## CITY OF LEAVENWORTH PLANNING COMMISSION COMMISSION CHAMBERS, CITY HALL 100 N. 5<sup>th</sup> Street Leavenworth, KS 66048

REGULAR SESSION Monday, January 7, 2019 6:00 p.m.

#### **CALL TO ORDER:**

1. Roll Call/Establish Quorum

2. Approval of Minutes: December 3, 2018

#### **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.

#### **NEW BUSINESS:**

- 1. ELECTION OF OFFICERS
- 2. REVISION TO BYLAWS ARTICLE 1 MEMBERS, #2

#### **OTHER BUSINESS:**

NONE

#### **ADJOURN**

#### CITY OF LEAVENWORTH PLANNING COMMISSION

#### **COMMISSION CHAMBERS, CITY HALL**

100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048

#### **REGULAR SESSION**

Monday, December 3, 2018

6:00 PM

#### **CALL TO ORDER:**

Commissioners PresentCommissioners AbsentJay ByrneSherry Hines WhitsonMike BurkeJohn Karrasch

Claude Wiedower Linda Bohnsack 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:** October 1, 2018

Chairman Byrne asked for comments or a motion on the minutes presented for approval: October 1, 2018. Ms. Leonhard moved to accept the minutes as presented, seconded by Mr. Wiedower. The minutes were approved by a vote of 5-0.

#### **OLD BUSINESS:**

None

#### **NEW BUSINESS:**

#### 1. 2018-18 SUP - 2400 S. 15<sup>TH</sup> STREET

Conduct a public hearing for Case No. 2018-18 SUP – 2400 S. 15<sup>th</sup> Street. The applicant is requesting a Special Use Permit to allow a solar energy collection system with over 500 square feet of collection surface.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated Teddy Matlock, the owner of the home located at 2400 S. 15<sup>th</sup> Street, is requesting a Special Use Permit to allow a solar energy collection system with over 500 square feet of collection surface. Section 10.01 of the Development Regulations requires a Special use Permit for any solar energy system with over 500 square feet of collection surface.

The solar panels are proposed to be installed on the east and south faces of the roof, and include approximately 598 sqft of solar collection surface area. The existing structure is a single-family home.

#### **COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

- 1. The proposed special use complies with all applicable provisions of this ordinance.
  - Staff believes that this application complies with all provisions of the City of Leavenworth Development Regulations.
- 2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.
  - A solar collection system will provide numerous economic and environmental benefits to both the homeowner and community as a whole.
- 3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.
  - Staff does not believe that the proposed solar energy collection system will cause substantial injury to the value of other property in the neighborhood.
- 4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

The proposed solar energy collection system will be located such that it is an integral part of the existing home, and will not interfere with development and use of any neighboring property.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

#### **ACTION/OPTIONS:**

- Motion, based upon findings as stated to recommend approval to the City Commission
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration

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

Mr. Byrne asked if there has been a special use permit for this use in the past.

Ms. Hurley stated the only application that has come through was for St. Mary's University, which was not for a residential solar installation. All other residential solar installations have been under 500 sqft.

Chairman Byrne opened the public hearing. With no one wishing to speak for or against the request, Chairman Byrne closed the public hearing and opened it for discussion among the commissioners.

Mr. Wiedower stated he has a friend who is a retired engineer who installed solar panels on a residential home. He stated it is environmental friendly, energy efficient, and does not negatively impact neighboring properties.

Ms. Bohnsack asked if the panels will be flush with the roof and not standing up.

Teddy Matlock, property owner of 2400 S. 15<sup>th</sup> Street, stated the panels will be flush with the roof. With the way the house is positioned, panels will be installed on the front of the house and east side.

With no further discussion, Chairman Byrne called for a motion. Ms. Bohnsack moved to approve the Special Use Permit to allow 598 sqft of solar collection surface area based upon the staff report and the findings, seconded by Ms. Leonhard and approved by a vote of 5-0.

#### 2. ANNUAL REVIEW OF DEVELOPMENT REGULATIONS – PROPOSED TEXT AMENDMENTS

The Development Regulations were adopted by the City Commission in June, 2016 after a year-long comprehensive update process. Through the daily use of the Regulations by staff, several minor items have arisen that may necessitate possible updating. This process is not uncommon, and it is anticipated that an annual review of the Development Regulations will be performed in order to ensure that they remain up to date and comprehensive. The following sections have been identified for update.

City Planner Julie Hurley stated this is a preliminary discussion of the items within the Development Regulations that have been identified for potential revision. No action or motion is needed in tonight's meeting. Moving forward, staff will get revisions written up for the commissioners to take action on at the next meeting.

#### Section 3.02 Applicability and Exemptions; Subsection B.1

Language should read "The division of land into parcels or tracts of NOT more than five acres and not involving any new streets or easements of access and not affecting major streets."

#### Article 4; Zoning Districts and Standards

Discuss adding provision for secondary living quarters in existing Carriage Houses in residential areas.

#### • Section 4.04 Use Standards; Subsection B.3.a

Variances in size for detached garages should be approved through Board of Zoning Appeals process, not Special Use Permit process.

#### Article 8; Signs

Add penalty for installing signage without first obtaining permit. Suggested penalty of \$100 per day.

#### • Section 8.04 Permits; Subsection C

Add "decorative light pole banners" as a type of sign excluded from permit.

