



Tuesday, January 6, 2026
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 December 2nd, 2025 meeting.
- III. BOARD OF ZONING APPEALS (DOES NOT INCLUDE OUTSIDE CITY APPOINTMENTS)
 - a. Public hearing to receive comments on a variance from the special conditions required for a kennel, specifically a reduction in the minimum lot size required for a kennel use and a reduction in the minimum setback distance required for structures used in connection with the kennel.
- IV. PLANNING COMMISSION
 - a. Public hearing to receive comments on a conditional use permit to allow a kennel in a C-2 commercial services district.
- V. DISCUSSION
 - a. Recognition of Lisa Richard for Service on the Planning & Zoning Commission and Discussion of Upcoming Agenda Items
- VI. ADJOURNMENT



**PLANNING COMMISSION ACTION / BOARD OF
ZONING APPEALS MINUTES
CITY OF INDEPENDENCE
January 6, 2026**

Department City Clerk

Prepared By

AGENDA ITEM Consider approving minutes of the December 2nd, 2025 meeting.

SUMMARY RECOMMENDATION

I move to approve the December 2nd, 2025 minutes as presented

SUPPORTING DOCUMENTS

1. December 2 2025 PZ Minutes

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 2,
2025 Meeting**

I. Call to Order

Present: Rachel Lyon, Lisa Richard, Michelle Avery, Butch Holum and Rita Ortolani and Anita Chappuie

Absent: Kym Kays, Tim Haynes, Gary Hogsett, and Anita Chappuie

City Staff Present: David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk and Kayla Schabel, Executive Assistant to the City Manager

Guests: Larry McHugh and Michael Hoover

Chairperson Lyon called the meeting to order.

II. Minutes

- a. Consider approving minutes of the November 5, 2025 meeting.

Motion:

On the motion of Butch Holum, seconded by Lisa Richard the Commission approved the November 5th, 2025 minutes as presented.

Aye: Rachel Lyon, Lisa Richard, Michelle Anderson, Butch Holum, Rita Ortolani

Nay: None

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.

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**

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 2,
2025 Meeting**

- 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.

Motion:

On the motion of Lisa Richard, seconded by Butch Holum the Commission approved 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 north alleyway; and for the unit with physical address of 2016 W Myrtle Unit 1 - 20 feet from north alleyway.

Aye: Rachel Lyon, Lisa Richard, Michelle Anderson, Butch Holum, Rita Ortolani

Nay: None

IV. Planning Commission

V. Discussion

- a. Planning Commission/Board of Zoning Appeals Appointments

Chairperson Lyon mentioned that there are open positions on the Board and if anyone knew of someone willing to serve to please have them apply.

January 6th, 2026 at 5:30 p.m. is the next scheduled meeting.

VI. Adjournment

Motion:

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 2,
2025 Meeting**

**On the motion of Rachel Lyon, seconded by Lisa Richard, the Commission
adjourned the meeting.**

**Aye: Rachel Lyon, Lisa Richard, Michelle Anderson, Butch Holum, Rita
Ortolani**

Nay: None

Chair

Vice-Chair



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
VARIANCE
CITY OF INDEPENDENCE
JANUARY 6, 2026**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Public hearing to receive comments on a variance from the special conditions required for a kennel, specifically a reduction in the minimum lot size required for a kennel use and a reduction in the minimum setback distance required for structures used in connection with the kennel.

SUMMARY RECOMMENDATION Based on the analysis provided, and upon a finding that the criteria in Section 2-116 are met, staff recommends approval of the requested variances.

BACKGROUND REQUEST AND BACKGROUND

The applicant is requesting approval of variances from the special conditions applicable to kennels under **Section 1006.1** of the zoning code. Specifically, the request is for relief from:

1. The minimum lot size requirement of two acres, and
2. The 75-foot setback requirement for kennel buildings and runs.

The variance request is related to a proposed boarding-only kennel, which is subject to separate consideration as a Conditional Use Permit under a different agenda item. While related, the variance request must be evaluated independently under the criteria set forth in **Sec. 2-116**.

