

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

**REGULAR SESSION
Monday, June 1, 2020
6:00 p.m.**

Due to the restriction of social distancing to mitigate the spread of COVID-19, the Planning Commission meeting will not be open to the public. Citizens wishing to comment please dial in to the GoToMeeting using your phone at 6:00 p.m.:

Phone Number: +1 (872) 240-3212

Access Code: 609-755-309

Your call will be placed into queue for comment.

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: May 4, 2020**

NEW BUSINESS:

1. 2020-02 TXT – TEXT AMENDMENTS

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

2. 2020-09 SUP – 1019 OTTAWA

Conduct a public hearing for Case No. 2020-09 SUP – 1019 Ottawa. The applicant, David F. Anaya, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 1019 Ottawa. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

3. 2020-10 SUP – 1373 SHERMAN AVE

Conduct a public hearing for Case No. 2020-10 SUP – 1373 Sherman Ave. The applicant, Vail E. and Pamela S. Fruechting, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 1373 Sherman Ave. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

4. 2020-12 SUP – 625 PAWNEE ST

Conduct a public hearing for Case No. 2020-12 SUP – 625 Pawnee St. The applicant, Property Management & Maintenance, Inc., is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 625 Pawnee St.

Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

5. 2020-21 SUB – MURPHY’S REPLAT

Consider a final plat for the Murphy’s Replat subdivision.

OTHER BUSINESS:

NONE

ADJOURN

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, May 4, 2020
6:00 PM

CALL TO ORDER:

Commissioners Present

Mike Burke
Claude Wiedower
Linda Bohnsack
Chris Murphy
Sherry Hines Whitson

Commissioners Absent

City Staff Present

Julie Hurley
Michelle Baragary

Chairman Burke called the meeting to order at 6:04 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: April 6, 2020

Chairman Burke asked for comments or a motion on the minutes presented for approval: March 2, 2020. Ms. Whitson moved to accept the minutes as presented, seconded by Mr. Murphy. The minutes were approved by a vote of 5-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2020-15 SUB – CROWN ESTATES 4TH PLAT, FINAL PLAT

Consider a final plat for the Crown Estates 4th Plat subdivision.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by R3 Properties, LLC, plat prepared by Herring Surveying Company. The applicant is requesting approval of a 2.12 acre, 2 lot final plat for Crown Estates 4th Plat residential development. The property is currently vacant and zoned R1-9, Medium Density Single Family Residential District.

The site lies south of Spruce Street past the current dead-end of 17th Street Terrace in the Crown Estates Subdivision. Additional right-of-way for 17th Street Terrace is being dedicated as part of this plat in order to accommodate any potential future development to the south of the subject plat. 17th Street Terrace will not be extended at this time, but could be constructed in the future.

The plan is to build a single-family home on Lot 2 and at some point a single-family home will be built on Lot 1 as well.

The plat was reviewed at the February 13, 2020 Development Review Committee meeting. No major issues were identified at that time.

ACTION/OPTIONS:

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

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

With no further questions or comments, Chairman Burke called for a motion. Mr. Wiedower moved to approve 2020-15 SUB Crown Estates 4th Plat Final Plat, seconded by Ms. Whitson and approved by a vote of 5-0.

2. 2020-17 SUB – FORT GATE MARKETPLACE, PRELIMINARY PLAT

Consider a preliminary plat for the Fort Gate Marketplace subdivision.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Fort Gate Properties, LLC, plat prepared by Renaissance Infrastructure Consulting. The applicant is requesting approval of a 3.62 acre, 5 lot preliminary plat for the Fort Gate Marketplace commercial development. The property is zoned GBD, General Business District, and is currently occupied by the Armed Forces Bank, Commander’s Inn Motel, and a small residential structure.

The plat includes the vacation of the portion of 6th Street between Metropolitan Avenue and Cheyenne Street. The applicant intends to demolish the existing structures on the site and redevelop the property with an Armed Forces ATM on Tract A, a convenience store, two restaurant sites, and multi-tenant commercial building. A site plan is attached for reference only.

The Project Plan to establish the North Gateway Redevelopment District for this project was reviewed by the Planning Commission for conformance with the Comprehensive Plan in November 2019, and approved by the City Commission.

The plat was reviewed at the March 25, 2020 Development Review Committee meeting. All issues identified have been addressed or will be addressed at the time of construction.

Staff recommends approval of the Fort Gate Marketplace, Preliminary Plat.

ACTION/OPTIONS:

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

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

Mr. Wiedower asked for clarification that the layout will stay the same but what may go in there is subject to change.

Ms. Hurley stated that is correct. A couple of tenants have been secured but they have not disclosed who the tenants are at this time. The Planning Commission is only looking at the lot layout at tonight's meeting.

With no further questions or comments, Chairman Burke called for a motion. Mr. Wiedower moved to approve 2020-17 SUB, Fort Gate Marketplace Preliminary Plat, seconded by Ms. Whitson and approved by a vote of 5-0.

3. 2020-18 SUB – BALL'S ADDITION, FINAL PLAT

Consider a final plat for the Ball's Addition subdivision.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Supermarket Developers, Inc., plat prepared by Renaissance Infrastructure Consulting. The applicant is requesting approval of a 4.11 acre, 1 lot final plat for the Ball's Addition. The property is zoned GBD, General Business District, and is currently occupied by Price Chopper.

The replat of this property is being done in order to correct existing utility easements and platted setbacks for the Price Chopper building in advance of a remodel of the store. No new exterior construction will take place.

The plat has been reviewed by the Public Works Department. All issue identified have been addressed.

Staff recommends approval of the Moonlight Lake Preliminary Plat.

ACTION/OPTIONS:

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

Mr. Burke asked when they plan to begin reconstruction.

Roger Dill, engineer, stated a date has not been set yet.

Mr. Burke asked if there are any issues with the animal shelter located behind Price Chopper.

Ms. Hurley responded the animal shelter is located on City property and there are no issues.

With no further questions or comments, Chairman Burke called for a motion. Mr. Murphy moved to approve 2020-18 SUB Ball's Addition Final Plat, seconded by Mr. Wiedower and approved by a vote of 5-0.

Mr. Burke asked about the fallen retaining wall located at 501 Metropolitan, which has been down for about two months.

Ms. Hurley stated the retaining wall has failed, however, it is not part of this plat (it is located just to the east of the Fort Gate Marketplace plat). Code enforcement has been in contact with the owners. Repairing and rebuilding a retaining wall of that size is a bit of an engineering issue. The owners had to get engineering contractors out to bid the job. Their contractor is supposed to start this project by mid-May. The City has tried to get the owners to clean up the area unsuccessfully at this point.

Ms. Hurley stated the City has been receiving guidance from the State on how to conduct public hearings remotely. We now have a way to provide a link to the public that they can call in to submit their comments. We can now move forward with the items we have been holding on to that require public hearings. We do have a robust agenda for June.

Mr. Burke stated he is not sure if all commissioners were aware that Mr. Byrne did not choose to be reappointed to the Planning Commission.

Ms. Hurley stated there are currently two vacancies. If anyone knows of someone interested in filling these vacancies, to contact her or Mayor Griswold.

With no further business, Chairman Burke adjourned the meeting.

The meeting adjourned at 6:18 p.m.

JH/mb

PLANNING COMMISSION AGENDA ITEM
Text Amendments
Development Regulations

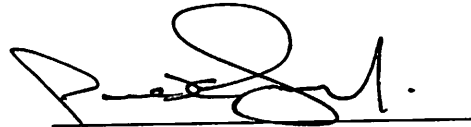
JUNE 1, 2020

SUBJECT:

Public hearing for amendments to the adopted Development Regulations



Prepared By:
Julie Hurley
Director of Planning and
Community Development



Reviewed By:
Paul Kramer
City Manager

DISCUSSION:

The Development Regulations were adopted by the City Commission in June, 2016 after a year-long comprehensive update process. Through the daily use of the Regulations by staff, several minor items have arisen that may necessitate possible updating. This process is not uncommon, and it is anticipated that an annual review of the Development Regulations will be performed in order to ensure that they remain up to date and comprehensive. On March 2, 2020, the Planning Commission reviewed proposed text amendments which are now presented for public hearing and vote.

- **Section 2.02; Platting**
Language should set forth procedure for "Administrative Plat" process to be used only in applications for simple lot splits or lot combinations. Any other platting activity should follow Minor Subdivision or Major Subdivision procedures.
- **Section 2.02; Platting**
Add language providing for 18 month time period in which final plats shall be recorded with the Register of Deeds after final approval by the City Commission.
- **Section 4.03; Property Development Standards**
Commercial and Industrial zoning districts should be allowed higher maximum lot coverage requirement than residential districts, subject to stormwater quality and quantity considerations for each individual project.
- **Section 4.03; Property Development Standards**
Clarify language stipulating that no accessory structures shall be located forward of the main building line or in the required side yard setback.
- **Section 4.04; Use Standards**
Clarify language to specify that accessory structure regulations refer to Amateur Radio Towers, Commercial Radio Towers are addressed in a separate Article of the Development Regulations. Clarify setback requirements for Amateur Radio Towers.

- **Section 4.04; Use Standards**

Update regulations for Agriculture Buildings to allow for larger buildings on larger lot sizes.

During the March 2, 2020 Planning Commission meeting, Planning Commissioners indicated that they would like a maximum allowable size implemented for Agriculture Buildings. Staff recommends a maximum size of 3,400 square feet. With the suggested allowable size of 2% of the size of the lot on which the Agriculture Building is located, up to a maximum of 3,400 square feet, this would allow for the following sizes of Agriculture Buildings:

- On a 2 acre lot: 1,742 sqft
- On a 3 acre lot: 2,613 sqft
- On a 4+ acre lot: 3,400 sqft

- **Section 4.04; Use Standards**

Per direction of the City Commission, add language to allow for keeping of Apiaries in residential districts.

