

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, December 7, 2020
6:00 PM

CALL TO ORDER:

Commissioners Present

Claude Wiedower
Linda Bohnsack
James Diggs
Joseph Burks
Chris Murphy
Sherry Hines Whitson
Mike Burke

Commissioners Absent

City Staff Present

Julie Hurley
Michelle Baragary

Mike Burke, Claude Wiedower, Joseph Burks, Julie Hurley and Michelle Baragary were present in the commission chambers. James Diggs, Sherry Hines Whitson, Chris Murphy and Linda Bohnsack participated remotely.

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

APPROVAL OF MINUTES: July 13, 2020

Chairman Burke asked for comments or a motion on the minutes presented for approval: July 13, 2020. Mr. Wiedower moved to approve the minutes as presented, seconded by Mr. Burks and approved by a vote of 4-0. Ms. Whitson, Ms. Bohnsack and Mr. Diggs did not vote due to technical difficulties.

APPROVAL OF MINUTES: October 5, 2020

Chairman Burke asked for comments or a motion on the minutes presented for approval: September 14, 2020. Mr. Wiedower moved to approve the minutes as presented, seconded by Mr. Diggs and approved by a vote of 5-0. Ms. Whitson and Ms. Bohnsack did not vote due to technical difficulties.

OLD BUSINESS:

None

NEW BUSINESS:

With numerous residents in attendance for the rezoning request, the commissioners reviewed the Fort Gate Marketplace 2nd Plat first.

- 1. 2020-40 SUB – FORT GATE MARKETPLACE FINAL PLAT, 2nd PLAT**
Consider a final plat for the Fort Gate Marketplace subdivision.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Fort Gate Properties, LLC, plat prepared by Renaissance Infrastructure Consulting. The applicant is requesting approval of a 1.548 acre, 2 lot plat for the Fort Gate Marketplace commercial development. The property is zoned GBD, General Business District, and is currently vacant. The site was previously occupied by the Commanders Inn, which was recently demolished.

The applicant intends to redevelop the property with a commercial daycare center and a fast food restaurant. The plat includes all necessary utility easements.

The Project Plan to establish the North Gateway Redevelopment District for this project was reviewed by the Planning Commission for conformance with the Comprehensive Plan in November 2019, and approved by the City Commission.

The preliminary plat was approved by the Planning Commission at the May 5, 2020 Planning Commission meeting. Pending action by the Planning Commission, the City Commission will review the plat to accept land dedicated for public purposes in the form of utility easements. The first final plat for the Fort Gate Marketplace was approved by the Planning Commission on October 5, 2020.

Staff recommends approval of the Fort Gate Marketplace, Second Plat.

ACTION/OPTIONS:

- Approve the Final Plat
- Deny the Final Plat
- Table the issue for additional information/consideration.

Chairman Burke called for discussion among the commissioners.

With no questions or comments, Chairman Burke called for a motion. Mr. Wiedower moved to approve the Fort Gate Marketplace, Second Plat, Final Plat, seconded by Mr. Burks and approved by a vote of 5-1 (Ms. Bohnsack did not vote due to technical issues). Mr. Murphy voted nay stating a few months ago the commissioners approved the Fort Gate Marketplace First Plat which was for a convenience store and a fast food restaurant. Now the commissioners are being asked to approved the second plat, which is for a fast food restaurant and a daycare center. Mr. Murphy does not feel comfortable approving this plat which will end up with a convenience store, two fast food restaurants and a daycare center.

2. 2020-37 REZ – 2100 LIMIT STREET

Conduct a public hearing for Case No. 2020-37 REZ – 2100 Limit Street. The applicant is requesting a rezoning of the property located at 2100 Limit Street from R1-25, Low Density Single Family Residential District, to R-MF, Multiple Family Residential District.

Chairman Burke explained the public hearing process to the audience.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Greenamyre Rentals, Inc. The applicant is requesting a rezoning of their property located at 2100 Limit Street and the lot directly adjacent to the north from R1-25 to R-MF. The two parcels are situated between Vilas and Limit Streets, totaling approximately 5 acres and are currently vacant. To the east is Henry Leavenworth Elementary School.

