

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

**REGULAR SESSION
Monday, June 5, 2017
7:00 p.m.**

CALL TO ORDER:

- 1. Roll Call/Establish Quorum**
- 2. Approval of Minutes: May 1, 2017**

OLD BUSINESS:

None

NEW BUSINESS:

1. 2017-07 REZ – 920 6TH AVENUE

Conduct a public hearing for Case No. 2017-07 REZ, 920 6th Avenue. The applicant is requesting a rezoning of their property from High Density Single Family Residential District (R1-6) to General Business District (GBD). The property is occupied with the former Medical Arts building, which is currently vacant. The rezoning is being requested to allow for development of the Freedom Behavioral Hospital.

2. 2017-08 SUP – 3812 CLAYTON DRIVE

Conduct a public hearing for Case No. 2017-08 SUP, 3812 Clayton Drive. The applicants, Thomas and Michelle Jones, are requesting a Special Use Permit to allow the operation of a Child Care Center in their home. The property is currently zoned R1-9 (Medium Density Single Family Residential). Child Care Centers are allowed in the R1-9 zoning district with issuance of a special use permit.

3. 2017-09 REZ – WOLF FARMS – 4811 NEW LAWRENCE ROAD

Conduct a public hearing for Case No. 2017-09 REZ, Wolf Farms – 4811 New Lawrence Road. The applicant, JMK Partners LLC, is requesting a rezoning of their property from R1-25 (Low Density Single Family Residential District) to R1-6 (High Density Single Family

Residential District). The site lies along New Lawrence Road directly to the east of 20th Street. A preliminary plat for the subject property is also on this agenda. The rezoning is being requested to allow for development of a new single family residential development.

4. 2017-11 SUB – WOLF FARMS

Consider a request for a 101 lot preliminary plat for the Wolf Farms residential development, owned by JMK Partners LLC. The subject property is currently vacant and zoned R1-25 (Low Density Single Family Residential District). A request to rezone the property to R1-6 (High Density Single Family Residential District) is on this agenda for consideration.

OTHER BUSINESS:

ADJOURN:

CITY OF LEAVENWORTH PLANNING COMMISSION

COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, May 1, 2017
7:00 PM

CALL TO ORDER:

Commissioners Present

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

Commissioners Absent

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: March 6, 2017

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

OLD BUSINESS:

None

NEW BUSINESS:

1. 2017-01 SUB – RIVER VIEW REPLAT

Consider a request for a four lot final plat for the property encompassing 2 Limit Street Court and 16 Limit Street Court, owned by Mike Greenamyre and David Hogg.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the subject property is owned by Mike Greenamyre and David Hogg, plat prepared by McAfee Henderson Solutions, Inc. The applicant is requesting approval of a four lot final plat for the property encompassing 2 Limit Street Court and 16 Limit Street Court. The subject property currently includes seven lots and two homes. The replat is being requested to better align property lines with existing ownership and to provide for a third buildable lot at the site.

Ms. Hurley further stated the Development Review Committee reviewed the plat at their February 9, 2017 meeting. Items noted at that time included specific requirements regarding utilities and easements, all comments have been addressed by the engineer.

Chairman Byrne called for questions about the staff report.

With no questions or discussion, Chairman Byrne called for a motion. Mr. McGlenn moved to recommend the River View Replat based on the findings and staff report. The motion was seconded by Ms. Bohnsack and approved by a unanimous vote 7-0.

2. 2017-02 REZ – 320 S 7th STREET

Conduct a public hearing for Case No. 2017-02 REZ, 320 S 7th Street. The applicant is requesting a rezoning of their property from General Business District (GBD) to Residential Mixed Use (RMX). The rezoning request is being made in order to convert the structure into five apartment units.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the applicant is requesting a rezoning of their property at 320 S 7th Street from GBD to RMX. The property, owned by Greenamyre Rentals, Inc., is .45 acres in size and is occupied by the former Leavenworth Terminal Railway and Bridge Company (LTRBC) building. The building was constructed in 1893 and is listed on the National Register of Historic Places, and has formerly housed a number of various commercial operations. The rezoning request is being made in order to convert the structure into five apartment units.

The structure is located immediately west of the Haymarket Square and retains much of its original industrial character. It was originally constructed as a train depot, with two distinct portions: a 2 story brick building on the east 1/3 of the structure, and a metal-sided storage area on the west 2/3. 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 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 West Gateway sub-area. The intent of the district is to accommodate diverse business and building formats within the urban block and streetscape framework, complementing and supporting other areas of the Downtown. Preservation of historic structures is identified as a goal in the Redevelopment Plan.

This project also requires review by the Leavenworth Preservation Commission (LPC), as the structure is listed on the National Register of Historic Places. That review will focus on the physical aspects of the renovation. The LPC is scheduled to review this project on Wednesday, May 3, 2017.

The Development Review Committee reviewed the application at their March 30, 2017 meeting and found no items of concern.

City Planner 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 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 Central Business District (CBD) and the properties to the west and south are zoned Light Industrial (I-1).

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

The subject property is currently zoned General Business District (GBD), limiting the structure to business related uses and restricting any adaptive re-use.

- 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;

The structure has been unoccupied since 2007.

- 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 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 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 identifies this particular location 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.

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

Ms. Leonhard asked Jeremy Greenamyre how many bedrooms per unit and if they meet the required parking regulations. Mr. Greenamyre stated the units have one bedroom each. The required parking for RMX is one parking stall per one bedroom unit; therefore, there will be ample parking. Ms. Hurley stated Mr. Greenamyre has mentioned adding grass and some landscaping to the parking area as well as parking blocks to better define the parking area for the residents.

Mr. Byrne asked for a few examples of uses under the RMX zoning district. Ms. Hurley stated there are quite a few permitted uses under the RMX zoning district such as, any type of residential dwelling, post office, churches, schools, pet shop, veterinary clinic, bank, some food service, art gallery, etc. She further stated the RMX district is both commercial and residential to be cohesive with the downtown area. The rezoning to RMX versus R-MF (Multi-Family Residential) was suggested by staff in order to put into place the goals of the redevelopment overlay district. The RMX district will also give the applicant flexibility in the future if they decide to bring back a commercial component.

With no further questions regarding the staff report, Chairman Byrne opened the public hearing.

Steve Kaaz, owner of property at 715 Cherokee, would like verification of the property being zoned. Mr. Kaaz stated the legal description he obtained is a little different than the legal description provided to the city by the applicant, which is the legal description filed with the county. Ms. Hurley stated she will verify the legal description with the Register of Deeds.

Ms. Bohnsack asked if the applicant is going to pave the parking lot or install sidewalks. Ms. Hurley stated since this is an existing building and there will not be any new construction that staff is comfortable with the parking lot left as is and no sidewalks need to be developed.

Chairman Byrne closed the public hearing and called for discussion among the commissioners.

Mr. Karrasch stating concern about moving forward with a recommendation since the legal description has been questioned. Ms. Hurley stated the board can make a recommendation to approve with the condition the legal description be verified prior to going to the City Commission.

Mr. Karrasch asked if staff is comfortable with the developer's approach with handling potential flood implications and flood requirements. Ms. Hurley stated the Development Review Committee discussed this issue. There is a caveat to the flood zone regulations which states that registered historic buildings have less stringent requirements.

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

- Recommend approval of the rezoning request from GBD to RMX to the City Commission

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

Chairman Byrne called for a motion. Mr. Burke moved to approve recommendation to the City Commission the request to rezone property located at 320 S 7th Street based on the conditions of determination and information presented with the condition the legal description is verified. The motion was seconded by Mr. Wiedower and approved by a unanimous vote 7-0.

3. 2017-03 REZ – 4th STREET & PAWNEE STREET

Conduct a public hearing for Case No. 2017-03 REZ, 4th Street & Pawnee St. The applicant is requesting a rezoning of their property located at the northwest corner of 4th & Pawnee Streets from Planned Unit Development (PUD) and High Density Single Family Residential District (R1-6) to General Business District (GBD). The rezoning is being requested for the development of a second hotel on the site.

Chairman Byrne called for the staff report.

City Planner Julie Hurley stated the applicant is requesting a rezoning of their property located at the northwest corner of 4th and Pawnee Streets from Planned Unit Development (PUD) and High Density Single Family Residential (R1-6) to General Business District (GBD). The property, owned by John Ferguson, is 1.8 acres in size and is occupied by a single family home. The site is adjacent to the existing Marriott Fairfield Inn & Suites and the rezoning is being requested for the development of a second hotel on the site. Four single family homes have previously been demolished on the site, and the remaining single family home will be demolished as part of the proposed development. A plat for this site was approved by the Planning Commission at the November 7, 2016 Planning Commission meeting.

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 sub-area. The intent of the district is to become an economic engine generating new business and employment opportunities and a high quality experience and image for Leavenworth's northeast entrance to Downtown. Specifically, the Redevelopment Master Plan identifies this location as appropriate for high-quality hotel and conference facilities due to the close proximity to Fort Leavenworth and Leavenworth's downtown. This site is located in the North Gateway TIF District and the development of the proposed hotel is intended to generate funds with which to continue development in the district.

City Planner 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 part of Downtown Leavenworth and the Redevelopment Overlay District, with a variety of uses and building forms. The site is located at a very prominent entrance into not only

the City of Leavenworth, but at the gateway to Downtown Leavenworth and near the main gate of Fort Leavenworth. The property directly to the south is occupied by Earl M. Lawson Elementary School, with residential uses surrounding.

b) The zoning and use of properties nearby;

The properties to the east are zoned PUD, and the properties to the south and west are zoned R1-6. The property to the north is part of Fort Leavenworth and is not subject to zoning.

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

The bulk of the site is zoned R1-6. Located adjacent to an existing hotel and the high volume intersection of Metropolitan and 4th Streets, the site is unsuitable for single family residential development.

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 an existing hotel on the adjacent lot, which has had no negative impact on the area.

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

Previously existing single-family homes were demolished on the site in 2016.

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 Leavenworth by providing for the proposed development of a hotel, leading to an increase in tax revenue generated through stays at the hotel. Additionally, customers of the hotel will have a further positive impact on the local economy through 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. Additionally, this area is part of the Downtown-North Leavenworth Redevelopment Area Master Plan, which identifies this particular location as appropriate for hotel uses.

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.

Ms. Bohnsack asked if this site is part of the Marriott Fairfield Inn & Suites development. Ms. Hurley stated it is not.

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

Deborah Henry (326 Dakota St) approached the board. Ms. Henry was confused on why she received a letter regarding the rezoning request of the subject property. Ms. Hurley stated Kansas statute requires the City notify all property owners within 200 feet of the subject property and reassured Ms. Henry that her property is not directly affected by the rezoning of the subject property.

With no further questions or comments, Chairman Byrne closed the public hearing and called for any additional questions from the commissioners.

Mr. McGlinn asked about the sole house still on the 400 block of Pawnee. Ms. Hurley stated the house has been sold to the developer but there is a contract to allow the tenant to stay there until July 2017.

Mr. Wiedower stated that although several hotels have been developed within the City of Leavenworth, there is still a need for the development of this current hotel.

Ms. Leonhard asked if there will be a banquet hall. Melissa (architect) stating they are currently in discussions about adding a meeting hall.

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

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

With no further discussion, Chairman Byrne called for a motion. Mr. Karrasch moved to recommend approval to the City Commission the request to rezone the property located at 4th Street and Pawnee Street based upon the considerations of determination and information presented as stated. The motion was seconded by Ms. Leonhard and passed by a unanimous vote 7-0.

With no further business the meeting was adjourned at 7:37pm.

JH/mb

PLANNING COMMISSION AGENDA ITEM
2017-07-REZ
REZONING REQUEST
920 6th AVENUE

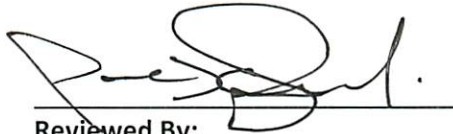
JUNE 5, 2017

SUBJECT:

A request to rezone the property located at 920 6th Avenue from R1-6, High Density Single Family Residential District, to GBD, General Business District.



Prepared By:
Julie Hurley
City Planner



Reviewed By:
Paul Kramer
City Manager

ANALYSIS:

The applicant H&P Development, LLC, is requesting a rezoning of their property located at 920 6th Avenue from R1-6, High Density Single Family Residential District, to GBD, General Business District. The property is occupied with the former Medical Arts building, which is currently vacant.

