiscal Impact:**

\$55,007 for operation of the City's Senior Adult Nutrition Site program will be deposited to the Parks & Recreation Grant Fund, account 012-3275.

Funds will be expensed from account 6050-5240-MARCS for \$18,365, 6050-5100-MARCS for \$26,642, and 6050-5309-MARCS for \$10,000 on page 139 of the FY24-25 Proposed Budget Book.

Council Action:

Department / Contact	Parks, Recreation and Tourism /
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REVIEWERS

Morris Heide
Jennifer Kim
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Ordinance MARC Senior Adult Nutrition Site Grant FY24-25
2. Independence City of SFY 25 Center Srvs final

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM MID-AMERICA REGIONAL COUNCIL IN THE AMOUNT OF \$88,007 FOR THE CITY'S SENIOR ADULT NUTRITION SITE PROGRAM FOR FISCAL YEAR 2024-2025, AND EXECUTE THE AMENDMENT COMMUNITY CENTER SERVICES AGREEMENT; MAKING THE NECESSARY APPROPRIATIONS; AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING AND/OR TIME EXTENSIONS; AND, AUTHORIZING CERTAIN FUTURE APPROPRIATIONS.

WHEREAS, the Mid-America Regional Council (MARC) has been conducting a Senior Adult Nutrition site in Independence at the Palmer Center at 218 N. Pleasant under authority of Ordinance No. 19241; and,

WHEREAS, the City of Independence has deemed it appropriate to continue to provide a nutrition center at Palmer Center; and,

WHEREAS, for Fiscal Year 2024-25 the Mid-America Regional Council awarded the City of Independence Thirty-Three Thousand and NO/100 Dollars (\$33,000.00) in grant funding for administering the Senior Adult Nutrition Site program; and,

WHEREAS, for Fiscal Year 2024-25, the Mid-America Regional Council awarded the City of Independence additional reimbursements up to Eighteen Thousand, Three Hundred Sixty-Five and NO/100 Dollars (\$18,365.00) for participant transportation services to and from the Palmer Center's Senior Adult Nutrition Site; and,

WHEREAS, for Fiscal Year 2024-25, the Mid-America Regional Council awarded the City of Independence additional reimbursement up to Twenty-Six Thousand Six Hundred Forty-Two and No/100 Dollars (\$26,642.00) for Frozen Home Delivered Meal Delivery; and

WHEREAS, for Fiscal Year 2024-25, the Mid-America Regional Council awarded the City of Independence additional reimbursements up to Ten Thousand and NO/100 Dollars (\$10,000.00) for Evidence-Based Disease Prevention/Health Promotion Programs; and,

WHEREAS, the adopted budget for Fiscal Year 2024-25 originally included an appropriation of Thirty-Three Thousand and NO/100 Dollars (\$33,000.00) in the Parks, Recreation, Tourism Department Operating Budget within the Senior Adult Services Division for anticipated annual grant funding from Mid-America Regional Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Manager of the City of Independence, Missouri, is hereby authorized and directed to execute, for and on behalf of said City, the Community Center Services Agreement (Contract #07670-CoI-25) with the Mid-America Regional Council for the provision of a nutrition site at the Palmer Center under the guidelines of the MARC Commission on Aging Policies and Procedures Manual, from July 1, 2024 through June 30, 2025, for a subsidy of up to Thirty Three Thousand and NO/100 Dollars (\$33,000.00), plus additional reimbursements up to a maximum of up to Eighteen Thousand, Three Hundred Sixty-Five and NO/100 Dollars (\$18,365.00) for participant transportation

services, Twenty-Six Thousand Six Hundred Forty-Two and No/100 Dollars (\$26,642.00) for Frozen Home Delivered Meal Delivery, and Ten Thousand and NO/100 Dollars (\$10,000.00) for Evidence-Based Disease Prevention/Health Promotion Programs, a copy of the agreement being attached hereto, incorporated herein by reference thereto, and made a part hereof as though fully set out herein.

SECTION 2. That appropriations are hereby increased in the Parks, Recreation and Tourism Department Operating Budget within the Parks & Recreation Grant Fund in the amount of \$58,007.00 for participant transportation to and from the Nutrition Site (\$18,365.00), Frozen Home Delivered Meal Delivery (\$26,642.00), and costs associated with offering Evidence-Based Disease Prevention/Health Promotion Programs (\$10,000.00), from grant reimbursement revenues received from the Mid-America Regional Council.

SECTION 3. That the City Manager is further authorized to approve future change orders, extensions, amendments or addendums to this agreement without Council approval, or an extension of time for completing the terms of the grant or for the receipt of additional funding for this same grant project, provided there are no changes in the terms and/or conditions or responsibilities to the City and provided each and every such change order, extension, amendment or addendum is approved by the City Manager, does not add more than 90% to the length of time of the grant or more than 50% to the original funding, is identified as being authorized by this ordinance and a copy is filed with the City Clerk.

SECTION 4. That the City Manager is hereby authorized to increase appropriations by the amount of any increased grant awards authorized by change order, extension, amendment or addendum for any increased funding under the terms of the previous section, provided a copy of that action is also provided to the Finance Department.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

AGREEMENT
Contract #07670-CoI-25

This Agreement, entered into as of this First day of July, 2024 is by and between the City of Independence, MO, (hereinafter referred to as Contractor), with offices located at with offices located at 111 E. Maple, Independence, Missouri and Mid-America Regional Council (hereinafter referred to as MARC), with offices located at 600 Broadway, Suite 200, Kansas City, Missouri,

WITNESSETH THAT:

WHEREAS, MARC wishes to make available certain services to elderly residents within a service area hereafter described, and

WHEREAS, the Contractor warrants that it is capable of providing the services hereafter described, and

WHEREAS, the Contractor desires to assist MARC in this endeavor.

NOW THEREFORE, the parties hereto do agree as follows:

1. SCOPE OF SERVICES

Contractor shall do, perform, and carry out in a satisfactory and proper manner, as determined by MARC, the services of Community Center Services, which includes the following components:

- (a) Community Center Services Administration
- (b) Site Transportation-Persons
- (c) Evidence-Based Disease Prevention/Health Promotion Programs
- (d) Delivery of Frozen Home Delivered Meals

All components are defined in “Program Requirements” of the MARC Aging and Adult Services Policies & Procedures Manual, (hereinafter referred to as the Manual), including all revisions to the Manual, as it may be revised from time to time following the execution of this Agreement. The above-mentioned Program Requirements of the Manual are incorporated by reference hereto as if fully written out herein. Contractor agrees to abide by all applicable provisions of the Manual. The Manual is located at the following web address:

<https://marc.org/aging/aging-and-adult-services>

All services shall be carried out at Palmer Center, 218A N. Pleasant Street, Independence, Missouri, 64050.

2. TIME OF PERFORMANCE

- A. Term - Contractor shall begin performing the Services as of July 1, 2024 and shall work diligently to perform the various components of this agreement to the satisfaction of MARC, in accordance with the terms provided herein, by June 30, 2025.

- B. Extension of Term - The time frame for the provision of the services under this Agreement may be extended at MARC's sole discretion.

3. COMPENSATION

- A. Maximum Obligation - Contractor and MARC expressly understand and agree that in no event will the total compensation paid under this agreement exceed individual amounts for each type of service, as listed below, which shall constitute full and complete compensation for Contractor's services hereunder:

- **Administration of the center -** **Not to exceed \$33,000**
Funded with Title IIIC1; CFDA #93.045
- **Transportation Service for Participants to and from the Center -** \$6.58 one-way trip **Not to exceed \$18,365**
Funded, in part, with Title IIIB; CFDA #93.044 & Social Services Block Grant, CFDA #93.667
- **Frozen Home Delivered Meal Delivery -** \$1.86/frozen meal **Not to exceed \$26,642***
Funded, in part, with Title IIIC2, CFDA #93.045 & Social Services Block Grant, CFDA #93.667

* Where applicable, reimbursement for picking up bulk orders of meals from the re-pack facility before completing last mile delivery will be a minimum of \$175/month, plus \$150 for each additional delivery over one (1) delivery, up to a maximum of \$625/month, for each month in which bulk frozen meals are picked up.

- **Evidence-based Disease Prevention/Health Promotion (DPHP) programs –** **Not to exceed \$10,000***
Funded with Title IIID, CFDA #93.043, &/or Title IIIE, & 93.052

*These services include the delivery of group-based disease prevention and health promotion courses. The courses are licensed by entities approved by the Administration for Community Living and/or the Missouri Department of Health and Senior Services and are known to improve health and other outcomes among participants. Awards include the following compensation rates, specific to evidence-based programs:

Evidence-based DPHP program facilitation at \$25-\$200/completer
Evidence-based DPHP program training at \$200-\$600/Leader Training

Total Contractual Commitment: **Not to exceed \$88,007**

Contractor, as a federal subrecipient, is responsible for a minimum of 25% match of the total cost of these programs, with the exception of the evidence-based disease prevention/health promotion programs, in the form of in-kind contributions. Subrecipient proposed no indirect costs. Therefore, indirect costs will be considered unallowable.

For audit purposes, all voluntary contributions collected through the provision of any of these services will be considered federal funds.

Where appropriate, Contractor shall be held fiscally responsible for noncompliance resulting in losses of perishable goods, and/or excessive trip/wait time as determined by MARC.

B. Method and Time of Payment - Payment shall be made in the following manner:

Contractor shall submit monthly invoices, including appropriate documentation, to MARC, no later than the fifth working day following the end of each month. MARC shall reimburse Contractor within thirty (30) calendar days after the receipt of each invoice. Contractor shall maintain complete records of all costs incurred under this agreement. All such records shall be maintained on a generally accepted accounting basis for a minimum period of five (5) years after final payment is made under this Agreement and shall be clearly identifiable and readily accessible to authorized representatives of MARC for inspection and audit.

4. CHANGES AND ADDITIONAL SERVICES

This Agreement constitutes the entire agreement between MARC and Contractor, and it may not be amended or altered in any way except by a written amendment signed by both parties to this Agreement.

5. TERMINATION OF AGREEMENT FOR CAUSE

If the Contractor shall, in the opinion of MARC, fail to perform in a timely and proper manner its obligations under this Agreement or if the Contractor shall violate any of the covenants, agreements or stipulations of this Agreement, MARC shall thereupon have the right to terminate this Agreement by giving written notice to the Contractor of such termination and specifying the effective date thereof. The date of notice shall be at least five (5) days before the effective date of such termination. Although Contractor will ordinarily be entitled to a notice of five days, MARC reserves the right to immediately terminate the Agreement and preclude the Contractor from performing any further services if MARC believes that the Contractor could cause harm to either MARC or to the recipients of Contractor's services by continuing to provide services during the five-day notice.

Notwithstanding the above, the Contractor shall not be relieved of liability to MARC by virtue of any breach of the Agreement by the Contractor, and MARC may withhold any payments to the Contractor for the purpose of setoff. See paragraph 6. If MARC has a reasonable belief that Contractor has been overpaid, or if MARC has a reasonable belief that MARC will incur expenses or suffer damages through the termination of this Agreement, MARC may withhold amounts which it reasonably believes will compensate MARC for known or anticipated expenses or damages. If MARC withholds funds as payment for known or anticipated expenses or damages, any excess amount which MARC withholds will be released to Contractor within thirty (30) days after MARC learns that the amount which it has withheld is in excess of the amount necessary to compensate for expense and/or damages incurred by MARC.

6. LIQUIDATED DAMAGES

In the event that Contractor or Subcontractor approved by MARC fails to perform as agreed in any respect, Contractor or Subcontractor shall be liable to MARC for any and all additional costs that may be incurred by MARC in securing another contractor to complete the performance, as liquidated damages and not as a penalty. The delivery of Senior Center programs will be impaired or halted in the event Contractor fails to perform. MARC may withhold any payments due to the Contractor for the purpose of setoff. If MARC has a reasonable belief that Contractor has been overpaid, or if MARC has a reasonable belief that MARC will incur expenses or suffer damages through the termination of this Agreement, MARC may withhold amounts which it reasonably believes will compensate MARC for known or anticipated expenses or damages. If MARC withholds funds as payment for known or anticipated expenses or damages, any excess amount which MARC withholds will be released to Contractor within thirty (30) days after MARC learns that the amount which it has withheld is in excess of the amount necessary to compensate for expense and/or damages incurred by MARC.

7. TERMINATION FOR CONVENIENCE OF MARC

- A. MARC reserves the right to terminate this Agreement at any time with or without cause by giving Contractor advance written notice of such termination.
- B. In the event of any such termination, the Contractor shall deliver to MARC, as the property of MARC, all designs, reports, drawings, studies, estimates, computations, memoranda, documents, and other papers or materials either furnished by MARC or prepared by or for the Contractor under this Agreement.

8. PROJECT MANAGER

It is understood and agreed that Contractor shall name a Project Manager who will represent the Contractor in the performance of this Agreement and shall notify MARC of his/her identity within thirty (30) days of the beginning of the contract period. Any subsequent change shall be submitted to MARC within two (2) weeks of the change.

9. COPYRIGHT AND OWNERSHIP OF DOCUMENTS

No reports or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of Contractor. Ownership of all designs, reports, drawings, studies, estimates, models, computations, and other related items (work products) prepared under this Agreement shall vest in MARC upon payment to the Contractor for all Services rendered herein through the date of the expiration or termination of this Agreement. Contractor hereby assigns to MARC all rights, titles, and interest in any work products, including any copyrights or other intellectual property therein.

10. ASSIGNMENT

The Contractor's rights, obligations and duties under this Agreement shall not be assigned

in whole or in part without the prior written consent of MARC. However, claims for money due to the Contractor from MARC under the terms of this Agreement may be assigned to a bank, trust company or other such financial institution, provided that prompt written notice of such an assignment is given to MARC. None of the Services covered by this Agreement shall be subcontracted without the prior written approval of MARC.

11. INDEPENDENT CONTRACTOR

Contractor will act as an independent contractor in the performance of the Services under this Agreement. Accordingly, Contractor shall be responsible for the payment of all required business license fees and all taxes including Federal, State and local taxes arising from Contractor's activities under the terms of this Agreement.

12. PROHIBITED INTERESTS

No officer, member or employee of MARC, no member of MARC's governing body and no other public official of the locality or localities in which the Project is being carried out who exercises any functions or responsibilities in the review and approval of this Project shall participate in any decision related to this Agreement affecting, either directly or indirectly, his or her own personal interest. No member of or delegate to the Kansas Legislature, the Missouri General Assembly or the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising from it.

13. CONFLICTS OF INTEREST

- A. Contractor hereby certifies that the company and any personnel assigned to work for MARC under this Agreement are not involved in other community projects that would pose a conflict to the Contractor's ability to successfully carry out the responsibilities of this Agreement. If potential conflicts arise during the term of this Agreement, the Contractor agrees to notify MARC immediately in writing and discuss the potential issues and work with MARC to address any potential issues arising from the situation.
- B. The Contractor covenants that it presently has no known personal or pecuniary interest and shall not knowingly acquire such interest, directly or indirectly, which could conflict in any manner with the performance of Services under this Agreement, including the submission of impartial reports and recommendations.

14. INSURANCE

- A. The Contractor shall maintain commercial general liability, automobile liability, worker's compensation and employer's liability insurance in full force and effect to protect the Contractor from claims under Worker's Compensation Acts, claims for damages for personal injury or death, and for damages to property arising from the negligent acts, errors, or omissions of the Contractor and its employees, agents, and subcontractors in the performance of the Services covered by this Agreement, including, without limitation, risks insured against in commercial general liability

policies.

- B. The Contractor shall also maintain professional liability insurance to protect the Contractor against the negligent acts, errors, or omissions of the Contractor and those for whom it is legally responsible, arising out of the performance of the Services under this Agreement.
- C. The Contractor's insurance coverages shall be for not less than the following limits of liability:
 - (i) Commercial General Liability: \$500,000.00 per claim up to \$2,000,000.00 per occurrence.
 - (ii) Automobile Liability: \$100,000.00 per claim up to \$2,000,000.00 per occurrence;
 - (iii) Worker's Compensation in accordance with the statutory limits; and Employer's Liability: \$1,000,000.00; and
 - (iv) The Contractor shall, upon request at any time, provide MARC with certificates of ins Fidelity Bonding Coverage: At least Fifty Thousand Dollars (\$50,000.00) for all employees, volunteers, or governing body members who have fiscal responsibilities to protect against loss of federal and state funds or agency income. A minimum notification of cancellation of thirty (30) days must be sent to MARC.
 - (v) All appropriate policies shall name MARC as an additional insured.
- D. Any insurance policy required hereunder shall be written by a company which is incorporated in the United States of America or is based in the United States of America. Each insurance policy must be issued by a company authorized to issue such insurance in the State of Missouri.
- E. As between Contractor and MARC, the parties waive any and all rights against each other, including their rights of subrogation, for damages covered by property insurance during and after the completion of Services under this Agreement.

15. MONITORING, AUDITING AND REPORTING

Each contractor is required to submit to audit by MARC, by the state of Missouri or by the federal government and retain appropriate records and documentation for a five (5) year period following final payment of a contract year. Each contractor shall permit monitoring by MARC, its staff and/or appropriate representatives, and to comply with such reporting procedures as may be established by MARC. Each contractor shall ensure that all pertinent financial records shall be made available for copying upon request by MARC, the state or federal government, or their agents. If it is determined, through audit procedures, that a contractor has been reimbursed inappropriately, the contractor shall immediately reimburse MARC the amount of ineligible funds.

- A. It is understood and agreed that the report procedures established by MARC will include identifying the actual costs incurred per unit of service, including both MARC costs and Contractor contributions.
- B. The Contractor agrees to provide MARC in a timely manner with statistical and other information that may be required to meet the planning and coordination requirements of the Older Americans Act, as amended.

16. GRIEVANCE POLICY

At time a client has been approved and assigned, a written complaint procedure should be provided to the client by the Contractor. The grievance procedures and policy shall, at a minimum, meet the standard content prescribed in the MARC grievances policy contained in the MARC Aging and Adult Services Policies & Procedures Manual, including all revisions to that manual as it may be revised from time-to-time following the execution of this Agreement.

