

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

CALL TO ORDER:

Commissioners Present

Brian Stephens
Ken Bateman
Bill Waugh
Sam Maxwell
Sherry Hines Whitson Hanson

Commissioners Absent

Don Homan

City Staff Present

Kim Portillo
Michelle Baragary

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

APPROVAL OF MINUTES – February 3, 2025

Chairman Bill Waugh asked for questions, comments or a motion on the February 3, 2025 minutes presented for approval. Commissioner Stephens moved to approve the minutes as presented, seconded by Commissioner Hines Whitson Hanson and approved by a vote of 5-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2025-04 SUP – 414 POTTAWATOMIE ST.

APPROVED 5-0

Conduct a public hearing for Case No. 2025-04 SUP – 414 Pottawatomie St., wherein the applicant is requesting a Special Use Permit to allow the operation of an in-home Child Care Center in the R1-6 (High Density Single Family Residential District) zoning district.

Chairman Waugh called for the staff report.

Associate Planner Michelle Baragary stated that the applicant, Jessica Wilson, is requesting a Special Use Permit to allow the operation of a Child Care Center in their home located at 414 Pottawatomie. The property is currently zoned R1-6 High Density Single Family Residential District. Child Care Centers are allowed in the R1-6 zoning district with issuance of a Special Use Permit. The operator is licensed by the State of Kansas to care for a maximum of 12 children, dependent upon the ages of the children in care.

The Child Care Center will operate Monday-Friday from 7:00 a.m. to 5:00 p.m., and is housed on the main floor of the home. The space includes a front room, dining area, a dedicated daycare play space, main bathroom, kitchen and a fenced outdoor play area.

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, based upon review of all available materials.

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

Child Care Centers are an essential service to working parents in the community, and promote the economic development, welfare and convenience of the public.

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

Staff has no indication that the proposed Child Care Center 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 look and function as a residential structure. The daycare could account for an increase in up to 48 car trips per day on the street, when at full capacity of 12 children. Currently, there are 3 children being cared for.

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.

Chairman Waugh asked for questions about the staff report. With no questions, Chairman Waugh opened the public hearing.

Ms. Jessica Wilson, the applicant (414 Pottawatomie St.), stated she is currently caring for 3 children and only wants a max of 6 children. There is a need in her neighborhood for childcare. Ms. Wilson brought 2 letters in favor of the daycare and stated she does have all the requirements that Ms. Baragary put forth. Ms. Wilson said they are looking into off-street parking in the back. There is an alley that leads up to the property's fence and she is looking at options for that in hopes of creating off-street parking.

Commissioner Stephens asked if there were any concerns about traffic.

Ms. Wilson responded there are no concerns, there is plenty of parking since she is on a wide lot and there are 3 vacant lots next to the property.

Commissioner Hines Whitson Hanson asked about the expiration date of the daycare license.

Ms. Baragary responded that the expiration date for the permanent daycare license is March 31, 2026.

With no one wishing to speak, Chairman Waugh closed the public hearing, and called for discussion among the commissioners. The discussion among the commissioners included the need for service, ample parking and licensing.

Commissioner Stephens asked Ms. Baragary if the conditions she spoke about were already met. Ms. Baragary answered yes.

Commissioner Hines Whitson Hanson made comment that there were findings at a previous meeting regarding the fence. These have been corrected.

With no further discussion, Chairman Waugh called for a motion. Based on the findings as stated and conditions as presented, Commissioner Maxwell moved to recommend approval of the SUP to the City Commission, seconded by Commissioner Stephens, and passed by a vote of 5-0.

First consideration for the daycare will go to the City Commission on May 27th.

2. 2025-06 PLN – 800 EISENHOWER RD.

APPROVED 5-0

Consider a site development plan for 800 Eisenhower Rd., Case No. 2025-06 PLN. The applicant team met with the Development Review Committee on Jan 16, 2025 to review the proposed site plan for a new automobile repair shop, known as Les Schwab Tire Center, to be developed on a vacant lot at 800 Eisenhower Road. The property is zoned GBD, General Business District, and the proposed use is allowed by-right.

The Development Regulations places responsibility for final review and approval or rejection of site plans for specified projects with the Development Review Committee (DRC). The DRC is a staff review committee

Chairman Waugh called for the staff report.

Planning Director Kim Portillo stated typically the Commission would not have a site plan brought before them, however this is a unique circumstance because the plat does specifically call out that the development of this lot requires approval through the Planning Commission. Typically, these would go to the DRC for review and approval. DRC is recommending approval.

Ms. Portillo stated the applicant is proposing construction of a tire repair shop/automotive repair shop known as Les Schwab Tire Center. It is to be developed on a 2.8-acre vacant lot at 800 Eisenhower Road. The property is zoned GBD, General Business District, and the proposed use is allowed by-right.

