

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

**REGULAR SESSION
Monday, June 3, 2024
6:00 p.m.**

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: April 1, 2024**

OLD BUSINESS:

None

NEW BUSINESS:

1. 2024-12 REZ – 300 SANTA FE

Conduct a public hearing for Case No. 2024-12 REZ – 300 Santa Fe, wherein the applicant is requesting a rezoning of their property located at 300 Santa Fe from PUD, Planned Unit Development District, to RMX, Residential Mixed Use District.

2. 2024-13 REZ – 1820 S 4TH STREET

Conduct a public hearing for Case No. 2024-13 REZ – 1820 S. 4th Street, wherein the applicant is requesting a rezoning of their property located at 1820 S. 4th Street from R1-6, High Single Family Residential District, to GBD, General Business District.

3. CITY INITIATED REZONING – 2ND AVENUE & SANTA FE

Consensus to direct staff to proceed with a city-initiated rezoning process for an existing neighborhood containing 15 individual properties lying east of 2nd Avenue between Santa Fe and Sheridan Streets from RM-F, Multiple Family Residential District, to R1-6, High Density Single Family Residential District.

OTHER BUSINESS:

None

ADJOURN

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, April 1, 2024
6:00 PM

CALL TO ORDER:

Commissioners Present

Brian Stephens
Sherry Whitson
Bill Waugh
Maryann Neeland
Don Homan

Commissioners Absent

Kathy Kem

City Staff Present

Julie Hurley
Michelle Baragary

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

APPROVAL OF MINUTES: March 4, 2024

Chairman Stephens asked for questions, comments or a motion on the minutes presented for approval: March 4, 2024. Commissioner Homan moved to approve the minutes as presented, seconded by Commissioner Waugh and approved by a vote of 5-0.

OLD BUSINESS

None

NEW BUSINESS:

1. 2024-09 REZ – 707 PAWNEE STREET

Conduct a public hearing for Case No. 2024-09 REZ – 707 Pawnee Street, wherein the applicant is requesting a rezoning of their property located at 707 Pawnee Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District.

Chairman Stephens called for the staff report.

Planning Director Julie Hurley stated the owner and applicant, Chris Pena, is requesting a rezoning of their property located at 707 Pawnee Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District. The property is .08 acre in size and is occupied by a single-family home. The owner is requesting the rezoning in order to bring the property into conformance with development standards for a single-family home. The existing single-family home was previously damaged by fire and was repaired. The home as it exists is considered legal nonconforming, and no action is required by the City of Leavenworth in order for the property to continue to function as it is. The owner is intending to sell the property, and current lending and insurance standards frequently require that a property be in conformance with applicable local development standards, which has led the owner to opt to apply for a rezoning in order to make the property conforming with current standards. No additions or new construction is planned at this time.

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 .08 acre in size and is part of an established single-family neighborhood. The property lies just to the west of 7th Street, which functions as a commercial corridor with a variety of commercial and office uses.

- b) The zoning and use of properties nearby;

The property directly adjacent to the east is zoned OBD, Office Business District, and is occupied by a single-family home. The property to the south is zoned OBD, and is occupied by a single-family home. The property to the west is zoned R1-6, High Density Single Family Residential District, and is occupied by a single-family home. The property to the north is zoned GBD, General Business District, and is occupied by the Dog and Cat Clinic.

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

The subject property is occupied by a single-family home and has been identified as appropriate for single-family uses on the Future Land Use map.

Ms. Hurley noted that how this zoning got put in place with the Office Business District for an existing single-family home was that when zoning first came about in the City, back in the 60's, a lot of this zoning was applied broadly across the City without a lot of context or individual consideration to what was maybe on individual lots. The single-family house that was there was constructed prior to that time, which is how the City has ended up with a lot of these kind of strange nonconforming uses.

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

The proposed rezoning should have no detrimental effect upon surrounding properties. The proposed change to the existing use of the property, and it will continue to function as a single-family home.

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

The subject property is not vacant.

- 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 neutral effect on economic development, public health, safety, and welfare of the City, as there is no proposed change in the use of the property, and no new construction proposed.

- 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 single-family residential uses on the Comprehensive Land Use 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 notices were sent to property owners within 200' as required by Kansas State Statute, staff received one question regarding the status of the property from a notified property owner.

REZONING ACTION/OPTIONS:

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

Chairman Stephens asked for questions about the staff report.

Chairman Stephens asked what the difference is between General Business District and Office Business District.

Ms. Hurley responded that the General Business District, GBD, allows for more retail and restaurant type uses, and the Office Business District, OBD, is more professional office type uses.

Commissioner Homan asked if this will give the property owner the correct tax bracket because they are a residential zoning district rather than a commercial zoning district.

Ms. Hurley stated this does not change the way the property is taxed. The County has their own land use classification, which does not always match the zoning, and that is the case in this one. Their tax classification is the appropriate single-family land use tax classification.

With no questions, Chairman Stephens opened the public hearing. With no one wishing to speak, Chairman Stephens closed the public hearing and called for a motion. Based on the findings as stated and conditions as presented, Commissioner Homan moved to recommend approval of the rezoning request from OBD to R1-6 for property located at 707 Pawnee Street to the City Commission, seconded by Commissioner Whitson, and passed by a vote of 5-0.

2. 2023-33 SUP – 4100 S 4TH STREET

Conduct a public hearing for Case No. 2023-33 SUP – 4100 S 4th Street, wherein the applicant is requesting a Special Use Permit to allow a College or University in the R1-9 zoning district.

Chairman Stephens called for the staff report.

Planning Director Julie Hurley stated the applicant, University of Saint Mary, is requesting a Special Use Permit to allow a College or University in the R1-9 zoning district (Medium Density Single Family Residential District), located at 4100 S. 4th Street. The property is occupied by the University of Saint Mary, which was established on the site in 1923. College or University uses are allowed in the R1-9 district with the approval of a Special Use Permit. The University is currently intending to construct a new dormitory facility on the existing campus.

The University is considered a nonconforming use, as there is no existing Special Use Permit. Any new construction or expansion of existing facilities associated with the University requires the approval of a Special Use Permit. Per section 1.05 of the adopted Development Regulations:

Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.

Section 1.05 of the Development Regulations also states in regards to nonconforming uses:

Any nonconforming use shall not be physically extended, expanded, or enlarged.

Since the time of adoption of the original Subdivision Regulations of the City of Leavenworth in 1966, there have been multiple structures added on the University of Saint Mary campus without the applicant being required to apply for a Special Use Permit. This is likely an oversight, due to the long-standing tenure of the University on the site. Approval of a Special Use Permit will bring the property into conformance with regards to land use and allow for future university-related construction on the property without the need for additional Special Use permits.

Pending approval of the Special Use Permit, all applicable building permits shall be reviewed and approved.

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.

The property has functioned as a University since 1923, providing a beneficial service to the economic development of the City by attracting a large number of students to the community, as well as functioning as one of the largest employers in the area.

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 use will cause any substantial injury to the value of other property in the neighborhood, as there is no change in the use of the property.

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.

The use of the property will remain unchanged. The proposed new dormitory facility, which precipitated the Special Use Permit request, will be internal to the existing campus and will not adversely impact any neighboring properties.

Notification was sent to property owners within 200' of the subject property, as required by Kansas Statute. Since notifications were mailed, staff has received no comments or inquiries.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

ACTION/OPTIONS:

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

Chairman Stephens asked for questions about the staff report.

With no questions about the staff report, Chairman Stephens opened the public hearing.

Commissioner Homan asked the applicant how many students the new dormitory will house.

Jeff Stockman, ACI Boland representing the university, stated there will be 16 rooms total with four students per room. Remote parking is also part of the project.

With no one else wishing to speak, Chairman Stephens closed the public hearing and called for questions/discussion among the commissioners. With no questions/discussion, Chairman Stephens called for a motion. Based upon findings as stated and conditions as presented, Commissioner Whitson moved to recommend approval of the Special Use Permit to allow a College or University in the R1-9 zoning district to the City Commission with included conditions, seconded by Commissioner Neeland, and approved by a vote of 5-0.

Since we get a number of these special uses or rezoning's for existing nonconforming uses, Ms. Hurley spoke with the City Attorney. There is no legal way to broad stroke and give approval to these nonconforming uses because while a good number of them may be appropriate to continue, there may be some that the City would want to go away through attrition. For the existing duplexes that require a Special Use Permit, staff could potentially make two-family dwellings just an allowed use in single-family zoning districts during the next update to the Development Regulations.

Chairman Stephens asked if there is a way that when someone submits an application and it makes sense that the special use should be allowed, such as the application for 707 Pawnee, that it could be approved without the applicant going through this whole process.

Ms. Hurley responded in the negative stating that rezoning and special use permits are clearly laid out in State Statute. If it needs to be rezoned or needs a special use permit, the City legally has to provide notice to neighboring properties, publish the notice in the local newspaper, and it must go to Planning Commission and City Commission.

3. 2024-10 SUB – WHISPERING HILLS WEST REPLAT FINAL PLAT

Consider a final plat for Whispering Hills West Replat, Case No. 2024-10 SUB.

Chairman Stephens called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Laura Fowler, plat prepared by Herring Survey Company. The applicant is requesting approval of a replat of Whispering Hills West. The property is 80.31 acres in size consisting of two lots, and is currently vacant. The property is zoned PUD, Planned Unit Development.

The applicant is requesting the plat for the purposes of creating five tracts along the eastern portion of the property to transfer to adjoining property owners. The adjoining properties are single-family lots, which are part of the Whispering Hills subdivision. Over the years, there has been some minor encroachment from the adjoining properties onto the subject property as it remained vacant, including shed, gardens and other minor accessory items, and the transfer of the newly created tracts will clear up any ownership issues.

STAFF RECOMMENDATION:

Staff recommends approval of Whispering Hills West Replat.

ACTION/OPTIONS:

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

Chairman Stephens asked for questions about the staff report.

Chairman Stephens asked how the pool located at 2610 S 25th Street was installed over the property line when a site plan would have been submitted to get a building permit.

Ms. Hurley responded that she is not sure when that particular pool was installed. Building inspectors do not check the pool after it is installed and to make it easier, more expedient and less costly for property owners, a surveyed plot plan is not required for a pool; but then sometimes you end up with cases like this where the property owner drew the site plan correctly and the permit was approved correctly but then when the structure is installed, it is a little bit too far over.

With no further discussion, Chairman Stephens called for a motion. Commissioner Whitson moved to approve the Whispering Hills West Replat Final Plat, seconded by Commissioner Homan, and approved by a vote of 5-0.