VARIANCE ANALYSIS

Sec. 2-116 - Variances, Exceptions

"When deemed necessary by the board of zoning appeals, the board may grant variances and exceptions from the zoning regulations on the basis and in the following manner:

(1) To authorize in specific cases a variance from the specific terms of the regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district. A request for a variance may be granted in such case, upon a finding by the board that all the following conditions have been met:

- a. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant;
- b. That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;
- c. That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

- d. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
 - e. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations; and
- (2) To grant exceptions to the provisions of the zoning regulation in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning regulation.

In no event shall exceptions to the provisions of the zoning regulation be granted where the use or exception contemplated is not specifically listed as an exception in the zoning regulation. Under no conditions shall the board of zoning appeals have the power to grant an exception when conditions of this exception, as established in the zoning regulation by the board of commissioners, are not found to be present."

A. Unique Conditions of the Property

The subject property is developed with an existing commercial building and associated fencing located at or near the property line. The parcel is significantly smaller than the two-acre minimum required for kennel uses and is constrained by its size, configuration, and existing development pattern.

Due to these constraints, relocating the existing building or dog run fencing to meet the 75-foot setback requirement is not feasible without eliminating required parking or rendering the site functionally unusable. These conditions are inherent to the property and are not typically found on larger, undeveloped parcels.

Staff also notes that other animal-related facilities in the broader commercial area operate on substantially smaller parcels, including properties of approximately 56,933.5 square feet and 41,248 square feet, indicating that the size of the subject property is not unusual within this commercial context.

B. Impact on Adjacent Properties

All surrounding properties are zoned C-2 Commercial and are developed with commercial or storage-related uses. No residential properties are adjacent to the site. Given the existing development pattern and the lack of expansion proposed, staff finds that granting the variances will not adversely affect the rights of adjacent property owners.

C. Unnecessary Hardship

Strict application of the minimum lot size and setback requirements would prevent reasonable use of the property for a kennel use that is otherwise contemplated by the zoning code. Compliance would require removal or relocation of existing improvements in a manner that would eliminate required parking or make the site unusable.

This represents a practical hardship related to the physical constraints of the property rather than a hardship created solely by the applicant.

D. Public Health, Safety, and Welfare

The proposed operation will be required to comply with all applicable county and state health standards. Given the commercial surroundings and operational limitations proposed, staff finds that granting the variances will not adversely affect the public health, safety, or welfare.

E. Spirit and Intent of the Zoning Regulations

The intent of the kennel standards is to mitigate potential impacts such as noise and odor. In this case, those impacts can be addressed through operational controls and conditions imposed through the conditional use permit. Staff finds that granting the variances is consistent with the spirit and intent of the zoning regulations and promotes fair and reasonable application of the code.

VARIANCE ANALYSIS

Sec. 2-116 - Variances, Exceptions

"When deemed necessary by the board of zoning appeals, the board may grant variances and exceptions from the zoning regulations on the basis and in the following manner:

(1) To authorize in specific cases a variance from the specific terms of the regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district. A request for a variance may be granted in such case, upon a finding by the board that all the following conditions have been met:

- a. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant;
- b. That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;
- c. That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- d. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
- e. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations; and

(2) To grant exceptions to the provisions of the zoning regulation in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning regulation.

In no event shall exceptions to the provisions of the zoning regulation be granted where the use or exception contemplated is not specifically listed as an exception in the zoning regulation. Under no conditions shall the board of zoning appeals have the power to grant an exception when conditions of this exception, as established in the zoning regulation by the board of commissioners, are not found to be present."

A. Unique Conditions of the Property

The subject property is developed with an existing commercial building and associated fencing located at or near the property line. The parcel is significantly smaller than the two-acre minimum required for kennel uses (14,079 square feet) and is constrained by its size, configuration, and existing development pattern.

