

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, January 7, 2019
6:00 PM

CALL TO ORDER:

Commissioners Present

Mike Burke
John Karrasch
Claude Wiedower
Linda Bohnsack
Sherry Hines Whitson

Commissioners Absent

Jay Byrne
Camalla Leonhard

City Staff Present

Julie Hurley
Michelle Baragary

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

Approval of Minutes: December 3, 2018

Chairman Byrne asked for comments or a motion on the minutes presented for approval: December 3, 2018. Ms. Bohnsack moved to accept the minutes as presented, seconded by Mr. Wiedower. The minutes were approved by a vote of 5-0.

OLD BUSINESS:

1. 2018-11 REZ – 600 SHAWNEE STREET AND 621 SENECA STREET

Conduct a public hearing for Case No. 2018-11 REZ – 600 Shawnee Street and 621 Seneca Street. The property, owned by Exact Loft and Gym, LLC, is commonly known as former Immaculata High School building and adjacent vacant lot. The building was constructed in 1922 and was listed on the National Register of Historic Places as part of the Leavenworth Downtown historic District in 2002. The Planning Commission reviewed this project at the October 1, 2018 Planning Commission meeting and requested that the applicant add parking on the vacant lot at 621 Seneca Street to alleviate parking concerns with other nearby uses. That parking has been added.

Vice Chairman Burke called for the staff report.

City Planner Julie Hurley stated the applicant is requesting a rezoning of their property located at 600 Shawnee and 621 Seneca Street from CDB to RMX. The property, owned by Exact Loft and Gym, LLC, is commonly known as former Immaculata High School building and adjacent vacant lot. The building was constructed in 1922 and was listed on the National Register of Historic Places as part of the Leavenworth Downtown Historic District in 2002. The Planning commission reviewed this project at the October 1, 2018

Planning Commission meeting and requested that the applicant add parking on the vacant lot at 621 Seneca Street to alleviate parking concerns with other nearby uses. That parking has been added.

The structure is a two-story, symmetrically massed, red brick building on a sloping lot with the foundation level fully exposed on the southern elevation. The RMX zoning district is intended to provide for high-density, multi-family residential dwellings along with a mix of appropriate neighborhood-serving uses. Commercial uses may be included in some structures, but there is no requirement for each structure to have non-residential uses included.

This location is a part of the Redevelopment Overlay District, whose purpose is to facilitate the development of property in the downtown and northeast Leavenworth in accordance with the 2010 Downtown-North Leavenworth Redevelopment Master Plan. In particular, this location is identified as part of the Downtown Core. The intent of the subarea is to define Leavenworth's traditional and historic downtown core, with a diverse mix of retail, office and residential uses. The downtown core should embrace redevelopment activities that promote diverse uses and activities that complement the established scale and urban form of the historic downtown. New activities should promote preservation, renovation and adaptive reuse of historic structures.

The rezoning is being requested in order to repurpose the school building portion of the property into a total of 38 apartment units (37 1-bedroom units and 1 2-bedrooms units), with the gymnasium portion of the property to be used a commercial space for a gym/group fitness operation and juice bar, along with other dividable commercial space. The proposed uses are all allowable within the existing CBD zoning district, however, residential uses are prohibited within the front half or front 30 feet of space, whichever is greater, on the first floor. The applicant intends to provide residential units on the entirety of the first floor of the former school portion of the building.

Total required parking for the project is 108 spaces based on the following breakdown:

1 2-bedroom unit: 2 spaces

37 1-bedroom units: 37 spaces

4,797 sqft gym/recreation: 16 spaces

12,866 sqft gym/recreation: 51 spaces

302 sqft food service: 2 spaces

There are a total of 47 spaces provided on-site, with an additional 35 on-street parking spaces adjacent to the project along Shawnee Street and North 6th Street, and 34 spaces in the adjacent city-owned public parking lot, for a total of 116 spaces. There are 6 other city-owned public parking lots within a 2-block radius, with numerous on-street parking opportunities. The Development Regulations allow several provisions for a reduction in the number of required on-site parking spaces, including for properties in mixed-use districts and registered historic properties. The CBD zoning district has no minimum parking requirement for any use type allowed within the district, as on-street parking opportunities and city-owned public parking lots are intended to satisfy any parking needs.

This project also requires review by the Leavenworth Preservation Commission (LPC), as the structure is listed on the National Register of Historic Places. The Leavenworth Preservation Commission considered the request on August 1, 2018 and voted 5-0 to approve the request for a Major Certificate of Appropriateness for the project.

The Development Review Committee reviewed the application at their July 26, 2018 meeting. The main area of discussion focused on required parking. There was some concern about use of the adjacent city-owned public parking lot, as the lot is typically heavily used by members of the First Christian Church on Sundays. There was no concern that the proposed uses would result in a higher volume of traffic than the former high school use located 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 part of Downtown Leavenworth and the Redevelopment Overlay District, with a variety of uses and building forms. Historic structures such as this are common in the area.

- b) The zoning and use of properties nearby;

The properties to the east, south and west are zoned CBD, Central Business District, and the properties to the north are zoned R1-6, High Density Single Family Residential District.

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

The subject property is currently zoned CBD, which allows a variety of uses by-right.

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

The proposed rezoning should have little to no detrimental effect on nearby property. There is a mix of uses present in the Downtown area, including multi-family. Staff does not anticipate that the volume of traffic generated by the proposed uses will be significantly higher than previously generated by the high school use.

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

The structure has been unoccupied since June, 2017.

- 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 will have a positive effect upon the economic vitality of Downtown Leavenworth in terms of bringing more residents to the area which will potentially increase the patronage of local businesses, as well as expanded commercial offerings offering an expanded tax base.