OTHER BUSINESS:

With no other business, Ms. Hurley stated there are no agenda items for May.

Chairman Stephens adjourned the meeting at 6:35 p.m.

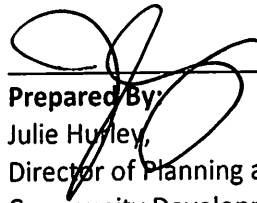
Minutes taken by Planning Assistant Michelle Baragary.

PLANNING COMMISSION AGENDA ITEM
2024-12 REZ
300 SANTA FE

JUNE 3RD, 2024

SUBJECT:

A request to rezone the property located at 300 Sana Fe from PUD, Planned Unit Development District, to RMX, Residential Mixed Use District.



Prepared By:
Julie Huyley,
Director of Planning and
Community Development

ANALYSIS:

The applicant, The Prime Company, is requesting a rezoning of the property located at 300 Santa Fe from PUD to RMX. The property is currently owned by Mar-Mac FLP and is occupied by the structure commonly referred to as the Helmer's Building. The building is currently occupied by Besel's Home Improvement Company. The applicant is requesting the rezoning in order to develop a workforce housing project in the existing building.

The existing building is listed on the National Register of Historic Places, and was originally built as a furniture manufacturing facility in 1909. Since ceasing operations, the building has been utilized for a variety of uses. It is currently occupied by Besel's Home Improvement Company, with the majority of the building unutilized. The applicant intends to develop a multifamily workforce housing project, which will provide an attainable, quality housing option to the Leavenworth community. The applicant intends to utilize historic tax credits and low income housing tax credits (LIHTC) in the development of the project. The initial phase of the project will be the remodel of the existing building into approximately 102 multifamily units, consisting of one, two, and three bedroom apartments, with the potential for future development on the site. Any development on the site, to include the remodel of the existing building, will be required to meet all applicable city standards to include parking, infrastructure, utilities, design, etc. A rezoning to RMX would allow for the continued operation of the existing use on site.

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 situated east of 4th Street with no direct frontage on 4th. There are commercial uses to the west, multifamily residential uses to the south, industrial uses to the north, and single-family residential uses to the east.

- b) The zoning and use of properties nearby;

The properties to the north are zoned I-1, Light Industrial District, and I-2, Heavy Industrial District, and are occupied by a variety of existing auto and storage related businesses. Directly to the east is a property zoned GBD, General Business District, which is occupied by a self-storage facility. Other properties to the east are zoned RM-F, Residential Multi Family, and are occupied by single family homes. The City of Leavenworth Southside Park is also to the east of the subject property. The property directly to the south is zoned RM-F and is occupied by an apartment complex. Properties to the west are zoned GBD and I-1, and are occupied by a variety of commercial and single-family uses.

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

The subject property has always been used for industrial or commercial uses, and has remained under-utilized for a number of years. The nature of access to the site makes it unsuitable for most business related uses.

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

The proposed rezoning should not detrimentally affect nearby properties. There are a wide variety of uses and zonings surrounding the subject property. The property as it exists has always been utilized for various industrial or commercial uses, and the proposed rezoning that will allow for the development of multifamily housing should not significantly impact surrounding properties. Development of multifamily housing on the site will require improvement to the street network accessing the site, which will address any potential increase in traffic.

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

The subject property is not vacant.

- 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 should have a positive economic impact as it will allow for development of housing to serve the needs of current and future Leavenworth residents. Development of a new housing option will also benefit current and future Leavenworth businesses by providing access to housing options for potential employees.

- 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 industrial uses on the Comprehensive Land Use Plan. However, the subject site is surrounded by a variety of existing uses, as well as a variety of land use designations on the Comprehensive Plan including industrial, commercial, single family, and multifamily. Due to the mix of surrounding uses as well as relative seclusion of the site, staff believes based upon all available information that the adaptive reuse of the building for a residential or mixed use project is appropriate.

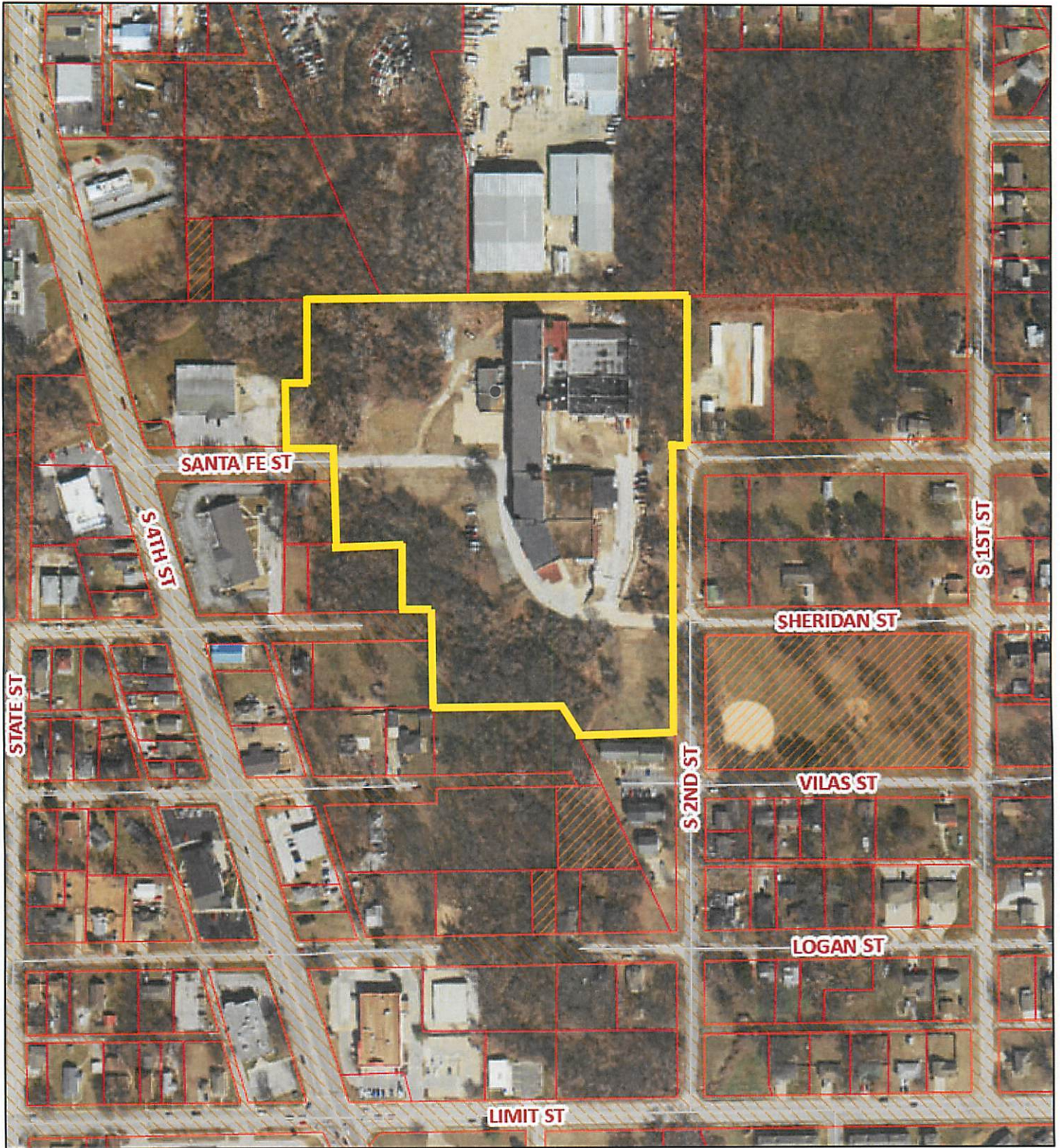
- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.

No other factors

After the required public notices were sent to property owners within 200' as required by Kansas State Statute, staff received no comments regarding the proposed rezoning.

REZONING ACTION/OPTIONS:

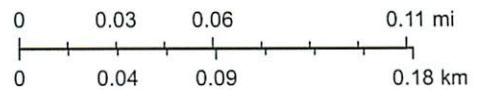
- Recommend approval of the rezoning request from PUD to RMX to the City Commission
- Recommend denial of the rezoning request from PUD to RMX the City Commission
- Table the issue for additional information/consideration.



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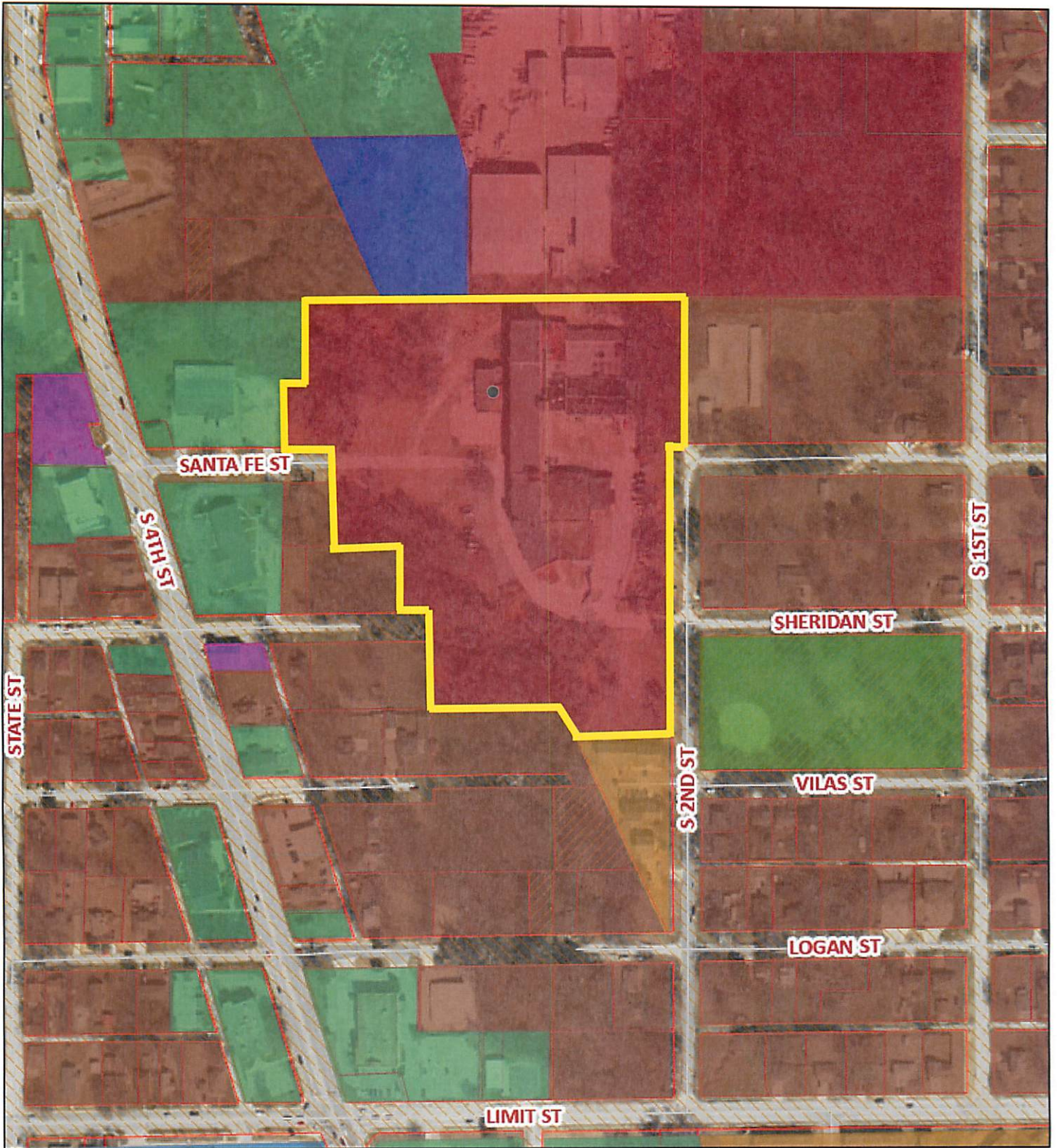
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- Override 1
- Leavenworth City Limits
- Parcels (City Owned)
- City Right-of-Way
- Parcels_Current
- RoadCenterline



