



Tuesday, April 7, 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

- a. Orientation by the City Attorney.
- b. Reorganization
 - 1. Election of Chair
 - 2. Election of Vice Chair
 - 3. Election of Secretary

II. MINUTES

- a. Consider approving minutes of the March 3, 2026 minutes.

III. BOARD OF ZONING APPEALS (DOES NOT INCLUDE OUTSIDE CITY APPOINTMENTS)

IV. PLANNING COMMISSION

- a. Conditional use permit for multi-family dwellings in a nonresidential structure in the C-3 District at 201 N Penn.
- b. Text amendment to Appendix B to add Article XIX, Landscaping Requirements

V. DISCUSSION

VI. ADJOURNMENT



Planning Commission/ Board of Zoning Appeals Item
CITY OF INDEPENDENCE
April 7, 2026

Department Admin

Director Approval Kayla Schabel

AGENDA ITEM Orientation by the City Attorney.

BACKGROUND Orientation by the City Attorney.

SUPPORTING DOCUMENTS

1. PLANNING COMMISSION ORIENTATION

PLANNING COMMISSION ORIENTATION

BY CITY ATTORNEY JEFF CHUBB

City Website: www.IndependenceKs.gov

City Code: <http://library.municode.com/index.aspx?clientId=12808>

City Zoning Code:

<http://library.municode.com/HTML/12808/level1/APXBZO.html>

Comprehensive Plan:

<http://books.thinkconfluence.com/books/ptnu>

Agendas and Minutes:

<https://www.independenceks.gov/129/Agendas-Minutes>

OUTLINE FOR MEMBERS OF CITY BOARDS

A. Kansas Open Meetings Act (KOMA)

1. Applies to governmental entities or subordinate groups of governmental entities in general terms.
2. The purpose of KOMA is to require governmental entities, and their subordinate bodies, to conduct their business in the open so the public can observe and see what is going on.
3. For KOMA to apply, there must be a meeting. A meeting is defined as a gathering, a telephone call, or other means of "interactive communication" involving a majority of the board or entity for the purpose of discussing the business or affairs of the entity.
4. There are certain exceptions to KOMA which permit the entity to discuss certain matters in private which are called executive sessions. Executive sessions are permitted for the following subjects:
 - a. Personnel matters of non-elected personnel.
 - b. Consultation with an attorney which would be deemed privileged in the attorney-client relationship.
 - c. Confidential data relating to financial affairs or trade secrets of a company.
 - d. Preliminary discussions relating to acquisition of real estate.

B. Code of Ethics

1. The City Commission recently adopted a Resolution creating a written code of ethics for elected officials and their appointees. You are appointees and are subject to the code of ethics.
2. The provisions of the code of ethics speak for itself. It is designed to ensure fair dealing with the public.
3. The code of ethics sets forth certain situations which, if they arise, would require you to not participate in a vote being taken on a particular subject.

4. The conflict of interest provisions are set out on page 4 regarding acceptance of gifts, financial or business interests with the City, financial interest disclosures, etc.

C. Abstentions:

1. If a member of a board is present when a vote is taken, the member should vote unless the member has a reason under the code of ethics resolution which would require that the member not vote. If a member does not vote, it is considered an abstention.
2. For purposes of the minutes of the meeting, an abstention should be recorded as an abstention.
3. The effect of an abstention is that the member's vote does not count against the majority, but if there is a specific law or ordinance which requires a certain number of votes to have been cast in the affirmative in order to support the action being taken, the abstention cannot be used as an affirmative vote in that situation.

D. Statutory Conflicts of Interest:

1. There is a state statute on conflict of interest which covers appointees to City boards, but does not require appointees to file a statement of substantial interest.
2. Elected officials, on the other hand, must file a statement of substantial interest.
3. A statement of substantial interest is a disclosure statement in which an elected official is required to disclose any business in which he or she, or spouse, has an equitable interest exceeding \$5,000.00 or 5% ownership, or has received income of \$2,000.00 or more from the business in the last year.
4. The statute prohibits participating in the making of a contract with a business in which you have a substantial interest, except if the contract is awarded based upon competitive bidding.

E. Conducting Meetings

1. A quorum of a board is necessary in order to conduct a meeting. What constitutes a quorum is a majority of the board unless there is a specific statute or ordinance specifying otherwise.
2. There are no state statutes, or city ordinances or policies to my knowledge, that require that you adhere to any particular rules of order such as Roberts Rules of Order. Nevertheless, it is general practice for a board to take action by someone making a motion, having a second, and then voting on the motion.
3. The actions of the City Commission can be by motion, by resolution, or by ordinance, with an ordinance being the most formal. An ordinance must be published in the official city newspaper before it can take effect. There is no similar requirement for a motion or resolution unless such requirement exists by virtue of a statute or ordinance.
4. The actions of a board are generally by motion, and possibly by resolution if required. Boards do not have the authority to adopt ordinances.

I. Planning and Zoning Commission/Board of Zoning Appeals (Two Separate and Independent Boards)

A. Planning and Zoning Commission

- 1. Size of Commission - 9 members**
- 2. Composition - 7 members reside in City limits 2 members reside outside City, but within 3 miles**
- 3. Appointments - 3 years**
- 4. Removal of Members:**
 - a) Absence from 3 consecutive meetings at which a vote is taken*
 - b) Miss 4 meetings during any 12 month period*
- 5. Quorum to conduct business – 5 members**
 - a) 5 members' favorable vote for:*
 - (1) Adoption on amendment of Comp Plan
 - (2) Amendment of By-laws
 - (3) Election of officers
 - (4) Set time of regular meeting
 - (5) Zoning ordinance text amendments
 - b) Majority of Quorum - 3 members all other actions:*
 - (1) Plat approval
 - (2) Rezoning recommendations
- 6. Open Meeting Requirements - 5 members cannot discuss business**
- 7. Conflicts of Interest**

- 8. Abstaining**
- 9. Quasi-judicial capacity on Rezoning**
 - a) Cannot discuss rezoning requests except at public meetings or public hearings with other members or public-may discuss with City staff*
- 10. Jurisdiction**
 - a) Comprehensive Plan - City and up to 3 miles*
 - b) Zoning – City limits*
 - c) Board of Appeals - City limits*
 - d) Zoning 3 mile area - County Planning Commission*
 - e) Platting - City limit*
 - f) Platting 3 miles - Joint Board*
- 11. Powers and Duties**
 - a) Prepare and amend City Comprehensive Plan*
 - b) Develop subdivision regulations*
 - c) Review and approve plats - that conform to subdivision regulations*
 - d) Adopt recommendations for zoning districts and regulations*
- 12. Zoning Ordinance vs. Subdivision Regulations**
 - a) Zoning -land use*
 - b) Subdivision - development standards and dedication of public rights-of-way and easements*
- 13. Zoning Classification**

a) City Ordinance based on "Restrictive Use" vs. "Pyramidal Use"

- (1) Appendix A - Permitted and Conditional use table
- (2) Appendix B - Coding land use activities

b) Zoning Classifications (14)

- (1) 13 classifications - 1 overlay (Flood plan)

c) Other Special Classifications

- (1) Planned Unit Developments
- (2) Conditional Use Permits

d) Regulations

- (1) Height limitations, setbacks, lot area coverage per zoning classifications
- (2) Home Occupations
- (3) Day Care
- (4) Recreation Vehicles
- (5) Off-street parking
- (6) Sign Regulations

e) Non-conforming Uses: Land use and structures

14. Zoning Amendments

a) Public Hearing - Quasi-judicial

b) Criteria for rezoning or conditional use (Sec. 2-101 City Code)

- (1) The character of the neighborhood.
- (2) The zoning and uses of properties nearby.

- (3) The suitability of the subject property for the uses to which it has been restricted.
- (4) The extent to which the proposed use will detrimentally affect nearby property.
- (5) The length of time the subject property has remained vacant as zoned.
- (6) The relative gain to public health, safety, and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.
- (7) The economic impact on the owner of the subject property and the economic impact on the surrounding properties.
- (8) Recommendation of City's permanent staff.
- (9) Conformance of the requested change to the adopted comprehensive plan being utilized by the City.
- (10) The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include but are not limited to sanitary and storm sewers, water, and electrical service, police and fire protection, schools, parks and recreation facilities, etc.
- (11) The extent to which the proposed use would adversely affect the capacity or safety of that portion of the street network influenced by the use, or present parking problems in the vicinity of the property.
- (12) The environmental impacts the proposed use will generate, including but not limited to storm water runoff: nighttime lighting, or other environmental conditions.

