

**CITY OF LEAVENWORTH PLANNING COMMISSION**  
**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**REGULAR SESSION**  
**Monday, September 9, 2019**  
6:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

Jay Byrne  
Mike Burke  
John Karrasch  
Linda Bohnsack  
Camalla Leonhard  
Claude Wiedower

**Commissioners Absent**

Sherry Hines Whitson

**City Staff Present**

Julie Hurley  
Michelle Baragary

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

**Approval of Minutes:** February 4, 2019

Madam Chairman Leonhard asked for comments or a motion on the minutes presented for approval: February 4, 2019. Mr. Byrne moved to accept the minutes as presented, seconded by Mr. Wiedower. The minutes were approved by a vote of 6-0.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**1. NORTH GATEWAY REDEVELOPMENT DISTRICT – 615 METROPOLITAN PROJECT PLAN**

Determine consistency of the North Gateway Redevelopment District 615 Metropolitan Project Plan with the adopted Comprehensive Plan.

Madam Chairman Leonhard called for the staff report.

Planning Director Julie Hurley stated on January 25, 2011, the City of Leavenworth approved a redevelopment district for a six (6) square block area bounded on the north by Metropolitan Avenue, on the south by Pawnee Street, on the east by 4<sup>th</sup> Street, and on the west by 7<sup>th</sup> Street, totaling 28.2 acres. The redevelopment district was approved as the North Gateway Redevelopment District by passage of ordinance No. 7863. The primary purpose for creating the redevelopment district was to initiate the process upon which the City may proceed in establishing redevelopment projects within the district in order to generate incremental taxes for the funding of permissible infrastructure and property acquisition within the district.

Gate Properties, LLC, has submitted a project plan for a commercial development within the established redevelopment district. The proposed redevelopment plan involves approximately 3.5 acres in the area between Metropolitan and Cheyenne, and 7<sup>th</sup> Street to east of 6<sup>th</sup> Street. The area is currently occupied by the Armed Forces Bank and Commander's Inn. The proposed project includes a convenience store, two restaurant pad sites, and a retail/office building.

Any eligible project located within a redevelopment district established pursuant to KSA 12-1770 must be found to be consistent with the intent of the adopted Comprehensive Plan of the City. The 2011 Comprehensive Plan adopts the goals and objectives as outlined in the Downtown/North Leavenworth Redevelopment Master Plan by reference in order to be consistent for recommendations to guide growth, development and redevelopment within the city and downtown area.

The proposed development lies within the area identified as the "North Gateway Business and Innovation Campus" in the Downtown/North Leavenworth Redevelopment Master Plan. The plan proposes a campus themed commercial center to include high quality hotel, office, retail and mixed use facilities. While the plan calls for retail uses to be secondary to employment-focused uses in area, the climate has evolved since 2010 when the plan was developed such that large scale office and employments-focused uses are no longer in demand or viable in the market. The proposed development plan does meet the identified goal of helping to create an economic asset that contributes to the success of other downtown businesses by introducing retail opportunities that complement the existing retail establishments in Downtown Leavenworth.

The Downtown/North Leavenworth plan also identifies a number of design characteristics that should be included in developments in the area. The site plan provided for the development project is preliminary in nature, and staff will work with the applicant to ensure that appropriate measures are taken to incorporate design elements identified as appropriate for the area.

Staff finds that the development of the North Gateway 615 Metropolitan Project is consistent with the overall intent of the Comprehensive Plan.

**ACTION:**

Motion finding that the North Gateway Redevelopment District 615 Metropolitan Project Plan is consistent with the intent of the Comprehensive Plan.

**ATTACHMENTS:**

- North Gateway Redevelopment District 615 Metropolitan Project Plan
- 2011 City of Leavenworth Comprehensive Plan (excerpt)
- 2010 Downtown and North Leavenworth Redevelopment Plan (excerpt)

Madam Chairman Leonhard called for discussion/questions among the commissioners.

Mr. Byrne asked if the campus theme commercial center is for the entire 28.2 acres.

Ms. Hurley referred the board to the outlined section of the map on page 4.37 in the agenda packet North Gateway Business and Innovation Campus. The Innovation Campus is just the north area and that would include the bulk of the TIF area that had been approved by the City Commission back in 2011.

Mr. Byrne stated he believes about 2/3 of this has been completed to include the two new hotels.

Ms. Hurley responded it does include the hotels, as well as the current proposal. The old Mexican restaurant and the auto body shop have not been developed yet.

Mr. Byrne stated there does not seem to be a push for a campus like theme.

Ms. Hurley stated that is correct. She believes the thinking was since the real estate market had substantially changed in the wake of the recession and contractors left town, the need for office and technology was not feasible at that point in time for Leavenworth.

Mr. Karrasch asked the applicant if the developer had the opportunity to read the Comprehensive Plan and the guidelines that are setup for the Gateway section redevelopment.