17. CONTRIBUTIONS AND PROJECT INCOME

The Older Americans Act allows and encourages the collection of voluntary contributions from service recipients to offset the cost of the service delivered. No eligible client is to be denied a service because of an inability or unwillingness to contribute. Any project income collected by the contractor must be forwarded to MARC with the monthly report. Refer to the MARC Aging and Adult Services Policies & Procedures Manual, including all revisions to that manual as it may be revised from time to time following the execution of this Agreement, for details.

18. FEDERAL AND STATE TERMS AND CONDITIONS

- A. This Agreement shall be subject to all applicable Federal Terms and Conditions provided in **Exhibit B** attached hereto and incorporated herein by reference.
- B. Contractor shall be responsible for ensuring compliance with the Immigration Reform Act of 1986 and all laws regulating immigration and the verification of eligibility for employment of persons. All Contractors and sub-contractors with contract amounts in excess of \$5,000 on public projects in Missouri are required to verify the employment eligibility status of employees through the E-Verify federal program administered by the Department of Homeland Security, U.S. Citizenship and Immigration Services. Compliance with any such requirements is required under this Agreement and any subcontracts permitted hereunder. Contractor shall indemnify, defend and hold harmless MARC against any expense incurred including imposition of fines which results from violation of such laws. Contractor affirmatively states that it is not knowingly in violation of R.S. Mo. 285.530.1 and shall not henceforth be in such violation. Contractor further agrees to execute a sworn affidavit, under the penalty of perjury attesting to the fact that the Contractor's employees are lawfully present in the United States. Failure of Contractor to comply with this requirement shall be grounds for termination for default.

- C. Section 34.600, RSMo, precludes MARC from entering into a contract with a company to acquire products and/or services “unless the contract includes a written certification that the company is not currently engaged in and shall not, for the duration of the contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel.”

19. INDEMNIFICATION

Contractor expressly agrees to defend, indemnify, and hold and save harmless MARC, its officers, agents, servants and employees for liability of any nature (including, without limitation, reasonable attorneys' fees) related to (i) a breach of this Agreement by Contractor, (ii) the Services provided under this Agreement by Contractor or arising from any act or omission of Contractor or of any employee or agent of Contractor; or (iii) infringement or misappropriation or allegation of infringement or misappropriation of any patent, copyright, trade secret, trademark or other proprietary right of any third party relating to any deliverable provided or service performed by Contractor.

20. CONFIDENTIALITY

- A. Except as is necessary in the performance of this Agreement, or as authorized in writing by the other party, the parties shall not disclose to any person, institution, entity, company, or other third party any information directly or indirectly related to the parties that the other party (or its employees, agents and contractors) receives as a result of performing its obligations under this Agreement, or of which it is otherwise aware.
- B. The parties (and their employees, agents and contractors) shall not disclose, except to each other, any proprietary information, professional secrets or other information, records, data and data elements (including, but not limited to, protected health information) collected and maintained in the course of carrying out the responsibilities under this Agreement, unless such party receives prior written authorization to do so from the other party or as required by law.
- C. All confidential obligations contained herein (including those pertaining to information transmitted orally) shall survive the termination of this Agreement. The parties shall ensure that their respective employees, agents and contractors are aware of and shall comply with the aforementioned obligations.
- D. MARC is a public governmental body subject to the provisions of Missouri's Sunshine Law, Sections 610.010 through 610.030 RSMo. As such, MARC is required to allow citizens to inspect and copy District documents deemed to be “public records” under the law. Nothing herein shall prohibit MARC from satisfying a request to inspect and copy documents if legal counsel for MARC is of the opinion that such documents are “public records.”

21. DEFAULT

In the event there is a default with respect to any of the provisions of this Agreement or its obligations under it, the non-defaulting party shall give the defaulting party written notice of such default. After receipt of such written notice, the defaulting party shall have fifteen (15) days in which to cure any monetary default and thirty (30) days in which to cure any non-monetary default, provided the defaulting party shall have such extended period as may be required beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days and the defaulting party commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. The non-defaulting party may not maintain any action or effect any remedies for default against the defaulting party unless and until the defaulting party has failed to cure the same within the time periods provided in this paragraph.

22. GOVERNING LAW

This Agreement shall be interpreted under and governed by the laws of the State of Missouri. Whenever there is no applicable state statute or decisional precedent governing the interpretation of this Agreement, then federal common law shall govern.

23. NOTICES

Any action by MARC under this Agreement may be taken by David Warm, Executive Director, or such other person as MARC may designate for such purpose by written notice to Contractor. All compensation and written notices to Contractor shall be considered to be properly given if mailed, delivered in person, emailed or transmitted by facsimile machine to:

All invoices, written reports and written notices given to MARC shall be considered to be sufficiently given if mailed, delivered in person, e-mailed or transmitted by facsimile machine to:

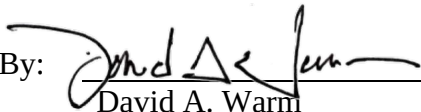
Tonya Boston
Mid-America Regional Council
600 Broadway, Suite 200
Kansas City, Missouri 64105-1659
E-mail Address: tboston@marc.org
FAX (816) 421-7758

24. ENTIRE AGREEMENT

This Agreement cancels and supersedes all previous discussions, negotiations, understandings, representations, warranties and agreements, written or oral, relating to the subject matter of this Agreement, and contains the entire understanding of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement on the dates set forth below.

**MID-AMERICA REGIONAL
COUNCIL**

By: _____
David A. Warm
Executive Director

Date: 6/28/2024

CITY OF INDEPENDENCE, MO

By: _____

Date: _____

EXHIBIT A
DETAIL OF FEDERAL FINANCIAL ASSISTANCE FUNDING
By Program and Code of Federal Domestic Assistance (CFDA) Number
State Fiscal Year 2025 Funding Allocation
As Passed to the Missouri Department of Health and Senior Services, which in Turn is Passed
through to MARC

Federal Awarding Agency: Department of Health and Human Services – Administration for
Community Living (ACL)

Federal Award Name: OLDER AMERICAN ACT TITLE III – GRANTS FOR STATE
AND COMMUNITY PROGRAMS ON AGING

Part III-B: Supportive Services; CFDA #93.044; \$ 2,840
CFDA Title – Special Programs for the Aging Title III, Part B, Grants for Supportive Services and Senior Centers
Federal Awards – TBA

Part III-C1: Congregate Meals; CFDA #93.045 \$33,000
CFDA Title – Special Programs for the Aging Title III, Part C, Nutrition Services
Federal Awards – TBA

Part III-C2: Home Delivered Meals; CFDA #93.045 \$15,075
CFDA Title – Special Programs for the Aging Title III, Part C, Nutrition Services
Federal Awards – TBA

Part III-D: Preventive Health; CFDA #93.043 \$ 9,250
CFDA Title – Special Programs for the Aging Title III, Part D, Disease Prevention and Health Promotion Services
Federal Awards – TBA

Part III-E: National Family Caregiver Support Program; CFDA #93.052 \$ 750
CFDA Title: National Family Caregiver Support Title III, Part E
Federal Awards – TBA

Other HHS-Funded Programs:

Federal Agency Name: Department of Health and Human Services/ Administration for
Children and Families (ACF)

Federal Award Name: Social Services Block Grant
Social Services Block Grant: CFDA #93.667 \$ 6,839
CFDA Title – Social Services Block Grant

Total Amount of Federal Awards Obligated by this Action: tba

Total Amount of Federal Awards Obligated to Subrecipient Under this Agreement: **\$64,914**

EXHIBIT B

Federal Terms and Conditions

1) NONDISCRIMINATION (49 CFR Part 21): During the performance of this Agreement, the Contractor, for itself, its assignees, and successors in interest, agrees as follows:

A. Contractor shall comply with the regulations relative to nondiscrimination in federally assisted programs of the United States Department of Commerce, as they may be amended from time to time (hereinafter referred to as the "Regulations"), which are hereby incorporated by reference and made a part of this Agreement.

B. Contractor, with regard to the Services performed by it during the term of this Agreement, shall not discriminate on the grounds of age, race, color, sex or national origin in the selection or retention of Contractors, including procurement of materials and leases of equipment. Contractor shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the Agreement covers a program set forth in Appendix "B" of the Regulations.

C. In all solicitations, whether by competitive bidding or negotiation, made by the Contractor for services to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of age, race, color, sex or national origin.

D. The Contractor shall provide all information and reports required under the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, and other sources of information, and its facilities as may be determined by MARC to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information is required, or such information is in the exclusive possession of another that fails or refuses to furnish this information, the Contractor shall so certify to MARC, and shall set forth what efforts it has made to obtain the information.

E. In the event of the Contractor's noncompliance with the nondiscrimination provisions of this Agreement, MARC shall impose

such contract sanctions as it may determine to be appropriate, including, but not limited to: (i) Withholding of payments to the Contractor under the Agreement until the Contractor complies; and/or (ii) Cancellation, termination, or suspension of the Agreement, in whole or in part.

F. The Contractor shall include the provisions of Paragraphs A through E above in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as MARC may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the Contractor becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Contractor may request MARC to enter into such litigation to protect the interests of MARC.

2) AMERICANS WITH DISABILITIES ACT:

Contractor shall comply with applicable provisions of the Americans with Disabilities Act of 1991, as amended. In particular, Contractor shall assist MARC in compliance by including appropriate language in all public documents and reports notifying persons with disabilities of MARC's policy of providing accommodations (i.e. interpreter, large print, reader and hearing assistance) to persons who need such assistance to participate in the Project.

3. AFFIRMATIVE ACTION IN EMPLOYMENT: The Contractor shall comply with the provisions of Section 503 of the Rehabilitation Act of 1973, as amended (the "Act"), and agrees as follows:

A. The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer,

recruitment, advertising, layoff or termination, rates of pay or other form of compensation, and selection for training, including apprenticeship.

B. The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor pursuant to the Act.

C. In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor pursuant to the Act.

D. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the director, provided by or through the contracting officer. Such notices shall state the Sub-recipient's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

E. The Contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of the Act, and is committed to take affirmative action to employ and advance in employment physically and mentally disabled individuals.

F. The Contractor will include the provisions of Paragraphs A through E above in every subcontract or purchase order of \$2,500.00 or more unless exempted by rules, regulations or orders of the Secretary issued pursuant to the Act, so that such provisions will be binding on each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance (41 CFR 60-741.4.4).

4. EQUAL EMPLOYMENT OPPORTUNITY (41 CFR Part 60-1.4(b)): During the performance of this Agreement, the Contractor agrees as follows:

A. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without

regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

B. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Sub-recipient, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

C. The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

D. The Contractor shall comply with all provisions of Executive Order 11246 of September 24, 1965, and by rules, regulations, and relevant orders of the Secretary of Labor.

E. The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by MARC and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

F. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this Agreement or with any of the said rules, regulations, or orders, this Agreement may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of

Labor, or as otherwise provided by law.

G. The Contractor will include the portion of the sentence immediately preceding Paragraph A and the provisions of Paragraphs A through G in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Subcontractor will take such action with respect to any subcontract or purchase order as MARC may direct as a means of enforcing such provision, including sanctions for noncompliance, provided, however, that in the event the Subcontractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the Contractor may request MARC to enter into such litigation to protect the interests of MARC.

5. PROHIBITION AGAINST SUBSTANCE ABUSE: The Contractor shall comply with the requirements of the Omnibus Drug Initiative Act of 1988 (Public Law 100-690), as amended, and certify to MARC that it will provide a drug-free workplace.

6. LOBBYING: The Contractor hereby certifies that the federal funds provided under the terms of this Agreement will not be paid, by or on behalf of the Contractor, to any person to influence an officer or employee of any federal agency or federal elected official. The Contractor will provide full disclosure of any non-federal resources expended to lobby any federal official in connection with the Project.

7. COPELAND "ANTI-KICKBACK" ACT: All contracts and subgrants for construction or repair will include provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in DOL regulations (29 CFR Part 3).

8. DAVIS-BACON ACT: All construction endeavors of the AAA in excess of \$2,000 will include provision for compliance with the Davis-Bacon Act (40 U.S.C. section 3141 et seq.).

9. CONTRACT WORK HOURS AND SAFETY

STANDARDS ACT: All construction endeavors of the AAA in excess of \$2,000, and in excess of \$2,500 for other contracts involving employment of mechanics or laborers, will include provision for compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by DOL Regulations (29 CFR part 5).

10. CLEAN AIR ACT/CLEAN WATER ACT/EPA

REGULATIONS: Contractor shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, under section 306 (42 U.S.C. 1857 (h)), section 508 of the Clean Water Act (42 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15).

11. WINDSOR V. UNITED STATES: Contractor will comply with the requirement to provide services to married same-sex couples.

12. EMPLOYEE WHISTLEBLOWER PROTECTIONS:

Contractor shall comply with the provisions of 41 U.S.C. 4712 that states an employee of a contractor, subcontractor, grantee, or subgrantee may not be discharged, demoted or otherwise discriminated against as a reprisal for "whistleblowing". In addition, whistleblower protections cannot be waived by any agreement, policy, form, or condition of employment.

13. TARGET POPULATION: (OAA Section 306

(a)(4)(A)(i)(I)) Contractor shall target its services to low-income minority individuals, older rural individuals, and older individuals with limited English proficiency. Persons aged 60 or over who are frail, homebound by reason of illness or incapacitation disability, or otherwise isolated, shall be given priority in the delivery of services. (45 CFR 1321.69(a)).

14. BOSTOCK v CLAYTON COUNTY: Contractor shall ensure employees are protected against discrimination because of their sexual orientation or gender identity.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-085 **1R** An ordinance authorizing the 2024 Midwest High Intensity Drug Trafficking Area (HIDTA) Memorandum of Understanding (MOU) for the Investigative Support Center Initiative, and related documents, with the Kansas Bureau of Investigation, for a grant award in the amount of \$154,459.00; making the necessary appropriations; authorizing future change orders for additional funding and/or time extensions; and authorizing certain future appropriations. **1R**

Recommendations:

The Police Department recommends approval and acceptance of this MOU and grant funding.

Background:

The Police Department first received funding to participate in the Midwest High Intensity Drug Trafficking Area (HIDTA) Investigative Support Center (ISC) with full funding for a Crime Analyst position in April 2012. The ISC provides event and target deconfliction services, multi-source name checks, investigative/tactical case support, toll analysis, charting, graphic work, post-seizure analysis and trend/predictive analysis. In 2019, the department received additional funding to fully fund a second Crime Analyst. Since that time, both Analysts continue to be housed at the HIDTA Investigative Support Center. The department is reimbursed 100% of the Analysts' salary, benefits, and training. The 2024 contract will continue the department's involvement with Midwest HIDTA ISC and provide reimbursement up to \$154,459.00.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$154,459.00 to be received as grant revenue. Actual expenses for the two Analysts will be reimbursed to the City. The two Crime Analysts are included in the 2024-25 Operating Budget on page 233, as two of the FTE grant positions.

The revenue will need to be deposited in the 015 Grant Fund, subledger ISC, and appropriated as follows:

0154550-5100	Salaries	\$92,939
0154550-5109	Benefits	\$59,520
0154550-5203	Training	<u>\$ 2,000</u>
Total Amount:		\$154,459

There is no local match or supplemental funding necessary.

Council Action:

Department / Contact	Police Department /
---------------------------------	---------------------

REVIEWERS

Dennea Leap
Michelle Sumstad
Jason Petersen
Adam Dustman
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. PD.2024 HIDTA Analysts Ordinance 07-30-24
2. HIDTA 2024 MOU INDEPENDENCE PD - ISC

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING ACCEPTANCE OF THE 2024 MIDWEST HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) MEMORANDUM OF UNDERSTANDING (MOU) FOR THE INVESTIGATIVE SUPPORT CENTER INITIATIVE, AND RELATED DOCUMENTS, WITH THE KANSAS BUREAU OF INVESTIGATION, FOR A GRANT AWARD IN THE AMOUNT OF \$154,459.00; MAKING THE NECESSARY APPROPRIATIONS; AUTHORIZING FUTURE CHANGE ORDERS FOR ADDITIONAL FUNDING AND/OR TIME EXTENSIONS; AND AUTHORIZING CERTAIN FUTURE APPROPRIATIONS.

WHEREAS, it is the desire of the various law enforcement agencies in the Kansas City Metropolitan Area to combine resources against individuals involved in the manufacture and distribution of methamphetamine, for the purpose of arrest, conviction and long-term incarceration of these individuals through careful application of the most effective Federal/State criminal statutes; and,

WHEREAS, the City Council does wish to accept this grant funding and has concluded the Special Conditions of the grant award can be met.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the Independence City Council hereby authorizes the City Manager to sign and execute, for and on behalf of said City, a Midwest High Intensity Drug Trafficking Area (HIDTA) Memorandum of Understanding (MOU) for the Midwest HIDTA Investigative Support Center Initiative, and related documents, with the Kansas Bureau of Investigation, to accept a grant in the amount of One Hundred Fifty-Four Thousand Four Hundred Fifty-Nine and 00/100 Dollars (\$154,459.00) to fully fund two Crime Analysts plus training while assigned to HIDTA, a copy of said MOU being attached hereto, incorporated by reference thereto, and made a part hereof as though fully set out herein.

SECTION 2. That appropriations are hereby increased in the Police Department Grant Fund Operating Budget in the amount of One Hundred Fifty-Four Thousand Four Hundred Fifty-Nine and 00/100 Dollars (\$154,459.00) from increased grant revenues, to be received from the Kansas Bureau of Investigation, for operating costs related to participation in the Midwest HIDTA Investigative Support Center Initiative.

SECTION 3. That the City Manager is further authorized to approve future change orders, extensions, amendments or addendums to this agreement without Council approval, or an extension of time for completing the terms of the grant or for the receipt of additional funding for this same grant project, provided there are no changes in the terms and/or conditions or responsibilities to the City and provided each and every such change order, extension, amendment or addendum is approved by the City Manager, does not add more than 90% to the length of time of the grant or more than 50% to the original funding, is identified as being authorized by this ordinance and a copy is filed with the City Clerk.

SECTION 4. That the City Manager is hereby authorized to increase appropriations by the amount of any increased grant awards authorized by change order, extension, amendment or addendum for any increased funding under the terms of the previous section, provided a copy of that action is also provided to the Finance Department.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL
OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

I hereby certify that there is a balance,
otherwise unencumbered, to the credit of
the appropriation to which the foregoing
expenditure is to be charged, and a cash
balance, otherwise unencumbered, in the
treasury, to the credit of the fund from
which payment is to be made, sufficient
to meet the obligation hereby incurred.

