

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's April 7, 2026
Meeting**

I. Call to Order

Present: Kym Kays, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie and Bill Gour

Absent: Rachel Lyon and Michelle Avery

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

Guests:

Secretary Kays called the meeting to order.

a. Orientation by the City Attorney.

City Attorney Chubb reviewed the rules.

b. Reorganization

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

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.

Motion:

On the motion of Butch Holum, seconded by Tim Haynes, the Commission appointed Rachel Lyon as Chairperson.

Aye: Kym Kays, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie, Bill Gour

Nay: None

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Motion:

On the motion of Tim Haynes, seconded by Bill Gour, the Commission appointed Anita Chappuie as Vice Chairperson.

Aye: Kym Kays, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie, Bill Gour

Nay: None

Motion:

On the motion of Butch Holum, seconded by Anita Chappuie, the Commission appointed Kym Kays as Secretary.

Aye: Kym Kays, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie, Bill Gour

Nay: None

II. Minutes

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

Motion:

On the motion of Tim Haynes, seconded by Gary Hogsett, the Commission approved the March 3rd, 2026 minutes as presented.

Aye: Kym Kays, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie, Bill Gour

Nay: None

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.

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.

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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 this reserved 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

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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.

Motion:

On the motion of Tim Haynes, seconded by Butch Holum, the Commission tabled the conditional use permit for multifamily dwellings in a nonresidential structure in the C-3 district at 201 N Penn.

Aye: Kym Kays, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie, Bill Gour

Nay: None

b. Text amendment to Appendix B to add Article XIX, Landscaping Requirements

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

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draft is presented for approval by the Planning Commission today.

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

Motion:

On the motion of Anita Chappuie, seconded by Gary Hogsett, the Commission recommended the City Commission adopt Article XIX, Landscaping Requirements.

Aye: Kym Kays, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie, Bill Gour

Nay: None

V. Discussion

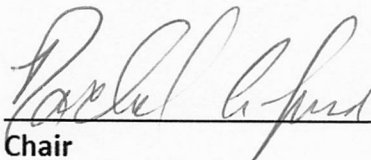
VI. Adjournment

Motion:

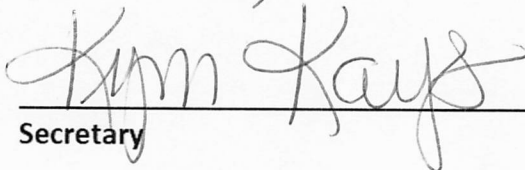
On the motion of Tim Haynes, seconded by Anita Chappuie, the Commission adjourned the meeting.

Aye: Kym Kays, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie, Bill Gour

Nay: None



Chair



Secretary