Kristin Sommers with Polsnelli is representing the developer. Ms. Sommers said they did review the plan and guidelines. She emphasized this is an extremely preliminary plan at this point. This is part of getting the financing in place and then finding the right users.

For clarification, Mr. Karrasch asked if 6<sup>th</sup> Street will be closed between Metropolitan and Cheyenne.

Ms. Hurley stated discussions have taken place that will be vacated; however, this is very preliminary at this point. Vacating that portion of the street will probably be contingent upon the users being secured for the project.

Mr. Karrasch asked what the design thought is behind placing an ATM machine and gas station as the focal point of that intersection as opposed to a restaurant and business.

Ms. Sommers stated it is a requirement as part of the sell agreement to have the ATM machine in that particular location.

Mr. Karrasch responded the bank is thinking of themselves and not the future of the community because they are more concerned about an ATM machine being the focal point of a major intersection of an internationally recognized town.

Mr. Karrasch asked how flexible the design is.

Trip Ross, Cadence Commercial Real Estate, is representing the developer. Mr. Ross stated they are a developer holder. There are a lot of developers who would show up with a plan that shows everything you would want to see. The minute the project is complete they would sell it. Mr. Ross further stated that their portfolio is for properties they develop, own and hold.

Mr. Ross views this as a retail site. They have heard of a possible daycare, sit-down restaurants and fast-food restaurants. They also heard there is a need for a gas station; although it has not been determined if it will necessarily be on that particular corner of the site.

Regarding the vacation of 6<sup>th</sup> Street, Mr. Ross would like the site to flow well internally so it does not look like a strip of pads. Given there will be a mix of uses, having that flow means a lot to the way the site plan actually functions. There will be walkability, green space, benches and landscaping to soften the elements of the buildings.

Mr. Karrasch appreciates where Mr. Ross is heading with this but the site plan does not represent what has been said.

Mr. Ross stated there is a specific purpose for this plan; this is a massing plan that allows them to court users, who care about access, parking and usability. Pedestrian flow, landscaping, etc. will be incorporated at a later date.

Mr. Wiedower asked about the marketing and research that was done to determine what would be viable at this site.

Mr. Ross responded there has been overwhelming feedback for restaurants, whether is fast casual or bar and grill.

Mr. Karrasch stated he is apprehensive about having a gas station and ATM as our focal point across from Ft. Leavenworth. Does not want a decision made that they will regret 50 years later.

Ms. Hurley stated that even given the ATM as a requirement of the bank selling the property, there will be plenty of room for us to work with the applicants to get the design where we will be satisfied and the property owners will be satisfied.

Mr. Byrne is not sure what the commissioners are looking at if this is not a site plan and the applicants are very flexible about what can go in this area.

Ms. Hurley responded that we are just saying a commercial retail use is appropriate for this area. The applicants are not looking at residential uses or industrial uses. The applicants are looking at retail commercial uses and this is in line with the comprehensive plan.

Mr. Byrne asked if the Planning Commissioners agree with that, then it goes to the City Commission.

Ms. Hurley stated pending the Planning Commission's vote in the affirmative; the City Commission will pass a resolution setting a date for a public hearing to consider the TIF project plan. Once the TIF plan is in place and the financing is set, the applicants will work on getting their tenants and users lined up. It will then come back to the Planning Commission to refine the site plan and get the design elements set.

Mr. Byrne asked if the Planning Commission votes in the affirmative, does that give city staff/government any further ability to vote on what is going to go into that area other than something that is approved as commercial.

Mr. Ross stated the gas station seems to be the controversial issue. He further stated 7-Eleven owns the property across the street. If 7-Eleven builds a gas station on its property, then one will not be built on the subject area. Either way, there will be a gas station at this intersection. Mr. Ross stated their focus is for the highest and best uses. They are pursuing this for longevity not a quick sale.

Mr. Karrasch stated he does not want a gas station there 50 years down the road.

Ms. Hurley stated the property is zoned General Business District, GBD. Gas stations are an allowed use in the GBD.

Mr. Karrasch is not opposed to a gas station; he just does not want a gas station as the focal point. He would prefer a gas station move elsewhere on the development block.

Mr. Byrne asked if the Planning Commissions agrees this is in compliance with the North Gateway Business Innovation Campus concept and a year from now the developer decides to put a gas station there, can that be denied based on the fact that is a General Business District.

Ms. Hurley responded in the negative. Because it is already zoned GBD any use that is allowed in that zoning district, the City cannot deny. The City can work with an applicant on a site plan to get the best layout for a site but cannot deny a specific use if the property is already zoned appropriately.

Mr. Byrne stated the City could potentially be using TIF money for pawnshops and bars on that corner because legally the developer could put that type of business in that area.

Ms. Sommers stated there are two different issues being discussed. Right now it is a preliminary finding to move forward with the TIF and financing for the plan being proposed, which includes retail, restaurants, possibly office or daycare, possibly a gas station is generally consistent with the Comprehensive Plan. This finding does not have anything to do with the City's typical development process and procedures.

