



City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, JUNE 25, 2024 6:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 6 p.m. and midnight and available for viewing on YouTube

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

PROCLAMATION:

1. Parks & Recreation Month (pg. 2)

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. Minutes from June 11, 2024 Regular Meeting **Action:** Motion (pg. 3)

NEW BUSINESS:

Public Comment: (i.e. Items not listed on the agenda or receipt of petitions)-Public comment is limited to 2-3 minutes and no action will be taken by the Commission on public comment items - Please state your name and address. A signup sheet will be provided in the commission chambers for anyone wishing to speak.

Resolutions:

3. Resolution B-2371 First City Creatives Special Events Street Closures for Possession & Consumption of Alcohol
Action: Motion (pg. 6)

First Consideration Ordinances:

4. First Consideration Ordinance Rezoning 300 Santa Fe Street from PUD to RMX **Action:** Consensus (pg. 9)
5. First Consideration Ordinance Rezoning 1820 S 4th Street from R1-6 to GBD **Action:** Consensus (pg. 19)

Staff Reports:

- CAMP Leavenworth Update (pg. 29)

Consent Agenda:

Claims for June 7, 2024 through June 20, 2024, in the amount of \$2,581,503.08; Net amount for Payroll #12 effective June 14, 2024, in the amount of \$438,565.59 (No Police & Fire Pension). **Action:** Motion

Other:

Adjournment **Action:** Motion

City of Leavenworth, Kansas



Proclamation

WHEREAS, *our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the mental and emotional health of all citizens, and contributing to the economic and environmental well-being of a community and region; they build active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled; and*

WHEREAS, *parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and*

WHEREAS, *parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and*

WHEREAS, *our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature; and*

WHEREAS, *the U.S. House of Representatives has designated July as Parks and Recreation Month; and*

WHEREAS, *the City of Leavenworth recognizes the benefits derived from parks and recreation resources.*

NOW, THEREFORE, I, *Griff Martin, Mayor of the City of Leavenworth, Kansas do hereby proclaim the month of July 2024 as:*

Parks & Recreation Month

in the City of Leavenworth and I call upon all citizens and civic organizations of Leavenworth to observe this month, as sanctioned by the U.S. Congress, with appropriate ceremonies and activities.

IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-fifth day of June in the year of two-thousand and twenty-four.*

Griff Martin, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Griff Martin, Mayor Pro-Tem Holly Pittman, Commissioners Edd Hingula and Jermaine Wilson. Absent: Commissioner Nancy Bauder.

Staff members present: Interim City Manager Patrick Kitchens, Assistant City Manager Penny Holler, Convention & Visitors Bureau Manager Kristi Lee, Public Information Officer Melissa Bower, Public Works Director Brian Faust, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

Mayor Martin asked everyone to stand for the pledge of allegiance followed by silent meditation.

PROCLAMATIONS:

2024 Celebration of Juneteenth – Mayor Martin read the proclamation recognizing the 2024 Celebration of Juneteenth. The proclamation was accepted by Joana Scholtz.

Wagga Wagga Week – Mayor Martin read the proclamation declaring June 19-24, 2024 as Wagga Wagga Week. The proclamation was accepted by Convention & Visitors Bureau Manager Kristi Lee.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the May 28, 2024 regular meeting. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 4-0.

Public Comment: *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*

Misty Underwood, 2229 Girard Ave:

- Lack of parking on street
- No parking signs in overabundance
- Requests the City look into the matter

General Items:

Mayor's Appointments:

Mayor Martin moved to appoint to the Grow Leavenworth County Development Corporation Board Haley Shaw to a term ending May 31, 2026 and to Reappoint Alyssa Smith and Lisa Weakley to terms ending May 31, 2026. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Award of Bid for the 4th Street Improvement Project (Choctaw to Seneca) – Public Works Director Brian Faust presented for consideration award of the construction contract for the 4th Street Improvements Project from Choctaw to Seneca. The City entered into an agreement with Brungardt Honomichl & Company (BHC) and KDOT in September 2021 for the design of the improvements to 4th Street. With KDOT’s participation in the project there were a number of additional steps and paperwork required before the project was bid. KDOT opened bids for the project on December 13, 2023 and the bids received were higher than both the budget and engineer’s estimate. In addition to the bid cost, project inspection, anticipated change orders and future landscaping would push the project to nearly \$2 million per block. Based on direction received during the December 19th Commission Study Session, the City notified KDOT that we would not be moving forward with the project as designed. City staff worked with the design consultant, BHC, to arrive at a modified design scope for a project that would provide the needed upgrades to the street while limiting the subsurface replacement of the sanitary and storm lines. Funding from KDOT is not being utilized for this redesign. The revised scope focused on reducing all construction related costs. On January 9, 2024, the City Commission authorized the Mayor to sign a design contract with BHC. The revised design leaves the street at its current width but will provide for a mill and overlay of the pavement from Choctaw to Seneca along with reconstruction of the Cherokee, Delaware, and Shawnee intersections. The four blocks will have ADA upgrades and the pavement will be striped for 3 lanes as per the original design. Bids were opened on June 4, 2024 and 3 bids were received, with the low bid being slightly over the engineer’s estimate by 3.2%. The amended budget, after design costs, is \$3.8 million, and staff feels that even with possible change orders, the project should come in under budget.

Commissioner Pittman:

- Asked if the Veterans Day Parade will be impacted

Mr. Faust:

- The road should be open by then
- There are incentives for the contractor to be done in time for the parade to occur in its traditional route

Mr. Kitchens:

- We’ve been communicating with the Veterans Parade Committee about this project and we have some options if the road will not be ready in time

Commissioner Hingula:

- Asked if this project will prompt a re-look at the speed limit

Mr. Kitchens:

- We don’t anticipate a change to the speed

Mr. Faust:

- In conjunction with the Vision Zero Action Plan and the pedestrians and bicycles in the downtown, we want to keep the speed lower in those areas

Mayor Martin:

- Asked for a refresher in why the costs were so high

Mr. Faust:

- Reviewed the underground and extremely old stormwater line, which was why bids came in so high

Commissioner Wilson moved to award the bid for the 4th Street Improvement Project (Choctaw to Seneca) to Linaweaver Construction, in an amount not to exceed \$3,145,630.00 and authorize the City Manager to approve change orders up to \$315,000.00. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 4-0.

Consent Agenda:

Commissioner Hingula moved to approve Claims for May 24, 2024 through June 6, 2024, in the amount of \$2,047,339.43; Net amount for Payroll #11 effective May 31, 2024 in the amount of \$419,212.21 (No Police & Fire Pension). Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 4-0.

Other:

Interim City Manager Patrick Kitchens:

- Provided an update on the Vilas Street Project
- Project is still in process, but has been delayed while we continue to work to finalize the easement acquisitions

Commissioner Hingula:

- Attended the International Student Officer Badging Ceremony and graduation of CGSC
- Great installation next door and great partner in our community

Commissioner Pittman:

- A lot of great things going on in the downtown
- Juneteenth event is coming up
- Deeper Window Association bake sale is coming

Commissioner Wilson:

- Looking forward to Juneteenth Celebration
- Recognized the refuse workers for their hard work in the heat

Mayor Martin:

- Have a blessed week

Adjournment:

Commissioner Hingula moved to adjourn the meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved and the meeting was adjourned.

