

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

**REGULAR SESSION
Monday, December 5, 2022
6:00 p.m.**

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: November 7, 2022**

OLD BUSINESS:

None

NEW BUSINESS:

1. 2022-34 SUP – 723 S. 10TH STREET

Conduct a public hearing for Case No. 2022-34 SUP – 723 S. 10th Street. The applicants are requesting a Special Use Permit to allow a Residential Home Stay in the R1-6 zoning district, located at 723 S. 10th Street. Residential Home Stays 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, November 7, 2022
6:00 PM

CALL TO ORDER:

Commissioners Present

James Diggs
Bill Waugh
Donald Homan
Brian Stephens

Commissioners Absent

Joe Burks
Sherry Whitson
Kathy Kem

City Staff Present

Julie Hurley
Michelle Baragary
Bethany Falvey

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

APPROVAL OF MINUTES: October 3, 2022

Chairman Burks asked for comments or a motion on the minutes presented for approval: October 3, 2022. Commissioner Stephens moved to approve the minutes as presented, seconded by Commissioner Homan and approved by a vote of 4-0.

Planning Director Julie Hurley introduced the new City Planner Bethany Falvey.

Planning Director Julie Hurley stated the first two items are the preliminary and final plat for the Greenamyre Addition. Since they are for the same project, she will talk about them together but they do require separate votes.

OLD BUSINESS:

1. 2022-14 SUB – GREENAMYRE ADDITION PRELIMINARY PLAT

Consider a preliminary plat for Greenamyre Addition, Case No. 2022-14 SUB.

Chairman Burks called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Greenamyre Rentals, Inc., plat prepared by Atlas Land Consulting. The applicant is requesting approval of a 6 lot preliminary plat for the Greenamyre Addition residential development, located at 2101 & 2013 Vilas. The subject

property is 4.53 acres in size consisting of 2 lots, and is currently vacant. The proposed plat consists of 6 lots, all of which are approximately .75 acre in size.

An associated rezoning request from R1-25 to R1-9 for the subject property was previously considered by the Planning Commission on August 1, 2022. The Planning Commission at that time voted to recommend denial of the rezoning request, and so the accompanying preliminary and final plats were continued until after such time as the rezoning request was considered by the City Commission. The City Commission voted to approve the rezoning request on October 11, 2022. The reasoning for their approval is that the City has received a State grant to completely reconstruct and improve Vilas Street, which should ease some of the public concerns about the traffic on Vilas Street for this particular project. Design for Vilas Street is slated for next year.

The plat was discussed at the May 12, 2022 Development Review Committee meeting. Items related to required improvements to Vilas Street, additional dedication of ROW, utilities, sidewalks, and stormwater were discussed. All items discussed will be addressed prior to the issuance of building permits.

Staff recommend approval of the Greenamyre Addition Preliminary Plat.

ACTION/OPTIONS:

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

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

Commissioner Stephens asked if the Public Works recommendations about ROW and sanitary sewer discussed at the Development Review Committee meeting are part of what the Planning Commission will vote on.

Ms. Hurley responded in the negative stating this commission will only vote on the plat. The required ROW is being dedicated with it. All items have been addressed or will be addressed at time of construction/permitting.

Commissioner Homan asked if there are building setbacks.

Ms. Hurley responded in the affirmative stating the required setbacks for this zoning district in the front and rear are 25 feet and sideline setbacks are 6 feet from the property line.

With no further questions from the commissioners, Chairman Burks called for a motion to either approve the preliminary plat, deny the preliminary plat, or table the issue for additional information/consideration. Commissioner Homan moved to approve the plat as presented, seconded by Commissioner Waugh, and approved by a vote of 4-0.

2. 2022-15 SUB – GREENAMYRE ADDITION FINAL PLAT

Consider a final plat for Greenamyre Addition, Case No. 2022-15 SUB.

Chairman Burks called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Greenamyre Rentals, Inc., plat prepared by Atlas Land Consulting. The applicant is requesting approval of a 6 lot preliminary plat for the Greenamyre Addition residential development, located at 2101 & 2013 Vilas. The subject property is 4.53 acres in size consisting of 2 lots, and is currently vacant. The proposed plat consists of 6 lots, all of which are approximately .75 acre in size.

