

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

**REGULAR SESSION  
Monday, December 2, 2024  
6:00 p.m.**

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: November 4, 2024**

OLD BUSINESS:

**None**

NEW BUSINESS:

- 1. 2024-26 SUB – KICKAPOO ESTATES FINAL PLAT**  
Consider a final plat for Kickapoo Estates Final Plat, Case No. 2024-26 SUB.
- 2. 2024-28 SUP – 724 POTTAWATOMIE**  
Conduct a public hearing for Case No. 2024-28 SUP – 724 Pottawatomie, wherein the applicant is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district.
- 3. 2024-29 SUP – 724 OSAGE**  
Conduct a public hearing for Case No. 2024-29 SUP – 724 Osage, wherein the applicant is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district.
- 4. 2024-31 REZ – 701 POTTAWATOMIE**  
Conduct a public hearing for Case No. 2024-31 REZ – 701 Pottawatomie, wherein the applicant is requesting a rezoning of their property located at 701 Pottawatomie from OBD, Office Business District, to R1-6, High Density Single Family Residential District.
- 5. 2024-30 SUP – 701 POTTAWATOMIE**  
Conduct a public hearing for Case No. 2024-30 SUP – 701 Pottawatomie, wherein the applicant is requesting a Special Use Permit to allow an a two-family dwelling in the R1-6 zoning district.
- 6. 2024-32 REZ – 711 OTTAWA**  
Conduct a public hearing for Case No. 2024-32 REZ – 711 Ottawa, wherein the applicant is requesting a rezoning of their property located at 711 Ottawa from OBD, Office Business District, to R1-6, High Density Single Family Residential District.

**7. 2024-33 SUP – 711 OTTAWA**

Conduct a public hearing for Case No. 2024-33 SUP – 711 Ottawa, wherein the applicant is requesting a Special Use Permit to allow an a two-family dwelling in the R1-6 zoning district.

OTHER BUSINESS:

**None**

ADJOURN

**CITY OF LEAVENWORTH PLANNING COMMISSION**

**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048

**REGULAR SESSION**  
**Monday, November 4, 2024**  
6:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

Brian Stephens  
Kathy Kem  
Bill Waugh  
Maryann Neeland

**Commissioners Absent**

Sherry Whitson  
Don Homan

**City Staff Present**

Julie Hurley  
Michelle Baragary  
Scott Peterson

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

**APPROVAL OF MINUTES:** September 9, 2024

Chairman Stephens asked for questions, comments or a motion on the minutes presented for approval: September 9, 2024. Commissioner Neeland moved to approve the minutes as presented, seconded by Commissioner Waugh, and approved by a vote of 4-0.

**OLD BUSINESS**

None

**NEW BUSINESS:**

**1. 2024-24 SUP – 303 N. ESPLANADE**

Conduct a public hearing for Case No. 2024-30 SUP – 303 N. Esplanade, wherein the applicants are requesting a Special Use Permit to allow an Accessory Dwelling Unit (ADU) at 303 N. Esplanade.

Chairman Stephens called for the staff report.

Planning Director Julie Hurley stated the applicants, Christopher and Danielle L’Heureux, are requesting a Special Use Permit to allow an ADU on their property located at 303 N. Esplanade, which is located in the North Esplanade Historic District. The property is occupied by an existing single family home, and detached accessory building, which contains a two-car garage and an existing dwelling unit. The accessory building was constructed in 2004, with approval of a Major Certificate of Appropriateness. The accessory building has contained a dwelling unit since the time of its construction. At the time of construction, ADUs were not specifically addressed by the Development Regulations.

The existing ADU is considered a nonconforming use, as there is not existing 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 contained, so long as otherwise lawful.*

Section 4.04 of the Development Regulations states:

*Accessory Dwelling Units (ADUs) may be approved by Special Use Permit in any residential zoning district subject to the following conditions:*

- (1) Shall be compatible with the design of the principal dwelling unit.*
- (2) Shall respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards.*
- (3) Shall not have a separate driveway entrance from the street(s) to which the property is adjacent.*
- (4) Shall be 900 square feet or smaller in size, not to exceed 33% of the floor area of the principal dwelling unit.*
- (5) Either the principal dwelling unit or the accessory dwelling unit must be occupied by the owner of the premises.*
- (6) Shall meet all building code requirements for a single-family dwelling unit.*
- (7) Lot containing accessory dwelling units shall contain a minimum of two off-street parking spaces, exclusive of garage space.*

The applicants wish to bring the existing ADU into conformance with current Development Regulations through the approval of a SUP in order to obtain a separate address for the unit to support mail delivery and emergency services. There are no physical changes or additional construction proposed. The existing ADU meets all conditions as listed above.

#### **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.

*This property has included an ADU since 2004, providing a valuable housing option for the public. ADUs are generally viewed as a valuable tool to help communities broaden housing choice in single-family neighborhoods.*

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

*Based on available information, staff does not believe that the use will cause any substantial injury to the value of other property in the neighborhood. The ADU is existing, and there is no new construction or change in use proposed.*

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 ADU is existing, there is no new construction or change in use proposed, it will not cause any substantial impact to the surrounding neighborhood.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas Statute. After notifications were mailed, staff 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.
- 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 the commissioners for questions about the staff report. With no questions, Chairman Stephens opened the public hearing.

Christopher L'Heureux, owner/applicant at 303 N. Esplanade, stated they purchased the property in 2022, and have been renting it until recently when he retired from the military and moved back to Leavenworth. They currently rent the existing ADU to an older gentleman, and need to get an address for the ADU so the renter can register to vote, can receive mail, and for emergency services.

Chairman Stephens asked the applicants if they plan on making this a long-term rental.

Mr. L'Heureux responded in the affirmative.

Chairman Stephens informed the applicants there is a different process for short-term rentals should they choose to go that route in the future.

With no one else wishing to speak, Chairman Stephens closed the public hearing and called for discussion among the commissioners. With no further discussion, Chairman Stephens called for a motion. Commissioner Kem moved to recommend approval of the Special Use Permit to the City Commission based upon findings as stated and conditions as presented, seconded by Commissioner Waugh, and passed by a vote of 4-0.

**OTHER BUSINESS:**

No other business.

Ms. Hurley informed the Planning Commissioner that she has taken a position with the City of Leawood, and this will be her last Planning Commission meeting. She further introduced the City's new City Manager Scott Peterson. There are several items on the December Planning Commission agenda, and either City Manager Scott Peterson or Assistant City Manager Penny Holler will be at that meeting.

Chairman Stephens called for a motion to adjourn. Commissioner Waugh moved to adjourn, seconded by Commissioner Kem, and passed 4-0.

Meeting adjourned at 6:17 p.m.

Minutes taken by Planning Assistant Michelle Baragary.

PLANNING COMMISSION AGENDA ITEM  
2024-26-SUB

KICKAPOO ESTATES  
FINAL PLAT

DECEMBER 2<sup>ND</sup>, 2024

**SUBJECT:**

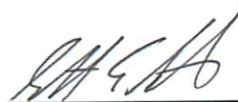
A request for a final plat of Kickapoo Estates, Final Plat



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**Prepared By:**

Julie Hurley,  
Director of Planning and  
Community Development



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**Reviewed By:**

Scott Peterson,  
City Manager

**ANALYSIS:**

The subject property is owned by Insight Development, LLC., plat prepared by Atlas Land Consulting. The applicant is requesting the plat in order to combine the three existing lots for potential future development. All lots are zoned R1-6, High Density Single Family Residential, and are currently vacant. The property is within the North Neighborhood overlay district, which allows for development of multi-family homes within the single family zoning district. The proposed plat creates one lot of 8,888 square feet, and which complies with all applicable standards of the Development Regulations. The properties were previously owned by the City of Leavenworth, and were recently purchased by Insight Development.

Staff recommends approval of the Kickapoo Estates plat.

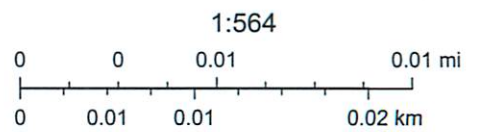
**ACTION/OPTIONS:**

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

# 2024-26-SUB



11/18/2024, 10:33:36 AM



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

# KICKAPOO ESTATES

A REPLAT OF LOTS 30, 31, AND 32, BLOCK 29, LEAVENWORTH K.T. (LEAVENWORTH PROPER), A SUBDIVISION OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS.



MINOR SUBDIVISION

## LEGEND

- (O) DENOTES SET 1/2" REBAR ALC KS CLS 363 MO CLS 2022014231
- (●) DENOTES FOUND PROPERTY CORNER
- (M) MEASURED
- (P) PLATTED
- (C) CALCULATED

## GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH U.S. STATE PLANE 1983.
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN FEET.
3. FLOORPLAN NOTE: ACCORDING TO "FORM" MAP CORPURITY PANEL NUMBERS 2019001333, EFFECTIVE JULY 18, 2019, THIS PLAT IS LOCATED IN ZONING "T-1".
4. ERROR IN CLOSURE: 1 PART IN 105000.333
5. CURRENT ZONING: M-4
6. BENCHMARK: BENCHMARK BREAK-APART MONUMENT WITH ALUMINUM CAP STAMPED "7001-GISD-1" IN CONCRETE MASS.
  - NORTHING = 379,026.83
  - EASTING = 11,746.71
  - ELEV = 860.12
7. TITLE REPORT: COMPLETED BY SECURITY 1ST TITLE ORDER NO. 3064193
8. REFERENCED SURVEYS:
  - PLAT OF LEAVENWORTH K.T. (LEAVENWORTH PROPER) BOOK 1-A PAGE 003 KAN. 18470000
  - SURVEY BY W.S. SACHS, BK 54 PG. 58, 1955, NWA 19990558
9. GENERAL UTILITY MAPS PER ZONING AND OVERLAY DISTRICT:
  - FRONT YARD - 10'
  - SIDE YARD - 6'
  - REAR YARD - 15'
  - CORNER YARD - 15'

## VICINITY MAP



VICINITY MAP NOT TO SCALE

This is to certify on the 2ND day of AUGUST, 2024 this field survey was completed on the ground by the undersigned in my direct supervision and that said survey meets or exceeds all applicable Minimum Standards for boundary surveys.

11/07/2024  
 Travis Swift

ROBERT W. BARNETT, KS 1408

JOB NO: 24-268

SCALE PREPARED FOR

20 10 0 20  
 SCALE IN FEET

SEC-TWN-RNG

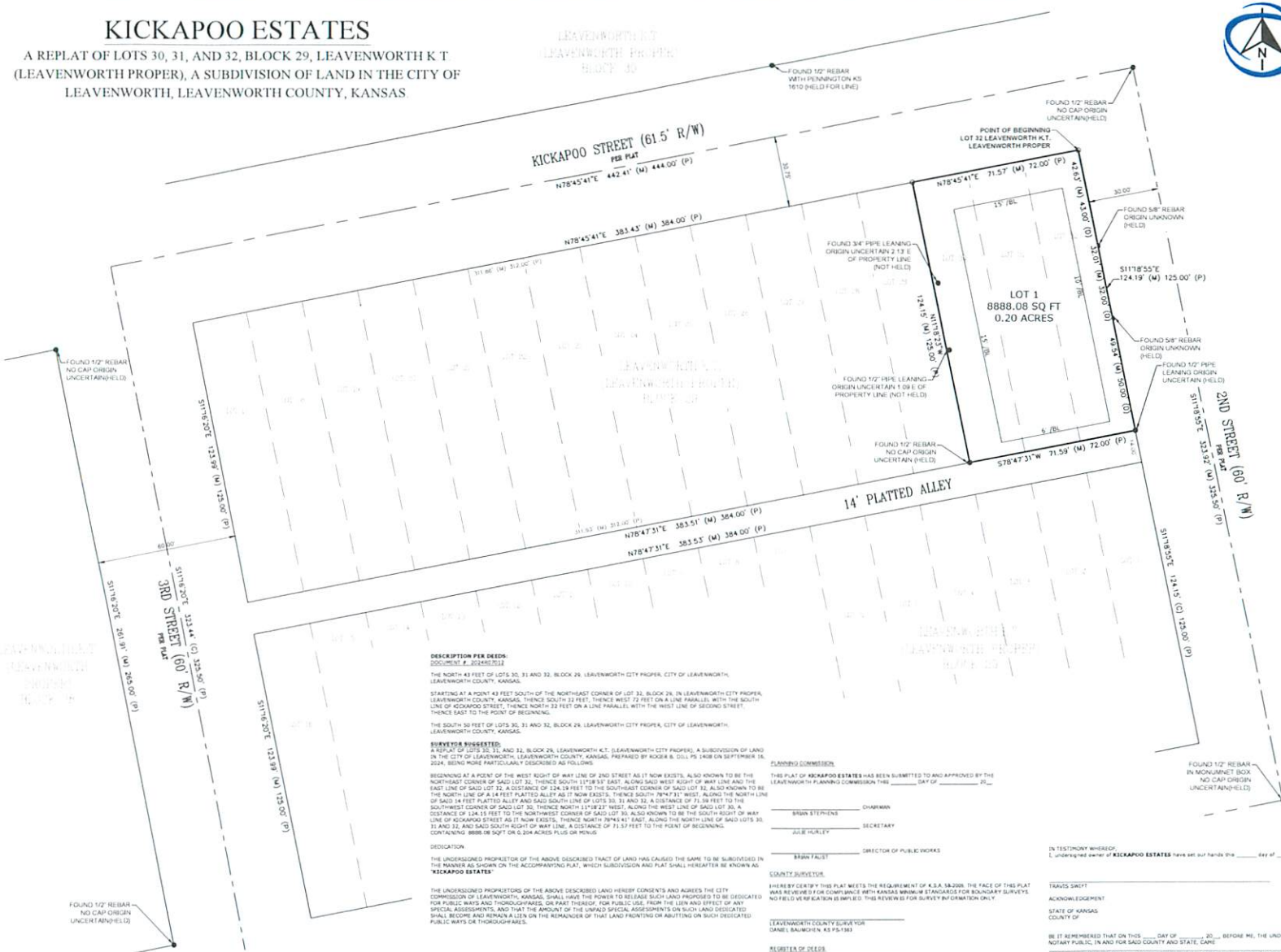
25-8S-22E

TRAVIS SWIFT

ADDRESS:  
 201 KICKAPOO ST  
 LEAVENWORTH, KS  
 66048

DATE

NOVEMBER 5, 2024



### DESCRIPTION PER DEEDS

DOCUMENT # 2024052011  
 THE NORTH 40 FEET OF LOTS 30, 31 AND 32, BLOCK 29, LEAVENWORTH CITY PROPER, CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS.