#### Article 8.08; Signs Permitted in All Residential Districts

Add size standards for neighborhood identification monument signs in residential areas.

#### Section 10.01 Solar Energy

Discuss changing requirement of Special Use Permit to install solar energy system with over 500 sqft of collection surface.

#### Article 12; Definitions

Add definition for "Indoor Commercial Recreation"

#### • Appendix A; Use Table

General review of entire use table. Specific issues identified:

- Discuss appropriate zoning districts for "Live/work dwellings", potentially include commercial areas
- -Add use type, parking requirement and associated definition for "Event Venue"
- "Private Solar Collection Systems" should be permitted in all districts
- Provision for approval of "Commercial Solar collection Systems" in additional districts
- -Provision for approval of "Commercial Wind Energy Systems" in additional districts
- -Move "Athletic Facilities" from Commercial Services subsection to Recreation and Entertainment, Outdoor subsection.

#### **ACTION/OPTIONS:**

No formal action required at this time. Upon conclusion of discussion by Planning Commission, a public hearing will be set for the proposed text amendments at the next regularly scheduled Planning Commission meeting, as provided for in section 2.01 of the Development Regulations.

Mr. Byrne asked if it would be acceptable to forward to staff any other suggested changes the commissioners may have.

Ms. Hurley responded in the affirmative.

With no further business the meeting was adjourned at 6:40 p.m.

JH/mb

#### PLANNING COMMISSION AGENDA ITEM 2018-11-REZ 600 Shawnee & 621 Seneca

#### **JANUARY 7, 2019**

#### **SUBJECT:**

A request to rezone the property located 600 Shawnee Street and 621 Seneca Street from CBD, Central Business District, and R1-6, High Density Single Family Residential District, to RMX, Residential Mixed Use District

Prepared By:

Julie Hurley City Plannei

Reviewed By:

Paul Kramer City Manager

#### **ANALYSIS:**

The applicant is requesting a rezoning of their property located at 600 Shawnee and 621 Seneca from CBD 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, multifamily 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 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.

CITY of LEAVENWORTH, KANSAS

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 47 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 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 Lagrangianth and the Red
  - 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:**

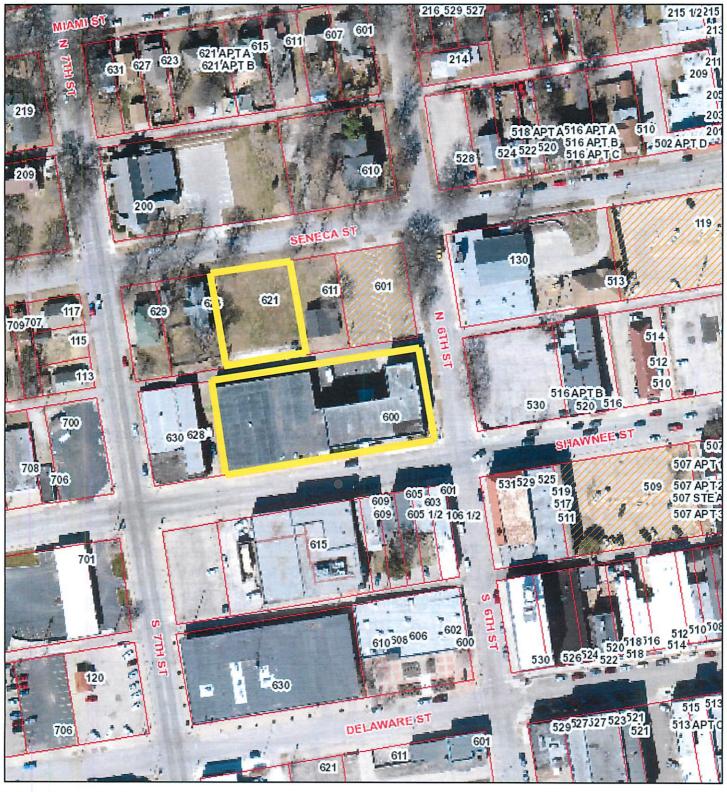
- Recommend approval of the rezoning request from CBD to RMX to the City Commission
- Recommend denial of the rezoning request from CBD to RMX to the City Commission
- Table the issue for additional information/consideration.

#### Attachments:

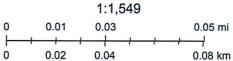
Application materials
Location map
Minutes of October 1, 2018 Planning Commission meeting
DRC minutes

Excerpt: Downtown-North Leavenworth Redevelopment Area Master Plan

## 2018-11REZ



9/27/2018, 8:36:33 AM



City of LV GIS, 2017, LV GIS Dept 09/23/2016, City of LV GIS, Dave Griffith, 2013



## OFFICE USE ONLY

Project No	REZ
Application #	4125
Fee (non-refundable)	\$350.00
Filing Date	6-12-18
Receipted By	B. Wilson
Hearing Date	8.10-18
Publication Date	7-12-18

	wner(s)/agent for the owner(s) of the property described below, herein petition for a change in owing legally described property: (agent must have authorization to make application).						
Subject Property:	600 Shawnee Street and 621 Seneca Street						
Rezoning:	Present classification of CBD and R1-6 district to R-MX						
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY)						
Real Estate PID #:	0772503310003000 & 0772503310004000 Historic District: Leavenworth Downtown Historic District						
I/We, ILAN SAI owner of the prope information herewith Name(s) of Owner	ty involved in this petition and that the statements and answers herein contained and then h submitted are in all respects true and correct to the best of my knowledge and belief.						
	Main Street #007, Kansas City, MO 64111						
Contact No. (501)	240-8636 Email Address: office@exactarchitects.com						
Signature of Owner	de journ Pilating						
State of MISSO	SEO: COURSE						
Signed or attested	before me on 10/19/2018 by James Flackman Jenser (date) (name(s) of person(s)						
Notary Public: 16	B179887 LAUREN HICKMAN My appointment expires: 3/21/2 422						
NOTE: All signature	must be in ink. Signature of owner(s) must be secured and notarized.						