For clarification, Mr. Wiedower stated we cannot be restrictive on what is allowed.

Ms. Hurley stated the City cannot restrict what is allowed in the development area.

Mr. Byrne mentioned that use to be a gas station there.

Ms. Hurley stated even when working with gas stations there is still room to work with an applicant to get a good site design. In other areas, such as College Blvd and Pflumm in Lenexa, there is a Quik Trip on that corner, which is a major intersection. That site design is laid out very well. Some of the goals in the North Leavenworth plan are to get buildings closer to the road and not have all the pavement and parking near the road. These types of details will be worked through once the developer has their users.

Ms. Bohnsack asked if the city engineer has had the opportunity to review the plan because the proposed use of convenient store, retail, restaurants, etc. will have a higher density of traffic in the area compared to what is currently there.

Ms. Hurley responded that Public Works has looked at the plan. Something that might come up down the road would be a traffic study depending on the users that come in.

Mr. Karrasch stated he wanted to make a final comment to let the city, the developers and everybody to beware this is our front door. This is not First or Second Street in the middle of nowhere. This is also the entryway into our international presence as well, not just local. This is one of the most important intersections in our entire community as far as visibility and first impressions. The decisions made on this will affect us for the next 80 years.

Mr. Ross stated city staff has been very clear about that. It's a dynamic they have been very conscious of.

Mr. Byrne asked if TIF's are usually involved with their other developments.

Mr. Ross responded sometimes.

Mr. Byrne wonders if the city might not want to look at the whole redevelopment area. Not sure if this area even needs a TIF anymore.

Ms. Hurley stated it has already been established by ordinance so it's available to this area.

With no further questions, comments or discussion, Madam Chairman Leonhard called for a motion. Mr. Byrne moved that given the findings and information provided that the North Gateway Redevelopment District 615 Metropolitan Project Plan is consistent with the intent of the Comprehensive Plan, seconded by Mr. Karrasch and passed by a vote of 6-0.

Ms. Hurley provided the Planning Commission with a few updates to include: an update on the Leavenworth Business Park stating the Leavenworth County Development Corporation (LCDC) is actively marketing the Business Park. Working in conjunction with the Kansas City Area Development Council. The number of visits and inquires exceed what is expected of a project of this size in Leavenworth.

Further updates include:

- The Leavenworth Business Park. Leavenworth County Development Corporation (LCDC) is actively marketing the Business Park. Working in conjunction with the Kansas City Area Development Council. The number of visits and inquires exceed what is expected of a project of this size in Leavenworth.
- 8 single-family permits have been issued this year for the West Glen subdivision, which is near 20<sup>th</sup> Street and Eisenhower (west of the new Business Park).
- The Broadway Lofts have been completed with a total of 27 units, which are completely or near completely filled.
- The Abernathy Lofts are close to completion with 139 units.
- The City Commission approved for next year a Renter Coordinator position. This position will help address the concerns of rental properties
- The City has discussed establishing a land bank. This will allow the City to take in properties that have been placed on the demolition list and clear the title. The properties can then be turned out to rehabbers who may want to fix it up and sell it for a profit. Gets the property back on the tax rolls and there is not a vacant hole left in a neighborhood due to a demo.
- Working on getting some transit options into the city. A study was completed about 18 month ago by Mid America Regional Council and KCATA.
- There is a non-profit group working on getting a grocery store in the northeast of Leavenworth.

Mr. Byrne asked if there are plans for the old Sears store at the Leavenworth Plaza.

Ms. Hurley stated staff has met with a developer from Omaha, NE a couple times over the past few years but nothing has materialized yet.

Ms. Bohnsack asked about the status of the old Immaculata High School building.

Ms. Hurley stated the developer is working on getting some tax credits. No building permits have been approved yet.

Ms. Bohnsack stated the Planning Commission's approval included a parking lot be installed at the 621 Seneca. She asked if that still stands.

Ms. Hurley responded in the affirmative.

Ms. Bohnsack stated the pastor of the First Christian Church received an email from the developer indicating their intent in purchasing the city owned parking lot.

Ms. Hurley believes they were just inquiring about it. Right now, it is as it stands, with the approval of the developer building the parking lot. The developer is aware any change in that would require them to go back through the process and to the Planning Commission.

Mr. Karrasch stated the potholes on Ottawa Street between 2<sup>nd</sup> Street and 3<sup>rd</sup> Street are horrific. The street has brick underneath. Mr. Karrasch wants to know how to open a discussion about resurfacing or maybe removing the asphalt and returning it back to brick.

Ms. Hurley stated that would be a discussion for the Public Works Department. They are proactively looking at streets that need to be addressed and will rank those to determine which streets should be repaired first.

With no further business the meeting was adjourned at 6:43 p.m.

JH/mb