STARTING AT A POINT 43 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 32, BLOCK 29, IN LEAVENWORTH CITY PROPER, LEAVENWORTH COUNTY, KANSAS; THENCE SOUTH 33 FEET, THENCE WEST 72 FEET ON A LINE PARALLEL WITH THE SOUTH LINE OF KICKAPOO STREET, THENCE NORTH 32 FEET ON A LINE PARALLEL WITH THE WEST LINE OF SECOND STREET, THENCE EAST TO THE POINT OF BEGINNING.

THE SOUTH 50 FEET OF LOTS 30, 31 AND 32, BLOCK 29, LEAVENWORTH CITY PROPER, CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS.

**SURVEYOR SUGGESTED:**  
 A REPLAT OF LOTS 30, 31, AND 32, BLOCK 29, (LEAVENWORTH K.T. (LEAVENWORTH CITY PROPER), A SUBDIVISION OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, PREPARED BY ROGER B. DILL, PLS 1408 ON SEPTEMBER 16, 2024, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF THE WEST RIGHT OF WAY LINE OF 2ND STREET AS IT NOW EXISTS, ALSO KNOWN TO BE THE NORTHEAST CORNER OF SAID LOT 32, THENCE SOUTH 17°38'51" EAST, ALONG SAID WEST RIGHT OF WAY LINE AND THE EAST LINE OF SAID LOT 32, A DISTANCE OF 224.39 FEET TO THE SOUTHWEST CORNER OF SAID LOT 32, ALSO KNOWN TO BE THE NORTH LINE OF A 14 FEET PLATTED ALLEY AS IT NOW EXISTS, THENCE SOUTH 79°44'31" WEST, ALONG THE NORTH LINE OF SAID 14 FEET PLATTED ALLEY AND SAID SOUTH LINE OF LOTS 30, 31 AND 32, A DISTANCE OF 41.56 FEET TO THE SOUTHWEST CORNER OF SAID LOT 30, THENCE NORTH 11°18'27" WEST, ALONG THE WEST LINE OF SAID LOT 30, A DISTANCE OF 124.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 30, ALSO KNOWN TO BE THE SOUTH RIGHT OF WAY LINE OF KICKAPOO STREET AS IT NOW EXISTS, THENCE NORTH 79°44'31" EAST, ALONG THE NORTH LINE OF SAID LOTS 30, 31 AND 32, AND SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 41.53 FEET TO THE POINT OF BEGINNING, CONTAINING 8888.08 SQ FT OR 0.204 ACRES PLUS OR MINUS.

**DEDICATION:**  
 THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "KICKAPOO ESTATES".

THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED LAND HEREBY CONSENTS AND AGREES THE CITY COMMISSION OF LEAVENWORTH, KANSAS, SHALL HAVE THE POWER TO RELEASE SUCH LAND PROPOSED TO BE DEDICATED FOR PUBLIC WAYS AND THOROUGHFARES, OR PART THEREOF, FOR PUBLIC USE, FROM THE USE AND STREET OF ANY SPECIAL ASSIGNMENTS, AND THAT THE AMOUNT OF THE UNPAID SPECIAL ASSIGNMENTS ON SUCH LAND DEDICATED SHALL BE PAID AND REMAIN A LIEB ON THE REMAINDER OF THAT LAND (INCLUDING OR ADJUTING ON SUCH DEDICATED PUBLIC WAYS OR THOROUGHFARES.

**PLANNING COMMISSION:**  
 THIS PLAT OF KICKAPOO ESTATES HAS BEEN SUBMITTED TO AND APPROVED BY THE LEAVENWORTH PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 CHAIRMAN  
 \_\_\_\_\_  
 SECRETARY  
 \_\_\_\_\_  
 DIRECTOR OF PUBLIC WORKS

**COUNTY SURVEYOR:**  
 I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENT OF A.S.A. 18-2006. THE FACE OF THIS PLAT HAS BEEN REVIEWED FOR COMPLIANCE WITH KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

LEAVENWORTH COUNTY SURVEYOR  
 (NAME), BARNETT, KS PS-150

**REGISTER OF DEEDS:**  
 STATE OF KANSAS, COUNTY OF LEAVENWORTH, SS.  
 THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THE \_\_\_\_\_ DAY \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ AM/PM IN BOOK \_\_\_\_\_.

TERENCE G. WASHINGTON, REGISTER OF DEEDS

IN TESTIMONY WHEREOF,  
 I, undersigned owner of KICKAPOO ESTATES have set our hands the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FRANIS SWIFT  
 ACKNOWLEDGMENT  
 STATE OF KANSAS  
 COUNTY OF \_\_\_\_\_

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME \_\_\_\_\_ TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME, IN TESTIMONY WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARY SEAL, THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC  
 PRINTED NAME \_\_\_\_\_  
 My Commission Expires \_\_\_\_\_





Project No. 2024-26 SUB

**MINOR SUBDIVISION  
FINAL PLAT APPLICATION**  
CITY OF LEAVENWORTH

**OFFICE USE ONLY**

Application No. 16252  
Fee: 350.00  
(\$350 plus \$10 per lot over 5 lots)  
Date Paid 9-20-24  
Received By pd online  
PC Meeting 11-4-24

NAME OF SUBDIVISION/PROJECT: KICKAPOO ESTATES  
LOCATION OF SUBDIVISION/PROJECT: 201 KICKAPOO STREET LEAV KS 66048

NAME OF PROPERTY OWNER: (If Corporation, include name and address of Director or President)  
NAME: TRAVIS SWIFT - INSIGHT DEVELOPMENT LLC  
STREET ADDRESS: 201 KICKAPOO STREET  
CITY: LEAVENWORTH STATE: KS ZIP: 66048  
PHONE: 913-306-4975 EMAIL: TRAVIS@SWIFTRPM.COM

NAME OF DEVELOPER: (If Corporation, include name and address of Director or President)  
NAME: SAME AS OWNER  
STREET ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

NAME OF ENGINEER PREPARING PLAT:  
NAME: ATLAS LAND CONSULTING - AUSTIN THOMPSON  
STREET ADDRESS: 14500 PARALLEL RD UNIT R  
CITY: BASEHOR STATE: KS ZIP: 66007  
COMPANY: ATLAS LAND CONSULTING  
PHONE: 913-702-8916 EMAIL: AUSTIN@ALCONSULT-LLC.COM

PARCEL NO: R2012 & R310438 SEC.TWP.RNG. 25-8S-22E

ZONING OF SUBJECT PROPERTY: R1-6 CURRENT LAND USE: RESIDENTIAL

TOTAL ACREAGE: 0.20 ACRES NUMBER OF LOTS: 4 LOTS

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

DATE OF FINAL PLAT APPROVAL, IF REPLAT: \_\_\_\_\_

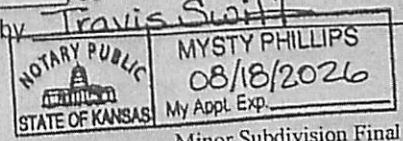
I/We, the undersigned, certify that I/we am/are the owner of the property described above and that is subject to this request for review of a subdivision under the rules of the Subdivision Regulations of the City of Leavenworth, Kansas.

SIGNATURE OF OWNER(S) Travis Swift Date: 9/17/24

State of Kansas County of Wyandotte  
Signed or attested before me on September 17, 2024 by Travis Swift SS

Mysty Phillips  
Notary Mysty Phillips

08/18/2026  
Appointment Expires



**PLANNING COMMISSION AGENDA ITEM  
2024-28-SUP  
724 POTTAWATOMIE**

**DECEMBER 2<sup>ND</sup>, 2024**

**SUBJECT:**

A request for a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district.

**Prepared By:**

  
Julie Hurley,  
Director of Planning and  
Community Development

**Reviewed By:**

  
Scott Peterson,  
City Manager

**NATURE OF REQUEST**

The applicant, Depaul USA, Inc., is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 724 Pottawatomie. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit. The property is currently vacant but was previously occupied by a four-plex dwelling which was demolished in 2014.

Depaul USA applied for and received a Special Use Permit in 2023 to construct a similar two-family dwelling at the neighboring property, 728 Pottawatomie. That structure was recently completed and is in use. The proposed two-family dwelling at 724 Pottawatomie will be nearly identical.

**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.

*Based on all available information, 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.

*Currently the property is a vacant lot. The proposed two-family dwelling will bring tax revenue to the city with the improved value to the property, as well as provide a needed housing option for Leavenworth residents.*

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

*Based on all available information, staff does not believe that the proposed use will cause any substantial injury to the value of other property in the neighborhood.*

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 proposed two-family dwelling is consistent with the character of the neighborhood and will not prevent future use or development of nearby 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:**

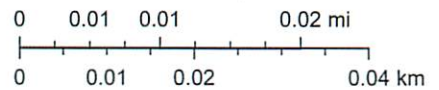
- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration.

# 2024-28-SUP



11/19/2024, 9:03:20 AM

1:1,128



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

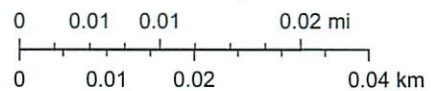
# 2024-28-SUP (Zoning)



11/19/2024, 9:04:23 AM

1:1,128

- Override 1
- Zoning\_CURRENT
- OBD
- R1-6
- Parcels (City Owned)
- Parcels\_Current
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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

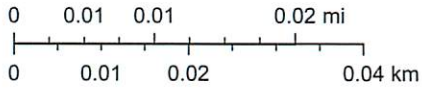
# 2024-28-SUP (Future Land Use)



11/19/2024, 9:05:15 AM

1:1,128

- Override 1
- Future Land Use (Comp Plan 2030)  Address (Points)
- Single-Family
- Parcels (City Owned)
- Parcels\_Current
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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



**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

**CASE NO.:** 2024-28 **SUP**

Application No.	<u>16383</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>10/18/24</u>
Received By	<u>JS</u>
Hearing Date	<u>12-2-24</u>
Publication Date	<u>11-7-24</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: duplex in the R1-6 zoning district

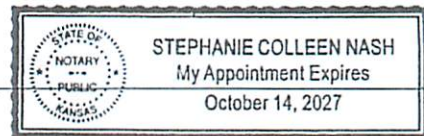
in accordance with the attached site plan on the following described property:

Subject Property:	<u>724 / 726 Pottawatomie</u>	
Legal Description:	<u>(Attach a full legal description provided by the Register of Deeds Office)</u>	
Real Estate PID #:	<u>052.07-26-0-41-07-019.00-0</u>	
Zoning:	<u>R1-6</u>	Historic District:

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

Name(s) of Owner (print):	<u>Vance Allred</u>	
Owner Address:	<u>15799 Archer Rd Bonner Springs, Mo 66012</u>	
Contact No.	<u>(913) 680-7055</u>	Email: <u>Vance.Allred@gmail.com</u>
Signature of Owner(s):	<u>Vance Allred</u>	

State of Kansas  
County of Leavenworth (SEAL)



Signed or attested before me on: October 15, 2024  
Notary Public: Stephanie Colleen Nash  
My Appointment Expires: October 14, 2027

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

**From:** Amy Willcott  
**To:** Michelle Baragary  
**Subject:** Tomorrow  
**Date:** Thursday, October 17, 2024 4:24:54 PM

---

Hi Michelle,

I plan to come to you tomorrow by 10:00 a.m. with all paperwork completed. And here is the info I wrote in answer to your request about why we ask for the special use permit. Does this suffice??

Depaul USA Leavenworth Attainable Housing received a Kansas Housing Resources Corporation's HOME-American Rescue Plan (HOME-ARP) Grant to build four new duplexes. We are requesting special use permits on the four separate lots we will acquire so that the duplexes may be built there. Our program provides wrap around services and a house for individuals who have an income and need support.