Due to these constraints, relocating the existing building or dog run fencing to meet the 75-foot setback requirement is not feasible without eliminating required parking or rendering the site functionally unusable. These conditions are inherent to the property and are not typically found on larger, undeveloped parcels.

Staff also notes that other animal-related facilities in the broader commercial area operate on substantially smaller parcels, including properties of approximately 56,933.5 square feet and 41,248 square feet, indicating that the size of the subject property is not unusual within this commercial context.

B. Impact on Adjacent Properties

All surrounding properties are zoned C-2 Commercial and are developed with commercial or storage-related uses. No residential properties are adjacent to the site. Given the existing development pattern and the lack of expansion proposed, staff finds that granting the variances will not adversely affect the rights of adjacent property owners.

C. Unnecessary Hardship

Strict application of the minimum lot size and setback requirements would prevent reasonable use of the property for a kennel use that is otherwise contemplated by the zoning code. Compliance would require removal or relocation of existing improvements in a manner that would eliminate required parking or make the site unusable. This represents a practical hardship related to the physical constraints of the property rather than a hardship created solely by the applicant.

D. Public Health, Safety, and Welfare

The proposed operation will be required to comply with all applicable county and state health standards. Given the commercial surroundings and operational limitations proposed, staff finds that granting the variances will not adversely affect the public health, safety, or welfare.

E. Spirit and Intent of the Zoning Regulations

The intent of the kennel standards is to mitigate potential impacts such as noise and odor. In this case, those impacts can be addressed through operational controls and conditions imposed through the conditional use permit. Staff finds that granting the variances is consistent with the spirit and intent of the zoning regulations and promotes fair and reasonable application of the code.

RECOMMENDED MOTION

If the Board of Zoning Appeals finds that the requested variances meet the criteria set forth in Section 2-116 of the zoning code, staff recommends approval of the variances.

"I move that the Board of Zoning Appeals find that the requested variances from the minimum two-acre lot size and the 75-foot setback requirements meet the criteria set forth in Section 2-116 of the zoning code and approve the variances."

SUPPORTING DOCUMENTS

1. 2026CUP01 Public Hearing Notice 112 S 25th

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, January 6, 2026, at 5:30 p.m.

To receive comments on the following zoning requests: 1) a conditional use permit to allow a kennel in a C-2 commercial services district, and 2) a variance from the special conditions required for a kennel, specifically a reduction in the minimum lot size required for a kennel use and a reduction in the minimum setback distance required for structures used in connection with the kennel.

Common Address:

112 South 25th Street

Legal Description:

Block 3, Lots 11 and 12, Pughs 1st Addition to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Mark Ferrell

Case Number:

2026/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) 301-0266

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



**REQUEST FOR PLANNING COMMISSION ACTION
CONDITIONAL USE PERMIT (VOTED ON BY
PLANNING BOARD) AND VARIANCE (VOTED ON BY
THE ZONING BOARD ONLY)
CITY OF INDEPENDENCE
JANUARY 6, 2026**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Public hearing to receive comments on a conditional use permit to allow a kennel in a C-2 commercial services district.

SUMMARY RECOMMENDATION Based on the analysis provided, and upon a finding that the criteria in Section 902.2 of the zoning code are met, staff recommends the Planning Commission recommend approval of the Conditional Use Permit to the Governing Body, subject to conditions.

BACKGROUND REQUEST AND BACKGROUND

The applicant is requesting approval of a Conditional Use Permit (CUP) to operate a boarding-only kennel on property zoned C-2 Commercial, as permitted under Article X, Section 1006.0 of the zoning code.

This request is accompanied by a separate variance request, which is addressed under a different agenda item. Approval of the conditional use is contingent upon compliance with applicable standards and any conditions deemed necessary by the Planning Commission and Governing Body.

