

**CITY OF LEAVENWORTH PLANNING COMMISSION**  
**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**REGULAR SESSION**  
**Monday, December 1, 2025**  
6:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

Brian Stephens  
Ken Bateman  
Bill Waugh  
Don Homan  
Sam Maxwell

**Commissioners Absent**

Dennis Hund  
Sherry Hanson

**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 – October 6, 2025**

Chairman Bill Waugh asked for questions, comments or a motion on the October 6, 2025 minutes presented for approval. Commissioner Maxwell moved to approve the minutes as presented, seconded by Commissioner Homan and approved by a vote of 5-0.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**1. 2025-22 SUP – 1922 5<sup>TH</sup> AVE.**

Staff recommends tabling this item until applicant submits all requested documentation is submitted for review.

With no further discussion, Chairman Waugh called for a motion. Based on the findings as stated and conditions as presented, Commissioner Maxwell moved to table this item, seconded by Commissioner Stephens, and by a vote of 5-0.

This consideration is moved to January 5, 2026.

## **2. 2025-19 REZ – 220 SENECA ST.**

Conduct a public hearing for Case No. 2025-19 REZ – 220 Seneca St., wherein the applicant is requesting to rezone property from Multiple Family Residential District(R-MF) to Central Business District (CBD). The original petition for rezoning 220 Seneca Street has been formally amended to include the adjacent properties located at 226 Seneca Street and 232 Seneca Street.

Chairman Waugh called for the staff report.

City Planner Michelle Baragary stated that The applicant is requesting a rezoning of their property located at 220, 226 and 232 Seneca Street from R-MF (Multi-Family Residential District) to CBD (Central Business District). The subject properties consists of 3 vacant parcels that lie directly adjacent to the Abernathy Lofts, and are owned by SDF Development, LLC.

The rezoning is being requested to allow for a parking lot use, to clean up spot zoning, and to allow for uses that are more appropriate for the location of the property.

The parcels directly to the north along Miami Street are zoned R1-6 (High Density Single Family Residential District) and consist of single-family homes. To the south is Planters II Apartments (HUD Housing) zoned CBD, and the adjacent property to the east is Abernathy Lofts zoned CBD. The northwest corner of the intersection, west of 3<sup>rd</sup> Street, is also zoned CBD with a single family residential house.

### **220 Seneca Street**

The subject property is currently an existing vacant lot that has been graded in preparation for a parking lot. The rezoning is being requested to allow for a standalone parking lot use to accommodate the Abernathy Lofts located at 200 Seneca St. Plans for the expanded parking lot were reviewed by City Staff, and it was discovered that a parking lot use is not permitted in the R-MF zoning district, as it is on it's own separate parcel. Standalone parking lots are permitted in the CBD zoning district.

The property is designated as multi-family on the Future Land Use Map, and is part of the Redevelopment Overlay District. Multi-family is permitted in the North Neighborhood Overlay District. The rezoning request for 220 Seneca St. will permit the site to be used as a parking lot.

### **226 & 232 Seneca Street**

The subject properties are existing vacant lots and will remain as such at this time. The rezoning is being requested to align 226 & 232 Seneca St. with the remaining parcels on the block and to expand the potential future uses of the parcels for commercial uses.

In March 2013, the three subject properties were rezoned from CBD to R-MF for a proposed development project of nine townhouses. Since the townhouse project was never developed, staff supports the rezoning of the subject properties back to their original zoning designation, which aligns with the Future Land Use Map and Redevelopment Overlay District.

## **COMMISSION FINDINGS**

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 character of the surrounding area is a mix of single family, multifamily and commercial. The subject property is located one block north of Shawnee St. near Downtown Leavenworth, lying to the northeast of the intersection of 3<sup>rd</sup> and Seneca Streets, and is part of the North Neighborhood District overlay. Downtown Leavenworth contains a wide variety of uses.*

- b) The zoning and use of properties nearby;

*The general zoning in the area is CBD, except to the north, which is R1-6 (High Density Single Family Residential District) and occupied by single family homes. Currently all surrounding CBD zones are single and multifamily uses with Planters II Apartments to the south, Abernathy Lofts to the east, and a single family dwelling to the west of 3<sup>rd</sup> Street. The CBD zoning will allow for a mix of use types.*

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

*Parking lots are not a permitted use in the R-MF zoning district. Reverting the subject properties back to CBD allows construction of commercial parking lots, and will expand potential future commercial uses of the parcels. Additionally, the subject properties are in the North Neighborhood Overlay District, in which multi-family dwellings are a permitted use, which aligns with the Comprehensive Plan. Staff believes the rezoning in March 2013 from commercial to multi-family was down zoning. Furthermore, townhouses are permitted by-right in the North Neighborhood Overlay District negating the need for the 2013 rezoning.*