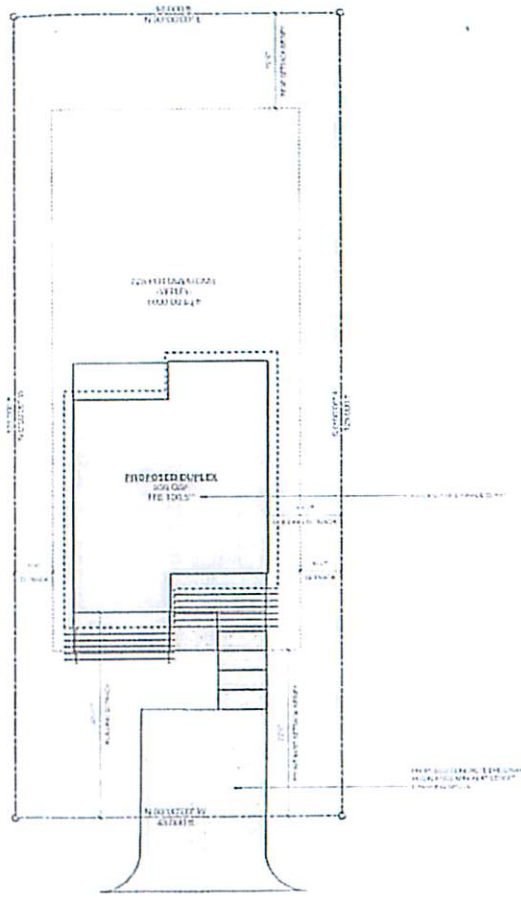
Thanks,

S. Amy

*Sister Amy Willcott, SCL*

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





POTTAWATOMIE

1 ARCHITECTURAL SITE PLAN  
Scale: 1/8" = 1'-0"



**A1.1**

ROGUE ARCHITECTURE PLLC  
208 E. Spring Street  
11th Floor, Ames, IA 50011  
515.281.1234  
www.roguearch.com

ARCHITECTURAL SITE PLAN  
Project: POTTAWATOMIE

DEPAUL USA  
NEW DUPLEX  
DEVELOPMENT  
222 Pottawatomie Street  
Ames, IA 50011

ROGUE

architecture

REGISTERED ARCHITECT  
CONSTRUCTION  
LICENSE

**PLANNING COMMISSION AGENDA ITEM  
2024-29-SUP  
724 OSAGE**

**DECEMBER 2<sup>ND</sup>, 2024**

**SUBJECT:**

A request for a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district.

**Prepared By:**

  
Julie Hurley,  
Director of Planning and  
Community Development

**Reviewed By:**

\_\_\_\_\_  
Scott Peterson,  
City Manager

**NATURE OF REQUEST**

The applicant, Depaul USA, Inc., is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 724 Osage. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit. The property is currently vacant but was previously occupied by a single family dwelling which was demolished in 2002.

Depaul USA applied for and received a Special Use Permit in 2023 to construct a similar two-family dwelling at the nearby property of 728 Pottawatomie. That structure was recently completed and is in use. The proposed two-family dwelling at 724 Osage will be nearly identical.

**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.

*Based on all available information, 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.

*Currently the property is a vacant lot. The proposed two-family dwelling will bring tax revenue to the city with the improved value to the property, as well as provide a needed housing option for Leavenworth residents.*

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

*Based on all available information, staff does not believe that the proposed use will cause any substantial injury to the value of other property in the neighborhood.*

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 proposed two-family dwelling is consistent with the character of the neighborhood and will not prevent future use or development of nearby 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.

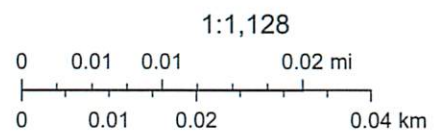
**ACTION/OPTIONS:**

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

# 2024-29-SUP



11/19/2024, 8:59:51 AM



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

# 2024-29-SUP (Zoning)

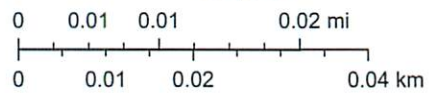


11/19/2024, 8:58:25 AM

1:1,128

- Override 1
- Zoning\_CURRENT
- OBD
- R1-6
- Parcels\_Current

- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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

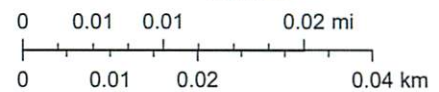
# 2024-29-SUP (Future Land Use)



11/19/2024, 9:00:50 AM

1:1,128

- Override 1
- Future Land Use (Comp Plan 2030)
  - Public/Semi-Public
  - Single-Family
  - Parcels\_Current
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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



**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

CASE NO.: 2024-29 SUP

Application No.	16384
Fee (non-refundable)	\$350.00
Filing Date	10/18/24
Received By	JS
Hearing Date	12-2-24
Publication Date	11-7-24

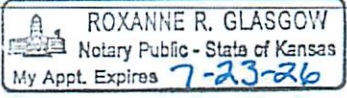
As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: duplex in the R1-L6 zoning district

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

Subject Property:	<u>924 DSAGE</u>	
Legal Description:	<u>(Attach a full legal description provided by the Register of Deeds Office)</u>	
Real Estate PID #:		
Zoning:	<u>R1-L6</u>	Historic District:

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

Name(s) of Owner (print):	<u>Russell L. Connel Audrea M. Connel</u>	
Owner Address:	<u>18312 Eisenhower Rd Leavenworth KS 66048</u>	
Contact No.	<u>913-683-3837</u>	Email: <u>AudreaConnel@hotmail.com</u>
Signature of Owner(s):	<u>Russell L. Connel Audrea M. Connel</u>	

State of <u>Kansas</u>	 (SEAL)
County of <u>Leavenworth</u>	

Signed or attested before me on: 10/16/2024  
 Notary Public: Roxanne R. Glasgow  
 My Appointment Expires: 7-23-2026

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 type="checkbox"/>	Non-Refundable Fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property
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<input type="checkbox"/>	Supporting documentation (See General Instructions)

**From:** Amy Willcott  
**To:** Michelle Baragary  
**Subject:** Tomorrow  
**Date:** Thursday, October 17, 2024 4:24:54 PM

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Depaul USA Leavenworth Attainable Housing received a Kansas Housing Resources Corporation's HOME-American Rescue Plan (HOME-ARP) Grant to build four new duplexes. We are requesting special use permits on the four separate lots we will acquire so that the duplexes may be built there. Our program provides wrap around services and a house for individuals who have an income and need support.

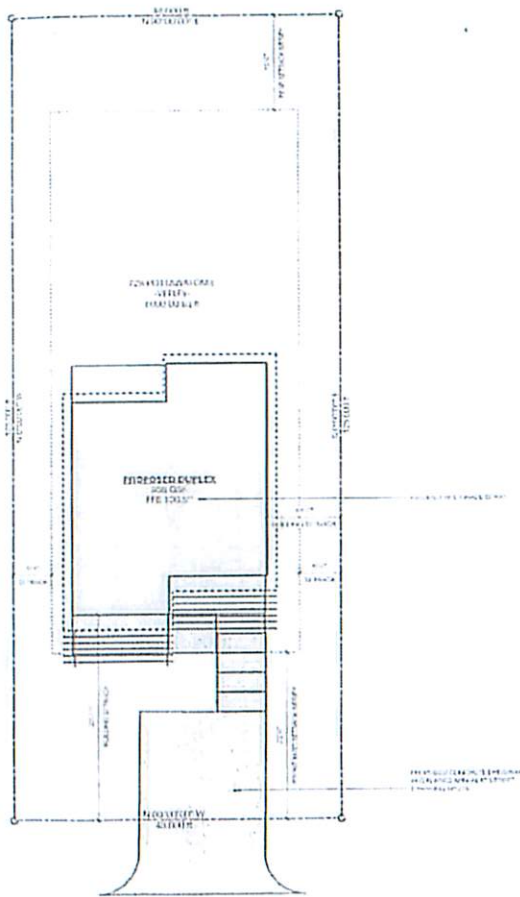
Thanks,

S. Amy

*Sister Amy Willcott, SCL*

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





# POTTAWATOMIE

1 ARCHITECTURAL SITE PLAN  
Scale: 1/8" = 1'-0"



**A1.1**

DEPAUL USA  
NEW DUPLEX  
DEVELOPMENT

222 E. Harrison Ave.  
Lawrenceville, Georgia

**ROGUE**  
architecture

ARCHITECTURAL SITE PLAN  
Sheet: A1.1 of 1.07

ROGUE ARCHITECTURE PLLC  
222 E. Harrison Ave.  
Lawrenceville, Georgia 30046  
Tel: 770.962.8888  
www.roguearch.com

REGISTERED PROFESSIONAL ARCHITECT  
STATE OF GEORGIA

**PLANNING COMMISSION AGENDA ITEM**  
**2024-31 REZ**  
**701 POTTAWATOMIE**

**DECEMBER 2<sup>ND</sup>, 2024**

**SUBJECT:**

A request to rezone the property located at 701 Pottawatomie from OBD, Office Business District, to R1-6, High Density Single Family Residential District.

**Prepared By:**

  
Julie Hurley,  
Director of Planning and  
Community Development

**Reviewed By:**

Scott Peterson,  
City Manager

**ANALYSIS:**

The applicant, Depaul USA, Inc., is requesting a rezoning of the property located at 701 Pottawatomie from OBD, Office Business District, to R1-6, High Density Single Family Residential District. The property is .28 acre in size and is vacant. The applicant is requesting the rezoning in order to construct a two-family dwelling on the property. Two family dwellings are not allowed either by-right or with a special use permit in OBD. The property is currently owned by the Independent Baptist Church, under contract to be transferred to Depaul USA upon approval of the requested rezoning and special use permit.

The rezoning to R1-6 and accompanying special use permit are being requested in lieu of a request to rezoning the property to R-MF, Residential Multi Family District in which a two-family dwelling would be allowed by-right, in order to avoid "spot zoning" and to maintain consistency with existing zoning patterns and the adopted future land use plan. The accompanying special use permit request is also on this agenda.

Depaul USA applied for and received a Special Use Permit in 2023 to construct a similar two-family dwelling at the nearby property of 728 Pottawatomie. That structure was recently completed and is in use. The proposed two-family dwelling at 710 Pottawatomie will be nearly identical.

**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 .28 acre in size and is part of an established neighborhood that includes a variety of housing types including single-family, two-family, and multi-family. The property is also located along the 7<sup>th</sup> Street corridor which includes a variety of land uses from residential to industrial.*

- b) The zoning and use of properties nearby;

*The property to the north is zoned OBD and is occupied by a multi-family building. The property to the south is zoned OBD and is occupied by a single-family home. The property to the east, across 7<sup>th</sup> Street, is zoned R1-6 and is occupied by the Independent Baptist Church. The property to the west is zoned R1-6 and is occupied by a single-family home.*

- c) The suitability of the subject property for the uses to which it has been restricted;  
*The subject property is .28 acre in size making it extremely unlikely to be able to accommodate an office or commercial use allowed by-right in the OBD district. .*
- 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 existing surrounding neighborhood already includes a wide mix of residential uses.*
- e) The length of time the subject property has remained vacant as zoned;  
*Based upon aerial photos, the subject property has been vacant since prior to 1998.*
- 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;  
*Currently the property is a vacant lot. The proposed rezoning to allow development of a two-family dwelling will bring tax revenue to the city with the improved value to the property, as well as provide a needed housing option for Leavenworth residents.*
- 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 public notices were sent to property owners within 200' as required by Kansas State Statute, staff received no comments from notified property owners.

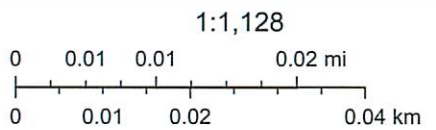
**REZONING ACTION/OPTIONS:**

- 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.

# 2024-31-REZ/2024-30 SUP

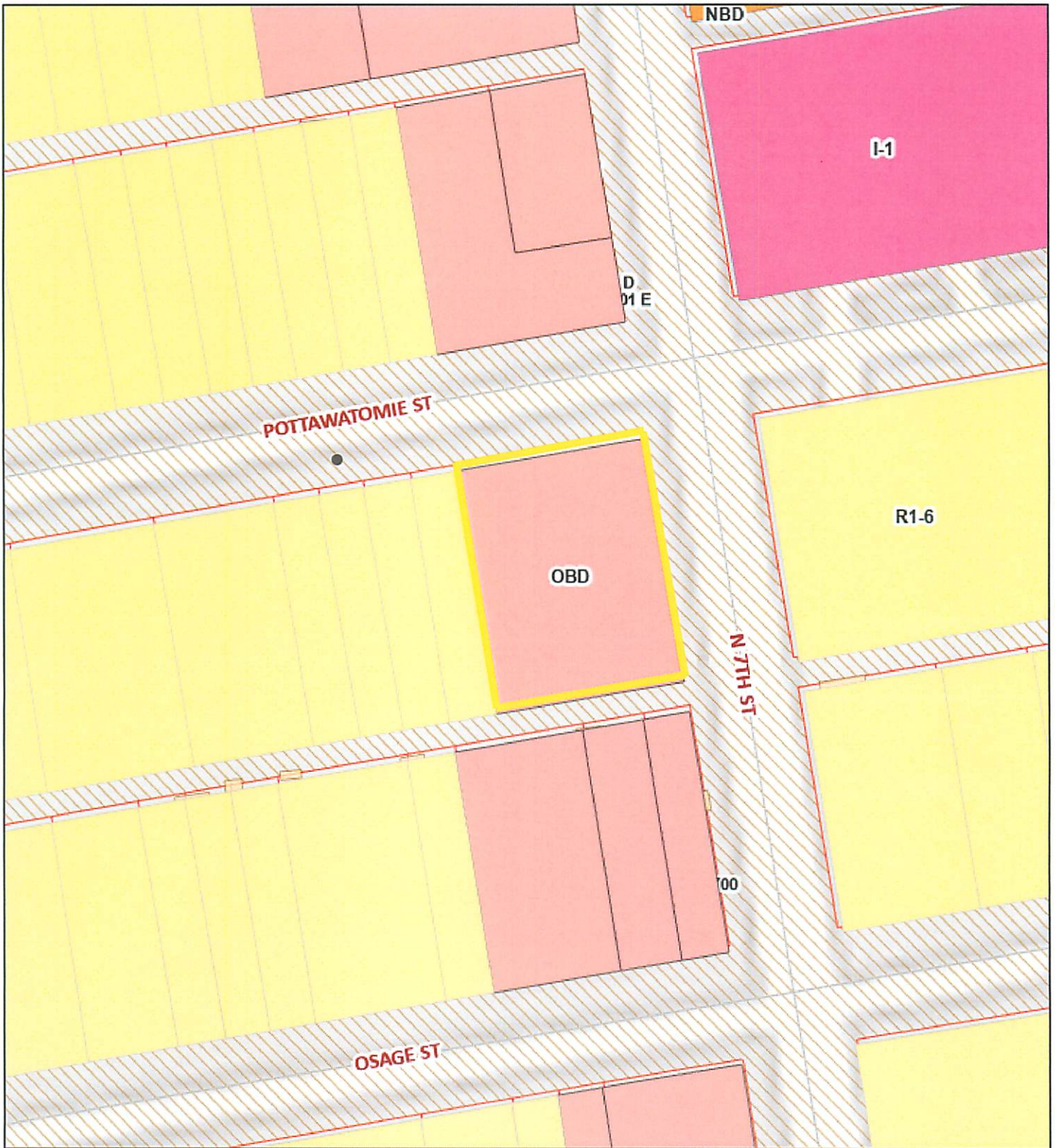


11/19/2024, 8:35:28 AM



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

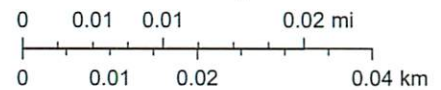
# 2024-31-REZ/2024-30 SUP (Zoning)



