

**CITY OF LEAVENWORTH
PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N. 5th Street
Leavenworth, KS 66048**

**REGULAR SESSION
Monday, May 3, 2021
6:00 p.m.**

Due to the Covid-19 pandemic, the public hearing shall be closed for in-person attendance, excluding staff, commissioners and the applicant(s). All persons wishing to comment shall use the GoToMeeting access instructions listed below for remote participation. If you would like to submit questions to be read during the public hearing, email your comments or questions to jhurley@firstcity.org no later than 12:00 pm on May 3rd.

GoToMeeting access instructions:

<https://global.gotomeeting.com/join/127292629> (Please mute your microphone until instructed otherwise).

OR

Phone Number: +1 (646) 749-3122

Access Code: 127-292-629

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: April 5, 2021**

NEW BUSINESS:

- 1. LINDA BOHNSACK**
Presentation of certificate for outgoing Planning Commission member.
- 2. 2021-15 SUB – ADAMS VALLEY FINAL PLAT**
Consider a final plat for Adams Valley.
- 3. 2021-12 SUP – 2137 BIRCH STREET**
Conduct a public hearing for Case No. 2021-12 SUP – 2137 Birch Street. The applicant is requesting a Special Use Permit to allow the operation of a Child Care Center in their home located at 2137 Birch Street. The property is current zoned R1-6 (High Density Single Family Residential District). Child Care Centers are allowed in the R1-6 zoning district with issuance of a special use permit.
- 4. 2021-08 REZ – 711 MARSHALL STREET**
Conduct a public hearing for Case No. 2021-08 REZ – 711 Marshall Street. The applicant is requesting a rezoning of the property located at 711 Marshall Street from R1-6 (High Density Single Family Residential District) to GBD (General Business District).

5. 2021-11 REZ – 5136 LAKEVIEW DRIVE

Conduct a public hearing for Case No. 2021-11 REZ – 5136 Lakeview Drive. The applicant is requesting a rezoning of the property located at 5136 Lakeview Drive from R1-9 (Medium Density Single Family Residential District) to GBD (General Business District).

6. 2021-18 SUB – EISENHOWER MARKETPLACE PRELIMINARY PLAT

Consider a preliminary plat for Eisenhower Marketplace.

7. 2021-17 SUB – EISENHOWER MARKETPLACE FINAL PLAT

Consider a final plat for Eisenhower Marketplace.

8. 2021-14 TXT – TEXT AMENDMENTS

Conduct a public hearing for proposed text amendments to the adopted 2016 Development Regulations.

OTHER BUSINESS:

None

ADJOURN

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, April 5, 2021
6:00 PM

CALL TO ORDER:

Commissioners Present

Claude Wiedower
Sherry Hines Whitson
James Diggs
Joseph Burks
Chris Murphy
Mike Burke
Linda Bohnsack

Commissioners Absent

City Staff Present

Julie Hurley
Jackie Porter
Michelle Baragary

Mike Burke, Claude Wiedower, Joseph Burks, Chris Murphy, Linda Bohnsack, Julie Hurley, Jackie Porter and Michelle Baragary were present in the commission chambers. James Diggs and Sherry Hines Whitson participated remotely.

Chairman Burke called the meeting to order at 6:00 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: February 1, 2021

Chairman Burke asked for comments or a motion on the minutes presented for approval: February 1, 2021. Mr. Wiedower moved to approve the minutes as presented, seconded by Mr. Murphy and approved by a vote of 6-0. Ms. Bohnsack abstained.

OLD BUSINESS:

None

NEW BUSINESS:

Chairman Burke changed the order of the agenda.

- 1. 2021-08 REZ – 711 MARSHALL STREET (CUSHING MEMORIAL HOSPITAL)**
Public hearing has been rescheduled to Monday, May 5, 2021 at 6:00 p.m.

- 2. 2021-10 SUB – THE BRANCHES ADDITION NO. 3 – PRELIMINARY PLAT**
Consider a preliminary plat for The Branches Addition No. 3.

Chairman Burke called for the staff report.

City Planner Jackie Porter stated the subject property is owned by Reilly Development, LLC, plat prepared by Napier Engineering. The applicant is requesting approval of a 46 lot preliminary plat for The Branches Addition residential development. The property is currently vacant and zoned R1-6, High Density Single Family Residential District.

The subject property is 25.09 acres in size, and is currently undeveloped. The site lies between South 20th Street and Tonganoxie Drive. The plat consists of 46 residential lots with an average size of 15,763 square feet. The maximum lot size is 39, 235 sqft and the minimum lot size is 8,400 sqft. Also included are associated utility easements, open space/drainage easements and emergency access.

The Development Review Committee (DRC) reviewed the plat at their December 10, 2020 meeting. The proposed plat at the meeting was modified to the current preliminary plat in March. The items discussed at that time of the December meeting included the two access points: the first access point to the east and the second access point would be from Tract B to the south, the need for a Home Owner's Association, and it was also noted the need to address threatened and endangered species.

Storm water and sewer plans have been submitted, and Public Works is in the process of reviewing. Public Improvement Plans will be finalized and approved by Public Works prior to the recording of the final plat.

Fire Marshall has been in coordination with Napier Engineering in regards to the second fire access dedicated by Tract A.

ACTION/OPTIONS:

- Approve the Preliminary Plat
- Deny the Preliminary Plat
- Table the issue for additional information/consideration.

Chairman Burke called for questions from commissioners about the staff report.

Mr. Burke asked if the applicant owns the property to the east since there will be an access point there.

Mike Reilly, applicant, stated the property to the east is owned by Evergy. Mr. Reilly stated there have been discussions with Evergy about installing a construction road but that does not appear to be an opportunity at this time.

Planning Director Julie Hurley stated it is her understanding Evergy plans to construct substations on that property in 2025. Once Evergy gets the property carved out for substations the rest of the land would potentially be open for purchase or development. The applicant would have the possibility for connection through the Evergy land at that time.

Mr. Burke asked for clarification that the only access point at this time would be through Tract B to the south.

Mr. Reilly responded in the affirmative. He further stated he is not the original developer of The Branches. It is his understanding the original developer left Tract B as a secondary site to have access to the subject property. Mr. Reilly has spoken with emergency services about possibly constructing a turf road at this access point, which would hold emergency vehicles and would not be utilized on a

daily basis by daily traffic. The grade on Tract B is such that if a hard-surfaced road was constructed, it would cause issues for the homeowners of the lots to each side of Tract B. This is still being worked through with emergency services.

Mr. Wiedower asked about the Public Works comment on the DRC minutes about the NW cul-de-sac may need some change.

Mr. Reilly responded he made changes in the original site plan that was presented at DRC. The changes were based off the depth of the sanitary sewer in that particular cul-de-sac. Mr. Reilly further stated the pond will be improved and will act as an amenity as well as a water detention facility.

With no other questions or comments, Chairman Burke called for a motion. Mr. Wiedower moved to approve The Branches Addition No. 3 preliminary plat, seconded by Mr. Burks and approved by a vote of 7-0.

3. DRAFT 2030 COMPREHENSIVE PLAN

Present draft presentation of the Comprehensive Plan.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated in December 2019, the City entered into a contract with Shockey Consulting to provide services for a Comprehensive Plan update. Since that time, Shockey has completed multiple sessions with the Stakeholder Focus Group, joint sessions with the City Commission and Planning Commission, as well as a public engagement process that included two virtual public participation meetings. The final Comprehensive Plan will be the culmination of all input received throughout the process.

Staff from Shockey Consulting will give an overview of the draft chapters of the Plan and to facilitate a discussion related to the content of the chapters. Pending the results of this discussion, a final document will be prepared and presented to the City Commission for formal adoption.

Shelby Ferguson with Shockey Consulting presented a presentation on where we are at in the process and what the framework of the process has been over the past 15 months. Further discussion was on the provided handouts (see Appendix A).

Chairman Burke called for questions/comments from the commissioners.

Mr. Wiedower asked what the positive economic impact would be if developers built \$150K homes in Leavenworth versus the typical \$300K plus homes in Leavenworth.

Ms. Ferguson stated a \$150K home does not mean it is low income only or not a quality home that will not be maintained. Attracting developers who will build homes like this will help maintain the current population at St. Mary University, as they will be able to afford a home in this price range. It will also attract employers, and within that return, individuals and employees are not going to necessarily look to go to Missouri to other areas outside of your city limits; to be able to stay within a 15-minute drive of their employer.

Ms. Ferguson further stated having affordable housing that your residents aren't spending over 30% of their income on a house will attract more people to live here, will bring in more jobs and will attract that ability to have more businesses.

Ms. Bohnsack stated the city has a large stock of older homes. The trend towards renovation has benefitted the city to help keep that cost of living down, which attracts people.

Ms. Ferguson stated she spoke about infill housing but you want to make sure what you do put in there will still go with the character of the neighborhood. Looking at the design guidelines, policies and how future development can impact the economic piece of the community; and get the rooftops in to fill in the yellow area but also be sure you do not lose the historic piece of the community. Must find how to have future development but also the historic piece and weaving it together to make sure everything is cohesive in respect of the character areas.

Mr. Murphy stated his concern is the amount of agriculture and green space that is taken away and brought in the future land use. Does not want Leavenworth to become a small Kansas City. Leavenworth is known for its hometown appeal and that will play a big part in the city's future.

Ms. Ferguson stated one thing to consider within all of the single-family residential, a local action has been written in that would require all future developments to require a certain amount of green space and open space. What this does is conserve spaces but it also in turn gives recreational, accessibility and walkability to nearby parks for future developments.

With no other questions, Ms. Ferguson discussed the future of Metropolitan stating currently a lot of Metropolitan is single-family residential with commercial near Ft. Leavenworth. Ms. Ferguson asked the commissioners their thoughts on maintaining most of Metropolitan as residential or for it to evolve into more commercial or a mixed use.

Ms. Hurley stated as more houses on Metropolitan are being lost just through attrition, do we want to encourage people to rebuild single-family homes or encourage a different use.

Mr. Burks stated when the bridge becomes an attractive gateway to the city, having businesses in that location instead of homes will increase the potential of people staying in Leavenworth instead of going to Platte City or somewhere else. Mr. Burks further stated his opinion is the houses that are run down, run down to grass and then rebuild with businesses.

Mr. Burke stated it has been a problem getting businesses to Leavenworth and although the goal is to get business to come to Leavenworth until that point leave them green or encourage houses be built.

Mr. Wiedower stated Metropolitan has a high traffic flow; therefore, he believes this area should be more commercial than residential. Would provide great visibility for businesses.

Ms. Ferguson stated there has been discussion about turning Metropolitan more commercial with a few mixed-use areas, which will provide some rooftops.

Mr. Burke asked what the next steps were.

Ms. Ferguson stating the land use map can be revised with the Metropolitan corridor as more commercial. She will be meeting with the City Commission tomorrow to provide similar information, to include the edit for Metropolitan. As long as there are no other edits, comments or concerns with what is proposed, the Comprehensive Plan can be moved towards adoption.

Mr. Burks stated it is important to him that green space be included in the new communities being developed. He asked for more information on green space being included with developer's plans.

Ms. Hurley stated many cities require for new residential developments that a certain percentage of the land be devoted to green space and amenities. This is one of the recommendations in the Comprehensive Plan.

With no further comments or questions, Ms. Hurley stated the Planning Commission needs to provide a consensus to move forward with the Comprehensive Plan. The consensus can be provided with the changes that have been discussed identifying Metropolitan as more of a commercial corridor.

There was consensus by the Planning Commission to move forward with the 2030 Comprehensive Plan with the changes identifying Metropolitan as more of a commercial corridor.

With no other business, Chairman Burke adjourned the meeting.

The meeting adjourned at 7:24 p.m.

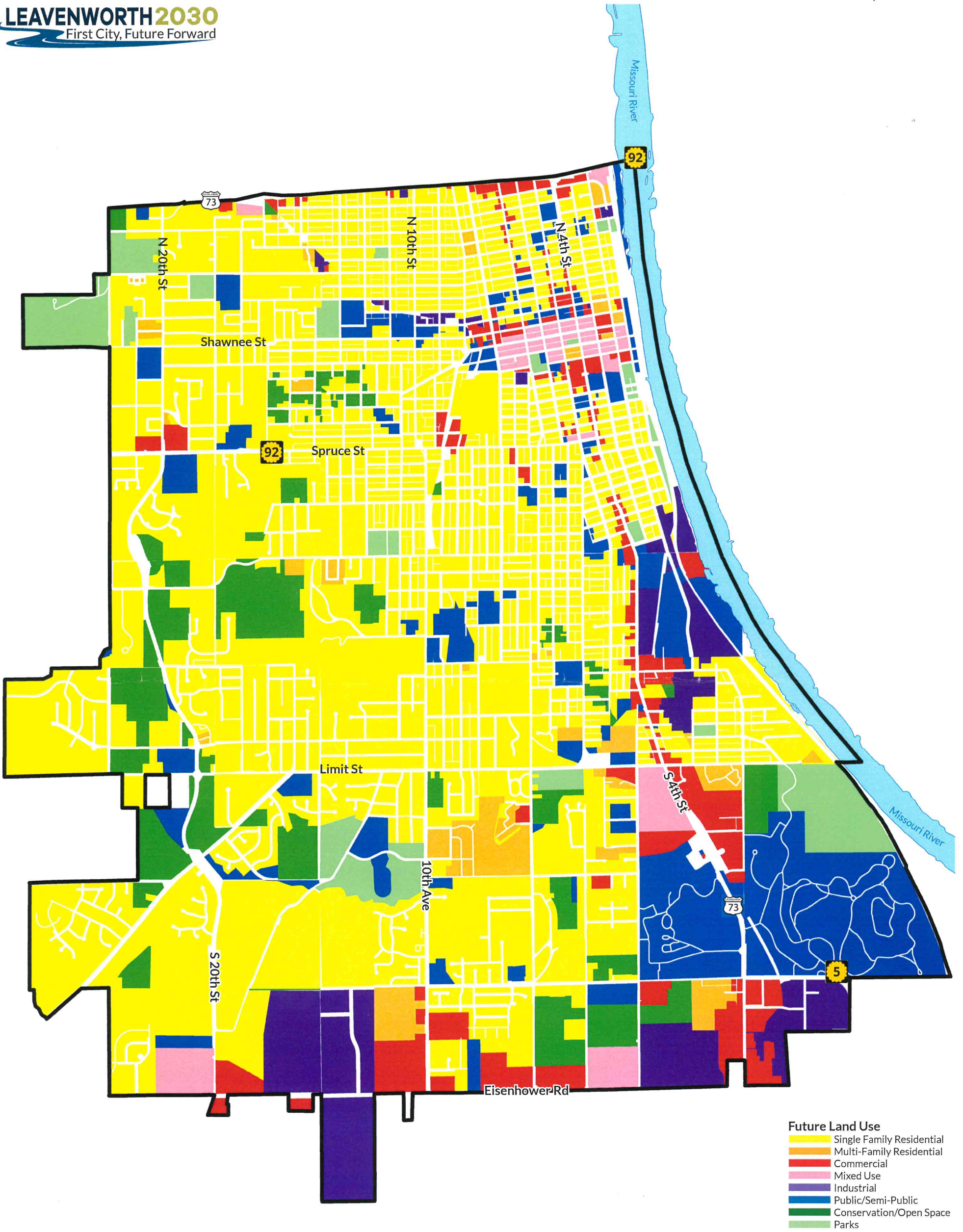
Minutes taken by Administrative Assistant Michelle Baragary.

DRAFT

Future Land Use

April 2021

LEAVENWORTH 2030
First City, Future Forward



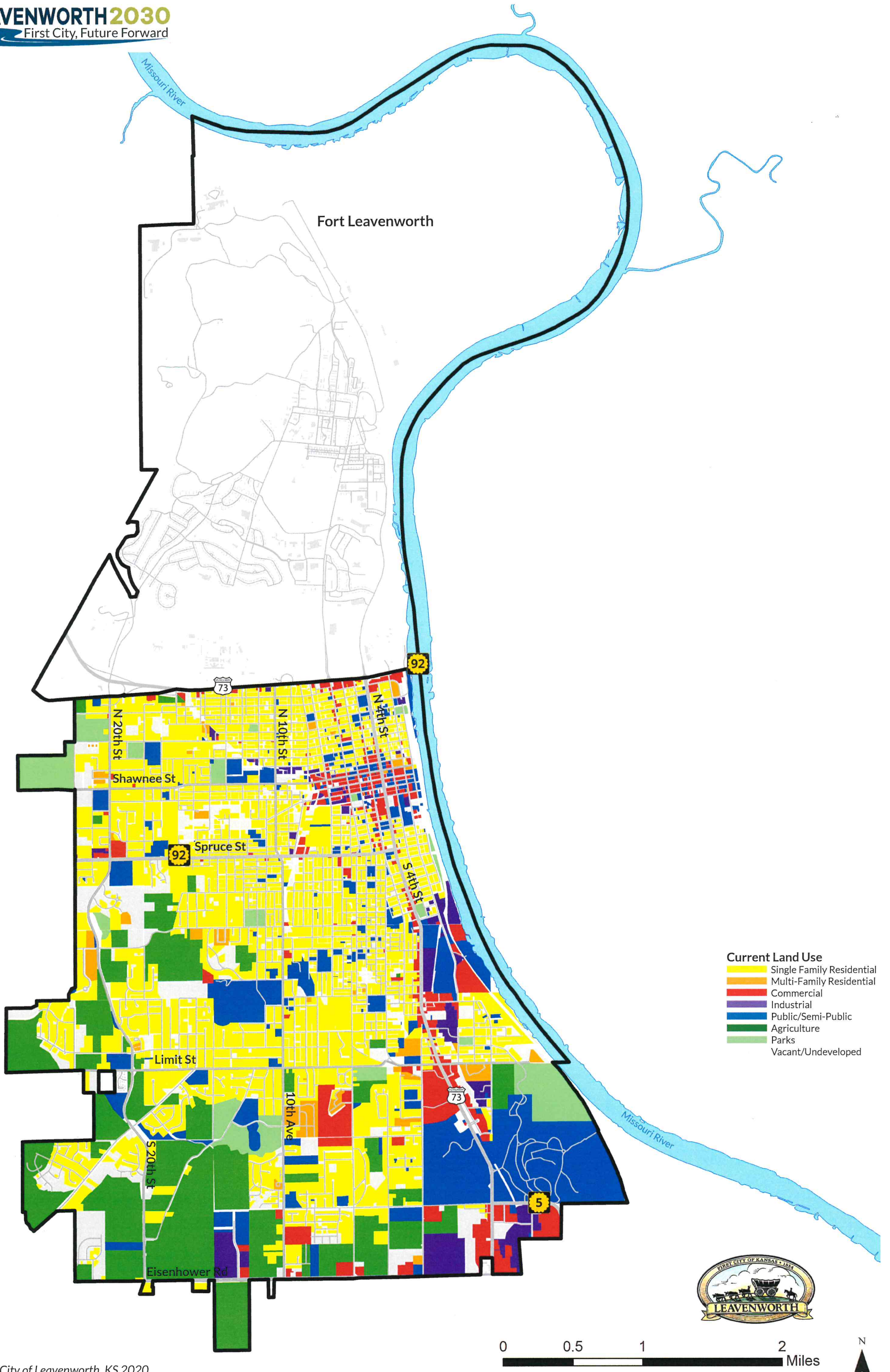
- Future Land Use**
- Single Family Residential
 - Multi-Family Residential
 - Commercial
 - Mixed Use
 - Industrial
 - Public/Semi-Public
 - Conservation/Open Space
 - Parks



Current Land Use

March 2021

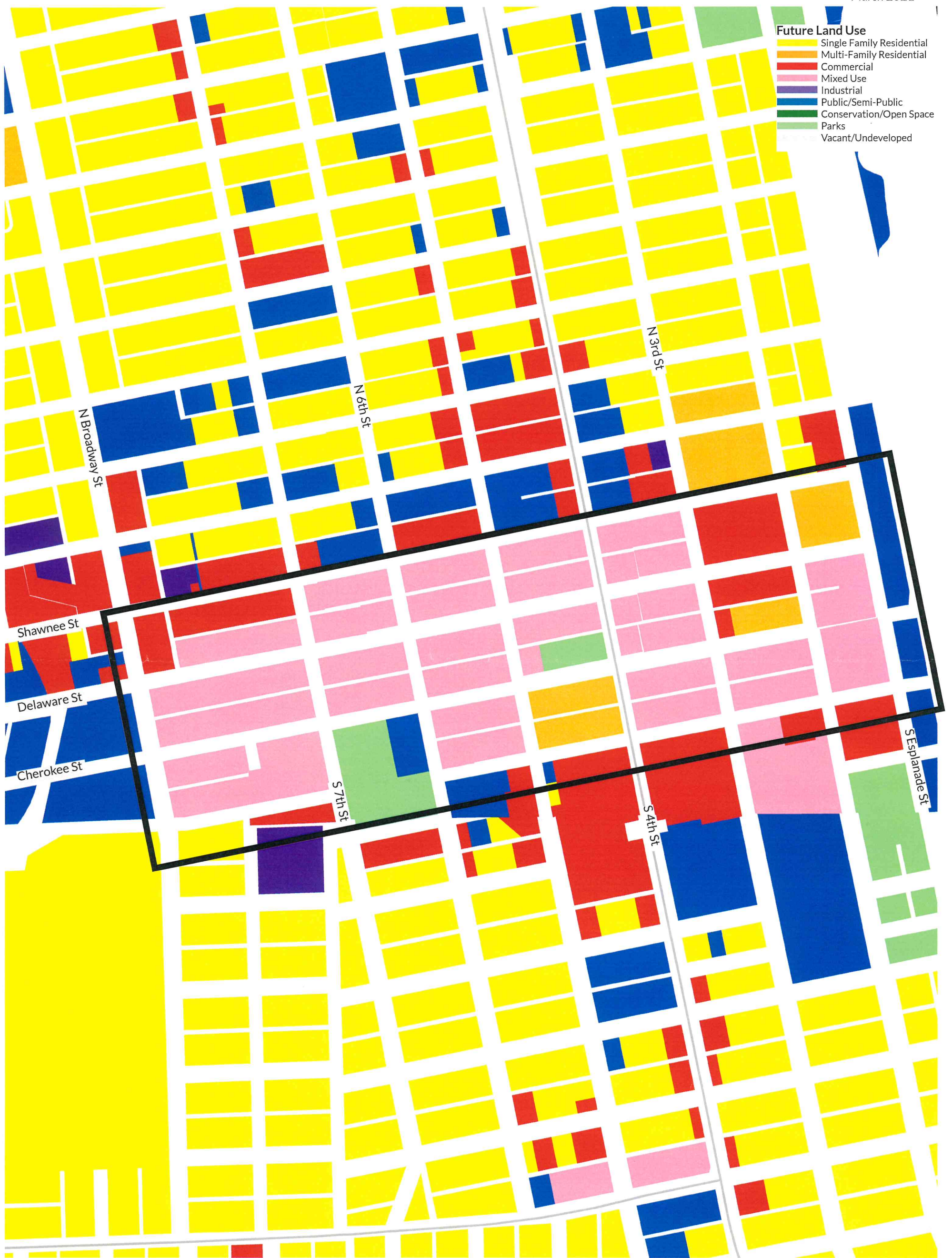
LEAVENWORTH 2030
First City, Future Forward



