

CITY OF LEAVENWORTH PLANNING COMMISSION

COMMISSION CHAMBERS, CITY HALL

100 N 5th Street, Leavenworth, Kansas 66048

REGULAR SESSION

Monday, March 2, 2026

6:00 PM

CALL TO ORDER:

Commissioners Present

Ted Davis

Ken Bateman

Bill Waugh

Mark Preisinger

Commissioners Absent

Dennis Hund

Don Homan

Sherry Hanson

City Staff Present

Kim Portillo

Michelle Baragary

Ben Hyde

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

APPROVAL OF MINUTES – February 2nd, 2026

Chairman Ken Bateman asked for questions, comments or a motion on the February 2, 2026, minutes presented for approval. One change requested was the date on the front page of the minutes. Commissioner Davis moved to approve the minutes with the stated correction, seconded by Commissioner Waugh and approved by a vote of 4-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2026-03 REZ – 2121 SPRING GARDEN ST.

Conduct a public hearing for a request to rezone property from R-MF (Residential Multi Family District) to R1-6 (High Density Single Family Residential District).

Action Requested: Recommend approval or denial to the City Commission.

Chairman Bateman called for the staff report.

City Planner Michelle Baragary stated that the owner and applicant, Barbara Kersten, is requesting approval to rezone the property located at 2121 Spring Garden St. from R-MF, Residential Multi Family District, to R1-6, High Density Single Family Residential District.

Surrounding zoning and land uses are as follows:

- North: R-MF (duplexes); further north across Thornton Street is the City Service Center zoned I-1, Light Industrial District.
- South: R1-6 (single-family residential)
- West: R1-6

- East I-1 (occupied by a single-family dwelling); further east is R1-6 residential

The Future Land Use Map identifies this area as appropriate for single-family residential uses. The proposed rezoning would allow development consistent with the Comprehensive Plan designation.

History of the Property:

- The previous structure was demolished in December 2007.
- Rezoned from I-1, Light Industrial District, to R-MF, Residential Multi Family District, on October 14, 2008 (Ordinance No. 7781).
- Plans for a proposed three-story triplex were submitted in 2008-2009 but were never constructed.
- The property has remained vacant since demolition.

CONDITIONS OF DETERMINATION

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 subject property is located at the corner of Spring Garden and Marion Streets within an established residential neighborhood. The area is predominately single-family in character, with two duplexes immediately north of the subject property, and the City Service Center located further north across Thornton Street.
- b) The zoning and use of properties nearby;
Properties to the south and west are zoned R1-6 and developed with single-family homes. Properties to the north are zoned R-MF and developed with duplexes. The City Service Center, located further north, is zoned I-1. The adjacent property to the east is zoned I-1 but contains a single-family dwelling. Overall, the surrounding area is predominantly residential in use.
- c) The suitability of the subject property for the uses to which it has been restricted;
Although rezoned to R-MF in 2008, the property has remained vacant for approximately 18 years. A previously proposed triplex was never constructed. The Comprehensive Plan identifies the property as appropriate for single-family residential use, supporting the requested zoning change.
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;
Rezoning to R1-6 will allow development consistent with surrounding single-family properties and the Future Land Use Map. The proposed rezoning is not anticipated to have a detrimental impact on nearby properties.
- e) The length of time the subject property has remained vacant as zoned;
The property has remained vacant since December 2007.
- 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;

Development of a single-family residence will return the property to productive use and increase its taxable value. The rezoning supports reinvestment in an established neighborhood.

- 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 Future Land Use Map designates this area for single-family residential use. The proposed rezoning to R1-6 is consistent with the 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 additional factors have been identified.

In accordance with Kansas State Statute, notice of the public hearing was mailed to property owners within 200 feet of the subject property. As of the date of this report, staff has received no comments from notified property owners.

STAFF RECOMMENDATION:

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

REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from R-MF to R1-6 to the City Commission
- Recommend denial of the rezoning request from R-MF to R1-6 to the City Commission
- Table the issue for additional information/consideration.

Chairman Bateman opened the public hearing and asked the applicant if he wanted to speak.

