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Welcome To Your City Commission Meeting - Please turn off or silence all cell phones during the commission meeting.  
*Meetings are televised everyday on Channel 2 at 7 p.m. and midnight*

**Call to Order – Pledge of Allegiance Followed by Silent Meditation**

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1. Proclamations: (pg. 2)
  - a. National American Indian Heritage Month
  - b. Shop Small-Small Business Saturday, November 24, 2018

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

2. Minutes from October 23, 2018 Regular Meeting **Action:** Motion (pg. 4)
- 

**NEW BUSINESS:**

**Citizen Participation:** *(i.e. Items not listed on the agenda or receipt of petitions- Please state your name and address)*

**General Items:**

3. Consider Request By Unified School District (USD) 453 to Waive Permits Fees **Action:** Motion (pg. 8)
4. Review Unsafe and Dangerous Structure-209 Elm Street **Action:** Motion (pg. 13)

**Resolutions:**

5. Resolution B-2208 Authorizing Leavenworth Main Street to Serve Complimentary Alcoholic Liquor at Alive after Five Events in 2019 **Action:** Motion (pg. 17)
6. Resolution B-2209 Designating Leavenworth as a Purple Heart City **Action:** Motion (pg. 19)

**Bids, Contract and Agreements:**

7. Addendum No. 1 to Real Estate Contract 2017-54 Kare Pharmacy **Action:** Motion (pg. 21)

**First Consideration Ordinance:**

8. First Consideration Ordinance Rezoning Lot A West Glen Preliminary Plat **Action:** Consensus (pg. 26)
- 

**Consent Agenda:** Claims for October 20, 2018 through November 9, 2018 in the amount of \$1,732,977.94; Net amount for Payroll #22 effective October 26, 2018 in the amount of \$332,150.50; (Including Police & Fire Pension of \$11,572.36) and Net amount of Payroll #23 effective November 9, 2018 in the amount of \$322,304.47; (No Police & Fire Pension). **Action:** Motion

**Other:**

**Adjourn** **Action:** Motion

# City of Leavenworth, Kansas



## Proclamation

- WHEREAS,** *the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and*
- WHEREAS,** *the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and*
- WHEREAS,** *their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and*
- WHEREAS,** *Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and*
- WHEREAS,** *in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned*

**NOW, THEREFORE,** *I, Mark Preisinger, Mayor of the City of Leavenworth, Kansas hereby proclaim November 2018 as:*

## National American Indian Heritage Month

*and I urge all our citizens to observe this month with appropriate programs, ceremonies and activities.*

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this thirteenth day of November in the year of two-thousand and eighteen.*

\_\_\_\_\_  
*Mark Preisinger, Mayor*

ATTEST:

\_\_\_\_\_  
*Carla K. Williamson, CMC, City Clerk*

# City of Leavenworth, Kansas



## Proclamation

- WHEREAS,** *Small Business Saturday is a shop local campaign held on the Saturday following Thanksgiving to encourage reinvestment in small business across the country; and*
- WHEREAS,** *small businesses employ over 55 percent of America's workers either owning or working for a small business; and*
- WHEREAS,** *87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and*
- WHEREAS,** *according to research firm Civic Economics, for every \$100 spent at a local store, \$68 stays within the community while on-line shopping generates little or no benefit for the local economy; and*
- WHEREAS,** *advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and*
- WHEREAS,** *the City of Leavenworth wishes to recognize the contributions that small businesses make to our community and local economy; and*

**NOW, THEREFORE,** *I, Mark Preisinger, Mayor of the City of Leavenworth, Kansas hereby proclaim November 24, 2018 as:*

## Small Business Saturday

*in the City of Leavenworth, and hereby urge all citizens to shop at and support our local businesses, as we celebrate the accomplishments of our small businesses and encourage the development of new small businesses.*

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this thirteenth day of November in the year of two-thousand and eighteen.*

\_\_\_\_\_  
*Mark Preisinger, Mayor*

ATTEST:

\_\_\_\_\_  
*Carla K. Williamson, CMC, City Clerk*



**CALL TO ORDER** - The Governing Body met in regular session and the following commission members were present: Mayor Mark Preisinger, Mayor Pro-Tem Jermaine Wilson, Commissioners Nancy Bauder, Larry Dedeke and Myron J. (Mike) Griswold.

**Others present:** City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Public Information Officer Melissa Bower, City Attorney David E. Waters, Deputy City Clerk Cary L. Collins and City Clerk Carla K. Williamson.

Mayor Mark Preisinger opened the meeting with the pledge of allegiance followed by silent meditation.

**Proclamation:**

**Military Retiree Appreciation Day** – Norm Greczyn accepted the proclamation.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Bauder moved to approve the minutes from the October 9, 2018 regular meeting and October 16, 2018 special meeting as amended. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

**Second Consideration Ordinances:**

**Second Consideration Ordinance No. 8089 Amending Chapter 82 Personnel** – City Manager Paul Kramer stated there have been no changes since placed on first consideration at the October 9, 2018 meeting.

Mayor Preisinger called the roll and Ordinance No. 8089 was unanimously approved 5-0.

**NEW BUSINESS:**

**Citizen Participation:** none

**General Items:**

**Consider Cereal Malt Beverage (CMB) License at 700 Kiowa Street** – City Clerk Carla Williamson presented for consideration and approval a 2018 CMB on premise license for Bill's Kitchen located at 700 Kiowa Street.

Commissioner Griswold moved to approve the 2018 on premise Cereal Malt Beverage license for Bill's Kitchen located at 700 Kiowa Street. Commissioner Wilson seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

**Review and Discuss Massage Establishment and Massage Therapists Licensing** – City Clerk Carla Williamson reviewed the items with the City Commission. At the October 2, 2018 Study Session staff presented for review the need for amendments to Chapter 26 Article III of the Code of Ordinances for the City of Leavenworth. At that meeting there was a consensus by the Commission to update the ordinance and to remove the current requirement that a Massage Therapist provide *“A statement in writing from a licensed physician in the state that he has examined the applicant and believes the applicant to be free of all communicable diseases.”* The Commission was also in favor of options to allow home-based massage businesses and to allow massage therapy on a business premise or home of a massage client. In addition, the Commission provided a consensus to discontinue the licensing of Tattoo Establishments and Tattoo Artists as these are regulated and licensed by the State Board of Cosmetology. The regulating and licensing of Bathhouses, Modeling Studios and Body Painting Studios will be moved to a separate Article of Chapter 26 to allow Massage to be in an Article of the Code by itself. Staff invited local massage business establishment owners in town to be part of a discussion regarding changes and held two meetings. The meetings were well attended and staff obtained some great feedback on the topic. Massage therapists and business owners were notified of the City Commission meeting and were encouraged to be part of the discussion.

Massage Therapists and business owners present were: Jessica Johnson, Sonya Brown, Deborah Leavitt, Gail Reardon, Roxanne Joslin, and Deanna Monaco.

#### Discussion item 1

- City Commission discussed, with input from the massage therapists present, that the City would issue identification cards in addition to the license.
- Allowing massage to be performed in a person's home by the massage therapists.
- The City Commission discussed, with input from the massage therapists present, and agreed by consensus to allow massage therapists to perform massage therapy in a person's home if they would wish to do so.
- Hours for in home massage will be set at 6:00 am – midnight to conform to the same hours as massage performed in an establishment.

