



Wednesday, November 5, 2025
Commission Room, City Hall 5:30 PM

Independence Planning Commission/Board of Zoning Appeals

To join by Conference Call dial:1-785-289-4727 Conference ID: 820 754 218#

- I. CALL TO ORDER
- II. MINUTES
 - a. Consider approving minutes of the October 7, 2025 meeting.
- III. BOARD OF ZONING APPEALS (DOES NOT INCLUDE OUTSIDE CITY APPOINTMENTS)
- IV. PLANNING COMMISSION
 - a. Public hearing to receive comments on a request for conditional use permit for upper-story multifamily units at 811 W. Laurel Street, in the O&P, office and professional, district.
 - b. Consider reviewing the Landscape Code and setting a public hearing for December 2, 2025 at 5:30 PM to consider recommendation for adoption.
- V. DISCUSSION
- VI. ADJOURNMENT



**PLANNING COMMISSION ACTION / BOARD OF
ZONING APPEALS MINUTES
CITY OF INDEPENDENCE
November 5, 2025**

Department City Clerk

Prepared By

AGENDA ITEM Consider approving minutes of the October 7, 2025 meeting.

SUMMARY RECOMMENDATION Approve the October 7th, 2025 meeting minutes.

I move to approve the minutes of the October 7th, 2025 meeting as presented

SUPPORTING DOCUMENTS

1. October 7 2025 PZ Minutes

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's October 7, 2025 Meeting

I. Call to Order

Present: Rachel Lyon, Lisa Richard, Michelle Avery, Tim Haynes (by phone), Gary Hogsett, Rita Ortolani and Anita Chappuie

Absent: Kym Kays, Butch Holum and Rita Ortolani

City Staff Present: Kelly Passauer, City Manager; and Kayla Schabel, Executive Assistant to the City Manager

Guests: Larry McHugh, Jody Cummins and Kim Cummins

Chairperson Lyon called the meeting to order.

II. Minutes

- a. Consider approving minutes of the September 2nd, 2025 meeting.

Motion:

On the motion of Gary Hogsett, seconded by Lisa Richard, the Commission approved the minutes of the September 2nd, 2025 meeting as presented.

Aye: Rachel Lyon, Lisa Richard, Michelle Anderson, Tim Haynes, Gary Hogsett, Anita Chappuie

Nay: None

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

- a. Public Hearing to receive comments on a variance request to reduce the rear and side setback(s) for 306 S Park, located in a R-3, low density multifamily dwelling district, to 5 feet.

Jody and Kim Cummins, owners of the property located at 306 S Park Blvd, are requesting a variance to rebuild an existing garage structure that was destroyed when a tree fell on it during a storm. The garage was previously located within the required setback area. The applicants intend to rebuild the garage in its original footprint, which does not conform to the current setback regulations for the R-3, single-family dwelling district. The existing layout of the lot and the location of the original garage make compliance with current setback requirements infeasible without significant reconfiguration or loss of usable space.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's October 7, 2025 Meeting

ZONING REGULATIONS

Article V – Zoning District Regulations

Section 504 – Yard Regulations for R-3, Single-Family Dwelling District:

- Minimum front yard: 25 feet
- Minimum side yard: 8 feet
- Minimum rear yard: 10 feet

BOARD OF ZONING APPEALS – CONSIDERATION CRITERIA

In accordance with City zoning regulations, the Board must evaluate the request using the five variance criteria:

a. Unique Condition Not Created by the Owner:

The need for the variance arises from the existing placement of the original garage, which predated current zoning requirements. The structure was destroyed by a falling tree — an event outside the applicants' control. Rebuilding on the same footprint is necessary to restore prior use without expanding or changing the nonconforming condition.

b. No Adverse Effect on Adjacent Properties:

Rebuilding the garage in its previous location will not adversely affect adjacent property owners or residents. The structure has existed in this location historically without complaint, and returning it to that same position maintains the established character of the property and neighborhood.

c. Unnecessary Hardship Without the Variance:

Strict application of the current zoning regulations would impose an unnecessary hardship, as it would require relocating the garage to an impractical location on the lot. This could reduce yard usability, conflict with the driveway configuration, or require removal of other improvements.