Source is: As Indicated Above

Director of Finance and Administration
City of Independence, Missouri



Kansas Bureau of Investigation

Tony Mattivi
Director

Kris W. Kobach
Attorney General

July 18, 2024

Zachary Walker, City Manager
City of Independence
111 East Maple St, 3rd floor
Independence Missouri 64050

Dear Mr. Walker:

Attached for your review and signatures are documents relating to the Independence Police Department's 2024 operating budget for the Midwest HIDTA Investigative Support Center Initiative.

Please review the documents carefully, as signatures are required on several separate documents. Return to our office a copy of the original signature pages. After all other signatures are acquired a copy of the signature pages only will be returned for your files.

If your agency has any prior year HIDTA funds available, those funds must be exhausted before the 2024 funds can be used.

Please forward a copy of this MOU to your fiscal office.

Thank you for your continuing support of the Midwest HIDTA.

Award #: G24MW0003A
Initiative: Midwest HIDTA Investigative Support Center
Award Maximum: \$154,459.00
Award Period: January 1, 2024 - December 31, 2025

Sincerely,

A handwritten signature in blue ink, which appears to read "Teresa Goza".

Teresa Goza
HIDTA Accountant IV
Kansas Bureau of Investigation

MIDWEST HIGH INTENSITY DRUG TRAFFICKING AREA (Midwest HIDTA)
MEMORANDUM OF UNDERSTANDING
MIDWEST HIDTA INVESTIGATIVE SUPPORT CENTER INITIATIVE

G24MW0003A
01-01-2024 / 12-31-2025
CFDA number 95.001

The Office of National Drug Control Policy (ONDCP) has awarded High Intensity Drug Trafficking Area (HIDTA) funding to federal, state and local law enforcement agencies in the region comprised of the states of Kansas, Missouri, Nebraska, Iowa, South Dakota and North Dakota for the purpose of combating the manufacture and importation of methamphetamine and the disruption of poly-drug trafficking organizations. The Kansas Bureau of Investigation (KBI) has been designated as the fiscal agent for award proceeds to be distributed to state and local agencies participating in the Midwest HIDTA program within Kansas and in selected regional initiatives. These funds shall be used for purposes designated in the MIDWEST HIDTA INVESTIGATIVE SUPPORT CENTER INITIATIVE (Appendix A) and associated budget (Appendix B), as approved by ONDCP.

Scope of Service

The services carried out under this Memorandum of Understanding shall be consistent with those contained in the initiative proposal and budget as approved for funding by ONDCP. Changes shall not be made in the subject or the proposed objectives of the initiative without prior written approval from the Midwest HIDTA Executive Director the Midwest HIDTA Executive Committee.

The signatories agree to provide written notice to the KBI and to the Midwest HIDTA Executive Director, at least (30) days in advance of any planned withdrawal from this agreement. In the event of withdrawal from this initiative by any party, all property and equipment acquired with HIDTA funds by the withdrawing party shall be re-distributed as per Midwest HIDTA policy and procedure. Upon the date specified in the written notice of withdrawal, this agreement shall become void with respect to the agency giving notice but shall remain in effect for all other participants. The KBI shall process all allowable reimbursement requests for the withdrawing agency through the date of the withdrawal.

Reprogramming of Funds

Reprogramming of funds within a HIDTA award requires different levels of approval based upon the amount to be reprogrammed and whether the reprogramming is inter-agency or inter-initiative. In all cases the recipient agency is responsible for forwarding a request for authorization for reprogramming to the KBI to be forwarded to the Midwest HIDTA Executive Director and Midwest HIDTA Executive Committee. The recipient agency is also responsible for maintaining detailed records of any reprogramming activities.

Reporting Requirement

All participants may be required to prepare a final report of initiative expenditures, which shall be submitted to the KBI within 30 days of the close of the program fiscal year. The financial report will be of a form approved by the KBI and shall contain a listing of expenditures/costs by cost category from the approved initiative budget (Appendix B). The report shall also contain a comparison of actual costs/expenditures against budget estimates. Failure to submit reports on a timely basis may result in the interruption or termination of the initiative funding for your agency. Detailed information on the financial reporting requirements is found in the HIDTA Program Policy and Budget Guidance (PPBG) publication and the Midwest HIDTA Policies and Standard Operating Procedures document (SOP).

Program Standards

Each agency agrees to abide by the standards and rules defined in the HIDTA Program Policy and Budget Guidance (PPBG) publication and the Midwest HIDTA Policies and Standard Operating procedures document as well as all formal written program guidance regarding financial management standards, reporting, records retention, equipment, vehicles, and procurement and supplanting requirements for any agency accepting HIDTA funds. You can download the full version from National HIDTA Assistance Center (NHAC) at nhac.org.

Assurances

Each agency agrees to abide by the terms and conditions set out in Application for Federal Assistance SF 424, Assurances - Non-Construction Programs (Appendix D) and Assurances – Construction Programs (Appendix E). Each agency will also submit the signed OMB forms, Certification Regarding Lobbying (Appendix F) and Disclosure of Lobbying Activities (Appendix G) and will abide by all applicable special conditions included as a part of the award agreement (Appendix I).

Invoicing

Each agency receiving reimbursements will invoice on the fifteenth of every month for expenditures incurred during the prior month. Reimbursement form shall be a form approved by the KBI (Appendix H) and shall contain a listing of expenditures by category. Each agency shall retain the original supporting documentation and provide a copy to the KBI with the monthly report. Each agency agrees that the NHAC and Midwest HIDTA Executive Director and Midwest HIDTA Executive Committee have the right to terminate suspend or delay any payment to sub-recipient if the reimbursements clearly fails to meet HIDTA PPBG. In the event that such an act is necessary the agency will be notified within three days of the decision.

Inventory

Equipment purchased with HIDTA funds shall be identified by cost, type and serial number and reported to the Kansas State Coordinator on the Midwest HIDTA Inventory Form (Appendix C). The Kansas State Coordinator shall maintain an inventory of all equipment purchased and provide the same to HIDTA. A copy of all inventory transactions shall be provided to the KBI. Any change to the inventory of HIDTA purchased equipment shall be reported promptly and in writing to the KBI.

Audit Readiness and Compliance

Each agency agrees to maintain appropriate and detailed records of its receipt and use of the funds, in accordance with the generally accepted accounting principles applying to government agencies. Each agency understands that it may be subject to an audit. Each agency also understands that there will be a site audit every two years for awardees that receive \$25,000 or more, and every three years for awardees that receive \$25,000 or less.

As the fiduciary, the KBI is required to provide certain information in an audit. The Single Audit Certification (Appendix K) provides part of the information needed. The Risk Assessment Tool (Appendix J) helps to ensure proper accountability and compliance with the program.

Acceptance

Acceptance of this MOU by participating agencies is acceptance of all standards and conditions of the HIDTA Award, included as Appendix A, B, C, D, E, F, G, H, I, J, and K.

Appendix A: Task Force Initiative
Appendix B: Task Force Budget
Appendix C: Midwest HIDTA Inventory Form (Does not pertain to the ISC Initiative)
Appendix D: OMB Form 4040-0007 – Assurances – Non-Construction Programs
Appendix E: OMB Form 4040-0009 – Assurances – Construction Programs
Appendix F: OMB Form – Certification Regarding Lobbying
Appendix G: OMB Form – Disclosure of Lobbying Activities
Appendix H: HIDTA Reimbursement Form
Appendix I: HIDTA Award Agreement
Appendix J: FAPO Risk Assessment Tool
Appendix K: HIDTA Single Audit Certification

Fiscal Contact KBI: Teresa Goza
Kansas Bureau of Investigation
15700 College Blvd., Suite 100
Lenexa, Kansas 66219
913-609-1272
teresa.goza@kbi.ks.gov

Project Manager KBI: Kelly Ralston, Assistant Director
Kansas Bureau of Investigation
625 Washington
Great Bend, KS 67530-5442
kelly.ralston@kbi.ks.gov

State Coordinator: Steve Riley
Midwest HIDTA
10220 NW Ambassador Dr., Suite 700
Kansas City MO 64153
816-891-5217
sriley@midwest-hidta.org

Fiscal Contact IPD: Dennea Leap
Independence Missouri Police Department
223 N Memorial Drive
Independence, Missouri 64050-3013
816-325-7315
dleap@indepmo.org

Participating Agency: Zachary Walker, City Manager
City of Independence
111 East Maple St, 3rd floor
Independence Missouri 64050-3066
816-325-7019

Participating Agency:
City of Independence Missouri

Zachary Walker, City Manager

Date

Through Independence Police Department

Adam Dustman, Chief

Date

Fiscal Agent:
Kansas Bureau of Investigation

Tony Mattivi, Director

Date

FY 2024 INTELLIGENCE AND INFORMATION SHARING INITIATIVE DESCRIPTION BUDGET PROPOSAL

HIDTA: Midwest HIDTA
INITIATIVE TITLE: Midwest HIDTA Investigative Support Center
LEAD AGENCY(S): Drug Enforcement Administration
LOCATION: Kansas City, MO

INITIATIVE DESCRIPTION

Initiative Purpose

The Midwest HIDTA Investigative Support Center (ISC) has been operational since 1998 and is managed by the Drug Enforcement Administration (DEA). The ISC is a cooperative partnership of federal, state and local law enforcement agencies supporting enforcement, interdiction and SAUSA initiatives operating throughout the Midwest HIDTA's seven state area (Missouri, Kansas, Iowa, Nebraska, North Dakota, South Dakota and southern Illinois). The ISC is located in Kansas City, Missouri and it is electronically linked to task force locations and key state agencies in each of the states. The ISC collects and analyzes information from all Midwest HIDTA task forces and participating agencies. The ISC provides event and target deconfliction services, multi-source name checks, investigative/tactical case support, toll analysis, charting, graphic work, post-seizure analysis and trend/predictive analysis. In addition to its de-confliction, DHE and analytical case support services, the ISC also prepares the annual Midwest HIDTA Threat Assessment and various strategic intelligence bulletins. The ISC also provides continual evaluation of the threat to the region, identifying changes in patterns and trends. By improving the exchange of intelligence and information through more efficient coordination and communications, the ISC enhances the ability of federal, state, and local law enforcement agencies to identify, arrest and prosecute key members of drug trafficking organizations and those individuals involved in violent crime that are involved in drug trafficking at the local level. The ISC is heavily involved in tactical case support throughout the Midwest HIDTA region and provides support to numerous high-profile drug investigations to include OCDETF, RPOT and CPOT-linked cases.

Services Provided

Strategic Intelligence, Operational Intelligence, Tactical Intelligence, Information Sharing, Analytical Support, Target/Investigative Data Deconfliction and Event Deconfliction

Budget Detail

2024 - Midwest

Initiative - Midwest HIDTA Investigative Support Center

Award Recipient - Kansas Bureau of Investigation (G24MW0003A)

Resource Recipient - Kansas Bureau of Investigation

Input **\$894,454.00**

Personnel	Quantity	Amount
Administrative Staff	1	52,132.00
Analyst - Intelligence	7	410,243.00
Investigative - Support	2	85,833.00
Total Personnel	10	\$548,208.00

Fringe	Quantity	Amount
Administrative staff	1	19,336.00
Analyst - Intelligence	7	193,638.00
Investigative - support	2	21,967.00
Total Fringe	10	\$234,941.00

Travel	Quantity	Amount
Administrative	10	10,401.00
Total Travel	10	\$10,401.00

Services	Quantity	Amount
Communications - data lines		450.00
Communications - mobile phones & pagers		6,760.00
Equipment rentals		3,550.00
Printing & document support		250.00
Service contracts		4,100.00
Shipping & postage		1,505.00

Budget Detail

Software - maintenance		15,170.00
Subscriptions - database		52,670.00
Vehicle lease - passenger	1	6,000.00
Total Services	1	\$90,455.00
Supplies		Amount
Communications - data lines		1,125.00
Communications - mobile phones & pagers		324.00
Investigative/Operational		1,872.00
Office		7,128.00
Total Supplies		\$10,449.00
Total		\$894,454.00

Midwest HIDTA Equipment Inventory
Additions/Transfers/Disposals

Purchase Date:	
Manufacturer's Serial Number:	
Manufacturer/Vendor:	
Cost:	
Purchase Condition:	
HIDTA #:	
Description:	
Purchasing Agency:	
HIDTA Funding %:	
Agency Asset #:	
Title Holder:	
Initiative:	
Custodian Agency:	
Physical Location:	
City:	
State	
Transferred From:	
Current Condition:	
Surplus Date:	
Reason for Disposal:	
Disposal Method:	
Notes:	
Name:	

View Burden Statement

OMB Number: 4040-0007
Expiration Date: 02/28/2025**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4783) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
- Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
X _____	City Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Independence Missouri through Independence Missouri Police Department	

View Burden Statement

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2025

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

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NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
- Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
- Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
- Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
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SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
X _____	City Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Independence Missouri through Independence Missouri Police Department	

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
X _____	City Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Independence Missouri through Independence Missouri Police Department	

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C.1352

OMB Number: 4040-0013
Expiration Date: 02/28/2025

1. * Type of Federal Action: ☐ a. contract ☒ b. grant ☐ c. cooperative agreement ☐ d. loan ☐ e. loan guarantee ☐ f. loan insurance	2. * Status of Federal Action: ☐ a. bid/offer/application ☒ b. initial award ☐ c. post-award	3. * Report Type: ☒ a. initial filing ☐ b. material change
--	--	--

4. Name and Address of Reporting Entity:
☐ Prime ☒ SubAwardee Tier if known: ☐
 * Name:
 * Street 1: Street 2:
 * City: State: Zip:
 Congressional District, if known:

5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:
 * Name:
 * Street 1: Street 2:
 * City: State: Zip:
 Congressional District, if known:

6. * Federal Department/Agency: ONDCP	7. * Federal Program Name/Description: HIDTA CFDA Number, if applicable: 95.001
8. Federal Action Number, if known: G24MW0003A	9. Award Amount, if known: \$

10. a. Name and Address of Lobbying Registrant:
 Prefix: * First Name: Middle Name:
 * Last Name: Suffix:
 * Street 1: Street 2:
 * City: State: Zip:

b. Individual Performing Services (including address if different from No. 10a)
 Prefix: * First Name: Middle Name:
 * Last Name: Suffix:
 * Street 1: Street 2:
 * City: State: Zip:

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

*** Signature:**
*** Name:** Prefix: * First Name: Middle Name:
 * Last Name: Suffix:
Title: **Telephone No.:** **Date:**

Midwest HIDTA Reimbursement Request Form

Agency

Independence Missouri Police Department
223 N. Memorial Drive
Independence MO 64050 Ord. #

Dept. Code

KBI use only

V-40378-1-001
Grant #2410

Invoice for the month of: _____

2024 Funding Year 01/01/2024 to 12/31/2025

Initiative: Midwest HIDTA ISC G24MW0003A

CFDA # 95.001

Enter Data in This
Column only

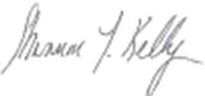
Category	Beginning Allocation	Cumulative Expenses through	Expenditures This Month	Remaining Balance
Personnel - Roberts	\$ 53,902.00			\$ 53,902.00
Personnel - Aumua	\$ 39,037.00			\$ 39,037.00
Fringe - Roberts	\$ 33,355.00			\$ 33,355.00
Fringe - Aumua	\$ 26,165.00			\$ 26,165.00
Travel	\$ 2,000.00			\$ 2,000.00
Total	\$ 154,459.00	\$ -	\$ -	\$ 154,459.00

Agency Authorization / Date	Midwest HIDTA Authorization/Date	KBI Authorization / Date
Adam Dustman, Chief		
Finance Officer Please Print Dennea Leap	(816) 325-7315 Fax 816-325-7316	

Reimbursement forms are due by the 15th of the month.

Please attach all supporting documents

Appendix H

Executive Office of the President Office of National Drug Control Policy		Grant Agreement							
1. Recipient Name and Address Anthony Mattivi Director Kansas Bureau of Investigation 1620 SW Tyler Topeka, KS 66612-1837	4. Award Number (FAIN): G24MW0003A		5. Period of Performance: From 01/01/2024 to 12/31/2025						
2. Total Amount of the Federal Funds Obligated: \$3,844,727.00	6. Federal Award Date: April 29, 2024	7. Action: Initial							
2A. Budget Approved by the Federal Awarding Agency \$3,844,727.00	8. Supplement Number								
3. CFDA Name and Number: <i>High Intensity Drug Trafficking Areas Program - 95.001</i>	9. Previous Award Amount:								
3A. Project Description <i>High Intensity Drug Trafficking Areas (HIDTA) Program</i>	10. Amount of Federal Funds Obligated by this Action: \$3,844,727.00								
	11. Total Amount of Federal Award: \$3,844,727.00								
12. This Grant is non-R&D and approved subject to such conditions or limitations as are set forth on the attached pages.									
13. Statutory Authority for Grant: <i>Public Law 118-47</i>									
AGENCY APPROVAL		RECIPIENT ACCEPTANCE							
14. Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director Office of National Drug Control Policy		15. Typed Name and Title of Authorized Official Anthony Mattivi Director Kansas Bureau of Investigation							
16. Signature of Approving ONDCP Official 		17. Signature of Authorized Recipient/Date  5/3/2024							
AGENCY USE ONLY									
18. Accounting Classification Code UEI: MQ3SSN5SNG84 DUNS: 150943496 EIN: 1486029925L2		19. HIDTA AWARD <i>OND1070DB2425XX 2024 OND6113</i> <i>OND2000000000 OC 410001</i>							

GRANT CONDITIONS

A. General Terms and Conditions

1. This award is subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. § 200 (the “§ 200 Uniform Requirements”), as adopted and implemented by the Office of National Drug Control Policy (ONDCP) in 2 C.F.R. §3603. For this award, the § 200 Uniform Requirements supersede, among other things, the provisions of 28 C.F.R. §§ 66 and 70, as well as those of 2 C.F.R. §§ 215, 220, 225, and 230. For more information on the § 200 Uniform Requirements, see <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>. For specific, award-related questions, recipients should contact ONDCP promptly for clarification.
2. This award is subject to the following additional regulations and requirements:
 - 28 C.F.R. § 69 – “New Restrictions on Lobbying”
 - 2 C.F.R. § 25 – “Universal Identifier and System of Award Management”
 - Conflict of Interest and Mandatory Disclosure Requirements
 - Non-profit Certifications (when applicable)
3. Audits conducted pursuant to 2 C.F.R. § 200, Subpart F, “Audit Requirements” must be submitted no later than 9 months after the close of the grantee’s audited fiscal year to the Federal Audit Clearinghouse (fac.gov)
4. Grantees are required to submit Federal Financial Reports (FFR) to the Department of Health and Human Services, Payment Management System (HHS-PMS). The Federal Financial Report is required to be submitted quarterly and within 90 days after the grant is closed out.
5. The recipient gives the awarding agency or the Government Accountability Office, through any authorized representative, access to, and the right to examine, all paper or electronic records related to the grant.
6. Recipients of HIDTA funds are not agents of ONDCP. Accordingly, the grantee, its fiscal agent(s), employees, contractors, as well as state, local, and Federal participants, either on a collective basis or on a personal level, shall not hold themselves out as being part of, or representing, the Executive Office of the President or ONDCP.
7. These general terms and conditions, as well as archives of previous versions of these general terms and conditions, are available online at <https://www.whitehouse.gov/ondcp/grant-programs/>.