## **REZONING REQUEST**

## OWNER:

Exact Lofts and Gym, LLC 3829 Main St. #007, Kansas City, MO 64111

## REQUEST:

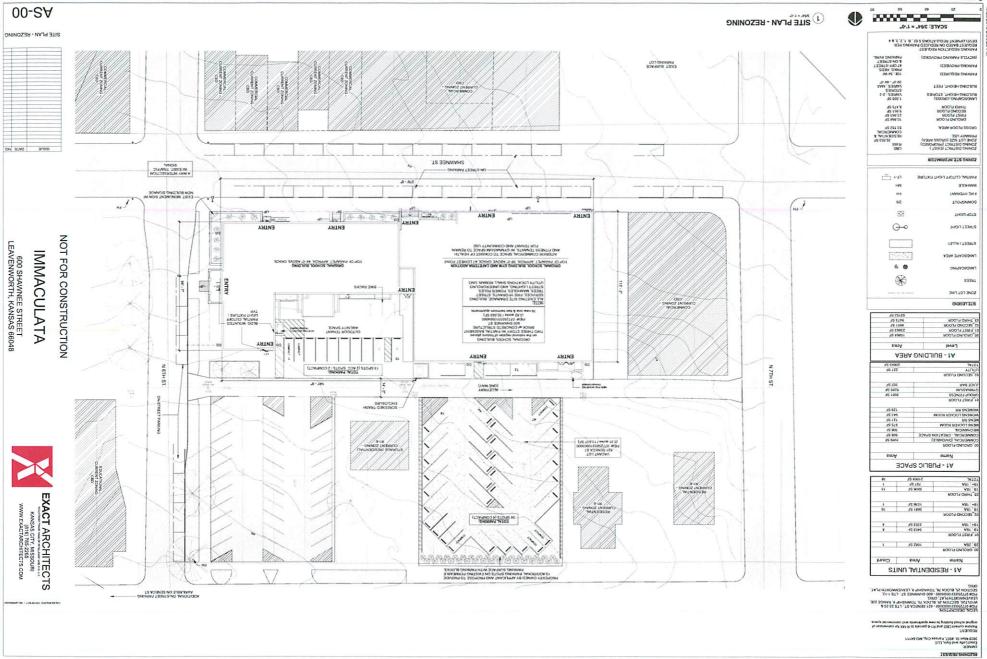
Rezone current CBD and R1-6 parcels to R-MX for conversion of original school building to new apartments and commercial space.

## LEGAL DESCRIPTION:

PID# 0772503310003000 - 621 SENECA ST.: LTS 22-25 & W10'LT26, SECTION 25, BLOCK 76, TOWNSHIP 8, RANGE 22E, LEAVENWORTH PLAT, ORIG. PID# 0772503310004000 - 600 SHAWNEE ST.: LTS 1-12,

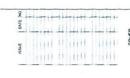
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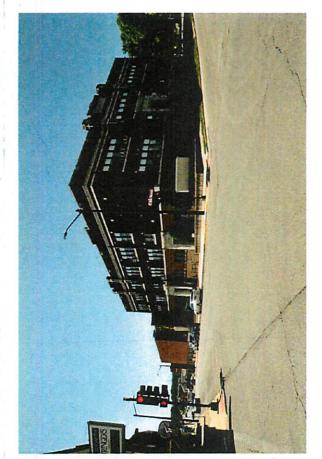
SECTION 25, BLOCK 76, TOWNSHIP 8, LEAVENWORTH PLAT, ORIG.



