

**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,

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

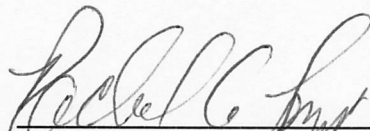
VI. Adjournment


**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

  
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Rachel Lyon, Chairperson

  
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Lisa Richard, Vice-Chair