#### Discussion item 2

- Home occupancy allowed by Special Use Permit
- Discussion regarding allowing a person to be a traveling massage therapist and not work from a physical establishment.

Commissioner Dedeke moved to drop the discussion and come back to a study session. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.



**Region L. Multi-Jurisdictional Hazard Mitigation Plan Modifications** – Public Works Director Mike McDonald presented for consideration and approval of changes to the plan. The proposed changes were reviewed with the City Commission at the October 16, 2018 Study Session. The changes are related to additional threat ranking, status of mitigation items and additional mitigation items. There was opportunity for public comment at the October 16, 2018 Study Session and at this regular meeting prior to action by the Commission. No public comments were made.

Commissioner Bauder moved to approve changes to the current Regional L. Multi-Jurisdictional Hazard Mitigation Plan as proposed related to additional threat ranking, status of mitigation items and addition of mitigation items. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

**Bids, Contracts and Agreements:**

**Consider Bids for Riverfront Community Center (RFCC) Phase 4 Stone Replacement Project** – Deputy Public Works Director Mike Hooper and Public Works Director Mike McDonald presented for consideration the bids for the RFCC Phase 4 Stone Replacement Project. Staff recommends approval of the low bid in the amount of \$807,945.00 from Mid-Continental Restoration Co. Inc. In August 2017 the City was awarded a \$500,000 grant provided by Kansas Department of Transportation (KDOT) and distributed through Mid-American Regional Council (MARC) to be used for this project to begin in 2019.

Commissioner Griswold moved to award the contract to Mid-Continental Restoration Co. Inc. for the RFCC Phase 4 Stone Replacement Project in the amount of \$807,945.00. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

**Consider Change Order No 1 to Contract 2016-93 For McAfee Henderson Solution (MHS) related to the 4<sup>th</sup> Street & Marion Intersection Project** - Public Works Director Mike McDonald presented for consideration a change order to the engineering contract with McAfee Henderson Solution (MHS) related to the 4<sup>th</sup> Street & Marion Intersection Project in the amount of \$13,372.24.

Commissioner Griswold moved to approve Change Order No 1 to the engineering contract with McAfee Henderson Solution (MHS) related to the 4<sup>th</sup> Street & Marion Intersection Project in the amount not to exceed \$13,372.24. Commissioner Wilson seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

**CONSENT AGENDA:**

Commissioner Griswold moved to approve Claims for October 6, 2018 through October 19, 2018 in the amount of \$1,222,657.06; Net amount for Payroll #21 effective October 12, 2018 in the amount of \$314,721.79; (No Police & Fire Pension) Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

**Other:**

Commissioner Bauder:

- Reminded everyone to vote

City Manager Kramer:

- Asked for clarification on dates for a Study Session to further the discussion on the revisions to the massage ordinance to make sure that the City Attorney is present.
- There was a consensus by the Commission to have the meeting on November 14, 2018 at 6:00 pm.
- Reminder of the community picnic and ribbon cutting of the new playground equipment at Cody Park on November 3<sup>rd</sup>.

**Executive Session:**

**Discuss Personnel Matters of Nonelected Personnel per K.S.A. 75-4319 (b) (1), City Manager Contract Renewal**

Mayor Preisinger moved that the City Commission recess into executive session pursuant to the *nonelected personnel matters* exception per K.S.A. 75-4319 (b) (1), in order to discuss the City Manager contract renewal. The open meeting to resume in the City Commission Chambers at 8:48 by the clock in the City Commission Chambers. City Attorney David Waters is requested to be present during the Executive Session. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

The City Commission returned to open session at 8:48 p.m.

Commissioner Bauder moved to approve the City Manager employment agreement for 3 years commencing on December 18, 2018 through December 31, 2021. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

**Adjourn:**

Commissioner Dedeke moved to adjourn the meeting. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried and the meeting adjourned.

Time Meeting Adjourned 8:49 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

**POLICY REPORT 18-49**

**CONSIDER REQUEST BY THE USD 453  
TO WAIVE PERMIT FEES FOR  
INTERMEDIATE CENTER**

**November 13, 2018**

Prepared by:

Reviewed by:



Michael G. McDonald, P.E.  
Public Works Director

  
for Paul Kramer,  
City Manager

**ISSUE:**

USD 453 is requesting that the City of Leavenworth waive permit fees for the upcoming Intermediate Center project.

**BACKGROUND:**

USD 453 is in the process of constructing the Intermediate Center on New Lawrence Road. The valuation of construction for this project is estimated at \$19,000,000.

They have requested that the permit fees be waived for these projects. The building permit fee would be \$32,327, and the estimated fees for the electrical, mechanical and plumbing permits would be \$5,000.

The City sends plans out for review by a plan review service. There will be a Plan Review Fee paid by the City for this project of \$21,012.55. The City has not waived this fee on previous projects.

City policy is that any waiver of permit fees must be approved by the City Commission. Building permit fees for various organizations have been waived in the past. These projects were associated with local government, education, and non-profit organizations.

The attached memorandum dated November 6, 2018, from Hal Burdette, Chief Building Inspector, provides a list of projects that the permit fees have waived since 2008.

It will still be necessary that the permits be obtained and all other inspection requirements be met if the fees are waived.

**RECOMMENDATION:**

Staff recommends that the City Commission waive building permit fees associated with the Leavenworth Intermediate Center project.

**ATTACHMENT:**

Letter from USD 453  
Building Permit Fees Waived Memo





Mr. Kramer,

The Leavenworth Public Schools has recently passed a bond to build a new intermediate center and make improvements to multiple other locations to improve the educational environment for our students. We are starting first with a new intermediate center located on New Lawrence Rd at an estimated cost of 19 million dollars.


On behalf of the School district, I request your consideration for the waiver of all City fees associated with the construction process for this new building. We are excited to improve our School District and support the growth and success of the City.

Respectfully,

Matt Dedeke  
Director of Facilities  
USD 453

# MEMORANDUM

Public Works Department

**TO:** Mike McDonald, Director of Public Works  
**FROM:** Hal Burdette, Chief Building Inspector   
**SUBJECT:** Waiver of Permit Fees for USD 453  
**DATE:** November 6, 2018

A request has been made to waive the permit fees for the Intermediate Center for USD 453. The project valuation for the project has been provided in the letter requesting the waiver of fees, and the associated building permit fee would be \$32,327.00.

I estimate that the electrical, mechanical and plumbing permit fees would be approximately \$5,000.00.

I have updated and attached a list of building permit fees that have been waived in recent years.