### **ATAJUDAMMI**

NOT FOR CONSTRUCTION





GENERAL PROJECT NOTES

ABBREVIATIONS

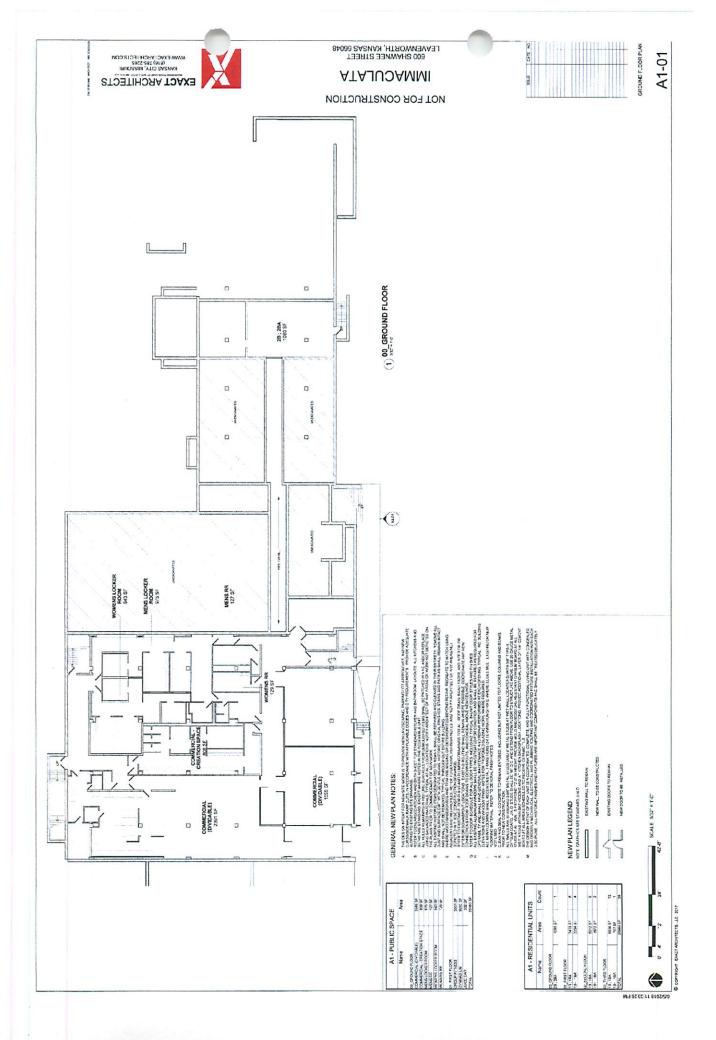
EXACT ARCHITECTS

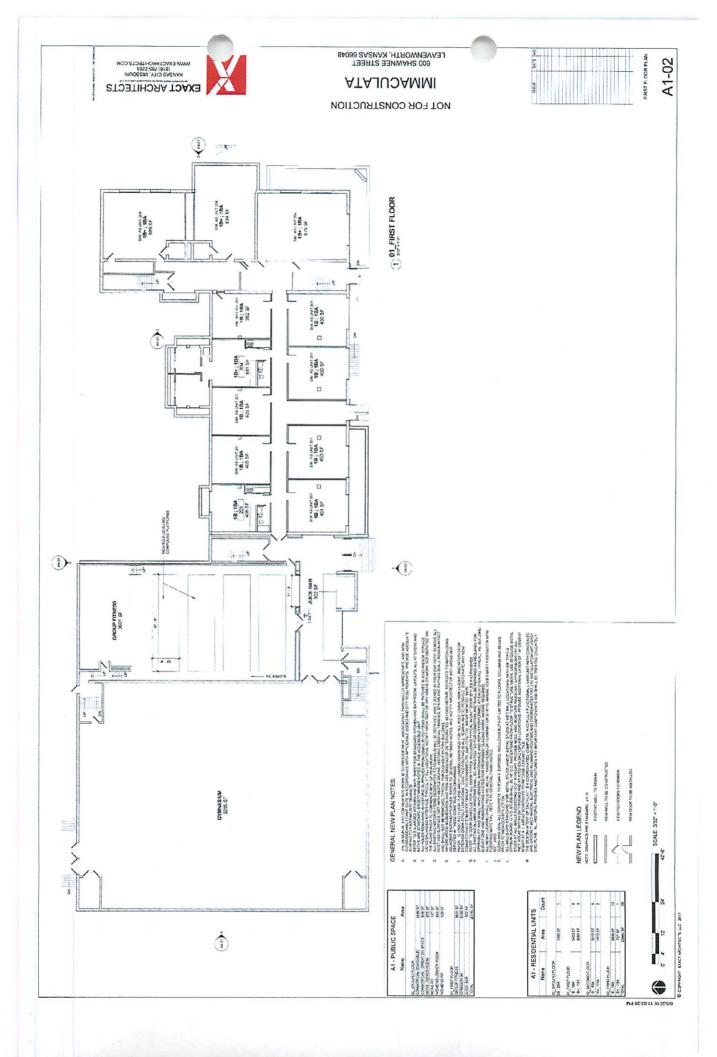


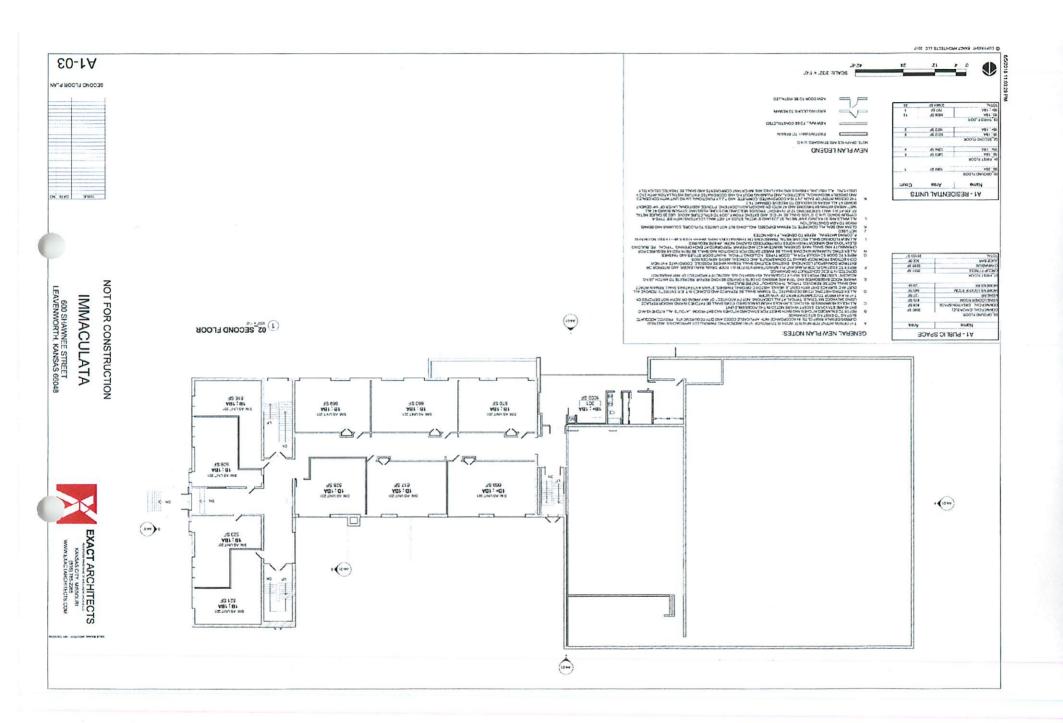
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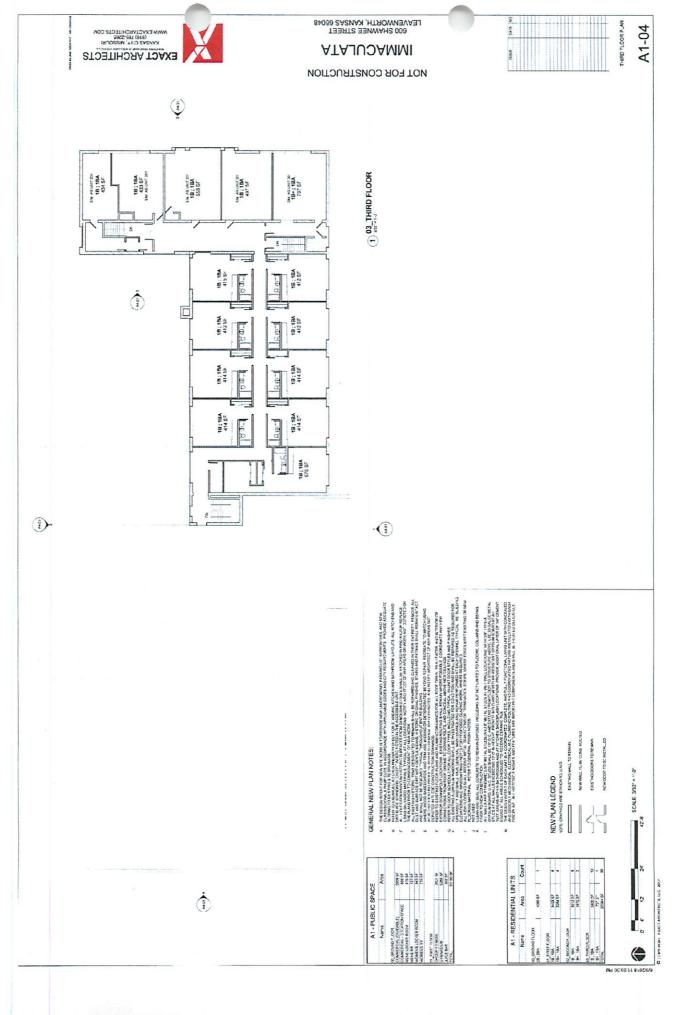
# SAFETY GLAZING NOTES:

DRAWING SYMBOLS









GENERAL MNDOWNOTES:

#### 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

#### **CALL TO ORDER:**

**Commissioners Present** 

**Commissioners Absent** 

Jay Byrne

**Sherry Hines Whitson** 

John Karrasch

Claude Wiedower

.....

Linda Bohnsack

Camalla Leonhard City Staff Present

Mike Burke

Michelle Baragary

Julie Hurley

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 it 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**

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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.

 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



## Development Review Committee Meeting Thursday, July 26, 2018

Committee members present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, City Planner Julie Hurley, Police Chief Pat Kitchens, Health/Safety Officer Mark Demaranville, Chief Building Inspector Hal Burdette, Director Public Works Mike McDonald and Administrative Assistant Michelle Baragary