During the March 2, 2020 Planning Commission meeting, Planning Commissioners discussed the possibility of requiring property owners to obtain a Special Use Permit in order to keep an Apiary on their property, or to notify neighboring property owners of their intent to keep an Apiary. Based on a survey of other local communities with regulations that allow the keeping of Apiaries in residential districts, staff recommends adoption of the language as presented. However, if the Planning Commission elects to implement a notification measure for adjoining properties, staff would recommend that the keeping of Apiaries in residential districts be allowed only with the issuance of a Special Use Permit, as a notification requirement for a use allowed by-right would be problematic and difficult to enforce.

- **Article 4.04; Use Standards**

Clarify language regarding Prohibited Accessory Uses, proposed language to be removed creates confusion for residents and staff.

- **Section 4.04; Use Standards**

Remove requirement that no separate outside entrance is allowed for home occupations. Provide provision for accessory structures to be used for home occupations with issuance of a Special Use Permit.

- **Section 6.08; Fences**

Modify setback requirement for solid fences installed on corner lots to allow for the fence to be placed 15 feet from the curb or edge of pavement, instead of 15 feet from the property line.

- **Section 8.11; Signs Permitted in Commercial and Industrial Districts**

Correct maximum size allowance for attached signs in the CBD and OBD zoning districts, numbers were inadvertently transposed in last update.

- **Article 12; Definitions**

Add definitions for "Adult Day Center" and "Agriculture Accessory Building".

- **Appendix A; Use Table**

- "Live/Work Dwellings" allowed use in commercial zoning districts
- Add use type for "Adult Day Center"
- "Home Day Care, 6 or less children" allowed by-right in all districts

- "Home Day Care, 7 or more children" allowed with SUP in residential districts

- Modify use of "Kennel" to be allowed only in GBD, I-1 and I-2 districts

- "Apiaries" allowed in all residential zoning districts.

ACTION/OPTIONS:

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

disapprove. If the City Commission returns the Planning Commission's recommendation, the Planning Commission after considering the same may resubmit its original recommendation giving the reasons therefore or submit new and amended recommendations. Upon the receipt of such recommendation, the City Commission by a simple majority thereof may adopt or may revise or amend and adopt such recommendation by ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the City Commission following the Planning Commission's next regular meeting after receipt of the City Commission's report, the City Commission shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

6. *Publication.* If the City Commission approves an application, it shall adopt an ordinance to that effect, but the ordinance shall not become effective until its publication in the official newspaper.

2.02 Platting

- A. **Applicability:** Plat applications are required to establish or alter the legal boundaries of property, and may be the owners or agents of any property affected.
- B. **Platting Procedures:** Applications for platting shall be proposed on forms established by the Director of the Planning Department and filed with the City Clerk. Applications shall be processed according to the following specific procedures:
1. *Types of Plats.* Plat applications are classified and processed as one of the following types:
 - a. **Administrative Plats, which are routine applications for lot splits or lot combinations that do not alter development patterns or impact public services;** or
 - b. Minor Subdivisions, which are platting of five or fewer new lots, including any remainder parcel, that do not alter development patterns or impact public services; or
 - c. Major Subdivisions, which larger subdivisions are with new ownership and development patterns that impact public services.
 2. *Pre-application Conference.* Prior to the filing of any plat, the applicant shall (preferably with 2 copies of a rough sketch plan of the proposed subdivision) contact the City staff to determine:
 - a. Classification of the plat.
 - b. Procedure for filing plats.
 - c. Availability of City sewers and water, and other major utilities, including a letter or similar proof of availability from any utility.
 - d. Comprehensive Land Use Plan requirements for major streets, land use, parks, schools and public open spaces.
 - e. Zoning requirements for the property in question and adjacent property.

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

request that said plat be submitted to the City Commission and the Planning Commission shall forward the proposed plat, together with their report, stating the reason or reasons for the action taken. The City Commission may make such finding and determinations as are deemed proper.

- (4) Effective Date. The approval of the preliminary plat shall be effective for one year.
- b. Final Plat. After approval of the Preliminary Plat, the applicant may submit a Final Plat for all or portions of the preliminary plat area.
 - (1) Planning Commission. Within 60 days after submission of a final plat, the Planning Commission shall approve, disapprove, conditionally approve, or with approval of the applicant, table the final plat. If the Planning Commission approves or conditionally approves the final plat, it shall be forwarded to the City Commission with a recommendation that they accept dedication of easements and rights-of-way.
 - (2) Dedication of Land for Public Purposes. The City Commission shall approve or disapprove the dedication of land for public purposes within 30 days after the first meeting of the City Commission following the date of the submission of the Planning Commission action to the Clerk. The City Commission may defer action for an additional 30 days to allow modifications to comply with requirements established by the City Commission. If the City Commission defers or disapproves such dedication, it shall advise the Planning Commission of the reasons therefore.
 - (3) Recording. If the City Commission accepts the proposed easements and rights-of-way, the final plat shall have house numbers assigned and shall be recorded with the office of the Leavenworth County Register of Deeds.
 - (4) Effective Date. Final plats shall be recorded with the Register of Deeds within 18 months following City Commission approval of land dedicated to public purposes. Final plats which are not recorded within said time period shall be deemed null and void
- c. Disposition of Final Plats. After the plat has been recorded, the Secretary of the Planning Commission is responsible for distribution of the Final Plat as follows:
 - (1) Original Mylar and one print to Register of Deeds, Reproducible Mylar and one print to Director of Public Works.

C. Improvement Procedures.

- 1. *General.* After the approval, but prior to the recording of the final plat, the applicant may do the grading and any drainage work that is required, all according to plans approved by

DEVELOPMENT REGULATIONS
ARTICLE 4. ZONING DISTRICTS & STANDARDS

4.04 Property Development Standards

4.03. Property Development Standards

A. **Dimension Table.** Lot and building dimension standards for zoning districts shall be according to Table 4-01.

Table 4-01: Zoning District Dimension Standards								
	Lot Standards			Minimum Setbacks				Building Height
	Min. Size	Min. Width	Max. Coverage	Front	Interior Side	Corner Side	Rear	
R1-25	25,000 s.f.[1]	160'	50%	25'	10'	25'	25'	35'
R1-9	9,000 s.f.	75'	50%	25'	6'	25'	25'	35'
R1-7.5	7,500 s.f.	75'	50%	25'	6'	15'	10'	35'
R1-6	6,000 s.f.	48'	50%	25'	6'	25'	25'	35'
R-MF	6,000 s.f. [2]	48' (1 to 2 units) 72' (3 units) 96' (4+ units)	50%	25'	6' (1-story) 10' (2-story) 15' (3-story)	25'	25'	40'
R4-16	6,000 s.f. [3]	48' (1 to 2 units) 96' (3 -4+ units)	50%	25'	6' (1-story) 10' (2-story) 15' (3-story)	25'	25'	40'
RMX	See table 4-2							
MP	10 acres	300'	50%	25'	6'	25'	25'	35'
NBD	6,000 s.f.	48'	50%	25'	6' (1-story) 10' (2-story) 15' (3-story)	25'	25'	45'
OBD	6,000 s.f.	48'	80% [8]	25'	6' (1-story) 10' (2-story) 15' (3-story)	25'	25'	45'
CBD	2,000 s.f.	48'	100%	0' [4]	0' [4]	0' [4]	0' [4]	none
GBD	6,000 s.f.	48'	80% [8]	25'	0' [5]	25'	25'	45'
ROD	See Section 4.05							
I-1	15,000 s.f.	160'	80% [8]	30'	10' [6]	20' [6]	25'	50' or 4 stories
I-2	15,000 s.f.	160'	80% [8]	30'	10' [7]	20' [7]	25'	none

[1] only with public water and sewer. See KDHE 4-2 and Leavenworth County Sanitary Code: minimum lot size is 2 acre without public water or sewer.

[2] lots in the R-MF district shall have 3,000 square feet per dwelling unit.

[3] lots in the R-4-16 district shall have 4,000 square feet per dwelling unit.

[4] There are no yard requirements in the CBD except that a 25' setback shall be provided on any side of a lot which abuts a residential district

[5] There are no interior side yard requirements in the GBD except that a 25' setback shall be provided on any side of a lot which abuts a residential district

[6] In the I-1 district a 25' setback shall be provided abutting any dedicated street or residential district.

[7] In the I-2 district a 100' setback shall be provided abutting residential district, unless the use was located and platted prior to adoption of these regulations in which case a 25' setback shall be provided. Setbacks abutting any dedicated street shall be 25'.

[8] Maximum lot coverage requirements shall be subject to stormwater quality and quantity requirements as determined by the Public Works Department for individual projects.

DEVELOPMENT REGULATIONS
ARTICLE 4. ZONING DISTRICTS & STANDARDS

4.04 Use Standards

- larger. Detached garages require construction of driveways to provide access in conformance with the parking provisions of the code.
- (2) For multi-family residence: two cars per dwelling unit. Not to exceed 600 square feet per unit.
- (3) Requests for garages in excess of 900 square feet on parcels less than one acre and in excess of 1,200 square feet on parcels one acre or larger may be approved by the Board of Zoning Appeals.
- b. Storage Buildings: A structure for storage incidental to a permitted use provided no such structure that is accessory to a residential building shall exceed 250 square feet in gross floor area.
- c. Play Structures: A child's playhouse, including tree houses.
- d. Pools & Courts: A private swimming pool, bathhouse, or tennis court.
- e. Miscellaneous Yard Decor: Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, hedges, and solar collectors.
- f. Shelters: Fallout and tornado shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
- g. Signs: Signs, when permitted by Article 8 – Sign Regulations.
- h. Parking: Off-street parking and loading spaces as required by these regulations.
- i. Recreational Vehicles, Campers, Trailers, and Boats: Storage of major recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, provided such storage area is in accordance with all other requirements of these Development Regulations.
- j. Commercial Accessories: Restaurants, drug stores, gift shops, swimming pools, tennis courts, clubs and lounges and newsstands when located in a permitted hotel, motel or office building.
- k. Supplemental Employee Services: Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.
- l. Office Space: Offices for permitted business and industrial uses when the office is located on the same site as the business or industry to which it is an accessory.
- m. Retail Sales: Retail sales in conjunction with permitted industrial uses when located on the same site as the industrial use.
- n. Indoor Retail Storage: The storage of retail merchandise when located within the same building as the principal retail business.
- o. Auto Sales: The retail sale of automobile parts and used automobiles on a tract of land not to exceed one acre in area when located on the same site as and in conjunction with an automobile race track.
- p. Amateur Radio Towers: Amateur radio towers and antennae shall not exceed the height of 50 feet in residential districts. A tower and antennae must maintain a setback of one foot per one foot of height from all property lines and must be located in a side or rear yard of the principal structure and the owner of the tower and property maintains and shows proof of a current federal license as an amateur radio operator. The construction of the tower must follow the manufacturer's installation specifications.
- q. Agriculture Buildings: In residential districts an agricultural accessory building not to exceed two percent of the total square footage of the lot on which is it located on parcels two acres or larger, up to a maximum of 3,400 square feet.