Time Meeting Adjourned 6:23 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

POLICY REPORT
FIRST CITY CREATIVES SPECIAL EVENTS ON AUGUST 3, 2024 AN DECEMBER 7, 2024
CONSIDER ADOPTION AND APPROVAL OF RESOLUTION B-2371 – ALCOHOLIC LIQUOR

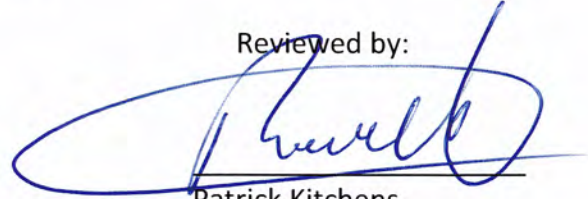
JUNE 25, 2024

Prepared by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Patrick Kitchens
Interim City Manager

ISSUES:

Consider approval of Resolution B-2371 approving the Special Events known as Welcome to Leavenworth Block Party and Leavenworth Christmas Market sponsored by First City Creatives to include the closing of the 400 to 600 block of Delaware Street and 5th Street from Shawnee Street to Cherokee Street to motor vehicle traffic and allowing for the possession and consumption of alcoholic liquor.

On May 14, 2024 the City Commission approved the road closures for the First City Creatives Special Events for Saturday, August 3, 2024 from 10:00 a.m. to 6:00 p.m., and for Saturday, December 7, 2024 from 10:00 a.m. to 8:00 p.m. The events will take place at the First City Creatives establishment located at 200 S 5th Street, and also include the 400 to 600 block of Delaware Street and 5th Street from Shawnee Street to Cherokee Street to have shopping, food & drinks, activities, etc., for attendees.

In order for First City Creatives to have beer and/or alcohol outside of their establishment for both events, a Resolution by the Governing Body is required as per K.S.A. 41-719.

The following streets will be closed during the dates and times per the resolution.

- 400 to 600 block of Delaware Street
- 5th Street from Shawnee Street to Cherokee Street

The streets will be closed by the Leavenworth Police Department on or around 3:00 a.m. the morning of the events.

The “alcohol friendly” area will be clearly marked within the boundaries of the festival.

ACTIONS:

Adopting and approving Resolution B-2371 as presented.

ATTACHMENTS:

Resolution B-2371

RESOLUTION B-2371

A RESOLUTION APPROVING SPECIAL EVENTS KNOWN AS WELCOME TO LEAVENWORTH BLOCK PARTY AND LEAVENWORTH CHRISTMAS MARKET SPONSORED BY FIRST CITY CREATIVES.

WHEREAS, the City of Leavenworth, Kansas (the “City”) is approving Special Events sponsored by First City Creatives known as Welcome to Leavenworth Block Party and Leavenworth Christmas Market.

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

Section 1. Pursuant to state law, alcoholic liquor may be consumed at a special event to be held on designated public streets, alleys, and sidewalks when a temporary permit has been issued by the Kansas Division of Alcoholic Beverage Control (ABC) and the governing body has approved the event as required by K.S.A 41-719 and amendments thereto.

Section 2. Having considered the request to allow the possession and consumption of alcoholic liquor, the governing body hereby approves the Welcome to Leavenworth Block Party event to be held beginning at 10:00 a.m. through 6:00 p.m. on Saturday, August 3, 2024, and the Leavenworth Christmas Market event to be held beginning at 10:00 a.m. through 8:00 p.m. on Saturday, December 7, 2024, provided First City Creatives secures appropriate permitting from ABC and complies with all state laws and ordinances regulating alcoholic liquor.

Section 3. A portion or all of the following street(s) shall be closed to motor vehicle traffic during the date(s) and time(s) identified in section 2:

- 400 to 600 Block of Delaware Street
- 5th Street from Shawnee Street to Cherokee Street

Pursuant to K.S.A. 41-719, the sponsor shall ensure that the area in which alcoholic liquor is possessed or consumed is clearly marked by signs, a posted map or other means (“Designated Barricaded Area”).

Section 4. Event attendees may purchase, possess and consume alcoholic beverages within the Designated Barricaded Area. Pursuant to K.S.A 41-719 no alcoholic liquor may be removed from the Designated Barricaded Area or consumed inside vehicles while on public streets or alleys at the event.

Setion 5. This Resolution shall take effect and be in force after its approval by the governing body.

ADOPTED AND APPROVED by the Governing Body on this 25th day of June, 2024.

(SEAL)

Griff Martin, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2024-12 REZ
300 SANTA FE**

JUNE 25TH, 2024

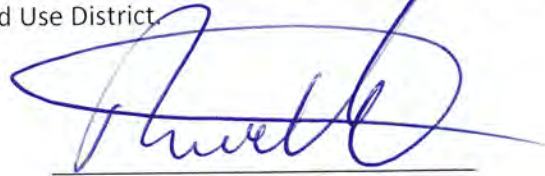
SUBJECT:

Place on first consideration an ordinance rezone the property located at 300 Santa Fe from PUD, Planned Unit Development District, to RMX, Residential Mixed Use District.



Prepared By:

Julie Hurley,
Director of Planning and
Community Development



Reviewed By:

Patrick Kitchens,
Interim City Manager

ANALYSIS:

The applicant, The Prime Company, is requesting a rezoning of the property located at 300 Santa Fe from PUD to RMX. The property is currently owned by Mar-Mac FLP and is occupied by the structure commonly referred to as the Helmer's Building. The building is currently occupied by Besel's Home Improvement Company. The applicant is requesting the rezoning in order to develop a workforce housing project in the existing building.

The existing building is listed on the National Register of Historic Places, and was originally built as a furniture manufacturing facility in 1909. Since ceasing operations, the building has been utilized for a variety of uses. It is currently occupied by Besel's Home Improvement Company, with the majority of the building unutilized. The applicant intends to develop a multifamily workforce housing project, which will provide an attainable, quality housing option to the Leavenworth community. The applicant intends to utilize historic tax credits and low income housing tax credits (LIHTC) in the development of the project. The initial phase of the project will be the remodel of the existing building into approximately 102 multifamily units, consisting of one, two, and three bedroom apartments, with the potential for future development on the site. Any development on the site, to include the remodel of the existing building, will be required to meet all applicable city standards to include parking, infrastructure, utilities, design, etc. A rezoning to RMX would allow for the continued operation of the existing use on site.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is situated east of 4th Street with no direct frontage on 4th. There are commercial uses to the west, multifamily residential uses to the south, industrial uses to the north, and single-family residential uses to the east.

- b) The zoning and use of properties nearby;

The properties to the north are zoned I-1, Light Industrial District, and I-2, Heavy Industrial District, and are occupied by a variety of existing auto and storage related businesses. Directly to the east is a property zoned GBD, General Business District, which is occupied by a self-storage facility. Other properties to the east are zoned RM-F, Residential Multi Family, and are occupied by single family homes. The City of Leavenworth Southside Park is also to the east of the subject property. The property directly to the south is zoned RM-F and is occupied by an apartment complex. Properties to the west are zoned GBD and I-1, and are occupied by a variety of commercial and single-family uses.

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

The subject property has always been used for industrial or commercial uses, and has remained under-utilized for a number of years. The nature of access to the site makes it unsuitable for most business related uses.

