

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, September 11, 2017
7:00 PM

CALL TO ORDER:

Commissioners Present

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

Commissioners Absent

Sherry Hanson

City Staff Present

Julie Hurley
Michelle Baragary

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

Approval of Minutes: August 7, 2017

Chairman Byrne asked for comments or a motion on the minutes presented for approval: August 7, 2017. Mr. Wiedower moved to accept the minutes as presented, seconded by Ms. Bohnsack. The minutes were approved by a vote of 6-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2017-17 SUB – WEST GLEN, 1ST PLAT – FINAL FLAT

Consider a request of a 49 lot preliminary plat for the West Glen residential development, owned by JMK Partners, LLC. The property is currently vacant and zoned 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.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the subject property is owned by JMK Partners, LLC plat prepared by Napier Engineering. The applicant is requesting approval of a 49 lot preliminary plat for the West Glen residential development. The property is currently vacant and zoned to R1-6, High Density Single Family

Residential District. A preliminary plat for the subject property was approved by the Planning Commission on June 5, 2017, under the name Wolf Farms.

The subject property is 18.35 acres in size, and is currently undeveloped. The site lies along New Lawrence Road, directly east of 20th Street. The plat consists of 49 residential lots. Lots 1026 are intended to be standard single-family homes, with an average lot size of 10,285 sqft. Lots 27-49 are intended to be smaller maintenance provided single-family homes, with an average lot size of 7,914 sqft. Also included are associated utility easements and 11 tracts for various community amenities including landscaping, open space and signage.

The Development Review Committee reviewed the plat at their August 17, 2017 meeting. No major issues were identified at that meeting.

Improvements to New Lawrence Road will be required as part of the development of this property. The Developer is currently working with City staff to coordinate the timing and scope of those improvements. In general, New Lawrence Road will be widened and improved from 20th Street to the northern boundary of the plat.

Chairman Byrne called for questions and comments from board members about the staff report.

Mr. Byrne asked if the zoning will remain R1-6. Ms. Hurley responded in the affirmative.

Mr. Karrasch asked if the road improvements along New Lawrence Road include sidewalks that connect to 20th Street.

The applicant, Mike Reilly, stated the design does include sidewalks.

Ms. Bohnsack asked if the purpose for the tracks are to be denoted on the plat. Ms. Hurley stated they are denoted on the plat under DEDICATION.

Mr. Byrne asked if the City Planner would review the plat process and the involvement of the Planning Commission during the process.

Ms. Hurley stated the Planning Commission must first approve the preliminary plat, which is the overall layout for the entire development. Once the preliminary plat is approved, the applicant can submit the final plat to the Planning Commission, which can be the entire subdivision or just the portion of the subdivision they are ready to develop at that time. This gives the final approval to the lots, utility easements, right-of-way, etc. If recommended for approval by the Planning Commission, the final plat goes before the City Commission. Since it is dedicating new right-of-way, the City Commission gives the final approval. The final plat is then sent to the County Register of Deeds office to be recorded. These lot then become lots of record and will be officially divided up.

With no other questions or comments, Chairman Byrne called for a motion. Ms. Leonhard moved to recommend approval to the City Commission the final plat request 2017-17 SUB – West Glen, 1st Plat – Final Plat based upon the findings of fact and staff report. The motion was seconded by Mr. Burke and passed by a vote 6-0.

Ms. Bohnsack stated the fourth paragraph down under NOTE on the plat (Exterior Plat Corner Monuments) needs to be corrected to read “Leavenworth City Regulations” not “Leavenworth County Regulations”.

2. DISCUSSION – 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.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated 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. A public hearing is required to adopt any changes. The intent is to publish for a public hearing for November’s Planning Commission meeting. The Planning Commission’s recommendation will be forwarded on to the City Commission for final approval. The following sections have been identified for update:

- **Section 2.02 Platting; subsection B.3&4**
Application and review processes for “Administrative Plats” and “Minor Subdivisions” are listed to be the same. Administrative Plats are intended to be small changes like lot line adjustments or lot splits that may be approved administratively by staff. Minor Subdivisions are intended to be a small subdivision requiring no new right-of-way or utility easement dedication and consisting of 5 or fewer lots, and should come to the Planning Commission for approval.
- **Section 2.04 Special use Permits**
Add language regarding process for Protest Petition. Kansas State Statute and prior legal rulings state that the same protest petition process applicable to Rezoning apply to Special Use Permit applications as well. Current language does not address Protest Petitions for Special Use Permits. Add language reflecting need for City Commission to consider application for Special Use Permit. Language should be the same as listed for Rezoning.
- **Section 4.04 Use Standards; Subsection B**
Specific language regarding Home Occupations and Home Day Cares was inadvertently omitted in the 2016 revision. There were no intended changes to the regulations regarding Home Occupations or Home Day Cares. Add language from 2011 Development Regulations.
- **Section 4.04 Use Standards; Subsection B.3.e – Yardicles**
Change “Yardicles” to “Miscellaneous Yard Décor”.
- **Section 5.02 Required Parking**
Add general parking requirement of “1 space for every 200 square feet of building space” for uses not specifically listed in parking requirement table. This language was inadvertently omitted in the 2016 update.
- **Section 5.02 Required Parking; Subsection B**

Consider allowance for reduced parking for historic structures.

- **Section 6.08 Fences; Subsection D – Commercial Areas**

Change “Commercial Areas” to “Commercial and Industrial Areas”. Include height restriction for commercial areas, current language only addresses height restriction for industrial areas. Suggested 6’ height limit for commercially zoned areas.

- **Section 4.04 Use Standards; Subsection B.3.i – Recreational vehicles, campers, trailers, and boats**

Definition of “trailer” needs more clarity.

- **Section 4.04 Use Standards; Subsection B.4.a – Large vehicles or trailers**

Language is ambiguous. Definition of “trailer” needs more clarity.

- **Ordinances**

Staff will review ordinances passed prior to the 2016 revision of the Development Regulations to verify the ordinances are included in the current Development Regulations.

Ms. Bohnsack asked the City Planner to check into the industrial business at the corner of Lawrence and Spruce Street. There is a lot excavating going on for the parking of equipment. She feels the excavating could be undermining the adjacent residential property and feels an engineer should take a look at it.

Mr. Wiedower asked if “trailers” include travel trailers that people are allowed to park on the property during certain times of the year. Ms. Hurley stated it is intended to but the language is ambiguous so we need to define what it is addressing and what constitutes a “travel trailer” versus a commercial trailer.

Ms. Bohnsack asked if the “Miscellaneous Yard Décor” includes Christmas decorations. Ms. Hurley stated the sign regulations specifically address Christmas and holiday decorations and that they are exempt by any City regulations. The “Miscellaneous Yard Décor” is for trellises, arbors, bird baths, etc. which are not meant to be regulated.

With no further business the meeting was adjourned at 7:24 pm.

JH/mb