

(Summary Published in the Leavenworth Times on August 17, 2024)

ORDINANCE NO. 8247

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO DENY THE ISSUANCE OF A SPECIAL USE PERMIT FOR A SOLID WASTE FACILITY IN THE I-2 ZONING DISTRICT, LOCATED AT 1701 S. 4TH STREET.

WHEREAS, Brothers Disposal, LLC, as applicant, and on behalf of Abele's, LLC, as owner, filed with the City of Leavenworth, Kansas, an application for a special use permit (2024-14-SUP) to operate a solid waste facility at that certain real property commonly known and numbered as 1701 S. 4th Street, Leavenworth, Kansas, and more particularly described as parcel ID no. 052-101-01-0-10-04-001.00-0 (the "Property"); and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the ordinances of the City of Leavenworth, Kansas held a public hearing on the 1st day of July, 2024, in the Commission Chambers, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas, the official date and time set out as was published in the Leavenworth Times newspaper; and mailed to all property owners within 200 feet of the said Property on the 6th day of June, 2024; and

WHEREAS, after conclusion of the public hearing, and following several motions properly made, seconded, and voted upon, the Planning Commission was not able to make a recommendation of either approval or disapproval of the special use permit, but pursuant to K.S.A. 12-757(d), if the Planning Commission fails to make a recommendation on a rezoning request (including special use permit applications), the Planning Commission shall be deemed to have made a recommendation of disapproval; and

WHEREAS, pursuant to K.S.A. 12-757(d), when the Planning Commission submits a recommendation of disapproval, the Governing Body of the City of Leavenworth, Kansas, may adopt such recommendation of disapproval by ordinance; and

WHEREAS, after consideration of the application, the evidence, and testimony presented to the Governing Body and/or the Planning Commission, including but not limited to those standards for issuance of a special use permit as set forth in Sec. 2.04 of the Development Regulations of the City, and for those reasons set forth in the staff reports and/or minutes or records of proceedings of the Planning Commission and/or the Governing Body, upon a motion made, duly seconded, and passed by a majority vote of the membership of the Governing Body, the Governing Body has determined to adopt the recommendation of disapproval from the Planning Commission and, with this ordinance, hereby denies the special use permit that is the subject of the above-described application as to the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. That the above-described recommendation of disapproval by the Planning Commission is hereby adopted such that a special use permit for a solid waste facility shall not be issued as to the Property.

Section 2. That this Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

PASSED AND APPROVED by the Leavenworth City Commission on this 13th day of August, 2024.

/s/ Griff Martin
Griff Martin, Mayor

ATTEST:

/s/ Sarah Bodensteiner
Sarah Bodensteiner, CMC, City Clerk