

**CITY OF LEAVENWORTH
PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N. 5th Street
Leavenworth, KS 66048**

**REGULAR SESSION
Monday, May 9, 2022
6:00 p.m.**

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: April 4, 2022**

OLD BUSINESS:

None

NEW BUSINESS:

1. 2022-07 REZ – 1830 S. BROADWAY

Conduct a public hearing for Case No. 2022-07 REZ – 1830 S. Broadway. The applicant/owner is requesting a rezoning of the property located at 1830 S. Broadway from PUD, Planned Unit Development, to R-MX, Residential Mixed Use District.

2. 2022-08 APPEAL – 4900 S. 4TH STREET

Review site plan for a proposed development at 4900 S. 4th Street. The applicant, John Kollhoff, is appealing the Development Review Committee's unanimous decision to withhold approval of the site plan for 7 Brew Coffee located at 4900 S. 4th Street.

OTHER BUSINESS:

None

ADJOURN

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, April 4, 2022
6:00 PM

CALL TO ORDER:

Commissioners Present

Claude Wiedower
James Diggs
Bill Waugh
Donald Homan

Commissioners Absent

Sherry Hines Whitson
Chris Murphy
Joe Burks

City Staff Present

Julie Hurley
Michelle Baragary

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

APPROVAL OF MINUTES: March 7, 2022

Chairman Wiedower asked for comments or a motion on the minutes presented for approval: March 7, 2022. Commissioner Waugh moved to approve the minutes as presented, seconded by Commissioner Diggs and approved by a vote of 4-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2022-05 REZ – 604 POTTAWATOMIE

Conduct a public hearing for Case No. 2022-05 REZ – 604 Pottawatomie. The applicant is requesting a rezoning of the property located at 604 Pottawatomie from NBD, Neighborhood Business District, to I-1, Light Industrial District.

Chairman Wiedower called for the staff report.

Planning Director Julie Hurley stated the applicant is requesting a rezoning of their property located at 604 Pottawatomie from NBD, Neighborhood Business District, to I-1, Light Industrial District. The subject property is owned by the Meyer Family Trust and is occupied by an existing one-story commercial building, which currently houses June's Northland Restaurant and Catering.

The property is under contract to be purchased by Stripes Global, which is a service-disabled veteran owned company servicing medical needs of United States veterans. The rezoning is being requested to allow for the reuse of the building as a distribution and fulfillment center for Stripes Global. No additions or new construction are proposed. Stripes Global has indicated that they intend to provide up to 60 jobs at the location. The property is located within a HUBZone, which is a classification granted by the US Small Business Administration and helps small businesses in urban and rural communities gain preferential access to federal procurement opportunities. These preferences go to small businesses that obtain HUBZone certification in part by employing at least 30% staff who live in the HUBZone.

The site is located at the northeast corner of 7th & Pottawatomie Streets. There are a number of commercial uses in close proximity to the site along the 7th Street corridor, and the site is identified as appropriate for Commercial Uses on the Future Land Use Plan. There is existing parking on the site, sufficient for any potential use.

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 1.12 acres in size and is located at the northeast corner of 7th & Pottawatomie Streets, along the 7th Street corridor. There are a number of commercial uses in close proximity, along with a high concentration of single family residential neighborhoods.

b) The zoning and use of properties nearby;

The properties to the west are zoned OBD, Office Business District. The property to the north and west, across 7th Street, is occupied by Kids Connection. The property to the north along 7th Street is zoned NBD, Neighborhood Business District, and is occupied by a barber shop and tattoo/piercing studio. Other properties to the north are zoned R1-6, High Density Single Family Residential District, and are occupied by single family residences. The properties to the east are zoned R1-6 and are occupied by single family residences. The property to the south is zoned R1-6 and is occupied by the Independent Baptist Church. Properties further to the north along 7th Street are zoned OBD and are occupied by a variety of retail, office and residential uses. Properties beyond the 7th Street corridor are primarily zoned R1-6, High Density Single Family Residential District, and occupied by single family homes.

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

The subject property is occupied by a large, single-story commercial building which is suitable for a variety of uses.

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

The proposed rezoning should have little detrimental effect upon surrounding properties. The range of uses allowed in the I-1 zoning district are primarily low intensity in nature and suited for the building present on the site.

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

The subject property is not vacant.

- 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 landowner;**

The proposed rezoning will have a positive effect on the economic development of the City and region by allowing for the adaptive reuse of an existing building for which the current owners plan to retire. The rezoning will allow the establishment of a veteran-owned and veteran-centered business while providing job opportunities to residents in the immediate area.

- 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 area is identified as appropriate for commercial uses on the Future Land Use map. Due to the low-intensity nature of uses permitted in the I-1 zoning district, many of which are also permitted within established commercial zoning districts, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive 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.

After the required public notices were sent to property owners within 200' as required by Kansas State Statute, staff received one call from a notified property owner in favor of the rezoning.

REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from NBD to I-1 to the City Commission
- Recommend denial of the rezoning request from NBD to I-1 to the City Commission
- Table the issue for additional information/consideration.

Chairman Wiedower called for questions from the commissioners about the staff report.

Commissioner Homan asked what other uses are allowed in the I-1, Light Industrial District.

Ms. Hurley responded there are a variety of uses allowed in the I-1 district such as warehousing and light manufacturing. Heavy manufacturing or trucking would not be allowed in the I-1 district.

With no further questions about the staff report, Chairman Wiedower opened the public hearing.

Mike Reilly with Reilly Real Estate is attending on behalf of the seller. The subject property was originally built and developed primarily as a grocery store. When that use expired, the building was vacant for a number of years. It was of no value to the neighborhood or to the community as a whole. The building was purchased approximately 11 years ago by the current owner, which is a restaurant and event space known as June's Northland. The current use is now expiring. The question is if our community is going to take the opportunity to reinvest and change the life cycle of the building.

Mr. Reilly further stated we now have the opportunity to bring in a service disabled veteran-owned small business that focuses mainly on providing best-in-class medical, dental and life science equipment to veterans, soldiers and those in need.

Ms. Hurley stated there has been a lot of talk about needing a grocery store in the north part of town. There have been several grocery users who have looked at the subject building and determined that for the way today's grocery stores are set up, this building does not work for a grocery store.

Tyson Schultz, CEO and founder for Stripes Global, stated he is a service disabled veteran who started this business a little over five years ago. The intent of the Veterans Benefit Act of 2011 is for veterans to open businesses and employ other veterans. Mr. Schultz wants to take the business from distribution to light manufacturing. This is important for the HUBZone designation, which requires a substantial transformational change in the project to tie the HUBZone name to it, according to the federal government.

Mr. Schultz further stated light industrial will be assembly of medical devices. The company will receive incentives from the State of Kansas, which requires the company to pay a minimum of \$22/hr. They will be looking to hire 50 to 60 from the localized area as well as veterans.

Chairman Wiedower is pleased to hear it will be assembly of medical and dental equipment and not heavy manufacturing, which could cause problems due to noise, emissions of fumes, etc.

Mr. Schultz stated it will also include veterinary devices, which are regulated as much as human devices.

Chairman Wiedower asked about the logistics of the business.

Mr. Schultz responded their drugs are moved rigidly through major carriers because they are class 3 controlled substances, which requires a chain of custody. One FedEx or UPS truck would come in the morning to drop off the product and another FedEx or UPS truck would come in the evening to pick-up for distribution. Approximately once a week or less, a large truck will come for medical devices when receiving components.

Chairman Wiedower asked the size of the larger truck that would come once a week.

Mr. Schultz is guessing a 53' semi truck. If that is a problem, they might use box trucks.

Commissioner Diggs asked what exactly is a HUBZone.

Mr. Schultz responded it is a designation from the U.S. Small Business Administration for small companies that operate and employ people in historically underutilized business zones. 10% below the national average or unemployment that exceeds the national average is designated a HUBZone. Military base closures, native American land and disaster areas create HUBZones. SBA regulations state you must be 51% business owner as an American and must hire and maintain one-third of your staff from inside the HUBZone.

Ms. Hurley asked if all of Leavenworth is in the HUBZone or just the north portion.

Mr. Schultz directed staff to go to the SBA HUBZone map online.

Ms. Hurley stated it appears to be by census tract and we have two north Leavenworth census tracts that are included.

Commissioner Diggs asked if the one-third hiring requirements are for people who live within the HUBZone.

Mr. Schultz responded they must live in that HUBZone or a nearby HUBZone.

Chairman Wiedower asked Mr. Schultz if he has experience with light manufacturing.

Mr. Schultz responded this will be the company's first time with light manufacturing. He currently is a distributor for large companies such as CAE, Millepore EMD, Beckman Coulter Danaher; and his customers include the EPA, FBI, Navy, Army, Air Force, VA, NIH, etc.

Commissioner Waugh asked Mr. Schultz if he has operated a facility similar to the one he would operate in Leavenworth.

Mr. Schultz responded in the negative.

Commissioner Waugh asked what makes this one unique.

Mr. Schultz responded his business partners has operated facilities like this. His business partners ran the pharmaceutical company Teva, which brought many drugs to market.

Commissioner Waugh asked once the facility is up and running and someone drives by at 10:00 a.m., other than a truck pulling up to drop products off, what would be seen or heard at this facility.

Mr. Schultz responded nothing but parked cars.

Commissioner Waugh asked if the parking lot will accommodate 60 employees.

Mr. Schultz stated by the time they have 60 employees will they have a second location. He does not believe the parking lot will be an issue.

Commissioner Homan asked what will happen to this facility if the company outgrows it.

Mr. Schultz responded this facility will always be maintained. They will be putting 6M of repackaging at this facility. The goal is to manufacture and press the pills at a different facility, then transport them to this facility to be brought down into 30, 60 and 90 day supplies and bottles. Mr. Schultz further stated this will be a three phase project. The first phase is getting this facility up and running, second phase is repackaging and third phase is manufacturing. The third phase will require a second location.

Chairman Wiedower asked if the assembly of the components would be in conflict with the EPA or could cause harm to anyone in the surrounding area.

Mr. Schultz responded they must adhere to strict regulations and there will absolutely not be anyone harm to the surrounding area.

Chairman Wiedower asked if there is extensive documentation to maintain for a veteran-owned small business and HUBZone status.

Mr. Schultz responded he is currently HUBZoned certified in Bremerton the naval shipyard. Must report to the SBA every five years.

Keith Baird, Sr. Vice President Stripes Global, stated he has been in the manufacturing industry for 40 years. For regulations, Stripes Global will adhere to the International Standards Organization (ISO) certifications, will

maintain two ISO 1345, which is related medical equipment, and ISO 9001, which is general quality systems. Additionally, they will be seeking FDA certification. There will be annual audits from ISO to certify your operation system in addition to annual audits from the FDA. It is a very detailed operation in terms of the systems and information they will be required to maintain, such as be able to identify every lot number, maintain details about all the components that went into the device, etc.

Commissioner Diggs asked if technical or highly skilled individuals will be hired for these positions.

Mr. Baird responded that some will be. All the positions require a certain skill set; then they will be trained to the company's procedures to be able to maintain the quality system.

Chairman Wiedower asked about personal protective equipment (PPE), modifications for air movement and if there will be any changes to the building to meet the required standards.

Mr. Baird stated changes to the building will be internal, such as a creating a special room within the building. The key is going to be the number of air changes that will be in that specific room; the heap type filtration. Most of the PPE will be anti-static, gloves and hair bonnets, etc.

Commissioner Diggs asked what the hours will be.

Mr. Baird responded typical daytime hours such as 7 a.m. to 3 p.m. or 8 a.m. to 4 p.m. Monday through Friday.

Mr. Reilly stated he wants to stress that when you look at this type of use and how it blends into the neighborhood today and then into the future, it's critical that the City looks at adapting some of these neighborhoods for these small, unintrusive uses that will provide benefit to our community.

Mr. Reilly further stated the business that is currently at this location brings in 600-900 people just for a Sunday brunch. When you think of the traffic, trucks, food delivery service, trash, etc., all of these things that have to support the business that is there currently versus what will take place for the proposed use, you could almost make the case that the proposed use is less intrusive to the neighborhood during hours when people are at home.

With no one else wishing to speak, Chairman Wiedower closed the public hearing and called for discussion among the commissioners.

Chairman Wiedower stated what Mr. Reilly alluded to is that the building needs to be used because there is nothing worse than a vacant building. To have a veteran-owned business with a light industrial use, which does not have significant noise that would be in conflict with the neighborhood, is a good thing. A veteran-owned business looking to hire veterans is a good thing. This is a win-win situation for all.

With no further questions/discussion, Chairman Wiedower called for a motion. Commissioner Homan moved to recommend for approval to the City Commission the rezoning request from NBD, Neighborhood Business District, to I-1, Light Industrial District for Case No. 2022-05 REZ – 604 Pottawatomie based upon all information presented, seconded by Commissioner Diggs and passed by a vote 4-0.

Ms. Hurley stated this rezoning request goes to the City Commission on April 26, 2022 for first consideration ordinance for the City Commission to approve.

2. 2022-06 SUB – 4820 S. 4TH STREET

Consider a final plat for U-Haul.