Ms. Portillo offered to field questions.

Commissioner Hines Whitson Hanson asked why it was recommended that the site plan come before the Commission.

Ms. Portillo responded that it might be because it was developed with the residential area to the north and was platted at the same time as the residential area (which is a planned unit development).

Chairman Waugh stated it looked like there is landscaping along the northern edge, between the northern edge of the plat and the residential homes.

Ms. Portillo said yes, there is existing tree canopy that can be seen, which will remain, and some evergreens will be added to surround the development of their lot. There is green space in between that will remain also.

Chairman Waugh asked the applicant if there was anything he'd like to add and asked if the Commissioners had any questions for the staff.

Commissioner Bateman asked what was located to the left and the right of the plat.

Ms. Portillo said there is a car wash to the west and a church to the east.

Commissioner Bateman said they were addressing the note on the plat. He wanted clarification that it is by-right, and Ms. Portillo responded that yes, it is by-right.

Commissioner Bateman made a motion to approve 2025-06 PLN, seconded by Commissioner Maxwell. Motion passed with approval 5-0.

COMMISSION FINDINGS:

The following criteria from section 2.05 of the Development Regulations apply to site plan reviews:

1. The proposed development shall not have any detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood; and shall not be detrimental or injurious to the neighborhood.

Staff review concludes that the proposed development shall not have a detrimental effect upon the general health, welfare, safety and convenience of the neighborhood. This site is located along a major roadway and is zoned for such type of development as is now proposed. Immediately adjacent uses to the east and west have similar intensity with high-traffic volume. To the north is an existing single-family neighborhood, Pine Meadow Place. The applicant has worked with staff on a site design that provides buffering and separation between the two uses, in the form of landscaping and open space.

2. The proposed development shall promote a desirable relationship of structures: to one another; to open spaces; and to the topography on the site and in the surrounding area.

The proposed building is designed and sited to promote a cohesive and visually compatible relationship with surrounding structures and the natural topography of the site. The layout considers existing grade changes and drainage paths to minimize grading and preserve natural features where possible. The northern and eastern portions of the site in particular utilize preservation of existing tree canopy, vegetation and drainage. The orientation and placement of the building support consistent setbacks and

scale relative to neighborhood development, maintaining a harmonious streetscape. The orientation of the building, with overhead doors facing east, also promotes a context-sensitive relationship with the residential uses to the north by directing activity and noise away from those homes.

3. The height, area, setbacks, and overall mass, as well as parts of any structures (building walls, signs, lighting, etc.) and landscaping shall be adequate.

The proposed height, area, setbacks and mass are adequate for the site and surrounding context. The building is setback approximately 50 feet, whereas adjacent buildings are setback approximately 25 feet on the west and 80 feet on the east. The proposed setback of this site provides a transition between the two. Approximately 47% of the site is impervious area, whereas up to 80% impervious area coverage is allowed. The height of the building is 30 feet, whereas the district allows up to 45 feet.

Landscaping is provided throughout the site. Landscaped parking lot islands are located in the parking area and ground mounted mechanical equipment is screened. Some existing vegetation will remain along the north and east areas of the site. There is a heavier concentration of landscaping to the north, to act as a buffer between residential use. In addition to the tree canopy proposed to remain, the applicant will be planting a row of junipers along the northern edge of the parking lot and behind the trash enclosure.

4. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas, and pedestrian walkways shall be designed as to promote safety and convenience.

The site has right-of-way access from Eisenhower Road, where two drives with painted medians are proposed. The internal drive loops around the building, providing sufficient internal circulation. Pedestrian sidewalk connections and crosswalks within the parking lot connect the public sidewalk and parking area to the building in a safe and efficient way. Adequate parking is provided for the use.

5. The architectural character of the proposed structure shall meet the requirements of Article 7, Design Standards.

The proposed structure meets the requirements of Article 7, design standards for architecture. The proposed building uses precast concrete construction with a mix of smooth, exposed aggregate, and vertical relief finishes in a neutral-toned color palette with accents of dark burnt red tone. Additionally, a stone veneer and the horizontal relief pattern are provided to break up the massing of the building. While the primary entrance for the site is on the east façade, the southern street facing façade has been given a similar storefront appearance with increased glazing and canopy feature to maintain a strong visual connection to the public right-of-way.

The proposed trash enclosure is located north of the building, and is of masonry construction using materials that match the building construction. Rooftop mechanical equipment will be screened by the parapet.

STAFF RECOMMENDATION:

Staff recommends approval of the Phil's Corner site development plan.