The rezoning is being requested to allow for development of the Freedom Behavioral Hospital. The proposed facility will be a 24 bed senior adult inpatient behavioral facility. The facility will provide geriatric mental health care for individuals on a short-term stay basis. The primary focus of care is depression and early onset Alzheimer's/dementia, violent patients will not be accepted. All admissions are taken by referral of a primary treating physician, and no walk-in appointments will be offered. Visitation by family members is appointment only, with no open visiting hours. The hospital will operate under license from the Kansas State Department of Health. Freedom Healthcare currently operates a similar facility in Topeka.

The existing building was constructed as a medical office building in 1956, with an addition constructed in 1972, and has housed various medical office uses since that time. The property is considered legal-nonconforming, as the previous medical office uses are not in compliance with the current Development Regulations, but were in compliance at the time of construction. The proposed use is classified by the current Development Regulations as a hospital and not medical office use. The change in proposed use necessitates a rezoning request.

The applicant will make interior modifications to the existing building to accommodate their model of care and security needs. No exterior changes are proposed as part of this rezoning request.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is the site of the former Medical Arts building, which is currently vacant. To the southeast is a multi-story medical office building. To the south of the medical office building is St. Luke's Cushing Hospital. The remainder of the neighborhood consists of single-family homes. The property is located along Spruce 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;

All 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 1956 as a medical office building, with an addition constructed in 1972. The building has housed medical uses consistently since construction, and is unsuited for 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 has housed medical offices since its construction in 1956. No significant effect on nearby property is anticipated due to the rezoning.

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

The existing building has housed medical offices consistently since construction in 1956. The last remaining tenant vacated the building approximately one month ago as the property owner prepares for the proposed change in use.

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

The proposed rezoning will have a positive effect on public health and welfare by providing a needed health service currently unavailable in the Leavenworth area.

- g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The area is identified as appropriate for Institutional 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

REZONING ACTION/OPTIONS:

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

Attachments:

Application materials
2010 Future Land Use Map
Current Zoning Map



Development Review Committee Meeting

Thursday, April 13, 2017

Committee members present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, City Planner Julie Hurley, City Clerk Carla Williamson, Deputy Public Works Director Mike Hooper, Chief Inspector Hal Burdette, Police Chief Pat Kitchens, Health/Safety Officer Shawn Kell and Administrative Assistant Michelle Baragary

AGENDA ITEM(S):

1. 10th Street & Delaware – Faith Mission Church – Review Plans

- Attendees: Ron (913-351-7199)
- Required handicap parking 16'
- Ron will speak with Brett Napier for water quality
- Mike McDonald's notes

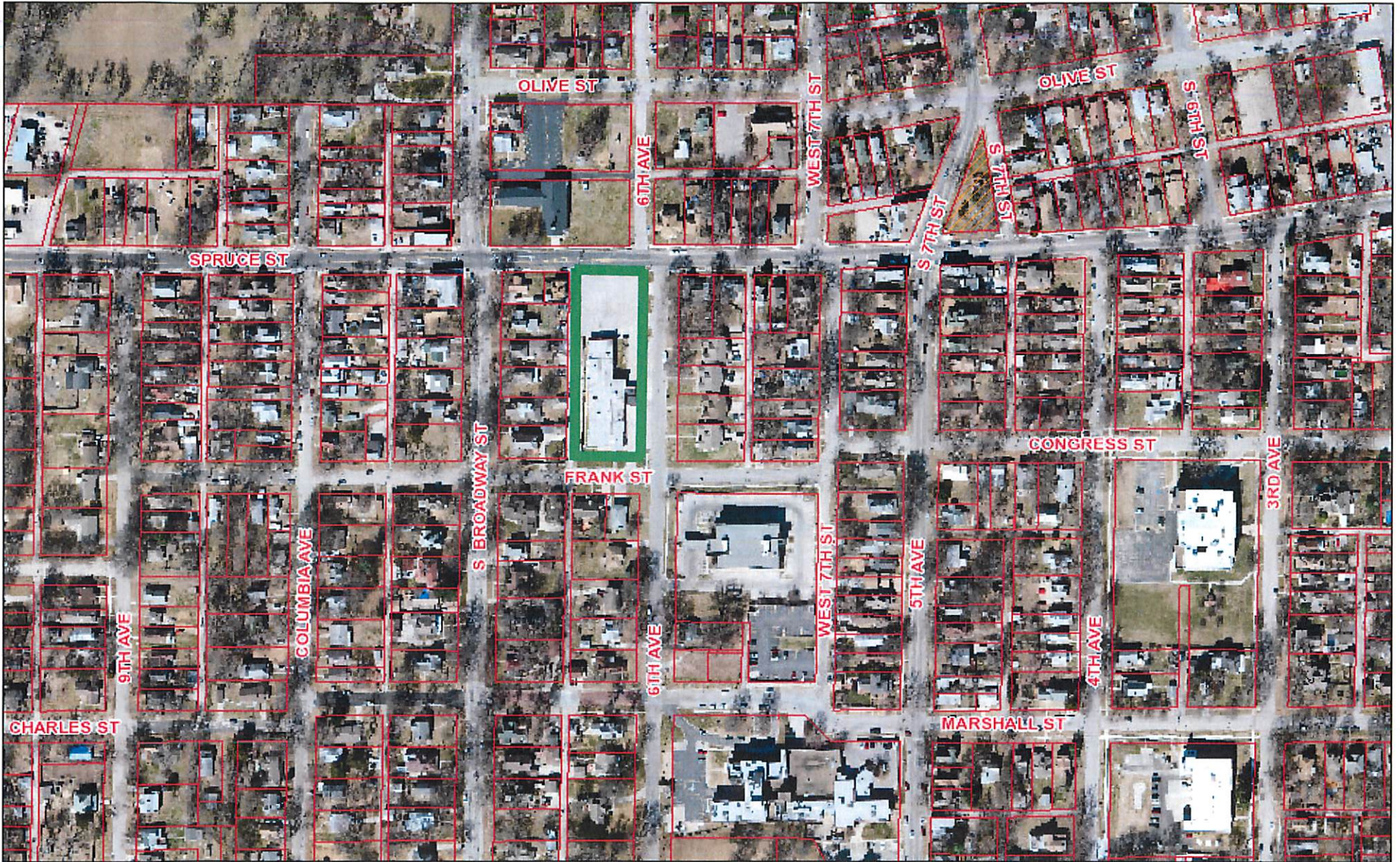
2. 2017-05 SUP – 920 6th Ave – Behavioral Health Hospital

- Attendees: Greg Ousley (Business Development), Sanford Sheaks (Realtor), and John Peterson (property owner)
- On initial discussion with the property owner, it was understood the facility would be used as a nursing home for dementia/Alzheimer patients. After submission of the application and further discussion, it is determined the facility will fall under 'hospital' vs. 'nursing home'. The SUP will be withdrawn. The applicant and property owner will file a rezoning application from R1-6 to GBD. Fees from the SUP will be transferred to the REZ.
- Operations:
 - Geriatric mental health; 50 years +; short-term stay
 - Licensed as a hospital
 - Does not accept violent individuals
 - Monitored/keypad exits
 - Courtyard is gated
 - Is not a walk-in clinic and patients cannot check themselves out
 - Staff is tiered – staff increases as more patients are admitted. 20-25 staff members on average when facility is running at full capacity
 - Visitation is by appointment and on weekends only
 - Market is on average 35 mile radius
- Sprinkler system & alarm is required
- Staff to provide rezoning application and publication of SUP withdrawl

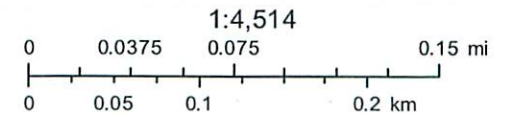
OTHER:

Meeting adjourned at 2:10pm

920 6th Avenue - Location

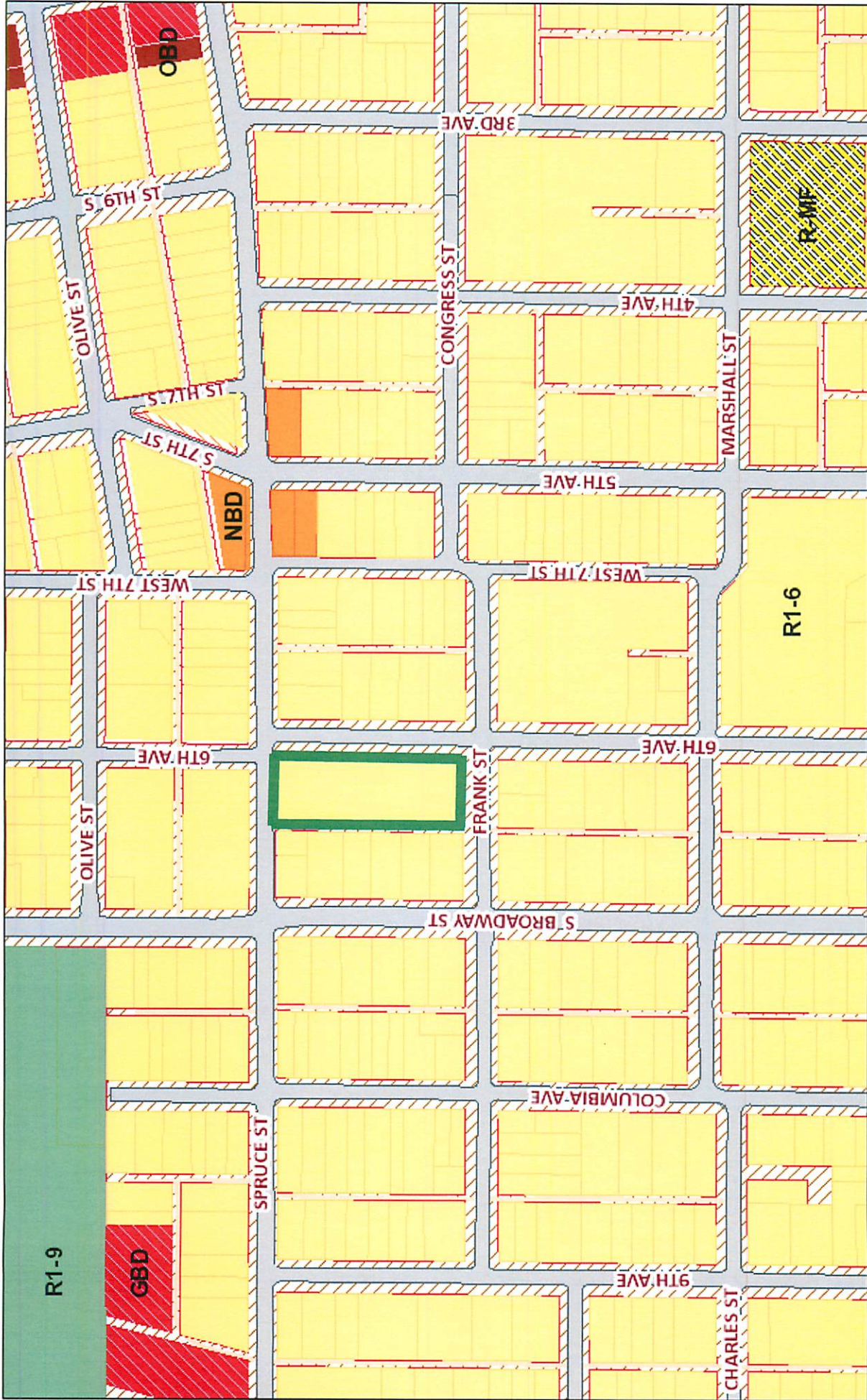


June 1, 2017



City of LV GIS, 2017
LV GIS Dept 09/23/2016

920 6th Avenue - Zoning

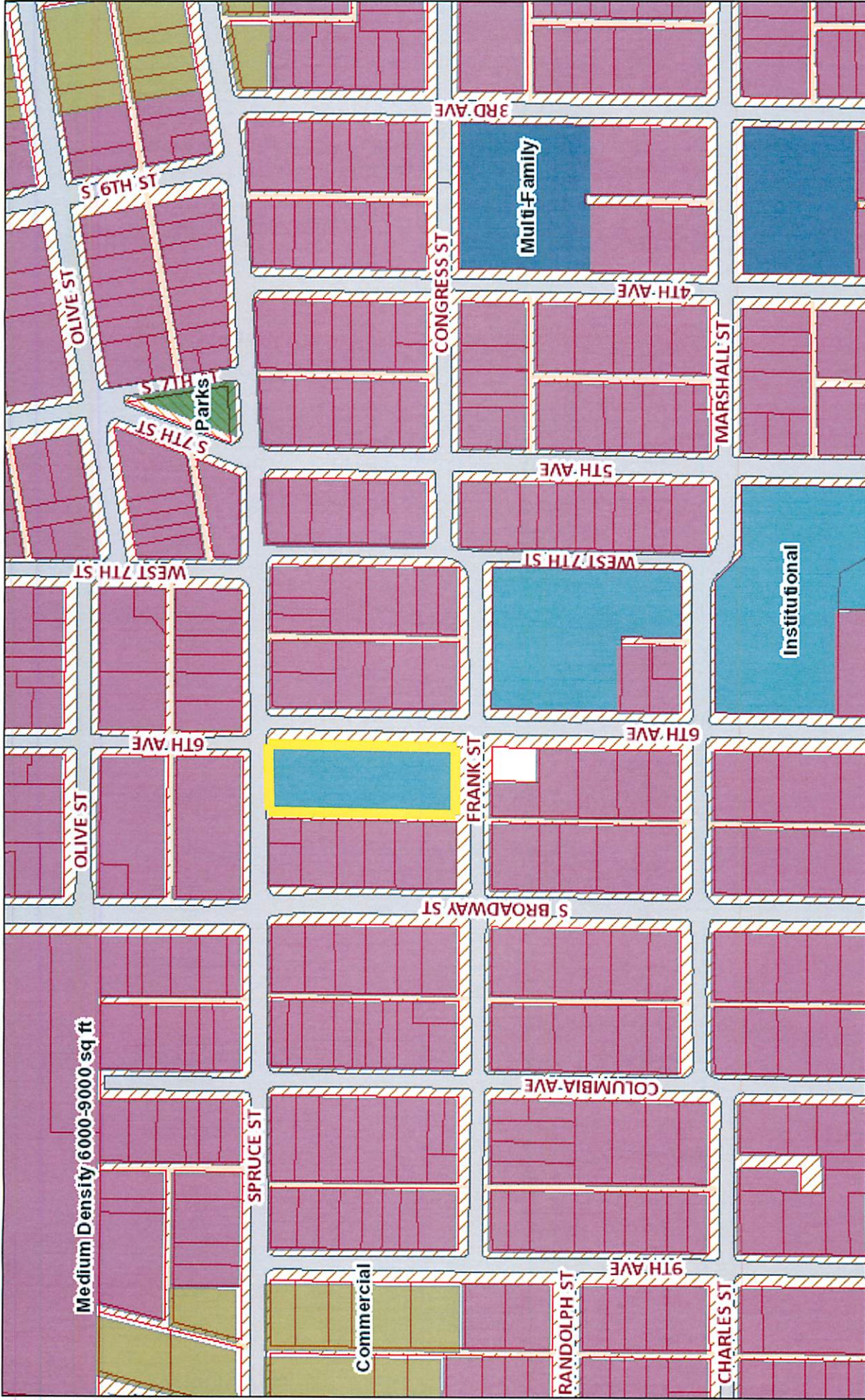


June 1, 2017

1:4,514

City of LV GIS, 2017
LV GIS Dept 09/23/2016

920 6th Avenue - Future Land Use



1:4,514
0 0.0375 0.075 0.15 mi
0 0.05 0.1 0.2 km

June 1, 2017

City of LV GIS, 2017
LV GIS Dept 09/23/2016

City of Leavenworth
2017

Project No. 2017-07 REZ

Fee \$350.00

Filing Date 4-18-17

Fee Date Paid 3-20-17 transferred payment from withdrawn supp.

Hearing Date 6-5-17

Publication Date 5-2-17



APPLICATION FOR REZONING

CITY OF LEAVENWORTH, KANSAS

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Located at: 920 6th Ave From its present classification of R1-6
district to _____ Proposed zone district GBD

Legal Description: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY) Attached

Use additional sheets if necessary:

Briefly describe the present use and character of the property and of the surrounding area: Medical offices.

Briefly describe the intended use and character of the property: As a hospital for geriatric patients (55+) with mental illnesses such as depression, dementia, and Alzheimers.

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property: The intended use fits with the original and current use of medical treatment.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts: Operating protocol for this hospital includes limited and highly controlled access and exit for staff, patients, and visitors.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions: NA

AFFIDAVIT

State of Kansas County of Leavenworth

I, H+P Development LLC being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

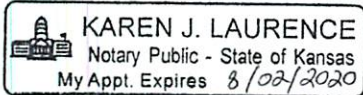
Signed: [Signature]

Address: 1501 Metropolitan, Leavenworth, KS 66008

Phone: 913 240 4302

Subscribed and sworn before me this 18 day of April, 2017

Notary Public Karen Laurence My commission expires 8/02/2020



Freedom Behavioral Hospital of Leavenworth

Freedom Behavioral Hospital of Leavenworth will be a new state-of-the-art 24 bed, senior adult inpatient behavioral facility.

Our programs are designed to meet the specific and unique needs of senior adults age 50 and above in a secure and caring environment. We treat patients that suffer from acute mental illness with potential underlying complex medical conditions.

Medicare and other major insurances accepted.

Vision Statement:

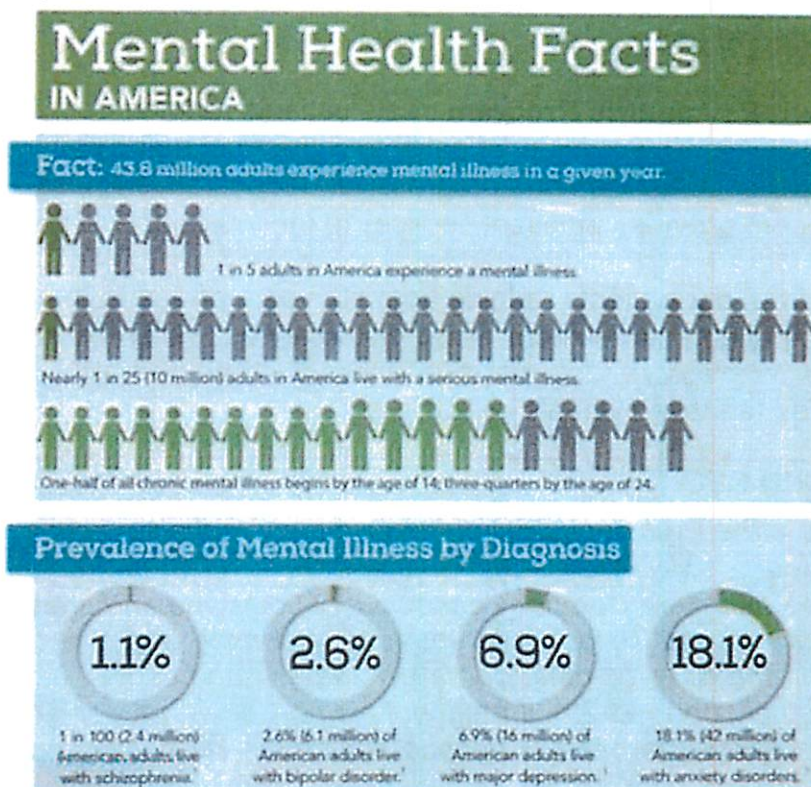
"Freedom Behavioral Hospital strives to be the first choice in excellent healthcare services to the communities we serve."

Mission:

"Our Mission is to advocate compassionate healthcare and improve the lives of those we serve."

Overview:

Freedom Behavioral Hospital will be located in Leavenworth, Kansas and will operate under license from the Kansas State Department of Health and will be accredited by the Joint Commission for deemed certification for the Medicare and Medicaid programs.



Historically, individuals with mental health issues have been statistically underserved in most communities in the United States. While approximately **43.8 million U.S. adults (21.4% of the adult population) experience a mental illness in a given year**, only 71% of those with major depression utilized mental health services and only 60% of the 10.4 million adults with serious mental illness (SMI) received treatment. Furthermore, while approximately one out of every four senior adults (aged 60 and older) will experience some type of mental health problem in the course of a year, Medicare payments for inpatient psychiatric care amounted to just \$7.1 billion in 2012, **less than 2% of the overall \$613 billion in total Medicare spending**. As inpatient psychiatric care represents such a small portion of the Medicare budget, it has largely gone unnoticed in the discussions regarding spending reform and, with the continuing implementation of Mental Health Parity Act, there will be an increasing focus on expanding access and providing more resources to this underserved segment. By focusing on these underserved markets and by initially specializing in the geriatric population Freedom will continue to serve the need for quality patient services and outcomes with the continued mental health growth and the extreme upcoming baby boomer need for mental health services.

The baby boomers began turning 65 in 2011 and are now driving growth at the older ages of the population. By 2029, when all of the baby boomers will be 65 years and over, more than 20 percent of the total U.S. population will be over the age of 65. Although the number of baby boomers will decline through mortality, this shift toward an increasingly older population is expected to endure. By 2056, the population 65 years and over is projected to become larger than the population under 18 years..

Our **Senior Adult-Psychiatric Program** treats patients ranging from 50 years of age to the later stages of life. The majority of patients suffer from mood disturbances, behavior disturbances, and/or some form of a progressive, degenerative illness such as dementia. Freedom provides inpatient services to the individuals in their program.

Our **goal is to** treat our patients ranging from 50 years of age to the later stages of life. The majority of patients suffer from mood disturbances, behavior disturbances, and/or some form of a progressive, degenerative illness such as dementia. Freedom provides inpatient services to the individuals in their program.

PRESIDENT AND CEO

T. Jason Reed is the President/CEO of the Company and also serves in the capacity of a Company Manager. Mr. Reed is the founder of FHC, LLC. In 2004 Mr. Reed founded and operated a Healthcare Company based out of Louisiana and grew from 1 location to 17 across Louisiana and Texas while under his guidance and direction. Mr. Reed has been involved in the development, operation and management of hospitals since 2001 and has respectfully opened 20+ throughout his healthcare career. Prior to co-founding OHC, LLC, Mr. Reed has been in various healthcare clinical positions throughout his career and possesses over 18 yrs. of healthcare experience. Mr. Reed has previously

served as a Corporate Development/Marketing Director and has opened and operated behavioral health hospitals in Texas, Louisiana and Mississippi. Mr. Reed had always been an entrepreneur at heart, since the age of 15, owning and running a LA based satellite installation Company. At the young age of 21, he owned and operated a health food franchise from Atlanta, GA. "Planet Smoothie". Mr. Reed received his nursing degree from Lamar State University in 1998 and Business Studies through the University of Phoenix online program.

CHIEF OPERATING OFFICER

Steve Waters serves as the Chief Operations Officer for Freedom Healthcare, LLC. With an extensive career in Business Leadership & Administration, as well as various roles in Healthcare, Steve's experience and accomplishments are the answer to the current growth & future development of Freedom Healthcare. His strength in change management and his dedication to team leadership development are, and will be, the keys to the success and longevity of the company. A Texas native, Steve not only earned a Bachelor of Science degree in Business Administration from the University of Texas, he also obtained a Bachelor of Science degree in Criminal Justice. In his professional experience, he has served as a hospital CEO/Administrator, Chief Operating Officer, Chief Financial Officer, and Senior Vice President of Operations. Steve's wealth of knowledge and versatility enables him to identify and manage every potential need of a growing company. He is not only dedicated to business development and operations management, but to best practices which are efficient and executed to provide the highest quality of services achievable. Steve's business philosophy and approach are structured around the life cycles of a business and it's personnel. The life stages of both the business & the personnel must be nurtured, assessed, and re-assessed constantly and at every stage. It is only through these consistent practices that both the business and the personnel will be able to endure change, experience growth, and attain lasting success.

Tom Deters, Founder - Principal

•**Founder Atlas Professional Consulting (APC):** In 2015 Tom founded Atlas Professional Consulting LLC, a leading developer of Senior Living and Memory Care facilities. The firm has one operational facility, and several in various stages of development, planning, and regulatory approval. APC serves as the developer, chief fund raising entity and real estate manager while strategically partnering with market leading operators to maximize transactional returns and minimize risk.

•**Founded Breakthrough Construction; successfully exited in 2007.** In 1996, Tom founded Breakthrough Construction to develop, construct, and sell tract homes, MFU apartments, commercial office spaces, and warehouses. Within Breakthrough, Tom successfully increased the company's Brand awareness, constructed many projects, and meaningfully grew revenues. In 2007, Tom achieved a successful exit of Breakthrough Construction, selling the company for more than \$10 million. Breakthrough operates today as Timber Ridge Builders, Inc.

•**Other Corporate/Industry Experience:** Tom has developed, constructed, managed, or operated more than \$500 million worth of projects over his career. Tom excels in building **public-private** partnerships, historic renovation, green energy, LEED and utilizing

powerful tax incentives and credits. In 2004, he purchased Boone Property Management, the largest property management company in mid-Missouri. Tom successfully exited this business in 2006. Also in 2006, Tom was awarded the prestigious "40 under 40" award by the Columbia Business Times and was recognized as an Award of Excellence winner by the Illinois Department of Commerce. He currently serves as owner and President of Atlas Professional Consulting providing development, construction management and government contracting consulting services.

