

**CITY OF LEAVENWORTH  
PLANNING COMMISSION  
COMMISSION CHAMBERS, CITY HALL  
100 N. 5<sup>th</sup> Street  
Leavenworth, KS 66048**

**REGULAR SESSION  
Monday, June 1, 2026  
6:00 p.m.**

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: May 4, 2026**

OLD BUSINESS:

- 1. 2026-11 TXT – TEXT AMENDMENTS**  
Second review of proposed text amendments and recommendation vote to the adopted 2016 Development Regulations

NEW BUSINESS:

- 1. INTRODUCE NEW PLANNING ASSISTANT, BETHANY LASHER**
- 2. 2026-18 SUP – 1119 & 1121 SHERMAN AVENUE**  
Conduct a public hearing for a request for a Special Use Permit (SUP) to allow a two-family dwelling in the R1-6, High Density Single Family Residential District, zoning district.
- 3. 2026-19 SUP – 1125 & 1127 SHERMAN AVENUE**  
Conduct a public hearing for a request for a Special Use Permit (SUP) to allow a two-family dwelling in the R1-6, High Density Single Family Residential District, zoning district.

OTHER BUSINESS:

ADJOURN

**CITY OF LEAVENWORTH PLANNING COMMISSION**

**COMMISSION CHAMBERS, CITY HALL**

100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048

**REGULAR SESSION**

**Monday, May 4, 2026**

6:00 PM

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**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 8<sup>th</sup> 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 1<sup>st</sup>, 2026, with first city commission consideration on June 23<sup>rd</sup>, 2026 and city commission second consideration on July 14<sup>th</sup>, 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. 13<sup>th</sup> 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.

**PLANNING COMMISSION AGENDA ITEM**  
**Text Amendments**  
**Development Regulations**

**JUNE 1, 2026**



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**Prepared By:**

Kim Portillo,  
Director of Planning and  
Community Development

**DISCUSSION:**

The Development Regulations were adopted by the City Commission in June 2016 after a year-long comprehensive update process. Through the daily use of the Regulations by staff, several minor items have arisen that may necessitate possible updating. This process is not uncommon, and it is anticipated that an annual review of the Development Regulations will be conducted in order to ensure that they remain up to date and comprehensive. Many of the proposed amendments consist of clarifying existing language, with no substantial policy change.

The anticipated timeline is as follows:

- May 4<sup>th</sup> Planning Commission initial review and public hearing - Completed
- **June 1<sup>st</sup> Planning Commission second review and recommendation vote**
- June 23<sup>rd</sup> City Commission First Consideration
- July 14<sup>th</sup> City Commission Second Consideration

The following modifications have been drafted by staff and are now presented for public hearing.

- **Article 1; General Provisions**
  - Correct spelling of “Statues” to “Statutes”.
- **Article 2; Applications & Procedures**
  - Correct reference to Section II.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.
- **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:**

Recommend approval or denial of proposed text amendments for final action by the City Commission.

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## ARTICLE 1. GENERAL PROVISIONS

### 1.01 Overview

- A. **Title.** These regulations, shall be known, as the "Development Regulations of the City of Leavenworth, Kansas." These regulations are adopted pursuant to Kansas ~~Statues~~ Statutes 12-747 *et. seq.* and 12-757 *et. seq.*
- B. **Purpose.** These regulations serve the following purposes:
1. To promote the health, safety, comfort and economic development of the city;
  2. To preserve and protect property values throughout the city;
  3. To regulate the height, number of stories and size of buildings; the percentage of lot coverage; the size of yards, courts, and other open spaces; and density of population;
  4. To divide the jurisdictional area into zones and districts;
  5. To regulate the location and use of buildings and land within each district or zone.
- C. **Jurisdiction.** These regulations apply to all land and structures within the incorporated area of the City of Leavenworth, Kansas. Fort Leavenworth, the U.S. Penitentiary, and the Veterans Administration Reservations are excluded from the jurisdiction of these regulations.
- D. **Exemptions.** The following structures and uses shall be exempt from the provisions of these regulations:
1. **Utilities.** Poles, wires, cables, conduits, vaults, laterals, pipes, street lighting, mains, valves, or other similar equipment or improvements for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility.
  2. **Railroads.** Railroad track, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.
- E. **Annexation.**
1. All territory annexed into the City of Leavenworth, voluntarily or involuntarily, shall be zoned after annexation in accordance with the zoning district most closely matching the Comprehensive Land Use Plan for that area, determined by Table 1-01 below.
  2. The landowner may propose a different zoning classification through an application for rezoning, as provided elsewhere in this code. The rezoning must be completed at or before the time the annexation petition is presented to the City Commission for consideration.

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- D. **Amendment to Site Plan:** No approved Site Plan may be modified, or expanded in ground or structural area more than 10% of the gross floor area unless the Site Plan is amended and approved in accordance with the procedures applicable to initial approval, or as otherwise approved through Minor Modifications in Section ~~H.F~~ **2.06**. Such changes will require the applicant to resubmit the Site Plan as outlined in the preceding sections.
- E. **Effect of Decision.** All elements of the approved site plan must be executed in association with a building permit or certificate of occupancy, except that installation of landscape may be delayed for up to six months to allow optimal planting, and provided other adequate assurances of implementation are provided by applicant.

## 2.06 Minor Modifications

- A. **General.** This section sets forth the required review and approval procedures for “minor modifications,” that are minor deviations from otherwise applicable standards that may be approved by the Director. Minor modifications are to be used when the small size of the modification requested and the unlikelihood of any adverse effects on nearby properties or the neighborhood make it infeasible to seek a formal variance. Minor modifications to development standards may only be requested where no additional permit, such as conditional use or special use, is required prior to construction.
- B. **Applicability.** Requests for minor modifications must be made in writing to the Director who shall have 21 days from receipt to respond in writing. If the Director does not act on the request within 21 calendar days, the application shall be deemed denied. The Director may approve a single minor modification per development of up to a maximum of 10% from the following general development and zoning district standards:
1. Minimum lot area requirements,
  2. Setback requirements, and
  3. Quantitative development standards generally applicable throughout the Development Regulations of the City of Leavenworth, Kansas.

The Director shall have sole decision-making authority for a minor modification.

- C. **Limitations.** In no circumstance shall the Director approve a minor modification that results in:
1. Any change in required floodplain elevations;
  2. An increase in overall project density;
  3. A change in permitted uses or mix of uses;
  4. A deviation from the use-specific standards in Article 4, Zoning Districts & Standards;
  5. A change in conditions attached to the approval of any site plan or special use permit;

**B. Dimension Standards for RMX.** The dimension standards for the RMX district shall be:

Table 4-02: Dimensions for the Residential Mixed-Use District								
Dwelling/ Building Type	Lot Standards			Minimum Setbacks				Building Height
	Min. Size	Min. Lot Width	Max. Lot Cov.	Front	Interior Side	Corner Side	Rear	
SF detached and duplex	2,400 sf	40'	80%	10'	0' [1]	10 [1]	10' [2]	35'
Townhouse/ multi-family, mixed-use	[3]	48'	80%	10'	0' [1]	10 [1]	10' [2]	38'
Commercial, mixed-use	[3]	n/a	80%	0'	0' [1]	10 [1]	5' [2]	38'

[1] An RMX use abutting a residential district shall match the side yard setback standards of that district.

[2] When abutting a public street, alley, or public right-of-way. The rear setback for RMX abutting a residential district shall be 20 feet, regardless of the location of any street, alley, or ROW.

[3] Must meet setback requirements.

**C. Yard Regulations.**

1. **Front Yards.** In areas where parcels were created previous to the adoption of Subdivision Regulations in July 1966, where structures have been built observing a setback other than the setback required by the applicable Zoning District, new structures shall observe the following setback:
  - a. Front setbacks may be the average setback of all lots within 150 feet of either side of the lot, but along the same block.
  - b. If only two buildings exist within 100 feet of either side of the lot, the front setback may be the average of those buildings.
  
2. **Structural Projections.** Every part of a required yard shall be open to the sky unobstructed, except:
  - a. The ordinary projection of skylights, sills, belt courses, cornices, and ornamental features projecting not to exceed 12 inches
  - b. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a rear yard not more than five feet
  - c. The ordinary projection of chimneys and flues
  - d. The projection of roof overhangs up to four feet into any front or rear yard and two feet into any side yard. In no case may an overhang project into an easement.
  - e. An open unenclosed deck or paved terrace may project into a required rear yard for a distance not exceeding 10 feet, but no closer to the property line **than** 15

3. All accessory buildings in the rear yard shall maintain a three-foot setback from the side and rear property lines as measured from the nearest part of the structure, including any overhangs.
4. If the accessory structure has a vehicular alley entrance the sum of the right-of-way width and the setback of the structure shall not be less than 20 feet.
5. Accessory structures located elsewhere on the lot shall maintain setbacks applicable to the principal structure.
6. All accessory buildings in residential districts shall be five feet from any primary building on the site. In all other zoning districts accessory structures and uses shall not occupy required setbacks and are not subject to size restrictions except that all other requirements of the Development Regulations must be met.
7. All accessory structures shall be constructed from material customary to detached structures.
8. In no case shall an accessory structure be constructed from materials or equipment originally designed for another use such as but not limited to packing crates or a part of a motor vehicle truck or trailer regardless if wheels, axles, etc., have been removed and the structures are placed on more permanent foundations.
9. No shipping containers may be used as accessory buildings except within I-1 and I-2 Industrial zoning districts, where they may be permitted for storage purposes only subject to the following standards:
  - a. Containers shall be used solely for storage associated with a permitted principal use.
  - b. Containers shall be maintained in good condition, free from rust, peeling paint, or other visible deterioration.
  - c. Containers shall not be used for habitation, office space, or retail activity.
  - d. Containers shall comply with applicable setback, height, screening and lot coverage requirements.
  - e. Containers must be placed on a hard surface.
10. Accessory structures which are equal to or more than 15% of the footprint of the main structure shall be architecturally compatible or complementary to the architectural style of the principal building, with similar materials, color, arrangement of massing, roof forms and other details and ornamentation.