CONDITIONAL USE ANALYSIS

Sec. 902.2 – Action by the Planning Commission

"902.2. Action by the planning commission: Upon receiving the application for conditional use permit from the zoning administrator, the planning commission shall publish notice and hold public hearing on the proposal. Procedures for public hearings shall be handled the same as a zoning amendment as described in section 1603.0 of the zoning code. If the planning commission determines that additional information should be provided to it before making a decision, the planning commission may adjourn the public hearing to a new date and require the applicant to provide such additional information. The decision of the planning commission to recommend approval or denial of the proposed conditional use shall be based on any or all of the following criteria which the planning commission determines to be relevant:

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.
- b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood,

consideration shall be given to:

1. The location, nature and height of buildings, structures, walls and fences on the site, and
 2. The nature and extent of landscaping and screening on the site.
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII).
- f. Adequate utility, drainage, and other such necessary facilities have been or will be provided
- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys."

A. Compliance with Applicable Regulations

Kennels are permitted as a conditional use in the C-2 zoning district pursuant to Section 1006.0. Subject to approval of the companion variances, the proposed boarding-only kennel complies with the applicable provisions of the zoning code, including intensity of use and operational limitations.

B. Public Welfare and Convenience

The proposed kennel provides a commercial service within an established commercial corridor along South 25th Street. Locating this use in a C-2 district supports orderly development patterns and avoids impacts to residential neighborhoods. Staff finds that the use will contribute to the convenience of the public.

C. Impact on Property Values

The surrounding area is characterized by storage units, warehouse uses, and other commercial operations. Given the absence of nearby residential properties and the limited scale of the proposed use, staff finds that the kennel will not cause substantial injury to the value of neighboring properties.

D. Location, Scale, and Intensity

The kennel will operate within an existing one-story commercial building, with no expansion proposed. The applicant has indicated:

- A maximum of 25 dogs on-site at any one time;
- Dogs will be taken outdoors only briefly and under supervision;
- Dogs will not be kept outdoors;
- Hours of operation will be 7:00 a.m. to 10:00 p.m..

Screening requirements can be enforced as conditions of approval. Based on these factors, staff finds that the use will not dominate or overwhelm surrounding commercial properties.

E. Parking, Utilities, and Access

Off-street parking is provided on-site in accordance with Article VII. Adequate utilities and services are available to support the use. Sanitation practices include immediate waste removal and routine cleaning of the dog run area, which assists with odor control. The site has direct access from South 25th Street, as well as alley access. Traffic generated by the use is expected to be minimal and limited to business hours.

CONDITIONAL USE PERMIT RECOMMENDATION

Staff recommends approval of the Conditional Use Permit for a boarding-only kennel, subject to conditions deemed necessary to protect surrounding properties and ensure compliance, including but not limited to:

- The maximum number of dogs on-site shall not exceed 25.
- Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
- Dogs shall not be kept outdoors except for supervised, temporary use.
- Screening and fencing shall be maintained in accordance with Section 1006.1.

- The operation shall comply with all applicable county and state health standards.

RECOMMENDED MOTION

Based on the analysis provided, and upon a finding that the criteria in Section 902.2 of the zoning code are met, staff recommends the Planning Commission recommend approval of the Conditional Use Permit to the Governing Body, subject to conditions.

"I move that the Planning Commission find that the proposed boarding-only kennel meets the criteria set forth in Section 902.2 of the zoning code and recommend approval of the Conditional Use Permit to the Governing Body, subject to conditions."

SUPPORTING DOCUMENTS

1. Public Hearing Notice 112 S 25th
2. Notification Sent Map - 250 ft
3. Notification Address List
4. Zoning Map 112 S 25th
5. Resolution 2026- Conditional Use Permit for 112 S 25th

City of Independence, Kansas

NOTICE TO THE PUBLIC

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To receive comments on the following zoning requests: 1) a conditional use permit to allow a kennel in a C-2 commercial services district, and 2) a variance from the special conditions required for a kennel, specifically a reduction in the minimum lot size required for a kennel use and a reduction in the minimum setback distance required for structures used in connection with the kennel.