DEVELOPMENT REGULATIONS
ARTICLE 4. ZONING DISTRICTS & STANDARDS

4.04 Use Standards

- r. **Apiaries:** In residential districts, bee hives or boxes may not be kept within 50 feet of any dwelling (except the dwelling of the owner of such bees), or within 15 feet of any lot line, sidewalk, alley, or other right-of-way. Notwithstanding, bees may be kept within 15 feet of a lot line, sidewalk, alley, or other right-of-way when a barrier at least 6 feet high is placed between the bee hives or boxes and the lot line, alley, or right-of-way which adequately impairs bee flight. No more than 3 hives shall be placed or kept in a location which is less than 200 feet from a house or other building used for residential purposes other than the residence of the keeper of such bees.
4. *Prohibited Accessory Uses.* None of the following shall be permitted as an accessory use:
- a. Outdoor storage or overnight parking in a residential district of commercial trucks or trailers as defined herein, or other on, or off, road items exceeding 10,000 GVW (Gross Vehicle Weight).
 - b. Outdoor storage, of dismantled, inoperative and/or unlicensed motor vehicles; parking and/or storage of construction machinery and equipment, tracked or wheeled; farm machinery and/or equipment except as specifically permitted in district regulations in conjunction with a permitted use.
5. *Accessory Uses Permitted by Special Use Permit.* The following accessory uses shall only be permitted upon approval of a special use application by the City Commission:
- a. Commercial Communication Towers and Antennae. Including television and radio towers, transmitting and receiving towers, dishes, and appurtenances, subject to the provision included in Article 10, Supplemental Standards.
 - b. Renewable Energy Facilities, including wind or solar energy facilities, subject to the provisions included in Article 10, Supplemental Standards.
 - c. Child Care Centers for 7 or more children:
 - (1) Shall not be located along an arterial street as designated on the Major Street Plan Map unless indirect vehicular access to that street, such as with a frontage road is available. The City Planner, with the advice of the DRC, shall determine if the drop off and pick up arraignments of a childcare center or business appear safe. Appeal of any negative decision shall be to the City Commission.
 - (2) Shall provide at least 100 square feet of open space per child. This open space shall be 100% enclosed by a minimum 4' high fence or wall.
 - (3) Shall provide a loading zone capable of accommodating at least 2 automobiles for the easy picking up and discharging of passengers.
 - (4) Shall conform to all requirements of the State of Kansas and shall acquire a State of Kansas Child Care Center License.
 - (5) All childcare centers operated in residential zoning districts shall be the only legal residence of the operator.
 - (6) Childcare centers in residential districts may have one non-illuminated monument sign with no more than 3 square feet per side and a maximum of 2 sides, or 1 non-illuminated sign affixed to the structure of 3 square feet.

DEVELOPMENT REGULATIONS
ARTICLE 4. ZONING DISTRICTS & STANDARDS

4.04 Use Standards

- d. Accessory Dwelling Units. 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) Lots containing accessory dwelling units shall contain a minimum of two off-street parking spaces, exclusive of garage space.
- e. Massage Therapy establishments as a home occupation may be allowed with issuance of a Special Use Permit. Such establishments are subject to all requirements of Home Occupations as provided in these regulations, as well as all requirements for Massage Establishments as provided in the City of Leavenworth Code of Ordinances, Chapter 26, Article III.
6. *Home Occupations.* A home occupation may be established provided:
- a.
 - b. That no one, other than members of the immediate family residing on the premises, be employed;
 - c. That no use will occupy more than 25% of the gross floor area on one floor nor more than 400 square feet of gross floor area;
 - d. That a carport, garage, or any accessory structure may only be used for home occupations with issuance of a Special Use Permit;
 - e. That there shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby use;
 - f. Home occupations are allowed to display a single non-illuminated sign affixed to the main structure no larger than ½ square foot on a vertical wall below the roof soffit.
 - g. That no offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced;
 - h. That the home occupation shall be conducted entirely within the principal residential building except with issuance of a Special Use Permit;
 - i. That no machinery or equipment shall be installed which interferes with radio or television reception, and which is not customarily incidental to the practice of such occupation or profession, but in no case shall any machine exceed one rated horsepower;
 - j. That only one type of profession or occupation shall be permitted within the occupied dwelling or building;
 - k. That two off-street parking spaces are provided; and
-

Leavenworth, Kansas. These installations will then only be permitted when the electric fence is installed behind an open fence separated by three feet.

2. *Residential Front Yard.*
 - (a) Open fences and hedges may be installed in all front yards on the property lines but may not exceed 48 inches above the natural contour of the ground.
 - (b) No solid fences shall be constructed or reconstructed closer to the street line than the front wall of the residential structure. The front wall of the residential structure shall be determined by excluding porches, roof overhangs, dormers, or other extensions.
 - (c) Where a residential property abuts a commercial or industrial property or use and where screening has not been installed or is not required, the residential property owner may install a solid or open screening fence on the property line not to exceed 72 inches in height above the natural contour of the ground along the property line that abuts the commercial or industrial property or use.

3. *Residential Side or Rear Yards.*
 - (a) Open fences and hedges may be installed in all side and rear yards on the property line but may not exceed 72 inches above the natural contour of the ground.
 - (b) Solid fences may be installed on the rear property line and on the side property line to a point aligning with the front wall of the residential structure as defined in subsection 2. of this section not exceeding 72 inches in height above the natural contour of the ground; provided that no solid fence greater than 48 inches above the natural contour of the ground shall be built within six feet of a residential structure on adjoining property; provided further, that if any portion of the adjoining structure is closer than six feet, then such solid fence shall not exceed four feet in height for the entire length of the side or rear yard property line.
 - (1) On corner lots, both yards adjacent to streets are considered front yards. In this instance, the fence on the addressed side must be erected in accordance with subsection 2.; on the other side a solid fence not exceeding 72 inches in height above the natural contour of the ground may be built on the property line, provided that the property line is a minimum of 15 feet from the curb or edge of pavement. If the property line is less than 15 feet from the edge of the pavement, the fence shall be installed a minimum of 15 feet from the curb or edge of pavement, or 50 percent of the existing setback from the house to the property line, whichever is less.
 - (2) For the purpose of determining yard requirements on corner lots, the street the property is addressed from shall be considered the frontage and yards shall be provided, as set forth in this section.
 - (c) Where a residential property abuts a commercial or industrial property or use, and where screening has not been installed or is not required, the residential property owner may install a solid-type screening fence on the property line no less than six feet nor more than eight feet above the contour of the natural ground along the property line that abuts the commercial or industrial property or use.

**DEVELOPMENT REGULATIONS
ARTICLE 8. SIGNS**

8.10 Neighborhood Business District

5. No message or identification (i.e., the name of establishment or the services offered) may be displayed more than once within the permitted total sign surface area per each front, side or rear wall.
6. The listing of an establishment's hours of operation shall be exempt from these regulations, provided that the area of the sign containing hours of operation shall be no greater than two square feet.
7. The listing of directional information (i.e., "parking in rear" or "use other door") shall be exempt from these regulations; provided that the area of the sign containing directional information is no greater than three square feet.
8. The use of window framing (i.e., a continuous light source illuminating the perimeter of an individual windowpane or a group of windowpanes) is prohibited.
9. Accessible doors to a business establishment shall be limited to the following types of window signage:
 - (a) Business name;
 - (b) Hours of operation;
 - (c) Phone number;
 - (d) Building or tenant address;
 - (e) Website; and
 - (f) The use of dark, opaque background panels for internally illuminated signs or letter faces is required to reduce the glare or glow of such signs.

8.11. Signs Permitted in Commercial and Industrial Districts (OBD, CBD, GBD, I-1 & I-2)

Table 8-03: OBD, CBD, GBD, I-1 & I-2 Signage Standards									
	Maximum Number			Maximum Size			Maximum Height		
	CBD	OBD	GBD, I-1 & I-2	CBD	OBD	GBD, I-1 & I-2	CBD	OBD	GBD, I-1 & I-2
Attached Signs [1] [2]	1 per side	1 per side	1 per side	96 s.f.	150 s.f.	500 s.f.	N/A	N/A	N/A
Freestanding Signs [3] [4]	1	1	1	50 s.f.	50 s.f.	100 s.f.	15	15	15
Window Signs	N/A	N/A	N/A	150 s.f. or 33% of window area	150 s.f. or 33% of window area	150 s.f. or 33% of window area	N/A	N/A	N/A

[1] Maximum 10% of wall surface to which signs are attached

[2] Projecting signs are allowed as regulated by section 8.11.C.5

[3] When located across street from commercial or industrial use, height may be increased per section 8.11.D.1

DEVELOPMENT REGULATIONS
ARTICLE 12. DEFINITIONS

Adult Day Center: Any place or facility operating less than 24 hours a day providing activities and social engagement opportunities for not more than 15 unrelated adult individuals who, due to functional impairment, require some degree of supervision or assistance with the activities of daily living, with no on-site medical services provided.

Agency: means the Federal Emergency Management Agency (FEMA).

Agent: The legally authorized representative of a landowner

Agriculture Accessory Building: A detached accessory structure used for the shelter of livestock, the storage of agricultural products, or the storage and maintenance of equipment or supplies used for agricultural or property maintenance activities.

