

CITY OF LEAVENWORTH PLANNING COMMISSION

COMMISSION CHAMBERS, CITY HALL

100 N 5th Street, Leavenworth, Kansas 66048

REGULAR SESSION

Monday, May 4, 2026

6:00 PM

CALL TO ORDER:

Commissioners Present

Ted Davis

Stephen Tennant

Mark Preisinger

Kenneth Bateman

Jon Kesler

Donald Homan

Jason Redmon

Commissioners Absent

none

City Staff Present

Kim Portillo

Michelle Baragary

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

APPROVAL OF MINUTES – April 6, 2026

Chairman Ken Bateman asked for questions, comments or a motion on the April 6, 2026, minutes presented for approval. Commissioner Homan moved to approve the minutes, seconded by Commissioner Preisinger and approved by a vote of 7-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. Introduction of new members: Jon Kesler, Stephen Tennant, and Jason Redmon

Each new member shared a brief introduction.

Chairman Bateman stated that due to an existing business relationship with the applicant for the second and third items on the agenda, he was going to recuse himself. Chairman Bateman left the room at 6:01 P.M.

2. 2026-06 REZ – 2812 HOME PLACE & 00000 LIMIT STREET

Conduct a public hearing for a request to rezone property from R1-9 (Medium Density Single Family Residential District) to R1-6 (High Density Single Family Residential District).

3. 2026-08 SUB – LIMITS HOME ADDITIONAL FINAL PLAT

Consider a final plat for Limits Home Addition.

Vice Chairman Preisinger called for the staff report.

City Planner Michelle Baragary stated that the subject property, case numbers 2026-06-REZ and 2026-08 SUB have been combined into one policy report. The owner and applicant, Property Management & Maintenance Inc., requests approval of both a combined request to (1) rezone the properties located at 2812 Home Place and 00000 Limit Street from RI-9 (Medium Density Single Family Residential District) to RI-6 (High Density Single Family Residential District), and (2) approve a final plat for Limits Home Addition.

The site includes one developed parcel (2812 Home Place), currently occupied by a single-family residence, and one vacant parcel (00000 Limit Street). The purpose of the request is to reconfigure the two parcels into compliant residential lots that meet dimensional standards under the proposed zoning district and allow for an additional single-family home.

The requested rezoning from RI-9 to RI-6 is necessary to accommodate reduced lot widths. The RI-9 district requires a minimum lot width of 75 feet, whereas the RI-6 district allows a minimum of 48 feet.

The proposed final plat would reconfigure the property into two lots:

- Lot 1 (vacant): 48 feet lot width, approximately 0.22 acres
- Lot 2 (existing home): 66.29 feet lot width, approximately 0.24 acres

Both lots meet the minimum requirements of the RI-6 district. The replatting will create one additional buildable residential lot.

The subject properties are located within an established single-family residential neighborhood. Surrounding zoning and land uses include:

- North, East, West: Single-family homes zoned RI-9
- South: Undeveloped land (approximately 9.89 acres) zoned RI-9, along with the City of Leavenworth dog park

Nearby developments include Woodland Village apartment homes and the VA campus. Additionally, nearby properties at the northeast corner of Wilson and Limit Streets were rezoned from RI-9 to RI-6 in 2024 for similar single-family development.

The Future Land Use Map designates this area for single-family residential use, and both the rezoning and plat are consistent with that designation.

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 area consists of an established single-family neighborhood with varied lot sizes ranging from approximately 0.16 to 0.58 acres. The proposed lot sizes and widths are compatible with this pattern.

b) The zoning and use of properties nearby;

All surrounding properties are zoned RI-9 and developed with single-family homes or remain undeveloped. The proposed RI-6 zoning aligns with nearby rezonings and existing development trends.

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

The property is appropriate for single-family residential use, as indicated by the Future Land Use Map.

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

The proposed rezoning is not expected to negatively affect surrounding properties. The proposed reconfiguration will allow development consistent with the character of the neighborhood and the Future Land Use Map.

e) The length of time the subject property has remained vacant as zoned;
The vacant parcel was originally part of the larger tract containing the existing single-family residence and was later divided, resulting in its current configuration.

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 supports reinvestment in an established neighborhood, increasing housing opportunities, and enhances the property's tax revenue potential.

g) The recommendations of permanent or professional staff;
Staff supports 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 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.

The final plat for Limits Home Addition is requested to formalize the reconfiguration of the two parcels, prepared by Atlas Land Consulting, into two residential lots. The resulting lot sizes and widths are consistent with the proposed R1-6 zoning and are compatible with the surrounding neighborhood's mix of lot dimensions. The plat enables development of one additional single-family residence while maintaining the existing home. The plat has been reviewed by the Public Works Department and other applicable County departments, and with no major issues were identified. Any minor comments have been addressed or will be addressed prior to recording.