#### 4.04. Use Standards

- A. ***Permitted and Special Uses.*** Permitted and special uses for each zoning district are identified in Appendix A Use Table.
- B. ***Accessory Uses.***
  1. ***Principal Use Required.*** Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.

## ARTICLE 6. LANDSCAPE & SITE DESIGN

### 6.01 Purpose & Applicability

- A. **Purpose.** The purpose of the landscaping and site design standards is to ensure adequate and appropriate and site arrangement, including:
1. Integrate building sites with both natural topography and existing vegetation;
  2. Minimize disturbed areas;
  3. Reduce the amount of reflected glare and heat absorbed in and around developments;
  4. Manage stormwater runoff with naturally absorptive vegetation;
  5. Break up large expanses of parking lots; and
  6. Preserve residential neighborhoods by lessening and screening the impacts of potentially incompatible uses.
- B. **Applicability.** The standards in this section apply to all new development and redevelopment, except single-family zoning districts.

### 6.02 Landscape Units

Required landscaping is calculated in landscaping units. Table 6-01 indicates the landscape units awarded for various preserved or planted landscape materials:

<b>Table 6-01: Landscape Units Awarded</b>		
<b>Landscape Material</b>	<b>Landscape Units Awarded</b>	
	Newly Installed	Existing Retained
Evergreen Tree, >10 ft high	8	14
Evergreen Tree, >8 – 10 ft high	8	11
Deciduous Tree, > 8" caliper	n/a	14
Deciduous Tree, >4 – 8" caliper	n/a	11
Deciduous Tree, >2.5 – 4" caliper	7	9
Deciduous Tree, 2.0" – 2.5" caliper or multi-stem	4	4
Shrubs, 36" high	1	1.2
Shrubs, 24" high	0.8	0.9
Shrubs, 18" high	0.5	0.6
Perennials/ground cover	1 per 400 sq ft	
Annual flower bed	1 per 400 sq ft	
Lawn Grass	1 per 800 sq ft	
Flower Basket Support	0.2 per basket	
Earthen Berm, minimum 18" high	0.05 per linear foot	
Earthen Berm, over 18" high	0.05 per linear foot x 1.5 per each foot in height	
<b>Hardscape Material</b>	<b>Units Awarded</b>	

DEVELOPMENT REGULATIONS  
ARTICLE 6. LANDSCAPE & SITE DESIGN

6.02 Landscape Units

<b>Table 6-01: Landscape Units Awarded</b>		
Landscape Material	Landscape Units Awarded	
	Newly Installed	Existing Retained
Split Rail Fence	0.20 per linear foot	
Screening (Opaque) Fence	0.40 per linear foot	
Shredded bark or 3"+ rock mulch such as river rock	1 per 500 sq ft	
Ornamental pavers	1 per 250 sq ft	
Landscape Boulders, 1' or greater in height	0.33 per foot in height, per boulder	
Seating	0.40 per linear foot	
Landscape lighting, sculpture, art, water feature, and/or sheltering structure/landmark	As determined by Director	
Retained Existing Vegetation Mass [1]	Bonus Landscaping Units Awarded [2]	
300+ square feet with a minimum of 3 deciduous trees (4" caliper or greater), 3 evergreen trees (minimum six feet high) or any combination thereof	15%	
500+ square feet with a minimum of 5 deciduous trees (4" caliper or greater), 5 evergreen trees (minimum six feet high) or any combination thereof	20%	
800+ square feet with a minimum of 8 deciduous trees (4" caliper or greater), 8 evergreen trees (minimum six feet high) or any combination thereof	25%	
NOTES:		
[1] Points awarded for retained vegetation in perimeter buffers may only be applied in the buffer area along the same lot line or street frontage where the vegetation is found.		
[2] Percentages applied to total units calculated above.		

### 6.03 Required Landscaping

All development types shall have a minimum landscaped area on the lot as determined by zoning district. Landscaping shall be provided at a minimum of 3 landscape units per 1000 square feet of landscaped area. At least 25 percent of all required landscape units shall be provided as trees.

- A. **Required Landscaped Area.** Minimum landscaped area of the lot outside of the building envelope for Zone shall be as indicated in Table 6-02, below:

<b>Table 6-02: Minimum Landscaped Area</b>		
Zoning District		Minimum Area (percent)
R1-25	Low Density Single Family Residential District	0
R1-9	Medium Density Single Family Residential District	0
R1-6	High Density Single Family Residential District	0
R1-7.5	Medium Single-Family Residential District	0
R4-16	Medium Density Multiple Family Residential District	20
R-MF	Multiple Family Residential District	20
RMX	Residential Mixed Use	15
MP	Mobile/Manufactured Home Park District	20

<b>Table 6-02: Minimum Landscaped Area</b>		
Zoning District		Minimum Area (percent)
NBD	Neighborhood Business District	15
OBD	Office Business District	15
CBD	Central Business District	20
GBD	General Business District	20
I -1	Light Industrial District	10
I -2	Heavy Industrial District	5
PUD	Planned Unit Development District	Negotiable
FP	Flood Plain Overlay District	None
ROD	Redevelopment Overlay District	Underlying zoning

**B. *ROD North Gateway Subdistrict Landscaping.***

1. *Required Landscaping.* A 20-foot strip of landscaping shall be provided along the perimeter property line of all multifamily, commercial, and industrial development sites except for approved points of pedestrian or vehicle access. Site perimeter landscaping shall be planted pursuant to the requirements for a 20-foot buffer.
  
2. *Exceptions.* Site perimeter requirements may be reduced up to 100 percent for projects on lots and parcels allowing setbacks less than the required site perimeter yard width utilizing the Alternative Equivalent Compliance requirements of these Development Regulations. Reductions shall only apply to lots and parcels where the primary building setback is less than the required perimeter landscaping width, and shall only apply to specific required site perimeter areas between the property line and proposed principal building. A zero side setback requirements shall not be construed to allow a reduced rear yard setback.
  
3. *Alternative Compliance Review.* As part of Alternative Equivalent Compliance Review, the city may consider landscaping in the public right-of-way as a substitution for some or the entire required onsite street frontage landscaping where in the opinion of the Director the proposed public right-of-way landscaping meets the intent of this section. Any property owner requesting to landscape the public right-of-way as an alternative shall be required to maintain the landscaping into perpetuity unless the landscaped area is accepted for maintenance by the city. In addition to substituting for street frontage landscaping, public right-of-way landscaping may be substituted for other required landscaping if approved by the Director. This may include the landscaping of public right-of-way or public lands within the city on a separate unrelated site in some cases where in the opinion of the Director the public landscaping proposed will have significantly greater community benefit.

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## 6.04 Parking Lot Landscaping

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- A. **Perimeter Landscaping.** Parking lots located outside of the CBD subdistrict shall provide 20 feet of perimeter landscaping planted pursuant to the requirements for a 20-foot buffer. Where required, the perimeter landscaping shall be substituted for parking lot perimeter landscaping that would otherwise be required in the same location. Where lots are being developed in a mixed-use district, the parking lot perimeter landscaping requirement may be reduced along an interior lot line, at the discretion of the Director, provided that interior parking lot landscaping applies to both parking lots.
- B. **Landscape Islands.** 200 square feet shall be installed for every 10 parking spaces contained in a parking row, either within the parking row or at the end of the parking row.
- C. **Internal Landscaping.** Landscape strips shall be installed between the parking rows of every other double row of parking when parking rows exceed 50 parking spaces. Internal landscape islands shall:
1. Be a minimum of six feet in width.
  2. Be at least 200 square feet.
  3. Have a minimum of four, five-gallon deciduous shrubs and one deciduous tree a minimum of two and one-half inch caliper per 200 square feet.
  4. Incorporate perennials and grasses for seasonal color.
  5. Contain a minimum of 50 percent living landscaping material, with a maximum of 50 percent nonliving landscaping material. Approved sidewalks are not counted toward the non-living landscape material percentage.
- D. **Curbs.** Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs. At least one break per 10 lineal feet of curb is required to allow for runoff inflows into the landscaped areas.
- E. **Parking Lot Landscaping for Infill in the CBD Subdistrict.** Any boundary of a surface parking lot in the CBD subdistrict that abuts a public street or alley or lot used for detached residential dwellings, shall be landscaped according to this subsection.
1. For corner-lot buildings with side-yard parking, the boundary between the parking lot and the street-facing side property line shall be landscaped or screened adjacent to the right-of-way according to one of the following options:
    - a. A minimum four-foot-wide planting strip containing a low, continuous hedge a minimum of 30 inches tall at installation consisting of a double row of evergreen shrubs planted a minimum of three feet on-center in a triangular pattern; or
    - b. A minimum two-foot-wide planting strip containing an ornamental metal fence or masonry wall, with a minimum height of three and one-half feet and a maximum height of four feet, combined with a single row of evergreen shrubs planted a minimum of three feet on-center.
  2. For all other parking lot boundaries, the boundary shall be landscaped or screened according to one of the following options:
    - a. A minimum two-foot-wide planting strip containing a single row of shrubs planted a minimum of three feet on-center combined with a minimum three-foot high

- ornamental metal fence or masonry wall of materials compatible with the primary structure. In the place of shrubs, deciduous shade trees may be planted a minimum of 10 feet on-center along the common boundary line; or
- b. A minimum four-foot-wide planting strip containing a low, continuous hedge a minimum of 30 inches tall at installation consisting of a double row of evergreen shrubs planted a minimum of three feet on-center in a triangular pattern.
  - c. As applicable, landscaping materials shall be planted on the side of the fence/wall closest to the street, alley, or residential property.
  - d. The interior landscaping requirements shall apply to all parking areas that meet the applicability standards of that section.