Agriculture Uses: The use of a tract of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, and necessary accessory uses, including the structures necessary for carrying out farming operations; provided, however, such agricultural use shall not include the following uses: (1) the maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted; (2) wholesale or retail sales as an accessory use unless the same are specifically permitted in this ordinance; (3) the feeding, grazing, or sheltering of animals or poultry in either penned enclosures or in open pasture within one hundred (100) feet of any lot line. Agriculture does not include the feeding of garbage to animals, the raising of poultry or fur-bearing animals as a principal use, or the operation or maintenance of a commercial stockyard, or feed yard.

Airport: Any location where one or more craft capable of containing a human, takes off or lands, and for which ground facilities necessary to these operations are constructed.

Alley: A public thoroughfare, which affords only a secondary means of vehicular access to abutting property, and is not intended for general traffic circulation. An alley line shall mean the centerline of an alley right-of-way.

Alteration: Any change or rearrangement to the structural parts of an existing building or property. Any enlargement, whether by height or dimension, shall be considered an alteration. Any act or process that changes the exterior architectural appearance of a building.

Amendment: A change in the wording, context, or substance of this ordinance, an addition, deletion, or change in the district boundaries or classifications upon the district map, which imposes any regulation not heretofore imposed or removes or modifies any such regulation heretofore imposed.

Amphitheater: Any open-air venue used for entertainment and performances.

Amusement Park: A commercial amusement activity such as a carnival, circus, miniature golf course, or similar establishment, which is not entirely within an enclosed building.

Animal Clinic or Animal Hospital: A place where animals or pets are given medical or surgical treatment in emergency cases and are cared for during the time of such treatment. Use as kennel shall be limited to short-time boarding and shall only be incidental to such hospital use and shall be enclosed in a soundproof structure

Animal Day Care: See Kennel

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES																			
P = Permitted, S = Special Use Permit Required																			
Use Category		Residential								Non-Residential							Overlay		
Subcategory		R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																			
Zoo													P						
Transportation																			
Airport																			S
Bus Garage and Equipment Maintenance													P	P	P				
Bus Terminal												P	P	P	P				
Heliport												S	S						
Railroad Terminal													P						
Taxi Dispatch										S	S	P	P						
Truck Terminal, Freight, Air Courier Services														P	P				
Utility																			
Private Wind Energy Systems		P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P
Private Solar Collection Systems		P	P	P	P	P	P	P	S	P	P	P	P	P	P		P	P	P
Commercial Wind Energy Systems		S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S
Commercial Solar Collection Systems		S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S
Communication Tower		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Communication Tower – Alternative Structure		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Communication Facility on Existing Structure		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Storage		P	P	P	P				S	S	S	P	P				S	S	S
COMMERCIAL USES																			
Animal Sales and Service																			
Animal Day Care		S	S	S	S	S	S	S	S	P	P	S	P				S	S	S
Animal Confinement and Feed Operations		S																	
Kennel													P	P	P				
Pet Shops										P		P	P				P	P	
Pet Grooming		S	S	S	S							P	P				S	S	S
Veterinary Clinic with Boarding										S	S	P	P	P	P		S	S	P
Veterinary Clinic without Boarding										S	S	P	P	P			P	P	P

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES																			
P = Permitted, S = Special Use Permit Required																			
Use Category		Residential							Non-Residential						Overlay				
Subcategory		R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																			
Junkyard, Salvage Yard												S		P	P				
Neighborhood Recycling Center		S	S	S	S	S	S	S	S	S	S	S		P	P		P	P	P
Recycling Collection Station														S	S				
Solid Waste Facility														S	S				
AGRICULTURE																			
Agriculture/Aquaculture																			
Animal Husbandry (other than dairy)		P																	
Apiary		P	P	P	P	P	P	P	P										
Farming		P																	
Fish Farm/Hatchery		S																	
Ranching		S																	
Greenhouse/Nursery		S	S							S	S	P	P	S	S				P
Urban Agriculture/Community Garden		S	S	S	S	P	P	S	P								P	S	P
NOTE 1: In the CBD, Residential is not permitted within the front half or front 30' of space, whichever is greater, on the 1 st floor (Sec 1.17 A,B)																			

PLANNING COMMISSION AGENDA ITEM
2020-09-SUP
1019 Ottawa

JUNE 1, 2020

SUBJECT:

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



Prepared By:
Jacquelyn Porter
City Planner



Reviewed By:
Paul Kramer
City Manager

NATURE OF REQUEST

The applicant, David F. Anaya, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 1019 Ottawa. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The current location is an empty lot. The property owner recently purchased the lot, and is requesting a Special Use Permit to allow the development of a two-family (duplex) structure.

COMMISSION FINDINGS

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

1. The proposed special use complies with all applicable provisions of this ordinance.

Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

The property fills a need in the community by providing a two-family housing option.

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

Staff does not feel that the proposed 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 property currently does not have any structures on it. Any future structure will be required to meet the development regulations of the zoning district.

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.

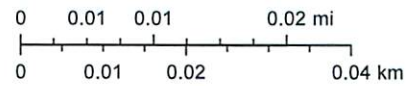
1019 Ottawa



5/15/2020, 12:44:28 PM

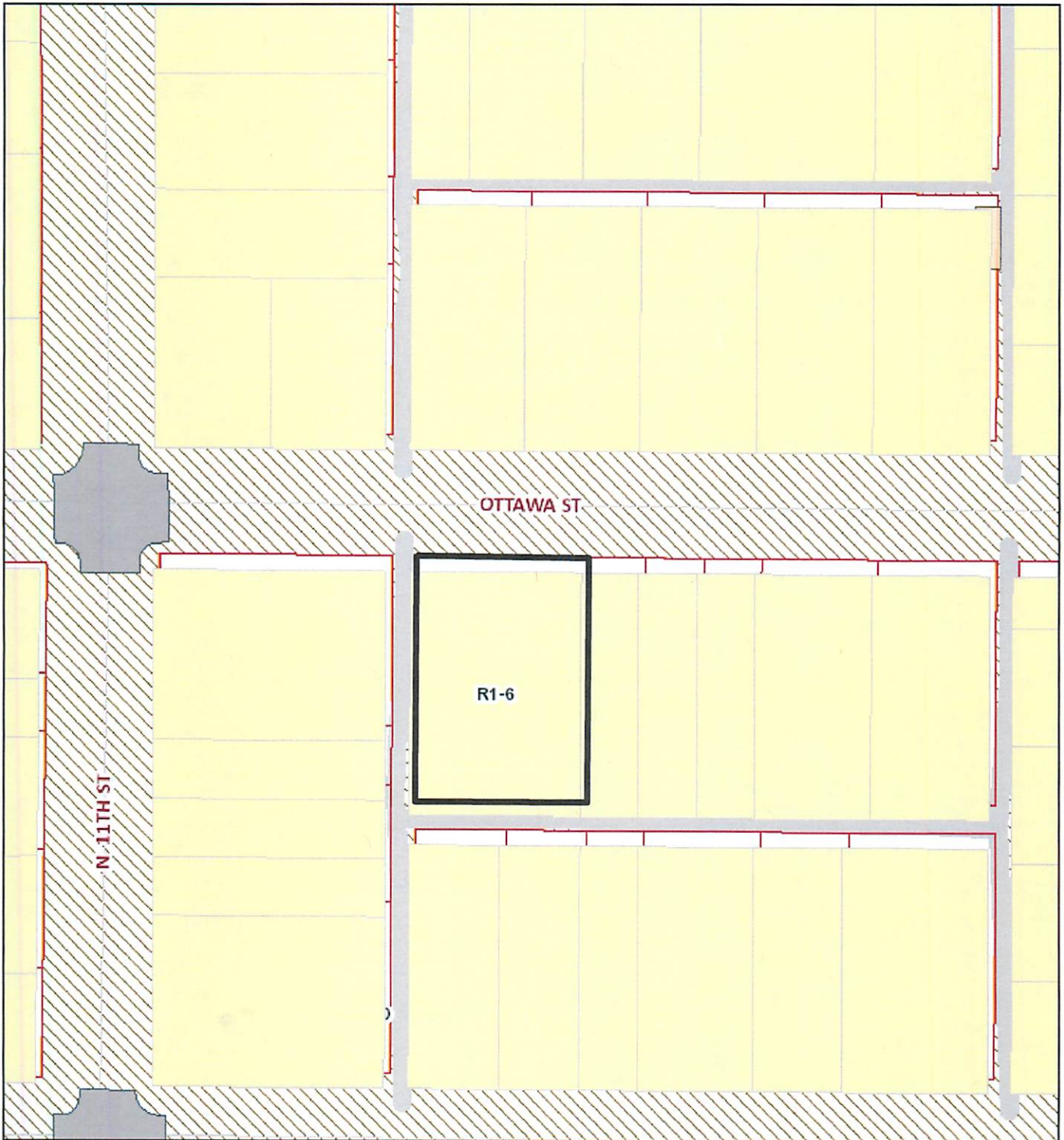
1:1,128

-  Override 1
-  Parcels (City Owned)
-  Parcels_Current
-  Buildings
-  Ortho 2018 Red: Band_1
-  Ortho 2018 Green: Band_2
-  Ortho 2018 Blue: Band_3
-  East_of_River_Blank
-  Streets
-  Address (Points)



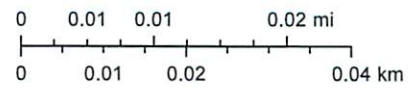
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

1019 Ottawa



5/15/2020, 12:41:59 PM

1:1,128



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

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



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Case No.: 2020-09 SUP
 Application No. 7110
 Fee (non-refundable) \$350.00
 Filing Date 2-21-20
 Received By SA
 Publication Date 3-13-20
 Hearing Date 4-6-20

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 house

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

Address: 1019 Ottawa
 Legal Description: (Attach a full legal description provided by the Register of Deeds Office)
 Real Estate PID #:
 Zoning: R1-L6 Historic District: OLA

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

Name(s) of Owner (print): David F. ANAYA
 Owner Address: 312 W. Gilman, Lansing Kansas 66043
 Contact No. 913-306-1545 Email: Danaya2@KC.Vr.com

Signature of Owner(s): David F. Anaya

State of Kansas
 County of Leavenworth (SEAL)



Signed or attested before me on: 2/21/2020 By: Rachael Garza

Notary Public
 My Appointment Expires: 1/27/2021

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...