## **Building Permit Fees Waived**

### **2018**

#### **Government**

City of Leavenworth	\$ 284.00
<b>2018 Total</b>	<b>\$ 284.00</b>

### **2017**

#### **Government**

City of Leavenworth	\$ 102.00
Leavenworth County	\$ 5,701.00

#### **Non-Profit Organizations**

Leavenworth Interfaith Community of Hope	\$ 4,327.00
<b>2017 Total</b>	<b>\$ 10,130.00</b>

### **2016**

#### **Government**

City of Leavenworth	\$ 487.00
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#### **Education**

U.S.D. 453	\$ 1,097.00
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#### **Other**

Home 2 Suites	\$ 11,827.00
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<b>2016 Total</b>	<b>\$ 13,411.00</b>
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### **2015**

#### **Government**

City of Leavenworth	\$ 727.00
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#### **Other**

University of St. Mary's-Sports Complex (\$4,000 Collected)	\$ 13,000.00
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Ben Day Lofts (\$2,000 Collected)	\$ 4,327.00
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<b>2015 Total</b>	<b>\$ 18,054.00</b>
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### **2014**

#### **Government**

City of Leavenworth	\$ 968.00
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#### **Education**

U.S.D. 453	\$ 2,577.00
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<b>2014 Total</b>	<b>\$ 3,545.00</b>
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### **2013**

#### **Government**

City of Leavenworth	\$ 2,260.00
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Leavenworth County	\$ 15.00
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#### **Other**

Stove Factory Lofts	\$ 60,606.00
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Fairfield Inn & Suites (\$8,000.00 Collected)	\$ 11,127.00
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Sisters of Charity – Ross Hall (\$5,000.00 Collected)	\$ 20,430.00
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<b>2013 Total</b>	<b>\$ 94,438.00</b>
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**2012****Government**

City of Leavenworth	\$ 1,494.00
Leavenworth County	\$ 15.00

**Education**

U.S.D. 453	\$ 80.00
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<b>2012 Total</b>	<b>\$ 1,589.00</b>
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**2011****Non-Profit Organizations**

Heritage Center	\$ 267.00
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**Government**

City of Leavenworth	\$ 3,331.00
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**Education**

Xavier School	\$ 2,147.00
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<b>2011 Total</b>	<b>\$ 5,745.00</b>
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**2010****Non-Profit Organizations**

Habitat for Humanity	\$ 923.75
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**Government**

City of Leavenworth	\$ 11,968.00
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Leavenworth County	\$ 7,943.25
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**Education**

U.S.D. 453	\$ 52,127.25
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<b>2010 Total</b>	<b>\$ 72,962.25</b>
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**2009****Non-Profit Organizations**

First City Museum	\$ 97.25
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Youth Achievement Center	\$ 783.75
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Leavenworth Main Street	\$ 166.50
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**Government**

City of Leavenworth	\$ 4,798.55
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**Education**

U.S.D. 453	\$ 91,647.05
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<b>2009 Total</b>	<b>\$ 97,493.10</b>
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**2008****Non-Profit Organizations**

Comm. Dev. Corp. of Leavenworth	\$ 790.75
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**Government**

City of Leavenworth	\$ 14,457.90
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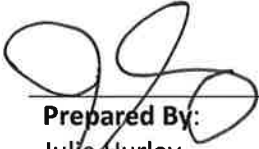
Leavenworth County	\$ 11,037.90
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<b>2008 Total</b>	<b>\$ 26,286.55</b>
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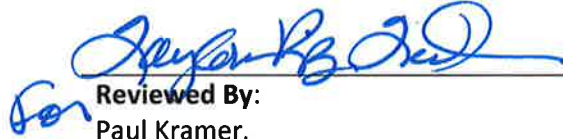
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**POLICY REPORT**  
**Review Unsafe and Dangerous Structures**  
**209 Elm Street**

**November 13, 2018**



**Prepared By:**  
Julie Hurley,  
City Planner



**Reviewed By:**  
Paul Kramer,  
City Manager

**DISCUSSION**

On June 26, 2018, the City Commission adopted Resolution B-2203 regarding demolition of 13 structures, including the property at 209 Elm. At that time, the Commission voted to grant an extension to October 9<sup>th</sup> for the owner to complete needed repairs. The Commission again reviewed the progress of the property on October 9, 2018. At that time, the repairs had not been completed.

A permit to replace the roof was obtained on 9/18/18 and the roof replacement has been completed. Other items remaining to be completed include: gutter repair/replacement, window repair, and repainting. As of Thursday, November 9<sup>th</sup>, the remaining repairs had not been completed. The owner indicated that they would be complete prior to the Commission meeting on Tuesday, November 13<sup>th</sup>. Updated status and pictures will be provided at the Commission meeting.

**RECOMMENDED ACTION**

- Motion to remove 209 Elm from demolition list.
- Motion to grant extension to complete repairs to 209 Elm.





## Determination of Unsafe or Dangerous Structure

<b>Address:</b>	209 Elm		
<b>Owner</b>	<b>Description</b>	<b>Taxes</b>	<b>Parcel Number</b>
Platinum Enterprises	2 Story wood frame		052-077-36-0-40-05-003.00-0
<b>Legal Description:</b> FACKLERS ADDITION BLK 11 LOT 3			
<b>Date of Inspection</b>	<b>Zoning</b>		<b>Parcel Size</b>
1/22/2018	R1-6		6506
<b># Code Violations</b>	<b>Last Court Appearance</b>		<b>Code Enforcement Officer</b>
2	N/A		Lee Burleson

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

Neighbors complain of squatters. Last water service 2/23/2015.



**PROPERTY REMEDIATION AGREEMENT**

Owner: Platinum Enterprises  
 Site Address: 209 Elm St.  
 Leavenworth, KS 66048

The owner(s) of the property located at 209 Elm St. recognize that the property is in violation of the City’s Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	<b>DEADLINE</b>	<b>TASK</b>
1)	6/22/18	<b>Roof</b> - replace entire roof, to include soffits and eaves.
2)	6/22/18	<b>Guttering</b> - Replace all guttering
3)	6/22/18	<b>Windows</b> - Fix all windows
4)	6/22/18	<b>Paint</b> - Paint exterior of the house.

I (Print the Owner’s Name) \_\_\_\_\_ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Notary Area

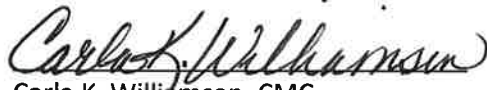
\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

**POLICY REPORT  
RESOLUTION B-2208  
TO AUTHORIZE SERVING COMPLIMENTARY (FREE) ALCOHOLIC LIQUOR  
LEAVENWORTH MAIN STREET PROGRAM ALIVE AFTER FIVE EVENTS**

**NOVEMBER 13, 2018**

Prepared by:



Carla K. Williamson, CMC  
City Clerk

Approved by:

  
*for* Paul Kramer  
City Manager

**ISSUE:**

To consider a resolution to authorize serving complimentary (free) alcoholic liquor or cereal malt beverages to members of the general public during the "Alive After Five Events" to be held at various businesses as sponsored by Leavenworth Main Street Program from January 1, 2019 through December 31, 2019.

**BACKGROUND:**

State statute K.S.A. 41-104 allows authorization to serve complimentary (free) alcoholic liquor or cereal malt beverages to members of the general public on the unlicensed premises of businesses by the business owner or owner's agent. Leavenworth Main Street Program which is a non-profit 501©3 organization is sponsoring the "Alive After Five Events" to be held on the first Thursday of each month between the hours of 4:00 p.m. to 10:00 p.m. commencing on January 1, 2019 through December 31, 2019.

