

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

**REGULAR SESSION
Monday, August 2, 2021
6:00 p.m.**

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: June 7, 2021**

NEW BUSINESS:

1. 2021-21 REZ – 410 S. 2ND STREET

Conduct a public hearing for Case No. 2021-21 REZ – 410 S. 2nd Street. The applicant is requesting a rezoning of the property located at 410 S. 2nd Street from I-1, Light Industrial District, to CDB, Central Business District.

OTHER BUSINESS:

None

ADJOURN

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, June 7, 2021
6:00 PM

CALL TO ORDER:

Commissioners Present

Claude Wiedower
Sherry Hines Whitson
Bill Waugh
Joseph Burks
Chris Murphy
James Diggs

Commissioners Absent

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.

Planning Director Julie Hurley stated Wes Henning is moving and has therefore resigned from the Planning Commission.

APPROVAL OF MINUTES: May 3, 2021

Chairman Wiedower asked for comments or a motion on the minutes presented for approval: May 3, 2021. Mr. Burks moved to approve the minutes as presented, seconded by Mr. Murphy and approved by a vote of 6-0.

Chairman Wiedower welcomed new Planning Commission member Bill Waugh and thanked Mr. Mike Burke for his many years of serving on the Planning Commission.

OLD BUSINESS:

None

NEW BUSINESS:

1. ELECTION OF VICE CHAIRMAN

Chairman Wiedower asked for a volunteer or a nomination for Vice Chair. Mr. Burks nominated himself as Vice Chairman, seconded by Ms. Whitson and approved by a vote of 6-0.

2. 2021-19 SUB – THE BRANCHES ADDITION NO. 3 FINAL PLAT

Consider a final plat for The Branches Addition No. 3.

Chairman Wiedower called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Reilly Development, LLC, plat prepared by Atlas Surveyors. The applicant is requesting approval of a 45 lot final plat for The Branches Addition residential development. The property is currently vacant and zoned R1-6, High Density Single Family Residential District.

The subject property is 25.09 acres in size, and is currently undeveloped. The site lies between South 20th Street and Tonganoxie Drive. The plat consists of 46 residential lots with an average size of 15,763 square feet. The maximum lot size is 39,235 sqft and the minimum lot size is 8,400 sqft. Also included are associated utility easements, open space/drainage easements and emergency access.

The Development Review Committee reviewed the preliminary plat at their December 10, 2020 meeting. The proposed plat at the meeting was modified to the current preliminary plat in March. The items discussed at that time of the December meeting included the two access points: the first access point to the east and the second access point would be from Tract B to the south, the need for a Home Owner's Association, and it was also noted the need to address threatened and endangered species.

Storm water and sewer plans have been submitted, and Public Works are in the process of reviewing. Public Improvement Plans will be finalized and approved by Public Works prior to the recording of the final plat. Fire Marshall has been in coordination with Napier Engineering in regards to the second fire access dedicated by Tract A.

The associated Preliminary Plat was reviewed and approved by the Planning Commission on April 5, 2021. There have been no substantial changes to the plat since that time.

ACTION/OPTIONS:

- Approve the Final Plat for Branches Addition No. 3
- Deny the Final Plat for Branches Addition No. 3
- Table the issue for additional information/consideration.

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

Mr. Burks asked for clarification about the fire access point that runs through the green space.

Ms. Hurley responded that access is through Tract A on the south side. The engineer has been in contact with the Fire Department as the fire code sets the regulations for the need to be compacted and whether or not it's blocked, etc. There is an open tract adjoining that in the existing Branches Subdivision so the thought would be that it would go all the way through that green space. The engineer has been in contact with the Fire Department to work out how that will be constructed.

With no further questions about the staff report, Chairman Wiedower asked the applicant to provide any updates to the commission.

Mike Reilly, 608 Delaware, stated there have not been any substantial changes. Mr. Reilly stated they are not the original developer of this site. It is cumbersome given that Tract B has two houses on each side of it. To install a public road through this tract would substantially hurt the value of those two properties.

Mr. Reilly further stated they have worked with staff and the Fire Department to develop a turf road to be used for emergency purposes only. Signage will be installed dedicating the turf road access for emergency vehicles only. The hope is to be able to take access east at some point in time through the Westar site but that is yet to be determined.

Mr. Wiedower asked about the timeline.

Mr. Reilly stated as soon as they get approval and materials ordered they anticipate excavation within two weeks.

Mr. Diggs asked what the selling price will be.

Mr. Reilly responded with the cost of lumber and materials the starting point will be \$350,000 and will go up from there.

With no further questions or discussion, Chairman Wiedower called for a motion. Mr. Murphy moved to approve The Branches Addition No. 3 final plat, seconded by Mr. Diggs and approved by a vote of 6-0.

3. 2030 COMPREHENSIVE PLAN

Conduct a public hearing to approve Resolution No. 2021-01 adopting the 2030 Comprehensive Plan.

Chairman Wiedower called for the staff report.

Planning Director Julie Hurley stated in December, 2019, the City entered into a contract with Shockey Consulting to provide services for a Comprehensive Plan update. Since that time, Shockey has completed multiple sessions with the Stakeholder Focus Group, joint sessions with the City Commission and Planning Commission, as well as a public engagement process that included two virtual public participation meetings. The final Comprehensive Plan will be the culmination of all input received throughout the process.

Staff from Shockey Consulting was present to give an overview of the draft chapters of the Plan and to facilitate a discussion related to the content of the chapters at the April 5, 2021 Planning Commission meeting. Items discussed at that time were incorporated into the final Comprehensive Plan document. The final Plan is presented for public hearing and adoption.

