

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, March 4, 2024
6:00 PM

CALL TO ORDER:

Commissioners Present

Kathy Kem
Sherry Whitson
Bill Waugh
Maryann Neeland

Commissioners Absent

Don Homan
Brian Stephens

City Staff Present

Julie Hurley
Michelle Baragary

Vice Chair Kem called the meeting to order at 6:00 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: February 5, 2024

Vice Chair Kem asked for questions, comments or a motion on the minutes presented for approval: February 5, 2024. Commissioner Whitson moved to approve the minutes as presented, seconded by Commissioner Waugh and approved by a vote of 4-0.

OLD BUSINESS

None

NEW BUSINESS:

1. 2024-05 REZ – 46 LIMIT STREET

Conduct a public hearing for Case No. 2024-05 REZ – 46 Limit Street, wherein the applicant is requesting a rezoning of their property located at 46 Limit Street from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District.

Vice Chair Kem called for the staff report.

Planning Director Julie Hurley stated the owner and applicant, Property Management & Maintenance, Inc., is requesting a rezoning of their property located at 46 Limit Street from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District. The property is .57 acres in size and is occupied by a single-family home. The owner is requesting the rezoning in order to divide the parcel into three separate residential lots. The minimum required lot width for R1-9 zoning district is 75', and the minimum required lot width for the R1-6 zoning district is 48'. The lot containing the existing home will be 76.99' in width, with the other two lots being 61.4' in width, exceeding the minimum required lot width. The accompanying plat is also on this agenda.

As originally platted, the subject property consisted of 4 separate lots, each approximately 50' in width. In the immediately surrounding neighborhood, there are lots of varying widths and sizes. The lot configuration as presented will be in character with the remainder of the neighborhood.

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 .57 acre in size and is part of an established single-family neighborhood. Within the existing neighborhood, there are lots of varying sizes ranging from .16 acre to .58 acre.

- b) The zoning and use of properties nearby;

The properties to the north, east, and south are zoned R1-9. The properties to the north and east are part of the same existing neighborhood as the subject property and are occupied by single-family homes. The property to the south, across Limit Street, is an open field. The properties to the west, across Wilson Avenue, are zoned R1-6, and are also part of the same existing neighborhood as the subject property. Also nearby are the Woodland Village apartment homes, the City of Leavenworth dog park, and the VA campus.

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

The subject property is occupied by a single-family home and has been identified as appropriate for single-family uses on the Future Land Use map.

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

The proposed rezoning should have no detrimental effect upon surrounding properties. The proposed reconfiguration of the property from one residential lot into three is consistent with the character of the neighborhood.

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

The subject property is not 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 on economic development of the City by providing two additional lots which may be developed with single-family homes, thereby increasing the tax revenue potential of the property, as well as by providing two additional homes for Leavenworth residents.

- 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 residential uses on the 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.

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

REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from R1-9 to R1-6 to the City Commission.
- Recommend denial of the rezoning request from R1-9 to R1-6 to the City Commission.
- Table the issue for additional information/consideration

Vice Chair Kem asked for questions about the staff report. With no questions, Vice Chair Kem opened the public hearing. With no one wishing to speak, Vice Chair Kem closed the public hearing and called for a motion. Based on the findings as stated and conditions as presented, Commissioner Whitson moved to recommend approval of the rezoning request from R1-9 to R1-6 for property located at 46 Limit Street to the City Commission, seconded by Commissioner Neeland, and passed by a vote of 4-0.

2. 2024-06 SUB – LIMIT PARK ADDITION FINAL PLAT

Consider a final plat for Limit Park Addition, Case No. 2024-06 SUB.

Vice Chair Kem called for the staff report.

Planning Director Julie Hurley stated the owner and applicant, Property Management & Maintenance, Inc., is requesting a final plat of their property located at 46 Limit Street. The property is .57 acres in size and is a single lot occupied by a single-family home. The plat is being requested in order to divide the parcel into three separate residential lots, providing two additional lots for potential development of single-family homes. The lots will range in size from .17 acre to .22 acre.

An accompanying request to rezone the property from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District, is also on this agenda. The rezoning is being requested in order to allow residential lots with a width of less than 75', as required in the R1-9 zoning district. In the immediately surrounding neighborhood, there are lots of varying widths and sizes. The lot configuration as presented will be in character with the remainder of the neighborhood.

Action can be taken on the plat, and approval of the plat is contingent upon the City Commission giving final approval for the rezoning request. Therefore, should this plat be approved by the Planning Commission tonight, it cannot be recorded with the Register of Deeds until the rezoning is in place.

STAFF RECOMMENDATION:

Staff recommends approval of Limit Park Addition Final Plat.

ACTION/OPTIONS:

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

Vice Chair Kem asked for questions about the staff report.

With no questions, Vice Chair Kem called for a motion. Commissioner Whitson moved to approve the final plat for Limit Park Addition, seconded by Commissioner Waugh, and approved by a vote of 4-0.

OTHER BUSINESS:

With no other business, Ms. Hurley stated there will be a meeting on April 1, 2024.

Vice Chair Kem called for a motion to adjourn. Commissioner Waugh moved to adjourn, seconded by Commissioner Whitson, and approved by a vote of 4-0. The meeting adjourned at 6:10 p.m.

Minutes taken by Planning Assistant Michelle Baragary.