(13) The ability of the applicant to satisfy any requirements (e.g. site plan, etc.) applicable to the specific use imposed pursuant to the zoning district regulations or other applicable ordinances.

c) Tools - Comp Plan, Zoning Ordinance, Stat Reports, Past practices and policies of Planning Commission.

d) Actions Planning Commission may take:

(1) Recommend approval of application – give reasons

(2) Recommend denial of application - give reasons

e) Effect of not following statutory requirements may result in legal challenge and City action may be over-turned.

B. Board of Zoning Appeals

1. Membership – The 7 members of the Planning Commission that live within the City limits shall serve as the Board of Zoning Appeals.

2. Frequency of Meetings -- When application filed for request for variance on appeal.

3. Authority -- Decide appeals or approval of variance subject to challenge in district court.

4. Items Considered:

a) Appeals regarding application of Zoning Ordinance by Zoning Administrator - appeal must be from aggrieved party.

b) Variances - approve exceptions to Zoning Ordinance when following conditions are met and for which Zoning Ordinance allows a variance:

- (1) 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;
- (2) That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;
- (3) 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;
- (4) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
- (5) That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

II. Recommended Philosophies and Concerns

A. Why have City Planning?

- 1. Establish relationship of land uses within the City that protects property values.**
- 2. Efficient uses of City resources relating to development – traffic safety, infrastructure needs and engineering concerns.**
- 3. Defines community quality of life standards.**

B. Concerns.

- 1. Be consistent in application of standards and codes.**

2. **Follow City codes.**
3. **Common sense - codes and Comp Plan based on common sense on recommended changes.**
4. **Remember you must consider overall City needs - what is good for the City as a whole.**
5. **Persons attending public hearings - very small percentage of population - usually opposition attends public hearings and not proponents.**
6. **Consider long term impacts - described specific use at hearing may not be ultimate use - primarily consider land uses permitted not specific land use presented at hearing.**

III. Major Items Being Considered By Planning Commission:

- A. **Comprehensive Plan Implementation**
- B. **Update of City Zoning Regulations**

IV. Planning Commission Advice, Opinions, or "War Stories"

OUR MISSION: *Excellence in providing municipal services to our residents, visitors and business community to foster a high quality of life.*

OUR MOTTO: *"Delivering Excellence"*

OUR STRATEGIC VISION: *Service Excellence – Continuous Improvement – Teamwork*

WE VALUE:

INTEGRITY – The Power of Honesty

Integrity is the foundation of all we do. It is a constant. Those with whom we work, live and serve can rely on us.

We align our actions with our words and deliver what we promise.

We build and strengthen our reputation through trust.

We do not improperly influence others or let them improperly influence us.

We are respectful and behave in an open and honest manner.

In short, the reputation of the organization reflects the ethical performance of the people who work here.

COMMITMENT – The Power of Responsibility

We embrace our responsibilities. Individually and collectively we make meaningful commitments—first to each other, and then to those with whom we work, live and serve.

We understand and focus on the needs of our customers.

We are citizens and responsible members of the community who are dedicated to safety, care for our environment, and manage our operations ethically.

We know it is both our duty and our honor to carry the City of Independence heritage forward.

EXCELLENCE – The Power of Quality

We set and achieve ambitious goals. The quality of our services reflects the power and heritage of the City of Independence—the pride we take in what we do and what we make possible.

We are passionate about people, process, and service excellence.

We are determined to serve our customers through innovation, continuous improvement, an intense focus on customer needs, and a dedication to meet those needs with a sense of urgency.

For us, excellence is not only a value; it is a discipline and a means for making the City a better place.

TEAMWORK – The Power of Working Together

We help each other succeed. We are a team, sharing our unique talents to help those with whom we work, live and serve.

The diverse thinking and decision making of our people strengthens our team.

We respect and value people with different opinions, experiences and backgrounds.

We strive to understand the big picture, and then do our part.

We know that by working together, we can produce better results than any of us can achieve alone.

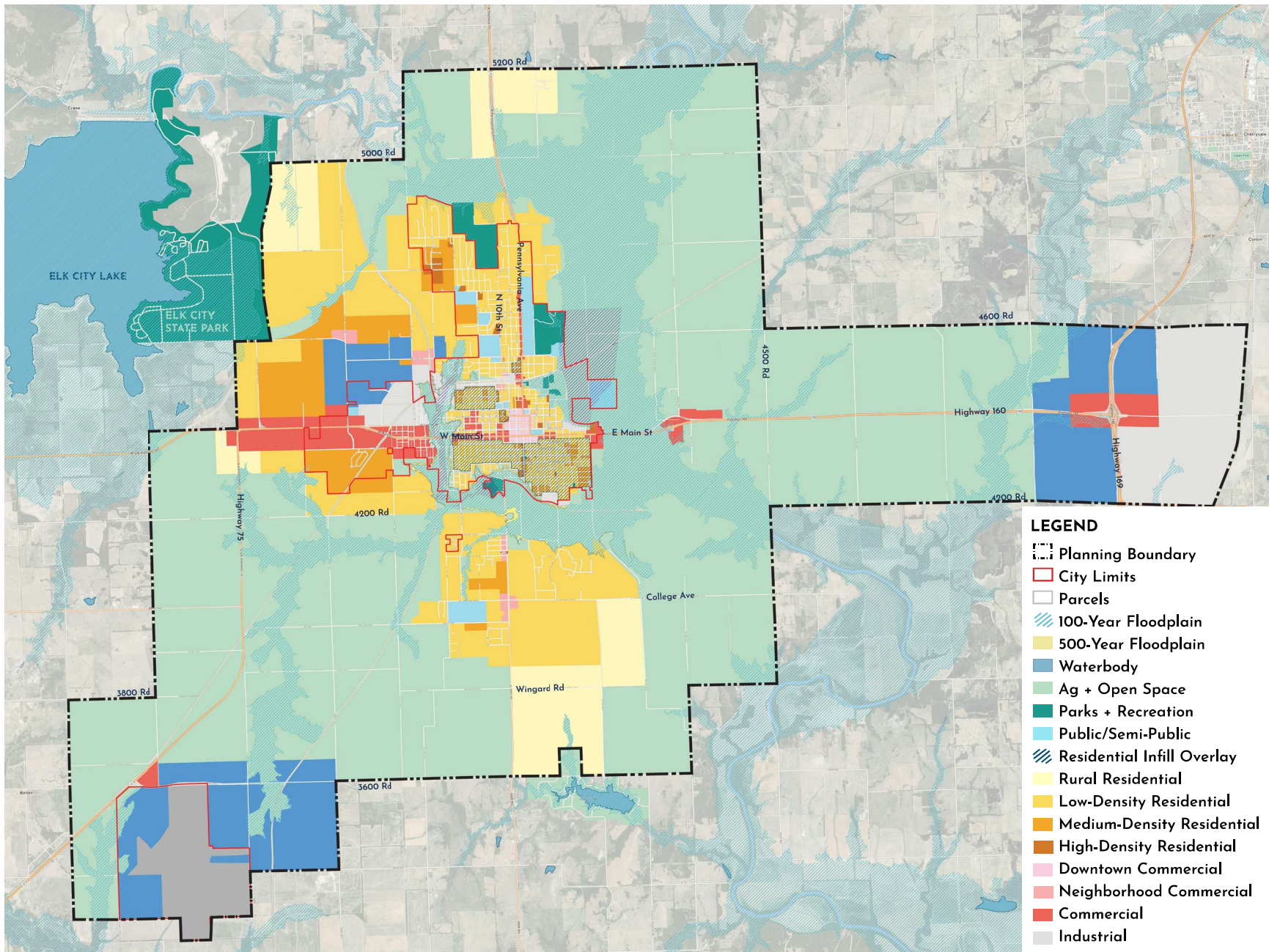


FIGURE 2.7 // PROPOSED FUTURE LAND USE MAP

- LEGEND**
- Planning Boundary
 - City Limits
 - Parcels
 - 100-Year Floodplain
 - 500-Year Floodplain
 - Waterbody
 - Ag + Open Space
 - Parks + Recreation
 - Public/Semi-Public
 - Residential Infill Overlay
 - Rural Residential
 - Low-Density Residential
 - Medium-Density Residential
 - High-Density Residential
 - Downtown Commercial
 - Neighborhood Commercial
 - Commercial
 - Industrial
 - Airport
 - Business Park

from
Kelly
3-15-02

**BY-LAWS OF
THE INDEPENDENCE PLANNING AND ZONING COMMISSION
AND BOARD OF ZONING APPEALS**

The following by-laws are established by the Independence Planning and Zoning Commission and Board of Zoning Appeals.

**ARTICLE ONE
Creation of Planning and Zoning Commission
and Designation of Board of Zoning Appeals**

SECTION ONE: As provided for by State Statute, Section 4, Chapter 56, 1991 Session Laws, the Independence City Commission has created a Planning and Zoning Commission. Furthermore, as provided by Section 20 (g), Chapter 56, 1991 Session Laws, the City Commission has designated the Planning and Zoning Commission as the Board of Zoning Appeals. When the term Planning Commission is used in these By-laws, where applicable, these by laws shall also apply to the Board of Zoning Appeals.