11/19/2024, 8:36:31 AM

1:1,128

- Override 1
- Parcels\_Current
- Zoning\_CURRENT I-1
- NBD
- OBD
- R1-6
- Buildings
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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

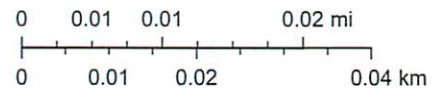
# 2024-31-REZ/2024-30 SUP (Future Land Use)



11/19/2024, 8:37:29 AM

1:1,128

- Override 1
- Buildings
- Future Land Use (Comp Plan 2030)
- Commercial
- Public/Semi-Public
- Single-Family
- Parcels\_Current
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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



**APPLICATION FOR REZONING**  
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2024-31 REZ

Application #	<u>16389</u>
Fee (non-refundable)	<u>NA</u> <del>-\$350.00</del>
Filing Date	<u>10/19/24</u>
Received By	<u>_____</u>
Hearing Date	<u>12-2-24</u>
Publication Date	<u>11-7-24</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>701 Pottawatomie</u>		
Rezoning:	Present classification of: <u>OBD</u>	district to: <u>R1-L</u>	
Legal Description:	<b>(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)</b>		
Real Estate PID #		Historic District:	

I/We, Gwendolyn Smith Alexander, 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>Gwendolyn Smith Alexander</u>		
Address:	<u>16750 Hidden Ridge Pkway Bascom KS 66007</u>		
Contact No.:	<u>913-999-4356</u>	Email:	<u>gsmith1987@scglobal.net</u>
Signature of Owner(s):			

**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 Oct. 15, 2024 by Gwendolyn Smith Alexander  
(date) (name(s) of person(s))

Notary Public: My Appointment Expires: Oct. 14, 2027

(SEAL)



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 property was donated to the church by a member when she died. Initially it was a garden. For years it has been an empty lot.

Briefly describe the intended use and character of the property:

The property can be used for a duplex to house people who need affordable housing.

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

Our church supports Leavenworth Attainable Housing.

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:

This proposal will help public welfare by adding affordable housing. The simple duplex design is fitting for the neighborhood.

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 to my knowledge

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)



**From:** [Amy Willcott](#)  
**To:** [Michelle Baragary](#)  
**Subject:** Tomorrow  
**Date:** Thursday, October 17, 2024 4:24:54 PM

---

Hi Michelle,

I plan to come to you tomorrow by 10:00 a.m. with all paperwork completed. And here is the info I wrote in answer to your request about why we ask for the special use permit. Does this suffice??

Depaul USA Leavenworth Attainable Housing received a Kansas Housing Resources Corporation's HOME-American Rescue Plan (HOME-ARP) Grant to build four new duplexes. We are requesting special use permits on the four separate lots we will acquire so that the duplexes may be built there. Our program provides wrap around services and a house for individuals who have an income and need support.

Thanks,

S. Amy

*Sister Amy Willcott, SCL*

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

July 28, 2024

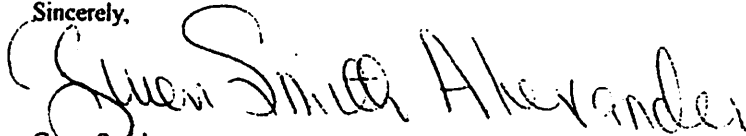
Ms. Abigail Phillips  
Kansas Housing Resources Corporation  
611 S. Kansas Avenue #300  
Topeka, KS 66603

Dear Ms. Phillips,

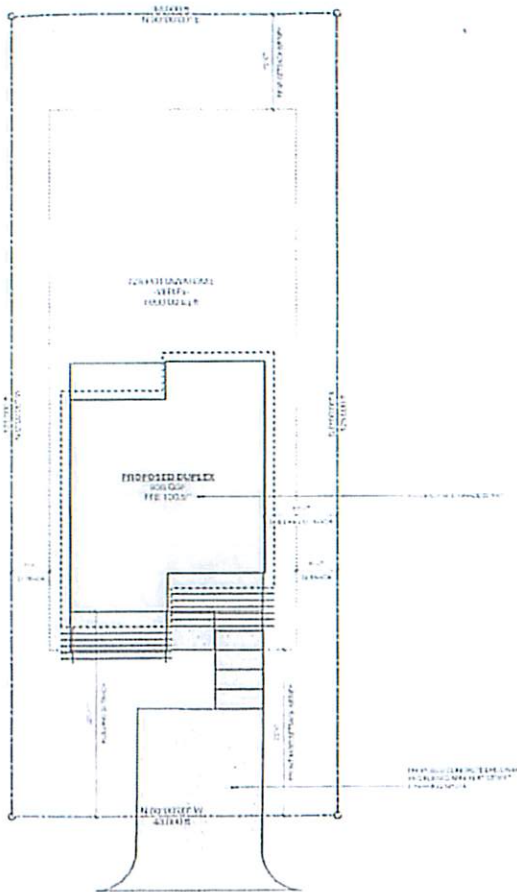
Independent Baptist Church partners with Depaul USA's Leavenworth Attainable Housing and supports their mission to provide housing and supportive services in Northeast Leavenworth.

Our Church owns an empty lot at 701 Pottawatomie and contingent upon grant funds being awarded to Depaul USA – Leavenworth Attainable Housing for construction of affordable rental duplexes, we agree to sell the lot for \$9,350 as a site for one of their duplexes.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Smith Alexander". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Gwen Smith  
Trustee



# POTTAWATOMIE

① ARCHITECTURAL SITE PLAN  
Scale: 1/8" = 1'-0"



<b>ARCHITECTURAL SITE PLAN</b> Scale: 1/8" = 1'-0"	<b>A1.1</b>	ROUPE Architecture PLLC and a Registered Architect 1150 Rock, Arlington, VA 22201 Tel: 703-839-1100 info@roupe.com								
DEPAUL USA NEW DUPLEX DEVELOPMENT	<b>ROUPE</b>	722 Westlake Drive Clemmons, NC 28733								
<table border="1" style="width: 100%;"> <tr><td>No.</td><td>Date</td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	No.	Date							<b>ROUPE architecture</b>	
No.	Date									

**PLANNING COMMISSION AGENDA ITEM  
2024-30-SUP  
701 POTTAWATOMIE**

**DECEMBER 2<sup>ND</sup>, 2024**

**SUBJECT:**

A request for a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district.

**Prepared By:**

Julie Hurley,  
Director of Planning and  
Community Development

**Reviewed By:**

Scott Peterson,  
City Manager

**NATURE OF REQUEST**

The applicant, Depaul USA, Inc., is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 701 Pottawatomie. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit. The property is currently vacant. A related request to rezone the subject property from OBD, Office business District, to R1-6, High Density Single Family Residential, is also on this agenda. Two-family dwellings are not allowed in the OBD zoning district either by-right or with a Special Use Permit.

Depaul USA applied for and received a Special Use Permit in 2023 to construct a similar two-family dwelling at the nearby property of 728 Pottawatomie. That structure was recently completed and is in use. The proposed two-family dwelling at 701 Pottawatomie will be nearly identical.

**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.

*Based on all available information, 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.

*Currently the property is a vacant lot. The proposed two-family dwelling will bring tax revenue to the city with the improved value to the property, as well as provide a needed housing option for Leavenworth residents.*

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

*Based on all available information, staff does not believe that the proposed use will cause any substantial injury to the value of other property in the neighborhood.*

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 proposed two-family dwelling is consistent with the character of the neighborhood and will not prevent future use or development of nearby 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:**

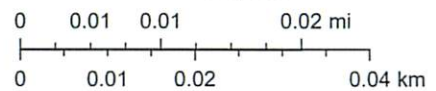
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# 2024-31-REZ/2024-30 SUP



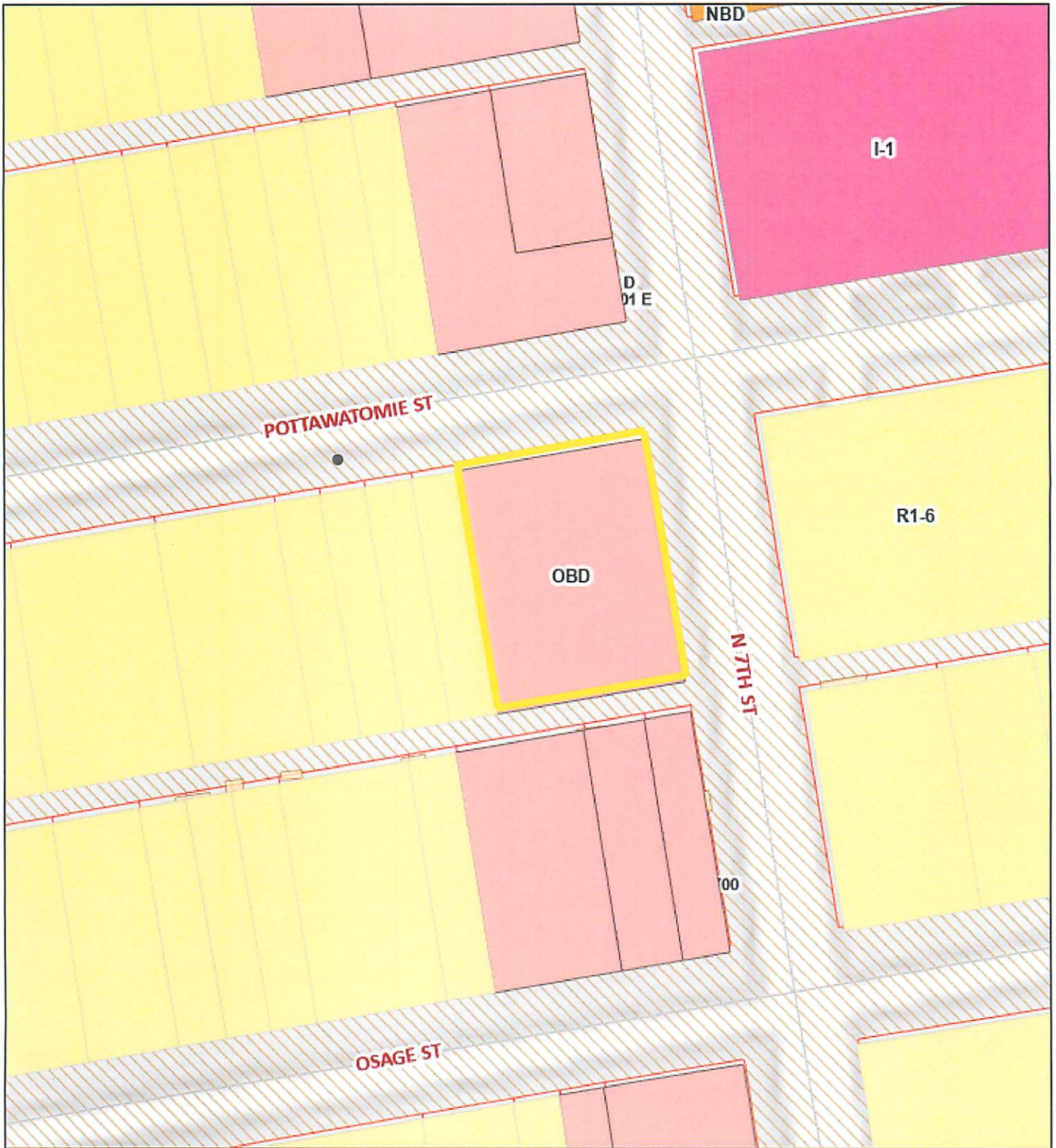
11/19/2024, 8:35:28 AM

1:1,128



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

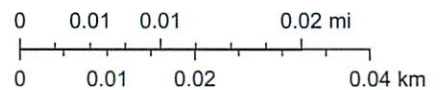
# 2024-31-REZ/2024-30 SUP (Zoning)



11/19/2024, 8:36:31 AM

1:1,128

- Override 1
- Parcels\_Current
- Zoning\_CURRENT
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- NBD
- Address (Points)
- OBD
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline
- R1-6



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

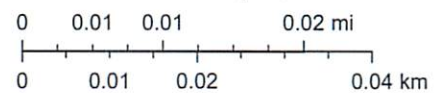
# 2024-31-REZ/2024-30 SUP (Future Land Use)



11/19/2024, 8:37:29 AM

1:1,128

- Override 1
- Buildings
- Future Land Use (Comp Plan 2030)
- Commercial
- Public/Semi-Public
- Single-Family
- Parcels\_Current
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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





**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

CASE NO.: 2024-30 SUP

Application No.	<u>16390</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>10/10/24</u>
Received By	<u>JS</u>
Hearing Date	<u>12-2-24</u>
Publication Date	<u>11-7-24</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: duplex in the R1-6 zoning district

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

Subject Property:	<u>701 Pottawatomie</u>
Legal Description:	<i>(Attach a full legal description provided by the Register of Deeds Office)</i>
Real Estate PID #:	
Zoning:	Historic District:

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

Name(s) of Owner (print):	<u>Gwendolyn Smith Alexander</u>		
Owner Address:	<u>16250 Hedelen Ridge Hwy, Basehor KS 66007</u>		
Contact No.	<u>913-9094356</u>	Email:	<u>gsmith4007@stcghd.net</u>
Signature of Owner(s):	<u>Gwendolyn Smith Alexander</u>		

State of Kansas  
County of Leavenworth (SEAL)



Signed or attested before me on: October 18, 2024  
Notary Public: Stephanie Nash  
My Appointment Expires: October 14, 2027

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

**From:** Amy Willcott  
**To:** Michelle Baragary  
**Subject:** Tomorrow  
**Date:** Thursday, October 17, 2024 4:24:54 PM

---

Hi Michelle,

I plan to come to you tomorrow by 10:00 a.m. with all paperwork completed. And here is the info I wrote in answer to your request about why we ask for the special use permit. Does this suffice??

