

**CITY OF LEAVENWORTH PLANNING COMMISSION**

**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048

**REGULAR SESSION**  
**Monday, October 1, 2018**  
6:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

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

**Commissioners Absent**

Sherry Hines Whitson

**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: June 4, 2018**

Chairman Byrne asked for comments or a motion on the minutes presented for approval: June 4, 2018. Ms. Leonhard moved to accept the minutes as presented, seconded by Mr. Wiedower. The minutes were approved by a vote of 6-0.

**OLD BUSINESS:**

**None**

**NEW BUSINESS:**

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

Conduct a public hearing for Case No. 2018-11 REZ – 600 Shawnee and 621 Seneca Street. The applicant is requesting a rezoning of their property from Central Business District, CDB, to Residential Mixed Use, RMX. The property, owned by Exact Loft and Gym, LLC, is commonly known as the 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.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the applicant is requesting a rezoning of their property from Central Business District, CDB, to Residential Mixed Use, RMX. The property, owned by Exact Loft and Gym, LLC, is commonly known as the 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 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-bedroom unit), with the gymnasium portion of the property to be used as 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 CDB 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 commercial space: 16 spaces
- 12, 886 sqft gym/ recreation: 51 spaces
- 302 sqft food service: 2 spaces

There are a total of 26 spaces provided on-site, with an additional 35 on-street parking spaces adjacent to the project along Shawnee Street and North 6<sup>th</sup> Street, and 34 spaces in the adjacent city-owned public parking lot, for a total of 95 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, 2108 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

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

Mr. Karrasch asked what the intent is for only adding parking spaces behind the alley on the property located at 621 Seneca instead of using the entire lot for parking.

Jon Klocke, architect and representing the owner, responded the site and grading allow for parking on the south portion of the lot. The property owner does not want to affect the north portion of the lot in case of future development.

Mr. Karrasch asked how the clients using the gymnasium will be accommodated when it comes to parking.

Mr. Klocke stated the intent is to lease a portion of the parking lot located on the northeast corner. In the case of large events, on-street parking would be utilized along with neighboring parking lots.

Mr. Karrasch asked about the lease agreement with the City of Leavenworth.

Ms. Hurley stated the applicant has made it known of their desire to lease the parking lot. In speaking with the City Manager, that request would need to go to the City Commission. Staff is not sure if there is much desire to lease out the parking lot for private uses. There are a number of public parking lots in the downtown area. It is staff's thinking that any commercial users would just parking in the same manner any other commercial users would; either on-street or another public lot. Walking a block or two is expected in the downtown area like this.

Mr. Karrasch asked Mr. Klocke if he has visited with the church about how this will be orchestrated for Sunday morning church. Especially for church members with mobility challenges.

Mr. Klocke stated they have not reached out to the church but would be willing to dedicate a portion of that to the church; say from 9 a.m. to 1 p.m.

Mr. Wiedower asked who the intended market is for the apartments and what is the rent range.

Mr. Klocke stated the marketed clientele for the apartment units are military, young professionals and potentially college students. He does not know what the rental rate would be.

With no further questions regarding the staff report, Chairman Byrne opened the public hearing.

Reverend John Emmanuel Sowers, 418 Kickapoo #B, approached the board. He is the pastor at First Christian Church located at 130 N. 6<sup>th</sup> Street. Reverend Sowers stated he has concern about the parking; not only on Sundays but Monday through Friday because of the Jack & Jill Preschool. The preschool opens at 7:00 a.m. Sometimes it is dark at that time so there is concern about teachers not being able to parking reasonably close to the entrance. Furthermore, if there is an option to lease the city owned parking lot northeast of the subject property, First Christian Church would like that option offered to them.

Donald Hollman, 1310 Vilas, approached the board asking if the property owner is not going to develop 621 Seneca into parking and they instead put in more housing, what is that going to do with the parking that is convoluted already. With the lot at 621 Seneca being over 11,000 sqft and a parking stall being between 250 – 300 sqft, that is a lot of parking that could be utilized.