An associated rezoning request from R1-25 to R1-9 for the subject property was previously considered by the Planning Commission on August 1, 2022. The Planning Commission at that time voted to recommend denial of the rezoning request, and so the accompanying preliminary and final plats were continued until after such time as the rezoning request was considered by the City Commission. The City Commission voted to approve the rezoning request on October 11, 2022.

The plat was discussed at the May 12, 2022 Development Review Committee meeting. Items related to required improvements to Vilas Street, additional dedication of ROW, utilities, sidewalks, and stormwater were discussed. All items discussed will be addressed prior to the issuance of building permits.

Staff recommend approval of the Greenamyre Addition Final Plat.

ACTION/OPTIONS:

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

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

With no further questions from the commissioners, Chairman Burks called for a motion to either approve the final plat, deny the final plat, or table the issue for additional information/consideration. Commissioner Stephens moved to approve the plat as presented, seconded by Commissioner Waugh, and approved by a vote of 4-0.

Ms. Hurley stated the final plat will go to the City Commission to accept the ROW that is being dedicated.

NEW BUSINESS:

1. 2022-27 REZ – 2700 STATE STREET

Conduct a public hearing for Case No. 2022-27 REZ – 2700 State Street. The applicant is requesting a rezoning of the property located at 2700 State Street from R-MF, Multi-Family Residential District, to RMX, Residential Mixed Use District.

Chairman Burks called for the staff report.

Planning Director Julie Hurley stated the applicant is requesting a rezoning of their property located at 2700 State Street from R-MF, Multi-Family Residential District, to RMX, Residential Mixed Use District. The subject property is owned by Steven and Mary Jane Foutch, and is currently vacant.

The subject property is approximately 4 acres in size and lies directly adjacent to the north of The Guidance Center. The property is under contract to be purchased by The Guidance Center (TGC). The intent for the property is to allow for future expansion of TGC's behavioral health services, as well as to provide space for expansion of partnerships with potential primary care providers. There are also ongoing discussions with the Leavenworth Attainable Housing Group for the potential construction of a multi-family housing unit to provide transitional housing for their training and support program to assist homeless and precariously housed persons. All intended future uses for the property, medical office and multi-family housing, allowed uses in the RMX zoning district.

No specific plans exist for the potential future development of the property. Any proposed development will require full site plan review and approval by staff, and will be required to comply with all applicable development regulations and building codes.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is an approximately 4 acre vacant piece of land, located north of Limit Street and one block west of 4th Street. There are a multitude of uses in close proximity, including medical office, multi-family, single and commercial.

- b) The zoning and use of properties nearby;

The property to the south is occupied by The Guidance Center and is zoned OBD, Office Business District. Properties to the east, north, and west are zoned R-MF, Residential Multi-Family District, and are occupied by apartment buildings to the west and north, and single-family homes to the east.

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

The subject property is vacant and has been available for sale and development for approximately 20 years. In that time, no development proposals for multi-family housing development have been presented.

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

The proposed rezoning should have little detrimental effect upon surrounding properties. The property is currently zoned to allow for development of multi-family housing, which will also be allowed in the RMX zoning district. The RMX zoning district would also allow for the development of some office or commercial uses, which already exist in close proximity, and will not alter the overall character of the neighborhood.

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

The property has always been vacant.

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

The proposed rezoning will have a positive effect upon the economic development of the City and region by allowing for the development of a long-vacant piece of property. It will additionally provide the opportunity

for the expansion of vital services to the residents of Leavenworth, improving the public health of the community.

g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The area is identified as appropriate for multi-family uses on the Future Land Use map. Multi-family uses are allowed in the RMX zoning district, in addition to limited commercial and office uses. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive Plan.

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

No other factors.

After the required notice was published and mailed to property owners within 200' of the subject property as required by Kansas State Statute, staff received one call from a notified property owner indicating that they do not want to see their property taxes raised, and do not want the development to bring more homeless persons to the area.