ACTION:

Approve a resolution adopting the 2030 Comprehensive Plan

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

Mr. Wiedower asked if anyone in the public has contacted staff about the Comprehensive Plan.

Ms. Hurley responded in the negative.

Mr. Murphy stated his concern is insuring we keep the green space that is built into the Plan.

Mr. Diggs asked how do we know how much green space will be left if construction is always approved.

Ms. Hurley responded the Comprehensive Plan is a high level document with broad goals and what staff envisions for the City of Leavenworth. Shockey Consulting provided the city with a checklist of all of those goals and actions that have been put into the Plan. When a city creates a Comprehensive Plan, that is not the end point but rather the start point where staff will take those goals and actions defined in the Plan and will start working through those by updating regulations and policies, and putting those into place to account for things like green space, buildable area, etc. As the city moves forward with new subdivisions, staff will have been able to put regulations in place for those ideals that have been brought up with the Comprehensive Plan.

Ms. Hurley further stated the final check and balance are the projects coming before the Planning Commission for approval. For example, if a plat comes before the Planning Commission, and the commission does not see there is designated green space, this board has the ability to recommend there be green space or they could recommend denial to the City Commission. The Comprehensive Plan is not a static document; the Plan is intended to be reviewed annually to make sure the goals that were laid out are still in line with the city's needs.

Mr. Burks stated his concern that residents of the city are not in attendance at tonight's meeting nor did anyone contact staff either in favor of or against the Comprehensive Plan seeing it speaks of the future of the city.

Ms. Hurley responded it is fairly common for residents not to be in attendance. By the time you get through whatever public involvement process you have and you get to that endpoint of adopting the Plan, everybody who typically is interested in being involved in something like this is sort of done by this point because they have already participated during the public involvement process. Sometimes residents who did not participate during the public involvement process will talk negatively after the fact; but again these types of documents are meant to be reviewed and revised as the city moves forward.

Mr. Burks stated it is incumbent for the Planning Commissioners to read and understand the Comprehensive Plan so that they can hold things accountable.

Mr. Wiedower stated people were offered opportunities to provide their input about the Plan so if people made a choice not to participate that was their choice.

With no further discussion or questions, Chairman Wiedower called for a motion. Mr. Murphy moved to Resolution 2021-01 adopting the 2030 Comprehensive Plan, seconded by Mr. Burks. Chairman Wiedower called the roll and Resolution 2021-01 was approved unanimously 6-0.

Ms. Hurley stated there are no items on the agenda for July.

With no other business, Chairman Wiedower adjourned the meeting at 6:21 p.m.

Minutes taken by Administrative Assistant Michelle Baragary.

PLANNING COMMISSION AGENDA ITEM
2021-21-REZ
410 S. 2nd STREET

AUGUST 2, 2021

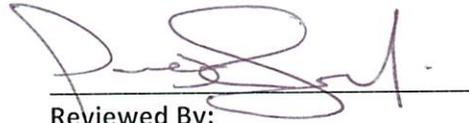
SUBJECT:

A request to rezone the property located at 410 S. 2nd Street from I-1, Light Industrial District, to CBD, Central Business District.



Prepared By:

Julie Hurley,
Director of Planning and
Community Development



Reviewed By:

Paul Kramer,
City Manager

ANALYSIS:

The applicant, Richard Cook, Jr., is requesting a rezoning of their property located at 410 S. 2nd Street from I-1, Light Industrial District, to CBD, Central Business District. The property is currently occupied by C&H supply, a plumbing supply company.

The property consists of a large warehouse structure with a fenced parking area, as well as a small connected retail space with direct access on 2nd Street. The rezoning is being requested to allow for reuse of the building as a mini-storage facility and a cigar lounge. No expansion of the building footprint is proposed.

The applicant intends to convert the warehouse portion of the structure into a mini-storage facility by retrofitting the interior of the building to accommodate individual storage units, while retaining the brick exterior. Windows and doors will be updated and the existing chain link fence will be replaced with black steel fencing and an automatic gate. The adjoining retail space will be converted to a cigar lounge, with no proposed changes to the exterior.

Pending approval of the rezoning request, issuance of a Special Use Permit will be required for operation of a mini-storage facility in the CBD zoning district. Mini-storage is a use permitted by-right in the I-1 zoning district. However, the adjoining retail portion of the building does not allow for most retail-type uses which would be considered appropriate in the downtown area with the current I-1 zoning. CBD is a less intense zoning district than I-1 and will allow for uses that are more appropriate for the location of 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 current site of C&H Supply, and is part of the Leavenworth Industrial Historic District. The site is considered to be within Downtown Leavenworth, lying to the southwest of the intersection of 2nd and Choctaw Streets, and is part of the Central Business District overlay. Downtown Leavenworth contains a wide variety of uses.

b) The zoning and use of properties nearby;

The properties to the east and north are zoned CBD, and occupied by the Stove Factory Lofts. The property to the west is zoned I-1 and is occupied by the Leavenworth School District maintenance facility. The property to the south, across Three Mile Creek, is zoned OBD, Office Business District, and is occupied by the Leavenworth County Justice Center. The majority of other surrounding properties to the north and west are zoned CBD and are part of Downtown Leavenworth with a broad mix of uses.

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

The subject property was built in the late 1800's and has served multiple purposes. The nature of the warehouse portion of the building limits the type of uses which may reasonably be accommodated by the building without significant structural changes, to primarily industrial-type uses. The retail portion of the building is not suitable for industrial 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. CBD is a less intense zoning classification than I-1 and will allow for more appropriate uses for the downtown area.