Chairman Wiedower called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by AREC 34, LLC, plat prepared by Red Plains Surveying. The applicant is requesting approval of a one lot final plat for the U-Haul development located at 4820 S. 4th Street. The property currently consists of two previously unplatted tracts. The plat is being requested in order to combine the two existing tracts into one lot to facilitate the construction of an additional building on the site. The adopted Development Regulations require the entire property to be platted in order for any sort of combination to be approved.

The subject property is 12.9 acres in size, and is occupied by the U-Haul storage and rental facility. The Development Review Committee reviewed the preliminary plat at their March 17, 2022 meeting. Items related to utility easements were discussed, and are currently being worked through with Public Works staff. All necessary items will be addressed and shown satisfactorily prior to the plat proceeding to the City Commission for acceptance of public utility easements and final recording of the plat.

ACTION/OPTIONS:

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

Chairman Wiedower called for questions about the staff report.

Commissioner Homan asked if there will be any changes to the driveways and access roads.

Ms. Hurley responded all that will stay the same. There are no changes with the layout of the property.

Chairman Wiedower asked for verification that U-Haul owns both lots and already has the U-Haul operation in place so they just want to expand that to utilize the lot that was not platted.

Ms. Hurley responded the applicant is just combining both lots into one lot so U-Haul can add the additional building they are planning to build.

Chairman Wiedower asked if this commission is to recommend approval or denial to the City Commission.

Ms. Hurley stated the Planning Commission would approve or deny the plat. What the City Commission does is separate from the plat. The City Commission would just accept the dedication of easements.

With no further questions/discussion, Chairman Wiedower calls for a motion to approve or deny the final plat. Commissioner Diggs moves to approve the final plat for U-Haul Case No. 2022-06 SUB – 4820 S. 4th Street, seconded by Commissioner Waugh and approved by a vote of 4-0.

With no other business, Chairman Wiedower adjourned the meeting at 6:46 p.m.

Minutes taken by Administrative Assistant Michelle Baragary.

PLANNING COMMISSION AGENDA ITEM
2022-07-REZ
1830 S. BROADWAY STREET

MAY 9, 2022

SUBJECT:

A request to rezone the property located at 1830 South Broadway Street, from PUD, Planned Unit Development, to R-MX, Residential Mixed Use District.



Prepared By:

Julie Hurley
Director of Planning and
Community Development



Reviewed By:

Paul Kramer
City Manager

ANALYSIS:

The applicant and owner, Baljit Baidwan, is requesting a rezoning of the property located at 1830 South Broadway Street from PUD, Planned Unit Development, to R-MX, Residential Mixed Use District. The subject property is 9.32 acres in size and is occupied by a single building, which is occupied by the Council on Aging. The Council on Aging is anticipated to vacate the building and relocate to the former Cushing Memorial Hospital by the end of 2022.

A public hearing was previously held by the Planning Commission for a rezoning on the subject property on March 7, 2022. At that time, the request was to rezone the property from R1-6, High Density Single Family Residential District to R-MX, Residential Mixed Use District. After the public hearing was held, it came to staff's attention that the zoning designation of R1-6 was incorrect, and that the property had been previously rezoned to PUD, Planned Unit Development in 2009. The City Attorney advised staff that even though no changes were made to the current proposal, a new application would need to be submitted indicating the correct zoning designation of PUD, with new legal notification sent to property owners within 200' and a new public hearing would need to be conducted.

The rezoning of the property in 2009 to PUD restricted the uses to government storage, temperature controlled storage, governmental uses and office for private entities serving government needs. This rezoning is being requested to allow the property owner to renovate the building to allow for a mix of office and multifamily residential uses. The owner has indicated that he anticipates approximately 30 residential units to be constructed in the building. The owner has indicated that he has no plans at this time to expand the existing structure or construct additional buildings on the property.

During the previous public hearing held by the Planning Commission on March 7, 2022 the board voted 4-0 to recommend approval of the Rezoning request. During the meeting a total of 6 neighbors spoke in opposition to or voicing concerns about the proposed Rezoning.

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 the site of the Council on Aging facility. The surrounding and adjacent properties are single-family homes, and Saint Casimir church located at the southeast corner of Pennsylvania St and S Broadway Street. The subject property's access entrance is located along Garland Street, the parcel abuts Pennsylvania Street, South Broadway St, and Rees St. Garland Street is classified as a local street and designed to handle a low volume of traffic. Based on 2019 Pavement Condition Index (PCI) the current condition of Garland is classified as very poor.

- b) The zoning and use of properties nearby;

All adjacent properties are zoned R1-6 (High Density Single Family Residential District), and uses are single-family residential, with St. Casimir Catholic Church to the northeast.

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

The subject property was built in 1960 and was previously used as the county infirmary. The nature of the building limits its functionality to primarily office type uses as it exists today. The building is currently used as an office space and community center for senior citizens for the Council on Aging. A large portion of the property is open green space.

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

The proposed rezoning has potential to impact the surrounding properties by increasing the vehicular and foot traffic flow in the area. The subject building has been used for office space and community center for senior citizens prior to the current owner.

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

The existing building has not been vacated by Council on Aging. Council on Aging is still utilizing office space and holding programs and events at this location.

- 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 could have a potential positive effect on public health, safety and welfare by allowing for the reuse of an existing building that is about to become vacant, and by providing for a mix of residential, office and commercial uses.

- 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 area is identified as Public/Semi-Public on the Future Land Use map. While the proposed rezoning to R-MX is not specifically a public or semi-public use, the designation of Public/Semi-Public does take into account the potential for a more intense use of the property than what currently exists. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive 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:

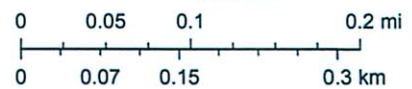
- Recommend approval of the rezoning request of 1830 S. Broadway from PUD to R-MX.
- Recommend denial of the rezoning request of 1830 S. Broadway from PUD to R-MX.
- Table the issue for additional information/consideration.

1830 S. Broadway



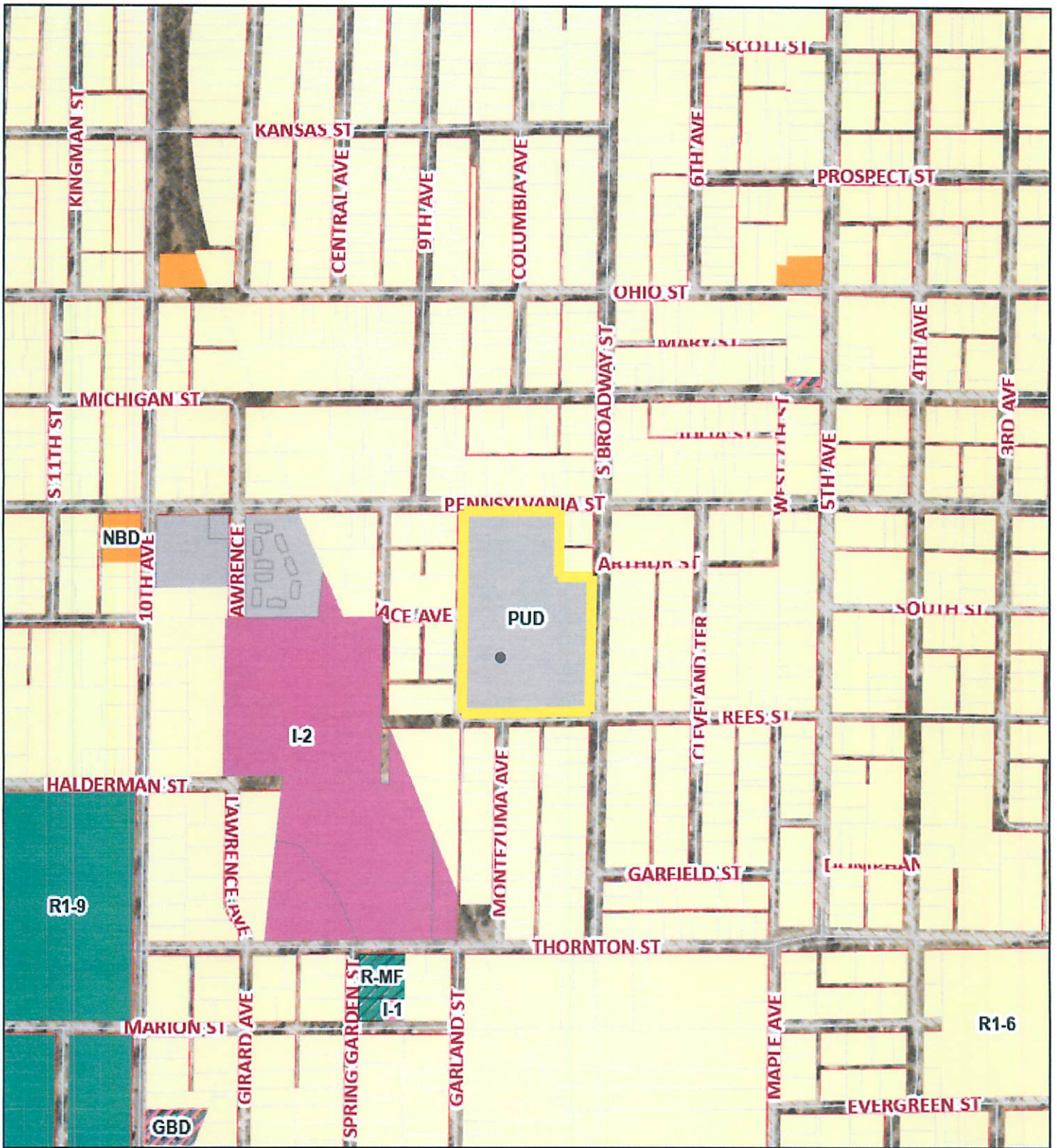
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Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., Intermap, USGS, EPA

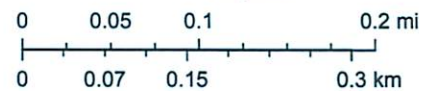
1830 S. Broadway - Zoning



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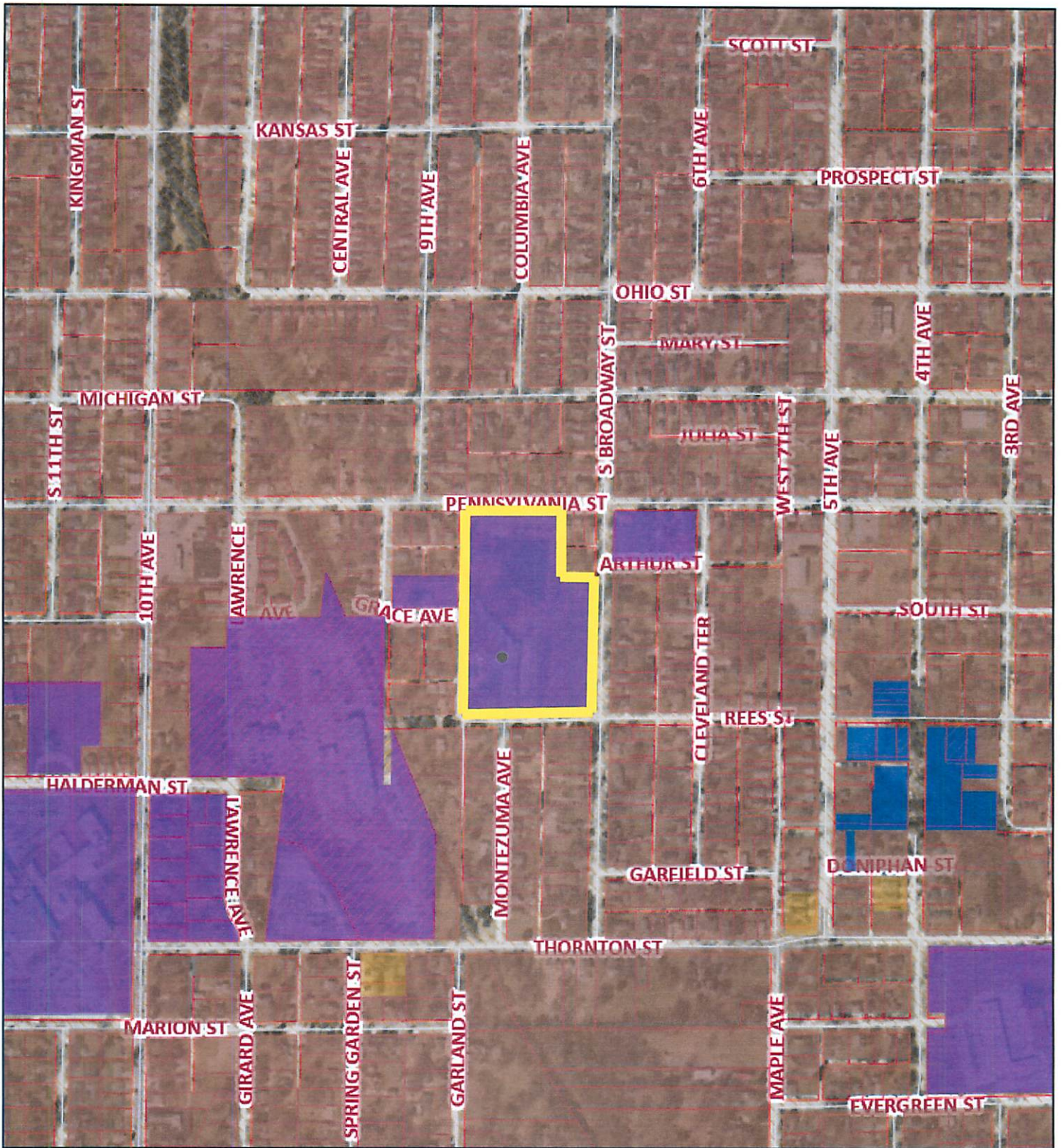
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- Override 1
- NBD
- Parcels (City Owned)
- Zoning_CURRENT
- PUD
- Parcels_Current
- GBD
- R-MF
- Leavenworth City Limits
- I-1
- R1-6
- City Right-of-Way
- I-2
- R1-9
- RoadCenterline