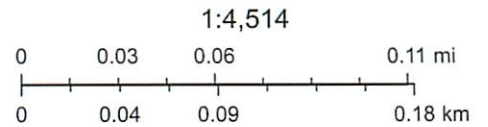
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2024-12-REZ Future Land Use



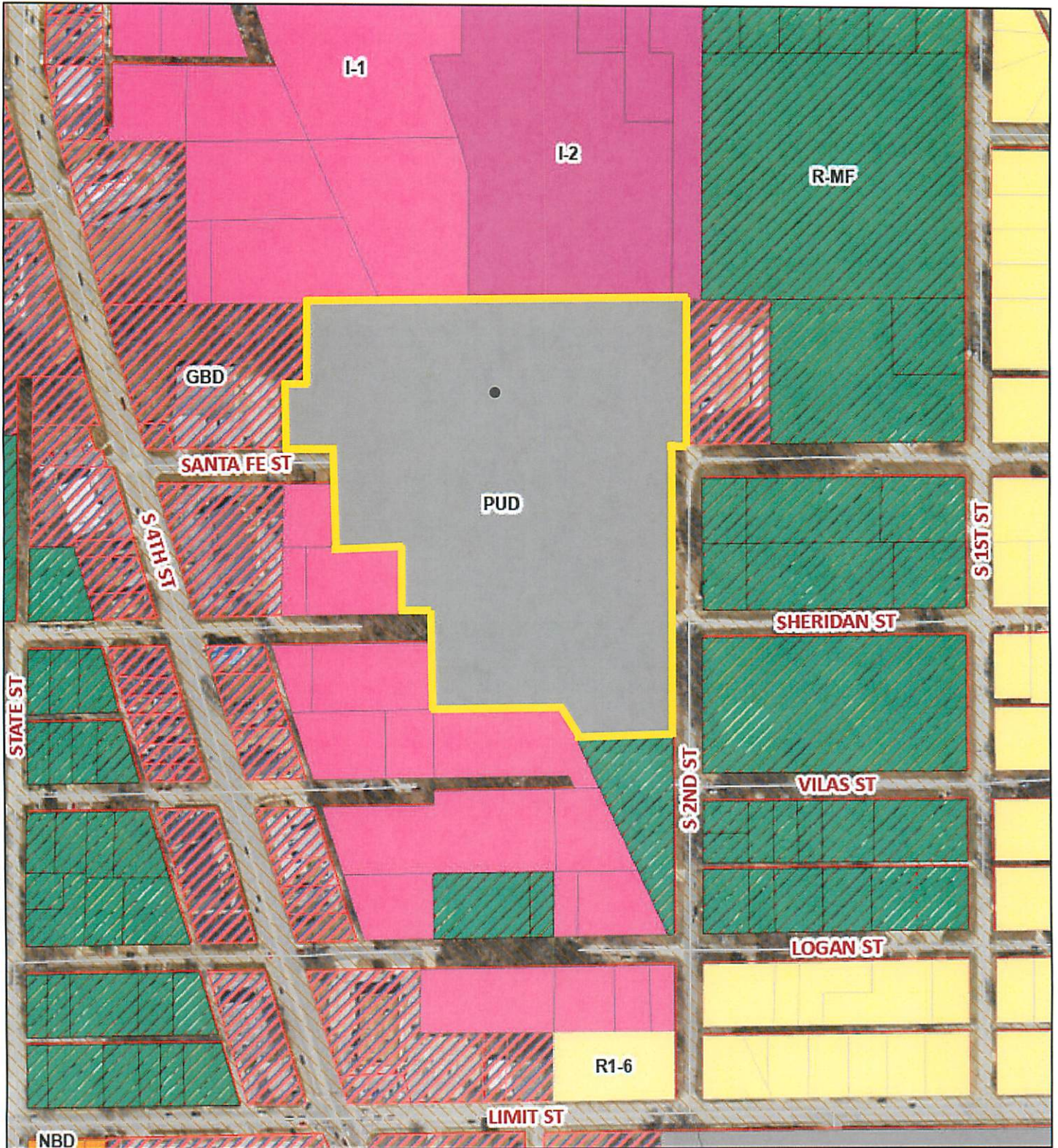
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- Override 1
- Future Land Use (Comp Plan 2030)
- Commercial
- Conservation/Open Space
- Industrial
- Mixed Use
- Multi-Family
- Park
- Public/Semi-Public
- Single-Family
- Parcels (City Owned)
- Parcels_Current
- Leavenworth City Limits
- City Right-of-Way



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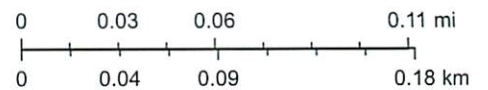
2024-12-REZ Zoning



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- | | | | | | | | | | |
|--|------------|--|------|--|----------------------|--|------|--|-------------------------|
| | Override 1 | | I-1 | | GBD | | R-MF | | Leavenworth City Limits |
| | PUD | | I-2 | | Parcels (City Owned) | | R-MX | | Parcels_Current |
| | NBD | | R1-6 | | City Right-of-Way | | R1-6 | | RoadCenterline |



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APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2024-12 REZ

Application #	<u>15292</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>4-8-24</u>
Received By	<u>pd. online</u>
Hearing Date	<u>6-3-24</u>
Publication Date	<u>5-9-24</u>

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:	300 Santa Fe St, Leavenworth, KS		
Rezoning:	Present classification of: PUD	district to: RMX	
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)		
Real Estate PID #	1010104004056000	Historic District:	

I/We, Chris Elsey 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):	Mar-Mac FLP
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Address:	2500 S. 2nd St Leavenworth, KS 66048
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Contact No.:	913-828-4440	Email:	jeremy@greenamyre.com
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Signature of Owner(s):	
	Jeremy Greenamyre, Member

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

State of Kansas)

County of Leavenworth), SS

Signed or attested before me on April 5, 2024 by Jeremy Greenamyre
(date) (name(s) of person(s))

Notary Public: Brenda K. Schwinn My Appointment Expires: 4-7-28

(SEAL) BRENDA K. SCHWINN
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Expires 4-7-28

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:

The present use of the structure is the operations of commercial
businesses, the building is on the historic registry and was a former
manufacture facility, the surrounding properties as zone Multifamily and
Industrial

Briefly describe the intended use and character of the property:

The proposed use is multifamily workforce housing project to help
provide attainable, quality housing to the Leavenworth Community
RMX allows the greatest density.

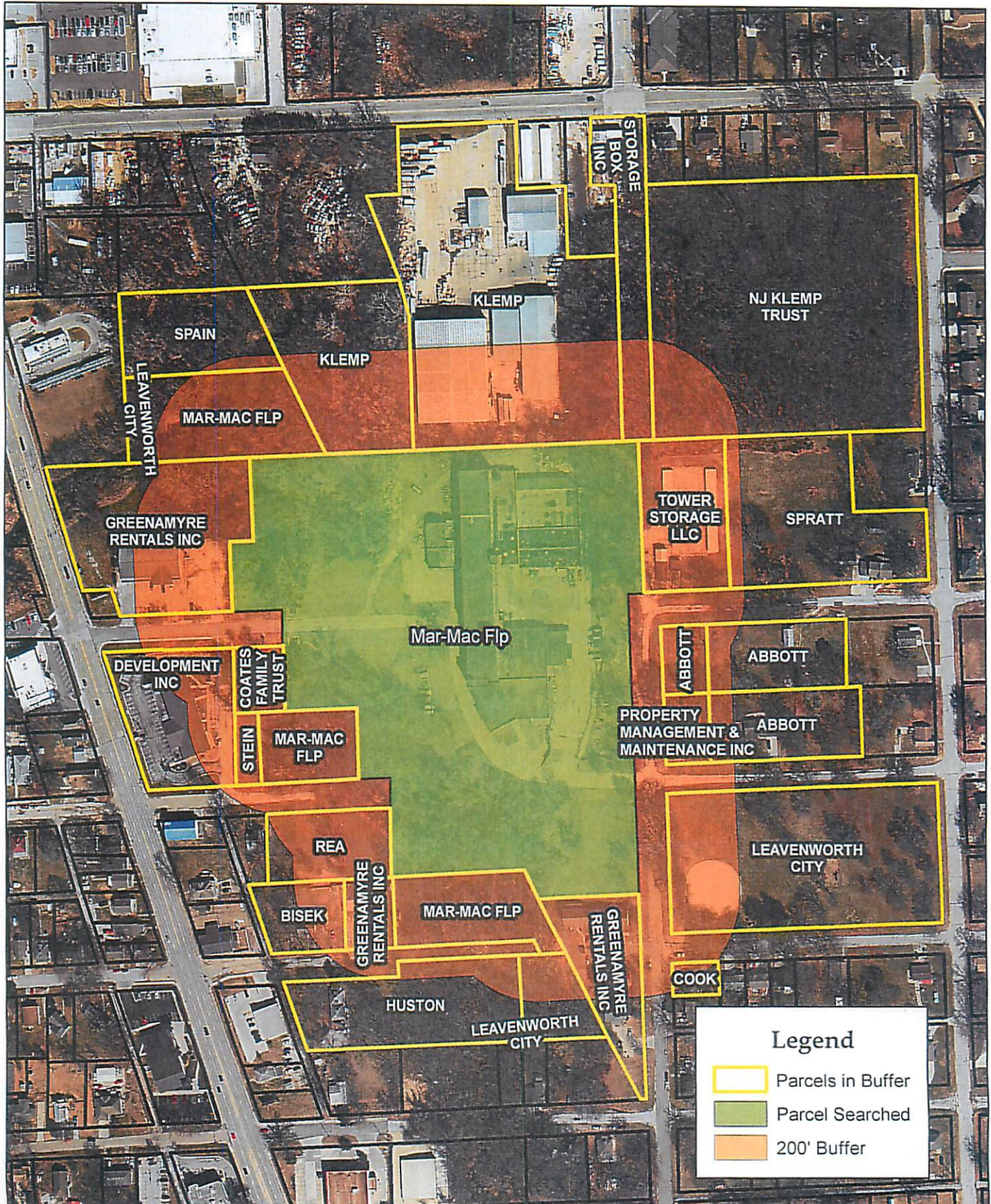
Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property: Workforce housing provides attainable, quality housing for the
Leavenworth Community while revitalizing the historic Helmers Building
The surrounding land uses are also Multifamily

