

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

**REGULAR SESSION
Monday, July 13, 2020
6:00 p.m.**

A face mask (covering the mouth & nose) is required for anyone attending the meeting in-person. Citizens wishing to comment may choose to join the meeting via GoToMeeting by calling in at 6:00 p.m.:

Phone Number: +1 (872) 240-3412

Access Code: 158-415-925

Your call will be placed into queue for comment.

CALL TO ORDER:

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

NEW BUSINESS:

1. 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 (High Density Single Family Residential District) 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.

2. 2020-16 SUP – 4320 HUGHES RD

Conduct a public hearing for Case No. 2020-16 SUP – 4320 Hughes Rd. The applicant, Network Real Estate LLC, is requesting a Special Use Permit to allow a 196' tall communication tower and related ground equipment in the R1-9 zoning district (Medium Density Single Family Residential District).

3. 2020-22 SUP – 1906 CLEVELAND TER

Conduct a public hearing for Case No. 2020-22 SUP – 1906 Cleveland Ter. The applicants, Candido and Kathleen Vazquez, are requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 1906 Cleveland Ter. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

OTHER BUSINESS:

NONE

ADJOURN

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, June 1, 2020
6:00 PM

CALL TO ORDER:

Commissioners Present

Mike Burke
Sherry Hines Whitson
Linda Bohnsack
Chris Murphy

Commissioners Absent

Claude Wiedower

City Staff Present

Julie Hurley
Michelle Baragary

Mike Burke, Julie Hurley, Jackie Porter and Michelle Baragary were present in the commission chambers. Sherry Hines Whitson, Linda Bohnsack and Chris Murphy participated via GoToMeeting.

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

APPROVAL OF MINUTES: May 4, 2020

Chairman Burke asked for comments or a motion on the minutes presented for approval: May 4, 2020. Mr. Murphy moved to accept the minutes as presented, seconded by Ms. Bohnsack. The minutes were approved by a vote of 4-0.

OLD BUSINESS:

None

NEW BUSINESS:

With several applicants at the meeting, Chairman Burke stated 2020-02 TXT – Text Amendments will be moved to the last item on the agenda.

1. 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.

Chairman Burke called for the staff report.

City Planner Jackie Porter stated 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 inquires.

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

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

With no questions from the commissioners, Chairman Burke opened the public hearing.

Bob Patzwald, 514 N. 11th Street, stated over the past 15 years, his neighborhood has dealt with issues with rental properties in the area with drugs, shootings, etc. Does not believe the applicant will be able to retain quality tenants. Mr. Patzwald does not feel a duplex would improve the neighborhood but would actually hinder it.

(technical difficulty with remote meeting)

The commissioners had some difficulty hearing Mr. Patzwald so Ms. Hurley reiterated his concerns.

Chairman Burke asked for other public comments. With no one else wishing to speak, Chairman Burke closed the public hearing and opened it up for discussion among the commissioners.

(technical difficulties – cannot hear the applicant. Will table this item for next month's meeting).

Applicant, David Anaya, reconnected to the meeting. Mr. Anaya stated he plans to build a quality 3 bedroom duplex at 1019 Ottawa, to include a sidewalk, paved driveway and a carport in the rear with paved parking pad. Mr. Anaya stated he has strict rental contract and if any of his tenants bring drugs into the house, they will be evicted immediately. Furthermore, building new construction improves the neighborhood. As the older homes in this area are either demolished or renovated will further improve the neighborhood. Mr. Anaya does not believe other properties that had issues with drugs in the past should prevent him from constructing a new quality duplex.

Ms. Whitson asked the applicant if he owns other properties in this location.

Mr. Anaya responded he owns 1108 Ottawa and 608 11th Street.

Ms. Whitson asked how drugs could be controlled.

Mr. Anaya replied the contract states no drugs at the property and the tenant must obey all city laws and ordinances. If he knows drugs are being used or sold at the property, he will immediately file eviction papers.

Jason Murphy asked Mr. Anaya if he lives in the Ottawa Street area.

Mr. Anaya replied he does not; he has lived in Lansing, KS for the past 30 years.

Mr. Murphy stated when developers come into single-family home neighborhoods and build multi-family unit homes, it ruins the single-family home atmosphere of the neighborhood. Mr. Murphy further stated, he too has a good contract for his rental property, however, the he will never know exactly what goes on inside the rental property. Ever renter is a potential person who could possibly become an issue. Mr. Murphy asked the commissioners to considered only single-family home development in single-family home areas.

Mr. Anaya stated duplexes are currently in the neighborhood. He further stated he regularly drives by his rental properties to monitor them. If he notices issues, such as tall grass, trash, etc., he contacts the tenants immediately.

Ms. Bohnsack stated her concern is with the architecture and façade; that they be similar to other properties in the neighborhood. At a minimum there should be a porch across the front and parking should be in the rear.

Mr. Anaya said his plan was to have a driveway with garage in the front, the duplex will have a porch and a carport in the rear for parking off the alley.

Ms. Bohnsack said in order to rejuvenate this neighborhood, the architecture must be similar to the homes currently in the area.

Mr. Anaya stated he could make the architecture fit the neighborhood and complement it.

Mr. Burke asked if the city looks at the design of the houses.

Ms. Hurley stated yes, when the applicant comes in for a building permit.

Mr. Burke asked if the commissioners have any say on the design of the duplex.

Ms. Hurley responded the commissioners can place conditions on the special use permit, such as the house will meet the existing average setback of the homes on the block, that the architectural style will be compatible, that there will not be a driveway in the front, etc.

Mr. Burke and Ms. Hurley asked Ms. Bohnsack if that addressed her concerns.

(technical difficulties – Ms. Bohnsack cannot hear anyone).

Mr. Anaya stated as long as the conditions are reasonable, he is willing to meet them.

With the continuing audio issues, Ms. Hurley suggested to table the issue to July's meeting. This will give the applicant time to come up with a rough conceptual site plan and an example of what the house might look like so the commissioners have a better understanding of the proposed development.

Chairman Burke called for a motion. Mr. Murphy moves to table the issue for the applicant to provide a conceptual site plan, seconded by Ms. Whitson and approved by a vote of 4-0.

2. 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.

Chairman Burke called for the staff report.

City Planner Jackie Porter stated 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.

The structure on the property 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 modification 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 inquires.

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

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

Planning Director Julie Hurley stated we have had a number of requests come in for existing duplex units, which are located in single-family zoned areas. It seems like something may have changed with mortgage lending requirements. Individuals are finding that when they go to sell an existing duplex that is not zoned appropriately they are having trouble with financing. Banks are requesting they get these special use permits to allow a duplex in a single-family district.

The applicant, Vail Fruechting, stated if the buyer is purchasing it as an investment property, the lender will not lend on it because if the property is destroyed by more than 50%, a duplex could not be rebuilt.

Ms. Hurley stated that is correct; the Development Regulations state that if a nonconforming use, which this would be, is destroyed by more than 50% of its fair market value it could not be rebuilt in a nonconforming way; it would need to adhere to the current regulations. Approving a special use permit for this property would carry with the property; therefore, if the property were to burn down, the special use would still be in place allowing the owner to rebuild it as a duplex.

Ms. Bohnsack stated this is an apt use for the special use permit because it is an existing duplex in a cul-de-sac of existing duplexes. Ms. Bohnsack asked if the city should contact property owners of duplexes about a special use permit.

Ms. Hurley stated the city would wait for property owners to contact the city if they need a special use permit. She further stated the zoning regulations could be reviewed by the Planning Commission at a later date to discuss the possibility of allowing duplexes in single-family zoning districts.

With no further questions from the commissioners, Chairman Burke opened the public hearing. With no one wishing to speak, Chairman Burke closed the public hearing and called for a motion. Mr. Murphy moved to recommend approval based on the findings as stated, seconded by Ms. Whitson and approved by a vote of 4-0.

3. 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.

Chairman Burke called for the staff report.

City Planner Jackie Porter stated 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 inquires.

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

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

Ms. Hurley stated this property is located off 7th Street, along a more commercial corridor. There is a mix of zoning within this area.

Chairman Burke opened the public hearing.

Joe Herring stated he performed the survey and plot plan for this project and is representing the property owner.

Ms. Whitson asked if there is an existing building on the lot.

Ms. Hurley responded it is a vacant lot with no structures.

Ms. Whitson asked if the applicant is proposing to build a two-family dwelling.

Mr. Herring stated the property owner wants to build a duplex with an alley entrance and parking structure in the rear. The property has a three-foot retaining wall in front so the duplex would sit back a little further than neighboring properties and the duplex will meeting current setback regulations.

Mr. Burke asked about the parking.

Mr. Herring stated the parking is designed to come off the alley with four parking spaces on a paved surface area. There is on-street parking available on Pawnee Street but all required parking will be in the rear off the alley.

Ms. Bohnsack stated she is concerned about the façade. This is in an older neighborhood and the design of this duplex does not go with the style of the neighborhood (inaudible). The duplex needs to have an overhang of some kind (inaudible).

Mr. Burke stated they may want to add a condition to the special use permit.

Ms. Hurley stated a condition can be made for the applicant to provide more architectural detail and relief on the elevations.

Ms. Bohnsack moves to recommend approval with the stipulation a covered porch is added to the front of the duplex, seconded by Mr. Murphy and approved by a vote of 4-0.

4. 2020-21 SUB – MURPHY’S REPLAT

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

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated 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. 17th 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

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

With no questions from the commissioners, Chairman Burke asked if the applicant would like to speak.

Jason Murphy, applicant, stated the property was purchased in 2012, the back lot cannot really be developed, is heavily wooded and covered by two converging creeks. The reason for combining the two lots is to install on the rear lot an outbuilding with a mother-in-law suite above it and a woodshop below. Mr. Murphy also plans on installing a fence on the north side of 514 S. 17th Street lot to stop the dumping that has been going on.

With no questions from the commissioners, Chairman Burke called for a motion. Mr. Murphy moved to approve Murphy's Replat final plat, seconded by Ms. Whitson and approved by a vote of 4-0.

5. 2020-02 TXT – TEXT AMENDMENTS

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

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated 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 district 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 Commission 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 notification requirement for a use allowed by-right would be problematic and difficult to enforce.

- **Section 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.

- **Section 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.

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

With no questions from the commissioners, Chairman Burke opened the public hearing. With no one wishing to speak, Chairman Burke closed the public hearing and called for a motion. Mr. Murphy moves to recommend approval of the proposed text amendments to the City Commission, seconded by Ms. Bohnsack and approved by a vote of 4-0.

Ms. Hurley stated the meeting in July will take place July 13th due to the Fourth of July holiday.

With no further business, Chairman Burke adjourned the meeting.

The meeting adjourned at 7:35 p.m.

JH/mb

**PLANNING COMMISSION AGENDA ITEM
2020-09-SUP
1019 Ottawa**

JULY 13, 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.

Upon the request by the commission during the June 1, 2020, Planning Commission meeting for the applicant to provide a conceptual site plan, Mr. Anaya has submitted some documentation for the commission to review. Mr. Anaya has submitted a few plans and list of possible conceptual ideas.

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.

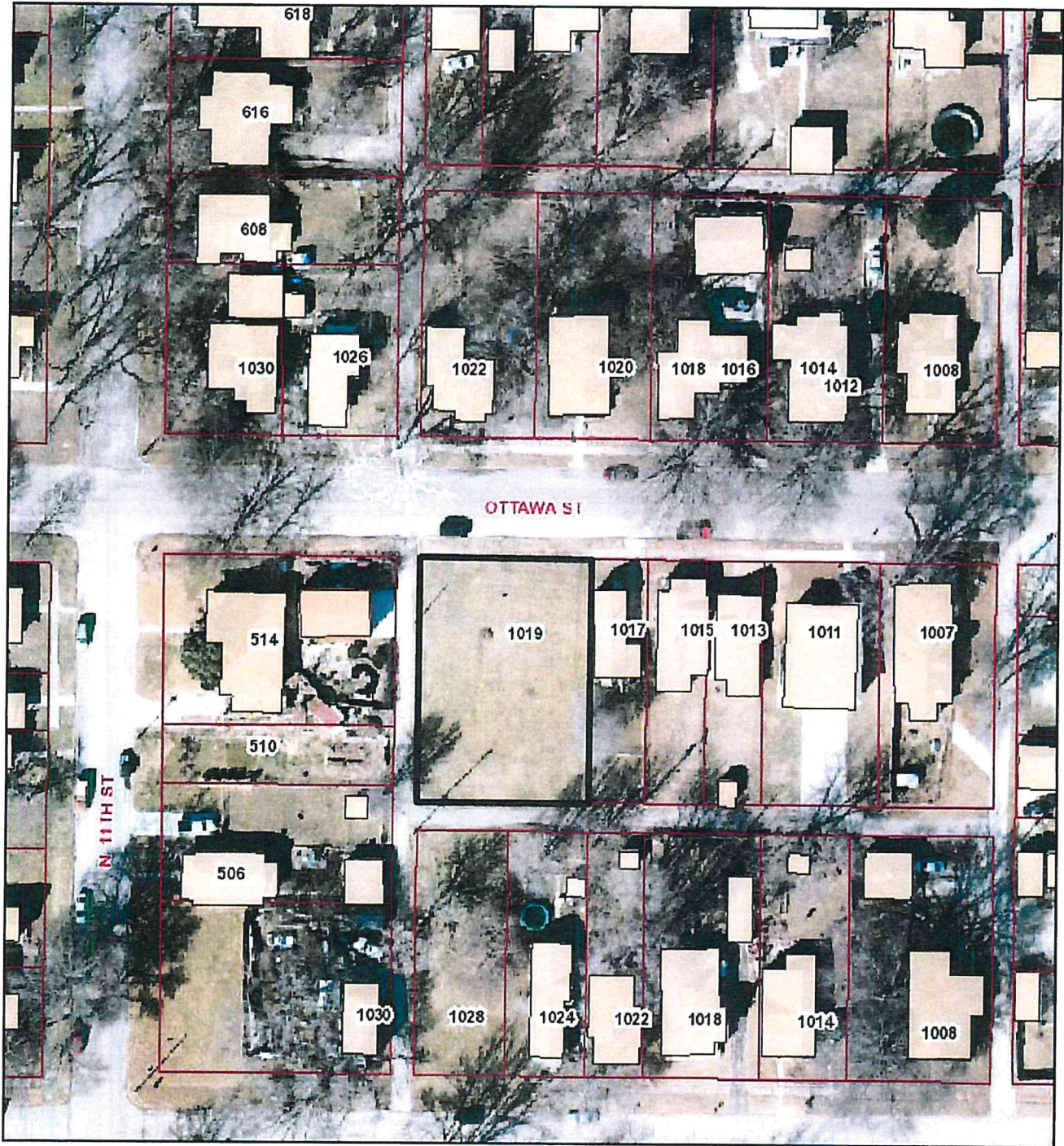
STAFF RECOMMENDATION:

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.