REZONING ACTION/OPTIONS:

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

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

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

Keith Rickard, Executive Director of The Guidance Center located at 500 Limit Street, stated The Guidance Center moved into their present location in 2004. Although they do not have any immediate or concrete plans, they have purchased the subject property for future long-term growth and development. Mr. Rickard further stated they are currently in the process of transitioning from a community mental health center into a certified community behavioral health clinic, which is a federal designation. They recently received a 4 million dollar grant from SAMHSA to help develop that process, which expands the breadth of their services as well as the quality of their services by employing additional staff to make services more accessible and to improve the overall outcome for their clients. Office space is maxed out at the present location, and the logical place to expand would be the subject property.

Mr. Rickard further stated they have had conversations with Leavenworth Attainable Housing about a potential partnership. Some of the facilities and programs Leavenworth Attainable Housing would offer to homeless persons and rehousing persons would work well for the clients at The Guidance Center, allowing for client's healthcare and behavioral healthcare all in one location. Mr. Rickard stated he is fairly confident that in the next five years they will be building another medical style clinic with a similar façade to their current building.

Commissioner Homan asked if they plan to leave the property as-is or if they plan on cleaning it up.

Mr. Rickard stated the owners have mowed the property and will remove the hay bales. Mr. Rickard has a contractor who will beautify the property and keep it mowed.

Commissioner Stephens asked staff if a Special Use Permit would be required to build a treatment facility or transitional care facility at this location.

Ms. Hurley responded in the negative stating the multi-family housing is just multi-family housing regardless of who they're serving, and so that would be an allowed use in the RMX zoning district. Ms. Hurley stated this use is also allowed in the R-MF zoning district, which is what the property is currently zoned.

Commissioner Homan asked if the rezoning is to allow the office space.

Ms. Hurley responded in the affirmative stating they are allowed any sort of multi-family use serving any population, and the RMX would allow the addition of the medical office uses.

With no further questions or comments from the public, Chairman Burks closed the public hearing and opened it up for discussion among the commissioners. With no further discussion, Chairman Burks called for a motion to recommend approval of the rezoning request from R-MF to RMX, recommend denial of the rezoning request from R-MF to RMX, or table the issue for further information/consideration. Commissioner Waugh recommended approval of the rezoning request from R-MF to RMX to the City Commission, seconded by Commissioner Homan and approved by a vote of 4-0.

2. 2022-28 REZ – 212, 220 & 224 MAPLE STREET

Conduct a public hearing for Case No. 2022-28 REZ – 212, 220 & 224 Maple Street. The applicant is requesting a rezoning of the property located at 212, 220 & 224 Maple Street from R1-6, High Density Single Family Residential District, to I-1, Light Industrial District.

Chairman Burks called for the staff report.

Planning Director Julie Hurley stated the applicant is requesting a rezoning of their property located at 212, 220 & 224 Maple Street from R1-6, High Density Single-Family Residential District, to I-1, Light Industrial District. The subject property is owned by Geiger Ready-Mix Co., Inc., and is currently being developed as additional parking area for employees and equipment.

The subject property consists of 3 vacant lots that lie directly adjacent to property that is currently being utilized by Geiger for parking of equipment. The property is to the east of Stubby Park, and has been vacant for at least 25 years. The two lots addressed as 220 and 224 Maple were previously owned by the City of Leavenworth, and were transferred to Geiger in 2021 for the express purpose of providing land for additional parking for the business.

Plans for the expanded parking lot were reviewed and approved by City staff, and it was discovered after construction had begun on the parking lot that the property was zoned R1-6. The rezoning request will bring the site into compliance with existing regulations for the use of the property. All other property owned and occupied by Geiger in the immediate vicinity is zoned I-1.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property consist of 3 vacant lots. To the east is the existing Geiger Ready-Mix business. To the north are single family homes, to the west is Stubby Park, and to the south is the American Legion. The neighborhood contains an existing mix of uses, which will not be altered by the request rezoning.

- b) The zoning and use of properties nearby;

The property to the east is zoned I-1 and is occupied by Geiger Ready-Mix. The property to the south is zoned R1-6 and is occupied by the American Legion, the property to the west is zoned R1-6 and is occupied by Stubby Park, and the properties to the north are zoned R1-6 and are occupied by single family residences.