d. No Adverse Impact on Public Welfare:

Granting the variance will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare. The garage is a private accessory structure that does not pose risks or burdens to public infrastructure or community values.

e. Consistent with Spirit and Intent of Zoning Code:

The proposed variance does not conflict with the spirit and intent of the zoning regulations. It supports reinvestment in the property and preserves existing residential use without increasing nonconformity or introducing new impacts.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's October 7, 2025 Meeting

Motion:

On the motion of Anita Chappuie, seconded by Rachel Lyon, the Commission approved a variance to the rear and side setback requirements for the property located at 306 S Park Blvd to 5 feet in order to rebuild the garage in its original location.

Aye: Rachel Lyon, Lisa Richard, Michelle Anderson, Tim Haynes, Gary Hogsett, Anita Chappuie

Nay: None

IV. Planning Commission

- a. Public hearing regarding the Amended Zoning Code, feedback from the City Commission, and any other modifications.

After the last zoning meeting, planning staff found that the PUD specifications regarding tiny home developments had been left out of the final proposed code. As such, the code needed to be brought back for that integration. In addition, design requirements for manufactured homes needed to be added to modular homes for continuity.

At the commission meeting reviewing the new code, City Commissioners expressed concern over the landscaping requirements for parking lots and recommended either limiting it to the C-4 district or eliminating it entirely.

At their meeting on September 25, 2025, the Commission sent the zoning code back with recommendations for the following changes: tiny home PUD, modular home design requirements, and landscaping regulations.

In addition, in reviewing the landscape requirements and some of the current properties in Independence, meeting the 20% open space requirement will cause businesses to lose compliance with parking requirements. There is no way to meet both. As such, we recommend reducing the open space to 10% and will need to review as time goes on to see if that is achievable.

Motion:

On the motion of Lisa Richard, seconded by Anita Chappuie, the Commission approved the zoning code with amendments to the tiny home PUD, the design requirements for modular homes, but not for the landscaping requirements.

Aye: Rachel Lyon, Lisa Richard, Michelle Anderson, Tim Haynes, Gary Hogsett, Anita Chappuie

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's October 7, 2025 Meeting

Nay: None

Motion:

On the motion of Lisa Richard, seconded by Anita Chappuie, the Commission recommended the following amendments to proposed landscaping requirements: 1) parking lot requirements will only apply in the C-4 district, and 2) that the open space requirement in all zoning districts that the landscaping section of code covers will be reduced from 20% to 10%.

Aye: Rachel Lyon, Lisa Richard, Michelle Anderson, Tim Haynes, Gary Hogsett, Anita Chappuie

Nay: None

b. Ratification of Comprehensive Plan Amendment Recommendation by Resolution

On September 2, 2025, the Planning Commission held a duly noticed public hearing to consider an amendment to the Independence Community Development Plan. This amendment updates Figure 2.9 – Zoning Compatibility Matrix in Chapter 02: Future Land Use. After receiving public comment, the Planning Commission approved the amendment by motion and recommended it to the City Commission for adoption.

Statutory Requirements

Under K.S.A. 12-747, the Planning Commission is required to adopt comprehensive plan amendments by resolution following a public hearing and before transmitting them to the Governing Body. The statute specifies:

“The planning commission shall adopt the plan or amendment by resolution and submit the same to the governing body...”

Because the September 2, 2025, action was taken by motion rather than resolution, it is recommended that the Planning Commission ratify its prior action by adopting a resolution. This will ensure the process fully complies with state law before the City Commission considers adoption by ordinance.

Next Steps

- 1. Staff has prepared a Planning Commission resolution confirming the September 2, 2025, public hearing and recommendation.**
- 2. Adoption of this resolution will formalize the record and allow the City Commission to proceed with adoption of the amendment at a future meeting.**

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's October 7, 2025 Meeting

- 3. No additional public hearing is required because the September 2, 2025, hearing was properly noticed and held.**

Motion:

On the motion of Anita Chappuie, seconded by Gary Hogsett, the Commission adopted Resolution No. 2025-PC001 recommending approval of the amendment to the Independence Community Development Plan to update Figure 2.9 - Zoning Compatibility Matrix, as set forth in Exhibit A, and transmit the same to the City Commission for adoption by ordinance.