Rob Young, a surveyor representing the property owner, stated the reason they never moved forward with the original plan for the duplexes was due to not being able to meet setback requirements.

Commissioner Preisinger asked when they plan on starting construction if the rezoning is approved.

Mr. Young replied immediately.

Tammy Hill, 2201 Spring Garden St., wants clarification that the property would be single-family. She further stated that it was initially listed as high density, which she understands high density as townhomes. Her concern is that she has dealt with quite a bit of crime in this area since she moved to this neighborhood four years ago, and wants assurance that only a single-family home will be constructed.

Ms. Baragary stated the rezoning request is for a single-family home.

Mr. Young responded to the question as well and stated the applicant has built the same kind of single-family homes in Smithville.

Joe Toth, 2200 Spring Garden St., stated he also has concerns about crime and only wants a single-family home built on the property. Additional concerns are with on-street parking and if the proposed single-family home can meet the required setbacks.

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

Commissioner Preisinger stated the size of the lot meets the requirements to fit a single-family house. He stated that there could be concrete rubble on site from demolition of a previous structure, but that is outside the purview of this meeting.

Ms. Baragary stated that the home would also go through the building permit process for review and approval.

Chairman Bateman asked if a duplex would be permitted by-right under the current zoning.

Ms. Baragary stated that yes, they could.

Chairman Bateman stated that with this request, the only thing allowed by-right is a single-family, and they would need additional approvals for a duplex.

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 rezoning to the City Commission, seconded by Commissioner Davis and passed by a vote of 4-0.

2. 2026-04 REZ – 529 & 00000 CHOCTAW ST.

Conduct a public hearing for a request to rezone property from I-1 (Light Industrial District) to CBD (Central Business District).

Action Requested: Recommend approval or denial to the City Commission.

Chairman Bateman called for the staff report.

City Planner Michelle Baragary stated that the owner and applicant, VFW Post 56, is requesting approval to rezone approximately 0.42 acres from I-1 (Light Industrial District) to CBD (Central Business District). The subject property consists of two vacant parcels.

The applicant proposes to develop a Veterans Memorial Park to honor veterans, both living and deceased. The park would serve as a ceremonial gathering space for events such as Memorial Day, Independence Day, and Veteran's Day, and would include the For Those Who Gave All (FTWGA) Boot Display of Kansas veterans who have died in service.

Proposed Site Improvements

The conceptual development plan includes:

- A stage area for ceremonies
- A concrete slab and pergola with fire pit for Flag Retirement Ceremonies
- Sidewalks and benches honoring each branch of military service, the VFW Auxiliary, and Vietnam Veterans of America
- Memory bricks surrounding the existing flag poles, available for purchase by community members to honor individual veterans
- Three parking spaces for VFW patrons
- Chain-link fencing enclosing the park

The project is proposed to be completed in three phases:

- Stage 1: Parking area and concrete slab/fire pit
- Stage 2: Sidewalks, benches, and memory bricks

- Stage 3: Stage area

Floodplain Considerations

The subject property is located within both the 100-year and 500-year floodplain. Due to these constraints, the site is not suitable for construction of enclosed structures. The proposed memorial park represents a low-intensity use compatible with floodplain limitations.

Surrounding Zoning and Land Uses

- North: CBD – Commercial and civic uses including restaurant, retail, and VFW Post 56
- South: I-1 – City owned property designated for Three-Mile Creek
- West (across 6th Street): CBD – Leavenworth Waterworks Department
- East: CBD and I-1 – Citizens Federal Savings Bank and a mixed-use building

The surrounding area is predominantly commercial in character and located within Downtown Leavenworth.

The subject property is located in the 100 and 500 year floodplain which makes the site unsuitable for development of a building.

The Future Land Use Map designates this area as Mixed Use. The proposed rezoning to CBD supports a civic and memorial use that is compatible with the downtown mixed-use environment and consistent with the Comprehensive Plan.

