



Tuesday, December 2, 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 November 5, 2025 meeting.
- III. BOARD OF ZONING APPEALS (DOES NOT INCLUDE OUTSIDE CITY APPOINTMENTS)
 - a. Request to receive comments on a variance request to reduce the setback(s) in a mobile home park located in a C-2, commercial services district.
- IV. PLANNING COMMISSION
- V. DISCUSSION
 - a. Planning Commission/Board of Zoning Appeals Appointments
- VI. ADJOURNMENT



**PLANNING COMMISSION ACTION / BOARD OF
ZONING APPEALS MINUTES
CITY OF INDEPENDENCE
December 2, 2025**

Department City Clerk

Prepared By David Schwenker

AGENDA ITEM Consider approving minutes of the November 5, 2025 meeting.

SUMMARY RECOMMENDATION Approve the minutes

I move to approve the November 5th, 2025 minutes as presented

SUPPORTING DOCUMENTS

1. November 5 2025 PZ Minutes

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 5,
2025 Meeting**

I. Call to Order

Present: Lisa Richard, Kym Kays, Michelle Avery, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani and Anita Chappuie

Absent: Rachel Lyon

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

Guests: Larry McHugh and Mike Passauer

Secretary Kays called the meeting to order.

II. Minutes

- a. Consider approving minutes of the October 7, 2025 meeting.

Motion:

On the motion of Anita Chappuie, seconded by Butch Holum, the Commission approved the minutes of the October 7th, 2025 meeting with the correction that Rita Ortolani was absent from the meeting.

Aye: Lisa Richard, Kym Kays, Michelle Avery, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie

Nay: None

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.

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.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 5, 2025 Meeting

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.

Motion:

On the motion of Butch Holum, seconded by Gary Hogsett, the Commission recommended 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. Laurel Street.

Aye: Kym Kays, Michelle Avery, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie

Nay: Lisa Richard

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

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,

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 5,
2025 Meeting**

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:

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 5,
2025 Meeting

- 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.

Motion:

On the motion of Anita Chappuie, seconded by Tim Haynes, the Commission requested that the City Commission hold a joint session with the Planning and Zoning Board to work on the landscaping code at the February 3rd, 2026 meeting.

Aye: Lisa Richard, Kym Kays, Michelle Avery, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie

Nay: None

V. Discussion

VI. Adjournment

Motion:

On the motion of Anita Chappuie, seconded by Tim Haynes, the Commission adjourned the meeting.

Aye: Lisa Richard, Kym Kays, Michelle Avery, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie

Nay: None

Rachel Lyon, Chairperson

Lisa Richard, Vice-Chair



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
VARIANCE
CITY OF INDEPENDENCE
DECEMBER 2, 2025**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Request to receive comments on a variance request to reduce the setback(s) in a mobile home park located in a C-2, commercial services district.

SUMMARY RECOMMENDATION Staff recommends approval of the requested setback variances for 3 mobile home units (physical addresses of 200 N 27th Street, 2016 Myrtle Street Unit 1, and 2016 Myrtle Street Unit 2) located within the existing mobile home park situated at 2016 W Myrtle St. Staff finds that the application satisfies all variance criteria.

BACKGROUND The subject properties are part of a mobile home park located in the C-2 Commercial Services District at 2016 W. Myrtle. The mobile home park layout was established prior to current zoning setback requirements. Several existing mobile homes have reached the end of their usable life, and the owner seeks to replace them with newer, HUD-compliant units. The replacement units, though similar in footprint to the prior homes, cannot physically fit unless the original setbacks are preserved.

Requested reduced setbacks (listed by the mobile unit's physical address):

Unit #1 - 200 N 27th Street

- 15 ft setback from 27th Street (side street)
- 20 ft setback from Myrtle Street (front street)

Unit #2 - 2016 Unit 2

- 20 ft setback from 20th Street (front street)

Unit #3 - 2016 Myrtle Unit 1

- 20 ft setback from 20th Street (front street)

Under Sec. 1009.3(d) of the zoning regulations, mobile homes within a park must maintain the same setbacks required in the underlying zoning district along public street frontages. In the C-2 district, the minimum setbacks are 25 feet for front yards and 10 feet for side yards. The applicant seeks setback variances so replacement homes can be installed.