The rezoning is being requested in order to allow for the development of market-rate townhomes. The applicant has provided a conceptual site plan showing a total of 28 townhome units, with a through street from Vilas to Limit.

The Development Review Committee reviewed the project at their October 15, 2020 meeting and discussed items related to traffic congestion associated with the nearby school, street configuration, utility issues, stormwater and water quality issues, and other items related to the potential development of townhome units in this location. The applicant indicated that they would bring a concept for a cul-de-sac configuration instead of a through street to the Planning Commission meeting.

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 vacant and is surrounded by large lot single family residential development. To the east is Henry Leavenworth Elementary School. To the west is a traditional single family residential neighborhood.

- b) The zoning and use of properties nearby;

The surrounding properties are zoned R1-25, Low Density Single Family Residential District. Henry Leavenworth Elementary School to the east is zoned R1-9, Medium Density Single Family Residential District. The single family residential neighborhood to the west is zoned PUD, Planned Unit Development.

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

The subject property is currently zoned R1-25, Low Density Single Family Residential, which is typical of agricultural and large lot residential uses in the City. The property is vacant and is surrounded by large lot single family residential uses, but may be suitable for a variety of residential uses.

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

The proposed rezoning could have a potential detrimental effect on nearby property due to an increase in traffic along narrow and unimproved sections of Vilas and Limit Streets. The streets in the general vicinity are ditch section streets, and already experience brief periods of high traffic volume due to the nearby elementary school.

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

The property has always been single-family/agricultural in nature.

- 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 would have a positive effect upon the economic vitality of Leavenworth by allowing for a variety of housing types and price points.

- 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 subject area is identified as appropriate for Low Density Residential uses, which is defined as 7,500-14,000 sqft of lot area per dwelling unit. The proposed development provides approximately 4,700 sqft of lot area per dwelling unit as shown on the submitted site 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.

REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from R1-25 to R-MF to the City Commission
- Recommend denial of the rezoning request from R1-25 to R-MF to the City Commission
- Table the issue for additional information/consideration.

Chairman Burke called for discussion/questions about the staff report.

Mr. Wiedower asked if the City has an assessment of the economic impact.

Ms. Hurley responded an economic impact report is not required for rezoning proposals. Ms. Hurley further stated the City is in the process of updating their comprehensive plan, and one thing the City has repeatedly heard from public input from residents, property owners and business owners is the need for more variety in housing options. This development would feed into that identified need.

Mr. Wiedower asked if the project is approved, is the City ready to make the necessary capital improvements in that area.

Ms. Hurley responded there is no plan at this point in the capital improvement plan with the City to improve Vilas or Limit at this point.

Mr. Murphy stated his concern is with the traffic in the area. Has the City discussed that issue.

Ms. Hurley replied the Police Department and the Public Works Department are part of the Development Review Committee and spoke about this during the DRC meeting October 15, 2020. The main periods of congestion are during the drop-off and pick-up periods, which PD is well aware of.

Chairman Burke asked if staff received any comments from the school district.

Ms. Hurley responded in the negative.

Mr. Wiedower stated it appears the applicant has proposed a plan for a cul-de-sac to minimize traffic in the area by offering two separate entrances.

Ms. Hurley stated the conceptual site plan provided by the applicant is for a through street. One option discussed at DRC was a cul-de-sac or some other configuration, which the applicant can discuss further.

Chairman Burke asked if the project is approved would any immediate changes need to be made for the storm runoff to feed into or feed out of the subject property.

Ms. Hurley responded any new development would be required to take care of their storm water within their site, which means the subject property's storm water could not impact anything outside of that site.

Chairman Burke asked if the applicant would like to add anything.

Jeremy Greenamyre, applicant, stated after the DRC meeting he did think that maybe a cul-de-sac or U-shaped street, etc. to help direct traffic. Mr. Greenamyre further stated Leavenworth is a great place if you are looking for new single-family homes or existing single-family homes, but there is not a lot of multi-family or nicer market rate rental units hitting the market, which is the market he is targeting.