Source: City of Leavenworth, KS 2020

Downtown Future Land Use

March 2021

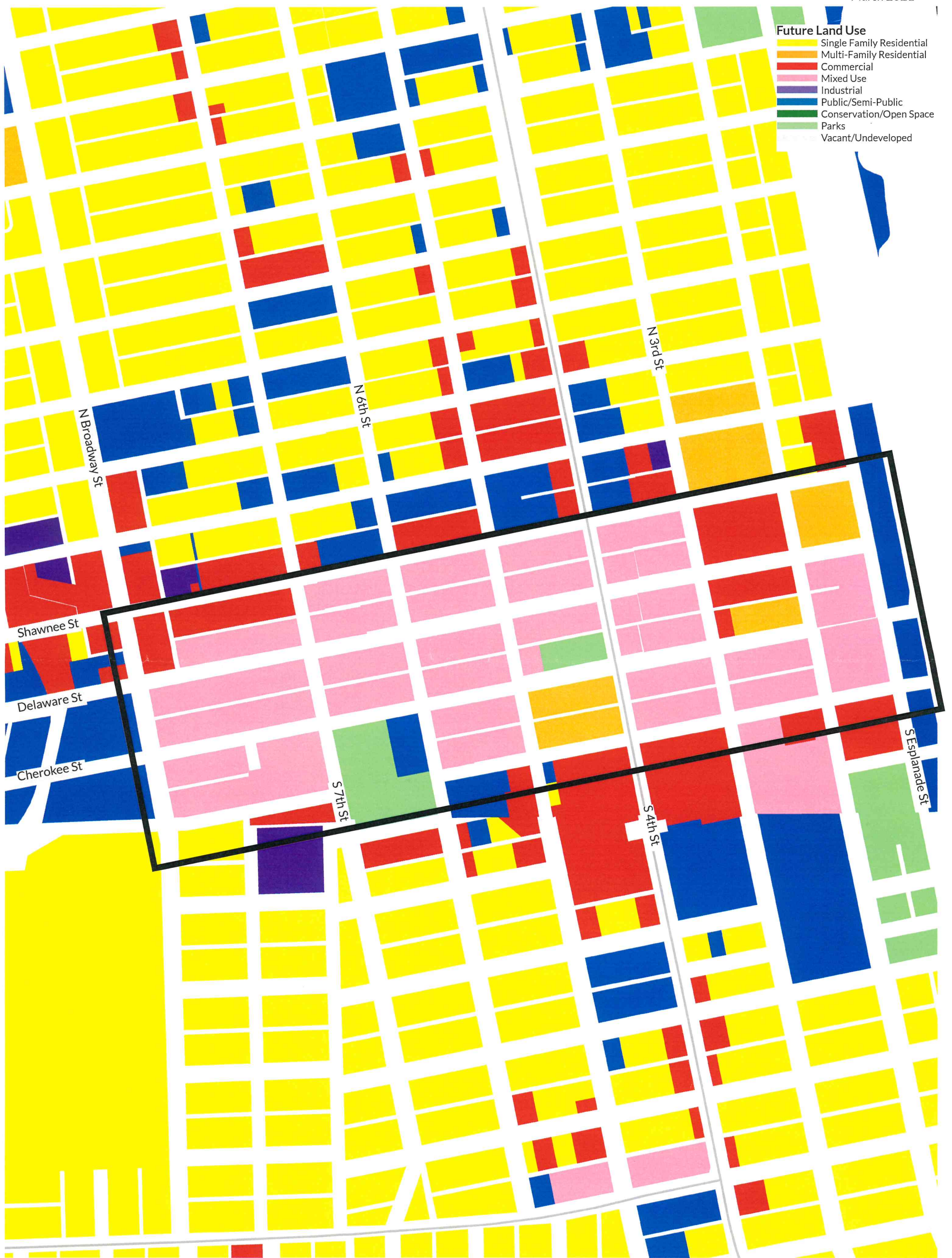


Source: City of Leavenworth, KS, 2020



Downtown Future Land Use

March 2021



Source: City of Leavenworth, KS, 2020



0.05 0.1 0.2 Miles



**PLANNING COMMISSION AGENDA ITEM
2021-15-SUB**

**ADAMS VALLEY
FINAL PLAT**

MAY 3, 2021

SUBJECT:

A request for a final plat of Adams Valley



Prepared By:
Jacquelyn Porter
City Planner



Reviewed By:
Paul Kramer
City Manager

ANALYSIS:

The subject property is owned by LD Development, LLC, plat prepared by Atlas Surveyors. The applicant is requesting approval of an 18 lot final plat for the Adams Valley residential development. The property is currently occupied by a single family home. A request to rezone the property from R1-9, Medium Density Single Family Residential District to R1-6, High Density Single Family Residential District, is also on this agenda for consideration.

The subject property is 4.76 acres in size, and is occupied by one single family home. The site consists of the two existing parcels addressed as 1440 and 1460 Quincy Street. The plat consists of 18 residential lots with an average size of 9,647 sq ft.

The preliminary plat was discussed at the December 17, 2020 Development Review Committee meeting. Items related to utilities, drainage, and improvements to Quincy Street were discussed. Utilities are available to the property, and easements will need to be obtained in order to connect to existing utilities to the east. Grading on lots as they are developed will need to direct drainage to the street, instead of away from individual lots and onto adjoining properties, and will be addressed prior to recording the final plat when site improvement plans shall be submitted for review and approval by the Public Works Department.

The Planning Commission approved the preliminary plat at the January 4th, 2021 meeting.

Staff recommends approval of the Adams Valley Final Plat.

ACTION/OPTIONS:

- Approve the Final Plat
- Deny the Final Plat
- Table the issue for additional information/consideration.

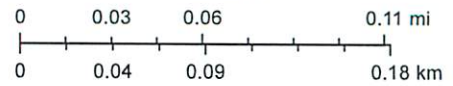
2021-15 Final Plat Adams Valley Aerial



4/28/2021, 4:39:42 PM

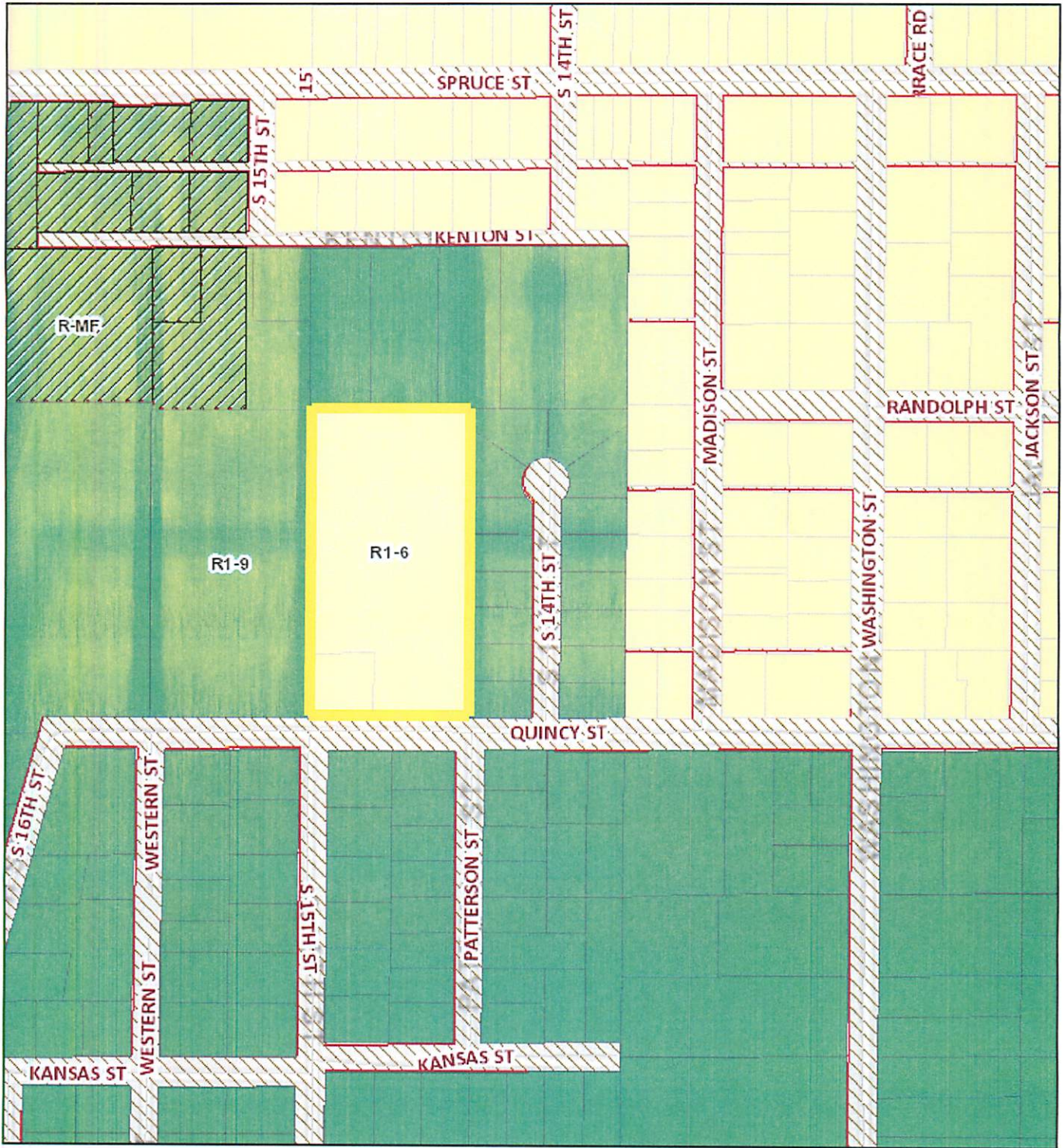
1:4,514

- Override 1
- Lansing City Limits
- Parcels (City Owned)
- Ft Leavenworth Military Installation
- Parcels_Current
- Leavenworth City Limits
- Missouri River
- City Right-of-Way
- RoadCenterline



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

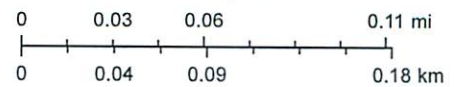
2021-15 Final Plat Adams Valley Zoning Map



4/28/2021, 4:40:29 PM

1:4,514

- Override 1
- MP
- Zoning_CURRENT NBD
- CBD
- OBD
- GBD
- PUD
- I-1
- R-MF
- I-2



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

PLANNING COMMISSION AGENDA ITEM
2021-12 SUP
2137 BIRCH STREET

MAY 3, 2021

SUBJECT:

A request for a Special Use Permit to allow the operation of a Child Care Center at 2137 Birch Street

 FOR
Prepared By:
Jacquelyn Porter
City Planner


Reviewed By:
Paul Kramer
City Manager

NATURE OF REQUEST

The applicant, Duane and Kimberly Reece, is requesting a Special Use Permit to allow the operation of Child Care Center in their home located at 2137 Birch Street. The property is currently zoned R1-6 (High Density Single Family Residential). Child Care Centers are allowed in the R1-6 zoning district with issuance of a special use permit.

The applicant is licensed by the State of Kansas to care for a maximum of 12 children, dependent upon the ages of the children in care, and operated a licensed child care facility in her previous home in the City of Leavenworth.

CONDITIONS OF DETERMINATION

In recommending approval of a special use, the Planning Commission may impose such conditions, safeguards and restrictions as may be necessary to carry out the general purpose and intent of the ordinance. The development regulations stipulate specific conditions as a requirement for the approval of Child Care Centers as follows:

1. Shall not be located along an arterial street as designated on the Major Street Plan Map unless indirect vehicular access to that street, such as with a frontage road is available. The City Planner, with the advice of the DRC, shall determine if the drop off and pick up arrangements of a childcare center or business appear safe. Appeal of any negative decision shall be to the City Commission.

The subject property is located along Birch Street, which is classified as a Residential street.

2. Shall provide at least one hundred (100) square feet of open space per child. This open space shall be 100% enclosed by a minimum four (4) foot high fence or wall.

The subject property includes a back yard area of approximately 3,050 sq ft., enclosed by a 4' wooden fence. The back yard is adjacent to fenced backyard of residential properties.

3. Shall provide a loading zone capable of accommodating at least two (2) automobiles for the easy picking up and discharging of passengers.

The subject property does have a driveway or other paved off-street loading area. There is ample on-street parking in front of the subject property as well.

4. Shall conform to all requirements of the State of Kansas and shall acquire a State of Kansas Child Care Center License.
The applicants have provided a copy of their Group Day Care Home permit from the Kansas Department of Health and Environment.
5. All childcare centers operated in residential zoning districts shall be the only legal residence of the operator.
The home functions as the only residence of the operator/owner.
6. Childcare centers in residential districts may have one non-illuminated monument sign with no more than 3 square feet per side and a maximum of 2 sides or one non-illuminated sign affixed to the main structure of 3 square feet.
The applicant currently is not displaying a sign advertising her business.

COMMISSION FINDINGS

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.
Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.
2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.
Child Care Centers are an essential service to working parents in the community, and promote the economic development, welfare and convenience of the public.
3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.
Staff does not feel that the proposed Child Care Center will cause any substantial injury to the value of other property in the neighborhood. There are currently a total of 17 Child Care Centers in residential neighborhoods with active Special Use Permits within the City of Leavenworth.
4. The location and size of the special 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 special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.
No new structures or building modifications are proposed as part of this special use permit. The property will continue to look and function as a residential structure.

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received communication from 4 property owners opposed to the Child Care Center.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein, subject to the following conditions:

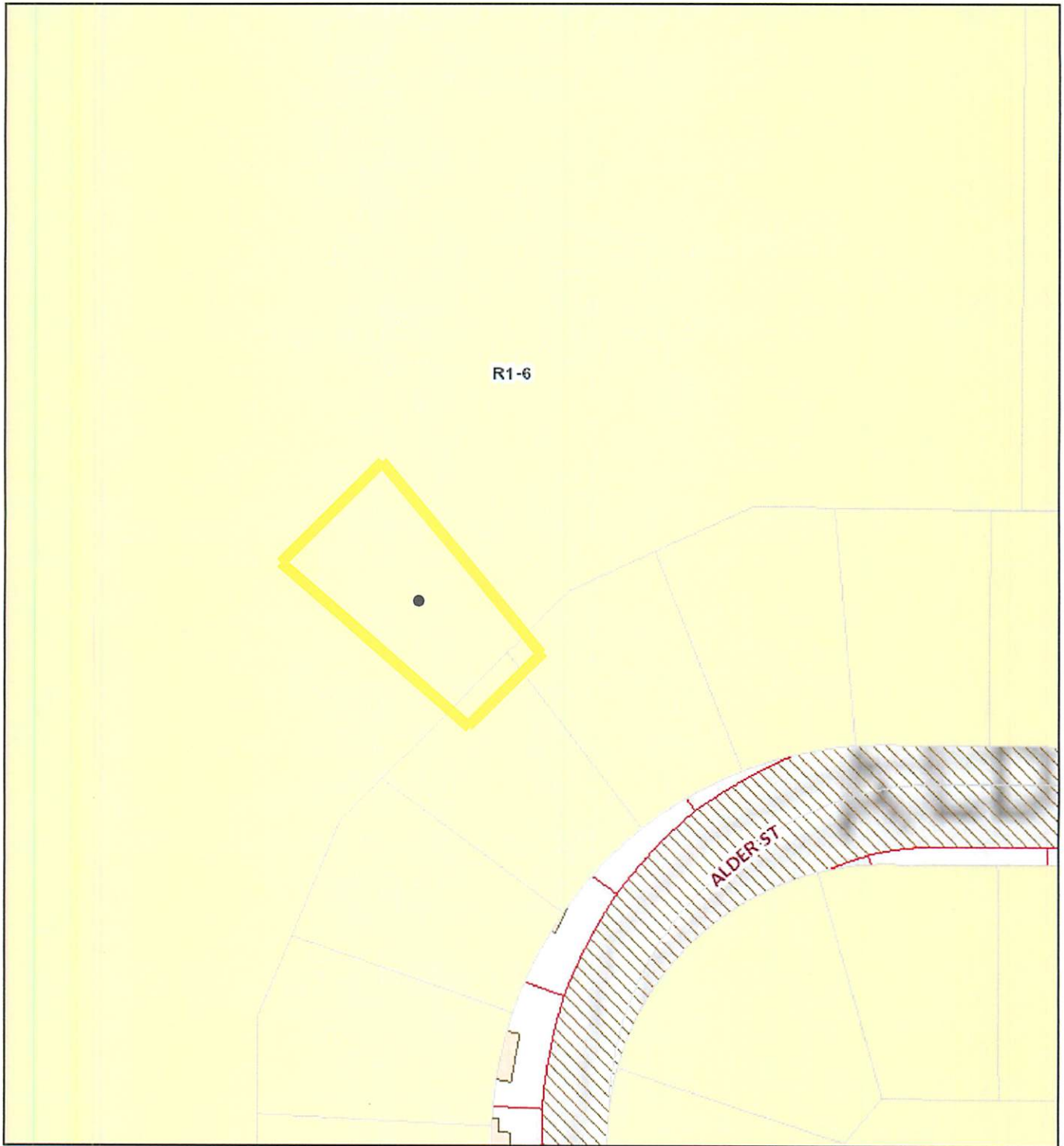
1. A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition.
2. A copy of the permanent Group Day Care Home license shall be provided annually upon renewal by the State of Kansas.
3. The operation shall be limited to a maximum of 12 children.
4. No additional home occupations may be carried out at the residence.

Failure to maintain compliance with all conditions shall result in revocation of the Special Use Permit.

ACTION/OPTIONS:











- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration.

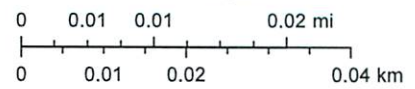
2137 Birch St Zoning Map



4/27/2021, 4:49:54 PM

1:1,128

- | | |
|--|--|
|  Override 1 |  MP |
| Zoning_CURRENT |  NBD |
|  CBD |  OBD |
|  GBD |  PUD |
|  I-1 |  R-MF |
|  I-2 | |



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2021-12 SUP

Application No.	<u>9034</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>3-19-21</u>
Received By	<u>WJA</u>
Hearing Date	<u>5-3-21</u>
Publication Date	<u>4-8-21</u>

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: daycare - Luv n' Growth

in accordance with the attached site plan on the following described property:

Subject Property:	<u>2137 Birch St. Leav. KS 66043</u>		
Legal Description:	<i>(Attach a full legal description provided by the Register of Deeds Office)</i>		
Real Estate PID #:	<u>1051500000083000</u>		
Zoning:	<u>R1-L</u>	Historic District:	<u>n/a</u>

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print):	<u>Duane and Kimberly Reece</u>		
Owner Address:	<u>2137 Birch Street Leavenworth, KS 66048</u>		
Contact No.	<u>(850)284-7121</u>	Email:	<u>cupid302002@yahoo.com</u>

Signature of Owner(s):
Duane Reece SR. ;
Kimberly Reece

State of Kansas)
County of Leavenworth) (SEAL)



Signed or attested before me on: 19 March 2021

Notary Public: Linda Diann Horton

My Appointment Expires: 17 Dec 2024

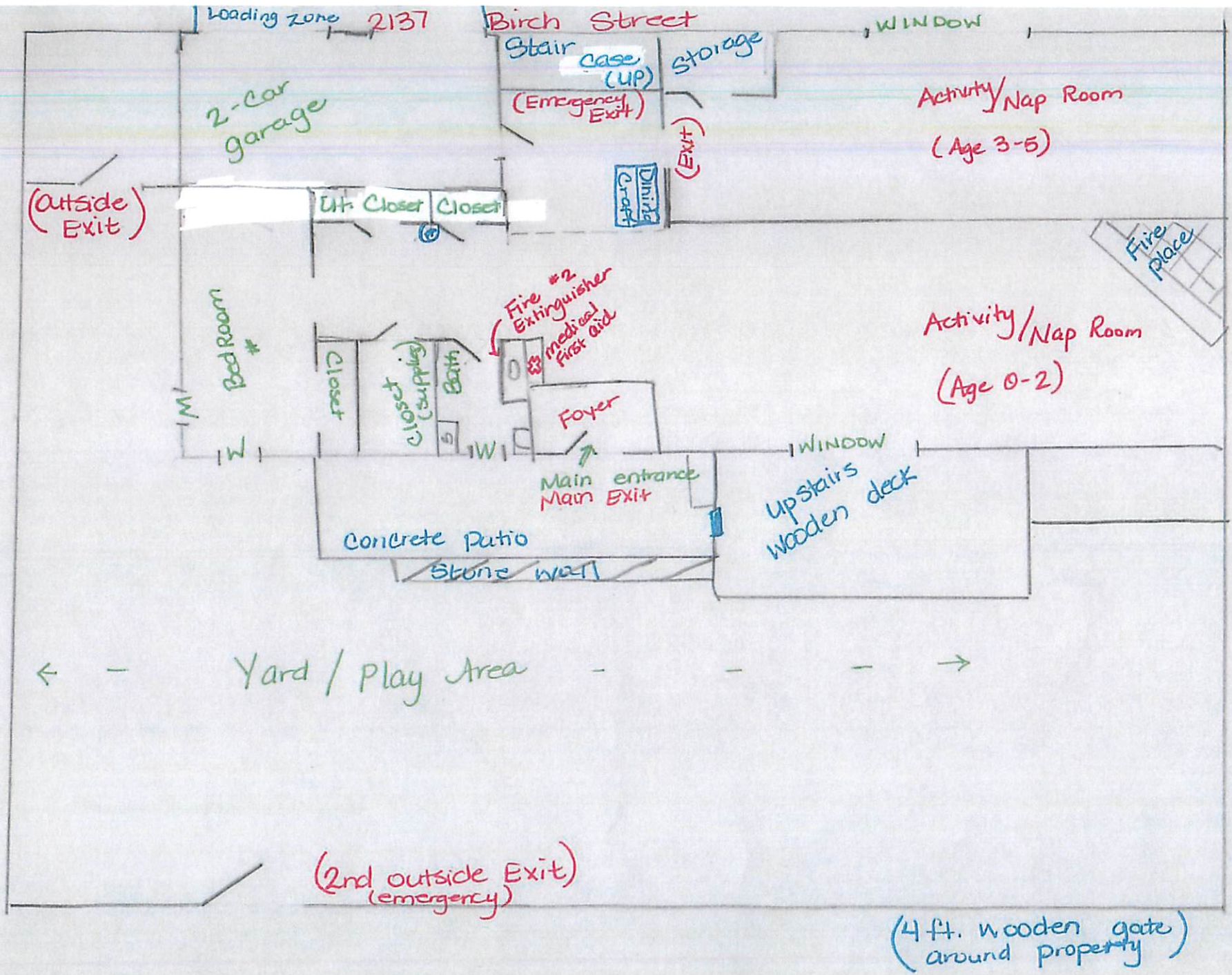
If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:	
Address:	
Contact No.	
Email:	

NOTE: All signatures must be in ink. Signature of owner(s) must be secured and notarized.

Check list below...