**ARTICLE TWO
Purpose**

SECTION ONE: By-Laws. The purpose of these By-Laws is to establish rules for the internal organization and procedures of operation of the Planning Commission for compliance with K.S.A. 12-701, et.seq., as amended by the 1991 Kansas Legislature.

SECTION TWO: Commission. The function, powers, and duties of the Planning Commission are as authorized by State Law, K.S.A. 12-701, et.seq., and existing City ordinance. The Planning Commission adopts its own rules and policies for procedure, consistent with its powers.

**ARTICLE THREE
Organization**

SECTION ONE: Officers. The officers of the Commission shall be a Chairman, Vice Chairman, and Secretary. The Chairman, Vice Chairman, and Secretary shall be elected by the Planning Commission at its regular meeting in January of each year. The term of office shall be one (1) year. Officers may succeed themselves to office.

SECTION TWO: Chairman. The Chairman shall preside at all meetings of the Planning Commission. At his discretion, a Chairman may call special meetings and he may also relinquish the Chair to the Vice Chairman or other specific member. The Chairman may not make or second motions, but he may vote on any and all motions to come before the Commission. The Chairman shall appoint all committees. The Chairman shall perform all the duties assigned to his office by law and by the City Governing Body, and shall have such usual powers of supervision and management as pertain to the office of Chairman. If the Chairmanship becomes vacant for any reason, the Vice Chairman shall succeed to the Chairmanship for the remainder of the term.

SECTION THREE: Vice Chairman. The Vice Chairman shall act as Chairman in the absence of the Chairman or disability of the Chairman. In the event the office of Chairman becomes vacant, the Vice Chairman shall succeed to that office for the unexpired term and the Planning Commission shall select a new Vice Chairman for the unexpired term.

SECTION FOUR. Secretary. The Secretary is responsible for keeping a record of all regular and special meetings of the Planning Commission. The Secretary may be assisted in record keeping and providing notices of all regular and special meetings, and to keep records of all meetings by employees of the City. In the absence of the Chairman and Vice Chairman, the Secretary will serve as Chairman.

SECTION FIVE: Attendance. In the event the Chairman, Vice Chairman or Secretary of the Commission shall be absent or unable to attend to the duties of their offices, the members of the Commission may, at any regular meeting or any special meeting called for that purpose, appoint a Chairman pro-tem or a Secretary pro-tem, as the case may be, who shall attend to all the duties of such officer until such officer shall return or be able to attend to his duties.

ARTICLE FOUR Meetings

SECTION ONE: Regular Meetings. Regular meetings of the Planning Commission shall be held the first Tuesday of each month. Unless otherwise provided, the regular meetings shall be conducted in the American Legion Room of Memorial Hall and shall begin at 6:30 p.m.

SECTION TWO: Special Meetings. Special meetings of the Planning Commission shall be called by the Chairman, or in his absence, by the Vice Chairman, and held at any time or place fixed in the notice. Only items specified in the notice may be acted upon at the special meeting. Notice may be made by telephone or mail. The Chairman or, in his absence, the Vice Chairman shall call a special meeting of the Commission at the request, in writing, of a majority of the appointed members of the Commission; and if the Chairman or, in his absence, the Vice Chairman shall fail to comply with such request, said members so requesting, may call such meeting provided they all sign the notice. The Planning Commission shall provide at least three (3) days' notice to each member prior to any special meeting unless the notice requirement is waived by all members.

SECTION THREE: Quorum. A majority of the membership of the Planning Commission shall be necessary to constitute a quorum for the transaction of business and taking of official action. A favorable vote of five (5) members shall be necessary for the adoption of:

- a. a Comprehensive Plan or addition of any parts thereof;
- b. any amendments or changes in the By-Laws of the Commission;
- c. the election of officers of the Commission;
- d. to set time and place of regular meetings;
- e. zoning ordinance amendments;

All other action may pass upon a favorable vote of a majority of the quorum.

ARTICLE FIVE

Conduct of Meetings

SECTION ONE: Suggested Order of Business. a) Call to Order, Approval of Minutes, Public Hearing, Action on Items on which Public Hearings were held, Other Items Requiring Planning Commission Action, Reports, Other Concerns of the Commission, and Adjournment. b) The Commission may consider items not on the Agenda if a majority of the Commission members present vote approval to do so.

SECTION THREE: Continuances. Any item may be continued upon request of the applicant or recommendation by staff or a Commission member. The Commission may continue items requiring a public hearing to a date certain. Other items may be tabled and recalled at the request of the applicant, staff, or Commission. A tabled item which fails to be recalled after six (6) months shall be considered withdrawn. The applicant is entitled to one (1) continuance as a matter of right, and subsequent continuances only upon approval of a majority of the Planning Commission. If consent is not given, action must be taken by the Planning Commission or the applicant must withdraw the item.

SECTION FOUR: Appearance Before the Commission. Applicants or their representatives may appear before the Commission to present their views on an agenda item. If required by law, the Commission will hold a public hearing and entertain public comment. At the public hearing and during the regular meeting, the Planning Commission may, at their discretion entertain public comment from members of the community or individuals or their representatives who believe they will be affected by the Commission's action. The Chairman may, at his discretion, prescribe procedures for registration of speakers and require that each person come forth and state:

- a. Name
- b. Address
- c. Person or organization they represent or if they are speaking as an individual.

The Chairman may also reasonably limit the length of all person's presentation or discussion to ensure the orderly conduct of Commission business; however, the decision of the Chairman may be overridden by a majority of the Commission present.

SECTION FIVE: Incomplete Submittals. The Commission will not hear items that fail to meet City ordinance submission requirements. A majority of the commission may waive this requirement.

SECTION SIX: Commission Action. The commission shall take action on each item presented at the conclusion of discussion on the item. Voting shall be by individual voice ballot on each item and shall be tallied by the Recording Secretary. All members, including the Chairman, shall have a vote and shall vote when present except that any member shall automatically disqualify himself from voting on any decision in which he may have a conflict of interest as discussed in Article Six, Section One. If the item upon which the Planning Commission action is taken is remanded for reconsideration to the Commission by the Governing Body, it shall be considered at the next regular meeting of the Planning Commission after notice of the remand is received. If no action is taken on the remanded item at this meeting, the same recommendation will be deemed to have been made and will be sent back to the Governing Body.

SECTION SEVEN: Record of Proceedings. The Recording Secretary shall record the minutes of each meeting as a matter of public record and shall present such minutes to the Planning Commission for approval.

SECTION EIGHT: Motions. Following the closing of testimony, a motion may be made to recommend approval or denial of the proposition, to continue the proposition to a later date if a public hearing has occurred, or to table the item. Any stipulations relative to plans, development procedures, etc., should be listed following the motion to approve. Upon receiving a second, the motion may be discussed and, upon the call for question or at the discretion of the Chairman, brought to a vote. A motion to amend, if necessary, must be voted on first. Then the main motion would be voted on in its amended state. Motions shall require an affirmative vote of the majority of the necessary quorum for passage.

SECTION NINE: Abstentions. As discussed in Article Six, Section One, if a Commissioner has a conflict of interest he must vacate his chair and disqualify himself from voting on the item. If after considering an item a Commissioner merely wishes to abstain from voting, his abstention shall be treated as a vote with the majority. If there is a tie vote, an abstention shall be considered a denial.

SECTION TEN: Failure to Recommend. If there is a tie vote of the Planning Commission on any item on which the Commission sits as a recommending body, such as a rezoning or text amendment, such a tie vote is considered a failure to recommend and goes to the Governing Body with no recommendation. If the tie vote occurs on action which the Commission sits as a final decision maker, a tie vote defeats the motion. If no subsequent motion is made and approved after the tie vote, the request is deemed denied.

SECTION ELEVEN: Applicant Not in Attendance. In case an applicant or his agent is not in attendance when his item is called, the item shall be set over to the end of the agenda. If at the time the item is called again the applicant is still not present, the Commission may continue the case, or may approve or deny the proposition as it sees fit.

ARTICLE SIX Miscellaneous

SECTION ONE: Conflict of Interest. When a member of the Commission feels he may be in conflict of interest on a particular case before the Commission, he may so state for the record and vacate his chair. A member so vacating his chair shall leave the room and should not participate in the hearing or discussion, and shall not vote on the issue. If the vacation of a member due to conflict of interest will eliminate a quorum, then the Planning Commission shall continue the hearing to the next regular meeting.

SECTION TWO: Suspension of Rules. Any of these By-Laws may be suspended for stated reasons by affirmative vote of a majority of these members present at a special or regular meeting with a quorum present.