Mr. Greenamyre further stated he is not opposed to a different configuration that would make sense. Housing will be 1,000-1,200sqft range. There are no immediate plans to develop the lots. This is just preliminary conceptual plan and breaking ground probably would not happen for 5-10 years.

Mr. Wiedower asked if the units will be rental units or can they be purchased and what would the cost be.

Mr. Greenamyre responded the units would be rentals, \$1,000-1,400/mo., maintenance free. This is a market rate development so there are no low-moderate tax credits or City incentives.

Mr. Wiedower asked about the quality of the units.

Mr. Greenamyre stated the units have many of the updates you would expect to see in new home developments such as granite countertops, vaulted ceilings, garages, sprinkler systems and some units will have heated flooring.

Mr. Murphy stated the applicant had mentioned he would not be surprised if breaking ground did not happen for possibly 10 years. Mr. Murphy asked for clarification this project is not something the applicant wanted to start immediately.

Mr. Greenamyre responded this is a long-term hold. With all the other projects in the works, Mr. Greenamyre would be surprised if he got to this project before 3-5 years.

With no further questions from the commissioners, Chairman Burke opened the public hearing.

Brian Stephens, 2614 S. 25th Street, stated Greenamyre has done a lot for the community. Mr. Stephens concerns are increase in traffic and poor road conditions with Vilas and Limit Streets. Mr. Stephens further referenced the minutes from the October 15, 2020, DRC meeting stating there was no drainage plan, no identification for fire hydrants, no statements from the Fire Department, and no statements about utilities.

Rick Kimbrough, 2115 Vilas, is concerned with public safety – fire protection, police protection and emergency medical assistance. Mr. Kimbrough would like to see Vilas and Limit Streets widened.

Kevin Baker, 2101 Limit, commented his main concerns are the streets, stating the streets should be rebuilt.

Janiece Baker, 2101 Limit, is concerned with infrastructure, the increased traffic and the width of the streets making them dangerous to drive.

Jeff Fink, 2116 Vilas, is concerned with the safety of the streets stating people will drive in his front yard because Vilas is too narrow. Mr. Fink asked the commissioners why not build on the land located on Eisenhower.

Chairman Burke responded that property does not belong to the applicant.

Ms. Hurley asked what property on Eisenhower Mr. Fink is referring.

Mr. Fink responded the property the City spent millions of dollars on.

Ms. Hurley responded that property is the Business and Industrial Park, which is not owned by Greenamyre nor is it zoned residential.

Mr. Fink would like to know what other areas Mr. Greenamyre has looked at.

Chairman Burke asked Mr. Greenamyre if he looked at other properties within the City of Leavenworth for development before purchasing the subject properties.

Mr. Greenamyre responded in the negative stating the subject properties were presented to him as an opportunity, the price made sense and the location is good.

Mr. Wiedower stated the applicant may own other properties in Leavenworth but tonight's meeting is regarding the property on Vilas and Limit Streets.

Janiece Baker approached the board again stating a multi-family housing unit in a fully residential area is concerning. She further asked Mr. Kimbrough how many cars he counted last week.

Mr. Kimbrough replied last Friday he counted 153 cars parked along Vilas, Limit and 22nd Streets. In addition, many parents drive against the traffic on Vilas and drive west; then do a U-turn at the intersection of 20th Street and Vilas.

James Hassel, 2323 S. 24th Street, stated his concerns are with increased traffic and security risks for the kids, especially for the kids walking and riding bikes to/from school. He further mentioned there is no storm drainage infrastructure on Limit Street.

Heather Hassel, 2323 S. 24th Street, stated she understands the economic importance of the development; however, the current area consists of single families, yet the applicant is looking at professional working class moving into the proposed development. Ms. Hassel also has concerns with the lack of infrastructure in the area and safety concerns.

Jerry Heintzelman, 2089 Limit Street, stated his main concerns are water runoff, property value depreciation and poor street conditions. Mr. Heintzelman further stated Mr. Reilly was going to development this land but did not because Mr. Reilly was told he would need to improve the streets.