8. Failure to adhere to the General Terms and Conditions as well as the Program Specific Terms and Conditions may result in the termination of the grant or the initiation of administrative action. ONDCP may also terminate the award if it no longer effectuates program goals or agency priorities. See 2 CFR 200.340.
9. Conflict of Interest and Mandatory Disclosures

A. Conflict of Interest Requirements

As a non-federal entity, you must follow ONDCP's conflict of interest policies for federal awards. Recipients must disclose in writing any potential conflict of interest to an ONDCP Program Officer; recipients that are pass-through entities must require disclosure from sub-recipients or contractors. This disclosure must take place immediately whether you are an applicant or have an active ONDCP award.

The ONDCP conflict of interest policies apply to sub-awards as well as contracts, and are as follows:

- i. As a non-federal entity, you must maintain written standards of conduct covering conflicts of interest and governing the performance of your employees engaged in the selection, award, and administration of sub-awards and contracts.
- ii. None of your employees may participate in the selection, award, or administration of a sub-award or contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an organization considered for a sub-award or contract. The officers, employees, and agents of the non-federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from sub-recipients or contractors or parties to sub-awards or contracts.
- iii. If you have a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, you must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, you are unable or appear to be unable to be impartial in conducting a sub-award or procurement action involving a related organization.

B. Mandatory Disclosure Requirement

As a non-federal entity, you must disclose, in a timely manner, in writing to ONDCP all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Non-federal entities that have received a federal award including the terms and conditions outlined in appendix XII of this part are required to report certain civil, criminal, or administrative proceedings to the System for Award Management (SAM), currently the Federal Awardee Performance and Integrity Information System. Failure to make required disclosures can result in any of the remedies described in § 200.339. (See also 2 C.F.R. §180, 31 U.S.C. § 3321, and 41 U.S.C. § 2313.)

None of the funds appropriated or otherwise made available by this grant or any other Act may be used to fund a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information. This limitation shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

10. Federal Funding Accountability and Transparency (FFATA) / Digital Accountability and Transparency Act (DATA Act). Each applicant is required to (i) be registered in SAM before submitting its application; (ii) provide a valid Unique Entity Identifier number in its application; (iii) continue to maintain an active SAM registration with current information at all times during which it has an active federal award; and (iv) provide all relevant grantee information required for ONDCP to collect for reporting related to FFATA and DATA Act requirements.
11. Subawards are authorized under this grant award. Subawards must be monitored by the award recipient as outlined in 2 C.F.R. § 200.331.
12. Recipients must comply with the Government-wide Suspension and Debarment provision set forth at 2 C.F.R. §180, dealing with all sub-awards and contracts issued under the grant.
13. As specified in 2 CFR 200.303 Internal Controls, recipient must:

- a) Establish and maintain effective internal controls over the federal award that provides reasonable assurance that federal award funds are managed in compliance with federal statutes, regulations and award terms and conditions. These internal controls should be in compliance with the guidance in “Standards for Internal Control in the federal Government,” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework,” issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
 - b) Comply with federal statutes, regulations, and the terms and conditions of the Federal awards.
 - c) Evaluate and monitor the non-federal entity’s compliance with statute, regulations, and the terms and conditions of the federal award.
 - d) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
 - e) Take reasonable measures to safeguard protected personally identified information (PII) and other information ONDCP or pass-through entity designates as sensitive or the non-federal entity considers sensitive consistent with applicable federal, state, and local laws regarding privacy and obligations of confidentiality.
14. Recipients are prohibited from using federal grant funds to purchase certain telecommunication and video surveillance services or equipment in alignment with § 889 of the National Defense Authorization Act of 2019, Pub. L. No. 115-232. See 2 C.F.R. § 200.216. See also, HIDTA PPBG, § 7.20, Prohibited Uses of HIDTA Funds.
15. Grantees should provide a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States. See 2 C.F.R. § 200.322.
16. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, shall clearly state—
- a) the percentage of the total costs of the program or project which will be financed with federal money;
 - b) the dollar amount of Federal funds for the project or program; and
 - c) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

B. Recipient Integrity and Performance Matters

Reporting of Matters Related to Recipient Integrity and Performance

1. *General Reporting Requirement*

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then you as the recipient during that period of time must maintain the currency of information reported to SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under § 872 of Public Law 110-417, as amended (41 U.S.C. § 2313). As required by § 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for federal procurement contracts, will be publicly available. See 2 C.F.R. Part 200, Appendix XII.

2. *Proceedings About Which You Must Report*

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent 5-year period; and
- c. Is one of the following:
 - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
 - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - (3) An administrative proceeding, as defined in paragraph 5 of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 - (4) Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
 - (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

(iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. *Reporting Procedures*

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under federal procurement contracts that you were awarded.

4. *Reporting Frequency*

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent 5-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. *Definitions*

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and state level, but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—
 - (1) Only the federal share of the funding under any federal award with a recipient cost share or match; and
 - (2) The value of all expected funding increments under a federal award and options, even if not yet exercised.

C. Program Specific Terms and Conditions

The grant condition is as follows:

1. This award is subject to the requirements in the SUPPORT for Patients and Communities Act, 21 U.S.C. §§ 1701 *et seq.* and in the ONDCP National HIDTA Program Office HIDTA *Program Policy and Budget Guidance* (September 9, 2021) (PPBG). The HIDTA PPBG is issued pursuant to authority granted the Director of ONDCP by the SUPPORT for Patients and Communities Act (21 U.S.C. § 1706) and the Uniform Administration Requirements (2 C.F.R. § 200) which provide the Director of ONDCP authority to coordinate funds and implement oversight and management function with respect to the HIDTA Program. The HIDTA PPBG can be accessed at the following website:
[Program Policy and Budget Guidance2021.pdf \(nhac.org\)](#)
 In addition, as a condition for receiving this award, recipients must complete safe and healthy workplace trainings as outlined in the PPBG.

D. Federal Award Performance Goals

HIDTA award recipients must adhere to the performance measures, goals and requirements set forth in the PPBG Performance Management chapter (§ 10.0) and the HIDTA Performance Management Process (PMP) database.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
X _____	City Manager
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Independence Missouri through Independence Missouri Police Department	

FAPO RISK ASSESSMENT TOOL

Key Risk Areas and Underlying Factors	EXAMPLES				Lower	Risk Level				Higher
		Lower Risk State	Moderate Risk State	Higher Risk State	1	2	3	4	5	
AREA 1: COMPLIANCE – risk of non-compliance with specific laws, regulations and other rules affecting this process and its financial reporting										
Characteristics of the applicable laws, regulations, policies & rules impacting financial reporting for this business process										
Level of Clarity		Clear & precise	Open to interpretation/generic	Unclear and imprecise						
Degree of maturity/stability		Well-established & time-tested	Recently enacted/evolving (<3 years)	Brand New or unestablished						
Complexity		Simple & straight forward	Involves judgement & some complexity	Highly complicated or judgmental						
AREA 2: HUMAN CAPTIAL – risk posed by the knowledge, skills and capacities of the people involved in this process who can effect financial assistance										
Knowledge/familiarity of staff with process		Highly knowledgeable & familiar	Average familiarity	Staff are new or unfamiliar						
Degree of management process ownership/control		Processes fully in-sourced and under management’s direct control	Mixed in & out-sourced processing or some control delegated to others	Significant outsourcing or delegation of processes to others’ control						
Workload Stress		Low staff turnover; no workforce constraints or other stressors	Moderate staff turnover: some workforce constraints	High staff turnover; notable workforce constraints adding stress						
AREA 3: OPERATIONS – risk posed by the characteristics of the manual/automated activities & IT applications involved in this process impacting financial assistance										
Characteristics of the manual and automated activities & technology applications comprising this business process										
Uniformity		Highly standardized	Some variations occur	Highly variable						
Complexity		Simple & straightforward	Moderately complicated	Complicated/cumbersome/ error prone						
Regularity		Routine	Periodic/infrequent	Non-routine/Rare						
Maturity or Stability		Stable, well-established, time-tested	Evolving/in transition (<3 years)	Brand new, unestablished, unstable						
Extent of handling		One/two “Touch-points”	Multiple processing steps/applications	Many people/steps/apps involved						
Dispersion		Centralized within one location/function	Moderately dispersed among multiple locations/function	Highly dispersed among many different location/functions						
AREA 4: NATURE OF TRANSACTIONS – risk posed by the qualitative and quantitative characteristics of transactions generated by the process										
Transaction volume		Extensive transactions (1000+)	Many transactions (100+)	Few transactions (10+)						
Transaction Frequency		Systematic/recur on a regular basis	Happens periodically/cyclically	Happens infrequently or rarely						
Individual transaction sizes		Small dollar (< 1/1000 th of materiality)	Moderate dollar (>1/1000 th of materiality & <1/100 th of materiality)	Large dollar (>1/100 th of materiality)						
Impact of estimates on financial reporting transactions		Little/no impact of estimates/all transaction variable are known/no estimation judgement involved	Moderate impact of estimates/most transaction variables are known/some estimation judgement involved	Significant impact of estimates/some transaction variables are derived amounts/high judgement required						
Propensity for fraud, waste or misappropriation of assets or information given safeguarding or other security issues		Assets are immoveable or have no intrinsic value/information is easily safeguarded/low risk of concealable theft or diversion	Assets are moveable and have some intrinsic value/information is capable of diversion/moderate risk of concealable theft or diversion	Assets are moveable and have a significant intrinsic valuable/information is capable of diversion/high risk of concealable theft or diversion						

FAPO RISK ASSESSMENT TOOL

APPENDIX J

AREA 5: MANAGEMENT'S RECENT EXPERIENCE – indications of possible lingering risks based upon management's experience with events during the pasts 3 years								
Prior annual financial statement or other audit results								
Controls & Compliance issues raised	No findings related to this process	Management letters comments or other similar findings provided by auditors for this process	Reportable conditions, material weaknesses, non-compliance or "high-risk" matters cited by auditors for this process					
Adjustments by auditors	None	Few adjustments/not material in the aggregate	Significant number of adjustments; aggregate value of adjustments exceed planning materiality					
Adjustments by management	Few adjustments/routine in nature/mall dollar amounts involved	Moderate adjustments/moderate dollar amounts involved	Significant number or dollar amount of adjustments required/non-routine in nature					
Results of management's recent Statement of Assurance assessments	No findings related to this process	Some findings, though insignificant in scale/impact	Reportable conditions, material weaknesses & no-compliance matters found by management for this process					
Management's day-to-day experience								
Accounting errors or irregularities (known fraud)	Few error/adjustments	adjustments	Significant errors/adjustments					
Information available to monitor performance	Readily available/useable by management on a timely basis	Somewhat available for use by management/information is of mixed quality or is untimely	Unavailable for use by management/information is hard to understand or apply on a timely basis					
Typical accounting analysis needed by management in this area	Few calculations/analysis	Moderate calculations/analysis	Extensive calculations/analysis					
Overall nature of issues, errors or adjustments	A virtually problem free area	Problems occur from time to time of varying significance	Problems persist, can be significant/demand high management intervention					
AREA 6: MANAGEMENT'S CURRENT OUTLOOK – overall perceived likelihood of material adverse financial reporting risks within the next year for this process								
Management overall prognosis of material adverse risks for this process	Remote	Reasonably Possible	More Likely than Not					

Assessment performed by: _____

Date: _____

Single Audit Certification

Sub-Recipient Audit Requirements of the A-133

Single Audit (2 C.F.R. Part 200, Subpart F)

Agreement between the City of Independence and the Kansas Bureau of Investigation under the Midwest HIDTA CFDA #95.001 for the period of 01/01/2024 to 12/31/2025 in the amount of \$154,459.00 "ISC".

The Kansas Bureau of Investigation is subject to the requirements of the U.S. Office of Management and Budget (OMB) Circular A-133: Audits of States, Local Governments and Nonprofit Organizations. As such, OMB Circular A-133 requires the Kansas Bureau of Investigation to monitor our sub recipients of federal awards and determine whether they have met the audit requirements of the circular and whether they are in compliance with federal laws and regulations. This document must be completed and signed by the fiscal agent's organization.

Accordingly, we are requesting that you circle one of the numbers below, provide all appropriate documentation regarding your organization's compliance with the audit requirements, This is part of the sub recipient's grant agreement with the Kansas Bureau of Investigation.

Name of organization: City of Independence

Sub recipient's SAM UEI # _____ expires _____

Federal Employer Identification Number (FEIN): _____

Signature: _____

1. We have completed our OMB Circular A-133 audit for the fiscal year ending _____
 Here is the link to our audit report. _____ If material exceptions were noted please enclose a copy of the responses and corrective actions taken.
2. We expect our OMB Circular A-133 audit for the fiscal year ending _____
 to be completed by _____. A copy of our audit report will be forwarded to the Kansas Bureau of Investigation within 30 days of receipt of the report.
3. We are not subject to Circular A-133 audit because:
 - a) We are a for-profit organization.
 - b) We expend less than \$750,000 in federal awards annually.
 - c) Other (*please explain*): _____

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-086 **1R** An ordinance authorizing the City Manager to execute a certain grant agreement with the Missouri Highways and Transportation Commission for the Fairmount Loop Project (Project No. 112501 / Federal Project No. TAP-3379(444)). **1R**

Recommendations:

Council approval is recommended.

Background:

Approval of this ordinance will authorize the City Manager to enter into a grant agreement with the Missouri Highways and Transportation Commission for the Fairmount Loop Project (No. 112501) to receive funds in the amount of \$900,000.

This grant agreement is an up to 80% match in federal funds for the project. The City will be responsible for the 20%, or approximately \$180,000, to receive full grant reimbursement.

The Fairmount Loop Project (No. 112501) will design and construct a shared-use path loop from US 24 HWY northward on S. Ash Ave. to E. Kentucky Rd., westward on E. Kentucky Rd. to N. Arlington Ave., southward to E. Morrel Ave., and connecting southward to US 24 HWY along an existing shared use path just east of Union Pacific Railroad.

Emergency Justification:**Fiscal Impact:**

The fiscal impact to the City is \$900,000. Expenses for the Fairmount Loop Project (No. 112501), included in the FY 25 budget, page number 196, will run through account 112501-C-0517051-5406. The revenue from grant reimbursements on this project will be deposited directly into the Street Sales Tax Fund (011).

Council Action:

Department / Contact	Municipal Services /
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REVIEWERS

Lisa Reynolds
Jeremy Cover
Meagan Borth
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. MS.Fairmount Loop Project - TAP Funding grant agreement ordinance
2. TAP 3379(444) - Fairmount Loop agreement w MoDOT
3. Fairmount Loop Project Limits

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTAIN GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE FAIRMOUNT LOOP PROJECT (PROJECT NO. 112501 / FEDERAL PROJECT NO. TAP -3379(444)).

WHEREAS, the Fairmount Loop Project (No. 112501) has been awarded a Transportation Alternatives Program (TAP) grant in the amount of \$900,000; and

WHEREAS, the City Council of the City of Independence, Missouri finds it desirable to enter into Missouri Highways and Transportation Commission TAP Grant Agreement No. TAP 3379(444) to receive these funds.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Manager of the City of Independence, Missouri, is authorized to sign and execute for and on behalf of the City of Independence a certain grant agreement (No. TAP 3379(444)) with the Missouri Highways and Transportation Commission.

SECTION 2. That the City Manager will direct City Staff to appropriate this grant funding, in the amount of \$900,000, to the Fairmount Loop Project (No. 112501).

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

CCO Form: FS25
Approved: 04/95 (MGB)
Revised: 10/22 (MWH)
Modified:

CFDA Number: 20.205
CFDA Title: Highway Planning and Construction
Award name/number: TAP -3379(444)
Award Year: 2026
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
TRANSPORTATION ENHANCEMENTS FUNDS
PROGRAM AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and City of Independence (hereinafter, "City").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The United States Congress has authorized, in Infrastructure Investment and Jobs Act (IIJA); 23 U.S.C. §101, §106 §133; and §208 funds to be used for transportation enhancements activities. The purpose of this Agreement is to grant the use of such transportation enhancement funds to the City.

(2) LOCATION: The transportation enhancements funds which are the subject of this Agreement are for the project at the following location:

The Fairmount loop is a project providing multi-modal options to northwest Independence. This will include a multi-use trail on Ash Ave and on Kentucky Rd, and the resurfacing of the Fairmount trail. These will tie to the existing trail on Arlington St and proposed improvements on US 24.

The general location of the project is shown on attachment marked "Exhibit A" and incorporated herein by reference.

(3) REASONABLE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual [and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline

within Exhibit B conflict, the final deadline within Exhibit B controls]. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City. The City may not be eligible for future Transportation Enhancements Funds if the City does not meet the reasonable progress policy.

(4) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(5) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(6) COMMISSION REPRESENTATIVE: The Commission's Kansas City District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(7) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, *et seq.*), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, *et seq.*). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, creed, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, creed, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as

appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or

2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (7) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(8) ASSIGNMENT: The City shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(9) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(10) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations by providing the City with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the City.