Depaul USA Leavenworth Attainable Housing received a Kansas Housing Resources Corporation's HOME-American Rescue Plan (HOME-ARP) Grant to build four new duplexes. We are requesting special use permits on the four separate lots we will acquire so that the duplexes may be built there. Our program provides wrap around services and a house for individuals who have an income and need support.

Thanks,

S. Amy

*Sister Amy Willcott, SCL*

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

July 28, 2024

Ms. Abigail Phillips  
Kansas Housing Resources Corporation  
611 S. Kansas Avenue #300  
Topeka, KS 66603

Dear Ms. Phillips,

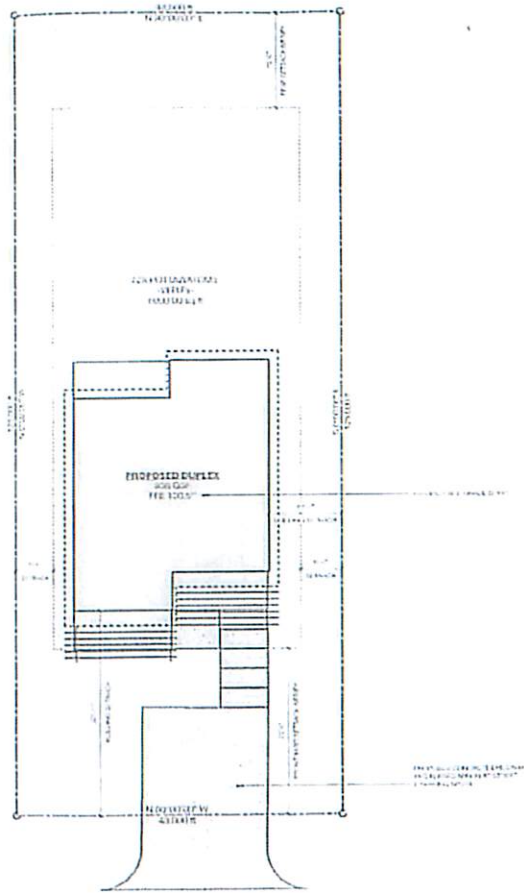
Independent Baptist Church partners with Depaul USA's Leavenworth Attainable Housing and supports their mission to provide housing and supportive services in Northeast Leavenworth.

Our Church owns an empty lot at 701 Pottawatomie and contingent upon grant funds being awarded to Depaul USA – Leavenworth Attainable Housing for construction of affordable rental duplexes, we agree to sell the lot for \$9,350 as a site for one of their duplexes.

Sincerely,

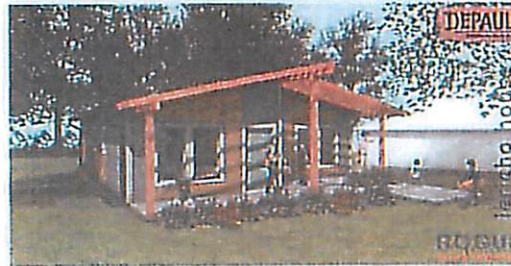
A handwritten signature in cursive script that reads "Gwen Smith Alexander". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Gwen Smith  
Trustee



# POTTAWATOMIE

1 ARCHITECTURAL SITE PLAN  
Scale: 1/8" = 1'-0"



**A1.1**

ROGUE ARCHITECTURE PLLC  
301 E Spring Street  
1104 Park Avenue, Suite 211  
Lafayette, LA 70501  
504.285.8888  
info@roguearch.com

DEPAUL USA  
NEW DUPLEX  
DEVELOPMENT  
222 Pottawatomie  
Lafayette, LA 70501

**ROGUE**  
architecture

ARCHITECTURAL SITE PLAN  
Project Date: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Date: \_\_\_\_\_

REGISTERED ARCHITECT  
CONSTRUCTION AREA

**PLANNING COMMISSION AGENDA ITEM**  
**2024-32 REZ**  
**711 OTTAWA**

**DECEMBER 2<sup>ND</sup>, 2024**

**SUBJECT:**

A request to rezone the property located at 711 Ottawa from OBD, Office Business District, to R1-6, High Density Single Family Residential District.



**Prepared By:**

Julie Hurley,  
Director of Planning and  
Community Development

**Reviewed By:**

Scott Peterson,  
City Manager

**ANALYSIS:**

The applicant, Depaul USA, Inc., is requesting a rezoning of the property located at 711 Ottawa from OBD, Office Business District, to R1-6, High Density Single Family Residential District. The property is .16 acre in size and is vacant. The applicant is requesting the rezoning in order to construct a two-family dwelling on the property. Two family dwellings are not allowed either by-right or with a special use permit in OBD. The property is currently owned by St. Paul Lutheran Church and School, under contract to be transferred to Depaul USA upon approval of the requested rezoning and special use permit.

The rezoning to R1-6 and accompanying special use permit are being requested in lieu of a request to rezone the property to R-MF, Residential Multi Family District in which a two-family dwelling would be allowed by-right, in order to avoid "spot zoning" and to maintain consistency with existing zoning patterns and the adopted future land use plan. The accompanying special use permit request is also on this agenda.

Depaul USA applied for and received a Special Use Permit in 2023 to construct a similar two-family dwelling at the nearby property of 728 Pottawatomie. That structure was recently completed and is in use. The proposed two-family dwelling at 711 Ottawa will be nearly identical.

**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 .16 acre in size and is part of an established neighborhood that includes a variety of housing types including single-family, two-family, and multi-family. The property is also located along the 7<sup>th</sup> Street corridor which includes a variety of land uses from residential to industrial.*

- b) The zoning and use of properties nearby;

*The properties to the north are zoned OBD R1-6, and are occupied by a single-family home and multi-family building, respectively. The property to the south is zoned R1-6 and is occupied by a single-family home. The property to the east is zoned OBD and is occupied by the Kids Connection. The property to the west is zoned R1-6 and is occupied by a single-family home.*

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

*A lot split was recently approved and recorded to split the subject property from the parcel to the east occupied by the Kids Connection, for the purposes of transferring the parcel to Depaul USA for potential development with a two-family home. The size of the parcel makes it extremely unlikely to accommodate an office or commercial use allowed by-right in the OBD zoning district.*

- 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 existing surrounding neighborhood already includes a wide mix of residential uses.*

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

*Based upon aerial photos, the subject property has been vacant since prior to 1966.*

- 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;

*Currently the property is a vacant lot, which was unutilized by the Kids Connection. The proposed rezoning to allow development of a two-family dwelling will bring tax revenue to the city with the improved value to the property, as well as provide a needed housing option for Leavenworth residents.*

- 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 public notices were sent to property owners within 200' as required by Kansas State Statute, staff received no comments from notified property owners.

**REZONING ACTION/OPTIONS:**

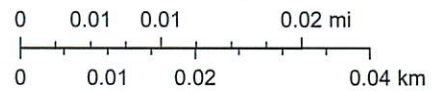
- Recommend approval of the rezoning request from OBD to R1-6 to the City Commission
- Recommend denial of the rezoning request from OBD to R1-6 to the City Commission
- Table the issue for additional information/consideration.

# 2024-32-REZ/2024-33-SUP



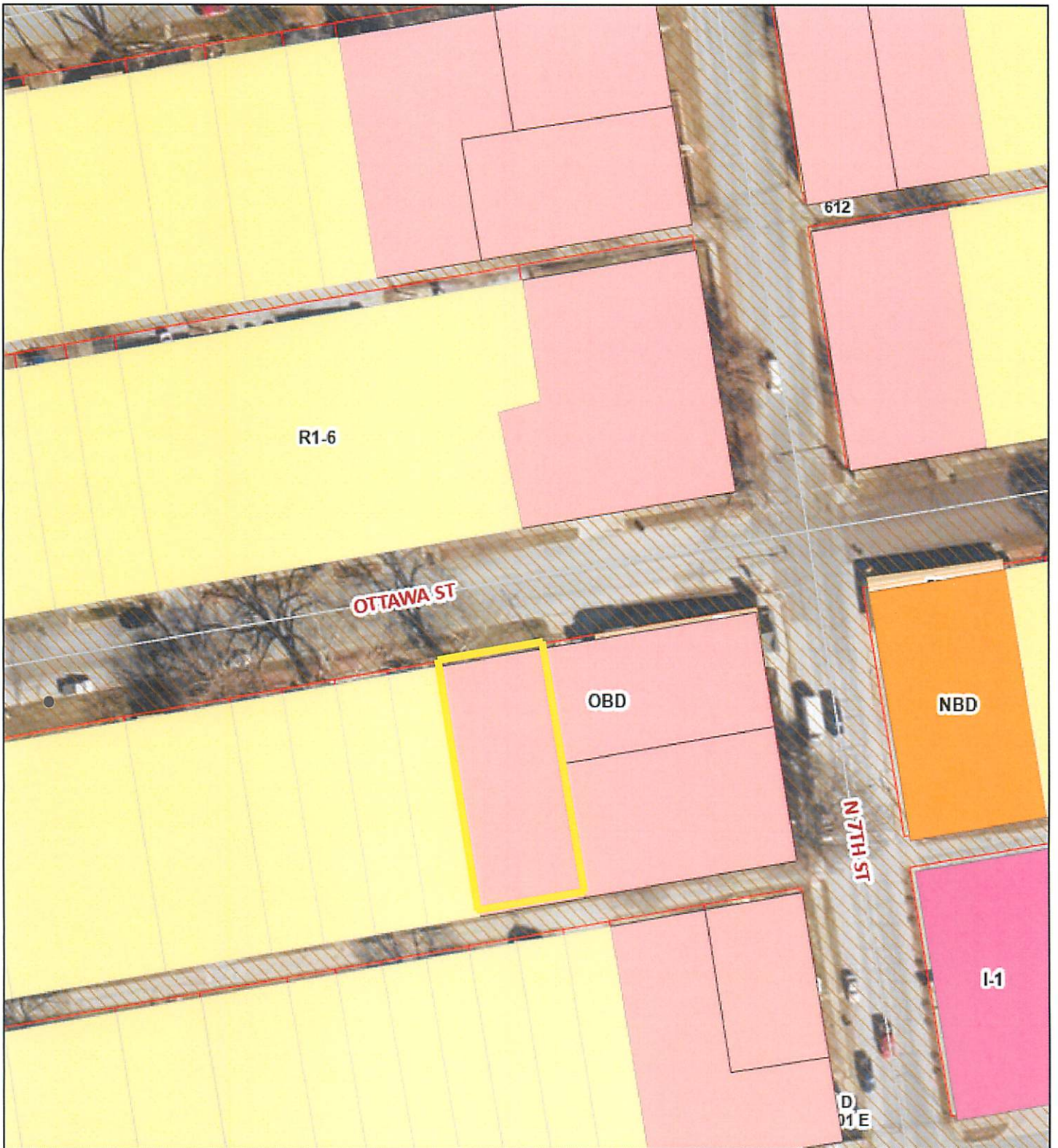
11/19/2024, 8:47:34 AM

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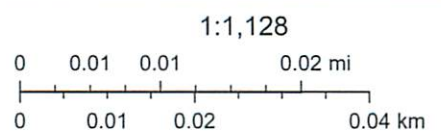