Storm Savage, 3032 Somerset Drive, stated his concerns are with depreciating property values, increased traffic and infrastructure.

Peter Campbell, 2311 Vilas Street, stated Mr. Reilly did not develop the land when he owned it because it was not profitable; so what has changed from then to now. Mr. Campbell further stated his concerns are with traffic and safety.

Terry Rogers, owns the land to the west of 2101 Limit Street, stated her concerns are depreciated property values and roads impassable for emergency vehicles. Ms. Rogers asked staff why they recommended approval for the rezoning request.

Ms. Hurley responded staff recommendation is based on all departments within the City that reviewed this through the Development Review Committee, which includes Planning, Public Works, Police, Fire, City Manager and City Clerk. The comments and minutes from that review has been included in the agenda packet. The issues brought up in that review by the different departments were items the various staff members felt could be addressed with the proposal at the time of development.

Chairman Burke stated the public hearing has been going on for an hour and twenty minutes. He will allow another 15 minutes of discussion before closing the public hearing. To summarize what he has heard is there is a question about the infrastructure; infrastructure of the roads, water runoff, narrowness of the roads and public safety. Chairman Burke asked if there is anything new that someone would like to come forward to address.

Mr. Heintzelman asked if there was ever a proposal or design for stormwater.

Ms. Hurley responded at this point there has not been. An engineering plan would be required at the time of site plan approval, which would come back to City staff for review.

Mr. Heintzelman does not believe the developer should be allowed to rezone the property if he does not already have stormwater plans.

Kathleen Buker, 2235 Hebbeln Drive, stated under the Future Land Use layer on the City's GIS there is multi-family zoning between Limit Street and Tonganoxie Drive. Ms. Buker further stated the street infrastructure still needs to be addressed with or without the approval of the proposed rezoning request.

Anita Duke, 2229 Vilas Street, stated her concerns are traffic, safety, stormwater and property values.

Mr. Savage asked if there has been a tax revenue versus a tax assessment study completed.

Ms. Hurley stated those studies are not done for a typical rezoning request.

Mr. Hassel referenced the DRC minutes stating the Police Department mentioned traffic backs up as far as the proposed subdivision.

Renate Campbell, 2311 Vilas Street, stated she works at Henry Leavenworth Elementary school and has concerns about the owls, deer, woodchucks, etc. that inhabit the subject property.

Chairman Burke asked Ms. Campbell what her position is at the school.

Ms. Campbell replied she is the Building Secretary.

Chairman Burke asked if the traffic issue has been addressed with the Board of Education.

Ms. Campbell stated the issue is being addressed but specific information would need to come from the BOE.

Kay Beaman, 2018 Limit Street, stated her concerns are stormwater runoff, traffic safety and street improvements.

Chairman Burke thanked everyone for participating, closed the public hearing and called for discussion among the commissioners.

Mr. Burks referenced comment #11 in the email dated October 12, 2020 and asked for clarification that the City does not currently have any plans to improve Limit Street.

Ms. Hurley responded in the affirmative.

Sherry Hines Whitson thanked everyone for coming together for a common cause.

With no other comments or questions, Chairman Burke called for a motion. Mr. Burks moved to recommend denial of the rezoning request from R1-25 to R-MF and seconded by Mr. Diggs. Chairman Burke called the roll and the motion to recommend denial was passed 6-1 (Ms. Bohnsack voted to approve the rezoning request).

Ms. Hurley stated any rezoning request, regardless of the vote the Planning Commission makes, unless it is to table the item for further discussion, will go to the City Commission for final consideration. State statute requires a 14-day protest petition period. The City Commission has cancelled their second regular meeting of December because it falls Christmas week. This will go to the first regularly scheduled City Commission meeting on January 12, 2021.

Ms. Baker asked if they would be notified of the City Commission meeting.

Ms. Hurley responded notification will not be sent out but they can check the agenda as it is posted on the City's website.

Chairman Burke asked if there were any other comments or business to discuss.

Ms. Hurley stated there are two items for January's agenda.

With no other business, Chairman Burke adjourned the meeting.

The meeting adjourned at 7:58 p.m.

JH/mb