Aye: Rachel Lyon, Lisa Richard, Michelle Anderson, Tim Haynes, Gary Hogsett, Anita Chappuie

Nay: None

- c. Change the November 4, 2025 PZA Meeting to November 5, 2025 at 5:30 pm.

Motion:

On the motion of Anita Chappuie, seconded by Rachel Lyon, the Commission approved moving the next meeting to November 5, 2025 at 5:30 pm.

Aye: Rachel Lyon, Lisa Richard, Michelle Anderson, Tim Haynes, Gary Hogsett, Anita Chappuie

Nay: None

V. Discussion

VI. Adjournment

Motion:

On the motion of Anita Chappuie, seconded by Rachel Lyon, the Commission adjourned the meeting.

Aye: Rachel Lyon, Lisa Richard, Michelle Anderson, Tim Haynes, Gary Hogsett, Anita Chappuie

Nay: None

Abstain: Tim Haynes

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's October 7, 2025 Meeting

Rachel Lyon, Chairperson

Lisa Richard, Vice-Chair



**REQUEST FOR PLANNING COMMISSION ACTION
CONDITIONAL USE PERMIT
CITY OF INDEPENDENCE
NOVEMBER 5, 2025**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Public hearing to receive comments on a request for conditional use permit for upper-story multifamily units at 811 W. Laurel Street, in the O&P, office and professional, district.

SUMMARY RECOMMENDATION Recommend the City Commission issue a conditional use permit for upper-story multifamily units at 811 W. Laurel Street.

BACKGROUND The applicant, Rural ReDevelopment Group, LLC, requests approval of a Conditional Use Permit (CUP) to allow residential apartments on the second floor of the existing structure located at 811 W. Laurel Street.

The property is currently zoned O&P (Office & Professional), and upper story housing requires a conditional use permit under the Independence Zoning Code.

The structure at 811 W. Laurel Street was formerly utilized as a hospital facility. The building has remained vacant for more than two years. The applicant proposes to revitalize the property into a mixed-use development, with a combination of office & professional and residential uses.

According to the submitted application (dated October 14, 2025):

- The first floor is intended for commercial/medical office use (limited to uses compatible with the office and professional zone).
- The second floor will be redeveloped into apartments/housing.
- The basement will be used for commercial purposes (limited to uses compatible with the office and professional zone).
- No significant exterior architectural changes are proposed, other than installation of proper signage and necessary interior renovations.

ZONING ORDINANCE REFERENCE

Per Sections 901.0 – 902.7 of the Independence Zoning Ordinance:

Conditional uses are those that may be desirable and beneficial to the community but require special review to ensure compatibility with surrounding uses and to minimize potential adverse impacts.

The Planning Commission has the authority to recommend approval or denial of such uses to the Governing Body, with conditions or safeguards as necessary.

STAFF ANALYSIS

1. Compliance with Zoning Regulations

The proposed mixed-use redevelopment complies with the general intent of the zoning regulations. Residential use on upper floors is an appropriate adaptive reuse for the existing structure.

2. Welfare and Convenience of the Public

The redevelopment of a long-vacant building will promote reinvestment in the community and contribute to the vitality of the surrounding area. The inclusion of residential units within walking distance of commercial services supports city goals for infill development and efficient land use.

3. Impact on Adjacent Properties

The proposed use is compatible with nearby O&P, commercial, and residential properties. No adverse impacts are anticipated on neighboring property values or development potential.

4. Access, Traffic, and Parking

The site has established access points and parking areas that will adequately serve the mixed-use function. The anticipated increase in traffic is within acceptable limits for the area.

5. Utilities and Infrastructure

Existing utilities, including water, sewer, and drainage, are sufficient to accommodate the proposed use. Any required upgrades or code compliance measures will be coordinated through the building permit process.

6. Design and Aesthetics

No major exterior modifications are proposed at this time. The applicant has indicated that signage will be installed in compliance with city standards. Any future changes to the building façade will be subject to review and permitting.

Public notice of this request was provided in accordance with the requirements of Section 902.2 of the Zoning Ordinance.

