

CITY OF LEAVENWORTH PLANNING COMMISSION

COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048

REGULAR SESSION
Monday, November 4, 2024
6:00 PM

CALL TO ORDER:

Commissioners Present

Brian Stephens
Kathy Kem
Bill Waugh
Maryann Neeland

Commissioners Absent

Sherry Whitson
Don Homan

City Staff Present

Julie Hurley
Michelle Baragary
Scott Peterson

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

APPROVAL OF MINUTES: September 9, 2024

Chairman Stephens asked for questions, comments or a motion on the minutes presented for approval: September 9, 2024. Commissioner Neeland moved to approve the minutes as presented, seconded by Commissioner Waugh, and approved by a vote of 4-0.

OLD BUSINESS

None

NEW BUSINESS:

1. 2024-24 SUP – 303 N. ESPLANADE

Conduct a public hearing for Case No. 2024-30 SUP – 303 N. Esplanade, wherein the applicants are requesting a Special Use Permit to allow an Accessory Dwelling Unit (ADU) at 303 N. Esplanade.

Chairman Stephens called for the staff report.

Planning Director Julie Hurley stated the applicants, Christopher and Danielle L’Heureux, are requesting a Special Use Permit to allow an ADU on their property located at 303 N. Esplanade, which is located in the North Esplanade Historic District. The property is occupied by an existing single family home, and detached accessory building, which contains a two-car garage and an existing dwelling unit. The accessory building was constructed in 2004, with approval of a Major Certificate of Appropriateness. The accessory building has contained a dwelling unit since the time of its construction. At the time of construction, ADUs were not specifically addressed by the Development Regulations.

The existing ADU is considered a nonconforming use, as there is not existing Special Use Permit. Per section 1.05 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 contained, so long as otherwise lawful.

Section 4.04 of the Development Regulations states:

Accessory Dwelling Units (ADUs) may be approved by Special Use Permit in any residential zoning district subject to the following conditions:

- (1) Shall be compatible with the design of the principal dwelling unit.*
- (2) Shall respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards.*
- (3) Shall not have a separate driveway entrance from the street(s) to which the property is adjacent.*
- (4) Shall be 900 square feet or smaller in size, not to exceed 33% of the floor area of the principal dwelling unit.*
- (5) Either the principal dwelling unit or the accessory dwelling unit must be occupied by the owner of the premises.*
- (6) Shall meet all building code requirements for a single-family dwelling unit.*
- (7) Lot containing accessory dwelling units shall contain a minimum of two off-street parking spaces, exclusive of garage space.*

The applicants wish to bring the existing ADU into conformance with current Development Regulations through the approval of a SUP in order to obtain a separate address for the unit to support mail delivery and emergency services. There are no physical changes or additional construction proposed. The existing ADU meets all conditions as listed above.

COMMISSION FINDINGS

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

This property has included an ADU since 2004, providing a valuable housing option for the public. ADUs are generally viewed as a valuable tool to help communities broaden housing choice in single-family neighborhoods.

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

Based on available information, staff does not believe that the use will cause any substantial injury to the value of other property in the neighborhood. The ADU is existing, and there is no new construction or change in use proposed.

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 ADU is existing, there is no new construction or change in use proposed, it will not cause any substantial impact to the surrounding neighborhood.

Notification was sent to property owners within 200' of the subject property, as required by Kansas Statute. After notifications were mailed, staff received no comments or inquiries.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

ACTION/OPTIONS:

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission.
- Motion, based upon findings as stated and conditions as presented, to recommend denial to the City Commission.
- Table the issue for additional information/consideration

Chairman Stephens asked the commissioners for questions about the staff report. With no questions, Chairman Stephens opened the public hearing.

Christopher L'Heureux, owner/applicant at 303 N. Esplanade, stated they purchased the property in 2022, and have been renting it until recently when he retired from the military and moved back to Leavenworth. They currently rent the existing ADU to an older gentleman, and need to get an address for the ADU so the renter can register to vote, can receive mail, and for emergency services.

Chairman Stephens asked the applicants if they plan on making this a long-term rental.

Mr. L'Heureux responded in the affirmative.

Chairman Stephens informed the applicants there is a different process for short-term rentals should they choose to go that route in the future.

With no one else wishing to speak, Chairman Stephens closed the public hearing and called for discussion among the commissioners. With no further discussion, Chairman Stephens called for a motion. Commissioner Kem moved to recommend approval of the Special Use Permit to the City Commission based upon findings as stated and conditions as presented, seconded by Commissioner Waugh, and passed by a vote of 4-0.

OTHER BUSINESS:

No other business.

Ms. Hurley informed the Planning Commissioner that she has taken a position with the City of Leawood, and this will be her last Planning Commission meeting. She further introduced the City's new City Manager Scott Peterson. There are several items on the December Planning Commission agenda, and either City Manager Scott Peterson or Assistant City Manager Penny Holler will be at that meeting.

Chairman Stephens called for a motion to adjourn. Commissioner Waugh moved to adjourn, seconded by Commissioner Kem, and passed 4-0.

Meeting adjourned at 6:17 p.m.

Minutes taken by Planning Assistant Michelle Baragary.