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

The subject property is vacant and has been available for sale and development for a minimum of 25 years. In that time, no other development proposals have been presented.

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

The proposed rezoning should have little detrimental effect upon surrounding properties. The planned parking area will service the existing Geiger Ready-Mix business, and will alleviate parking congestion without introducing an increase in industrial traffic or altering the nature of the neighborhood.

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

The property has been vacant for a minimum of 25 years.

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

The proposed rezoning will have a positive effect on the safety of the neighborhood by alleviating parking congestion on other portions of the Geiger Ready-Mix business.

- g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The area is identified as appropriate for single-family uses on the Future Land Use map. However, the adjoining parcel which is also owned by Geiger Ready-Mix and utilized for parking of equipment is also identified as appropriate for single-family uses. The proposed parking area allows for the continued sustainability of an existing business in the Leavenworth community, which meets other goals of the Comprehensive Plan, and functions as an extension of the existing location. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive Plan.

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

No other factors.

After the required public notices were sent to property owners within 200' of the subject property as required by Kansas State Statute, staff received no calls or communication from notified owners.

REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from R1-6 to I-1 to the City Commission
- Recommend denial of the rezoning request from R1-6 to I-1 to the City Commission
- Table the issue for additional information/consideration.

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

Commissioner Homan asked if the rezoning is required because it will be used for parking of their trucks, equipment and employees.

Ms. Hurley responded in the affirmative stating since it is parking for an industrial use, it needs to be rezoned to industrial.

Commissioner Waugh asked how the site will be accessed by heavy equipment.

Ms. Hurley responded she does not have a copy of the parking lot plan with her but the Geiger representative should be able to answer that question.

Brian Schwinn, Plant Manager for Geiger, stated the parking lot will be accessed off Maple Street. Additionally, Geiger has agreed to make 224 Maple Street citizen parking for Stubby Park during off hours.

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

With no further questions or comments from the public, Chairman Burks closed the public hearing and opened it up for discussion among the commissioners. With no further discussion, Chairman Burks called for a motion to recommend approval of the rezoning request from R1-6 to I-1, recommend denial of the rezoning request from R1-6 to I-1, or table the issue for further information/consideration. Commissioner Stephens recommended approval of the rezoning request from R1-6 to I-1 to the City Commission, seconded by Commissioner Waugh and approved by a vote of 4-0.

3. 2022-29 REZ – 28 LIMIT STREET & 2 VILAS STREET

Conduct a public hearing for Case No. 2022-29 REZ – 28 Limit Street & 2 Vilas Street. The applicant is requesting a rezoning of the properties located at 28 Limit Street and 2 Vilas Street from R1-9, Medium Density Single Family Residential District, to PUD, Planned Unit Development.

Chairman Burks called for the staff report.

Planning Director Julie Hurley stated the last three items (Case Nos. 2022-29 REZ, 2022-32 SUB and 2022-33 SUB) are all one project so she will go over them together, however, they all require separate votes. All discussion and public hearing comments are captured in the minutes under Case No. 2022-29 REZ.

Planning Director Julie Hurley stated the subject property is owned by Greenamyre Rentals, Inc. The applicant is requesting a rezoning of a portion of their property located at 28 Limit Street and all of 2 Vilas Street from R1-9, Medium Density Single-Family Residential District to PUD, Planned Unit Development.

The rezoning and accompanying preliminary and final plats, also on this agenda, are being requested in order to consolidate commonly owned property and plan for future development of residential parcels that are consistent with the existing River View Estates development. Currently, the properties addressed as 2 Limit and 16 Limit are zoned PUD, as well as a portion of the property addressed as 28 Limit. The proposed rezoning and plats will provide for consistent zoning and residential development pattern. The accompanying final plat vacates a portion of the unused Vilas Street right-of-way, and allows for a more cohesive lot layout.

