

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

CALL TO ORDER:

Commissioners Present

Brian Stephens
Ken Bateman
Don Homan
Sherry Hines Whitson Hanson
Sam Maxwell

Commissioners Absent

Bill Waugh

City Staff Present

Kim Portillo
Michelle Baragary
Sarah Roll

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

APPROVAL OF MINUTES – September 8, 2025

Vice Chairman Homan asked for questions, comments or a motion on the September 8, 2025 minutes presented for approval. Commissioner Bateman moved to approve the minutes as presented, seconded by Commissioner Maxwell and approved by a vote of 6-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2025-16 SUP – 1512 S 2ND ST.

Conduct a public hearing for Case No. 2025-15 SUP – 1512 S 2nd St., wherein the applicant is requesting a Special Use Permit to allow car sales in the I-1 (Light Industrial District) zoning district.

Vice Chairman Homan called for the staff report.

City Planner Michelle Baragary stated that the applicant, Cedric Baker, is requesting a Special Use Permit (SUP) to allow automobile sales on a property located at 1512 S 2nd Street. Automobile sales are an allowed use in the I-1, Light Industrial District, with the approval of a Special Use Permit (SUP).

The property is the old aluminum-recycling center. It is bordered by industrial and commercial uses: a storage facility is located to the north and west, Geiger Ready Mix and Drexel Chemical Company are to the east, and the former Abeles Field and a vacant City-owned lot are located to the south.

Per Table 5-01 of the adopted Development Regulations, the required parking rate for automobile sales is calculated as: 1 per 400 SF of publicly accessible building area, plus 1 per 3,000 SF of sales lot, plus 1 space per employee.

Based on the applicant's submitted data, the required parking is calculated as follows:

Component	Calculation	Required Spaces
Building Access	144 SF / 400 SF = 0.36	1
Sales Lot	10,000 SF / 3,000 SF = 3.33	4
Employees	2 Employees	2
TOTAL		7

The applicant has submitted a parking lot site plan for 9 total parking stalls, which exceeds the minimum requirement. The proposed spaces are as follows:

- East: 5 parking spaces for employee and customer parking.
- North: 4 parking spaces designated for inventory.
- South: A dedicated storage/overflow 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 the 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.

The proposed special use to allow automobile sales will contribute to the economic vitality of Leavenworth by allowing for the operation of a revenue generating business in the space.

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 believe that the proposed use will cause 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 buildings are proposed, and the parking site plan provides ample off-street parking. The applicant originally purchased the property for Heavy Vehicle Sales (commercial vehicles with a GVW of over 10,000 lbs), a use permitted by-right in the 1-1 district. The proposed automobile sales operation is considered less intense than the permitted use, and therefore, will not dominate the neighborhood.

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 Special Use Permit shall be renewed annually through the City Clerk's Office.

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.

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

With no one wishing to speak, Vice Chairman Homan closed the public hearing, and called for discussion among the commissioners.

There were no questions from commissioners.

With no further discussion, Vice Chairman Homan 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 Bateman, and passed by a vote of 6-0.

First consideration will go to the City Commission on October 28, 2025.

2. 2025-17 SUP – 813 KICKAPOO ST.

Conduct a public hearing for Case No. 2025-17 SUP – 813 Kickapoo St., wherein the applicant is requesting a Special Use Permit to allow a home occupation that is not conducted entirely within the principal residential dwelling in the R1-6 (High Density Single Family Residential District) zoning district.

Vice Chairman Homan called for the staff report.

City Planner Michelle Baragary stated that the applicant, Katrina Morgan, is requesting a Special Use Permit (SUP) to allow a home occupation that is not conducted entirely within the principal dwelling unit. The subject property is zoned RI-6, High Density Single Family Residential District, with an existing single-family home on the lot. The subject property is surrounded by other single-family homes of a similar size and nature.

The applicant's proposed use requires an SUP because the essential components of the home occupation will occur outside of the principal dwelling.

Section 4.04.B.G(g) of the adopted Development Regulations mandates that a home occupation be conducted entirely within the principal residential building unless a Special Use Permit (SUP) is issued.

The applicant is proposing to use the combined lot for the exterior cultivation of cut flowers. This operation involves transplanting seedlings into six designated in-ground flowerbeds from February to October annually.

Sales will occur off-site at local Farmers Markets and online.

Staff confirms that the accessory use (the flower cultivation) will be located on the same lot as the principal residence, satisfying the requirements of Section 4.04.B.2(d), which states that "Accessory Uses are a structure or use which is located on the same lot as the principal building or principal use served".

The applicant initially owned two adjacent lots: the primary residence at 813 Kickapoo and the vacant lot to the east, 811 Kickapoo. On August 20, 2025, the applicant submitted an application to combine these two lots into a single parcel, with the final address as 813 Kickapoo. The Certificate of Survey for the lot combination has since been recorded with the Register of Deeds, and two recorded copies have been submitted to staff, ensuring the accessory use is located on the same lot as the principal residence.

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.

The certificate of Survey for the lot combination has been recorded, and two copies have been provided to staff. Staff confirms there is ample room for parking off the rear alley, and staff is currently working with the applicant on the submitted off-street site plan review.

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

Staff believes that cultivating cut flowers in a residential setting can promote economic development through local sales, enhance public welfare by providing beauty in the neighborhood, and increase convenience by offering readily available, fresh local blooms.

