

**CITY OF LEAVENWORTH PLANNING COMMISSION**  
**COMMISSION CHAMBERS, CITY HALL**  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
**REGULAR SESSION**  
**Monday, June 4, 2018**  
7:00 PM

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**CALL TO ORDER:**

**Commissioners Present**

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

**Commissioners Absent**

**City Staff Present**

Julie Hurley  
Michelle Baragary

Chairman Byrne called the meeting to order at 7:00 p.m. and noted a quorum was present.

**Approval of Minutes:** March 12, 2018

Chairman Byrne asked for comments or a motion on the minutes presented for approval: March 12, 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:**

**1. PROPOSED MEETING TIME CHANGE**

There was a consensus to change the meeting time to 6:00 p.m. beginning August 2018.

**NEW BUSINESS:**

**1. 2018-06 REZ – 1100 N. 2<sup>ND</sup> STREET**

Conduct a public hearing for Case No. 2018-06 REZ – 1100 N. 2<sup>nd</sup> Street. The applicant is requesting a rezoning of their property from Planned Unit Development, PUD, to Residential Mixed Use, RMX. The property, owned by Seren Properties, is commonly known as the Abernathy Furniture Company Factory. The building was constructed in 1926 and was listed on the National Registry of Historic Places in 2016. It has formerly housed a number of various commercial and office operations. The rezoning request is being made in order to convert the structure into apartment units, with a total of 139 single-bedroom units, and space on the northeast portion of the site reserved for commercial uses. Existing onsite parking of 220 spaces is available, exceeding the required amount of one space per unit.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the applicant is requesting a rezoning of their property from Planned Unit Development, PUD, to Residential Mixed Use, RMX. The property, owned by Seren Properties, is commonly known as the Abernathy Furniture Company Factory. The building was constructed in 1926 and was listed on the National Registry of Historic Places in 2016. It has formerly housed a number of various commercial and office operations. The rezoning request is being made in order to convert the structure into apartment units, with a total of 139 single-bedroom units, and space on the northeast portion of the site reserved for commercial uses. Existing onsite parking of 220 spaces is available, exceeding the required amount of one space per unit.

The structure is a four-story reinforced concrete building clad in red brick. Non-historic fixed aluminum frame windows with tinted glass fill the historic window openings. 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 North Gateway Business and Innovation Campus. The intent of the subarea is to “generate new business and employment opportunities and a high quality experience and image for Leavenworth’s northeast entrance to downtown”. The subject property was identified in the plan as an existing office structure, with the desire to preserve and promote on-going building and site enhancements.

Since the Downtown-North Leavenworth Redevelopment Master Plan was conceived, the economy has shifted greatly and business and office use development is no longer as feasible as it was at the time of the plan development. All previous office users in the subject property have left the Leavenworth market, leaving the building empty. Reimagining the structure as a residential space to fill current needs accomplishes the goal of preserving and enhancing the historic structure. The request to rezone the structure to RMX allows for the possibility of future commercial or office uses in the building, should economic conditions change.

This project also requires review by the Leavenworth Preservation Commission (LPC), as the structure is listed on the National Register of Historic Places. The LPC is scheduled to review this project on Wednesday, June 6th.

The Development Review Committee reviewed the application at their April 26<sup>th</sup>, 2018 meeting and found no major items of concern.

### **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 north and east are zoned Light Industrial (I-1), the property to the south is zoned Multi-Family (MF), and the property to the west is zoned Planned Unit Development (PUD).*

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

*The subject property is currently zoned Planned Unit Development, limiting the structure to the office related uses in place at the time of the previous zoning.*

- 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.*

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

*Ms. Hurley stated the policy report is incorrect. The property is mostly vacant with only a few office users in the building.*

- 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.*

- 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 mostly vacant historically significant structure.*

**REZONING ACTION/OPTIONS:**

- Recommend approval of the rezoning request from PUD to RMX to the City Commission
- Recommend denial of the rezoning request from PUD 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. Wiedower asked about the nature of the upcoming Preservation Commission Meeting.