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., Intermap, USGS, EPA

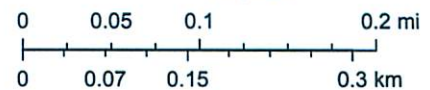
1830 S. Broadway - Future Land Use



4/27/2022, 2:38:42 PM

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- Override 1
- Future Land Use (Comp Plan 2030)
- Conservation/Open Space
- Multi-Family
- Public/Semi-Public
- Single-Family
- Parcels (City Owned)
- Parcels_Current
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., Intermap, USGS, EPA



**APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS**

OFFICE USE ONLY

CASE NO. 2022-07 REZ

Application #	11092
Fee (non-refundable)	waived \$350.00
Filing Date	4-7-22
Received By	_____
Hearing Date	5-9-22
Publication Date	4-14-22

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Subject Property:	1830 S Broadway St Leavenworth KS 66048		
Rezoning:	Present classification of:	PUD	district to: RMX
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)		
Real Estate PID #	101-02-0-10-14-004-00-0	Historic District:	

I/We, Baljit Baidwan being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Name(s) of Owner (print or type):	Baljit Baidwan		
Address:	14413 Reeds st overland Park KS 66223		
Contact No.:	615-218-8423	Email:	Baidwan.Baljit@gmail.com
Signature of Owner(s):	<u>Baidwan</u>		

NOTE: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

State of Kansas)
County of Leavenworth), SS

Signed or attested before me on April 7th, 2022 by Baljit Baidwan
(date) (name(s) of person(s))

Notary Public: Michelle Baragary My Appointment Expires: 8-16-24

(SEAL)



If necessary, use additional sheets to respond to the following:

Briefly describe the present use and character of the property and of the surrounding area:

This is a large lot commercial in nature surrounded by mostly single family homes.

Briefly describe the intended use and character of the property:

Convert the existing building into a mix of use to some office & multifamily.

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property:

The proposed use is the best use of the building without major changes. The current use is an office and was an infirmary in the past housing a large number of people.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts:

Currently used as an office for council imaging since 2010. Large number of vehicles already at the building & traffic from visitors.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions:

SUP for COA.

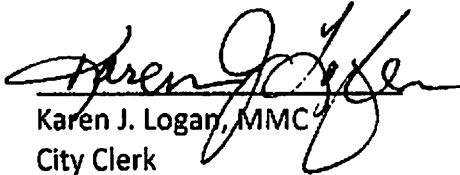
Check List:	
✓	Non-refundable fee of \$350.00 is due at time of application
✓	Certified list of the property owners within two hundred (200) feet of the subject property
✓	Full legal description obtained through the Register of Deeds Office
✓	Site plan drawn to scale (see General Instructions)
✓	Supporting documentation (see General Instructions)

Approved

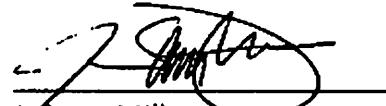
Policy Report
Zoning Ordinance Second Consideration
1830 S. Broadway – Old County Infirmary

May 12, 2009

Prepared by:


Karen J. Logan, MMC
City Clerk

Reviewed by:


J. Scott Miller
City Manager

Issue:

The City Commission on April 28, 2009 discussed and placed on first consideration an Ordinance to rezone a tract of land from R1-6 Higher Density Residential District to PUD Planned Unit Development District. Owners want to use the property for government storage, temperature controlled storage, governmental uses and office for private entities serving government needs. Government activities are permitted uses in residential districts. The property is currently located within a single family residential zone and the building does not easily adapt to a single family use.

Action:

Ordinance No. 7797 is now presented for second consideration and requires a roll call vote.

ORDINANCE NO. 7797

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING CERTAIN PROPERTY

WHEREAS, under the Zoning Ordinance of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; 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 the 6th day of April, 2009 in the Commission Auditorium, 1st Floor of City Hall, 100 N. 5th 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 Governing Body adopted the findings of fact and conclusions to rezone the property described herein, Now, Therefore,

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

Section 1: That the following described property, to-wit:

A tract of land in the Northeast Quarter of Section 2, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 89 degrees 40'31" West, all bearings are from GPS observation, a distance of 927.33 feet; thence South 01 degrees 02'02" West a distance of 885.60 feet to the TRUE POINT OF BEGINNING, said point being on the South right of way of Pennsylvania Avenue and also being the Northwest corner of a tract of land recorded in Deed Book 982 Page 704; thence S 01°02'02" W for a distance of 270.07 feet along the West line of said Tract, Deed Book 982 Page 704, and along the West line of a tract of land recorded in Deed Book 716 Page 706 to the Southwest corner of said Tract, Book 716 Page 706; thence N 89°42'58" E for a distance of 139.88 feet along the South line of said Tract, Deed Book 716 Page 706, to the Westerly right of way of South Broadway; thence S 01°02'02" W for a distance of 548.00 feet along said Westerly right of way to the North right of way line of Rees Street; thence S 89°33'52" W for a distance of 544.01 feet along said North right of way line to the East right of way of Garland Street, also being the East line of S.H.Holmes Pleasant View Subdivision; thence N 01°32'06" E for a distance of 819.71 feet along said right of way to the South right of way line of Pennsylvania Avenue; thence N 89°42'58" E for a distance of 396.92 feet along said South right of way line to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property containing 9.3 acres, more or less, including road right of way.

Be and the same is hereby rezoned from (R1-6) Higher Density Residential District to (PUD) Planned Unit Development District.

Section 2: That this Planned Unit Development District is subject to the following:

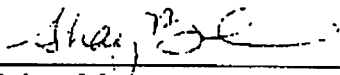
1. The use of the property will be limited to government activities as normally permitted in residential districts, government storage, temperature controlled storage, and offices for private and governmental entities.
2. There shall be no additional building expansion.
3. There shall be no outdoor use other than residential.

4. The lake area will be available to the public.
5. Parking shall be expanded for the requested uses as required by the Zoning Ordinance and will be provide in accordance with an approved Final Development Plan.

Section 3: That the "Zoning District Map" adopted under Section 21.106 of the Zoning Ordinance of the City of Leavenworth, Kansas shall be and the same is hereby corrected to conform to the rezoning as set forth in Section 1 above.

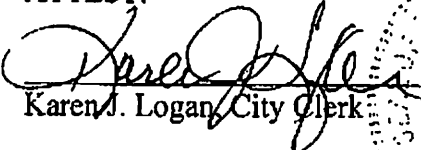
Section 4: That this Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

Passed by the Leavenworth City Commission on this 12th day of May, 2009.

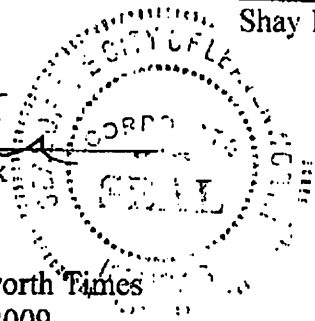


Shay Baker, Mayor

ATTEST:



Karen J. Logan, City Clerk



Published in The Leavenworth Times
Date of Publication: 5-15-2009

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, March 7, 2022
6:00 PM

CALL TO ORDER:

Commissioners Present

Claude Wiedower
Sherry Hines Whitson
Bill Waugh
Joe Burks

Commissioners Absent

James Diggs
Chris Murphy
Donald Homan

City Staff Present

Julie Hurley
Michelle Baragary
Jackie Porter

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

APPROVAL OF MINUTES: February 7, 2022

Chairman Wiedower asked for comments or a motion on the minutes presented for approval: February 7, 2022. Commissioner Burks moved to approve the minutes as presented, seconded by Commissioner Whitson and approved by a vote of 4-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2022-04 REZ – 1830 S. BROADWAY

Conduct a public hearing for Case No. 2022-04 REZ – 1830 S. Broadway. The applicant/owner is requesting a rezoning of the property located at 1830 S. Broadway from R1-6, High Density Single Family Residential District, to RMX, Residential Mixed Use District.

Chairman Wiedower called for the staff report.

City Planner Jackie Porter stated the applicant and owner, Baljit Baidwan, is requesting a rezoning of the property located at 1830 S. Broadway Street from R1-6, High Density Single Family Residential District, to RMX, Residential Mixed Use District. The subject property is 9.32 acres in size and is occupied by a single building. The existing structure is occupied by the Council on Aging. A

Special Use Permit for a “convalescent nursing or rest home” was approved for the property in 1985. The Council on Aging operates as a legal non-conforming use of an office building and community center for senior citizens programs and events. The Council on Aging is anticipated to vacate the building and relocate to the former Cushing Memorial Hospital by the end of 2022.

The rezoning is being requested by the property owner to allow the zoning to accurately represent the intended use of property. The current owner intends to renovate the building to allow for office space and multifamily residential uses. The owner has not indicated any specific plans in terms of mix of uses, number of residential units, or square footage of office space. The owner has indicated that he has no plans at this time to expand the existing structure or construct additional buildings on the property.

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 the site of the Council on Aging facility. The surrounding and adjacent properties are single-family homes, and Saint Casimir Church located at the southeast corner of Pennsylvania Street and S. Broadway Street. The subject property’s access entrance is located along Garland Street, the parcel abuts Pennsylvania Street, South Broadway Street, and Rees Street. Garland Street is classified as a local street and designed to handle a low volume of traffic. Based on 2019 Pavement Condition Index (PCI), the current condition of Garland Street is classified as very poor.

- b) The zoning and use of properties nearby;

All adjacent properties are zoned R1-6 (High Density Single Family Residential District), and uses are single-family residential.

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

The subject property was built in 1960. There have been improvements on the property in 1960, 1970, 1975 and 1980. The building is currently used as an office space and community center for senior citizens for the Council on Aging.

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

The proposed rezoning has potential to impact the surrounding properties by increasing the vehicular and foot traffic flow in the area. The subject building has been used for office space and community center for senior citizens prior to the current owner.

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

The existing building has not been vacated by Council on Aging. Council on Aging is still holding programs and events at this location.

- 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 could have a potential positive effect on public health, safety and welfare by allowing for the reuse of an existing building that is about to become vacant, and by providing for a mix of residential, office and commercial uses.

- 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 area is identified as Public/Semi-Public on the Future Land Use map. While the proposed rezoning to RMX is not specifically a public or semi-public use, the designation of Public/Semi-Public does take into account the potential for a more intense use of the property than what currently exists. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive 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 R1-6 to RMX to the City Commission
- Recommend denial of the rezoning request from R1-6 to RMX to the City Commission
- Table the issue for additional information/consideration.

Chairman Burke called for questions for staff.

Regarding the intended use, Commissioner Burks asked if they are to go back to 1985 and try to understand what the intended use of this property was for.

Planning Director Julie Hurley responded that as long as the City has had zoning, this property has been zoned R1-6. A Special Use Permit (SUP) was issued in 1985 for a nursing home. Our records do not indicate when the nursing home stopped operating at this location and switched over to the Council on Aging just being the office use. Technically the property is a non-conforming use because the current use does not meet the SUP for a convalescent nursing home. The non-conforming use is allowed to continue unless the use changes. With the Council on Aging leaving, any use on this property would have to be in conformance with the zoning; and in order to do anything other than single-family residential on this particular property, there needs to be a different special use permit issued or a rezoning.

Chairman Wiedower stated to the audience, they will be provided an opportunity to speak on the issue at hand. When at the podium, must state your name and address for the record. Do not address questions to the property owner. All questions shall be directed to the commission.

Chairman Wiedower asked the property to speak about his plans for the subject property.

Baljit Baidwan, applicant and owner of the subject property, stated he purchased the property in July 2021. Wants the best use that will allow him to use the current structure on the property without tearing the building down. The building is over 20,000 sqft. Would use some space for office space and convert the rest of the building into multi-family units.

Chairman Wiedower asked Mr. Baidwan where he lives and if he has other properties that he has converted to apartments.

Mr. Baidwan responded he lives in Overland Park, Kansas. He owns two properties in Leavenworth, one is multi-family located on Ottawa and the other building is downtown. He also owns properties outside of Leavenworth.

Chairman Wiedower asked in addition to the proposed office space, how many apartments does the applicant intend to have.

Mr. Baidwan stated the number is not definite but if he goes with a 600-700 sqft one-bedroom apartment it would be about 30 units.

Chairman Wiedower asked if there will be any changes to the available parking at the subject property.