Overview of Geriatric Psychiatric Hospital Program by:

Jason Reed, CEO, Freedom Healthcare:

The physical setting of the program is a home away from home for patients who reside there and it is therefore critical that all staff responsible for provision of care create a culture of safety and therapeutic milieu as an essential element of care. This requires cooperation and service provision based on the concept of dignity and respect as a right of all human beings. The geriatric behavioral program is a 24 bed service area designed to reflect the local culture and heritage. The average length of stay on average can be between from 14 and 30 days but not limited to 45 days if physician need. Efforts were made to provide patients with privacy but also to encourage a feeling of community. Space was designed to incorporate a main patient lounge which is open, airy and will let. A courtyard is available for patients to be able to undertake outside activity or just rest and relax and enjoy the fresh air. An activity room was created to facilitate community activity and educational group space. It is furnished to support social interaction and community spirit. Board games, cards, television and newspapers reflect normal activities of daily living and invite a feeling of home. Telephones are always available to patients and can be used in private areas. Coffee, water, juices and liquid refreshments are available as well as daily snacks and fruits.

Small offices may be utilized for individual therapy, family or marital therapies discharge planning sessions. Treatment team area is also available for treatment plan review. The patients and the patient's family/ legally responsible person are invited and encouraged to participate in applicable programming. Family visitation, specialized education, involvement in the treatment team, family therapies and with doctors' order approval "meal" with patient. Case management services are active, creative avenues for patients, patient's family and significant others to have input.

Bedrooms are designed for both single and double occupancy to accommodate patient's needs. Windows allow for natural lighting and built-ins allow for storage for clothes and personal belongings to remain organized and accessible. Patients' rights are respected with every privacy we can safely accommodate for. all patient rooms have doors and if the patient's door is closed then the staff is instructed to knock prior to entering. To accentuate self-management clinical staff encourage patients to keep the rooms and living areas neatly maintained as well as the patient themselves to have good hygiene and grooming. Mirrors are provided to aid in grooming. Those patients who have difficulty with mobility will have staff assist them or provide instructional support and encouragement as needed. Requests for haircuts are accommodated. Clocks, calendars and newspapers are placed in lounges and serve to keep the patient connected to the events of life outside therapeutic environment. All staff are trained to

interact with patients and in a dignified, courteous, compassionate, empathetic and respectful manner.

The environment of care and maintenance department monitors the **safety and security** standards of the facility and contributes to a therapeutic environment by ensuring that adequate lighting, heating, cooling space and needed safety features are operational. The patient safety program encourages patients to verbalize their concerns about actual or potential safety needs to a staff member. The staff is further instructed to always inquire at the community meeting if any such concerns exist. Should any concerns be voiced they are immediately forwarded to the environment of care department for correction. Lighting individual rooms is under the control of patients. Heating and cooling is adjusted to patient's comfort. Maintenance response time is monitored to ensure timeliness as well. Nursing monitors for cosmetic, alterations and safety concerns during room checks and are staffed 24 /7 to be immediately available to any patient on the unit.

Meals are taken in the dining room and reflect community dietary norms. The staff encourages patients to dine in a family style setting to enhance normal daily living experiences. Sugar and caffeine are restricted but sugar free soft drinks are available to patients every time. A Nutritionist reviews and approves all dietary menus and special diet menus are prepared at the intake of the patient and is monitored. A registered dietitian conducts physician ordered dietary consults and educates patients about proper nutrition intake.

Housekeeping staff provides for daily sanitation and accommodate courteous requests for towels and other needs. Furnishings and carpets are cleaned regularly. Individual laundry bins are provided for each patient and the laundry is done every evening. A laundry area is also available as required.

Business office and admission staff provide for patient advocacy and financial counseling and secure financial reimbursements for treatment. They work closely with the clinical staff who provide the services needed in an appropriate, cost-effective and timely fashion. Medical records staff assures the integrity and confidentiality of the patient's medical record.

Therapeutic recreational services oversees prevocational and leisure development utilizing a group modality in addressing life skills, leisure skills, exploration of interests, community reintegration and at identifying new leisure activities for future adaptation. Rehabilitation staff, as ordered for consult, will also provide services that are identified on the treatment plan to maximize an optimal functioning level.

Leadership of the facility provides the resources and management of the infrastructure to support clinical programs and services and the development of treatment modalities which offer evidence based practice benefits.

Departmental representatives come together on a weekly basis to share encouragement, voice and review concerns as well as give and receive positive feedback during whole house community. Concerns and problems are verbalized and collaborated on as they provide leadership with opportunities for improvement.

Quality Assurance and Performance Improvement Monitoring/Evaluation of Service Provision:

The organization embodies and implements a facility wide quality assurance and performance improvement committee process which includes all staff, departments, medical staff and leadership groups, including the governing body to promote optimal performance, a culture of safety, quality and proactive risk assessment/reduction.

All staff subscribe to a program and process of ongoing performance improvement monitoring of all programs, services, safety, and patient practices to identify opportunities for improvement and change in all aspects of service provision according to law, regulation and policy. This monitoring is conducted at the department/service level first. Monitoring is then aggregated and evaluated at the program, service and leadership levels. The committee process institutes the QAPI committee as a "Hub" into which all of the various monitoring of each discipline will flow for evaluation and review. Recommendations are made through this committee, which has representation from each department and surface, as to the identified opportunities for improvement. These recommendations are then carried forth to the medical executive committee and governing body who then review the information, monitoring data and provide directives which flow back into the "hub" committee for dissemination to the staff and implementation. The process creates a communication circle which allows for all levels of the organization to be knowledgeable and make informed decisions regarding action plan and policy/procedure plan development and overall oversight. This is an ongoing process which requires implementation but also reflects back for reevaluation *which is* then forwarded through the quality assurance and performance improvement committee process for reassessment and further needed action. Results of the monitoring and evaluation are included in the annual performance appraisals for employees, contract labor/vendors and ongoing credentialing/privileging of the medical staff.

Best,

Jason Reed, CEO
Freedom Healthcare

AD ASTRA PER ASPERA
Kansas
Office of the
Lieutenant Governor

Capitol Building
Room 252 South
Topeka, KS 66612

Phone: (785) 296-2213
Fax: (785) 296-5669
li.governor@ks.gov

Jeff Colyer, M.D., Lieutenant Governor

Sam Brownback, Governor

To Whom it may concern,

Congrats!

As Lieutenant Governor of the great state of Kansas and a physician, I am thrilled to hear that Freedom Behavioral Hospital has decided to open up its doors, and its services, to care for our elderly in need.

As the first privately-owned Geriatric inpatient psych hospital since the Menninger Facility closed, the opening of Freedom Behavioral Hospital is a testament to the continued growth, as seen by investors, into our great state and beautiful Capitol City of Topeka.

To the more than 30 new employees to the Topeka area, we welcome you and your families. We are confident in your ability to serve our citizens.

We look forward to working with your hospital and staff for years to come.

Yours,


Jeff Colyer, M.D.
Lieutenant Governor

PLANNING COMMISSION AGENDA ITEM
2017-08 SUP
3812 CLAYTON DRIVE

JUNE 5, 2017

SUBJECT:

A request for a Special Use Permit to allow the operation of a Child Care Center at 3812 Clayton Drive



Prepared By:
Julie Hurley
City Planner



Reviewed By:
Paul Kramer
City Manager

NATURE OF REQUEST

The applicants, Thomas and Michelle Jones are requesting a Special Use Permit to allow the operation of Child Care Center in their home located at 3812 Clayton Drive. The property is currently zoned R1-9 (Medium Density Single Family Residential). Child Care Centers are allowed in the R1-9 zoning district with issuance of a special use permit.

The applicants are licensed by the State of Kansas to care for a maximum of 12 children, dependent upon the ages of the children in care.

CONDITIONS OF DETERMINATION

In recommending approval of a special use, the Planning Commission may impose such conditions, safeguards and restrictions as may be necessary to carry out the general purpose and intent of the ordinance. The development regulations stipulate specific conditions as a requirement for the approval of Child Care Centers as follows:

1. Shall not be located along an arterial street as designated on the Major Street Plan Map unless indirect vehicular access to that street, such as with a frontage road is available. The City Planner, with the advice of the DRC, shall determine if the drop off and pick up arrangements of a childcare center or business appear safe. Appeal of any negative decision shall be to the City Commission.

The subject property is located at the corner of Clayton Drive and Magnolia Drive, two residential streets.

2. Shall provide at least one hundred (100) square feet of open space per child. This open space shall be 100% enclosed by a minimum four (4) foot high fence or wall.

The subject property includes a back yard area of approximately 5,200 sqft, in excess of the 1,200 sqft required. The yard is entirely enclosed by a wooden privacy fence

3. Shall provide a loading zone capable of accommodating at least two (2) automobiles for the easy picking up and discharging of passengers.

The subject property includes a paved driveway capable of accommodating 4 cars at one time.

4. Shall conform to all requirements of the State of Kansas and shall acquire a State of Kansas Child Care Center License.

The applicants have provided a copy of their Group Day Care Home permit from the Kansas Department of Health and Environment.

5. All childcare centers operated in residential zoning districts shall be the only legal residence of the operator.

The home functions as the only residence of the operator/owner.

6. Childcare centers in residential districts may have one non-illuminated monument sign with no more than 3 square feet per side and a maximum of 2 sides or one non-illuminated sign affixed to the main structure of 3 square feet.

The applicants are not currently displaying any signage, but any signage displayed at a later date would be required to comply with this provision.

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 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.

Child Care Centers are an essential service to working parents in the community, and promote the economic development, welfare and convenience of the public.

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 feel that the proposed Child Care Center will cause any 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.

No new structures or building modifications are proposed as part of this special use permit. The property will continue to look and function as a residential structure.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein, subject to the following conditions:

1. A copy of the permanent Group Day Care Home license shall be provided annually upon renewal by the State of Kansas.
2. The operation shall be limited to a maximum of 12 children.
3. No additional home occupations may be carried out at the residence.

Failure to maintain compliance with all conditions shall result in revocation of the Special Use Permit.

ACTION/OPTIONS:

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions
- Motion, to recommend denial to the City Commission
- Table the issue for additional information/consideration.

Attachments:

Application materials

Location map

3812 Clayton - Location



June 1, 2017

1:4,514

City of LV GIS, 2017
LV GIS Dept 09/23/2016



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

App# 2105

Project No. 2017-02 SUP

Fee \$350.00

Filing Date 4-20-17

Fees Paid/Date \$350.00/04-20-2017

Received By Cory X. Collins

Hearing Date 6/5/17

Publication Date 5/10/17

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: Child care center

Group Home Daycare (Children's Montessori Daycare)
Childcare name

in accordance with the attached site plan on the following described property:

Address:	<u>3812 Clayton Drive</u>		
Legal Description:	<i>(Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY)</i>		
Real Estate PID #	<u>1020900000042000</u>		
Zoning:	<u>R1-9</u>	Historic District:	<u>N/A</u>

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print or type):	<u>Thomas M and Michele R Jones</u>		
Address:	<u>3812 Clayton Drive</u>		
Contact No. (913) 651-6168	Email Address: <u>michele.jones87@AOL.com</u>		
Signature of Owner(s):	<u>Thomas M Jones</u> <u>Michele R Jones</u>		

State of Kansas)
County of Leavenworth)

This instrument was acknowledged before me on April 20, 2017

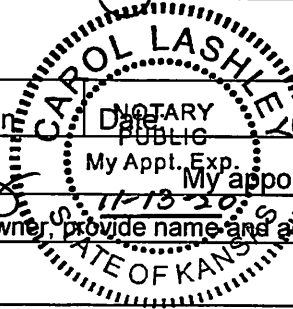
Notary Public: Carol Lashley My Appt. Exp. 11/13/2020

If business is operated by someone other than the owner, provide name and address of operator(s).

Name(s) of Applicant:	<u>same</u>		
Address:			
Contact No: ()	Email Address:		

NOTE: All signatures must be in ink. Signature of owner(s) must be secured and notarized.
Check list below...

1. Non-Refundable Fee of \$350.00 is due at time of application
2. Attach list of the owners for property within two hundred (200) feet of the above property
3. Site Plan drawn to scale (See General Instructions)
4. Supporting documentation (see General Instructions)



Kansas Department of Health and Environment
License

Group Day Care Home
License No. 0009370-018

Licensee: Michele Renee Jones

Facility: Childrens Montessori Daycare Home

Located at: 3812 Clayton Dr
Leavenworth, KS 66048



License Expires

04/30/2018

In the county of: Leavenworth

Having complied with the laws and regulations of the State of Kansas governing Group Day Care Homes, Michele Renee Jones is hereby authorized to care for a maximum of 12 children, under one of the following options:

MAXIMUM LICENSED CAPACITY IF ONE ADULT IS PRESENT WITH THE CHILDREN:

- 9 children, at least 2 ½ years but under 11 years of age*; or
- 10 children, at least 3 years but under 11 years of age*; or
- 12 children, at least 5 years but under 11 years of age; or refer to Table I in K.A.R. 28-4-114(e) if children under 2 ½ years of age are in attendance.

