

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, January 6, 2020
6:00 PM

CALL TO ORDER:

Commissioners Present

Mike Burke
Claude Wiedower
Linda Bohnsack
Chris Murphy

Commissioners Absent

Sherry Hines Whitson
Jay Byrne
John Karrasch

City Staff Present

Julie Hurley
Michelle Baragary

Acting Chairman Burke called the meeting to order at 6:12 p.m. and noted a quorum was present.

Approval of Minutes: December 2, 2019

Acting Chairman Burke tabled approval of the December 2, 2019 minutes until February's meeting as there is not a quorum present to vote on the minutes (Mr. Murphy must abstain as he was not on the board in December).

OLD BUSINESS:

None

NEW BUSINESS:

1. 2020-01 SUP – 869 SHERMAN AVENUE

Conduct a public hearing for Case No. 2020-01 SUP – 869 Sherman Avenue. The applicant is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 869 Sherman Avenue. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

Acting Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the applicant, Echelon Property Management, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located a 869 Sherman Avenue. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The structure had previously functioned as a two-family dwelling before it was damaged by fire on April 1, 2019. Prior to the fire, the structure had been considered an existing legal nonconforming use. Section 1.05.D of the adopted Development Regulations states:

If a structure devoted to a nonconforming use is damaged or destroyed by more than fifty percent (50%) of its fair market value, such building shall not be restored if the use of such building is not in conformance with the regulations of the zoning district in which it is located.

Per the applicant, the structure sustained damage in excess of 50% of its fair market value. The applicant intends to renovate and restore the structure to its previous use, to include new electrical, plumbing, HVAC, walls, ceilings, doors, windows, fixtures, cabinetry, flooring and appliances in the lower level unit. The upper level unit was not damaged during the fire, and renovation work in that unit will include pain, flooring and appliances. The exterior of the structure will be cleaned and painted, and the driveway will be paved.

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.

Prior to being damaged by fire, the property filled a need in the community by providing a two-family housing option. Restoring the property to its previous use will continue to fill that need.

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

Staff does not feel that the proposed use will cause any substantial injury to the value of other property in the neighborhood.

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.

No new structures or building modifications are proposed as part of this special use permit. The property will continue to function as it did prior to being damaged by fire, with the benefit of exterior cosmetic improvements and a driveway and parking area that is brought into conformance with current regulations by being paved.

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquires.

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 with included conditions.
- Motion, to recommend denial to the City Commission.
- Table the issue for additional information/consideration.

Acting Chairman Burke opened the public hearing.

Ms. Bohnsack stated the dwelling was functioning as a two-family home and was doing this well enough that the surrounding property owners were not complaining.

With no further questions or discussion, acting Chairman Burke closed the public hearing and called for a motion. Mr. Wiedower moved to approved the special use permit located at 869 Sherman Avenue based upon the findings as stated, seconded by Ms. Bohnsack and approved by a vote of 4-0.

Ms. Bohnsack asked if the entire structure will need to be brought up to code since over 50% was damaged.

Ms. Hurley responded that just the use cannot stay. Any repairs that are being made will be required to meet current code.

With several commissioners absent, acting Chairman Burke stated the election of officers will be held at February's meeting.

Ms. Hurley went over several questions Commissioner Bohnsack emailed to staff:

1. Clearing trees and grading on the north side of Lecompton near 16th Street and what is happening with the two homes built there.
 - There are no building permits for that area. May just be a property owner doing some landscaping or tree clearing which does not require a permit.
2. What is going into the old stain glass shop.
 - The city does not require business licenses so staff is not always aware when a business starts.
3. The Q-trip at Eisenhower and 4th Street.
 - That is in the city limits of Lansing. Should be opening sometime in 2020. There will be improvements made to the intersection as part of the plan.
4. Holes being dug all around Leavenworth. Staff is not sure what holes are being referenced. Ms. Bohnsack asked if there was a waterline upgrade.

- Ms. Hurley stated the water department is not part of the City and we do not always know what they are doing. However, staff is aware there has been a lot of waterline projects going on.
5. What is going in at P.A. Kelly's at Spruce and 5th Street.
 - Again, the City does not require business licenses and staff has not heard about anything.
 6. Asked about the trailers in the Walmart parking lot.
 - Hallmark stored their trailers at the Walmart parking lot while Hallmark's parking lot was being repaved.
 7. Asked about the fire damaged building at Spruce and Broadway.
 - Owner received permits in September to restore power and do interior work. Typically it takes a while to get things sorted through, such as insurance, so the City gives the property owner time to get repairs done.
 8. Grading on vacant lot at 4th Street and Santa Fe (where the pawn shop was)
 - This is where the Kare Pharmacy is going.
 9. Grading on the west side of 20th Street across from New Lawrence.
 - An Evergy substation is going in at this location. Part of the agreement was for Evergy to install a sidewalk. Any work is probably in relation to that.
 10. Why is there no development in Leavenworth.
 - There have been a number of things come through. However, a lot times when developers come through their projects are not public knowledge and staff is not allowed to comment on them. But there have been a number of inquiries. The City has a full incentive package that they offer and the City is being actively marketed.
 11. Asked about the brick building on Spruce, west of 19th Street, where the old photo studio was.
 - The last staff heard was that it was potentially going to be a restaurant.
 12. Mama Mia's under new ownership.
 - It is under new ownership. The owner is a chef looking to open a restaurant.
 13. Where is the co-op relocating.
 - The co-op moved out to the Lansing Industrial Park.

14. The grading at 20th Street and Eisenhower.

- This is part of Reilly's development that has been approved and platted.
- Ms. Bohnsack stated she is inquiring about the grading going on at the NW corner of 20th Street and Eisenhower; not the Reilly development.
- Ms. Hurley responded she is not aware of anything happening on the west side of 20th Street other than the substation she mentioned earlier.

15. Asked about the fence post for the storage facility at 20th Street and Spruce Street.

- The owner obtained a fence permit. As far as staff knows they plan on having some outside storage, which is allowed.

16. Asked if the revised plan development plan for Metropolitan was approved by the City Commission.

- The project plan has been approved but nothing has been submitted officially for approval yet.

17. Ms. Bohnsack asked about a sign she saw on 20th Street about proposed estate lots going up for sale.

- Ms. Hurley responded there is a new owner for the 45.6 acre lot between New Lawrence Rd and 20th Street. The owner is looking to split the lot into nine residential lots to sale. A plat has not been submitted yet. The property owner is working through some utility issues, trying to figure out how to service the property by sewer and work out some issues with the terrain and pond.
- Ms. Bohnsack did not think the pond is permitted in the State of Kansas.
- Ms. Hurley stated it is small enough that the State of Kansas does not regulate it.

Ms. Bohnsack further stated she does not feel like Leavenworth is growing like some of the areas around us.

Ms. Hurley stated there are many factors that play a part in that. A big part of it is that Leavenworth does not have direct access to an interstate and the short drive up Hwy 7 is enough to deter a lot of larger businesses. The Port Authority and the City are still actively marketing the new industrial park. The City has actually had more visits and inquiries for the industrial park than they had anticipated. At some point development will start happening there.

With no further business, the meeting was adjourned at 6:19 p.m.

JH/mb