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

The proposed rezoning should not detrimentally affect nearby properties. There are a wide variety of uses and zonings surrounding the subject property. The property as it exists has always been utilized for various industrial or commercial uses, and the proposed rezoning that will allow for the development of multifamily housing should not significantly impact surrounding properties. Development of multifamily housing on the site will require improvement to the street network accessing the site, which will address any potential increase in traffic.

- e) The length of time the subject property has remained vacant as zoned;

The subject property is not vacant.

- 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 should have a positive economic impact as it will allow for development of housing to serve the needs of current and future Leavenworth residents. Development of a new housing option will also benefit current and future Leavenworth businesses by providing access to housing options for potential employees.

- g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The area is identified as appropriate for industrial uses on the Comprehensive Land Use Plan. However, the subject site is surrounded by a variety of existing uses, as well as a variety of land use designations on the Comprehensive Plan including industrial, commercial, single family, and multifamily. Due to the mix of surrounding uses as well as relative seclusion of the site, staff believes based upon all available information that the adaptive reuse of the building for a residential or mixed use project is appropriate.

- 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.

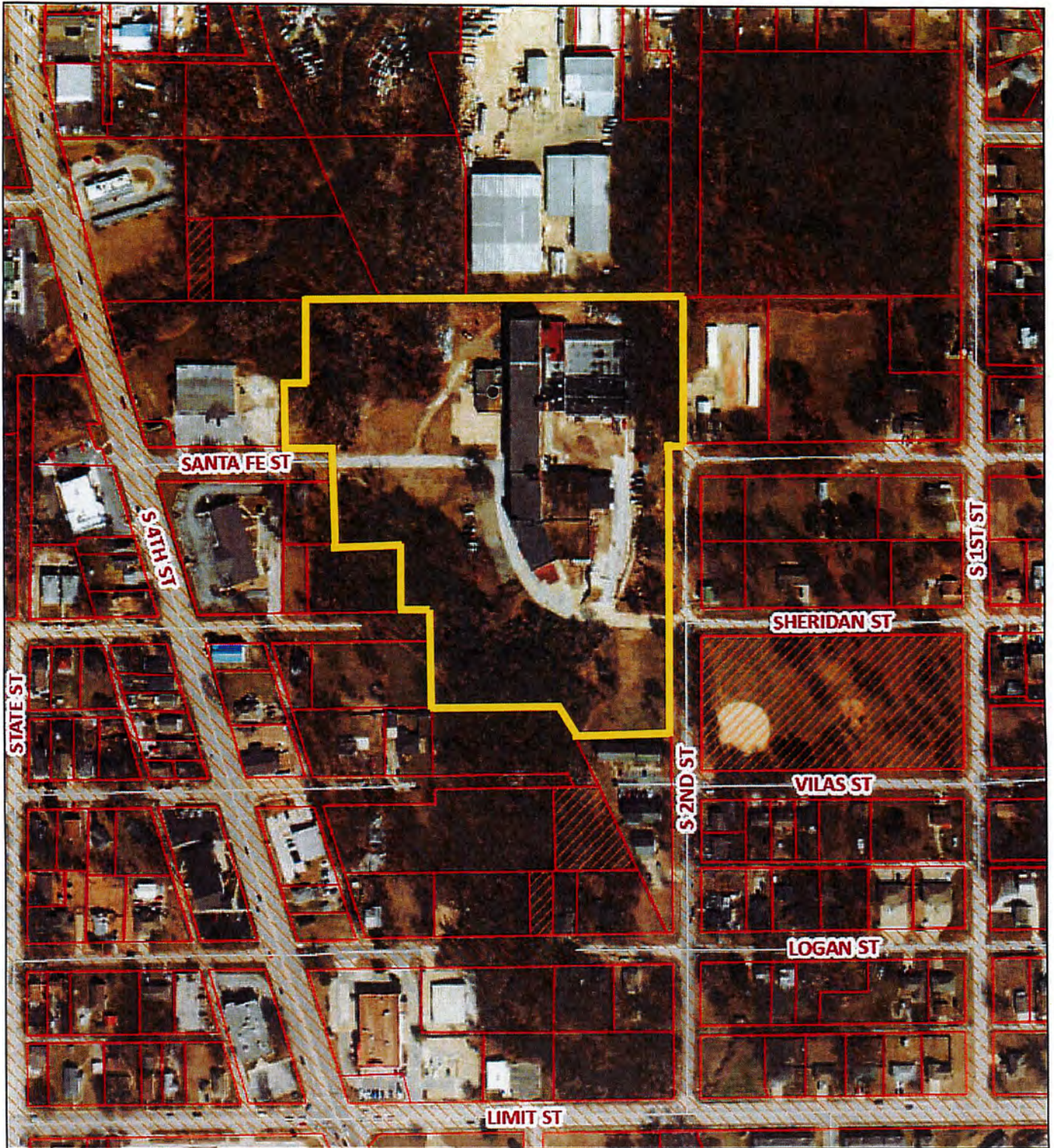
No other factors

After the required public notices were sent to property owners within 200' as required by Kansas State Statute, staff received no comments regarding the proposed rezoning.

The Planning Commission took action on this item at their June 3rd, 2024 meeting and voted 4-0 to recommend approval of the Rezoning request.

REZONING ACTION/OPTIONS:

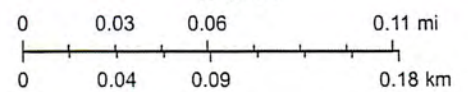
- Place an ordinance on first consideration to approve the request to rezone the property located at 300 Santa Fe from PUD, Planned Unit Development, to RMX, Residential Mixed Use District.
- Deny the request to rezone the property located at 300 Santa Fe from PUD, Planned Unit Development, to RMX, Residential Mixed Use District.
- Remand the request to rezone the property located at 300 Santa Fe from PUD, Planned Unit Development, to RMX, Residential Mixed Use District to the Planning Commission for further consideration.