Policy Explanation – Conditional Use (per Sec. 901–902)

The proposed conditional use:

- Complies with applicable zoning regulations.
- Will contribute to public convenience by providing local retail access.
- Will not substantially injure surrounding property values.
- Will not dominate the immediate neighborhood due to the modest scale of the operation.
- Will provide adequate parking and access.
- Will be served by existing utilities.

Upper story multifamily units is a permitted use within an O&P (Office & Professional) district but may be subject to conditions where deemed necessary to protect neighborhood character. The Planning Commission has authority to place additional safeguards as appropriate, including the *following recommendations*:

- a. The second floor shall be used solely for residential apartments or housing.
- b. The first floor, basement, and west outbuilding shall be utilized as permitted in the office and professional zone, unless future conditional use permits are granted.
- c. All exterior improvements and signage shall comply with City Code and receive required

permits.

- d. The applicant shall comply with all building, fire, and life safety codes prior to issuance of occupancy permits.
- e. Any substantial change in use or design shall require review and approval by the City.

STAFF RECOMMENDATION

Staff recommends approving the conditional use permit to allow upper-story multifamily units at this address.

SUGGESTED MOTION

I move to recommend the City Commission approve the request for a conditional use permit with the conditions recommended in the staff report for upper-story multi-family dwelling units at 811 W. Myrtle Streets.

SUPPORTING DOCUMENTS

1. 811 W Laurel CUP Application
2. Public Hearing Notice 811 W Laurel
3. Properties 200 Feet 811 W Laurel
4. 2025CPU01 Mailing List
5. Resolution 2025- Conditional Use Permit for 811 W Laurel

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED _____
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:
Rural ReDevelopment Group LLC

LEGAL DESCRIPTION OF LAND INVOLVED:
Parcel ID: 0873601005001000 ammended down to exclude fire department building

COMMON ADDRESS OF SAID LAND:
811 W Laurel Independence , KS


PRESENT ZONING CLASSIFICATION: Commercial

STATEMENT OF INTENDED USE OF PROPERTY:
Mixed use Property. 1st floor to be commercial / Medical office , 2nd floor to be Apartments / Housing , Basement to b
Outbuilding to the west to be Commercial use

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:
No exterior modifications needed besides proper signage

On the reverse side, please provide the following information: (1) Site Plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting; (2) Existing and proposed topography, drawn at appropriate contour intervals as specified by the Zoning Administrator; (3) Location of, and proposed connections to, existing water supply and sanitary sewage system; (4) North point, scale and date; (5) Names of landowner, developer and firm preparing the plan.

10/14/25
Date


Signature of Applicant

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

Date

Signature of Building Inspector

Action of Planning and Zoning Commission:

(Approved, Denied --- Date)

Comments:

Chairman

Vice Chairman

Secretary

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Wednesday, November 5, 2025, at 5:30 p.m.

To receive comments to consider a conditional use permit for upper-story multifamily units at 811 W. Laurel, in the O&P, office and professional district.

Common Address:

811 W. Laurel

Legal Description:

All of Block 2 and Lots 1-5 and Lots 9-12 in Block 3, of Concannon's Addition to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Rural ReDevelopment Group LLC

Case Number:

2025/CUP/01

The hearing will be conducted in the Commission Room, City Hall, 120 North Sixth Street, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+17852894727) Conference ID: 820 754 218# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kayla Schabel
Zoning Administrator
120 North Sixth Street
Independence, KS 67301
(620) 332-2506