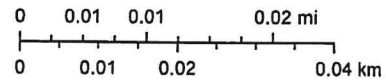
1019 Ottawa



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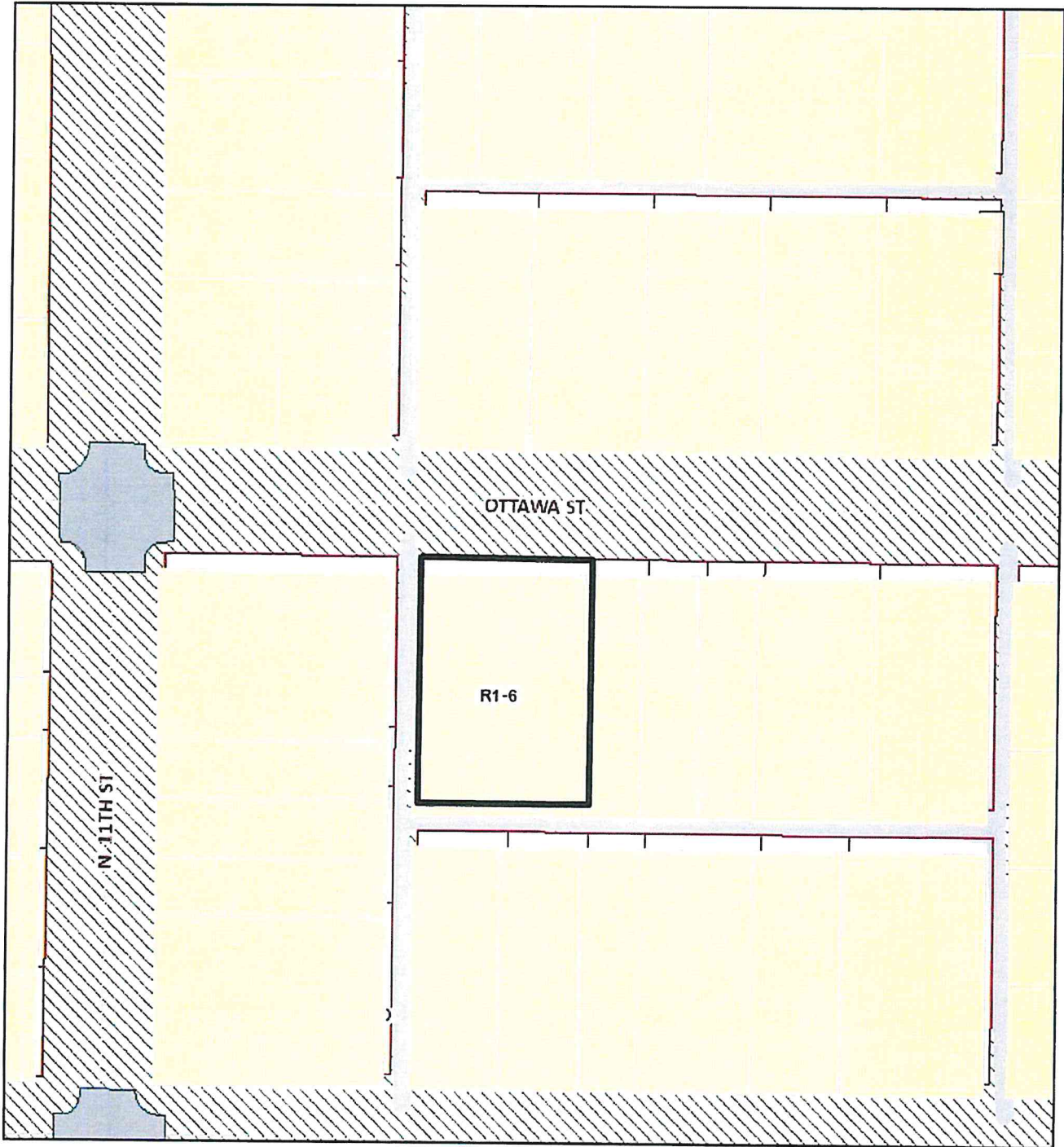
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- Override 1
 - Parcels (City Owned)
 - Parcels_Current
 - Buildings
 - Address (Points)
 - Streets
-
- Ortho 2018
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
 - East_of_River_Blank



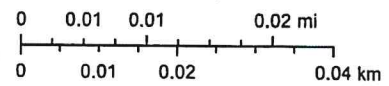
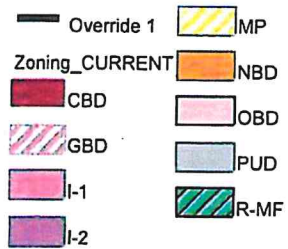
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

1019 Ottawa



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

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

CONCEPT # 1 Basic Design

No Fireplaces

Main Part of House will be widen by three(3) Feet on each side

Timberline Shingles or equal will be installed

CONCEPT # 2 Basic Design

Main Part of House will be widen by three(3) Feet on each side

Timberline Shingles or equal will be installed

Install a double gable roof on the front of house, see sketch, gables will be Symmetrical with each other

Construct two (2) 2-car carports on south side of house close to south alley

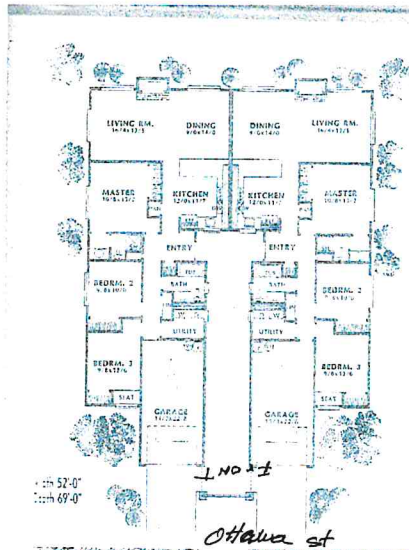
CONCEPT #3 Same as Concept 2, add following

Add brick veneer on front of house

Plant 4-5 trees on each side of house

Fence each side and back house

Install a utility shed for each side

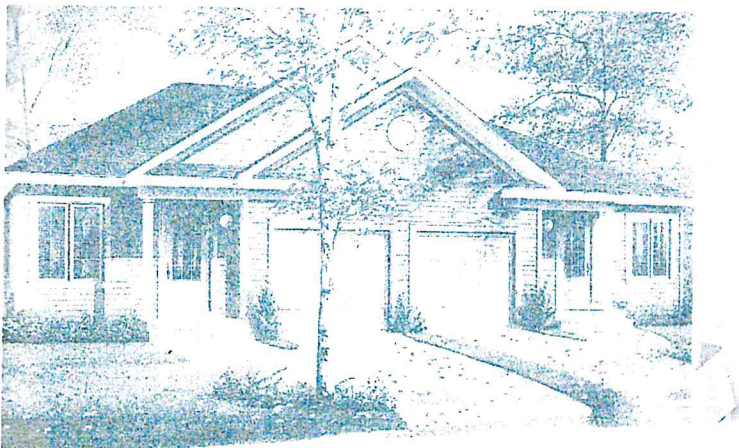
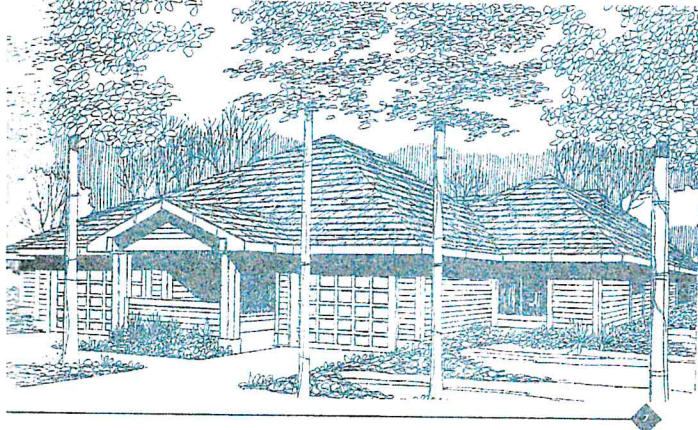


Design C312

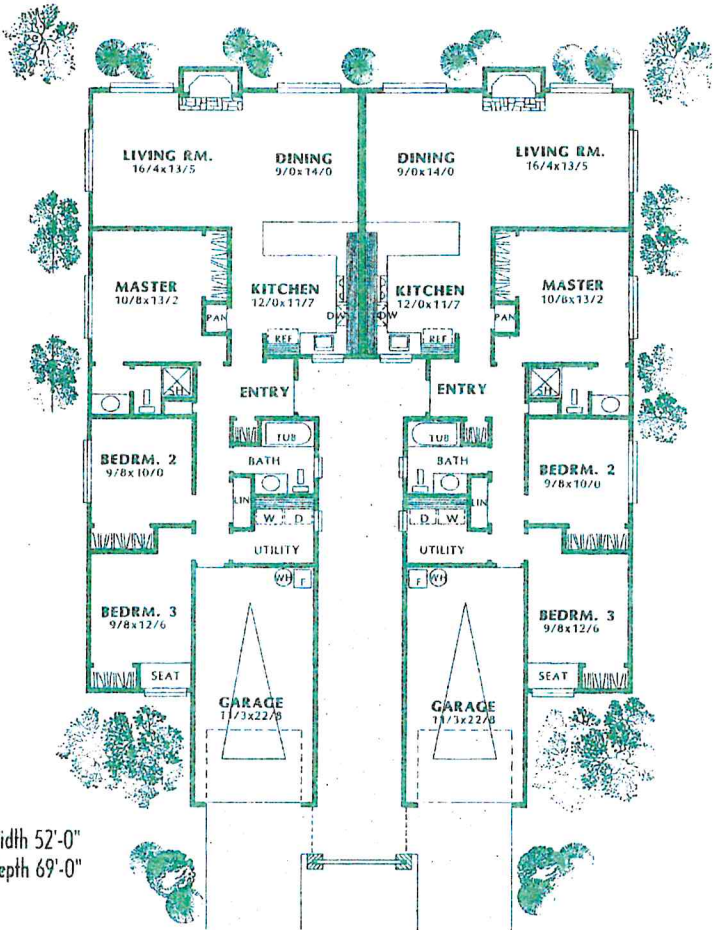
Square Footage: 1,226 per unit

♦ A covered walkway to the front door is just one of the many charms of this fine duplex. Each unit offers the same amenities, ranging from the spacious living/dining room area warmed by a fireplace, the U-shaped kitchen and three bedrooms, to two full baths and a utility room. The front bedroom offers a built-in window seat, while the master bedroom is enhanced by a private full bath. Storage is evident with a pantry in the kitchen, a closet by the front door and a large linen closet in the hall. A one-car garage is available to keep the rain off when parking the car.

Design by
 Pirey & Berley
 Designers, Inc.