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

Ms. Bohnsack stated there are several churches in that area and the streets on Sunday morning are bumper to bumper already. She believes that when developers provide residential use in a central business district that they should provide additional parking for the residential uses. Most businesses downtown are dependent upon street parking for their business. Ms. Bohnsack believes the development of 621 Seneca into a parking lot would be very beneficial for this use and for the neighborhood.

Mr. Karrasch stated he believes the public parking lot should not be part of the discussion in this case because the church needs it, other uses in the neighborhood need that parking lot and once the parking lot becomes an option for the residents of the apartment units, they will dominate it.

Mr. Wiedower stated the parking is a real issue; however, tenants in that location can also be helpful to small businesses. Believes it great to do something with the building than leaving it vacant. Hopefully there can be some coordination and communication so it's a win win for everyone.

Mr. Byrne agrees that hopefully something can be worked out. May the city can get involved. However, he does not believe that is the issue right now because it is a public parking lot. The fact that the church has used it for years is great but it does not give the church the right to direct who can or cannot use the public parking lot. As far as 621 Seneca goes, the owner can do what they want to with that lot. If they choose, the Planning Commission can say they do not recommend approval because they believe there is a parking issue. The Planning Commission cannot they do not recommend approval because the property owner is not using 621 Seneca to make a parking lot.

Mr. Byrnes thinks the parking should be worked out but does not believe it should be something that impacts the commission's decision on this particular rezoning. If the Development Regulations state there is adequate parking for this use the commission should go along with those regulations.

Mr. Karrasch believes this developer has done wonderful projects downtown and is behind him with this concept but believes the developer dropped the ball on this one in thinking about the greater good of the community and the possibilities they have to be a good neighbor.

Ms. Hurley stated that the commission can, in their motion, attach stipulations. For instance, the board can make a motion to recommend approval with the condition that an additional x number of parking spaces would be added on the lot at 621 Seneca.

Mr. Byrne stated if the board is going to make a motion like that, he believes they should table the issue to give the developer time to work through any parking issues.

Ms. Hurley stated that giving direction to the applicant and staff to work on options for additional parking and provide a revised proposal for the Planning Commission to consider is also an option the board has.

Ms. Bohnsack asked where the other public parking lots are in this area.

Ms. Hurley stated public parking lots in the general area include the parking lot northeast of the subject property, parking lot across from City Hall on North 5<sup>th</sup> Street and Seneca, behind City Hall there are two separate public parking lots, parking lot on Shawnee between 5<sup>th</sup> Street and 6<sup>th</sup> Street, another parking lot on 6<sup>th</sup> Street and Cherokee Street, and a parking lot on Cherokee between 4<sup>th</sup> Street and 5<sup>th</sup> Street.

Mr. Wiedower asked if someone other than the architect who has more authority was present.

Ms. Hurley stated only the architect was present.

Ms. Hurley strongly suggests the item be tabled to give the applicant time to submit revised proposals for parking.

With no other questions or discussion from the commissioners, Chairman Byrne called for a motion. Mr. Karrasch moved to table Case No. 2018-11 REZ to allow the developer time to submit some viable parking options, seconded by Ms. Bohnsack and approved by a vote of 6-0. No specific date was set to return this item to the Planning Commission.

## **2. 2018-16 SUB – WEST GLEN, 2<sup>ND</sup> PLAT, FINAL PLAT**

Consider a request for a 52 lot final plat for the West Glen residential development. The subject property is owned by JMK Partners, LLC, plat prepared by Atlas Surveyors. The property is currently vacant and zoned to R1-6, High Density Single Family Residential District. A preliminary plat for the subject property was approved by the Planning Commission on June 5, 2017, under the name Wolf Farms. The first final plat for the subdivision was approved by the Planning Commission on September 11, 2017. This final plat completes the development of the 101 lot single-family subdivision.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the subject property is owned by JMK Partners, LLC, plat prepared by Atlas Surveyors. The applicant is requesting approval of a 52 lot final plat for the West Glen residential development. The property is currently vacant and zoned to R1-6, High Density Single Family Residential

District. A preliminary plat for the subject property was approved by the Planning Commission on June 5, 2017, under the name Wolf Farms. The first final plat for the subdivision was approved by the Planning Commission on September 11, 2017. This final plat completes the development of the 101 lot single-family subdivision.