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

Kayla Schabel, Zoning Administrator



R3817 R3815 R3812
R3811

R3807 R3805 R3803

R3795 R3793 R3791

R3782 R3780 R3778

R3810

R3796 R3798 R3800

R3785 R3787 R3788 R3790

R3784 R3774 R3776

R3751

R3752

R3758

R3772 R3774 R3776

R3751

R3752

R3758

R3771 R3769 R3766
R3765

R3751

R3752

R3758

R3761 R3762 R3764

R3508 R3507 R3506

R3498

R3496 R3495 R3494 R3492

R3761 R3762 R3764

R3502 R3504 R3505

R3497

R3496 R3495 R3494 R3492

R3485 R3483 R3481

R303457

R3497

R3491

R3485 R3483 R3481

R3502 R3504 R3505

R3486 R3488 R3490

R3486 R3488 R3490

R3475 R3476 R3478

Quick Ref	Parcel Nurr	Situs	Owner	Mailing Adc	Total Acres	Sq Ft	Latitude	Longitude
R3790	6.31E+17	921 W MYFHOME TO\314 N 7TH			0.17	7504	37.22413	-95.7185
R3788	6.31E+17	913 W MYFCITY OF IN811 W LAU			0.33	14215	37.22413	-95.7182
R3787	6.31E+17	911 W MYFGEMINI MEPROPERT			0.16	6934	37.22413	-95.718
R3786	6.31E+17	905 W MYFGEMINI MEPROPERT			0.16	7343	37.22413	-95.7178
R3785	6.31E+17	901 W MYFGEMINI MEPROPERT			0.16	7240	37.22412	-95.7176
R3801	6.31E+17	821 W MYFNAFF, CAF821 W MYF			0.16	6748	37.22412	-95.7173
R3800	6.31E+17	817 W MYFBURTON, IPO BOX 23			0.16	7115	37.22412	-95.7171
R3799	6.31E+17	00000 W MCITY OF IN811 W LAU			0.16	7101	37.22412	-95.7169
R3798	6.31E+17	809 W MYFMAYFIELD809 W MYF			0.16	7088	37.22412	-95.7168
R3796	6.31E+17	801 W MYFTRIANGLE 151 WHITT			0.33	14285	37.22411	-95.7165
R3810	6.31E+17	0000 W MYWILDCAT I120 E BUF			0.63	27381	37.22411	-95.7158
R3760	6.31E+17	00000 W MCITY OF IN811 W LAU			0	162	37.22504	-95.7177
R3769	6.31E+17	1008 W MYMCCARTY 1204 W LA			0.15	6507	37.22479	-95.7192
R3784	6.31E+17	113 N 16THHUTCHINS113 N 16TH			0.17	7343	37.22404	-95.719
R3771	6.31E+17	1000 W MYINDEPEND920 W MYF			0.16	6906	37.22479	-95.7189
R3758	6.31E+17	924 W MYFINDEPEND920 W MYF			0.32	13799	37.22478	-95.7184
R3752	6.31E+17	811 W LAUCITY OF IN811 W LAU			3.92	170944	37.225	-95.7174
R3751	6.31E+17	701 W LAUWILDCAT I120 E BUF			2.08	90481	37.22499	-95.7156
R3492	6.31E+17	920 W LAUHANNAH'SPO BOX 17			0.12	5389	37.22583	-95.7185
R3485	6.31E+17	1000 W LAHANNAH'SPO BOX 17			0.17	7584	37.22588	-95.7189
R3491	6.31E+17	308 N 16THDEVORE, I223 S CEM			0.04	2197	37.22602	-95.7185
R3493	6.31E+17	916 W LAUHANNAH'SPO BOX 17			0.16	6765	37.22589	-95.7183
R3494	6.31E+17	912 W LAUHANNAH'SPO BOX 18			0.17	7289	37.22588	-95.7181
R3495	6.31E+17	908 W LAUCITY OF IN811 W LAU			0.3	13244	37.22588	-95.7179
R3496	6.31E+17	900 W LAUCITY OF IN811 W LAU			0.15	6733	37.22588	-95.7176
R3498	6.31E+17	800 W LAUST. JOHN IPROPERT			0.96	41576	37.22588	-95.7168
R3506	6.31E+17	720 W LAUCHAPMAN2906 ROY/			0.24	10283	37.22587	-95.716
R3507	6.31E+17	714 W LAULANG EST.4635 N CR			0.19	8436	37.22587	-95.7157
R3773	6.31E+17	1003 W MYHUTCHINS113 N 16TH			0.04	1821	37.22424	-95.7191
R3772	6.31E+17	1001 W MYHUTCHINS113 N 16TH			0.11	4846	37.22424	-95.7189
R3774	6.31E+17	1009 W MYRIVERA, S222 S WAL			0.16	7089	37.22413	-95.7192
R3770	6.31E+17	1004 W MYMCCARTY 1204 W LA			0.16	6714	37.22479	-95.7191
R3762	6.31E+17	1001 W LACHURCH (920 W MYF			0.32	13892	37.22522	-95.7191
R3761	6.31E+17	1001 W LACHURCH (920 W MYF			0.16	7350	37.22522	-95.7189
R3757	6.31E+17	212 N 16THLANG EST.4635 N CR			0.18	7607	37.22522	-95.7185
R3483	6.31E+17	1008 W LADUNN, OD PO BOX 95			0.15	6775	37.22588	-95.7192
R3484	6.31E+17	1004 W LACROY, KELL4757 CR 4:			0.16	6842	37.22588	-95.719

