

*(Summary Published in the Leavenworth Times on October 14, 2023)*

**ORDINANCE NO. 8226**

**AN ORDINANCE ALLOWING A SPECIAL USE FOR FOOD AND BEVERAGE GENERAL IN OFFICE BUSINESS DISTRICT ZONING DISTRICT LOCATED AT 722 S 5<sup>th</sup> STREET IN THE CITY OF LEAVENWORTH, KANSAS.**

**WHEREAS**, under the 2016 Development Regulations of the City of Leavenworth, Kansas, as amended, the Governing Body of the City of Leavenworth, Kansas was given the power to locate special uses in each zoning district by ordinance; 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 September 11, 2023 in the Commission Chambers, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas the official date and time set out as was published in the Leavenworth Times newspaper; and

**WHEREAS**, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request for Food and Beverage General in Office Business District, located at 722 S. 5<sup>th</sup> Street, Leavenworth, Kansas.

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

**Section 1.** That a special use permit be issued for Food and Beverage General on the following described property:

The South 56.4 feet of Lots Fifteen (15) and Sixteen (16) in Block Twenty-Seven (27) in Clark and Rees' Addition to the City of Leavenworth, more particularly described as follows: commencing at the Southeast corner of said Lot Sixteen (16) in Block Twenty-Seven (27) in said Clark and Rees' Addition; thence North along the East line of said Lot 16, 56.4 feet; thence west and parallel to the centerline of the partition wall dividing the two buildings now located on the South part of said Lots extended to a point on the West line of said Lot 15, 56.4 feet North of the South line of said Lot 15; thence South along the West line of said Lot 15, 56.4 feet to the Southwest corner of said Lot 15, thence East along the South line of said Lot 15 and 16 to the point of beginning, and all improvements, buildings and fixtures located thereon. Also, all party wall rights and rights to connect and use the sewer on said Lot 15 connecting said premises with the public sewer located in the alley North of said Lots 15 and 16 and all of the foregoing property is located in Leavenworth County, Kansas; subject to easements, restrictions, reservations

and covenants, now of record, all taxes, both general and special, not now due and payable;

More commonly referred to as: 722 S 5<sup>th</sup> Street, Leavenworth, Kansas.

**Section 2.** That this special use permit is subject to the following:

- a. The Special Use Permit only applies to the first floor of 722 S 5<sup>th</sup> Street, Leavenworth, KS 66048.

**Section 3.** 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 by the Leavenworth City Commission on this 10<sup>th</sup> day of October, 2023.

/s/ Jermaine Wilson  
Jermaine Wilson, Mayor

ATTEST:

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