The subject property is 11.18 acres in size, and is currently undeveloped. The site lies along New Lawrence road, directly east of 20<sup>th</sup> Street. The plat consists of 52 residential lots. Lots 72-101 are intended to be standard single-family homes, with an average lot size of 10,285 sqft. Lots 50-71 are intended to be smaller maintenance provided single-family homes, with an average lot size of 7,914 sqft. Also included are associated utility easements and 3 tracts for open space and to accommodate an existing gas pipeline.

Improvements to New Lawrence Road were required as part of the development of this property and are currently underway.

Staff recommends approval of the West Glen 2<sup>nd</sup> Plat.

**ACTION/OPTIONS:**

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

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

Mr. Karrasch asked if the New Lawrence Road improvements are only going from 20<sup>th</sup> Street to this development or will the road improvement go to the soccer fields by Warren Middle School.

Mike Reilly, developer, stated the road improvement will end at the north end of the property line.

Mr. Karrasch asked if Mr. Reilly's organization will be doing the road improvements.

Mr. Reilly responded it is a city project.

Mr. Karrasch asked if the city has plans to improve the intersection at 20<sup>th</sup> Street and Eisenhower with the added traffic the subdivision will bring.

Ms. Hurley responded that is still being discussed with the county. She believes a traffic light will be installed.

With no further discussion, Chairman Byrne called for a motion. Mr. Burke moved to accept the West Glen, 2<sup>nd</sup> Plat, Final Plat; seconded by Camalla Leonhard and approved by a vote of 6-0.

**3. 2018-17 REZ – WEST GLEN**

Conduct a public hearing for Case No. 2018-17 REZ – West Glen. The applicant is requesting a rezoning of their property identified as Lot A in the West Glen Preliminary Plat from R1-6, High Density Single Family Residential District, to PUD, Planned Unit Development. The property was rezoned from R1-25, Low Density Single Family Residential District in 2017, at the same time as the approval of the Preliminary Plat. The rezoning is being requested in order to develop the property

with attached single-family villa units. The applicant is proposing a total of 5 structures; 2 triplex structures (6 total units) and 3 duplex structures (6 total units).

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the applicant is requesting a rezoning of their property identified as Lot A in the West Glen Preliminary Plat from R1-6, High Density Single Family Residential District to PUD, Planned Unit Development. The property was rezoned from R1-25, Low Density Single Family Residential District in 2017, at the same time as the approval of the Preliminary Plat. The rezoning is being requested in order to develop the property with attached single-family villa units. The applicant is proposing a total of 5 structures; 2 triplex structures (6 total units) and 3 duplex structures (6 total units).

The development will be accessed via a private street off of 20<sup>th</sup> Street. There are a proposed total of three lots. After construction of the residential units, "condo plats" will be recorded to provide individual ownership of units with common ownership of the ground, to be owned and maintained by an established Home Owner's Association. Should the rezoning request be approved, the applicant will be required to provide a final plat of the property for approval and recording prior to commencement of construction of any residential units.

The Development Review Committee reviewed the application at their August 23, 2018 meeting. No major issues were identified. All items discussed were minor in nature and needed modifications will be reflected when a plat for the development is submitted prior to construction.