CONDITIONS OF DETERMINATION

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 subject property lies southeast of the intersection of 6th and Cherokee Street. The site is considered to be within Downtown Leavenworth and is part of the Central Business District overlay. Downtown Leavenworth contains a wide variety of uses. The proposed memorial park is consistent with the character of the downtown environment.
- b) The zoning and use of properties nearby;
Adjacent properties are predominantly zoned CBD and developed with commercial and civic uses. The property to the south remains zoned I-1 and is designated for Three-Mile Creek. The requested CBD zoning aligns with the surrounding zoning pattern.
- c) The suitability of the subject property for the uses to which it has been restricted;
The property has remained vacant for nearly 30 years and is located within the floodplain, limiting its suitability for industrial development. The I-1 zoning classification is not well suited to the site's physical constraints.
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;

The proposed rezoning is not anticipated to have a detrimental impact on nearby properties. CBD is a less intense zoning classification than I-1. The proposed memorial park is not anticipated to negatively impact surrounding properties and will activate an otherwise undevelopable site.

- e) The length of time the subject property has remained vacant as zoned;
Aerial imagery indicates a building was demolished sometime after 1998. The property has remained vacant since that time.
- 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 providing a community gathering space, enhancing downtown aesthetics, and honoring veterans. The project places the property in a more appropriate zoning classification given its floodplain limitations.
- 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 Future Land Use Map designates the area as Mixed Use. The proposed CBD zoning and memorial park use are consistent with the goals and intent of the 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 additional factors have been identified.

In accordance with Kansas State Statute, notice of the public hearing was mailed to property owners within 200 feet of the subject property. As of the date of this report, staff has received no comments from notified property owners.

STAFF RECOMMENDATION:

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

REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from I-1 to CBD to the City Commission
- Recommend denial of the rezoning request from I-1 to CBD to the City Commission
- Table the issue for additional information/consideration.

Chairman Bateman opened the public hearing and asked the applicant if he wanted to speak.

Alan Barnes, representing the VFW post 56 Park at 519 Cherokee St and lives at 2905 207th St. stated that the goal is to have a park for all veterans, not just those in the VA. One of the buildings will be named after Officer Unger, who died in action in Iraq.

Amanda Pryor from Weston, also representing the VFW, stated that the fence will be limestone posts with chains, not a chain link.

Commissioner Preisinger asked who was building the structures.

Mr. Barnes responded that the VFW is building it, with donations from various companies.

With no one else 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 rezoning to the City Commission, seconded by Commissioner Davis and passed by a vote of 4-0.

3. 2026-05 SUP – 1405 CHEROKEE ST.

Conduct a public hearing for Case No. 2026-05 SUP, 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).

Action Requested: Recommend approval with listed condition or denial to the City Commission.

Chairman Bateman called for the staff report.

City Planner Michelle Baragary stated that the owners and applicants, Carlos Galdamez and Dania Grisell Urrutia, request approval of a Special Use Permit (SUP) to allow a two-family dwelling in the R1-6, High Density Single Family Residential District. Two-family dwellings are permitted in the R1-6 zoning district subject to issuance of a Special Use Permit.

The subject property is currently operating as a two-family dwelling without an approved SUP and is therefore considered an existing nonconforming use. 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 or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.

Section 1.05.D further provides:

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.

Based on staff research, the structure has functioned as a two-family dwelling since at least 2008. The applicants are requesting approval of a Special Use Permit to bring the property into conformance with zoning regulations, particularly in advance of a pending property sale.

No structural expansions, site modifications, or changes in intensity of use are proposed.

COMMISSION FINDINGS

In considering this request, the Planning Commission may recommend issuance of a special use permit upon making the following findings:

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 2008 and contributes to the diversity of housing stock available to 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 surrounding property values.

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.

The request does not involve new construction, expansion, or increased intensity of use. The property will continue to operate as it currently does. Therefore, staff finds that the use will not dominate the neighborhood or interfere with the development rights of adjacent properties.

Notification was mailed to property owners within 200 feet of the subject property in accordance with Kansas statutory requirements. After notifications were mailed, staff received no comments.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit based on the analysis and findings stated above, subject to the following condition:

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 of approval shall result in revocation of the Special Use Permit.