Area	Area Units	Perimeter	Perimeter Units
7486.5	Square Feet	389.4	Feet
14210.6	Square Feet	484.1	Feet
6923.1	Square Feet	382	Feet
7346.9	Square Feet	388.2	Feet
7252.3	Square Feet	387.1	Feet
6757	Square Feet	379.7	Feet
7100.2	Square Feet	384.3	Feet
7091.1	Square Feet	383.9	Feet
7102.6	Square Feet	383.8	Feet
14283.7	Square Feet	485	Feet
27370.1	Square Feet	670.3	Feet
160.4	Square Feet	50.8	Feet
6522.5	Square Feet	366	Feet
7347.3	Square Feet	346.4	Feet
6933.1	Square Feet	372.6	Feet
13766.2	Square Feet	474.1	Feet
170896	Square Feet	2239.3	Feet
90411.1	Square Feet	1202.8	Feet
5392.9	Square Feet	307	Feet
7605.8	Square Feet	395.1	Feet
2192.6	Square Feet	189.6	Feet
6769.3	Square Feet	375.7	Feet
7289.9	Square Feet	383	Feet
13243.1	Square Feet	468.6	Feet
6743.1	Square Feet	375.1	Feet
41601.8	Square Feet	878.5	Feet
10293.4	Square Feet	425	Feet
8429.7	Square Feet	398.4	Feet
1824.2	Square Feet	188.9	Feet
4848.1	Square Feet	278.6	Feet
7091.2	Square Feet	383.5	Feet
6707.6	Square Feet	369	Feet
13866.7	Square Feet	477.8	Feet
7349.6	Square Feet	384.3	Feet
7624	Square Feet	393.2	Feet
6781.2	Square Feet	383.7	Feet
6844.6	Square Feet	384.6	Feet

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR UPPER-STORY MULTI-FAMILY DWELLING UNITS AT 811 W Laurel Street

WHEREAS, at a public hearing conducted on November 5, 2025, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit for upper-story multi-family dwelling units at 811 W. Laurel Street.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Independence, Kansas:

The recommendation of the Independence Planning & Zoning Commission to issue a conditional use permit for upper-story multi-family dwelling units at 811 W. Laurel Street, Independence, Kansas, is approved as hereinafter modified.

The property in question has the legal description as described:

All of Block 2 and Lots 1-5 and Lots 9-12 in Block 3, of Concannon's Addition to the City of Independence, Montgomery County, Kansas.

With the following provisions:

- a. The second floor shall be used solely for residential apartments or housing.
- b. The first floor, basement, and west outbuilding shall be utilized as permitted in the office and professional zone, unless future conditional use permits are granted.
- c. All exterior improvements and signage shall comply with City Code and receive required permits.
- d. The applicant shall comply with all building, fire, and life safety codes prior to issuance of occupancy permits.
- e. Any substantial change in use or design shall require review and approval by the City.

Adopted and approved by the Governing Body of the City of Independence, Kansas, on this 20th day of November, 2025.

(Attest)

W.S. Smith, Mayor

David Schwenker, City Clerk



**REQUEST FOR PLANNING COMMISSION ACTION
TEXT AMENDMENT REVIEW
CITY OF INDEPENDENCE
NOVEMBER 5, 2025**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Consider reviewing the Landscape Code and setting a public hearing for December 2, 2025 at 5:30 PM to consider recommendation for adoption.

SUMMARY RECOMMENDATION Review the proposed landscaping code and provide feedback.

BACKGROUND Over the past several months, the Planning Commission has reviewed and discussed updates to the City’s Landscaping and Open Space regulations. The purpose of these revisions is to simplify the current code, ensure alignment with Independence’s small-town and business recruitment context, and make compliance feasible for both new development and redevelopment.