Scale 1/4" = 1'-0"



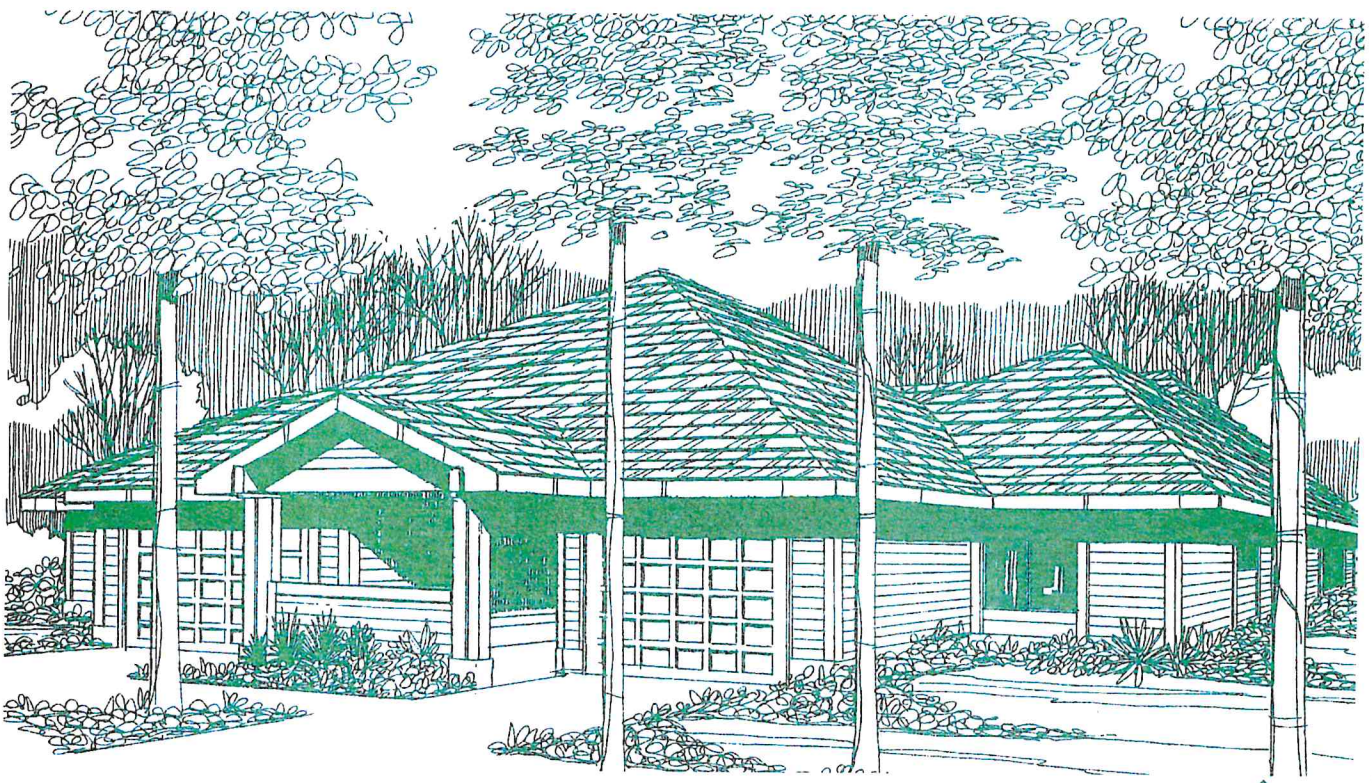
Width 52'-0"
Depth 69'-0"

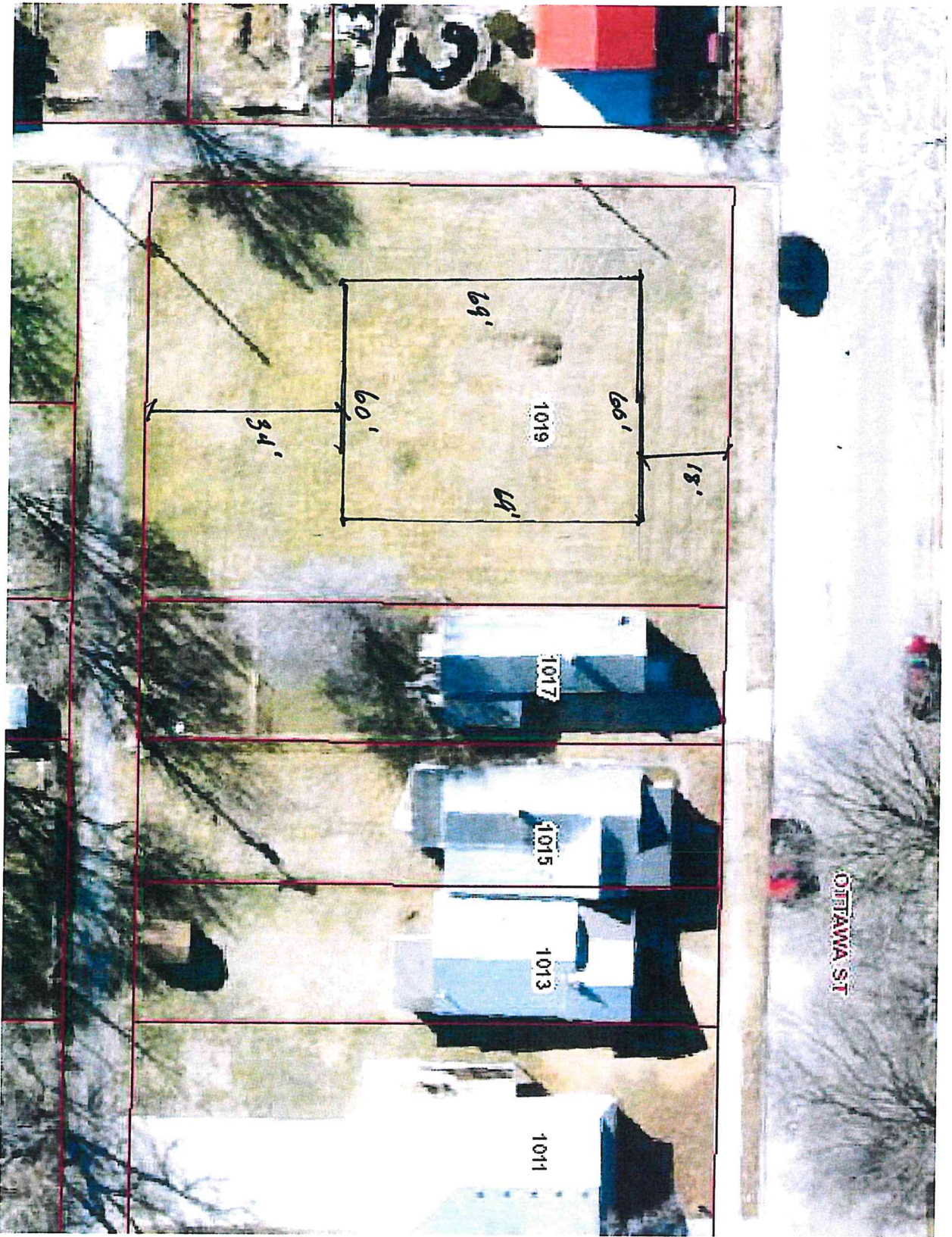
DESIGN C512

Square Footage: 1,226 per unit

◆ A covered walkway to the front door is just one of the many charms of this fine duplex. Each unit offers the same amenities, ranging from the spacious living/dining room area warmed by a fireplace, the U-shaped kitchen and three bedrooms, to two full baths and a utility room. The front bedroom offers a built-in window seat, while the master bedroom is enhanced by a private full bath. Storage is evident with a pantry in the kitchen, a closet by the front door and a large linen closet in the hall. A one-car garage is available to keep the rain off when parking the car.

Design by
Piercy & Barclay
Designers, Inc.





OTTAWA ST

1019

1017

1015

1013

1011

18'

69'

65'

49'

60'

34'



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:	<u>1019 Ottawa</u>		
Legal Description:	<u>(Attach a full legal description provided by the Register of Deeds Office)</u>		
Real Estate PID #:			
Zoning:	<u>R1-L0</u>	Historic District:	<u>ola</u>

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

Name(s) of Owner (print):	<u>David F. ANAYA</u>		
Owner Address:	<u>312 W. Gilman, Lansing Kansas 66043</u>		
Contact No.	<u>913-306-1545</u>	Email:	<u>Danaya2@KC-Tr.com</u>
Signature of Owner(s):	<u>David F. Anaya</u>		

State of Kansas
 County of Leavenworth

RACHAEL GARZA
 Notary Public - State of Kansas
 My Appl. Expires 1/27/21

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...

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

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

**PLANNING COMMISSION AGENDA ITEM
2020-16-SUP
4320 Hughes Road
Telecommunication Tower**

JULY 13, 2020

SUBJECT:

A request for a Special Use Permit to allow a 196 foot tall monopole type communication tower and related ground equipment at 4320 Hughes Road.



Prepared By:

Jacquelyn Porter
City Planner



Reviewed By:

Paul Kramer
City Manager

NATURE OF REQUEST

Glen Klocke on behalf of Network Real Estate and the subject property owner, is requesting a Special Use Permit to allow a 196 foot tall monopole type communication tower and related ground equipment. The subject property is zoned R1-9, Medium Density Single Family District, and is occupied by the residential dwelling with a accessory structures.

The proposed 196' tower is commissioned by AT&T to serve customers in the Leavenworth area, with space available for 2 additional carriers to co-locate. The maximum height of a tower and antenna when two or more antennas are co-located by two or more companies on a single tower is 170'. The Planning Commission has the authority to make an exception to the height requirement as condition to the approval of the Special Use Permit. The proposal includes a 70' x 70' fenced area to enclose the tower and related ground equipment. Access will be provided by a paved 12' wide access drive coming off of Hughes Road.

There is no signage proposed except for safety and identification as required by the Federal Communications Commission. The 70' x 70' fenced enclosure will be screened with green privacy slates. Sufficient existing foliage exists around the site of the tower from adjoining properties.

The Development Regulations require that for each foot of tower height there shall be a minimum of 1.05 foot of setback from any property line. This would require a minimum 205.8' setback from all property lines for the proposed tower, which is provided.

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.

A communication tower will provide numerous benefits to the economic development, welfare and convenience of the public through improved cellular communication capabilities.

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 believe that the proposed communication tower will cause 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 location and size of the proposed communication tower are such that it will not dominate the neighborhood and prevent development and use of neighboring property. The proposed tower will be situated to maximize its' distance from and impact on any adjoining single family residences. The subject property is bordered by a creek to the west, with dense tree growth to the north and west of the subject communications tower, minimizing its' visibility from surrounding properties.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request with an exception to the height regulations to allow 196' based on the analysis and findings included herein.

ACTION/OPTIONS:

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

Attachments:

Application

Site Plans

Development Regulations Section 10.03

Location map

Emails on height of tower



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Case No.: 2020-110 SUP
 Application No. 7286
 Fee (non-refundable) \$350.00
 Filing Date 4-8-20
 Received By mariah 4/9/20
 Publication Date 5-8-20
 Hearing Date 6-1-20

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: 130' cell tower

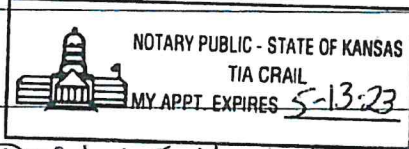
in accordance with the attached site plan on the following described property:

Address:	4320 Hughes Rd Leavenworth, KS 66048		
Legal Description:	<i>(Attach a full legal description provided by the Register of Deeds Office)</i>		
Real Estate PID #:	10112030005030000		
Zoning:	R1-9	Historic District:	N/A

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

Name(s) of Owner (print):	David & Emily Yantz		
Owner Address:	4320 Hughes Rd. Leavenworth, KS 66048		
Contact No.	913.334.7496	Email:	dyantz8@gmail.com

Signature of Owner(s):	<i>David Yantz</i> <i>Emily Yantz</i>		
------------------------	--	--	--

State of <u>Kansas</u>)	 NOTARY PUBLIC - STATE OF KANSAS TIA CRAIL MY APPT. EXPIRES 5-13-23
County of <u>Leavenworth</u>) (SEAL)	
Signed or attested before me on: <u>3-16-2020</u>	By: <u>David & Emily Yantz</u>
Notary Public <u>Tia Crail</u>	
My Appointment Expires: <u>May 13, 2023</u>	