## 6.05 Buffers

The following regulations apply to properties where a multi-family, mixed-use, or non-residential district or use abuts a single-family residential district or use without an intervening public right-of-way and/or where these uses are not separated by a perimeter landscaping requirement.

- A. **Buffer Required.** Minimum buffer spaces as described in Table 6-03 shall be provided between adjacent or abutting dissimilar structures.

Dwelling Unit Height	Dwelling Unit Height			
	1 story	2 stories	3 stories	+3 stories
1 story	--	10	15	20
2 stories	10	--	15	20
3 stories	15	10	--	10
+3 stories	20	15	10	--

- B. **Buffer Design.** The buffer shall be landscaped in accordance with Table 6-04;

Requirement (per lineal foot of property line)	Buffer Width (feet)			
	0	5	10	<u>20</u>
Total Landscaping Units	.5	<del>0</del> .75	<del>0</del> 1.0	1.5
Minimum Tree Units	<del>.25</del> 0	<del>.50</del> .25	<del>0</del> .50	.75
Minimum Shrub Units	.05	.10	.15	<u>.25</u>

1. New trees and shrubs shall be evenly spaced at planting.
2. Where a natural buffer exists, as determined by the Director, it shall remain undisturbed.
3. If used in addition to a landscape screen, fences shall have additional evergreen shrubs planted on the residential side of the fence.

4. Mechanical equipment, permanent detention and temporary erosion and sedimentation control basins, trash containers, loading docks, service uses, and employee break areas are prohibited in the buffer area.
5. Utility easements may cross but not be placed in the long dimension of a buffer yard.
6. Wherever practical, pedestrian access shall be placed through the buffer yard.

## 6.06 Landscape Design

All landscaping elements, including but not limited to planters, retaining walls, and berms must be specifically approved and shall conform to the following standards:

- A. **Preservation of Trees and Existing Vegetation.** Landscaping plans should be designed to preserve and protect existing native vegetation and mature trees. Bonus landscape credit shall be awarded for preserved vegetation as indicated in Table VIII-1 above, where the Director accepts the existing vegetation and/or trees as being in good health and meeting the intent of the landscaping requirements of this section.
- B. **Allowed Plant Materials.** Proposed materials must be specified on development plans. The use of low water, drought-tolerant plants is strongly encouraged for all new landscaping. A list of permissible plant species that are either native vegetation or compatible with the climate zones found in the city shall be adopted by the Planning Commission and may be amended from time to time. Materials not on the list may be approved if the Director determines that they are equally or more suitable for local soil conditions, climate, and would provide the same or better level of visual benefits and have desired growth habits. No noxious weeds, as defined by the state, are permitted for use in the city.
- C. **Irrigation and Watering Requirements.**
  1. The landscaping site plan must identify the area of approximate installation of an automatic irrigation system, its maintenance, and intended uses. All landscape plans must note and delineate all irrigated and sod areas. No in-ground irrigation components shall be permitted in the right-of-way.
  2. Required landscape areas shall be irrigated by an automatic underground irrigation system, surface drip system, subterranean drip system, or a combination of these systems.
  3. A hose bib system may be used for irrigation when a landscape area is less than 1,000 square feet in size and when all portions of the area are within 50 feet of a hose attachment;
  4. Irrigation systems shall be equipped with timers and scheduled to operate during evening or early morning hours to minimize evaporation rates.
  5. Sprinkler systems shall be configured to prevent over-spray of water onto streets and sidewalks.
- D. **Landscape Maintenance.** The responsibility for the maintenance of the landscaping shall lie with the property owner, his /her successor, and/or their agents for all non-residential property. Failure to maintain required landscaping shall be considered a site design violation of this code. All

DEVELOPMENT REGULATIONS  
ARTICLE 8. SIGNS

8.10 Neighborhood Business District

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7. Chalkboard, whiteboard, changeable letters, and any other non-electronic changeable or erasable surfaces are permitted.
  8. All signs shall be in good repair and neatly painted. No attachments to signs are permitted, other than brochure pockets.
  9. Creative shapes that reflect the theme of the business are encouraged (e.g., ice cream shops may display a sign in the shape of an ice cream cone).
  10. The sign must be constructed of materials that present a finished appearance. Rough-cut plywood is not acceptable. The sign lettering should be professionally painted or applied; a "yard sales" or "graffiti" look with hand-painted or paint-stenciled letters is not acceptable.
  11. The sign shall not be an electronic changeable message sign or be an illuminated sign.
  12. The sign shall be displayed only during business hours and stored inside after hours.
  13. The placement of the sandwich board sign shall not impede pedestrian or wheelchair travel in the vicinity of the sign or otherwise create a traffic or other safety hazard by obstructing vision or otherwise, as determined by the person designated by the Director to enforce the provisions of this sign code.
  14. The owner must assume liability for damage or injury resulting from the use of a sandwich board sign and provide the city with an appropriate legal document satisfactory to the City Clerk holding the city harmless and indemnifying it for any resulting loss or injury.
  15. Except as otherwise provided in this sign code, a sandwich board sign may be posted for so long as it remains in good condition. Once a sandwich board sign is tattered or otherwise is no longer in good condition, it shall be removed or replaced.
  16. If the Director determines that a sandwich board sign is not in good condition, the property owner shall be notified of that determination and shall remove, repair or replace the sign within three days of that notification. Signs that are not removed, repaired, or replaced within three days of the notification shall be deemed a nuisance and shall be subject to abatement or removal by City staff. The Director's determination that a sandwich board sign is not in good condition may be appealed to the City Commission under the procedures set forth in this article.
  17. One temporary sign, as otherwise restricted and permitted herein this sign code, is allowed on any lot.
- E. Window signs shall be allowed as follows:
1. The window sign shall not obstruct more than 33% of the window area for each front, side or rear wall; provided that, the total sign surface shall not exceed 32 square feet, per side of the building. For the purposes of this subsection, the term "window area" includes the non-opaque parts of any doors or other fenestrations.
  2. The allowable window sign area as defined herein may be illuminated.

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ARTICLE 8. SIGNS

8.10 Neighborhood Business District

3. Window signs constructed of neon, stained glass, gold leaf, cut vinyl, and etched glass are allowed.
4. Painted signs shall display the highest level of quality and permanence, as determined by the Director.
- ~~5. No message or identification (i.e., the name of establishment or the services offered) may be displayed more than once within the permitted total sign surface area per each front, side or rear wall.~~
6. The listing of an establishment's hours of operation shall be exempt from these regulations, provided that the area of the sign containing hours of operation shall be no greater than two square feet.
7. The listing of directional information (i.e., "parking in rear" or "use other door") shall be exempt from these regulations; provided that the area of the sign containing directional information is no greater than three square feet.
8. The use of window framing (i.e., a continuous light source illuminating the perimeter of an individual windowpane or a group of windowpanes) is prohibited.
9. Accessible doors to a business establishment shall be limited to the following types of window signage:
  - (a) Business name;
  - (b) Hours of operation;
  - (c) Phone number;
  - (d) Building or tenant address;
  - (e) Website; and
  - (f) The use of dark, opaque background panels for internally illuminated signs or letter faces is required to reduce the glare or glow of such signs.

**8.11. Signs Permitted in Commercial and Industrial Districts (OBD, CBD, GBD, I-1 & I-2)**

Table 8-03: OBD, CBD, GBD, I-1 & I-2 Signage Standards									
	Maximum Number			Maximum Size			Maximum Height		
	CBD	OBD	GBD, I-1 & I-2	CBD	OBD	GBD, I-1 & I-2	CBD	OBD	GBD, I-1 & I-2
Attached Signs [1] [2]	1 per side	1 per side	1 per side	150 s.f.	96 s.f.	500 s.f.	N/A	N/A	N/A
Freestanding Signs [3] [4]	1	1	1	50 s.f.	50 s.f.	100 s.f.	15	15	15

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ARTICLE 8. SIGNS

8.11 Commercial & Industrial

Window Signs	N/A	N/A	N/A	150 s.f. or 33% of window area	150 s.f. or 33% of window area	150 s.f. or 33% of window area	N/A	N/A	N/A
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[1] Maximum 10% of wall surface to which signs are attached

[2] Projecting signs are allowed as regulated by section 8.11.C.5

[3] When located across street from commercial or industrial use, height may be increased per section 8.11.D.1

[4] Size may not exceed 1 s.f. per lineal foot of frontage in OBD or CBD, and 2 s.f. per lineal foot of frontage in GBD, I-1 & I-2