<input checked="" type="checkbox"/>	Non-Refundable Fee of \$350.00 is due at time of application
<input checked="" type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property
<input checked="" type="checkbox"/>	Attach full legal description obtained through the Register of Deeds Office
<input checked="" type="checkbox"/>	Site Plan drawn to scale (See General Instructions)
<input checked="" type="checkbox"/>	Supporting documentation (See General Instructions)



Kansas Department of Health and Environment
Temporary Permit

Group Day Care Home
Temporary Permit No. 0070288-012

Licensee: Kimberly Michele Reece

Facility: LOV N GROWTH DAYCARE

Located at: 2117 Birch St
Leavenworth, KS 66048

In the county of: Leavenworth

Having filed an application and having agreed to comply with the laws and regulations of the State of Kansas governing Group Day Care Homes, Kimberly Michele Reece is hereby authorized to care for a maximum of 12 children, under one of the following options:

MAXIMUM LICENSED CAPACITY IF ONE ADULT IS PRESENT WITH THE CHILDREN:

- 9 children, at least 2 ½ years but under 11 years of age*; or
- 10 children, at least 3 years but under 11 years of age*; or
- 12 children, at least 5 years but under 11 years of age; or refer to Table I in K.A.R. 28-4-114(e) if children under 2 ½ years of age are in attendance.

MAXIMUM LICENSED CAPACITY IF TWO ADULTS ARE PRESENT WITH THE CHILDREN:

- 12 children, infancy to 11 years of age*, with not more than 9 children under 5 years of age, 3 of whom may be under 18 months of age; or
- 10 children, infancy to 11 years of age*, with not more than 8 children under 5 years of age, 4 of whom may be under 18 months of age; or
- 12 children, at least 18 months but under 11 years of age*, with not more than 5 children, 18 months to 2½ years of age.

*Children five years of age and over may be substituted for younger children in the license capacity. Children under 11 years of age who are related to the applicant with a temporary permit, the licensee, or any other provider shall be included in the maximum number of children in each age group. Children at least 11 years of age but under 16 years of age who are unrelated to the provider shall be included in the license capacity if child care for this age group as a whole exceeds three hours a week.

This Temporary Permit is effective 01/02/2021 and expires on 04/02/2021.

Smoking is prohibited inside the day care home during hours of operation.

** Local codes and ordinances may prescribe other requirements for the legal operation of this facility.

Lee A. Norman MD

Secretary
Kansas Department of Health and Environment

To: Julie Hurley

Re: 2137 Birch Street special permit for Daycare

The below link is referenced in this email.

https://www.visitleavenworthks.com/sites/default/files/fileattachments/planning_amp_community_development/page/5001/special_use_permit_application_july_2020_fillable.pdf

Section G: The commission may recommend issuance of a special use permit whenever it finds that:

3: The special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

4: C Off-street parking and loading areas whether on the premises or auxiliary to the premises will be provided in accordance with the standards set forth in this ordinance and such areas adjoining residential uses will be located so as to protect such residential uses from any injurious effect;

Opening a Childcare Center

Section 1. Child care center for seven (7) or more children:

A: Shall not be located along an arterial street as designated on the Major Street Plan Map unless provided indirect vehicular access to that street, such as with a frontage road.

C: Shall provide a loading zone capable of accommodating at least two (2) automobiles for the easy picking up and discharging of passengers.

Statement:

While we can appreciate the need and benefits of home childcare for under 6 children, we feel there will be additional traffic congestion, signage, and vehicles that will take away from the residential neighborhood of this newer subdivision. The home at 2137 currently has a large passenger van, paper-type signage, and multiple vehicles at this property. Vehicles typically park on the street and the drive is usually full.

We have witnessed parents parking in the right of way and going to the house to gather their kid(s) causing traffic to stop. There are many children in this neighborhood that ride bikes, play, and walk the sidewalks and streets, additional traffic that is unfamiliar with our neighborhood could create unnecessary hazards.

Regarding the values of our homes, we feel that excess vehicles and traffic flow are undesirable and will negatively impact home values by making it less appealing to move into this neighborhood.

This neighborhood has only two entrances and exits for the 90 homes located in this horseshoe road layout. With additional home construction potentially starting summer of 2021 to the North,

and uncertainty for an additional outlet in this new development, we will see almost double the traffic on these streets. We feel these few streets we have would be considered arterial.

Ensuring childcare pickup occurs in the driveway will be difficult to manage or monitor and left to the childcare provider to enforce.

In closing, this is a densely populated neighborhood with crowded streets and a lot of children playing. With the onset of construction and limited roadways, we do not feel having a special permit to allow more than 6 children would be a prudent action at this time.

Matt & Jean Dedeke

2132 Birch St

Julie Hurley

From: Julie Hurley
Sent: Friday, April 30, 2021 8:51 AM
To: 'H W'
Cc: Michelle Baragary; Carla Williamson
Subject: RE: Official Response to Child Care Petition - 2137 Birch St

Mr. & Mrs. Welling-

Your notice was mailed on April 13, 2021. If you would like to see the certification of such mailing provided by the US Postal Office, you may come to our office or contact the City Clerk to file an Open Records Request. We will make sure that your comments are included in the Planning Commission packet. As stated previously, instructions and a link for accessing the GoToMeeting for the Planning Commission meeting on May 3rd are posted to the City's website and may be found here:

<https://www.leavenworthks.org/bc-pc/page/planning-commission-regular-meeting-25>

Julie Hurley, AICP
Director of Planning and Community Development
City of Leavenworth
913.680.2616

From: H W <hikewelling@yahoo.com>
Sent: Thursday, April 29, 2021 9:53 PM
To: Julie Hurley <jhurley@firstcity.org>
Subject: Official Response to Child Care Petition - 2137 Birch St

Julie,

Good morning!

To date we still have not received your official notification letter in the mail. Thank you for your last email because we have had to reference it to obtain information on how/when to submit a formal reply and access the 3 May meeting.

Please use this email as our official response to other neighbors informing us about your notification letter regarding the special permit request for a child care center (7+ children) by our next door neighbor at 2137 Birch Street. We appreciate your time and consideration into these matters.

Firstly, we the named owners of 2133 Birch Street, affected by the requested special permit described in the above referenced address do hereby protest against said permit to allow a child care center of more than six children. This property directly adjoins our residential property and we oppose any permit or rezoning that will increase the noise, traffic, safety, and business dominance that would detrimentally affect the peaceful enjoyment of our home and surrounding properties.

Secondly, as a disabled veteran with over 3 years of combat experience, this special permit would negatively affect my personal health and well-being and cause increased stress due to the nature of having a commercial child care center next to my personal residence. I also often telework from home.

Thirdly, we feel that this permit and/or any zoning changes of said property would negatively affect the value of our home and surrounding properties. Additionally, we feel have a child care center would negatively affect our ability to sell our home in a timely manner in the future. We feel it's unjust to have invested so much time and money in our retirement home only to have that negatively impacted if this permit is approved.

In closing, we would like to highlight some issues that pertain to the 1978 Kansas case regarding "The 6 Golden Factors" for determining reasonableness.

1. Character of Neighborhood. We have lived here for over 5 years. The neighborhood is quiet, secluded, and safe to include minimal traffic. Moreover, the neighborhood is surrounded by owners who take pride and care in improving the aesthetics and value of their properties. Approving this special permit would negatively affect the character of the Branches neighborhood.
2. Zoning Use of Nearby Properties. The Branches neighborhood is zoned residential. It would be disingenuous for one property owner to negatively impact 13-15 surrounding properties, within 200 feet, just to operate a commercial business and change our peaceful neighborhood experience. We would ask the City of Leavenworth to seek other means to support an increased need for child care such as a tax break or small business loan in a commercial zone.
3. Suitability of Property. Currently, the owners of 2137 Birch maintain 4 personal vehicles which are parked in their their driveway and an additional vehicle that is parked in the street for a total of 5 cars. As a result, we have already experience many instances of their customers using our driveway as a drop off and turn around point. Approving the permit would only exacerbate vehicle parking and traffic problems. Moreover, there is Lansing School bus stop directly across from 2137 Birch Street, and on occasion has delayed the school bus.
4. Extent to which changes would affect Nearby Property. Already discussed in comment 3.
5. Vacancy Time. Not applicable.
6. Gain in Public Welfare Compared to Hardship Imposed if Request Denied. We feel the public welfare is best served by keeping the character and integrity of the Branches neighborhood as a residential area without any commercial or larger child care centers. If approved, this home business would dominate the neighborhood during peak times in the morning and afternoon as residents depart and return from work and school. It may also impact the peacefulness of nearby properties during the day.

Although we oppose their special permit request, we respect our neighbor's desire to own and operate a home based business. We strongly feel anything larger than they are currently operating should be done in a commercial zone.

Sincerely
Hike and Karan Welling

On Tuesday, April 13, 2021, 09:17:11 AM CDT, Julie Hurley <jhurley@firstcity.org> wrote:

Mr. & Mrs. Welling-

We checked our mailing list, and it appears that your property was inadvertently not included in the notification mailing for this Special Use Permit request. We will mail the notification today, meeting the statutory notification requirement.

Due to COVID restrictions, our Planning Commission meetings are closed for in-person attendance by members of the public, but you may submit comments in writing or join the meeting remotely via GoToMeeting. A link to join remotely will be posted on the City's website by the Friday before the Planning Commission meeting, and will also be included in the notification letter. Please let me know if you have any further questions.

Julie Hurley, AICP

Director of Planning and Community Development

City of Leavenworth

913.680.2616

From: H W <hikewelling@yahoo.com>
Sent: Tuesday, April 13, 2021 8:22 AM
To: Julie Hurley <jhurley@firstcity.org>
Subject: Child Care Petition - 2137 Birch St

Ms. Hurley,

Good morning.

I called your office number 913-680-2626 and 913-682-9201 without success.

I'm writing you now to ask why I have not receive a mandatory letter announcing said petition.

I live directly next door to 2137 Birch St, Leavenworth at 2133 Birch St.

I was notified about this petition from another neighbor yesterday. I am opposed to any spot zoning in our residential area.

Also, can I have legal representation at the 3 May hearing?

Is there a number I can call you? Please feel free to call me at 785-341-1348.

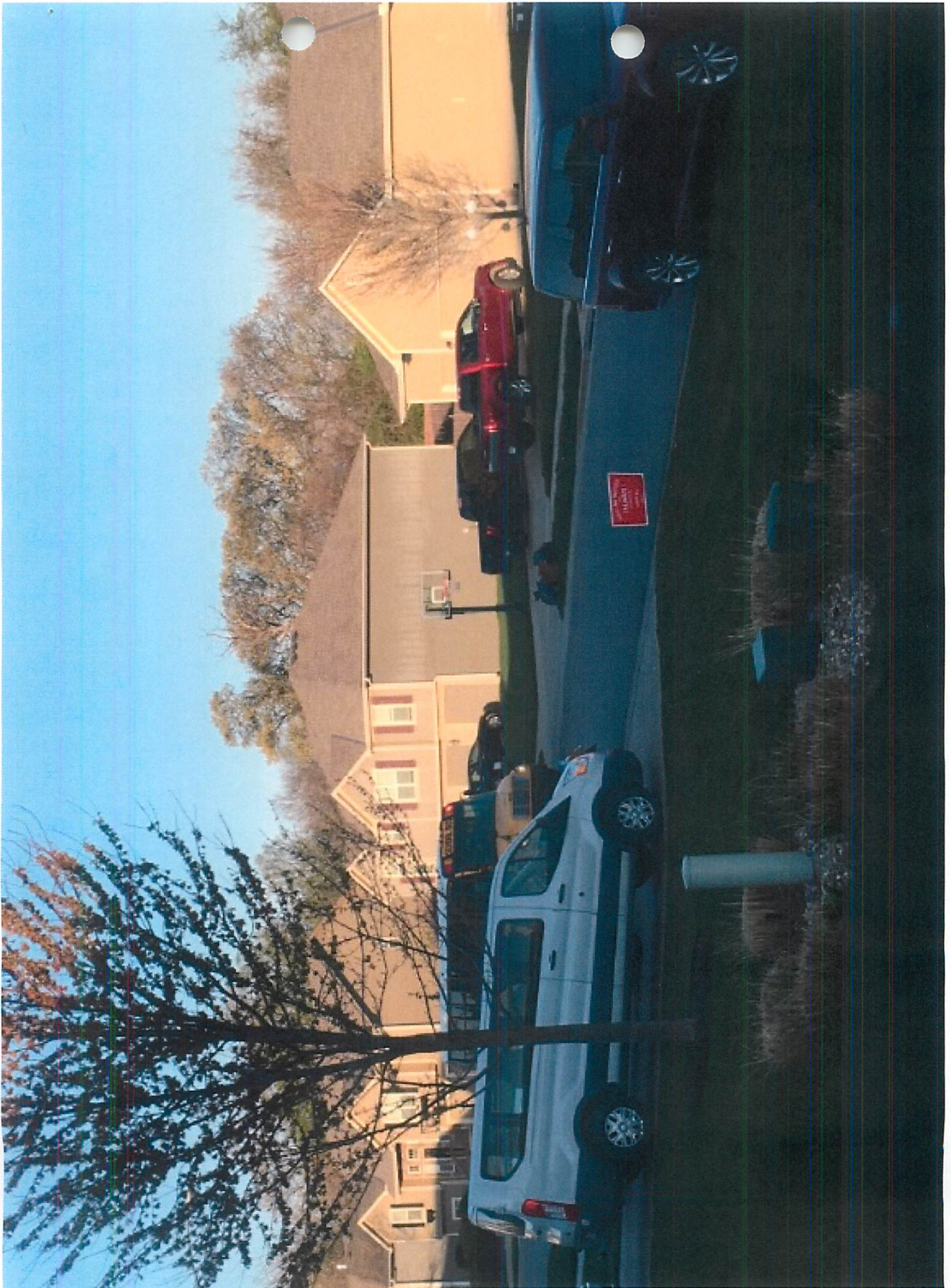
Sincerely

Hike & Karan Welling

***** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.**

*****The message and documents transmitted with this e-mail contain confidential or privileged information belonging to the sender and it is intended only for the individual or entity to whom it is addressed. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents. If you receive this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message and any attachments. *****

***** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.**





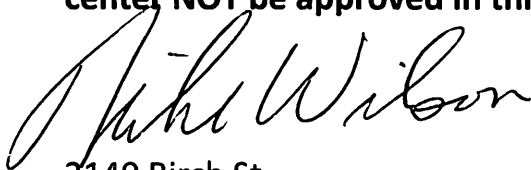


Regarding 2021-12SUP-2137 Birch

Our neighbors are to be **commended** in showing the fortitude to open a child care business. However, this would be a **business** and as such should be located in an environment that is **zoned** for that type of operation.

The "Branch's" subdivision was designed by Florence Larrin to be a near-gated community with limited access and exit. There is no thru traffic with almost only those living here coming and going. It is a perfect neighborhood that is safe for walking, riding bikes, jogging, and other forms of exercise. A child care business operating in a residential neighborhood will bring outside traffic several times a day with people we don't know and who do not live here. If this business is allowed to exist in a residential subdivision, then it would only open the door for who knows what would be the next business endeavor. Our home across the street from the proposed business is our greatest asset and could be greatly devalued if a non-conforming use is allowed.

The proposed business owners should have known or their real estate agent should have cautioned them about opening a day-care in a location not zoned for any business. As a consequence, **we respectfully request that this day care center NOT be approved in this subdivision.**



2140 Birch St

913-547-2242

PLANNING COMMISSION AGENDA ITEM
2021-08-REZ
711 MARSHALL

MAY 3, 2021

SUBJECT:

A request to rezone the property located at 711 Marshall from R1-6, High Density Single Family Residential District, to GBD, General Business District.



Prepared By:

Julie Hurley,
Director of Planning and
Community Development



Reviewed By:

Paul Kramer,
City Manager

ANALYSIS:

The applicant, the Board of County Commissioners of Leavenworth County, is requesting a rezoning of their property located at 711 Marshall from R1-6, High Density Single Family Residential District, to GBD, General Business District. The property is occupied by the former Cushing Memorial Hospital, which closed in October, 2020 and is currently vacant.

The rezoning is being requested to allow for reuse of the hospital building with a mix of county offices and private health care providers. The intended use is less intensive than the prior use as a hospital, and will utilize existing parking facilities. No expansion of the building footprint is proposed. The use of the building will be within traditional business hours with limited use on evenings or weekends.

The existing building was constructed as a hospital in the late 1800's with several additions in the intervening years, and has functioned as a hospital since that time until it's recent closure in October, 2020. The property is considered legal-nonconforming, as the previous use of the property as a hospital is not in compliance with the current Development Regulations. Any nonconforming use of a structure may be changed to another nonconforming use, as an exception granted by the Board of Zoning Appeals. Additionally, when a nonconforming use is abandoned for a period of 24 consecutive months, any subsequent use must comply with the regulations of the zoning district. Given the intended use of multiple occupants, staff advised the applicant that a Rezoning request would be the best option, providing the highest degree of transparency and avoiding potential future legal complications and multiple requests for exceptions.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

a) The character of the neighborhood;

The subject property is the site of the former Cushing Memorial Hospital, which is currently vacant. To the north is a multi-story medical office building. To the south is the Carroll Mansion, occupied by the Leavenworth County Historic Society. Two blocks to the north is the former Medical Arts building, which was rezoned to GBD in 2017. The remainder of the neighborhood consists of single-family homes.

b) The zoning and use of properties nearby;

All surrounding properties are zoned R1-6, High Density Single Family District, except for the site of the former Medical Arts building two blocks to the north which is zoned GBD.

c) The suitability of the subject property for the uses to which it has been restricted;

The subject property was built in the late 1800's as a hospital, and has functioned as such since that time until its recent closure in October, 2020. The building has housed medical uses consistently since construction, and is unsuited for residential use.

d) The extent to which removal of the restrictions will detrimentally affect nearby property;

The proposed rezoning should have little detrimental effect upon surrounding properties. The subject building has housed medical uses since its construction, and provides adequate parking facilities for such uses. It is anticipated that the neighborhood will experience a decrease in traffic, as the building will not be used on a 24/7 schedule in the same manner that the hospital was. No detrimental effect on nearby property is anticipated due to the rezoning.

e) The length of time the subject property has remained vacant as zoned;

The building has functioned as a hospital since its construction in the late 1800's, until the hospital's closure in October, 2020.

f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

The proposed rezoning will have a positive effect on public health and welfare by providing space for needed health services, while preserving and adaptively reusing an historic building.

g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The area is identified as appropriate for Institutional uses on the Future Land Use map. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive Plan.

i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.

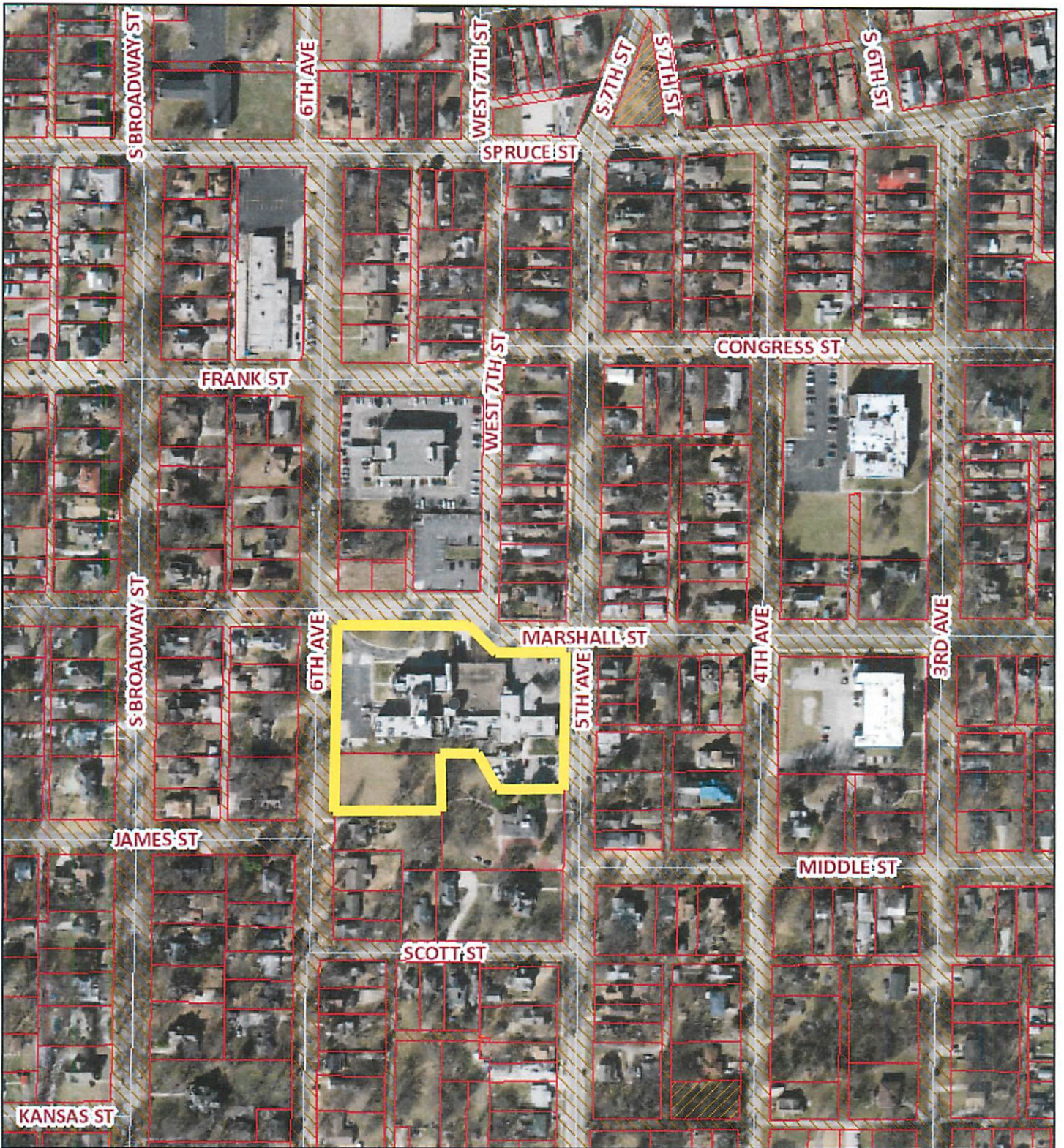
No other factors

After the required public notices were sent to property owners within 200' as required by Kansas State Statute, staff received communication from one individual in opposition to the rezoning request.

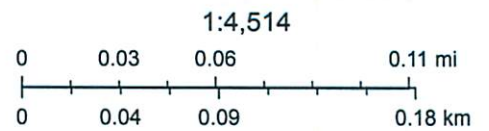
REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from R1-6 to GBD to the City Commission
- Recommend denial of the rezoning request from R1-6 to GBD to the City Commission
- Table the issue for additional information/consideration.