RECOMMENDATION

The staff recommends approval of the rezoning request from R1-9 to R1-6 to the City Commission.

- Final Plat

Staff recommends approval of the final plat for Limits Home Addition, subject to the following condition:

1. The final plat shall be recorded with the Register of Deeds within 18 months following Planning Commission approval. If not recorded within said time period, the final plat shall be deemed null and void.
2. After the plat has been recorded with the Register of Deeds, the applicant shall provide two full-sized recorded copies to the Planning and Community Development Department.

ACTIONS/OPTIONS:

Rezoning:

- Recommend approval of the rezoning request from R1-9 to R1-6 to the City Commission
- Recommend denial of the rezoning request from R1-9 to R1-6 to the City Commission
- Table the issue for additional information/consideration.

Final Plat:

- Recommend approval of the final plat
- Recommend denial of the final plat
- Table the issue for additional information/consideration.

Final plat was presented by Ms. Baragary who clarified the location of the parcels for rezoning as well as clarifying that the frontage of both would be on Home Place.

Vice Chairman Preisinger opened the public hearing.

Property owner Jeremy Greenamyre of Greenamyre's Rentals spoke about the sewer location being the reason for the reconfiguration so that it could flow correctly. Mr. Greenamyre answered that he will eventually build on the open lot but currently nothing has been submitted and the corner house will remain. The sewer line for the potential house would come off Home Place.

Commissioner Redmon asked the date that others located around the 200-foot radius were notified and Ms. Baragary answered April 8th and there was no feedback from notified property owners.

Sue Thayer who resides at 2801 Home Place asked what type of housing that will be built. Ms. Thayer also shared her concerns about the alley being closed off.

Mr. Greenamyre stated that single-family homes are planned and he does not plan to pursue a vacation of the alley.

The commission discussed that the alley is a public right-of-way and closing off the alley would require a separate vacation process.

With no one else wishing to speak, Vice Chairman Preisinger closed the public hearing.

Vice Chairman Preisinger call for a motion on the rezoning request. Based on the findings as stated and conditions as presented, Commissioner Homan moved to recommend approval of the rezoning request to the City Commission, seconded by Commissioner Davis and passed by a vote of 6-0.

Vice Chairman Preisinger called for a motion on the final plat. Based on the findings as stated and conditions as presented, Commissioner Homan moved to approve the final plat as presented, seconded by Commissioner Kesler and passed by call vote of 6-0.

Chairman Bateman returned to the meeting at 6:16 pm.

4. 2026-16 SUB – McDONALD'S SECOND ADDITION PRELIMINARY PLAT

Consider a preliminary plat for McDonald's Second Addition.

5. 2026-17 SUB – McDONALD'S SECOND ADDITION FINAL PLAT

Consider a final plat for McDonald's Second Addition.

Chairman Bateman called for the staff report.

City Planner Michelle Baragary stated that the subject property, case numbers 2026-16-SUB and 2026-17 SUB have been combined into one policy report.

The subject is a request for approval of a Preliminary and Final Plat for McDonald's Second Addition.

The subject property is owned by 7-Eleven, Inc., and the plat was prepared by Olsson. The property is under contract for purchase by Megdal Investments and will be leased by McDonald's USA, LLC, who is acting as the applicant/agent for the project. The applicant is requesting approval of a 1.01 acre, 1 lot preliminary and final plat for the McDonald's Second Addition commercial development, located at 713 Metropolitan Avenue. The subject property is zoned GBD, General Business District, and is currently occupied by an underutilized shopping center. The applicant intends to demolish the existing structure on the site and redevelop the property with a McDonald's restaurant. A site plan is attached for reference only.

The plats and accompanying site plan were reviewed by the Development Review Committee at its July 20, 2023, and May 29, 2025, meetings. Items discussed included traffic impacts, easement dedications, sidewalks, and stormwater management. All identified items have either been addressed or will be resolved prior to the issuance of building permits.

Pending action by the Planning Commission, the City Commission will review the final plat for acceptance of land dedicated for public purposes in the form of sidewalk easements. A water easement will be granted to Leavenworth Waterworks and does not require acceptance by the City Commission.

STAFF RECOMMENDATION:

Staff recommends approval of McDonald's Second Addition Preliminary Plat, subject to the following conditions:

1. The approval of the preliminary plat shall be effective for one year.

STAFF RECOMMENDATION:

Staff recommends approval of McDonald's Second Addition Final Plat, subject to the following conditions:

1. The final plat shall be recorded with the Register of Deeds within 18 months following City Commission approval of land dedicated to public purposes. If not recorded within said time period, the final plat shall be deemed null and void.
2. After the plat has been recorded with the Register of Deeds, the applicant shall provide two full-sized copies of the recorded plat to the Planning and Community Development Department.