- A. All signs as regulated and permitted in Section 8.07 - Signs Permitted in All Districts.
- B. Signs as regulated and permitted in the NBD.
- C. Signs attached to a building shall be allowed as follows:
  - 1. One sign shall be allowed for each side of a structure or part of a structure clearly defined as an individual storefront. An individual storefront shall have an exterior wall clearly related to the interior space of that storefront and may or may not have windows or an entrance door to the inside of the building.
  - 2. The sign surface area shall not exceed ninety-six (96) square feet in Office Business District (OBD), 150 square feet in Central Business District (CBD) and 500 square feet in General Business District (GBD) and Light and Heavy Industrial Districts (I-1 & I-2) or 10% of the wall surface to which the sign(s) are attached, whichever is less.
  - 3. The permitted signs may be wall signs, projecting signs, mansard signs, roof signs, or marquee signs. A roof sign shall not exceed the highest point of the roof of the structure. A marquee sign may be an electronic changeable message sign.
  - 4. The signage permitted herein may be an electronic changeable message sign, provided it complies with all applicable standards.
  - 5. Projecting signs shall not project from the wall greater than a distance of six feet or encroach in a public right-of-way in OBD, GBD, I-1 or I-2 and shall maintain eight feet of clearance from grade. Projecting signs in the CBD may encroach in the right-of-way, but shall be constructed of approved nonflammable, safety material, shall maintain eight feet of clearance to grade, and shall not be closer than five feet to a curb line.
  - 6. Projecting signs shall not exceed 24 square feet, unless a variance is approved by the Board of Zoning Appeals, provided that no projecting sign shall exceed 48 square feet under any conditions. Projecting signs shall not reduce the number of signs allowed per wall as otherwise allowed by this code.
  - 7. Awning signs shall not count toward the total permitted wall signs. One sign shall be permitted per awning. The area of the awning sign shall not exceed 15% of the total awning area.

~~7-8~~ For any business or tenant that does not adjoin an exterior wall of the building in which they are located, or does not adjoin an exterior wall that directly fronts a public street, one wall sign shall be allowed on another exterior wall of the same building.

D. One freestanding sign shall be permitted per parcel and regulated as follows:

1. Freestanding signs shall not exceed 15 feet in height. Where a sign is located across the street from a property zoned for commercial or industrial uses, the height of the sign may be increased to a height of 25 feet, provided that the nearest edge of the sign is setback from the property line 2 feet for each additional 1 foot in height.
2. No part of a freestanding sign face or sign structure shall be closer than five feet to any property line and shall not obstruct traffic vision.
3. Freestanding signs may have two faces and shall not exceed 50 square feet per face or one square foot of sign per lineal foot of lot frontage, whichever is less, in OBD or CBD, and 100 square feet per face or two square feet of sign per lineal foot of lot frontage, whichever is less, in GBD, I-1 or I-2.
4. No freestanding sign face, frame or base shall be closer than 50 feet to another freestanding sign.
5. Separate and distinct street frontages shall be computed individually for allowable signage; however, signs shall be located on that street frontage which is used for computation (No accumulation is allowed for unused street frontage.)
6. The freestanding signs may be electronic changeable message signs, provided they comply with all applicable standards.

E. Window signs, as otherwise restricted and permitted herein shall be allowed provided that:

1. The total window sign area in a tenant space shall not exceed 33% of the window area, for each front, side or rear wall, provided that, the total sign surface shall not exceed 150 square feet per side of the building. For the purposes of this subsection, the term "window area" includes the non-opaque parts of any doors or other fenestrations.
2. The allowable window sign area as defined herein may be illuminated and may be an electronic changeable message sign.

## 8.12. Temporary Signs

A. The following restrictions, in addition to any other restriction set forth in this sign code, shall apply to any permitted temporary sign.

1. All temporary signs shall obtain a permit before placement except as otherwise specifically stated in this sign code.
2. Application for a permit after placement shall cause the permit fee to triple.

property used commercially and zoned GBD, but shall not interfere with vision clearance triangles or public safety as determined by the Director or the Duly Authorized Representative.

5. **Banners:** Banners over public rights-of-way or other public property announcing a parade, celebration, festival, play, fund drive or other public promotional activity are allowed as follows:
  - a. Application to install the hanging banner shall be made to the City Clerk in accordance with current city procedures. No sign permit shall be required in addition to this application;
  - b. The banner shall maintain a clearance of at least 20 feet as measured from the bottom-most portion of the banner to the highest elevation of the street or land surface below;
  - c. The banner shall be perforated sufficiently to reduce wind resistance and shall be anchored sufficiently to prevent a traffic or safety hazard as determined by the city;
  - d. Banners may be installed up to 14 days prior to an event and shall be removed within 72 hours of the closing of the event. The city reserves the right to reduce the time frame to accommodate multiple requests for a location; and
  - e. Not more than the 10% of a banner's face may be devoted to a commercial space of sponsor's logo.
6. **Portable Signs:** Portable signs, except sandwich board signs as otherwise restricted and permitted by this sign code, shall be subject to the following:
  - a. Portable signs may only be used in conjunction with special promotions of a temporary nature. The allowable size of a portable sign shall not exceed 40 square feet;
  - b. Portable signs shall only be permitted in GBD, I-1 and 1-2 zoning districts and shall not interfere with vision clearance triangles or public safety as determined by the Director;
  - c. Portable signs shall be located on private property only; and
  - d. A portable sign may be used for 30 consecutive days and a ninety (90) day period must elapse between the use of a portable sign and its next use. A new permit shall be required each time the sign is erected.

### 8.13. Electronic Message Center Signs (EMCs)

When allowed by any other section of this sign code, an electronic changeable message sign shall comply with the following performance standards provided that, no individual parcel of land shall be allowed more than one animated electronic changeable message sign.

- A. **Illumination/Lumination:** An EMC shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall an EMC exceed a brightness level of 0.3 foot-candle above ambient light, as measured using a foot-candle (lux) meter calibrated within the past 36 months.
- B. **Movement:** The following display features are prohibited- flashing, strobing, blinking, fluttering, spinning, rotating, bouncing, scrolling and chasing.
- C. **Right-of-Way:** No EMC shall overhang into a public right-of-way and shall not be included in a portable or temporary sign.
- D. **Audio Messages:** An EMC shall not include any audio message, tones or music.
- E. **Transitions:** All EMCs shall transition instantaneous between message without the use of frame effects.
- F. **Size and Placement:** The maximum size of any EMC shall be 25% of allowed square footage of any monument or wall sign or 32 square feet, whichever is less. No EMCs shall be located adjacent to residential property.
- G. **Compliance Assurance:** No permit shall be granted unless the applicant provides sufficient proof from the manufacturer that the sign has the technical capacity to comply with all applicable regulations governing EMCs in this code and that the sign owner and/or operator has reviewed and understands the applicable regulations pertaining to the EMC and agrees not to violate the regulations.
- H. **Proximity to Residential Uses:** No EMC shall be located closer than 100 feet to any existing residence unless separated by an intervening building. Distance shall be measured from the EMC to the nearest portion of the residential structure.

#### 8.14. Billboards

- A. Billboards are declared to be incompatible to, and inconsistent with, land development and other permitted signs set forth within any particular zoning district. All existing billboards, in any zoning district, are declared nonconforming.
- B. This section supersedes and controls over any conflicting provision in this Chapter.
- C. Billboards now in existence in any zoning district are declared legal nonconforming uses and may remain, subject to the following restrictions:
  - 1. A legal nonconforming billboard may not be increased in size or elevation, relocated to another site or to a new location on the same site or expanded, enlarged, or extended in any way, including, but not limited to, the addition of advertising faces, the addition of digital faces, adding additional illumination or the addition of rotating faces with movable panels designed to create additional advertising space.
  - 2. Structural alterations, including replacement of either the billboard face or the supporting structure, are prohibited. Advertising content may be changed, except as prohibited above.

DEVELOPMENT REGULATIONS  
ARTICLE 12. DEFINITIONS

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**Health Resort/Spa:** A business establishment which people visit for professionally administered personal care treatments such as dietary counseling, various therapies, massages, and facials in a hotel setting where people reside for a day or more.

**Heavy Industrial:** The production of products, which are either heavy in weight or heavy in the scale of the processes leading to their production. Products are often produced with by the use of smelters, furnaces, and high energy or raw material inputs. Often heavy industrial processes involve the use of large machines, smokestacks, hazardous products, and waste chemicals. Typical Heavy Industrial processes have some negative effects on the surrounding property through the emission of noise, large vehicle traffic, particulate matter emissions, mechanical vibration, unpleasant smells, and or deleterious environmental impacts. Heavy industrial projects can be generalized as more capital intensive or as requiring greater or more advanced resources, facilities or management. These industries are often the most heavily regulated by the federal or state governments.

**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.

**Heliport:** Any location where one or more heavier than air rotor-wing craft capable of containing a human, takeoff or land, and for which ground facilities necessary to these operations are constructed.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic and Monument Sites:** Any site so designated by the local, state, or federal Government.

**Historic District:** An area designated as an historic district and which may contain within definable geographic boundaries one or more significant sites, structures or objects and which may have such other structures which contribute to the overall visual characteristics of the significant structures or objects located within the designated area, and are free from non-contributing structures which detract from the historic properties.

**Historic Preservation:** The study, identification, protection, restoration and rehabilitation of buildings, sites, structures, objects, districts, and areas significant to the history, architecture, archaeology or culture of the city, state or nation. Preservation may include work to halt the process of decay, normal maintenance, and other measures to retain and sustain the nature, form, material, and integrity of historically or architecturally important properties, structures or districts.

**Historic reconstruction:** The reproduction of the exact form and detail of a vanished building, site, structure or object or a part thereof, as it appeared at a pertinent time using materials based on precise historical documentation and specification, including construction method.