(11) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the Federal Highway Administration (FHWA) and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(12) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(13) ACQUISITION OF RIGHT OF WAY: With respect to the acquisition of right of way necessary for the completion of the project, City shall acquire any additional necessary right of way required for this project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. 4601-4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act. However, upon written request by the City and written acceptance by the Commission, the Commission shall acquire right of way for the City. Upon approval of all agreements, plans and specifications by the Commission and by the FHWA, the Commission will file copies of said plans in the office of the County clerk: and proceed to acquire by negotiation and purchase or by condemnation any necessary right of way required for the construction of the improvement contemplated herein. All right of way acquired by negotiation and purchase will be acquired in the name of City, and the City will pay to grantors thereof the agreed upon purchase prices. All right of way acquired through condemnation proceedings will be acquired in the name of the State of Missouri and subsequently released to the City. The City shall pay into court all awards and final judgments in favor of any such condemnees. The City shall also reimburse the Commission for any expense incurred by the Commission in acquiring said right of way, including but not limited to the costs of surveying, appraisal, negotiation, condemnation, and relocation assistance benefits. Unless otherwise agreed to in writing the Commission shall have the final decision regarding the settlement amount in condemnation.

(14) MAINTENANCE OF DEVELOPMENT: The City shall maintain the herein contemplated improvements without any cost or expense to the Commission. All maintenance by the City shall be done for the safety of the general public and the esthetics of the area. In addition, if any sidewalk or bike trails are constructed on the Commission's right-of-way pursuant to this Agreement, the City shall inspect and maintain the sidewalk or bike trails constructed by this project in a condition reasonably safe to the public and, to the extent allowed by law, shall indemnify and hold the Commission harmless from any claims arising from the construction and maintenance of said sidewalk or bike trails. If the City fails to maintain the herein contemplated improvements, the Commission or its representatives, at the Commission's sole discretion shall notify the City in writing of the City's failure to maintain the improvement. If the City continues to fail in maintaining the improvement, the Commission may remove the herein

contemplated improvement whether or not the improvement is located on the Commission's right of way. Any removal by the Commission shall be at the sole cost and expense of the City. Maintenance includes but is not limited to mowing and trimming between shrubs and other plantings that are part of the improvement.

(15) PLANS: The City shall prepare preliminary and final plans and specifications for the herein improvements. The plans and specifications shall be submitted to the Commission for the Commission's review and approval. The Commission has the discretion to require changes to any plans and specification prior to any approval by the Commission.

(16) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. The federal share for this project will be **80%** percent not to exceed **\$900,000** (nine hundred thousand). The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(17) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. The City shall repay any progress payments which involve ineligible costs.

(18) PROMPT PAYMENTS: Progress invoices submitted to MoDOT for reimbursement more than thirty (30) calendar days after the date of the vendor invoice shall also include documentation that the vendor was paid in full for the work identified in the progress invoice. Examples of proof of payment may include a letter or e-mail from the vendor, lien waiver or copies of cancelled checks. Reimbursement will not be made on these submittals until proof of payment is provided. Progress invoices submitted to MoDOT for reimbursement within thirty (30) calendar days of the date on the vendor invoice will be processed for reimbursement without proof of payment to the vendor. If the City has not paid the vendor prior to receiving reimbursement, the City must pay the vendor within two (2) business days of receipt of funds from MoDOT.

(19) PERMITS: The City shall secure any necessary approvals or permits from any federal or state agency as required for the completion of the herein improvements. If this improvement is on the right of way of the Commission, the City must secure a permit

from the Commission prior to the start of any work on the right of way. The permits which may be required include, but are not limited to, environmental, architectural, historical or cultural requirements of federal or state law or regulation.

(20) INSPECTION OF IMPROVEMENTS AND RECORDS: The City shall assure that representatives of the Commission and FHWA shall have the privilege of inspecting and reviewing the work being done by the City's contractor and subcontractor on the herein project. The City shall also assure that its contractor, and all subcontractors, if any, maintain all books, documents, papers and other evidence pertaining to costs incurred in connection with the Transportation Enhancement Program Agreement, and make such materials available at such contractor's office at all reasonable times at no charge during this Agreement period, and for three (3) years from the date of final payment under this Agreement, for inspection by the Commission, FHWA or any authorized representatives of the Federal Government and the State of Missouri, and copies shall be furnished, upon request, to authorized representatives of the Commission, State, FHWA, or other Federal agencies.

(21) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SERVICES: A person may offer to donate funds, materials or services in connection with this project. Any donated funds, or the fair market value of any donated materials or services that are accepted and incorporated into this project shall be credited according to 23 U.S.C. §323.

(22) DISADVANTAGED BUSINESS ENTERPRISES (DBE): The Commission will advise the City of any required goals for participation by disadvantaged business enterprises (DBEs) to be included in the City's proposal for the work to be performed. The City shall submit for Commission approval a DBE goal or plan. The City shall comply with the plan or goal that is approved by the Commission and all requirements of 49 C.F.R. Part 26, as amended.

(23) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(24) NOTICE TO BIDDERS: The City shall notify the prospective bidders that disadvantaged business enterprises shall be afforded full and affirmative opportunity to submit bids in response to the invitation and will not be discriminated against on grounds of race, color, sex, or national origin in consideration for an award.

(25) FINAL AUDIT: The Commission may, in its sole discretion, perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(26) AUDIT REQUIREMENTS: If the City expend(s) seven hundred fifty thousand dollars (\$750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A

copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars (\$750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(27) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this ____ day of _____, 20__.

Executed by the Commission this ____ day of _____, 20__.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

City of Independence

By _____

Title _____

Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title _____

Ordinance No _____

Exhibit A - Location of Project

Exhibit B – Project Schedule

Project Description: TAP-3379(444)

The Fairmount loop is a project providing multi-modal options to northwest Independence. This will include a multi-use trail on Ash Ave and on Kentucky Rd, and the resurfacing of the Fairmount trail. These will tie to the existing trail on Arlington St and proposed improvements on US 24.

Task	Date
Date funding is made available or allocated to recipient	5/1/2023
Solicitation for Professional Engineering Services (advertised)	7/1/2023
Engineering Services Contract Approved	10/1/2023
Preliminary and Right-of-Way Plans Submittal (if Applicable)	12/1/2024
Plans, Specifications & Estimate (PS&E) Submittal	5/1/2025
Plans, Specifications & Estimate (PS&E) Approval	8/1/2025
Advertisement for Letting	10/1/2025
Bid Opening	5/1/2026
Construction Contract Award or Planning Study completed (REQUIRED)	8/1/2026

*Note: the dates established in the schedule above will be used in the applicable ESC between the sponsor agency and consultant firm.

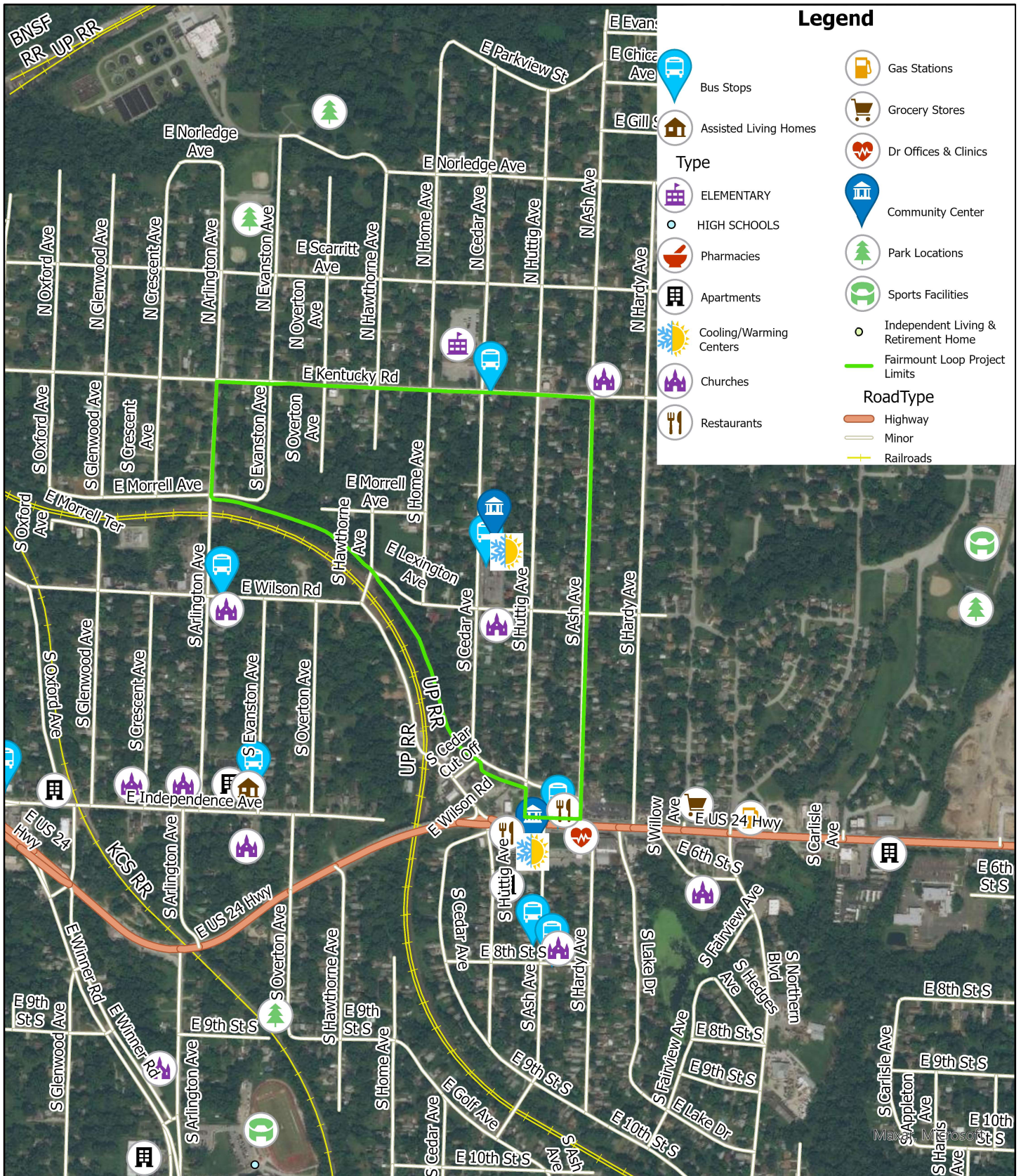
**Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and a Supplemental Agreement is required to modify this date.

Exhibit C - Required Contract Provisions
Federal-Aid Construction Contracts

DRAFTER'S NOTE: *Print Form 1273 from the following website and attach as Exhibit C <http://www.fhwa.dot.gov/programadmin/contracts/1273.pdf>.*

Fairmount Loop Project Limits

0 0.07 0.15 0.3 Miles



City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-087 **1R** An ordinance approving a rezoning from District C-2 (General Commercial) and R-6 (Single Family Residential) to R-6 (Single Family Residential) for the property at 15552 E. US 24 Highway. **1R**

Recommendations:

Commissioner Nesbitt made a motion to recommend approval of case 24-100-16, the rezoning of 15552 E. US 24 Highway. A second to the motion was made by Commissioner Ferguson. The Independence Planning Commission voted as follows:

Commissioner Ashbaugh – Yes

Commissioner Ferguson – Yes

Commissioner McClain – Yes

Commissioner Nesbitt – Yes

Commissioner O'Neill – Absent

Commissioner Torres – Yes

Commissioner Wiley – Yes

The motion was approved, and the application is forwarded to the City Council for its consideration. Staff recommends approval of this application.

Background:**PROPOSAL:**

The applicants seek to rezone the property at 15552 E. US 24 Highway from C-2 (General Commercial) and R-6 (Single-Family Residential) to R-6 (Single-Family Residential) so that they can again use the property as a residence.

PROPERTY HISTORY:

The residential lot, Lot 77 in W. B. Dickinson, was platted in October of 1949. The addition was annexed into the city in 1955. In 1965, it was zoned C-3 (Commercial). In 1980 the zoning was updated to be C-2 (General Commercial).

The property then had a legal unconfirming residential use and later a beauty salon along with the residential use. Due to Covid 19 (and the applicant not wanting to comply with partition and spacing expenses) she ceased her operations and decided to retire. Currently, there is not a commercial business on the property and the legal nonconfirming residential use has expired.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The internal layout of the old house is still mostly residential, although the entirety of the front yard is a paved surface. The great bulk of this property (much of which is already zoned R-6) is a deep backyard with some wooded area.

CHARACTERISTICS OF THE AREA:

The house sets on the west side of US 24 Highway about a half a block south the offices for the Mid-Continent library system. The area is largely commercial in nature, although many of the

properties are converted, old homes and the City's Comprehensive Plan envisions residential uses for the area. Ribbons of commercial zoning flank both sides of the corridor, but the rear of most properties are zoned R-6 (Single-Family Residential). A used car lot lies to the north and an automobile repair shop lies to the south. Across US 24 Highway is a shed dealership and a townhouse development owned in a condominium manner.

ANALYSIS:

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the Independence for All, Strategic Plan. One of the objectives of the plan is to "stabilize and revitalize neighborhoods."

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive Plan envisions the future land use of this property and the surrounding area to be Residential Neighborhoods.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present on the property and in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in this area.

REVIEW CRITERIA:

Recommendations and decisions on rezoning applications must be based on consideration of all of the following criteria.

1. Conformance of the requested zoning with the comprehensive plan.

The Comprehensive Plan envisions this area to be Residential Established Neighborhoods.

2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.

This property is not located within any subarea plan area.

3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.

The existing zoning and uses of the surrounding neighborhood are commercial, but the uses are not intense and many of the structures were built as residences.

4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.

The existing character of the vicinity is largely commercial, but their uses are not intense.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

With the current zoning in place, the existing single-family home is nonconforming. By rezoning the property to R-6, the applicant will be able to live in the house and at some future date, sell it as a conforming residence.

6. The length of time the subject property has remained vacant as zoned.

The property has been vacant since the rise of Covid.

7. The extent of which approving the rezoning will detrimentally affect nearby properties.

Rezoning this property to R-6 will not have a detrimental effect on the nearby properties. This is because the residential use will not be intrusive to the existing uses.

8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.

Denial of this zoning will inhibit the ability of the applicant to live in the structure and to get future building permits, mortgages and refinancing.

Draft Planning Commission minutes are attached to this Council agenda item.

Emergency Justification:

Fiscal Impact:

Council Action:

Department / Contact	Community Development /
---------------------------------	-------------------------

REVIEWERS

Tom Scannell
Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Draft Ordinance 24-100-16
2. Staff Report 24-100-16
3. Narrative
4. Application
5. Notification Letter
6. Address List
7. Notification Area Map
8. Affidavit
9. Aerial Image
10. Comp Plan Map
11. Zoning Map
12. Planning Commission Meeting Minutes 7-23-24

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REZONING FROM DISTRICT C-2 (GENERAL COMMERCIAL) AND R-6 (SINGLE FAMILY RESIDENTIAL) TO R-6 (SINGLE FAMILY RESIDENTIAL) FOR THE PROPERTY AT 15552 E. US 24 HIGHWAY.

WHEREAS, an application submitted by Robert and Carolyn Rogers requesting approval of a rezoning from District C-2 (General Commercial) and R-6 (Single-Family Residential) to R-6 (Single-Family Residential) for the property at 15552 E US 24 Highway was referred to the Planning Commission as required by the Unified Development Ordinance; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on July 23, 2024, and rendered a report to the City Council recommending the rezoning be approved by a vote of 6-0; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the rezoning was consistent with the review criteria in Section 14-701-02; and,

WHEREAS, no legal protests were signed, acknowledged, and presented for the application; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the rezoning of the said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the following legally described property is hereby rezoned from District C-2 (General Commercial) and R-6 (Single Family Residential) to District R-6 (Single-Family Residential) and shall be subject to the regulations of said district:

DICKINSONS W B; LOT 77

SECTION 2. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 3. Scrivener’s Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 4. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

MEETING DATE: July 23, 2024

STAFF: Brian Harker, Senior Planner

PROJECT NAME: Rezone from C-2 (General Commercial) & R-6 (Single-Family Residential) to R-6

CASE NUMBER/REQUEST: **Case 24-100-16 – Rezoning – 15552 E. US 24 Highway** – A request by Robert and Carolyn Rogers to rezone the subject property from C-2 (General Commercial) and R-6 (Single-Family Residential) to R-6 (Single-Family Residential).

APPLICANTS/OWNERS: Robert and Carolyn Rogers

PROPERTY ADDRESS: 15552 E. US 24 Highway

APPLICANTS/OWNERS' ADDRESS: 1718 N. Lake City Valley Road

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial) and R-6 (Single-Family Residential)...used car sales

South: C-2 (General Commercial) and R-6 (Single-Family Residential)...automotive repair

East: O-1 (Office-Residential) and C-2 (General Commercial)...multiple-family and sheds

West: R-6 (Single-Family Residential)...single-family residences

PUBLIC NOTICE

- Letters to property owners within 185 feet – July 5, 2024
- Public Notice published in the Independence Examiner – July 6, 2024
- Sign posted on property – July 5, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 19, 2024, and the public hearing/second reading on Sept 3, 2024.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Robert and Carolyn Rodgers to rezone the property from C-2 (General Commercial) and R-6 (Single-Family Residential) to R-6 (Single-Family Residential).

Current Zoning: C-2 (General Commercial) and R-6 (Single-Family Residential)

Proposed Zoning: R-6 (Single-Family Residential)

Prior to 1980: The C-2 zoning was C-3 (Commercial)

Current Use: Single-Family Home

Former Use: Beauty Shop

Proposed Use: Single-Family Home

Building Square Footage: 854-square feet

Lot Acreage: 1.01-acres

PROPOSAL:

The applicants seek to rezone the property at 15552 E. US 24 Highway from C-2 (General Commercial) and R-6 (Single-Family Residential) to R-6 (Single-Family Residential) so that they can again use the property as a residence.

PROPERTY HISTORY:

The residential lot, Lot 77 in W. B. Dickinson, was platted in October of 1949. The addition was annexed into the city in 1955. In 1965, it was zoned C-3 (Commercial). In 1980 the zoning was updated to be C-2 (General Commercial).