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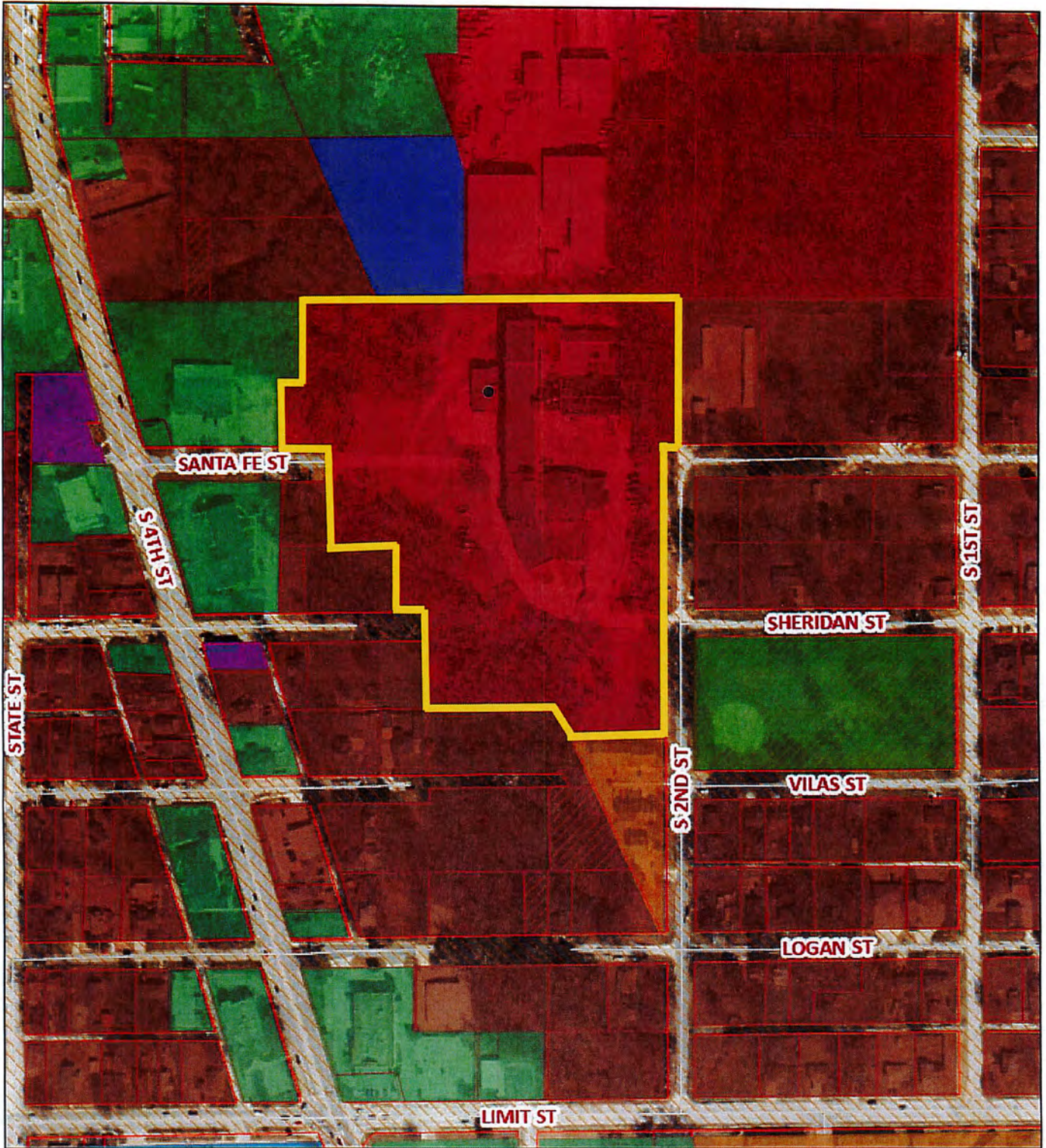
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- Override 1
- Parcels (City Owned)
- Parcels_Current
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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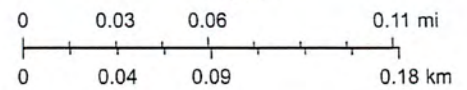
2024-12-REZ Future Land Use



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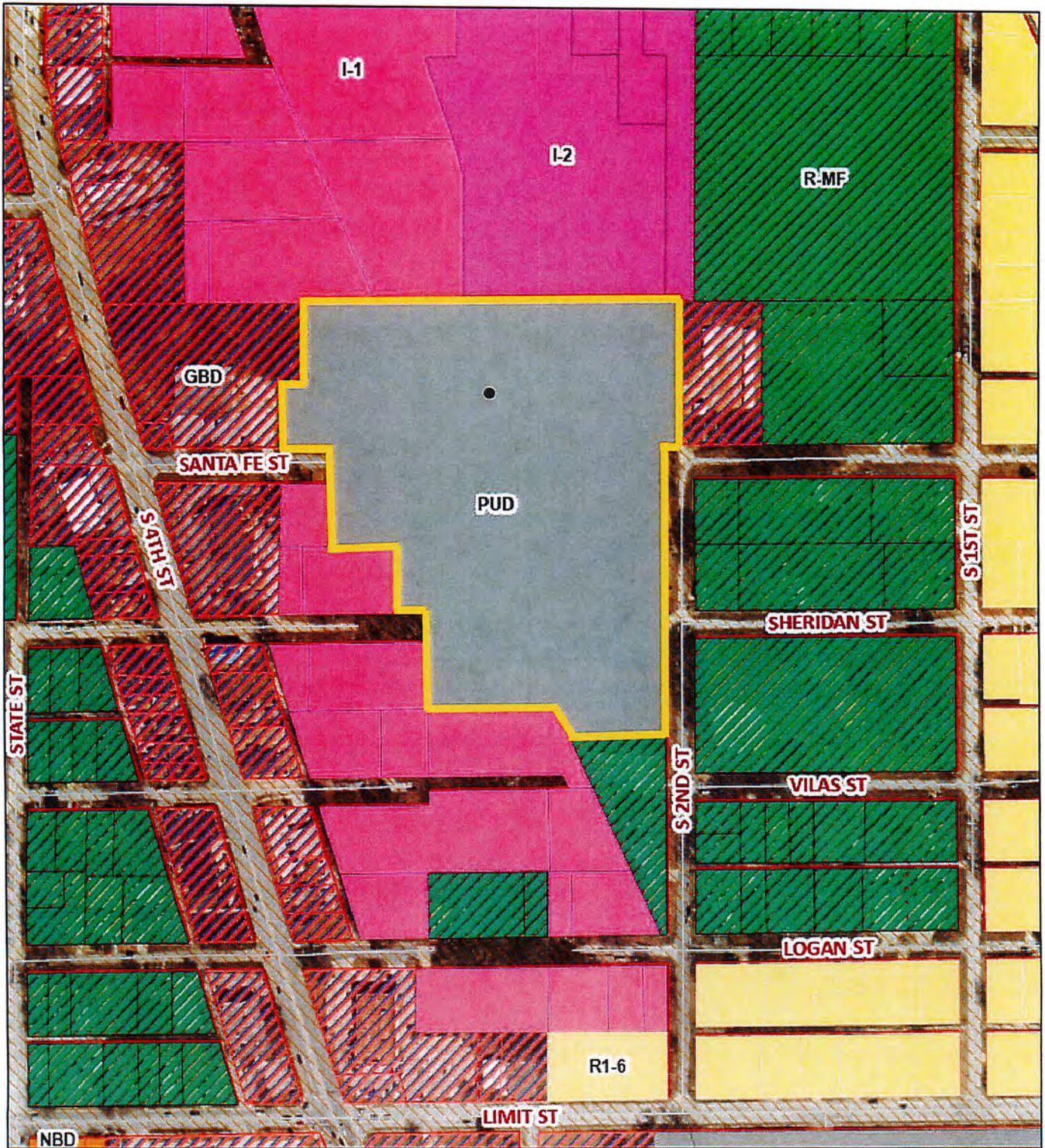
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- | | |
|----------------------------------|-------------------------|
| Override 1 | Park |
| Future Land Use (Comp Plan 2030) | Public/Semi-Public |
| Commercial | Single-Family |
| Conservation/Open Space | Parcels (City Owned) |
| Industrial | Parcels_Current |
| Mixed Use | Leavenworth City Limits |
| Multi-Family
13 | City Right-of-Way |



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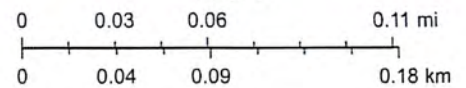
2024-12-REZ Zoning



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- | | | |
|----------------|------|-------------------------|
| Override 1 | OBD | Parcels (City Owned) |
| Zoning_CURRENT | PUD | Parcels_Current |
| GBD | R-MF | Leavenworth City Limits |
| I-1 | R-MX | City Right-of-Way |
| I-2 | R1-6 | RoadCenterline |
| NBD | | |