As with all PUD zoning proposals, the only allowed use will be of that shown on the development application. Any proposed change in use or lot configuration would require further public hearing and review and approval by the Planning Commission and City Commission. That means the accompanying preliminary plat that is serving as the development plan for the property is how it will need to be developed going forward. Any change in the lot layout of the preliminary plat will require the applicant to come back for another public hearing to amend the PUD.

The preliminary plat shows Lot 1, Lot 2A, Lot 2B, Lot 2C, Lot 2D, Tract 2A, Lot 3, and Lot 4. The final plat only shows Lot 1, Lot 2 (which is just one large lot and is not split up into A, B, C and D), Lot 3, and Lot 4. The multiple lot 2's (A, B, C & D) would be future development, and as it is shown on the preliminary plat that is what the applicant intends to do; this is not part of the final plat that they would be recording at this time. The applicant would come back in the future when they are ready to sell off those lots and have a final plat approved through the Planning Commission for this specific lot pattern that they are showing in the preliminary plat. Again, if any final plat the applicant brings forward in the future for Phase 2 does not match the preliminary plat (Tract 2A and Lots A, B, C & D), the applicant would need to come back through a public hearing for rezoning to amend the PUD.

Included in the plat is some ROW under lot 2D. This is Vilas Street ROW that has never been developed, and there is no road in this ROW. The plat will vacate the ROW to allow for a more cohesive lot development. Vacating the ROW is not cutting-off any lots or making anything inaccessible.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is surrounded by single family residential development. To the east is Union Pacific Railroad property and the Missouri River, and to the south is the VA Campus.

- b) The zoning and use of properties nearby;

The immediately surrounding properties to the north and west are zoned R1-9. The VA campus to the south does not have an assigned zoning district, and the Union Pacific Railroad property and Missouri River are to the east.

- c) The suitability of the subject property for the uses to which it has been restricted;
The subject property is currently zoned R1-9, Medium Density Single-Family Residential District. 2 Vilas Street is not accessible by any developed roadway, and the majority of the lot addressed as 28 Limit Street is zoned PUD, Planned Unit Development. The existing lot development pattern and vacant ROW is prohibitive for single family development.
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;
The proposed rezoning should have little detrimental impact on nearby property. The proposed rezoning and accompanying plat are consistent with the development pattern and do not introduce any additional lots beyond what currently exist. Therefore, there will be no increase in traffic service demands in the area.
- e) The length of time the subject property has remained vacant as zoned;
The subject property has always been vacant, and the portion of Vilas Street ROW to be vacated with the accompanying plat has never been utilized.
- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;
The proposed rezoning should have a neutral effect on economic development, public health, safety and welfare, as the proposal simply "cleans up" an area of inconsistent zoning and lot patterns.
- g) The recommendations of permanent or professional staff;
Staff recommends approval of the rezoning request.
- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;
The subject area is identified as appropriate for Single Family Residential uses, and the proposed rezoning is therefore in conformance with the adopted Comprehensive Land Use Plan.
- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.
No other factors of note.

After the required public notices were sent to property owners within 200' of the subject property as required by Kansas State Statute, staff received one call confirming that multi-family development would not be allowed.

REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from R1-9 to PUD to the City Commission
- Recommend denial of the rezoning request from R1-9 to PUD to the City Commission
- Table the issue for additional information/consideration.

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

Commissioner Homan stated there is a single family home on lot 1 (16 Limit), and asked if the additional three lots will go along there will also be single-family homes.

Ms. Hurley responded in the affirmative.

Commissioner Stephens asked if the existing home on Lot 1 will be incorporated into the PUD.

Ms. Hurley stated that lot is already zoned PUD. There are two existing homes in that area. The southeastern most house is not part of this plat.

Commissioner Stephens asked staff if they received any communication when the notifications were mailed to neighboring property owners.

Ms. Hurley responded staff received one call confirming that multi-family development would not be allowed. Staff confirmed this is just for single-family in this specific lot pattern that is being proposed. Staff did receive another call from a property owner who lives along Home Place who had some concerns about homes being built between her property and the Missouri River.

Commissioner Homan asked if the applicant would need to come back to the Planning Commission if he were to develop Tract 2A.

Ms. Hurley stated Tract 2A is extremely steep and is basically undevelopable because of the terrain.