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

The property is not currently 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 effect on public health, safety and welfare by bringing the property into an appropriate zoning classification for its location in Downtown Leavenworth, while allowing flexibility for a mix of 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 appropriate for Mixed Use on the Future Land Use map. 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

After the required public notices were sent to property owners within 200' as required by Kansas State Statute, staff received no communication from any notified parties in regards to the rezoning request.

REZONING ACTION/OPTIONS:

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



APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2021-21 REZ

| | |
|----------------------|----------------|
| Application # | <u>9564</u> |
| Fee (non-refundable) | \$350.00 |
| Filing Date | <u>6-15-21</u> |
| Received By | |
| Hearing Date | <u>8-2-21</u> |
| Publication Date | <u>7-8-21</u> |

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: | <u>410 S. 2nd St. Leavenworth, KS 66048</u> | | |
| Rezoning: | Present classification of: <u>I-1</u> | district to: <u>CBD</u> | |
| Legal Description: | (Attach full legal description provided by the REGISTER OF DEEDS OFFICE) | | |
| Real Estate PID #: | | Historic District: | <u>Industrial Historic Dist.</u> |

I/We, Richard J. Cook Jr 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): | <u>Richard J. Cook Jr</u> | | |
| Address: | <u>410 S. 2nd Street Leav. KS 66048</u> | | |
| Contact No. | <u>913-683-9079</u> | Email Address: | <u>cook5678@yahoo.com</u> |
| Signature of Owner(s): | <u>Richard J. Cook Jr - PMS</u> | | |

State of Kansas) (SEAL)
County of Leavenworth), SS



| |
|--|
| Signed or attested before me on <u>June 15, 2021</u> by <u>Richard J. Cook Jr.</u> |
| (date) (name(s) of person(s)) |
| Notary Public: <u>Michelle Baragary</u> My Appointment Expires: <u>8-16-24</u> |

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

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: 410 S. 2nd St
(C+H Supply) is a plumbing Supply Co. zone I-1. The surrounding area
has recently undergone renovations and zoning, now known as Stove
Loft Apartments.

Briefly describe the intended use and character of the property: 410 S. 2nd St. (C+H Supply Co.)
has the proposal use of mini storage (climate controlled). The adjoining
space has the proposal use of a cigar lounge. Each proposed business
will intend to maintain the properties original historic appeal.

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property: With a rezoning classification to Central Business District
(CBD), this property will now share the same zoning as its adjoining/
neighboring properties. In addition, this rezoning to CBD will
allow for the property owner to bring in new business and revenue to the
city.

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: The rezoning classification from I-1 to CBD will allow for this property
to share the same zoning as the surrounding properties. This will
allow for 410 S. 2nd to make the necessary improvements to the
property, while maintaining the building history and create new business.

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: With the proposed business plan for 410 S. 2nd St.
the current zoning classification I-1, will not allow for
either business plan to come to fruition.

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

Dear Committee,

Please consider our application for the property at 410 S. 2nd St Leavenworth, KS and the proposed changes. Per this committee's approval and the rezoning approval from I-1 (Heavy Industry) to CBD (Central Business District), it is the intention to convert this unique property to climate controlled mini storage and adjoining cigar lounge. Already located in the heart of downtown and surrounded by newly redeveloped historic properties, this approval will allow for that continuous opportunity of development.

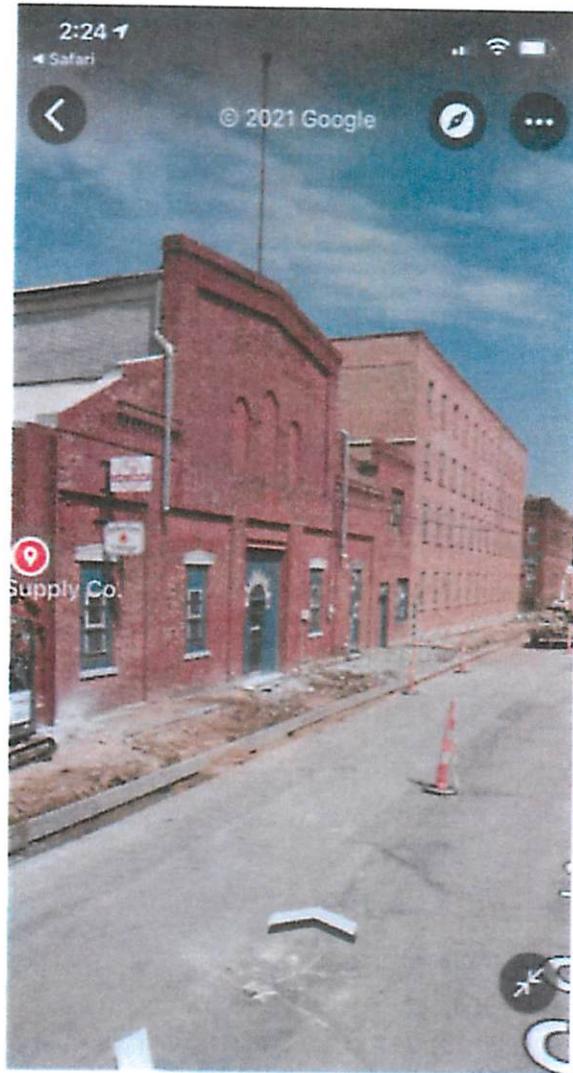
Since the late 1800's when this building was constructed, it has served many purposes some of which have contributed to defining the history we now know. Many of the unique historical features of this specific property have stood this test of time and still remain to this day. It is our intention to highlight as many of these features during the modifications, allowing for their uniqueness to remain as part of the new businesses.