Common Address:

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Legal Description:

Block 3, Lots 11 and 12, Pughs 1st Addition to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Mark Ferrell

Case Number:

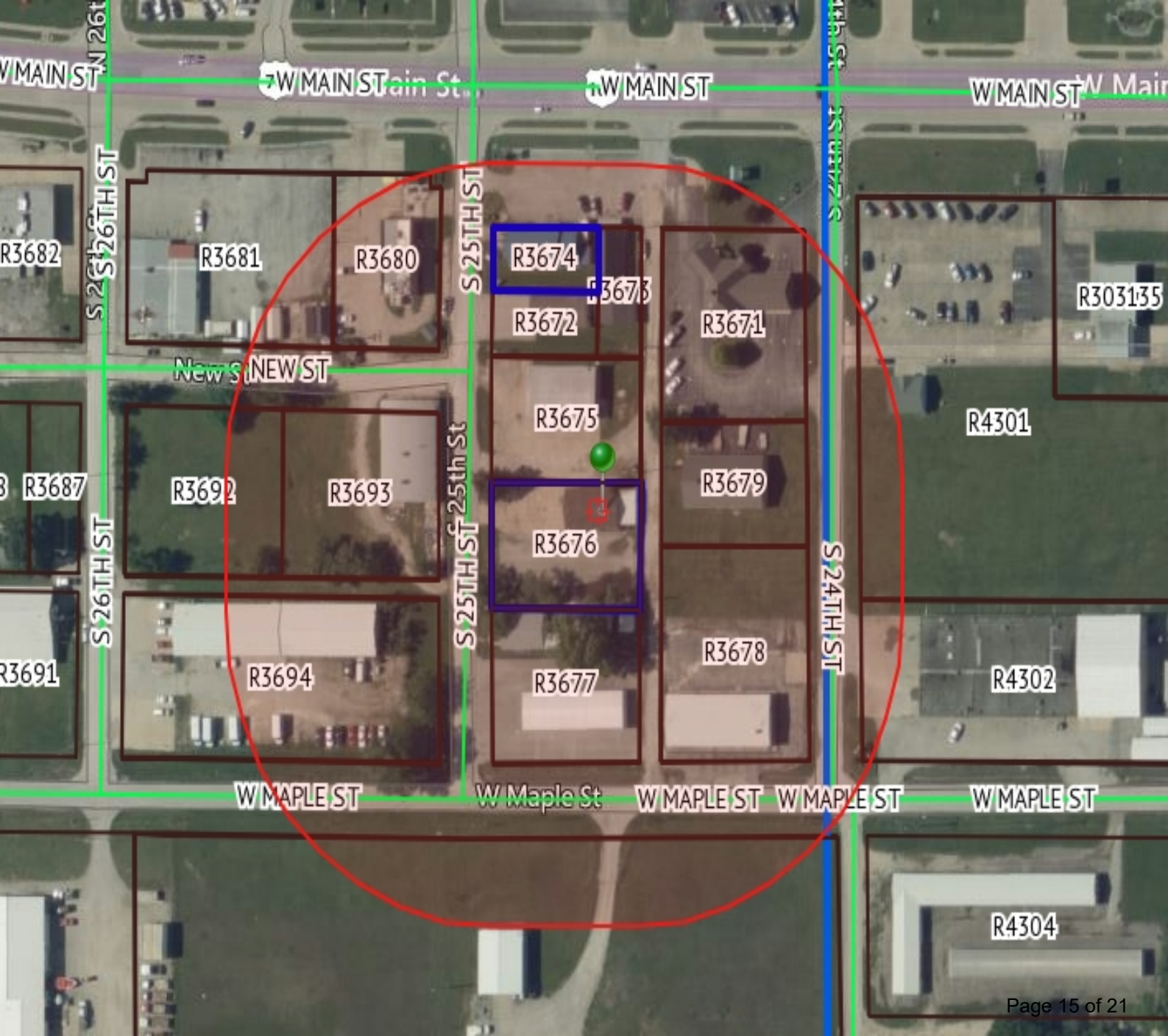
2026/CUP/01

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) 301-0266

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



Quick Ref	Parcel	Nurr	Situs	Taxing Unit	Function	Neighborhc	Owner	Mailing Adc	Total Ac
R3674	063-087-351817	W MA	108	INDEP	Commercia	208.M	STOVER, J	RESTORE	0.12
R3673	063-087-351813	W MA	108	INDEP	Commercia	208.M	DODSON, PO BOX 21		0.1
R3692	063-087-3500000	NEV	108	INDEP	Commercia	208.C	SPARTAN 125 S 26TH		0.46
R3693	063-087-351901	NEW	108	INDEP	Commercia	208.C	FALCON R3963 CR 5		0.45
R3675	063-087-35108	S 25TH	108	INDEP	Residential	208.C	PASTERNA/2411 GARY		0.32
R3672	063-087-35106	S 25TH	108	INDEP	Commercia	208.C	MATLOCK,3423 RUSSE		0.12
R3679	063-087-3500000	S 24TH	108	INDEP	Vacant	208.C	FIRSTOAKATTN: SHA		0.31
R3695	063-087-351845	W MA	035	INDEP	Commercia	900	CABLE ONC/O RYAN		0
R3677	063-087-35128	S 25TH	108	INDEP	Commercia	108.A	MUNINGE/3000 MAJE		0.16
R3694	063-087-351922	W MA	108	INDEP	Commercia	208.C	FOUR COLPO BOX 68		0.92
R3678	063-087-35127	S 24TH	108	INDEP	Commercia	208.C	BLACKAR/PO BOX 40		0.55
R3681	063-087-351921	W MA	108	INDEP	Commercia	208.M	DO, THANI/2213 W MA		0.61
R3680	063-087-351901	W MA	108	INDEP	Commercia	208.M	DO, THANI/2213 W MA		0.32
R3676	063-087-35112	S 25TH	108	INDEP	Commercia	208.C	MARSHALI/4635 CR 4		0.32
R3671	063-087-351801	W MA	108	INDEP	Commercia	208.M	FIRSTOAKATTN: SHA		0.48