Jeremy Greenamyre, Greenamyre Rentals/2500 S. 2nd St., stated his dad lives at 16 Limit Street. The topic came up of what to do with the 16 Limit Street property if his dad decides to relocate. When discussing the best ways to proceed with development, they began thinking about the adjacent properties they own, and instead of doing this one at a time, they felt it better to submit everything as one proposal, to include the two lots off Home Place.

Mr. Greenamyre further stated if there were to be any development in the near future, it would likely be on the two lots off Home Place because they have the existing infrastructure in place and are a more typical single-family lot size. The lots next to 16 Limit Street is a just a way to readjust some lot lines and get the zoning straightened out for the future. The lot sizes were chosen to meet the minimum size for a similar size house as 16 Limit Street. One person would potentially purchase Lots 2A and 2B or 2B and 2C. Tract 2A is extremely hilly and they do not even know the value of that property. Tract 2A is likely going to be an HOA responsibility. The lot lines for Lots A, B, C and D were configured to orient as many of these lots towards the river as they could.

Chairman Burks asked what the grade from top to bottom is for Tract 2A.

Ms. Hurley stated it appears to be around 900, then goes to 840 and keeps going down. The land slopes off pretty steep.

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

Alma Hagemaster, 2817 Home Place, wants to know if the zoning will allow duplexes or other multi-family units, or will it only be medium density single-family homes. She also wants to know if this will affect her taxes.

Ms. Hurley stated the development is only for single-family. That is the only way it can be developed should this be approved; unless the applicant came back for another public hearing, and in that case neighboring property owners would be notified.

Commissioner Homan further commented with the steep slope, they can't really build behind Ms. Hagemaster's home.

Ms. Hurley stated there will not be anything directly behind Ms. Hagemaster's house. The lots they are looking to develop are by Mike Greenamyre's house closer towards the river.

Commissioner Homan asked Mr. Greenamyre to clarify Ms. Hagemaster's view will not be obstructed because of the drop-off behind her property.

Mr. Greenamyre stated the slope is approximately 60 feet with an additional couple hundred feet horizontally between the existing homes on Home Place and the proposed Lots A, B, C and D.

Ms. Hagemaster's wants to be sure that sometime in the future when homes are built on those lots that it will not obstruct her view.

Ms. Hurley responded she cannot speak to where a house might be put on those lots but they would be back in line with those lots that are lined up next to Mike Greenamyre's property back toward the river.

Sue Thayer, 2801 Home Place, stated the view from her property is beautiful, and she too did not want it developed, especially multi-family. Ms. Thayer stated she did speak with Mr. Greenamyre and listened to tonight's discussion and is satisfied with what she has heard.

With no one else wishing to speak, Chairman Burks closed the public hearing and asked for discussion among the commissioners. With no further discussion, Chairman Burks called for a motion to recommend approval of the rezoning request from R1-9 to PUD to the City Commission, recommend denial of the rezoning request from R1-9 to PUD to the City Commission, or table the issue for further information/consideration. Commissioner Stephens recommends approval of the rezoning request from R1-9 to PUD to the City Commission, seconded by Commissioner Waugh, and approved by a vote of 4-0.

Chairman Burks called for a motion to approve the preliminary plat, deny the preliminary plat or table the issue for further information/consideration. Commissioner Homan moved to approve the preliminary plat, seconded by Commissioner Waugh, and approved by a vote of 4-0.

Chairman Burks called for a motion to approve the final plat, deny the final plat or table the issue for further information/consideration. Commissioner Waugh moved to approve the final plat, seconded by Commissioner Stephens, and approved by a vote of 4-0.

4. 2022-32 SUB – RIVER VIEW ESTATES PRELIMINARY PLAT

Consider a preliminary plat for River View Estates, Case No. 2022-32 SUB.

Planning Director Julie Hurley stated the last three items (Case Nos. 2022-29 REZ, 2022-32 SUB and 2022-33 SUB) are all one project so she will go over them together, however, they all require separate votes. All discussion and public hearing comments are captured in the minutes under Case No. 2022-29 REZ.