ACTIONS/OPTIONS:

Preliminary Plat

- Approve the Final Plat
- Deny the Final Plat
- Table the issue for additional information or consideration.

Final Plat

- Approve the Final Plat
- Deny the Final Plat
- Table the issue for additional information or consideration.

Attachments that were provided were the location map, application materials, site plan, and DRC Minutes.

Commissioner Davis requested clarification on the time limit for the preliminary path approval effective for one year, specifically what happens at the end of one year if they have to go through the process again.

Director Kim Portillo explained it would expire if they did the preliminary and didn't move on to the final plat within a year. City Planner Baragary explained the final plat would be the same if it's not recorded within 18 months.

Commissioner Homan questioned if McDonald's had access to the alley for another flow of traffic in order to offer drivers an option to pull in and out safely. The current entrance/exit involves busy traffic lanes, making it difficult to pull in and out.

Andy Kruse, the engineer with Olsson explained the grade issues in the alley make any change challenging. Per the city's request they aligned their entrance to Seven Eleven's entrance. They also plan to make new pavement markings south of the entrances up to the intersection to allow a center turn lane, a through lane, and a single southbound lane.

Vice Chairman Preisinger asked Mr. Kruse if there is an exit on the northwest corner onto Metropolitan to turn east and Mr. Kruse answered yes per KDOT's request. The commission asked if the State will put a median in so westbound traffic cannot turn in. Mr. Kruse explained that KDOT looked into this and installing a median is not something they can do without changing the entire intersection and widening the highway.

The commission asked the timing of demolition and raising of the current complex. Mr. Kruse answered the demolition would potentially be this summer after the current tenant has been worked with. Mr. Kruse was asked the length of time to build and he said approximately six months.

Chairman Bateman called for questions from the public and there were none.

With no further discussion, Chairman Bateman called for a motion for the preliminary plat. Based on the findings as stated and conditions as presented, Commissioner Kesler moved to approve the preliminary plat for McDonald's Second Addition, seconded by Commissioner Preisinger and passed by a vote of 7-0.

Chairman Bateman called for a motion for the final plat. Based on the findings as stated and conditions as presented, Commissioner Kesler moved to approve the McDonald's Second Addition Final Plat, seconded by Commissioner Preisinger and passed by a vote of 7-0.

Staff noted that the final plat will go to the City Commission for acceptance of dedications.

6. 2026-11 TXT – TEXT AMENDMENTS

Conduct a public hearing for proposed text amendments to the adopted 2016 Development Regulations.

Chairman Bateman called for the staff report.

Director Portillo presented a list of text amendments in the development regulations that need updating.

- **Article 1; General Provisions**
Correct spelling of "Statues" to "Statutes".
- **Article 2; Applications & Procedures**
Correct reference to Section 11.F (nonexistent code section, should be 2.06).
- **Article 4; Zoning Districts & Standards**

Clarify language, correct "no closer to the property than" to "no closer to the property *line* than".
Update 4.03.E to allow for the accessory use of shipping containers as storage in industrial districts.
Staff is recommending allowing for the accessory use of shipping containers as storage in industrial districts.

- **Article 6; Landscape & Site Design**

Update Table 6-04: Buffer Planting Requirements to include requirements for a 20-foot-wide buffer, as referenced in Section 6.04.A

- **Article 8; Signs**

-Remove restriction that window signs cannot contain message or identification (i.e. name of establishment) more than once within the permitted total sign surface area per each front, side or rear wall.

-Revise the "Attached Signs" section to exclude awning signs from the total wall sign count and limit

them to one sign per awning with a size cap of 15% of the awning area.

-Revise EMC sign regulations to allow placement within 100 feet of a residence when an intervening building blocks the line of sight and clarify that the required distance is measured from the sign to the residential structure, not the property line.

- **Article 12; Definitions**

Add a definition for the use "Heavy Vehicle/Equipment Sales, Rentals and Service" as follows:

Heavy Vehicle/Equipment Sales, Rentals and Service: The sale, rental, leasing, maintenance, and repair of vehicles and equipment designed for commercial or industrial use that exceed a gross vehicle weight rating (GVWR) over 10,000 pounds, such as large trucks and buses or construction, industrial, or agricultural machinery. There may be incidental outdoor storage, display and part sales.

This use is currently listed in the use table but is not defined.

ACTION/OPTIONS:

This item is for review and comments and will be voted on at the subsequent Planning Commission meeting on June 1st, 2026, with first city commission consideration on June 23rd, 2026 and city commission second consideration on July 14th, 2026.