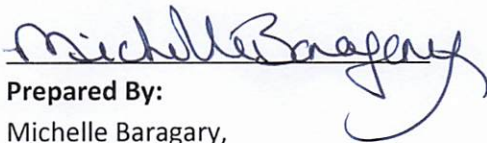
**Historic replication:** the reconstruction of structural elements, which match the shape and size but may be made of different materials or methods than those used in the original construction.

**PLANNING COMMISSION AGENDA ITEM  
2026-18 SUP  
1119 & 1121 SHERMAN AVENUE**

**JUNE 1, 2026**

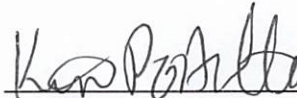
**SUBJECT:**

A request for a Special Use Permit (SUP) to allow a two-family dwelling in the R1-6, High Density Single Family Residential District, zoning district.



**Prepared By:**

Michelle Baragary,  
City Planner



**Reviewed By:**

Kim Portillo, AICP  
Planning & CD Director

**NATURE OF REQUEST**

The owners and applicants, Chad and Sheila Vester, request approval of a Special Use Permit (SUP) to allow a two-family dwelling in the R1-6 High Density Single Family Residential District located at 1119 & 1121 Sherman Avenue. Two-family dwellings are permitted in the R1-6 zoning district subject to issuance of a Special Use Permit.

Based on staff research, the structure was originally constructed as a duplex in 1966, prior to the adoption of Development Regulations and has continuously operated as a two-family dwelling since that time. As such, the use is considered a legal 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.*

The applicants are requesting approval of a Special Use Permit in order to bring the property into conformance with current zoning regulations. 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 provided and staff review, the application complies with the applicable 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 1966 and contributes to the diversity of housing types 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.

*Staff does not anticipate that the continued residential use of the property as a two-family dwelling will cause substantial injury to the value of surrounding properties*

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 requested special use permit would allow the continued use of an existing duplex originally constructed in 1966 and has continuously operated as such since that time. The request does not involve exterior expansion or an increase in residential intensity. The property is 14,130 SF in size, which substantially exceeds the minimum lot size requirement of 6,000 SF for the R1-6 zoning district. Existing off-street parking is provided, and no significant increase in traffic is anticipated. In addition, several other two-family dwellings are located within a block or two of the subject property, indicating that the use is compatible with the surrounding neighborhood development pattern. Therefore, staff finds the use will not dominate the immediate neighborhood or prevent the development and use of neighboring properties in accordance with the applicable zoning regulations.*

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 public comments regarding the request.

**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 the condition of approval may 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.
- Motion to table the item for additional information or consideration.

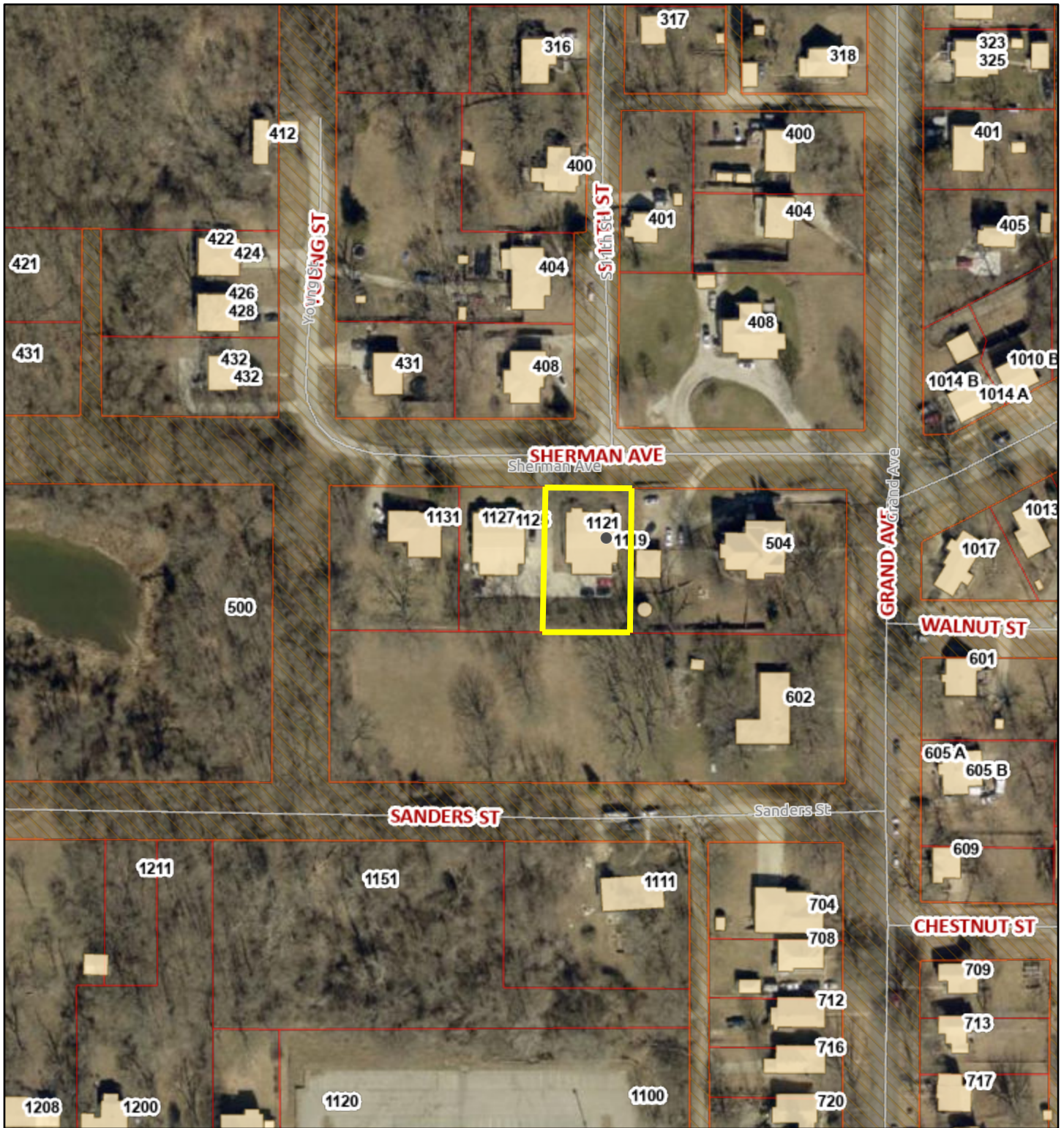
**ATTACHMENTS:**

Location Map

Detail Property Information from Appraiser's Website

Application Materials

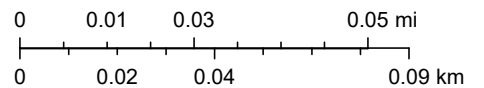
# 2026-18 SUP - 1119 & 1121 Sherman Avenue



6/1/2026, 10:04:09 AM

1:2,257

- Override 1
- Leavenworth City Limits
- Parcels\_Current
- City Right-of-Way
- Buildings
- RoadCenterline
- Address (Points)



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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The Parcel Number for this Property is 052-077-35-0-20-24-002.00-0  
 Quick Ref ID: 4578

**Owner Information**

<b>Owner Name</b>	VESTER,CHAD B & SHEILA M
<b>Address</b>	8725 SOAP WEED RD CALHAN, CO 80808

**Property Situs Address**

<b>Address</b>	1119 SHERMAN AVE, Leavenworth, KS 66048
----------------	---

**Land Based Classification System**

<b>Function</b>	Duplex
<b>Activity</b>	Household activities
<b>Ownership</b>	Private-fee simple
<b>Site</b>	Developed site - with buildings

**General Property Information**

<b>Prop Class</b>	Residential - R
<b>Living Units</b>	2
<b>Zoning</b>	
<b>Neighborhood</b>	103.0
<b>Tax Unit Group</b>	001

**Property Factors**

<b>Topography</b>	Above Street - 2 Rolling - 4
<b>Utilities</b>	All Public - 1
<b>Access</b>	Paved Road - 1
<b>Fronting</b>	Residential Street - 4
<b>Location</b>	Neighborhood or Spot - 6
<b>Parking Type</b>	On and Off Street - 3
<b>Parking Quantity</b>	Adequate - 2
<b>Parking Proximity</b>	On Site - 3
<b>Parking Covered</b>	
<b>Parking Uncovered</b>	

**2026 Appraised Value**

Class	Land	Building	Total
Residential - R	9,910	161,150	171,060
<b>Total</b>	<b>9,910</b>	<b>161,150</b>	<b>171,060</b>

**2025 Appraised Value**

Class	Land	Building	Total
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Residential - R	9,870	148,520	158,390
Total	9,870	148,520	158,390

### Tract Description

CENTRAL SUBDIVISION , BLOCK 32 , W90' OF E315' OF N1/2 BLK 32 Plat Book/Page 1B /71 Lot Width: 090.0 Lot Depth: 157.0 Deed Book/Page 0691/0316 0660/0666 0575/1072

### Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
26	1667	15	10160	15	10161	15	7898

### Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	13487										9,910

### Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Duplex	Arch Style	Duplex
Quality	AV-	Bsmt Type	Slab - 1
Year Built	1966	Total Rooms	12
Eff Year		Bedrooms	6
MS Style	1 1/2 Story Finished	Family Rooms	
LBCSStruct	2 units (duplex)	Full Baths	2
No. of Units		Half Baths	2
Total Living Area		Garage Cap	1
Calculated Area	2,527	Foundation	None - 1
Main Floor Living Area	2,106		
Upper Floor Living Area Pct.	20		
CDU	AV		
Phys/Func/Econ	AV/ /		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

