

CITY OF LEAVENWORTH PLANNING COMMISSION

COMMISSION CHAMBERS, CITY HALL

100 N 5th Street, Leavenworth, Kansas 66048

REGULAR SESSION

Monday, January 5, 2026

6:00 PM

CALL TO ORDER:

Commissioners Present

Brian Stephens

Ken Bateman

Bill Waugh

Don Homan

Mark Preisinger

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 – December 1, 2025

Chairman Bill Waugh asked for questions, comments or a motion on the December 1, 2025 minutes presented for approval. Commissioner Stephens 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. ELECTION OF OFFICERS

Commissioner Stephens moved that Commissioner Bateman be Chairperson, seconded by Commissioner Homan. Approved by a vote of 5-0.

Commissioner Homan moved that Commissioner Preisinger be Vice Chairperson, seconded by Commissioner Stephens. Approved by a Vote of 5-0.

2. 2025-22 SUP – 1922 5TH AVE.

Conduct a public hearing for Case No. 2025-22 SUP 1922 5th Avenue., 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 Bateman called for the staff report.

City Planner Michelle Baragary stated this item came before the Planning Commission on December 1, 2025, and was tabled for additional information.

The applicant, Savannah Nelson, is requesting a Special Use Permit to allow the operation of Child Care Center in their home located at 1922 5th Avenue. 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 applicant previously received approval of a Special Use Permit in 2018 to operate a Child Care Center at the subject property, 1922 5th Ave. That structure was damaged by fire in 2020, and the applicant relocated to 220 Spruce St., and was issued a Special Use Permit to operate a Child Care Center at their new home on Spruce St. The applicant has since relocated back to the subject property (1922 5th Ave.) and intends to continue her Child Care operations.

The State of Kansas has issued the applicant a temporary permit to care for a maximum of 12 children, dependent upon the ages of the children in care. The temporary permit expires February 28, 2026. The Child Care Center will operate Monday-Friday from 6:00 a.m. to 11:00 p.m. and is housed on the main floor of the home. The space includes a front room, dining area, dedicated daycare play space, main bathroom, kitchen, and a fenced outdoor play area with approximately 4,500 SF of open space. There are designated off-street areas in the front and back of the property for safe drop-off and picking up of passengers.

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, or will comply, 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 in-home 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 24 car trips per day on the street, when at full capacity of 12 children.

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. After notifications were mailed, staff received no questions or comments.

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. A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition.
2. A copy of the permanent Family Child Care Home license shall be provided when issued and again annually upon renewal by the State of Kansas.
3. The operation shall be limited to a maximum of 12 children.
4. No additional home occupations may be carried out at the residence.
5. Annual payment of the Special Use Permit.

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 Bateman asked for questions about the staff report.

Vice Chairman Preisinger asked why the application was tabled at the last meeting.

Mrs. Baragary explained it was tabled because staff needed additional information from the applicant, and the applicants temporary state license had expired before the scheduled Planning Commission meeting.

Vice Chairman Preisinger asked what condition number four meant.

Mrs. Baragary stated that only one home-based business would be allowed at the property. If they are operating as a daycare, they cannot operate as a second business out of the home.

Chairman Bateman opened the public hearing.

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

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

First consideration will go to the City Commission on January 27, 2026.

OTHER BUSINESS:

1. Brian Stephens Resignation

Commissioner Stephens announced his resignation from the Planning Commission effective January 5, 2026. He stated that he joined the board to be a voice for the people but feels due to City leadership, the voice of the people is no longer heard. Commissioner Stephens thanked Community Development Staff Michelle Baragary and praised her for working hard and handling citizen business quickly and diligently. The remaining commissioners thanked Mr. Stephens for his contributions to the board and wished him well.

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

Meeting adjourned at 6:20 p.m.

Minutes taken by Planning Director Kim Portillo.