The intention for the building exterior will be to keep the original brick but update the doors/windows with black metal clad products. The intention will be to replace the chain-link fence and gate facing south Second Street with black steel fencing with automatic gate.

The building interior holds many historic "gems" which will remain. For the large "warehouse" portion of the building, the intention will be to perform modifications which will allow for individual mini storage units. Other than the retro fit mini storage units and meeting code compliance, the majority of the original interior will remain exposed. Regarding the proposed cigar lounge footprint, this too will remain as original as possible, other than necessary code complaint changes. The furnishing of the cigar lounge will be intended to maintain a rustic appeal as to accent all of the buildings original characteristics.

In conclusion, per this committee's approval and the rezoning approval, it is the intention to convert this unique property to climate controlled mini storage and adjoining cigar lounge. Leavenworth has a great history and we plan to maintain and highlight the history in this specific property. We believe that the proposed businesses in connection with this property, will help bring additional business to the area all while maintaining the history of this location and surrounding locations which have already undergone such wonderful renovations.

Thank you!

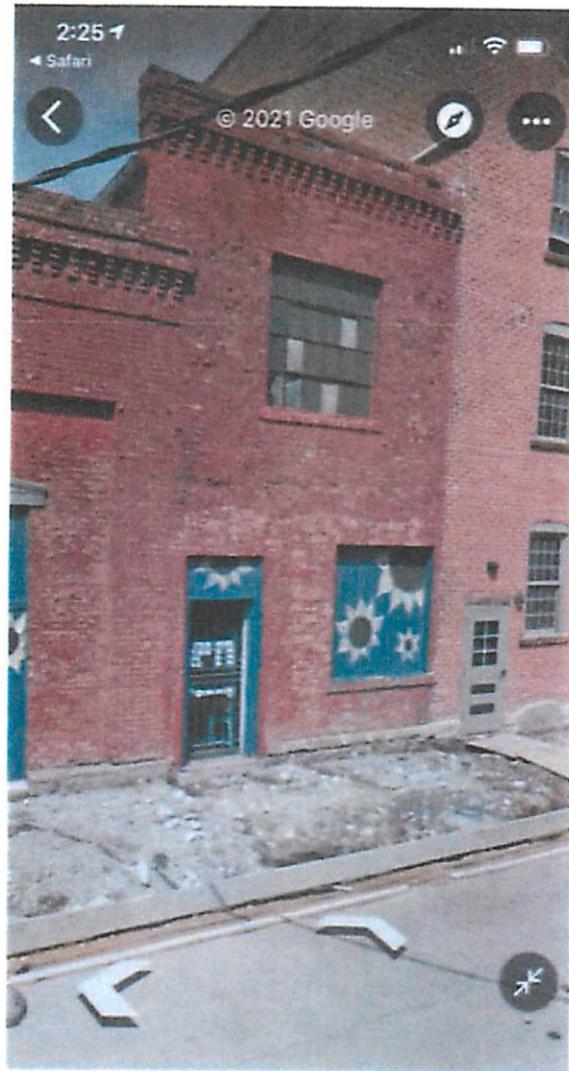


C & H Supply Co.

4.8 ★★★★★ (5)

Electrical supply store 29 m



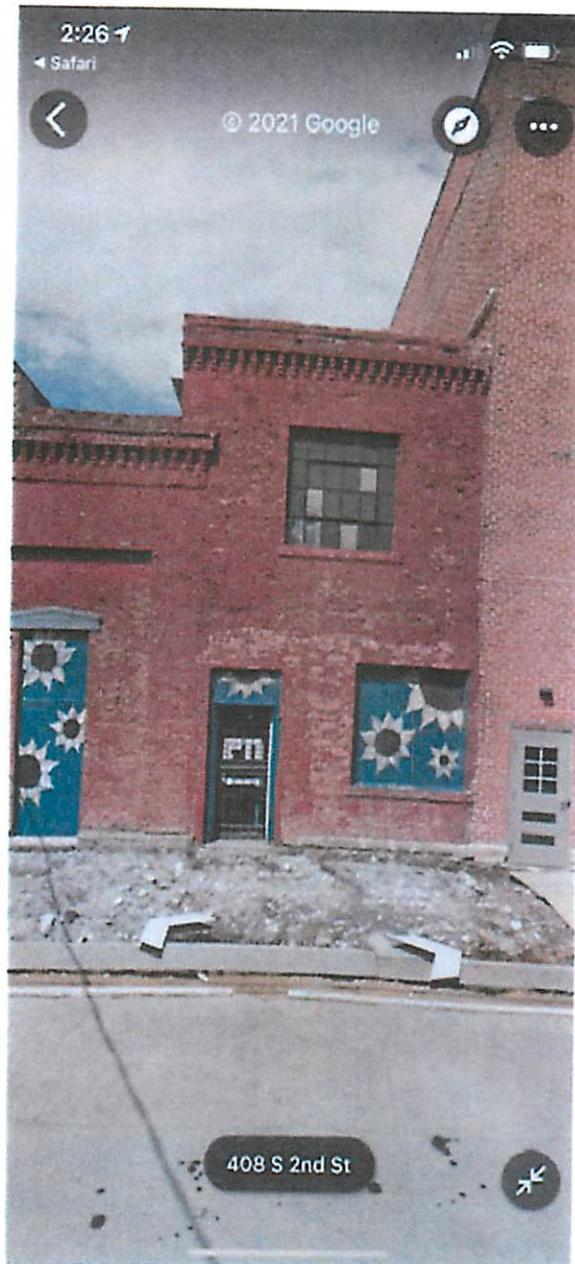


C & H Supply Co.