Variance Criteria Analysis

The Board may grant a variance only if all five statutory conditions are satisfied. Each condition is analyzed below.

(a). Unique Property Conditions not caused by the applicant

The park's configuration, utility placements, and spacing were built decades ago to prior standards. Modern mobile homes are larger, and the existing site layout can't meet current setbacks without losing units. The park's layout is historically fixed, and not typical of later C-2 development on mobile home parks. The original setbacks were lawful at the time the units were first placed. The applicant now faces challenges because the zoning code standards

changed after the park was established. Retrofitting the entire park to current standards is functionally impossible without reducing the number of homes in the park.

Finding under (a): The property conditions are unique, long-established, and not created by the applicant.

(b). No Adverse Impact to Adjacent Properties

The requested setbacks merely preserve the longstanding placement of homes that have been in these park for many years. There is no intensification of use and no change to traffic, lighting, noise, or visibility. Additionally, the replacement units are newer, safer, more attractive, and will improve neighborhood appearance.

Finding under (b): No neighboring rights are impaired because nothing new or additional is being introduced. Adjacent properties experience no new effects.

(c). Strict Application will constitute Unnecessary Hardship

Strict enforcement of current setbacks would prevent installation of replacement units, which would result in elimination of housing unit, loss of affordable housing opportunities, and a reduction in the park's ability to function as an income-generating property. The issue is not the applicant's desire for convenience but a physical impossibility to meet setbacks in a pre existing park built to previous standards.

Finding under (c): Strict application produces a genuine hardship because replacement units cannot be installed without the same setbacks historically used.

(d). No Adverse Effect on Public Health or Safety

Replacement homes will be newer, safer, structurally compliant, and more visually appealing. Clearances internal to the park still must meet 10-ft unit-to-unit spacing found in section 1009.3(c). Replacement units will improve safety, appearance, and compliance with contemporary building standards. Sight distances and circulation remain unchanged. Rather than keeping old units because they can't be replaced, allowing an older to park to upgrade its units promotes reinvestment and contributes positively to the city's appearance and economic health.

Finding under (d): The variance contributes positively rather than harms public welfare.

(e). Consistency with Spirit of the Zoning Code

The intent of zoning setbacks is to ensure street visibility, prevent overcrowding and preserve development character. These purposes are maintained as visibility along fronting streets remain unchanged, and no increased density is proposed.

Finding under (e): Granting the setback variances aligns with the intent of the zoning regulations by supporting orderly, safe, and consistent development.

Staff concludes that all five statutory criteria under Sec. 2-116 for granting variances are met.

SUGGESTED MOTION

"I move to approve setback variances for replacement mobile homes in the mobile home park as follows:

- for the unit with the physical address of 200 N 27th Street - 15 feet from 27th Street and 20 feet from Myrtle Street;
- for the unit with physical address of 2016 W Myrtle Unit 2 - 20 feet from 20th Street; and
- for the unit with physical address of 2016 W Myrtle Unit 1 - 20 feet from 20th Street.

SUPPORTING DOCUMENTS

- 1. 2025VAR08 Public Hearing Notice 200 N 27th
- 2. 2025VAR08 2016 W Myrtle St Application

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, December 2, 2025, at 5:30 p.m.

To receive comments on a variance request to reduce the setback(s) in a C-2, commercial services district.