Mr. Baidwan responded City staff will dictate how many parking stalls will be required when he submits his final plan to the City. Believes there is enough parking for the south side of the building but will require parking for the north side of the building. The property is large enough to create another parking lot. People will not be parking on the street.

Other than renovations to the building, Chairman Wiedower asked the property owner what his plans are to keep the property looking professional, i.e. landscaping.

Mr. Baidwan stated his immediate plan for this summer is to renovate the north side of the building into 10 apartments and add a parking lot. The south portion of the building will be renovated after the Council on Aging vacates the property.

With no further questions from the commissioners, Chairman Wiedower opened the public hearing. Those wishing to speak need to stated their name and address for the record.

Betty Smith, 1708 Garland, stated her concerns are with the overgrown bushes and algae in the pond.

Terry Hundley, 1816 Garland, is concerned because there is no drainage or curb on Garland. Additional concern is that Garland is not wide enough for the increased traffic apartments would bring to the area. Concerned with construction equipment driving down Garland.

Chairman Wiedower asked if the applicant would be required to do something about the drainage or curbs.

Ms. Hurley responded with the information we have now, that's correct; and there are no plans to make any improvements to Garland at this time.

Chairman Wiedower asked the applicant if he has considered the traffic impact.

Mr. Baidwan stated it is unlikely traffic will increase from the amount of traffic the Council on Aging currently has.

Commissioner Whitson asked the property owner if he has any concern with additional traffic since, according to the PCI, the conditions on Garland and Rees Streets are poor.

Mr. Baidwan responded he does not know how the City maintains their streets but hopes it is part of the City's ongoing street maintenance/repair. Mr. Baidwan further stated the Council on Aging has enough traffic that he does not expect traffic to increase from what it currently is. Furthermore, not every vehicle will only use the Garland entrance; there is also an entrance on Rees Street.

Commissioner Whitson and Burks asked what the property owner would do with the property and building if the rezoning did not pass.

Mr. Baidwan responded he does not know what he would do if the rezoning did not pass. He is trying to keep the building from being torn down by renovating the structure and at the same time putting the building to the best possible use.

Chairman Wiedower stated his opinion as a commissioner is there is nothing worse than a vacant building; and we all know too well what happens to vacant buildings in the City.

Suzanne Morris, 1708 S. Broadway, stated her first concern is with the quality of applicants who will live in the building because she heard it will be lower income housing apartments. Her second concern is if the pond is drained, it would be drained next to her house.

Ms. Hurley stated income level of multi-family housing is not applicable to a specific use and is not something that can be considered when looking at a rezoning request.

Chairman Wiedower asked the property owner what his price range is to rent an apartment in this building and what are his plans for the pond.

Mr. Baidwan responded rent will be based on a rental market study. He has no history on the pond and does not know if the pond is there for drainage purposes. He would like to keep the pond and is willing to clean it up.

Ron Norman, 1829 S. Broadway, stated he was in the subject building a couple years ago and the north end is in horrendous shape. He has concerns with asbestos, pipes that are missing, ceilings falling in, etc. Also has concerns with increased traffic on Garland and Rees Streets.

Chairman Wiedower asked staff if permits are required for renovations to the building, which would include building inspections to make sure it meets building codes.

Ms. Hurley responded in the affirmative. The City operates under the 2018 IBC. Any work would have to obtain permits and meet the 2018 IBC.

Chairman Wiedower asked the property owner if there will be some sort of recreation area for people living in the apartment complex.

Mr. Baidwan responded he plans to keep the pond and clean it up for people to hang out around.

Judy Johnson, 1816 Garland, stated her concerns are with traffic and parking. Ms. Johnson further asked if the building will be expanded in size.

Mr. Baidwan responded that he is not expanding the building. He further stated, as depicted in the current GIS pictures, there are 20-30 vehicles parked in the west parking lot in front of the building. The traffic for the apartment complex is not going to be concentrated in that one area but rather be spread out using the existing east parking lot and the new parking lot, which will be located to the north.

Ms. Hurley stated even if Mr. Baidwan has no intent of expanding the building or constructing additional buildings, if this property is rezoned to RMX that would allow for the potential for that to happen. RMX allows for a mix of uses from residential, office and commercial that are intended to be appropriate for neighborhood settings. Therefore, if this property is rezoned to RMX there is potential to allow Mr. Baidwan, or a different property owner if Mr. Baidwan sells the property, to expand the current building, construct additional buildings or to replat the property and subdivide it into additional lots.

Chairman Wiedower asked staff if Mr. Baidwan decides to expand the building in the future, would that require him to come back before this board.

Ms. Hurley responded in the negative. Once the property is rezoned to RMX, the property owner would need to meet the requirements of that zoning district, which is a staff level approval, and would need to get building permits. However, if the property were to be subdivided at some point in the future, that would require a plat, which would come before this board.

Ms. Porter further stated when the owner starts renovations on the building and construction of the parking lot, this also will go through staff review, which will include engineering for drainage and for traffic impact on the streets.

Kathy Price, 1825 S. Broadway, asked how a determination is made on approving a zoning request when the plans are so vague. Concern with upkeep of the property, such as overgrown grass. When the building was a nursing home, there were always issues with the sewer. Would sewer problems be an issue for the City to handle or the property owner. Ms. Price also asked if the property owner has an interest in the community and what size are the other apartment complexes he owns.

Chairman Wiedower stated the role of this board is to either recommend approval or denial to the City Commission or table the issue for additional information/consideration. Final approval lies with the City Commission. There is also a protest period for anyone who wishes to protest the Planning Commission's recommendation. Chairman Wiedower further stated, this board cannot make a determination based on where the property owner lives or how many other properties the owner owns. However, the Mr. Baidwan did state he lives in Overland Park and owns several other

properties in this area. Should an issue arise, the owner could be in Leavenworth within an hour, if need be.

Chairman Wiedower asked Mr. Baidwan to address Ms. Price's other concerns about property maintenance and sewer issues.

Mr. Baidwan stated his intent is to keep the property well maintained and looking nice. He does have a contractor who maintains the property. Mr. Baidwan further states he does not know of any sewer problems. However, if there is a problem on the property, he will deal with it. If there is a sewer problem on the City's side, then the City will deal with it.

Chairman Wiedower asked if there will be a property manager onsite.

Mr. Baidwan responded in the affirmative.

Mr. Hundley stated when the Davis's owned this property, they had the pond locked up for liability purposes so no one would drown in the pond. Mr. Hundley asked if the current property owner knows what the insurance is going to cost to have the pond on this property.

Mr. Baidwan stated he has insurance and the insurance company has not said anything about the pond being a problem. He intends to keep it locked until the apartment complex is ready, at which time he will reconnect with his insurance company.

Ms. Price stated her concern with the pond is people going to the pond at night to party. Asked if the onsite manager will be a resident at the apartment complex.

Mr. Baidwan responded in the affirmative. He further stated he has a resident manager at his apartment complex in St. Joe and it works out well as the manager is there to deal with any issues.

With no one else wishing to speak, Chairman Wiedower closed the public hearing and called for discussion among the commissioners.

Commissioner Whitson stated she does have some concern in regards to what may happen in the future if the zoning request is approved. However, we cannot control the future nor do we know what type of changes may occur in that community. Other concerns are the traffic and sewer issue.

Ms. Hurley stated the current zoning for the subject property is R1-6, High Density Single Family Residential District. The only thing the property could be used for once it is vacated by the Council of Aging would be single-family residential. Therefore, as it stands, this property could be replatted into a single-family subdivision with lots the same size as what is surrounding it; and you're potentially looking at more than the 25 or 30 lots that could fit on this roughly 10 acre parcel. Additionally, a replat would not require a public hearing.

Commissioner Burks stated they cannot work off assumptions or what-ifs. Never met an investor who did not want a profit and does not believe Mr. Baidwan would step into this with any thought of anything less than profit. Commissioner Burks further stated he appreciates everyone's concerns but this is a rezone request and this board only has a responsibility to talk about rezoning and provide our recommendation to the City Commission.

Commissioner Waugh stated he appreciates everyone's concerns but he is in agreement with Commissioner Burks; we cannot make decisions based on assumptions. He believes the development of this particular property will be a challenge going forward regardless of how it is zoned and will be dealt with through the mechanisms the City already has in place.

Commissioner Burks further stated if nothing happens to the building and it becomes vacant, he fears a negative impact on the community. A vacant building of this nature will attract criminal activity, drugs, etc.

Chairman Wiedower also stated he does not want to see this building vacant as it will attract homeless people, drugs and partying into this neighborhood. He reiterated this board's role is to recommend approval or denial to the City Commission for the rezoning request only.

With no further questions/discussion, Chairman Wiedower called for a motion. Commissioner Whitson moved to recommend for approval to the City Commission the rezoning request from R1-6 to RMX for Case No. 2022-04 REZ – 1830 S. Broadway based upon all information presented, seconded by Commissioner Waugh and passed by a roll call vote 4-0.

Ms. Hurley stated this rezoning request goes to the City Commission on March 22, 2022. Tomorrow does being the 14-day protest period.

With no other business, Chairman Wiedower adjourned the meeting at 7:09 p.m.


Minutes taken by Administrative Assistant Michelle Baragary.

PLANNING COMMISSION AGENDA ITEM
2022-08-APPEAL
7 BREW COFFEE SITE PLAN
4900 S 4TH STREET

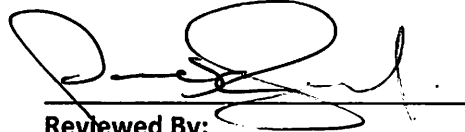
MAY 9, 2022

SUBJECT:

An appeal of the decision of the Development Review Committee to reject the submitted site plan for 7 Brew Coffee located at 4900 S. 4th Street.



Prepared By:
Julie Hurley
Director of Planning and
Community Development



Reviewed By:
Paul Kramer
City Manager

BACKGROUND:

The applicant, John Kollhoff with 7 Brew Coffee, submitted a site plan for a proposed development at 4900 S. 4th Street. After review of the proposal and discussion with KDOT, staff requested several revisions to the submitted site plan to address City requirements, as well as a Traffic Impact Study (TIS). The revised site plan as submitted and the TIS do not address all City requirements. Staff notified the applicant on April 7th of the decision to withhold approval of the site plan

The Development Regulations places responsibility for final review and approval or rejection of site plans for specified projects with the Development Review Committee (DRC). The DRC is a staff review committee composed of the following personnel: Director of Planning & Community Development, Chief Building Inspector, City Clerk, City Manager, Assistant City Manager, City Planner, Fire Chief, Parks & Recreation Director, Police Chief, and Public Works Director. Section 2.05 states:

1. *The City Planner shall determine if submitted site plans are in accordance with these regulations and then forward all site plan submissions to the Development Review Committee along with a written opinion on the plan's merits.*
2. *The Development Review Committee is responsible for final review and approval of site plans for multi-family residential, mixed-use, mobile home parks, planned unit developments, commercial or industrial developments which are in accordance with these regulations.*
3. *In its review, the Development Review Committee will consult and consider the recommendation of the various departments and agencies affected by the proposed site plan.*
4. *If the Development Review Committee rejects or withholds approval of the site plan the applicant may appeal the decision to the Planning Commission at its next regular meeting. The Planning Commission may recommend approval, disapproval or approval with conditions to the City Commission.*

ANALYSIS

The subject site is located at 4900 S. 4th Street and is .49 acres in size. It is situated in front of the existing Home Depot store and to the south of the existing UHaul self-storage facility and Starbucks store. Access to the site is

proposed to be directly from 4th Street, which is a State highway and falls under KDOT jurisdiction for approval for access. There is an existing curb cut on the site used for maintenance of the billboard located on the site. This section of 4th Street has a posted speed limit of 45 mph, and handles a high volume of traffic, with multiple existing commercial access points in close proximity to the subject site.

Staff has identified the following primary concerns related to the submitted site plan and TIS:

1. Section 5.05 of the Development Regulations requires a 50' separation between non-residential access driveways. Staff has asked for 50' of "stand up curb" (illustrative diagram attached) between the proposed driveway entrance to the site and the existing commercial driveway to the north. This has not been provided. Should the site plan ultimately be approved, a variance request would need to be submitted to the Board of Zoning Appeals regarding this item.
2. There is an existing driveway servicing U-Haul/Starbucks directly to the north, the turn lane for access to Home Depot beginning directly to the south, an existing commercial driveway directly to the east, and 4 lanes of high volume traffic on 4th Street with a two-way left turn lane. The proposed development introduces numerous additional potential points of conflict in an already congested area of a State highway, causing significant traffic safety concerns.
3. The TIS indicates that the site plan as submitted would require a right turn lane on 4th Street for entrance to the site. The TIS further indicates that variances would be needed from KDOT for both access spacing and the right turn lane, as neither requirement can be accommodated with the site.
4. Based on the predicted peak customer volume indicated in the TIS, it is anticipated that stacking could back up onto 4th Street, posing additional points of conflict with southbound traffic on 4th Street and traffic exiting from the U-Haul site.
5. The existing billboard base on the site is located approximately even with the stop bar indicated on the site for exiting traffic, posing significant sight distance issues for exiting traffic.