- g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The subject area is identified as appropriate for commercial uses in the Comprehensive Plan. However, the majority of the Downtown area is identified as commercial on the Future Land Use Map, and there exists already a mix of residential uses in this area. Additionally, this area is part of the Downtown-North Leavenworth Redevelopment Area Master Plan, which promotes the area as appropriate for a mix of uses, including residential. Therefore, staff finds the proposed request is not in conflict with the 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.

This proposal makes possible the adaptive re-use of a previously vacant historically significant structure.

REZONING ACTION/OPTIONS:

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

Vice Chairman Burke asked for questions from the commissioners.

Ms. Bohnsack asked about lighting in the parking lot at 621 Seneca.

Jon Klocke, representing the property owner and works for Exact Architects 3829 Main Street, Ste 007, Kansas City MO, stated the parking lot will have lighting and there will also be mounted lighting around the perimeter of the building and all the entrances.

Mr. Karrasch asked what the dimensions are in the new parking lot.

Mr. Klocke stated he believes there are four compact (7' x 6') and 30 regular stalls (8' x 16'), which are in compliance with city regulations.

Mr. Wiedower stated that what has been done to install a new parking lot is appreciated. He further stated he hopes tenants are assigned a designated parking spot and should not be parking in the church's parking lot. The church should also be a contact person in case tenants are parking in the church's lot. Mr. Wiedower asked if tenants will have their own designated parking spot.

Mr. Klocke responded typically how this has been handled in the past is that Greenamyre has been the property manager and will most likely be the property manager for this property as well.

Mr. Wiedower stated that will be good because the tenants will be advised of their designated parking spots and also be made aware to stay in your area and not to park in places the tenants should not be parking.

Ms. Hurley clarified that the adjacent lot on the corner of 6th Street and Seneca is a city owned lot and is not owned by the church. The lot on the opposite corner and to the north of Seneca is a church owned parking lot. Staff has not required the property owner to designated specific parking spot numbers for tenants. If at some point there are parking issues, it could be discussed with the property manager. Furthermore, the city cannot prohibit a particular use from using a city owned parking lot.

Mr. Wiedower stated that at previous meetings the church had a viable concern about people parking in their church area. Mr. Wiedower hopes this has been resolved with installing the new parking lot.

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

Bob Euler, 3019 Grand Ave, approached the board. Mr. Euler stated he is a member of First Christian Church. He is much more comfortable with the new plan presented. He does not believe the designation of parking spots on the new lot will work because there are more tenants than there are parking stalls on the new parking lot.

Ms. Hurley stated there are a total of 34 parking stalls on the new parking lot and additional parking at the rear entrance of the building for a total of 47 parking stalls.

Mr. Euler stated he does recognize the parking lot at the corner of 6th Street and Seneca (west side of 6th Street) is a public parking lot. For years, Immaculata High School used the public parking lot Monday – Friday but it was available on Sundays. His concern was that the public lot would end up being a private lot for the tenants; but he feels comfortable now that there will be a parking lot installed at 621 Seneca. Furthermore, he is in favor of the rezoning request.

Jim Bliss, 1407 Lawrence Ave, approached the board stating he is also a member of First Christian Church. Mr. Bliss asked if selling the public parking lot has been a consideration.

Ms. Hurley stated it was discussed preliminarily with the applicant. The City Manager indicated the city would not be interested in selling the parking lot.

Mr. Bliss asked if at some point the city changed their minds, would the property go up for public bid.

Ms. Hurley responded in the affirmative and stated the city is aware the church would be interested in purchasing the parking lot.

Mr. Burke asked if that would be a Planning Commission issue.

Ms. Hurley said any sell of city property would be a consideration for the City Commission.

With no else wishing to speak, Vice Chairman Burke closed the public hearing and opened it for discussion among the commissioners.

Mr. Karrasch asked if the parking lot to the southwest of Shawnee and 7th Street is a public parking lot.

Ms. Hurley stated it is not. That parking lot belongs to Southwestern Bell. All public parking lots on the map are denoted with stripes. There are several public parking lots within a couple blocks of the subject property.

Ms. Bohnsack asked who owns 611 Seneca.

Ms. Hurley responded Paul Backs owns that property.

Ms. Bohnsack stated she is concerned with two large parking lots on either side of 611 Seneca in case the property owner ever wanted to further develop that property.

Ms. Hurley responded that is not a house at 611 Seneca; it is an existing storage shed. In the future someone could potentially attempt to build a home there but it would be difficult with the existing setbacks. Staff does not anticipate that happening.

With no further discussion, Vice Chairman Burke called for a motion. Mr. Karrasch recommends approval of the rezoning request 2018-11 REZ from CBD to RMX to the City Commission, seconded by Ms. Whitson and approved by a vote of 5-0.

Vice Chairman Burke called for the next item on the agenda – Election of Officers. Vice Chairman Burke recommended tabling the issue until all officers are available to vote; approved by a vote of 5-0.

Vice Chairman Burke called for the next item on the agenda – Revision to Bylaws – Article 1 – Members, #2.

Ms. Hurley stated that appointments are for three-year terms. Staff noticed this was not listed in the bylaws and therefore has been added.

Vice Chairman Burke called for a motion. Mr. Karrasch moved to accept the bylaws as written, seconded by Ms. Whitson and passed by a vote of 5-0.

Ms. Hurley stated that at the last Planning Commission meeting discussion of the annual update to the Development Regulations took place. Staff is currently working on this and will bring the proposed updates to the next Planning Commission meeting for review.

With no further business Vice Chairman Burke called for a motion to adjourn. Mr. Wiedower moved to adjourn, seconded by Mr. Karrasch and passed by a vote of 5-0. The meeting adjourned at 6:27 p.m.

JH/mb