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

# 2024-32-REZ/2024-33-SUP (Zoning)



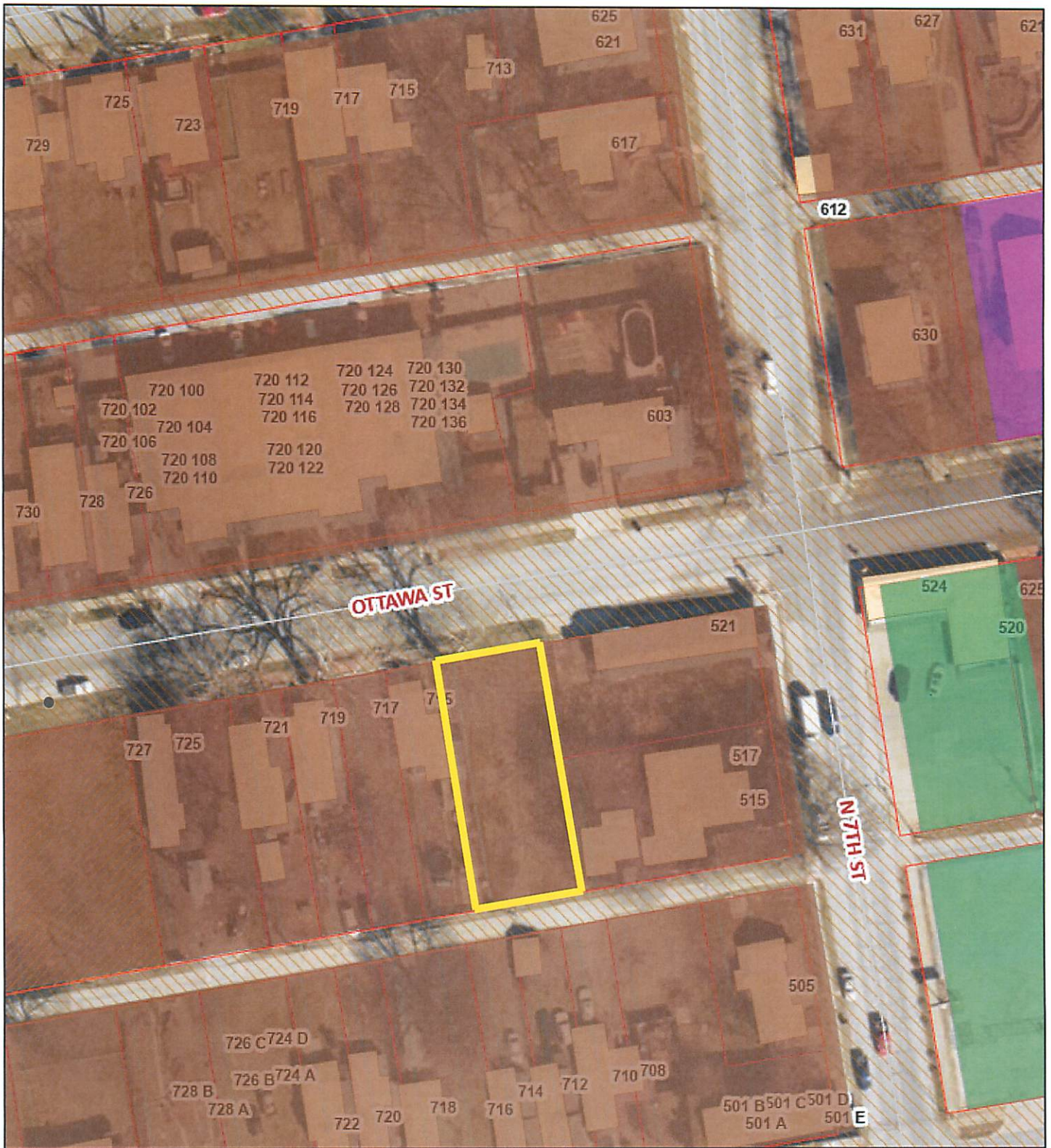
11/19/2024, 8:48:27 AM



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

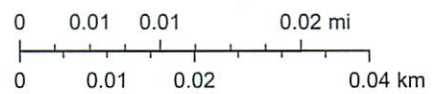


# 2024-32-REZ/2024-33-SUP (Future Land Use)



11/19/2024, 8:49:17 AM

1:1,128



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



**APPLICATION FOR REZONING**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

CASE NO. 2024-32 REZ

Application #	16392
Fee (non-refundable)	NA <del>\$350.00</del>
Filing Date	10/18/24
Received By	_____
Hearing Date	12-2-24
Publication Date	11-7-24

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:	711 OTTAWA		
Rezoning:	Present classification of:	OBD	district to: R1-6
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)		
Real Estate PID #		Historic District:	

I/We, Rev. Van Ed Mease 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):	St. Paul Lutheran Church School of Leavenworth, Inc.		
Address:	311 N. 7th St - Leavenworth, KS 66048		
Contact No.:	913-682-0387	Email:	office@spw.org
Signature of Owner(s):			

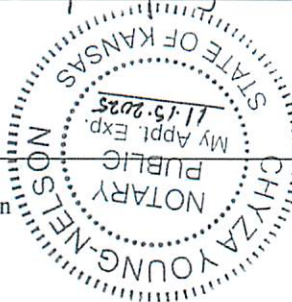
**NOTE:** All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

State of KS )  
County of Leavenworth ), SS

Signed or attested before me on 10/17, 2024, by Van Ed Mease Pastor  
(date) (name(s) of person(s))

Notary Public: Chyza Young-Nelson My Appointment Expires: 11-15-2025

(SEAL)



**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:

*This property is an empty lot next to a building used for children's summer activities from Church*

Briefly describe the intended use and character of the property:

*It will be a duplex for Affordable housing*

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

*A small duplex will fit in well*

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:

*It will add to the neighborhood & provide housing.*

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 After lot split*

**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)



Application No. 16311  
 Fee: \$150.00  
 Date Fee Paid: 10/3/24

CITY OF LEAVENWORTH  
 CERTIFICATE OF SURVEY - LOT SPLIT APPLICATION

LOCATION OF LOT SPLIT: 521 N. 7th St.

LEGAL DESCRIPTION: \_\_\_\_\_ (Must attach survey for both lots)

PARCEL NO: 052-077-26-0-41-07-001.00-0 ZONING OF SUBJECT PROPERTY: 03D

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

NAME: ST. PAUL LUTHERAN CHURCH & SCHOOL OF LEAVENWORTH, INC.

STREET ADDRESS: 311 N. 7th St.

CITY: LEAVENWORTH STATE: KS ZIP: 66048

PHONE: 913-682-0387 FAX: 913-682-1139 EMAIL: office@sp/cs.org

NAME OF ENGINEER OR

SURVEYOR PREPARING PLAT: Joel Herring

COMPANY: Herring Surveying ADDRESS: 315 N. 5th St. Leav. KS

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

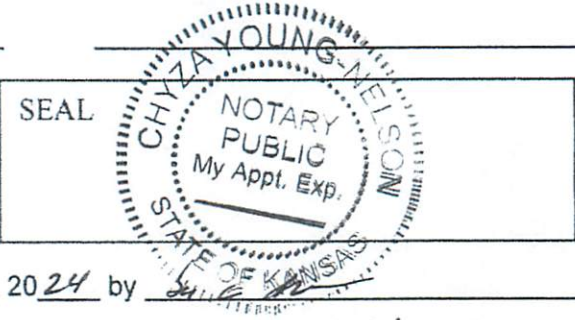
PHONE: 651-3858 FAX: \_\_\_\_\_ EMAIL: herringsurveying@outlook.com

SIGNATURE OF OWNER(s): [Signature] Sr. Pastor

DATE: 09-23-24

State of KS

County of LV



Signed and attested before me on Tuesday, 2024 by [Signature]

Notary Public Chyza Young Nelson My appointment expires 11-15-2025

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

FOR STAFF USE ONLY

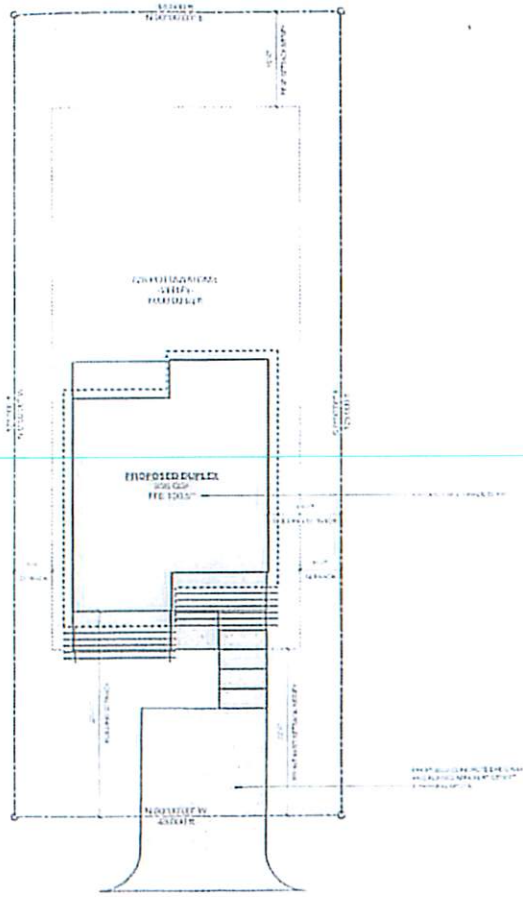
Copy to County Surveyor for Review (date sent): 10/3/24

County Surveyor Approval Date: 10/16/24

Approved copy sent to Register of Deeds Office (date sent): 11/6/24

Action Taken:  Approved  Denied

City Staff Reviewer/Approver: Michelle Baragony Date: 11/7/24



# POTTAWATOMIE

1 ARCHITECTURAL SITE PLAN  
Scale: 1/8" = 1'-0"



**A1.1**

DEPAUL USA  
NEW DUPLEX  
DEVELOPMENT

222 Pottawatomie  
Lawrenceville, GA 30046

**ROGUE**  
architecture

ROGUE ARCHITECTURE P.L.L.C.  
2018 Spring House  
1110 Rock, Atlanta, GA 30318  
Tel: 404.244.4000  
info@roguearch.com

ARCHITECTURAL SITE PLAN  
Sheet: 01 of 01

APPROVED FOR CONSTRUCTION

**From:** [Amy Willcott](#)  
**To:** [Michelle Baragary](#)  
**Subject:** Tomorrow  
**Date:** Thursday, October 17, 2024 4:24:54 PM

---

Hi Michelle,

I plan to come to you tomorrow by 10:00 a.m. with all paperwork completed. And here is the info I wrote in answer to your request about why we ask for the special use permit. Does this suffice??

Depaul USA Leavenworth Attainable Housing received a Kansas Housing Resources Corporation's HOME-American Rescue Plan (HOME-ARP) Grant to build four new duplexes. We are requesting special use permits on the four separate lots we will acquire so that the duplexes may be built there. Our program provides wrap around services and a house for individuals who have an income and need support.

Thanks,

S. Amy

*Sister Amy Willcott, SCL*

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

# CERTIFICATE OF SURVEY

Lots 41, 42, and part of Lots 43, 44, 45, and 46, Block 98, DAY & MACAULAYS SUBDIVISION, City of Leavenworth, Leavenworth County, Kansas.

## LOT SPLIT

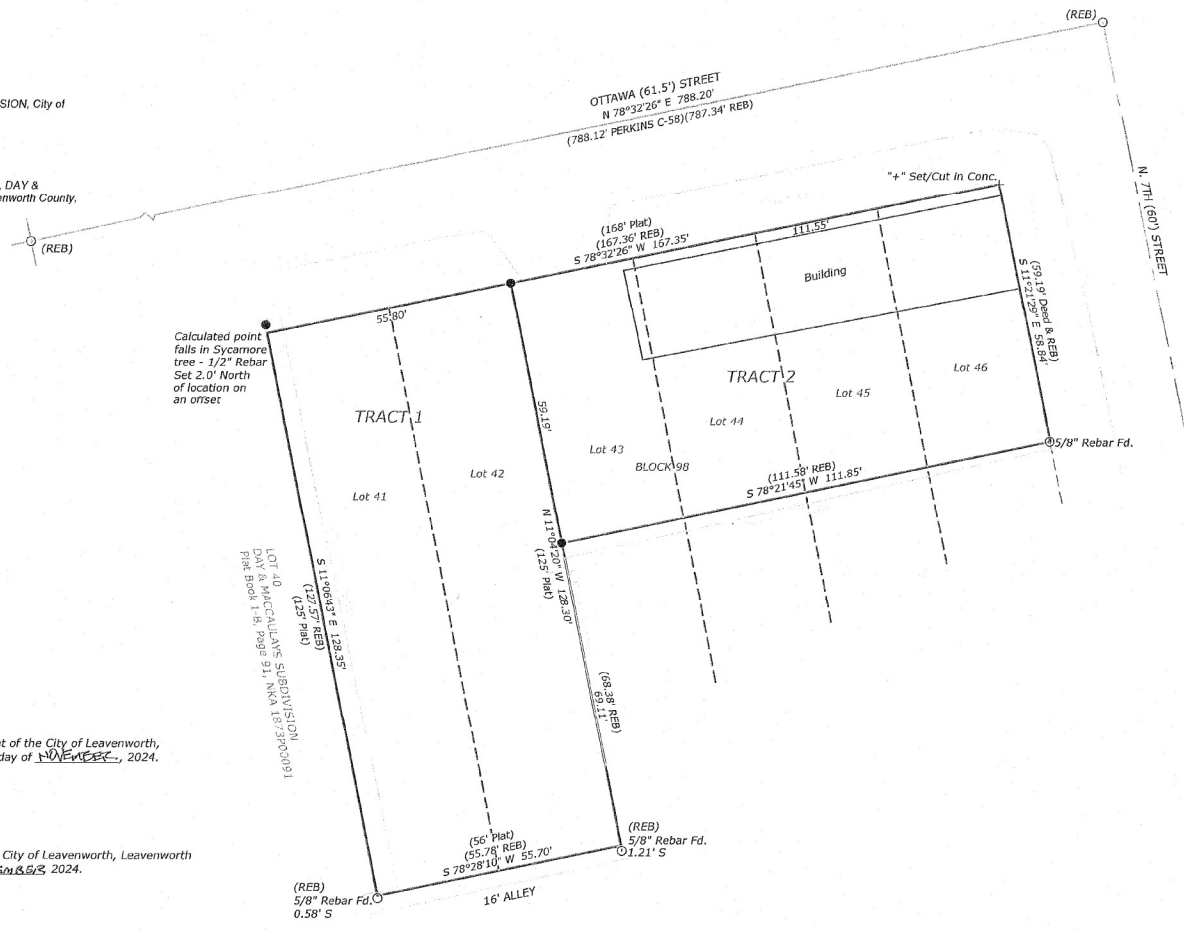
PREPARED FOR:  
ST PAUL LUTHERAN CHURCH &  
SCHOOL OF LEAVENWORTH INC  
311 N 7TH ST  
LEAVENWORTH, KS 66048