MAXIMUM LICENSED CAPACITY IF TWO ADULTS ARE PRESENT WITH THE CHILDREN:

- 12 children, infancy to 11 years of age*, with not more than 9 children under 5 years of age, 3 of whom may be under 18 months of age; or
- 10 children, infancy to 11 years of age*, with not more than 8 children under 5 years of age, 4 of whom may be under 18 months of age; or
- 12 children, at least 18 months but under 11 years of age*, with not more than 5 children, 18 months to 2½ years of age.

*Children five years of age and over may be substituted for younger children in the license capacity. Children under 11 years of age who are related to the applicant with a temporary permit, the licensee, or any other provider shall be included in the maximum number of children in each age group. Children at least 11 years of age but under 16 years of age who are unrelated to the provider shall be included in the license capacity if child care for this age group as a whole exceeds three hours a week.

This License is effective 04/27/2017 and remains in effect until the expiration date noted by the above sticker unless invalidated by a change of owner, operator, location or it is administratively closed.

Smoking is prohibited inside the day care home during hours of operation.

** Local codes and ordinances may prescribe other requirements for the legal operation of this facility.

A handwritten signature in black ink, appearing to read "Susan K. Mauer".

Secretary
Kansas Department of Health and Environment

McCaffree - Short Title Company, Inc.

(913) 651-7100

STATE OF KANSAS
COUNTY OF LEAVENWORTH
FILED FOR RECORD

2004 JUL 12 P 3:03

**STATUTORY WARRANTY DEED
JOINT TENANCY**
File No. 16970

STACY A. DRISCOLL
REGISTER OF DEEDS

Lonnie Phillips, Jr. and Lori Phillips, husband and wife

of Leavenworth County, Kansas, conveys and warrants to:

Thomas M. Jones and Michele R. Jones, husband and wife, as Joint Tenants with the right of survivorship and not as tenants in common

of Leavenworth County, Kansas,

Lot 47, SHENANDOAH HEIGHTS SUBDIVISION- PHASE 2, in the City of Leavenworth, according to the recorded plat thereof, in Leavenworth County, Kansas.

Subject to restrictions, reservations, assessments, and easements, if any, now affecting said property.

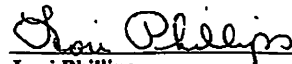
Said property situated in Leavenworth County, Kansas, and for the sum of one dollar and other good and valuable considerations.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, forever. And Grantor, for himself, his heirs, successors and assigns, does hereby covenant, promise and agree, to and with Grantees, that at the delivery of these presents he is lawfully seized in his own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above-granted and described premises, with the appurtenances: that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments taxes, assessments and encumbrances, of what nature and kind whatsoever, subject to Grantor's reservation set forth herein, and that he will WARRANT AND FOREVER DEFEND the same unto Grantees, as Joint Tenants and to the survivor of them, as not as tenants in common, and to the heirs and assigns of such survivor forever, and all and every person or persons whomsoever lawfully claiming or to claim the same.

Dated this 9th day of July, 2004.



Lonnie Phillips, Jr.



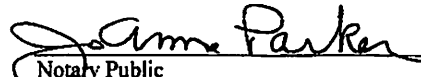
Lori Phillips

State of Kansas)
County of Leavenworth)SS:

BE IT REMEMBERED, that on this 9th day of July, 2004, before me, a Notary Public in and for said county and state, came Lonnie Phillips, Jr. and Lori Phillips, husband and wife, to me personally known to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS THEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last above written.


(Seal)



Notary Public

My Commission Expires: 4-2-06



Entered in the transfer record in my office this
12th day of July, 2004


County Clerk

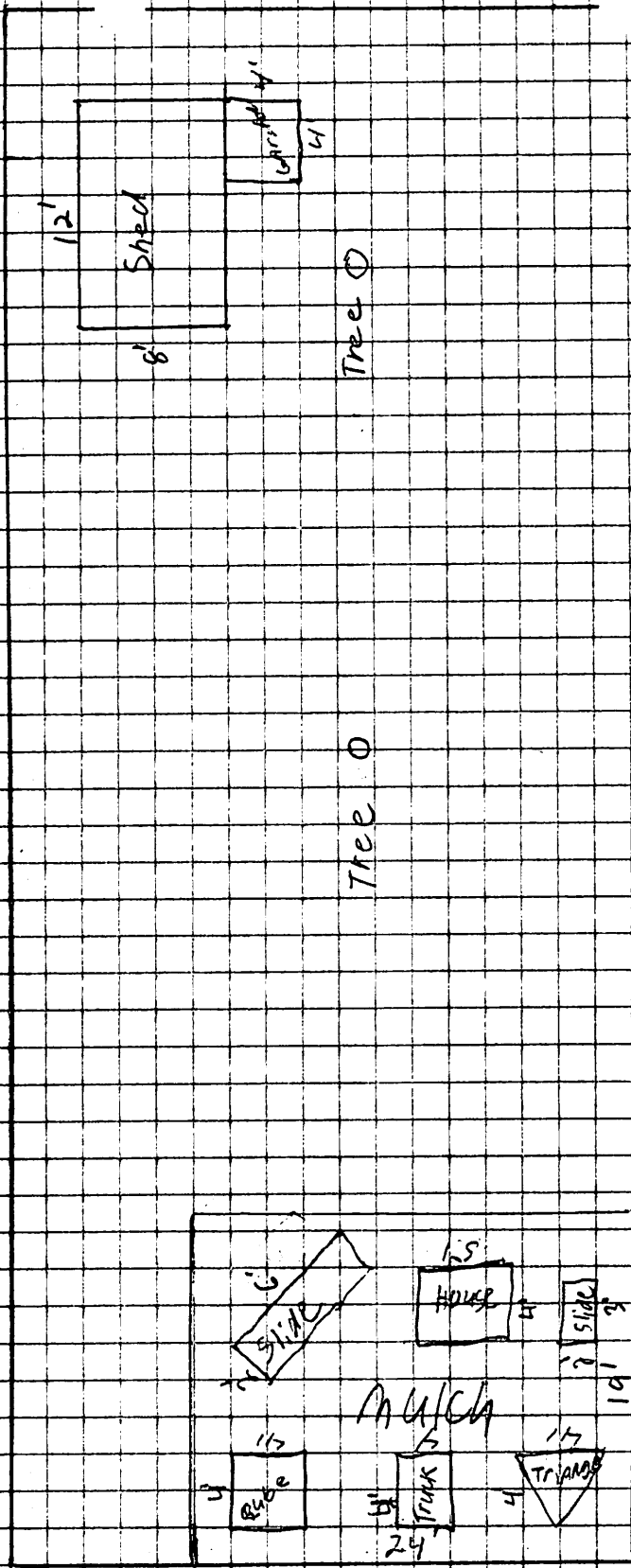
BK0922 PG1817

CLERK
11/2
2

15 ft = 2 feet

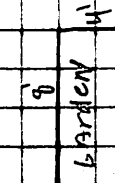
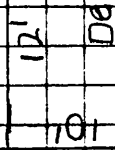
Back Yard

84'



26'

27'

