

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, February 3, 2025
6:00 PM

CALL TO ORDER:

Commissioners Present

Brian Stephens
Don Homan
Bill Waugh
Sam Maxwell

Commissioners Absent

Sherry Whitson
Kathy Kem

City Staff Present

Kim Portillo
Michelle Baragary

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

APPROVAL OF MINUTES: December 2, 2024

Chairman Stephens asked for questions, comments or a motion on the minutes presented for approval: December 2, 2024. Commissioner Waugh moved to approve the minutes as presented, seconded by Commissioner Homan and approved by a vote of 4-0.

OLD BUSINESS

None

NEW BUSINESS:

1. WELCOME NEW MEMBER SAM MAXWELL

2. ELECTION OF OFFICERS

Commissioner Homan moved that Commissioner Waugh be Chairperson, seconded by Commissioner Maxwell. Approved by a vote of 4-0.

Commissioner Homan volunteered for Vice Chairperson, seconded by Chairman Stephens. Approved by a vote of 4-0.

3. 2025-01 SUP – 1112 Spruce Street

Conduct a public hearing for Case No. 2025-01 SUP – 1112 Spruce Street, wherein the applicant is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, High Density Single Family Residential District. Two-family dwellings are allowed in the R1-6 zoning district with the issuance of a Special Use Permit.

Chairman Waugh called for the staff report.

Planning Director Kim Portillo stated the applicant, Jordan Spradlin, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 1112 Spruce Street. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

Mr. Spradlin purchased the property in 2022 as a single-family home. On January 22-2024, a building permit was issued to install two egress windows in the finished basement, at which point Staff became aware of the intent to use the structure as a two-family dwelling unit. Mr. Spradlin was informed by staff that two-family dwellings are not allowed in the R1-6 zoning district without the issuance of a Special Use Permit.

The structure is currently registered with the City as a single-family rental, but has been functioning as a two-family dwelling without a Certificate of Occupancy for a two-family dwelling. The off-street parking requirements for the proposed use is two parking stalls per unit, which is met. All building modifications that are needed to meet building code requirements will be required to go through the permitting process.

The applicant is requesting a Special Use Permit to adequately represent the current use of the structure on the property, and to bring the use into compliance with the Development Regulations. Issuance of a Special Use Permit will require the applicant to register the structure with the City as a two-family dwelling.

COMMISSION FINDINGS

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

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

Based on all available information, staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

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

Currently, the property is registered as a single-family rental, but is functioning as a two-family unit. The proposed two-family dwelling will fill 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.

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

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

The proposed two-family dwelling is consistent with the character of the neighborhood and will not prevent future use or development of nearby properties. All building modifications will go through the permitting process.

Notification was sent to property owners within 200' of the subject property, as required by Kansas Statue. 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.

Chairman Waugh asked for questions about the staff report.

Commissioner Homan voiced a concern about an exit for the lower unit.

Megan Haer, representing the applicant Jordan Spradlin, stated there is an exit for the lower unit. There are stairs next to the downstairs bathroom, and the exit is at the top of the stairs.

Ms. Haer stressed that Mr. Spradlin is very interested in doing anything necessary to comply and be agreeable for consideration for a Special Use Permit.

Commissioner Homan asked if the rear parking area can hold three cars.

Ms. Haer responded that there is enough room to put two cars front to back in the driveway, and room for at least two vehicles on the gravel parking pad in the rear.

City Planner Michelle Baragary stated it meets our regulations for off-street parking.

Commissioner Stephens asked if the unit is currently vacant.

Ms. Haer stated the upper unit is vacant, the lower unit is occupied.

Commissioner Homan asked how long it had been operating as a dual unit.

Ms. Haer answered it has been operating as a dual unit since mid-year 2024. It's had a single tenant since late December 2024.

With no further questions about the staff report, Chairman Waugh opened the public hearing. With no one wishing to speak, Chairman Waugh closed the public hearing, and called for discussion among the commissioners.

Commissioner Maxwell said he thinks it looks good, they have a good layout for it. There's plenty of parking and he really doesn't see an issue.

Commissioner Stephens made a motion to recommend approval of the Special Use Permit to the City Commission based upon the findings as stated and conditions as presented, seconded by Commissioner Maxwell, and passed by a vote of 4-0.

OTHER BUSINESS:

With no other business, Ms. Baragary stated there may be a meeting on March 3, 2025.

Chairman Waugh adjourned the meeting at 6:13 p.m.

Minutes taken by Katherine Criscione, Planning and Community Development Administrative Assistant