

# CITY OF LEAVENWORTH PLANNING COMMISSION

COMMISSION CHAMBERS, CITY HALL  
100 N 5<sup>th</sup> Street, Leavenworth, Kansas 66048  
REGULAR SESSION  
Monday, August 7, 2017  
7:00 PM

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## CALL TO ORDER:

### Commissioners Present

Jay Byrne  
Mike Burke  
Claude Wiedower  
Linda Bohnsack  
John Karrasch

### Commissioners Absent

Camalla Leonhard  
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: June 5, 2017

Chairman Byrne asked for comments or a motion on the minutes presented for approval: June 5, 2017. Ms. Bohnsack moved to accept the minutes as presented, seconded by Mr. Wiedower. The minutes were approved by a vote of 5-0.

## OLD BUSINESS:

None

## PLANNING COMMISSION PUBLIC HEARING PROCESS:

City Planner will provide the staff report based on the request by the applicant and an explanation of the decision factors, which will be used by the Planning Commission with its determination. The City Planner will explain those planning factors and provide the commission with her results of the staff analysis and her recommendation regarding those factors. The Planning Commission can accept or reject the recommendation of the city staff as far as a recommendation but the planning factors themselves are what the commissioners will use as far as making their determination. Once the staff report is provided, the Planning Commissioners may ask questions of the City Planner and the applicant. Once that is completed, the Chairman will open the public hearing. At that time, anyone wishing to speak for or against the rezoning request is invited to the podium. All questions should be addressed to the Planning Commission. The commissioners will then ask the applicant the questions. When the public hearing is complete, there will be a discussion among the commissioners, followed by a motion. There are three motions available: 1) motion to recommend to the City Commission that they approve the rezoning request, 2) motion to recommend to the City Commission that they deny the rezoning request, and 3) motion to table the issue for additional

information/consideration. The Planning Commission is not the final decision makers on the rezoning. The Planning Commission only makes a recommendation to the City Commission.

## **NEW BUSINESS:**

### **1. 2017-15 REZ – 801 N BROADWAY STREET**

Conduct a public hearing for Case No. 2017-15 REZ, 801 N Broadway Street. The applicant, Exact Broadway, LLC, is requesting a rezoning of their property from R1-6, High Density Single Family Residential District to R-MF, Multiple Family District. The property is occupied with the former North Broadway School, which is currently vacant.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the applicant, Exact Architects, is requesting of their property located at 801 N Broadway Street from R1-6, High Density Single Family Residential District, to R-MF, Multiple Family Residential District. The property is occupied with the former North Broadway School, which is currently vacant.

The applicant is proposing to modify the interior of the structure for conversion to apartment units. A similar conversion was undertaken at the Ben Day School previously by the same applicant/owner. The applicant intends to make no significant changes to the exterior of the building which would change the character of the structure. New windows will be installed along with a new roof, and sidewalks and curbs will be repaired. The interior of the building will be converted to a total of 27 one bedroom, market-rate apartments. Existing parking will be retained in the rear of the building, providing for 18 surfaces parking spaces and 13 new garage parking spaces, with one Ada accessible space. A community grilling area will be provided on the south side of the building.

The subject property is the former North Broadway School, lying in a residential neighborhood approximately one mile northwest of downtown Leavenworth. The building is a two-story, U-shaped structure built in 1923. The massing, form, materials and functional features are illustrative of schools built during that particular era in Kansas. The North Broadway School was listed on the National Register of Historic Places in 2011. The Leavenworth Preservation Commission considered the proposed project at their meeting on August 2, 2017, and voted 5-0 in favor of the project as proposed.

### **CONDITIONS OF DETERMINATION**

City Planner Julie Hurley reviewed the Conditions of Determination and read through each condition/comment. She noted that 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 site of the North Broadway School, which is currently vacant. To the south are the Broadway Apartments, another multi-family structure. The remainder of the neighborhood consists of single-family homes. The property is located along Broadway Street, which is classified as an arterial street and designed to handle a high volume of traffic.***

- b) The zoning and use of properties nearby;

***The property to the south is zoned R-MF, Multiple Family Residential District. All other surrounding properties are zoned R1-6, High Density Single Family District.***

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

***The subject property was built in 1923 as a school building. Schools are allowed in the R1-6 zoning district with issuance of a special use permit, however, the property is privately owned and the existing building is unsuited for single-family residential use.***

- 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. The subject building was previously utilized as a school, and currently sits vacant. There is another multi-family building directly to the south of the subject property. The applicant completed a similar project in 2015 at the former Ben Day School located at 1100 3<sup>rd</sup> Avenue, which has had a positive effect on the surrounding neighborhood.***

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

***The existing building has been vacant since it was sold by the Leavenworth School District in 2010.***

- 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 rezoning of this property site will result in a net gain for property value due to the future physical improvement of the property, which will be determined by the county tax assessor at a future time. There appears no reduction of land value will occur from the rezoning of the property mainly due to the permitted uses allowed under R-MF compared to R1-6.***

- g) The recommendations of permanent or profession 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 Multi-Family uses 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.***

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

Mr. Wiedower asked about the new transformer. Ms. Hurley stated the applicant has already assessed the utility needs at the school so they know what is needed.