SECTION THREE: Amendments to By-Laws. The Planning Commission may amend these By-Laws at time following the procedures provided in these By-Laws.

DIVISION 1. - GENERALLY

Secs. 2-56—2-65. - Reserved.

DIVISION 4. - PLANNING AND ZONING COMMISSION

Footnotes:

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Cross reference— *Planning, ch. 82; subdivisions, app. A; zoning, app. B; administration of the zoning provisions, app. B, art. XVII.*

State Law reference— *Planning commissions, K.S.A. 12-744 et seq.*

Sec. 2-96. - Established.

There is hereby established a city planning and zoning commission for the city, to be named the Independence Planning and Zoning Commission.

(Code 1977, § 21-101; Ord. No. 3605, § 1, 12-18-91)

Sec. 2-97. - Composition, residence of members.

The planning and zoning commission shall consist of nine members, all of whom shall be residents of the city, except two who shall reside within three miles of the corporate limits of the city.

(Code 1977, § 21-102; Ord. No. 3605, § 2, 12-18-91)

Sec. 2-98. - Appointment, terms of members.

The planning and zoning commission members shall be appointed by the mayor subject to confirmation by the governing body of the city by a majority vote. Members shall serve without compensation for their services. Terms of members of the planning and zoning commission shall be three years and shall begin on January 1 of the year appointed and shall expire on December 31 three years later. Members shall continue to serve until reappointed or a person is appointed to their position. Vacancies shall be filled by the mayor subject to confirmation by a majority vote of the governing body of the city. Any member appointed to fill a vacancy shall serve the unexpired term.

(Code 1977, §§ 21-102, 21-103; Ord. No. 3605, § 3, 12-18-91; Ord. No. 4096, § 1, 6-9-11)

Sec. 2-99. - Removal of members.

The mayor, upon a majority vote of the governing body, may remove any persons appointed by the governing body to any board or commission of the city for non-attendance based upon the following criteria:

- (1) Absence from three consecutive meetings at which a vote can be taken; or
- (2) Absence during any 12-month period of one-third of the total meetings at which votes can be taken.

Editor's note— Ord. No. 4382, § 1, adopted March 10, 2022, repealed the former § 2-99, and enacted a new section as set out herein. The former § 2-99 pertained to the removal of members of the planning committee and derived from Ord. No. 3605, § 5, adopted Dec. 18, 1991.

Sec. 2-100. - Statutory powers, duties.

The planning and zoning commission shall have the powers and duties as authorized by K.S.A. 12-715 et seq.

(Code 1977, § 21-104; Ord. No. 3605, § 6, 12-18-91)

Sec. 2-101. - Criteria for consideration of matters.

The planning and zoning commission and the board of commissioners shall consider the following criteria when considering any application for rezoning or a conditional use permit, to the extent they are pertinent to the particular application. Consideration may also be given to other factors which may be relevant to a specific rezoning or conditional use application.

- (1) The character of the neighborhood.
- (2) The zoning and uses of properties nearby.
- (3) The suitability of the subject property for the uses to which it has been restricted.
- (4) The extent to which the proposed use will detrimentally affect nearby property.
- (5) The length of time the subject property has remained vacant as zoned.
- (6) The relative gain to public health, safety, and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.
- (7) The economic impact on the owner of the subject property and the economic impact on the surrounding properties.
- (8) Recommendation of city's permanent staff.
- (9) Conformance of the requested change to the adopted comprehensive plan being utilized by the city.
- (10) The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include but are not limited to sanitary and storm sewers, water, and electrical service, police and fire protection, schools, parks and recreation facilities, etc.
- (11) The extent to which the proposed use would adversely affect the capacity or safety of that portion of the street network influenced by the use, or present parking problems in the vicinity of the property.
- (12) The environmental impacts the proposed use will generate, including but not limited to storm water runoff, nighttime lighting, or other environmental conditions.
- (13) The ability of the applicant to satisfy any requirements (e.g. site plan, etc.) applicable to the specific use imposed pursuant to the zoning district regulations or other applicable ordinances.

(Ord. No. 3605, § 7, 12-18-91)

Footnotes:

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Cross reference— *Administration of the zoning provisions, app. B, art. XVII.*

State Law reference— *Board of zoning appeals, K.S.A. 12-759.*

Sec. 2-111. - Established, composition.

There is hereby established a city board of zoning appeals for the city, to be named the Independence Board of Zoning Appeals. The board of zoning appeals shall have seven members. The seven members of the board of zoning appeals shall consist of the seven members of the planning and zoning commission who are residents of the city.

(Ord. No. 3605, § 8, 12-18-91; Ord. No. 4042, § 1, 5-14-09)

Sec. 2-112. - Terms of members.

The term of the members of the board of zoning appeals shall run concurrently with their appointment to the planning and zoning commission.

(Ord. No. 3605, § 9, 12-18-91)

Sec. 2-113. - Officers.

The chairman, vice-chairman and secretary of the planning and zoning commission shall also serve in the same capacity on the board of zoning appeals, and each shall be appointed by the members of the planning and zoning commission and shall be elected annually in January of each year.

(Ord. No. 3605, § 10, 12-18-91)

Sec. 2-114. - General authority.

The board of zoning appeals shall administer the details of appeals from or other matters referred to it regarding the application of the zoning ordinance. The board shall fix a reasonable time for the hearing of an appeal or any other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official city newspaper at least 20 days prior to the date fixed for hearing. A copy of the notice shall be mailed to each party to the appeal.

(Ord. No. 3605, § 11, 12-18-91)

Sec. 2-115. - Appeals generally.

Appeals to the board of zoning appeals may be taken by any person aggrieved, or by any officer of the city, or any governmental agency or body affected by any decision of the officer administering the provisions of the zoning ordinance. Such appeal shall be taken within a reasonable time as provided by the rules of the board, by filing a notice of appeal specifying the grounds thereof and the payment of the fee required therefor. The officer from whom the appeal is taken, when notified by the board or its agent, shall transmit to the board all the papers constituting the record upon which the action appealed from was taken. The board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance. In exercising the foregoing powers, the board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may direct the issuance of a permit.

(Ord. No. 3605, § 12, 12-18-91)

Cross reference— Zoning, app. B; administration of the zoning provisions, app. B, art. XVII.

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.

(Ord. No. 3605, § 13, 12-18-91)

Cross reference— Zoning, app. B; zoning district regulations, app. B, art. V; supplementary district regulations, app. B, art. VI; offstreet parking and loading regulations, app. B, art. VII; sign regulations, app. B, art. VIII; satellite dish antennas, app. B, art. XI; swimming pools, app. B, art. XII; planned unit developments, app. B, art. XIV; solar access regulations, app. B, art. XV; zoning amendment procedure, app. B, art. XVI.

Sec. 2-117. - Further appeal.

Any person, official or governmental agency dissatisfied with any order or determination of the board of zoning appeals may bring an action in the district court of the county to determine the reasonableness of any such order or determination. Such appeal shall be filed within 30 days of the final decision of the board.

(Ord. No. 3605, § 14, 12-18-91)

Sec. 2-118. - Meetings.

Meetings of the board of zoning appeals shall be held at the call of the chairperson and at such other times as the board may determine. The board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the board, decisions of the board and the vote upon each question. Records of all official actions of the board shall be filed in its office and shall be a public record.

(Ord. No. 3605, § 16, 12-18-91)

State Law reference— Open meetings act, K.S.A. 75-4317 et seq.; open records, K.S.A. 45-215 et seq.

Secs. 2-119—2-120. - Reserved.

Independence Planning Commission
Zoning Amendment Hearing Script

1. To protect the rights of all parties involved and in order to create an opportunity for everyone to speak their opinions in an orderly fashion, the Independence Planning Commission follows a specific fact finding procedure. Your attention to this procedure is appreciated.
2. We would like to formally open the hearing regarding case number (insert case number and information from agenda). Have any Planning Commissioners had any outside contacts regarding this case? If so, please indicate who you have spoken with and explain the nature of the conversation.
3. Do any Planning Commissioners have a conflict of interest in this case?
4. Is the applicant or his/her agent in attendance? Please step forward and state your name. You have ten minutes to present your case. Planning Commission members may request clarification at the end of your presentation.
5. We will now hear the staff report.
6. Is there anyone in the audience who would like to comment on this case? You may have five minutes to comment. Please clearly state your name and address before commenting.
7. Does the applicant wish to rebut any statements made?
8. Does anyone in the audience wish to rebut any statements made?
9. Does the Commission have any further questions of the applicant or staff?
10. The public hearing is now closed. Acceptance of a rezoning request must be based on the following factors: A) Character of the neighborhood, B) Zoning and uses of properties nearby, C) Suitability of the subject property for the uses to which it has been restricted, D) Extent to which the proposed use will detrimentally affect nearby property, E) Length of time the subject property has remained vacant as zoned, F) Public gain versus private hardship, G) Economic impact on the owner of the subject property and the economic impact on the surrounding properties, H) Recommendation of city's permanent staff, I) Conformance with the comprehensive plan, J) Availability and adequacy of required utilities and services to serve the proposed use, K) Impact on streets and parking, L) Environmental impacts, M) Ability to meet requirements of applicable codes. The Chair will entertain a motion on this case.
11. A motion to (repeat motion) with the following conditions (repeat conditions) based on (repeat factors) has been made and seconded. Is there any discussion?
12. I will now call the roll. Motion (carries/fails).