The property then had a legal unconfirming residential use and later a beauty salon along with the residential use. Due to Covid 19 (and the applicant not wanting to comply with partition and spacing expenses) she ceased her operations and decided to retire. Currently, there is not a commercial business on the property and the legal nonconforming residential use has expired.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The internal layout of the old house is still mostly residential, although the entirety of the front yard is a paved surface. The great bulk of this property (much of which is already zoned R-6) is a deep backyard with some wooded area.

CHARACTERISTICS OF THE AREA:

The house sets on the west side of US 24 Highway about a half a block south the offices for the Mid-Continent library system. The area is largely commercial in nature, although many of the properties are converted, old homes and the City's Comprehensive Plan envisions residential uses for the area. Ribbons of commercial zoning flank both sides of the corridor, but the rear of most properties are zoned R-6 (Single-Family Residential). A used car lot lies to the north and an automobile repair shop lies to the south. Across US 24 Highway is a shed dealership and a townhouse development owned in a condominium manner.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the *Independence for All*, Strategic Plan. One of the objectives of the plan is to "stabilize and revitalize neighborhoods."

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive Plan envisions the future land use of this property and the surrounding area to be Residential Neighborhoods.

Zoning:

Section 14-300-02 of the Unified Development Ordinance (UDO) outlines the purpose of Independence's zoning districts by stating that they "are intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain the desired physical

character of existing neighborhoods.” By rezoning this property to R-6 (Single-Family Residential), the zoning will match the structure’s design and nearby single-family uses.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on this property.

Public Utilities:

All utilities are present in on the property.

CIP Investments:

Currently there are no CIP investments along US 24 Highway; however, MoDOT has planned improvements envisioned.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

- 1. Conformance of the requested zoning with the comprehensive plan.**
The Comprehensive Plan envisions this area to be Residential Established Neighborhoods.
- 2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**
This property is not located within any subarea plan area.
- 3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.**
The existing zoning and uses of the surrounding neighborhood are commercial, but the uses are not intense and many of the structures were built as residences.
- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**
The existing character of the vicinity is largely commercial, but their uses are not intense.
- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**
With the current zoning in place, the existing single-family home is nonconforming. By rezoning the property to R-6, the applicant will be able to live in the house and at some future date, sell it as a conforming residence.
- 6. The length of time the subject property has remained vacant as zoned.**
The property has been vacant since the rise of Covid.
- 7. The extent of which approving the rezoning will detrimentally affect nearby properties.**
Rezoning this property to R-6 will not have a detrimental effect on the nearby properties. This is because the residential use will not be intrusive to the existing uses.

8. **The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, because of denial of the application.**

Denial of this zoning will inhibit the ability of the applicant to live in the structure and to get future building permits, mortgages and refinancing.

- 9.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Mailing List
5. Notice Area Map
6. Affidavit
7. Aerial Image
8. Comp Plan Map
9. Zoning Map

June 5, 2024

I, Carolyn Rogers used 15552 E. US 24 Hwy.
as a Beauticians spot. I had my little
business under Commercial.

Due to Covid 19 and not wanting to comply
with partician and spacing expenses I ceased
operation and decided to retire.

I am requesting zoning to be 100% Residential.

Carolyn S Rogers
June 5, 2024

Application Type (check all that apply)

Land Use	Land Subdivision	Site Development	Use Permit	Other
☒ Rezoning ☐ PUD Rezoning	☐ Preliminary Plat ☐ Final Plat ☐ Minor Subdivision	☐ Final Site Plan ☐ Preliminary Dev Plan ☐ Final Dev Plan (PUD)	☐ Special Use ☐ Homebased Business ☐ Short-Term Rental	☐ Admin. Adjustment ☐ Variance ☐ Street Name Change ☐ Special Sign Permit

Project Information and Location

Project Name

15552 E. US 24 Highway

Project Address/Location

Sq. Ft. of Building

C2nd R6

Acreage

R6

Number of Lots/Tracts

1 HOUSE

Stream Buffer (Yes or No)

HOUSE No

Existing Zoning

Proposed Zoning

Existing Land Use

Proposed Land Use

Basic Application Requirements (See the Planning & Zoning Application Guide for additional requirements)

☐ Completed & Signed Application Form	☐ One 24" x 36" set of plans for Land Sub. & Site Dev.
☐ Application Fee	☐ One PDF copy of a plat map or site plan
☐ Cover Letter Describing Details of Project	☐ Legal Description of the property in question

Contact Information

Applicant

ROBERT L., Carolyn S. Rogers

Owner

Name Company

155 1718 N. Lake City Valley Rd Buckner, MO 64016

Address

816-461-6822 ranchr888@gmail.com

Phone

Email

Address

Phone

Email

Architect/Engineer/Surveyor/Other:

Architect/Engineer/Surveyor/Other:

Name

Company

Name

Company

Address

Address

Phone

Email

Phone

Email

The applicant hereby agrees that the information provided above is accurate.

Carolyn S. Rogers
Applicant's Signature

Date

Same
Owner's Signature

Date

Appendix B - Property Owner Notification Letter

City of Independence, Missouri

Date: July 5, 2024

Case No. 24-100-16

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration by the Planning Commission and City Council. A full public hearing will be held by the Planning Commission and the City Council will consider new information on the dates and times below.

Proposed Case Type (Check One):

- ☒ Rezoning ☐ Rezoning/PUD ☐ Special Use Permit
☐ Preliminary Development Plan

Proposed project description: Rezone property from C-2
(General Commercial) and R-6 (Single-Family) to R-6 (Single-Family)

Applicant: Carolyn Rogers

Location of Property: 15552 E. US 24 Highway

Planning Commission Meeting Date: July 23, 2024, at 6:00 p.m.

City Council Meeting Date: Sept 3, 2024, at 6:00 p.m.

Location of public hearings: City Council Chambers, City Hall
111 E Maple Ave, Independence, Missouri, 64050

All interested persons are invited to attend and will have an opportunity to be heard at the full public hearing (Planning Commission).

REZONINGS ONLY: You may file a protest petition with the Community Development Department. For more information or to get copies of a petition, please contact Planning staff at 816-325-7421.

Carolyn Rogers *Thank you!*
Applicant (or Owner/Agent)

For more information, contact the Community Development Department at 816-325-7421.

AutoSave **On** Address_List - Compatibility Mode • Saved to this PC • Brian Harker

File Home Insert Page Layout Formulas Data Review View Automate Help Laserfiche Comments Share

Clipboard Font Alignment Number Styles Cells Editing Sensitivity Add-ins

B26

	A	B	C	D	E	F	G
1	Owner	Address	City	State	Zip Code		
2	WOODWIND TOWNHOMES ASSOCIATION	229 WARD PKWY UNIT 303B	KANSAS CITY	MO	64112		
3	GARCIGA JULIO CESAR	1304 SE PRINCETON PL	LEES SUMMIT	MO	64081		
4	HAMLIN ANTOINE ALEXANDER	7902 E 89TH ST	KANSAS CITY	MO	64138		
5	WALTER JOHN DOUGLAS & SUSAN JANE	116 S PLEASANT	INDEPENDENCE	MO	64050		
6	DR MORTGAGE LIMITED LLC	2601 AIRPORT DR STE 290	TORRANCE	CA	90505		
7	DR MORTGAGE LIMITED LLC	2601 AIRPORT DR 290	TORRANCE	CA	90505		
8	WOODWIND TOWNHOMES ASSOCIATION	15609 E US 24 HWY	INDEPENDENCE	MO	64050		
9	HOLMQUEST JAMES S & DEBORA K	15413 MAYES RD	INDEPENDENCE	MO	64050		
10	ROGERS ROBERT L & CAROLYN S	1718 N LAKE CITY VALLEY RD	BUCKNER	MO	64016		
11	DR MORTGAGE LIMITED LLC	2601 AIRPORT DR 290	TORRANCE	CA	90505		
12	PETTY ELMER L	15411 MAYES RD	INDEPENDENCE	MO	64050		
13	BROWN JAMES M	12210 LYNDEL CIR	INDEPENDENCE	MO	64052		
14	AYLER DEBORAH K	15503 MAYES RD	INDEPENDENCE	MO	64050		
15	MCBEE PROPERTIES LC	1203 E US 24 HWY	INDEPENDENCE	MO	64050		
16	GILLEN GERALD A & A KATHER	15615 E US 24 HWY	INDEPENDENCE	MO	64050		
17	CONSOLIDATED LIBRARY DISTRICT NO 3	15616 E US 24 HWY	INDEPENDENCE	MO	64050		
18	RAMOS PROPERTIES LLC	111 E MAPLE AVE	INDEPENDENCE	MO	64050		
19	CAPELL WESTERN L	741 E WALNUT	INDEPENDENCE	MO	64050		

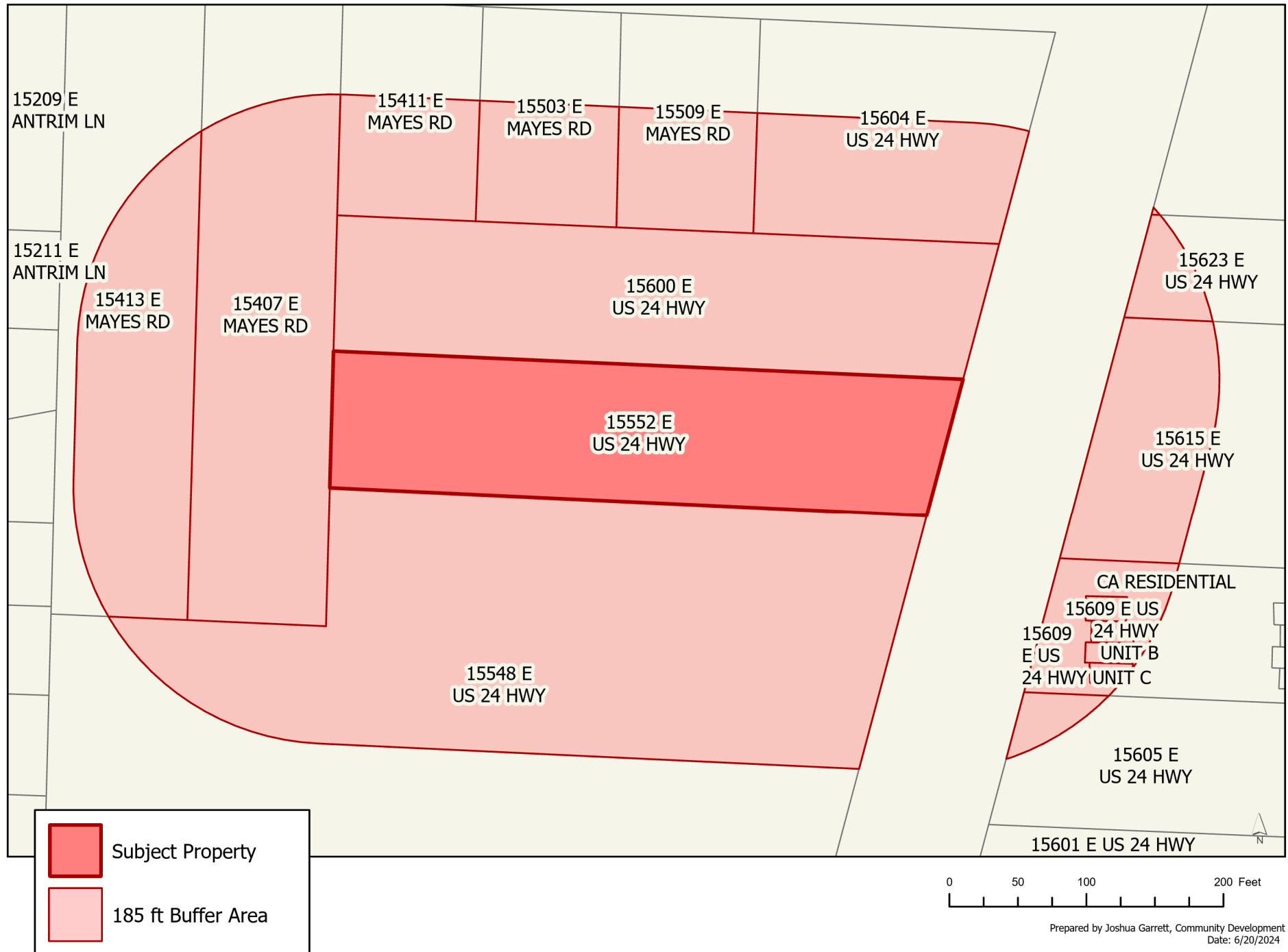
24-100-16_Clip.shp

Ready Accessibility: Unavailable Display Settings 100%

Notification Area

24-100-16

15552 E US 24 Hwy, Independence, MO 64050



Appendix C - Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 24-100-16

I, Carolyn Rogers, of lawful age being first duly sworn upon oath, state:

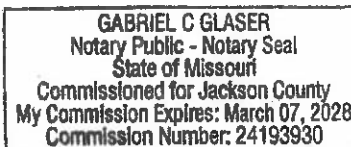
That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Planning Commission, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

These notices were mailed on the 5th day of July, 2024.

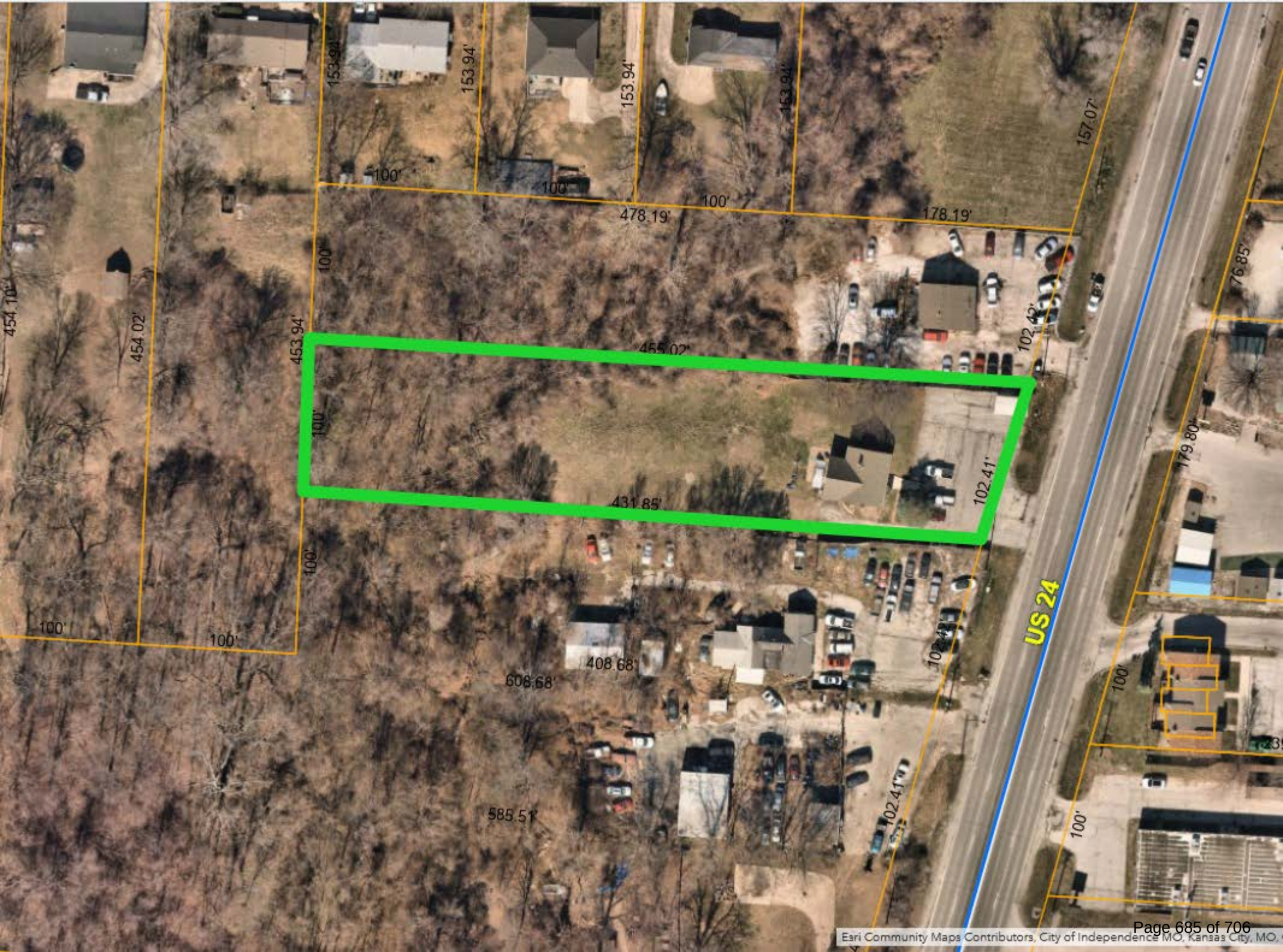
Carolyn Rogers
Signature of Agent, Owner or Attorney

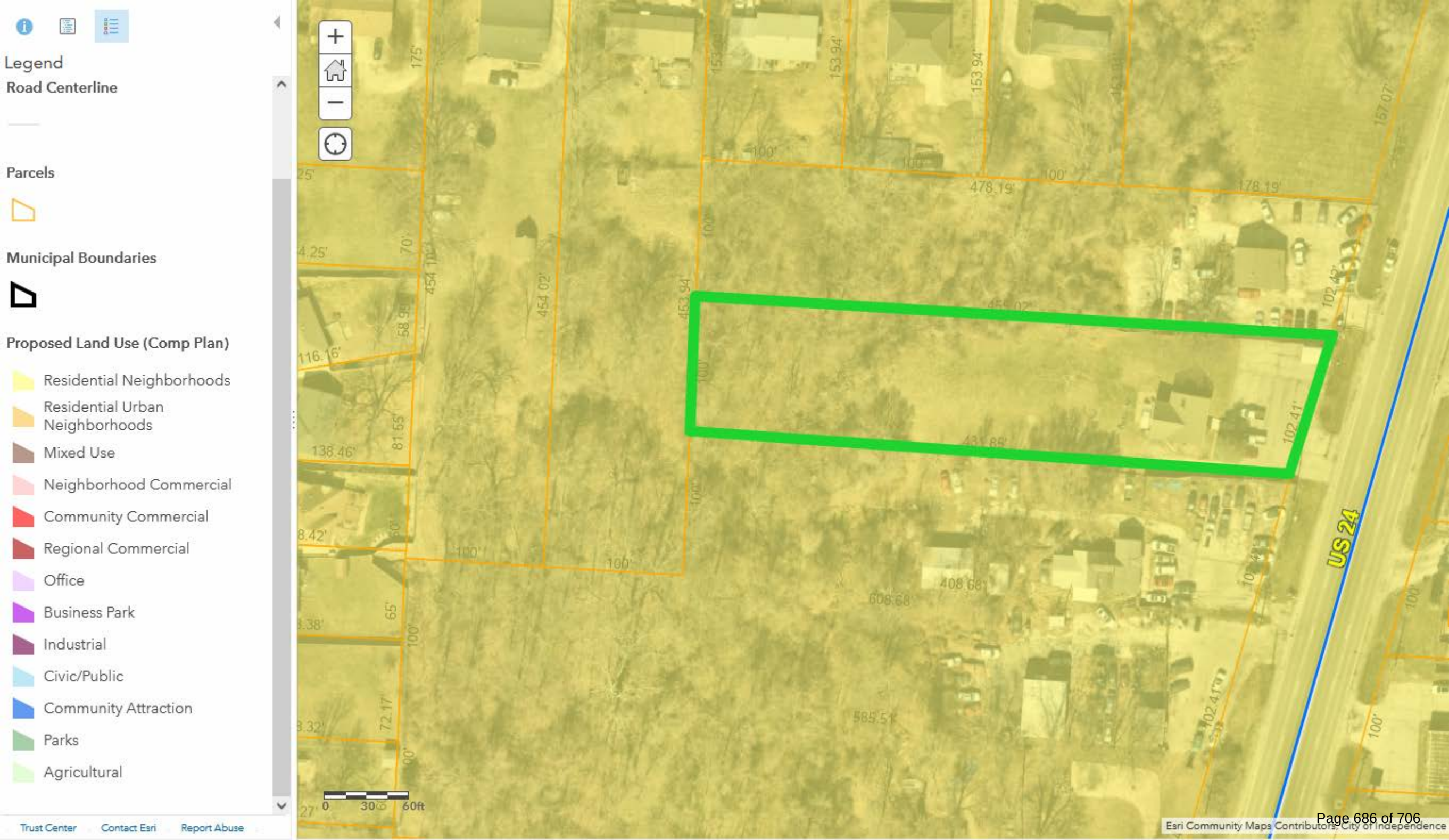
Subscribed and sworn to before me this 12 day of July, 2024.