### Dwelling Components

Code	Units	Pct	Quality	Year
Raised Slab Porch (SF) with Roof	40			
Carport, Gable Roof (SF)	412			
Frame, Siding, Vinyl		100		
Slab on Grade (% or SF)	2,106			
Warmed & Cooled Air		100		
Plumbing Rough-ins (#)	1			
Raised Slab Porch (SF) with Roof	40			
Attached Garage (SF)	524			
Composition Shingle		100		
Raised Subfloor (% or SF)	421			

Plumbing Fixtures (#)	14			
Automatic Floor Cover Allowance				

Building Improvements																		
Id	Occupancy	MSCIs	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls
02	Prefabricated Storage Shed	D	2.00	1	1966			98		8		1	3					

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**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2026-18 SUP

Application No.	18855
Fee (non-refundable)	\$350.00
Filing Date	4/10/26
Received By	pd. online
Hearing Date	6/1/26
Publication Date	5/6/26

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: Multi-Family Duplex

in accordance with the attached site plan on the following described property:

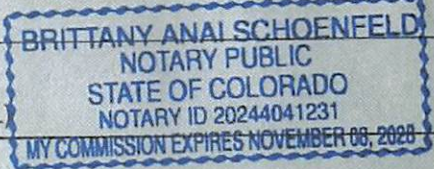
Subject Property:	1119 & 1121 Sherman Ave, Leavenworth, KS. 66048		
Legal Description:	<b>(Attach a full legal description provided by the Register of Deeds Office)</b>		
Real Estate PID #:	0773502024002000		
Zoning:	R1-6	Historic District:	

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print):	Chad & Sheila Vester		
Owner Address:	8725 Soap weed rd., Calhan, CO. 80808		
Contact No.	719-440-1867	Email:	vesterproperties@gmail.com

Signature of Owner(s):

State of Colorado  
County of El Paso (SEAL)



Signed or attested before me on: April 08, 2026

Notary Public:

My Appointment Expires: Nov. 08, 2028

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:	
Address:	
Contact No.	Email:

**NOTE:** All signatures must be in ink. Signature of owner(s) must be secured and notarized.

**Check list below...**

<input type="checkbox"/>	Non-Refundable Fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property
<input type="checkbox"/>	Attach <b>full</b> legal description obtained through the Register of Deeds Office
<input type="checkbox"/>	Site Plan drawn to scale (See General Instructions)
<input type="checkbox"/>	Supporting documentation (See General Instructions)

**To:**  
Planning and Community Development Department  
City of Leavenworth

100 N 5th Street

Leavenworth, KS 66048

**Re:** Letter of Intent – Special Use Permit Application

**Applicant/Owner:** Chad & Sheila Vester (Owners)

**Property Addresses:** 1119–1121 Sherman Ave. and 1125–1127 Sherman Ave.

**Parcel IDs:** 0773502024002000 and 0773502024003000

**Zone District:** R1-6

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## 1. Project Description

Our request seeks a Special Use Permit to authorize the **rebuilding of two existing duplexes**—located at 1119 & 1121 and 1125 & 1127 Sherman Ave—as duplex structures in the event that damage surpasses 50% of current structural value due to fire or similar events.

---

## 2. Property Details

- **Lot Size:** 1119 Sherman Ave is approx. .32 acres and 1125 Sherman Ave is approx. .31 acres
- **Current Use:** Two duplex apartment buildings (total of 4 residential units)
- **Zoning:** R1-6

---

## 3. Property History

- 1119 and 1125 Sherman Ave were originally built in **1966** as a **dedicated duplex**, featuring two distinct residential units. The property's historical records, architectural details, parcel designation, and zoning classification all align with its design and function as a duplex from its inception.

#### 4. Request Justification

- **Maintaining existing land use:** The proposal retains the current residential usage and density, avoiding zoning changes.
  - **Post-disaster resilience:** An efficient rebuild avoids lengthy rezoning or permit delays, supporting housing continuity.
  - **Neighborhood compatibility:** The rebuilding respects the existing scale, form, and architectural character of adjacent properties.
- 

#### 5. Special Use Permit Necessity

According to Unified Development Code (UDC), these parcels are considered **legal nonconforming**, and a Special Use Permit is required to allow reconstruction above 50% damage to preserve existing nonconforming structures.

---

#### 6. Compliance & Community Impact

- The rebuild will adhere to all applicable building, fire, and accessibility codes.
  - No increase in density, building footprint, or change in configuration.
  - The request is not expected to burden public infrastructure (roads, utilities, fire protection).
- 

#### 7. Requested Permit

We request a Special Use Permit that would:

- Authorize **reconstruction as duplexes** for both structures if damaged beyond 50%.
  - Be limited to **rebuilding to existing size and layout**.
-

## 8. Attachments

- Site plan showing current building footprint
  - Parcel information and zoning verification
  - Photographs of existing structures
  - Evidence of ownership/deed
- 

## 9. Applicant Contact

**Name:** Chad & Sheila Vester

**Address:** 8725 Soap Weed Rd. Calhan, CO 80808

**Phone:** 719-440-1867

**Email:** Vesterproperties@gmail.com

---

Sincerely,

**Chad Vester**  
Owner

1125 & 1127 Sherman Ave

1119 & 1121 Sherman Ave



2 Car Garage

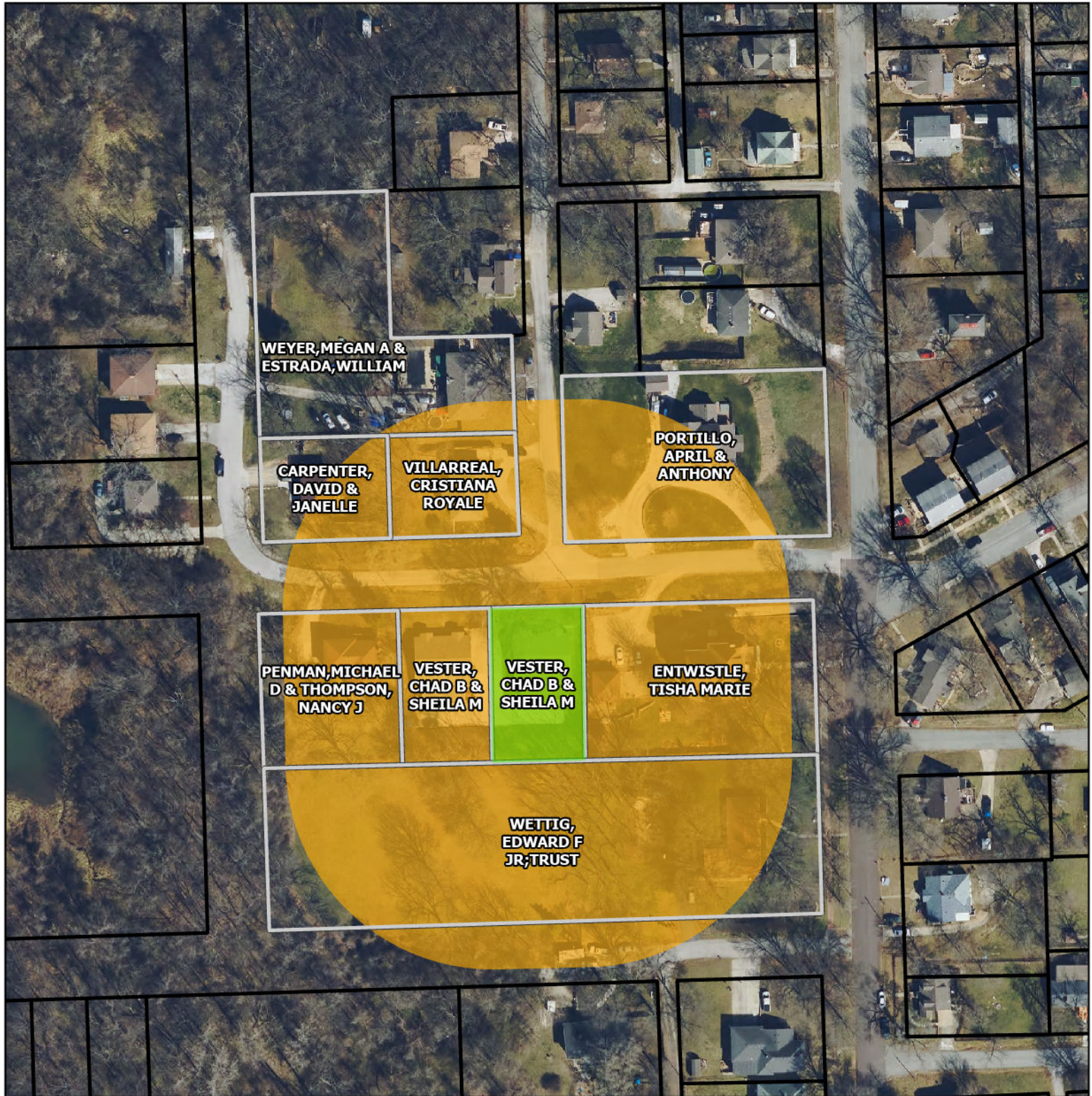


1 Car Garage or Carport



Off Street Parking

# City of Leavenworth Property Radius Search



**PID: 0773502024002000**  
 Address: 1119 SHERMAN AVE,  
 Leavenworth, KS 66048

2024 Aerial Photo  
 4/7/2026

### Legend

- Parcels\_Searched
- Parcels\_in\_Buffer
- Buffer\_200ft
- Parcel Boundaries

1 inch= 1,541 ft



Leavenworth County  
 GIS Services  
 300 Walnut Suite 030  
 Leavenworth, KS 66048  
 Ph: 913-758-6780  
 Ph: 913-684-0443



**PLANNING COMMISSION AGENDA ITEM  
2026-19 SUP  
1125 & 1127 SHERMAN AVENUE**

**JUNE 1, 2026**

**SUBJECT:**

A request for a Special Use Permit (SUP) to allow a two-family dwelling in the R1-6, High Density Single Family Residential District, zoning district.