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APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

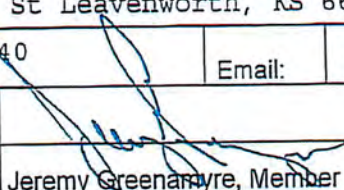
CASE NO. 2024-12 REZ

Application #	<u>15292</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>4-8-24</u>
Received By	<u>pd. online</u>
Hearing Date	<u>6-3-24</u>
Publication Date	<u>5-9-24</u>

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Subject Property:	300 Santa Fe St, Leavenworth, KS		
Rezoning:	Present classification of: PUD	district to: RMX	
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)		
Real Estate PID #	1010104004056000	Historic District:	

I/We, Chris Elsey being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Name(s) of Owner (print or type):	Mar-Mac FLP		
Address:	2500 S. 2nd St Leavenworth, KS 66048		
Contact No.:	913-828-4440	Email:	jeremy@greenamyre.com
Signature of Owner(s):			
	Jeremy Greenamyre, Member		

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

State of Kansas)
County of Leavenworth), SS

Signed or attested before me on April 5, 2024 by Jeremy Greenamyre
(date) (name(s) of person(s))

Notary Public: Brenda K Schwinn My Appointment Expires: 4-7-28

(SEAL) BRENDA K. SCHWINN
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Expires 4-7-28

If necessary, use additional sheets to respond to the following:

Briefly describe the present use and character of the property and of the surrounding area:

The present use of the structure is the operations of commercial businesses, the building is on the historic registry and was a former manufacture facility, the surrounding properties as zone Multifamily and Industrial

Briefly describe the intended use and character of the property:

The proposed use is multifamily workforce housing project to help provide attainable, quality housing to the Leavenworth Community RMX allows the greatest density.

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property: Workforce housing provides attainable, quality housing for the Leavenworth Community while revitalizing the historic Helmers Building. The surrounding land uses are also Multifamily

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts: NONE

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions: None

Check List:	
✓	Non-refundable fee of \$350.00 is due at time of application
✓	Certified list of the property owners within two hundred (200) feet of the subject property
✓	Full legal description obtained through the Register of Deeds Office
NA	Site plan drawn to scale (see General Instructions)
NA	Supporting documentation (see General Instructions)

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 300 SANTA FE STREET FROM PLANNED UNIT DEVELOPMENT (PUD) TO RESIDENTIAL MIXED USE (RMX).

WHEREAS, under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 3rd day of June 2024 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 9th day of May 2024 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 300 Santa Fe Street, Leavenworth Kansas from Planned Unit Development (PUD) to Residential Mixed Use (RMX); and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to rezone the property described herein.

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

Section 1: That the following described property, to-wit, is hereby rezoned from Planned Unit Development (PUD) to Residential Mixed Use (RMX).

All of Lots 9 to 15, both inclusive, Block 20, and all of Lots 12 to 18 both inclusive, Block 21, both in SOUTH SIDE PARK SUBDIVISION, in the City of Leavenworth. All of Blocks number 19 and 22, in SOUTH SIDE PARK SUBDIVISION, in the City of Leavenworth, together with that part of Santa Fe Street, lying between said Blocks, and the alleys in said Blocks vacated by the City of Leavenworth, Kansas, said tracts of land being bounded on the North by Sherman Avenue, on the East by Second Street, on the South by Sheridan Avenue, and on the West by the right-of-way of The Kansas City Northwestern Railroad Company, and containing in all 5.31 acres, more or less; and

All that part of Blocks number 30 and 31 in SOUTH SIDE PARK SUBDIVISION, in the City of Leavenworth, lying East of the right-of-way of The Kansas City

Northwestern Railroad Company, together with that part of Vilas Street lying between said part of said Blocks and the alley is said Block numbered 30 which have been vacated by the City of Leavenworth, Kansas, said tract being bounded on the North by Sheridan Avenue, on the East by Second Street, running to a point at the South and bounded on the West by the said right-of-way of The Kansas City Northwestern Railroad Company, containing 1.42 acres, more or less. Excepting the South 80 feet of Block 30, lying West of Second Street and East of the R.O.W. of the Kansas City Northern Railroad Co., SOUTH SIDE PARK SUBDIVISION and all of Block 31 lying West of Second Street and East of the R.O.W. of The Kansas City Northern Railroad Co., SOUTH SIDE PARK SUBDIVISION, and that part of vacated Vilas Street and alleys between Second Street and abandoned R.O.W. of Kansas City Northern Railroad Co., and the East half of the abandoned Railroad R.O.W. lying adjacent to the above described land. Contains 1.29 acres; and All that part or portion of Sheridan Street, in the City of Leavenworth, Kansas, lying between the East line of the right-of-way of The Kansas City Wyandotte and Northwestern Railroad (now Missouri Pacific Railroad), and the West line of Second Street, vacated by Ordinance No. 4901, and recorded in Book 342, at Page 598, on record in the office of the Register of Deeds in and for said County of Leavenworth; All according to the map or plat of said subdivision on record in the office of the Register of Deeds in and for said County of Leavenworth. Excepting however, all coal underlying the land herein above described, and subject to a certain easement to The Kansas City Northwestern Railroad Company, filed on record in Book 206, at Page 219, in the office of the Register of Deeds of Leavenworth County, Kansas, and to subject to any and all other easements, restrictions, covenants and agreements of record. And **more commonly referred to as 300 Santa Fe Street**, Leavenworth, Kansas

Section 2: That the “Zoning District Map” adopted under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas shall be and the same is hereby amended to conform to the rezoning as set forth in Section 1 above.

Section 3: That this Ordinance shall take effect and be in force from and after its passage, approval and summary publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

PASSED and APPROVED by the Governing Body on the ___ day of ____, 2024.

Griff Martin, Mayor

{Seal}

ATTEST:

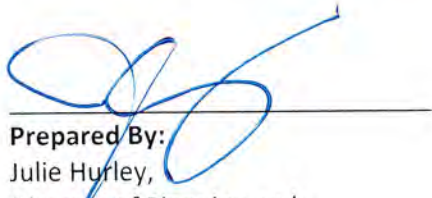
Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2024-13 REZ
1820 S. 4TH STREET**

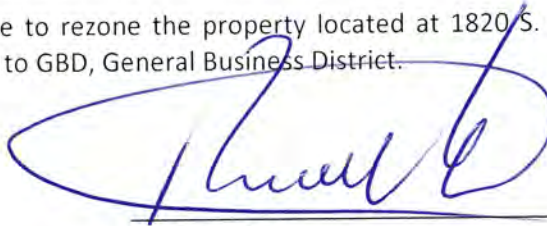
JUNE 25TH, 2024

SUBJECT:

Place on first consideration an ordinance to rezone the property located at 1820 S. 4th Street from R1-6, High Density Single Family Residential District, to GBD, General Business District.



Prepared By:
Julie Hurley,
Director of Planning and
Community Development



Reviewed By:
Patrick Kitchens,
Interim City Manager

ANALYSIS:

The owner and applicant, Kaushik Patel, is requesting a rezoning of their property located at 1820 S. 4th Street from R1-6, High Density Single Family Residential District, to GBD, General Business District. The property is 1.02 acres in size and is occupied by Tipsy Liquor. The owner is requesting the rezoning in order to bring the property into conformance with development standards for a commercial retail property. The property is located directly on 4th Street, a major commercial thoroughfare, and has always been occupied by a retail business.