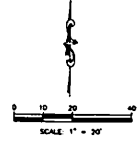
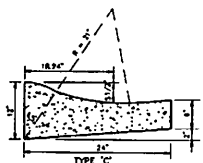
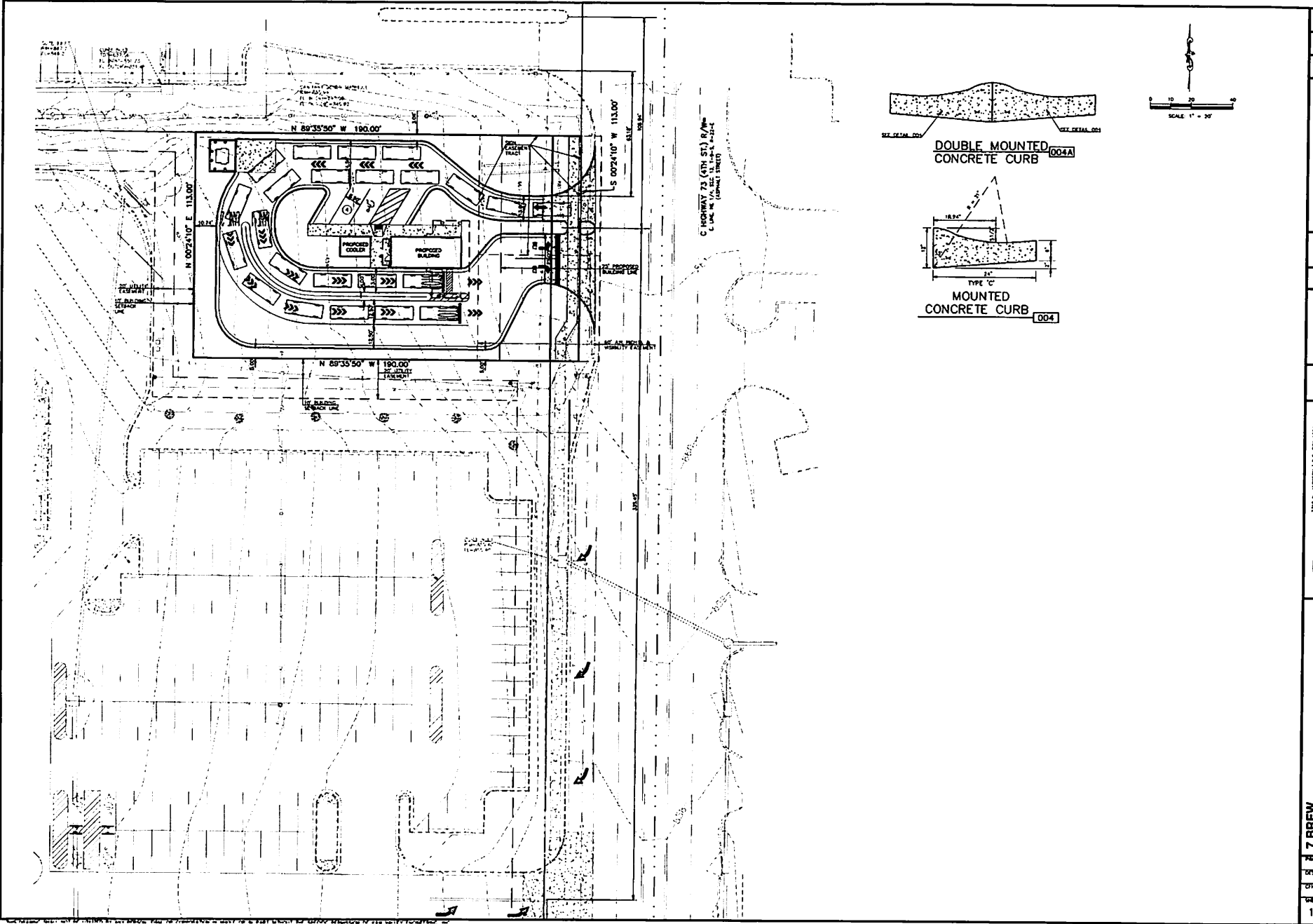
Based on the above noted concerns, the Development Review Committee reached the unanimous decision to withhold approval of the site plan.

ACTION/OPTIONS:

- Recommend approval of the site plan for 7 Brew Coffee located at 4900 S. 4th Street.
- Recommend approval with conditions of the site plan for 7 Brew Coffee located at 4900 S. 4th Street
- Recommend disapproval of the site plan for 7 Brew Coffee located at 4900 S. 4th Street

ATTACHMENTS:

- Site Plan
- Letter to applicant from City staff dated April 7, 2022
- Letter to applicant from KDOT dated April 6, 2022
- Traffic Impact Study – Exclusive of appendices, full TIS available in Planning and Community Development Department
- Diagram of "stand up curb"



7 BREW 4800 S 4TH STREET LEAVENWORTH, KANSAS SKETCH #16			214 N. UNIVERSITY, SUITE 200 LEAVENWORTH, KS 66040 PH: (785) 846-1111 FAX: (785) 846-1112 WWW.KAVENGINEERING.COM	DSN DWG CHK
DATE 01/20/24 LDD 07/05/2016 1 OF 1	REV DATE DESCRIPTION			



April 7, 2022

John Kollhoff
7 Brew Coffee
Mean Bean Development, LLC

RE: Proposed 7 Brew, 4900 S, 4th Street, Leavenworth

Mr. Kollhoff,

The City of Leavenworth Development Review Committee (DRC) has thoroughly reviewed the revised site plan, drainage study and Comprehensive Traffic Impact Study (TIS), submitted on March 3, 2022. Primary concerns are as follows:

- With the existing commercial driveway servicing U-Haul directly adjacent to the north, the turn lane for access to the Home Depot property beginning directly to the south, an existing commercial driveway directly to the east, and four lanes of high volume traffic on 4th Street combined with a two-way left turn lane, the proposed development introduces numerous additional potential points of conflict in an already congested area on a State highway, causing significant traffic safety concerns.
- The submitted site plan is in nonconformance with both KDOT and City access spacing requirements. Section 5.05.B of the Development Regulations requires a 50' separation between non-residential access driveways. Staff has asked for 50' of stand up curb between the proposed driveway access to the subject site and the existing commercial driveway to the north. The provided site plan does not provide 50' of stand up curb.
- The TIS indicates that the site plan as submitted would require a right turn lane on 4th Street. The TIS further indicates that variances would be needed from KDOT for both access spacing and the right turn lane, as neither requirement can be met with the site.
- Based upon the predicted peak customer volume indicated in the TIS, it is anticipated that stacking will likely back up onto 4th Street off the property, posing additional points of conflict with southbound traffic on 4th and exiting traffic from the U-Haul site.
- The existing billboard base on the site poses significant sight distance issues for cars exiting the site, creating additional safety concerns.

Based upon the above noted concerns related to the submitted site plan and TIS, and consultation with KDOT staff, the DRC cannot support direct access onto 4th Street and cannot offer approval of the site plan as submitted. Staff encourages the applicant to further explore the potential for cross access agreements with either the U-Haul or Home Depot properties. Section 2.05.B of the Development Regulations provides the following procedure for appealing the decision of the DRC:

If the Development Review Committee rejects or withholds approval of the site plan the applicant may appeal the decision to the Planning Commission at its next regular meeting. The Planning Commission may recommend approval, disapproval or approval with conditions to the City Commission.



Should you have any further questions or wish to appeal the decision of the DRC, please contact me to be placed on the agenda for the next Planning Commission meeting. The next regularly scheduled Planning Commission meeting is Monday, May 9, 2022. Any request for appeal would need to be received by Friday, April 22, 2022.

Sincerely,

Julie Hurley, AICP
Director of Planning and Community Development
(913) 680-2616
jhurley@firstcity.org

cc: Paul Kramer, City Manager
Pat Kitchens, Chief of Police
Brian Faust, Director of Public Works
Ryan Barrett, KDOT
David Seitz, KDOT



121 S.W. 21st Street
Topeka, KS 66612

Julie L. Lorenz, Secretary
Leroy J. Koehn, P.E., District Engineer

Phone: 785-296-3881
Fax: 785-296-1162
kdot#publicinfo@ks.gov
<http://www.ksdot.org>
Laura Kelly, Governor

April 6, 2022

Mr. John Kollhoff
7 Brew Coffee
100 Xavier Drive
Abilene, KS 67410

Dear Mr.Kollhoff:

Thank you for contacting us about your interest in a new highway access 82 feet south of the existing U-Haul driveway onto K-7/US-73 in Leavenworth. Our engineers at the Area, District, and State levels have extensively reviewed your proposed commercial entrance and have determined that we are unable to provide concept approval for the proposal. Several things are worthy to be noted here:

- KDOT has not received a completed application for this project. In the absence of such, KDOT is not in a position to formally approve or deny an application.
- KDOT has met with Leavenworth to discuss the proposal. Leavenworth has clarified their position and they will be denying the development request at staff level. KDOT and staff at the City of Leavenworth share the same safety and operational concerns about raw traffic volumes, turning movements and conflicts the proposed development creates, the extremely short spacing between access points this would present, among other things.

While we are unable to provide concept approval of this proposed commercial entrance, we are committed to helping you find a solution or an alternative. KDOT recognizes the benefit that new business provides in helping to maintain and grow the local economy and remains committed to working with its city and local business partners to find viable access solutions that foster continued development.

Leroy Koehn, P.E.
KDOT District 1 Engineer

A handwritten signature in black ink, appearing to read "Ryan F. Barrett".

Ryan Barrett, P.E.
KC North Metro Engineer

Cc: City of Leavenworth
KDOT Access Management



KAW VALLEY ENGINEERING, INC.

COMPREHENSIVE TRAFFIC IMPACT STUDY FOR

7 BREW COFFEE

4900 South 4th Street (K-7/US-73)
Leavenworth, Kansas

Prepared for:
Kansas Department of Transportation
700 SW Harrison
Topeka, KS 66603

Prepared by:
Kaw Valley Engineering, Inc.
2319 N. Jackson
Junction City, Kansas 66441
(785) 762-5040

February 25, 2022

KVE Project No. **A21D0700**

Consulting Engineers

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APPENDICES

Appendix A – Leavenworth Zoning Map

Appendix B – Turning Movement Traffic Count Sheets

Appendix C – Turning Movement Traffic Count - Spreadsheet

Appendix D – Automated Traffic Count Data

Appendix E – ITE 10th Edition Supplement: Trip Generation

Appendix F – Existing Traffic Assignment

Appendix G – Proposed Traffic Assignment

Appendix H – Synchro 10 (HCM 2010) Reports – Unsignalized

Appendix I – Floor Plan

Appendix J – Access Spacing (Existing and Proposed)

Appendix K – Influence Area (Existing and Proposed)

Appendix L – Site Plan

Appendix M – K-7/US-73 Study Area Map (Previous Project)

Appendix N – Pages from ITE Land Use 937, 10th Edition

1) INTRODUCTION AND SUMMARY

a) PURPOSE OF THE REPORT AND STUDY OBJECTIVES

Kaw Valley Engineering, Inc. (KVE) is pleased to present to the Kansas Department of Transportation (KDOT) a Comprehensive Traffic Impact Study for the 7 Brew Coffee development in Leavenworth, Kansas. The purpose of this study is to analyze existing and post-project conditions related to traffic operations surrounding the development of 7 Brew Coffee. From this data, the type and orientation of driveway access is recommended.

b) EXECUTIVE SUMMARY

Site Location and Study Area. The subject property to be developed is in Leavenworth, Kansas. Existing access to the development is provided by a 12 ft driveway along South 4th Street/K-7/US-73, approximately 0.25 miles south of Muncie Road/K-5. The influence area includes a 770 ft long segment near the proposed development, in which existing development driveway traffic movements are analyzed. The proposed development is situated on a 0.49-acre lot adjacent to K-7. To the south and west of the site is a home improvement store; to the north is an access drive; and to the east is K-7/US-73. The project location can be seen in **Figure 1** below.



Figure 1. Project Location, 39°16'14"N, 94°54'1"W.

Description of the proposed development. The proposed site includes a 531 ft² 7 Brew Coffee restaurant with no indoor seating, designed primarily to serve drive-through drink orders to vehicles. Two drive-through lanes and a bypass lane are proposed. A 50 ft² detached cooler is proposed as well. A new, wider access driveway is proposed at the same location along K-7/US-73.

Principal findings of the study. The development is expected to generate 88 new trips onto K-7/US-73 in the AM Peak Hour and 64 new trips in the Midday Peak Hour. Per the Highway Capacity Manual 2010 analysis, vehicles exiting the site in the AM Peak Hour are expected to experience Level of Service (LOS) D delays for left turns and LOS B delays for right turns. Exiting vehicles in the proposed Midday Peak Hour are expected to experience LOS E delays for left turns and LOS B delays for right turns. Based on the expected directional design hourly volume, a right turn lane is warranted for the proposed site.

Conclusions. The site is designed to circulate expected traffic volumes. Based on limits to spacing and cross access, the driveway as proposed will require variances from the KDOT Access Management Policy for access spacing and right turn lane requirements.

Recommendations. The following recommendations apply to the 7 Brew development in Leavenworth, Kansas:

- Installation of a two-way driveway with a median. Two exiting lanes and one entering lane is recommended for acceptable and safe internal traffic movement.
- As much as is practicable, the driveway is to be aligned with the opposing private drive on the east side of K-7/US-73 to reduce further conflict points. The site plan provided shows the recommended location; variances and further coordination with KDOT may be required.