Ms. Hurley stated the city is required by statute since it is a certified local government and designated by the State any proposed change to a nationally registered property has to be reviewed by the Preservation Commission.

Mr. Karrasch asked if there are any changes to the exterior of the building.

Ms. Hurley stated it is mainly maintenance work to the exterior. The most notable change is to the existing smokestack, which will be shortened due to safety concerns.

Ms. Hurley further stated Chairman Byrne had emailed her about the billboards on top of the building. Since the rezoning will change the use of the building, the question came up whether or not it will constitute a change in use that would necessitate the removal of the billboards. The answer is it would not. The Development Regulations consider billboards differently; unless the billboards fall into disrepair, they can remain.

Mr. Karrasch asked for explanation on how changing the zoning from PUD will help the city with controls and guidelines.

Ms. Hurley stated when a property is zoned PUD there is no set established zoning district. When the rezoning for PUD comes through is when the guidelines are set for the specific property, such as setbacks, usage, type of signage allowed, design guidelines, etc. The PUD zoning for the subject property occurred in the 1980s, at which time guidelines were not extensively established. Getting the subject property rezoned to an established zoning district will be clearer for staff to work with as the regulations are clearly defined with established zoning districts.

Ms. Bohnsack asked if the applicant could amend the PUD.

Ms. Hurley stated that is a possibility. However, the subject property's PUD has been amended over a dozen times. As they are amended over and over they begin to become unclear as to what is actually allowed and intended with the zoning district.

Referring back to the Development Review Committee (DRC) minutes, Mr. Burke asked who is responsible for the flooding issues.

Ms. Hurley stated that has not been specifically addressed. It will be addressed when they submit for a building permit. Since they are not adding more pavement it is not something that technically has to be addressed; it was more informational for the applicant to have knowledge of previous flooding in the area.

Mr. Burke asked about the water quality issues mentioned at DRC.

Ms. Hurley stated that is a standard statement from the Public Works Department. Again, since they are not adding any impervious surface, it's not something that technically has to be addressed.

Ms. Leonhard asked about the type of security for the building.

Jon Klocke, architect, approached the board. Mr. Klocke stated there will be controlled access at each entry; commercial and residential will be separate. Tenants will have a security card for entry.

Ms. Leonhard asked if there are any amenities.

Mr. Klocke stated the center building will be torn down with the steel structure remaining and this is will be an outdoor courtyard. There will be a small addition to the west of the courtyard for a fitness community area.

Ms. Whitson asked when the completion date will be.

Mr. Klocke stated they anticipate the beginning of June 2019.

Mr. Wiedower asked if there will be covered parking.

Mr. Klocke responded there will be 40 covered parking stalls.

Ms. Whitson stated there have been several buildings within the past year or so that have converted to one bedroom apartments. Her concern is that this building will also only be providing one bedroom apartments. Is there a backup plan is not all the apartments rent.

Mr. Klocke stated they have done market studies showing there is a need for the apartments.

Mr. Burke asked if there was any feedback after the notifications were mailed and published.

Ms. Hurley responded no feedback was received.

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

Ms. Bohnsack also stated her concern about the single bedroom units instead of opening it up to a wider market.

Mr. Karrasch asked if the Planning Commission chose to recommend approval, if they could do so with the stipulation that it must first be approved by the Preservation Commission.

Ms. Hurley responded in the affirmative; there can be a condition based on the approval of the Preservation Commission.

Ms. Whitson again mentioned 139 single bedroom apartments.

Mr. Klocke stated that 25 of the apartments are two-bedroom units.

Ms. Bohnsack asked when this rezoning request will go to the City Commission.

Ms. Hurley responded, Tuesday, June 26<sup>th</sup>.

With no further discussion, Chairman Byrne called for a motion. Mr. Karrasch moved to recommend approval to the City Commission the rezoning from PUD to RMX 2018-06 REZ for 1100 N. 2<sup>nd</sup> Street with the condition that it is approved by the Preservation Commission. The motion was seconded by Ms. Whitson and passed by a unanimous vote of 7-0.

With no further business the meeting was adjourned at 7:31 p.m.

JH/mb