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: NONE

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: None

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)

City of Leavenworth Radius Search



Legend

- Parcels in Buffer
- Parcel Searched
- 200' Buffer



PLANNING COMMISSION AGENDA ITEM
2024-13 REZ
1820 S. 4TH STREET

JUNE 3RD, 2024

SUBJECT:

A request to rezone the property located at 1820 S. 4th Street from R1-6, High Density Single Family Residential District, to GBD, General Business District.



Prepared By
Julie Hurley
Director of Planning and
Community Development

ANALYSIS:

The owner and applicant, Kaushik Patel, is requesting a rezoning of their property located at 1820 S. 4th Street from R1-6, High Density Single Family Residential District, to GBD, General Business District. The property is 1.02 acres in size and is occupied by Topsy Liquor. The owner is requesting the rezoning in order to bring the property into conformance with development standards for a commercial retail property. The property is located directly on 4th Street, a major commercial thoroughfare, and has always been occupied by a retail business.

The business as it exists is considered a legal nonconforming use, and no action is required by the City of Leavenworth in order for the property to continue to function as it is. The owner is intending to remodel and construct an addition to the existing building. Current Development Regulations stipulate that:

No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

Retail uses are allowed by-right in the GBD zoning district. The proposed rezoning will bring the property into conformance with the regulations of the GBD zoning district.

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;

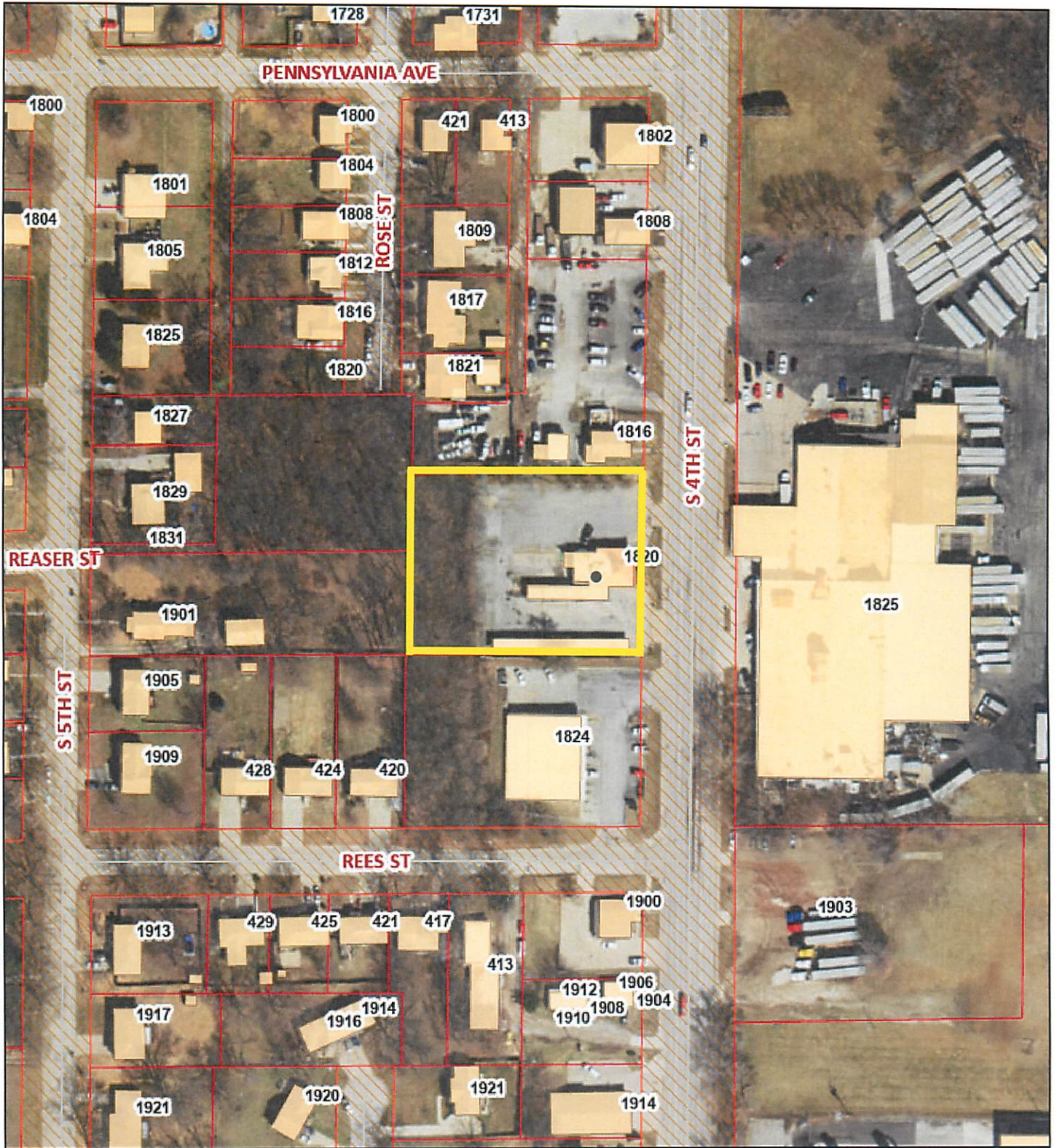
The subject property is located directly on 4th Street, which is a major commercial corridor. The property is occupied by an existing retail business with other established commercial businesses to the north, south, and east along 4th Street. To the west is an existing single-family neighborhood.

- b) The zoning and use of properties nearby;
The property to the north is zoned R1-6 and is occupied by Benjie's Auto Sales (existing non-conforming use). The property to the south is zoned GBD and is occupied by O'Reilly Auto Parts. The properties to the west are zoned R1-6 and are occupied by single family homes. The property to the east, across 4th Street, is zoned I-2, and is occupied by Tire Town.
- c) The suitability of the subject property for the uses to which it has been restricted;
The subject property has always been occupied by a retail establishment, and is not appropriate for single family residential uses.
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;
The proposed rezoning should have no detrimental effect upon surrounding properties. There is no proposed change in the use of the property, it will continue to function as a retail establishment. The proposed addition to the structure will not significantly increase traffic in the area.
- e) The length of time the subject property has remained vacant as zoned;
The subject property is not vacant.
- 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 should have a positive economic impact as it will allow for expansion of an established retail business, thereby potentially increasing sales and tax revenue.
- 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 Comprehensive Land Use 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 no comments regarding the proposed rezoning.

REZONING ACTION/OPTIONS:

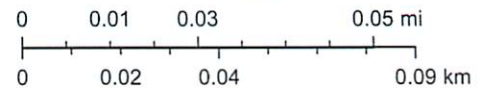
- Recommend approval of the rezoning request from R1-6 to GBD to the City Commission
- Recommend denial of the rezoning request from R1-6 to GBD the City Commission
- Table the issue for additional information/consideration.