2) PROPOSED DEVELOPMENT

a) OFFSITE DEVELOPMENT

Within the project vicinity, offsite development is mature. Adjacent developments include a home improvement store to the southwest, a storage & moving rental facility to the northwest, a coffee shop to the north, and a fast-food restaurant across the highway to the southeast. Vehicle access to the proposed site is only provided by way of South 4th Street (K-7/US-73).

b) ONSITE DEVELOPMENT

Land Use. The site's land use is Commercial, zoned as General Business District (GBD). The existing lot area is 21,470 ft². In the proposed condition, the west Right of Way (ROW) Line of K-7/US-73 is to be shifted to the west by 14 ft. As a result, the subject property's proposed area will 19,888 ft². Given a proposed on-site total building area of 581 ft², the proposed density, measured by the Floor Area Ratio (FAR), is 0.029. The proposed site plan is shown in **Figure 2** on the next page.

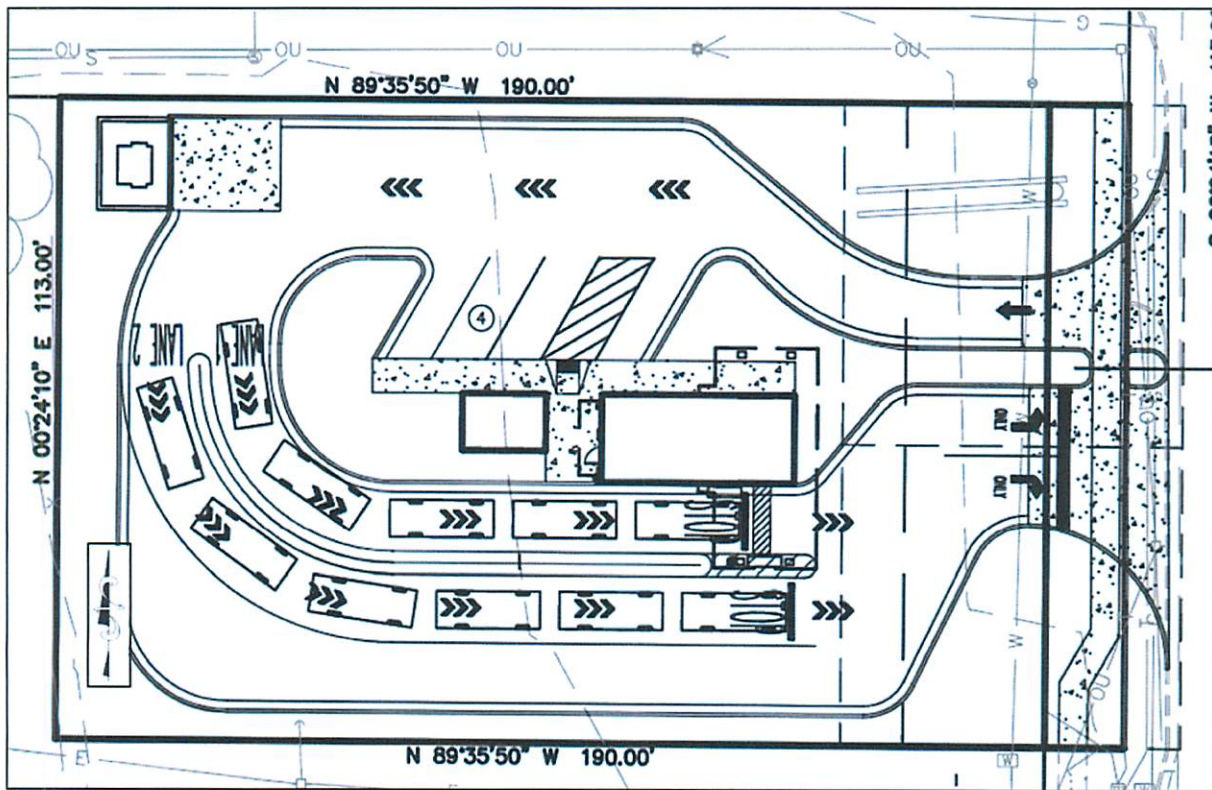


Figure 2. Project Site Plan.

Location. The building is set back from the proposed east property/ROW line approximately 45 ft. Available site distance is described as follows: the driver of an exiting vehicle experiences no sight obstructions looking to the south, with the exception of power poles. Looking to the north, the existing billboard (with a pole diameter of approximately 1-2 feet) is elevated so that it does not obstruct the view of a semi-trailer driver, assuming an average eye height of 94 inches. Thus, the billboard (obstruction) is elevated above the line of site. Except for poles, no obstructions are in view in either direction, the exit driveway meets the clear site triangle requirement, which is 530 ft for a left turn on for a 45 mph 4-lane road per the Policy, Table 4-14).

Site plan. The site is designed to accommodate a drive-through only coffee shop. Vehicles are retained on-site by way of two drive-through lanes separated by raised mountable curbs. Pedestrian traffic along K-7/US-73 is facilitated across the site driveway: an ADA-accessible path is provided through the driveway's median, and ADA ramps are proposed on each side of the driveway. Development of the site will include relocation of an existing power pole along the east property boundary. The site plan is available in **Appendix L**.

Anticipated phasing and timeline. The coffee shop will be constructed within six months of approval by the state and local applicable authorities.

3) EXISTING CONDITIONS

a) STUDY AREA

Influence Area. The influence area of the driveway is calculated per Section 4.3.1a of KDOT Policy, which is a sum of the following distances:

- d1 = distance traveled during perception-reaction time
- d2 = distance traveled during deceleration when coming to a stop
- d3 = the actual queue storage length
- d4 = downstream functional distance

For a developed, 45 mph road, d1 is 100 ft; d2 is 350 ft; and d4 is 295 ft. Due to the lack of traffic turning onto the existing site's driveway, d3 is 0 ft in the existing conditions. Thus, the existing influence area for the site's driveway is 745 ft in total, with 450 ft extending north of the driveway and 295 ft extending south of the driveway. The influence area, existing and proposed, is shown in **Appendix K**.

The site's proposed driveway is to be south of the existing driveway. The proposed queue length for the southbound right (SBR) turning movement is 1 vehicle or less during the peak hour (see section 5b of this study for additional details). Thus, distance d3 is taken as 25 ft, or 1 vehicle length. Therefore, the proposed influence area is 475 ft to the north of the proposed driveway and 295 ft to the south of the proposed driveway for a total of 770 total feet.

Area of significant traffic impact. The area of the most significant traffic impact applicable for this site is generally considered to be the segment of the K-7/US-73 corridor from the driveway north of the development (providing access to the moving and storage rental facility, and to the coffee shop) to the southerly driveway of the fast-food restaurant on the other side of K-7/US-73. Turning movement counts were taken at all driveways along this segment.

Environmental considerations. The environmental impact of this development is not significant due to the maturity of development within the vicinity. The quantity and quality of stormwater runoff is discussed in the drainage report by KVE, provided separately.

b) STUDY AREA LAND USES

Existing land uses. Developments in the influence area have Commercial or Industrial land use.

Existing zoning. All developments in the influence area are zoned General Business District (GBD) per the Leavenworth zoning map (provided in **Appendix A**).

Anticipated future development. Development within the study impact area is mature. One open lot, west of and adjacent to K-7/US-73, lies approximately 0.1 miles north of the subject property.

c) SITE ACCESSIBILITY

Area street and highway characteristics. The site is located on K-7/US-73, known as South 4th Street within the city limits of Leavenworth. The highway has the following existing characteristics:

- *KDOT Access route classification* – K-7/US-73 is classified as a Class C highway.
- *On the National Highway System?* – K-7/US-73 is on the National Highway System.
- *Posted speed limit* – This is a 45-mph facility.
- *Type of area* – This site is located within the city limits of Leavenworth in a developed area.
- *Roadway Characteristics* – K-7/US-73 is a four-lane, asphalt-paved, curb & gutter facility with 12' lanes and a Two-Way Left Turn Lane (TWLTL); traffic signals are spaced ½ mile apart within the site vicinity.
- *Existing transportation system plans* – This site does not appear to be located within a planned corridor. See **Appendix M** for a K-7/US-73 study area map from a separate study.
- *Alternate transportation mode choices* – Pedestrian transportation facilities are available for the corridor by way of an existing sidewalk on the west side of K-7/US-73. No bicycle lane is provided. Local transit services (busing) are available in the area.

4) EXISTING TRAFFIC CONDITIONS PLUS SITE GENERATED TRAFFIC

a) EXISTING TRAFFIC VOLUMES DAILY AND PEAK HOUR (DIRECTIONAL)

Existing traffic volumes in the area were recorded by KVE between Wednesday, February 9, and Saturday, February 12, 2022. Automated traffic counters were placed on Wednesday adjacent to the location of the proposed driveway, located directly north of the northerly driveway of the existing fast-food restaurant to the southeast. The counters recorded data through the end of Saturday. On Thursday and Saturday, hand tallies of turning movements within the site vicinity were tallied by KVE personnel at expected peak times, described in the “Trip Generation” section later in this study.

Weekday Counts. The existing AM Peak Hour Midday Peak Hour of the adjacent street was determined using data from counts on K-7/US-73 taken from Wednesday through Saturday. In selecting the peak hour for this study, the expected peak time of sales using data from 7 Brew was compared with the peak times of weekday traffic along K-7/US-73. Both data sources were considered because the ITE expected trip ends per hour is based on the peak volume of the adjacent street. The Weekday AM Peak Hour for the development is selected as 7:15-8:15 AM, and the Weekday Midday Peak Hour is selected as 12:00-1:00 PM.

Saturday Counts. Based on sales data from 7 Brew, Saturday peak arrivals occur between 8:30 and 10:30 AM, and midday arrivals are less than those in the morning. Saturday traffic data from the automated counters suggest a steady increase in street traffic volume throughout the morning. The Saturday AM Peak is selected as 9:30-10:30 AM, and no Midday or PM Peak Hour for Saturday is analyzed in this study.

Existing traffic volumes daily and peak hour (directional). Existing turning movement counts for each peak hour are available in **Appendix B** and summarized in **Appendix C**. Existing traffic volumes from the automated traffic counter data is summarized in **Appendix D**.

b) SITE-GENERATED TRAFFIC

Vehicle traffic will be generated due to this proposed development. Due to the maturity of development in the vicinity, 20-year future traffic conditions are considered similar to developed traffic conditions. Thus, the analysis that follows applies to the design year of 2022.

Trip Generation. The Institute of Transportation Engineers (ITE) Manual, 10th Edition was used to project vehicle trips due to the proposed development. This study analyzes traffic for weekday daily and hourly peak rates, as well as Saturday hourly peak rates.

Weekday Hourly Generated Rates. The ITE manual supplies weekday generated rates with ITE 937, “Coffee/Donut Shop with Drive-Through Window”. Weekday hourly ITE generation rates are based on the peak hour of the adjacent street.

The AM Peak Hour ITE trip generation rate is based on the adjacent street volume for the selected peak hour. The Midday Peak Hour ITE trip generation rate is taken as the average of the AM and PM rates, based on adjacent street volume for the selected peak hour. This is substantiated by 7 Brew order data, which indicate weekday midday peak rates are approximately 50-60% of the morning peak rates. The ITE Trip Generation rates based on the adjacent street’s peak volume are shown in **Table 1** below. Portions of the ITE reference is available in **Appendix N**.

Table 1. ITE Trip Generation: Rates based on Adjacent Street Peak Volume

Trip Generation (ITE 937: Coffee/Donut Shop with Drive-Through Window)	Weekday	
	AM	Midday*
K-7/US-73 Peak Hour Volume (PHV)	1,461	1,586
Trip End Rate - ITE (Trip Ends/PHV)	0.15	0.10
Peak Hour Generator (Trip Ends)	219	159
Enter	112	78
Exit	107	79

*Since no Midday Peak trip rate is provided by ITE 937, the rate shown is an average of the AM and PM peak trip rates.

Weekday Daily Generated Rates. In contrast to the hourly generated rates being based on the peak volume of the adjacent street, the weekday daily generated rates are based on the Gross Floor Area (GFA) of the proposed building. (No option within ITE 937 is available for daily rates based on the adjacent street volume.) The ITE 937 rate based on GFA appears to under-estimate daily arrivals when compared to 7 Brew data. Thus, for the purposes of this study, daily arrivals for the proposed development are based on a building size of three (3) times the actual proposed total on-site building area (3×581 ft²). The resulting rate accords with daily arrival data from 7 Brew. Daily ITE Trip Generation rates based on building GFA are shown in **Table 2** below.

Table 2. ITE Trip Generation: Rates based on Building Gross Floor Area

Trip Generation (ITE 937: Coffee/Donut Shop with Drive-Through Window)	Weekday	Saturday
	Daily	AM Peak
3 × GFA (ft²/1000)	1.743	1.743
Trip End Rate - ITE (Trip Ends per 1000 SF GFA)	820.38	87.70
Peak Hour Generator (Trip Ends)	1430	153
Enter	715	76
Exit	715	76

It is noted that Land Use 938, “Coffee/Donut Shop with Drive-Through Window and No Indoor Seating” is an applicable category for the proposed development because 7 Brew provides no indoor seating. However, this land use has a very small sample size in the ITE manual (10th Edition), and thus is not used in this study.