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

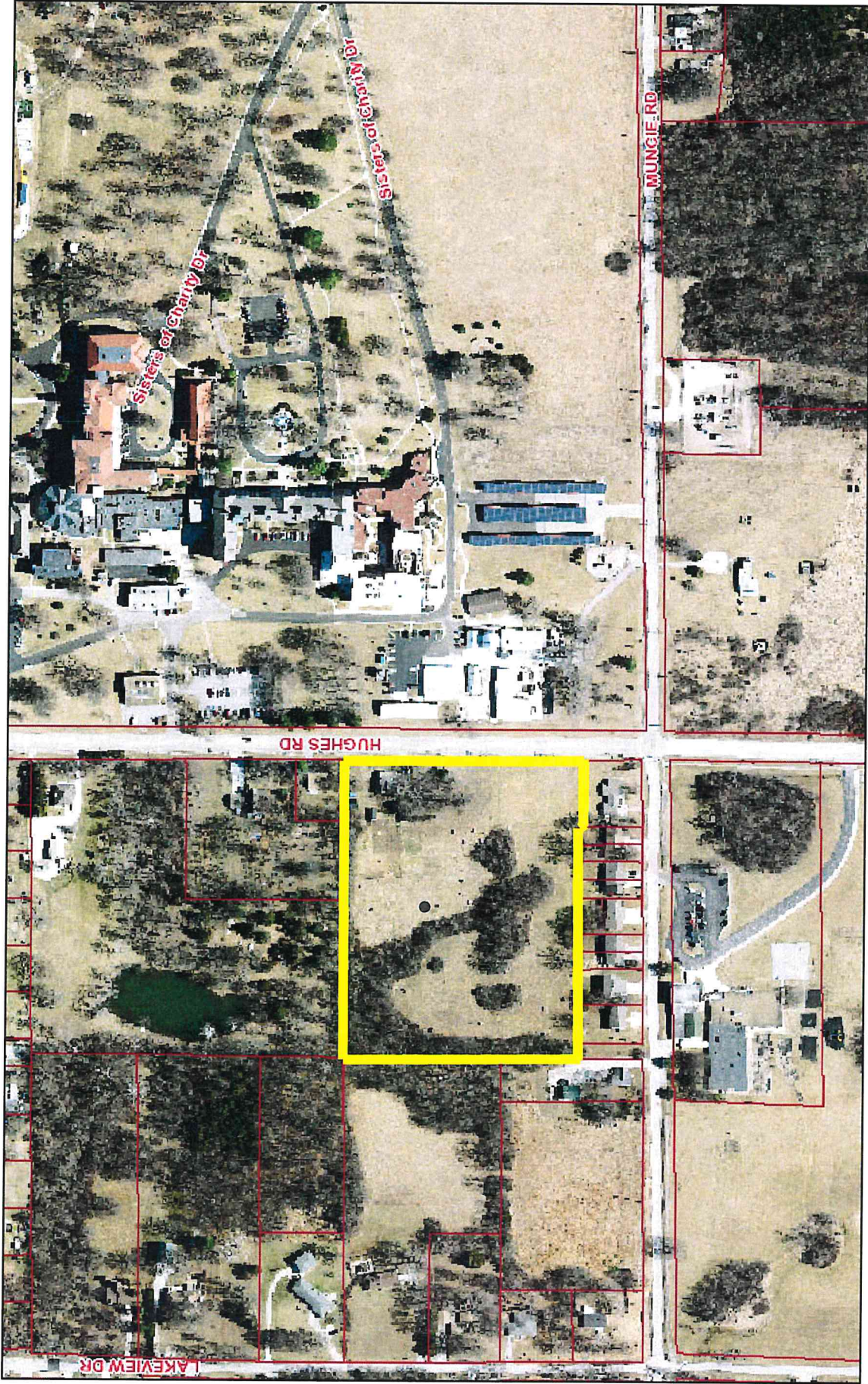
Name of Lessee:	<u>see Attached letter (contact Glen Klocke 314-224-5410 glen.klocke@networkre.net)</u>		
Address:			
Contact No.		Email:	

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)

4320 S Hughes Rd



7/2/2020, 3:23:28 PM

 Override 1	 Blue: Band_3	 Lansing City Limits
 Parcels (City Owned)	 Red: Band_1	 Ft Leavenworth Military Installation
 Parcels_Current	 Green: Band_2	 Leavenworth City Limits
	 Streets	

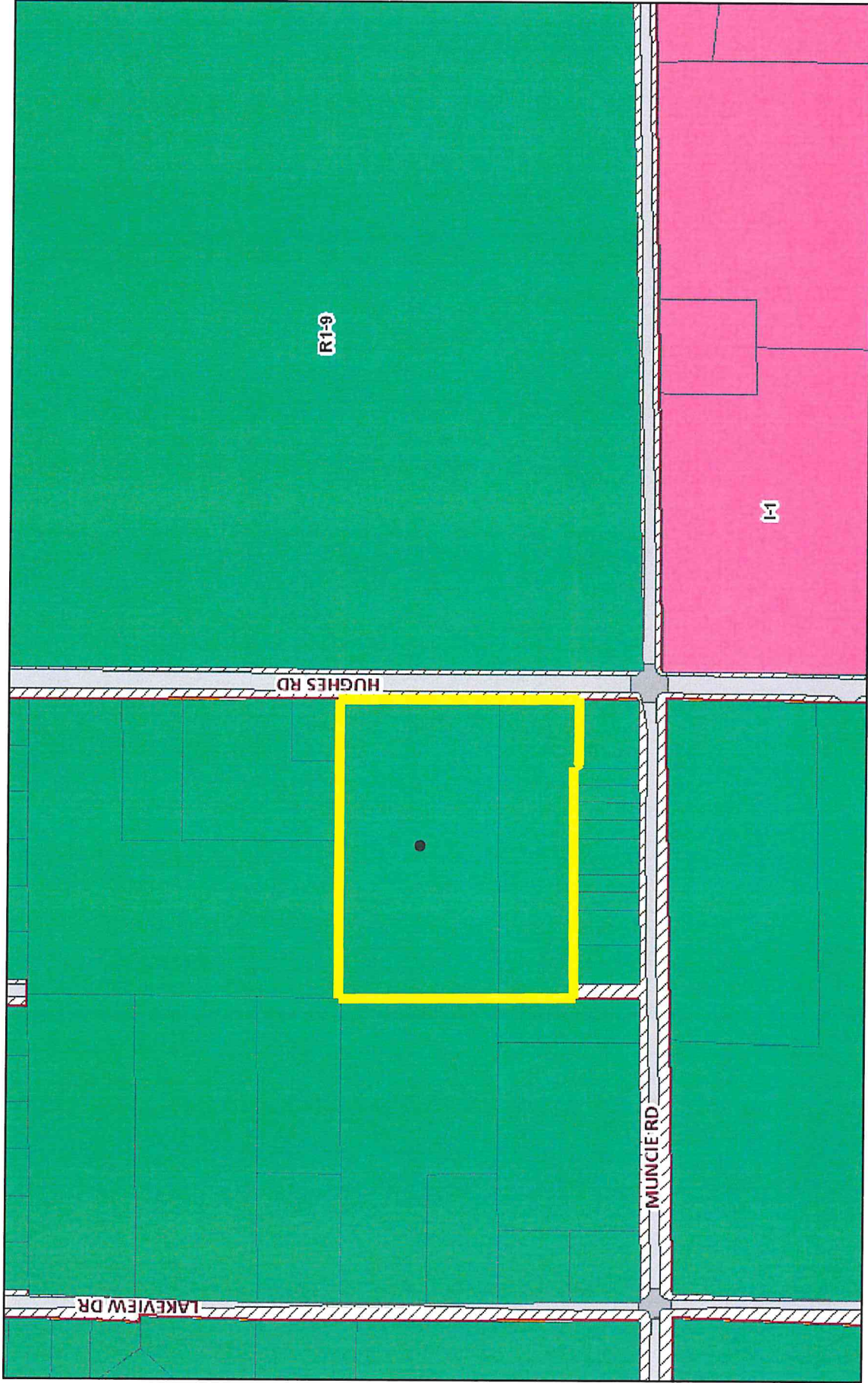
1:4,514

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.18 km

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

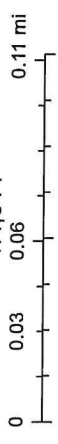
4320 S Hughes Rd



7/2/2020, 3:26:46 PM

- Override 1
- Zoning_CURRENT
- CBD
- GBD
- IMP
- NBD
- CBD
- PUD
- R1-25
- R1-6
- I-1
- I-2
- R-MF
- R-MX
- R1-9

1:4,514



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

Web AppBuilder for ArcGIS

Jacquelyn Porter

From: Glen Klocke <glen.klocke@networkre.net>
Sent: Thursday, July 9, 2020 11:05 AM
To: Jacquelyn Porter
Subject: FW: KS4999 Xavier: 4320 Hughes Road

Jacquelyn,

Below is an email from the AT&T engineer responsible for this site explaining the 194' tower request.

Please let me know if you want this in any other format.

Thank you.

Also, can you tell me what time the meeting is on Monday?

*Glen Klocke
Network Real Estate, LLC
5055 Hwy N Suite 200
St. Charles, MO 63304
Phone: (636) 922-3400
Mobile: (314) 229-5410
glen.klocke@networkre.net*

From: SEWELL, DAVID M [mailto:DS165m@att.com]
Sent: Thursday, July 09, 2020 9:26 AM
To: Glen Klocke <glen.klocke@networkre.net>
Subject: RE: KS4999 Xavier: 4320 Hughes Road

Hi Glen,

A 194' tower allows us to maximize the use of a tower in this location and to effectively offload traffic on the overloaded sector to the northwest. A shorter tower does not meet our objective of offloading the struggling sector. The extra 26 feet also improves signal strength and throughput speeds at the Dwight D. Eisenhower VA Medical Center and in neighborhoods to the west and southeast. We believe a 194 foot tower will give us a robust network footprint in Xavier, KS.

Thanks,

David Sewell
AT&T Mobility
RAN Design Engineer – MOKS Market
Mobile: (314) 753-4018
Office: (636) 402-7090

Network Real Estate, LLC



Glen Klocke

Site Acquisition Specialist

office: (636) 922-3400

mobile: (314) 229-5410

fax: (636) 922-3409

glen.klocke@networkre.net

5055 Hwy N, Suite 200 • Cottleville, MO 63304



Network Real Estate, LLC

5055 Hwy N, Suite 200
St. Charles, MO 63304
Office: (636) 922-3400
Fax: (636) 922-3409

David & Emily Yantz

RE: 196' monopole AT&T Communication Tower

I David & Emily Yantz give Network Real Estate permission to submit a SUP application for a new AT&T 196' communication tower to be constructed on our property located at 4320 Hughes Rd. Leavenworth, KS 66048.

Property Owners;

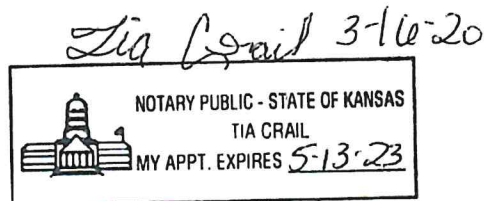
David Yantz

A handwritten signature in blue ink, appearing to read "David Yantz", written over a horizontal line.

Emily Yantz

A handwritten signature in blue ink, appearing to read "Emily Yantz", written over a horizontal line.

Sincerely,



Glen Klocke
Network Real Estate LLC
5055 Hwy N Suite 200
St. Charles, MO 63304
314-229-5410
glen.klocke@networkre.net



Network Real Estate, LLC

5055 Hwy N, Suite 200 • St Charles, MO 63304
Office: (817) 494-3909 Fax: (636) 922-3409

March 30, 2020

City of Leavenworth, KS
Attn: Jacquelyn Porter
100 N. 5th. St.
Leavenworth, KS 66048

RE: Application To the Board of Zoning Appeals / SUP for proposed AT&T Telecommunications Tower located at 4320 Hughes Rd. Leavenworth, KS 66048

Mr. Porter,

AT&T is a participant in the FCC's Connect America Fund offering which was established by the United States to improve broadband services to rural and underserved communities. Participation in this program requires AT&T to cover over 1 million subscribers in such communities. One of AT&T's strategies to meet the government's objectives is to deploy a fixed-wireless technology, often referred to as "Wireless Local Loop" or "WLL", which targets homes where traditional, "buried cable" internet service is unreliable or nonexistent. AT&T is proposing a new telecommunications facility inclusive of a new 180' structure on the below referenced parcel which is designed to deploy this type of technology and assist AT&T in meeting the government's objectives. The new structure will be utilized by AT&T and potential future telecommunications carriers for collocation of antennas and related equipment. While the WLL technology is designed to serve specific household units, the proposed structure, however, will also be utilized to deploy typical wireless technologies which will serve all AT&T wireless users in the community.

Project Description:

Parcel #: 1011203005030000

Property Address: 4320 Hughes Rd. Leavenworth, KS 66048

Property Owner: David & Emily Yantz

Applicant: AT&T, c/o Network Real Estate, LLC

Zoning District: R1-9

Adjacent Uses: R-19

Proposed Facility Description: 196' monopole structure inside a 70' by 70' fenced compound for placement of communications equipment such as antennas, equipment shelters, and cabinets.

Availability and Viability of Existing Structures

AT&T gives priority and is financially incented to collocate on existing facilities or tall structures such as a water tank, building, or tower as these types of builds are more economically reasonable. AT&T's authorized representative searched the geographic area which would allow AT&T to meet their technical needs for existing structures and found there to be no structures available of the necessary height. Additionally, please find enclosed a letter from AT&T's engineering department explaining why and existing tower nearby could not be utilized.

Compliance with Federal, State, and Local Regulations:

As part of its FCC license as well as its lease with the property owner, AT&T is responsible to ensure compliance with all federal, state, and local rules and regulations to include the Federal Aviation Administration's regulations concerning construction of new structures and radio frequency emissions and the regulations of the State Historical Preservation Office. To that end, AT&T has made the necessary applications to confirm the proposed structure will have no adverse effects to the environment, including wilderness areas and preserves, endangered species habitats, historic places, and Indian cultural and religious sites, nor will it compromise the operations of the FAA or any activities within its jurisdiction.

The proposed facility is located within a R1-9 zoning district. AT&T has complied with the Cities of Leavenworth setback requirements to a 196' not exceeding one foot for every two (1) feet of the tower is set back from residential zoned property. The attached drawings shows this proposed location complies with the cities set back requirements. In addition the tower will be built to support a total of 3 wireless carriers, allowing for collocation.