Commissioner Redmon asked regarding Article 8 what the initial issue that was to be resolved with the limitation of repeating the signage. Director Portillo answered it was to reduce visual clutter. She added that the small business task force emphasized the need to update the development regulations to make them up to date and business friendly.

Commissioner Davis requested clarification on the window signage on Article 8. Director Portillo explained currently a business name or advertisement is not allowed. The small business task force is looking to take out the message limitation of no business name or advertisement on windows so that the businesses are allowed that information on windows. Director Portillo clarified that the window space limitation of 33% would not be changed. Commissioner Davis questioned why the limitation of 33% of window space and

Director Portillo answered visibility to storefronts improves the pedestrian experience. Commissioner Davis shared that he felt that should be the business owner's problem and questioned the reasons for the city mandating it. Director Portillo said it looks out for the streetscape. Discussion continued on the placement and amount of advertising on business windows. Director Portillo asked the commission if they would like to propose something different. Commissioner Davis suggested nothing more than 50% limitation and asked if businesses with over 33% window coverage suffered business loss from it. Director Portillo answered that if a complaint is made, they send code enforcement to check it out. Commissioner Tennant questioned why the limited amount was placed in the regulations. Director Portillo said that it would have been through a process of public input and best practices via consultant from the city planning associations. Commissioner Preisinger added he was on the committee at the time that amount was decided and the purpose was to help keep the district's looks historic. The 33% was the standard nationwide amount used in downtown areas. Chairman Tennant asked if signage regulations in the historic district is different from the general business district and Director Portillo said there isn't but signs in the historic district go through an additional review from the State Historic Preservation Secretary of Interior Standards.

The commission had discussion on the approval/denial of development regulations for historic buildings.

Chairman Bateman opened a public hearing.

Mr. Greenamyre shared that his tenants have expressed needs to cover a whole window for privacy due to their business practice (for example counseling).

Director Portillo replied that those unique situations follow a variance process.

Chairman Bateman closed the public hearing.

Director Portillo explained that notes taken from tonight's discussion and will be included in and will be presented at the next planning commission meeting. A vote will be taken then.

There was discussion over awnings and advertisement on them.

OTHER BUSINESS:

1. REQUEST FOR DISCUSSION BY CHAIRMAN KEN BATEMAN

Discussion on the creation of special committees within the Planning Commission.

Chairman Bateman requested to discuss the zoning code changes due to changes in circumstances over the years. Chairman Bateman called for a committee of the planning commission that does periodic sustained reviews of the zoning code for improvements. The purpose of this committee would relieve some of this duty from the planning and zoning staff, who they would also communicate with. Input would be gathered by citizens and recommendations made to the full planning committee. If they pass, the full planning committee would go to the full city commission where change would be activated if adopted by the city commission. The commissioners agreed to this. Director Portillo spoke for the planning and zoning staff and said they are looking to do a full zoning code update if funding is available. If the committee is established, this would be an advisory group to help create a scope of work and help with public outreach as a liaison to the community for feedback as well as the process of the full code revision. Chairman Bateman replied that since we don't know if the full zoning code update will be funded, this would be a standing committee until the planning commission says it doesn't exist. Director Portillo shared that due to the limited staff time a full zoning code rewrite is not feasible with the committee. Legal review would also

need to be considered by the legal team to ensure compliance with state and federal regulations. Director Portillo requested that they establish how often they meet, identify the members, and create a mission statement that outlines what's envisioned for the group.

Chairman Bateman made the motion that the commission establish the development regulations review committee as a standing committee of the planning commission charged with the systematic review of Leavenworth's development regulations and with reporting its findings and recommended changes to the full planning commission for action. Motion seconded by Commissioner Preisinger and passed by a vote of 7-0.

Chairman Bateman moved to appoint Mark Priesinger and Stephen Tennant to the development regulations review committee and appoint himself as chairperson. Motion seconded by Commissioner Preisinger and passed by a roll call vote of 7-0.

Director Portillo informed the commission that planning and zoning staff will be providing monthly updates on items that have come to them from the other commissions they work with as long as it's not requested to be anonymous. Director Portillo shared details of two DRC meetings held in April for 1830 S. Broadway Street and 4701 S. 13th Street.

Chairman Bateman stated that he would like to establish a meeting with the committee within the next 30 days. Discussion will be held on the process and details of the setting up the meeting's location, time and publications, which will also have legal guidance.

Commissioner Preisinger shared his disappointment with the presentation of the plaza area on Fourth Street last year and how unkempt grass was not acceptable. Director Portillo advised Commissioner Preisinger to reach out to the City Manager.

Chairman Bateman moved to adjourn the meeting, motion seconded by Commissioner Kesler and passed by a vote of 7-0.

Meeting adjourned at 7:06 pm.

Minutes taken by Planning Assistant, Bethany Lasher.