The current Article XIX, as approved by the Planning Board, was found by the City Commission to be overly complex and potentially burdensome to small businesses due to percentage-based landscaping formulas and detailed species requirements. Following staff analysis, a new draft landscaping section has been prepared to replace those provisions with a simplified, tree-based frontage model. This is based off of a mix of local ordinances (Coffeyville and Neodesha) and a cost savings provision from Wichita, Kansas.

Summary of Proposed Revisions

1. Application:

- new development or development that expands the total paved or build area by 50% or more.
- exempts vehicle and equipment sales lots

2. Simplified Tree-Based Frontage Requirement

- Requires one (1) shade or ornamental tree per 50 linear feet of public street frontage.
- Trees must be located on private property, not within the public right-of-way.
- Minimum setbacks:
 - o 8 feet from any curb or sidewalk edge;
 - o 6 feet from underground utilities, unless planted in a raised planter or tree well.
- Trees may be clustered if a minimum of 20 feet separates clusters and each cluster forms a landscaped bed.

3. Substitutions for Constrained Sites

- Where tree planting is restricted by utilities or existing paving, property owners may substitute five (5) shrubs or ornamental grasses for one required tree.
- Raised planters and decorative tree wells are acceptable alternatives where in-ground planting is not feasible.

4. Incentives to Encourage Landscaping

- Parking Reduction Incentive: Up to a 10% reduction in required parking may be granted for projects providing 50% more landscaping than required or adding landscaped islands in parking areas.
- Incentives are discretionary and subject to approval by the Zoning Administrator.

5. Cost and Redevelopment Limitation

- Landscaping expenditures are capped at 3% of total construction cost (or 6% for parking-only projects).
- Projects expanding impermeable surface area by less than 50% must comply only for the new portion of the site.

Rationale

This model code reflects the physical and economic conditions unique to Independence:

- Limited irrigation availability and shallow soils make maintenance-intensive landscaping unrealistic.
- Most utilities run along the front of properties, restricting space for in-ground trees.
- A flexible, visible tree requirement supports corridor beautification without discouraging investment.
- Incentive options provide voluntary pathways for enhanced landscaping while supporting business-friendly development.

Staff Recommendation

Review the proposed landscaping code and set a public hearing for December 2, 2025 at 5:30 PM to consider recommendation for adoption of the current draft of the landscape code.

Recommended Motion

I recommend setting a public hearing for December 2, 2025 at 5:30 PM to consider public comments regarding the current draft of the Landscape Code.

SUPPORTING DOCUMENTS

1. Landscape Draft 11-03-2025

ARTICLE XIX. LANDSCAPING REGULATIONS (DRAFT – October 2025)

1900.0 Purpose and Intent

The purpose of this Article is to establish clear, practical landscaping standards that enhance community appearance, reduce heat from paved surfaces, and encourage the preservation of existing vegetation—while supporting economic development and redevelopment in the City of Independence.

These regulations are designed to be simple, cost-conscious, and achievable within the physical and financial constraints of small-town development.

1901.0 Applicability

1901.1 Applicability. The landscaping requirements of this Article shall apply to all **new** nonresidential and multifamily construction, and to redevelopment or site expansion that increases the total paved or built area of a site by fifty percent (50%) or more.

1901.2 Partial Compliance for Limited Expansions. Projects that expand existing buildings, parking, or paved areas by **less** than fifty (50%) shall comply only for the newly developed portion of the site.

1901.3 Administrative Flexibility. Where full compliance is impractical due to existing pavement, utilities, or drainage infrastructure, the Zoning Administrator may approve an alternative landscaping arrangement that meets the intent of this Article.

1901.4 Exemptions from Landscaping Requirements. The following uses and situations are exempt from the landscaping requirements of this Article:

- a. Vehicle and equipment sales lots, including new and used automobile, recreational vehicle, boat, and farm implement dealerships.
- b. Single-family and two-family dwellings.
- c. Existing developed properties that are not expanding the footprint of the building or paved area.

1901.5 Encouraged Practices for Exempt Uses. Although exempt from the requirements of this Article, such uses are encouraged to incorporate voluntary beautification features such as:

- Foundation plantings or low landscape beds near office or showroom areas;
- Perimeter plantings that do not obstruct product visibility.