Planning Director Julie Hurley stated the subject property is owned by Greenamyre Rentals, Inc., plat prepared by MHS Engineering. The applicant is requesting approval of a 7 lot preliminary plat for the River View Estates residential development, located in the vicinity of 28 Limit Street. The subject property is 14.55 acres in size and is primarily vacant, with an existing single family home on Lot 1.

An associated rezoning request from R1-9 to PUD is also on this agenda, along with an associated final plat for the property. The accompanying final plat vacates a portion of the undeveloped Vilas Street ROW.

The proposed development was discussed at the July 22, 2021 Development Review Committee meeting. Items discussed related to zoning, vacation of ROW, and utilities were discussed, with no major issues noted.

Staff recommends approval of the River View Estates Preliminary Plat.

ACTION/OPTIONS:

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

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

Chairman Burks called for a motion to approve the preliminary plat, deny the preliminary plat or table the issue for further information/consideration. Commissioner Homan moved to approve the preliminary plat, seconded by Commissioner Waugh, and approved by a vote of 4-0.

5. 2022-33 SUB – RIVER VIEW ESTATES FINAL PLAT

Consider a final plat for River View Estates, Case No. 2022-33 SUB.

Planning Director Julie Hurley stated the last three items (Case Nos. 2022-29 REZ, 2022-32 SUB and 2022-33 SUB) are all one project so she will go over them together, however, they all require separate votes. All discussion and public hearing comments are captured in the minutes under Case No. 2022-29 REZ.

Planning Director Julie Hurley stated the subject property is owned by Greenamyre Rentals, Inc., plat prepared by MHS Engineering. The applicant is requesting approval of a 4 lot final plat for the River View Estates residential development, located in the vicinity of 28 Limit Street. The subject property is 14.55 acres in size and is primarily vacant, with an existing single family home on Lot 1.

An associated rezoning request from R1-9 to PUD is also on this agenda, along with an associated preliminary plat for the property. The identified Lot 2 on this final plat is shown as Lots 2A-2D and Tract 2A on the accompanying preliminary plat to indicate intended future subdivision of the property. An additional final plat to be reviewed and approved by the Planning Commission shall be required at such time as the applicant intends to subdivide the property as shown on the preliminary plat. A portion of the undeveloped Vilas Street ROW is vacated with approval of this final plat.

The proposed development was discussed at the July 22, 2021 Development Review Committee meeting. Items discussed related to zoning, vacation of ROW, and utilities were discussed, with no major issues noted.

Staff recommends approval of the River View Estates Final Plat.

ACTION/OPTIONS:

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

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

Chairman Burks called for a motion to approve the final plat, deny the final plat or table the issue for further information/consideration. Commissioner Waugh moved to approve the final plat, seconded by Commissioner Stephens, and approved by a vote of 4-0.

OTHER BUSINESS:

None

Ms. Hurley stated there is one item on the agenda for the December 5th meeting.

The meeting adjourned at 7:03 p.m.

Minutes taken by Administrative Assistant Michelle Baragary.

PLANNING COMMISSION AGENDA ITEM

2022-34-SUP
723 S. 10TH STREET

DECEMBER 5, 2022

SUBJECT:

A request for a Special Use Permit to allow a Residential Home Stay in the R1-6 zoning district.

Prepared By:


Julie Hurley,
Director of Planning and
Community Development

Reviewed By:


Paul Kramer,
City Manager

NATURE OF REQUEST

The applicants, Christopher and Anna Wilson, are requesting a Special Use Permit to allow a Residential Home Stay in the R1-6 zoning district, located at 723 S. 10th Street. Residential Home Stays are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The Development Regulations define a Residential Home Stay as:

Residential Home-Stay: Any furnished residential structure wherein one limited-term boarder (not to exceed 180 days) is allowed the use of an entire structure, or a portion of a structure, and its grounds. No management or owner presence is required and no meals are served. In approval of a **Residential Home Stay** the city may consider impact on neighbors' parking needs, etc. and place additional requirements as deemed appropriate. Such a business shall be registered with the City Clerk as a rental property.