#### **AGENDA ITEM(S):**

#### 1. 2534 2<sup>nd</sup> Avenue – construction of church

- Attendees: Ron Suttles (Pastor) and Brett Napier (Engineer)
- Schedule for BZA August 20, 2018 for variance request for rear setback, lot coverage, and driveway separation.
- Retaining wall is being removed
- Concerns with storm water quality and quantity
  - ➤ Possibly use bricks with 4-5' gravel underneath it in the parking lot
- Church does not have fixed seating; it's open space. Parking will be 1 per 30 sqft of congregation area.
  - >Overflow parking onto the street could be an issue
- Will need to submit site grading plan

#### 2. 600 Shawnee St – conversion to mixed use building

- Attendees: Jon Klocke (architect)
- Converting to apartments and commercial space. School portion will be residential apartments; 38
  units, 1BR or 1BR and office. Gymnasium will stay as open recreational space. Chapel will a
  workout facility. Cafeteria will be commercial space; yoga component and makerspace.
- Scheduled for Planning Commission August 6, 2018 for rezoning from CDB to RMX
- ADA access for building will be from the north entrance (courtyard area)
- Parking
  - > Parking lot to the north is public parking
  - ➤ Possibly use 621 Seneca for parking. Even though it's across the alley, City will consider it as on-site parking.