The Leavenworth Main Street Program would strictly control the activity. Should the City Commission agree with this request, the governing body must approve a resolution authorizing the event as required by Alcoholic Beverage Control Division Form ABC-865.

**ACTION:**

Approve Resolution B-2208 which authorizes serving complimentary (free) alcoholic liquor or cereal malt beverages to members of the general public during the "Alive After Five Events" to be held at various businesses as sponsored by Leavenworth Main Street Program from January 1, 2019 through December 31, 2019.

**ATTACHMENT:**

- Resolution B-2208

**RESOLUTION B-2208**

**WHEREAS**, the City of Leavenworth, Kansas authorizes serving complimentary (free) alcoholic liquor or cereal malt beverages to members of the general public during the “Alive After Five Events” to be held at various businesses as sponsored by Leavenworth Main Street Program from January 1, 2019 through December 31, 2019.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** Pursuant to K.S.A. 41-104, authorization is hereby given to serve complimentary (free) alcoholic liquor or cereal malt beverages to members of the general public on the unlicensed premises of businesses by the business owner or owner's agent at the “Alive After Five Events” sponsored by Leavenworth Main Street Program which is a non-profit 501©3 organization, to be held on the first Thursday of each month between the hours of 4:00 p.m. to 10:00 p.m. commencing on January 1, 2019 through December 31, 2019.

**Section 2.** . Leavenworth Main Street Program shall not be required to obtain a Temporary Permit, falling under the “Fundraising” category wherein:

- The alcoholic drinks served must be complimentary.
- The event at which the alcoholic liquor is served must be an official fundraising event of the organization or the event must be sponsored by either a charitable organization or by a candidate, party or political committee.

**Section 3.** That this resolution shall be effective upon its passage.

**PASSED AND APPROVED** by the Governing Body this 13<sup>th</sup> day of November 2018.

CITY OF LEAVENWORTH, KANSAS

\_\_\_\_\_  
Mark Preisinger, Mayor

{SEAL}

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk

**Policy Report**  
Purple Heart City  
Nov. 13, 2018

Prepared by:

  
For Paul Kramer  
City Manager

**Issue:**

The City was recently approached by Walter Schley, Senior Vice Commander, Department of Missouri Commander, Chapter 115, Greater Kansas City Military Order of the Purple Heart, about being a Purple Heart City.

Mayor Preisinger and I met with Mr. Schley in October and the attached resolution represents the City's commitment to becoming a Purple Heart City.

Mr. Schley will be at the meeting to accept the resolution and speak about the honor of becoming a Purple Heart City.

**RESOLUTION NO. B-2209**

**A RESOLUTION DESIGNATING THE CITY OF  
LEAVENWORTH AS A PURPLE HEART CITY**

**WHEREAS**, the Purple Heart is the oldest U.S. Military decoration in use, having been initially created as the badge of Military Merit by General George Washington in 1782; and,

**WHEREAS**, the Purple Heart was the First American service awarded or decoration made available to the common soldier and is specifically awarded to members of the United States Armed Forces who have been wounded or who made the ultimate sacrifice in combat; and,

**WHEREAS** the City of Leavenworth has a long and proud history of men and women veterans, who have paid the high price of freedom by leaving their families, friends, and homes and placing themselves in harm's way to help secure liberty for all of our citizens; and,

**WHEREAS**, many men and women in uniform have made the ultimate sacrifice by giving their lives while serving in the Armed Forces; and,

**WHEREAS**, a great many other men and women, including those from the Leavenworth area, have sacrificed parts of themselves for this great county as a result of being wounded while engaged in combat with an enemy force; and,

**WHEREAS**, the City of Leavenworth seeks to remember and recognize all veterans, especially those from the Leavenworth area, who are the recipients of the Purple Heart, by displaying Purple Heart signs throughout the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

Is hereby proclaimed and designated to be a Purple Heart City, honoring the service and sacrifice of our nation's men and women in uniform, wounded or killed while serving to protect our freedom.

**PASSED AND APPROVED** this 13<sup>th</sup> day of November 2018.

CITY OF LEAVENWORTH, KANSAS

{SEAL}

\_\_\_\_\_  
Mark Preisinger, Mayor

ATTEST:


\_\_\_\_\_  
Carla K. Williamson CMC, City Clerk



**POLICY REPORT  
ADDENDUM NO 1 TO CONTRACT  
2017-54 REAL ESTATE SALE CONTRACT  
SANDEEP AND KARISHMA KHANDELWAL  
KARE PHARMACY**

**NOVEMBER 13, 2018**

Prepared by:



Carla K. Williamson, CMC  
City Clerk

Reviewed by:



Paul Kramer  
City Manager

**BACKGROUND:**

At the September 26, 2017 City Commission meeting the Governing Body unanimously approved the sale of City-owned property located near 2500 S. 4<sup>th</sup> Street. Contract No. 2017-54 was prepared and signed by both parties. At the time the Contract was prepared the legal description of the property was incomplete. Addendum No. 1 corrects the legal description to include all lots intended to be sold to the buyer. All other consideration of the agreement remain unchanged.

**CITY COMMISSION ACTION:**

Approve Addendum No. 1 to Real Estate Sale Contract No. 2017-54.

Addendum No. 1  
Real Estate Sale Contract

This Addendum No. 1 to the original Real Estate Sale Contract , made and entered into on this 26<sup>th</sup> day of September 2017 by and between the City of Leavenworth, Kansas, Kansas Corporation, (as "Seller") and Sandeep and Karishma Khandelwal .

**WHEREAS**, Seller wishes to amend the original Real Estate Sale Contract approved by the Leavenworth City Commission on September 26, 2017 by amending the legal description of the property.

**NOW, THEREFORE**, for the mutual covenants herein contained between the parties hereto, the **REAL ESTATE INVOLVED** and legal description of the properties, to wit:

A portion of Lots 4 and 5 of JOHNSON'S SUBDIVISION of the East ½ of the Southwest ¼ of Section 1, Township 9 of Range 22, described as follows: Commencing at a point 30 feet West of the Northeast corner of said Lot 4 of Johnson's Subdivision of the East ½ of the Southwest ¼ of Section 1, Township 9, Range 22 East, running thence South along the West line of Fourth Street, 265 feet to a point; thence South 81 degrees West 225 feet; thence South 45 degrees 30 minutes West 75 feet; thence South 46 degrees 15 minutes West 138.66 feet; thence South 45 degrees 30 minutes West 113.52 feet; thence North parallel with the West line of Fourth Street, 531.96 feet to a point on the North line of said Lot 4 in Block 1 in said Johnson's Subdivision; thence East along said North line of said Lot 4, 455.36 feet to the place of beginning.

LESS the following described tract:

a tract of land in Lot 4 Johnson's Subdivision of the East ½ of the Southwest ¼ of Section 1, Township 9, of Range 22; Commencing at a point 30 feet West of the Northeast corner of Lot 4; thence South along the West line of J.W. Hughes Road (Fourth Street), 265 feet to a point; thence South 81 degrees West, 107 feet to a point; thence North parallel to the West line of (Fourth Street) J.W. Hughes Road, 277.07 feet to a point; thence East along the North line of Lot 4, 106.78 feet to the point of beginning.

also,

Lots Ten (10) and Eleven (11), Block Two (2) HALSEY HEIGHTS SUBDIVISION and the North ½ of vacated Santa Fe Street.