**Prepared By:**

Michelle Baragary,  
City Planner



**Reviewed By:**

Kim Portillo, AICP  
Planning & CD Director

**NATURE OF REQUEST**

The owners and applicants, Chad and Sheila Vester, request approval of a Special Use Permit (SUP) to allow a two-family dwelling in the R1-6 High Density Single Family Residential District located at 1125 & 1127 Sherman Avenue. Two-family dwellings are permitted in the R1-6 zoning district subject to issuance of a Special Use Permit.

Based on staff research, the structure was originally constructed as a duplex in 1966, prior to the adoption of Development Regulations and has continuously operated as a two-family dwelling since that time. As such, the use is considered a legal 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.*

The applicants are requesting approval of a Special Use Permit in order to bring the property into conformance with current zoning regulations. 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 provided and staff review, the application complies with the applicable 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 1966 and contributes to the diversity of housing types 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.

*Staff does not anticipate that the continued residential use of the property as a two-family dwelling will cause substantial injury to the value of surrounding properties*

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 requested special use permit would allow the continued use of an existing duplex originally constructed in 1966 and has continuously operated as such since that time. The request does not involve exterior expansion or an increase in residential intensity. The property is 13,345 SF in size, which substantially exceeds the minimum lot size requirement of 6,000 SF for the R1-6 zoning district. Existing off-street parking is provided, and no significant increase in traffic is anticipated. In addition, several other two-family dwellings are located within a block or two of the subject property, indicating that the use is compatible with the surrounding neighborhood development pattern. Therefore, staff finds the use will not dominate the immediate neighborhood or prevent the development and use of neighboring properties in accordance with the applicable zoning regulations.*

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 public comments regarding the request.

**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 the condition of approval may 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.
- Motion to table the item for additional information or consideration.

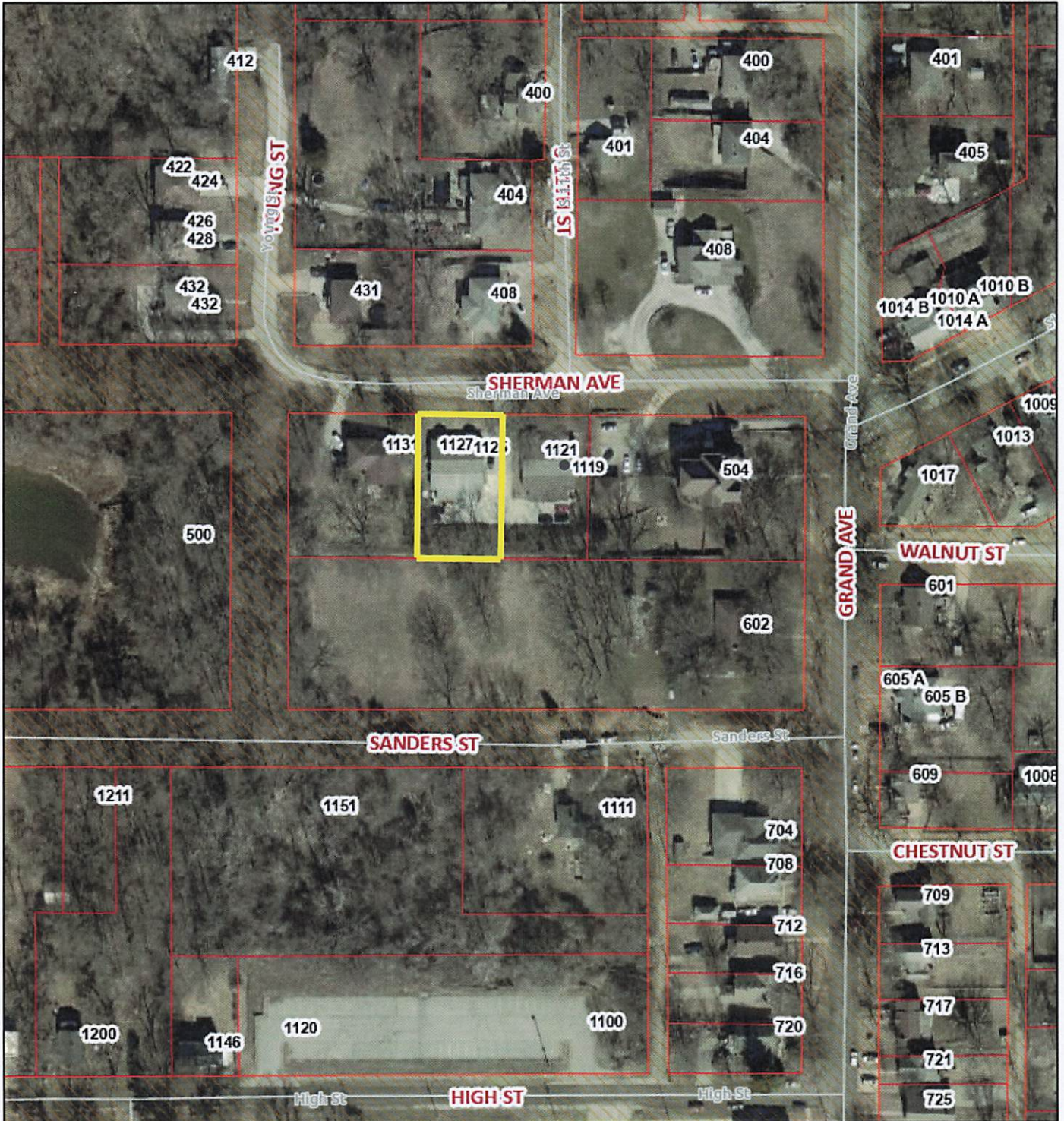
**ATTACHMENTS:**

Location Map

Detail Property Information from Appraiser's Website

Application Materials

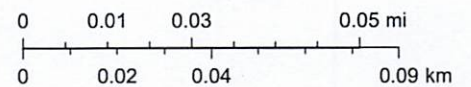
# 2026-19 SUP - 1125 & 1127 Sherman Avenue



5/18/2026, 1:09:15 PM

1:2,257

- Override 1
- Leavenworth City Limits
- Parcels\_Current
- City Right-of-Way
- Address (Points)
- RoadCenterline



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

Esri Community Maps Contributors, Missouri Dept. of Conservation, Missouri DNR, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA,

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The Parcel Number for this Property is 052-077-35-0-20-24-003.00-0  
 Quick Ref ID: 4579

**Owner Information**

Owner Name	VESTER, CHAD B & SHEILA M
Address	8725 SOAP WEED RD CALHAN, CO 80808

**Property Situs Address**

Address	1125 SHERMAN AVE, Leavenworth, KS 66048
---------	---

**Land Based Classification System**

Function	Duplex
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

**General Property Information**

Prop Class	Residential - R
Living Units	2
Zoning	
Neighborhood	103.0
Tax Unit Group	001

**Property Factors**

Topography	Above Street - 2 Rolling - 4
Utilities	All Public - 1
Access	Paved Road - 1
Fronting	Dead End - 7
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

**2026 Appraised Value**

Class	Land	Building	Total
Residential - R	9,740	168,940	178,680
Total	9,740	168,940	178,680

**2025 Appraised Value**

Class	Land	Building	Total
-------	------	----------	-------

Residential - R	9,510	155,930	165,440
Total	9,510	155,930	165,440

### Tract Description

CENTRAL SUBDIVISION , BLOCK 32 , W85' OF E400' OF N1/2 BLK 32 Plat Book/Page 1B /71 Lot Width: 085.0 Lot Depth: 157.0  
Deed Book/Page 0751/1404 0744/0728 0596/1347

### Building Permit Information

Permit Number	Amount	Issue Date	Description
20592	25,902	2/26/2026	Exterior Siding
672	500	6/22/2016	POOL
98001	1	7/1/1998	Remodel

### Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
26	1670	15	209	12	11056	12	10097

### Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	13137										9,740

### Dwelling Information

Dwelling Information	
Res Type	Duplex
Quality	AV-
Year Built	1966
Eff Year	
MS Style	1 1/2 Story Finished
LBCSstruct	2 units (duplex)
No. of Units	
Total Living Area	
Calculated Area	2,527
Main Floor Living Area	2,106
Upper Floor Living Area Pct.	20
CDU	AV
Phys/Func/Econ	AV/ /
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Comp Sales Information	
Arch Style	Duplex
Bsmt Type	Slab - 1
Total Rooms	10
Bedrooms	6
Family Rooms	
Full Baths	2
Half Baths	2
Garage Cap	4
Foundation	None - 1

### Dwelling Components

Code	Units	Pct	Quality	Year
Raised Slab Porch (SF) with Roof	40			
Frame, Plywood or Hardboard		100		
Slab on Grade (% or SF)	2,106			

Warmed & Cooled Air		100		
Plumbing Rough-ins (#)		1		
Raised Slab Porch (SF) with Roof		40		
Attached Garage (SF)		880		
Composition Shingle		100		
Raised Subfloor (% or SF)		421		
Plumbing Fixtures (#)		14		
Automatic Floor Cover Allowance				