Sample Motion

I move that we (accept/deny) the rezoning request from R-2 Single-family Dwelling District to C-1 Neighborhood Business District. This motion is based on the following findings: Conformance with the Comprehensive Plan, Character of the Neighborhood, Zoning and uses of properties nearby, Availability and adequacy of required utilities and services to serve the proposed use, and staff recommendation.

Independence Planning Commission
Conditional Use Permit Hearing Script

1. To protect the rights of all parties involved and in order to create an opportunity for everyone to speak their opinions in an orderly fashion, the Independence Planning Commission follows a specific fact finding procedure. Your attention to this procedure is appreciated.
2. We would like to formally open the hearing regarding case number (insert case number and information from agenda). Have any Planning Commissioners had any outside contacts regarding this case? If so, please indicate who you have spoken with and explain the nature of the conversation.
3. Do any Planning Commissioners have a conflict of interest in this case?
4. Is the applicant or his/her agent in attendance? Please step forward and state your name. You have ten minutes to present your case. Planning Commission members may request clarification at the end of your presentation.
5. We will now hear the staff report.
6. Is there anyone in the audience who would like to comment on this case? You may have five minutes to comment. Please clearly state your name and address before commenting.
7. Does the applicant wish to rebut any statements made?
8. Does anyone in the audience wish to rebut any statements made?
9. Does the Commission have any further questions of the applicant or staff?
10. The public hearing is now closed. Acceptance of a Conditional Use Permit must be based on the following factors: A) Ability to comply with all applicable codes and regulations, B) Contribution to and promotion of the welfare or convenience of the public, C) Lack of substantial injury to the value of other property in the neighborhood, D) Proposed use will not dominate the immediate use of the neighboring property, E) Off-street parking and loading areas provided in accordance with code, 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, H) Other. The Chair will entertain a motion on this case.
11. A motion to (repeat motion) with the following conditions (repeat conditions) based on (repeat factors) has been made and seconded. Is there any discussion?
12. I will now call the roll. Motion (carries/fails).

Sample Motion

I move that we (accept/deny) the Conditional Use Permit to allow this use subject to the following conditions: 35 parking spaces must be provided, and 12 trees must be planted along the East boundary. This motion is made based on the following findings: Ability to comply with all applicable codes, Contribution to the welfare or convenience of the public, Adequate infrastructure, Adequate traffic design, and staff recommendation.

Independence Board of Zoning Appeals
Variance Hearing Script

1. To protect the rights of all parties involved and in order to create an opportunity for everyone to speak their opinions in an orderly fashion, the Independence Board of Zoning Appeals follows a specific fact finding procedure. Your attention to this procedure is appreciated.
2. We would like to formally open the hearing regarding case number (insert case number and information from agenda). Have any Board of Zoning Appeals members had any outside contacts regarding this case? If so, please indicate who you have spoken with and explain the nature of the conversation.
3. Do any Board of Zoning Appeals members have a conflict of interest in this case?
4. Is the applicant or his/her agent in attendance? Please step forward and state your name. You have ten minutes to present your case. Board of Zoning Appeals members may request clarification at the end of your presentation.
5. We will now hear the staff report.
6. Is there anyone in the audience who would like to comment on this case? You may have five minutes to comment. Please clearly state your name and address before commenting.
7. Does the applicant wish to rebut any statements made?
8. Does anyone in the audience wish to rebut any statements made?
9. Does the Board of Zoning Appeals have any further questions of the applicant or staff?
10. The public hearing is now closed. Acceptance of a variance must be based on the following factors:
A) Unique condition to the property in question which is not ordinarily found in the same zone and is not created by any action of the property owner, B) The variance will not adversely affect the rights of adjacent property owners, C) The strict enforcement of the regulations would cause an unnecessary hardship, D) The variance would not adversely affect public health, safety and morals, E) The variance will be in keeping with the general intent and spirit of the zoning regulations. The Chair will entertain a motion on this case.
11. A motion to (repeat motion) with the following conditions (repeat conditions) based on (repeat factors) has been made and seconded. Is there any discussion?
12. I will now call the roll. Motion (carries/fails).

Sample Motion

I move that we (approve/deny) the variance request based on the finding that each of five conditions are (found/not found) to be present.

RESOLUTION NO. 2015-010
A RESOLUTION ESTABLISHING A CODE OF ETHICS and
STANDARDS OF CONDUCT FOR ELECTED OFFICIALS OF
THE CITY OF INDEPENDENCE, KANSAS, AND THEIR APPOINTEES

I. PURPOSE

This Code of Ethics for the City of Independence establishes standards of conduct expected of those elected officials, and their appointees, who act for or on behalf of the public in the performance of their governmental duties and responsibilities.

Government service and public sector employment is a public trust, and those who serve the public must perform and discharge their duties consistent with the highest moral principles, serving always the best interests of the City and its citizens.

Representative government is based upon the consent of the governed, under a system whereby every citizen has a right to expect those who govern or serve in the government to act not for themselves but for the governed as a whole. Since government can act only through its officials, it is incumbent upon them to honor the public trust and instill confidence in government by their own integrity and conduct in all official actions.

It is, therefore, the purpose of this Code of Ethics to:

1. Maintain the highest ethical standards in the City government.
2. Increase public confidence in the integrity of the officials of the City.
3. Help officials in determining the proper course of action when facing uncertainty in ethical obligations.

II. APPLICATION

This Code of Ethics for the City shall apply to all persons who are elected as a City Commissioner and to all persons appointed by the City Commission to any position, board, or commission, whether compensated or not, other than independent contractors, who perform services for and on behalf of the City.

The ethical standards, considerations and rules of conduct shall apply and be observed during the person's term of office or service with the City.

III. POLICY STATEMENT

It is the policy of the City that:

- A. All citizens be provided fair treatment and equal access to and from the government, without any appearance or element of discrimination or favor or consideration of any special interest.

B. All official actions taken in the performance of government duties or responsibilities be motivated by service of the public interest and protection of the public trust without any regard for personal achievement, aggrandizement, or personal benefit

C. All persons who act for or represent the interest of the City adhere to the highest standards of ethical conduct in the performance of their duties.

D. The policies and procedures for operation of the City government provide for efficient and cost-effective service, responsive to the public interest, which will preserve and promote confidence in government and the integrity of its members.

IV. ETHICAL STANDARDS.

It shall be the duty of the elected officials (and their appointees) to whom this Code of Ethics applies to observe the highest moral principles in all official actions, whether specifically noted or mandated in this Code, and to refrain from any course of conduct which might result in, or create the appearance of a violation of the following ethical standards. An elected official should:

- STANDARD 101: Endeavor to be loyal to high standards and to the City, above loyalty to persons, department or agency, or political or other interests.
- STANDARD 201: Uphold the constitution, laws and regulations of the United States, the State of Kansas, and the City.
- STANDARD 301: Treat all citizens fairly and equally with courtesy and respect, and never discriminate by dispensing of special favors or privileges, whether for remuneration or not.
- STANDARD 401: Refrain from making any public or private promise the performance of which would require him or her to act beyond the proper scope of the duties of his or her office, or act in a manner which could compromise the integrity of his or her public office.
- STANDARD 501: Never engage in business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his or her governmental duties
- STANDARD 601: Never use any information coming to him or her confidentially in the performance of governmental duties as a means for making a private profit or gaining benefit for himself or herself or others; and never reveal any information made known to him or her through his or her public office which is by law confidential or by custom a protected right of privacy where revealing the information could effect the civil or moral rights of any citizen.

- STANDARD 701: Always safeguard the public trust and never use nor allow the use of government property or funds for private purposes, for purposes other than those authorized or permitted, or for purposes which could mislead the citizens or damage the confidence and reputation of the government.
- STANDARD 801: At all times display the highest level of integrity in performing his or her duties and never knowingly or negligently mislead or allow others to mislead the public or other government officials nor fail to disclose or report to appropriate officials any corruption whenever discovered.
- STANDARD 901: Avoid the appearance of improper influence and refrain from ever receiving, soliciting or accepting gifts, gratuities, favors or anything of value for himself, herself, family, or others, which is intended or has the appearance or effect of influencing the performance of his or her duties; and should never himself or herself lobby nor attempt to influence others in the performance of their duties by any means which are not a part of his or her authorized duties.
- STANDARD 1001: Never allow his or her judgment to be compromised by any personal, family or business interest not a part of his or her government service and never act upon any matter in which he, she, family, or business has or may have any financial or beneficial interest; and always declare and disclose the full nature and extent of any personal, family, or business interest in any matter related to governmental actions or duties.
- STANDARD 1101: Stand as a representative of the City and the public trust and never intentionally act outside the scope of his or her authority in that representation nor allow to be perceived as acting on behalf of the public or government when, in fact they are not.