- Non-Refundable Fee of \$350.00 is due at time of application
- City will provide list of owners for property within two hundred (200) feet of the subject property
- Attach **full** legal description (must be provided by the Register of Deeds Office)
- Site Plan drawn to scale (See General Instructions)
- Supporting documentation (See General Instructions)

*Mr. Anaya purchased the property on 2/14/20.

DO NOT PUBLISH

Pursuant to K.S.A. 79-1437e, a real estate validation questionnaire is not required due to Exception No. _____ (complete if applicable).

Reserved for Register of Deeds

C/CO
W/1
C/√2

1996 MAR 14 P 1:43

REGISTER OF DEEDS

1019 attorneys

Record in my office this
14 March 1996
Linda A. Schaefer by K. W. [unclear]
Clerk

KANSAS QUITCLAIM DEED

On this 13th day of March, 1996, Clementine Urban, a single person

("Grantor(s)") QUITCLAIM(S), to Robert Leeper, a married person and Clementine Urban, a single person as Joint Tenants with Rights of Survivorship.

("Grantee(s)") all of the following-described real estate in Leavenworth County, Kansas:

Lot 17, 18 and 19, Block 4, Ewing, Roelofson and Company's Subdivision, City of Leavenworth, Leavenworth County, Kansas.

No consideration-between family members.

for the sum of

SUBJECT TO: This deed is being recorded to create a joint tenancy.

Printed Name:

Printed Name: Clementine Urban

Printed Name:

Printed Name:

Printed Name:

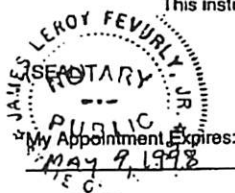
Printed Name:

STATE OF KANSAS

COUNTY OF LEAVENWORTH

} SS.

This instrument was acknowledged before me on March 13, 1996, by Clementine Urban



Printed Name:

Notary Public

STATE OF

COUNTY OF

} SS.

This instrument was acknowledged before me on _____, 19____, by _____

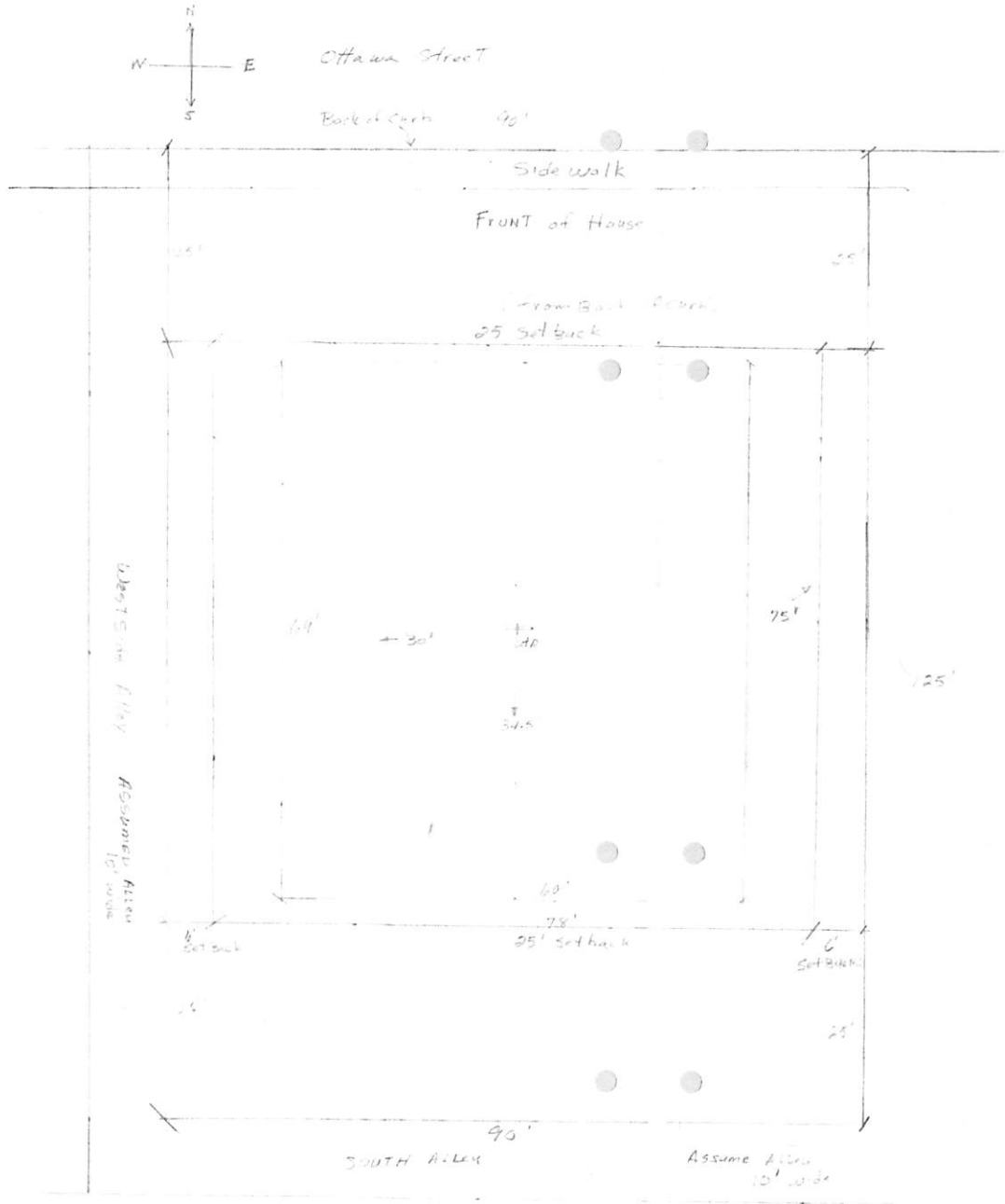
(SEAL)

Printed Name:

Notary Public

My Appointment Expires:

3/30 = 1'



1. There is a house on East side of property (unknown location & property lines). My neighbor will be a justice to allow proper setback on East side.
2. House depth 75' on 25' setback after survey completed.
3. House currently 10' wide.
4. There is currently one existing upper floor on the west side of street.

**PLANNING COMMISSION AGENDA ITEM
2020-10-SUP
1373 Sherman**

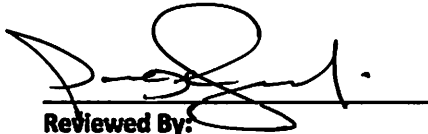
JUNE 1, 2020

SUBJECT:

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



Prepared By:
Jacquelyn Porter
City Planner



Reviewed By:
Paul Kramer
City Manager

NATURE OF REQUEST

The applicant, Vail E. and Pamela S. Fruechting, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 1373 Sherman. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The structure on the proepty has been functioning as a two-family dwelling. The property owner is requesting a Special Use Permit to adequately represent the current use of the structure on the property.

COMMISSION FINDINGS

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

1. The proposed special use complies with all applicable provisions of this ordinance.

Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

The property fills a need in the community by providing a two-family housing option.

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

Staff does not feel that the proposed 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.

No new structures or building modifications are proposed as part of this special use permit. The property will continue to function as it has in previous years.

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.

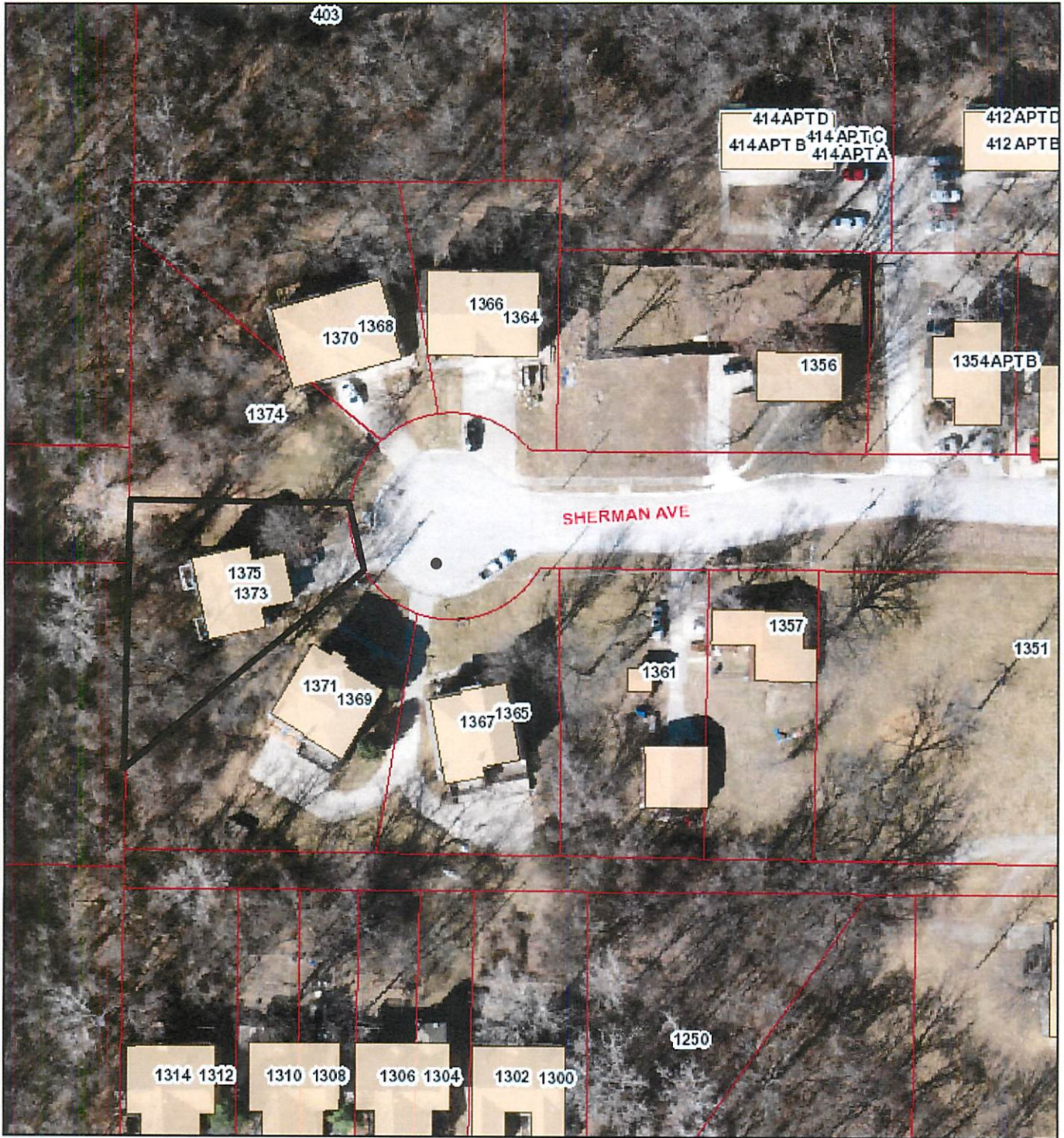
STAFF RECOMMENDATION:

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.