**Building Improvements**

<b>Id</b>	<b>Occupancy</b>	<b>MSCIs</b>	<b>Rank</b>	<b>Qty</b>	<b>Yr Blt</b>	<b>Eff Yr</b>	<b>LBCS</b>	<b>Area</b>	<b>Perim</b>	<b>Hgt</b>	<b>Dimensions</b>	<b>Stories</b>	<b>Phys</b>	<b>Func</b>	<b>Econ</b>	<b>OVR%</b>	<b>Rsn</b>	<b>Cls</b>
00	Prefabricated Storage Shed	D	2.00	1	1966			168		8		1	3					
01	Prefabricated Storage Shed	D	2.00	2	1966			63		8		1	3	3				

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**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2026-19 SUP

Application No.	18857
Fee (non-refundable)	\$350.00
Filing Date	4/16/26
Received By	pd. online
Hearing Date	6/1/26
Publication Date	5/6/26

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: Multi-Family Duplex

in accordance with the attached site plan on the following described property:

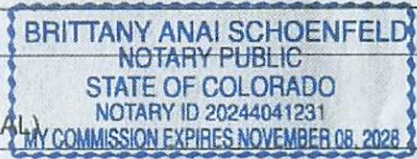
Subject Property:	1125 & 1127 Sherman Ave, Leavenworth, KS. 66048		
Legal Description:	<i>(Attach a full legal description provided by the Register of Deeds Office)</i>		
Real Estate PID #:	0773502024003000		
Zoning:	R1-6	Historic District:	

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print):	Chad & Sheila Vester		
Owner Address:	8725 Soap weed rd., Calhan, CO. 80808		
Contact No.	719-440-1867	Email:	vesterproperties@gmail.com

Signature of Owner(s): *[Handwritten Signature]*

State of Colorado  
County of El Paso



Signed or attested before me on: April 08, 2026

Notary Public: *[Handwritten Signature]*

My Appointment Expires: Nov 08, 2028

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:	
Address:	
Contact No.	
Email:	

**NOTE:** All signatures must be in ink. Signature of owner(s) must be secured and notarized.

**Check list below...**

<input type="checkbox"/>	Non-Refundable Fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property
<input type="checkbox"/>	Attach <b>full</b> legal description obtained through the Register of Deeds Office
<input type="checkbox"/>	Site Plan drawn to scale (See General Instructions)
<input type="checkbox"/>	Supporting documentation (See General Instructions)

**To:**  
Planning and Community Development Department  
City of Leavenworth

100 N 5th Street

Leavenworth, KS 66048

**Re:** Letter of Intent – Special Use Permit Application

**Applicant/Owner:** Chad & Sheila Vester (Owners)

**Property Addresses:** 1119–1121 Sherman Ave. and 1125–1127 Sherman Ave.

**Parcel IDs:** 0773502024002000 and 0773502024003000

**Zone District:** R1-6

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## 1. Project Description

Our request seeks a Special Use Permit to authorize the **rebuilding of two existing duplexes**—located at 1119 & 1121 and 1125 & 1127 Sherman Ave—as duplex structures in the event that damage surpasses 50% of current structural value due to fire or similar events.

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## 2. Property Details

- **Lot Size:** 1119 Sherman Ave is approx. .32 acres and 1125 Sherman Ave is approx. .31 acres
- **Current Use:** Two duplex apartment buildings (total of 4 residential units)
- **Zoning:** R1-6

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## 3. Property History

- 1119 and 1125 Sherman Ave were originally built in **1966** as a **dedicated duplex**, featuring two distinct residential units. The property's historical records, architectural details, parcel designation, and zoning classification all align with its design and function as a duplex from its inception.

#### 4. Request Justification

- **Maintaining existing land use:** The proposal retains the current residential usage and density, avoiding zoning changes.
  - **Post-disaster resilience:** An efficient rebuild avoids lengthy rezoning or permit delays, supporting housing continuity.
  - **Neighborhood compatibility:** The rebuilding respects the existing scale, form, and architectural character of adjacent properties.
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#### 5. Special Use Permit Necessity

According to Unified Development Code (UDC), these parcels are considered **legal nonconforming**, and a Special Use Permit is required to allow reconstruction above 50% damage to preserve existing nonconforming structures.

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#### 6. Compliance & Community Impact

- The rebuild will adhere to all applicable building, fire, and accessibility codes.
  - No increase in density, building footprint, or change in configuration.
  - The request is not expected to burden public infrastructure (roads, utilities, fire protection).
- 

#### 7. Requested Permit

We request a Special Use Permit that would:

- Authorize **reconstruction as duplexes** for both structures if damaged beyond 50%.
  - Be limited to **rebuilding to existing size and layout**.
-

## 8. Attachments

- Site plan showing current building footprint
  - Parcel information and zoning verification
  - Photographs of existing structures
  - Evidence of ownership/deed
- 

## 9. Applicant Contact

**Name:** Chad & Sheila Vester

**Address:** 8725 Soap Weed Rd. Calhan, CO 80808

**Phone:** 719-440-1867

**Email:** Vesterproperties@gmail.com

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Sincerely,

**Chad Vester**  
Owner

1125 & 1127 Sherman Ave

1119 & 1121 Sherman Ave



2 Car Garage



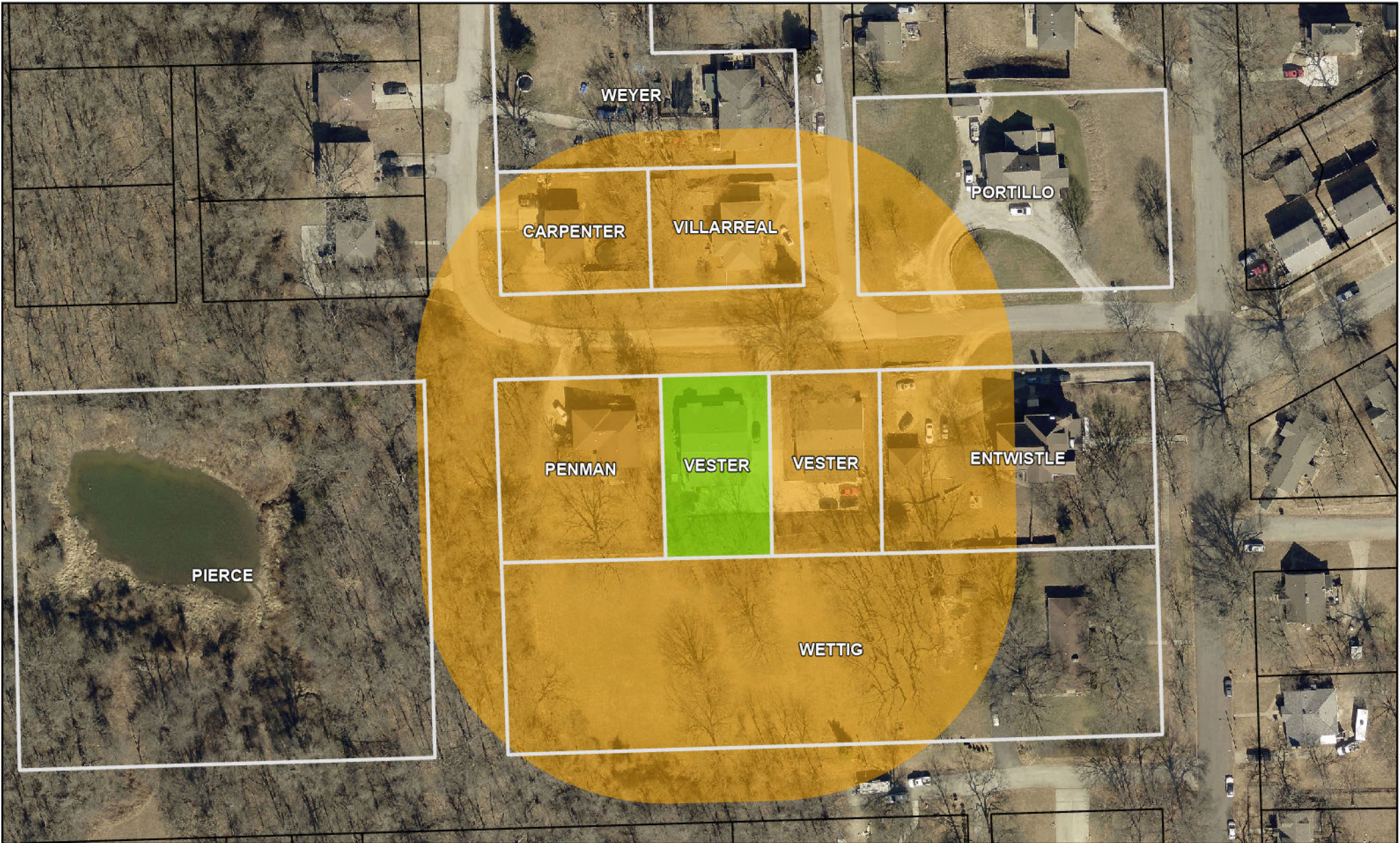
1 Car Garage or Carport



Off Street Parking

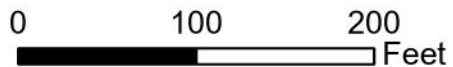


# City of Leavenworth Property Radius Search



4/7/2026  
2025 Aerial Photo

052-077-35-0-20-24-003.00-0  
VESTER, CHAD B & SHEILA M



### Legend

- Parcel Searched
- 200' Buffer
- Parcels in Buffer
- Parcel Boundaries

Leavenworth County  
GIS Department  
300 Walnut Suite 030  
Leavenworth, KS 66048  
Ph: 913-758-6780  
Ph: 913-684-0443