V. INTERPRETATION AND GUIDELINES

A. GENERAL INTENT AND INTERPRETATION: This Code of Ethics is intended to establish standards to guide the decisions and actions of the public officials in the performance of their official duties and functions. The standards established by the Code are rules of reason and not rules of law, and they do not themselves seek to impose duties or obligations not otherwise required of public officials. Rather, the standards seek to recognize the expectations inherent in government service through public opinion and perception and to define the special responsibilities that arise through the representation and authority of government. Likewise, the Code does not attempt to exhaust the moral and ethical values that must guide government actions, nor does it displace professional knowledge, skill or judgment. Persons in government service must also be guided by personal conscience and the independent ideals of their profession, as well as the legal duties imposed upon them. These standards, therefore, should be interpreted with reference to the purposes of government service and the unique stature of public professionalism.

B. **GUIDELINES FOR APPLICATIONS:** The following guidelines are designed to provide a frame of reference for interpretations of the Ethical Standards. They are not absolutes, but serve as considerations to be applied to specific factual situations.

1. **Gifts and Gratuities.** A gift or gratuity would include any item of value, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, favor, or tangible objects. As a general rule, a public official should not:

- a. solicit a gift or gratuity for any purpose related to their official duties or City business or operations;
- b. accept any gift or gratuity (other than appropriate political contributions for elected officials) or an honor or award presented by a professional or fraternal organization, for the performance of duties;
- c. keep any unsolicited gift or gratuity having a value exceeding \$100; and
- d. accept any gift or gratuity under circumstances that a reasonable person would question or circumstances where the giver would have reason to expect something in return.

2. **Financial or business interests with City Operations.** A financial or business interest includes any that would directly or indirectly provide a monetary or material benefit to the official. As a general rule, an official of the City should refrain from participation in any selection process, contract negotiation, or purchase of goods or services where they, or their family members or business associates, have any beneficial or financial interest in the award, selection, or contract. Further, an elected official or appointee should not engage in or have a financial interest in any business providing goods or services to the City except when the goods or services are provided through the formal competitive bid process under the purchasing policies of the City, and then only upon full disclosure to all appropriate officials of the financial interest.

3. **Financial Interest Disclosures.** A material financial interest would include an interest that provides direct financial remuneration to the elected official or appointee, or to any member of their immediate family, in an aggregate amount of five hundred dollars (\$500) or more in any year, or an ownership interest in any business entity which exceeds ten percent (10%) of the total ownership. An elected official or appointee of the City should always fully and publicly disclose any material financial or other beneficial interest that the official has or may have in any contract, legislative action, formal decision, or governmental ruling or determination whenever the official will or may participate in any manner in the discussion, deliberation, decision, or administration of the matter.

4. **Conflict of Interest.** A conflict of interest includes any circumstance under which a elected of the City has a direct personal interest, other than the diligent performance of their official duties, in the result or outcome of any governmental action for which the official has, in whole or in part, any discretionary authority or responsibility. It is not limited to financial interests, but may include other interests such as personal friendship, family relations, or other associations with groups or persons. An elected official or appointee of the City should always avoid even the appearance of such conflicts by full, public disclosure of such interests to

appropriate officials and, where possible, by abstaining from participation in the performance or exercise of the official, discretionary actions. Elected officials (and their appointees) should abstain from voting on issues only if there is a conflict of interest, and should state, in general terms, the nature of the conflict.

Adopted and approved by the Governing Body of the City of Independence, Kansas, on this 19th day of February, 2015.

Attest:

[Handwritten signature]

Mayor

[Handwritten signature]

Director of Finance / City Clerk





Marilyn Calhoun
Marilyn Calhoun, Register of Deeds

ORDINANCE NO. 4382

**An Ordinance Authorizing the Mayor to Remove
Members of Boards or Commissions for Non-Attendance**

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

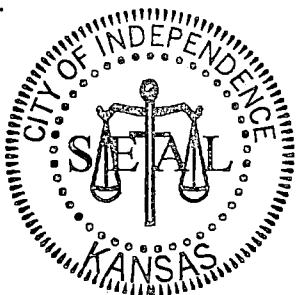
Section 1. ~~City Code Section 2-99~~ which is specific to members of the planning commission is hereby repealed.

Section 2. The Mayor, upon a majority vote of the governing body, may remove any persons appointed by the governing body to any board or commission of the city for non-attendance based upon the following criteria:

- a. Absence from three consecutive meetings at which a vote can be taken; or
- b. Absence during any 12-month period of one-third of the total meetings at which votes can be taken.

Section 3. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 10th day of March, 2022.



ATTEST:

Dean A. Hayse
DEAN A. HAYSE, Mayor

David W. Schwenker
DAVID W. SCHWENKER, City Clerk





**REQUEST FOR PLANNING COMMISSION ACTION
REORGANIZATION
CITY OF INDEPENDENCE
APRIL 7, 2026**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Reorganization

1. Election of Chair
2. Election of Vice Chair
3. Election of Secretary

SUMMARY RECOMMENDATION Fill the office of Chair, Vice-Chair and Secretary.

BACKGROUND A Reorganization of Officers is generally held at the January meeting of each year. Due to vacancies that were not filled we delayed reorganization until the February meeting. We have a new member, Bill Gour, appointed to replace Lisa Richard on January 8, 2026. We wish to welcome Bill Gour and thank Lisa Richard for her service.

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	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
Bill Gour	1st term	January 1, 2029	January 8, 2026
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.

SUPPORTING DOCUMENTS



**PLANNING COMMISSION ACTION / BOARD OF
ZONING APPEALS MINUTES
CITY OF INDEPENDENCE
April 7, 2026**

Department City Clerk

Prepared By

AGENDA ITEM Consider approving minutes of the March 3, 2026 minutes.

SUMMARY RECOMMENDATION Approve the minutes.

I move to approve the March 3rd, 2026 minutes as presented

SUPPORTING DOCUMENTS

1. March 3 2026 PZ Minutes

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's March 3, 2026 Meeting

I. Call to Order

Present: Rachel Lyon, Michelle Avery, Tim Haynes, Butch Holum, Rita Ortolani and Anita Chappuie

Absent: Kym Kays, Gary Hogsett and Bill Gour

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

Guests: Mackey Smith

Chairperson Lyon called the meeting to order.

II. Minutes

- a. Consider approving minutes of the February 3, 2026 minutes.

Motion:

On the motion of Anita Chappuie, seconded by Tim Haynes, the Commission approved the minutes of February 3, 2026, as presented.

Aye: Rachel Lyon, Tim Haynes, Butch Holum, Rita Ortolani, Anita Chappuie

Nay: None

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

IV. Planning Commission

V. Discussion

- a. Focus group regarding the Community-Based Strategic Plan.

Mackey Smith led the discussion to gather feedback for the City's Community-Based Strategic Plan.

VI. Adjournment

Motion:

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's March 3, 2026
Meeting**

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

**Aye: Rachel Lyon, Michelle Avery, Tim Haynes, Butch Holum, Rita Ortolani,
Anita Chappuie**

Nay: None

Chair

Secretary



**REQUEST FOR PLANNING COMMISSION ACTION
CONDITIONAL USE
CITY OF INDEPENDENCE
APRIL 7, 2026**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Conditional use permit for multi-family dwellings in a nonresidential structure in the C-3 District at 201 N Penn.

SUMMARY RECOMMENDATION Approve the conditional use permit.

BACKGROUND The applicant is requesting a Conditional Use Permit to allow multi-family residential use within a non-residential building in the C-3 zoning district.

The subject property is located within the C-3 General Commercial District. Residential use on the ground floor is not permitted by right in this district and therefore requires approval of a Conditional Use Permit. The applicant proposes to utilize a portion of the ground floor for residential with the remaining area of the ground floor to be commercial. Additional details regarding the layout and proportion of residential versus commercial space will be provided at the meeting.

Public notice of the hearing was published in accordance with state law at least 20 days prior to the hearing date.