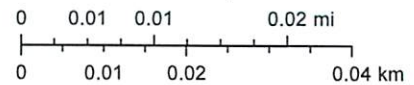
1373 Sherman



5/15/2020, 12:02:00 PM

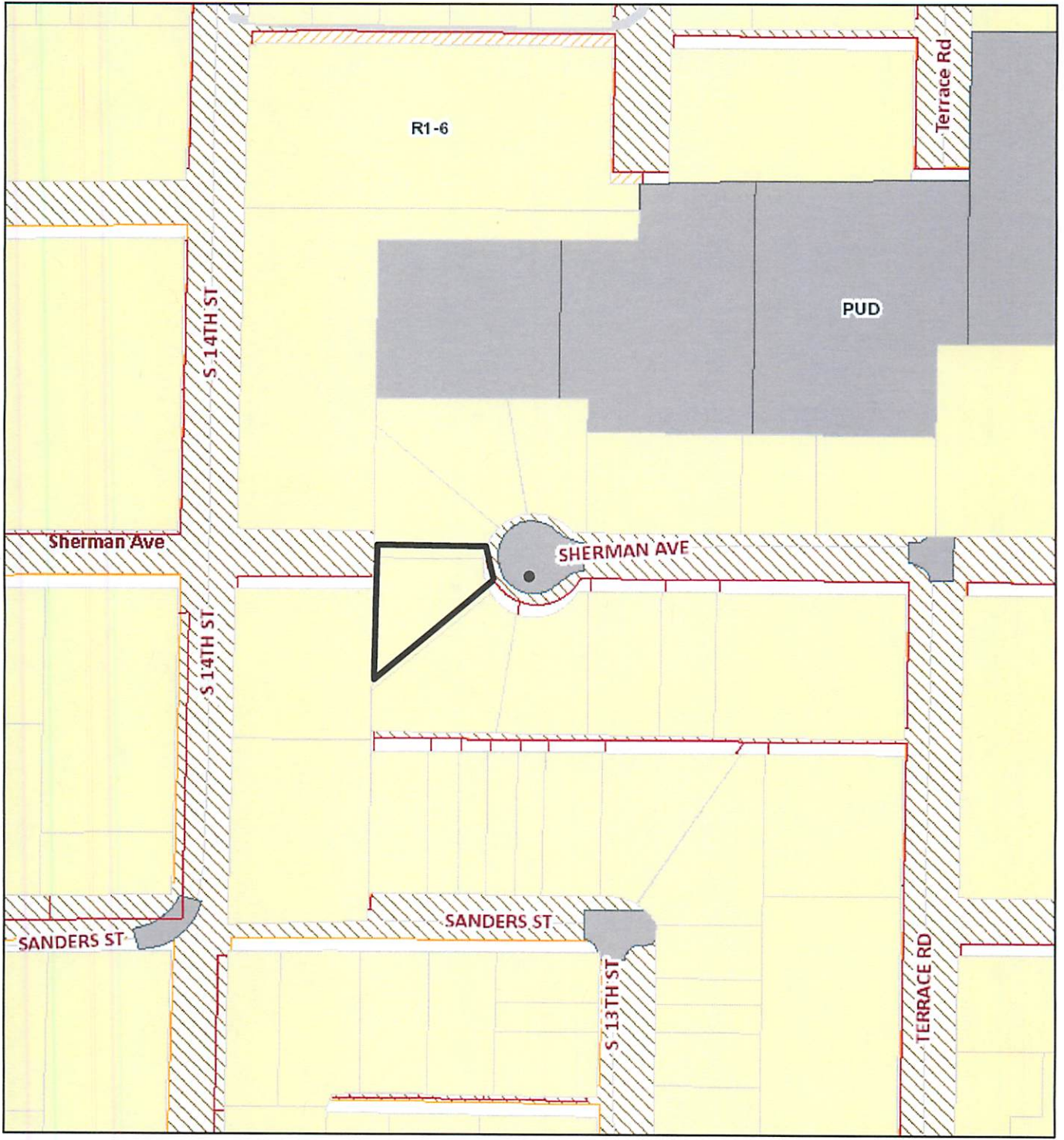
1:1,128

-  Override 1
-  Parcels (City Owned)
-  Parcels_Current
-  Buildings
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3
-  Address (Points)
-  East_of_River_Blank
-  Streets



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

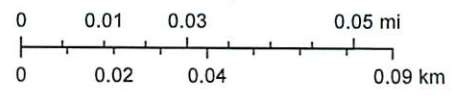
1373 Sherman



5/15/2020, 11:52:39 AM

1:2,257

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



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

**PLANNING COMMISSION AGENDA ITEM
2020-12-SUP
625 Pawnee**

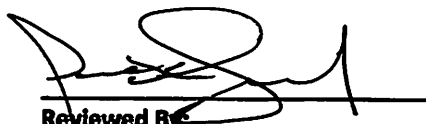
JUNE 1, 2020

SUBJECT:

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



Prepared By:
Jacquelyn Porter
City Planner



Reviewed By:
Paul Kramer
City Manager

NATURE OF REQUEST

The applicant, Property Management & Maintenance, INC., is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 625 Pawnee. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The current location is an empty lot. The property owner is requesting a Special Use Permit to allow for the development of a two-family (duplex) structure.

COMMISSION FINDINGS

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

1. The proposed special use complies with all applicable provisions of this ordinance.

Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

The property fills a need in the community by providing a two-family housing option.

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

Staff does not feel that the proposed 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 property currently does not have any structures on it. Any future structure will be required to meet the development regulations of the zoning district.

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.

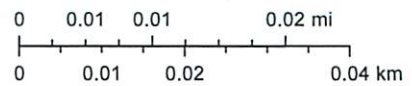
625 Pawnee St



5/15/2020, 11:09:08 AM

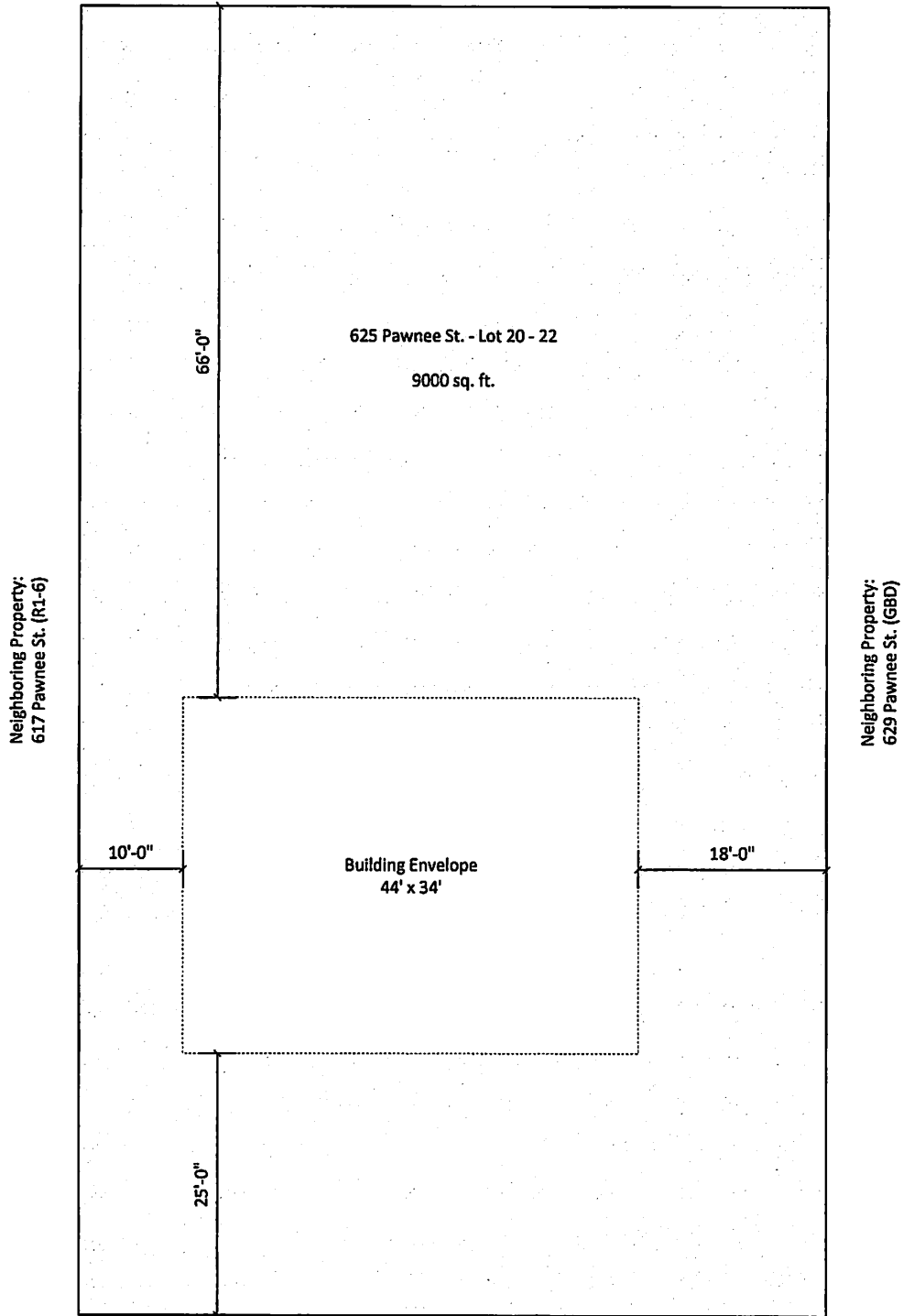
1:1,128

- Override 1
- Parcels (City Owned)
- Parcels_Current
- Buildings
- Address (Points)
- Streets
- Ortho 2018
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- East_of_River_Blank