4.8 ★★★★★ (5)

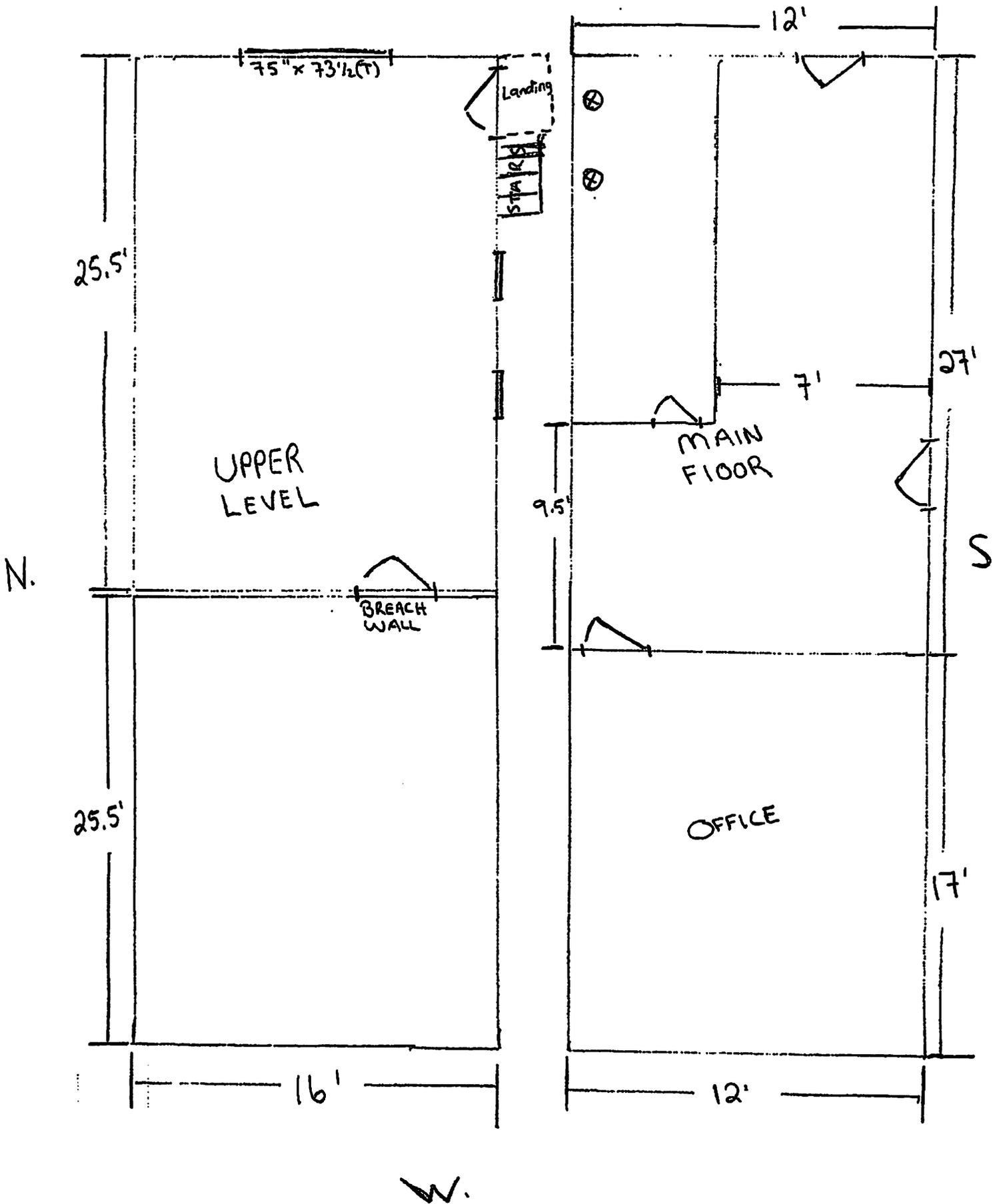
Electrical supply store 29 m



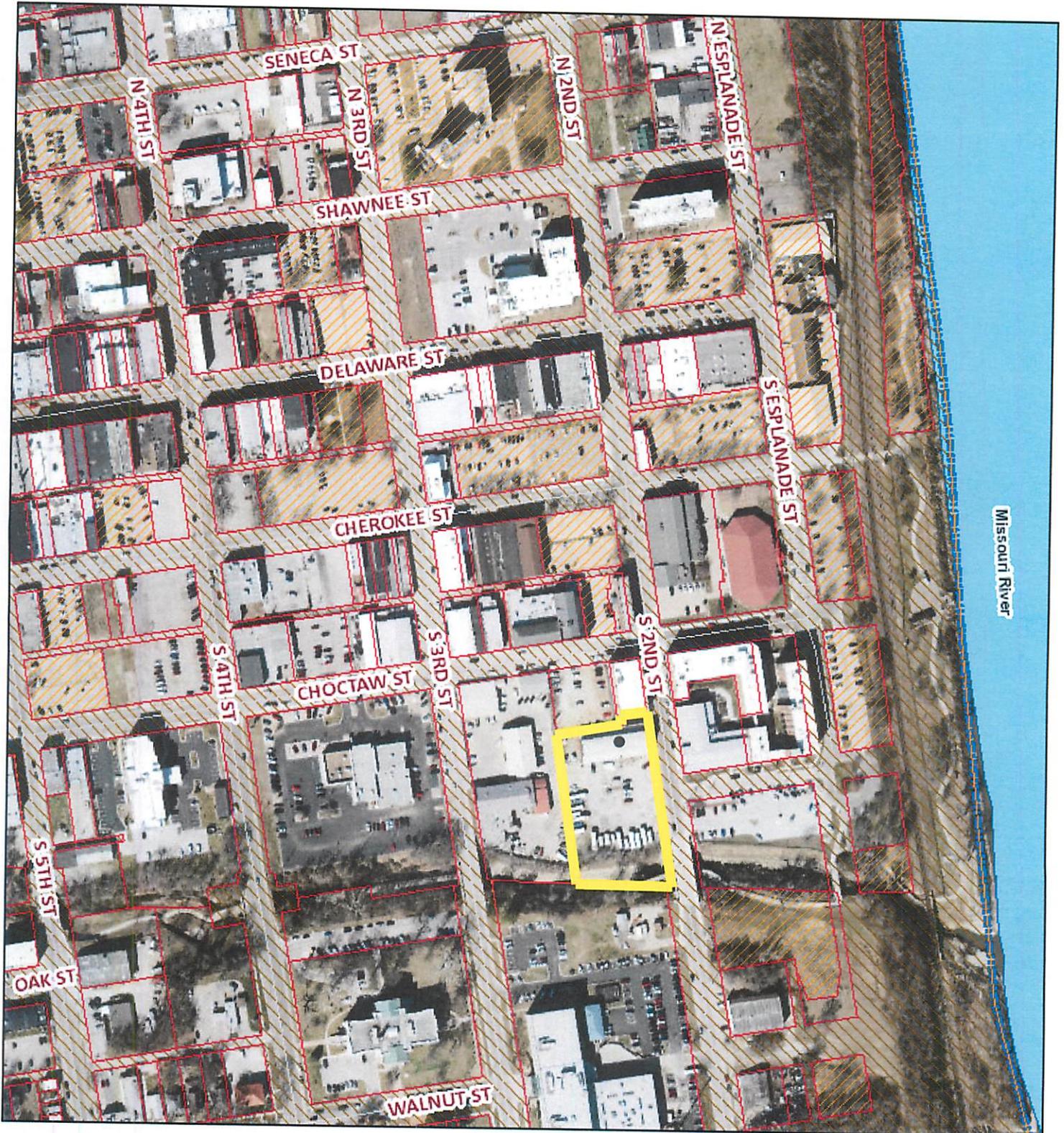


Cigar Lounge E.

