

**CITY OF LEAVENWORTH PLANNING COMMISSION**  
**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**REGULAR SESSION**  
**Monday, September 8, 2025**  
6:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

Bill Waugh  
Ken Bateman  
Don Homan  
Sam Maxwell

**Commissioners Absent**

Sherry Hines Whitson Hanson  
Brian Stephens  
Dennis Hund

**City Staff Present**

Kim Portillo  
Michelle Baragary  
Sarah Roll

Chairman Waugh called the meeting to order at 6:12 p.m. and noted a quorum was present.

**APPROVAL OF MINUTES – May 5, 2025**

Chairman Bill Waugh asked for questions, comments or a motion on the May 5, 2025 minutes presented for approval. Commissioner Bateman moved to approve the minutes as presented, seconded by Commissioner Maxwell and approved by a vote of 4-0.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**1. 2025-12 SUP – 510 KIOWA ST.**

**APPROVED 4-0**

Conduct a public hearing for Case No. 2025-12 SUP – 510 Kiowa St., wherein the applicant is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 (High Density Single Family Residential District) zoning district.

Chairman Waugh called for the staff report.

City Planner Michelle Baragary stated that the applicant, Mohammed Sazad, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6, High Density Single Family Residential District, zoning district. Two-family dwellings are allowed in the R1-6 zoning district with the issuance of a Special Use Permit.

The property is currently an existing nonconforming use as a two-family dwelling, as there is no existing Special Use Permit. Per section 1.05.D of the adopted Development Regulations:

*Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.*

Section 1.05.D of the Development Regulations also states in regards to Nonconforming Uses:

*If a structure devoted to a nonconforming use is damaged or destroyed by more than fifty percent (50%) of its fair market value, such building shall not be restored if the use of such building is not in conformance with the regulations of the zoning district in which it is located.*

According to City records, the structure on the property has been functioning as a two-family dwelling since at least 2018 without City approval. The applicant is requesting a Special Use Permit to adequately represent the current use of the structure and to make the use conforming.

### **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.

*This property has functioned as a two-family dwelling since at least 2018, and contributes to the diversity of housing stock available to the Leavenworth residents.*

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 the information available, staff does not believe that the continued 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 is currently.*

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, subject to the following conditions:

1. The property owner shall register the property with the City of Leavenworth as a two-family rental property.

Failure to maintain compliance with all conditions shall result in revocation of the Special Use Permit.

**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 asked why this request is only coming up now, after being used as a two-family dwelling for so long.

City Planner Michelle Baragary stated now the property is under contract for purchase, the lender will not finance unless property is in compliance with state and local regulations.

With no further questions, 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. The discussion among the commissioners included verifying the property and applicant have met all the criteria for the Special Use Permit. It was also noted that the new owners would fill out the application to register the property as a two-family rental property with the City.

Planning Director Kim Portillo stated she would be in touch with the purchasers of the home and have them submit the proper documentation for registration with the City.

With no further discussion, Chairman Waugh called for a motion. Based on the findings as stated and conditions as presented, Commissioner Bateman moved to recommend approval of the SUP to the City Commission, seconded by Commissioner Maxwell, and passed by a vote of 4-0.

First consideration will go to the City Commission on September 23, 2025.

**OTHER BUSINESS:**

No other business.

Meeting adjourned at 6:21 p.m.

Minutes taken by Planning Assistant Sarah Roll.