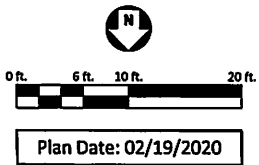


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

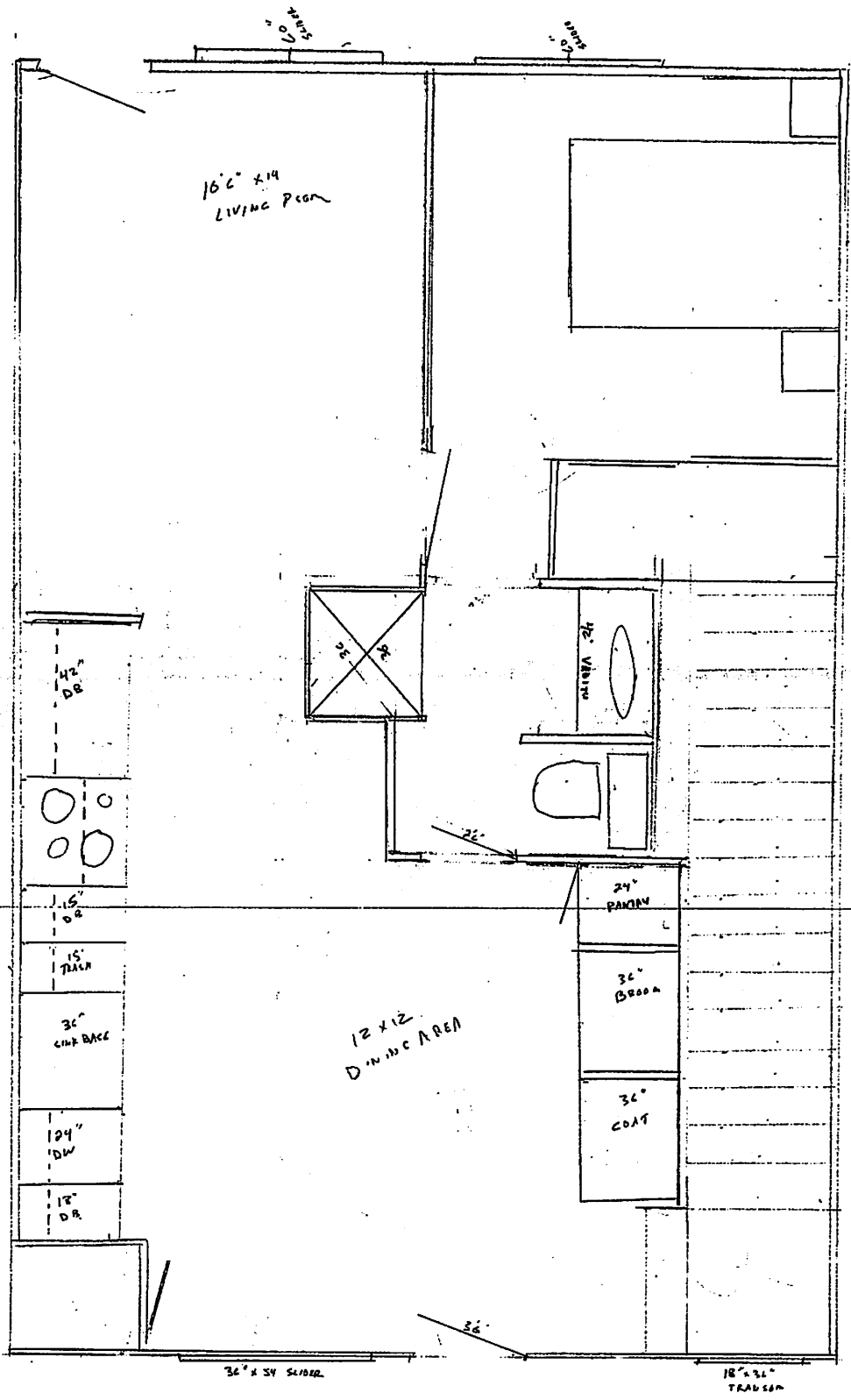
<--- Alley --->



<--- Pawnee St. --->



ONE SIDE OF DUPLEX - PAWNEE ; NORTH 7th - EAST OF CSC Bldg
 22' WIDE - 34' WIDE - TOTAL DUPLEX 44' x 34' DEEP



↑
NORTH

1/2" = 1'