AND

A tract of land in Lots 5 through 9 inclusive, Block 2 in Halsey Heights subdivision in the City of Leavenworth, Leavenworth County, Kansas, described as follows: BEING all of said lots 5 through 9 inclusive, Block 2 in Halsey Heights Subdivision. The above contains 15,465 square feet, more or less.

**IN WITNESS WHEREOF**, the parties hereto, or their duly authorized representatives set their hands.

**SELLER:**

City of Leavenworth, Kansas

BY: \_\_\_\_\_

Name: Mark Preisinger

Title: Mayor

Date: \_\_\_\_\_

**ATTEST:**

BY: \_\_\_\_\_

Name: Carla K. Williamson, CMC

Title: City Clerk

Date: \_\_\_\_\_

**BUYER:**

BY: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

## **REAL ESTATE SALE CONTRACT**

**THIS REAL ESTATE SALE CONTRACT** (this "Contract") is made as of the last date of signature indicated below (the "Effective Date"), by and between the City of Leavenworth, Kansas, a Kansas Municipal Corporation (as "Seller") and [Sandeep and Karishma Khandelwal].

### **REAL ESTATE INVOLVED:**

Lots Ten (10) and Eleven (11), Block Two (2) HALSEY HEIGHTS SUBDIVISION and the North 1/2 of vacated Santa Fe Street.

Commonly referred to as the parcel immediately north of 2500 S. 4<sup>th</sup> St., Leavenworth, Kansas.

### **CONSIDERATION;**

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereto agree as follows, to-wit:

**CONTINGENCIES:** The Seller agrees to sell to the Buyer if the Buyer has closed on the purchase of adjacent property located at 2500 S. 4<sup>th</sup> St. The Seller also agrees to sell to the Buyer when approved building plans are on file with the City of Leavenworth for the adjacent commercial property.

**PAYMENT OF CONSIDERATION:** The Seller agrees to sell to the Buyer and the Buyer agrees to buy from the Seller the premises and to pay therefore the sum of \$10.00 as follows: Payment in full at closing.

**QUIT CLAIM DEED:** Seller will transfer to Buyer at Closing by Quit Claim deed with the property accepted by buyer "as is".

**ENVIRONMENT:** To the best knowledge of the Seller, the premises contain no prohibited environmental contaminants, and have not been used as a landfill or dump site.

**TITLE INSURANCE AND COSTS:** Based on the transfer by Quit Claim deed no title insurance is provided to buyer. No cost shall be incurred by the Seller.

**REAL ESTATE TAXES:** Real estate taxes shall be paid by Seller to date.

**ASSIGNMENT:** Buyer shall not assign this Contract, sell the premises subject to this Contract, or allow any person to take possession of the property, at any time prior to Buyer obtaining title.

THIS CONTRACT is and shall be binding and obligatory upon the parties hereto, their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this contract this 26<sup>th</sup> day of September, 2017.

**SELLER:**

City of Leavenworth, KS

By: Nancy D. Bauder

Name: Nancy D. Bauder

Title: Mayor

Date: 9-26-2017



**ATTEST:**

By: Carla K. Williamson

Name: Carla K. Williamson, CMC

Title: City Clerk

Date: 9-26-2017

**BUYER:**

By: Khandelwal

Name: Kanishma Khandelwal


Date: 10/03/2017

**POLICY REPORT  
LEAVENWORTH CITY COMMISSION  
FIRST CONSIDERATION ORDINANCE  
2018-17-REZ  
WEST GLEN**

**NOVEMBER 13, 2018**

**SUBJECT:**

A request to rezone Lot A of the West Glen Preliminary Plat from R1-6, High Density Single Family Residential District, to PUD, Planned Unit Development

  
\_\_\_\_\_  
**Prepared By:**  
Julie Hurley  
City Planner

  
\_\_\_\_\_  
**Reviewed By:**  
Paul Kramer  
City Manager

**ANALYSIS:**

The applicant is requesting a rezoning of their property identified as Lot A in the West Glen Preliminary plat from R1-6, High Density Single Family to PUD, Planned Unit Development. The property was rezoned from R1-25, Low Density Single Family Residential District in 2017, at the same time as the approval of the Preliminary Plat. The rezoning is being requested in order to develop the property with attached single-family villa units. The applicant is proposing a total of 5 structures; 2 triplex structures (6 total units) and 3 duplex structures (6 total units)

The development will be accessed via a private street off of 20<sup>th</sup> Street. There are a proposed total of three lots. After construction of the residential units, "condo plats" will be recorded to provide individual ownership of units with common ownership of the ground, to be owned and maintained by an established Home Owner's Association. Should the rezoning request be approved, the applicant will be required to provide a final plat of the property for approval and recording prior to commencement of construction of any residential units.

The Development Review Committee reviewed the application at their August 23, 2018 meeting. No major issues were identified. All items discussed were minor in nature and needed modifications will be reflected when a plat for the development is submitted prior to construction.

**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 currently vacant and directly adjacent to 20<sup>th</sup> Street. It is part of the larger West Glen single family subdivision, which is currently under development. The properties to the north are developed with existing large lot single family homes, and the property directly to the west across 20<sup>th</sup> Street is occupied by the Church of the Open Door.*

- b) The zoning and use of properties nearby;

*The properties to the north and east are zoned R1-6, High Density Single Family Residential District, the property to the south is zoned GBD, General Business District, and properties to the west and further north are zoned R1-25, Low Density Single Family Residential District.*

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

*The subject property is currently zoned R1-6, which allows for high-density single family detached structures and a minimum lot size of 6,000 sqft with one primary structure per lot.*

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

*The proposed rezoning should have little detrimental effect upon surrounding properties. 20<sup>th</sup> Street is an existing major thoroughfare designed to handle traffic levels generated by the proposed use, and New Lawrence Road is currently being improved and widened in order to accommodate the increase in traffic generated due to the West Glen residential development. Single-family residential is a low intensity use, with minimal impact on surrounding properties.*

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

*The subject property has always been 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 positive impact on economic development within the Leavenworth community by way of increased property tax base generated through the construction of new homes. The development will provide for an increase in housing options, allowing for more people to live within the City of Leavenworth thereby adding to the local economy.*

- 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 subject area is identified as appropriate for Low Density Residential (7,500-14,000 sqft/lot) on the Future Land Use Plan. At 2.32 acres, the subject property provides approximately 8,400 sqft per individual unit.*

- 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.