- >On-stree \_ arking may reduce the required parking b, p to 50% for each space within 500 feet
- ➤ Shared parking can be approved to up to 50% as well (signed agreement required)
- ➤ Requesting a variance to allow residential units on the first floor maybe a better route to go versus rezoning. Would not have parking issues staying with the CDB district.
- >Other option is for Exact Loft and Gym to buy the city owned parking lot (601 Seneca).

#### **OTHER BUSINESS:**

1. 411 N 4<sup>th</sup> Street (Mary Scott) – installing new parking lot. Must meet setbacks on north side; 2' from sidewalk. Installing a sidewalk/ramp from parking lot to front door but will be close to building and not impact public sidewalk.

Meeting adjourned at 2:13 p.m.

#### CHARACTER AREA: DOWNTOWN CORE

#### **Aspiration**

The downtown core is the 'Refined Elegance' that defines Leavenworth's traditional and historic downtown core. Downtown vitality results from a diverse mix of ground level retail and upper level office and residential. The downtown core should embrace redevelopment activities that promote diverse uses and activities that complement the established scale and urban form of historic downtown. New activities should promote preservation, renovation and adaptive reuse of historic and/or contributing structures, new infill development should be sensitive to the scale, context and form of the existing environment.

The Downtown Core is a diverse and dynamic mixed-use environment that supports success of the entire downtown area. Residential, employment, government, and retail/entertainment uses create robust activity in the core that benefit other areas of downtown. Reinforcement of the distinctive qualities that are associated with the traditional downtown environment is key to continuing this support. Redevelopment strategies must be highly sensitive to the existing historic framework. Redevelopment should primarily be accomplished through infill development of vacant parcels; new structures on surface parking lots; and preservation, renovation or adaptive re-use of existing structures.

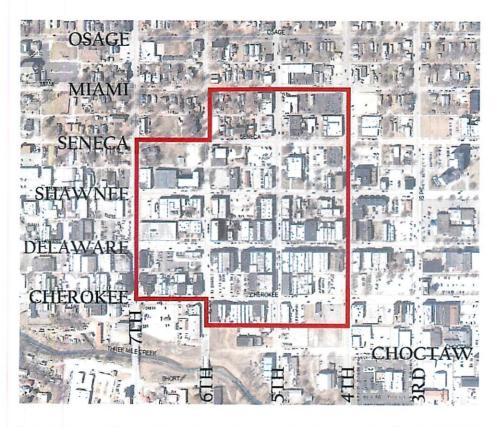
North: Seneca / Miami

East: 4th

South: Cherokee

West: 7th

Approximately 12 SQ Blocks



The Downtown Core is envisioned to facilitate redevelopment activities in a more organic approach, with quality investments on a property-by-property basis. Single property redevelopment can provide innovative and diverse solutions, adding to the organic feel and authenticity of downtown, by preserving the rhythm of storefronts, and strengthening the interest and appeal of the downtown environment. Major redevelopment initiatives with substantial parcels should not be the only means of community building and investment.

The primary strategy will be to engage with property owners and the development community to ensure new initiatives strengthen the existing fabric through design solutions that respect the historical integrity of the area. Investments that are sensitive to scale, form and massing of the area, and further the sense of the traditional, urban downtown framework are priorities.

Much of the Downtown Core is within the Downtown Historic District. Historic preservation often is a polarizing issue within communities. The determination of whether a building should be preserved or redeveloped requires a delicate balance of the value of a building, both physically and economically.

Often, the determination of a buildings value as a significant, historic or contributing structure requires in-depth, detailed research and analysis. Determining a building's value to Downtown should consider the following traits of the building and development plan:

- understanding of the property owners goals and aspirations;
- the buildings structural and mechanical integrity;
- the buildings qualitative contribution to the community as a whole;
- established criteria of regulatory and incentive mechanisms;
- eligibility requirements; and
- the cost/benefit in regards to preservation and viable economic use.

The master plan advocates preservation of contributing buildings, when feasible and consistent with the vision for Downtown. These architectural elements within the urban framework provide much of the character and identity of Downtown Leavenworth. Redevelopment strategies should support adaptive re-use of viable structures.

When addressing preservation and redevelopment, the ultimate goal is to retain that character while accommodating activity with economic viability. A beginning point for the community and property owners may begin with a simple process of categorizing individual properties. The categorization is not intended to replace established historic standards, processes and procedures, but provide a beginning point for those involved to begin a dialogue regarding when existing buildings should be considered for improvements or redevelopment initiatives and should be addressed on a case-by-case basis.



City Hall is a key destination anchor within the Downtown Core.

#### **Historically Significant**

To the greatest extent possible, redevelopment initiatives for buildings determined to be historically significant should be restored to local, state and federal historical standards. Renovation of historic buildings can often be difficult to meet all municipal building code requirements, however, the building exterior, particularly the front facade should strive to retain or be rehabilitated to its truest splendor and architectural vocabulary. In addition, contributing properties that may be at-risk, structurally or economically, may be considered for targeted renovation or adaptive re-use. Working in partnership with property owners or potential investors, the City should advocate for the preservation of historically significant structures. This may include assistance with identifying potential resources or incentives to make these structures viable and active elements of downtown.