ACTIONS/OPTIONS:

- Recommend approval of the site plan for Les Schwab Tire Center located at 800 Eisenhower Road.
- Recommend approval with conditions of the site plan Les Schwab Tire Center located at 800 Eisenhower Road.
- Recommend disapproval of the site plan for Les Schwab Tire Center located at 800 Eisenhower Road.

3. 2025-07 SUB – PHIL’S CORNER PRELIMINARY PLAT

APPROVED: 5-0

Consider a preliminary plat for Phil’s Corner Preliminary Plat, Case No. 2025-07 SUB. The applicant is requesting approval of a 24.08-acre, 2 lot preliminary plat for Phil’s Corner, located at the north corner of Tonganoxie Road and S. 20th Street. The property is currently zoned R1-9 Medium Density Single Family Residential District and GBD, General Business District. The proposed plat will divide the lot in accordance with the existing zoning. The property is currently occupied by one single-family home, which is on the R1-9 zoned portion.

The split zoning of this property was established in 1998 under Ordinance 7375, as a result of an agreement between the City and property owner at the time of annexation. In 1994, through a voluntary annexation agreement, this property was annexed into the city to allow the city to acquire or condemn right of way needed for construction of 20th Street. There was a condition in the annexation agreement that the two acres at the intersection be zoned commercial and the remainder zoned R1-9, however both sections remained as one parcel at the time and have since. The applicant now wishes to plat the property to separate the differently zoned pieces into two parcels.

Chairman Waugh called for the staff report.

Ms. Portillo stated when this property was annexed to the City, there was an agreement made with the property owner at that time that the City would agree to rezone 2 acres to a Commercial Zoning District. After it was annexed, the City undertook rezoning of the 2 acres into GBD. At that time, it was not platted so it has remained as one lot with two separate zoning districts. The owner is now looking to formally separate this into its own separate lot for the purpose of development. Currently, the only development on the lot is a Single Family Home and it will remain R1-9. There are no proposed additional zonings at this time.

Ms. Portillo said this has been reviewed through members of the DRC who are relevant, it has also been reviewed by the County. We do not have any issues with this plat application.

Chairman Waugh asked the applicant if there was anything he’d like to add and asked if the Commissioners had any questions for the staff.

Commissioner Stephens asked for clarification if the intention is to keep this section of land commercial or change it to residential.

Ms. Portillo responded that we are not changing the zoning, we are cutting the commercial portion of the lot out of the residential part. We are making it into two separate lots.

Chairman Waugh clarified that we are making it into two different parcels, to which Ms. Portillo said yes. Commissioner Bateman added that it’s creating a saleable lot.

Commissioner Hines Whitson Hanson made a motion to approve the preliminary plat. Commission Maxwell seconded, motion approved 5-0.

STAFF RECOMMENDATION:

Staff recommends approval of the Phil’s Corner Preliminary Plat.

ACTIONS/OPTIONS:

- Approve the Preliminary Plat.

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

4. 2025-08 SUB – PHIL’S CORNER FINAL PLAT

APPROVED: 5-0

Consider a final plat for Phil’s Corner Final Plat, Case No. 2025-08 SUB. The applicant is requesting approval of a final plat for one, 2.04-acre lot, known as Lot 1 of Phil’s Corner. This property is located at the north corner of Tonganoxie Road and S. 20th Street. The property is currently zoned GBD, General Business District, and the applicant is not seeking a rezoning at this time.

The lot is currently undeveloped, with future access planned from 20th Street. The final plat includes dedication of a 10-foot wide utility easement to the City of Leavenworth along property lines.

The plat was reviewed by Development Review Committee. No issues of note were identified with the plat.

The associated preliminary plat for the development is also on this agenda.

Chairman Waugh called for the staff report.

Ms. Portillo stated the applicant is requesting approval of a final plat for one, 2.04-acre lot, known as Lot 1 of Phil’s Corner. This property is located at the north corner of Tonganoxie Road and S. 20th Street. The final plat includes dedication of a 10-foot wide utility easement to the City of Leavenworth along property lines.

This item will go to the City Commission as there are dedications to the City of Leavenworth that the Commission will need to accept. They will need to approve the preliminary plat and then accept the dedications on the final plat.

Chairman Waugh called for a motion. Commissioner Stephens moved to approve the final plat as described, seconded by Commissioner Maxwell, and approved by a vote of 5-0.

STAFF RECOMMENDATION:

Staff recommends approval of the Phil’s Corner, Final Plat.

ACTIONS/OPTIONS:

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

OTHER BUSINESS:

No other business.

Chairman Waugh moved to adjourn, seconded by Commissioner Bateman and approved 5-0.

Meeting adjourned at 6:25 p.m.

Minutes taken by Planning and CD Assistant Katherine Criscione.