The business as it exists is considered a legal nonconforming use, and no action is required by the City of Leavenworth in order for the property to continue to function as it is. The owner is intending to remodel and construct an addition to the existing building. Current Development Regulations stipulate that:

No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

Retail uses are allowed by-right in the GBD zoning district. The proposed rezoning will bring the property into conformance with the regulations of the GBD zoning district.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is located directly on 4th Street, which is a major commercial corridor. The property is occupied by an existing retail business with other established commercial businesses to the north, south, and east along 4th Street. To the west is an existing single-family neighborhood.

b) The zoning and use of properties nearby;

The property to the north is zoned R1-6 and is occupied by Benjie's Auto Sales (existing non-conforming use). The property to the south is zoned GBD and is occupied by O'Reilly Auto Parts. The properties to the west are zoned R1-6 and are occupied by single family homes. The property to the east, across 4th Street, is zoned I-2, and is occupied by Tire Town.

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

The subject property has always been occupied by a retail establishment, and is not appropriate for single family residential uses.

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

The proposed rezoning should have no detrimental effect upon surrounding properties. There is no proposed change in the use of the property, it will continue to function as a retail establishment. The proposed addition to the structure will not significantly increase traffic in the area.

e) The length of time the subject property has remained vacant as zoned;

The subject property is not vacant.

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 should have a positive economic impact as it will allow for expansion of an established retail business, thereby potentially increasing sales and tax revenue.

g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The area is identified as appropriate for commercial uses on the Comprehensive Land Use 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 other factors

After the required public notices were sent to property owners within 200' as required by Kansas State Statute, staff received no comments regarding the proposed rezoning.

The Planning Commission took action on this item at their June 3rd, 2024 meeting and voted 4-0 to recommend approval of the Rezoning request.

REZONING ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the request to rezone the property located at 1820 S. 4th Street from R1-6, High Density Single Family Residential District, to GBD, General Business District.
- Deny the request to rezone the property located at 1820 S. 4th Street from R1-6, High Density Single Family Residential District, to GBD, General Business District.
- Remand the request to rezone the property located at 1820 S. 4th Street from R1-6, High Density Single Family Residential District, to GBD, General Business District to the Planning Commission for further consideration.

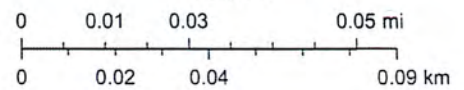
2024-13-REZ



5/30/2024, 12:26:36 PM

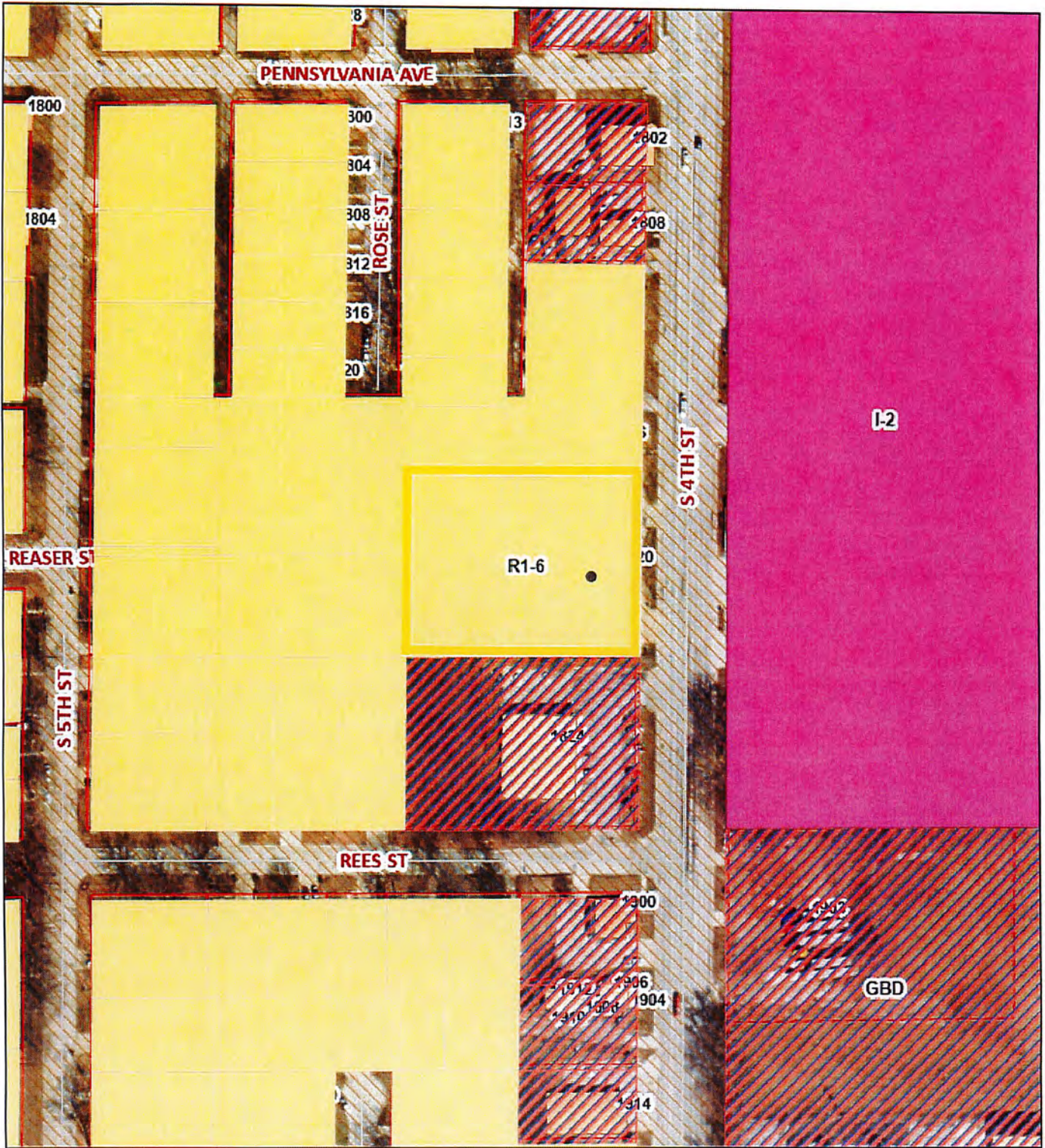
1:2,257

- Override 1
- Leavenworth City Limits
- Parcels_Current
- City Right-of-Way
- Buildings
- RoadCenterline
- Address (Points)



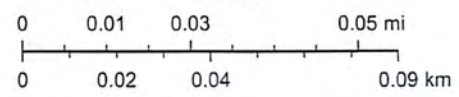
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-13-REZ Zoning