Reductions for pass-by trips. The ITE Manual 10th Edition guidance document on trip generation rates states, “All land uses in the 800 and 900 series are entitled to a “pass-by” trip reduction of 60% if less than 50,000 ft²” (**Appendix E**). A 60% reduction has been applied to the trip generation rate for vehicles in the Weekday AM and Midday Peak Hours to account for pass-by trips in accordance with ITE guidance. Below, **Table 3** shows ITE trip generation for each timeframe, accounting for pass-by trips.

Table 3. ITE Trip Generation: Pass-by Versus New Trips

		Weekday			Saturday
Trip	Rate	AM	Midday	Daily	AM Peak
Pass-by	60%	131	95	858	92
New	40%	88	64	572	61
Total	100%	219	159	1,430	153

Reductions for diverted-link trips. For purposes of assignment, no distinction is made between new trips and diverted-link trips. Thus, no reductions from this category are applied.

Reductions for internal capture. Because no cross-access is provided to other properties, internal capture rates do not apply to this development.

Trip distribution. Based on the ITE manual, vehicles of this Land Use enter and exit the development at nearly equal rates (a 51/49 entering/exiting split in the AM, 50/50 split in the PM, and 50/50 daily split.) Based on counts taken Wednesday-Thursday, the weekday hourly North/South distribution of K-7/US-73 is 64/36 in the AM and 48/52 at midday. The weekday daily North/South distribution is 48/52. On Saturdays, the North/South distribution is 41/59 in AM Peak Hour and 47/53 across the day.

Modal split. Nearly all trips in the project vicinity are made by automobiles. Alternate vehicle transportation modes, such as transit or rail, are not considered in this study.

Trip Assignment. Vehicle assignment nearby the proposed development is shown in tabular form in **Appendix F** (existing traffic) and **Appendix G** (proposed traffic) for each timeframe.

c) THROUGH TRAFFIC

Traffic that passes the site in the proposed condition, or through traffic, is considered within the study area. Values for through traffic are based on data both from automated traffic counters and from the hand tallies of turning movements.

Method of projection. To determine through-traffic volumes from available data, four categories of vehicles on South 4th Street (K-7/US-73) are considered: (1) vehicles that passed the counter, (2) those that did not, (3) vehicles counted by automated counters, and (4) vehicles counted by hand tallies. Given a timeframe of interest, through traffic within the study area is determined by subtracting all observed turning movements that passed the counter from the total number of northbound/southbound traffic that passed the automated counters. **Figure 4** on the following page shows how turning movements are organized and numbered.

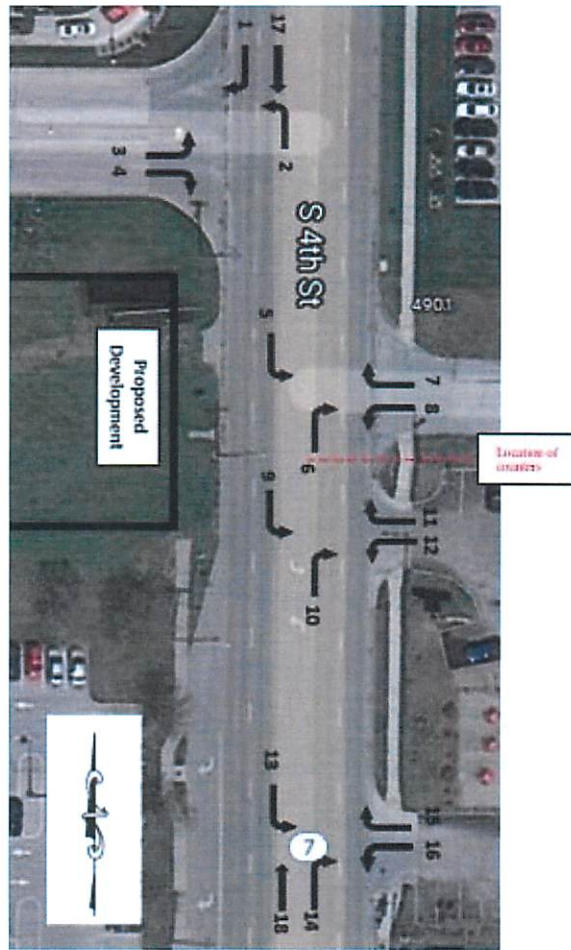


Figure 4. Existing Turning Movements

Of the turning movements 1-16 per **Figure 4**, movements 2, 4, 6, 8, 9, 11, 13, and 15 do not pass the automated counters. Turning movements 1, 3, 5, 7, 10, 12, 14, and 16 do pass the automated counters.

Trip generation. This development is not expected to increase through traffic in the area.

Trip distribution. Proposed north/south distribution of traffic is expected to match the existing distribution.

Modal split. Transportation modes alternative to automobile traffic is considered insignificant for this area, and thus is not addressed in this study.

Trip assignment. Proposed trip assignment for proposed through traffic is discussed in the previous section and shown in **Appendix G**.

d) TOTAL SITE AND THROUGH TRAFFIC

Combined through and site traffic in the proposed conditions is shown in **Appendix G** where assignment is displayed for each timeframe.

5) TRAFFIC ANALYSIS

a) PROPOSED SITE ACCESS

Site access is proposed by a median-separated two-way driveway. A valley gutter is proposed, and the driveway will be sloped to keep all runoff from the site to flow away from the KDOT Right of Way in the proposed conditions. The proposed width of access (measured face of curb to face of curb) is 12 ft for the entrance driveway and 24 ft for the exit driveway. A median (measured face of curb to face of curb) at 7 ft in width is proposed between the two driveways. The driveway's proposed outer radii are 25 ft, measured along the back of curb.

Property clearance from the entrance (northerly) driveway to the north property line is approximately 37 ft; clearance from the exit (southerly) driveway to the south property line is approximately 51 ft. The proposed access will be constructed of concrete at a thickness of 6 inches.

b) CAPACITY AND LEVEL OF SERVICE

Capacity is analyzed by Synchro 10, which references the 2010 Highway Capacity Manual (HCM). Intersections within the area of significant traffic impact are analyzed by Synchro. In the following timeframes: Daily, AM Peak, & Midday Peak weekday traffic, as well as Daily & AM Peak Saturday traffic.

Four driveways near the proposed development's driveway are analyzed, labeled as follows (per **Figure 5** on next page): "Driveway 1" is the driveway immediately north of the proposed driveway with turning movements 3 and 4; "Driveway 2" is the private east/west road connecting to an industrial development further east, with turning movements 7 and 8; "Driveway 3" is the northerly driveway to the existing restaurant SE of the proposed development on the east side of K-7, with turning movements 11 and 12; and "Driveway 4" is the southerly driveway to this restaurant, with turning movements 15 and 16.

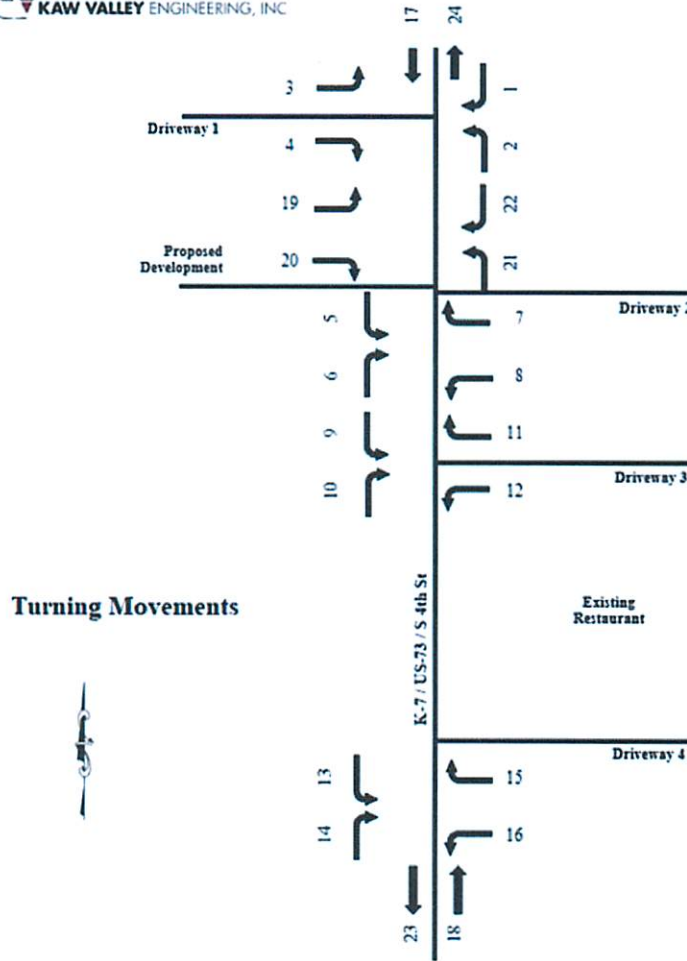


Figure 5. Driveways Analyzed

Traffic impact by a development on an intersection is determined through a volume-to-capacity ratio and control delay. For the 7 Brew development, analysis was conducted using Synchro 10, a traffic analysis software that adheres to the 2010 Highway Capacity Manual (HCM 2010). **Table 6** below indicates the Level of Service determination based on control delay for unsignalized intersections (two-way stop controlled [TWSC]).

Table 6. Level of Service Criteria for Unsignalized Intersections (HCM 2010)

Level of Service	Average Control Delay (seconds/vehicle)
A	0-10
B	>10-15
C	>15-25
D	>25-35
E	>35-50
F	>50

Source: *Highway Capacity Manual 2010*, Transportation Research Board, 2010

The exit driveway has a single left turn lane and a single right turn lane. Results of the HCM 2010 TWSC intersection capacity analysis are summarized in **Tables 7 and 8** below, and additional results are shown in **Appendix H**.

Table 7: Level of Service Results: AM Peak Hour at Proposed Development (HCM 2010)

	AM Weekday Peak Hour			
	Left Turn (Exit)	Right Turn (Exit)	Southbound Right (Enter)	Northbound Left (Enter)
Volume to Capacity Ratio	0.227	0.079	0	0.057
Control delay (seconds)	30.3	10	0	8.4
Level of Service	D	B	N/A	A
Queue Length, 95 th Percentile (veh)	1.1	0.3	0	0.2

Table 8: Level of Service Results: Midday Peak Hour at Proposed Development (HCM 2010)

	Midday Weekday Peak Hour			
	Left Turn (Exit)	Right Turn (Exit)	Southbound Right (Enter)	Northbound Left (Enter)
Volume to Capacity Ratio	0.309	0.088	0	0.058
Control delay (seconds)	49.4	11.8	0	9.9
Level of Service	E	B	N/A	A
Queue Length, 95 th Percentile (veh)	1.2	0.3	0	0

The Level of Service determination is based on the projected control delay in the controlling peak hour. The AM Peak Hour controls for site-generated traffic and on-site operations as shown in section 5(e) of this study; however, for traffic exiting the site, the Midday Peak Hour controls.

c) EXISTING CRASH PATTERNS

Existing cash data since 2017 along US-73 between Muncie and Eisenhower Roads were acquired through a KDOT Right of Way open records request submitted 1/20/2022 and provided 1/26/2022. Per the State Highway Safety Analyst who provided the information, data from 2021 and 2022 is considered incomplete and unofficial.

Within the influence area, occurrences include an angle crash as well as sideswipe crashes (same direction), occurring north of the subject property. Records do not indicate any recent crashes adjacent to subject property.

Outside the influence area along K-7/US-73, rear end and angle crashes have been noted, especially near Commercial Street. The most common crash along K-7/US-73 is the angle (side impact) crash.

No fatal crashes were recorded in the information received from the open records request.

d) TRAFFIC SIGNALS ANALYSIS

Analysis of traffic signals is provided in this study. This is because the nearest signalized intersections along K-7/US-73 (Muncie and Eisenhower Roads, each approximately ¼ mile from the proposed driveway) are not part of the influence area.

e) SITE CIRCULATION AND PARKING

Site Circulation. On-site traffic circulation and queueing is analyzed using the Stochastic Queuing Analysis method.¹ Traffic intensity and average vehicle queue length are computed as follows:

$$\rho = \frac{\lambda}{\mu} \text{ (Eq. 1)}$$

Where:

ρ is the traffic intensity
 λ is the mean arrival rate (per hour); and
 μ is the mean service rate (per hour)

The average vehicle queue is then calculated as follows:

$$E(n) = \frac{\rho}{1 - \rho} \text{ (Eq. 2)}$$

Where:

$E(n)$ is the average vehicle queue in the drive-through lane during the selected timeframe.

The mean arrival rate (λ) described in Equation 1 depends on the ITE projected trip generation. The weekday AM Peak Hour arrival rate exceeds that of the Weekday Midday Peak Hour rate and the Saturday AM Peak Hour rate, and thus the weekday AM rate governs. The weekday AM Peak Hour arrival rate is therefore taken as the mean arrival rate (λ) to the site. The mean arrival rate is analyzed on a per-lane basis, where increasing the number of lanes decreases the arrival rate. It is noted that the hourly arrival rate is independent of the pass-by trip reduction, and thus is a different value from the number of new trips generated in the AM Peak Hour.