Staff recommends approval of the conditional use permit with the following additional stipulations:

1. The conditional use permit shall be issued solely to the applicant and/or property owner and is not transferable to another location.
2. With this conditional use permit, at least 20% of the first floor, including the portion fronting Penn Avenue, shall be reserved for non-residential use. Residential use shall not be permitted within that required frontage area. Permitted non-residential uses may include commercial storefront space, an entrance lobby, or similar non-residential space.
3. The upper-story apartment(s) must meet life safety and building code requirements.
4. Independence Historic Preservation and Resource Commission approval and a City Building Permit are required before work can begin.
5. Ground-level windows must be screened in a permanent way so that one cannot see into the personal living space from the exterior of the building.

Relevant Code Sections

902.2 Action by the planning commission: 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).

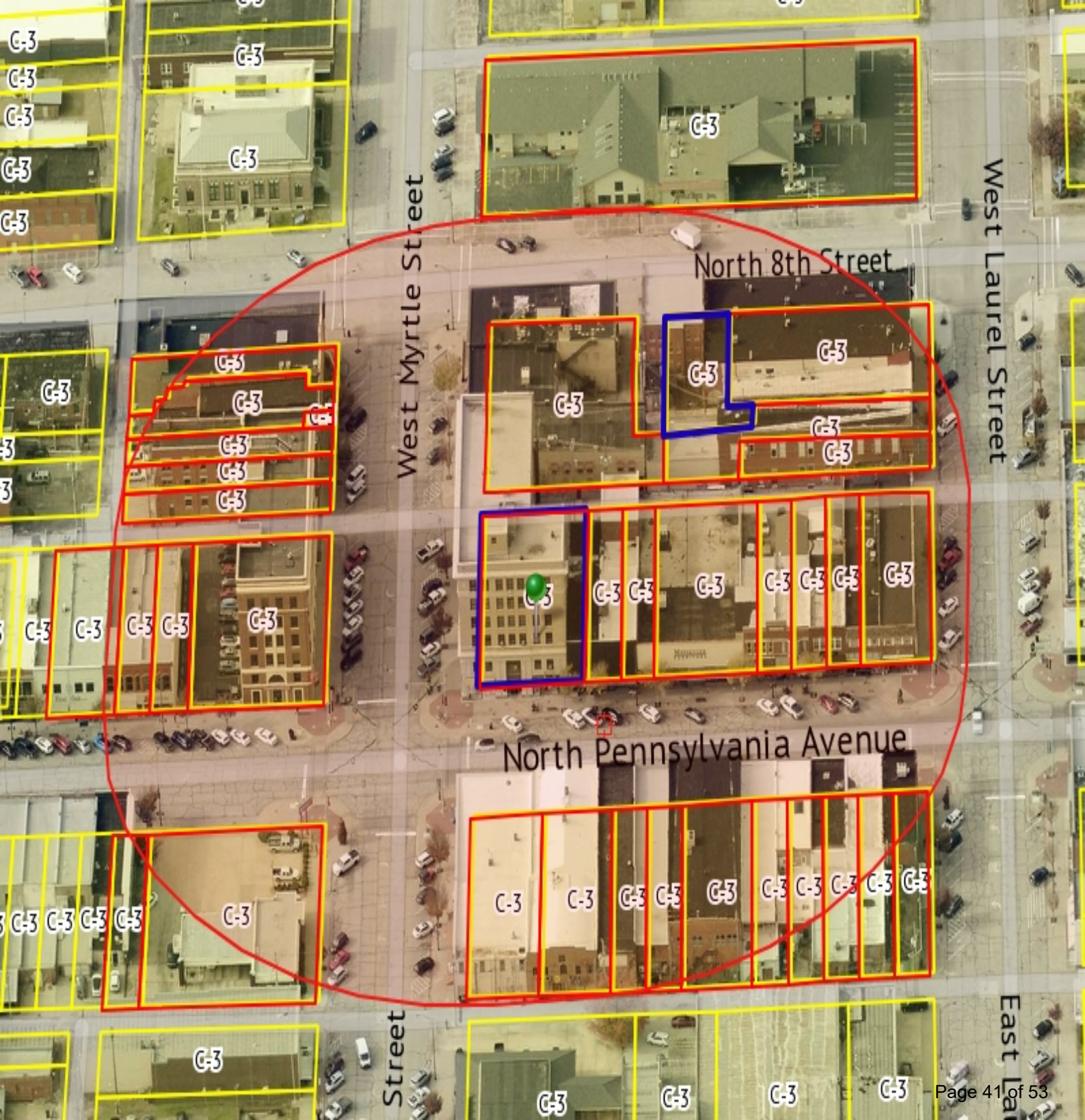
f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

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.

SUGGESTED MOTION: I move to recommend approval of a Conditional Use Permit for 201 N. Penn to allow multi-family residential use within a non-residential building in the C-3 zoning district, based on the findings that the proposed use is compatible with the surrounding area and meets the requirements of the zoning regulations, subject to any conditions as recommended by staff.

SUPPORTING DOCUMENTS

1. 2026CUP02 - 201 Penn - Map 250 ft
2. 2026CUP02 - 201 Penn - Notice
3. 20216CUP02 - 201 Penn - Address List
4. 2026CUP02 - 201 Penn - Application
5. Resolution 2026- - CUP - 201 N Pennsylvania Ave



West Myrtle Street

West Laurel Street

North 8th Street

North Pennsylvania Avenue

Street

East Laurel Street

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning and Zoning Commission will conduct a public hearing on:

Tuesday, April 7, 2025, at 5:30 p.m.

To receive comments on a request for a conditional use permit for multi-family dwellings (apartments) located on the ground floor and upper stories, in a nonresidential structure in a C-3, Central Business District.

Common Address:

201 North Pennsylvania Avenue

Legal Description:

Lot 11-13, Block 31, Original Plat to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

201 Investors, LLC

Case Number:

2026/CUP/02

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 I	Parcel Nurr	Situs	Taxing Unit	Function	Neighborhc	Owner	Mailing Adc	Total Acres
R6951	063-099-31208	N 8TH 108	INDEP	Commerciæ	208.D	Trident Par3321 SW V		0.11
R6991	063-099-31120	N 8TH 108	INDEP	Commerciæ	208.D	Trident Par3321 SW V		0.09
R6989	063-099-31119	1/2 W I108	INDEP	Commerciæ	208.D	Trident Par3321 SW V		0.01
R6988	063-099-31117	W MYF108	INDEP	Commerciæ	208.D	Malone, De513 N 12th		0.08
R6961	063-099-31201	N 8TH 108	INDEP	Commerciæ	208.D	Apple Tree 201 N 8th S		0.98
R6952	063-099-31123	W LAU108	INDEP	Commerciæ	208.D	Gunloch ErPO Box 47:		0.25
R6938	063-099-31216	N PEN108	INDEP	Commerciæ	208.D	IndependerPO Box 73:		0.08
R6959	063-099-31219	N PEN108	INDEP	Commerciæ	208.D	Adolph, Jef3760 CR 40		0.07
R6936	063-099-31220	N PEN108	INDEP	Commerciæ	208.D	Stichman E713 N 8thlr		0.07
R6947	063-099-31225	N PEN108	INDEP	Commerciæ	208.D	Beet's Plac225 N Penr		0.3
R6934	063-099-31224	N PEN108	INDEP	Commerciæ	208.D	Hall, Rober2231 Russel		0.14
R6987	063-099-31115	W MYF108	INDEP	Commerciæ	208.D	Hogsett, G:PO Box 37:		0.07
R6986	063-099-31113	W MYF108	INDEP	Commerciæ	208.D	Morrison F:1036 Biltmo		0.08
R6985	063-099-31125	N PEN108	INDEP	Commerciæ	208.D	CommunityPO Box 62:		0.3
R7006	063-099-31124	N PEN108	INDEP	Commerciæ	208.D	CommunityPO Box 62:		0.37
R6940	063-099-31210	N PEN108	INDEP	Commerciæ	208.D	Webster, G3130 Terra		0.08
R7002	063-099-31115	N PEN108	INDEP	Commerciæ	208.D	FirstOak B:Attn: Shanc		0.07
R7007	063-099-31114	N PEN108	INDEP	Commerciæ	208.D	Six Pack, L15 Stonebr		0.08
R7003	063-099-31117	N PEN108	INDEP	Commerciæ	208.D	Beurskens-117 N Penr		0.07
R7001	063-099-31113	N PEN108	INDEP	Commerciæ	208.D	FirstOak B:Attn: Shanc		0.15
R6957	063-099-31211	N PEN108	INDEP	Commerciæ	208.D	Messenger211 N Penr		0.22
R6939	063-099-31212	N PEN108	INDEP	Commerciæ	208.D	IndependerPO Box 73:		0.15
R6990	063-099-31119	W MYF108	INDEP	Commerciæ	208.D	Trident Par3321 SW V		0.12
R6943	063-099-31200	N PEN108	INDEP	Commerciæ	208.D	Combs, De200 N Penr		0.15
R6954	063-099-31201	N PEN108	INDEP	Commerciæ	208.D	The Profes:PO Box 71		0.22
R6955	063-099-31207	N PEN108	INDEP	Commerciæ	208.D	Cask & Grc304 N 1st S		0.07
R6953	063-099-31112-122	W 108	INDEP	Commerciæ	208.D	JWH Enterj112-122 W		0.34
R6942	063-099-31204	N PEN108	INDEP	Commerciæ	208.D	Hogsett, G:PO Box 37:		0.15
R6956	063-099-31209	N PEN108	INDEP	Commerciæ	208.D	Brio Med S107 N Penr		0.07
R6941	063-099-31208	N PEN108	INDEP	Commerciæ	208.D	IndependerPO Box 22:		0.07
R6958	063-099-31217	N PEN108	INDEP	Commerciæ	208.D	Messenger211 N Penr		0.07
R6937	063-099-31218	N PEN108	INDEP	Commerciæ	208.D	Harris, Kurt218 N Penr		0.16
R6960	063-099-31221	N PEN108	INDEP	Commerciæ	208.D	Hogsett, G:PO Box 37:		0.07
R6935	063-099-31222	N PEN108	INDEP	Commerciæ	208.D	Sears, Eliz:808 Main S		0.07
R6950	063-099-31115	W LAU108	INDEP	Commerciæ	208.D	Ispine Prop4851 CR 3:		0.14
R6949	063-099-31113	W LAU108	INDEP	Commerciæ	208.D	Trident Par3321 SW V		0.09