5/30/2024, 12:28:53 PM

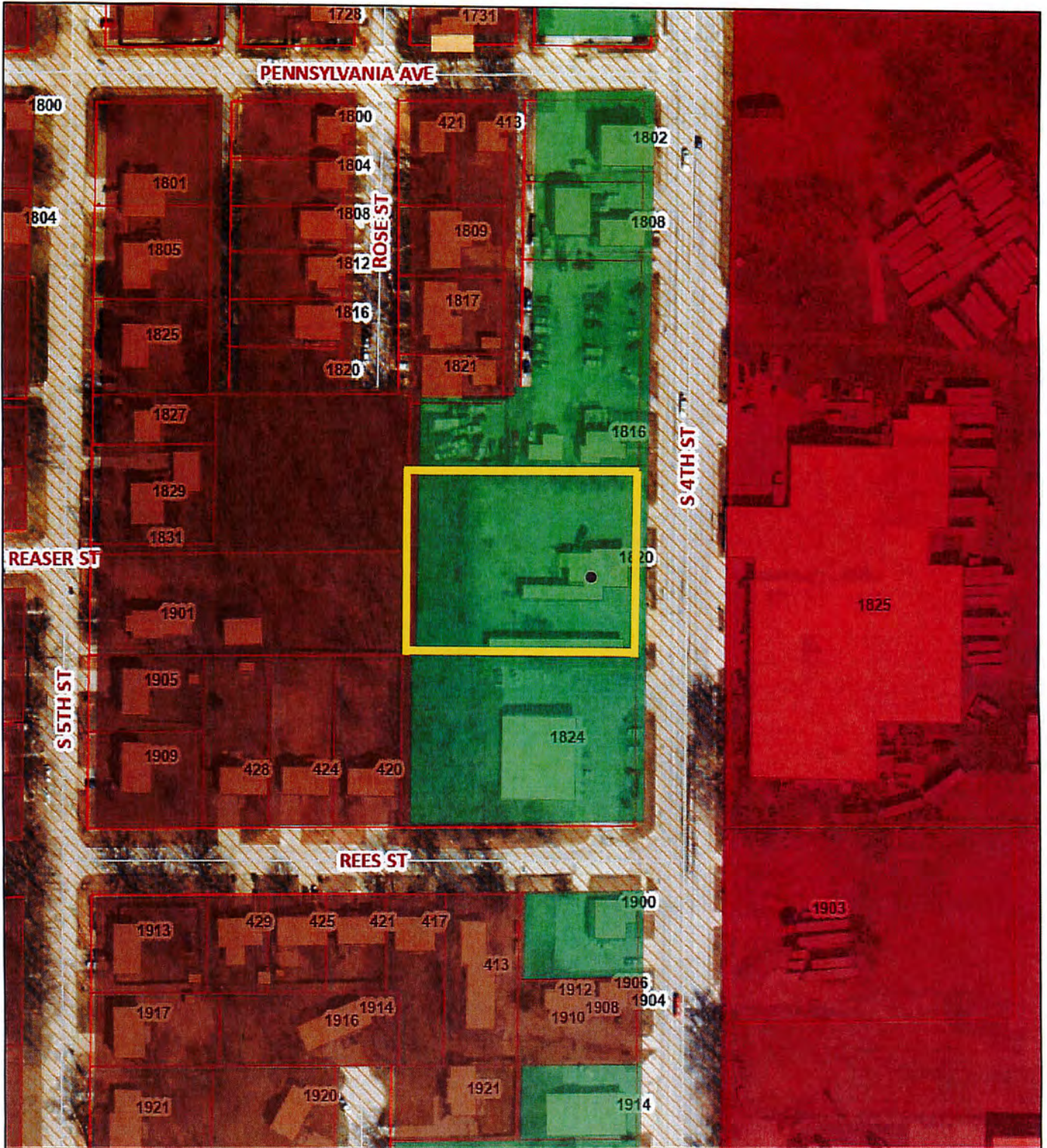
1:2,257



- Override 1
- Buildings
- Zoning_CURRENT
- Address (Points)
- GBD
- I-2
- Leavenworth City Limits
- R1-6
- City Right-of-Way
- Parcels_Current
- RoadCenterline

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

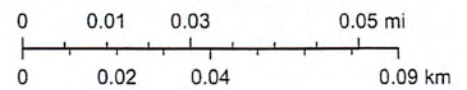
2024-13-REZ Future Land Use



5/30/2024, 12:27:43 PM

1:2,257

- Override 1
- Buildings
- Future Land Use (Comp Plan 2030)
- Commercial
- Industrial
- Single-Family
- Parcels_Current
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2024-13 REZ

Application #	15316
Fee (non-refundable)	\$350.00
Filing Date	4-10-24
Received By	SU
Hearing Date	6-3-24
Publication Date	5-9-24

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

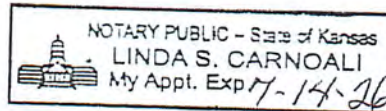
Subject Property:	1520 S. 4 th ST. LEAVENWORTH, KS 66048		
Rezoning:	Present classification of: R1-6	district to: GBD	
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)		
Real Estate PID #	052-101-01-0-20-13-022.00	Historic District:	

I/We, KAUSHIK PATEL being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Name(s) of Owner (print or type):	KAUSHIK PATEL		
Address:	546 CREEKSIDE CT. LANSING, KS 66043		
Contact No.:	913 306 4194	Email:	COOLNIL911@gmail.com
Signature of Owner(s):	<i>[Signature]</i>		

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

State of Kansas
County of Leavenworth SS



Signed or attested before me on 4-10-24, 20 by KAUSHIK PATEL
(date) (name(s) of person(s))

Notary Public: Linda Carnoali My Appointment Expires: 7-14-26

(SEAL)

If necessary, use additional sheets to respond to the following:

Briefly describe the present use and character of the property and of the surrounding area:

Retail liquor store. Surrounding buildings are Auto Zone + Auto Repair dealership.

Briefly describe the intended use and character of the property:

To continue to use the building for retail.

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property:

To expand the building & attract more business.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts:

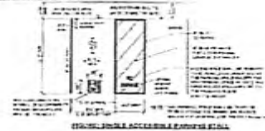
The building sits in the middle of the entire property. It gives plenty space for the surrounding business to operate correctly.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions:

There should be no problems

Check List:	
<input type="checkbox"/>	Non-refundable fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of the property owners within two hundred (200) feet of the subject property
<input type="checkbox"/>	Full 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)

EXISTING SPACE AND ACCESS



2 ADA PARKING SPACE

EXISTING SPACE



PROPOSED DETAILS AND ACCESSIBLE AREA

Notes detailing proposed details and accessible area requirements.

GENERAL NOTE

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS...

NOTICE OF COOPERATION

Because of the space limitations before completion of the work, the contractor shall be required to cooperate with the architect...

WARNING: ARCHITECTURAL DRAWINGS ARE TYPICALLY DRAWN TO A REPRESENTATIVE SCALE WHICH IS NOTED ON EACH INDIVIDUAL DRAWING...

BUILDING CODE INFORMATION

CODE JURISDICTION

- 101 INTERNATIONAL BUILDING CODE
102 INTERNATIONAL ELECTRICAL CODE
103 INTERNATIONAL ENERGY CONSERVATION CODE
104 INTERNATIONAL MECHANICAL CODE
105 INTERNATIONAL PLUMBING CODE
106 INTERNATIONAL FIRE CODE
107 INTERNATIONAL FIRE AND SAFETY CODE

SQUARE FOOTAGE

FOOTPRINT AREA ONLY. EXCLUDES TERRACE, BALCONY, PORCH, AND UNFINISHED SPACES...

USE GROUP

RESTAURANT

OCCUPANCY

RESTAURANT

ZONING

COMMERCIAL

CONSTRUCTION TYPE

TYPE II MASONRY WITH CONCRETE FLOOR AND ROOF. NON-CONCRETE EXTERIOR WALLS.