711 Marshall



4/29/2021, 10:17:14 AM

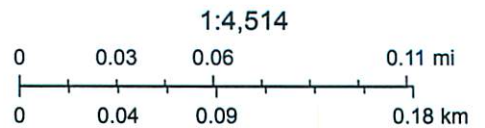


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

711 Marshall - Zoning

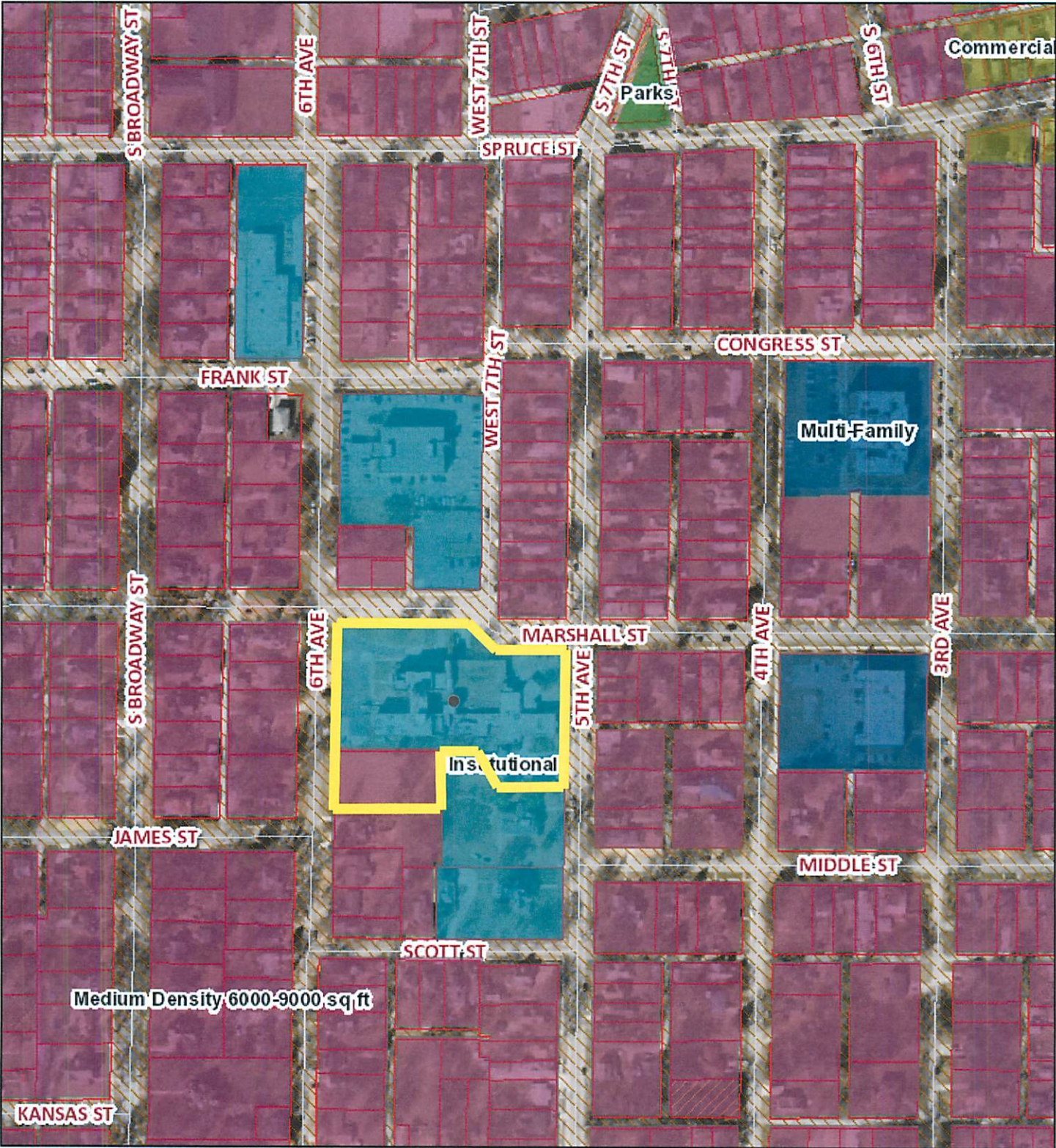


4/29/2021, 10:18:00 AM

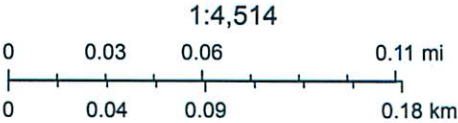


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

711 Marshall - Future Land Use



4/29/2021, 10:18:45 AM



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2021-08 REZ

Application #	8898
Fee (non-refundable)	\$350.00
Filing Date	2-19-21
Received By	Clayton L. Collier 2/23/21
Hearing Date	4-5-21
Publication Date	3-11-21

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Subject Property:	Former Cushing Memorial Hospital 711 Marshall St.		
Rezoning:	Present classification of: <u>R1-L</u>	district to: <u>GBD</u>	
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)		
Real Estate PID #:	077-35-0-40-14-001.00-0	Historic District:	

I/We, _____ being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

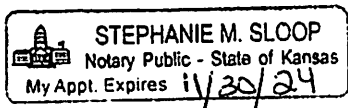
Name(s) of Owner (print or type):	Board of County Commissioners of LVCO, KS		
Address:	300 Walnut, Leavenworth, KS 66048		
Contact No.	913-684-0415	Email Address:	dvanparys@leavenworthcounty.gov
Signature of Owner(s): (AGENT)	<u>David C. Van Parys</u> 2/19/2021 DAVID C. VAN PARYS AGENT FOR BOCC OF LVCO, KS		

State of <u>KANSAS</u>	
County of <u>LEAVENWORTH</u>	

Signed or attested before me on Feb. 19, 2021 by David C. Van Parys
(date) (name(s) of person(s))

Notary Public: Stephanie M. Sloop My Appointment Expires: 11/30/24

NOTE: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.



If necessary, use additional sheets to respond to the following:

Briefly describe the present use and character of the property and of the surrounding area: Former site of Cushing Memorial Hospital, now owned by Leavenworth County. Area is largely residential, adjoining Leavenworth Historical Museum

Briefly describe the intended use and character of the property: Mixed use of county offices, private health care providers. Current parking facilities adequate for intended use and intended use less intensive than prior use (no ambulances, Life-Flight helicopters)

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property: GBD provides for intended use and intended use not incompatible with character of neighborhood due to long established use as a a hospital

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts: Intended use less intensive than prior use. Intended use will use existing parking and facilities with no expansion of building footprint or substantial reconstruction. Use of building will largely be during traditional business hours with limited use outside of those hours, if any.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions: Not aware of any such conditions.

Check List:	
<input checked="" type="checkbox"/>	Non-refundable fee of \$350.00 is due at time of application
<input checked="" type="checkbox"/>	Certified list of the property owners within two hundred (200) feet of the subject property
<input checked="" type="checkbox"/>	Full legal description obtained through the Register of Deeds Office
<input type="checkbox"/>	Site plan drawn to scale (see General Instructions)
<input type="checkbox"/>	Supporting documentation (see General Instructions)

**PLANNING COMMISSION AGENDA ITEM
2021-11-REZ
5136 LAKEVIEW DRIVE**

MAY 3, 2021

SUBJECT:

A request to rezone the property located at 5136 Lakeview R1-6, High Density Single Family Residential District, to GBD, General Business District.



Prepared By:

Julie Hurley,
Director of Planning and
Community Development



Reviewed By:

Paul Kramer,
City Manager

ANALYSIS:

The applicant is requesting a rezoning of their 11.8 acre property located at 5136 Lakeview Drive from R1-9, Medium Density Single Family Residential District, to GBD, General Business District. The subject property is owned by Sandra Harrison, Donna DeMet, Gloria Mercer, and Darlene Lynch, and is under contract to be purchased by 4M Pioneer Holdings, LLC, who is acting as the applicant/agent for the project. The property is currently occupied by one single-family home, which is vacant.

The rezoning is being requested to allow for commercial development of the property, as it is directly adjacent to the Eisenhower Road corridor. A Culver's restaurant is planned for the southeast portion of the property. At this time, no other users have been identified for the remainder of the development. As future users are identified, any proposed site development plans will be reviewed by City staff.

The site plans were reviewed at the April 15, 2021 Development Review Committee meeting. Several items related to traffic, access, internal circulation, stormwater, and utilities were discussed with the applicant. All of these items will be addressed at or prior to the issuance of any building permits for the site. Improvements to a portion of Lakeview Drive adjoining the proposed development are planned as part of the project. The associated preliminary and final plat applications are also on this agenda.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is 11.8 acres in size and is occupied by a single family home. It is located directly along the Eisenhower corridor. To the east is the Armed Forces Insurance office building, the Leavenworth County Health

Department, and Hallmark Cards factory. To the west is the Frontier Community Credit Union, Woods Gas Station, and Dillons grocery store. To the north is a 26.6 acre single family residential lot, with additional single family homes further to the north. To the south across Eisenhower is a strip commercial center, in the City of Lansing.

- b) The zoning and use of properties nearby;

The properties to the north and immediately across Lakeview Drive to the east are zoned R1-9, Medium Density Single Family Residential. Properties to the west and further east are zoned OBD, Office Business District. Property further to the west is zoned GBD, General Business District. Property to the south is inside the city limits of Lansing and is zoned PUD, Planned Unit Development.

- c) The suitability of the subject property for the uses to which it has been restricted;

The subject property is currently occupied by one single-family home. As this property is immediately adjacent to the Eisenhower Road corridor which is a major 4 lane thoroughfare and experiences a high volume of traffic, and is adjoined by commercial and office uses along this corridor, single family residential is not the most appropriate use of the property.

- d) The extent to which removal of the restrictions will detrimentally affect nearby property;

The proposed rezoning should have little detrimental effect upon surrounding properties. The property is primarily surrounded by commercial and office uses, with single-family to the north. The existing home to the north is approximately 565 feet from the property line, and screening/buffering would be required at the time of development of the northern portion of the subject property.

- e) The length of time the subject property has remained vacant as zoned;

The subject property has always been single-family residential in nature.

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

The proposed rezoning will have a positive effect on the economic development of the City and region with added commercial uses, and will increase the value of the subject property through development as a commercial site.

- g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The area is identified as appropriate for commercial uses on the Future Land Use map. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive Plan.

- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.

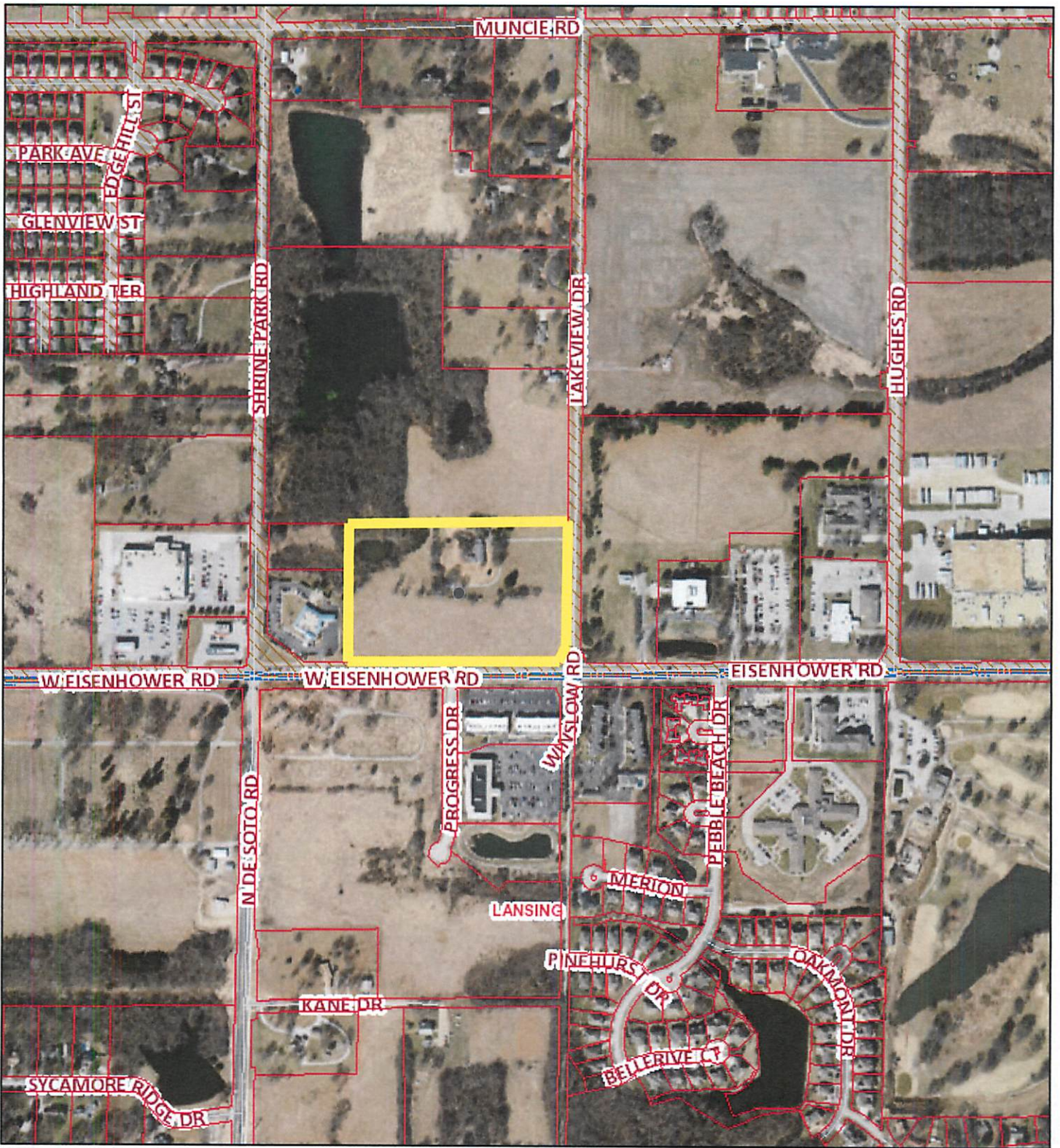
No other factors

After the required public notices were sent to property owners within 200' within city limits and 1000' outside of city limits as required by Kansas State Statute, staff received communication from one individual in opposition to the rezoning request.

REZONING ACTION/OPTIONS:

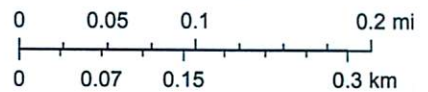
- Recommend approval of the rezoning request from R1-9 to GBD to the City Commission
- Recommend denial of the rezoning request from R1-9 to GBD to the City Commission
- Table the issue for additional information/consideration.

5136 Lakeview



4/29/2021, 9:51:23 AM

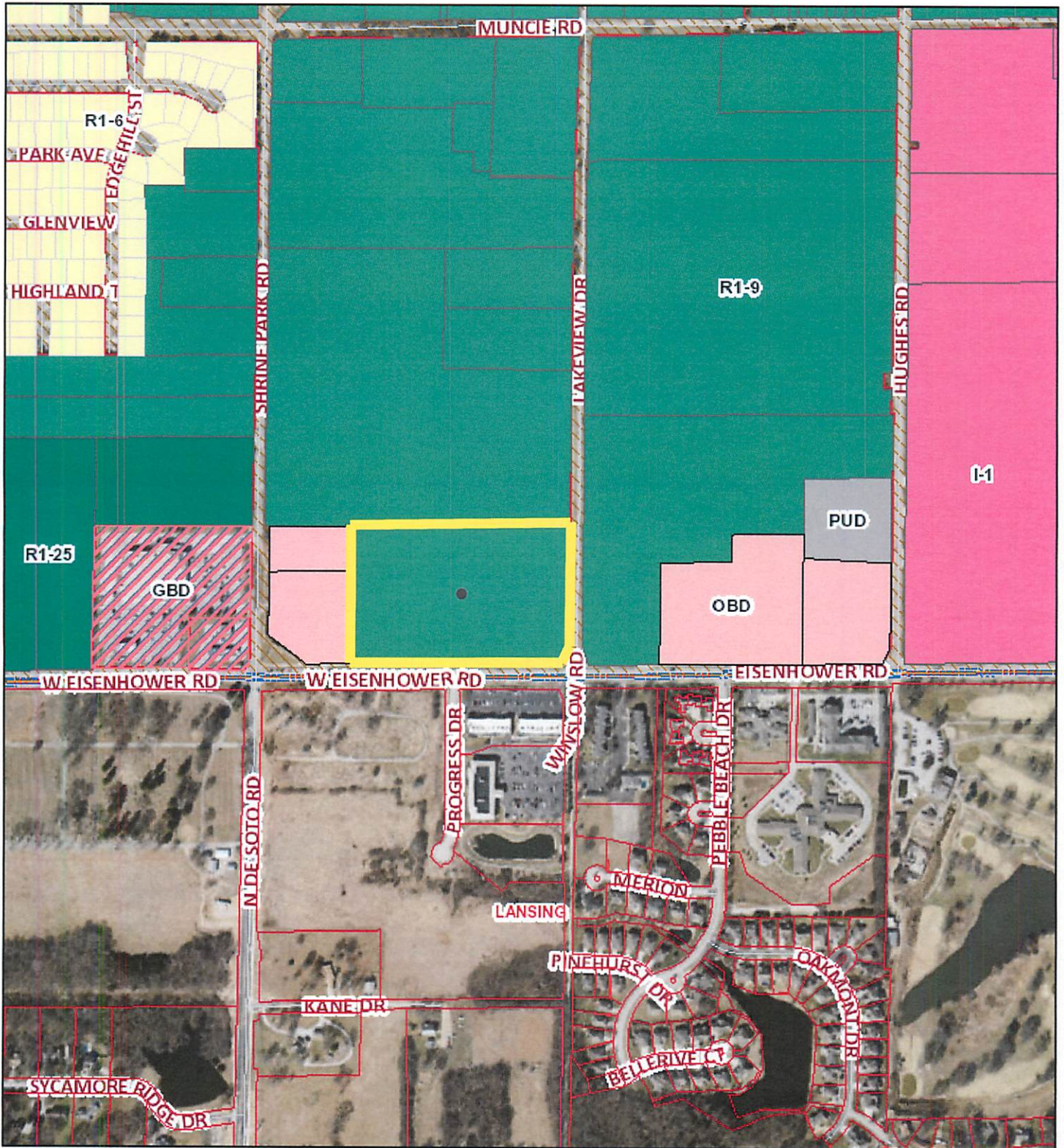
1:9,028



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

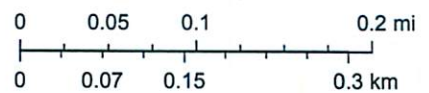
Web AppBuilder for ArcGIS
Esri, HERE |

5136 Lakeview - Zoning



4/29/2021, 9:52:28 AM

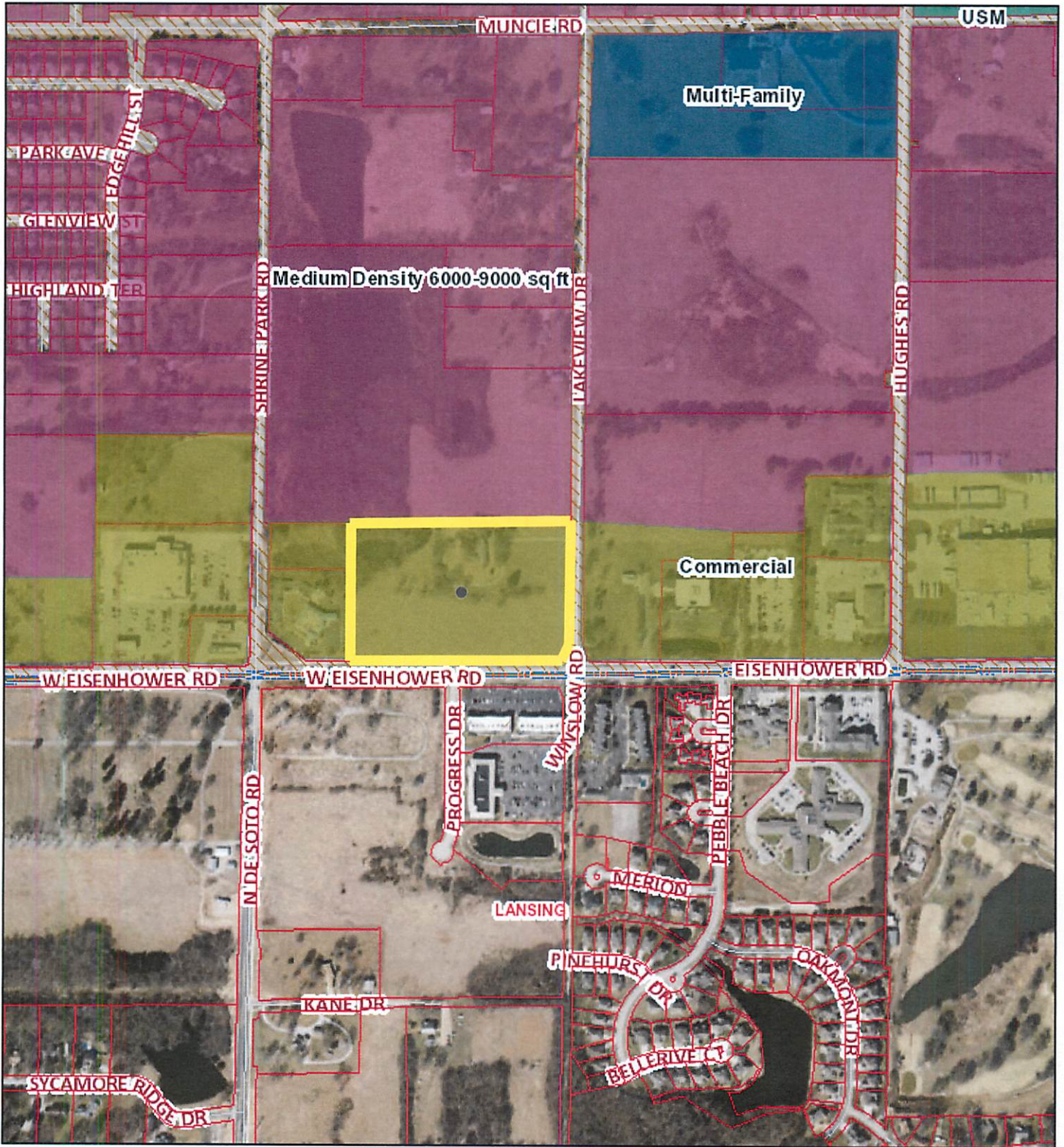
1:9,028



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

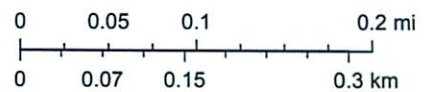
Web AppBuilder for ArcGIS
Esri, HERE |

5136 Lakeview - Future Land Use



4/29/2021, 9:53:31 AM

1:9,028



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Web AppBuilder for ArcGIS
Esri, HERE |



APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2021-11 REZ

Application #	9024
Fee (non-refundable)	\$350.00
Filing Date	3-19-21
Received By	WJF
Hearing Date	5-3-21
Publication Date	4-8-21

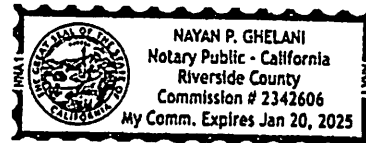
The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Subject Property:	5136 Lakeview Dr, Leavenworth, KS 66048		
Rezoning:	Present classification of: R1-9	district to: General Business District	
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)		
Real Estate PID #:	1061300000016000	Historic District:	

I/We, GLORIA J. MERCER being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Name(s) of Owner (print or type):	Gloria J. Mercer		
Address:	79360 Briarwood La Quinta, CA 92253		
Contact No.	760-972-4521	Email Address:	
Signature of Owner(s):			

State of CALIFORNIA) (SEAL)
County of RIVERSIDE)



Signed or attested before me on 03/17/2021 by GLORIA J. MERCER
(date) (name(s) of person(s))

Notary Public: GA My Appointment Expires: 01/20/2025

NOTE: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

If necessary, use additional sheets to respond to the following:

Briefly describe the present use and character of the property and of the surrounding area: 11.8 acres
with a vacant home with no current use of the land other than haying. Site has approx 900 ft
of frontage on Eisenhower Road with businesses to the West, South, and East.