410 S. 2nd St.
LVKS



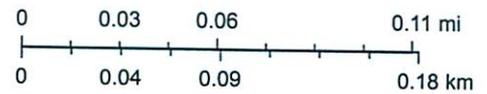
2021-21-REZ



7/29/2021, 8:46:31 AM

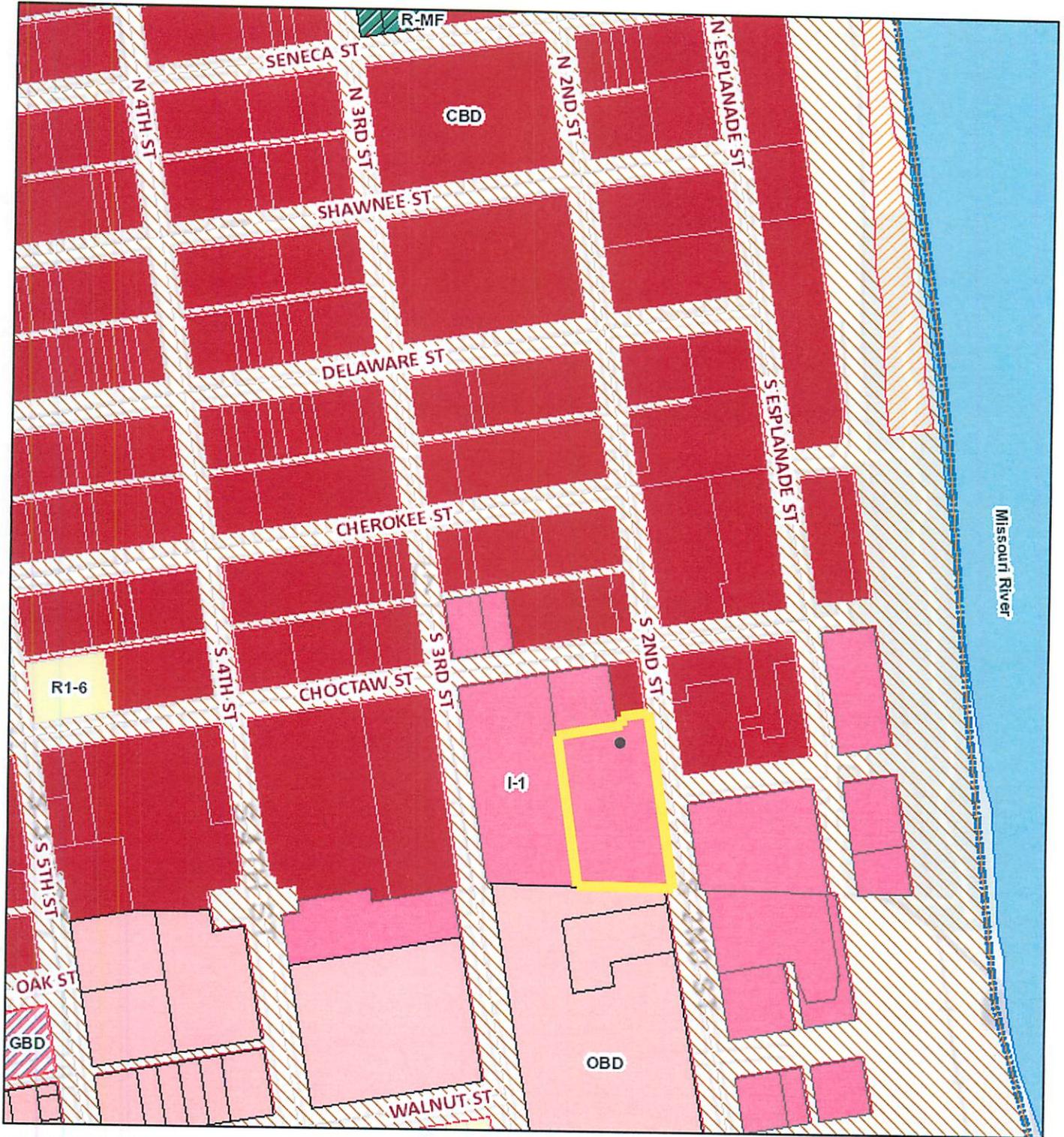
1:4,514

- Override 1
- Parcels (City Owned)
- Parcels_Current
- Missouri River
- Lansing City Limits
- Ft Leavenworth Military Installation
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline

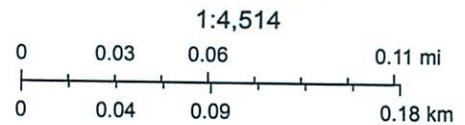
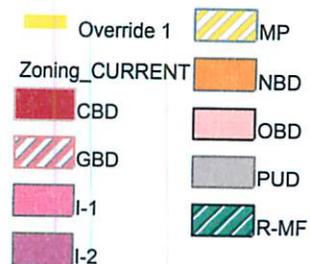


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2021-21-REZ (Zoning)

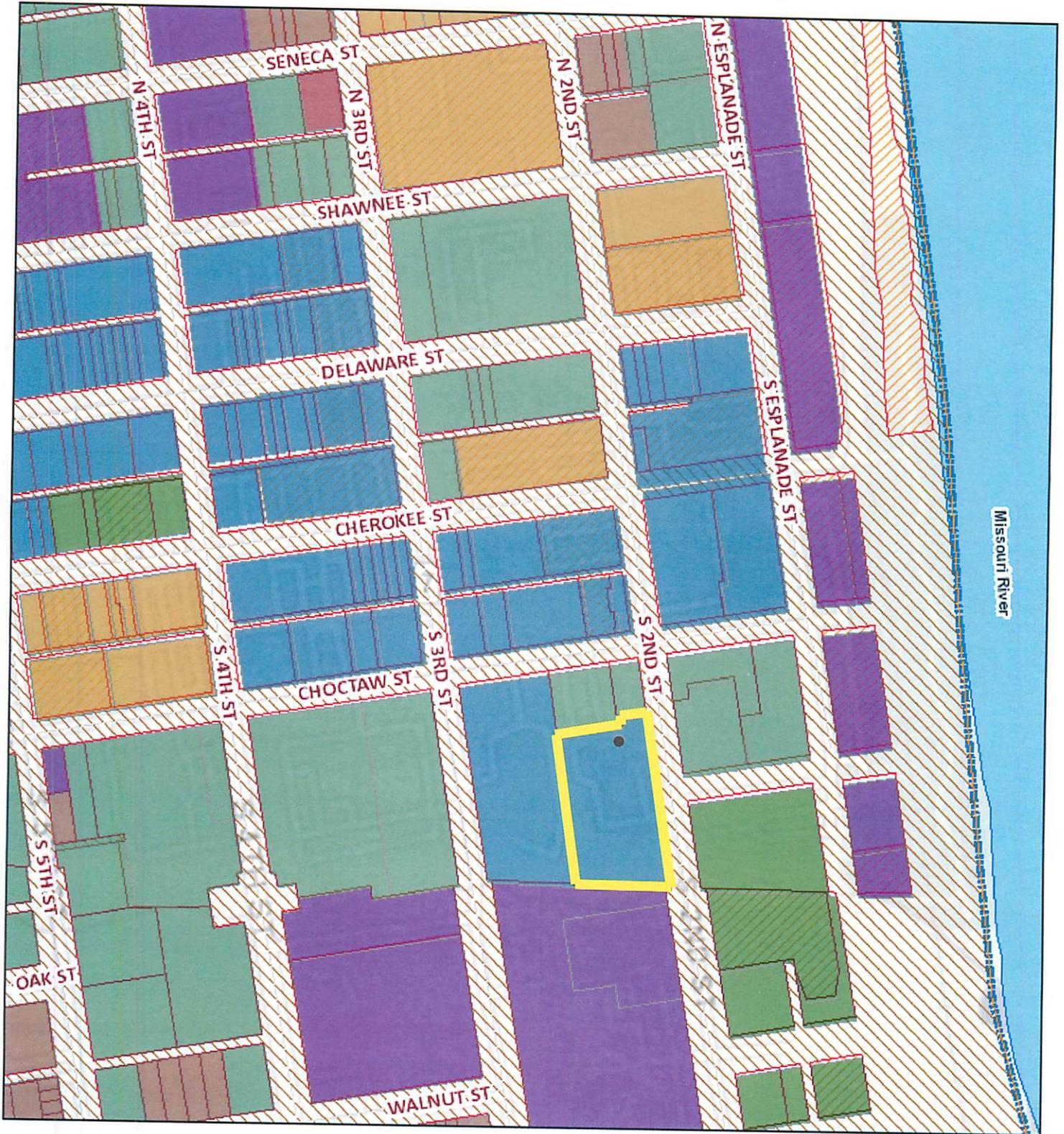


7/29/2021, 8:41:50 AM



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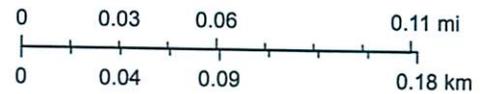
2021-21-REZ (Future Land Use)