R4302	063-087-36120	S 24TH	108	INDEP	Commercia	208.C	SEKTAM C120 S 24TH		0.9
R4301	063-087-361717	W MA	108	INDEP	Commercia	208.M	LAY, JOHN/4111 CR 10		1.82

Sq Ft	Latitude	Longitude	Area	Area Units	Perimeter	Perimeter Units
5045	37.22307	-95.7298	5033.2	Square Feet	300.1	Feet
4212	37.22299	-95.7296	4209.3	Square Feet	287.6	Feet
19941	37.22256	-95.731	19945.6	Square Feet	565.8	Feet
19583	37.22255	-95.7304	19540.1	Square Feet	560	Feet
13951	37.22271	-95.7298	13964	Square Feet	479.9	Feet
5244	37.22292	-95.7298	5247.6	Square Feet	304.7	Feet
13616	37.22257	-95.7292	13636.6	Square Feet	473.5	Feet
417157	37.22095	-95.73	417062.6	Square Feet	2584.7	Feet
17131	37.22213	-95.7298	17107	Square Feet	524.3	Feet
38986	37.22215	-95.7307	38994.9	Square Feet	860.3	Feet
23888	37.2222	-95.7292	23867.4	Square Feet	621	Feet
26655	37.22306	-95.7309	26666.6	Square Feet	665.2	Feet
13927	37.22306	-95.7304	13955.7	Square Feet	479.6	Feet
14079	37.22244	-95.7298	14093.7	Square Feet	481.6	Feet
20725	37.22292	-95.7292	20722.9	Square Feet	576.8	Feet
39159	37.22214	-95.7283	39111.4	Square Feet	868.2	Feet
79250	37.22276	-95.7283	79302.2	Square Feet	1257.7	Feet



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR A “KENNEL,
BOARDING ONLY” IN A C-2, COMMERCIAL SERVICES DISTRICT AT 112 S 25TH
Street.**

WHEREAS, at a public hearing conducted on January 6, 2026, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit for a “Kennel” in a C-2, commercial services district at 112 S. 25th 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 a “Kennel” in a C-2, commercial services district at 112 S. 25th Street, is approved as hereinafter modified.