### **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 currently vacant and directly adjacent to 20<sup>th</sup> Street. It is part of the larger West Glen single family subdivision, which is currently under development. The properties to the north are developed with existing large lot single family homes, and the property directly to the west across 20<sup>th</sup> Street is occupied by the Church of the Open Door.*

- b) The rezoning and use of properties nearby;

*The properties to the north and east are zoned R1-6, High Density Single Family Residential District, the property to the south is zoned GBD, General Business District, and properties to the west and further north are zoned R1-25, Low 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 R1-6, which allows for high-density single family detached structures and a minimum lot size of 6,000 sqft with one primary structure per lot.*



- 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. 20<sup>th</sup> Street is an existing major thoroughfare designed to handle traffic levels generated by the proposed use, and New Lawrence Road is currently being improved and widened in order to accommodate the increase in traffic generated due to the West Glen residential development. Single-family residential is a low intensity use, with minimal impact on surrounding properties.*

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

*The subject property has always been 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 individual landowner;

*The proposed rezoning will have a positive impact on economic development within the Leavenworth Community by way of increased property tax base generated through the construction of new homes. The development will provide for an increase in housing options, allowing for more people to live within the City of Leavenworth thereby adding to the local economy.*

- g) The recommendations of permanent or professional staff;

*Staff recommends approval of the rezoning request.*

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

*The subject area is identified as appropriate for Low Density Residential (7,500-14,000 sqft/lot) on the Future Land Use Plan. At 2.32 acres, the subject property provide approximately 8,400 sqft per individual unit.*

- 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 of note.*

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

Mr. Karrasch asked about the entrance to the church.

Ms. Hurley stated the entrance to the subdivision and the church are offset. When driveways cannot exactly line-up, the city wants them clearly offset so there is no confusion.

Mr. Karrasch feels the entrances are still fairly close to one another.

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

Mike Reilly, JMK Partner 608 Delaware, stated they tried to line the driveways up but there is a storm inlet on their side of the curb directly across from the churches access point. They did move the entrance as far north as possible but are hindered by the major gas line just north of the subdivision.

Mr. Reilly further stated that as a reference point for size and number of units, the subject property is a little smaller when compared to the attached units they did at Kensington off 20<sup>th</sup> Street and Limit.

Mr. Byrne asked if this will be rentals or owner occupied.

Mr. Reilly responded it will be owner occupied.

Mr. Karrasch asked what the thought process was accessing off 20<sup>th</sup> Street and not tying into Tallgrass Street or some street on the other side.

Mr. Reilly stated that the pipeline would only allow one crossing along that particular easement in that area.

Mr. Sparks, 4790 New Lawrence Road, asked if the units will be rentals.

Mr. Reilly responded the units will be owner occupied.

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

Mr. Karrasch stated he has reservations with the access. He believes there will be issues in the future with 20<sup>th</sup> Street, New Lawrence Road and now the new access for the subdivision all in the same triangle. He does acknowledge he is not sure how to get around it potential issue.

Ms. Bohnsack asked how deep the driveways will be.

Mr. Reilly stated the driveways are staggered and are 30 feet to 40 feet from the curb.

Ms. Bohnsack stated there is a development similar to this in Tonganoxie where the lots are quite small and the units are close to the street. There is only room for one vehicle to be parked but it works well because it's more geared towards the retired. In the Tonganoxie development, more parking was provided. Ms. Bohnsack stated Mr. Reilly may want to provide more parking as well for people who may have more than one car.

Ms. Hurley verified with Mr. Reilly that the units have two car width driveways.

Mr. Reilly responded in the affirmative.

Mr. Byrne stated he does not foresee this causing a big problem with traffic since it is only 12 units.

Ms. Bohnsack agrees with Mr. Byrne.

With no other questions or comments, Chairman Byrne called for a motion. Ms. Bohnsack moved to approve the rezoning for Lot A West Glen Preliminary Plat from R1-6, High Density Single Family Residential District to PUD, Planned Unit Development, seconded by Mr. Karrasch and approved by a vote of 6-0.

With no further business the meeting was adjourned at 6:55 p.m.

JH/mb