1. Minimum setbacks from the right of way and secondary road

In accordance with of the City of Leavenworth, KS Zoning Regulations, we have enclosed in this package the Zoning application, Declaration of Representative, site plans and land survey, and submittal fees in the amount of \$350.00. Please consider this letter and the accompanying documents as AT&T's application for a Zoning Appeals Application / SUP.

If you have any questions, please feel free to contact me at 314.229.5410 or glen.klocke@networkre.net.

Regards,



Glen Klocke

Network Real Estate, LLC, an authorized representative of AT&T
glen.klocke@networkre.net

SHEET INDEX

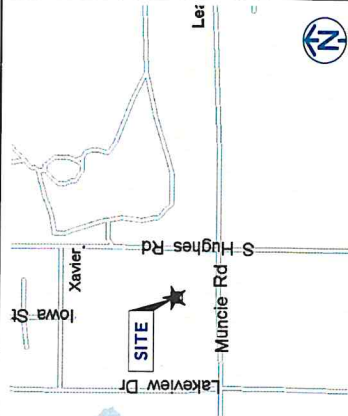
NO.	DESCRIPTION
T-1	TITLE SHEET
SS-1	SITE SURVEY
SS-2	SITE SURVEY
SS-3	SITE SURVEY
SS-4	SITE SURVEY
Z-1	SITE PLAN
Z-2	ENLARGED SITE PLAN
Z-3	TOWER ELEVATION

DRIVING DIRECTIONS

SCAN QR CODE FOR LINK TO SITE LOCATION MAP



SITE LOCATION MAP



MRKSL023380

**GREATER MIDWEST MARKET - KS
NSB**

**SITE NAME
XAVIER KS**

**SITE NUMBER
KS4999**

**FA LOCATION CODE:
14373019**

**SITE ADDRESS
4320 HUGHES ROAD
LEAVENWORTH, KS 66048**

**STRUCTURE TYPE
196' - MONOPOLE**

PROJECT SUMMARY

SITE NAME: XAVIER KS
SITE NO.: KS4999
FA LOCATION CODE: 14373019
SITE ADDRESS: 4320 HUGHES ROAD, LEAVENWORTH, KS 66048
COUNTY: LEAVENWORTH
SITE COORDINATES: FROM 1A (LETTER) 9327208 - 14717 (RMSL) 887
GROUND ELEVATION: 887
STRUCTURE TYPE: 196' - MONOPOLE
ZONING DISTRICT: U-UTILITY
PERMITS: U-UTILITY
APPLICANT: AT&T
12851 MANCHESTER ROAD, ST. LOUIS, MO 63131
PROPERTY OWNER: DAVID CHARLES YANTZ AND EMILY YANTZ (913) 314-7496
PARCEL NUMBER: 1011203065010000
BUILDING CODE: 2006 INTERNATIONAL BUILDING CODE
ELECTRICAL CODE: 2008 NATIONAL ELECTRICAL CODE
POWER COMPANY: N/A
FIBER COMPANY: AT&T

ENGINEER'S LICENSE

CERTIFICATION STATEMENT:
 I CERTIFY THAT THESE DRAWINGS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CONTROL AND TO THE BEST OF MY KNOWLEDGE AND BELIEF COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE CODES.

APPROVALS

AT&T CONST.	DATE
AT&T RF	DATE
AT&T OPS	DATE
LANDLORD	DATE

DRAWING SCALED TO 11"x17"



12851 MANCHESTER ROAD
ST. LOUIS, MO 63131



5055 Hwy N, Suite 200
St. Charles, MO 63304



1100 E. WOODFIELD ROAD, SUITE 500
SCHAUJBURG, ILLINOIS 60173
TEL: 847-988-8400
COMM: E-1939
www.fullerton-engineering.com

#	DATE	DESCRIPTION	INT.
A	9/12/19	PRELIM. ZONING	JW
0	1/21/20	FINAL	JW



12851 MANCHESTER ROAD
ST. LOUIS, MO 63131

PROJECT MANAGER



1100 E. WOODFIELD ROAD, SUITE 500
SCHAUJBURG, ILLINOIS 60173
TEL: 847-988-8400
COMM: E-1939
www.fullerton-engineering.com

SITE ACQUISITION

ENGINEER

- NOTES:**
- HANDICAP ACCESS REQUIREMENTS ARE NOT REQUIRED
 - FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION
 - FACILITY HAS NO PUMPING OR REFRIGERANTS
 - THIS FACILITY SHALL MEET OR EXCEED ALL FAA AND FCC REGULATORY REQUIREMENTS
 - ALL NSB MATERIAL SHALL BE BUNGIES AND INSTALLED BY CONTRACTOR UNLESS NOTED OTHERWISE. CONTRACTOR SHALL COORDINATE WITH PROJECT MANAGER PRIOR TO CONSTRUCTION

- SCOPE OF WORK:**
- PROVIDE FOUNDATION AND FOUNDATION
 - PROPOSE ACCESS TO THE FACILITY
 - PROPOSE AT&T GROUND EQUIPMENT
 - PROPOSE AT&T ANTENNAS
 - PROPOSE AT&T ICE BRIDGE
 - PROPOSE UTILITY H-RAKE
 - PROPOSE CHAIN LINK FENCE
 - PROPOSE ACCESS ROAD



1100 E. WOODFIELD ROAD, SUITE 500
SCHAUJBURG, ILLINOIS 60173
TEL: 847-988-8400
COMM: E-1939
www.fullerton-engineering.com

ENGINEER

SITE NAME

XAVIER KS

SITE NO.

KS4999

SITE ADDRESS

4320 HUGHES ROAD
LEAVENWORTH, KS 66048

SHEET NAME

TITLE SHEET

SHEET NUMBER

T-1

PARENT PARCEL DESCRIPTION:

That part of Block 1, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of Section 12, Township 9 South, Range 22 East of the 6th P.M.; Thence North 00° 03' 30" West, 149.28 feet, Thence South 88° 52' 21" West 30 feet to the West right of way of Hughes-Road and the point of beginning, said point being the Northeast corner of a tract of land conveyed to David M. Graham by deed recorded in Book 565, Page 180; Thence North 00° 03' 30" West, 180.40 feet along the West line of Hughes Road to the Northeast corner of Block 1; Thence South 88° 50' 30" West along the North line of Block 1, 391.12 feet, Thence South 00° 03' 31" East 165.00 feet to a point on the North line of Hesselhoff Subdivision; Thence North 88° 52' 21" East along said North line 251.11 feet to the Northeast corner of Lot 6, Hesselhoff Subdivision; Thence South 00° 03' 30" East along the East line of Lot 6, Hesselhoff Subdivision, 15.72 feet to the Northwest corner of said Graham tract; Thence North 88° 52' 21" East along said North line of said Graham Tract, 140.00 feet to the point of beginning.

AND
 That part of Block 1, in Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northwest corner of Block 1, Pleasant Ridge Subdivision; Thence North 88° 50' 30" East 238.89 feet; Thence South 00° 03' 30" East 165.00 feet to the North line of Hesselhoff Subdivision; Thence South 88° 52' 21" West along the North line of Hesselhoff Subdivision, 238.89 feet to the West line of Block 1, Pleasant Ridge Subdivision; Thence North 00° 03' 31" West, 165.00 feet along said West line to the Northwest corner of said Block 1, Pleasant Ridge Subdivision the point of beginning.

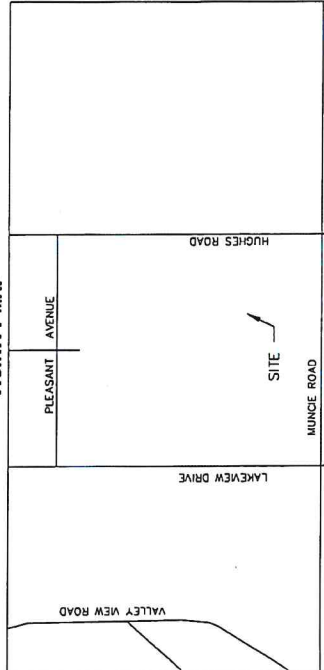
AND
 Tract A: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of Block 2, the point of beginning, Thence South 00° 03' 30" East along the East line of Block 2, and the West right of way of Hughes Road, 182.83 feet, Thence South 88° 50' 30" West parallel to the North line of Block 2, 136.00 feet, Thence North 00° 03' 30" West parallel to the East line of Block 2, 182.83 feet, Thence North 88° 50' 30" East along the North line of Block 2, 136.00 feet to the point of beginning.

Tract B: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of said Block 2, Thence North 00° 03' 30" West, 147.65 feet along the East line of Block 2, Thence South 88° 50' 30" West parallel to the North line of Block 2, 247.8 feet, Thence South 00° 03' 30" East parallel to the East line of Block 2, 75.20 feet, Thence South 88° 52' 21" West 143.31 feet, Thence South 00° 03' 30" East parallel to the East line of said Block 2, 72.00 feet, Thence North 88° 50' 30" East along the South line of Block 2, 391.12 feet to the point of beginning.

Tract C: Block numbered Two (2), in Pleasant Ridge Subdivision of the Southwest Quarter of Section numbered Twelve (12), in Township numbered Nine (9), and Range numbered Twenty-two (22), according to the map or plat thereof on record in the Office of the Register of Deeds in and for said County, LESS the following described tract:

Tract A: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of Block 2, the point of beginning, Thence South 00° 03' 30" East along the East line of Block 2, and the West right of way of Hughes Road, 182.83 feet, Thence South 88° 50' 30" West parallel to the North line of Block 2, 136.00 feet, Thence North 00° 03' 30" West parallel to the East line of Block 2, 182.83 feet, Thence North 88° 50' 30" East along the North line of Block 2, 136.00 feet to the point of beginning, ALSO LESS the following described tract: Tract B: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of said Block 2, Thence North 00° 03' 30" West, 147.65 feet along the East line of Block 2, Thence South 88° 50' 30" West parallel to the North line of Block 2, 247.8 feet, Thence South 00° 03' 30" East parallel to the East line of Block 2, 75.20 feet, Thence South 88° 52' 21" West 143.31 feet, Thence South 00° 03' 30" East parallel to the East line of said Block 2, 72.00 feet, Thence North 88° 50' 30" East along the South line of Block 2, 391.12 feet to the point of beginning.

VICINITY MAP

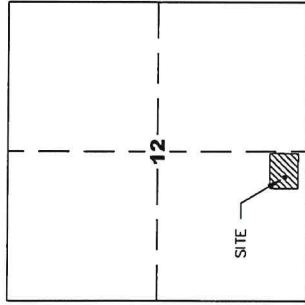


SURVEYORS NOTES

- 1) Generally located in Kansas State Plane Coordinate System, North Zone (NAD-83).
- 2) Not a survey of the parent parcel shown, but to be used only for the purposes shown hereon.
- 3) The Utility locations shown hereon were determined by observed above ground evidence only. The surveyor makes no guarantee as to the accuracy of any subsurface locations, and makes no guarantee that the underground utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. This surveyor has not physically located the underground utilities.

Zoning: RESIDENTIAL

Flood Information:
 Property falls within a Zone "X" and is outside a 100 year flood plain area, as determined by FEMA Flood Rate Map No. 2010300143G, effective date 07/16/2015.



T. 9 S., R. 22 E

PARENT PARCEL DETAIL



12851 MANCHESTER ROAD
 ST. LOUIS, MO 63131



5565 Hwy A, Suite 200
 St. Charles, MO 63044

FULLERTON

1100 E. WOODFIELD ROAD, SUITE 500
 SCHLAUBURG, ILLINOIS 60173
 TEL: 817-908-6400
 www.fullertonengineering.com

REV.	DATE	DESCRIPTION
1	05/28/18	PRELIMINARY
2	08/11/18	REVISIONS / COMMENTS
3	08/12/18	FINAL

5832



4532 Normal Blvd., Ste #101
 Omaha, NE 68106
 (402) 423-8200
 (402) 423-8211
 www.huskersurveying.com

SITE NAME

XAVIER KS

SITE NUMBER:

KS4999

SITE ADDRESS

4320 HUGHES RD.,
 LEAVENWORTH, KS.

SHEET NAME

SITE PLAN

SHEET NUMBER

SS-1

Surveyor's Certificate

I, Joyme M. Malone, a Professional Registered Land Surveyor under the laws of the State of Kansas, certify the above survey was executed by me, on the date shown. Distances shown are measured in feet and decimals of a foot.

Signed this 13th day of June, 20 19

Joyme M. Malone
 Joyme M. Malone





12851 MANCHESTER ROAD
ST. LOUIS, MO 63131



5055 Hwy N, Suite 200
St. Charles, MO 63041

FULLERTON
ENGINEERS, P.C.