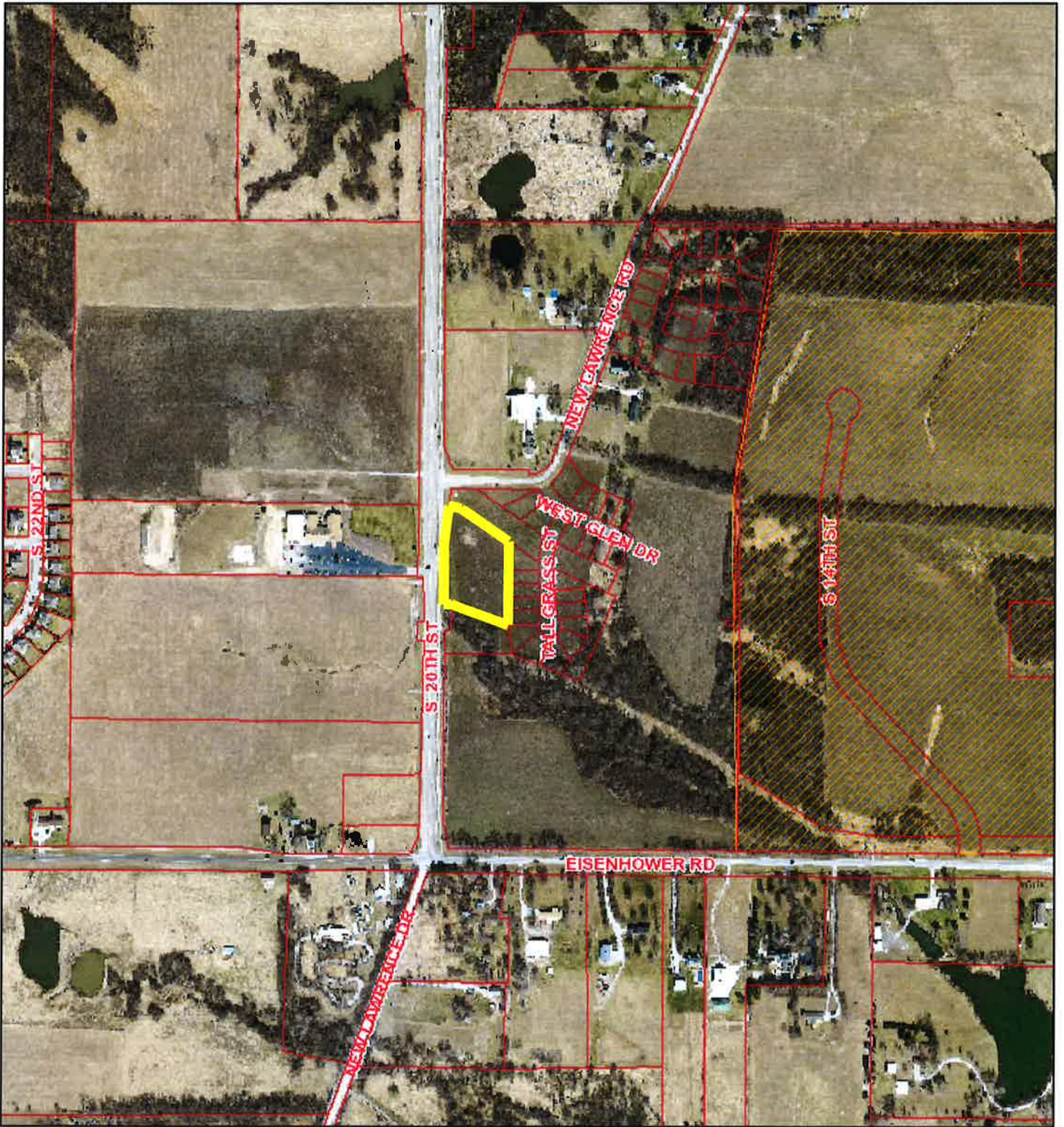
*No other factors of note.*

The Planning Commission considered this item at their October 1, 2018 meeting and voted 6-0 to recommend approval.

**REZONING ACTION/OPTIONS:**

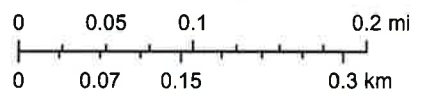
- Recommend approval of the rezoning request from R1-6 to PUD to the City Commission
- Recommend denial of the rezoning request from R1-6 to PUD to the City Commission
- Table the issue for additional information/consideration.

# 2018-17-REZ West Glen



11/8/2018, 10:08:10 AM

1:6,999



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA



FOUND BRASS DISK  
NW COR. OF THE NE 1/4  
SEC. 15-09-22

POINT OF COMMENCEMENT  
FOUND 1/2" BAR LS 356  
NE COR. OF THE  
NE 1/4 SEC. 15-09-22

# PRELIMINARY DEVELOPMENT PLAN WEST GLEN - LOT A

Sheet - C1  
Site Plan  
2018-38  
West Glen - Lot A  
Leavenworth, KS  
Preliminary Development Plan

**LEGAL DESCRIPTION**

A tract of land in the Northeast Quarter of Section 15, Township 09 South, Range 22 East of the 6th P.M. in the City of Leavenworth, Leavenworth County, Kansas being described as follows:  
Commencing at the Northeast corner of said Northeast Quarter, thence South 88 degrees 06 minutes 55 seconds West along the north line of said Northeast Quarter a distance of 2,605.15 feet; thence South 91 degrees 53 minutes 05 seconds East perpendicular to said north line a distance of 1,189.22 feet to the Point of Beginning, said point being the Southwest corner of Tract C, West Glen 1st Plat; thence North 88 degrees 51 minutes 15 seconds East along the south property line of said Tract C a distance of 14.72 feet; thence South 77 degrees 46 minutes 24 seconds East continuing along said south property line a distance of 35.24 feet; thence South 57 degrees 55 minutes 13 seconds East continuing along said south property line a distance of 236.09 feet to the northwest corner of Lot #7, West Glen 1st Plat; thence South 01 degree 50 minutes 16 seconds East a distance of 346.20 feet to the Northeast corner of Tract E, West Glen 1st Plat; thence North 75 degrees 10 minutes 39 seconds West along the north property line of said Tract E a distance of 247.80 feet to a point on the east right of way of 20th Street Trafficway; thence South 88 degrees 09 minutes 44 seconds West along said right of way line a distance of 30.00 feet; thence North 01 degree 50 minutes 16 seconds West continuing along said right of way line a distance of 250.00 feet; thence North 05 degrees 36 minutes 36 seconds East continuing along said right of way line a distance of 159.98 feet to the Point of Beginning.  
Contains: 101,055.16 square feet or 2.3194 acres more or less.