Mike G - February 9, 2020

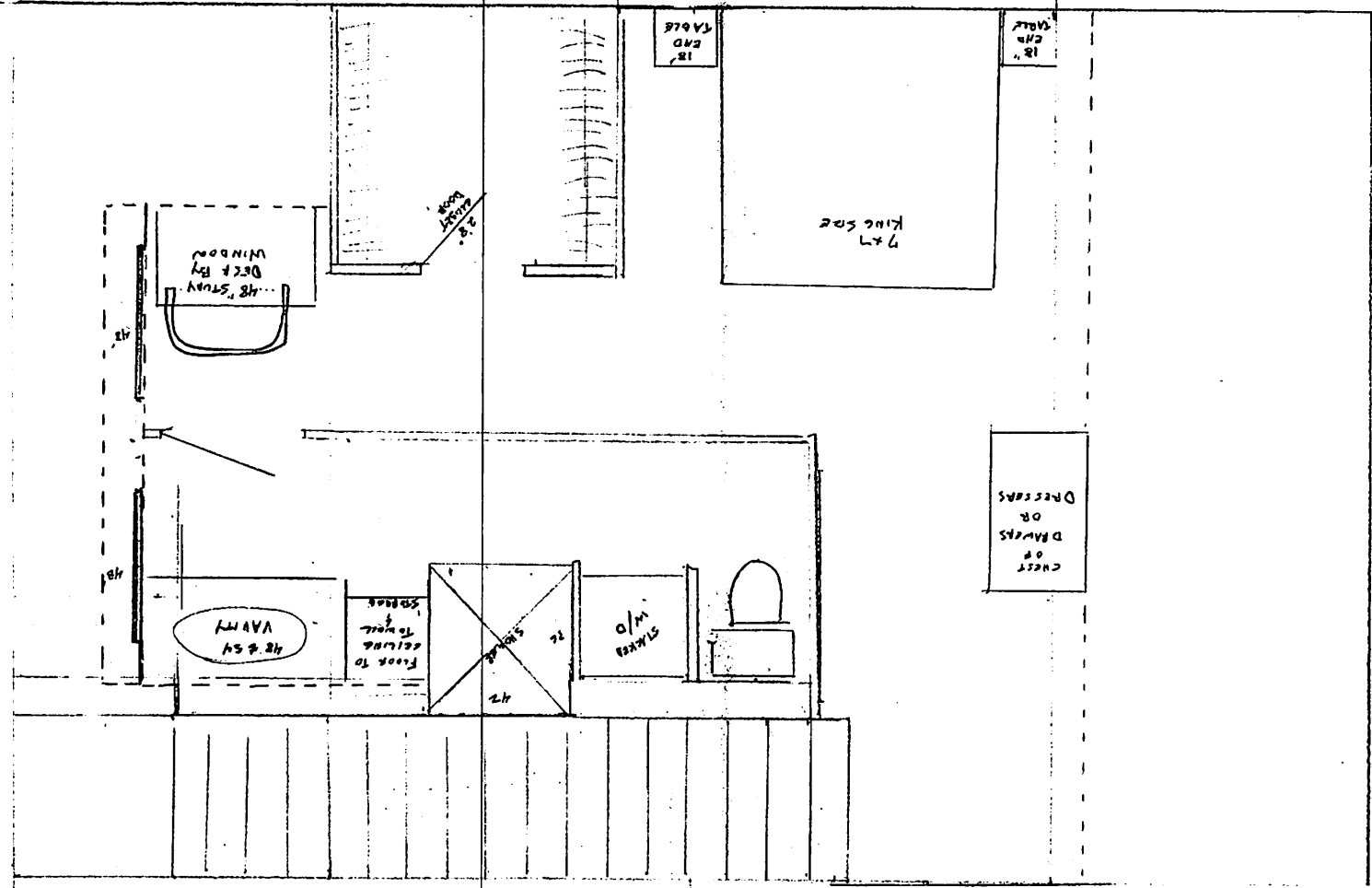
12' WIDE LOW CASE
DRESSER

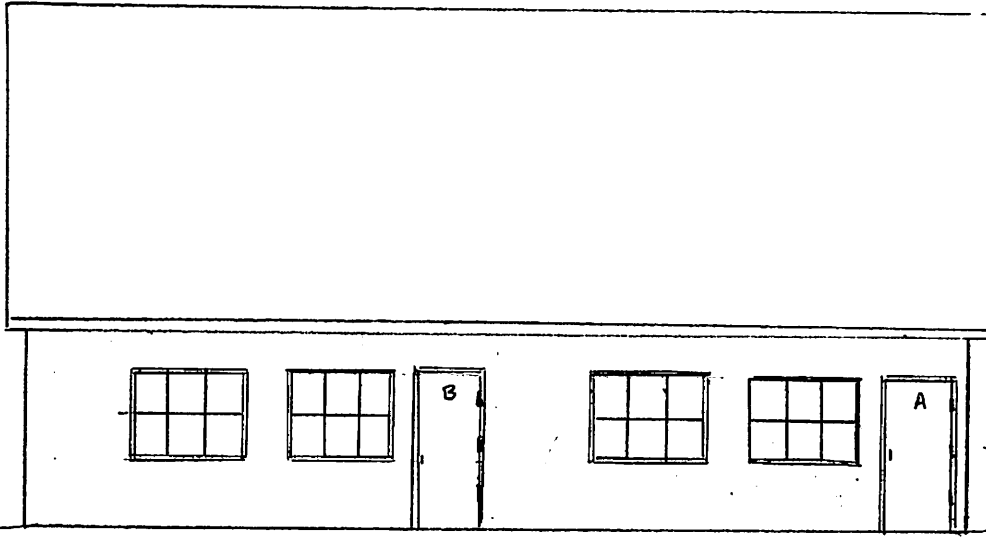
22 x 34

1/2" = 1'
N
↑

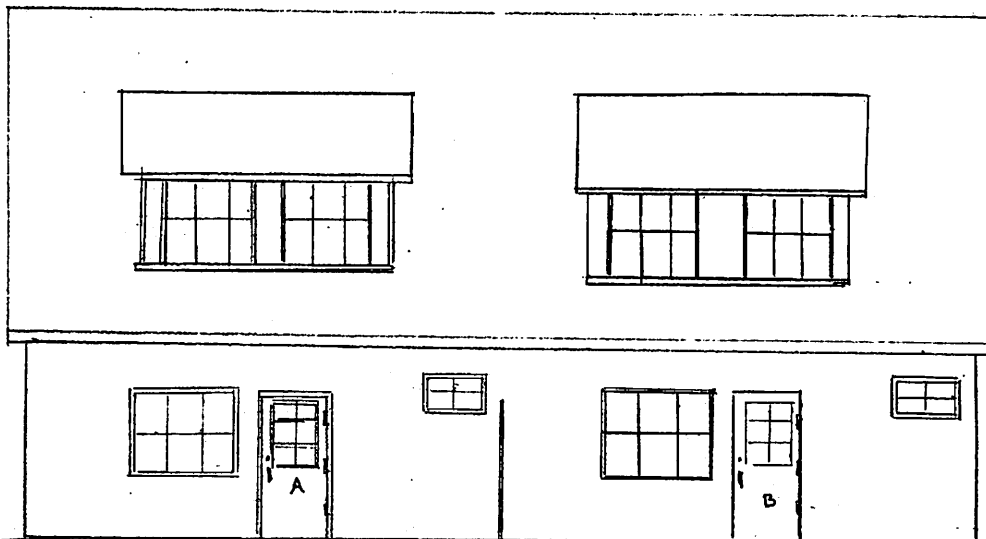
8' 6" x 5' 0" STAIRS

5'
7' 4" L.V.





Street View



Rear View


44'
Rear View

**PLANNING COMMISSION AGENDA ITEM
2020-21-SUB
MURPHY'S REPLAT**

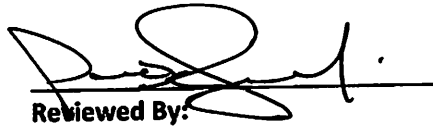
JUNE 1, 2020

SUBJECT:

A request for a final plat of Murphy's Replat



Prepared By:
Julie Hurley
Director of Planning and
Community Development



Reviewed By:
Paul Kramer
City Manager

ANALYSIS:

The subject property is owned by Jason and Sashaa Murphy, plat prepared by Joe Herring. The applicant is requesting approval of a 1.74 acre, 1 lot final plat. The property is zoned R1-9, Medium Density Single Family Residential District, and is currently occupied by a single family home.

The replat of this property is being done in order to combine two existing lots, vacate unused utility easements and modify existing platted setbacks to conform with current setback requirements. The existing single family home is located on the .51 acre lot addressed as 601 Topeka Avenue. The vacant 1.23 acre lot directly behind 601 Topeka Avenue, addressed as 514 S. 17th Street, is under the same ownership, this plat combines the two lots. The lot addressed as 514 S. 14th Street is undevelopable as a single family lot.

The plat has been reviewed by the Public Works Department, no major issues were identified

Staff recommends approval of Murphy's Replat.

ACTION/OPTIONS:

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

ATTACHMENTS:

Location map
Application materials



Project No. 2020-21 SUB

FINAL PLAT APPLICATION
CITY OF LEAVENWORTH

OFFICE USE ONLY

Application No. 7463

Fee: Waived per JH
(\$350 plus \$10 per lot over 5 lots)

Date Paid _____

Received By _____

NOH, N2PO, Publication - NA

Planning Comm. Mtg: 6-1-20

NAME OF SUBDIVISION/PROJECT: Murphy's Replat

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

NAME: Jason J.F. and Sashaa A. Murphy

STREET ADDRESS: 601 Topeka Avenue

CITY: Leavenworth STATE: KS ZIP: 66048

PHONE: 757-880-6859 FAX: _____ EMAIL: jason.jf.murphy@gmail.com

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

NAME: _____

STREET ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ FAX: _____ EMAIL: _____

NAME OF ENGINEER PREPARING PLAT:

NAME: Joe Herring

STREET ADDRESS: 315 North 5th Street

CITY: Leavenworth STATE: KS ZIP: 66048

COMPANY: Herring Surveying Company

PHONE: 913-651-3858 FAX: 913-674-5381 EMAIL: herringsurveying@outlook.com

PARCEL NO: 078-34-0-10-16-004 & 011 SEC.TWP.RNG. City of Leavenworth, Leavenworth County, Kansas

ZONING OF SUBJECT PROPERTY: R1-9- Resid CURRENT LAND USE: Residential

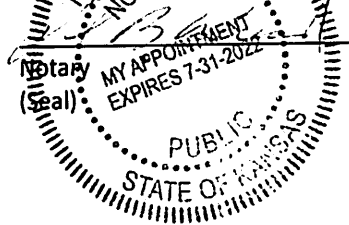
TOTAL ACREAGE: 1.74 NUMBER OF LOTS: 1

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

DATE OF PRELIMINARY PLAT APPROVAL: June 1, 2020

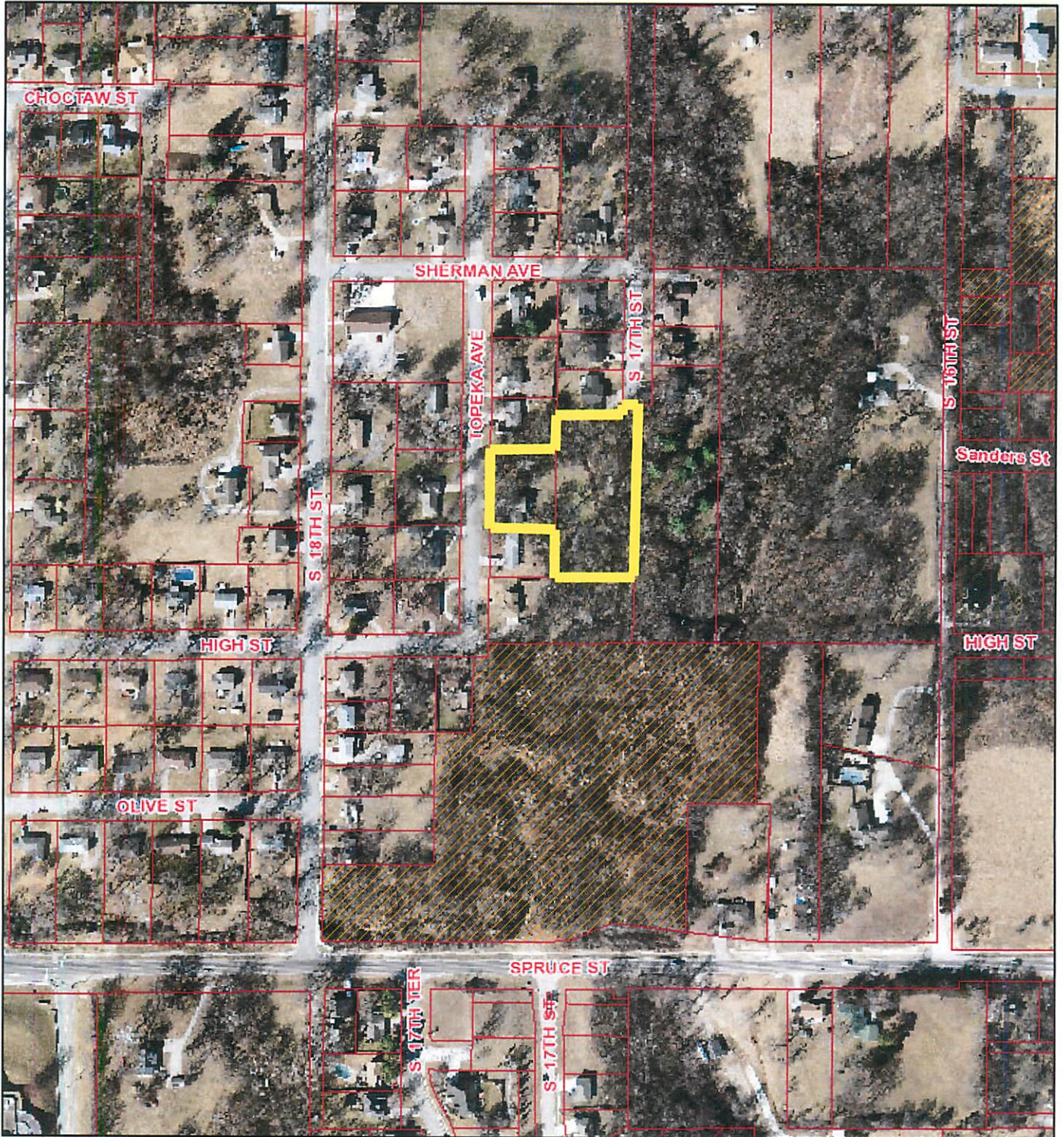
SIGNATURE OF OWNER(S) Jason J.F. and Sashaa A. Murphy Date: 5-11-20

State of Kansas County of Leavenworth, SS
Signed or attested before me on 5-11, 2020 by Paul B. Wood

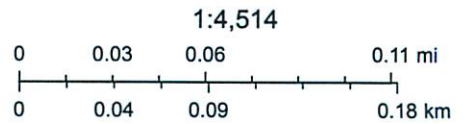


7-31-2022
Appointment Expires

2020-21 SUB



5/27/2020, 1:47:57 PM



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

Web AppBuilder for ArcGIS