Common Address:

2016 W Myrtle St, Lot #1-3

Legal Description:

Block 2, Lot 19-21, Crestview Addition to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Blue Sky MHP, LLC

Case Number:

2025/VAR/08

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

APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: 11/03/2025

2. Name, Address and Telephone Number of Property Owner: Blue Sky MHP LLC 2001 W LAUREL ST LOT 2 INDEPENDENCE, KS 67301

3. I appoint the following person as my agent during consideration of my request: Name: MICHAEL HOOVER Address: 216 N 27TH ST INDEPENDENCE, KS 67301 Telephone:

4. Common Address of Land Involved: 2016 W MYRTLE ST LOT 1 AND 2 INDEPENDENCE, KS 67301 200 N 27TH ST INDEPENDENCE, KS 67301

5. Legal Description of Land Involved: The Parcel Number for this Property is 063-087-35-0-10-03-002.00-0 Quick Ref ID: 3635

6. Describe what you wish to do which the zoning code prohibits: 2016 W MYRTLE LOT 1 AND 2 ARE CURRENTLY 10 FT SETBACK, REQUEST TO KEEP 10FT SETBACK WHEN UPDATING UNITS. 200 N 27TH ST SETBACK IS 0FT FROM PROPERTY LINE (15FT FROM 27TH ST, 20 FT FROM MYRTLE ST) REQUEST TO KEEP CURRENT SETBACK WHEN PLACING NEW UNIT.

7. The following condition(s), which were not created by the owner's actions, are unique to the property in question and are not commonly found in the same zone or district: SETBACK IS ACCORDING TO CODES AT TIME MOBILE HOMES WERE PLACED

8. The proposed development would not adversely affect the rights of the adjacent property owners or residents because: WE WOULD BE MAINTAINING CURRENT SETBACK, HOWEVER WE WOULD BE UPGRADING UNITS TO NEW UNITS, COMPATIBLE WITH HUD STANDARDS AND MORE COMPATIBLE WITH FAMILIES OF TODAY.

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

CURRENT UNITS ARE 2BEDROOM "MOBILE HOMES" BUILT BEFORE REGULATIONS AND HUD CONSTRUCTION AND SAFETY STANDARDS.
WE ARE BRINGING IN NEW 3BEDROOM "MANUFACTURED HOMES" WITH MORE SPACE AND COMPATIBLE WITH HUD REGULATIONS AND STANDARDS.

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

THE PROPOSED DEVELOPMENT WILL BRING UNITS IN LINE WITH CURRENT PUBLIC HEALTH, SAFETY STANDARDS BECAUSE THEY ARE COMPATIBLE WITH CURRENT CODES AND SAFETY STANDARDS.

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

THE INTERPRET THAT THE SPIRIT OF THE ZONING IS TO PROMOTE THE BEAUTIFICATION OF THE CITY, THIS PROJECT SUPPORTS THAT SPIRIT.

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

ATTACHED

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

Signature of Property Owner: Michael Heaver

Case Number: 2025VAR08
Date Filed: 11/03/2025
Fee Received: 11/03/2025
Present Zoning: C-2



Planning Commission/ Board of Zoning Appeals Item
CITY OF INDEPENDENCE
December 2, 2025

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Planning Commission/Board of Zoning Appeals Appointments

BACKGROUND During a recent review of Planning Commission appointments, staff identified an error in the classification of Rachel Lyon’s initial appointment. Rachel was appointed on May 14, 2020, to fill a vacancy created when Steve McBride’s term expired on January 1, 2020. Steve continued serving until a replacement was appointed in May, and Rachel participated in her first Planning Commission meeting in June 2020.

At the time, Rachel’s appointment was recorded as a first full term. Upon further review—and after confirmation from the City Attorney—staff determined this classification was incorrect. Since she was appointed four to five months after the term began, her initial appointment should have been recorded as an unexpired (partial) term rather than a full term.

According to Resolution No. 2011-57, members appointed to City boards, agencies, commissions, and committees are generally limited to two consecutive terms, though the Governing Body may allow additional terms depending on the type of board, required expertise, or other relevant factors. Unexpired or partial terms are not typically counted as one of the two consecutive terms.