#### **Architecturally Contributing**

Architecturally contributing properties include those that may not necessarily be historically significant or eligible for historic designation, but in terms of their character and relationship to historic properties, contribute to the overall image and character of the Downtown Core. Renovation and adaptive reuse of these buildings should be done in a manner that is compatible with adjacent buildings and buildings along the block, including the scale, form, and relationship to the streetscape.

#### Non-Contributing

In the case of buildings that do not express a significant architectural period or are relatively lacking of contributing qualities, redevelopment may actually be favored. As with most downtown environments, a variety of building facades and forms lack context and relationship to the public realm. Although an existing building may be structurally sound, new investment in its appearance and urban form should be advocated.

New improvements should be viewed as an opportunity to mitigate perceived past mistakes and an opportunity to be reinvented in a more context-sensitive manner through scale, massing, relationship to adjacent buildings, relationship to the public street, materials, windows, entrances, architectural details, and other elements that strengthen the downtown fabric.



Preservation and enhancement of the historic character of the Downtown Core is a key philosophy of the master plan.

#### Infill and New Redevelopment

Infill and redevelopment present opportunities to:

- add density, create new uses, and increase activity in downtown;
- fill in the missing 'teeth' along a block face and reinforce the urban fabric; and
- create added economic value.

As with improvements to non-contributing structures, infill redevelopment needs to occur in a manner that is context-sensitive; however, provides opportunities to create well-designed and innovative architectural solutions within the core area.

With some minimum criteria to ensure that form, scale and contextual solutions are pursued, these opportunities can create dynamic, but complementary improvements that reinforce the urban environment. Infill can include additions to existing structures; new structures on vacant lots and; redevelopment of surface parking lots - either completely or partially. The master plan provides generalized principles for redevelopment to be utilized as a beginning point for property owners and investors to pursue urban and contextual sensitive solutions.

Right: Infill redevelopment is one of the key components to reinforcing the urban and pedestrian-oriented framework of Downtown Leavenworth. Infill investments are envisioned to be 'authentic' in that they not necessarily need to replicate historic architectural vocabularies, but rather express context-sensitive solutions that continue to tell the story of the timeless evolution Leavenworth's urban core. (Concept for illustrative purposes).



#### **Downtown Core: Key Elements**

The following are key elements for the Downtown Core:

#### Urban Form and Scale

The Downtown Core is considered the central activity center with the greatest diversity of uses. It is best served by urban streetscapes and building orientations which feed activity into the streetscape. The streetscape should be the most significant public space within the Downtown. New development should reinforce the existing urban form and scale of downtown, characterized by the following:

- Minimum of two story structures;
- Active street level uses, primarily retail, entertainment, or services uses on ground floors and with office or residential on upper stories;
- Building frontages that engage the public sidewalk and provide a consistent street wall along the streetscape (zero setback/build-to lines with prominent street level windows and frequent building entrances);
- A regular rhythm of small-scale store fronts that add diversity and visual interest to the streetscape.

#### **Urban Design Theme**

The Downtown Core derives its character from the historic and traditional character of buildings, and the relationship these buildings have with public spaces. Redevelopment should promote investments that are sensitive to the historic environment and embrace new opportunities that are authentic to the times and bridge Leavenworth's past to its future, primarily accomplished through:

- Ensuring contributing and viable historic structures remain as part of the fabric,
- Accommodating new development and architectural solutions that embrace existing context, are compatible to the historic scale and massing existing in downtown, and build on historic architectural precedents in new applications.



Recent investment of streetscape amenities along Delaware Street should be extended throughout Downtown.

#### Parking Strategy

Parking in the Downtown Core should not compromise the urban form and scale of the traditional downtown.

- Maximize on-street parking on all streets. Angled parking is preferred, and parallel parking should be used where rights-of-way are constrained.
- Off-Street parking should be limited and located behind the building forms and screened from the urban public street face, except for midblock pedestrian passages to access parking from storefronts.
- Public and district parking areas may be created to address any deficiencies and to allow for more concentrated downtown development.
   Public or district parking should be located only on the perimeter of the Downtown Core area. These parking areas should be anchored by building forms at street intersections or significant green space with public art. Additional screening elements, such as low masonry walls, ornamental fencing, and additional landscaping should also be included.
- Parking structures should be mixed use with ground level shops along the primary public street.
- On-street parking, located directly adjacent to the development can be credited to the development's parking requirements.

#### **Projects and Initiatives**

 Extend the Delaware Streetscape prototype project throughout the Downtown Core. Slight modifications may be considered such as additional landscaping and tree wells; public art; curb extensions at intersections for traffic calming measures, decreased the width pedestrians traverse across the street and additional landscape and amenities.



Recent investment of streetscape amenities along Delaware Street should be extended throughout Downtown.

#### City of Leavenworth Planning Commission

#### BYLAWS, RULES AND REGULATIONS

The following rules and regulations governing the procedures of the Planning Commission are adopted in accordance with the planning laws of the State of Kansas.