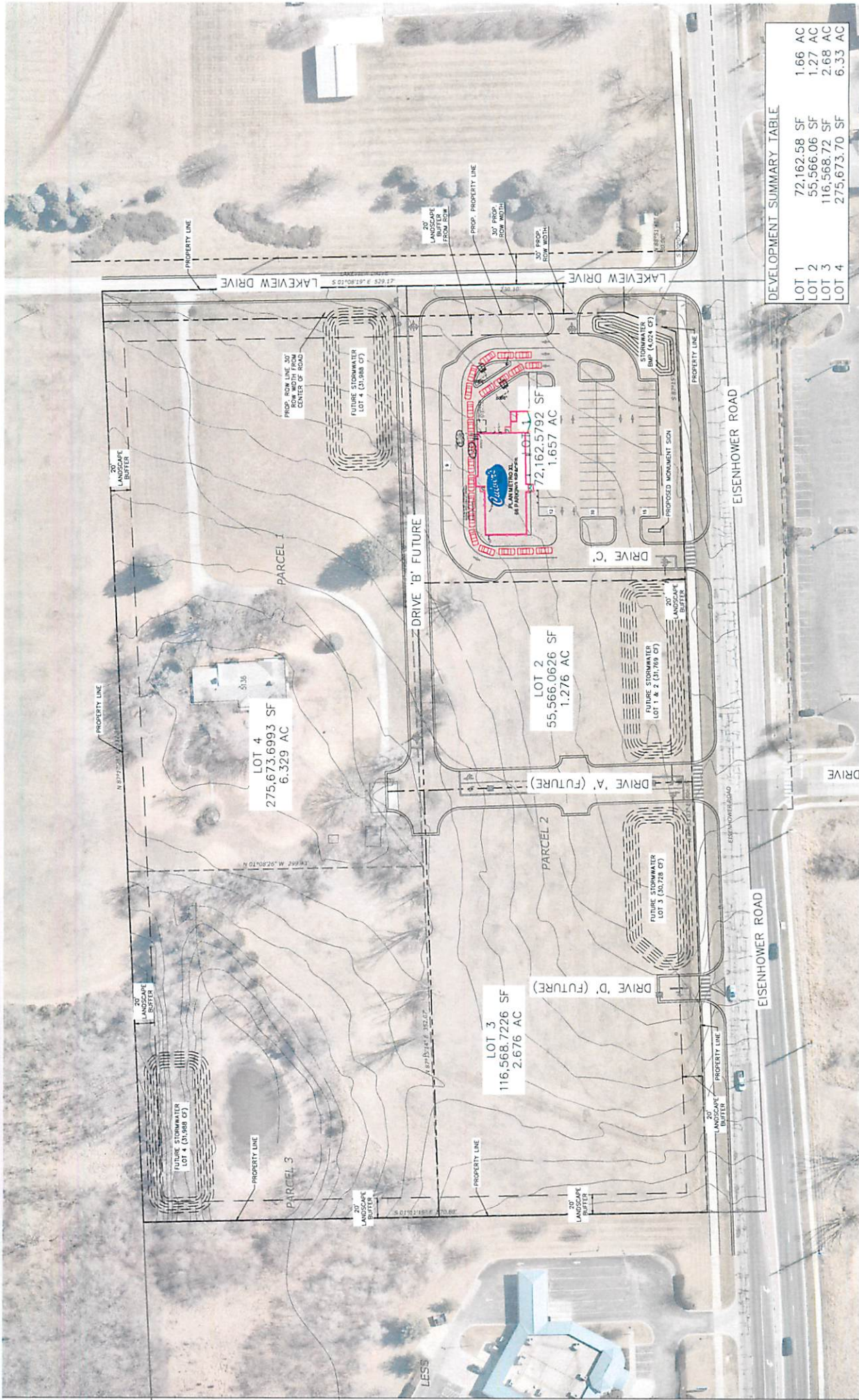
Briefly describe the intended use and character of the property: General business development
including a proposed restaurants in the Southeast corner of the site. Southern part of the site is
open field while the northern part of the site has a vacant home

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this
property: Site is directly off Eisenhower Road which is a growing business corridor.
Site plan is under development and will be provided to the Planning and Development Department
by April 12th in advance of the Development Review Committee meeting and May 3rd Planning
Commission meeting.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare
and surrounding properties and/or measures you have taken or intend to take to prevent detrimental
impacts: Rezoning will provide desired business development in the community including a
restaurant.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous
Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of
such conditions: N/A

Check List:	
<input checked="" type="checkbox"/>	Non-refundable fee of \$350.00 is due at time of application
<input checked="" type="checkbox"/>	Certified list of the property owners within two hundred (200) feet of the subject property
<input checked="" type="checkbox"/>	Full legal description obtained through the Register of Deeds Office
<input checked="" type="checkbox"/>	Site plan drawn to scale (see General Instructions)
<input checked="" type="checkbox"/>	Supporting documentation (see General Instructions)



DEVELOPMENT SUMMARY TABLE

LOT 1	72,162.58 SF	1.66 AC
LOT 2	55,566.06 SF	1.27 AC
LOT 3	116,568.72 SF	2.68 AC
LOT 4	275,673.70 SF	6.33 AC

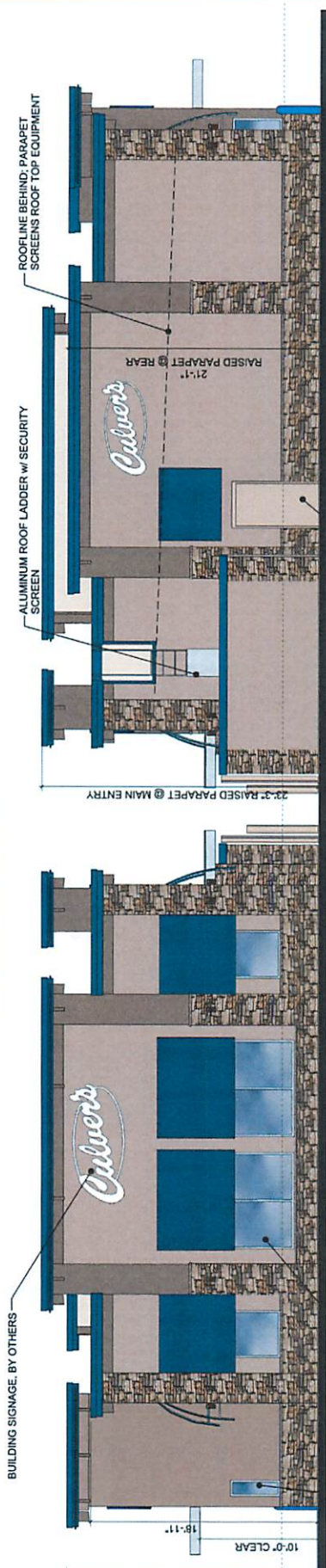
CONCEPT PLAN
2021-2023

CULVERS - LEAVENWORTH, KS

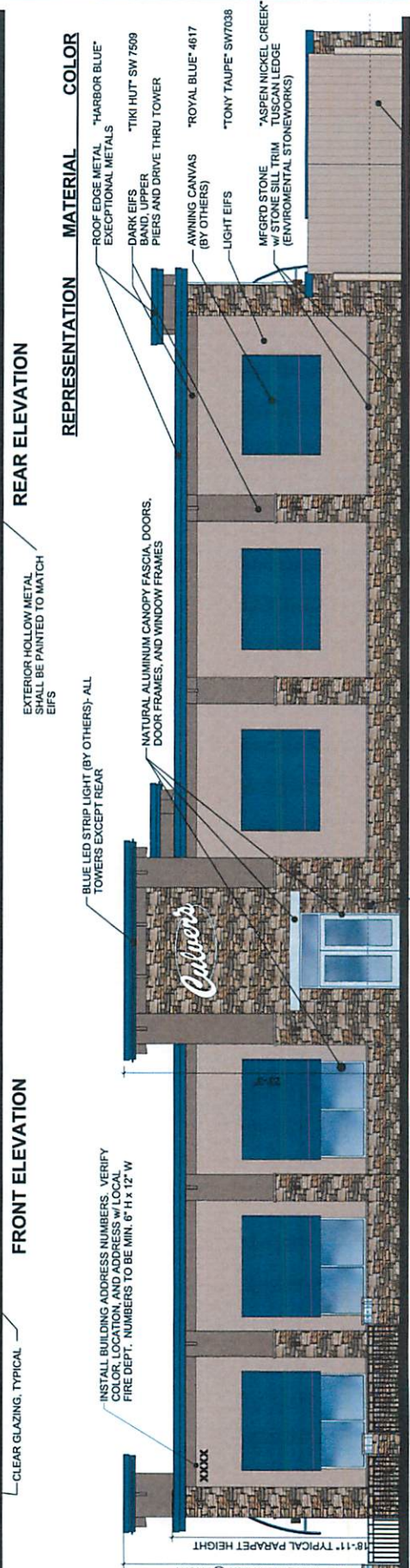
Kimley»Horn



DRIVE THRU ELEVATION



FRONT ELEVATION



MAIN ENTRY ELEVATION

REPRESENTATION	MATERIAL	COLOR
ROOF EDGE METAL	"HARBOR BLUE" EXCEPTIONAL METALS	
DARK EIFS BAND, UPPER PIERS AND DRIVE THRU TOWER	"TIKI HUT" SW 7509	
AWNING CANVAS (BY OTHERS)	"ROYAL BLUE" 4617	
LIGHT EIFS	"TONY TAUPE" SW7038	
MFG'D STONE W/ STONE SILL TRIM (ENVIRONMENTAL STONWORKS)	"ASPEN NICKEL CREEK" TUSCAN LEDGE	

SYNTHETIC WOOD OR CEDAR 2x6 PLANK BOARDS @ DUMPSTER GATE. COLOR TO MATCH EIFS.

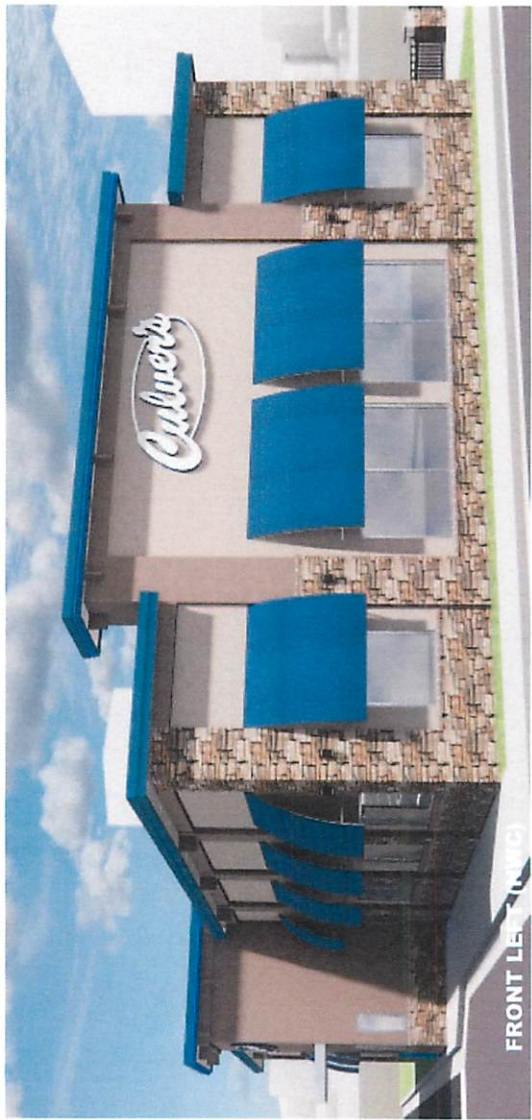
KNOX BOX - VERIFY LOCATION & TYPE W/ LOCAL FIRE DEPT

ELEVATIONS
NOTE: THOUGH THESE IMAGES HAVE PHOTO REALISTIC QUALITIES, THE ACTUAL BUILDING MATERIALS MAY VARY IN APPEARANCE.

OLLMANN ERNEST MARTIN ARCHITECTS
200 South State Street
Burlington Illinois 61008
815-544-7790 Phone

Culver's
Culver Franchising System, Inc.
1240 Weber Street
Plymouth IL 61758
608-643-7500

NEW CULVER'S RESTAURANT
Eisenhower Rd. at Lakeview Dr.
Leavenworth, KS 66048
County of LEAVENWORTH





Development Review Committee Meeting
Thursday, April 15, 2021 at 1:30 p.m.

Committee members present: City Manager Paul Kramer, Assistant City Manager Tylour Tedder, Director Public Works Brian Faust, Public Works Project Manager Mike Stephan, Sr. Engineer Technician Justin Stewart, Chief Building Inspector Hal Burdette, Fire Marshall Andy Brooks, City Clerk Carla Williamson, Planning Director Julie Hurley, City Planner Jackie Porter and Administrative Assistant Michelle Baragary.

NEW BUSINESS:

1. 2021-11 REZ – rezoning 5136 Lakeview Dr. – Culver’s

- Attendees – Mark Schuler, Matt Kist (Kimley Horn, civil engineer), Christopher McGuire (McCon Building Corp)
 - Project – rezone property to GBD, plat into two parcels (Culver’s will be on lot 1). Conceptually, there are 3 lots on the south side with potentially a fourth lot on the south side and one large lot to the north. To support four lots on Eisenhower, a second entrance across from Progress Dr. For Culver’s, the second entrance to the west is needed to support the flow. This entrance would also be useable for the adjacent lot, lot 2. The third entrance (closest to the credit union) is a right-in, right-out only.
- Planning
 - Drive C (west side of Culver’s lot) needs to connect to lot 2
 - Goes to Planning Commission May 3rd
- Public Works
 - See attached document from Director of Public Works Brian Faust for PW comments
- City Manager
 - Questions 3 drives on Eisenhower. Drive C may need to function more like a main entrance that can turn both ways (like drive A).
- Fire
 - Bldg size – 4300 sqft (developer stated they typically sprinkler)
- PD – no comment

2. 2021-17 SUB & 2021-18 SUB – Eisenhower Marketplace (5136 Lakeview Dr) – preliminary and final plat

- Attendees – same
 - Project – lot 1 will be Culver’s and the rest will be lot 2. Will have utility easements around the perimeter.

- Public Works
 - See attached document from Director of Public Works Brian Faust

3. Dollar Tree (940 Eisenhower) – conceptual site plan

- Attendees – Doug Burr, Richard Ogburn, Dwayne Smith (civil engineer), Mike Reilly
 - Project – 10,000 sqft building; 8,260 sqft for public access. Currently has 26 parking spots; 41 required parking stalls required.
- Public Works
 - See attached document from Director of Public Works Brian Faust for PW comments
- Building Inspections
- Police – no comment
- Fire Department – no comment
- Planning
 - Parking – Can only approve a 10% reduction administratively. Would need to go to BZA for a variance for the required parking stalls. Email application to Doug Burr.
 - Developer stated he spoke with the owner of the property to the north about possibly using the four parking spots that come off the road running east and west (5111 10th Ave). Additional parking spaces could possibly be added that extends to the east (930 10th Ave is a detention pond) through a shared off-site parking agreement.
 - On the west side of the property there is no separation between the parking lot and existing drive
 - Developer will shift building to east which will allow them to put some delineation
 - HVAC needs to be on the roof
 - Drive isle width in the parking lot on west side needs to be 25'
 - Need green space and landscaping on the west side of the parking lot

OLD BUSINESS:

None

OTHER BUSINESS:

None

Meeting adjourned at 2:08 p.m.

Culver's at 5136 Lakeview Drive:

- A Traffic Impact Study is needed for this development. The study will help define peak volumes/times, access spacing, stacking at drive-thru, future signal needs, acceleration/deceleration lanes and any lane modifications to Lakeview.
- Preferred configuration – one access point on Eisenhower between lots 2 and 3. With 2 access points to Culver's from Drive B (north side of lot). If this is not possible,
- Shift east access on Eisenhower west to straddle property line between lots. This shared drive should eliminate the need for a cross access agreement/easement for Lot 2.
- Eliminate middle access (they will take access off shared drive on east property line and Drive B to the north). Drive B would be required to be constructed with development of Lot 2 or 3.
- Retain west access point (right in/right out). It should connect to Drive B.
- Concerned about drive access on Lakeview – stacking from drive-thru back onto the street. Vehicles heading north on Lakeview and turning left (west) into Culver's will want access to the drive thru lanes. Instead of traveling all the way around the building during peak hours, they could potentially stack back onto Lakeview. With additional development, traffic will increase on Lakeview and vehicles may be waiting to turn into Culver's – potentially backing traffic onto Eisenhower.
- Stormwater – need copy of the detailed drainage study for the site.
 - 4 basins – look to combine into fewer (1 or 2) – result may be more developable ground and less maintenance headaches.
 - 1 basin NW – what system does it tie into?
 - Underground options?
- Water – pressure and flow rates?
- Sanitary – close to Lakeview – should not be an issue.
- Will talk off-line about improvements to Lakeview – **ROW needs to be adequate to install a 3 lane with sidewalk/shared use path.**

Dollar Tree:

- Developer should shift building east to allow for green space and vehicle overhang on the west side – we agree with these comments.
- Any plan to bring sidewalk up from Eisenhower to this site?
- Will be very difficult to get delivery trucks/trash truck to the north side with no drive access to the north, west or east (lots of backing up and a 90% turn).
- Proposal is to add additional parking north of north private road.
 - Can't impact function of detention basin.
 - Needs pedestrian access from these spots into the building.
- General question – how is responsible for the detention basin?

PLANNING COMMISSION AGENDA ITEM
2021-18-SUB
EISENHOWER MARKETPLACE
PRELIMINARY PLAT

MAY 3, 2020

SUBJECT:

A request for a preliminary plat of Eisenhower Marketplace.



Prepared By:

Julie Hurley
Director of Planning and
Community Development



Reviewed By:

Paul Kramer
City Manager

ANALYSIS:

The subject property is owned by Sandra Harrison, Donna DeMet, Gloria Mercer, and Darlene Lynch, plat prepared by Herring Survey Company. The property is under contract to be purchased by 4M Pioneer Holdings, LLC, who is acting as the applicant/agent for the project.

The applicant is requesting approval of a 11.8 acre, 2 lot preliminary plat for the Eisenhower Marketplace, located at the northwest corner of Eisenhower Road and Lakeview Drive. The property is currently zoned R1-9, Medium Density Single Family Residential District. An accompanying request to rezone the property to GBD, General Business District, is also on this agenda. The property is currently occupied by one single-family home, which is vacant.

The plat was reviewed at the April 15, 2021 Development Review Committee meeting. No issues of note were identified with the plat.

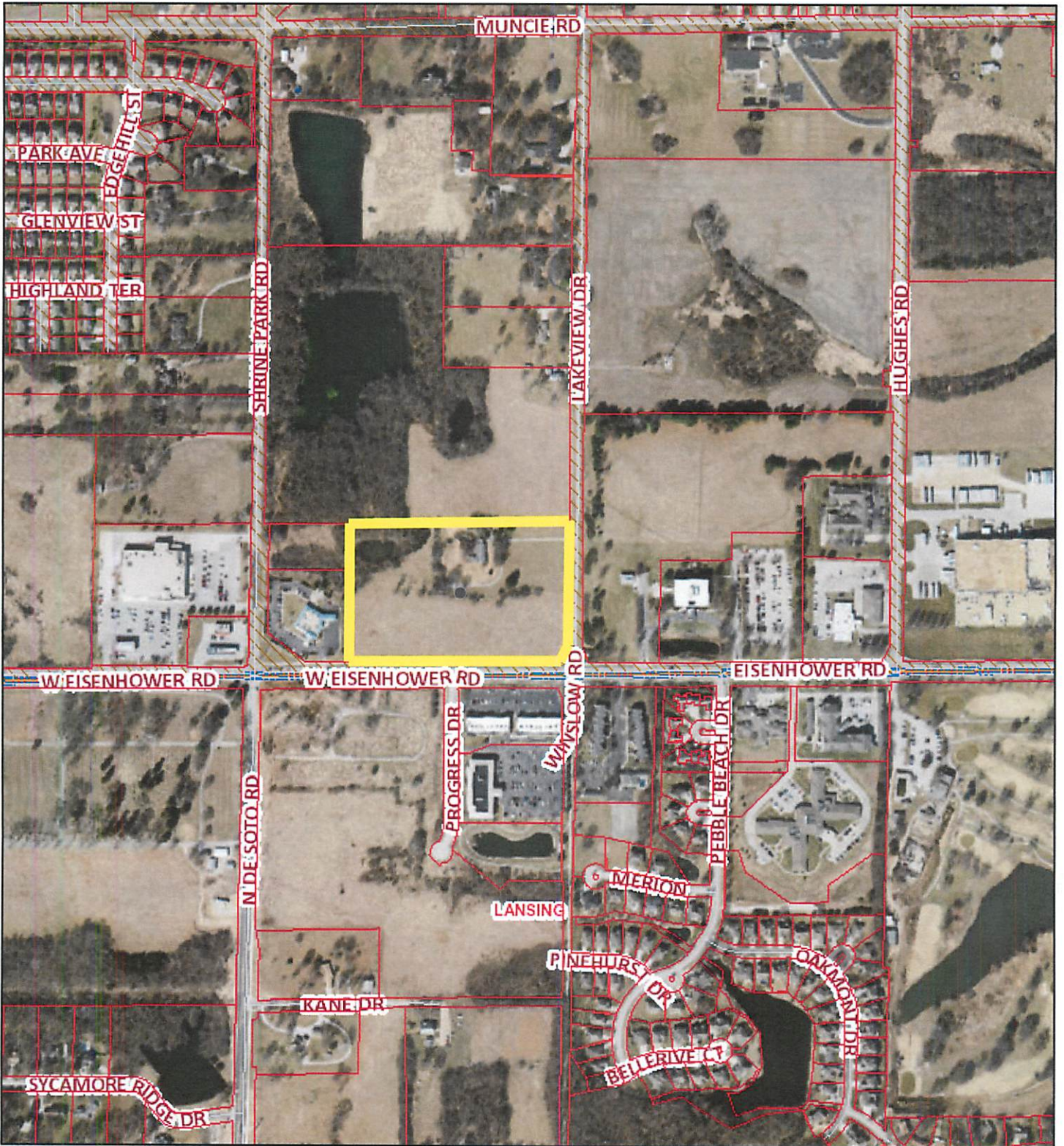
The associated final plat for the development is also on this agenda.

Staff recommends approval of the Eisenhower Marketplace, Preliminary Plat.

ACTION/OPTIONS:

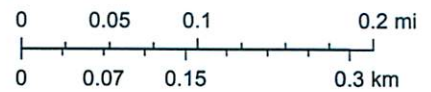
- Approve the Preliminary Plat
- Deny the Preliminary Plat
- Table the issue for additional information/consideration.