SITE ADDRESS:  
521 N 7TH ST  
LEAVENWORTH, KS 66048  
PID NO. 077-26-0-41-07-001

DOC #: 20245051  
TERRILLOIS HASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
11/06/2024 02:25:58 PM  
RECORDING FEE: \$2.00  
PAGES: 1

DESCRIPTIONS:  
TRACT 1:  
Lots 41 and 42, Block 98, DAY & MACAULAYS SUBDIVISION, City of Leavenworth, Leavenworth County, Kansas.  
Area: 7153.72 S.F., more or less.  
Error of Closure - 1: 16901

TRACT 2:  
The North 59.19 feet of Lots 43, 44, 45, and 46, Block 98, DAY & MACAULAYS SUBDIVISION, City of Leavenworth, Leavenworth County, Kansas.  
Area: 6591.88 S.F., more or less.  
Error of Closure - 1: 91255



- NOTES:
- 1) This survey does not show ownership or easements, per agreement with client
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All record and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Surveyor's Description
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Referenced Surveys  
DAY & MACAULAYS SUBDIVISION  
Plat Book 1-B, Page 91, NKA 1873P00091  
REB - R.E. Bacon Book 56 Page 9, NKA 1971S009  
Perkins Survey Book C Page 58
  - 8) Road Records - per reference Subdivision
  - 9) Referenced Deed Document Book 056 Page 705
  - 10) Survey prepared without the benefit of a title commitment.
  - 11) Fence Lines do not necessarily denote property lines.
  - 12) Structures are shown in approximate location.
  - 13) Property is not in a Special Flood Hazard Area Zone A per FEMA FIRN Map 20103C0133G dated July 16, 2015
  - 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.
  - 15) REB found 5/8" Rebars near the south line of Lots 41 and 42, field for E-W Location but not N-S.

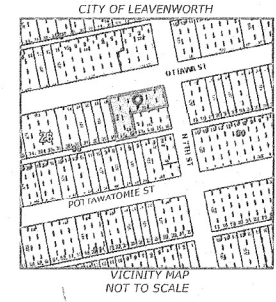
- LEGEND:
- - 1/2" Rebar Set with Cap No. 1296
  - - 1/2" Rebar Found, unless otherwise noted.
  - NS - Not Set this Survey per agreement with client

Approved by the Planning and Zoning Department of the City of Leavenworth, Leavenworth County, Kansas, on this 01<sup>st</sup> day of NOVEMBER, 2024.

*Julie Hufley*  
Julie Hufley, City Planner

Approved by the Public Works Department of the City of Leavenworth, Leavenworth County, Kansas, on this 06 day of NOVEMBER, 2024.

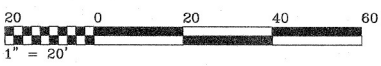
*Brian Faust*  
Brian Faust, Public Works Director



Scale 1" = 20'

Job # K-24-1827 Rev. 10/16/24  
September 24, 2024

HERRING SURVEYING COMPANY  
316 North 5th Street, Leav., KS 66048  
Ph. 913.681.9858 Fax 913.674.5381  
Email - survey@teammash.com



I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

*Daniel Baumchen*  
Daniel Baumchen, PS#1363  
County Surveyor



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of September 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

**PLANNING COMMISSION AGENDA ITEM  
2024-33-SUP  
711 OTTAWA**

**DECEMBER 2<sup>ND</sup>, 2024**

**SUBJECT:**

A request for a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district.



**Prepared By:**

Julie Hurley,  
Director of Planning and  
Community Development

**Reviewed By:**

Scott Peterson,  
City Manager

**NATURE OF REQUEST**

The applicant, Depaul USA, Inc., is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 711 Ottawa. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit. The property is currently vacant. A related request to rezone the subject property from OBD, Office business District, to R1-6, High Density Single Family Residential, is also on this agenda. Two-family dwellings are not allowed in the OBD zoning district either by-right or with a Special Use Permit.

A lot split was recently approved and recorded to split the subject property from the lot addressed as 521 N. 7<sup>th</sup> Street, and which is occupied by the Kids Connection.

Depaul USA applied for and received a Special Use Permit in 2023 to construct a similar two-family dwelling at the nearby property of 728 Pottawatomie. That structure was recently completed and is in use. The proposed two-family dwelling at 711 Ottawa will be nearly identical.

**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.

*Based on all available information, 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.

*Currently the property is a vacant lot. The proposed two-family dwelling will bring tax revenue to the city with the improved value to the property, as well as provide a needed housing option for Leavenworth residents.*

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

*Based on all available information, staff does not believe that the proposed use will cause any substantial injury to the value of other property in the neighborhood.*



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 proposed two-family dwelling is consistent with the character of the neighborhood and will not prevent future use or development of nearby 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:**

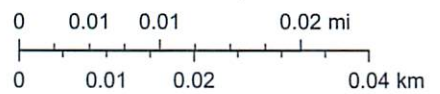
- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration.

# 2024-32-REZ/2024-33-SUP



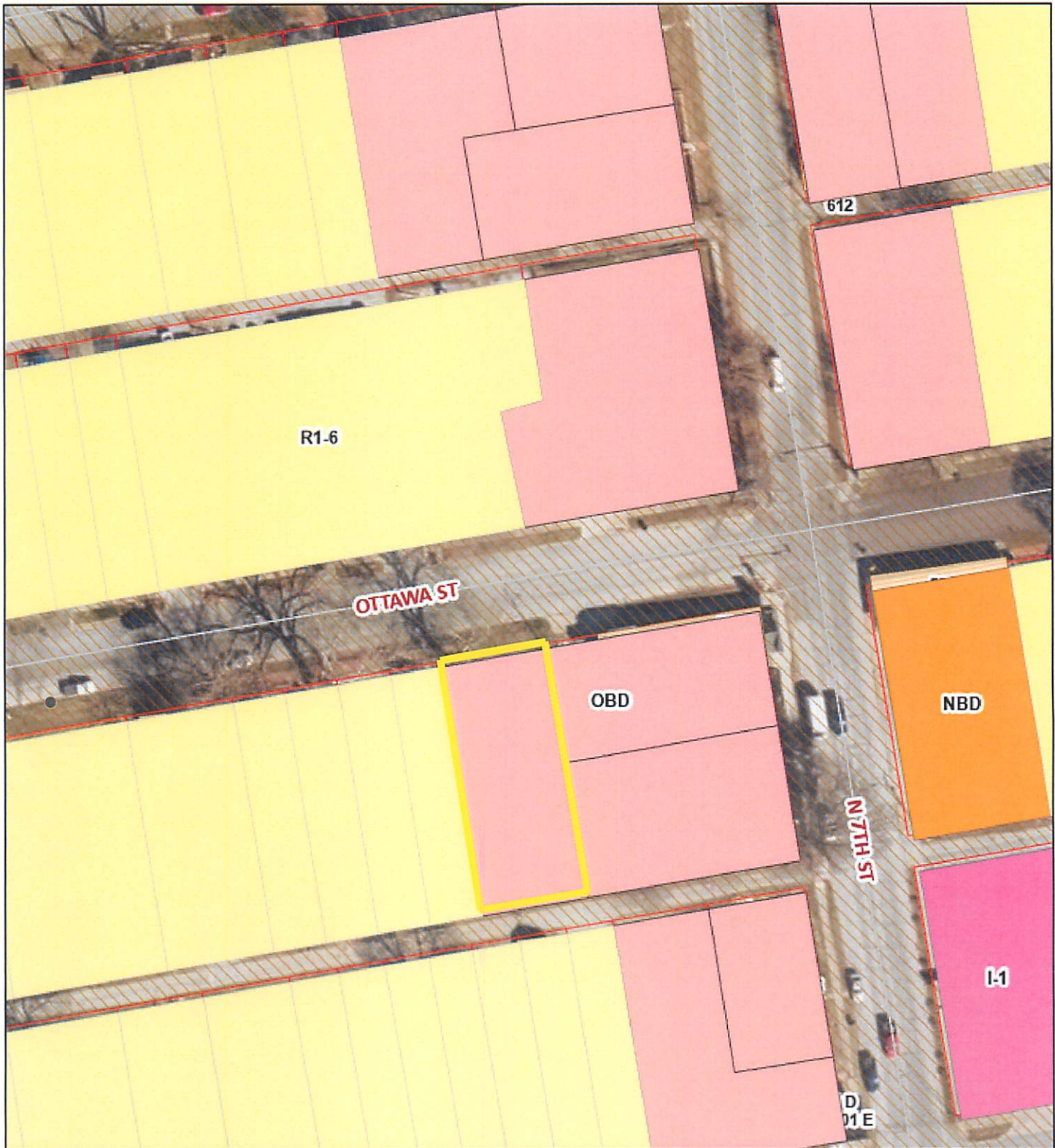
11/19/2024, 8:47:34 AM

1:1,128

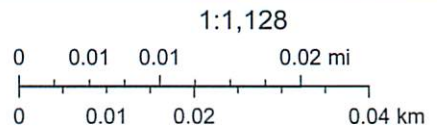


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

# 2024-32-REZ/2024-33-SUP (Zoning)

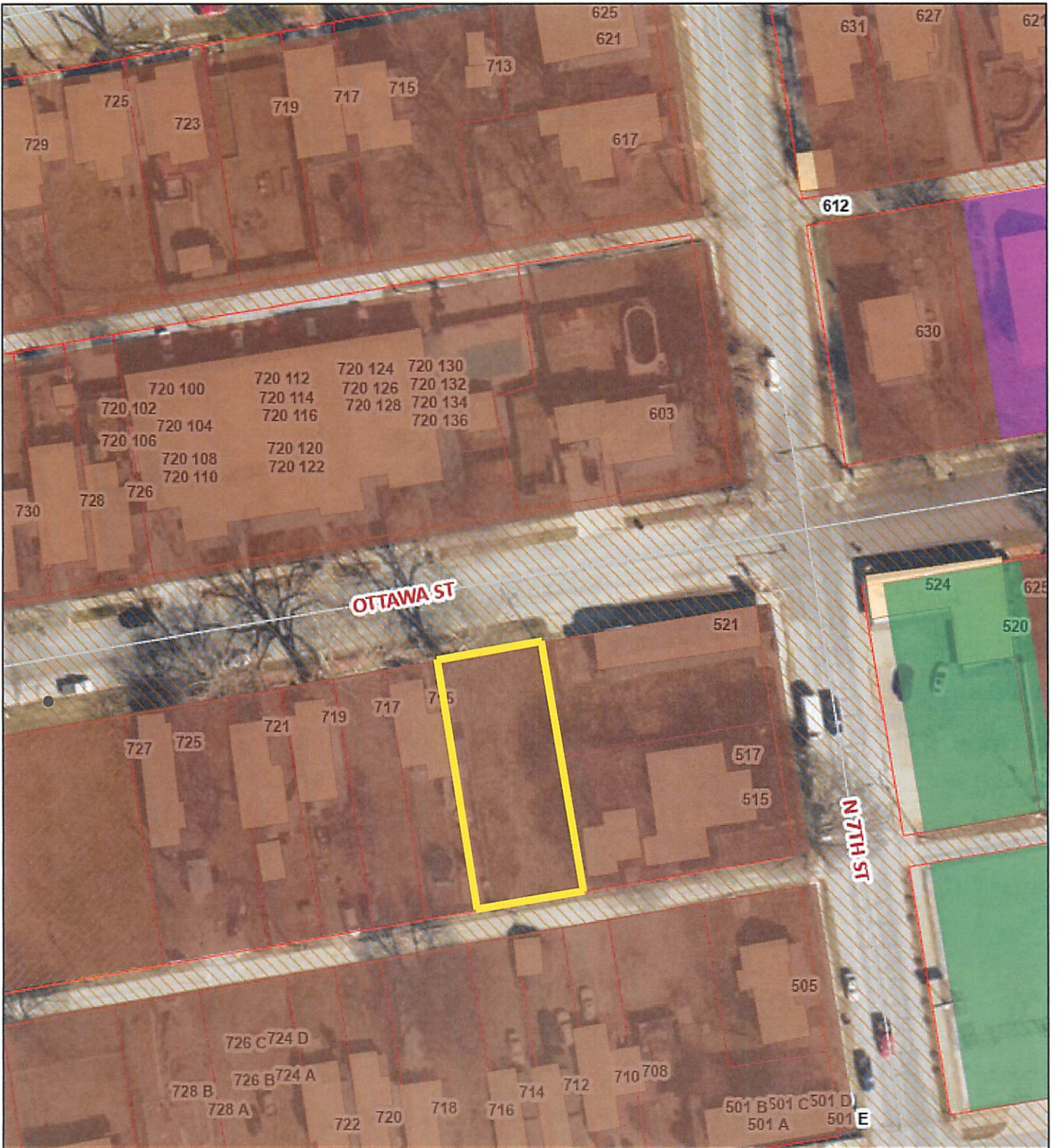


11/19/2024, 8:48:27 AM



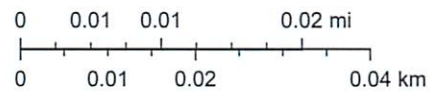
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