The following information reflects the corrected classification and upcoming term expirations:

- Rachel Lyon
 - May 14, 2020 – January 1, 2023: Unexpired (partial) term
 - January 1, 2023 – January 1, 2026: First full term (current)
 - Eligible for appointment to a second full term when her current term expires on January 1, 2026.
- Butch Holum
 - January 11, 2024 – January 1, 2026: Unexpired (partial) term
 - Eligible for appointment to a first full term when his current term expires on January 1, 2026.
- Lisa Richard
 - August 8, 2019 – January 1, 2020: Unexpired (partial) term
 - January 1, 2020 – January 1, 2023: First full term
 - January 1, 2023 – January 1, 2026: Second full term (current)
 - Lisa’s second full term will expire January 1, 2026; however, she will continue to serve until the City Commission has appointed a replacement.

The Planning & Zoning Commission roster has been updated to reflect this correction and the upcoming expirations.

PLANNING & ZONING COMMISSION (3 year terms – 9 members)			
Members	Term	Expires	Appointed
Anita Chappuie	Unexpired	January 1, 2028	June 11, 2025 Replaced Brett Gilcrist
Butch Holum	Unexpired	January 1, 2026	January 11, 2024
Kym Kays** Secretary	1st term*	January 1, 2028	January 11, 2024
Rita Ortolani	1st term*	January 1, 2028	January 11, 2024
Gary Hogsett**	1st term	January 1, 2027	January 11, 2024
Michelle Avery	2nd term*	January 1, 2027	June 28, 2018 January 11, 2024
Tim Haynes	1st term*	January 1, 2027	February 24, 2022 January 11, 2024
Lisa Richard Vice Chair	2nd term*	January 1, 2026	August 8, 2019 December 19, 2019
Rachel Lyon Chair	1st term*	January 1, 2026	May 14, 2020
*Served an unexpired or partial term.			
**Outside City Appointment. Not on Board of Zoning Appeals.			
Meeting Place: Commission Room, City Hall Meeting Date: First Tuesday Meeting Time: 5:30 p.m.			

SUPPORTING DOCUMENTS

1. RES 2011-57, TERM LIMITATIONS

RESOLUTION NO. 2011- 57

A Resolution Repealing Resolution No. 1-77 and Enacting Provisions Concerning Term Limitations of Appointed Board Members

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

Section 1. Repeal

Resolution No. 1-77 adopted by the Governing Body of the City of Independence on January 12, 1977 restricting term limitations to appointed boards, agencies, commissions and committees is hereby repealed and set aside.

Section 2. Purpose

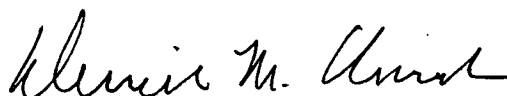
The City of Independence has numerous boards, agencies, commissions and committees in existence, the members of which are not salaried or compensated and are appointed by the Governing Body. As a general rule, it is in the best interests of the public that membership on boards, agencies, commissions and committees be limited to two consecutive terms, but not as a hard and fast rule. Exceptions should be made depending on the nature and business of the particular board, agency, commission or committee, any specialty or expertise required, and other particulars concerning the service of the appointed member.

Section 3. Adoption of Policy

It is hereby adopted as the policy of the Governing Body of the City of Independence that members appointed to boards, agencies, commissions or committees shall, as a general rule, be limited to two consecutive terms subject to the discretion of the Governing Body to allow additional terms depending on the type of board, agency, commission or committee involved, any specialty or expertise required, the difficulty in obtaining a citizen to serve on

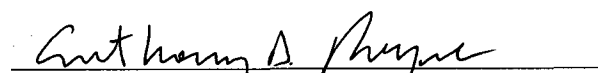
the board, agency, commission or committee, and other relevant factors as determined in the discretion of the Governing Body.

Adopted and approved by the Governing Body of the City of Independence, Kansas, on the 10th day of November, 2011.



Derrill Unruh, Mayor

ATTEST:



Anthony D. Royse, City Clerk