5/30/2024, 12:26:36 PM

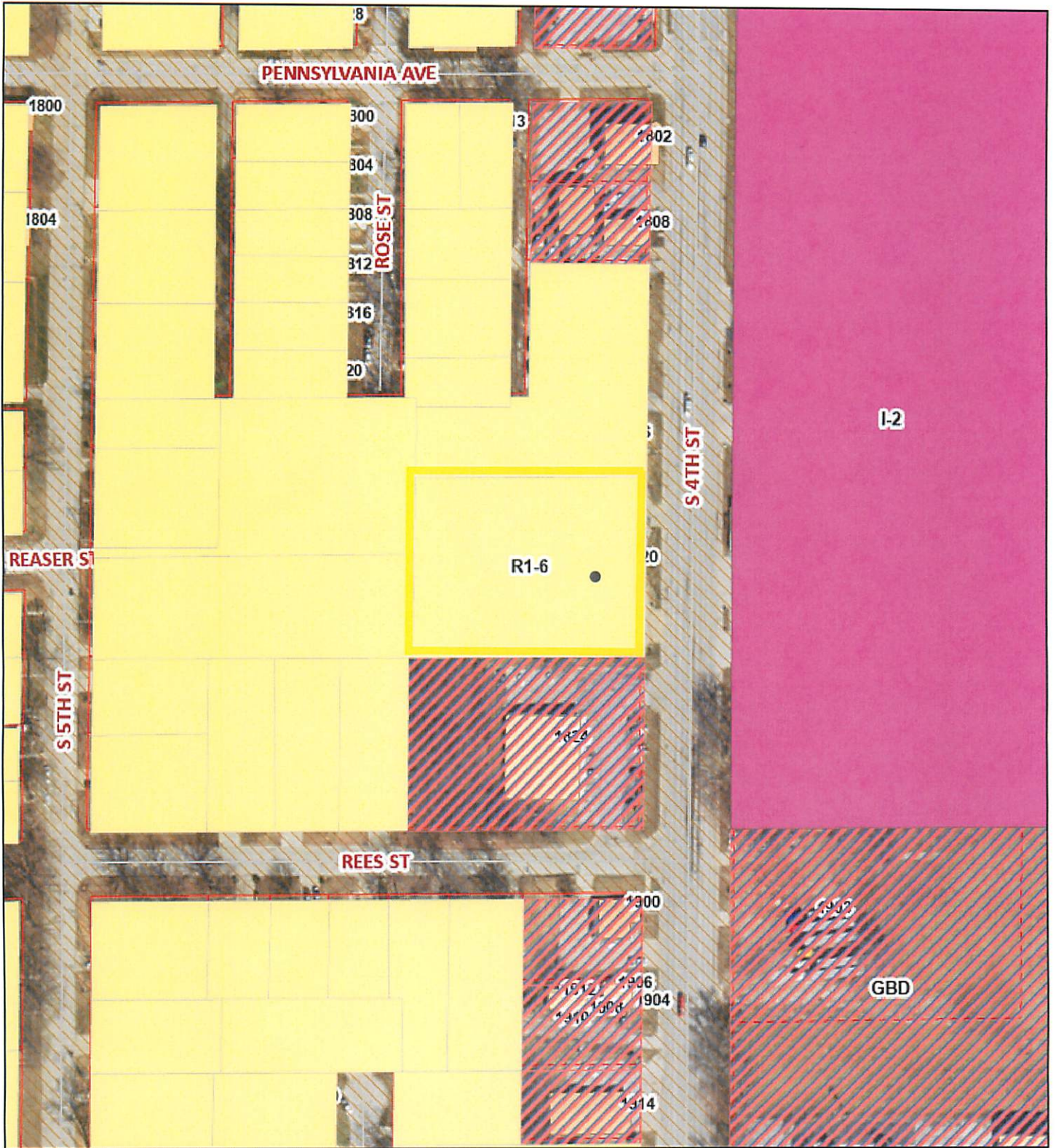
1:2,257

- Override 1
- Leavenworth City Limits
- Parcels_Current
- City Right-of-Way
- Buildings
- RoadCenterline
- Address (Points)



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

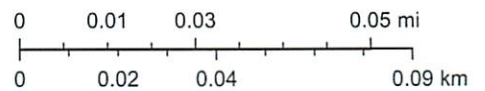
2024-13-REZ Zoning



5/30/2024, 12:28:53 PM

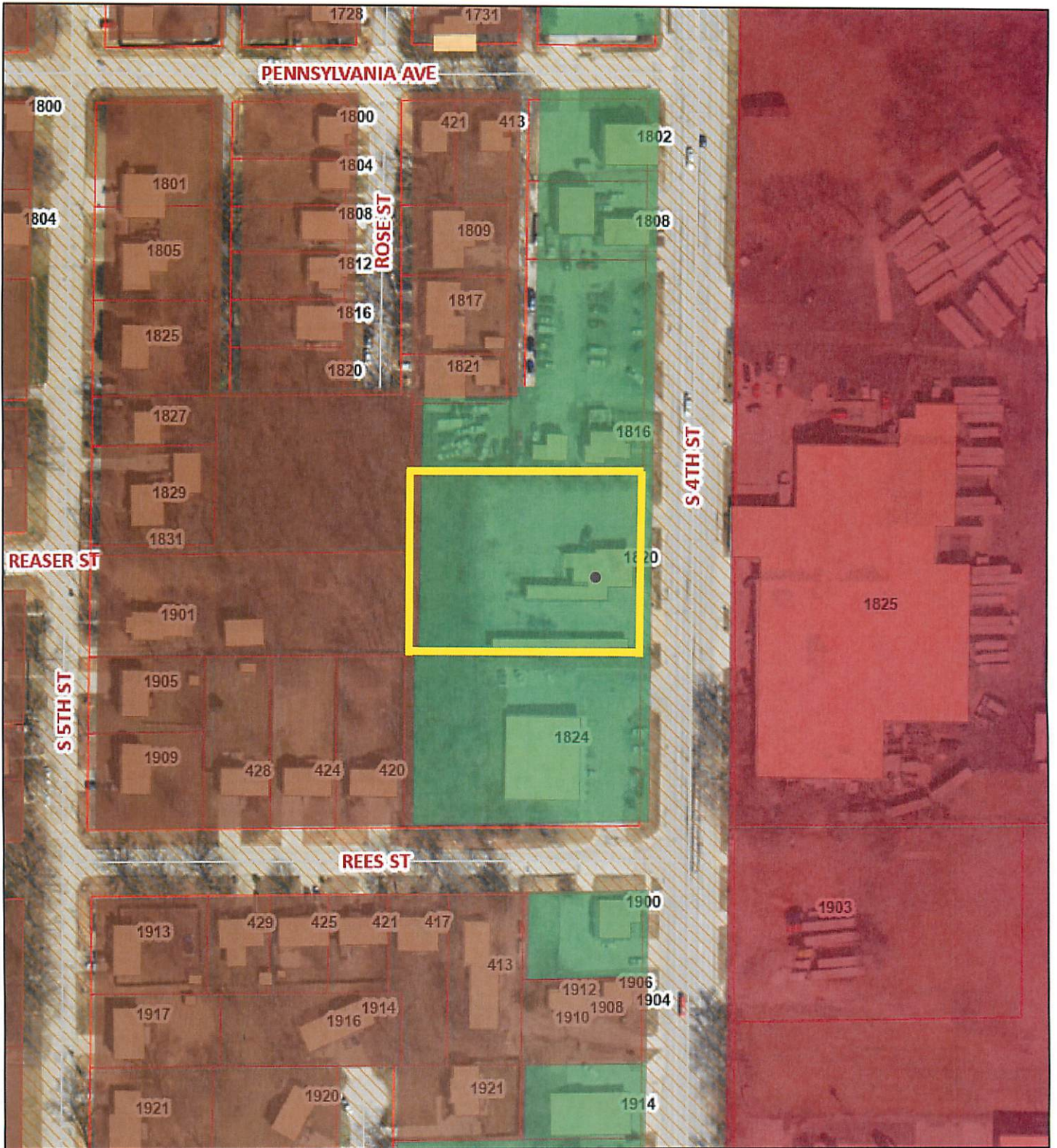
1:2,257

- Override 1
- Buildings
- Zoning_CURRENT
- GBD
- I-2
- R1-6
- Parcels_Current
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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

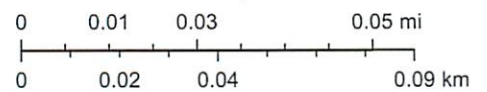
2024-13-REZ Future Land Use



5/30/2024, 12:27:43 PM

1:2,257

- Override 1
- Buildings
- Future Land Use (Comp Plan 2030)
- Commercial
- Industrial
- Single-Family
- Parcels_Current
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2024-13 REZ

Application #	<u>15316</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>4-10-24</u>
Received By	<u>SU</u>
Hearing Date	<u>6-3-24</u>
Publication Date	<u>5-9-24</u>

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).

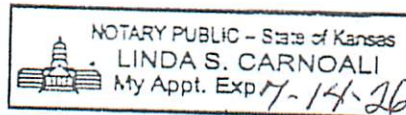
Subject Property:	<u>1820 S. 4th ST. LEAVENWORTH, KS 66048</u>		
Rezoning:	Present classification of: <u>R1-6</u>	district to: <u>G3D</u>	
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)		
Real Estate PID #	<u>052-101-01-0-20-13-022.00</u>	Historic District:	

I/We, KAUSHIK PATEL 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):	<u>KAUSHIK PATEL</u>		
Address:	<u>546 CREEKSIDE CT. LANSING, KS 66043</u>		
Contact No.:	<u>913 306 4194</u>	Email:	<u>COOLNIL911@gmail.com</u>
Signature of Owner(s):	<u>[Signature]</u>		

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

State of Kansas
County of Leavenworth SS



Signed or attested before me on 4-10-24, 20 by KAUSHIK PATEL
(date) (name(s) of person(s))

Notary Public: Linda Carnoali My Appointment Expires: 7-14-26
(SEAL)

87-11202
20067
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:

15-21-8
30
Retail liquor store. Surrounding buildings are Auto Zone + Auto Repair dealership.

15-21-8
15-21-8
Briefly describe the intended use and character of the property:

To continue to use the building for retail.

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property:

To expand the building & attract more business.

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:

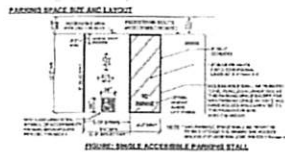
The building sits in the middle of the entire property. It gives plenty space for the surrounding business to operate correctly.

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:

There should be no problems

Check List:

<input type="checkbox"/>	Non-refundable fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of the property owners within two hundred (200) feet of the subject property
<input 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)



2 ADA PARKING SPACE



FIGURE 2 MULTIPLE ACCESSIBLE PARKING SPACES

PARKING SPACE NOTES:

- 1. Minimum stall width shall be 9.0 meters (29.5 feet).
- 2. Minimum clearances shall be 0.9 meters (2.95 feet) on all sides of the accessible stall.
- 3. Minimum clearances shall be 0.6 meters (1.97 feet) on all sides of the accessible stall.
- 4. Minimum clearances shall be 0.3 meters (0.98 feet) on all sides of the accessible stall.

GENERAL NOTE:
WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE DESIGNER MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS PRIOR TO ANY CONSTRUCTION.

NOTICE OF CORRECTION
Review of these plans is for information only. The contractor and the designer have performed the review with the care and diligence they could exercise in the ordinary course of business. It is the contractor's responsibility to verify the accuracy of the information shown on these plans and to report any errors or omissions to the designer. The contractor shall be responsible for all construction. Changes made to the plans without the consent of the designer are prohibited, and the contractor shall be held responsible for all construction arising out of such changes. The contractor shall verify all dimensions.