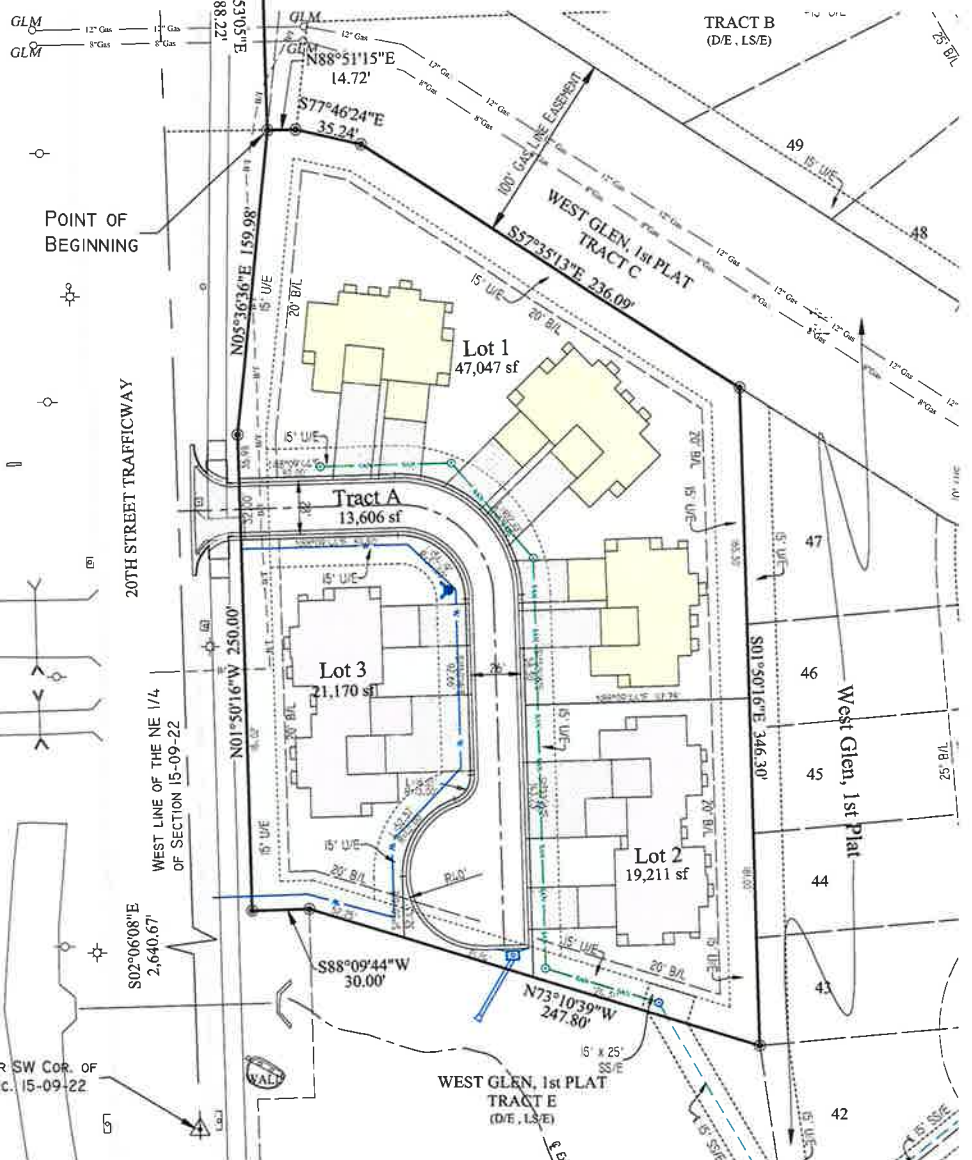
Prepared For:  
JMK PARTNERS, LLC  
C/O MKS BULLY  
LEAVENWORTH, KS 66044  
(913) 482-1234  
MKSBULLYANDSONS.COM

## NAPIER ENGINEERING, LLC

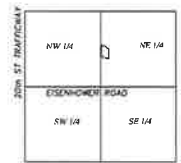
207 S. 5th Street  
Leavenworth, KS 66048  
913.375.0482  
breth@napiereng.com

Date of Preparation:  
July 13, 2018  
Revised Date:  
September 4, 2018

2nd Submittal



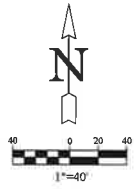
TOTAL AREAS		
TRACT A	13,606	0.31
LOT 1	47,047	1.08
LOT 2	19,211	0.44
LOT 3	21,170	0.48
TOTAL	101,034	2.31



**Site Summary**

Existing Zoning:	R1-E
Proposed Zoning:	PUD
Gross Acreage:	2.32 Acres ±
Number of Lots:	3 Lots
Gross Density:	5.17 Units/Ac.
Minimum Lot Size:	10,211 Sq. Ft.
Maximum Lot Size:	47,047 Sq. Ft.
Average Lot Size:	28,143 Sq. Ft.
No. of Duplex Units:	6 Units
No. of Triplex Units:	0 Units
Open Space Area:	56,250 Sq. Ft.
% Open Space:	55.7%

**LEGEND**



FOUND 1/2" BAR SW COR. OF  
THE NE 1/4 SEC. 15-09-22

(Summary Published in the Leavenworth Times on \_\_\_\_\_, 2018)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE 2016 DEVELOPMENT REGULATIONS OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING LOT A IN THE WEST GLEN PRELIMINARY PLAT TO PLANNED UNIT DEVELOPMENT (PUD).**

**WHEREAS**, under the 2016 Development Regulations of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 1<sup>st</sup> day of October, 2018 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper on the 7<sup>th</sup> day of September 2018; and

**WHEREAS**, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request rezoning of Lot A West Glen Preliminary Plat, Leavenworth Kansas from High Density Single Family Residential District (R1-6) to Planned Unit Development (PUD); and

**WHEREAS**, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to rezone the property described herein.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1:** That the following described property, to-wit:

A tract of land in the Northeast Quarter of Section 15, Township 09 South, Range 22 East of the 6th P.M., in the City of Leavenworth, Leavenworth County, Kansas being described as follows:

Commencing at the Northeast corner of said Northeast Quarter, thence South 88 degrees 06 minutes 55 seconds West along the north line of said Northeast Quarter a distance of 2,605.15 feet; thence South 01 degrees 53 minutes 05 seconds East perpendicular to said north line a distance of 1,188.22 feet to the Point of Beginning, said point being the southwest corner of Tract C, West Glen 1st Plat; thence North 88 degrees 51 minutes 15 seconds East along the south property line of said Tract C a distance of 14.72 feet; thence South 77 degrees 46 minutes 24 seconds East continuing along said south property line a distance of 35.24 feet; thence South 57 degrees 35 minutes 13 seconds East continuing along said south property line a distance of 236.09 feet to the northwest corner of Lot 47, West Glen 1st Plat; thence South 01 degrees 50 minutes 16 seconds East a distance of 346.30 feet to the northeast corner of Tract E, West Gen 1st Plat; thence North 73 degrees 10 minutes 39 seconds West along the north property line of said Tract E a distance of

247.80 feet to a point on the east right of way of 20th Street Trafficway; thence South 88 degrees 09 minutes 44 seconds West along said right of way a distance of 30.00 feet; thence North 01 degrees 50 minutes 16 seconds West along said right of way a distance of 250.00 feet; thence North 05 degrees 36 minutes 26 seconds West along said right of way a distance of 159.98 feet to the Point of Beginning.

Contains 101,035.16 square feet or 2.3194 acres more or less.

**Section 2:** That the “Zoning District Map” adopted under the 2016 Development Regulations of the City of Leavenworth, Kansas shall be and the same is hereby corrected to conform to the rezoning as set forth in Section 1 above.

**Section 3:** That this Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

PASSED and APPROVED by the Governing Body on the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mark Preisinger, Mayor

{Seal}

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk



District. A preliminary plat for the subject property was approved by the Planning Commission on June 5, 2017, under the name Wolf Farms. The first final plat for the subdivision was approved by the Planning Commission on September 11, 2017. This final plat completes the development of the 101 lot single-family subdivision.