1100 E. WOODFIELD ROAD, SUITE 300
SCHAMBERG, ILLINOIS 60173
www.fullertoneng.com

REV	DATE	DESCRIPTION	BY	TR
1	05.24.18	PRELIMINARY		
2	06.11.18	REVISIONS / COMMENTS		
3	06.13.18	FINAL		

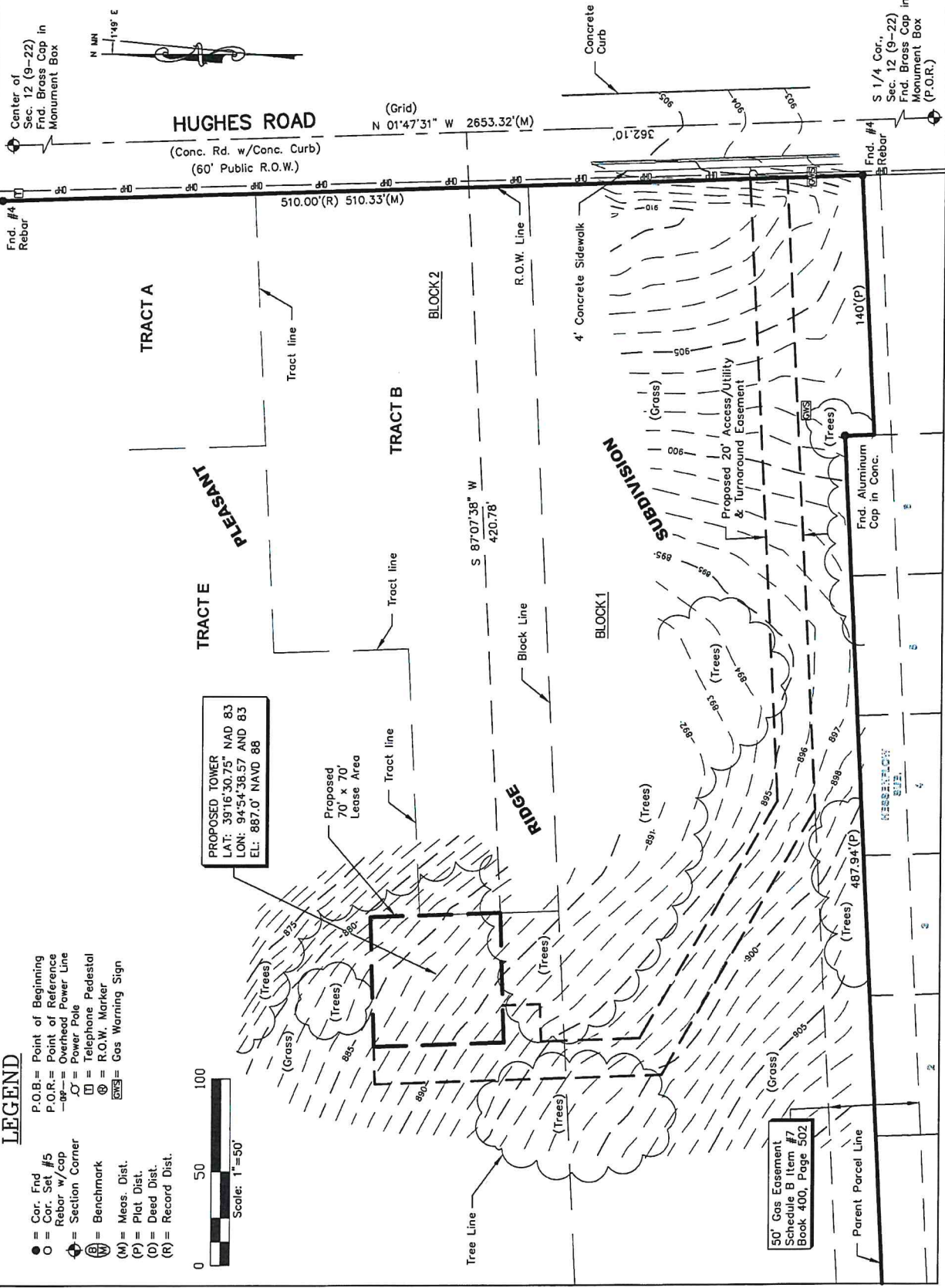
5932



HUSKER SURVEYING

4535 Normal Blvd, Ste #101
Lincoln, NE 68502
(402)423-5202
(402)423-5211
www.huskersurveying.com

SITE NAME	XAVIER KS
SITE NUMBER	KS4989
SITE ADDRESS	4320 HUGHES RD, LEAVENWORTH, KS.
SHEET NAME	SITE PLAN
SHEET NUMBER	SS-2



LEGEND

- = Cor. Fnd
- = Cor. Set #5
- = Rebar w/cap
- = Section Corner
- = Benchmark
- (M) = Meas. Dist.
- (P) = Plat. Dist.
- (D) = Deed Dist.
- (R) = Record Dist.
- P.O.B. = Point of Beginning
- P.O.R. = Point of Reference
- op- = Overhead Power Line
- = Power Pole
- = Telephone Pedestal
- = R.O.W. Marker
- = Gas Warning Sign



50' Gas Easement
Schedule B Item #7
Book 400, Page 502

PROPOSED TOWER
LAT: 39°16'30.75" NAD 83
LON: 94°54'38.57" AND 83
EL: 887.0' NAVD 88

Proposed
70' x 70'
Lease Area

50' Gas Easement
Schedule B Item #7
Book 400, Page 502

LEASE AREA DESCRIPTION:

That part of Tract E, Block Two, Pleasant Ridge Subdivision, located in the Southwest Quarter of Section Twelve, Township Nine, Range Twenty-two, Leavenworth County, Kansas and being more particularly described as follows:

Referring to the South Quarter corner of said Section 12, a Brass cap in monument box found for corner, thence northerly, on a Grid bearing of North 01°47'31" West, on the East line of the Southwest Quarter of said Section 12, 362.10 feet, thence departing the East line of the Southwest Quarter of said Section 12, westerly South 87°07'38" West, 420.78 feet, to the Point of Beginning for the described Lease Area, thence following the perimeter of the Lease Area on the following bearings and distances: westerly South 88°12'30" West, 70.00 feet; thence northerly North 01°47'30" West, 70.00 feet; thence easterly North 88°12'30" East, 70.00 feet; thence southerly South 01°47'30" East, 70.00 feet, to the Point of Beginning.

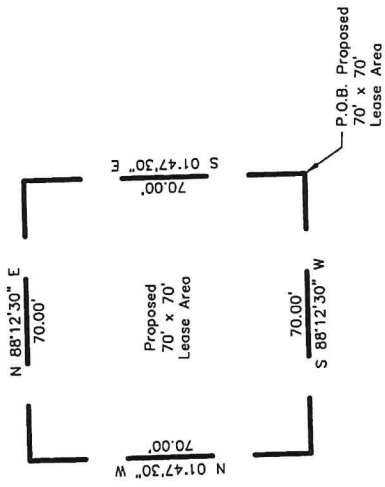
Containing a total calculated area of 4,900 square feet or 0.112 acres, more or less.

ACCESS/UTILITY & TURNAROUND EASEMENT DESCRIPTION:

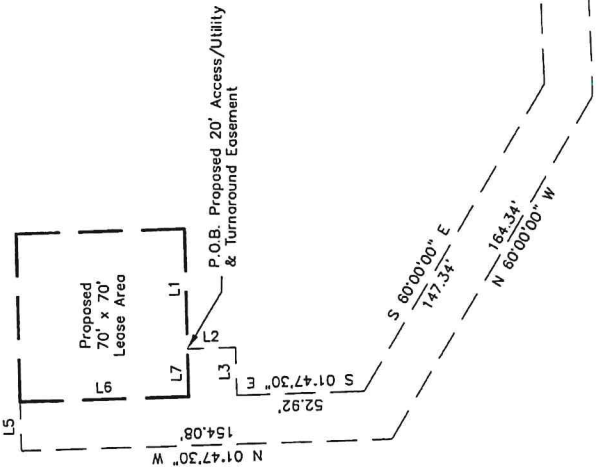
An Access/Utility and Turnaround Easement located in that part of Block One, and that part of Tract E, Block Two, Pleasant Ridge Subdivision, located in the Southwest Quarter of Section Twelve, Township Nine, Range Twenty-two, Leavenworth County, Kansas and being more particularly described as follows:

Referring to the South Quarter corner of said Section 12, a Brass cap in monument box found for corner, thence northerly, on a Grid bearing of North 01°47'31" West, on the East line of the Southwest Quarter of said Section 12, 362.10 feet, thence departing the East line of the Southwest Quarter of said Section 12, westerly South 87°07'38" West, 420.78 feet, to the Southeast corner of the described Lease Area, thence following the South line of said Lease Area westerly South 88°12'30" West, 50.00 feet, to the Point of Beginning for the described Access/Utility and Turnaround easement; thence following the perimeter of the easement on the following bearings and distances: southerly South 01°47'30" East, 20.00 feet; thence westerly South 88°12'30" West, 20.00 feet; thence southerly South 01°47'30" East, 52.92 feet; thence southeasterly South 60°00'00" East, 147.34 feet; thence easterly North 01°47'30" East, 335.87 feet, to a point of intersection on the West right of way line of Hughes Road, thence following said West line southerly South 01°47'30" East, 20.00 feet; thence departing the West right of way line of Hughes Road, westerly South 87°07'38" West, 341.43 feet; thence northwesterly North 60°00'00" West, 164.34 feet; thence northerly North 01°47'30" West, 154.08 feet; thence easterly North 88°12'30" East, 20.00 feet, to the Northwest corner of the described Lease Area, thence following the perimeter of the Lease Area on the following bearings and distances: southerly South 01°47'30" East, 70.00 feet; thence easterly North 88°12'30" East, 20.00 feet, to the Point of Beginning.

Containing a total calculated area of 13,262 square feet, or 0.304 acres more or less.



LEASE AREA DETAIL
Scale: 1" = 20'



ACCESS/UTILITY & TURNAROUND EASEMENT DETAIL
Scale: 1" = 50'

LINE	BEARING	DISTANCE
L1	S 88°12'30" W	50.00'
L2	S 01°47'30" E	20.00'
L3	S 88°12'30" W	20.00'
L4	S 01°47'30" E	20.00'
L5	N 88°12'30" E	20.00'
L6	S 01°47'30" E	70.00'
L7	N 88°12'30" E	20.00'



12851 MANCHESTER ROAD
ST. LOUIS, MO 63131



505 Hwy N, Suite 200
St. Charles, MO 63044

FULLERTON
1100 E WOODFIELD ROAD, SUITE 500
SCHAUHUBUNG, ILLINOIS 60173
TEL: 847.908.8400
www.fullertonengineering.com

REV	DATE	DESCRIPTION
1	05/21/13	PRELIMINARY
2	08/11/13	EXCISES / COMMENTS
3	08/12/13	FINAL

5832



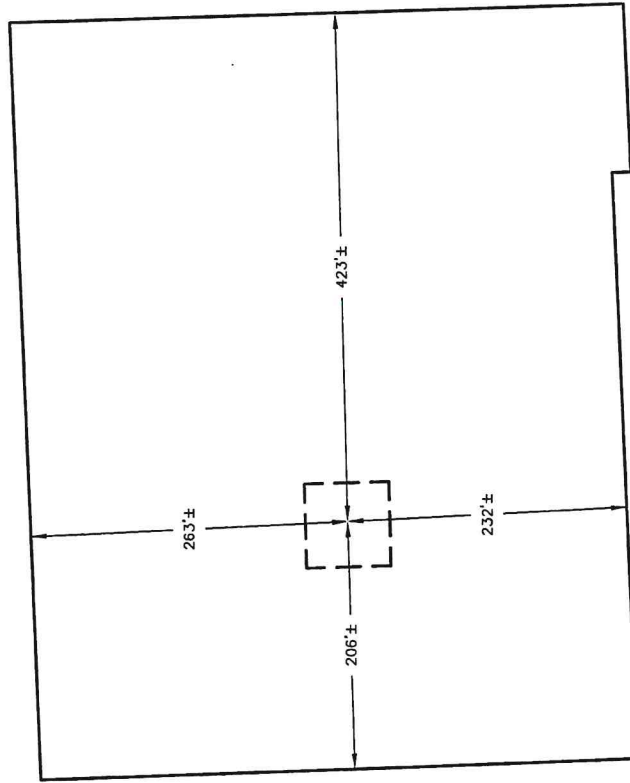
HUSKER SURVEYING
4535 Normal Blvd, Ste #101
Leavenworth, MO 65068
Leavenworth, MO 65068
(402)423-3211
www.huskersurveying.com

SITE NAME	XAVIER KS
SITE NUMBER	KS4999
SITE ADDRESS	4320 HUGHES RD., LEAVENWORTH, KS.
SHEET NAME	SITE PLAN
SHEET NUMBER	SS-3

TITLE REPORT:

Based on Report of Title provided by U.S. Title Solutions, File No. 63091-KS1904-5039, with an effective date of April, 10, 2019, the following are of survey matters.

7. Right of Way by Charles F. Pierce and Josephine O. Pierce, husband and wife to Cities Services Gas Company, its successors and assigns, called 6/26/1989 recorded 7/6/1989 in book 400 page 502. Notes: Regarding Block 1; for informational purposes. Abuts on the South line of the Proposed Access/Utility Easement and is shown hereon. Does not affect proposed Lease Area or Easement.



TOWER DISTANCE DIAGRAM
(N.T.S.)



12851 MANCHESTER ROAD
ST. LOUIS, MO 63131



5552 Hwy N, Suite 200
St. Charles, MO 63044

FULLERTON
ENGINEERS, P.C.