1902.0 Definitions

The following terms are defined for this Article:

1902.1 Public Street Frontage: The portion of a property abutting a public street right-of-way.

1902.2. Shade Tree: A deciduous tree that typically grows to a mature height of 30 feet or more.

1902.2 Ornamental Tree: A deciduous tree under 30 feet at maturity, valued for flowers, foliage, or form.

1902.3 Shrub: A woody perennial plant smaller than a tree, typically over 2 feet tall.

1902.4 Ornamental or Prairie Grass: A decorative grass species adapted to local soil and climate conditions, often used for low-maintenance landscaping.

1902.5 Tree Well or Raised Planter: A contained or elevated planting area designed to support tree growth where in-ground planting is restricted.

1903.0 Street Frontage Landscaping Requirements

1903.1 Tree Requirement. All nonresidential and multifamily developments shall provide at least one (1) shade or ornamental tree per 50 linear feet of public street frontage.

- a. Fractions over 25 feet shall round up to require one additional tree.
- b. Trees may be clustered if a minimum of 20 feet separates each cluster.

1903.2 Placement and Setbacks.

- a. Trees shall be located on private property and outside of the public right-of-way.
- b. Trees shall be located no closer than eight (8) feet to the curb line of adjacent streets or sidewalks.
- c. Trees shall be located at least six (6) feet from underground utilities unless placed in a raised planter or tree well.
- d. Trees shall not be located within drainage easements or public utility easements without City Engineer approval.

1903.3 Substitutions. Where trees cannot be installed due to site constraints or utilities, property owners may substitute five (5) shrubs or ornamental grasses for each required tree.

1903.4 Design Flexibility. Raised planters, tree wells, or foundation beds may satisfy the tree requirement where in-ground planting is not feasible. All planting areas shall be protected by curbing, edging, or raised planters to prevent vehicle damage.

1903.5 Visibility and Safety. Landscaping shall not obstruct visibility at intersections or driveways. All plantings shall meet City sight-distance requirements.

1904.0 Existing Tree Preservation Credit

Existing healthy trees may be credited toward the required frontage tree count. To qualify, a tree must:

1. Be in good condition and structurally sound;
2. Be located within or near the developable portion of the site; and
3. Have a trunk at least 4 inches across at approximately 4½ feet above ground level.

Trees 8 inches or greater across may count as two (2) required trees. Ornamental trees smaller than 4 inches may count as one-half (½) of a required tree if integrated into site landscaping. Diseased, dead, or hazardous trees shall not be credited.

1905.0 Irrigation and Maintenance

- a. Permanent irrigation systems are not required. Temporary watering or manual irrigation during establishment is encouraged.
- b. Landscaping shall be maintained in a healthy, neat, and orderly condition, including mowing, trimming, and replacement of dead or diseased materials.
- c. Seasonal dormancy or browning of native grasses shall not constitute a violation.
- d. All landscaped areas shall be protected from vehicular damage by curbs or barriers.

1906.0 Incentives for Enhanced Landscaping

1906.1 Parking Reduction Incentive. Projects providing 50% more trees or landscaping than required, or including landscaped islands within parking areas, may receive up to a 10% reduction in required parking.

Incentives are discretionary and subject to approval by the Zoning Administrator. The Administrator shall ensure the enhancement clearly advances the visual and environmental intent of this Article.

1907.0 Cost Limits and Redevelopment Exemptions

- a. Landscaping expenditures shall not be required to exceed three percent (3%) of total verified construction cost for projects involving buildings, or six percent (6%) for projects involving parking lot construction only.
- b. Applicants shall provide contractor or vendor estimates showing total construction cost and landscape costs separately.

- c. The Zoning Administrator may approve substitutions or modifications where full compliance would exceed the cost cap or conflict with utilities, drainage, or easement conditions.

1908.0 Administrative Flexibility

- a. The Zoning Administrator may approve alternative landscaping arrangements that meet the intent of this Article when strict compliance is impractical due to site conditions or physical constraints.
- b. Minor changes in plant species, location, or quantity may be approved without re-submittal of a full landscape plan.