The subject property is 11.18 acres in size, and is currently undeveloped. The site lies along New Lawrence road, directly east of 20<sup>th</sup> Street. The plat consists of 52 residential lots. Lots 72-101 are intended to be standard single-family homes, with an average lot size of 10,285 sqft. Lots 50-71 are intended to be smaller maintenance provided single-family homes, with an average lot size of 7,914 sqft. Also included are associated utility easements and 3 tracts for open space and to accommodate an existing gas pipeline.

Improvements to New Lawrence Road were required as part of the development of this property and are currently underway.

Staff recommends approval of the West Glen 2<sup>nd</sup> Plat.

**ACTION/OPTIONS:**

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

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

Mr. Karrasch asked if the New Lawrence Road improvements are only going from 20<sup>th</sup> Street to this development or will the road improvement go to the soccer fields by Warren Middle School.

Mike Reilly, developer, stated the road improvement will end at the north end of the property line.

Mr. Karrasch asked if Mr. Reilly's organization will be doing the road improvements.

Mr. Reilly responded it is a city project.

Mr. Karrasch asked if the city has plans to improve the intersection at 20<sup>th</sup> Street and Eisenhower with the added traffic the subdivision will bring.

Ms. Hurley responded that is still being discussed with the county. She believes a traffic light will be installed.

With no further discussion, Chairman Byrne called for a motion. Mr. Burke moved to accept the West Glen, 2<sup>nd</sup> Plat, Final Plat; seconded by Camalla Leonhard and approved by a vote of 6-0.

**3. 2018-17 REZ – WEST GLEN**

Conduct a public hearing for Case No. 2018-17 REZ – West Glen. The applicant is requesting a rezoning of their property identified as Lot A in the West Glen Preliminary Plat from R1-6, High Density Single Family Residential District, to PUD, Planned Unit Development. The property was rezoned from R1-25, Low Density Single Family Residential District in 2017, at the same time as the approval of the Preliminary Plat. The rezoning is being requested in order to develop the property

with attached single-family villa units. The applicant is proposing a total of 5 structures; 2 triplex structures (6 total units) and 3 duplex structures (6 total units).

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the applicant is requesting a rezoning of their property identified as Lot A in the West Glen Preliminary Plat from R1-6, High Density Single Family Residential District to PUD, Planned Unit Development. The property was rezoned from R1-25, Low Density Single Family Residential District in 2017, at the same time as the approval of the Preliminary Plat. The rezoning is being requested in order to develop the property with attached single-family villa units. The applicant is proposing a total of 5 structures; 2 triplex structures (6 total units) and 3 duplex structures (6 total units).

The development will be accessed via a private street off of 20<sup>th</sup> Street. There are a proposed total of three lots. After construction of the residential units, "condo plats" will be recorded to provide individual ownership of units with common ownership of the ground, to be owned and maintained by an established Home Owner's Association. Should the rezoning request be approved, the applicant will be required to provide a final plat of the property for approval and recording prior to commencement of construction of any residential units.

The Development Review Committee reviewed the application at their August 23, 2018 meeting. No major issues were identified. All items discussed were minor in nature and needed modifications will be reflected when a plat for the development is submitted prior to construction.

#### **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 currently vacant and directly adjacent to 20<sup>th</sup> Street. It is part of the larger West Glen single family subdivision, which is currently under development. The properties to the north are developed with existing large lot single family homes, and the property directly to the west across 20<sup>th</sup> Street is occupied by the Church of the Open Door.*

- b) The rezoning and use of properties nearby;

*The properties to the north and east are zoned R1-6, High Density Single Family Residential District, the property to the south is zoned GBD, General Business District, and properties to the west and further north are zoned R1-25, Low Density Single Family Residential District.*

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

*The subject property is currently zoned R1-6, which allows for high-density single family detached structures and a minimum lot size of 6,000 sqft with one primary structure per lot.*

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

*The proposed rezoning should have little detrimental effect upon surrounding properties. 20<sup>th</sup> Street is an existing major thoroughfare designed to handle traffic levels generated by the proposed use, and New Lawrence Road is currently being improved and widened in order to accommodate the increase in traffic generated due to the West Glen residential development. Single-family residential is a low intensity use, with minimal impact on surrounding properties.*

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

*The subject property has always been 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 positive impact on economic development within the Leavenworth Community by way of increased property tax base generated through the construction of new homes. The development will provide for an increase in housing options, allowing for more people to live within the City of Leavenworth thereby adding to the local economy.*

- 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 subject area is identified as appropriate for Low Density Residential (7,500-14,000 sqft/lot) on the Future Land Use Plan. At 2.32 acres, the subject property provides approximately 8,400 sqft per individual unit.*

- 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 of note.*

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

Mr. Karrasch asked about the entrance to the church.

Ms. Hurley stated the entrance to the subdivision and the church are offset. When driveways cannot exactly line-up, the city wants them clearly offset so there is no confusion.

Mr. Karrasch feels the entrances are still fairly close to one another.

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

Mike Reilly, JMK Partner 608 Delaware, stated they tried to line the driveways up but there is a storm inlet on their side of the curb directly across from the churches access point. They did move the entrance as far north as possible but are hindered by the major gas line just north of the subdivision.

Mr. Reilly further stated that as a reference point for size and number of units, the subject property is a little smaller when compared to the attached units they did at Kensington off 20<sup>th</sup> Street and Limit.

Mr. Byrne asked if this will be rentals or owner occupied.

Mr. Reilly responded it will be owner occupied.

Mr. Karrasch asked what the thought process was accessing off 20<sup>th</sup> Street and not tying into Tallgrass Street or some street on the other side.

Mr. Reilly stated that the pipeline would only allow one crossing along that particular easement in that area.

Mr. Sparks, 4790 New Lawrence Road, asked if the units will be rentals.

Mr. Reilly responded the units will be owner occupied.

With no one else wishing to speak, Chairman Byrne closed the public hearing and called for discussion among the commissioners.

Mr. Karrasch stated he has reservations with the access. He believes there will be issues in the future with 20<sup>th</sup> Street, New Lawrence Road and now the new access for the subdivision all in the same triangle. He does acknowledge he is not sure how to get around it potential issue.

Ms. Bohnsack asked how deep the driveways will be.

Mr. Reilly stated the driveways are staggered and are 30 feet to 40 feet from the curb.

Ms. Bohnsack stated there is a development similar to this in Tonganoxie where the lots are quite small and the units are close to the street. There is only room for one vehicle to be parked but it works well because it's more geared towards the retired. In the Tonganoxie development, more parking was provided. Ms. Bohnsack stated Mr. Reilly may want to provide more parking as well for people who may have more than one car.

Ms. Hurley verified with Mr. Reilly that the units have two car width driveways.

Mr. Reilly responded in the affirmative.

Mr. Byrne stated he does not foresee this causing a big problem with traffic since it is only 12 units.

Ms. Bohnsack agrees with Mr. Byrne.

With no other questions or comments, Chairman Byrne called for a motion. Ms. Bohnsack moved to approve the rezoning for Lot A West Glen Preliminary Plat from R1-6, High Density Single Family Residential District to PUD, Planned Unit Development, seconded by Mr. Karrasch and approved by a vote of 6-0.

With no further business the meeting was adjourned at 6:55 p.m.

JH/mb