Latitude	Longitude	Area	Area Units	Perimeter	Perimeter Units
37.22495	-95.7077	4652.5	Square Feet	321.4	Feet
37.22406	-95.7078	3908.7	Square Feet	398.9	Feet
37.22422	-95.7077	274.5	Square Feet	67.4	Feet
37.22405	-95.7076	3316.9	Square Feet	327.9	Feet
37.22494	-95.7085	42699.6	Square Feet	884.5	Feet
37.22517	-95.7077	10996.6	Square Feet	434.3	Feet
37.22505	-95.7062	3332.8	Square Feet	334.5	Feet
37.22513	-95.7071	3352.8	Square Feet	330.7	Feet
37.22518	-95.7062	3336	Square Feet	334.8	Feet
37.22529	-95.7071	6596.1	Square Feet	376.3	Feet
37.2253	-95.7062	3316.8	Square Feet	335	Feet
37.22405	-95.7075	3167.8	Square Feet	325.9	Feet
37.22405	-95.7074	3592.6	Square Feet	331.6	Feet
37.22412	-95.7071	12724.3	Square Feet	461.8	Feet
37.22409	-95.7063	16157	Square Feet	511.2	Feet
37.22486	-95.7062	3293.3	Square Feet	333	Feet
37.22389	-95.7071	3213.2	Square Feet	326	Feet
37.2239	-95.7063	3361.5	Square Feet	329.6	Feet
37.22396	-95.7071	3489.9	Square Feet	330	Feet
37.2238	-95.7071	6426.3	Square Feet	371.9	Feet
37.22494	-95.7071	9723.7	Square Feet	420.6	Feet
37.22496	-95.7062	6599.9	Square Feet	379.5	Feet
37.22406	-95.7077	5415	Square Feet	373.4	Feet
37.22458	-95.7062	6716	Square Feet	379.9	Feet
37.22463	-95.7071	9981.6	Square Feet	424.2	Feet
37.22475	-95.7071	3327	Square Feet	330.3	Feet
37.2247	-95.7076	14953.9	Square Feet	525.1	Feet
37.2247	-95.7062	6599.2	Square Feet	378.7	Feet
37.22482	-95.7071	3091.9	Square Feet	326.7	Feet
37.2248	-95.7062	3319.4	Square Feet	333.4	Feet
37.22507	-95.7071	3175.8	Square Feet	328.4	Feet
37.22511	-95.7062	3306.5	Square Feet	334.1	Feet
37.22519	-95.7071	3195	Square Feet	328.2	Feet
37.22524	-95.7062	3313.3	Square Feet	334.7	Feet
37.22511	-95.7075	6011.1	Square Feet	480.4	Feet
37.22518	-95.7074	3847.7	Square Feet	317.5	Feet

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED 3/9/2026
\$200 FEE PAID yes

NAME AND ADDRESS OF PERSON MAKING APPLICATION:
Mike Belew - 201 Investors, LLC
4300 NW Old Stagecoach Road, Kansas City, MO 64154

LEGAL DESCRIPTION OF LAND INVOLVED:
ORIG PLAT, S31, T32, R16, BLOCK 31, Lot 11 - 13; Lot Width: 070.0 Lot Depth: 140.0

COMMON ADDRESS OF SAID LAND:
201 N Penn

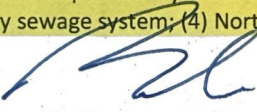
PRESENT ZONING CLASSIFICATION: C-3

STATEMENT OF INTENDED USE OF PROPERTY:
Using 6000 square feet of bottom floor of commercial building in downtown for residential space.
1500 square feet commercial

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

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.

3/9/2026
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
120 N. 6th St.
Independence, KS 67301

DATE : 3/9/2026 10:34 AM
OPER : TK
TKBY : Tamara Kolbinskie
TERM : 16
REC# : R01410607

1.9000 PLANNING AND ZONING 200.00
Mike Belew 201 N penn 200.00

Paid By:Mike Belew 201 N penn
1-Cash 200.00

APPLIED 200.00
TENDERED 200.00

CHANGE 0.00

RESOLUTION NO. 2026 –

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR SINGLE-FAMILY AND MULTI-FAMILY DWELLINGS IN THE C-3, CENTRAL BUSINESS DISTRICT AT 201 N PENNSYLVANIA AVENUE

WHEREAS, at a public hearing conducted on November 1, 2022, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit for single-family and multi-family dwellings in the C-3, central business district at 201 N Pennsylvania Avenue.

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 single-family and multi-family dwellings in the C-3, central business district at 201 N Pennsylvania Avenue, is approved as hereinafter modified.

The property in question has the following legal description:

Lots 11, 12 and 13, Block 31, City of Independence, Montgomery County, Kansas.

The applicant must meet the following requirements:

1. The conditional use permit shall be issued solely to the applicant and/or property owner and is not transferable to another location.
2. With this conditional use permit, at least 20% of the first floor, including the portion fronting Penn Avenue, shall be reserved for non-residential use. Residential use shall not be permitted within that required frontage area. Permitted non-residential uses may include commercial storefront space, an entrance lobby, or similar non-residential space.
3. The upper-story apartment(s) must meet life safety and building code requirements.

4. Independence Historic Preservation and Resource Commission approval and a City Building Permit are required before work can begin.
5. Ground-level windows must be screened in a permanent way so that one cannot see into the personal living space from the exterior of the building.

A violation of any of the conditions will constitute a violation of the Conditional Use Permit and could lead to its revocation.

Adopted and approved by the Governing Body of the City of Independence, Kansas, on this 23rd day of April, 2026.

(Attest)

Dean A. Hayse, Mayor

David Schwenker, City Clerk



**REQUEST FOR PLANNING COMMISSION ACTION
TEXT AMENDMENT.
CITY OF INDEPENDENCE
APRIL 7, 2026**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Text amendment to Appendix B to add Article XIX, Landscaping Requirements

SUMMARY RECOMMENDATION Approve the adoption of Article XIX, Landscaping Requirements.

BACKGROUND In 2025, the Planning Commission worked with a consultant to conduct a comprehensive overhaul of the City's zoning code. While most of the code updates were adopted, the originally proposed landscaping article raised concerns about being overly complex and better suited to larger urban environments than to Independence's small-town and rural character. The City Commission voted not to adopt the original landscaping article.

City staff have since prepared a revised landscaping section intended to better reflect Independence's development patterns and economic realities. The rewrite included a review of ordinances from comparable Kansas communities, including Coffeyville and Neodesha, and incorporates a cost-limitation provision modeled after Wichita to help ensure landscaping requirements remain financially feasible.

A worksession was held between the Planning Commission and the Commission on February 3, 2026, at which they reviewed the revised landscaping section. Both parties at that time were in agreement. That same draft is presented for approval by the Planning Commission today.

Public notice of hearing was published 20 days in advance of this meeting.

Recommend the City Commission adopt Article XIX, Landscaping Requirements.

SUPPORTING DOCUMENTS

1. ARTICLE XIX - Landscaping Regulations

ARTICLE XIX. LANDSCAPING REGULATIONS

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.

1. Trees shall be located on private property and outside of the public right-of-way.
2. Trees shall be located no closer than eight (8) feet to the curb line of adjacent streets or sidewalks.
3. Trees shall be located at least six (6) feet from underground utilities unless placed in a raised planter or tree well.
4. 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.