The mean service rate (μ) described in Equation 1 is the average time taken per vehicle between an employee's reception of a drink order to the delivery of the order to the customer. (The 7 Brew establishment does not serve food; drinks are its primary menu item.) The mean service rate is independent of the time required for the customer to arrive onsite, stop the vehicle, and pay; this is because employees that receive orders do not make or deliver the orders.

In addition to arrival and service rates, the average time spent in the drive through is computed by the following equation:

$$E(v) = \frac{1}{\mu(1 - \rho)} \text{ (Eq. 3)}$$

Where:

$E(v)$ is the average time by one vehicle spent in the drive through (in hours).

¹ Green, Cory, and Vijay Kannan. *Trip Generation Study of Coffee/Donut Shops in Western NY*.

Drink orders are recorded with electronic tablets by employees who walk or jog to the location of a stopped vehicle. Payment is made at the time of the order. This dynamic method of taking orders reduces the average wait for placing an order compared to a static order window, since the employee who takes the order is free to move to the nearest vehicle. After making an order, the customer drives forward to the next open space in the queue to receive the order. Two outdoor, semipermanent tables will be used by employees to process orders, give straws, etc.

Drink orders are delivered by employees who exit the building by one of the three doors. (The Floor Plan in **Appendix I** shows that two sliding glass doors are provided on the north and south sides of the building, and a third door is provided on the west side.) Employees have the ability to deliver an order to the customer at the place the vehicle is stopped, rather than being limited to a single location. Orders are commonly delivered to customers in the front position of each drive-through lane.

The study on coffee shops in the northeast United States published by Green, et. al. is used in consideration of the mean service rate. Page 9 of that study states: “Based on our observations, the average service time during the AM Peak Hour was 30 seconds per vehicle. This corresponds to two vehicles every minute or 120 vehicles per hour. A default of 120 vehicles per hour can be based for the service rate unless more specific data is available.” Data available to KVE for coffee establishments during weekday morning hours are summarized in **Table 9** below.

Table 9. Characteristics of Coffee Establishments (AM Weekdays)

Source (Year)	Location	Average Order Time (sec)	Average Service Time (sec)	Food Service	Number of Lanes
Trip Generation Study of Coffee/Donut Shops in Western NY (After 2008)	Erie, Monroe, Livingston, Ontario Counties (NY)	Unknown	30	Unknown	Unknown
Data Collected by a Coffee Establishment (2020)	Oklahoma City, OK	Unknown	43	Yes	1
Data Collected by a Coffee Establishment (2020)	Ames, IA	Unknown	54	Yes	1
Data Collected by a Coffee Establishment (2020)	Council Bluffs, IA	Unknown	38	Yes	1
TIS: Proposed Starbucks with Drive-Through, Stonefield Engineering & Design (2020)	Township of Belleville, NJ	103	35	Yes	1
Order Data Collected by 7 Brew (2021)	Rogers, AR	104	Unknown	No	2
Video: 7 Brew (2021)	Rogers, AR	Unknown	28.7	No	2

A video provided by 7 Brew on November 9, 2021, shows actual drive through traffic operations for a 7 Brew store in Rogers, Arkansas. (This video may be provided upon request by KDOT.) The mean service rate as seen in the video is the average time a vehicle spends in one position in the queue, after its order has been received; each vehicle is assigned a characteristic service rate per arrival. Of 12 cars analyzed in the 4-minute timeframe, the average service time was 28.7 seconds. This value substantiates the average time mentioned in the Trip Generation Study of Coffee Shops by Green, et. al. Thus, 29 seconds per vehicle (124.14 vehicles per hour) is used in this study for queue length design. The resulting estimated demand queue length per lane is computed using Equations 1 and 2 on a per-lane basis. An example calculation for the average queue of vehicles waiting for an order in the weekday AM Peak Hour is shown as follows.

$$\rho = \frac{\lambda}{\mu}$$

$$\rho = \frac{55.9 \text{ veh/hr}}{124.14 \text{ veh/hr}} = 0.450 = \rho$$

$$E(n) = \frac{\rho}{1 - \rho}$$

$$E(n) = \frac{0.450}{1 - 0.450} = 0.818 \rightarrow E(n) = \mathbf{1 \text{ vehicle in queue (AM Peak)}}$$

The average wait time, based on the average vehicle queue, may be computed per Equation 3:

$$E(v) = \frac{1}{\mu(1 - \rho)}$$

$$E(v) = \frac{1}{124.14 \frac{\text{veh}}{\text{hr}} (1 - 0.450)}$$

$$E(v) = 0.0146 \frac{\text{hr}}{\text{veh}} = \mathbf{0.9 \text{ minutes per vehicle in queue (AM Peak)}}$$

The queue length and wait time as shown above are peak hour averages for the purposes of design, not instantaneous maxima. In **Table 10** on the next page, the sensitivity of the vehicle queue length is evaluated. The AM Peak arrival rate per lane (55.9 veh/hr) is kept constant, but the service rate is varied between 10 and 65 seconds.

Table 10: Vehicle Queue Sensitivity (AM Peak Hour)

Arrival Rate (λ)	Arrival Time	Mean Service Rate (μ)	Intensity (ρ)	Queue Length [E(n)]	Average total wait [E(v)]	Average service window wait [E(w)]
(veh/hr)	(sec/veh)	(veh/hr)	(veh/hr)	(vehicles)	(minutes)	(minutes)
55.9	10.0	360.00	0.155	1	0.2	0.03
55.9	15.0	240.00	0.233	1	0.3	0.08
55.9	20.0	180.00	0.310	1	0.5	0.15
55.9	25.0	144.00	0.388	1	0.7	0.26
55.9	29.0	124.14	0.450	1	0.9	0.40
55.9	30.0	120.00	0.466	1	0.9	0.44
55.9	35.0	102.86	0.543	1	1.3	0.69
55.9	40.0	90.00	0.621	2	1.8	1.09
55.9	45.0	80.00	0.699	2	2.5	1.74
55.9	50.0	72.00	0.776	3	3.7	2.89
55.9	55.0	65.45	0.854	6	6.3	5.35
55.9	60.0	60.00	0.931	14	14.6	13.57
55.9	65.0	55.38	1.009*	-112	-120.3	-121.41

*An intensity value > 1 indicates the arrival rate exceeds the service rate. If both rates remain constant in this condition, the queue experiences unbounded continuous increase.

Shaded row indicates the design queue length.

It should be noted that the second lane greatly increases capacity for queueing. Using averages of the available data, the expected average vehicle queues for the AM and PM peak hours are shown in Table 11 below.

Table 11: Vehicle Queue Characteristics by Peak Hour

Category (Peak Hour)	Trip Ends Entering per ITE	Number of Drive Through Lanes	Mean Arrival Rate (λ)	Mean Service Rate (μ)	Intensity (ρ)	Queue Length [E(n)]	Average Time in Drive Through [E(v)]
	(veh/hr)	(Lanes)	(veh/hr)	(veh/hr)	(veh/hr)	(vehicles)	(minutes)
AM	111.77	2	55.88	125.4	0.446	1	0.9
Midday	79.30	2	39.65	125.4	0.316	1	0.7
Saturday	76.43	2	38.22	125.4	0.305	1	0.7

As service rate decreases and intensity approaches 1.0, capacity is exceeded according to the queueing equations used. Though unlikely, should these conditions occur, it should be noted that customers have limited tolerances for excessive queue lengths. The site is designed with a third lane to which will allow customers in the outer drive-through lane to exit the queue. Employees leaving the site during opening hours will also utilize this third lane.

As the coffee establishment is drive-through only with no indoor seating, parking is provided for employees only, for a total of four (4) spaces.

6) IMPROVEMENT ANALYSIS

a) IMPROVEMENTS TO ACCOMMODATE BASE TRAFFIC

Access spacing for the influence area is shown in detail in **Appendix J**. Measured from the center of each drive, along the west side of K-7/US-73, the existing access spacing to the north will be increased from 74 feet to 82 feet. Existing access spacing to the south will be decreased by from 369 feet to 335 feet. This is designed to meet the City's requirement of 50 feet of stand-up curb between driveways.

The southerly (exit) driveway is proposed to match the west curb of K-7/US-73 at a location just north of the start of the taper to the southbound right turn lane to the existing home improvement store to the south.

b) ADDITIONAL IMPROVEMENTS TO ACCOMMODATE SITE TRAFFIC

Drive Through Lanes and Driveway Median. Safety is improved with the addition of a driveway median. Safety in traffic circulation and queueing is improved by two designated drive-through lanes as well as an outer pass-by lane.

Access Spacing (Variance). Per Table 4-6 of the Policy, the required driveway access spacing is 300 feet. Due to limitations on available space, a variance from the KDOT Policy access spacing requirement is requested.

Right-Turn Lane Warrant (Variance). The midday peak hour Directional Design Hourly Volume (DDHV) is 750 vehicles per hour. An anticipated 37 vehicles will be turning right into the site in the Midday Peak Hour. As a result, a right-turn lane is warranted per Table 4-26 of the Policy. Due to length and Right of Way width limitations, a variance from the KDOT Policy right-turn lane and taper requirement is requested.

c) ALTERNATIVES FOR IMPROVEMENTS

Three-quarter access. A design of three-quarter access along the existing centerline of K-7/US-73 would decrease conflict points at the site driveway due to prohibited left turns out of the site. In addition, this layout would continue to allow northbound traffic to access the development.

Cross access. If cross access were granted through an adjacent property, a reduction of conflict points along K-7/US-73 would be accomplished. Cross access would increase safety for minimal comparative cost.

d) STATUS OF IMPROVEMENTS ALREADY FUNDED, PROGRAMMED, OR PLANNED

No known planned improvements are available for this vicinity or site location.

e) EVALUATION

Three quarter access. Depending on design, a three-quarter access may discourage or cut off access to one of the fast-food restaurant's driveways. In addition, this is not cost effective or practicable for the scope of this development: the road would need to be widened to accommodate the 4-foot minimum raised island on each side of the channelized left-turn lane per section 4.4.6 in the Policy.

Cross access. Cross access is not available currently, as efforts to coordinate cross access easements with adjacent landowners has been unsuccessful so far.

7) SUMMARY

a) FINDINGS

The Traffic Impact study shows the existing traffic operations along South 4th Street/K-7/US-73, based on current traffic counts and turning movements. The development is expected to generate 88 new trips in the AM Peak Hour, 64 new trips in the Midday Peak Hour, and 61 new trips in the Saturday AM Peak Hour. Sixty percent of arriving vehicles are expected to be pass-by traffic. Entering vehicles will be circulated and retained onsite during the AM Peak Hour, aided by the installation of two drive-through lanes. In the proposed conditions of the AM Peak Hour, vehicles exiting the site experience Level of Service (LOS) D delays for left turns and LOS B delays for right turns. In the proposed Midday Peak Hour, vehicles exiting the site experience LOS E delays for left turns and LOS B delays for right turns.

The location of the proposed driveway is selected based on the minimum driveway separation per the City Leavenworth, the location of an existing right-turn lane to the south, and the location existing private drive across from the site.

b) RECOMMENDATIONS

Recommended infrastructure for the proposed 7 Brew Coffee restaurant will include the following:

- Installation of a two-way driveway with a median. Two exiting lanes and one entering lane is recommended for acceptable and safe internal traffic movement.
- As much as is practicable, the driveway is to be aligned with the opposing private drive on the east side of K-7/US-73 to reduce further conflict points. The site plan provided shows the recommended location; variances and further coordination with KDOT may be required.

Should you have any questions, or if you require additional information regarding the findings of this report, please contact us at (785) 762-5040.

Respectfully submitted,

Kaw Valley Engineering, Inc.

Leon D. Osburn, P.E.
Project Engineer



Kirk C. Stewart, E.I.T.
Design Engineer

A handwritten signature in blue ink that reads "Kirk Stewart".

4.3.2 Access spacing—unsignalized and signalized

Access spacing is at the heart of access management. Well-planned access spacing considers factors such as roadway speed, vehicle volumes, and driver expectations to provide a reasonable amount of space for drivers to assess the situation, decide a course of action, and adjust the vehicle's path if necessary. KDOT uses access route classification, area type, access type, and posted speed limit to characterize spacing requirements because these categories consider roadway speed, vehicle volumes, and driver expectation.

This Policy focuses on spacing for unsignalized access points (which represent the majority of access points along state highways). Information for signalized intersection spacing also is provided in order to maximize efficient traffic flow along state highway corridors by planning for major intersections where traffic signals may be placed in the future. Access spacing is measured from centerline of access to centerline of access as depicted in Figure 4-19. KDOT follows the criteria for unsignalized and signalized access spacing as presented in Table 4-6 and Table 4-7.

Intersection influence areas must also be considered when locating an access point. Access may be located in areas outside the intersection influence area provided the location of the proposed access meets the specified criteria for unsignalized access spacing. Guidance on intersection influence areas is found in Section 4.3.1.

Figure 4-19. Access spacing measured centerline to centerline of access (unsignalized/signalized)