ACTION/OPTIONS:

- Motion, to recommend approval of the Special Use Permit to the City Commission, based upon the findings as stated and subject to the listed condition.
- Motion, to recommend denial of the Special Use Permit to the City Commission.
- Table the issue for additional information or consideration.

Commissioner Davis asked if the property had been in compliance and rules had changed.

Ms. Baragary replied that it has always been existing non-conforming.

Chairman Bateman asked staff why we don't allow duplexes in the R1-6 zoning district by right.

Ms. Baragary stated that there are discussions about updating the development regulations to allow it by right.

Director Kim Portiillo explained that in the Overlay District duplexes are allowed by right in the R1-6 zoning district.

Chairman Bateman opened the public hearing and asked if the applicant would like to speak.

Alberto Zuniga, on behalf of the property owner, stated that the current owner is trying to sell the property but has been held-up by the underwriter.

Ms. Baragary stated that many lenders will not lend for nonconforming properties.

Commissioner Preisinger asked if the house burnt to the ground or was destroyed by a tornado, would the SUP allow it to be rebuilt as a duplex?

Director Portillo responded yes it would.

With no one else 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 Davis, and passed by a vote of 4-0.

4. DRAFT 7TH STREET CORRIDOR STUDY

Presentation by GBA on the Draft 7th Street Corridor Study. The study evaluates existing conditions and provides recommendations to enhance the primary connection between Downtown Leavenworth and Fort Leavenworth. Emphasis is placed on transportation and connectivity improvements, infrastructure upgrades, aesthetic enhancements, and land use optimization.

Action: Information item only; no action requested.

Nick Ferrara of GBA, Cara Elbert of Shockey Consulting, Jim Schuessler of GBA, Harland Russell of Atlas Land Consulting, and Sabin Yanez of CF Engineers spoke about the 7th Street Corridor Study to the planning commission. Mr. Ferrara reviewed the project purpose and goals, which include Improved Transportation and Connectivity, Infrastructure and Aesthetic Enhancements, and Land Use Optimization. Ms. Elbert spoke about the community engagement portion of the project. Mr. Ferrara spoke about the site inventory, traffic analysis, priorities that came from community engagement, and recommended improvements.

Commissioner Preisinger asked about bump outs.

Mr. Ferrara explained that bump-outs are curb extensions used at intersections, generally they protect pedestrians as well as vehicles parked on the street. This will help provide more green space and still allow for street parking.

Commissioner Preisinger asked how much the project would cost.

Mr. Ferrara stated that the project would have an estimated cost of \$11 million for full implementation of the recommended improvements.

Commissioner Preisinger asked if Fort Leavenworth was involved at all.

Ms. Elbert stated that yes, there was a representative from Fort Leavenworth on the Steering Committee.

Commissioner Preisinger asked if the study looked at traffic coming in and out of the fort, as it can get very busy.

Mr. Yaniz spoke about the traffic analysis.

OTHER BUSINESS:

1. DENNIS HUND – ATTENDANCE VOTE

A vote to determine whether the City Commission should be petitioned to replace Planning Commissioner Dennis Hund due to lack of attendance at scheduled Planning Commission meetings.

Director Portillo has stated that 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 Commissioner Dennis Hund has exceeded this threshold, with absences recorded at the following regular meetings:

- September 2025
- December 2025
- January 2026
- February 2026

STAFF RECOMMENDATION:

No staff recommendation is provided. Determination is at the discretion of the Planning Commission.

ACTION/OPTIONS:

- Motion to recommend replacement of Planning Commissioner Dennis Hund to the City Commission.
- Motion to take no action and not recommend replacement to the City Commission.

Chairman Bateman made called for a motion. Commissioner Preisinger moved to recommend replacement of Planning Commissioner Dennis Hund to the City Commission, seconded by Commissioner Davis, and passed by a vote of 4-0.

Staff noted that the next Planning Commission meeting will be on April 6th, 2026.

Commissioner Preisinger moved to adjourn, seconded by Commissioner Davis and approved 4-0.

Meeting adjourned at 7:05 p.m.

Minutes taken by Planning Assistant Ben Hyde.