Gabriel C Glaser
Notary Public



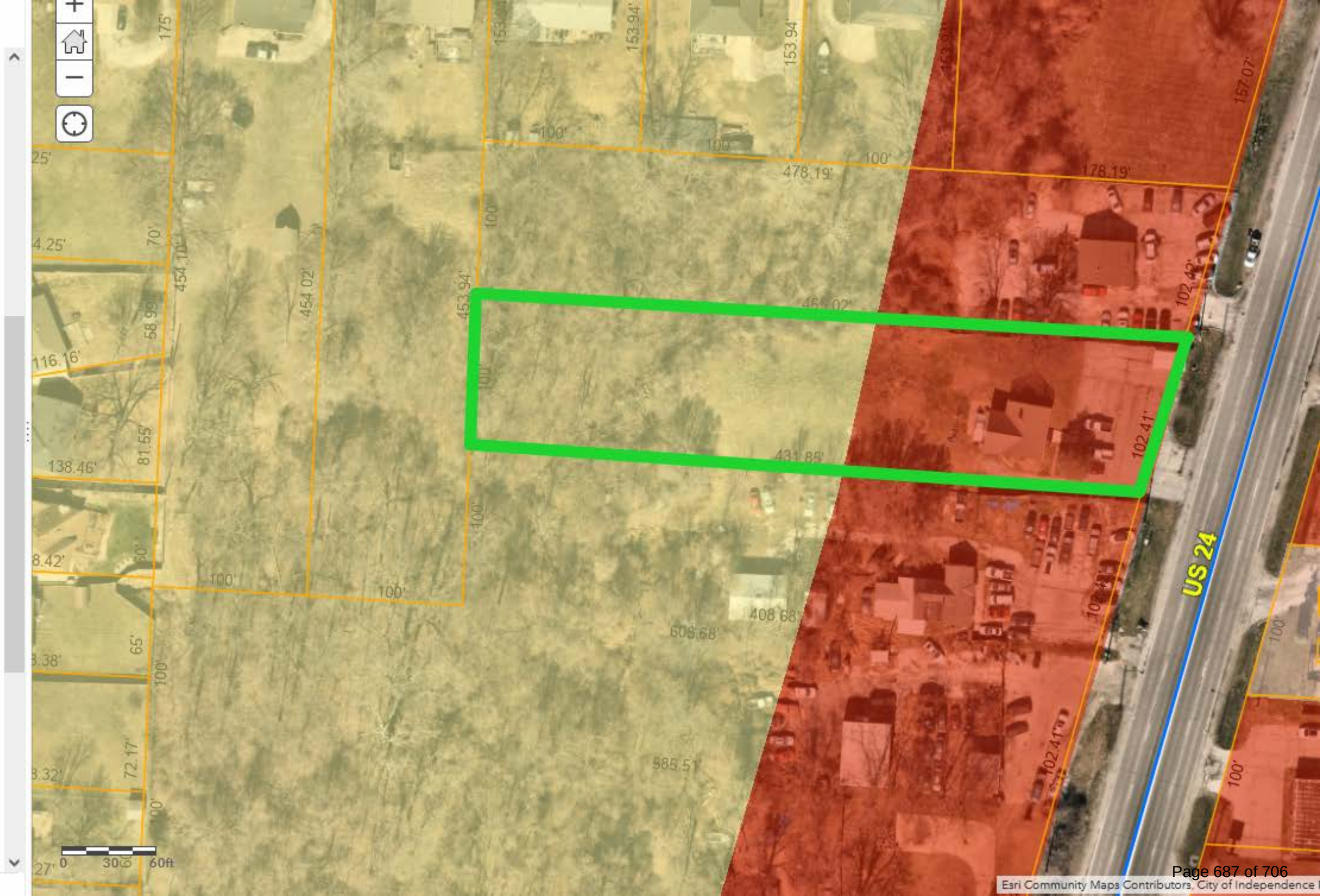
03/07/2028
Commission Expiration Date





Legend

- C-1
- C-2
- C-2/HL
- C-2/I-1/U
- C-2/PUD
- C-2/SUP
- C-3
- C-3/SUP
- DFD
- I-1
- I-1/HL
- I-1/SUP
- I-1/U
- I-2
- O-1
- O-1/PUD
- R-1
- R-12
- R-12/HL
- R-12/PUD
- R-18/PUD
- R-2
- R-2/PUD





Planning Commission Minutes

July 23, 2024 6:00 PM

City Hall, 111 E. Maple Avenue (Ground Floor), Council Chambers

CALL TO ORDER

A meeting of the Planning Commission was held at 6:00 PM on 7/23/2024, in the 111 E Maple Ave City Council Chambers, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Laurie Dean Wiley, Eric Ashbaugh, Edward Nesbitt, Cindy McClain, Virginia Ferguson, Jose Torres. Absent - Dan O'Neill.

CONSENT AGENDA

The Consent Agenda consists of routine items of business to be acted upon by the Planning Commission with little or no public discussion. The staff or committee recommendation for each item is included in the Planning Commission packet. Any item may be removed by a commissioner or staff member to become part of the regular agenda.

Motion

Commissioner Laurie Dean Wiley made a motion to approve the Consent Agenda.

Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

1. Planning Commission Minutes – June 25, 2024 and July 9, 2024

NOTE OF CASES WITHDRAWN

1. **Continued Case 24-200-05 – Special Use Permit – 4503 S. Chrysler Ave** – A request by Suita Diaz-Dawson to operate a Bed & Breakfast.
2. **Case 24-100-15 – Rezoning – 11222 E. Winner Road** – A request by Cheri Beavers to

rezone the property from R-6 (Single Family Residential) to R-12 (Two Family Residential).

CASE TO BE CONTINUED - STAFF RECOMMENDS THIS CASE BE CONTINUED TO THE AUGUST 13, 2024 MEETING.

1. **Case 24-125-07 – Rezoning/PUD – Jackson Drive & R. D. Mize Road** – A request by Jim Pollard to rezone the property from C-2 (General Commercial) and R-6 (Single Family Residential) to C-2 (General Commercial) and R-12/PUD (Two-Family Residential/Planned Unit Development) and approving a preliminary development plan.

Motion

Commissioner Edward Nesbitt made a motion to continue the case to August 13, 2024.

Commissioner Laurie Dean Wiley seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

2. **Case 24-125-08 – Rezoning – 2710 S. Westport Road** – A request by Rosemary Hoover to rezone the property from R-6 (Single Family Residential) to R-6/PUD (Single Family Residential/Planned Unit Development) and approve a preliminary development plan.

Motion

Commissioner Laurie Dean Wiley made a motion to continue the case to August 13, 2024.

Commissioner Edward Nesbitt seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

PUBLIC HEARING

1. **Case 24-100-16 – Rezoning – 15552 E. US 24 Highway** – A request by Robert and Carolyn Rogers to rezone the property from C-2 (General Commercial) and R-6 (Single Family Residential) to R-6 (Single Family Residential).

Staff Presentation

Josh Garrett presented the case. Mr. Garrett presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses.

Applicant Comments

Melanie Rogers, 15552 E. US 24 Highway, stated her mother owns the property. She gave a history on the property and said her mother used to be a hairdresser and used this property for her business. Ms. Rogers said she started living at this property and they no longer plan to use this property for business purposes.

In response to Commissioner Nesbitt's question, Mr. Arroyo said staff can work with Ms. Rogers on if the carport is allowed to stay or be moved to another part of the property.

In response to Commissioner Wiley's question, Mr. Garrett stated the zoning code does not

allow more than 40% of a paved yard, but if approved, this property would be grandfathered in.

Public Comments

No public comments.

Motion

Commissioner Edward Nesbitt made a motion to approve the case. Commissioner Virginia Ferguson seconded the motion. The motion was approved Yes 6, No 0, Abstained 0.

**ROUNDTABLE - PLANNING COMMISSION ESSENTIALS MARC TRAINING & NEXT MEETING
AUGUST 13, 2024**

Mr. Arroyo outlined upcoming Planning Commission training available for Commissioners.

Mr. Arroyo announced Planner Josh Garrett has taken a new position and this will be his last meeting. Commissioners and Mr. Arroyo thanked Mr. Garrett for his service and wished him well in his new position.

ADJOURNMENT

The meeting was adjourned at 6:32 p.m.

City of Independence

AGENDA ITEM COVER SHEET

Agenda Title:

24-088 **1R** An Ordinance adding a new Article 5, Legal Description, to the Independence City Code, Chapter 10. **1R**

Recommendations:**Background:****Emergency Justification:****Fiscal Impact:****Council Action:**

**Department /
Contact**

Council and Board /

REVIEWERS

Jeremy Cover
Zachary Walker
Susanne Holland

ATTACHMENTS:

1. Ordinance - Legal Descriptions

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ADDING A NEW ARTICLE 5, LEGAL DESCRIPTION, TO
INDEPENDENCE CITY CODE CHAPTER 10.

WHEREAS, on August 5, 2024, qualified voters of the City of Independence approved Charter Amendment Question 1, which removes the City legal description and City Council district legal descriptions from the Charter; and

WHEREAS, the City Council desires to add the City legal description and City Council district legal descriptions into the Independence City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
INDEPENDENCE, MISSOURI, AS FOLLOWS:

Section 1. The Code of Ordinances of the City of Independence Chapter 10 shall be amended to include a new Article 5, Legal Descriptions, to read as follows:

Chapter 10 – GENERAL AND MISCELLANEOUS PROVISIONS
ARTICLE 5. – LEGAL DESCRIPTIONS

Section 10.05.001. – City boundary legal description.

The boundaries of the City of Independence shall be as follows:

[INSERT DESCRIPTION]

Section 10.05.002. – City Council district legal description.

The City is hereby divided by a line running generally north and south described as follows:

Beginning at a point on the south City limits of the City of Independence, Missouri, at the centerline of Lee's Summit Road; thence northerly along the centerline of Lee's Summit Road to its intersection with the centerline of 39th Street; thence westerly along the centerline of 39th Street to its intersection with the centerline of Haden Drive; thence northerly along the centerline of Haden Drive to its intersection with the centerline of 35th Street; thence westerly along the centerline of 35th Street to its intersection with the centerline of Leslie Avenue; thence northerly along the centerline of Leslie Avenue to its intersection with 34th Street; thence westerly along the centerline of 34th Street to its intersection with Emery Avenue; thence northerly along the centerline of Emery Avenue to its intersection with 33rd Street; thence westerly along the centerline of 33rd Street to its intersection with Hocker Avenue; thence northerly along the centerline of Hocker Avenue to its intersection with 32nd Street; thence westerly along the centerline of 32nd Street to its intersection with Noland Road; thence northerly along the centerline of Noland Road to its intersection with Pacific Avenue; thence easterly along the centerline of Pacific Avenue to its intersection with Hocker Avenue; thence northerly along the centerline of Hocker Avenue to its intersection with Lexington Avenue; thence easterly along the centerline of Lexington

Avenue to its intersection with Rogers Avenue; thence northerly along the centerline of Rogers Avenue to its intersection with Truman Road; thence easterly along the centerline of Truman Road to its intersection with Kiger Road; thence northerly along the centerline of Kiger Road to its intersection with US 24 Hwy; thence northeasterly along the centerline of US 24 Hwy to its intersection with Salisbury Road; thence easterly along the centerline of Salisbury Road to its intersection with M-291 Hwy; thence northerly along the centerline of M-291 Hwy to its intersection with the north City limits of the City of Independence, Missouri.

That part of the City lying west of the line above described shall be and is hereby divided by a line running generally east and west described as follows:

Beginning at a point on the centerline of 23rd Street (Missouri 78 Highway) at its intersection with Noland Road; thence westerly along the centerline of 23rd Street (Missouri 78 Highway) to a point at the west city limits of the City of Independence, Missouri.

That part of the City lying east of the north-south line first described shall be and hereby is divided by a line running generally east and west described as follows:

Beginning at a point on the centerline of 23rd Street (Missouri 78 Highway) at its intersection with the centerline of Noland Road; thence easterly along the centerline of 23rd Street (Missouri 78 Highway) to its intersection with the centerline of Missouri 291 Highway; thence continuing easterly along the centerline of 23rd Street (Missouri 78 Highway) (Lake City Buckner Road) to its intersection with the centerline of Swope Drive; thence southerly along the centerline of Swope Drive to its intersection with Holke Road; thence easterly along the centerline of Holke Road to its intersection with Ringo Road; thence southerly along the centerline of Ringo Road to its intersection with Ringo Road; thence southeasterly along the centerline of Ringo Road to its intersection with Ringo Circle; thence southerly along the centerline of Ringo Circle to its intersection with Ringo Road; thence southerly along the centerline of Ringo Road to its intersection with R D Mize Road; thence easterly along the centerline of R D Mize Road to its intersection with Eureka Road; thence easterly along the centerline of Eureka Road to its intersection with Crenshaw Road; thence northerly along the centerline of Crenshaw Road to its intersection with Strode Road; thence easterly along the centerline of Strode Road to its intersection with M-7 Hwy; thence northerly along the centerline of M-7 Hwy to its intersection with Argo Road; thence easterly along the centerline of Argo Road to its intersection with the City limit line of the City of Independence, Missouri.

That part of the City lying in the quadrant thus created in the northwest part of the City shall be known as District 1; that part lying in the northeast part of the City shall be known as District 2; that part lying in the southeast part of the City shall be known as District 3; and that part lying in the southwest part of the City shall be known as District 4.

Section 2. This Ordinance shall be in full force and effect from and after passage.

Section 3. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 4. The City Clerk is hereby authorized to correct any scriveners' errors contained herein or made in amending the City Code.

PASSED THIS ____ DAY OF _____, 20____, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

MUNICIPAL DIVISION SUMMARY REPORTING FORM

Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.