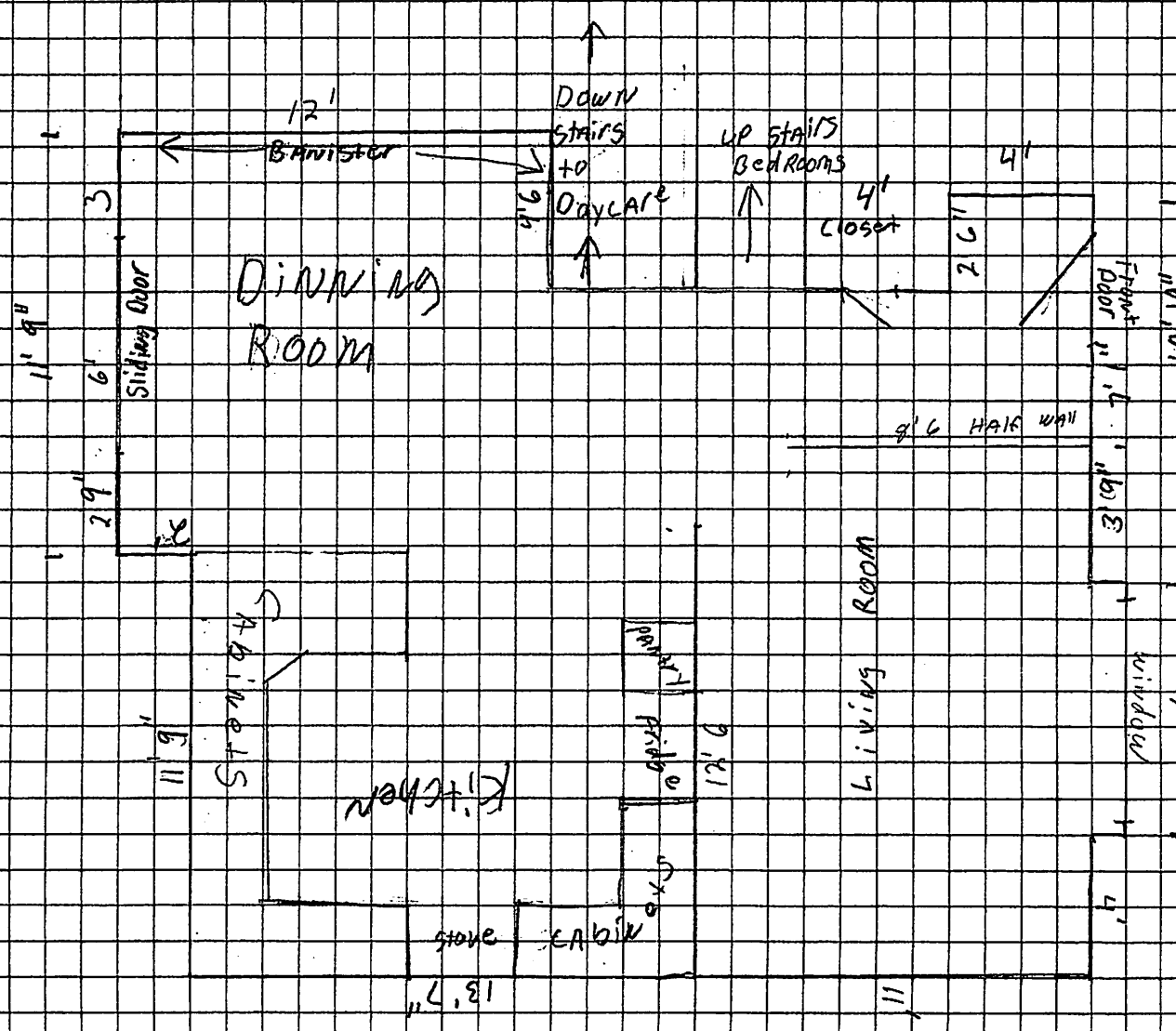


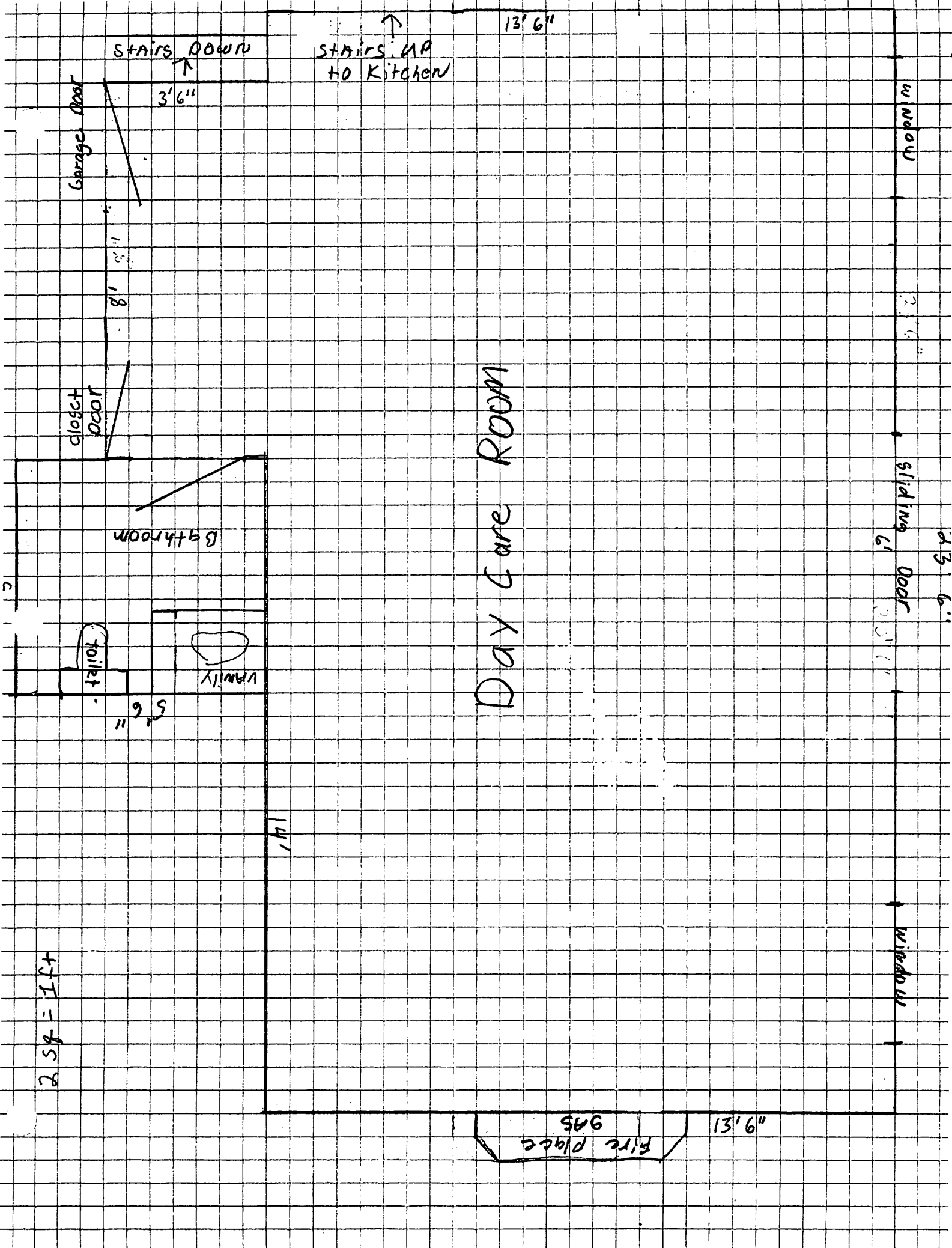
110' 6"

110' 6"

110'

154 = 144





stairs DOWN

stairs UP
to Kitchen

13' 6"

Garage Door

3' 6"

Window

8'

closet

Bathroom

Sliding Door

23' 6"

Toilet

Vanity

5' 6"

Day Care Room

Window

Fire place

13' 6"

2 SF = 1 FT

**PLANNING COMMISSION AGENDA ITEM
2017-09-REZ
WOLF FARMS REZONING
4811 NEW LAWRENCE ROAD**


JUNE 5, 2017

SUBJECT:

A request to rezone the property located at 4811 New Lawrence Road from R1-25, Low Density Single Family Residential District, to R1-6, High Density Single Family Residential District



Prepared By:
Julie Hurley
City Planner



Reviewed By:
Paul Kramer
City Manager

ANALYSIS:

The applicant JMK Partners, LLC, is requesting a rezoning of their property located at 4811 New Lawrence Road from R1-25, Low Density Single Family Residential District, to R1-6, High Density Single Family Residential District. The property is 40.12 acres in size and is currently developed with a vacant single family home and barn. The site lies along New Lawrence Road directly to the east of 20th Street. A preliminary plat for the subject property is also on this agenda.

The rezoning is being requested to allow for development of a new single family residential development. The development will consist of 101 single family lots and will be built in multiple phases. Of the 101 proposed lots, 45 will be maintenance-provided homes and 56 will be traditional single-family homes. Included in the development will be various amenities such as open green space and a community gathering space for use by the residents. A Home Owner's Association will be established for maintenance of the common areas and of the maintenance-provided homes.

The site is currently agricultural in nature with a vacant single-family home. The property to the east is zoned I-1 and is the site of the future Leavenworth Business and Technology Park. The properties to the north and west are zoned R1-25, Low Density Single Family Residential District and are developed with a single family homes and associated agricultural use. The property to the south is zoned R1-6 and is part of the proposed preliminary plat associated with this rezoning request.

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 currently agricultural in nature with a single-family home. The property to the east is vacant and the site of a proposed business and technology park. The properties to the north and west are developed with large lot single family homes and associated agricultural use. The property lies north and west of 20th Street and New Lawrence Road. 20th Street is a primary arterial corridor, while New Lawrence Road currently carries a low volume of traffic and primarily serves homes located along the road. New Lawrence Road will be widened and improved to the northern extend of the subject property as part of the proposed development to accommodate an increase in traffic volume.

b) The zoning and use of properties nearby;

The property to the east is zoned I-1 and is the site of the future Leavenworth Business and Technology Park. The properties to the north and west are zoned R1-25, Low Density Single Family Residential District and are developed with a single family homes and associated agricultural use. The property to the south is zoned R1-6 and is part of the proposed preliminary plat associated with this rezoning request.

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

The subject property was previously utilized for agricultural purposes and is developed with one single family home and barn which are currently vacant. As development continues to occur around the property, the location has become increasingly unsuitable for agricultural 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. 20th Street is an existing major thoroughfare designed to handle traffic levels generated by the proposed use, and New Lawrence Road will be improved and widened in order to accommodate the increase in traffic generated due to the residential development. Single-family residential is a low intensity use, with minimal impact on surrounding properties. Properties directly adjacent to the proposed development will be better served by an improved New Lawrence Road.

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

The existing single-family home and associated barn have been vacant for approximately one year.

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 impact on economic development within the Leavenworth community by way of increased property tax base generated through the construction of new homes. The development will provide for an increase in housing stock, allowing for more people to live within the City of Leavenworth thereby adding to the local economy.

g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The area is identified as appropriate for Low Density Residential (7,500-14,000 sqft/lot) on the Future Land Use Plan. The average lot size of the proposed residential development is 9,278 sqft, with many lots substantially larger. 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.

A preliminary plat for the subject property is presented for consideration in conjunction with the proposed rezoning.

REZONING ACTION/OPTIONS:

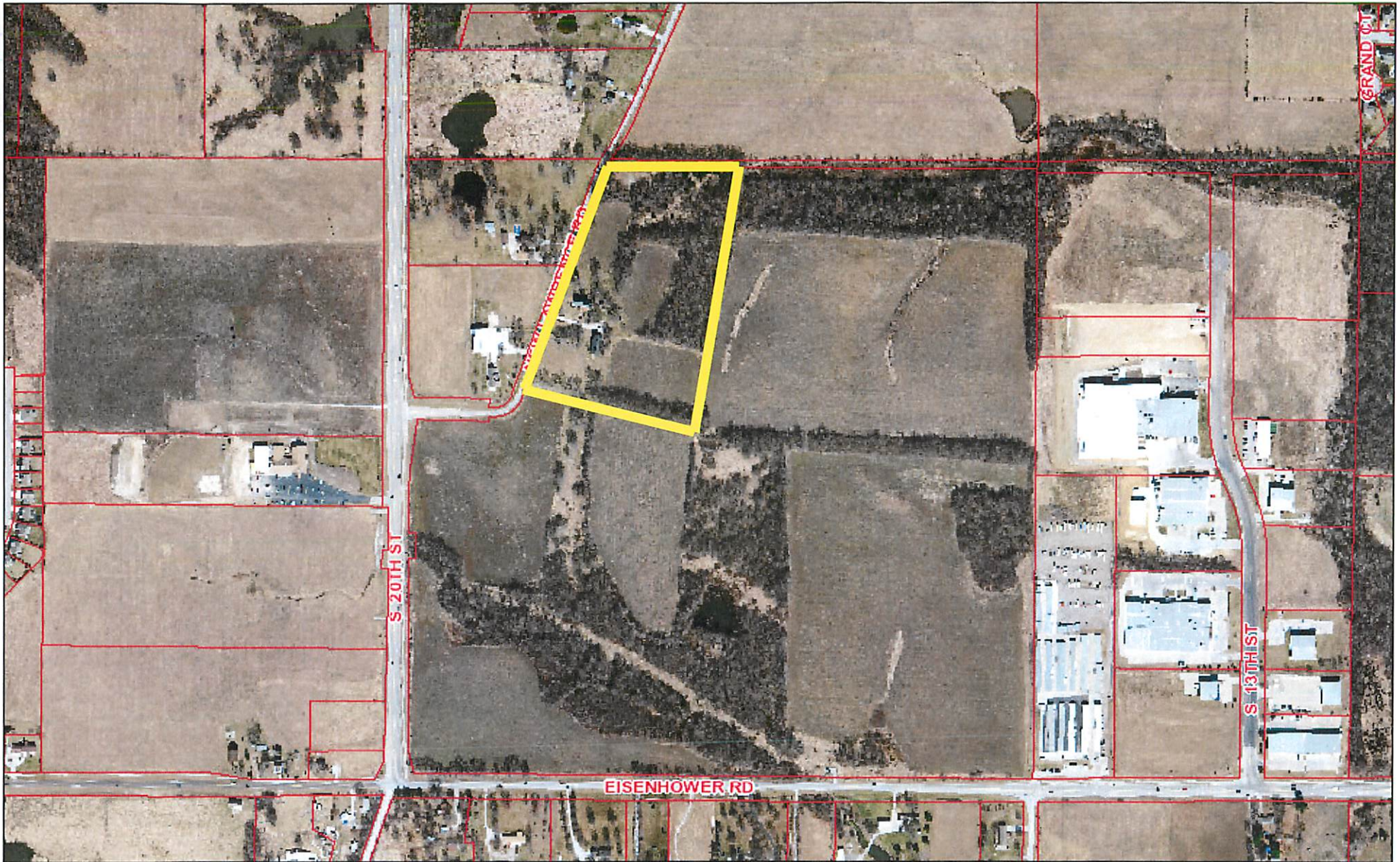
- Recommend approval of the rezoning request from R1-25 to R1-6 to the City Commission
- Recommend denial of the rezoning request from R1-25 to R1-6 to the City Commission
- Table the issue for additional information/consideration.

Attachments:

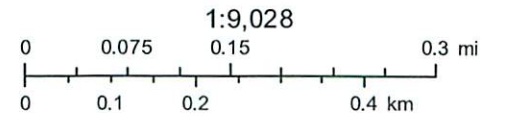
2010 Future Land Use Map

Current Zoning Map

4811 New Lawrence Road- Location

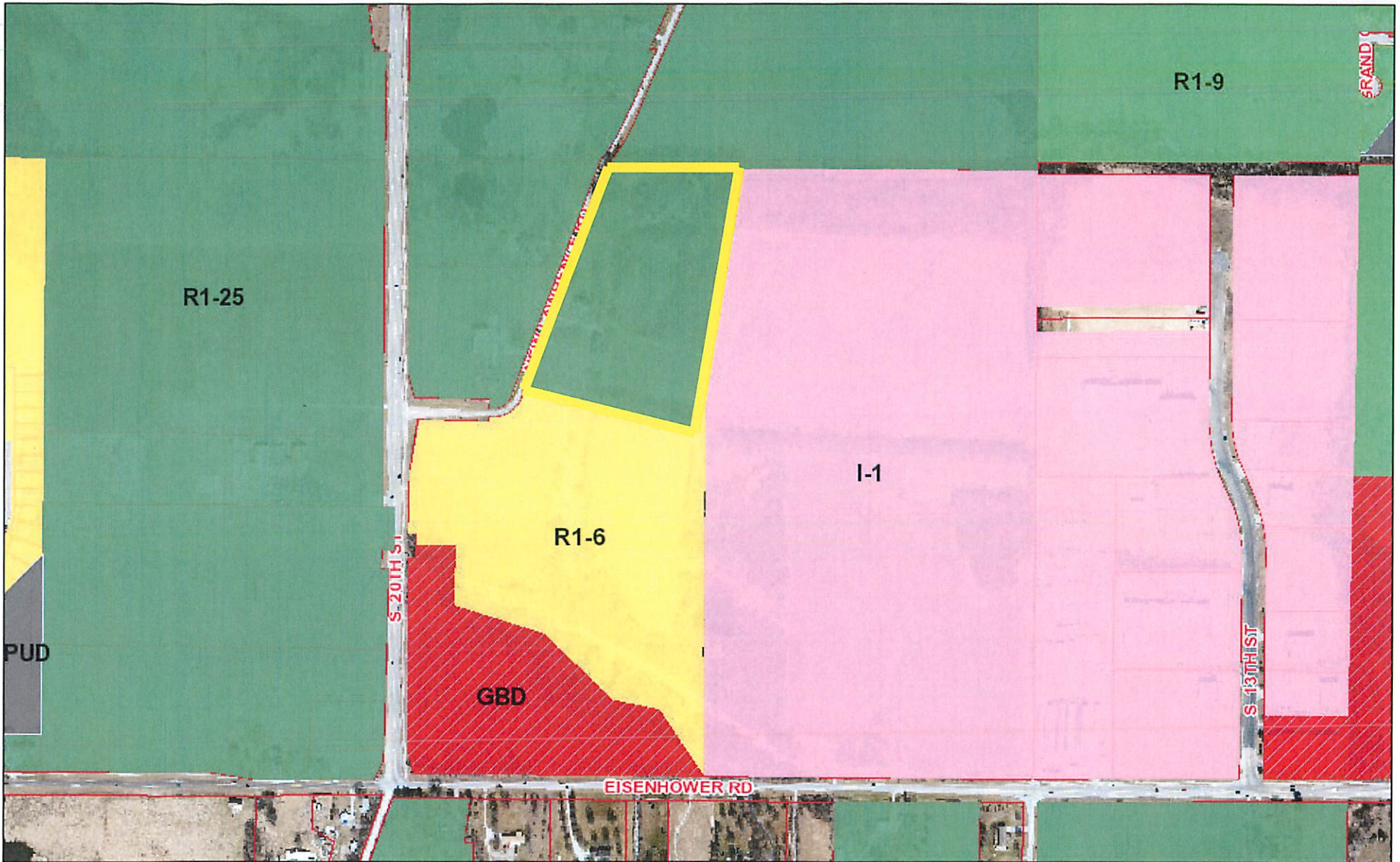


June 1, 2017

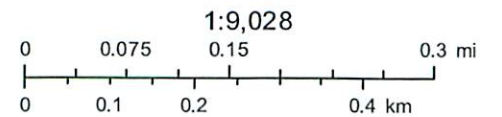


City of LV GIS, 2017
LV GIS Dept 09/23/2016

4811 New Lawrence Road- Zoning



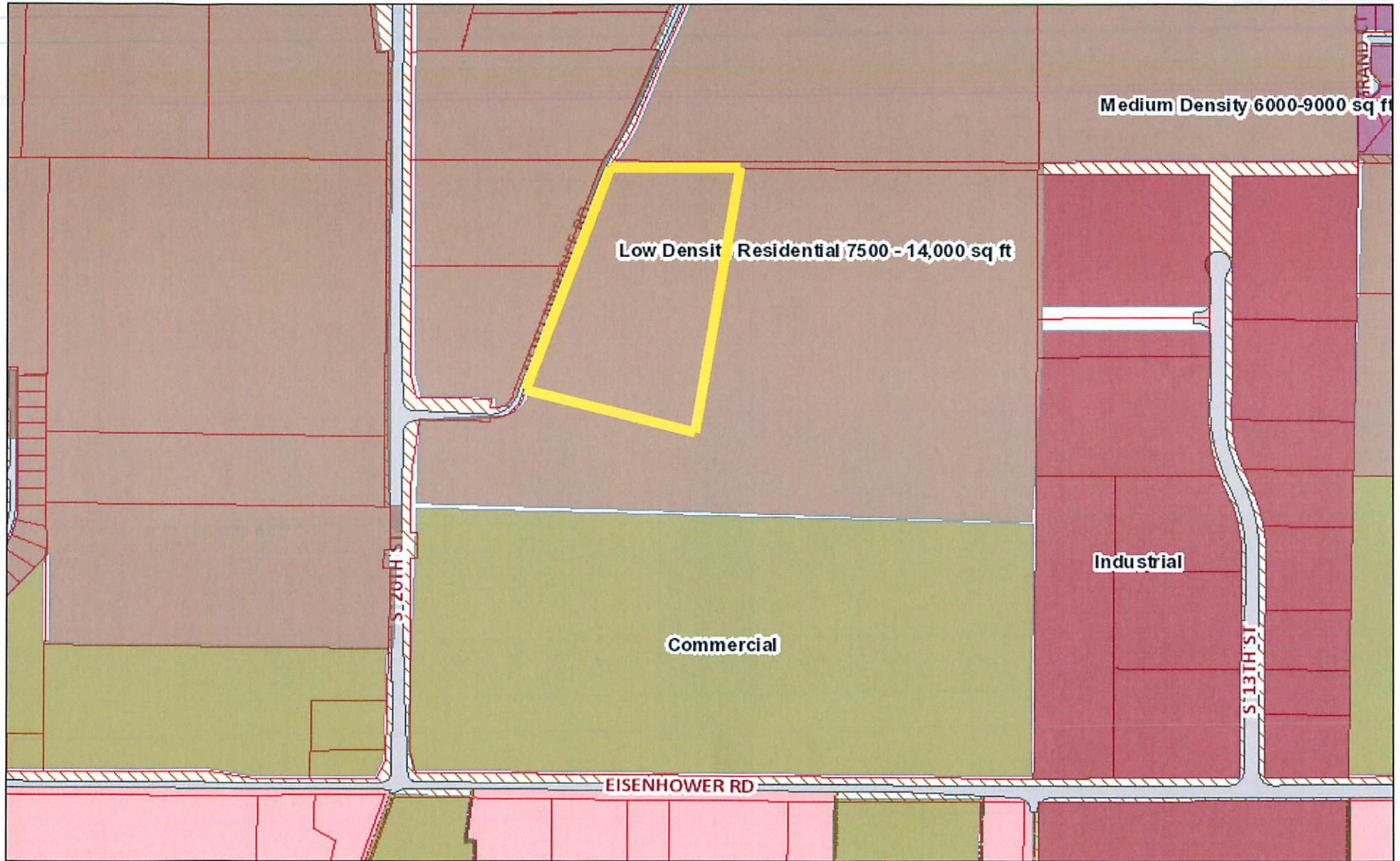
June 1, 2017



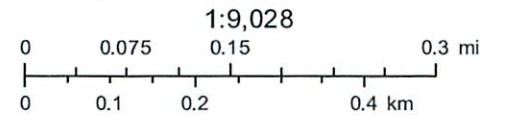
City of LV GIS, 2017
LV GIS Dept 09/23/2016

City of Leavenworth
2017

4811 New Lawrence Road- Future Land Use



June 1, 2017



City of LV GIS, 2017
LV GIS Dept 09/23/2016

City of Leavenworth
2017



App# 2111

Project . 2017-09 REZ

Fee \$350.00

Filing Date 4-21-17

Fee Date Paid 4-21-17

Hearing Date 6-5-17

Publication Date 5-10-17

APPLICATION FOR REZONING

CITY OF LEAVENWORTH, KANSAS

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Located at: ~~5th & New Lawrence RD.~~ 4811 New Lawrence RD. From its present classification of R1-25 district to R1-6 Proposed zone district

Legal Description: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY)

Use additional sheets if necessary:

Briefly describe the present use and character of the property and of the surrounding area: Residential & light industrial.

Briefly describe the intended use and character of the property: New home residential community consisting of traditional housing & maintenance provided villas.

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property: This site is perfect for new home development and the R1-6 zoning class fits best for the product that our market research tells us is desired & needed.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts: I see no detrimental impacts to the surrounding area or public welfare to develop this site residentially.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions: None

AFFIDAVIT

State of Kansas County of Leavenworth

I, Michael Reilly being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Signed: [Signature]

Address: 608 Delaware, Leavenworth KS

Phone: 913-682-1234

Subscribed and sworn before me this 21st day of April, 2017

Notary Public [Signature] My commission expires 3-25-2020

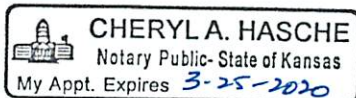
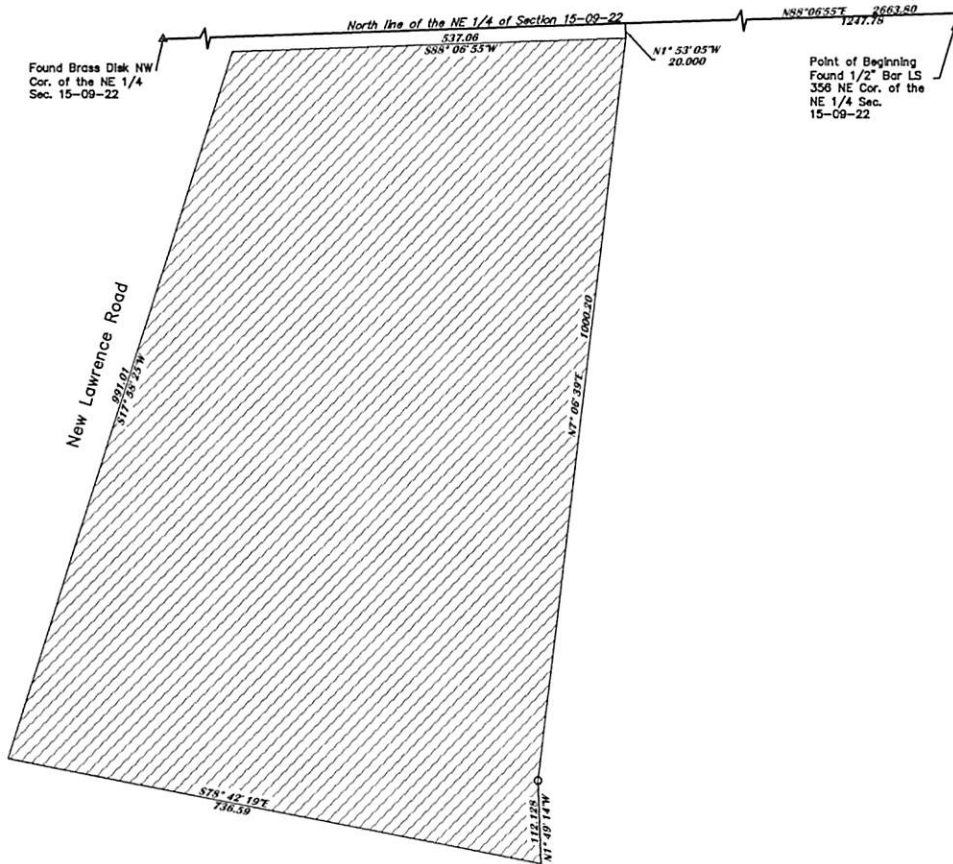


Exhibit A REZONING



NO SCALE



**Renaissance
Infrastructure
Consulting**

1138 WEST CAMBRIDGE CIRCLE DRIVE
KANSAS CITY, KANSAS 66103

913.317.9500
WWW.RIC-CONSULT.COM



Renaissance Infrastructure Consulting

Description

A tract of land in the Northeast Quarter of Section 15, Township 09 South, Range 22 East of the 6th P.M., in the City of Leavenworth, Leavenworth County, Kansas being described as follows:

Commencing at the Northeast corner of said Northeast Quarter; thence South 88 degrees 06 minutes 55 seconds West along the north line of said Northeast Quarter a distance of 1247.78 feet; thence South 01 degree 53 minutes 05 seconds East a distance of 20.00 feet to the Point of Beginning of the herein described tract; thence South 88 degrees 06 minutes 55 seconds West parallel to said north line a distance of 537.06 feet to the east right of way line of New Lawrence Road as said right of way now exist; thence South 17 degrees 58 minutes 25 seconds West along said right of way line a distance of 991.01 feet; thence South 78 degrees 42 minutes 19 seconds East a distance of 736.59 feet; thence North 01 degree 49 minutes 14 seconds West a distance of 112.13 feet; thence North 07 degrees 06 minutes 39 seconds East a distance of 1000.20 feet to the Point of Beginning;

Contains: 649,187.42 square feet or 14.90 acres more or less.

**PLANNING COMMISSION AGENDA ITEM
2017-11-SUB
WOLF FARMS
PRELIMINARY PLAT**


JUNE 5, 2017

SUBJECT:

A request for a preliminary plat of Wolf Farms



Prepared By:
Julie Hurley
City Planner



Reviewed By:
Paul Kramer
City Manager

ANALYSIS:

The subject property is owned by JMK Partners, LLC, plat prepared by Napier Engineering. The applicant is requesting approval of a 101 lot preliminary plat for the Wolf Farms residential development. The property is currently vacant and zoned R1-25, Low Density Single Family Residential District, a request to rezone the property to R1-6, High Density Single Family Residential District is on this agenda for consideration.