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

*Staff's view is that the proposed rezoning should have little detrimental effect upon surrounding properties. Multi-family and Mixed-Use Structures are permitted by-right in the North Neighborhood Overlay District that can be used as a transitional zone from commercial to single family. Additionally, the Development Regulations states that a 25' setback shall be provided on any side of a CBD lot that abuts a residential district.*

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

*The subject properties had been vacant for many years prior to the rezoning from CBD to R-MF in March 2013, and continue to be vacant. The gravel parking lot at 220 Seneca St. was installed during or after 2022 without appropriate permits. The applicant is now working with staff to bring the parking lot into compliance with the Development Regulations.*

- 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 public health, safety and welfare by bringing the property back to the appropriate zoning classification for its location near Downtown Leavenworth, while allowing flexibility for a mix of uses.*

- 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 aligns with the Future Land Use map as multifamily is permitted in the North Neighborhood District overlay. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive 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*

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 rezoning request based on the analysis and findings included herein.

**ACTION/OPTIONS:**

- Recommend approval of the rezoning request from R-MF to CBD to the City Commission
- Recommend denial of the rezoning request from R-MF to CBD to the City Commission
- Table the issue for additional information/consideration.

Chairman Waugh asked for questions about the staff report.

Commissioner Maxwell asked if the parking lot is planned for just 220.

Ms. Baragary pulled up the site plan and showed that it is planned for just 220 Seneca.

Commissioner Homan asked if that would be enough parking for the lofts.

Chairman Waugh opened the public hearing.

Jackson Foutch, applicant, stated that he is looking to do a hard surface parking lot and expects it will be enough parking for the tenants.

Commissioner Bateman asked what the plans are for the other two lots, as he would not necessarily want to see them also becoming parking lots, but he recognizes it is the property owners' right to do as they wish.

Mr. Foutch explained that there are currently no plans for those two parcels, but he did not want to leave them leftover as spot-zoned small parcels that would then be difficult to develop.

With no one (else) wishing to speak, Chairman Waugh closed the public hearing, and called for discussion among the commissioners.

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

First consideration will go to the City Commission on January 13, 2026.

**3. 2025-23 SUB – 4000 NEW LAWRENCE RD.**

Conduct a public hearing for Case No. 2025-23 SUB – 4000 New Lawrence Rd., wherein the applicant is requesting to replat the property to adjust lot lines between two lots.

Chairman Waugh called for the staff report.

City Planner Michelle Baragary stated that the subject property is owned by Thomas & Jennie Duncan and Clifton & Rozenda Downing, plat prepared by Hahn Surveying. The applicants are requesting approval of a replat of Lot 9R and Lot 8 in the Moonlight Lake residential subdivision. The plat area is 26.06 acres in size and developed with a single family home on each lot, and is zoned R1-25, Low Density Single Family Residential District.

The applicants are requesting a replat of Moonlight Lake Replat Lots 9R and 8 in the Moonlight Lake subdivision for the purposes of transferring .27 acres from Lot 8 to Lot 9R to allow additional space south of the driveway located on Lot 9R.

The new configuration of both proposed lots are able to meet the Development Regulations for the R1-25 zoning district. The county surveyor has reviewed the proposed plat and has no issues. There are no new easements or dedications proposed. Existing easements and dedications will remain as shown on the plat documents.

The original Moonlight Lake subdivision final plat was reviewed and approved by the Planning Commission in 2020. In 2022, the Planning Commission reviewed and approved the Moonlight Lake Replat.

**STAFF RECOMMENDATION:**

Staff recommends approval of the replat request based on the analysis and findings included herein.

**ACTION/OPTIONS:**

- Approve the Final Plat.
- Deny the Final Plat.
- 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.

Tom Duncan, the applicant, explained the history of the property. He stated that the area is difficult to maintain and the adjacent property owner has agreed to allow him to purchase and maintain it, as it is next to Mr. Duncans driveway.

With no one (else) wishing to speak, Chairman Waugh closed the public hearing, and called for discussion among the commissioners.

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 replat, seconded by Commissioner Stephens, and by a vote of 5-0.

**OTHER BUSINESS:**

1. Sam Maxwell Resignation

Commissioner Maxwell announced his resignation from the Planning Commission, effective December 2, 2025. Commissioner Maxwell has been elected to the City Commission, effective December 9, 2025. The Planning Commission and staff wish him well in his new role.

Commissioner Homan moved to adjourn, seconded by Commissioner Maxwell and approved 5-0.

Meeting adjourned at 6:28 p.m.

Minutes taken by Planning Director Kim Portillo.