5136 Lakeview



4/29/2021, 9:51:23 AM

1:9,028



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Web AppBuilder for ArcGIS
Esri, HERE |



Project No. 2021-18 SUB

**PRELIMINARY PLAT
APPLICATION
CITY OF LEAVENWORTH**

OFFICE USE ONLY

Application No. 9162
Fee 350.00
(\$350 plus \$10 per lot over 5 lots)
Date Paid 4/9/21
Received By WA
Meeting Date 5-3-21

NAME OF SUBDIVISION/PROJECT: Eisenhower Marketplace

LOCATION OF SUBDIVISION/PROJECT: Eisenhower + Lakeview

NAME OF PROPERTY OWNER: (If Corporation, include name and address of Director or President)

NAME: Gloria J. Mercer

STREET ADDRESS: 79360 Briarwood

CITY: La Quinta STATE: CA ZIP: 92253

PHONE: 760-972-4521 EMAIL: _____

NAME OF DEVELOPER / ATTORNEY OR AGENT: (If Corporation, include name and address of Director or President)

NAME: 4M Pioneer Holdings LLC / Mark Schuler

STREET ADDRESS: 16290 NW 126TH ST

CITY: Platte City STATE: MO ZIP: 64079

PHONE: 913-215-8655 EMAIL: _____

NAME OF ENGINEER PREPARING PLAT:

COMPANY: Herring Surveying Company

STREET ADDRESS: 315 N 5th St

CITY: Leavenworth STATE: KS ZIP: 66048

PHONE: 913-651-3858 EMAIL: herringsurveying@outlook.com

PARCEL NO: 1061300000016000 SEC.TWP.RNG. 13 9 22

ZONING OF SUBJECT PROPERTY: R1-9 CURRENT LAND USE: _____

TOTAL ACREAGE: 11.8 NUMBER OF LOTS: 2

LEGAL DESCRIPTION: (Attach full recorded legal description provided by the REGISTER OF DEEDS OFFICE)



Development Review Committee Meeting

Thursday, April 15, 2021 at 1:30 p.m.

Committee members present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Director Public Works Brian Faust, Public Works Project Manager Mike Stephan, Sr. Engineer Technician Justin Stewart, Chief Building Inspector Hal Burdette, Fire Marshall Andy Brooks, City Clerk Carla Williamson, Planning Director Julie Hurley, City Planner Jackie Porter and Administrative Assistant Michelle Baragary.

NEW BUSINESS:

1. 2021-11 REZ – rezoning 5136 Lakeview Dr. – Culver’s

- Attendees – Mark Schuler, Matt Kist (Kimley Horn, civil engineer), Christopher McGuire (McCon Building Corp)
 - Project – rezone property to GBD, plat into two parcels (Culver’s will be on lot 1). Conceptually, there are 3 lots on the south side with potentially a fourth lot on the south side and one large lot to the north. To support four lots on Eisenhower, a second entrance across from Progress Dr. For Culver’s, the second entrance to the west is needed to support the flow. This entrance would also be useable for the adjacent lot, lot 2. The third entrance (closest to the credit union) is a right-in, right-out only.
- Planning
 - Drive C (west side of Culver’s lot) needs to connect to lot 2
 - Goes to Planning Commission May 3rd
- Public Works
 - See attached document from Director of Public Works Brian Faust for PW comments
- City Manager
 - Questions 3 drives on Eisenhower. Drive C may need to function more like a main entrance that can turn both ways (like drive A).
- Fire
 - Bldg size – 4300 sqft (developer stated they typically sprinkler)
- PD – no comment

2. 2021-17 SUB & 2021-18 SUB – Eisenhower Marketplace (5136 Lakeview Dr) – preliminary and final plat

- Attendees – same
 - Project – lot 1 will be Culver’s and the rest will be lot 2. Will have utility easements around the perimeter.

- Public Works
 - See attached document from Director of Public Works Brian Faust

3. Dollar Tree (940 Eisenhower) – conceptual site plan

- Attendees – Doug Burr, Richard Ogburn, Dwayne Smith (civil engineer), Mike Reilly
 - Project – 10,000 sqft building; 8,260 sqft for public access. Currently has 26 parking spots; 41 required parking stalls required.
- Public Works
 - See attached document from Director of Public Works Brian Faust for PW comments
- Building Inspections
- Police – no comment
- Fire Department – no comment
- Planning
 - Parking – Can only approve a 10% reduction administratively. Would need to go to BZA for a variance for the required parking stalls. Email application to Doug Burr.
 - Developer stated he spoke with the owner of the property to the north about possibly using the four parking spots that come off the road running east and west (5111 10th Ave). Additional parking spaces could possibly be added that extends to the east (930 10th Ave is a detention pond) through a shared off-site parking agreement.
 - On the west side of the property there is no separation between the parking lot and existing drive
 - Developer will shift building to east which will allow them to put some delineation
 - HVAC needs to be on the roof
 - Drive isle width in the parking lot on west side needs to be 25'
 - Need green space and landscaping on the west side of the parking lot

OLD BUSINESS:

None

OTHER BUSINESS:

None

Meeting adjourned at 2:08 p.m.

Culver's at 5136 Lakeview Drive:

- A Traffic Impact Study is needed for this development. The study will help define peak volumes/times, access spacing, stacking at drive-thru, future signal needs, acceleration/deceleration lanes and any lane modifications to Lakeview.
- Preferred configuration – one access point on Eisenhower between lots 2 and 3. With 2 access points to Culver's from Drive B (north side of lot). If this is not possible,
- Shift east access on Eisenhower west to straddle property line between lots. This shared drive should eliminate the need for a cross access agreement/easement for Lot 2.
- Eliminate middle access (they will take access off shared drive on east property line and Drive B to the north). Drive B would be required to be constructed with development of Lot 2 or 3.
- Retain west access point (right in/right out). It should connect to Drive B.
- Concerned about drive access on Lakeview – stacking from drive-thru back onto the street. Vehicles heading north on Lakeview and turning left (west) into Culver's will want access to the drive thru lanes. Instead of traveling all the way around the building during peak hours, they could potentially stack back onto Lakeview. With additional development, traffic will increase on Lakeview and vehicles may be waiting to turn into Culver's – potentially backing traffic onto Eisenhower.
- Stormwater – need copy of the detailed drainage study for the site.
 - 4 basins – look to combine into fewer (1 or 2) – result may be more developable ground and less maintenance headaches.
 - 1 basin NW – what system does it tie into?
 - Underground options?
- Water – pressure and flow rates?
- Sanitary – close to Lakeview – should not be an issue.
- Will talk off-line about improvements to Lakeview – **ROW needs to be adequate to install a 3 lane with sidewalk/shared use path.**

Dollar Tree:

- Developer should shift building east to allow for green space and vehicle overhang on the west side – we agree with these comments.
- Any plan to bring sidewalk up from Eisenhower to this site?
- Will be very difficult to get delivery trucks/trash truck to the north side with no drive access to the north, west or east (lots of backing up and a 90% turn).
- Proposal is to add additional parking north of north private road.
 - Can't impact function of detention basin.
 - Needs pedestrian access from these spots into the building.
- General question – how is responsible for the detention basin?

PLANNING COMMISSION AGENDA ITEM
2021-17-SUB
EISENHOWER MARKETPLACE
FINAL PLAT

MAY 3, 2020

SUBJECT:

A request for a final plat of Eisenhower Marketplace.



Prepared By:

Julie Hurley
Director of Planning and
Community Development



Reviewed By:

Paul Kramer
City Manager

ANALYSIS:

The subject property is owned by Sandra Harrison, Donna DeMet, Gloria Mercer, and Darlene Lynch, plat prepared by Herring Survey Company. The property is under contract to be purchased by 4M Pioneer Holdings, LLC, who is acting as the applicant/agent for the project.

The applicant is requesting approval of an 11.8 acre, 2 lot final plat for the Eisenhower Marketplace, located at the northwest corner of Eisenhower Road and Lakeview Drive. The property is currently zoned R1-9, Medium Density Single Family Residential District. An accompanying request to rezone the property to GBD, General Business District, is also on this agenda. The property is currently occupied by one single-family home, which is vacant.

The plat was reviewed at the April 15, 2021 Development Review Committee meeting. No issues of note were identified with the plat.

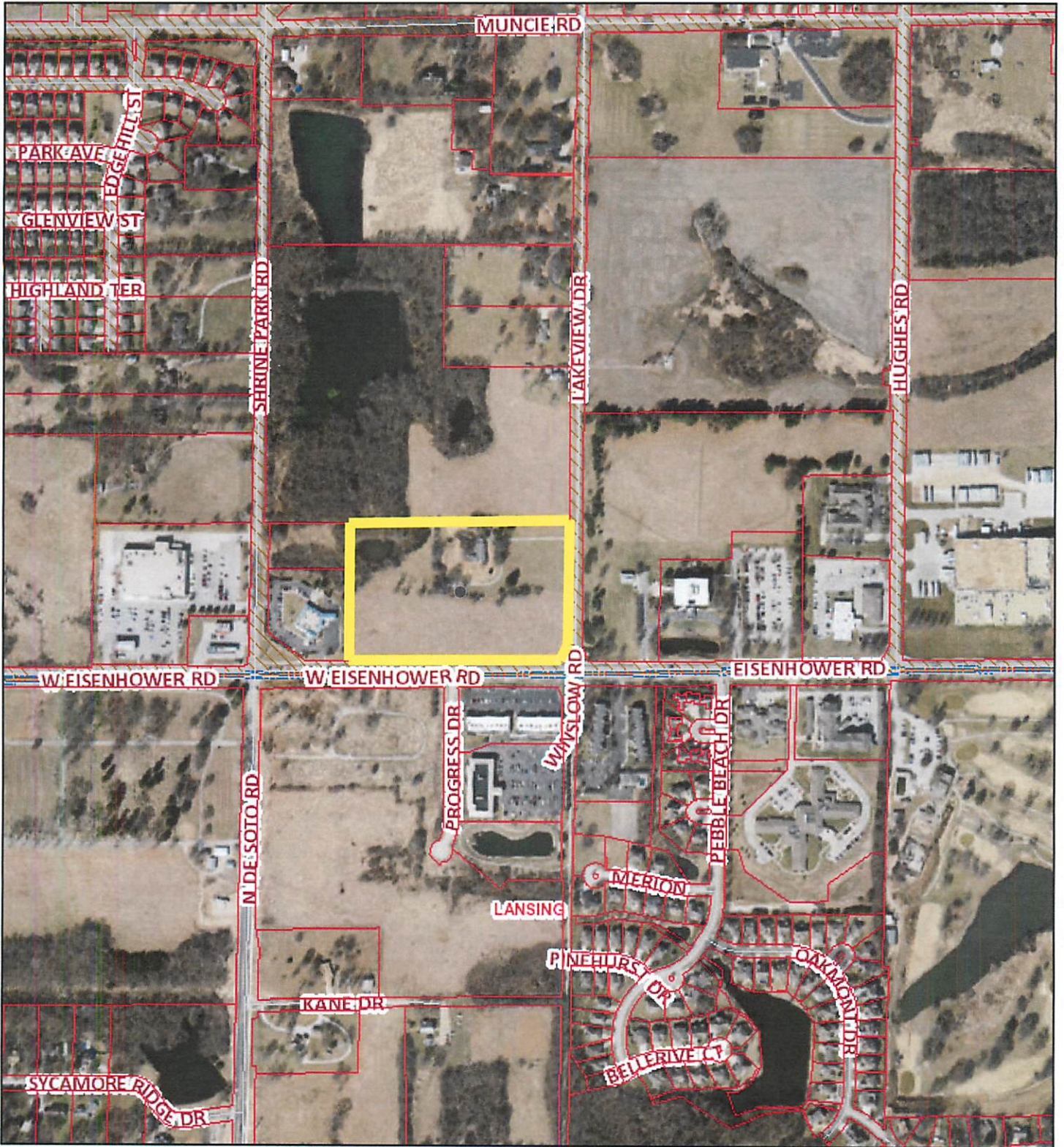
The associated preliminary plat for the development is also on this agenda.

Staff recommends approval of the Eisenhower Marketplace, Final Plat.

ACTION/OPTIONS:

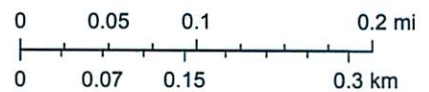
- Approve the Final Plat
- Deny the Final Plat
- Table the issue for additional information/consideration.

5136 Lakeview



4/29/2021, 9:51:23 AM

1:9,028



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Web AppBuilder for ArcGIS
Esri, HERE |



Project No. 2021-17 SUB

FINAL PLAT APPLICATION
CITY OF LEAVENWORTH

OFFICE USE ONLY

Application No. 9132
Fee: 350.00
(\$350 plus \$10 per lot over 5 lots)
Date Paid 4-2-21
Received By _____
PC Meeting 5-3-21

NAME OF SUBDIVISION/PROJECT: Eisenhower Marketplace
LOCATION OF SUBDIVISION/PROJECT: Eisenhower + Lakeview (5136 Lakeview Pt.)
NAME OF PROPERTY OWNER: (If Corporation, include name and address of Director or President)

NAME: Darlene A. Lynch
STREET ADDRESS: 613 Walden Hill Rd
CITY: Danville STATE: VT ZIP: 05828
PHONE: 802-595-9775 FAX: _____ EMAIL: darlene.lynch50@yahoo.com

NAME OF DEVELOPER: (If Corporation, include name and address of Director or President)

NAME: 4M Pioneer Holdings LLC / Mark Schuler
STREET ADDRESS: 16290 NW 126TH ST
CITY: PLATTE CITY STATE: MO ZIP: 64079
PHONE: 913-215-8655 FAX: _____ EMAIL: MarkJayhawk@gmail.com

NAME OF ENGINEER PREPARING PLAT:

NAME: Joe Herring
STREET ADDRESS: 315 W 5th St
CITY: LEAVENWORTH STATE: KS ZIP: 66048
COMPANY: Herring Surveying Company
PHONE: 913-651-3858 FAX: _____ EMAIL: herringsurveying@outlook.com

PARCEL NO: 1061300000016000 SEC.TWP.RNG. 13 9 22

ZONING OF SUBJECT PROPERTY: R1-9 CURRENT LAND USE: _____

TOTAL ACREAGE: 11.8 NUMBER OF LOTS: 2

LEGAL DESCRIPTION: _____
(Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY)

DATE OF PRELIMINARY PLAT APPROVAL: N/A

SIGNATURE OF OWNER(S) Darlene A. Lynch Date: 3/30/2021

State of Vermont County of Caledonia SS
Signed or attested before me on March 30th 2021 by Amenal Sampat

Amenal Sampat 7852 1/31/23
Notary Appointment Expires
(Seal)



Development Review Committee Meeting
Thursday, April 15, 2021 at 1:30 p.m.

Committee members present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Director Public Works Brian Faust, Public Works Project Manager Mike Stephan, Sr. Engineer Technician Justin Stewart, Chief Building Inspector Hal Burdette, Fire Marshall Andy Brooks, City Clerk Carla Williamson, Planning Director Julie Hurley, City Planner Jackie Porter and Administrative Assistant Michelle Baragary.

NEW BUSINESS:

1. 2021-11 REZ – rezoning 5136 Lakeview Dr. – Culver’s

- Attendees – Mark Schuler, Matt Kist (Kimley Horn, civil engineer), Christopher McGuire (McCon Building Corp)
 - Project – rezone property to GBD, plat into two parcels (Culver’s will be on lot 1). Conceptually, there are 3 lots on the south side with potentially a fourth lot on the south side and one large lot to the north. To support four lots on Eisenhower, a second entrance across from Progress Dr. For Culver’s, the second entrance to the west is needed to support the flow. This entrance would also be useable for the adjacent lot, lot 2. The third entrance (closest to the credit union) is a right-in, right-out only.
- Planning
 - Drive C (west side of Culver’s lot) needs to connect to lot 2
 - Goes to Planning Commission May 3rd
- Public Works
 - See attached document from Director of Public Works Brian Faust for PW comments
- City Manager
 - Questions 3 drives on Eisenhower. Drive C may need to function more like a main entrance that can turn both ways (like drive A).
- Fire
 - Bldg size – 4300 sqft (developer stated they typically sprinkler)
- PD – no comment

2. 2021-17 SUB & 2021-18 SUB – Eisenhower Marketplace (5136 Lakeview Dr) – preliminary and final plat

- Attendees – same
 - Project – lot 1 will be Culver’s and the rest will be lot 2. Will have utility easements around the perimeter.

- Public Works
 - See attached document from Director of Public Works Brian Faust

3. Dollar Tree (940 Eisenhower) – conceptual site plan

- Attendees – Doug Burr, Richard Ogburn, Dwayne Smith (civil engineer), Mike Reilly
 - Project – 10,000 sqft building; 8,260 sqft for public access. Currently has 26 parking spots; 41 required parking stalls required.
- Public Works
 - See attached document from Director of Public Works Brian Faust for PW comments
- Building Inspections
- Police – no comment
- Fire Department – no comment
- Planning
 - Parking – Can only approve a 10% reduction administratively. Would need to go to BZA for a variance for the required parking stalls. Email application to Doug Burr.
 - Developer stated he spoke with the owner of the property to the north about possibly using the four parking spots that come off the road running east and west (5111 10th Ave). Additional parking spaces could possibly be added that extends to the east (930 10th Ave is a detention pond) through a shared off-site parking agreement.
 - On the west side of the property there is no separation between the parking lot and existing drive
 - Developer will shift building to east which will allow them to put some delineation
 - HVAC needs to be on the roof
 - Drive isle width in the parking lot on west side needs to be 25'
 - Need green space and landscaping on the west side of the parking lot

OLD BUSINESS:

None

OTHER BUSINESS:

None

Meeting adjourned at 2:08 p.m.

Culver's at 5136 Lakeview Drive:

- A Traffic Impact Study is needed for this development. The study will help define peak volumes/times, access spacing, stacking at drive-thru, future signal needs, acceleration/deceleration lanes and any lane modifications to Lakeview.
- Preferred configuration – one access point on Eisenhower between lots 2 and 3. With 2 access points to Culver's from Drive B (north side of lot). If this is not possible,
- Shift east access on Eisenhower west to straddle property line between lots. This shared drive should eliminate the need for a cross access agreement/easement for Lot 2.
- Eliminate middle access (they will take access off shared drive on east property line and Drive B to the north). Drive B would be required to be constructed with development of Lot 2 or 3.
- Retain west access point (right in/right out). It should connect to Drive B.
- Concerned about drive access on Lakeview – stacking from drive-thru back onto the street. Vehicles heading north on Lakeview and turning left (west) into Culver's will want access to the drive thru lanes. Instead of traveling all the way around the building during peak hours, they could potentially stack back onto Lakeview. With additional development, traffic will increase on Lakeview and vehicles may be waiting to turn into Culver's – potentially backing traffic onto Eisenhower.
- Stormwater – need copy of the detailed drainage study for the site.
 - 4 basins – look to combine into fewer (1 or 2) – result may be more developable ground and less maintenance headaches.
 - 1 basin NW – what system does it tie into?
 - Underground options?
- Water – pressure and flow rates?
- Sanitary – close to Lakeview – should not be an issue.
- Will talk off-line about improvements to Lakeview – **ROW needs to be adequate to install a 3 lane with sidewalk/shared use path.**

Dollar Tree:

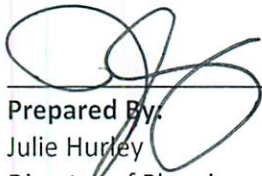
- Developer should shift building east to allow for green space and vehicle overhang on the west side – we agree with these comments.
- Any plan to bring sidewalk up from Eisenhower to this site?
- Will be very difficult to get delivery trucks/trash truck to the north side with no drive access to the north, west or east (lots of backing up and a 90% turn).
- Proposal is to add additional parking north of north private road.
 - Can't impact function of detention basin.
 - Needs pedestrian access from these spots into the building.
- General question – how is responsible for the detention basin?

PLANNING COMMISSION AGENDA ITEM
Text Amendments
Development Regulations

MAY 3, 2021

SUBJECT:

Public hearing for text amendments to the adopted Development Regulations



Prepared By:
Julie Hurley
Director of Planning and
Community Development



Reviewed By:
Paul Kramer
City Manager

DISCUSSION:

The Development Regulations were adopted by the City Commission in June, 2016 after a year-long comprehensive update process. Through the daily use of the Regulations by staff, minor items arise that may necessitate possible updating. This process is not uncommon, and it is anticipated that an annual review of the Development Regulations will be performed in order to ensure that they remain up to date and comprehensive. The following modifications have been drafted by staff and are now presented for public hearing and vote.

- **Section 2.02; Platting**
 - Add criteria for Administrative Plats that all property involved must have been previously platted.
 - Add requirement that Administrative Plats be recorded within 18 months of approval.
 - Add requirement that Minor Subdivision Plat be recorded within 18 months of approval.
- **Section 4.03; Property Development Standards**
 - Clarify language regarding side and rear setback requirements for accessory structures.
- **Section 4.04; Use Standards**
 - Clarify language regarding calculation of accessory structures to include any second story of such structures.
- **Section 5.03; General Parking Requirements**
 - Add allowance for partial gravel driveways on residential lots over 2 acres in size.
- **Section 8.04.C; Signs Excluded From Permit**
 - Correct reference related to garage sale permits in City Ordinance.
 - Add language to allow temporary signs without permit for "Public Service Organizations".
 - Revise language related to Political Signs, addressed more specifically in later section of chapter.
- **Section 8.08; Signs Permitted in Residential Districts**
 - Remove RMX and MP zoning districts from section, addressed in later sections of chapter.
 - Increase allowable sign area for Home Based Business Signs from ½ sqft to 6 sqft.
 - Increase allowable sign area for Open House Signs from 4 sqft to 6 sqft.

-Correct inconsistencies to clarify that 3 temporary signs, 3 sqft in size, are allowed on any lot.

- **Section 8.10; Signs Permitted in the Neighborhood Business District (NBD)**

- Add Residential Mixed Use District to this section.

- **Section 8.12; Temporary Signs**

- Add language and specific requirements regarding temporary signs allowed in the right-of-way for 45 days preceding any election, as required in Kansas State Statute.

- **Section 8.15; Nonconforming, Hazardous, Dangerous, Illegal and Prohibited Signs**

- Add language to allow issuance of sign permits for nonconforming uses.

- **Section 11.03; BZA Powers and Jurisdiction**

- Add language referencing State Statute authorizing such powers and duties.

- Remove criteria for Exceptions, such criteria not required by State Statute.

- **Appendix A; Use Table**

- Complete update to uses allowed By Right and by Special Use. Please see attached Appendix A.

ACTION/OPTIONS:

Recommend approval or denial of proposed text amendments for final action by City Commission.

DEVELOPMENT REGULATIONS
ARTICLE 2. APPLICATIONS & PROCEDURES

2.02 Platting

-
3. *Administrative Plat.* Administrative plats shall be processed according to the following criteria and procedures.
- a. *Criteria.* An application may be classified as an administrative plat if the Director determines that all of the following are met. Any application not classified as an administrative plat shall be processed as a minor or major subdivision.
 - (1) No new street or alley right-of-way, or other public dedication is needed.
 - (2) No significant increase in service requirements (utilities, schools, traffic control, streets, etc.), or the ability to maintain existing service levels will result.
 - (3) For a lot split, involves a single split of one lot resulting in two separate lots, or for a lot combination involves the combining of two separate lots into one lot.
 - (4) All lots meet the legal standards of the subdivision regulations and applicable zoning districts.
 - (5) The lot patterns are consistent with the surrounding area. In determining consistency, the size and dimension of lots previously developed, the layout and design of existing subdivisions and rights of way, and the degree of deviation from previous development shall be considered.
 - (6) No other significant issues exist with potential development enabled by the plat that could impact planning policies, development regulations or adjacent property owners.
 - (7) All property involved must have been previously platted.
 - b. *Filing Requirement.* An administrative plat shall include all applicable information required for final plats.
 - c. *Review and Approval.* Upon review by the Director, Development Review Committee, or any affected departments or agencies, and within 60 days of filing, the Director shall approve any administrative plats that meet all requirements of these regulations, or deny the application and recommend any further processing as a major subdivision.
 - d. *Effect of Decision.* Approval of an administrative plat requires the applicant to record the plat with the Leavenworth Register of Deeds. Denial or recommendation of major subdivision shall be processed according to major subdivision review requirements.
 - e. The Administrative Plat shall be recorded with the Register of Deeds within 18 months of approval by the Director. Plats which are not recorded within said time period shall be deemed null and void.
4. *Minor Subdivision.* Minor subdivisions shall be processed according to the following criteria and procedures.