With no further questions from the commissioners, Chairman Byrne opened the public hearing.

Jahan Shahegh (901 N Broadway Street) stated his concern that there will be no fencing around the subject property. He feels a fence would keep the tenants of the apartment building and their property safe and would also keep him safe from dog attacks or wandering kids. He also stated his concern about the apartments becoming low-income in the future and bringing down his property's resale value. Stated the apartments will bring vandalism, burglary, drug activity, etc. to his neighborhood. He further feels the apartments will bring unnecessary noise. Mr. Shahegh also concerns about tenants parking on the street and headlights shining in his property.

Larry Timkar (813 N 8<sup>th</sup> Street) stated he's concerned about headlights shining into his house, increased noise level and increased criminal activity.

Jo Timkar (813 N 8<sup>th</sup> Street) stated her concern with the number of apartments; believes 27 units are too many. Ms. Timkar asked if the overflow parking will park on the street. She spoke of her concern with the outside lighting being too bright.

Ken Gilbert (822 Dakota Street) stated is in favor of the apartments. He would rather have the building used for something than for it to be vacant.

Chairman Byrne asked about the size of the apartments. Jonathan Klocke (representative for the applicant, Exact Architects) stated the average size of the apartments is 700 sqft.

Chairman Byrne asked for more information about the overall parking. Mr. Klocke stated the development regulations require one parking spot per one bedroom unit. There will be 31 parking stalls with one accessible parking stall and 13 of those will have garages. The concern with the parking lights should be alleviated because of the elevated site as well as the parking garages.

Ms. Bohnsack asked if the parking structures are carports or garages. Mr. Klocke stated they will be enclosed with a garage door.

Mr. Wiedower asked where the applicant came up with 27 units. Mr. Klocke stated it is based on the existing circulation and existing classrooms. They must keep the classrooms as they are so they will convert each classroom into a one bedroom unit. Additionally, they will split the gymnasium which will provide a couple more one bedroom units. Ms. Hurley elaborated that the applicant applied for a historical tax credits through the State which requires a different set of requirements than the regular historical review would require. They are required to have the same configuration in keeping with the classroom, keeping that internal circulation and keeping most of the walls.

Ms. Bohnsack asked about the outside lighting. Ms. Hurley responded that cutoff lights will be mounted on the building so there won't be surface lighting in the parking lot. The intent is to contain the lighting to the site. The garages to the west and the south will help with some of the spill over to the west.

Ms. Bohnsack asked if the garage buildings will be compatible with the school. Mr. Klocke stated the garage buildings will be compatible with the neighborhood.

Ms. Bohnsack asked if landscaping will be added to the north side of the school. Mr. Klocke stated the existing trees will remain. There will be landscaping added to shelter the community space to the south and a little landscaping to the west but no landscaping will be added to the north side.

Mr. Wiedower asked about the plan for waste management. Mr. Klocke responded that the primary location for the dumpster is in the southwest corner of the parking lot. Ms. Hurley further stated the development regulations require the dumpster area be enclosed.

Mr. Karrasch asked if this meets the minimum landscape requirements. Ms. Hurley responded in the affirmative.

Mr. Karrasch asked if there is adjacent on-street parking on all four sides of the building. Ms. Hurley stated on-street parking is allowed on all four sides.

Mr. Burke asked about security for the building. Mr. Klocke stated there are two entrances on the east and two on the west and they will all be secured. Security lighting required one footcandle at all walking surfaces.

Mr. Burke asked if there were plans for fencing to go along the north length of the property. Mr. Klocke stated there is not.

Mr. Burke asked how many units are in the Ben Day apartments. Mr. Klocke stated he believes there are 25 units in the Ben Day apartments.

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

Mr. Wiedower stated that leaving the building vacant will increase criminal activity. He believes the conversion to apartments is a good thing. There is a need for one bedroom apartments in Leavenworth. It makes sense to get the building on the tax roll and get the building converted to something meaningful.

Mr. Karrasch reaffirms what Commission Wiedower said.

Ms. Bohnsack believes it is a favorable use.

With no further discussion among the commissioners, Chairman Byrne read the action/options:

- Recommend approval of the rezoning request from R1-6 to R-MF to the City Commission
- Recommend denial of the rezoning request from R1-6 to R-MF to the City Commission
- Table the issue for additional information/consideration

With no further discussion, Chairman Byrne called for a motion. Mr. Wiedower moved to recommend approval to the City Commission the rezoning request 2017-015 REZ located at 801 N Broadway Street from R1-6 to R-MF based upon the findings of fact and information presented as stated. The motion was seconded by Ms. Bohnsack and passed by a vote 5-0.

Ms. Hurley stated this will be the start to a 14 day protest petition period. Residents within the 200 foot notification area have 14 days starting tomorrow, August 8, 2017, to gather a valid protest petition to present to the City Clerk prior to this agenda item going to the City Commission meeting.

With no further business the meeting was adjourned at 7:39 pm.

JH/mb