<u>I. COURT INFORMATION</u>		Municipality: Independence Municipal	Reporting Period: May 1, 2024 - May 31, 2024
Mailing Address: 111 EAST MAPLE, INDEPENDENCE, MO 64050			
Physical Address: 111 EAST MAPLE, INDEPENDENCE, MO 64050		County: Jackson County	Circuit: 16
Telephone Number:		Fax Number:	
Prepared by: Natalie Tann		E-mail Address:	
Municipal Judge:			
<u>II. MONTHLY CASELOAD INFORMATION</u>			
	Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance
A. Cases (citations/informations) pending at start of month	290	13,444	6,163
B. Cases (citations/informations) filed	12	1,307	371
C. Cases (citations/informations) disposed			
1. jury trial (Springfield, Jefferson County, and St. Louis County only)	0	0	0
2. court/bench trial - GUILTY	0	3	14
3. court/bench trial - NOT GUILTY	0	0	2
4. plea of GUILTY in court	15	785	119
5. Violations Bureau Citations (i.e. written plea of guilty) and bond forfeiture by court order (as payment of fines/costs)	0	362	0
6. dismissed by court	1	55	40
7. <i>nolle prosequi</i>	1	79	34
8. certified for jury trial (not heard in Municipal Division)	1	0	4
9. TOTAL CASE DISPOSITIONS	18	1,284	213
D. Cases (citations/informations) pending at end of month [pending caseload = (A+B)-C9]	284	13,467	6,321
E. Trial de Novo and/or appeal applications filed	1	0	4
<u>III. WARRANT INFORMATION (pre- & post-disposition)</u>			
1. # Issued during reporting period		1,229	
2. # Served/withdrawn during reporting period		396	
3. # Outstanding at end of reporting period		13,276	
<u>IV. PARKING TICKETS</u>			
1. # Issued during period		0	
☐ Court staff does not process parking tickets			

MUNICIPAL DIVISION SUMMARY REPORTING FORM

COURT INFORMATION	Municipality: Independence Municipal	Reporting Period: May 1, 2024 - May 31, 2024
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V. DISBURSEMENTS			
Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)		Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.	
Fines - Excess Revenue	\$123,805.25	Court Automation	\$8,462.26
Clerk Fee - Excess Revenue	\$12,060.65	Law Enf Arrest-Local	\$2,286.50
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Excess Revenue	\$371.86	Total Other Disbursements	\$10,748.76
Bond forfeitures (paid to city) - Excess Revenue	\$330.00	Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$204,525.75
Total Excess Revenue	\$136,567.76	Bond Refunds	\$10,794.50
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)		Total Disbursements	\$215,320.25
Fines - Other	\$29,192.75		
Clerk Fee - Other	\$2,446.03		
Judicial Education Fund (JEF) ☐ Court does not retain funds for JEF	\$0.00		
Peace Officer Standards and Training (POST) Commission surcharge	\$1,208.88		
Crime Victims Compensation (CVC) Fund surcharge - Paid to State	\$8,619.40		
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Other	\$75.42		
Law Enforcement Training (LET) Fund surcharge	\$2,416.00		
Domestic Violence Shelter surcharge	\$4,827.75		
Inmate Prisoner Detainee Security Fund surcharge	\$2,413.00		
Restitution	\$0.00		
Parking ticket revenue (including penalties)	\$0.00		
Bond forfeitures (paid to city) - Other	\$6,010.00		
Total Other Revenue	\$57,209.23		

Municipal Division Summary Reporting

16th Judicial Circuit - Jackson County - Independence Municipal Division

COURT INFORMATION

Reporting Period:		
May	2024	Court activity occurred in reporting period: Yes
Clerk's Physical Address:	Mailing Address:	Vendor
111 East Maple Independence, MO 64051	PO Box 1019 Independence, MO 64051	Encode (Tyler Technologies)
Telephone Number:	Fax Number:	
(816) 325-7235		
Prepared by:	Prepared by E-mail Address:	Municipal Judge(s) Active During Reporting Period:
Dawna Cordon	dawna.cordon@courts.mo.gov	Garry L. Helm, Susan G. Watkins

II. MONTHLY CASELOAD INFORMATION	Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance
A. Cases (citations / informations) pending at start of month	8,630	82,043	45,909
B. Cases (citations / informations) filed	0	0	1
C. Cases (citations / informations) disposed			
1. jury trial (Springfield, Jefferson County, and St. Louis County only)	0	0	0
2. court / bench trial - GUILTY	0	0	0
3. court / bench trial - NOT GUILTY	0	0	0
4. plea of GUILTY in court	0	0	0
5. violations Bureau Citations (i.e., written plea of guilty) and bond forfeitures by court order (as payment of fines / costs)	1	134	45
6. dismissed by court	0	0	9
7. nolle prosequi	0	10	6
8. certified for jury trial (not heard in the Municipal Division)	0	0	0
9. TOTAL CASE DISPOSITIONS	1	144	60
D. Cases (citations / informations) pending at end of month [pending caseload = (A + B) – C9]	8,629	81,899	45,850
E. Trial de Novo and / or appeal applications filed	0	0	1

Municipal Division Summary Reporting

Court Information	Municipality: 16th Judicial Circuit - Jackson County - Independence Municipal Division	Reporting Period: May - 2024
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III. WARRANT INFORMATION (pre- & post-disposition)		IV. PARKING TICKETS	
1. # Issued during reporting period:	372	Does court staff process parking tickets? Yes	
2. # Served/withdrawn during reporting period:	756	1. # Issued during reporting period:	0
3. # Outstanding at end of reporting period:	41,055		

V. DISBURSEMENTS	
Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)	
Fines – Excess Revenue	\$6,938.00
Clerk Fee – Excess Revenue	\$812.00
Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Excess Revenue	\$0.00
Bond forfeitures (paid to city) – Excess Revenue	\$480.00
Total Excess Revenue	\$8,230.00
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)	
Fines – Other	\$14,660.20
Clerk Fee – Other	\$984.50
Judicial Education Fund (JEF) Court does not retain funds for JEF: Yes	\$2.00
Peace Officer Standards and Training (POST) Commission surcharge	\$126.00
Crime Victims Compensation (CVC) Fund surcharge – Paid to State	\$888.38
Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Other	\$0.00
Law Enforcement Training (LET) Fund surcharge	\$250.00
Domestic Violence Shelter surcharge	\$496.00
Inmate Prisoner Detainee Security Fund surcharge	\$252.00
Restitution	\$0.00
Parking ticket revenue (including penalties)	\$0.00
Bond forfeitures (paid to city) – Other	\$1,120.00
Total Other Revenue	\$18,777.08
Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.	
Copies, certified copies and records checks	\$88.00
Total Other Disbursements	\$88.00
Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$27,095.08
Bond Refunds	\$2,572.50
Total Disbursements	\$29,667.58

Municipal Division Summary Reporting

16th Judicial Circuit - Jackson County - Independence Municipal Division

COURT INFORMATION

Reporting Period:		
June	2024	Court activity occurred in reporting period: Yes
Clerk's Physical Address:	Mailing Address:	Vendor
111 East Maple Independence, MO 64051	PO Box 1019 Independence, MO 64051	Incode (Tyler Technologies)
Telephone Number:	Fax Number:	
(816) 325-7235		
Prepared by:	Prepared by E-mail Address:	Municipal Judge(s) Active During Reporting Period:
Dawna Cordon	dawna.cordon@courts.mo.gov	Garry L. Helm, Susan G. Watkins

II. MONTHLY CASELOAD INFORMATION	Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance
A. Cases (citations / informations) pending at start of month	8,629	81,899	45,850
B. Cases (citations / informations) filed	0	0	0
C. Cases (citations / informations) disposed			
1. jury trial (Springfield, Jefferson County, and St. Louis County only)	0	0	0
2. court / bench trial - GUILTY	0	0	0
3. court / bench trial - NOT GUILTY	0	0	0
4. plea of GUILTY in court	0	0	0
5. violations Bureau Citations (i.e., written plea of guilty) and bond forfeitures by court order (as payment of fines / costs)	2	119	77
6. dismissed by court	0	0	8
7. nolle prosequi	0	10	5
8. certified for jury trial (not heard in the Municipal Division)	0	0	0
9. TOTAL CASE DISPOSITIONS	2	129	90
D. Cases (citations / informations) pending at end of month [pending caseload = (A + B) - C9]	8,627	81,770	45,760
E. Trial de Novo and / or appeal applications filed	0	0	0

Municipal Division Summary Reporting

Court Information	Municipality: 16th Judicial Circuit - Jackson County - Independence Municipal Division	Reporting Period: June - 2024
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III. WARRANT INFORMATION (pre- & post-disposition)		IV. PARKING TICKETS	
1. # Issued during reporting period:	416	Does court staff process parking tickets? Yes	
2. # Served/withdrawn during reporting period:	684	1. # Issued during reporting period:	0
3. # Outstanding at end of reporting period:	40,787		

V. DISBURSEMENTS	
Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)	
Fines - Excess Revenue	\$6,942.00
Clerk Fee - Excess Revenue	\$833.00
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Excess Revenue	\$0.00
Bond forfeitures (paid to city) - Excess Revenue	\$540.00
Total Excess Revenue	\$8,315.00
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)	
Fines - Other	\$11,032.13
Clerk Fee - Other	\$720.50
Judicial Education Fund (JEF) Court does not retain funds for JEF: Yes	\$2.39
Peace Officer Standards and Training (POST) Commission surcharge	\$125.00
Crime Victims Compensation (CVC) Fund surcharge - Paid to State	\$913.12
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Other	\$0.00
Law Enforcement Training (LET) Fund surcharge	\$262.00
Domestic Violence Shelter surcharge	\$500.13
Inmate Prisoner Detainee Security Fund surcharge	\$250.00
Restitution	\$0.00
Parking ticket revenue (including penalties)	\$0.00
Bond forfeitures (paid to city) - Other	\$2,140.00
Total Other Revenue	\$0.00
Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.	
Copies, certified copies, records checks	\$139.00
Total Other Disbursements	\$139.00
Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$24,396.88
Bond Refunds	\$1,850.00
Total Disbursements	\$26,246.88

MUNICIPAL DIVISION SUMMARY REPORTING FORM

Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.

<u>I. COURT INFORMATION</u>		Municipality: Independence Municipal		Reporting Period: Jun 1, 2024 - Jul 15, 2024	
Mailing Address: 111 EAST MAPLE, INDEPENDENCE, MO 64050					
Physical Address: 111 EAST MAPLE, INDEPENDENCE, MO 64050				County: Jackson County	
Telephone Number:		Fax Number:			
Prepared by: Natalie Tann		E-mail Address:			
Municipal Judge:					
<u>II. MONTHLY CASELOAD INFORMATION</u>					
		Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance	
A. Cases (citations/informations) pending at start of month		311	14,494	6,374	
B. Cases (citations/informations) filed		14	1,582	474	
C. Cases (citations/informations) disposed					
1. jury trial (Springfield, Jefferson County, and St. Louis County only)		0	0	1	
2. court/bench trial - GUILTY		0	7	28	
3. court/bench trial - NOT GUILTY		0	9	4	
4. plea of GUILTY in court		22	854	225	
5. Violations Bureau Citations (i.e. written plea of guilty) and bond forfeiture by court order (as payment of fines/costs)		1	484	3	
6. dismissed by court		7	66	60	
7. <i>nolle prosequi</i>		1	91	42	
8. certified for jury trial (not heard in Municipal Division)		0	1	2	
9. TOTAL CASE DISPOSITIONS		31	1,513	365	
D. Cases (citations/informations) pending at end of month [pending caseload = (A+B)-C9]		294	14,563	6,483	
E. Trial de Novo and/or appeal applications filed		0	1	2	
<u>III. WARRANT INFORMATION (pre- & post-disposition)</u>					
1. # Issued during reporting period		1,659	1. # Issued during period		
2. # Served/withdrawn during reporting period		585	☐ Court staff does not process parking tickets		
3. # Outstanding at end of reporting period		14,315			
<u>IV. PARKING TICKETS</u>					

MUNICIPAL DIVISION SUMMARY REPORTING FORM

COURT INFORMATION	Municipality: Independence Municipal	Reporting Period: Jun 1, 2024 - Jul 15, 2024
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<u>V. DISBURSEMENTS</u>			
Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)		Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.	
Fines - Excess Revenue	\$122,960.50	Bad Check Fee	\$25.00
Clerk Fee - Excess Revenue	\$12,996.44	Court Automation	\$9,738.25
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Excess Revenue	\$400.73	Law Enf Arrest-Local	\$1,890.00
Bond forfeitures (paid to city) - Excess Revenue	\$625.00	Total Other Disbursements	\$11,653.25
Total Excess Revenue	\$136,982.67	Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$222,293.50
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)		Bond Refunds	\$46,133.50
		Total Disbursements	\$268,427.00
Fines - Other	\$40,583.00		
Clerk Fee - Other	\$3,697.75		
Judicial Education Fund (JEF) ☐ Court does not retain funds for JEF	\$0.00		
Peace Officer Standards and Training (POST) Commission surcharge	\$1,391.20		
Crime Victims Compensation (CVC) Fund surcharge - Paid to State	\$9,919.12		
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Other	\$114.01		
Law Enforcement Training (LET) Fund surcharge	\$2,774.00		
Domestic Violence Shelter surcharge	\$5,535.00		
Inmate Prisoner Detainee Security Fund surcharge	\$2,771.00		
Restitution	\$0.00		
Parking ticket revenue (including penalties)	\$0.00		
Bond forfeitures (paid to city) - Other	\$6,872.50		
Total Other Revenue	\$73,657.58		

Municipal Division Summary Reporting

16th Judicial Circuit - Jackson County - Independence Municipal Division

I. COURT INFORMATION

Reporting Period:		
July	2024	Court activity occurred in reporting period: Yes
Clerk's Physical Address:	Mailing Address:	Vendor
111 East Maple Independence, MO 64051	PO Box 1019 Independence, MO 64051	Incode (Tyler Technologies)
Telephone Number:	Fax Number:	
(816) 325-7235		
Prepared by:	Prepared by E-mail Address:	Municipal Judge(s) Active During Reporting Period:
Dawna Cordon	dawna.cordon@courts.mo.gov	Garry L. Helm, Susan G. Watkins

II. MONTHLY CASELOAD INFORMATION		Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance
A. Cases (citations / informations) pending at start of month		8,627	81,770	45,760
B. Cases (citations / informations) filed		0	0	0
C. Cases (citations / informations) disposed				
	1. jury trial (Springfield, Jefferson County, and St. Louis County only)	0	0	0
	2. court / bench trial - GUILTY	0	0	0
	3. court / bench trial - NOT GUILTY	0	2	5
	4. plea of GUILTY in court	0	0	0
	5. violations Bureau Citations (i.e., written plea of guilty) and bond forfeitures by court order (as payment of fines / costs)	0	169	73
	6. dismissed by court	0	4	13
	7. nolle prosequi	0	18	11
	8. certified for jury trial (not heard in the Municipal Division)	0	0	0
	9. TOTAL CASE DISPOSITIONS	0	193	102
D. Cases (citations / informations) pending at end of month [pending caseload = (A + B) – C9]		8,627	81,577	45,658
E. Trial de Novo and / or appeal applications filed		0	0	0

Municipal Division Summary Reporting

Court Information	Municipality: 16th Judicial Circuit - Jackson County - Independence Municipal Division	Reporting Period: July - 2024
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III. WARRANT INFORMATION (pre- & post-disposition)		IV. PARKING TICKETS	
1. # Issued during reporting period:	697	Does court staff process parking tickets? Yes	
2. # Served/withdrawn during reporting period:	930	1. # Issued during reporting period:	0
3. # Outstanding at end of reporting period:	40,554		

V. DISBURSEMENTS	
Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)	
Fines – Excess Revenue	\$9,606.50
Clerk Fee – Excess Revenue	\$1,116.00
Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Excess Revenue	\$0.00
Bond forfeitures (paid to city) – Excess Revenue	\$670.00
Total Excess Revenue	\$11,392.50
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)	
Fines – Other	\$19,241.74
Clerk Fee – Other	\$1,217.99
Judicial Education Fund (JEF) Court does not retain funds for JEF: Yes	
Peace Officer Standards and Training (POST) Commission surcharge	\$195.37
Crime Victims Compensation (CVC) Fund surcharge – Paid to State	\$1,397.49
Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Other	\$0.00
Law Enforcement Training (LET) Fund surcharge	\$390.00
Domestic Violence Shelter surcharge	\$771.00
Inmate Prisoner Detainee Security Fund surcharge	\$388.00
Restitution	\$0.00
Parking ticket revenue (including penalties)	\$0.00
Bond forfeitures (paid to city) – Other	\$2,420.00
Total Other Revenue	\$26,021.59
Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.	
Copies, certified copies, records checks	\$101.00
Total Other Disbursements	\$101.00
Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$37,515.09
Bond Refunds	\$7,530.00
Total Disbursements	\$45,045.09

MUNICIPAL DIVISION SUMMARY REPORTING FORM

Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.

<u>I. COURT INFORMATION</u>		Municipality: Independence Municipal		Reporting Period: Jul 15, 2024 - Jul 31, 2024	
Mailing Address: 111 EAST MAPLE, INDEPENDENCE, MO 64050					
Physical Address: 111 EAST MAPLE, INDEPENDENCE, MO 64050				County: Jackson County	
Telephone Number:		Fax Number:			
Prepared by: Natalie Tann		E-mail Address:			
Municipal Judge:					
<u>II. MONTHLY CASELOAD INFORMATION</u>					
		Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance	
A. Cases (citations/informations) pending at start of month		298	14,824	6,538	
B. Cases (citations/informations) filed		8	852	230	
C. Cases (citations/informations) disposed					
1. jury trial (Springfield, Jefferson County, and St. Louis County only)		0	0	0	
2. court/bench trial - GUILTY		0	1	4	
3. court/bench trial - NOT GUILTY		0	0	0	
4. plea of GUILTY in court		11	336	81	
5. Violations Bureau Citations (i.e. written plea of guilty) and bond forfeiture by court order (as payment of fines/costs)		0	249	1	
6. dismissed by court		0	36	22	
7. <i>nolle prosequi</i>		1	26	19	
8. certified for jury trial (not heard in Municipal Division)		0	0	1	
9. TOTAL CASE DISPOSITIONS		12	648	128	
D. Cases (citations/informations) pending at end of month [pending caseload = (A+B)-C9]		294	15,028	6,640	
E. Trial de Novo and/or appeal applications filed		0	0	1	
<u>III. WARRANT INFORMATION (pre- & post-disposition)</u>					
1. # Issued during reporting period		797	<u>IV. PARKING TICKETS</u>		
2. # Served/withdrawn during reporting period		265	☐ Court staff does not process parking tickets		
3. # Outstanding at end of reporting period		14,800			

MUNICIPAL DIVISION SUMMARY REPORTING FORM

COURT INFORMATION	Municipality: Independence Municipal	Reporting Period: Jul 15, 2024 - Jul 31, 2024
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V. DISBURSEMENTS

Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)		Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.	
Fines - Excess Revenue	\$170,142.99	Bad Check Fee	\$25.00
Clerk Fee - Excess Revenue	\$18,774.99	Court Automation	\$13,935.69
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Excess Revenue	\$578.91	Law Enf Arrest-Local	\$2,988.00
Bond forfeitures (paid to city) - Excess Revenue	\$1,165.00	Total Other Disbursements	\$16,948.69
Total Excess Revenue	\$190,661.89	Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$311,821.99
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)		Bond Refunds	\$6,165.00
		Total Disbursements	\$317,986.99
Fines - Other	\$57,533.00		
Clerk Fee - Other	\$5,114.85		
Judicial Education Fund (JEF) ☐ Court does not retain funds for JEF	\$0.00		
Peace Officer Standards and Training (POST) Commission surcharge	\$1,990.83		
Crime Victims Compensation (CVC) Fund surcharge - Paid to State	\$14,194.54		
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Other	\$157.69		
Law Enforcement Training (LET) Fund surcharge	\$3,972.00		
Domestic Violence Shelter surcharge	\$7,935.50		
Inmate Prisoner Detainee Security Fund surcharge	\$3,970.50		
Restitution	\$0.00		
Parking ticket revenue (including penalties)	\$0.00		
Bond forfeitures (paid to city) - Other	\$9,342.50		
Total Other Revenue	\$104,211.41		