DEVELOPMENT REGULATIONS
ARTICLE 2. APPLICATIONS & PROCEDURES

2.02 Platting

-
- a. Criteria. An application may be classified as minor subdivision if the Director determines that all of the following are met. Any application not classified as a minor subdivision shall be processed as a major subdivision.
- (1) No new street or alley right-of-way, or other public dedication is needed.
 - (2) No significant increase in service requirements (utilities, schools, traffic control, streets, etc.), or the ability to maintain existing service levels will result.
 - (3) The application results in five or fewer new lots, including any remainder parcel.
 - (4) All lots meet the legal standards of the subdivision regulations and applicable zoning districts.
 - (5) The lot patterns are consistent with the surrounding area. In determining consistency, the size and dimension of lots previously developed, the layout and design of existing subdivisions and rights of way, and the degree of deviation from previous development shall be considered.
 - (6) No other significant issues exist with potential development enabled by the plat that could impact planning policies, development regulations or adjacent property owners.
- b. Filing Requirement. A minor subdivision shall include all applicable information required for final plats.
- c. Review and Approval. Within 60 days after submission of a plat, the Planning Commission shall approve, disapprove, conditionally approve, or with approval of the applicant, table the plat. If the Planning Commission approves the plat, the plat shall have house numbers assigned and shall be recorded with the office of the Leavenworth County Register of Deeds.
- d. The plat shall be recorded with the Register of Deeds within 18 months of approval by the Planning Commission. Plats which are not recorded within said time period shall be deemed null and void.

5. *Major Subdivision*

- a. Preliminary Plat. A preliminary plat shall be processed according to the following criteria and procedures.
- (1) Development Review Committee. At least seven days prior to the Planning Commission review, the Development Review committee shall review the preliminary plat and submit their recommendation to the Planning Commission.
 - (2) Planning Commission Review. Within 60 days after the submission of a preliminary plat, the Planning Commission shall approve, disapprove or, with the approval of the applicant, table the plat. Action by the Planning Commission shall be conveyed to the applicant in writing within ten days after the official Planning Commission meeting at which the plat was

DEVELOPMENT REGULATIONS
ARTICLE 4. ZONING DISTRICTS & STANDARDS

4.04 Property Development Standards

any case. A porch or stoop under this exception shall be no higher than the first-floor elevation of the front entry feature, may include a single-story roof structure integrated with the materials and style of the building, but shall only include support posts or pillars and railings or two walls up to three feet, but no windows, screens or other enclosures in the front-setback encroachment.

3. *Yard Requirements for Open Land.* If a lot is, or will be, occupied by a permitted use without structures, then the minimum setback and minimum side and rear yards that would otherwise be required for the lots shall be provided and maintained unless some other provision of these regulations requires or permits a different minimum front or side or rear yard setback. The front, side, and rear yards shall not be required on lots used for garden purposes without structures, or lots used for open public recreation areas. If the permitted use is the display of new or used automobiles or other vehicles for sale that display may be allowed in the front yard setback, except the first five feet thereof.

D. ***Height Regulations.***

1. In all districts, one additional foot of height above the specified height limitations shall be permitted for commercial or industrial buildings for each one foot of additional setback on all sides provided over the minimum requirements, if no such building exceeds one 100 feet in height.
2. Single family, two family, and multiple family dwellings in the residential districts may be increased in height by one foot for each one foot of additional setback on all sides, provided that no residential building may exceed 50 feet in height.
3. Chimneys, cooling towers, elevator hothouses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, may be erected to a height not to exceed 25% above the maximum height for the district in which it is located.

E. ***Accessory Structures.***

1. No accessory buildings shall be erected in any required front or side yard, or at any other place forward of the main building line.
2. No accessory use except for permitted signs, fences, and permitted off-street parking shall be permitted in any required front or side yard.
3. All accessory buildings in ~~residential districts~~the rear yard shall maintain a three-foot ~~side setback and a three-foot rear setback~~setback from the side and rear property lines (to the nearest part of the structure, that is no overhang may encroach on the setback).
4. If the accessory structure has a vehicular alley entrance the sum of the right-of-way width and the setback of the structure shall not be less than 20 feet.
5. Accessory structures located elsewhere on the lot shall maintain setbacks applicable to the principal structure.
6. All accessory buildings in residential districts shall be five feet from any primary building on the site. In all other zoning districts accessory structures and uses shall not occupy

- required setbacks and are not subject to size restrictions except that all other requirements of the Development Regulations must be met.
7. All accessory structures shall be constructed from material customary to detached structures.
 8. In no case shall an accessory structure be constructed from materials or equipment originally designed for another use such as but not limited to packing crates or a part of a motor vehicle truck or trailer regardless if wheels, axles, etc., have been removed and the structures are placed on more permanent foundations.
 9. No shipping containers may be used as accessory buildings.
 10. Accessory structures which are equal to or more than 15% of the footprint of the main structure shall be architecturally compatible or complementary to the architectural style of the principal building, with similar materials, color, arrangement of massing, roof forms and other details and ornamentation.

4.04. Use Standards

- A. **Permitted and Special Uses.** Permitted and special uses for each zoning district are identified in Appendix A Use Table.
- B. **Accessory Uses.**
 1. **Principal Use Required.** Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.
 2. **Accessory Uses.** Accessory Uses are a structure or use which:
 - a. Is subordinate to and serves a principal building and principal use;
 - b. Is subordinate in area, extent, or purpose of the principal use or building or building served;
 - c. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served;
 - d. Is located on the same lot as the principal building or principal use served; and
 - e. The total square footage of all detached structures, including second stories of any such structures, functioning as accessory use in residential districts shall be less than the square footage of the primary use on the parcel. In determining square footage of the primary use (residential), attached garages and unfinished space shall not be counted. No more than two detached accessory structures shall be allowed per building lot or parcel whichever is larger in area.
 3. **Permitted Accessory Uses.** Any structure or use that complies with the terms of these Development Regulations may be allowed as an accessory use or structure (accessory structures and uses include, but are not limited to, the following list of examples); provided that in each case such structure must fit the general definition:
 - a. Private garages or carports: Not to exceed the following capacity:
 - (1) For single-family residences: a garage not to exceed 900 square feet on parcels less than one acre, and 1,200 square feet on parcels one acre or

DEVELOPMENT REGULATIONS
ARTICLE 5. ACCESS & PARKING

5.02 Required Parking

- g. A shared parking agreement may be revoked by the affected property owners only if all required off-street parking spaces for both parties are provisioned before the agreement is revoked.

C. **Non-Contiguous Off-Street Parking.**

1. *Separation Distance:* Off-street parking facilities to fulfill a multiple-family, commercial, industrial or special use permit requirement may be located within 200 feet of the development (measured between property lines) if off-street parking requirements cannot be met on the site.
2. *Special Use Permit Required:* Separate off-street parking facilities must meet the following requirements and be approved as a Special Use:
 - a. Screened or enclosed with a fence, wall, or other suitable enclosure having a height of not less than three feet, and maintained in good condition.
 - b. Any lights used to illuminate the parking areas shall be so arranged as to direct the light away from any adjoining residential premises.
 - c. Approval of the site plan, drawn to scale; showing proposed parking lot. The developer will submit a site plan for off-street parking together with his application for a building permit. This parking plan will be reviewed by the DRC for adequacy prior to the issuance of a building permit.

5.03. General

- A. **Use.** Required parking used only for parking operable motor vehicles using the site or use. Any other use of parking areas for outside storage, display or commercial activity shall be permitted by different provisions of these regulations
- B. **Surfaces and Markings.** All off-street parking areas and driveways shall be surfaced and provided with a minimum of:
 1. *Residential Parking:* (All dwelling units) Four inches of Portland Cement concrete, reinforced, or four inches of stone and two inches of asphaltic concrete.
 - a. A gravel parking pad in the rear yard may be installed with a border to contain the gravel. Such gravel parking pad must be accessed directly off the alley.
 - a-b. For lots over 2 acres in size on which the primary structure will be set back a minimum of 100 feet from the front property line, a gravel driveway may be installed past the required 25' front setback, provided that all other applicable building and fire codes are met.
 2. *Commercial and Industrial Loading and Parking:* Six inches of Portland Cement concrete, reinforced, or six inches of stone and two inches of asphaltic concrete.

property is zoned Residential, or not to exceed 32 square feet if the property is zoned other than Residential. The sign shall not be installed before commencing work on the project or the issuance of a building permit for the project and the sign shall be removed upon completion of the project.

9. Public interest signs that do not exceed the size limitations.
10. Address signs.
11. Commercial Real Estate signs not exceeding 32 square feet in area per sign face with two faces permitted. Signs shall not exceed 8 feet in height. Signs are limited to one sign per street frontage, with a maximum of two signs for each project. Signs must be located at least 10 feet from the edge of the curb or behind any existing public sidewalks and may not be illuminated or have an electronic changeable face.
12. Residential Real Estate signs not exceeding 3 square feet in area. Signs are limited to 1 on-premises sign per street frontage, and two off-premises signs permitted only with permission of property owner. Signs must be located at least 10 feet from the edge of the curb or behind any existing public sidewalks and may not be illuminated or have an electronic changeable face.
13. Garage Sale signs may only be placed at the site of the sale. All garage sale signs shall be removed immediately upon completion of the sale. Garage sale signs include sample and yard sale signs. Garage sale signs shall not exceed four square feet per sign, with two faces per sign permitted. A garage sale permit shall be obtained as required by [Ordinance #1857 Section 12-541 of the City Code of Ordinances](#).
14. Signs carried by a person.
15. Costumed people promoting a business or event.
16. Flags, pennants, emblems, memorial tablets, cornerstone etches, monuments and insignia of any governmental body, public or private school, church, synagogue or other place used primarily for worship, community centers, or other public, semi-public, or civic organizations or other similar noncommercial entity, when not displayed in connection with a commercial promotion or as an advertising device; provided that not more than three flags, pennants or insignia shall be displayed on any building, structure or premises, unless specifically herein provided. Any other provisions as applicable regarding display of the American flag as contained in Title 4, U.S. Code.
17. Integral decorative or architectural features of buildings, so long as these features do not contain letters, trademarks, moving parts or lights.
18. Decorative landscape markers, which may include logos or trademarks.
19. Signs attached to a currently licensed, operational and legally parked or legally moving vehicle.

20. Temporary signs containing non-commercial messages at churches, synagogues and other similar places of worship, community centers, public and private schools, and ~~b~~Buildings or ~~s~~Structures owned or leased and used by other public, semi-public, or ~~civic public service~~ organizations.
21. Special Event signs shall be exempt from a permit as follows: Signs of a temporary nature for campaigns, drives, seasonal events of civic or philanthropic organizations not to exceed 32 square feet. These signs must be placed on private property and must be removed within three days after the event.
22. A new sign permit shall not be required unless (a) the existing sign base, pole, or face is nonconforming to these regulations or, (b) the existing sign base or pole is going to be relocated, changed, or enlarged.
23. Political signs may be placed on private property only after permission has been granted by the owner of the property or his or her authorized agent. ~~No political signs are permitted on public right-of-way or on public property.~~ In commercial or industrial areas, signs shall not exceed 32 square feet in area per face. In residential areas, signs shall not exceed 3 square feet per face. ~~Signs shall not be placed where they interfere with intersection sight distances, and may not be affixed to any utility poles, trees, street lights, bridges, benches or similar public structures. Signs may not be erected more than 45 days prior to an election, and must be removed within 3 days after the election.~~
24. Contractor signs as further defined in section 8.07.~~DC~~.
25. Decorative light pole banners, which may not include any business or advertising information.

8.05. Sign Installers

All persons, firms, or corporations engaged in the business of sign or billboard fabrication, erection, installation or maintenance within the corporate limits of the city shall comply with the provisions of this Section.

- A. **License Required:** There shall be an annual license and fee for each person, firm, or corporation engaged in the business of sign installation, hanging and erecting signs and billboards.
- B. **Subcontractors:** All persons engaged in the business of sign fabrication, installation and the erection of signs and billboards shall obtain such a license, except those who are employed by contractors carrying a license.
- C. **Certificate of Insurance Required:** All persons, firms, or corporations engaged in the business of sign or billboard fabrication, installation, or erection shall file a Certificate of Insurance with the City Clerk before installing, erecting, or maintaining any sign or billboard. The Certificate of Insurance shall be in the amount of bodily injury liability \$100,000 each person, \$300,000 each accident and property damage liability: \$25,000 each accident or a good and sufficient bond in the same amounts shall be filed with and approved by the City Clerk or Duly Authorized Representative. The certificate or bond shall state that the policy

DEVELOPMENT REGULATIONS
ARTICLE 8. SIGNS

8.07 Signs Permitted in All Districts

- D. Address signs that do not exceed two square feet in areas zoned residential and three square feet in areas not zoned residential and may include the name of a legal home occupation. Address signs shall not be an illuminated signs or electronic changeable message sign.

8.08. Signs Permitted in ~~All~~ Residential Districts (R1-25, R1-9, R1-6, R1-7.5, R4-16, R-MF, ~~RMX, MP~~)

Table 8-01: Residential Signage Standards			
	Maximum Number	Height	Area
Home Based Business Signs	1	N/A	1/26 s.f.
Temporary Signs	4 3	N/A	3 s.f.
Real Estate Signs	1	6'	6 s.f.
For Sale Signs (undeveloped land over 5 acres)	2	10'	40 s.f.
Open House Signs	1	6'	4 6 s.f.
Neighborhood Identification Signs	1 per entrance	8'	50 s.f.
Public & Semi-Public Buildings	See Table 8-02		

The following types of signs are permitted in residential districts, in accordance with the requirements set forth or referred to herein:

- A. All signs as regulated and permitted in Section 8.07 - Signs Permitted in All Districts.
- B. A ~~1/2~~6 square foot home based business sign ~~as described in Article 10 — Supplementary District Regulations.~~
- C. Temporary signs, not specifically otherwise identified by sign type, conforming to the restrictions set forth herein are allowed as follows;
1. Three temporary signs are permitted on any lot.
 2. These temporary signs ~~shall be a single faced sign~~ may be double faced, and have a sign ~~f~~Face no larger than ~~six~~3 square feet
- D. In lieu of the temporary signs permitted herein a real estate sign not exceeding six square feet per sign face, with two faces per sign are permitted. The maximum height of the sign shall not exceed six feet. A maximum of one sign per ~~lot~~ street frontage shall be permitted.
- E. Undeveloped land over five acres in size shall be allowed two "For Sale" signs not to exceed 40 square feet in area per sign face, with two sign faces permitted. No sign shall exceed 10 feet in height.

DEVELOPMENT REGULATIONS
ARTICLE 8. SIGNS

8.08 Residential Districts

- F. In lieu of the temporary signs permitted a sign designating an open house may be erected at the site of an open house. No open house sign shall exceed ~~four~~six square feet per sign face with two faces per sign permitted. One sign face shall be allowed in lieu of each one of the temporary signs permitted by subsection (B) above. The maximum height of the sign shall not exceed six feet. Open house signs shall be removed immediately upon completion of the open house. Such signs shall comply with the real estate sign restrictions except as specifically restricted herein.
- G. Permanent property identification signs may be permitted at each entrance to a neighborhood, subdivision, or residential development in accordance with subdivision plat approval.
- H. **Public and Semi-Public Buildings.** Churches, schools, libraries, community centers, hospitals, or other public/semi-public facilities located in a residentially zoned district shall be allowed signage as regulated and permitted in Section 8.10, Signs Permitted in the Neighborhood Business District (NBD).

8.09. Signs Permitted Only in the MP (Mobile Home Park)

The following signs shall be permitted in the MP Zoning District as set forth herein:

- A. All signs as regulated and permitted in Section 8.07 - Signs Permitted in All Districts.
- B. For rental and/or management offices, one identification sign not exceeding 12 square feet in sign surface, attached flat against the wall is allowed.
- C. Other signs as reviewed and approved as part of a rezoning request may be allowed.

8.10. Signs Permitted Only in the Neighborhood Business Districts (NBD) and Residential Mixed Use District (RMX)

Table 8-02: NBD Signage Standards			
	Maximum Number	Maximum Size	Maximum Height
Attached Signs	1 per side	96 s.f. or 10% of wall surface [1]	N/A
Free Standing Signs	1	32 s.f.	15
Sandwich Board (A-frame) Signs	1	6 s.f.	N/A
Window Signs	N/A	32 s.f. or 33% of window area	N/A

[1] Projecting signs are allowed as regulated by Section 8.10.B.2

The following signs shall be permitted in the Neighborhood Business District and Residential Mixed Use District:

- A. All signs as regulated and permitted in Section 8.07 - Signs Permitted in All Districts.

**DEVELOPMENT REGULATIONS
ARTICLE 8. SIGNS**

8.10 Neighborhood Business District

- B. Signs attached to a building shall be allowed as follows:**
- 1. One wall sign shall be allowed for each side of the structure. A structure with multiple businesses may have one sign for each separate business. Each separate business shall have clearly defined exterior wall space and the size of that wall space shall be the determining factor on sign size allowance. The sign Surface shall not exceed 96 square feet or 10% of the wall surface, whichever is less. This wall sign may be an electronic changeable message sign, provided it complies with the applicable standards for same.**
 - 2. A projecting sign that does not project from a building greater than a distance of six feet, does not encroach in the public right-of-way, and maintains eight feet of clearance from grade is permitted. In computing the square foot allowance for a projecting sign, the total area of the sign surface shall be included in the total area allowed for all wall signs, but shall not be larger than 24 square feet. Projecting signs do not reduce the number of wall signs as regulated by the zoning district, however, only one projecting sign shall be allowed per business.**
- C. One free standing sign shall be allowed per parcel, regulated as follows:**
- 1. Free standing signs shall not exceed 15 feet in height.**
 - 2. No part of a free standing sign face, frame, or base shall be closer than five feet to the public right-of-way or side or rear property line and shall not obstruct traffic vision.**
 - 3. Free standing signs may have two faces and shall not exceed 32 square feet per face, or one square foot of sign per lineal foot of lot frontage, whichever is less.**
 - 4. No free standing sign face, frame or base shall be closer than 50 feet to another free standing sign.**
 - 5. Separate and distinct street frontages shall be computed individually for allowable signage; however, signs shall be located on the street frontage that is used for computation. (No accumulation is allowed for unused street frontages.)**
 - 6. The allowed free standing signs may be electronic changeable message signs, provided they comply with all other standards in this article addressing lighting, safety, and electronic changeable messages.**
- D. One sandwich board (A-frame) sign that meets the following requirements per street frontage is allowed as follows:**
- 1. A permit shall be required for sandwich board signs. Permits are good for the life of the sign.**
 - 2. Sandwich boards signs shall be on-premises signs.**
 - 3. The sign may be located on the public sidewalk or the planting strip adjacent to the edge of the street on which it fronts. Signs shall not be placed in any raised streetscape or publicly owned planters.**
 - 4. The sign may not exceed six square feet in area per side and may have no more than two sides for the display of messages.**
-

**DEVELOPMENT REGULATIONS
ARTICLE 8. SIGNS**

8.10 Neighborhood Business District

5. The spread of the "A" at the open end shall be sufficient to insure stability and no wider.
 6. Signs shall be adequately weighted to resist wind gusts.
 7. Chalkboard, whiteboard, changeable letters, and any other non-electronic changeable or erasable surfaces are permitted.
 8. All signs shall be in good repair and neatly painted. No attachments to signs are permitted, other than brochure pockets.
 9. Creative shapes that reflect the theme of the business are encouraged (e.g., ice cream shops may display a sign in the shape of an ice cream cone).
 10. The sign must be constructed of materials that present a finished appearance. Rough-cut plywood is not acceptable. The sign lettering should be professionally painted or applied; a "yard sales" or "graffiti" look with hand-painted or paint-stenciled letters is not acceptable.
 11. The sign shall not be an electronic changeable message sign or be an illuminated sign.
 12. The sign shall be displayed only during business hours and stored inside after hours.
 13. The placement of the sandwich board sign shall not impede pedestrian or wheelchair travel in the vicinity of the sign or otherwise create a traffic or other safety hazard by obstructing vision or otherwise, as determined by the person designated by the Director to enforce the provisions of this sign code.
 14. The owner must assume liability for damage or injury resulting from the use of a sandwich board sign and provide the city with an appropriate legal document satisfactory to the City Clerk holding the city harmless and indemnifying it for any resulting loss or injury.
 15. Except as otherwise provided in this sign code, a sandwich board sign may be posted for so long as it remains in good condition. Once a sandwich board sign is tattered or otherwise is no longer in good condition, it shall be removed or replaced.
 16. If the Director determines that a sandwich board sign is not in good condition, the property owner shall be notified of that determination and shall remove, repair or replace the sign within three days of that notification. Signs that are not removed, repaired, or replaced within three days of the notification shall be deemed a nuisance and shall be subject to abatement or removal by City staff. The Director's determination that a sandwich board sign is not in good condition may be appealed to the City Commission under the procedures set forth in this article.
 17. One temporary sign, as otherwise restricted and permitted herein this sign code, is allowed on any lot.
- E. Window signs shall be allowed as follows:
1. The window sign shall not obstruct more than 33% of the window area for each front, side or rear wall; provided that, the total sign surface shall not exceed 32 square

**DEVELOPMENT REGULATIONS
ARTICLE 8. SIGNS**

8.10 Neighborhood Business District

- feet, per side of the building. For the purposes of this subsection, the term "window area" includes the non-opaque parts of any doors or other fenestrations.
2. The allowable window sign area as defined herein may be illuminated.
 3. Window signs constructed of neon, stained glass, gold leaf, cut vinyl, and etched glass are allowed.
 4. Painted signs shall display the highest level of quality and permanence, as determined by the Director.
 5. No message or identification (i.e., the name of establishment or the services offered) may be displayed more than once within the permitted total sign surface area per each front, side or rear wall.
 6. The listing of an establishment's hours of operation shall be exempt from these regulations, provided that the area of the sign containing hours of operation shall be no greater than two square feet.
 7. The listing of directional information (i.e., "parking in rear" or "use other door") shall be exempt from these regulations; provided that the area of the sign containing directional information is no greater than three square feet.
 8. The use of window framing (i.e., a continuous light source illuminating the perimeter of an individual windowpane or a group of windowpanes) is prohibited.
 9. Accessible doors to a business establishment shall be limited to the following types of window signage:
 - (a) Business name;
 - (b) Hours of operation;
 - (c) Phone number;
 - (d) Building or tenant address;
 - (e) Website; and
 - (f) The use of dark, opaque background panels for internally illuminated signs or letter faces is required to reduce the glare or glow of such signs.