# 2024-32-REZ/2024-33-SUP (Future Land Use)



11/19/2024, 8:49:17 AM

1:1,128



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



**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

CASE NO.: 2024-33 SUP

Application No.	<u>16391</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>10/10/24</u>
Received By	<u>JS</u>
Hearing Date	<u>12-2-24</u>
Publication Date	<u>11-7-24</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: duplex in the R1-6 zoning district

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

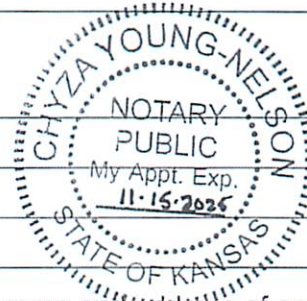
Subject Property:	<u>711 OTTAWA</u>		
Legal Description:	<i>(Attach a full legal description provided by the Register of Deeds Office)</i>		
Real Estate PID #:			
Zoning:		Historic District:	

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

Name(s) of Owner (print):	<u>ST PAUL LUTHERAN CHURCH &amp; SCHOOL OF LEAVENWORTH, INC.</u>		
Owner Address:	<u>311 N. 7<sup>th</sup> St. - LEAVENWORTH, KS 66048</u>		
Contact No.	<u>913-682-0387</u>	Email:	<u>office@spics.org</u>
Signature of Owner(s):	<u>[Signature]</u> <u>REV. VAN EDWARD MERRILL</u>		

State of Ks  
County of Leavenworth (SEAL)

Signed or attested before me on: 10/17/2024  
Notary Public: Chyza M Young-Nelson  
My Appointment Expires: 11-15-2025



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

**From:** Amy Willcott  
**To:** Michelle Baragary  
**Subject:** Tomorrow  
**Date:** Thursday, October 17, 2024 4:24:54 PM

---

Hi Michelle,

I plan to come to you tomorrow by 10:00 a.m. with all paperwork completed. And here is the info I wrote in answer to your request about why we ask for the special use permit. Does this suffice??

Depaul USA Leavenworth Attainable Housing received a Kansas Housing Resources Corporation's HOME-American Rescue Plan (HOME-ARP) Grant to build four new duplexes. We are requesting special use permits on the four separate lots we will acquire so that the duplexes may be built there. Our program provides wrap around services and a house for individuals who have an income and need support.

Thanks,

S. Amy

*Sister Amy Willcott, SCL*

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



Application No. 16311  
 Fee: \$150.00  
 Date Fee Paid: 10/3/24

CITY OF LEAVENWORTH  
 CERTIFICATE OF SURVEY - LOT SPLIT APPLICATION

LOCATION OF LOT SPLIT: 521 N. 7th St.

LEGAL DESCRIPTION: \_\_\_\_\_ (Must attach survey for both lots)

PARCEL NO: 052-077-26-0-41-07-001.00-0 ZONING OF SUBJECT PROPERTY: 03D

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

NAME: ST. PAUL LUTHERAN CHURCH & SCHOOL OF LEAVENWORTH, INC.

STREET ADDRESS: 311 N. 7th St.

CITY: LEAVENWORTH STATE: Ks ZIP: 66048

PHONE: 913-682-0387 FAX: 913-682-1139 EMAIL: office@sp/cs.org

NAME OF ENGINEER OR SURVEYOR PREPARING PLAT:

Joel Herring

COMPANY: Herring Surveying ADDRESS: 315 N. 5th St. Leav. KS

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

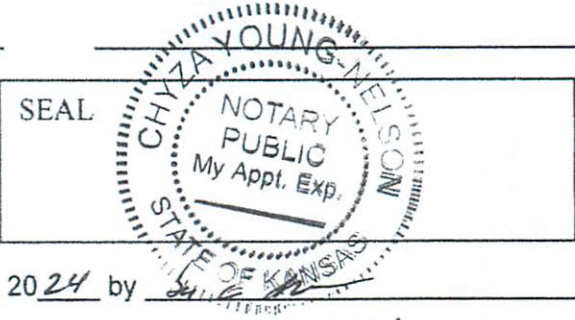
PHONE: 651-3858 FAX: \_\_\_\_\_ EMAIL: herringsurveying@outlook.com

SIGNATURE OF OWNER(s): [Signature] SR. PASTOR

DATE: 09-23-24

State of Ks

County of Lv



Signed and attested before me on Tuesday, 2024 by [Signature]

Notary Public Chyza Young Nelson My appointment expires 11-15-2025

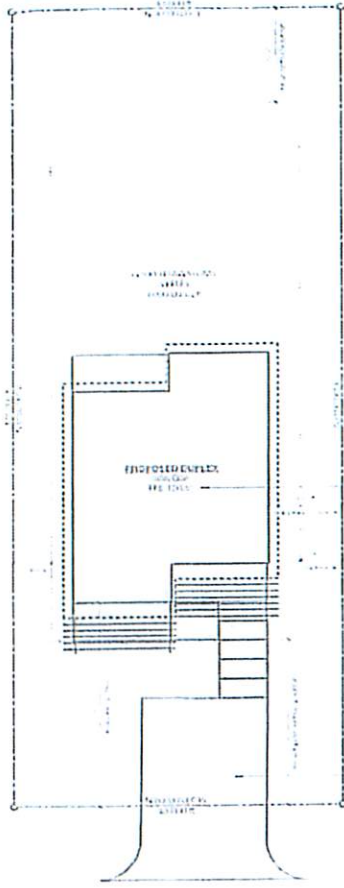
Note: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

FOR STAFF USE ONLY

- Copy to County Surveyor for Review (date sent): 10/3/24
- County Surveyor Approval Date: 10/16/24
- Approved copy sent to Register of Deeds Office (date sent): 11/6/24

Action Taken:  Approved  Denied

City Staff Reviewer/Approver: Michelle Baragony Date: 11/7/24



# POTTAWATOMIE

1) ARCHITECTURAL SITE PLAN  
 1/8" = 1'-0"



**A1.1**

DEPAUL USA  
 NEW DUPLEX  
 DEVELOPMENT

**ROGUE**  
 architecture

ARCHITECTURAL SITE PLAN

1/8" = 1'-0"

1) ARCHITECTURAL SITE PLAN  
 1/8" = 1'-0"



# CERTIFICATE OF SURVEY

Lots 41, 42, and part of Lots 43, 44, 45, and 46, Block 98, DAY & MACAULAYS SUBDIVISION, City of Leavenworth, Leavenworth County, Kansas.

## LOT SPLIT

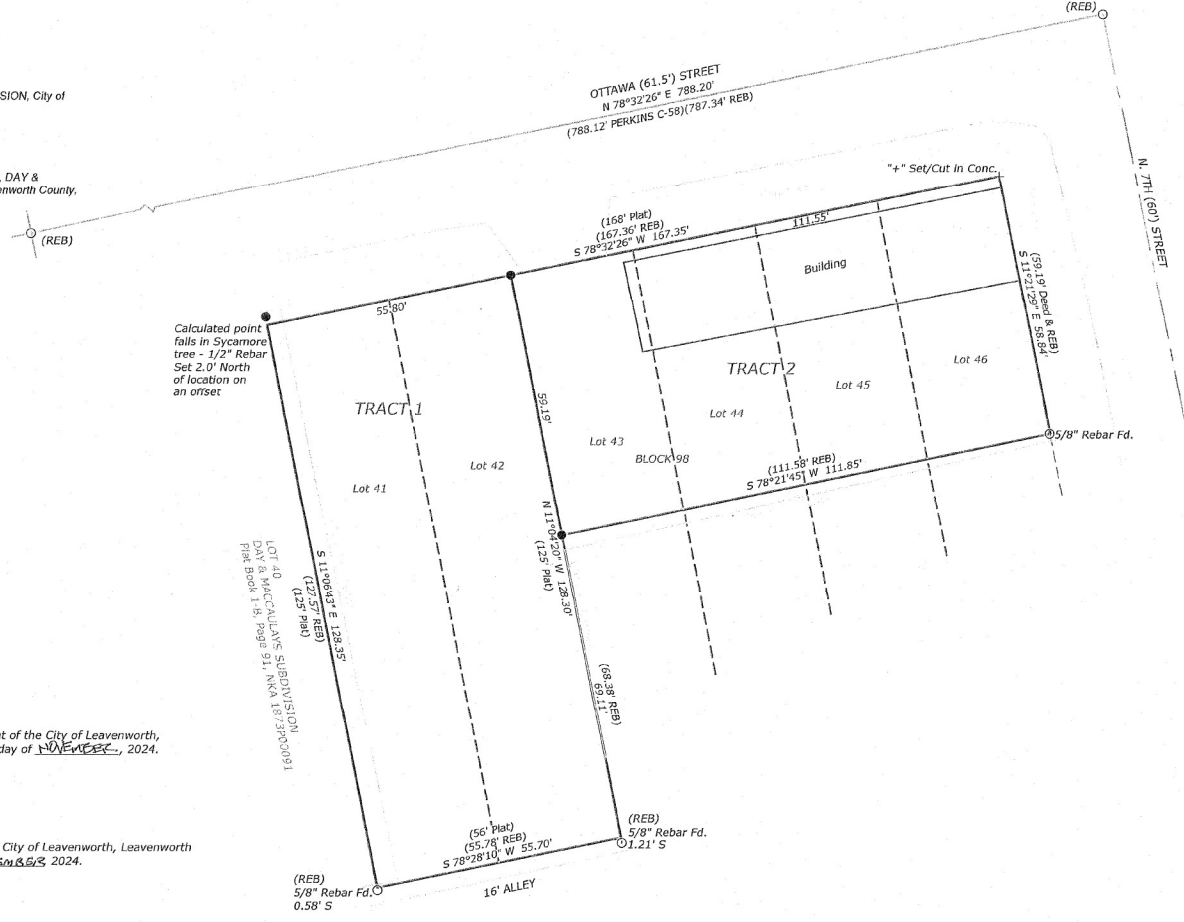
PREPARED FOR:  
ST PAUL LUTHERAN CHURCH &  
SCHOOL OF LEAVENWORTH INC  
311 N 7TH ST  
LEAVENWORTH, KS 66048

SITE ADDRESS:  
521 N 7TH ST  
LEAVENWORTH, KS 66048  
PID NO. 077-26-0-41-07-001

DOC #: 20245051  
TERRILLOIS HASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
11/06/2024 02:25:58 PM  
RECORDING FEE: \$2.00  
PAGES: 1

DESCRIPTIONS:  
TRACT 1:  
Lots 41 and 42, Block 98, DAY & MACAULAYS SUBDIVISION, City of Leavenworth, Leavenworth County, Kansas.  
Area: 7153.72 S.F., more or less.  
Error of Closure - 1: 16901

TRACT 2:  
The North 59.19 feet of Lots 43, 44, 45, and 46, Block 98, DAY & MACAULAYS SUBDIVISION, City of Leavenworth, Leavenworth County, Kansas.  
Area: 6591.88 S.F., more or less.  
Error of Closure - 1: 91255



- NOTES:
- 1) This survey does not show ownership or easements, per agreement with client
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All record and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Surveyor's Description
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Referenced Surveys  
DAY & MACAULAYS SUBDIVISION  
Plat Book 1-B, Page 91, NKA 1873P00091  
REB - R.E. Bacon Book 56 Page 9, NKA 1971S009  
Perkins Survey Book C Page 58
  - 8) Road Records - per reference Subdivision
  - 9) Referenced Deed Document Book 056 Page 705
  - 10) Survey prepared without the benefit of a title commitment.
  - 11) Fence Lines do not necessarily denote property lines.
  - 12) Structures are shown in approximate location.
  - 13) Property is not in a Special Flood Hazard Area Zone A per FEMA FIRIM Map 20103C0133G dated July 16, 2015
  - 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.
  - 15) REB found 5/8" Rebars near the south line of Lots 41 and 42, field for E-W Location but not N-S.

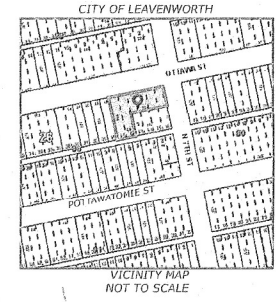
- LEGEND:
- - 1/2" Rebar Set with Cap No. 1296
  - - 1/2" Rebar Found, unless otherwise noted.
  - NS - Not Set this Survey per agreement with client

Approved by the Planning and Zoning Department of the City of Leavenworth, Leavenworth County, Kansas, on this 01<sup>st</sup> day of NOVEMBER, 2024.

*Julie Hufley*  
Julie Hufley, City Planner

Approved by the Public Works Department of the City of Leavenworth, Leavenworth County, Kansas, on this 06 day of NOVEMBER, 2024.

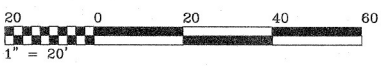
*Brian Faust*  
Brian Faust, Public Works Director



Scale 1" = 20'

Job # K-24-1827 Rev. 10/16/24  
September 24, 2024

HERRING SURVEYING COMPANY  
316 North 5th Street, Leav., KS 66048  
Ph. 913.681.9858 Fax 913.674.5381  
Email - survey@teammash.com



I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

*Daniel Baumchen*  
Daniel Baumchen, PS#1363  
County Surveyor



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of September 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296