#### Article I - Members

- 1. The membership of the Leavenworth Planning Commission is determined by Ordinance No. 7078. A majority of the currently duly appointed Commission shall constitute a quorum.
- 2. Members shall be appointed by the Mayor with the consent of the City Commission. Appointments shall be made for three-year terms. Vacancies shall be filled by appointment for the unexpired term. Members of the Board shall be residents of the City of Leavenworth and serve without compensation.

#### Article II - Officers

- 1. The Planning Commission shall organize annually at the first regular meeting after the annual appointment of members but no later than the September meeting.
- 2. The Commission shall elect a Chairperson and Vice-Chairperson from among the appointed members at the annual organization meeting. The officers shall serve for one year or until replaced.
- 3. The City Planner shall serve as the Secretary.
- 4. The Chairperson shall preside at all meetings and public hearings of the Planning Commission; shall decide all points of order and procedure; shall certify plans and subdivision plats; and shall transmit reports and recommendations of the Planning Commission to the governing body with the assistance of the Secretary. The Chairperson and the Secretary are required to certify plans and subdivision plats.
- 5. The Vice-Chairperson shall assume the duties of the Chairperson in his absence.
- 6. The Secretary shall be responsible for keeping the minutes of the Planning Commission; sending agendas to members of the Planning Commission; carrying out written correspondence; maintaining the records of the Commission; and performing such other duties as the

Planning Commission may require.

7. Should a Planning Commission member miss three regular monthly meetings in any 12 month period, the commission shall determine if the City Commission should be petitioned to replace that Planning Commission member.

#### Article III - Meetings

- 1. The Planning Commission shall meet monthly on the first Monday of the month at 6:00 p.m. in the Commission Auditorium, 1st Floor of City Hall. When the first Monday falls on a holiday, the meeting shall be held on the second Monday of the month.
- 2. Special meetings of the Planning Commission may be called by the Chairperson or, in his absence, by the Vice-Chairperson. Notice of special meetings shall be given by the Secretary to the members of the Commission at least three days prior to such meeting and shall state the purpose and time of the meeting.
- 3. All regular and special meetings, hearings and records shall be open to the public.
- 4. A majority of the Commission shall constitute a quorum for the transaction of business. If a quorum is not present at a regular or special meeting, those present may either adjourn the meeting or hold the meeting to consider such matters as are on the agenda. No action shall be taken at such a meeting and the Commission shall continue official action on any agenda items until a subsequent meeting when a quorum is present.
- 5. The order of business at all meetings shall be as follows:
  - a) call to order
  - b) determination of quorum
  - c) approval of minutes
  - d) old business
  - e) new business and/or public hearing
  - f)reports of committees
  - g) reports of commission members and city staff
  - h)adjournment
- 6. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

- 7. An affirmative vote of the members present (when at least a quorum) is needed to authorize any official action of the Commission unless otherwise specified by statute.
- 8. All members of the Commission, including the Chairperson, shall have a vote when present unless a person shall disqualify him/herself from voting on any decision in which there might be a conflict of interest. In the event of a conflict of interest, a member shall so state before discussion of the item and shall remove him/herself from the dais.
- 9. When procedural and parliamentary rules by the Planning Commission do not conflict, procedure shall be according to "Robert's Rules of Order."

#### Article IV - Committees

The Chairperson may appoint any standing committee deemed necessary for the review and study of Commission business and any special committee seeking research and recommendations on special topics. Any committee may contain up to four members of the Commission.

#### Article V - Planning Commission Staff

- 1. The Planning Commission may employ staff and/or professional consultants as it may require, subject to approved budgetary limitations.
- 2. The staff shall conduct business for the Commission and prepare reports and agendas for the Commission pursuant to law and procedure.
- 3. The staff shall act as liaison for the Planning Commission to the City Commission and other boards/commissions and the general public.
- 4. The staff shall prepare an annual budget and annual review of the zoning ordinance and Comprehensive Plan and make recommendations for modifications.
- 5. The staff shall accept other responsibilities as may be directed by the Planning Commission, the Governing Body, or the City Manager.

#### <u>Article VI - Records and Reports</u>

1. The Commission shall keep a record of its resolutions, transactions, findings and determinations.

- 2. All records of the Planning Commission shall be available for public review.
- 3. The Commission shall review each January the comprehensive plan and zoning ordinance to determine if any portion has become obsolete and shall make a report to the governing body regarding same.

#### Article VII - Publicity

1. The Planning Commission shall encourage the public to attend its regular meetings and shall take positive action to keep its activities before the public by supplying newspapers and other media with information and by having members and staff appear before civic groups to discuss the purpose of planning and the work of the Planning Commission.

#### Article VIII - Amendments

1. These rules of procedure may be amended by an affirmative vote by a majority of the Planning Commission members provided such proposed amendment has been submitted in writing to each member of the Commission at least three days prior to the meeting at which such action is to be taken.

#### Article IX - Rules of Order

Open Public Meetings. All meetings and study sessions shall be open to the public. A record must be kept of all business transacted.

<u>Public Hearings</u>. The Chairperson may prescribe procedures for the conduct of public hearings including setting a time limit for citizen input in order to provide a fair and impartial presentation of all sides of a request.

Passed	and	approved	this	 day of		 2019.
ATTEST:	:			Chairpe	erson	
Secreta	ary			 		