The subject property is 40.12 acres in size, and is currently undeveloped. The site lies along New Lawrence Road, directly east of 20th Street. The plat consists of 101 residential lots with an average size of 9,278 sqft. The maximum lot size is 20,561 sqft and the minimum lot size is 6,325 sqft. Also included are associated utility easements and 11 tracts for various community amenities including landscaping, open space, signage, and a community gathering center.

The Development Review Committee reviewed the plat at their May 11, 2017 meeting. Items discussed at that time included improvements to New Lawrence Road and the need for a Home Owner's Association, as well as technical details that will be addressed with final plat submittals.

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.

Staff recommends approval of the Wolf Farms Preliminary Plat.

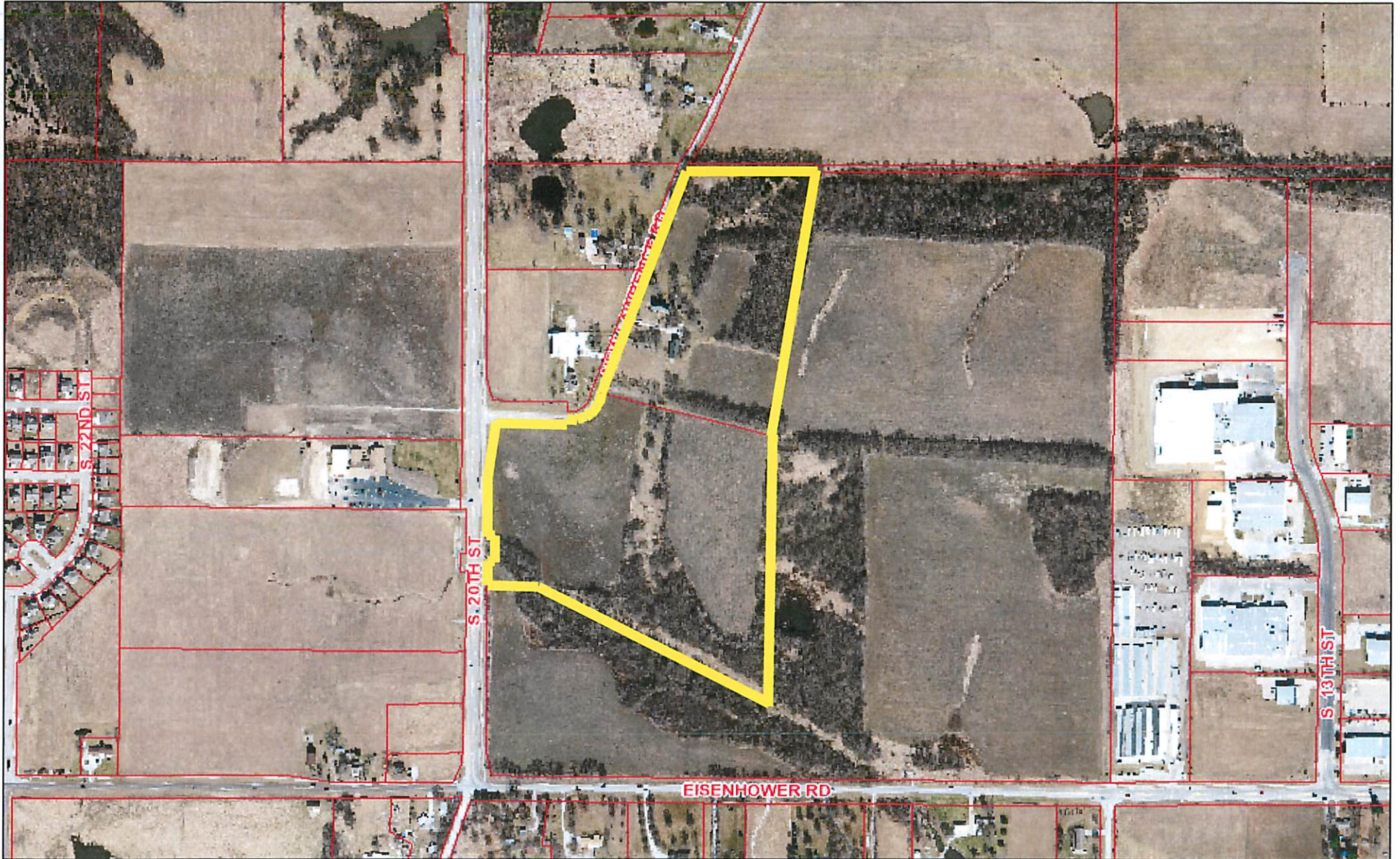
ACTION/OPTIONS:

- Approve the Preliminary Plat
- Deny the Preliminary Plat
- Table the issue for additional information/consideration.

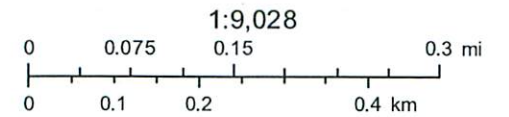
ATTACHMENTS:

Location map
Application materials
DRC Minutes

Wolf Farms Location



June 1, 2017



City of LV GIS, 2017
LV GIS Dept 09/23/2016

2224



Fee: \$1310.00
(Non-Refundable)
Pd. 5-8-17 Ck. # 31902
Project No. 2017-115UB

PRELIMINARY PLAT APPLICATION
CITY OF LEAVENWORTH

Hearing 6-5-17
~~Publication 5-12-17~~

NAME OF SUBDIVISION/PROJECT: Wolf Farms

NAME OF PROPERTY OWNER: (If Corporation, include name and address of Director or President)

NAME: JMK Partners, LLC
STREET ADDRESS: PO Box 9
CITY: Leavenworth STATE: KS ZIP: 66048
PHONE: 913-682-1234 FAX: 913-682-0415 EMAIL: mike@reillyandsons.com

NAME OF DEVELOPER / ATTORNEY OR AGENT: (If Corporation, include name and address of Director or President)

NAME: JMK Partners, LLC
STREET ADDRESS: PO Box 9
CITY: Leavenworth STATE: KS ZIP: 66048

NAME OF ENGINEER PREPARING PLAT: Brett Napier, PE

COMPANY: Napier Engineering, LLC ADDRESS: 207 S. 5th Street
CITY: Leavenworth STATE: KS ZIP: 66048
PHONE: 913-684-8600 FAX: 913-684-8606 EMAIL: brett@napiereng.com

PARCEL NO: 1051500000002000 SEC.TWP.RNG. NE 1/4 Sec 15 T09S R22E
1051000000004000

ZONING OF SUBJECT PROPERTY: AG & R1-6 CURRENT LAND USE: Farm / Agricultural

TOTAL ACREAGE: 40.12 ac NUMBER OF LOTS: 101 Residential & One Future

Manner in which improvements will be made:

Streets: By Developer By Benefit District
Sanitary Sewers: By Developer By Benefit District
Waterlines: By Developer By Benefit District

I/we, the undersigned, certify that I/we am/are the owner of the property described above and that is subject to this request for review of a subdivision under the rules of the Subdivision Regulations of the City of Leavenworth, Kansas.

Signature: [Handwritten Signature] Date: 5-5-17

FLOOD PLAIN DETERMINATION/DESIGNATION APPLICATION FOR SUBDIVISION APPROVAL

Date: 5/5/2017

1. Name of applicant: JMK Partners, LLC

2. Address of Applicant: PO Box 9 Leavenworth, KS 66048

3. Location of proposed subdivision: NE 1/4 of Sec 15 T09 S R22E, 20th St & New Lawrence Rd

4. Is proposed subdivision located in or partially located in a flood plain:
Yes _____ No x

a) Elevation of the 100 year Flood: _____

b) Elevation of the proposed development: _____

c) Elevation or flood proofing requirement _____

Location/designation of the floodway, flood plain and floodway fringe is required to be designated on the plat.

I certify that all provisions of the City of Leavenworth subdivision regulations as they apply to flood plain management will be complied with.

Surveyor of project: Roger Dill

Address: 207 S. 5th Street, Leavenworth, KS 66048

Signature: 



Development Review Committee Meeting Thursday, May 11, 2017

Committee members present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, City Planner Julie Hurley, City Clerk Carla Williamson, Deputy Public Works Director Mike Hooper, Chief Inspector Hal Burdette, Police Major Dan Nicodemus, Health/Safety Officer Mark DeMaranville and Administrative Assistant Michelle Baragary

AGENDA ITEM(S):

1. Rezoning and Preliminary Plat – 4811 New Lawrence Rd – Wolf Farms

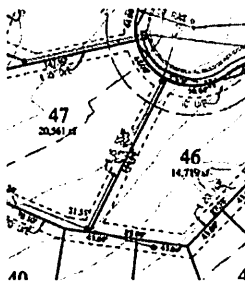
- Attendees: Mike Reilly and Brett Napier
- See Mike McDonald's comments attached
- Will have a HOA – one association/two different parallels: one for traditional housing and one for maintenance provided villas.
 - Yellow – villas
 - Purple/pink – traditional housing
 - 45 are maintenance provided and 56 are traditional
- Maintenance for landscaping and trail repair will all be HOA
- Need to discuss tapering New Lawrence Rd
- Electric will be underground
- Storm sewer or sanitary sewer running in between lot lines – city would like the easement to be 20'
- Phase I: the maintenance provided housing starting with Street A and coming about half-way down. Also doing lots 1-25 on Street E in the traditional housing
- Timing: mid-summer

2. Zeck Ford

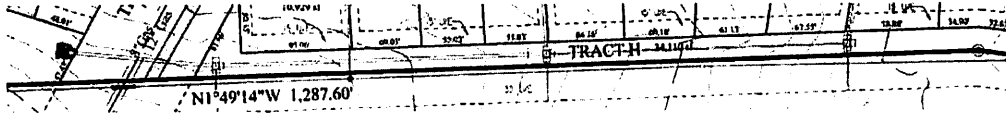
- Attendees: Steve Sands and Architect for Zeck Ford
- Renovate main sales floor and add 9 service bays to the north side of the building
- Add onto the east side of the small building to the south and reface the entire building
- Detailing Building (far east building) – adding 75' to the south of the building, paving lower parking lot, adding a concrete retaining wall
- Anything over 12,000 sq. ft. needs a sprinkler system
- Sidewalk on 4th Street needs to be completed
- Detail Shop – BMP's for handling storm water

Comments – Wolf Farm
McDonald
May 8, 2017

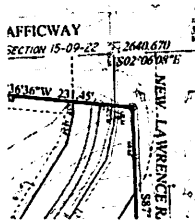
1. What is street classification of New Lawrence Road (residential/collector/arterial)?
2. Is there a Homeowners Association? There are a lot of details that would involve one, and more importantly – if there is NOT a HOA – needs to be a guiding document as to who is responsible for what!
3. What is the difference between “Tracts” and “Lots”?
4. Lots A-H and all tracts (as an example - Track J and Tract K) should also show utility easements as in the rest of the subdivision
5. What are expectations of Lot A and Tract F for access to 20th Street? Should not be (no need for) more than ONE (or better – NO) entrance onto 20th Street!
6. Appears landscaping is the intent of Tract B, G, H and others. Who is responsible for the maintenance of the landscaping? Ought to declare Tract H a “fence, shed, doghouse, clothesline and structure free zone”
7. Who has maintenance responsibility for landscaping and trail repairs? If it (landscaping) is “natural” (as in “tall and weedy looking”) – needs to be an official document explaining that
8. Is there a need for a sewer easement across Tract F?
9. Interior Streets show as generally 28’ back-to-back of curb. This usually creates a “traffic calming” environment. Through Streets (such as Street E) may need to have parking restricted to one side only at some point
10. Sidewalks? Once Side required – appears that they are shown – hard to follow. Need to show sidewalks on the north and west ends of New Lawrence Road.
11. Street E between Lot 1 and Lot 56 and Street A between Lot 44, 45, and Tract A should be wider to better accommodate turning and stacked traffic.
12. Street lights?
13. Electrical to be underground
14. Access to sanitary sewer manholes needs a bigger easement, and at least ten feet should be centered on the pipe in all cases (many instances of lot lines not parallel with sanitary sewer) Sewer easements between lots need to be 10’ centered on either side of pipe(20’ wide total)



15. Sanitary Sewer on east side of subdivision is outside of subdivision – is there an easement? It is not noted.



16. New Lawrence Road – need to resolve what we are going to do for requirements from developer, sidewalk(s)
17. Storm sewer needs to be underground on New Lawrence Road to the north end of the plat. Underground storm on west end of the plat to 20th St?
18. Should there be a BSL line along NLR?
19. Who connects trail to NLR?



20. It is assumed that there will be complete construction drawings past the plat layout shown here.

Things to consider

- a. Erosion
- b. Temp and Permanent BMP
- c. Who is responsible with and without a HOA