7/29/2021, 8:43:02 AM

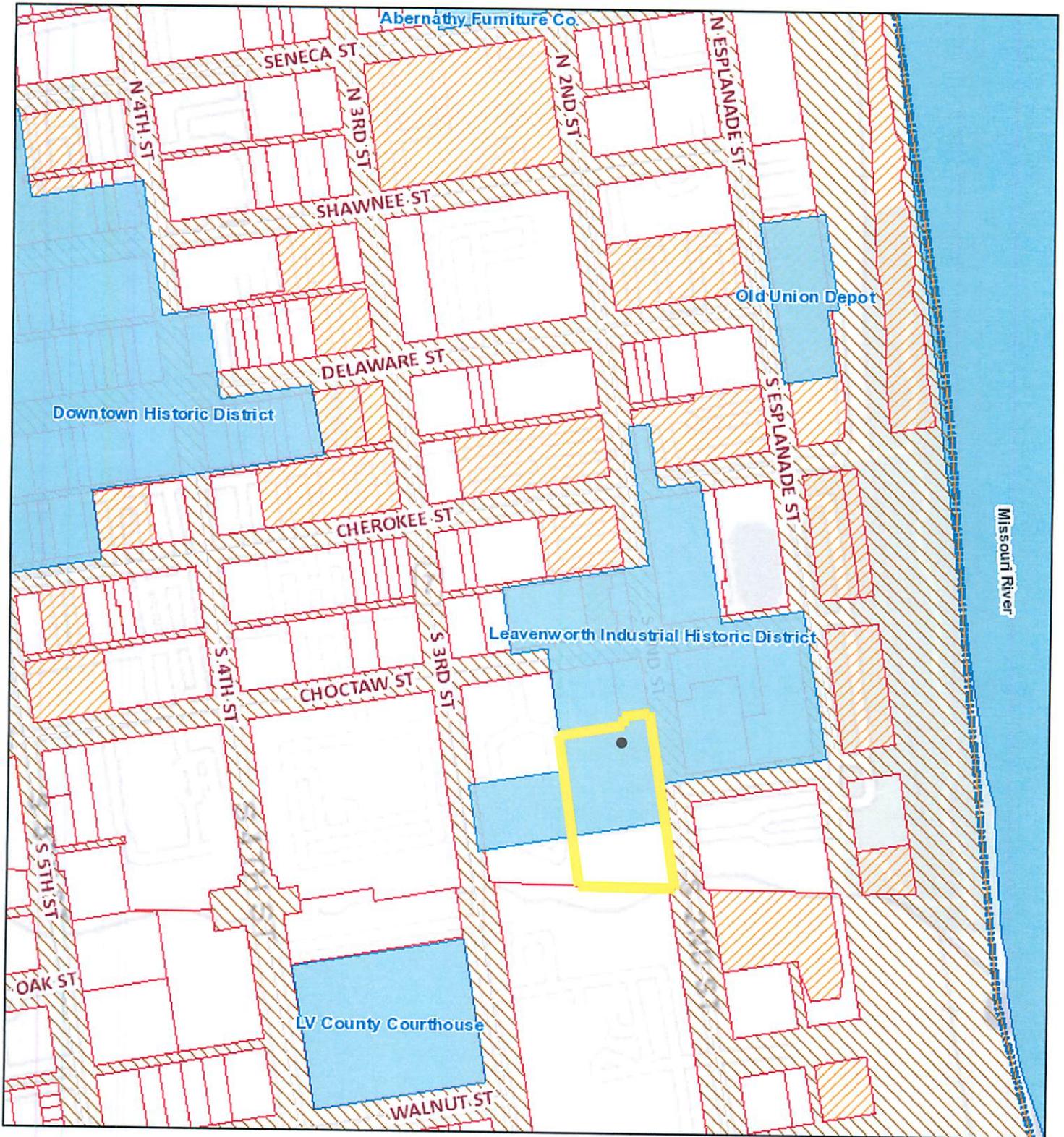
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- Override 1
- Multi-Family
- Parcels_Current
- Future Land Use (Comp Plan 2030)
- Park
- Missouri River
- Commercial
- Public/Semi-Public
- Conservation/Open Space
- Single-Family
- Industrial
- Parcels (City Owned)
- Mixed Use



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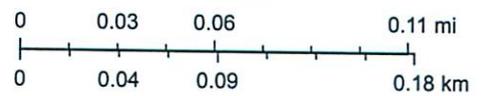
2021-21-REZ (Historic District)



7/29/2021, 8:45:18 AM

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- Override 1
- Lansing City Limits
- Historic Districts
- Ft Leavenworth Military Installation
- Parcels (City Owned)
- Leavenworth City Limits
- Parcels_Current
- City Right-of-Way
- Missouri River
- RoadCenterline



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