WARNING:
ARCHITECTURAL DRAWINGS ARE TYPICALLY DRAWN TO A REPRESENTATIVE SCALE WHICH IS NOTED ON EACH INDIVIDUAL DRAWING. THIS SCALING CAUSES THE DRAWINGS TO BE PROPORTIONAL IN ITS REPRESENTATION OF THE WORK. DRAWINGS REPRESENTED BY THESE DRAWINGS ARE NOT CONSIDERED PERFECT, HOWEVER, AND EACH SUCCESSIVE FLOOR COPY OR BLUEPRINT MAY INTRODUCE SLIGHT ERRORS INTO THE DRAWINGS. FOR THIS REASON, NO PERSON SHOULD EVER USE A PLEEK, ARCHITECTS SCALE, OR ENGINEER'S SCALE AND ATTEMPT TO MEASURE ANY PORTION OF THE DRAWINGS IN ORDER TO DETERMINE AN EXACT DIMENSION. NUMERICAL DIMENSIONS ARE GIVEN IF THESE PROVE TO BE INSUFFICIENT OR CONTRADICTORY. THE CONTRACTOR MUST CONTACT THE DESIGNER FOR FINAL VERIFICATION. WORK BASED OR SCALED DIMENSIONS MAY BE SUSCEPTIBLE TO REPAIR OR REPLACEMENT AT THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

BUILDING CODE INFORMATION
CODE JURISDICTION
2018 INTERNATIONAL BUILDING CODE
2018 INTERNATIONAL FIRE FIGHTING CODE
2018 INTERNATIONAL ENERGY CONSERVATION CODE
2018 INTERNATIONAL MECHANICAL CODE
2018 INTERNATIONAL PLUMBING CODE
2018 INTERNATIONAL FIRE CODE
2018 INTERNATIONAL FUEL AND GAS CODE
2018 INTERNATIONAL PLUMBING AND MECHANICAL CODE

CONSTRUCTION TYPE
TYPE V - PROTECTED WOOD FRAME
NON-COMBUSTIBLE SECTION FIVE
TYPE V - PROTECTED WOOD FRAME
NON-COMBUSTIBLE SECTION FIVE

ACCESSIBILITY
ENTIRE FACILITY IS REQUIRED ATTY 4 COMPLIANT VIA ENTRY ACCESS RAMPING RESTROOM FACILITIES

FIRE SUPPRESSION
FINISHES
CONCRETE FLOORING FOR ENTRY ACCESS ROOMS, PASSAGES, CORRIDORS AND ENCLOSED SPACES, FLOORS, WALLS AND CEILING SHALL BE CLASS 1 FROM FLOORS, WALLS, CEILING, WALLS AND CEILING

RESTROOMS
CHAPTER 29 PLUMBING SYSTEMS SECTION 2907
PLUMBING FIXTURE REQUIREMENTS
ELEVATED TOILET SEATING (EATLS)
TYPICAL SYMBOLS
WC - WATER TOILET
WC - WATER TOILET
WC - WATER TOILET
WC - WATER TOILET
WC - WATER TOILET
WC - WATER TOILET

SQUARE FOOTAGE
PARKING SPACE 880 SQ FT

USE GROUP
GROUP M - MERCHANDISE

OCCUPANCY
EXHIBIT 100.02
SCHEDULE 200.02
SCHEDULE 200.02
SCHEDULE 200.02

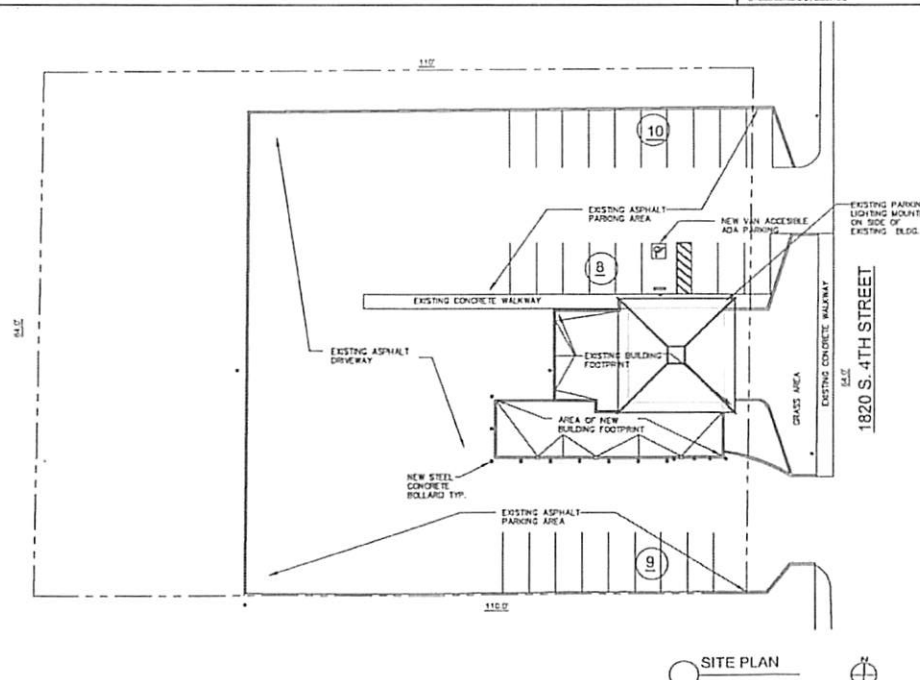
ZONING:
COMMERCIAL - RETAIL



AREA MAP

ABBREVIATIONS

ABBREVIATION	DESCRIPTION	ABBREVIATION	DESCRIPTION
AFF	above finished floor	WC	water closet
CCA	concrete masonry	WCD	water closet door
CL	center line	WID	water closet door
CL	center line	WIC	water closet door
CL	center line	WIC	water closet door
CL	center line	WIC	water closet door
CL	center line	WIC	water closet door
CL	center line	WIC	water closet door
CL	center line	WIC	water closet door
CL	center line	WIC	water closet door
CL	center line	WIC	water closet door



PROJECT CONTACTS

TENANT:
TIPSYS LIQUOR
1822 S. 4TH STREET
LEAVENWORTH KANSAS 66048
(913) 250-5735

STRUCTURAL ENGINEER:
NORTON & SOMDIT - SAHJ ARND
311 E 11TH AVE
NORTH KANSAS CITY MO. 64110
816-471-4237
EMAIL: SAHJ.ARN@NORTONANDSOMDIT.COM

DRAWING INDEX

STRUCTURAL

501 GENERAL NOTES
510 FOUNDATION AND FRAMING PLANS
520 MAIN FLOOR FRAMING PLAN
530 STANDARD DETAILS, SCHEDULES & NOTES
540 STANDARD DETAILS, SCHEDULES & NOTES

LEGAL

DJCS-Ref: 80930
Owner: JAI GARDENIA LLC
Site Address: 1820 S. 4TH ST.,
Leavenworth, KS 66048
Noting Address: 540 CREEKVIEW CT
LANING, KS 66043
Subdivision: CLAIMS ADDITION OF
UTILITIES
Block: 0, Lot:
Survey:
Sec 01 Twp 09 Range 22
Acres: 1.02

DRAWING SCHEDULE:

A-1 SITE PLAN, GENERAL PROJECT INFO
A-2 FIRST FLOOR AND FRAMING PLANS
A-3 ELEVATIONS
A-4 ELECTRICAL PLAN
A-5 FOUNDATION PLAN
A-6 FRAMING PLANS

TIPSYS LIQUOR & MORE

SITE PLAN

studio 605

A-1

GENERAL NOTES:

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE DESIGNER MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THESE DRAWINGS PRIOR TO ANY CONSTRUCTION.

DOOR AND WINDOW SIZE CALL OUTS ARE IN FEET AND INCHES TYP. ALL WINDOW / DOOR HEADER HEIGHTS TO BE AT +4'-0" TYP THROUGHOUT.

GENERAL NOTE:

ALL NEW WINDOWS TO BE INSTALLED MUST MEET MIN. NATIONAL LIGHT AND VENTILATION REQUIREMENTS FOR 2015 IRC SECTION R602.

ANY NEW WINDOWS TO BE INSTALLED MUST MEET MIN. CODES REQUIREMENTS FOR 2015 IRC SECTION R602.

MECHANICAL NOTES:

PLUMBING CONTRACTOR TO PROVIDE A MINIMUM OF ONE (1) 3/4" DIA. (2) 1/2" WHOLE HOUSE VENT FOR SECTION PANELS BY THE CITY ORDINANCE.

PLUMBING NOTES:

PLUMBING CONTRACTOR TO PROVIDE A MINIMUM OF ONE (1) 1/2" DIA. (2) 1/2" WHOLE HOUSE VENT FOR SECTION OF THE CITY ORDINANCE. ALL REQUIRED VENTS SHALL TERMINATE TO ATMOSPHERE PER SECTION P103.

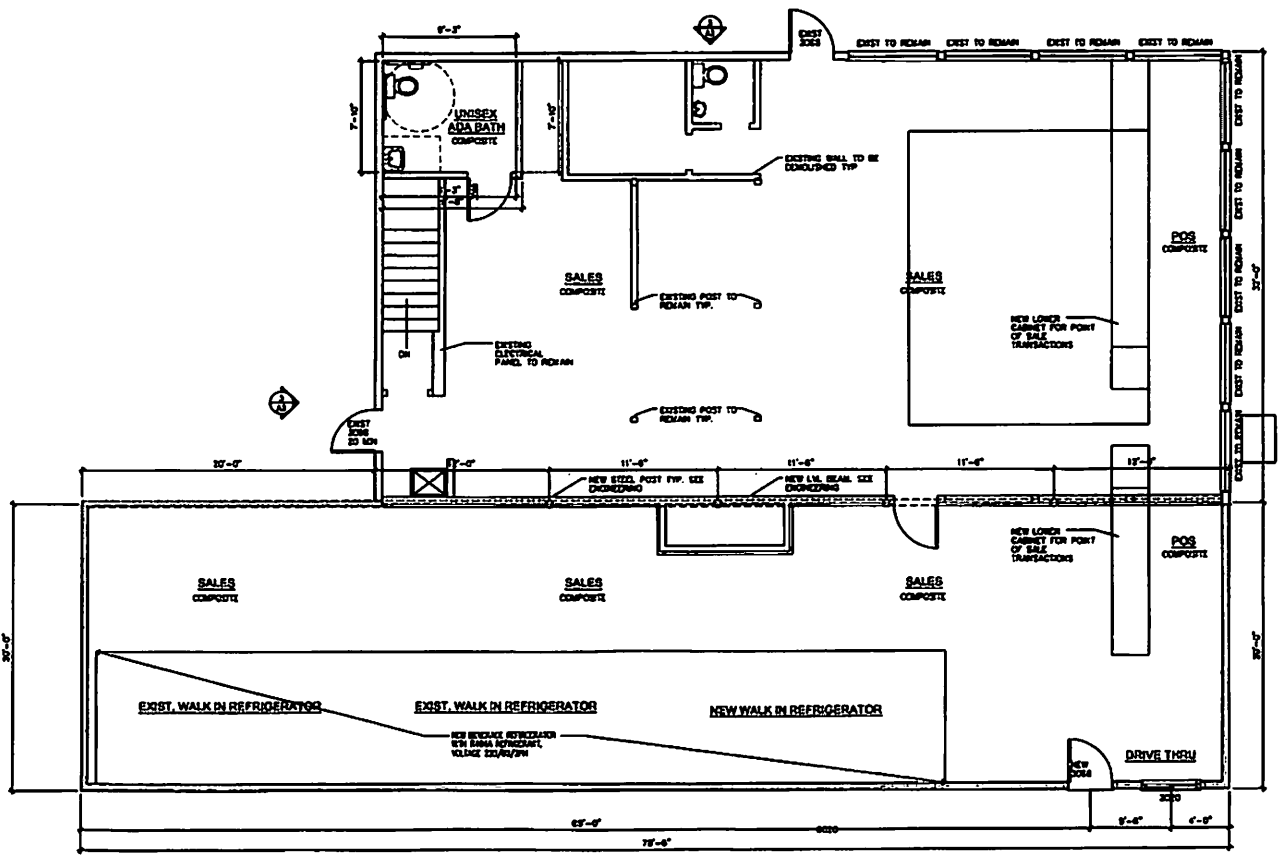
GENERAL DUTY OF CONTRACTOR

Owner of these plans understands that responsibility for the design, construction, and the erection, design and construction of any structure, and the contractor shall perform the same with the care and diligence that a prudent contractor would exercise in the performance of such duties. The contractor shall be responsible for all dimensions and conditions on the job and the designer must be notified of any variations from the dimensions and conditions shown on these drawings prior to any construction.