1100 E. WOODFIELD ROAD, SUITE 500
SCHAUERSBURG, MO 63088
www.FullertonEngineering.com

REV	DATE	DESCRIPTION	BY
1	05/24/19	PRELIMINARY	TH
2	06/11/19	REVISIONS / COMMENTS	PO
3	05/12/19	FINAL	PO

5932



4535 Normal Blvd, Ste #101
Lincoln, NE 68504
(402)423-5202
(402)423-5211
www.huskersurveying.com

SITE NAME

XAVIER KS

SITE NUMBER:

KS4999

SITE ADDRESS

4320 HUGHES RD.,
LEAVENWORTH, KS.

SHEET NAME

SITE PLAN

SHEET NUMBER

SS-4



12821 MANCHESTER ROAD
ST. LOUIS, MO 63131



5055 Hwy N, Suite 200
St. Charles, MO 63034

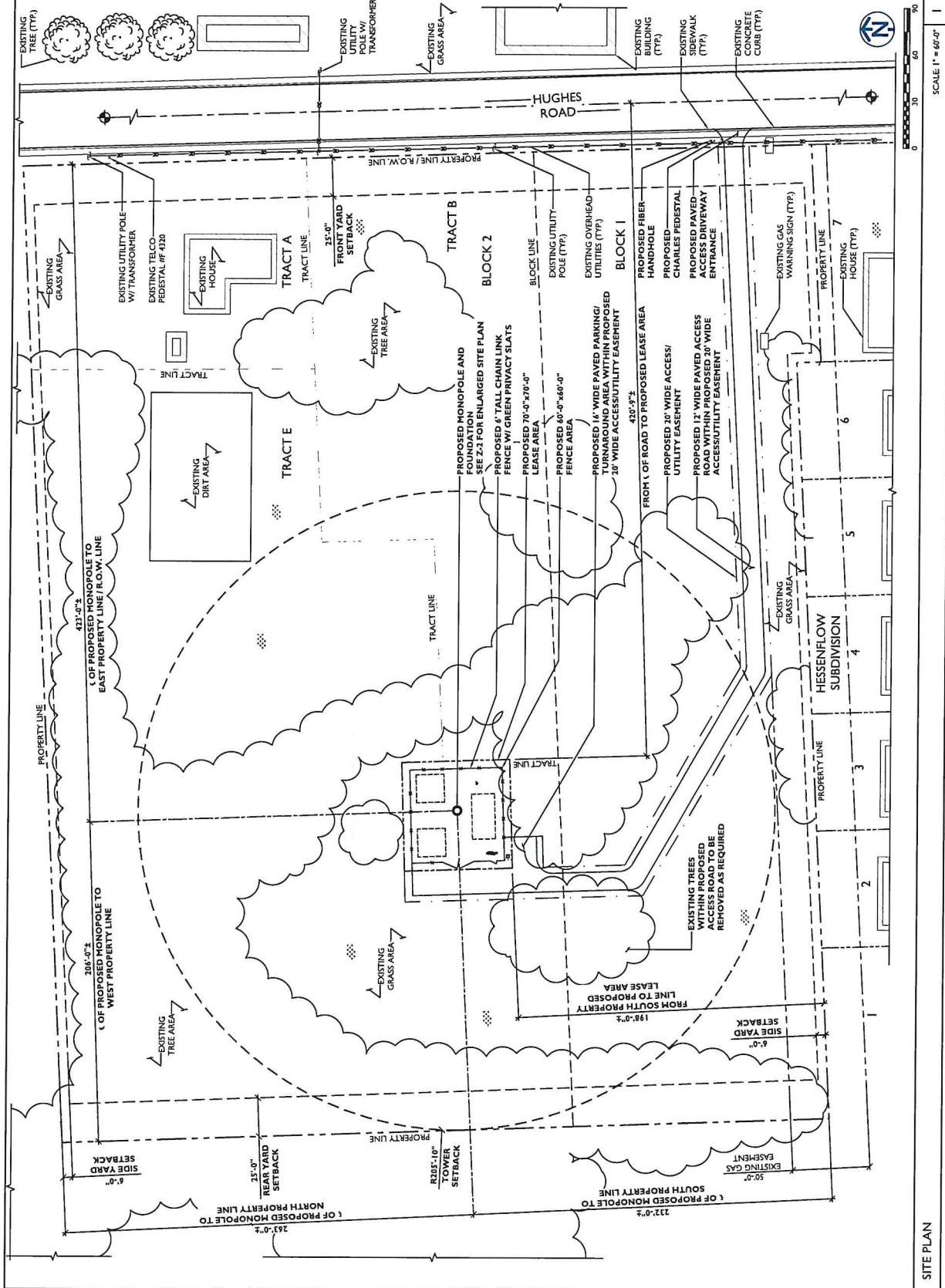
FULLERTON
ENGINEERING DESIGN

1100 E. WOODFIELD ROAD, SUITE 500
SCHAUHUBURG, ILLINOIS 60173
TEL: 847-908-9400
CO. # 041 E-1935
www.fullertonengineering.com

#	DATE	DESCRIPTION	INT.
A	9/2/19	PRELIM. ZONING	JW
B	1/21/20	FINAL	JW



SITE NAME	XAVIER KS
SITE NO.	KS4999
SITE ADDRESS	4120 HUGHES ROAD LEAWENWORTH, KS 66488
SHEET NAME	SITE PLAN
SHEET NUMBER	Z-1



PROJECT # 2019.0163.0026



1881 MANCHESTER ROAD
ST. LOUIS, MO 63131



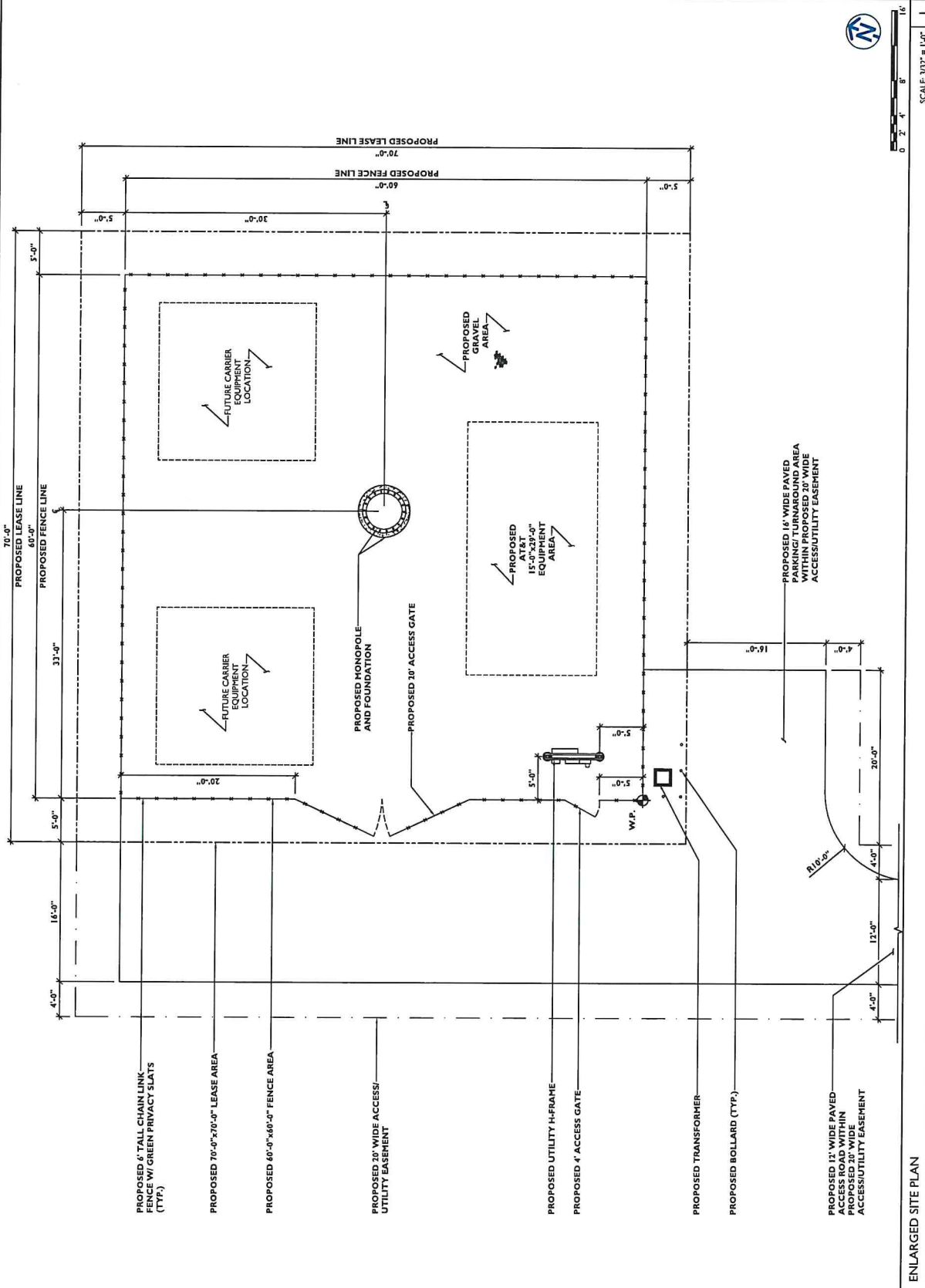
5955 Hwy N, Suite 200
St. Charles, MO 63034

FULLERTON
ENGINEERING DESIGN
1100 E. WOODFIELD ROAD, SUITE 500
SCHAUHLBURG, ILLINOIS 60173
TEL: 847-908-8400
C.O.#: E-1939
www.fullertonengineering.com

#	DATE	DESCRIPTION	INT
A	9/12/19	PRELIM. ZONING	IV
B	1/11/20	FINAL	IV



SITE NAME	XAVIER KS
SITE NO.	KS4999
SITE ADDRESS	4320 HUGHES ROAD LEAVENWORTH, KS 66048
SHEET NAME	ENLARGED SITE PLAN
SHEET NUMBER	Z-2



SCALE: 3/32" = 1'-0"
1

ENLARGED SITE PLAN

PROJECT# 2019.0163.0026



1881 MANCHESTER ROAD
ST. LOUIS, MO 63131



5055 Hwy N, Suite 200
St. Charles, MO 63304

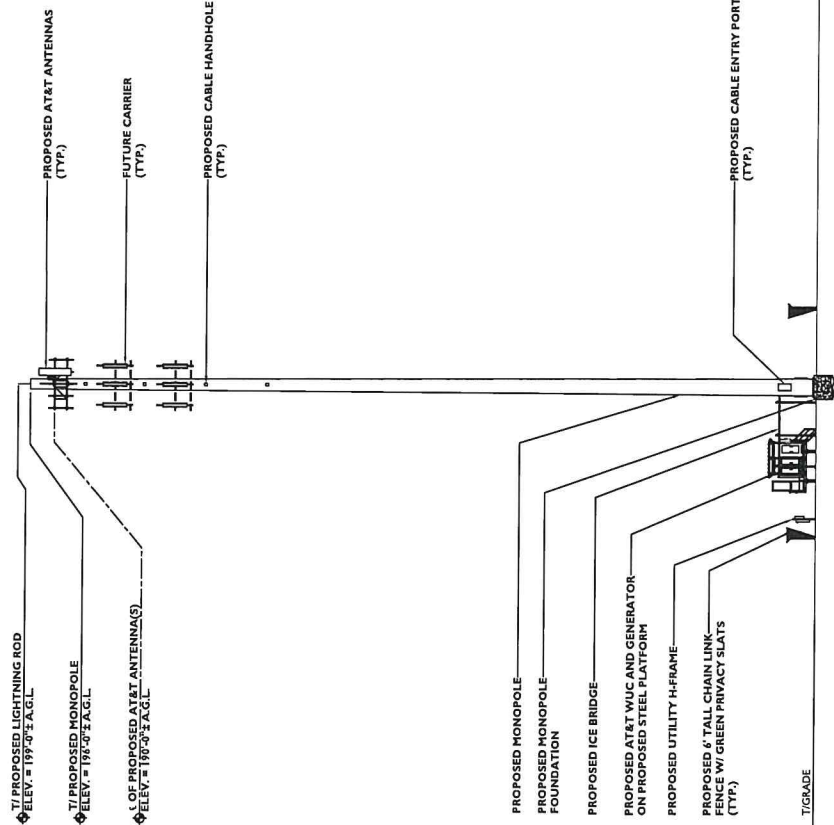
FULLERTON
ENGINEERING DESIGN
1106 E. WOODBURN BLVD., SUITE 500
SCHUMBERG, MISSOURI 63075
TEL: 817-983-8400
CO. # E-1939
www.fullertonengineering.com

#	DATE	DESCRIPTION	INT.
A	9/12/19	PRELIM. ZONING	IV
0	1/31/20	FINAL	IV



SITE NAME	XAVIER KS
SITE NO.	KS4999
SITE ADDRESS	4320 HUGHES ROAD LEAVENWORTH, KS 66048
SHEET NAME	TOWER ELEVATION
SHEET NUMBER	Z-3

PROJECT# 2019.0163.0026



TOWER ELEVATION

DEVELOPMENT REGULATIONS
ARTICLE 10. SUPPLEMENTAL STANDARDS

10.02 Wind Energy

- the disconnect junction box, and the grounding wires shall be located underground.
- c. A VAWT tower shall be designed and installed without step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.
 - d. No part of the system, including guy wire anchors, may be closer than five feet from any property boundary,
 - e. Temporary meteorological (Met) towers shall be permitted under the same standards as a small wind energy system, except that the requirements shall be the same as those for a temporary structure. A permit for a temporary MET tower shall be valid for a maximum of three years after which an extension may be granted. Permanent Met towers may be permitted under the same standards as a small wind energy system.
- E. **New Technology:** The Director may waive the provisions of these requirements through the alternative equivalent compliance process in Article VI – Redevelopment Overlay District where the availability of proven new technology alleviates the issues addressed by these regulations.
- F. **Private Restrictions Prohibited:** Any person(s) or association(s): regardless of date of establishment - is prohibited from imposing private covenants, conditions, restrictions, deed clauses, or other agreements between the parties, that prevent person(s) from installing and using alternative energy systems.