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

The cut flowers will be cultivated using in-ground flowerbeds that shall be well maintained, and are located 21' from the front property line. A home occupation requires two off-street parking spaces to prevent use of public on-street parking. Staff does not believe that the operation of a small-scale flower business will cause 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 buildings are proposed as part of this special use permit. The operation is a small scale, home-based flower business. The in-ground beds are located 41' from the street, minimizing visibility and impact. The property will continue to function as a residential structure.

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:

2. The Special Use Permit shall be renewed annually through the City Clerk's Office.

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.

Vice Chairman Homan asked for questions about the staff report.

Commissioner Stephens asked if there were a driveway attached to the house would that satisfy the parking requirements. Would that have to be separate parking?

Planning Director Kim Portillo explained the need for the additional parking in order to avoid clogging the streets with parked cars.

Vice Chairman Homan asked if the flowers will be sold at the property.

Ms. Baragary states no, there will be no sale of the flowers at home. It will be online and off-site sales.

Commissioner Maxwell asked for clarification of the location of the proposed driveway.

Ms. Baragary stated it will be in the back of the property, off the alley and will be gravel.

With no further questions, Vice Chairman Homan opened the public hearing.

Commissioner Bateman asked if the board wanted to place any restrictions regarding what will be allowed to be grown.

Ms. Baragary stated that the items listed in her application is what will go by. If the Planning Commission would like to put limitations on the SUP, they can as well.

Planning Director Kim Portillo also stated that the board could leave any changes of the flowers at a staff level for them to discuss with the applicant at a future date.

With no one wishing to speak, Vice Chairman Homan closed the public hearing, and called for discussion among the commissioners. The discussion among the commissioners included

With no further discussion, Vice Chairman Homan called for a motion. Based on the findings as stated and conditions as presented, Commissioner Stephens moved to recommend approval of the SUP to the City Commission, seconded by Commissioner Hanson, and passed by a vote of 6-0.

First consideration will go to the City Commission on October 28, 2025.

OTHER BUSINESS:

1. SHERRY HANSON - ATTENDANCE

Article II, Item 7 of the Planning Commission by-laws states the following:

"Should a Planning Commission member miss three regular monthly meetings in any 12 month period, the commission shall determine if the City Commission should be petitioned to replace that Planning Commission member."

Planning Commission member Sherry Hanson has exceeded this threshold with absences at the November 2024, December 2024, February 2025 and September 2025 meetings.

Attendance Record

P= Present A= Absent / = No meeting held

Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	March 2025	April 2025	May 2025	June 2025	July 2025	Aug 2025	Sept 2025
/	A	A	/	A	/	/	P	/	/	/	A

STAFF RECOMMENDATION:

This item does not have a staff recommendation.

ACTION/OPTIONS:

- Motion, to recommend replacement of the Planning Commissioner to the City Commission.
- Motion, to not make a recommendation of replacement of the Planning Commissioner to the City Commission

Ms. Portillo wanted to start by explaining what this agenda item is regarding. She asked Commissioner Hanson to abstain from voting.

Commissioner Hanson agreed.

Ms. Portillo explained that the Planning Commission bylaws do state that if a Planning Commissioner misses more than three meetings within any rolling twelve-month period, then the board must vote on whether to recommend removal of that planning commissioner to the City Commission.

The reason this is issue is being brought up today is because Commissioner Hanson's attendance record is attached. There have been four absences within that rolling twelve-month period which includes November 2024, December 2024, February 2025, and September 2025.

Commissioner Hanson asked if she might speak on her own behalf.

Ms. Portillo welcomed her comments.

Commissioner Hanson stated that sitting on this Commission has been an honor, and she takes it very seriously.

She states she also has another career. It is an in-depth career being a regional manager over several people and she has to cover people when things happen.

Commissioner Hanson states since the last meeting in September, she was addressed by email regarding her attendance. She states she did not realize it was so sensitive and since then she put things in place at her work so she will not have to miss any meetings. She stated that moving forward she hopes that the board thinks in favor for her because she has been on the Planning Commission for a while and it is dear to her heart.

Vice Chair Homan asked if there were any questions for Sherry.

Chairman Bates asked if there were another meeting in November, and Commissioner Hanson was absent again, would that be another absence in the twelve month period and the Commissioners would have to revisit this issue again.

Ms. Portillo said yes, according to the bylaws.

Vice Chair Homan asked when the first of the four violations occurred.

Ms. Portillo stated the first was November 2024, then December 2024 and February 2025. She states this should have been done in February. However, staff got read up on the bylaws and it came to their attention.

Commissioner Hanson states it has not been as strict as it is now. She has been around for nine years and it has never been this way.

Ms. Portillo states the reason we got into looking at our bylaws and the emails all Commissioners received from her is because the attendance issues with the previous meeting. The meeting almost had to be cancelled due to lack of quorum.

Commissioner Hanson states she did communicate and was told there was a quorum, she let her foot off the gas and had to choose between a patient and this meeting. She chose the patient. However, it is not for lack of communication on her part.

Chairman Bates made a motion to not make a recommendation on the replacement of the Planning Commissioner to the City Commission. Seconded by Commissioner Stephens, and passed by a vote of 5-0. Commissioner Hanson refrained from voting.

Commissioner Maxwell moved to adjourn, seconded by Commissioner Bateman and approved 6-0.

Meeting adjourned at 6:29 p.m.

Minutes taken by Planning Assistant Sarah Roll.