SPECIFICATIONS

GENERAL

- All construction shall comply with the 2015 International Residential Code (IRC).
- The design is intended to be suitable for use as a permanent structure. Contractors to be notified of any changes or additions to the plans or specifications. The contractor shall be responsible for all dimensions and conditions on the job and the designer must be notified of any variations from the dimensions and conditions shown on these drawings prior to any construction.



1 FIRST FLOOR PLAN
1/4"=1'-0"

WALL LEGEND

[Solid line]	NEW FINISHED FIBER GYPSUM WALL
[Dashed line]	EXISTING GYPSUM WALL
[Dotted line]	EXISTING WALL TO BE DEMOLISHED

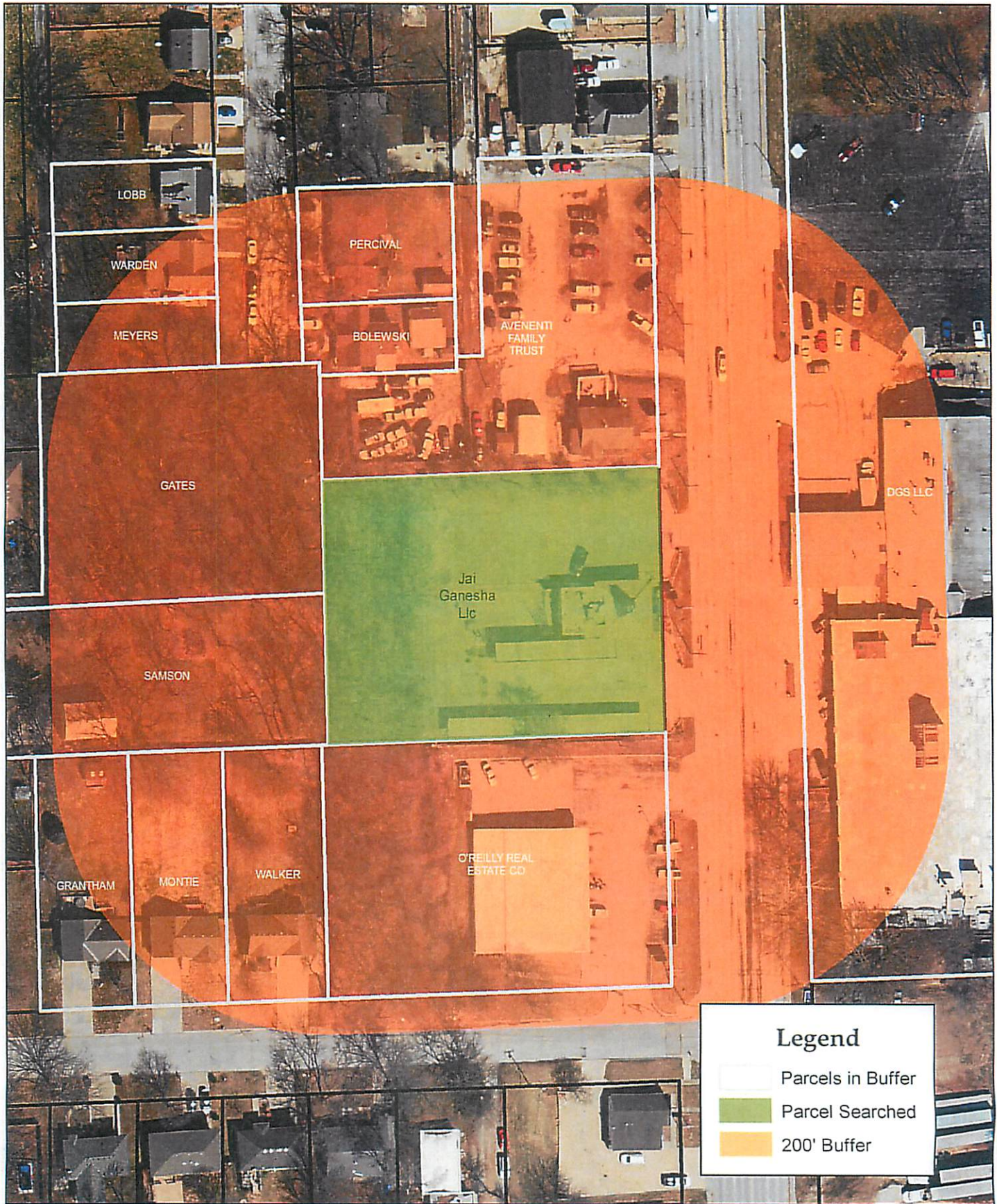
SMOKE DETECTORS REQUIRED:
PROVIDE APPROVED NOT WIRELESS SMOKE DETECTORS IN ALL BEDROOMS AND HALLS LEADING THEREIN.

TIPSYS LIQUOR & MORE
1030 6TH STREET LEANING ROCK, COLORADO

FIRST FLOOR PLAN

studio 605		SCALE
A-2		DATE
DESIGNED BY	CHECKED BY	DATE

City of Leavenworth Radius Search



Legend

- Parcels in Buffer
- Parcel Searched
- 200' Buffer

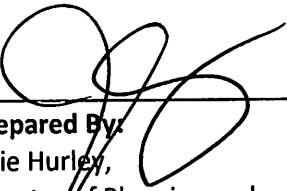


**PLANNING COMMISSION AGENDA ITEM
CITY INITIATED REZONING
2nd AVENUE & SANTA FE**

JUNE 3RD, 2024

SUBJECT:

Potential city-initiated rezoning



Prepared By:
Julie Hurlley,
Director of Planning and
Community Development

ANALYSIS:

In recent years, the City of Leavenworth has received multiple rezoning and special use permit requests for properties occupied by existing non-conforming uses. Typically these requests originate from the intention of the property owner to either sell or expand the existing non-conforming use on the property, which necessitates bringing the property into conformance with existing development standards. It has been the general desire of the Planning Commission and city staff facilitate these applications in instances where no action of the property owner has caused the property to become non-conforming.

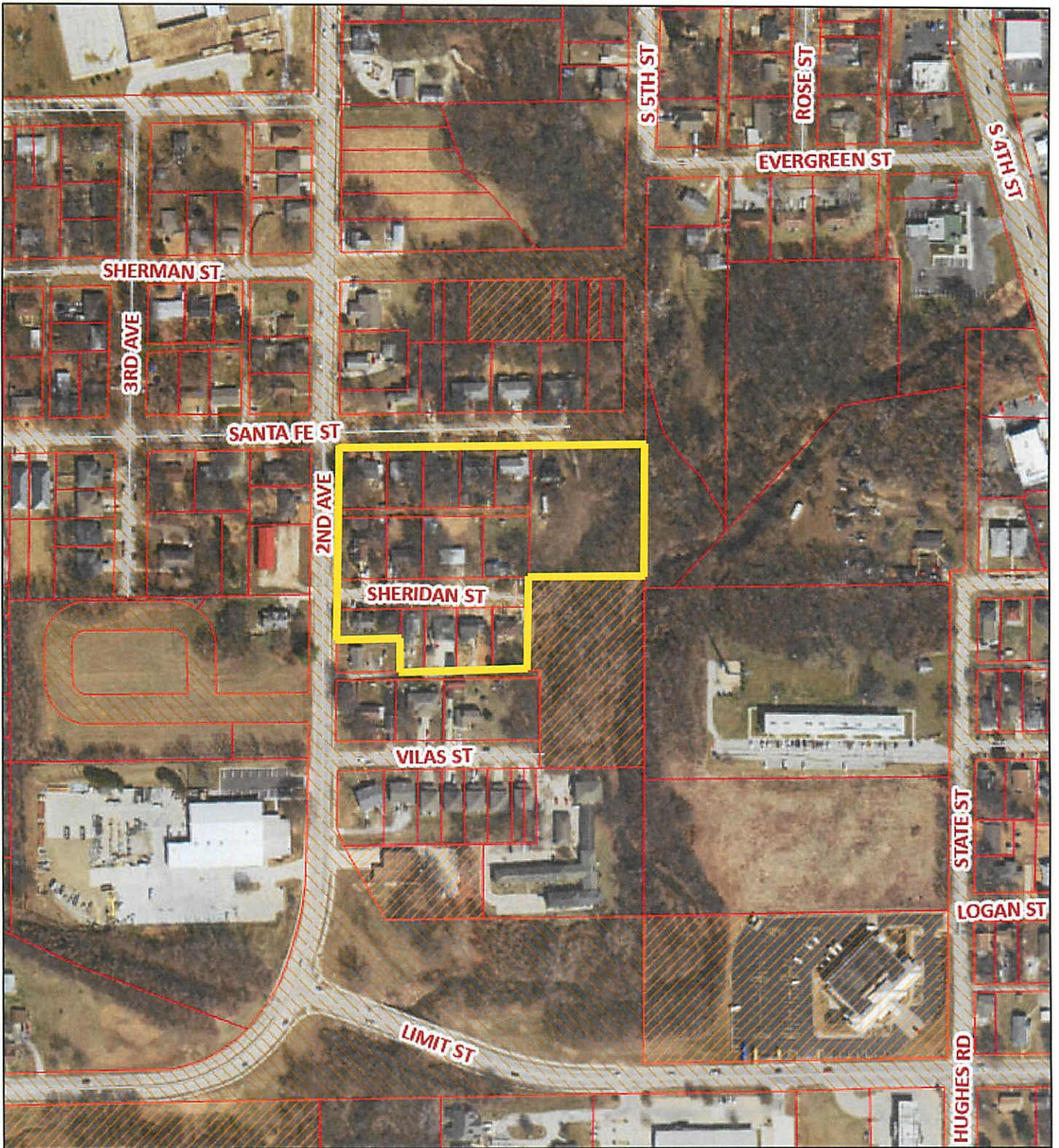
In an effort to further facilitate the bringing of non-conforming properties into conformance without any additional burden to property owners, staff has identified an area suitable for a city-initiated rezoning. State statute grants authority to municipalities to initiate a rezoning process for privately owned properties. The identified area consists of an existing neighborhood containing 15 individual properties all developed with single-family homes, which is currently zoned RM-F, Residential Multi Family. The area lies east of 2nd Avenue, roughly between Santa Fe and Sheridan Streets. The RM-F zoning designation makes all of the existing homes non-conforming, as single family homes are not allowed either by-right or with approval of an SUP in the RM-F zoning district. Staff proposes to initiate a rezoning of the identified area to R1-6, High Density Single Family Residential District, which will bring all properties included into conformance with current development standards.