The property in question has the legal description as described:

Block 3, Lots 11 and 12, Pughs 1st Addition to the City of Independence, Montgomery County, Kansas, commonly known as 112 S. 25th Street.

With the following provisions:

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.
- b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 1. The location, nature and height of buildings, structures, walls and fences on the site, and
 2. The nature and extent of landscaping and screening on the site.
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (Article VII).
- f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

- h. The number of dogs boarded on the property at any one time shall not exceed twenty-five (25).
- i. The kennel shall operate only between the hours of 7:00 a.m. and 10:00 p.m. No outdoor activity involving dogs shall occur outside these hours.
- j. Dogs shall not be kept outdoors except for brief, supervised periods for restroom or exercise purposes. Dogs shall not be left unattended outdoors.
- k. Screening and fencing shall be maintained in accordance with **Section 1006.1(c)** of the zoning code. Any required screening shall be continuously maintained in good condition.
- l. All animal waste shall be removed promptly. Kennel run and outdoor areas shall be cleaned and disinfected regularly. The operation shall comply with all applicable county and state health code requirements.
- m. The operation shall be conducted in a manner that minimizes noise impacts on surrounding properties. Repeated or sustained nuisance-level noise may be grounds for enforcement action or permit revocation.
- n. The permit holder shall comply with all applicable local, county, and state regulations, including but not limited to licensing, health, building codes, and off-street parking regulations.

Adopted and approved by the Governing Body of the City of Independence, Kansas, on this 22nd day of January, 2026.

(Attest)

[INSERT], Mayor

David Schwenker, City Clerk



**OTHER DISCUSSION
CITY OF INDEPENDENCE
January 6, 2026**

Department Admin

Prepared By Kayla Angleton

AGENDA ITEM Recognition of Lisa Richard for Service on the Planning & Zoning Commission and Discussion of Upcoming Agenda Items

BACKGROUND The Planning & Zoning Commission will recognize and thank Lisa Richard, Vice Chair, for her years of service on the Commission. Ms. Richard has served on the Planning & Zoning Commission since August 8, 2019, when she was initially appointed to fill an unexpired term resulting from a resignation. She was subsequently reappointed and has continued her service through the completion of her second term, which expired on January 1, 2026. In accordance with standard practice, she continues to serve in a holdover capacity until a successor is appointed. Her contributions and leadership on the Planning & Zoning Commission are appreciated.

It is anticipated that the City Commission will appoint a new Planning & Zoning Commission member at its January 8, 2026, meeting to fill the position associated with the expiration of Ms. Richard’s term.

To allow adequate time for the City Commission appointment and to ensure the newly appointed member can be present for Planning & Zoning Commission reorganization and orientation, staff proposes moving reorganization and orientation to the February meeting. In addition, staff will confirm with the Commission the scheduling of a work session regarding landscaping requirements as a potential agenda item for the February 3, 2026, Planning & Zoning Commission meeting.

This item is for discussion and recognition purposes only, and no formal action is required.

PLANNING & ZONING COMMISSION (3 year terms – 9 members)			
Members	Term	Expires	Appointed
Anita Chappuie	Unexpired	January 1, 2028	June 11, 2025 Replaced Brett Gilchrist
Butch Holum	1st term*	January 1, 2029	January 11, 2024 Reappointed 12/11/2025
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	2nd term*	January 1, 2029	May 14, 2020 Reappointed 12/11/2025
*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.			