ACCESSIBILITY

ENTIRE FACILITY IS REQUIRED TO BE ACCESSIBLE TO PHYSICALLY HANDICAPPED INDIVIDUALS...

FIRE SUPPRESSION

TYPE I CEILING SPRINKLER SYSTEM WITH 2.5 GPM/1.5 FT MINUTES SPRINKLER HEADS...

FINISHES

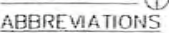
INTERIOR FINISHES TO BE AS SHOWN. EXTERIOR FINISHES TO BE AS SHOWN.

RESTROOMS

RESTROOMS TO BE PROVIDED AS SHOWN. TOILETS TO BE 60 INCH MINIMUM CLEARANCE...



AREA MAP



ABBREVIATIONS

Table with 2 columns: Abbreviation and Description. Includes symbols for walls, doors, windows, and furniture.

PROJECT CONTACTS

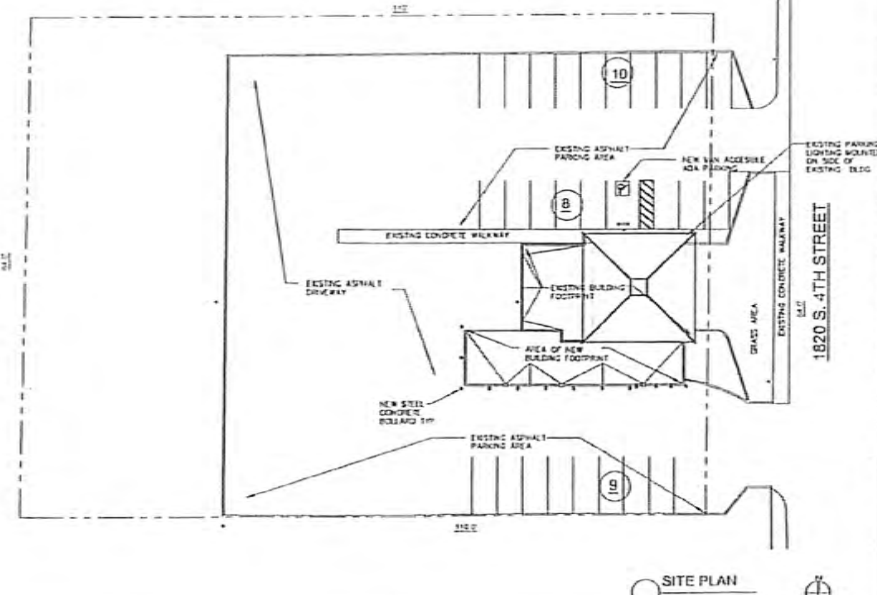
OWNER: TIPSYS LIQUOR & MORE, 1822 S. 4TH STREET, LEAVENWORTH, KS 66048.
ARCHITECT: STANLEY G. WATSON, 211 E. 12TH AVE, LEAVENWORTH, KS 66048.

DRAWING INDEX

- SC1 GENERAL NOTES
SC2 FOUNDATION AND FRAMING PLANS
SC3 MAIN FLOOR FRAMING PLAN
SC4 STANDARD DETAILS, SCHEDULES & NOTES
SC5 STANDARD DETAILS, SCHEDULES & NOTES

LEGAL

Subcontractor: JAMES H. GARDNER, INC., 1515 W. 12TH STREET, LEAVENWORTH, KS 66048.



DRAWING SCHEDULE

- A-1 SITE PLAN, GENERAL PROJECT INFO
A-2 FIRST FLOOR AND FRAMING PLANS
A-3 ELEVATIONS
A-4 ELECTRICAL PLAN
A-5 FOUNDATION PLANS
A-6 FRAMING PLANS

TIPSYS LIQUOR & MORE

SITE PLAN

Project title block for studio 605, A-1, including drawing number and date.

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 1820 SOUTH 4TH STREET FROM HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-6) TO GENERAL BUSINESS DISTRICT (GBD).

WHEREAS, under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 3rd day of June 2024 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 9th day of May 2024 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 1820 South 4th Street, Leavenworth Kansas from High Density Single Family Residential District (R1-6) to General Business District (GBD); and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to rezone the property described herein.

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

Section 1: That the following described property, to-wit, is hereby rezoned from High Density Single Family Residential District (R1-6) to General Business District (GBD).

A tract of land beginning 80 feet South and 42 feet West of the Northeast corner of Block 5, CLARK'S ADDITION OF OUT LOTS TO LEAVENWORTH, a subdivision in the City of Leavenworth, Leavenworth County, Kansas: thence South 188.46 feet along the West right of way line of Fourth Street as laid out, opened and used, thence West 243 feet more or less, thence North 268.46 feet, thence East 118 feet more or less to the West line of the Adolph A. Sander Tract, thence South 80 feet, thence East 125 feet to the point of beginning. LESS THE FOLLOWING TRACT: A tract of land beginning at a point on the North line of Block 5, CLARK'S ADDITION OF OUT LOTS TO LEAVENWORTH, a subdivision in the City of Leavenworth, Leavenworth County, Kansas, said point being at the Southwest

Corner of Lot 12, Block 4, RIVERVIEW SUBDIVISION, thence East along the North line of said Block 5, CLARK'S ADDITION OF OUT LOTS TO LEAVENWORTH, parallel with said Lot 12, 108 feet, thence South 10 feet, thence West 108 feet, thence North 10 feet to the point of beginning. ALSO LESS AND EXCEPT THE FOLLOWING: A part of Block 5, CLARK'S ADDITION OF OUT LOTS TO LEAVENWORTH, a subdivision in the City of Leavenworth, Leavenworth County, Kansas more fully described as follows: Commencing at the Northeast corner of Block 5, CLARK'S ADDITION OF OUT LOTS TO LEAVENWORTH; thence South 88° 08' 51" West (BASIS OF BEARINGS) 42.00 feet to the West Right-of-Way of 4th Street; thence South 00° 24' 30" East 80.00 feet along the West line of 4th Street; thence South 88° 08' 51" West 125.00 feet to the point of beginning of this parcel; thence South 88° 08' 51" West 118.00 feet; thence North 00° 24' 30" West 70.00 feet; thence North 88° 08' 51" East 98.00 feet; thence North 00° 24' 30" West 10.00 feet to the Southeast corner of Lot 12, Block 4, RIVERVIEW SUBDIVISION; thence North 88° 24' 30" East 20.00 feet along the North line of CLARK'S ADDITION OF OUT LOTS TO LEAVENWORTH; and the South line of RIVERVIEW SUBDIVISION; thence South 00° 24' 30" East 80 feet to the point of beginning. And **more commonly referred to as 1820 South 4th Street**, Leavenworth, Kansas

Section 2: That the "Zoning District Map" adopted under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas shall be and the same is hereby amended to conform to the rezoning as set forth in Section 1 above.

Section 3: That this Ordinance shall take effect and be in force from and after its passage, approval and summary publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

PASSED and APPROVED by the Governing Body on the ___ day of ___, 2024.

Griff Martin, Mayor

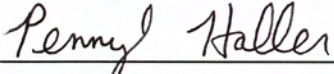
{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

STAFF REPORT
Camp Leavenworth Update
June 25, 2024

Prepared By:


Penny Hoffer
Assistant City Manager

Reviewed By:


Patrick Kitchens
Interim City Manager

ISSUE:

Receive update on planning for the Camp Leavenworth festival September 20 and 21, 2024.