A city-initiated rezoning process operates largely the same as an owner-initiated rezoning request. Should the Planning Commission provide consensus, staff will work the City's legal counsel to begin a rezoning process for the identified area in accordance with State statute requirements. Such request will come before the Planning Commission for consideration after appropriate notice has been made to affected property owners.

ACTION:

Consensus to direct staff to proceed with city-initiated rezoning process.

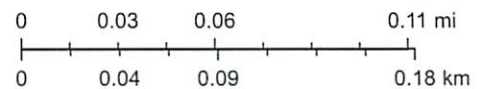
City Initiated Rezoning



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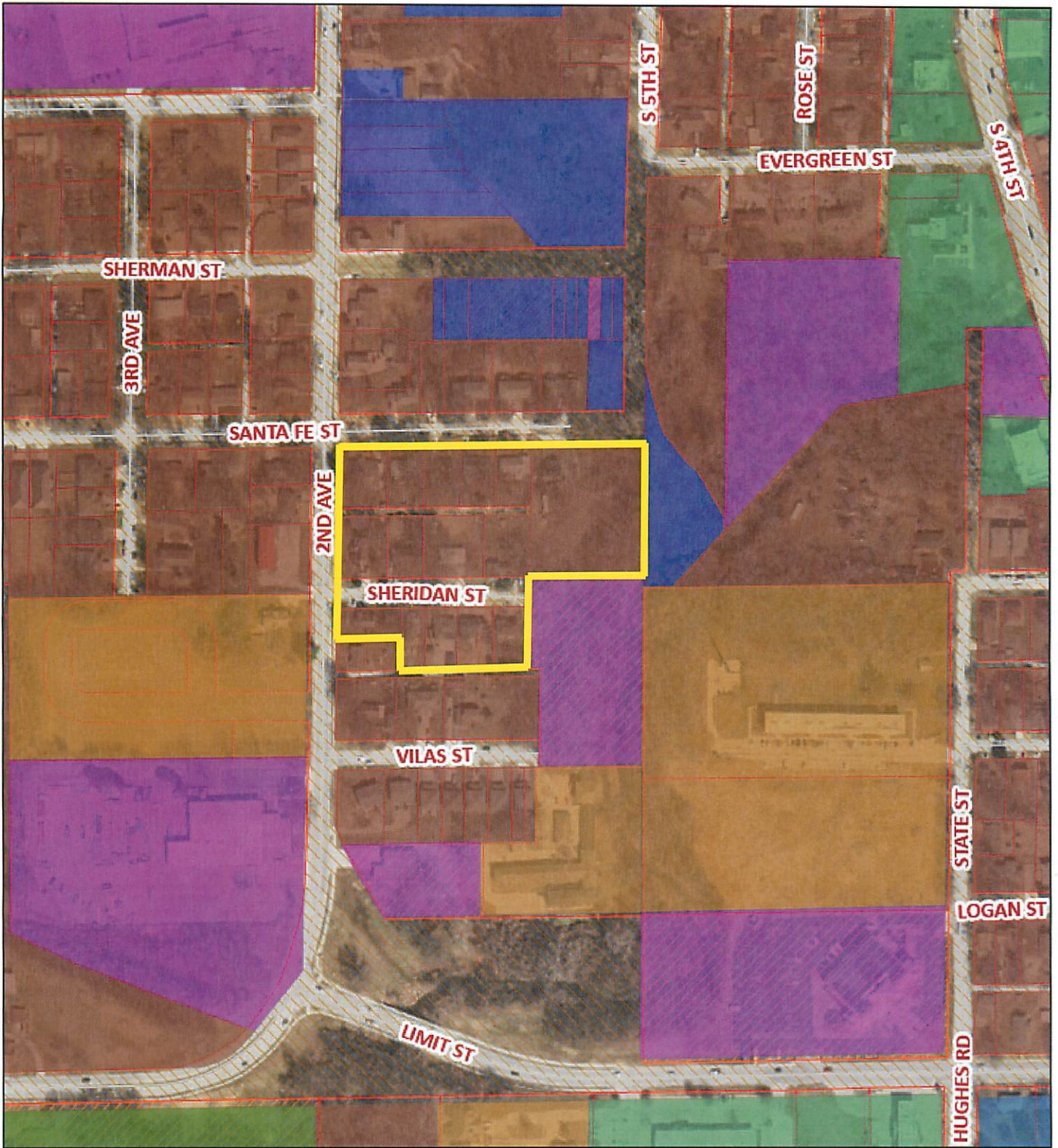
1:4,514

- Override 1
- Leavenworth City Limits
- Parcels (City Owned)
- City Right-of-Way
- Parcels_Current
- RoadCenterline



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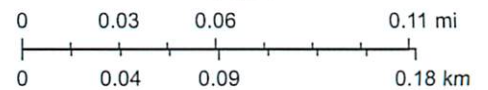
City Initiated Rezoning - Future Land Use



5/30/2024, 12:17:44 PM

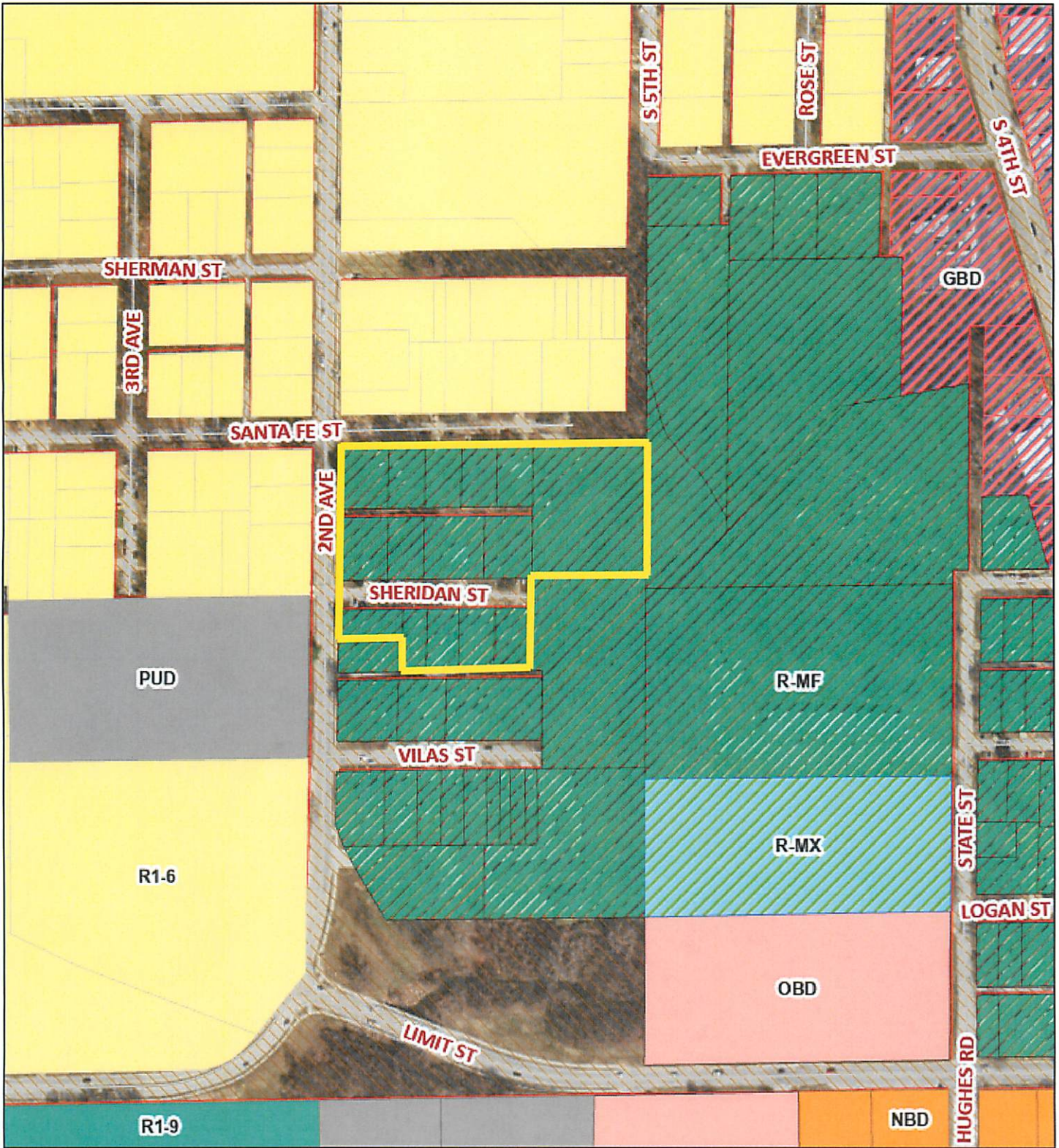
1:4,514

- Override 1
- Public/Semi-Public
- Single-Family
- Commercial
- Conservation/Open Space
- Mixed Use
- Multi-Family
- Park
- Parcels (City Owned)
- Parcels_Current
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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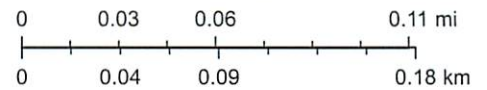
City Initiated Rezoning - Zoning



5/30/2024, 12:19:12 PM

1:4,514

- | | | | | | |
|--|----------------|--|------|--|-------------------------|
| | Override 1 | | PUD | | Parcels (City Owned) |
| | Zoning_CURRENT | | R-MF | | Parcels_Current |
| | | | R-MX | | Leavenworth City Limits |
| | | | R1-6 | | City Right-of-Way |
| | | | R1-9 | | RoadCenterline |
| | | | | | |



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