10.03 Commercial Communication Towers and Antennae

- A. Any tower erected for the purpose of the commercial wireless communications, either transmitting or receiving antenna shall be subject to the following requirements in addition to the special considerations listed elsewhere in these Development Regulations. Applicants for this special use permit shall submit the following:
- 1. Evidence of its effort to co-locate the proposed tower on an existing tower or structure. Tower height, strength and location shall be considered in determining the feasibility of such co-location,
 - 2. A site plan in accordance with Article 2 – Site Plans.
 - 3. A property ownership list prepared by a title company, Leavenworth County GIS, an Attorney or recognized professional which is complete and in accordance with the applicable Kansas Statutes.
 - 4. A written agreement stating that all equipment shall be removed within one year following termination of service at the applicant's expense, and
 - 5. Evidence of compliance with current ANSI, IEEE, FAA, FCC and such other industry standards or federal regulations as may be adopted and enforced by agencies outside of the city's jurisdiction. Such evidence may include licenses, engineer's

DEVELOPMENT REGULATIONS
ARTICLE 10. SUPPLEMENTAL STANDARDS

10.03 Commercial Communication Towers

seal, or letters of approvals from the respective regulator or inspection service. Such approvals shall be received prior to application for a special use permit.

B. **Additional Restrictions:** Commercial communication towers shall be further restricted as follows:

1. The maximum height of a tower and antenna to be owned or leased for a single antenna installation shall not exceed 150 feet in any zoning district;
2. The maximum height of a tower and antenna when two or more antennas are co-located by two or more companies on a single tower shall not exceed 170 feet in any zoning district;
3. In the General Business and Industrial zoning districts, whenever applicants are able to demonstrate a significant public benefit to be achieved by a taller structure, the Planning Commission may consider an exception to the height requirement. The exception and its justification shall be submitted as part of the application for the Special Use Permit and shall be valid when incorporated into the language of the ordinance granting the Special Use Permit adopted by the City Commission;
4. In all zoning districts, for each foot of tower height there shall be a minimum of 1.05 foot of setback from any property line;
5. In the General Business and Industrial zoning districts, the required setback may be reduced if written permission is granted by the affected neighbor.
6. Such commercial communication towers shall be constructed of galvanized material as monopoles; and
7. Accessory structures associated with the towers shall be constructed in such a manner as to blend with the character of surrounding uses.
8. All towers and appurtenances shall be properly screened and shall provide a paved driveway and such other off-street parking areas as deemed necessary by the nature of the tower area's use.

C. **Collocation:** Applicants shall make one tower space available for governmental communications equipment upon request without cost to the government except for installation.

**PLANNING COMMISSION AGENDA ITEM
2020-22-SUP
1906 Cleveland Terrace**

JULY 13, 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, Candido and Kathleen Vazquez, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 1906 Cleveland Terrace. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The structure on the property 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.

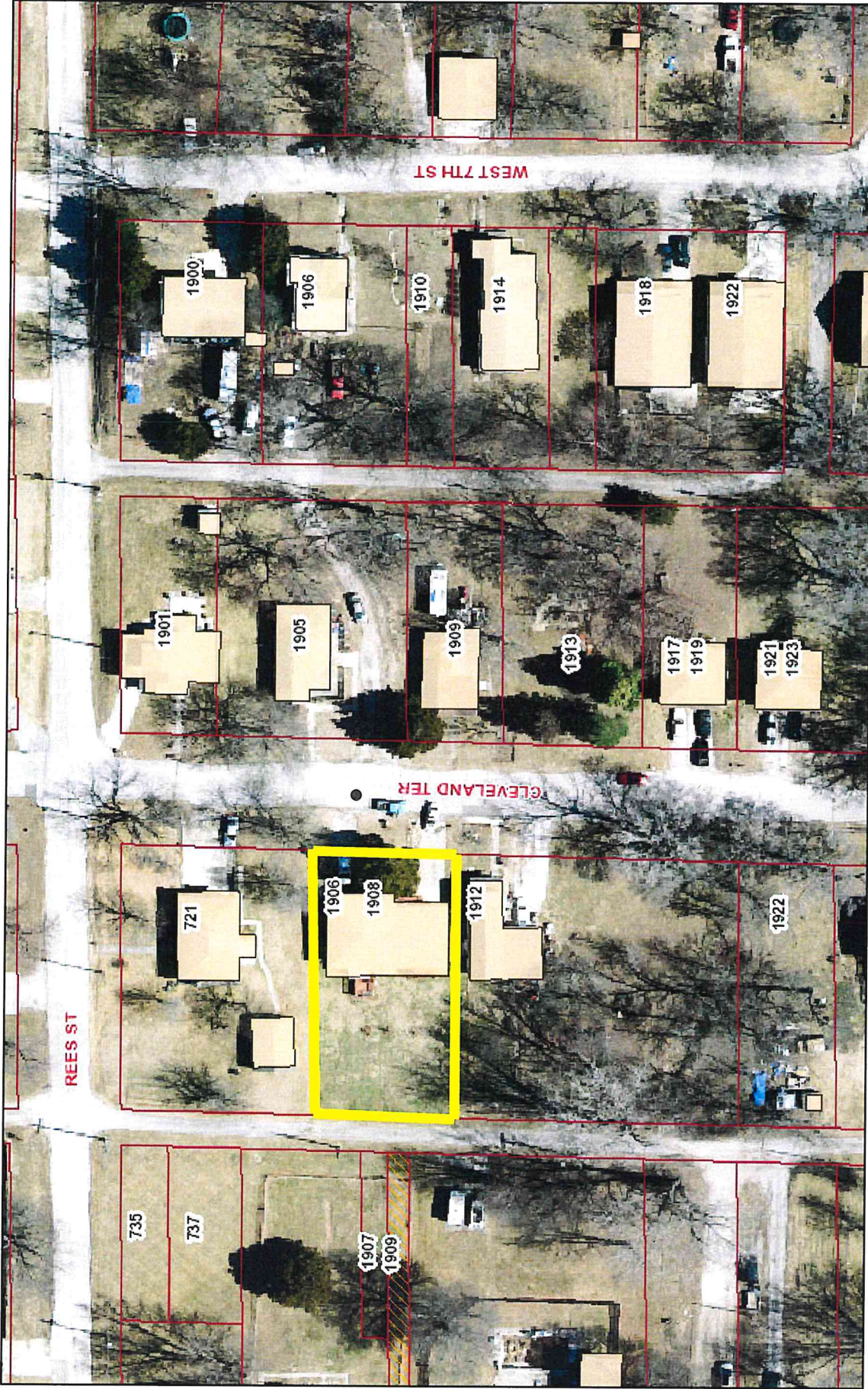
STAFF RECOMMENDATION:

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


ACTION/OPTIONS:

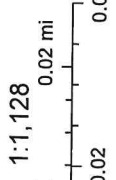
- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration.

1906 Cleveland Terr



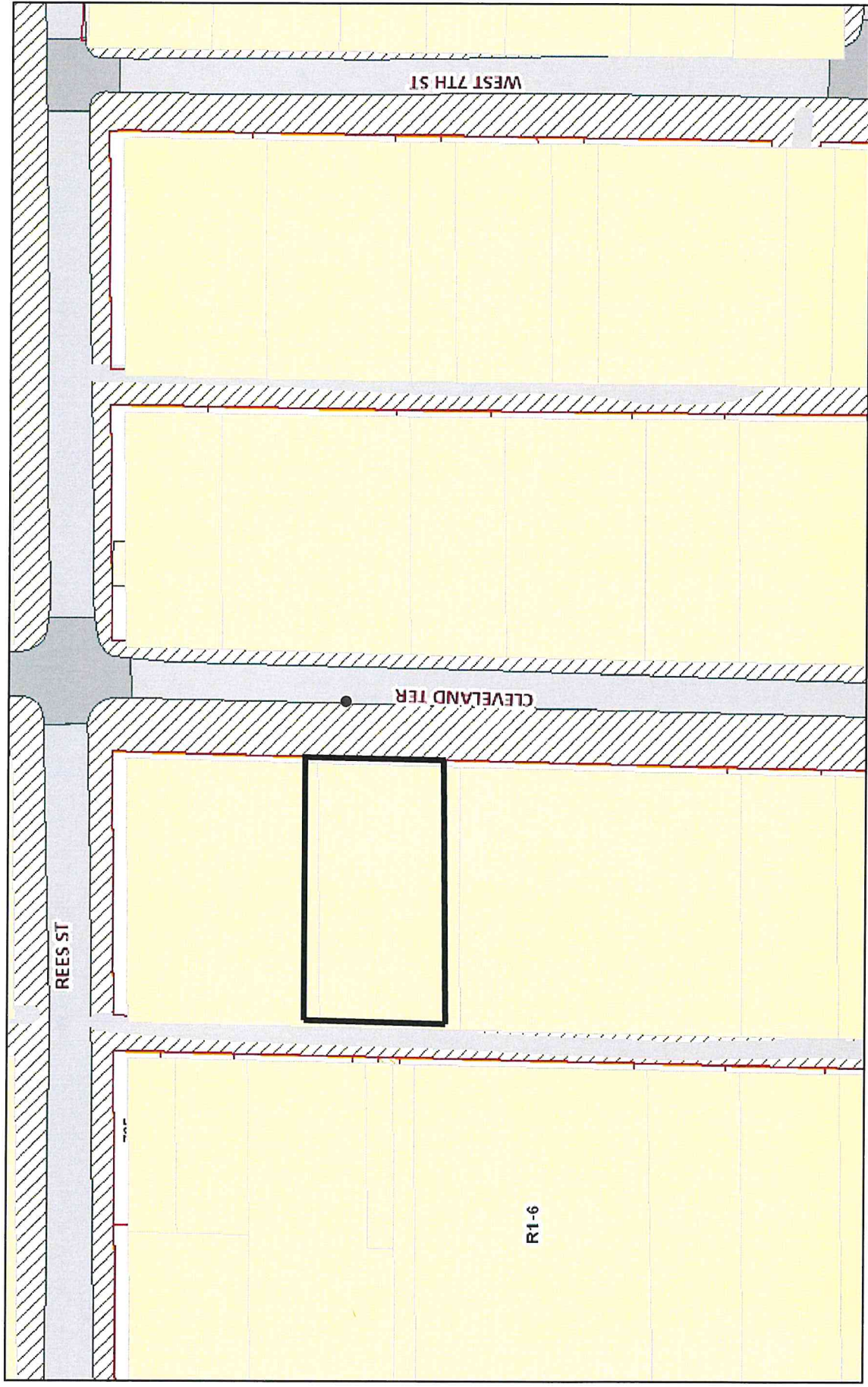
6/29/2020, 2:47:37 PM

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



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
 Web AppBuilder for ArcGIS

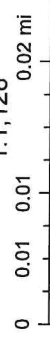
1906 Cleveland Terr



6/29/2020, 2:57:51 PM

- Override 1
- Zoning_CURRENT
- CBD
- GBD
- MP
- NBD
- CBD
- PUD
- R-MF
- R-MX
- R1-25
- R1-6
- R1-9

1:1,128



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Web AppBuilder for ArcGIS



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Case No.: 2020-22 SUP
 Application No. 7466
 Fee (non-refundable) \$350.00
 Filing Date 5-12-20
 Received By pd. online
 Publication Date 6-17-20
 Hearing Date 7-13-20

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 in the R-16 zoning district
 in accordance with the attached site plan on the following described property:

Address: 1906 CLEVELAND TER, LEAVENWORTH, KS 66048
 Legal Description: (Attach a full legal description provided by the Register of Deeds Office)
 Real Estate PID #: 1010201023017000 (R10882)
 Zoning: R-16 SFR Historic District:

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

Name(s) of Owner (print): CANDIDO RAMON VAZQUEZ, KATHLEEN ANN VAZQUEZ
 Owner Address: 11826 TURQUOISE WAY JURUPA VALLEY, CA 91752
 Contact No. 941-2869040 Email: C.ramon.vazquez@gmail.com

Signature of Owner(s): C. Ramon Vazquez
Kathleen Vazquez

State of _____
 County of _____ (SEAL)

Signed or attested before me on:
 Notary Public: see attached acknowledgment
 My Appointment Expires: 5/7/2020 m

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)