Per the applicant, they intend to utilize the single family structure for short-term rentals with a focus on providing housing for military families while locating to and from Leavenworth, as well as anyone visiting the area. The property provides a driveway for off-street parking and a fenced back yard for privacy.

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.

Short-term residential rental units fill a need in the community, by allowing another lodging option for visitors to Leavenworth. Many visitors whose stay may extend beyond what would normally be served by a hotel but who do not have need to obtain a standard 12 month lease for a residential unit may prefer the comforts of a single-family dwelling. Additionally, short-term rental units may provide an important convenience for existing residents of Leavenworth who may need temporary alternative housing due to home renovations or other similar activities.

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 a single-family residence.

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 inquiries or comments regarding the proposed residential home stay.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request for a Residential Home Stay at 723 S. 10th Street based on the analysis and findings included herein.

ACTION/OPTIONS:

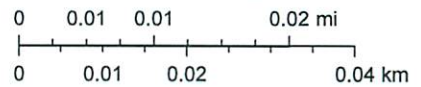
- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration.

2022-34-SUP



11/30/2022, 2:59:18 PM

1:1,128

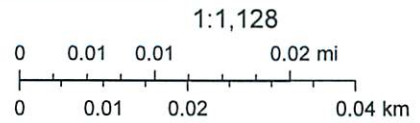


Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

2022-34-SUP Zoning



11/30/2022, 3:01:21 PM



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2022-34 SUP

Application No.	12239
Fee (non-refundable)	\$350.00
Filing Date	10/17/22
Received By	RS
Hearing Date	12/5/22
Publication Date	11/10/22

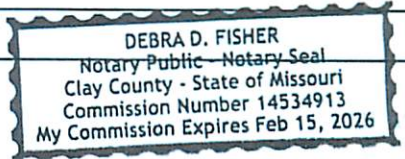
As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: Airbnb

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

Subject Property:	<u>723 S. 10th St. Leavenworth, KS 66048</u>		
Legal Description:	<u>(Attach a full legal description provided by the Register of Deeds Office)</u>		
Real Estate PID #:	<u>077-35-0-20-34-007.00-0</u>		
Zoning:	<u>Residential</u>	Historic District:	

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

Name(s) of Owner (print):	<u>Christopher & Anna Wilson</u>		
Owner Address:	<u>8705 Hillview Rd Cir. KC MO 64153</u>		
Contact No.	<u>816-517-1882</u>	Email:	<u>Anna@HouseFinderKC.com</u>
Signature of Owner(s):			



State of Missouri
County of Platte (SEAL)

Signed or attested before me on: October 6, 2022

Notary Public:

My Appointment Expires: 02-15-2026

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

Name of Lessee:	
Address:	
Contact No.	
Email:	

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

Check list below...

- Non-Refundable Fee of \$350.00 is due at time of application
- Certified list of property owners within two hundred (200) feet of the subject property
- Attach **full** legal description obtained through the Register of Deeds Office
- Site Plan drawn to scale (See General Instructions)
- Supporting documentation (See General Instructions)

City of Leavenworth, Kansas
Planning and Zoning Department
100 North 5th Street
Leavenworth, Kansas 66048

October 12, 2022

Letter of Intent

To Whom It May Concern:

King Icon, Inc would like to present this Letter of Intent to signify our interest in short term rental at 723 S. 10th Street, Leavenworth, Kansas 66048

Chris and Anna Wilson are the owners of King Icon, Inc. We reside in the Parkville area which is approximately 15 min to the subject property. We are easily accessible at any time. Along with owning King Icon, Anna is also a licensed Real Estate Agent licensed in both Kansas and Missouri. We are always looking for ways to better the community. If we could offer our services to our military for short term housing while relocating to and from the base, to military families coming to visit or anyone wanting to visit and see how wonderful Leavenworth is, that is our goal.

Renters will be screened and under contract with Airbnb to ensure quality short-term renters. Rate will be competitive with local area short term rentals that are already in place.

We have over 30 years in residential rental experience and licensed and insured in both Kansas and Missouri.

Thank you for your time and consideration in this matter.

Respectfully,



Chris and Anna Wilson