8.12. Temporary Signs

- A. The following restrictions, in addition to any other restriction set forth in this sign code, shall apply to any permitted temporary sign.
1. All temporary signs shall obtain a permit before placement except as otherwise specifically stated in this sign code.
 2. Application for a permit after placement shall cause the permit fee to triple.
 3. Temporary signs shall be set back a minimum of six feet from the street line.
 4. Temporary sign permits shall be for no more than 60 days.
 5. A temporary sign permit may be renewed for a second consecutive 60-day period.
 6. No parcel shall display a temporary sign for more 120 days in any calendar year.
 7. No parcel shall have more than one temporary sign displayed at any time except as otherwise specifically stated in this sign code.
 8. No temporary sign, except as otherwise specifically provided, shall have a sign surface greater than 25% of the allowable permanent signage which might be permitted per parcel.
 9. No temporary sign shall exceed 100 square feet in area. Example; a two-sided sign with 50 square feet of sign surface equals 100 square feet of sign area.
 10. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant or any type of street furniture, or otherwise create a hazard, including a tripping hazard.
 11. Temporary signs shall not be posted on trees or utility poles.
 12. No temporary sign shall be placed off-premise or in any road right-of-way except as otherwise specifically stated in this sign code.
 13. No temporary sign shall be internally or indirectly illuminated or painted with light-reflecting paint.
 14. A temporary sign related to an event shall be removed no later than three days after the event has taken place.
 15. Except as otherwise provided in this sign code, a temporary sign may be posted for so long as it remains in good condition. Once a temporary sign is tattered or otherwise is no longer in good condition, it shall be removed or replaced.
 16. If the Director determines a temporary sign is not in good condition, the property owner shall be notified of that determination and shall remove or replace the sign within three days of that notification. Signs that are not removed or replaced within three days of the notification shall be deemed a nuisance and shall be subject to abatement or removal by City staff. The Director's determination that a temporary sign is not in good condition may be appealed to the City Commission under the procedures set forth in this article.
 17. Temporary signs shall be allowed in the public right-of-way for 45 days immediately preceding any primary, general or special elections as defined by the Leavenworth County Clerk, and shall be removed 2 days following said election. The person, party or parties responsible for the erection or distribution of any such signs shall be jointly and individually responsible for their removal. All temporary signs placed in the public right-

of-way during this time period shall be subject to the following size and setback distance regulations:

1. Signs shall be set back a minimum of 6 feet from the back of curb.
2. Signs shall not be placed where they interfere with intersection sight distances.
3. Signs shall not exceed 3 square feet in face area and 3 feet in height.
4. Signs shall not be affixed to any utility poles, trees, street lights, bridges, benches or other similar public structures.

B. *Excluded Temporary Signs.*

1. Temporary commercial signs carried by a person(s) are not regulated in these Development Regulations. However, if the sign is affixed to any structure or the ground at any time it becomes a regulated sign. Carried signs are not permitted within the public right-of-way.
2. People dressed in costumes to further business or civic activities are not regulated in these Development Regulations.

C. *Specified Types of Temporary Signs.* In addition to the posting of temporary signs allowed by other sections of this sign Code, the following specified types of temporary signs shall be permitted, as set forth herein, and shall be subject to permit fees unless otherwise exempted by this sign code.

1. *Special Event Banners:* On private property used in commercial and industrial zoning districts banners may be used to announce a grand opening of a new business, special sale, or promotion. Banners may be used for 30 days after which time they must be removed. A new banner may be installed after the lapse of 60 days upon obtaining a new permit. Banners shall be attached securely to a building or structure and shall not create a nuisance as determined by the Duly Authorized Representative.
2. *Searchlights:* Searchlights may be used for announcing a grand opening and may be located on private property for a period not to exceed three consecutive days unless special circumstances authorized by the Director warrant a longer duration. Special circumstances shall be described in writing by the owner or the agent associated with the grand opening promotion and shall be approved by the Director prior to the establishment of the search light(s) on the business premises. No light emanating from such a device shall be cast on any adjacent property or building. Lasers are not searchlights and the use of lasers is prohibited.
3. *Balloons:* Gas-filled balloons and figures up to 1,000 cubic feet in mass may be displayed to announce a grand opening of a new business in a commercial or industrial district, but shall be displayed on or above private property. The balloon or figure may be tethered and shall be permitted to rise to a height not to exceed 50 feet above mean ground level. The balloon or figure shall not be permitted to float above any public right-of-way, and shall not interfere with traffic vision or public safety as determined by the City Planner. Any vision or safety interference shall be

DEVELOPMENT REGULATIONS
ARTICLE 8. SIGNS

8.15 Nonconforming, Hazardous, Dangerous, Illegal, and Prohibited Signs

constructed or erected or is being maintained in violation of this sign code, he or she shall give written notice to the owner thereof, to remove or alter the structure so as to comply with the standard herein set forth.

2. *Abatement:* Failure to abate the same shall cause the City to abate such sign with costs assessed to the property owner.
 3. *Emergency Abatement by City:* When, in the opinion of the City Engineer, there is actual or immediate danger to the public caused by a hazardous or dangerous sign, the City shall cause the same to be abated with no written notice or hearing. Costs for such emergency abatement shall be assessed to the property owner.
- C. ***Vacated and Abandoned Signs:*** Within 6 months following discontinuance of the business or usage to which the sign relates, the sign face and structure shall be removed in entirety.
- D. ***Reuse:*** Reuse of a vacated, nonconforming sign, or any of its appurtenances shall require altering the sign to comply with this sign code. A new business use intending to reuse a conforming sign base or pole properly capped and vacated shall obtain a sign permit in accordance with this sign code.
- E. ***Signs for Nonconforming Uses:*** Nonconforming uses which are otherwise permitted by these regulations may obtain permits for signage in conformance with the least intensive zoning district in which the use is permitted by right.

8.16. Appeals

Any person who has been denied a permit under the provisions of this sign code or disagrees with a decision of the City Administrator with respect to an interpretation of any provision of the sign code has the right to appeal that decision to the City Commission. All appeals must be filed within 10 days from the decision of the Director. The City Commission shall render a finding regarding an appeal based upon the intent of the sign code.

ARTICLE 11. BOARD OF ZONING APPEALS

11.01. Creation

A Board of Zoning Appeals is created for the City of Leavenworth. Such Board shall consist of five members, all of whom shall be residents of the City of Leavenworth. Members shall be appointed by the Mayor with the consent of the City Commission. One of the members shall be a member of the Planning Commission. Appointments shall be made for three-year terms. Vacancies shall be filled by appointment for the unexpired term. Members of the Board shall serve without compensation.

11.02. General

The word "Board" when used in this article shall mean Board of Zoning Appeals. The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, regulations, or resolutions. The Board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of facts by the Board, the decision of the Board, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board immediately and shall be of public record.

- A. **Secretary:** The Secretary of the Board of Zoning Appeals shall be a member of the city staff appointed by the Director.
- B. **Meetings:** Unless notified otherwise the members of the Board of Zoning Appeals will meet regularly once each month, at such time and place as is fixed by resolution. They shall select one of their members as chairman and one as vice-chairman, who shall serve one year or until their successors have been selected. Special meetings may be called at any time by the chair or in his absence, by the vice-chairman. A majority of the Board shall constitute quorum for the transaction of business. The Board shall cause a proper record to be kept of its proceedings.
- C. **Quorum:** A majority of the Board shall constitute a quorum for the transaction of business, and a concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant upon any matter which it is required to pass under these regulations, or to affect any variation in such regulation.

11.03. Powers and Jurisdiction

The Board shall have ~~the following powers and jurisdiction~~those powers and duties authorized by this ordinance and by KSA 12-759 and any amendments thereto.

- A. **Appeals:** After proper hearing to decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by an administrative official in the enforcement of these regulations, except where the City Commission is specifically empowered to hear an appeal.

DEVELOPMENT REGULATIONS
ARTICLE 11. BOARD OF ZONING APPEALS

11.03 Power and Jurisdiction

- f. That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.
3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Development Regulations.
- C. **Exceptions:** To grant exceptions which are specifically listed as permitted in these Development Regulations. In no event shall exceptions to the provisions of the Development Regulations be granted where the exception contemplated is not specifically listed as in the Development Regulations of the City of Leavenworth, Kansas. An exception is not a variance. Further, under no conditions shall the Board have the power to grant an exception when the conditions of this exception, as established by these Development Regulations, are not found to be present.
- ~~1. The Board shall not grant an exception unless it shall, in each specific case, make specific written findings of facts directly based upon the particular evidence presented to it, that support conclusions that:~~
- ~~a. The proposed exception complies with all applicable provisions of these Development Regulations, including intensity of use regulations, yard regulations, and use limitations.~~
- ~~b. The proposed exception at the specified location will contribute to and promote the welfare or convenience of the public.~~
- ~~c. The proposed exception 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 exception, the nature and intensity of the operation involved or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the exception will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the exception 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 Development Regulations, and such areas will be screened from adjoining residential uses and located to protect such residential uses from any injurious effect.~~
- ~~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 designated to prevent traffic hazards and to minimize traffic congestion on public streets and alleys.~~
- D. **Conditions of Determination:** In exercising the foregoing powers, the Board, in conformity with the provisions of these Development Regulations, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

- A, **Table Organization.** Table A1-1 Table of Permitted Uses classifies land uses and activities into general “use categories” and specific “use types” based on common functional or physical characteristics, such as the type and amount of activity, the type of customers or residents, types of products, how goods or services are sold or delivered, and site conditions. Regardless of whether a use is allowed by right or permitted as a special use, there may be additional standards that are applicable to the use. Uses are allowed as follows:
1. *Permitted By-Right Uses.* “P” in a cell indicates that the use is permitted by right in the respective zoning district and overlay district. Permitted uses are subject to all other applicable regulations in this document, including the use-specific standards in this section.
 2. *Special Uses.* “S” in a cell indicates that the use is allowed only if reviewed and approved as a special use in accordance with the procedures of Article II - Administration regarding Special Use Permits. Special uses are subject to all other applicable regulations of this document including the use-specific standards in this section and the requirements of Article IV – Supplementary District Regulations.
 3. *Prohibited Uses:* A blank cell indicates that the use is prohibited in the respective zoning district.
- B. **Classification by Interpretation.** This classification does not list every use or activity that may appropriately exist within the categories and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The categories are intended merely as an indexing tool for the specific use type and are not regulatory. When application is made for a use type that is not specifically listed in Table A1-1, Table of Permitted Uses but that appears similar to uses in that table, the Director shall make a determination as to the appropriate classification of any new or unlisted form of land use in the following manner:
1. The Director shall consider the nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.
 2. Standards for new and unlisted uses may be interpreted as those applicable to a similar use.
 3. The Director may choose to send a proposed use to the City Commission for interpretation where classification options are unclear or where the potential impact must be considered in the interpretation process.
 4. When the Director determines that a new or unanticipated use is so similar in impact to a specific use type, or uses generally within the use category the Director may:
 - a. Make the interpretation the use type is generally broad enough to include the use in question; or
 - b. For ease of future application and interpretation add the use to the appropriate category in the table. Such administrative adjustment to the table shall not be considered an amendment to this ordinance provided the criteria above are clearly met, and provided notice and comment of the adjustment is placed on the agenda of both the Planning Commission and Governing Body for review and consent.
 5. Appeal of the Director’s decision shall be made to the City Commission.
-

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES																			
P = Permitted, S = Special Use Permit Required																			
Use Category		Residential								Non-Residential							Overlay		
Subcategory		R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																			
RESIDENTIAL USES																			
Household Living																			
Dwelling, Single-Family Detached		P	P	P	P		P	S	P	P		S					P	S	
Dwelling, Two-Family		S	S	S	S	<u>S</u> <u>P</u>	<u>P</u>		P	P							P	S	
Dwelling, Townhouse					<u>P</u> <u>S</u>	P	<u>P</u>		P	<u>P</u>							P	P	
Dwelling, Multi-Family						P	<u>P</u>		P								P	P	
Dwelling in Mixed-Use Structure Note [1]									P	P	P	P	P				P	P	P
Dwelling, Live/Work									P	P	P	P	P				P	P	P
Dwelling, <u>IBC/IRC Modular Home</u> <u>Manufactured Dwelling</u> , Mobile Home <u>Community</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			P											
Group Living																			
Assisted Living Facility		S	S	S	S	<u>S</u>	<u>S</u>		S			P	P				S	S	S
Convent/Monastery		P	P	P	P	P	P	P	P										
Dormitory		S	S	S	S	<u>S</u>	<u>S</u>		<u>S</u>										
Fraternity/Sorority Home		S	S	S	S	S													
Group Home: Disabled (K.S.A. 12-736)		P	P	P	P	P	P	P	P								S	S	S
Nursing Home/Hospice		S	S	S	S	<u>P</u>	<u>S</u>					P					S	S	S
Senior Housing		S	S	S	S	<u>P</u>	<u>P</u>		S			P	P				S	S	S
Shelter, Domestic Violence		P	P	P	P					P	P	P	P				P	P	P
Student Housing		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	P	<u>P</u>	<u>P</u>	P			P	P						
PUBLIC AND INSTITUTIONAL USES																			
Community Services																			
Adult Day Center		S	S	S	S					P	P	P	P				S	P	P

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES																			
P = Permitted, S = Special Use Permit Required																			
Use Category		Residential								Non-Residential							Overlay		
Subcategory		R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																			
Cemetery		S	S	S	S														
Mausoleum		P	P	P	P							P	P						
Civic, Social, and Fraternal Organizations		S	S	S	S				S		P	P	P				P	S	P
Community Centers												P	P				P		P
Government Offices and Facilities		S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P
Historic and Monument Sites		P	P	P	P	P	P	P	P	P	P	P	P				P	P	P
Jails and Prisons														S	S				
Library		S	S	S	S				S	P	P	P	P				P	P	P
Post Office Branches									P	P	P	P	P				P	P	P
Religious Assembly		P	P	P	P	P	P	P	P	P	P	P	P				P	P	P
Safety Services		P	P	P	P				P	P	P	P	P				P	P	P
Day Care																			
Day Care Center/Preschool		S	S	S	S	S	S	S	S	P	P	P	P				P	P	P
Day Care, Home (6 or less children)		P	P	P	P	P	P	P	P	P	P	P	P				P	P	P
Day Care, Home (7 or more children)		S	S	S	S	S	S	S	S	P	P	P	P				S	P	P
Educational Facilities																			
College or University		S	S	S	S						P	P	P				S	S	S
School, Elementary and Middle (Public and Private)		S	S	S	S	S	S	S	S	S	S	S	S				S	S	S
School, Senior High		S	S	S	S	S	S	S	S	S	S	S	S				S	S	S
School, Vocational-Technical and Trade										S	P	P	P						S
Health Care Facilities																			
Hospitals										S	S	P	P						S
Medical and dental clinics and offices									P	P	P	P	P				P	P	P
Parks and Open Space																			
Arboretum or botanical garden		S											P				P	P	P

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES																		
P = Permitted, S = Special Use Permit Required																		
Use Category	Residential								Non-Residential							Overlay		
Subcategory	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																		
Campground	S																	
Community playfields, playgrounds, and parks	P	P	P	P				P	P	P	P	P				P	P	P
Golf course, public	S	S	S	S											S			S
Golf course, private	S	S	S	S											S			S
Zoo												P						
Transportation																		
Airport												S	S	S				S
Bus Garage and Equipment Maintenance												P	P	P				
Bus Terminal									S	S	P	P	P	P	P			
Heliport											S	S	S	S				
Railroad Terminal												P						
Taxi Dispatch									S	S	P	P						
Truck Terminal, Freight, Air Courier Services													P	P				
Utility																		
Private Wind Energy Systems	P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P
Private Solar Collection Systems	P	P	P	P	P	P	P	S	P	P	P	P	P	P		P	P	P
Commercial Wind Energy Systems	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S
Commercial Solar Collection Systems	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S
Communication Tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Communication Tower – Alternative Structure	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Communication Facility on Existing Structure	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Storage	P	P	P	P	S	S	S	S	S	S	P	P				S	S	S
COMMERCIAL USES																		
Animal Sales and Service																		
Animal Day Care	S	S	S	S	S	S	S	S	P	P	S	P				S	S	S
Animal Confinement and Feed Operations	S																	

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES																			
P = Permitted, S = Special Use Permit Required																			
Use Category		Residential								Non-Residential							Overlay		
Subcategory		R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																			
Kennel												P	P	P	P				
Pet Shops										P		P	P				P	P	
Pet Grooming		S	S	S	S				S	P		P	P				S	S	S
Veterinary Clinic with Boarding										S	S	P	P	P	P		S	S	P
Veterinary Clinic without Boarding										S	S	P	P	P			P	P	P
Assembly																			
Assembly Hall									S	P	P	P							
Auction Establishment										P	P	P	P						S
Membership Clubs						S				P	P	P					S	S	S
Event Venue										P	P	P						P	P
Financial Service																			
Financial Institution, with Drive-thru									P	P	P	P	P				S	S	P
Financial Institution, without Drive-thru									P	P	P	P	P				P	P	P
Food and Beverage Services																			
Food and Beverage General									S	P	S	P	P				P	P	P
Bars or Taverns									S	S	S	P	P				S	P	P
Restaurant, with Drive-in or Drive-thru									S	P	S	P	P					S	P
Restaurant, without Drive-in or Drive-thru									S	P	S	P	P				S	S	S
Office																			
Administrative and Professional Offices									P	P	P	P	P				P	P	P
Offices for Nonprofit, Community Health, and Welfare Service Organizations									P	P	P	P	P				P	P	P

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES																		
P = Permitted, S = Special Use Permit Required																		
Use Category	Residential								Non-Residential					Overlay				
Subcategory	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																		
Recreation and Entertainment, Outdoor																		
Amphitheater	S										P	P					S	S
Arena and Field House											P	P					S	S
Country Club	S	S	S	S							S	P						
Marina	S										S	S	S					
Outdoor Commercial Recreation <u>and</u> Entertainment	S										S	P	S				S	P
Racing Facilities	S										S	S	S	S	S			
Riding Academies/Stables	S												S	S	S			
Sports/Entertainment Arena or Stadium									S	S	P	P	S					P
Athletic Facilities	S	S	S	S				P	P	P	P	P	S					
Non- Residential Swimming Pools Public or Private Membership	S	S	S	S							P	P				P		P
Recreation and Entertainment, Indoor																		
Art Gallery or Museum								P	P	P	P	P				P	P	P
Auditorium/Exhibition Hall/ <u>Convention Center</u>	S	S	S	S							P	P					S	P
Indoor Commercial Recreation/ Entertainment											P	P	P			P	P	P
Commercial Services																		
Sexually Oriented Business								S					S					
Building Services										P	P	P				S	S	P
Business Support								P	P	P	P	P				P	P	P
Contracting Services, no storage or yard											P	P	P	P				P
Funeral, Mortuary, Crematory	S	S	S	S						S	P	P				S	S	S

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES																		
P = Permitted, S = Special Use Permit Required																		
Use Category	Residential									Non-Residential						Overlay		
Subcategory	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																		
General Personal Services								P	P	P	P	P				P	P	P
Gun Sales and Service								S	P	P	P	P						
Indoor Shooting Ranges									P	P	S	S	P	P				
Maintenance and Repair									P	S	P	P					S	S
Tattoo Parlor/Body Art								P	P		P	P						
Radio, Television, and Recording Services										S	P	P					P	P
Studio, Music/Movie/TV								P	P	P	P	P						
Retail (Sales)																		
Building Supplies and Equipment											P	P	P				S	P
Consumer Goods								P	S	P	P	P				P	P	P
Sundries, Pharmaceuticals, Convenience Store								P	P	P	P	P				P	P	P
Food, Beverage, and Groceries								P	P	P	P	P				P	P	P
Wearing Apparel and Accessories									S	S	P	P				P	P	P
Vehicles and Equipment																		
Automobile Repair Shop											P	P	P					
Automobile, Boat, Truck, Motorcycle, RV Sales, Rental, and Service									S		P	P	S					
Car Wash/Truck Wash									S		S	P	P					
Gas Station									P		P	P	P			S	P	P
Heavy Vehicle/Equipment Sales, Rentals and Service												P	P	P				
Parking Lot or Garage (Commercial, Non-Accessory)	S	S	S	S				S	S	S	P	P	S	S		S	S	S
Visitor Accommodation																		
Bed and Breakfast Inns	S	S	S	S	S	S	S	P	P	P	P	P				S	S	S

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES																			
P = Permitted, S = Special Use Permit Required																			
Use Category		Residential								Non-Residential							Overlay		
Subcategory		R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																			
Bed and Breakfast Guest House		S	S	S	S	S	S	S	P	P	P	P	P				S	S	
Bed and Breakfast Home Stay		S	S	S	S	S	S	S	P	P	P	P	P				S	S	
Residential Home Stay		S	S	S	S	S	S	S	P	P	P	P	P				S	S	
Boarding and Rooming Houses		S	S	S	S	S	S	S	P	S	S	P	P				S	S	
Camp, Private, Overnight		S																	
Health Resort/Spa		S									P	P	P						
Hotel											P	P	P				P	P	P
Hotel – Limited Service											P	P	P				P	P	P
Residence Hotels									S	S	P	P	P				P	P	P
Retreat House		S	S	S	S														
Travel Trailer Parks		S												P		S			
INDUSTRIAL USES																			
Industrial Service																			
Animal Research Facilities														S					
Builders Supply Yards and Lumberyards (except when indoors as part of a hardware store)													P	S					
Construction Industry Related Businesses (such as general contractors, electrical contractors, plumbing contractors) /Accessory and Incidental uses													P	S	P				
Educational and Scientific Research, Development, and Testing Services											P	P	P	P	P			P	P
Heavy Industrial															P	S			
Light Industrial														P	P	S			
Petroleum Pipeline and Pressure Control Stations		S	S	S	S	S	S	S	S	S	S	S	S	S	S				

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES P = Permitted, S = Special Use Permit Required																			
Use Category		Residential								Non-Residential							Overlay		
Subcategory		R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																			
Manufacturing and Production																			
Manufacturing, Fabrication, and Assembly: Custom													S	P	P				
Manufacturing, Fabrication, and Assembly: Light													P	P	S P				
Manufacturing, Fabrication, and Assembly: Heavy													S	S	P				
Wholesale, Storage, Warehouse, and Distribution																			
Automobile Towing Service Storage Yard; Impound Lot													S	S	P	S P			
Mini-Storage													S	S P	P				
Moving and Storage Facilities														P	P				
Warehousing													P S	P	P	P P			
Wholesale Trade or Storage, General														P	P	P P			
Wholesale Trade or Storage, Light													P	P	P				
Waste and Salvage																			
Automobile Parts Recycling Business														S	P	P			
Junkyard, Salvage Yard														S	P	P			
Neighborhood Recycling Center		S	S	S	S	S	S	S	S	S	S	S	S	P S	P S		P	P	P
Recycling Collection Station														S P	S P				
Solid Waste Facility														S	S				
AGRICULTURE																			
Agriculture/Aquaculture																			
Animal Husbandry (other than dairy)		P																	

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES																		
P = Permitted, S = Special Use Permit Required																		
Use Category	Residential								Non-Residential				Overlay					
Subcategory	R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																		
Apiary	P	P	P	P	P	P	P	P										
Farming	P																	
Fish Farm/Hatchery	S																	
Ranching	S																	
Greenhouse/Nursery	S	S							S	S	P	P	S	S				P
Urban Agriculture/Community Garden	S P	S P	S P	S P	P	P	S P	P								P	S	P

NOTE 1: In the CBD, Residential is not permitted within the front half or front 30' of space, whichever is greater, on the 1st floor (Sec 1.17 A,B)

**DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE**
